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United States
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Congressional Record

PROCEEDINGS AND DEBATES OF THE 96th CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Wednesday, February 13, 1980*

The House met at 10 a.m.

Rev. Eugenius Gerulis, minister of the Lithuanian Evangelical Reformed Church in exile, Chicago, Ill., offered the following prayer:

O God, our Father! In these days of international tension we humbly pray through Your beloved Son for help and guidance: Grant our leaders Thy wisdom that according to Your will we all could live in righteousness and peace.

As You led Your children through the Red Sea, save us now from the red flood; as You heard the cries from the Nile River, hear now the prayers from the Baltic shores.

Also in a dungeon when the enchained apostle prayed, You shook the Earth, all the locked doors were opened, all the chains fell down, even the guardsman himself became a believer! (Acts 16: 22–34.) O God, now, when the people behind the Iron Curtain pray, shake this red dungeon with Your Spirit, that its guardsmen would become believers, that Lithuania with all other nations can enjoy freedom and happily praise God forever! (2 Chr. 7: 14 and Rom. 8: 28.) Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

REV. EUGENE GERULIS

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, it is a genuine pleasure to welcome to our Nation's Capital Rev. Eugene Gerulis, who offered the opening prayer today. It is fitting that he joins us here today, for this Saturday, February 16, marks the 62d anniversary of Lithuanian Independence Day.

He was born in Lithuania after that nation achieved its independence, and while studying medicine there and in Germany, became a track and field star, and also served as a captain of the all-star basketball team of the Baltic University.

Reverend Gerulis came to America in 1949, and has been active as a general secretary of the Lithuanian Presbyterian Church in exile and also as chairman of the synod. He established the religious magazine called Our Wings, and for many years was its editor-in-chief.

He has studied at many American educational institutions, including Loyola University and Chicago's Loop College, is active in the ecumenical movement among Lithuanian Christians, and in 1978, he was ordained as a minister of the Lithuanian Evangelical Reformed Church. Reverend Gerulis is now studying for his doctor of theology degree, and is also currently serving the Lithuanian Calvinist and Lutheran Churches in the Chicago area.

I want to thank Reverend Gerulis for being with us today and to wish him continuing success in his dedicated work with the Lithuanian Church.

WELCOME TO NIGERIAN VISITORS

(Mr. GRAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAY. Mr. Speaker, I rise today to acknowledge that visiting our great country and our capitol are representatives of the House of the Nigerian Government, including the Speaker of the House, the Honorable Ezeoke.

Certainly we are aware of the strong relationships that exist between our Government and theirs. In fact, they are beginning a new experiment, an experiment that we began over 200 years ago of the democratic form of goverment that we now have in this country. They have been a firm and strong ally in the march for justice, freedom, and peace in the world.

Certainly we are aware also of the strong economic importance of that country to our own growth and development, as it is the second largest supplier of imported oil to our Nation.

Certainly as we look at their experiment, moving toward a democratic form of government, as we have in this Nation, away from the Westminster system, it is with a sense of pride that we in America can wish them the best as they begin this pilgrimage that we began so long ago toward a form of government which has proven to be the best for the uplifting of democratic values, human rights, freedom, and great opportunity.

DEMOCRACY IN NIGERIA

(Mr. SOLARZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLARZ. Mr. Speaker, one of the most significant developments to take place in the history of Africa took place a few months ago when Nigeria, after more than a decade of military rule, decided to return to the ranks of democratic and civilian rule. Nigeria is the most populous and powerful nation in black Africa, a country of 75 million people.

While we may from time to time have our differences with Nigeria, the fact that they are now a democracy indicates that we have a commonality of values and shared principles. I think this is a development in which we can take great pride and satisfaction. I am sure that over the course of the years ahead that both the United States and Nigeria, as two democracies, sharing the same values and committed to the same principles, of freedom and of liberty, will be working even more closely together in an effort to spread democracy elsewhere throughout Africa and the world.

PRESIDENT SHOULD REMAIN FIRM IN DECISION REGARDING SUMMER OLYMPICS IN MOSCOW

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, I am greatly distressed over recent reports that the President is backing away from

☐ This symbol represents the time of day during the House Proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

his previously announced position in regard to the participation of our athletes in the Moscow summer Olympics.

I believe that it is especially important that the President remain firm in his initial decision regarding the summer Olympics. He should do this for several reasons, among them being that his very own spokesmen—at the highest levels—have been supportive of our concurrent resolution concerning the Olympic games. On January 23, the Deputy Secretary of State himself testified before our Foreign Affairs Committee that the administration is "firmly opposed to participation by U.S. athletes in the Moscow Olympics if Soviet troops are not withdrawn from Afghanistan within the next month." Moreover, he urged that "these extraordinary circumstances (in Afghanistan) required a strong response," and that the administration was extremely grateful for our committee's prompt attention in addressing this important issue.

Despite the President's personal declaration that the Moscow Olympics be moved or postponed or even canceled if the Soviet Union failed to withdraw its troops from Afghanistan by February 20, the White House now appears to have endorsed not only a stall for time, but also an unspecified deadline for the Soviet withdrawal. With this kind of change in Olympic policy, the administration once again revealed itself unpredictable and inconsistent—a dangerous characteristic indeed when the administration is attempting to send meaningful signals to the Soviet Union as well as our allies and friends. All too often in recent years our foreign policy and our country have suffered a loss of credibility because a policy has been loudly proclaimed and then gradually modified and diluted until it becomes but a shadow of its original intent.

The President should stand firmly by his original position in relation to the Moscow summer Olympics.

WHO IS TRYING TO DENY JUSTICE DEPARTMENT INFORMATION?

(Mr. THOMAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS. Mr. Speaker, this Member was distressed to learn that last week a secret effort was made to quash a subpena from the Department of Justice for House records. This request that the subpena be blocked was made without any public notice.

Mr. Speaker, it is, indeed, ironic while our Ethics Committee labors in the sunshine trying to secure from the Justice Department information on alleged criminal activity of Members we discover that someone is working in the shadows attempting to deny House information to that same Justice Department.

Mr. Speaker, who and why? This Member wants to know.

STATEMENT BY THE CHAIR

The SPEAKER. The Chairman will answer the gentleman from California (Mr. THOMAS). The gentleman's statement is incorrect.

The Chair has given to the Clerk's office the prerogative to protect the interests of this House and the rights of this House, and he does not question them when they are court actions. The gentleman is aware of that. The Chair believes there is a newspaper article to that extent.

Also the Chair answered that question in his press conference of yesterday. The gentleman might be aware of that. The statement the gentleman made is not correct.

☐ 1010

INQUIRY CONCERNING POWERS OF CLERK OF THE HOUSE

(Mr. BAUMAN asked and was given permission to address the House for 1 minute.)

Mr. BAUMAN. Mr. Speaker, I take this 1 minute to propound an inquiry to the Chair. Without disputing either the Speaker's statement or the statement of the gentleman from California, because I do not think they are necessarily inconsistent, it is my understanding that the——

The SPEAKER. The Chair believes they are inconsistent, and the Chair believes that the gentleman from California should have looked into the matter before he criticized the Chair.

Mr. BAUMAN. The gentleman from Maryland is not criticizing the Chair. He is only trying to elicit information for the House. The information he would like to elicit, if the Chair would respond, is whether or not the Clerk has the power, before submitting a subpena to the House, to join in a motion to quash that subpena. I thought the practice was that the Clerk would come to the House and present the fact that the subpena had been served on him, and the House at that point would decide whether it would be honored or not.

The SPEAKER. In the opinion of the Chair, under House Resolution 10 adopted by the House, the Chair feels that the Clerk of the House had acted in a proper manner, and he so notified the press yesterday when he was asked that question.

DESIGNATING FEBRUARY 19, 1980, AS "IWO JIMA COMMEMORATION DAY"

Mr. HANLEY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 469) designating February 19, 1980, as "Iwo Jima Commemoration Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. CONABLE. Mr. Speaker, reserving the right to object, I want to say to the distinguished chairman of the Post Office and Civil Service Committee that I deeply appreciate the quick attention that he has given to this matter. Pending is a meeting here in Washington commemorating the 35th anniversary of the invasion of Iwo Jima. It is an unhappy day in American history because of the many American lives that were lost in that very sharply fought battle, but it was also a tremendously significant day because it was a necessary preliminary to the invasion of Japan or to the final stages of the Pacific War in World War II. As an intermediate air base midway between Guam and Tokyo, Iwo ultimately saved more lives than were lost in its taking.

Those of us who served at Iwo Jima are grateful for the speed with which the gentleman has brought this measure to the floor for consideration, feeling that it is an appropriate time in the concerns of all patriotic Americans for review of that tremendous effort in the Pacific and the dedication characteristic of that period. Those of us who have served in the Marine Corps are also grateful for the special attention this resolution gives.

Mr. HANLEY. If the gentleman will yield, I simply want to express my gratitude for his very kind comments.

Mr. CONABLE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

> Whereas the battle of Iwo Jima produced the most famous and lasting symbol of the courage and resolute determination that brought victory to the Armed Forces of the United States during World War II; and
>
> Whereas the battle of Iwo Jima was a military victory critical to the assault on Japan, providing a base for American fighter escorts and a way station for bombers raiding Japan; and
>
> Whereas the invasion of Iwo Jima cost five thousand nine hundred and thirty-one American lives and seventeen thousand two hundred and seventy-two casualties; and
>
> Whereas the 19th of February 1980 marks the thirty-fifth anniversary of the invasion of Iwo Jima: Now, therefore, be it
>
> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That February 19, 1980, is designated as "Iwo Jima Commemoration Day" and the President is requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

The SPEAKER. Without objection, the previous question is ordered on the joint resolution.

There was no objection.

The SPEAKER. The question is on

the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BROOMFIELD. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 323, nays 0, not voting 110 as follows:

[Roll No. 52]

YEAS—323

Abdnor
Akaka
Albosta
Andrews, N.C.
Annunzio
Archer
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Broomfield
Broyhill
Buchanan
Burgener
Burlison
Burton, John
Burton, Phillip
Butler
Campbell
Carney
Carr
Carter
Cavanaugh
Chappell
Cheney
Clausen
Clay
Clinger
Coelho
Coleman
Collins, Tex.
Conable
Conte
Conyers
Corcoran
Cotter
Coughlin
Courter
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Daschle
Davis, Mich.
de la Garza
Derrick
Derwinski
Devine
Dickinson
Dicks
Dingell
Dodd
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Emery
English
Erdahl
Ertel
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Tenn.
Forsythe
Fountain
Fowler
Frenzel
Frost
Fuqua
Gaydos
Gephardt
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Harkin
Harris
Harsha
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Hinson
Hollenbeck
Holtzman
Hopkins
Howard
Hubbard
Huckaby
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Johnson, Calif.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kemp
Kildee
Kindness
Kogovsek
LaFalce
Lagomarsino
Leath, Tex.
Lee
Lehman
Leland
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, Md.
Lott
Lowry
Luken
Lundine
Lungren
McClory
McCormack
McHugh
McKinney
Maguire
Markey
Marks
Martin
Mathis
Matsui
Mavroules
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Minish
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Mottl
Murphy, Pa.
Murtha
Myers, Ind.
Natcher
Neal
Nedzi
Nelson
Nowak
O'Brien
Oakar
Oberstar
Ottinger
Panetta
Pashayan
Patten
Patterson
Paul
Pepper
Peyser
Porter
Preyer
Price
Pursell
Quayle
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Richmond
Rinaldo
Ritter
Robinson
Roe
Rose
Rosenthal
Rostenkowski
Roth
Rousselot
Royer
Sabo
Satterfield
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Shuster
Slack
Smith, Iowa
Smith, Nebr.
Snowe
Solarz
Spellman
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Steed
Stenholm
Stewart
Stockman
Stokes
Stratton
Studds
Stump
Swift
Synar
Tauke
Taylor
Thomas
Thompson
Traxler
Trible
Vander Jagt
Vento
Volkmer
Walgren
Wampler
Weaver
Weiss
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Tex.
Wirth
Wolff
Wolpe
Wydler
Wylie
Yates
Yatron
Young, Fla.
Young, Mo.
Zablocki

NOT VOTING—110

Addabbo
Alexander
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Anthony
Applegate
Ashbrook
Ashley
Aspin
Bedell
Boner
Bonior
Brooks
Brown, Calif.
Brown, Ohio
Byron
Chisholm
Cleveland
Collins, Ill.
Corman
Dannemeyer
Davis, S.C.
Deckard
Dellums
Diggs
Dixon
Edwards, Calif.
Edwards, Okla.
Erlenborn
Evans, Del.
Evans, Ga.
Ford, Mich.
Garcia
Giaimo
Gibbons
Guyer
Hansen
Holland
Holt
Horton
Hughes
Jenrette
Johnson, Colo.
Jones, N.C.
Kostmayer
Kramer
Latta
Leach, Iowa
Leach, La.
Lederer
Lent
Long, La.
Lujan
McCloskey
McDade
McDonald
McEwen
McKay
Madigan
Marlenee
Marriott
Mattox
Mazzoli
Mineta
Mitchell, Md.
Mitchell, N.Y.
Murphy, Ill.
Murphy, N.Y.
Myers, Pa.
Nichols
Nolan
Obey
Pease
Perkins
Petri
Pickle
Pritchard
Rhodes
Roberts
Rodino
Roybal
Rudd
Runnels
Russo
Santini
Seiberling
Simon
Skelton
Snyder
Solomon
Stark
Symms
Treen
Udall
Ullman
Van Deerlin
Vanik
Walker
Watkins
Waxman
White
Wilson, Bob
Wilson, C. H.
Winn
Wright
Wyatt
Young, Alaska
Zeferetti

□ 1030

Mr. FORSYTHE and Mr. CONYERS changed their votes from "nay" to "yea."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING AND REQUESTING THE PRESIDENT TO ISSUE PROCLAMATION HONORING MEMORY OF WALT DISNEY

Mr. HANLEY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 477) to authorize and request the President to issue a proclamation honoring the memory of Walt Disney on the 25th anniversary of his contribution to the American dream, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. CAVANAUGH). Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 477

Whereas the name of Walt Disney is synonymous with love of children, the joy and freedom of youth, and the strength of the family bond; and

Whereas twenty-five years ago, Walt Disney made tangible these most basic and cherished values in a magic land where age relives fond memories of the past and youth may savor the challenge and promises of the future; and

Whereas Walt Disney's dream embodies the ideals, the hopes, and the hard work that have created America; and

Whereas this embodiment contributes to the international understanding of American life and purpose; and

Whereas official recognition of Walt Disney and his dream-come-true will enhance the United States, nationally and internationally, as a land where wholesome family pastimes are both encouraged and enjoyed; and

Whereas the silver anniversary of Walt Disney's creation makes appropriate a salute to its creator: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation honoring the memory of Walt Disney on the twenty-fifth anniversary of his contribution to the American dream.

Mr. LLOYD. Mr. Speaker, on January 22, I introduced House Joint Resolution 477, asking the President to issue a proclamation honoring the memory of Walt Disney. As I told my colleagues then, the occasion for this commemorative is the 25th anniversary of Disneyland, that magic kingdom which has hosted almost 190 million visitors from every nation in the world. In the 15 working days since I introduced the bill, 223 of my colleagues have joined me on the resolution, indicating the sentiment in this Congress for Walt Disney and his contribution to wholesome family entertainment.

According to his biographers, Walt Disney used to take his little daughters to the local park every Saturday so that he could have some time with them. Instead, he would sit on a bench, alone, while the girls rode their wooden horses. It was then that he envisioned a park where families could have fun together, where parents and children could enjoy together the color and music of a fantasyland. From the simple park Walt Disney first designed, with larger-than-life figures of Mickey Mouse and his friends, came Disneyland, that magical land where, as Walt promised, age relives fond memories of the past and youth may taste the challenge and promise of the future. Disneyland's a place not only to enjoy but also to be proud of—visitors from every country in the world see this park as an American fantasyland, yes, but also as a very real example of our love of children and of the importance we place on the family, our first institution.

Mr. Speaker, a lot of people think we are a cynical, cold bunch up here on this hill, but I heard the same story over and over again when my colleagues and their staffs called to cosponsor—they had watched the Mickey Mouse Club faithfully, learned all the songs, identified with the Mouseketeers, and, on birthdays, went to only one place—a Walt Disney movie. Not a bad tradition. And this is only part of Walt Disney's legacy. Disneyland is more—it is a wonderland for children. For the parents, grandparents, aunts and uncles and cousins, it is a place to delight in the joy of children, feel the freedom of youth, and confirm the family tie of shared experience.

The Mickey Mouse Club is part of nostalgia now, but Disneyland continues the tradition of good fun and laughter which that little mouse started so long ago. Walt Disney's dream brought our dream alive, and for that reason, Mr. Speaker, I ask the consent of the House in support of my resolution.

● Mr. DANNEMEYER. Mr. Speaker, I rise in support of House Joint Resolution 477, to honor the memory of Walt Disney on the occasion of the 25th anniversary of Disneyland.

If it can be said that one man has brought joy and laughter to the hearts of both young and old, then Walt Disney is that man. Beginning as a commercial artist in 1919, he then launched his career as a cartoonist in 1920. Among his creations of animated cartoon characters, Mickey Mouse and Donald Duck became world-renowned figures that have captured the heart of every child. His career moved rapidly from cartoons to animated films and finally to the construction of Disneyland 25 years ago.

Since its opening in 1955, almost 190 million youngsters of all nations have visited Disneyland and experienced the fun, pageantry, and technical artistry of Walt Disney's dream-come-true. Disney expressed his enthusiasm about American life and history in a Frontierland and the hopes and technological achievements of America in a Tomorrowland. Disneyland has become host to people from around the globe and a place where they may join together in the celebration of wholesome family fun. Kings and queens, presidents, and numerous heads of state have walked its streets.

Walt Disney did not need to be elected to public office. He has won by unanimous consent a permanent place in the hearts of people around the world. This year we mark the 25th anniversary of the "capitol of imagination," better known as Disneyland. We all gladly serve under the speaker of the kingdom that Walt created, that diminutive personality who is always influenced by the special interests of people and who seeks the donation of good will. This resolution is testimony to Walt Disney, his special capitol and its universal membership.

I urge your favorable consideration of this resolution.●

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR CERTAIN CORRECTIONS TO BE MADE IN ENROLLMENT OF SENATE JOINT RESOLUTION 108

Mr. PHILLIP BURTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 75) providing for certain corrections to be made in the enrollment of Senate Joint Resolution 108 to validate the effectiveness of certain plans for the use or distribution of funds appropriated to pay judgments awarded to Indian tribes or groups, and ask for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. BEREUTER. Mr. Speaker, I reserve the right to object.

Mr. Speaker, I will not object. I simply want to indicate that this technical problem in printing has been cleared with the minority and we support the request of the gentleman from California (Mr. PHILLIP BURTON).

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 75

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate, in the enrollment of Senate Joint Resolution 108 to validate the effectiveness of certain plans for the use or distribution of funds appropriated to pay judgments awarded to Indian tribes or groups, shall make the following correction:

Strike out the following matter contained in the first section of the joint resolution:

"Caddo	ICC 226
"Goshute	ICC 326–B and J
"Nisqually	ICC 197
"Potawatomi, Prairie Band	ICC 15–K, 29–J, 217, 15–M, 29–K and 146.".

and insert in lieu thereof the following:

"Caddo	ICC 226	September 17, 1979.
"Goshute	ICC 326–B and J	October 19, 1979.
"Nisqually	ICC 197	October 31, 1979.
"Potawatomi, Prairie Band	ICC 15–K, 29–J, 217, 15–M, 29–K,and 146.	September 7, 1979".

Mr. PHILLIP BURTON. Mr. Speaker, the House approved Senate Joint Resolution 108 dealing with the distribution of funds appropriated to pay judgments awarded to Indian tribes or groups. Unfortunately, through a clerical error, the official papers did not include the Senate amendments. This concurrent resolution will correct that error by authorizing the Secretary of the Senate to make the necessary corrections.

Mr. Speaker, this is, I hope, the last act in a legislative snafu.

On September 17, 1979, the House passed House Joint Resolution 383, an administrative proposal to validate the effectiveness of certain congressionally approved plans for the distribution of Indian judgment funds. The validity of these plans was technically cast in doubt because of a Federal district court decision.

The legislation was entirely noncontroversial and completely without cost to the United States. In fact, the legislation passed, in part, to prevent the possibility of damage suits against the United States.

The Senate took up consideration of a similar bill and reported it with amendments recommended by the Interior Department. However, instead of passing the House bill with the Senate amendments, the Senate passed the Senate bill as amended.

To make matters worse, we now are advised that GPO misprinted the amendment in the Senate passed bill which the House passed by unanimous consent on February 5.

This concurrent resolution simply authorizes the Secretary of the Senate to correct the GPO error before sending the bill to the President.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution (H.J. Res. 477) previously passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 5235, UNIFORMED SERVICES HEALTH PROFESSIONALS SPECIAL PAY ACT OF 1979

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that the managers have until midnight tonight, February 13, 1980, to file a conference report on the bill (H.R. 5235) pay of uniformed services health professionals

The SPEAKER pro tempore. Is there

objection to the request of the gentleman from California?

There was no objection.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO HAVE UNTIL MIDNIGHT, FEBRUARY 15, 1980, TO FILE REPORT ON H.R. 3789, SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight, February 15, to file a report on the bill H.R. 3789, to amend the Soil Conservation and Domestic Allotment Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

FEDERAL CROP INSURANCE ACT OF 1979

Mr. FOLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4119) to improve and expand the Federal crop insurancce program, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. FOLEY).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4119, with Mr. DERRICK in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Washington (Mr. FOLEY) will be recognized for 30 minutes, and the gentleman from Virginia (Mr. WAMPLER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Washington (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 4119 as reported by the Committee on Agriculture provides for expansion and improvement of the present all-risk crop insurance program which is now administered by the Federal Crop Insurance Corporation, an agency of the Department of Agriculture. This bill would authorize the availability of the program on all commodities in all counties of the United States.

The present program does not at the moment extend to all commodities nor does it reach into every county in the United States. This bill also assures that the program would be affordable by all farmers through a Federal subsidy for part of the premium cost. It contains a variety of provisions which assure that the private insurance sector is used, to the maximum extent possible, in delivering the services of this much-needed program.

Finally, Mr. Chairman, it extends the present disaster payments through the crop year 1980, and an amendment to be offered by the distinguished subcommittee chairman (Mr. JONES of Tennessee) would extend that disaster coverage through 1981 as well.

□ 1040

H.R. 4119 is known to the Committee on Agriculture members as the Jones-Madigan bill, in deference to the distinguished gentleman from Tennessee (Mr. JONES), the chairman of the subcommittee, and the distinguished gentleman from Illinois (Mr. MADIGAN), the ranking minority member of that subcommittee. Both of these distinguished Members have worked extraordinarily hard and cooperatively to bring this bill to the House in a form which I think can receive the confident support of all Members.

I would like to commend both of these gentlemen for their ability, determination, and close cooperation in this effort.

Mr. Chairman, at this time it gives me a great deal of pleasure to yield to the chairman of the Subcommittee on Conservation, the gentleman from Tennessee (Mr. JONES), such time as he may consume.

Mr. JONES of Tennessee. Mr. Chairman, the bill before us today is H.R. 4119, Federal Crop Insurance Act amendments. The bill is the product of several years' work and represents the committee's effort to design a compromise bill which serves the needs of farmers, encourages participation of the private insurance industry, and assures taxpayers that their dollars are stretched as far as possible.

H.R. 4119 provides for expansion and improvement of the present Federal all-risk crop insurance program by authorizing its availability on all commodities in all counties of the United States. It assures that the program is affordable to all farmers by requiring FCIC to pay a portion of the premium cost. It includes reinsurance provisions which enable the private insurance industry to offer a comprehensive all-risk insurance policy to the farmer and otherwise provides for use of the private sector in carrying out the program. Finally, it extends the disaster payment program for the 1980 crop and provides for its phaseout in 1981 as crop insurance is made generally available to producers in the country. Rather, I plan to offer amendments strengthening further the private sector's role and extending the disaster payments program through the 1981 crop year.

For several years the Department of Agriculture and the Congress have studied the weaknesses and inequities in the current disaster assistance programs and have considered possible solutions. The administration beginning in 1976 has proposed various solutions, and this committee held hearings on revision of the crop insurance program during the 95th Congress in 1977 and 1978 and again for 6 days this Congress. H.R. 4119 contains many of the changes recommended by witnesses in these extensive hearings.

Agricultural producers are involved in a high-risk pursuit both in terms of debilitating economic swings and the vagaries of natural phenomenon. Not so many decades ago farmers operated year to year on money and resources saved from the previous year's operation. This type of "hip pocket" financing has largely been replaced with farming operations which are highly capitalized and which operate on borrowed funds. The total outstanding agricultural debt has increased from $90.5 billion in 1976, to $137.5 billion in 1979. The agricultural sector is now experiencing its worst debt to assets ratio (16.8 percent) since 1941.

Relying to such a large extent on borrowed funds accentuates the financial damage which occurs when drought, flood, insects, disease or other natural disaster strikes a farmer's crop. In a matter of days or even hours a natural disaster can wreak financial ruin on an individual farmer or perhaps an entire rural community. A farmer with a large annual operating loan for the purchase of seed, fertilizer, chemicals, fuel and labor can lose not only his crop but equity in his land and the ability to operate next year if disaster strikes. The seriousness of the need of providing financial protection to farmers should not be underestimated.

The Federal crop insurance program remains essentially a pilot program even though it was first established over 40 years ago. Several factors which have prohibited program growth are addressed in H.R. 4119. Current law limits expansion of the program each year to a maximum of 150 counties and 3 additional commodities. Funds authorized or made available to the corporation have been too limited to provide for even the 150-county, 3-crop level of expansion. Currently, over 400 counties have requested coverage from the Federal Crop Insurance Corporation. Due to significant losses during the early years of the program, the limits on expansion represented prudent and cautious public policy. However, now with over 40 years' experience and compilation of actuarial data, a more expansive approach is in order.

H.R. 4119 will, effective with the 1981 crop year, lift the restrictions on expansion of the program so that FCIC can move quickly to expand the program to all agricultural counties and to all crops that are important to the agricultural income of an area.

In administering the new Federal crop insurance program provided in H.R. 4119, the administration has indicated a desire to first make the program available nationwide on 18 major commodities including those commodities now supported by farm programs and protected by the disaster payments program. The committee concurs that these major crops should receive initial attention and be brought under the new insurance program with the 1981 crop year if at all possible. However, FCIC now covers a total of 26 commodities and a strong effort must be made to avail the new program to all producers of each of these commodities. Additionally, the producers of a number of other commodities have expressed interest in the insurance protection, and the committee supports their initiative in cases where it is economically and actuarially feasible.

Participation of those farmers who need insurance protection is essential if the program is to succeed. Inadequate farmer acceptance and participation in disaster-prone years could easily lead to Congress responding to the political and economic pressures by reestablishing a patchwork maze of assistance programs. To avoid such a situation, H.R. 4119 contains several provisions primarily aimed at gaining a high rate of enrollment at the earliest possible date.

Under the provisions of H.R. 4119, a farmer would be allowed to select from three levels of coverage: 50 percent, 65 percent and 75 percent of his recorded or appraised average yield. As a rule of thumb, 50 to 75 percent of the average yield roughly represents sufficient production to cover the variable cost of producing most crops. The bill provides a 30-percent premium subsidy designed to bring insurance protection within the financial means of all farmers and to guarantee sufficient participation in the program to make it successful.

To provide insurance to a large portion of the Nation's 2½ million farmers, whose annual production was valued at around $126 billion in 1978, is a massive undertaking. The task becomes even more formidable when there is added the burden of "selling" protection rather than providing free assistance. H.R. 4119 contemplates fully utilizing the talents, experience and enthusiasm of private insurance agents and companies.

Private insurance companies have not been able to successfully write all-risk crop insurance such as offered by the Federal Government. Several companies have attempted writing all-risk insurance but have failed, finding the uncertainties and risks and losses too great. The private insurance industry, both mutual and stock companies, does an outstanding job of providing protection against the specific risks of hail, fire and lightning. The Federal policy is designed to complement the private policies, not to compete with them.

H.R. 4119 envisions at least three ways the private sector can assist in and benefit from the expanded program. First would be the use of commissioned agents to sell and service the policies. Recognizing the desire of the committee to avoid building another huge Federal agency, commissioned agents must be used to carry a large burden of program delivery.

A second method of private-sector participation would be contractual arrangements between FCIC and private companies for the delivery and servicing of the program. The bill allows FCIC broad authority to enter into appropriate agreements with interested companies for performing various functions in administering and delivering the program.

Third, it is generally agreed that if private industry is to offer all-risk crop insurance, Federal reinsurance is necessary to cover the risk of catastrophic losses such as those that arise from large-scale droughts, floods or freezes. H.R. 4119 removes a constraint in current law which limits reinsurance proposals to a 20-county area and stands in the way of private insurance companies entering into reinsurance agreements with FCIC. I will offer an amendment requiring a pilot reinsurance program by 1982.

In implementing the new crop insurance program, H.R. 4119 provides that reinsurance of private insurance companies willing to offer the all-risk insurance program shall be used to the "maximum extent practicable." This language reflects the committee's desire to see maximum cooperation between the public and private sectors and to insure that the FCIC understands that it is to make a good faith effort to negotiate reinsurance arrangements. The Corporation should seek out private companies in all areas of the country which have the capability and desire to enter into a successful reinsurance arrangement. Because H.R. 4119 provides for expansion of the program to all crops and all counties, it is crucial that the existing problems with program funding be eliminated and the financial resources of FCIC strengthened.

The bill will increase the authorized capital stock of FCIC from $200 million to $500 million. It will also cancel all outstanding capital stock, leaving FCIC with authority to issue all $500 million as needed upon the appropriation of the necessary subscribing funds.

This increase in the capital stock should be sufficient to enable FCIC to operate the expanded all-county and all-crop insurance program, when considered together with the changes that would be made in the act to eliminate the drain on capital stock and the insurance reserves caused by expenditures for administrative and operating expenses.

H.R. 4119 revises the appropriations provisions of the act to permit FCIC to expand its operations without further impairment of reserves and capital stock:

First, it deletes the $12 million limit on annual appropriations to cover FCIC's operating and administrative costs; and

Second, it authorizes annual appropriations to FCIC to cover agents' commissions, premium payments by FCIC, and interest on Treasury notes and other obligations.

One deterrent to expansion of the insurance program in the past has been the inability of FCIC to borrow funds when existing funds were insufficient to indemnify policyholders for losses. H.R. 4119 grants authority to FCIC to borrow from the U.S. Treasury, subject to terms and conditions prescribed by the Secretary of the Treasury. Such authority will insure continued, uninterrupted operation of the program, even in the worst catastrophic loss years.

The Food and Agriculture Act of 1977 reauthorized the disaster payments program, for wheat, feed grains, cotton, and rice, for a period of 2 years, ending with the 1979 crop year. The program was limited to a 2-year extension because congressional attention was already being focused on the possibility of revising the disaster assistance programs operated by the department. H.R. 4119 represents the result of that effort. It provides a comprehensive, all-crop, all-risk crop insurance program. However, the new crop insurance program would first be available to farmers in 1981.

The disaster payments program has helped thousands of farmers avoid bankruptcy. It has also softened the economic effect of severe crop losses on many small rural communities. To provide interim assistance to farmers, H.R. 4119 extends the disaster program for the 1980 and 1981 crops. In 1981, disaster payments would not be available on an eligible commodity in a county, if the new insurance program is available for that commodity. As a safeguard, the Secretary would have the authority to make disaster payments available in 1981 in any county or nationwide if he determines that protection is inadequate or if disaster payments eligibility is needed as an incentive to encourage farmers to participate in a set-aside program. However, as stated earlier, I will offer an amendment for a simple extension of disaster payments through 1981.

The Congressional Budget Office cost estimate for H.R. 4119 reflects both the cost of the expanded crop insurance program and the disaster payments program as provided in the bill. The cost figures are as follows:

[By fiscal years, in millions of dollars]

	1980	1981	1982	1983	1984	1985
Total:						
Estimated authorization level		111	255	850	425	350
Estimated outlays	30	653	310	270	300	330

The program provided under H.R. 4119 provides protection for farmers who incur financial loss due to damage when drought, flood, insects, diseases, or other natural disasters strike a farmer's crop. H.R. 4119 is a major step toward streamlining current disaster loss assistance and rationalizes the protection provided to the benefit of the broader section of the Nation's farmers and taxpayers as well. I urge each of you to support its passage.

☐ 1050

Mr. WAMPLER. Mr. Chairman, I yield myself 13 minutes.

Mr. Chairman, I will come to the point promptly on the discussion of this bill for which a rule was adopted yesterday by a large margin.

I supported the rule on this bill, and I welcome the opportunity to discuss the bill.

I opposed this bill as it was narrowly reported by the committee in what was basically a 21-to-20 margin.

I and many of my colleagues gave what I view as a rather concise but thorough explanation of the reasons for our opposition to the bill as noted in the dissenting views printed in the committee report accompanying the bill. I am not suggesting that those dissenting views touched upon every objection that those signing the views may have had to the bill, but certainly those dissenting views summarized my own principal objections.

Mr. JONES of Tennessee published in

the Congressional Record on November 28, 1979, and again on February 11, 1980, an amendment which he intends to offer today which the gentleman from Illinois (Mr. Madigan) the ranking member of our Subcommittee on Conservation and Credit, strongly supports and which I support.

If this amendment is adopted in the Committee of the Whole and remains in the bill on the third reading, I intend to vote for final passage of the bill, for I believe that the amendments to sections 5, 6, 7, and 14 of the bill, as printed in the Record, meet the objections I had to this bill as reported by the committee.

Assuming the adoption of these amendments, in my opinion the bill as amended makes an acceptable piece of legislation. I am not suggesting—nor do I wish to have you conclude—that this bill is the panacea to the problems of all the farmers and producers as they relate to crop insurance and crop disaster payments. But this bill as amended would be a step in the right direction and addresses some of the concerns addressed in H.R. 5011 which I cosponsored with Mr. Madigan in the 95th Congress.

I am not suggesting that all elements of the insurance industry are satisfied by this bill nor are all segments of farm groups totally satisfied with this bill. However, as amended, I will support the bill as having met my principal objections.

Mr. Chairman, let me discuss for a moment certain of my objections to this bill as reported by the committee.

First, the administration opposed and a majority of the full committee rejected an attempt to give to farmers and producers the option to purchase their hail, fire, and lightning insurance from private sector insurance agents and insurance companies. There is a healthy viable hail-fire insurance industry in this country, serviced by a viable healthy insurance agent sector in the economy, which is currently writing over $300 million each year in insurance premiums for hail-fire coverage.

The Federal Crop Insurance Corporation (FCIC) offers a broader risk coverage in its policy which it has been selling for over 40 years, but its insurance premiums only average about $100 a year in premium income.

I do not want to put a bunch of Federal insurance agents on the Federal payrolls with Federal employee identification cards in their wallets selling insurance when we have an able private sector doing the job to a large extent now.

I want to read for you the excellent quote from Abraham Lincoln which I believe best states what the Government should do for its people in providing services:

> The legitimate object of government is to do for a community of people what they need to have done, but cannot do at all, or cannot so well do, for themselves, in their separate and individual capacities. In all that the people can individually do as well for themselves, government ought not to interfere.

The private sector now cannot cover all-risk crop insurance, but it can and does offer insurance coverage over specified risks such as hail and fire, and we should not kill that private sector business.

One of the amendments to the bill which Mr. Jones will offer will correct one of the major flaws the bill had as reported by the committee. The Jones amendment will give the farmer-producer the option to purchase hail-fire coverage from private insurance companies through private insurance agents with the cost of that insurance offset in the cost of the premiums to the farmers for the Federal policy purchased from FCIC.

I am confident that by giving this option to the farmer-producer that private insurance companies will have the opportunity to maintain a healthy viable hail-fire insurance segment in the private sector where they have payrolls, pay Federal taxes and give services that may be better than anything the Federal Government may provide.

Second, I objected to the administration's unwillingness to provide for a program whereby rather than the Federal Government preempting the private sector from participating in the all-risk or extremely high-risk crop insurance program, instead the Federal Government would provide for a reinsurance program whereby there would be—to the maximum extent possible—private sector involvement.

The private sector insurance companies and agents are in place throughout the entire country. They are proven entities. They can sell insurance; they can service insurance policies; they can handle claims and the adjustment of claims; and they generally can deliver the product—Federal all-risk crop insurance—in a better and less expensive way than I expect the Federal Government could ever do it. Then why not do it?

I suspect the administration's position on this subject earlier may have been swayed by those who believe that "big brother Government knows best and does best." I happen to believe that the experience of the last 30 years or more has discredited that philosophy.

One of the Jones amendments, if adopted, would correct this situation and provide for a reinsurance program, which I understand is largely acceptable to the private insurance sector. I believe a reinsurance program permitting private sector involvement in the all-risk insurance offered by the Federal Government is in the public interest, and I will support the amendment.

Third, I objected to the bill reported by the committee because I did not believe it adequately provided for standard business arrangements for private insurance agents that such agents normally have with private insurance companies. It is an arrangement which gives agents some independence, some sense and fact of building and owning their own business that I believe is in the best tradition of private enterprise.

By failing to give agents some assurance of renewal rights and other standard insurance compensation contractual terms, I was of the opinion that the administration and the FCIC were intent on preempting the Federal all-risk crop insurance for the Federal employees and on giving preeminence to the federally marketed policy.

My observation has been that you cannot shortchange the person at the closest point of contact (here the insurance agent) in the delivery of a service—in this case insurance—between the seller and a buyer. If you do, I believe you are inviting failure.

Mr. Jones is going to offer an amendment to the bill that corrects this situation by encouraging the sales of Federal crop insurance through licensed private agents, gives renewal rights authority and generally addresses this issue—as I understand it—to the satisfaction, at least, of the national association of such agents. I will support this Jones amendment.

As I stated in my dissenting views in the report accompanying this bill, I want to limit Federal involvement in Federal crop insurance to that extent that the "people cannot do it for themselves" as Abraham Lincoln so eloquently put it.

Thus, I would like to conclude with a note of commendation and caution.

I wish to commend the administration for "seeing the light" and agreeing to give support to the amendments that will be offered by Mr. Jones to correct the principal flaws which I and others saw in this bill.

Meanwhile, the extension of the crop disaster payments program as contained in the bill makes sense to me since the crop insurance program cannot be in place—I believe—for some time.

However, I also wish to add a word of caution to my colleagues in the House and to those in the administration who have dealt with us on this bill. In supporting this bill as I expect it to be amended, I am proceeding on the assumption that the administration—through their informal discussions and agreements with insurance representatives from the private sector and committee staff personnel—is not giving token support to these Jones amendments in order to get a bill and then will abandon its efforts to provide expanded private sector involvement and participation in the Federal crop insurance program once the bill goes to conference or is enacted into law.

If there is a hint of such "soft commitment" on the part of the administration, my support will be absolutely withdrawn and I, as well as many of you, can rightfully consider ourselves betrayed in this matter. We all know that how an act is implemented and how a program is administered is the real test of the commitment to the principles we include in this bill.

I want to make it abundantly clear that my support for this bill, as amended, rests on the assumption of good faith on the part of the administration that it will implement a program that will maximize the private sector involvement in the Federal crop insurance program as authorized in this bill.

I also might add that if the Jones

amendments are defeated, I will continue then to oppose the bill. Also, if this bill is changed materially in conference I may come back to you and urge your defeat of the conference report if the bill is substantially altered in conference to the detriment of the private sector and especially the farmer-producer.

□ 1100

Mr. GRASSLEY. Mr. Chairman, will the gentleman yield?

Mr. WAMPLER. I yield to the distinguished gentleman from Iowa.

Mr. GRASSLEY. I thank the gentleman for yielding.

Mr. Chairman, on the point the gentleman made about the administration's sudden approval of the Jones amendment, I recall that in the committee, when I offered an amendment allowing the option for any farmer who bought private hail insurance to have that cost reflected in the Federal all-risk (less hail coverage) be purchased and the administration said it just would not work and they did not want it and they were very unsupportive of it. That amendment lost.

I just wonder if we can be assured that this will be considered in the conference committee and question whether the administration is lending wholehearted support to it now or if it is just an effort to get the bill passed.

Mr. WAMPLER. If I may respond to the distinguished gentleman from Iowa, I can only give the gentleman the assurance that I will do everything I can to see that that intent of the House as stated here on the floor is carried out in the conference if in fact we go to conference and that it becomes law.

I want to commend the administration, as I tried to indicate in my earlier remarks, on what is an apparent change of mind on the Jones-Madigan amendments. I am delighted to say we are witnessing this on a number of principal issues. I commend the administration for recognizing these very serious flaws in the legislation as they were reported out of committee.

Mr. GRASSLEY. If the gentleman will yield further, it would have been nice if they would have raised this point of view in the calm and collected debate within the committee as opposed to so many questions being raised about it on the floor here where it is more difficult to write legislation. The committee structure would be the point at which to raise these compromises, in my estimation.

Mr. WAMPLER. Mr. Chairman, I can only agree with the genlemen, and I can only tell the gentleman that today I assume we have the assurance that they are supporting the bill as amended.

Mr. JONES of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. WAMPLER. I yield to the gentleman from Tennessee.

Mr. JONES of Tennessee. Mr. Chairman, I want to say to my good friend, the gentleman from Virginia (BILL WAMPLER) and the gentleman from Iowa (Mr. GRASSLEY) that also I will do everything I can in the conference to support the Jones-Madigan amendment. I have no intention of departing in conference or anywhere else in lieu of something else for this amendment we offered. I have worked hard to do this, and I feel my word is worth a little something around here. I have been here for 11 years. And I assure the Members that I will be here working diligently in trying to protect our interest, which I consider to be my interest also, in this Jones-Madigan amendment.

Mr. WAMPLER. I thank the gentleman from Tennessee for his observation.

Mr. Chairman, let me say that, as far as I am concerned, the gentleman's word is his bond, and I have the utmost confidence in his integrity and his willingness and his desire to see meaningful legislation passed.

Mr. Chairman, in conclusion, I would like to commend my friend and colleague, the gentleman from Tennessee (Mr. JONES), and the ranking minority member of the subcommittee, the gentleman from Illinois (Mr. MADIGAN), for their many, many hours of work in helping to fashion the bill and bringing it to us today. I commend them for their efforts.

I include a copy of two Congressional Budget Office cost estimates for this bill the one dated February 1, 1980, covers the main bill and the November 16, 1979, memorandum relates to the cost of the Jones amendments to the bill.

CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., February 11, 1980.

Hon. THOMAS S. FOLEY,
Chairman, Committee on Agriculture, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for H.R. 4119, the Federal Crop Insurance Act of 1979.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

ALICE M. RIVLIN,
Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Bill status: As ordered reported by the House Committee on Agriculture on July 20, 1979.

Bill purpose: This bill amends the Federal Crop Insurance Act to expand the federal crop insurance program effective with the 1981 crops. It authorizes the Federal Crop Insurance Corporation (FCIC) to use 30 percent premium subsidies and to offer insurance coverage on up to 65 percent of average yields; removes the annual limitation on the appropriation for operating and administrative expenses, and on the number of new counties and crops that can be covered by FCIC; and extends the authorization for disaster and payments for wheat, feed grains, upland cotton, and rice to cover the 1980 crops in all counties and 1981 crops where federal crop insurance is not available. The bill creates borrowing authority and authorizes an increased appropriation for subscription to capital stock, from $200 million to $500 million, to operate the crop insurance fund.

Cost estimate: The following table shows the estimated increases in budget authority and outlays resulting from the implementation of H.R. 4119, relative to the current FCIC program.

[By fiscal years, in millions of dollars]

	1980	1981	1982	1983	1984	1985
Federal crop insurance:						
Estimated authorization level		111	225	290	320	350
Estimated outlays		93	205	270	300	330
Jones amendment			245	310	340	370
Disaster payments (direct spending):						
Estimated authorization level			30	560	105	----
Estimated outlays	30	560	105	----	----	----
If disaster pay to continued			560	600	600	600
Total:						
Estimated authorization level		111	255	850	425	350
Estimated outlays	30	653	310	270	300	330

Note: The costs of this bill fall within budget function 350.

The broader crop insurance authorized in this bill would likely result in savings in the disaster loan programs of the Small Business Administration and Farmers Home Administration. These savings cannot be estimated at this time and are not included in the budget impact of this bill.

Basis of estimate: Fiscal Year 1981 Implementation Costs.—Based on the President's 1981 budget, it was estimated that start-up costs and 1981 crop year administration and operating costs of about $93 million would be incurred in fiscal year 1981.

Participation and Liability.—The main determinants of cost are the insured liability and the rate of participation which are uncertain, in view of the substantive changes in the program made by this bill. H.R. 4119 requires FCIC to offer subsidized insurance in the 1981 crop year, and it was assumed that the program would be expanded in to most counties for major crops by crop year 1984. Participation was estimated to be about 45 percent of the total acreage of major crops in crop year 1985, resulting in a liability of approximately $13.5 billion. The estimated liability was derived from value of production data for major crops. Higher participation rates and liabilities would increase estimated outlays, while lower levels would decrease outlays.

Loss Rates.—H.R. 4119 requires that premium rates be set so as to cover indemnities and to provide a reserve. The loss ratio (ratio of indemnities to premiums) was assumed to be 0.90, the historical target of FCIC. For the purpose of projecting total premiums, premium subsidies, and indemnities, a weighted average premium rate per $100 insured liability was estimated. This premium rate was based on the crop year 1980 average FCIC premium for all crops, adjusted to reflect higher risks in new areas. In crop year 1985, premiums paid to FCIC were estimated to be $660 million and indemnities paid by FCIC were estimated to be about $850 million.

Administrative and Operating Expenses.—Administrative and operating expenses, including loss adjustment costs, were estimated as a percentage of total premiums. It was assumed that these expenses as a proportion of total premiums will decline from 28 percent in crop year 1981 to 20 percent in crop year 1985, reflecting increases in total premiums that reduce unit costs and a decline in promotion expenses.

FCIC Outlays and Authorization Level.—Outlays are the difference between premiums paid to FCIC and indemnities paid by FCIC to farmers, plus administrative and operating expenses. The difference between premiums received and indemnities paid is estimated at 20 percent of the total premiums (70 percent of the premium is received by FCIC, and 90 percent of the premium is paid out as indemnities). In any year the loss rate exceeds 0.90, the difference between premiums received and indemnities paid would be greater than 20 percent of the premium.

H.R. 4119 authorizes an appropriation to cover all operating and administrative costs plus other costs. The authorization level shown above is the estimated appropriation necessary to cover administrative and operating costs plus the difference between premiums received and indemnities paid. It was assumed that reserves are adequate to meet indemnities, and therefore the borrowing authority and the subscription of additional capital stock would not be used.

Disaster Payments.—Disaster payments expire at the end of the 1979 crop year as required by the 1977 Food and Agriculture Act, and under current law, no outlays would occur after fiscal year 1980. H.R. 4119 continues disaster payments in all counties for the 1980 crops and in those counties where federal crop insurance is not available for the 1981 crops.

With all else constant, set-aside requirements may reduce disaster payments if not all farmers participate. CBO assumes no set-aside for the 1981 crops, as has been announced for the 1980 crops. Disaster payments averaged $460 million for the 1974 through 1977 crop years when set-aside was not in effect. Target prices for the 1980 and 1981 crops are projected to average about 20 percent higher than average target prices for the 1974–77 crops. Based on these factors, CBO estimates disaster payments of $560 million. Based on this estimate and an estimate that about 20 percent of disaster payments are made in counties where federal crop insurance is not available, H.R. 4119 would add about $560 million to outlays in fiscal year 1981 and $105 million in fiscal year 1982. It is estimated that about $30 million would be added to fiscal year 1980 outlays for prevented planting payments on 1980 crops.

Estimate Comparison: None.

Previous CBO estimate: On July 27, 1979, the Congressional Budget Office prepared a cost estimate of H.R. 4119, as ordered reported by the House Committee on Agriculture. This estimate reflects changes in estimated start-up costs and administration and operating expenses in fiscal year 1981. Estimated participation rates were increased, as were disaster payment estimates, and the method of budget authority estimation was also changed to include any difference between premiums received and indemnities paid, not just premium subsidies. These estimating differences result in a change in total outlays of about $130 million over the five-year period.

On July 18, 1979, the Congressional Budget Office prepared a cost estimate for S. 1125, a similar bill passed by the Senate on September 10, 1979. That bill provides a premium subsidy of 20 to 40 percent and higher coverage limit. It also restricts premium subsidies for 1981 crops to farmers who do not elect disaster program eligibility. Total outlays under the Senate bill, when estimated with similar revisions, are projected to be $2.0 billion over the five-year period, compared to $1.6 billion under this estimate of H.R. 4119.

Congressional Budget Office,
Washington, D.C., November 16, 1979.

MEMORANDUM

To: Jim Culver
From: Jim Vertrees and Joe Arata
Subject: Cost Estimates for Amendments to H.R. 4119

We have looked at the three proposed amendments to H.R. 4119. The amendment to subsection (c) of Section 507 appears to have no additional budget impact. The amendment to subsection (g) of Section 508 deals with reinsurance and requires a 10-state test program by crop years 1982. A test reinsurance program would entail outlays but there is insufficient information to determine the amount, if any, of additional outlays. The amendment to subsection (b) of Section 508 pertaining to the deletion of hail and fire insurance could increase budget outlays. The budget effect is discussed below.

Deletion of hail and fire coverage

H.R. 4119 gives a producer the option of deleting hail and fire coverage from his FCIC policy. And, FCIC must reduce the total premium cost by that portion of the total cost attributable to hail and fire coverage.

Under this amendment a producer can buy hail and fire insurance from a private insurer and have these two risks deleted from his FCIC policy. The FCIC premium would be reduced by 25 percent with the 30 percent premium subsidy applied to the reduced premium. If, for example, the FCIC premium is $7.00 (per $100 of liability), a producer electing this option would pay $3.68 ($7.00 × 0.75 × 0.7) for his FCIC policy compared to $4.90 ($7.00 × 0.7) if hail and fire coverage was not deleted. Therefore, the producer would have his FCIC premium reduced by 25 percent. However, it is incorrect to view this total reduction as an additional subsidy since FCIC's losses would be reduced with hail and fire hazards deleted. Hail accounted for 10.8 percent of all FCIC indemnities during 1939–1977 and fire losses were minor. This suggests that the deletion of hail and fire risks might reasonably be expected to reduce FCIC premium costs by at least 11 percent. If so, then the subsidy associated with the 25 percent reduction in the premium would be about 14 percent of the premium. This subsidy is used by the producer to effectively reduce the price of hail and fire insurance purchased from private insurers. For a farmer wanting the higher level of coverage against hail losses offered by private hail insurers as well as protection against other hazards which is available only from FCIC, this amendment would reduce his total insurance costs.

Budget Impacts.—The CBO cost estimate for H.R. 4119 dated July 27, 1979 assumed participation of 40 percent of the acreage of major crops in crop year 1984. This amendment might increase participation since it effectively subsidizes the purchase of FCIC and private insurance.

Compared to the cost estimate for H.R. 4119, if all the 40 percent of acreage in 1984 was insured under this amendment, fiscal year 1984 outlays would increase by about $60 million. However, it is more likely that one-half would be insured resulting in an outlay increase of $30 million. Adjusting these estimates for 50 percent participation, the range in estimated increases in outlays would be about $40 to $75 million. These increases in outlays are the public costs of indirectly subsidizing the purchase of insurance from private insurers.

Mr. JONES of Tennessee. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. Panetta), a member of the subcommittee.

Mr. PANETTA. Mr. Chairman, I rise in support of H.R. 4119, the Federal Crop Insurance Act. We have before us today a tremendous opportunity to put an end to a program of disaster assistance which is itself a disaster. We also have the opportunity to expand upon a proven crop insurance program and thereby make a significant contribution to the reduction of uncertainty and income instability on the farms across this Nation.

My colleagues and I on the Agriculture Committee have labored long and hard on the proposal that is before the House today. We have taken this issue to the field and have talked to farmers across the Nation. It is an equitable and financially responsible approach to a very real problem facing farmers.

Perhaps more than any other profession, farming involves risks and uncertainties completely beyond the control of the farmer. An entire season's work and investment can be washed away in a matter of days. An entire life's work in some cases can be withered by drought or destroyed by disease while the farmer stands helplessly by. It is the nature of this risk which works itself in particularly swift and severe ways that persuaded this body to create a disaster assistance program. Our experience with that program since its enactment in 1973 has taught us, however, that flat-out Government payments to farmers every time they lose a crop is not a responsible use of taxpayers' funds.

The cost of the disaster assistance program has risen to about one-half billion dollars a year. It covers the six basic commodities and admittedly works as an incentive to farmers to comply with Government set-aside requirements. But the program has proven to be very costly and to lack effective control or fiscal accountability. In addition, it simply does nothing to meet the needs of farmers of crops other than the basic commodities.

Our objective is clear—to help farmers reduce the uncertainty and risk involved in farming and to level out the peaks and valleys in farm income that result from the uncertainties of nature. The most rational and effective means of accomplishing this worthy goal is to provide a crop insurance program in which a farmer may elect to purchase coverage. This approach is consistent with the fiercely independent nature of our farmers and ranchers who do not want any government handout but only the opportunity to purchase affordable protection against disaster.

As a member of the House Budget Committee I am particularly interested in seeing the enactment of this legislation for it holds tremendous potential for future savings. The legislation will provide an all risk crop insurance program to agricultural producers at a lower cost to the Federal Government than the present commodity disaster program and the crop insurance program which it will replace. It will at the same time provide more widespread protection from disaster and thus more stability in the agricultural sector than the present programs.

The Congressional Budget Office has estimated that by the year 1984, premium paid to the Federal Crop Insurance Corporation (FCIC) will be about $600 million and indemnities paid by FCIC will be about $700 million. These figures clearly show that this bill will create a self-help program in which farmers contribute directly to their own support through premium payments. The legislation provides for a 30-percent subsidy to farmers to pay their premiums. This is necessary to encourage maximum participation in the program which must be broadly accepted if it is going to be effective. The net effect of expanded participation and coverage under crop insurance is a cost savings to the Government when compared with continuation of the disaster assistance program which is presently costing about one-half billion dollars a year.

The disaster assistance program is itself a disaster. It is an unfortunate reality that there are farmers in this country who farm disaster programs by planting crops on marginal land that has a history of disaster. There is no incentive not to do this because if the crop is wiped out the Government will pay for it. It is time to put a stop to this kind of abuse by creating a crop insurance program that ties premiums to risk.

The Federal Crop Insurance Corporation has a proven track record. It has refined and improved its operations over the years until today it is ready to take on the challenge or providing an all-risk-all-crop insurance policy. Over the past 30 years the FCIC has extended $21.5 billion worth of insurance coverage. It has collected $1.15 billion in premiums and paid $1.13 billion in indemnity for a payout of 98 cents on each dollar of premium received. It makes good sense to expand upon this program and to put an end to the disaster assistance program. That is exactly what H.R. 4119 does.

A significant area of concern during markup of H.R. 4119 was its effect on private insurance. The principal area of private coverage is hail, fire, and lightning. I understand that the Jones-Madigan amendment is supported by the vast majority of the insurance industry. The amendment, I am told, will allow farmers the option of obtaining private coverage for these areas and a 25-percent reduction in the premium on the rest of their FCIC policy.

The key provisions of H.R. 4119 are simple and straightforward. It expands a good program and phases out a bad one. This legislation represents a health shift in policy that will benefit our economy and our farmers as well. It turns away from the idea of indiscriminate absorption of farmers loss and moves toward self-help where farmers themselves share the cost of the program. The idea is a responsible one. It is closely tied to traditional notions of government as partner rather than provider. I urge your support for H.R. 4119.

☐ 1110

Mr. JONES of Tennessee. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. GLICKMAN).

Mr. GLICKMAN. Mr. Chairman, it is no secret that H.R. 4119 is a very controversial piece of legislation. It was hotly contested during committee consideration and was narrowly reported to the floor by a vote of 22 to 20. Although I had many reservations with the bill, I supported it at that time so it would come to the floor in the hope that the necessary improvements could be made here.

At present, the bill allows eligible farmers in all areas to choose between the current disaster program or the new crop insurance program authorized in the bill for 1980. For the following year, however, only farmers in a few, selected areas would have this choice. Presently, disaster coverage is provided without charge to participants in the farm program who experience a loss due to a natural disaster. In many ways, the disaster program filled the gaps created by the inadequacies and limited scope of the current crop insurance program. Are any counties or commodities excluded? The new program proposed in this bill provides for an all-risk insurance covering more counties and more commodities than is currently the case. However, to insure a smooth transition between the existing program and the new one, it is essential that the farmer's option to choose between the disaster program and the enhanced crop insurance program be extended through 1981 for all areas of the country.

It is my understanding that an amendment to extend the disaster option nationwide through 1981 will be offered. Without it, many Members including myself would have great difficulty in supporting the bill because farmers would not be adequately covered during the critical transition period between the existing program and the new one.

Extending the disaster option for 1 more year will also have the favorable affect of encouraging increased participation in the farm program. Eligibility for disaster payments is confined to those producers who participate in the set-aside program. With the market disruption resulting from the grain embargo, the incentive created by an additional year of the disaster option should increase set-aside participation and help stabilize the price situation.

My colleague from Texas, Mr. STENHOLM, will introduce an amendment which, on the surface, appears to be quite similar to Mr. JONES'. Mr. STENHOLM'S amendment, while extending disaster through 1981 would keep the existing crop insurance program in place. I had originally intended to support the Stenholm approach because it was the only option put forward. However, after further thought, I have decided to support the Jones approach which would smoothly integrate the disaster phase-out with the startup of the new program. To continue the current program is ill-advised. Its ineffectuality is demonstrated by the fact that only 11 percent of eligible producers participate in it.

And, not surprisingly, the low participation can be attributed to the program's restriction on the number of counties covered and on the number of commodities included. To totally abandon a new program that admittedly is not perfect in favor of the existing program that is a dismal failure would be to turn our backs on producers who need a viable crop insurance program.

Another concern about the bill centers on the 30 percent Government payment to help defray participating farmers' premium costs up to a coverage level of 65 percent of normal yield. This subsidy has caused considerable consternation among private crop insurance carriers, particularly those in the hail business. They feel, with some justification, that the subsidy will put them at a disadvantage in the insurance market.

The distinguished subcommittee chairman, Mr. JONES, and the ranking minority member, Mr. MADIGAN, both of whom sheparded this legislation through committee will be offering an amendment which addresses those industry fears. The amendment does several things. First, farmers would deduct 25 percent from the premium cost of the federal program and use that amount toward their purchase of private hail insurance. This approach benefits both farmers and insurance agents. It gives farmers the freedom to choose the type of hail coverage that best serves their needs and allows agents a fair shot at the hail insurance market.

Second, the amendment provides assurances that private firms and agents will be utilized in making the program available to farmers nationwide and that contracts between the Federal crop insurance program and the industry are consistent with prevailing industry standards for comparable services.

Outside the bounds of the Jones-Madigan amendment, the bill, itself, would authorize the Federal Crop Insurance Corporation to contract with private insurance companies and independent insurance agents in administering the program. The amendment together with the provisions already in the bill were designed to respond to industry concerns.

Neither the amendments I mentioned nor the bill itself closes the door to future scrutiny of the program. In fact, during committee consideration of the bill, I offered an amendment—which was adopted—to sunset the legislation after 1983. To insure that adequate time is permitted for the start-up of the program, I intend to offer an amendment on the floor to push the sunset back to 1984. That will give us time to review the program after it has been fully in operation and to make any necessary revisions.

If the disaster amendment and hail amendment are approved, I will, with some reluctance, support this bill. Some say it does not go far enough. Others feel it goes so far that it encroaches upon private industry. What it represents, in my mind, is a balance fashioned between those two positions which should provide farmers the protection they need without disrupting the private insurance market.

Mr. WAMPLER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Kansas (Mr. SEBELIUS).

Mr. SEBELIUS. Mr. Chairman, I, too, want to compliment the two Eds, the gentleman from Tennessee, Mr. ED JONES, and the gentleman from Illinois, Mr. EDWARD MADIGAN, the chairman of the subcommittee and the ranking member, for their fine and hard work. I did play a role, along with the gentleman from Kansas (Mr. GLICKMAN), in keeping this bill cooking. The Members will notice when it came out of the committee, it had some controversy.

Mr. Chairman, for years, the Federal Crop Insurance Corporation has played a legitimate role in providing insurance coverage to farmers. True, there have been problems, but I think FCIC has functioned reasonably well, on the whole.

Now, we are asked to expand the role

of the FCIC, to the detriment of private insurance companies who also have served the farmer quite well for a number of years. I am very concerned about this because it puts the government further into an area in which a good number of Americans now work to make their livings.

I am also concerned because, as a farm State representative, I feel I am being pressured to support a questionable program. We're using this bill to justify phasing out the disaster program we have had in place since 1973. Personally, I do not think the FCIC should be the vehicle for getting rid of the disaster program that has served many of my farmer-constituents so well.

For that reason, I oppose the bill as it is written.

However, there are several amendments pending which I think would improve this bill to a point where I think I could support it. My distinguished colleagues, Mr. Jones and Mr. Madigan, will offer amendments which will help make this bill more workable.

A very important amendment would provide producers the option of substituting private hail and fire protection for the hail and fire protection contained in the all-risk FCIC program we're proposing. This would change the nature of the bill before us from that of expanding Federal involvement to the detriment of private industry, to that of building a partnership between government and industry which would work to the benefit of all concerned. For me, this amendment is critical if I am to support this bill. I urge my colleagues to support it.

A second amendment would set up a test reinsurance program under which private insurance companies would participate as partners with FCIC to offer all-risk crop protection. This amendment would, I think, further strengthen this bill and I urge my colleagues to support it.

In closing, Mr. Chairman, I would like to say that I am not happy with this bill. I am concerned about the thrust of this bill. These amendments will improve it considerably, but I would prefer a simple extension of the disaster program. Unfortunately, there comes a time when we have to recognize that we do not have the votes to extend this program, so I have to work for a program that provides some help, rather than no help. However, if this bill is not amended to allow greater participation by private insurance companies, I cannot in good conscience support it.

Mr. Chairman, I yield back the balance of my time.

Mr. WAMPLER. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Iowa (Mr. Grassley).

Mr. GRASSLEY. Mr. Chairman, I rise in opposition to this bill—as it now reads and as it may be amended if the Jones amendment(s) are adopted.

Do not be lulled into a false sense of noncontroversy about this bill that may have been conveyed to you by a group of crop insurance lobbyists that are scurrying about the Hill these days.

The vote yesterday on the rule (H. Res. 562) does not begin to provide any measure of the opposition to this bill.

Federal crop insurance legislation has been highly controversial since the concept of an expanded Federal crop insurance program began to be discussed in early 1977. The crop disaster program embodied in the Food and Agriculture Act of 1977 was curtailed to 2 years from the 4 years originally placed in the bill because, presumably, there was going to be new crop insurance legislation.

H.R. 4119 is the so-called reform and expansion of the Federal crop insurance program. It is a very controversial bill. It is so controversial that it was defeated in full committee by a 19-to-22 vote until 2 members relented and changed their votes so as to permit the bill to go to the floor. There were 2 sets of dissenting views in the report accompanying the bill signed by 14 members of the committee.

Mr. Jones will have a series of amendments that I understand he will offer presumably to prevent the sure defeat of this bill.

I also understand that Mr. Stenholm will offer a substitute for the committee bill that would delete the language amending the Federal Crop Insurance Act and would merely extend the Federal crop disaster payments program for 2 years through 1981. Mr. Stenholm's amendment is offered so that we might address the Federal crop insurance issue at the same time the Congress takes up its farm bill.

In other words, the major and largest farm membership group in the United States, the Farm Bureau, opposes this bill. The National Wheat Growers support the bill only if (as I understand it) the disaster payments extension for 2 years is added to this bill. There is hardly overwhelming farmer-producer support for this bill next year.

The Farm Bureau takes basically the same position on this bill as does the Stenholm substitute because the American Farm Bureau Federation opposes H.R. 4119 and urges Congress to merely renew the crop disaster program for the major farm crops for 2 years.

Now, I know there are several insurance groups favoring this bill, and I understand that the Jones amendments will improve the bill—if they are adopted—for certain insurance companies and insurance agents. However, I also am interested in the farmers and producers, and I don't see any stampede of support from the farm groups.

I admit that the Jones amendments will address some of my concerns with this bill as it was considered in the committee, but it does not correct all of them. I have many insurance groups in my own State that oppose this bill and view it as bad, unneeded legislation. They believe the hail-fire crop insurance industry is doing a good job and can expand into the all-risk crop insurance area such that this bill is unnecessary.

Now you can say that this segment of the industry is wrong because it is a group of mutual companies. But I should inform you that the mutual insurance companies throughout the United States oppose this bill. So do not be deceived by any talk you may hear that this bill is not controversial.

I am concerned about the administration's sudden capitulation to endorse the Jones amendments. The administration fought just such amendments ever since the crop insurance bills were considered in our committee. Now they are overnight converts. Should not Members be asking themselves why?

Surely the near defeat in committee impressed the administration that this bill would be defeated on the floor if not substantially amended. But is the administration offering "token" support for the Jones amendment only to get a bill that it will try to alter to their liking in conference or implement as they wish once it is enacted into law?

This bill, even as amended by the Jones amendment, leaves much to the discretion of the Secretary and the Federal Crop Insurance Corporation as to how this new and expanded Federal crop insurance program will be implemented and executed. I fear that the administration which has historically opposed propositions to maximize private sector participation in crop insurance is not permanently committed to the concepts embodied in the Jones amendments. I believe it to be expedient for their purposes at this time, but their commitment to federalization of crop insurance is with Uncle Sam in charge and regulating and controlling all aspects of its own crop insurance program. I suspect that the Farm Bureau has similar fears.

What of the cost?

I suspect what we may be about to endorse is two programs. A costly Federal crop insurance program costing over $300 million a year by 1983 and a continued costly disaster payments program costing over $600 million a year by 1983. What I fear—and you should too—is a commitment in this bill to a two-track double program that may cost over $1 billion in a few years.

To those of you who have producers who are interested in disaster payments because it gives prevented planted coverage—be aware that if Federal crop insurance replaces disaster payments that crop insurance will undoubtedly not offer prevented planting coverage because it is too costly.

On the other hand, if some of you like me live in an area where hail damage is the basic risk—keep in mind that if an all-risk Federal program is adopted and your farmers participate then your farmers may be subsidizing farmers in areas hit hard and often by disasters such as floods, droughts, pests, et cetera. In other words, if farmers in Iowa can get a hail insurance policy for $3.50 an acre to cover their basic risk such as hail—why should they purchase an $8 an acre all-risk policy from the Federal Crop Insurance Corporation and in effect subsidize areas high by a high number and variety of risks.

My colleagues, I urge defeat of this measure. Let us extend the disaster program for 2 years and take up crop insurance legislation in the next Congress.

□ 1120

Mr. JONES of Tennessee. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. Huckaby).

Mr. HUCKABY. Mr. Chairman, I, too, along with my colleagues who have risen previously, would like to commend the subcommittee chairman, the gentleman from Tennessee (Mr. JONES) for the excellent work and the many hours he has put into this bill in the last 2 years.

The gentleman from California (Mr. PANETTA) pointed out that this bill goes a long way in the right direction. It offers significant potential savings to the American taxpayer in the years to come as we phase out the present emergency disaster program and as the insurance crop program is incorporated nationwide.

I will be offering an amendment to this bill to further increase the Government subsidy to farmers' premiums so that we can get a broader participation in this program. There are many farmers today, especially young farmers, who will be forced to elect the 65-percent level of coverage, and if they have a crop failure that is worse than that they will find themselves out of business.

I think it behooves this committee to take into account as we phase out from the disaster program into the insurance program to make sure that we provide a workable program as far as the farmer is concerned, especially as far as our young farmers are concerned. The average age of the farmer today in America is increasing every year, and we must do what we can to not only insure survival of the family farm, but to make sure that young people continue to get into and are able to stay in the business of farming.

Overall, this is a good bill. This is a step in the right direction. It is going to ease the burden on the American taxpayer and I think, with some amendments, it can be a very good bill. In fact, it would actually be a better bill for the farmers of America today than the existing disaster program we are operating under.

Mr. JONES of Tennessee. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma (Mr. ENGLISH).

Mr. ENGLISH. Mr. Chairman, it should be pointed out to the Members of the House that this is not a bill to help the farmers—it uses the agriculture budget to create additional bureaucracy which will do nothing to help the farmers.

It has taken over 2 years for this measure to pass the Agriculture Committee and it passed only because members were told the President would veto the extension of disaster program and after the administration agreed to cut the insurance industry in for a piece of the action.

But do not get the idea I am criticizing the lucrative involvement of the insurance industry because only through their involvement will we be assured a good effort will be made to make the best of a bad situation.

Federal crop was established over 40 years ago as an experimental program. It has been an experiment that has failed to gain acceptance by a majority of the farmers. In fact, last year only 13 percent of the farmland was covered by Federal crop. In my own district less than 5 percent of the farmland is covered by this program.

According to the Secretary of Agriculture, there must be 50-percent participation in this program in order for this plan to succeed. The Congressional Budget Office says the best we can expect out of this plan is 38-percent participation.

Then why, you may ask, is this program before the House today. Part of the reason is because it is the pet theory of the Secretary of Agriculture, partly because members of the committee felt they had no choice due to threats to do away with the disaster program, partly because opponents of the measure have been "compromised" by the wholesale inclusion of various sections.

Keep in mind—even after all the pressure and compromising—that this bill passed committee by only two votes. Votes that had to be switched before the end of final passage.

And keep in mind this is not a measure to aid in providing food and fiber for the Nation at a reasonable price but instead will jeopardize this aim.

And finally I hope you will join with me in defeating this measure.

Mr. WAMPLER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from South Dakota (Mr. ABDNOR).

Mr. ABDNOR. Mr. Chairman, I, too, want to commend our very able chairman for the bill we have before us today as well as the ranking Republican, the gentleman from Illinois (Mr. MADIGAN).

I have the highest esteem for and faith in the judgment and ability of our chairman, and I know that he is working for the best possible piece of legislation that can be put through this Congress, and that it will be good for the farmers.

Mr. Chairman, when I appeared nearly a year ago before the Subcommittee on Conservation and Credit to present my views on the legislation which is before the full House today, I stated my hope as well as my belief that the Federal crop insurance program could be expanded and improved in a fashion which serves the best interests of farmers, while enhancing the interests and building on the strengths of the existing private crop hail and fire insurance industry.

It is my judgment that H.R. 4119, with the amendments to be offered by Chairman JONES and Mr. MADIGAN, will generally meet that goal. That judgment is not rendered without reservations, however, and I shall be following closely the debate and actions we take here on the floor to further improve the bill.

□ 1130

Mr. Chairman, at this time I would like to ask the chairman, if I can, a couple of questions that are extremely important to me and to the people of South Dakota. It is my understanding that the gentleman from Tennessee will be offering an amendment. In that amendment, is it true that the 25-percent limit will be large enough to cover the full cost of private hail and fire insurance coverage even in a very high risk insurance area such as my district; that is, will the 25 percent in all cases be large enough to offset the cost of the private policy?

Mr. JONES of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. ABDNOR. I yield to the gentleman.

Mr. JONES of Tennessee. Mr. Chairman, I would like to answer the gentleman's question by saying, yes, 25 percent is the upper limit.

Mr. ABDNOR. The gentleman thinks it would be enough in the higher risk areas?

Mr. JONES of Tennessee. That is right.

Mr. ABDNOR. I would assume that in areas of high hail risk the cost of insurance of other risks is going to be higher too, so the 25-percent limit would provide for a higher credit in those areas than in areas of low risk.

Mr. JONES of Tennessee. There is no doubt about it. That is exactly right.

Mr. ABDNOR. I thank the chairman.

Mr. JONES of Tennessee. I thank the gentleman for his remarks

Mr. ABDNOR. Mr. Chairman, I shall be offering amendments myself to insure equitable treatment of the interests of my State, which like other Western States bases a great deal of its agricultural economy on rangeland as well as cropland. I shall also be supporting an amendment to extend for 2 years the disaster payment program administered by the Agricultural Stabilization and Conservation Service. The improved insurance program simply cannot be fully implemented in any less time; and, if an extension of the disaster payment program is not attached to the bill, I shall be forced to support the Stenholm substitute.

Finally, I share the concern of those in the private insurance industry who fear this legislation may be the foot in the door to drive them out of business. It must be made absolutely and abundantly clear in the legislative history made in this debate that is not the intent nor will it be the effect. I have given serious consideration to offering an amendment in this regard to prohibit the Federal Crop Insurance Corporation from offering insurance for hail and fire losses in counties where insurance against these perils is offered by the private industry. I continue to believe that such a prohibition would be proper.

It appears to me, however, that any private agent or company willing to aggressively market their product will not only be protected but surely will prosper under the terms of the Jones-Madigan amendment. In essence they will be able to offer their clients free coverage of hail and fire losses, based upon the credit applied against the premium on the Federal policy. The cost of hail and fire coverage in high risk areas may be a deterrent to participation in private insurance programs; but, again, if I am led to understand correctly, the credit by which the Federal premium will be reduced for those who agree to purchase private hail and fire coverage will offset the full cost of the private insurance premium. Thus, there is no economic disincentive under the Jones-Madigan amendment to discourage participation in private hail and fire insurance programs—quite the contrary.

No doubt this legislation, even with the Jones-Madigan, my own, and other amendments to be offered today, will not be perfect. An expansion of the Federal crop insurance program of the magnitude contemplated is bound to encounter problems, and further legislative action could very well be required to fine tune the program as it grows. But the bottom line is that our current disaster assistance programs are just not satisfactory; and with farm production expenses climbing rapidly, the need for a truly adequate insurance program is evident—particularly as far as our young farmers are concerned. On their survival and prosperity depends the future of agriculture in America and, indeed, the future of America.

I sincerely hope that the legislation before us today might prove to be an invaluable tool with which to work toward a more stable economic future for agriculture.

Mr. JONES of Tennessee. Mr. Chairman, I yield 2 minutes to the gentleman from South Dakota (Mr. DASCHLE), a member of the subcommittee.

Mr. DASCHLE. Mr. Chairman, there has been a great deal of debate in the committee, in particular, about the role that private enterprise plays vis-a-vis the governmental agencies. I am particularly concerned about the role that is to be played by the Agricultural Stabilization and Conservice. I think we all agree that we do not want to set up an additional bureaucracy, and there is language in the legislation to prevent that from occurring, but I think we also want to use those governmental offices within the counties that exist today to insure that we provide our farmers with the very best service.

The ASCS has the capacity to do that. They have the location and facilities in each county. They have the information and records available on each and every producer. They have the organized capability within each county. They also have the equipment, and certainly very highly qualified personnel.

I would urge that we look to the implementation of the ASCS, taking into account that we have to include the private insurance industry, but also that we include the great resources of ASCS. In that regard, Mr. Chairman, I would like to ask a couple of questions to establish legislative history.

First, I would like to ask if the chairman foresees the local ASCS offices as the contact point for the local sign-up for producers?

Mr. JONES of Tennessee. Mr. Chairman, if the gentleman will yield, I would like to say to Mr. DASCHLE and any other member of the committee or of the House that I predict that ASCS will be very busy with the programs even though the primary responsibility of the insurance program will be in the hands of the crop insurance corporation, but the committee report stresses that farmers should have one-stop shopping for farm programs and should be able to purchase crop insurance protection at the local ASCS offices. ASCS will do that, will be assisting in developing individual yield data.

County committees would be needed to keep the figures up to date. I would say that ASCS will be a very focal point, and it will have important responsibilities.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. MADIGAN. Mr. Chairman, I yield 1 additional minute to the gentleman from South Dakota.

Mr. DASCHLE. Mr. Chairman, I would like to ask one additional question. That is, whether or not the chairman foresees any prohibition upon ASCS from acting as that contact point for the contracting of private insurance within each county. Is there any prohibition currently in the legislation that would prevent producers from using ASCS as a contact point?

Mr. JONES of Tennessee. I would say that there is absolutely no prohibition against it.

Mr. DASCHLE. Mr. Chairman, at this point I would like to insert in the RECORD a letter I have received from the president of the National Association of County ASCS Office Employees.

The letter follows:

NASCOE,
Halifax, N.C., February 8, 1980.

HON. THOMAS A. DASCHLE,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DASCHLE: Recently Mr. Gene Vognild of Sioux Falls, SD visited with you concerning ASCS programs and the capabilities of the ASCS County and Community Committees and their employees to administer Federal Farm Programs at the county level. You requested Mr. Vognild to furnish you some information regarding the administration of a comprehensive Crop Insurance Program through the ASC County level offices. Mr. Vognild asked that I respond to your request, which I am happy to do.

Here is some information and suggestions that I think is appropriate.

Location of Facilities. There is currently an active ASCS county level office to serve each agricultural county in the nation.

Information and Records. ASCS county level offices maintain information and records that include the current names and addresses of all farm operators and farm owners; the total acreage, cropland acreage and farm boundaries of each farm; soil survey information indicating the different types of soil on each farm, the degree of erosion and the capabilities of each type of soil to produce specific crops; for each farm. We maintain actual production information and actual yields on Uplands Cotton, Peanuts and Tobacco. For many farms we have proven yield data for Feed Grain and Wheat and in all other cases we maintain an up-to-date established payment yield which reflects the farm potential normal year yields of these crops. We maintain accurate to scale aerial photographs with farm identifications, located and measured field acreages; access to a computer data bank containing the name, address and identification number of each farm operator and farm owner in the nation.

Organization. In each agricultural county there are farmer elected County and Community Committees that are familiar with the farms and normal farming practices in each local community. These elected committees determine local policy and in general supervise the operation of the ASCS county level office. A full-time County Executive Director, selected by the County ASC Committee, hires the county level ASCS office staff and directs the day-to-day operation of the county level ASCS office.

The farmer elected ASCS County and Community Committees and the county level ASCS office staff receive guidance and supervision through the State, Area and National ASCS offices.

Equipment. County level ASCS offices have duplicating, folding and inserting equipment to rapidly prepare information for mailing; mail addressing equipment capable of rapidly addressing mail to all farm operators and/or farm owners or to selected groups by commodity or special interest; typewriters equipped to prepare documents for entry into an automatic data processing system by optical scanning; programmable calculators capable of accumulating data and making computations in the county level ASCS offices; access to a large central data processing system capable of accumulating data and rapidly making complicated computations. ASCS county level offices are equipped to measure crop acreages and appraise potential yields quickly and efficiently.

Personnel. Through their experience in the administration of farm programs, ASCS county level employees are familiar with the farm operators, the farms and the farming practices in each county. ASCS employees are trained and skilled in providing information to farm operators and in explaining detailed and complicated programs. Farmers know and have confidence in the ASCS Committees and their employees.

The information, records, equipment and personal capabilities needed to administer the Federal programs currently assigned to the farmer elected ASCS County and Community Committees and their county level employees are in most cases identical and in all respects very similar to those needed to effectively administer an expanded Federal Crop Insurance Program. I believe the administration of an expanded Federal Crop Insurance Program can be accomplished through the local ASCS county level offices with very little additional personnel or equipment.

ASCS county level offices have the organization, records, equipment and ability needed to inform eligible producers of the Federal Crop Insurance Program, sell Federal Crop Insurance, write contracts, collect premiums, receive acreage reports, adjust claims and make indemnity payments.

I recommend that consideration be given to utilizing this existing, capable and efficient organization for the administration of the Federal Crop Insurance Program.

If we can provide additional information or if you wish to discuss this subject in more detail with me or Mr. Vognild, please do not hesitate to contact either of us.

Sincerely,

NEAL PHILLIPS,
President. NASCOE.

Mr. MADIGAN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. JONES of Tennessee. Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I rise in opposition to H.R. 4119. My reasons for opposing H.R. 4119 are these: First, is the budgetary impact which H.R. 4119 will have. The bill does not save the taxpayer anything. When the Agriculture Committee passed H.R. 4119 (by a 22–20 vote margin), it was estimated to cost only $260 million in its fifth year of existence. Now those costs are estimated by USDA to be between $492 and $572 million in the fifth year. Others estimate the cost will be at least $750 million and maybe as much as $1 billion. H.R. 4119 is designed to replace a program whose costs over the last 5 years have averaged $440 million per year. Second, the bill will create an expanded Federal Crop Insurance Corporation which will place the Federal Government in direct competition with existing private insurance carriers. How much Federal insurance do we want? Third, it will create an expanded program when the general farm community has not accepted the current Federal pilot program. Fourth, without the extension of the current disaster program for the 2 remaining years of the existing farm act and with an unacceptable insurance program, there will be little incentive for the farmers of this Nation to participate in or comply with farm programs for the remainder of the existing farm act. I want to amplify on this last objection.

Some of my colleagues and the USDA contend that the disaster program as it now operates is a free program. I would contend that this is the furtherest from the truth. It is not free. A farmer must give up his right to farm his land as he might otherwise choose in return for the protection of the disaster program. Farmers have paid dearly for this insurance which they need. Now they are being asked to pay more with the same basic farm income.

That brings me to my final major objection to this bill. If we accept the present cost estimates of the Department of Agriculture as to the cost 5 years from now (which I personally do not) of $572 million (includes Jones-Madigan) and agree that this will provide coverage of $15.2 billion as the Department contends, compared to $6.1 billion currently provided by the disaster program, this has to be a bargain.

But wait a minute. There "ain't no free lunch." Somebody is going to pay. Who is going to pay for the $9.1 billion additional protection? The farmer is going to pay $1.3 billion in premiums for its $9.1 billion coverage.

$617 million 1979 cost=$6.1 billion protection.

$572 million Estimated cost H.R. 4119=$15.2 billion protection.

$1.3 billion Farmers Cost=$9.1 billion protection.

Information provided by the Office of Governmental and Public Affairs, USDA, states the following:

[In millions]

Federal Crop Insurance Corporation	$31
ASCS low-yield disaster payments	486
Total estimated cost for most recent year	617
Five-year average	440

H.R. 4119

[In millions]

Expanded FCIC program	1st year	5th year
Premium subsidy (30% subsidy for 50 and 65% levels of production protection)	$124	$310
Operating costs	142	182
Total	266	492
Jones-Madigan		80
Total		572

What is wrong with the farmers paying for this protection. Nothing, if they had the income. Return on equity to farmers in 1977 was 3.5 percent; 1978 it rose all the way to 4.6 percent and stayed at 4.6 percent in 1979. Compare these figures to those quoted in this morning's DSG report.

1977 to 1979

FTC manufacturing corporations, 14 to 17 percent return.

Business Week Corp., 14 to 17 percent return.

Oil Companies, 13 to 23 percent return on equity.

Farmers, 3.5 to 4.6 percent.

Farmers have paid dearly for their "free insurance." I urge you to oppose this legislation.

We will add $1.3 billion in costs to farmers by passing this legislation.

Let us settle this issue in the formation of the Ag Act of 1981.

● Mr. BEDELL. Mr. Chairman, I rise in strong opposition to the bill H.R. 4119, the Federal Crop Insurance Act of 1979. My opposition results from years of close personal consideration of the crop insurance issue, as well as many days of debate on the measure before us in both the Committee on Agriculture and the Subcommittee on Conservation and Credit, on both of which I serve.

Mr. Chairman, I am opposed to this bill despite the fact that I am clearly aware that our present farm disaster protection program is in need of substantial reform. I am opposed to this bill even though I understand that our present disaster program does not offer adequate protection to some producers, and that many other farmers have no protection at all available to them.

I am opposing the bill because I think its approval would set a dangerous precedent by authorizing the Federal Government to provide subsidized insurance to one segment of our society at the expense of the private insurance industry and our Nation's taxpayers as a whole. I think that we in the Congress must ask ourselves where our society is heading if we approve this measure today. Do we really want the Government supplanting private industry in another sector of our economy?

I strongly disagree with those here today that would contend that we really do not have any choice but to approve this legislation in its present form. I believe that we can send this bill to begin the legislative process anew, and in so doing for an expanded crop insurance program in those areas where private insurance is not available, and remove the premium subsidy now called for so that the private insurance industry will not be endangered. Additionally, through diligent efforts, we can reform the present disaster protection program so as to eliminate its many abuses and unwarranted expense.

Moreover, Mr. Chairman, I believe that the projections presented before us here today on the likely cost of the expanded Federal crop insurance program are highly speculative at best and misleading and erroneous at worst. I note that these figures do not reflect any increase for inflation over the years. They do not take into account approval of the amendment providing for a credit to those producers who obtain hail or fire insurance from private industry, and they account for just two-thirds of the cost of the premium subsidy. Finally, these estimates assume participation in the expanded program at a rate less than that projected by the Federal Crop Insurance Corporation itself or even private industry. I believe that more responsible cost projections would elevate the cost of the program to well over an extra $100 million per year over the first 5 years of the program. Also, the disaster program will be continued over the course of the next 2 years, at least. And, if a widespread disaster strikes in 1985, for example, when we expect 50-percent participation in the expanded program, will we sit idly by while the remaining 50 percent of the producers suffer the consequences of a disaster without some form of protection?

Again, Mr. Chairman, I wish to express my strong opposition to this bill, and urge my colleagues to reject it here today and pledge to work for a more responsible piece of legislation.●

● Mr. LATTA. Mr. Chairman, I am opposed to this bill as reported from the Committee on Agriculture. That committee itself reported the bill by the narrow margin of 22 to 20.

The major problem in the bill is that it places the Federal Government in competition with the private crop insurance industry to a far greater degree than is necessary.

The dissenting views in the committee report contain a quotation from Abraham Lincoln which I think summarizes the case very well:

> The legitimate object of government is to do for a community of people what they need to have done, but cannot do at all, or cannot so well do, for themselves, in their separate and individual capacities. In all that the people can individually do as well for themselves, government ought not to interfere.

Following this line of reasoning, the dissenting views point out that the Government should only provide crop insurance coverage which the private sector cannot offer to farmers and producers, that is, insurance against natural disasters such as droughts and floods, which are largely uninsurable by the private sector because of the great risk.

Hail, lightning, and fire insurance coverage for crops, on the other hand, has been provided successfully by the private sector for over 65 years. The Government should not interfere in this area unnecessarily.

Mr. Chairman, the bill as reported by the Committee on Agriculture should be defeated.●

● Mr. CORRADA. Mr. Chairman, I rise in support of this bill, H.R. 4119, otherwise known as the Federal Crop Insurance Act. I also support the amendment to be proposed by Congressmen JONES and MADIGAN, which is designed, among other things, to alleviate the concerns of the private insurance industry about this legislation.

This bill will expand the present Federal all-risk crop insurance program, so as to authorize its availability on all commodities in all counties in the United States and its territories.

The Federal Crop Insurance Act will

help farmers and producers to minimize their losses in case of a natural disaster. Last year, Puerto Rico faced two major natural disasters in the form of hurricanes David and Frederic. Damages to the agricultural sector alone were estimated at $53,532,285; crop damages, principally in coffee, plantains, bananas, and vegetables were estimated at $49,043,408. These figures clearly illustrate the necessity of an effective crop insurance program.

As of yesterday, about 80 percent of the private insurance industry—independent agents, exclusive agents, and mutual companies—are openly supporting this bill.

The American Insurance Association, which represents 152 of the largest property-casualty insurance companies is also urging the approval of this bill along with the amendment of Congressmen JONES and MADIGAN.

So, I urge you to vote in support of this legislation which will benefit one of the most needed sectors in our country: our farmers, and food producers.●

The CHAIRMAN. All time has expired.

Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute reported by the Committee on Agriculture now printed in the reported bill as an original bill for the purpose of amendment.

H.R. 4119

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Crop Insurance Act of 1979".

CAPITAL STOCK

SEC. 2. (a) Effective October 1, 1980, section 504(a) of the Federal Crop Insurance Act is amended by striking out "$200,000,000" and inserting in lieu thereof "$500,000,000".

(b) Section 504 of such Act is amended by adding after subsection (c) a new subsection (d) as follows:

"(d) The Secretary of the Treasury, within thirty days after the date of enactment of the Federal Crop Insurance Act of 1979, shall cancel, without consideration, receipts for payments for or on account of the stock of the Federal Crop Insurance Corporation outstanding on such date of enactment and such receipts shall cease to be liabilities of the Corporation.".

BOARD OF DIRECTORS: MEMBERSHIP AND COMPENSATION

SEC. 3. (a) Section 505(a) of the Federal Crop Insurance Act is amended by—

(1) amending the second sentence to read as follows: "The Board shall consist of the manager of the Corporation, two other persons employed in the Department of Agriculture, two persons experienced in the crop insurance business who are not otherwise employed by the Federal Government, and two active farmers who are not otherwise employed by the Federal Government."; and

(2) adding at the end thereof a new sentence as follows: "The Secretary, in appointing the two active farmers who are not employed by the Federal Government, shall ensure that such members are policyholders and are from different geographic areas of the United States, in order that diverse agricultural interests in the United States are at all times represented on the Board.".

(b) Section 505(b) of such Act is amended by striking out "three" wherever that word appears therein and inserting in lieu thereof "four".

(c) The second sentence of section 505(c) of such Act is amended to read as follows: "The Members of the Board who are not employed by the Federal Government shall be paid such compensation for their services as directors as the Secretary of Agriculture shall determine, but such compensation shall not exceed the daily equivalent of the rate currently effective for grade GS-18 pursuant to section 5332 of title 5 of the United States Code per day when actually employed and actual necessary traveling and subsistence expenses, or a per diem allowance in lieu of subsistence expenses, as authorized by section 5703 of title 5 of the United States Code for persons in Government service employed intermittently, when on the business of the Corporation away from their homes or regular places of business.".

GENERAL POWERS FOR THE CORPORATION

SEC. 4. Section 506 of the Federal Crop Insurance Act is amended by—

(1) in subsection (c), striking out "make contracts and";

(2) in subsection (d), inserting immediately before the semicolon at the end thereof ": *Provided, further,* That the Corporation may intervene in any court in any suit, action, or proceeding in which it has an interest";

(3) in subsection (f), striking out "free";

(4) in subsection (h), striking out the semicolon and inserting the following: ", and may conduct research surveys, pilot programs and investigations relating to agriculture-related risks and losses including, but not limited to, insurance on livestock poisoning and disease, destruction of bees due to the use of pesticides, and other unique problems of special risk related to, but not limited to, fruits, nuts, vegetables, aquacultural species forest industry needs including appreciation, and other agriculture products as determined by the Board: *Provided,* That no such programs may be undertaken if insurance protection against such risks is generally available from private companies. The Corporation shall report annually to Congress the results of its operations on each pilot program undertaken and shall not expand beyond the pilot program without the approval of the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry;"; and

(5) at the end of subsection (j), striking out the period and inserting in lieu thereof "; and", and adding at the end of section 506 a new subsection (k) as follows:

"(k) may enter into and carry out contracts or agreements necessary in the conduct of its business, as determined by the Board. State and local laws or rules shall not apply to contracts or agreements of the Corporation or the parties thereto to the extent that such contracts or agreements provide that such laws or rules shall not apply, or to the extent that such laws or rules are inconsistent with such contracts or agreements.".

USE OF PRIVATE INSURANCE COMPANIES

SEC. 5. Section 507 of the Federal Crop Insurance Act is amended by—

(1) amending subsection (c) to read as follows:

"(c) The Board may establish or use committees or associations of producers, or private insurance companies, or other private companies in the administration of this title and make payments to such committees, associations, or companies to cover the administrative and program expenses as determined by the Board in cooperating in carrying out this title.";

(2) adding a new subsection (f) as follows:

"(f) The Board should utilize, to the fullest extent possible, the resources, data, boards, and the committees of (1) the Soil Conservation Service, in assisting in land classification of risk, production capability and in developing acceptable conservation practices; (2) the Forest Service, in assisting the Board in the development of a timber insurance plan; (3) the Agricultural Stabilization and Conservation Service, in assisting in the determination of individual producer yields and in serving as a local contact point for farmers where the Board deems necessary; and (4) other Federal agencies in any way the Board deems necessary in carrying out this Act."

FEDERAL CROP INSURANCE, EXPANSION, AND COVERAGE

SEC. 6. Effective with respect to the 1981 and subsequent crops, section 508(a) of the Federal Crop Insurance Act is amended by—

(1) in the first sentence, striking out "Commencing with crops planted for harvest in 1948, for" and inserting in lieu thereof "For";

(2) in the second sentence, (A) inserting immediately after "tobacco," the phrase "and aquacultural species," and (B) inserting immediately before the period at the end thereof ": *Provided further,* That in the discretion of the Board, insurance against losses due to hail, lightning, or fire offered by the Corporation to the producers of agricultural commodities shall be offered only at the option of such producer and if the producer does not desire such coverage in the all-peril policy offered by the Corporation a deduction shall be made from the total premium cost of that portion of the total cost attributable to the hail, lightning, or fire coverage; however, the premium subsidy on such limited-peril policy offered by the Corporation and provided for under subsection (b) of this section for the all-peril policy shall not be reduced by reason of the exercise of such option by the producer if the producer obtains a hail, lightning, or fire policy from a private insurer";

(3) striking out the third sentence beginning with the words "In 1948 insurance", the fourth sentence beginning with the words "Beginning with crops", the sixth sentence beginning with the words "Reinsurance for private", and the ninth sentence beginning with the words "Counties selected by";

(4) in the seventh sentence by striking out "*Provided,*" and all that follows down through the period at the end of the sentence and inserting in lieu thereof "Provided, That a minimum of three levels of coverage shall be offered: (1) 50 per centum of the recorded or appraised average yield, (2) 65 per centum of the recorded or appraised average yield, and (3) 75 per centum or the recorded or appraised average yield."; and

(5) inserting immediately after the seventh sentence the following: "The Corporation shall offer other levels of yield coverage to be selected at the option of each producer and, as expeditiously as possible, offer insurance coverages to individual farmers based on the actual production history for the farm when yield data available is acceptable to the Corporation. One of the price elections offered shall approximate (but be not less than 90 per centum of) the projected market price for the commodity involved, as determined by the Board.".

PREMIUM SUBSIDY, REINSURANCE, AND SPECIFIC RISK PROTECTION

SEC. 7. Effective with respect to the 1981 and subsequent crops, section 508 of the Federal Crop Insurance Act is further amended by—

(1) amending subsection (b) to read as follows:

"(b) To fix adequate premiums for insurance at such rates as the Board deems sufficient to cover claims for losses on such insurance and to establish as expeditiously as possible a reasonable reserve against unforeseen losses. For the purpose of encouraging the broadest possible participation in the insurance program, 30 per centum of each producer's premium, as calculated by the Corporation on any coverage up to a maximum of 65 per centum of the recorded or appraised average yield, shall be paid by the Corporation. The producer's share of such premiums shall be collected at such time or times, or shall be secured in such manner, as the Board may determine. The Board may enter into agreements with any State or agency of a State pursuant to which such State or agency may pay to the Corporation additional premium subsidy to further reduce the portion of the premium paid by farmers in such State. The Board may also require that the Corporation pay additional and/or graduated premium subsidy to further reduce the portion of the premium paid by operators of small farms: *Provided*, That eligibility for classification as a small farm shall be based on the maximum potential exposure of the Corporation on all commodities eligible for insurance at a limit determined by the Board.";

(2) in subsection (c), striking out the second sentence which begins, "The Corporation shall provide,"; and

(3) striking out subsection (f) and adding new subsections (f), (g), and (h) to read as follows:

"(f) And directed, notwithstanding any other provision of this Act, to reinsure to the maximum extent practicable, upon such terms and conditions as the Board may determine to be consistent with section 508 (a) and (b) and sound reinsurance principles, insurers including private insurance companies or pools of such companies, any State or local governmental entity, including any territory or possession or political subdivision thereof, which insure producers of any agricultural commodity under a plan or plans acceptable to the Corporation.

"(g) To provide insurance or reinsurance for production of agricultural commodities in the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands in the same manner as provided under this section for producers in the several States.

"(h) To offer separate protection against specific risks including, but not limited to, prevented planting, wildlife depredation, tree damage and disease, and insect infestation, under such terms and conditions as the Corporation may determine providing adequate coverage is not available from private companies.".

DELETION OF AUTHORITY FOR ADVISORY COMMITTEES

Sec. 8. Section 515 of the Federal Crop Insurance Act is hereby repealed.

APPROPRIATIONS FOR OPERATING AND ADMINISTRATIVE EXPENSES

Sec. 9. Section 516(a) of the Federal Crop Insurance Act is amended to read as follows:

"Sec. 516. (a) There are hereby authorized to be appropriated such sums as may be necessary to cover the operating and administrative costs of the Corporation, including agents' commissions, interest on Treasury notes and other obligations, Federal premium payments, and the direct cost of loss adjusters for crop inspections and loss adjustments, which shall be allotted to the Corporation in such amounts and at such time or times as the Secretary of Agriculture may determine. Expenses in connection with the purchase, transportation, handling or sale of the agricultural commodity, agents' commissions, interest on Treasury notes and other obligations, Federal premium payments, and the direct cost of loss adjusters for crop inspections and loss adjustments may be paid from premium income and other Corporation funds, and any such expenses may be restored by appropriations in subsequent years. No more than two hundred additional permanent full-time employees, in excess of the number of full-time employees employed by the Corporation on the effective date of the Federal Crop Insurance Act of 1979, may be employed to implement the provisions of this Act, except in the case of, and only during, emergencies.".

EMERGENCY FUNDING IN CASE OF INSUFFICIENCY

Sec. 10. Effective October 1, 1980, section 516 of the Federal Crop Insurance Act is amended by adding a new subsection (c) as follows:

"(c) If at any time the moneys available to the Corporation are insufficient to enable the Corporation to discharge its responsibility of indemnifying producers for losses under this title, the Corporation shall issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury. Redemption of such notes or obligations shall be made by the Corporation from moneys available from premiums or the issuance of capital stock under section 504 of this title. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, which shall be not less than a rate determined by taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury shall purchase any notes or other obligations issued hereunder and for that purpose is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act and the purposes for which securities may be issued under that Act are extended to include any purchase of such notes or obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by the Secretary of the Treasury under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. The borrowing authority provided for in this section may be exercised by the Corporation only to such extent or in such amounts as are provided in appropriation Acts.".

REAUTHORIZATIONS REQUIRED, EFFECTIVE OCTOBER 1, 1982

Sec. 11. Section 516 of the Federal Crop Insurance Act is amended by adding at the end thereof a new subsection (d) as follows:

"(d) Notwithstanding any other provision of law, effective October 1, 1982, appropriations and borrowing from the United States Treasury authorized under this section shall not exceed such amounts as may be authorized by law after the date of enactment of the Federal Crop Insurance Act of 1979.".

AGRICULTURAL COMMODITY

Sec. 12. Section 518 of the Federal Crop Insurance Act is amended to read as follows:

"Sec. 518. 'Agricultural commodity', as used in this title, means wheat, cotton, flax, corn, dry beans, oats, barley, rye, tobacco, rice, peanuts, soybeans, sugar beets, sugar cane, tomatoes, grain sorghum, sunflowers, raisins, oranges, sweet corn, dry peas, freezing and canning peas, forage, apples, grapes, potatoes, timber and forests, citrus, and other fruits and vegetables, nuts, tame hay, aquacultural species (including, but not limited to, any species of finfish, mollusk, crustacean, or other aquatic invertebrate, amphibian, reptile, or aquatic plant, propagated or reared in a controlled or selected environment), or any other agricultural commodity, excluding livestock and stored grain, determined by the Board pursuant to subsection 508(a) of this Act, or any one or more of such commodities, as the context may indicate.".

EFFECTIVE DATE

Sec. 13. Except as otherwise provided in this Act, the provisions of this Act amending the Federal Crop Insurance Act shall become effective October 1, 1979, or the date of enactment of this Act, whichever is the later.

EXTENSION OF DISASTER PAYMENT PROGRAMS; APPLICABILITY

Sec. 14. Section 1001 of the Food and Agriculture Act of 1977 (7 U.S.C. 1309) is amended by adding at the end thereof a new subsection (c) as follows:

"(c) Notwithstanding any other provision of law, the low yield and the prevented planting disaster payment provisions for rice, upland cotton, feed grains, and wheat contained in sections 101(h)(4), 103(f)(5), 105A(b)(2), and 107A(b)(2), respectively, of the Agricultural Act of 1949, as added effective for the 1978 through 1981 crops, which are presently effective only for the 1978 and 1979 crops, shall be effective with respect to the 1980 and 1981 crops of such commodities. Notwithstanding any other provision of law, no person shall be eligible to receive low yield or prevented planting disaster payments on any such commodity for the 1981 crop year in any county in which Federal crop insurance is generally offered for that agricultural commodity prior to planting under the provisions of the Federal Crop Insurance Act as amended by the Federal Crop Insurance Act of 1979: *Provided*, That the foregoing requirement of this sentence shall not apply to any such commodity if the Secretary determines that on a national basis the protection provided under such Act for that commodity is inadequate or continuation of the disaster program for that commodity is necessary to achieve compliance with set-aside and diversion programs that may be announced for the 1981 crop of that commodity, nor shall it apply to any such commodity in any county for which the Secretary determines that the protection provided by that Act is inadequate.".

Mr. JONES of Tennessee (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

AMENDMENTS OFFERED BY MR. JONES OF TENNESSEE

Mr. JONES of Tennessee. Mr. Chairman, I offer amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. Jones of Tennessee: Page 18, strike out lines 5 through 11, and insert in lieu thereof the following:

"(c) In the administration of this title, the Board shall, to the maximum extent possible, (1) establish or use committees or associations of producers and make payments to them to cover the administrative and program expenses, as determined by the Board, of cooperating in carrying out this title, (2) contract with private insurance companies and reimburse such companies for the administrative and program expenses incurred by them, under terms and provisions consistent with those generally prevailing in the industry and respecting rates of compensation, and (3) encourage the sale of Federal crop insurance through licensed private insurance agents and brokers and give the insured the right to renew said insurance for successive terms through such agents and brokers, in which case the agent or broker shall be reasonably compensated for said sales and renewals recognizing his function to provide continuing services while the insurance is in effect. The Board shall provide such agents and brokers with indemnification, including costs and reasonable attorney fees, from the Federal Crop Insurance Corporation for errors or omissions on the part of the Corporation or its contractors for which the agent or broker is sued or held liable, except to the extent the agent or broker has caused the error or omission.".

Page 19, on line 8, strike out "(A)" and beginning on line 10, immediately after "species" strike out all through the end of line 2, page 20, and insert a semicolon in lieu thereof.

Page 21, immediately after the end of the sentence on line 13, insert the following:

"The producer may elect to have deleted from the Corporation's policy of insurance the coverage against losses caused by both hail and fire and to obtain coverage therefor from a private insurer. Upon notice of such election in writing to the Corporation and submission of evidence of such substitute coverage on the commodities insured by the Corporation in an amount not less than that provided by the Corporation's policy, the producer's premium as calculated by the Corporation shall be reduced by 25 per centum, but not to exceed the premium for the substitute coverage."

Page 21, on line 16, immediately after "coverage" insert "on the Corporation's policy of insurance".

Page 22, on line 17, immediately after "such companies," insert "and reinsurers of such companies, or" and on line 21, immediately after "the Corporation" insert, "including a test program made available, to the maximum extent possible, not later than the 1982 crop year".

Page 22, at the end of line 21, insert the following:

"In order to provide equity among producers purchasing crop insurance, whenever the Corporation provides reinsurance under this subsection to any such insurers, the Corporation shall pay a portion of each producer's premium for such insurance so reinsured. Each such payment shall cover the same per centum of the premium, and be subject to the same restrictions regarding payments of premiums for crop insurance on commodities, as provided in subsection (b) of this section for Federal partial payments of Federal crop insurance premiums. The Corporation shall also pay operating and administrative costs to insurers of policies on which the Corporation provides reinsurance to the same extent that such costs are covered by appropriated funds on the Corporation's policies of insurance. Insurers of policies on which reinsurance is provided shall make use of licensed private insurance agents and brokers on the same basis as provided for policies of the Corporation under section 507(c)(3).

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Mr. JONES of Tennessee (during the reading). Mr. Chairman I ask unanimous consent that further reading of the amendments be dispensed with and that they be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. JONES of Tennessee. Mr. Chairman, this amendment is designed to alleviate the concerns of the private insurance industry which feels its hail policies cannot compete with the subsidized Federal all-risk policy.

This amendment which has the support of the National Crop Insurance Association—the primary private crop insurance industry trade organization composed of 106 companies. Additionally, NCIA has expressed its support of H.R. 4119 if this amendment is included.

The amendment has three basic provisions:

First, to assure that private insurance agents and companies are utilized in making the program available to all farmers nationwide and that the contracts between the Federal Crop Insurance Corporation and the industry provide terms and conditions consistent with prevailing industry standards for comparable services;

Second, to provide that the FCIC enter into a test reinsurance contract with one or more private companies by the 1982 crop year and to assure all the benefits extended to holders of the Federal policy be also extended to the policyholders of private companies reinsured by FCIC; and

Third, to provide producers an option to substitute private hail and fire insurance coverage for such risk coverage in the FCIC all-risk policy with a credit of 25 percent deducted from the all-risk premium upon presentation of proof of puchase of private hail and fire coverage.

I want to point out that the first and second items are merely clarifications of the intentions of the sponsors of H.R. 4119 but the third item is a substantial change which should end the debate on whether or not H.R. 4119 will have a negative impact on the private sector and at the same time provide farmers better coverage for their premium dollars.

A number of positive impacts will be forthcoming from the adoption of this amendment. It will reduce the apprehensions of the industry that the expanded Federal crop insurance program could supplant the private hail insurance business and at the same time encourage an enthusiastic effort within the private sector to assist in marketing and servicing the policies. This, in turn, will increase farmer participation thereby making the program more successful.

Under the bill, with this amendment, the private sector could be involved in four different ways:

First. Independent agents could sell and service the Federal all-risk policy with compensation and proprietary rights negotiated;

Second. Private companies could contract with FCIC to administer the program in a given geographical area, without any risk assumption;

Third. Reinsurance or risk-sharing arrangements could be entered into between FCIC and private companies; and

Fourth. FCIC could provide catastrophic coverage or reinsurance to a private sector reinsuror which is covering the company actually delivering the program.

Mr. Chairman, I believe the adoption of H.R. 4119 with these changes will accomplish our goal of providing American farmers the opportunity to sufficiently protect themselves, with significant Federal participation, from crippling natural disasters. They would no longer have to wait hat in hand for Congress to come to their aid after a disaster strikes. Additionally, these new crop insurance programs would gradually reduce the need for the disaster loan and payment programs of USDA which have been frequently abused.

I ask each of my colleagues to support this amendment.

Mr. HAMMERSCHMIDT. Mr. Chairman, will the gentleman yield?

Mr. JONES of Tennessee. I will be glad to yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Chairman, I want to strongly support the amendment offered by the gentleman from Tennessee (Mr. JONES).

Mr. Chairman, I appreciate the distinguished chairman of the subcommittee, Mr. JONES of Tennessee, for yielding and congratulate him for offering an important amendment. I strongly support it. I also appreciate the support and initiative of our ranking minority subcommittee member, Mr. MADIGAN.

Passage of H.R. 4119 with this amendment is an important step toward the consolidation of cost-free disaster payment programs and the crop insurance program. Other legislative attempts to accomplish this objective have generally delegated too much authority to the Federal Government's crop insurance program and were unacceptable to the Chamber and the private crop insurance industry.

The Jones-Madigan amendment includes three important features. First, it provides producers the option of buying their hail insurance from private firms rather than from the Federal Crop Insurance Corporation (FCIC). The option gives producers a flat credit of 25 percent of the FCIC multiperil policy premium to finance the purchase.

Second, it would enable private insurance firms to write multiperil insurance by way of FCIC reinsurance benefits for all-risk policies. It would also require test programs to insure implementation of this authorization in a minimum of 10 States by crop year 1982.

Third, it amends H.R. 4119 to insure that complementarity between Federal and private contracts is preserved by requiring that FCIC contracts with private insurors provide terms and conditions compatible with existing industry standards for similar services.

With these three provisions of the Jones-Madigan amendment, H.R. 4119 would expand the scope of service by the private insurance industry. It would serve to enhance and protect the proprietary rights of private agents and improve the terms of their commissions. And it would continue to give the producers a choice—an alternative to the all-risk Government-supported crop insurance program.

Again, I support the amendment and if adopted I plan to support the bill.

Mr. HUCKABY. Mr. Chairman, will the gentleman yield?

Mr. JONES of Tennessee. I will be glad to yield to the gentleman from Louisiana.

Mr. HUCKABY. I thank the gentleman for yielding. I wonder if the gentleman from Tennessee could explain how his amendment will impact upon a tree farmer. If he elected to take hail and fire insurance from the private sector rather than through the Federal Crop Insurance Corporation, would he receive that same 25-percent subsidy?

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. Huckaby, and by unanimous consent, Mr. Jones of Tennessee was allowed to proceed for 2 additional minutes.)

Mr. JONES of Tennessee. I would like to explain that it would provide no different treatment for tree farming than on any other commodity.

Mr. HUCKABY. If the gentleman would yield further, would he receive the same subsidy if he elected to participate from the private sector as well as from the Federal Crop Insurance Corporation?

Mr. JONES of Tennessee. Yes, he would.

Mr. HUCKABY. I thank the gentleman. I have no further questions.

Mr. ROSENTHAL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, ordinarily I would hesitate to speak on a bill of this type, but I do have a problem with this bill. This is the program that gives Federal protections for problems of local distress. In 1979 under the ASCS disaster program, individuals in the State of Texas received $136,388,000 or 45.6 percent of the Federal distribution for this program. New York State received one-tenth of 1 percent of the Federal moneys available for this program. I wonder if anybody would want to explain the discrepancy or the disparity.

Mr. HANCE. Mr. Chairman, will the gentleman yield?

Mr. ROSENTHAL. I yield to the gentleman from Texas.

Mr. HANCE. I thank the gentleman for yielding. I would be more than happy to explain. The difference would be that in the Texas area you have major thunderstorms that come out of the Rocky Mountain areas, and we are subject to having major hail and thunderstorms that just completely wipe out crops.

Mr. ROSENTHAL. In other words, they are natural disasters?

Mr. HANCE. That is right.

Mr. ROSENTHAL. Peculiar to Texas?

Mr. HANCE. In that area, and I think we will also see a higher proportionate share in the Great Plains States, going from Texas all the way to North Dakota, because they are subject to having more severe thunderstorms than, say, the State of New York.

Mr. ROSENTHAL. I am trying very hard to understand that. The problem that occurs is that when the House considered the targeted fiscal assistance bill which was aimed at local distress similar to this, unemployment being a local phenomenon that occurred in some parts of the country and did not occur in other parts of the country, the gentlewoman from Maine (Mrs. Snowe) offered an amendment to put a 12.5-percent cap. In other words, regardless of the amount of unemployment had in New York or in California, no matter how many people are unemployed, there was a limit to the resources that the Federal Government had which could be used to alleviate that problem, and my distinguished colleague, the gentleman from Texas, voted for that amendment in effect saying that regardless of whatever the situation was there is a limit to what any State can recover. I have been thinking of an amendment to say that no State can receive more than 12.5 percent of these funds.

Does my colleague, the gentleman from Texas, see some justification for the situation?

Mr. HANCE. If the gentleman will yield, I can certainly see the justification and see the gentleman's point. I think also when we look back to the problems New York City has had, we can see some of the support they have had from some of the Members from Texas. I do understand there are many regional problems that come up from time to time.

Mr. ROSENTHAL. My problem is that a majority of the Texas delegation voted for the Snowe amendment—not my distinguished chairman, the gentleman from Texas (Mr. Brooks) but a majority of the Texas delegation did not seem to empathize with or possibly comprehend that disasters can be not only natural in terms of wind and storm and sleet and rain and snow, but there are the same kinds of inherent disasters that occur in unemployment. Why anybody would want to vote to put a cap on Federal resources if the problem is there, that is what I do not understand. I am still wondering whether I ought to offer this amendment putting a 12.5-percent cap on this thing. Why should Texas get 45 percent of these funds?

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. ROSENTHAL. I will be happy to yield to the gentleman from California.

Mr. PANETTA. I thank the gentleman for yielding. I think my friend has made an excellent point that relates to the program, that, hopefully, we are trying to reform with this bill that is before the House, the crop insurance program. Under the disaster assistance program as it stands today, there is no question that disaster assistance was targeted at some areas of the country. Weather being one of the problems, but also the fact that farmers were growing crops on marginal land and have continued to do that. One of the purposes of this bill is to make sure that farmers who want this coverage have to pay a premium for that kind of assistance regardless of crop or area. It will include farmers in New York as well as in Texas, on a very equal basis. I understand the point made by the gentleman. Hopefully this legislation will correct it.

Mr. ROSENTHAL. I thank the distinguished chairman of the subcommittee; the gentleman from Tennessee has done a fine job, and I think the House ought to look seriously upon this legislation. But I do have this fundamental problem of how can anyone who thinks about these things in national terms ask the rest of the country to assume responsibility for what may well be a local situation, and obviously this is a very localized situation.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. Rosenthal was allowed to proceed for 5 additional minutes.)

Mr. ROSENTHAL. If half of this money is going to Texas, it may well be that the State of Texas ought to be dealing with this situation, because if they are getting half of the money involved, it really is not a national program.

☐ 1150

Mr. GLICKMAN. Mr. Chairman, would my colleague yield?

Mr. ROSENTHAL. I would be happy to yield.

Mr. GLICKMAN. In the first place, I think the gentleman is entirely right. I opposed the Snowe amendment. I thought it was an irresponsible amendment. There were many members on the Committee on Agriculture who did not support that amendment. I think that point needs to be made clear.

Second, the point of the gentleman from California is the one most telling to the gentleman from New York. We are converting this program in some degree to a truly national program where the insurance will be offered for all sorts of crops that it is not being offered for now.

Mr. ROSENTHAL. Do you think it would be prudent and wise for someone like me, who was offended by the Snowe amendment, to offer an amendment saying that no State can receive more than 12.5 percent?

Mr. GLICKMAN. Mr. Chairman, the gentleman may do what he wants to do.

Mr. ROSENTHAL. I ask the gentleman's advice. Does he think that is a good idea?

Mr. GLICKMAN. I do not think it is a good idea, Mr. Chairman.

Mr. ROSENTHAL. Why does the gentleman not think it is a good idea?

Mr. GLICKMAN. Because I think you target where the problem is and that is why I opposed the Snowe amendment, because I thought that was an inappropriate amendment in that case and I think the gentleman's amendment would be inappropriate in this case.

Mr. ROSENTHAL. Would the gentleman have an opportunity to talk to our distinguished colleague from Texas (Mr. Hance) between now and the time the conference committee report comes back? Perhaps the gentleman could be sufficiently persuasive.

Mr. GLICKMAN. The gentleman from Texas is one of the finest Members of this House; we talk all the time, and I would be glad to talk with him about this issue.

Mr. ROSENTHAL. Mr. Chairman, I do have this problem where the majority of the Texas delegation voted for putting the cap on a program that would aid a local problem, a serious, critical, local problem in some parts of the country. It seems like a totally illogical position not to support an amendment in this bill which I may or may not offer, depending on how the debate flows.

Mr. JONES of Tennessee. Will the gentleman yield?

Mr. ROSENTHAL. I will be happy to yield to the distinguished gentleman from Tennessee.

Mr. JONES of Tennessee. I thank the gentleman very much.

Mr. Chairman, I will take but a small amount of time. I think the gentleman has really made a good point. I support exactly what the gentleman says. We are trying to clean up the problem the gentleman is referring to. If we get this all-crop Federal insurance program, everyone in every State of the Union will be treated alike.

Mr. ROSENTHAL. I am impressed by the remarks of the gentleman. The gentleman from Tennessee voted in opposition to the Snowe amendment which carries a considerable amount of weight because it shows the gentleman was perceptive as to the national responsibility and, in view of this fact, I think I, myself, will refrain from offering the amendment. I do hope that some of my colleagues will think of the broad brush national responsibility in the future when we consider bills such as targeted fiscal assistance.

Mr. Chairman, I yield back the balance of my time.

Mr. DASCHLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment before us today, the Jones-Madigan amendments to H.R. 4119, the Federal Crop Insurance Act of 1979.

I first of all want to commend the chairman of the House Agriculture Subcommittee on Conservation and Credit, Mr. JONES, and the ranking member Mr. MADIGAN, for the leadership they have shown in bringing this bill before this body today. Both Mr. JONES and Mr. MADIGAN have been in the forefront during consideration of legislation affecting our Nation's farmers and ranchers, for which they are to be commended.

In my opinion, Mr. Chairman, the Jones-Madigan amendments would seek to strengthen the Federal Crop Insurance Act of 1979 and provide the best possible all risk nationwide crop insurance program possible for both producers and the insurance industry alike.

These amendments make it perfectly clear to the Federal Crop Insurance Corporation (FCIC) that the Congress is serious about the private insurance industry's participation in the Federal crop insurance program. If this is to succeed in cooperation with private industry, the ability of reinsurance by the FCIC with private industry must be actively pursued.

Second, Mr. Chairman, these amendments seek to guarantee that the private insurance industry is utilized to the maximum extent possible to delivering and servicing this nationwide policy. The legislation's limit of 200 new employees makes this cooperation essential. Without it, the program is certain to be doomed to disaster.

Finally, the Jones-Madigan amendments provide for 25 percent credit on FCIC policies for those producers, who take the option of purchasing private hail and fire coverages.

Mr. Chairman, I voted in the Agriculture Committee to report this bill to the full House. I did so with some reluctance, a reluctance that I know is shared by many in this body who are charged with the responsibility of representing the farmers and ranchers throughout the Nation.

There are many who have questions regarding the ability of a nationwide all risk Federally administered insurance program to meet the coverage needs of farmers and ranchers. The feeling is that the disaster payment program has met these needs, and an extension past the 1980 expiration date would be sufficient.

However, Mr. Chairman, the inevitable must be recognized. The support for an extension of the disaster payment program is not there. Unless we plan on letting the Nation's farmers and ranchers without any crop protection against weather perils, we must act to adopt the most practical and complete Federal all-risk insurance policy.

I am convinced that with the disaster payment extension into the 1981 crop year, and the provisions provided in the Jones-Madigan amendment we have the best package possible. We will have a chance to see this program in operation, and examine the ability of the FCIC to administer this program, and make our decisions in the future on the fine-tuning which may be necessary to make this program a viable program to protect farmers and ranchers.

It is for that reason that I uge the adoption of the Jones-Madigan amendments.

Mr. MADIGAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. Mr. Chairman, I want to associate myself with the remarks of the distinguished chairman of the subcommittee (Mr. JONES of Tennessee). The gentleman has offered this amendment in order to clarify some of the provisions regarding the utilization of the private sector and to insure that the Federal all-risk insurance policy would not unfairly compete with the private hail and fire companies.

This amendment has the support of the National Crop Insurance Association, an organization consisting of 106 insurance companies nationwide. It has the support of the American Insurance Association, the United States Chamber of Commerce, the American Bankers Association, the Professional Insurance Agents of America, the National Farmers Union, and the National Grange, to name only a few of the organizations supporting this amendment.

As the gentleman from Tennessee (Mr. JONES) has explained, the amendment would alleviate the concerns of the private insurance industry which feels that its hail and fire insurance policies cannot compete with the subsidized Federal all-risk policy and that the Federal program will drive them out of business.

Furthermore, Mr. Chairman, the amendment will assure the success of the expanded Federal program by encouraging private insurance companies to assist in marketing and servicing the Federal policies. This will insure farmer participation and accomplish the overall objective of protecting American farmers from crippling natural disasters without having to wait hat in hand for Congress to aid them after a disaster strikes.

I urge my colleagues to support this amendment. I yield back the balance of my time.

Mr. COLEMAN. Mr. Chairman, I move to strike the requisite number of words and will speak in support of the Jones-Madigan amendment.

Mr. Chairman, I rise to support the Jones-Madigan amendment because I think it provides the flexibility which many of us were concerned with under this proposed program.

Mr. Chairman, in subcommittee I offered an amendment to totally exclude hail and fire insurance from the program. That was defeated. The gentleman from Iowa (Mr. GRASSLEY) offered a similar amendment in committee which was also defeated. We now have the opportunity to finally have some of our colleagues join with us and agree on the wisdom of our earlier thinking to allow participation by the private insurance companies who are writing over $300 million in premiums a year in the hail and fire insurance business.

Mr. Chairman, I would like to ask the subcommittee chairman (Mr. JONES of Tennessee) a question.

When I offered the amendment to exclude hail and fire insurance from the program originally, in subcommittee, as I recall the manager of the Federal Crop Insurance Corporation was present. He said there would be a serious administrative problem dealing with an exclusion of fire and hail because loss adjustments are usually made after harvest based upon different hazards and they are difficult to apportion.

I wonder how the gentleman's amendment would be any different from mine to that extent and is that difficulty still present in apportioning the amount of loss under the terms of the gentleman's amendment.

Mr. JONES of Tennessee. Will the gentleman yield?

Mr. COLEMAN. I yield to the gentleman from Tennessee.

Mr. JONES of Tennessee. Mr. Chairman, under this provision—I believe I am right, now, in that they would be required in this instance to buy the hail insurance from private companies.

Mr. COLEMAN. The gentleman is correct, but I would imagine the same objection that was made with my amendment would lie with the gentleman's amendment, that they could not apportion the loss between the two. I assume the private insurance company would have to pay the loss for fire and hail and the Government program would pay for droughts, flood, or whatever it might be. How would the gentleman apportion that?

Mr. JONES of Tennessee. If the gentleman will yield, Mr. Chairman, after we held additional hearings out in the field, we concluded that we were going ahead with this provision anyway. I have not told the gentleman, and I have not said that the administration does support our provision here. We are fighting for what we think is right. We just gave up on some other provisions that we held in subcommittee and went ahead and wrote the amendment.

Mr. COLEMAN. Mr. Chairman, is the subcommittee chairman saying we are kind of flexing our independence here today?

Mr. JONES of Tennessee. The gentleman is correct.

Mr. COLEMAN. I am glad to hear this. I compliment the chairman of the subcommittee because I think it is important that Congress do exercise its independence, that we can get advice from the executive branch, the administrative arm, but it is those of us in Congress, the elected officials, who should be setting the policy. I congratulate my chairman for seeing the wisdom of that and I hope that the administration is also listening and when they administer this program that they will not administer what we think is the proper philosophy out of existence.

□ 1200

I might also ask my friend, the gentleman from Illinois, for the gentleman's information, the gentleman from Tennessee (Mr. JONES) was earlier asked whether or not he would fight for this provision in conference, the gentleman's own amendment, the Jones-Madigan amendment.

I would like to ask my friend, the gentleman from Illinois, if the gentleman, too, would fight very strongly for keeping the Jones-Madigan amendment before us now if it is adopted in conference.

Mr. MADIGAN. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN. I yield to the gentleman from Illinois.

Mr. MADIGAN. Mr. Chairman, I would say to the gentleman from Missouri, that if this provision for any reason were not in the conference report, that I would not sign the conference report and I would actively work against the adoption of the conference report here in the House Chamber.

Mr. COLEMAN. Well, that is very good news to hear.

Mr. JONES of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN. I yield to my chairman.

Mr. JONES of Tennessee. Mr. Chairman, I believe the gentleman said that I was asked if I would fight for it in conference. I think I volunteered that information and said that I would fight for it in conference, with no changes whatsoever.

Mr. COLEMAN. I hope that is true.

Mr. JONES of Tennessee. I assure the gentleman that when I can be with the administration, I support the administration, but I expect them also to be able to give, too. My record, I believe, will show that.

Mr. COLEMAN. Mr. Chairman, I thank the gentleman.

Mr. BEDELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first of all, I want to express both my admiration and support for the way the chairman of our subcommittee and the ranking minority member have worked on this legislation. There are some disagreements. I happen to disagree with some of the things that are in the bill and the reason this bill has been written as it is; but I think it is important that the Congress understand what we are doing with this amendment and what we are doing with the legislation. At this time, Federal crop insurance is subsidized to the extent that the taxpayers pay for the administrative selling and settlement costs of the program. That runs something like 20 percent of the premium costs. It is supposed to break even in terms of the payments that are made, in terms of the premiums, and the payments that are made out in terms of losses.

This bill as it was originally written would have subsidized that premium for another 30 percent, and would have said there would be a 50-percent subsidy.

What this amendment in effect says is that 50-percent subsidy will also be offered to private insurance companies who wish to offer all-risk crop insurance. I have great concern over moving in that direction. Indeed, if we are going to subsidize Federal crop insurance sold by private insurance companies for 50 percent of the total cost, my concern is, where are we headed in terms of other insurance needs in our society?

I would at least hope that the Members of Congress would look at this problem as they look at this legislation.

Mr. MADIGAN. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I would be glad to yield to the gentleman from Illinois.

Mr. MADIGAN. Mr. Chairman, I thank the gentleman for yielding.

At the outset I want to express my gratitude to the gentleman for his kind remarks about the gentleman from Tennessee and the gentleman from Illinois.

I understand the concern that the gentleman has, but it seems to me that there are two alternatives here and that is to continue the program that we presently have or to do something about it in whatever way can be found that is politically feasible. That is the ambition of the gentleman from Tennessee and the gentleman from Illinois, to find a politically feasible solution to the dilemma that we have with the Federal disaster program.

The Congressional Budget Office tells us as recently as yesterday that the cost of the Jones-Madigan bill will be $106 million less than the cost of the present disaster program and the cost of the present crop insurance program put together; so what we are proposing to do is to save $106 million of the taxpayers' money, something that I would hope no one would object to, and then in addition to that respond to the concerns voiced by the gentleman from New York earlier, where the gentleman made it very clear to all of us that the gentleman understood this is a program for a relatively few handful of farmers and a relatively few number of States. We are trying to take these millions of dollars that are being spent of the taxpayers' funds and make the program available to all of the agricultural producers in the United States and not just a few in a few selected States.

I think those are the alternatives that are available to the Committee of the Whole this morning. I would hope that the gentleman from Iowa recognizing that either he has to continue the existing programs or adopt these changes will opt to adopt the changes.

I thank the gentleman for yielding.

Mr. BEDELL. Mr. Chairman, if I may reclaim some of my time, I appreciate the gentleman's statements. I understand the gentleman's feelings. I think there is legitimacy to the people who feel that way.

You see, first of all, in regard to the figures, as the gentleman well knows, these are very debatable. The Department of Agriculture says that the cost will be $572 million. The figures that are given by the Budget Office include nothing for inflation. There are a number of questions in regard to this matter.

I think for us to argue whether it would be less expensive or more expensive is probably not too productive, because at least it is debatable; however, at least in the opinion of the gentleman from Iowa, if indeed the disaster payment is a problem, and I agree that it is, then I may be more optimistic than some of the other members of the committee, as to our ability to correct those problems.

The CHAIRMAN. The time of the gentleman from Iowa (Mr. BEDELL) has expired.

(By unanimous consent, Mr. BEDELL was allowed to proceed for 2 additional minutes.)

Mr. BEDELL. Mr. Chairman, it would seem to me that if that is the case, then the proper legislative thing to be done for those of us who really have confidence in our legislative process would be to say that we are going to extend that program and try to do what we can to correct that program, rather than to say the only political thing we can do is to add this sizable additional expense to the Federal budget in another area, believing that that part can then replace the disaster program.

I appreciate the gentleman's efforts. I know the gentleman is extremely sincere. I think it is only proper, however, for those of us who feel differently, to express those views here on the floor of the House.

Mr. MYERS of Indiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment.

It is very necessary, I understand, possibly for the passage of the bill; but most importantly, it certainly improves the bill and makes it acceptable to a great many of us.

I do have some concern, however, about exactly what is in the bill. I find I am not really clear about what the intent is of the legislation as far as covering some areas of agriculture which do not now qualify for Federal crop insurance or private insurance carriers.

I represent several hundred farmers who farm thousands of acres that are so frequently flooded that they are not eligible even for Federal crop insurance and really, it is a bad risk. They are flooded out almost every year. They are unable to get any relief from Congress in getting flood control, I am sorry to report; but is there anything in this now through the reinsurance program and so forth that would provide that these farmers could qualify for this insurance?

It is all risk insurance, but is it all farmer insurance?

I yield to the chairman, the gentleman from Tennessee.

Mr. JONES of Tennessee. Mr. Chairman, I thank my good friend, the gentleman from Indiana, for yielding.

I would say to the gentleman that that is what this is all about. There are only under the present FCIC laws approximately 20 crops that are insurable in about 1,500 counties in the United States, which is one-half of our counties.

□ 1210

This provision will allow an all-insurance, all-crop program no matter where it is in the United States, and it is the ultimate goal of the Federal Crop Insurance Corporation to insure all major crops or at least to offer insurance for all major crops, no matter what county or what location they are in, in the country. That is the reason we have three steps of insurability that we have included in the bill, so they can insure in the 65-percent area, which is the approximate cost of production, or they can go even higher.

Mr. MYERS of Indiana. Mr. Chairman, I would point out that I have a great many farmers that would have qualified 10 years ago for this Federal all-crop insurance, but in recent years the flooding has become much more prevalent. If in about 3 years they are flooded out, would these farmers qualify for coverage?

Mr. JONES of Tennessee. Yes; they would.

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from Iowa.

Mr. BEDELL. Mr. Chairman, if I may have the attention of the subcommittee chairman, let me ask, is it not correct that whether or not it is extended to cover additional farmers, it is not required by the passage of this legislation, because the Federal Crop Insurance Corporation has that freedom even today if it would see fit to do so?

I understand what this legislation does is simply to add to the subsidies that they would have so farmers would be able to buy insurance at a lower rate.

Mr. MYERS of Indiana. Mr. Chairman, Federal Crop Insurance did formerly cover these farmers, but because of frequent losses they have excluded certain sections or counties in Indiana and Illinois from coverage.

I am asking now, will they be required to come back and provide coverage for farmers in these areas of extensive losses? The subcommittee chairman said yes, they will be.

Mr. BEDELL. Mr. Chairman, I will ask, does the subcommittee chairman say that they will be required to cover those areas of extensive losses?

Mr. JONES of Tennessee. Mr. Chairman, if the gentleman from Indiana will yield further, the subcomitttee chairman did not say they would be required. He said that it is the intent of the FCIC that they shall be offered insurance and that they shall be covered.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from California.

Mr. PANETTA. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman for yielding.

Mr. Chairman, I think the gentleman from Illinois (Mr. MADIGAN) has responded equally well to the problem. This is an insurance program that will be available to farmers on a voluntary basis.

Originally various crops and various areas are going to be determined separately, depending on the conditions, depending on weather conditions, and the records that are involved with each of these crops. So to be very frank with the gentleman in the well, it is likely that if these farmers have been flooded out in the last few years, the premiums are going to be high with regard to the insurance that could be made available. But indeed if the farmers in those areas are willing to pay those premiums, they could have coverage under this legislation on a voluntary basis.

Mr. MADIGAN. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from Illinois.

Mr. MADIGAN. Mr. Chairman, there are a couple of points that need to be made concerning the provisions of this bill.

By virtue of the fact that this bill will allow the Federal Crop Insurance Corporation to have a broader insurance base than that which they presently have, they will be able, as a result of writing more kinds of insurance in more counties all across the United States, to take a look at those kinds of risks they have been turning their back on. They will have more income being produced and more people being insured, and they may very well be able to go back to an area like that which the gentleman from Indiana (Mr. MYERS) mentioned in Indiana and parts of Illinois and say, "Well, we will cover some of these things that we have not covered before."

The CHAIRMAN. The time of the gentleman from Indiana (Mr. MYERS) has expired.

(On request of Mr. MADIGAN, and by unanimous consent, Mr. MYERS of Indiana was allowed to proceed for 3 additional minutes.)

Mr. MADIGAN, Mr. Chairman, they will be able to do that because they will have a broader basis upon which they can operate, a broader actuarial basis.

Furthermore, the point the gentleman from California (Mr. PANETTA) made needs to be stressed here. If they do go back by virtue of the broader base that they will have through this bill and write insurance in the area with which the gentleman is concerned, he should not be given the impression that this is going to be cheap insurance. It is going to be insurance based upon some actuarial understanding of what is going on there, and it would be more expensive than insurance for an adjacent dryland farmer who has not been flooded out. There would be a difference in the premiums, and that difference would be based upon what actually has been going on.

Mr. MYERS of Indiana. Mr. Chairman, I thank the gentleman for his comments.

I think most farmers are business people and they realize that they get what they pay for. They are not really objecting to paying a fair premium, but the fact is that they are not insurable now. I have in my district many areas of flat land and bottom land where there has been flooding. Federal Crop Insurance and private companies will take part of the risk and leave part of it out. It is like insuring a house and insuring all of it except the furnace room.

Mr. MADIGAN. Mr. Chairman, if the gentleman will yield further, I understand what the gentleman is saying.

In the township where I live in Logan County, Ill., there are farmers who are farming in more than one section and who can buy crop insurance in one place but cannot buy crop insurance across the road.

I have complained to the Federal Crop Insurance Corporation about that, and they say that the income they have is just so small that they cannot afford to expose themselves to the kind of things to which they could be exposed if they had more income and were in a position to be able to take on more risk.

So I would hope that through the passage of this bill some of the farmers in my home county who are not now able to buy crop insurance will be able to do that and that some of the gentleman's farmers will be able to buy flood insurance. But they are going to pay for it, and they are going to pay a premium that has a relationship to what historically has been going on.

Mr. MYERS of Indiana. Mr. Chairman, I am still concerned about the response I have had to my questions. They are permitted to do that now, and they have been permitted to do it in the past. How will that be changed with the passage of this legislation?

Mr. MADIGAN, Mr. Chairman, if the gentleman will yield, perhaps I am not making my point well.

The Federal Crop Insurance Corporation cannot afford to expose itself to major losses because they are not writing insurance on any but a few crops. and they are writing insurance only in 1,500 agricultural counties in the country. So they do not have the kind of base of income upon which they can make judgments to expose themselves to heavy risk. If they did that, they would be out of business.

If they are allowed to go into all the counties of the country, as we propose to let them do, and write insurance on all the crops that are being produced in the country, then they will have a broad base of premium income and they can look at some of the more difficult risks they have had to turn away from.

Mr. MYERS of Indiana. Mr. Chairman, I thank the gentleman for his comment.

Mr. BALDUS. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendments.

Mr. Chairman, in rising in support of the amendment, I would say that I think the idea of having private insurance companies underwrite insurance contractually, if possible, was an understanding that both of the offerors of this amendment had, and certainly that was the understanding that I had of the bill without the amendment.

I understood, as well, the fact that private insurance salesmen would be allowed participation in selling crop insurance. That was the understanding I had, and I believe that was the intention of the authors of the amendment.

Legitimately, the question of hail and crop insurance was a problem, and I can understand how that problem came about. I think that the gentlemen have found a good solution to that problem. It is an equitable solution.

Mr. Chairman, I want to commend the gentleman from Tennessee (Mr. JONES) and the gentleman from Illinois (Mr. MADIGAN) for their work. I think this amendment is absolutely crucial to the bill, and that as the bill becomes law and as we get experience with it, it will prove to be very useful.

Mr. GRASSLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to have the attention of the gentleman from Tennessee (Mr. JONES) in regard to how much interest there might be in my State, where people have a year like the one they had 2 years ago when there was a large section of the State that was hurt by drought. I would like to know how much interest there might be in an all-risk program in my State.

I understand that the premium, for instance, will be about $8 to $9 an acre for a Federal all-risk policy for coverage recovery, and yet hail insurance probably in my State for 100-percent coverage would be about one-half to two-thirds of that.

Why would the farmers in my State want to pay $8 to $9 an acre for the Federal all-risk coverage, even assuming that they might get the 25 percent or $2 reduction in that premium, for the purchase of private hail insurance when the principal risk for the farmers in my State is in fact hail?

And then the bottom line of my question is this: What is it going to do for the farmers in my State when they can get most of their coverage, all-risk coverage, by buying 100-percent hail coverage?

Mr. JONES of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. GRASSLEY. I yield to the gentleman from Tennessee.

Mr. JONES of Tennessee. Mr. Chairman, I would say to the gentleman from Iowa (Mr. GRASSLEY) that in his case the farmers would not need the insurance to the extent that they would pay this premium rate that it would cost them to buy the insurance.

Mr. GRASSLEY. Then, Mr. Chairman, in fact, if they did want to purchase the Federal policy as well, they would be paying about $6 an acre for the all-risk insurance, if they get their premium reduction for that private hail insurance that they would buy?

Mr. JONES of Tennessee. Mr. Chairman, in that case they would probably not participate.

Mr. GRASSLEY. Mr. Chairman, I have one other point.

When this matter was up in the committee, there was a similar discussion on the amendment to the one I had with the gentleman from Missouri (Mr. COLEMAN). When we talked about excluding hail insurance or giving the option to the farmer for the alternative to purchase hail insurance privately, the FCIC argued at that point that the reduction in cost for the Federal policy, if it could be determined, was just a few cents. We have now come out with a provision in the Jones amendment that provides up to a 25-percent reduction in the Federal premium as a result of purchasing his hail insurance coverage from a private insuror.

□ 1220

How was the administration or FCIC officials able to determine—as I understand they did—that a 25-percent reduction in the Federal insurance premium could be given if a farmer obtained hail coverage from a private insuror? Why was it they could only find a few cents difference at the time I offered my amendment?

Mr. JONES of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. GRASSLEY. I yield to the gentleman from Tennessee.

Mr. JONES of Tennessee. Mr. Chairman, I will advise the gentleman from Iowa (Mr. GRASSLEY) that I believe that it says up to 25 percent.

Mr. GRASSLEY. Up to 25 percent?

Mr. JONES of Tennessee. Yes.

Mr. GRASSLEY. Then what the gentleman is saying is that it is possible for this subsidy to be just a few cents for each farmer?

Mr. JONES of Tennessee. If the gentleman will yield further, I am advised by counsel that it says up to 25 percent but not to exceed the cost.

Mr. GRASSLEY. Up to 25 percent but not to exceed the cost?

Mr. JONES of Tennessee. Yes.

Mr. GRASSLEY. So that it could be, in the final analysis, then, that this option is going to be just a few cents for each farmer?

Mr. JONES of Tennessee. Correct. I am advised that that is correct.

Mr. GRASSLEY. Secondly, they said one of the problems that we could not go this route was because of claims adjustment problems that they had; for instance, we will say that a person would initially have gotten hurt by hail, and then there would be an adjustment for that. Then a subsequent disaster would come along and they would be collecting from the Federal portion of the all-risk insurance. Then FCIC argued that they would not be able to make those adjustments.

I assume now, since the administration is supporting this bill, that they have those problems worked out now since last summer when they raised these objections in the full committee.

Mr. JONES of Tennessee. If the gentleman will yield further, I have not really asked the administration if they are supporting the bill or not, at least all aspects of it, and neither have I been advised that they are. As I explained earlier, the gentleman from Illinois (Mr. MADIGAN) and I went out into the area of the country and held some hearings. We came back with this decision ourselves to the subcommittee to try to write the bill as it is today.

Mr. GRASSLEY. I thank the chairman.

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. GRASSLEY. I yield to the gentleman from Iowa.

Mr. BEDELL. Mr. Chairman, I think there is a misunderstanding.

The gentleman thought that in the subsidy for hail insurance it might be just a few pennies.

Mr. GRASSLEY. This is what they told us last July.

The CHAIRMAN. The time of the gentleman from Iowa (Mr. GRASSLEY) has expired.

(By unanimous consent, Mr. GRASSLEY was allowed to proceed for 1 additional minute.)

Mr. GRASSLEY. Mr. Chairman, the FCIC did say, in discussion on a similar amendment last July, that, first of all, it was very difficult to determine exactly what credit they could give for hail coverage purchased privately and it probably would not be much to be concerned about because it might be just a few cents. And then, I see, in the meantime they worked it out that evidently they can determine what this credit can be, and the legislation allows up to 25 percent. Now the gentleman from Tennessee tells me that that is a maximum or it could be just a few cents' subsidy.

Mr. BEDELL. If the gentleman will yield further, I disagree with that. Maybe the gentleman from Tennessee would like to correct it.

My understanding is that it is either the cost of the private insurance or 25 percent, whichever is the lesser; is that correct?

Mr. JONES of Tennessee. If the gentleman will yield, I mean to say—and I think I did—it is not to exceed the cost of the private insurance.

The CHAIRMAN. The time of the gentleman from Iowa (Mr. GRASSLEY) has again expired.

(On request of Mr. BEDELL and by unanimous consent, Mr. GRASSLEY was allowed to proceed for 1 additional minute.)

Mr. BEDELL. If the gentleman will yield further, the only way it would be a few cents is if the cost of private hail insurance was just a few cents. I think the gentleman realizes the cost of private hail insurance is not going to be just a few cents. The cost will either be the cost of the private hail insurance or the 25 percent, whichever is the lesser of those two figures.

Mr. GRASSLEY. I want to thank the gentleman from Iowa for clearing that up. If that is what the gentleman from Tennessee did tell me formerly, I apologize for my misunderstanding.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Tennessee (Mr. Jones).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. JONES OF TENNESSEE

Mr. JONES of Tennessee. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Jones of Tennessee: Page 27: Beginning on line 14 strike out all through page 28, line 13, and insert in lieu thereof the following:
>
> "(c) Notwithstanding any other provision of law, the low yield and the prevented planting disaster payment provisions for rice, upland cotton, feed grains, and wheat contained in sections 101(b)(4), 103(f)(5), 105A(b)(2), and 107A(b)(2), respectively, of the Agricultural Act of 1949, which are presently effective only for the 1978 and 1979 crops, shall be effective as well with respect to the 1980 and 1981 crops of such commodities. Notwithstanding any other provision of law, producers on a farm shall not be eligible to receive low yield or prevented planting disaster payments on any such commodity for the 1981 crop year if the producers elect to cover their acreage of such commodity with crop insurance, part of the premiums for which is paid by the Federal Crop Insurance Corporation under the provisions of section 508(b) or 508(e) of the Federal Crop Insurance Act."

Mr. JONES of Tennessee (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. JONES of Tennessee. Mr. Chairman, this amendment would change the bill to guarantee the availability of disaster payments to producers of wheat, cotton, corn, and feed grains for the 1981 crop year. The disaster payments program was extended in the 1977 farm bill for 2 years. It was anticipated that by then we would have this new crop insurance program in place. But things always move more slowly than we expect, so now everyone would feel more comfortable knowing that disaster payments will be available through 1981.

H.R. 4119, as reported by the committee, provides for disaster payments in 1980 but would limit availability in 1981 to counties where crop insurance is not available. The amendment would make the disaster payments program generally available in 1981 and prohibits double dipping in both programs. It is strongly supported by wheat and cotton producers and I ask my colleagues to vote for it.

Mr. BOWEN. Mr. Chairman, will the gentleman yield?

Mr. JONES of Tennessee. I yield to the gentleman from Mississippi.

Mr. BOWEN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Tennessee, the distinguished chairman of the Agriculture Subcommittee on Conservation and Credit. My good friend and colleague, Ed Jones, is to be commended for his wise and patient handling of this important legislation. With strengthening amendments such as this one, H.R. 4119 should prove acceptable to all concerned—including both the American farmer and our domestic insurance policy.

I know that producers in my area of the country and elsewhere support this amendment, which conforms to language already approved by the Senate. Its adoption here would simply mean that, in addition to an extension of the present disaster program for this year, growers of cotton, rice, wheat, and feed grains could choose in crop year 1981 between the benefits of the old disaster protection and expanded coverage under the new Federal crop insurance plan.

In view of USDA estimates and also the Canadian experience, which point up the need for a broader-based participation than is now likely, I believe that some additional time is required before the new program can be fully developed and implemented. What this amendment insures is that in the interim period neither farmers nor the local communities dependent on farm income will be left without adequate protection against serious economic losses due to prevented plantings, flood, droughts, and other disasters. Providing this minimum level of protection over the next 2 years is not unreasonable when you consider that, according to a recent Department of Agriculture study, farm income is six times more variable than any other segment of our economy and just a 10-percent drop in gross income leads to a 50-percent drop in net farm income.

Mr. Chairman, for all these reasons, I strongly urge that the Jones amendment be adopted, and again I applaud the gentleman from Tennessee for his outstanding leadership in this important legislation.

Mr. JONES of Tennessee. I thank the gentleman from Mississippi for his comments.

Mr. MADIGAN. Mr. Chairman, will the gentleman yield?

Mr. JONES of Tennessee. I yield to the gentleman from Illinois.

Mr. MADIGAN. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the amendment, which is not something that I would have liked to have done earlier, but I realize we have gone on so long in the deliberation of this bill, I think we have been talking about this all-risk crop insurance program now since 1975, and we have had it in our subcommittee under the present chairman now for over 2 years and, recognizing that we have gone on so long, and recognizing that there will be a startup time problem for the all-risk crop insurance, it seems to me that the only responsible thing we can do is to extend the disaster program, as the gentleman has suggested, and I want to support his amendment.

Mr. JONES of Tennessee. I thank the gentleman from Illinois for his remarks and for all of his help on this bill.

The CHAIRMAN. The gentleman is on the amendment offered by the gentleman from Tennessee (Mr. Jones).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PANETTA

Mr. PANETTA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Panetta: On page 26, line 20, insert after "timber and forests," the words "nursery crops".

Mr. PANETTA. Mr. Chairman, this is really in the form of a technical amendment.

One of the areas that was left out in listing the various commodity crops that would be covered by the crop insurance program was that of "nursery crops." The intent behind this bill is obviously to cover all areas, all possible crops, and commodities in the country. Unfortunately, "nursery crops" were overlooked in the process. Nursery crops do involve some 5,000 major producing farms in this country. They cover about 137,000 acres that are involved, and they involve a total value of almost $1.2 billion.

Obviously, these crops are highly sensitive not only to the weather, but to various diseases and insects as well. Therefore, it would be important to have these included under the coverage of this legislation. That is essentially what this amendment does and I urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Panetta).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ENGLISH

Mr. ENGLISH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. English: Page 20, on line 19, strike the sentence beginning, "The Corporation" and insert the following: "The Corporation shall offer other levels of yield coverage to be selected at the option of each producer and offer insurance coverages to individual farmers based on actual 5 years production history for the farm if available, and if not, offer insurance coverage based on the average county yield in the county where the farm is located.".

□ 1230

Mr. ENGLISH. Mr. Chairman, the reason I offer this amendment is that one of the problems I see with the bill as it stands now, is that there is nothing in which to tie the rate of production in which the department may have assigned a particular farmer.

It seems to me that we should use some type of recognized manner of assigning a yield to a particular farmer, particularly in light of the fact that the rate of premium that will be charged each farmer will vary. Certainly it will vary from county to county and State to State with that in mind, considering the fact that most farmers do have some type of proof as far as what their particular yields are each year they could use their yields for the last 5 years.

Now, this would be in excess of the normal ASCS proven yield, which is only for a 3-year period. I feel that 5 years would certainly do much more as far as providing a reasonable and responsible period of time.

In those cases in which farmers do not have proven yields, we would request and urge through this amendment then that the Department be required to recognize the county average, and that the basis that would be assigned to that farmer then would be based upon that county average.

Mr. JONES of Tennessee. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the thrust of the amendment sounds good, but the truth of the matter is that the yield data must be established on an actuarially sound basis. The 5-year average in the English amendment is an arbitrary figure, Mr. Chairman, and it would not be actuarially sound. In areas with very changeable weather, production patterns of the past 5 years, the average yield may not present a fair and true picture. I wish it were not this way, but it is the truth, Mr. Chairman.

I have worked through the subcommittee on oversight in this program to insure that the yields used can be very justified.

The truth of the matter is I have conferred with the people at ASCS and have asked them to do their dead-level best to help us in this regard, but at this point I feel that the English amendment should be voted down.

Mr. HUCKABY. Mr. Chairman, I move to strike the last word.

I would like to ask the author of the amendment to tell me what source would the individual farmer use to substantiate his yield for this 5-year period.

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. HUCKABY. I yield to the gentleman from Oklahoma.

Mr. ENGLISH. Obviously many farmers have the regular ASCS proven yield for this period. Other farmers may have receipts and other methods to prove their yield.

As the bill stands now, there is no criteria whatsoever to be used. For instance, a farmer could have a 30-bushel yield, but due to budgetary requirements, then the Department may only assign that farmer a 15-bushel yield. That is going to have a tremendous impact of course upon the particular farmer. It seems to me that there should be some tie, some reference, to what he can prove over a period of time.

I think 5 years would certainly be a good period of time, or he could tie it to the county yields. In other words, there would be some basis that the farmer could use to prove what his individual yield is, and the Department would be then required to recognize that, but without it, the Department can simply assign any yield that they wish.

Mr. HUCKABY. Does not the language in the bill today require the Department to use ASCS averages on individual farms?

Mr. ENGLISH. No, it does not; not by any stretch of the imagination does it require such a thing.

It says:

> Accordingly, the Corporation shall offer other levels of yield coverage to be selected at the option of each producer and as expeditiously as possible offer insurance coverages to individual farmers based on actual production history for the farmer when yield data is available and is acceptable to the Corporation.

Well, if it is acceptable to the corporation; it has no reference then to those cases in which there is no proven yield. There is no indication or requirement then that they use county yields or make any reference to it.

So obviously if it is not acceptable to the corporation, they can assign them anything they want. That is what I am trying to tighten up.

Mr. HUCKABY. I thank the gentleman.

Mr. HAGEDORN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my understanding of this amendment would be to bring essentially all those farmers who are below-average producers up arbitrarily to the average production of the county; is that correct?

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. HAGEDORN. I yield to the gentleman from Oklahoma.

Mr. ENGLISH. It requires the reference be made to that county yield, that is correct. But as it stands right now, as I pointed out, the Department, for whatever reason they may wish, can simply assign farmers arbitrary yields. There is nothing here to prohibit that, and certainly since it contains in the bill the requirement that any proposal they have be actuarially sound, they simply may say, "Well, OMB will not go along with enough money, so we will cut everybody's yield in half." There is nothing to prevent that in the bill.

Mr. JONES of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. HAGEDORN. I yield to the gentleman from Tennessee.

Mr. JONES of Tennessee. I thank the gentleman for yielding.

I would like to say also to the gentleman from Oklahoma (Mr. ENGLISH) that even though the ASCS figures are not always used, and they do use some other figures sometimes, but the majority of them do use them first.

The truth of the matter is that any farmer in the United States has appeal rights to go before the committee as far as his yields are concerned.

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. HAGEDORN. I yield to the gentleman from Oklahoma.

Mr. ENGLISH. I recognize that. I simply point out the farmers would feel more competent if this thing were tied down and we did not have such arbitrary language as saying whatever is acceptable to the corporation.

Mr. HAGEDORN. It would seem to me the Federal Government would want to make whatever yield has been consistently standard in the counties. I am fearful what we are going to do is try to bring some of the marginal farmers, the poor producers, up to the average level. I do not think we want to turn this bill into just a welfare bill and see how many people we can put on the gravy train. If they are not good, efficient producers today, we do not want them eating out of the Government trough and keeping them in a survival situation based on that. I am fearful that is what this amendment would do.

Mr. BALDUS. Mr. Chairman, I rise in opposition to the amendment.

I think the gentleman from Minnesota put his finger on one problem, but I think there may be a number of other problems also with this amendment.

You have to remember that we are creating an insurance corporation which may in turn contract with private companies, and so we have rules, and which rules that would apply would probably have to be followed in the contract. I think when we put those kinds of restrictions on them and also require them to be actuarially sound and meet other conditions, that we might end up applying impossible situations where they could not meet all of the tests of the law. I think we ought not to pass this amendment.

Mr. STENHOLM. Mr. Chairman, I move to strike the last word.

I believe we have misunderstood the intent of the amendment of the gentleman from Oklahoma (Mr. ENGLISH).

As I understand the amendment, basically, what he is providing for is to allow that a farmer can have the option of bringing in a proven yield. I believe the gentleman on the opposite side misinterpreted the welfare provision of this. There is nothing that will provide for welfare payments to a farmer who has made 30 bushels per acre over the history of the last 5 years; and to come in and to bring his proven record into the ASCS office and say, "This is the yield that should be used in figuring my insurance and the premiums thereon," this is normal in the operation of the ASCS office. Producers have this option to do it now.

I think this does nothing more than clarify the language in the bill that says we are going to do it in the insurance program just like we are doing it in the ASCS program.

Mr. HAGEDORN. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Minnesota.

Mr. HAGEDORN. I thank the gentleman for yielding.

Under the current program, farmers can now take in their proven yield over a period of years and have their farm yield increased based on proven records. So most good, prudent farmers have already established that record as a matter of the current law. I do not think that they are going to be hurt, but in fact those people who are below the county average would be helped with this type of measure. It says they would be covered at the average county yield. The insurance must, if not offered, the insurance coverage must be based on the average county yield. That is the alternative.

□ 1240

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I am happy to yield to the gentleman.

Mr. ENGLISH. That is exactly the point, it does not say "cover." It says "based," shall be "based" on that. The point the gentleman was making, the protection he was saying his farmers now have; namely, the proven yield that the gentleman is discussing, that is exactly the point. This bill says they do not have to use those proven yields. There is no requirement that they have to use those proven yields. It says that whatever yield data is acceptable to the corporation, whenever it is acceptable to them they can use it, and if they do not want to use it they do not have to. Now, what protection is the gentleman going to guarantee his farmers under this bill if we do not support this amendment?

Mr. JONES of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I am happy to yield to the gentleman from Tennessee.

Mr. JONES of Tennessee. Mr. Chairman, I thank the gentleman for yielding. I feel that the English amendment would be a detriment to this bill and I agree with my friend from Minnesota that this is a mistake. There is nobody stronger than I who would like to see the actual yields be used in capitulating anything, whether it be the insurance program or the payment or some other sort of thing when we make payment. But the truth of the matter is if a farmer is not pleased with the yield that the corporation might use, he always has the appeal rights to the county ASC committee, and then to the State ASC committee if he is not pleased with them. I think this would be making a mistake and I hope the day comes when ASCS can update their equipment to the point that they can get more frequent yield. But I do not want to see it done at this time when they tell us that they cannot do it faster than they are doing it at the present time.

Mr. STENHOLM. Since there is some misunderstanding of the intention of this, I want to make perfectly clear my support of the English amendment is hinged on my understanding that it does nothing more than establish what ASCS is already doing.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. ENGLISH).

The question was taken; and on a division (demanded by Mr. ENGLISH) there were—ayes 11, noes 7.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. GLICKMAN

Mr. GLICKMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GLICKMAN: Page 26, line 7, strike out "October 1, 1982" and insert in lieu thereof "October 1, 1985".

Mr. GLICKMAN. Mr. Chairman, section 11 of the bill is a sunset provision which we put in in committee, which sunsets basically the operation of the FCIC on October 1, 1982. But, again, this was done on the basis the bill would be authorized as it came out of the committee and it has taken a much longer period of time. In addition to that, we have extended the disaster crop through the 1981 crop year. So the purpose of the amendment is to extend the sunset for 2 years, through September 30, 1984, which actually would be October 1, 1985, which should be the same period of time as the sunset under the next 4-year farm bill that we passed and this sunset would be a meaningful sunset, but it would at least give farmers the knowledge that this is going to be in effect for at least 4 more years. I think a 4-year sunset is a realistic sunset because under this 2-year sunset we would just about get the thing going and there would be only about 1 year left.

That is the purpose of the amendment. I have spoken with the chairman of the full committee, the gentleman from Washington (Mr. FOLEY) and the ranking minority member on the subcommittee, as well as my subcommittee chairman. I do not believe there is any objection to the amendment.

Mr. MADIGAN. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Illinois (Mr. MADIGAN).

Mr. MADIGAN. Could the gentleman tell me what the date of the sunset is in the bill as it is before the Committee of the Whole?

Mr. GLICKMAN. It is October 1, 1982. This extends it 2 years.

Mr. MADIGAN. When the gentleman was explaining his amendment he made reference to 1984 and 1985.

Mr. GLICKMAN. I am sorry. I stand corrected. It is October 1, 1985.

Mr. MADIGAN. So the gentleman is extending the sunset provision for 3 years?

Mr. GLICKMAN. That is correct.

Mr. MADIGAN. Then I would have to take issue with that and oppose the amendment because I think that is too long an extension. I think one of the safeguards in this legislation that we have put in, in order to get the cooperation of the private insurance industry, is if this thing is not working out it is going to sunset and we are going to be required to take another look at it.

What the gentleman is saying now is we are not going to take a look until the fall of 1985, and I think that is too long a time.

Mr. GLICKMAN. Would the gentleman object to a 1984 sunset?

Mr. MADIGAN. The gentleman would be pleased with a 1983 sunset.

Mr. GLICKMAN. I will stand with my amendment as stated, October 1, 1985.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. GLICKMAN).

The amendment was rejected.

Mr. STENHOLM. Mr. Chairman, I ask for a division on the last vote.

The CHAIRMAN. The Chair will advise the gentleman that he was not on his feet when the last vote was taken. Therefore, the request is denied.

PARLIAMENTARY INQUIRY

Mr. GLICKMAN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. GLICKMAN. Mr. Chairman, with the defeat of that amendment, would it be parliamentary in order to change the date on the previous amendment that I have just offered?

The CHAIRMAN. The gentleman may offer a different amendment.

AMENDMENT OFFERED BY MR. GLICKMAN

Mr. GLICKMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GLICKMAN: Page 26, line 7, strike out "October 1, 1982" and insert in lieu thereof "October 1, 1983".

Mr. GLICKMAN. Mr. Chairman, I think the amendment is self-explanatory. In an attempt to try and accommodate the Members of the House, as well as to make the sunset realistic, I have extended it 1 year past the date it appears in the subcommittee and committee bill. I ask for its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. GLICKMAN).

The amendment was agreed to.

AMENDMENTS OFFERED BY MR. ABDNOR

Mr. ABDNOR. Mr. Chairman, I offer two amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. ABDNOR: Page 16, line 22, following "on", insert the following: "losses involving reduced forage on rangeland caused by drought and by insect infestation,".

Page 26, line 21, insert "native grass," after "tame hay,".

Mr. ABDNOR. Mr. Chairman, I have two very simple amendments to expressly authorize the Federal Crop Insurance Corporation to investigate the feasibility of and implement insurance coverage for rangeland affected by drought and insect infestations. If possible, I would propose to offer them en bloc.

The first amendment would insert language to make clear that FCIC may study and conduct a pilot program of insurance on rangeland.

The second amendment would just insert the words "native grass" in the listing of agricultural commodities contained in the act. This would preclude any misunderstanding as to whether native grass will be eligible for coverage if FCIC finds through its investigations that such coverage is feasible.

Neither amendment would mandate coverage of losses on rangeland, and in all likelihood FCIC could insure rangeland under the terms of the bill even without these amendments.

It is my belief, however, that the need for an intensive investigation of the feasibility of insurance coverage on rangeland is of sufficent magnitude to warrant explicit mention in the bill. Although ranchers have traditionally and by their own choice often been ignored by agricultural programs, their economic security is in many respects just as much subject to the vagaries of weather and insect infestations as that of dirt farmers. At the very least, FCIC should give a good hard look at whether insurance coverage for rangeland might be workable.

There are several USDA programs which do apply to natural disasters as they affect ranching operations. One is the Farmers Home Administration's disaster loan program. Another is the emergency feed aid program administered by the Agricultural Stabilization and Conservation Service, and a third is the cooperative grasshopper control program under the jurisdiction of the Animal and Plant Health Inspection Service.

In fiscal year 1979 ASCS approved $63.6 million in assistance to livestock producers to buy 3.3 billion pounds of feed to replace that which was lost due to natural disaster. Thus far in fiscal year 1980 such assistance has gone to 28 States, geographically ranging from Florida to Massachusets to Washington to California.

While my own State was not among the 28 which have received emergency feed aid recently, the program had its inception during the drought which ravaged us a few years ago. In addition, we have very recent and bitter experience with the devastating impact of a massive grasshopper infestation. Nearly a million acres were sprayed in South Dakota under APHIS's cooperative program, along with approximately 6 million more acres in 16 other Western States. My colleagues undoubtedly saw reports of the epidemic on national television news, and you could very well see such reports again this year unless Mother Nature intervenes with unusual weather conditions.

In any event the point is that natural disasters are not confined to croplands. They affect rangelands, too and an insurance program just might possibly prove to be a helpful tool in dealing with them. My colleagues should also note with respect to grasshopper infestations that regulations promulgated by the Environmental Protection Agency prohibit ranchers from using some of the most effective chemicals for controlling insects. It only seems fair that if the Federal Government is going to deny ranchers the most effective chemical means to protect their interests, the Government has some responsibility to assist ranchers in developing an economic means to protect themselves, such as through an insurance program.

Finally, I would expect that environmentalists would support this amendment because it could reduce the pressure for use of chemicals which might be toxic to nontarget species. FCIC is already testing an integrated pest management incentive program in Arkansas which could reduce the dependence upon chemical controls, and my amendment could lead to a logical extension of that program.

I urge my colleagues to support the amendment, and I sincerely hope the committee will accept it as well.

Mr. JONES of Tennessee. Mr. Chairman, I move to strike the last word.

We have no problems with the amendments on this side and we accept the amendments.

The CHAIRMAN. The question is on the amendments offered by the gentleman from South Dakota (Mr. ABDNOR).

The amendments were agreed to.

□ 1250

AMENDMENT OFFERED BY MR. HUCKABY

Mr. HUCKABY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HUCKABY: On page 21, Section 7, line 17, strike the number "65" and insert in place of the number "75".

Mr. HUCKABY. Mr. Chairman, the bill as it is written today provides for a minimum of three levels of crop insurance. It is 50 percent, 65 percent, and 75 percent. It allows the individual farmer to elect which level of coverage he wants. Of course, the higher level that he elects, the more his premium will be, but the greater his benefits. We point out that if he elects the 50 percent level of coverage, then this farmer must suffer a loss of greater than 50 percent of his average yield, which is pretty well a total wipeout if he has less than half of his crop before he can collect the first penny of insurance, and then he will only start to collect money up to the 50 percent level. For instance, if he has a 40-percent yield and he has the 50 percent coverage, then he will only receive benefits from the difference between 40 percent and 50 percent, a very small, minute amount of coverage.

The bill as is written provides for a Federal subsidy up to the 65 percent level, but not up to the 75 percent level. Hence, the overwhelming majority of the farmers are going to elect the 65 percent level of coverage because they will not be able to afford the additional 10 percent coverage up to 75 percent. This means that that farmer has to have a loss of more than one-third of his crop, almost any farmer participating in the program, before he can expect to receive—before he will receive—any benefit from the crop insurance.

The purpose of this amendment, is literally, to take this additional payment, this 30 percent, from 65 percent to 75 percent to enable our farmers, who are going to so desperately need sound coverage, to participate in this program at a level that will be beneficial to them, because even under my amendment a farmer must receive a loss of more than one-fourth of his average yield before he would be eligible for any benefits whatsoever in this program. To make this program work, Mr. Chairman—and we are going to sunset it after it has just been in effect for 2 years now—it is going to be necessary to get farmers to participate; and for farmers to participate they are going to have to know that they can obtain insurance at a level that they can afford, and at a level of coverage that will be meaningful to them. It is very similar to the situation where, if a person had a home and the most that he could insure his home for was 65 percent of its value, and if he had a wipeout, a fire, a total disaster, he would only be able to collect on 65 percent of the value of his home.

What this amendment is attempting to do is to raise that to 75 percent by making the premium affordable to farmers, to get that level of coverage, 75 percent of their average yield.

Mr. MADIGAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would not want the Committee of the Whole to be under the impression that a farmer cannot insure 75 percent of his crop acreage under the terms of this bill. A farmer can insure 75 percent. The subsidy portion of the premium would apply to only the first 65 percent. For the other 10 percent the farmer would have to pay the entire unsubsidized premium. That does not seem to be unreasonable to me, to say that we are going to subsidize 65 percent.

What the gentleman would do with his amendment, in all probabiblity, is substantially increase the cost of this program to the taxpayers. When the original Congressional Budget Office estimate was done on the cost of the Senate bill, which provides up to 75 percent subsidized coverage, their estimate of the cost of that bill on an annual basis was just under $1 billion. Their estimates of the cost of the bill that we have before us, is less than $500 million.

So, with this simple little amendment the gentleman would propose to substantially increase the cost of this program to the taxpayers, and to offer 75 percent coverage with a subsidized premium.

I think that it is unreasonable to suggest that the House ought to do that, also, I would suggest to the House as a whole that we could undoubtedly tear apart the very fragile coalition we have put together if we go ahead and adopt this kind of an amendment.

Mr. HUCKABY. Mr. Chairman, will the gentleman yield?

Mr. MADIGAN. I yield to the gentleman from Lousiana.

Mr. HUCKABY. Mr. Chairman, as I recall, the Department of Agriculture testified that their estimates of the cost at a 75-percent subsidy would roughly equate projected further costs for the existing emergency farm program, so I would suggest to the gentleman that we are not adding costs as such, but we are making insurance available to the farmers for whom this is designed, so that they can participate at this level.

Mr. MADIGAN. May I reclaim my time?

Mr. HUCKABY. There will be no participation at the 75-percent level.

Mr. MADIGAN. The insurance is available under the terms of this bill, and they can buy it at 75-percent coverage. But, when they go past 65 percent; on the balance of 10 percent they are going to pay a premium just like anybody else would if they want that amount of coverage.

We can talk about whose estimates or what estimates; we can talk about figures that have been pulled out and tossed around all over the country in newspaper advertisements on this bill and various provisions of this bill. I just want to be consistent. I am going to use the same estimate all the time. I am going to use the same estimate all the time. I am going to use the Congressional Budget Office estimates when I am talking about the House bill. I am going to use the Congressional Budget Office estimates when I am talking about the Senate bill. I am going to use the Congressional Budget Office estimates when I am talking about the inflationary impact of the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. HUCKABY).

The question was taken; and on a division (demanded by Mr. HUCKABY) there were—ayes 3; noes 10.

So the amendment was rejected.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. STENHOLM: Strike out all after the enacting clause and insert, in lieu, thereof, the following:

SECTION 1. Section 1101 of the Food and Agriculture Act of 1977 (7 U.S.C. 1309) is amended by adding at the end thereof a new subsection (c) as follows:

"(c) Notwithstanding any other provision of law, the low yield and the prevented planting disaster payment provisions for rice, upland cotton, feed grains, and wheat contained in sections 101(h)(4), 103(f)(5), 105A(b)(2), and 107A(b)(2), respectively, as added effective for the 1978 through 1981 crops, which are presently effective only for the 1978 and 1979 crops, shall be effective with respect to the 1980 and 1981 crops of such commodities."

☐ 1300

Mr. STENHOLM. Mr. Chairman, I offer my substitute amendment at this time to keep us from making a legislative mistake that will adversely affect farm income. I do this, I must say, reluctantly at this time because much of the original objections to H.R. 4119 have been met, but there are still some, and I must object to the bill and offer the substitute. First, the budgetary impact, when the Agriculture Committee passed H.R. 4119 (by a 22–20 vote margin), was estimated to cost only $260 million in its fifth year of existence. Now those costs are estimated by USDA to be $572 million as amended by Jones-Nedzi in the fifth year. Others estimate the cost will be at least $750 million and maybe as much as $1 billion. H.R. 4119 is designed to replace a program whose costs over the last 5 years have averaged $440 million. Second, the bill will create an expanded Federal Crop Insurance Corporation. How much Federal insurance do we want? Third, it will create an expanded program when the general farm community has not accepted the current Federal pilot program. Fourth, without the extension of the current disaster program for the 2 remaining years of the existing farm act and with an unacceptable insurance program, there will be little incentive for the farmers of this Nation to participate in or comply with farm programs for the remainder of the existing farm act.

Some of my colleagues and the USDA contend that the disaster program as it now operates is a free program! I would contend that this is the furtherest from the truth. It is not free. A farmer must give up his right to farm his land as he might otherwise choose in return for the protection of the disaster program. Farmers have paid dearly for this insurance which they need. Now they are being asked to pay more with the same basic farm income.

That brings me to my final major objection to this bill. If we accept the present cost estimates of the Department of Agriculture as to the cost of 5 years from now (which I personally do not) of $572 million (includes Jones-Madigan) and agree that this will provide coverage of $15.2 billion as the Department contends, compared to $6.1 billion currently provided by the disaster program, this has to be a bargain.

But wait a minute. There "ain't no free lunch." Somebody is going to pay. Who is going to pay for the $9.1 billion additional protection. The farmer is going to pay $1.3 billion in premiums for its $9.1 billion coverage.

$617 million 1979 cost equals $6.1 billion protection.

$572 million estimated cost H.R. 4119 equals $15.2 billion protection.

$1.3 billion Farmers Cost equals $9.1 billion protection.

Information provided by the Office of Governmental and Public Affairs, USDA, states the following:

[In millions]

Federal Crop Insurance Corporation	$31
ASCS low-yield disaster payments	486
Total Estimated Cost for most recent year	617
Five-year average	440

H.R. 4119

[In millions]

Expanded FCIC program	1st Year	5th Year
Premium subsidy (30% subsidy for 50 and 65% levels of production protection)	$124	$310
Operating costs	142	182
Total	266	492
Jones-Madigan		80
Total		572

What is wrong with the farmers paying for this protection. Nothing, if they had the income. The $1.3 billion has got to come from current income. Return on equity to farmers in 1977 was 3.5 percent; 1978 it rose all the way to 4.6 percent and stayed at 4.6 percent in 1979. Compare these figures to those quoted in this morning's DSG report.

1977 to 1979

FTC manufacturing corporations, 14 to 17% return.

Business Week Corp., 14 to 17% return.

Oil companies, 13 to 23% return on equity.

Farmers, 3.5 to 4.6%.

Farmers have paid dearly for their "free insurance," and consumers have benefited. Let us take up crop insurance when we debate the Agriculture Act of 1981. If we are going to ask farmers to assume an additional cost of $1.3 billion, we must first make improvements in farm income. To my colleague from New York I want to point out that the people of New York and the United States are eating for 17 percent of their income. This so-called agriculture subsidy is subsidizing the consumer, not the farmer. Give farmers a 17-percent return on equity in 1981 and eliminate all subsidy for farmers and New York. I urge you to support my amendment.

Mr. JONES of Tennessee. Mr. Chairman, I rise in opposition to the amendment in the nature of a substitute.

Mr. Chairman, for 2½ years, as I said earlier today, the Subcommittee on Conservation and Credit has worked on a Federal crop insurance bill with the help of a lot of people. We have heard many persons who really knew what they were talking about when we put this bill together. We held hearings all over the United States and several days of hearings here in Washington, D.C.

If we were to accept the Stenholm substitute, we would be doing nothing in the world except dropping the Federal crop insurance program that we worked on for 2½ years altogether and providing a giveaway program for disaster payments that we have had for several years now, and that the administration, plus everybody else, the public included, have said that we must dispense with.

I am in agreement, Mr. Chairman, that we should do away with the disaster payments. We should let ourselves stand on our own feet. We can do this with the Federal crop insurance bill that we have before us. It needs nothing else added to it. I am not going to engage in any argument about the cost figures, but I, like others, try to stick to the same figures we use all the time, and I have used the Congressional Budget Office figures which are the very latest that I have, notwithstanding the fact that we have had USDA figures in the last few days, too. But my figures compare much less as far as cost goes than do the USDA figures which the gentleman from Texas (Mr. STENHOLM) has quoted. I ask the Members to vote against the Stenholm substitute amendment.

Mr. MADIGAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the substitute offered by my colleague, the gentleman from Texas (Mr. STENHOLM). His amendment would continue the present disaster program for 2 years without any assurance that the cost of the disaster program will ever be ended or ever be replaced with an expanded crop insurance program or any other program of any kind. The present disaster program has promoted mismanagement by encouraging farmers to plant on marginal lands. Almost one-third of all the disaster payments made since 1974 have gone to farmers who have repeatedly planted on lands susceptible to natural disasters. The disaster program that the gentleman from Texas (Mr. STENHOLM) wants to continue without any other provision is unfair because it covers only 6 crops out of nearly 200 grown in the United States. The Jones-Madigan bill, by expanding the Federal crop insurance program can cover all crops and all commodities, and by correcting deficiencies which have hindered the program growth and acceptance by farmers, it is much fairer to American agriculture than the proposal of the gentleman from Texas (Mr. STENHOLM).

The Jones-Madigan bill would provide $15.2 billion in crop protection by 1985. The Federal crop insurance program and the disaster program combined offer only $6 billion worth of crop protection nationwide. Furthermore, the cost of doing one of those things or the other would be the same or less under the Jones-Madigan bill than under the provisions of the amendment offered by the gentleman from Texas (Mr. STENHOLM).

I urge my colleagues to oppose the substitute.

Mr. Chairman, I yield back the remainder of my time.

Mr. BEDELL. Mr. Chairman, I rise in support of the substitute amendment.

Mr. Chairman, first of all, I think we should agree that the disaster program is a problem. The question is how are we going to address that problem? This bill says that we will address it by providing a 50-percent subsidy for Federal crop insurance which is expected to cover some 40 to 50 percent of our farmers. I happen to believe that the present Federal crop insurance program is a good program. I think it needs to be expanded. There is no reason we cannot expand the program without having to add this subsidy. In my area where farmers carry this program, the program has sold well, and it is well accepted.

☐ 1310

I think we have to ask ourselves as a body whether, in the event there is a major drought in an area where half of our farmers or 40 percent of our farmers have taken insurance and covered themselves and the other 50 to 60 percent find themselves in serious financial difficulty, this House will stand by and say we are not going to help those farmers who have no insurance protection.

Mr. Chairman, we have talked about the tremendous cost of the disaster program. Yet, the cost has been very high only in years when we had no set-aside. However, I hope we will also realize that whenever there is a set-aside program one of the incentives to get people to participate in that program is the fact that they can qualify for the disaster program. If we take away that incentive—and, indeed, there is not such a requirement under the proposed Federal crop insurance program—then we are going to have to furnish some other costly incentive in order to get people to participate in future set-aside programs.

Finally, Mr. Chairman, I hope we would realize the precedent we are setting. Further, how are we going to say to the small business people in our community that we will subsidize the insurance for farmers in that area for 50 percent of the premium cost but all other people will not receive any insurance premium subsidy? I think we need to help our farmers. I certainly support those programs that will help them. However, I think it is questionable that this expanded program will help them. Second, I think it is a mistake to move to authorize the Government to further supplant private industry in another sector of our economy.

Mr. HANCE. Mr. Chairman, I move to strike the requisite number of words.

I would like to say to the gentleman from Illinois (Mr. MADIGAN) and to the gentleman from Tennessee (Mr. JONES) that they have done an outstanding job in preparation for the crop insurance program being presented today.

I have a question for the gentleman from Tennessee, Mr. Chairman. With regard to the gentleman's amendment to extend the disaster program through 1981, it certainly improves the bill. What are the chances of being able to keep the extension through 1981 in the bill in conference committee and what is the position of the gentleman on that issue?

Mr. JONES of Tennessee. Will the gentleman yield to me?

Mr. HANCE. I do yield to the gentleman from Tennessee.

Mr. JONES of Tennessee. I would say I think the chances are very good because this is identical with the language in the Senate bill. I am in total support of the two amendments that I offer today.

Mr. HANCE. Mr. Chairman, I think they greatly improve the bill but I still support the Stenholm amendment for the simple reason that if you look at what has happened in the last 6 weeks to our foreign policy. It is very important to our overall American foreign policy that we have strong agricultural policy. To have a strong agricultural policy there needs to be an agricultural program with full participation.

At the same time if we look at the crop insurance program we are passing today, I think we are going to have very little participation. Hopefully, if it does pass, in the next 2 years there will be some improvements made which will help the farmers and encourage them to participate. However, I think it would be better to adopt the Stenholm amendment and write a Federal crop insurance program with the new farm program that will be be adopted next year.

Mr. BALDUS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. I have the highest regard for the gentleman from Texas (Mr. STENHOLM). I believe he feels he is doing the right thing. However, I think he has to be very wishful to assume that if this bill does not pass, which has an extension of the present disaster program in it, that his amended bill would then go to the Senate and be accepted. I think that would be somewhat doubtful. Then, I think to understand why this bill is here in the first place, I think most of us understand that the crop disaster programs have become somewhat disastrous. It is becoming more and more difficult to justify in a neighborhood where one person gets benefits and another neighbor does not; why one person can get a loan where a loan does no good and another one who needs the loan cannot get one.

Also, Mr. Chairman, the cost of these disaster benefits, somewhere they are going to run out.

I think the gentleman from Texas assumes the Federal crop insurance system will not treat his State and his Texas farmers as well as the current system. I think that assumption is wrong. I think when the expanded crop insurance system is put into place we will find something which has occurred in Canada. Canada has had a national crop insurance program for something like 30 years. Texas grows wheat. Canada grows wheat. Texas has a great number of disasters. So does Canada. Their system up there is one that is almost universally supported and has been maintained all these years.

Mr. Chairman, I think this is the right time to make the switch. I do not think anyone here should have the illusion that if the amendment by the gentleman from Texas (Mr. STENHOLM) should pass that it would just be a simple amendment. It guts the bill. It not only would include the crop insurance program in this House but it would very likely also include the disaster program.

Mr. Chairman, I strongly oppose the amendment.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. STENHOLM).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. STENHOLM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 81, noes 265, answered "present" 1, not voting 86, as follows:

[Roll No. 53]

AYES—81

Albosta
Anthony
Applegate
Archer
Atkinson
Bailey
Barnard
Bedell
Beilenson
Bereuter
Bethune
Buchanan
Cheney
Clinger
Coleman
Conable
Deckard
Dougherty
Edgar
English
Evans, Ind.
Fenwick
Fish
Forsythe
Frost
Gephardt
Gingrich

Goldwater
Gonzalez
Gradison
Gramm
Grassley
Hagedorn
Hance
Hightower
Hughes
Hutto
Ichord
Jacobs
Jeffries
Jones, Okla.
Kazen
Kindness
Kogovsek
Leach, Iowa
Leath, Tex.
Leland
Livingston
Loeffler
Lowry
McDade
McHugh
Maguire
Marks

Miller, Ohio
Mitchell, Md.
Moore
Nelson
Paul
Regula
Roth
Schulze
Sebelius
Shuster
Smith, Iowa
Stangeland
Steed
Stenholm
Stump
Synar
Tauke
Taylor
Volkmer
Watkins
Weaver
Wilson, Tex.
Wolpe
Wylie
Yatron
Young, Fla.
Young, Mo.

NOES—265

Abdnor
Akaka
Ambro
Andrews, N.C.
Annunzio
Ashley
AuCoin
Badham
Bafalis
Baldus
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Benjamin
Bennett
Bevill
Biaggi

Bingham
Blanchard
Boland
Bolling
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Broomfield
Brown, Calif.
Broyhill
Burgener
Burlison
Burton, John
Butler

Byron
Campbell
Carney
Carter
Cavanaugh
Chappell
Clausen
Clay
Coelho
Collins, Ill.
Collins, Tex.
Conte
Corcoran
Cotter
Coughlin
Courter
Crane, Daniel
Crane, Philip

D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Daschle
Davis, Mich.
de la Garza
Dellums
Derrick
Derwinski
Devine
Dickinson
Dicks
Dingell
Dixon
Dodd
Donnelly
Dornan
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edwards, Ala.
Edwards, Calif.
Emery
Erdahl
Ertel
Evans, Ga.
Fascell
Fazio
Ferraro
Findley
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fowler
Frenzel
Fuqua
Garcia
Gaydos
Gilman
Ginn
Glickman
Goodling
Gore
Gray
Green
Grisham
Guarini
Gudger
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hanley
Harkin
Harris
Harsha
Hawkins
Hefner
Heftel
Hillis
Hinson
Hollenbeck
Holtzman
Hopkins
Howard
Hubbard
Huckaby
Hyde
Ireland
Jenkins
Jenrette
Johnson, Calif.
Jones, Tenn.
Kastenmeier
Kelly
Kemp
Kildee
LaFalce
Lagomarsino
Lee
Lehman
Levitas
Lewis
Lloyd
Long, Md.
Lott
Luken
Lundine
Lungren
McClory
McCormack
McDonald
McKay
McKinney
Madigan
Markey
Martin
Mathis
Matsui
Mavroules
Mica
Michel
Mikulski
Miller, Calif.
Minish
Moakley
Moffett
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Mottl
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Ind.
Natcher
Neal
Nedzi
Nolan
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Pepper
Peyser
Porter
Preyer
Price
Pursell
Quayle
Rahall
Railsback
Rangel
Ratchford
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Robinson
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Rousselot
Royer
Runnels
Sabo
Santini
Satterfield
Sawyer
Scheuer
Schroeder
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Slack
Smith, Nebr.
Snowe
Solarz
Spellman
Spence
St Germain
Stack
Staggers
Stanton
Stewart
Stockman
Stokes
Stratton
Studds
Swift
Thomas
Traxler
Trible
Vander Jagt
Vento
Walgren
Wampler
Weiss
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wirth
Wolff
Wydler
Yates
Zablocki

ANSWERED "PRESENT"—1

Quillen

NOT VOTING—86

Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Ashbrook
Aspin
Boggs
Boner
Bonior
Brooks
Brown, Ohio
Burton, Phillip
Carr
Chisholm
Cleveland
Conyers
Corman
Dannemeyer
Davis, S.C.
Diggs
Edwards, Okla.
Erlenborn
Evans, Del.
Fary
Giaimo
Gibbons
Guyer
Hansen
Heckler
Holland
Holt
Horton
Jeffords
Johnson, Colo.
Jones, N.C.
Kostmayer
Kramer
Latta
Leach, La.
Lederer
Lent
Long, La.
Lujan
McCloskey
McEwen
Marlenee
Marriott
Mattox
Mazzoli
Mineta
Mitchell, N.Y.
Murphy, Ill.
Myers, Pa.
Nichols
Pease
Perkins
Petri
Pickle
Pritchard
Roberts
Roybal
Rudd
Russo
Simon
Skelton
Snyder
Solomon
Stark
Symms
Thompson
Treen
Udall
Ullman
Van Deerlin
Vanik
Walker
Waxman
White
Wilson, Bob
Wilson, C. H.
Winn
Wright
Wyatt
Young, Alaska
Zeferetti

□ 1330

The Clerk announced the following pairs:

On this vote:

Mr. Skelton for, with Mr. Addabbo against.

Mr. McKINNEY and Mr. CHAPPELL changed their votes from "aye" to "no."

Mr. ARCHER and Mr. YOUNG of Missouri changed their votes from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. If there are no further amendments, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MOAKLEY) having assumed the chair, Mr. DERRICK, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4119) to improve and expand the Federal crop insurance program, and for other purposes, pursuant to House Resolution 562, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. JONES of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 202, nays 140, not voting 91, as follows:

[Roll No. 54]

YEAS—202

Abdnor
Albosta
Andrews, N.C.
Annunzio
Anthony
Ashley
AuCoin
Baldus
Barnard
Beard, Tenn.
Benjamin
Bennett
Bethune
Bevill
Biaggi
Bingham
Blanchard
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brown, Calif.
Broyhill
Buchanan
Burgener
Burlison
Burton, John
Butler
Byron
Campbell
Carr
Carter
Cavanaugh
Chappell
Chisholm
Clausen
Clay
Coelho
Collins, Ill.
Corcoran
Cotter
Daniel, Dan
Daniel, R. W.
Danielson
Daschle
Davis, Mich.
de la Garza
Derrick
Dickinson
Dicks
Dingell
Dixon
Duncan, Oreg.
Early
Eckhardt
Edwards, Ala.
Edwards, Calif.
Erdahl
Evans, Ga.
Fascell
Fazio
Fisher
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fuqua
Garcia
Gaydos
Gilman
Gingrich
Ginn
Glickman
Gore
Gray
Green
Guarini
Gudger
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hanley
Harkin
Harris
Harsha
Hawkins
Hefner
Hightower
Hillis
Hinson
Hubbard
Huckaby
Hutto
Hyde
Ireland
Jenrette
Johnson, Calif.
Jones, Tenn.
Kastenmeier
Kelly
Kildee
Lagomarsino
Lehman
Leland
Levitas
Lloyd
Lott
Lundine
McClory
McCormack
Madigan
Martin
Mathis
Matsui
Mavroules
Mica
Mikulski
Miller, Calif.
Mitchell, Md.
Moakley
Mollohan
Montgomery
Moorhead, Pa.
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Ind.
Natcher
Neal
Nedzi
Nelson
Nolan
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Peyser
Porter
Preyer
Price
Pursell
Rahall
Rangel
Rhodes
Richmond
Ritter
Robinson
Roe
Rose
Rosenthal
Rostenkowski
Royer
Sabo
Satterfield
Sawyer
Scheuer
Sebelius
Seiberling
Shannon
Shelby
Slack
Smith, Nebr.
Solarz
Spence
Stack
Staggers
Stangeland
Steed
Stewart
Stokes
Studds
Swift
Thomas
Traxler
Trible
Vander Jagt
Vento
Walgren
Wampler
Weiss
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Tex.
Wirth
Wolpe
Zablocki

NAYS—140

Ambro
Applegate
Archer
Atkinson
Badham
Bailey
Barnes
Bauman
Beard, R.I.
Bedell
Beilenson
Bereuter
Boland
Broomfield
Carney
Cheney
Clinger
Coleman
Collins, Tex.
Conable
Conte
Coughlin
Courter
Crane, Daniel
Crane, Philip
D'Amours
Deckard
Dellums
Derwinski
Devine
Dodd
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Tenn.
Edgar
Emery
English
Ertel
Evans, Ind.
Fenwick
Ferraro
Findley
Fish
Fithian
Forsythe
Fowler
Frenzel
Frost
Gephardt
Goldwater
Gonzalez
Goodling
Gradison
Gramm
Grassley
Grisham
Hance
Heftel
Hollenbeck
Holtzman
Hopkins
Howard
Hughes
Ichord
Jacobs
Jeffries
Jenkins
Jones, Okla.
Kazen
Kemp
Kindness
Kogovsek
LaFalce
Leach, Iowa
Leath, Tex.
Lee
Lewis
Livingston
Loeffler
Long, Md.
Lowry
Lungren
McDade
McDonald
McHugh
McKay
McKinney
Maguire
Markey
Marks
Michel
Miller, Ohio
Minish
Moffett
Moore
Moorhead, Calif.
Mottl
Nowak
Paul
Quayle
Railsback
Ratchford
Regula
Reuss
Rinaldo
Rodino
Roth
Rousselot
Runnels
Santini
Schroeder
Schulze
Sensenbrenner
Sharp
Shumway
Shuster
Smith, Iowa
Spellman
St Germain
Stanton
Stenholm
Stockman
Stratton
Stump
Synar
Tauke
Taylor
Volkmer
Watkins
Weaver
Wolff
Wydler
Wylie
Yates
Yatron
Young, Fla.
Young, Mo.

NOT VOTING—91

Addabbo
Akaka
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Ashbrook
Aspin
Bafalis
Boggs
Bolling
Boner
Bonior
Brooks
Brown, Ohio
Burton, Phillip
Cleveland
Conyers
Corman
Dannemeyer
Davis, S.C.
Diggs

Edwards, Okla.
Erlenborn
Evans, Del.
Fary
Giaimo
Gibbons
Guyer
Hansen
Heckler
Holland
Holt
Horton
Jeffords
Johnson, Colo.
Jones, N.C.
Kostmayer
Kramer
Latta
Leach, La.
Lederer
Lent
Long, La.
Lujan
Luken
McCloskey
McEwen
Marlenee
Marriott
Mattox
Mazzoli
Mineta
Mitchell, N.Y.
Murphy, Ill.
Myers, Pa.
Nichols
Pease
Pepper
Perkins
Petri
Pickle
Pritchard
Quillen
Roberts
Roybal
Rudd
Russo
Simon
Skelton
Snowe
Snyder
Solomon
Stark
Symms
Thompson
Treen
Udall
Ullman
Van Deerlin
Vanik
Walker
Waxman
White
Wilson, Bob
Wilson, C. H.
Winn
Wright
Wyatt
Young, Alaska
Zeferetti

☐ 1350

The Clerk announced the following pairs:

On this vote:

Mr. Addabbo for, with Mr. Shelton against.

Until further notice:

Mr. Thompson with Mr. Anderson of Illinois.

Mr. Akaka with Mrs. Holt.

Mr. Brooks with Mr. Pritchard.

Mr. Giaimo with Mr. Quillen.

Mr. Jones of North Carolina with Mr. Horton.

Mr. Long of Louisiana with Mr. Andrews of North Dakota.

Mr. Mazzoli with Mrs. Heckler.

Mr. Mineta with Mr. Petri.

Mr. Myers of Pennsylvania with Mr. Young of Alaska.

Mr. Nichols with Mrs. Snowe.

Mr. Pepper with Mr. Kramer.

Mr. Pickle with Mr. Brown of Ohio.

Mr. Roberts with Mr. Cleveland.

Mr. Russo with Mr. Lujan.

Mr. Stark with Mr. Marriott.

Mr. Van Deerlin with Mr. Winn.

Mr. Charles H. Wilson of California with Mr. Luken.

Mr. Wright with Mr. Leach of Louisiana.

Mr. Zeferetti with Mr. Dannemeyer.

Mr. Udall with Mr. Edwards of Oklahoma.

Mr. Ullman with Mr. Erlenborn.

Mrs. Boggs with Mr. McEwen.

Mr. Anderson of California with Mr. Mitchell of New York.

Mr. Alexander with Mr. Evans of Delaware.

Mr. Corman with Mr. Guyer.

Mr. Diggs with Mr. Hansen.

Mr. Roybal with Mr. Jeffords.

Mr. Vanik with Mr. Latta.

Mr. Waxman with Mr. Lent.

Mr. White with Mr. McCloskey.

Mr. Perkins with Mr. Marlenee.

Mr. Lederer with Mr. Rudd.

Mr. Kostmayer with Mr. Snyder.

Mr. Aspin with Mr. Symms.

Mr. Boner of Tennessee with Mr. Treen.

Mr. Phillip Burton with Mr. Walker.

Mr. Bonior of Michigan with Mr. Ashbrook.

Mr. Conyers with Mr. Fary.

Mr. Davis of South Carolina with Mr. Gibbons.

Mr. Holland with Mr. Johnson of Colorado.

Mr. Murphy of Illinois with Mr. Mattox.

Mr. Pease with Mr. Simon.

Mr. Wyatt with Mr. Solomon.

Mr. Bob Wilson with Mr. Bafalis.

Messrs. CARNEY, KEMP, RUNNELS, COURTER, and DORNAN changed their votes from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. JONES of Tennessee. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1125), to improve and expand the Federal crop insurance program, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1125

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Crop Insurance Act of 1979".

TITLE I—FEDERAL CROP INSURANCE PROGRAM

CAPITAL STOCK

SEC. 101 (a) Effective October 1, 1980, section 504(a) of the Federal Crop Insurance Act is amended by striking out "$200,000,000" and inserting in lieu thereof "$500,000,000".

(b) Within thirty days after the effective date of subsection (a) of this section, the Secretary of the Treasury shall cancel, without consideration, receipts for payments for or on account of the stock of the Federal Crop Insurance Corporation outstanding on the effective date of that subsection.

BOARD OF DIRECTORS: MEMBERSHIP AND COMPENSATION

SEC. 102. (a) Section 505(a) of the Federal Crop Insurance Act is amended by—

(1) amending the second sentence to read as follows: "The Board shall consist of the manager of the Corporation, the Under Secretary or Assistant Secretary of Agriculture responsible for the Federal crop insurance program, the Under Secretary or Assistant Secretary of Agriculture responsible for the farm credit programs of the Department of Agriculture, one person experienced in the crop insurance business who it not otherwise employed by the Federal Government, and three farmers who are not otherwise employed by the Federal Government."; and

(2) adding at the end thereof a new sentence as follows: "The Secretary, in appointing the three farmers who are not otherwise employed by the Federal Government, shall ensure that such members are from different geographic areas of the United States, in order that diverse agricultural interests in the United States are at all times represented on the Board.".

(b) Section 505(b) of the Federal Crop Insurance Act is amended by striking out "three" wherever that word appears therein and inserting in lieu thereof "four".

(c) The second sentence of section 505(c) of the Federal Crop Insurance Act is amended to read as follows: "The Directors of the Corporation who are not employed by the Federal Government shall be paid such compensation for their services as Directors as the Secretary of Agriculture shall determine, but such compensation shall not exceed the daily equivalent of the rate prescribed for grade GS-18 under section 5332 of title 5 of the United States Code when actually employed, and actual necessary traveling and subsistence expenses, or a per diem allowance in lieu of subsistence expenses, as authoribzed by section 5703 of title 5 of the United States Code for persons in Government service employed intermittently, when on the business of the Corporation away from their homes or regular place of business.".

AMENDMENTS TO THE PROVISIONS ESTABLISHING GENERAL POWERS FOR THE CORPORATION

SEC. 103. Section 506 of the Federal Crop Insurance Act is amended by—

(1) amending subsection (d) to read as follows:

"(d) subject to the provisions of section 508(c), may sue and be sued in its corporate name, but no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Corporation or its property. The district courts of the United States, including the district courts of the District of Columbia and of any territory or possession, shall have exclusive original jurisdiction, without regard to the amount in controversy, of all suits brought by or against the Corporation. The Corporation may intervene in any court in any suit, action, or proceeding in which it has an interest. Any suit against the Corporation shall be brought in the District of Columbia, or in the district wherein the plaintiff resides or is engaged in business;"; and

(2) in subsection (f), striking out "free".

USE OF PRIVATE INSURANCE COMPANIES IN THE FEDERAL CROP INSURANCE PROGRAM; CONFORMING AMENDMENT

SEC. 104. Section 507 of the Federal Crop Insurance Act is amended by—

(1) amending subsection (c) to read as follows:

"(c) The Board may establish or use committees or associations of producers, and contract with private insurance companies, in the administration of this title and make payments to such committees, associations, or companies to cover the administrative and program expenses incurred by them in cooperating in carrying out this title, as determined by the Board."; and

(2) in subsection (d), inserting "or 516A" immediately after "section 516".

REMOVAL OF LIMITS ON EXPANSION OF THE FEDERAL CROP INSURANCE AND REINSURANCE PROGRAMS

SEC. 105. Effective with respect to the 1980 and subsequent crops, subsection (a) of section 508 of the Federal Crop Insurance Act is amended by—

(1) striking out all that follows the subsection designation down through the end of the fifth complete sentence, which begins, "Reinsurance for private insurance companies . . .", and inserting in lieu thereof the following: "If sufficient actuarial data are available, as determined by the Board, to insure producers of crops grown commercially in the United States under any plan or plans of insurance determined by the Board to be adapted to the agricultural commodity involved. Such insurance shall be against loss of the insured commodity due to unavoidable causes, including drought, flood, hail, wind, frost, winterkill, lightning, fire, excessive rain, snow, wildlife, hurricane, tornado, insect infestation, plant disease, and such other unavoidable causes as may be determined by the Board. Except in the case of tobacco, insurance shall not extend beyond the period the insured commodity is in the field."; and

(2) striking out the eighth complete sentence, which begins "Counties selected by the Board . . .".

FEDERAL CROP INSURANCE: EXTENT OF COVERAGE

SEC. 106. Effective with respect to the 1981 and subsequent crops, subsection (a) of section 508 of the Federal Crop Insurance Act is further amended by—

(1) striking out the sixth complete sentence, which begins, "Any insurance offered against loss in yield . . .", and inserting in lieu thereof the following: "Any insurance offered against loss in yield shall make available to producers protection against loss in yield that covers 75 per centum of the recorded or appraised average yield of the

commodity on the insured farm for a representative period (subject to such adjustments as the Board may prescribe to the end that the average yields fixed for farms in the same area, which are subject to the same conditions, may be fair and just). In addition, the Corporation shall make available to producers lesser levels of yield coverage. Any insurance offered under this subsection shall make available to producers coverage (per unit of production insured) equal to the highest of (1) the established price for the commodity and crop year involved, if any, (2) the loan rate for the commodity and crop year involved under a Federal price support program, if any, or (3) the projected market price for the commodity and crop year involved, as determined by the Board. In addition, the Corporation shall make available to producers lesser price selections per unit of production insured."; and

(2) in the seventh complete sentence, which begins, "Insurance provided under this subsection . . .", inserting "or an approved substitute crop" immediately after "the same crop".

PREMIUM SUBSIDY; TECHNICAL AND CLARIFYING AMENDMENTS

SEC. 107. Effective with respect to the 1981 and subsequent crops, section 508 of the Federal Crop Insurance Act is amended by—

(1) amending subsection (b) to read as follows:

"(b) To fix adequate premiums for insurance at such rates as the Board deems actuarially sufficient to cover claims for losses on such insurance and to establish as expeditiously as possible a reasonable reserve against unforeseen losses. For the purpose of encouraging the broadest possible participation in the crop insurance program, the Corporation shall pay a portion, not less than 20 per centum nor more than 40 per centum, as determined by the Board, of each producer's premium: *Provided*, That, with respect to any crop insurance covering the 1981 crop of wheat, feed grains, upland cotton, or rice, a producer shall not be eligible for a partial payment of the premium by the Corporation under this subsection for such commodity if the producer elects to make the acreage of the commodity eligible for payments under the disaster payment provisions for wheat, feed grains, upland cotton, and rice of the Agricultural Act of 1949 (as amended effective for the 1981 crops): *Provided further*, That a producer who is not eligible for a partial payment of premium by the Corporation under this subsection because of the producer's election to make the acreage of the commodity involved eligible for disaster payments in 1981 shall remain eligible to purchase Federal crop insurance on the 1981 acreage of the commodity at the full cost of the premium. Federal premium payments for a commodity shall be applied uniformly among producers. The remaining portion of each premium to be paid by the producer shall be collected at such time or times, and shall be secured in such manner, as the Board may determine.";

(2) amending subsection (c) to read as follows:

"(c) To adjust and pay claims for losses under rules prescribed by the Board. In the event that any claim for indemnity under the provisions of this title is denied by the Corporation, an action on such claim may be brought against the Corporation in the United States district court for the district in which the insured farm is located: *Provided*, That no suit on such claim may be allowed under this section unless it shall have been brought within one year after the date when notice of denial of the claim is mailed to and received by the claimant."; and

(3) striking out subsection (d), and redesignating subsection (e) as subsection (d).

REINSURANCE OF PRIVATE INSURANCE COMPANIES; EXTENSION OF THE PROGRAM TO COMMONWEALTHS AND TERRITORIES OF THE UNITED STATES; SPECIFIC RISK PROTECTION PROGRAMS

SEC. 108. Effective with respect to the 1981 and subsequent crops, section 508 of the Federal Crop Insurance Act is amended by striking out subsection (f) and inserting immediately after subsection (d), as redesignated by section 107(3) of this Act, new subsections (e), (f), (g), and (h) as follows:

"(e) To provide, upon such terms and conditions as the Board may determine to be consistent with subsection (a) of this section and sound reinsurance principles, reinsurance to private insurance companies, groups or pools of such companies, and government entities that insure producers of any agricultural commodity under contracts acceptable to the Corporation. In order to provide equity among producers purchasing crop insurance, whenever the Corporation provides reinsurance to private insurance companies, groups or pools of companies, or government entities insuring producers under this subsection, the Corporation shall pay a portion of each producer's premium for such insurance so reinsured. Each such payment shall cover the same per centum of the premium, and be subject to the same restrictions regarding payments of premiums for crop insurance on 1981 crops, as provided in subsection (b) of this section for Federal partial payments of Federal crop insurance premiums.

"(f) To provide insurance or reinsurance for production of agriultural commodities in the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands in the same manner as provided in this section for provision of insurance or reinsurance for production of agricultural commodities in the United States.

"(g) To offer specific risk protection programs including, but not limited to, prevented planting, wildlife depredation, tree damage and disease, and insect infestation programs under such terms and conditions as the Board may determine: *Provided*, That no program may be undertaken if insurance for the specific risk involved is generally available from private companies.

"(h) To include appreciation (including interest charges) as an insurable cost of production in calculating premiums and indemnities in connection with insurance on yields of timber and forests.".

DELETION OF AUTHORITY FOR ADVISORY COMMITTEES

SEC. 109. Section 515 of the Federal Crop Insurance Act is repealed.

PROGRAM FUNDING

SEC. 110. Effective October 1, 1980, section 516(a) of the Federal Crop Insurance Act is amended to read as follows:

"SEC. 516. (a) There are hereby authorized to be appropriated such sums for each fiscal year as may be necessary to cover the operating and administrative costs of the Corporation, agents' commissions, partial premium payments by the Corporation, and direct costs of loss adjusters for crop inspections and loss adjustments, which shall be allotted to the Corporation in such amounts and at such times as the Secretary of Agriculture may determine. Expenses in connection with agents' commissions and the direct cost of loss adjusters for crop inspections and loss adjustments may be paid from insurance premium funds, and any such payments from premium funds may be restored by appropriations in subsequent years.".

COMMODITY CREDIT CORPORATION FUNDING

SEC. 111. (a) The Federal Crop Insurance Act is amended by inserting immediately after section 516 a new section 516A as follows:

"COMMODITY CREDIT CORPORATION FUNDING

"SEC. 516A. The Secretary of Agriculture is authorized to use the funds of the Commodity Credit Corporation to meet obligations to indemnify producers for losses under this title, and otherwise in discharging the functions and responsibilities of the Federal Crop Insurance Corporation under this title whenever funds otherwise available to the Federal Crop Insurance Corporation are insufficient to enable that Corporation to cover other program expenses.".

(b) The authority to make commitments under section 516A of the Federal Crop Insurance Act, as added by subsection (a) of this section, in excess of funds available to the Commodity Credit Corporation under section 4 of the Commodity Credit Corporation Charter Act and the Act of October 11, 1978 (92 Stat. 1073), shall be effective for any fiscal year only to the extent provided by appropriation acts. Appropriations under the preceding sentence are authorized beginning October 1, 1980.

PILOT PROGRAM OF INDIVIDUAL RISK UNDERWRITING OF FEDERAL CROP INSURANCE

SEC. 112. (a) The Federal Crop Insurance Corporation shall conduct a pilot program in not less than twenty-five counties, beginning in the 1981 crop year and ending after the 1985 crop year, of individual risk underwriting of crop insurance. Under this pilot program, to the extent that appropriate yield data are available, the Corporation shall make available to producers in such counties crop insurance under the Federal Crop Insurance Act based on personalized rates and with guarantees determined from the producer's actual yield history.

(b) After the completion of the pilot program of individual risk underwriting, the Federal Crop Insurance Corporation shall evaluate the pilot program and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report of the operations of the pilot program, including its evaluation of the pilot program and its recommendations with respect to implementing a program of individual risk underwriting on a national basis.

EFFECTIVE DATE

SEC. 113. Except as otherwise provided in this title, the provisions of this title shall become effective October 1, 1979.

TITLE II—DISASTER PAYMENTS

PREVENTED PLANTING DISASTER AND FARM DISASTER PAYMENTS FOR THE 1980 AND 1981 CROP YEARS

SEC. 201. (a)(1) Section 101(h)(4) of the Agricultural Act of 1949, as added effective for the 1978 through 1981 crops of rice, is amended by—

(A) in subparagraph (B), striking out "Effective only with respect to the 1978 and 1979 crops of rice," and inserting in lieu thereof "Except as otherwise provided in subparagraph (D) of this paragraph, effective with respect to the 1978 through 1981 crops of rice,";

(B) in subparagraph (C), striking out "Effective only with respect to the 1978 and 1979 crops of rice," and inserting in lieu thereof "Except as otherwise provided in subparagraph (D) of this paragraph, effective with respect to the 1978 through 1981 crops of rice,"; and

(C) redesignating subparagraph (D) as subparagraph (F) and inserting immediately after subparagraph (C) a new subparagraph (D) as follows:

"(D) With respect to the 1981 crop of

rice, cooperators on a farm shall not be eligible for disaster payments under this paragraph if the cooperators elect to cover the rice acreage with crop insurance, part of the premium for which is paid by the Federal Crop Insurance Corporation under the provisions of section 508(b) or 508(e) of the Federal Crop Insurance Act.".

(2) Section 103(f)(5) of the Agricultural Act of 1949, as added effective for the 1978 through 1981 crops of upland cotton, is amended by—

(A) in subparagraph (A), striking out "Effective only with respect to the 1978 and 1979 crops of upland cotton," and inserting in lieu thereof "Except as otherwise provided in subparagraph (C) of this paragraph, effective with respect to the 1978 through 1981 crops of upland cotton,";

(B) in subparagraph (B), striking out "Effective only with respect to the 1978 and 1979 crops of upland cotton," and inserting in lieu thereof "Except as otherwise provided in subparagraph (C) of this paragraph, effective with respect to the 1978 through 1981 crops of upland cotton,"; and

(C) adding at the end thereof a new subparagraph (C) as follows:

"(C) With respect to the 1981 crop of upland cotton, producers on a farm shall not be eligible for disaster payments under this paragraph if the producers elect to cover the upland cotton acreage with crop insurance, part of the premium for which is paid by the Federal Crop Insurance Corporation under the provisions of section 508(b) or 508(e) of the Federal Crop Insurance Act.".

(3) Section 105A(b)(2) of the Agricultural Act of 1949, as added effective for the 1977 through 1981 crops of feed grains, is amended by—

(A) in subparagraph (A), striking out "Effective only with respect to the 1978 and 1979 crops of feed grains," and inserting in lieu thereof "Except as otherwise provided in subparagraph (C) of this paragraph, effective with respect to the 1978 through 1981 crops of feed grains,";

(B) in subparagraph (B), striking out "Effective only with respect to the 1978 and 1979 crops of feed grains," and inserting in lieu thereof "Except as otherwise provided in subparagraph (C) of this paragraph, effective with respect to the 1978 through 1981 crops of feed grains,"; and

(C) redesignating subparagraph (C) as subparagraph (E) and inserting immediately after subparagraph (B) a new subparagraph (C) as follows:

"(C) With respect to the 1981 crop of feed grains, producers on a farm shall not be eligible for disaster payments under this paragraph if the producers elect to cover the feed grain acreage with crop insurance, part of the premium for which is paid by the Federal Crop Insurance Corporation under the provisions of section 508(b) or 508(e) of the Federal Crop Insurance Act.".

(4) Section 107A(b)(2) of the Agricultural Act of 1949, as added effective for the 1977 through 1981 crops of wheat, is amended by—

(A) in subparagraph (A), striking out "Effective only with respect to the 1978 and 1979 crops of wheat," and inserting in lieu thereof "Except as otherwise provided in subparagraph (C) of this paragraph, effective with respect to the 1978 through 1981 crops of wheat,";

(B) in subparagraph (B), striking out "Effective only with respect to the 1978 and 1979 crops of wheat," and inserting in lieu thereof "Except as otherwise provided in subparagraph (C) of this paragraph, effective with respect to the 1978 through 1981 crops of wheat,"; and

(C) redesignating subparagraph (C) as subparagraph (E) and inserting immediately after subparagraph (B) a new subparagraph (C), as follows:

"(C) With respect to the 1981 crop of wheat, producers on a farm shall not be eligible for disaster payments under this paragraph if the producers elect to cover the wheat acreage with crop insurance, part of the premium for which is paid by the Federal Crop Insurance Corporation under the provisions of section 508(b) or 508(e) of the Federal Crop Insurance Act.".

(b) The Secretary of Agriculture, after consultation with the Board of Directors of the Federal Crop Insurance Corporation, shall, at least sixty days prior to the beginning of the 1981 crop years for wheat, feed grains, upland cotton, and rice, notify producers of those commodities of their right to elect, with respect to the 1981 crop, between (1) declaring the farm acreage of the respective commodity eligible for disaster payments under the Agricultural Act of 1949, or (2) covering such farm acreage with crop insurance, part of the premium for which is paid by the Federal Crop Insurance Corporation under the provisions of section 508 (b) or 508(e) of the Federal Crop Insurance Act. Such notice shall include a statement of the percent of crop insurance premium that will be paid by the Corporation.

SPECIAL DISASTER PAYMENTS FOR THE 1979 CROP YEAR

Sec. 202. (a)(1) Section 101(h)(4) of the Agricultural Act of 1949, as added effective for the 1978 through 1981 crops of rice, is further amended by—

(A) striking out "subparagraphs (B) and (C)" in subparagraph (F), as redesignated by section 201(a)(1)(C) of this Act, and inserting in lieu thereof "subparagraphs (B), (C), and (E)"; and

(B) inserting after new paragraph (D), as added by section 201(a)(1)(C) of this Act, a new subparagraph (E) to read as follows:

"(E) Effective only with respect to the 1979 crop of rice, if the Secretary determines that, as the result of drought, flood, or other natural disaster, or other condition beyond the control of the producers (including inadequate fuel), persons involved in producing rice on a farm (i) are prevented from planting any portion of the acreage allotments of producers on the farm or the farm acreage allotment to rice and (ii) plant a nonconserving crop in lieu of rice, the Secretary shall make a special disaster payment to cooperators on the farm in an amount determined by multiplying (I) the number of acres so affected, by (II) 75 per centum of the yield established for the farm, by (III) 15 per centum of the established price for rice, except that the Secretary shall make no payment under this sentence on a farm from which acres were transferred under section 352(d) of the Agricultural Adjustment Act of 1938, as amended, with respect to the transferred acreage.".

(2) Section 103(f)(5) of the Agricultural Act of 1949, as added effective for the 1978 through 1981 crops of upland cotton, is further amended by adding at the end thereof a new subparagraph (D) as follows:

"(D) Effective only with respect to the 1979 crop of upland cotton, if the Secretary determines that, as a result of drought, flood, or other natural disaster, or other condition beyond the control of the producers (including inadequate fuel), producers on a farm (i) are prevented from planting any portion of the acreage intended for cotton to cotton and (ii) plant a nonconserving crop in lieu of cotton, the Secretary shall make a special disaster payment to the producers on the number of acres so affected, but not to exceed the acreage planted to cotton for harvest (including any acreage that the producers were prevented from planting to cotton or other nonconserving crop in lieu of cotton because of drought, flood, or other natural disaster, or other condition beyond the control of the producers) in the immediately preceding year, multiplied by 75 per centum of the farm program payment yield for cotton established by the Secretary times a payment rate equal to 15 per centum of the established price for the crop.".

(3) Section 105A(b)(2) of the Agricultural Act of 1949, as added effective for the 1977 through 1981 crops of feed grains, is further amended by inserting immediately after new subparagraph (C), as added by section 201 (a)(3)(C) of this Act, a new subparagraph (D) as follows:

"(D) Effective only with respect to the 1979 crop of feed grains, if the Secretary determines that, as the result of drought, flood, or other natural disaster, or other condition beyond the control of the producers (including inadequate fuel), producers on a farm (i) are prevented from planting any portion of the acreage intended for feed grains to feed grains and (ii) plant a nonconserving crop in lieu of feed grains, the Secretary shall make a special disaster payment to the producers on the number of acres so affected, but not to exceed the acreage planted to feed grains for harvest (including any acreage that the producers were prevented from planting to feed grains or other nonconserving crop in lieu of feed grains because of drought, flood, or other natural disaster, or other condition beyond the control of the producers) in the immediately preceding year, multiplied by 75 per centum of the farm program payment yield for feed grains established by the Secretary times a payment rate equal to 15 per centum of the established price for the crop.".

(4) Section 107A(b)(2) of the Agricultural Act of 1949, as added effective for the 1977 through 1981 crops of wheat, is further amended by inserting immediately after new subparagraph (C), as added by section 201 (a)(4)(C) of this Act, a new subparagraph (D) as follows:

"(D) Effective only with respect to the 1979 crop of wheat, if the Secretary determines that, as the result of drought, flood, or other natural disaster, or other condition beyond the control of the producers (including inadequate fuel), producers on a farm (i) are prevented from planting any portion of the acreage intended for wheat to wheat and (ii) plant a nonconserving crop in lieu of wheat, the Secretary shall make a special disaster payment to the producers on the number of acres so affected, but not to exceed the acreage planted to wheat for harvest (including any acreage that the producers were prevented from planting to wheat or other nonconserving crop in lieu of wheat because of drought, flood, or other natural disaster, or other condition beyond the control of the producers) in the immediately preceding year, multiplied by 75 per centum of the farm program payment yield for wheat established by the Secretary times a payment rate equal to 15 per centum of the established price for the crop.".

(b) This section shall become effective October 1, 1979, and the provisions hereof shall be retroactive to cover special disaster payments to producers for the 1979 crops of rice, upland cotton, feed grains, and wheat.

MOTION OFFERED BY MR. JONES OF TENNESSEE

Mr. JONES of Tennessee. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Jones of Tennessee moves to strike out all after the enacting clause of the Senate bill, S. 1125, and to insert in lieu thereof the provisions of the bill H.R. 4119, as passed by the House as follows:

That this Act may be cited as the "Federal Crop Insurance Act of 1979".

CAPITAL STOCK

Sec. 2. (a) Effective October 1, 1980, section 504(a) of the Federal Crop Insurance Act is amended by striking out "$200.000,000" and inserting in lieu thereof "$500,000,000".

(b) Section 504 of such Act is amended by adding after subsection (c) a new subsection (d) as follows:

"(d) The Secretary of the Treasury within thirty days after the date of enactment of the Federal Crop Insurance Act of 1979, shall cancel, without consideration, receipts for payments for or on account of the stock of the Federal Crop Insurance Corporation outstanding on such date of enactment and such receipts shall cease to be liabilities of the Corporation.".

BOARD OF DIRECTORS: MEMBERSHIP AND COMPENSATION

SEC. 3. (a) Section 505(a) of the Federal Crop Insurance Act is amended by—

(1) amending the second sentence to read as follows: "The Board shall consist of the manager of the Corporation, two other persons employed in the Department of Agriculture, two persons experienced in the crop insurance business who are not otherwise employed by the Federal Government, and two active farmers who are not otherwise employed by the Federal Government."; and

(2) adding at the end thereof a new sentence as follows: "The Secretary, in appointing the two active farmers who are not employed by the Federal Government, shall ensure that such members are policyholders and are from different geographic areas of the United States, in order that diverse agricultural interests in the United States are at all times represented on the Board.".

(b) Section 505(b) of such Act is amended by striking out "three" wherever that word appears therein and inserting in lieu thereof "four".

(c) The second sentence of section 505(c) of such Act is amended to read as follows: "The Members of the Board who are not employed by the Federal Government shall be paid such compensation for their services as directors as the Secretary of Agriculture shall determine, but such compensation shall not exceed the daily equivalent of the rate currently effective for grade GS-18 pursuant to section 5332 of title of 5 of the United States Code per day when actually employed and actual necessary traveling and subsistence expenses, or a per diem allowance in lieu of subsistence expenses, as authorized by section 5703 of title 5 of the United States Code for persons in Government service employed intermittently, when on the business of the Corporation away from their homes or regular places of business.".

GENERAL POWERS FOR THE CORPORATION

SEC. 4. Section 506 of the Federal Crop Insurance Act is amended by—

(1) in subsection (c), striking out "make contracts and";

(2) in subsection (d), inserting immediately before the semicolon at the end thereof ": *Provided, further,* That the Corporation may intervene in any court in any suit, action, or proceeding in which it has an interest";

(3) in subsection (f), striking out "free";

(4) in subsection (h), striking out the semicolon and inserting the following: ", and may conduct research surveys, pilot programs and investigations relating to agriculture-related risks and losses including, but not limited to, insurance on losses involving reduced forage on rangeland caused by drought and by insect infestation, livestock poisoning and disease, destruction of bees due to the use of pesticides, and other unique problems of special risk related to, but not limited to, fruits, nuts, vegetables, aquacultural species, forest industry needs including appreciation, and other agriculture products as determined by the Board: *Provided* That no such programs may be undertaken if insurance protection against such risks is generally available from private companies. The Corporation shall report annually to Congress the results of its operations on each pilot program undertaken and shall not expand beyond the pilot program without the approval of the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry;"; and

(5) at the end of subsection (j), striking out the period and inserting in lieu thereof "; and" and adding at the end of section 506 a new subsection (k) as follows:

"(k) may enter into and carry out contracts or agreements necessary in the conduct of its business, as determined by the Board. State and local laws or rules shall not apply to contracts or agreements of the Corporation or the parties thereto to the extent that such contracts or agreements provide that such laws or rules shall not apply, or to the extent that such laws or rules are inconsistent with such contracts or agreements.".

USE OF PRIVATE INSURANCE COMPANIES

SEC. 5. Section 507 of the Federal Crop Insurance Act is amended by—

(1) amending subsection (c) to read as follows:

"(c) In the administration of this title, the Board shall, to the maximum extent possible, (1) establish or use committees or associations of producers and make payments to them to cover the administrative and program expenses, as determined by the Board, of cooperating in carrying out this title, (2) contract with private insurance companies and reimburse such companies for the administrative and program expenses incurred by them, under terms and provisions consistent with those generally prevailing in the industry and respecting rates of compensation, and (3) encourage the sale of Federal crop insurance through licensed private insurance agents and brokers and give the insured the right to renew said insurance for successive terms through such agents and brokers, in which case the agent or broker shall be reasonably compensated for said sales and renewals recognizing his function to provide continuing services while the insurance is in effect. The Board shall provide such agents and brokers with indemnification, including costs and reasonable attorney fees, from the Federal Crop Insurance Corporation for errors or omissions on the part of the Corporation or its contractors for which the agent or broker is sued or held liable, except to the extent the agent or broker has caused the error or omission.";

(2) adding a new subsection (f) as follows:

"(f) The Board should utilize, to the fullest extent possible, the resources, data, boards, and the committees of (1) the Soil Conservation Service, in assisting in land classification of risk, production capability and in developing acceptable conservation practices; (2) the Forest Service, in assisting the Board in the development of a timber insurance plan; (3) the Agricultural Stabilization and Conservation Service, in assisting in the determination of individual producer yields and in serving as a local contact point for farmers where the Board deems necessary; and (4) other Federal agencies in any way the Board deems necessary in carrying out this Act."

FEDERAL CROP INSURANCE, EXPANSION, AND COVERAGE

SEC. 6. Effective with respect to the 1981 and subsequent crops, section 508(a) of the Federal Crop Insurance Act is amended by—

(1) in the first sentence, striking out "Commencing with crops planted for harvest in 1948, for" and inserting in lieu thereof "For";

(2) in the second sentence, inserting immediately after "tobacco," the phrase "and aquacultural species,";

(3) striking out the third sentence beginning with the words "In 1948 insurance", the fourth sentence beginning with the words "Beginning with crops", the sixth sentence beginning with the words "Reinsurance for private", and the ninth sentence beginning with the words "Counties selected by";

(4) in the seventh sentence by striking out "Provided," and all that follows down through the period at the end of the sentence and inserting in lieu thereof "*Provided,* That a minimum of three levels of coverage shall be offered: (1) 50 per centum of the recorded or appraised average yield, (2) 65 per centum of the recorded or appraised average yield, and (3) 75 per centum of the recorded or appraised average yield."; and

(5) inserting immediately after the seventh sentence the following: "The Corporation shall offer other levels of yield coverage to be selected at the option of each producer and offer insurance coverages to individual farmers based on actual 5 year production history for the farm if available, and if not, offer insurance coverage based on the average county yield in the county where the farm is located. One of the price elections offered shall approximate (but be not less than 90 per centum of) the projected market price for the commodity involved, as determined by the Board.".

PREMIUM SUBSIDY, REINSURANCE, AND SPECIFIC RISK PROTECTION

SEC. 7. Effective with respect to the 1981 and subsequent crops, section 508 of the Federal Crop Insurance Act is further amended by—

(1) amending subsection (b) to read as follows:

"(b) To fix adequate premiums for insurance at such rates as the Board deems sufficient to cover claims for losses on such insurance and to establish as expeditiously as possible a reasonable reserve against unforeseen losses. The producer may elect to have deleted from the Corporation's policy of insurance the coverage against losses caused by both hail and fire and to obtain coverage therefor from a private insurer. Upon notice of such election in writing to the Corporation and submission on evidence of such substitute coverage on the commodities insured by the Corporation in an amount not less than that provided by the Corporation's policy, the producer's premium as calculated by the Corporation shall be reduced by 25 per centum, but not to exceed the premium for the substitute coverage. For the purpose of encouraging the broadest possible participation in the insurance program, 30 per centum of each producer's premium, as calculated by the Corporation on any coverage on the Corporation's policy of insurance up to a maximum of 65 per centum of the recorded or appraised average yield, shall be paid by the Corporation. The producer's share of such premiums shall be collected at such time or times, or shall be secured in such manner, as the Board may determine. The Board may enter into agreements with any State or agency of a State pursuant to which such State or agency may pay to the Corporation additional premium subsidy to further reduce the portion of the premium paid by farmers in such State. The Board may also require that the Corporation pay additional and/or graduated premium subsidy to further reduce the portion of the premium paid by operators of small farms: *Provided,* That eligibility for classification as a small farm shall be based on the maximum potential exposure of the Corporation on all commodities eligible for insurance at a limit determined by the Board.";

(2) in subsection (c), striking out the second sentence which begins, "The Corporation shall provide,"; and

(3) striking out subsection (f) and adding new subsections (f), (g), and (h) to read as follows:

"(f) And directed, notwithstanding any other provision of this Act, to reinsure to the maximum extent practicable, upon such terms and conditions as the Board may determine to be consistent with section 508(a) and (b) and sound reinsurance principles, insurers including private insurance companies or pools of such companies, and reinsurers of such companies, or any State or local governmental entity, including any territory or possession or political subdivision thereof, which insure producers of any agricultural commodity under a plan or plans acceptable to the Corporation, including a test program made available, to the maximum extent possible, not later than the 1982 crop year. In order to provide equity among producers purchasing crop insurance, whenever the Corporation provides reinsurance under this subsection to any such insurers, the Corporation shall pay a portion of each producer's premium for such insurance so reinsured. Each such payment shall cover the same per centum of the premium, and be subject to the same restrictions regarding payments of premiums for crop insurance on commodities, as provided in subsection (b) of this section for Federal partial payments of Federal crop insurance premiums. The Corporation shall also pay operating and administrative costs to insurers of policies on which the Corporation provides reinsurance to the same extent that such costs are covered by appropriated funds on the Corporation's policies of insurance. Insurers of policies on which reinsurance is provided shall make use of licensed private insurance agents and brokers on the same basis as provided for policies of the Corporation under section 507(c)(3).

"(g) To provide insurance or reinsurance for production of agricultural commodities in the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands in the same manner as provided under this section for producers in the several States.

"(h) To offer separate protection against specific risks including, but not limited to, prevented planting, wildlife depredation, tree damage and disease, and insect infestation, under such terms and conditions as the Corporation may determine providing adequate coverage is not available from private companies.".

DELETION OF AUTHORITY FOR ADVISORY COMMITTEES

SEC. 8. Section 515 of the Federal Crop Insurance Act is hereby repealed.

APPROPRIATIONS FOR OPERATING AND ADMINISTRATIVE EXPENSES

SEC. 9. Section 516(a) of the Federal Crop Insurance Act is amended to read as follows:

"SEC. 516. (a) There are hereby authorized to be appropriated such sums as may be necessary to cover the operating and administrative costs of the Corporation, including agents' commissions, interest on Treasury notes and other obligations, Federal premium payments, and the direct cost of loss adjusters for crop inspections and loss adjustments, which shall be allotted to the Corporation in such amounts and at such time or times as the Secretary of Agriculture may determine. Expenses in connection with the purchase, transportation, handling or sale of the agricultural commodity, agents' commissions, interest on Treasury notes and other obligations, Federal premium payments, and the direct cost of loss adjusters for crop inspections and loss adjustments may be paid from premium income and other Corporation funds, and any such expenses may be restored by appropriations in subsequent years. No more than two hundred additional permanent full-time employees, in excess of the number of full-time employees employed by the Corporation on the effective date of the Federal Crop Insurance Act of 1979, may be employed to implement the provisions of this Act, except in the case of, and only during, emergencies.".

EMERGENCY FUNDING IN CASE OF INSUFFICIENCY

SEC. 10. Effective October 1, 1980, section 516 of the Federal Crop Insurance Act is amended by adding a new subsection (c) as follows:

"(c) If at any time the moneys available to the Corporation are insufficient to enable the Corporation to discharge its responsibility of indemnifying producers for losses under this title, the Corporation shall issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury. Redemption of such notes or obligations shall be made by the Corporation from moneys available from premiums or the issuance of capital stock under section 504 of this title. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, which shall be not less than a rate determined by taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury shall purchase any notes or other obligations issued hereunder and for that purpose is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act and the purposes for which securities may be issued under that Act are extended to include any purchase of such notes or obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by the Secretary of the Treasury under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. The borrowing authority provided for in this section may be exercised by the Corporation only to such extent or in such amounts as are provided in appropriation Acts.".

REAUTHORIZATION REQUIRED, EFFECTIVE OCTOBER 1, 1982

SEC. 11. Section 516 of the Federal Crop Insurance Act is amended by adding at the end thereof a new subsection (d) as follows:

"(d) Notwithstanding any other provision of law, effective October 1, 1983, appropriations and borrowing from the United States Treasury authorized under this section shall not exceed such amounts as may be authorized by law after the date of enactment of the Federal Crop Insurance Act of 1979.".

AGRICULTURAL COMMODITY

SEC. 12. Section 518 of the Federal Crop Insurance Act is amended to read as follows:

"SEC. 518. 'Agricultural commodity', as used in this title, means wheat, cotton, flax, corn, dry beans, oats, barley, rye, tobacco, rice, peanuts, soybeans, sugar beets, sugar cane, tomatoes, grain sorghum, sunflowers, raisins, oranges, sweet corn, dry peas, freezing and canning peas, forage, apples, grapes, potatoes, timber and forests, nursery crops, citrus, and other fruits and vegetables, nuts, tame hay, native grass, acquacultural species (including, but not limited to, any species of finfish, mollusk, crustacean, or other aquatic invertebrate, amphibian, reptile, or aquatic plant, propagated or reared in a controlled or selected environment), or any other agricultural commodity, excluding livestock and stored grain, determined by the Board pursuant to subsection 508(a) of this Act, or any one or more of such commodities, as the context may indicate.".

EFFECTIVE DATE

SEC. 13. Except as otherwise provided in this Act, the provisions of this Act amending the Federal Crop Insurance Act shall become effective October 1, 1979, or the date of enactment of this Act, whichever is the later.

EXTENSION OF DISASTER PAYMENT PROGRAMS; APPLICABILITY

SEC. 14. Section 1001 of the Food and Agriculture Act of 1977 (7 U.S.C. 1309) is amended by adding at the end thereof a new subsection (c) as follows:

"(c) Notwithstanding any other provision of law, the low yield and the prevented planting disaster payment provisions for rice, upland cotton, feed grains, and wheat contained in sections 101(b)(4), 103(f)(5), 105A(b)(2), and 107A(b)(2), respectively, of the Agricultural Act of 1949, which are presently effective only for the 1978 and 1979 crops, shall be effective as well with respect to the 1980 and 1981 crops of such commodities. Notwithstanding any other provision of law, producers on a farm shall not be eligible to receive low yield or prevented planting disaster payments on any such commodity for the 1981 crop year if the producers elect to cover their acreage of such commodity with crop insurance, part of the premiums for which is paid by the Federal Crop Insurance Corporation under the provisions of section 508(b) or 508(e) of the Federal Crop Insurance Act.".

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 4119) was laid on the table.

GENERAL LEAVE

Mr. JONES of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I ask to address the House for the purpose of inquiring of the distinguished acting majority leader for the program for the balance of this week and next week.

Mr. ROSTENKOWSKI. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Illinois.

Mr. ROSTENKOWSKI. At the conclusion of business today, the House will stand in recess for the Lincoln-Washington district work period until Tuesday, February 19.

The program for the House of Representatives for the week of February 18 is as follows:

On Monday, the House will not be in session.

On Tuesday, February 19, the House meets at noon on the Private Calendar.

There is only one suspension, H.R.

6285, the Egg Research and Consumer Information Act amendments bill.

The House will then take up H.R. 2492, tariff treatment of crude feathers and downs under an open rule with 1 hour of debate.

On Wednesday, February 20, the House meets at 3 p.m. to consider: H.R. 3994, Resource Conservation and Recovery Act Amendments of 1979, under an open rule with 1 hour of debate, the rule having already been adopted.

On Thursday and Friday, February 21 and 22, the House will meet at 11 a.m. for the consideration of H.R. 3789, the Great Plains Conservation Act, subject to a rule being granted.

We will also take up the conference report on H.R. 5235, the Uniform Services Health Professionals Special Pay Act.

The House will adjourn at 5:30 p.m. on all days except Wednesday. Conference reports may be brought up at any time.

Any further program will be announced later.

Mr. MICHEL. I appreciate the gentleman's response.

Might I inquire, since there was so much commotion here in the House, whether that bill on Tuesday is more properly called an egg research and promotion bill, rather than agricultural research. I did not hear the gentleman's characterization of it.

Mr. ROSTENKOWSKI. The bill, I believe, is called H.R. 6285, agricultural research legislation.

Mr. MICHEL. I would suggest that the gentleman's characterization of the bill be changed to the egg research and promotion bill, but his bill number is correct.

With that, Mr. Speaker, I yield back the balance of my time.

AUTHORIZING THE CLERK TO RECEIVE MESSAGES FROM THE SENATE AND THE SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS DULY PASSED, NOTWITHSTANDING ADJOURNMENT

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Tuesday, February 19, 1980, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday, February 20, 1980.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AUTHORIZING THE SPEAKER TO ACCEPT RESIGNATIONS, AND TO APPOINT COMMISSIONS, BOARDS, AND COMMITTEES, NOTWITHSTANDING ADJOURNMENT

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Tuesday, February 19, 1980, the Speaker be authorized to accept resignations, and to appoint commission, boards, and committees authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

TRIBUTE TO THE LATE HONORABLE MIKE MONRONEY

(Mr. STEED asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEED. Mr. Speaker, Oklahoma lost one of her most illustrious sons in the death Tuesday night, February 12, of the former U.S. Senator Mike Monroney. He served 12 years in the House of Representatives before being elected to what proved to be an 18-year career in the U.S. Senate.

His service was made during a time when Oklahoma, having survived the destructive years known as the "dust storm years," began the long struggle to gain growth and prosperity. He played a major roll in programs that developed the State's land, water and transportation resources. These developments are key today in Oklahoma's continued advancement.

Perhaps one of his most notable achievements during his tenure as a lawmaker was the leading role he played as a member of the Monroney-LaFollette Committee which reorganized Congress. This streamlined the work of Congress that made great contributions to its work during the stirring and troublesome years during and following World War II.

But the field in which he made his greatest contributions, and the one which he enjoyed the most, was in the field of aviation. Oklahomans played a major role in the early days of aviation and exposed young Monroney, first as an Oklahoma City newspaperman and then as a lawmaker, to the pioneers in this new industry. Year after year, he repeatedly took the lead in many activities that promoted and advanced aviation. His work helped create the fact that the United States became, and still is, the world's aviation leader. He won fame as "Mr. Aviation."

The Mike Monroney Aeronautical Training Center at Oklahoma City, named in his honor last year, was an idea he helped develop. Today it is the singlemost important facility in air travel, training among other things, all the air traffic controllers for the United States and many other countries.

He possessed a rich Irish sense of humor and will be long remembered for his coining of catch phrases about the affairs of the day.

My first association with Senator Monroney began in the 1920's when we both worked on newspapers in Oklahoma City. Later, we became associated again when he was elected to Congress while I still served on Capitol Hill as a congressional secretary. He was completing his sixth term, prior to becoming a Senator, when I arrived to begin my career as a House Member. As he had so well done in my cub reporter days, he again became my tutor as a lawmaker. Some of my fondest memories with him include our days on the campaign trail.

He is survived by his wife, Mary Ellen, and a son, Mike, Jr. These old and cherished friends have the heartfelt sympathy of both myself and my wife. We are privileged to share many wonderful events together and we give them our prayers in sharing this loss.

GENERAL LEAVE

Mr. STEED. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the life, character, and public service of the late Honorable Mike Monroney.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

STARTUP OF FFTF

(Mr. McCORMACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCORMACK. Mr. Speaker, I am pleased to announce that on Saturday, February 9, 1980, at 3:45 p.m., the fast flux test facility at the Department of Energy Hanford facility in Washington State achieved a self-sustaining chain reaction for the first time. This is a significant accomplishment for the United States and its nuclear development program.

During startup of the FFTF all systems performed in accordance with design parameters. The results of the self-sustaining chain reaction were consistent with physics predictions. I congratulate the Department of Energy and its Nuclear Programs Director, Mr. Robert Ferguson, and the members of the nuclear energy team at Hanford who have labored long and diligently to bring this project to this successful landmark. I also congratulate the operating contractor, Westinghouse's Hanford Engineering Development Laboratory, for its strong commitment and dedication to the program.

The heart of the fast flux test facility is a 400-thermal megawatt, sodium-cooled, fast neutron reactor, designed specifically for irradiation testing of nuclear fuels and materials. It is an experimental machine designed to operate in support of the liquid metal fast breeder program. The fast flux test facility was not designed to produce electricity. Its primary purpose is to provide information for follow-on liquid metal fast breeder projects and technology in the plant systems, component fabrication, and prototype testing.

Now that the FFTF has achieved criticality, acceptance testing will continue throughout the balance of 1980. Full scale operation will come early in 1981.

The fast flux test facility was started on the schedule that was established for this project in 1975, and within the cost estimate that was established at that time.

☐ 1400

INSTRUCTING COMMITTEE ON RULES TO INQUIRE INTO TRUTH OR FALSITY OF A CERTAIN NEWSPAPER ACCOUNT

Mr. BOLLING. Mr. Speaker, I send to the desk a privileged resolution (H. Res. 578) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 578

Resolved, Whereas it was reported in the public press on February 9, 1980, that, "The House of Representatives this week lost a secret effort in court to obtain a ruling that congressmen do not have to respond to federal grand jury subpoenas for House records;" and

Whereas the House of Representatives has never authorized such action on its behalf in the case mentioned in the press account; and

Whereas such alleged House action involves the conduct of officers and employees of the House, newspaper charges affecting the honor and dignity of the House, and the protection of the constitutional prerogatives of the House when directly questioned in the courts, and thus involves a question of privilege of the House:

Therefore be it resolved, That the Committee on Rules be instructed to inquire into the truth or falsity of the newspaper account and promptly report back to the House its findings and any recommendations thereon.

Mr. RHODES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The Chair has examined the resolution and finds that under rule IX and the precedents of the House, the resolution presents the question of the privilege of the House.

The gentleman from Missouri (Mr. BOLLING) will be recognized for 1 hour.

The Chair recognizes the gentleman from Missouri (Mr. BOLLING).

Mr. RHODES. Mr. Speaker, a parliamentary inquiry.

POINT OF ORDER

Mr. BAUMAN. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. BAUMAN. The Clerk read the resolution, but I believe the Clerk misread it. He left out a clause in the resolution that had been drafted by the gentleman from Arizona (Mr. RHODES) referring to House Resolution 10. Could we be sure that the Clerk read the correct resolution, since the gentleman from Arizona wrote it?

Mr. BOLLING. Mr. Speaker, could I be heard on that?

The SPEAKER. The Chair recognizes the gentleman from Missouri for 1 hour.

Mr. BOLLING. Mr. Speaker, the Clerk read the resolution which was submitted as an earlier draft by the gentleman from Arizona, I would say to the gentleman from Maryland.

Mr. BAUMAN. If the gentleman will yield, earlier or later?

Mr. BOLLING. This is the earlier one he drafted, as far as I know, and this is the one that I offered, because I had not been given the later draft.

Mr. RHODES. Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

Mr. BOLLING. I will be glad to yield for a parliamentary inquiry.

Mr. RHODES. Mr. Speaker, would it be in order for me to offer a substitute for the resolution offered by the gentleman from Missouri?

The SPEAKER. The gentleman from Missouri has 1 hour's time, and would have to yield for that purpose.

Mr. BOLLING. Mr. Speaker, the gentleman has no intention of yielding for that substitute. He took the earlier draft of the gentleman from Arizona, and that is the extent to which the gentleman from Missouri is prepared to cooperate in this operation.

PARLIAMENTARY INQUIRY

Mr. RHODES. A further parliamentary inquiry, if the gentleman will yield.

Mr. BOLLING. I yield to the gentleman for a parliamentary inquiry.

Mr. RHODES. Would it be in order for the gentleman from Missouri to yield to the minority leader for purposes of debate at some time during his hour?

Mr. BOLLING. The gentleman from Missouri intends to yield to my distinguished friend, the minority leader, for a limited time later on. But it will be relatively limited because the gentleman does not intend to take much time himself, and he hopes that the minority leader will follow his approach.

Mr. RHODES. Since the minority leader feels more strongly about this matter, I am sure, than the gentleman from Missouri does, it may be difficult for him to restrain himself, but he will try.

Mr. BOLLING. Well, the gentleman from Missouri would like to reply to that.

The gentleman from Missouri has not felt more strongly about a matter in a very long time than he does about this. And that is the reason that he took the unusual approach that he has taken of accepting at least a draft, presumably developed by the minority leader. The gentleman from Missouri obviously has no difficulty with the content of the resolution and feels that he could in honor offer it. The gentleman from Missouri has a very, very strong feeling about the timing of the offering of this proposal by the minority, and the gentleman from Missouri has carefully differentiated between what he has said earlier about the minority leader and what he is now saying about the minority.

I fear me, and I do not suspect the gentleman from Arizona of having this view, I fear me that there is some motivation other than fully objective concern for the House in the timing of the resolution, not in the content. And that is the reason that the gentleman from Missouri took the unusual course of offering the minority's proposition. He feels that it is appropriate for the House, through the Rules Committee initially, to look into this matter. But he thinks it might be done with greater dignity, and one might say with greater honor, if it were not done at this particular time of confusion.

Therefore, the gentleman from Missouri is happy to yield 5 minutes for debate to the gentleman from Arizona, the distinguished minority leader.

Mr. BAUMAN. Mr. Speaker, I demand that the words of the gentleman from Missouri be taken down. I would like to cite the reason therefor.

The SPEAKER. Will the gentleman state what words he had in mind?

Mr. BAUMAN. If the record is read back by the Clerk, I believe the Chair will find that the gentleman from Missouri referred to the motivation behind the offering of this resolution at this time and referred to the minority leader and the Members of the minority party. Subsequent to that the gentleman from Missouri referred to that motivation being dishonorable. I think this falls within the rules of the House that clearly say that a Member of the House cannot question the motivation of other Members of the House in their actions. The gentleman from Missouri did refer to the minority leader, and all of the Members of the minority and their motivation.

☐ 1410

The SPEAKER. The Clerk will report the words.

The Clerk read as follows:

The gentleman from Missouri would like to reply to that. The gentleman from Missouri has not felt more strongly about a matter in a very long time than he does about this, and that is the reason that he took the unusual approach that he has taken of accepting at least a draft presumably developed by the minority leader. The gentleman from Missouri obviously has no difficulty with the content of the resolution and feels that he could in honor offer it.

The gentleman from Missouri has a very, very strong feeling about the timing of the offering of the proposal by the minority, and the gentleman from Missouri has carefully differentiated between what he has said earlier about the minority leader and what he has said about the minority. I fear me, and I do not suspect the gentleman from Arizona of having this view, I fear me that there is some motivation other than fully objective concern for the House in the timing of the resolution, not in the content, and that is the reason that the gentleman from Missouri took the unusual course of offering the minority's proposition. He feels that it is appropriate for the House, through the Rules Committee, initially to look into this matter, but he thinks it might be done with greater dignity and, one might say, with greater honor, if it were not done at this particular time of confusion. Therefore, the gentleman from Missouri is happy to yield 5 minutes for debate to the gentleman from Arizona, the distinguished minority leader.

The SPEAKER. The gentleman from Missouri has referred in his remarks that he feels that it is appropriate for the House, through the Rules Committee, initially to look into this matter, and he thinks it might be done with greater dignity and, one might say, with greater honor if done by the committee or considered at another time.

The Chair, in its opinion, feels that he has not transgressed on the honor or the dignity of the minority party or the minority leader, and the point of order is not well taken.

The gentleman from Missouri.

Mr. BAUMAN. Mr. Speaker, would the Chair address himself to the issue of motivation the gentleman from Missouri raised, as to whether that is a correct use of parliamentary language.

The SPEAKER. In the opinion of the Chair the gentleman did not talk about or refer to the dishonor of any Member of the House, nor did he characterize the motives of any specific Member in an unparliamentary way.

The Chair repeats, the point of order is not well taken.

The Chair recognizes the gentleman from Missouri.

Mr. BOLLING. Mr. Speaker, I am happy to yield to my distinguished friend from Arizona 5 minutes for debate only.

Mr. WYDLER. Mr. Speaker, a point of order.

Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman knows that is not in order at this time. He is well aware of the rules.

The Chair recognizes the gentleman from Arizona (Mr. RHODES).

□ 1420

Mr. RHODES. Mr. Speaker, I have been out making Lincoln Day speeches. I would like to have made them while the House was not in session, but because the leadership of the majority decided that there must be great matters to be considered in these 2 days, the House was in session, and I am sorry that I could not be here.

When I arrived, I found that various matters involved with the institutional well-being of this body had occurred, and it became important to me at least that this House not recess now for the purposes of going out and making speeches, or going to our districts, or whatever, without some action being taken on the allegations which have been made in the newsprint concerning the operations of this House. My only motivation—and I do not like the word, but I will address myself to it—comes from the fact that I have been out in this country and I have heard the people expressing the opinion they have about this body. They think that we are engaged in some kind of a massive coverup. They think that this body will do anything to protect its Members, no matter what its Members may have done in the past. I, for one, do not wish to have this body adjourn without at least taking some step to indicate that that is not the feeling of the majority of our Members.

To address myself specifically to the matter of the subpena duces tecum directed to the Clerk of the House and the Speaker having to do with the records of the gentleman from California (Mr. CHARLES H. WILSON) on February 9 of this particular year there was a front-page article in the Washington Post which carried the headline, "House Loses Secret Bid for Immunity." The people around the country feel that when the newspaper says there has been something secret, there has been something secret.

Mr. Speaker, there was something secret. There was a subpena addressed to the Clerk of the House in September for certain records involving the gentleman from California (Mr. CHARLES H. WILSON). The usual manner for such a matter to be handled is to lay the matter before the House and under the rules of the House, the House itself decides whether or not the subpena will be honored. This was not done. Instead of that, attorneys who are on the payroll of the Clerk of the House went to the appropriate district court and asked, in conjunction with the Member, the gentleman from California (Mr. CHARLES H. WILSON) and his attorneys, that the subpena be quashed and also asked that the proceedings be secret. The proceedings were secret. The judge decided not to quash. Then there was an appeal made to the court of appeals with a like result, and on to the Supreme Court. This matter went clear to the Supreme Court.

Who knew about it? I do not know. I know that the minority leader did not know about it. I know that the Parliamentarian did not know about it. And I am told that the Speaker says he did not know about it. To me this indicates that something is very wrong with this institution. Who is a lawyer hired by the Clerk of the House to make a decision as to whether or not a matter like this will be kept secret? Who is a lawyer hired by the Clerk of the House to decide whether or not an appeal from a decision of a district court will be appealed to the court of appeals and then on to the Supreme Court? Look at the implication that this carries with it to that operation known as ABSCAM where there are seven Members of this body and one of the other body who are accused of various machinations and various actions which add up to a Federal crime if, indeed, they are proven.

Actually, under this sort of a rule, if this is really the way the House is to operate, then any subpena duces tecum of the records of its Members who are involved would have to be appealed and appealed and appealed ad infinitum, and the House of Representatives would have to be a party to that appeal. I just do not believe, Mr. Speaker, that when House Resolution 10 was put together and became a part of the rules of this House that a majority of the Members meant to operate that way. I also do not believe that the majority of the Members of this House expected decisions like that to be made by employees.

The SPEAKER. The time of the gentleman has expired.

Mr. BOLLING. I yield 5 additional minutes to the gentleman from Arizona.

Mr. RHODES. I thank the gentleman.

I think that the Members of the House expected, as I certainly did, that decisions under House Resolution 10 would be made by the leadership of the House elected for that purpose. Of course, I am talking about the Speaker, the majority leader, and the minority leader. Always before whenever there has been a subpena, the minority leader has been consulted. The decision either to lay it down and move favorably to comply or the decision not to comply has been made by the leadership of both parties. That was not true in this situation. As I say the Speaker says that he did not know about it, so I am persuaded that no elected Member of this body made those decisions, which I think are very vital to the perception that this body has insofar as the people of the country are concerned.

This is a great institution. This institution was created by our Founding Fathers as an institution of the House of the people. We are under attack. We are under attack because of the fact that certain Members of the body are accused of crimes, heinous crimes if they are proven. The thing which we must do in order to protect the institution as distinguished from protecting Members is to make sure that whatever we do, whatever we do in this matter, we operate in the open, we operate honorably, and we do everything which is necessary so that the truth may be found and that the truth will be applied to the acts of the Members of this House if, indeed, they are called into question. That has not been the situation, and that is why I think it is very necessary that we have this investigation.

I am pleased that the gentleman from Missouri (Mr. BOLLING) is going to go ahead with it. I expect he will proceed with his investigation with more enthusiasm than I detect for the resolution which he has offered, but, nevertheless, I am pleased that the House Committee on Rules will take some action in this matter. I trust that there will be some findings concerning the adequacy of House Resolution 10 itself. I read it a long time ago. I guess I did not read it as carefully as I should have. It is so full of holes, it looks like a sieve. If anything is needed more urgently right now than clarification of these procedures involving subpenas, I do not know what it is because we can expect, I am sure, a spate of them as a result of ABSCAM.

Mrs. FENWICK. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. I thank my colleague for yielding. I think it is a good day on this floor that we have heard reference to the honor of this House, reminding us of those who pledged their lives and, therefore, their sacred honor to establishing this country. I cannot think that the honor of this House would not be damaged at any time when we refuse the Department of Justice in the pursuit of justice any subpenas it chooses to give, not those that are guaranteed under the Constitution and acts and words on the floor of this House, but other records that we may have. Surely we cannot sustain the honor of an institution if we are not prepared to join in a search for justice.

Again I thank my colleague for yielding.

Mr. BAUMAN. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Maryland.

Mr. BAUMAN. I thank the gentleman for yielding.

The gentleman from Arizona (Mr. RHODES) has referred to House Resolution 10. That seems to be the crux of the matter. Earlier today I talked with the General Counsel to the Clerk of the House and his assistant, and while I do not presume to quote them, they did provide me with a letter that they sent to the Speaker on February 11 referring to the matter now before the House. Apparently officials or employees of the House arrogated unto themselves the right of the entire House to act in this matter. I read to the Members from House Resolution 10:

> *Resolved,* That the House of Representatives reserve to itself the power to revoke or modify the authority contained herein in all or specific instances.

In this instance we were not even given the chance to pass on the subpena, nor were we told that a secret proceeding was going on and that in our name, in the name of the House of Representatives, we were being represented as opposing giving information to the Department of Justice.

□ 1430

Mr. RHODES. The gentleman from Maryland is absolutely correct. I do not mind—well, I do mind saying, but I will say anyway that I think if the Speaker was not told—and he said he was not—about this matter, then he should proceed immediately to ask for the resignation of the persons responsible in the Office of the Clerk of the House. It seems to me there is no way that they could fulfill the duty which they have and not make the Speaker privy to this very important decision.

Mr. THOMAS. Will the distinguished minority leader yield?

Mr. RHODES. I yield to the gentleman from California.

Mr. THOMAS. In the gentleman from California's 1-minute speech this morning he asked why an attempt to quash the subpena was made without public notice and by whom. In a discussion with the Speaker following the gentleman from California's 1-minute speech, the Speaker indicated that he was not aware of the subpena procedure at the time that it was carried out. He further indicated he did not want to know about it, and thought he should not know about it. The Speaker, and counsel from the Clerk's Office with the Speaker, indicated that House Resolution 10 was the basis for the Clerk's action.

The SPEAKER pro tempore (Mr. SMITH of Iowa). The time of the gentleman has expired.

Mr. BOLLING. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, there is a temptation to debate the matter. There is a lot to be said on the other side if one wished, if there is another side. I think that the discussion so far has supported in effect my concern about the timing of this matter and although I know that some of my colleagues may regret this, I do not propose to try to debate a matter about which, quite clearly, nobody presently knows most of the facts.

The discussion started with that point being made that really we did not know what had happened and who knew about it and we did not remember about the governing resolution that was passed by the institution.

Mr. Speaker, the reason I am upset about the timing is that inevitably that was the kind of debate that we were going to have if we allowed it to go its course. It was going to be a debate in which nobody really knew the facts or could present them to the Members. I do not think that the honor of the House or of either party is served when we operate in that kind of a vacuum in which we accept the superficial and do not take the trouble to find out the facts. That is the reason I took the unusual course that I did of accepting as mine a resolution drafted by others.

Mr. Speaker, I do not intend to be difficult or arbitrary but I do not intend to debate something that I do not think anybody knows very much about. I do not intend to debate it now. I do not intend to yield for debate. I intend to force the matter to a vote rather promptly. If anybody has great desire to think about motivations or concerns, I make it very clear that I have the most profound respect for the minority leader and always have. He and I have been friends and have worked together for a very long time. I do not propose to let an incident like this impair our relationship and I do not desire to debate with anybody else on the matter and I exercise the prerogative of the hour rule and the person who manages the resolution to urge its unanimous adoption and to assure the Members of the House on both sides that the Committee on Rules as charged will look into the matter and will report back promptly, hopefully with a bipartisan report on the facts and any disagreement on the way in which the facts should be handled in a conclusion—that perhaps might be separate and perhaps might not be—but in any event that we will know the facts and agree on the facts before we start to debate.

Mr. Speaker, I think that is the way in which to serve the interests of the institution, which is my primary concern, and of the Democratic and Republican parties which are my secondary concern. The reason I am primarily concerned about the institution is that I am primarily concerned about the effect we have on the country when we go off—well, I do not want to use a slang expression but it comes so easily to the tongue—half-cocked. I assure you when we report from the Rules Committee we will have the information and if it is conceivably possible, it will be factual and it will be stipulated to by all the members of the Committee on Rules and we will argue the disposition of the facts, which will be a separate question.

Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and on a division (demanded by Mr. BAUMAN) there were—yeas 68; nays 49.

Mr. WYDLER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device and there were—yeas 194, nays 118, not voting 121, as follows:

[Roll No. 55]

YEAS—194

Albosta
Ambro
Andrews, N.C.
Annunzio
Anthony
Atkinson
Bailey
Baldus
Barnard
Barnes
Beard, R.I.
Bedell
Beilenson
Benjamin
Bennett
Bevill
Biaggi
Bingham
Blanchard
Boggs
Bolling
Bonker
Bouquard
Bowen
Brademas
Breaux
Brodhead
Burlison
Burton, John
Burton, Phillip
Byron
Carr
Cavanaugh
Chappell
Clay
Coelho
Collins, Ill.
D'Amours
Daniel, Dan
Danielson
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Dodd
Donnelly
Downey
Drinan
Early
Edwards, Calif.
English
Ertel
Evans, Ind.
Fascell
Fazio
Ferraro
Fisher
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Fowler
Frost
Fuqua
Garcia
Gaydos
Gephardt
Ginn
Glickman
Gonzalez
Gore
Gramm
Gray
Guarini
Gudger
Hall, Ohio
Hamilton
Hance
Hanley
Harkin
Harris
Hawkins
Hefner
Heftel
Holtzman
Howard
Hubbard
Huckaby
Hutto
Ichord
Jenrette
Johnson, Calif.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kildee
Kogovsek
LaFalce
Leath, Tex.
Lehman
Leland
Levitas
Lloyd
Long, Md.
Lowry
Lundine
McCormack
McHugh
McKay
Maguire
Markey
Matsui
Mavroules
Mica
Mikulski
Miller, Calif.
Minish
Mitchell, Md.
Moakley
Moffett
Mollohan
Montgomery
Moorhead, Pa.
Murphy, N.Y.
Murphy, Pa.
Murtha
Natcher
Neal
Nedzi
Nelson
Nolan
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Patterson
Pepper
Peyser
Preyer
Price
Rahall
Rangel
Ratchford
Reuss
Richmond
Rodino
Roe
Rose
Rosenthal
Runnels
Sabo
Santini
Satterfield
Scheuer
Seiberling
Shannon
Sharp
Shelby
Slack
Smith, Iowa
Solarz
Spellman
St Germain
Stack
Staggers
Steed
Stenholm
Stewart
Stokes
Stratton
Studds
Stump
Swift
Synar
Vento
Volkmer
Walgren
Watkins
Weiss
Whitley
Whitten
Williams, Mont.
Wirth
Wolff
Wolpe
Yates
Young, Mo.
Zablocki

NAYS—118

Abdnor
Archer
Badham
Bauman
Beard, Tenn.
Bereuter
Bethune
Broyhill
Buchanan
Burgener
Butler
Campbell
Carney
Cheney
Clausen
Coleman
Collins, Tex.
Conte
Corcoran
Coughlin
Courter
Crane, Philip
Daniel, R. W.
Davis, Mich.
Deckard
Derwinski
Devine
Dickinson
Dornan
Dougherty
Duncan, Tenn.
Eckhardt
Edgar
Edwards, Ala.
Emery
Erdahl
Evans, Ga.
Fenwick
Findley
Forsythe
Frenzel
Gilman
Gingrich
Goldwater
Gradison
Grassley
Green
Grisham
Hagedorn
Hammerschmidt

Hillis
Hinson
Hollenbeck
Hopkins
Hughes
Hyde
Jacobs
Jeffries
Kelly
Kemp
Kindness
Lagomarsino
Leach, Iowa
Lee
Lewis
Livingston
Loeffler
Lott
Lungren
McClory
McDade
McDonald
McKinney
Madigan
Marks
Martin
Michel
Miller, Ohio
Moore
Moorhead, Calif.
Myers, Ind.
O'Brien
Pashayan
Paul
Porter
Pursell
Quayle
Regula
Rhodes
Rinaldo
Ritter
Robinson
Roth
Rousselot
Royer
Sawyer
Schroeder
Sebelius
Sensenbrenner
Shumway
Shuster
Spence
Stangeland
Stanton
Stockman
Tauke
Taylor
Thomas
Trible
Vander Jagt
Wampler
Weaver
Whitehurst
Whittaker
Williams, Ohio
Wydler
Wylie
Young, Fla.

NOT VOTING—121

Addabbo
Akaka
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Applegate
Ashbrook
Ashley
Aspin
AuCoin
Bafalis
Boland
Boner
Bonior
Brinkley
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Carter
Chisholm
Cleveland
Clinger
Conable
Conyers
Corman
Cotter
Crane, Daniel
Dannemeyer
Daschle
Davis, S.C.
Diggs
Duncan, Oreg.
Edwards, Okla.
Erlenborn
Evans, Del.
Fary
Fish
Fithian
Fountain
Giaimo
Gibbons
Goodling
Guyer
Hall, Tex.
Hansen
Harsha
Heckler
Hightower
Holland
Holt
Horton
Ireland
Jeffords
Jenkins
Johnson, Colo.
Jones, N.C.
Kostmayer
Kramer
Latta
Leach, La.
Lederer
Lent
Long, La.
Lujan
Luken
McCloskey
McEwen
Marlenee
Marriott
Mathis
Mattox
Mazzoli
Mineta
Mitchell, N.Y.
Mottl
Murphy, Ill.
Myers, Pa.
Nichols
Patten
Pease
Perkins
Petri
Pickle
Pritchard
Quillen
Railsback
Roberts
Rostenkowski
Roybal
Rudd
Russo
Schulze
Simon
Skelton
Smith, Nebr.
Snowe
Snyder
Solomon
Stark
Symms
Thompson
Traxler
Treen
Udall
Ullman
Van Deerlin
Vanik
Walker
Waxman
White
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wright
Wyatt
Yatron
Young, Alaska
Zeferetti

☐ 1450

Mr. BREAUX changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SMITH of Iowa). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RHODES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 314, nays 0, not voting 119, as follows:

[Roll No. 56]

YEAS—314

Abdnor
Albosta
Ambro
Andrews, N.C.
Annunzio
Anthony
Archer
Ashley
Atkinson
Badham
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Blanchard
Boggs
Bolling
Bonker
Bouquard
Bowen
Brademas
Breaux
Brodhead
Broyhill
Buchanan
Burgener
Burlison
Burton, John
Burton, Phillip
Butler
Byron
Campbell
Carney
Carr
Cavanaugh
Chappell
Cheney
Chisholm
Clausen
Clay
Coelho
Coleman
Collins, Ill.
Collins, Tex.
Conte
Corcoran
Coughlin
Courter
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Davis, Mich.
de la Garza
Deckard
Dellums
Derrick
Derwinski
Devine
Dickinson
Dicks
Dingell
Dixon
Dodd
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Emery
English
Erdahl
Ertel
Evans, Ga.
Evans, Ind.
Fascell
Fazio
Fenwick
Ferraro
Findley
Fisher
Flippo
Florio
Foley
Ford, Tenn.
Forsythe
Fountain
Fowler
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gephardt
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Hagedorn
Hall, Ohio
Hamilton
Hammerschmidt
Hance
Hanley
Harkin
Harris
Harsha
Hawkins
Hefner
Heftel
Hillis
Hinson
Hollenbeck
Holtzman
Hopkins
Howard
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ichord
Jacobs
Jeffries
Jenrette
Johnson, Calif.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kemp
Kildee
Kindness
Kogovsek
LaFalce
Lagomarsino
Leach, Iowa
Leath, Tex.
Lee
Lehman
Leland
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, Md.
Lott
Lowry
Lundine
Lungren
McClory
McCormack
McDade
McDonald
McHugh
McKay
McKinney
Madigan
Maguire
Markey
Marks
Martin
Matsui
Mavroules
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Minish
Mitchell, Md.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Ind.
Natcher
Neal
Nedzi
Nelson
Nolan
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patterson
Paul
Pepper
Peyser
Porter
Preyer
Price
Pursell
Quayle
Rahall
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Robinson
Rodino
Roe
Rose
Rosenthal
Roth
Rousselot
Royer
Runnels
Sabo
Santini
Satterfield
Sawyer
Scheuer
Schroeder
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Shuster
Slack
Smith, Iowa
Solarz
Spellman
Spence
Stack
Staggers
Stangeland
Stanton
Steed
Stenholm
Stewart
Stockman
Stokes
Stratton
Studds
Stump
Swift
Synar
Tauke
Taylor
Thomas
Trible
Vander Jagt
Vento
Volkmer
Walgren
Wampler
Watkins
Weaver
Weiss
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wirth
Wolff
Wolpe
Wydler
Wylie
Yates
Young, Fla.
Young, Mo.
Zablocki

NOT VOTING—119

Addabbo
Akaka
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Applegate
Ashbrook
Aspin
AuCoin
Bafalis
Boland
Boner
Bonior
Brinkley
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Carter
Cleveland
Clinger
Conable
Conyers
Corman
Cotter
Crane, Daniel
Dannemeyer
Daschle
Davis, S.C.
Diggs
Duncan, Oreg.
Edwards, Okla.
Erlenborn
Evans, Del.
Fary
Fish
Fithian
Ford, Mich.
Giaimo
Gibbons
Goodling
Guyer
Hall, Tex.
Hansen
Heckler
Hightower
Holland
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Ireland
Jeffords
Jenkins
Johnson, Colo.
Jones, N.C.
Kostmayer
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Latta
Leach, La.
Lederer
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Long, La.
Lujan
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Mineta
Mitchell, N.Y.
Mottl
Murphy, Ill.
Myers, Pa.
Nichols
Patten
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Petri
Pickle
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Railsback
Roberts
Rostenkowski
Roybal
Rudd
Russo
Schulze
Simon
Skelton
Smith, Nebr.
Snowe
Snyder
Solomon
St Germain
Stark
Symms
Thompson
Traxler
Treen
Udall
Ullman
Van Deerlin
Vanik
Walker
Waxman
White
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wright
Wyatt
Yatron
Young, Alaska
Zeferetti

☐ 1510

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LITHUANIAN INDEPENDENCE DAY

The SPEAKER pro tempore (Mr. SMITH of Iowa). Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 60 minutes.

GENERAL LEAVE

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, it was a privilege to reserve this special order in commemoration of Lithuanian Independence Day and I want to thank all of the Members who are joining me today to help focus attention on the heroism and courage of the Lithuanian people who continue to struggle, to pray, and to work for the day when Lithuania can once again enjoy liberty.

February 16 marks a special day in man's historic struggle for freedom and self-determination, for it was on that day 62 years ago in 1918 that the Lithuanian people established their own government and proclaimed their independence.

The Lithuanian Council of Chicago commemorated this 62d anniversary with a program at the Maria High School auditorium on Sunday, February 10. The officers of this fine organization include Julius Kuzas, president; Paul V. Dargis, executive secretary; Rimas Sarka, Teodara Kuzas, Mykolas Pranevicious, and Vincent Samaska, vice presidents; Irena Sankus, treasurer; Antanas Svitra, financial secretary; Stasys Mankus, recording secretary.

Trustees include Euphrosine Mikuzis,

Casimir G. Oksas, Petras Jokubka, and Oskaras Kremeris.

The members of the Lithuanian Council of Chicago are as follows: Kristina Austin, Ignas Andrasiunas, Petras Bucas, Edvardas Boreisa, Pranas Beinoras, Julie Diksas, Salomeja Daulys, Adele Gabalis, Stefanija Janutiene, Jura Jasiunas, Veronika Lenkevicius, Kazys Karazija, Hilde Kuzas, Sabina Klatt, Algirdas Puzauskas, Donatas Stukas, Vladas Soliunas, Justinas Sidlauskas, Jonas Valaitis, and Vincas Zemaitis.

Lithuania enjoyed her independence for only 22 years when, in 1940, the Red Army invaded and occupied the country, suppressed the hard-won freedoms of the people, and forcibly made it a colonial territory of Russia. A report by the Lithuanian American Community states:

THE PROHIBITED STATE EMBLEM OF LITHUANIA

The Constitution of the Lithuanian SSR, Chapter IX, Article 167, proclaims that the state emblem of the Lithuanian Soviet Socialist Republic is the "hammer and sickle" * * *[1]

It is painful for every Lithuanian that the hammer and sickle has been substituted for the old Lithuanian emblem, the *Vytis*.[2] A great injury has been inflicted upon the Lithuanian nation and on the history of Lithuania by this substitution.

For a millennium, the Lithuanian national emblem has been the *Vytis*. This is a warrior, who, with raised sword, is prepared for battle against the wrongdoers of the nation and humanity. It is a symbol that is fused with the body and blood of every Lithuanian. What does the *Vytis* have in common with the bourgeoisie or with the seekers of the easy life? Such a question can be raised only by foreigners ignorant of the history of Lithuania or those who consciously wish to destroy all that still remains Lithuanian.

Lithuanians cannot consent to this substitution that reflects someone else's will, a will that is totally foreign to the Lithuanian way of thinking and feeling that developed over the course of a millennium's history. For a Lithuanian, the hammer and sickle is not a state emblem, but a symbol reminding him of the coercion of foreigners.

In 1941, the Lithuanian nation was invaded by Hitler's armies, and the Nazi occupation lasted over 3 years, bringing with it the deaths of many more thousands of Lithuanians. According to the Supreme Committee for the Liberation of Lithuania:

After the Soviet re-invasion in 1944–45, a well organized and very effective armed resistance throughout the country lasted until 1953. At least 30,000 freedom fighters perished in battles, inflicting heavy casualties on the Soviet armed and police forces. The armed resistance was finally broken by the most brutally executed forced collectivization of farms accompaned by mass deportations of farmers. Many freedom fighters were lured by a proclaimed amnesty to surrender, yet they were either executed without trials or exiled to Arctic camps. Executions of the former freedom fighters continue sporadically. For instance, Jonas M. Plunge was executed for "war crimes" in 1979.

Lithuania had lost more than half a million of its population since the Soviet invasion—in a country of a little over 3,000,000 population. Moscow imperialists wanted to have Lithuania without a Lithuanian ethnic population.

FIGHT FOR HUMAN RIGHTS

The resistance against the oppression and Russification continues presently in forms of passive resistance and the fight for human rights. The Lithuanian resistance is attested by the large number of Lithuanians in the Soviet concentration camps, prisons and psychiatric hospitals for their activities on behalf of religious and national freedom. The best known human rights activists are: Nijole Sadunaite, sentenced for her religious activity; Petras Paulaitis, Ph.D., whose total incarceration amounts to 35 years; Balys Gajauskas, a former freedom fighter, who had already served a 25 years sentence and was again, in 1978, sentenced to fifteen years of prison and exile; Viktoras Petkus, member of the Lithuanian Helsinki Accords Monitor Group, sentenced in 1978 for fifteen years. And hundreds of others known and unknown. Activities of the Lithuanian Helsinki Accords Monitoring Group, established on Nov. 25, 1976, and recently formed Committee for the Defense of the Rights of the Believers (Revs. Alfonsas Svarinskas, S. Tamkevicius and others) exemplify the resistance against the Soviet oppression.

COLONIZATION AND RUSSIFICATION

The colonization of Lithuania by Russians is disguised by expansion of the heavy industry, requiring labor manpower imported from Russia. Agricultural products of Lithuania are exported to the "great homeland", leaving only bare minimum to laborious producers in Lithuania.

Extensive Russification is implemented by privileged place accorded to the Russian language in schools, starting with kindergarten. The Russification is intensified after the Tashkent conference of the leading educational and party officials in 1978. The goal is to submerge all the ethnic groups of the large colonial empire into the Russian melting pot.

Mr. Speaker, the determination on the part of the Lithuanian people has never wavered to resist the Russian colonization of their country, and the savage suppression of their language, their customs, their national traditions, and their religion. I was glad to appeal again to Soviet leader Brezhnev on behalf of Balys Gajauskas recently to urge his release from the concentration camp where he was sent for "giving another person the book 'Bolshevism' to read in Polish; translating a chapter of 'The Gulag Archipelago' into Lithuanian, and compiling a list of Lithuanian political prisoners and accumulating documents from the partisan movement."

A copy of that letter follows as well as a copy of House Concurrent Resolution 200, which passed the House on November 13, a bill I cosponsored expressing the sense of the Congress with respect to the Baltic States and with respect to Soviet claims of citizenship over certain U.S. citizens:

JANUARY 28, 1980.

HIS EXCELLENCY LEONID BREZHNEV,
General Secretary of the Central Committee of the Communist Party of the Soviet Union, The Kremlin, Moscow, U.S.S.R.

DEAR MR. GENERAL SECRETARY: It is my understanding that the Lithuanian Balys Gajauskas has been imprisoned again for anti-Soviet activities, despite the fact that he has already spent 25 years in prison. In April, 1979, he was sentenced to ten additional years in a special regimen camp and also to five years of internal exile, and because of poor health he is not likely to survive this most recent sentence. He is serving his sentence in Mordovia ASTR, Potmos St., Sosnovka, ZCH 385/1–6.

Please be advised that Mr. Gajauskas' family in the United States has petitioned Soviet authorities for the permanent residence in this country of Mr. Gajauskas and his wife Irena, and I appeal to you and to the rest of the Soviet Government to allow this couple to emigrate to the United States.

Sincerely,

FRANK ANNUNZIO,
Member of Congress.

H. CON. RES. 200

Concurrent resolution expressing the sense of the Congress with respect to the Baltic States and with respect to Soviet claims of citizenship over certain United States citizens

Whereas the United States since its inception has been committed to the principle of self-determination; and

Whereas the United States as a member of the United Nations has pledged to uphold the provisions of the United Nations Charter and to take joint and separate action to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion; and

Whereas the United Nations and the United States delegation to the United Nations have consistently upheld the right of self-determination of people of those countries in Asia and Africa that are, or have been, under foreign political rule;

Whereas the United States, as a signatory to the Final Act of the Conference on Security and Cooperation in Europe, endorsed Principle VIII concerning equal rights and self-determination of peoples; and

Whereas in 1940 the Soviet Union unilaterally and forcibly annexed the Baltic States (Lithuania, Latvia, and Estonia), which were sovereign members of the League of Nations; and

Whereas in 1954 the House of Representatives Select Committee to Investigate Communist Aggression concluded that the Baltic States "were forcibly occupied and illegally annexed by the Union of Soviet Socialist Republics" and that "the continued military and political occupations of Lithuania, Latvia, and Estonia by the Union of Soviet Socialist Republics is a cause of the dangerous world tensions which now beset mankind and therefore constitute a serious threat to the peace"; and

Whereas the desire of the citizens of the Baltic States for national independence remains strong despite efforts by the Soviet Union to destroy the Baltic peoples as distinct cultural, geographical, ethnic, and political entities through dispersions and deportations to Siberia, replacing them with ethnic Russians; and

Whereas the United States has consistently refused to recognize the unlawful Soviet occupation of the Baltic States, and continues to maintain diplomatic relations with representatives of the independent Republics of Lithuania, Latvia, and Estonia; and

Whereas in past years this policy has received strong support in the Congress; and

Whereas, in addition, the United States since its inception has been committed to the protection of its citizens, whether naturalized or native born; and

Whereas the Soviet Union recently promulgated a law designating as a Soviet citizen any person who was born in the Soviet Union, was naturalized as a Soviet citizen, or is the child of parents who were Soviet citizens at the time of the child's birth, irrespective of whether the child was born on Soviet territory; and

Whereas this law which went into effect on July 1, 1979, states that a person who is a Soviet citizen is not recognized as having the citizenship of a foreign state, and thus specifically does not recognize United States citizenship in such cases; and

Whereas this law applies to millions of Americans, including those who, under United States law, are native-born citizens of the United States; and

Whereas this Soviet law intimidates many United States citizens who might otherwise travel to the Soviet Union or come under Soviet authority or control: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That (a) it is the sense of the Congress that the President, in order to assure true and genuine peace in the Baltic region and in Europe in general, should instruct the United States delegation to the 1980 Madrid meeting of the Conference on Security and Cooperation in Europe to seek full implementation of Principle VIII of the Helsinki Final Act concerning equal rights and self-determination of peoples, so that the right of self-determination may be restored to the peoples of the Baltic States through free elections conducted under the auspices of the United Nations following the withdrawal of all Soviet military forces and political, administrative, and police personnel from the Baltic States.

(b) It is further the sense of the Congress that, until the Baltic States become independent, the President should, through such channels as the International Communication Agency and other information agencies of the United States Government, do his utmost to bring the matter of the Baltic States to the attention of all nations by means of special radio programs and publications.

(e) It is further the sense of the Congress that the President should use his good offices to make every effort to gain the support and cooperation of other nations for the realization of the independence of the Baltic States.

SEC. 2. (a) The Congress views with deep concern the action on the part of the Soviet Union making citizenship claims on millions of Americans who were born in the United States or duly naturalized.

(b) It is the sense of the Congress that the President should warn the Soviet Union against taking any action under this new Soviet citizenship law which would be detrimental to the interests of the United States and its individual citizens, and that the Secretary of State should inform United States citizens planning to visit the Soviet Union of the implications of this law.

Mr. Speaker, since 1917, when the Communists seized power in Russia, they have worked unceasingly to expand Russia's colonial empire, and even worse than the Czars, they kill, torture, or imprison all those, Russian and non-Russian alike, who believe in the value and strength of religion. Lithuania was one of the victims of these brazen attempts to impose the Russian language and Russian Government on non-Russian peoples, just as in 1980 Afghanistan has become the most recent victim in the Communist program of mass murder and slavery of subject peoples. I am honored to join with Americans of Lithuanian heritage in my own 11th district, which I am honored to represent, in the city of Chicago, and all over this country as they share with Lithuanians everywhere the prayers, the hopes and the determinatioin that the Lithuanian people will have a free nation once again, and that the American people will remain alert to the ferocious nature of the Communist tyrant.

Mr. DOUGHERTY. Mr. Speaker, will the gentleman yield?

Mr. ANNUNZIO. I yield to the gentleman from Pennsylvania.

Mr. DOUGHERTY. Mr. Speaker, from February 16, 1918, when the Lithuanian people first gained their independent and democratic form of government, the people of the United States watched their admirable progress in self-government with deep and sympathetic interest.

Then, on June 15–17, 1940, after 22 years of growth as a free and independent nation, Lithuania fell prey to a massive Soviet invasion, along with two other Baltic countries, Latvia and Estonia.

The Lithuanian people have never accepted Soviet domination as legitimate or permanent. These brave people who love liberty expressed their determination to regain national freedom and independence in an insurrection against the Soviets in 1941, and again in a protracted guerrilla war from 1944 to 1952. More than 50,000 freedom fighters fell in the field of battle during that war and this brave struggle against Soviet domination had to be abandoned. However, a clandestine, underground resistance movement continues to grow in Lithuania. Young people born under the Soviet occupation carry the main burden of the Lithuanian struggle for freedom today.

Since the forcible incorporation of the independent Republic of Lithuania, the United States has consistently refused to recognize this unlawful Soviet occupation and to this day continues to maintain diplomatic relations with representatives of the Republic of Lithuania.

The Legation of Lithuania in the United States is facing extinction because the small nation's monetary assets frozen in the United States at the Soviet takeover are almost gone. In response to their acute need for modest funding, I have introduced H.R. 5407 which would authorize $250,000 to be appropriated for fiscal year 1981 to enable the Legation of Lithuania to survive. I am actively seeking support and cosponsorship for H.R. 5407 which, in providing assistance for the Legation of Lithuania, will serve as a sign of hope to the more than 1 million people of Lithuanian descent living in the United States that the cause of freedom in Lithuania is important to America.

Mr. Speaker, the recent invasion of Afghanistan by Soviet forces is a tragic reminder of the long, brutal history of Soviet domination of small, independent nations like Lithuania. To pay tribute to the Lithuanian struggle for independence and to help to maintain Lithuania's diplomatic representation in the United States will be a small but significant signal to the world that America's actions and policies still correspond to her values. The United States must always side with those who are engaged in a struggle for freedom, self-determination and national independence. We can do no less.

62D OBSERVANCE OF LITHUANIAN INDEPENDENCE

● Mr. ZABLOCKI. Mr. Speaker, I would like to join my colleagues and my many friends in the Lithuanian-American community in commemorating the 62d anniversary of Lithuanian independence.

The dedication of the Lithuanian people to human freedom and dignity provides an inspiring example to all peoples struggling to retain their unique identity and aspirations for freedom. It was just 62 years ago that the country of Lithuania declared its independence from the historical domination of Russia and Germany. That action marked the beginning of a long fight for self-determination.

This struggle serves as a reminder of the sustained power of the human spirit over adversity—at a time when we are witnessing examples of renewed Soviet aggression in other areas of the world. It is worth noting that 40 years after the lights went out in Lithuania, following the Stalinist takeover of that land, the commitment to individual freedom and national sovereignty remains alive and strong among Lithuanians today.

Mr. Speaker, the Lithuanians, like other suppressed nationalities, are not asking for anything special or unusual. Instead, they are seeking the right to express their opinions, to practice their own religions, to enjoy their own culture and literature, and to determine their own future.

I welcome this opportunity to commend such spirit and also to recognize the important contribution made by Americans of Lithuanian descent to our own society and culture—a contribution which is remarkable when the number of Lithuanians residing in the United States is considered.●

● Mr. MOAKLEY. Mr. Speaker, I rise to join my colleagues in commemorating Lithuanian Independence Day, for it represents to all Lithuanian-Americans and for those brave patriots fighting for freedom in Lithuania the hope that one day popular sovereignty will return to their homeland.

The struggle for independence has continued despite many years of Russian military occupation. Last August, 45 brave citizens of the Baltic republics, among them, 37 Lithuanians, signed an appeal to annul the secret protocol signed in 1939, by then Soviet Foreign Minister Molotov and Hitler's Foreign Minister Ribbentrop, which led to the illegal annexation of the three Baltic nations by the Soviet Union.

Since this signing, harassment against the signers of the appeal has started and a number of them were arrested. Among those arrested was Antanas Terleckas, who has been subjected to KGB persecution for over 30 years.

Terleckas and other signatories represent a long-time resistance to oppression and russification. To see the scope of resistance, one only needs to examine the Soviet concentration camps, prisons and psychiatric hospitals which contain a large number of Lithuanians for their activities on behalf of religious and national freedom. Some of the best known human rights activists are: Nigole Sadunaite, sentenced for her religious activity; Petras Paulaitis, Ph.D, whose total incarceration amounts to 35 years; Balys Gajauskas, a former freedom fighter, who had already served a 25-year sentence and was again, in 1978, sentenced to 15 years of prison and exile; Viktoras Petkus, member of the Lithuanian Helsinki Accords Monitor Group, sentenced in 1978 for 15 years.

Support and admiration of these brave people runs deep, not only among Lithuanian-Americans, but within the American Government. The United States has never recognized the Soviet Union's annexation of Lithuania and has maintained diplomatic relations with her representatives to this day.

Lithuania's legation in Washington serves many purposes. It represents the interests of Lithuanians and their American descendants, helps to preserve Lithuanian culture and tradition and serves as a daily reminder of the Lithuanian people's yearning for independence.

Unfortunately, the Lithuanian legation is in serious financial danger because assets, frozen in America at the time of Soviet occupation have been exhausted. To meet the legation's financial needs, I support legislation (H.R. 5407) offered by Representative DOUGHERTY which seeks to authorize funding of $250,000 for next year. The legation has been a voice of freedom for 40 years, and I believe, we must support its continuing existence.

Mr. Speaker, what better show of support can this body make than passage of this much-needed assistance to Lithuania? By doing so, we can signal that Lithuania Independence Day lives on and America stands behind the people of Lithuania in their fight for justice and freedom.●

● Mr. McCLORY. Mr. Speaker, on February 23 we mark the 62d anniversary of Estonian independence. Estonia achieved its modern status as an independent nation on February 23, 1918, in the aftermath of World War I and the Russian Revolution. It retained its freedom for over 20 years until Soviet troops annexed it forcibly together with the other Baltic republics in 1940.

The Soviet invasion in 1940 was justified under the pretext of a friendship treaty between Estonia and the Soviet Union. It was under the pretext of a similar friendship treaty that the most recent nation, Afghanistan, was added to the list of those who have lost their national freedom through Soviet aggression.

Mr. Speaker, how many nations must be added to the list of captive nations before we realize that the Soviets mean what they say? They intend to destroy us and our way of life. They intend to bring the whole world under communist domination and, more specifically, under the domination of the Soviet Union.

The proud and ancient people of Estonia have much to tell us about what it means to live under Soviet rule. It means the deprivation of all natural freedoms and the imposition of a harsh totalitarian regime which is afraid of free thought and free speech and all other forms of freedom.

It means also the existence of a regime which is a standing threat to its neighbors, and must—in the nature of things—be a standing threat to its neighbors because to remain at peace is to display its economic and moral failures to all the world.

Mr. Speaker, the Estonian people are free in spirit even though they remain subjugated by Soviet troops. We owe them a debt of fidelity for their endurance. We must remember their trials and resolve not only to resist future Soviet aggression, but also to hasten the day when all the nations now under the Soviet yoke will be free.

That is not an impossible dream because our system and our values are superior to the Soviets' system and values. If we doubt this, we need only ask the people of Estonia.●

● Mr. MURPHY of Illinois. Mr. Speaker, I am pleased to join my distinguished colleague from Illinois, FRANK ANNUNZIO, in commemorating Lithuanian Independence Day. The purpose of our observance today is to express support for this small nation held in subjection by the Soviet Union.

In observing Lithuanian Independence Day, we are sharing with that country our aspirations for its eventual freedom and independence. It is fitting that we should do this, since as Americans we are privileged to enjoy so many freedoms that are explicitly set forth as rights under our Constitution. Therefore our hearts go out to the people of Lithuania, who are denied yet fervently yearn for these same freedoms.

Herbert Spencer once said: "No one can be perfectly free till all are free." In that spirit, we in the Congress, along with all Americans, lend our support to the Lithuanian people, in the hope that they too can one day live in freedom and independence.●

● Mr. CONTE. Mr. Speaker, on Saturday, February 16, Americans of Lithuanian descent will take time out to reflect on their mother country—to a time when, 62 years ago, the flag of Lithuania was raised over that proud nation.

Lithuanian Independence Day will be noted with a profound sense of sadness and of anger this year, as the Soviets have demonstrated their continued desire for domination of the European and Asian continents—by running over the nation of Afghanistan, and by exiling Nobel physicist Andrei Sakharov. Although these events are news, the continued domination of Lithuania is an old, sad story.

In the over 700 years that have passed since the first king of Lithuania was crowned, the Lithuanian people have distinguished themselves as a strong and close-knit group. Those who have come to our country have continued to cherish their language, religion, and culture and have educated their children in the ways of their forefathers. This sense of pride and identity accompanied each wave of Lithuanian immigrants to the United States—the first group coming for wider opportunity; the second, to escape Nazi domination; and the third, to free themselves from the rule of the Soviets.

I have a number of Lithuanian-Americans in my district, and every year at this time they issue me reminders of the commemoration of Lithuanian Independence Day. I salute them and their counterparts throughout the country for paying tribute to Lithuania on the 16th, in the hope that some day the land of their ancestors will be free from Soviet domination.●

Mr. BRODHEAD. Mr. Speaker, February 16, 1980, marks the 62d anniversary of the Lithuanian Declaration of Independence. Lithuania is a great nation whose people yearn for the day when self-determination and freedom is restored to their great land; 22 years after the Lithuanian Declaration of Independence, and after 22 years of enjoying national sovereignty, Lithuania was invaded by Russia, as part of a Soviet-German plot to divide Eastern Europe. After the war, Germany was forced into surrendering its captured territories, Russia was not. Hence, Lithuania, for the past 40 years, has suffered the torment of totalitarian rule.

Despite the Soviet repression, many Lithuanian citizens carry on a heroic struggle against their oppressors. According to Amnesty International, many Lithuanian citizens are imprisoned for the "crime" of expressing national sentiment in underground books and leaflets. This is a flagrant disregard and transgression of the United Nations Charter, the Universal Declaration of Human Rights, and the Helsinki Final Act of 1975.

With the upcoming Madrid Meeting, where compliance with the Helsinki Accords will be reviewed, the Soviet Union's violations of Human Rights must be vehemently condemned. I join with my Lithuanian friends and defenders of freedom in issuing my strongest protest to the Soviet Government for its oppression and denial of Human Rights.●

● Ms. FERRARO. Mr. Speaker, I have on my desk a copy of a book called "The Violations of Human Rights in Soviet Occupied Lithuania." This book is published annually by the Lithuanian American Community and offers an outline of the years' events in Lithuania and the Soviet Union's efforts to denationalize that country. Within the pages of this publication lies a bleak description of the tragedy in Lithuania today. However, the limitations of a 200-page book make it impossible to fully express the anguish which the people of Lithuania have known for 40 years.

Forty years ago the Soviet Union invaded Lithuania, stripping the country of its independence and cultural and political identity. One year later, thousands of Lithuanian citizens were banished to slave labor camps in Siberia. These events occurred only years after Lithuania had established her independence, in 1918.

The people of Lithuania continue to commemorate Lithuanian Independence Day, February 16. Their recognition of this anniversary is testimony to their great strength and hopeful spirit. They have set aside this time to remember the continuing struggle for freedom and independence in their homeland.

As Americans, we can understand these values; for 200 years of independence has not dulled our appreciation of freedom and human rights. Preservation of these values is a cause which has, in the past, brought us to the assistance of people all over the world, and we will continue to preserve these rights.

Today I am happy to join my colleagues in this commemoration of Lithuanian independence. I am pleased to have the opportunity to recognize the unfailing determination of the Lithuanian people. Finally, with the present situation in Afghanistan displaying another threat to independence by the Soviet Union, I hope that these remarks will express further our disapproval of Russia's actions.●

● Mr. HOWARD. Mr. Speaker, I wish to acknowledge on behalf of all Lithuanians the 729th anniversary of the Liuthuanian State, and the 62d anniversary of the establishment of the modern Republic of Lithuania on February 16, 1918.

It has been 40 years since the illegal incorporation of the free and independent Republic of Lithuania by the Communists into the Union of Soviet Socialist Republics, one of the greatest tragedies of all time.

Soviet domination of Lithuania has neither extinguished the desire for freedom nor has it been successful in erasing the Lithuanian ethnic spirit. In fact, there has been a rebirth of Lithuanian determination to assert ethnic identity. Petitions, riots, and self-immolation by young Lithuanians have challenged the regime, which insists on forced Russification and assimilation. Furthermore, despite official harassment by the Communist regime, traditional religious beliefs persist.

The United States has never recognized the forceful incorporation of Lithuania into the Soviet Union. We must steadfastly maintain this policy of nonrecognition as a sign to the people of Lithuania that we are behind them. In the 20th century, such enslavement should be a sickness of the past; yet it thrives today in the most abominable form in Lithuania.

We must preserve the legal rights of these proud and brave people by publicizing their suffering to other nations of the world. I believe it is fitting that we pay tribute to the spirit of protest and the fires of Lithuanian patriotism which will never be extinguished. Let us hope and pray that justice, religious freedom, and human dignity will be a reality for Lithuania and her people.●

● Mrs. HOLT. Mr. Speaker, I am proud to offer some remarks to commemorate Lithuanian Independence Day. We find ourselves mourning independence lost to Soviet aggression, but we are also celebrating the independence we know will surely return to Lithuania in the future.

No empire endures forever, and the Soviet empire will fall as surely as all other empires in history have fallen. The more an empire expands and attempts to maintain control of subject peoples, the greater the costs and strains imposed on its own and subject peoples. Eventually the social, political, and economic stresses cause collapse of the empire.

The spirit of independence lives on in Lithuania, as it endures in the captive nations of the Soviet empire. The day of their liberation lies somewhere in the future, awaiting only the moment of history that provides the opportunity.

Today the world watches with horror as the Soviet armies attempt to swallow a new colony, Afghanistan, and we admire the spirited resistance by the Afghan people.

But there is nothing in history that tells us the Afghan people can really be conquered by the Soviet empire. The spirit of independence will live in them after Soviet conquest seems complete, and the Afghan people will win their independence again someday.

We must maintain strong defense forces to protect our freedom. That is the lesson to be learned from the advances of Soviet imperialism.●

● Mr. BROOMFIELD. Mr. Speaker, for four decades the world has had to stand by and watch as the Soviet Union continued its own brand of imperialism with the occupation and subjugation of the sovereign Baltic nation of Lithuania.

This month Congress once again is joining with Lithuanian Americans across the country and with the people of Lithuania in commemorating the 62d anniversary of that nation's declaration of independence.

On February 16, 1918, the Lithuanian people declared themselves to be sovereign and independent. For 22 years Lithuanians enjoyed the freedom and dignity that accompanies self-determination.

Under this independence the people, the nation, and the culture flourished. Land reforms were instituted, industries were re-established, transportation facilities were expanded, social legislation was enacted, and educational institutions were enlarged.

All this came to a tragic end in June, 1940, with the sweep of Soviet forces into Lithuania and its Baltic neighbors, Latvia and Estonia.

Through mock elections and deportation and extermination of dissenters, the Soviet Government established its tyrannical hold upon Lithuania. It has tried to destroy the Lithuanian culture through its program of Russification, and it has tried to destroy the spirit of the people through its outrageous policy of persecution and humiliating harrassment.

Even with this heavy-handed oppression, the dream of freedom and independence continues to live in the hearts of the people. We have at times witnessed the manifestation of this dream through the unsuccessful escape attempt of the Lithuanian sailor, Simas Kudirka, and the courage of the dissident, Viktoras Petkus.

Mr. Speaker, our Nation has always stood for the right of people to determine their own course. We must, therefore, be steadfast in our support of the Lithuanian people and their dream of once again being free.

We can show this support by continuing to condemn the Soviet Union's outrageous subjugation of this nation and by continuing in our refusal to recognize the Soviet claim of incorporation.

Mr. Speaker, I wish to congratulate the Lithuanian people on the 62d Anniversary of their independence, and to express my sincerest hope that they may once again join the community of nations as a free and independent people.●

● Mr. CONABLE. Mr. Speaker, it gives me great pleasure to join with my colleagues in recognizing the anniversary of the independence of Lithuania. Today, just 3 days before the 62d anniversary, is a particularly appropriate time for America and the world to consider the relevance that the history of the Baltic struggle has for the present.

As we face the latest in a series of Soviet aggressions, the recent events in Afghanistan, ought we not look back to 1940, back to where it all began, as they say: Lithuania, Estonia, Latvia, June 1940.

The Soviets, after deciding that it was not in their interest to enter into the early stages of World War II, signed the sometimes forgotten Molotov-Ribbentrop Pact of 1939, dividing up Eastern Europe between Nazi Germany and the U.S.S.R. and agreeing to mutual nonaggression. The Realpolitik of aggression was to be realized as the U.S.S.R. made the first of many moves in the continuing game of Soviet world aggression, rolling into Lithuania and annexing the Baltic States.

When the game plan was changed by Hitler's advance into Russian territory, the Russians made a rapid about-face in their foreign policy, joining with their ideological enemies, the free world, to help with the inevitable defeat of Nazi Germany. The Allies set aside the atrocities that the U.S.S.R. had committed just a short time before to accept the Soviet Union in the fight against the common foe.

When the time came to change the political course of history and divide Eastern Europe into areas of Eastern and Western influence, we refused to recognize the incorporation of Lithuania into the Union of Soviet Socialist Republics, but were unable to aid their independence from Soviet domination. The Baltic States lay inside the Russian sphere of influence, and, as such, outside the Western sphere of action.

Can the so-called revolution in Afghanistan be likened to the Soviet seizure of the Baltic States in 1940? The Soviets would say so. The U.S.S.R. maintains to this day that the Baltic States voluntarily joined their totalitarian union, despite many testimonies and much evidence to the contrary. Just as they maintain that the Afghanistan people called for Soviet help in protecting their fledgling government from a counterrevolutionary uprising, an uprising that calls to mind the valiancy of the Lithuanian people in their attempts to stand up to their Soviet captors.

The Lithuanian people, with little tangible help from other nations, have been able to preserve and protect their own culture and religion, and maintain their national identity at a great cost in the face of massive Soviet attempts at "Russification." Can we not draw inspiration from the valiant efforts of the Lithuanian people while considering the present crisis?

Let us learn from history. Let us not need recurring reminders that the Soviet Union remains committed to expansionism and will exploit opportunities when the West is confused and divided. Let us realize that to protect other nations from this expansionism it is clear that our country must be strong enough to support its beliefs and policies and be willing to aid those who desire freedom, independence, and the right of self-determination.●

● Mr. LUNGREN. Mr. Speaker, this week we celebrate the 62d anniversary of the reestablishment of the independent State of Lithuania. We thereby celebrate the culmination of centuries of Lithuanian struggles to overthrow Czarist domination and establish a free and sovereign Lithuania.

Upon achieving independence, the Lithuanian people entered upon a period of unparalleled social, economic, and political progress. The independent nation of Lithuania adhered to a republican form of government, which preserved the freedom of speech, assembly, and religion. For the next 20 years as a free country, Lithuania demonstrated its ability to self-govern; its leaders brought about long-needed land reform, created and expanded industry, established an improved transportation system, and enacted social legislation providing for labor control laws and educational policies.

Following these few years of freedom and economic prosperity, Lithuania fell victim to Soviet aggression. Her independence succumbed to Soviet occupation during World War II, the end result of which was annexation of Lithuania by the Soviet Union in 1940. For 7 years the Lithuanian people struggled to free themselves from Russian domination. During this struggle 30,000 Lithuanians died, and hundreds of thousands were deported to Siberia, where they died in labor camps.

The struggle continues today, but Lithuanian determination to regain independence has not diminished. Lithuanians worldwide are united in hopes and efforts of achieving their goal.

At this time, we pay tribute to the spirit of the freedom-seeking Lithuanian people, and rededicate ourselves to the cause of freedom for all men. And we echo the statement contained in a resolution of the Lithuanian World Congress that it is the duty of the free nations of the world to "reaffirm on every suitable occasion the inalienable rights of the Lithuanian people to national independence and individual freedom."●

● Mr. HUGHES. Mr. Speaker, on February 16, 1980, all Lithuanians and Lithuanian-Americans will celebrate the 62d anniversary of their independence from foreign domination. For over a century from 1795 to 1915, the Lithuanian people suffered under the yoke of Soviet oppression. This was succeeded by the devastation of German occupation during World War I.

In 1918, however, the Lithuanian fervor for freedom was affirmed. The brave people of this struggling nation declared their homeland to be a sovereign state. The Republic of Lithuania received its formal international recognition when nations around the world, including the Soviet Union, signed the Peace Treaty of 1920.

Each year, the American people joyfully recall our own independence with fireworks and festivities; for the brave people of Lithuania, there will be no celebrations. For, in 1979, Lithuanian independence remains little more than a dream for some and a vivid memory for others.

In 1940, after 22 years of freedom, the promise of Lithuanian autonomy was broken by the Soviets. During World War II, the Republic of Lithuania was invaded by Soviet forces, occupied, and forcibly incorporated into Soviet boundaries. Russian oppression caused an abrupt halt to the strides which the tiny Republic had made both economically and culturally in this short period of time.

The people of Lithuania still refuse to relinquish their national spirit. Despite attempts at Russification, the steadfast Lithuanians still continue to use their own language, and have retained their religious preferences and their unique cultural heritage. In support of the continuing Lithuanian struggle for autonomy, the U.S. Government still refuses to acknowledge the permanent incorporation of the Republic of Lithuania into the U.S.S.R. While the Russians continue to control Lithuanian territory, the people of this courageous nation still keep their national identity.

Let us once again affirm our commitment to the inalienable basic human rights of all mankind, by urging the Soviet Union, and all of the signatory nations, to comply with the Helsinki accords, setting forth the principles of individual liberty and basic human rights.

The strength of the Lithuanian dissidents truly serves as a beacon to oppressed peoples throughout the world. I salute the courage of the Lithuanian people, and share their hope that some day they will be granted the right of self-determination and again be free.●

● Mr. FISH. Mr. Speaker, I join my colleagues in observing the 62d anniversary of the independence of Lithuania, an occasion on which we are once again reminded of the Soviet Union's repression of individual and religious rights of freedom-loving peoples.

When centuries of Russian imperialism and attempts at domination came to an end after World War I with the declaration of independence on February 16, 1918, Lithuanian culture, language, and religious faith enjoyed a freedom and creativity unsurpassed in its history. Unfortunately, that blossoming of Lithuanian contributions to the free world ceased just 22 years later.

Lithuania's brief independence was brutually curtailed by the Soviet occupation in 1941. Thousands of Lithuanians and citizens of the neighboring Baltic States of Estonia and Latvia were shipped to Siberia. When the Nazis invaded Russia, gross violations of human rights continued. These guiltless people, who had so recently enjoyed freedom, were sent to labor in slave camps, mines and forests, to die far from their native land. It is estimated that nearly 10 percent of the population of Lithuania was murdered or deported by the Communists and the Nazis.

The United States has never and will never recognize the forcible Soviet annexation of this great nation. We must continue to protest in the strongest possible terms the oppressive measures of the Soviet Union against the Lithuanian nation and the gross violation of human rights perpetrated upon these proud people.

The Lithuanian struggle is an example for all people who are denied basic liberties. Although the Soviet Union has refused to recognize political rights as well as religious freedom, and has restricted economic and cultural development, Lithuanians have continued to preserve their national unity and strong sense of national consciousness. Here in the United States Lithuanians retain an ethnic identity as evidenced by the continued existence of a native Lithuanian legation. These people have contributed greatly to our country and their indomitable spirit will enable both they and those still living in Lithuania to make an invaluable contribution to the progress of their nation and the freedom of all people who suffer under Soviet repression.

Let us not forget our commitment to aiding the Lithuanian people to one day regain that which is rightfully theirs, a free and independent nation. We must continue our concerted effort and remain firm in our recognition of Lithuania, its people and their culture.●

● Mr. O'BRIEN. Mr. Speaker, I am honored today to join with my colleagues in commemorating the independence of Lithuania. On February 16, 1918, Lithuania was proclaimed an independent republic. This marks not only its 62d anniversary as a republic but its 729th anniversary as a nation.

In seven centuries of existence the Lithuanian people have developed language, culture, and a national pride matched by few other nations in Europe.

But since 1940 this vibrant heritage has suffered unconscionable oppression. On August 3 of that year the Soviet Union illegally annexed the Republic of Lithuania. Our country has never recognized this illegal act. We have continued to recognize the diplomatic corp of independent Lithuania along with those of the other Baltic States.

Our commemorating February 16 as Lithuania Independence Day takes on greater significance when we look at the most recent action by the Soviet Union in its invasion of Afghanistan. We must make clear and loud our outrage over unlawful Soviet occupation of any independent nation.

Although Lithuania has suffered deportation and genocide, its people have continued to fight for its independence in any way they can. Part of this is evidenced by the publication, "The Chronicle of the Roman Catholic Church in Lithuania." This publication, which I commend to the attention of my colleagues, is printed underground in the Republic of Lithuania at tremendous risk and distributed widely in this country. It details the religious persecution and other forms of repression that the Soviets now practice in Lithuania.

To the people of Lithuania and their descendants in our country and all other free nations, know that you have friends who will continue to work toward the day when we can truly celebrate an independent Lithuania.●

● Mr. FITHIAN. Mr. Speaker, this week

over 1 million Lithuanian Americans observe the 62d anniversary of the founding of the Republic of Lithuania. I rise to commend the heroic people of that nation.

The Lithuanian Republic, founded with such great hope in 1918, was tragically destined to enjoy only a brief span of independence. In 1940, the Soviet Union brutally extinguished the light of freedom in Lithuania. The history of this small nation—bludgeoned by its larger neighbors, a third of its population forcibly deported or killed by the end of World War II—offers one of the century's best arguments for promoting international acceptance of basic human rights.

The Soviet Union's annexation of Lithuania and its sister Baltic States was an international outrage. To this day, the United States has refused to recognize its incorporation into the Soviet state. The diplomatic representatives of the last independent Government of Lithuania are still recognized and accredited in this country. They continue to uphold the ideal of a free Lithuania.

Soviet oppression of Lithuanian human rights continues to be an international outrage. A people whose history dates back to the second century and whose language is among the oldest known to man are victims not only of political and economic, but of social and cultural oppression aimed at their eradication as a distinct ethnic group. The Lithuanian people's courageous persistence in maintaining its identity, in struggling against impossible odds to regain its freedom has been an inspiring example of the strength of the human spirit.

As our Nation today faces the specter of renewed Soviet aggression in Afghanistan, we would do well to remember Lithuania. I especially join with my friends and neighbors of the Lithuanian-American community in northwest Indiana to commemorate this historic anniversary which honors a brave and creative people. Let us remember Lithuania, and rededicate ourselves to building a world where small nations are safe from aggression and their citizens can enjoy fundamental freedoms without fear.●

● Mr. DORNAN. Mr. Speaker, February 16 marks the 62d anniversary of the establishment of an independent Lithuania. Despite a brutal occupation since 1939, hope for a return to the democratic government established in 1918 has not diminished in the Lithuanian-American community.

The day becomes particularly significant to all Americans this year when the record of Soviet deceit and oppression against Lithuania is examined. In 1920, the Soviets signed a treaty recognizing "the sovereignty and independence of the state of Lithuania with all juridical consequences resulting from such recognition." The Soviet Union "voluntarily and forever" renounced all sovereign rights possessed by Russia over the Lithuanian people and territory.

This treaty was reaffirmed in 1926. In 1934 it was extended to 1945. However, in 1939, the Soviets positioned troops in Lithuanian territory under the guise of providing military protection against Germany. The troops never left. Despite three treaties, three solemn promises to observe the sovereignty of the Lithuanian Government, Russia extended its savage rule over this Baltic nation. As we observe and honor Lithuanian Independence Day, let us not forget this additional evidence of the character of the Soviet government.●

● Mr. CAVANAUGH. Mr. Speaker, on the occasion of the 62d anniversary of Lithuanian Independence Day it is a privilege for me to join with my colleagues in celebrating the brave and independent spirit of the Lithuanian people. From 1918 to 1940 Lithuania existed as an independent state. The Soviet invasion of 1940, under the guise of the Mutual Assistance Treaty of 1939 put a temporary end to the Lithuanian Government and other great Western Powers have steadfastly maintained a policy of nonrecognition of the forcible annexation of Lithuania. In the light of the recent invasion of Afghanistan it is even more imperative this year to encourage the heroic Lithuanian people in the continuing struggle for freedom and to speak out against the Soviet policies of Russification.

The Soviet attempt to absorb the Baltic States and destroy them as peoples has taken the form of trying to eradicate all elements of their separate national identity. The Soviets have suppressed the Lithuanian language in the school system and the number of Russians in Luthuania has greatly increased since 1940. In 1940 over 80,000 Letts fled the country and in 1944 another 60,000 were deported to Siberia. Even more revealing is the Soviet suppression of religion. In 1940 Lithuania had over 708 churches, 314 chapels, 73 monasteries, and 85 convents. Since then parish lands have been confiscated and religious books destroyed. But this physical and psychological terrorism has not succeeded. In 1972 the "Chronicle of the Catholic Church in Lithuania" began to reach the free world at irregular intervals.

In Lithuania today, there is no independence, except in the hearts and minds of the people who seek to be free. There is no independence from the tyranny of Moscow which seeks to eradicate the cultural heritage of a proud people. Nor is there independence from a government in Moscow which has used its might to stifle religious expression.

It is my hope that the President will direct the U.S. delegation at the 1980 Madrid meeting of the Conference on Security and Cooperation in Europe to discuss these and many other forms of continuing human rights violations in Lithuania today.

The Lithuanian people have remained faithful to their language, their religious beliefs, and their national identity. Though world attention is presently focused on other troubled areas, the Lithuanian flame of nationality still burns. Mr. Speaker, it is my prayer that one day we can truly celebrate a Lithuanian independence day on which the people of Lithuania will be free not only in mind and in spirit, but in fact.●

● Mr. YOUNG of Florida. Mr. Speaker, the Soviet invasion of Afghanistan is the most recent example of the historical nature of Soviet repression against independent and sovereign nations. While we are all deeply troubled by the events in Afghanistan, I believe it is appropriate for us to remind our fellow Americans of the plight of the Lithuanian people who have been overcome by this same ruthless tyranny of the Soviet Union. On February 16, 1980, Americans of Lithuanian origin and descent throughout our Nation will commemorate the 62d anniversary of the establishment of the Republic of Lithuania.

Lithuania, Latvia, Estonia, and now unfortunately Afghanistan exemplify the true meaning of human rights. Soviet repression has been consistent and harsh. Human rights have been violated in numerous ways and these violations are continuing. This ongoing repression makes it incumbent upon us to uphold our heritage of a free and open society and we must champion the cause of self-determination for the Lithuanian people. The United States must continue to support the aspirations for freedom, independence, and national self-determination of all peoples. We cannot accept foreign domination by any nation over another nation. To this end we remain committed and we must not waiver from our responsibility.

The Lithuanian-American Community of U.S.A., Inc., has issued a statement relating the tragic events which overcame Lithuania in 1940 and the current Soviet invasion of Afghanistan. I am honored to submit this thought-provoking statement by the Lithuanian-American Community for our colleagues consideration.

The statement follows:

Lithuania Then, Afghanistan Now—A Pattern of Soviet Expansionism

Soviet expansionism has had its seasons—the 1940 illegal annexation of the Baltic States of Estonia, Latvia and Lithuania, the 1956 brutal crushing of the Hungarian revolution, the 1968 ironic destruction of the Czekoslovakian attempt at freedom, and now in Afghanistan, Russian tanks roll once more across the borders of a sovereign nation. There is a chilling pattern to all this and it had its start with Lithuania.

Lithuania is an age-old nation with over seven centuries of nationhood. Its language is one of the oldest living languages today. From the Middle Ages, as the kingdom of Lithuania, it rose to become a major power of Eastern Europe in the 15th century. Even though it endured over a century of severe Czarist Russia's oppression in the 17th and 18th centuries, it reemerged once more as a free and independent nation in 1918. Until June of 1940 Lithuania enjoyed soaring resurgence in every aspect of its national life, educationally, culturally, economically and politically.

And then, Soviet Russia, after signing the now infamous treaty of non-aggression with Nazi Germany/Molotov-Ribbentrop Pact of 1939/, in which the two super powers agreed to divide themselves the countries of Estonia, Latvia, Lithuania, Finland and Poland, the Soviets invaded Lithuania despite existing treaties and assurances to the Lithuanian government to the contrary. One month later, in July, 1940 after mock elections, Soviet Russia claimed—and still claims—that Lithuania voluntarily voted and asked to be incorporated into the Soviet Union.

By the end of World War II, Lithuania had lost about one third of its population through forcible deportations, assassinations and national genocide of its people. Even though Lithuanian partisans, alone and unsupported by any of the promised help from the West, fought against Russian oppressor for a whole decade more, the conflict of armed resistance had to come to an end. However, the will of the Lithuanian people to be free never ran dry and resistance to political repression, religious persecution, cultural genocide and the denial of basic human rights continues in Lithuania against their communist occupiers to this very day.

And so, in 1980, once again we see the same pattern of Soviet Russia's expansionism in Afghanistan.

In the past we have condemned Soviet Russia's transgressions, calling them morally, ethically and politically wrong, but in no instance have we ever taken firmer measures to right those wrongs. In every instance Soviet Russia, after a temporary fall-out of censure, was permitted to keep the spoils of its wrongdoing. There is a tremendous backlog of Soviet Russia's wrongdoing to be righted, and an immense range of decisive actions to be taken by the Free World to prevent further Soviet Russian expansionism.

Hopefully this time, at last, we have come to realize that Soviet Russian world domination no longer sounds like an extremist notion even to the the most liberal among us. Let's hope that we have the moral fiber to talk when we can and to act when we must, while we are still in a position to do so.●

● Mr. NEDZI. Mr. Speaker, today we commemorate the 62d anniversary of Lithuanian independence. While this day was officially proclaimed on February 16, 1918, an independent Lithuanian state can be traced back to the 11th century A.D.

Lithuanian language, culture, and religion withstood the oppression of czarist Russia where the prohibition of the Lithuanian press prevailed for 40 years.

When the first Lithuanian immigrants arrived in the United States in 1861, they took little time to establish societies, clubs, parishes, and newspapers in order to maintain their cultural life and language in their new home. One of the first Lithuanian language newspapers was Lietuviszkasis Balsas, the Lithuanian Voice, published in 1874.

And again today in the Soviet Union, despite widespread antireligious propaganda and attacks on the clergy, Lithuanians still practice their religion at great risk and sacrifice.

On this day, we celebrate the pride and the spirit of the Lithuanian nation which has prevailed despite the turmoil and oppression which has marked its history.●

● Mr. FROST. Mr. Speaker, I am pleased to be able to participate in this special order celebrating Lithuanian Independence Day. This commemoration is especially significant in light of the recent Soviet moves against Afghanistan. Lithuanian Independence Day is a way to remind us all that despite tyranny and aggression, the yearning for freedom is still in the hearts of people around the world.

I am also proud to say that my maternal family heritage—the Marwil family—comes from Lithuania. The original family name was Marwilsky, and the family was centered in Vistinecs, a small town in Lithuania near the Baltic Sea that was completely destroyed in the battle of the Masarium Lakes during World War I, in which the German General Hindenburg trapped and defeated the Russian army.

Elias Marwil moved to the United States from Lithuania in the late 1850's, and a branch of the family settled in Texas in the 1880's. My maternal grandfather, M. H. Marwil, was born in Henderson, Tex., in 1886. Since that time, the family has grown and prospered, proud of its Lithuanian heritage.

The people of Lithuania have endured the horrors of war and the domination of a totalitarian state dedicated to eradicating all semblance of freedom. But the people of Lithuania, in their courageous struggles to be free, exemplify the words of Winston Churchill, who defined courage as "the first of all human qualities because it is the quality which guarantees all others." I join the House of Representatives in saluting the people of Lithuania on this special day.●

● Mr. RHODES. Mr. Speaker, I join my colleagues in the House in observance of Lithuanian Independence Day, an anniversary which reminds us that we are in a world where aggression and suppression are being used to subjugate free peoples.

This observance recalls a sad event, the loss of autonomy for the people of Lithuania. It also is a recognition that hope does not die, that the spirit of independence lives on, and that those of Lithuanian descent in this Nation still nourish the flame of freedom.

Today we find world communism again on the march, again using force and terror to conquer free nations. In Africa and in the Balkans we find unease as it becomes more and more apparent that communism has switched its emphasis from the war to win men's minds, to open conflict and invasion.

As we commemorate the anniversary of a once-free people, we must also look toward our own future, and resolve to pursue a course that will preserve our freedoms here at home, and help other nations that seek to govern themselves.●

● Mr. CLINGER. Mr. Speaker, 62 years ago today, the strong-willed and fiercely independent people of Lithuania established the Lithuanian Republic.

Unfortunately, this is not a day to celebrate. Soviet Russia continues to forceably occupy Lithuania as it has since June of 1940, when its tanks rolled across this peace-loving nation. Every aspect of Lithuanian national life—cultural, educational, political, and religious—is still repressed by the Russian occupiers.

But the Lithuanian people have never lost their passion for freedom. Resistance to Russian oppression and denial of basic human rights is mounting.

Even in my own district, the 23d of Pennsylvania, Lithuanian Americans are expanding support for their homeland. I recently had the privilege of presenting a Lithuanian flag to Benedict Radzavich, president of the Knights of Lithuania Council No. 66, which is spreading cultural awareness to Lithuanians in the DuBois area.

After meeting with Mr. Radzavich, I came to better understand the brutality of Russian domination in a state which has been independent for over 700 years. I will never recognize permanence of the Russian occupation.

Lithuanian Independence Day is neither a day for celebration nor mourning. Rather, it should be looked upon as a day to renew our commitment to winning back freedom for the Lithuanian people.●

● Mr. MOORHEAD of Pennsylvania. Mr. Speaker, February 16, 1980, commemorates the 62d anniversary of the establishment of the Republic of Lithuania. It also commemorates the 729th anniversary of the formation of the Lithuanian State. This anniversary cannot be a particularly happy event because Lithuania is in chains.

The essence of nationhood is the freedom of a nation's people to decide, direct and promte their national interest. Without this freedom, a nation and its people are denied their right to their own destiny. The Nazis in their time and the Soviets then and now have denied this right to Lithuania and Lithuanians. Again, it cannot be a particularly happy time.

Yet, this day commemorates more than sadness. It also commemorates pride in national heritage and the strength that the belief in national freedom possesses. We living in America find it all too easy to take our freedoms for granted. Lithuanians do not.

February 16 then is not just a day for Lithuanians to celebrate and commemorate independence. It is a day for all of us to recognize. It is a day from which we all can learn. Let us always recall the joy liberty has for those with it. Let us never forget that there are those without liberty, whose rights have been trampled and national destiny denied.

Let us remember Lithuania.●

● Mr. ADDABBO. Mr. Speaker, I am glad and honored to join my colleagues today to commemorate February 16 as the 62d anniversary of Lithuania's independence.

It is as important as ever that we show our moral support for the Lithuanian people and their fight for freedom, in an attempt to help them break away from the Soviet's outright subjugation. As we are all aware, the Soviet Union has currently advanced into another country which borders its own. This, like the Soviet invasion of Lithuania during World War II, is a blatant violation of a country's natural right to be independent. It violates international law, causing instability in and a threat to world peace. Already, many Afghans have sacrificed their lives, like the Lithuanians, to prevent the Soviet's encroachment on their private and religious lives.

Lithuania's struggle has been long and difficult, seeming almost futile, but the people of this country remain determined to continue their fight for justice and human rights, both of which, since the Soviet invasion, have been nonexistent.

Ever since the Soviet adopted an aggressive foreign policy, Lithuania has been a target. Lithuania's background is totally different from the Soviets'. The majority are Roman Catholics speaking a different language from the natural and true Russian Orthodox. The Soviet Union continues to impose its customs and language without giving any consideration to the Lithuanian's natural right to develop and live out their thousand-year-old traditions.

It is sad and unfortunate that the Lithuanians have lost their individual rights but they should be commended and supported for their continued protest and courage against the Soviet's insensitive and immoral policies. Their dedication to never losing their identity and heritage is something we should all admire and applaud.

The Lithuanians' plight should serve as a model for all countries who feel threatened by forces which are foreign to their own.

I hope that the people in Afghanistan will take notice of the Lithuanians' persistence and the sacrifices they have made to discontinue their puppet-like existence.

All we can do is support the Lithuanians' devotion to their cause. On Lithuania's independence day all nations should try to understand what it would be like to be a nation and a people with a rope tied around their neck, never to be loosened or cut.

This nation had struggled for their independence and lost it. The Soviets' domination increases, and as Lithuania's master the rope tightens whenever there is a display of national pride or views which are contrary to their own.

I am morally obligated and happy to join my colleagues in commemorating everything Lithuania's independence represents.●

● Mr. YATRON. Mr. Speaker, I would like to join my colleagues and the Lithuanian American community in commemorating the 62d anniversary of Lithuanian Independence Day which will fall on February 16.

It is our fervent hope that one day Lithuania will again be a free and autonomous nation, and that her heritage of heroism, bravery, and dedication to the cause of freedom will continue to be a source of inspiration for all the oppressed peoples of the world.

Sixty-two years ago, after World War I, the proud people of Lithuania valiantly proclaimed their right to stand among the free people of the world. Lithuania had emerged from the ruins to begin rebuilding her land, establishing her own government, and in essence, determining her own destiny. This progression was halted by the Stalinist Soviets who ruthlessly seized Lithuania in 1940.

While under Soviet domination for the past 40 years, Lithuania has not been given the opportunity to govern itself. This has not subdued the spirit of its people, however, who have continually resisted Soviet attempts to destroy their unity and identity. An ardent desire for autonomy survives in Lithuania today which is reflected in the way the people steadfastly adhere to a cultural heritage which embraces the value of freedom.

The lesson of Lithuania must be heeded by all the free peoples of the world. Lithuania reminds us of how essential and how precious freedom truly is, and what its loss can signify. Let us pray that one day soon the Lithuanian people will achieve the independence that is the natural right of all men, and that by their example the world will realize a universal understanding of the need for all people to be allowed to exercise their inherent right of self-determination.●

● Mr. PORTER. Mr. Speaker, on February 16, Lithuanian people everywhere will celebrate redeclaration of Independence Day. This is not only an important day for the people of Illinois, as the home of the largest community of Lithuanians in the world, but for all the people of our Nation as well. On that day in 1918, Lithuania established herself as a free and independent Republic, ending 125 years of czarist Russian domination.

Presently, the Government of Lithuania is in exile, as it has been since June of 1940, when Russia began its occupation by force. However, the spirit of Lithuanian freedom lives on. This is the same undying spirit that this country was founded on, the same spirit that we see continually threatened all over the globe, the same spirit we must harbor, support, and cherish forever.

It is for this reason, Mr. Speaker, that I rise to celebrate and commemorate a people's quest for liberty.●

● Mr. SENSENBRENNER. Mr. Speaker, in light of the recent invasion of Afghanistan by Soviet troops, it is right and fitting that we draw our attention to the 62d anniversary of Lithuanian Independence Day.

On February 16, 1978, Lithuania declared itself an independent republic after years of oppression by Czarist Russia. As a free nation, Lithuania made great strides in reviving and modernizing their national culture, education and political systems, and economy. Their freedom was short lived, however, ending with the Soviet Union's invasion in 1939, followed by several years of Nazi occupation. Lithuania was reoccupied by the Soviet Union in 1944, and has been considered a component republic by the Soviets ever since. The United States has never recognized the incorporation of Lithuania, nor any of the other Baltic States.

The Stalin years brought dramatic changes in the composition of Lithuania's population. Approximately 80,000 Lithuanians fled to West Germany after Soviet occupation in 1944. An additional 60,000 were deported from East Germany during 1945 and 1946. After Stalin's death, about one-third of these displaced people were allowed to return to their homeland. Yet, this cannot erase past cruelties committed by the U.S.S.R., nor the continuing effort to destroy Lithuanian national spirit.

Lithuania is a travesty of international justice. The U.S.S.R. signed the Helsinki statement, yet Lithuania has not been accorded any of the human rights outlined in that agreement. The Lithuanians suffer from severe religious persecution, despite guarantees of religious freedom by the Soviet Union. They are prohibited from speaking their native tongue in public. Reading materials are controlled and censored by the Government. The citizens of Lithuania are subject to unexplained and unwarranted searches. In late 1977, reports leaked out of the Soviet Union telling of thousands of Lithuanians rampaging the streets in Vilnius, shouting anti-Soviet and nationalistic slogans. Police cars were set on fire, windows were smashed, and Soviet propaganda banners were torn down.

Despite the 40 years of Soviet oppression, the Lithuanians have never lost their desire for independence. Although armed struggle has been abandoned as unsuccessful, a strong underground resistance continues to survive and expand. I applaud these people who refuse to concede to Russian domination.

Lithuania is only one example of Soviet Russia's expansionist policy. We cannot continue to turn our backs to the illegal seizure of nations by the Soviet Union, either past or present. I appreciate the opportunity to join my colleagues in recognizing the plight of Lithuania and in expressing our hope that Lithuanians will be able to enjoy the rights and freedom they so ardently desire.●

● Mr. FARY. Mr. Speaker, February 16, Lithuanian Independence Day, is a special day for those of Lithuanian descent and to all supporters of the principles of freedom and self-determination. On this date 62 years ago, the independent state of Lithuania was reestablished.

Lithuania was first recognized as a nation in the year 1009. Despite Lithuania's historically independent spirit, it has been dominated by conquests and seizure of control by foreign powers. Russian domination began in 1795 and continued until 1915. During this occupation, the Lithuanian people remained committed to their deep faith and to their nation. They refused to accept assimilation into the Russia structure and culture.

Following World War I, Lithuania successfully negotiated with the German state for the establishment of the sovereign, wholly independent state of Lithuania. Its centrally formed government was based on strong democratic principles; a free and independent Lithuania prospered. It was a time of freedom and honor for a nation so long oppressed by foreign aggression.

Unfortunately, this era of independence and economic and political democracy was short lived. With the onslaught of World War II, Lithuania was again engulfed by invading armies. In 1940, the Supreme Soviet in Moscow declared Lithuania a constituent republic of the U.S.S.R. The Lithuanian people fiercely protested. The Soviet Union retaliated with brutal methods; thousands were deported to Siberia or executed.

Once again, Lithuania and its citizens are denied political freedom and the right to self-government. Once again, attempts are made to deny them their cultural and spiritual freedom, yet the pride and tradition of an independent spirit lives on. The cultural and religious traditions remain strong despite the lack of freedom and self-determination.

In memory of Lithuanian Independence Day, today I join in paying tribute to that spirit and tradition of the Lithuanian people. Along with Lithuanians throughout the world and to all lovers of freedom and self-government, I hold out eternal hope that someday these people will secure the independence they for so long and for so many times have been denied.●

● Mr. RINALDO. Mr. Speaker, February 16 commemorates the 62d anniversary of the establishment of the Republic of Lithuania and the 729th anniversary of the formation of the Lithuanian State in 1251. As in the past, I ask my fellow colleagues on this day, to remember the plight of the oppressed people of Lithuania.

It was not long ago, in 1940, that the Republic of Lithuania was forcibly occupied and illegally annexed by the Soviet Union. Since that time, the Lithuanian people have been continually denied the right of self-determination and other fundamental human rights. The Soviet Government has deprived these individuals of their language, traditions, and cultural identity.

The subjection to alien domination and exploitation has not suppressed the Lithuanian people's aspiration for freedom. They are a strong and courageous people committed to national independence and the excercise of their human rights.

We must stand firm in our position of nonrecognition of the Soviet occupation and annexation of Lithuania. We must also continue to condemn the Soviet Government's treatment of the Lithuanians, calling these transgressions morally, ethically, and politically wrong. I am confident that the fierce independence of the Lithuanian people, together with our government's commitment to human rights the world over will some day make Lithuanian independence a reality.●

● Mr. BLANCHARD. Mr. Speaker, February 16 this year marks 62 years since the declaration of Lithuania's independence. One might expect this to be a joyous occasion. However, the central fact for our commemoration of this anniversary is a tragic one: That for 40 of those 62 years the Lithuanian nation has not been independent, but has suffered under Soviet domination.

Although the Soviet invasion of Afghanistan has focused fresh attention on the pattern of Soviet domination, we should realize that this is not a new pattern. Rather it is well developed and calculated—and it is in that light that we must respond to Soviet actions. Our response must clearly show that we recognize the Soviet pattern and that we firmly oppose it.

It is timely, therefore, for us to remember the history of the Lithuanian nation and take to heart the lesson that it teaches us. In this connection, I would like to bring to my colleagues' attention a statement prepared by the Lithuanian-American Community of U.S.A. Inc.:

Lithuania Then, Afghanistan Now—A Pattern of Soviet Expansionism

Soviet expanionism has had its seasons—the 1940 illegal annexation of the Baltic States of Estonia, Latvia and Lithuania, the 1956 brutal crushing of the Hungarian revolution, the 1968 ironic destruction of the Czechoslovakian attempt at freedom, and now in Afghanistan, Russian tanks roll once more across the borders of a sovereign nation. There is a chilling pattern to all this and it had its start with Lithuania.

Lithuania is an age-old nation with over seven centuries of nationhood. Its language is one of the oldest living languages today. From the Middle Ages, as the kingdom of Lithuania, it rose to become a major power of Eastern Europe in the 15th century. Even though it endured over a century of severe Czarist Russia's oppression in the 17th and 18th centuries, it reemerged once more as a free and independent nation in 1918. Until June of 1940 Lithuania enjoyed soaring resurgence in every aspect of its national life, educationally, culturally, economically and politically.

And then, Soviet Russia, after signing the now infamous treaty of non-aggression with Nazi Germany/Molotov-Ribbentrop Pact of 1939, in which the two super powers agreed to divide between themselves the countries of Estonia, Latvia, Lithuania, Finland and Poland, the Soviets invaded Lithuania despite existing treaties and assurances to the Lithuanian government to the contrary. One month later, in July, 1940 after mock elections, Soviet Russia claimed—and still claims—that Lithuania voluntarily voted and asked to be incorporated into the Soviet Union.

By the end of World War II, Lithuania had lost about one third of its population through forcible deportations, assassinations and national genocide of its people. Even though Lithuanian partisans, alone and unsupported by any of the promised help from the West, fought against Russian oppressor for a whole decade more, the conflict of armed resistance had to come to an end. However, the will of the Lithuanian people to be free never ran dry and resistance to political repression, religious persecution, cultural genocide and the denial of basic human rights continues in Lithuanian against their communist occupiers to this very day.

And so, in 1980, once again we see the same pattern of Soviet Russia's expansionism in Afghanistan.

In the past we have condemned Soviet Russia's transgressions, calling them morally, ethically and politically wrong, but in no instance have we ever taken firmer measures to right those wrongs. In every instance Soviet Russia, after a temporary fall-out of censure, was permitted to keep the spoils of its wrongdoing. There is a tremendous backlog of Soviet Russia's wrongdoing to be righted, and an immense range of decisive actions to be taken by the Free World to prevent further Soviet Russian expansionism.

Hopefully this time, at last, we have come to realize that Soviet Russian world domination no longer sounds like an extremist notion even to the most liberal among us. Let's hope that we have the moral fiber to talk when we can and to act when we must, while we are still in a position to do so.●

● Mr. PATTEN. Mr. Speaker, I rise to commemorate the Lithuanian Declaration of Independence which occurred on February 16, 1918. This Saturday, Lithuanians throughout our country and the world will commemorate their 62d anniversary of the reestablishment of an independent Lithuania and the 729th anniversary of the founding of the Lithuanian State.

I wish to honor those who have fought and died for their national freedom. I wish to reaffirm our support to the Lithuanians who continue to fight the oppression of the Soviet Union for freedom and self-government. They have continued their plight to resist political, religious, and cultural repression. I salute their courage and enduring conviction to struggle for freedom—a freedom which all Americans enjoy. I do hope that they will once again enjoy this divine right.●

● Mr. DERWINSKI. Mr. Speaker, today, we commemorate the 62d anniversary of the Declaration of Independence of Lithuania. The largest of the Baltic States, the Lithuanians have a long and glorious history. They have withstood previous centuries of Russian domination, and I predict that with their fortitude, they will overcome Communist suppression and again realize the ideals of personal liberty, independence, and human dignity.

Although the Lithuanian people are not allowed to celebrate the anniversary of their independence which was declared on February 16, 1918, it is significant that a country whose people have not been allowed to govern themselves for 40 years still have strong national spirit. They enjoyed their independence from the Soviet Russian Empire for only 22 years. In June 1940, the Soviet Union invaded and occupied the Baltic States, and Lithuania was forcefully annexed into the Union of Soviet Socalist Republics. Earlier in its history, Lithuania had long suffered under Czarist Russian rule.

As we look upon the Soviet invasion of Afghanistan, we remember the Soviet Russian expansionism into the Baltic States, and we continue to condemn such transgressions as morally, ethically, and politically wrong. Therefore, we as a nation, must consider the plight of various peoples around the world who face a deprivation of basic human rights, and we must consistently voice our objections to all Soviet violations of the rights of those held captive under Soviet domination.

As we are painfully aware, the Soviet Union has denied religious freedom as well as ethnic and cultural development in Lithuania. The Kremlin continues to persecute and suppress the Roman Catholic Church, which has played a major role in Lithuanian history and is symbolic of Lithuanian nationhood. The cultural genocide and the denial of basic human rights continues in Lithuania against the will of the Lithuanian people. They are consistently subjected to the deliberate "Russification" of their culture and efforts to eradicate their historic nationalism.

The hopes and aspirations of these peoples have not diminished as evidenced by their continuing defiance of the Soviet Government. They have continued to preserve their unity and strong sense of national consciousness. It is appropriate on this occasion of the 62d anniversary of their declaration of independence that we pay tribute to the devotion by the Lithuanian people and their indomitable spirit. These brave people have struggled to preserve their heritage, national language, and historic religious faith against Soviet totalitarianism.

As we pause to mark this anniversary, we must also recognize the many contributions made to our country by Lithuanian-Americans. Here in the United States, the Lithuanians are a well-organized and a hard-working ethnic group who are deeply interested in maintaining their cultural background. When the time comes for the restoration of freedom for their homeland, they will be in a position to make a positive contribution to the progress of that nation.

That is why it is especially important for us to preserve the diplomatic representation in the United States of the Lithuanian people. The Lithuanian legation located in Washington, D.C., faces extinction because the small nation's monetary assets frozen in the United States at the Soviet takeover are almost gone. As a cosponsor of H.R. 5407, I would like to point out the vital importance for us to authorize funds to be appropriated for the continuation of the legation in Washington. This will be a symbolic as well as visible sign to the more than one million people of Lithuanian descent living in the United States that their hope still lives. In addition, this will guarantee that the legality and legitimacy of the Lithuanian legation is maintained.

The United States must continue to support the aspirations for freedom, independence, and national self-determination of the peoples of the Baltic states and others held captive. As stated in my resolution, House Concurrent Resolution 200, passed unanimously, we must pledge to uphold the provisions of the United Nations Charter with regard to promoting the "universal respect for and observance of, human rights and fundamental freedoms for all * * *." I would hope that one day soon we may not have to speak in Congress of the anniversary of the loss of liberty by the Lithuanian people; but instead we will speak of Lithuania's and all those oppressed under Communist totalitarianism, realization of the ideals of personal liberty, independence, and human dignity. Until that day, we salute the Lithuanian people for reminding us through their struggle of how precious and valuable freedom is, and how costly its loss.●

● Mr. OTTINGER. Mr. Speaker, I am pleased to join my colleagues in commemorating the 62d anniversary of Lithuanian Independence Day.

This day serves as a reminder to us all of the courage and determination of the peoples of Lithuania and the Baltic States who are striving for independence and self-determination from Soviet domination. Furthermore, we salute the indominatable spirit of the Lithuanian people who have struggled to preserve their cultural heritage and their religious freedom in spite of Soviet campaigns of repression and persecution.

Forty years ago today Lithuania declared its independence and established itself as a democratic state committed to upholding individual freedoms. That freedom was short-lived, for in 1940 it was invaded by the Soviet Union and declared a constituent republic of U.S.S.R. Despite the Soviets' repressive regime, the quest of the Lithuanian people to reestablish their nation as a free and sovereign state has remained alive. The commitment of Lithuanians to individual rights and fundamental freedom reflects the remarkable spirit of these determined people.

We have never recognized this nation or any of the other Baltic States as part of the Soviet Union, and we never will. On this occasion we must reaffirm our commitment to the valiant Lithuanian people and express our sincere hope that on this occasion next year they have the opportunity to realize their national sovereignty and their inalienable human rights.●

● Mr. RODINO. Mr. Speaker, Saturday, February 16, will mark the 62d anniversary of Lithuania's Declaration of Independence, a symbolic event for all those of Lithuanian descent. The significance of such an occasion cannot be overstated because the struggle for freedom continues.

Americans hold a special place for Lithuanians because we see in them the same drive and determination with which we fought for our own independence. We appreciate the important role Lithuania has played in the development of Western culture. Lithuania has a long history of encouraging education and tolerance of differing ideas—two traditions that represent the very basis of American growth and success.

As the leading example of the virtues of independence, Americans—especially Americans of Lithuanian descent—will help commemorate the brave Lithuanian freedom fighters who have died in the pursuit of this goal.

Mr. Speaker, let us use this opportunity to reaffirm our commitment to human rights and especially the right for all the world's citizens to individual liberty and national self-determination.

Mr. Speaker, I am happy to join my colleagues in commemorating Lithuanian Independence Day, and I look forward to the day when all Lithuanians will be free.●

● Mr. DINGELL. Mr. Speaker, I join with my colleagues in the House commemorating the anniversary of Lithuanian Independence Day. The fate of the Lithuanian nation, which proudly proclaimed independence 62 years ago, is a poignant reminder of the challenge confronting the free world.

Soviet aggression has again openly surfaced and we would do well to take heed of this ominous threat. Decades have passed since the Soviet Union forcibly occupied the independent Lithuanian State, subjecting its people to untold suffering and persecution which endure to this day. Those basic human rights, which we so often take for granted, are banished under the ruthless Communist political state.

As the bells ring across our land for American hostages, they sound the cry for the freedom of all captive peoples. Let their peal be a clear signal that we as a nation will not condone aggression and that we reaffirm our support and commitment to those struggling for freedom and liberty.●

● Mr. HANLEY. Mr. Speaker, I rise to join my distinguished colleagues in commemorating the 62d anniversary of the independence of Lithuania, a time to pay tribute to the endeavors of a courageous people.

In 1918 the Republic of Lithuania was created, an independent nation free of Soviet domination. However, freedom was short lived for this Baltic nation. In 1940 Soviet troops overran Lithuania and forcibly absorbed this country into the Soviet Republic. Thousands of proud Lithuanians were forced to flee their beloved homeland to seek refuge in foreign havens, while others were incarcerated in Siberian prison camps. Despite these hardships the culture, heritage and national identity of the Lithuanian people survives.

The recent invasions of Afghanistan by the Soviet Union demonstrate how proud nationalities are forcefully incorporated into the Russian Empire. This abomination is but the latest in a series of actions to which the Lithuanians have already fallen victim. This Soviet threat makes it increasingly important for us to demonstrate our role as the champion of all free people of the world, and of all those who desire to be free.

In a show of support for the struggles of the Lithuanians the United States has maintained a policy of nonrecognition of the forcible seizure of Lithuania and her neighbors. We must continue to support the people of the world who sustain their fight for freedom. We must pledge ourselves to bestow upon the people of Lithuania a degree of hope, that they shall, against all odds, have what is rightfully theirs.

The determination of Lithuanians to remain free from political repression, religious persecution, and the denial of human rights continues in Lithuania to this very day. It is only fitting to pay tribute to the courage and strength of the Lithuanians remaining in their homeland, and to those partisans of freedom and Lithuanian rights everywhere who continue their struggles.

Let the story of Lithuania's declaration of independence be a reminder to us that liberty is not found easily and once achieved is maintained only by continued effort. Their fight is both a lesson and a call to the American people.●

● Mr. WOLFF. Mr. Speaker, I rise today to join with my colleagues in commemorating Lithuanian Independence Day, celebrating 62 years of nationhood, and 729 years of rich history as a nation and a people.

The world has witnessed Russian expansionism for centuries, but this century has witnessed the wholesale takeover of the nations of Eastern Europe, and attempts to expand Soviet influence all over the globe. Since 1968, when Soviet troops brutally crushed the liberal movement in Czechoslovakia, the Soviet Union has tended to use surrogates to fight their wars of "national liberation." The invasion of Afghanistan has witnessed a return to direct Soviet interference in any nation which it views as in its orbit. The "Brezhnev Doctrine" has been reaffirmed in South Asia.

Lithuania, Latvia, Estonia, and a number of other States bear witness to the fact that such Soviet invasions do not result in passing international "crises," but in most cases indicate an expansion which is, in the Soviet view, permanent.

Lithuania became an independent modern nation in 1918, although its national history dates back to the 13th century. This independence was shattered when Soviet troops invaded in 1940.

We celebrate Lithuanian Independence Day, then, not because Lithuania is an independent state. Rather, we commemorate this day so that we will not forget the brutal aggression which stripped this nation of its independence. We commemorate this day to let the Soviet Union know that we will remember what has happened to this nation, its culture and its people.●

● Mr. GILMAN. Mr. Speaker, I would like to join my colleagues and the entire Lithuanian-American community today in commemoration of the 62d anniversary of the Lithuanian Independence Day. I also wish to express the fervent hope that one day Lithuania may consider itself a free and autonomous nation, and that her heritage of heroism, bravery, and dedication to the cause of freedom will continue to be a source of inspiration for all the oppressed people of the world.

The Kremlin is fond of saying that Russian imperialism died with the Czar. However, the fate of the Baltic nations, or for that matter Hungary, Czechoslovakia, and most recently, Afghanistan—show this to be nothing more than tragic fiction. The Communist government did not come to power in the Baltic States by legal or democratic process. The Soviets invaded and occupied the Baltic States in June of 1940. Since that time the Baltic people have been living under the yoke of forced Soviet culture, government, and any number of other forms of slavery they brought with them.

The plight of the Lithuanian people must remind us of the growth and devices of totalitarian power in this century. Lithuania is not just a captive nation because I feel that "captive" is an inadequate description of the deceptive machinations of unprincipled power. Totalitarianism is a phenomenon which found its underpinnings in the Hitler and Stalin era of the 1930's, became a sophisticated tool in the 1940's, and left us in the 1950's, 1960's, and 1970's, with tidy regimes which now accumulate their respectability and our acquiescence. This ruthless doctrine of expansionism incorporated in every facet of Soviet political thought, would be incomplete without its recent marriage to terrorist warfare. Both enemies and puppets of the Soviet regime alike are systematically eliminated in the final phase of annexing countries to Mother Russia. Lithuania should be a daily reminder that we are living in an epoch in which one evil leads inexplorably to another.

The Soviets would like to have us believe that the Lithuanians are delighted with their satellite status; that Soviet methods of farming and industrial techniques have brought about undreamed of economic growth and that their physical welfare is only surpassed by enlightening and joyous educational reforms. Citizens of the free world know that this is deceptive. We know for a fact that the defiant people of this proud land are hurting and struggling in bondage, yearning to regain their stolen freedom. Indeed, the spirit of Lithuanian independence is not dead, in fact, it is not even dormant. It burns brightly as an unsmotherable flame in the hearts of its people.

Mr. Speaker, especially during a time as trying and demanding as today in wake of fresh Soviet expansionism, the lessons of Lithuania must be heeded and remind us of how precious our freedom really is. Let us hope and work toward the day when Lithuania will be allowed to exercise its inherent right of self-determination.●

● Mr. DODD. Mr. Speaker, on February 16 over 1 million Lithuanian Americans will celebrate the transient freedom of their homeland; 62 years have passed since Lithuania declared its independence which lasted only two decades. In August of 1940, Lithuania became a constituent republic of the Soviet Union when Soviet Armies seized the Baltic States.

Soviet occupation of Lithuania has resulted in a suppression of the cultural, religious, and political heritage of a once-free nation. Despite the annexation of their country, the Lithuanian people remain defiant and determined to reassert the democratic freedoms that are being denied to them by the Soviets.

America has retained its independence for 200 years. The Lithuanians had only 20 years of self-determination, but their nationalism, their patriotism, and their love of country is as strong, if not stronger, than ours. The Lithuanian occupation and the current warfare in Afghanistan are reminders of just how precious our free Nation is to all of us and how easily we take our autonomy for granted.

Lithuania has lost its independence but not its national identity. Soviet domination has not diminished Lithuania's determination to be free again. By celebrating Lithuanian Independence Day, we, in America, pay tribute to the courageous spirit of the Lithuanian people that keeps alive a hope for independence for all oppressed nations and say that we will never forget their struggle.●

● Mr. MINISH. Mr. Speaker, February 16, 1980, marks the 62d anniversary of Lithuanian independence; it also witnesses the 40th year of Soviet occupation of that unfortunate land. Year after year in this Chamber we have marked the barren anniversaries of Lithuania and her sister nations who have lost their rightful independence to Soviet armies. This year we understand more than ever the implications of this Russian brutality, when the Soviet invasion of Afghanistan dramatizes it so vividly to us.

In the crisis of the moment, let us not forget that what is now imposed on the Afghans has been the burden of the Lithuanians for 40 long years. For 40 years, the Lithuanians have been deprived of their religious and civil rights. For 40 years, their culture has been suppressed. Yet these 40 years have perhaps dulled our appreciation here in America of the oppression which the Lithuanians have so heroically endured. In the excitement of the moment, let us remember the Afghans, but let us also appreciate now more profoundly the long sufferings of the Lithuanians.

As if to dramatize the connections of recent events regarding the Moscow Olympics and Afghanistan with the Lithuanian cause, Soviet authorities have arrested Antanas Terleckas and Julius Sasnauskas, who join so many of their fellow Lithuanian patriots in jail as part of the Communist campaign to silence dissenters before the Olympic games begin. If we must boycott the Moscow Olympics, let us do so in the consciousness that we protest Soviet repression not only in Afghanistan, but also in Lithuania and in all countries similarly enslaved.

Mr. Speaker, I earnestly hope for the early withdrawal of Soviet forces from Afghanistan; but until the Lithuanians and their brothers and sisters in the Baltic region have also regained their rightful self-determination, let us never rest content.●

● Mr. ANDERSON of California. Mr. Speaker, February 16 will mark the 62d anniversary of Lithuanian independence. It will commemorate that grand moment in 1918 when Lithuanians declared their sovereignty, freeing themselves from the repression of Soviet and German occupation.

This proud nation enjoyed 22 years of freedom until the Soviet Union once again invaded and thrust foreign domination on the Lithuanian people. By this action, Lithuanians were robbed of the freedoms of speech and religious choice which we as Americans enjoy each day. This, however, did not kill the Lithuanians' desire for an eventual return to independent rule.

In 1941, and again after World War II, Lithuanian patriots rose attempting to reestablish the long-sought independent rule. But their efforts went for naught as first the Germans then the Soviets crushed the independence fighters with the might of their armies.

Today the struggle continues. Lithuanians still retain their strong sense of identity with a free and independent nation. They still yearn for the return of the transitory freedoms which once were theirs.

Mr. Speaker, I take this occasion to remind my colleagues that our Nation has for many years spoken out against the injustices of foreign domination such as that which continues in Lithuanian. I urge that we hold strong to this position and that we do not relent until the day comes when Lithuania is free once again.●

● Mr. ROE. Mr. Speaker, I rise today to join my fellow colleagues in saluting the brave Lithuanian people on the occasion of the 62d anniversary of their Independence Day.

The recent Soviet aggression into Afghanistan, where the rights of free people are being thwarted on a daily basis, evokes the similar sad history of the Lithuanian people. For hundreds of years, Russia made repeated attempts to overrun and annex Lithuanian. The Russians tried to replace Lithuanian language and culture with their own. But the people of Lithuania, strong in their faithfulness to their religion, language and traditions, resisted and, for the most part, prevailed.

On a glorious February 16, 1918, Lithuania proclaimed its independence. The Russians even went so far as to sign a "peace treaty" with the small, new nation, recognizing its independence. The young nation flourished in agricultural achievements, industrialization took force and education and the arts flourished.

But the new nation's freedom was short lived. Its unfortunate geographical position of existing between Germany and Russia made it one of the first victims of World War II. The Soviets finally forced Lithuania to allow Russian troops to use its land as a base for attacks against the Germans. Finally, in 1940, the Russians occupied Lithuania and set up a rigged election that resulted in the incorporation of the nation into the Soviet Union.

During that terrible period, thousands of Lithuanians died, while others were arrested or deported.

Since its incorporation into the Soviet Union, news has been very sparse from Lithuania as it has from its neighbors Latvia and Estonia, who suffered similar fates.

The United States rightfully recognized the independent Lithuanian Government when it was first established and never has recognized that nation's incorporation into the Soviet Union.

I am sure that my fellow House Members will join me in reaffirming the resolution approved by the Lithuanian World Congress in 1958 that Lithuanians "have not accepted and never will accept Soviet slavery." ●

● Mr. GIAIMO. Mr. Speaker, in honoring the anniversary of Lithuanian independence, I am reminded that I am exercising a right I practice, not necessarily as a public official, but as an American citizen, to speak openly and freely. I am also reminded that this liberty is only one of the freedoms which was stolen from the Lithuanian people 40 years ago.

This proud and ancient people began a new page in their history on February 16, 1918, when they declared their independence. The chronicle of independent Lithuania was only 22 years short. Caught between Nazi Germany and the Soviet Union, Lithuania was seized by the U.S.S.R. in 1940 and incorporated into its giant neighbor the next year. After annexation came the subjugation of these people. Lithuanians were forceably removed from their homeland, and today it is estimated that only one-half the population of this formerly free nation are Lithuanians.

Soviet actions toward Lithuania—from reneging on their early statement to recognize "without any reservation the sovereignty and independence of the State of Lithuania," to their current-day denial to fulfill the rights they guaranteed under the Helsinki accord—have mocked the freedom of Lithuanians, but they served to encourage the commitment of patriotic Lithuanians to regain it.

The United States has steadfastly maintained a policy of nonrecognition of the forcible annexation of Lithuania. I commemorate Lithuania's anniversary of independence, as it has been commemorated here in the past 40 years—with a heavy heart. I hope to see fulfilled the dreams of Lithuanians across the world. The Soviet Union can oppress a people, but it cannot suppress their dreams.●

● Mr. DUNCAN of Oregon. Mr. Speaker, on February 16, 1980, Lithuanian-American and people of Lithuanian extraction throughout the world will observe the 62d anniversary of the proclamation of their independence from Soviet domination. Since the invasion of the Red Army in June of 1940, the people of Lithuania have endured severe repression, but remain proud-hearted. Hopefully, our words today, and the new signs of firm American resolve to support the liberty and sovereignty of other nations, will offer encouragement to the peoples in captive nations.

Those who fear that the Soviet Union has swallowed up the fiercely independent Afghanis should be reminded of the endurance and unity which the Lithuanians have preserved in their national identity and the perpetuation of their rich cultural heritage. The Soviet appetite for neighboring lands may yet prove to be thier undoing.●

● Mr. HAMMERSCHMIDT. Mr. Speaker, in the past I have addressed this Chamber commemorating the anniversaries of Lithuanian Independence Day and expressing the sense of outrage felt worldwide concerning Soviet violations of human rights in that country. We all hoped that the 1975 signing of the Helsinki Accords would finally force the Soviet Union to bestow upon its citizenry the basic and fundamental rights enumerated in its constitution. Sadly, this has not been the case.

It is particularly fitting to restate our commitment to Lithuanian Independence in lieu of the recent Soviet action in Afghanistan, where once again we see the same frightful pattern of Russia's expansionism. Perhaps recent events in Afghanistan have made many Americans realize the fragile state of the world and sensitized them to the plight of the Lithuanian people who continue to struggle, to pray, and to work for the day when their country can once again enjoy liberty.

In publicly commemorating these events, Americans of Lithuanian descent reaffirm their commitment to the exercise of basic human rights which have so often been forcibly suppressed during Lithuania's tortured history. We too often forget that in other countries of the world the rights which we enjoy are denied. We are free to celebrate our Independence Day with patriotic speeches, fireworks, parades, and picnics, but to the Lithuanians, their freedom is only a memory and a dream of the future.

Lithuania today is a colony in a vast Russian Empire. She saw a period of freedom, as well as economic and industrial expansion between this century's world wars. During that time, she was given the Russians' "sacred word of honor," in a peace treaty and nonaggression pact that they would respect her neutrality and independence. In June 1940, however, Soviet soldiers marched in, forced a coalition government to resign and installed a regime of their own choosing.

Since then, Lithuanians have been denied even the most elemental of human and civil rights, and have suffered severe assaults on their national identity and cultural heritage. The Lithuanian people have bravely refused to accept this oppression and have kept alive their determination to reclaim control over their own lives.

While there are many outstanding examples of those who have stood up to this oppressive Soviet rule, I would like to take this opportunity to single out four Lithuanians for their exceptional bravery:

Balys Gayauskas, known as the Father of the Nationalist Movement, has spent 35 years in prison for his activities in support of a free Lithuania. While in prison, Mr. Gayauskas has given further evidence of his tremendous courage by joining the Helsinki Monitoring Group for Human Rights Violations.

Viktoras Petkus, has dedicated his life to the struggle for Lithuanian self-determination, and has been sent to jail as a part of the committee attempting to monitor Soviet compliance with the Helsinki agreements. Mr. Petkus now languishes in the same jail as fellow political prisoner Anatoly Shchransky.

Antanas Terleckas is a Nationalist Roman Catholic activist who was arrested on October 30, 1979, for anti-Soviet activities. He was responsible for organizing a petition which was signed by 47 Latvians in August of 1979 to publicly renounce Russia and to support Latvian independence. Four of the signers of this petition have since been arrested.

Vytautas Skodzius was a lecturer in geology at Kapsukas University in Vilnius when he signed Mr. Terleckas' petition. He was arrested on January 14, 1980—no further information is available on his imprisonment.

If the Helsinki accord is to have any meaning in the Soviet Union, American recognition of the plight of these brave freedom fighters is imperative. The spirit and determination of the Lithuanian people have survived Soviet domination and by commemorating their former independence as a nation, hopefully the support and encouragement of the American people will indicate to the Lithuanian people that they are being seen and heard by a nation which remembers and cares.

Today, only old maps of Europe show Lithuania as a distinct entity, but the newer ones display her territory as a part of the Soviet Union—does the same fate await Afghanistan? ●

● Mr. LENT. Mr. Speaker, it is an honor to join with my distinguished colleagues in commemorating the 62d anniversary of the Declaration of Independence of Lithuania.

I find it particularly appropriate, Mr. Speaker, that we address this subject at the height of national concern over the brutal act of aggression committed by the Soviet Union in invading and subjugating Afghanistan. For Lithuania was one of the first in a long list of free and independent nations crushed out of existence by the ruthless forces of Soviet Russia.

The Soviet Union has created an appalling record of violence against the freedom loving people of the world. The Soviet record of deceit, aggression, and persecution is unequaled in recent history.

It is well we keep in mind that infamous record as we join today in commemorating the achievement of independence by the people of Lithuania. Lithuania's proud traditions of independence and cultural achievements have been developed and nurtured by the courageous people of Lithuania from the beginning of the nation in 1251, more than seven centuries ago.

In those seven centuries, Lithuanians have suffered greatly under the oppression of their giant neighbor, Russia. For many decades Czarist Russia attempted to eliminate all traces of the Lithuanian culture, language, and religion, but the Lithuanians refused to bow to the aggressor. They preserved their unique language—one of the oldest of living languages—and their culture and their religious heritage despite fierce and unremitting persecution.

Thus nurtured, the Lithuanian culture burst forth like a blossoming flower on that day of triumph and hope for the future, February 16, 1918, when the Lithuanian nation emerged from the darkness of subjugation and became an independent Republic.

Sadly, those days of national pride and accomplishment were brief. Just 22 years later, the Lithuanian people again were subjected to the brutal aggression of Russia. With crushing force, Soviet forces invaded and occupied Lithuania and its independent Baltic neighbors, Latvia and Estonia. For four decades, now, the rulers of the Kremlin have done their best to erase the national and spiritual heritage of the Lithuanians.

But in defiance of this new conquest, the unquenchable spirit of the Lithuanian people continues to resist the political repression, religious persecution, and cultural genocide being practiced against them.

Mr. Speaker, many other once-free nations are making the same fight for basic human rights. Estonians, Latvians, Poles, Romanians, Bulgarians, Hungarians, Czechs, East Germans, and now Afghans are battling the terrible oppression of Soviet domination. Indeed, many Russian citizens are themselves struggling for the human rights they deserve.

Mr. Speaker, as we commemorate the declaration of Lithuanian independence, let this ceremony serve to strengthen our resolve to preserve and protect the precious freedom we enjoy, and to help us to understand that aggression against a free people cannot be tolerated, and must be resisted by more than indignant phrases. Let us resolve to act when we must to aid in sustaining and restoring freedom for those who desire its benefits, and who, through their heroic struggle against oppression, have earned those benefits.●

A TRIBUTE TO JOHN E. LEWIS, PRESIDENT, SMALL BUSINESS ASSOCIATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 15 minutes.

Mr. GONZALEZ. Mr. Speaker, I was very saddened to learn of the sudden death of Mr. John E. Lewis, president of the National Small Business Association. He was struck by a car while crossing a street to catch a bus near Fredericksburg last week and died of injuries a few days later.

I have known John Lewis since he came to Washington in 1965 and as a member of the Small Business Committee I have worked with him on many issues over the years. He was a tireless worker and strong believer in the Government's role to protect and preserve the small businesses in our Nation.

When I was chairman of the ad hoc committee on the Robinson-Patman Act, known as the "Magna Carta of Small Business," John was in the forefront of those defending this law against the attempts of the Ford administration to emasculate it and essentially take away the protections small businesses now enjoy.

Mr. Speaker, John Lewis was a true friend of small business and will be missed sorely by me and many in Congress who depended on him to help defend their interests. I take this opportunity to extend my sincerest sympathies to his wife, Delores, and his family.

JOHN E. LEWIS, 60, PRESIDENT OF SMALL BUSINESS ASSOCIATION

John E. Lewis, 60, president of the National Small Business Association, died Wednesday in a hospital in Richmond of injuries suffered in a traffic accident two days earlier.

Virginia State Police said Mr. Lewis was struck by a car while he was crossing a street to catch a bus near Fredericksburg. Police said no charges were brought against the driver of the car.

Mr. Lewis came to Washington in 1965 to join the National Small Business Association staff. He became the association's executive vice president four years later and president in 1977. He also was executive director of the Small Business Legislative Council.

He participated in the White House Conference on Small Business held last month.

He was also a member of the board of trustees of the National Patent Council and belonged to the National Association Executives Club. He also was a member of the American and Washington societies of association executives.

Mr. Lewis was a native of Clarksville, Tenn., and a graduate of the University of Notre Dame. He earned a law degree at Vanderbilt University. He worked for the Anderson Company in Gary, Ind., before coming to this area. He had lived in Annandale until moving to Fredericksburg last July.

Survivors include his wife, Delores, and a daughter, Karin, both of Fredericksburg; a son, Brian, of Pasadena, Calif., and one grandchild.

THE POLISH NATIONAL ALLIANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DERWINSKI) is recognized for 5 minutes.

● Mr. DERWINSKI. Mr. Speaker, this Friday, February 15, marks the centennial year of the founding of the largest ethnic and Polish Fraternal Organization in the United States, the Polish National Alliance. For 100 years, this splendid organization has helped Americans of Polish and of non-Polish origin to appreciate and love the heritage and culture of the people of Poland. Since its inception, the Polish National Alliance, whose membership is essentially composed of Americans of Polish heritage, has continually fought for the freedom and independence of its mother country, Poland.

The alliance began on February 15, 1880, in Philadelphia with 10 men under the leadership of industrialist Julius Andrzejkowica. The organization's purpose was to join the societal and cultural communities of Polish immigrants in various parts of the country in order to form a unified group with national scope. The growth of the alliance began with 12 societies from Philadelphia, Chicago, San Francisco, Bay City (Michigan), Milwaukee and La Crosse (Wisconsin), with a total of 498 members. They were represented by 13 delegates at their first Constitutional Convention in September 1880, in Chicago. By the 20th Convention in 1913, the membership had risen to over 100,000.

The achievements of the PNA are numerous, but among the most outstanding was the formation of the Educational Department in 1895 to help the youth of Polish origin with scholarships and interest-free loans so as to promote and perpetuate the awareness of the ethnic values of their heritage, thus enhancing the quality of America's cultural pluralism.

In addition, the PNA was responsible for the founding in 1912 and the continued support since, of Alliance College in Cambridge Springs, Pa. In subsidies to the school and in scholarships to its students, the PNA has expended more than $20 million to this date.

Among the many famous Polish patriots who made a mark on our history were Thaddeus Kosciuszko and General Casimir Pulaski. In memory of the outstanding contributions which they made to our country, the PNA donated to the Nation the Thaddeus Kosciuszko monument in Washington, D.C. in 1910, and was instrumental in 1929 in calling for a congressional enactment of October 11 of each year as Pulaski Day, and honored by a Presidential proclamation.

The Polish National Alliance provided for the recruiting of officers for the Polish Volunteer Army of America in 1917, and offered training facilities for officers training school at Alliance College. In honor of their meritorious services and contributions during World Wars I and II, the PNA received government citations.

It was the leading force in the formation of the Polish American Congress, a representative organization of 12 million Americans of Polish origin, which continues to work for the restoration of justice for Poland and to fight Communist encroachment here and abroad.

Among the early PNA members, we

find many outstanding public servants and prominent persons in other sectors of life. Civil War General Wladimir Krzyzanowski, who distinguished himself in the Bull Run II, Cross Keys, Chancellorsville, and Gettysburg, was an active PNA member in New York. One of its past presidents, Frank Gryglaszewski, served in the Taft administration as the General Inspector of all Federal buildings, a position which was the forerunner of the present day General Services Administration.

Dr. Henry Corwin Kalussowski, scholar, historian, and medical scientist, served as the Treasury Department's Chief Archivist. He was responsible for translating into English all documents pertaining to the purchase of Alaska and he served as an advisor on Russian affairs in the Andrew Johnson administration. As a member, he donated to the PNA a vast collection of documents and his extensive library.

One member who contributed much to the economic development of our Nation, was Erazm Jerzmanowski, the inventor of the gas burner, and founder and president of the Equitable Gas Co. He was the first American millionaire of Polish origin.

As past president and editor of its official publication, Zgoda, Zbigniew Edward Brodowski, served as U.S. Consul in Salinger, Germany, in 1896. Another PNA leader of the past, Michael Blenski was appointed in 1893, as Executive Secretary of the U.S. Weather Bureau in Washington by President Cleveland, and later became a city judge in Milwaukee.

The PNA is headquartered in Chicago, and its new home office now stands at 6100 North Cicero Avenue. This new headquarters represents the entry of the Polish National Alliance into a new era of growth, expansion, and renewal. The organization is widely known throughout the United States by all Americans of Polish descent. It is licensed in 39 States, and has 206 councils and 16 districts, with a total of 1,200 lodges.

In line with its multifaced services to Americans of Polish origin and heritage, the Polish National Alliance publishes two newspapers. The bimonthly Zgoda, is the official organ with a circulation of 97,000, which makes it the largest Polish publication outside of Poland. To serve native-born generations of Americans of Polish origin more effectively, Zgoda now has a predominant English section. It has been continually published since September 1881.

The second publication is Dziennik Zwiazkowy or Polish Daily Zgoda, founded in 1908, which enjoys an extensive circulation among Americans of Polish origin.

As noted, the current president of the Polish National Alliance is Aloysius A. Mazewski. Under his strong leadership, the PNA has grown to the outstanding organization that it is today. Mr. Mazewski served as a U.S. delegate to the 25th General Assembly of the United Nations in 1971, and in 1974 was a member of a select group of civilian observers appointed by President Ford to inspect the NATO Headquarters in Europe and the Common Market administrative offices.

At this time, I wish to insert the current list of officers of the Polish National Alliance:

Current PNA administration for the term 1975–79, includes:

Executive Officers: Aloysius A. Mazewski, President; Helen Szymanowicz and Joseph Gajda, Vice Presidents; Lottie Kubiak, Secretary; Edward J. Moskal, Treasurer.

The Board of Directors: Joseph A. Dancewicz, Thaddeus Radosz, Emil J. Kolasa, Henry J. Burke, John H. Radzyminski, Mitchell Odrobina, Estelle M. Nieder, Helen Orawiec, Jean Kozmor and Florence Wiatrowski.

The Supervisory Council: Hilary S. Czaplicki, Censor; Leopold Ciaston, Vice Censor and Commissioners (Roman numeral indicate districts which they represent):—I. Stanley Jendzejec and Alice Nahormek; II. Joseph A. Zdunczyk and Victoria Mocarski; III. Leopold Babirecki and Helen B. Piotrowski; IV. Anthony T. Akus and Joan Kowalski; V. Stanley Lesniewski and Clara Puchalski; VI. August Gorski and Angela Turochy; VII. Thaddeus Swigonski and Sophie Wojcik; VIII Walter Miscak and Lottie Opatkiewicz; IX. Alexander A. Kopczynski and Mary Grabowski; X. Joseph H. Krawulski and Stella Lemanek; XI. Dr. Stanley Sulkowski and Pauline Gorski; XII. Roman Kolpacki and Genevieve Wesolowski; XIII. Casimir Musielak and Victoria Kolman; XIV. Karol E. Matras and Virginia Posanski; XV. Thaddeus Wachel and Felice Ausenbaugh; XVI. Frank Zielony and Stephanie Gafkowski.

My membership with the Polish National Alliance dates back to 1948, and as an American of Polish ancestry, I am particularly proud of the many contributions that have been made in this country by our Polish community. The Polish National Alliance has been a sound vehicle for those Polish immigrants and their American-born children in preserving the Polish culture, language, and traditions.

Today the Polish population in America enjoys a position of well-earned prominence and importance in large part due to the great efforts of the Polish National Alliance. It is with great pride that I rise today in order to pay tribute to all my fellow Polish Americans and their courageous ancestors. For history has shown us the vital role which they have played in the development of our great Nation.●

THE SCHEDULING OF HOUSE BUSINESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRENZEL) is recognized for 30 minutes.

● Mr. FRENZEL. Mr. Speaker, last Thursday, I observed here that the scheduling of House business has been, in my judgment, very poorly handled. I noted that the expected President's Day recess was not scheduled. Even though we were given 4 weeks notice of the schedule, many of us schedule at least a quarter in advance, and had to rearrange our schedules when we were notified.

I do not object to rescheduling, or to meeting when it is necessary, or when there is an urgent need. I do not even object to meeting at the Speaker's whim. Our job is to be here when the House meets and most of us are here most of those times.

What I did object to last week was the attempt to have the House meet here to minimize the number of reworded notes. One of the members of the majority whip organization suggested I should reschedule my rescheduled week because he would see that there were no votes on Monday and a minimum on other days. I told the House then that if the Speaker felt the House needed to be in session, I would see that there were a few notes to call attention to our diligence.

The problem is that we have duties at home, too. We need some time with our constituencies and we need the ability to plan that time in advance. Everything the House does has some importance, but last week's schedule had no urgency and no great importance. This week's schedule has even less urgency, and I understand that next week's program is pretty thin, too.

The Speaker has a great sense of humor, and I think he was showing it when he said he was scheduling the House this week so Republicans could not raise money at Lincoln Day dinners. But I'm afraid the truth may be worse. I believe the House has a schedule this week only because the Speaker wanted the body to appear as though it is working.

The Senate has no regular meetings this week. Its committees are not even meeting. It will have no substantive votes on Fridays until June. The Senate, which is not as far along on its work as the House, seems to be able to set its schedule so the Members can make plans. It seems strange that the House is unable to do so.

The idea of commanding Members' attendance here this week just to show the House is working is offensive. The schedule is proof that we are not doing very much. My little miniprotest was intended to call to the attention of the Speaker and the Members the unbusinesslike scheduling of House business, and to appeal for some sense and reason in future scheduling. But I must say, more in sorrow than in outrage, that I am not optimistic about chances for success.

One of our colleagues, the distinguished gentleman from New York (Mr. BINGHAM) has informed me that I was quoted on radio as saying the House committees were not working. That is of course not true, and I apologize to him and the body for the misstatement. What I intended to say was that committee work carried no more urgency than the House schedule, and that I expect committees will meet whenever they feel it is necessary, whether or not the House is in session.

In any case, I am grateful to the gentleman from New York for setting me straight. I do not ever want to run down this House or its Members. I don't want to be an irritant here, either. But I do think we ought to be a little concerned with the way we run our business. As matter of common courtesy, our Members ought to be able to make plans for time at home, and a matter of effective use of the time and resources of the House, we ought to schedule sensibly. I do think it never hurts the House to suggest ways in which it can be improved.

The Speaker's job is not an easy one. There are many conflicting pressures on him. Often he is obliged to do things as leader that he would prefer not to do as an individual. Nevertheless I believe the scheduling of business in the House can be greatly improved, and that the House and its Members would be well served by such improvements.●

AMERICA'S FARMLAND MUST BE PROTECTED

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. HOLTZMAN) is recognized for 5 minutes.

● Ms. HOLTZMAN. Mr. Speaker, I regret that the Congress failed to pass H.R. 2551, the Agriculture Land Protection Act. This bill, while not perfect, provides a much-needed first step in attacking the problem of disappearing farmlands. Approximately 2 to 3 million acres of prime agricultural land are being lost annually to housing projects, shopping centers, public works projects, and other nonagriculture uses.

Although the amount of land in cultivation has remained stable during the last 10 years, our reserve of cropland not in cultivation has diminished by 60 percent over the same period. The cost of bringing in more convertible soil to replace the lost cropland is considerable, because the natural productivity of this newly cultivated land is less than that of the areas being developed.

We can no longer count on the "green revolution" to accelerate production on our remaining supply of arable land. Yields per acre are leveling off due to changes in climate, pollution, erosion, genetic vulnerability of crops, and the increasing costs and decreasing availability of water, fertilizer, and energy. Farmers fear that their land will be developed within 10 or 15 years, and so are reluctant to make long-term capital investments in their agricultural holdings. As a result of all these conditions, we can expect not only sharply decreased agricultural productivity, but accelerated consumer costs for food and related products in the near future.

A few farsighted local governments have recognized that protecting farmland from development is sound public policy. One of these is that of Suffolk County, in my own State, which has instituted a successful program, imitated around the country, to purchase development rights to farmland. Unfortunately, the majority of State and local protection measures are ineffective, due to lack of innovation or adequate funding. This bill, by providing a minimal $60 million in demonstration funds to States and localities for planning and experimentation, would be a measure of support and cooperation on the part of the Federal Government of existing local development programs. Furthermore, it would serve to raise the consciousness of Federal agencies, many of which, through previous actions, are partially responsible for this serious problem in agricultural lands. I hope that in the future we may be able to pass a bill to deal with this pressing problem.●

INTRODUCTION OF THE PUBLIC EMPLOYEE RETIREMENT INCOME SECURITY ACT AND THE EMPLOYEE BENEFIT ADMINISTRATION ACT OF 1980

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. THOMPSON) is recognized for 5 minutes.

● Mr. THOMPSON. Mr. Speaker, today I am introducing, with my distinguished colleague from Illinois, Representative JOHN ERLENBORN, legislation which will enable us to move another step closer to developing rational and effective retirement income policy and insure the economic security of our elderly citizens. Our bill, which encompasses the Public Employee Retirement Income Security Act of 1980 in title I, and the Employee Benefit Administration Act of 1980 in title II, will improve administration and operation of pension plans covering public employees, establish certain rights and protections for participants in such plans, and introduce some sanity into the Federal regulatory process governing employee benefit plans.

Title I establishes Federal disclosure requirements and fiduciary standards governing the conduct and operation of State and local government retirement plans. Title II creates a single Federal agency, the Employee Benefit Administration, in which is consolidated the existing functions of the Departments of the Treasury and Labor with respect to private employee benefit plans, as well as the new Federal responsibilities created under title I.

The substantial Federal interest in fostering the sound management of public plans has been amply demonstrated. A recent report to Congress from the Office of the Comptroller General estimates that about $1 billion in plan contributions is being reimbursed annually to State and local governments under Federal grant programs. The report warns that many State and local government pension plans are not funded on a sound actuarial basis because they are not setting aside sufficient funds to provide for estimated future benefits. It states that billions of dollars in unfunded liabilities have accumulated, and unless remedial steps are taken, these liabilities will increase. The report recommends that Congress closely monitor the actions taken by State and local governments to improve plan funding.

Neither we nor the public, nor retirees or active workers in many States and localities across the country are in a position to obtain adequate and accurate information about plan funding or operations or plan participants' benefits and rights. The information is not available in some cases. In others it is known, but not disclosed. This was clearly demonstrated in a massive study of public plans undertaken by the pension task force under the able direction of its former chairman, Representative John Dent, working in close cooperation with Representative ERLENBORN.

Our bill establishes Federal reporting and disclosure requirements for public employee pension plans. However, because we recognize the importance of preserving and encouraging State regulation of such plans, we have provided an exemption from Federal regulation in the area of reporting and disclosure where State law sets substantially equivalent requirements.

The pension task force report also demonstrated the second-class citizenship of public employees in States which have no or inadequate standards governing the conduct of the people who run their plans and invest plan assets. Our bill establishes fiduciary standards governing the administration and operation of such plans.

Mr. Speaker, my colleague and I firmly believe that it is the primary responsibility of State and local governments to set their own houses in order in this area. However, as we know only too well, one of the weaknesses of our Government is that we often act only in a crisis and then with too little information. I fear that State and local inaction could lead to a national crisis precipitating congressional action. Political action at the State or local level to correct the problem is not likely to happen unless there is complete and regular disclosure of the financial status of public plans to participants, taxpayers, and governmental decisionmakers alike. Disclosure must be on the basis of realistic standards so that one State or locality does not suffer by comparison with another because the actuarial assumptions used in funding one plan are adequate while in the other they assume pie in the sky.

The task force report also established the need to protect plan participants from wasting of assets and mismanagement of the plan. Our legislation is aimed at producing responsible behavior at the State and local level which will obviate the need for further action. As Justice Brandeis long ago recognized, one of the chief virtues of our Federal system lies in the opportunity for local experiment to respond to local needs.

Title II of our bill effects the consolidation in a single agency of the existing regulatory authority of the Departments of Labor and the Treasury over employee benefit plans, with the exception of certain tax related functions which are left with Treasury. The division of regulatory responsibility among these two Departments and other Federal agencies has impeded the development of a coherent national policy and resulted in inefficiencies and waste both in the Government and in the private sector which the agencies regulate. We firmly believe that such consolidation is essential to the orderly development of national retirement income policy and to assure the retirement income security of the working men and women of our country. Our bill creates a new agency administered by a board of directors which is headed by the Director of the Agency, a Presidential appointee.

Demographics and economics compel the conclusion that our present means of delivering retirement income are inadequate. It is apparent that bold, innovative, and comprehensive solutions are required, which will not and cannot be forthcoming under the present regulatory structure. We cannot afford to wait until the explosion of the slowly ticking time bomb that is the graying of America to deal comprehensively with the retirement income problems created by the economic and demographic forces which operate today. There must be regulatory and policymaking authority in a single agency to accomplish our goals.

Mr. ERLENBORN and I invite and urge our colleagues on both sides of the aisle to join us on these measures which will foster efficient government and the economic security of our citizens.

A summary of the bill be printed at this point in the RECORD:

SUMMARY OF THE MAJOR PROVISIONS OF THE PUBLIC EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1980 AND THE EMPLOYEE BENEFIT ADMINISTRATION ACT OF 1980

PURPOSES

The proposed legislation has two titles: Title I is the Public Employee Retirement Income Security Act of 1980; Title II is the Employee Benefit Administration Act.

The purposes of Title I, the Public Employee Retirement Income Security Act of 1980 (PERISA), are to protect the interests of participants and beneficiaries in public employee pension benefit plans and the interests of the Federal government and the general public in the operation of such plans and to minimize the possible adverse impact of the operation of such plans on Federal revenues and expenditures and the national securities markets:

(1) by requiring the disclosure and reporting to participants and their beneficiaries, employers, employee organizations, and the general public, of financial and other information about such plans;

(2) by establishing standards of conduct and responsibility for fiduciaries of public employee pension benefit plans;

(3) by providing for appropriate remedies, sanctions, and access to the Federal courts; and

(4) by clarifying the application of the Internal Revenue Code to public pension plans and extending the tax benefits of qualified plan status to such plans.

The purposes of Title II, the Employee Benefit Administration Act of 1980, are to foster the orderly growth and maintainance of employee benefit plans and enhance the free flow of commerce, to protect more effectively the interests of participants and their beneficiaries in such plans, and to promote the establishment of effective mechanisms for providing adequate retirement income to a greater number of persons through the development of a national policy:

(1) by establishing a single independent agency, the Employee Benefit Administration (EBA), to effectuate a rational and coordinated policy making and regulatory system for private as well as public pensions plans; and

(2) by consolidating in this agency the administration of laws relating to employee benefit plans, including the Employee Retirement Income Security Act of 1974, the Public Employee Retirement Income Security Act of 1980, and certain provisions of the Internal Revenue Code of 1954 relating to employee benefit plans.

TITLE I—PUBLIC EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1980

COVERAGE

All public employee pension benefit plans are covered by this Act except those plans which are:

(1) covered under section 4(a) of the Employee Retirement Income Security Act of 1974 and not exempt under section 4(b)(1) of that Act;

(2) unfunded plans maintained by the employer primarily to provide deferred compensation for select management or highly compensated employees;

(3) severance pay plans;

(4) coverage agreements entered into pursuant to section 218 of the Social Security Act;

(5) individual retirement accounts or annuities within the meaning of section 408 of the Code or retirement bonds within the meaning of section 409 of the Code;

(6) plans described in section 401(d) of the Code;

(7) 403(b) annuity plans;

(8) eligible State deferred compensation plans within the meaning of section 457(b) of the Code.

EXEMPTION FOR PLANS MEETING MINIMUM STATE STANDARDS

The bill provides an exemption from the reporting, disclosure, bonding and certain related criminal and civil enforcement provisions of the Act if a state has established or establishes substantially equivalent requirements for public employee pension plans within its jurisdiction. The determination as to whether state requirements meet such test is made by the Employee Benefit Administration.

REPORTING AND DISCLOSURE REQUIREMENTS

The reporting and disclosure which must be made by a public employee pension plan include the following:

The plan administrator must provide an accurate description and comprehensive summary of their rights and obligations under the plan participants and beneficiaries. The summary must be written so that the average plan participant will understand it.

The initial summary plan description must be updated at least once every 10 years by integrating the changes made within that period.

Upon written request (but not more than once a year) a statement must be furnished within 60 days providing a participant or beneficiary with information as to total accumulated contributions, pension benefits, and vesting status.

Information as to a participant's pension benefits and rights is to be furnished a participant who terminates, makes a benefit election, or receives a benefit or return of contribution payments.

Disclosure must be made to the public and other interested parties in the following ways:

Copies of the summary plan description, annual report, bargaining agreement, and other plan documents are to be available for examination in the principal office of the administrator and in other locations; copies of such documents, for which a reasonable charge may be made, must be provided to any participant, beneficiary, employee organization which represents covered employees, or resident of any state which establishes, or a political subdivision of which establishes the plan, within 60 days after a written request. Copies of the summary plan description and annual report must be filed with the Employee Benefit Administration.

The plan administrator must prepare an annual report for each plan year, which is to be filed with the Employee Benefit Administration.

The annual report must include the following information:

A financial statement and schedule, including a statement of assets and liabilities, revenues and expenses, and party-in-interest transactions; and actuarial statement and information on terminated vested participants;

A plan must engage an enrolled actuary to perform an actuarial valuation at least once every three years. The enrolled actuary must utilize assumptions and techniques which represent his or her best estimate of anticipated experience under the plan; the Employee Benefit Administration is given the sole authority to determine the scope, form, and content of the disclosure of plan liabilities,

A plan must engage an independent qualified public accountant to audit the plan and render an opinion as to whether the financial statements are presented fairly and in accordance with generally accepted accounting principles.

The EBA is to provide for simplified annual reports for plans with less than 100 participants.

Filings may be rejected by the Administration if they are incomplete or there is a material qualification in the accountant's opinion or actuary's statement required as part of the annual report. The plan administrator may have 45 days to cure a filing which has been rejected. After that time, the Administration may order a plan audit, bring a civil action, or take any other action authorized under the Act.

FIDUCIARY STANDARDS

The Act establishes standards of conduct in the operation and administration of a plan for persons who have discretionary control over a plan or its assets.

Every plan must be established and maintained pursuant to a written instrument. Plan assets must be held in trust and used for the exclusive benefit of participants and beneficiaries.

A fiduciary is defined as any person who exercises any discretionary authority or control with respect to the management of a plan or the disposition of its assets, who renders investment advice for a fee or other compensation, direct or indirect, with respect to any moneys or other property of a plan, or who has any discretionary authority or responsibility in the administration of a plan. However, a person acting in his or her governmental capacity is not a fiduciary with respect to actions taken in that capacity regarding the establishment of plan benefit levels, funding and eligibility standards. A legislator acting in his or her legislative capacity is not a fiduciary with respect to legislative actions taken in connection with a public plan.

Fiduciaries must discharge their duties with the skill, care, prudence, and diligence that a prudent person acting in a like capacity and familiar with such matters would use in a similar situation under the circumstances then prevailing. Certain types of transactions between the plan and a party-in-interest are specifically prohibited.

Plan trustees and other fiduciaries may delegate their responsibilities. However, a fiduciary remains liable for the illegal acts of a co-fiduciary if the fiduciary knowingly participates in or conceals such illegal acts. A fiduciary is personally liable to the plan for any breach of a fiduciary or co-fiduciary duty or obligation.

The Act protects plans against loss by reason of fraud or dishonesty by requiring fiduciaries who handle funds to be bonded.

INTERNAL REVENUE CODE QUALIFICATION

The Act removes the ambiguity of the Internal Revenue Code provisions as they presently relate to public pension plans. A plan which is determined by the Employee Benefit Administration to meet the requirements of the Act is a qualified plan without regard to the requirements of section 401(a) of the Internal Revenue Code.

ENFORCEMENT

Criminal sanctions are provided for persons who willfully violate the reporting and disclosure provisions of the bonding requirements of this Act.

Civil actions may be brought by specified persons to enjoin or redress violations, or otherwise enforce provisions of the Act. Failure to comply with a request for information which is required by the Act to be furnished upon request may result in personal liability for the plan administrator. Failure to file a required form with the Administration upon notification and demand may result in a $10 per day penalty, not to exceed $5,000.

Exclusive Federal court jurisdiction is provided for violations of the fiduciary provisions of the Act and for suits against the Employee Benefit Administration. Concurrent state and Federal jurisdiction is retained for other types of actions, including actions brought under any provision of state law which has been deemed by the Employee Benefit Administration to be substantially equivalent to the Federal standards.

If the plaintiff in a civil action prevails or substantially prevails, the court must award attorney's fees, unless an affirmative finding of good faith on the part of the defendant is made and the court determines that such an award would not further the purposes of the Act. If the defendant prevails or substantially prevails, the court may award attorney's fees.

ADVISORY COUNCIL

An eleven member Advisory Council on Governmental Plans is established to advise the Employee Benefit Administration. The Council is required to establish voluntary guidelines for public employee pension benefit plans with respect to funding and vesting. The Council must work with employers, employee organizations, employees, administrators, and other interested persons to establish these guidelines.

PREEMPTION

The fiduciary provisions preempt all state laws insofar as they relate to the subject matter of such provisions. All other state laws would remain unaffected except to the extent that they relate to the subject matter of the other provisions of the Act as applied to public plans.

EFFECTIVE DATES

Generally the provisions of the Act are to take effect at the beginning of the second calendar year following the establishment of the Employee Benefit Administration.

TITLE II—EMPLOYEE BENEFIT ADMINISTRATION ACT OF 1980

Employee benefit administration

Title II of the Act establishes an independent agency, the Employee Benefit Administration in which are consolidated existing functions of the Departments of the Treasury and Labor with respect to employee benefit plans.

The Employee Benefit Administration is governed by a Board of Directors consisting of a special liaison officer to the Secretary of Labor, a special liaison officer to the Secretary of the Treasury, and three other members appointed by the President with the advice and consent of the Senate. The Executive Director of the Administration, a presidential appointee, serves as the Board's Chairperson.

Policy making as well as other specific functions of the Secretaries of Labor and the Treasury under the Employee Retirement Income Security Act of 1974 (ERISA) and the Internal Revenue Code of 1954 are transferred to the Administration. The Pension Benefit Guaranty Corporation retains its corporate identity under the jurisdiction of the Employee Benefit Administration.

The Employee Benefit Administration has the authority to determine the qualified status of a plan. The enforcement functions under both Title I and Title II of ERISA are transferred to the Administration. Exercise of the enforcement remedies under Title II will be coordinated with the civil remedies under Title I of ERISA.

All regulations and rulings previously issued by the Department of the Treasury, the Internal Revenue Service, the Department of Labor, and the Pension Benefit Guaranty Corporation remain in effect, although the Employee Benefit Administration has the authority to repeal, waive, or modify them prospectively and to issue its own regulations. Any other Federal agency or department issuing regulations affecting employee benefit plans is required to consult with the Employee Benefit Administration prior to issuing those regulations.

The President is directed to transfer to the Employee Benefit Administration such officers and employees in the national and field offices of the Department of Labor and the Department of the Treasury (including the Internal Revenue Service) as may be necessary to assure continuity and efficient and expert administration of the functions transferred to it.

Although most of the Department of the Treasury's employee benefit plan responsibilities are transferred to the EBA, the Department will still retain certain other functions. Because of this, special procedures to insure coordination of activities between the EBA and the Department of the Treasury are established. The purposes of these procedures are to facilitate exchanges of information, while maintaining confidentiality, and to provide for more effective administration of retirement income laws.●

LITHUANIAN INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. Cotter) is recognized for 5 minutes.

● Mr. COTTER. Mr. Speaker, February 16 marks the 62d anniversary of the Declaration of Independence of Lithuania. I rise on this occasion to congratulate the people of this proud nation for their unrelenting defiance against Soviet aggression.

Throughout their 729-year-old history, the Republic of Lithuania has managed to retain its spirit and independence in spite of fierce Soviet oppression. In 1918, the people of this Baltic State proclaimed themselves to be both free and independent—thus renouncing all Russian domination with the founding of their own nation state.

The same dictatorial forces which plagued Lithuania are now condemning still another nation, Afghanistan, to their ugly persecution. The recent events in Afghanistan are a modern day example of the Soviet Union's infringement upon a people of strong-willed independence. I honor the Lithuanian people today, as well as others being held captive under Soviet rule and give them full support in their struggle to free themselves from the confines of Russian oppression.

Although we commemorate the people of Lithuania on their day of independence, we must not still our condemnations against further expansion of Soviet domination. I join with both my colleaues and constituents on this day in celebration of the independence of the Republic of Lithuania. The people of the United States give our full support to this courageous nation, as well as all others under the force of Soviet martyrdom, in hope for a future of peace and independence.●

THE HARLEY O. STAGGERS FEDERAL BUILDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Johnson) is recognized for 5 minutes.

● Mr. JOHNSON of California. Mr. Speaker, today I have the rare opportunity, high privilege, and distinct personal pleasure of introducing legislation to name the Federal building at Morgantown, W. Va., the "Harley O. Staggers Federal Building." No person who has ever served in the Congress of the United States could be more deserving of such a distinction than Harley Staggers. A most distinguished Representative from the State of West Virginia and a most outstanding chairman of the Committee on Interstate and Foreign Commerce, the richness of his legislative achievements reflects the breadth of his knowledge and experience and the depth of his humanity and integrity.

Mr. Speaker, on the occasion of introducing this legislation I would like to recall, for the edification and emulation of my colleagues, the gentleman's background and record of achievements.

Harley Orrin Staggers was born in a two-room log cabin near Keyser, W. Va., on August 3, 1907. The son of Jacob and Frances (Cumberledge) Staggers, he attended the public schools of Mineral County, W. Va., and received his bachelors degree from Emory and Henry College, Emory, Va., in 1931. Later, that college and several other institutions of higher learning awarded him the honorary degree of doctor of laws. In addition, Representative Staggers did graduate work at Duke University.

Before entering public service, Chairman Staggers had a rich variety of working experiences. As a schoolboy, he worked at Keyser, W. Va., in a silk mill and as a "caller" or train crew dispatcher at night for the Baltimore & Ohio Railroad. He later worked as a brakeman for that railroad's "Mountain Division," as well as a rubber worker in an Akron, Ohio, tire factory. During his summer vacations from college, he worked in the American wheat fields—from the Oklahoma border, north through Kansas to the Nebraska border. After college, he taught science and mathematics at the Norton, Va., High School and was later head coach at Potomac State College in Keyser. His interest in athletics continues, both as an avid spectator at sporting events and through his legislative responsibilities.

Harley Staggers began his public life upon election to office as the sheriff of Mineral County, W. Va., in 1937. He served in that office until 1941 and the outbreak of World War II when he enlisted in the U.S. Naval Air Corps serving as a gunnery navigator in the Atlantic and Pacific theaters of operations. The gentleman from West Virginia also served as a right-of-way agent for the West Virginia State Road Commission, West Virginia State director of the Office of Government Reports and the Office of War Information and Director of rent control for Mineral County.

Active in community and church affairs, HARLEY STAGGERS, who is a member of the Methodist Church, taught men's Bible classes in Keyser for many years.

He is a member of the American Legion, Veterans of Foreign Wars, Disabled American Veterans, AMVETS, Loyal Order of Moose, Lions, Elks, Knights of Pythias, Keyser-Mineral County Chamber of Commerce, and the West Virginia Farm Bureau. He is a past president of the West Virginia State Moose Association and is a former district governor of the West Virginia Lions Clubs.

HARLEY and his wife, the former Mary V. Casey, raised four daughters and two sons in a West Virginia farm home where he resides today.

First elected to the House for the 81st Congress on November 2, 1948, he has been reelected to every Congress since. Originally, the Representative of West Virginia's Second Congressional District served on the Post Office and Civil Service Committee and the Veterans' Affairs Committee. On April 6, 1951 he joined the Committee on Interstate and Foreign Commerce, becoming its chairman on January 13, 1966.

During his tenure as chairman of the great Committee on Interstate and Foreign Commerce, HARLEY's contribution to the national legislative process has been awesome.

His background of hard work, both on the farm and in industry, his education, religious devotion, and strong family life—all of which he brought to the chairmanship of the Commerce Committee—has yielded this country an unparalleled record of legislative achievement, a record which the entire membership of this body can benefit from reviewing.

Just as the Commerce Committee has served as the fountainhead for so many of the great legislative programs enacted over the long history of this House, so too has Chairman STAGGERS been a wellspring of ingenuity, foresight, wisdom, and integrity, in leading that great committee to new levels of accomplishment on behalf of the House.

During his tenure as chairman of the Committee on Interstate and Foreign Commerce, HARLEY STAGGERS has sponsored and managed so many necessary and important legislative measures directly affecting the health of our citizens, the Commerce of the Nation, our transportation and communications systems, national energy policy, environmental quality, consumer protection and hazardous substances. It is difficult to comprehend the scope of his legislative achievements. In December 1975 the Committee on Interstate and Foreign Commerce published a history of the House Commerce Committee which I commend to my colleagues as an excellent record of the accomplishments of that committee. In reading through it, one cannot help but be impressed by the magnitude of important legislation which has become law during the tenure of Chairman STAGGERS.

All of us should look to his record for the insights necessary to conduct our own legislative responsibilities in a successful fashion. His forebearance, his sense of commitment and his ever-present fairness, as well as his practical workaday approach to national problems, offer all of us an outstanding model for success. Indeed, many of us who are actively concerned with programs developed under the tenure of Chairman STAGGERS are particularly well served in relying upon his record as a guide.

When you realize how legislation which he has shepherded through the Congress has so profoundly benefited so many of our citizens, you begin to understand how strong is his devotion to "this great and mighty Nation" which he has served so well for so long. I know that I speak for all of my colleagues when I say that it is our hope that this country will continue to benefit for many years from the contribution of HARLEY STAGGERS.

I thank the gentleman from West Virginia for permitting me to introduce this bill naming the "Harley O. Staggers Federal Building" in his own beloved West Virginia. It is a small, but sincere token of my gratitude, and that of this House and Nation, for such a preeminent record of service to this country.●

THE ADMINISTRATION'S HERITAGE BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PHILLIP BURTON) is recognized for 5 minutes.

● Mr. PHILLIP BURTON. Mr. Speaker, today I have introduced the administration's National Heritage Policy Act, a bill to implement the national heritage program called for in President Carter's 1977 environmental message. The bill is the result of a study initiated in June 1977 by a National Heritage Task Force composed of numerous representatives of Federal and State agencies, private organizations, and individuals. The bill's purpose is "to establish a national policy and to implement a program to assist in the identification and protection of areas and places of significance to our heritage." Our national heritage is defined as "that collection of resources important to Americans because they are significant aspects of our history and culture and significant elements of our natural environment."

The central theme of the proposal is to develop a nationwide network of State heritage programs—26 States currently administer such programs which will systematically and comprehensively identify State natural and cultural resources using consistent and compatible inventory methods. The information would be made available to Federal, State, and local agencies and the private sector for use in planning activities which could affect such significant resources. The programs specifically aim to improve the planning process of Federal agencies and to aid environmental review by making information on the location, status, and condition of significant heritage resources available at early phases in planning. The program proposes to bring logic and order to decisions affecting resource allocations by providing timely and accurate information on the value of these resources as well as their condition and current protective status.

The key provisions of the proposed National Heritage Policy Act would:

Create a strong State-centered program by recognizing existing State heritage programs and encouraging the voluntary establishment of programs in those States that have not yet adopted such programs. Matching funds for these State and local projects will come from the existing land and water conservation fund and the historic preservation fund.

Recognize the value of existing Federal inventory efforts and encourage Federal agencies to share their resource information with the State information base.

Establish a National Register of Natural Areas (building on the current National Registry of Natural Landmarks) to recognize ecological and geological resources of significance at the national, State or local levels. This would parallel and complement the existing National Register of Historic Places.

Provide protection for registered resources from inadvertent harm by Federal agencies by requiring the consideration of those resources early in the planning process.

The administration emphasizes that this program is not a new Federal land acquisition program, nor will it supplant any existing Federal program which identifies or protects natural areas or historic places, but will assist those programs by assuring that information on such resources is available in a timely manner and in a useful form. The heritage program is specifically designed to reduce duplicative inventory efforts and to enhance efficiency by coordinating ongoing heritage resource identification efforts.

I also intend to introduce an alternate bill prepared by the conservation community which will address these same issues. I am also a cosponsor of H.R. 5496, authored by the gentleman from Ohio (Mr. SEIBERLING) which addresses the historic preservation issues contained in the heritage bill. I anticipate that we will hold hearings on all of these related bills later in this session.●

HAITI

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. HANLEY. Mr. Speaker, few can think about the Caribbean country of Haiti without an inward shudder at the decades of barbarism and terror the regimes of Francois "Papa Doc" Duvalier and his successor-son Jean-Claude "Baby Doc" Duvalier have visited upon this sad nation. It has long been thought that the grinding poverty, corruption, and torture could not possibly worsen, but in recent months a new flood of refugees from this stricken nation have made it clear that a new systematic and horrible abuse of basic human rights in Haiti is underway.

Many have spoken against the outrages committed in Haiti and I would like to acquaint you with one of the more active and vociferous opponents of this regime of terror. I refer to Clemard Joseph Charles, a Haitian banker, business leader, and patriot who was imprisoned for 10 years by the Duvaliers and the assets of his banks seized by the Bank of Haiti. Mr. Charles hopes not only to end the Duvalier regime but is also a staunch anti-Communist working closely with various nationalistic groups opposed to Soviet expansionism. Recently he addressed a congressional gathering here in Washington and I feel this body should be made aware of his remarks which are printed below:

Remarks of Clemard Joseph Charles

Honorable Members of the Congress, Distinguished Guests, when on the 17th of August of last year I was privileged to address the Members of the American Legion in Houston, Texas, then Representatives of various Religious Denominations, of Science, Technology, Finance and Industry of the United States, I was far from thinking that a much higher distinction was to be mine—that of appearing before elected representatives of the American people, in the presence of personalities of undisputable importance. Considering the depth of my origins against the glorious times I am living, it is legitimate that despite the modesty inherent to my character, I feel a high degree of pride, the more that no other individual in my country can boast of having ever reached such heights without holding any official title, thus with no qualifications.

Therefore, you will kindly allow, honorable members of the United Congress, distinguished guests, that my first thought goes to the friends who helped me reach this high level, motivated by the strong desire to support my efforts towards curbing the expansionist madness whose sudden aggressiveness is astounding.

I entertain no illusion as to the possibility of being branded a pretentious fellow because I dare to raise my voice in a series of situations the extent of which is far beyond the size of my country, much more of myself. I refer to the writing of the noted French Author, Voltaire who said "Be bold, show boldness ever and always", and I speak high and loud inviting the citizens of the Free World to do as much as I myself do, more than I do in the face of the danger facing us all. It would be a crime if anyone of us were to remain silent while all the values we have accumulated in every field are likely to be annihilated. In the history of the world are periods of time when the energies of all men of goodwill must be put together in order to stand against irrational actions whose consequences can be fatal to the entire world.

I have reason to deplore that in the midst of the serious situation confronting the Western World, certain sectors keep pointing at present leaders they hold responsible for the actual events while a minimum effort and good faith would inevitably lead them to lay the blame on the shortsightedness of which Yalta had been the theater originating the heavy burden on us all. Would to God Churchill should have been heeded! However, again I say this: the seriousness of the present situation requires much more than singling out responsibilities while the true ones are enjoying their last sleep deep down under the surface of the earth.

There shall ever remain the fact all political systems have weaknesses. To wish that this were otherwise, is pure illusion since such a desire, if it were to materialize would imply the establishment of Ideal in our physical world. We can but strive to alter, to improve up to the point of coming the closer to possible to Perfection. The truth suggests that I express the hope to see the American System adopt, among others, the French saying that promises made by a candidate are not binding upon the elected one, an adage that can be said to be wise under every respect in this that one must be at the helm, fully informed of all secrets of the State in order to be able to draw the line between that which is possible and what is not feasible.

I also hope to see the System reject the 4 year presidential term and adopt a 7 year period mandate with no possibility of immediate re-election so as to relieve the incumbent president from the obligation of caring about his re-election during his first 4 years' term, obliging him to back down when it comes to adopt certain measures dictated by the States' classified secrets, but are likely to be unwelcomes by the electorate.

Soon after my speech in Texas, the Counsellor for Foreign Affairs of the American Legion, Retired Captain, Frank A. Manson, sent me a letter from which I quote: "As individuals, we were impressed by your grab of history as it is being written". (End of quotation).

Either past or contemporary, history always stands full of teachings that can inspire those in charge of conducting the affairs of the world so that they may avoid gropings susceptible of leading to errors, being thus in an ideal position to shape the present so that the future can be rid of such occurrences as those happening in the world today. To foresee justly is one of those foremost faculties modern statesmen cannot be deprived of without endangering the future of their countries. One cannot foresee justly without referring to the ocean of the past, to come up with models deemed most appropriate in suggesting the adequate solutions called for by present events. For, it is well known that History repeats itself continuously. "Beyond a white plain, another white plain", wrote Victor Hugo, to evoke the huge expanse of the snow-covered Russian steppes where Napoleon I has led his army to be badly defeated. Those steppes were as wide, as snow-covered when Hitler made the same mistake.

In the field of Foreign Affairs around which evolve the present events are pithy rules that shall remain eternally true, such as the one I have noted in the November 19, 1979 issue of the News Week Magazine, and I quote—"The Art of foreign policy is to prevent situations from occurring in which we have to choose between intervention and surrender". End of quotation.

This rule is explicit under every respect. However, to which extent the brilliant professor who enunciated it had observed its imperative at the time he was in power? One questions this with bewilderment when witnessing the overt hatred entertained by the Third World countries for the United States that is now driven to situations in which it has to choose between intervention and surrender.

The fact is that choosing a pattern in History should not imply one's transformation into a true copy of the model without taking into account the progress achieved by times from the epoch of this model to the present period. The egalitarism preached in France in 1789 had been a threat for the Kings of Europe. Then emerged Bonaparte. He had himself crowned Emperor, however, he could not dare to disregard the social gains of the Revolution without endangering the bases of his throne. So for the Sovereign of Europe, the danger persisted. To merge was a necessity imposed on them for the preservation of their so-called divine rights. Prince Klemens Metternich-Winneburg worked earnestly toward this.

Thus was formed the Holy Alliance of the Sovereigns of Europe for the purpose of opposing the emancipation of the peoples. Is it not true that the Professor-Statesman had chosen to follow Metternich even in this anachronism? During the course of his political career, not a step, not a gesture, not even a single word from him to express any concern about the immense Third World that was claiming the right to be much more than simple suppliers of raw materials, as ex-premier, Pierre Trudeau puts it some years ago, speaking about Canada. Wrath had to explore for the professor-Statesman realize that the Third World countries could also merge to become a force, in spite of the weakness of each one of them individually.

At the Sessions of the United Nations Organization in which these small countries are in majority, their repeated stand against the United States was to cause this Statesman to make the blunder of threatening to have the Government of his adopted country cut its financial contribution, meaning to drive the Organization to its dissolution.

Honorable Members of the Congress, ladies and gentlemen, one has to have been poor for him to understand the extreme sensibility of the poor, the frustrations generated in him by this situation as an ill-fated individual, the revolt pervading his system, driving him finally to violence as the sole means enabling him to affirm his personality, any other means being usefulness in his mind when it comes to claim his rights. This is a psychological fact that explains the behavior of many Chiefs of States of the small countries, who could have done much for their peoples, but whose alienations drive them to incoherence, as though they were haunted by the specter of the dark miseries that had been their day-to-day companions, from which they find relief in crimes and assassinations. As a highly cultured personality, the Former Secretary of State should have known this. He would then have spared his country the ocean of unbridled violence it is now facing.

Yalta had been but a beginning. Its possible consequences could have been contained had it not been professed that the small countries are mere insignificances that do not deserve consideration, just as this had been said about Micronesia. It had been underestimated that the public flagrant and haughty insults they have been subjected to could serve as solid links binding them in the Unity that has become the Force of which they are causing America to experience the weight.

History contains a whole gallery of men of modest origins, who rose up to the point of marking strongly their times. Without going further down, I can name Disraeli, Napoleon Bonparte, Toussaint Louverture, Jean Jacques Dessalines, Hitler, Nasser, etc. The impression is that those men had been marked by Fate for achieving events that were to upset their times and change the course of history. It is now the Third World Bloc that is driving the world along new currents whose stake lies in two poles opposed one to the other; the aggressive Left professing the negation of the human being and his traditional values, the moderate Right whose humanitarian principles proposes to the Universe ideal areas for the development of man in Liberty, in the respect of human rights and traditions, in the establishment of the Peace that assures to us all the possibility to progress in the harmonious entente our human nature calls for. The upsetting of the world balance creates to all those who respect the Christian Humanitarian principles the unfaltering obligation of working towards Tilting the balance along the line of our traditional values. It is for contributing to the achievement of this goal that I have decided to throw myself, body and soul, in the fierce battle that is being fought, with the determination not to take the shortest rest until the victory of our Western World is assured on the adverse forces.

The exactions exerted against me by the authorities of my country are widely known. It is useless that I recall them in every detail. I will simply point out to the lawmakers in this room that according to the Noted French Jurist, Professor Vedel, the notion of an hereditary state dismissal automatically the Republican reality. So that the Title of "president for life" taken by the late Francois Duvalier, with power to appoint his successor was a breach to Jurisprudence. Therefore the nomination of his son, for life like himself, was an unlawful action that cannot be legalized by the ratification accorded to that action by civilized countries that profess to a high degree the respect of law. It is indisputable that lawfulness is the main factor that conditions the stability of a country, that outside of this lawfulness, there can be but adventures, anarchy and fratricidal struggles, as was put by a French Marshall.

I therefore state, and I emphasize this declaration that Chiefs of State of civilized countries had, may be unknowingly, associated with a wrong doing, the consequences of which have caused a small country to be at the discretion of a gang of thugs so aware of the illegality of their position that they know its foundation is threatened. Which explains their recourse to anarchy, to violence, to complete disregard for the lawful rights of citizens to liberty and to their possessions of which the seizure has become day-to-day occurrencies.

I stand by the universality of the law to publicly declare that the force utilized by an anarchic government to seize my properties cannot have any legal coverage whatsoever. It is with this conviction that, in order to support the historic move of His Majesty Hassan I Durani towards forming a provisional Government in exile of the Republic of Afghanistan for the purpose of helping the Afghan Forces Fighting the invasion of their country that has been condemned by a resolution of the United States with the solidarity of the vast majority of Latin America and Africa, I have drawn in favor of this movement a Sight Draft for One Million American Dollars against my possessions in Haiti, as my conditional contribution to the heroic efforts of the Afghan people.

Along this same line I have also drawn two other Sight Drafts, each one for a like amount, in favor of respectively the Movement of Albanian Liberation and that of Croatian Liberation, also, two additional Sight Drafts for $500,000 each, as outright grants to the Nations of the Caribbean and Latin America to help them mobilize their peoples in the world struggle against Communism.

It is obvious that any hesitation on the part of the Haitian Authorities to honor the above drafts shall show to the world the orientation of the policy of the country that shall be found to be clearly in opposition to the courts adopted by the Free World.

I am personally informed about the danger facing my country not only by the 10,000 Haitians being intensively trained militarily in Cuba as reported in the November 24 issue of the Diario de las Americas, but also, by high leveled internal settings whose purpose is to prepare ideal conditions for a turncoat rejected in advance by the people of my country, but against which they can do nothing since they lack the means to oppose it by force. To prevent such an adventure is an obligation on all those who love true Democracy, the one professed by the Western World and which is the only one that is in attunement with our eternal vocation.

I am convinced that this first stone I have thrown in the frog's pond shall not be an isolated move, but shall serve as an example. In this perspective my hope is heightened by the fact that there shall be many who shall not hesitate one single minute to do the same, even much more toward organizing a true crusade to defend, to maintain and to preserve the values that are the force of the Free World. Our Western World has reached the hour of supreme decisions, has come to the extreme limit where any hesitation to launch positive actions would mean a suicide.

I think that I have laid before you, Messrs. Congressmen, ladies and gentlemen, the position dictated to me by my veneration for our Western Democracy and its values. I am happy that my action is approved by the great majority of my fellow-citizens, also by foreigners who befriended my country and who sincerely hope to see this small Nation neighboring yours come out of the abyss it has been in for so long, and engage along a course that shall make of it a rampart against any slide that is not in line with the American Democracy. I reiterate that the seriousness of the hour calls for your special attention. Allow me to rest assured that this attention shall be given to this situation, knowing, as I myself know it, that this expansion is disastrous, and that it is imperative that it be contained, its aggressiveness overwhelmed for the benefit of our Hemisphere and the Free World. Thanks.●

BILL TO ESTABLISH A NATIONAL SCIENCE COUNCIL TO DECIDE ON SCIENTIFIC FACTS

(Mr. WAMPLER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

● Mr. WAMPLER. Mr. Speaker, on more than one occasion, Members of this Congress have been beseeched by their constituents to halt Federal regulators from proposing the banning of substances from our food or use in the workplace, such as saccharin and nitrites to name a few.

The regulators in defense have stated that these items were suspected of causing cancer or of posing a significant health hazard in man, because of a test in animals that showed or was alleged to have shown that animals contracted cancer when fed enormous amounts of such substance.

In a number of these instances, the Congress has requested, and in other cases groups of Members have requested, the Federal regulators to allow eminent scientists outside of government to conduct peer review analysis and evaluations of this test data or to have the National Academy of Sciences review and evaluate these tests. With very few exceptions, these peer reviews and evaluations by the National Academy of Sciences have announced contrary views to those held by the regulators. In a multivolume study conducted several years ago by the Academy for the House Appropriations Committee, that distinguished scientific body stated that in the press of the Environmental Protection Agency's business, the agency "bent science" in its regulatory decisionmaking processes.

Despite recent administrative efforts within the executive branch to establish a consistent approach to identify and regulate such substances, such regulatory agencies have failed to adopt uniform standards for testing, identifying and classifying chemical substances which may be carcinogenic or may create other risks to human health; evaluating and characterizing the extent of risks to the health of particular populations created by specific chemicals; and determining the levels of such risks which are acceptable to the general public; members of the scientific community, and representatives of agriculture and industry.

The failure of Federal agencies to adopt such a consistent approach to identifying and regulating these substances has imposed an increasing number of stringent and desperate restrictions on the uses of chemicals, without a sound scientific basis for many of these actions, thereby limiting the quantity, quality and variety of food, fiber and forest products available to consumers. The failure on the part of the regulators in Government to follow good scientific procedures have evoked such severe criticism by consumers and by scientists in Government, academic institutions, and industry, that the Congress has become increasingly involved in implementing regulatory policy with respect to these substances.

Therefore, Mr. Speaker, I am introducing legislation which would divide the regulatory decisionmaking process into two stages. The first stage would define and evaluate the risk, a scientific task—the second, to assess the significance of the risk—the benefits, if any, to be derived from the substance; and the appropriate means, if any, for limiting its use.

To accomplish stage I would require the creation of an independent science body of the highest qualifications to make the scientific risk evaluations to assure the best objective science as a basis for regulatory decisions.

I attach a section-by-section analysis of the bill I am introducing today to create such a scientific body. The short title of my bill is the National Science Council Act of 1980.

The section-by-section analysis follows:

Section-by-Section Analysis of the National Science Council Act of 1980

Preamble: To establish the National Science Council to decide questions of scientific fact which arise in agency adjudications involving restricting the use of certain substances, primarily utilized to increase, enhance, or improve food production, processing or marketing, which may be harmful to human health, and for other purposes.

Section 1. Short title—this act may be cited as the National Science Council Act of 1980.

Section 2. Findings—the findings set forth—the enormous, numbers of chemicals in the system, the approximate numbers that have been identified as carcinogenic to animals and the few that have been determined to be carcinogenic to man; the inability of the Federal government to adopt a consistent policy for determining which of these chemicals present a hazard acceptable to the general society, to producers of goods, and to science in particular; the uncertainty that has resulted from the lack of an acceptable policy, that because of this uncertainty, the public and the industry have been clamoring to Congress to seek a less disruptive solution; and finally the recognition that the determination of whether a particular chemical is carcinogenic or presents other significant health risks is a scientific question which must be addressed by scientists and separated from the purely regulatory process of determining the benefits and the degree of limiting its use.

Section 3. Purposes—to firmly divide the decision-making process into a two-stage process: the first, to have an independent science body evaluate and determine the scientific facts as to the hazard of the chemical involved; second, take these evaluations and measure them against the benefits to be derived from the subject substance and the appropriate means, if necessary for limiting its use under the particular applicable statute; and thus reduce the confusion that currently exists with respect to these substances.

Section 4. Establishment of the National Science Council—the Council is established in the office of the Director of Science and Technology Policy.

Section 5. Function of the Council—the Council shall decide, after a hearing of the record, any questions of scientific fact arising in any regulatory agency adjudication on the record which involves the harm any substances may cause to human health.

Section 6. Notice of Hearings—the Council shall give notice to the parties in the Federal Register not less than 15 days after a question(s) of scientific fact is referred to it, as to the date and the place of the hearing.

Section 7. Advisory Panels of the Council—this section authorizes the Chairman of the Council to authorize hearing panels, of not fewer than five voting members, to hold hearings on the record with respect to the specific questions of scientific fact or facts that may be referred to it. Three members of the panel shall constitute a quorum to hold a hearing. The agency and the party or parties are authorized to present oral or written information relevant to such question and any additional information requested by the panel.

The Advisory Panel shall submit to the Council the record of the hearing and a written report containing the advisory decision of such panel, the reasons in support of such decision and any stipulations made under section 9. If such question specifically involves an evaluation of the risk of harm to human health, such panel report shall include: a summary of the effects observed in any scientific test and an evaluation by the panel of the validity of such test; an analysis by such panel of the quality and the quantity of scientific information, including test results, presented to such panels regarding such risks or any risk of harm to the health of animals; the value of such information for predicting harm to human health; the common characteristics of groups of individuals who may be subject to the greatest level of risk to health; and an advisory opinion of such panel characterizing the level of risk to human health.

Section 8. Proceedings of Council—should any question of scientific fact not be accepted by stipulation, described in section 9, before the advisory panel and thus referred to the full Council, the Council shall decide such question based on the record and the report of the hearing panel, unless the Council finds that such record is inadequate to decide such question, whereupon the Council shall extend the hearing to obtain relevant information from the parties to the hearing before the panel.

The full Council shall also be empowered to act as a hearing panel without referral to an advisory hearing panel.

Section 9. Negotiated Stipulations—at every step before the Advisory Hearing Panel and before the Council itself every effort shall be made to narrow, clarify, and resolve such question by stipulations regarding any facts underlying such question. After all hearings are concluded, the Council and the Panel shall assist the parties to negotiation and such stipulations.

Finally, not later than 10 days after a question of scientific fact referred to an advisory hearing panel is decided, the parties who participated in the hearing may stipulate to adopt the advisory decision of such panel as the final decision of the Council.

Section 10. Decisions of the Council—not later than 90 days after a question of scientific fact is referred to the Council in an agency adjudication, the Council shall inform that agency of the tentative or final decision of the Council. This information shall be transmitted to such agency as a written statement containing such decision, the specific findings of the Council in support of such decision, and a copy of the record held by the Council and the advisory hearing panel.

The Council is empowered to make a tentative decision if it finds the information presented to the panel to be inadequate.

Immediately after informing the agency of such tentative decision, the Council shall attempt to obtain any additional information relevant to making a final decision.

Such tentative decision made by the Council shall have the force and effect of a final decision made by the Council with respect to such question until such tentative decision is superseded by such final decision.

A concurring vote of two thirds (⅔) of the Council is required to issue a final decision.

Section 11. Binding Effects of Council Decisions—if a question of scientific fact is decided by the Council and such question is subsequently referred to the Council in another agency adjudication, the existing ruling is binding, unless the information presented by the new parties differs substantially from the information initially presented.

Section 12. Open Hearings; Confidential Information—All hearings shall be open to public observation, unless at the request of such panel, Council or either of the parties, hearings be closed to preserve the confidentiality of any trade secret or any privileged or confidential commercial information obtained by or presented to such panel.

Section 13. Availability of Decisions—the Council shall publish in the Federal Register notice of any decision made by the Council with respect to a question of scientific fact referred to the Council.

The Council shall provide a copy of such decisions and specific findings of the Council to the parties.

The Council shall maintain a full record of the Council and Panel. Each of the parties may obtain a full copy of the record at cost.

Section 14. Availability of Information from Agencies—notwithstanding any other provision of law, upon the request of the Council any Federal agency shall provide the Council with any information which is held or controlled by such agency and which is relevant to a question of scientific fact referred to such Council.

Section 15. Membership of Council—the Council shall be composed of fifteen voting members appointed by the President from among individuals who are nominated by the National Academy of Science in accordance with section 16, and the Director of the Office of Science and Technology Policy who shall serve ex officio except to break a tie vote of the Council.

A vacancy in the Council shall be filled in the same manner as the original appointment and a member shall not succeed himself.

Members shall be appointed as full time employees to two-year terms in a staggered manner.

Ten voting members of the Council shall constitute a quorum.

The Director of the Office of Science and Technology Policy shall be the Chairman of the Council.

A Vice Chairman shall be elected from among the voting members of the Council for 1 year and shall perform the functions of the Chairman in his absence.

The Council shall meet at the call of the Chairman or at the call of ten members of the Council.

Section 16. Manner of Appointment to the Council—each individual appointed to the Council shall be qualified and distinguished by training and experience in the field of biostatistics, epidemology, metabolism/pharmacokinetics, medicine, pathology, toxicology, biochemistry, or pharmacology.

For each vacancy on the Council, the President of the National Academy of Science shall submit to the President of the United States not fewer than three nominations selected by the Academy from among those individuals who meet the above requirements and who are recommended to the Academy by organizations of professional scientists, faculties of colleges and universities, heads of Federal and State agencies and distinguished members of the scientific community. Notifications of vacancies shall be published in the Federal Register by the President of the National Academy of Science.

Section 17. Executive Director and Staff of Council—the Council shall have an Executive Director, grade GS–17 to supervise the Council staff, to exercise the administrative functions, the distribution of work of the Council to the staff, and the use and expenditure of funds available to the Council; and the Council staff shall be composed of a professional staff of seven persons, grade level GS–15, and an Administrative staff of eight persons, grade level GS–11.

The Director of the Office of Science and Technology Policy shall provide facilities, technical assistance and additional administrative staff as necessary to the Council.

Section 18. Amendments to Other Laws—

The Consumer Product Safety Act.

The Federal Food, Drug, and Cosmetics Act.

The Federal Insecticide, Fungicide, and Rodenticide Act.

The Federal Meat Inspection Act.

The Poultry Products Inspection Act.

The Occupational Health and Safety Act.

The Toxic Substances Control Act.

Each of these acts are amended so that on the request of a party involved in adjudication before any of the agencies above, such agency shall refer to the National Science Council for decision in accordance with the National Science Council Act, any question of scientific fact which involves the harm any chemical in or on any consumer product, food, drug, device, pesticide chemical, food additive or color additive, meat or poultry product adulterated or misbranded, or to human health and which is relevant to determining the particular action being adjudicated.

The decision of the Council with respect to the question of scientific fact referred to the Council shall be deemed to be the final decision of the Administrator or the Secretary as the case may be, and the Secretary shall incorporate in the record of the hearing involved the written statement of the Council, and the Secretary shall not conclude such hearing until the Council transmits to the Administrator or the Secretary the decision of the Council with respect to such question.

The Administrator, or the Secretary, as the case may be, may take any action authorized in the respective acts above based on a tentative decision by the Council with respect to the scientific question, but any action taken shall be modified or confirmed by the final council decision.

Section 21. Definitions.

Section 22. Effective Dates—the Act takes effect upon enactment, except that the decisions of the Council shall not take effect until 180 days after enactment.●

REFORM OF RAILROAD INDUSTRY

(Mr. FLORIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. FLORIO. Mr. Speaker, I am inserting in the RECORD today a preliminary draft of legislation to reform the regulatory structure governing the railroad industry. It was put together with my colleague, Mr. MADIGAN, the ranking minority member of the subcommittee.

This preliminary draft is intended to address the difficult problems of the rail industry and improve and streamline the regulatory process. Last session, in extensive hearings, the subcommittee devoted a great deal of time and attention to the problems of the rail industry. I believe this legislation represents a positive step in reforming the regulatory role to allow the forces of the marketplace to regulate the industry to the extent they can, and to provide for ICC regulation when the marketplace does not offer sufficient protection.

There is no question that the railroad industry is in financial trouble. As shippers in the Northeast, and on the Milwaukee & Rock Island have learned, rail carriers have severe financial problems. The railroads' reliance on the Interstate Commerce Commission, rather than their own business and marketing sense has hurt the industry's willingness to compete for traffic and revenue.

A greater reliance on the competitive forces of the marketplace will force railroads to begin operating in a sensible, aggressive fashion. Only when the marketplace does not adequately protect shippers should the ICC intervene, and that is what we are attempting to provide here.

I do not believe it is in the interest of rail shippers or the public to eliminate Federal regulatory control simply because it is the fashion. But I do believe that where negative effects of Federal regulation are demonstrated, we should reform that regulatory structure. Of course, we do not want to abandon regulatory control where monopoly power would allow unfettered discretion, but, in the interest of protecting against monopoly abuse, we do not want to perpetuate unnecessary and harmful regulation.

I believe a change in the regulatory structure is necessary to provide shippers with continued and expanding rail service, to provide consumers the benefit of economic and efficient rail transportation service at the lowest possible cost, and to insure a sound national transportation system for this country.

I would like to mention the major provisions of the draft, and describe briefly why I think they are important.

Maximum rate regulation has been the focus of much attention in the debate over regulation in the rail industry. I think everyone will agree on the premise of the approach to maximum rate regulation in this draft. There is certain traffic which, because of tonnage or bulk or other peculiar characteristics, is uniquely suited to rail transportation. It is this traffic which should and does pay the largest part of the cost of maintaining the rail system. Once the rail system is carrying this rail oriented traffic, it is then in the interest of both the railroads and the rail shippers of these products for the railroads to attract whatever other traffic is available which can cover its variable costs. Any contribution above variable cost by this other traffic reduces the fixed costs that would otherwise have to be borne by the rail-oriented traffic.

With this premise in mind, we have designed a maximum rate provision which acknowledges that some shippers will be paying a higher proportion of fixed costs than others. The Commission would have jurisdiction only over rates where there is the potential for abuse—that is above the level where the industry is recovering the fixed and variable costs of its operation. The Commission would have no jurisdiction to determine the reasonableness of rates below the revenue to variable cost percentage which would allow the industry to recover its fixed and variable costs. The Commission would set an annual revenue to variable cost percentage which, assuming that commodities paid what they did the previous year and that no commodity was paying above that percentage, would allow carriers to cover their costs. Above that point, assuming there is no competitive alternative, the Commission would have jurisdiction to review the reasonableness of any rate increase.

The Commission would also be given a clear direction—that an adequate rate of return is something that every efficient carrier is entitled to.

I believe this provision will provide the carriers sufficient maximum rate freedom to respond to the marketplace, while protecting those shippers who have no competitive alternative.

Since this approach will allow the carriers sufficient maximum rate freedom, there will no longer be a need for general rate increases. General rate increases applicable to single line rates would be prohibited immediately and general rate increases applicable to joint line rates would be eliminated by January 1, 1983.

Although the bill would continue rate bureaus, the carriers' ability to discuss rates with immunity in rate bureau proceedings would be restricted. Carriers would be free to discuss a joint line rate only with their actual physical connection. If there is more than one connection between two points, the discussions would have to take place separately with each connecting carrier.

The ability of carriers to keep rates absolutely equal between two end points no matter what the route or the economic efficiencies of the different routes would end. Not only would service continue to be a factor in determining routing, but price would become a factor as well.

One of the most important features of this bill is the establishment of a Railroad Accounting Standards Board. The Board, under the direction of the Comptroller General, will have four additional members, one each from the accounting profession, the railroad industry, a major shipper, and the ICC. Within 2 years, it shall promulgate cost accounting standards that shall be applicable to the entire railroad industry. The standards shall insure that, to the maximum extent possible, railroads accumlate costs which identify the cost of individual commodity movements on specific segments of railroad property. The railroads would have to have their accounting systems certified by the ICC as in compliance with these standards, although each railroad would have discretion within the standards to utilize its own accounting system.

Although no two railroad costing systems would be identical, shippers and other complaintants would, for the first time, have confidence that the information that they had access to would provide something more than average costs which might or might not reveal the actual costs of the movement they were concerned about.

Perhaps the most controversial aspect in the entire effort to reform the regulatory structure of the rail industry is the joint rates area—how carriers divide revenues amongst themselves. Both the rail industry, shippers, and other interested parties, have argued both sides of the joint rates area vigorously.

I believe there is no justification for requiring a carrier to transport traffic at below the variable cost of doing so. Althought many might disagree about the method of accomplishing it, I think all agree on the principle. This bill would allow carriers to bring their share of any joint rate to the point that variable costs are covered.

A similar problem occurs where one carrier is earning a significant amount from its share of a movement, while another carrier is only covering its variable cost. Even assuming that one carrier may be more efficient than another, divisions must be flexible enough to allow carriers to earn revenues to encourage them to continue moving the traffic. We have included in this draft a provision similar to one agreed on by several railroads, which would allow an additional charge of 10 percent per year which would go only to the carrier proposing the surcharge.

Although the joint rates issue has been the subject of much disagreement, there has been too little constructive thought about alternatives. I am convinced that there may be a better solution to the joint rates problem than the one I have described. I hope that in the next several weeks, with the aid of shippers, railroads, and other interested parties, we can improve on the proposal in this bill, and reach general agreement.

I believe this draft provides a regulatory structure which will allow our railroad system to grow, and more importantly, to begin operating with maximum efficiency. Uneconomic decisions which waste shippers' dollars and consumers' dollars can and will be avoided. I readily acknowledge that, in the short run, some shippers may end up paying marginally higher rates. But in the long run, I do not believe there can be any question that greater competition and the establishment of an atmosphere where the market forces will require rational economic decisions will result in the lowest possible rail rates.

We have developed this draft to serve as a focus for discussion. Mr. MADIGAN and I believe it is the direction we must follow. We look forward to the comments of all who are concerned about the health of our transportation system to help us improve this draft and enact a sound regulatory reform bill this session.

H.R. —

A bill to reform the economic regulation of railroads, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Rail Act of 1980".

TITLE I—RAIL TRANSPORTATION POLICY

RAIL TRANSPORTATION POLICY

SEC. 101. (a) Chapter 101 of title 49, United States Code, is amended by inserting after section 10101 the following new section:

"§ 10101a. Rail transportation policy

"In regulating the railroad industry, it shall be the policy of the United States Government—

"(1) to allow, to the maximum extent possible, competition and the demand for services to establish reasonable rates for transportation by rail;

"(2) to minimize the need for Federal regulatory control over the rail transportation system and to require fair and expeditious regulatory decisions when regulation is required;

"(3) to promote a safe and efficient rail transportation system by allowing rail carriers to earn a satisfactory rate of return;

"(4) to ensure the development and continuation of a sound rail transportation system with effective competition among rail carriers and with effective competition with other modes;

"(5) to provide maximum rate regulation where rail rates provide revenues which exceed the amount necessary to maintain the rail system and to attract capital;

"(6) to encourage fair wages and safe and suitable working conditions in the railroad industry;

"(7) to prohibit predatory pricing and practices and to avoid undue concentrations of market power; and

"(8) to cooperate with the States.".

(b) Section 10101(a) of title 49, United States Code, is amended by striking out "To ensure" and inserting in lieu thereof "Except where policy may have an impact on rail carriers, in which case the principles of section 10101a of this title shall govern, to ensure".

(c) The section analysis of chapter 101 of title 49, United States Code, is amended by inserting after the item relating to section 10101 the following new item:

"10101a. Rail transportation policy.".

TITLE II—RAILROAD RATES, PROFITS, AND REINVESTMENT

REGULATION OF RAILROAD RATES IN THE ABSENCE OF COMPETITION

SEC. 201. (a) Subchapter I of chapter 107 of title 49, United States Code, is amended by inserting after section 10701 the following new section:

"§ 10701a. Standards for rates for rail carriers

"(a) Except as provided in subsection (b) of this section, a rail carrier providing transportation subject to the jurisdiction of the Interstate Commerce Commission under subchapter I of chapter 105 of this title may establish any rate for transportation or other service provided by the carrier, unless such rate is prohibited by a provision of this title.

"(b)(1) If the Commission determines under section 10709 of this title, that there is no effective competition with respect to a particular transportation provided by a rail carrier, the rate established by such carrier for such transportation must be reasonable.

"(2)(A) Except as provided in subparagraph (B) of this paragraph, in any proceeding to determine the reasonableness of a rate described in paragraph (1) of this subsection, the shipper challenging such rate shall have the burden of proving that such rate is not reasonable.

"(B) The rail carrier establishing a challenged rate shall have the burden of proving that such rate is reasonable if—

"(i) such rail carrier does not have a cost accounting system that has received final certification by the Commission under section 11163(c) of this title; or

"(ii) the Commission finds that such rail carrier has a rate of return greater than the rate of return established by the Commission under section 10704(a)(2) of this title.

"(3) In determining whether a rate established by a rail carrier is reasonable for purposes of this section, the Commission shall recognize the policy of this title that efficient rail carriers shall earn an adequate rate of return.".

(b)(1) The first sentence of section 10701(a) of title 49, United States Code, is amended by inserting "(other than a rail rate)" immediately after "a rate".

(2) The section analysis of chapter 107 of title 49, United States Code, is amended by inserting immediately below the item relating to section 10701 the following new item:

"10701a. Standards for rates for rail carriers.".

DETERMINATION OF THE ABSENCE OF EFFECTIVE COMPETITION

SEC. 202. (a) Section 10709 of title 49, United States Code, is amended to read as follows:

"§10709. Determination of the absence of effective competition in rail carrier rate proceedings

"In this section—

"(1) 'full cost percentage' means the lowest revenue-variable cost percentage which, if deemed applicable both to all traffic actually transported by rail carrier at such percentage and to all traffic transported at a higher revenue-variable cost percentage, would produce revenues which, when combined with total revenues produced by all other traffic transported by rail carrier, would be equal to the total fixed cost and variable cost of the transportation of all traffic by rail carrier.

"(2) 'revenue-variable cost percentage' means the quotient, expressed as a percentage figure, obtained by dividing the total revenues produced by the transportation of all traffic transported by rail carrier by the total variable cost of such transportation.

"(b) When a rate for transportation by a rail carrier providing transportation subject to the jurisdiction of the Interstate Commerce Commission under subchapter I of chapter 105 of this title is challenged as being unreasonably high, the Commission shall, within 90 days after the commencement of a proceeding under section 10707 of this title, determine under this section whether there is no effective competition with respect to the transportation to which the rate applies.

"(c)(1) Any shipper complaining of a rate described in subsection (b) of this section shall have the burden of proving that there is no effective competition with respect to the transportation to which such rate applies. In order to satisfy such burden of proof, the complaining shipper must demonstrate that—

"(A) there is no actual or present potential transportation alternative (including transportation by other modes, contract carriage, private, exempt, and unregulated carriage, and all other alternatives) for the particular transportation to which the rate applies; and

"(B) the rate charged results in a revenue-variable cost percentage for such transportation that is greater than the full cost percentage.

"(2) For purposes of determining the existence of an actual or present potential transportation alternative under paragraph (1) of this subsection—

"(A) an actual or present potential transportation alternative shall be presumed to exist if comparable traffic has been shipped by the complainant (or another similarly situated shipper) by another mode of transportation, or if geographic competition among suppliers is demonstrated to exist at a cost which is not substantially greater than the cost of the rail transported commodity; and

"(B) a showing that other available transportation is more costly than rail transportation shall not constitute a basis for determining that no alternative transportation exists, unless the cost of such other transportation is substantially greater than the cost of rail transportation.

"(d)(1) If the Commission finds that there is no effective competition with respect to the transportation to which the challenged rate applies, the Commission shall, in accordance with section 10701a of this title, determine whether such rate is reasonable.

"(2) If the Commission fails to make the finding described in paragraph (1) of this subsection, the Commission shall dismiss the complaint.

"(e) The Commission shall, on an annual basis, determine the full cost percentage of the transportation of all traffic transported by rail carrier.".

(b) The item relating to section 10709 in the section analysis of chapter 107 of title 49, United States Code, is amended to read as follows:

"10709. Determination of the absence of effective competition in rail carrier rate proceedings.".

INVESTIGATION AND SUSPENSION OF RATES

SEC. 203. (a) Section 10707(a) of title 49, United States Code, is amended by striking out "on its own initiative or on complaint of an interested party" and inserting in lieu thereof "on complaint of an interested party".

(b) Section 10707(b)(1) of title 49, United States Code, is amended to read as follows:

"(b)(1) The Commission must complete a proceeding under this section and make its final decision by the end of the 4th month after the rate, classification, rule, or practice was to become effective, or within 6 months after a complaint is filed, whichever is earlier.".

(c) Section 10707(c) of title 49, United States Code, is amended to read as follows:

"(c)(1) The Commission may not suspend a proposed rate, classification, rule, or practice during the course of a Commission proceeding under this section unless it appears from the specific facts shown by the verified complaint of a person that—

"(A) it is substantially likely that the complainant will prevail on the merits;

"(B) without suspension, the proposed rate change will cause substantial injury to the complainant; and

"(C) because of the peculiar economic circumstances of the complainant, the provisions of subsection (d) of this section do not protect the complainant.

"(2) The burden shall be on the complainant to prove the matters described in paragraph (1)(A), (B), and (C) of this subsection.".

(d) Section 10707(d) of title 49, United States Code, is amended to read as follows:

"(d)(1) If the Commission does not suspend a proposed rate increase under subsection (c) of this section, the Commission shall require the rail carrier to account for all amounts received under the increase until the Commission completes its proceedings under subsection (b) of this section. The accounting shall specify by whom and for whom the amounts are paid. When the Commission takes final action, it shall require the carrier to refund to the person for whom the amounts were paid that part of the increased rate found to be unreasonable, plus interest at a rate equal to the average yield (on the date the complaint is filed) of marketable securities of the United States Government having a duration of 120 days.

"(2) If a rate is suspended under subsection (c) of this section and later found to be reasonable under this title, the carrier shall collect from each person using the transportation to which the rate applies the difference between the original rate and the suspended rate for any services performed during the period of suspension, plus interest at a rate equal to the average yield (on the date the complaint is filed) of marketable securities of the United States Government having a duration of 120 days.

"(3) If any portion of a proposed rate decrease is suspended under subsection (c) of this section and later found to be reasonable under this title, the rail carrier may refund any part of the portion of the decrease found to comply with this title if the carrier makes the refund available to each shipper who participated in the rate, in accordance with the relative amount of such shipper's traffic transported at such rate.".

(e) Section 10707(e) of title 49, United States Code, is repealed.

CONTRACTS

SEC. 204. (a) Subchapter I of chapter 107 of title 49, United States Code, is amended by adding at the end thereof the following new section:

"§ 10712. Contracts

"(a) One or more rail carriers providing transportation subject to the jurisdiction of the Interstate Commerce Commission under subchapter I of chapter 105 of this title may enter into a contract with one or more purchasers of rail services to provide specified services under specified rates and conditions.

"(b) Each contract entered into under this section shall be filed with the Commission, together with a summary of the contract containing such nonconfidential information as the Commission prescribes. The Commission shall immediately make a summary of each such contract available to interested persons.

"(c) A contract filed under this section shall be approved by the Commission unless the Commission determines, in a proceeding under subsection (d) of this section, that such contract reduces the present ability of the contracting carrier or carriers to meet their normal obligations under section 11101 of this title.

"(d)(1) No later than 30 days after the date of filing of a contract under this section, the Commission may begin a proceeding to review such contract on its own initiative or on complaint.

"(2) A complaint may be filed by a shipper or other complainant only on the basis of allegations that such complainant individually will be harmed because the proposed contract will reduce the present ability of the contracting carrier or carriers to meet their normal obligation under section 11101 of this title.

"(3) Within 30 days after the date a proceeding is commenced under paragraph (1) of this subsection, or within such shorter time period after such date as the Commission may establish, the Commission shall determine whether the contract that is the subject of such proceeding is in violation of this section. If the Commission does not act within such 30-day period or within the shorter established period, the contract shall be approved.

"(e) The Commission may not require a rail carrier to violate the terms of a contract that has been approved under this section, except to the extent necessary to comply with section 11128 of this title.".

(b) The section analysis for chapter 105 of title 49, United States Code, is amended by inserting immediately after the item relating to section 10711 the following new item:

"10712. Contracts.".

DEMAND SENSITIVE RATES

SEC. 205. Section 10727 of title 49, United States Code, is amended to read as follows:

"§ 10727. Demand-sensitive rates

"The Interstate Commerce Commission shall, subject to the restrictions of this subtitle, permit the establishment of tariffs under which rates may be raised or lowered, between established maximum and minimum levels, in response to expected or actual fluctuations in demand for rail service.".

PHASE OUT OF CAPITAL INCENTIVE RATES

SEC. 206. (a) Section 10729 of title 49, United States Code, and the item relating to such section in the section analysis of chapter 107 of such title, are repealed.

(b) Notwithstanding any other provision of law, any rate established by a rail carrier under section 10729 of title 49, United States Code, prior to the date of enactment of this Act shall remain in effect in accordance with its terms, but for no longer than 5 years after the date it became effective, unless the parties otherwise agree. During such period, the Interstate Commerce Commission may, however, order the rate revised to a level equal to the incremental cost of providing the transportation if the Commission finds that the level then in effect reduces the going concern value of the rail carrier.

PERMISSIVE LIMITED LIABILITY RATES

SEC. 207. Section 10730 of title 49, United States Code, is amended—

(1) by inserting "(a)" immediately before "The";

(2) by inserting ", other than a rail carrier," immediately after "carrier" the first place it appears; and

(3) by adding at the end thereof the following new subsection:

"(b) A rail carrier providing transportation or service subject to the jurisdiction of the Commission under subchapter I of chapter 105 of this title may establish rates for transportation of property under which the liability of the carrier for such property is limited to a value established by written declaration of the shipper or by a written agreement between the shipper and the carrier, and may provide in such written declaration or agreement for specified amounts to be deducted from any claim against the carrier for loss or damage to the property or for delay in the transportation of such property.".

RATE DISCRIMINATION

SEC. 208. Section 10741(a) of title 49, United States Code, is amended—

(1) by inserting "(1)" immediately after "(a)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) This subsection shall not apply to origination and destination charges under section 10705(h) of this title, surcharges under section 10705(i) of this title, rates and conditions set forth in contracts approved under section 10712 of this title, separate rates for distinct rail services under section 10728 of this title, or rail rates applicable to different routes between the same end points.".

EXEMPTION

SEC. 209. Section 10505 of title 49, United States Code, is amended to read as follows:

"§ 10505. Authority to exempt rail carrier transportation

"(a) In a matter related to a rail carrier providing transportation subject to the jurisdiction of the Interstate Commerce Commission under this subchapter, the Commission shall exempt a person, class of persons, or a transaction or service when the Commission finds that the application of a provision of this subtitle—

"(1) is not necessary to carry out the transportation policy of section 10101a of this title; and

"(2) either the transportation or service is of limited scope, or the application of a provision of this subtitle is not needed to protect shippers from the abuse of market power.

"(b) The Commission may, where appropriate, begin a proceeding under this section on its own initiative or on application by the Secretary of Transportation or an interested party.

"(c) The Commission may specify the period of time during which an exemption granted under this section is effective.

"(d) The Commission may revoke an exemption, to the extent it specifies, when it finds that application of a provision of this subtitle to the person, class, or transportation is necessary to carry out the transportation policy of section 10101a of this title.".

INTRASTATE RATES

SEC. 210. (a) Section 11501(a)(1) of title 49, United States Code, is amended by inserting "(other than a rail rate)" immediately after "the rate".

(b) Section 11501(b) of title 49, United States Code, is amended to read as follows:

"(b) The Commission has exclusive authority to prescribe an intrastate rate for transportation provided by a rail carrier subject to the jurisdiction of the Commission under subchapter I of chapter 105 of this title.".

SAFE RAILROAD REINVESTMENT REQUIREMENTS

SEC. 211. (a) Until a rail carrier providing transportation subject to the jurisdiction of the Interstate Commerce Commission under subchapter I of chapter 105 of title 49, United States Code, is certified under subsection (c) of this section, the Commission shall—

(1) review the financial arrangements of such carrier (including the payment of dividends, transfer of assets, issuance of securities, pledging of securities, assumption of obligations or liability related to the securities of another, or other financial arrangements) which may result in the transfer of funds or assets from the company providing service as a carrier and which have an effect on the financial condition of the carrier; and

(2) prohibit any financial transactions which would unreasonably impair the ability of such carrier to (A) meet the safety requirements of applicable Federal statutes, (B) operate in a manner which protects the public health and safety and the health and safety of railroad employees, or (C) limit deferred maintenance in order not to impair the ability of the carrier to provide safe and reliable service.

(b) The Secretary of Transportation shall annually survey the track, physical facilities, and operations of each rail carrier subject to the jurisdiction of the Interstate Commerce Commission under subchapter I of chapter 105 of title 49, United States Code. On the basis of such survey, the Secretary shall make a finding with respect to whether the carrier (1) meets the safety requirements of applicable Federal statutes, (2) is maintained and operated in a manner which protects the public health and safety and the health and safety of railroad employees, and

(3) has limited deferred maintenance in order not to impair the ability of the carrier to provide safe and reliable service.

(c) If the Secretary of Transportation makes an affirmative finding with respect to a rail carrier under clauses (1), (2), and (3) of subsection (b) of this section, the Secretary shall certify such carrier to the Interstate Commerce Commission for purposes of this section.

TITLE III—RAILROAD INTER-CARRIER PRACTICES

BLANKET JOINT RATES

SEC. 301. Section 10705 of title 49, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) Effective January 1, 1981, any joint rate which applies a uniform rate to a destination area covering a geographical region with a radius of more than 50 miles shall be void, unless such joint rate is agreed upon by the participating carriers after the date of enactment of the Rail Act of 1980.".

ORIGINATION AND DESTINATION CHARGES

SEC. 302. Section 10705 of title 49, United States Code, as amended, is further amended by adding at the end the following new subsection:

"(h)(1) In this subsection, 'solely related costs' means the direct costs, such as fuel, labor, and the cost of maintaining additional plant, which are attributable to a particular transportation movement in a specific geographical area.

"(2) Any carrier participating in a joint rate and through route under this section may charge an additional amount for the origination and destination costs of the transportation to which the joint rate applies. The additional amount charged for origination or destination costs in a particular geographical area shall be limited to the amount by which the solely related costs attributable to such origination or termination exceed the lowest solely related costs attributable to any origination or termination in such area. Any additional amount charged under this paragraph shall be payable and accrue solely to the carrier incurring the origination and destination costs.".

COMPENSATORY JOINT RATE RELIEF

SEC. 303. (a) Section 10705 of title 49, United States Code, as amended, is further amended by adding at the end thereof the following new subsection:

"(i)(1)(A) Any rail carrier may publish and apply a surcharge in order to bring its earnings over any route to a level that will cover its variable costs of handling the given traffic transported over such route under any joint rate, without the concurrence of its connecting carriers. Such a surcharge shall be applied in equal dollar amounts to all of such carrier's routes under the rate and to all of its competing single line routes, and shall accrue solely to such carrier.

"(B) Before applying a surcharge under this paragraph, the carrier proposing such surcharge shall give other carriers party to the rate 45 days notice. If a connecting carrier wishes to respond to a surcharge on the effective date of another carrier's surcharge, it may initiate its own surcharge no less than 25 days before that effective date. At this time only, a carrier responding to a surcharge which results in different charges applicable to different routes under the same joint rate may make unequal surcharges applicable to its routes under the rate and any competing single line route in order to re-establish route parity.

"(C) As proof of its costs, the carrier proposing the surcharge shall file a cost analysis developed in accordance with a cost accounting system certified by the Commission under section 11163 of this title.

"(D) In an investigation, the carrier proposing the surcharge shall have the burden of proving that the surcharge is required to cover its variable costs. The Commission may suspend such a surcharge only to the extent that the amount of the surcharge exceeds a showing of variable costs that is accepted by the Commission. Any such suspension shall apply to the application of the surcharge via all routes. The Commission shall complete its investigation of the matter within 4 months, and if the investigation is not completed within such period, it shall be terminated and the surcharge shall become effective.

"(E) The Commission may not investigate the lawfulness of the overall joint rate as a result of the application of a surcharge.

"(F) Any further increases in the joint rate to which a variable cost surcharge under this paragraph applies shall increase the surcharge in the same proportion as the proportion of the increase to the joint rate.

"(G) A carrier may not adopt a surcharge unless, for one year prior to the surcharge, it has participated in all increases in rates of general applicability agreed to by all other parties to the rates in question.

"(2) A carrier may otherwise publish and apply to a joint rate, in the form of a surcharge, an increase or decrease not exceeding 10 percent annually of the joint rate, subject to the following conditions:

"(A) The surcharge shall be applied in equal dollar amounts to all of such carrier's routes under such rate. Rate decreases may and rate increases shall also be applied in equal dollar amounts to all of such carrier's competing single line routes.

"(B) The surcharge shall be divided with such carrier's intra-territorial connections on the basis of intra-territorial divisions. An intra-territorial connecting carrier may refuse to accept all or any portion of its division of the surcharge, in which case, the surcharge applied to that route will be applicable in the amount of the proponent carrier's division, plus any amount accepted by its intra-territorial connections. The carrier proposing the surcharge may, within 10 days after receiving notice of any such refusal, decrease its surcharge over any competing route or routes to reestablish route parity.

"(C) Surcharges reflecting either an increase or decrease shall not be applicable to other carriers, except as provided in subparagraph (B) of this paragraph.

"(D) Connecting carriers shall be given 45 days notice of a variable cost surcharge under this paragraph.

"(E) If a connecting carrier wishes to respond to a surcharge on the effective date of another carrier's surcharge, it may initiate its own surcharge no less than 25 days before that effective date. At this time only, a carrier responding to a surcharge which results in different charges applicable to different routes under the same joint rate may make unequal surcharges applicable to its routes under the rate and any competing single line routes in order to reestablish route parity.

"(F) A carrier may not adopt a surcharge unless, for one year prior to the surcharge, it has participated in all increases in rates of general applicability agreed to by all other parties to the rates in question.

"(G) For purposes of maximum rate regulation under this title, only the carrier proposing a surcharge and any rail carrier claiming a division of such surcharge pursuant to subparagraph (B) of this paragraph shall be required to defend the surcharge, and the lawfulness of the surcharge shall be determined without regard to the amounts received and the services performed by other carriers (other than carriers claiming a division of that surcharge pursuant to such subparagraph (B)) party to the joint tariff to which the surcharge is applied. In any subsequent proceeding to investigate the lawfulness of the joint rate to which a surcharge applies, that surcharge shall not be taken into consideration unless the Commission determines that each carrier participating in the surcharge is earning adequate revenues within the meaning of section 10704(a)(2) of this title.".

RATE BUREAUS

SEC. 304. (a) Section 10706(a)(1) of title 49, United States Code, is amended by adding at the end of thereof the following new subparagraph:

"(C) 'practicably participates in that movement' means—

"(i) with respect to a revision of an existing joint-line rate, that a carrier has, during the 12 months preceding the discussion, agreement, or vote, actually carried traffic under the joint-line rate at issue; or

"(ii) with respect to a joint-line rate proposed for a movement never before conducted, or for which no joint rate was previously in effect, that a carrier has agreed to carry any traffic tendered to it under the joint-line rate at issue during the 12 months following the date on which the joint-line rate becomes effective.".

(b) Section 10706(a)(2) of title 49, United States Code, is amended—

(1) by inserting "publication," after "initiation," in the first sentence; and

(2) by striking out "section 10101" in the second sentence and inserting in lieu thereof "section 10101a".

(c)(1) Section 10706(a)(3)(A) of title 49, United States Code, is amended to read as follows:

"(3)(A) An organization established or continued under an agreement approved under this subsection shall make a final disposition of a rule or rate docketed with it by the 120th day after the proposal is docketed. Such an organization may not—

"(i) permit a rail carrier to discuss, to participate in agreements related to, or to vote on single line rates proposed by another rail carrier;

"(ii) permit a rail carrier to discuss, to participate in agreements related to, or to vote on rates related to a particular interline movement unless that rail carrier practicably participates in that movement; or

"(iii) if there are interline movements over two or more routes between the same end points, permit a carrier to discuss, to participate in agreements related to, or to vote on rates except with its connecting carrier on a particular single route.".

(2) Section 10706(a)(3)(B) of title 49, United States Code, is amended to read as follows:

"(B) Until January 1, 1982, subparagraph (A)(ii) and (iii) of this paragraph does not apply to general rate increases or decreases for joint rates if the agreement gives shippers, under specified procedures, at least 15 days notice of the proposal and an opportunity to present comments on it before a tariff containing the increases or decreases is filed with the Commission.".

(3) Section 10706(a)(3) of title 49, United States Code, is amended by adding at the end thereof the following new subparagraph:

"(D) An organization described in subparagraph (A) of this paragraph shall provide that transcripts or sound recordings be made of all meetings, that records of votes be made, and that such transcripts or recordings and voting records be submitted to the Commission and made available to other Federal agencies in connection with their statutory responsibilities over rate bureaus, except that such material shall be kept confidential and shall not be subject to disclosure under section 552 of title 5.".

(d) Section 10706(a) of title 49, United States Code, is amended by adding at the end thereof the following new paragraph:

"(4) Notwithstanding any other provision of this subsection, one or more rail carriers may enter into an agreement, without obtaining prior Commission approval, that provides solely for compilation, publication, and other distribution of rates in effect or to become effective. The Sherman Act (15 U.S.C. 1 et seq.), the Clayton Act (15 U.S.C. 12 et seq.), the Federal Trade Commission Act (15 U.S.C. 41 et seq.), sections 73 and 74 of the Wilson Tariff Act (15 U.S.C. 8 and 9), and the Act of June 19, 1936, as amended (15 U.S.C. 13, 13a, 13b, 21a) shall not apply to parties and other persons with respect to making or carrying out such agreement. However, the Commission may, upon application or on its own initiative, investigate whether the parties to such an agreement have exceeded its scope, and upon a finding that they have, the Commission may issue such orders as are necessary, including an order dissolving the agreement, to ensure that actions taken pursuant to the agreement are limited as provided in this paragraph.".

(e) Section 10706(h)(1)(B) of title 49, United States Code, is amended by striking out "section 10101" and inserting in lieu thereof "section 10101a".

LONG AND SHORT HAUL TRANSPORTATION

SEC. 305. (a) Section 10726(a)(1) of title 49, United States Code, is amended by striking out "I or".

(b) Section 10726(c) of title 49, United States Code, is repealed.

RAILROAD ENTRY

SEC. 306. (a) Section 10901 of title 49, United States Code, is amended to read as follows:

"§ 10901. Authorizing construction and operation of railroad lines

"(a) In this section, 'entity' includes a State or local government, a shipper, or a shipper association, but does not include a carrier providing transportation subject to the jurisdiction of the Commission under subchapter I (other than a rail carrier), II, III, or IV of this chapter or a person affiliated with such a carrier.

"(b) Any rail carrier or other entity may—

"(1) construct and operate a new railroad line or an extension of an existing railroad line;

"(2) construct and operate a railroad line that crosses another railroad line, if—

"(A) the construction and operation does not unreasonably interfere with operation of the line crossed; and

"(B) the owner of the crossing line pays the owner of the crossed line for the easement provided or pays such owner a fair market rental.

"(c) If the carriers are unable to agree on the amount of payment or the terms of operation for purposes of subsection (b)(2) of this section, either party may submit the matters in dispute to the Commission for determination.

"(d) Subject to the provisions of sections 11342 and 11343 of this title, any rail carrier or other entity may acquire an existing rail carrier or portion thereof and operate its railroad line.".

SERVICE DURING PERIODS OF PEAK DEMAND

SEC. 307. Section 11101(a) of title 49, United States Code, is amended by adding at the end thereof the following new sentence: "A rail carrier shall not be found to have violated this section if, during periods of peak demand, it fulfills its commitments under section 10712 of this title before responding to reasonable requests for service.".

RECIPROCAL SWITCHING

SEC. 308. Section 11103 of title 49, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) The Commision may require rail carriers to enter reciprocal switching agreements where it finds such agreements to be practicable and in the public interest. The carriers entering into such an agreement shall establish the conditions and compensation applicable to such agreement, but, if the carriers cannot agree upon such conditions and compensation within a reasonable period of time, the Commission shall establish such conditions and compensation.".

REPEAL OF INCENTIVE INCREASES

SEC. 309. (a) Section 11122(b)(2) of title 49, United States Code, is repealed.

(b) Section 11122(b)(1) of title 49, United States Code, is amended by striking out "(1)" immediately before "The rate".

CAR SERVICE ORDERS FOR EXIGENT CIRCUMSTANCES

SEC. 310. Section 11123(a) of title 49, United States Code, is amended to read as follows:

"(a)(1) When the Interstate Commerce Commission finds that a shortge of equipment, congestion of traffic, or other failure in traffic movement exists which creates an emergency situation of such magnitude as to have substantial adverse effects on rail service in the United States or a substantial region of the United States, the Commission may, for a period not to exceed thirty days—

"(A) suspend any car service rule or practice;

"(B) take action during the emergency to promote service in the interest of the public and of commerce regardless of the ownership (as between carriers) of a locomotive, car, or other vehicle on terms of compensation the carriers establish between themselves, subject to subsection (b)(2) of this section;

"(C) require joint or common use of facilities, on terms of compensation the carriers establish between themselves, subject to subsection (b)(2) of this section, when that action will best meet the emergency and serve the public interest; and

"(D) give directions for preference or priority in transportation, embargoes, or movement of traffic under permits.

"(2) The Commission may extend any action taken under paragraph (1) of this subsection beyond the thirty-day period provided in such paragraph only if the Secretary of Transportation certifies that a transportation emergency exists.".

MERGERS

SEC. 311. (a) Chapter 113 of title 49, United States Code, is amended by inserting immediately after section 11344 the following new section:

"§ 11344a. Consolidation, merger, and acquisition of control: general procedure and conditions of approval in rail carrier transactions

"(a) The Interstate Commerce Commission may begin a proceeding to approve and authorize a transaction referred to in section 11343 of this title involving a rail carrier on application of the person seeking that authority. When an application is filed with the Commission, the Commission shall notify the chief executive officer of each State in which property of the carriers involved in the proposed transaction is located and shall notify those carriers. The Commission shall hold a public hearing with respect to such transaction unless the Commission determines that a public hearing is not necessary in the public interest.

"(b)(1) The Commission may not approve or authorize any transaction referred to in this section if the Commission finds that as a result of the transaction, there is likely to be a substantial lessening of competition, creation of a monopoly, or a restraint of trade in freight surface transportation in any region of the United States, unless the Commission finds that—

"(A) the anticompetitive effects of the transaction are outweighed in the public interest by the probable effect of the transaction in meeting significant transportation needs; and

"(B) such significant transportation needs could not be satisfied by a reasonably available alternative having materially less anticompetitive effect.

"(2) In any proceeding to approve and authorize a transaction under this section, the opponent of such transaction shall have the burden of proving the anticompetitive effects described in paragraph (1) of this subsection, and the party defending the transaction shall have the burden of proving the matters described in subparagraphs (A) and (B) of such paragraph (1).

"(c) When a rail carrier, or a person controlled by or affiliated with a rail carrier, is an applicant in a transaction referred to in this section and the transaction involves a motor carrier, the Commission may approve and authorize the transaction only if it finds that the transaction is consistent with the public interest, will enable the rail carrier to use motor carrier transportation to public advantage in its operations, and will not unreasonably restrain competition.".

(b)(1) The section heading for section 11344 of title 49, United States Code, is amended by inserting "in nonrail transactions" immediately after "approval".

(2) Section 11344(a) of title 49, United States Code, is amended—

(A) by inserting "(other than a transaction involving a rail carrier)" immediately after "of this title" in the first sentence; and

(B) by striking out the fourth sentence.

(3) Section 11344(c) of title 49, United States Code, is amended by striking out the fourth and fifth sentences.

(c) Section 11346 of title 49, United States Code, and the item relating to such section in the section analysis of chapter 113 of such title, are repealed.

(d) The section analysis of chapter 113 of title 49, United States Code, is amended—

(1) in the item relating to section 11344, by inserting "in nonrail transactions" immediately after "approval"; and

(2) by inserting immediately after the item relating to section 11344 the following new item:

"11344a. Consolidation, merger, and acquisition of control: general procedure and conditions of approval in rail carrier transactions.".

TITLE IV—RAILROAD COST DETERMINATIONS

RAILROAD COST ACCOUNTING

SEC. 401. (a) Chapter 111 of title 49, United States Code, is amended by adding at the end thereof the following new subchapter:

"Subchapter IV—Railroad Cost Accounting

"§ 11161. Railroad Accounting Standards Board

"(a)(1) There is established a Railroad Accounting Standards Board which shall be within and responsible to the legislative branch of the Federal Government.

"(2) The Board shall be composed of the Comptroller General of the United States, who shall serve as chairman, and four members to be appointed by the Comptroller General. Of the members of the Board appointed by the Comptroller General—

"(A) one shall be from the accounting profession;

"(B) one shall be from the railroad industry;

"(C) one shall be from a major rail shipper; and

"(D) one shall be from the Interstate Commerce Commission.

"(3) The term of office of each appointed member of the Board shall be three years, except that any member appointed to fill a vacancy in the Board shall serve for the remainder of the term for which his predecessor was appointed.

"(b) Each appointed member of the Board shall receive compensation at a rate equal to 1/260 of the rate prescribed for level IV of the Executive Schedule, under section 5315 of title 5, for each day (including travel time) in which he is engaged in the actual performance of duties vested in the Board.

"(c)(1) The Board may utilize personnel from the Federal Government, with the consent of the head of the appropriate Federal department or agency, or appoint individuals from private life, to serve on advisory committees and task forces to assist the Board in carrying out its functions and responsibilities under this subchapter.

"(2) Individuals appointed by the Board under this subsection may be appointed without regard to the provisions of title 5 governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

"(d) All Federal departments and agencies are authorized to cooperate with the Board and to furnish information, appropriate personnel (with or without reimbursement), and such financial and other assistance as may be agreed upon by the Board and the Federal department or agency involved.

"(e) The Board shall cease to exist three years after the date of enactment of the Rail Act of 1980.

"§ 11162. Cost accounting standards

"(a) The Railroad Accounting Standards Board shall promulgate cost accounting standards designed to achieve uniformity and consistency in the cost accounting principles followed by the railroad industry. The Board shall promulgate interim standards as soon as practicable after the date of enactment of the Rail Act of 1980, and shall promulgate final standards within two years after such date of enactment.

"(b) The cost accounting standards promulgated by the Board under this section shall be used by the Interstate Commerce Commission, rail carriers, and complainants in estimating, accumulating, and reporting costs in connection with maximum rate cases, joint rate and divisions cases, merger and abandonment proceedings, and other proceedings before the Commission.

"(c) In promulgating standards under this section, the Board shall identify and define the following items as they relate to rail operations:

"(1) Segment specific costs on a commodity by commodity basis.

"(2) Variable costs associated with particular movements, with as much specificity as possible and with a minimum use of averages.

"(3) Fixed costs associated with different segments of rail operations.

"(4) Fixed costs associated with railroad systems.

"(d) The cost accounting standards promulgated by the Board under this section shall, to the extent practicable, be cost effective and nonduplicative and shall allow each rail carrier to use its own accounting system without being required to develop a separate system for regulatory purposes. In promulgating such standards, the Board shall give due consideration to appropriate economic principles.

"(e)(1) Subject to approval by the Commission, rail carriers shall make cost data available to shippers, States, and communities that have filed a complaint with the Commission. To the extent provided under the carrier's accounting system, such cost data shall be segment specific and shall be available on a commodity by commodity basis for all commodities that are transported over such segment.

"(2) The Board shall attempt, to the extent possible, to ensure that cost data is collected, compiled, and available to shippers in a format consistent with the regulatory purposes of this title.

"(f) The Commission shall conduct an annual audit of each rail carrier providing transportation subject to the jurisdiction of the Commission under subchapter I of chapter 105 of this title, and in conducting such audit, the Commission shall use the cost accounting standards promulgated by the Board under this section.

"§ 11163. Certification of rail carrier cost accounting systems

"(a) Within 60 days after the date of enactment of the Rail Act of 1980, each rail carrier providing transportation subject to the jurisdiction of the Interstate Commerce Commission under subchapter I of chapter 105 of this title shall file with the Commission a request for preliminary certification of its cost accounting system. The Commission shall grant such preliminary certification if it determines that the cost accounting system of such rail carrier is in compliance with the accounting standards of the Commission in effect on the date of enactment of the Rail Act of 1980.

"(b)(1) As soon as practicable after the promulgation of interim cost accounting standards by the Board under section 11162 of this title, each rail carrier described in subsection (a) of this section shall file with the Commission a request for interim certification of its cost accounting system. The Commission shall grant such interim certification if it determines that the cost accounting system of such rail carrier is in compliance with the interim cost accounting standards.

"(2) Within 6 months after the date of promulgation of the interim cost accounting standards, each rail carrier described in subsection (a) of this section shall have a cost accounting system that has been certified under this subsection.

"(c)(1) As soon as practicable after the promulgation of final cost accounting standards by the Board under section 11162 of this title, each rail carrier described in subsection (a) of this section shall file with the Commission a request for final certification of its cost accounting system. The Commission shall grant such final certification if it determines that the cost accounting system of such rail carrier is in compliance with the final cost accounting standards.

"(2) Within one year after the date of promulgation of the final cost accounting standards, each rail carrier described in subsection (a) of this section shall have a cost accounting system that has been certified under this subsection.

"(d)(1) Certification under this section that the cost accounting system of a rail carrier is in compliance with the cost accounting standards promulgated under section 11162 of this title shall be valid until the promulgation of new cost accounting standards by the Board.

"(2) After the cost accounting system of a rail carrier is certified under this section, such rail carrier may not make any significant modifications in such system unless such modifications are approved by the Commission.

"(e) For purposes of determining whether the cost accounting system of a rail carrier is in compliance with the cost accounting standards promulgated by the Board, the Commission or an authorized representative of the Board shall have the right to examine and make copies of any documents, papers, or records of such rail carrier relating to compliance with such standards.

"§ 11164. Reports

"(a) The Railroad Accounting Standards Board shall, within two years after the date of the enactment of the Rail Act of 1980, submit the following reports to the Congress:

"(1) A report comparing the probable costs of the implementation of cost accounting standards promulgated under section 11162 of this title, including any inflationary effects, to the possible benefits of the implementation of such standards, including the availability of more precise data for use by rail carriers and shippers in proceedings before the Commission.

"(2) A report setting forth any recommendations of the Board for appropriate legislative or administrative action in order to integrate the cost accounting standards and the cost accounting system certification process under this subchapter into existing rail carrier rate regulation under this title, including determinations of the absence of effective competition under section 10709 of this title.".

(b) The analysis of chapter 111 of title 49, United States Code, is amended by adding at the end thereof the following:

"Subchapter IV—Railroad Cost Accounting

"11161. Railroad Accounting Standards Board.

"11162. Cost accounting standards.

"11163. Certification of rail carrier cost accounting systems.

"11164. Reports.".

(c) Section 11142 of title 49, United States Code, and the item relating to such section in the section analysis of chapter 111 of such title, are repealed.

CIVIL PENALTIES FOR VIOLATIONS OF ACCOUNTING STANDARDS PROVISIONS

SEC. 402. (a)(1) Chapter 119 of title 49, United States Code, is amended by inserting immediately after section 11913 the following new section:

"§ 11913a. Accounting standards violations

"Any rail carrier providing transportation subject to the jurisdiction of the Interstate Commerce Commission under subchapter I of chapter 105 of this title that fails to obtain final certification of its cost accounting system under section 11163(c) of this title shall be fined not less than $50,000.".

(2) The section analysis of chapter 119 of title 49, United States Code, is amended by inserting immediately after the item relating to section 11913 the following new item:

"§ 11913a. Accounting standards violations

(b) Section 11910 of title 49, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) A shipper that knowingly discloses confidential data made available to such shipper under section 11162 of this title by a rail carrier providing transportation subject to the jurisdiction of the Commission under subchapter I of chapter 105 of this title shall be fined not more than $50,000.".

TITLE V—RAILROAD MODERNIZATION AND RESTRUCTURING ASSISTANCE

DEFINITIONS

SEC. 501. As used in this title, the term—

(1) "class I rail carrier" means a rail carrier determined by the Commission to be a class I rail carrier, in accordance with section 11145(a) of title 49, United States Code;

(2) "Commission" means the Interstate Commerce Commission;

(3) "rail carrier" means a person providing railroad transportation for compensation; and

(4) "Secretary" means the Secretary of Transportation.

COORDINATION OF FEDERAL ASSISTANCE

SEC. 502. (a) The Secretary, in administering the provisions of this title as well as other programs providing Federal financial assistance to rail carriers, shall be guided by the goal of achieving a safe and efficient transportation system by providing transitional financial assistance which facilitates—

(1) restructuring of railroad facilities and related projects that emphasize higher density operations and the elimination of uneconomical plant;

(2) improved asset and manpower utilization; and

(3) the encouragement of a strong system

of self-supporting shipper-operated or State-operated rail lines.

(b) Within 90 days after the end of each fiscal year, the Secretary shall submit a report to the Congress listing the specific Federal assistance provided the railroad industry during such fiscal year. Each such report shall set forth the reasons for each Federal loan or grant and explain the way in which such loan or grant contributed to the overall goal or providing a safe and efficient transportation system.

VOLUNTARY CONVEYANCE OF RAIL LINES

Sec. 503. (a) Within 24 months after the date of enactment of this Act, any class I rail carrier may convey to the United States any rail line which carried less than 5 million gross tons of traffic during calendar year 1978. Such conveyance shall include all right-of-way, track, and other fixed facilities associated with the operation of such line.

(b) The Secretary shall accept, on behalf of the United States, ownership of any eligible line conveyed by a rail carrier under subsection (a) of this section. The Secretary shall assume full ownership responsibilities for the conveyed line on behalf of the United States, pending disposal of such line under section 504 of this title.

DISPOSAL OF CONVEYED RAIL LINES

Sec. 504. (a) Within 12 months after the acquisition of a rail line conveyed under section 503 of this title (hereinafter referred to as an "acquired rail line"), the Secretary shall dispose of such acquired rail line in accordance with the provisions of this section.

(b) The Secretary shall first offer each acquired rail line to the State or States in which such line is located. The Secretary shall convey any such acquired rail line to such State or States if the Secretary finds that—

(1) the State intends to use such line in a manner consistent with the State rail plan;

(2) acquisition of such line by the State furthers the goal of achieving a safe and efficient rail transportation system; and

(3) the acquiring State agrees to use such line for railroad purposes or a public purpose.

(c) If a State is not interested in acquiring an acquired rail line under subsection (b) of this section, the Secretary may convey such line to any group of shippers approved by the State or States in which such line is located.

(d) Notwithstanding subsections (b) and (c) of this section, whenever the Secretary finds that the goal of achieving a safe and efficient transportation system would best be served by conveying an acquired rail line to a class I rail carrier, the Secretary may convey such line to such a carrier if the carrier agrees to pay for the full cost of any rehabilitation of such line.

(e) Any acquired rail line which is not disposed of within 36 months after the date of enactment of this Act shall be transferred by the Secretary into a rail bank program.

(f) Any State or group of shippers acquiring an acquired rail line under this section shall be entitled to through routes with connecting rail carriers using existing interchanges between the short line carrier and the connecting carrier, but shall not be entitled to joint rates.

(g) To the maximum extent practicable, the Secretary shall encourage the grouping of acquired rail lines conveyed under this section into shipper maintained and operated systems having access to one or more class I rail carriers.

MORATORIUM ON ABANDONMENTS

Sec. 505. (a) During the 36-month period beginning on the date of enactment of this Act, the provisions of this section shall apply, in lieu of section 10903 of title 49, United States Code, to the abandonment of railroad lines and the discontinuance of rail transportation by a rail carrier providing transportation subject to the jurisdiction of the Commission under subchapter I of chapter 105 of title 49, United States Code.

(b)(1) A rail carrier described in subsection (a) of this section may abandon any part of its railroad lines located in two or more States or discontinue the operation of all rail transportation over any part of its railroad lines located in two or more States only if the Commission, after specifically considering and making written findings with respect to—

(A) the social and economic importance of providing efficient and economical rail service as part of a national transportation system;

(B) the increased energy and environmental costs of diverting traffic to other less energy efficient modes;

(C) the increased rate freedom which allows carriers to cover the costs of providing rail service; and

(D) the importance of avoiding any serious adverse impact on rural, urban, or community development,

finds that the present or future public convenience and necessity require or permit the abandonment or discontinuance.

(2) In making findings under this subsection, the Commission shall consider, in addition to the factors listed in paragraph (1) of this subsection, whether the benefits of allowing an abandonment outweigh the adverse impact of such abandonment on the transportation system and on the region and shippers involved.

(c)(1) A proceeding to grant authority under subsection (a) of this section begins on application filed with the Commission. Subject to sections 19094–19096 of title 49, United States Code, if the Commission—

(A) finds public convenience and necessity, it shall—

(i) approve the application as filed; or

(ii) approve the application with modifications and require compliance with conditions that the Commission finds are required by public convenience and necessity; or

(B) fails to find public convenience and necessity, it shall deny the application.

(2) On approval, the Commission shall issue to the rail carrier a certificate describing the abandonment or discontinuance approved by the Commission. Each certificate shall also contain provisions to protect the interests of employees. The provisions shall be at least as beneficial to those interests as the provisions established under section 11347 of this title and section 565(b) of title 45, United States Code.

(d) Except as provided in sections 10905 and 10906 of title 49, United States Code—

(1) if a certificate is issued without an investigation under section 10904(C) of such title, the abandonment or discontinuance may take effect under the certificate on the 30th day after the issuance of the certificate; or

(2) if a certificate is issued after an investigation under section 10904(c) of such title, the abandonment or discontinuance may take effect under the certificate on the 120th day after the issuance of the certificate.

(e)(1) A rail carrier may—

(A) abandon any part of its railroad lines located in a single State; or

(B) discontinue the operation of all rail transportation over any part of its railroad lines located in a single State.

only if the appropriate State authority finds, upon application by such carrier, that the present or future public convenience and necessity require or permit the abandonment or discontinuance.

(2) If the State authority denies an application for abandonment or discontinuance described in paragraph (1) of this subsection, or does not act finally on such application by the 120th day after it is filed, the rail carrier may file an application with the Commission under this section, and such application shall be treated as if such abandonment or discontinuance involved rail lines located in two or more States.

RESTRUCTURING ASSISTANCE

Sec. 505. (a) Title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821 et. seq.) is amended by adding at the end thereof the following new section:

"RESTRUCTURING ASSISTANCE

"Sec. 518. (a) General.—The Secretary is authorized to provide financial assistance, through repayable credits constituting a debt or equity financing, to any class I railroad (as determined by the Commission in accordance with section 11145(a) of title 49, United States Code) or to any subsidiary of such a class I railroad, to pay any share of the cost of restructuring its facilities, including related labor protection costs, and acquiring securities pursuant to a restructuring. The Secretary shall make debt or equity financial assistance available under this section only if the Secretary determines that—

"(1) the assistance will result in significant railroad restructuring and such restructuring would not be likely to be achieved unless such assistance is provided; and

"(2)(A) the railroad has agreed to restructuring under a plan submitted in accordance with subsection (h) of this section; or

"(B) the assistance will be used to fund a project approved by the Secretary under section 5(a)–(d) of the Department of Transportation Act (49 U.S.C. 1654(a)–(d)), and the railroad shows that such project will result in significant restructuring.

"(b) Financial Assistance.—The Secretary shall provide financial assistance under this section by purchasing a fixed debt obligation issued by a railroad, except that if the Secretary determines that an equity financing is essential to a restructuring, the Secretary may provide financial assistance under this section by purchasing senior preferred stock. The Secretary may purchase a fixed debt obligation issued as a trustee certificate by the trustee of a railroad in reorganization under chapter 11 of title 11 of the United States Code or under section 77 of the Bankruptcy Act, but only if the Secretary determines that the restructuring is necessary for the establishment of a self-sustaining railroad.

"(c) Characteristics of Fixed Debt Obligations.—(1) A fixed debt obligation purchased by the Secretary under this section shall provide that—

"(A) on the 5th anniversary of the date of original issuance, interest (at three-fourths of the rate established by the Secretary of the Treasury as of the most practicable date immediately preceding execution of a financing agreement, taking into account the current average yield on outstanding marketable securities of the United States having comparable maturities) shall begin to accrue; and

"(B) beginning on the 6th anniversary of the date of original issuance, accrued interest and principal shall be payable annually in equal aggregrate installments such that on a date not later than the 20th anniversary of the date of original issuance, the principal and all accrued interest shall have been repaid.

"(2) consistent with subsection (f) of this section, the Secretary may require a railroad or a subsidiary receiving assistance under this section to convey to the Secretary a security position which accords the Secretary a lien and priority of payment which are subordinate to those of the railroad's or subsidiary's present and prospective secured creditors (and any claims having a priority of payment senior to secured creditors) but are first in time and right to those of all present and prospective unsecured creditors.

"(d) EXCHANGES.—Where the Secretary makes a determination under subsection (b) of this section, the Secretary may, in purchasing trustee certificates or at any time thereafter, agree with the trustee of a railroad in reorganization under chapter 11 of title 11 of the United States Code or under section 77 of the Bankruptcy Act to exchange trustee certificates for senior preferred stock issued in connection with a plan of reorganization approved by the reorganization court.

"(e) Characteristics of Senior Preferred Stock.—Senior preferred stock purchased by the Secretary under this section shall be an equity security issued by a railroad or its subsidiary. Each share of senior preferred stock shall—

"(1) in accordance with laws of the issuer's State of incorporation governing dividends on and redemption of preferred stock—

"(A) be subject to redemption at par commencing no later than the 6th anniversary of the date of original issuance and ending not later than the 20th anniversary of the date of original issuance in amounts which will aggregate the initial par value of the share and return the aggregate of dividends cumulated and due;

"(B) have dividends payable annually (at one-half the rate established by the Secretary of the Treasury as of the most practicable date immediately preceding execution of a financing agreement, taking into account the current average yield on outstanding marketable securities of the United States having comparable maturities) beginning on the sixth anniversary of the date of original issuance and computed on the average outstanding par amount of the share for the twelve months preceding each payment; and

"(C) have dividend and redemption declarations and payments which are cumulative and not subject to the discretion of the issuer's board of directors or shareholders;

"(2) be optionally redeemable by the issuer, and upon any optional redemption, shall return the outstanding par value plus the aggregate of dividends cumulated and due (pro rata for any part of a year after the fifth anniversary of the date of original issuance) as of the date of an optional redemption;

"(3) be nonvoting and have an initial par value of $10,000;

"(4) be senior in right with respect to dividend and redemption payments and in case of any liquidation or dissolution of the issuer only to all of the issuing corporation's equity securities whenever issued; and

"(5) be issued by the corporation (A) that owns all of the facilities to be rehabilitated or improved, or (B) that will, at the completion of an acquisition, own all of the facilities acquired in whole or in part with assistance provided under this section and that has a capitalization at the time of issuance which consists solely of equity.

"(f) TERMS AND CONDITIONS.—Before providing any financial assistance under this section, the Secretary shall require the railroad or the subsidiary receiving assistance to agree to such terms and conditions as are sufficient, in the Secretary's judgment, to assure that—

"(1) significant restructuring will occur;

"(2) all financial assistance provided under this section will be used as prescribed by the Secretary; and

"(3) that there is a reasonable likelihood that such financial assistance will be repaid.

"(g) DEFAULT.—Whenever a railroad or a subsidiary receiving assistance under this section defaults on any provision of a financing agreement or a security purchased pursuant to this section, the Secretary may (but is not required to) appoint from time to time two members to the board of directors of the railroad or the subsidiary (or both), at the Secretary's option, who shall serve until the financial assistance has been repaid in full or for a lesser period as determined by the Secretary. The Secretary may also exercise all remedies in law or equity and may request the Attorney General of the United States to commence a civil action for damages, specific performance, or any other available remedy in any appropriate court.

"(h) Restructuring Plans.—(1) Each railroad or subsidiary which applies for assistance under subsection (a)(2)(A) of this section shall submit a restructuring plan that—

"(A) has been approved by the railroad's board of directors;

"(B) demonstrates the railroad's or the subsidiary's ability to repay the financial assistance; and

"(C) identifies specific coordinations, consolidations, or other restructuring action which the railroad or the subsidiary proposes to undertake.

"(2) The Secretary shall establish regulations governing the scope, content, and format of the restructuring plan."

(b) The table of contents for title V of the Railroad Revitalization and Regulatory Reform Act of 1976 is amended by adding at the end thereof the following new item:

"Sec. 518. Restructuring assistance.".

EMPLOYMENT EFFECTIVENESS IMPROVEMENT ASSISTANCE

SEC. 507. (a) Title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821 et seq.), as amended by section 506 of this title, is further amended by adding at the end thereof the following new section:

"EMPLOYEE EFFECTIVENESS IMPROVEMENT ASSISTANCE

"SEC. 519. (a) GENERAL.—The Secretary is authorized, under such terms and conditions as the Secretary shall prescribe, to provide financial asistance to any class I railroad to cover up to 100 per centum of such railroad's payments to any eligible employee or former employee to whom the railroad is obligated to make payment under a labor management agreement which results in a significant change in railroad operating practices or work rules and which the Secretary determines will significantly improve manpower effectiveness. In making such determination, the Secretary shall consider the relationship of the railroad's labor costs to its revenues and any evidence of efficiency gains that the railroad and labor organizations may demonstrate.

"(b) FINANCIAL ASSISTANCE.—The Secretary shall make financial assistance available under this section by purchasing a fixed debt obligation, including a trustee certificate, which shall be unsecured but otherwise have the terms and conditions of fixed debt obligations under section 518(c) of this title.

"(c) TERMS AND CONDITIONS.—Before providing any financial assistance under this section, the Secretary may require the railroad receiving assistance to agree to such terms and conditions as are sufficient in the Secretary's judgment to assure that such railroad has, through a long term change in operating practices or work rules, improved its manpower effectiveness.

"(d) Default.—Whenever a railroad receiving assistance under this section defaults on any provision of a financing agreement or security purchased pursuant to this section, the Secretary may exercise all remedies in law or equity and may request the Attorney General of the United States to commence a civil action for damages, specific performance, or any other available remedy in any appropriate court.".

(b) The table of contents for title V of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended by section 505 of this title, is further amended by adding at the end thereof the following new item:

"Sec. 519. Employee effectiveness improvement assistance.".

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 508. (a) Section 501 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821) is amended—

(1) in paragraph (6), by inserting "trustee certificate," after "note," and by inserting ", or to facilitate a restructuring" after "improvement"; and

(2) by striking out "and" at the end of paragraph (7), by striking out the period at the end of paragraph (8), and inserting in lieu thereof "; and", and by adding at the end thereof the following new paragraph:

"(9) 'subsidiary' means any corporation in an unbroken chain of corporations beginning with a class I railroad, if each corporation other than the last corporation in the chain owns voting securities possessing more than 50 percent of the total combined voting power in one of the other corporations in the chain.".

(b) Section 510 of such Act (45 U.S.C. 830) is amended—

(1) by inserting ", obligations, or senior preferred stock" after "shares"; and

(2) by inserting "to the Federal Government" after "railroads".

TITLE VI—RAILROAD COOPERATION WITH AMTRAK

[To be supplied]

TITLE VII—AMENDMENTS TO THE RAILROAD RETIREMENT ACT OF 1974

[To be supplied]

TITLE VIII—CONRAIL TITLE V LABOR PROTECTION

[To be supplied]

TITLE IX—CONRAIL RESTRUCTURING

[To be supplied] ●

CONFERENCE REPORT ON H.R. 5235

Mr. NICHOLS submitted the following conference report and statement on the bill (H.R. 5235) to amend chapter 5 of title 37, United States Code, to revise the special pay provisions for certain health professionals in the uniformed services.

CONFERENCE REPORT (H. REPT. No. 96–754)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5235) to amend chapter 5 of title 37, United States Code, to revise the special pay provisions for certain health professionals in the uniformed services, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Uniformed Services Health Professionals Special Pay Act of 1980".

SEC. 2. (a) Chapter 5 of title 37, United States Code, relating to special and incentive pays for members of the uniformed services, is amended by striking out sections 302, 302a, and 302b and inserting in lieu thereof the following:

"§ 302. Special pay: medical officers

"(a)(1) An officer who is an officer of the Medical Corps of the Army or the Navy, an officer of the Air Force designated as a medical officer, or a medical officer of the Public Health Service and who is on active duty under a call or order to active duty for a period of not less than one year is entitled to special pay in accordance with this subsection.

"(2) An officer described in paragraph (1) who is serving in a pay grade below pay grade O–7 is entitled to variable special pay at the following rates:

"(A) $1,200 per year, if the officer is undergoing medical internship training, as determined under regulations prescribed under section 302c(a) of this title.

"(B) $5,000 per year, if the officer has less than six years of creditable service under subsection (d) and is not undergoing medical internship training, as determined under regulations prescribed under section 302c(a) of this title.

"(C) $10,000 per year, if the officer has at least six but less than eight years of creditable service under subsection (d).

"(D) $9,500 per year, if the officer has at least eight but less than ten years of creditable service under subsection (d).

"(E) $9,000 per year, if the officer has at least ten but less than twelve years of creditable service under subsection (d).

"(F) $8,000 per year, if the officer has at least twelve but less than fourteen years of creditable service under subsection (d).

"(G) $7,000 per year, if the officer has at least fourteen but less than eighteen years of creditable service under subsection (d).

"(H) $6,000 per year, if the officer has at least eighteen but less than twenty-two years of creditable service under subsection (d).

"(I) $5,000 per year, if the officer has twenty-two or more years of creditable service under subsection (d).

"(3) An officer described in paragraph (1) who is serving in a pay grade above pay grade O–6 is entitled to variable special pay at the rate of $1,000 per year.

"(4) (A) An officer entitled to variable special pay under paragraph (2) or (3) with less than ten years of creditable service under subsection (d) is entitled to additional special pay of $9,000 for any twelve-month period during which the officer is not undergoing medical internship or initial residency training, as determined under regulations prescribed under section 302c(a) of this title.

"(B) An officer entitled to variable special pay under paragraph (2) or (3) with ten or more years of creditable service under subsection (d) is entitled to additional special pay of $10,000 for any twelve-month period during which the officer is not undergoing medical internship or initial residency training, as determined under regulations prescribed under section 302c(a) of this title.

"(5) An officer who is entitled to variable special pay under paragraph (2) or (3) who is board certified, as determined under regulations prescribed under section 302c(a) of this title, is entitled to additional special pay at the following rates:

"(A) $2,000 per year, if the officer has less than ten years of creditable service under subsection (d).

"(E) $2,500 per year, if the officer has at least ten but less than twelve years of creditable service under subsection (d).

"(C) $3,000 per year, if the officer has at least twelve but less than fourteen years of creditable service under subsection (d).

"(D) $4,000 per year, if the officer has at least fourteen but less than eighteen years of creditable service under subsection (d).

"(E) $5,000 per year, if the officer has eighteen or more years of creditable service under subsection (d).

"(b) (1) Subject to paragraph (2) and under regulations prescribed under section 302c(a) of this title, an officer who is entitled to variable special pay under subsection (a) (2) may be paid incentive special pay in an amount not to exceed $8,000 for any twelve-month period during which the officer is not undergoing medical internship or initial residency training, as determined under regulations prescribed under section 302c(a) of this title.

"(2) An officer shall not be eligible for incentive special pay under this subsection unless the Secretary concerned has determined that such officer is qualified in the medical profession.

"(3) The amount that may be paid for incentive special pay under this subsection in any fiscal year may not exceed an amount equal to 6 percent of the total amount paid in such year for special pay under subsection (a) of this section and paragraph (1) of this subsection.

"(c) An officer may not be paid additional special pay under subsection (a) (4) or incentive special pay under subsection (b) for any twelve-month period unless the officer first executes a written agreement under which the officer agrees to remain on active duty for a period of not less than one year beginning on the date the officer accepts the award of such special pay.

"(d) For purposes of this section, creditable service of an officer of the Medical Corps of the Army or the Navy, an officer of the Air Force designated as a medical officer, or a medical officer of the Public Health Service is computed by adding—

"(1) all periods which the officer spent in medical internship or residency training during which the officer was not on active duty; and

"(2) all periods of active service in the Medical Corps of the Army or Navy, as an officer of the Air Force designated as a medical officer, or as a medical officer of the Public Health Service.

"§ 302a. Special pay: dental officers

"(a) (1) An officer who is an officer of the Dental Corps of the Army or the Navy, an officer of the Air Force designated as a dental officer, or a dental officer of the Public Health Service and who is on active duty under a call or order to active duty for a period of not less than one year is entitled to special pay in accordance with this subsection.

"(2) An officer described in paragraph (1) who is serving in a pay grade below pay grade O–7 is entitled to variable special pay at the following rates:

"(A) $1,200 per year, if the officer is undergoing dental internship training, as determined under regulations prescribed under section 302c(a) of this title.

"(B) $2,000 per year, if the officer has less than six years of creditable service under subsection (c) and is not undergoing dental internship training, as determined under regulations prescribed under section 302c(a) of this title.

"(C) $5,000 per year, if the officer has at least six but less than eight years of creditable service under subsection (c).

"(D) $7,000 per year, if the officer has at least eight but less than ten years of creditable service under subsection (c).

"(E) $9,000 per year, if the officer has at least ten but less than twelve years of creditable service under subsection (c).

"(F) $8,000 per year, if the officer has at least twelve but less than fourteen years of creditable service under subsection (c).

"(G) $7,000 per year, if the officer has at least fourteen but less than eighteen years of creditable service under subsection (c).

"(H) $5,000 per year, if the officer has eighteen or more years of creditable service under subsection (c).

"(3) An officer described in paragraph (1) who is serving in a pay grade above pay grade O–6 is entitled to variable special pay at the rate of $1,000 per year.

"(4) An officer entitled to variable special pay under paragraph (2) or (3) is entitled to additional special pay for any twelve-month period during which the officer is not undergoing dental internship or residency training, as determined under regulations prescribed under section 302c(a) of this title, to be paid at the following rates:

"(A) $6,000 per year, if the officer has at least three but less than twelve years of creditable service under subsection (c).

"(B) $8,000 per year, if the officer has at least twelve but less than eighteen years of creditable service under subsection (c).

"(C) $10,000 per year, if the officer has eighteen or more years of creditable service under subsection (c).

"(5) An officer who is entitled to variable special pay under paragraph (2) or (3) who is board qualified, as determined under regulations prescribed under section 302c(a) of this title, is entitled to additional special pay at the following rates:

"(A) $2,000 per year, if the officer has less than twelve years of creditable service under subsection (c).

"(B) $3,000 per year, if the officer has at least twelve but less than fourteen years of creditable service under subsection (c).

"(C) $4,000 per year, if the officer has fourteen or more years of creditable service under subsection (c).

"(b) An officer may not be paid special pay under subsection (a) (4) for any twelve-month period unless the officer first executes a written agreement under which the officer agrees to remain on active duty for a period of not less than one year beginning on the date the officer accepts the award of such special pay.

"(c) For purposes of this section, creditable service of an officer of the Dental Corps of the Army or the Navy, an officer of the Air Force designated as a dental officer, or a dental officer of the Public Health Service is computed by adding—

"(1) all periods which the officer spent in dental internship or residency training during which the officer was not on active duty; and

"(2) all periods of active service in the Dental Corps of the Army or Navy, as an officer of the Air Force designated as a dental officer, or as a dental officer of the Public Health Service.

"§ 302b. Special pay: optometry officers

"(a) (1) An officer who is an officer of the Army, Navy, or Air Force designated as an optometry officer or who is an optometry officer of the Public Health Service and who is on active duty under a call or order to active duty for a period of not less than one year is entitled to variable special pay at the following rates:

"(A) $3,000 per year, if the officer has less than six years of creditable service under subsection (c).

"(B) $2,500 per year, if the officer has at least six but less than twelve years of creditable service under subsection (c).

"(C) $2,000 per year, if the officer has at least twelve but less than sixteen years of creditable service under subsection (c).

"(D) $1,000 per year, if the officer has sixteen or more years of creditable service under subsection (c).

"(2) An officer with at least three years of creditable service under subsection (c) who is entitled to variable special pay under paragraph (1) is entitled to additional special pay of $1,000 for any twelve-month period during which the officer is not undergoing optometry residency training, as determined under regulations prescribed under section 302c(a) of this title.

"(b) An officer may not be paid special pay under subsection (a) (2) for any twelve-month period unless the officer first executes a written agreement under which the officer agrees to remain on active duty for a period of not less than one year beginning on the date the officer accepts the award of such special pay.

"(c) For purposes of this section, creditable service of an officer of the Army, Navy, or Air Force designated as an optometry officer or of an optometry officer of the Public Health Service is computed by adding—

"(1) all periods which the officer spent in optometry residency training during which the officer was not on active duty; and

"(2) all periods of active service as an optometry officer.

"§ 302c. Special pay: health professionals; general provisions

"(a) The Secretary of Defense, with respect to the Army, Navy, and Air Force, and the Secretary of Health, Education, and Welfare, with respect to the Public Health Service, shall prescribe regulations for the administration of sections 302, 302a, 302b, and 303a of this title. Such regulations shall include standards for determining—

"(1) whether an officer is undergoing medical internship or residency training for purposes of sections 302(a)(2)(A), 302(a)(2)(B), 302(a)(4), and 302(b)(1) of this title;

"(2) whether an officer is board certified for purposes of section 302(a)(5) of this title;

"(3) whether an officer is undergoing dental internship or residency training for purposes of sections 302(a)(2)(A), 302(a)(2)(B), and 302a(a)(4) of this title;

"(4) whether an officer is board qualified in a dental specialty for purposes of section 302a(a)(5) of this title; and

"(5) whether an officer is undergoing optometry residency training for purposes of section 302b(a)(2) of this title.

"(b) Special pay authorized under sections 302, 302a, 302b, and 303a of this title is in addition to any other pay or allowance to which an officer is entitled. The amount of special pay to which an officer is entitled under any of such sections may not be included in computing the amount of any increase in pay authorized by any other provision of this title or in computing retired pay, severance pay, or readjustment pay.

"(c) Special pay payable to an officer under paragraphs (2), (3), and (5) of section 302(a), paragraphs (2), (3), and (5) of section 302a(a), or paragraph (1) of section 302b(a) of this title shall be paid monthly. Special pay payable to an officer under section 302(a)(4), 302(b)(1), 302a(a)(4), or 302b(a)(2) of this title shall be paid annually at the beginning of the twelve-month period for which the officer is entitled to such payment.

"(d) An officer who voluntarily terminates service on active duty before the end of the period for which a payment was made to such officer under section 302(a)(4), 302(b)(1), 302(a)(4), or 302b(a)(2) of this title shall refund to the United States an amount which bears the same ratio to the amount paid to such officer as the unserved part of such period bears to the total period for which the payment was made.

"(e) The Secretary of Defense shall conduct a review every two years of the special pay for health professionals authorized by sections 302, 302a, 302b, 303, and 303a of this title. A report shall be submitted to the Congress not later than September 30, 1982, of the results of the first such review, and a report shall be submitted to the Congress not later than September 30 of each second year thereafter on the results of the review for the preceding two-year period.".

(b) Section 303 of such title is amended by striking out subsection (c).

(c) Chapter 5 of such title is further amended by inserting after section 303 the following new section:

"§ 303a. Special pay: podiatry officers

"(a) An officer who is an officer of the Army, Navy, or Air Force designated as a podiatry officer or who is a podiatry officer of the Public Health Service and who is on active duty under a call or order to active duty for a period of not less than one year is entitled to special pay at the rate of $100 per month, if the officer has three or more years of creditable service under subsection (b).

"(b) For purposes of this section, creditable service of an officer of the Army, Navy, or Air Force designated as a podiatry officer or of a podiatry officer of the Public Health Service is computed by adding—

"(1) all periods which the officer spent in podiatry residency training during which the officer was not on active duty; and

"(2) all periods of active service as a podiatry officer.".

(d) Sections 311 and 313 of such title are repealed.

(e) Section 306(e) of such title, relating to exclusions from special pay for officers holding positions of unusual responsibility, is amended by striking out "302 or 303" and inserting in lieu thereof "302, 302a, 302b, 303, or 303a".

(f) The table of sections at the beginning of chapter 5 of such title is amended—

(1) by striking out the items relating to sections 302, 302a, and 302b and inserting in lieu thereof the following:

"302. Special pay: medical officers.
"302a. Special pay: dental officers.
"302b. Special pay: optometry officers.
"302c. Special pay: health professionals; general provisions.";

(2) by inserting after the item relating to section 303 the following:

"303a. Special pay: podiatry officers.";

and

(3) by striking out the items relating to sections 311 and 313.

SEC. 3. Notwithstanding any provision of the amendments made by this Act and in accordance with regulations to be prescribed by the Secretary of Defense with respect to the Army, Navy, and Air Force and the Secretary of Health, Education and Welfare, with respect to the Public Health Service, any officer who at any time before the effective date of the amendments made by this Act was entitled to special pay under any of sections 302, 302a, 302b, 303, 311, or 313 of title 37, United States Code, and any officer who after such effective date would have become entitled to special pay under any of such sections (as in effect on the day before such effective date) had such sections continued in effect, shall be paid basic pay and special pay under sections 302, 302a, 302b, and 303 of such title (as in effect on and after the effective date of the amendments made by this Act) in a total amount not less than the total amount of the basic pay (as in effect on the day before such date) and special pay applicable (or which would have been applicable) to such officer under such sections 302, 302a, 302b, 303, 311, and 313 (as in effect on the day before such date and computed on the rates of basic pay as in effect on the day before such date).

SEC. 4. The amendments made by section 2 shall apply to special pay payable for periods beginning after the last day of the month in which this Act is enacted.

SEC. 5. (a) Sections 202, 203, 205, 207, and 208 of title 18, United States Code, shall not apply to a representative from the private sector on the delegation of the United States to any international telecommunications conference or meeting who is specifically designated to speak on behalf of, or otherwise represent, the interests of the United States at such conference or meeting, with respect to a particular matter if the Secretary of State, or the head of delegation to such conference or meeting or other designee of the Secretary of State, certifies that—

(1) no Government employee on the delegation is as well qualified to represent the interests of the United States, and

(2) such designation serves the national interests.

(b) Each such representative shall have on file with the Department of State the financial disclosure report required for special Government employees.

(c) For the purpose of this section, international telecommunications conferences and meetings involving international telecommunications matters shall include conferences and meetings of the International Telecommunication Union (ITU) and the International Consultative Committees for Radio and for Telegraph and Telephone (CCIR and CCITT).

(d) This section shall expire one year after the date of the enactment of this Act.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

MELVIN PRICE,
BILL NICHOLS,
ROBERT H. MOLLOHAN,
CLAUDE "BUDDY" LEACH,
VIC FAZIO,
BOB WILSON,
DONALD MITCHELL,
DAVID F. EMERY,
Managers on the Part of the House.

SAM NUNN,
JOHN CULVER,
ROBERT MORGAN,
J. JAMES EXON,
ROGER W. JEPSEN,
JOHN W. WARNER,
WILLIAM S. COHEN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5235) to amend chapter 5 of title 37, United States Code, to revise the special pay provisions for certain health professionals in the uniformed services, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment to the text of the bill struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

The House bill and Senate amendment were identical in substance with respect to special pay for dental, optometry, veterinary and podiatry officers. There were several differences, however, with regard to medical officers.

There was unanimous agreement by the conferees on the urgent requirement for an improved system of special pay for physicians. That urgency results principally from the need for action to increase the number of physicians to support the requirements for medical emergencies for which we plan. In addition, there is a need to increase the availability of in-house medical care for military personnel and their dependents that has seriously eroded in recent years.

The House bill and Senate amendment adopted the same structural approach to revising the special pays for physicians. There were three common types of special pay proposed; the differences were in the amounts and conditions for payment. In addition, the Senate amendment contained a fourth type of special pay—incentive special pay—not contained in the House bill. The House bill, instead, contained a provision authorizing a $3 million appropriation in fiscal year 1981 for use in evaluating the effectiveness of incremental pay to officers in special categories.

The three common types of special pay are (1) a payment while not in internship or residency training; (2) a variable special pay; and (3) a payment for Board Certification in a specialized branch of medicine.

OBLIGATED PHYSICIANS

The House bill and Senate amendment differed with regard to the conditions for payment of special pay for physicians. The House bill provided the same payments to physicians with the same service and qualifications regardless of their obligated status. The Senate amendment provided lesser amounts to medical officers with service obligations arising from attendance at the Uniformed Services University of the Health Sciences or from participation in the Health Professions Program (HPSP) or similar programs.

The conferees agreed to provide the same payments regardless of the physician's obligated status. The Senate recedes.

PAYMENT WHILE NOT IN INTERNSHIP OR RESIDENCY TRAINING

The House bill provided a $10,000 annual payment to all physicians who are not in internship or initial residency training and who agree to remain on active duty for at least one year. The Senate bill, on the other hand, provided a $9,000 payment under those conditions.

The conferees examined in some detail the impact of these two different proposals. The conferees agreed to provide the $9,000 payment to physicians with less than 10 years of creditable service and to provide the $10,000 payment to physicians with 10 or more years of creditable service.

The House recedes and accepts the Senate provision with an amendment.

INCENTIVE SPECIAL PAY

The House bill authorized a $3 million appropriation in fiscal year 1981 for a test of the effectiveness of providing an additional increment of special pay for alleviating the existing and prospective shortages and maldistribution of certain medical and dental specialties. The Senate amendment, on the other hand, addressed that problem by authorizing an incentive special pay for physicians of up to $8,000 annually. The maximum total annual outlays authorized for incentive special pay was fixed at 10 percent of the total amount of special pay expended for physicians.

The Senate conferees pointed out that the objectives of the House test provision could be achieved within the scope of the Senate incentive special pay provision.

After careful consideration of the issue, the House conferees receded and accepted the Senate provision with an amendment to limit the amount that could be expended for this provision to 6 percent of the total amount of special pay expended for physicians.

It is the intent of the conferees that the military departments use this special pay not only to correct the shortages of critical specialties but also to test the effectiveness of additional increments of pay in alleviating particular problems such as shortages by years of service; shortages in certain positions, such as chiefs of residency programs; and shortages in geographic locations.

MEDICAL CARE FOR CERTAIN VETERANS WITH SERVICE-CONNECTED DISABILITIES

The Senate amendment contained a provision to insure that retired veterans with service-connected disabilities who are otherwise eligible for care under the Civilian Health and Medical Program for the Uniformed Services (CHAMPUS) are not denied care or treatment under CHAMPUS for that service-connected condition solely because they are eligible for such care in a Veterans Administration medical facility.

Subsequent to the Senate passage of H.R. 5235 with this provision, the Senate also passed H.R. 5025 which was identical to this provision in H.R. 5235. Since H.R. 5025 was signed into law December 29, 1979 (Public Law 96–173), there is no need to reenact this provision.

The conferees, therefore, agreed to delete this provision.

U.S. REPRESENTATION AT INTERNATIONAL COMMUNICATIONS CONFERENCES

The Senate amendment contained a provision adopted during floor debate providing that sections 202, 203, 205, 207, and 208 of title 18, United States Code, shall not apply to a representative of the private sector on the United States delegation to international telecommunications conferences or meetings who is designated to represent or speak for the interests of the United States at such conference or meeting. That provision contained certain other administrative restrictions regarding such representation. The Senate provision provided that for the purpose of this provision ". . . international telecommunications conferences and meetings involving international telecommunications matters shall include but not be limited to conferences and meetings of the International Telecommunication Union (ITU), the International Consultative Committees for Radio and Telegraph and Telephone (CCIR and CCITT), the Organization of European Cooperation and Development (OECD), the United Nations Economic and Social Council (UNESCO), the International Telecommunications Satellite Organization (INTEL SAT), and the International Maritime Satellite Organization (INMARSAT)." This provision will expire one year after the date of enactment.

The House Foreign Affairs Committee reports that, although the provision in question falls within the jurisdiction of that committee, the temporary exemption provided is needed for certain conferences scheduled during the first half of the year. Accordingly, that committee has no objection to the provision in question subject to deletion of the language underlined in the excerpt from the Senate provision.

Thus, the House recedes with an amendment deleting the language in question.

Melvin Price,
Bill Nichols,
Robert H. Mollohan,
Claude "Buddy" Leach,
Vic Fazio,
Bob Wilson,
Donald Mitchell,
David F. Emery,
Managers on the Part of the House.

Sam Nunn,
John Culver,
Robert Morgan,
J. James Exon,
Roger W. Jepsen,
John W. Warner,
William S. Cohen,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Snyder (at the request of Mr. Michael), for Wednesday, February 13, 1980, on account of illness in the family.

Mr. Solomon (at the request of Mr. Michel), for Wednesday, February 13, business.

Mr. Corman (at the request of Mr. Wright), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Dougherty) to revise and extend their remarks and include extraneous material:)

Mr. Bethune, for 60 minutes, today.
Mr. Findley, for 5 minutes, today.
Mr. Rhodes, for 15 minutes, today.
Mr. Derwinski, for 5 minutes, today.
Mr. Frenzel, for 30 minutes, today.
Mr. Porter, for 5 minutes, today.
Mr. Collins of Texas, for 15 minutes, today.
Mr. Rinaldo, for 5 minutes, today.

(The following Members (at the request of Mr. Lowry) to revise and extend their remarks and include extraneous material:)

Ms. Holtzman, for 5 minutes, today.
Mr. Thompson, for 5 minutes, today.
Mr. Cotter, for 5 minutes, today.
Mr. Drinan, for 5 minutes, today.
Mr. Johnson of California, for 5 minutes, today.
Mr. Phillip Burton, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Florio, and to include extraneous material notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $3,930.

(The following Members (at the request of Mr. Dougherty) and to include extraneous matter:)

Mr. Broomfield.
Mr. Derwinski in two instances.
Mr. Paul in seven instances.
Mr. Daniel B. Crane.
Mr. Regula.
Mr. Bafalis.
Mr. Lungren.
Mr. Symms.
Mr. Findley.
Mr. Sensenbrenner.
Mr. Dickinson.
Mr. Dornan.
Mr. Collins of Texas in three instances.
Mr. Madigan.
Mr. Benjamin.

(The following Members (at the request of Mr. Lowry) and to include extraneous matter:)

Mr. Wolff in two instances.
Mr. Vento in two instances.
Mr. Levitas.
Mr. Beard of Rhode Island.
Mr. Charles H. Wilson of California.
Mr. Nedzi.
Mr. Hamilton.
Mr. Florio.
Mr. Dodd.
Mr. Obey in five instances.
Mr. McHugh.
Mr. Clay.
Mr. McDonald.
Mr. Patterson in two instances.
Mr. Bennett.
Mr. Weiss.

Mr. Mitchell of Maryland.

Mrs. Spellman.

Mr. Harkin in two instances.

Mr. Blanchard.

Mr. Moorhead of Pennsylvania in two instances.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMPSON, from the Committee on House Administration, reported that that committee did on February 7, 1980, present to the President, for his approval, bills of the House of the following titles:

H.R. 2440. To provide assistance to airport operators to prepare and carry out noise compatibility programs, to provide assistance to assure continued safety in aviation, and for other purposes; and

H.R. 5176. To establish an independent personnel system for employees of the General Accounting Office.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to a joint resolution of the Senate of the following title:

S.J. Res. 108. Joint resolution to validate the effectiveness of certain plans for the use or distribution of funds appropriated to pay judgments awarded to Indian tribes or groups.

ADJOURNMENT TO TUESDAY, FEBRUARY 19, 1980

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 276 of the 96th Congress, the House stands adjourned until 12 o'clock meridian, Tuesday, February 19, 1980.

Thereupon (at 3 o'clock and 19 minutes p.m.), pursuant to House Concurrent Resolution 276, the House adjourned until Tuesday, February 19, 1980, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3471. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Navy's proposed sale of certain military equipment to France (Transmittal No. 80–27), pursuant to section 813 of Public Law 94–106, as amended; to the Committee on Armed Services.

3472. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on economic relations between the United States and Taiwan during 1979, pursuant to section 12(d) of Public Law 96–8; to the Committee on Foreign Affairs.

3473. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the State Department's intention to consent to a request by the Government of Belgium for permission to transfer certain U.S. origin defense articles to the Government of Indonesia, pursuant to section 3(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3474. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a determination that it would further the foreign policy interests of the United States to provide economic support funds to Zambia, pursuant to section 533(b) of the Foreign Assistance Act of 1961, as amended (92 Stat. 735); to the Committee on Foreign Affairs.

3475. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Navy's intention to offer to sell certain defense equipment and services to France (Transmittal No. 80–27), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3476. A letter from the Administrator, Panama Canal Commission, transmitting a draft of proposed legislation to authorize appropriations for fiscal years beginning October 1, 1980 and October 1, 1981 for the maintenance and operation of the Panama Canal, and for other purposes; to the Committee on Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FOLEY: Committee on Agriculture. H.R. 6285. A bill to amend the Egg Research and Consumer Information Act; with amendment (Rept. No. 96–752). Referred to the Committee of the Whole House on the State of the Union.

Mr. DRINAN: Committee on the Judiciary. H.R. 4257. A bill to help States assist the innocent victims of crime; with amendment (Rept. No. 96–753). Referred to the Committee of the Whole House on the State of the Union.

Mr. PRICE: Committee of conference. Conference report on H.R. 5235 (Rept. No. 96–754). And ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XX, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER (for himself, Mr. Bethune, Mr. Hammerschmidt, and Mr. Anthony):

H.R. 6503. A bill to equalize competition between State and national banks, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs and Small Business.

By Mr. PHILLIP BURTON (for himself, Mr. Sebelius, Mr. Seiberling, Mr. Vento, Mr. Bingham, and Mr. Kostmayer):

H.R. 6504. A bill entitled "The National Heritage Policy Act of 1979"; to the Committee on Interior and Insular Affairs.

By Mr. GAYDOS:

H.R. 6505. A bill to repeal the Federal requirement of incremental pricing under the Natural Gas Policy Act of 1978; to the Committee on Interstate and Foreign Commerce.

By Mr. HANSEN:

H.R. 6506. A bill to restore and promote competition in the marketing of motor fuel by prohibiting the control, operation or acquisition of marketing outlets by petroleum refiners, producers, and distributors, and for other purposes; to the Committee on the Judiciary.

By Mr. HARKIN:

H.R. 6507. A bill to amend the Internal Revenue Code of 1954 to provide for cost-of-living adjustments in the individual and corporate income tax rates, in the amount of the zero bracket amount and the personal exemptions, in the estate and gift tax rates and the amount of the unified credit against estate and gift taxes, and in the amount of certain excise taxes; to the Committee on Ways and Means.

By Mr. HAWKINS:

H.R. 6508. A bill to authorize Federal supplemental employment programs, and for other purposes; to the Committee on Education and Labor.

By Ms. HOLTZMAN:

H.R. 6509. A bill to establish in the Department of Energy an Energy Conservation Bank to provide financial assistance for loans made with respect to solar energy systems and energy conservation improvements in certain residential and small business buildings; to the Committee on Banking, Finance and Urban Affairs.

By Mr. JENKINS (for himself and Mr. Fowler):

H.R. 6510. A bill to amend title II of the Social Security Act to permit a State to modify its coverage agreement so as to exclude services performed in any year by an election official or election worker if the remuneration paid for such services is less than $300 (instead of only if such remuneration is less than $100 as at present); to the Committee on Ways and Means.

By Mr. JOHNSON of California (for himself, Mr. Slack, Mr. Mollohan, and Mr. Rahall):

H.R. 6511. A bill to designate the building known as the Federal Building in Morgantown, W. Va., as the "Harley O. Staggers Federal Building"; to the Committee on Public Works and Transportation.

By Mr. LEWIS:

H.R. 6512. A bill to amend title II of the Social Security Act to make it clear that social security benefits are and will continue to be exempt from all taxation; to the Committee on Ways and Means.

By Mr. McKINNEY:

H.R. 6513. A bill to establish a commission to study the desirability of establishing a single intergovernmental authority to manage and finance the provision of mass transportation, air quality control, water, solid waste disposal, and sewer services in the Washington, District of Columbia, metropolitan region; jointly to the Committees on the District of Columbia and Public Works and Transportation.

By Mr. MURPHY of Pennsylvania:

H.R. 6514. A bill to amend the Powerplant and Industrial Fuel Use Act of 1978 to prohibit the use of oil or natural gas by certain existing powerplants, and for other purposes; jointly, to the Committees on Interstate and Foreign Commerce and Ways and Means.

By Mr. MURPHY of New York (for himself, Mr. Hubbard, Mr. McCloskey, and Mr. Bauman):

H.R. 6515. A bill to authorize appropriations for the fiscal year beginning October 1, 1980, for the maintenance and operation of the Panama Canal, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MURPHY of New York (for himself, Mr. Hubbard, and Mr. McCloskey) (by request):

H.R. 6516. A bill to authorize appropriations for fiscal years beginning October 1, 1980 and October 1, 1981 for the maintenance and operation of the Panama Canal, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. PATTERSON:

H.R. 6517. A bill to amend the Internal Revenue Code of 1954 to provide for cost-of-living adjustments in the amount of the personal exemption and in the individual tax rates; to the Committee on Ways and Means.

By Mr. PREYER:

H.R. 6518. A bill to improve information practices in the insurance industry, to amend the Privacy Act of 1974 to transfer coverage of certain insurance records, and for other purposes; jointly, to the Committees on Government Operations and Interstate and Foreign Commerce.

By Mr. STAGGERS (for himself, Mr. Daschle, Mr. English, Mr. Glickman, Mr. Hightower, and Mr. Steed):

H.R. 6519. A bill to provide for the orderly purchase of the Rock Island Railroad, to provide for the protection of the employees of the Rock Island Railroad who are adversely affected by such purchase, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ULLMAN (for himself and Mr. Udall):

H.R. 6520. A bill to revise requirements under the Federal reclamation laws, relating to acreage limitations, equivalency, and residency, to provide for approval of repayments contracts and written representations, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WAMPLER (for himself and Mr. Grassley):

H.R. 6521. A bill to establish the National Science Council to decide questions of scientific fact which arise in agency adjudications involving restricting the use of certain substances which are primarily used in food production, processing, or marketing and which may be harmful to human health, and for other purposes; jointly, to the Committees on Agriculture, Interstate and Foreign Commerce, and Science and Technology.

By Mr. WAXMAN (for himself, Mr. Carter, Mr. Walgren, Mr. Gramm, and Mr. Leland):

H.R. 6522. A bill to amend the Public Health Service Act to revise and extend the authorities under that act relating to national research institutes, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BEDELL:

H.R. 6523. A bill to amend the Commodity Credit Corporation Charter Act to increase the level of certain secured storage facility loans to growers of certain commodities, to amend the Agricultural Act of 1949 to increase the levels of loans and purchases for the 1979, 1980, and 1981 crops of feed grains, and for other purposes; to the Committee on Agriculture.

By Mr. LUKEN:

H.R. 6524. A bill to amend the Small Business Act to increase the solar energy and conservation loan program authorization; to the Committee on Small Business.

By Mr. THOMPSON (for himself and Mr. Erlenborn):

H.R. 6525. A bill to provide for pension reform for State and local public employee retirement systems, to amend the Employee Retirement Income Security Act of 1974 to promote more efficient and satisfactory management of the functions of the Federal Government relating to employee benefit plans and more effectively carry out the purposes of such act, and for other purposes; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. BRINKLEY (for himself, Mr. Barnard, Mr. Evans of Georgia, Mr. Fowler, Mr. Gingrich, Mr. Ginn, Mr. Jenkins, Mr. Levitas, Mr. Mathis, and Mr. McDonald):

H.J. Res. 498. Joint resolution to recognize the Honorable Carl Vinson on the historic occasion of the christening of the U.S.S. *Carl Vinson*, March 15, 1980; to the Committee on Post Office and Civil Service.

By Mr. HAWKINS:

H. Con. Res. 279. Concurrent resolution to authorize the printing of a revised edition of "Our American Government", as a House document; to the Committee on House Administration.

By Mr. RAILSBACK:

H. Con. Res. 280. Concurrent resolution to encourage the Department of Justice to expedite its criminal investigation of certain Members of Congress; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BIAGGI:

H.R. 6526. A bill for the relief of Son I. Adrianzen; to the Committee on the Judiciary.

By Mr. MITCHELL of Maryland:

H.R. 6527. A bill for the relief of Marvie Joy Willis; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 154: Mr. Howard.

H.R. 736: Mr. McKinney.

H.R. 2400: Mr. Florio, Mr. Wolff, and Mr. Moorhead of Pennsylvania.

H.R. 2401: Mr. Moorhead of Pennsylvania.

H.R. 3245: Mr. Miller of California and Mr. Lundine.

H.R. 3527: Mr. Clausen.

H.R. 4489: Mr. Bereuter.

H.R. 4574: Mr. Pepper.

H.R. 4582: Mr. Boner of Tennessee.

H.R. 4638: Mr. Burgener and Mr. Clausen.

H.R. 4646: Mr. Harkin.

H.R. 6070: Mr. Jones of North Carolina.

H.R. 6094: Mr. Satterfield, Mr. Carter, Mr. Lee, Mr. Stockman, Mr. Archer, Mr. Lederer, Mr. Dougherty, Mr. Runnels, Mr. Clinger, Mr. Devine, Mr. Whitehurst, Mr. Madigan, Mr. Whittaker, Mr. Broyhill, Mr. Montgomery, Mr. Dannemeyer, Mr. McDonald, Mr. Corcoran, Mr. Sebelius, Mr. Moorhead of California, Mr. Lagomarsino, Mr. Mathis, Mr. Leland, Mr. Lott, Mr. Erdahl, Mr. Snyder, Mr. Robert W. Daniel, Jr., Mr. Bedell, Mr. Preyer, Mr. Slack, Mr. Eckhardt, and Mr. Loeffler.

H.R. 6291: Mr. Alexander and Mr. Skelton.

H.R. 6300: Mr. Collins of Texas, Mr. Forsythe, Mr. Duncan of Tennessee, Mr. Edwards of Oklahoma, Mr. Mathis, Mr. Dougherty, Mr. Whitehurst, Mr. Lagomarsino, Mr. Davis of Michigan, Mr. Badham, Mr. Hughes, Mr. Kelly, Mr. Lott, Mr. Martin, Mr. Buchanan, Mr. Hinson, Mr. Devine, Mr. Derwinski, Mr. Hance, and Mr. Bafalis.

H.R. 6316: Mr. Kramer.

H.J. Res. 463: Mr. Ashbrook, Mr. Benjamin, Mrs. Boggs, Mr. Cavanaugh, Mr. Chappell, Mr. Davis of South Carolina, Mr. Dicks, Mr. Ertel, Mr. Ichord, Mr. Kelly, Mr. Maguire, Ms. Mikulski, Mr. Moorhead of Pennsylvania, Mr. Mineta, Mr. Rodino, Mrs. Snowe, Mr. Snyder, and Mr. Jeffords.

H. Con. Res. 225: Mr. Florio, Mr. Lagomarsino, Mr. Harris, Mr. Rahall, Mr. Ginn, Mr. McKinney, Mr. Quayle, Mr. Corrada, Mr. Solomon, Mr. Symms, Mr. St Germain, Mr. Steed, Mr. Roth, Mr. Slack, Mr. Young of Missouri, Mr. Conte, Mr. Hall of Texas, Mr. Aspin, Mr. Stokes, Mr. Pepper, Mr. Frost, Mr. Fowler, Mrs. Snowe, Mr. Whittaker, Mr. Mineta, Mr. Bonior of Michigan, Mr. Bauman, Mr. Bevill, Mr. Kelly, Mr. Porter, Mr. Miller of California, Mrs. Collins of Illinois, Mr. Brown of California, Mr. Dicks, Mrs. Byron, Mr. Stewart, Mr. Bailey, Mr. Hughes, and Mr. Foley.

H. Con. Res. 243: Mr. Frenzel, Mr. Horton, Mr. Pepper, Mr. Stark, Mr. Vento, Mr. Waxman, and Mr. Winn.

H. Con. Res. 262: Mr. Anthony, Mr. Barnard, Mr. Bedell, Mr. Beilenson, Mr. Bevill, Mr. Blanchard, Mr. Bonior of Michigan, Mrs. Bouquard, Mr. Brown of California, Mr. Buchanan, Mr. Clausen, Mr. D'Amours, Mr. Dan Daniel, Mr. Daschle, Mr. de la Garza, Mr. Derrick, Mr. Derwinski, Mr. Duncan of Tennessee, Mr. Eckhardt, Mr. Edgar, Mr. English, Mr. Evans of Georgia, Mr. Evans of Indiana, Mrs. Fenwick, Mr. Forsythe, Mr. Garcia, Mr. Gephardt, Mr. Glickman, Mr. Gramm, Mr. Grassley, Mr. Gray, Mr. Gudger, Mr. Guyer, Mr. Hance, Mr. Holland, Mr. Hubbard, Mr. Huckaby, Mr. Hughes, Mr. Ichord, Mr. Jacobs, Mr. Jeffords, Mr. Jones of Tennessee, Mr. Lundine, Mr. Madigan, Mr. Marlenee, Mr. Mathis, Mr. McClory, Mr. McCormack, Mr. Mollohan, Mr. Murphy of Pennsylvania, Mr. Myers of Indiana, Mr. Natcher, Mr. Neal, Mr. Perkins, Mr. Richmond, Mr. Rose, Mr. Rousselot, Mr. Skelton, Mr. Stangeland, Mr. Stark, Mr. Stenholm, Mr. Stratton, Mr. Stump, Mr. Taylor, Mr. Trible, Mr. Vento, Mr. Volkmer, Mr. Whitley, Mr. Williams of Montana, Mr. Weaver, Mr. Charles Wilson of Texas, Mr. Winn, and Mr. Won Pat.

H. Con. Res. 275: Mr. Hammerschmidt, Mr. Porter, Mr. Marks, Mr. Devine, Mrs. Holt, Mr. Abdnor, Mr. Watkins, and Mr. Mitchell of New York.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3994

By Mr. BEVILL:

—Page 4, line 10, strike out "paragraph" and insert in lieu thereof "paragraphs".

Page 4, line 17, strike out the close quotation marks and the period following.

Page 4, after line 17, insert the following:

"(3)(A) Notwithstanding the provisions of paragraph (1) of this subsection, each waste listed below shall, except as provided in subparagraph (B) of this paragraph, be subject only to regulation under other applicable provisions of Federal or State law in lieu of this subtitle until at least six months after the date of submission of the applicable study required to be conducted under subsection (f), (o), (p), or (q) of section 8002 of this Act and after promulgation of regulations in accordance with subparagraph (C) of this paragraph:

"(i) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels.

"(ii) Solid waste from the extraction, beneficiation, and processing of ores and minerals, including phosphate rock and uranium ore.

"(iii) Cement kiln dust waste.

"(B)(i) Owners and operators of disposal sites for wastes listed in subparagraph (A) may be required by the Administrator, through regulations prescribed under authority of section 2002 of this Act—

"(I) as to disposal sites for such wastes which are to be closed, to identify the locations of such sites through surveying, platting, or other measures, together with recordation of such information on the public record, to assure that the locations where such wastes are disposed of are known and can be located in the future, and

"(II) to provide chemical and physical analysis and composition of such wastes, based on available information, to be placed on the public record.

"(ii)(I) In conducting any study under subsection (f), (o), (p), or (q) of section 8002 of this Act, any officer, employee, or authorized representative of the Environmental Protection Agency, duly designated by the Administrator, is authorized, at reasonable times and as reasonably necessary for the purposes of such study, to enter any establishment where any waste subject to such study is generated, stored, treated, disposed of, or transported from; to inspect, take samples, and conduct monitoring and testing; and to have access to and copy records relating to such waste. Each such inspection shall be commenced and completed with reasonable promptness. If the officer, employee, or authorized representative obtains any samples prior to leaving the premises, he shall give to the owner, operator, or agent in charge a receipt describing the sample obtained and if requested a portion of each such sample equal in volume or weight to the portion retained. If any analysis is made of such samples, or monitoring and testing performed, a copy of the results shall be furnished promptly to the owner, operator, or agent in charge.

"(II) Any records, reports, or information obtained from any person under subclause (I) shall be available to the public, except that upon a showing satisfactory to the Administrator by any person that records, reports, or information, or particular part thereof, to which the Administrator has access under this subparagraph if made public, would divulge information entitled to protection under section 1905 of title 18 of the United States Code, the Administrator shall consider such information or particular portion thereof confidential in accordance with the purposes of that section, except that such record, report, document, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act. Any person not subject to the provisions of section 1905 of title 18 of the United States Code who knowingly and willfully divulges or discloses any information entitled to protection under this subparagraph shall, upon conviction, be subject to a fine of not more than $5,000 or to imprisonment not to exceed one year, or both.

"(iii) The Administrator may prescribe regulations, under the authority of this Act, to prevent radiation exposure which presents an unreasonable risk to human health from the use in construction or land reclamation (with or without revegetation) of solid waste from the extraction, beneficiation, and processing of phosphate rock or the extraction of uranium ore.

"(iv) Whenever on the basis of any information the Administrator determines that any person is in violation of any requirement of this subparagraph, the Administrator shall give notice to the violator of his failure to comply with such requirement. If such violation extends beyond the thirtieth day after the Administrator's notification, the Administrator may issue an order requiring compliance within a specified time period or the Administrator may commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

"(C) Not later than six months after the date of submission of the applicable study required to be conducted under subsection (f), (o), (p), or (q) of section 8002 of this Act, the Administrator shall, after public hearings and opportunity for comment, either determine to promulgate regulations under this subtitle for each waste listed in subparagraph (A) of this paragraph or determine that such regulations are unwarranted. The Administrator shall publish his determination, which shall be based on information developed or accumulated pursuant to such study, public hearings, and comment, in the Federal Register accompanied by an explanation and justification of the reasons for it.".

Page 19, line 12, after "Act" strike out all that follows through the colon on line 13 and insert in lieu thereof the following.
is amended—

(1) by striking out the last sentence of subsection (f) of such section and inserting in lieu thereof the following: "Not later than thirty-six months after the date of the enactment of the Resource Conservation and Recovery Act Amendments of 1979, the Administrator shall publish a report of such study and shall include appropriate findings and recommendations for Federal and non-Federal actions concerning such effects. Such report shall be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives."; and

(2) by adding the following new subsections at the end thereof:

Page 21, line 3, strike out the close quotation marks and the period following.

Page 21, after line 3, insert the following:

"(o) Materials Generated From the Combustion of Coal and Other Fossil Fuels.—The Administrator shall conduct a detailed and comprehensive study on the adverse effects on human health and the environment, if any, of the disposal and utilization of fly ash waste, bottom ash waste, slag waste, flue gas emission control waste, and other byproduct materials generated primarily from the combustion of coal or other fossil fuels. Such study shall include an analysis of—

"1) the source and volumes of such materials generated per year;

"(2) present disposal and utilization practices;

"(3) potential danger, if any, to human health and the environment from the disposal and reuse of such materials;

"(4) documented cases in which danger to human health or the environment from surface runoff or leachate has been proved;

"(5) alternatives to current disposal methods;

"(6) the costs of such alternatives;

"(7) the impact of those alternatives on the use of coal and other natural resources; and

"(8) the current and potential utilization of such materials.

In furtherance of this study, the Administrator shall, as he deems appropriate, review studies and other actions of other Federal and State agencies concerning such waste or materials and invite participation by other concerned parties, including industry and other Federal and State agencies, with a view toward avoiding duplication of effort. The Administrator shall publish a report of such study, which shall include appropriate findings, not later than thrity-six months after the date of enactment of the Resource Conservation and Recovery Act Amendments of 1979. Such report shall be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives.

"(p) Cement Kiln Dust Waste.—The Administrator shall conduct a detailed and comprehensive study of the adverse effects on human health and the environment, if any, of the disposal of cement kiln dust waste. Such study shall include an analysis of—

"(1) the source and volumes of such materials generated per year;

"(2) present disposal practices;

"(3) potential danger, if any, to human health and the environment from the disposal of such materials;

"(4) documented cases in which danger to human health or the environment has been proved;

"(5) alternatives to current disposal methods;

"(6) the costs of such alternatives;

"(7) the impact of those alternatives on the use of natural resources; and

"(8) the current and potential utilization of such materials.

In furtherance of this study, the Administrator shall, as he deems appropriate, review studies and other actions of other Federal and State agencies concerning such waste or materials and invite participation by other concerned parties, including industry and other Federal and State agencies, with a view toward avoiding duplication of effort. The Administrator shall publish a report of such study, which shall include appropriate findings, not later than thirty-six months after the date of enactment of the Resource Conservation and Recovery Act Amendments of 1979. Such report shall be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives.

"(q) Materials Generated From the Extraction, Beneficiation, and Processing of Ores and Minerals, Including Phosphate Rock and Uranium Mining Ore.—The Administrator shall conduct a detailed and comprehensive study on the adverse effects on human health and the environment, if any, of the disposal and utilization of solid waste from the extraction, beneficiation, and processing of ores and minerals, including phosphate rock and uranium ore. Such study shall be conducted in conjunction with the study of mining wastes required by subsection (f) of this section and shall include an analysis of—

"(1) the source and volumes of such materials generated per year;

"(2) present disposal and utilization practices;

"(3) potential danger, if any, to human health and the environment from the disposal and reuse of such materials;

"(4) documented cases in which danger to human health or the environment has been proved;

"(5) alternatives to current disposal methods;

"(6) the costs of such alternatives;

"(7) the impact of those alternatives on the use of phosphate rock and uranium ore, and other natural resources; and

"(8) the current and potential utilization of such materials.

In furtherance of this study, the Administrator shall, as he deems appropriate, review studies and other actions of other Federal and State agencies concerning such waste or materials and invite participation by other concerned parties, including industry and other Federal and State agencies, with a view toward avoiding duplication of effort. The Administrator shall publish a report of such study, which shall include appropriate findings, in conjunction with the publication of the report of the study of mining wastes required to be conducted under subsection (f) of this section. Such report and findings shall be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives.".

EXTENSIONS OF REMARKS

MY CHURCH IN WASHINGTON: LOBBYIST AND POLITICAL ACTIVIST

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mr. DICKINSON. Mr. Speaker, I recently wrote a news column on what I feel to be the misdirected activities and lobbying efforts of some of the national boards and agencies of my church—the United Methodist Church—from its headquarters on Capitol Hill in Washington.

My concerns and the points I want to make on this matter are contained in my column, below. I have also included a news story on the matter that was carried in Washington Weekly on January 22, 1980. I am publishing this material in the RECORD because there are some 70 Members of Congress who are United Methodists who might be interested in my experience.

My collegues might be interested in knowing that the column has been printed by a number of publications around the Nation and that I have received phone calls and a great deal of mail from United Methodist—both laypersons and clergy—supporting and thanking me for taking this stand. I have received support from several Methodist ministers from my district, including my own pastor who is a clergy delegate to the general conference in April.

The question of what are the appropriate purposes, roles, and functions of our denomination's national boards and agencies is of particular importance at this time because the general conference meeting in April will be in a position to examine the current practices and redirect as it sees fit.

The articles follows:

MY CHURCH IN WASHINGTON: LOBBYIST AND POLITICAL ACTIVIST

(By WILLIAM L. DICKINSON)

WASHINGTON, D.C.—Being lobbied by various organizations and interest groups stationed in Washington is a fact of life for members of Congress. I suppose the work of lobbyists is a part of our legislative process. Groups and individuals have a constitutional right to petition government. I welcome the opportunity to hear anyone's point of view on issues coming before the Congress.

Occasionally, however, I am surprised by some groups which lobby—and by the points of view they take and by the authority which they claim to possess. Most recently I received a letter of criticism from the Board of Church and Society of the United Methodist Church. This body is stationed on Capitol Hill in the Methodist Building, which is located across the street from the East Front of the Capitol, between the Supreme Court and the Dirksen Senate Office Building.

The Board of Church and Society stated that they were "disappointed" about one of my recent votes to "limit" Medicaid funded abortions. The letter further stated, "on behalf of *all* United Methodists, many of whom are voters in your District, I urge you, a United Methodist Member of Congress, to evaluate your denomination's thoughtful position on this sensitive issue. . . ."

After examining the traditions and doctrines of my Church, the United Methodist Church, I have determined that no individual Methodist or Methodist organization have the authority to claim to represent all Methodists.

I occasionally receive lobbying visits and/or correspondence from one or more of the national boards or agenices of the United Methodist Church—usually the Board of Church and Society—on social and domestic political issues, and the Board of Global Ministries on matters of national defense and foreign policy. They usually take positions which can fairly be described as liberal-activist in the social areas and usually against defense spending and a strong national defense.

A member of my staff, who is an active United Methodist layman, recently visited the Methodist Building and simply wrote down the titles of offices listed on the building directory. Some are organizations of the Boards and others are coalitions and activities with which Methodist Boards and agencies are affiliated. On December 6, 1979 the list included such offices as: World Peace; Human Relations; Center For Philippine Information; Engage/Social Action; Population Institute; Race and Religion; Religious Coalition For Abortion Rights; Council For A Livable World; Unitarian Universalist Office For Social Concern; Washington Office On Africa; and Impact (a communication network used to generate constituent pressure on Congress and the other elements of government).

The list continues with: The Interreligious Task Force on U.S. Food Policy; Metropolitan Community Church (Homosexual) Women's Division of the Board of Global Ministries; UNICEF Information Center; Handgun Control; Division of General Welfare; Emerging Social Issues; Bread For the World; Department of Economic Life; Department of Church-Government Relations; and others.

I was pleased that the Gay Rights National Lobby, which last year was colocated with the Metropolitan Community Church (Homosexual), had moved to another location.

The Reverend Robert D. Wood is an ordained United Methodist Minister affiliated with "Good News," an organization which describes itself as "a forum for scriptural Christianity within the United Methodist Church." In an article for the July/August 1978 issue of *Good News* magazine, Wilmore, Kentucky, Wood described the Methodist Building as "the nerve center of a vast and complex lobbying effort carried out by employees of the United Methodist Church, often working through a maze of political coalitions."

Reverend Wood lamented that the Washington facilities could provide "a unique opportunity to minister to spiritual needs of highly placed men and women," but was disappointed to find a "secular-political" machine operating in its stead.

I dislike criticizing these organs of my church, but they have departed the spiritual and have assumed the role of secular political organizations working for specific issues which, I suspect, contrary to the suggestion in their recent letter to me, do *not* represent the feelings of ALL United Methodists.

On the contrary, I have many constituents, Methodists and otherwise, who are opposed to abortion and gun control; who are for a strong national defense; free enterprise; a balanced federal budget; and a limit on federal taxes. I have Methodist constituents and others who are opposed to giving Methodist money to narrow radical political coalitions and to foreign terrorist organizations who kill innocent people. I have Methodist constituents who object to their money being used to promote the homosexual life style and questionable methods of sex education for our young such as explicit pornographic films produced by the Board of Discipleship which are described by an outstanding Alabama psychiatrist and Methodist layman, Dr. A. B. Stephens of Columbiana, as "obscene" and "projecting actions and relationships that reject the sacrament of marriage and contradict specific Biblical principles."

I am sure many of my Methodist constituents would be quite surprised and disappointed at what goes on in our Washington headquarters, and I, along with many other United Methodists, yearn for the day when that facility will again provide the spiritual ministry so sorely needed in our nation.

[From the Washington Weekly, Jan. 22, 1980]

"ON BEHALF OF ALL UNITED METHODISTS"

(By Lester Kinsolving)

WASHINGTON.—On October 20, 1979, Alabama Republican Congressman Bill Dickinson voted in favor of a motion by House Majority Leader Jim Wright, D-Tex., allowing Federal funding of abortion in cases "where the life of the mother would be endangered" and for "victims of rape or incest reported promptly" or "an ectopic pregnancy."

Two weeks later, Dickinson, who is an active Methodist layman, received a letter from his denomination's Washington office, next to the U.S. Supreme Court.

"I was deeply disappointed to learn of your recent vote to exclude from eligibility for medicaid funded abortions those women who are victims of rape and incest and long-lasting physical health damage," wrote Charlotte A. Hendee, Program Assistant, Department of Population.

By way of compounding this error, Hendee proceeded—in this form letter sent to some two dozen of the 70 Methodists in Congress—to inform Congressman Dickinson just where the Methodist Church stands on the issue, with quotes from a General Conference resolution and social principles.

As icing on this cake, Hendee added:

"On behalf of all United Methodists, many of whom are voters in your district, I urge you, a United Methodist Member of Congress, to evaluate your denomination's thoughtful position on this sensitive issue."

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

It is not difficult to imagine the national uproar if Monsignor George Higgins of the U.S. Catholic Conference were ever foolish enough to send this kind of letter to Senator Edward Kennedy—reminding him how Pope John Paul II stands on contraception and abortion—and requesting him to vote accordingly, because:

"On behalf of all Roman Catholics, many of whom are voters in your district, I urge you, a Catholic member of Congress, to evaluate your Holy Father's thoughtful position on this sensitive issue."

The Methodist bureaucracy is, apparently, able to do many things which Catholic leaders would never undertake. These include leading the enactment of Prohibition; the current production of sex movies (by the Rev. Ted McIlvenna of San Francisco); the enthusiastic endorsement of the Rev. Jim Jones (by Berkeley, Calif. District Superintendent John Moore, now of Reno) and the defrauding of hundreds of elderly residents of West Coast Methodist retirement homes, for which the denomination is faced with lawsuits exceeding $500 million.

Charlotte Hendee has a master's degree in political science, as well as four years of Congressional experience as a staffer of New Jersey's former Senator Clifford Case.

When asked why she claimed in writing to speak "on behalf of all United Methodists," she smiled and replied:

"I think now that that could have been better written in a different way."

Was this apology sincere enough for her to have written a letter of apology to all of the Methodist Congressmen to whom she had mailed her written rebuke for their Un-Methodist vote?

"I may write such a letter if there is a concensus. I've only heard from Dickinson's office," she replied.

Lobbyist Hendee (who does not have to register—like so many other lobbyists) may be hearing from a number of Methodists besides those Methodist Congressmen whom she rebuked for voting wrong.

In Alabama, Rep. Dickinson's own pastor, the Rev. Thomas Lane Butts of The First Methodist Church of Montgomery, wrote:

"I am a delegate to the General Conference this year (in Indianapolis, April 15-25). One of the big battles that will take place on the floor of the General Conference will have to do with boards and agencies who take authority that does not belong to them . . . Sometimes it seems as if the tail is wagging the dog in some of these boards and agencies."

In Texas, Methodist pastor Johnny Robertson of the First Methodist Church of Rotan, wrote Dickinson that his treatment by the Washington Methodist office is one more illustration of "Methodist money being misused," to lobby for "the private interst of certain members of our boards and agencies who want to use the power of their office to push personal interests."

Rep. Dickinson is like numerous members of Congress in being bombarded by both sides in the abortion issue—one of the great "no-win" controversies in Congressional history.

He has more than once voted against federal funding of abortion (as he did on October 9—which vote evoked Hendee's Nov. 15th indignation). For Dickinson is, on principle, opposed to such federal funding. But he and other members of the House are confronted by Right-To-Life Congressmen who hang anti-abortion amendments upon all manner of unrelated bills.

When Dickinson voted for Majority Leader Wright's rather conservative motion to allow funding of abortion in cases of threat to life, rape, or incest, this was ignored by Methodist lobbyist Hendee. During a tape-recorded interview in her office, Hendee disclosed that she was not aware of Dickinson's vote on October 20th—thus indicating how carefully the Methodist lobby watches legislation. Instead, she revealed:

"We depend a lot on the Religious Coalition For Abortion Rights."

There are in Washington's Methodist Building all kinds of coalitions. In a letter to his constituents, Rep. Dickinson disclosed:

A member of my staff, who is an active Methodist layman, recently visited the Methodist Building and simply wrote down the titles of offices listed on the building directory. Some are organizations of the Boards, and others are coalitions and activities with which Methodist Boards and agencies are affiliated. On December 6, 1979 the list included such offices as: World Peace; Human Relations; Center For Philippine Information; Engage/Social Action; Population Institute; Race and Religions; Religious Coalition For Abortion Rights; Council For A Liveable World; Unitarian Universalist Office For Social Concern; Washington Office On Africa; and Impact (a communication network used to generate constituent pressure on Congress and the other elements of government).

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In an article for the July/August 1978 issue of Good News magazine, Wilmore, Kentucky, The Rev. Robert Wood described the Methodist Building as "the nerve center of a vast and complex lobbying effort carried out by employees of the United Methodist Church, often working through a maze of political coalitions."

Reverend Wood lamented that the Washington facilities which could provide "a unique opportunity to minister to spiritual needs of highly placed men and women," but was disappointed to find a "secular-political" machine operating in its stead.

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On the contrary, I have many constituents, Methodists and otherwise, who are opposed to abortion and gun control; who are for a strong national defense; free enterprise; a balanced federal budget; and a limit on federal taxes. I have Methodist constituents and others who are opposed to giving Methodist money to narrow radical political coalitions and to foreign terrorist organizations who kill innocent people. I have Methodist constituents who object to their money being used to promote the homosexual life style and questionable methods of sex education for our young such as explicit pornographic films produced by the Board of Discipleship, which are described by an outstanding Alabama psychiatrist and Methodist layman, Dr. A. B. Stephens of Columbiana, as "obscene" and "projecting actions and relationships that reject the sacrament of marriage and contradict specific Biblical principles."

The Rev. Mr. Wood, in an article entitled "Our Washington Connection," also reveals that this Methodist lobby has a budget of $739,000 a year; plus income from investments of $995,000 and $1,860,000; plus some $200,000 a year raised from foundations and individuals.

All of this income is tax-exempt, of course, because the United Methodist Church is an organization of which no substantial part is the attempt to influence legislation. Compared to nearly 10 million members in some 25,000 churches, the Washington Methodist lobby is not "substantial."

It is very substantial, however, compared to a number of lobbies (such as Time, Incorporated) which are one-man-operations—but which do not have the umbrella of religion.

[From the Washington Weekly, Jan. 22, 1980]

CONFESSIONS OF AN UNREGISTERED AND TAX-EXEMPT LOBBYIST

WASHINGTON WEEKLY. "How can you speak on behalf of *all* United Methodists"?

METHODIST H.Q. That was probably not the best choice of words to use . . . I'm certainly willing to say that I do not speak for all United Methodists. I *definitely* do not speak for all *United Methodists.* I was speaking from the official position of the church, as issued by the General Conference, which is a body which can speak for United Methodism as is stated in the discipline. (*The Methodist Church's Book of Discipline, or church law.*)

WASHINGTON WEEKLY. But even then, there are Methodists, of course, who may disagree, aren't there?

METHODIST H.Q. Oh definitely. No one disagrees with that point at all.

WASHINGTON WEEKLY. Right. Now have you sent out a letter clarifying this position? That you definitely do not speak for all Methodists?

METHODIST H.Q. Well, when I spoke I really didn't think that was necessary, because I made that clear to Mr. Hardy (Bob Hardy, assistant to Rep. Dickenson) when I spoke with him over the phone.

WASHINGTON WEEKLY. Yeah, but the only thing is that you've sent out a letter—how many Congressmen did you send this letter to?

METHODIST H.Q. It went to the United Methodist members of Congress.

WASHINGTON WEEKLY. Well, that's about 70, isn't it?

METHODIST H.Q. No, it went to those who voted on this particular position. Probably about 20, or 22, or 25.

WASHINGTON WEEKLY. Well, Dickinson felt so strongly about this that he sent it to newspapers all over Alabama—I mean all over his district.

METHODIST H.Q. What was it that he sent? I haven't seen it. (*I provided Ms. Hendee a copy of Rep. Dickinson's column for December 10. She examined it and recalled discussing much of the subject matter with Dickinson's office.*)

WASHINGTON WEEKLY. Since you readily admit that you don't speak for all Methodists, wouldn't it be appropriate if you sent out a letter retracting this?

METHODIST H.Q. We could do that, yes.

WASHINGTON WEEKLY. Well, the question is, will you?

METHODIST H.Q. Yes, I will—if there seems to be a consensus that that's something that needs to be done.

In response to Rep. Dickinson's quote of the unofficial Methodist magazine "Good News" and its description of the Methodist Washington office as a "secular political machine," Ms. Hendee replied: "This board has a mandate through the discipline to carry out what General Conference has legislated." (*She then explained the significance of General Conference, whose directive, she said, must be carried out.*)

Washington Weekly. This is lobbying, isn't it?

Methodist H.Q. I'm not sure what the definition of lobbying is.

Washington Weekly. You've worked in Washington. You're a professional. You know what a lobby is. When somebody says, "There's a lobby working," you have a pretty good idea what the word lobby means, don't you?

Methodist H.Q. Well, I know that the churches are exempt from the lobbying act.

Washington Weekly. They're exempt—but they're still lobbying, aren't they?

Methodist H.Q. They're having dialogue and conversations with Members of Congress.

Washington Weekly. United States Steel does that, don't they?

Methodist H.Q. I imagine.

Washington Weekly. And they're lobbyists. They not only have to pay taxes, but they also have to register as lobbyists and turn in a report of all their activities and expenditures and who they have seen. Isn't that right?

Methodist H.Q. I guess it is, yes.

Washington Weekly. Do you feel, as a Methodist concerned with governmental affairs, that this is fair: that they who are doing the same thing you are doing—they have to (a) pay taxes, and (b) they have to register? When you're doing the same thing they're doing, but you don't have to do either of those two things?

Methodist H.Q. I'm not familiar enough with what the full lobbying laws are to be able to comment on that. I just know that the vast majority of my time is not spent in lobbying.

(After further discussion of just what the word "lobbying" means, we returned to Rep. Dickinson.)

Washington Weekly. As I understand it, on October 30, Congressman Dickinson voted for a bill which would provide Medicaid for abortions in cases of rape, incest or threatening the life of the mother.

Methodist H.Q. He had voted a different way at a different time, yes.

Washington Weekly. Then on November 15th he gets this strong letter. How come?

Methodist H.Q. This was based on a vote on October 9th on the Dix Amendment, on a continuing resolution that was going on at that time.

Washington Weekly. But he changed, didn't he?

Methodist H.Q. I'm not sure. To be perfectly honest, I don't have all of the votes in front of me.

Washington Weekly. Were you sure when you sent the letter?

Methodist H.Q. Yes. . . I did not base the letter on the October 30th vote.

Washington Weekly. Was there a substantial difference between what he voted against on October 9 and what he voted for on October 30? Do you know?

Methodist H.Q. Right off the top of my head, I can't. There have been so many votes on that . . . I wouldn't want to say right now.

Washington Weekly. This is a controversial position, as you know. He'll have the right-to-life people on him for this. When a Congressman votes on October 30th—changes his mind apparently, or finds this a different or better bill—and is supporting the position that the General Conference, at least, has passed—isn't it a little strange that two weeks later he should get a letter blaming him for the position which he abandoned on October 30th? . . . Did you send Dickinson any letter of support for his voting on October 30th for this bill to allow Medicaid for rape, incest, or threatening the life of the mother?

Methodist H.Q. No, I didn't And I think the reason I didn't was because I was not aware of his voting on that. This is just one of the issues I work on. We depend on the Religious Coalition For Abortion Rights.

Washington Weekly. Did they tell you that Dickinson had supported this bill?

Methodist H.Q. On October 30th?

Washington Weekly. Yes.

Methodist H.Q. I wasn't aware of it.

Washington Weekly. Well, if you depend on these people for your information—

Methodist H.Q. Well, not totally.

Washington Weekly. Well, don't you think in a sense that this kind of hurts the effort, if, when the man has apparently changed his position—and you don't acknowledge it? Instead, you go back to a position on October 9?

Methodist H.Q. If he's changed his position, I'd be more than happy to acknowledge that.

Washington Weekly. Well, apparently he did. Because he voted to include Medicaid for cases of rape, incest or threatening the life of the mother . . . but you were not yourself watching this issue but were depending instead on the Religious Coalition For Abortion Rights. And so you missed his vote on this, which was something significant—and apparently they missed it, or they didn't notify you, so you could write him a letter of support?

Methodist H.Q. There could be any number of reasons. This is a real busy place and we don't always get to do all the things we should do. And I regret it, if the man has changed his position, that we didn't give him support for that.

Washington Weekly. This would kind of make him unreceptive to future letters, wouldn't it?

Methodist H.Q. That's a possibility; true.

Washington Weekly. Would you imagine that Dr. Thomas Lane Butts is mad enough to take this up on the floor of General Conference?

Methodist H.Q. I'm sure it will be brought up by someone.●

ALVIN MEALS ON WHEELS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mr. PAUL. Mr. Speaker, Alvin Meals on Wheels, Inc., of Alvin, Tex., has just recently celebrated its first birthday, and I would like to offer my congratulations to this magnificent effort.

Led by Mr. Nema Redding, the program provided 7,000 hot meals to senior citizens, who contribute only what they can afford to the effort.

Sponsored financially by the churches of Alvin, and run by volunteers who belong to the churches, this heartwarming enterprise is an example of "people caring about each other," as Mrs. Redding told the Alvin Sun.

Participating churches include: Alvin Evangelical Lutheran, Apostolic Faith, First Baptist, First Christian, First Presbyterian, First United Methodist, Grace Episcopal, Greater New Hope Baptist, Heights Baptist, Living Stones, South Park Baptist, St. John's Catholic, and Gleaner Church.

Alvin Meals on Wheels will be delivering other services to senior citizens in the future, and on behalf of the entire 22d District, I would like to thank Mrs. Redding and all the churches and their members for their inspiring Christian service.●

THE PANAMA CANAL TREATIES—100 DAYS LATER

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mr. McDONALD. Mr. Speaker, the other day we all received in our office a "Foreign Affairs Memorandum" dated January 1980 from the Department of State assuring us that all is going swimmingly well in Panama with the new treaties. Of course, the Department of State is not advertising any of the difficulties that are being encountered. One of the little difficulties, recently, was getting the mail to our soldiers in Panama.

At this point I would like to insert the response I received from the Department of the Army relative to this incident. Actually, there are other little incidents, and, hopefully, they will remain little, but it behooves those of us who directly represent the people of the United States to see that Americans are not mistreated in Panama at the expense of issuing neat little "Foreign Affairs Memorandums" telling us that all is well. The letter follows:

Department of the Army,
Washington, D.C., January 25, 1980.

Hon. Larry D. McDonald,
House of Representatives,
Washington, D.C.

Dear Mr. McDonald: On behalf of the Secretary of the Army, I am responding to your request of December 5, 1979 for a report on the delivery of military mail in Panama.

Effective October 1, 1979, the responsibility for delivery of mail to both the Armed Forces and the Panama Canal Commission was assumed by the Air Force Post Office (APO) at Howard Air Force Base. This function is consistent with the Status of Forces Agreement with the Republic of Panama.

On October 30, Panamanian authorities at Tocumen Airport, Panama City, directed that Braniff Airlines, a contract courier for mail destined to the APO at Howard AFB, transfer a cargo of mail to GOP postal authorities. Braniff complied, and the mail was delivered several hours later to military authorities at Howard. The mail sacks had not been open. Both Braniff and Pan Am were subsequently directed to deliver APO mail only to U.S. military postal authorities.

On October 31, a Braniff cargo of APO mail was denied entry through Tocumen, and outgoing APO mail was denied exit on Braniff, unless the mail was transferred through GOP channels. The mail was returned to Miami.

The matter was taken up in the Joint Committee on October 31, 1979 but without resolution. The Commander-in-Chief, SOUTHCOM, requested U.S. Embassy officials to protest these actions directly to the GOP. The Embassy did so orally on October 31, 1979 and in writing on November 1, 1979. The Air Force Commander in Panama also dispatched a C-130 military aircraft from Howard AFB carrying outgoing APO mail to

Homestead AFB, Florida. The mail destined for Panama, held in Miami, was delivered via the return flight of the C-130 to Howard AFB.

This method of delivery continued until November 5, at which time military postal officials were again permitted direct contact with contract carriers. Mail is currently moving unimpeded through Tocumen.

The incident apparently stems from a misinterpretation by the GOP of the Treaty article pertaining to U.S. rights of APO mail delivery between U.S. Defense Sites and U.S. Post Offices outside of Panama. The GOP view is that APO Mail should be transferred through the GOP system to and from locations outside Panama, using Panamanian stamps, with attendant transfer fees paid to Panama. We do not agree with the Government of Panama on this issue and believe that the United States is on solid legal ground in its contention that the GOP has no grounds to support its claim to terminal dues and the use of Panamanian stamps on Military Postal System mail originating in Panama. A detailed presentation of the International Postal Principles and the specific SOFA provisions involved in this issue was made to GOP officials on November 9, 1979 by U.S. Postal and APO representatives.

Joint committee representatives and Embassy Officials have arrived at an informal agreement for resolution of this issue. Basically, the arrangement will provide for handling of all mail in the military postal system exclusively by military authorities of the United States. Only U.S. postage will be used on mail originating in the Republic of Panama processed by the military postal system. We have agreed to provide sufficient notice of scheduled commercial carriers to the Republic of Panama in order that a Panamanian postal official may observe the act of delivery. No postal fees will be paid to the Republic of Panama.

Exchange of formal diplomatic notes is expected within the near future.

I regret the tardiness of this reply, but wanted to insure that you had an accurate account of the problem.

Sincerely,

MICHAEL BLUMENFELD,
Assistant Secretary of the Army,
(Civil Works)●

CLEARING UP THE CONFUSION ABOUT NICARAGUA

HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mr. HARKIN. Mr. Speaker, many Members of the House remain undecided whether to approve the administration's $80 million aid package for Nicaragua and Central America. Recognizing that perceptions of the new Nicaraguan Government are still clouded by confusion and doubt, Members of Congress for Peace Through Law has prepared a question and answer brief on the situation in that country. This brief addresses the principal questions raised in Congress and in the press about Nicaragua; its approach to these questions is candid, its responses to them cogent. I believe that all my colleagues will profit by reading this material:

QUESTIONS AND ANSWERS ON NICARAGUA

1. Who runs Nicaragua today?

Many of the levers of power in Nicaragua are in the hands of Marxists, but these are Marxists of various shades: some partial to Cuba and the Soviet Union, others to European forms of social democracy. For example, the nine man directorate of the Frente Sandinista, which led the rebellion against Somoza and appointed the members of the new government, comprises three members from each of the three Sandinista factions. Two of these factions are dominated by Marxists who opposed alliances with other groups during the fight against Somoza, arguing instead for guerilla tactics by peasants and workers; the third favors broad-based coalitions and gradual approaches to social change. Ideological differences among the three factions have been subordinated to the tasks of reconstruction. The ruling junta and cabinet named by the Sandinistas also contain Marxists, but in these bodies they are not dominant. The five-member junta comprises two leftists, one social democrat, and two moderate conservatives; the cabinet includes, among others, an insurance executive, a former economist for the Inter-American Development Bank, and a lawyer who worked for thirty years in the Banco de America, Nicaragua's principal financial organization.

Nicaragua's leaders desire a vigorous private sector for their country; at the same time, they want to turn their economy toward some form of socialism. The example of Yugoslavia will suffice to show that these two desires are not contradictory. Moreover, we need not be offended if Nicaragua's economy turns out to be socialistic. U.S. economic interests in the country are few; the true threat to our national interest lies not in a socialistic economy, but in an increase in Cuban and Soviet political influence. Nicaraguans seem both willing and able to have the first without the second.

2. How have human rights fared under the Sandinistas?

In encouraging contrast to the usual situation under newly-installed revolutionary regimes, the government's respect for human rights has been thorough and consistent—more so, in fact, than that of its people. The few violations that have occurred have been the work of isolated individuals or groups, whose actions the government has openly deplored.

The government has closed down a Trotskyist newspaper, *El Pueblo* but *La Prensa*, the courageous opposition newspaper under Somoza, has remained a forceful critical voice during the first months of the new government. All the independent radio stations which functioned under Somoza continue to do so today, although Nicaragua's two TV stations are now controlled by the government.

Trials for 7000 of Somoza's National Guardsmen began in December. The trials are open to the press, but closed to the public, which, according to the government, is still so outraged at the defendants that public trials could incite violence. All defendants have been guaranteed counsel, and Amnesty International and the Inter-American Human Rights Commission have been invited to send observers. More than 150 of the Guard have already been released, owing to lack of evidence against them, and the government estimates that as many as half of those imprisoned may eventually be set free.

3. How much influence does Cuba have in Nicaragua?

A few Cuban military advisors were with the Sandinistas during the final weeks of the civil war, but there has never been any evidence of Cuban military units in Nicaragua. Since the Sandinista victory, members of the new government and some other Nicaraguans have visited Cuba, and the Cubans have sent doctors, agricultural advisers, and more than 1200 teachers, who will assist in Nicaragua's nationwide literacy campaign. Very likely the Cubans will not arrive with wholly altruistic motives, but the Nicaraguan government insists that it alone will decide where, what, and how long the Cubans will teach. Costa Rica will also provide teachers for this effort, and we could balance Cuba's influence on the campaign by offering teachers of our own.

4. Why did Nicaragua abstain from the UN vote condemning the Soviet invasion of Afghanistan?

Compromise, rather than consensus, motivated Nicaragua's decision to abstain. Some members of the government have privately condemned the Soviet action: these include junta member Alfonso Robelo, Foreign Minister Miguel D'Escoto, and, surprisingly, Minister of the Interior and Sandinista Directorate member Tomas Borge, who is often portrayed as a pro-Cuban, hard-line Marxist. From outside the government, both La Prensa and the Conservative Party have condemned the abstention. Though the abstention disappointed most Americans, it confirmed that the Nicaraguan government is indeed a coalition of diverse ideological bedfellows, undominated by any single faction.

5. Will we offend our friends in Central America by aiding Nicaragua?

Those who argue that, rather than offer aid to Nicaragua, we should support our friends in Central America, overlook the fact that those friends—El Salvador, Guatemala, Honduras, Costa Rica, and Panama—have already offered substantial aid to the new government, including more than $100 million for export credits.

6. What properties has the new government nationalized?

Even before their overthrow of Somoza, the Sandinistas announced they would nationalize the holdings of Somoza and his associates, the banking and insurance sectors, and the mining industries. Upon assuming power, they carried out these nationalizations. No others are planned for the future. In December, the government, conceding that there had been abuses, suspended the decree authorizing confiscation of *Somocista* property.

7. Are Sandinista labor unions and neighborhood defense committees a threat to freedom of expression and organization?

The Sandinistas have indeed begun to form their own labor unions, at times in opposition to those which had survived the Somoza regime. Sandinista unions now make up about two-thirds of all organized labor in Nicaragua.

The neighborhood defense committees, though bearing some resemblance to similar groups in Cuba, are more heterogeneous than their Cuban analogues. All the committees have been working to allocate essential goods and coordinate reconstruction efforts; in addition to these activities, some committees have devoted themselves with what seems excessive zeal to ferreting out old Somoza supporters and other "counterrevolutionaries," while others concern themselves less with politics and more with community activities such as traditional religious celebrations.

8. Are the Sandinistas encouraging guerrilla warfare in other Central American countries?

On the contrary. The Nicaraguan government was instrumental in negotiating the October cease-fire between a new junta and extremist groups in El Salvador. Fears that Nicaragua is attempting to subvert neighboring governments are simply not supported by facts.

9. What about anti-American rhetoric?

Denunciations of American "imperialism" do lard the orations of some Nicaraguans. In general, however, Sandinistas and junta and cabinet members desire cooperation rather than conflict with the United States. The occasional anti-American remarks by certain members of the government are no more an accurate expression of Nicaraguan feelings toward the U.S. than the hostile judgments passed upon the new government by some members of Congress are of U.S. policy toward Nicaragua.

10. Should all our aid money be tagged for private enterprise, or disbursed through private financial institutions or U.S. agencies?

Supporters of such a proposal claim that it would enable the U.S. to verify that aid money is used for proper ends. But the Nicaraguan government has already agreed that at least 60 percent of the funds from the $70 million loan will go to private enterprise. Some members of the Nicaraguan government claim that as much as 80 percent of the country's rebuilt economy will be in private hands. The Nicaraguan business community, which has already endorsed its government's economic plan for 1980, strongly supports the present bill and has requested no additional provisions.●

THE CHURCH IN NICARAGUA

HON. MATTHEW F. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mr. McHUGH. Mr. Speaker, the House will soon consider a bill authorizing $75 million in economic aid to Nicaragua. Some Members remain reluctant to vote for aid to Nicaragua fearing that the Government there may be planning to eliminate all opposition and to establish a Cuban-style totalitarian regime.

A recent New York Times article, however, points out that, in contrast to the usual Marxist model, the Nicaraguan revolution has produced only increasingly friendly relations between church and state. Within the Government, priests serve as Foreign Minister, Minister of Culture, and Minister of Planning; another priest is directing the country's literacy campaign. Outside the Government, church services and religious festivals attract growing audiences, while those Cuban teachers who defy the instructions of their hosts by belittling Nicaraguan religious observances attract only scorn. These developments cannot but encourage all of us who hope for a humane and pluralistic society in Nicaragua.

Mr. Speaker, for the benefit of those Members who may not have seen this important article, I am inserting a copy into the Record at this point.

[From the New York Times, Feb. 8, 1980]

New Nicaragua Regime Recognizes Church's Potent Role

(By Alan Riding)

Managua, Nicaragua.—For the annual religious procession on New Year's Day, Archbishop Miguel Obando Bravo was joined on the podium by two top Sandinist commanders in a gesture aimed at displaying the good relations between the Roman Catholic Church and Nicaragua's revolutionary Government.

But the joint appearance was also symbolic: while the church has given its support to the revolution and several priests hold Government posts, the Sandinist leadership has also recognized the church as an independent and powerful force in Nicaraguan society.

After the New Year's Day procession, attended by 100,000 people, Interior Minister Tomás Borge Martinez, himself a Marxist, even began peppering his speeches with quotations from Jesus. Archbishop Obando, on the other hand, frequently refers in his homilies to Gen. Augusto César Sandino, the nationalist fighter of the 1930's who gave his name to the Sandinist movement.

CHURCH HAS ACCEPTED THE LEFTISTS

In the view of foreign theologians, this is the first social revolution in Latin America in which the church has not been identified with the ousted dictatorship and has been accepted by the leftist victors. After the Mexican revolution of 1910–17, Catholics suffered two decades of persecution. Worship was also discouraged in Cuba after the 1959 revolution.

But the recommendations of the Second Vatican Council (1962-65) and the Latin American Bishops' Conference in 1968, emphasizing the church's mission among the poor, led a significant sector of the Catholic clergy to become active promoters of social reform and even revolution.

In Nicaragua, this change was first apparent among priests, often Jesuits, teaching in private Catholic schools: by the mid-1970's, many of their former students, children of wealthy families, had joined the guerrillas. And as the fight against President Anastasio Somoza Debayle intensified, several priests joined the Sandinists, while others helped organize slum neighborhoods in preparation for last year's successful insurrection.

SEVERAL BISHOPS ARE CONSERVATIVES

The church hierarchy, which still includes several conservative bishops, was more cautious in its pronouncements. But Archbishop Obando would nevertheless do his utmost to avoid appearing in public with General Somoza, and, in January 1977, the bishops issued a denunciation of human rights violations. By June 1979, when the Sandinists had begun their final offensive, the bishops were ready to state that "no one can deny the moral and legal legitimacy" of the insurrection.

During and immediately after the war, relations between the Catholic hierarchy and the Sandinist leadership were difficult. On several occasions during the conflict, Archbishop Obando made statements that the guerrillas interpreted as aimed at preventing their outright victory. And on July 31, two weeks after the collapse of the Somoza dynasty, the bishop issued a pastoral letter warning of the dangers of leftist authoritarianism.

But at the level of priests, the church was participating fully in the revolution. The Rev. Miguel d'Escoto was named Foreign Minister, the Rev. Ernesto Cardenal became Minister of Culture, the Rev. Fernando Cardenal was placed in charge of a literacy crusade and the Rev. Xavier Gorostiaga was given a key role in the Ministry of Planning. Many parish priests, who had collaborated with the rebels, began organizing their communities for the reconstruction effort.

In November, pressed by the activist priests, the seven bishops adopted a more positive stance toward the revolution, with a pastoral letter that endorsed "socialism" and the "class struggle."

"We are confident that the revolutionary process will be original, creative, profoundly nationalist and in no way imitative," they said, "because the majority of Nicaraguans seek a process that marches toward a society that is authentically Nicaraguan and not capitalist, dependent or totalitarian."

Some Protestant sects, which have long been regarded as conservative, also began adjusting to the revolution.

"We believe that Christians can honestly use Marxist analysis without ceasing to be Christians and can thus understand the mechanism of exploitation and domination," five Protestant pastors said in a statement last fall, "just as Marxists can experience faith in Jesus Christ without ceasing to be revolutionaries."

Significantly, the Vatican withdrew its papal nuncio, Msgr. Gabriel Montalva, who had long been identified with the Somoza regime, and replaced him with a young chargé d'affaires, the Rev. Pietro Sambi, who had spent three years in Cuba and believes that the church should plan an active role in the revolution. Father Sambi frequently celebrates mass among slum-dwellers and peasants.

RELIGION PRACTICED WITH FERVOR

The Nicaraguan people as a whole, though devoutly Catholic, appear to have practiced their religion with renewed fervor since the revolution. The preparations for the Feast of the Immaculate Conception on Dec. 8 turned into nine days of celebrations, while Christmas and the New Year's Day procession were both strong popular expressions of faith.

"Certainly there has been a surge of religiosity since the revolution," Archbishop Obando said. "Perhaps people thought the revolution would threaten their religion, so they have rallied around."

Significantly, the presence of 1,200 Cuban teachers has raised church attendance. The teachers were reportedly instructed not to interfere in Nicaragua's customs, but some have angered citizens by scoffing at their Christian beliefs. While these incidents may be isolated, the widely held view that the Cubans are trying to convert people to atheism has prompted a wave of anti-Cuban jokes.

"Well, there is the story of the Cuban teacher living with a peasant family that always said grace before dinner," Archbishop Obando recounted. "And the Cuban said: 'You thank God and look at the food you eat. We thank Fidel and we eat much better food.' Well, the following night, the teacher returned home and the peasant family had already eaten. 'Where's my dinner,' he said. 'Ask Fidel to bring it,' he was told sharply."

But the Sandinists, long accustomed to the presence of Christian revolutionaries in their ranks, have instead sought to emphasize the affinity between revolutionary and Christian beliefs.

CHRISTIAN MESSAGE IS ADOPTED

"Two thousand years ago, a woman gave birth to a child," Interior Minister Borge told a Christmas party given for poor children by the National Police, "and that child's message was, 'Let us love one another.' That message is a revolutionary message. That is the message of the Sandinist revolution."

Similarly, the Feast of the Immaculate Conception was celebrated in all Government offices while Christmas parties were organized by most Sandinist Defense Committees, which are block and neighborhood associations to which everyone is expected to belong.

The Government has nevertheless recognized the independent power of the church. "The church has been critical, but it has criticized from within the revolutionary process," said Comdr. Daniel Ortega Saavedra, a member of the junta. "Its criticism has been constructive."

"You have to remember that the participation of the church in our revolution was exceptional," he went on. "This gives the revolutionary church deep roots in our society. The revolutionary church will survive because it is compatible. What cannot survive is a church that does not understand the revolution."●

TRANSFER OF U.S. TECHNOLOGY BENEFITS SOVIETS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● **Mr. PAUL.** Mr. Speaker, on February 8 the Wall Street Journal carried an excellent editorial on the transfer of technology to the Soviets and other Communists. I urge that each Member study the editorial and rethink our whole policy of subsidizing the transfer of technology. I have introduced a bill, H.R. 3408, that would eliminate all the subsidies such as those made by the Export-Import Bank for the construction of the Kama River truck plant. No action has yet been taken on my bill; instead this House has voted to make Red China eligible for Exim loans and guarantees. Will we ever learn? The articles follow:

[From the Wall Street Journal, Feb. 8, 1980]

Transfer of Technology

When Soviet invasion forces rolled into Afghanistan in trucks built at the big new Kama river plant with the aid of U.S. technology and financing they raised dust in Washington as well as on the road to Kabul.

Everyone has always assumed it to be U.S. policy not to sell the Russians things that might help militarily. Quite obviously, that policy has some serious holes in it. Some are even bigger than the one that allowed sophisticated U.S. equipment to go into the production of diesel engines at Kama River and allotted $153,950,000 in Export-Import Bank financing to enable the Russians to buy all that high-priced hardware. Answers are needed and no one is rushing forward to supply them. Quite the contrary, the Commerce Department, which is in charge of licensing such exports, seems to be intent on keeping the process surrounded by secrecy.

U.S. licensing practices came under fire months before the latest Soviet aggression emphasized the importance of the issue. In May of 1979, Lawrence J. Brady, acting director of the Commerce Department's Office of Export Administration, testified before a House Armed Services subcommittee that the department was not enforcing its own regulations which prohibit the military diversion of U.S. licensed technology. The Kama River plant was cited.

As it happens, the morning of the day Mr. Brady testified, the subcommittee had received CIA confirmation that U.S. technology was being diverted to military use at the Kama River plant. It also received word that the Department of Defense was pressing the Commerce Department to apply the required sanctions.

Mr. Brady's testimony hardly made him a hero with his superiors. In addition to preparing briefs in their own defense—which had the interesting by-product of also defending the Soviets—they set about to destroy his credibility and demote him, or so a later investigation indicates. That investigation, conducted by the Office of Special Counsel, held that the pressures applied to Mr. Brady violated his rights as a civil servant. The Secretary of Commerce was instructed to "restore to Mr. Brady his full duties and responsibilities" and ordered to see to it that "no reassignment, transfer or detail of Mr. Brady be effected without consultation with and concurrence of Mr. Brady and this office."

Mr. Brady enjoyed further vindication when President Carter responded to the Afghanistan invasion by ordering an embargo on further transfers of U.S. technology to the Soviet Union. Nevertheless, he resigned last month, charging that Commerce officials were "trying to find loopholes in the . . . embargo . . . the President has ordered." He said he could not continue to serve officials "who would knowingly improve the military strength of an enemy of this country and would make every attempt possible to cover up these actions."

These are harsh words, quite likely too harsh with fellow bureaucrats given the twists and turns American Presidents have taken on this issue and the attempts they have made to use technology transfer and trade for political leverage with the Russians. No less a tactician than Henry Kissinger played a direct role in granting the Kama River licenses.

But it clearly is time to re-examine this issue and a good way to start would be to cut away the secrecy that has surrounded technology transfer. Commerce has been doing just the opposite by fighting off Freedom of Information suits and other efforts by journalists to find out what companies sold what items to the Russians.

It is most likely the files would show even more serious lapses than the one involving Kama River. Intelligence sources believe that the Soviets could not have installed multiple warheads on their intercontinental missiles as quickly as they have if a U.S. firm had not been permitted to sell them a unique machine that produces high quality miniature ball bearings. Congressional sources, backed by independent intelligence estimates, claim that U.S. technology helped the Russians develop guidance systems and gyroscopes for ICBMs and antisubmarine devices that make U.S. Trident submarines more vulnerable.

This all requires more explanation. It suggests that a new debate is needed on the old question of "linkage," or giving the Russians certain favors in return for concessions elsewhere. It is a matter far too serious to be surrounded by secrecy and coverups. While Mr. Carter is trying to decide where we go from here on technology transfer, it is only fair for the Congress and the public to know where we've been.

[From the Washington Post, Feb. 6, 1980]

Technology of U.S. Benefits Soviets

(By Jack Anderson)

Any suggestion that American officials and businessmen helped the Soviet Union invade Afghanistan would raise cries of outrage from the White House and Wall Street alike.

Unfortunately, it happens to be true.

Both the military trucks and the transport jets that disgorged Red Army troops and supplies in Afghanistan during Christmas week were built with the indispensable technological know-how provided by profit-hungry U.S. firms and approved by high-level U.S. officials.

In an incredible replay of pre-Pearl Harbor days, when American businessmen sold the Japanese war machine scrap metal that later rained down on U.S. and allied troops in the Pacific, we have been selling the technically backward Russians U.S. computers and other sophisticated equipment that have enabled the Kremlin to threaten our economic lifeline in the Middle East.

For years, I have warned against the openhanded giveaway of American technology—the one field in which the United States was clearly miles ahead of the Soviet Union. There was one momentary success: A May 24, 1977, column stopped the shipment to Russia of a Control Data computer, which was more than a decade ahead of the Soviets' own technology.

I also published warnings against the sale of other sophisticated equipment to the Russians, including IBM computers. But the warnings were drowned out by eager corporate salesmen and an administration eager to believe the Russians. The CIA has now learned that the IBM computers were used to build military trucks, which hauled Soviet troops into Afghanistan.

Over the objections of Sen. Henry M. Jackson (D-Wash.) and members of the National Security Council, President Carter personally approved the sale of $144 million worth of sophisticated equipment, ostensibly to be used by the Soviets for deep-well oil drilling. Experts cautioned that the American machinery could easily be converted to the manufacture of antitank ammunition.

To quiet critics of the deal, Carter appointed a special task force of technological experts, headed by Fred Bucy, chairman of Texas Instruments, to study the sale. But it went through anyway.

According to Dr. Miles Costick of the Institute on Strategic Trade, the Russians also acquired their know-how to build wide-bodied jet transports from American firms. The Soviets' technique was simple: "They kept after the three U.S. aircraft firms bidding on a contract to submit more and more detailed information—until the Russians had enough data to build their own planes."

Costick also said the Soviets went so far as to send their technologists to U.S. plants wearing special shoes that picked up traces of the special alloy metals used in construction of American products.

Armored cars and amphibious vehicles produced at the Gorki automobile plant were built with technical assistance from the Ford Motor Co. Truck chassis used for antiaircraft and antitank guns were made at a factory outfitted by U.S. firms.

Submarine detection devices that make our Trident submarine vulnerable were developed with the help of equipment the Russians bought from Geospace Corp. and Litton Industries.

President Carter personally approved the sale of a Sperry Rand Univac 1100/10C computer the Kremlin had been thirsting after for two years. According to intelligence sources who talked to my reporters Vicki Warren and Mark Zusman, the computer is being used to upgrade the Soviets' Backfire bomber.

The Russians originally wanted a super-Univac, supposedly to help Tass in its coverage of the Olympic Games. Administration advisers warned against the sale. After initially vetoing the Soviets' purchase, Carter okayed the sale of a scaled-down version of the computer.

So to give U.S. businessmen a few lucrative contracts, and to promote the now-shredded hope of detente, the United States has given the communists the one thing they lacked in their arsenal of aggression—American know-how.

Scuttlebucks—The White House is mulling over a proposal by Rep. John Murphy (D-N.Y.) to close all U.S. ports to Soviet merchant ships—an economic sanction that would hit the Russians hard in the pocketbook. A CIA analysis estimates that in 1977 the Soviet merchant fleet earned nearly $1 billion in hard currency for the Kremlin—second only to the income from oil, gold and timber sales.●

GASOLINE SHORTAGES AND TOURISM

HON. EDWARD P. BEARD

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mr. BEARD of Rhode Island. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following statement by John J. Gaines, executive vice president of the Narragansett, R.I., Chamber of Commerce concerning the effect of gasoline rationing and high gasoline prices on the business of tourism at this point:

STATEMENT BY JOHN J. GAINES

We wish to thank those responsible for calling these meetings throughout the country. Such meetings really give us in the business of tourism an opportunity to tell the decision makers the effect that gasoline rationing and high gasoline prices have on the business of tourism.

When we endured the long gasoline lines and stations closings during the latter part of July 1979, the Narragansett tourist business suffered a loss of 20-30 percent. Unfortunately, all of this happened when tourism should have been at its highest.

We bring to your attention the fact that business in Narragansett is marginal at best for those directly or indirectly involved in the business of serving tourists.

The resort business in our town depends on 123 tourist days—May 15th-September 15th. Business survival during the remaining 242 days is a most challenging problem.

Last October the Narragansett Chamber of Commerce publicized the fact that Narragansett businesses pay 17 percent of all Narragansett property taxes. The assessed value of our businesses was $22,791,225 in 1978. This resulted in businesses paying taxes in the amount of nearly $1,000,000.

There are only two businesses in the town of Narragansett—tourism and commercial fishing—both depending on the use of gasoline. Obviously, decisions made regarding gasoline rationing and gasoline prices not only affect their businesses, but has an effect on the economy of the town. It also affects Rhode Island sales tax revenues.

We noted in the statement from the Department of Energy entitled "Department of Energy sets national gas targets for 1980" that Rhode Island in the first quarter of 1980 would be 23.2% against the same quarter in 1979 of 25.2%, a reduction of 2%. At this time we just don't know what this 2% reduction means in terms of gasoline supply. Of course, we are greatly concerned with what the second and third quarters will be. This uncertainty cannot be viewed with optimism and it does have a stultifying effect on business planning and investing to service tourists during the 1980 vacation season. We suggest that the allocations be higher during the vacation season as adjustments could be made in the annual allocation.

In studying the targets for 1980, we urge the Department of Energy to consider the damage that has already been inflicted on our businesses as gas prices continue to rise at the present level of $1.14 per gallon. Where these prices will be during the summer months of 1980 and later only the oil companies and the OPEC nations know. It appears that the high price of gasoline represents forced conservation. This may be the only answer. We need to conserve gasoline. It is noted that during November, the number of gallons of gasoline pumped to stations was down 8.4%. This represents rationing in its truest sense.

Reading highlights of the Energy Conservation Act of 1979, we note that conservation targets are being developed for the average motorist to conserve.

The chamber of commerce of Narragansett will cooperate in the national interest to conserve energy.

We endorse the following recommendations as outlined in your paper—

I. Measures to reduce gasoline lines:

A. Minimum sales requirement;

B. Regulations on purchase of gasoline for auxiliary storage;

C. Staggering and posting of station openings;

D. Flags for gasoline availability;

E. Public information campaigns; and

F. Transportation control measures.

Supplementing paratransit and mass transit, we approve, but, of course, more directly concerns metropolitan areas. In regard to the recommendation on the odd/even day plans, although we found this idea helpful during the gas crunch last summer, we would hope that this could be avoided as it has an adverse effect on travelers who would come some distances from their homes. The uncertainty as to whether they could buy gasoline on Tuesday or Wednesday is not the most desirable situation.

II. Emergency conservation efforts.

Only under the most difficult circumstances would we agree with the curtailment of State and local government gasoline consumption plans. Carless days would also come under the category of an emergency situation.

We wholeheartedly approve the mass transit and carpool efforts, especially the carpooling efforts which we believe should have been a part of the American scene for many years.

The strict enforcement of 55 mph speed limits should be encouraged. Further study must be made before we could approve the 45 mph limit as suggested in the paper.

It would be most helpful if businesses not only in Narragansett or Rhode Island, but all over the country, had a more specific idea of where we are going now and in the future. We do need definitive decisions.

We believe that the following questions should be answered by the Department of Energy as they deeply concern our businesses.

1. What is the possibility that long gasoline lines will once again appear?

2. What plans does the government have to put a lid on gasoline prices?

3. When will the Department of Energy have definitive plans to improve the supply of gasoline?

In conclusion, we assert that inflation, that includes the high cost of gasoline and oil, and the possibility of rationing these items, all make it nearly impossible for businesses to plan expansion either for capital or operating costs. We hope that this panel will communicate the desperate need to continue our tourist business. It is a fearful thought, when we realize that America since the turn of the century prospered because of cheap energy. Does this fact mean that the present high and ever increasing energy costs will end this prosperity causing the loss of businesses and jobs? Thank you.●

A TRIBUTE TO THE GRASSROOTS POLITICAL VOLUNTEERS

HON. L. A. (SKIP) BAFALIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mr. BAFALIS. Mr. Speaker, in this critical election year politicians of all persuasions are encouraging an increased level of citizen participation in the political process. One group of citizens across this land that has become involved at the grassroots level and which gives thousands of hours of volunteer time with little recognition and no compensation consists of the precinct committeemen and committeewomen of the two major parties. Literally thousands of these concerned citizens give of themselves to insure that our political system functions as best it can.

Recently the Fort Lauderdale Sun Sentinel ran an editorial paying tribute to the efforts of these committeemen and committeewomen and encouraging others to offer themselves for these responsibilities. Because of the importance of the work these people do, I felt it worthwhile that this bipartisan message be shared with my colleagues and all those who read the CONGRESSIONAL RECORD.

COMMITTEE MEN AND WOMEN HELP MAKE POLITICAL PROCESS WORK

With Palm Beach County's unemployment rate at 5.9 percent, you'd think that any job openings would be snapped up quickly.

But two major local organizations are having trouble filling 210 vacancies.

These jobs carry a four-year contract and require a fair amount of hard work to do properly. If done well, they serve a vital function. But if you're incompetent, want to goof off or not even show up for work, the chances are you'll still keep the job.

There's only one drawback: no salary.

The job title is Palm Beach County Democratic or Republican precinct committeeman and committeewoman.

If you want to become an elected official, get in on the "grassroots" level of politics, and help your party and its candidates to victory, this is the place for you.

Unfortunately, political apathy scored a victory the other day when qualifying time closed for these positions. Of the 80 Democratic positions available, nobody qualified to run for 19. A total of 33 people are unopposed and will take office without an election. There are 28 contested seats, and candidates will be on the ballot March 11 for selection by Democratic voters.

The turnout was also bad on the Republican side, where candidates filed for only 93 of the 130 seats. A total of 84 candidates are unopposed, and only nine seats will be contested on the ballot March 11.

The parties often can't find enough people willing to fill these jobs, and the reasons are easy to find:

First, to do the job right requires a lot of work with no pay. With a poor economy, people are often unwilling and unable to take on outside activities.

Committee members are supposed to pass out political literature, help raise money, encourage voter registration, get out the vote on election day and meet collectively to conduct party business. Some members take the job seriously, while others like the title without the responsibility.

Second, committee members wield virtually no political clout, as they do in other states. The governor has eliminated patronage from state appointments, and local party committee members no longer have any say about which officials the governor will appoint.

But the most unfortunate reason for low participation is that many voters feel they can't trust either political parties or politicians, and want no part of them. So they just drop our of politics and refuse to have anything to do with it.

They are making a serious mistake. No matter how sick you are of politics, you are in it . . . because everything that goes on in this world, almost every aspect of your life, is regulated or guided or affected in some way by political decisions.

The failure of large numbers of people to take part in politics means that a handful of people can keep control, even though they may not be representative of the wishes of the majority of voters.

Although it's too late to run, anyone wishing to serve in a vacant committeeman or committeewoman spot should contact local GOP or democratic officials for possible appointment.●

BELATED HAPPY BIRTHDAY

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I would ask that my colleagues would join me in a belated happy birthday to the Fraternal Order of the Eagles who celebrated their 82d anniversary on February 6 of this year.

The Eagles are an organization engaged in social services, following their credo "To make human life more desirable by lessening its ills and promoting peace, prosperity, gladness and hope." Among their members are both President Carter and Vice President Mondale.

In commemoration of the Eagle's 82d anniversary, I would like to include in the Record a word portrait of the Eagles, prepared by Dan Splain of Pittsburgh.

In doing so, let me extend my best wishes to all Eagles and express my continued support for their good works.

The article follows:

A Word Portrait of the Fraternal Order of Eagles

(By Dan Splain)

Nine days before the explosion of the battleship Maine in Havana Harbor touched off the Spanish-American War, six lonely vaudeville troupers strolled to Moran's Shipyard on the tideflats of Seattle to form the Order of Good Things on February 6, 1898. The purpose of the organization, as its first President, John Cort later related was "to make human life more desirable by lessening its ills and promote peace, prosperity, gladness, and hope."

In February, 1980, in a new wonder age of atoms, missiles and moon walks, the far-flung Organizations that sprouted from the Seattle seedling—The Fraternal Order of Eagles—celebrates today the 82nd Anniversary of its founding, changelessly devoted to the same ideals proclaimed by its founders. Today, the Order embraces over 1800 Aeries in the Continental United States, Alaska, Hawaii, the Philippines, the Dominion of Canada, the Republic of Mexico, and England.

Possibly not in their fondest predictions did the pioneers of the Fraternity envision such tremendous growth. But the universal hunger for friendship and brotherhood struck a responsive chord as the theatrical men played in other cities throughout the nation. New Aeries were formed rapidly in the Pacific Northwest. Cort was elected first Grand Worthy President of the Order.

The Order was, and remains to this day, the Fraternity of the Common Man. From mill, mine, and factory mainly, from the professions, and from public life, from America's melting pot, the Eagles derived their strength, a typical cross-section of the Nation. Several years ago, Collier's Magazine, in preparing an article about the Eagles, sent their writer to the local Aerie in Cedar Rapids, Iowa. He asked a spokesman to define the Eagles. He struck this response: "You want to know who the Eagles are—I'll tell you. We're the crowd everybody gets lost in."

However, not all Eagles are "lost in the crowd." Six Presidents of the United States have been Eagles: Theodore Roosevelt, Warren G. Harding, Franklin Delano Roosevelt, Harry Truman, John F. Kennedy, and the incumbent President Jimmy Carter and Vice President Walter Mondale. The late Chief Justice of the Supreme Court, Earl Warren was a brother Eagle. Monsignor Flanagan of Boys Town was a Past President of the Omaha Aerie of the Eagles. So was Father Elwood Cassedy, founder of Home on the Range for Boys; as his successor, Father William Fahnlander. Former Governor Lawrence of Pennsylvania helped found the Pennsylvania State Aerie in 1912, along with Congressman John Morin, who himself served the Order as Grand Worthy President. World War II and Korean air ace, Francis Gabreski (Col. Ret. USAF) is a life member of Oil City Aerie No. 283. J. Edgar Hoover, the late FBI Chief, was a brother, too. The list in infinite. Eagles are people, famous and obscure, mighty and humble, great and small.

Among those who have stood out from the crowd are the career Eagles themselves. There was Con Mann, the hearty Dutchman from Milwaukee, who piloted the Fraternity to a position of national prominence in the early part of this century. Then there was Frank Hering, silver haired orator from Notre Dame University, who made the first known plea for the observance of Mother's Day and later served the Eagle Magazine as its editor for many years. Among contemporary leaders are Wisconsin Supreme Court Justice Robert W. Hansen, who served the Order twice as its International President; Leo Lentsch, present International President, who travels the crossroads of the Nation garnering support for Eagle Programs, and Maurice Splain, Jr., Grand Aerie Membership Department leader who cares for the membership growth of the Fighting Fraternity.

In the three decades from 1910 to 1940, the burgeoning Order acquired a new title, "the Fighting Fraternity." In those years, the Eagles were in the vanguard of social legislative progress, moving courageously, fighting for changes to insure a more secure life for the people of America. In 1911, in Missouri, led by an Eagle Jurist, Edward Everett Porterfield, the Order sponsored the first Mother's Pension Act. A year later, in Wisconsin, Eagles rallied 'round a young Eagle and labor lawyer, Daniel Webster Hoan, later Mayor of Milwaukee, to enact the first Women's Compensation Act. A few years later, the Eagles began to demand elimination of a national scourge—the poorhouse. The Rubicon was crossed in 1923, when the Montana legislature passed the first Old Age Pension Law of the nation, sponsored by prominent Eagle legislator, Lestor Loble, who later became the Order's Grand Worthy President.

The Order successfully campaigned for similar laws in the majority of the states. On the national front, the Eagles launched a historic campaign for a national Social Security Act, and spent more than a million dollars for printed materials to publicize and popularize the measure. In signing the Act, President Roosevelt invited an Eagle delegation to the White House and presented them with one of three pens used to sign the Act into law, In so doing, Roosevelt stated, "The pen I am presenting to the Order, one used to sign the Social Security Act is a symbol of my approval of the Fraternity's vision and courage."

High in the achievements of the Order is the national Mother's Day observance. Back in 1904, in February, Frank Hering, a Notre Dame professor and football coach, gave the first public plea for a Mother's Day observance at an Indianapolis Aerie meeting. Inspired by Herings address, Eagle Aeries began sponsoring Mother's Day programs annually long before Congress set aside the second Sunday in May as a day reserved for the yearly tribute.

The Eagle story reserves a prominent chapter for the youth of America. With youth programs, junior sports, teen-age dances, youth centers sponsored by hundreds of Aeries, the building of the citizens of tomorrow is an ever paramount project of the Order. The crowning effort in this field came in April, 1941, when the Fraternity dedicated the Eagle Dormitory at Father Flanagan's Boys Town in Nebraska.

When World War II arrived, the Eagles conceived their famed Memorial Foundation, a trust fund created by donations of Aeries and their Auxiliaries, to provide physical welfare services and college education for the children of the Eagle war dead. This foundation was later expanded to include survivors of Korean and Vietnam War dead, and Eagle police and firemen killed in the line of duty.

While significant national campaigns have always characterized Eagle activity, the "grass roots" strength lies in the local Aeries and Auxiliaries. Their civil and benevolent contributions have been generous and frequent. Blood banks to save lives, an iron lung purchased for a young polio victim, Aerie quarters provide for a teen-age center, a Christmas Party for the underprivileged kids in the community, funds for a city youth playground, donations, to the Red Cross, the Community Chest, and other community services and programs is but a part of the magnificant benevolence of the Fraternal Order of Eagles. No accurate accounting of the total spent by local Aeries and Auxiliaries for charitable purposes has ever been kept, but no doubt, over the years, it would run into staggering millions, and in terms of human happiness and betterment, the amount is above the monetary realm and measured only in terms of the human heart.

In the 1950's the Eagles set their sights on new goals to "make human life more desirable." During that decade, the Eagles raised over one million dollars for the Damon Runyon Cancer Fund, prompting the fund's founder, Walter Winchell, to write in his nationally syndicated column that the Eagles are "the Santa Claus of the Damon Runyon Cancer Fund." The Eagles donation of $25,000 for the entrance to the Chapel of the Four Chaplains at Philadelphia, memorializing the four chaplains of three faiths who gave their lives in World War II aboard the U.S.S. Dorchester, bespeaks the Order's zeal for brotherhood and inter-faith unity. Distribution of thousands of scrolls of Ten Commandments to schools and courts, and presentation of the Ten Commandment granite monoliths to many American cities, stresses the Eagles' concern for moral and spiritual values.

Late in 1959, the Organization began construction of a retirement home for senior citizens who are Eagle members. The home, in Bradenton, Florida, today boasts 75 units, a library, a lake well stocked for fishing and a large recreational hall. The Eagle Village, as the retirement facility is called is self-governed by a Mayor and Council elected by the Residents.

In cooperation with CARE, the international relief organization, the Eagles have constructed over 30 Eagle-Care Houses throughout the world.

In the decade just past, the Eagles founded the Max Baer Heart Fund, named after the late Eagle Heavyweight Champ, which has donated over $4,000,000 for heart research in the ten years of its existence. The Eagles have now founded the Eagles Cancer Fund which has raised over $4,000,000 supplementing the amount contributed to the Damon Runyon Cancer Fund. Just over ten years ago, the Eagles founded the Jimmy Durante Children's Fund to contribute funds for research into the catastrophic diseases of childhood. Durante, for whom the fund is named, was an active supporter of Eagle programs until his death in January.

Six years ago, the Organization initiated the "Golden Eagle Program", a three pronged attack on the problems of our aging citizens. The goal of the program is to add years to live and life to the years of the world's senior citizens in three ways: 1) by sponsoring and supporting legislation that will permit our aged to live in dignity and self-respect; 2) by establishing within 3200 local Eagle units, Retired Eagles Activities Clubs (REAC) to permit older Eagles and their families to participate in programs of their choosing and to offer their aid and counsel to younger Eagle leaders in the management of their club facilities; and 3) the establishment of the Golden Eagle Fund, to raise and distribute funds for gerontological research.

The Eagles are also responsible for legislation protecting the over 40 worker from job discrimination because of age.

The latest Eagle programs are "Hometown, U.S.A."—a campaign to make our hometowns of America just a little better for you and me, and the "Home and Family Program" designed to strengthen the home and family as the basic unit in our society.

The Fraternal Order of Eagles, with virility and vision, is just beginning to flex its muscles with over 3200 Aeries and Auxiliaries continuing the work started by six men on a Seattle waterfront 82 years ago.●

OF AFGHANISTAN AND TEENAGERS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mr. PAUL. Mr. Speaker, Mr. Richard Feagler, columnist for the Cleveland Press, wrote a most eloquent essay on Afghanistan and his teenage sons. As we consider reinstituting registration for the draft, I would like to call this essay to my colleagues attention. There are many. many parents who—rightly—feel as Mr. Feagler does.

[From the Cleveland Press, Jan. 26, 1980]

Of Time and the Rivers, and Two Teen-Age Sons

What you do, if you've got two teen-age boys, what you do is you go to the old hutch in the family room where the set of encyclopedias is kept.

It isn't much of a set of encyclopedias. My wife got them at a supermarket a year or so ago. Each week she got a different volume. She missed the "Z's" though. The offer ran out before we got to the "Z's."

Things, I'm sure, are better in the Pentagon. I imagine that in the Pentagon, if they want to look something up they have rooms full of people responsible for each letter in the alphabet. They have filing cabinets and computers and linguists who can tell them how you say "incursion" in 76 different languages.

All I have is a small set of Funk & Wagnalls with a piece missing. Fortunately, I don't need the "Z's." The very first volume is what I am after. Volume One. A to AMERI.

Afghanistan is on page 206. On the facing page is a color picture of a bus. "Afghanistan, Plate 1. Traditional artwork enhances 20th Century machinery as strikingly shown in this bus used for long-distance travel. Such elaborately decorated buses are frequently seen in the Afghan countryside."

That is very interesting, but not what I am after. I don't know really what I am after. I am responding to a vague sense of responsibility that comes these days if you've got two teen-age boys.

I would like to know the names of the rivers in Afghanistan. I see one is called the AmuDar'ya, known in ancient times as the Oxus. Then there is the Kabul, the Indus, the Helmand. I have never heard of any of them before. The question is, will I be reading about them in the papers next month? Next year?

On page 213, there is a familiar sight.

"A gigantic representation of Buddha, carved into a cliff of the Hindu Kush range is a reminder of the religious past of Afghanistan," a photo caption says. "The figure is part of the ruins of an ancient Buddhist monastery recently uncovered during excavations at Bamian."

Ah, yes, Buddhists I have seen before. Vietnam had Buddhists. Had Buddhists and rivers that got mentioned in the newspaper. Even had 20th Century machinery enhanced by traditional artwork—slogans painted in white on the sides of tanks and on the noses of helicopters.

The principal export of Afghanistan is Karakul skins, sent chiefly to the United States. I wonder what the hell we do with them. My curiosity at the moment, however, lies chiefly with the principal import. I mean besides Russians. I want to know if the principal import of Afghanistan could some day be my boys. But I can't look that up in my Funk & Wagnalls.

Time magazine troubles me. Time magazine is sounding rather warlike these days. So is Jimmy Carter but that, maybe, I can chalk up to the election year. It is Time magazine that bothers me more. It tells me that things are getting pretty grim about Afghanistan.

My God! Afghanistan! Who the hell even knew where it was a couple of months ago? It is time, I gather, for a father to interest himself in such matters as Karakul skins and cities like Kabul and Kandahar. I have never received a letter from Kandahar. Would it be un-American for me to suggest that I don't want any son of mine writing me from Kandahar?

It probably would. I don't think of myself as un-American. I think of myself as very American. I have come to believe in the free enterprise system of investment and return.

I do not believe, for instance, in risking my life or the lives of my sons. Vietnam taught me better. You do not risk your life because it is all the capital you have. This is not sound business.

You might, I believe, invest your life. You might invest it if there was a promise of good return. The last war we fought was a lousy investment. It left better than 50,000 of us totally bankrupt, which is to say, dead.

What was the return? Well, we got a stamp out of it. In the post office a month ago I saw a sign advertising Vietnam commemorative stamps. I bought 10 of them. I put them on letters that went to the car insurance company, American Express. The last one I used to mail my dues payment to the Thirteenth Street Racquet Club. That took care of $1.50 worth of commemoration.

Time magazine tells me that we are a united people now, ready to take up arms in a good cause. I have taken up a volume of my supermarket encyclopedia at midnight with my boys asleep upstairs. I have learned the names of rivers, cities and mountains.

I am calm and I am not a pacifist. I feel that I can kill the man who lays a hand on my son in exchange for a book of stamps. Time magazine should note this. Anybody interested should note this.●

THE JANESVILLE MANIFESTO—REGULATIONS ERODE AMERICAN IDEAL

HON. ELLIOTT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mr. LEVITAS. Mr. Speaker, I want to bring to the attention of every Member of Congress an editorial which ran in the February 11, 1980, Washington Star. This editorial is based on a survey by the White House Regulatory Council on the perception of Government regulations of the people in Janesville, Wis.

The findings of the report are very revealing, Mr. Speaker. The people of Janesville resent the increasing role that regulations play in their lives, and they view this as a deviation from our fundamental principal of government by law. The report seems to confirm what I have said all along—that there is a difference between government by law and government by regulation, and the people know it.

The significance of Janesville is that its people are about as close to being average Americans as you can get. This is not a group that would have any unique reason for complaining about regulations. They are not representatives of the special interest groups that are supposed to be associated with the fight against overregulation. Janesville was selected for the survey because the Regulatory Council expected their views to be typical of those held by people throughout the Nation.

Janesville clearly understands that the vast majority of our laws are now written by unelected, unreachable bureaucrats, and that the people have no representation in this portion of the lawmaking process. The people of Janesville understand this for what it is: A form of disfranchisement that makes their votes worthless in influencing an ever-increasing portion of the law that regulates their lives. They know that the real danger of increased reliance on rules and regulations is that this reduces the ability of the people to control the government.

As the Star warns us in its editorial, if the people come to feel that they have no voice in decisions regarding regulations, they may turn away from representative democracy altogether. Mr. Speaker, the people will not have a continuing voice in the regulatory process until Congress decides to make these regulations subject to congressional review and veto. We are the people's voice in these matters, and we have shirked our responsibility. We have an obligation to correct that situation.

As I have said before, we can correct it by passing legislation to give Congress authority to review regulations and veto them if necessary. My bill to give Congress this authority, H.R. 1776, has over 230 cosponsors. It is pending before the Committees on Rules and the Judiciary. I think it is time that this Congress had the opportunity to consider H.R. 1776. The Janesville report indicates that the people feel it is past time.

I am including the text of the Star's editorial. I hope every one of my colleagues and the administration will consider its message carefully:

[From the Washington Star, Feb. 11, 1980]

Janesville—Loud and Clear

Pastoral though the name sounds, "Janesville" would make a chilling and effective battlecry for a presidential candidate.

Janesville is a small city in southern Wisconsin. It is the focus of a report for the White House Regulatory Council on how federal and State regulations are viewed by those upon whom they land. Unkindly, in a word, according to a draft of the report now being circulated within the administration for comment.

"With a median family income of almost $20,000 a year, a population [55,000] shift of only 1 percent per year, and more than 65 different manufacturing concerns, the reaction against regulation seems surprisingly strong," writes Paul Danaceau, the consultant who did the report, "especially since regulation does not seem to have caused any overwhelming hardships on the city as a whole or on any individual business."

What regulation *has* done, the report deduces, is to corrode a cherished national notion: ". . . The image of America as a government of laws may be giving way to an image of America as a government of regulations." Edicts, mandates, compliance requirements, rules and orders and directives flutter and drift over the landscape, often as not obscuring reality and perspective, a good many Janesvillians seems to think.

The result, according to the study: First, people in business, labor and city government often see little connection between the activites regulation has imposed on them and the goals regulation is supposed to achieve. Second, lawyers, accountants and regulators are judged to be the primary beneficiaries of government regulation. Third, there is a growing sense that regulation has saddled smaller communities with the burden of responding to problems that are occurring elsewhere. Fourth, criticism of regulation frequently is directed at State government and not just at the federal government. Fifth, regulatory agency employees are accused of transforming the regulatory process into an adversary proceeding.

The report cites disconcerting chapter and exasperating verse of inflexible and even a nonsensical application of federal and State decrees. The author has come away from his study of Janesville with something less than a song in his heart.

"For a growing number of people, regulation has become either their first or most frequent direct contact with government. If they feel the regulatory process ignores them; if they believe they have no voice or influence in decisions regarding regulations; and if they are convinced that those empowered to correct this situation have chosen not to do so, the result may be far more serious than turning people way from regulation. It could also turn them away from representative democracy."

A far-fetched conclusion, the zealous statists no doubt will respond—the cranky reaction of those too short-sighted or perverse to understand that the sociological policies of much of modern government are good for what ails them. These advocates of government by bureaucracy are not singing loudly in today's climate, but by their works they are known. The pervasiveness of regulation and the skepticism about it may be, as the Janesville study suggests, leading to a dangerous cynicism that is not far from becoming a clear and present danger. Increasingly, regulatory enforcement is regarded more as authoritarian than authoritative.

The final Janesville report is expected to be released in a few weeks. It will be interesting to see if the apprehensive conclusions are softened during the draft's passage through the executive branch. It will be more interesting to see if one or more of the bustling presidential candidates embraces it as a theme. If that happens, as we hope, the report could be a significant document.●

THE 10-5-3 STATEMENT

HON. CHRISTOPHER J. DODD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13. 1980

● Mr. DODD. Mr. Speaker, I would like to express my support for H.R. 4646, the Capital Cost Recovery Act, sponsored by Representatives Jones and Conable. This bill, by simplifying and accelerating depreciation schedules for commercial structures, equipment and vehicles, will provide a much-needed incentive for enterprises to modernize their equipment, thus increasing their efficiency and overall capacity.

While this bill will be of great importance to much of our heavy industry, it will also provide a needed infusion of capital into the small business sector, which is presently in the forefront of both innovation and job creation. From 1969 to 1976, 9 million new jobs were created by small business. The innovation taking place in the high-technology "venture capitalist" sector is having a favorable impact on our world trade balance; over half of their sophisticated products are exported

Since the midsixties, the U.S. economy has faced an inflationary spiral that is seriously undermining the confidence of consumers and businesses alike. Starting during the Vietnam buildup, this inflation continued even as the war wound down, and was exacerbated by worldwide increases in the price of raw materials, particularly oil. Except for a brief respite caused by the worst recession since the Great Depression itself, this inflation has continued to the present day, at an unprecedented rate exceeding 13 percent.

For years, the Federal Government has used fiscal and monetary policy to stimulate aggregate demand during business cycle downturns. Typically, these tools have been biased in favor of consumption. Welfare programs, unemployment compensation, and social security benefits are all examples of programs that serve the dual purpose of providing a cushion for many against unemployment and destitution and maintaining demand with the expectation that this demand would alleviate somewhat the idling of productive resources and labor that occurs during a downturn. However, while we have paid considerable attention to maintaining aggregate consumer demand, we have neglected for too long the other side of the equation—that of investment and supply.

America's manufacturing capacity, although still the envy of the world, is steadily losing ground to foreign competitors, especially in such basic industries as steel and automobiles. In 1978, 14 of the world's 22 largest blast furnaces were in Japan, while none were in the United States. But, rather than modernize, United States Steel announced in December of 1979 that they were closing 14 marginal plants and laying off about 15,000 workers. Unless something is done to modernize our steel production process and increase efficiency, we may be importing up to 35 percent of our steel by the mid-1980's.

Similarly, while the Japanese exported 2 million cars to the United States in 1977 and have further increased their market share since that time, Chrysler Corp. has suffered tremendous losses, and had to ask for Federal loan guarantees in excess of $1.2 billion in order to avoid bankruptcy.

This decline in our relative manufacturing capacity worldwide is especially apparent in New England, where growth in investment and employment lags far behind the national average. Investors and employers are steadily leaving the Northeast in search of greater opportunities elsewhere in the Nation.

In Connecticut, for example, investment in new capital equipment between 1970 and 1976 increased 37.5 percent as opposed to 82.5 percent nationwide. Investment in structures increased, during that period, 19.7 percent in Connecticut, but 69.5 percent nationwide. In 1972, a Connecticut statewide study showed that, of 200 million square feet of manufacturing floorspace, over half was greater than 25 years old. Thirty percent was over 50 years old.

The total gain in jobs for Connecticut for 1970 to 1977 was 7.1 percent, as opposed to 15.8 percent nationwide. In manufacturing, Connecticut actually suffered a 8.7-percent loss in jobs—39,000, as opposed to a 1.1-percent gain nationwide during that same period of time.

However, Connecticut remains heavily dependent on manufacturing industries, which provided fully 38.4 percent of the jobs in the State in 1977. Unless we provide greater incentives for industry to modernize and increase their productivity, thus improving their competitive position, the job security of these workers will be severely threatened.

If the Northeast, and New England in particular, is to remain an economically viable region, for starters we must revamp our tax policies so that business and industry can begin to modernize its plant and equipment. Fiscal policy must be geared toward encouraging investment in real productive assets as well as maintaining market growth.

I do not pretend that passage of this bill, by itself, will solve all of our productivity problems overnight, or even over the next few years. We still need to forge a spirit of active cooperation between government, business and labor in order to increase innovation and productivity. Nor do I believe that the numbers "10-5-3" are the only numbers that could be used in this type of legislation. Different sectors of the economy will need different forms and levels of incentives. Also, because the writeoff under this bill may be so large that many young enterprises with initially low profits may not be able to take full advantage of it, we need to consider other measures as well that will insure maximum availability of financial capital to these new entrepreneurs, thus maximizing competition.

However, this bill will provide a necessary start by stimulating the demand for physical capital and the supply of financial capital, and thus increase efficiency and total capacity through construction of new plant and modernization of existing plant. We must also insure that competition in the marketplace is maintained, so that the primary source of technological innovation and job creation, the rising entrepeneur, has a full opportunity to introduce his or her ideas into the market without fear that the capital needed to market that innovation is lacking.

If we follow this route, by striking an appropriate balance between building up our primary industries upon which our strength has long been based and developing to the fullest extent those sectors which have moved America to the forefront of technological innovation worldwide, in a short time we can restore American productivity and once again take the lead in the world economic community.●

THE NEED TO INDEX FEDERAL INCOME TAXES

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mr. PATTERSON. Mr. Speaker, today I am introducing legislation to index personal income taxes. This legislation draws substantial support from our colleagues on both sides of the aisle. It is clearly one policy tool that can be used to control inflation, reduce escalating personal income taxes, and restrain Government spending.

The provisions of this bill would:

First, authorize automatic adjustments in tax rate tables to reflect changes in the rate of inflation. Such adjustments will help keep individuals in lower tax brackets. Frequently today, individuals are catapulted into higher tax brackets because of wage or salary adjustments which help them keep pace, to some extent, with the rising cost of living. As a result, these individuals find themselves paying higher income taxes and taking home fewer dollars.

Second, allow automatic adjustments in the personal exemption depending upon changes in the inflation rate. As an example, let us consider a cost-of-living increase of 6 percent. The current exemption rate of $1,000 would then be adjusted to $1,060.

Both of these indexing provisions are important. The second one in necessary to assist senior citizens and the working poor, whose incomes are not likely to rise substantially and, therefore, deserve protection from further erosions of purchasing power.

The need for indexing personal income taxes has never been greater. Periodic tax reductions have only temporarily numbed the pain of individual tax burdens. What we need to focus on is a national policy which encourages people to work, improves productivity levels and creates work incentives. Indexing personal income tax rates will be a step in the right direction. This policy will also go hand in hand with the widely espoused goal of this body to promote legislation to stimulate savings. Last year, the average take-home pay of $10,000 had suffered an erosion of buying power of 5.3 percent. It is not difficult to understand that an individual earning that amount could little afford to save anything. Moreover, under the present tax system, that individual was probably overtaxed because a tax has been imposed upon illusory, inflation-induced increases as opposed to real income.

Our nonindexed tax system has resulted over the years in the overtaxation of the work force. In 1970, for example, it is estimated that this overtaxation reached $14 billion; $19 billion in 1971; $25 billion in 1972; $28 billion in 1973; $37 billion in 1974; and $42 billion in 1975.

I submit that if there is to be a serious effort toward controlling the level of Government spending that personal income taxes must be indexed to increases in the CPI. If we can control the amount of revenues flowing into the Federal Treasury, spending practices will be altered and spending priorities will be even more closely scrutinized. As the Congressional Budget Office pointed out in a study for the Joint Economic Committee titled, "The Effect of Inflation on Federal Expenditures," a 10-percent increase in the price level will increase Federal tax receipts by 12.3 percent. Thus, under the existing tax system during a period of rising inflation, the income tax burden increases; thus, returning more dollars to the Federal Treasury.

It is my hope that this legislation will be acted upon favorably by the Congress.●

POSTAL SERVICE FAILS AGAIN

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mr. CLAY. Mr. Speaker, the Subcommittee on Postal Personnel and Modernization, which I am privileged to chair, has long been urging the Postal Service to implement a meaningful research and development program in order to meet the challenges of the 1980's. Regretfully they have failed to do so. Indeed, the Postal Service recently slashed its research and development budget by $4 million. This figure represents 0.2 percent of its overall budget in contrast to 3 to 5 percent invested in R. & D. by comparable industries.

Recently in the Washington Post, on February 12, 1980, the distinguished columnist Daniel Greenberg, wrote a timely article on the subject of R. & D. in the Postal Service. The article is timely, cogent, and should be of interest to my colleagues:

WITHOUT THE STAMP OF RESEARCH

(By Daniel S. Greenberg)

Hearing an exchange recently of all-too-routine horror stories about mail delivery, I became curious about what the U.S. Postal Service is doing to research its way to swifter delivery of our letters and parcels.

The post office, after all, faces what the science and technology trade calls a "researchable problem"—getting 100 billion objects a year from here to there, a job that annually costs over $14 billion and employs some 650,000 people. Surely modern research techniques could do their bit to speed up the traffic and restrain the costs. What, then, is the postal service doing about research?

The answer is that it's now doing relatively little. And next year, it's planning to do even less, though its present research and development expenditures—a mere $31 million a year—are by any measure among the lowest of major industries, as well as the smallest of any major federal organization. Added to that, the one and only research facility that the postal service does maintain—located in a complex of buildings in Rockville—not only is minuscule for a multi-billion-dollar enterprise, but also tends to be intellectually isolated from the mainstream of modern science and technology.

There's no sure yardstick for how much research is enough for getting a job done, but the postal service—which claims to be in the communications business—is in the sub-sub basement of research spending. In just plain dollars, the razor blade industry outspends it on research. In the carveup of the $30 billion a year that federal organizations now spend on R&D, the figure for the postal service comes in as a miscellaneous entry. In terms of the commonly used industrial measure of R&D spending as a percentage of sales, the postal service gets the national booby prize, with a rock-bottom two-tenths of one percent. There's no reason to expect it to be up there with the aircraft and missiles industry's 13 percent, or even the auto and truck industry's 3 percent of sales going into research. But that two-tenths of one percent that our $14-billion mail service spends on R&D ranks far behind a number of industries that are not renowned for interest in research, such as textiles, wood products and primary metals.

While all of these, sniffing the profit that's to be had from research, have been boosting their R&D spending, the postal service is planning a $4 million cut in research next year. The inadequacy of postal spending on new ways to deliver the mails was pointed out in 1977 by the Commission on the Postal Service, which noted that the slice of revenues devoted to R&D "is far less than for private companies in the communications field." Nonetheless, the postal service is reducing its research activities, while clamoring for an opportunity to take on the immensely complex task of initiating a national electronic mail system.

As for what the postal service gets out of the limited funds that it does spend on research, it appears that it's receiving good value from a dedicated staff that works on a variety of problems, ranging from mailbox designs to testing of high-speed sorting machines developed by outside contractors. But a visit to the postal service's research and development department also imparts the impression of a self-contained backwater in an era when elsewhere science and technology are rumbling with energy and innovation.

Unlike the big laboratories run by government and industry, the R&D department doesn't go recruiting for the bright young graduates who are coveted by research organizations that are held to high standards of output. At the post office, employment is stable and promotions are usually from within. The postal service doesn't join in the widely used practice of calling in outside specialists to examine its internal research program. That's commonplace in government, the universities and industry. Both General Motors and Ford, for example, have blue-ribbon councils of distinguished scientists and engineers to advise on their in-house research programs.

Moreover, the postal service seems to take an extremely modest view of the role of research in a vast industrial organization. Given that it is one of the most labor-intensive businesses in the country, it's appalling to hear from the chief of R&D that his staff includes just one industrial psychologist.

My visit to the postal service's R&D labs included a symbolically telltale episode: spread out on a table were the electronic innards of a new vending machine that's being developed. An engineer dropped a coin in a slot to demonstrate the new device. On flashed a sign: Not in Service.●

PRIVATE EDUCATION IN GHETTO CHICAGO

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mr. PAUL. Mr. Speaker, "my children do not fail. I do not let them fail," says Marva Collins—owner, teacher, and principal of a 31-student private school in Chicago. Westside Prep, located in a tough black ghetto, refuses to take any Government money. And the school is thriving, unlike the Chicago public school system, which is failing financially as well as educationally.

I would like to call to my colleagues attention some excerpts from a wonderful article by Magda Krance about Marva Collins that appeared in the February Washington Monthly.

Every Member of this House needs to take notice about what Marva Collins has accomplished, and draw the appropriate conclusions about the bloated Department of Education and the Government monopoly on schooling it will promote.

The article follows:

THOSE WHO CAN TEACH, DO

The students at Westside are rejects from Chicago's public school system, pigeonholed and stigmatized as "slow learners." Collins drills them with a back-to-basics philosophy * * *.

"There are no free rides here," she tells her kids, walking up and down the aisles of a tiny classroom that has no teacher's desk at the front. She stares at each of them intently, almost ferociously. "You get it together or you go back to that fly-by-night school. You have the right to fail—if that's what you want to do * * *."

Marva Collins is out of bed before dawn each morning and in her classroom all day, every day, five days a week, drilling and inspiring her kids.

Westside Prep, teaching kids from ages four to 13 in the environment of an old-time country schoolhouse, embodies educational reform on a profoundly simple level. Collins shuns all the modern teaching gimmicks (especially audio-visuals) that serve mainly to protect teachers from having to teach, and uses no class "subjects" or "periods." She just *teaches*, without specializing or compartmentalizing. When she's teaching arithmetic, for example, she also teaches ancient history and language roots—by discussing the life and times of Pythagoras, and by exploring the root Greek and Latin words for mathematical concepts.

What? Greek and Latin in the ghetto? Collins sees no reason why not. She is fiercely opposed to the idea that black children don't need to know about the foundations of the King's English, and she finds a moral in everything she teaches, whether it is the *Little Red Hen* or *Paradise Lost*. Her kids are frequently reminded: "You don't get something for nothing. No education, no work. No work, no money. No money, you starve. . . ."

"How much money do you think you're worth?" she suddenly demands of one little girl.

"All the money in the world," the girl replies, in cool confidence.

"If I gave you a billion dollars, filled this room with million-dollar bills" Collins is interrupted by murmurs and giggles. "*Wait* a minute! The good Lord gave you *two* ears and *one* mouth because He wants you to *hear* more than to *talk*. Now—how many of you would sell your knowledge for that money?"

"No, no, no!" A cacophony from the congregration. That response can be programmed, but there is more:

"If this room were filled with money, you're gonna spend it, and it will be gone," says a little boy quietly, "But if you keep what's in your head, gonna have that forever."

When disaffected students arrive at Westside Prep and discover they are expected to cope with Tolstoy and Thoreau, they go into shock at first. Collins force-feeds them. She moves constantly among the desks, looking over shoulders, scrutinizing progress, asking questions, listening to the answers, commenting, moving on. The dialogue between teacher and students is ceaseless. Soon, because of her combination of aggressiveness and patience, the force-feeding becomes unnecessary, and students discover that Jason and the Argonauts are pretty fair "impact educators * * *." Moreover, Collins refuses to get by on a quick gloss; she says she won't teach a book unless she has recently read it herself. "They understand if I understand," she says simply. "They don't if I don't."

Collins quit teaching in the public schools six years ago, frustrated and infuriated by meaningless rules, trivial conflicts, principals without principles, and teachers without vertegrae. Westside Prep, which she started in 1975, is the upper floor of her home; what with her classes and her reading, she often does not step outside for days in a row. Two assistants teach four- and five-year-olds to read in the front room—a room papered with compositions marked "cum laude!" and "tres bien!" and "excellent!" Collins works with older kids in the cramped classroom. There, stacks of dog-eared books are piled on the floor between the desks and in the aisles. Collins must twist and turn as she makes her way through the room. The lunch break, for teacher and students alike, is only 20 minutes, and it is not really a break at all; between bites of a Big Mac, Collins goes right on teaching, explaining a grade, or listening to a child read aloud.

She drives the children as hard as she drives herself. Those with working parents are dropped off at her house at 8:00 a.m. and begin school immediately. The others arrive at 9:00. School goes straight through until 2:30. There is no recess. There is no recreation, no gym. She waves in the direction of the streets, the empty lots, the battered playgrounds: Those are the gyms for her kids, and there is plenty of time to play in them after school.

Her students make such remarkable progress that outsiders usually conclude they must be gifted, or at least from intellectual homes. This infuriates Collins, who accepts only children that the public school system couldn't or wouldn't accommodate. "I can make almost any child gifted," she says flatly. She provides the key ingredients abandoned by so many schools: hard work, patience, and concern for each individual child. "My philosophy is that my children don't fail," she says. "I don't let them fail. I'm right there at their shoulders all the time. I haven't sat down since I started teaching."

Her students do enjoy one important advantage over most ghetto kids. Their parents care enough about them to send them to her. Few of those parents can afford the $80-a-month tuition Collins charges, but they pay it anyway whenever they can—a direct financial commitment to their children that the public schools of America no longer require.

These days it is not uncommon to find reporters and television cameramen wedged in among the children in Collins's classroom. Marva Collins has been discovered, first by the Chicago press and more recently by the likes of *60 Minutes* and *People* magazine. She doesn't particularly object to the publicity—although it disturbs her to think that nobody seems to be able to find anyone else doing what she does—but so far she hasn't been swayed by it. Newspaper editorials have proposed that she take over Chicago's crippled school system; in January the Los Angeles County school board offered her $52,000 a year to become its superintendent. Collins has no interest in administering—she wants to *teach*—and the money doesn't interest her, because she understands the difference between money and satisfaction. "No one can buy what I do here, so they can stop offering me jobs."

The school itself could certainly use more money, but Collins is not about to ask for it, and when the federal Department of Health, Education and Welfare offered an unsolicited grant of $16,000, she turned it down. She didn't want government "experts"—deskbound doctors of education who couldn't teach a Slinky to go down stairs—coming in and harassing her with advice, regulations, evaluations.

This fall, Collins hopes to move her school to an old bank building a few blocks away, where there will be room for 150 students. The waiting list already has 800 names. She plans to add five teachers, and to pay them strictly from whatever tuition is actually collected.

It is hard to come away from talking to Marva Collins without a nagging pull of anxiety. She may someday cave in or burn out, given the pressures from a press determined to sanctify her and an educational establishment interested in co-opting her. Few human beings can remain forever indifferent to daily bouquets and offers of large sums of money—available if only she will stop doing what she does so well. But for now, at least, she devotes herself exclusively to salvaging the kids others like to talk about. And between talking and teaching, it seems safe to say, her kids can tell the difference—gonna have it in their heads, gonna have it there forever.●

"TRUTH IN TAXES"—THE NEED FOR INDEXING

HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mr. HARKIN. Mr. Speaker, today, I am introducing the Truth in Taxes Act. Simply stated, this bill is designed to protect the American taxpayer from the hidden tax increases produced by inflation. It also seeks to control inflation by curbing government spending, and to help restore the confidence of the American people in their governmental process.

Inflation affects every American every day. But one of the most insidious effects of inflation occurs at tax time, when individuals and businesses file their income taxes. Unbeknownst to most taxpayers, inflation—and inflation alone—forces a hidden tax increase on them.

When individuals receive cost of living raises, when their salaries are adjusted to help them keep pace with inflation, those raises often boost them into the next higher tax bracket. They are paid more dollars, to be sure. But they have to pay a higher percentage of their wages in taxes, even though the purchasing power of their salary has not changed.

This hidden tax increase strikes most often and most harshly at the middle income taxpayer. At the upper end of the tax scale, the tax brackets are relatively wide. But at the middle income levels, the brackets are narrower, and it takes only modest income increments to push taxpayers into higher tax brackets.

For example, take the case of a married individual with two children who earned $15,000 and paid Federal income taxes of $1,238 last year. If that person received a 13-percent raise equal to the increase in the cost of living, his income would go up to $16,950 and his taxes would go up to $1,619. In other words, although he received only 13-percent cost-of-living raise, his taxes actually went up by over 30% because his raise pushed him into a higher tax bracket.

My bill would stop that from happening. It would require the Federal government to index the tax rates by building into them an automatic inflation adjustment factor. If an individual's purchasing power does not increase as a result of a raise, neither should his tax rate.

I should make it clear that I'm not referring here to individuals who get real raises. When someone's real income increases, they should pay more taxes at a higher rate. When someone gets a cost-of-living raise, they should also pay more taxes, but not at a higher rate.

If indexing is a good idea for individual income taxes, it is also a good idea for corporate income taxes, estate taxes, and gift taxes. My bill covers these as well, building into our tax laws an automatic inflation adjustment factor for corporate income tax rates and for the estate and gift tax rates. Under the provisions of the bill, smaller businesses and estates would be helped the most by the indexing plan.

If it is unfair that individuals pay higher taxes on income solely because of inflation, it is equally unjust that they pay lower taxes—solely because of inflation—on items such as cigarettes for which the tax is set by law in dollar amounts rather than in percentage terms. For that reason, my bill calls for increasing a number of excise taxes which are expressed as dollar amounts rather than in percentage terms by a factor equal to the preceding year's rate of inflation. The bill as introduced is not comprehensive in this regard. When the bill is referred to the House Ways and Means Committee, I hope they will examine the tax codes for other tax provisions which should be indexed.

Critics of indexing have contended that indexing institutionalizes inflation and reduces Government flexibility in shaping fiscal policy. Not so. Rather than promote inflation, indexing fights inflation by acting as a brake on the automatic, unvoted increases in Government revenue that our present tax system produces. An inflation adjustment boost that shoves taxpayers into the next tax bracket is a real tax increase—one that affects millions of Americans and brings in millions of additional dollars in Federal revenues. Indexing would force the Government to live within its means by stopping this insidious cycle of inflation-caused bonus revenues being spent by Congress only to create additional inflation.

Nor does indexing automatically lead to a loss of flexibility in fiscal policy. The only thing that is lost by indexing is passive, unvoted tax increases. In fact, without indexing, there is a great potential for the Government to let revenues rise faster than expenditures as a means of dampening consumer demand. If this is good policy, Congress should be willing to vote revenue increases and explain to the taxpayers—and voters—that the tax increases are necessary to fight inflation. Similarly, if additional revenues are needed for domestic programs, or for the military, Congress should be willing to be explicit in enacting general tax increases or closing some tax loopholes to pay for these programs.

Under our present system, Congress lets an inflation fueled economy raise taxes while it enacts a tax cut every election year, knowing full well the tax cut does not even compensate for the hidden increases caused by inflation. This is not fiscal flexibility, it is fiscal deception.

The Truth in Taxes Act would force Congress and the American Government to be honest with the American people. If tax increases are necessary, they should be voted openly, If tax cuts are advisable, those too should be voted openly. Only with such a system can the American public truly have faith in their Government and their leaders.●

A TRIBUTE TO BUSINESS AND PROFESSIONAL WOMEN

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mr. VENTO. Mr. Speaker, recently, I received a touching letter from my constituent, Mrs. Dorothy Kaiser, who, at the age of 71 praised the accomplishments of the Highland Park Business and Professional Women, by composing a wonderful poem. Mrs. Kaiser requested that the poem be entered into the CONGRESSIONAL RECORD as a legacy to her son Dennis and daughter Virginia. I am happy to submit Mrs. Kaiser's poem in tribute to this fine organization.

Tonight you heard a story
  That should reach all your hearts.
With bits of love and glory
  Divided into many parts.
We've had much fun and pleasure,
  At times worked very hard,
To make the club we treasure
  Always right and on our guard.
To do the very best we can,
  In thought and word and deed
For every friend of woman,
  And so fulfilling every need
Of each and every one of us.
  Let our friendships be duty
Bound fast to each other
  As our past members in beauty
Welded them together.
  In the pages filled with history
With the spirit of the Goddess Victory,
  Namely (the woman) our Nike
Thru her image tooled by the Mariners of old.
  She has taught us so likely
Our faith to uphold,
  In objectives of the future
For this great federation
  Of each woman creature.
To elevate her education
  In lines of activity
And mutual persuasion,
  In science, industry and productivity
And meet head on every occasion
  Of this National Federation
With standards of cooperation.
  So let us all pull together
And work as a group
  And tug fast at the tether
Of this powerful group.●

MITCHELL PRIVATE BILL FOR THE RELIEF OF MARVIE JOY WILLIS

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mr. MITCHELL of Maryland. Mr. Speaker, today, I have introduced a private bill to aid one of my constituents in bringing her adopted daughter to this country. It is my sincere hope that the Judiciary Committee's Subcommittee on Immigration, Refugees, and International Law will act favorably on this measure to remove the barriers which prevent the reestablishment of a particular family unit.

The case in question is clear cut, and essentially one which deserves the compassion and insight which the Congress can provide in such instances. Mrs. Rita Willis was born in Jamaica and immigrated to the United States in 1970. She is a permanent resident and has resided in Baltimore with her husband, Laurie Charles Willis, since that time.

Prior to coming to the United States, Mrs. Willis took responsibility for the upbringing of her cousin, Marvie Joy Bent, due to the death of the child's mother. At that time, Marvie was only 4 years old. For 11 years following the death of her mother, the Willises raised Marvie as their own.

When Mr. and Mrs. Willis immigrated to the United States in 1970 and 1971, respectively, they sought to bring their daughter with them. They were informed, however, by the American consulate that they had to adopt Marvie first. Following this suggestion, in 1971—when Marvie was 12 years old—the Willises attempted to adopt the child by filing an adoption petition in the Resident Magistrate's Court in Black River, Jamaica.

The Resident Magistrate's Court took 6 years to grant the adoption of Marvie to the Willises. By the time the court proceedings were completed, Marvie was 16 years old, and, by U.S. immigration law, ineligible to be considered the child of Mr. and Mrs. Willis. The sad story continues to haunt the Willises as they have continued to support Marvie through the years. To date, however, Marvie is still staying with the Willises' friends in Jamaica.

As I exert my best efforts to reunite the Willis family, I am urging that the Judiciary Committee consider my initiative in an expeditious manner, and lead the way for subsequent passage of the bill for the relief of Marvie Joy Willis.●

A PLUMB LINE FOR AMERICA?

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mr. BENNETT. Mr. Speaker, recently, former Governor of Florida Farris Bryant made an outstanding speech before the Jacksonville Rotary Club that I feel should be read by every American. We should affirmatively answer the questions he asks; for, without better standards to guide us, we may be off course in the years ahead. I insert the speech at this point in the RECORD and hope it will be widely read.

I want everyone here to understand why I am your speaker today. President Bryant said he wanted me to make "one of your kind of speeches" whatever that is! One thing is certain . . . when you give me that kind of carte blanche, you deserve whatever you get!

I intended to write a speech about "too much democracy"—about the deterioration in the democratic process—about the fallacies of "one man, one vote"—about the inability of most citizens to handle the wide range of problems inherent in modern society—about the loss of the opportunity for reasoned compromise in an increasingly polarized democracy.

But, as I thought more and more about the subject it became apparent to me that the real problem was the lack of a commonly accepted value system, without which all the improvements we make in the democratic process cannot bring cohesion, or unity of purpose, or acceptable compromise.

We pride ourselves on being a melting pot, by which we mean that we mix together all races, creeds and colors, and come out with a potable mix. We pass laws requiring people to live together, eat together, go to school together. At the same time we give them no single standard to which they all can cling, by which they can guide their lives, by which they can relate to one another. It is as though we all set out to sea, each in our own ship, seeking the common goal of a society in which every man can enjoy life, liberty, and the pursuit of happiness, but each of us sets his own compass with whatever deviation he personally likes. No manipulation with the democratic process can put that fleet on a common course.

This nation used to have a standard almost universally accepted. It was the Bible. We often ignored it, violated its precepts, but we never denied it. It was our compass.

I can't point to a day on the calender when we put it aside. Madelyn O'Hare, the spokesman for atheism, has been vocal on the subject for decades. But surely the moment we took the Bible out of our schools we formally renounced the Bible as a common standard. You may have approved of that—many people, Christians and Jews, did—but I think it was a milestone in the long process by which the basic consensus essential to a democratic society is being destroyed.

This nation must have a standard to live by. I must have a standard to live by, a spiritual certainty to which I can cling, and I cry out against the law which says the children of this land shall be raised in a moral and spiritual vacuum.

We contemplate the mobs of demonstrators in our streets—we see a nation that seems to have neither effective leaders not followers—we see the schools, the churches and the synagogues being supplanted in their role of moral leadership by secular forces—and we act as if we don't know why.

Our newsmedia shout our problems. The catalog of our crimes is too horrible too contemplate. Our prisons are so full we can imprison no more. Our mental hospitals are over-flowing with people who cannot face life as they see it. Moral decadence seems to spread like gangrene over the social, political and economic order—and we act as if we don't know why.

The old testament puts it very bluntly: "Amos said: He showed me: Behold, the Lord was standing beside a wall built with a plumb line, with a plumb line in his hand. And the Lord said to me, 'Amos, what do you see?' and I said, 'A plumb line.' Then the Lord said, 'Behold, I am setting a plumb line in the midst of my people . . . ' "

In so many areas of our lives—in so many hours of our lives—in so many activities of our lives, God's plumb line is ignored. If our young people—or our old ones—want to live together in defiance of God's laws, that's not sin—that's just a new life style. In this age of great wealth we reason that if we had more, the cause of sin would be banished from this earth. There is no crime so revolting that we cannot attribute it to an economic shortfall.

Amos saw God holding a plumb line. He still holds it! And this crooked world we are building, using as a level whatever clever social or political device is popular at the moment, will fall unless we rebuild it according to a plumb line all of us can see—the Bible.

Nations come and go! Ideas sweep across the intellectual community and seep down to people at all levels, and then are gone—but there are certain things that never change:

The Ten Commandments
The Sermon on the Mount
The Lord's Prayer
It is still wrong to Steal
It is still wrong to Lie
It is still wrong to Commit Adultery

There is a great deal in the Bible that is difficult to understand. The most learned people can argue its meaning—and so can the least learned—but for every man there are enough simple truths to provide plumb lines for us all. Yet by some strange twist of thinking we have contrived that a government which recognized first of all the divine origin of the rights of men has made it illegal to teach our children from whence these rights spring.

America at its birth took its stand as a nation governed not by men—men who for the moment wield power—but by laws; laws which are the embodiment of our concept of justice. They protect the weak from the strong, not because the weak command, but because it is right—and just—to do so.

But what is justice and righteousness—if it is not the naked assertion of power. Either there is some immutable, unchanging standard toward which we grope—some standard which exists not because of us but in spite of us—some rule binding not just upon the helpless but upon every individual, and upon the nation itself—or there is no justice.

Either there is a standard above us, after which we try to pattern our laws, or there is only raw power: in the army, in a guerrilla band, in a mob—to make whatever laws, whatever standards serve the purposes of the moment.

This is no hypothetical, or purely philosophical, proposition. In Russia today, and under Stalin; in China today, and under Mao; there are laws, and those laws are whatever the men in power from time to time say that they are. There is no standard by which to measure those laws except convenience, expedience. Justice under law is not for them a goal—it's a tool.

That's what the Magna Carta was about. The nobles were no longer willing to accept as law for themselves whatever the king from day to day might decree it to be.

That's what the Declaration of Independence was about:

"We hold these truths to be self-evident—that all men are created equal; that they are endowed by their Creator with certain inalienable rights . . ."

Almost that could have been plucked from Deuteronomy. It is meaningless without God. Yet by some strange mental perversion we have concluded that, although freedom under law is our national goal, our children may not be exposed for the greater portion of their waking hours to the source and foundation of that ideal.

The keystone in the great arch of our liberties which has distinguished this nation from all others is the concept of justice under God.

Have you read Gulag Archipelago? Did you find there any justice? What you did find was the story of an incredibly courageous man who loved his country, who believed in its system, but who struggled in vain to find any standard by which as a Soviet citizen he could guide his life other than the everchanging priorities of the person in power to whom from time to time he was subject.

The laws that govern our lives, individually and as Americans, are either expressions of power, or expressions of principle. If they are expressions of principle, as we claim that they are, they must be either the product of contemporary thought, changing with each new idea, or the product of eternal and unchanging truths. God told Amos that he held a plumb line by which people could build their lives, and Amos reported that the people must live by that plumb line or perish.

One nation, under God, with liberty and justice for all.●

FREEDOM AND DRAFT REGISTRATION

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mr. PAUL. Mr. Speaker, Dr. Milton Friedman, one of our most eloquent champions of freedom, has a column in the February 11 Newsweek that I would very much like to call to my colleagues' attention.

As this Nobel Laureate points out, "Draft registration is neither necessary nor desirable." Freeing our economy from government restraint, inflation, and high taxes would be the strongest defense action we could take. Drafting our young people violates the very principles we fight to defend. It is morally reprehensible and it is impractical as well. I hope we can all learn from what Dr. Friedman has to say.

DRAFT REGISTRATION

(By Milton Friedman)

Draft registration is neither necessary nor desirable. It is being proposed to reassure the public at home, not to frighten the Russians. It is not necessary, because our military weakness derives neither from a shortage of manpower nor an inability to increase the number of people under arms by voluntary means. It derives from a failure to build new weapons—one after another canceled by President Carter. Recruitment difficulties with the all-volunteer force reflect primarily the erosion of the inflation-adjusted compensation of first-term enlistees, relative both to their civilian counterparts and longer-service personnel. When the draft was replaced by an all-volunteer force in 1973, the pay scales were adjusted appropriately. Since then, Congress and the Administration have not seen fit to maintain the pay scale for first-termers. If it is desired to increase the size of the armed forces, either in general or for specialized personnel, that can and should be done without a draft.

BAD ARITHMETIC

It is said that we cannot afford to do so. That is nonsense. Proponents of a draft point out that total personnel costs of the armed forces are more than 50 per cent of total military spending. However, only about 11 per cent of that goes for the pay of first-termers—in 1979, total personnel costs were $58.4 billion but only $6.3 billion of that went to pay people serving fewer than four years. Even a major increase in the pay offered new recruits would involve only a minor increase in the total defense budget. The rest of the total personnel costs is for the pay of longer-term personnel, officers, civilians, and retirement benefits. And only first-termers would be recruited by a draft.

Registration would have a minor effect on the time involved in getting manpower and womanpower if a draft were reinstituted. The time-consuming steps are not registration but selection and training. That was demonstrated in earlier drafts. And even a full-scale draft would not provide personnel rapidly enough for a modern war. That must be fought largely by forces in being.

Draft registration is not desirable because a draft is not desirable. It is a divisive measure completely in conflict with the basic values of a free society. Every emergency has shown that in time of real need there is no shortage of patriotic citizens eager to defend the country. Draft registration simply diverts attention from the real source of our military weakness.

That source is the welfare state. In 1970, spending on defense was 40 per cent of the Federal budget, and 8 per cent of GNP—one and a half times the budget of HEW. In 1979, spending on defense was 23 per cent of the budget and 5 per cent of GNP. The budget of HEW was one and a half times the defense budget. These developments have occurred under Republican and Democratic administrations alike. Carter has simply continued on a well-worn path.

THE REAL CULPRIT

Transfer expenditures have absorbed taxable capacity that had supported defense—and much more as well. We cannot undertake a major rebuilding of the military without cutting down the drain that the rest of the budget imposes on the taxpayer—whether directly through explicit taxes or indirectly through inflation and borrowing. There is, after all, a limit to the total taxable capacity of the economy. Look at Britain's decline as a world power, which, as C. Northcote Parkinson somewhere points out, owes much more to the growth of the welfare state than to any other single factor.

No series of symbolic acts, no expressions of bellicose intent will change that brute fact. If we try to follow a policy of guns plus welfare-state transfers, I fear we shall end up with neither.

Present Carter has acknowledged the drastic recent change in his opinions about Russia—a courageous admission of almost unbelievable prior naivete.

Is it outside the bounds of possibility that he could acknowledge that past fiscal and military mistakes have made it impossible for us to respond effectively to Russian aggression now or in the immediate future, but that we are going to change course in light of the present danger?

It is time that we desisted from purely symbolic acts designed to reassure the American public and garner votes in November rather than to frighten the Russians. We must do the unthinkable—cut the burden on the economy that comes from picking all of our right pockets to fill all of our left pockets and instead embark on a crash program to strengthen our defenses.●

WE NEED JERRY FORD

HON. WM. S. BROOMFIELD

OF MICHIGAN

Wednesday, February 13, 1980

● Mr. BROOMFIELD. Mr. Speaker, as this Nation's domestic and international problems continue to mount—seemingly out of control—more and more Americans are looking back with a new sense of appreciation to the administration of former President Gerald Ford.

In just 3 years since President Ford left office, inflation has soared from 6 to 13 percent, interest rates have risen to more than 15 percent, taxes have climbed to record high levels and the budget is still out of balance.

Relations with the Soviet Union have deteriorated, SALT is on the shelf, and our position as a world power is being questioned.

Americans are longing for strong, steady leadership in the White House and they are coming to the realization that that is what they had during the Presidency of Gerald Ford.

Those of us who served with him for many years in Congress and worked with him as President, have never lost sight of Jerry Ford's great qualities of solid leadership. I am pleased, Mr. Speaker, to see this reawakening of interest throughout the country in a Ford candidacy in 1980. The respected columnist James Reston noted this growing interest in the February 1 issue of the New York Times which follows:

[From the New York Times, Feb. 1, 1980]

The Ford in Our Future?

(By James Reston)

Washington, January 31.—You're not going to believe this, but the longer this Presidential electioneering goes on, the more talk you hear among Republicans in these parts about getting Jerry Ford off the golf courses of America and drafting him into the Presidential election campaign.

The more the Republicans look at Ronald Reagan, the younger and more attractive Jerry Ford appears. The more they think about George Bush as their candidate against Jimmy Carter, the more they wonder whether this nice bush-league man can really make it to the White House.

Mr. Ford, however, has some things in his favor. Even Jimmy Carter began his inaugural address on Jan. 20, 1977, by saying: "For myself and for the nation, I want to thank my predecessor for all he has done to heal our land."

Gerald Ford is now 66. He was born on Bastille Day, July 14, 1913, in Omaha, Neb., and still looks and acts like your high school football coach. He was in the House of Representatives for 25 years, Vice President during 1973-74, and President, by accident, from 1974 until Mr. Carter defeated him narrowly in the Presidential election of 1976.

Not surprisingly, Mr. Ford kept hearing "Hail to the Chief" in the night. He was building a new house in California and working on his slice, which was a menace to nearby real estate, but he kept thinking vaguely that maybe being President was easier.

So for the last few months, against the wishes of his sensible wife, Mr. Ford has been running around the country talking to students, and addressing chicken-dinner Republican audiences about the sins of Jimmy Carter and the glories of the Republican Party. So who knows? In the confusion, a lot of Republicans are beginning to say that maybe Old Jerry is the best Presidential candidate they have.

When he left the White House, Mr. Ford could claim—and he has been claiming it all over the country ever since—that he had inflation under control, that he had an agreement with the Soviet Union to control the arms race, and even an arrangement on "human rights" to get tens of thousands of Jews out of Moscow.

Now, Mr. Ford is arguing that inflation under the Carter Administration is out of control, that the arms race is more menacing than ever before, and that Carter's "human rights" policy has been a disaster.

The Republicans don't quite know what to do with this problem within their own party. For a while, they thought that the mood of the nation was conservative and that they could probably win with any candidate they put forward.

They bet on Ronald Reagan, but he lost in Iowa. They thought that John Connally might succeed with his conservative and pugnacious themes, but that didn't work. That left them with George Bush of Texas and Howard Baker of Tennessee, but neither has shown signs of being able to defeat the President. Accordingly, they're now thinking that maybe Mr. Ford might come to the rescue at the nominating convention in Detroit.

All this has been sort of a surprise to Jerry Ford. He went around the country making speeches to Republican allies, because that's what he had always done, but not seriously thinking it would lead to anything else. As a matter of fact, his family wondered why he was still working the old political chicken-circuit, and asked why he just didn't stay home and look after them.

The events of the last few months, however, have changed all this. The Soviet invasion of Afghanistan, and the seizure of American hostages in Iran have forced the Republican Party, as they have the Democratic Administration, to reappraise their policies.

On the Republican side, it has been realized that a major argument can be made against both Carter's domestic and foreign policy record, but that this argument is not being made by Reagan, Bush, Baker or any of the other Republican Presidential candidates. Accordingly, many of the G.O.P. leaders are now going back to Ford, and to Henry Kissinger and the other members of the former Ford Cabinet in the hope of mounting a major attack on Carter during the coming months of the Presidential campaign.

For a while, the Republicans thought that Senator Kennedy would divide the Democrats and open the way to a Republican victory by any G.O.P. candidate, but they are inclined to believe now that Ted Kennedy is finished, and that their main hope lies in a Republican candidate who can expose what they regard as Carter's record of failure.

A few months ago, the Republicans thought Ronald Reagan might be the leader of such a Republican victory, and some of them still believe that George Bush might do so but, increasingly, they are talking about Gerald Ford, and hoping that he may come forward as a compromise candidate who can unite the Republicans and carry the battle to the Democrats in November.●

MASSACRE IN AFGHANISTAN

HON. JAMES J. BLANCHARD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mr. BLANCHARD. Mr. Speaker, I was pleased to read today that the administration has reaffirmed its request for a U.S. boycott of the 1980 summer Olympics, if Soviet troops remain in Afghanistan after February 20. Recent newspaper reports gave the false impression that the administration intended to extend the deadline for Soviet withdrawal to May 24.

It is important to know when it is appropriate to bargain, and when we must stand firm. I believe that it would seriously weaken our position to suggest that the brutal Soviet occupation could be extended to 5 months—and still permit us to celebrate in Moscow the principles of peace and brotherhood exemplified by the Olympic games.

As the occupation enters its second month, perhaps we need to remind ourselves of what the Soviets are doing to the people of Afghanistan.

The Soviets appear willing to slaughter the civilian population of that country, if it is needed to keep in power the puppet government they have installed. We must take great care to avoid signalling that the United States could accept another 3 months of this atrocious policy.

I am submitting for the consideration of my colleagues the text of a recent article in Newsweek that describes a Soviet massacre of the men of an Afghan village:

Massacre in Afghanistan

It was Friday, April 20, 1979, the Muslim sabbath. But at Kerala, 115 miles northeast of Kabul, the men of the village—bearded Pushtu elders, fresh-faced teen-agers—squatted in a ragged line in the center of a plowed field. Tanks, Afghan soldiers and police and Soviet advisers ringed the field, while women and children looked on from a mosque a hundred paces away. The soldiers ordered the men to yell "Hurrah" for Afghanistan's Marxist regime. Instead, the shouted: *"Allahu akbar"*—God is great.

The Afghan commander consulted briefly with the senior Soviet adviser, a stocky, green-eyed man with dirty blond hair. The Russian, in turn, spoke by radio to a Soviet helicopter that was hovering overhead. Suddenly, the chopper flew off, and the Russian barked "Fire" in Pushtu. Afghan and Soviet troops shot point blank at the villagers with their AK-47 automatic rifles. Within minutes, more than 1,000 unarmed Pushtu men lay dead.

Kerala itself cannot be reached from Pakistan—although some fellow journalists and I tried very hard to do so last week. The survivors of Kerala now inhabit a string of refugee camps in Pakistan's Bajaur tribal region, and their story cannot be confirmed independently. But the descriptions I obtained from many refugees tally on every significant point.

At 9 a.m. on the morning of the 20th—the day after local mujahedin (Muslim rebels) had fired on government soldiers—30 Soviet-made tanks encircled Kerala, a town of 5,000. With the tanks came a convoy of armored personnel carriers that disgorged 100 Khalqis (government troops), 100 Afghan police and twenty Soviet Army advisers.

HOLDING A JIRGA

The Pushtus knew there would be trouble. "The village had been given arms to fight the mujahedin, but we had given them support instead; every house had one or two mujahedin," recalled Abdul Hadi, a 25-year-old college teacher. Once the village was surrounded, the Afghan commander ordered Pushtu leaders to assemble the men in the field near town. "The soldiers came to my house and said to my father that the government has come and will have a jirga (powwow) with the people," said Nabi Madez Khan, 18, the son of a minor official. "The people went to the jirga unarmed to talk," added Abdul Latif, 37, Kerala's former deputy superintendent of police. "One does not take arms to a jirga. It would be an insult."

Afghan soldiers forced the Pushtu men to line up, then their commander berated the villagers for betraying the regime of President Nur Muhammed Taraki and Prime Minister Hafizullah Amin (who later overthrew Taraki and was overthrown himself a few weeks ago). When the villagers refused to shout their loyalty, they were ordered to press tightly together, and an officer took their photos, fitting as many men into each picture as his viewfinder would allow.

A FIELD OF CORPSES

The Pushtus were told to squat on their heels and put their hands in the air. "The Russians gave the order to shoot; I heard them," said Nabi Madez Khan. Once again, the army photographer came forward, this time to take pictures of the corpses before a bulldozer plowed them under. In response to a weeping village woman who had run up to him, the green-eyed Soviet officer declared contemptuously: "You can be sure that next year's potato crop will be a good one."

In all, about 200 of Kerala's men escaped execution. Some survived because they were away from the village at the time. Others were spared because they held official positions and were given the benefit of the doubt when they professed their loyalty to the government. Said 26-year-old Khalid Rohella, an accountant: "I was lucky. I was half a mile away. The moment I heard the shooting, I ran." Nabi Madez Khan reported: "I wore the dress of women and hid myself in the mosque. Some other men were hiding in the mosque wearing the dress of women. Afghan soldiers came and lifted the veils of those they suspected; they caught some of the men and brought them to the field and shot them."

That same night, Kerala's women and children left the village. After several days on foot, they crossed the Raghai and Ghakhy passes into Pakistan's Bajaur region. Maj. Zahid Pervez, deputy commander of the Bajaur Scouts, described their arrival to me. "Children were weeping," he said. "Women were weeping. There were no males with them."

The surviving men arrived later, and now they try their best to help the widows and orphans. But they have all they can do to keep their own families from starving. Memories of the massacre have not dimmed. Small children from Kerala start to cry when they see a camera pointed at them. "They think it is a weapon," one mother said apologetically. "They think you are going to kill them."●

TRIBUTE TO OFFICER JEFFERY HACKETT

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mr. WOLFF. Mr. Speaker, today I wish to pay tribute to a most courageous individual. Jeffery Hackett, a police officer assigned to the third precinct of the Nassau County Police Department within my congressional district, risked his life in a magnificent display of courage and valor; he saved the life of a fellow human being.

On the night of December 31, 1979, a raging fire tore through a building, totally engulfing the structure. Patrolman Hackett, on the scene before the arrival of fire apparatus, refused to wait any longer, for the loss of time would have meant the loss of lives. With a total disregard for personal safety and in the highest traditions of the Nassau County Police Department, plunged into the inferno, raced upstairs amid the smoke and flames and discovered a disoriented occupant who refused to leave the flaming building. Not to be discouraged, Patrolman Hackett forcibly rescued the person just minutes before the entire ceiling collapsed to the floor below.

The firefighters who arrived on the scene after Patrolman Hackett have stated that had it not been for the outstanding courage shown, the occupant would have perished.

It is all too seldom that due recognition is given to our "bravest and finest"; I am particularly proud of the heroic actions of Patrolman Hackett, who represents the truly admirable caliber of people who now serve on the Nassau County police force.●

DEFENSE—AMERICA'S ALLIES SHOULD DO THEIR SHARE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mr. PAUL. Mr. Speaker, I would like to call the attention of my colleagues to a well-thought-out and well-written editorial that appeared in the February 6 issue of the Christian Science Monitor. If we spent our defense budget on the defense of America, we would be able to cut it, not increase it in 1981.

The article follows:

DEFENSE—AMERICA'S ALLIES SHOULD DO THEIR SHARE

America seems in a belligerent mood these days as cries are heard for a stronger US military posture. The Carter administration has submitted a record $158 billion defense budget for fiscal 1981, and some voices in Congress think even this is too little. The American public, for its part, also appears willing to support a bigger military effort in the face of growing Soviet adventurism.

The mood may be understandable but it raises a fundamental and serious question: how can the United States continue year after year to expand its defense capabilities, as the President wants, without incurring bigger and bigger deficits and fueling inflation? Put another way, what good will a bolstered military posture do if the U.S. economy, the foundation of America's strength, is increasingly weakened? By 1985, the administration estimates, defense outlays are supposed to reach a staggering $225 billion. Is the American public willing to pay for this (as it did not pay in taxes for the cost of the Vietnam war)?

Whether massive increases in military spending are actually needed is a subject open to debate. But, in any case, we share the view of those who believe that the US cannot be expected to go it alone in meeting the Soviet challenge. In short, it is time for the Western and Japanese allies to play a bigger defense role. Western Europe and Japan, after all, are even more dependent on Middle East oil. They have as much if not more interest in resisting Soviet penetration of the Gulf region. Their own economies, moreover, are by and large strong—a strength, it should be added, which the US was instrumental in building up. Is it not reasonable to expect, in these days of a heightened common threat, that the industrial democracies work more closely together? And that America's allies carry a greater share of the burden for defense? Secretary of Defense Harold Brown thinks so and we agree.

The fact is, the U.S. continues to spend a greater proportion of its gross national product on defense than do its NATO allies. The figure is roughly five percent. The average for NATO, according to London's International Institute for Strategic Studies, is 3.5 percent. Canada, for instance, spends 1.8 percent of its GNP on defense; Denmark 2.4 percent; France 3.3 percent; West Germany 3.4 percent; Norway 3.2 percent. Britain makes the best showing at 4.7 percent. The Europeans, moreover, maintain comparatively smaller ground forces than the US.

Japan, for its part, spends even less on defense—under one percent of GNP—even though the Soviet Union is expanding its presence in the North Pacific. Constitutional strictures and public opinion have much to do with the restrained Japanese defense posture, of course. But even if it were not possible to increase military outlays dramatically, Japan could make a worthwhile contribution in other ways—by providing economic aid to Pakistan, say. A nation which has benefitted generously from American largess and which is so strong economically ought to be ready for enhanced responsibilities.

This not to say that a huge measure of defense cooperation among the Western and Asian allies does not already exist. It does. But much more needs to be done. Thought should be given, for example, to proposals emanating from the Center for Strategic and International Studies for formation of an inter-allied "common market" for basic defense industries. Says the CSIS study: "If America's Atlantic and Pacific allies were equitably and collectively sharing the financial burdens of defending Europe, defending the Pacific, and defending the energy lifelines in between, total allied military expenditures would be 47 percent less than the Warsaw Pact" instead of slightly larger, with the U.S. carrying the main burden. Within the Pentagon, too, are some voices calling for a total pooling of allied defense resources and elimination of often costly competition in weapons manufacture. Needless to say, the U.S. would have to be more open than it has been so far to the purchase of European-made equipment.

In any case, the goal of the U.S. should be encourage its allies to become more responsible for their defense. It will always stand ready to come to their help in the event of aggression. But surely collective defense means a collective sharing of the cost. It is time the West Europeans and others, who can afford to do so, begin to pull their own weight.●

TAXPAYER'S PLEA

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mr. DERWINSKI. Mr. Speaker, one of my constituents, Mr. Norman J. Minas of Midlothian, Ill., has written a very timely song on the plight of the taxpayer. The song appropriately titled, "Taxpayer's Plea" represents what I believe are the true sentiments of the American people and vividly captures the frustrations we all share as April 15 approaches.

At this time, I would like to insert the lyrics of Mr. Minas' fine composition, and add my support of this important message:

The following variation on the pledge to our flag is sympathetically dedicated to all of America's long suffering, taxpaying populace.

TAXPAYER'S PLEA

I beg deliverance from the plague of the indebted state of America and for this Republic whose deficit stands in the billions, insolvent and irrevocably in hock with unlimited taxation on all.—Norman J. Minas.●

ADMINISTRATION'S OVERREACTION

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mr. WEISS. Mr. Speaker, I would like to submit for the RECORD an article which illuminates the administration's overreaction to the Soviet invasion of Afghanistan. George F. Kennan's piece from the New York Times of February 1, makes a compelling case for proceeding with the utmost caution and deliberation in the Persian Gulf area. I urge my colleagues to read it carefully as the administration embarks on increased U.S. military activity and increased defense spending.

The article follows:

GEORGE F. KENNAN, ON WASHINGTON'S REACTION TO THE AFGHAN CRISIS: "WAS THIS REALLY MATURE STATESMANSHIP?"

PRINCETON, N.J.—On Christmas Day. 1979, after more than a century of periodic involvement with the internal affairs of its turbulent neighbor, and after many months of futile effort to find a pro-Soviet Afghan figure capable of running the country, the Soviet Government suddenly expanded what was already a sizeable military involvement in Afghanistan into a full-fledged occupation, promising that the troops would leave when their limited mission had been accomplished.

This move was not only abrupt—no effort had been made to prepare world opinion for it—but it was executed with incredible political clumsiness. The pretext offered was an insult to the intelligence of even the most credulous of Moscow's followers. The world community was left with no alternative but to condemn the operation in the strongest terms, and it has done so.

So bizarre was the Soviet action that one is moved to wonder whence exactly, in the closely shielded recesses of Soviet policy making, came the inspiration for it and the political influence to achieve its approval. It was a move decidedly not in character for either Aleksei N. Kosygin or Leonid I. Brezhnev. (The one was, of course, ill and removed from active work. The limitations on the other's health and powers of attention are well-known.) Andrei A. Gromyko, too, is unlikely to have approved it. These reflections suggest the recent breakthrough, to positions of dominant influence, of hard-line elements much less concerned for world opinion, but also much less experienced, than these older figures.

Such a change was not unexpected by the more attentive Kremlinologists, particularly in the light of the recent deterioration of Soviet-American relations, but it was assumed that it would take place only in connection with, and coincidental with, the retirement of Mr. Brezhnev and other older Politburo members. That it could occur with the preservation of Mr. Brezhnev as a figurehead was not foreseen.

Be that as it may, this ill-considered move was bound to be unacceptable to the world community, and the United States had no alternative but to join in the condemnation of it in the United Nations. But beyond that point, the American official reaction has revealed a disquieting lack of balance, both in the analysis of the problem and then, not surprisingly, in the reponse to it.

In the official American interpretation of what occurred in Afghanistan, no serious account appears to have been taken of such specific factors as geographic proximity, ethnic affinity of peoples on both sides of the border, and political instability in what is, after all, a border country of the Soviet Union. Now, specific factors of this nature, all suggesting defensive rather than offensive impulses, may not have been all there was to Soviet motivation, nor would they have sufficed to justify the action; but they were relevant to it and should have been given their due in any realistic appraisal of it.

Instead of this, the American view of the Soviet action appears to have run overwhelmingly to the assumption that it was a prelude to aggressive military moves against various countries and regions farther afield. No one can guarantee, of course, that one or another such move will not take place. A war atmosphere has been created. Discussion in Washington has been dominated by talk of American military responses—of the acquisition of bases and facilities, of the creation of a rapid-deployment force, of the cultivation of military ties with other countries all along Russia's sensitive southern border. In these circumstances, anything can happen. But the fact is, this extravagant view of Soviet motivation rests, to date, exclusively on our own assumptions. I am not aware of any substantiation of it in anything the Soviet leaders themselves have said or done. One the contrary, Mr. Brezhnev has specifically, publically and vigorously denied any such intensions.

In the light of these assumptions we have been prodigal with strident public warnings to the Russians, some of them issued even prior to the occupation of Afghanistan, not to attack this place or that, assuring them that if they did so, we would respond by military means. Can this really be sound procedure? Warnings of this nature are implicit accusations as well as commitments. We are speaking here of a neighboring area of the Soviet Union, not of the United States. Aside from the question of whether we could really back up these pronouncements if our hand were to be called, is it really wise—is it not in fact a practice pregnant with possibilities for resentment and for misreading of signals—to go warning people publicly not to do things they have never evinced any intention of doing?

This distortion in our assessment of the Soviet motivation has affected, not unnaturally, our view of other factors in the Middle Eastern situation. What else but a serious lack of balance could explain our readiness to forget, in the case of Pakistan, the insecurity of the present Government, its recent callous jeopardizing of the lives of our embassy personnel, its lack of candor about its nuclear programs—and then to invite humiliation by pressing upon it offers of military aid that elicited only insult and contempt? What else could explain, in the case of Iran, our sudden readiness—if only the hostages were released—to forget not only their sufferings but all the flag-burnings, the threatening fists, the hate-ridden faces and the cries of "death to Carter," and to offer to take these very people to our bosoms in a common resistance to Soviet aggressiveness? What else could explain our naive hope that the Arab states could be induced, just by the shock of Afghanistan, to forget their differences with Israel and to join us in an effort to contain the supposedly power-mad Russians?

This last merits a special word. I have already referred to the war atmosphere in Washington. Never since World War II has there been so far-reaching a militarization of thought and discourse in the capital. An unsuspecting stranger, plunged into its midst, could only conclude that the last hope of peaceful, nonmilitary solutions had been exhausted—that from now on only weapons, however used, could count.

These words are not meant to express opposition to a prompt and effecive strenthening of our military capabilities relevant to the Middle East. If what was involved here was the carrying of a big stick while speaking softly rather than the carrying of a relatively small stick while thundering all over the palce, who could object? But do we not, by this preoccupation with a Soviet military threat the reality of which remains to be proved run the risk of forgetting that the greatest real threats to our security in that region remain what they have been all along: our self-created dependence on Arab oil and our involvement in a wholly unstable Israeli-Arab relationship, neither of which is susceptible of correction by purely military means, and in neither of which is the Soviet Union the major factor?

If the Persian Gulf is really vital to our security, it is surely we who, by our unrestrained greed for oil, have made it so. Would it not be better to set about to eliminate, by a really serious and determined effort, a dependence that ought never have been allowed to arise, than to try to shore up by military means, in a highly unfavorable region, the unsound position into which the dependnece has led us? Military force might conceivably become necessary as a supplement to such an effort; it could never be an adequate substitute for it.

The oddest expression of this lack of balance is perhaps in the bilateral measures with which we conceive ourselves to have punished the Russian action. Aside from the fact that it is an open question whom we punished most by these measures—Russia or ourselves—we have portrayed them as illustrations of what could happen to Moscow if it proceeded to one or another of the further aggressive acts we credit it with plotting. But that is precisely what these measures are not; for they represent cards that have already been played and cannot be played twice. There was never any reason to suppose that the Soviet Government, its prestige once engaged, could be brought by open pressure of this nature to withdraw its troops from Afghanistan. But this means, then, that we have expended—for what was really a hopeless purpose—all the important nonmilitary cards we conceived ourselves as holding in our hand. Barring a resort to war, the Soviet Government has already absorbed the worst of what we have to offer, and has nothing further to fear from us. Was this really mature statemanship on our part?

We are now in the danger zone. I can think of no instance in modern history where such a breakdown of political communication and such a triumph of unrestrained military suspicions as now marks Soviet-American relations has not led, in the end, to armed conflict. The danger is heightened by the fact that we do not know, at this time, with whom we really have to deal at the Soviet end. If there was ever a time for realism, prudence and restraint in American statesmanship, it is this one. Nothing in the passions of electoral politics could serve as the slightest excuse for ignoring this necessity.●

SALUTE TO CHIEF HARRISON

HON. JERRY M. PATTERSON

OF CALIFORNIA

Wednesday, February 13, 1980

● Mr. PATTERSON. Mr. Speaker, for the past 33 years, Paul T. Harrison has served the citizens of Stanton as a member of their fire department. During his first 5 years on the department, he moved quickly through the ranks of the Stanton Fire Department to the position of fire chief, a position he has held for the past 27 years.

Paul Harrison has proven his ability as a skilled administrator. Over the past 25 years he has provided a consistency within the department during its evolution into a strong and comprehensive fire control and prevention program.

His strong dedication and concern for life is well documented. He has repeatedly put the welfare of others before his own welfare, and he has demonstrated a commitment which has provided a strong example for the other members of the Stanton Fire Department.

His contributions to the city of Stanton and its fire prevention program are substantial. His commitment and service have earned the appreciation of the entire community. It is for these reasons, and many more, that the citizens of Stanton are honoring Fire Chief Paul T. Harrison at the time of his retirement.

I, too, extend my personal appreciation and gratitude to Chief Harrison for his years of service and I call upon my colleagues to join me in saluting a fine citizen and a dedicated fire chief.●

WHAT ABOUT CUBA, MR. PRESIDENT?

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mr. McDONALD. Mr. Speaker, while we all continue to be concerned about the hostages in Iran, what about Cuba, Mr. President? The Soviet brigade continues to be stationed in Cuba. The number of Americans held in prison there is now 57 not 46 as I previously stated (see page 548 January 23, 1980, CONGRESSIONAL RECORD.) Cuba continues its subversion in the Caribbean and Central America. It continues to act as surrogate enforcer for the Soviet Union in the Middle East and Africa. How long Mr. President? It is all well and good to draw the line in the Persian Gulf, but how are we credible there if we cannot or do not do anything about Cuba 90 miles from our shores? The article on our prisoners in Cuba as it appeared in the Washington Star of February 12, 1980 follows:

[From the Washington Star, Feb. 12, 1980]

AMERICANS IN CUBAN PRISON FIND LIFE CRAMPED, BORING

(By Gavin Scott)

HAVANA.—Almost every weekend, relatives fly in for a three-hour visit with the 57 American men in the Combinado del Este, a medium-security prison 13 miles from here.

The visits are the high point of the prisoners' dreary existence.

Those who have been here for a long time say conditions have improved since the early 1970s. But overcrowding remains a problem. Between 15 and 18 men are kept in cells that are 13 feet by 18 feet.

Water is available only three or four hours a day. The prisoners' toilet is in their cell. Cleansing materials are scarce.

Cuban prisoners in the prison are permitted to work and attend revolutionary reeducation classes. They also have an organized sports program. But the Americans are offered no opportunity to work and they exercise only three times a week.

The prison diet is bland, deficient in vitamins, and features the Soviet-made equivalent of Spam as well as rice, fish, bread and an occasional piece of cheese.

Susan Lamanna, a vice-consul stationed with the 19-officer U.S. Interests Section here, is permitted to deliver extra groceries every 30 days to some prisoners, every 60 or 90 days to others. Families of the men have established trust funds with the State Department to finance the supplemental food, which is limited to 25 pounds a parcel. The most popular items are coffee, tea, sugar and spices.

Once a month, on the weekly visit, wives and fiances are permitted conjugal visits. These take place at the prison's "conjugal pavilion," a building within the fenced-in compound that consists of a series of little rooms. The men are permitted such visits once a month if their behavior is determined to be good.

The prisoners are serving sentences ranging from two to 24 years. Many of them have been convicted of straying into Cuban territorial waters or air space while running marijuana or cocaine from the Caribbean and South America to the United States.

In the past two months, 19 Americans have wound up in custody of the Cubans. One of them is a man who last month hijacked a Delta Airlines flight, which was scheduled from Atlanta to New York, and demanded to go to Tehran.

Six of the prisoners held in Cuba are airline hijackers.

The penalty for hijacking a commerical aircraft to Cuba generally runs between 15 and 20 years. There are no parole arrangements.

Drug-runners get sentences of up to 15 years. The length of sentences generally is determined by the quantity of drugs found on a boat or aircraft. Another factor is the circumstance of the arrest. If the Cuban authorities have to work hard to catch someone, the sentence is likely to be longer.

Cuban authorities tend to pick up more of the drug-runners on boats than in planes. When they are spotted by Cuba's Coast Guard, some of them try to dump the evidence overboard. Recently, one arrested boat crew protested innocence. Unfortunately, 24 bales of marijuana subsequently washed ashore nearby.

One of the more unusual offenses for which Americans have landed in prison here is distribution of anti-Marxist Christian literature. Last May, two eccentric evangelists dropped leaflets over Cuba from a small plane. They were forced down by the Cuban Air Force and charged with an act "against the stability of the state." Each was sentenced to 24 years in prison.

Trials of suspects sometimes last only an hour. More complicated cases get a hearing of two to three hours. The only witnesses called are Cuban police.

Most of the drug traffickers sound like amateurs. They mainly come from white, suburban middle-class backgrounds in Florida. Some are in their early 20s. The impression is that they lost the big gamble, going after a haul worth as much as $50,000. Cuban authorites say most of the U.S.-bound drugs come from Santa Marta in Colombia.

In no foreign country is confinement pleasant. But confinement in a Communist country is even worse.

They do not, however, exhibit any evidence of the so-called "Stockholm syndrome," a psychological phenomenon where prisoners begin to admire their captors. Like most other prisoners abroad, they believe that the State Department should be more active in getting them out.

But the U.S. government can do very little other than helping arrange the family visits and food packages, which most prisoners, in their more realistic moments, understand.

The prisoners expressed something of that understanding in a little poem they presented to Lamanna with a Christmas card last year.

"Incarceration and prison are freedom's denial," they wrote. "So we thank and love you for allowing us to touch freedom in your smile. Though only for an instant, though just a fleeting moment, your smile is a paradise that alleviates the torment." ●

PLAUDITS TO BLAIR LEE III OF MARYLAND

HON. GLADYS NOON SPELLMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mrs. SPELLMAN. Mr. Speaker, Walter Lippmann wrote that:

> The genius of a good leader is to leave behind him a situation which common sense, without the grace of genius, can deal with successfully.

I rise today, Mr. Speaker, to call my colleagues' attention to one such "good leader" whose own "genius" for many years has set a shining example in the State of Maryland.

His name is Blair Lee III and, in a sense, he was born into leadership in the Free State. A member of one of the oldest and most distinguished Maryland families, Blair continued a tradition of leadership and public service that has been intertwined with the Lee family heritage for many generations. His father, E. Brooke Lee, was one of the foremost political figures of his day and both his grandfathers served in the State senate. Blair Lee III, in almost three decades in public life, was a member of the house of delegates, a State senator, secretary of state, Lieutenant Governor and, during a particularly sensitive period when the State's political system was under unusual strain; Acting Governor of Maryland.

In each of these posts, Blair Lee served with rare distinction. His integrity was always beyond question, his dedication and competence supreme. His many outstanding achievements are simply too numerous to mention in this brief time allotted to me.

Blair was the State's first Lieutenant Governor and he especially distinguished himself in this post, establishing it from the outset as a key position in Maryland's governmental hierarchy. He was always deeply involved in the day-to-day operation of the State government, playing a particularly key role in putting together the State budget each year. He was, in every sense of the word, an active, involved and knowledgeable Lieutenant Governor.

Mr. Speaker, many who were born into a family of affluence and stature might well have become aloof and tended to set themselves apart from the people. But this was never the case with Blair Lee III. Despite his privileged upbringing, he has always been very much a man of the people. He is one of those about whom we can say, "Those who matter the most are most aware that everyone else does, too." Regardless of whether he was in the house of delegates or the Governor's office, Blair Lee always had time to remember a friend and to listen to and assist those in need. No problem was ever too small for Blair Lee and no task was ever too big.

Mr. Speaker, for all these reasons—his tradition of leadership, his splendid abilities and his caring attitude—I will be most honored to join in a few days when many of Blair Lee's friends and associates gather to pay tribute to this most venerable State figure. Through three decades of public life, Blair Lee has cast such an imposing shadow across Maryland's political landscape as to have forever changed its horizon. That he meets Walter Lippmann's definition of a "good leader" is without question. All who follow him in public office in Maryland will find their way a little easier because Blair Lee has gone before. Because we have had the benefit of Blair Lee's "genius," we will all be able to rely a little more on our own "commonsense."

Mr. Speaker, I know all of my colleagues will want to join me in congratulating this fine, able, generous man for his long years of service to the State and the people of Maryland. I know, too, they will want to wish Blair and his wonderful wife, Mimi, all the best in their future undertakings. And most of all, Mr. Speaker, I know my colleagues will want to join me in offering heartfelt thanks to Blair Lee III for his dedication and his contributions to the Free State.●

THE LEGACY OF KENNETH KOESSLER, WESTERN NEW YORK CIVIC LEADER AND ENTREPRENEUR IN THE FINEST SENSE OF THE WORD

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mr. KEMP. Mr. Speaker, the people of western New York and I are deeply saddened by the unexpected death of Kenneth L. Koessler, an outstanding civic leader of our community and a vital, positive force in the business affairs of New York State, other regions of our country and Canada.

Ken, who I was privileged to know as a personal friend, was a giant in the publications field who built Greater Buffalo Press Inc. from a small firm to an international organization, perhaps best known for printing the comics of some 400 newspapers. Members of his family are dear friends of mine and I share their admiration, respect, and sense of loss. They all are in my thoughts and prayers at this difficult moment.

Ken was also a giant in community service, generous with his time and talent and yet found time for everyone.

Ken Koessler was a devoted family man, beloved by them, his many employees and all whom he touched. He truly was an entrepreneur in the finest sense of the word and his loss is a loss to our Nation as well as our community.

We shall miss him but we are grateful for his years with us and the legacy he leaves behind, which makes us all better for having known him.

Mr. Speaker, the Buffalo Courier-Express noted Ken's passing, Monday night, with an article I wish to share with my colleagues.

PRINTING EXECUTIVE KOESSLER DIES

(By John Fleming)

A funeral Mass will be celebrated Thursday for Kenneth L. Koessler, 72, Greater Buffalo Press Inc., board chairman and chief executive officer, who died Monday (Feb. 11, 1980).

Mr. Koessler, who was active in the firm for the last 54 years was stricken and died Monday evening in his Amherst home.

Mr. Koessler had attended a meeting at Canisius College late Monday afternoon. He was chairman of the college's Board of Trustees and of its Faculty and Welfare Committee.

The Mass of Christian Burial will be offered at 11 Thursday morning in St. Benedict's Church, 3990 Main Street, Amherst, after prayers at 10:30 in the Sauer-Lynett Funeral Home, 1933 Kemington Avenue. Burial will be in Mount Olivet Cemetery, Town of Tonawanda.

HONORED BY CANISIUS

Mr. Koessler was presented the Canisius College LaSalle Medal in 1975 in recognition of the largest single donation in the college, $1 million, which helped build the Canisius College Athletic Center.

The college demonstrated its appreciation for the huge gift from Greater Buffalo Press in 1971 by naming its physical education building at Main Street and East Delavan Avenue the Koessler Athletic Center.

While a student at Canisius College, Mr. Koessler joined his brother, the late J. Walter Koessler, in founding Greater Buffalo Press in 1925.

NATIONAL GIANT

They built the once-fledgling firm that printed community newspapers into a national giant in the publications field.

Today Greater Buffalo Press, with its corporate headquarters at 302 Grote St., Buffalo, prints color comics for about 400 newspapers throughout the United States.

The firm has plants in Buffalo, Dunkirk, Wilkes-Barre, Pa., Sylacauga, Ala., Lufkin, Texas, and Stevensville, Ont.

In 1977 Kenneth Koessler was named Courier-Express Goodfellow of the Year for his long record of civic achievements, especially in the field of education.

Later in 1977, Mr. Koessler was honored as Canisius College Businessman of the Year for being "a vital force in the business community over the years"

In his acceptance speech Mr. Koessler gave credit to his famiily and pointed out: "It was a family operation with humble beginnings which became one of the outstanding operations in the country."

A 1929 graduate of Canisius College with a bachelor of arts degree in English, he was presented an honorary degree of doctor of human letters by the college in 1979.

Earlier, in 1973, Mr. Koessler was honored by being installed as a member of the Canisius College Di Gamma Society.

During Mr. Koessler's long carreer with Greater Buffalo Press he served as secretary and rose to vice president, president in 1969 and to board chairman in 1975.

He also was a trustee of Canisius High School, of which he was a graduate; a trustee and former board of trustee chairman of D'Youville College, a member of the board of Kenmore Mercy Hospital and Advisory Board, Brothers of Mercy, in Clarence.

Mr. Koessler, a Buffalo native, was named "Boss of the Year" in 1976 by the Buffalo Chapter, National Secretaries Association; and "Man of the Year" by the Brothers of Mercy in 1972.

Surviving are his wife of 40 years, the former Katherine Gormley; two daughters, Mrs. Stephen G. Johns and Mrs. William P. Brosnahan; a son, Kenneth L. Jr; a sister, Mrs. Earl W. Pearce, all of Amherst, and nine grandchildren.●

HOME HEATING FUEL CRISIS—A FOLLOWUP

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to draw the attention of my colleagues an issue that temporarily died down but in view of a few recent events, is worthy of closer attention. I speak in reference to the price of home heating fuel and the inability of the appropriate Federal agency, namely, the DOE, to regulate the questionable price hikes.

This week, on February 12, 1980, the General Accounting Office testified in front of the Subcommittee on Environment, Energy, and Natural Resources of the House Committee on Government Operations, on the Department of Energy's inattention to the problem of overcharging the consumer for the purchase of home heating fuel. GAO claims that:

> DOE has not reviewed the issue of the equitableness of heating oil prices since the end of the 1977-78 heating season. We met with senior level officials in ERA and the Office of Policy and Evaluation to inquire into actions DOE had taken or should take to investigate escalating oil prices. We found little had been done and that DOE was not on top of the situation. This in itself was not good news, but the official's opposing views regarding who was responsible for dealing with the price increases were even more disconcerting to us. Each office pointed to others as having the principal responsibility.

I feel that the point that GAO has taken is a good one, however, I think it should be taken even one step further. Ironically, the rising cost of home heating fuel is also having an anticompetitive effect on the retail business as higher wholesale prices are slowly pushing many small dealers out of the business. It seems that the top 10 companies are controlling the market as well as the profits. Testifying with GAO was the Citizen/Labor Energy Coalition, and they felt that although:

> The industry may dispute the evidence, DOE may dispute its own findings or find excuses for high middle distillate prices . . . one point is indisputable. The agency has not acted on its statutory mandate to administer the Emergency Petroleum Allocation Act, to foster and preserve competition and to protect consumers from unjustified price increases.

Facts bear out these contentions as the price of home heating fuel within my 26th Congressional District of New York as well as the rest of the State, has risen substantially during this past month alone. I would like to insert into the RECORD at this point an article which appeared in the Times Herald Record on February 10, 1980.

HOME OIL PRICES JUMP 4.6 CENTS IN 6-WEEK PERIOD

> ALBANY.—Home heating-oil prices increased an average of 4.4 cents statewide between Dec. 1 and Jan. 15, with the highest prices being paid on Long Island, Attorney General Robert Abrams reported Saturday.
>
> A statewide survey by Abrams' office found four oil dealers charging prices "significantly higher" than the average.
>
> The attorney general said those dealers would be questioned by his staff to determine whether they had violated a state price-gouging law enacted in December.
>
> The average price of heating oil in New York in mid-January was 89.2 cents a gallon, the telephone survey showed.
>
> The average price paid on Long Island during the six-week period was 92.1 cents a gallon. The lowest prices were found in the Mohawk Valley around Utica, with an 86.7-cent average.
>
> Prices in the Albany region encompassing 13 counties averaged 88 cents.
>
> That is about what residents in the mid-Hudson region are being charged, according to the two cities in the area surveyed.
>
> The survey, asking the price charged for No. 2 heating oil by 303 retail dealers on Dec. 1 and in mid-January, also indicated where heating-oil prices had remained fairly stable and where they had changed significantly.
>
> Jefferson, Lewis and St. Lawrence counties in northern New York experienced only a 2.2-cent increase during the six weeks, while prices in Oneida and Herkimer counties rose by an average 5.7-cents a gallon.
>
> Abrams promised the survey would be repeated monthly in fulfilling his office's responsibility for enforcing the anti-gouging law.
>
> The statute makes it illegal for a dealer to increase his price exorbitantly or charge significantly more than his competitors unless he can prove a corresponding increased wholesale cost.
>
> Abrams said his office still needed to rely on consumer vigilance to uncover cases of overcharging.
>
> "If any consumers are paying a price higher than 95 cents, I would certainly urge them to contact the nearest attorney general's office," he said in a statement.
>
> Average prices for regions around the state in mid-January, and the average increase since Dec. 1 are as follows:
>
> Monticello, 89.4, up 4.3 cents; Poughkeepsie, 88.9, up 5.6 cents; Albany, 88 cents, up 4.2 cents; Auburn, 88 cents, up 5.5 cents; Binghampton, 89 cents, up 3.7 cents;
>
> Buffalo, 89.4 cents, up 3.4 cents; Long Island, 92.1 cents, up 4.8 cents; New York City, 91.1 cents, up 4.2 cents.
>
> Plattsburg, 91.1 cents, up 4.2 cents; Rochester, 88.1 cents, up 4.6 cents; Syracuse, 87.7 cents, up 5.3 cents; Utica, 86.7 cents, up 5.8 cents; Watertown, 90.3 cents, up 2.2 cents.

Mr. Speaker, it should have become obvious by now that all is not well in the field of pricing and marketing of home heating fuel. The Congress should make it a priority of mandating the Secretary of Energy to determine the extent of the inequities of current heating oil prices and to prepare a study assessing the competitiveness of the refinery and retail sectors. A failure to do so will only be met with further hardship being placed on the consumer. I urge my colleagues to familiarize themselves with this crucial matter and to take the required positive action.●

THE BUDGET AND THE ECONOMY

HON. RALPH S. REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mr. REGULA. Mr. Speaker, following submission of the President's 1981 budget 2 weeks ago, the House Budget Committee has been holding hearings on the economy. What we have been hearing has not been good; the economy is in trouble, and most people—even the administration—believe it will get worse before it gets better.

The administration is actually predicting a recession, to my knowledge the first time economic conditions were so bad that to do otherwise would have strained credibility even beyond present levels. Lawrence Chimerine, who heads Chase Econometrics, told the Budget Committee that he: "Expects an intensification of the recession in the months ahead * * *." Otto Eckstein, who heads Data Resources, Inc., also anticipates a bona fide recession; he was rather explicit: "The economy is in a dangerous condition." Albert Cox, head of Merrill Lynch Economics, believes: "The economy this year will no doubt be the weakest since 1975." Lawrence Klein of Wharton also predicted a recession with the gross national product declining more than 1 percent.

Each of these witnesses voiced considerable skepticism about the President's recent budget submission. Cox, of Merrill Lynch, put the blame squarely where it belongs:

> It is no coincidence, in our view, that the rapid growth of government spending and taxation has been accompanied by a sharp deterioration in the nation's overall economic performance. That is why we are deeply disturbed by the Administration's new budget plans, which would expand the ratio of federal spending to GNP even further. Such a path, in our judgment, would do further, substantial damage to an economy which is already performing very poorly. If the new thrust toward accelerated defense spending is not offset by cutbacks in the growth of other categories of federal spending, the American economy, as we see it, is headed for tremendous trouble in this decade. In our view, any further expansion of the government's role, for whatever reason, would almost ensure shocking new heights for inflation and widespread, further reductions in living standards throughout the country.

Dr. Otto Eckstein of Data Resources was no less direct:

> The 1981 Federal budget is a "guns and butter" plan, in which most Federal activities continue to expand at full current service levels and defense is stepped up by an extra $5.4 billion. Taxes are up very sharply as a necessity, raising individual tax burdens dramatically. All in all, the budget is not on a sustainable path, and tougher decisions will have to be reached in future years.

In view of these and related comments, let's look in more detail at the President's latest budget. In doing so, I think you will readily see why the budget is not on a sustainable path; in fact, the budget is wholly unrealistic, for both the current fiscal year—1980—and for 1981.

When the President's 1981 budget came to the Hill last week, two things were soon apparent. First was the fact that the 1980 budget had jumped dramatically. Spending increased $70 billion and tax revenues $58 billion over the President's earlier submission. Spending is now estimated to increase 14 percent over 1979 levels; budget authority—which is what drives future spending—would increase more than 17 percent over 1979. The deficit goes from $29 billion to $40 billion. Even more disturbing is that fiscal 1980 still has 7½ months to run, and that the numbers will likely get bigger because of an economic downturn and new budget supplementals—for example, DOD is requesting a $3.5 billion increase, not included in the budget, to cover 1980 fuel costs. Senator MUSKIE, chairman of the Senate Budget Committee, was quick to point out that the likely 1980 deficit is understated by at least $10 billion; there was no disagreement from my colleagues on the House Budget Committee.

The second point is that the 1981 budget numbers are unrealistic. Despite the disconcerting changes in the 1980 budget, most of the attention has been focused on the 1981 budget. I have yet to find a knowledgeable non-administration person who believes that a $40 or a $50 billion 1980 deficit will drop to the President's figure of $16 billion in 1981. In testimony before the Budget Committee last week, outside economists Otto Eckstein of Data Resources, Lawrence Chimerine of Chase Econometrics, and Lawrence Klein of Wharton all estimated a 1981 deficit of $30 to $40 billion, excluding a tax cut—which they both said was quite possible if not desirable.

With spending authority increasing 17 percent from 1979 to 1980, we are asked to believe that the increase from 1980 to 1981 will be 6 percent. One must go back to the years when the Vietnam war was winding down to find a year in which new spending authority increased by only 6 percent. At times of double-digit inflation, many Federal programs are automatically increased by like amounts, so that holding spending authority increases to 6 percent is dreaming. There are numerous other reasons to question 1981 numbers, for example:

In addition to the 1980 fuel-related defense supplemental mentioned above, there is a similar request for $4.5 billion for 1981;

Several billion dollars have been saved, on paper at least, by delaying the sale of loan and other financial assets—a good example of "playing with mirrors";

As a result of changes in current law $5.6 billion is assumed to be saved; however, Congress record on such legislative savings is dismal;

The cost of the Russian grain embargo is underestimated—$2 billion in 1980, $800 million in 1981;

Off-budget spending—excluded from the budget by law—sets a record in 1980, $17 billion, and again in 1981, $18 billion, larger, for the first time, than the official unified budget deficit of $16 billion.

The relationship between the budget and the economy is two-way; the budget affects the economy, and the economy affects the budget. A deteriorating economy reduces revenues—because of lower output and the resulting reduction in the tax base—and increases outlays, for example, for unemployment insurance payments, food stamps, et cetera. The deficit increases markedly and automatically during economic downturn. To the extent that the economy's future has been overstated by the administration, the budget will respond automatically and also discretionally—if, for example, we choose to stimulate the economy through a tax cut or increased spending, or both. But the reverse is not always true; if the economy performs better than the forecast, the net effect this year is likely to be more stimulus. Why? Because this is an election year; the Carter budget lays the foundation for stimulus on the spending side by deceptively modest initiatives for 1981—but which, if left alone, would quadruple in size by 1983—that could easily be expanded as part of a fiscal stimulus package. And, the budget also provides ample opportunity for stimulus on the revenue side because, in the absence of a tax cut, revenues as a percent of gross national product would rise to a peacetime record tax burden of 21.7 percent.

By submitting a budget widely perceived as more political than fiscal, President Carter has put the Democrats in a difficult position. Congress cannot produce a political budget as easily as the President, since no money can be spent without congressional approval, and since congressional spending actions are now openly scored by its own agency—the CBO. Not that Congress has not tried; this year will be the third year in 5 that its second, so-called binding budget resolution will have to be busted, and a third resolution inserted in its place—so much for Congress binding itself. The President's economic assumptions are not at great variance with those of others, but this prescription is simply not to be believed.

While there may be political advantage in ridiculing the President's unrealistic budget, doing so misses the real question of what the best fiscal policy ought to be. Accordingly, we should direct our efforts to determining appropriate fiscal policy. The appropriate fiscal policy is the flip side of the Carter economic game plan.

With the exception of the defense budget for 1981, spending increases have come largely in the indexed programs. Generally, these are programs for nonworking persons which are increased automatically by law in accordance with certain economic indicators, such as the CPI. The problem is that the combined effect of upward biased indicators—the CPI being the most apparent—and built-in indexing formulas themselves has been to increase benefits beyond true increases in the cost of living. According to testimony before the Budget Committee, the inflationary bias is 1.8 times actual inflation. When this is compared with the declining real incomes of those who work, we have the situation described by Dr. Eckstein in which: "We are currently treating nonworking program beneficiaries better than the average American worker."

Yet, Congress has shown remarkable resiliency to making changes in these exploding entitlement programs, and so has President Carter; in his budget he hypocritically condemns the proliferation of so-called uncontrollables—which constitute a growing proportion of the Federal budget, now about 75 percent—while simultaneously proposing major new entitlement uncontrollable programs—for example, national health insurance would cost $24 billion in its first year of operation. As noted above, proposed changes in existing law to realize spending savings amount to less than 1 percent of the President's budget.

I think the public is becoming increasingly aware that economic trends cannot be reversed overnight. Yet, we are presently locked into what is basically a 1-year budget process. The solution to our present dilemma, especially our inflation problem, cannot be found in any 1 year's budget. Furthermore, any plan to extricate ourselves from the current mess must take cognizance of the importance of monetary policy. Overall, what I have proposed as the appropriate macroeconomic policy dovetails well with what many of our expert outside witnesses told us last week. For example, to quote from Dr. Eckstein's testimony:

> . . . the first thing we must do is to adopt a more cautious management of the budget and of our money supply. Unless we get demand below the level of potential aggregate activity, everything else is doomed to failure . . . Now, if you have done that, then through tax incentives and other supply-related tax policies, you can raise our ability to grow, and that would then, over a period of five or ten years, work you out of the double-digit inflation down to something more tolerable, toward a more normal growth rate.

I may disagree with the length of time required, but I certainly agree that the economy cannot be put on a stable footing overnight, certainly not with one budget. Nevertheless, we must start somewhere, and the only options at our disposal presently are in the 1980 and 1981 budgets.

I do not want to minimize the real difficulties inherent in restraining the growth of any existing program. Nevertheless, it is clear that this Congress and this President cannot muster the courage. The name of the game is discipline. As presently constituted, Congress has neither the will nor the institutional structure—with its fragmented autonomous committee systems and a weak budget process—to come to grips with runaway spending growth.

We also need leadership: As the President said in his budget message:

> Proposing a responsible Federal budget is a fundamental task of public leadership.

So much for Presidential leadership.

Again, the best fiscal policy is 180 degrees from the President's. We need a balanced economic plan that has the added restraint of slowed spending increases countered by tax reductions to improve the supply side of our economy and to provide for basic equity to all taxpayers.●

LAFAYETTE ALLEN, SR. AND EDYTHE ALLEN

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mr. FORD of Michigan. Mr. Speaker, I want to draw the attention of the House to a significant event which will take place Sunday at the Fairlane Manor in Michigan. Friends of the Allen family will honor the memory of Lafayette Allen, Sr., and will honor Edythe Allen, his widow, and the rest of this most exemplary family, who are my constituents in the city of Inkster.

The late Lafayette Allen, Sr., worked hard all of his life. In the depths of the Depression, Mr. Allen started a small grocery business, worked at Ford Motor Co., and helped raise his children. All of this time, his wife Edythe, worked just as hard, putting in long hours. Eventually, the Allen family's grocery business became a supermarket. The Allens' hard work, dedication, and sacrifice since the days of the Depression created one of the largest independently owned black businesses in the United States.

The city fathers of the city of Inkster have honored the Allen family by naming the boys' club, a junior high school, and a city avenue for Lafayette, Sr. The citizens of Inkster are proud of the Allen family. Every American should share this pride and take notice of the excellent record, hard work, love, and patriotism displayed by the Allens.

The pages of history do not take sufficient notice of families such as the Allens. Sons Jesse and Lafayette, Jr. served the United States proudly during World War II and returned to join in the business with their mother and father.

On Sunday in Michigan when the friends of the Allen family meet for the boys' club awards, I hope that we will also take a moment and give thanks that there are Americans who know the meaning of hard work and community involvement, and live by the adage that "We should leave the glass a little more full than we first found it." The Allen family has done exactly that.●

POLISH NATIONAL ALLIANCE'S 100TH ANNIVERSARY

HON. ADAM BENJAMIN, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 1980

● Mr. BENJAMIN. Mr. Speaker, I rise today to pay tribute to the Polish National Alliance in recognition of their 100th anniversary.

On February 15, 1880, industrialist Julius Andrzejkowicz and 10 of his ambitious followers established the Polish National Alliance and began organizing Polish cultural societies across the country. Through the years, Polish communities from all areas of the United States joined with the Polish National Alliance in representing the accomplishments of the Polish citizenry.

From its auspicious beginnings, the Polish National Alliance has grown to its present admirable status as the largest ethnic fraternal organization in the land, with 16 districts, 206 councils, and 1,200 lodges all across the United States.

The history of the Polish National Alliance is a proud one, steeped with accomplishment. Among its landmark achievements is the formation of the educational department in 1895, with its emphasis on maintaining the unique ethnic identity of the Polish community and to provide scholarships to assist aspiring Polish students. They also are the founders of Alliance College in Cambridge Springs, Pa. The beautiful Thaddeus Kosciuszko Monument in Washington, D.C., was donated by the Polish National Alliance and they led the movement in 1929 that resulted in the congressional enactment of October 11 as Pulaski Day in the United States, by special Presidential proclamation.

The Polish National Alliance has also been aggressive in integrating Polish immigrants into the American mainstream and assisting the immigrant in assimilating to American educational, political, and business systems.

Under the present competent leadership of Aloysius A. Mazewski, the Polish National Alliance continues to be a steadfast and efficient representative of the Polish people in the United States and their brothers and sisters in the motherland. The Polish National Alliance continues to serve the interests of its constituency in their struggle for freedom, independence, and economic betterment.

From the first arrival of Polish immigrants in Jamestown in 1608, the Polish people in the United States have contributed heavily to the industrial, educational, and technological advancements of our country. They have demonstrated their bravery and shed their blood in many wars fought by our Nation when our unity and freedom was challenged.

May the Polish National Alliance and all the Polish people be honored today. May the Polish National Alliance continue to be a comfort and benefactor to the Polish citizens here and in Poland as representatives of an enduring heritage of compassion, genius, and accomplishment.●

THE PRESIDENTIAL MESSAGES: THE FEDERAL BUDGET

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, February 13, 1980, into the CONGRESSIONAL RECORD:

THE PRESIDENTIAL MESSAGES: THE FEDERAL BUDGET

President Carter's budget for fiscal year 1981 boosts defense spending sharply, holds the line on most domestic programs, and reduces the deficit by allowing taxes to rise. His budget calls for total outlays of $616 billion (a figure so large that it is almost impossible to grasp) and a deficit of $16 billion (one-half this year's deficit). The very few initiatives in the budget will be phased in slowly over the next several years. In a political sense, the budget is "down the middle." It tilts toward the conservatives with a lower deficit and higher military spending, but it spares the liberals any major cutbacks in social programs. For the first time ever in a budget, the President forecasts a mild economic recession.

Total spending is up 9.3 percent from the current year's outlays, about the same as the rate of inflation. Thus, in "real" terms, the budget is not growing. Of the $52.2 billion rise in spending, $15.3 billion, or 30 percent, goes to defense, and most of the rest is for increases mandated by law, such as those in social security benefits. Overall non-defense spending rises a percentage point less than inflation, so it declines in "real" terms from 1980 to 1981. A few programs are augmented modestly (housing, research and development, and education) while others are cut (school lunch and higher education). The President does not propose the usual election-year tax cut (the most controversial item in his budget), though he says he will consider it "if the economy deteriorates significantly."

Several features of the budget concern me.

First, the deficit projected for 1981 is the lowest since 1974, but I have reservations about it nonetheless. Estimates of deficits are always hazardous 21 months ahead of the fiscal year (September 30, 1981 in this instance), and experience teaches us that deficits have a way of creeping up. Last year the initial budget contained a deficit of $29 billion, but that figure has now been raised to more than $40 billion. Also, the reduction in the 1981 deficit is achieved by increases in taxes, not by tight restraints on spending. Social security taxes are rising, the tax on the windfall profits of oil companies will add revenues, and inflation pushes every taxpayer into higher tax brackets, thereby increasing tax collections. In addition, the deficit is kept low by counting so-called "savings" that Congress will have to approve when it looks at various programs. In several cases, such as hospital cost containment, impact aid to schools, and the school lunch program, Congress is unlikely to agree with the President. Further problems are the optimism of the President's economic projections and the probability that a tax cut will be enacted between now and September of 1981. Both factors would tend to swell the deficit. For all these reasons, I believe that the next year will show higher spending and a higher deficit than the President estimates. Instead, we should be moving toward a balanced budget.

Second, spending proposed for 1981 amounts to 22.3 percent of the gross national product (GNP), significantly above the corresponding figure of 20.8 percent for 1979. The budget does not continue to shrink the size of the government in relation to the economy. The President has apparently abandoned his pledge to hold spending below 21 percent of the GNP. He expects spending to stay above that level until 1984 at the earliest.

Third, too much of the budget has become "uncontrollable". The reason for the loss of control is that about 75 percent of the budget consists of spending commitments that are already locked into place, in both programs whose participants are "entitled" by law to benefits (for example, in pensions) and "backdoor" spending to pay for obligations that have been incurred (for example, in contract and borrowing authority). Calling this spending "uncontrollable" is somewhat misleading. It signifies more an unwillingness, not an inability, to control spending. Of the $52.2 billion in spending increases in the budget, about 68 percent will go to "uncontrollables". Unless it makes a major change in this kind of expenditure, Congress will see a larger and larger share of federal spending slipping beyond its grasp. Congress will also become more hesitant to take new initiatives. Change in "uncontrollable" spending, if it occurs, will come only slowly.

Fourth, I am uneasy about the budget because it represents "more of the same" at a time when federal policies and budgets ought to be directed to solving the long-term problems of diminished productivity, loss of competitiveness, excessive demand for limited resources, a reduced position in the world economy, and inflation. The perils described by the President in his budget and economic messages are larger than the remedies he proposes. One has the impression that if his somber, even gloomy, diagnosis of the nation's economic ills is correct, then his prescriptions are not sufficiently potent. Urgent economic problems are described, but passive solutions are proposed to deal with them. The President wants to slow inflation down, but the budget is headed for a deficit of $40 billion in 1980 and the wage price guidelines are weak weapons against powerful inflationary forces. He wants to reduce oil imports, but his measures will take a decade to become fully effective.

Finally, I am concerned that much of the fiscal stringency in the 1981 budget is the result of accelerated spending in the 1980 budget. "Budget padding" of this sort is neither sustainable nor desirable.●

RICK NOLAN

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 1980

● Mrs. COLLINS of Illinois. Mr. Speaker, I know I speak for all of us in this body when I say how saddened and disappointed I was by the announcement of our most distinguished colleague, RICHARD NOLAN of Minnesota, not to seek another term in Congress. In the months ahead, I am sure there will be time for all of us to express our tribute to his achievements here in the Congress, but at this point I would like to express my appreciation for his 6 years of service in the House, a record of speaking out for those without powerful voices and concern for the American farmer.

I would like to share with my colleagues the gentleman's statement annoucing that he will not be a candidate for reelection. That statement speaks to the highest level of a man's commitment—time to fully love those who love him. It is a perceptive comment on the congressional system. A system which allows us to visit with our loved ones once a week; on weekends, a system which often compromises the truth and goodwill of the public, a system which feeds on our energies, sweat and tears—always demanding more than we have to give. Richard spoke of a system, which at times is good, bad, and totally indifferent to the needs of our constituency. He also described a system which attempts daily to live up to the hopes and ideals of our Nation.

RICHARD NOLAN spoke of a way of living which he is now prepared to give up in favor of spending time with the people he loves.

The statement follows:

STATEMENT BY CONGRESSMAN RICHARD NOLAN

I am today announcing I will not be a candidate for re-election to the United States House of Representatives.

To have served in the Congress is a privilege and a great honor for which I will always be grateful. But after having served 14 out of my 36 years in government and politics, I have decided to take a turn in the road—to leave one life which I have loved and thoroughly enjoyed for other things which are also important to me.

I want to spend more time with the people I love, who have been so patient while my time has been taken up with fundraising, committee hearings, votes, long trips, and all the other demands and pressures of politics. After five and one half years on the House Agriculture Committee, I want to return home to Minnesota and start a small model farm, using the new alternative technologies appropriate for the 80's and 90's. I want to read, write, become a good guitar player, and enjoy some leisure time. In short, I'm looking forward to leading a normal life again, doing normal things.

I have always been an optimist, and I leave Congress wiser and somewhat disheartened, but still as optimistic as when I entered.

I'm wiser and yet disheartened in the sense of realizing that in Congress, victories aren't won solely because the cause is just; public policy is not always made on the basis of public need; and the truth is not always believed solely because it is true. Because justice, public need, and truth are too often ignored, compromised, and trampled on through the excessive and abusive influence over public policy by big money and multi-national corporations—the same interests pushing the world into $400 Billion annual expenditures for armaments and weapons of destruction while billions of people go hungry and without hope.

I'm still optimistic because there is a huge reservoir of good will and creative energy in the American people—an undiminished desire for our country to live up to the best hopes and the highest ideals.

That's why our state and our nation must continue to seek new leaders with the strength to sail against the wind when such a course is necessary:

Leaders who will fight for the small farms, small business, and small communities which are being driven out of existence by huge corporations and powerful special interests;

Leaders who will fight inflation by forcing the rich and powerful to restrain their lust for profit and pay their fair share of the bills in America and around the world;

Leaders who aren't afraid to try, to fail, and try again because they understand, as Robert Kennedy said, that only those who dare to fail greatly can ever achieve greatly;

Leaders who understand that the first and only legitimate purpose of good government is the enhancement of human life and happiness—not their destruction through wars and proliferation of unbelievably terrible weapons which encourage wars.

Throughout the years, the DFL in Minnesota and the Democratic Party have produced such leaders, and we must continue. We cannot allow the party of Thomas Jefferson, Franklin Roosevelt, and Hubert Humphrey to take on the character of Calvin Coolidge, Herbert Hoover, and Jimmy Carter. We are the party of possibility and hope for America. If we forget that, we will lose not only elections, but our souls as well. Senator Edward Kennedy is the last best hope for our party and our country, and I will continue to support him for President with all my heart. I am proud to be a liberal and will never apologize for it.

During the three years I served with Hubert Humphrey in Washington, I came to understand the truth of his belief that politics is an honorable profession . . . a calling in which honorable men and women can still make a difference to benefit humankind.

I'm going to leave Congress with a sense of personal accomplishment and pride. The most significant and satisfying act of my public life was sponsoring the resolution ending America's involvement in the Vietnam War.

But I've devoted most of my work in Congress to agriculture, and to redirecting America's farm policy toward enhancing small and medium-sized farms and rural communities. We've succeeded in substantive ways, and succeeded by way of helping farmers and their friends realize they will have to organize and fight politically to preserve our rural way of life.

Moreover, I have devoted my energy to speaking for those whose voices aren't powerful, and to telling what I believe to be the truth from the public forum which Congress provides.

In doing so, I believe my staff and I have served the people of the 6th District, and of this nation, well. I hope and trust that we have set an example for those who look forward to public service. I hope we have demonstrated the truth of the poet Robert Frost's statement that the utmost reward of daring is to be willing once again to dare.

A retiring Congressman once observed that he couldn't decide whether being a Congressman was the best job in the world or the worst job in the world. So in explaining his retirement, he said:

"If being a Congressman is the best job in the world, it ought to be shared.

"If being a Congressman is the worst job in the world, it ought to be divided."

I have decided to share what I believe to be the best job in the world * * * the best job for awhile, at least. To those friends and supporters who have worked so hard on my behalf, my thanks can never be enough. I hope I've been worthy of your trust and your friendship.●

ONE HUNDREDTH ANNIVERSARY OF THE POLISH NATIONAL ALLIANCE

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 1980

● Mr. NEDZI. Mr. Speaker, I am pleased to salute the Polish National Alliance of the United States, the largest ethnic fraternal organization in our Nation, on its 100th birthday.

As an American of Polish descent I have been personally acquainted with the organization, its people, and its goals all my life.

The PNA is genuinely a national organization. It has 1,200 lodges in 39 States.

This spread dramatizes and underlines one of the essential facts of the Polish experience: the Diaspora, which not only has scattered Poles all over the globe but among all the States of our Union.

Any organization that has stayed intact for 100 years has got to have many good things going for it. This is certainly the case with the PNA, with its warmth of fraternity, its promotion of ethnic awareness, its understanding and pride in America, and its vigorous insurance program for members and their families.

An anniversary celebration, by its very nature, is both a sad and a cheerful occasion—sad because of the memory of those farseeing pioneers and friends who are no longer with us, cheerful because we are reminded of our common heritage, common purposes, and friendships once again.

Most of us, I believe, would agree with English philosopher Edmund Burke, who, in describing his philosophy of life, said he regarded himself as "having an ability to reform with a disposition to preserve."

The Polish community in America has indeed displayed a disposition to preserve its rich heritage. And it has proven its resilience and ability to reform and adapt to the style and to the opportunity of American life. The Polish National Alliance has been in the vanguard of this sometimes difficult but very necessary effort.

I salute their leadership and their membership.

Sto lat.●

A LOPSIDED WILDERNESS COMPROMISE

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mr. SYMMS. Mr. Speaker, next week, the House Interior Committee will consider S. 2009, the central Idaho wilderness bill, as amended. Although the bill has been touted as a compromise struck between wilderness and nonwilderness interests, the bill exceeds the acreage recommended by the environmentalist legislation, S. 95. Its enactment will result in job loss in Idaho's logging communities, and will restrict mining and exploration of the State's critical mineral deposits.

The people of Idaho want a reasonably sized wilderness, but they also feel that nonwilderness decisions must naturally accompany wilderness decisions. Consequently, the majority of Idahoans oppose this bill, and the Idaho Legislature, the body of government that is closest to the people, is expected to pass a joint memorial to Congress expressing that opposition. This is not the first time that I have inserted letters and articles showing that concern and opposition.

Today, I enclose for the immediate attention of my colleagues, a letter from Gordon Tate, master of the Idaho State Grange entitled "Wilderness Bill Not a Compromise" and a telegram of opposition from Bob Kinghorn, president of the Idaho State AFL-CIO. The letters read as follows:

Boise, Idaho,
December 4, 1980.

Hon. John Seiberling,
Chairman, Subcommittee on Public Lands, House of Representatives, Washington, D.C.:

Please express to your committee our deep concern that the Idaho Wilderness bill as presently written will have severe adverse effects on our already depressed lumber industry in Idaho. We have had 2 large mills close in the past 3 years in large part because of a short timber supply. If the final bill does not contain provisions for the release of planning units adjacent to the wilderness area, we stand to loose at least 1 more large mill and probably 2. We also believe that the proposed wilderness area is too large and believe 1.8 million acres is all that could reasonably be included without further damage to the lumber industry. We request that your committee give due consideration to the fact that more unemployed lumber and sawmill workers is not in the best interest of Idaho or the nation.

Sincerely,

Bob Kinghorn,
President, Idaho State AFL-CIO.

Wilderness Bill Not A Compromise

(By Gordon Tate)

The Central Idaho Wilderness Bill (S. 2009) passed by the Senate, presents a very lop-sided compromise, if indeed, it can be called one at all. Of the various proposals by the interested parties, it includes almost all of the acreage asked by the environmental groups.

The people most affected by it, the timber, mining and ranching industries, had asked for 1.3 million acres; the Western Environmental Trade Association 1.4 million acres; President Carter 1.8 and Governor Evans 1.9 million acres. It is readily apparent that the 2.2 million acres cannot be considered a reasonable compromise of these positions.

Public sentiment in Idaho has been opposed to more wilderness, as shown by the Rare II responses to the Forest Service proposals. At the hearings on the Central Idaho Wilderness bills at Boise, 7 out of 9 state legislators who testified favored the smaller acreage. The last survey of Idaho Tomorrow, a concerned citizen group organized by former Governor Andrus, also favored no more wilderness for Idaho. The Idaho State Grange as well as other statewide farm organizations have repeatedly endorsed limiting the wilderness acreage to what we already have; including the primitive area with a few small additions to complete the Central Idaho Wilderness area at about 1.4 million acres.

In addition to this Central Idaho or River of No Return Wilderness, Idaho already has about 1.5 million acres and is faced with additional state-wide wilderness from the Rare II study of up to 6.2 million acres, with another 1 million for further planning. Idaho could thus end up to be ⅙ wilderness, if all the "compromises" go like this one. To be honest and realistic any proposal should put a cap on the total wilderness for the state, such as the bill introduced by Representative Symms, or at least the release language in the McClure amendments, and used in some of the legislation for other states.

Much has been said of the land in the Rare II studies that will be "released" for multiple use. The truth is that this land was always available for multiple use until it was recently tied up by the Rare II studies, and it is actually no new land available at all. It is also true that while this land was in multiple use, it was not ruined, and was in fact so well taken care of that it was good enough to be classed as potential wilderness. I was indeed surprised to find an area that we hunted in for years, and drove through with a car or two-wheel drive pickup, classed as "roadless" and potential wilderness.

At this point we should note that many of the plans, such as those of Governor Evans, Congressman Symms, the Western Environmental Trade Association and the Grange position included land that could be managed administratively as wilderness under the 1964 amendments to the 1960 Multiple Use Act. The cases we have just cited are proof that this is a workable solution. By limited roading, it could provide access in time of fire, disease control, and even the salvaging of some timber where desirable, or possibly the extraction of strategic minerals in an emergency situation. In this connection, access such as the McGruder corridor must be maintained in any wilderness plan.

Few people realize the cost of administration for a wilderness area. The loss of 11 lives in a Forest Service plane crash and in fighting fire in the Idaho wilderness the past year points up this high cost, especially when we realize that wilderness recreation is only 5% of the total forest use. Some wilderness hikers testified at the Lewiston hearing they spent only $2. per day—indeed a meager return compared to recreation in a multiple use area, or the returns from other uses.

This "compromise" reminds us of the one before—the Hospel Hump, near Grangeville. In a compromise bill also sponsored by Idaho's senior Senator about a year ago, 206,000 acres of a total of 340,000 (or 60%) went into instant wilderness, 92,000 acres for further study, and only 45,000 acres (or 13%) opened to timber harvest.

Where will our next compromise lead us?●

RAIL ACT OF 1980

HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mr. MADIGAN. Mr. Speaker, the distinguished chairman of the Transportation and Commerce Subcommittee of the Interstate and Foreign Commerce Committee, Mr. Florio, and I have inserted in the Record today a preliminary draft of the Rail Act of 1980.

The preliminary draft contains the first five titles of a bill designed to put this Nation's railroad system back on its feet. The proposed bill would: First, provide significant deregulation of railroad pricing; second, simplify and speed up the entire regulatory process; third, simplify and modernize cost accounting; fourth, encourage shipper-operated railroads over light density track; and fifth, provide financial assistance for meaningful restructuring of the industry.

The draft placed in the Record today is a preliminary working draft. Mr. Florio and I are anxious to receive suggestions from shippers, railroads, government agencies, and all others as to ways to improve this preliminary draft. After months of hearings concerning problems affecting the railroad industry, I am convinced that this draft represents a step in the right direction.

Let me take just a few minutes to highlight some of the key provisions contained in the draft. As you know, Mr. Speaker, until the 1976 act, every railroad rate was subject to regulation before the Interstate Commerce Commission as to its reasonableness. Since the Railroad Revitalization and Regulatory Reform Act of 1976, not quite as many rates have been subject to Commission regulation, but ratemaking continues to be done in a regulated environment, thereby resulting in very little flexibility. One of the effects of rate regulation has been to reduce the opportunity for competitive traffic to contribute to the fixed cost of the railroad system, thereby assuring the lowest possible cost for noncompetitive traffic. The draft bill contains a provision which would free most rates from Commission regulation, thereby encouraging greater pricing flexibility by the railroad industry.

To further encourage greater pricing flexibility by the industry, the Commission's power to suspend rates would be limited to those cases where a shipper could demonstrate serious consequences if the rate were not suspended.

One of the major difficulties facing shippers and railroads themselves has been the lack of meaningful data showing railroad costs. In the 4-R Act a provision was written to require uniform cost accounting throughout the industry. It has now become apparent that while that system will generate lots of figures and great paperwork, it will not provide the meaningful data necessary for shippers to know railroad costs, and for railroads themselves to be able to aggressively market their service. Therefore, the preliminary draft contains title IV which establishes a Railroad Accounting Standards Board in order to provide meaningful data for shippers and railroads themselves.

Title V of the bill contains a number of provisions I personally feel are long overdue. In many parts of the country, some railroads have appeared to be going through a slow-motion abandonment process by letting service deteriorate to the point where shippers in effect have no service at all. Over the years, many railroads have argued that the Government has forced them to operate lines which they would not operate if they were an unregulated industry. Under title V of the bill, railroads will be free to give any light-density lines carrying less than 5 million gross tons of traffic to the Federal Government, which in turn will redistribute those lines to interested States or shipper groups for the formation of feeder lines which will operate separate and apart from class I railroads. I am convinced that feeder lines will provide hundreds of shippers with better service than they have today. It is my judgment that any tax dollars needed for railroad improvement should be provided directly to shippers who need service rather than exclusively to railroads who do not want to provide the service.

As you will notice in the proposed draft, other provisions relating to the total railroad problem are still to be developed. I am confident, however, that within the next few months, the Congress will be able to consider the Rail Act of 1980, with confidence that it will face up to many of the problems facing railroads which have caused them to be a continual problem for the Federal Government, the shippers, and the general public.●

POLISH ALLIANCE

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 1980

● Mr. ROSTENKOWSKI. Mr. Speaker, February 15 will mark the 100th birthday of the Polish National Alliance of the United States of North America. This organization has spent over 90 years of its rich history with the center of its activity in my own neighborhood in Chicago.

Because of the special significance the PNA has for me, I wanted to share with my colleagues a brief history of the important contributions this organization has made in its centennial year of existence.

The Polish National Alliance of the United States is the largest ethnic fraternal organization in the Nation and the largest and most successful venture of Americans of Polish heritage.

On February 15, 1880, in Philadelphia, 10 men, under the leadership of industrialist Julius Andrzejkowicz initiated PNA by proposing that the Polish immigrants in various parts of the country form a unified organization, national in scope.

As a result, 12 societies from Philadelphia, Chicago, San Francisco, Bay City, Mich., Milwaukee, and La Crosse, Wis., responded by joining the proposed Polish National Alliance with a total of 498 members. They were represented by 13 delegates at the first constitutional convention on September 15-18, 1880. in Chicago.

For 100 years, this organization has been proclaiming to Americans of Polish origin the awareness of their ethnic heritage and its value to the society and culture of the United States. The history of PNA is a story of enriching American life with enduring values of Polish culture, history, and tradition. But most important, it is a story of expediting the entry of Polish immigrants and their American-born children into the mainstream of American life. It has been the hallmark of the organization's mission and accomplishments.

This purpose has been clearly stated in the basic principles of the PNA as set forth by the first constitutional convention of September 1880, in Chicago. It declared that the main objectives of the organization were:

> To provide protection for Polish immigration:
>
> To provide political enlightenment to the Polish immigrants as citizens of the United States * * *

These objectives were successfully pursued by the official PNA organ, Zgoda, since 1881, by its sister publication, the Polish Daily Zgoda (Dziennik Zwiazkowy) since 1908, by various pamphlets, lectures, and traveling libraries, and also through Alliance College, founded in 1912.

The PNA history is divided into four phases. The first phase is from the day of its founding in 1880 in Philadelphia to the dedication of Alliance College in 1912 in Cambridge Springs, Pa. The year of 1910 is of special significance as it was the year of the Convocation of the First World Congress of Poles in Washington and the year of unveiling of the Kosciuszko and Pulaski Monuments in Washington, D.C. PNA was the leading force and instigator in both these endeavors.

The second phase, prior to and during World War I, PNA began to place emphasis on the integration of Polish immigrants and their children into the American system of education, political activities, business enterprises, and so forth.

Between World Wars I and II, the third phase was marked by widespread educational and civic activities helping the Polish immigrants to get acculturated and channel their energies into the mainstreams of American life. During this time, development of nationwide youth activities known as Harcerstwo was initiated. It was separate and distinct from the Boy Scouts of America but paralleled its New World counterpart in activities.

The development of the fourth phase was heralded by PNA President Aloysius A. Mazewski, who, in a major address delivered to the Buffalo business and professional men of polish origin declared on November 29, 1967 that:

> Polonia is entering an era of renascence as part of America's pluralist society, steeped in great achievements of Polish culture, and heir to noble legacy of tolerance and democracy that were the hallmark in the history of our ancestral home.

This fourth, current phase, coupled with the activities of the Polish American Congress represents a reorientation of Polonia in the pursuit of its basic purposes.

Present membership of the Polish National Alliance include U.S. Senators and Congressmen, members of the Federal, State, and local judiciaries, State legislatures, and other prominent persons in other sectors of our national life.

Thus, the Polish National Alliance, acknowledging its past with pride and thanksgiving, begins preparations for its centennial beginning February 15, 1980.

These precentennial activities find the source of inspiration in the American Revolution Bicentennial, and the contribution Polonia made to the fabric of our national history.

Toward this end, the 37th convention allocated $50,000 for observances of the PNA centennial through symposia, publications, seminars, and other appropriate programs.

As they develop at their organizational levels, their details will appear in PNA's two publications, Zgoda and Dziennik Zwiazkowy.

Today, the Polish National Alliance is a great fraternal and civic organization of Americans of Polish ancestry—great by any American standards, modern, progressive, and advancing to an even greater future in the service of the country and American Polonia.●

SHOULD THE RIGHT TO LIVE BE PARAMOUNT AMONG RIGHTS?

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mr. BIAGGI. Mr. Speaker, earlier this month, I addressed myself to the case of Earle Spring, a 78-year-old nursing home patient in Massachusetts who has been the subject of a rather celebrated series of court cases revolving around his right to live.

Recently the nationally syndicated columnist Ellen Goodman wrote an article on the case appropriately entitled "Who Lives? Who Dies? Who Decides?" No one for a minute would question that there are complex legal issues in this case. However we cannot overlook the fact that there are complex and intense moral issues here as well. The fact is the issues clearly overlap.

Let me briefly touch on one critical issue in this case—that is the consequences of a judicial ruling of incompetence. The ruling has always served to deprive the individual of certain rights but until the higher court intervened, Massachusetts courts were claiming that being declared incompetent deprived a person of their most fundamental right—the right to live. This is an ominous judicial precedent.

The final outcome of this case remains in question. We know that Earle Spring is again receiving his vitally important dialysis treatments. Yet the issues in this case will be grappled with for years to come. The Nation should be prepared to give the issue full debate and careful consideration. I submit the Ellen Goodman article for consideration.

WHO LIVES? WHO DIES? WHO DECIDES?

(By Ellen Goodman)

BOSTON.—Some have called it a Right to Die case. Others have labeled it a Right to Live case. One group of advocates has called for "death with dignity." Others have responded accusingly, "euthanasia."

At the center of the latest controversy about life and death, medicine and law, is a 78-year-old Massachusetts man whose existence hangs on a court order.

On one point, everyone agrees; Earle Spring is not the man he used to be. Once a strapping outdoorsman, he is now strapped to a wheelchair. Once a man with a keen mind, he is now called senile by many, and mentally incompetent by the courts. He is, at worst, a member of the living dead; at best, a shriveled version of his former self.

For more than two years, since his physical and then mental health began to deteriorate, Earle Spring has been kept alive by spending five hours on a kidney dialysis machine three times a week. Since January 1979, his family has pleaded to have him removed from the life-support system.

They believe deeply that the Earle Spring who was would not want to live as the Earle Spring who is. They believe they are advocates for the right to die in peace.

In the beginning, the courts agreed. Possibly for the first time, they ruled last month in favor of withdrawing medical care from an elderly patient whose mind had deteriorated. The dialysis was stopped.

But then, in a sudden intervention, an outside nurse and doctor visited Earle Spring and testified that he was alert enough to "make a weak expression of his desire to live." And so the treatments were resumed.

Now, while the courts are waiting for new and more thorough evidence about Spring's mental state, the controversy rages about legal procedures: no judge ever visited Spring, no psychiatrist ever testified. And even more important, we are again forced to determine one person's right to die or to live.

This case makes the Karen Ann Quinlan story seem simple in comparison. Quinlan today hangs onto her "life" long after her "plug was pulled." But when the New Jersey court heard that case, Quinlan had no will. She has suffered brain death by any definition.

The Spring story is different. He is neither competent nor comatose. He lives in a gray area of consciousness. So the questions also range over the gray area of our consciences.

What should the relationship be between mental health and physical treatment? Should we treat the incompetent as aggressively as the competent? Should we order heart surgery for one senile citizen? Should we take another off a kidney machine? What is the mental line between a life worth saving and the living dead? Who is to decide?

Until recently, we didn't have the technology to keep an Earle Spring alive. Until recently, the life-and-death decisions about the senile elderly or the retarded or the institutionalized were made privately between families and medical people. Now, increasingly, in states like Massachusetts, they are made publicly and legally.

Clearly there are no absolutes in this case. No right to die. No right to live. We have to take into account many social as well as medical factors. How much of the resources of a society or a family should be allotted to a member who no longer recognizes it? How many sacrifices should the healthy and vital make for the terminally or permanently ill and disabled?

In England, where kidney dialysis machines are scarce, Earle Spring would never have remained on one. In America, one Earle Spring can decimate the energy and income of an entire family.

But the Spring case is a crucial, scary one that could affect all those living under the dubious sentence "incompetent" or that shaky diagnosis "senile." So it seems to me that if there is one moment a week when the fog lifts and when this man wants to live, if there is any mental activity at all, then disconnecting him from life would be a dangerous precedent, far more dangerous than letting him continue.

The court ruled originally in favor of taking Spring off the machine. It ruled that this is what Earle Spring would have wanted. I have no doubt that his family believes it. I have no doubt of their affection or their pain.

But I remember, too, what my grandfather used to say: no one wants to live to be 100 until you ask the man who is 99. Well, no one, including Earle Spring, wants to live to be senile. But once senile, he may well want to live. We simply have to give him the benefit of the doubt. Any doubt.●

A LITTLE CARING IS ALL IT TAKES

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mr. CHARLES H. WILSON of California. Mr. Speaker, I have an example of a project in one of the cities in my congressional district that did not need any financial support from the Federal Government to succeed. All it took was a little human kindness and a superhuman effort by several remarkable people.

The city of Lynwood, Calif., had a problem that is not uncommon to many cities in large urban areas, but the remarkable thing is that there were several who saw a way not only to remove the problem but help those involved to better themselves.

It truly is an example of what "a little caring" can do and I would like to include an editorial from the Los Angeles Times that describes what happened in Lynwood:

[From the Los Angeles Times, Feb. 4, 1980]

A LITTLE CARING IS ALL IT TAKES

The buildings along Long Beach Boulevard look pretty much the same as you drive from Lynwood into Compton—sandwich shops, abandoned salesrooms, used-car lots. But there's a noticeable difference. Graffiti cover the walls in Compton, not in Lynwood. What sprayed-on scrawling there is, three men know why it's there, how long it's been there and probably who wrote it. They work with the gangs who'll clean it up.

Lynwood wasn't always clean. Like many other neighborhoods in the Los Angeles area, Lynwood faced a graffiti problem of mammoth proportions. It had dozens of young people who just had to put their names on a wall—every wall—to prove that they were somebody or to let people know that they were back in town from a spell in jail. Then Barney Mull came across Alameda from Watts, where he'd been working, along with Tony Kerr and Blackie Saucedo, to help establish an organization called Young People of Lynwood.

Barney is fond of saying that there's not enough paint in the world to cover over the graffiti. You've got to find a substitute activity for these kids. Working out of a storefront building on Imperial Highway and out on the streets themselves, Barney, Tony and Blackie have found that these kids need a little money in their pockets—money to buy gas to go looking for a job, money to buy lunch.

So they have the kids organized to tend the lawns and parking lots and shrubs around Lynwood businesses, and to clean up quickly the occasional graffiti that still appear. The jobs, which pay $3 an hour, are not much, but the work does put money in the pocket. At night and on weekends, there are also classes at the storefront office of Young People of Lynwood. Nothing fancy, mainly basic information on the importance of getting to work on time, of coming back from a break, of tucking your shirt in so that you look respectable.

Barney says that some of the kids are ready to work inside. Two or three work at the department store across the street, two at a tank factory. One washed out; he didn't like full-time work.

Chino is one of "Barney's boys." He wears the local uniform—Pendleton shirt buttoned to the neck, loose-fitting gray slacks, black suede shoes. He was a "writer." Barney has photographs of walls with "Chino" written everywhere. Chino says he's stopped writing; he wants to find a job.

Young People of Lynwood isn't a big-budget outfit. It runs on about $48,000 a year, much of it donated by the Earle M. Jorgensen Steel Co., with other contributions from Western Gear, Manchester Tank, Home Bank, At-Lyn Office Supplies and a Lockheed employees' group. Other businesses help by paying for landscaping services. If more businesses in Lynwood became involved, through contributions or especially work contracts, more young people could be helped.

Lynwood is cleaner. The Los Angeles County sheriff's office in Lynwood also says that gang activity has fallen off as a result of this program and several others.

There's no secret about what Barney and Tony and Blackie do. They talk to the kids. They ride around, and they see them on the streets. They work to try to get that last problem wall cleaned up at Lincoln School. They try to help the kids earn some money. They care, and some businessmen in Lynwood care. That's what it takes.●

PERSONAL STATEMENT

HON. ELIZABETH HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Ms. HOLTZMAN. Mr. Speaker, I was unable to be present on Thursday, February 7, 1980. Had I been present, I would have voted as follows:

Roll No. 36—no.
Roll No. 37—no.
Roll No. 39—yes.
Roll No. 40—no.
Roll No. 41—yes.●

NEW ENERGY COMMITTEE VERSUS IMPROVED PROCEDURES

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mr. BINGHAM. Mr. Speaker, I have read with extreme interest the report of the Select Committee on Committees on its proposed resolution to establish a Committee on Energy for the House. It is interesting to note that a number of the members of the select committee filed additional, dissenting, or minority views together with the report. In those views, numerous opinions are expressed as to the extent to which the resolution, as approved, actually accomplishes what those members wish. Some feel that an Energy Committee should encompass essentially all energy jurisdiction—except of course for crucial tax matters. Others feel that the resolution is acceptable as is, and should not be amended to add other jurisdiction.

One member felt that the resolution is acceptable, but that if the House wishes to expand the Energy Committee's jurisdiction it should add energy research and development, but not nuclear energy regulation. Other members apparently feel that nuclear regulation should be added, but not research and development. Still others think it critical that the committee be given jurisdiction over Outer Continental Shelf matters. The appearance of all of this leads me to conclude that even the members of the select committee are far from unified on what an Energy Committee—if one is created—and I have grave doubts about the need for one—really ought to look like.

There are two dissenting views which discuss an important area for potential reform of the House rules, and that issue is the way in which joint or sequential referral is handled. Indeed, I feel strongly that this is the key problem facing us, and that if we could successfully correct our deficiencies in this area, we likely would find we do not really need an Energy Committee.

In their dissenting and minority views, both the gentleman from Pennsylvania (Mr. KOSTMAYER) and the gentleman from Minnesota (Mr. FRENZEL) discuss the matter of reforming the referral process. As the Speaker knows, I have requested that a resolution be considered before the Democratic Caucus next week which would urge that the Energy Committee resolution not be given a rule until after the select committee has completed action on this related and equally important matter, the issue of referrals of legislation. I would like at this point to share with my colleagues the dissenting views of Representatives KOSTMAYER and FRENZEL as they appeared in the report of the select committee.

DISSENTING VIEWS OF HON. PETER H KOSTMAYER

The proposal of the Select Committee on Committees to establish a new standing Committee on Energy represents an earnest attempt to create a more efficient and effective framework for the House to consider critical energy legislation. Chairman Patterson and a majority on the Select Committee have tried to consolidate and rationalize the present proliferation of energy jurisdictions in a way that would at the same time attract broad-based support in the full House, a difficult and frustrating task. But despite our efforts to develop a proposal which met these minimum requirements. I believe that the final version of the measure is seriously flawed. In addition to falling short of the substantive committee reforms it originally intended, the proposal may in fact result in the creation of additional and unanticipated barriers to the timely and balanced consideration of energy legislation. For these reasons, I voted against the resolution and remain opposed to it.

It is important to recognize that under the resolution, the promised consolidation and coordination of energy-related jurisdictions does not occur. With the exception of the Subcommittee on Energy and Power of the Committee on Interstate and Foreign Commerce, only minor transfers of jurisdiction to the new energy committee are contemplated. For example, jurisidiction over the Tennessee Valley Authority would remain with the Committee on Public Works and Transportation, and rural electrification programs would remain within the jurisdiction of the Committee on Agriculture, even though both are clearly matters of major importance to national energy policy.

At the same time, the resolution gives the new energy committee jurisdiction over "national energy policy generally." This grant of new and general jurisdiction implies the creation of yet another committee layer through which energy legislation not under the primary jurisdiction of the new energy committee must pass. Any coordination that the new energy committee might have over bills referred to it by sequential referral would be strictly limited by time certain requirements and the legitimate jurisdictional claim of the primary committee.

The practical limitations of the proposal are further evidenced by the prospect of continuing jurisdictional battles over the annual Department of Energy authorizing legislation. Since the creation of the Department, three House committees have claimed primary and/or secondary jurisdiction over key titles of the DOE bill, resulting in protracted delays and unnecessary expenditures of committee time and resources. DOE policies and program activities, lacking clear direction from the authorizing committees, have been impaired. Yet the creation of the new energy committee envisioned in this proposal would do nothing to correct this situation. It might well worsen it.

The limited jurisdiction of the new energy committee was in part dictated by political consideration, and in part by the recognition of legitimate and competing perspectives which a number of committees with energy-related jurisdictions should bring to bear on complex energy issues. But I am extremely concerned that the perceived limitations of the new committee will lead to misconceived and potentially dangerous amendments on the House Floor.

During the Select Committee's consideration of the resolution, an amendment was offered to transfer jurisdiction of the regulation of the domestic nuclear industry from the Interior Committee to the new energy committee and to the Committee on Science and Technology. Regulatory activities, which focus on nuclear safety, public health, and general environmental impacts are properly distinguished from commercial and developmental programs. This adversary relationship is central to the effective functioning of the regulatory process. The combination of these functions in the Joint Committee on Atomic Energy illustrated the dangers of reducing this natural and desirable tension. Ironically, the Interior Committee originally acquired its regulatory jurisdiction when the Joint Committee was abolished.

The amendment was adopted, but later reversed after a concerted effort by the leadership of the House. Given the likely parliamentary situation and the history of House votes on nuclear issues in the first session, a similar amendment on the floor seems likely.

Finally, I opposed the resolution on the grounds that a new energy committee, however, limited, could override the critical environmental and public health issues which must be addressed in the formulation of national energy policy. I attempted, unsuccessfully, to balance this new production and commercialization mandate with a new jurisdiction for energy-related environmental issues in the Interior Committee. Individual subcommittees with jurisdiction over the nation's basic environmental laws have demonstrated their expertise and responsibility on a whole range of energy-related environmental issues. Nevertheless, I remain concerned that a new energy committee could effectively circumvent the activities of individual subcommittees whose jurisdictions are limited to specific environmental statutes.

Furthermore, no current jurisdiction exists for the examination of energy-related environmental impacts in a comprehensive or multi-resource way. This kind of analysis at the committee level could resolve at the policy and planning stage, problems which become critical only after substantial physical and economic resources are committed. An energy program which addresses these conflicts and tradeoffs at its inception will be more effective and viable in the long-run.

If we are serious about reforming Congress to deal more effectively with the energy crisis, we must look at alternative approaches. One of these might be the Select Committee's proposal to reform House multiple referral procedures. The growing use of multiple referrals since 1975 is, in my opinion, at least as important as overlapping committee jurisdiction in examining the ability of the committee system to deal responsibly with vital legislative issues.

PETER H. KOSTMAYER.

MINORITY VIEWS OF REPRESENTATIVE BILL FRENZEL

The creation of an energy committee, with crisp and accountable jurisdictional lines, is an essential aspect of any meaningful organizational reform of the House of Representatives. This is a position which I have long advocated, and one I supported both in testimony before the Bolling-Martin Committee on Committees in 1973 and during floor debate on that Committee's resolution 1974.

Despite the rejection of the Bolling-Martin jurisdictional recommendations, the uncoordinated—often careless—manner in which the House has since considered energy legislation only confirms my belief in the need for such a committee. The current fragmentation of energy policy-making within the House is self-evident. According to our Select Committee's own tabulations, responsibility for energy legislation is aimlessly scattered among 83 committees and subcommittees. The lack of any legislative point of convergence for the formulation of energy policy weakens the House as an institution. The structural disarray leads to confusion, conflict, and inaction.

The Select Committee's resolution establishing a standing committee on energy represents a well-intentioned, but ultimately misguided, attempt to rationalize energy jurisdictions within the House of Representatives. Unfortunately, the Select Committee did not offer a coherent and logical framework for the consideration of energy-related issues, but instead voted out a cosmetic effort, which fails to achieve comprehensive jurisdictional reform.

Despite claims of meaningful change, the proposal simply elevates an existing subcommittee (Energy and Power) of the Committee on Interstate and Foreign Commerce to full committee status. Aside from the energy responsibilities now exercised by the Commerce Committee, and some clarification regarding new energy sources, only two minor jurisdictional slivers—coal on private lands, and transmission and marketing of electrical energy not generated by federally chartered, regional power authorities—are transferred, from Interior and Public Works respectively, to the new committee.

By preserving the energy prerogatives of other standing committees—and perhaps expanding the jurisdiction of the Committee on Interior and Insular Affairs, the resolution denies the new energy committee primary jurisdiction over key energy issues. Regulation of the domestic nuclear energy industry is not transferred to the new committee; instead it remains within the Committee on Interior and Insular Affairs. Energy resources on the Outer Continental Shelf remain haphazardly splintered among three committees—Judiciary, Interior and Insular Affairs, and Merchant Marine and Fisheries. The vast energy wealth on the public lands remains with Interior and Insular Affairs. The development and use of naval petroleum and oil shale reserves remain with Armed Services. In large part, water power remains with Public Works and Transportation. Nor will the new committee exercise primary jurisdiction over energy aspects of deepwater ports, deep seabed mining, or energy transportation (including pipelines and transmission lines) across the public lands.

In sum, the resolution is not reorganization at all. No committee is abolished. One subcommittee is designated the twenty-third standing committee. (Undoubtedly, this newly-activated unit will spawn five or six additional subcommittee offspring of its own.) Few subcommittees or committees would lose any substantial influence over energy policy. As no significant realignment is contemplated, the present jurisdictional muddle continues—energy jurisdictions will remain as jumbled as loose fishhooks in a tacklebox.

Admittedly, the resolution's grant of jurisdiction over "national energy policy generally" anticipates a broader, though ill-defined, role for the new committee. But, this language has been interpreted to allow the new committee a sequential referral over all energy measures reported by other committees. Sequential referral is a bandaid which can not cure the gaping jurisdictional wound. To rely on the vagaries of sequential referrals to ensure the committee's evaluation of legislation—legislation which should logically originate from within the new unit—seems inappropriate at best.

The institutionalization of the currently ineffective sequential referral process will not rationalize energy deliberation. Rather than simplifying the consideration of energy legislation, this superimposes but another unneeded layer on the legislative process and ensures costly and prolonged deadlocks at key decision-making points. By sequentially pingponging bills to the new energy committee, hasty and conflicting attention to prominent issues will result. Indeed, reliance on sequentials may spur jurisdictional competition, further antagonizing committee disputes on energy matters.

Actually, the sequential referral process itself needs reorganization to be effective. The Select Committee was warned that revision of multiple referrals should precede structural reform, but it ignored the need to establish law and order in that process until after making cosmetic jurisdictional changes. Fortunately, the Select Committee is expected to follow this report with a recommendation on altering referral procedures.

Analysis of the energy resolution predicts little improvement. Energy bills will still be subject to the endless gauntlet of multiple referrals. Administration officials will keep scurrying from one committee hearing to another, to testify on a multitude of energy proposals. Lines of program authority will continue to be hopelessly entangled in committee overlaps. Oversight, as well exemplified by the Three Mile Island episode, will still be uncoordinated and duplicative. Energy policy will remain fragmented, chaotic, and unresponsive to contemporary needs.

Ironically, one of the few jurisdictional shifts recommended by the resolution—that involving coal on private lands—violates a cardinal principle of institutional reorganization. Supposedly the Select Committee is endeavoring to redefine the jurisdictional setting in order to eliminate points of intercommittee conflict. By endorsing a separation of jurisdictional authority over coal (coal on public lands is retained by the Committee on Interior and Insular Affairs, while coal on private lands is reassigned to the new committee), the Select Committee is complicating congressional consideration of legislation relating to this vital energy resource. Rather than allowing unified deliberation within one framework, two competing committees will now exercise control.

At the outset, the Select Committee embarked on redefining energy jurisdictions in order to strengthen the House as an institution. A firm consensus developed that the committee system was manifestly unable to handle the complexities of the energy issue. Yet, at some point, the Select Committee lost sight of this institutional goal. Attention focussed—not on creating a viable energy unit—but on accommodating and protecting specific policy preferences and historical jurisdictional authorities. As the Committee gingerly avoided disrupting existing arrangements, the scope of the proposed energy committee narrowed. The Select Committee's resolution became based on an adherence to the demands of personal and policy factions. The opportunity for a bold, innovative plan was lost; economic tinkering was the result.

The Select Committee may have been apprehensive that a broadly-defined energy committee might also be susceptible to the blandishments of special interest. On careful review, such anxieties appear to be groundless. True, committees often display distinct policy preferences—but such inclinations wax and wane as members and issues change from one Congress to another. A committee marked by an environmentalist bent one year, may be favorably predisposed to production interests the next. Moreover, an energy committee with significant authority would more readily attract a membership reflective of a range of contrasting viewpoints than a committee of perceptibly weaker stature. By generally treating current jurisdictions as sacrosanct, the Select Committee's resolution benefits special interests who are skilled at manipulating the intricacies of the present system. It is the public, unfamiliar with the mystifying jurisdiction overlaps, which is disadvantaged.

A simple guidepost to any reform effort is whether the proposal will strengthen the House and enable it to do a better job. Simply designating a subcommittee as an "energy committee" does not promise any change in existing policy conflicts, nor will it inspire a more diligent congressional response on an issue which is polarized by divergent political, sectional and philosophical perspectives. Yet, structure does influence content and output—the future of the House demands a discarding of outmoded jurisdictions and a revamping of the committee system to provide one unit which, in an integrated fashion, can weigh, contrast, and coordinate energy-related concerns. Despite its symbolic and public relations appeal, the Select Committee's proposal offers only inconsequential changes. This resolution guarantees that the House will continue to hopscotch from one committee to another in pursuit of dispersed jurisdictional claims. A cleaner, more accountable, jurisdictional redefinition than the one presented by the Select Committee is both compelling and, I believe, attainable.

Indeed, the Select Committee may have succumbed to the view that the House has a deep-rooted aversion to any extensive jurisdictional realignment. This premise, however, is belied by data collected in the Select Committee's own surveys. Of the 193 Members responding to our first questionnaire, 70 percent believed that comprehensive revision of the committee system should be given high priority. To date, almost 60 percent of the respondents to the Select Committee's second questionnaire have expressed support for the creation of an energy committee. Obviously, such statistics do not directly translate into votes for significant reform, but the data underscores that there is a constituency to be tapped for real jurisdictional change.

Despite the deficiencies apparent in the Select Committee's proposal, several of the more prominent flaws can be corrected. Amendments to unify the regulation of the domestic nuclear energy industry within the new committee, and to transfer jurisdiction over energy resources on the Outer Continental Shelf (discussed in accompanying Additional Views in which I join) would be crucial augments to the committee's jurisdictional scope. Further, granting the new committee wider authority over energy resources on the public lands would be a sensible improvement.

Either the creation of a primary energy committee—or a clarification of existing jurisdictions and an improvement of the referral process, is essential if the House is to reassert a vigorous leadership role in this policy sector. Unfortunately, the Select Committee has missed a splendid opportunity to rationalize and consolidate energy jurisdictions, opting instead for the mere illusion of reform. The Select Committee's initiative ensures that the response of the House of Representatives to the energy priority needs of the new decade will be disjointed bewildered, and slow. If judiciously amended, the resolution could be refashioned to achieve meaningful institutional reform. Without improvements, however, the resolution offers only purposeless change. **Bill Frenzel.**●

HOSPITAL FISCAL CRISIS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mr. RANGEL. Mr. Speaker, I would like to call to the attention of my colleagues the fact that the Subcommittee on Health of the Committee on Ways and Means will begin its hearings on the fiscal problems which threaten the continued stability and operation of a large number of public and private nonprofit hospitals. I ask that the press release announcing the hearings be included in the Record at this point:

Press Release of the Subcommittee on Health, Committee on Ways and Means

The Honorable Charles B. Rangel, Chairman of the Committee on Ways and Means' Subcommittee on Health, today announced plans for a series of public hearings beginning Friday, February 29, 1980, on the fiscal problems which threaten the continued stability and operation of a large number of public and private nonprofit hospitals. These hearings will be held in Washington, D.C. and several of the cities experiencing these problems most acutely. The first day of the hearings—February 29, 1980—will be held in Washington, D.C., beginning at 10 a.m. in the Ways and Means Committee Main Hearing Room, 1100 Longworth House Office Building. The dates and locations of subsequent hearings will be released later.

In announcing the Subcommittee's plans, Chairman Rangel stated that the Subcommittee's intent is to examine the nature and extent of the financial problems that now threaten the ability of many public and private general hospitals to serve their communities, and particularly the large numbers of poor, near-poor and undocumented persons who rely on these institutions for medical services. While all hospitals are currently exposed to severe financing problems, the public urban hospitals serving the poor under a mandate to provide care to all residents regardless of ability to pay, are especially prone to fiscal problems.

In the Chairman's view, it is imperative to examine the possibilities for resolving these problems on a long-range basis, as well as the potential for providing some fiscal relief to those institutions now in the throes of a crisis. While it must be recognized that resources are scarce and their reallocation may be painful, the Chairman emphasized that the problem cannot be ignored or the search for solutions delayed. The predictable consequences of such delay, said the Chairman, will be the continuing deterioration of those hospitals that serve the poor and a widespread failure to meet the commitment to provide needed services to all our citizens.

DETAILS FOR REQUESTS TO BE HEARD

All requests to be heard during the February 29 hearing in Washington, D.C., must be in writing and must be received no later that the close of business Tuesday, February 19, 1980. Requests should be addressed to John M. Martin, Jr., Chief Counsel, Committee on Ways and Means, U.S House of Representatives, 1102 Longworth House Office Building, Washington, D.C. 20515. If a witness finds he cannot appear on that day, he may wish to either substitute another spokesman in his place or file a written statement for the record instead of appearing in person. In any event, if a change in witness or a cancellation becomes necessary, please advise the Committee office immediately.

ALLOCATION OF TIME TO WITNESSES

Due to the limited time available for this hearing, it will be necessary to allocate the amount of time available to each witness for the presentation of his oral testimony. It will be mandatory on all witnesses not to exceed the time allocated for this purpose. Each witness must present his oral statement in summary form; a more detailed statement will be accepted for inclusion in the printed record of the hearing. If necessary, witnesses may be grouped into panels to further expedite the hearing process * * *

WHAT DID ABRAHAM LINCOLN STAND FOR?

HON. DANIEL B. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mr. DANIEL B. CRANE. Mr. Speaker, Dr. Ralph McGinnis, adviser for Lincoln studies, Department of Speech Communication, Eastern Illinois University and leading Lincoln scholar, addressed the Illinois State Legislature on "What Did Abraham Lincoln Stand For?"

I commend Mr. McGinnis for his excellent address and recommend it to my colleagues for their consideration:

What Did Abraham Lincoln Stand For?

Representative Campbell, Honorable Speaker Redmond, Honorable Members of the Illinois State Legislature, and ladies and gentlemen: If we should ask the question, "What did Abraham Lincoln stand for?" we might receive a wide variety of answers. And some Americans today might be hard pressed to give any answer, simply because they are too caught up in today's problems to give any attention to yesterday's problems during the American Civil War. Sometimes we fail to realize that the very qualities of character that enabled Abraham Lincoln to solve the problems of his day are the same qualities of character than can help us to solve our problems today.

What did Abraham Lincoln stand for? To answer this question we might adopt the classical Aristotelian approach of analyzing Lincoln's personal character, his intellectual capacities, and his emotional nature.

What did Abraham Lincoln stand for? Representing his personal character, knowing the truth and living the truth was the first quality that characterized his early manhood. The simple stories of how he earned the nickname of "Honest Abe" around New Salem have become legendary. Later in life, during his debates with Senator Douglas, when he was criticized for paying more attention to logic and issues than to trying to win a campaign, he stated:

"I am not bound to win, but I am bound to be true. I am not bound to succeed, but I am bound to live up to what light I have. I must stand with anybody that stands right, stand with him while he is right and part with him when he goes wrong."

When the war with Mexico began, Lincoln supported the cause and the objectives of the United States in that war. But during his one term as a United States Congressman, Lincoln opposed continuing the Mexican War beyond our original objectives. By opposing the United States campaign to capture Mexico City, he even disgraced himself as "a friend of the enemy." And when the Ashmun Amendment was introduced condemning President Polk for unnecessarily continuing the war, Lincoln voted for it. Back home, here in Springfield, Lincoln's law partner, William Herndon, wrote to tell him that he was committing political suicide. In his letter of February 1, 1848, Mr. Lincoln replied:

"Would you have voted what you felt and knew to be a lie? I know you would not. Would you have gone out of the house-skulked the vote? I expect not. If you would have skulked one vote, you would have to skulk many before the end of the session."

On July 4, 1864, Mr. Lincoln, as President, refused to sign the Wade-Davis Bill allowing for retribution against a crumbling Confederacy. When he was informed of threats of assassination if he refused to sign the bill, he spoke as follows to the assembled senators who were pressuring him to sign:

"If they choose to make a point upon this, I do not doubt they can do harm. At all events, I must keep some consciousness of being somewhere near right. I must keep some standard or principle fixed within myself."

As in all confrontations with his opponents, Abraham Lincoln acted as he believed was honest and true, even in the face of threatened assassination.

Closely akin to Lincoln's quality of honoring truth was his high regard for ethical conduct. As Lincoln explained, just being technically right and legally right is not enough. A person needs to be morally and ethically right as well.

Of irritation to some of Lincoln's lawyer friends was his desire to settle cases out of court even though, by doing so, he worked himself out of potential fees. It was part of Lincoln's sense of ethics. In the notes that he prepared in 1850 for a lecture on law, he wrote:

"Discourage litigation. Persuade your neighbors to compromise whenever you can. Point out to them how the nominal winner is often the real loser—in fees, expenses, and waste of time. As a peace-maker, the lawyer has a superior opportunity of being a good man. There will still be business enough."

What did Abraham Lincoln stand for? A third quality of his personal character was his initiative. We should remember that Lincoln became a self-taught licensed land surveyor, as well as a self-taught licensed lawyer. In preparing his notes of his law lecture in 1850, Lincoln wrote:

"The leading role of the lawyer, as for the man of every other calling, is diligence. Leave nothing for tomorrow which can be done today."

When Isham Reavis, a young law student in 1855, wrote to Mr. Lincoln asking permission to study law under his direction, Lincoln's answer included this statement:

"I am from home too much of my time for a young man to read law with me advantageously. If you are resolutely determined to make a lawyer of yourself, the thing is more than half done already."

Without Lincoln's quality of initiative, all of his other attributes of integrity, intelligence and idealism would have faded into the darkness.

A fourth quality of Lincoln's personal character was the quality of responsibility. As a self-made man of the Illinois prairie, Lincoln always assumed that every person had the personal responsibility, indeed a personal obligation, to improve himself and to respect the government of his country which granted him opportunity to improve himself.

On January 27, 1838, Lincoln as a young lawyer addressed the Young Men's Lyceum of Springfield on the subject, "The Perpetuation of Our Political Institutions," in which he declared:

"Let every American, every lover of liberty, swear by the blood of the (American) Revolution, never to violate the laws of the country; and never to tolerate their violation by others."

From that same public speech came this strong epigrammatical statement:

"Let every man remember that to violate the law is to trample on the blood of his father."

In New York City, Lincoln's Copper Union Address paved the way for him to be nominated for President. That speech also produced several slogans which later rang like bells during ensuing campaigns. An often quoted excerpt, emphasizing responsibility, was his final statement:

"Let us have faith that right makes might, and in that faith, let us, to the end, dare to do our duty as we understand it."

Out of all of Lincoln's appeals to a sense of national responsibility, perhaps his most ardent and most beautifully stated appeal was the closing paragraph of his Second Inaugural Address, delivered on March 4, 1865:

"With malice toward none: with charity for all;

"With firmness in the right, as God gives us to see the right;

"Let us strive on to finish the work we are in; to bind up the nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphans; to do all which may achieve and cherish a unjust and a lasting peace,

"Among ourselves, and with all nations."

Truth, ethics, initiative, and responsibility were the four major qualities of personal character that Lincoln possessed. But as we continue our analysis, what else did Lincoln stand for?

The Mind of Lincoln represented three qualities, namely: Intelligence, Constitutional Government, and Economic Free Enterprise.

Lincoln's very high intelligence surprised many of his contemporaries. As his law partner, William Herndon, stated:

"Lincoln's perceptions were slow, cold, clear, and exact. Everything came to him in its precise shape and color. No lurking illusion or other error ever passed undetected over the threshold of his mind."

Throughout the famous Lincoln-Douglas Debates of 1858, Lincoln frequently amazed his audience by revealing the falsity of his opponent's evidence, and by exposing the fallacy of his logic. For example, in the Galesburg Debate, Lincoln even resorted to taking one of his opponents' arguments and dissecting it into its major elements, Lincoln, asked:

"What follows as a short and even syllogistic argument from it?"

Then proceeding as carefully as a classroom professor of logic, Lincoln put the argument into formal syllogistic form, identified its integral parts as a major premise, minor premise, and a conclusion, and finally exposed the fallacy. People in the audience agreed, laughed, scratched their heads and wondered how "Old Abe" ever learned about that syllogism business.

One of the distinctive aspects of Lincoln's mental ability was his use of illustrations and stories to prove a point. Many of his stories were humorous, many were profoundly intellectual, and many were pathetically heart-warming. For example, on one occasion following a stressful Cabinet meeting, President Lincoln said to his Attorney General:

Mr. Speed, die when I may, I want it said of me by those who know me best, that I have always plucked a thistle and planted a flower whenever I thought a flower would grow."

Once again, what did Abraham Lincoln stand for? In the clear application of his intelligence to political science, Lincoln stood for Constitutional Democracy. In speaking to the Yound Men's Lyceum in Springfield in 1838, Lincoln said:

"We find ourselves under the government of a system of political institutions, conducing more essentially to the ends of civil and religious liberty, than any of which the history of former times tell us."

But Lincoln expressed concern over riots and public disorders connected with both the spreading of slavery and with the Abolition movement. He said:

"There is, even now, something of ill-omen amongst us. I mean the increasing disregard for law which pervades the country; the growing disposition to substitute the wild and furious passions, in lieu of the sober judgments of the courts."

In that same speech he stated his belief that although the United States could never be conquered by armies from overseas, the danger remained of self-destruction. As he declared:

"If destruction be our lot, we must ourselves be its author and finisher. As a nation of free men, we must live through all time, or die by suicide."

During the dark days of the Civil War, Lincoln's opponents accused him of acting like a dictator exercising unconstitutional authority. The accusations centered around Lincoln's temporary suspension of the Writ of Habeas Corpus for rioting draft resisters who were then tried in military courts where trials were held immediately, instead of in civilian courts where trials were delayed indefinitely. Incidentally, Lincoln's actions quickly stopped the riots and probably saved the Union from collapse. In a letter to Albert Hodges on April 4, 1864, the President defended himself by writing:

"My oath to preserve the Constitution to the best of my ability, imposed upon me the duty of preserving, by every indispensable means, that government and that nation—of which the constitution was the organic law.

"Was it possible to lose the nation, and yet preserve the Constitution?

"I felt that measures, otherwise unconstitutional, might become lawful by becoming indispensable to the preservation of the Constitution, through the preservation of the nation. I could not feel that I had even tried to preserve the Constitution if I should permit the wreck of government and country altogether."

The epitome of Lincoln's theory and practice of government will always be remembered from his Address at Gettysburg, November 19, 1863: "* * * that the government of the people, by the people for the people shall not perish from the earth."

To the question, "What did Abraham Lincoln stand for?", another answer could be: He stood for economic free enterprise. For example, in his New Haven, Connecticut, speech in February, 1860, He said:

"When one starts poor, as most do in the race in life, free society is such that he knows he can better his condition: he knows that there is no fixed condition for labor for his whole life. I am not ashamed to confess that twenty five years ago I was a hired laborer, mauling rails, and at work on a flatboat—just what might happen to any poor man's son.

"I want every man to have a chance—in which he can better his condition—when he can look forward to be hired laborer this year, work for himself afterward, and finally to hire men to work for him. That is the true system."

Concerning the extent to which government should interfere in the natural economic processes of production and distribution, Lincoln wrote on July 1, 1854:

"In all that the people can individually do as well for themselves, the government ought not to interfere."

Although Lincoln defended the right of labor to strike, as he declared on March 6, 1860 at New Haven, nevertheless he abhored and denied the right of striking laborers to destroy the property of the employer against whom they were striking. As he explained in his message of March 21, 1864 to the New York Workingmen's Association:

"Let not him who is houseless pull down the house of another, but let him labor diligently and build one for himself, thus by example assuring that his own shall be safe from violence when built."

Intelligence, constitutional government, and economic free enterprise! Those were the qualities of the mind and thinking of Abraham Lincoln. And now, what qualities composed the heart and soul of Lincoln?

Belief in freedom for all men is the best known quality of Lincoln's emotional character. In his pencilled notes for the Lincoln-Douglas Debates of 1858 he wrote:

"As I would not be a slave, so I would not be a master. Whatsoever differs from this, to the extent of the difference, is no democracy."

In a letter which Lincoln wrote to Henry L. Pierce on April 6, 1859, the following quotation is worthy of special mention:

"This is a world of compensation: and he who would be no slave must consent to have no slave. Those who deny freedom to others deserve it not for themselves, and under a just God, cannot long retain it."

Hundreds of quotations from Lincoln's letters and speeches can be offered to support the intensity of his emotional feeling of freedom for all men. But as we ask the question once again, "What did Abraham Lincoln stand for?", another of his strong emotional feelings commands our attention—namely, his belief in God.

In 1846 when Lincoln was compaigning as the Whig candidate for Congress some of his critics accused him of not being an active member of any church. Lincoln answered his critics by releasing a printed handbill stating that although he did not endorse the ritual and dogma of any particular church, nevertheless he had never denied the truth of the Scriptures, and had never spoken with disrespect for religion in general.

Lincoln's speeches are filled with many references to his strong belief in God. In his Farewell Address at Springfield, Lincoln made special reference to the Divine Being when he said:

"I now leave, with a task before me greater than that which rested upon Washington. Without the assistance of the Devine Being, who ever attended him, I cannot succeed, with that assistance I cannot fail."

On March 4, 1861, in his First Inaugural Address, President Lincoln, naming four bases for settling the impending Civil War, implored:

"Intelligence, patriotism, Christianity, and a firm reliance on Him who has never forsaken this favored land, are still competent to adjust all our present difficulty."

During the dark days of the Civil War, an incident occurred that gave insight into Lincoln's belief that God is omnipotent. A prominent minister, hoping to cheer up the weary president, assured Lincoln that the Lord was on Lincoln's side. To which President Lincoln responded:

"I am not at all concerned about that, for I know that the Lord is always on the side of the right. But it is my constant anxiety and prayer that I and this nation should be on the Lord's side."

Perhaps we should reflect why more than two/thirds of Lincoln's famous Second Inaugural Address was devoted to references to God, the Supreme Being, and the Almighty. And perhaps we should even more fully appreciate that Lincoln's powerful supplication in the ending of that speech began with the words:

"With malice towards none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on—"

What did Lincoln stand for? With his emotional feelings firmly anchored to a belief in freedom, and to a belief in God, Abraham Lincoln also portrayed and practiced the highest moral quality of mortal man, namely—Forgiveness. Whether we call it brotherly love, compassion, or forgiveness, his belief in that quality of character became a veritable obsession in him during the last year of his presidency.

As the Civil War ground down to its end, Lincoln pondered: How should the victorious North treat the vanquished South? Desiring to end the bloodshed and to rebuild the nation as soon as possible, Lincoln announced at the end of 1863 his policy of "Reconstruction with Amnesty." But so many families had lost fathers, sons and brothers in the war that most congressman and senators were pressured by their constituents to make the rebels pay for the death and destruction that they brought upon the nation.

On July 7, 1864, Lincoln vetoed the Wade-Davis bill which was the Congressional Plan for complicated approvals and conditions for admitting a rebellious state back into the Union. Lincoln vetoed the bill because it wrongly assumed that a state could withdraw from the Union, and because it allowed Congress to stipulate unknown conditions, including possible punishments, for re-entry to statehood. In Lincoln's mind, the southern states had never been legally out of the Union. Furthermore, with their armies defeated and their pride humiliated into the dust, there was nothing left to punish. The only feelings that Lincoln could hold toward the South were feelings of compassion and forgiveness. As he stated in his Second Inaugural Address, "With malice toward none, with charity for all—"

Visiting the battlefront in Virginia late in March, 1865, Lincoln held a summit meeting with General Grant, General Sherman, and Admiral Porter, outlining his policy of no harsh treatment toward surrendering Confederates. Lincoln's policy was to disarm them and send them home to do the spring planting.

On April 3, 1865, Richmond, capitol of the Confederacy, fell to Union forces. The very next day, with the city still in flames, President Lincoln, with a guard of only ten Marines, entered the city and made his way to the headquarters of General Godfrey Weitzel who had the ugly job of policing the conquered people. And to the surprised General, President Lincoln merely said:

"If I were in your place, General, I'd let them up easy; let them up easy."

On Sunday, April 9, 1865, General Lee surrendered his remaining 25,000 Confederate troops to General Grant. Reports reached Washington that Grant's surrender terms were unbelievably lenient. Instead of Grant taking 25,000 prisoners, all of Lee's men were allowed to return to their homes, taking their horses and mules for spring planting. Indeed, Lincoln's plan of Reconstruction with Amnesty had begun to work.

On Tuesday, April 11, Lincoln's "Last Public Address" was delivered from the front of the White House where an immense crowd had gathered hoping to hear a triumphant "victory speech." But the President had no inclination to indulge in chest-thumping braggadocio. Instead, he began by saying:

"We meet this evening not in sorrow, but in gladness of heart. In the midst of this, however, He, from whom all blessings flow, must not be forgotten. A call for a national Thanksgiving is being prepared, and will be duly promulgated."

Then the President proceeded to explain the practicability of Reconstruction with Amnesty, and how Louisiana and Arkansas were already returning to the Union. But the speech was not what the people wanted to hear, and it ended as an apparent failure.

When someone in the crowd yelled, "What are you going to do with the rebel leaders?" the crowd set up a chant: "Hang them! Hang them! Hang them! Hang them!" Rebuked by the crowd, the president stood there forlorn, defeated. But then Lincoln's young son, Tad, aged eleven, tugged on his father's sleeve and cried: "No, Papa! Don't hang them. Hang onto them." Quickly raising his hands to quiet the crowd, the president declared emphatically:

"There! Tad's got it! Don't hang them! Hang onto them!"

And the crowd, many of which had hoped to hear vengeance declared, slowly drifted away.

Good Friday, April 14, 1865 was a beautiful day in Washington, D.C. Dogwood trees and lilacs were in bloom. Everywhere the spirit of new life was felt. The war was over. Jubilation was everywhere.

For Abraham Lincoln the day was too heavily scheduled with work for any rejoicing. At the eleven o'clock Cabinet meeting, Lincoln introduced General Grant who reported on Lee's surrender at Appomatox. And when Grant reported that he had broken out Union Army rations to feed Lee's 25,000 starving troops before he sent them home, Sec. of War Stanton reportedly pounded the table and delared:

'My God, General Grant! Lee didn't surrender to you. You surrendered to General Lee."

And back in a corner President Lincoln sat peacefully in a rocking chair grinning like a hound dog eating hush puppies.

During the second half of that Cabinet Meeting, President Lincoln delineated the many ramifications of his policy of Reconstruction with Amnesty. Reconstruction with Amnesty! Nothing more than simple forgiveness, Compassion, Brotherly Love. And when he was asked what he would do with Jefferson Davis and his Confederate Cabinet, Lincoln replied:

"Frighten them out of the country. Scare them off. Enough lives have been sacrificed. We must extinguish our resentment if we expect harmony and union."

And those were the last words that Lincoln ever spoke to his cabinet.

"We must extinguish our resentment if we expect harmony and union."

For the evening of that fateful day, the President had promised to take his wife to Ford's Theater to see Laura Kreen's performance of "Our American Cousin." But the president was late for dinner, and after dinner he was further delayed by communications with the War Department.

Finally, the day's work was done. The President was extremely tired, but he was happy. And so it was on that noteable day at 8:30 P.M., April 14, 1865, Good Friday before Easter, that Abraham Lincoln and his wife, Mary, departed from the White House in the presidential carriage to go to the theater. What did Abraham Lincoln stand for? He stood for truth, ethics, initiative, and responsibility. He stood for intelligence, for constitutional government, and for economic free enterprise. And most importantly, Abraham Lincoln stood for a belief in freedom, for a belief in God, and for a belief in human forgiveness.

Those were the qualities of character that made Abraham Lincoln one of the most highly respected statesmen in the history of the world. Also, those were the same qualities of nationhood that made our country the truly great nation that we became.

And finally, those ARE the very qualities of manhood and of nationhood that can keep our country great in the future—IF we want to be great.●

DR. LUDWIG VON MISES

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mr. PAUL. Mr. Speaker, in 1959, Dr. Ludwig Von Mises—probably the greatest economist of our time—delivered a series of lectures in Argentina. These lectures have only recently been published, and I would like particularly to call one of them to my colleagues' attention.

No one is more eloquent in defense of the free market than Mises, and in this essay he discussed interventionism, the correct role of government, and price controls. As Mises notes, there is only one remedy against omnipotent government, and that is the power of the citizen. There are some

happy signs that the American People are willing to act.

INTERVENTIONISM

A famous, very often quoted phrase says: "That government is best, which governs least." I do not believe this to be a correct description of the functions of a good government. Government ought to do all the things for which it is needed and for which it was established. Government ought to protect the individuals within the country against the violent and fraudulent attacks of gangsters, and it should defend the country against foreign enemies. These are the functions of government within a free system, within the system of the market economy.

Under socialism, of course, the government is totalitarian, and there is nothing outside its sphere and its jurisdiction. But in the market economy the main task of the government is to protect the smooth functioning of the market economy against fraud or violence from within and from outside the country.

People who do not agree with this definition of the functions of government may say: "This man hates the government." Nothing could be farther from the truth. If I should say that gasoline is a very useful liquid, useful for many purposes, but that I would nevertheless not drink gasoline because I think that would not be the right use for it, I am not an enemy of gasoline, and I do not hate gasoline. I only say that gasoline is very useful for certain purposes, but not fit for other purposes. If I say it is the government's duty to arrest murderers and other criminals, but not its duty to run the railroads or to spend money for useless things, then I do not hate the government by declaring that it is fit to do certain things but not fit to do other things.

It has been said that under present-day conditions we no longer have a free market economy. Under present-day conditions we have something called the "mixed economy." And for evidence of our "mixed economy," people point to the many enterprises which are operated and owned by the government. The economy is mixed, people say, because there are, in many countries, certain institutions—like the telephone, telegraph, and railroads—which are owned and operated by the government.

That some of these institutions and enterprises are operated by the government is certainly true. But this fact alone does not change the character of our economic system. It does not even mean there is a "little socialism" within the otherwise nonsocialist, free market economy. For the government, in operating these enterprises, is subject to the supremacy of the market, which means it is subject to the supremacy of the consumers. The government—if it operates, let us say, post offices or railroads—has to hire people, who have to work in these enterprises. It also has to buy the raw materials and other things that are needed for the conduct of these enterprises. And on the other hand, it "sells" these services or commodities to the public. Yet, even though it operates these institutions using the methods of the free economic system, the result, as a rule, is a deficit. The government, however, is in a position to finance such a deficit—at least the members of the government and of the ruling party believe so.

It is certainly different for an individual. The individual's power to operate something with a deficit is very limited. If the deficit is not very soon eliminated, and if the enterprise does not become profitable (or at least show that no further deficit and losses are being incurred) the individual goes bankrupt and the enterprise must come to an end.

But for the government, conditions are different. The government can run at a deficit, because it has the power to *tax* people. And if the taxpayers are prepared to pay higher taxes in order to make it possible for the government to operate an enterprise at a loss—that is, in a less efficient way than it would be done by a private institution—and if the public will accept this loss, then of course the enterprise will continue.

INTERVENTION BREEDS INFLATION

In recent years, governments have increased the number of nationalized institutions and enterprises in most countries to such an extent that the deficits have grown far beyond the amount that could be collected in taxes from the citizens. What happens then is not the subject of today's lecture. It is inflation, and I shall deal with that tomorrow. I mentioned this only because the mixed economy must not be confused with the problem of *interventionism*, about which I want to talk tonight.

What is interventionism? Interventionism means that the government does not restrict its activity to the preservation of order, or—as people used to say a hundred years ago—to "the production of security." Interventionism means that the government wants to do more. It wants to interfere with market phenomena.

If one objects and says the government should not interfere with business, people very often answer: "But the government necessarily always interferes. If there are policemen on the street, the government interferes. It interferes with a robber looting a shop or it prevents a man from stealing a car." But when dealing with interventionism, and defining what is meant by interventionism, we are speaking about government interference with the market. (That the government and the police are expected to protect the citizens, which includes businessmen, and of course their employees, against attacks on the part of domestic or foreign gangsters, is in fact a normal, necessary expectation of any government. Such protection is not an intervention, for the government's only legitimate function is, precisely, to produce security.

What we have in mind when we talk about interventionism is the government's desire to do *more* than prevent assaults and fraud. Interventionism means that the government not only fails to protect the smooth functioning of the market economy, but that it interferes with the various market phenomena; it interferes with prices, with wage rates, interest rates, and profits.

The government wants to interfere in order to force businessmen to conduct their affairs in a different way than they would have chosen if they had obeyed only the consumers. Thus, all the measures of interventionism by the government are directed toward restricting the supremacy of consumers. The government wants to arrogate to itself the power, or at least a part of the power, which, in the free market economy, is in the hands of the consumers.

Let us consider one example of interventionism, very popular in many countries and tried again and again by many governments, especially in times of inflation. I refer to price control.

Governments usually resort to price control when they have inflated the money supply and people have begun to complain about the resulting rise in prices. There are many famous historical examples of price control methods that failed, but I shall refer to only two of them because, in both these cases, the governments were really very energetic in enforcing or trying to enforce their price controls.

PRICE CONTROLS IN ANCIENT ROME AND DURING THE FRENCH REVOLUTION

The first famous example is the case of Roman Emperor Diocletian, very well-know as the last of those Roman emperors who persecuted the Christians. The Roman emperor in the second part of the third century had only one financial method, and that was currency debasement. In those primitive ages, before the invention of the printing press, even inflation was, let us say, primitive. It involved debasement of the coinage, especially the silver. The government mixed more and more copper into the silver until the color of the silver coins was changed and the weight was reduced considerably. The result of this coinage debasement and the associated increase in the quantity of money was an increase in prices, followed by an edict to control prices. And Roman emperors were not very mild when they enforced a law; they did not consider death too mild a punishment for a man who had asked for a higher price. They enforced price control, but they failed to maintain the society. The result was the disintegration of the Roman Empire and the system of the division of labor.

Then, 1500 years later, the same currency debasement took place during the French Revolution. But this time a different method was used. The technology for producing money was considerably improved. It was no longer necessary for the French to resort to debasement of the coinage: they had the printing press. And the printing press was very efficient. Again, the result was an unprecedented rise in prices. But in the French Revolution maximum prices were not enforced by the same method of capital punishment which the Emperor Diocletian had used. There has also been an improvement in the technique of killing citizens. You all remember the famous Doctor J. I. Guillotin (1738-1814), who invented the guillotine. Despite the guillotine the French also failed with their laws of maximum price. When Robespierre himself was carted off to the guillotine the people shouted, "There goes the dirty Maximum."

I wanted to mention this, because people often say: "What is needed in order to make price control effective and efficient is merely more brutality and more energy." Now certainly, Diocletian was very brutal, and so was the French Revolution. Nevertheless, price control measures in both ages failed entirely.

Now let us analyze the reasons for this failure. The government hears people complain that the price of milk has gone up. And milk is certainly very important, especially for the rising generation, for children. Consequently, the government declares a maximum price for milk, a maximum price that is lower than the potential market price would be. Now the government says: "Certainly we have done everything needed in order to make it possible for poor parents to buy as much milk as they need to feed their children."

But what happens? On the one hand, the lower price of milk increases the demand for milk; people who could not afford to buy milk at a higher price are now able to buy it at the lower price which the government has decreed. And on the other hand some of the producers, those producers of milk who are producing at the highest cost—that is, the marginal producers—are now suffering losses, because the price which the government has decreed is lower than their costs. This is the important point in the market economy.

MILK PRODUCTION CURBED

The private entrepreneur, the private producer, cannot take losses in the long run. And as he cannot take losses in milk, he restricts the production of milk for the market. He may sell some of his cows for the slaughter house, or instead of milk he may sell some products made out of milk, for instance sour cream, butter or cheese.

Thus the government's interference with the price of milk will result in less milk than there was before, and at the same time there will be a greater demand. Some people who are prepared to pay the government-decreed price cannot buy it. Another result will be that anxious people will hurry to be first at the shops. They have to wait outside. The long lines of people waiting at shops always appears as a familiar phenomenon in a city in which the government has decreed maximum prices for commodities that the government considers as important. This has happened everywhere when the price of milk was controlled. This was always prognosticated by economists. Of course, only by sound economists, and their number is not very great.

But what is the result of the government's price control? The government is disappointed. It wanted to increase the satisfaction of the milk drinkers. But actually it has dissatisfied them. Before the government interfered, milk was expensive, but people could buy it. Now there is only an insufficient quantity of milk available. Therefore, the total consumption of milk drops. The children are getting less milk, not more. The next measure to which the government now resorts, is rationing. But rationing only means that certain people are privileged and are getting milk while other people are not getting any at all. Who gets milk and who does not, of course, is always very arbitrarily determined. One order may determine, for example, that children under four years old should get milk, and that children over four years, or between the age of four and six should get only half the ration which children under four years receive.

FEED PRICES CONTROLLED

Whatever the government does, the fact remains, there is only a smaller amount of milk available. Thus people are still more dissatisfied than they were before. Now the government asks the milk producers (because the government does not have enough imagination to find out for itself): "Why do you not produce the same amount of milk you produced before?" The government gets the answer: "We cannot do it, since the costs of production are higher than the maximum price which the government has established." Now the government studies the costs of the various items of production, and it discovers one of the items is fodder.

"Oh," says the government, "the same control we applied to milk we will now apply to fodder. We will determine a maximum price for fodder, and then you will be able to feed your cows at a lower price, at a lower expenditure. Then everything will be all right; you will be able to produce more milk and you will sell more milk."

But what happens now? The same story repeats itself with fodder, and as you can understand, for the same reasons. The production of fodder drops and the government is again faced with a dilemma. So the government arranges new hearings, to find out what is wrong with fodder production. And it gets an explanation from the producers of fodder precisely like the one it got from the milk producers. So the government must go a step farther, since it does not want to abandon the principle of price control. It determines maximum prices for producers' goods which are necessary for the production of fodder. And the same story happens again.

OTHER PRODUCTS AFFECTED

The government at the same time starts controlling not only milk, but also eggs, meat, and other necessities. Any every time the government gets the same result, everywhere the consequence is the same. Once the government fixes a maximum price for consumer goods, it has to go farther back to producers' goods, and limit the prices of the producers' goods required for the production of the price-controlled consumer goods. And so the government, having started with only a few price controls, goes farther and farther back in the process of production, fixing maximum prices for all kinds of producers' goods, including of course the price of labor, because without wage control, the government's "cost control" would be meaningless.

Moreover, the government cannot limit its interference into the market to only those things which it views as vital necessities, like milk, butter, eggs, and meat. It must necessarily include luxury goods, because if it did not limit *their* prices, capital and labor would abandon the production of vital necessities and would turn to producing those things which the government considers unnecessary luxury goods. Thus, the isolated interference with one or a few prices of consumer goods always brings about effects—and this is important to realize—which are even *less* satisfactory than the conditions that prevailed before: before the government interfered, milk and eggs were expensive; after the government interference they began to disappear from the market.

The government considered those items to be so important that it interfered; it wanted to increase the quantity and improve the supply. The result was the opposite: the isolated interference brought about a condition which—from the point of view of the government—is even *more* undesirable than the previous state of affairs which the government wanted to alter. And as the government goes farther and farther, it will finally arrive at a point where all prices, all wage rates, all interest rates, in short, everything in the whole economic system, is determined by the government. And this, clearly, is *socialism*.

CONTROLS AFTER WORLD WAR I

What I have told you here, this schematic and theoretical explanation, is precisely what happened in those countries which tried to enforce a maximum price control, where governments were stubborn enough to go step by step until they came to the end. This happened in the First World War, in Germany and England.

Let us analyze the situation in both countries. Both countries experienced inflation. Prices went up, and the two governments imposed price controls. Starting with a few prices, starting with only milk and eggs, they had to go farther and farther. The longer the war went on, the more inflation was generated. And after three years of war, the Germans—systematically as always—elaborated a great plan. They called it the *Hindenburg Plan:* everything in Germany considered to be good by the government at that time was named after Hindenburg.

The Hindenburg Plan meant that the whole German economic system should be controlled by the government: prices, wages, profits . . . everything. And the bureaucracy immediately began to put this into effect. But before they had finished, the debacle came: the German empire broke down, the entire bureaucratic apparatus disappeared, the revolution brought its bloody results—things came to an end.

In England they started in the same way, but after a time, in the spring of 1917, the United States entered the war and supplied the British with sufficient quantities of everything. Therefore the road to socialism, the road to serfdom, was interrupted.

HITLER'S GERMANY

Before Hitler came to power, Chancellor Brüning again introduced price control in Germany for the usual reasons. Hitler enforced it, even before the war started. For, in Hitler's Germany, there was no private enterprise or private initiative. In Hitler's Germany there was a system of socialism which differed from the Russian system only to the extent that the *terminology and labels* of the free economic system were still retained. There still existed "private enterprises," as they were called. But the owner was no longer an entrepreneur, the owner was called a "shop manager" (Betriebsführer).

The whole of Germany was organized in a hierarchy of führers; there was the Highest Führer, Hitler of course, and then there were führers down to the many hierarchies of smaller führers. And the head of an enterprise was the *Betriebsführer.* And the workers of the enterprise were named by a word that, in the Middle Ages, had signified the retinue of a feudal lord: the *Gefolgschaft.* And all of these people had to obey the orders issued by an institution which had a terribly long name: *Reichsführerwirtschaftsministerium,* at the head of which was the well-known fat man, named Goering, adorned with jewelry and medals.

And from this body of ministers with the long name came all the orders to every enterprise: what to produce, in what quantity, where to get raw materials and what to pay for them, to whom to sell the products and at what prices to sell them. The workers got the order to work in a definite factory, and they received wages which the government decreed. The whole economic system was now regulated in every detail by the government.

The *Betriebsführer* did not have the right to take the profits for himself; he received what amounted to a salary, and if he wanted to get more he would, for example, say: "I am very sick, I need an operation immediately, and the operation will cost 500 Marks," then he had to ask the führer of the district (the *Gauführer* or *Gauleiter*) whether he had the right to take out more than the salary which was given to him. The prices were no longer prices, the wages were no longer wages, they were all quantitative *terms* in a system of socialism.

Now let me tell you how that system broke down. One day, after years of fighting, the foreign armies arrived in Germany. They tried to preserve this government-directed economic system, but the brutality of Hitler would have been necessary to preserve it and, without this, it did not work.

BRITAIN IN WORLD WAR II

And while this was going on in Germany, Great Britain—during the Second World War—did precisely what Germany did: starting with the price control of some commodities only, the British government began step by step (in the same way Hitler had done in peacetime, even before the start of the war) to control more and more of the economy until, by the time the war ended, they had reached something that was almost pure socialism.

Great Britain was not brought to socialism by the Labour government which was established in 1945. Great Britain became socialist *during* the war, through the government of which Sir Winston Churchill was the prime minister. The Labour government simply retained the system of socialism which the government of Sir Winston Churchill had already introduced. And this in spite of great resistance by the people.

The nationalizations in Great Britain did not mean very much; the nationalization of the Bank of England was merely nominal, because the Bank of England was already under the complete control of the government. And it was the same with the nationalization of the railroads and the steel industry. The "war socialism," as it was called—meaning the system of interventionism proceeding step by step—had already virtually nationalized the system.

The difference between the German and British systems was not important since the people who operated them had been appointed by the government and in both cases they had to obey the government's orders in every respect. As I said before, the system of the German Nazis retained the labels and terms of the capitalistic free market economy. But they meant something very different: there were now only governmental decrees.

This was also true for the British system. When the Conservative party in Britain was returned to power, some of those controls were removed. In Great Britain we now have attempts from one side to retain controls and from the other side to abolish them. (But one must not forget that, in England, conditions are very different from conditions in Russia.) The same is true for other countries which depend on the importation of food and raw materials and therefore have to export manufactured goods. For countries depending heavily on export trade, a system of government control simply does not work.

Thus, as far as there is economic freedom left (and there is still substantial freedom in some countries, such as Norway, England, Sweden), it exists because of the necessity to retain export trade. Earlier, I chose the example of milk, not because I have a special preference for milk, but because practically all governments—or most of them—in recent decades, have regulated milk, egg or butter prices.

RENT CONTROL

I want to refer, in a few words, to another example, and that is rent control. If the government controls rents, one results is that people who would otherwise have moved from bigger apartments to smaller ones when their family conditions changed, will no longer do so. For example, consider parents whose children left home when they came into their twenties, married or went into other cities to work. Such parents used to change their apartments and take smaller and cheaper ones. This necessity disappeared when rent controls were imposed.

In Vienna, Austria, in the early twenties, where rent control was well-established, the amount of money that the landlord received for an average apartment under rent control was not more than twice the price of a ticket for a ride on the city-owned street cars. You can imagine that people did not have any incentive to change their apartments. And, on the other hand, there was no construction of new houses. Similar conditions prevailed in the United States after the Second World War and are continuing in many cities to this day.

One of the main reasons why many cities in the United States are in such great financial difficulty is that they have rent control and a resulting shortage of housing. So the government has spent billions for the building of new houses. But why was there such a housing shortage? The housing shortage developed for the same reasons that brought milk shortages when there was milk price control. That means: *when the government interferes with the market, it is more and more driven towards socialism.*

And this is the answer to those people who say: "We are not socialists, we do not want the government to control everything. We realize this is bad. But why should not the government interfere a little bit with the market? Why shouldn't the government do away with some things which we do not like?"

These people talk of a "middle-of-the-road" policy. What they do not see is that the *isolated* interference, which means the interference with only one small part of the economic system, brings about a situation which the government itself—and the people who are asking for government interference—find worse than the conditions they wanted to abolish: the people who are asking for rent control are very angry when they discover there is a shortage of apartments and a shortage of housing.

But this shortage of housing was created precisely by government interference, by the establishment of rents below the level people would have had to pay in a free market.

THERE IS NO THIRD SYSTEM

The idea that there is a *third* system—between socialism and capitalism, as its supporters say—a system as far away from socialism as it is from capitalism but retains the advantages and avoids the disadvantages of each—is pure nonsense. People who believe there is such a mythical system can become really poetic when they praise the glories of interventionism. One can only say they are mistaken. The government interference which they praise brings about conditions which they themselves do not like.

One of the problems I will deal with later is *protectionism*. The government tries to isolate the domestic market from the world market. It introduces tariffs which raise the domestic price of a commodity above the world market price, making it possible for domestic producers to form cartels. The government then attacks the cartels, declaring: "Under these conditions, anti-cartel legislation is necessary."

This is precisely the situation with most of the European governments. In the United States, there are yet other reasons for antitrust legislation and the government's campaign against the specter of monopoly.

It is absurd to see the government—which creates by its own intervention the conditions making possible the emergence of domestic cartels—point its finger at business, saying: "There are cartels, therefore government interference with business is necessary." It would be much simpler to avoid cartels by ending the government's interference with the market—an interference which makes these cartels possible.

The idea of government interference as a "solution" to economic problems leads, in every country, to conditions which, at the least, are very unsatisfactory and often quite chaotic. If the government does not stop in time, it will bring on socialism.

Nevertheless, government interference with business is still very popular. As soon as someone does not like something that happens in the world, he says: "The government ought to do something about it. What do we have a government for? The government should do it." And this is a characteristic remnant of thought from past ages, of ages *preceding* modern freedom, modern constitutional government, before representative government or modern republicanism.

OMNIPOTENT GOVERNMENT

For centuries there was the doctrine—maintained and accepted by everyone—that a king, an anointed king, was the messenger of God; he had more wisdom than his subjects, and he had supernatural powers. As recently as the beginning of the nineteenth century, people suffering from certain diseases expected to be cured by the royal touch, by the hand of the king. Doctors were usually better; nevertheless, they had their patients try the king.

This doctrine of the superiority of a paternal government, of the supernatural and superhuman powers of the hereditary kings gradually disappeared—or at least we thought so. But it came back again. There was a German professor named Werner Sombart (I knew him very well), who was known the world over, who was an honorary doctor of many universities and an honorary member of the American Economic Association. That professor wrote a book, which is available in an English translation, published by the Princeton University Press. It is available also in a French translation, and probably also in Spanish—at least I hope it is available, because then you can check what I am saying. In this book published in our century, not in the Dark Ages, "Sir" Werner Sombart, a professor of economics, simply says: "The Führer, our Führer"—he means, of course, Hitler—"gets his orders directly from God, the Führer of the Universe."

I spoke of this hierarchy of the führers earlier, and in this hierarchy, I mentioned Hitler as the "Supreme Führer" . . . But there is, according to Werner Sombart, a still higher Führer, God, the Führer of the universe. And God, he wrote, gives His orders directly to Hitler. Of course, Professor Sombart said very modestly: "We do not know how God communicates with the Führer. But the fact cannot be denied."

Now, if you hear that such a book can be published in the German language, the language of a nation which was once hailed as "the nation of philosophers and poets," and if you see it translated into English and French, then you will not be astonished at the fact that even a little bureaucrat considers himself wiser and better than the citizens and wants to interfere with everything, even though he is only a poor little bureaucrat, and not the famous Professor Werner Sombart, honorary member of everything.

A REMEDY?

Is there a remedy against such happenings? I would say, yes, there is a remedy. And this remedy is the power of the citizens; they have to prevent the establishment of such an autocratic regime that arrogates to itself a higher wisdom than that of the average citizen. This is the fundamental difference between freedom and serfdom.

The socialist nations have arrogated to themselves the term democracy. The Russians call their own system a People's Democracy; they probably maintain that the people are represented in the person of the dictator. I think that one dictator, here in Argentina, was given a good answer. Let us hope that all other dictators, in other nations, will be accorded a similar response.●

PERSONAL TRAGEDY IN THE MIDDLE EAST

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mr. FINDLEY. Mr. Speaker, on November 19, 1977, Egypt's President Anwar Sadat made his historic trip to Jerusalem to meet with Israeli Prime Minister Menachem Begin and address the Knesset. That was the beginning of an ever broadening peace initiative between Egypt and Israel, one which has resulted in the signing of a long-

term peace treaty renouncing force and establishing formal diplomatic relations between these two countries for the first time in their history. In addition, Israel has now returned to Egypt much of the territory captured in the 1967 war, including the religious shrine on Mount Sinai, where Moses received the Ten Commandments. Also, important oil fields have been relinquished, and well over half of the Sinai peninsula is once again under the Egyptian flag.

Relations between Egypt and Israel are at a historic high point, and still rising, to the deep chagrin of most other Arab States in the Middle East.

Yet elsewhere in the Middle East, the situation remains grim. Far from stopping the bloodshed and hatred between Arabs and Israelis, the peace initiative on Israel's southern border was followed by intensified violence on its other borders.

While no Egyptian blood has been spilled in Sinai since Sadat's trip to Jersusalem, the fighting in Lebanon has erupted sporatically with an intensity that threatens to destroy the Camp David formula. In 1978, Palestinians shelled Israeli positions and carried out attacks which left many innocent civilians maimed and dead. For their part, Israeli pilots flying sophisticated aircraft supplied by the United States carried out devastating bombing raids on Lebanese towns, villages, and Palestinian refugee camps, also leaving innocent civilians maimed and dead. Now, after a period of restraint on all sides, fighting has again resumed in Lebanon—this time between Palestinians and Christian Lebanese forces that have appealed to Israel for military support. Whether Israel will intervene, whether the fighting will spread, how many additional lives will be lost—and how many times this endless repetition of death and destruction will be played over and over—only time will tell. One thing is certain, since Sadat's peace initiative to Israel, the loss of life on both sides—Arab and Israeli—has been extensive.

And amid the charges and countercharges that emanate from both sides, too many people tend to forget the human tragedy that each death brings.

To the grieving mother or father, husband, wife or child, it matters less that the attack that takes the life of a loved one was designed to prevent others from launching a commando raid or in reprisal for some heinous act of violence. Whether Israeli, Palestinian, or Lebanese, the anguish of that moment will last a lifetime, ever deepening in bitterness and instilling hatred that will be passed on from generation to generation.

Today I want to explore the human dimension of the ongoing tragedy and war in the Middle East. And I can think of no better—certainly no more graphic—way to show the dimension of that tragedy than to list in the CONGRESSIONAL RECORD the names of those who have been killed in hostile action since the peace initiative got under way. The list I am placing in the RECORD today gives the name, nationality, and place of death of each of the 344 Arabs who have died. Included are 40 children and 26 women. Of the total, less than half—157—are Palestinians. The list shows clearly that the war of attrition does not affect only Palestinian guerrillas. Most of those who died are not guerrillas, but instead are Lebanese civilians, including women and children.

I had intended to place in today's RECORD a list of the approximately 100 Israelis who have died during the same period as a result of commando attacks and combat with Palestinians. Several months ago I met with the Israeli Ambassador in my office and at that time he agreed to provide me with such a list. Subsequently, I learned from a member of the Embassy staff that the list of names had been received, that it totaled about 100 names, and I was told that as soon as it was translated and typed up it would be sent to me. Since then, I have repeatedly called the Israeli Embassy to see when the list might be ready, but to my deep regret I have now been told that it is very doubtful that is will be furnished to me. The reason now given for declining to provide the names is that the lists of Arabs and Israelis might in some way be asymmetrical.

The Israelis object to the fact that the Arab list does not have identification numbers or other information which proves the authenticity of the deaths. Because of this, the Israelis say that there is no way to be certain that the listed person has actually died, and if so, that the person was killed as a result of Israeli military action. Finally, I am told that the Israeli Embassy fears that listing the names in the CONGRESSIONAL RECORD might somehow backfire and cause domestic political repercussions in Israel. I recount these reasons as precisely as I can because I want everyone to understand that I have tried very hard and on several occasions to persuade the Israeli Embassy to allow me to publish the names of the Israelis who died and in that way recognize them for their great sacrifice.

I regret the Israeli decision very much, and I hope that it will yet be possible for some Member of Congress to suitably memorialize Israeli war dead by listing them in the CONGRESSIONAL RECORD. Their loss is no less than that of the Palestinians and the Lebanese and an important part of the seemingly endless tragedy in the Middle East.

May all parties see the human dimension of violence and bring peace and justice to this unhappy land.

List of war dead follows:

Name	Date martyred	Place	Category			Palestinian	Nationality				
			Women	Men	Children		Lebanese	Syrian	Egyptian	Iraqi	Other
1. Ahlam Muslimani	March 1978	Abasya			X		X				
2. Ahmad Ali Ayoub	do	do			X		X				
3. Ihsan Ali trad	do	do			X		X				
4. Iman Abbas Ashqar	do	do	X				X				
5. Ahmah M. Izzdien	do	do			X		X				
6. Amnah A. Rahal	do	do	X				X				
7. Al-Abdah Abukdud	do	do	X				X				
8. Ismail T. Ghali	June 2, 1978	Beirut		X			X				
9. Ahmad M. Darwish	Sept. 28, 1978	do		X			X				
10. Ahmad A. Zugheir	Jan. 19, 1979	Arnoun		X		X					
11. Ismail A. Haza	do	do		X		X					
12. Albert Abdnour	Jan. 27, 1979	do		X			X				
13. Ahmad A. Dahoud	Apr. 17, 1979	Sour			X		X				
14. Ahmad M. Zamel	Apr. 10, 1978	do		X		X					
15. Ameen H. Harfush	Mar. 15, 1978	Beirut		X			X				
16. Amnah A. Asaad	do	do	X			X					
17. Intisar N. Hamada	do	do	X				X				
18. Ahmad Khatib	Mar. 20, 1978	Damour		X			X				
19. Amal Qronful	Mar. 15, 1979	Awzai	X				X				
20. Ghassan Abuinein	Apr. 25, 1979	Soir		X			X				
21. Ahmad Bonduq	July 23, 1978	Damour			X	X					
22. Abu Firas Jifara	do	do		X		X					
23. Ameen Y. Indary	Mar. 16, 1978	Qantara		X			X				
24. Ibrahim D. Masri	do	do		X		X					
25. Ibrahim M. Isa	Dec. 3, 1978	Magdosha		X		X					
26. Ibrahim Shaheen	Jan. 3, 1978	Nabatyah		X		X					
27. Ibrahim M. Naser	Mar. 15, 1978	Bentjbil		X		X					
28. Ahmad M. Hamdouni	Jan. 20, 1978	Borjrah-al		X		X					
29. Ahmad M. Mustafa	Mar. 19, 1978	Abasya		X				X			
30. Ahmad M. Abdelal	Apr. 14, 1978	Sour		X		X					
31. Ahmad Ali Awaad	do	Tabneen		X			X				
32. Ahmad S. Adali	June 1, 1978	Quaqait-El Jisr		X			X				
33. Ahmad Y. Isa	Mar. 16, 1978	BentJubil		X		X					
34. Ahmad I. Zughyer	July 20, 1979	Khuzeran		X		X					
35. Ibrahim Y. Hamdan	Mar. 10, 1979	Sour		X			X				

Name	Date martyred	Place	Category			Nationality					
			Women	Men	Children	Palestinian	Lebanese	Syrian	Egyptian	Iraqi	Other
36. Ibrahim N. Dahoud	Mar. 16, 1978	Khayam		X		X					
37. Ahmad M. Hasan	Mar. 15, 1978	Talet Zuheir		X		X					
38. Ahmad S. Mahmoud	June 21, 1978	Ienhilwa		X			X				
39. Iyad N. Mdawer	May 10, 1978	Nabatya		X			X				
40. Ahmad H. Kanaan	Aug. 1, 1978	Elbadawi		X			X				
41. Ahmad Y. Sham	Sept. 3, 1978	Nabatya		X			X				
42. Ahmad H. Ahmad	Apr. 22, 1979	Naher El-Barid		X			X				
43. Khadija Izzddein	March 1978	Abasya	X				X				
44. Btoul A. Faqieh	Mar. 16, 1978	do		X		X					
45. Basel M. Husein	Mar. 15, 1978	do		X		X					
46. Basma N. Miqati	Feb. 22, 1978	Mashouk	X				X				
47. Bassam El-Asmar	Mar. 16, 1978	South		X			X				
48. Basheer Zaqout	Apr. 4, 1978	Hasbani		X		X					
49. Tamer Ali Daher	Mar. 17, 1978	Sour			X	X					
50. Tayseir El-Kafri	do	do			X	X					
51. Turky a. Khalaf	Jan. 19, 1978	Nabatya			X		X				
52. Jihad Abu Raya	July 20, 1978	Sour		X		X					
53. Jamil el-Jammal	Oct. 26, 1978	do		X		X					
54. Jamal M. Shaban	July 1, 1978	Rashidya		X		X					
55. Jamal M. Azzam	Apr. 25, 1978	Sour		X			X				
56. Jasem B. Jaber	Mar. 15, 1978	do		X						X	
57. Jamal Abushlyah	Mar. 20, 1978	Qasmyah		X		X					
58. Jaber Ali Sayed	Mar. 24, 1978	Nabatyah		X					X		
59. Jamal H. Aydi	Mar. 19, 1978	Mashouk		X		X					
60. Juma' I. Badawi	May 11, 1978	Sour		X				X			
61. Husein I. Khashab	Mar. 16, 1978	Abasyah		X			X				
62. Husein M. Kamal	do	do			X		X				
63. Hasan M. Kamal	do	do			X		X				
64. Husein Sirhan	do	do		X			X				
65. Hasan Bezy	Apr. 25, 1979	Sour			X		X				
66. Hasan El-Masri	May 6, 1979	Muhamara		X			X				
67. Husein Abu Sita	Mar. 15, 1978	Mashouk		X		X					
68. Hasaan A. Sharara	do	BentJubil		X			X				
69. Husein Mansour	do	Sour		X		X					
70. Hasan Murwa	do	do			X	X					
71. Husam Hamada	June 9, 1978	Adloun			X	X					
72. Husein Said	Mar. 28, 1978	Burglyah		X		X					
73. Hasan Shahrour	Apr. 9, 1978	Kana		X		X					
74. Harfoush Harfoush	Mar. 15, 1978	Beirut			X	X					
75. Husein Hamada	do	Damour		X			X				
76. Husein Zidan	Apr. 11, 1978	Sour		X			X				
77. Hedyer Lubani	Nov. 5, 1978	Bass		X			X				
78. Husein Deia	Sept. 20, 1978	Nabatyah		X			X				
79. Hasan Sinan	Dec. 18, 1978	Sour		X			X				
80. Hasan A. Daher	Nov. 6, 1978	do		X		X					
81. Husein Al-Assar	Apr. 5, 1978	Rashidya		X		X					
82. Hyder Harmoush	Mar. 15, 1978	Sour		X			X				
83. Hasan M. Qasim	May 15, 1978	Nabatyah		X			X				
84. Hasa Hamada	Jan. 1, 1978	Damour		X			X				
85. Habib Bredy	May 27, 1978	Sour		X			X				
86. Hasan Khashish	June 6, 1978	Hasbani		X			X				
87. Husein Y. Asad	Mar. 15, 1978	Sour		X		X					
88. Hameed Omer	July 15, 1978	Nabatyah		X				X			
89. Husein Hajeri	Feb. 12, 1978	do		X			X				
90. Hikmat Hamza	Mar. 19, 1978	Sour		X		X					
91. Hasan M. Jaber	Apr. 5, 1978	Nabatyah		X			X				
92. Khader Ayoub	March 1978	Abasyah			X	X					
93. Khalid Nayef	Apr. 18, 1978	Sour		X		X					
94. Khalil Hamdan	Nov. 30, 1978	Shaba		X			X				
95. Khalid Fryja	June 9, 1978	Aqbyah		X		X					
96. Khalil Najar	do	do		X			X				
97. Khalid Ayoub	Apr. 2, 1979	Sour		X		X					
98. Khalid Harfoush	Mar. 15, 1978	Awzai			X		X				
99. Khalil Mousa	May 2, 1978	Sour		X		X					
100. Khalil Kusibany	Sept. 3, 1978	Nabatyah			X	X					
101. Khalid Tarnini	May 22, 1978	Damour		X				X			
102. Dad El-Eit	Dec. 9, 1977	Sour	X				X				
103. Dhiba Dakhallan	Mar. 19, 1978	Abasyah	X				X				
104. Zakyah Hmoud	do	do	X				X				
105. Zamzam Dihini	do	do	X				X				
106. Zuhra Nassar	do	do	X				X				
107. Zeiad Jaber	Feb. 23, 1979	do		X			X				
108. Zanoun Raqeed	Feb. 4, 1979	do		X						X	
109. Rida Muri	Mar. 19, 1978	do		X		X					
110. Rasheed Mahfouz	Apr. 25, 1979	Sour		X		X					
111. Rasheed Awad	do	do		X							
112. Rida Hasan	Jan. 19, 1979	Arnoun		X				X			
113. Rolla Harfoush	Mar. 15, 1978	Awzai			X		X				
114. Rifqa Harfoush	do	do	X				X				
115. Ranjus Harfoush	do	do	X			X					
116. Rida Dhiab	Mar. 20, 1978	AbuAswad			X		X				
117. Raouf Shibly	May 4, 1978	do		X		X					
118. Ribhi Barghuthi	May 12, 1978	Abasyah		X				X			
119. Syriah Dakhallah	Mar. 19, 1978	do	X				X				
120. Suliman Tqyish	Jan. 19, 1978	Arnoun		X			X				
121. Suliman Abuazzam	June 25, 1979	Aqbyah		X		X					
122. Sukinah Musliman	Apr. 25, 1979	Sour	X				X				
123. Samyah Jammal	do	do	X								X
124. Said Pakistani	do	do		X			X				
125. Said Hamdan	Mar. 15, 1978	Talet Zuhir		X				X			
126. Suhil El-Hout	Mar. 16, 1978	Abasyah		X		X					
127. Salim Abdalhady	Feb. 28, 1978	do		X			X				
128. Sameih Basheer	Mar. 17, 1978	do		X			X				
129. Said Abu Sitah	Jan. 8, 1978	Deir El-Balah		X		X					
130. Sadaddin Yasin	May 17, 1979	Damour		X		X					
131. Said Hariri	Feb. 25, 1979	Nabatyah		X			X				
132. Shitiah Duhiny	Dec. 2, 1978	Abu Al-Aswad		X			X				
133. Shihada Seyad	Mar. 23, 1978	Quqayah		X		X					
134. Shawqi Hasan	Jan. 10, 1979	Borj El-Shamali		X		X					
135. Shareef Raslan	Mar. 19, 1978	Qana		X		X					
136. Safi Izz el Dein	Mar. 20, 1978	Abasyah		X			X				
137. Safi El-Hajeri	Jan. 19, 1979	Arnoun		X			X				
138. Saleh Karim	do	Sarafnd		X		X					
139. Subhi Said	May 17, 1979	Damour		X		X					
140. Safyah Muhsin	Jan. 12, 1979	Sarafnd	X			X					
141. Saeb Ayoub	May 26, 1978	Rashidyah			X	X					
142. Saleh Numani	Feb. 27, 1978	Saida		X			X				
143. Saleh Faqieh	Aug. 5, 1978	Elbass		X			X				
144. Saleh Yousef	July 16, 1979	do		X		X					
145. Saleh M. Saleh	Sept. 8, 1978	Damour		X		X					
146. Yasmin Kalash	Mar. 19, 1978	Abasyah	X				X				
147. Tariq Musarah	Mar. 20, 1978	Qana		X			X				
148. Talat Daher	Feb. 21, 1979	Nabatyah		X			X				

Name	Date martyred	Place	Category			Palestinian	Nationality				
			Women	Men	Children		Lebanese	Syrian	Egyptian	Iraqi	Other
149. Daher Awawdeh	June 20, 1979	Damour		X		X					
150. Isam Y. Sayed	Apr. 20, 1978	Quaqaet		X		X	X				
151. Ali M. IzzEddien	Mar. 20, 1978	Abasyah		X	X						
152. Abbas H. Dugheilei	Mar. 20, 1978	do		X		X	X				
153. Abed M. Muni	do	do					X				
154. Abdallah M. Muni	do	do		X		X	X				
155. Abdel Lateef Quaqdq	do	do		X			X				
156. Ali M. Kamal	do	do			X		X				
157. Ali Taleb	Apr. 11, 1979	Sour		X		X					
158. Abed Hasan Oun	Apr. 8, 1979	Shbreha		X			X				
159. Atef H. Abu Atef	Apr. 24, 1979	do		X		X					
160. Abdel Naser Hawash	May 17, 1979	Damour		X		X					
161. Abdel Naser Osman	do	do		X		X					
162. Abdedo K. Heydar	Jan. 19, 1979	Arnoun		X			X				
163. Abdallah M. Abdallah	Aug. 2, 1979	Damour		X		X					
164. Imad El-Din Jamil	do	do		X		X					
165. Abdelkareem Masri	May 5, 1979	Muhamarah		X			X				
166. Abdelrahman Hadi	Jan. 10, 1978	Abasyah		X		X					
167. Ali S. Awad	Jan. 20, 1978	Arnoun		X				X			
168. Abdelraheem Gamrawi	Feb. 23, 1977	Naher El-Bared		X			X				
169. Abdallah Hamdan	Jan. 22, 1978	Arnoun		X		X					
170. Abdelraheem Abuzaid	Dec. 12, 1977	Rashedyah		X			X				
171. Abdelrahman Malki	Mar. 21, 1978	Abasyah		X				X			
172. Ali Abdo Mansour	Mar. 15, 1978	Awzai		X			X				
173. Abdelkareem Nayfah	Mar. 21, 1978	Sout		X		X					
174. Izzat Ghazali	do	do		X				X			
175. Imad Zein El-Dein	Mar. 16, 1978	Maroon AlRa's		X			X				
176. Ali M. Bshdyan	do	Taybeh		X		X					
177. Abdelhafez Asmar	Mar. 15, 1978	Bent Jumil		X		X					
178. Abdallah Baqai	Mar. 16, 1978	do		X			X				
179. Abdelruhman Said	Mar. 23, 1978	Nabatyah		X		X					
180. Abdelhameed Aqel	June 9, 1978	Aqeibyah		X			X				
181. Abdelateef Barakeh	do	do		X		X					
182. Adnan Eibeid	Aug. 21, 1978	Borj Bara-Jenieh		X		X					
183. Izz El-Din Humyah	Aug. 9, 1978	Rashyah ElFukhar		X		X					
184. Adnan M. Hawat	July 18, 1978	Arqoub		X			X				
185. Ali M. Nayef	Mar. 3, 1979	Abasyah		X		X					
186. Abedelhasan Oun	Apr. 18, 1979	Shebreha		X			X				
187. Ali A. Shahour	Apr. 9, 1978	do		X			X				
188. Ala Harfoush	Mar. 15, 1978	Awzai			X		X				
189. Ali M. Ghandour	May 5, 1978	Nabateyah		X			X				
190. Adnan H. Sufan	Aug. 29, 1978	do		X			X				
191. Adel M. Osman	Aug. 27, 1978	Sour		X		X					
192. Aiydah El-Banna	Sept. 18, 1978	Nabateyah			X		X				
193. Abed M. Ma'n	Mar. 19, 1978	Abasyah		X			X				
194. Awad H. Eidrees	do	do		X			X				
195. Abdelhasan Ali Oun	Apr. 19, 1979	Shebreha		X			X				
196. Ali Atalla Karim	Mar. 15, 1978	Tayeibeh		X			X				
197. Ali H. Al-Derbes	Mar. 20, 1978	Khayam		X			X				
198. Ali I. Abu Ali	Mar. 16, 1978	Tayeibeh		X			X				
199. Ali M. Qusebani	Jan. 23, 1977	do		X		X					
200. Adnan S. Muhyeddein	Mar. 18, 1978	Qana		X		X					
201. Ali M. Ali Toubah	Mar. 17, 1978	Talen Zuher		X			X				
202. Ali Ruhail	Mar. 7, 1978	Shaqeif		X			X				
203. Ali Kadouh	Jan. 30, 1979	Sour		X			X				
204. Ghasan M. Fathalla	Mar. 16, 1978	Joya		X			X				
205. Ghasan F. Marouf	Mar. 15, 1978	Damour		X		X					
206. Ghazi Hamdouni	May 3, 1978	Wadi Jelo		X			X				
207. Fayez S. Mahar	Nov. 25, 1978	Khayam		X		X					
208. Fouad Debajeh	Mar. 15, 1978	Bent Jubil		X			X				
209. Fadi El-Hashem	Mar. 17, 1978	Abasyah		X			X				
210. Fouad Hasan	Dec. 27, 1977	Khayam		X			X				
211. Fadel I. El-Kelsh	May 1, 1978	Zahrani		X		X					
212. Fares M. Fares	Nov. 9, 1977	Ezyah		X		X					
213. Fadi M. Harfoush	Mar. 15, 1978	Awzai		X			X				
214. Fouad M. Harfoush	do	do			X		X				
215. Fadel M. Tabayesh	July 12, 1978	Rashedyah		X		X					
216. Fouzi S. Asad	Oct. 23. 1978	do		X		X					
217. Farhan I. Bakar	June 18, 1978	do		X		X					
218. Fouzi M. Mushref	Sept. 6, 1978	Borj Shamali		X		X					
219. Fayez Qasem Hamada	Mar. 16, 1978	Qantarah		X		X					
220. Fouzi M. Qadi	Mar. 6, 1978	Qantara		X		X					
221. Fatehy Abdalmuti	Apr. 5, 1978	Abasyah		X		X					
222. Fatehy El-Hamed	Mar. 20, 1978	do		X		X					
223. Qasem Ali Ayoub	Mar. 19. 1978	do			X	X					
224. Qasem Ghasan	do	do			X	X					
225. Qasem I. Bussy	Mar. 15, 1978	Ben Jumil		X			X				
226. Qasem M. Abu Faneh	Nov. 9, 1977	Ezyah		X			X				
227. Qasem M. Ghasan	Apr. 24, 1979	Shebreha		X		X					
228. Kamal Ali Shamout	Mar. 19. 1978	Abasyah		X			X				
229. Kamel Muslimani	do	do		X			X				
230. Kamel S. El-Breim	Mar. 15, 1978	Rab El-Thalothein		X		X					
231. Knaan A. Suliman	Sept. 7, 1977	do		X		X					
232. Kamal S. Alemeddien	Aug. 5, 1978	Beirut		X			X				
233. Kamelah A. Ayoub	Mar. 16, 1978	Qantarah	X				X				
234. Kamal K. Mohammad	Nov. 24, 1977	do		X		X					
235. Mohammad A. Ayoub	Mar. 19, 1978	Abasyah			X	X					
236. Mahmoud Al-Ashqar	do	do		X		X					
237. Mousa Al-Ashqar	do	do			X	X					
238. Mustafa Al-Ashqar	Mar. 19, 1978	Abasyah			X	X					
239. Mustafa Kamal	do	do		X		X					
240. Mahmoud El-Haiq	Apr. 25, 1979	Sour		X			X				
241. Muna Serhan	do	Borj El-Shamali			X	X					
242. Mohammed Kobbar	Jan. 19, 1979	Arnoun		X			X				
243. Mohammed Husein	Apr. 25, 1979	Shebreha		X		X					
244. Mohammed Dhyab	Jan. 19, 1979	Arnoun		X			X				
245. Mahdi Alakomi	do	do		X			X				
246. Mohammed Al-Jazyah	do	do		X			X				
247. MoHammed El-Sugyer	Nov. 20, 1977	Nahatyah		X		X					
248. Mohammed El-Kurdi	Mar. 15, 1978	Abasyah		X			X				
249. Mohammed Shouri	Mar. 21, 1978	Sour		X		X					
250. Mohammed I. Sheiki	Mar. 16, 1978	Talet Shal-aboun		X			X				
251. Mohammed Al-Huseini	Mar. 15, 1978	Ben Jumil		X			X				
252. Mosa H. Fallah	Mar. 6, 1978	Rashia El-Fukhar		X		X					
253. Maher I. Faour	Mar. 15, 1978	Bent Jumil		X			X				
254. Mohammed Y. Humidan	Apr. 11, 1978	Ben Jumil		X			X				
255. Mohammed Khalid	Mar. 27, 1978	Abasyah		X			X				
256. Muneir Mansour	Mar. 29, 1978	Zahrani		X		X					
257. Mohammed Hamad	Mar. 17, 1978	do		X		X					
258. Mohammed Suliman	June 9, 1978	Aqaebyah		X		X					
259. Mohammed Khalefa	do	do		X		X					
260. Mosa M. Ataliah	Sept. 7, 1978	Arnoun		X		X					
261. Mohammed Muhareb	Aug. 20, 1978	Borj El-Barajena		X		X					

Name	Date martyred	Place	Category			Palestinian	Nationality				
			Women	Men	Children		Lebanese	Syrian	Egyptian	Iraqi	Other
262. Muhammed Ghazawi	Sept. 7, 1978	Arnoun		X		X					
263. Majdi Sewan	Mar. 15, 1978	Bent Jumil		X			X				
264. Mohammed Al-Jazyah	Jan. 19, 1979	Arnoun		X		X					
265. Mohammed Aboud	do	do		X		X					
266. Maha T. Farhan	Mar. 15, 1978	Awzai			X	X					
267. Mohammed Suliman	July 8, 1978	Rashedyah			X	X					
268. Mohammed Abu Salem	May 17, 1978	do		X		X					
269. Mahmoud Yasein	Apr. 19, 1978	Arnoun		X			X				
270. Mustafa F. Karam	June 30, 1978	Qasemyah		X		X					
271. Mahmoud Sad Aldein	July 24, 1978	Sour		X			X				
272. Mohammed Abu Baker	Mar. 2, 1978	do		X			X				
273. Mustafa Al-Rawas	Oct. 10, 1978	Rashedyah		X			X				
274. Mazen M. Hijazi	Jan. 6, 1979	Shebreha		X		X					
275. Mohammed Menwer	do	Qasemyah		X		X					
276. Mohammed Gendawi	Apr. 17, 1979	Rashedyah		X		X					
277. Mustfa K. Kamal	Mar. 19, 1978	do		X			X				
278. Mohammed M. Mazeh	do	Abasyah		X			X				
279. Mahmoud Adlouni	Feb. 28, 1978	Arqoub		X		X					
280. Mohammed Ramadan	Apr. 3, 1978	Qasemyah		X		X					
281. Mahmoud Abu Sahoun	Mar. 17, 1978	Qabanyah		X		X					
282. Mohammed M. Kardi	Mar. 16, 1978	Ben Jumil		X			X				
283. Mohammed Frydan	Mar. 15, 1978	Talet Zuhier		X			X				
284. Mustfa A. Sha'ban	do	do		X		X					
285. Muneir M. Ayoub	do	do		X			X				
286. Mohammed Swedan	Mar. 11, 1978	Abasyah		X		X					
287. Mustfa Dhyab	Mar. 20, 1978	Nabatyah		X		X					
288. Mohammed Dheib	Jan. 14, 1978	do		X			X				
289. Mustfa M. Al-Buri	Aug. 26, 1978	Borj El-Shamali		X		X					
290. Mahmoud Raheimei	June 6, 1978	Qasemyah		X		X					
291. Mahmoud Shihadah	Mar. 15, 1978	Talet Zuhir		X		X					
292. Mohammed Khazal	Mar. 6, 1978	Qantara		X		X					
293. Mohammed Bakkar	Apr. 11, 1978	do		X		X					
294. Mahmoud Al-Ali	Apr. 24, 1978	Shebreha		X		X					
295. Mustafa Muthlej	Dec. 20, 1977	tripoli		X			X				
296. Mohammed Abdallah	Mar. 19, 1978	Qana		X		X					
297. Mohammed Al-Ajouz	Mar. 1, 1978	Shebreha		X			X				
298. Mahmoud Yasein	Mar. 19, 1978	Qasemyah		X		X					
299. Mosa Said	Mar. 15, 1978	Talet Zuhir		X			X				
300. Mu'len Ramadan	Mar. 17, 1978	do		X			X				
301. Mohammed Kurshet	Mar. 15, 1978	do		X				X			
302. Mohammed Doulani	do	do		X			X				
303. Mahmoud Abdallah	Mar. 9, 1978	Maroon Ras		X		X					
304. Mohammed Mansour	Apr. 18, 1978	do		X			X				
305. Nazeih Mosa	Mar. 19, 1978	Abasyah	X				X				
306. Najyeiah Juha	do	do	X				X				
307. Njlaa Naserallah	do	do	X				X				
308. Nasmeyah Quaiq	Mar. 19, 1978	Abasyah	X				X				
309. Najah Kamal	do	do	X				X				
310. Nayef Khalid	April 11, 1979	Rashedya		X		X					
311. Nadeem Abu Diab	Mar. 19, 1978	Arnoun		X		X					
312. Nabil El-Sous	Jan. 5, 1978	AbuAswad		X			X				
313. Nazeih Mosa	Mar. 19, 1978	Abasyah		X		X					
314. Naser Hmoud	June 9, 1978	Aqbyah		X		X					
315. Naser Shihada	Mar. 19, 1979	Arnoun		X		X					
316. Nihad Doughlas	Mar. 20, 1978	Elbass		X		X					
317. Nazeir Elhamadi	Apr. 14, 1979	Damour		X		X					
318. Nsyef El-Haj	May 2, 1978	Aqbyah		X		X					
319. Nayef Alyan	Mar. 11, 1978	do		X		X					
320. Naim Aboud	Mar. 15, 1978	Dahodya		X			X				
321. Hiam F. Ali	do	Ghazya			X	X					
322. Hilal Halaweh	do	Qaqayat			X		X				
323. Hiam Ali Trad	Mar. 19, 1978	Abasyah			X		X				
324. Hayfa Kamal	do	do			X	X					
325. Hisham Zidan	Mar. 15, 1978	talet Zuheir		X		X					
326. Haythem Shahror	Mar. 1978	do		X			X				
327. Wafa M. Kamal	Mar. 19, 1978	Abasyah			X			X			
328. Wafeiq Salti	June 9, 1978	Aqebyah			X		X				
329. Waleid Balbiki	Jan. 22, 1979	do		X			X				
330. Yasmeen Kalash	Mar. 19, 1978	do		X		X					
331. Yousef Mtawet	do	do		X		X					
332. Yousef Safi	Jan. 19, 1979	Arnoun		X			X				
333. Yousef Juma'	do	do		X		X					
334. Yousef Hajeiri	do	do		X			X				
335. Yousef Shanti	Feb. 13, 1977	Rashedya		X			X				
336. Yehya Saqaf	Mar. 11, 1978	Abasyah		X			X				
337. Yehya Salama	Feb. 22, 1979	Elbass		X		X					
338. Yousef Yousef	Dec. 3, 1977	Rashedya		X			X				
339. Younis Younis	Oct. 8, 1978	Borj El-shamali		X			X				
340. Yousef Hurmez	Mar. 15, 1978	Talet Zuheir		X			X				
341. Yousef Hamada	Mar. 16, 1978	Qantara		X						X	
342. Yousef Fouz	Sept. 12, 1978	Sour		X		X					
343. Yousef El-Asi	Nov. 23, 1978	Nabatyah		X		X					
Totals	344		26	278	40	157	180	11	1	3	

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of all meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an interim procedure until the computerization of this information becomes operational, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, February 14, 1980, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 15

10:00 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the U.S. Fish and Wildlife Service.

1224 Dirksen Building

1:30 p.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Bureau of Mines.

1224 Dirksen Building

FEBRUARY 18

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To review those programs administered by the Department of Education.
S-128, Capitol
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Federal Communications Commission.
S-146, Capitol

5:00 a.m.
Labor and Human Resources
To hold hearings on the nominations of Elizabeth S. Carpenter, of Texas, to be an Assistant Secretary of Education (Public Affairs); Carl W. Fischer, of Maryland, to be an Assistant Secretary of Education (Budget and Planning); and John B. Gabusi, of Arizona, to be an Assistant Secretary of Education (Management).
4232 Dirksen Building

FEBRUARY 19

8:00 a.m.
Environment and Public Works
Environmental Pollution and Resource Protection Subcommittees
To resume markup of S. 1480, to provide for the adequate and safe treatment of hazardous substances released into the environment.
4200 Dirksen Building

8:30 a.m.
Energy and Natural Resources
To resume closed hearings to assess the political, military, economic, and social factors affecting world oil production and consumption over the next decade.
S-407, Capitol

9:30 a.m.
Judiciary
Business meeting, to consider pending nominations and legislative business.
2228 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for programs administered by the Office of the Secretary of the Interior.
1224 Dirksen Building
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for Elementary and Secondary Education and Impact Aid programs.
S-128, Capitol
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Arms Control and Disarmament Agency, Commission on Civil Rights, Equal Employment Opportunity Commission, and the Legal Services Corporation.
S-146, Capitol
Armed Services
To hold hearings on proposed fiscal year 1981 authorization for DOD.
1114 Dirksen Building
Banking, Housing, and Urban Affairs
To hold hearings on proposed legislation to renew the Home Mortgage Disclosure Act.
5302 Dirksen Building
Commerce, Science, and Transportation
To hold oversight hearings on the phosphate embargo to the Soviet Union.
235 Russell Building
Governmental Affairs
To resume consideration of S. 262, to require that all Federal agencies conduct a regulatory analysis before issuing regulations and to require the use of less time-consuming procedures to decide cases.
3302 Dirksen Building
Rules and Administration
To hold hearings on resolutions requesting additional funds for Senate committees.
301 Russell Building
Select on Intelligence
To hold a closed business meeting.
S-407, Capitol

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for Emergency School Aid, and Libraries and Learning Resources.
S-128, Capitol
Technology Assessment Board
Business meeting on pending Board business
EF-100, Capitol

2:00 p.m.
Conferees
On S. 643, to reform the U.S. refugee and assistance program by repealing current discriminatory laws, raising the annual limitation on refugee admissions, providing procedures to meet emergency situations and providing for Federal support of the refugee resettlement process.
H-236, Capitol

FEBRUARY 20

8:00 a.m.
Environment and Public Works
Environmental Pollution and Resource Protection Subcommittees
To continue joint markup of S. 1480, to provide for the adequate and safe treatment of hazardous substances released into the environment.
4200 Dirksen Building

9:00 a.m.
*Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S.J. Res. 139, S. 2246, and 2253, bills to provide additional financial assistance to provide for the continuation of rail service by the Chicago, Rock Island, and Pacific Railroads.
318 Russell Building

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on S. 2238, authorizing additional funds for fiscal year 1980, and S. 2240, authorizing funds for fiscal year 1981, both for research and development programs of the National Aeronautics and Space Administration.
235 Russell Building
Judiciary
Improvements in Judicial Machinery Subcommittee
To hold hearings on S. 739 and 1472, bills to require that certain cases with the Federal Government are brought in the court of the district where the impact or injury occurred.
5110 Dirksen Building

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Navajo and Hopi Indian Relocation Commission, Advisory Council on Historic Preservation, and the Woodrow Wilson International Center for Scholars.
1224 Dirksen Building
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for Vocational Education, Student Assistance, programs, and Student Loan Insurance Fund.
S-128, Capitol
Appropriations
State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Commission on Security and Cooperation in Europe, International Communications Agency, and the Japan-U.S. Friendship Commission.
S-146, Capitol
Armed Services
To continue closed hearings on proposed fiscal year 1981 authorizations for DOD
212 Russell Building
Energy and Natural Resources
Business meeting, to consider proposed authorizations for fiscal year 1981 for the Department of Energy, and other pending calendar business.
3110 Dirksen Building
Governmental Affairs
To hold hearings on S. 2164 and 2165, bills to protect the confidentiality of certain export information required by the Bureau of the Census for statistical purposes.
3302 Dirksen Building
Judiciary
To hold hearings on pending nominations.
2228 Dirksen Building
Labor and Human Resources
Health and Scientific Research Subcommittee
To hold hearings on S. 1652, proposed Nutrition Labeling and Information Amendments of 1979 to the Federal Food, Drug, and Cosmetic Act.
4232 Dirksen Building
Rules and Administration
To continue hearings on resolutions requesting additional funds for Senate committees.
301 Russell Building

10:30 a.m.
Banking, Housing, and Urban Affairs
Business meeting, to mark up S. 2177 and 2178, to promote homeownership opportunities for moderate income families, and to provide an increase in the statutory limits on interest rates for mortgages under the program.
5302 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for Education for the Handicapped, Rehabilitation Services and Handicapped Research, and Special Institutions.
S-128, Capitol

FEBRUARY 21

8:00 a.m.
Environment and Public Works
Environmental Pollution and Resources Protection Subcommittees
To continue joint markup of S. 1480, to provide for the adequate and safe

treatment of hazardous substances released into the environment.
4200 Dirksen Building

8:30 a.m.
Energy and Natural Resources
To resume closed hearings to assess the political, military, economic, and social factors affecting world oil production and consumption over the next decade.
S-407, Capitol

9:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold oversight hearings on the activities of the Commodity Futures Trading Commission.
324 Russell Building

9:15 a.m.
Veterans' Affairs
To hold hearings on the Federal Government's efforts to assist Vietnam-era veterans in readjusting to society and finding employment opportunities.
318 Russell Building

9:30 a.m.
*Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To continue hearings on S. 2238, authorizing additional funds for fiscal year 1980, and S. 2240, authorizing funds for fiscal year 1981, both for research and development programs of the National Aeronautics and Space Administration.
5110 Dirksen Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Agency for International Development, Congressional Research Service, and the Senate Legal Counsel (Sec. 115, Public Law 95-481).
1114 Dirksen Building

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Pennsylvania Avenue Development Corporation, National Capital Planning Commission, and the Franklin Delano Roosevelt Memorial Commission.
1224 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for Higher and Continuing Education, Educational Activities Overseas, Higher Education Facilities Loan and Insurance, and College Housing Loans.
S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Small Business Administration.
S-146, Capitol

Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To resume hearings on S. 1928, proposed Fair Financial Information Practices Act, and S. 1929, proposed Privacy of Electronic Fund Transfers Act.
5302 Dirksen Buildings

Commerce, Science, and Transportation
To hold hearings on S. 2245, proposed Motor Carrier Reform Act.
235 Russell Building

Governmental Affairs
To continue hearings on S. 2164 and 2165, bills to protect the confidentiality of certain export information required by the Bureau of the Census for statistical purposes.
5302 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for special projects of the Department of Education.
S-128, Capitol

Select on Intelligence
To hold a closed business meeting.
S-407, Capitol

FEBRUARY 22

9:00 a.m.
Commerce, Science, and Transportation
To hold hearings on a proposed amendment to establish standards for developing a cost ratio trigger for burden of proof in rate cases, to S. 1946, to provide railroads with more pricing rate flexibility and contract provisions.
235 Russell Building

10:00 a.m.
Banking, Housing, and Urban Affairs
International Finance Subcommittee
To hold oversight hearings on the activities of the Export-Import Bank of the United States.
5302 Dirksen Building

Energy and Natural Resources
Parks, Recreation, and Renewable Resources Subcommittee
To hold oversight hearings to review wilderness and rangeland management programs of the Bureau of Land Management.
3110 Dirksen Building

Environment and Public Works
To review those items in the President's budget for fiscal year 1981 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, receiving testimony from officials of the Environmental Protection Agency.
4200 Dirksen Building

*Governmental Affairs
Energy, Nuclear Proliferation, and Federal Services Subcommittee
To resume hearings of S. 1938, proposed Federal Radiation Protection Management Act.
3302 Dirksen Building

Joint Economic
To hold hearings on the Consumer Price Index figures for January.
5110 Dirksen Building

2:00 p.m.
Commerce, Science, and Transportation
Merchant Marine and Tourism Subcommittee
To hold hearings on the application which Sea-Land Service has formally filed with the Maritime Administration to trade in eight SL-7 class containerships for allowances of credit for new ship construction.
235 Russell Building

FEBRUARY 25

9:30 a.m.
Environment and Public Works
Resources Protection Subcommittee
Business meeting, to begin mark up of S. 2181, authorizing funds through fiscal year 1982 to assist States in developing fish and wildlife conservation programs.
4200 Dirksen Building

Special on Aging
Business meeting, to discuss the committee's work plan for the 2d session of the 96th Congress.
154 Russell Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on S. 2199, 2258, and 2264, bills to alleviate the economic effect of the Soviet grain embargo on American farmers.
324 Russell Building

Banking, Housing, and Urban Affairs
To hold oversight hearings on the conduct of monetary policy.
5302 Dirksen Building

Energy and Natural Resources
To hold hearings on S. 1280, proposed Energy Management Partnership Act.
3110 Dirksen Building

Labor and Human Resources
Health and Scientific Research Subcommittee
To resume hearings on S. 1652, proposed Nutrition Labeling and Information Amendments of 1979 to the Federal Food, Drug, and Cosmetic Act.
4332 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for Human Development Services.
S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the administration of foreign affairs within the Department of State.
S-146, Capitol

FEBRUARY 26

9:00 a.m.
*Governmental Affairs
Energy, Nuclear Proliferation, and Federal Services Subcommittee
To hold hearings on proposed legislation to increase the authority of the President and Congress in postal operations and to provide a sound financial base for the future of the Postal Service.
3302 Dirksen Building

9:30 a.m.
Commerce, Science, and Transportation
To continue hearings on S. 2245, proposed Motor Carrier Reform Act
235 Russell Building

Environment and Public Works
Resource Protection Subcommittee
Business meeting, to continue markup of S. 2181, authorizing funds through fiscal year 1982 to assist States in developing fish and wildlife conservation programs.
4200 Dirksen Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Department of the Treasury, and the Export-Import Bank of the United States.
1114 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Health Care Financing Administration.
S-128, Capitol

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for international organizations and conferences within the Department of State.

S-146, Capitol

Banking, Housing, and Urban Affairs

To continue oversight hearings on the conduct of monetary policy.

5302 Dirksen Building

Budget

To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1981 congressional budget.

6202 Dirksen Building

Energy and Natural Resources

To continue hearings on S. 1280, proposed Energy Management Partnership Act.

3110 Dirksen Building

Labor and Human Resources

To consider those matters and programs which fall within the committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget by March 15.

4232 Dirksen Building

Select on Indian Affairs

To hold hearings on S. 2066, to convey certain land in Colorado to the Ute Mountain Ute Indian Tribe.

5110 Dirksen Building

11:00 a.m.

Veterans' Affairs

To hold hearings to receive legislative recommendations for fiscal year 1981 from Disabled American Veterans.

318 Russell Building

2:00 p.m.

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for International Commissions of the Department of State, and the Office of the U.S. Trade Representative.

S-128, Capitol

Budget

To continue closed hearings in preparation for reporting the first concurrent resolution on the fiscal year 1981 congressional budget.

6202 Dirksen Building

Environment and Public Works

To review those items in the President's budget for fiscal year 1981 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, receiving testimony from officials of the Economic Development Administration and the Appalachian Regional Commission.

4200 Dirksen Building

FEBRUARY 27

9:30 a.m.

Commerce, Science, and Transportation

To continue hearings on S. 2245, proposed Motor Carrier Reform Act.

235 Russell Building

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To resume hearings on S. 2238, authorizing additional funds for fiscal year 1980, and S. 2240, authorizing funds for fiscal year 1981, both for research and development programs of the National Aeronautics and Space Administration.

6226 Dirksen Building

10:00 a.m.

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Social Security Administration

S-128, Capitol

Appropriations

State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the International Trade Commission, and the Federal Trade Commission.

S-146, Capitol

Banking, Housing, and Urban Affairs

Housing and Urban Affairs Subcommittee

To hold oversight hearings to examine the scope of rental housing.

5302 Dirksen Building

Energy and Natural Resources

Energy Conservation and Supply Subcommittee

To hold hearings on S. 1934, proposed Municipal Solid Waste to Energy Act.

3110 Dirksen Building

Governmental Affairs

Energy, Nuclear Proliferation, and Federal Services Subcommittee

To continue hearings on proposed legislation to increase the authority of the President and Congress in postal operations and to provide a sound financial base for the future of the Postal Service.

3302 Dirksen Building

Labor and Human Resources

Education, Arts, and the Humanities Subcommittee

Business meeting, to consider S. 1839, authorizing funds through fiscal year 1985 for programs under the Higher Education Act.

4232 Dirksen Building

2:00 p.m.

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Office of Inspector General, Office of Civil Rights, Policy Research, and Departmental Management.

S-128, Capitol

FEBRUARY 28

9:00 a.m.

*Veterans' Affairs

To hold hearings on S. 1188, to revise the vocational rehabilitation programs administered by the Veterans' Administration.

412 Russell Building

9:30 a.m.

Governmental Affairs

*Energy, Nuclear Proliferation, and Federal Services Subcommittee

To continue hearings on proposed legislation to increase the authority of the President and Congress in postal operations and to provide a sound financial base for the future of the Postal Service.

3302 Dirksen Building

10:00 a.m.

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Community Services Administration, and the Railroad Retirement Board.

S-128, Capitol

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Board for International Broadcasting, and the Securities and Exchange Commission.

S-146, Capitol

Banking, Housing, and Urban Affairs

Insurance Subcommittee

To hold hearings on proposed authorizations for fiscal year 1981 for the crime and riot-reinsurance program of the Federal Emergency Management Administration.

5302 Dirksen Building

Energy and Natural Resources

Energy Conservation and Supply Subcommittee

To continue hearings on S. 1934, proposed Municipal Solid Waste to Energy Act.

3110 Dirksen Building

Labor and Human Resources

Education, Arts, and the Humanities Subcommittee

Business meeting, to continue consideration of S. 1839, authorizing funds through fiscal year 1985 for programs under the Higher Education Act.

4232 Dirksen Building

Select on Indian Affairs

To hold hearings on S. 2223, to allow members of Indian tribes to transfer restricted Indian lands to heirs who are not members of the reservation where the land is located.

457 Russell Building

2:00 p.m.

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the National Commission on Libraries and Information Services, Corporation for Public Broadcasting, Occupational Safety and Health Review Commission, Mine Safety Review Commission, and the Soldiers' and Airmen's Home.

S-128, Capitol

FEBRUARY 29

9:30 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To resume hearings on S. 2238, authorizing additional funds for fiscal year 1980, and S. 2240, authorizing funds for fiscal year 1981, both for research and development programs of the National Aeronautics and Space Administration.

235 Russell Building

Labor and Human Resources

Employment, Poverty, and Migratory Labor Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1981 for the Legal Services Corporation.

4232 Dirksen Building

10:00 a.m.

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for domestic programs of ACTION, National Labor Relations Board, Federal Mediation and Conciliation Service, and the National Mediation Board.

S-128, Capitol

Banking, Housing, and Urban Affairs

Insurance Subcommittee

To continue hearings on proposed authorizations for fiscal year 1981 for the crime and riot-reinsurance program of the Federal Emergency Management Administration.

5302 Dirksen Building

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings on S. 2156, proposed Northeast Corridor Completion Act.

457 Russell Building

Environment and Public Works

To review those items in the President's budget for fiscal year 1981 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, receiving testimony from officials of the Army Corps of Engineers, the Water Resources Council and the Office of Water Research and Technology.

4200 Dirksen Building

MARCH 3

9:30 a.m.

Labor and Human Resources

Handicapped Subcommittee

To hold oversight hearings on the implementation of the Education for All Handicapped Children Act (P.L. 94-142).

4200 Dirksen Building

10:00 a.m.

Banking, Housing, and Urban Affairs

To resume hearings on proposed legislation to renew the Home Mortgage Disclosure Act.

5302 Dirksen Building

2:00 p.m.

Appropriations

Labor-HEW Subcommittee

To review those programs administered by the Department of Labor.

S-128, Capitol

MARCH 4

8:00 a.m.

Veterans' Affairs

To resume hearings on the Federal Government's efforts to assist Vietnam-era veterans in readjusting to society and finding employment and education opportunities.

412 Russell Building

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for certain programs administered by the Department of State.

1318 Dirksen Building

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Indian Health Service.

1223 Dirksen Building

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for Public Service Jobs, Special Youth Programs, the Job Corps, and Jobs for the Elderly.

1223 Dirksen Building

Banking, Housing, and Urban Affairs

Housing and Urban Affairs Subcommittee

To hold hearings on proposed legislation authorizing funds through fiscal year 1985 for the Urban Mass Transportation program.

5302 Dirksen Building

Energy and Natural Resources

Business meeting, to resume consideration of proposed authorizations for fiscal year 1981 for the Department of Energy, and other pending calendar business.

3110 Dirksen Building

11:30 a.m.

Veterans' Affairs

To hold hearings to receive legislative recommendations for fiscal year 1981 from Veterans of Foreign Wars.

318 Russell Building

2:00 p.m.

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for General Manpower Training programs, Private Sector Initiatives, State Employment Security Agencies.

1114 Dirksen Building

MARCH 5

9:00 a.m.

Labor and Human Resources

Employment, Poverty, and Migratory Labor Subcommittee

To hold hearings on S. 1129, 2021, and 2218, bills to provide career employment opportunities for disadvantaged youth; and S. 1312, proposed Work and Training Opportunities Act.

4232 Dirksen Building

9:30 a.m.

Environment and Public Works

Business meeting, to markup S. 2181, authorizing funds through fiscal year 1982 to assist States in developing fish and wildlife conservation programs; S. 1882, to provide for the control of interstate and foreign commerce in fish and wildlife, and to explore the preservation of wildlife on an international level; and to consider those matters and programs which fall within the Committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget by March 15.

4200 Dirksen Building

10:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Office of Surface Mining Reclamation and Enforcement.

1223 Dirksen Building

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Labor-Management Services Administration, Pension Benefit Guaranty Corporation, Occupational Safety and Health Administration, and the Mine Safety and Health Administration.

1114 Dirksen Building

Banking, Housing, and Urban Affairs

Housing and Urban Affairs Subcommittee

To continue hearings on proposed legislation authorizing funds through fiscal year 1985 for the urban mass transportation program.

5302 Dirksen Building

Commerce, Science, and Transportation

Merchant Marine and Tourism Subcommittee

To hold hearings on S. 2248, authorizing funds for fiscal year 1981 for the U.S. Travel Service.

235 Russell Building

Energy and Natural Resources

Business meeting, to continue consideration of proposed authorizations for fiscal year 1981 for the Department of Energy, and other pending calendar business.

3110 Dirksen Building

2:00 p.m.

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Employment Standards Administration, Bureau of Labor Statistics, and President's Committee on Employment of Handicapped.

1114 Dirksen Building

MARCH 6

8:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on S. 2249, to increase the minimum level of price support on quota peanuts for the 1980 and 1981 crops.

324 Russell Building

9:00 a.m.

Labor and Human Resources

Employment, Poverty, and Migratory Labor Subcommittee

To continue hearings on S. 1312, proposed Work and Training Opportunities Act.

4232 Dirksen Building

9:30 a.m.

Environment and Public Works

Business meeting, to continue consideration of those matters and programs which fall within the committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget by March 15.

4200 Dirksen Building

Veterans' Affairs

Business meeting, to consider those items in the President's budget for fiscal year 1981 which fall within its legislative jurisdiction and to consider recommendations which it will make thereon to the Budget Committee by March 15.

412 Russell Building

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for certain international security assistance programs of the Department of State.

1114 Dirksen Building

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the National Endowment for the Humanities.

1223 Dirksen Building

Banking, Housing, and Urban Affairs

Housing and Urban Affairs Subcommittee

To continue hearings on proposed legislation authorizing funds through fiscal year 1985 for the urban mass transportation program.

5302 Dirksen Building

Energy and Natural Resources

Business meeting, to continue consideration of proposed authorizations for fiscal year 1981 for the Department of Energy, and other pending calendar business.

3110 Dirksen Building

Select on Indian Affairs

To hold hearings on S. 1507, to provide for the purchase of certain facilities, lands, and water rights in and around the San Luis Rey River, San Diego, Calif., to be held in trust for, and operated and maintained by certain boards of Mission Indians.

5110 Dirksen Building

MARCH 10

9:30 a.m.

Labor and Human Resources

Health and Scientific Research Subcommittee

To hold hearings on S. 2144, proposed Health Professions Educational Assistance and Nurse Training Act.

4232 Dirksen Building

10:00 a.m.

Banking, Housing, and Urban Affairs

Consumer Affairs Subcommittee

To resume hearings on S. 1928, proposed Fair, Financial Information Practices Act, and S. 1929, proposed Privacy of Electronic Fund Transfer Act.

5302 Dirksen Building

2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for general administration and legal activities of the Department of Justice.
S-146, Capitol

MARCH 11

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for certain programs administered by the Secretary of Energy.
1114 Dirksen Building

Appropriations
State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Federal Bureau of Investigation, Department of Justice.
S-146, Capitol

Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To continue hearings on S. 1928, proposed Fair, Financial Information Practices Act, and S. 1929, proposed Privacy of Electronic Fund Transfers Act.
5302 Dirksen Building

Governmental Affairs
Energy, Nuclear Proliferation, and Federal Services Subcommittee
To hold hearings on S. 1699, proposed Energy Impact Assistance Act.
3302 Dirksen Building

Labor and Human Resources
Business meeting, to mark up S. 1076, to improve the regulation of multiemployer pension insurance plans, and to provide sufficient funds to pay benefits.
4232 Dirksen Building

2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Immigration and Naturalization Service, Department of Justice.
S-146, Capital

MARCH 12

9:00 a.m.
Labor and Human Resources
Employment, Poverty, and Migratory Labor Subcommittee
To resume hearings on S. 1129, 2021, and 2218, bills to provide career employment opportunities for disadvantaged youth.
5110 Dirksen Building

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1981 for the National Bureau of Standards.
235 Russell Building

Labor and Human Resources
*Health and Scientific Research Subcommittee
To resume hearings on S. 2144, proposed Health Professions Educational Assistance and Nurse Training Act.
4232 Dirksen Building

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Office of Indian Education, and the Institute of Museum Services.
1223 Dirksen Building

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Drug Enforcement Administration, Department of Justice.
S-146, Capitol

Banking, Housing, and Urban Affairs
Business meeting, to consider those matters and programs which fall within the committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
5302 Dirksen Building

Governmental Affairs
Energy, Nuclear Proliferation, and Federal Services Subcommittee
To continue hearings on S. 1699, proposed Energy Impact Assistance Act.
3302 Dirksen Building

2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Federal Prison System, and Office of Justice Assistance, Research and Statistics, Department of Justice.
S-146, Capitol

MARCH 13

9:00 a.m.
Labor and Human Resources
Child and Human Development Subcommittee
To hold hearings on proposed legislation to establish Commissions on National Youth Service and Volunteerism.
4232 Dirksen Building

Labor and Human Resources
Employment, Poverty, and Migratory Labor Subcommittee
To continue hearings on S. 1129, 2021, and 2218, bills to provide career employment opportunities for disadvantaged youth.
6226 Dirksen Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the International Development Cooperation Agency, and certain programs of the Agency for International Development.
1114 Dirksen Building

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Office of the Secretary, and the Office of the Solicitor.
1223 Dirksen Building

MARCH 14

9:00 a.m.
*Veterans' Affairs
To hold hearings on the recruitment and retention of qualified health-care professionals to staff the Veterans' Administration's health-care facilities.
412 Russell Building

10:00 a.m.
*Banking, Housing, and Urban Affairs
International Finance Subcommittee
To resume hearings on S. 864, 1499, 1663, 1744, bills to facilitate the formation of U.S. export trading companies to expand export participation by smaller U.S. companies.
5302 Dirksen Building

MARCH 17

10:00 a.m.
Banking, Housing, and Urban Affairs
International Finance Subcommittee
To hold hearings on S. 2097, proposed Joint Export Marketing Assistance Act, and on the substance of S. 2040, proposed Small Business Export Expansion Act and S. 2104, proposed Small Business Export Development Act.
5302 Dirksen Building

MARCH 18

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for certain programs of the Agency for International Development.
1114 Dirksen Building

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for alternative fuels program of the Department of Energy.
1223 Dirksen Building

Banking, Housing, and Urban Affairs
International Finance Subcommittee
To continue hearings on S. 2097, proposed Joint Export Marketing Assistance Act, and on the substance of S. 2040, proposed Small Business Export Expansion Act and S. 2104, proposed Small Business Export Development Act.
5302 Dirksen Building

MARCH 19

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1981 for programs under the National Climate Program Act.
235 Russell Building

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Bureau of Indian Affairs.
1224 Dirksen Building

MARCH 20

9:00 a.m.
Veterans' Affairs
Business meeting, to consider S. 1188, to revise the vocational rehabilitation programs administered by the Veterans' Administration.
412 Russell Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for certain programs of the Agency for International Development, and for the Peace Corps.
1114 Dirksen Building

Appropriations
Interior and Related Agencies Subcommittee
To continue hearings on proposed

budget estimates for fiscal year 1981 for the Bureau of Indian Affairs.

1223 Dirksen Building

MARCH 21

9:30 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To resume hearings on proposed legislation authorizing funds for fiscal year 1981 for programs under the National Climate Program Act.

235 Russell Building

MARCH 24

10:00 a.m.

Banking, Housing, and Urban Affairs

International Finance Subcommittee

To resume hearings on the U.S. embargo of grain and technology exports to the Soviet Union.

5302 Dirksen Building

2:00 p.m.

Appropriations

State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Bureau of Census, general administration, and economic and statistical analysis, Department of Commerce.

S-146, Capitol

MARCH 25

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for certain programs of the Agency for International Development; the international narcotics control program of the Department of State; and for the Inter-American Foundation.

1318 Dirksen Building

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for certain programs of the Department of Energy.

1223 Dirksen Building

Appropriations

State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Economic Development Administration, and Regional Planning Commission, Department of Commerce.

S-146, Capitol

Banking, Housing, and Urban Affairs

Housing and Urban Affairs Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1981 for housing, community development programs and the Urban Development Action Grant of the Department of Housing and Urban Development.

5302 Dirksen Building

Energy and Natural Resources

Parks, Recreation, and Renewable Resources Subcommittee

To hold hearings on S. 2233, to permit the Forest Service to acquire lands outside the boundaries of the Los Padres National Forest in California.

3110 Dirksen Building

MARCH 26

9:00 a.m.

Labor and Human Resources

Child and Human Development Subcommittee

Business meeting, to mark up S. 1843 and H.R. 2977, proposed Domestic Violence Prevention and Services Act; and proposed legislation to establish Commissions on National Youth Service and Volunteerism.

4232 Dirksen Building

10:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Office of Water Research and Technology.

1223 Dirksen Building

Appropriations

State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Industry and Trade Administration, Minority Business Development Agency, and the U.S. Travel Service, Department of Commerce.

S-146, Capitol

Banking, Housing, and Urban Affairs

Housing and Urban Affairs Subcommittee

To continue hearings on proposed legislation authorizing funds for fiscal year 1981 for housing, community development programs and the Urban Development Action Grant of the Department of Housing and Urban Development.

5302 Dirksen Building

2:00 p.m.

Appropriations

State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the National Oceanic and Atmospheric Administration, Department of Commerce.

S-146, Capitol

MARCH 27

9:30 a.m.

Veterans' Affairs

To hold hearings to receive legislative recommendations for fiscal year 1981 from AMVETS, Paralyzed Veterans, Blinded Veterans, W.W.I. Veterans, and Military Order of the Purple Heart.

1202 Dirksen Building

10:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Smithsonian Institution.

1223 Dirksen Building

Appropriations

State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Patent and Trademark Office, National Telecommunications and Information Administration, and science and technical research, Department of Commerce.

S-146, Capitol

Banking, Housing, and Urban Affairs

Consumer Affairs Subcommittee

To resume hearings on S. 1928, proposed Fair Financial Information Practices Act, and S. 1929, proposed Privacy of Electronic Fund Transfers Act.

5302 Dirksen Building

Energy and Natural Resources

To hold hearings on S. 1784, to improve the electric generating efficiency of joint Federal-civilian pooling practices in Alaska.

3110 Dirksen Building

2:00 p.m.

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Maritime Administration, Department of Commerce

S-146, Capitol

10:00 a.m.

Banking, Housing, and Urban Affairs

Consumer Affairs Subcommittee

To continue hearings on S. 1928, proposed Fair Financial Information Practices Act, and S. 1929, proposed Privacy of Electronic Fund Transfers Act.

5302 Dirksen Building

MARCH 31

2:00 p.m.

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Department of Commerce.

S-146, Capitol

APRIL 1

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for foreign assistance programs.

1318 Dirksen Building

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Commerce.

S-146, Capitol

Banking, Housing, and Urban Affairs

Housing and Urban Affairs Subcommittee

To resume hearings on proposed legislation authorizing funds for fiscal year 1981 for housing, community development programs and the Urban Development Action Grant of the Department of Housing and Urban Development.

5302 Dirksen Building

APRIL 2

9:30 a.m.

Veterans' Affairs

To resume hearings on the Federal Government's efforts to assist Vietnam-era veterans in readjusting to society, and the use of excepted appointments for disabled veterans.

412 Russell Building

10:00 a.m.

Banking, Housing, and Urban Affairs

Housing and Urban Affairs Subcommittee

To continue hearings on proposed legislation authorizing funds for fiscal year 1981 for housing, community development programs, and the Urban Development Action Grant of the Department of Housing and Urban Development.

5302 Dirksen Building

APRIL 15

10:00 a.m.

Banking, Housing, and Urban Affairs

International Finance Subcommittee

To hold hearings on proposed authorizations for fiscal year 1981 for the international affairs programs of the Department of the Treasury; and on proposed legislation to increase the U.S. quota in the International Monetary Fund.

5302 Dirksen Building

APRIL 16

9:30 a.m.

Veterans' Affairs

Business meeting, to consider proposed legislation on the recruitment and retention of qualified health-care professionals to staff the Veterans' Administration health-care facilities, S. 759, to provide for the right of the United States to recover their costs of hospital, nursing home, or outpatient medical care furnished by the Veterans' Administration to veterans for non-service-connected disabilities to the extent that they have health insurance or similar contracts, and S. 1523 and H.R. 4015, proposed Veterans Senior Citizen Health Care Act.

412 Russell Building

10:00 a.m.

Banking, Housing, and Urban Affairs

International Finance Subcommittee

To continue hearings on proposed authorizations for fiscal year 1981 for the international affairs programs of the Department of the Treasury; and on proposed legislation to increase the U.S. quota in the International Monetary Fund.

5302 Dirksen Building

APRIL 17

9:30 a.m.

*Labor and Human Resources

Child and Human Development Subcommittee

To hold oversight hearings on the development of children who benefit from adoption by facilitating their placement in adoptive homes.

4232 Dirksen Building

MAY 1

10:00 a.m.

Labor and Human Resources

Child and Human Development Subcommittee

To hold hearings on issues Congress might consider which would affect youth in the coming decades.

4232 Dirksen Building

MAY 22

9:30 a.m.

Labor and Human Resources

Child and Human Development Subcommittee

To hold oversight hearings to examine issues affecting infant mortality, and preventable birth defects.

4232 Dirksen Building

MAY 29

9:30 a.m.

Veterans' Affairs

To hold hearings on proposed legislation to establish a cost-of-living increase for service-connected disability compensation.

412 Russell Building

JUNE 11

9:30 a.m.

*Veterans' Affairs

To hold oversight hearings on the activities of the Inspector General of the Veterans' Administration.

412 Russell Building

SENATE—*Thursday, February 14, 1980*

(Legislative day of Thursday, January 3, 1980)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by Hon. WENDELL H. FORD, a Senator from the State of Kentucky.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. MAGNUSON).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 14, 1980.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WENDELL H. FORD, a Senator from the State of Kentucky, to perform the duties of the Chair.

WARREN G. MAGNUSON,
President pro tempore.

Mr. FORD thereupon assumed the chair as Acting President pro tempore.

RECESS TO MONDAY, FEBRUARY 18, 1980

The ACTING PRESIDENT pro tempore. Pursuant to the previous order, the Senate will now stand in recess until Monday, February 18, 1980, at 12 o'clock noon.

Thereupon at 12:01 p.m., the Senate recessed, under the order of Friday, February 8, 1980, until Monday, February 18, 1980, at 12 o'clock meridian.

SENATE—*Monday, February 18, 1980*

(Legislative day of Thursday, January 3, 1980)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by Hon. DAVID PRYOR, a Senator from the State of Arkansas.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Let us pray.

God of our fathers and our God, we thank Thee this day for the life and work of the first President of the Republic. We thank Thee for his piety and his patriotism, for his chivalry and his idealism, for the quality of his manhood, and for his life of sacrificial service. May the mantle of his idealism and his vision fall upon us in our age that we may be strong as he was strong, wise as he was wise. Keep us ever vigilant to dangers without and infidelities within. Guided by the qualities which made him great and good and strong show us the way into a future of peace and justice and brotherhood for all people and all nations.

In Thy holy name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The **PRESIDING OFFICER**. The clerk will please read a communication to the Senate from the President pro tempore (Mr. MAGNUSON).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 18, 1980.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DAVID H. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

WARREN G. MAGNUSON,
President pro tempore.

Mr. **PRYOR** thereupon assumed the chair as Acting President pro tempore.

● READING OF WASHINGTON'S FAREWELL ADDRESS

The **ACTING PRESIDENT** pro tempore. Under the order of the Senate of January 24, 1901, as modified on February 8, 1980, the Senator from Alabama (Mr. STEWART), having been appointed by the Vice President, will now read Washington's Farewell Address.

Mr. **STEWART**. Mr. President, I want, prior to beginning the delivery of the address, to express my deep appreciation to the distinguished Senator from West Virginia, the majority leader of the U.S. Senate, for assisting in asking me to make this address. It is a unique honor and I deeply appreciate that and want to thank him.

I think it is appropriate that in these times in which we find ourselves in this country of ours, we look back on the lives of those men who founded this country and who served it in its early years and reflect on their thoughts and ideas. It is with pleasure that I do that.

Mr. STEWART, at the rostrum, read the Farewell Address, as follows:

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgement of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism,—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home: your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite movement, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The *south*, in the same intercourse, benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations,—*northern* and *southern*—*Atlantic* and *western*; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations: they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiation by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reigns of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly over-thrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country—that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion; and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of fraction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.—But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarm; kindles the animosity of one part against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern: some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by usurpation; for through this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties,) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be *constantly* awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; or either seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

Geo. Washington.

United States,
17th September, 1796.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is now recognized.

ORDER FOR MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the recognition of the two leaders or their designees today, there be a brief period for transaction of routine morning business not to extend beyond 30 minutes and that Senators may speak therein for 5 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JACK GERMOND

Mr. ROBERT C. BYRD. Mr. President, the Wall Street Journal recently wrote an article about Jack Germond, the distinguished columnist for the Washington Star, referring to him as a leading and influential journalist.

I agree with this characterization of Mr. Germond's status in the realm of journalism. His legendary work-pace and perceptive articles have earned him the most important of all accolades—the admiration of his peers. This is evidenced in the Wall Street Journal article by Robert W. Merry.

On occasion, I have been interviewed by Mr. Germond, and his colleague Jules Witcover. I have found their reporting to be accurate and to the point, representing a unique insight into future political probabilities.

It is not surprising that their column appears in about 120 newspapers throughout the United States.

Mr. President, I ask unanimous consent that the article about Mr. Germond in the Wall Street Journal be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

How Germond Covers, and Maybe Influences, the Presidential Race

(By Robert W. Merry)

Concord, N.H.—The ladies and gentlemen of the press who cover the quadrennial circus that is our method of choosing Presidents know it's no job for people with low tolerance for rhetorical hot air or long evenings in saloons. And you needn't apply if you don't like all kinds of people, a sprinkling of cynicism on all things, airplane rides, or long and frantic working days endlessly strung together.

It also helps if you can operate at peak performance on four or five hours of sleep.

Which brings us to the Washington Star's Jack W. Germond, a round figure of a man who quite possibly is the country's most zestful pursuer of presidential candidates and noteworthy restaurant meals. He also is known to be partial to people (especially political people and the journalists who hover around them), hard work, late-night libations on the altar of friendship and all the other aspects of life on the campaign trail.

He isn't known to be partial to sleep.

What the 51-year-old Mr. Germond (pronounced jer-MOND) gets out of all those frenetic days chasing the country's most ambitious politicians is more fun than he can imagine finding in any other calling. "There's only one reason to get into this business—because it's fun," says Mr. Germond, whose column—written with Jules Witcover, another scribe of legendary work habits—appears in about 120 U.S. newspapers.

But, as the warm-ups begin for the 1980 presidential run, it's clear that Mr. Germond's pursuits also produce an important byproduct—influence. Not long ago, he was called over to the White House for afternoon cocktails with the President, and he has been known to enjoy an intimate dinner there. The key to all this is that Mr. Germond is a leading member—some say the leading member—of a small circle of political writers whose work, more and more observers believe, may go beyond merely reflecting political events to actually influencing them.

This perceived influence stems from a series of developments that have bestowed on the news media an increasingly significant role in presidential politics, especially in the preconvention wrangling. These developments include opening to public scrutiny of the delegate-selection process, once the domain at political pros sitting in back rooms, and the advent of more and more presidential primaries.

STACKING UP TO SENATORS?

"The reporting of 40 or 50 senior political correspondents can determine the outcome of an American presidential election," says Theodore H. White, longtime political observer and author of the book called "The Making of the President." "They've become as important as the 100 Senators of the U.S. Senate."

If so, Mr. Germond may be the equivalent of the Senate majority leader. His fellow columnist, Mr. Witcover, undoubtedly swings a lot of weight, too. But by dint of his vast experience, encyclopedic list of sources and force of personality, many observers say Mr. Germond has an almost unique influence on many of his colleagues.

"His influence among reporters seems considerable," says Mark Shields, a former Washington political consultant who has recently entered journalism himself. "You often hear people saying, 'Well, Jack Germond says. . . ' "

Adds the Baltimore Sun's Fred Barnes, who worked for Mr. Germond at the Washington Star for several years: "We used to call him the guru. At dinner and in the bars, he was always the center of attention." Mr. Barnes says his own reporting has been influenced by Mr. Germond's style, and he probably will "emulate Jack's way of reporting in the coming campaign.

PREDICTIVE JOURNALISM

Mr. Germond's way of reporting concentrates largely on who's ahead and who's going to win. And some observers—including many here in New Hampshire, where the premier 1980 primary takes place in February—suspect that the political process isn't always well served by such reporting. They think that predictive journalism often creates political yardsticks against which candidates' performances are later judged and that those subsequent judgments affect the candidates' later political fortunes.

"The press has too much power," declares New Hampshire's former Republican Gov. Hugh Gregg, a George Bush partisan in the GOP primary battle here. "If a consensus develops in the national press about what percentage of the vote this or that candidate must get, it makes no difference what all the political pros think. And a consensus will develop, you wait and see. The process is going on right now."

Indeed, Mr. Germond has been here sizing up the unfolding dynamics of the 1980 New Hampshire primary approximately eight times (it's hard to keep an exact count, he says), amassing volumes of political minutiae that may not be very exciting right now to Kansas City housewives or other normal Americans but are the coin of the realm for political addicts.

There are plenty of that breed in this state, and Mr. Germond's effort to check in with all of them leads to some marathon work schedules. The other day he was up in time to catch the early-morning news shows, after which he dashed off a column on the latest Carter-Kennedy sparring match and strung together a long series of telephone and face-to-face interviews, culminating with a cocktail-hour session with two gubernatorial aides. At 8:15 p.m. the day's interviews were over.

But not the day. Now it's over to Osgood's, the "in" place for statehouse politicians, for a meal of veal Oscar and a typically rambling conversation on politics, journalists, wine and the good old days of political reporting. Then down to the bar for the requisite brandy and back to the Ramada at 2 a.m. to catch a little sleep before an 8 a.m. breakfast interview and the start of a new—and almost identical—day.

Mr. Germond's ability to maintain such a pace, even to accelerate it, is legendary among his friends. Most of them have had at least one experience similar to the time Mark Shields was out "raising hell" with Mr. Germond at Lake Tahoe, Nev. "I staggered down the next morning on four hours of sleep gasping for a cup of coffee to bring me back from the walking wounded," Mr. Shields recalls, "and there was Germond walking briskly through the lobby. The guy was coming back from playing tennis, and he looked fresh, alert and alive."

That famous Germond pace has contributed mightily to his reputation as a leading expert on who's who and what's what in the politics of just about every state. But other attributes contribute as well. William Ringle of Gannett newspapers, who worked with Mr. Germond for many years before his move to the Star in 1974, cites Mr. Germond's "sense of country. He's not shackled by any regional outlook or parochialism." Others note his freedom from dogma and ideology, his genuine feeling for the craft of politics and its practitioners, his ability to be skeptical without descending too deeply into cynicism.

"Jack really takes political writing seriously; in fact, newspaper writing generally is a real calling for him," says Mr. Germond's partner, Jules Witcover, who worked at the Los Angeles Times and Washington Post, and wrote five books before teaming up with Mr. Germond in early 1977.

MOSTLY TACTICAL

Nevertheless, some Germond readers wonder what his ceaseless collecting of political data really adds up to. Although Mr. Germond's reporting normally is accompanied by political analysis, the analysis seldom gets beyond campaign tactics to penetrate broad questions about what's really happening in the country.

One prominent Washington journalist likens the column to "a Washington political newsletter," and a top political organizer adds: "On covering campaign tactics, he's the best; but it often is essentially 'insider' reporting, and a reporter who's looking only at tactics can easily miss other important things."

A related, and perhaps more serious, criticism concerns Mr. Germond's addiction, frequently shared by Mr. Witcover, to political handicapping—the effort, often called "horse-race reporting," to divine who's up, who's down and who's going to win. The criticism takes on added importance in light of those new perceptions about the news media's growing role in the political process.

SELF-FULFILLING PROPHECIES

"Since in the early stages of the game there are no real measures of a candidate's true strength besides wildly erratic polls," says James Fallows, former presidential speechwriter and now Atlantic Monthly's Washington editor, "the predictions of people like Germond can be a powerful political factor." Such predictions, he adds, "can have a self-fulfilling effect."

The specter of the self-fulfilling prophecy hovers over Mr. Germond more than over other reporters because he not only writes more predictive pieces but also is more frequently correct.

But not always—it's a risky game. In early September, he wrote a column saying John Connally was "showing enough strength" in Florida's Republican caucuses to represent "at least a mild threat" to former California Gov. Ronald Reagan. Within two weeks, Mr. Germond was backtracking with a report that Mr. Reagan has run "roughshod" over Mr. Connally in the crucial Broward County caucuses and was "within range" of a Florida victory. (He was right the second time; Mr. Reagan did win the straw vote by a 10 percent margin.)

Meanwhile, Mr. Germond's Florida dispatches used the word "also-ran" to describe George Bush, whose surprising third-place finish has given his campaign a significant boost. In fact, on the day Mr. Bush announced his candidacy earlier this year, Mr. Germond predicted that his campaign had "peaked." The prediction was roundly criticized at the time, and events since have battered it considerably.

Mr. Germond's reporting on Mr. Bush reminded some political observers of his writings four years ago, when he all but dismissed Gerald Ford's chances of winning the Republican primary in New Hampshire and practically conceded that primary, and the nomination, to challenger Ronald Reagan. Then, after Mr. Ford squeezed out a narrow win, Mr. Germond concluded that Mr. Reagan's 49 percent showing—against a sitting President—was a serious defeat, a psychological blow because he had failed to live up to his advance billing.

That prediction and the later interpretation of the result (echoed in other journalistic reports), still rankle from New Hampshire Gov. Gregg, who ran Mr. Reagan's New Hampshire effort in 1976. "It's a great example of how the national media make or break a candidate," he says.

Thus, as many see it, Mr. Germond plays a prominent role in the political process. And the role of the press is likely to grow along with the rise of "media events," such as the state conventions last month in Florida that haven't any bearing on selecting delegates to next year's national party conventions, or the spate of recent "cattle shows" at which candidates parade before the party faithful.

And so the new politics raises questions that are troubling many in and out of journalism: Do the voters really care about these early-bird maneuverings." If they don't is it possible to assess accurately any candidate's chances, beyond reporting what the "political community" (to use a favorite Germond phrase) *thinks* the voters will think once they start caring? And is it possible that by then this "political community," which inevitably includes the press, will have already established the criteria for voter judgments?

For his part, Mr. Germond is simply too busy collecting political data to dwell on such questions. "I don't apologize for the horse-race school of journalism; I'm an advocate of it," he says. "It's what we have to do because it's what people want to know first."

He concedes that there are "a lot of blue smoke and mirrors" in the process, that "it's not always logical or fair," and that "the whole job is people trying to con you." But, he insists, there is "a reality" that's discernible. "Somehow, sitting around the saloons late at night, there will be some kind of rough way of arriving at the politicians' expectations."

And, he adds, that's exactly what he and other reporters did in New Hampshire four years ago: They accurately assessed the politicians' expectations of Ronald Reagan's chances for victory, which happened to be wrong. As for the George Bush prediction (which he frequently repeated, adding that "when you hold him up to the light, he doesn't cast a shadow"), Mr. Germond makes clear he has no regrets—because he knows his prediction was based on "solid reporting."

Adds Mr. Witcover: "To say we make or break Presidents is preposterous . . . It's our job to report what candidates and people say, and in 1976 they were saying that Reagan's 49 percent was a defeat, which it was."

Does Mr. Germond ever feel uncomfortable with his role in the political process? The question gives Mr. Germond pause—for a millisecond. Then he laughs sheepishly and shrugs: "No, that's what the job is. The only time I feel guilty is when I haven't done the job that day, when I skipped that last phone call or didn't get that last interview."

REALITY AND PROPAGANDA

Mr. ROBERT C. BYRD. The Washington Post recently reprinted, in the form of an advertisement paid for by the Soviet Novosti Press Agency, a lengthy editorial commentary from the January 29 issue of Pravda.

There is much in the Pravda article with which I would disagree, and it contains a number of distortions. Normally, I would not even respond to such a commentary. However, in this case, the Pravda article makes specific reference to the Senate and the SALT II treaty.

False and distorted statements often gain credence if they are repeated and not refuted. In this case I think it is important to set the record straight. Otherwise, a Soviet propaganda campaign might succeed in rewriting history. This could have a significant impact in Western Europe, where there is an effort to divide our European allies from us.

A section of the Pravda article stated:

> West Europeans were being persuaded that the stationing of U.S. Pershing-2 and cruise missiles in their territories allegedly carried no serious danger with it, since the SALT II

> Treaty had been signed and was to be put in operation. However, as soon as NATO decided on medium-range weapons, it was decided to adjourn the discussion of this treaty is the U.S. Senate for an indefinite period of time. The deception is evident even to those West European leaders who believed in the compatibility of the negotiations on medium-range missiles with the new round of the arms race in Western Europe, whose major ingredient was the adoption of the decision to station new U.S. nuclear weapons there.

First, as anyone who has closely followed events would know, the decision to postpone debate on the SALT II treaty in the Senate did not immediately follow the NATO decision to proceed with theater nuclear force (TNF) modernization. That decision was taken at the Brussels meeting of NATO foreign and defense ministers on December 12.

At that time, it was my intention to begin Senate debate on the SALT II treaty as the first major order of business when the Senate reconvened in January. That did not change until after the Soviet move into Afghanistan in late December.

On December 31, I discussed this matter with President Carter and some of my colleagues, and I advised the President that it would be unwise to call up the treaty at that particular time in the atmosphere and climate that had been created by the invasion of Afghanistan by the Soviets. There was agreement that the SALT II should be deferred. The Soviet action in Afghanistan would have made a debate on the merits of the treaty itself virtually impossible.

On January 3, President Carter sent me a letter asking me to delay consideration of the treaty. The letter noted that, in the President's view, the treaty was still in the national interest, but that in light of the present crisis it was inappropriate to debate the treaty.

In agreeing with the President's request, I stated that it would not be conducive to the SALT process to attempt to bring the treaty up as scheduled. But, I noted, the treaty could be brought up at a future date, depending on events.

I pointed out that I continue to believe that the SALT II treaty should be ratified because it is in the security interests of the United States, in my judgment. We would not be ratifying SALT II as a favor to the Soviet Union in any case. We would not be ratifying SALT II out of trust in the Soviet Union; we would depend on our own means of verification to determine Soviet compliance with the treaty.

So clearly, the treaty debate was not postponed in conjunction with the NATO decision on TNF modernization. Instead it was postponed as a direct result of the Soviet intervention in Afghanistan and other events which served to cloud the atmosphere for deliberation.

I believe it is also important to set the record straight in regard to the NATO decision on TNF modernization. Some recent comments in the press, in addition to the Pravda article, have implied that the NATO action was taken in a vacuum. It is important to recall—and this point should be emphasized—that the NATO decision was a response to actions already taken by the Soviet Union.

There have been suggestions that the NATO decision somehow contributed to a worsening of international relations and might have been a factor which precipitated the Afghanistan intervention. Also, some have attempted to leave the impression that the United States somehow coerced our allies into the TNF decision.

The fact is that the TNF modernization approval by NATO had been anticipated for months, and this was well known to the Soviets. It had been under consideration for more than 2 years. Further, there was strong support among European leaders for the modernization program. In discussions and communications with European officials in the months preceding the decision, I found widespread backing for TNF modernization.

As NATO Secretary General Joseph Luns pointed out at the time of the decision, it was made only after careful assessment of the growing theater nuclear weapons capability of the Soviet Union.

Let me quote Secretary General Luns:

> In particular, the Soviets have deployed th SS-20 missile, which offers significant improvements over previous systems in providing greater accuracy, more mobility, and greater range, as well as having multiple warheads; and the Backfire bomber which has a much better performance than other Soviet aircraft deployed hitherto in a theater role.
>
> These trends have prompted serious concern within the alliance, because if they were to continue, Soviet superiority in theater nuclear systems could undermine the stability achieved in intercontinental systems and cast doubt on the credibility of the alliance's deterrent strategy by highlighting the gap in the spectrum of NATO's available nuclear response to aggression.

The NATO action was not, I would stress, an isolated or unexpected move. It was a studied response, meant to counterbalance the buildup of Soviet theater nuclear capability. In recent years 120 Soviet SS-20 mobile missiles, with a range of 2,500—3,500 miles, have been deployed—plus scores of new Soviet Backfire bombers.

As an integral part of the TNF decision, it was agreed that 1,000 U.S. nuclear warheads would be withdrawn from Europe as soon as possible, thus reducing the overall nuclear stockpile in Europe.

I would also point out that the NATO decision on TNF modernization was accompanied by a call for arms control negotiations with the Soviet Union to reduce medium-range nuclear weapons as a follow-on to SALT.

I continue to be a firm believer in the importance of arms limitations agreements. I am convinced that the SALT II treaty is in the interests of the United States, the Soviet Union, and, indeed, all of the world's peoples. The SALT process should be preserved. But the prospects for reviving SALT and moving toward the possibility of meaningful nuclear arms limitations are undercut by misleading claims and distortions about what has occurred in recent months.

Mr. President, do I have any time remaining?

The ACTING PRESIDENT pro tempore. The Senator has just over 2½ minutes.

Mr. ROBERT C. BYRD. Mr. President, I yield the remainder of my time to the distinguished Senator from Wisconsin (Mr. PROXMIRE).

Mr. PROXMIRE. I thank my good friend very much.

IN SEARCH OF AN ANTI-INFLATIONARY POLICY WE CAN BUY

Mr. PROXMIRE. Mr. President, January's shocking producer price rise should jolt all of us into action in fighting inflation. That was a phenomenal increase, because food prices actually dropped and food, as we know, is an erratic, unpredictable element in the cost of living.

If you leave food aside, the figure for the increase in the Producer Price Index was at an annual rate of 30 percent. Thirty percent.

Wage-price controls are an option that has increasing support among economists. Reliable polls indicate that most Americans think we should adopt them right now. There is increasing support for them in Congress.

The present policy of steady, if reduced, Federal deficits and a mildly restraining monetary policy is not working. Wage-price guidelines of 7.5 to 9.5 percent are, as Dr. Okun has said, worse than nothing. Presidential jawboning against wage and price increases—especially price increases—has vanished, in spite of, as I say, a 30 percent increase in the Producer Price Index in January.

Now, it used to be that Presidents in in the past called attention to shocking increases. There was not one word uttered by the President of the United States on any increase last month. And that was a month of 30 percent annual rate inflation.

Some are predicting wage and price controls by the end of the summer. Those of us who view wage and price controls as an unmitigated disaster have little time to act, and very perverse circumstances—an election year—for action.

But act we must or the nightmare of controls will be upon us.

What do we do? We don't just talk about cutting Federal spending, we actually cut it.

Mr. President, I have a proposal here to reduce the Carter recommended budget by $19.5 billion in specific terms. And that is only a gauge, because there are other areas which I am sure we could cut by about another $16 billion and come up with a $35 billion reduction. A reduction of that magnitude would bring or permit two things: No. 1, a balanced budget; No. 2, a moderate but limited reduction in taxes that would encourage productivity and investment and savings.

The spending reductions I propose include:

Revenue sharing of $6.7 billion;

The military budget by $6 billion, including a specific list of where exactly I would cut;

Foreign aid by $2 billion;

HUD by $1 billion;

The Space Shuttle by $1.8 billion;

The Law Enforcement Assistance Administration by $670 million; and

Interest on the debt, $1.6 billion. This is the savings which would result if the government did not have to float an extra $16 billion in bonds to finance the deficit. The specific cuts I would make in the military include cutting the civilian workforce at the Pentagon by 100,000 people which would save $1.5 billion; a $500 million cut in I.R. & D.; $1.5 by stopping the MX; $200 million by deleting new attack helicopters; another $500 million through cutting Patriot SAM D; a $1.6 billion savings in the F-18 program; and $200 million by cutting the C-5A rewinging program.

That is only part of what I propose. The other part is in monetary policy. Here we have a whole series of Government guarantees and borrowing that has exactly the same effect on the economy, as far as inflation is concerned, as spending does.

The Export-Import Bank is expected to borrow several billion dollars more; the SBA, $4.7 billion. Under the Brooke-Cranston proposal, borrowing may be increased by as much as $10 billion. Additional proposals include $2 billion for energy security guarantees; rural housing, $3.7 billion more and $275 million in direct loans.

In the Commerce Department, an added $1.6 billion in guarantees is proposed for the economic development administration; other Commerce loans come to $1.5 billion.

In the FHA, altogether there are about $2 billion in guarantees and loans; and about $3 billion in student loans.

I am not saying we should kill all those programs by any means, but I am saying that we should be aware when we authorize those programs, even if they are guarantees, that they have the same effect on prices as if we spent the money. That money is being spent to bid up prices, and when it is borrowed it crowds out of the private market, the capital that the private market urgently needs.

WE CANNOT CONTINUE TO IGNORE THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, for over 31 years various objections have stymied Senate approval of the Genocide Convention. These short-sighted constitutional and legal arguments bear no substantive merit.

Yet, they continue to divert attention from the crux of the issue. Advocacy of the Genocide Convention demands only that the United States recognizes genocide as an intolerable and punishable offense against mankind. The convention proposes merely that we curb the risk of any premeditated, destructive assault upon any national, ethnic, racial, or religious group. In short, it summons this Nation, this Senate, to outlaw genocide. Toward that end, 83 nations have already declared their abhorrence by approving the treaty. These nations realize that treaties are the proper means for entering into mutual commitments for a common purpose.

If, as we must all agree, the safeguarding of lives is an appropriate concern of the international community, then we too are obliged to endorse the convention as the legitimate and necessary vehicle toward that end. Some maintain that the genocide issue is not the proper concern of a treaty. Such an assertion is ludicrous. It not only overlooks the history of treatymaking, but it also misunderstands the crucial implications of genocide. Any mass action against a segment of humanity is of international concern.

The language of the convention acknowledges this and effectively focuses upon the potential sources of danger. Neither nations nor individuals would escape accountability for the commission of or complicity in genocide. Individual nations are charged with the affirmative obligation of preventing acts of genocide within their state, whether or not they occur with official state sanction. Under the treaty, a state's acquiescence by inaction would not be tolerated.

Nor should the years of indecisive action by this Senate be tolerated any longer. The aim of the convention is clear; to deter the risk of genocide. We must avoid the complacency of regarding acts of genocide as relics of the past and immediately ratify this convention.

GRAPPLING WITH A RECURRING PROBLEM

Mr. PROXMIRE. Mr. President, the Washington Star printed an editorial on February 11, 1980, entitled " 'Janesville'—Loud and Clear." This editorial concerns the results of a recent Government study conducted in Janesville, a city of 55,000 in southern Wisconsin. I would like to draw attention to this study and the Washington Star editorial because they both carry a message that Congress and other public officials must continue to grapple with a serious, recurring problem—an excess of Government regulation.

The White House Regulatory Council sponsored the Janesville study to determine how citizens view the effects of Federal and State regulations. The draft report is now circulating within the administration, and the final report may be released in a few weeks.

This kind of study definitely warrants congressional attention since it supplements elections, referenda, and other channels by which voters express their views and public officials can identify problems. Above all, the Janesville study is important for letting public officials see that criticisms of Federal and State regulation are both widespread and deep rooted. By showing examples of rigid, nonsensical applications of rules and regulations, this study also can guide public officials in making improvements and reforms.

Congress, not just the Federal bureaucracy and State governments, must share much of the blame and fashion many of the remedies for the problems identified in the Janesville study. Trimming budgets, eliminating waste, scrapping unnecessary rules, simplifying regulations, and addressing other voter concerns—these are among the ways that I believe Congress should respond to the message of Janesville and other American communities. I ask unanimous consent that the Washington Star editorial be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Star, Feb. 11, 1980]

"JANESVILLE"—LOUD AND CLEAR

Pastoral though the name sounds, "Janesville" would make a chilling and effective battlecry for a presidential candidate.

Janesville is a small city in southern Wisconsin. It is the focus of a report for the White House Regulatory Council on how federal and state regulations are viewed by those upon whom they land. Unkindly, in a word, according to a draft of the report now being circulated within the administration for comment.

"With a median family income of almost $20,000 a year, a population [55,000] shift of only 1 percent per year, and more than 65 different manufacturing concerns, the reaction against regulation seems surprisingly strong," writes Paul Danaceau, the consultant who did the report, "especially since regulation does not seem to have caused any overwhelming hardships on the city as a whole or on any individual business."

What regulation has done, the report deduces, is to corrode a cherished national notion: ". . . The image of America as a government of laws may be giving way to an image of America as a government of regulations." Edicts, mandates, compliance requirements, rules and orders and directives flutter and drift over the landscape, often as not obscuring reality and perspective, a good many Janesvillians seem to think.

The result, according to the study: First, people in business, labor and city government often see little connection between the activities regulation has imposed on them and the goals regulation is supposed to achieve. Second, lawyers, accountants and regulators are judged to be the primary beneficiaries of government regulation. Third, there is a growing sense that regulation has saddled smaller communities with the burden of responding to problems that are occurring elsewhere. Fourth, criticism of regulation frequently is directed at state government and not just at the federal government. Fifth, regulatory agency employees are accused of transforming the regulatory process into an adversary proceeding.

The report cites disconcerting chapter and exasperating verse of inflexible and even nonsensical application of federal and state decrees. The author has come away from his study of Janesville with something less than a song in his heart.

"For a growing number of people, regulation has become either their first or most frequent direct contact with government. If they feel the regulatory process ignores them; if they believe they have no voice or influence in decisions regarding regulations; and if they are convinced that those empowered to correct this situation have chosen not to do so, the result may be far more serious than turning people away from regulation. It could also turn them away from representative democracy."

A far-fetched conclusion, the zealous statists no doubt will respond—the cranky reaction of those too short-sighted or perverse to understand that the sociological policies of much of modern government are good for what ails them. These advocates of government by bureaucracy are not singing loudly in today's climate, but by their works they are known. The pervasiveness of regulation and the skepticism about it may be, as the Janesville study suggests, leading to a dangerous cynicism that is not far from becoming a clear and present danger. Increasingly, regulatory enforcement is regarded more as authoritarian than authoritative.

The final Janesville report is expected to be released in a few weeks. It will be interesting to see if the apprehensive conclusions are softened during the draft's passage through the executive branch. It will be more interesting to see if one or more of the bustling presidential candidates embraces it as a theme. If that happens, as we hope, the report could be a significant document.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDING OFFICER (Mr. Nelson). Under the previous order, the acting minority leader is recognized.

FTC ONLY-TALK SHOW

Mr. TOWER. Mr. President, there has been a lot of talk in this body about the need to curb excess regulation but, to date, it has been little more than talk. Unfortunately, when we had the opportunity in considering the FTC authorizations to curb the most excessive regulators of all, the nonelected bureaucrats at the Federal Trade Commission, the majority in this body emasculated the efforts to bring the FTC under control by rejecting the legislative veto and passing a cosmetic fixup.

The FTC authorizations now go to a House-Senate conference. It is my hope that the House conferees will stand firm in their determination to restore to the people's elected Representatives in Congress the control of the regulators by including in the conference report the one-House legislative veto.

Mr. President, this subject is succinctly dealt with in an editorial appearing in the February 14 issue of the Wall Street Journal which I ask unanimous consent to be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

The FTC Only-Talk Show

There has been a lot of talk about the need to curb excesses of government regulation, and widespread agreement that the most excessive regulator of all has been the Federal Trade Commission. The U.S. Senate has just finished emasculating the efforts to bring the FTC under control.

Complaints grew as the FTC attacked trademarks, children's TV advertising and funeral parlors. States were upset that the FTC was getting into their regulatory acts, leaping in even where HEW and the Justice Department feared to tread. Business worried about the need to tighten standards governing the disclosure of confidential information the FTC required them to supply. The FTC's new habit of issuing blanket subpoenas demanding reams of documents prior to issuing a complaint was likened to a policeman coming to your door determined to arrest you and demanding your life story in hopes of discovering an offense.

Soon the Congress, pummeled by the kind of broad, small town constituencies who get attention, was roaring, and the FTC was on the carpet. The House was tough, voting a one-house veto of FTC regulations and overriding the FTC's challenge to trademarks and investigations of agricultural cooperatives and funeral parlors. But then Senator Wendell Ford (D., Ky.) took charge and the Senate edited the bill down to a cosmetic fixup.

The legislative veto is retained in name, for example but in practice it requires both houses and signature by the President. In other words, Congress can police the FTC by passing a bill.

The Senate went through the motions of tightening disclosure without dealing with the objection that the FTC is giving state enforcement agencies evidence they cannot legally obtain on their own. The effort to prevent the FTC from taking over state-regulated professions also failed. And the FTC can resume its fishing expeditions if it first issues a complaint.

The FTC will have to award legal fees to successful defendants against its actions, except in cases where the FTC itself rules it was justified in bringing the action. The FTC must prepare a regulatory analysis before promulgating a major regulation, but the merits of it are not subject to review by the courts.

Perhaps the most questionable aspect of the FTC's activities in recent years has been its habit of paying Washington lobbyists to stir up opportunities for FTC investigations and regulations. A spate of private bureaucracies like Americans for Democratic Action, Sierra Club, and Ralph Nader's Center for Automobile Safety now earn a living by representing "the public interest" in FTC proceedings. Senator Alan Simpson (R., Wyo.) tried to do something about the use of the taxpayers' money to fund private interest groups, but succeeded only in limiting them to $50,000 each per rulemaking.

The Ford bill now goes to conference with the House, and perhaps something can be salvaged. But if anything like the phony Senate bill emerges, the FTC will have demonstrated that all the noise about reducing government regulation is only talk.

Mr. TOWER. Mr. President, I yield 6 minutes to the distinguished Senator from Minnesota (Mr. Boschwitz).

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

DRIVING UNDER THE INFLUENCE

Mr. BOSCHWITZ. Mr. President, over the past weekend, a good friend of mine, Betty Thomson, and her family were involved in a traffic accident in northern Wisconsin. Involved in that accident, driving another vehicle was someone under the influence of liquor. It made me collect my thoughts on that whole subject and say to myself that I wanted to look into it to see whether or not adequate penalties are now imposed for driving under the influence and whether or not there is something we can do in the Senate, or I as a Senator can do, to bring this really terrible reflection on our Nation under control.

So many people are killed during the course of a year because of others who drive under the influence of liquor. There have been four incidents in my recent years when people close to me have been injured or killed by someone driving under the influence of liquor.

The first, Mr. President, was a young woman with a great future, with a bright instinct into what life was about. A young woman by the name of Gloria Schell, who was my son Dan's violin teacher. She interested my son in the violin as she did many other students in the school my son attended. One of the most beautiful sights, Mr. President, was to behold the very young children fiddling away on small Suzuki violins under the direction of Gloria Schell. One day she was no more. She was hit by a drunken driver as she proceeded to her work.

Then, Mr. President, not too many months after that, an employee of my company, John Loker, and his wife, Ruth, were returning from an evening out together, from dinner together. They were struck from behind by a driver who was so inebriated that there was a total lack of control over the vehicle. The result was that they, too, were killed. They were the parents of eight children ranging in age from 6 months to 17 years.

Mr. President, I know that many of my colleagues are lawyers and have been involved in these kinds of cases, perhaps defending or perhaps pursuing a defendant in a matter of drunk driving. But, nothing could be more touching than to watch the eight children of John and Ruth Loker go through the church behind the caskets of their parents as they were dispatched to the great beyond.

Sent there by somebody who had been inebriated leaving this family without parents.

Then not too long after that, tragedy again struck one of my employees, Dennis Schroeder. He had been with my company for some time, and his mother worked for my company as well. He and his wife, parents of nine children, were on their way home together with some of their children. Both lost their lives to another driver who was driving under the influence of alcohol.

Now, over the past weekend, as I related, Mr. President, my friend, Betty Thomson, was badly injured in an accident. She will hopefully and probably be restored to full health. Once again with a driver driving under the influence of liquor.

I am not sure what the solution is, Mr. President. I am not sure whether or not we in the Senate have any jurisdiction. I am not sure whether or not we in the Senate should take any jurisdiction; or whether this is a matter that is best held for the States to solve. But I am very much aware, Mr. President, that 50,000 people a year are killed on our highways. Not all of them are injured by drivers who are driving under the influence of liquor, but many of them are the victims of liquor, and of people who are driving while drunk. I would like to look into it.

I am very much aware, Mr. President, that from State to State the punishment for driving under the influence varies. I am also very aware that some other countries, for instance Sweden, have very harsh penalties, and, as a result, the number of deaths has been very much lowered.

I am also aware from a young man who lived with me, who came from Zambia, in Africa, that in Zambia they take away not only the license but the car of the person caught driving under the influence of liquor.

Something has to be done, Mr. President. I just want to announce that I am going to take a very active interest in this subject, that I am going to take a look at others who have examined it. Perhaps it has already been exhaustively examined, and perhaps there is nothing further to do. But I feel that we in the Senate should take note of this, that something should be done. I will look into it and report back to the Senate. Perhaps I will introduce legislation. Perhaps I will talk to the Governor of my State and ask for stronger penalties. The killings on the roads, Mr. President, simply cannot go on.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Stewart). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MATHIAS. Mr. President, I ask

unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The time of the acting minority leader has expired.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order there will now be a period for the transaction of routine morning business, not to extend beyond 30 minutes, with statements limited to 5 minutes.

HAPPY BIRTHDAY, LEAGUE OF WOMEN VOTERS

Mr. MATHIAS. Mr. President, for over half a century, the League of Women Voters has served as a powerful reminder of the essential role that volunteer organizations play in keeping our democracy alive and working. On Thursday, February 14, while the Senate was out of session, the league celebrated its 60th anniversary, and it is a pleasure now to honor its members for their many years of fine service. Through community forums and other programs to clarify public issues, and by its vigorous, nonpartisan efforts to increase voter registration, the league has consistently led the way in educating citizens to be responsible decisionmakers in the public arena. As one of our Founding Fathers, James Madison, observed in 1822:

> A popular government, without public information, or the means of acquiring it, is but a prologue to a farce or a tragedy, or perhaps both. Knowledge will forever govern ignorance; and a people who mean to be their own governors must arm themselves with the power which knowledge gives.

The League of Women Voters is an effective instrument for expanding public knowledge.

In honor of the anniversary, an exhibit entitled "League of Women Voters: Born in Suffrage" opened Thursday at the Woodrow Wilson House in Washington, D.C., and will run through June 14. The exhibit spotlights the league at its birth as it evolved from the women's suffrage movement, and then depicts, through photographs and pamphlets, some of its early activities in the 1920's. The exhibit follows the league into the war years, and finally to its involvement in crucial issues of today, such as environmental protection and the equal rights amendment. The exhibit expresses the league's continuing commitment to peace and cooperation abroad, and to an understanding of public issues and the democratic process at home. A sense of history pervades the exhibit, which includes a blue sequined jacket once worn by the league's first national president, Maud Wood Park, and tickets to the 1976 Presidential debates—historic events in themselves because they marked the first time an incumbent President ever took part in such debates. Two puppets from a league-sponsored puppet show that teaches children about energy conservation are also on view. Youngsters both laugh and learn when the show comes to their school and they can watch "Insulator Man" try to outmuscle the "Energy Monster."

The Woodrow Wilson House is located at 2340 S Street NW. The hours are 10 to 2 Tuesday through Friday, and 12 to 4 on weekends. Admission is $1.50 for adults and 50 cents for students and senior citizens.

The exhibit is a well-deserved tribute to an organization whose volunteers have made its name synonymous with healthy interaction between citizens and their government. Alexis de Tocqueville, the sensitive observer of the American scene in the 1830's, wrote:

> I have often admired the extreme skill with which the inhabitants of the United States succeed in proposing a common object to the exertion of many men, and in getting them to voluntarily pursue it.

The genius of the American people for organizing volunteer efforts, which de Tocqueville recognized, has reached perhaps its highest expression in the League of Women Voters.

I wish this remarkable organization a very happy 60th birthday and many happy returns of the day.

Mr. President, the League of Women Voters coordinates many of its activities at the local level at community branches around the country, and I am especially proud of the Montgomery County chapter, which also celebrated its 60th birthday last Thursday. I ask for unanimous consent that an article from the Montgomery Council Sentinel, which concerns the county chapter's anniversary, be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

The League of Women Voters—After 60 Years, Still Going Strong

(By John R. Cranford)

In a county where half the elected and appointed officials are women, where clearly as many women as men are active in partisan politics, it might seem quite unnecessary for there to be a League of Women Voters.

But, despite its origins in the women's suffrage movement, the Montgomery County League does not justify its existence by solely promoting women's issues. In fact, this organization, founded on a strong tradition of non-partisanship and detailed, independent study, long ago established a reputation that to nearly every observer is reason for its continued survival.

Both the local and national Leagues are celebrating their 60th year of political activism this week. For the Montgomery County League, particularly, the number and range of issues fought for and won, provide the best indications of the group's clout and staying power.

The National League, was founded in February 1920 at a celebration party for the 19th Amendment, which gave women the right to vote.

The party was actually held six months before the amendment was ratified, but the National American Woman Suffrage Association already saw their next task as educating a host of newly enfranchised voters.

The county League was founded the same year by leaders of the Suffrage movement. Lavinia M. Engle, one of the founders had been field secretary of the Woman Suffrage Association and was first executive secretary of the State League. She was later the first woman elected delegate to the General Assembly from this county in 1930, but was defeated for reelection in 1934 by six votes. Her mother, Lavinia Hauke Engle was first president of the county League.

Although issues of women's rights and child care were important in the early years, as now, from the first the group focused on concerns not readily identified solely with women. The National League, in 1924, first endorsed voting rights for the District of Columbia, a cause it has supported ever since.

By comparison, in 1938 the county League took on the complete revision of county government, first studying the issue, then drafting a new charter, it was rejected; in 1948 it was adopted.

Beyond the charter revision, the county League counts among its trophies the county library system, the merit system for county employes, Montgomery Community College, the elected school board, and especially the Moderate Priced Dwelling Unit (MPDU) program.

NO SINGLE ISSUE

Current county League President Barbara Heyman understated the obvious: "We're not a single issue organization; we're broadbased."

As is the case nationwide, the League here has been a way for women to learn the ropes of public organizing, lobbying, and the legislative process, as well as to boost themselves into public office. Former League officers have served on the County Council, in the General Assembly, on the Planning Board. But, although the League was founded to get women involved in politics, Heyman noted, working with the League is certainly not a prerequisite.

According to Heyman, although the League is possibly best known for its regular voter guides, published just prior to elections, the most important League work centers on its concentrated study of important issues, and the lobbying the League does once having taken a position.

"Some people may think we study things too much," Heyman said, but she added the democratically run organization rarely changes its consensus positions. Members don't actually vote, they arrive at a consensus in small groups.

Heyman also emphasized the League's long and successful fight to incorporate study of local and state government into the ninth grade public school curriculum, a course that relies heavily on a League-written book.

The county League is the third largest nationwide, probably because of its proximity to the nation's capital. But Heyman lamented the slow decline in membership that is happening here and everywhere else. Membership peaked in the county League at about 1,300 in the mid-1970s, she said. Last year, it was about 800; today it's down about 750.

Ironically, Heyman blamed the decline on the increased number of working women who simply haven't the time to devote to twice-monthly meetings, committees and the added work of League officers. The organization has tried to spread meeting times around to accommodate women who hold full-time jobs, she said, and there are some members who work.

Efforts to increase the membership by allowing men to become members in 1974 have not been very successful. Only 15 men belong to the county League.

The League is having a champagne dessert next Thursday, Feb. 14, to celebrate its 60th anniversary. Judge Rita Davidson, first women appointed to the Maryland Court of Appeals, will be the guest speaker. The party will be at St. Francis Episcopal Church, 10033 River Road, Potomac, at 8:30 p.m. Cost is $5.50 per person. For information or reservations call the League office, 424–4393, weekdays between 9 a.m. and 3 p.m.

JAMES E. GEARHART

Mr. MATHIAS. Mr. President, I am proud today to rise in recognition of a fellow Marylander, James E. Gearhart of Edgewater, who has been chosen the

National Ocean Survey's "Outstanding Employee of the Year."

Mr. Gearhart's nearly 30-year career with the National Oceanic and Atmospheric Administration has been distinguished by numerous accomplishments in the field of nautical charting. In awarding this most recent honor to Mr. Gearhart, Rear Adm. Herbert Lippold, Director of the NOS, praised his accomplishments in the preparation and publication of a definitive 10-year nautical charting plan which will serve as the planning document for directing NOS *charting* efforts over the next 10 years.

Mr. Gearhart is widely known as an expert in nautical cartography, and his personal dedication and initiative have led to several improvements in the quality of nautical charts that make the Nation's waters safer for all who sail them.

It is my pleasure to extend hearty congratulations to James E. Gearhart, and to express thanks on behalf of the thousands of Americans whose traverse of our waters, both in commerce and for pleasure, will be easier and safer because of his outstanding work.

WILL CONGRESS OBEY THE LAW?

Mr. HARRY F. BYRD, JR. Mr. President, this is the 11th day on which I have risen to comment on the budget proposals which President Carter submitted to the Congress on Monday, January 28.

Once again, I invite the attention of the Senate to the potential violation of the law inherent in the President's 1981 budget.

The budget for 1981 calls for a deficit of $16 billion. If this budget is put into effect, it will violate Public Law 95–435, signed into law October 10, 1978, by President Carter himself.

Section 7 of that statute reads as follows:

> Beginning with fiscal year 1981, the total budget outlays of the Federal Government shall not exceed its receipts.

I believe that is clear enough. Any deficit in the coming year will be illegal.

The responsibility lies in the Congress. To comply with the law, the Congress must reject the President's budget and enact one which is in balance. The American people certainly have the right to expect the Congress to obey the law which it enacted.

TRIBUTES TO FORMER SENATOR MONRONEY

Mr. HARRY F. BYRD, JR. Mr. President, it was nearly 12 years ago that Mike Monroney, then senior Senator from Oklahoma, left the Senate.

But those of us who served with him remember him well. We remember Mike Monroney as a warm-hearted, able, hard-working, dedicated public official. We remember him as a Senator who did much for his Nation—and as one who was immensely popular with his colleagues, both Democrats and Republicans.

Mike Monroney died last week—and a simple but lovely service was held Saturday at the Bethlehem Chapel in the National Cathedral. Today, his beloved State of Oklahoma honors his memory in ceremonies there.

Mike Monroney served his State and Nation for 30 years, first in the House of Representatives then the Senate. His tenure in the Congress was longer than that of any other Oklahoman.

At his side throughout his long political life was his charming and devoted wife, Mary Ellen Mellon Monroney. She shared fully his responsibilities and, appropriately, his honors.

At the Cathedral ceremony Saturday, Senator Monroney's son, Michael, and a close family friend, W. Devier Pierson, painted such vivid and lifelike word portraits of our late colleague that I ask unanimous consent that they be printed at this point in the Record.

There being no objection, the statements were ordered to be printed in the Record, as follows:

Michael Monroney's Homily to Senator A. S. Mike Monroney

Your presence here this morning—each and every one of you—has touched my mother and me and all of our family deeply. It helps for you to share these moments with us.

Your presence would also touch deeply—and perhaps embarrass a bit—that humble man for whom we are gathered to pay tribute and to pray . . . a man whose life has, in turn, touched so many of us in so many ways—directly, indirectly—but always with a warm gentleness which marked him as a man who cared . . . about each person and about all people. This gentleness and caring was apparent above all else until the very end.

But it is time to remember the good things about Mike Monroney. Significantly to me and to the many of you here who loved and respected him—there are no bad memories to forget.

This is one reason we should all be happy today, rejoice, and give thanks . . . for we have shared a brief moment in time with a remarkable human being. Our family and the many friends with whom we shared him have been especially blessed.

He was a public man . . . and he was a very private man . . . but there really wasn't a great deal of difference between the two. There was just never two Mike Monroneys.

He was much the same in the rural towns of Oklahoma—from Garvin County which he particularly loved . . . to Guymon in the Panhandle . . . from Hollis on the plains to Antlers at the foothills of the Kiamichi Mountains . . . and up to Marble City in the Cookson Hills. He was the same there as in the halls of Congress. And he was much the same at home as he was at work. Consistently considerate and tolerant of others . . . and always ready to enjoy the life he loved with the people for whom he cared.

But his roots have always been in the prairies of Oklahoma and with the people there. That land and those people gave him his great strength . . . first, a strength of character, then later the strength of public office which he treasured only as a tool for working public good.

That public good he worked can perhaps be found . . . at least in the footnotes of history. But that story should be told by others less partial than someone honored by his name.

Most important to him, Mike Monroney had a deep and abiding faith in the Almighty God. He was devoted to this cathedral upon whose Chapter he served for 25 years.

He was a kind and courtly man. On Wednesday evening I received a call at home from a man who had served as a page in the House of Representatives forty years ago. He told me that in 1941 the House pages had conducted a secret poll . . . who was the meanest man in the House . . . and who was the kindest. He said, "I just thought you'd like to know that your father was voted the kindest."

Mike Monroney was an intensely loyal man . . . to his family, to his friends, and to his political party, but—regardless of partisan labels—his loyalty and friendship was reserved for those who—by the friendship they gave him or by their adherence to his ideals—deserved it. It was given in large measures and to many deserving people. Twelve years ago, the morning after his first political defeat in thirty years, the first message of regret he received was from Republican Senator George Aiken. The Granite of Vermont reached out to the prairie land to salute their common grounds—a love of America and a passion for integrity.

Mike Monroney was a man of great good humor. He laughed a great deal, and he made others laugh with a gentle humor, often directed at himself and accompanied by the crooked grin we shall always remember. He was so often fun to be with, but, when there was no laughter, there was learning . . . he never wasted a minute of life. His non-religious beliefs, very simply stated, revolved around a faith in our system, faith in the decency of Man, and a code of conduct which he never broke. And that, more than anything, is what we learned from him.

At home, Mike Monroney had some special qualities. He was, above all else, a gentleman in marriage. While he shared a continuing love and respect with his wife over a period spanning half a century, this union was marked by a courtliness and tenderness which was apparent to all who ever saw him with my mother or heard him speak of her. That courtliness and tenderness never faltered in the privacy of our home.

Mike Monroney was all of these things and more to each of us . . . he was also a father to me. My first memories of him are of a tall, tall man whose head reached up to the sky. I grew up . . . but he seemed to get taller . . . in every way. I always tried to catch up to him . . . and no human being ever profits so much from that kind of exercise.

I hope that I can give my children—for him—the same warmth and love, understanding and encouragement, and sense of decency which he has given in such great abundance to me. If I can—but, more importantly, if all of us can pass on to others some small portion of those qualities which have endeared us all to Mike Monroney—we will have created indeed a truly meaningful living tribute to his memory. And we will move just a few precious inches further toward that civilization of peace and goodwill among all humans which God in his wisdom has left us to perfect.

Eulogy to Senator A. S. Mike Monroney

(By W. DeVier Pierson)

When I was granted this privilege to say a few words about Mike Monroney—a privilege that I shall always cherish—there was only one admonition. It was that this service be a joyous tribute to life rather than a sad event. And it really could not be otherwise. Mike was an eternal optimist. His life was so full of zest and joy that he would be offended if we were to talk about him in sorrow. This is, therefore, a time of celebration as we gather to honor the sweet memories we hold of this great and dear man.

When a life comes to an end, there is always a legacy. Often—particularly here in Washington—a public man leaves a legacy of impressive success and achievement. Sometimes there is also a legacy of material wealth. But these are lesser gifts. There are those rare moments when a life has been lived with such beauty and grace that it leaves not only the memories of personal recognition and success—but also the enduring legacy of the influence of that life on those around him.

This is that rare moment. Mike Monroney

led that kind of life. All of us here share that special legacy.

It is a fitting part of this commemoration that we record Mike's remarkable achievements in public life. They were exceptionable. He represented his state in the House of Representatives and the Senate for over 30 years—longer than any Oklahoman has ever served in Congress. He was "Mr. Aviation"—the author of the Federal Aviation Act and the father of the federal government's role in modern civil aviation. Twice in this century, he was the architect of legislation which established the organizational structure of the Congress itself. He was the far-sighted sponsor of financial assistance to developing nations. He was a man whose wisdom and judgment was valued by five Presidents. History will record that Mike Monroney was a statesman of the first rank who made a lasting contribution to the development of our government institutions and the effectiveness with which they functioned.

Even so, this is not the way I remember Mike best. When I think of Mike, I think of that kind and gentle man of charm and courtesy who was never afflicted with any feeling of his own self-importance. I think of his deep love for Mary Ellen—one of the greatest ladies of our time—of his pride in his son, and of the affection he showed so freely on his grandchildren. I think of his unfailing thoughtfulness to those who worked with him and for him. In the most personal terms, I think of what he has meant to the circle of Oklahomans he brought to Washington and whose lives he shaped largely in his own image.

Mike was the founder, dean and one-man faculty of an institution many of us Oklahomans affectionately refer to as the Monroney School of Public Administration. Its student body has been a group of young people who migrated to Washington at Mike's urging and whose lives have been indelibly marked by his influence. He was our patron, our mentor, our teacher. There are times—but not many—when each of us forgets what Mike has meant to us and the precious gifts of spirit and character he leaves with us.

But when we look back, it is always clear that whatever successes we have enjoyed in life have been largely due to Mike.

He was an inspiration in so many ways.

Mike taught us by example that public service is a high calling and that success in it does not require ethical compromise.

Mike knew that it was possible to have political antagonists without having personal enemies.

Mike was able to be magnanimous in victory and cheerful in defeat.

Mike showed us that dignity and civility are not signs of weakness but of strength.

Mike knew that it was not necessary to act important to be important.

Mike taught us that those who give their love deeply to family and friends will receive it as well.

I suspect there is no one here today who did not experience Mike's warmth and care in some manner. Is there any colleague of his in the House or Senate who did not sense that integrity and decency? Has any friend not shared in that kindness and compassion? We have all felt it and it has become a part of our lives.

Mike was a close friend and admirer of Adlai Stevenson. I recently read a chapter written by Mike in the book "As We Knew Adlai" and was struck by the unintended self-portrait. Mike said:

"Humility is a rare quality among politicians. So rare, in fact, that when we encounter it, we are apt to call it by another name, either guile or indecisiveness. The politician who is humble without lacking self-confidence is rarer still . . ."

In referring to Governor Stevenson's reluctance to become a Presidential candidate in 1960, Mike said:

"He understood better than we that ambition finds excuses that conscience cannot keep."

Mike was really describing his own virtues. He did possess a humility rare among public men. It was born out of a selflessness rather than any lack of self-confidence. Mike's ambition—and it was abundant for the causes he cared about—never outstripped his conscience. He was a self-confident man of principle who would not bend those principles to achieve his goals.

Thinking of Mike in the Senate also evokes a certain nostalgia. Here was a vigorous man of action, a fertile mind with contemporary views, a wide range of policy interests—and yet an old-school dignity, rectitude and devotion to duty. He was an articulate spokesman, but was far more interested in results than publicity. As one columnist observed in 1968, it was Mike's conviction that a Senator of the United States still owed a high obligation to the national welfare—whether or not it was politically popular.

Despite all this, I have sometimes wondered why Mike decided on a life of public service. He was absolutely without ego in a calling where men of ego are not an endangered species. While he loved people, he always had difficulty remembering names. He hated political fund-raising and found the existence of any continuing political organization unseemly. Even so, through some wonderful alchemy of his own personality and the confidence he instilled in his fellow Oklahomans, he somehow found it possible to gain their support in nine elections over three decades.

With this mandate, Mike gave his love and devotion freely and fully. He was an unabashed patriot who loved his country and was not embarrassed to express that fervor. He loved his native state of Oklahoma and its people—and the great pride of his life was that his fellow Oklahomans permitted him to serve them for so long. If Mike was liberal—and it was occasionally rumored in Oklahoma that he was—it was because he genuinely cared for people and his heart did go out to those who were in need or who had by origin received something less than the full fruits of our society. He loved this church and gave it unstinting support. No one could have been a more loving husband and father or a more caring friend. Finally, he loved life itself and viewed each day as a new opportunity and challenge.

It has been said that some part of a person very close to you always rubs off—that you are able to capture a small fragment of that personality and make it your own. If that is true, it is Mike's legacy to us. Those virtues of his life—pride in accomplishment, honor, kindness and love—now become part of our own existence as his precious gift.

And, since Mike loved aviation, let us bid him farewell with the words of a young pilot who wrote this poem shortly before his death:

"Oh, I have slipped the surly bonds of earth,
And danced the skies on laughter's silvered wings.
Sunward I've climbed and joined the tumbling mirth
Of sunsplit clouds and done a hundred things you've not dreamed of . . .
And while with silent, lifting mind I've trod,
The high untrespassed sanctity of space,
Put out my hand and touched the face of God."

AN INTERESTING PARALLEL

Mr. HARRY F. BYRD, JR. Mr. President, Chalmers Roberts, a former Washington Post diplomatic correspondent and national bureau chief, drew an interesting parallel between the Czechoslovakia of 1948 and Afghanistan of today.

Mr. Roberts' piece was published in yesterday's Washington Post. I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Feb. 17, 1980]

Prague '48 And Kabul Today: A Parallel in East-West Conflict

(By Chalmers M. Roberts)

On March 11, 1948, banner headlines dominated page 1 of The Washington Post:

"Jan Masarky Dies in Prague Plunge; U.N. Shelves Call for Coup Probe; 'Situation Very Serious'—Marshall".

And one week later the headlines declared:

"Truman Asks Temporary Draft, UMT and Aid For Europe to Check Aggression by Russia; House Group Votes for Full $5.3 Billion ERP".

The crisis that spring over Czechoslovakia was one of three in this century centered on that middle European nation created at the end of World War I. In 1938 Britain and France at Munich had allowed Hitler to begin the dismemberment of the Czechoslovak republic which had flourished between the two world wars under the leadership of its founder, Thomas Masaryk. And in 1968 the West would do nothing when the Kremlin sent the Red Army into Czechoslovakia to crush Alexander Dubcek's experiment in "communism with a human face."

The 1948 crisis, the middle one of the three, was spawned by a Communist coup in Prague which extinguished the last flicker of that nation's life as a democracy and turned it into the Kremlin satellite it is today.

In 1938 the Western democracies had retreated, only to go to war with Hitler over Poland the following year. By 1968 Czechoslovakia had been so accepted in the West as in the Soviet sphere that the United States and its allies would do no more than huff and puff. But 1948 was different, because that spring crisis played a major role in altering Western perceptions about the Soviet Union and in bringing about the alliances and the military preparedness which, ever since, have meant a balance of power between East and West in Europe.

If there is any precedent in our history for the situation today, following the Soviet invasion of Afghanistan, it is to be found in the story of Czechoslovakia 1948.

History never repeats itself absolutely and obviously the circumstances are not the same. But there is an essential similarity in the challenge to the United States: Will it take meaningful steps to halt an expansionist Soviet Union or will it only sputter words of disapproval? At the moment this country and its government, both executive and legislative, are somewhere in between those extremes.

A look at the record is instructive. There has been a basic, underlying antagonism between the United States and the U.S.S.R. ever since Lenin's Bolsheviks seized control of Russia during World War I. We did not even recognize the Kremlin regime diplomatically until 1933. But Hitler's Germany proved such a common enemy that Washington and Moscow became World War II allies—often wary, suspicious, fractious, but nonetheless in practice allies.

As Hitler's Reich was collapsing the alliance was falling apart. Churchill and then Roosevelt bridled at what they took to be Stalin's post-war goals of expansionism. When the British confessed they could no longer sustain Greece and Turkey, the new American president, Harry Truman, produced the 1947 Truman Doctrine. It was a sweeping presidential proclamation to a joint session of Congress that "it must be the policy of the United States to support free peoples who are resisting attempted subjugation by armed minorities or by outside pressures." This doctrine carried us all the way into Vietnam and the term "free" came to mean any nation, whatever its goverance, that was not Communist.

The Truman Doctrine was followed by the imaginative Marshall Plan of economic aid to prostrate Western Europe as well as help for Greece and Turkey.

By the spring of 1948, then, hopes for postwar continuation of the wartime working relationship with the Soviet Union had been severely deflated but not altogether abandoned. Churchill's "Iron Curtain" speech in February 1947 had produced a storm of criticism from those who still believed there must be a way to get on with Russia.

Churchill's speech had put behind that Soviet line "all the capitals of the ancient states of Central and Eastern Europe," including both Vienna and Prague. Vienna, then occupied by both Russian and Western troops, was to escape the Kremlin's grasp. In Prague, the government was a coalition of Communists and democrats under the leadership of President Eduard Benes and Foreign Minister Jan Masaryk, son of the country's revered founding father. In a 1946 election the Communists had won 37 percent of the votes and they now held a number of important cabinet posts.

In retrospect it is evident that the Kremlin at some point decided (as it did in the case of Afghanistan) to take over Czechoslovakia. Some historians describe the 1948 coup as simply a completion of the conquest of Eastern Europe; others see it as Stalin's reaction to the Marshall Plan. At the end of 1947 diplomat George Kennan had written Secretary of State George Marshall that if the American aid to Western Europe proved successful it would end the Communist advance. But, in that case, he added, it would no longer be to Russian advantage to allow the Czechs the outward appearances of freedom. The West would have to expect a "sweeping away of democratic institutions and a consolidation of Communist rule."

(Today parallel arguments can be, and are, made to explain the Soviet moves in Afghanistan. But in each case the results were to produce a Kremlin satellite nation.)

A week of crisis in February 1948 led an exhausted Benes to name the Communist leader, Klement Gottwald, to form a government with only Masaryk remaining of the democrats. The day before the crisis began Soviet Deputy Foreign Minister V. A. Zorin had arrived in Prague. Arrests and purges began. No Red Army troops had to be employed, however; the threat of that possibility was sufficient.

Then, on March 10, Washington learned that Masaryk had died by jumping out a window. Murder was immediately suspected. It was the news that produced the first set of Post headlines quoted at the start of this article.

Masaryk was well known and respected in Washington and the personification of the fall of Czechoslovakia to Kremlin rule had a powerful effect. The Alsop brothers' column described "a pre-war atmosphere" in the capital; a White House aide wrote in his diary that there were "rumors and portents of war" in the newspapers. The Senate voted, 69 to 17, for 4½-year Marshall Plan costing $5.3 billion in the first year.

Truman went before a joint session of Congress on March 17, producing the second set of cited headlines. He asked not only for revival of the wartime draft (which Congress voted) but also for universal military training—UMT (which never became law). A House committee voted for the Senate figure of Marshall Plan aid, formally known as the European Recovery Program (ERP). And the same day five Western European nations signed a mutual defense treaty that would form a basis for the North Atlantic Treaty and the creation of NATO, in which the United States for the first time joined in a military alliance in peacetime.

The sum of the fallout from the Czech crisis was the beginning of American and allied rebuilding of military power, so greatly demobilized at the end of World War II. It took the outbreak of the Korean War in 1950, however, to bring about major rearmament, so strong was the old isolationist impulse and so weary the public of war. In short, the 1948 Communist coup in Czechoslovakia was a hinge event that ended most of the remaining illusions of carrying the wartime alliance with Moscow over into peacetime. In the same way, the Soviet invasion of Afghanistan has ended the period of détente that marked much of the decade of the 1970s. Afghanistan, like Czechoslovakia, by itself is little more than a symbol of much larger events.

But more than arms and men are involved. When a nation makes a major turn in direction there should be an underlying purpose, well thought out and articulated.

In the 1948 case the new American policy had been clearly worked out in two important documents. In early 1946, Kennan, then number two in the American embassy in Moscow, had laid out the theory of "containment" by the West of Soviet power which he described as activated by "a political force committed fanatically to the belief that with the U.S. there can be no permanent modus vivendi," or way of living together. This reasoning in Kennan's so-called "long telegram" was disclosed in the July 1947 issue of Foreign Affairs when he wrote, under the pseudonym of "X," about "The Sources of Soviet Conduct."

In between these two Kennan pronouncements had been a lengthy secret memorandum on Soviet-American relations prepared for Truman by a young White House aide, Clark Clifford. After a wide canvass of opinion, Clifford called for reorienting policy toward Moscow: "Our best chances of influencing Soviet leaders consist in making it unmistakably clear that action contrary to our conception of a decent world order will redound to the disadvantage of the Soviet regime whereas friendly and cooperative action will pay dividends." Clifford hoped that Kremlin leaders "will change their minds and work out with us a fair and equitable settlement when they realize that we are too strong to be beaten and too determined to be frightened."

Similar carrot-and-stick ideas have frequently reoccurred since then and today are heard in the Carter administration. A premise has been that such a strong stand would, at least in time, make Moscow amenable to diplomatic dialogue and compromise.

The Czechoslovakian crisis of 1948 did not create the Cold War but it assured the dominance of military preparedness over diplomatic negotiation. The Afghan crisis of 1980 appears to be doing the same thing, although Carter seems to be trying to keep open the door to dialogue, at least once the military balance is again perceived to be equitable. But Carter has not yet spelled this out, as Henry Kissinger puts it, in "a conceptual way." Nor is there a Carter framework of policy, as far as one can see, of how to deal with a Kremlin "peace offensive" which Kissinger and others expect once Communist rule in Afghanistan is consolidated.

There are striking differences between the Washington-Moscow relationships of 1948 and 1980. But in each case the action-reaction phenomenon is present, or as Soviet Premier Alexei Kosygin once remarked: "The United States must realize that in both physics and politics each action causes a corresponding reaction." Today it is Moscow's turn to realize that truth. If both sides accept it, and neither pushes too hard or too far, there is no reason for war.

ANOTHER WARNING FROM SOLZHENITSYN

Mr. HARRY F. BYRD, JR. Mr. President, yesterday's Washington Star carried in its editorial section a warning to the free world by Alexander Solzhenitsyn.

The Russian philosopher, a Nobel Prize-winning novelist now living in this country, composed this essay for Time magazine in response to the crisis in East-West relations created by the Soviet conquest of Afghanistan.

I ask unanimous consent that this warning by one who has lived under the Russian system be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Star, Feb. 17, 1980]

Another Warning for the West From Solzhenitsyn

The West began its perilous miscalculation of communism in 1918: from the very beginning the Western powers failed to see the deadly threat that it represented. In Russia at that time, all previously warring factions—from the government forces to the Constitutional Democrats and the right-wing Socialists—united against Communism. Though the peasants and workers were not formally allied with these groups, and were not coordinated, thousands of peasant revolts and dozens of worker uprisings reflected the masses' opposition to communism. A Red Army was mobilized by executing tens of thousands of men who tried to evade Bolshevik conscription. But this Russian national resistance to communism received scant support from the Western powers.

The most fantastically rosy notions about the communist regime circulated in the West, and so-called progressive public opinion greeted it with joy, in spite of the fact that by 1921, 30 Russian provinces were undergoing a Cambodia-like genocide. (In Lenin's lifetime no fewer innocent civilians perished than under Hitler, and yet today American school children who invariably regard Hitler as the greatest villain in history look upon Lenin as Russia's benefactor.) The Western powers vied with one another to give economic and diplomatic support to the Soviet regime, which could not have survived without this aid. Europe took no notice of the fact that some six million people in the Ukraine and the Kuban River basin had died of hunger.

In 1941 the worth of this much-touted regime became apparent to the world: from the Baltic to the Black Sea the Red Army retreated as if swept away by the wind in spite of its numerical superiority and its excellent artillery. There was no precedent for such a rout in a thousand years of Russian history and, indeed, in all military history. In the first few months of the war some three million soldiers had fallen into enemy hands! Here was a clear statement of our people's desire to be rid of communism. The West could not have failed to understand if only it had wanted to see. But in its nearsightedness, the West held that the sole threat to the world resided in Hitler and that his overthrow would end all danger. The West did what it could to help Stalin forcibly harness Russian nationalism for the Communist cause. And so in World War II the West defended not freedom in general but merely freedom for itself.

In order to buy Stalin's friendship at the end of the war, the West turned over 1.5 million people who were then in Allied hands and who did not wish to return to Stalin's tyranny. Among them were entire Russian divisions, Tartar and Caucasion battalions, as well as P.O.W.s and forced laborers numbering in the hundreds of thousands, including old men, women and children.

Stalin manipulated Roosevelt with ease, effortlessly assuring himself of control over

Eastern Europe: Yalta marked the beginning of a 35-year streak of American defeats, only briefly interrupted in Berlin and Korea. (When there was the will to resist, victory followed.) As I have written on earlier occasions [in 1975 in an article entitled "The Big Losers in the Third World War" and in the book *Warning to the West*], the entire period from 1945 to 1975 can be viewed as another world war that was lost by the West without a battle and in which some two dozen countries were abandoned to communism.

There are two reasons for this string of capitulations: First is the spiritual importance that comes from living a life of ease; people are unwilling to risk their comforts. Second, and just as important, is the prevailing, total incomprehension of the malevolent and unyielding nature of communism, which is equally dangerous to every country.

The West often seeks an explanation for the phenomenon of 20th-century communism in some supposed defects of the Russian nation. This is ultimately a racist view. (How then can China be explained? Vietnam? Cuba? Ethiopia? Or the likes of Georges Marchais?)

Flaws are sought everywhere but in communism itself. Its agressiveness is explained by, for example, Averell Harriman, in terms of a national dread of aggression; this is said to account for the building of a vast arsenal and the seizing of new countries.

Western diplomats depend on unsound hypotheses that involve supposed "left" and "right" factions of the Politburo when, in reality, all of its members are united in seeking world conquest and are undiscriminating in the means they use. Insofar as struggles do occur within the Politburo, they are purely personal: they cannot be used for diplomatic leverage. The average Soviet citizen, deprived though he is of information about the world and of the benefits of Western Kremlinology, understands this perfectly well. Illiterate Afghan herdsmen are equally on target when they burn portraits of Marx and Lenin instead of accepting the tale that their country was occupied simply because Leonid Brezhnev happened to be ailing.

Communism can implement its "ideals" only by destroying the core and foundation of a nation's life. He who understands this will not for a minute believe that Chinese communism is more peace-loving than the Soviet variety (it is simply that its teeth have not yet grown), or that Marshal Tito's brand is kindly by nature. The latter was also leavened with blood, and it, too, consolidated its power by mass killings, but the weak-hearted West preferred not to take any notice in 1943–45.

Communism needs the whole charade of detente for only one purpose: to gain additional strength with the help of Western financing (those loans will not be repaid) and Western technology before it launches its next large-scale offensive. Communism is stronger and more durable than Nazism, it is far more sophisticated in its propaganda and excels at such charades.

Communism is unregenerate; it will always present a mortal danger to mankind. It is like an infection in the world's organism: it may lie dormant, but it will inevitably attack with a crippling disease. There is no help to be found in the illusion that certain countries possess an immunity to communism: any country that is free today can be reduced to prostration and complete submission.

In expectation of World War III the West again seeks cover, and finds Communist China as an ally! There is another betrayal, not only of Taiwan, but of the entire oppressed Chinese people. Moreover, it is a mad, suicidal policy: having supplied, billion-strong China with American arms, the West will defeat the U S.S.R., but thereafter no force on earth will restrain communist China from world conquest.

Communism stops only when it encounters a wall, even if it is only a wall of resolve. The West cannot now avoid such a wall in what is already its hour of extremity.

Meanwhile, however, 220 possible allies have fallen to communism, since World War II. Meanwhile, Western technology has helped develop the terrifying military power of the communist world. The wall will have to be erected with what strength remains. The present generation of Westerners will have to make a stand on the road upon which its predecessors have so thoughtlessly retreated for 60 years.

But there is hope. All oppressed peoples are on the side of the West: the Russians, the various nationalities of the U.S.S.R., the Chinese and the Cubans. Only by relying on this alliance can the West's strategy succeed. Only together with the oppressed will the West constitute the decisive force on earth. This is also a matter of principle, if the West is to uphold freedom everywhere and not merely for itself.

This strategy will obviously entail radical conceptual changes and the rethinking of tactics on the part of Western politicians, diplomats and military men. Five years ago, all my warnings were ignored by official America. Your leaders are free to ignore my present predictions as well. But they, too, will come true.

IN COMMENDATION OF SENATOR STEWART

Mr. HELMS. Mr. President, I congratulate the distinguished occupant of the chair, who, earlier today, delivered Washington's Farewell Address in a fashion that would have aroused the envy of President Washington himself. I commend the distinguished Senator from Alabama for his eloquent presentation.

WAGE AND PRICE CONTROLS: BAD MEMORIES, FRESH CONCERN

Mr. HELMS. Mr. President, the American people are outraged by a return of double-digit inflation. This widespread disgruntlement, the recent collapse of the bond market in New York, and the approach of the 1980 elections have combined to trigger a new push for the return of wage and price controls.

Mr. President, I listened with interest a few moments ago as the distinguished Senator from Wisconsin (Mr. PROXMIRE) described such proposals as an unmitigated disaster. Senator PROXMIRE is absolutely correct. I agree with him wholeheartedly.

Nevertheless, Mr. President, hearings have been scheduled in the House of Representatives on a renewal of Federal wage and price controls, and some of the same economists who advised President Carter to apply Keynesian economic stimulus in the early part of his administration, are now calling for massive and unworkable Federal controls in a vain effort to contain the unfortunate result of those unwise policies.

But, Mr. President, before we rush headlong down the path to wage and price controls, we ought to remind ourselves of the disastrous consequences of the most recent experience with such Federal controls—when the elaborate economic theories came face to face with the real world. We should also give some thought to the soundest alternative policy for coping with inflation—namely: A middle course that can be steered between the drastic belt tightening which President Ford employed to wring the inflation out of the American economy in 1976, and the controls and rationing which are advocated by some of today's liberal economists. The Nation urgently needs a gradual program of monetary and fiscal restraint extending over a period of several years. We need to set a course, and stick to it.

Wage and price controls on the other hand, are certain to produce the same kind of economic distortions—only worse—that America experienced in 1972 and 1973. The list is a fairly dreary litany: Bartering began on a large scale to evade controls and to secure needed supplies. Certain customers were favored over others as supplies became tight. Production ended on items made unprofitable by controls. Overseas buyers invaded the American market to snatch up items which controls had turned into bargains. American buyers had to go abroad to purchase items which had been discontinued in the United States because of controlled prices—and paid scalper's rates in some instances. A gray market developed. Vast growth in control bureaucracy took place in Washington, composed mainly of young people with little knowledge of the industry they were supposed to regulate. Political pressures on some pricing decisions were reported—particularly in the pre-election period. Different political pressures were reportedly applied to some wage decisions in the same period. Big labor and big business found ways to avoid some of the most stringent applications of wage and price controls—but unorganized workers and smaller or less sophisticated businesses which lacked the clout and skill to win this kind of game were socked with the letter of the law and regulation. The list goes on and on. Do we really want to relieve this economic nightmare?

Mr. President, when this scenario ended in 1973, and controls expired, the Nation suffered a stunning economic hangover as the real statistics were again allowed to show the true level of inflation. Imagine what the next hangover would be like after controls come off, revealing an even higher underlying rate of inflation.

Indeed, given the higher inflationary pressures in the American economy today—somewhere between 10 and 13 percent, depending on which economist you want to believe—it will be far more difficult to keep this inflation under controls than even in 1972 and 1973. If a lid is put on this kind of inflation, the whole economic pressure cooker could come flying apart in one huge explosion, inflicting hideous damage to the financial system of the United States. While this last extreme scenario may not be likely, it is a distinct possibility that we ignore at our peril.

More certain is this: If we adopt new wage and price controls, it means that any serious attempt to deal with inflation by an application of classical fiscal and monetary restraint and tax rate reduction will have to wait until the 1980 election is over and new inflationary pressures have built up in the American economy. It also increases the likelihood of yet another round of stop and go economic policy in Washington.

Mr. President, it seems to me that, from the Nation's point of view, wage and price controls as a cure for inflation are a self defeating policy. The controls themselves reduce the immediate political pressures to hold down spending and monetary expansion; and restricting prices reduces the incentive to increase production of goods and services.

Some of the economists at the Brookings Institution reportedly favor wage and price controls because they believe that "gradualism" has failed to curb inflation. But can anyone who examines the statistics documenting this administration's fiscal and monetary policy believe that "gradualism" was ever seriously tried? The only "gradualism" demonstrated by these statistics—except for the briefest periods—is a gradual inflationary bias reflected by an expansionary monetary policy, and very significant budgetary increases.

Other liberal economists believe that, in theory, controls and economic restraint working together could cause a permanent reduction in inflation. But, as a practical matter, it strains credulity to believe that an administration which followed an inflationary economic policy without controls will exhibit more economic restraint and discipline when an election is at stake, and the negative consequences of any new spending could be hidden until just after the American people have cast their ballots.

To believe this requires greater faith in human nature than I have. I believe that sobering monthly reports on inflation's real progress is an inhibiting factor upon the spending impulses of government. It forces everyone, both the people and the politicians, to face realistically the full consequences of the Nation's economic policies.

However attractive controls may be in the theoretical world of some economists, it is far better to base our policies on the actual experience which this and other nations have had with wage and price controls. These experiences have been almost uniformly bad.

In 1971, President Nixon imposed wage and price controls. Under the pressure of controls, it proved possible for the Administration to apply massive economic stimulus, including large increases in the Nation's money supply in the months just prior to the election. Thus, during the 1972 campaign, the administration was able to present the American electorate with both low inflation and low unemployment. Combined with GEORGE McGOVERN's inept campaign, this encouraging outlook produced an overwhelming victory for President Nixon.

Following the election, however, the pent-up excess demand burst through the controls after companies halted production of items made unprofitable by unrealistically low controlled prices, and the market devised a host of techniques for circumventing some of the price restrictions.

Eventually, of course, the whole house of cards collapsed, and inflation soared to double digit levels. This, in turn, required a massive dose of anti-inflation medicine in the form of fiscal and monetary belt tightening, which produced the greatest slump since the 1930's. The traditional anti-inflation program did, however, reduce inflation from double-digit levels, to under 5 percent.

To his everlasting credit, President Ford rejected the advice of his political advisers to restimulate the economy just prior to his election campaign. For this reason, the short term sacrifices made by the American people to achieve long-term health for American economy appeared to have been justified.

Tragically, however, his immediate successor, President Carter, began a program of excessive and unsustainable economic stimulus shortly after assuming office in 1977. The Federal budget soared from under $400 billion in President Ford's last year in office to over $600 billion this year. Part of this increased spending was made possible through the cooperation of the Federal Reserve Board, which expanded the money supply at a rate which was both unhealthy and inflationary. Between President Carter's fiscal policies and the Federal Reserve's monetary policies—and with some thanks to OPEC—all of the previous sacrifices of the American people under President Ford proved to be in vain. Double digit inflation returned with a vengeance.

With another Presidential campaign now in progress, the cycle threatens to make yet another full revolution. Once again, the trial balloons are being floated for a renewed application of wage and price controls.

Unfortunately, this time there are new international ramifications which will have to be taken into account, in addition to the familiar domestic liabilities of controls. The dollar itself will undoubtedly come under fresh attack if the old election recipe of controls and stimulus is once again applied.

It is obvious to everyone, both here and abroad, that inflation is rotting away the financial underpinnings of the American economy, causing major distortions in investment and savings patterns, and devastating the bond market.

But without price controls, the extent of the rot remains visible to all, month by month, serving as a constant reminder of the consequences of spending of the White House and Congress, and the decisions of the Open Market Committee of the Federal Reserve.

But if controls are applied, the real rate of inflation will be masked for a number of months, encouraging the easy money, big spenders throughout the Federal Government. This could easily undercut the efforts of Chairman Volcker to get control of the money supply, heat up the economy across the board, and place new stress upon already tight supplies of goods and services.

Remembering what happened during the last round of wage and price controls, and observing the results of controls where they have been applied in other countries, those who hold dollars here and abroad may start a new flight away from dollars into tangibles and gold.

Within the past several years, there have been two rather dramatic runs on the dollar when people began to lose faith in the economic policies of the administration. But at least without controls, people can perceive what is happening to the long-term purchasing power of their dollars. If new controls are imposed, people may begin to fear the worst, and touch off yet another dollar panic. Of course, with capital controls and massive central bank intervention, another run on the dollar could probably be halted short of utter disaster. But this kind of intervention is itself very inflationary, either to ourselves or to our allies, and capital controls have their own massive liabilities. Do we really want to expose ourselves to this?

Mr. President, if wage and price controls are to be stopped, the campaign to reimpose them must be nipped in the bud.

The simplistic appeal of controls is so great—particularly upon a large number of people who desperately want to try anything that offers the promise of a painless remedy for inflation—that the campaign to reestablish wage and price controls may be unstoppable if it is allowed to develop unchecked.

The unions will support it, knowing that in the real world of politics, they are in a far better short-term position to increase wages than individual companies are to increase prices. Also, union membership drives may be helped, since organized workers will doubtless have greater clout in Washington on wage decisions than unorganized workers.

The White House will also be strongly tempted to quietly support the campaign for controls since controls will create for a few months the illusion of a return to inflationless prosperity—and thus improve the election prospects of President Carter.

Those holding or selling bonds in the financial world will also lend their influential support to controls, since their assets have plummeted in value with the realization that a new long-term round of inflation may be at hand.

The housing industry may also benefit in the short run by temporarily reduced mortgage rates that controls could bring.

Those ideologically in favor of bigger Government also stand to gain. And there will be plenty of high-paying jobs for the Nation's economists in Washington's new control bureaucracies.

These groups form a powerful coalition. Many of them stand to gain substantially in the short run at the expense of the rest of the Nation and the long-term economic health of the United States.

Stop-and-go economic policies, timed with the up cycles arriving during election campaigns, and the down cycles on the off years, are a recipe for stagflation. We as a nation must decide on our priorities. Do we really want the "reindustrialization" of the United States? If so, we need to create the incentives for sustained investment and production. Do we really need a stronger military? If so, we must realistically trim our domestic programs to make this possible.

Our resources are limited. We cannot do all desirable things at once. There is no point in adopting short-term measures to overcome the immediate problem if they impair the long-term health and viability of the Nation's economy. Because, in the end, the piper must be paid.

QUORUM CALL

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2:00 P.M.

Mr. ROBERT C. BYRD. Mr. President, Mr. Jackson is expected to be here on the floor and ready to proceed at 2 p.m. today with the Channel Islands National Park bill. Until that time, seeing no Senator who seeks recognition, I ask unanimous consent that the Senate stand in recess until 2 p.m. today.

There being no objection, the Senate, at 1:17 p.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. Chiles).

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations will be stated.

DEPARTMENT OF STATE

The second assistant legislative clerk read the nomination of James W. Spain, of California, a Foreign Service officer of the class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Turkey.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The second assistant legislative clerk read the nomination of Philip Mayer Kaiser, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Austria.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The second assistant legislative clerk read the nomination of Matthew Nimetz, of New York, to be Under Secretary of State for Coordinating Security Assistance programs.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The second assistant legislative clerk read the nomination of Charles Conway Flowerree, of Virginia, to be Ambassador.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask that the President be immediately notified of the confirmation of the nominess.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

CHANNEL ISLANDS NATIONAL PARK

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to consider H.R. 3757, which the clerk will state by title.

The second assistant legislative clerk read as follows:

A bill (H.R. 3757) to amend the National Parks and Recreation Act of 1978, to establish the Channel Islands National Park, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike all after the enacting clause and insert the following:

TITLE I

Sec. 101. The National Parks and Recreation Act of 1978, approved November 10, 1978 (92 Stat. 3467), is amended as follows:

(a) Section 318, re: Point Reyes National Seashore is amended by:

(1) in subsection (a), change the period following "May 1978" to a comma and insert "plus those areas depicted on the map entitled 'Point Reyes and GGNRA Amendments, dated October 25, 1979'.".

(2) in subsection (b), changing the word "The" at the beginning of section 5(a) to "Except for property which the Secretary specifically determines is needed for interpretive or resources management purposes of the seashore, the";

(3) in subsection (c), after "May 1, 1978", inserting "or, in the case of areas added by action of the Ninety-sixth Congress, May 1, 1979", and at the end of the subsection, following the word "property", inserting "that were in existence or under construction as of May 1, 1978";

(4) in subsection (d), changing the phrase "subsection (c)" to read "subsection (c), (d), and (e)" and adding the following at the end thereof:

"(d) The Secretary is authorized to accept and manage in accordance with this Act, any lands and improvements within or adjacent to the seashore which are donated by the State of California or its political subdivisions. He is directed to accept any such lands offered for donation which comprise the Tomales Bay State Park, or lie between said park and Fish Hatchery Creek. The boundaries of the seashore shall be changed to include any such donated lands.

"(e) Notwithstanding any other provision of law, no fee or admission charge may be levied for admission of the general public to the seashore.";

(5) adding a new subsection (f) as follows:

"(f) Section 9 of such Act is amended by adding at the end thereof: 'In addition to the sums heretofore authorized by this section, there is further authorized to be appropriated $5,000,000 for the acquisition of lands or interests therein.'.".

(b) Section 551, re: the National Trails System Act is amended by:

(1) in paragraph (9), add the following at the end thereof:

"(8) The North Country National Scenic Trail, a trail of approximately thirty-two hundred miles, extending from eastern New York State to the vicinity of Lake Sakakawea in North Dakota, following the approximate route depicted on the map identified as 'Proposed North County Trail-Vicinity Map' in the Department of the Interior 'North Country Trail Report', dated June 1975. The map shall be on file and available for public inspection in the office of the Director, National Park Service, Washington, District of Columbia. The trail shall be administered by the Secretary of the Interior.".

(2) in paragraph (15), subsection (e), delete the "," after Continental Divide National Scenic Trail, and insert "and the North Country National Scenic Trail,".

(3) in paragraph (15), subsection (f), after the phrase "Continental Divide National Scenic Trail", insert "or the North Country National Scenic Trail".

(4) in paragraph (23), revise subsection (c) to read as follows:

"(c) There is hereby authorized to be appropriated such sums as may be necessary to implement the provisions of this Act relating to the trails designated by paragraphs 5(a) (3), (4), (5), (6), (7), and (8): *Provided*, That no such funds are authorized to be appropriated prior to October 1, 1978: *And provided further*, That notwithstanding any other provisions of this Act or any other provisions of law, no funds may be expended by Federal agencies for the acquisition of lands or interests in lands outside the exterior boundaries of existing Federal areas for the Continental Divide National Scenic Trail, the North Country National Scenic Trail, the Oregon National Historic Trail, the Mormon Pioneer National Historic Trail, the Lewis and Clark National Historic Trail, and the Iditarod National Historic Trail.".

(c) Section 320, re: Chesapeake and Ohio Canal National Historical Park, is amended by changing the colon following the word "acres" to a period, and by deleting the proviso in its entirety.

SEC. 102. The Wild and Scenic Rivers Act of 1968 (82 Stat. 906), as amended (16 U.S.C. 1271), is further amended—

(a) in section 5(a) by adding the following new clause at the end thereof:

"(76) Birch, West Virginia: The main stem from the Cora Brown Bridge in Nicholas County to the confluence of the river with the Elk River in Braxton County.".

(b) in section 5(b) by deleting "(75)" and inserting "(76)".

SEC. 103. The Act of October 27, 1972. (86 Stat. 1299), as amended (16 U.S.C. 459), is further amended as follows:

(a) In subsection 2(a), change the period following "October 1978" to a comma and insert "plus those areas depicted on the map entitled 'Point Reyes and GGNRA Amendments and dated October 25, 1979.' ".

(b) In section 6, after "$61,610,000" insert "plus $15,500,000", after "herein", insert "said total development ceiling to be reduced by $10,000,000".

SEC. 104. The Act of August 18, 1970 (84 Stat. 825), as amended, is further amended as follows:

(a) In section 8 near the end thereof, delete the sentence "Each report and annual listing shall be printed as a House document.", and insert in lieu the following: "Each report and annual listing shall be printed as a House document: *Provided*, That should adequate supplies of previously printed identical reports remain available, newly submitted identical reports shall be omitted from printing upon the receipt by the Speaker of the United States House of Representatives of a joint letter from the chairman of the Committee on Interior and Insular Affairs of the United States House of Representatives and the chairman of the Committee on Energy and Natural Resources of the United States Senate indicating such to be the case."; and

(b) Insert "(a)" after "SEC. 8." and add a new subsection (b) as follows:

"(b) Within six months of the date of enactment of this subsection, the Secretary shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, a comprehensive, 'National Park System Plan,' which document shall constitute a professional guide for the identification of natural and historic themes of the United States, and from which 'candidate areas can be identified and selected to constitute units of the National Park System. Such plan shall be revised and updated annually.".

SEC. 105. (a) The Secretary of the Interior is authorized to revise the boundaries of the following units of the National Park System:

(1) Carl Sandburg Home National Historic Site, North Carolina: to add approximately seventeen acres.

(2) Chickamauga and Chattanooga National Military Park, Georgia and Tennessee: to add approximately one acre.

(3) Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park, Virginia: to add approximately twenty acres.

(b) Sections 302, 303, and 304 of the National Parks and Recreation Act of 1978 (92 Stat. 3467) shall be applicable to the boundary revisions authorized in subsection (a) of this section, except that for the purposes of this section, the date of enactment referred to in section 302 of such Act shall be deemed to be the date of enactment of this section.

(c) For the purposes of acquiring the lands and interests in lands added to the units referred to in subsection (a), there are authorized to be appropriated from the Land and Water Conservation Fund such sums as may be necessary, but not to exceed $304,000 for Chickamauga and Chattanooga National Military Park and not to exceed $234,000 for Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park.

SEC. 106. The Secretary of the Interior is authorized and directed to take such measures as may be necessary to provide for the continued protection of the historic Palmer's Chapel in the Cataloochee Valley of the Great Smoky Mountains National Park. The importance of the chapel in memorializing the early settlement of the valley and in providing an opportunity for interpreting the cultural traditions of the former residents of the valley is hereby recognized, and the Secretary is authorized to make suitable arrangements for the history of the chapel to be communicated to park visitors and for the chapel to continue to be used for memorial purposes by former residents and their descendants.

SEC. 107. Section 304(a) of the Act of October 21, 1976 (90 Stat. 2732), is amended by inserting after "to the jurisdiction of the" the following: "Secretary of the Army, the land under the jurisdiction of the".

SEC. 108. The Act of June 30, 1944 (58 Stat. 645), as amended (16 U.S.C. 450bb), is further amended (1) by changing "Boundary Map, Harpers Ferry National Historical Park", numbered 385–40,000D and dated April 1974 to "Boundary Map, Harpers Ferry National Historical Park", numbered 385–80,021A and dated April 1979 and changing "two thousand acres" to "two thousand four hundred and seventy-five acres" in the first section; and (2) by changing "$1,300,000" to "$1,600,000" in section 4.

SEC. 109. Subsection 5(b) of the Act of October 13, 1964 (78 Stat. 1087), an Act "To authorize the Secretary of the Interior to cooperate with the State of Wisconsin in the designation and administration of the Ice Age National Scientific Reserve in the State of Wisconsin, and for other purposes", as amended (16 U.S.C. 469h), is further amended by changing "$425,000" to "$2,500,000".

SEC. 110. Section 320 of the Act of October 21, 1976 (90 Stat. 2732), is amended in subsection (j) by changing "$13,000, 000" to "$23,700,000".

SEC. 111. Paragraph (13) of section 101 of the Act entitled "An Act to provide for increases in appropriation ceilings and boundary changes in certain units of the National Park System, and for other purposes", approved October 21, 1976 (90 Stat. 2732, 2733), is amended by changing the period to a semicolon and inserting the following thereafter: "the Secretary of the Interior is authorized to revise the boundary of the seashore to add approximately two hundred and seventy-four acres and to delete approximately two thousand acres, and sections 302 and 303 of the Act of April 11, 1972 (86 Stat. 120, 121), shall apply to the boundary revision authorized herein.".

SEC. 112. (a) In order to commemorate the first European settlement in Louisiana, Fort Saint Jean Baptiste de Natchitoches (hereinafter called the "fort"), the Secretary is authorized to render the State of Louisiana such assistance, in the form of technical advice, grants of funds for land acquisition and development, and other help necessary to reconstruct the fort: *Provided*, That no funds shall be expended for reconstruction unless the Secretary determines that such reconstruction can be based on historical documentation.

(b) The Secretary is authorized to enter into a cooperative agreement with the State of Louisiana and affected local governmental authorities which agreement shall include but not limited to—

(1) assurances that the State of Louisiana shall operate and maintain the fort as a public area;

(2) assurances that the State of Louisiana shall incur all operation and maintenance costs;

(3) assurances by the State of Louisiana that they will manage the fort consistent with its historic character; and

(4) authority for the Secretary to obtain reimbursement from or offset against the State of Louisiana of all Federal funds, previously granted under this section, including subsequent violation of paragraph (3) of this subsection.

(c) There is hereby authorized to be appropriated not to exceed $2,813,000 for the purposes of this section: *Provided*, That the Secretary may expend not to exceed 75 per centum of the total cost incurred in the reconstruction of the fort

SEC. 113. (a) The United States Navy Memorial Foundation is authorized to erect a memorial on public grounds in the District of Columbia in honor and in commemoration of the men and women of the United States Navy who have served their country in war and peace.

(b)(1) The Secretary is authorized and directed to select, with the approval of the National Commission of Fine Arts and the National Capital Planning Commission, a suitable site on public grounds of the United States, in the District of Columbia or on such grounds principally serving as a site for national monuments along the Potomac River in Northern Virginia, upon which may be erected the memorial authorized in subsection (a).

(2) The design and plans for such memorial shall be subject to the approval of the Secretary, the National Commission of Fine Arts, and the National Capital Planning Commission.

(3) Other than as to the land authorized for the erection of the memorial in paragraph (1) of this subsection, neither the United States nor the District of Columbia shall be put to any expense in the erection of this memorial.

(c) The authority conferred pursuant to this section shall lapse unless (1) the erection of such memorial is commenced within five years from the date of enactment of this section, and (2) prior to its commencement funds are certified available in an amount sufficient, in the judgment of the Secretary to insure completion of the memorial.

(d) The maintenance and care of the memorial erected under the provisions of this section shall be the responsibility of the Secretary.

SEC. 114. Section 206 of the Act of October 15, 1966 (80 Stat. 915), is amended by deleting all of subsection 6(c) and inserting in lieu thereof the following:

"(c) For the purposes of this section there is authorized to be appropriated an amount equal to the assessment for United States membership in the Centre for fiscal years 1979, 1980, 1981, and 1982: *Provided*, That no appropriation is authorized and no payment shall be made to the Centre in excess of 25 per centum of the total annual assessment of such organization. Authorization for payment of such assessments shall begin in fiscal year 1981, but shall include earlier costs.".

SEC. 115. Authorizations of moneys to be appropriated under this Act shall be effective on October 1, 1980. Notwithstanding any other provisions of this Act, authority to enter into contracts, to incur obligations, or to make payments under this Act shall be effective only to the extent, and in such amounts, as are provided in advance in appropriation Acts.

TITLE II

SEC. 201. In order to protect the nationally significant natural, scenic, wildlife, marine, ecological, archaeological, cultural, and scientific values of the Channel Islands in the State of California, including, but not limited to, the following:

(1) the brown pelican nesting area;

(2) the undisturbed tide pools providing species diversity unique to the eastern Pacific coast;

(3) the pinnipeds which breed and pup almost exclusively on the Channel Islands, including the only breeding colony for northern fur seals south of Alaska;

(4) the Eolian landforms and caliche;

(5) the presumed burial place of Juan Rodriquez Cabrillo; and

(6) the archaeological evidence of substantial populations of Native Americans;

there is hereby established the Channel Islands National Park, the boundaries of which shall include San Miguel and Prince Islands, Santa Rosa, Santa Cruz, Anacapa, and Santa Barbara Islands, including the rocks, islets, submerged lands, and waters within one nautical mile of each island, as depicted on the map entitled, "Proposed Channel Islands National Park" numbered 159-20,008 and dated April 1979, which shall be on file and available for public inspection in the offices of the Superintendent of the park and the Director of the National Park Service, Department of the Interior. The Channel Islands National Monument is hereby abolished as such, and the lands, waters, and interests therein withdrawn or reserved for the monument are hereby incorporated within and made a part of the new Channel Islands National Park.

SEC. 202. (a) Within the boundaries of the park as established in section 201, the Secretary of the Interior (herein after referred to as the "Secretary") is authorized to acquire lands, waters, or interests therein (including but not limited to scenic easements) by donation, purchase with donated or appropriated funds, transfer from any Federal agency, exchange, or otherwise. Unless the property is wholly or partially donated, the Secretary shall pay to the owner the fair market value of the property on the date of its acquisition, less the fair market value on that date of any right retained by the owner. Any lands, waters, or interests therein owned by the State of California or any political subdivision thereof shall not be acquired. Notwithstanding any other provision of law, Federal property located within the boundaries of the park shall with the concurrence of the head of the agency having custody thereof, be transferred to the Administrative jurisdiction of the Secretary for the purpose of the park: *Provided*, That the Secretary shall permit the use of federally owned park lands and waters which (i) have been transferred from another Federal agency pursuant to this section or which (ii) were the subject of a lease or permit issued by a Federal agency as of the date of enactment of this title, for essential national security missions and for navigational aids, subject to such terms and conditions as the Secretary deems necessary to protect park resources.

(b) Notwithstanding the acquisition authority contained in subsection 202(a), any lands, waters or interests therein, which are owned wholly or in part, by or which hereafter may be owned by, or under option to, the National Park Foundation, the Nature Conservancy (including any lands, waters, or interests therein which are designated as "Nature Conservancy Lands" on the map referred to in section 201 of this title) or any similar national, nonprofit conservation organization, or an affiliate or subsidiary thereof shall be acquired only with the consent of the owner thereof: *Provided*, That the Secretary may acquire such property in accordance with the provisions of this Act if he determines that the property is undergoing or is about to undergo a change in use which is inconsistent with the purposes of this title.

(c) With respect to the privately owned lands on Santa Rosa Island, the Secretary shall acquire such lands as expeditiously as possible after the date of enactment of this title. The acquisition of these lands shall take priority over the acquisition of other privately owned lands within the park.

(d) (1) The owner of any private property may, on the date of its acquisition and as a condition of such acquisition, retain for himself a right of use and occupancy of all or such portion of such property as the owner may elect for a definite term of not more than twenty-five years, or ending at the death of the owner, or his spouse, whichever is later. The owner shall elect the term to be reserved. Any such right retained pursuant to this subsection with respect to any property shall be subject to termination by the Secretary upon his determination that such property is being used for any purpose which is incompatible with the administration of the park or with the preservation of the resources therein, and it shall terminate by operation of law upon notification by the Secretary to the holder of the right, of such determination and tendering to him the amount equal to the fair market value of that portion which remains unexpired.

(2) In the case of any property acquired by the Secretary pursuant to this title with respect to which a right of use and occupancy was not reserved by the former owner pursuant to this subsection, at the request of the former owner, the Secretary may enter into a lease agreement with the former owner under which the former owner may continue any existing use of such property which is compatible with the administration of the park and with the preservation of the resources therein.

(3) Any right retained pursuant to this subsection, and any lease entered into under paragraph (2), shall be subject to such access and other provisions as may be required by the Secretary for visitor use and resources management.

SEC. 203. (a) The Secretary is directed to develop, in cooperation and consultation with the Secretary of Commerce, the State of California, and various knowledgeable Federal and private entities, a natural resources study report of the park, including, but not limited to, the following:

(1) an inventory of all terrestrial and marine species, indicating their population dynamics, and probable trends as to future numbers and welfare;

(2) recommendations as to what actions should be considered for adoption to better protect the natural resources of the park.

Such report shall be submitted within two complete fiscal years from the date of enactment of this title to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, and updated revisions of such report shall be similarly submitted at subsequent two year intervals to cover a period of ten years after the date of enactment of this title.

(b) The Secretary is authorized and directed to enter into and continue cooperative agreements with the Secretary of Commerce and the State of California for the enforcement of Federal and State laws and regulations on those lands and waters within and adjacent to the park which are owned by the State of California. No provision of this title shall be deemed to affect the rights and jurisdiction of the State of California within the park, including, but not limited to, authority over submerged lands and waters within the park boundaries, and the marine resources therein.

SEC. 204. (a) Subject to the provisions of section 201 of this title, the Secretary shall administer the park in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented (16 U.S.C. 1 et seq.). In the administration of the park, the Secretary may utilize such statutory authority available for the conservation and management of wildlife and natural and cultural resources as he deems appropriate to carry out the purposes of this title. The park shall be administered on a low-intensity, limited-entry basis.

(b) In recognition of the special fragility and sensitivity of the park's resources, it is the intent of Congress that the visitor use within the park be limited to assure negligible adverse impact on the park resources. The Secretary shall establish appropriate visitor carrying capacities for the park.

(c) (1) Within three complete fiscal years from the date of enactment of this title, the Secretary, in consultation with The Nature Conservancy and the State of California, shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the Committee on Energy and Natural Resources of the United States Senate, a comprehensive general management plan for the park, pursuant to criteria stated in the provisions of section 12(b) of the Act of August 18, 1970 (84 Stat. 825), as amended (16 U.S.C. 1a-1 et seq.). Such plan shall include alternative considerations for the design and operation of a public transportation system connecting the park with the mainland, with such considerations to be developed in cooperation with the State of California and the Secretary of Transportation. The Secretary shall seek the advice of the scientific community in the preparation of said plan, and conduct hearings for public comment in Ventura and Santa Barbara Counties.

(2) Those aspects of such a plan which relate to marine mammals shall be prepared by the Secretary of Commerce, in consultation with the Secretary and the State of California.

SEC. 205. The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking with respect to the lands and waters within or adjacent or related to the park, and the head of any Federal agency having authority to license or permit any undertaking with respect to such lands and waters, shall, prior to the approval of the expenditure of any Federal funds on such undertaking or prior to the issuance of any license or permit, as the case may be, afford the Secretary a reasonable opportunity to comment with regard to such undertaking and shall give due consideration to any comments made by the Secretary and to the effect of such undertaking on the purposes for which the park is established.

SEC. 206. Within three complete fiscal years from the date of enactment of this title, the Secretary shall review the area within the park and shall report to the President, in accordance with subsections 3 (c) and (d) of the Wilderness Act (78 Stat. 890), his recommendations as to the suitability or nonsuitability of any area within the park for designation as wilderness. Any designation of any such areas as wilderness shall be accomplished in accordance with said subsections of the Wilderness Act.

SEC. 207. Notwithstanding any other provision of law, no fees shall be charged for entrance or admission to the park.

SEC. 208. The Secretary is authorized to expend Federal funds for the cooperative management of The Nature Conservancy and other private property for research, resources management, and visitor protection and use. All funds authorized to be appropriated for the purposes of the Channel Islands National Monument are hereby transferred to the Channel Islands National Park. Effective October 1, 1980, there are hereby authorized to be appropriated such further sums as may be necessary to carry out the purposes of this title, but not to exceed $500,000 for development. From the Land and Water Conservation Fund there is authorized to be appropriated $30,100,000 for the purposes of land acquisition. For the authorizations made in this section, any amounts authorized but not appropriated in any fiscal year shall remain available for appropriation in succeeding fiscal years.

The PRESIDING OFFICER. Who yields time?

RECESS FOR 15 MINUTES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, without the time being charged to either side, that the Senate stand in recess for 15 minutes.

There being no objection, the Senate, at 2:03 p.m., recessed until 2:18 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. CHILES).

ORDER TO HOLD H.R. 5913, HOUSE JOINT RESOLUTION 477, H.R. 6374, AND HOUSE JOINT RESOLUTION 469 AT THE DESK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that H.R. 5913, House Joint Resolution 477, H.R. 6374, and House Joint Resolution 469 be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHANNEL ISLANDS NATIONAL PARK

The Senate continued with the consideration of the bill H.R. 3757.

Mr. HATFIELD. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. ROBERT C. BYRD. I yield.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the following staff members from the Committee on Energy and Natural Resources be granted the privileges of the floor during the consideration of the pending bill: Steve Hickok, Tony Bevinetto, Steve Crow, Trudy Transtrum, Carol Garnett, Cindy Calfee, and Jim Hemphill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I would like to make an inquiry of one of the managers of the bill.

Mr. HATFIELD. I yield.

Mr. JAVITS. Mr. President, will the Senators say when they will be ready to receive amendments?

Mr. HATFIELD. Mr. President, I believe Senator JACKSON and I would like to make a brief opening statement and then we will be ready to proceed.

Mr. JAVITS. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. JACKSON. Mr. President, I yield myself such time as I may require.

Mr. President, as reported from the Committee on Energy and Natural Resources, H.R. 3757 consists of two separate and distinct titles. Title I contains a series of relatively minor park-related provisions including various technical and conforming amendments to existing park statutes as well as several new items. These miscellaneous items are noncontroversial and have the support of the administration and the members of the Energy and Natural Resources Committee. Additionally, with only a few exceptions, each of the items has been included in some form in one of several House-passed measures. Mr. President, I ask unanimous consent that a summary of these various provisions be printed in the RECORD at this point.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF MISCELLANEOUS PARK PROVISIONS, H.R. 3757, AS ORDERED REPORTED

Point Reyes.—(Sec. 101(a)).—The Committee amendment adds some 2,133 acres of private, public, and quasi-public land to the existing Point Reyes National Seashore. The additions include certain private lands in the Fish Hatchery Creek area as well as certain state lands. The addition would also include lands owned by the North Marin Water District and the Nature Conservancy. The Committee amendment also includes language not in the House version regarding the prohibition of entrance fees at Point Reyes and the authorization of $5 million for land acquisition. The Committee amendment also slightly modifies the House language relative to the acceptance of land donated by the State of California.

North Country Trail (Sec. 101(b)).—Both the House-passed and Committee reported versions add the North Country Scenic Trail to the National Trail system. The Committee language makes it clear that the Secretary's land acquisition authority with regard to this new trail is limited to lands within Federal areas such as units of the National Forest and Park systems.

C. & O. Canal National Historical Park (Sec. 101(c)).—The committee amendment includes language identical to the House passed measure regarding the C.&O. Canal. The provision deletes a proviso in the National Parks and Recreation Act of 1978 which prohibits the acquisition of lands between 31st Street and Jefferson Street adjacent to the canal in the District of Columbia. Thus, H.R. 3757, as ordered reported, would have the effect of authorizing acquisition of these lands. The lands involved amount to approximately ⅓ acre, and are unimproved. The acquisition of these lands as open space adjacent to the canal would be beneficial to the integrity of the area. The acquisition of the lands can be accomplished within the current appropriation ceiling.

Birch River (Sec. 102).—Both versions contain identical language designating a segment of the Birch River for study to determine its suitability for inclusion in the Wild and Scenic Rivers system. The Birch River segment so designated appears to have high scenic and recreation values.

Farallon Wilderness.—The House version of H.R. 3727 included a provision designating the Farallon National Wildlife Refuge as wilderness and affording the new Farallon Wilderness all the protections provided for the wilderness lands within the Point Reyes National Seashore. The effect of this second provision would be to prohibit Federal Outer Continental Shelf oil and gas leasing within 15 miles of the Farallon Refuge unless the State allows such activity on adjacent state submerged lands. The Committee amendment deletes these provisions regarding the Faralloon Islands.

Golden Gate National Recreation Area (See 103).—Like the House-passed bill, the Committee amendment revises the boundary of Golden Gate National Recreation Area (GGNRA) to include 2,576 acres of State lands comprising the existing Samuel Taylor State Park, which is adjacent to the recreation area. The Committee amendment also includes certain additional state and private lands within the GGNRA boundary. Like the additions at Point Reyes National Seashore, these additional lands have been included to help protect the largely undeveloped coast line of Tomales Bay which separates the two park units. The Committee amendment increases the land acquisiton ceiling for GGNRA by $15.5 million. The development ceiling at the Recreation Area is reduced by $10 million.

Whaling Artifacts.—The House-passed version of H.R. 3757 authorizes and directs the Secretary to acquire a suitable collection of whaling artifacts and associated items for preservation and display at the National Maritime Museum located at the Golden Gate National Recreation Area. The section authorizes the appropriation of such sums as may be necessary, but not to exceed $3 million for the purchase of the collection.

The Committee reported version does not include this provision.

Land and Water Conservation Fund Amendments.—The House version of H.R. 3757 included a series of amendments to the Land and Water Conservation Fund Act of 1965. These amendments are not contained in the version of H.R. 3757 as reported by the Energy and Natural Resources Committee.

Potential Parks and National Park System Plan (Sec. 104).—Section 8 of the Act of August 19, 1970 (84 Stat. 825), provides general administrative authority for the National Park System. That Act requires annual reports on potential units of the system to be printed as a House document. H.R. 3757, as ordered reported, provides that duplicate reports need not be printed as a House document if the Chairmen of the two authorizing Committees agree and so advise the Speaker. The amendment also requires the Secretary to submit to the two Committees within 6 months a comprehensive National Park System Plan, and it requires the Plan to be revised and updated annually. These provisions are identical to the House-passed bill.

Miscellaneous Park Additions (Sec. 105).—Both versions contain provisions making minor boundary changes at three units of the National Park system. These units are: (1) the Carl Sandburg Home National Historic Site—an addition of 17 acres; (2) the Chickamauga and Chattanooga National Military Park—an addition of 1 acre; and (3) the Fredericksburg and Spotsylvania County Battlefield National Military Park—an addition of approximately 20 acres.

Each of these additions will incorporate important lands into these existing areas.

Palmer's Chapel (Sec. 106).—The Committee amendment and the House-passed measure both contain identical language regarding the protection of the historic Palmer's Chapel in the Great Smoky Mountains National Park. Palmer's Chapel was acquired in connection with the acquisition of other lands for the park in the 1930's. Under a special use permit, former residents of the area are allowed to use the Chapel for memorial services. Maintenance of the Chapel is now done by the National Park Service, at an estimated annual cost of about $2,000. Since the Chapel is an historic resource, the measure ensures that the National Park Service will continue its upkeep and maintenance. In addition, the Chapel will be available to religious groups, if they wish to use the facility, and will also be available for other public activities, such as meetings and public gatherings.

Montgomery County, Maryland, Land Exchange (Sec. 107).—Section 304(a) of the Act of October 21, 1976 (90 Stat. 2732, 2734), authorizes the Secretary of the Interior to transfer certain lands that were used by the Department of the Army Corps of Engineers to the Director of the National Park Service. In exchange, the Act authorizes the Secretary of the Army to transfer certain other lands to the Secretary of the Interior. A line was dropped in the printing of the 1978 Act. The result is authorization for the Secretary of the Interior to transfer the lands that were used by the Corps to the Secretary of the Army. Both versions of H.R. 3757 would insert the omitted language.

Harpers Ferry National Historical Park (Sec. 108).—The Committee reported version of H.R. 3757 contains a provision regarding the Harpers Ferry National Historical Park not included in the House-passed bill. The bill, as reported by the Committee, would add some 475 acres to the existing park and authorize $300,000 for the acquisition of these lands. The scenic values of the view from Jefferson's Rock through the Harpers Ferry Watergap are significant to the historic integrity of the Park. The Nature Conservancy holds an option to acquire 475 acres in Virginia on Short Hill Mountain, which is directly across the Shenandoah River from Jefferson's Rock, and the Conservancy has indicated it will hold these lands for sale to the National Park Service. Due to the high scenic value of this area, the Committee included language authorizing the acquisition of these lands.

Ice Age National Scientific Reserve (Sec. 109).—The Committee amendment increases from $425,000 to $2,500,000 the amount which the Federal Government may contribute to the development of the Reserve. Under existing law applicable to this area, land acquisition, development, and operations costs are shared by the Federal Government and the State of Wisconsin. The State actually holds title to the lands and manages the area. Under existing law the Federal contribution for development is limited to 25 percent of the cost, but not more than $425,000. Based on plans prepared jointly by the State and the National Park Service, the remaining development work at Ice Age is estimated to cost $8,013,000. If the Federal contribution remains 25 percent, $2,004,000 will be necessary to complete the development. This provision was not included in the House version of H.R. 3757.

Olympic National Park (Sec. 110).—The Committee reported bill increases the amount authorized for land acquisition for this park from $13 million to $23.7 million, an increase of $10.7 million.

Public Law 94–578, approved October 21, 1976, revised the boundary of the Park and authorized the appropriation of $13 million to acquire the lands within the revised boundary. Since 1976 all but 2,516 acres have been acquired. The estimated value of these remaining lands is $26,227,385, most of which represents privately owned timber lands. Unfortunately, some timber prices have risen at a rate of 30 percent per year. In addition, one company with large timber holdings has elected not to exchange its land. There is a remaining unobligated balance of $2,478,720 together with Federal lands valued at $13,051,352, which can be used for exchanges already agreed upon. This leaves a balance of $10,697,313 which will be needed to complete the acquisition of the lands added to the park in 1976. This provision, would provide the funds for this acquisition.

Padre Island (Sec. 111).—The Committee amendment would correct an error contained in Public Law 94–578 which authorized appropriations for the addition of 274 acres, but did not include the necessary boundary change language. This section, not included in the House version of H.R. 3757, would provide the Secretary with this authority.

Fort St. Jean Baptiste de Natchitoches (Sec. 112).—The Committee adopted a provision authorizing the Secretary of the Interior to provide to the State of Louisiana, technical advice, grants for land acquisition and development, and any other help necessary to reconstruct Fort St. Jean Baptiste de Natchitoches.

Fort St. Jean Baptiste was founded in 1716 near the town of Natchitoches, Louisiana, to prevent the Spaniards in Mexico from advancing further into French Louisiana. The Fort continued to serve this vital function until the entire French territory was ceded to Spain in 1762 following France's defeat by England in the French and Indian War. It then served the Spaniards as a link in their lines of communication through their vast colonial empire, and was finally abandoned when the United States built Fort Claiborne nearby soon after the Louisiana Purchase in 1803.

The section authorizes the appropriation of not more than $2,813,000 and provides that the Secretary may expend not to exceed 75 percent of the total cost of the reconstruction.

Section 112 contains a number of provisions to safeguard the interests of the United States, including a provision stating that no Federal funds may be expended for the reconstruction unless the Secretary of the Interior determines it can be based on historical documentations. Thus, the Secretary must find that the reconstruction proposal contains sufficient archaeological and historical data to satisfy the Secretary that the Federal Government is in fact assisting in the reconstruction of what originally existed. The Secretary would be authorized to expend funds to make the archaeological and historical documentation prior to any reconstruction taking place.

The Secretary would also be authorized to enter into a cooperative agreement with the State and local governmental authorities. In order to safeguard the interests of the United States, this agreement would include, among other things:

(1) assurances that the State would operate and maintain the fort as a public area and bear all costs thereof;

(2) assurances that the State would manage the fort consistent with its historic character; and,

(3) aunthority for the Secretary to obtain reimbursement from the State for all Federal funds granted under this section.

As part of the reconstruction effort, the Secretary may also develop and implement a plan, in consultation with state and local officials, to interpret the history of the Fort and the Fort's role in the early history of the Louisiana territory. Such interpretive activities would be limited to the reconstructed area of the Fort.

Navy Memorial (sec. 113). The Committee amendment authorizes the United States Navy Memorial Foundation to erect a memorial to honor the men and women of the U.S. Navy. The Memorial is to be constructed without cost to the Federal Government.

The site for the memorial on public grounds in the District of Columbia or northern Virginia, will be selected by the Secretary with the approval of the National Commission of Fine Arts and the National Capital Planning Commission. These entities must also approve the design and plan for the Navy Memorial. The Committee understands that the Foundation intends to construct an amphitheater or outdoor band shell which would be used for free public concerts by the various Service bands, among other uses.

The Secretary will be responsible for maintenance of the memorial after construction.

International Centre for the Study of the Preservation and Restoration of Cultural Property (Sec. 114).—The Committee agreed to extend the authorization for appropriations to pay the annual dues of the United States for membership in the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM) through fiscal year 1982. ICCROM is an international organization established under the auspices of UNESCO. It is an educational institution concerned with the scientific and technical problems of the preservation and restoration of cultural property.

The Centre provides training for research workers and technicians for 65 member nations and is a major international reference and consultation source for the field of conservation. The staff of the Centre also provides technical assistance for a number of major preservation efforts. Past projects include restoration of: tomb in Egypt; the west facade of the Capitol; ancient mural paintings to Turkey; and one of the earliest paintings found in the Middle East.

Congress authorized membership of the United States in ICCROM, and provided for appropriations to pay the dues obligations of the United States arising from such membership in a 1970 amendment to the National Historic Preservation Act (16 U.S.C. § 470m). Subsection (c) of this section was amended in 1973 and 1976 to continue the funding authorization for the payment of the United States legal obligation for the annual dues for the membership. Since the membership is a continuing one, it is once again necessary to extend the authorization in Subsection (c) for payment of dues so that the United States will not fall into arrears and may continue to exercise its full rights of membership in ICCROM.

Under the ICCROM dues formula, each member state agrees to pay an amount equal to one percent of its annual contribution to UNESCO, but the amount payable by a member may not exceed 25 percent of ICCROM's total annual budget. Thus, membership assessments are affected by increases in UNESCO dues as well as by the addition of new member states to ICCROM.

These variables in the dues formula makes it impossible to determine in advance the exact amount of the United States' membership assessments. In fiscal year 1976 the authorization was $125,000 and the actual membership assessment was $114,597. The authorization for fiscal years 1977, 1978, and 1979 was $175,000 annually. The actual membership dues for 1977 and 1978 were $166,217 for each of those years, while the assessment for 1979 rose to $238,507. Thus, an additional $63,507 is needed for fiscal year 1979.

The State Department Appropriation Act for fiscal year 1980 contains $208,801 for ICCROM membership under the general category of Contributions to International Organizations. This amount is $29,460 less than the actual assessment. Based on current ICCROM membership and an estimate of the U.S. contribution to UNESCO, U.S. membership dues for fiscal years 1981 and 1982 are expected to be under $300,000 and even if additional states join ICCROM the amount should not exceed $350,000.

The Committee amendment authorizes the appropriation of the additional funds needed to pay the actual membership dues for fiscal years 1979 and 1980. These arrearages are to be paid in fiscal year 1981. The amendment also extends the funding authorization to fiscal years 1981 and 1982.

Section 114 is not intended to abrogate authorities and appropriations currently available to the Department of State.

Mr. JACKSON. Mr. President, title II of H.R. 3757, as reported, would establish the Channel Islands National Park in the State of California. Establishment of the park enjoys the support of the administration, the State of California, the local Congressman (Mr. LAGOMARSINO), and the senior Senator from California (Mr. CRANSTON).

Designation of the Channel Islands National Park will insure the protection of five nationally significant islands off the coast of southern California. The ecological, archeological, cultural, and scientific values of the channel islands were first given national recognition in 1938, when President Franklin D. Roosevelt set aside Santa Barbara and Anapaca Islands as the Channel Islands National Monument. The legislation before us today would designate these two islands plus the islands of Santa Cruz, Santa Rosa, and San Miguel as a national park.

These five islands provide outstanding examples of isolated ecosystems, and because the islands lie in an area of transition between southern and northern marine flora and fauna, their marine life is especially rich and varied. The islands and their offshore waters are used by some 20 species of whales and porpoises, many listed by the U.S. Fish and Wildlife Service as threatened and endangered. The islands and the waters surrounding them are also home to six different species of seals and sea lions. One of the channel islands, San Miguel, provides habitation for all six species of seals and sea lions—more species than are found in any other single location in the world. The channel islands are also a major breeding and resting grounds for a variety of sea birds. Additionally, a large number of plant species have evolved as a result of their isolation on these islands and many are rare, threatened, or endangered because they are unique and few in number. Finally, many of the channel islands are rich in archeological and cultural values. The islands give evidence of having been one of the most heavily utilized areas in aboriginal North America. Many archeological resources of historic and prehistoric periods located on all of the islands are clearly of national register caliber.

Mr. President, the coastlines of these islands are composed of mainly rocky shorelines with precipitate headlands that define isolated stretches of broad beaches. In comparison to the mainland coast, largely disturbed by man's influence and intensive development, these islands are virtually untouched. As such, protection of these islands affords us a unique opportunity to preserve significant natural resources less than 50 miles from Los Angeles.

On December 12, the Committee on Energy and Natural Resources, by unanimous vote, recommended that the Senate pass H.R. 3757, as amended. Earlier, the House of Representatives passed essentially the same proposal on May 7, 1979.

I urge my colleagues to join with me in voting in favor of this legislation.

Mr. President, I reserve the remainder of my time.

Mr. HATFIELD. Mr. President, I yield myself such time to make my opening remarks.

Mr. President, this bill is a mini-omnibus bill that, in title I corrects some deficiencies and errors in the maxiomnibus bill enacted in the 2d session of the 95th Congress. Title I also contains substantive legislation that the committee unanimously adopted and is free of controversy.

Title II of H.R. 3757 establishes a new national park, the Nation's 40th if enacted. Channel Islands National Park would encompass the existing Channel Islands National Monument and several other major islands in the Pacific Ocean off the coast of southern California. It is a remarkably pure addition to the National Park System. Long isolated from the mainland, the islands have become the home for rare and endangered species. They provide shelter for endemic species and a haven for exotic birds and animals. The islands are culturally important, as they were inhabited by seafaring Indians and visited by the first European explorers of our west coast.

The owners of private lands on Santa Rosa and Santa Cruz have, in their land stewardship, preserved the land forms of what must have been the mainland's ecosystem centuries ago, before the geometric development and population growth of this century.

Here is where there is remaining controversy on this issue. It is on these private lands on Santa Rosa Island that the question rises whether or not Federal ownership and acquisition are necessary and desirable. Some of my distinguished colleagues may speak to that issue.

I compliment the chairman of the Parks, Recreation, and Renewable Resources Subcommittee (Mr. BUMPERS) for his work in gathering and reviewing the diverse elements of this legislative package. I join him in praising the conservational efforts of the private landowners on the various islands in the proposed park—the Vail family and Dr. Stanton. Also, Mr. Bill Ehorn, superintendent of Channel Islands National Monument, is unmatched in his enthusiasm and dedication in bringing this new national park into being.

With the acceptance of key amendments, I urge my colleagues to consider favorably the passage of H.R. 3757 and establish our 40th national park.

● Mr. CANNON. Mr. President, the Channel Islands and their surrounding waters are a haven for many species of marine mammals, an area of great concern to the Committee on Commerce, Science, and Transportation. The waters around the islands are used by 20 species of whales and porpoises, many of which are on the Federal list of threatened and endangered species. Seals and seal lions (pinnipeds), once bred in great numbers along the California mainland coast, now breed almost exclusively on the Channel Islands. Six different species of these seals now mate, give birth or haul out on San Miguel Island, the only place in the world that all six species coexist. It has been our pleasure to work with the Parks Subcommittee on the Energy and Natural Resources Committee to see that these living marine resources of the Channel Islands are protected. The bill now provides that the part of the management plan for the park relating to marine mammals be prepared by the Secretary of Commerce in consultation with the Secretary of Interior. The bill also directs the management plan, when completed, be submitted to the Energy and Natural Resources Committee. We look forward to working with that committee in reviewing the portion of the plan that relates to marine mammal protection. The Channel Islands, with both their land and water resources, are indeed a national treasure deserving the kind of protection that this bill provides. I recommend it to my colleagues for approval.●

The PRESIDING OFFICER. Who yields time?

UP AMENDMENT 975

(Purpose: To revise the boundary of Saratoga National Historic Park)

Mr. JAVITS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New York (Mr. JAVITS) for himself and Mr. MOYNIHAN, proposes an unprinted amendment numbered 975.

Mr. JAVITS. Mr. President I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 31, line 20 add the following new section and renumber the bill accordingly:

SEC. 116 (a) The Secretary of the Interior is authorized to revise the boundary of the Saratoga National Historic Park: to add approximately one hundred and forty-seven acres.

(b) For the purposes of acquiring land and interest in land added to the unit referred to in subsection (a) there are authorized to be appropriated from the Land and Water Conservation Fund such sums as may be necessary but not to exceed $74,000 for Saratoga National Historic Park.

Mr. JAVITS. Mr. President, I submit this amendment in behalf of Senator MOYNIHAN and myself.

The proposed amendment adds 147 acres to the existing Saratoga National Historic Park, and authorizes an expenditure not to exceed $74,000 for this purpose.

The land to be added is a single parcel which the Nature Conservancy currently owns and would like to sell to the National Park Service. The property lies within the master plan boundaries for the park and is contiguous with existing federally owned park lands. The tract has been identified by the Park Service as one of the parcels needed to complete the park.

The Nature Conservancy purchased the land in 1975 at the request of the Park Service for eventual addition to the park. Since the Conservancy borrows money to pay for lands held for repurchase by Government agencies, its total indebtedness on this parcel is now rising by approximately $6,000 per year due to interest on the original purchase price. I hope, therefore, that if this amendment can become law, the Park Service will move expeditiously to acquire fee title to the land.

Finally, I wish to emphasize that this amendment is intended to apply specifically to the 147 tract and is not an authorization to add any additional land to the park.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement by Senator MOYNIHAN relating to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR MOYNIHAN

I strongly support the amendment by my distinguished colleague (Mr. Javits), which would expand the boundary of the Saratoga National Historic Park by 147 acres. Since 1975, the Nature Conservancy has maintained this land, bought initially at the request of the National Park Service, in the expectation that it would be purchased for inclusion in the Saratoga National Historic Park.

Purchase of this parcel for the Park would cost a mere $74,000, and yet a variety of delays has forestalled such action since 1975. As a result, the Nature Conservancy has been spending approximately $6,000 per year for the upkeep of this land.

It is only appropriate that we now authorize the National Park Service to acquire this land, and I urge my colleagues to support this amendment.

Mr. JACKSON. Mr. President, we can accept the amendment.

The PRESIDING OFFICER. Is there further discussion?

The question is on agreeing to the amendment of the Senator from New York.

The amendment (UP No. 975) was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 976

Mr. METZENBAUM. Mr. President, I send to the desk an unprinted amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Ohio (Mr. METZENBAUM) proposes an unprinted amendment numbered 976.

On page 40, after line 7, insert the following new section:

SEC. . The Secretary of the Interior shall designate the David Berger Memorial located at the Jewish Community Center in Cleveland Heights, Ohio as a National Memorial. The significance of the memorial in preserving the memory of the eleven Israeli athletes who were assassinated at the Olympic Games in Munich, Germany, in 1972 is, by this designation, recognized by the Congress.

Mr. METZENBAUM. Mr. President, the purpose of this amendment is quite obvious. Eight years ago, 11 Israeli athletes lost their lives at the Olympics through an attack by a band of PLO terrorists. They were not involved in any controversy. They were only seeking to participate in the games. They were peaceloving and they were concerned. Today, as we all have on our minds our own country's involvement or noninvolvement with respect to the Olympics to be held in Moscow, I think it is appropriate that this be a permanent reminder for all of us in Congress and for all in America, that we not forget what happened 8 years ago.

The men who participated in that Olympic contest lost their lives needlessly. As we meet here today, it is so appropriate that this memorial that has been erected in Cleveland with contributions made to it by friends of David Berger and others who are concerned about the other 10 Israeli athletes—no funds are involved, no appropriation is suggested or requested or anticipated; but it is appropriate that it be a national memorial.

David Berger was a friend of mine and my family's. He lived but a few doors from us. The only national monument erected in this country to the memory of these Israeli athletes—one American boy, David Berger, maintained his American citizenship—is the one that is maintained in Cleveland. I hope the manager of the bill on the majority side and the manager on the minority side will see fit to accept the amendment.

Mr. JACKSON. Mr. President, I commend the distinguished Senator from Ohio for offering this amendment. It is, indeed, a fitting memorial. It comes at a time when the Olympics are now underway. I must say that the unanimous vote of this body would signal our appreciation for the enormous sacrifice that was made in Munich.

I am happy and pleased to accept the amendment.

Mr. HATFIELD. Mr. President, I am very happy to join in the acceptance of this amendment for a very appropriate memorial that I think is not only meaningful to the people of Ohio but the entire Nation.

Mr. METZENBAUM. I thank the managers of the bill.

The PRESIDING OFFICER. Is there further discussion?

The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JACKSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum and I ask unanimous consent the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 977

(Purpose: To provide land for tour boat facility for access to Fort Sumter National Monument)

Mr. HOLLINGS. Mr. President, I call up my amendment on behalf of myself and Senator THURMOND and I ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from South Carolina (Mr. HOLLINGS), for himself and Mr. THURMOND, proposes an unprinted amendment numbered 977.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 31, between lines 19 and 20, insert the following:

SEC. 116. The Secretary of the Interior is authorized to acquire by purchase with donated or appropriated funds not to exceed 2.5 acres of land and submerged lands, waters or interest therein, at Charleston, South Carolina, known generally as the Fleet Landing Site, for purposes of a mainland tour boat facility for access to Fort Sumter National Monument. Property so acquired shall be administered as a part of Fort Sumter National Monument. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purpose of this section.

Mr. HOLLINGS. Mr. President, the amendment I present today will provide a site on which the National Park Service will develop and operate a visitors center for embarkation to Fort Sumter National Monument in Charleston Harbor, S.C. Also provided will be space for tour boat concessioner's facilities.

The location of the National Park Service tour boat facility at the Concord Street site is seen as a positive move responding to and supported by a variety of recent studies. The location, at the river edge of the Market Street area, offers the tour boat facility increased exposure to the growing number of visitors to Charleston. A 1978 Tourism Impact and Management Study stresses that:

> Utilization of the Cooper River Waterfront * * * for water tours and transportation connections to harbor attractions is a major development objective.

This site also acts as an extension and northern terminus for a proposed city of Charleston 6.5-acre waterfront marsh park, which would start at North Adgers Wharf and extend northward.

The Concord Street site for the tour boat facility is consistent with the mixed use nature of the area. More than $3,500,000 is being spent in the Market Street and adjacent area to improve the aesthetic setting as well as upgrade the entire utility infrastructure for existing and proposed development. A major highway safety project has been started which will further improve the vehicular flow and site accessibility along East Bay Street and Concord Street to the Interstate Road System and Route 17, which handle most of the visitor traffic.

Acquisition of this location has the complete support of local interests and will be a focal point for the further development of park and recreation facilities in Charleston.

Mr. THURMOND. Mr. President, I am pleased to rise in support of the amendment offered by the distinguished Senator from South Carolina, Senator HOLLINGS, and myself.

This amendment would authorize the Secretary of the Interior to acquire a site in Charleston Harbor, S.C., generally known as the Fleet Landing Site, for the purpose of establishing a tour boat facility to serve the Fort Sumter National Monument.

Mr. President, the acquisition and maintenance of this site by the National Park Service will enhance the efforts of the citizens of Charleston to improve the Market Street and adjacent areas of their city, reflective of a major development objective undertaken by a broad spectrum of local interests.

Mr. President, I would urge my colleagues in the Senate to support this amendment.

Mr. JACKSON. Mr. President, we have no objection to the amendment. We accept it.

As I understand it, the total estimated cost is somewhere between $225,000 and $250,000.

Mr. HOLLINGS. That is the estimate at this time.

Mr. JACKSON. Estimated at this time.

Mr. HOLLINGS. Right.

Mr. JACKSON. Mr. President, we accept the amendment.

Mr. HOLLINGS. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from William J. Whalen to the Honorable Joseph P. Riley, Jr., Mayor of Charleston, S.C., dated October 27, 1978, and a letter from the same gentleman, William J. Whalen, Director, National Park Service, Department of the Interior, to Congressman MENDEL J. DAVIS, dated January 29, 1979.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL PARK SERVICE,
Washington, October 27, 1978.

Hon. JOSEPH P. RILEY, Jr.,
Mayor of Charleston,
Charleston, S.C.

DEAR JOE: It was a great pleasure visiting your city this week. In my opinion, Charleston is one of the finest cities in America, and as I mentioned to you, I do hope to return with my wife someday soon to explore your magnificant city.

I was most pleased with the briefing you gave regarding the development of the waterfront area. In particular, I was happy that you came forward with a proposal that in effect made our staff really look at the things we were proposing as far as docking was concerned. Quite frankly, I was embarrassed that we had gone as far as we did on the Broad Street project.

I look forward to working with you, the Governor, Senator Hollings and the Port Authority in coming up with an acceptable solution to this situation. I see this as an opportunity not only for Charleston, but also for the National Park Service to enter into a true partnership at the local, State and Federal level.

I look forward to seeing you on my next visit. If you are ever in Washington, please call me and we will have lunch or dinner.

Sincerely yours,

WILLIAM J. WHALEN,
Director.

U.S. DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Washington, D.C., January 29, 1979.

Hon. MENDEL J. DAVIS,
House of Representatives,
Washington, D.C.

DEAR MR. DAVIS: This will respond to your letter of January 2 with reference to the location of the docking site for the concession facility at Charleston, South Carolina, which provides service for Fort Sumter National Monument.

As you know, a decision had been made to locate the facility at the foot of Broad Street. However, the Senate and House Conferees in their report on the Appropriations Bill for the Department of the Interior at page H11249 of the "Congressional Record" of September 29, 1978, made the following statement:

"The managers call upon the Park Service to postpone final determination of the site for the tour boat facility for Fort Sumter National Monument, South Carolina, until House and Senate Appropriations Committees have reviewed alternative site proposals and developed recommendations."

As a result of this action by the Conferees, I felt it was incumbent upon me to personally visit the area at the request of Mayor Reilly and look at alternative sites. On October 23, 1978, I, accompanied by staff from our Southeast Regional Office and this Office, visited Charleston to look at these sites and to be briefed by the Architect and Engineering Firm concerning the concept of the visitor facility proposed to be located at Broad Street. My immediate reaction was that the proposed facility was much too large for the acreage that the Park Service had, and that with the traffic problems which would be generated, the Broad Street site would not be the best site for the visitor facility.

Following this, I met with the concessioner, George Campsen, to advise him of the need to look at other sites, and subsequently met with Mayor Reilly, officials of the State, officials of the Port Authority, and other civic leaders to discuss this issue. I was given assurance by the Mayor that efforts were being made to develop other recreational facilities at the site owned by the Port Authority and that there was a good possibility a compromise could be reached which would be beneficial to all to relocate the Park Service facility at that site.

I further agreed that I would be pleased to return to Charleston following the inauguration of the new Governor to work with State and local officials to see if such a compromise could be reached. I stand ready to keep this commitment.

In any event, due to the restrictive language in the Conference Report, it is not possible for us to proceed with any site unless we get approval from the House and Senate Appropriations Committees.

I trust this will fully respond to your letter. If there is anything further we can provide for you, please let us know.

Sincerely,

WILLIAM J. WHALEN,
Director.

Mr. HATFIELD. Mr. President, on behalf of the minority, we are happy to accept the amendment of the Senators.

Mr. THURMOND. I thank the able Senators for accepting the amendment.

Mr. HOLLINGS. I thank both Senators, the distinguished manager of the bill and the Senator from Oregon, for their courtesy in this matter.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from South Carolina.

The amendment (UP No. 977) was agreed to.

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JACKSON. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time be shared equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 978

(Purpose: To increase the membership of the Santa Monica Mountains National Recreation Area Advisory Commission)

Mr. CRANSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California (Mr. CRANSTON) proposes an unprinted amendment numbered 978.

Mr. CRANSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of Title I, insert the following new section:

Subsection 507(q) of the Act of November 10, 1978 (92 Stat. 3506) is amended in clause (2)(E) by changing "5" to "9".

Mr. CRANSTON. Mr. President, this amendment, which I understand is acceptable to those handling the bill—and I appreciate their helpfulness—would increase the membership of the Santa Monica Mountains National Recreation Area Advisory Commission from 9 to 13 members. The four additional appointments would be made by the Secretary of the Interior.

I believe that there should be the broadest possible public participation on the advisory commission for this new unit of the national park system.

The Interior Department has indicated that, because of the great public interest in the Santa Monica Mountains, the Advisory Commission needs to be enlarged to represent a real cross section of the community and insure that the composition of the Commission is balanced. With only five appointments, the Secretary of the Interior has found it difficult to provide for adequate representation of local communities, homeowner groups, minorities, and a range of academic disciplines.

The Interior Department supports this proposal to enlarge the Santa Monica Mountains NRA Advisory Commission. I believe that the amendment is noncontroversial, and I hope that it can be adopted.

The PRESIDING OFFICER. Is there further discussion?

Mr. JACKSON. Mr. President, I think this is a sensible suggestion. By enlarging the Commission the Park Service will be able to do a better job. While we do not have a formal report from the administration on this, I do understand that Secretary Andrus does favor the expanded membership and, therefore, I am able to accept the amendment.

Mr. HATFIELD. Mr. President, I am pleased to accept the amendment on behalf of the minority.

Mr. CRANSTON. I thank both Senators very, very much.

The PRESIDING OFFICER (Mr. JOHNSTON). Do the Senators yield back their time?

Mr. JACKSON. I yield back my time.

Mr. CRANSTON. I yield back by time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from California.

The amendment was agreed to.

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CRANSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRANSTON. I want to thank the distinguished chairman of the Energy Committee for the committee's report language which clarifies that it is the committee's intention that the State of California's jurisdiction and authority to permit, control, and regulate commercial fishing and kelp harvesting within the marine component of the Channel Islands National Park will not be affected by this legislation. Is that not the intention of the fourth sentence of the fifth full paragraph on page 19 of the committee report?

Mr. JACKSON. My distinguished colleague is correct. The sentence referred to contains a typographical error. A comma should be inserted after the word "permit" and deleted after the word "control."

UP AMENDMENT NO. 979

(Purpose: To establish the Yaquina Head Outstanding Natural Area in the State of Oregon, and for other purposes)

Mr. HATFIELD. Mr. President, I call up my amendment on the Yaquina Head.

The PRESIDING OFFICER. The clerk will report. Will the Senator send the amendment to the desk.

The assistant legislative clerk read as follows:

The Senator from Oregon (Mr. HATFIELD) proposes an unprinted amendment numbered 979.

Mr. HATFIELD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 31, after line 19, add a new section as follows; and renumber the succeeding sections accordingly:

SEC. 116(a) In order to protect the unique scenic, scientific, educational, and recreational values of certain lands in and around Yaquina Head, in Lincoln County, Oregon, there is hereby established; subject to valid existing rights, the Yaquina Head Outstanding Natural Area (hereinafter referred to as the "area"). The boundaries of the area are those shown on the map entitled "Yaquina Head Area", dated July 1979, which shall be on file and available for public inspection in the Office of the Director, Bureau of Land Management, United States Department of the Interior, and the State Office of the Bureau of Land Management in the State of Oregon.

(b)(1) The Secretary of the Interior (hereinafter referred to as the "Secretary") shall administer the Yaquina Head Outstanding Natural Area in accordance with the laws and regulations applicable to the public lands as defined in section 103(e) of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1702), in such a manner as will best provide for

(A) the conservation and development of the scenic natural, and historic values of the area;

(B) the continued use of the area for purposes of education, scientific study, and public recreation which do not substantially impair the purposes for which the area is established; and

(C) protection of the wildlife habitat of the area.

(2) The Secretary shall develop a management plan for the area which accomplishes the purposes and is consistent with the provisions of this section. This plan shall be developed in accordance with the provisions of section 202 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1712).

(3) Notwithstanding any other provision of this section, the Secretary is authorized to issue permits or to contract for the quarrying of materials from the area in accordance with the management plan for the area on condition that the lands be reclaimed and restored to the satisfaction of the Secretary. Such authorization to quarry shall require payment of fair market value for the materials to be quarried, as established by the Secretary, and shall also include any terms and conditions which the Secretary determines necessary to protect the values of such quarry lands for purposes of this section.

(c) The reservation of lands for lighthouse purposes made by Executive order of June 8, 1866, of certain lands totalling approximately 18.1 acres, as depicted on the map referred to in subsection 116(a), is hereby revoked. The lands referred to in subsection 116(a) are hereby restored to the status of public lands as defined in section 103(e) of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1702), and shall be administered in accordance with the management plan for the area developed pursuant to subsection 116(b), except that such lands are hereby withdrawn from settlement, sale, location, or entry, under the public land laws, including the mining laws (30 U.S.C., ch. 2), leasing under the mineral leasing laws (30 U.S.C. 181 et seq.), and disposals under the Materials Act of July 31, 1947, as amended (30 U.S.C. 601, 602).

(d) The Secretary shall, as soon as possible but in no event later than twenty-four months following the date of the enactment of this section, acquire by purchase, exchange, donation, or condemnation all or any part of the lands and waters and interests in lands and waters within the area referred to in subsection 116(a) which are not in Federal ownership except that State land shall not be acquired by purchase or condemnation. Any lands or interests acquired by the Secretary pursuant to this section shall become public lands as defined in the Federal Land Policy and Management Act of 1976, as amended. Upon acquisition by the United States, such lands are automatically withdrawn under the provisions of subsection 116(c) except that lands affected by quarrying operations in the area shall be subject to disposals under the Materials Act of July 31, 1947, as amended (30 U.S.C. 601, 602). Any lands acquired pursuant to this subsection shall be administered in accordance with the management plan for the area developed pursuant to subsection 116(b).

(e) The Secretary is authorized to conduct a study relating to the use of lands in the area for purposes of wind energy research. If the Secretary determines after such study that the conduct of wind energy research activity will not substantially impair the values of the lands in the area for purposes of this section, the Secretary is further authorized to issue permits for the use of such lands as a site for installation and field testing of an experimental wind turbine generating system. Any permit issued pursuant to this subsection shall contain such terms and conditions as the Secretary determines necessary to protect the values of such lands for purposes of this section.

(f) The Secretary shall develop and administer, in addition to any requirements imposed pursuant to paragraph 116(b)(3), a program for the reclamation and restoration of all lands affected by quarrying operations in the area acquired pursuant to subsection 116(d). All revenues received by the United States in connection with quarrying operations authorized by paragraph 116(b)(3) shall be deposited in a separate fund account which shall be established by the Secretary of the Treasury. Such revenues are hereby authorized to be appropriated to the Secretary as needed for reclamation and restoration of any lands acquired pursuant to subsection 116(d). After completion of such reclamation and restoration to the satisfaction of the Secretary, any unexpended revenues in such fund shall be returned to the general fund of the United States Treasury.

(g) There are hereby authorized to be appropriated in addition to that authorized by subsection 116(f), such sums as may be necessary to carry out the provisions of this section.

Mr. HATFIELD. Mr. President, basically this amendment is to create an outstanding natural area on a very historic head jutting into the Pacific Ocean at Newport, Oreg.

Yaquina Head with its historic lighthouse is one of the most picturesque and popular places on the Oregon coast. Its rugged beauty is one of the most outstanding features of the entire Oregon coastline. It remains, however, the only headland on the coast not in public ownership.

In stark contrast to the tip of this scenic headland, the eastern portion of land, some 60 acres, is under the control of a mining company. On this private tract, a rock quarry operation, which is grandfathered under the State reclamation laws, continues to gouge out the Earth and diminish the scenic, natural, and historic values of the entire area. The rock quarry activity has lowered the surface of the headland in some places over 200 feet. The area is laced with dirt haul roads, and further road construction and excavation are planned. In addition, local residents and wildlife on a federally protected island refuge near the headland are jolted frequently by dynamite blasts. The extension of digging to new areas threatens further the special values of this important area. If quarrying continues, as announced, the excavation and removal of rock will totally destroy, and in effect, eliminate the existence of the headland.

Mr. President, I have been actively working to find a method of protecting Yaquina Head for the last 4 years. My efforts have included attempts to protect the area through executive branch initiatives of Federal agencies, possible State or local protection, legal action and/or acquisition by private conservation organizations. It appears that these proposed approaches to rescue Yaquina Head will not be successful in the near future. In view of this fact, and due to the insidious expansion of digging, I introduced S. 1567, a bill to establish the Yaquina Head outstanding natural area. On November 15, the Senate Subcommittee on Parks and Recreation held hearings on this bill.

The amendment, which I offer today, is identical to S. 1567, except for a few technical changes. Therefore, it is essentially the same proposal considered late last year by the Senate Committee on Energy and Natural Resources. My proposal will authorize and direct the Secretary of the Interior to manage the Yaquina Head area in conformance with its unique characteristics. There are two major elements of the bill. First, this proposal expedites and finalizes the transfer from the Coast Guard to the BLM of the approximately 18.1 acres of land withdrawn for lighthouse purposes in 1866. This transfer would not affect the lighthouse and surrounding acreage which is still being operated for navigational purposes. Second, the proposal provides for the Secretary to acquire by purchase, exchange, or condemnation all nonfederally owned lands within the picturesque headland area.

Management of the area would be outlined in a plan developed by the Secretary of the Interior. This management plan would provide for maintenance and enhancement of the area's scenic, natural, and historic values; continue the ongoing educational and scientific use of the area in cooperation with other agencies and educational institutions; protect significant wildlife habitat; provide for low intensity recreational use; authorize a program for reclamation of quarry lands in the area; and allow for the possible use of the quarry lands for wind energy research activities.

My proposal would direct the Secretary of the Interior to acquire the quarry lands within 2 years, permit him to contract for additional quarrying, then reclaim the land to a natural setting under the management plan. The purpose of permitting additional quarrying is both to achieve a more natural terrain or slope and to help pay for the reclamation of the land.

The Oregon Parks Department estimates that complete restoration of the headland to its original shape or contour would be prohibitively expensive. On the other hand, this same agency recommends that the area be reshaped without changing significantly the existing profile. This could be accomplished through continued quarrying to a preconceived contour utilizing reject quarry material to reshape previously quarried sites and through construction of topographic features to screen quarry areas from the roads and other viewpoints of the area.

In a November 27, 1979, letter to me, the Oregon Parks Department states that:

> If, in fact, a program of this nature could be conceived with a quarry operator, the cost of reshaping may be economically feasible.

This statement supports an earlier estimate by the Oregon Department of Geology and Mineral Industries that "the value of the mined material would almost equal the cost involved" for reclamation of the land. Based on these estimates from two State agencies, I believe that the cost of reclamation of the headland under the management plan would be very small or even nonexistent.

Frankly, the only area of uncertainty and potential disagreement relating to this proposal involves the cost of acquiring privately owned land at Yaquina Head. There are a number of conflicting estimates as to the fair market value of these lands. As the BLM has stated, existing data do not provide a basis for an accurate estimate of the market value of these private lands. An expensive geologic sampling and appraisal of subsurface rock resources would be required in order to give a more accurate market value of the property. Notwithstanding the lack of an expensive, but more precise valuation, a number of agencies, both State and Federal, have estimated the market value of the quarry lands.

The Bureau of Land Management estimates the value of private land on Yaquina Head at $4 to $13 million. BLM predicts, without any substantiating data, that the value is closer to the $10 to $13 million range. On the contrary, Mr. President, there seems to be better evidence that the market value is closer to $4 million. In October 1977, the Oregon Land Conservation and Development Commission, a statewide land use agency, estimated the value of private land on Yaquina Head at $2 to $4 million. This estimate of $2 to $4 million was referred to and apparently relied upon by the BLM in a letter to me from the Deputy Assistant Secretary of Interior dated October 4, 1977. Although raw land values may have increased slightly from that time, there has also been a substantial amount of additional rock removal which presumably would decrease the market value of the quarry land.

Mr. President, the most in-depth study of this resource issue is summarized in the final report of the Yaquina Head Advisory Committee. This advisory committee was created by the Governor of Oregon in 1978, pursuant to a joint congressional resolution. This committee's report discusses in detail the situation at Yaquina Head. It recommends the immediate acquisition of private lands on Yaquina Headland. Mr. President, I ask unanimous consent that the final report, which is about six pages in length, be included in the Record following my remarks.

There being no objection, the report was ordered to be printed in the Record, as follows:

Final Report of the Yaquina Head

I. RECOMMENDATIONS OF THE COMMITTEE

The Yaquina Head Advisory Committee recommends to the Governor and the 60th Legislative Assembly that the State of Oregon act immediately to acquire identified private lands on Yaquina Head in Lincoln County (Figure No. 1, page 16). Acquisition of these lands should occur by negotiated purchase at a fair market value. If negotiated purchase is not practicable, eminent domain proceedings should be utilized in the public interest.

Acquired lands should be administered by the Parks and Recreation Branch of the Oregon Department of Transportation. A management plan which includes reclamation should be developed to retain or restore the headland consistent with public use objectives. The management plan should be fully coordinated with adjacent public and private land uses.

Appropriate state agencies should be directed to cooperate in this effort by negotiating acquisition funding, determining fair market value, assessing subsurface rock resources and developing a management plan which includes reclamation.

A combination of private, state and federal funding sources should be developed to finance the acquisition and management of Yaquina Head.

The Committee further recommends that the Legislature act immediately to declare Yaquina Head an Area of Critical State Concern.

II. BACKGROUND INFORMATION

Yaquina Head is a basalt promontory (headland) extending into the Pacific Ocean 3 miles north of the city of Newport in Lincoln County, Oregon.

The western tip of Yaquina Head (approximately 23 acres) was placed under the jurisdiction of the Coast Guard as a lighthouse reserve in 1866. The headland then remained in its natural state until 1873 when a lighthouse was constructed on the marine terrace. The remainder of Yaquina Head was used only occasionally as pastureland until the initiation of mining activity in 1925. Since 1925, Yaquina Head has been the site of nearly continuous rock resource extraction by a sequence of operators. These surface mining activities, affecting approximately 55 acres, have significantly altered the profile and visual characteristics of the headland. The maximum elevation of Yaquina Head has been reduced from a rounded peak about 356 feet high to a small knoll 274 feet high. Several mined areas presently extend well below 150 feet. Bluffs originally 50 feet high or greater along the southern shoreline have been lowered to sea level or below in some areas. Mining activity has also resulted in the deposition of boulder size spoil in some intertidal areas and has created geologically hazardous situations. Yaquina Head is the only Oregon headland with an active quarry operation.

In addition to mining activities, Yaquina Head is used for recreational, scientific and educational purposes. These activities are primarily concentrated near the publicly owned lighthouse at the western tip. Oregon State University Marine Science Center operates both research and education programs at this site. Access to this area is provided solely by a gravel road extending through the quarry. A shorebird refuge administered by the U.S. Fish and Wildlife

Service encompasses several small off-shore islands west and southwest of the headland.

Quarrying of the private land on Yaquina Head has been a controversial issue for many years. Numerous complaints by local residents and others eventually brought the issue statewide attention. In the spring of 1977, the Oregon Land Conservation and Development Commission (LCDC) held public hearings to determine whether to recommend Yaquina Head as an Area of Critical State Concern. On May 24, 1977, the LCDC submitted a report to the 59th Legislature recommending Yaquina Headland for designation as an Area of Critical State Concern. Although the Legislature subsequently failed to pass a bill out of committee before adjournment, a resolution was adopted.

The Yaquina Head Advisory Committee was created by the Governor on January 9, 1978 (Executive Order No. EO-78-01) pursuant to House Joint Resolution 79, passed by the 59th Legislative Assembly. The Committee was directed "to prepare recommendations regarding a fair and equitable method of preserving and protecting Yaquina Head." The Legislature also urged the Committee to present a written report containing a digest of facts in addition to its recommendations and alternatives for preserving the unique qualities of Yaquina Head. This written report, including recommendations, was directed to be delivered to the Governor and Sixtieth Legislative Assembly on or before December 1, 1978.

Yaquina Head Advisory Committee: Jeff Ouderkirk, Chairman; Albert Strand, Vice Chairman; Bill Burley, Secretary; John Brenneman; George Diel; Kathi Folsie; Walter Gordon; Allen Hermann; Fred Weakley.

A Technical Advisory Committee, composed of nine state agency representatives and a representative of private industry, was appointed to assist the Committee. The Department of Land Conservation and Development provided staff assistance and financial support.

III. FINDINGS OF FACT

Historical values

The lighthouse at the end of the headland is on the statewide inventory of historic sites and buildings. Built in 1873, it has been nominated to the National Register of Historic Places and is on the "eligible for inclusion" list. It is the second oldest active light tower on the Oregon Coast.

No other historical sites on Yaquina Head have been identified for inclusion on the National Register of Historic Places.

Archeological values

There are no archeological sites on Yaquina Head listed in the statewide inventory. The existence of three small Indian middens near the lighthouse has been documented, but never verified.

Climatology

Yaquina Head has a temperate, marine climate which is significantly influenced by the Pacific Ocean. Annual precipitation varies from 40-60 inches per year. Winters are generally mild and wet with prevailing winds from the southwest. Summers are also mild with considerably less precipitation and prevailing northwest winds. The average frost free growing season is about 248 days.

Constant wind prevails. Velocities of 10-20 miles per hour are common with occasional gusts reaching 75-100 miles per hour. The headland has potential for location of a wind generated power facility, although the federal government recently rejected it as a turbine location. It is estimated, however, that windmills here could generate about 2 to 3 million kilowatt hours per year. At the present time, there are no plans for installation of windmills on Yaquina Head.

Due to its location, being surrounded on three sides by the Pacific Ocean, Yaquina Head is subject to tidal action, wave patterns, ocean currents and tsunamis. Uprush of waves affects a considerable portion of the upland extent of the coastal shoreland.

The intrusion of the headland into the Pacific Ocean also results in a minor "wind shadow" effect, creating a localized microclimatic condition.

Geology

Yaquina Head is formed primarily from coarse basalt of the Miocene Epoch. The basalt consists predominately of breccia, water-laid fragmental debris and massive flows and pillow lavas. The eroded volcanic material overlies sedimentary rocks of the Astoria Formation which were deposited between 15 and 18 million years ago. These light-colored formations are exposed along the north and south shores of the headland. Erosion of these sedimentary deposits occurs at a much faster rate than the overlying volcanic material, resulting in the creation of steep sea cliffs which are prone to landsliding. The basalt surface layer is covered by 40 to 60 inches of gravelly clay loam soils which are generally well drained. A marine terrace has been formed extending from the lighthouse into the quarry area at an approximate elevation of 80-100 feet. Evidence also suggests that the lighthouse area is being gradually eroded from the rest of the headland, and will eventually become a sea stack.

The basaltic material mined at Yaquina Head yields generally good quality construction aggregate used for crushed rock, riprap and asphalt mix. It is not used for concrete. Approximately 3-4 million cubic yards of extractable construction aggregate remain at the Yaquina Head Quarry. This amount of rock could sustain the present quarry operation for at least another 20 years, assuming a 10 percent yearly growth rate on the present production average of approximately 125,000 tons per year.

Fish and wildlife

Yaquina Head is used by many people to fish, observe and photograph wildlife (gray whales, seals and sea lions, shorebirds, etc.). The intertidal area around Yaquina Head has been set aside by the Oregon Department of Fish and Wildlife for scientific and educational collection of non-food animals. For intertidal study, this is the most popular area in Oregon. More scientific and educational collecting permits are issued here than for any other collecting area on the Oregon Coast. As many as 500 persons have been observed using the area during a single tide period.

Most of the birds and terrestial wildlife observed on Yaquina Head are located on the 23 acres of the U.S. Coast Guard administered land, rather than the area of the headland affected by quarrying operations. If the quarrying were stopped and the land rehabilitated, it is likely that some birds and mammals would reestablish themselves. Surf fishing from the rocks is usually productive for bottom species.

An inventory of the mammals, fish and birds of Yaquina Head has been completed by Dale Snow of the Oregon Department of Fish and Wildlife.

No threatened or endangered animal species are known to reside or breed on Yaquina Head, but three species which are listed as endangered or threatened may be infrequent visitors (peregrine falcon, bald eagle and western snowy plover).

Botanical resources

Due in part to a variety of microhabitats, Yaquina Head has a large and diverse flora. The headland is typical of coastal bluffs with a complex mixing of herb or shrub-dominated plan communities. The south shore basks in sunlight on clear days and is hit by strong winds and salt spray on stormy days; the north shore remains in shade much of the time and is somewhat sheltered from strong southwesterly winds. Different species of plants are found in each of these areas.

Two Yaquina Head plants have been proposed for either Threatened or Endangered status by the Smithsonian Institution (1975) or by the Oregon Rare and Endangered Plant Species Task Force. Another unusual plant, Sea Cabbage (introduced from Europe), is found nowhere else on the West Coast.

Bill Burley of The Nature Conservancy has compiled an inventory of the Yaquina Head Flora.

Aesthetics

Yaquina Head is a prominent landmark visible from many scenic waysides and state parks, including a large portion of U.S. Highway 101. Its rugged beauty has been described as one of the outstanding features of the Oregon Coast. The headland and the historic lighthouse combine to make Yaquina Head one of the most popular places on the coast to visit and to photograph. The headland is described in the Oregon Coastal Conservation and Development Commission (OCCDC) report entitled *Visual Resource Analysis of the Oregon Coast* (1974) as a resource having "Potential for Exceptional Coastal Experience." Such resources are defined as containing "landscapes which are of statewide and/or national concern."

The quarry operation of Yaquina Head has substantially altered the profile and scenic qualities of the headland. If quarrying continues, it will eventually lower the profile to elevations ranging from 40-100 feet above mean sea level. The only remaining significant promontory (240 ft.) would be the easternmost portion of the Coast Guard administered property, immediately west of the quarry.

Quarry-related activities, including blasting, heavy equipment operation, truck traffic, rock crusher operation, dust and noise, influence the aesthetic quality of a visit to Yaquina Head. The only access road to the western tip of the headland passes adjacent to the rock crusher and directly through the quarry operations, exposing this area to view. This road is used by both visitors and the heavy equipment associated with quarry operations.

In recent years, the western crest of the headland has been subject to increased off-road vehicle (ORV) use. This activity has resulted in substantial damage to the fragile vegetation of the headland.

Aesthetic quality on Yaquina Head remains high, however, due to the water-dominated landscape, vivid color contrasts, lighthouse, steep and rugged landforms, unusual plants, abundant birdlife, proximity to marine mammals and accessible tidepools.

Ownership

The off-shore rocks which extend into the Pacific Ocean west and southwest of Yaquina Head are federal lands administered by the U.S. Fish and Wildlife Service as a National Wildlife Refuge.

The western tip of Yaquina Head (approximately 23 acres) was set aside as a federal lighthouse reserve by President Andrew Johnson in 1866. The Yaquina Head Lighthouse was subsequently built in 1873 and has been maintained by the U.S. Coast Guard. The U.S. Coast Guard filed notice on January 17, 1977 of its intent to relinquish control of 18.1 acres of the lighthouse reserve to the Bureau of Land Management. When completed, the Coast Guard will retain jurisdiction over 4.5 acres, including the lighthouse.

Yaquina Head Quarries, Inc. owns 7 parcels (separate tax lots) of contiguous property which make up most of the central portion of Yaquina Head. These parcels total approximately 55 acres. Yaquina Head Quarries, Inc. also owns several other parcels on Yaquina Head which are not a part of the quarry operations.

The surface mining activity of Yaquina

Head Quarries, Inc. is exempt from the requirements of the Oregon Mined Lands Reclamation Act (ORS 517.750 to 517.900) because of a "grandfather" exclusion. The combination of areas mined prior to 1972, and the areas used for storage or disposal of mining refuse include most of the lands owned by Yaquina Head Quarries. A permit of limited exemption has been granted to Yaquina Head Quarries, Inc. by the Oregon Department of Geology and Mineral Industries. However, the present owner has voluntarily developed a reclamation plan which assumes continued quarrying of the headland and restoration to about 60–100 feet above sea level. The specifics of this plan, and the owner's intent to implement it, remain unclear.

The State of Oregon (2.9 acres), U.S. Government (9.06 acres), Agate Beach Water District (.25 acres) and a private individual, Stella Wade of Overland Park, Kansas (2.8 acres) also own parcels of property at the northeastern end of the headland.

A county road runs the length of Yaquina Head along the south slope, connecting the lighthouse area with U.S. Highway 101.

Land holdings considered by the Committee for purposes of delineating Yaquina Head are identified on Figure 1 (page 16). These parcels are also listed below by ownership and tax lot number (Lincoln County Map 29 10 11 BC).

Tax lot number and ownership:
300, U.S. Coast Guard.
200, 1400, 1500, 1600 2400, 2700, 2900, Yaquina Head Quarries, Inc.
1200, Stella Wade.
2500, U.S. Government.
2600, State of Oregon.
2401, Agate Beach Water District.

ASSESSED VALUES

The total value of the lands which constitute Yaquina Head is unknown. Although 1978–79 property assessments are available for each property, these assessments do not take into account the subsurface rock resource value of each parcel. An appraisal of the subsurface rock resource value remaining on Yaquina Head has not been undertaken.

The Committee's attempt to identify a fair market value for the private lands of Yaquina Head was unsuccessful. The Committee had neither the funding nor expertise needed to conduct a meaningful subsurface appraisal of the rock resources. Without an appraisal, any estimate of the market value of these properties would be speculative.

The Oregon Department of Transportation has estimated that a general appraisal of the Yaquina Head Quarries, Inc. property could be completed for approximately $10,000. Such an appraisal would not, however, be adequate for acquisition or condemnation proceedings. An acquisition process would require at least two independent opinions of value. This would raise the cost to about $20,000.

The 1978–79 value listed by the Lincoln County Assessor for the seven identified contiguous parcels owned by Yaquina Head Quarries, Inc. is $306,150, including improvements. In addition, the quarry owner (Robert Weinert) estimates that a total of approximately 2 million dollars of equipment is employed on the properties. An active market exists for heavy equipment sales, as evidenced by recent government and Alyeska heavy equipment clearance sales in the Pacific Northwest.

The 1978–79 assessed value of the 2.8 acres owned by Stella Wade is $5,150.

LAND USE PLANNING

The Yaquina Bay Land Use Plan (1969) designates Yaquina Head as a Natural Resource and Open Space area. This plan will remain in effect until the completion of a new Lincoln County Comprehensive Plan in 1980.

Current county zoning designations of the headland are as follows:

1. R–1 (Residential—Single Family) at Lighthouse Reserve at western tip; and
2. M–I (Marine—Industrial) at Yaquina Head Quarries, Inc. property.

The existing zone designations will also be revised consistent with the new comprehensive plan.

Any new mining operations in Lincoln County are subject to a reclamation plan, including bonding responsibility. By virtue of its established "grandfather" use, Yaquina Head Quarries, Inc. is exempt from these county regulations.

The Oregon Statewide Coastal Planning Goals were adopted by the Land Conservation and Development Commission (LCDC) and became effective on January 1, 1977. The Oregon Legislature directed that the LCDC, in developing goals, shall give "priority consideration" to "coastal headlands and related areas" among other areas and resources (ORS 197.230(2)(9)). This direction was reflected in Statewide Goal No. 17 for Coastal Shorelands, which states, in part:

"Major marshes, significant wildlife habitat, *Coastal Headlands*, exceptional aesthetic resources and historic and archeological sites shall be protected. Uses in these areas shall be consistent with protection of natural areas. (Comprehensive Plan Requirements—Coastal Shorelands Goal. Emphasis added.)"

The Coastal Shorelands Goal also provides that proposed uses must be ranked according to priority, with water-dependent and water-related uses being given preference over other uses. Any new use at Yaquina Head which would not provide for the protection of natural values would be difficult to initiate, according to the statewide goals.

ORS 197.405 provides that the LCDC may recommend significant resource areas to the Legislature for designation as Areas of Critical State Concern. Areas of Critical State Concern are areas defined and designated by the state because uncontrolled or incompatible development could result in serious damage to 1) the environment, life, or property; 2) the long term public interest; or 3) the potential for other uses. Basic to the concept are the critical nature of the resource or area, and the existence of a regional, state, or national concern which is greater than local significance. Subsequent to public hearings and findings, the LCDC recommended in May, 1977 that the Legislature declare Yaquina Head an Area of Critical State Concern.

LINCOLN COUNTY ROCK RESOURCES

There are presently five major producers of rock products in Lincoln County:

1. Yaquina Head Quarries.
2. Devils Lake Sand and Gravel.
3. Ocean Lake Sand and Gravel.
4. Toledo Sand and Gravel.
5. Eckman Creek Quarry.

These quarries produced about 600,000 to 650,000 tons (400,000 to 430,000 cubic yards) of rock products in 1975. Yaquina Head Quarries supplied about 25 percent of the total, for use mostly in Lincoln County.

At the present time, four additional rock sources in Lincoln County appear to have potential for future development. These sources include:

1. Iron Mountain

Located about 1½ miles north of Agate Beach, Iron Mountain is a proven rock resource extraction site, capable of producing specification rock for road base material, asphalt and riprap. The site is owned and operated by the Oregon State Highway Division which uses it primarily for state highway building and repair. The estimated reserves are about 400,000 cubic yards. Crushing costs at Iron Mountain run considerably higher than at Yaquina Head due to the hardness of the rock.

2. Cape Foulweather

Intrusive basalt dikes exist in the eastern portion of Cape Foulweather. Some small quarry operations by logging firms have occurred east of the Cape. At the present time, no quarry operations are active.

Additional exploration appears necessary in order to determine the quantity and quality of rock at Cape Foulweather. It is predicted, however, that quarry operations at Cape Foulweather would encounter public opposition similar to Yaquina Head.

3. Siletz-Logsden Area

In the past, several alluvial and terrace deposits have been utilized for rock. The quantity is estimated at 4–5 million cubic yards. The quality is borderline, but it does produce suitable road base material and asphalt rock. The material is covered by 4–10 feet of overburden.

Additional rock extraction in this area, however, might encounter high transport costs to the market place, reduced water quality and zoning difficulties.

4. Importation of Rock via Dock Facilities

Rock could be barged into the Lincoln County area from outside sources such as the Umpqua River in Douglas County. Dock unloading and storage facilities might be provided in Yaquina Bay.

The quality of Umpqua River area rock is suitable for road base rock, asphalt and concrete. Quantity is unknown at this time.

Economic factors

Lincoln County is characterized by a natural resource based economy (forest products, tourism, fishing and fish processing). Employment opportunities are limited and there is an influx of retirement age persons who make up a disproportionate share of the population. The area is likely to continue a slow, steady rate of population and economic growth. Tourism is expected to become increasingly important.

During fiscal year 1976, Yaquina Head Quarries, Inc. averaged 15 employees and a payroll of $163,000. That year, Yaquina Head Quarries, Inc. provided about 0.2 percent of the County's total payroll and 0.12 percent of its employment. It provided about 30 percent of the mining related employment for the County.

Like the rest of Oregon, Lincoln County is experiencing a dramatic upsurge in new housing starts, particularly in Waldport and Depoe Bay. An average single family dwelling is estimated to need about 180 cubic yards of gravel during construction. The average annual rate of aggregate use in Lincoln County is estimated as between 12–20 tons per person. The cumulative demand will total approximately 9,000,000 tons by 1990 and 16,000,000 tons by the year 2000. This means that known sources of high quality rock in Lincoln County have a remaining life span of about 15–20 years. After that, it is uncertain whether economical rock will be available in Lincoln County.

If Yaquina Head Quarries, Inc. were to close, the demand would probably be met by the closest quarries, Ocean Lake, Toledo and Eckman. Production of each of these quarries would have to increase by 30–50 percent to make up this loss. This would reduce further the expected life of these quarries.

If the Yaquina Head Quarries, Inc. properties were acquired by a public agency or other non-profit group and subsequently removed from the tax rolls, Lincoln County would lose approximately $4,663 per year, based upon the 1977–78 assessment rate of 15.23 per $1,000 value. This total might increase if the assessment rate is revised upward.

IV. ALTERNATIVES

After compiling and analyzing background information and other data, the Yaquina Head Advisory Committee identified and considered five alternative methods of preserving and protecting Yaquina Head. These alternatives all involve some manner of public acquisition. Non-acquisition, or the long-term continuation of quarrying of the headland was rejected by the Committee because it would perpetuate the destruction of the headland, and was, therefore, inconsistent with the Committee's legislated directive.

Acquisition of Yaquina Head was considered for purposes of enjoining immediately, or phasing out (short-term) all mining activities. Acquisition is possible using one or a combination of the following methods:

1. Negotiated Purchase.
2. Eminent Domain (Condemnation).
3. Land Exchange.
4. Easement Purchase.
5. Gift.

All acquisition methods present the advantages of preserving and protecting the remaining headland and associated qualities. They also lend themselves to immediate implementation of a management plan, including reclamation.

Negotiated purchase of Yaquina Head presents the most equitable settlement arrangement. The quarry owner has expressed a willingness to negotiate a fair purchase price, assuming a factual appraisal of subsurface mineral worth can be completed. Failing an equitable negotiated agreement, the State could utilize eminent domain proceedings.

No alternative rock sources not already under commercial operation were identified by the Committee for possible use in case of acquisition by land exchange. Yaquina Head Quarries, Inc. is the largest rock producer in Lincoln County and no replacement site appears to exist in the county which would provide the operator with an equivalent worth. A thorough assessment of alternative rock resource sites would require more precise local information with regard to reserves. This information would then need to be compared with future market areas. The present owner of Yaquina Head Quarries, Inc. has consistently opposed any land exchange.

The purchase of a conservation easement to protect the headland is considered unlikely because the cost of obtaining such a restrictive easement would undoubtedly approach the cost of acquiring the land. The owner has also stated his opposition to this approach.

It is, also, improbable that the owners would consent to making a gift of their land to the public, although a gift of a portion or percentage of any property might present some tax benefits.

V. MANAGEMENT PLAN

In the case of public acquisition of private lands on Yaquina Head, there is a need for the development of a coordinated resource management plan in order to identify and implement activities and uses compatible with the Committee's Recommendation.

Activities and uses which preserve and protect Yaquina Head while providing for public use should be given priority. The following uses should be examined for inclusion in the plan:

1. Natural Area designation.
2. Educational and Scientific uses.
3. Open Space.
4. Wind Power generation.
5. Wildlife Reserve.
6. Recreational development.
7. Reclamation.
8. Navigation aids.

Other uses and activities are considered incompatible with the Committee's Recommendation.

The management plan should also include reclamation, consisting of reclaimed contours, revegetation and public access for areas affected by quarry activity. The plan should protect existing natural contours while allowing for some surface shaping and modification as appropriate in a fashion consistent with the Committee's Recommendation.

A buffer area should be provided by the plan to protect adjacent private lands from possible incompatible uses.

Public agencies and land management objectives or plans should be coordinated to the maximum extent possible. There should be a single coordinated resource management plan for the entire headland.

The Parks and Recreation Branch of the Oregon Department of Transportation should be given the lead role, in conjunction with the Department of Geology and Mineral Industries and the Department of Land Conservation and Development, to develop and implement a management plan for Yaquina Head.

VI. CONCLUSIONS OF THE COMMITTEE

A. Yaquina Head is an important coastal headland resource, possessing significant scenic, historical, educational, scientific, recreational, geological, biological and other benefits which should be preserved and protected in the interest of future generations.

B. Surface mining of rock on Yaquina Head is the primary activity threatening the significant benefits provided by the headland, and should be immediately prohibited in all areas not previously mined (as defined under ORS 517.750–517.900) unless necessary as part of a final management plan. The need for immediate state acquisition of Yaquina Head is crucial in order to arrest further lowering or other alteration of the headland profile.

C. Existing data do not provide a basis for a meaningful estimate of the cost of acquiring the private lands at Yaquina Head. A thorough and expert geological investigation should be undertaken immediately in order to determine the quality and quantity of the remaining subsurface rock resources of the headland. Such an investigation is the only means of assessing a fair market value for acquisition of identified private lands. The 1978–79 value listed by the Lincoln County Assessor for the seven identified contiguous parcels owned by Yaquina Head Quarries, Inc. is $306,150. The parcel owned by Stella Wade has a 1978–79 assessed value of $5,150. In addition, the quarry owner estimates that a total of approximately two million dollars worth of equipment is employed on the property. An active market exists for heavy equipment sales.

D. No alternative rock sources have been identified in the Lincoln County area which would be acceptable to the present quarry owner in the case of a land exchange (trade). The owner of Yaquina Head Quarries, Inc. is opposed to any land exchange for purposes of a continuation of quarry operations.

E. The U.S. Coast Guard owned and administered land (23 acres) at the western tip of Yaquina Head should remain in federal ownership. The State of Oregon (2.9 acres), U.S. Government (9.06 acres) and Agate Beach Water District (.25 acres) properties at the eastern end of the headland should also be retained under present ownership.

F. A management plan which provides for the future land use, reclamation, coordination and administration of the entire headland should be developed and implemented. A resource management plan developed for the headland should be coordinated with affected agencies to the maximum extent possible. Due to the regional, state and national importance of Yaquina Head, it is appropriate for the State to develop and apply any necessary regulatory control. Public use and retention or reestablishment of headland qualities shall be given preference in any management plan.

G. Yaquina Head possesses qualities sufficient for designation as an Area of Critical State Concern.

Mr. HATFIELD. Mr. President, I have discussed this matter with the majority leader and I am ready to yield back the remaining part of my time.

Mr. JACKSON. Mr. President, as I understand the situation involving this project, there is a lighthouse at one end of the point which has been turned over to the BLM. The Coast Guard is no longer utilizing it. Then some short distance from there is this large quarry, which is rather unsightly, which detracts from what otherwise is a beautiful coastline area. Virtually all of the other key areas along the Oregon coast are owned by the Federal Government; is that not correct?

Mr. HATFIELD. The Senator is correct. The lighthouse is an operating lighthouse. It is maintained by the Coast Guard, but the general land title is vested now in the Bureau of Land Management having been transferred for that purpose due to the fact that the Bureau of Land Management is a large administrative agency which has large holdings along the coastal area, primarily in timber, so this would, under the act proposed, transfer the 60 acres of the head to the Bureau of Land Management, and then the materials that are actually mined from the head would be sold because of the high value cost of those materials, and replaced with lesser value materials so that, in effect, the rehabilitation of this unique geological formation would be borne primarily by this kind of revolving fund, sale, and rehabilitation.

Mr. JACKSON. The proceeds from the sale of the rock material would be used eventually to reclaim the land?

Mr. HATFIELD. That is correct.

Mr. JACKSON. The Secretary would fill it in and bring it back into a reasonable natural state, so that from an esthetic point of view the current appearance could be vastly improved.

Mr. HATFIELD. Exactly. The Senator has described it accurately.

The land is very difficult to describe unless one has seen it or been there or seen photographs, because there are such unique characteristics to this head.

As I say, it juts out farthest into the Pacific Ocean of any head in the entire Pacific area.

Consequently, it does have this very unique geological characteristic and it is classified by experts as worthy of preservation. Certainly, as one looks at what is happening now, you see that the whole profile of this head is being eroded away, being destroyed, and eventually could ultimately become even an island rather than a head.

Mr. JACKSON. Mr. President, I accept the amendment.

Mr. HATFIELD. Mr. President, I yield back the remainder of my time.

Mr. JACKSON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Oregon.

The amendment (UP No. 979) was agreed to.

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 980

(Purpose: To provide for a system to commemorate each former President of the United States by establishing a suitable memorial as a unit of the National Park System)

Mr. HATFIELD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Oregon (Mr. HATFIELD) proposes an unprinted amendment numbered 980.

Mr. HATFIELD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 31, after line 19, insert a new section and renumber the succeeding section number accordingly.

SEC. 116. (a) The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to conduct a survey of sites which he deems exhibit qualities most appropriate for the commemoration of each former President of the United States. The survey may include sites associated with the deeds, leadership, or lifework of a former President, and it may identify sites or structures historically unrelated to a former President but which may be suitable as a memorial to honor such President.

(b) The Secretary shall, from time to time, prepare and transmit to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate reports on individual sites and structures identified in the survey referred to in subsection (a), together with his recommendation as to whether such site or structure is suitable for establishment as a national historic site or national memorial to commemorate a former President. Each such report shall include pertinent information with respect to the need for acquisition of lands and interests therein, the development of facilities, and the operation and maintenance of the site or structure and the estimated cost thereof. If during the six-month period following the transmittal of a report pursuant to this subsection neither Committee has by vote of a majority of its members disapproved a recommendation of the Secretary that a site or structure is suitable for establishment as a national historic site, the Secretary may thereafter by appropriate order establish the same as a national historic site, including the lands and interests therein identified in the report accompanying his recommendation. The Secretary may acquire the lands and interests therein by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange, and he shall administer the site in accordance with the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666), as amended.

(c) Nothing in this section shall be construed as diminishing the authority of the Secretary under the Act of August 21, 1935 (49 Stat. 666), as amended, or as authorizing the Secretary to establish any national memorial, creation of which is hereby expressly reserved to the Congress.

(d) There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

Mr. HATFIELD. Mr. President, this amendment would authorize the Secretary of the Interior to establish a national historic site in commemoration of each former President of the United States, and for other purposes.

Mr. President, This Nation commemorates its Presidents by scores of sites, ranging from the humble to the palatial: birthplaces, residences, other buildings, inaugural places, monuments, and tombs. Visitors to these sites can enhance their understanding of the distinguished group of men who have led the Nation. Our people can learn of the former Presidents ways of life; family backgrounds; locales and regions in which the Presidents were born or resided; eras in which they lived, and the social, economic and intellectual influences that molded them. These sites fall primarily in two categories. Some of these historic places are units of the national park system and most of the remainder are national historic landmarks. The landmarks are owned and administered by U.S. Government agencies, States, cities, nongovernmental institutions, and private individuals.

Mr. President, two factors seem to rank most prominently in the selection of Presidential properties for preservation and commemoration: the significance of the property in the President's career or personal life, and its relative degree of historic integrity. This latter factor might be broadened to include the feasibility and cost of returning or restoring the property to a facsimile of its original state.

A perfect state of equity is impossible to achieve. Already certain Presidents have several sites each in the national park system, while others have only a single national historic landmark. Length of tenure, duration of total career, longevity, and accidents of preservation have determined what is left. Fires have damaged or destroyed a number of residences, for example. The very subjective factors of historians' assessments and rankings of the Presidents and popular opinion have also played a role in spurring the preservation of certain sites and causing the neglect of others. Some Presidents have simply been more venerated than others.

Beginning with Herbert Hoover and Franklin Roosevelt, the American people have been given a remarkable series of Presidential properties: Homes, libraries, and even personal furnishings and effects. Thus, for the modern Presidents, the Nation possesses an extraordinarily well preserved and authentic collection of properties.

On the other hand, even the modern Presidents, in accord with their own judgment, have enhanced the relative significance of certain properties by selecting them for preservation. Thus Eisenhower chose the Gettysburg farm as the most fitting symbol of himself, rather than his birthplace in Denison, Tex., or his boyhood home in Abilene, Kans., although he is buried in proximity to the latter. Truman initially opposed any commemoration of himself while he was living, but later consented to the creation of the Truman Historic District, in Kansas City, Mo. Nixon selected his birthplace for landmark status from a number of options presented to him.

While historians might quibble with these selections, it would seem that, to some extent at least, the wishes of Presidents and their close relatives must be respected. This is especially the case for living Presidents and for those deceased Chief Executives whose immediate family members survive.

As part of its program to survey all nationally significant properties in the United States, the National Park Service gathered a vast amount of material on non-Federal properties; The Heritage Conservation and Recreation Service has now inherited that role.

During their deliberations in the late 1960's and early 1970's, the consulting committee for the National Survey of Historic Sites and Buildings and its overview committee, the advisory board on National Parks, Historic Sites, Buildings, and Monuments, reviewed staff studies on many themes of history. Ultimately the boards came to regard the Presidents, by definition, as nationally significant figures. Thus the usual 50-year rule for achievement of this significance was suspended.

The boards became concerned that, for certain 19th-century Presidents, neither a national park nor a national historic landmark existed. Special studies were performed for those Presidents. The result is that now, all Presidents, except Ford and Carter, have at least one national park or national historic landmark.

Mr. President, the problem is that if a site is designated as a national historic landmark, historic recognition is the only thing bestowed. A national historic landmark may or may not be protected, developed, interpreted, staffed or maintained. If a site that is a national historic landmark changes ownership and use which impairs the historic value, the only recourse is to remove the designation.

Just last month, two Presidential birthplaces were sold in Virginia to owners who could alter, remove or tear down these sites.

The amendment I propose would authorize the Secretary of Interior to survey appropriate sites to commemorate each former President. Then the Secretary would recommend his choice to the appropriate congressional committees. If the committees do not disapprove the recommendations the site would become a unit of the National Park System with the protection, development, interpretation, maintenance functions that follow such designation.

Congress would still have the prerogative of establishing areas under the Historic Sites, Building and the Antiquities Act of 1935 and the establishment of national memorials would reside with Congress as before.

Mr. President, this amendment, in effect, is setting up a procedure by which the Secretary of Interior would be authorized to make a survey of sites, structural sites, that would be appropriate in preserving as it relates to various Presidents of the United States.

I want to make clear in the legislative record at this point that the Secretary is not expected to duplicate any existing structure; that is to say, if a President has been so commemorated, he has been so commemorated. We are not looking to add to such commemoration but, rather, to look at those which have not been commemorated thus far and if there are significant historical places related to such Presidents, then it would be within the Secretary's responsibility to provide the Congress with a survey of such structures.

Let me illustrate by way of an example. Down in Fredericksburg, Va., there is a law office of President James Monroe. That law office has been set up and preserved by the Historical Society of the State of Virginia. The law library of James Monroe is there. Many of the papers dealing particularly with the Monroe Doctrine have been established there. His desk and all of the furniture that he used in his law practice happen to be in this particular structure.

This would be a significant historic place that could be determined as the official preservation or commemoration of President James Monroe. There are no other such structures that have been so designated. There has been his one home that he lived in, but this is the only significant structure and one that would be most appropriate.

Once this survey has been completed by the Secretary of Interior, he will submit it to Congress for our information and for our review. Then, from time to time, the Secretary may submit to the Congress specific proposals to take specific action. At that time, Congress would have the opportunity to review that and could recommend their approval or disapproval of the proposals made by the Secretary.

This proposal has passed the House of Representatives on two previous occasions. I urge its adoption. I am ready to yield back the remainder of my time on this amendment.

Mr. JACKSON. Mr. President, while I have some reservations about the procedure here, in that it is a veto by either committee, I am willing to see how this works.

I must say that the precedent bothers me more than anything else. I think it is clear that when they send up the results of their initial survey, while we cannot veto that, I am hopeful, and I want the record to show, that we intend that the Department of Interior will give serious consideration to the action that the committee might take in expressing its dissent or suggested modifications of that initial inventory.

Clearly, Mr. President, if this procedure is to work, it will require the full cooperation of the House and Senate committees. I hope that the Department will understand that simply to go off willy-nilly on their own and then send up a whole series of designated sites to commemorate a given President, will not be acceptable. We would reserve the right to veto the whole package. So, if the Department is to be successful, I would urge that they do the kind of preliminary work that will make certain that their program is sound and, of course, in accordance with what we have done in the past in honoring our Presidents.

I observe that we have had some problem on certain projects which have required amendments and changes in the proposals that have been submitted. I am willing, however, Mr. President, to go along at this time to see if it works. If it works, so much the better. It will save a lot of time. I think the senior Senator from Oregon would agree that it is going to take a lot of careful work on the part of the Department of the Interior with the respective committees of the House and Senate.

Mr. HATFIELD. Mr. President, I thank the Senator from Washington. I associate myself with his remarks of concern and of admonition to the Secretary of Interior.

Mr. President, actually, in the long run, this plan will make a more comprehensive and perhaps a more orderly approach to this program of commemoration than we have had in the past.

I cannot help but look at the list here of how we have handled these commemorations in the past purely on an ad hoc basis, unrelated to any kind of overall plan. As a consequence, we have the Theodore Roosevelt Birthplace National Historic Site, we have the Theodore Roosevelt National Park, we have the Sagamore Hill National Historic Site, which is Theodore Roosevelt's home, and we have the Theodore Roosevelt Inaugural National Historic Site. We have four sites just dealing with Theodore Roosevelt, obviously ad hoc approval at different times.

Then we have the home of Franklin D. Roosevelt as a national historic site, we have the Roosevelt Campobello International Park in Canada, and we passed the Valkill home for Eleanor Roosevelt.

I happen to be on the Roosevelt Memorial Commission that is developing a memorial here. So, obviously, we have little correlation of activity in this memorializing program.

I think, frankly, that this will bring a little more orderly approach and tighter control because, once a President has been commemorated, it seems to me that is sufficient to carry his name into posterity.

Also, I think that we must recognize that some memorials are in private ownership and perhaps that is well, too, to maintain, although I think we ought to be willing to consolidate these memorials even between the State and local governments and private groups, as well as with the Federal Government.

Mr. President, I ask unanimous consent that a letter from the Acting Deputy Director of the Department of the Interior, National Park Service, and a list of Presidential sites in the National Park System be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Washington, D.C., July 30, 1979.

HON. MARK O. HATFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HATFIELD: Thank you for your letter of June 14 concerning sites associated with the Presidents of the United States.

The enclosed compilation lists the 20 presidential sites in or directly associated with the National Park System. All except General Grant National Memorial (Grant's Tomb) and Ford's Theatre, which includes the House Where Lincoln Died, were homes or dwellings of the Presidents. Roosevelt-Campobello, as indicated, is international and in Canada but receives support from the United States channeled through the National Park Service. Theodore Roosevelt Inaugural National Historic Site in New York is owned by the United States but is funded and operated by a foundation.

The classification of these areas is indicated in their titles. Theodore Roosevelt National Park until recently was Theodore Roosevelt National Memorial and includes Roosevelt's Elkhorn Ranch. The type of acquisition employed at each site and the acreage associated with it is indicated. The acreage given is the amount of land in Federal ownership only rather than gross acreage. The costs shown are operating and maintenance costs for Fiscal Year 1979.

We do not have definitive information on Presidential sites not administered by the Service. Because such sites are probably on the National Register of Historic Places, we have discussed your request with Mr. William Lebovich of the National Register and sent a copy of your letter to him. The National Register is now located within the Heritage Conservation and Recreation Service. You may expect to hear from that agency soon.

It is our understanding that your interest is confined to homes, offices and similar sites associated with the Presidents rather than memorials erected to them. The latter, of course, would include Mount Rushmore National Memorial, the Lincoln Memorial and numerous other edifices and memorial sites in Washington and elsewhere within and outside the National Park System.

Sincerely yours,
DANIEL J. TOBIN, Jr.,
Acting Deputy Director.

PRESIDENTIAL SITES IN THE NATIONAL PARK SYSTEM

GEORGE WASHINGTON BIRTHPLACE NATIONAL MONUMENT, VIRGINIA

Established: January 23, 1930.

Acquired by: Purchase—273.66 acres. Donation—182.32 acres.

Agreements: Wakefield Memorial Association. Operation of gift shop. Profits are spent for park uses.

Costs FY 1979: $450,700.

ADAMS NATIONAL HISTORIC SITE, MASSACHUSETTS

Established: December 9, 1946.

Acquired by: Purchase—4.77 acres. Donation—4.40 acres.

Agreements: None.

Costs FY 1979: $311,600.

NOTE: This park recently acquired the John Adams Birthplace and the John Quincy Adams Birthplace. $100,000 was provided for their operation for the remainder of the fiscal year.

MARTIN VAN BUREN NATIONAL HISTORIC SITE, NEW YORK

Authorized: October 26, 1974.

Acquired by: Purchase—12.84 acres.

Agreements: None.

Costs FY 1979: $353,300.

ABRAHAM LINCOLN BIRTHPLACE NATIONAL HISTORIC SITE, KENTUCKY

Established: July 17, 1916.

Acquired by: Purchase—6.0 acres. Donation—110.5 acres.

Agreements: Lincoln Farm Association provides a $50,000 endowment fund. Proceeds to be used to protect and maintain memorial.

Costs FY 1979: $212,100.

LINCOLN BOYHOOD NATIONAL MEMORIAL, INDIANA

Authorized: February 19, 1962.

Acquired by: Purchase—149.31 acres. Donation—14.00 acres.

Agreements: Informal agreement for fire protection.

Costs FY 1979: $249,800.

LINCOLN HOME NATIONAL HISTORIC SITE, ILLINOIS

Authorized: August 18, 1971.

Acquired by: Purchase—11.73 acres.

Agreements: None.

Costs fiscal year 1979: $589,200.

FORD'S THEATRE NATIONAL HISTORIC SITE, DISTRICT OF COLUMBIA

Transferred to National Park Service: August 10, 1933.

Acquired by: Transfer—0.29 acres.

Agreements: Ford's Theatre Society to promote the active use of the theatre.

Costs fiscal year 1979: $581,900.

ANDREW JOHNSON NATIONAL HISTORIC SITE, TENNESSEE

Authorized: August 29, 1935.

Acquired by: Purchase—2.30 acres. Donation—0.13 acres. Transfer—14.25 acres.

Agreements: None.

Costs fiscal year 1979: $160,000.

GENERAL GRANT NATIONAL MEMORIAL, NEW YORK

Dedicated: April 27, 1897.

Acquired by: Donation—0.76 acres.

Agreements: None.

Costs fiscal year 1979: $86,300.

THEODORE ROOSEVELT BIRTHPLACE NATIONAL HISTORIC SITE, NEW YORK

Authorized: July 25, 1962.

Acquired by: Donation—0.11 acres.

Agreements: Theodore Roosevelt Association provided a $500,000 endowment for the site. Park and Association make joint recommendations for use of proceeds.

Costs fiscal year 1979: $70,700.

THEODORE ROOSEVELT NATIONAL PARK, NORTH DAKOTA

Established: April 25, 1947.

Acquired by: Purchase—615.75 acres. Donation—119.86 acres. Transfer—59,178.01 acres. Exchange—9,762.26 acres.

Agreements: Medora, N.D.—Structural fire protection. U.S. Forest Service and North Dakota Fish and Game Department and Wildlife studies. Protective oil and gas lease with Bureau of Land Management and Amerada Hess Corporation to slant drill under the park.

Costs fiscal year 1979: $672,400.

SAGAMORE HILL NATIONAL HISTORIC SITE, NEW YORK

Authorized: July 25, 1962.

Acquired by: Donation—85.0 acres.

Agreements: Theodore Roosevelt Association. Maintain an office in the basement of the house. Boone and Crockett Club. Maintain an exhibit in the house.

Costs fiscal year 1979: $323,600.

THEODORE ROOSEVELT INAUGURAL NATIONAL HISTORIC SITE, NEW YORK

Authorized: November 2, 1966.

Acquired by: Purchase—1.03 acres.

Agreements: Theodore Roosevelt Inaugural Site Foundation operates park in accordance with a cooperative agreement at no expense to the United States.

Costs FY 1979: None.

WILLIAM HOWARD TAFT NATIONAL HISTORIC SITE, OHIO

Authorized: December 2, 1962.

Acquired by: Donation—0.83 acres.

Agreements: William Howard Taft Memorial Association concerning storage and care of Taft furnishings.

Costs FY 1979: $108,500.

HERBERT HOOVER NATIONAL HISTORIC SITE, IOWA

Authorized: August 12, 1965.

Acquired by: Purchase—145.23 acres. Donation—7.88 acres. Transfer—28.00 acres.

Agreement: General Services Administration concerning joint library and park development and security matters. West Branch "Iowa" on Streets. Herbert Hoover Presidential Library Association on management of the park.

Costs FY 1979: $345,600.

HOME OF FRANKLIN D. ROOSEVELT NATIONAL HISTORIC SITE, NEW YORK

Designated: January 15, 1944.

Acquired by: Purchase—170.20 acres. Donation—93.69 acres.

Agreements: General Services Administration concerning maintenance and fee collection costs associated with Franklin D. Roosevelt Library.

Costs FY 1979: $535,500.

ROOSEVELT CAMPOBELLO INTERNATIONAL PARK, CANADA (AFFILIATED AREA)

Established: July 7, 1964.

Acquired by: Donation—2,721.50 acres (non-Federal).

Agreement: Operated by a joint Canada-United States Commission.

Costs FY 1979: $298,000—(U.S. share).

EISENHOWER NATIONAL HISTORIC SITE, PENNSYLVANIA

Designated: November 12, 1967.

Authorized: December 2, 1969.

Acquired by: Donation—492.54 acres.

Agreements: Mrs. Eisenhower utilizes the house and 14 acres of land in accordance with a special use permit.

Costs FY 1979: $186,800.

JOHN FITZGERALD KENNEDY NATIONAL HISTORIC SITE, MASSACHUSETTS

Authorized: May 26, 1967.

Acquired by: Donation—0.09 acres.

Agreements: None.

Costs FY 1979: $79,400.

LYNDON B. JOHNSON NATIONAL HISTORIC SITE, TEXAS

Authorized: December 2, 1969.

Acquired by: Donation—242.34.

Agreements: With President and Mrs. Johnson concerning donations of portions of the site, lifetime use by the Johnsons, employment of the Johnson staff, maintenance, tours through the site etc.

Costs FY 1979: $926,500.

Mr. HATFIELD. Mr. President, I yield back the remainder of my time.

Mr. JACKSON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon.

The amendment was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JACKSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 981

(Purpose: To provide for the Federal acquisition of lands along the Georgetown Waterfront in the District of Columbia for preservation, protection and recreation purposes)

Mr. HATFIELD. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Oregon (Mr. HATFIELD) proposes an unprinted amendment numbered 981.

Mr. HATFIELD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 31, after line 19, insert a new section and renumber the succeeding section number accordingly.

SEC. 116 (a) Effective on the date of the enactment of this section, there is hereby vested in the United States all right, title, and interest in, and the right to immediate possession of, all of the following described lands and improvements comprising that area within the District of Columbia which is generally bounded on the north by K Street, on the East by Rock Creek, on the south by the Potomac River, and on the west by a line four hundred feet west of Key Bridge.

(b) Such area shall be administered by the Secretary of the Interior in a manner so as to assure the preservation and protection of the Potomac River shoreline and for recreational and other compatible purposes. The Secretary shall promulgate such regulations as may be necessary to carry out the provisions of this section.

(c) Any action against the United States for the recovery of just compensation for the lands and improvements herein taken by the United States shall be brought in the United States district court for the district where the land is located without regard to the amount claimed. Just compensation shall be determined as of July 12, 1979. The United States may initiate proceedings at any time seeking a determination of just compensation in the district court in the manner provided by sections 1358 and 1403 of title 28, United States Code, and may deposit in the registry of the court the estimated just compensation, or a part thereof, in accordance with the procedure generally described by section 258a of title 40, United States Code. Interest shall not be allowed on such amounts as shall have been paid into the court. In the event that the Secretary determines that the fee simple title to any property (real or personal) taken under this section is not necessary for the purposes of this section, he may revest title to such property subject to such reservations, terms, and conditions, if any, as he deems appropriate to carry out the purposes of this section, and may compensate the former owner for no more than the fair market value of the rights so reserved, except that the Secretary may not revest title to any property for which just compensation has been paid.

(d) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

Mr. HATFIELD. Mr. President, this amendment is an attempt to declare the remaining part of the Potomac River front shoreline as a national park to complete that waterfront shoreline which has become one of the most beautiful parks of our whole national city.

There are some 20 acres-plus that are included now in a private ownership. That ownership has made it clear that the developers are about ready to move in. When you begin to look at the density of population of the Georgetown waterfront, Mr. President, we are appalled at the lack of open space. The present construction going on in the Georgetown area will add 10,000 people either as transients, living in hotel rooms, or as workers in offices, or as people living in apartments. Those construction projects when completed will bring 10,000 more people into the Georgetown area.

As I say, we have, along that Potomac River from the Key Bridge on up the canal direction, a clearly Federal and public interest by the openness of that area and the park character of it, and then beginning at the Kennedy Center on the Kennedy Center side of the Georgetown area involved here we again have park, which makes for the kind of open space that we should complete with this present gap that is in private ownership.

As I indicated before, I do serve on the Roosevelt Memorial Commission, and this could well become an alternative site to the Roosevelt Memorial, once it is agreed upon. It would be across the river from the Theodore Roosevelt Island and, therefore, would have an important relationship. Besides, it may well be a better engineering site than the present Roosevelt Memorial site on the Tidal Basin, which is land filled.

Mr. President, the amendment that I am proposing will enable the Senate to resolve a longstanding issue in the National Capital region and fill in a gap in the protected shoreline along the Potomac River. The waterfront land south of Georgetown on the Potomac is the only piece of shoreland between Cumberland, Md., and the city of Washington that has not been made into parkland for the use and enjoyment of the public.

Senators may be familiar with the unfortunate conglomeration of parking facilities, smoke stacks, and garbage trucks that presently line the river between the Key Bridge and Rock Creek.

The creation of a park at this 20-acre waterfront site has been blocked because the 6 privately-owned acres present developers with an attractive investment opportunity should the small plot be filled with a mix of commercial and high-income residential development.

Economic realities being what they are, national interests in protecting this plot of land are in danger of being overwhelmed by the profit motive. My amendment, very simply, would authorize the Secretary of the Interior to accept the donation of the 6 privately-owned acres, or purchase the land at its market value.

Officials from the city, the Interior Department, the National Capital Planning Commission, and the development company, not having the authority to approve such an action as is contemplated by my amendment, agreed upon a compromise plan which would permit a development surrounded by a park on the area. That park, however, is little more than landscaping for the building development. The development, moreover, is completely unsatisfactory, having been disapproved by both the Fine Arts Commission and the Old Georgetown Board. One of its major drawbacks is the fact that the waterfront floods regularly. In fact, the area has been submerged by high water 17 times since 1924.

The waterfront, as an ecological environment, and as part of the National Capital is only suitable for a green park.

I trust my colleagues will have the vision and foresight to protect this land by supporting my amendment.

I have talked to the chairman of the committee, my colleague from the State of Washington. We have not had a hearing on this proposal. There is a great deal of public interest. The mayor of the city is deeply interested. There is a citizens group which has been formed, which is also deeply interested. Delegate WALTER FAUNTROY and I have discussed the matter. He is personally concerned as well.

So there are people and many groups which are very interested in this project.

Because we have not had a hearing, I felt constrained to raise this issue at this time.

I will now yield to the chairman of the committee and ask for his response.

Mr. JACKSON. Mr. President, I am most sympathetic and supportive of what the Senator from Oregon has discussed in connection with the Georgetown project. The area to be covered in his amendment is an eyesore, to put it bluntly. I would say, as he has mentioned, that it is one area that is not covered by appropriate protection which runs generally from the Kennedy Center area to the commencement of the C. & O. Canal.

I believe the best procedure here would be for our committee to hold a hearing to get into all the ramifications, including cost and other details. I will assure the Senator from Oregon that the committee will undertake those hearings. I would hope that he would, therefore, defer action on the amendment at this time.

Mr. HATFIELD. Mr. President, I am very gratified by the assurance on the part of our chairman, his interest concerning this project and his assurance for the hearing that we will have in our committee. If I might ask the chairman, I would assume that hearing could be arranged or scheduled in the very near future.

Mr. JACKSON. We will move expeditiously. I understand that time is of the essence here.

Mr. HATFIELD. Time is of the essence. If we could get the assurance of a hearing very shortly to resolve this question, then I would at this time, Mr. President, withdraw my amendment.

Mr. JACKSON. As the Senator knows, I would want to discuss it with the chairman of the subcommittee (Mr. BUMPERS). I know he will be supportive also.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

UP AMENDMENT NO. 982

(Purpose: To delete Santa Rosa Island from the proposed Channel Islands National Park)

Mr. HAYAKAWA. Mr. President, I send an amendment to the desk on behalf of myself, Mr. MCCLURE, Mr. WALLOP, and Mr. STEVENS, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from California (Mr. HAYAKAWA) for himself, Mr. MCCLURE, Mr. WALLOP, and Mr. STEVENS, proposes an unprinted amendment numbered 982.

Mr. HAYAKAWA. I ask unanimous consent, Mr. President, that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 32, line 14, after "Prince Islands" delete "Santa Rosa,".

On page 32, line 18 and after "numbered" delete "159–20,008" and insert, "159–20,009".

On line 19, delete "April 1979" and insert "February 1980".

On page 34, delete lines 17 through 21 and renumber succeeding sections accordingly.

On page 40, line 3 after "appropriated" delete "$30,100,000" and insert "$5,100,000".

Mr. HAYAKAWA. Mr. President, this amendment would delete Santa Rosa Island from the proposed Channel Islands National Park. The reason I am offering this amendment is that there is absolutely no reason that this island should be acquired by the Federal Government at this time. The land is very expensive, and the taxpayers should not be burdened with such a costly purchase. This is especially true in light of the fact that we would be putting a very productive cattle ranch out of operation.

Santa Rosa Island has been held in joint ownership by the Vail and Vickers families since 1902. Throughout this period the ranch has been a highly successful and productive sustained-yield cattle operation. The island is located about 25 miles off the coast of southern California between Point Conception and Santa Barbara, and its consists of approximately 52,000 acres. The terrain is predominantly oak-grass land, with well distributed water courses for stock watering.

In an average year the ranch supports between 6,000 and 7,000 head of cattle. These cattle are shipped to the island in the fall, and they are grazed on the range over the winter months and then sold in the spring after they have been fattened. The cattle are transported to and from the mainland on a cattle boat called *Vaquero*. This same boat is used to transport personnel and supplies.

In addition to managing the cattle business, the owners of Santa Rosa Island also manage several species of wildlife including feral pigs, Kaibab mule deer, and Roosevelt elk. They are really conservationists.

The Vails and the Vickers have been most generous over the years in allowing the public access to their island without any charge. The owners have a permit system which they have established in order to be able to identify members of the public who wish to visit the island. These permits are made available, but the access is limited in order to protect the public safety, and to protect the resources, especially in preventing fires on the island. The owners have been generous in cooperating with both individuals and with institutions in allowing archeological, botanical, and other academic research to be conducted on Santa Rosa Island.

There is no restriction existing at the present time for teams of university scientists and so on from going in and studying the flora or studying the archeological remains that may be found there.

Furthermore, from a fiscal point of view, this island is part of Santa Barbara County and the owners pay county taxes. Since it is a pretty rich and productive ranch, it pays very generous taxes. This is a productive business, and there is no reason to close down this cattle ranch.

The family has been commended for the very good care they have taken of the land over the years. Yet they are being punished for their very excellent stewardship of the land by having the Government take over their property.

It is an extraordinary situation, Mr. President. Over and over again, we find that amateur, self-taught, self-educated conservationists are being punished by professional conversationists with offices in Washington, even when they are doing a better job than the bureaucracies that are set in Washington would do for the protection of those areas.

The family wishes to continue their cattle ranching operation, and I support them. There is absolutely no need to acquire Santa Rosa Island.

Mr. President, each year millions of acres of prime agricultural land are taken out of production. The problem is more serious in the State of California than in any other State in the country. Many of my colleagues have been supportive of legislation to spend $50 million of Federal money for matching grants to the State and local governments in order to study the reasons why this problem of the loss of farmland is so grave.

The Vail family, who owns the island, is not alone in wanting to protect this cattle ranching operation. The National Cattlemen's Association and the California Cattlemen's Association have been in touch with my office. Both groups have expressed their very grave concern about this productive cattle ranch being forced out of business. Such an action on the part of the Federal Government is especially ironic when you consider that, under National Park Service management, the land will not be as accessible to the public as it is now in private ownership.

If we are to spend $25 million or more to acquire a very successful cattle ranch and turn it into a national park, it would only make sense that the public should have this land accessible to them. Yet, recreational opportunities will not be increased by such an acquisition, they will be decreased, because there is a system already in operation where people can go there for recreational purposes.

These islands are remote and difficult to reach. They are also expensive to reach—one must travel by boat or plane to arrive at any of these islands. It is most likely that the Channel Islands National Park will be used only by an elite group of backpackers and nature enthusiasts who are well off and can afford to get there.

Santa Rosa Island is not a wilderness. It is a productive cattle ranch, and it generates revenue from taxes and, therefore, contributes to our standard of living. The island is well protected under the current ownership. The current owners are extremely fond of the island and it is in their own best interest to maintain the integrity of the land as they have done for 78 years. We are not only destroying a cattle ranch, we are destroying a lifestyle that these families have maintained for more than three-quarters of a century. This lifestyle allows not only for the kind of life they want to lead, but it also allows for productive use of the land year after year, for an indefinite period of time ahead.

Mr. President, there is no urgency in the Federal Government moving to acquire this land. There is no activity taking place on the land that will threaten the environment.

Mr. President, I am offering this amendment to exclude Santa Rosa Island from this park bill on behalf of the owners of that island. These owners have impeccably protected and preserved this land for over 75 years, three quarters of a century. Its inclusion in the park is unjustified on conservation grounds.

The wildlife is being protected, the ecology is being protected, the birds are being protected, the native plants are being protected, as I know from consultation with my wife, who is an editor of a journal on the subject of native plants of California.

Should this island be left out of the park, Mr. President, the land will continue to be carefully protected under private ownership.

There is no planned development or any planned activity that would degrade the environment. There is no point in buying 52,000 acres for $25 million only to put a successful and well-managed cattle ranch out of business.

For these reasons I urge my colleagues to join me in deleting Santa Rosa Island from the boundaries of the Channel Islands National Park.

It is an unnecessary expense, a costly expense. It is not only costly to pay for immediately, it is costly in terms of taxes due to Santa Barbara County and to the State and the Nation that this highly successful farm can generate for an indefinite period of time ahead.

Mr. President, I ask unanimous consent that a statement in support of my position by the distinguished Senator from Wyoming (Mr. Wallop) be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

Statement By Mr. Wallop

I rise in support of the amendment offered by the distinguished junior senator from California to delete Santa Rosa Island from the boundaries of Channel Islands National Park.

Santa Rosa Island is a 52,000 acre cattle ranch which has been held in joint ownership by the Vail and Vickers families since 1902. Throughout this period the ranch has been highly successful and productive. About 6500 head of cattle graze and fatten there in an average year. The cattle are shipped to and from the island on a cattleboat, which also transports people and supplies. In addition, the Vails also manage several imported wildlife populations, including feral pigs, Kaibab mule deer, and Roosevelt elk.

The public is allowed ashore at ranch headquarters without charge, with visitation managed through issuance of permits out of the company office at Santa Barbara. Access has been limited to protect both the public safety and the island from fire, and I understand the public has cooperated well. It also has been the owners' policy to allow archaeological, botanical, and other academic research by qualified independent individuals and institutions. This is a profitable business which pays taxes and produces tons of meat yearly, and receives no county services.

It is widely recognized that the owners of Santa Rosa Island have done an excellent job of preserving and protecting this outstanding resource. At hearings in the Senate Energy Committee on this issue everyone commended the landowners for their environmentally sound stewardship over the years. The Department of Interior testified: "(The ranch) is run as a 19th century California ranch, and is itself historically significant. The Vail family and the other owners are to be commended for their fine stewardship and sensitivity to the resources found on Santa Rosa Island."

The landowners of Santa Rosa Island testified in hearings that they desire and intend to continue their ranching operations, and expressed concerns over being included within the boundaries of Channel Islands National Park. The committee staff worked with the landowners on language which would have protected the rights to continue their operations with the park, but unfortunately everyone was unable to agree on language. Therefore, on November 7, 1979, I and other members of the Senate Energy Committee received a letter from the landowners asking that the committee exclude Santa Rosa Island from the Channel Islands National Park and from regulation by the National Park Service entirely, so that the owners can continue the operation of their cattle ranch without any government control. Failing exclusion, the owners asked that Santa Rosa be included in the park, condemned, and the owners paid fair market value for it at once. I submit the letter from Mr. Al Vail making this request, together with his reasons for making it, for the Record, to follow my remarks.

Mr. President, there are a host of reasons why the Senate should not include Santa Rosa Island in H.R. 3757.

First, as everyone has repeatedly pointed out, the landowners there have done a superb job of protecting and preserving the island in private ownership, and federal acquisition at great cost to the taxpaying public is unnecessary and an unjustified use of federal power. I know of no other case where a piece of property this size has been included within a national park over the strong objections of its owners. The owners have indicated they intend to continue managing Santa Rosa Island as a working ranch, and in view of their excellent record of stewardship, this Congress and the federal government has no need to override private property owner rights in the manner dictated in this legislation.

Second, Santa Rosa Island is already protected from adverse development by state and local laws. The island falls under the jurisdiction of the California State Coastal Commission and is zoned for agriculture. The owners would have to apply and receive permission from the Coastal Commission in order to change from present use. The island is also protected under Ventura County zoning ordinances. It is my understanding that the landowners did recently apply to the local zoning board for permission to subdivide. They did this not with the intent of subdividing, but in order to fix the value of their property at its highest and best use allowed under law. As my colleagues know, the federal government must under the requirements of the Uniform Relocation Assistance and Real Property Acquisition Law compensate for the highest and best use value under local law of acquired private property. This is also consistent with the Uniform Appraisal Standards for Federal Land Acquisition.

Third, Congress and the federal government cannot continue to spend huge amounts of money to acquire fee title to private lands which 1. do not require federal protection, or 2. which can be protected in less expensive, more innovative means. I have contended time and time again that the federal government does not need to and cannot afford to buy all of the areas which deserve protection in this nation. A December GAO report has now confirmed that the Forest Service, Fish and Wildlife Service, and National Park Service have misspent millions of dollars on poorly planned or needless land purchases. The GAO findings, which have received wide media coverage in the last few weeks, said the following:

"The three agencies generally followed the practice of acquiring as much land as possible without regard to need and alternatives to purchase unless specially spelled out in legislation. Consequently, lands have been purchased not essential to achieving project objectives, and before planning how the land was to be used and managed. Because of this practice, Federal agencies overlooked viable alternative land protection strategies such as easements, zoning, and other Federal regulatory controls. . . ."

The report recommends that the Departments of Interior and Agriculture should establish a policy for federal protection and acquisition of land, and should evaluate the need to purchase additional lands in existing projects vis a vis alternative ways to protect lands. GAO recommends the agencies should weigh the need for the land against the costs and impacts on private landowners, and state and local governments which lose land for agriculture, housing, other development, and local property taxes. Mr. President, I will submit the digest to the GAO Report entitled "The Federal Drive to Acquire Private Lands Should Be Reassessed" for printing in the Congressional Record at the conclusion of my remarks.

These findings dovetail with recommendations made by the President's Council on Environmental Quality in a report released last year. CEQ recommended that federal land management agencies adopt a new land planning strategy along the lines of the British greenlining system, which relies on private land stewardship. Furthermore OMB has also expressed concern over federal land acquisition of so much private land, and whether it is indeed necessary for the federal government to keep acquiring extensive private holdings.

Fourth, the costs of acquiring this property will be huge to the local economy and the federal treasury. Approximately 70 people are employed by or derive their livelihood from the Vail and Vickers Cattle Company. The owners of the island pay some $52,000 in annual property taxes to the local county. Most significantly, the federal government is obliging itself to pay at the very least $25 million and probably no less than $50 million to acquire this island. The Park Service last summer, in an appraisal which it has admitted is inadequate, appraised the property at $19 million, and now estimates it will have to pay around $25 million. However, NPS appraisals are generally below the actual fair market value of private lands. The Justice Department has furnished figures which indicate that on a nationwide basis courts have traditionally awarded some 30 percent above the highest and best NPS offer, and in some instances they have awarded considerably more. The Vails have said they will contest the NPS-offered purchase price in court. Finally, these figures do not take into account the cost to the federal government of payment of in-lieu taxes for the new park lands.

Fifth, if this bill passes and Santa Rosa Island is incorporated within Channel Islands National Park, there is simply no certainty that this Congress or any future Congress will indeed appropriate $30 million or $50 million to acquire this land. The Senate Interior Appropriations Subcommittee, like the Senate Energy and Natural Resources Committee, is considering holding hearings on the entire issue of federal land acquisition policy and the recent GAO report. I am worried that if Congress creates this park, and includes Santa Rosa Island, but then does not appropriate sufficient funds to buy out the Vail property next year, the landowners will be left trying to run a cattle operation under the stringent inholding management policy of the National Park Service. That policy prohibits most of the kinds of normal, day to day activities which go into running a cattle ranch.

I do not know what the Park Service will do when the landowners propose to build a fence, or put up a new barn, or undertake any activity which is not permitted in inholdings. The Park Service could condemn the property, but condemnation of 53,000 acres is unlikely. It seems more likely that the Park Service would seek a restraining order to stop activities defined as incompatible. This will have the effect of constraining ranch operations to a point where operation of the ranch could become economically not viable.

The Vails have been outstanding stewards of Santa Rosa Island for generations. They want to continue ranching their land in the same way in the future. The next generation in the family is now coming of age, and I understand that they are studying ranch management in college and want to continue ranching. If the Vail and Vickers Cattle Company is included in the park, the landowners will for all practical purposes be unable to ranch. If they continue normal operations, they will violate National Park Service regulations and could be condemned. They do not want to live under government regulations, and there is no need for them to have to do so. I hope that my colleagues will join me in supporting this amendment, and I thank the chair.

The material follows:

VAIL & VICKERS,
Santa Barbara, Calif., November 7, 1979.

Re S. 1104—Channel Islands National Park—Santa Rosa Island.

Hon. MALCOLM WALLOP,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: We are the owners of Santa Rosa Island in California. S. 1104 will include this property in the Channel Islands National Park. We have been deeply concerned with S. 1104 for over ten months. We have been working with members of the Senate Subcommittee on Parks, Recreation and Renewable Resources, with their staffs, and with members of Congress, seeking amendments to the bill which would protect our property interests and at the same time benefit the public. We have come to the conclusion that such a compromise is not forthcoming.

Therefore, we respectfully solicit your help in accomplishing one of the following ends with respect to S. 1104 and its effect on Santa Rosa Island.

1. Exclude Santa Rosa Island from the Channel Islands National Park, and from regulation by the National Park Service entirely. Let us continue the operation of our cattle ranch there without government control.

2. Failing exclusion, put Santa Rosa in the Park, condemn the property, and pay us the fair market value of it at once.

Attached to this letter is a resume of our reasons for urging the exclusion of Santa Rosa Island from the park. We hope you will consider our argument and do whatever you can to amend the bill to accomplish either of our aims set out above.

Thank you for your assistance and consideration.

Very truly yours,

AL VAIL.

NOVEMBER 7, 1979.

Re: S. 1104—Channel Islands National Park—Santa Rosa Island.

The owners of Santa Rosa Island urge that this island be excluded from the Channel Islands National Park created by S. 1104.

Santa Rosa is a 53,000-acre island off the coast of Santa Barbara, California. The entire island is one cattle ranch which we have operated since 1902, ranging about 6,500 head of cattle yearly. S. 1104 provides that this property, along with the neighboring islands owned by the federal government, a conservation foundation, or by willing owners, be made the Channel Islands National Park. The bill also provides that Santa Rosa, though included in the Park, remain nominally and temporarily in private ownership, subject to National Park Service regulations.

We object to Santa Rosa's inclusion in the Channel Islands National Park for the following reasons:

1. Santa Rosa Island has been impeccably protected and preserved during our more than seventy-seven years of ownership. Its inclusion within the park is unjustified on conservation grounds.

The quality of this conservation effort is evidenced in testimony before the Senate Subcommittee on Parks, Recreation and Renewable Resources, and in the language of the committee's staff in its recommendations for amendment of the bill.

2. The inclusion of Santa Rosa Island within the park boundaries is unnecessary.

The National Park Service does not need this island. Other land included in the park constitutes over 70,000 acres. This large area is adequate for many years to come. This is especially true because the Park Service intends that use of the park will always be limited because of the very delicate environment; in short, the public will be largely excluded from the islands.

Further, it has become evident that the National Park Service will not use this property for their programs until well into the future. In other words, the Park Service would like the island to be put under their jurisdiction—"in the bank" at this time, leaving the owners to operate as caretakers under National Park Service regulations.

3. S. 1104 is a prime example of the omnipresent problems of government over-regulation of small businesses.

Operating a cattle ranch of this size under National Park Service regulations, which are onerous, arbitrary, and capricious, is impossible. With agricultural land going out of production at an alarming rate, it is economically unsound to over-regulate that which is left and thus decrease its production. With a "sage-brush rebellion" simmering, it is inappropriate for the federal government to indulge in empire building in the form of a further land grab. The federal government already owns nearly half the land in California; why does it need more?

4. Santa Rosa Island is an ongoing business, not unoccupied territory; it produces food, taxes, and employment.

Realistically, these functions have more social value than the untrue and self-serving National Park Service claims for the need for conservation.

5. The Interior Department is exceeding its intended function in acquiring a property of this type.

We are unable to find another example of a piece of property of this size and value being included in a national park over the strong objections of its owners.

6. The owners of Santa Rosa Island are being deprived of valuable property without compensation.

The value of the island after inclusion in the park will obviously be less than its value now. The decrease in value will result from the use of the land being severely restricted under National Park Service regulations and from its use being limited to that existing at the present only, instead of its highest and best use.

No consideration has been given to compensating the owners for this loss. We shall be forced to file a lawsuit for damages for this loss and to pursue it vigorously. At that time we shall also litigate other serious constitutional questions which the bill presents.

7. Finally, cost of inclusion of Santa Rosa Island in the park, whether it is acquired outright or merely controlled by regulation, will be very great.

This island is over 53,000 acres in area. Its inclusion in the park would involve a major expense.

Comptroller General's Report to the Chairman, Subcommittee on National Parks and Insular Affairs

DIGEST

Federal agencies need to acquire private lands essential to achieving the objectives of parks, forests, wild and scenic rivers, preserves, recreation areas established by the Congress. The Chairman, Subcommittee on National Parks and Insular Affairs, asked GAO to examine the Federal Government's policies and practices for purchasing title to land versus using less expensive protective methods. This report focuses on the activities of three Federal agencies with major land management and acquisition programs—the Forest Service, Department of Agriculture, and the Fish and Wildlife Service and the National Park Service, Department of the Interior.

The three agencies generally followed the practice of acquiring as much land as possible without regard to need and alternatives to purchase unless specially spelled out in legislation. Consequently, lands have been purchased not essential to achieving project objectives, and before planning how the land was to be used and managed. Because of this practice, Federal agencies overlook viable alternative land protection strategies such as easements, zoning, and other Federal regulatory controls including the dredge and fill permit program for protecting wetlands administered by the Corps of Engineers, Department of the Army. (See p. 9.)

MAGNITUDE OF FEDERAL LAND OWNERSHIP AND PURCHASES

Over one-third of all the land in the United States is owned by the Federal Government with local and State governments holding a small but growing share (6 percent). Additional land is held in trust for Indians, bringing total public ownership to 42 percent. Most of this was in the public domain and never owned by private individuals (700 million of the 760 million federally owned acres). Thus, some 60 million acres have been acquired. (See p. 1)

During fiscal years 1973–77, the National Park, Forest, and Fish and Wildlife Services acquired full or partial title to 2.2 million acres for $606 million. The predominant acquisition method used was purchase of full title, accounting for 88 percent of the acreage and 95 percent of the costs. Current legislation authorizes up to $10 billion through the Land and Water Conservation Fund—$4 billion for Federal acquisition and $6 billion for grants to States and local governments—for land acquisition and development over the next 11 years and assures that Federal agencies as well as State and local governments, will continue to increase their inventories of land. (See p. 5.)

COSTS AND IMPACTS SHOULD BE CONSIDERED IN LAND PURCHASES

Government acquisition of private lands for protection, preservation, and recreation is costly and usually prevents the land from being used for resource development, agriculture, and family dwellings. It also removes the land from local property tax rolls, although payments are made to local governments in lieu of taxes. (See p. 10.)

Agencies have regularly exceeded original cost estimates for purchasing land. The cost of many projects has doubled, tripled, even quadrupled from original estimates and authorizations. Also, agencies have bought land without adequate consideration of the impact on communities and private owners by viewing acquisition of full title as the only way to protect lands within project boundaries.

For example, for three wild and scenic rivers GAO reviewed, the original congressional ceilings had increased from $11 million to $34 million, an increase of 210 percent. This is in a program where land acquisition was intended to be minimal. Yet, agencies are buying as much land as possible, leading to increased costs and local opposition. (See p. 17.)

NEW LAND PROTECTION STRATEGIES AND OVERALL POLICIES NEEDED

The Federal Government has no overall policy on how much land it should protect, own, and acquire.

When the objectives of a project concern preservation, conservation, or aesthetic values, the Government need not necessarily own all of the land but could control the use of lands by alternative means such as easements and zoning. Alternatives are feasible and have been used successfully. For example, the Forest Service at the 754,000-acre Sawtooth National Recreation Area in Idaho, successfully worked with private landowners, conservation groups, State and local governments, and other Federal agencies to develop a comprehensive master plan for the area effectively combining land use controls, easements, and selected private land acquisition for this project. (See p. 22.)

Although the National Park, Forest, and Fish and Wildlife Services now have policies requiring consideration of less than full-fee acquisition, many agency officials argued that partial interests are costly, ineffective, and administratively burdensome. These feelings could hamper effective implementation of the agencies' policies. Further, their arguments seem to be perceived rather than demonstrated because there has been successful use of acquiring partial interests in land. For example, the Fish and Wildlife Service administers wetland easements on 1.1 million acres in the upper Midwest. While there have been relatively few violations among the 18,000 easements (340 in fiscal year 1976) officials stated that the use of easements provided protection of four times as much land as could have been acquired through full-title purchase.

Alternatives could offer other benefits. Resistance to Federal acquisition should be reduced, since the land will remain on the tax rolls. Residents will retain their homes, obviating relocation costs. Certain agricultural lands could remain in productive use, with the scenic values protected. Finally, the Federal Government would be saved the cost of administering the area although there could be costs associated with enforcement and maintenance. (See p. 23.)

Opportunities also exist to work with State and local governments. For example, when a 52-mile section of the Lower St. Croix River was made a component of the Wild and Scenic River System, local zoning ordinances were changed to provide protection. The Park Service, however, viewed this as only a temporary measure until it could purchase titles and restrictive easements to all the lands in the Park Service's 27-mile section. Costs have increased from the initial legislated ceiling of $7.3 million to the current ceiling of $19 million.

This attitude toward zoning has antagonized local communities and landowners. On the contrary, the States of Minnesota and Wisconsin, which have responsibility for 25 miles, feel easements and zoning can adequately protect the river. Thus, neither plans any major fee-title purchases. In this and several other projects it reviewed, GAO believes the Federal agency could have relied on the local initiatives taken to protect the land until it was evident that the protective provisions would change. At that time, Federal agencies could either protect the change or, if necessary, proceed to purchase lands through negotiation or condemnation. (See p. 30.)

In summary, alternatives to full-title acquisition, such as easements, zoning, and other Federal regulatory controls, are feasible and could be used by Federal agencies where appropriate. GAO recognizes that some lands must be purchased if they are essential to achieving project objectives. (See p. 34.)

RECOMMENDATIONS

GAO recommends that the Secretaries of the Departments of Agriculture and the Interior jointly establish a policy for Federal protection and acquisition of land. The Secretaries should explore the various alternatives to land acquisition and provide policy guidance to land-managing agencies on when lands should be purchased or when alternatives should be used to preserve, protect, and manage national parks, forests, wildlife refuges, wild and scenic rivers, recreation areas, and others.

GAO further recommends that the Secretaries evaluate the need to purchase additional lands in existing projects. This evaluation should include a detailed review of alternative ways to preserve and protect lands needed to achieve project objectives.

GAO further recommends that at every new project, before private lands are acquired, project plans be prepared which—

Identify specifically the land needed to meet project purposes and objectives;

Consider alternative land protection strategies;

Weigh the need for the land against the costs and impacts on private landowners and State and local governments;

Show close coordination with State and local governments and maximum reliance on their existing land use controls; and

Determine minor boundary changes which could save costs, facilitate management, or minimize bad effects.

RECOMMENDATION TO THE CONGRESS

GAO is recommending that the Congress during its authorization, oversight, and appropriation deliberations require the Secretaries of Agriculture and the Interior to report on the progress made in implementing GAO's recommendations. This should include a determination on the extent project plans for new and existing projects have been prepared which, as a minimum—evaluate the need to purchase lands essential to achieving project objectives,

Detail alternative ways to preserve and protect lands, and

Identify the impact on private landowners and others.

Congressional oversight in implementation of GAO's recommendations is needed because of the—

Large sums of money available from the Land and Water Conservation Fund for acquisition of private lands;

Practice followed by Federal agencies of acquiring as much private land as possible resulting in unnecessary land purchases and adverse impacts on private landowners;

Successful use of alternatives to full-title acquisition to achieve project objectives; and

Reluctance on the part of many agency officials to use less than full-title acquisition to achieve project objectives.

APPRAISAL OF AGENCY COMMENTS

Four of the five agencies responding—Forest Service, Department of Agriculture; Fish and Wildlife Service, National Park Service, and Heritage Conservation and Recreation Service, Department of the Interior—generally agreed with GAO's recommendations or said they were in compliance. The agencies sharply disagreed with some of GAO's conclusions and defended their practices as being consistent with Congressional intent. (See pp. 37 to 49.)

The Heritage Conservation and Recreation Service stated that what is needed is a thorough research, analysis, and training program to encourage project managers to use alternative land protection strategies. GAO agrees this is needed and should be considered during the development of a new Federal land protection and acquisition policy. (See p. 48.)

Interior's Office of the Solicitor disagreed with the conclusions and recommendations. Its major point was that the recommendations should be addressed to the Congress.

GAO believes the Secretaries of Agriculture and the Interior have the authority to implement GAO's recommendations. Further, it should be noted that the National Park, Forest, and Fish and Wildlife Services have adpoted separate policies requiring consideration of less than full-fee acquisition. (See p. 48.)

GAO believes the case examples included in the report and appendix I adequately support the conclusions reached. Further, GAO believes that where it is feasible to protect areas and to provide recreational opportunities to the American public by using alternatives to full-title acquisition, then the alternatives should be used. In no way is GAO against Federal full-title acquisition of and when it has been determined that acquiring such land is essential to achieving project objectives. This is the essence of the report.

Mr. JACKSON. Mr. President, I yield such time as he may desire to the senior Senator from California.

Mr. CRANSTON. I thank the distinguished chairman of the committee.

Mr. President, I oppose the exclusion of Santa Rosa Island from the Channel Islands National Park. Santa Rosa Island represents one of the best opportunities to preserve and interpret historical ranching operations, which is a very important aspect of the present use of that island. But adoption of the bill without this amendment would not mean that ranching automatically would have to stop on that island. There is a specific provision in the bill that would permit operation by the present owners to be carried on.

Whether is would be possible, even without any action here, for the family to carry on a ranching operation there indefinitely is rather unclear because of the effect of inheritance tax laws, which so often require the selling off of property at the time of a change of ownership through the decease of the original owners. Future owners, regardless of that fact, might very well want to proceed in any case with development or subdivision, which would destroy the natural beauty and resources of the island. There is no assurance that that would not occur.

Although their motives were not precisely clear when they did this, the present owners have, in fact, gone to the Santa Barbara County Board of Supervisors for a zoning change which would permit subdivision of the land.

The five Channel Islands given national park status under this bill are one ecological unit. In order to preserve their integrity, they need to be managed as a single unit.

To exclude Santa Rosa Island would basically gut the effort to preserve for all time, in almost a natural state, some islands that are the gem of the Pacific, especially because of their closeness to the shores of the continent.

Each of the Channel Islands is unique in its own right, and has features which make it worthy of national park designation itself.

Santa Rosa Island supports a number of plants and animals which are unique. For example, Santa Rosa is one of only two locations in the world where the Torrey Pine is known to occur naturally. The Channel Island Fox, which is listed by the State of California as a rare species, occurs only on the Channel Islands, and over time a seperate subspecies has developed which is unique to Santa Rosa Island. Santa Rosa Island also supports a highly significant marine biological community. It is a major breeding center for the California harbor seal.

The island contains extensive archeological and palentological resources that are of a highly significant value. This includes remnants of early man and dwarf fossil mammoth bones.

For all these reasons, Mr. President, I oppose the amendment. I hope my colleagues will join me in opposing it.

Mr. HAYAKAWA. Mr. President, if the senior Senator from California would yield, I should like to ask him a question or two.

It seems to me that the application for a zoning change was not made for the sake of putting housing there but for the sake of raising the value they can get in case they are forced to sell, that is, raising the price they can get. So if it is zoned for housing, even if they do not intend to put housing there, if they sell and get out, they can ask a very much higher price for it.

Is this not the case? Has there been any indication that they actually intend to put housing in there?

Mr. CRANSTON. As I stated in my earlier remarks, Mr. President, I do not know what their motives were. All I know is they applied for a zoning change which would permit subdivision of the land. Rather plainly, the land, if it were subdivided, would not be left as a ranch. It is presently a ranch. Their purpose may have been as the Senator suggests, to obtain a higher value if it were to be subdivided. The fact that they could seek authority for that would certainly indicate that a subdivision might occur there sometime in the future.

Mr. HAYAKAWA. The authority to subdivide was denied, and also they assured me they had no intention of developing, anyway.

Everything the Senator says about the natural wonders of the place is well known to me. It is even better known to the Vails and to the various naturalists and archeologists at the University of California.

Everybody consulted in this matter of protection over the last 75 years recognizes that such activity has been absolutely admirable. I do not know why we continue to punish those who have success in protecting the environment on an amateur basis without the backing of a Government agency, by taking that land away from them.

No outsider can know the islands as well as the present residents. No one knows how to protect all the wild creatures than the people presently there.

As I said, there are many unique features having to do with the marine biology of that island. Access for research into that has been freely granted to the University of California and other responsible bodies throughout history, in the scientific interest of those islands. So everything that needs to be protected is protected.

This is why I say that this is a fantastically absurd expenditure of money. In respectfully disagreeing with my senior Senator, I want to point out that the costs for buying something that is totally unnecessary is something we are both committed to fight against, are we not, at a time when the public wants us to balance the budget and the public wants us to reduce expenditures?

Here is one place the Senator and I can agree in a perfectly sensible way to save $25 million.

Mr. CRANSTON. Mr. President, the turning down of the application for a subdivision was undoubtedly influenced by the fact that this bill was pending in the Senate, that this bill had already passed the House, that the prospects were reasonably good that the bill would pass with a taking of the island along with the others preserved in the legislation. I would suspect that fact had some relevance to the action in turning down the application for a subdivision.

If the bill contained the proposed amendment and was enacted in that form and another application was made, that reason for turning down the application would no longer prevail and subdivision might well be approved.

I totally share the desire of my colleague from California to avoid unnecessary spending, I have repeatedly voted against spending that I have considered unnecessary and excessive.

However, in this case, I think we have

a project that is worthy of support. I suspect that because of inheritance tax laws, inflation, and the difficulty of passing on an estate from one generation to another, that at some time in the future if we did not act now, owners of Santa Rosa Island would be forced, even against their own wishes, to proceed to subdivide or sell it off.

At that time, there might be an emergency effort by the Federal Government to preserve this beautiful island, and it would then cost a great deal more money to the taxpayers of our State and our Nation.

For those reasons, I strongly oppose the present amendment. I also oppose it basically for more positive reasons, because I think we are taking a very important step in preserving close to its natural state one of the most beautiful parts of the United States.

Mr. JACKSON. Mr. President, I ask unanimous consent that two letters from the National Park Service to Senator BUMPERS regarding the Channel Islands proposal be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL PARK SERVICE,
Washington, D.C., February 15, 1980.

Hon. DALE BUMPERS,
Chairman, Subcommittee on Parks, Recreation and Renewable Resources, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

DEAR SENATOR BUMPERS: In response to a request by Mr. Tom Williams of your staff, we are pleased to provide the following information concerning the proposed Channel Islands National Park.

Prior to addressing your specific questions, it should be noted that the National Park Service views the Channel Islands as one ecological unit. It is the interrelationship of temporal, climatic, geophysical and marine forces that have shaped the Channel Islands into unique biological and cultural resource. In short, the terrestrial and marine environments flow together to form one interdependent ecosystem that should be considered a unit from a scientific research and resource management viewpoint—and is, in fact, considered as such by those scientists and resource managers involved in the study and management of the Channel Islands. Protection and maintenance of the ecological integrity of the islands requires they be managed as a single unit.

WHY SANTA ROSA ISLAND IS CRITICAL TO THE CHANNEL ISLANDS NATIONAL PARK

While protection and maintenance of the ecological integrity of the islands requires they be managed as a single unit, each island is unique in its own right. Those factors that make Santa Rosa Island unique and worthy of national park status are listed below:

1. The Torrey Pine is known to occur naturally in only two locations in the world. One forest is currently preserved in Torrey Pines State Park near Del Mar, California. The other naturally occurring forest is found on Santa Rosa Island.

2. The Channel Island Fox, which is listed by the State of California as a rare species, occurs only on the Channel Islands. Over time a separate sub-species has evolved which is unique to Santa Rosa Island. This unique sub-species is currently threatened by feral cats which are physically larger and prey upon the foxes.

3. The Santa Rosa-Cortez Ridge, extending from Santa Rosa Island southward has been identified as a major feeding ground for pinnipeds, sea birds and cetaceans (including a significant variety of endangered or threatened whales, such as blues, humpbacks and fin). In addition this ridge supports an extraordinary number of marine invertebrates and vertebrates. The Santa Rosa-Cortez Ridge is the only place where a monoplacopharon known as NEMA has been sighted. This group of animals, considered to be ancestral to 60 percent of all modern mollusks was sought to be extinct for 300 million years. This fact alone requires special protection of this under-sea ridge.

4. According to the Santa Barbara Museum of Natural History, Santa Rosa Island contains extensive archeological and paleontological resources that are of a highly significant value. These resources, which in part consist of remnants of early man and dwarf fossil mammoth bones, deserve a greater degree of protection from vandalism and theft.

5. While several examples of rare species have been specifically addressed above, it is important to note Santa Rosa Island supports other plants and animals which are unique to Santa Rosa Island and represent prime examples of sub-speciation.

6. Santa Rosa represents one of the best opportunities to preserve and interpret historical ranching operations.

7. In addition to the Santa Rosa-Cortez Ridge, which has been addressed above, it is important to note that Santa Rosa Island also supports a highly significant marine biological community. The extensive kelp beds and rocky coastline provide a superlative habitat for marine mammals and waterfowl. These marine resources, including what many experts consider to be the major breeding center for the California harbor seal, are of national significance.

EFFECT OF CHANNEL ISLANDS NATIONAL PARK ON OIL AND GAS RESOURCES

For the following reasons, it is the view of the National Park Service that the establishment of Channel Islands National Park will not result in lost oil and gas resources:

1. No oil and gas on the islands themselves. Test drilling on the islands in the past has proved unsuccessful. Most of the exploration data indicate the major oil and gas reserves are located in the Santa Barbara Channel.

2. Existing Restrictions are already in place. The boundary of one nautical mile as proposed by the Administration is well within the existing three-mile moratorium imposed by the State of California.

3. Secretary Andrus deleted 24 tracts from OCS sale No. 48. These parcels, many of which were critical to the protection of the Channel Islands, were deleted to protect the Islands and the proposed Marine Sanctuary, and because the potential benefits from areas of marginal oil and gas production would not outweigh the environmental consequences.

4. Existing technology will permit extraction if necessary. The Environmental Impact Statement issued by the Office of Coastal Zone Management has recommended that slant drilling be conducted within the preferred alternative No. 2 (a six-mile zone around the Islands).

5. The current state of the art, as it relates to oil and gas extraction, i.e., slant drilling, use of OST's and other technology currently used by oil companies on other off-shore areas, will allow for the extraction and transportation of needed oil and gas from the Santa Barbara Channel without drilling near the proposed one-mile boundary or using the Islands for land base compressor or processing operations.

LIMITED ENTRY AND LOW-INTENSITY USE

While limited entry and low-intensity use represent different specific concepts they are both part of a larger process of resource protection that relys heavily upon the restriction of visitor activities or access to mitigate environmental damage. Limited entry represents the optimum number of visitors that would be permitted to enter or remain within a specific park area for a designated period of time without significantly or permanently disrupting the park ecosystem. This "carrying capacity" would be developed as a result of scientific evidence and implemented by experienced resource managers familiar with the ecology of the Channel Islands.

Low intensity use, as distinguished from limited entry, provides for restrictions on the locations or types of use as opposed to an overall entry quota. Low intensity use alternatives would be developed by resources managers, using research data. The results of this integration of field experience and scientific research would be a visitor management plan that would limit the types of activities permitted to non-consumptive, minimal impact activities that are dispersed throughout an area as opposed to being concentrated. Examples of this philosophy include: prohibiting camping, use of fires, providing access at various points on the Islands instead of one and limiting the number of people that can embark from any one point.

The concepts of limited entry or low-intensity use are not new, but are implicit in Section 1 of title 16 of the United States Code, which provides in pertinent part "provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired. . . ." In addition, the Service currently exercises a similar authority found at 36 C.F.R. 2.6. This section provides the means by which the Superintendent may implement appropriate public use restrictions necessary for resource protection or visitor safety.

It should be noted that the Service intends to implement the limited entry-low intensity use concept very judiciously. While these concepts are intended to be used to protect fragile and environmentally sensitive portions of the islands, other major portions of the islands can withstand substantial visitor use.

We appreciate this opportunity to provide this information.

Sincerely yours,

DANIEL J. TOBIN, Jr.,
Acting Director.

NATIONAL PARK SERVICE,
Washington, D.C., November 13, 1979.

Hon. DALE BUMPERS,
Chairman, Subcommittee on Parks, Recreation, and Renewable Resources, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

DEAR SENATOR BUMPERS: It has been several months since I testified before your Subcommittee on S. 1104, a bill to establish Channel Islands National Park. At that time, I indicated the establishment of this park was our number one legislative priority, following resoltuion of the Alaska lands issue. Since the hearings, certain interests have raised objections to the Channel Islands legislation which cause us serious concern. I am taking this opportunity to address those objections.

The Western Oil and Gas Association has raised several objections. The Association opposes the limited visitor use provisions of the bill, saying such a park will not serve 200 million Americans. The Association also wishes to assure that the islands can be developed for oil and gas transmission facilities. I would only point out, Mr. Chairman, these unique, fragile resources may not survive to serve any Americans unless their carrying capacities are carefully analyzed and access is permitted consistent with the results of that analysis. The natural and cultural values of Santa Cruz, San Miguel, and Santa Rosa are national treasures. They deserve the best protection and interpretation this Nation can give them. Alternative methods for the transportation of oil and gas from Outer Continental Shelf production sites to the mainland are available. We need not sacrifice Santa Rosa Island for an oil pipeline compressor or onshore processing facility.

The Association fears the Department will recommend Class I air quality designation for the expanded park or propose a 15 mile setback from the islands, such as was enacted at Point Reyes National Seashore in 1978. Each of these actions would require specific legislation by the Congress, or, in the case of the air quality redesignation, by the State of California. Neither is included in legislation before your Committee. When, or if, the Department makes such proposals, the Congress would have the opportunity to weigh the effects of such proposals on both the environment and on the Nation's energy needs.

Among the principal resources of this marine environment are the kelp beds that in some places extend more than 1-mile beyond the island shores. Pursuant to a permit from the State, Kelco, a private company, harvests kelp within the proposed 1-nautical-mile boundary. The company has proposed an amendment to S. 1104 which would prohibit the Secretary of the Interior, should control of the marine component of the park pass to the Federal Government, from restricting continued kelp harvest without determining in public hearings that substantial evidence exists that such harvesting should be restricted to protect park resources. General NPS regulations prohibit the removal of trees and plants from parklands and waters. In view of the special significance of kelp to this island environment, the burden of proof should be on the private operator, who seeks to harvest public resources for profit, to show that his operation will have no adverse effect on the park. If he can demonstrate that kelp harvesting is consistent with resources protection, then we would consider special permits to continue harvesting. As such, the NPS believes the amendment is not necessary.

The Vail and Vickers Land and Cattle Company, the present owners of Santa Rosa, now apparently object to the inclusion of the island in the national park after testifying in favor of the legislation at the hearing before the Subcommittee. S. 1104 offers the Vail family maximum protection of its interests. The National Park Service may acquire the land only on a willing seller basis unless the property is undergoing or about to undergo a change which is inconsistent with the purposes for which the park was established. If the family agrees to sell, moreover, members may retain a right of use and occupancy for 25 years or life, whichever they choose. Grazing operations are specifically cited in the bill as a compatible use.

I hope, Mr. Chairman, that markup on S. 1104 can begin now that committee work on the Alaska lands bill is complete. The establishment of Channel Islands National Park will be an important milestone in the Nation's conservation effort.

Sincerely yours,

BUR W. LOW,
Director.

Mr. JACKSON. Mr. President, I must oppose the deletion of Santa Rosa Island from the park. I must oppose this deletion on several grounds.

1. SIZE

At 53,000 acres, Santa Rosa is the second largest of the Channel Islands—only Santa Cruz is larger at 60,500. To delete this island would reduce by over 40 percent the amount of fast land acreage proposed for the park. Although only one island, its deletion from the park would definitely be significant from an acreage standpoint.

2. RESOURCE VALUES

Like the other Channel Islands, both within the present National Monument and proposed for inclusion in the new park, Santa Rosa Island is rich in scenic, biological, and cultural resources.

The Torrey Pine is known to occur naturally in only two locations in the world. One forest is currently preserved in Torrey Pines State Park near Del Mar, Calif. The other naturally occurring forest is found on Santa Rosa Island.

The Channel Island Fox, which is listed by the State of California as a rare species, occurs only on the Channel Islands. Over time a separate subspecies has evolved which is unique to Santa Rosa Island. This unique subspecies is currently threatened by feral cats which are physically larger and prey upon the foxes.

The Santa Rosa-Cortez Ridge, extending from Santa Rosa Island southward has been identified as a major feeding ground for pinnipeds, sea birds and cetaceans—including a significant variety of endangered or threatened whales, including blues, humpbacks and fin.

According to the Santa Barbara Museum of Natural History, Santa Rosa Island contains extensive archeological and paleontological resources that are of a highly significant value. These resources, which in part consist of remnants of early man and dwarf fossil mammoth bones deserve a greater degree of protection from vandalism and theft.

While several examples of rare species have been specifically addressed above, it is important to note that Santa Rosa Island supports other plants and animals that are unique only to Santa Rosa Island and represent prime examples of subspeciation.

In addition to the Santa Rosa-Cortez Ridge which has been addressed above, it is important to note that Santa Rosa Island also supports a highly significant marine biological community. The extensive kelp beds and rocky coastline provide a superlative habitat for marine mammals and waterfowl. These marine resources, including what many experts consider to be the major breeding center for the California harbor seal, are of national significance.

In sum, it is the interrelationship of time, climatic, geophysical and marine forces that have shaped the Channel Island into a unique biological and cultural resource. The terrestrial and marine environments flow together to form one interdependent ecosystem that should be considered a unit from a scientific research and resource management viewpoint—and is, in fact, considered as such by those scientists and resource managers involved in the study and management of the Channel Islands. While protection and maintenance of the ecological integrity of the islands requires they be managed as a single unit, each island is unique in its own right. Those factors cited above certainly make Santa Rosa Island unique and worthy of national park status.

3. UNDEVELOPED STATE

The vast majority of Santa Rosa Island's 53,000 acres are undeveloped. The island has been used primarily for cattle ranching in the recent past and the island has been left, for the most part, in its natural state. Under the stewardship of the Vail & Vickers Cattle Co., the island has been well protected and managed. The tremendous potential recreational, scenic, and scientific value of this large and essentially undeveloped island—located in close proximity to one of the largest population centers in the country—must not be underestimated.

Finally, support for including the island is widespread.

Inclusion of Santa Rosa Island within the boundaries of the proposed park is supported by the State of California, the local Congressman, and the distinguished senior Senator from California (Mr. CRANSTON). The island was included in the version of the Channel Islands proposal which passed the House overwhelming last May. Finally, an attempt to delete the island from the Senate Energy Committee bill was rejected when the bill was reported last December.

I urge my colleagues to join with me in rejecting any attempt to delete Santa Rosa Island from the proposed Channel Islands Park.

Mr. President, I think we are ready to vote.

The PRESIDING OFFICER. Is all time yielded back?

Mr. JACKSON. Mr. President, I am prepared to yield back the remainder of my time.

Mr. HAYAKAWA. I am prepared to yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from California.

The amendment (UP No. 982) was rejected.

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. JACKSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. HAYAKAWA addressed the Chair.

Mr. JACKSON. Mr. President, I will yield such time as I may have to the Senator from California.

Mr. HAYAKAWA. I thank the Senator from Washington.

Mr. President, I want to make certain that the creation of the Channel Islands National Park does not adversely affect any activities on the Outer Continental Shelf. I want to simply state for the record the intent of the legislation. There were many leases granted under the Outer Continental Shelf Lands Act prior to the creation of the park. Any activities related to these OCS leases will be thoroughly regulated by the Outer Continental Shelf Lands Act Amendments of

1978. There is nothing in this legislation which restricts the exploration, development, or production of domestic oil and gas from these leases. These leases were sold prior to the Senate and House consideration of the Channel Islands National Park legislation. It would be very unfair to impose retroactive conditions and restrictions on offshore oil and gas exploration and production. We must also protect our national interest in increasing domestic energy supplies.

At this time we face steadily rising oil prices from foreign energy sources. In addition, the Federal Government has already made clear its policy of encouraging energy development in the Santa Barbara Channel and in areas south of the Channel Islands by selling leases in these areas for mineral development. I would simply like to clarify the congressional intent of this legislation, that it will not jeopardize oil and gas production in the Santa Barbara Channel. I would like to be assured that this goal is not precluded by the establishment of a Channel Islands National Park.

Production from already discovered reserves in the Santa Barbara Channel will shortly approach 200,000 barrels of oil a day. Current activity and the vigorous bidding for additional tracts in the Santa Barbara Channel last June suggest that billions of barrels of oil and trillions of cubic feet of natural gas remain to be discovered and developed in the channel area.

Such domestic energy sources are vitally important, since the political situation in the Middle East is more unstable than ever. At a time when the Nation is facing this volatile Middle East political situation, we cannot afford to close off any domestic supplies of oil and gas. This is most critical in situations such as the Santa Barbara Channel where we have known substantial deposits of oil and gas.

I want to discuss this matter simply to give assurances to the oil and gas companies who are involved in production in the channel, and to their stockholders and to the public, that the Congress has absolutely no intention of jeopardizing any ongoing or future oil and gas production in the Santa Barbara Channel. There is nothing in this bill that would inhibit these drilling and production activities. I want to make this absolutely clear for the record.

I would like the Senator from Washington, if he will, to comment on this matter. I know he is interested in the Outer Continental Shelf.

Mr. JACKSON. Mr. President, the Senator from California poses a proper question. I shall try to respond.

Mr. President, the Federal Government has leased a number of OCS tracts in the Santa Barbara Channel north of the Channel Islands. The channel is currently producing some 42,000 barrels of oil a day and that figure is expected to rise significantly in the next few years. Given the interest generated by the most recent OCS lease sale in June 1979 (Lease Sale No. 48) this area has the potential of making a major positive impact on our Nation's domestic energy supply.

Designation of the Channel Islands Park will not prevent the safe and timely development of this important source of oil and gas. It is not the purpose of the park to block such development and I am convinced that it will not. I think that it is important to make this statement on the floor of the Senate today so that my colleagues in this body and the American people know that this legislation is not designed to thwart development of an important domestic source of oil and gas.

One of the arguments used against designation of the Channel Islands Park is the potential negative impact on oil and gas production from the Santa Barbara Channel. This argument is based on a number of "what ifs" and not on the facts.

1. NO DIRECT IMPACT

While there is considerable oil and gas activity in the Santa Barbara Channel itself, this activity has not taken place on or adjacent to the Channel Islands. Indeed, the 1 mile administrative park boundary proposed in this legislation is well within the 3-mile zone under State jurisdiction around the islands where no oil and gas activity is permitted. Park designation will have no direct effect on present or future OCS leases within the channel.

2. FUTURE IMPACTS

Most of the arguments about the park's effect on oil and gas potential are prospective. The two main prospective arguments are future boundary extension and the Clean Air Act.

BOUNDARY EXPANSION

Some argue that this park and its 1-mile boundary are the "first step" toward blocking all oil and gas activity in the channel. An expanded park, the argument goes, with a 6, 10, or 15-mile seaward boundary could have a serious negative impact on oil and gas production from the Santa Barbara Channel. As we all know, a future Congress could always enlarge the park boundary in such a way to affect oil and gas production. But that is not the decision we are making at this time and is one we are unlikely to make in the future given the domestic and worldwide oil situation. The very purpose of a park boundary is to include those resources for which protection is sought and to exclude other lands and resources. That is the test for every park—to establish a boundary that strikes a balance between park protection and the need for wise development of adjacent lands. That is what the boundary in this legislation before the Senate today accomplishes and that is the only boundary at issue.

CLEAN AIR ACT

Another argument used against park designation at Channel Islands is the requirements of the Clean Air Act.

Some believe that a new national park is automatically designated as a class I clean air area under the 1977 Clean Air Act Amendments. This is not true. New parks and wilderness areas are class II areas under the Clean Air Act and may be redesignated as class I areas only by the affected State, a future act of Congress, or, in some cases an Indian tribe. Of course the ability of a State, the Congress, or an Indian tribe to redesignate areas from class II to class I applies to all lands; not just parks. In other words, the State of California, after following certain procedures, could redesignate the Channel Islands as a class I area with or without park designation. To say that a national park at the Channel Islands will automatically result in class I designation is just not the case.

Should an area be redesignated as class I, it is important to remember that the prevention of significant deterioration provisions in the Clean Air Act apply only to 28 major emitting facilities and sources with the potential to emit more than 100 tons per year of any pollutant. Small industrial facilities, residential or commercial developments would not be affected. Existing sources are not affected either if a State redesignates an area to class I. And with regard to those major industrial facilities whose siting would be affected by class I designation, their siting seems to be highly sensitive to technological (pollution control equipment) and meteorological factors. In this regard, a recent technical report prepared by the NPS shows that even these major polluting facilities could be sited relatively near class I areas depending upon these factors. So, even if this area is redesignated as a class I area, there is no reason to suspect that existing or future oil and gas development will necessarily be affected.

Under the Clean Air Act amendments, the Secretary of the Interior was required to review all—national monuments—and to recommend areas for redesignation where class I air quality values are important attributes. It is true that the Secretary has recommended that the existing monument be classified as class I. It is also true that this recommendation is not final as the public comment is still being evaluated. Should this recommendation become final, it is little more than that—a recommendation; a finding by the Secretary that the area has important air quality attributes. The economic, social, and developmental factors associated with redesignation were not considered by the Secretary as that is not his responsibility under the act. The State, in accordance with very specific procedures in the Clean Air Act, examines these and other factors when deciding whether or not to redesignate an area. The decision rests with the State, not the Secretary.

I think it is clear from the foregoing discussion that designation of this park will not have an adverse impact on oil and gas production. This is a specious argument and should be rejected.

I trust that that is fully responsive to the Senator's fine statement and the questions he has posed.

Mr. HAYAKAWA. I am very grateful to the Senator from Washington for his reassurance in this matter.

Mr. JACKSON. I thank my colleague.

Mr. HAYAKAWA. Mr. President, the purpose of this statement is to reassure those who have oil and gas interests in the Santa Barbara Channel that this bill, to create the Channel Islands National Park, is not intended to put them out of business, and is not intended to jeopardize their business in any way, as the distinguished Senator from Washington has made clear.

This legislation contains a provision that requires a wilderness study to be conducted by the Secretary of the Interior (p. 39, title II, section 206). This has really alarmed some of the people in the State who have energy interests and who are developing the rich oil and gas deposits in the Santa Barbara Channel. I want to make it clear for the record that the wilderness study contained in this bill is not in any way intended to apply to anything other than the lands contained within the actual park boundaries.

I ask the Senator from Washington, the chairman of the Senate Committee on Energy and Natural Resources, if he agrees with my understanding of this wilderness study.

Mr. JACKSON. The Senator is correct. It is confined to the boundaries designated in the bill.

Mr. HAYAKAWA. I thank the Senator.

Mr. President, the reason I raise this point is that there are extensive oil and gas deposits in the Santa Barbara Channel, and these have been recognized and identified by the U.S. Geological Survey. The Department of the Interior has overseen the numerous lease sales in the Santa Barbara Channel. I simply want the record to show that this wilderness study is to be limited to the actual boundaries of the Channel Islands National Park. Nothing in this act would permit or suggest that any wilderness study apply to the waters outside the national park boundary. I want to be assured that the oil and gas activities in the Santa Barbara Channel will be fully protected, and that the language pertaining to this wilderness study will not in any way hamper present or future drilling and production of oil and gas resources in the Santa Barbara Channel.

Mr. JACKSON. Let me respond to one other point on the subject of wilderness. The Senator probably knows this, but I want the record to be clear on it that is that wilderness can be designated only by Congress.

Mr. HAYAKAWA. I am grateful for the Senator's clarification. I thank the distinguished Senator from Washington.

Mr. JACKSON. Mr. President, I know of no further amendments.

Mr. HATFIELD. I know of no further amendments on this side.

Mr. JACKSON. I ask for third reading.

The PRESIDING OFFICER. If there be no further amendments to be proposed, the question is on agreeing to the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bills to be read a third time.

The bill was read the third time.

Mr. CRANSTON. Mr. President, I am very pleased to support H.R. 3757, which amends the National Parks and Recreation Act of 1978 and establishes the Channel Islands National Park in California.

The Channel Islands are a remarkable natural resource. Lying 10 to 60 miles off the coast of Ventura and Santa Barbara Counties, these islands have been little affected over the centuries by the activities of man and are a reflection of coastal California 1,000 years ago. The islands are significant ecological, cultural, and scientific reserves.

The new park will include five of the islands—Santa Barbara and Anacapa, which now comprise the Channel Islands National Monument; San Miguel Island, which is owned by the Department of the Navy and administered by the Park Service under a cooperative agreement; and Santa Cruz and Santa Rosa, both privately owned and devoted to ranching. The Nature Conservancy recently acquired the Stanton property on Santa Cruz Island and intends to manage it in a way I believe will be wholly compatible with the national park designation. The legislation insures this continued use. The owners of Santa Rosa Island would like their land acquired by the Federal Government as expeditiously as possible if it is included in the park. The bill so provides.

The National Park Service has recommended park status for the Channel Islands since 1963, and this year the islands were identified as the Park Service's top priority for addition to the national park system. Conservative groups likewise have sought national park status for the Channel Islands for more than two decades to protect their natural values in perpetuity through limited and controlled public use. Since coming to the Senate in 1969, I have looked for a way to protect the resources of the Channel Islands. So I am especially pleased with this portion of the bill.

Mr. President, H.R. 3757 also adds about 2,000 acres of land to the Point Reyes National Seashore in California. This includes Fish Hatchery Creek, Tomales Bay State Park, lands owned by the California Department of Parks and Recreation, the Nature Conservancy property, the Audubon Canyon Ranch, and the Inverness Water Co. land. With respect to Fish Hatchery Creek, the additions include 1 acre owned by Pauline Bradley and the Adams lands under option for a bargain sale to the Trust for Public Lands. Some acreage owned by David Weerts is excluded. In addition, the legislation increases the authorization for land acquisition at Point Reyes by $5 million.

Finally, the bill adds lands to the Golden Gate National Recreation Area in California. These additions include Samuel Taylor State Park, the Gallagher Ranch, Giacomini Ranch, Ottinger Estate, and undeveloped lands between Highway 1 and Tomales Bay. The bill increases the authorization for GGNRA by $15.5 million.

Mr. President, this is a fine bill—and I am delighted to support it. I am deeply appreciative to the chairman of the Energy Committee for his efforts in connection with this important legislation. I also thank the chairman of the Parks Subcommittee—who could not be here—for all the careful attention he has given these California issues. His help and that of the committee staff—Tom Williams and Tony Bevinetto—have been invaluable.

Mr. JACKSON. Mr. President, I ask unanimous consent to have printed in the Record a colloquy between Senator Moynihan and me concerning the North Country Trail.

The PRESIDING OFFICER. Without objection, it is so ordered.

The colloquy follows:

Mr. Moynihan. One of the provisions in H.R. 3757, the bill we have before us today, would create a North Country Scenic Trail, extending from New York to North Dakota. Mr. President, I believe that the concept of this trail is an excellent one, and I commend my distinguished colleague Senator Cohen for proposing it, and the Energy Committee for including it.

I am concerned however, that one aspect of this proposal be clarified. As my colleagues may know, a portion of the North Country Scenic Trail traverses the New York Adirondack Park and State Forest Preserve, an area of some six million acres of public and private lands in my state. I might note that this area includes much of the officially designated wilderness east of the Mississippi River. This area is protected through the New York State Constitution; Article XIV of the State Constitution ensures that the State Forest Preserve lands, which comprise 40 percent of the Park, will remain "forever wild" by prohibiting cutting of any substantial number of trees on these lands or any other activity which would materially affect their wild forest character. This protection clause was enacted in 1894 and is unequalled in strength by any other state wilderness plan.

In part, H.R. 3757 seeks to establish a cooperative relationship between New York and the Federal government to work toward the creation of this Trail within the Adirondack Park. The statutory ten mile wide trial corridor created in the Act may itself present conflicts with state-designated wilderness areas and state regulation regarding land use within the Park.

For the cooperative relationship to develop, it is essential that the Department of the Interior fully respect the provisions of the New York State Constitution, statutes and regulations protecting the Adirondack Park and State Forest Preserve, as administered by the NYS Department of Environmental Conservation and the Adirondack Park Agency.

It is my understanding that this is the intent of this legislation and that H.R. 3757 can be implemented without diminishing or eroding the New York statutory and constitutional protections afforded the Adirondack Park.

Mr. President, I ask my distinguished colleague Senator Jackson with the Energy Committee whether this is his undertanding of the matter as well.

Mr. Jackson. I share your interpretation of this matter, and it is my understanding that you have raised this issue with Senator Bumpers, and he too agrees that this provision entails a requirement for indepth discussion and consultation, and full cooperation between the Department of the Interior and the appropriate New York State authorities. I do not see this as presenting a problem.

Mr. Moynihan. I am pleased to note that the interpretation of this provision is so clear. With this understanding, then, I can fully support the North Country Scenic Trail provision of this bill.

● Mr. COHEN. Mr. President, today the Senate considers, at long last, legislation to amend the National Parks and Recreation Act of 1978. Among the many important additions to this act is the proposal to add the North Country Scenic Trail to the National Trails System. As the author of legislation earlier this year to give the North Country Trail this important recognition, I fully support this legislation. There are many reasons why the North Country Trail should be finally given this status as part of the National Trails System.

At this time, there is no long distance trail for mid-America. To hike or backpack for any distance, Midwesterners must now travel over 2,000 miles to the Appalachian Trail or the Pacific Crest Trail.

The North Country Trail would provide easy access to trail paths running through eight national forests, national lakeshores, national grasslands, several designated national and State wild and scenic rivers, numerous State forests, State parks, State game and wildlife areas, and national historic sites. In this time of energy shortages, the need is more pronounced than ever.

Within a 2-hour drive of 50 million people and within a half day's drive of nearly half of the Nation's population, it would be easily accessible to the evergrowing number of outdoor enthusiasts in America. The number of people involved in hiking, backpacking, cross country skiing, snowshoeing, and similar activities has grown from about 5 million in 1960 to over 50 million today.

The proposed trail itself is unique. Its path is not designed on the basis of historical or physiographical criteria. Rather, it is based on the location of points of interest, outstanding scenery, and good terrain for a trail within a 10-mile corridor.

The area the trail would traverse is of unusual interest because of its varied scenic, natural, and historical resources. Among them are a large area of the United States shaped by continental glaciation; the scenery of an unusually beautiful system of lakes, streams, and forests; and historical association with various Indian cultures, fur traders, the era of exploration of mid-America, and the early mining and lumber industries which contributed to the Nation's westward expansion.

These qualities make development of the trail especially important, and they make it a high priority for those of us committed to preserving the Nation's environmental resources.

Progress toward the trail's approval has been steady, but slow, since the Department of the Interior first sought ideas from the public in 1965 on what recreational resources Americans want. Passage of the National Trails System Act of 1968 was an impetus, but real movement came with organization of a Federal-State task force in 1971 to initiate a study of the proposed trail. The study was completed and submitted to Congress in 1975. It strongly recommended that the North Country Trail become a national scenic trail. President Carter and the Interior Department endorsed the recommendation in 1977.

Legislative efforts of the past few years have been strongly aided by the work of the International Backpackers Association (IBA) and other individuals and organizations committed to preserving and maintaining our natural historical resources. If the trail becomes a reality in the near future, much of the credit must go to them. Since 1976, IBA has been directly involved in seeking support, both from Congress and the American public. Among its efforts has been the North Country Trail Expedition of 1978, which mapped and reconnoitered the entire route, something which had not been done previously.

Most recently, the North Country Trail Association has been formed by volunteers to promote development of the trail. NCTA's goal is the legislation's passage and the trail's completion.

When Congress passed the National Trails System Act, its goal was to provide hiking access across the expanse of our Nation. Passage of the North Country Trail legislation is essential to development of that trails system. I am hopeful it will be approved this session, so that we can insure that this unique recreational resource will be preserved for future generations of American hikers and backpackers.●

Mr. STONE. Will the distinguished floor manager of the bill yield for a question?

Mr. JACKSON. Yes.

Mr. STONE. With regard to the protection of marine mammals within the Channel Islands National Park, is it the committee's intention that the Park Service work closely with the Department of Commerce in developing any regulations or issuing any permits regarding marine mammals?

Mr. JACKSON. Yes; the Park Service is directed to enter into and continue cooperative agreements with the Secretary of Commerce in these matters. The protection of marine mammals is traditionally under the authority of the Department of Commerce and the Park Service would be expected to rely on their expertise in this area.

The PRESIDING OFFICER. Do the Senators yield back their time?

Mr. HATFIELD. I yield back the remainder of my time.

Mr. JACKSON. I yield back the remainder of my time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Delaware (Mr. BIDEN), the Senator from Oklahoma (Mr. BOREN), the Senator from Arkansas (Mr. BUMPERS), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from Missouri (Mr. EAGLETON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from New York (Mr. MOYNIHAN), the Senator from Georgia (Mr. NUNN), the Senator from Rhode Island (Mr. PELL), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Maryland (Mr. SARBANES), the Senator from Mississippi (Mr. STENNIS), the Senator from Georgia (Mr. TALMADGE), and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

I also announce that the Senator from Alaska (Mr. GRAVEL) is absent on official business.

I further announce that, if present and voting, the Senator from Arkansas (Mr. BUMPERS), the Senator from Rhode Island (Mr. PELL), and the Senator from Washington (Mr. MAGNUSON) would each vote "yea."

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Mississippi (Mr. COCHRAN), the Senator from Kansas (Mr. DOLE), the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from South Dakota (Mr. PRESSLER), and the Senator from Wyoming (Mr. WALLOP) are necessarily absent.

The PRESIDING OFFICER (Mr. BRADLEY). Are there other Senators in the Chamber desiring to vote who have not done so?

The result was announced—yeas 67, nays 6, as follows:

[Rollcall Vote No. 41 Leg.]

YEAS—67

Baucus
Bayh
Boschwitz
Bradley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Chafee
Chiles
Cohen
Cranston
Culver
Danforth
DeConcini
Domenici
Durenberger
Durkin
Exon
Ford
Garn
Glenn
Goldwater
Hart
Hatfield
Havakawa
Heflin
Heinz
Hollings
Huddleston
Inouye
Jackson
Javits
Jepsen
Johnston
Laxalt
Leahy
Levin
Lugar
Mathias
Matsunaga
McGovern
Melcher
Metzenbaum
Morgan
Muskie
Nelson
Packwood
Percy
Proxmire
Pryor
Randolph
Riegle
Roth
Sasser
Schmitt
Schweiker
Simpson
Stafford
Stevenson
Stewart
Stone
Thurmond
Warner
Weicker
Williams
Young
Zorinsky

NAYS—6

Armstrong
Hatch
Helms
McClure
Stevens
Tower

NOT VOTING—27

Baker
Bellmon
Bentsen
Biden
Boren
Bumpers
Cannon
Church
Cochran
Dole
Eagleton
Gravel
Humphrey
Kassebaum
Kennedy
Long
Magnuson
Moynihan
Nunn
Pell
Pressler
Ribicoff
Sarbanes
Stennis
Talmadge
Tsongas
Wallop

So the bill (H.R. 3757), as amended, was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The title was amended so as to read:

An Act to establish the Channel Islands National Park, and for other purposes.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business not to extend beyond 30 minutes, and that Senators may speak therein up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, there will be no more rollcall votes today.

THE UNITED NATIONS MOON TREATY

Mr. THURMOND. Mr. President, on February 14, 1980, the United Technologies Corp. published an article in the Washington Post entitled "Stranglehold on the Moon." This article concisely outlines the concerns our Nation must have in considering this agreement which governs the activities of states on the Moon and other celestial bodies. On November 29, 1979, I wrote the Secretary of State regarding article XI of the Moon Treaty. In my opinion, article XI needs considerable rework by our United Nations personnel before the Senate could consider ratification of this treaty.

Mr. President, I ask unanimous consent that this Washington Post article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STRANGLEHOLD ON THE MOON

Mining metals on the moon. Manufacturing alloys in a spaceship floating between planets. Establishing energy plants in outer space to transmit power back to earth. Such feats aren't so far-fetched as they may seem. They could well come to pass some day.

If they do, America would be shackled in leading the way under terms of an obscure, scarcely noticed international agreement that's quietly taking shape in the United Nations. It's nicknamed the Moon Treaty. Officially, it's known as the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies.

In its draft form, the treaty is inimical to America's interests. It would frustrate the access of our nation and its people to space for purposes of industrialization. If the U.S. becomes party to the agreement, there's scant prospect of private enterprise's ever being able to develop the resources of the moon and outer space to improve life here on earth.

Through the Moon Treaty, Third World Nations supported by the Soviet Union are seeking to exploit the U.N. to create a new order in which free enterprises of the industrialized West would be subordinated to the wishes of so-called non-aligned nations, guided by the Eastern Bloc. The basic goal is redistribution of the world's wealth.

The thrust of the Moon Treaty, as it now stands, reflects the precedent set in the U.N. Law of the Sea Treaty. With the sea agreement, some 120 developing nations are trying to get control of strategic minerals lying on the seabed deep beneath the ocean.

U.S. negotiators in the Law of the Sea Conference have made a string of concessions detrimental to America. What they've given away can lead to Third World control of seabed resources and mandatory transfer of seabed mining technology. This largess the U.S. has bestowed in the name of a concept called "the common heritage of mankind." Lofty and noble though it may sound, the concept it intended to place seabed mining technology and resources under the control of countries seeking to bring western nations to heel.

The common-heritage precept has now found its way into the Moon Treaty.

The draft agreement would have the effect of imposing an indefinite delay on commercial development of space at a time when the U.S. is a world leader in space technology.

To control and regulate space development, it would create an international organization controlled by Third World countries. This body would be empowered to establish an OPEC-like monopoly, require mandatory transfer of technology, and impose high international taxes on profits as a way of shifting wealth from the developed to the less developed countries. If the draft treaty stands up in Congress, American inventiveness and enterprise would be shut off from the industrialization of space. The pace and scope of space development would be dictated by the political will of other countries.

Some members of Congress are awakening to the dangers posed by the Moon Treaty. They are aroused by the giveaway being perpetrated by our own negotiators. Sentiment is growing to head off this Third World drive to frustrate America's hard-won technological supremacy and to undercut private enterprise's ability to develop space resources.

There are sound ways to help bring the benefits of space to all people. Socializing the moon isn't one of them.

Mr. THURMOND. Mr. President, as one who has not agreed with much of the foreign policy of the Carter administration, I would like to praise a recent policy shift as represented by sales of military equipment to Morocco.

Morocco is a friendly country in an important area. In recent years the Soviet Union has been active in causing trouble for the government of King Hassan.

This shift in policy of giving military aid to our friends which are threatened by the Soviet Union or their agents is long overdue. Not long ago, we rejected similar arms aid to Pakistan, but I hope that in view of recent events that policy will also be reversed.

Morocco is the key to the western Sahara, its shorelines touch the Mediterranean and the Atlantic. Further, it lies along the important Gibraltar Straits.

Our Nation must assist its friends, or we will soon find we have no friends. I commend the Carter administration for initiating a policy change by providing military aid to Morocco.

Mr. President, I ask unanimous consent that an article on this subject entitled "U.S. Arms Sales to Morocco Justified" by Marine Brig. Gen. Donald Hittle (retired) which appeared in the December 17, 1979 issue of the Navy Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. ARMS SALES TO MOROCCO JUSTIFIED

(By Brig. Gen. J. D. Hittle, USMC (ret.))

President Carter's recent decision to sell much-needed arms to Morocco is justified for many reasons.

Not the least is that the survival of King Hassan's regime is strategically important to the United States.

A quick look at the map of the Mediterranean and North Africa shows why.

Morocco occupies the northwest shoulder of Africa. Thus, Morocco's shoreline includes major African coastal areas on both the Atlantic and the Mediterranean Sea. It also includes most of the African, or southern, shore of Gibraltar.

This adds up to some strategic fundamentals: There is much more to Morocco's war against the Algerian-Cuban-Soviet-backed Polisario guerillas than control of a piece of African desert.

It's the location of the fought-over desert area, the Western Sahara, that counts so much. If Morocco loses control of the Western Sahara, she will be faced with hostile forces along her entire land border. Today, Algeria borders Morocco on all but the south. If the Polisario get the Western Sahara, Algeria will have that border flank by proxy.

In such a position, Morocco would be caught in a vise-like squeeze in which all borders but her sea flank are held by Moscow-backed forces. Her strategic standing in the long-time confrontation with Algeria would be seriously weakened.

The consequences of the loss of a pro-U.S. Morocco would be a shuddering solarplexis blow to European NATO countries and the United States.

With Morocco taken, or King Hassan's pro-U.S. regime toppled, it would mean that Russian-bloc powers would control the Mediterranean shores from Egypt westward to Gibraltar and then on to about an additional 1,000 miles of Africa's Atlantic shoreline stretching southward.

This would mean that Russia, at least by proxy, would be on the southern side of the Straits of Gibraltar and its African approaches. No longer would free-world ships be assured secure passage of those narrow waters.

It is a strategic fact of life, and death, that NATO control of the Mediterranean and the protection of NATO's southern flank requires control of the Straits of Gibraltar. The days of such a comfortable situation would be over when Russia, or a proxy, is the keeper of the southern side of that sea gate between the Atlantic and the Mediterrean.

Tie this in with Russia's use of Aden, the former British base in South Yemen, controlling the narrow water entrance to the Red Sea-Suez corridor to the Eastern Mediterranean. In this connection, the Soviet-backed pressure on Morocco takes on the characteristics of the western spearhead of a vast double envelopment of the Mediterranean.

From Moscow's standpoint, this would fit into an even larger strategic concept. Since the end of World War II, Russian global strategy has included a drive for control of the narrow waters. These are the choke points through which the world's shipping must funnel.

Gibraltar is one of the most important of these choke points. There should be no mystery why the Kremlin and its client countries are arming the Polisarios against Morocco. Nor should there be any mystery why we shouldn't give full, not half-hearted, support in providing arms to King Hassan's Moroccan forces.

Finally, there is another reason, aside from the strategy. It's a moral reason: King Hassan has been a friend of the United States. He has supported the U.S. Mid-East peace efforts and has been a moderating influence in the Arab world. After our run-out from Indochina, our dumping of Taiwan and our fast-disappearing support of the Shah, our support of the Moroccan King Hassan would be a welcomed change of pace.

It would be an encouraging signal to free-world countries who understandably suspect we will cut-and-run when they, too, are in trouble.

HONORING WALT DISNEY

Mr. CRANSTON. Mr. President, I ask unanimous consent that the following

Senators be added to Senate Joint Resolution 142, a resolution introduced by me and my colleague from California (Mr. HAYAKAWA) to honor Walt Disney for his many contributions to our Nation: The Senator from Florida (Mr STONE), the Senator from Hawaii (Mr. INOUYE), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Arizona (Mr. DECONCINI), the Senator from Missouri (Mr. EAGLETON), the Senator from New Mexico (Mr. SCHMITT), the Senator from Oregon (Mr. HATFIELD), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Tennessee (Mr. BAKER), the Senator from Mississippi (Mr. COCHRAN), the Senator from Florida (Mr. CHILES), the Senator from Missouri (Mr. DANFORTH), and the Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER (Mr. EXON). Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on House Joint Resolution 477, and I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 477) to authorize and request the President to issue a proclamation honoring the memory of Walt Disney on the twenty-fifth anniversary of his contribution to the American dream.

The PRESIDING OFFICER. Without objection, the joint resolution will be considered as having been read twice by its title.

Mr. CRANSTON. Mr. President, this resolution now before the Senate honors Walt Disney for his contributions to American culture through his realizations in cartoons, films, and amusement parks of our childhood stories, fairy tales, and fantasy adventures, which abound in the imaginations of our childhood and remain in the happy memories of all who are young at heart.

I urge the Senate to adopt the resolution.

The joint resolution (H.J. Res. 477) was ordered to a third reading, read the third time, and passed.

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the resolution was passed. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONTINUING SOVIET REPRESSION OF ANDREI SAKHAROV AND ANATOLY SHCHARANSKY

Mr. BRADLEY. Mr. President, on January 22, 1980, the Soviet Union banished to exile the noted physicist and Noble Peace Prize winner Andrei Sakharov of all the honors he had been awarded as the father of the Soviet hydrogen bomb, including three Orders of the Hero of Socialist Labor, the USSR's highest civilian decoration. Known to many as "the conscience of Russia," Sakharov was exiled to the city of Gorky, 260 miles east of Moscow, instead of being put on trial. This move to "silence" Sakharov, appears to be the latest in a domestic drive by the Soviets to uproot the government's "internal tormentors" prior to the Summer Olympic games in Moscow. Moreover, this move seems aimed at showcasing the supposed unanimity that exists in the Soviet Union in the light of the Soviet invasion of Afghanistan and the ever-present issue of human rights suppression in the U.S.S.R. According to a report by Amnesty International, more than 40 Soviet dissidents have been arrested or tried in the past 3 months.

International attention was given to Sakharov's focus on human rights in July of 1968 when his privately circulated essay, "Progress Coexistence, and Intellectual Freedoms" appeared in the New York Times. The man who has been called "a philosopher and social architect on a world scale" dealt with the pressing universal problems of peace, racial discrimination, overpopulation, and pollution, of the environment. More importantly, Sakharov was courageous enough to examine basic human rights issues in his own country: anti-Semitism, national repression, and the threat to intellectual freedom.

Most recently, Sakharov's criticism of the Soviet invasion of Afghanistan, his appeal to the United Nations to arrange for the withdrawal of Soviet troops from Afghanistan, and his call for nations of the world to boycott Olympic games in Moscow appeared intolerable to the Soviet Government.

Ironically, Sakharov's exile came 2 days after the birthday of Soviet Jewish Prisoner of Conscience, Anatoly Shcharansky, who has been in a Soviet prison since July 1978. After having been arrested for treason and accused of working for the CIA, Shcharansky was sentenced to 13 years in the Christobal prison east of Moscow. The timing of the trial—while Secretary of State Vance was meeting in Geneva with Soviet Foreign Minister Gromyko to discuss SALT II—was then interpreted as a rebuke to President Carter's human rights policies.

Shcharansky dedicated himself to monitoring Soviet compliance with the Helsinki accords signed in 1975 by the Soviet Union, the United States, and many other nations. His sole intent was to assure the rights of his countrymen to emigrate from the Soviet Union. In part, his meetings with Western parties concerned about Soviet barriers to the emigration of Jews and other groups made Shcharansky a victim of the abuses he tried to correct.

Both Sakharov and Shcharansky possessed three outstanding qualities in their quest to eliminate human rights suppression in the Soviet Union: outspoken courage, dedication to a righteous cause, and forceful perservance. As long as the Soviet system remains "closed" in nature, the world will scrutinize closely human rights suppression in the Soviet Union and the works of both Andrei Sakharov and Anatoly Shcharansky will not be forgotten.

Mr. President, I ask unanimous consent that a message from the National Conference on Soviet Jewry commemorating the 32d birthday of Anatoly Shcharansky be printed in the RECORD.

There being no objection, the message was ordered printed in the RECORD, as follows:

NATIONAL CONFERENCE ON SOVIET JEWRY

The National Conference on Soviet Jewry and its thirty nine member organizations, representing four million people, commemorate Soviet Jewish Prisoner of Conscience Anatoly Shcharansky's 32nd birthday, January 20.

Sentenced to thirteen years of incarceration for "crimes" which President Carter publicly said he did not commit, Shcharansky became a target of Soviet officials because of his desire to emigrate to Israel and his role as spokesman for human rights activists.

Shcharansky's birthday was not a happy one for him. Not only is he sitting in the Soviet Gulag, away from his beloved wife Avital in Jerusalem, but his father, Boris passed away not having see his son for several years.

The National Conference on Soviet Jewry applauds the efforts of all men of goodwill who have been and continue to be active on behalf of Anatoly Shcharansky.

Mr. BRADLEY. Also, I ask unanimous consent that a council statement honoring during this week, which is Brotherhood Week, three Soviet Prisoners of Conscience who remain the last victims of the 1970 Leningrad Trial be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

NATIONAL CONFERENCE ON SOVIET JEWRY

BROTHERHOOD WEEK, FEBRUARY 17–24

The National Conference on Soviet Jewry (NCSJ), on behalf of its 39 constituent organizations, asks that three Soviet Prisoners of Conscience (POCs) be honored during Brotherhood Week, February 17–24. Burton S. Levinson, Chairman of the NCSJ, and David Hyatt, President of the National Conference of Christians and Jews (NCCJ), have suggested that activities during this week be focused upon the three remaining POCs from the infamous 1970 Leningrad Trial.

Programs during Brotherhood Week traditionally are dedicated to furthering mutual respect and understanding among people of different backgrounds, races, and religions. The right of every American to practice his or her own religion openly and without fear of persecution is one that is not accorded in certain countries.

Cases in point are those of Yuri Federov, Iosif Mendelevich, and Aleksei Murzhenko. They are the last of 12 Prisoners of Conscience who were convicted of planning to escape from the Soviet Union in 1970. Ten members of the original group were Jews who had been denied permission to emigrate to Israel, a right guaranteed under international law. Joining in the freedom dash were Federov and Murzhenko, two non-Jewish dissidents. While nine have either completed their sentences or have been released ahead of time, these three, Federov, Mendelevich, and Murzhenko remain incarcerated. They have been subjected to harsh treatment and persistent religious oppression. Mendelevich is an observant Orthodox Jew who follows traditional Jewish teachings even with regard to Jewish dietary laws. Federov has become a practicing Orthodox Christian and was harassed for wearing a cross. By continuing the imprisonment of Federov and Murzhenko, the Soviets are warning other non-Jews not to align themselves with the Jewish emigration movement.

Natasha Federova, wife of Yuri Federov, is currently on tour in the United States to gain support for her husband and the other two Leningrad POCs. The tour, which is sponsored by the NCSJ, will bring her to Washington, D.C. during Brotherhood Week.

LITHUANIAN INDEPENDENCE DAY

Mr. BRADLEY. Sixty-two years ago, on February 16, 1918, Lithuania was founded as an independent, democratic republic. This week Americans of Lithuanian origin will cemmemorate that glorious anniversary. However, 1980 will not be a joyous year for most Lithuanians, for they must continue to fight for self-determination against Soviet tyranny. Lithuania had enjoyed its independence for only 22 years when in June 1940, pursuant to its understanding with Nazi Germany, the Soviet Union ruthlessly invaded the defenseless nation together with Latvia and Estonia, quickly incorporating them into the Soviet Union. The brave Lithuanian people did not accept their fate without a struggle. Partisan warfare continued until 1953 and passive resistance continues today.

Lithuanians have lost their independence, but they have demonstrated repeatedly that they will not surrender their nationalist sentiments or their aspirations to govern their own lives and futures. Lithuanians together with their Baltic neighbors, the Latvians and Estonians, have maintained their linguistic and cultural identities against heavy odds. Despite official Soviet policies designed to discourage the practice of the Catholic faith and the preservation of the Baltic languages, the spirit of Lithuanian independence has survived and continues to grow.

Lithuanian demonstrations against Soviet oppression have taken dramatic forms. In 1972 young Roman Kalanta set himself afire to protest Soviet religious persecution. That same year 17,000 Lithuanian Catholics signed a protest note to Secretary General Kurt Waldheim of the United Nations calling on him to intervene with the Soviet authorities against the religious persecution they suffer. The Soviet Union has tried to destroy freedom of press, speech, and religion. But religion is alive in Lithuania through resistance and an underground press. Despite the deprivation of the most basic human rights, Lithuanians continue to cling to their cultural heritage.

The tragedy of Lithuania and her sister republics on the Baltic must not be forgotten.

This week when America honors the birthday of one of its own Founding Fathers, George Washington, the anniversary of the valiant Lithuanian people must also be remembered.

S. 2289—WASHINGTON'S BIRTHDAY

Mr. RANDOLPH. Mr. President, earlier today our able colleague, the Senator from Alabama (Mr. STEWART), read Washington's Farewell Address, which was given to the people of the United States by the first President of our Republic. That address was never spoken formally by Washington, but was a written document.

I read this farewell address from time to time, especially at that season of the year which marks the anniversary of the birth of this noble leader who was our first President and Commander in Chief. Washington was actually Commander in Chief in the field with his troops fighting against the continuance of British rule through colonies in America, before he became President.

George Washington said something in this address that is very important these days, as men and women of all countries live closer together because time and space is actually no more. He said these words: "Citizens by birth, or choice, of a common country, that country has the right to concentrate your affections."

In using that word "affections," he was thinking, I believe, in terms of a commitment to this country. That country then, as now—and I am not attempting to wave the flag—calls for a commitment of all of us in our varying roles as individuals and in our capacities as those who serve in the Congress of the United States, in governmental positions either elective or appointive, or in the judicial branch of our triresponsibility system of government.

What I have said now is a prelude to legislation I have offered this afternoon, S. 2289, for the consideration of the Members of the Senate. That measure would seek to return the observance and the celebration of George Washington's birthday, the anniversary of his birth, to February 22. That was the day and the month when he was born.

I do not want to appear as one who thinks it is advisable on all occasions to straitjacket our observance of an event which has been paramont or highly important in the history of this country. I suggest, however, to my colleagues that we do what we have already done in connection with Veterans Day. This day was changed, to fall on a weekend so that there might be 3 days which could be given over to a holiday from regular duties, and could, in a sense, give the opportunity for travel, visitation, and change of that which is the daily toil. Veterans Day was later returned to the actual World War I Armistice date of November 11. I believe that if the date of George Washington's birthday is important, as I think it is, we should not attempt, by convenience, to set a date other than the date on which he was born.

Really, I think the American people, if they will think about this subject as I hope they will to a greater degree than in the past, do not desire the Congress of the United States resetting the observance period of George Washington's birthday to a weekend—to a 3-day program—which as I have indicated does have appeal. I believe, Mr. President, to have this observance on the day when the Father of Our Country was born will have greater appeal to the people of our Nation.

We say, "Well, we have changed these days in the past." But when we have changed them we have also changed back at certain times, at least in one instance as I have indicated. In that case the veterans of the United States believed that November 11 was an important day and should be returned to November 11.

The veterans themselves led the effort to convince the membership of the Congress that that should be done. I supported that effort, and often talked about the advisability of the change back to the actual date of November 11. I counseled with the men and women of West Virginia on many occasions on this subject.

Pending in the Senate is another legislative proposal which I have introduced, S. 517. It would call for Memorial Day to be observed, to be celebrated, and prayers can and should be given, on May 30, as it once was before it was altered.

Mr. President, in conclusion I wish to add certain facts about those dark days when Washington and his troops were near Trenton, N.J. They had very little clothing in the low temperatures of winter, with their feet wrapped with burlap because they had no shoes. They were a small group of men who had held themselves together at a crucial time in the beginning hours of this Republic's history.

These men had signed for a certain enlistment and they were to leave for home. A very significant editorial is in the Washington Star of today. Mr. President, I ask unanimous consent that this meaningful essay be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"MY BRAVE FELLOWS . . ."

The Battle of Trenton, in December 1776, had revived the battered spirits of George Washington's troops, and the general decided a "fair opportunity is offered" of driving the British from New Jersey. A non-commissioned officer, identified to posterity only as Sergeant R——," recalled the prelude to that assault. The excerpt is from The Fate of a Nation—The American Revolution through contemporary eyes, by William P. Cumming and Hugh Rankin:

At this time our troops were in a destitute and deplorable condition. The horses attached to our cannon were without shoes, and when passing over the ice they would slide in every direction, and could advance only with the assistance of the soldiers. Our men, too, were without shoes or other comfortable clothing; and as traces of our march towards Princeton, the ground was literally marked with the blood of the soldiers' feet. Though my own feet did not bleed, they were so sore that their condition was little better.

While we were at Trenton on the last of December, 1776, the time for which I and most of my regiment had enlisted expired. At this trying time General Washington, having now but a little handful of men and many of them new recruits in which he could place but little confidence, ordered our regiments to be paraded, and personally addressed us, urging that we should stay a month longer. He alluded to our recent victory at Trenton; told us that our services were greatly needed, and that we could now do more for our country than we ever could at any future period; and in the most affectionate manner entreated us to stay. The drums beat for volunteers, but not a man turned out . . .

The general wheeled his horse about, rode in front of the regiment, and addressing us again said, "My brave fellows, you have done all I asked you to do, and more than could be reasonably expected; but your country is at stake, your wives, your houses, and all that you hold dear. You have worn yourselves out with fatigues and hardships, but we know not how to spare you. If you will consent to stay only one month longer, you will render that service to the cause of liberty, and to your country which you probably never can do under any other circumstances. The present is emphatically the crisis, which is to decide our destiny." The drums beat a second time. The soldiers felt the force of the appeal. One said to another, "I will remain if you will." Others remarked, "We cannot go home under such circumstances." A few stepped forth, and their example was immediately followed by nearly all who were fit for duty in the regiment, amounting to about two hundred volunteers. An officer enquired of the general if these men should be enrolled. He replied, "No! men who will volunteer in such a case as this, need no enrolment to keep them to their duty."

Mr. RANDOLPH. Mr. President, you will read of the appeal that Washington made to some 200 ill-equipped patriots standing with him, when he appealed for volunteers who would remain beyond the period for which they had enlisted.

For a moment, no one volunteered to stay longer. Washington had asked them to stay for 1 month longer, as the editorial points out.

When nothing happened, he rode again around the circle of men and explained to them how important he thought it was for them and their families, and especially their children, if they could remain for that particular time in the struggle which seemed to be going against our country.

One by one they volunteered, and then all of them, except for a few who were too ill to respond, answered in the affirmative to the urging of George Washington.

I have been not so much an expert in American history as I have been a student of the subject matter. I would say, in these final words, that Washington near Trenton, had felt that all was lost, frankly, although he never gave his men even the slightest indication that he thought that defeat instead of victory would come to them. He asked his officers to check what the situation was, what the assets were in equipment that they might have. General Mercer, the close confidant of George Washington, was to check to see what could be done for those men who would be injured in battle, those that would fall in the field, often losing their lives. I have read the words of General Mercer. He said—in essence:

> In our so-called staff hospital, we have no food, we have no medicine, we have two frayed blankets, we have not a single bandage fit to be used, but, General Washington, we still have our faith.

We know what happened: The so-called expected defeat turned into an unexpected victory and in the course of the fight, a country that would govern itself rather than be governed from abroad, came into existence.

I stand at my desk and talk rather slowly about some of these matters that concern us in a different time, but in a time fraught with critical, crucial problems for us all who live in this country—living in a world where, as I said at the beginning, time and space are no more. We rub shoulders through communication and transportation with other peoples in a matter of minutes and hours. It is a changed world physically. But there is one word, I think, on which we rely when the cause is right. That is the word which symbolizes that right, hopefully, can prevail; that word is "faith."

COAL CONVERSION SAVES OIL AND MONEY

Mr. HEINZ. Mr. President, throughout his administration, President Carter has stressed the need to reduce our Nation's dependence on foreign oil by utilizing more domestic energy resources. Among our domestic energy resources, the President has correctly looked to coal to make the geatest contribution to our drive for energy independence. In fact, in his State of the Union message, President Carter announced a $12 billion program to assist utilities convert coal-capable facilities that are burning oil or natural gas back to coal.

Late last year, the New England Power Co. went ahead on its own with a coal conversion program at its 1,150 megawatt Brayton Point plant and the results to date have shown that the conversion will reduce the Nation's need to import oil as well as save NEPCO's consumers money because coal costs less than oil. The coal for this plant is being provided by mines in Pennsylvania, West Virginia, and Virginia; thereby insuring that more mining jobs will be available for Americans.

A recent article in the Coal Industry News describes the Brayton Point conversions and the savings that are being realized through conversion to coal. Each shipment of coal will displace 3.5 million barrels of imported oil and will save consumers $3 million per month.

Mr. President, I ask unanimous consent that the article be printed in the RECORD. I hope all my colleagues will take note of this significant contribution that coal is making to solving our Nation's energy problems. I urge my colleagues to call on President Carter to fulfill his state of the Union commitment to coal conversion and to support the legislation to authorize a strong coal conversion program, which could save 550,000 barrels of oil per day in 1985, this year.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COAL SAVES NEPCO CUSTOMERS $3 MILLION MONTHLY IN BILLS

(By Robert B. Bedingfield)

SOMMERSET, MASS.—The New England Power Company, which late last year was granted permission by the Environmental Protection Agency to burn coal permanently at its big Brayton Point power station here, has exhausted a 125,000-ton coal reserve, which was imported coal left over from a 1975 emergency coal burn that followed the Arab oil embargo of 1974–75, and has begun burning coal produced from mines in West Virginia, Virginia and Pennsylvania.

The first of 30 shipments of domestic coal totaling 850,000 tons, was delivered here at the end of January by the 525-foot barge, Caribbean, out of Norfolk, Virginia.

The balance of the shipments are scheduled for delivery over the next five months. Like the first shipment, which was arranged through Island Creek Coal, the coal will be delivered here by barge out of the ports of Norfolk and Baltimore. It will displace some 3½ million barrels of imported oil.

The Brayton Point plant has three units, with a capacity of 1,150 megawatts, and is the first major electric power station in the nation to have begun the permanent conversion of its energy-producing operations to coal burning.

"It will mean a saving of about $3 million a month," according to John F. Kaslow, president of NEPCO, "for one million customers of our retail companies—Massachusetts Electric in Rhode Island and Granite State Electric in New Hampshire.

"The switch to coal at Brayton Point is a significant step toward moving our company, the region and the nation closer to energy independence," Kaslow maintains.

NEPCO has converted two of its three units at Brayton Point to coal burning and expects to have the third unit, with a capacity of 650 megawatts, converted to coal burning on a permanent basis during 1981.

The complete conversion program, including specially designed equipment to meet all demands of Federal and state environmental regulatory agencies, will cost NEPCO an estimated $150 million and is one of the major parts of its 15-year energy plan, called NEESPLAN.

The Massachusetts Industrial Finance Agency during 1979 agreed to give NEPCO authority to borrow up to $96 million through the sale of tax exempt industrial revenue bonds to finance the purchase and installation of pollution control equipment and ash-handling facilities mandated of coal-burning power systems.

According to NEPCO staffers, the company currently is negotiating with major underwriting houses for the sale of a bond issue possibly this spring.

In addition to the permanent conversion of its Brayton Point power station about 60 miles south of Boston, NEPCO in cooperation with the Federal government is conducting a coal-oil burning demonstration project at its Salem Harbor, Mass. power station, about 10 miles north of Boston.

THE 100TH ANNIVERSARY OF THE POLISH NATIONAL ALLIANCE

Mr. HEINZ. Mr. President, February 15 marked the 100th anniversary of the Polish National Alliance of the United States of North America.

In a quiet way, this fraternal order for Americans of Polish heritage has grown to become the largest ethnic fraternal organization in this country. Over 300,000 Americans in 1,400 lodges from coast to coast contribute toward, and benefit from, the activities of the PNA. I am proud to say that the Commonwealth of Pennsylvania leads the Nation in the number of lodges—293—within its boundaries.

Now headquartered in Chicago, the Polish National Alliance was founded in Philadelphia on February 15, 1880, by a group of 10 public-spirited Polish-Americans under the leadership of the industrialist Julius Andrzejkowicz. These men had the foresight to realize that the interests of the increasing numbers of Polish-Americans could be better served if the various self-help and cultural societies of Polish immigrants that were then in existence banded together to form a unified national organization. The response was immediately successful; 12 societies entered the new Alliance, and by 1913, membership passed the 100,000 mark.

Two objectives have guided the PNA's course since its founding. One has been to facilitate the entry of Polish immigrants and their progeny into the mainstreams of American life. At the time of the PNA's founding, there were already at least 200,000 Poles in the United States, with the largest wave of immigration then in progress. The number of Polish-Americans passed 3 million at the turn of the century and has grown to over 10 million today. These Polish immigrants were initially sought for their skills in construction trades; later they came to America to escape political and ideological repression at home. New arrivals required aid, shelter, and protection; soon after, they would require help in entering the commercial and political life of their new country; yet all the while, immigrants from Poland looked for a means by which to preserve the language, traditions, and culture of their ancestral home. The Polish National Alliance has for 1 century now taken the lead in meeting these needs of Polish-Americans.

The second objective of the PNA has been to help Poland in its struggle for freedom, independence, and economic betterment. I need not stress that this objective is today as meaningful and urgent as ever.

The founders of the PNA recognized that the satisfaction of their objectives would require close attention to the education of Polish-American youth. To that end, an educational department was established as early as 1899 to provide scholarships for promising students. Citizenship classes for immigrants were conducted by individual lodges. And in 1912, Alliance College—a fully accredited coeducational liberal arts college—was founded at Cambridge Springs, Pa. The educational work of the PNA is aided by two well-known publications. Zgoda, a bimonthly, is the largest-circulation Polish publication outside of Poland. And the Polish Daily Zgoda serves large numbers of Polish-Americans, primarily in the Midwest.

Beyond these activities, the PNA provides insurance for its members, amounting to a business of surprisingly large proportions—and one in which Polish-Americans deservedly take pride.

It is important, I think, to note that the PNA has from its inception worked for all persons of Polish heritage in this country without discrimination. In 1900, full rights and privileges were granted to wives and daughters of members, making the PNA the first major American organization to grant equal rights to women.

Today, the Polish National Alliance is the leading force in American Polonia's purposes and pursuits. I ask my colleagues to join me in celebrating the anniversary of one century of solid accomplishment.

MESSAGES FROM THE PRESIDENT RECEIVED DURING THE RECESS

Under the authority of the order of the Senate of February 8, 1980, the Secretary of the Senate, on February 11, 13, 14, and 15, 1980, received messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received on February 11, 13, 14 and 15, 1980, are printed at the end of the Senate proceedings.)

REPORT ON STUDY OF ADMINISTRATION OF ERISA—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE RECESS—PM 165

Under the authority of the order of the Senate of February 8, 1980, the Secretary of the Senate, on February 11, 1980, received the following message from the President of the United States, together with an accompanying report, which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

In accordance with Section 107 of Reorganization Plan No. 4 of 1978, I am transmitting an evaluation of the extent to which this Reorganization Plan has alleviated the problems associated with the present administrative structure under the Employee Retirement Income Security Act of 1974 (ERISA). The evaluation also includes recommendations for a long-term administrative structure under ERISA.

The study concludes that the Reorganization Plan has significantly alleviated the problems in ERISA administration to which it was addressed: the processing of applications for exemptions from prohibited transaction provisions and the issuing of regulations. In addition, there have been substantial further reductions in the paperwork burden associated with the Act, and the Department of Labor and the Department of the Treasury have begun cooperative agreements to improve the coordination of their field enforcement activities. Continued improvement is expected.

I am pleased with the success of the Reorganization Plan in simplifying and improving the unnecessarily complex administrative requirements of ERISA. I believe that the establishment of an Interagency Employee Benefit Council, as recommended by the evaluation, will address the problems of the long-term administration of the program. My staff is carefully considering the steps necessary to establish the Council, as a part of my Administration's continuing commitment to making government more effective and less intrusive in the lives of our people.

JIMMY CARTER.

THE WHITE HOUSE, *February 11, 1980.*

PRESIDENTIAL RECOMMENDATIONS FOR SELECTIVE SERVICE REFORM—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE RECESS—PM 166

Under the authority of the order of the Senate of February 8, 1980, the Secretary of the Senate, on February 12, 1980, received the following message from the President of the United States, together with accompanying papers, which was referred to the Committee on Armed Services:

To the Congress of the United States:

Pursuant to Section 811 of P.L. 96–107, I am hereby transmitting Presidential Recommendations for Selective Service Reform and proposed legislation.

JIMMY CARTER.

THE WHITE HOUSE, *February 12, 1980.*

1976 ANNUAL REPORT ON THE FEDERAL OCEAN PROGRAM—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE RECESS—PM 167

Under the authority of the order of the Senate of February 8, 1980, the Secretary of the Senate, on February 14, 1980, received the following message from the President of the United States, together with an accompanying report, which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

Pursuant to P.L. 89–454, I am herewith transmitting to you the 1976 Annual Report on the Federal Ocean Program. This report highlights: the continuing effort to resolve law of the sea and other international issues; growing Federal support for economic, legal, and social studies bearing on the development and conservation of marine resources and the coastal environment; pollution abatement; and engineering investigations for undersea operations.

JIMMY CARTER.

THE WHITE HOUSE, *February 14, 1980.*

FEDERAL TERRITORIAL POLICY TOWARD GUAM—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE RECESS—PM 168

Under the authority of the order of the Senate of February 8, 1980, the Secretary of the Senate, on February 14, 1980, received the following message from the President of the United States, which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

I am announcing today the framework for a comprehensive Federal territorial policy towards Guam, the United States Virgin Islands, American Samoa and the Northern Mariana Islands. It strengthens our Nation's fundamental commitment to encourage the self-determined political, economic and social development of our territories.

The legislative proposals and executive actions that make up the basic elements of this policy were developed through an intensive Domestic Policy Review of current policy conducted by my Administration in consultation with territorial leaders and Members of Congress.

A number of developments precipitated this review:

—Congressional leaders and Administration officials have joined territorial residents in concern about inadequate economic development in the territories;

—Growing deficits have brought both Guam and the Virgin Islands close to insolvency, despite considerable Federal assistance;

—Territorial income tax revenues, as a percentage of gross territorial product, have dropped substantially;

—Some territories are having increasing difficulty in providing essential public services. This failure impairs the quality of life of their populations, inhibits economic expansion, and leads to requests for extraordinary Federal support;

—The territories have been confronted with new social problems which have reached near-crisis proportions in some instances;

—Federal policies toward the territories are often inconsistent, inappropriate, or confusing, exacerbating problems and frustrating well-intentioned programs; and

—The government and the administration of the territories have changed considerably over the last decade, creating the need for a reconsideration of organizational arrangements within the Executive Branch and possibly status.

Over the past several years, the Federal government has attempted to rectify many of the pressing problems facing the territories. In many cases, however, the piecemeal solutions devised have failed to clear up the underlying causes of those problems. While some Federal actions have contributed to the development of the territories, others have not promoted the greater self-sufficiency to which they justly aspire.

Our new policy is significant not only because of the scope of the individual initiatives it proposes; it is also significant because it is comprehensive. The interrelated elements of this policy seek to improve the full range of the Federal-territorial relationship.

Because the Congress is mandated plenary power for the territories by the Constitution, I ask that you join my Administration in adopting and implementing this comprehensive policy. Through legislation and the exercise of oversight responsibility, the Congress can ensure that the policy goals I outline here are realized. They include:

—detailing a procedure for the orderly political development of the territories;

—providing opportunity for and a stimulus to their economic growth;

—rationalizing the existing Federal-territorial financial relationship and improving local financial management;

—enhancing territorial treatment under Federal programs; and

—elevating the Federal organization for dealing with territorial matters.

I especially want to request the involvement of those Members of both Houses and of both parties who have shown consistent leadership and sensitivity on territorial issues: Senators Jackson, Johnston, Matsunaga, McClure, Stevens and Hatfield; Representatives Phillip Burton, Yates, Murphy, Clausen, Lagomarsino, Duncan; and Delegate Won Pat. Their views have been essential to the development of this policy and their help is essential for its implementation.

They know that we in Washington have an obligation to protect and nurture the unique cultures and fragile economies of these islands, which are so distinct from the rest of the Nation in terms of history, geography, economic potential, tradition and ethnic composition. Our goal should be to recognize these distinctions as assets rather than to expect the territories to conform to practices and policies designed for the States and often inapplicable to insular areas.

That is why this policy was not simply adopted in Washington for the territories; it was formulated in conjunction with the elected officials of the territories whose input was obtained at every stage and played a major role in shaping this policy.

EXECUTIVE BRANCH REORGANIZATION

To implement the initiatives I announce today, I will continue to rely upon the Department of the Interior, which for some time has had principal responsibility within the Executive Branch for territorial matters. To help it perform this function, I propose the following reorganization steps:

—the Secretary of the Interior will be given clear responsibility for all matters related to the territories and will be accorded increased support from other agencies and the White House staff;

—the office charged with territorial liaison and assistance responsibility will be enhanced organizationally to help it deliver the services expected of it and will be headed by a new Assistant Secretary of the Interior for Territorial and International Affairs; and

—to further ensure a coordinated Federal effort, territorial matters will be among the major responsibilities of a senior assistant on my Domestic Policy Staff.

These measures will improve the attention given the territories. They will make explicit Interior's responsibilities for the Northern Mariana Islands but will not change the Department's responsibilities for the Trust Territory of the Pacific Islands prior to the termination of the Trusteeship.

The organizational arrangements for handling United States relations with the freely associated States of Micronesia after termination of the Trusteeship, however, will not be determined until the final character of our responsibilities with regard to those island States is fully defined through the agreements now being negotiated.

The present policy of assigning no one department specific responsibility for liaison and assistance to Puerto Rico will continue until the government of that island requests such an assignment.

Under this reorganization, the Federal Comptrollers will continue to provide the territories with technical assistance and to perform their traditional and essential auditing function.

POLITICAL DEVELOPMENT

In keeping with our fundamental policy of self-determination, all options for political development should be open to the people of the insular territories so long as their choices are implemented when economically feasible and in a manner that does not compromise the national security of the United States.

If the people of any of the territories wish to modify their current political status, they should express their aspirations to the Secretary of the Interior through their elected leaders, as is the case now. The Secretary, along with representatives of the appropriate Federal agencies will, in turn, consult with territorial leaders on the issues raised. Following such discussions, a full report will be submitted to the Congress, along with the Secretary's proposals and recommendations.

This procedure will permit an orderly development of the Federal-territorial relationship. To maximize local self-determination, however, I want to encourage the people of Guam and the Virgin Islands to continue in the constitution-drafting process. By doing so, they will in due course replace the Federal laws under which their local governments now function with instruments of their own design.

The Secretary of the Interior will also make recommendations to me on the other proposals for political development considered during the Administration's Domestic Policy Review, including: Federal court reform in Guam and the Virgin Islands, Congressional representation for the Northern Mariana Islands, and other changes in current law.

ECONOMIC DEVELOPMENT

Attainment of the political aspirations of the people of the territories, as well as the quality of their lives, is vitally dependent on the economic viability of these insular areas. Therefore, this policy framework places special emphasis on furthering the economic development of each of these areas. As with other aspects of this policy, the Department of the Interior will be given new responsibilities to accomplish this end. Chief among these will be coordination of the work of the Federal government's economic development agencies with respect to the territories.

So that we may make sense out of the somewhat confused pattern of Federal laws that now apply or fail to apply to the territories, I will propose legislation to establish a Presidential Commission to examine the application of Federal statutes on a case by case basis to Guam, the Virgin Islands and American Samoa. On this Commission, representatives of each of the territories would join Federal legislative and executive representatives in recommending legislation to the President for his submission to Congress.

The Commission would not examine the applicability of Federal laws to the Northern Mariana Islands because our Covenant with that Commonwealth stipulates the appointment of a separate commission for that purpose. I will shortly appoint members to that Commission.

I will also direct the Department of the Interior, with the assistance of Federal economic development agencies, to undertake an analysis of Federal constraints on territorial economic expansion. This study will provide information and policy guidelines for the Commissions on Federal laws and will propose concrete action to remove administratively-imposed constraints.

I have, further, directed the Secretary of the Interior to devise methods of encouraging private sector development in the territories by providing technical training and public and private financing assistance. Again, in this effort the Secretary of the Interior will coordinate the involvement of all relevant agencies, particularly the Economic Development Administration of the Department of Commerce, which I expect to play a major role in fostering the growth of the private sector in the territories.

CAPITAL DEVELOPMENT

Federal constraints, the need for technical assistance and training, and the lack of local venture capital are not the only factors inhibiting private sector growth in the territories. There is also a serious need to develop and maintain the basic capital infrastructure to meet business and human requirements. In many of the islands, meaningful economic growth—as well as a decent standard of living—will be an unattainable dream unless elementary facilities are constructed.

My 1981 Budget recognizes this fact. In it I have proposed substantial Federal support for several essential capital improvement projects. The funding level proposed would have the Federal government finance 90 percent of the cost of these projects. This method of cost-sharing of capital improvement projects in the territories is a major element of the territorial assistance proposals I announce today. I urge that it be standardized until the territories become sound enough financially to assume a greater portion of the cost of needed projects.

JOINT FEDERAL-TERRITORIAL PLANNING

To plan and set priorities for territorial capital development, my Administration will propose a program for joint Federal-territorial, comprehensive, multi-year planning, financed by Federal grants. This planning will serve other purposes as well. It will help to improve the effectiveness of Federal grant programs in the territories and it will assist the territories to better manage their finances.

FEDERAL GRANT PROGRAMS

Several other initiatives will be undertaken by my Administration to enhance the effectiveness and usefulness of Federal grant programs, including:

—encouragement to territorial governors to strengthen their grant coordinating units and to participate in joint planning efforts,

—a directive to all Federal agencies to keep the Department of the Interior informed of all grant applications and decisions affecting the territories and to provide it with data related to the applications and the programs to which they apply,

—a waiver of matching requirements for programs or projects the Federal government wants to encourage in the territories, and

—development of a test proposal to provide the territories with block grants replacing the categorical grants-in-aid which the territories find increasingly difficult to administer effectively.

FINANCIAL ASSISTANCE

The initiatives I propose to ameliorate territorial financial difficulties are part of a major revision of the financial relationship between Washington and the territories. This change is designed to promote greater self-reliance in the territories. It recognizes that somewhat greater levels of assistance are required in the short run to enable the territories to be more self-sufficient in the long run. It focuses on capital improvements, economic development, and gradually increasing territorial contributions to the funding of local programs and projects.

Thus, while my Administration will continue to oppose measures that provide a disincentive to prudent budget practices—such as the financing of deficit spending—I will submit legislation designed to enable Guam and the Virgin Islands to alleviate immediate and near-term budgetary pressures while improving their financial management practices.

This proposal is expected to provide an additional $25 million in financial aid to the two territories in Fiscal Year 1981, as well as to provide an incentive toward greater local tax effort. It will be accompanied by assistance designed to improve budget-making and planning in the territories. It will make continued additional Federal support contingent on sound budgeting and accounting practices, including a plan to eliminate accumulated deficits.

My 1981 Budget proposes a continuance of significant Federal support for American Samoa and budgetary support for the Northern Mariana Islands as required by the Covenant. Both will also be able to participate in our program of budget planning assistance. As an incentive to self-reliance in American Samoa, I propose that in the future our operational assistance to that territory be limited to the previous year's base plus a five percent inflation adjustment.

To increase territorial revenues, I propose that we fully extend the Internal Revenue Code, now limited to the States and the District of Columbia, to the territories. I will submit legislation similar to S. 2017, sponsored by Senator JOHNSTON, that will replace the so-called "mirror" systems of income taxation imposed by Federal law and eliminate restrictions on the local imposition of a local income tax.

This measure would provide the territories with many advantages in addition to according them State-like Federal income tax treatment. Collections by the Internal Revenue Service would be covered over to territorial treasuries for an anticipated significant net gain. Anomalies in current tax laws would be eliminated, encouraging business activity and increasing collections. Employees of territorial tax agencies would be given preference in hiring for Internal Revenue Service positions in their territories. And the legislation would create new incentives for business investment.

As I noted at the outset, the legislative proposals and administrative actions that make up this policy framework seek to reaffirm our fundamental commitment to self-determination. They recognize as well our unique relationships with the territories and our special obligations to their peoples.

This comprehensive territorial policy will enhance the political, economic and social development of those territories to which we owe so much and which need our assistance. Territorial Americans can rest assured that we will pursue this new policy with diligence and perseverance.

JIMMY CARTER.

THE WHITE HOUSE, *February 14, 1980.*

STUDY OF THE JOHN DAY RIVER IN OREGON—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE RECESS—PM 169

Under the authority of the order of the Senate of February 8, 1980, the Secretary of the Senate, on February 15, 1980, received the following message from the President of the United States, together with an accompanying report, which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

Pursuant to Section 4(a) of the Wild and Scenic Rivers Act (P.L. 90–542), I am transmitting the Wild and Scenic River Study of the John Day River in Oregon. The study was prepared by the Department of the Interior.

The study finds that the entire 147 mile study segment of the river qualifies for addition to the National Wild and Scenic Rivers System as a scenic river. The State of Oregon has already acted to protect this river under its Scenic Waterways System. For this reason, the study recommends that the river be added to the national system as a State-administered component. The Secretary of the Interior has indicated his willingness to add the river to the national system as soon as the Governor of Oregon requests that it be added, pursuant to Section 2(a)(ii) of the Wild and Scenic Rivers Act.

I support the recommendations of the study.

JIMMY CARTER.

The WHITE HOUSE, *February 15, 1980.*

COMPREHENSIVE RADIOACTIVE WASTE MANAGEMENT PROGRAM—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE RECESS—PM 170

Under the authority of the order of the Senate of February 8, 1980, the Secretary of the Senate, on February 12, 1980, received the following message from the President of the United States, which was referred to the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, and the Committee on Governmental Affairs, jointly, by unanimous consent:

To the Congress of the United States:

Today I am establishing this Nation's first comprehensive radioactive waste management program. My paramount objective in managing nuclear wastes is to protect the health and safety of all Americans, both now and in the future. I share this responsibility with elected officials at all levels of our government. Our citizens have a deep concern that the beneficial uses of nuclear technology, including the generation of electricity, not be allowed to imperil public health or safety now or in the future.

For more than 30 years, radioactive wastes have been generated by programs for national defense, by the commercial nuclear power program, and by a variety of medical, industrial and research activities. Yet past governmental efforts to manage radioactive wastes have not been technically adequate. Moreover, they have failed to involve successfully the States, local governments, and the pubic in policy or program decisions. My actions today lay the foundation for both a technically superior program and a full cooperative Federal-State partnership to ensure public confidence in a waste management program.

My program is consistent with the broad consensus that has evolved from the efforts of the Interagency Review Group on Radioactive Waste Management (IRG) which I established. The IRG findings and analysis were comprehensive, thorough and widely reviewed by public, industry and citizen groups, State and local governments, and members of the Congress. Evaluations of the scientific and technical analyses were obtained through a broad and rigorous peer review by the scientific community. The final recommendations benefited from and reflect this input.

My objective is to establish a comprehensive program for the management of *all* types of radioactive wastes. My policies and programs establish mechanisms to ensure that elected officials and the public fully participate in waste decisions, and direct Federal departments and agencies to implement a waste management strategy which is safe, technically sound, conservative, and open to continuous public review. This approach will help ensure that we will reach our objective—the safe storage and disposal of all forms of nuclear waste.

Our primary objective is to isolate existing and future radioactive waste from military and civilian activities from the biosphere and pose no significant threat to public health and safety. The responsibility for resolving military and civilian waste management problems shall not be deferred to future generations. The technical program must meet all relevant radiological protection criteria as well as all other applicable regulatory requirements. This effort must proceed regardless of future developments within the nuclear industry—its future size, and resolution of specific fuel cycle and reactor design issues. The specific steps outlined below are each aimed at accomplishing this overall objective.

First, my Administration is committed to providing an effective role for State and local governments in the development and implementation of our nuclear waste management program. I am therefore taking the following actions:

—By Executive Order, I am establishing a State Planning Council which will strengthen our intergovernmental relationships and help fulfill our joint responsibility to protect public health and safety in radioactive waste matters. I have asked Governor Riley of South Carolina to serve as Chairman of the Council. The Council will have a total of 19 members: 15 who are Governors or other elected officials, and 4 from the Executive departments and agencies. It will advise the Executive Branch and work with the Congress to address radioactive waste management issues, such as planning and siting, construction, and operation of facilities. I will submit legislation during this session to make the Council permanent.

—In the past, States have not played an adequate part in the waste management planning process—for example, in the evaluation and location of potential waste disposal sites. The States need better access to information and expanded opportunity to guide waste management planning. Our relationship with the States will be based on the principle of consultation and concurrence in the siting of high level waste repositories. Under the framework of consultation and concurrence, a host State will have a continuing role in Federal decisionmaking on the siting, design and construction of a high level waste repository. State consultation and concurrence, however, will lead to an acceptable solution to our waste disposal problem only if all the States participate as partners in the program I am putting forth. The safe disposal of radioactive waste, defense and commercial, is a national, not just a Federal, responsibility.

—I am directing the Secretary of Energy to provide financial and technical assistance to States and other jurisdictions to facilitate the full participation of State and local government in review and licensing proceedings.

Second, for disposal of high level radioactive waste, I am adopting an interim planning strategy focused on the use of mined geologic repositories capable of accepting both waste from reprocessing and unreprocessed commercial spent fuel. An interim strategy is needed since final decisions on many steps which need to be taken should be preceded by a full environmental review under the National Environmental Policy Act. In its search for suitable sites for high level waste repositories, the Department of Energy has mounted an expanded and diversified program of geologic investigations that recognizes the importance of the interaction among geologic setting, repository host rock, waste form and other engineered barriers on a site-specific basis. Immediate attention will focus on research and development, and on locating and characterizing a number of potential repository sites in a variety of different geologic environments with diverse rock types. When four to five sites have been evaluated and found potentially suitable, one or more will be selected for further development as a licensed full-scale repository.

It is important to stress the following two points: First, because the suitability of a geologic disposal site can be verified only through detailed and time-consuming site specific evaluations, actual sites and their geologic environments *must* be carefully examined. Second, the development of a repository will proceed in a careful step-by-step manner. Experience and information gained at each phase will be reviewed and evaluated to determine if there is sufficient knowledge to proceed with the next stage of development. We should be ready to select the site for the first full-scale repository by about 1985 and have it operational by the mid-1990's. For reasons of economy, the first and subsequent repositories should accept both defense and commercial wastes.

Consistent with my decision to expand and diversify the Department of Energy's program of geologic investigation before selecting a specific site for repository development, I have decided that the Waste Isolation Pilot Plant project should be cancelled. This project is currently authorized for the unlicensed disposal of transuranic waste from our National defense program, and for research and development using high level defense waste. This project is inconsistent with my policy that all repositories for highly radioactive waste be licensed, and that they accept both defense and commercial wastes.

The site near Carlsbad, New Mexico, which was being considered for this project, will continue to be evaluated along with other sites in other parts of the country. If qualified, it will be reserved as one of several candidate sites for possible use as a licensed repository for defense and commercial high level wastes. My fiscal year 1981 budget contains funds in the commercial nuclear waste program for protection and continued investigation of the Carlsbad site. Finally, it is important that we take the time to compare the New Mexico site with other sites now under evaluation for the first waste repository.

Over the next five years, the Department of Energy will carry out an aggressive program of scientific and technical investigations to support waste solidification, packaging and repository design and construction including several experimental, retrievable emplacements in test facilities. This supporting research and development program will call upon the knowledge and experience of the Nation's very best people in science, engineering and other fields of learning and will include participation of universities, industry, and the government departments, agencies, and national laboratories.

Third, during the interim period before a disposal facility is available, waste must and will continue to be cared for safely. Management of defense waste is a Federal responsibility; the Department of Energy will ensure close and meticulous control over defense waste facilities which are vital to our national security. I am committed to maintain safe interim storage of these wastes as long as necessary and to making adequate funding available for that purpose. We will also proceed with research and development at the various defense sites that will lead the processing, packaging, and ultimate transfer to a permanent repository of the high level and transuranic wastes from defense programs.

In contrast, storage of commercial spent fuel is primarily a responsibility of the utilities. I want to stress that interim spent fuel storage capacity is *not* an alternative to permanent disposal. However, adequate storage is necessary until repositories are available. I urge the utility industry to continue to take all actions necessary to store spent fuel in a manner that will protect the public and ensure efficient and safe operation of power reactors. However, a limited amount of government storage capacity would provide flexibility to our national waste disposal program and an alternative for those utilities which are unable to expand their storage capabilities.

I reiterate the need for early enactment of my proposed spent nuclear fuel legislation. This proposal would authorize the Department of Energy to: (1) design, acquire or construct, and operate one or more away-from-reactor storage facilities, and (2) accept for storage, until permanent disposal facilities are available, domestic spent fuel, and a limited amount of foreign spent fuel in cases when such action would further our non-proliferation policy objectives. All costs of storage, including the cost of locating, constructing and operating permanent geologic repositories, will be recovered through fees paid by utilities and other users of the services and will ultimately be borne by those who benefit from the activities generating the wastes.

Fourth, I have directed the Department of Energy to work jointly with states, other government agencies, industry and other organizations, and the public, in developing national plans to establish regional disposal sites for commercial low level waste. We must work together to resolve the serious near-term problem of low level waste disposal. While this task is not inherently difficult from the standpoint of safety, it requires better planning and coordination. I endorse the actions being taken by the Nation's governors to tackle this problem and direct the Secretary of Energy to work with them in support of their effort.

Fifth, the Federal programs for regulating radioactive waste storage, transportation and disposal are a crucial component of our efforts to ensure the health and safety of Americans. Although the existing authorities and structures are basically sound, improvements must be made in several areas. The current authority of the Nuclear Regulatory Commission to license the disposal of high level waste and low level waste in commercial facilities should be extended to include spent fuel storage, and disposal of transuranic waste and non-defense low level waste in any new government facilities. I am directing the Environmental Protection Agency to consult with the Nuclear Regulatory Commission to resolve issues of overlapping jurisdiction and phasing of regulatory actions. They should also seek ways to speed up the promulgation of their safety regulations. I am also directing the Department of Transportation and the Environmental Protection Agency to improve both the efficiency of their regulatory activities and their relationships with other Federal agencies and state and local governments.

Sixth, it is essential that all aspects of the waste management program be conducted with the fullest possible disclosure to and participation by the public and the technical community. I am directing the departments and agencies to develop and improve mechanisms to ensure such participation and public involvement consistent with the need to protect national security information. The waste management program will be carried out in full compliance with the National Environmental Policy Act.

Seventh, because nuclear waste management is a problem shared by many other countries and decisions on waste management alternatives have nuclear proliferation implications, I will continue to encourage and support bilateral and multilateral efforts which advance both our technical capabilities and our understanding of spent fuel and waste management options, which are consistent with our non-proliferation policy.

In its role as lead agency for the management and disposal of radioactive wastes and with cooperation of the other relevant Federal agencies, the Department of Energy is preparing a detailed National Plan for Nuclear Waste Management to implement these policy guidelines and the other recommendations of the IRG. This Plan will provide a clear road map for all parties and will give the public an opportunity to review the entirety of our program. It will include specific program goals and milestones for all aspects of nuclear waste management. A draft of the comprehensive National Plan will be distributed by the Secretary of Energy later this year for public and Congressional review. The State Planning Council will be directly involved in the development of this plan.

The Nuclear Regulatory Commission now has underway an important proceeding to provide the Nation with its judgment on whether or not it has confidence that radioactive wastes produced by nuclear power reactors can and will be disposed of safely. I urge that the Nuclear Regulatory Commission do so in a thorough and timely manner and that it provide a full opportunity for public, technical and government agency participation.

Over the past two years as I have reviewed various aspects of the radioactive waste problem, the complexities and difficulties of the issues have become evident—both from a technical and, more importantly, from an institutional and political perspective. However, based on the technical conclusions reached by the IRG, I am persuaded that the capability now exists to characterize and evaluate a number of geologic environments for use as repositories built with conventional mining technology. We have already made substantial progress and changes in our programs. With this comprehensive policy and its implementation through the FY 1981 budget and other actions, we will complete the task of reorienting our efforts in the right direction. Many citizens know and all must understand that this problem will be with us for many years. We must proceed steadily and with determination to resolve the remaining technical issues while ensuring full public participation and maintaining the full cooperation of all levels of government. We will act surely and without delay, but we will not compromise our technical or scientific standards out of haste. I look forward to working with the Congress and the states to implement this policy and build public confidence in the ability of the government to do what is required in this area to protect the health and safety of our citizens.

JIMMY CARTER.

THE WHITE HOUSE, *February 12, 1980*.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the message from the President of the United States, relative to radioactive waste management, be jointly referred to the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, and the Committee on Governmental Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE HOUSE RECEIVED DURING THE RECESS

Under the authority of the order of the Senate of February 8, 1980, the Secretary of the Senate, on February 11, 1980, received a message from the House of Representatives which reported that the House has passed the following bill, with amendments in which it requests the concurrence of the Senate:

S. 496. An act to increase the appropriations ceiling for title I of the Colorado River Basin Salinity Control Act (the Act of June 24, 1974; 88 Stat. 266), to increase the appropriations authorization for the Small Reclamation Projects Act of 1956 (70 Stat. 1044), and for other purposes.

The message also reported that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3275. An act to amend the Small Reclamation Projects Act of 1956, as amended.

Under the authority of the order of the Senate of February 8, 1980, the Secretary of the Senate, on February 12, 1980, received a message from the House of Representatives which reported that the House has passed the following bill, without amendment:

S. 1452. An act to extend the provisions of title XII of the Merchant Marine Act, 1936, relating to war risk insurance.

The message also reported that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3748. An act to provide for a uniform national three-year statute of limitations in actions to recover damages for personal injury or death, arising out of a maritime tort, and for other purposes; and

H.R. 6080. An act to amend the Geothermal Steam Act of 1970 to accelerate the priority development of geothermal energy in the United States.

ENROLLED BILL SIGNED

The message further reported that the Speaker has signed the following enrolled bill:

S. 1452. An act to extend the provisions of title XII of the Merchant Marine Act, 1936, relating to war risk insurance.

The enrolled bill was signed by the Acting President pro tempore (Mr. FORD) on February 14, 1980.

Under the authority of the order of the Senate of February 8, 1980, the Secretary of the Senate, on February 13, 1980, received a message from the House of Representatives which reported that the House has passed the following bill, with amendments in which it requests the concurrence of the Senate:

S. 1144. An act to authorize appropriations for the Quiet Communities Act for the fiscal years 1980 and 1981.

The message also reported that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 75. Concurrent resolution providing for certain corrections to be made in the enrollment of Senate Joint Resolution 108 to validate the effectiveness of certain plans for the use or distribution of funds appropriated to pay judgments awarded to Indian tribes or groups.

The message further reported that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4774. An act to amend the National Labor Relations Act to provide that any employee who is a member of a religion or sect historically holding conscientious objection to joining or financially supporting a labor organization shall not be required to do so;

H.R. 5913. An act to amend section 502(a) of the Merchant Marine Act, 1936; and

H.R. 6374. An act to authorize the President of the United States to present on behalf of the Congress a specially struck gold medal to Ambassador Kenneth Taylor.

ENROLLED JOINT RESOLUTION SIGNED

The message also reported that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 108. Joint resolution to validate the effectiveness of certain plans for the use or distribution of funds appropriated to pay judgments awarded to Indian tribes or groups.

The enrolled joint resolution was signed by the Acting President pro tempore (Mr. FORD) on February 14, 1980.

Under the authority of the order of the Senate of February 8, 1980, the Secretary of the Senate, on February 14, 1980, received a message from the House of Representatives which reported that the House has passed the following joint resolutions, in which it requests the concurrence of the Senate:

H.J. Res. 469. Joint resolution designating February 19, 1980, as "Iwo Jima Commemoration Day"; and

H.J. Res. 477. Joint resolution to authorize and request the President to issue a proclamation honoring the memory of Walt Disney on the 25th anniversary of his contribution to the American dream.

HOUSE BILLS REFERRED

The following bills were read twice by their titles and referred as indicated:

H.R. 3275. An act to amend the Small Reclamation Projects Act of 1956, as amended; to the Committee on Energy and Natural Resources.

H.R. 3748. An act to provide for a uniform national three-year statute of limitations in actions to recover damages for personal injury or death, arising out of a maritime tort, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 4774. An act to amend the National Labor Relations Act to provide that any employee who is a member of a religion or sect historically holding conscientious objection to joining or financially supporting a labor organization shall not be required to do so; to the Committee on Labor and Human Resources.

H.R. 6080. An act to amend the Geothermal Steam Act of 1970 to accelerate the priority development of geothermal energy in the United States; to the Committee on Energy and Natural Resources.

HOUSE BILLS AND JOINT RESOLUTION ORDERED HELD AT DESK

The following bills and joint resolution were ordered held at the desk, by unanimous consent:

H.R. 5913. An act to amend section 502(a) of the Merchant Marine Act, 1936;

H.R. 6374. An act to authorize the President of the United States to present on behalf of the Congress a specially struck medal to Ambassador Kenneth Taylor; and

H.J. Res. 469. Joint resolution designating February 19, 1980, as "Iwo Jima Commemoration Day."

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on February 14, 1980, he presented to the President of the United States the following enrolled bill and joint resolution:

S. 1452. An act to extend the provisions of title XII of the Merchant Marine Act, 1936, relating to war risk insurance; and

S.J. Res. 108. Joint resolution to validate the effectiveness of certain plans for the use or distribution of funds appropriated to pay judgments awarded to Indian tribes or groups.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2970. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report of the efforts of the Department to reduce the paperwork required of State and local educational agencies; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2971. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report on the Nation's agricultural research, extension, and teaching activities; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2972. A communication from the Director, Office of Management and Budget, Executive Office of the President, reporting, pursuant to law, that, in order to maintain in the fourth quarter of fiscal year 1979 the budgeted level of operation for Radio Free Europe/Radio Liberty, Inc., $2,114,612 is needed because of the downward fluctuations in foreign currency exchange rates; to the Committee on Appropriations.

EC-2973. A communication from the Chairman, U.S. Railway Association, transmitting, pursuant to law: First, justification for a 1980 supplemental appropriation of $4.6 million for administrative expenses of the U.S. Railway Association (USRA), and two, justification for a 1981 appropriation of $29.5 million for administrative expenses of the Association; to the Committee on Appropriations.

EC-2974. A communication from the Acting Director, Defense Security Assistance Agency, reporting, pursuant to law, concerning the Department of the Army's proposed letter of offer to Saudi Arabia for defense articles estimated to cost in excess of $25 million; to the Committee on Armed Services.

EC-2975. A communication from the General Counsel of the Department of Defense, reporting, pursuant to law, that an additional general provision is required relating to proposed legislation to authorize certain construction at military installations, and for other purposes; to the Committee on Armed Services.

EC-2976. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "F/A-18 Naval Strike Fighter: Its Effectiveness Is Uncertain," February 14, 1980; to the Committee on Armed Services.

EC-2977. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "The Navy's Pilot Shortage: A Selective Bonus and Other Actions Could Improve Retention," February 15, 1980; to the Committee on Armed Services.

EC-2978. A communication from the Deputy Secretary of Defense, reporting, pursuant to law, on officers and employees of a Federal Contract Research Center whose compensation paid out of Federal funds during the preceding calendar year exceeded the annual rate of basic pay authorized (without regard to any limitation on the payment of such pay) for level II of the executive schedule on the last day of the year; to the Committee on Armed Services.

EC-2979. A communication from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, a report of the design and construction supervision inspection and overhead fees charges by the construction agents for the military construction projects of the military departments and the Defense agencies; to the Committee on Armed Services.

EC-2980. A communication from the Director, Defense Security Assistance Agency, reporting, pursuant to law, concerning the Department of the Navy's proposed Letter of Offer to France for Defense articles estimated to cost in excess of $25 million; to the Committee on Armed Services.

EC-2981. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "A Decision by the Secretary of Defense is Needed on the AV-8B Aircraft Program," February 8, 1980; to the Committee on Armed Services.

EC-2982. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report of the Reserve Force Policy Board (RFPB); to the Committee on Armed Services.

EC-2983. A communication from the Director, Legislative Liaison, Office of the Secretary, Department of the Air Force, reporting, pursuant to law, that a study on the feasibility of relocating the Electromagnetic Compatibility Analysis Center (ECAC), from Annapolis, Md., to Duluth International Airport (IAP), Minn., is to be made by the Air Force; to the Committee on Armed Services.

EC-2984. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Federal Supervision of Bank Holding Companies Needs Better, More Formalized Coordination," February 12, 1980; to the Committee on Banking, Housing, and Urban Affairs.

EC-2985. A communication from the Secretary, Interstate Commerce Commission, reporting, pursuant to law, that the Commission is unable to render a final decision in docket No. 37063 (Sub. No. 5), increased rates on coal, L&N RR: May 2979, within the initially specified 7-month period, as previously extended by 30 days; to the Committee on Commerce, Science, and Transportation.

EC-2986. A communication from the Secretary, Interstate Commerce Commission, reporting, pursuant to law, that the Commission is unlikely to be able to render a final decision in No. 37246, increased rates on coal, Midwestern Railroads, August 1979 and six related sub-proceedings within the specified 7-month period; to the Committee on Commerce, Science, and Transportation.

EC-2987. A communication from the General Counsel, Department of Energy, transmitting, pursuant to law, notices of meetings related to the international energy program; to the Committee on Energy and Natural Resources.

EC-2988. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Magnetohydrodynamics: A Promising Technology for Efficiently Generating Electricity From Coal," February 11, 1980; to the Committee on Energy and Natural Resources.

EC-2989. A communication from the Secretary of the Interior, reporting, pursuant to law, the withdrawal of certain lands in Alaska as indicated in certain attached documents; to the Committee on Energy and Natural Resources.

EC-2990. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, the 1978 status report of the GSA covering public building projects authorized for construction, alteration and lease in accordance with the Public Buildings Act of 1959; to the Committee on Environment and Public Works.

EC-2991. A communication from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1954 to authorize disclosure to guarantee agencies of address information of students who have defaulted on guaranteed student loans; to the Committee on Finance.

EC-2992. A communication from the Acting U.S. Coordinator for Refugee Affairs, reporting, pursuant to law, with regard to the Cambodian relief effort; to the Committee on Foreign Relations.

EC-2993. A communication from the Under Secretary of State for Management, transmitting a draft of proposed legislation to promote the foreign policy of the United States by strengthening and improving the Foreign Service of the United States, and for other purposes; to the Committee on Foreign Relations.

EC-2994. A communication from the Assistant Administrator for Legislative Affairs, Agency for International Development, U.S. International Development Cooperation Agency, reporting, pursuant to law, that AID is in the process of taking steps to formally establish the Minority Resource Center and will provide Congress with a full discussion of the activities and accomplishments of the center in the next report; to the Committee on Foreign Relations.

EC-2995. A communication from the Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to provide additional authorization for fiscal year 1981, to authorize appropriations for fiscal year 1982, and for other purposes; to the Committee on Foreign Relations.

EC-2996. A communication from the Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to amend the Department of State Authorization Act, fiscal years 1980 and 1981, to provide additional authorization for fiscal year 1980, and for other purposes; to the Committee on Foreign Relations.

EC-2997. A communication from the President of the United States, reporting, pursuant to law, on new criteria for nuclear exports; to the Committee on Foreign Relations.

EC-2998. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Improving the Productivity of Federal Payment Centers Could Save Millions," February 12, 1980; to the Committee on Governmental Affairs.

EC-2999. A communication from the Deputy Assistant Secretary of Defense (Administration), reporting, pursuant to law, an altered system of records; to the Committee on Governmental Affairs.

EC-3000. A communication from the Deputy Assistant Secretary of Defense (Administration), reporting, pursuant to law, on a new system of records; to the Committee on Governmental Affairs.

EC-3001. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report of the Board of Actuaries; to the Committee on Governmental Affairs.

EC-3002. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Financial Status of Major Federal Acquisitions September 30, 1979," February 12, 1980; to the Committee on Governmental Affairs.

EC-3003. A communication from the Mayor, District of Columbia, transmitting, pursuant to law, the annual report of the Office of Emergency Preparedness for fiscal year 1979; to the Committee on Governmental Affairs.

EC-3004. A communication from the Deputy Assistant Secretary of Defense, transmitting, pursuant to law, a report on disposal of foreign excess personal property located in areas outside of the United States, Puerto Rico, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands; to the Committee on Governmental Affairs.

EC-3005. A communication from the Assistant Administrator for Legislative Affairs, Agency for International Development, transmitting, pursuant to law, a report on disposal of foreign excess property for fiscal year 1979; to the Committee on Governmental Affairs.

EC-3006. A communication from the Deputy Assistant Secretary of Defense (Administration), reporting, pursuant to law, on a new system of records; to the Committee on Governmental Affairs.

EC-3007. A communication from the Director, Administrative Office of the U.S. Courts, transmitting, pursuant to law, a report on supergrade positions allocated by statute to the Administrative Office of the U.S. Courts; to the Committee on Governmental Affairs.

EC-3008. A communication from the Director of Central Intelligence, transmitting a draft of proposed legislation to authorize appropriations for fiscal year 1981 for intelligence and intelligence-related activities of the U.S. Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Select Committee on Intelligence.

EC-3009. A communication from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, 635 reports concerning visa petitions which the Service has approved according the beneficiaries of such petitions third and sixth preference classification under the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

EC-3010. A communication from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a report of conditional entry activities for the period July 1, 1979, through December 31, 1979; to the Committee on the Judiciary.

EC-3011. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and deferrals, February 1, 1980; to the Committee on Appropriations, the Committee on the Budget, the Committee on Labor and Human Resources, the Committee on Energy and Natural Resources, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Commerce, Science, and Transportation, the Committee on Armed Services, the Committee on the Judiciary, the Committee on Foreign Relations, the Committee on Finance, the Committee on Banking, Housing, and Urban Affairs, the Committee on Governmental Affairs, the Committee on Environment and Public Works, and the Select Committee on Indian Affairs, jointly, pursuant to order of January 30, 1975.

EC-3012. A communication from the Administrator, U.S. Environmental Protection Agency, transmitting, pursuant to law, the Agency's 5-year plan for research and development and demonstration; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-548. A concurrent resolution adopted by the Legislature of the State of South Carolina; to the Committee on Agriculture, Nutrition, and Forestry:

"CONCURRENT RESOLUTION

"Whereas, the following Emergency Farm Bureau Policy for 1980 was adopted at the sixty-first annual convention of the Farm Bureau in Phoenix, Arizona, on January 9, 1980:

"EMERGENCY FARM BUREAU POLICY FOR 1980

"A threat to our national security exists as a result of the Soviet Union's invasion of Afghanistan. All segments of our nation must share in carrying the brunt of the sacrifices necessary to deal with the current crisis. We urge the President to take the necessary steps to end all cultural and economic contacts with the USSR. These would include business contracts, exchange programs, participation in the 1980 Summer Olympic Games and all other contacts other than diplomatic ties necessary to resolve the current situation.

"Our government should solicit allies throughout the world to take similar action.

"Because of the immediacy of the President's actions, some segments of our nation's economy will suffer severe economic hardship through no fault of their own, and therefore, steps must be taken by the government to provide equitable compensation for these losses. Agricultural trade should not be sacrificed unless the national security demands a total suspension of all non-diplomatic relations with the USSR.

"We encourage the administration and the Congress to immediately implement the following:

"(1) Immediately increase the CCC export credit budget from $800 million to $2.0 billion for fiscal year 1980 and fiscal year 1981;

"(2) Offer the wheat and feed grains loan and target price programs to all producers whether they participated in 1979 programs or not;

"(3) Place the 17 million metric tons of embargoed grains and oilseeds in isolation with staggered release beginning at a point 10 percent above the call levels through the 1980-81 marketing season;

"(4) Announce revised 1980 farm program release and call levels by February 1, 1980;

"(5) Establish acreage diversion programs for feed grains and wheat for 1980 to reduce the 1980 cropsize by 17 million metric tons;

"(6) Legislate requirements for gradual addition of alcohol to fuels and provide long-term incentives to build needed processing facilities; and

"(7) Provide low interest loans to holders of agricultural commodities not sold due to the embargo with repayment when the products are sold and provide purchases where low interest loans are impractical due to perishability. Now, therefore,

"Be it resolved by the Senate, the House of Representatives concurring:

"That the President and the Congress of the United States are memorialized to implement the seven steps set out above so as to put into effect the Emergency Farm Bureau Policy for 1980 adopted at the sixty-first annual convention of the Farm Bureau in Phoenix, Arizona, on January 9, 1980.

"Be it further resolved that a copy of this resolution be forwarded to the President of the United States, the Vice-President of the United States, the Speaker of the House of Representatives of the United States and each member of Congress representing South Carolina."

POM-549. A resolution adopted by the Senate of the State of Kansas; to the Committee on Commerce, Science, and Transportation:

"SENATE RESOLUTION NO. 1845

"Whereas, the economy of the state of Kansas and the entire Great Plains region is dependent on the farmer's ability to market agricultural products throughout this country and the world; and

"Whereas, the people of this country and of the world rely on the availability and accessibility of those life-sustaining products; and

"Whereas, operations on the Rock Island Railroad move agricultural products to market and feed food into the hungry mouths of this nation and the world; and

"Whereas, interruption of those operations may irreparably damage, and even destroy, the transportation system which is both this state's lifeline to the world economy and the world's lifeline to food; and

"Whereas, stoppage of services on the Rock Island will be devastating to the economy of this state and this region and catastrophic to cities, towns, businesses and industries; and

"Whereas, alternative means for moving agricultural products from the producer to the consumer are not available in many parts of this state and development of those means will be extremely expensive: Now, therefore,

"*Be it resolved by the Senate of the State of Kansas*: That the Interstate Commerce Commission is strongly urged to block any attempted embargoes on any segment of the Rock Island Railroad and to extend Directed Service Order No. 1398 an additional ninety days beyond March 3, 1980; and

"*Be it further resolved*: That the Interstate Commerce Commission is further urged, during the extended term of Directed Service Order No. 1398, to reach a decision concerning the sale of parts or all of the Rock Island lines to those parties interested in purchasing and operating the Rock Island properties; and

"*Be it further resolved*: That the Secretary of the Senate is directed to send an enrolled copy of this resolution to the President and Vice-President of the United States, each member of the United States Congress from the state of Kansas, the chairperson of the Interstate Commerce Commission, the United States Secretary of Agriculture and the United States Secretary of Transportation."

POM-550. A concurrent resolution adopted by the Legislature of the State of South Carolina; to the Committee on Finance:

"CONCURRENT RESOLUTION

"Whereas, it is in the national interest to promote the development of alternative motor fuels due to the diminishing supply of oil and the political unrest in the major oil supplying countries of the Middle East; and

"Whereas, many states have recognized the need to promote the sale and use of gasohol, the only presently available alternative motor vehicle fuel, and many states have reduced their excise tax on gasohol in order to promote its use; and

"Whereas, these actions have resulted in reducing the revenue from motor fuel sales available for highway construction and maintenance; and

"Whereas, the State of South Carolina stands to lose five million dollars in highway use taxes and has lost fifty thousand dollars to date due to its exemption of excise tax on gasohol which has only been in effect since October of 1979 and has lost five million two hundred thousand dollars during the first six months of the fiscal year because of reduced consumption of gasoline because of conservation measures; and

"Whereas, the cost of highway construction has increased twenty-six percent according to the construction cost index during the last year, highway maintenance costs have increased 13.17 percent during such period and the Department of Highways and Public Transportation has just been notified of an increase of 33½ percent in the cost of liquid asphalt, which is the base for materials in highway construction and maintenance. Now, therefore,

"Be it resolved by the Senate, the House of Representatives concurring:

"That the General Assembly memorializes the President and Congress of the United States to use a portion of the revenue collected under the windfall profits bill (H.R. 3919) to reimburse the states for the revenues which they have lost and may continue to lose due to their reduction of excise taxes on gasohol, thereby making it possible for the states to continue the much needed tax exemption or reduction on gasohol.

"Be it further resolved that a copy of this resolution be forwarded to the President, Vice President and Speaker of the House of Representatives of the United States and to each member of the United States Congress representing the State of South Carolina."

POM-551. A concurrent resolution adopted by the House of Representatives of the State of South Carolina; to the Committee on Finance:

"H. 3390

"Whereas, persons who become eligible for disability Social Security benefits are not eligible for Medicare until two years after they become eligible for Social Security; and

"Whereas, persons eligible for welfare benefits (SSI) immediately become eligible for Medicaid assistance; and

"Whereas, it is unfair that working people struck down by a disability do not receive the same treatment as those who are not working and sometimes never have been employed. Now, therefore,

"Be it resolved by the House of Representatives, the Senate concurring:

"That the General Assembly by this resolution hereby memorializes the Congress of the United States and the United States Department of Health and Welfare to correct the serious inequity which rewards welfare recipients with immediate medical assistance under the Medicaid program but requires disabled recipients of Social Security, most of whom were formerly employed, to wait two years before becoming eligible for Medicare assistance.

"Be it further resolved that copies of this resolution be forwarded to the Vice President, the Speaker of the House of Representatives, the members of the South Carolina Congressional delegation and the Secretary of the United States Department of Health and Welfare in Washington, D.C."

POM-552. A concurrent resolution adopted by the House of Representatives of the State of West Virginia; to the Committee on the Judiciary:

"HOUSE CONCURRENT RESOLUTION NO. 9

"Whereas, Millions of abortions have been performed in this country since the Supreme Court of the United States rendered its landmark opinion concerning abortion laws on January 22, 1973; and

"Whereas, Since such decision there has been in the United States an unending controversy over the issue of an unborn person's right to life; and

"Whereas, It is the firm belief of the Legislature of West Virginia that there should be a uniform and consistent law among all the states concerning an unborn person's right to life; therefore, be it

"Resolved by the Legislature of West Virginia:

"That the Legislature of the State of West Virginia hereby urges the Congress of the United States to propose a constitutional amendment that will protect the life of all human beings including unborn children at every stage of their biological development; and, be it

"Further Resolved, That certified copies of this resolution be presented to the President and Secretary of the Senate of the United

States, the Speaker and Clerk of the House of Representatives of the United States, and to each member of the Congress from this State attesting the adoption of this resolution by the Legislature of the State of West Virginia."

POM-553. A concurrent resolution adopted by the House of Representatives of the State of West Virginia; to the Committee on Foreign Relations:

"HOUSE CONCURRENT RESOLUTION NO. 19

"Whereas, Participation in the International Olympic Games is symbolic of the community of interests, friendship and respect between the nations and peoples of the world and their dedication to fundamental doctrines of fairness, a striving for the best, and the reward of honest achievement; and

"Whereas, Attendance and participation in the International Olympic Games within the borders of a particular host nation constitutes an act of recognition by other participating nations that such host nation is a member of the world community believing in and capable of meeting such standards; and

"Whereas, The Soviet Union has undertaken, as an action of open national policy, to invade and intervene in the sovereign affairs of its neighbor, the nation of Afghanistan, and has thus posed itself as a direct threat to world peace, to the vital interests of the United States and of all nations in the Middle East area, and has thus divorced itself from the community of nations; therefore, be it

"Resolved by the Legislature of West Virginia:

"That the proposal of President Carter for the athletes, Olympic Committee and people of the United States and other nations to boycott and not participate in the International Olympic Games scheduled to be held in the summer of 1980 in the Soviet Union be fully supported, with such boycott to constitute a clear act of denunciation of the dastardly invasion and intervention by the Soviet Union in the sovereign affairs of the nation of Afghanistan; and with such boycott to continue unless the Soviet Union withdraws its troops and presence from Afghanistan by February 20, 1980, or unless the site for the holding of such games is changed to a location not within the Soviet Union or such games are canceled; and, be it

"Further Resolved, That certified copies of this resolution be presented to the President of the United States, the United States Olympic Committee, the President and Secretary of the Senate of the United States, the Speaker and Clerk of the House of Representatives of the United States, and to each member of the Congress from this State attesting the adoption of this resolution by the Legislature of the State of West Virginia."

REPORTS OF COMMITTEES SUBMITTED DURING THE RECESS

Under the authority of the order of the Senate of February 8, 1980, the following reports of committees were submitted on February 14, 1980:

By Mr. STENNIS, from the Committee on Armed Services, without amendment:

S. Res. 368. An original resolution authorizing additional expenditures by the Committee on Armed Services for inquiries and investigations. Referred to the Committee on Rules and Administration.

By Mr. NUNN, from the committee of conference, submitted a report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5235) to amend chapter 5 of title 37, United States Code, to revise the special pay provisions for certain health professionals in the uniformed service (Rept. No. 96-571).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PROXMIRE, from the Committee on Banking, Housing, and Urban Affairs.

Horace Dicken Cherry, of Maryland, to be an Assistant Secretary of Housing and Urban Development.

John H. Dalton, of Virginia, to be a member of the Federal Home Loan Bank Board.

(The above nominations from the Committee on Banking, Housing, and Urban Affairs were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. WILLIAMS. Mr. President, as in executive session, from the Committee on Labor and Human Resources, I report favorably sundry nominations in the Public Health Services which have previously appeared in the CONGRESSIONAL RECORD and, to save the expense of reprinting them, I ask unanimous consent that they lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, the nominations will lie on the Secretary's desk.

(The nominations ordered to lie on the Secretary's desk appeared in the RECORD on January 22, 1980, at the end of the Senate proceedings.)

ORDER FOR STAR PRINT—REPORT NO. 96-570

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a star printing be made of Senate Report No. 96-570, due to a section inadvertently being left out.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. RANDOLPH (for himself and Mr. HELMS):

S. 2289. A bill to redesignate February 22 each year as Washington's Birthday and to make such day a legal public holiday; to the Committee on the Judiciary.

By Mr. PROXMIRE (by request):

S. 2290. A bill to extend and amend the Home Mortgage Disclosure Act of 1975, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PROXMIRE:

S. 2291. A bill to renew and amend the Home Mortgage Disclosure Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PERCY (for himself, Mr. NUNN, Mr. SASSER, and Mr. DECONCINI):

S. 2292. A bill to amend title 18 of the United States Code with respect to arson-for-profit; to the Committee on the Judiciary.

By Mr. ROTH:

S. 2293. A bill to amend the Revenue Act of 1978 to provide that the inclusion in gross income of certain amounts of unemployment compensation shall not apply to unemployment compensation which is payable by reason of a work stoppage in 1973 but which was not paid until 1979; to the Committee on Finance.

By Mr. JACKSON (for Mr. STENNIS (for himself and Mr. TOWER)) (by request):

S. 2294. A bill to authorize appropriations for fiscal year 1981, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons and for research, development, test, and evaluation for the Armed Forces, to prescribe the authorized personnel strength for each active duty component and the Selected Reserve of each Reserve component of the Armed Forces and for civilian personnel of the Department of Defense, to authorize the military training student loads, and for other purposes; to the Committee on Armed Services.

By Mr. HATCH:

S. 2295. A bill to establish a periodic review of Federal regulatory agencies, and to reduce the size and scope of Federal regulatory policies and procedures; to the Committee on Governmental Affairs.

By Mr. WILLIAMS:

S. 2296. A bill to amend the Urban Mass Transportation Act of 1964 to provide authorizations for appropriations, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HATCH:

S. 2297. A bill to restrict the authority of the Secretary of Health, Education, and Welfare with respect to the regulation of vitamin and mineral products for over-the-counter use; to the Committee on Labor and Human Resources.

By Mr. DECONCINI:

S. 2298. A bill to amend part J of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to extend death benefits to public safety officers who die as a result of conditions arising out of or exacerbated by official duty; to the Committee on the Judiciary.

By Mr. HEINZ:

S. 2299. A bill to add 682.4 acres to Valley Forge National Historical Park, Pa.; to the Committee on Energy and Natural Resources.

S. 2300. A bill to provide for the establishment of the Legionville National Historic Site in the State of Pennsylvania; to the Committee on Energy and Natural Resources.

By Mr. DOLE:

S.J. Res. 145. Joint resolution designating February 19, 1980, as "Iwo Jima Commemoration Day"; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. WEICKER, Mr. NUNN, Mr. HUDDLESTON, Mr. BUMPERS, Mr. SASSER, Mr. BAUCUS, Mr. LEVIN, Mr. PACKWOOD, Mr. HAYAKAWA, Mr. SCHMITT, Mr. BOSCHWITZ, and Mr. PRESSLER):

S.J. Res. 146. Joint resolution entitled "National Small Business Week"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. RANDOLPH (for himself and Mr. HELMS):

S. 2289. A bill to redesignate February 22 of each year as Washington's Birthday and to make such day a legal public holiday; to the Committee on the Judiciary.

(The remarks of Mr. RANDOLPH when he introduced the bill appear elsewhere in today's proceedings.)

By Mr. PROXMIRE (by request):

S. 2290. A bill to extend and amend the Home Mortgage Disclosure Act of 1975, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PROXMIRE:

S. 2291. A bill to renew and amend the Home Mortgage Disclosure Act; to the Committee on Banking, Housing, and Urban Affairs.

Mr. PROXMIRE. Mr. President, today I am introducing, by request, the administration's bill to extend and amend the Home Mortgage Disclosure Act. I am also introducing today my own bill on this subject, which in many respects is similar to the administration's bill, but contains two important distinctions which I shall discuss shortly.

The Home Mortgage Disclosure Act, which was enacted in 1975, requires certain depository institutions to annually disclose, by neighborhood, the number and dollar amount of mortgage and home improvement loans made and purchased. The law contained a sunset provision, with expiration set for June 1980. Thus, legislation must be enacted in order to keep this statute in effect.

In his written state of the Union message, President Carter stated that he—

> * * * will strongly support renewal of the Home Mortgage Disclosure Act in order to encourage neighborhood reinvestment.

The President further stated that the Home Mortgage Disclosure Act—

> has been an important factor in aiding the availability of mortgage credit in inner city areas.

I very much welcome President Carter's statement and the administration's bill.

Mr. President, the Home Mortgage Disclosure Act is an essential tool for promoting and facilitating reinvestment efforts. It has been widely used at the local level. Types of organizations at the local level which have used the data include community and public interest groups, local and State government agencies, research organizations, academicians, and lenders. A very large number of studies have been conducted using the data. In addition there is reason to believe that the use of the data is growing and will continue to grow. New uses of the data at the local level, such as use in connection with a city's community development block grant programs, are beginning to be seen.

At the Federal level, Home Mortgage Disclosure Act data is a critical tool for the Federal financial supervisory agencies in meeting their obligations in implementing the Community Reinvestment Act. The Community Reinvestment Act requires these agencies, in examining regulated financial institutions, to assess the financial institution's record of meeting the credit needs of its entire community, including low and moderate income neighborhoods. Home mortgage disclosure data provide a foundation which can be used to help focus this inquiry. Home mortgage disclosure data also can be very useful in directing lines of inquiry by the regulatory agencies for investigating possible violations of nondiscrimination laws and regulations. For these reasons, a recently released major study contracted for jointly by the Federal Home Loan Bank Board and the FDIC concluded that home mortgage disclosure data are both useful and essential to the regulatory agencies in fulfilling their statutory responsibilities.

This same study also provided significant information on the cost to financial institutions of complying with the Home Mortgage Disclosure Act. Based on data supplied by a sample of 44 institutions in 3 SMSA's, the average cost per loan was estimated to be $1.42. Compared to the benefits of the data, this cost is quite low. Moreover these cost estimates were based on costs of complying with the act for 1977 data, the first full year of census tract reporting under the Act, when many depository institutions were still early in the process of learning how to efficiently collect and compile the data. Even so, many of the institutions in the sample achieved cost levels substantially below $1 per loan. Thus there is reason to believe that as financial institutions develop greater experience and efficiency in complying with the data requirements of the act, the relative costs may decrease further. Hopefully these cost savings are already being achieved.

The main provisions of the administration's bill are as follows:

First, the bill would extend the Home Mortgage Disclosure Act until September 30, 1985.

Second, the bill would establish a common reporting period, specifically a calendar year basis, for the disclosure statements. This would facilitate aggregate compilations and comparisons among institutions. Most depository institutions are already reporting on a calendar year basis. Some, however, are reporting for other time periods such as on the basis of a July 1 to June 30 fiscal year. Switching to a calendar year basis should not cause any significant problem for these institutions.

Third, the bill would implement a recommendation of the joint Bank Board-FDIC study by providing that disclosures for calendar year 1980 and thereafter shall be compiled on a standardized form prescribed by the Board of Governors of the Federal Reserve System. This will facilitate increased efficiency in using the data.

Fourth, the bill would require the Federal financial regulatory agencies to develop and jointly implement means for increasing accessibility by the public to the information required to be disclosed under the act. The means developed and implemented would include, but not be limited to, centralized collection and maintenance of such information by the financial regulatory agencies, other Federal agencies, local governments, or Government depository libraries. This provision is intended to correct a problem with the existing statute which has created an undue and unnecessary burden for users of the data. Under the existing law, if a local community group or local government agency wants to conduct a study of the lending patterns of, say, 20 banks and savings and loans in its community, it must collect disclosure statements for each institution individually. Clearly this has not stopped the disclosure data from being used, since, as I have indicated, the use has been widespread. But it can pose a significant burden on users and undoubtedly has discouraged full use of the data in a number of cases.

An interesting side effect of the existing statutory scheme appears to have been that once one group in a community has obtained disclosure data from a number of lenders for a particular year, that group may in effect become the depository for other groups in the community wishing to use the data. Thus a lender may have had only one request for its data, whereas in fact many groups in the city are actually using the data.

Finally, the administration bill would explicitly authorize the Secretary of Housing and Urban Development to disclose information which the Secretary may possess with respect to mortgages under title I and II of the National Housing Act which are made by institutions, such as mortgage bankers, which are not otherwise subject to the requirements of the Home Mortgage Disclosure Act. Secretary Landrieu states that the Department intends administratively to make this information available in order to provide users of Home Mortgage Disclosure Act data with a more comprehensive picture of local credit patterns. The Secretary states that this legislative provision is "designed to remove any potential conflict with other statutes, such as the Trade Secrets Act, which might arise in connection with the disclosure by the Department of certain information on FHA transactions." He points out that this disclosure "would require no new data collection efforts by HUD-approved mortgages nor any additional work by them to provide the data to HUD."

Mr. President, my own bill to renew and amend the Home Mortgage Disclosure Act contains three provisions which are very similar to provisions in the administration bill. These include provisions for reporting on a calendar year basis, a requirement that the Board of Governors of the Federal Reserve System prescribe a standard format for Home Mortgage Disclosure Act statements, and a requirement that the financial regulatory agencies make arrangements for a central depository of data in each SMSA. In order to insure maximum flexibility to the agencies, the provision for a central depository of data in my bill would not specify in the statute a list of possible locations for these depositories. However, the entities specified in the administration bill appear to be likely possibilities. At the same time, the provision in my bill is drafted to make clear that there shall be a central depository of data in each SMSA, and that disclosure statements for State-chartered depository institutions which have been exempted because of a substantially similar State law shall be maintained at each central depository of data. The provision for a central depository in each SMSA will prevent undue burdens for users of the data and will facilitate even fuller use of the data in the future.

Mr. President, there are two significant provisions in my bill which are not included in the administration bill.

First, my bill would make the Home Mortgage Disclosure Act a permanent statute. Providing another sunset period for the act, as the administration's bill would do, flies in the face of the argument being made by the administration of the need for the act.

I think it is very significant that the Federal Home Loan Bank board, the FDIC and the Office of the Comptroller of the Currency are all urging that the act be made permanent. The Home Mortgage Disclosure Act is an integral part of a permanent statutory framework. As I have noted, the recently released study jointly conducted by the Bank Board and the FDIC concluded that home mortgage disclosure data are "essential to the regulatory agencies in fulfilling their statutory responsibilities." These statutory responsibilities are part of permanent law. For example I am not aware of any serious proposal to impose a sunset provision on the Fair Housing Act. I see no valid basis for singling out the Home Mortgage Disclosure Act for such a sunset provision.

The Home Mortgage Disclosure Act has proven itself to be highly useful at both the local and Federal level. It imposes only very modest costs on depository institutions. Its use has been growing rapidly and can be expected to continue to grow. The act has passed its test.

The utility and need for data such as is collected under the Home Mortgage Disclosure Act will not be ended after 5 years, or 10 years, or any period in the foreseeable future. It is conceivable that, at some point, more effective and efficient ways of collecting and disclosing the data may be developed. But, if necessary, this could be accomplished by amending an existing statute. Given the importance attached to the act by community and public interest groups all across the country, the approaching scheduled expiration date of the act has been a source of considerable tension between community and public interest groups and some segments of the lending community.

If a need to further amend the statute at some point in the future becomes apparent, I believe it is more likely to be constructively accomplished in the context of amendments to an ongoing permanent statute, where community and public interest groups could work constructively with lenders in order to improve the act, than it would be in the context of a possible further legislative battle over renewal of the act. I believe that making the statute permanent will remove this possible source of tension and mistrust, and promote constructive cooperation between community groups and the lending community in working towards successful reinvestment programs.

My bill includes one other provision that is not found in the administration bill. Under this provision, the Federal Financial Institution Examination Council would compile, each year, aggregate data by census tract for each SMSA. Tables would be produced indicating for each SMSA, and for the United States as a whole, aggregate lending patterns for various categories of census tracts grouped according to location, age of housing stock, income level and racial characteristics. Compilation of aggregate data would provide a broad picture of lending patterns in each SMSA. It would provide an overall context to assist in understanding and evaluating the lending patterns of individual institutions, and it would provide a capacity for measuring changes and progress over time. Further it could provide an important source of information to local, State and Federal officials to assist in developing constructive policies and programs for a variety of housing and community development initiatives.

The recently released study conducted by the Bank Board and the FDIC compiled aggregate data for three SMSA's. The data revealed a pattern of widespread disparities in lending on the basis of income level, age of housing stock, and racial characteristics of neighborhoods. Minority neighborhoods received considerably fewer loans even after taking into account the age of housing stock and income level of the neighborhood. Hopefully, lending patterns have been improving since the 1977 time period for which the study was based. Compilation of aggregate data, as is provided in the bill, would enable us to ascertain whether such improvements are occurring, and to measure progress in the future.

The State of California has been compiling aggregate data for some years for State licensed savings and loan associations. The data has proven very useful in indicating the impact of fair lending regulations and guidelines which were adopted by the State in 1976. Prior to the development of these regulations, 9 percent of all of the loans made by State licensed associations were being made in census tracts characterized as being "mortgage deficient." Within just a year after the regulations took effect, the percentage of loans which were made in these census tracts had doubled, and the relative share of lending going to these census tracts has continued to improve since that time.

In 1978, the Federal Home Loan Bank Board issued regulations and guidelines similar to those that had been issued by California. Also in 1978, regulations implementing the Community Reinvestment Act took effect. Compilation of aggregate data would enormously assist in evaluating how these initiatives are working out.

The joint Bank Board-FDIC study estimated that if a standardized format is adopted for home mortgage disclosure statements, and if certain technical changes are made in the implementing regulations, the cost to the regulatory agencies of compiling aggregate data by census tract for all SMSA's in the country would be $838,000. Even allowing a margin for error, and allowing for some additional cost to produce tables according to groupings of census tracts, this is a small cost compared to the considerable benefits of compiling such data.

Mr. President, the enactment of the Home Mortgage Disclosure Act in 1975 was a landmark in efforts to promote neighborhood reinvestment. Since that time I believe that considerable progress has been made through the Community Reinvestment Act, improving enforcement of fair lending laws and regulations, and numerous voluntary efforts by lending institutions. Making the Home Mortgage Disclosure Act a permanent statute, and amending it to further facilitate the efficient and effective use of the data, would keep this trend on track and promote continued progress.

Mr. President, I ask unanimous consent that Secretary Landrieu's letter of transmittal for the administration bill, a section-by-section explanation and justification of the administration bill, and the text of both the administration bill and my own bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2290

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Home Mortgage Disclosure Amendments of 1980."

SEC. 2. (a) Section 304 of the Home Mortgage Disclosure Act of 1975 is amended by—

(1) striking out in subsection (a)(1) "Office of Management and Budget" and inserting in lieu thereof "Department of Commerce";

(2) striking out in subsection (a)(1) "fiscal year (beginning with the last full fiscal year of that institution which immediately preceded the effective date of this title)" and inserting in lieu thereof "calendar year";

(3) striking out in subsection (a)(2)(A) the words "where readily available at a reasonable cost, as determined by the Board, otherwise by ZIP code,";

(4) adding at the end of subsection (c) the following new sentence: "Any information required to be compiled under this section with respect to calendar year 1980 and thereafter shall be compiled on a standardized form prescribed by the Board, in consultation with the Federal financial regulatory agencies designated under section 305(b)."; and

(5) adding at the end thereof the following new subsection:

"(d) The Federal financial regulatory agencies designated under section 305(b), in consultation with the Department of Housing and Urban Development and such other public or private entities as such agencies deem appropriate, shall jointly develop and implement means for increasing accessibility by the public to the information required to be made available under section 304 of this title. Such means shall include, but are not limited to, the centralized collection and maintenance of such information by the financial regulatory agencies, other Federal agencies, local governments or government depository libraries. Proposed regulations with respect to the centralized collection and maintenance of information under this section shall be published within 180 days of the enactment of the Home Mortgage Disclosure Amendments of 1980.".

(b) Section 310 of such Act is amended by striking out "four years after its effective date" and inserting in lieu thereof "on September 30, 1985".

SEC. 3. The Home Mortgage Disclosure Act of 1975 is amended by adding the following new section at the end thereof:

"DISCLOSURE BY SECRETARY

"SEC. 311. In order to effectuate better the purposes of this title, the Secretary is authorized to make available such information with respect to mortgage loans as is required to be disclosed by depository institutions under section 304 as the Secretary may possess with respect to those mortgagees approved by the Secretary for mortgage insurance under titles I and II of the National Housing Act which are not otherwise subject to the requirements of this title.".

THE SECRETARY OF HOUSING
AND URBAN DEVELOPMENT,
Washington, D.C., February 15, 1978.

Subject: Proposed "Home Mortgage Disclosure Amendments of 1980"

Hon. WALTER F. MONDALE,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed are the proposed "Home Mortgage Disclosure Amendments of 1980". The proposal would amend the Home Mortgage Disclosure Act of 1975 in several respects, including extending the Act's authorities until September 30, 1985. Attached for your convenience is an explanation and justification of the proposal.

The Act is disclosure legislation, requiring depository institutions to make available to the public information on the amounts, types and locations of their residential mortgage loan activities. Specifically, it requires each depository institution which has a home or branch office in a standard metropolitan statistical area (SMSA) and assets over $10 million to compile and make public the number and total dollar amount of mortgage loans which were originated or purchased during each institution's fiscal year by the offices of that institution which are located within the SMSA. These data have to be broken down according to whether the property securing the mortgage loan is located within or without the SMSA and, in the case of mortgages covering property within the SMSA, have to be itemized by borrowers' census tracts (where readily available at a reasonable cost), otherwise by ZIP codes. In addition, all mortgage loan information has to indicate the number and amount of home improvement loans, as well as mortgage loans covering federally insured or guaranteed properties and properties in which the mortgagor did not intend to reside at the time of the execution of the mortgage. These data have to be maintained for a period of six years at the institution's home office and at least one branch office within any SMSA in which the institution has offices. Where a depository institution has branches in more than one SMSA, the branch or branches maintaining these data within each SMSA need only do so with respect to mortgage loan activity of the institution within that SMSA.

The Act is designed to provide citizens and public officials with sufficient information to enable them to determine whether depository institutions are filling their obligations to serve the housing needs of the communities and neighborhoods in which they are located, and to assist public officials in their determination of the distribution of public sector investments in a manner designed to improve the private investment environment.

Section 2(a)(1) of the bill would change the entity responsible for establishing and defining SMSAs from the Office of Management and Budget to the Department of Commerce. This is a technical change to reflect the transfer of statistical analysis functions from the Office of Management and Budget to the Department of Commerce pursuant to Executive Order 12013.

Section 2(a)(2) of the bill would revise the reporting period for production of the data, from allowing depository institutions to gather data on a fiscal year basis, as determined by individual institutions, to requiring it to be gathered on a standardized calendar year basis. Unstandardized reporting periods have hindered local governments and neighborhood organizations from analyzing data on comparable periods—thus affecting subsequent conclusions. Since lenders now have developed systems for gathering the data, standardization can be achieved with only minor revisions. This proposal would not necessitate any revision by commercial banks, and would affect only approximately one-fourth of all regulated savings and loan associations.

Section 2(a)(3) would require all information required to be disclosed for SMSAs under the Act to be broken down by borrowers' census tracts. Existing law requires the breakdown to be by census tract, where readily available at a reasonable cost, as determined by the Federal Reserve Board, otherwise by ZIP code. Analysis of disclosure statements indicates that allowing institutions latitude in determining whether to report on a census tract or zip code basis has resulted in frequent selection of zip codes as the geographic identifier. Zip code data do not provide sufficiently detailed information on lending patterns because of the size of zip code areas. Experience indicates that disaggregating mortgage loan activity by census tract is not excessively costly, and provides significantly more useful information on the geographic patterns of lending activity.

Section 2(a)(4) would require that information compiled under the Act with respect to calendar year 1980 and thereafter be compiled on a standardized form prescribed by the Federal Reserve Board, in consultation with the Federal financial regulatory agencies designated under section 305(b) (i.e., the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board and the National Credit Union Administration). The use of standardized forms would enhance the ability of local governments and neighborhood organizations to aggregate and analyze data obtained under the Act. Since lenders have now developed systems for producing the data, a requirement for a standard form should not create a burden on these institutions.

Section 2(a)(5) would amend section 304 of the Act to require the Federal financial regulatory agencies designated to enforce the existing Home Mortgage Disclosure Act under section 305(b) to develop and implement jointly, in consultation with the Department of Housing and Urban Development and other public and private entities they deem appropriate, means for increasing accessibility by the public to the itemized information required to be made available under the Act. The means developed and implemented would include, but not be limited to, centralized collection and maintenance of information by financial regulatory agencies, other Federal agencies, local governments or government depository libraries. Proposed regulations would have to be promulgated with respect to the centralized information systems required by this amendment within 180 days of enactment of this proposal.

This provision is designed to resolve a serious problem with the Act—the necessity for users of the data to gather them from the offices of numerous depository institutions within an SMSA in order to learn about the credit patterns of these institutions in their local communities. The provision would resolve this problem by requiring the Federal financial regulatory agencies to develop centralized local collection points for the data. This proposal would not change the basic focus of the Act, because it would still leave the responsibilities for collection and analysis to public users of the data. This proposal also would accord the regulatory agencies the latitude to develop the most effective collection points for local situations, without mandating the specific location of these points. A deadline of 180 days for publication of proposed regulations to implement this requirement is based on the provision in the Act which required the Federal Reserve Board to implement the Act fully within 180 days of its original enactment.

Section 2(b) would extend the Act for five years—through September 30, 1985. Under existing law, the Act will expire in June 1980. This amendment is necessary to assure the continued provision of information on the residential mortgage loan activities of depository institutions to local governments, neighborhood organizations and the Federal financial regulatory agencies. This information has proved to be an important tool in designing and implementing reinvestment strategies and in leveraging the financial and technical participation of lending institutions essential to the development of these strategies. It is also of assistance in assuring the effective implementation and monitoring of both the letter and spirit of the Community Reinvestment Act of 1977. The proposed five-year extension of the Act is in accord with the Administration's policy of periodic reexamination of all legislative authorities.

Section 3 would authorize specifically the Secretary of Housing and Urban Development, in order better to effectuate the purposes of the Home Mortgage Disclosure Act, to make available such information with respect to mortgage loans, as is required to be disclosed under the Act by depository institutions, as the Secretary may possess with respect to those mortgagees approved by the Secretary for mortgage insurance under titles I and II of the National Housing Act which are not otherwise subject to the requirements of the Act.

This provision is designed to remove any potential conflict with other statutes, such as the Trade Secrets Act, which might arise in connection with the disclosure by the Department of certain information on FHA transactions. The Department intends administratively to make this information available in order to provide users of Home Mortgage Disclosure Act data with a more comprehensive picture of local credit patterns. This disclosure would require no new data collection efforts by HUD-approved mortgagees nor any additional work by them to provide the data to HUD. These data are already contained in forms completed by these mortgagees and can be obtained from existing HUD data systems.

Timely enactment of this legislation would ensure that this valuable authority continues without interruption. The Department requests that the measure be referred to the appropriate committee and urges its early enactment.

The Department has been advised by the Office of Management and Budget that the enactment of this legislation would be in accord with the program of the President.

Sincerely yours,

MOON LANDRIEU.

EXPLANATION AND JUSTIFICATION

Section 1 of the legislation would provide that upon enactment it may be cited as the "Home Mortgage Disclosure Amendments of 1980".

Sections 2 and 3 of the bill would make a number of changes in the Home Mortgage Disclosure Act of 1975. The Act is disclosure legislation, requiring depository institutions to make available to the public information on the amounts, types and locations of their residential mortgage loan activities. Specifically, it requires each depository institution which has a home or branch office in a standard metropolitan statistical area (SMSA) and assets over $10 million to compile and make public the number and total dollar amount of mortgage loans which were originated or purchased during each institution's fiscal year by the offices of that institution which are located within the SMSA. These data have to be broken down according to whether the property securing the mortgage loan is located within or without the SMSA and, in the case of mortgages covering property within the SMSA, have to be itemized by borrowers' census tracts (where readily available at a reasonable cost), otherwise by ZIP codes. In addition, all mortgage loan information has to indicate the number and amount of home improvement loans, as well as mortgage loans covering federally insured or guaranteed properties and properties in which the mortgagor did not intend to reside at the time of the execution of the mortgage. These data have to be maintained for a period of six years at the institution's home office and at least one branch office within any SMSA in which the institution has offices. Where a depository institution has branches in more than one SMSA, the branch or branches maintaining these data within each SMSA need only do so with respect to mortgage loan activity of the institution within that SMSA.

The Act is designed to provide citizens and public officials with sufficient information to enable them to determine whether depository institutions are filling their obligations to serve the housing needs of the communities and neighborhoods in which they are located, and to assist public officials in their determination of the distribution of public sector investments in a manner designed to improve the private investment environment.

Section 2(a)(1) of the bill would change the entity responsible for establishing and defining SMSAs from the Office of Management and Budget to the Department of Commerce. This is a technical change to reflect the transfer of statistical analysis functions from the Office of Management and Budget to the Department of Commerce pursuant to Executive Order 12013.

Section 2(a)(2) of the bill would revise the reporting period for production of the data from allowing depository institutions to gather data on a fiscal year basis, as determined by individual institutions, to requiring them to gather it on a standardized calendar year basis. Unstandardized reporting periods have hindered local governments and neighborhood organizations from analyzing data on comparable periods—thus affecting subsequent conclusions. Since lenders now have developed systems for gathering the data, standardization can be achieved with only minor revisions. This proposal would not necessitate any revision by commercial banks, and would affect only approximately one-fourth of all regulated savings and loan associations.

Section 2(a)(3) would require all information required to be disclosed for SMSAs under the Act to be broken down by borrowers' census tracts. Existing law requires the breakdown to be by census tract, where readily available at a reasonable cost, as determined by the Federal Reserve Board, otherwise by ZIP code. Analysis of disclosure statements indicates that allowing institutions latitude in determining whether to report on a census tract or zip code basis has resulted in frequent selection of zip codes as the geographic identifier. Zip code data do not provide sufficiently detailed information on lending patterns because of the size of zip code areas. Experience indicates that disaggregating mortgage loan activity by census tract is not excessively costly, and provides significantly more useful information on the geographic patterns of lending activity.

Section 2(a)(4) would require that information compiled under the Act with respect to calendar year 1980 and thereafter be compiled on a standardized form prescribed by the Federal Reserve Board, in consultation with the Federal financial regulatory agencies designated under section 305(b) (i.e., the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board and the National Credit Union Administration). The use of standardized forms would enhance the ability of local governments and neighborhood organizations to aggregate and analyze data obtained under the Act. Since lenders have now developed systems for producing the data, a requirement for a standard form should not create a burden on these institutions.

Section 2(a)(5) would amend section 304 of the Act to require the Federal financial regulatory agencies designated to enforce the existing Home Mortgage Disclosure Act under section 305(b) to develop and implement jointly, in consultation with the Department of Housing and Urban Development and other public and private entities they deem appropriate, means for increasing accessibility by the public to the itemized information required to be made available under the Act. The means developed and implemented would include, but not be limited to, centralized collection and maintenance of information by financial regulatory agencies, other Federal agencies, local governments or government depository libraries. Proposed regulations would have to be promulgated with respect to the centralized information systems required by this amendment within 180 days of enactment of this proposal.

This provision is designed to resolve a serious problem with the Act—the necessity for users of the data to gather them from the offices of numerous depository institutions within an SMSA in order to learn about the credit patterns of these institutions in their local communities. The provision would resolve this problem by requiring the Federal financial regulatory agencies to develop centralized local collection points for the data. This proposal would not change the basic focus of the Act, because it would still leave the responsibilities for collection and analysis to public users of the data. This proposal also would accord the regulatory agencies the latitude to develop the most effective collection points for local situations, without mandating the specific location of these points. A deadline of 180 days for publication of proposed regulations to implement this requirement is based on the provision in the Act which required the Federal Reserve Board to implement the Act fully within 180 days of its original enactment.

Section 2(b) would extend the Act for five years—through September 30, 1985. Under existing law, the Act will expire in June 1980. This amendment is necessary to assure the continued provision of information on the residential mortgage loan activities of depository institutions to local governments, neighborhood organizations and the Federal financial regulatory agencies. This information has proved to be an important tool in designing and implementing reinvestment strategies and in leveraging the financial and technical participation of lending institutions essential to the development of these strategies. It is also of assistance in assuring the effective implementation and monitoring of both the letter and spirit of the Community Reinvestment Act of 1977. The proposed five-year extension of the Act is in accord with the Administration's policy of periodic reexamination of all legislative authorities.

Section 3 would authorize specifically the Secretary of Housing and Urban Development, in order better to effectuate the purposes of the Home Mortgage Disclosure Act, to make available such information with respect to mortgage loans, as is required to be disclosed under the Act by depository institutions, as the Secretary may possess with respect to those mortgagees approved by the Secretary for mortgage insurance under titles I and II of the National Housing Act which are not otherwise subject to the requirements of the Act.

This section is designed to remove any potential conflict with other statutes, such as the Trade Secrets Act, which might arise in connection with the disclosure by the Department of certain information on FHA transactions. The Department intends administratively to make this information available in order to provide users of Home Mortgage Disclosure Act data wih a more comprehensive picture of local credit patterns. This disclosure would require no new data collection efforts by HUD-approved mortgagees nor any additional work by them to provide the data to HUD. These data are already contained in forms completed by these mortgagees and can be obtained from existing HUD data systems.

S. 2291

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Home Mortgage Disclosure Renewal and Amendments Act of 1980".

SEC. 2. Section 304 of the Home Mortgage Disclosure Act of 1975 is amended by adding new subsections (d), (e), and (f) as follows:

"(d) Notwithstanding the provisions of subsection (a)(1), data required to be disclosed under this section for 1980 and thereafter shall be disclosed for each calendar year. Any depository institution which is required to make disclosures under this section but which has been making disclosures on some basis other than a calendar year basis shall make available a separate disclosure statement containing data for any period prior to calendar year 1980 which is not covered by the last full year report prior to the 1980 calendar year report.

"(e) The Board shall prescribe a standard format for the disclosures required under this section.

"(f) The Board, the Federal Home Loan Bank Board, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the National Credit Union Administration Board, in consultation with the Secretary of Housing and Urban Development, shall implement a system to facilitate access to data required to be disclosed under this section. Such system shall include arrangements for a central depository of data in each standard metropolitan statistical area. Disclosure statements shall be made available to the public for inspection and copying at such central depository of data for all depository institutions which are required to disclose information under this section (or which are exempted pursuant to section 306(b)) and which have a home office or branch office within such standard metropolitan statistical area.".

SEC. 3. Section 310 of the Home Mortgage Disclosure Act of 1975 is repealed.

SEC. 4. The Home Mortgage Disclosure Act of 1975 is amended by adding a new section 310 to read as follows:

"COMPILATION OF AGGREGATE DATA

"SEC. 310. (a) Beginning with data for calendar year 1980, the Federal Financial Institutions Examination Council shall compile each year, for each standard metropolitan statistical area, aggregate data by census tract (or zip code where applicable) for all depository institutions which are required to disclose data under Section 304 or are exempted pursuant to Section 306(b). The Council shall also produce tables indicating, for each standard metropolitan statistical area, and for the United States as a whole, aggregate lending patterns for various categories of census tracts grouped according to location, age of housing stock, income level and racial characteristics.

"(b) The Board shall provide staff and data processing resources to the Council to enable it to carry out the provisions of subsection (a).

"(c) The data and tables required pursuant to subsection (a) shall be made available to the public by no later than December 31 of the year following the calendar year on which the data is based."

By Mr. PERCY (for himself, Mr. NUNN, Mr. SASSER, and Mr. DECONCINI):

S. 2292. A bill to amend title 18 of the United States Code with respect to arson-for-profit; to the Committee on the Judiciary.

ARSON-FOR-PROFIT ACT OF 1980

Mr. PERCY. Mr. President, I am today introducing legislation, entitled the "Arson-for-Profit Act of 1980," which is designed to encourage more vigorous and effective Federal pursuit and prosecution of professional arsonists and the white-collar criminals who contract for the destruction of their properties for the purpose of filing fraudulent insurance claims.

Joining me in this effort is Senator SAM NUNN, the distinguished chairman of the Permanent Subcommittee on Investigations, of which I am ranking minority member. We are also glad to have one other member of our subcommittee, Senator SASSER, join in cosponsoring this legislation. Senator SASSER, both in the hearings before our subcommittee, and in legislative hearings on S. 252 before the Subcommittee on Intergovernmental Relations, of which he is the able chairman, has shown a vital interest in solving this problem.

The need for this legislation was well-documented in the subcommittee's December 1979 report, "Arson in America." The report summarized the subcommittee's 2-year investigation into arson, which included 4 days of public hearings in 1978 concerning the extent of arson-for-profit in the United States. At these hearings, expert law enforcement witnesses as well as professional arsonists themselves testified to the growth of arson-for-profit. We found that arson-for-profit is the fastest spreading crime in America today—estimated by some authorities to be growing at a rate of 25 percent per year. Over 250,000 arson fires were set in buildings in 1977, approximately 100 percent more than in 1970, and which resulted in a total property loss of over $2 billion.

Property losses sustained, however, are only a fraction of the total cost that arson imposes on our society. Arsons-for-profit erode local property tax bases as professional arsonists destroy thousands of valuable properties. Vacant, burned-out buildings bring down neighboring property values and sap the vitality of commercial areas. Law enforcement and judicial costs related to arson are in the millions. As property tax revenues fall and judicial expenditures climb, local governments require increasing financial assistance from the Federal Government. Ultimately, the American taxpayers will bear all of these costs.

Yet, the social toll exacted by arson cannot be measured in dollars alone. About 1,000 people die in arson fires every year and 10,000 more are injured. The survivors are left not only with physical injury in some cases, but long-lasting emotional scars as well.

On February 7, the ABC-TV show, "20-20," broadcast a dramatic and troubling exposé of arson for profit in Chicago. An incredible 20 percent of the buildings in the uptown section have been consumed by fire, and the evidence uncovered strongly suggests that sophisticated rings of arson profiteers are at work. All of the problems that our subcommittee heard about in testimony and then detailed in last December's report were graphically revealed. In one suspicious fire alone, seven people died.

We must put a stop to the crime of arson for profit. But to do so, we must recognize the enormity of the problem, and its nationwide scope. As our subcommittee report noted, it is virtually out of control.

The responsibility for detection, investigation and prosecution of arsonists has historically rested with State and local law enforcement agencies. Yet it was repeatedly demonstrated at our hearings that State and local agencies lack the resources to stem the growing tide of arson for profit. Many local district attorneys relegate arson to a low priority, and devote only a bare minimum of resources to the prosecution of arsonists and arson-for-profit rings. The chief arson investigator for Houston testified at the subcommittee's hearings that even though his arson squad could keep two prosecutors busy full time, Houston does not assign a single full-time prosecutor to arson cases.

Unraveling the complex financial manipulations that underlie arson-for-profit schemes requires sophisticated accounting and financial investigations. Many local law enforcement agencies lack this expertise. Additionally, because arson-for-profit rings frequently extend across State lines, many are beyond the reach of individual local prosecutors.

Lack of local antiarson resources is only a part of the problem. Jurisdictional disputes between police and fire agencies impede timely and vigorous arson investigation, as arson frequently falls between the cracks of fire and police department expertise. Arsons detected by fire department experts are often not followed up by good police work which is needed to link the fire to the person responsible for it.

Even if arson is detected and investigated, local crime laboratories are often ill equipped to analyze fire scene evidence. A trained investigator's painstaking effort to gather solid physical evidence may be wasted by human or technical error in the laboratory. Many local crime laboratories have tremendous backlogs, so it can take as much as a year and a half to get a scientific analysis of fire scene debris to prove that a fire was, in fact, an arson. Long delays have at times resulted in court dismissal of arson cases, as the prosecutors did not have in hand the required scientific analyses.

The number of reported arsons is misleadingly low, as local law enforcement frequently is unable promptly to identify fires as arsons. And if arson cannot be detected in the first instance, there are no grounds for further investigation. For example, in San Antonio the fire department reported 69 arson fires in 1970. In 1971, a new fire chief recognized that arson was a serious problem and assigned trained investigators to determine fire causes more accurately. By 1977, San Antonio's reported arson total had jumped to 662, a 1,000-percent increase in 7 years. While this rise was surely due in part to an actual increase in the arson rate, a high percentage was most likely due simply to more accurate reporting.

Until recently, the responsibilities of the Federal Government was woefully inadequate. The Department of Justice stated publicly that arson was a low priority crime. The FBI and Bureau of Alcohol, Tobacco and Firearms (BATF) simply were not interested in investigating these cases. LEAA refused to fund State and local antiarson projects. The Federal agency responsible for overseeing State Fair access to insurance requirements plans, designed to insure that inner city property owners could obtain insurance at reasonable rates, virtually ignored the program's shortcomings that practically encouraged arson-for-profit.

After years of neglect, however, arson is finally beginning to get the attention it desperately needs. BATF has set up antiarson task forces in 26 cities. After the subcommittee's initial findings had been made public, FBI Director Webster issued a directive to each of the 59 local offices of the FBI directing them to increase their efforts against arson-for-profit involving organized crime. Recently, in response to the subcommittee's investigation, which for the first time brought to light the rapid growth of, and wide-ranging destruction caused by arson in the United States, the Carter administration announced in mid-December the inception of a new antiarson offensive to be coordinated among the Federal, State and local governments. As a part of that strategy, the LEAA has committed $9 million to an "arson control assistance program" aimed at improving local agencies' ability to deal with arson.

The LEAA's grant program is an important first step. But $9 million cannot wipe out a $1.6 billion business. We must find a way to help those communities beseiged by this horrible crime, and virtually powerless to do anything about it.

Federal investigation and prosecution of sophisticated and complex arson rings is an important and vital backup to the States' and local communities' primary responsibility for combating arson. Yet, Federal prosecutors and law enforcement agents are hampered in their antiarson efforts by present law.

At present, arson itself is not a Federal crime except in certain special situations, such as the burning of Federal property. Furthermore, the BATF can investigate arson only if it can be shown that the destruction was begun by an explosive device. Since much of the evidence relating to the cause of a fire is often burned up in the fire, BATF's involvement in arson cases is frequently curtailed in spite of the legitimate need for their assistance and the substantial contribution they could make to the investigation. The FBI can investigate arson only if the arsonist has a "pattern of racketeering activity," or if the arson is closely related to the commission of a crime that does fall under Federal jurisdiction, such as mail fraud. Obviously, the only beneficiaries of these limitations on Federal participation in arson investigation are the arson-for-profit rings which are today flourishing in every part of the country.

The bill that Senator NUNN and I are today introducing would remove these impediments to Federal assistance in arson investigations. Our bill, however, is not designed to bring all arsons under Federal jurisdiction. Prosecution of some arsons, such as those committed by the psychologically disturbed or reckless juveniles, would not be aided by Federal intervention. Neither is it our intention to cover the extremely small-scale arson-related insurance frauds such as those committed in single unit, owner-occupied residences. Those cases are and should remain under local jurisdiction.

Virtually every criminal law enacted expands Federal jurisdiction in some way. Congress has often relied on the discretion of the U.S. attorneys to decide which cases would better be handled by State and local jurisdictions. The fact of the matter is, however, that most State and local law enforcement agencies will welcome Federal assistance in arson-for-profit investigations.

Our bill is intended to give Federal investigators and prosecutors the tool they need to target their resources against the arsonists most pernicious to our society—those torches and white-collar criminals who routinely burn down valuable properties for their insurance value. The proposed legislation would impose jail sentences of up to 10 years and fines of up to $100,000 for anyone convicted of participation in an arson for profit. Persons convicted of an arson for profit would face life in prison should anyone die in the fire. Under the bill, both FBI and BATF would be able to investigate arsons for profit.

This legislation is, by no means, a panacea. But, I am confident that, if enacted, this legislation will play a significant part in stemming the arson tide that today threatens to engulf many of our Nation's inner cities.

I want to thank the people on our subcommittee staff, Chief Minority Counsel Jerry Block, Investigator Richard Shapiro, and Susan Morgan who helped in preparing this legislation. The chief counsel, Marty Steinberg, deserves a special note of thanks for the work he has put into this measure. His past experience as a Federal prosecutor who tried arson cases in court was extremely valuable in fashioning this bill. Finally I pay tribute to Jonathan Cottin, formerly investigator on the minority staff, who led the subcommittee's investigation into arson for profit.

Mr. President, I ask unanimous consent that an explanatory summary of this bill be printed in the RECORD, together with the text of the legislation.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 2292

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Arson-for-Profit Act of 1980".

FINDINGS AND PURPOSES

SEC. 2. (a). The Congress finds that—

(1) arson-for-profit results in the loss of hundreds of lives and more than $2 billion in destruction of property annually and is virtually out of control across the country;

(2) many local and state fire service agencies lack the personnel and technical capacity to effectively investigate and prosecute arson-for-profit;

(3) the response of the federal government to the steadily rising incidence of arson-for-profit has been inadequate;

(4) insurance fraud is a growing and lucrative practice that results in higher fire insurance rates for all property owners, as insurance companies must raise their premiums to cover arson-for-profit losses;

(5) urban and rural property tax bases are eroded as valuable properties are destroyed by hired arsonists, placing greater demands on the federal government for financial assistance to cities and states through revenue sharing, loans, loan guarantees and grants;

(6) thousands of Americans have been forced from their homes by profit-motivated arsons and public welfare agencies expend considerable public funds to relocate burned-out families and provide them with the resources to begin anew;

(7) all of the factors above with respect to insurance, federal funding, property tax bases and public welfare have a direct impact on interstate and intrastate commerce.

(b) It is the purpose of this Act to—

(1) involve the federal government directly in investigating and prosecuting arson-for-profit;

(2) discourage arson and arson-related insurance fraud by establishing substantial penalties of fines and imprisonment and restitution for damages caused;

(3) protect the commercial viability of the nation's cities and thereby reduce the expenditure of federal funds to rehabilitate lives and properties needlessly destroyed by hired arsonists.

SEC. 3. (a) Chapter V of title 18, United States Code, is amended by adding at the end thereof the following section:

§ 82. Arson within the general jurisdiction

"(a) Whoever maliciously and intentionally damages or destroys or attempts to damage or destroy by means of fire any commercial property and receives or intends to receive anything of value in exchange therefor, shall be imprisoned for not more than 10 years and/or be fined not more than $100,000; and if death results, shall be subject to imprisonment for any term of years, or to life imprisonment.

"(b) Whoever arranges or procures the malicious and intentional destruction or the attempt to damage or destroy any commercial property by means of fire, by paying or delivering or arranging for the payment or delivery of anything of value, shall be imprisoned for not more than 10 years and/or be fined not more than $100,000; and if death results, shall be subject to imprisonment for any term of years, or to life imprisonment.

"(c) As used in this section the term 'commercial property' means any building, structure or facility other than a single-unit owner-occupied residence.

"(d) The court, in imposing a sentence on any defendant found guilty of any of the offenses described in subsection '(a)' and '(b)' above, may, in addition to the penalty provided therefor, order the defendant to make restitution to any appropriate party in an amount and manner to be determined by the court.

"(e) The Attorney General, together with the Secretary of the Treasury, shall have the authority to conduct investigations with respect to any violation of this section."

(b) The table of sections for chapter 5 of such title is amended by adding at the end thereof the following new item:

"82. Arson within the general jurisdiction.".

SUMMARY OF THE ARSON-FOR-PROFIT ACT OF 1980

The bill would add one section to title 18 of the United States Code. In summary, the bill contains the following provisions:

SEC. 82. (a) Prohibits committing an arson in exchange for anything of value;

(b) Prohibits arranging for an arson by paying anything of value;

(c) Defines type of properties covered;

(d) Permits judgments for restitutions;

(e) Outlines investigative jurisdiction.

Mr. NUNN. Mr. President, I am pleased to join with my distinguished colleague from Illinois (Mr. PERCY) in introducing the Arson-for-Profit Act of 1980.

This legislation is the outgrowth of a lengthy inquiry by the Permanent Subcommittee on Investigations into the problem of arson in America—and especially arson that is committed for profit. The distinguished Senator from Illinois, who is the ranking minority member of the subcommittee, played a key role in that investigation, and he is to be commended for his outstanding leadership and initiative.

During our investigation, the subcommittee learned that arson has been growing by 25 percent a year. In terms of insurance costs alone, arson is a crime that approaches $2 billion a year. It kills some 1,000 persons and injures another 10,000 each year. It brings terror, dislocation, and financial ruin to thousands of innocent victims.

Many of these victims live in the decaying centers of our largest cities—areas that are ripe for the professional arsonist. These are areas of declining property values, areas in which landlords turn to the arsonist when he cannot sell a property at anything other than a loss. The landlord simply over-insures the property, hires a professional "torch" to burn it down, and then collects the insurance proceeds. While the landlord and arsonist make a profit, the inhabitants of the property—often low-income tenants—at best are left homeless; at worst, they die in the flames.

We heard testimony about a realtor who bought an inner-city house for $50 from a poor, blind woman who was delinquent in her mortgage payments. He insured the building for $38,000, burned it down, and collected $27,000 from the insurance company.

"A professional arsonist today is in a seller's market," a convicted arsonist testified at our hearings. "Many businessmen and speculators who know their way around can call an arsonist to provide instant liquidity of their property the way the average person telephones a reservation to a restaurant. It is just that easy."

Why is it "just that easy?" Why has arson become so easy that one known organized criminal has referred to it as a "legitimate business?"

For one thing, over-insuring a building is relatively easy. Our investigation revealed that in order to insure your own life for $10,000, usually you must take a complete physical examination—yet you can insure a building for a hundred times that amount without anyone even looking at it.

There are other reasons. For example, there is no national clearinghouse of arson information through which insurance companies or law enforcement authorities can find out such information as whether a claimant has a history of filing fire loss claims or whether a suspected arsonist has a criminal record.

Another example: Local law enforcement agencies, for the most part, are ill-equipped and trained to detect arson, much less put together enough evidence for a conviction. As a result, the work of an arsonist is never even suspected, much less investigated or prosecuted.

Fortunately, as a result of our hearings, the Federal Bureau of Investigation, the Alcohol, Tobacco and Firearms Bureau, and the Law Enforcement Assistance Administration have all agreed to target arson as a major law enforcement priority. Nevertheless, the involvement of Federal agencies in this area is limited because the Federal Government's jurisdiction over arson cases is now available only through mail fraud, explosives, and racketeering statutes. These statutes have jurisdictional elements which make them difficult to apply. Unless it is committed on Federal property, arson itself is not a Federal crime.

The legislation which the distinguished Senator from Illinois and I introduce today would make arson-for-profit a Federal crime. Our purpose is to bring Federal law enforcement resources to bear on arson-for-profit cases.

I emphasize that only arson-for-profit—not arson generally—would be brought under the Federal umbrella by our bill. We do not want to saddle the FBI, ATF, and Justice Department with responsibility for all arson cases, nor do we want the Federal Government to usurp the responsibilities of States and local law enforcement agencies. We merely want to make it possible for the Federal agencies to lend their resources to help fight serious, well-organized, sophisticated arson rings and other organized criminals who are engaged in arson-for-profit.

Our subcommittee heard testimony that organized criminals can make more than $1 million a year through arson-for-profit. Mr. President, I submit that it is time to put the resources of the Federal Government to work to help State and local officials stamp out this crime.

By Mr. ROTH:

S. 2293. A bill to amend the Revenue Act of 1978 to provide that the inclusion in gross income of certain amounts of unemployment compensation shall not apply to unemployment compensation which is payable by reason of a work stoppage in 1973 but which was not paid until 1979; to the Committee on Finance.

● Mr. ROTH. Mr. President, I am today introducing legislation to correct an inequity which will impose a substantial and unfair tax burden on approximately 1,700 union members employed by the Sun Oil Co. in Marcus Hook, Pa.

In 1973, these 1,700 employees were involved in a labor dispute with Sun Oil Co. The labor dispute resulted in a work stoppage for 4 months. The Bureau of Employment Security and the Unemployment Compensation Review Board ruled that the work stoppage constituted a "lock-out," meaning that the 1,700 employees were entitled to unemployment benefits in 1973.

Despite the Board's ruling, Sun Oil Co. fought paying the workers' unemployment benefits. For 6 years, from 1973 to 1979, Sun Oil battled in courts to avoid paying the benefits due its employees.

Finally, last year the U.S. Supreme Court ordered the company to pay its employees the benefits they were entitled to receive in 1973.

However, in the Revenue Act of 1978, Congress made certain unemployment compensation benefits subject to Federal income taxes, beginning in 1979. And despite the fact that the Sun Oil workers were entitled to receive the unemployment benefits in 1973, they are now being told they must pay taxes on the benefits they finally received in 1979.

I do not believe this is fair. The unemployment compensation benefits became due in 1973, when the benefits were not subject to taxation. Applying the 1978 change in the tax code on a retroactive basis would be extremely inequitable.

Therefore, the legislation I am introducing today would exempt the Sun Oil workers from paying taxes on the unemployment benefits they should have been paid in 1973.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2293

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (d) of section 112 of the Revenue Act of 1978 (relating to taxation of unemployment benefits at certain income levels) is amended to read as follows:

"(d) Effective Date.—

"(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to payments of unemployment compensation made after December 31, 1978, in taxable years ending after such date.

"(2) Certain delayed payments not taken into account.—The amendments made by this section shall not apply to payments of unemployment compensation—

"(A) which are made by reason of a work stoppage which began on March 19, 1973, and

"(B) which are made in 1979 after the employer's appeal to the Supreme Court of the United States was dismissed on April 2, 1979, and its petition for rehearing denied on May 21, 1979."●

By Mr. JACKSON (for Mr. Stennis (for himself and Mr. Tower)) (by request):

S. 2294. A bill to authorize appropriations for fiscal year 1981, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons and for research, development, test, and evaluation for the Armed Forces, to prescribe the authorized personnel strength for each active duty component and the Selected Reserve of each Reserve component of the Armed Forces and for civilian personnel of the Department of Defense, to authorize the military training student loads, and for other purposes; to the Committee on Armed Services.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1981

Mr. JACKSON. Mr. President, by request, and for Mr. Stennis, for himself and the senior Senator from Texas (Mr. Tower), I introduce, for appropriate reference, a bill to authorize appropriations for fiscal year 1981, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons and for research, development, test and evaluation for the Armed Forces, to prescribe the authorized personnel strength component of the Armed Forces and for civilian personnel of the Department of Defense, to authorize the military training student loads, and for other purposes.

I ask unanimous consent that a letter of transmittal requesting consideration of the legislation and explaining its purpose be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

General Counsel of the
Department of Defense,
Washington, D.C., January 30, 1980.

Hon. Walter F. Mondale,
President of the Senate,
Washington, D.C.

Dear Mr. President: There is forwarded herewith legislation, "To authorize appropriations for fiscal year 1981, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons and for research, development, test, and evaluation for the Armed Forces, to prescribe the authorized personnel strength for each active duty component and the Selected Reserve of each Reserve component of the Armed Forces and for civilian personnel of the Department of Defense, to authorize the military training student loads, and for other purposes".

In accordance with the Congressional Budget Act of 1974, we are also submitting herewith, as separate legislation, a similar request for authorization of appropriations for fiscal year 1982.

These proposals are part of the Department of Defense legislative program or the 96th Congress and the Office of Management and Budget has advised that enactment of the proposals would be in accordance with the program of the Administration. These proposals are being sent to the Speaker of the House of Representatives.

Title I provides procurement authorization for the military departments and the Defense agencies and for the United States share of the cost of the acquisition of the Airborne Early Warning and Control System by the North Atlantic Treaty Organization in amounts equal to the budget authority included in the President's budget for fiscal year 1981. It also contains a provision that amends section 104 of the Department of Defense Authorization Act, 1980, to make permanent the authority contained in that provision relating to waiver of certain costs and assumption of certain liability in connection with the NATO AWACS programs.

Title II provides for the authorization of each of the research, development, test, and evaluation appropriations for the military departments and the Defense agencies in amounts equal to the budget authority included in the President's budget for fiscal year 1981. The authorization contains a provision that authorizes the appropriation of funds that are necessary to cover increased pay costs and other employee benefits to preclude the necessity of submitting a request for a supplemental authorization for such non-discretionary personnel costs.

Title III prescribes the end strengths for active duty personnel in the components of the Armed Forces of the Department of Defense as required by section 138(c)(1) of title 10, United States Code, in the numbers provided for by the budget authority and appropriations requested for these components in the President's Budget for fiscal year 1981.

Title IV provides for average strengths of the Selected Reserve of each Reserve component of the Armed Forces as required by section 138(b) of title 10, United States Code, in the numbers provided for by the budget authority in appropriations requested for the Department of Defense in the President's Budget for fiscal year 1981. Within the average strengths of the Selected Reserve, Title IV also prescribes the end strengths for Reserve component members on full-time active duty for the purpose of administering the Reserve forces.

Title V provides for civilian personnel end strengths for each component of the Department of Defense as required by section 138 (c)(2) of title 10, United States Code, in the numbers provided for by the budget authority in appropriations requested for the Department of Defense in the President's Budget for fiscal year 1981. In section 501(c) language pertaining to personnel employed under the part-time career employment program established by section 3402 of title 5, United States Code, is added to ensure that such personnel are counted as prescribed by section 3404 of that title.

Title VI provides for the average military training student loads as required by section 138(d)(1) of title 10, United States Code, in the numbers provided for this purpose in the President's Budget for fiscal year 1981.

Title VII contains one general provision that would increase the dollar amounts contained in section 203 of Public Law 91–441, which authorized appropriations for fiscal year 1971. This section pertains to dollar ceilings affecting independent research and development or bid and proposal costs. The dollar limits are increased to reflect inflation. The general provision also amends section 203 so that the dollar ceilings may be increased administratively by the Secretary of Defense beginning with fiscal year 1984 and every three years thereafter so that future amendments that may be needed because of inflation will not have to be made to that section.

Sincerely,

L. NIEDERLEHNER,
Acting General Counsel.

By Mr. WILLIAMS:

S. 2296. A bill to amend the Urban Mass Transportation Act of 1964 to provide authorizations for appropriations, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

FEDERAL PUBLIC TRANSPORTATION ACT OF 1980

• Mr. WILLIAMS. Mr. President, I am introducing today legislation to extend the programs administered by the Urban Mass Transportation Administration through fiscal year 1985. The bill, entitled the Federal Public Transportation Act of 1980, would build upon the foundations laid by the Congress in 1978 when it approved the Surface Transportation Assistance Act of 1978. This legislation would add $21.8 billion in new authorizations to the current authorizations for fiscal years 1980 through 1985, an amount which is entirely justifiable in view of the increased reliance the country and thousands of individual communities will have to place on the program.

Mr. President, the evidence is everywhere that the public transportation program has achieved, even exceeded, the expectations of its proponents since the early 1960's. When I first proposed this program nearly two decades ago, no one could have envisioned the dismal international facts of life that now confront us. These facts were not apparent even during the early 1970's when the oil exporting nations first signaled to the rest of the world their intention to use energy as a political and diplomatic weapon.

Since then, however, the UMTA program has become a permanent and growing part of our national transportation policy. The record of its success is everywhere, as the tangible benefits of public transportation are being enjoyed by an increasing number of communities and individuals.

Rather than dwell on the successes of the program to date, we must now prepare for the future—the future of public transportation in this country. With the arrival of 1980, we entered more than a new decade—we entered a new era. For the foreseeable future, the shortage of energy and the need to develop alternative supplies will be an overriding national and international concern. Ever-increasing energy prices have produced a new strain of inflation that seems resistant to the traditional remedies. But inflation must be conquered to stabilize our economy at home. And abroad, we face a new international configuration—an unstable and volatile global picture—that poses serious problems for the family of nations, and especially for the United States.

In this kind of environment, encouraging people to ride public transportation is more than sound environmental policy. And it is much more than unclogging our urban centers and beautifying our center cities. Perhaps, more importantly for this country throughout the 1980's, public transportation means rational and prudent energy conservation.

Where reason and persuasion have failed in the past, high prices and long gas lines have succeeded in convincing individuals that there is a linkage between energy conservation, public transportation, and the national well-being. This relationship is hardly a revelation, but its importance has not been adequately understood or appreciated in Washington and elsewhere. Its recent recognition by an administration that has been publicly skeptical about public transportation as a top national priority certainly marks a turning point for the program.

As we enter the 1980's, the focus of the existing program must be altered in several ways. Two decades ago, the original predicate for the program was the prevention of further decline and collapse in most large transit systems in the country. But these founding principles and the present program are no longer relevant to the circumstances of the 1980's. As a result, the program must be redirected to permit the large scale improvements necessary to create a public transportation system that can accommodate ridership 50 percent above current levels, or a total of 15 million additional passengers a day. President Carter set this as a national ridership goal.

This is an ambitious target that will require herculean efforts in order to be achieved because equipment is often run down, subway stations are outmoded in many areas, and service is substandard. In many other cities, the lack of equipment and facilities has seriously undermined the growth and acceptance of transit systems as an alternative to the automobile.

In my judgment, there are several basic areas that demand further congressional action to enable UMTA to respond well to the problems at hand and those on the immediate horizon.

First, new rail systems that can truly benefit certain areas must be built. And older, existing rail systems must be rehabilitated and modernized. Newer and more reliable, attractive, and energy-efficient equipment must be put into service.

Second, the financial resources available to the program must be increased, and increased substantially, above current levels and from all possible sources, Federal, State and local—from the farebox, from user taxes, from general revenues, or from dedicated sources, such as trust funds. I am less concerned about the technique than I am about the results. And the money must not be promised with great hoopla by the Congress and the President one year, only to be withheld quietly the next in the name of balancing the budget or some other reason, no matter how valid. In the war on inflation, which is caused in no small part by our voracious and profligate consumption of energy, public transportation can be part of the antidote. It can no longer be treated as a stepchild at budget time every year.

Third, the discretionary nature of the program must be diminished both to avoid further reoccurrences of past problems and to assure that the priorities set by the Congress are not reordered or rewritten by the administration and the Office of Management and Budget. This latter development has occurred with too much frequency and should be corrected. Recent allegations that the UMTA program may have become too intimately involved in Presidential politics in this election year are indicative of the more general point that extraneous influences should not interfere with the basic mission of the program. It has in the past too often.

Fourth, the levels of operating assistance provided by the Federal Government must increase. Unexpected ridership surges due to long gasoline lines and higher prices have boosted ridership suddenly. While more service is being provided and more revenues are coming from the farebox, the pace of inflation and the price of fuel has served to enlarge the deficits in most communities. Thus unless service is to be scaled back or fares are to be increased to the point that ridership is discouraged in contradiction of our national energy goals, it is necessary to raise the levels of the Federal contribution toward offsetting the deficits. This would not be as serious a problem if the administration had asked for the full funding of the section 5 formula grant program in past years. But it has not, and most of the budget shortfalls have come from those elements of the multitiered formula that the older, most heavily used public transportation systems in our country rely upon.

Mr. President, last September in New York City, President Carter addressed the American Public Transportation Association. This significant address followed by several months Vice President MONDALE's announcement in Hoboken, N.J., of the President's windfall profit transportation energy initiative. Together, these two events lifted the hopes of the proponents of public transportation and helped to remove some lingering doubts about this administration's commitment. In the President's address, he called public transportation "one of the keys to the future of the United States of America." The President then outlined his vision for a new era of public transportation. In the President's own words:

> Our goal . . . is to add 15 million passengers per day to the buses, the streetcars, and the trolleys and subways of our cities and our communities.
>
> We will double the production of buses, the only form of mass transit in 97 percent of America's cities. We will step up the modernization and the refurbishment of existing rapid transit systems.
>
> We'll build subways and elevated trains, trolleys people-movers, commuter trains. We'll repair track beds, modernize stations, improve signaling and control stations, replace aging railcars, expand the size of fleets, extend lines into new areas and encourage new technologies. In shore, we will reclaim and we will revitalize America's transit systems.

Mr. President, these are the goals we must strive to achieve to preserve our urban centers, to end our undue dependence on foreign energy sources, to protect our environment and to help in the fight against inflation by reducing our national bill for imported, and increasingly expensive, oil.

Mr. President, the bill I am introducing will not address all of the objectives articulated by the President. Some are addressed in his fiscal year 1981 budget, others are contained in the transportation energy initiative now pending before the Congress and still others will be addressed in the new authorizing legislation which the administration was supposed to have submitted earlier this year. At the hearings scheduled for early March, all of these measures will be considered and analyzed, as well as the legislation I am introducing today.

Mr. President, let me briefly explain the purposes and provisions of this bill and what it is intended to accomplish.

First, the bill is designed to remove much of the mystery and anxiety from the grant delivery procedures, for the benefit of the operators, the equipment manufacturers, and the Congress. They must be simplified and expedited.

Although Congress provided some certainty in the grant program in 1978 by expanding the formula grant program to include buses and commuter rail activities, and also by creating several subcategories in section 3, the changes have fallen short of the task. In the Federal Public Transportation Act of 1980, several changes will be made to the program. The bill proposes a formula for rail modernization.

During the consideration of the 1978 act, the Banking Committee recommended that "an annual program level of at least $600 to $800 million is necessary to make reasonable progress against the continuing deterioration of our existing rail facilities." Modernizing our existing fixed rail transit systems must be a high priority of our transit assistance program. Also in 1978, UMTA estimated rail modernization needs $16.5 billion. These needs must be compared to UMTA's actual budget requests for rail modernization projects in recent years—an average of about $400 million. This simply does not measure up to UMTA's own observations, my standards, or the expectations of the 7 million daily users of equipment that is sometimes older than Methuselah.

The rail equipment industry, whose ranks have been depleted steadily as a result of this inadvertent or outright neglect, has properly challenged the Federal Government to deal with the problems of our older cities.

For these reasons, I plan to elevate rail modernization and all of its components, including new rolling stock purchases, to a preferred position within the UMTA program.

Fortunately, I am able to work in lockstep with BIRCH BAYH, my colleague on the Transportation Appropriations Subcommittee. He has already instructed DOT to prepare a new 10-year cost estimate of replacing overage rolling stock and rehabilitating existing rail systems to a level that is consistent with safety standards and reliable performance.

To assure the allocation of funds, the bill would apportion rail modernization grants through a formula allocation. This will deliberately restrict the Department's ability to neglect this category of program activity.

As an aside, it is also reasonable to expect new rail systems to be constructed during the 1980's. The present administration has been decidedly antirail and has resisted the reality that there are areas around the country where different types of rail systems—heavy or light—are entirely appropriate and essential. No new rail system has been approved by this administration, nor have they been encouraged. In fact, of the $13 billion contained in the President's windfall profit transportation initiative, not one penny would be earmarked or even permitted for a new start. But rail systems will be built during this decade, and they will be built with Federal financial assistance.

To allow for these activities in the program, the bill would increase the section 3 authorization, by adding $13 billion in new authorizations for fiscal years 1980–1985. In combination with the existing authorization the formula grant program will amount to over $19 billion in authorizations.

Also the bill would tighten up the "letter of intent" procedure designed by the Congress in 1978 to reduce the potential for abuse of the discretionary grant program. The change in these procedures would require a 30-day advance notification to the authorizing committees in both Houses of Congress. This is an addition to the existing requirement for prior notification to the Appropriations Committees. This should also help to provide certainty and remove mystery from grant delivery systems.

Finally, major problems have occurred for operators, and their planning and budgeting, because of the way funds under the UMTA program are apportioned annually. While the 1978 act allowed for advance appropriations in the section 3 program, it did not provide advance appropriations for the section 5 program. This is unduly troublesome for section 5 grant recipients who may not receive sufficient amounts of money under one year's grants to actually employ the money. Under advance appropriations, apportionments will provide them with enough certainty to employ the money in combination with other financing arrangements. It should also help to avoid practical problems that occur annually since appropriations and apportionments are not usually made until the very end of the fiscal year. It is difficult to plan ahead when one year's annual apportionment is not known until the end of that year and the following year's plans are prepared almost simultaneously. Again, this should instill more certainty into the program and insure better utilization of UMTA funds.

Another major feature of this bill is a provision designed to address a longstanding problem in the domestic transit vehicle manufacturing industry which has seen the withdrawal of AM General, General Electric, Pullman Standard, Boeing, and others from this line of business to the benefit of foreign competitors. The reasons for this dismal state of affairs are well known. Rather than opine about them, I believe it would be far more productive to develop a course of concerted action that would reverse this trend and rebuild a strong and competitive industry in terms of both bus and railcars. This means more local taxes to shore up the dwindling revenue base of many communities. As a nation, we could become more independent from foreign governments that share in neither our notions of fair trade, or our strong national interest in preserving world peace through the integrity of international law and diplomacy.

The Congress laid some of the groundwork in the Surface Transportation Act of 1978.

This bill contains additional provisions to implement Secretary Goldschmidt's suggestion to both improve the procurement process and rapidly increase the size of our bus fleet. Also it is a way that bus and rail car orders can be paced and sequenced so that we can avoid the "feast or famine" cycle. This will allow for better planning by the builders and hopefully lower costs for the buyer. It could provide a strong inducement for companies to reenter the market and invite new entrants. Briefly, the idea would be to empower UMTA to purchase rolling stock directly from manufacturers. The advantage of a direct purchase is to eliminate many problems which arise from either paperwork or inexperience on the part of the transit operators. This authority can also be justified as a direct response to energy induced transit capacity shortages.

Finally, Mr. President, this legislation would increase the authorizations for the section 5 formula grant program. It continues on the theme sounded by the Banking Committee in 1978 when it stated in its report on S. 2441 that "(t)he committee believes funds presently authorized for operating assistance are insufficient to permit a responsible level of Federal participation in meeting the reasonable operating assistance needs of our transit systems." I should point out that no changes are suggested to the formula itself since none are warranted in light of our limited experience to date.

The one exception is the requirement that the Congress legislate again regarding the factor used in the bus component of the multitiered formula. It was the deliberate determination of the Congress to require UMTA to study the various criterion as a prerequisite to further decisionmaking in this area. This study is expected in the near future. In the absence of that study, this bill would use revenue bus miles as the apportionment factor, subject to further analysis and study. The bill would also modify the definition of "fixed guideway" to correct an inadvertently narrow definition used in the third tier of the formula.

Mr. President, this year the Congress is duty-bound to consider and approve forward-looking legislation that will equip the Federal public transportation program for this decade and its challenges. The legislation I am introducing today, when it is approved by the Congress, would make an excellent beginning. It would build upon the significant progress we have achieved to date and sustain our current momentum and I urge my colleagues to support the Federal Public Transportation Act of 1980.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2296

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Public Transportation Act of 1980".

AMENDMENTS TO DISCRETIONARY GRANT PROGRAM

Sec. 2. Section 3(a) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new paragraphs:

"(5)(A) Prior to July 1, 1980, the Secretary shall submit to the appropriate authorizing committees of the Senate and the House of Representatives an interim allocation plan for the modernization or rehabilitation of rail mass transportation facilities and equipment. The interim allocation plan shall be based on existing studies of the cost of such modernization or rehabilitation for rail mass transportation systems other than intercity rail passenger service as defined in section 102 of the Rail Passenger Service Act. The interim allocation plan shall contain for each urbanized area a calculation of the ratio that the estimated cost of such area's modernization or rehabilitation program bears to the total of the estimated costs of the rail modernization or rehabilitation programs for all urbanized areas.

"(B) Prior to January 1, 1982, the Secretary shall submit a proposed final allocation plan to the appropriate authorizing committees in the Senate and the House of Representatives. Such plan shall become final unless disapproved by a majority vote of both authorizing committees within 20 days of continuous session of the Congress after submission. The final allocation plan shall be based on a thorough survey of the necessary costs of modernizing, rehabilitating, or replacing rolling stock and fixed facilities to improve the reliability, safety, and attractiveness of such rail mass transportation systems. The final allocation plan shall contain for each urbanized area a calculation of the ratio that the cost of such area's modernization or rehabilitation program bears to the total of the costs of the programs for all urbanized areas as estimated by the survey.

"(C) Annual appropriations Acts shall establish the annual level of funding to be granted under the interim allocation plan for fiscal years 1981 and 1982 and under the final allocation plan for subsequent years. Such appropriations Acts shall also establish the amount for the modernization and rehabilitation of rail facilities and equipment which will not be subject to the allocation plans.

"(D) The Secretary shall apportion annually amounts identified as subject to the allocation plan in accordance with that allocation plan.

"(E) For the purpose of subparagraph (B)—

"(i) continuity of session is broken only by an adjournment of Congress sine die; and

"(ii) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

"(5)(A) The Secretary is authorized to purchase equipment for use in public transportation service with funds authorized to be appropriated under this section. These purchases may be undertaken directly or through the use of a Federal purchasing authority.

"(B) The Secretary shall transfer ownership of such equipment to States or local public bodies and such transfers must comply with statutory requirements which are applicable to grants under section 3, except as otherwise provided under this paragraph. The United States shall not be liable for any loss, cause of action, or suit arising out of the use of equipment purchased with funds provided under this Act.

"(C) Any State or local public body which applies to the Secretary for transfer of such equipment under this paragraph must provide at least 20 per centum of the net project cost in cash or inkind contributions. Cash shall be returned to the Urban Mass Transportation Fund and remain available until obligated.".

DISCRETIONARY GRANT OR LOAN AUTHORIZATIONS

Sec. 3. The first sentence of section 4(c)(3)(A) of the Urban Mass Transportation Act of 1964 is amended by striking out "$1,410,000,000" and all that follows through "1983" before the period at the end thereof and inserting in lieu thereof the following: "$2,510,000,000 for the fiscal year ending September 30, 1980; $2,750,000,000 for the fiscal year ending September 30, 1981; $3,025,000,000 for the fiscal year ending September 30, 1982; $3,325,000,000 for the fiscal year ending September 30, 1983; $3,625,000,000 for the fiscal year ending September 30, 1984; and $3,985,000,000 for the fiscal year ending September 30, 1985".

LETTER OF INTENT

Sec. 4. Section 3(a)(4) of the Urban Mass Transportation Act of 1964 is amended by inserting immediately after the first sentence thereof the following: "At least 30 days prior to the issuance of a letter of intent under this paragraph, the Secretary shall notify, in writing, the Committee on Public Works and Transportation of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs oi the Senate of the proposed issuance of such letter of intent.".

FORMULA GRANT AUTHORIZATIONS

Sec. 5. (a) Section 5(a)(1)(B) of the Urban Mass Transportation Act of 1964 is amended to read as follows:

"(B) There are authorized to be appropriated for the purpose of this paragraph $900,000,000 for the fiscal year ending September 20, 1981; $900,000,000 for the fiscal year ending September 30, 1982; $900,000,000 for the fiscal year ending September 30, 1983; $900,000,000 for the fiscal year ending September 30, 1984; and $950,000,000 for the fiscal year ending September 30, 1985.".

(b) Section 5(a)(2)(B) of the Urban Mass Transportation Act of 1964 is amended to read as follows:

"(B) There are authorized to be appropriated for the purposes of this paragraph $250,000,000 for the fiscal year ending September 30, 1979; $250,000,000 for the fiscal year ending September 30, 1980; $250,000,000 for the fiscal year ending September 30, 1981; $325,000,000 for the fiscal year ending September 30, 1982; $475,000,000 for the fiscal year ending September 30, 1983; $575,000,000 for the fiscal year ending September 30, 1984; $625,000,000 for the fiscal year ending September 30, 1985.".

(c) Section 4(d) of the Urban Mass Transportation Act of 1964 is amended by striking out "and September 30, 1982" and inserting in lieu thereof "September 30, 1982, September 30, 1983, September 30, 1984, and September 30, 1985".

(d) The first sentence of section 4(e) of the Urban Mass Transportation Act of 1964 is amended by striking out "and $120,000,000 for the year ending September 30, 1982" and inserting in lieu thereof the following: "$120,000,000 for the fiscal year ending September 30, 1982: $140,000,000 for the fiscal year ending September 30, 1983: $160,000,000 for the fiscal year ending September 30, 1984: and $185,000,000 for the fiscal year ending September 30, 1985".

(e) The first sentence of section 4(f) of the Urban Mass Transportation Act of 1964 is amended to read as follows: "There are authorized to be appropriated to carry out the functions of this Act, other than sections 3, 5, 8, 11(b), 16(b), 18, 21, and 22, not to exceed $90,000,000 for the fiscal year ending September 30, 1979; $95,000,000 for the fiscal year ending September 30, 1980; $100,000,000 for the fiscal year ending September 30, 1981; $155,000,000 for the fiscal year ending September 30, 1982: $180,000,000 for the fiscal year ending September 30, 1983; $205,000,000 for the fiscal year ending September 30, 1984; and $230,000,000 for the fiscal year ending September 3, 1985.".

(f) Section 5(a)(3)(B) of the Urban Mass Transportation Act of 1964 is amended to read as follows:

"(B) There are authorized to be appropriated for the purposes of this paragraph, $115,000,000 for the fiscal year ending September 30, 1979; $130,000,000 for the fiscal year ending September 30, 1980; $145,000,000 for the fiscal year ending September 30, 1981; $205,000,000 for the fiscal year ending September 30, 1982; $315,000,000 for the fiscal year ending September 30, 1983; $405,000,000 for the fiscal year ending September 30, 1984; and $500,000,000 for the fiscal year ending September 30, 1985.".

(g) Section 5(a)(4)(B) of the Urban Mass Transportation Act of 1964 is amended to read as follows:

"(B) There are authorized to be appropriated for the purposes of this paragraph $300,000,000 for the fiscal year ending September 30, 1979; $300,000,000 for the fiscal year ending September 30, 1980; $370,000,000 for the fiscal year ending September 30, 1981; $455,000,000 for the fiscal year ending September 30, 1982; $500,000,000 for the fiscal year ending September 30, 1983; $550,000,000 for the fiscal year ending September 30, 1984; and $600,000,000 for the fiscal year ending September 30, 1985.".

AVAILABILITY OF APPROPRIATIONS

Sec. 6. Section 5(c)(3) of the Urban Mass Transportation Act of 1964 is amended to read as follows:

"(3) Appropriations pursuant to the authority of this section may be in an appropriations Act for a fiscal year preceding the fiscal year in which the appropriation is to be available for obligation and shall be available until expended.".

AMENDMENTS TO FORMULA GRANT PROGRAM

Sec. 7. Section 5(a)(4)(A) of the Urban Mass Transportation Act of 1964 is amended to read as follows:

"(A) To make grants under this section for the purchase of buses and related equipment, or the construction of bus related facilities, the Secretary shall apportion in each fiscal year the sums appropriated pursuant to subparagraph (B) of this paragraph. Sums shall be apportioned on the basis of the ratio that the number of bus revenue vehicle miles traveled serving each urbanized area bears to the total number of bus revenue vehicle miles traveled serving all urbanized areas. Sums apportioned under this paragraph shall be available only for projects for the purchase of buses and related equipment, and the construction of bus related facilities, except that projects assisted pursuant to section 3(h) of this Act may utilize funds apportioned under this section for any eligible construction project.".

DEFINITION OF FIXED GUIDEWAY

Sec. 8. Section 12(c)(2) of the Urban Mass Transportation Act of 1964 is amended to read as follows:

"(2) the term 'fixed guideway' means any public transportation facility which utilizes and occupies a separate right-of-way or rails for the exclusive use of public transportation service including, but not limited to, fixed rail, automated guideway transit, and exclusive facilities for buses and other high occupancy vehicles;".

SAFETY INVESTIGATIONS

Sec. 9. Section 12 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following:

"(h)(1) The Secretary shall investigate unsafe conditions in any facility, equipment, or manner of operation of any transit system under this Act which creates a serious hazard of death or injury for the purpose of determining the nature and extent of such hazard and the means which might best be employed to eliminate or correct such hazard. If the Secretary determines that such facility, equipment, or manner of operation is unsafe, he shall require the State or local public body or agency to submit to the Secretary a plan for correcting the unsafe facility, equipment, or manner of operation, and the Secretary may withhold further financial assistance under this Act to the applicant until such plan is approved or implemented.

"(2) Notwithstanding the provisions of subsection (d), the Secretary is authorized to establish safety criteria and standards for use during the investigation of unsafe conditions in any facility, equipment, or manner of operation of any transit system financed under this Act.".

COMMUTER RAIL PUBLIC TRANSPORTATION

Sec. 10. (a) Section 403(d)(2) of the Rail Passenger Service Act is amended to read as follows:

"(2) Any commuter rail passenger service which is operated by the Corporation on January 1, 1980, shall, until September 30, 1985, continue to be operated by the Corporation and funded in accordance with the method of funding in effect for that service on January 1, 1980.".

(b) Section 403(d)(3) of the Rail Passenger Service Act is amended by striking out "April 1, 1981" and inserting in lieu thereof "September 30, 1985".

(c) Section 601(b)(1) of the Rail Passenger Service Act is amended—

(1) by striking out "and" at the end of clause (D);

(2) by striking out the period at the end of clause (E) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following:

"(F) for the payment of the operating and capital expenses of commuter rail passenger service provided pursuant to section 403(d)(2) of this Act not to exceed $3,500,000 for the period April 1, 1981, through September 30, 1981, not to exceed $8,000,000 for the fiscal year ending September 30, 1982, not to exceed $8,600,000 for the fiscal year ending September 30, 1983, not to exceed $9,500,000 for the fiscal year ending September 30, 1984, and not to exceed $10,400,000 for the fiscal year ending September 30, 1985.".●

By Mr. HATCH:

S. 2297. A bill to restrict the authority of the Secretary of Health, Education, and Welfare with respect to the regulation of vitamin and mineral products for over-the-counter use; to the Committee on Labor and Human Resources.

VOLUNTARY MEDICINES ACT OF 1980

● Mr. HATCH. Mr. President, the FDA is in the process of trying to regulate vitamins and minerals as over-the-counter drugs. If labeled or promoted as preventing a vitamin or mineral deficiency, as for example is the case with "One-a-Day" brand vitamins or the other rival vitamin tablets we are able to buy in supermarkets or drugstores, the Federal Food and Drug Administration would now presumably require a doctor's prescription or some other form of market interference before we could purchase our bottles of Geritol or boxes of Total cereal. How ironic it is that at a time when States are making it easier to buy marihuana or alcohol, the FDA wants to lead a national Hellelujah Trail against our freedom to buy vitamins and minerals.

The most recent sighting of the FDA war against vitamins was on March 16 of last year, the date when the Federal Register published FDA's proposal to regulate vitamins and minerals as I have described it. It is not dissimilar from an FDA proposal issued in June 1962, intended to limit the sale of vitamins and minerals as Rx or prescription only drugs, and to outlaw the sale of vitamins altogether if sold in potencies or combinations FDA has arbitrarily set as too high.

In 1976, the U.S. Congress unanimously voted for the bill which has since been enacted into law as the Wilson-Proxmire Vitamin Act, signed into law by then President Ford on April 22, 1976. This statute spared us the imposition of FDA's requirement that we purchase vitamins as Rx drugs. Now FDA wants to circumvent this law by its new regulations to require the purchasing of vitamins as OTC drugs.

Like all of my colleagues, Mr. President, I do not smoke marihuana or shoot up with drugs. However, I do confess to taking a few vitamin pills now and then. I will even go further and admit that I am like millions of other American consumers who for various health reasons choose to supplement our diets with a wide variety of vitamins, minerals, and other so-called health foods.

Those of us who think about the FDA at all, appreciate and support its mission to preserve the safety and efficacy of drugs. But we also recognize that with excessive proposals such as the FDA plan to make it as difficult to get a bottle of vitamins as it is to buy a bottle of penicillin, the agency is shooting itself in the foot. It is fortifying its self-image among some as a harasser and belittler of American consumers. It is succeeding in making itself reviled as the OSHA of the culinary arts.

The FDA plan to tighten up restrictions on the sale and purchasing of vitamins and minerals is excessive. The nature of the marketplace requires some Government guarantees of the safety of products we buy, but in this case the Food and Drug Administration has gone over the brink.

This is why I am today introducing legislation which I have titled, the Voluntary Medicines Act of 1980. My legislation leaves no doubt that the Congress intends and recognizes that vitamins, minerals, herbs, and enzymes will be advertised, labeled, promoted, and sold as foods for special dietary use rather than as Rx or OTC drugs when sold to consumers by the food supplement and health foods industry to prevent vitamin and mineral deficiency diseases or conditions.

The time for Congress to take action is now. I commend this legislation to my colleagues, urging you to join with me in making clear the legislative intent to prevent the FDA from overstepping its boundaries in the way I have described.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2297

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(s)) be amended so that (1) to section 201(s) shall be added a 6th exemption: "(6) the food itself, a combination of foods, or foods for special dietary use, or the ingredients thereof, unless being used as preservatives or flavors for a food"; and (2) to section 201(g) shall be added the words, "Foods for special dietary use, when offered or employed for purposes as defined in section 411(c)(3) of this act or for preservation or treatment of dietary deficiency conditions shall not be classified as drugs."●

By Mr. DeCONCINI:

S. 2298. A bill to amend part J of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to extend death benefits to public safety officers who die as a result of conditions arising out of or exacerbated by official duty; to the Committee on the Judiciary.

● Mr. DeCONCINI. Mr. President, today I am introducing a bill to amend the Omnibus Crime Control Act of 1968. Although the Public Safety Officers Benefits Act of 1976 did provide a $50,000 death benefit for firefighters killed in the line of duty, Law Enforcement Assistance Administration regulations implementing the act excluded firefighter deaths caused by job-related diseases, such as heart attack, from coverage.

To be covered by the act, a firefighter's death must be the "direct and proximate result of a personal injury sustained in the line of duty." While the terms "direct and proximate result" and "personal injury" were not defined in the act, the House Judiciary Committee reports did define "personal injury" as "all injuries to the body which are inflicted by an outside force, whether or not it is accompanied by physical impact, as well as diseases which are caused by or result from injuries, but not diseases which arise merely out of the performance of duty. In other words, deaths from occupational diseases alone are not within the purview of this legislation."

The Law Enforcement Assistance Administration interpreted this definition of "personal injury" as limiting coverage to deaths caused by traumatic injuries only. The regulations, accordingly, define "traumatic injury" to mean "a wound or other condition of the body caused by external force, including injuries inflicted by bullets, explosives, sharp instruments, blunt objects or other physical blows, chemicals, electricity, climatic conditions, infectious diseases, radiation, and bacteria, but excluding stress and strain." Deaths caused by traumatic injuries do not, therefore, include deaths directly attributable to exertion or stress encountered in the performance of duty, unless that stress resulted in or was caused by a traumatic injury that was a substantial factor in the firefighter's death.

As a result of the LEAA regulations, firefighters who die of heart attack are often ineligible for the $50,000 death benefit, even if that attack occurs on the scene of, or is traceable to, a fire or firefighting activity. Where, for instance, LEAA determines the cause of death to be myocardial infarction resulting from a coronary thrombosis, no benefit will be paid unless the claimant can demonstrate a substantial causal connection between a traumatic injury and the thrombosis.

S. 2298 seeks to remedy this situation by including deaths which may be the result of preexisting conditions, but which were triggered or aggravated by firefighting activities, under coverage by the provisions of the Public Safety Officers Benefits Act as they relate to the $50,000 death benefit.●

By Mr. HEINZ:

S. 2299. A bill to add 682.4 acres to Valley Forge National Historical Park, Pennsylvania; to the Committee on Energy and Natural Resources.

ADDITIONS TO VALLEY FORGE NATIONAL HISTORIC PARK

Mr. HEINZ. Mr. President, as you know, today marks the official celebration of the birthday of the "Father of our Country." I rise on this occasion to introduce legislation commemorating the deeds of this great man, George Washington: A bill to add 682.4 acres to the Valley Forge National Historic Park in Pennsylvania. This legislation is designed to preserve the scenic and historic integrity of the park before additional, irreversible development crowds in on a priceless shrine of the American Revolution.

Valley Forge was the site of the encampment of General George Washington's Continental Army during the bitter winter of 1777–78. While the temporarily victorious British Army was comfortably billeted in Philadelphia, General Washington and his 11,000 battle-weary men set up camp 20 miles to the west. Against overwhelming odds, the Continentals not only survived but emerged as a disciplined, efficient military force. It was an inspired patriotic chapter of American history. The site of the heroic winter encampment by Washington's army is now hemmed in by a hodgepodge of highways, highrise office and apartment buildings, motels, shopping centers, and housing developments.

When the park was established in celebration of the Bicentennial in 1976, Congress recognized the need for further study of the boundaries of the park, recognizing the pressure for increased development around Valley Forge. The Park Service has completed that study and is now recommending additions to the park. These additions include both fee acquisition and scenic easements. My bill would add 682.4 acres in fee acquisition to the existing 2,450-acre park. Most of the land is in Lower Providence Township, Montgomery County, with about 80 acres in Tredyffrin and Schuylkill, Townships, Chester County. Although relatively small in size, these acquisitions would preserve a beautiful section of the Schuylkill River Valley.

It is important that the Federal Government move immediately to obtain these valuable lands. All of the property to be acquired in the fee, except one parcel, is slated for purchase or development by private individuals. There is a real danger that these tracts will be lost unless the Park Service is able to act within the next few months. Unless the property, most of which is raw land, is acquired now, it will not be feasible to purchase it in the future. Higher costs are certain when compensation for development and displacement is included.

Within the proposed acquisition is Fatlands, an historic building and property north of the Schuylkill River. This property is slated for development unless arrangements for Federal acquisition are completed. Another tract includes several historic structures, vintage 1740, one of which served as commissary headquarters for General Washington and his army during the encampment.

Other acquisitions provided for by this legislation would accommodate the inceasing recreational use of the park. Valley Forge Park has become a regional recreational center as well as an historic site and is already drawing nearly 5 million visitors a year. These additional acquisitions would allow the Park Service to take advantage of a timely opportunity to expand the park by purchasing neighboring land well suited for these uses. The new acreage would also be a link with the Audubon Wildlife Sanctuary, the Evansburg State Park, and planned recreational trails. Such uses conform with township, county and regional planning, and enjoy strong local support. I ask unanimous consent that there be printed in the Record several recent newspaper editorials supporting the proposed acquisitions to Valley Forge.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Philadelphia Bulletin, July 29, 1979]

ON THE MARKET AT VALLEY FORGE

By one measure, its existing 2,420 acres, Valley Forge National Historical Park is fairly large. But by a more critical measure, the fact that Valley Forge Park is a regional recreation center as well as an historical site, and is already drawing five million visitors a year, the park could easily become overcrowded in the years ahead.

Rather than risk a clash between the historical and recreational values at Valley Forge, the U.S. National Park Service wants to take advantage of a timely opportunity to expand the park by purchasing 403 acres of neighboring land that are being put on the market for development. The Park Service also wants to acquire 50 acres at Valley Forge that are owned by the state of Pennsylvania, negotiate "first refusal" rights to 100 acres owned by the Roman Catholic Archdiocese of Philadelphia, and obtain "scenic easements" on another 120 acres from private owners.

In all, Valley Forge National Park would eventually grow by 682 acres. This would be land that would either be owned outright by the Federal Government or protected from development under zoning or deed restrictions. All the land involved is north of the Pennsylvania Turnpike, and not part of Tredyffrin Township's Chesterbrook "new town" development.

Considering Valley Forge's importance as a landmark in the American Revolution and its appeal, on the other hand, to present-day picnickers, kite-fliers and Frisbee-throwers, the Park Service's expansion plan is both reasonable and prudent. People who visit Valley Forge to get a sense of the hardships endured by the Continental Army troops in the bitter winter of 1777–78 can be jarred by finding General Washington's campground covered by picnic blankets and baskets.

Ever since the Park Service took over Valley Forge from Pennsylvania's state government in 1976, it has realized that the park will either have to be enlarged or the recreational use restricted. Advised last year by Peter J. Camiel, Philadelphia's former Democratic Party chairman that he intends to sell his Fatland estate at the edge of the park for development, the park service put its expansion planning into high gear.

And, indeed, the situation at Valley Forge is a case of "move now, or see the land lost." Unfortunately, though, President Carter's Office of Management and Budget doesn't seem to appreciate the urgency of snapping up parkland while it's available in a fast-growing suburban area, OMB is balking at the $5 million price tag on the Valley Forge expansion.

We recognize the budgetary pressures. But we also know that less compelling federal land purchases are in the works than the ones at Valley Forge. * * *

[From the Philadelphia Inquirer, May 8, 1979]

PRESERVE VALLEY FORGE PARK

When Valley Forge State Park became Valley Forge National Park during the Bicentennial celebration of 1976, that laudable transition did not end the park's serious problems of encroachment by residential, commercial and industrial development. It is essential that effective steps be taken soon to preserve the park's scenic and historic integrity before additional, irreversible development crowds in on a priceless shrine of the American Revolution.

The site of the heroic winter encampment by Washington's army in 1777–78 already is hemmed in by a hodge-podge of highways, high-rise office and apartment buildings, motels, shopping centers and housing developments. Still rural in the early 1950s, the Valley Forge area took off in explosive growth with the eastward extension of the Pennsylvania Turnpike, including an interchange near the park, and subsequent construction of the Schuylkill Expressway with Valley Forge as its western terminus.

A long legal battle begun in 1971 failed to stop residential development, now under way, in the 900-acre Chesterbrook tract which would have made an attractive addition to Valley Forge Park. Other, smaller tracts in the area, including 155 acres owned by Philadelphia's former Democratic Committee Chairman Peter J. Camiel, are slated for early development.

The park presently covers 2,450 acres, a substantial size, and doesn't need vast additional holdings. It does, however, need to acquire selected sites, relatively small in size and totaling about 400 acres, and to be assured that certain additional tracts will not be used for high-rise or commercial construction. The staff at Valley Forge National Park, under Superintendent Gilbert Lusk, has drawn up a plan detailing these requirements. It awaits approval by the National Park Service and then will need congressional appropriations for land purchase.

Federal action, including adequate funding by Congress, should be expedited. Development of some of the acreage is scheduled to begin late this year. Owners of the tracts, including Mr. Camiel, should hold development plans in abeyance and allow reasonable time for the federal government to implement a park expansion plan.

Meanwhile, officials in Montgomery and Chester Counties should coordinate efforts to plan and regulate development in the Valley Forge area for several miles around the park perimeter. Growth up to now has been haphazard. The value of the area for development of many kinds is understandable. The need is not to halt development, except in designated areas, but to control it with practical and enforceable guidelines.

Valley Forge is a national treasure and should be treated as such. It is late, but not too late, to enlarge the park and to subject its environs to better planning and monitoring than it has received in the past.

[From the Philadelphia Inquirer, Nov. 20, 1979]

PROTECTING VALLEY FORGE

The U.S. House has approved, over the opposition of President Carter's Office of Management and the Budget, Rep. Lawrence Coughlin's bill to add 682 acres to Valley Forge National Park. Why does OMB oppose? Budgetary reasons. OMB does not want to spend the $5.4 million that is needed to add a buffer area and stop the encroachment of development around the park.

To that, two things should be said. One is that if the money is not spent soon, the price of the land, in an area burgeoning with industrial and housing development, undoubtedly will be much higher.

The other thing, though, is that if the land, which includes Fatlands, the estate owned by former Philadelphia Democratic Chairman Peter J. Camiel, is not purchased soon, it will be lost forever. That lovely area of Chesterbrook, which, with its historic buildings and perfect location, should have been assimilated into the park, is now the site of a residential-commercial development. Whether the park itself can hold out as Gen. George Washington and his ragged soldiers held out in that terrible winter of 1777 is doubtful.

To his credit, Mr. Camiel has put off his plan to subdivide his 154-acre estate in the expectation that the government would purchase it, even though he undoubtedly could profit much more from private development. The Senate should move promptly to approve the House bill and the Carter Administration should retreat from its opposition.

There is a spirit that hovers over Valley Forge, and it is not the spirit of double-entry bookkeeping.

Mr. HEINZ. Mr. President, plans also call for obtaining scenic easements on about 130 acres of developed land in Montgomery and Chester counties. These easements would insure that scattered homes, nestled in rolling hills and woodlands, continue to be used as private homes, preventing highrise and commercial development. Not only would there be no displacement for the 30 owners involved, but vista access across the Schuylkill River would be preserved without buying land out to the horizon.

For historical purposes, recreational use and vista protection, I urge prompt enactment of this legislation. It is important that we continue to protect America's valuable natural, historic, and cultural resources.

By Mr. HEINZ:

S. 2300. A bill to provide for the establishment of the Legionville National Historic Site in the State of Pennsylvania; to the Committee on Energy and Natural Resources.

LEGIONVILLE NATIONAL HISTORIC SITE

Mr. HEINZ. Mr. President, I rise today to offer legislation which would create a national historic site at Legionville in Beaver County, Pa.

I introduced similar legislation during the 95th Congress, which passed but was unfortunately vetoed by the administration. Recognizing the importance of preserving this historic site for posterity, the House of Representatives once again passed legislation to preserve Legionville as a national historic site in November of last year. By introducing a companion measure today, I hope to provide the necessary impetus for Senate action.

As you may know, Legionville played a very significant role in American history. It served as the first military training camp in the United States, and was the base for Gen. Anthony Wayne's "Legion of the United States," which successfully secured western Pennsylvania from Indian attacks in the 1790's.

Furthermore, the first Legion of the United States, trained at Legionville, opened the Northwest Territory to westward American expansion and settlement. During that time a future President, Benjamin Harrison, served as a lieutenant at Legionville. Merriweather Lewis served as a major there long before he volunteered for his famous westward expedition. Mr. John Jakes, author of the well-known American Bicentennial series, has mentioned Legionville in the third volume of that series, and has described the Battle of Fallen Timbers, in which the first Legion of the United States under General Wayne was engaged.

However, despite its historical significance, Legionville remains the largest unrestored post-Revolutionary site in the United States.

The Anthony Wayne Historical Society, along with other interested historical groups, has been instrumental in having the Legionville area designated as a State historic site. The Pennsylvania State Historical Preservation Office has listed Legionville in the National Register of Historic Places.

Unfortunately, these efforts on the State level have not been enough to protect and preserve this historical location. As of now, this land where Presidents and generals walked is zoned for industrial use. Unless designated as a national historic site and taken over by the National Park Service, Legionville may well be lost for future generations of Americans to enjoy.

For this reason, I am introducing legislation which would direct the Secretary of the Interior to acquire the 22 acres in Harmony Township, Beaver County, which comprise the original Legionville area. The National Park Service would then administer the land as a national historic site, and would not only preserve this land from future misuse, but would be able to reconstruct a model of the original encampment.

It is my hope that we will be able to commemorate a vital part of our American heritage by establishing the Legionville National Historic Site.

For the benefit of my colleagues, I ask

unanimous consent that the text of my legislation, along with statements from the Anthony Wayne Historical Society and the Pennsylvania Historical and Museum Commission about the historic significance of the Legionville site, be printed in the RECORD.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 2300

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve and protect the site of the first military training camp established in the United States, known as the Legionville Site, in the northernmost part of Harmony Township, adjacent to Baden Borough, Beaver County, Pennsylvania, for the benefit of present and future generations, the Secretary of the Interior (hereinafter referred to as the "Secretary") may acquire by donation, purchase, or exchange with donated or appropriated funds the area containing approximately twenty-two acres bounded on the south by the ravine of Legionville Run, on the east by Duss Avenue, on the north by Logan Lane and on the west by Route 65, a railroad and the Ohio River in that order.

SEC. 2. Any property acquired under the first section of this Act shall be administered by the Secretary, acting through the National Park Service, in accordance with this section and provisions of law generally applicable to units of the National Park System, including the Act approved August 25, 1916 (16 U.S.C. 1 et seq.) and the Act approved August 21, 1935. The Secretary shall enter into cooperative agreements with other qualified public or private entities for the management, development and interpretation, in whole or in part, of the property so acquired.

SEC. 3. The Legionville Site shall be established as the Legionville National Historic Site only after (1) sufficient land and improvements for administrative purposes have been acquired, and (2) the cooperative agreements have been executed with qualified entities.

SEC. 4. Effective October 1, 1980, there are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

SEC. 5. Authorizations of moneys to be appropriated under this Act shall be effective on October 1, 1980. Notwithstanding any other provision of this Act, authority to enter into contracts, to incur obligations, or to make payments under this Act shall be effective only to the extent, and in such amounts, as are provided in advance in appropriation Acts.

ANTHONY WAYNE HISTORICAL SOCIETY OF BEAVER COUNTY, PA.,
Baden, Pa.

LEGIONVILLE, GENERAL ANTHONY WAYNE, ESTABLISHED FIRST MILITARY TRAINING CAMP IN THE UNITED STATES: 1972

The significance of Legionville and the military training precedents established here were recognized in June, 1918, at the dedication of a state historical marker. The list of speakers and representatives at the dedication showed how highly rated they considered this Legionville camp.

Why were they there? Because America was engaged in a war that was to end all wars, World War I. Legionville was chosen as a symbol of sacrifice, discipline and training that American servicemen must endure if we were to bring the war to a successful conclusion. Speeches made that Saturday afternoon, June 22nd, 1918, stressed how the virtues and training received by General Wayne's "Legion of the United States" should serve as a prototype for all Americans and especially for the American soldier.

Why then should the Legionville site be preserved as a national park? In an age of doubt about what are the ideals of America, an age following the Vietnam War when many of our young people question the value of military service in defense of the nation; when we need symbols and ideals to light a sense of patriotism, what better symbol than a national park at Legionville. A national park not to glorify war but to honor the millions of American soldiers who learned the virtues of discipline and self-sacrifice as recruits in a training camp. Legionville is the mother of all subsequent military training installations.

The acquisition and preservation of Legionville will commemorate not only the sacrifices of the American military recruits but can also help recall the culture of the American Indian and help to act as a reminder that Indians and whites who gathered at Logstown could solve their problems amicably.

As of now, this land where Presidents and Generals walked is zoned for industrial use, and its owner has placed it on the market. Unless designated as a national historic site and taken over by the National Park Service, Legionville may well be lost to future generations of Americans. We will have lost an identity and a heritage.

ANTHONY WAYNE: MAN OF ACTION

Anthony Wayne was one of the most colorful of all the commanders-in-chief that the Army of the United States has ever had. Some have acclaimed him as the first native-born military genius, whose greatness as an organizer of troops and as a military planner is only now beginning to be recognized at its full worth. Because of his brilliant exploits during the American Revolution, he was regarded as a military hero in his own time, but his greatest achievement came after 1792. With a new American army, the Legion of the United States, which he organized and drilled, Wayne defeated hostile Indians of the Northwest Territory at Fallen Timbers in 1794, and then made peace with them at Greenville in 1795, putting an end to Indian raids and opening Ohio and northwestern Pennsylvania to settlement.

Born on January 1, 1745, in Chester County, Pennsylvania, Anthony was the only son of Isaac and Elizabeth (Iddings) Wayne and was named for his grandfather, Captain Anthony Wayne, a veteran of Marlborough's campaigns. His birthplace, the family home called Waynesborough, built by his grandfather in 1724, still stands about six miles from the borough of Wayne and about three miles from Paoli. Young Anthony's school record was far from outstanding. The most remarkable incident of his school days was a sham battle in which Wayne and his classmates re-enacted the capture of Fort Ticonderoga in 1759. He was punished for this escapade, but it showed his awareness of what was going on in the world as well as his inclination toward a military career. In school he learned enough mathematics to make him a competent surveyor and in 1765, when he was twenty years old, a land company sent him to look after the surveying of lands in Nova Scotia. During the winter he returned to Philadelphia and married Mary Penrose, the daughter of a Philadelphia merchant. The Nova Scotia land venture failed in 1766, and Wayne went back to Chester County to run the family farm and tannery in partnership with his father. His father's death in 1775 made him a man of means and position.

Despite his wealth and comfortable situation, Anthony Wayne did not hesitate when the issues leading to the American Revolution were drawn. In his county he became a leader of the people who objected to British efforts to tighten control over the colonies. He presided over committees in his county which framed resolutions of protest against the British coercive acts and enforced the agreement against the importation of British goods. In 1775 he represented Chester County in the Pennsylvania General Assembly. Finally, on January 3, 1776, he accepted a commission as colonel of the Fourth Pennsylvania Battalion and began his military career.

Anthony Wayne has been called the "trouble shooter of the Revolution" by a recent biographer, Harry Emerson Wildes. This phrase well describes his services in the Continental Army. He seemed to be everywhere at once—recruiting, drilling, disciplining, fighting, and raising supplies. Difficult assignments, insuperable tasks, dangerous feats were the stock in trade of this energetic and self-reliant soldier. The nickname "Mad Anthony," which is said to have originated in the drunken babbling of a disgruntled soldier, reflects his quick temper. Wayne was impetuous and swift to action, but he was not rash or foolhardy. As a commander he was cautious, and even his most glamorous deeds were based upon careful and painstaking plans.

In the spring of 1776 Wayne and his battalion went with the Pennsylvania brigade to reinforce the Canadian expedition, through which Congress had hoped to gain another colony for the American cause. By his personal bravery and leadership Wayne held his troops together to cover the retreat of the American army after the defeat at Three Rivers on the St. Lawrence. Congress abandoned the effort to win Canada, and Wayne was placed in command of Fort Ticonderoga. Here he had for the first time the thankless task of maintaining discipline among troops from various states who were disinclined to follow the orders of a Pennsylvania commander. Commanding Fort Ticonderoga was not as enjoyable as his childhood game of fighting for it. In February, 1777, he was made a brigadier general, and in April he left Ticonderoga to join Washington at Morristown, New Jersey, and take command of the Pennsylvania Line.

After a period of drilling and training, during which Wayne showed his customary concern for the proper equipment and uniforming of his men, the Pennsylvania Line fought in the campaign against the British occupation of Philadelphia in 1777. After the British army landed in Maryland and marched north, Wayne and his men were with the American army which attempted to stop them at Brandywine Creek on September 11. His troops held the center of the defense at Chadd's Ford. The American army, however, was outflanked by a British force which crossed the Brandywine higher up, and in the fierce fighting which followed Wayne's troops held the stream crossing until the rest of the army was out of danger. Washington retired north of the Schuylkill River and sent Wayne to circle around and harass the British in order to delay their advance on Philadelphia. This led to the greatest disaster of Waynes' military career.

In an attack before dawn on September 20, the British fell upon his force of 1,500 men encamped at Paoli, not far from his birthplace. The British had learned the position of his camp from Tory spies. Wayne himself was warned by an old farmer of the approach of the British but not soon enough to get his men completely ready. The British moved up while it was still dark and slaughtered more than two hundred men before Wayne could get his forces organized to fight a rear-guard action. Because of the number killed by the cold steel of bayonets, this affair was known as the "Paoli Massacre." Although Wayne kept his head in the midst of confusion and gave the proper orders to get the rest of his men away safely, he was later accused of negligence. He asked for a court-martial, which acquitted him unanimously and called him "an active, brave and vigilant officer." In the career of almost every great military leader, similar disasters can be found, caused by sheer bad luck or an unforeseen combination of circumstances, but the measure of Wayne's greatness was his ability to meet disaster.

The British had occupied Philadelphia after the Battle of Brandywine. Washington planned a surprise attack on the elements of the British forces stationed at Germantown, five miles from the city. The Americans failed of success in this Battle of Germantown, October 4, 1777, because the stubborn British defense of the Chew House enabled them to get reinforcements in time. Again, Wayne and his troops were the rear guard covering the retreat of the American army. During the bitter winter at Valley Forge, Wayne kept "the esteem and confidence" of his men and led foraging expeditions to gather grain and cattle to feed the army. On one occasion in southern New Jersey, he and the Polish general, Count Casimir Pulaski with six hundred men attacked and frightened away a British force of four thousand. When word came to Valley Forge in early June, 1778, that the British were leaving Philadelphia and moving across New Jersey to New York City, Wayne and his Pennsylvanians were among the first to leave the winter encampment in pursuit of the enemy, and they had an important part in the Battle of Monmouth on June 28, the occasion when Mary Hays, the wife of a Pennsylvania soldier, gained the nickname of "Molly Pitcher."

In the spring of 1779 Wayne was placed in command of a separate corps of light infantry, which was formed of picked units from various states. With this corps on July 16, 1779, he carried out his most famous exploit, the surprise and capture of the British post at Stony Point on the Hudson River. Cannon, military stores, and more than five hundred prisoners were captured with this fort. Congress presented a medal to him for this victory. In 1780 his corps was stationed in the lower Hudson Valley, to hinder the British in New York City from gathering cattle and other supplies. When Benedict Arnold turned traitor and there was danger that West Point might fall to the British, Wayne marched his men sixteen miles at night over mountainous country in four hours and prevented the loss of this important post. The Pennsylvania troops mutinied in December, 1780, because of grievances over pay and term of service. Wayne helped to restore order and persuaded the Pennsylvania government to take care of their complaints.

In 1781 Wayne recruited new Pennsylvania troops and served under Lafayette in the Yorktown campaign against the British under Lord Cornwallis. During this service in Virginia on the lower James River, Wayne was ordered to attack what was supposedly only a detachment of the British army, but which was really Cornwallis' entire army. In a seemingly hopeless situation, outnumbered nearly ten to one, Wayne ordered a charge into the British army, a bold move which was so unexpected that his men got safely away. This battle at Green Springs, July 6, 1781, was the most startling success of his career.

After the Yorktown campaign had been successfully concluded by the surrender of the main British army, Wayne was sent to Georgia where the British, Loyalists, and hostile Indians were still virtually in control. As his forces and supplies were inadequate, his service there was a series of disappointments, but he held the field, and defeated the Creek Indians in June, 1782. On July 12 his troops marched into Savannah as the British army sailed away, and after that he helped to restore order in that war-ravaged state. In 1783 he retired from the army with the brevet rank of major-general.

Wayne's civilian life from 1783 to 1792 was less happy than his military career had been. The State of Georgia granted him an estate for his Revolutionary services; he ran into debt to improve it and lost it by foreclosure. He ventured into politics again both in Pennsylvania and Georgia without much success. In Pennsylvania he served in the General Assembly and in the Council of Censors, where his party failed in an attempt to revise the State Constitution. He was elected to Congress from Georgia, but in a few months lost his seat because of charges of irregularity in the election.

The treaty of peace with Great Britain in 1783 had left some unfinished business, the actual establishment of United States authority over the western lands. Although by the treaty the territory south of the Great Lakes was ceded to the United States, it was actually held by unfriendly Indians whom the British encouraged to resist the advance of American settlement, in the hope of creating an Indian buffer state between the United States and Canada. The United States tried to bring these Indians under control and to open the Northwest Territory to settlement, first by peaceful means through treaties, and later by military expeditions. These efforts collapsed in 1791, when an army under General Arthur St. Clair was seriously defeated.

President Washington decided both to reopen negotiations for peace with the western Indians and to build an army capable of imposing United States authority if the peace negotiations failed. To carry out these plans, Anthony Wayne was appointed as major-general in 1792 to command a new American army, called the Legion of the United States. He set up a training camp at Legionville, present-day Ambridge, Pennsylvania, and drilled and trained his soldiers to create a reliable and effective force. Cornplanter, the famous Seneca leader, tried to make peace between the United States and western Indians at some risk of his life, for Wayne worried about his "safe return" in 1792. In March, 1793, Cornplanter visited Legionville and urged Wayne to hold back his army until United States commissioners could talk with the western Indians, and Wayne agreed in accordance with Washington's plans.

The failure of these negotiations was Wayne's signal to move in the fall of 1793. Although he had been restless about delay, he advanced slowly, building roads and forts, making sure of his supplies, and sending out scouts. The next summer, he advanced into the heart of hostile territory, building more forts. About fifteen miles up the Maumee River from present Toledo, Ohio, Wayne's army finally met the main force of the Indians not far from the British post called Fort Miamis, and defeated them in the Battle of Fallen Timbers, August 20, 1794. This battle, together with the British refusals to help their allies, led to the submission of the Indians at the Treaty of Greenville in August, 1795.

Meanwhile, Jay's Treaty settled the existing disputes with the British, who agreed to withdraw from the posts on United States territory which they had been holding since the Revolution. In 1796 Wayne received orders to occupy these posts. On his return from a triumphal visit to Detroit, he landed at the new Pennsylvania fort at Presque Isle (Erie). There he fell ill and died on December 15, 1796, in the northwest blockhouse of Fort Presque Isle. He was buried at the foot of the flagpole of the fort, but in 1809 his son removed his bones to Radnor churchyard, Chester County. A replica of the original blockhouse stands on the site of his first grave on the grounds of the Pennsylvania Soldiers and Sailors Home at Erie.

Today this great and colorful soldier is remembered in numerous place names throughout the United States and especially in Pennsylvania and the states formed from the Northwest Territory. In Pennsylvania alone, a county, nine townships, and the boroughs of Wayne, Waynesboro, and Waynesburg bear his name, and fifteen other states have Wayne Counties.

By Mr. HATCH for himself, Mr. Weicker, Mr. Nunn, Mr. Huddleston, Mr. Bumpers, Mr. Sasser, Mr. Baucus, Mr. Levin, Mr. Packwood, Mr. Hayakawa, Mr. Schmitt, Mr. Boschwitz, and Mr. Pressler) :

S.J. Res. 146. Joint resolution entitled "National Small Business Week"; to the Committee on the Judiciary.

NATIONAL SMALL BUSINESS WEEK

● Mr. HATCH. Mr. President, it is with great pleasure that I join with the members of the Small Business Committee to introduce a resolution honoring the best representatives of our free market: The small businessmen and businesswomen of America. Joining with me in this resolution are Senators Lowell Weicker, Sam Nunn, Dee Huddleston, Dale Bumpers, Jim Sasser, Max Baucus, Carl Levin, Bob Packwood, Sam Hayakawa, Jack Schmitt, Rudy Boschwitz, and Larry Pressler.

Mr. President, I am convinced that the freedom we citizens of this land today enjoy is a direct result of the economic freedom guaranteed by our Constitution. Our freedom from compulsion in our everyday decisions leads to the necessary competition in the marketplace, which insures that we will get the best in goods and services for the lowest possible price. No amount of central planning could duplicate the millions of daily private decisions which deliver the needs of a nation with the success of the American free market system.

Mr. President, the economic hazards of potential success are very real in our system, and every year there are thousands whose lives turn on their ability to compete. We literally owe our success as a nation to these economic competitors, to those men and women of the private sector, to these valiant modern-day pioneering Americans.

ADDITIONAL COSPONSORS

S. 414

At the request of Mr. Bayh, the Senator from Rhode Island (Mr. Pell) was added as a cosponsor of S. 414, a bill to amend title 35 of the United States Code; to establish a uniform Federal patent procedure for small businesses and nonprofit organizations; to create a consistent policy and procedure concerning patentability of inventions made with Federal assistance; and for other related purposes.

S. 955

At the request of Mr. Helms, the Senator from Florida (Mr. Stone) was added as a cosponsor of S. 955, a bill to provide for the safeguarding of taxpayer rights, and for other purposes.

S. 1683

At the request of Mr. Hatch, the Senator from South Carolina (Mr. Thurmond) was added as a cosponsor of S. 1683, a bill to amend the Internal Revenue Code of 1954 to increase the amount of the annual gift tax exclusion from $3,000 to $6,000.

S. 1858

At the request of Mr. Bayh, the Senator from New York (Mr. Javits), and the Senator from Arkansas (Mr. Bumpers) were added as cosponsors of S. 1858, a bill to amend title 28, United States Code, to provide that the Federal tort claims provisions of that title are the exclusive remedy in medical malpractice actions and proceedings resulting from federally authorized National Guard training activities; and for other purposes.

S. 2089

At the request of Mr. Roth, the Senator from South Carolina (Mr. Thurmond), and the Senator from Iowa (Mr. Jepsen) were added as cosponsors of S. 2089, a bill to amend the Revenue Act of 1978 to provide that, with respect to the amendments allowing the investment tax credit for single purpose agricultural or horticultural structures, credit or refund shall be allowed without regard to the statute of limitations for certain taxable years to which such amendments apply.

S. 2090

At the request of Mr. Roth, the Senator from Illinois (Mr. Percy) was added as a cosponsor of S. 2090, a bill to amend the Congressional Budget Act of 1974 to limit the levels of total budget outlays contained in certain concurrent resolutions on the budget.

S. 2220

At the request of Mr. Nelson, the Senator from Minnesota (Mr. Boschwitz) was added as a cosponsor of S. 2220, a bill to amend the Internal Revenue Code of 1954 to provide for the exclusion from the gross estate of a decedent of a portion of the value of certain interests in a farm or trade or business if the spouse or children of the decedent materially participate in such farm or trade or business.

S. 2269

At the request of Mr. Zorinsky, the Senator from Alabama (Mr. Stewart) was added as a cosponsor of S. 2269, a bill to extend the Emergency Agricultural Credit Adjustment Act of 1978.

SENATE JOINT RESOLUTION 82

At the request of Mr. Goldwater, the Senator from Utah (Mr. Hatch), and the Senator from South Carolina (Mr. Thurmond) were added as cosponsors of Senate Joint Resolution 82, a joint resolution to designate the week commencing with the third Monday in February of each year as "National Patriotism Week."

SENATE JOINT RESOLUTION 91

At the request of Mr. Mathias, the Senator from Minnesota (Mr. Boschwitz) was added as a cosponsor of Senate Joint Resolution 91, a joint resolution to authorize and request the President to issue a proclamation designating May 18, 1980, as "Law Enforcement Officers Memorial Sunday."

SENATE JOINT RESOLUTION 119

At the request of Mr. Mathias, the Senator from Michigan (Mr. Riegle), the Senator from Texas (Mr. Tower), the Senator from Texas (Mr. Bentsen), the Senator from New York (Mr. Moynihan), the Senator from California (Mr. Hayakawa), the Senator from Virginia (Mr. Harry F. Byrd, Jr.), and the Senator from Minnesota (Mr. Boschwitz) were added as cosponsors of Senate Joint Resolution 119, a joint resolution to authorize the Vietnam Veterans Memorial Fund, Inc. to erect a memorial.

SENATE JOINT RESOLUTION 128

At the request of Mr. Schweiker, the Senator from Minnesota (Mr. Boschwitz), the Senator from Oklahoma (Mr. Boren), and the Senator from Utah (Mr. Garn) were added as cosponsors of Senate Joint Resoluton 128, a joint resolution to authorize and request the President to proclaim the week of October 5 through 11, 1980, as "National Diabetes Week."

SENATE JOINT RESOLUTION 135

At the request of Mr. Bayh, the Senator from West Virginia (Mr. Randolph), the Senator from Kansas (Mr. Dole), the Senator from Montana (Mr. Baucus), the Senator from Pennsylvania (Mr. Schweiker), and the Senator from Arkansas (Mr. Pryor) were added as cosponsors of Senate Joint Resolution 135, a joint resolution to provide for designation of the first Friday of March as "Teacher Day, United States of America."

SENATE JOINT RESOLUTION 140

At the request of Mr. Dole, the Senator from North Dakota (Mr. Burdick), the Senator from Mississippi (Mr. Cochran), the Senator from Kentucky (Mr. Ford), the Senator from Alabama (Mr. Heflin), the Senator from Pennsylvania (Mr. Heinz), the Senator from New Hampshire (Mr. Humphrey), the Senator from Nevada (Mr. Laxalt), the Senator from Indiana (Mr. Lugar), the Senator from Oregon Mr. Packwood), the Senator from Tennessee (Mr. Sasser), the Senator from South Carolina (Mr. Thurmond), the Senator from Virginia (Mr. Warner), the Senator from North Dakota (Mr. Young), and the Senator from Indiana (Mr. Bayh) were added as cosponsors of Senate Joint Resolution 140, a joint resolution designating February 19, 1980 as "Iwo Jima Commemoration Day."

SENATE JOINT RESOLUTION 142

At the request of Mr. Cranston, the Senator from Hawaii (Mr. Inouye), the Senator from Hawaii (Mr. Matsunaga), the Senator from Arizona (Mr. DeConcini), the Senator from Missouri (Mr. Eagleton), the Senator from Oregon (Mr. Hatfield), the Senator from Pennsylvania (Mr. Heinz), the Senator from Tennessee (Mr. Baker), the Senator from Mississippi (Mr. Cochran), the Senator from Florida (Mr. Chiles), the Senator from Missouri (Mr. Danforth), the Senator from Virginia (Mr. Warner), and the Senator from Florida (Mr. Stone) were added as cosponsors of Senate Joint Resolution 142, a joint resolution to authorize and request the President to issue a proclamation honoring Walt Disney on the 60th anniversary of the production of his first original animated cartoon.

SENATE CONCURRENT RESOLUTION 62

At the request of Mr. Bayh, the Senator from Vermont (Mr. Leahy) was added as a cosponsor of Senate Concurrent Resolution 62, a concurrent resolution urging the Soviet Union to allow Irina Astakhova McClellan to emigrate to the United States, and for other purposes.

SENATE CONCURRENT RESOLUTION 67

At the request of Mr. Nelson, the Senator from South Dakota (Mr. Pressler), the Senator from Vermont (Mr. Stafford), and the Senator from Tennessee (Mr. Sasser) were added as cosponsor's of Senate Concurrent Resolution 67, a concurrent resolution expressing the sense of the Congress with respect to taxing social security benefits.

SENATE RESOLUTION 368—ORIGINAL RESOLUTION REPORTED DURING THE RECESS AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON ARMED SERVICES

Under the authority of the order of the Senate of February 8, 1980, Mr. Stennis, from the Committee on Armed Services, on February 14, 1980, reported the following original resolution, which was referred to the Committee on Rules and Administration:

S. Res. 368

Resolved, That, holding hearings, reporting such hearings, and making investigations as authorized by sections 134 (a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 1980 through February 28, 1981, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The expenses of the committee under this resolution shall not exceed $976,000, of which amount not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

Sec. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1981.

Sec. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE CONCURRENT RESOLUTION 76—SUBMISSION OF A CONCURRENT RESOLUTION TO PROHIBIT EXPORT OF FERTILIZER TO THE SOVIET UNION

Mr. McCLURE submitted the following concurrent resolution, which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. Con. Res. 76

> Whereas the invasion and occupation by the Soviet Union of the sovereign and nonaligned state of Afghanistan is a serious violation of international law and poses a genuine threat to world peace;
>
> Whereas the Soviet invasion endangers independent countries neighboring Afghanistan and endangers access to major sources of the world's oil supplies, so that the security of the United States and the entire Middle East is threatened;
>
> Whereas the United Nations General Assembly has overwhelmingly condemned the Soviet invasion of Afghanistan and urged the prompt withdrawal of the Soviet troops from Afghanistan;
>
> Whereas the President has banned the export of agricultural commodities and certain high technology equipment to the Soviet Union; and
>
> Whereas the United States is scheduled to export one million metric tons of super phosphoric acid (phosphate fertilizer) to the Soviet Union in 1980: Now, therefore be it
>
> *Resolved*, That, Congress strongly urges the President to exercise the authorities he has to prohibit the export of phosphate fertilizer from the United States to the Soviet Union until the Soviet Union withdraws its troops from Afghanistan and until the President removes the ban imposed on the export of agricultural commodities to the Soviet Union.

Mr. McCLURE. Mr. President, I send to the desk a concurrent resolution urging the President to prohibit the export of phosphate fertilizer to the Soviet Union until the Soviet Union withdraws its troops from Afghanistan and until the President removes the ban imposed on the export of agricultural commodities to the Soviet Union.

It makes little sense to prohibit the export of wheat and corn to the Soviet Union if we do not also ban the export of low-cost phosphate fertilizer to the U.S.S.R. Why should we embargo the shipment of high technology equipment to the Soviets, prohibit Russian fishing off our shores, keep our athletes home from the Olympic games in Moscow, and prohibit agricultural commodity exports to the Soviet Union, yet not stop the flow of fertilizer which will allow the Soviet Union to thumb its nose at our grain embargo?

The President may soon move to block phosphate fertilizer exports to the U.S.S.R., but why has the move been so long in its gestation? Why should America's farmers carry the burden of foreign policy retribution so heavily on their shoulders?

One may question as well why the Foreign Relations Committee has not acted to ban phosphate exports to the Soviet Union. Many Members of the House of Representatives have voiced their support for such a resolution, yet silence is the response to the farmer's plea for equity to the Senate Foreign Relations Committee. The committee, in my view, should be actively involved—not sheepishly silent—in a full range of responses to the Soviet's blatant aggression—including a ban on all super phosphoric acid exports to the Soviet Union.

A further issue to be resolved by the administration and the Foreign Relations Committee is whether or not exports of super phosphoric acid should be terminated to Poland and Romania. If the Soviet Union were to exert pressure upon Eastern European countries to ship some of the fertilizer we send them to the Soviet, then we should seriously consider prohibiting exports to those countries or any other which would act as a conduit for fertilizers to the U.S.S.R.

The urgent need for such a resolution is obvious:

First. The American farmer should not alone have to pay so heavily to demonstrate our resolve in condemning the Soviet Union for its violation of Afghanistan's sovereignty and human rights. Our embargo of grain sales to the U.S.S.R. remains an empty gesture without banning the export of phosphate fertilizer.

Second. Nothing is more critical to future Russian food production, and particularly grain production, than an adequate supply of phosphate fertilizer. For this reason the Soviets seized the famous apatite ores of the Kola Peninsula from Finland, which now supplies approximately 75 percent of Russia's annual production. Over the next 10 years, the U.S.S.R. should only be able to increase production from these mines 25 percent, while their phosphate needs will require several times that amount. The Soviets have other phosphate deposits, but they are only one-third as rich as the phosphate rock now being mined in Florida.

Third. This year, the United States is scheduled to supply the Soviet Union with 1 million tons of super phosphoric acid, according to an agreement with Occidental Petroleum. Since this may be the equivalent of 15 percent of the Soviet's total phosphate consumption, a ban on phosphate fertilizer exports to the Soviet Union would severely affect Soviet food production goals. To replace our product, the Soviets would have to increase production from higher cost domestic ores and construct acid plants requiring large capital outlays and new equipment. The only other phosphate producer in the world capable of eventually satisfying Soviet requirements is Morocco, a Moslem Nation justifiably concerned with both Soviet aggression in Afghanistan and on their own borders by Russian-backed Algerian rebels.

Fourth. Reserve estimates indicate the United States may itself become an importer of low-cost Moroccan phosphate by the end of this century, exhausting our domestic high grade reserves over the next 30 to 40 years. A June 1974 analysis by the U.S. Bureau of Mines concluded that—

> Neither the granting of credit to construct ammonia plants in the U.S.S.R. nor the barter of fixed nitrogen fertilizers and potash from the U.S.S.R. to sell in the United States for super phosphoric acid (produced from Florida phosphate rock) are designed to benefit the mineral position of the United States.

The analysis also concludes that—

> (T)he export of phosphate rock or its derivatives from Florida to the U.S.S.R. will accelerate the depletion of the remaining reserves of this mineral . . .;

And that—

> (b)y the end of the century and perhaps sooner if exports are permitted to continue, the principal reserves of phosphate rock in Florida will be depleted.

The 1 million tons of phosphate fertilizer targeted for export to the Soviet Union this year would boost Soviet grain production by 10 to 20 million tons. The grain embargo will cut off 17 million tons of American grain from the Soviets. Fairness and common sense dictate that the United States prohibit phosphate fertilizer exports—otherwise the Soviets may more than makeup for our grain embargo by using the fertilizer we send them.

NOTICES OF HEARINGS

COMMITTEE ON LABOR AND HUMAN RESOURCES

• Mr. WILLIAMS. Mr. President, I wish to announce a joint hearing of the Committee on Labor and Human Resources and the House Committee on Education and Labor to receive testimony from Vice President Walter F. Mondale, Secretary of Education Shirley Hufstedler, and Secretary of Labor Ray Marshall on the administration's proposed youth employment initiative. The hearing is scheduled for 9:30 a.m. on Friday, February 22, in room 2175 of the Rayburn House Office Building.•

COMMITTEE ON ENERGY AND NATURAL RESOURCES

• Mr. JACKSON. Mr. President, on Friday, February 29, 1980, the Committee on Energy and Natural Resources will hold a hearing on the recent report of the Committee on Nuclear and Alternative Energy Systems (CONAES) of the National Academy of Sciences entitled "Energy in Transition: 1985–2010." The hearing will begin at 10 a.m. in room 3110 of the Dirksen Senate Office Building. Questions about this hearing should be directed to Benjamin S. Cooper or James T. Bruce at 224–9894.•

SENATE SELECT COMMITTEE ON SMALL BUSINESS

• Mr. NELSON. Mr. President, I wish to announce the Select Committee on Small Business will hold a public hearing on the review of SBA's innovation center budget reprogramming request on February 25, 1980. The hearing will be held in room 424 of the Russell Senate office Building at 10 a.m. Further information can be obtained from the committee's offices at 224–5175.•

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON RULES AND ADMINISTRATION

• Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the committee on Rules and Administration be authorized to meet during the sessions of the Senate on Tuesday and Wednesday, February 19 and 20, to hold hearings on additional funding for committee inquiries and investigations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 21, beginning at 2:30 p.m., to hear administration officials on Southwest Asia.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

MARYLAND, OH, MY MARYLAND

● Mr. MATHIAS. Mr. President, my State's song has recently drawn the attention of a number of people. A State senator asked the legislature to strip it of its official status and the widely read columnist George F. Will made "Maryland, My Maryland" the subject of a recent story.

The song, originally a poem set to the German carol "O Tannenbaum," is an example of the Maryland genre of patriotic verse. It was written by James R. Randall, a secessionist, after Union troops moved through Baltimore on their way to defend Washington, D.C.

Mr. Will points out another famous example of this genre, John Greenleaf Whittier's "Barbara Frietchie," but misses the most important of these literary works. He neglects to mention one other impassioned Maryland poem, the "Star Spangled Banner."

Mr. President, I ask that George F. Will's illuminating column from the February 10 Washington Post be printed in the Record.

The column follows:

Maryland, Oh, My Maryland

(By George F. Will)

Eternal vigilance is the price of preserving just about everything, and a vigilant committee of the Maryland legislature has nipped in the bud a particularly wicked "reform." It killed the bill that would have stripped "Maryland! My Maryland!" of its status as the state's song.

According to one legislator, if the bill had gone before the whole legislature, there would have been a "blood bath." Good. Let there be no lukewarmness when traditions are in jeopardy.

The song is based on a poem written by an excitable secessionist after the riot that occurred when Union troops passed through Baltimore in April 1861.

Twelve rioters and four soldiers were killed. The poem, a hymn to the Confederate cause, begins briskly.

The despot's heel is on thy shore, Maryland!
His torch is at thy temple door, Maryland!
Avenge the patriotic gore that fleck the streets of Baltimore.

As a loyal son of the Great State (Illinois), I must admit that the song carries free speech too far: the "despot" referred to is Abraham Lincoln. The patriotic gore was, truth to be told, seditious gore: if the rioters had not been bent on secession, Baltimore's streets would not have been flecked with them.

The poem canters along through nine stanzas, each bristling with stuff like:

For life and death, for woe and weal,
Thy peerless chivalry reveal,
And gird thy beauteous limbs with steel,
Maryland! My Maryland!

The poem rises toward truculence ("Thy beaming sword shall never rust. . . ."), dips briefly into bathos ("Dear Mother! burst the tyrant's chain. Maryland! Virginia should not call in vain, Maryland!"), then hits an operatic high note:

But lo! There surges forth a shriek
From hill to hill, from creek to creek—
Potomac calls to Chesapeake,
Maryland! My Maryland!

After some thoughts about the "crucifixion" of the Maryland soul, the poem roars to a worthy conclusion:

She is not dead, nor deaf, nor dumb—
Huzzah! she spurns the northern scum!
She breathes! she burns! she'll come! she'll come!
Maryland! My Maryland!

My goodness. Some of my best friends are northern scum. Come to think about it, I am northern scum. The poem and the song are, of course, nonsense. But splendid nonsense.

Leaving aside tasty crabs and tangy politics, Maryland is perhaps most famous for inspiring splendid nonsense, such as John Greenleaf Whittier's poem about Barbara Frietchie of Frederick. According to Whittier, when Stonewall Jackson's troops fired at her Union flag, Ms. Frietchie, age 90, spoke:

"Shoot, if you must, this old gray head,
But spare your country's flag," she said.
A shade of sadness, a blush of shame
Over the face of the leader came.
The nobler nature within him stirred
To life at that woman's deed and word.
"Who touches a hair of yon gray head
Dies like a dog! March on!" he said.

Darn right he did. Oh, some spoilsports say Whittier embroidered the truth, but a bit of such embroidery hurts neither Stonewall nor Ms. Frietchie, nor thee nor me. Indeed, it is good for us when we encounter it a century later.

It preserves, like a butterfly in amber, the colorfulness of our shared past. It is an echo of honest passion in an age singularly short of such. Furthermore, we should find it fun and improving to reflect that we are descended from people for whom the exuberant language of "Barbara Frietchie" and "Maryland! My Maryland!" was as natural as the flattened language of news broadcasts and bureaucracies is to us.

Maryland's song has lost its power to inflame, but it remains instructive. And attempts to sanitize what the past has passed on to us are disloyalties disguised as fastidiousness, disloyalties to our parent, the past.

The attack on Maryland's song was the work of an otherwise splendid state senator, Howard Denis, a Republican who thinks it wrong for a state's song to call for the violent overthrow of the federal government. (Many Republicans constantly call for that, in their hearts.) Being the forgiving sort, I assume the senator was just temporarily deranged by the stress of serving in a legislature where Democrats hold 165 of 188 seats. Such domination by the Democratic Party gives fresh meaning to the words, "The despot's heel is on thy shore."

Any "reform" regarding the song would have placed Maryland on the slippery slope to ruin. If that "reform" had not been stopped dead in its tracks a raging flood of awful modernizing would, I do not doubt, have changed even the state's official sport. Which, by the way, is jousting.●

THE 1980 INTERNATIONAL CRISIS

● Mr. JACKSON. Mr. President, the Committee on the Present Danger is a nonprofit, nonpartisan educational organization of citizens, which has, since its founding in 1976, issued reports and studies relating to our national security. These have been of high quality and important in informing public debates on strategic and conventional military matters, arms control, and other critical national issues.

On January 23, 1980, the Committee on the Present Danger released a statement on "The 1980 Crisis and What We Should Do About It."

The committee takes the position that U.S. foreign policy over the last decade has been characterized by an unwillingness to compete with the Soviet Union and to hold its drive in check, and that international politics is sliding into anarchy.

To quote from the statement:

> If the United States rallies a coalition to respond to the Soviet challenge, a system of order may be restored. If not, the non-communist world faces continuing collapse. It is still true that the NATO Allies, Japan, and other like-minded countries have more than enough actual and potential power to arrest this slide toward anarchy, if our country and the others perceive the crisis for what it is, and act quickly, firmly, calmly, and above all with persistence.

I recommend to my colleagues a careful reading of the committee's analysis of the present crisis and their program proposals.

I ask that this statement by the Committee on the Present Danger appear in the Record in its entirety.

The statement follows:

The 1980 Crisis and What We Should Do About It

(A statement by the Committee on the Present Danger, Jan. 23, 1980)

I

The Committee on the Present Danger declared in its first Statement, on November 11, 1976:

"Our country is in a period of danger, and the danger is increasing. Unless decisive steps are taken to alert the nation, and to change the course of its policy, our economic and military capacity will become inadequate to assure peace with security.

"The principal threat to our nation, to world peace, and to the cause of human freedom is the Soviet drive for dominance based upon an unparalleled military buildup.

"The Soviet Union has not altered its long-held goal of a world dominated from a single center—Moscow. It continues, with notable persistence, to take advantage of every opportunity to expand its political and military influence throughout the world: in Europe; in the Middle East and Africa; in Asia; even in Latin America; in all the seas."

The Committee recommended increases in conventional and strategic forces, and in research and development efforts, to provide the necessary foundation for a fresh, active, and concerted diplomacy of Allied unity to deter Soviet expansion and to preserve the balance of power on which peace with security depends. The Committee concluded:

"There is still time for effective action to ensure the security and prosperity of the nation in peace, through peaceful deterrence and concerted alliance diplomacy. A conscious effort of political will is needed to restore the strength and coherence of our foreign policy; to revive the solidarity of our alliances; to build constructive relations of cooperation with other nations whose interests parallel our own—and on that sound basis to seek reliable conditions of peace with the Soviet Union, rather than an illusory detente.

"Only on such a footing can we and the other democratic industrialized nations, acting together, work with the developing nations to create a just and progressive world economy— the necessary condition of our own prosperity and that of the developing nations and communist nations as well. In that framework, we shall be better able to promote human rights, and to help deal with the great and emerging problems of food, energy, population, and the environment."

The analysis offered by the Committee in 1976 has been fully confirmed by subsequent events. The trends in Soviet policy to which the Committee called attention have continued with accelerating momentum. The Soviet military presence and the strategic threats it represents are more obvious and more ominous than was the case three years ago, from the Persian Gulf, Africa, and the Middle East to the Caribbean, South East Asia, and the approaches to China and Japan.

As the Soviet Union has moved forward, exploiting its growing sea-power and airlift capacity, the United States has continued to retreat. In many areas where bases and support facilities were once available to the United States or its Allies they are now at the disposition of Soviet forces. As a result, the Soviet Union can dominate Western economic and military lifelines through the Persian Gulf, the Arabian Sea, and the Indian Ocean, and threaten our use of the South Atlantic, the Caribbean, and the Western Pacific. If the Soviet Union should decide to use proxy forces, or its own forces, in one or several of these areas, we should find ourselves locally outgunned, and in no position to face the risk of potential nuclear escalation, as we did in the Cuban Missile Crisis of 1962, when our local forces were clearly superior to those of the Soviet Union and our strategic nuclear capacity was beyond challenge.

Even more important, the Administration refuses to acknowledge that the United States has been becoming Number Two in military power. But the largest segment of the American people—in frustration and anger—believes that our country has already reached that unenviable posture. This country no longer has the capacity to protect its interests and American citizens abroad.

Looking back at our 1976 statement, the Committee on the Present Danger reaffirms its analysis, and repeats its call for action. The Committee emphasizes that more will be required today, than would have been required had action been taken then. During the past three years the United States has reduced its Navy, closed the production line of the Minuteman III missile, cancelled the B-1 bomber and the so-called "neutron bomb," and delayed the Trident submarine and the MX missile, weapons systems which had been planned and scheduled earlier as essential to a balanced military posture.

Following a long series of adverse political and military developments, the United States faces a world crisis—a world crisis caused by the Soviet Union's lunge for dominance, and by our country's inadequate response. During those years the United States turned away from the foreign policy pursued from Truman right up to the collapse in Vietnam. The new United States foreign policy has been characterized by an unwillingness to compete with the Soviet Union and to hold its drive in check.

If the United States rallies a coalition to respond to the Soviet challenge, a system of order may be restored. If not, the non-communist world faces continuing collapse. It is still true that the NATO Allies, Japan, and other like-minded countries have more than enough actual and potential power to arrest this slide toward anarchy, if our country and the others perceive the crisis for what it is, and act quickly, firmly, calmly, and above all with persistence.

II

The problems in the Persian Gulf area are among the most urgent confronting United States foreign policy and constitute an appropriate focus for this statement.

Today, in mid-January 1980, United States diplomatic personnel in Iran are still being held under humiliating conditions in open violation of one of the most ancient and essential rule of international law—immunity for diplomats. But the seizure of our diplomats in Iran, outrageous as it is, is only a symptom of a much larger process which will not end if they are released. The anarchy in Iran cannot now be easily reversed. The armed forces of Iran apparently are no longer capable of restoring order and government in that tortured country. The violent movements of social and religious protest of the last few years in Iran were actively promoted by the Soviet Union from the beginning.

A point has now been reached where a Soviet move to seize control of Iran is a distinct possibility. This has been made more likely by the Soviet occupation of Afghanistan, and by the strong positions the Soviet Union has achieved in Ethiopia, North and South Yemen, Iraq, Syria, Lebanon, and Libya. Control of Iran would open the way to Soviet control of Saudi Arabia and the entire Persian Gulf region. This has been one of the major goals of Soviet strategy for many years.

Given the present importance of oil and of well-located air bases and logistic facilities, Soviet control of the Persian Gulf would expose the non-communist world to the danger of strangulation.

The Persian Gulf problem does not exist in isolation. There are other serious but less dramatic difficulties pressing upon the United States in many parts of the world, from the Far East to the Caribbean. In the Caribbean, for example, the Soviet Union has been steadily improving its position. Soviet planes, submarines, and combat troops are based in Cuba, and military assistance has been given from Cuba to revolutionary movements in Nicaragua, El Salvador, and other countries in the area. A potential is being built up from which the Soviet Union can threaten our Atlantic sea lanes, our communications with Central and South America, and the territory of the United States itself.

Security problems of this order surely cannot be dealt with on the footing of business as usual.

III

The events of 1979 and early 1980 both in the Caribbean and the Persian Gulf make it clear that the Administration's policy is wrong; it must be changed unequivocally and at once.

The United States, particularly in the three years of the Carter Presidency, has, by words and acts of restraint, taken one unilateral step after another in the hope that the Soviet Union would accept such a policy of restraint for itself. The results of these efforts have been uniformly negative. The Soviet Union has continued to accelerate its program of world wide expansion and its rapid military buildup. In these activities, it has undertaken and supported flagrant violations of the Charter of the United Nations, including support of North Vietnam's attack on South Vietnam, the Vietnamese invasion of Cambodia, the Palestine Liberation Organization's attacks on Israel, the use of poison gas against the Meo tribesmen in Laos, and the Soviet direct and inspired attacks on Afghanistan, Angola, Ethiopia, Somalia and North and South Yemen. During the crisis over the capture of the American Embassy and the imprisonment of American diplomatic representatives in Iran, Soviet radio, broadcasting to Iran and to the Islamic world, applauded the lawless acts of the militants masquerading as "students"; falsely charged American involvement in the attacks on the Mosques of Mecca and Medina; and urged other countries to follow the Iranian example.

President Carter in January, 1980 announced that he had changed his opinion of what the Soviets' ultimate goals are. That change of opinion has not yet been accompanied by a matching turn in United States policy, and by the adoption of programs adequate to meet the challenges facing the nation. It is the view of our Committee that the USSR will continue its program of expansionism unless and until we are able to confront it with an array of unacceptable risks.

IV

Before presenting our Committee's program of action, it is appropriate to make clear what we consider to be the necessary and abiding principles of United States foreign and defense policy.

The foreign policy of the United States, like every other aspect of our policy, draws its substance from tap roots deep in the American earth, from the principles and ideals which make this nation what it is. America is more than a super-power. The idea of the United States is a living part of Western civilization, with a compelling and altogether special history which belongs to all who cherish human liberty. Washington, Franklin, Jefferson, and Lincoln are revered throughout the world not merely because the United States has been concerned, as every state must be concerned, with the balance of power in world politics as the ultimate assurance of its own safety and that of other nations. What the great American leaders said and did remains a force for freedom.

The ultimate mission of the foreign policy of the United States is not order alone, but justice—not simply a balance of terror, but a world in which this nation can continue to develop as a democracy, a world in which the values and principles embodied in the United Nations Charter are respected by all states and all peoples.

Between President Truman's time immediately after World War II and the revulsion against Vietnam during the last decade, this country had a generally coherent foreign policy, which was supported by a bipartisan majority of the American people. The main features are familiar:

First, there was the network of programs, starting with the Marshall Plan, through which the United States helped to restore the industrialized democracies and knit them and much of the Third World into a dynamic, worldwide, and progressive economy. Between 1947 and the early Seventies, these policies were successful, helping both the industrialized and many of the developing nations to achieve high rates of growth and social progress under reasonably stable conditions.

Second, the United States supported decolonization, and initiated programs of economic and technical assistance to the developing nations, most of them newly liberated from imperial rule. Here the record of success was uneven, but many developing nations, from Taiwan, Malaysia, and South Korea to Mexico, Brazil, and, until recently, Iran, made striking advances as integral parts of the world economy.

Third, the United States developed and supported bilateral and multilateral policies of international political cooperation to encourage social and political development, education, cultural improvement and the self-determination of peoples.

Finally, this country conducted a long, patient and thus far largely unsuccessful campaign to bring nuclear weapons and nuclear technology under effective and useful international control.

Shortly after the initiation of this policy under the Truman Administration, it became clear that the Soviet Union was marching to a different drummer—it continued to pursue its expansionist goals in Eastern Europe by moves against Iran, Greece, and Turkey, and rejected the American offers of the

Marshall Plan, the Baruch Plan, and proposals to develop the Security Council as an effective peace-keeping institution. Throughout the succeeding period, every American President sought to persuade the Soviet Union to accept the rules of genuine coexistence in this sense, and, when these efforts failed, sought to deter and if necessary repel, by the limited use of force, Soviet-backed expansion. These United States efforts were successful, in the post-war crises over Iran, Berlin, Yugoslavia, Greece and Turkey, Korea, and the Cuban Missile Crisis, in maintaining a balance of power in world politics.

The commitment of the Western nations to this approach to the problem of peace began to weaken after the frustrations of the Korean War, and weakened a great deal during and after the war in Indo-China. The new policy which emerged was based upon the illusion of moral symmetry—the illusion that the Kremlin shared with the United States the same basic principles and the same desire for a true détente.

The American people were assured that negotiation had been substituted for confrontation in our relationship with the Soviet Union; that the Cold War was over; and that a condition of "détente" with the Soviet Union had been achieved at last. But Soviet foreign policy has not mellowed, as many hoped or claimed. Indeed, its pressures are greater and more pervasive than ever, because it can be backed by far more powerful military forces and conducted in a more confident manner.

Pursuing a policy built on illusion, we have been adrift and uncertain while the Soviet Union expanded its power and empire on every continent and on all the seas.

The Committee on the Present Danger was organized in 1976 to address that condition and to encourage an active and disciplined discussion of the main problems of United States foreign and defense policy. The Committee adheres to the view that in a democracy, sound policy must have a solid foundation in public understanding and support.

Constructive changes in public opinion on foreign policy questions have occurred since 1976. In the Committee's view, the American people are ready once more, without illusion or wishful thinking, to support an effective foreign policy and the programs necessary to protect American interests.

V

The slide toward anarchy in international politics must be reversed.

This country's national interest in preserving the political independence of Western Europe, Japan, and a number of other countries is obvious. That interest can be threatened not only by direct attack but by envelopment and indirect aggression as well. The defense of the Middle East, for example, is vital to the defense of Western Europe, and that of South Korea and Taiwan to the defense of both Japan and China. Each problem must be examined in context as it arises. In a world which is becoming smaller every day, the United States cannot protect its interests by drawing an arbitrary line around certain areas, and ignoring the rest of the world. That approach was tried once. It resulted in the Korean War.

Attempts of this kind—attempts, that is, to define the national security interests of the United States in terms less comprehensive than those of the United Nations Charter—all fail for the same fundamental reason: The Soviet strategy of imperial expansion, world-wide in scope, is a dynamic process, focusing now on one area, now on another, and is constantly nourished and strengthened by the Soviet perception of its emerging military superiority. No region of the world can be excluded in advance from the agenda of our concern, for each may be used as an instrument of expanding the means of control as Soviet campaigns develop. For example, it is hard to imagine areas of the world more remote from the United States than Afghanistan and the Yemeni states. Yet the United States has rightly asserted an interest in their independence, since they can be used to support pressure on Iran, Saudi Arabia, and the Persian Gulf region generally.

The time has come, we are convinced, for the United States, its Allies, and other nations, to reach a common and concerted position on Soviet aggression. United States foreign policy should be based on the principle that this country, its Allies, and other nations should act together in solidarity as partners in the great tasks of peace and progress where our interests are parallel.

The rules of the United Nations Charter were carefully thought through and were approved by the entire international community. They are inherent in the nature of the inter-state system, and have been interpreted in the same way by United Nations studies, decisions of the International Court of Justice, and the Security Council, ever since 1945. Except in cases of individual or collective self-defense, or enforcement action by the Security Council, the Charter prohibits the international use of force against the territorial integrity or political independence of any State, and impose upon all States absolute responsibility for the international use of force from their territories by irregular forces, guerrillas, mercenaries, or armed bands. The Brezhnev Doctrine and so-called wars of national liberation violate the Charter as categorically as do all other forms of aggression.

There is still time for effective international action to protect the safety and prosperity of the United States through peaceful deterrence and well-conceived Alliance diplomacy, rather than through war itself.

VI

To make such a program of active deterrence and Allied solidarity effective, the Committee on the Present Danger proposes a series of steps to be taken by the government and people of the United States with support and reinforcement by their Allies and other friends.

President Carter's 1981 budget and program proposals should provide for a prompt and adequate increase in our military strength—strategic, theater nuclear, and conventional. Areas which merit emphasis include:

(1) Maintaining a clear and credible second strike strategic capability, by moving promptly to protect our land-based, air-based, and sea-based strategic launchers against the risk implicit in the looming counterforce Soviet nuclear arsenal. Time is now of the essence in achieving this goal. We should proceed urgently with the MX and Trident programs. To cover the period of danger before MX is available in useful numbers in 1989, Minuteman III should be redeployed in the most effective and timely way; that is, in the multiple vertical protective shelter system. We should also get on with the production of a more survivable penetrating bomber and cruise missile carrier to supplement our obsolete B-52s. It is likely that the FB-111-BC could fill the gap until a longer-range solution based on B-1 technology can be made available. The adequacy of improvements to our command, control and communications systems and of development work on cruise missile technology and ballistic missile defense should be reexamined.

(2) Initiating the long term process of restoring our all-oceans Navy, capable of protecting our interests against the Soviet fleet in the Atlantic, in the Pacific, in the Mediterranean, and in the Indian Ocean and the Persian Gulf. The budget should also provide adequate funds for our ready forces and reserves and increased funds for research and development.

(3) Modernizing U.S. theater nuclear forces. While we endorse the recent decision to deploy ground-launched cruise missiles and the Pershing II in Europe, this move in itself will not reverse the growing imbalance in theater nuclear systems. Deployment of enhanced radiation weapons remains a basic requirement for defending NATO.

(4) Urgently reviewing our military manpower requirements and policies, in view of the magnitude of the effort which will be necessary to arrest the momentum of the Soviet drive for dominance, and of the shortcomings of the volunteer recruitment program. The machinery for manpower registration should be reconstituted at once, so that a democratic and equitable Selective Service system can be instituted as changing circumstances may require.

(5) Increasing our long-term military presence in a number of key regions of the world, in order to make it possible promptly to defend, and to make it apparent that this nation is prepared to defend, its interests by military means, should such action become necessary.

In order to make it possible for the United States to sustain support for such a program of increased military strength, the United States must pursue far more effective economic programs, both nationally and internationally. It must control inflation and rebuild its position in the world monetary system on a more stable footing. In that perspective, reducing the need for oil imports, both through conservation and through increased production of domestic energy, is key.

On the solid foundation of such a United States policy, others in the world threatened by the spreading Soviet drive for military and political dominance would be given hope and encouragement to increase their own defense effort. This nation and its Allies should then be able to deal with problems in the Persian Gulf and many other parts of the world by firm and prudent diplomacy.

VII

The problems which the United States faces are in some ways similar to those confronted by the Western world before the Second World War.

In the years before 1939, people watched with disbelief as the world political system disintegrated toward anarchy, and anarchy led to war. During those years, the world order, partly restored at Versailles in 1919, fell apart under the hammer blows of Adolf Hitler. Today a similar process is taking place as the Soviet Union pursues a program of expansionism even more ambitious than that of Hitler, claiming the sanction of scientific Socialism for designs in the ancient model of conquest and predation.

In the Thirties, respected public figures understood the dangers and the risks, and called them eloquently to the attention of the Free World. But the British and American authorities were incapable of acting decisively on what they knew to be the facts. For profound reasons rooted in the educational systems and the culture of the Anglo-Saxon nations, they clung to the illusion that things were not so bad as they seemed; that those who warned of the danger of war and called for the restoration of world public order were "alarmists" and "extremists"; and that somehow a compromise would be reached and war averted.

History has judged those men harshly. They were Pollyannas whose good will and good intentions paved the road to disaster. To them, the facade of the familiar peaceful everyday world seemed permanent and immutable. In a moment, however, that facade proved to be as fragile as a stage set.

Even with the experience of 1914 vivid in their memories, the British and American people simply could not bring themselves to imagine in the mid 1930s that world war would come again. For them, the taboo against the political use of military force was a powerful restraint. Therefore they waited until it was too late to save peace and freedom without war.

As we Americans face the problems of foreign and defense policy, we should remind ourselves of that terrible experience. Even towering Western leaders like Churchill and Franklin D. Roosevelt failed to prevent war. President Roosevelt, active as he later was in achieving Lend-Lease, the Destroyer-Bases Agreement, the convoys to Europe, and all the other important actions of the period after World War II began, did not join with Britain and France during the middle Thirties when the war might well have been prevented.

The tides are once again rushing the world toward general war. Together with its Allies, the United States still has time to protect our vital national interests by the methods of peace, but that time is growing short.

The American people are ready to answer a call for action and, where necessary, sacrifice. Will their leaders chart an adequate program—and will they do so in time? The answers to those questions will determine whether the 1980 crisis is the forerunner of catastrophe for the non-communist world or whether it marks a turning point toward restoring peace with security and freedom.●

WHERE WILL THE WEAPONS COME FROM?

● Mr. GOLDWATER. Mr. President, in one of its regular defense reports, the association of the U.S. Army asks a very important question that, frankly, the answer to which will disappoint all Americans. The question, "It's fine to offer arms aid to threatened countries, but where will the weapons come from?" I ask that this report be printed at this point in the Record.

The report follows:

Defense Report

It's Fine to Offer Arms Aid to Threatened Countries, But Where Will the Weapons Come From?

The Soviet invasion of Afghanistan has triggered a number of reactions in the United States including a pledge to provide modern weapons and supplies to Afghanistan's neighbor, Pakistan. The pledge is reported to have a price tag of about a half billion dollars so it represents a sizable quantity of material. The U.S. government is also pursuing a plan to rebuild the Turkish armed forces and will continue substantial military aid to Israel.

But, while there is broad support for the program to help Pakistan prepare to defend itself and to maximize the defensive potential of the Turkish armed forces, there is a growing concern that the U.S. industrial base may not be up to the task. Administration plans to increase hardware spending for our own forces emphasize the problem. In the 1973 Yom Kippur War between Egypt and Israel the production base could not respond quickly enough to keep ammunition flowing to Israel in sufficient amounts, so U.S. Army reserve stocks in Germany and elsewhere were raided. Seven years later the reserves are just about reestablished. It is feared that, if the aid to Pakistan is to be provided on a short-term time-table, the weapons and equipment will have to be taken from U.S. units. U.S. commanders will then have to pray that the units from which the equipment is taken will not be needed to fight until the industrial base can replace them.

A sizable portion of the government-owned ammunition production base has been "laid away" and would take weeks or months to get into operation. There is insufficient foundry capacity in the United States today to provide more than the number of cast tank hulls and turrets needed to supply a peacetime rate of tank production. The specialized industries that produce the missiles and ultra-sophisticated electronics gear the armed forces use are already close to maximum production and have no means to rapidly increase their output. In short, "The Arsenal of Democracy" could not be as responsive as we would like to believe.

This predicament was not developed over night. It is the product of years of defense cost-cutting and of setting low production rates to "stretch out" the procurement of major weapons. No prudent civilian industrial manager would build a plant bigger than the one he needed to produce the specified number of tanks, aircraft or ships in the required time.

Certainly we should help the nations that stand with us against Soviet aggression. Because of their proximity to the Soviet Union, Pakistan and Turkey would be drawn into the fight first. But our own forces must also be ready or they present no deterrent at all, and deterrence is the prime reason for their existence.●

LITHUANIAN INDEPENDENCE DAY

● Mr. SCHWEIKER. Mr. President, February 16, 1980, marks the 62d anniversary of the reestablishment of Lithuanian independence and the 729th anniversary of the founding of the Lithuanian State. In publicly commemorating these events, Americans of Lithuanian descent reaffirm their commitment to the exercise of basic human rights which have so often been forcibly suppressed during Lithuania's tortured history.

In 1918, Lithuania achieved independence after 123 years of oppression by Russian czars. Forty years have passed since Lithuania was denied its right to self-determination by the Soviet Union's invasion, occupation and annexation of the Baltic States during World War II. Although the U.S. Government has never recognized the Soviet occupation of the Baltic States of Latvia, Lithuania and Estonia, the denial of human rights and the Soviet policy of forced assimilation have not generated the outspoken official protest they warrant. It is therefore imperative that this year's commemoration, cast against the backdrop of yet another ruthless Soviet attempt to eradicate all vestiges of freedom in a once-independent nation, serve to forcefully condemn such shameful oppression.

The horrors of the Stalin era have been replaced with subtler, though no less invidious, means of repression. Although the hopes of many Eastern Europeans were raised when the Soviet Union signed the Helsinki Final Act in 1975, and again when human rights were brought before a world audience at Belgrade in 1977–78, firsthand accounts by former "prisoners of conscience" and reports in the Western press indicate that the repressive practices have not abated. In Lithuania, the Soviets continue to arrest, imprison, exile, or harass increasing numbers of Lithuanian dissidents for alleged "crimes against the State."

In commemorating these Lithuanian anniversaries, the United States should rededicate itself to the tireless promotion of human rights so as to keep alive the aspirations of Lithuanians and all other persecuted peoples who desire the unfettered opportunity to exercise these rights.●

CUBA'S OBJECTIVES

● Mr. STONE. Mr. President, while violence and unrest continues to escalate in Central America, particularly in El Salvador, our response continues to be inadequate. Cuba's policies, if the front page article in this morning's edition of the Washington Star is any indication, unfortunately do not suffer from the same drift and inadequacies. I ask that this article be printed of this point in the Record.

The article follows:

Experts See New Cuba Role in Hemisphere Revolutions

(By Henry S. Bradsher)

Cuban training and advice on revolutionary techniques have contributed to growing political turmoil in Central America—including leftist violence in El Salvador—and pose a danger to governments in other parts of Latin America, according to U.S. specialists on the region.

The specialists say that Cuba has in the past year or so assigned a higher priority to attempts to subvert regimes in Latin America. They discern a new phase in the Cuban effort to spread communism in this hemisphere.

Cuba is credited by the specialists with playing a key organizing role in the Sandinista victory in Nicaragua last July and now in moves toward consolidating Communist power there.

Cuba is also teachig radicals from other Latin American countries how to develop popular complaints into revolutionary situations, the specialists said. The effects are already being seen in crises in Guatemala and El Salvador, and they could appear soon in other places.

Smoldering complaints based on economic and social disparities, some existing since Spanish settlers subjugated Indians are being fanned into flames by a new Cuban approach. It emphasizes broad-based revolutionary movements, replacing Cuba's unsuccessful 1960s emphasis on small guerrilla bands in Latin American countries.

The Carter administration has recognized the threat to some Latin American regimes as a result of Cuban activity. The threat is considered more real and more dangerous than the possibility of direct intervention in Latin American countries by Cuban troops.

But the twin U.S. answers to the threat are long-term responses: supplying economic aid to help reduce poverty that breeds revolution and urging social and political reforms. The U.S. responses might not be able to overcome years of social ills before the Cubans can foster the development of explosive pressures and then touch sparks to them.

The specialists, most of whom analyze Latin American developments for the U.S. government, said Cuba's new activity apparently results from seeing fresh opportunities in the region after the coup in Grenada last March and the fall of President Anastasio Somoza Debayle in Nicaragua last July.

Those events led to the creation of a special task force by the Carter administration to study instability in the region. It was headed by Philip C. Habib, a senior adviser to Secretary of State Cyrus R. Vance.

But, although it recognized the need for more economic aid, the budget recommendation that President Carter sent to Congress last month decreased the amount of economic aid sought for Latin America. Carter had asked $326 million for the current fiscal year, but he only asked $304 million in 1981.

The existence of revolutionary new possibilities became evident to Havana, and presumably also to the leaders in Moscow who finance and influence what Havana does, after Cuban ventures in Africa had stagnated.

There are now about 36,000 Cuban troops and military advisers in Africa and the Middle East plus about 14,000 teachers, technicians and others. With a population bulge at home that creates a need for jobs, and with Moscow paying the bills, this is a role that Cuba can maintain for an indefinite time.

But since the buildup in Ethiopia in the winter of 1977–78, following the 1975 Angolan venture, there have not been any openings for playing major new roles in new African countries. Havana and Moscow apparently decided not to get involved in the Rhodesian civil war after training some local guerrillas. Both quietly support the current attempt to reach a political solution.

The Latin American opportunities are different from the African ventures. They require only seed money and small numbers of people. Some of the revolutionaries are radicals from other Latin countries who have been trained and have lived in Cuba for years as the nucleus of a Communist international brigade.

These people are now instructing the local leaders of old, sometimes moribund, movements in various countries on how to expand their political base, turn latent grievances into explosive issues, and organize revolutions. This represents a new approach for Cuba to Latin American revolution.

When Fidel Castro came to power in Cuba on New Year's Day 1959, he called for his guerrilla example to be followed in Nicaragua, the Dominican Republic, Venezuela and other countries. Guerrilla missions were quickly sent to these countries and others like Haiti and Panama. But most were what the specialists called "comic opera operations" that failed.

More careful preparations led to more serious revolutionary efforts. The theory in Havana was that a small guerrilla nucleus would spark the overthrow of dictatorial regimes. But these efforts ended with the death in Bolivia in 1967 of Castro's comrade, Che Guevara.

Cuba remained dedicated to spreading its revolution, but after 1967 it emphasized the maintenance of formal relations with Latin governments. Obtaining the benefits of trade and cultural exchanges was not considered inconsistent with plotting to subvert other governments.

The overthrow in 1973 of the world's first democratically elected Marxist president, Salvador Allende Gossens in Chile, confirmed the Cuban conviction that only an armed revolution that destroyed all opposing power could establish a Communist regime. The theory was then growing in Havana that the best way to prepare for such revolutions was by developing mass organizations.

Cuba stayed in touch with the small, mostly insignificant guerrilla movements around the region, and it continued to train revolutionaries. But, one specialist said, it seemed to lack any master plan.

The strength and intensity of the Sandinista movement in Nicaragua apparently surprised Cuba, although the Sandinistas were already receiving help from some Latin American democratic opponents of Somoza as well as some not-so democratic anti-Somoza quarters. The unsuccessful Sandinista uprising in September 1978 caused Havana to take a new look at the movement.

In early 1979, the specialists say, the Cubans reached some kind of agreement with the Sandinistas to provide advisers, weapons, communications and other forms of aid. This seems to have been the critical element that led to the Sandinista victory over Somoza in July.

The precise nature of the Cuban role is still unclear. Some U.S. officials talk of Cuban "command and control," while others say it was more advice on coordination than the actual running of Sandinista operations. Cubans tried to stay in the background, using Communists from other Latin countries that they had trained.

"They don't want any Cuban bodies being found on guerrilla battlefields abroad," was the way one specialist described Havana's caution. But Cuba sent 1,200 teachers into Nicaragua after the Sandinista victory.

After Somoza fled Nicaragua, the local committees that had run Sandinista operations assumed broad powers over food distribution, passports and other things. These powers have gradually been expanded. At the same time, unions and other mass organizations have been formed to widen controls, the media have been muzzled, and security services strengthened.

"The infrastructure for a complete Communist takeover is now being put in place" in Nicaragua, one specialist said.

He compared the situation there with the piece-by-piece tactics that Communists used in Eastern Europe to slice up opposition after World War II and the conversion of Castro's originally broad-based 1959 government into a Communist regime. Another specialist said a similar development is now occurring in Ethiopia, where the Cubans and Soviets are trying to build a solidly Communist political base underneath the military junta that they went to aid.

"But at the moment (in Nicaragua) there's still enough divergence of views to slow the process" of a takeover, the specialist added.

After Somoza fell, the Cubans began paying more attention to neighboring El Salvador and Guatemala. Both countries had old, ineffective opposition movements that could be shaped into potent new forces for revolution.

The specialists have since last summer seen some coordination among what had been separate organizations in El Salvador, a coordination they believe is the result of Cuban efforts. This had led to an upsurge in revolutionary activity that threatens the stability of the country and is causing great concern in Washington.

After forging leftist unity, the Cuban advisers are presumed now to be preparing for insurrection. "They'll probably be ready within a year or so," one specialist said.

In Guatemala, the old Guerrilla Army of the Poor has moved away from its former base among a small core of radicalized university students to appeal to the masses of poor Indians. This is a shift from the traditonal supporters of Marxist movements in Latin America to a new and potentially stronger element that can sustain a revolutionary movement.

Specialists say that Cuban tactics differ in other Latin American areas. In the eastern Caribbean they seem to be counting on large-scale unemployment and other economic problems to produce radical changes. They are also watching for possibilities in South America, one example being Paraguay's future after aging dictator Alfredo Stroessner dies.

Mr. STONE. Mr. President, increasing Cuban involvement as outlined in this article should come as no surprise. Last July 20 at a breakfast meeting with reporters, Ramon Sanchez-Parodi, head of the Cuban interest section in Washington, said that Cuba plans to increase its cooperation with the Soviets and that such ties "will continue to increase in all fields including military collaboration." When Sanchez was asked whether that will mean internationally or only within Cuba, he replied "across the board," and named El Salvador, Guatmala, and Honduras as the next countries targeted for guerrilla insurrections.

I questioned the administration about this in an August 10 letter. The reply was that—

> While Mr. Sanchez-Parodi did express Cuba's support for the struggle of "popular forces" in El Salvador, Guatemala and Honduras, he did not, as some press reports suggested, go beyond this to say that Cuba would provide arms to guerrillas or export revolution in this hemisphere.

Well, according to today's Star article, the advisers, weapons, communications, and other forms of aid Cuba supplied the Sandinistas seems to have been a critical element that led to the Sandinista victory in Nicaragua last July.

It would be naive and dangerously misleading to lay at Cuba's doorstep all the blame for the violence that currently is undermining moderate forces in El Salvador and threatens to envelop Guatemala. Social, economic, and political inequities persist in these countries. Our own policies, or lack of them, have not helped. Our inconsistent policy has often confused and undercut the very moderate, reform-minded political parties we ostensibly wanted to promote.

And our foreign aid continues to be administered in ways that often seem peculiar. We continue to build schools, while the Cubans send teachers to teach in them. We send crates of blood plasma with all sorts of friendly messages written on them, only to have Cuban doctors administer them.

Our own continuing determination to ignore Cuba's objectives and deal with them accordingly, have allowed the Castro regime to take important steps in Central America in selling a repressive social, political, and economic model that can only be described as an utter failure.

If we continue to ignore the Cuban role in all its dimensions, we will see the bloodshed of El Salvador repeated throughout the region.●

PAY INCREASE FOR PILOTS

● Mr. GOLDWATER. Mr. President, the situation in the flying sector of our Armed Forces is getting more and more dangerous day by day. As Congress delays, argues, and then backs away from the type of pay increase and other recognitions that men and women in the service deserve who fly the aircraft of our country, more and more are these people forced to get out of the service to get jobs that will enable them to live. How long this situation is going to last depends entirely upon this Congress. I ask that the article appearing in the Washington Post by George C. Wilson of Sunday, February 17, be printed at this point in the RECORD with the prayer that my colleagues will take heed before it is too late. Airplanes, frankly, in war are not worth anything unless they are in the air with their weapons activated.

The article follows:

PAY LID SQUEEZING BEST PILOTS OUT OF U.S. WARPLANE COCKPITS

(By George C. Wilson)

LANGLEY AFB, VA.—The fighter jocks flying the hottest planes in the sky, the ones who would go to war first, cannot figure out how Washington can be so damn dumb.

To them, all this hollering over registration and the draft is like swatting at the flies rather than attacking the manure pile, to use a famous expression from one of their former leaders, Gen. Curtis E. LeMay.

The big problem in today's military, according to the pilots of Langley Air Force Base, is not recruiting or drafting new bodies—although they favor this—but holding onto the men and women with "the right stuff" already in uniform.

"I feel unappreciated, taken advantage of," said Capt. William R. Looney III, expressing the hurt felt by the proud men who are pilots. "I'm disappointed in my countrymen. Tomorrow I could die. The American civilian leadership doesn't appreciate I'm doing that for them."

Pentagon statistics and surveys document that thousands of young pilots such as Looney are fed up with losing money to inflation year after year as the commander-in-chief caps their pay and civilian workers get big raises.

So many pilots are quitting in protest that both the Air Force and Navy fear they will not have enough to man all their warplanes. The Air Force figures it will be 2,400 pilots short this fiscal year, 2,500 next year and 4,000 the year after—unless pay and other benefits are improved dramatically. The Navy needed to retain 58 percent of its young pilots this year but now estimates it will hold only 28 percent of them.

The Air Force says it costs $900,000 to train just one pilot in the sophisticated tactics needed to win dogfights against Russians flying modern planes. But this expensive training makes the pilot highly saleable to commercial airlines and other civilian firms willing to pay twice as much as the military.

Today's jet pilot is a different breed from the storybook one, the hard-drinking swashbuckler of Pappy Boyington fame. He has at least one college degree, often two. He talks and thinks like an engineer, or else he does not survive modern weapons. And like everyone else, he worries about buying a home and putting aside enough money for his children's education.

He is hard to replace. Neither registration nor the draft would close the pilot gap. That is why Gen. Lew Allen, Air Force chief of staff, and Adm. Thomas B. Hayward, chief of naval operations, are more worried about keeping the good people they have than finding new bodies.

The squadron commanders who would have to lead their pilots to war, like Lt. Col. Ralph Wetterhahn of the 71st Eagle squadron here, see concentrating on retention as a matter of common sense.

"It's a whole lot cheaper to keep one guy from going out the back door than to try to take in three or four others through the front door to replace him," Wetterhahn reasoned. Safer, too.

His squadron flies the hot F15 Eagle fighter under the motto: "Our mission is to fly, fight and win." The word "win" is underlined. Living or dying in today's air battles depends on decisions made in seconds high above the earth. Inexperienced pilots die quickly.

"We can draft people until we're blue in the face, bring them in for two years, and they roll out after two years," said Vice Adm. George E. R. Kinnear II, commander of the Navy's Atlantic fleet warplane squadrons. "But that doesn't do anything to build up the skilled manpower who take five or six years to train."

It is young pilots with six to 11 years service—the ones especially attractive to airlines and other civilian employers—whom the Air Force and Navy are losing at an alarming rate.

Why would these pilots trade whirling around the sky at 1,000 miles an hour in fighter planes which cost $15 million to $25 million each for the comparatively dull life of civilian jobs? A group of them gathered to explain it at the building just off the airfield here used by the 94th "Hat in the Ring" squadron. Capt. Eddie Rickenbacker made the squadron famous during World War I. The original squadron's stone "Hat in the Ring" symbol—mounted in 1918 on the 94th's operations building in Toul, France—now marks the entrance to squadron headquarters.

The pilots in the lounge wear red or blue turtleneck jerseys under their flying suits. They begin with niceties and move quickly to anger—anger focused on Washington. Why does Washington care so much about draft legislation and "real growth" in the $158 billion Pentagon budget? Why does it care so little about "real growth" in the pilots' $24,000 paychecks?

The outrage is as visible in their conversation as the contrails from their F15 Eagles against a morning sky.

"A lot of people have this money problem," continued Capt. Looney, 30, native of Norman, Okla., an Air Force Academy graduate who also has a master's degree in management from the University of Michgan.

"It's not like we're saying poor Air Force officer, poor F15 pilot," Looney explained. "But the thing is that you see your friends outside the service making more money, and you know you're just as well equipped and capable, if not more so. You see what they can provide for their families. It frustrates you.

"I get a very good feeling for what I'm doing. Some day I'm going to be happy as hell and look back with great pride on the things I've accomplished in the military. But I'm exacting a pretty high price from my wife and my children to accomplish this for myself. They're the ones who are suffering.

"I feel unappreciated, taken advantage of. They know they've got a good —— deal in the majority of people who fly this airplane. I don't feel my general has done that to me. I feel the civilian leadership has done that to me.

"The airplane could blow up. Somebody could run into me or I could run into them or we could go to war and I could get killed. And I've got a wife and parents and a family I'm leaving behind. I've accepted this, as has everybody else in this room. The American civilian leadership doesn't appreciate I'm doing that for them. I'm disappointed."

Capt. James G. Boehm, 29, of Fairview Park, Ohio, one of the pilots who flew an F15 to Saudi Arabia early in the Iranian crisis, agreed.

"If you think you're getting bad vibes," Boehm said, "I want to tell you you're talking to guys who have the best assignment in the Air Force"—flying the F15 fighter. Many pilots flying lesser planes are even more dispirited, he said, because they feel their efforts are not appreciated. "We're in our job right now so kids in San Francisco can go out and demonstrate against the draft."

Capt. David A. Greschke, 33, of Huron, S.D., is very saleable on the civilian market. He holds an electrical engineering degree from South Dakota State University and a public administration degree from the University of North Colorado.

"I'm still motivated," said Greschke, "but I would expect, after 10½ years in the Air Force, to be at a measurable level above where I started in pay, responsibilities and so on. But really, all that has changed is the rank."

He and other pilots, some of whom pulled pay cards and other papers from flight suit pockets to document their claims, said they have been losing to inflation year after year, most recently because President Carter capped their raises at 5 and then 7 percent—far below the actual rate of inflation.

The $24,000 captains said they do not expect to be paid the $60,000 to $100,000 salaries of commercial airline pilots. But they resent risking their lives for a government that refuses to keep their pay ahead of inflation. They said that skilled enlisted people, such as the crew chiefs who keep their F15s flyable, are losing out, too.

"It's very disheartening for me to go out to my jet and have my crew chief work my airplane, and then tip that same crew chief over at the commissary for bagging groceries," complained Capt. Rowe P. Stayton, 28, of Quinlan, Tex., an Air Force Academy graduate.

"There's something wrong with that system," Stayton went on. "The guy is expected to put in a hell of a job out there during the day and has to come over here in the evening to make ends meet by taking what I consider a demeaning position. More important, he cannot do his regular, very important job well because he is staying up too late doing the second job."

Stayton's crew chief maintaining the $15 million F15 is an E-3, or senior airman. His base pay is $570 a month, or $6,840 a year. Allowances on top of that push his pay to just under $9,000.

Maj. Hal Hornburg, 34, who has a business degree from Texas A&M and a master's degree in career management from the University of Utah, is briefing Capt. Gerry Christeson, a graduate of Ohio State, on how they are going to "kill" two "enemy" planes in an instrumented rectangle of sky off Cape Hatteras.

The "enemy" planes are Navy F14s out of nearby Oceana air base. Every maneuver will be recorded electronically. Afterward, the pilots will study on a screen back at the squadron what they did right and wrong, like pro football players reviewing Sunday's game film. The pilots' mistakes would probably mean death in wartime because aerial missiles have become so lethal.

Hornburg's briefing underscores the technological nature of modern dogfighting. Life or death depends on your radar seeing the other guy before his radar sees you, and on split-second mental computations of geometric angles for missile or gunfire. No more white scarf, eyeball-to-eyeball, lengthy whirling gunfights. It is kill or be killed in seconds.

"I don't want to fight slow speed today. So think getting energy. If you can't get back into the fight a good high energy rate, then separate." That means: if you can't manage supersonic speeds, break off the engagement.

"I want to run in on these guys at a six to nine thousand foot split and try to run a bracket on them," he continued. That means boxing in the two Navy F14s with the two F15s.

"I want to bracket them in terms of horizontal offset, vertical offset and in time. If I go low, we'll have a time bracket on them. What I want to avoid at all costs is having them see both of us at the same time. . . .

"What we want to do is get a quick kill and get out. If they deny that, and we know that by aspect [the geometric angles between planes fighting each other], then we fight them single-ship. If we can't get a quick kill within 15 to 20 seconds, then we want to bug out. We don't want to stay in and fight slow. Do not engage subsonic."

Capt. Christeson, Hornburg's wing man in the upcoming two-against-two air battle, interjected: "I'd like to call the aspects of my bogie, maybe every four miles. That cues me. And it might cue you if you hear me call an aspect is bogus because the geometry has changed. . . ."

"We don't have to come back with three or four kills apiece," Hornburg stressed as he ended his briefing. "What we don't want to do is come back with a mort." For mortuary.

Hornburg and Christeson walked out to their F15s, relishing the thought of the upcoming duel off Cape Hatteras. To his dismay, Hornburg found his F15 broken down. Christeson took on the two F14s alone and got back "alive."

The scene is a dinner at a restaurant outside Norfolk. Two F15 pilots from Langley and their wives are having a night out. Joan Johnson, mother of two and a computer specialist, is explaining why low pay is not the only reason pilots are quitting the Air Force in droves.

"If he moves again," she announced resolutely, "I'll stay." Capt. Henry B. Johnson III, 34, of Silver Spring, who had to bail out over the North Sea when both Pratt & Whitney F100 engines in his F15 conked out at once, said he would respect her decision.

The Johnsons have been in the Air Force 11 years. They have been forced to move 11 times. Joan has had it with both the "genteel poverty" and the continual moving.

"Our fifth grader has been in five different school systems. It's a constant adjustment to different curricula," she said. Meanwhile, she has had to give up one good job after another.

Mrs. Johnson expressed the frustration shared by thousands of today's military pilots: "I didn't anticipate at 23 what my personal needs would be at 33."●

DOES THE DAVIS-BACON ACT PROVIDE MINORITY EMPLOYMENT OPPORTUNITIES?

● Mr. HATCH. Mr. President, over a period of time I have attempted to make the American public aware of the unnecessary inflationary aspects of the Davis-Bacon law which is allowing construction unions to enjoy the boon of this outdated law on wages. It is a sacred cow to organized labor, as evidenced by the excessive amount of time and money it is spending, to lobby our colleagues not to tamper with any of its provisions. It has cost taxpayers billions of unnecessary tax dollars over the years in excessive wage costs, as Congress has recently been reminded again, not by business but by the GAO—its own investigative agency.

Without rephrasing all of the reasons why Davis-Dacon ought to go—of which there are many—it seems to me that with the submission of the President's plan to deal with youth unemployment it is timely to reexamine Davis-Bacon in regard to minority employment opportunities. Of concern is not only restrictive job opportunities but also an array of other negative effects perpetuated by Davis-Bacon on minorities in this country—minority contractors, minority homebuyers, and minority communities. One of the best articles I have read on this subject has been written by Mr. Bill Keyes, currently a legislative assistant for the American Conservative Union. Mr. Keyes, in an extremely incisive and analytical way, concludes that the repeal of the act would have immediate positive effects on solving some of the housing and unemployment problems among minorities which in turn would benefit our entire Nation significantly.

Mr. President, repeal of this act, which costs many to benefit only a few, is a step which will reduce inflation, no matter how slightly, and is worth taking. Any step which will reduce the frustration and despair of the teenage jobless is also worth taking. For the edification of my colleagues, I am asking that the text of Mr. Keyes illuminative article now be printed in the RECORD.

The text follows:

EFFECTS OF THE DAVIS-BACON ACT ON MINORITIES

During the Great Depression, many local construction workers were being displaced by migrant workers who were willing to work for lower-than-normal wages. So, in 1931, the Davis-Bacon Act was enacted to protect local construction workers' jobs by discouraging the employment of itinerants on federally financed or federally assisted construction projects of over $2,000.

Davis-Bacon, the nation's first federal law affecting minimum wages for private sector employees, required the Secretary of Labor to determine prevailing wages in areas where federal construction was to take place. Wages paid to workers on these federal jobs could not legally fall below prevailing wage levels determined by the Labor Department.

Because of difficulty in collecting wage data, the Labor Department's prevailing wage determinations have often been erroneous. In many cases, the Labor Department has determined prevailing wage rates for nonunion rural areas on the basis of union wages in urban areas more than one hundred miles away. The chief result of these erroneous determinations has been serious inflation in the construction industry. Instead of preventing local wages from being undercut, Davis-Bacon has actually forced wages upward. And instead of insuring that federal contracts would go to the local contractor, the Act has tended to give advantage in bidding to larger, urban, union, and usually white contractors at the expense of the small local contractor.

Of concern here is the negative effects of Davis-Bacon on minorities in this country-minority contractors, minority homebuyers, and minority communities.

MINORITY CONTRACTORS

(1) Minority contractors, who tend to be nonunion, are often discouraged from bidding for government contracts because of the Act's manpower structures.

While many minority contractors make extensive use of laborers, Davis-Bacon makes few allowances for them in its wage scheme. Laborers are usually young persons who have had little or no experience in construction work. Along with mixing mortar and pushing wheelbarrows, they have the opportunity to work with the skilled tradesmen, learning as they go, so they can later be paid the higher wages for doing the job of the skilled tradesman. These laborers are willing to accept the lower wages because they receive the benefit of moving into the construction labor market; the contractor benefits from hiring them because they do necessary unskilled labor at wages lower than the wages paid to journeymen.

Because Davis-Bacon requires that anytime anyone picks up a tool of a trade he must be paid as a journeyman in that trade, the contractor on a federally funded or federally assisted project has to pay laborers as painters one minute and carpenters the next, always higher than he would otherwise pay them. This defeats his reason for hiring unskilled laborers.

The minority contractor, therefore, is discouraged from bidding for government construction contracts because he would be forced to make one of two undesirable choices—whether to pay his inexperienced laborers at high journeyman's wages required by the Act or to fire them at the outset of the job because they cannot be as productive as their high Davis-Bacon wages would demand. Because of concern for these employees and because most of the contractor's jobs will not be governmental jobs, the minority contractor often chooses not to bid for jobs financed by the federal government.

Not only does Davis-Bacon disrupt the minority contractor's wage rates, but the Act's wide range of stipulations also disrupts his normal method of operation. While the contractor may wish to save money on manpower and supplies by spray painting, for example, Davis-Bacon permits only brush painting. Similarly, while the typical minority contractor has one crew of laborers responsible for moving all building materials around the job site, Davis-Bacon demands that ironworkers move metal and plumbers move pipe.

This disruption of normal methods of operation is another reason why the minority contractor often chooses not to bid for federally financed construction jobs.

(2) Secondly, the minority contractor is discouraged from bidding because of the decreased morale which results when his workmen move from a wage-inflated Davis-Bacon job to a private job at a lower pay rate.

Also, the contractor who has some of his employees working on a government job while others are working on a private job is certain to have serious morale problems due to the difference in rates of pay for people doing identical work.

(3) Recordkeeping requirements also present problems for the minority contractor. Under regulations issued pursuant to the Davis-Bacon Act, the contractor is required to keep detailed payroll records while construction is underway, showing wages and other benefits such as health insurance paid for each worker. A certified copy of this paperwork must be sent to the project's contracting officer weekly.

The contractor is also responsible for assuring that each subcontractor is complying with these same reporting requirements, and the contractor is responsible for certifying and forwarding each subcontractor's weekly payroll forms to the contracting agency.

Moreover, the contractor is required to keep a copy of his payroll records on file for three years after the project is completed.

The typical minority contractor is small in his operations and would therefore be forced to hire additional office personnel to handle this paperwork required by Davis-Bacon. Because contractors move back and forth from federal to private projects, with the average nonunion firm doing no more than 25 percent of its work on Davis-Bacon projects, it is impractical for the minority contractor to hire additional office personnel. The alternative to hiring office personnel is hiring an outside accountant. There again, because the minority contractor typically runs a smaller operation, he is less able to bear this cost than his larger, and usually white, counterpart. Thus, the paperwork requirements of Davis-Bacon clearly give an advantage to the larger contractor who has his own office pool sufficient to handle it. Because of this paperwork burden, the minority contractor often choses not to bid on government construction projects.

(4) Wage competition exists in areas where government construction projects are underway. Due to the skilled manpower shortage in the construction industry and due to the weak contractor-employee relationships which result in part from the relative shortness of jobs, contractors working on private construction jobs are usually forced to raise the wages of their skilled tradesmen in order to keep these employees from leaving to work on federally financed construction jobs where they could earn the inflated Davis-Bacon wages. It is difficult for the small minority contractor to pass this cost on to the con-

sumer if he wants to remain competitive in the bidding for private jobs. So, some of the cost of increased wages must be suffered by the contractor. The minority contractor is typically less able than his white counterpart to compete against Davis-Bacon contractors for skilled tradesmen by raising wages.

MINORITY HOME BUYERS

There is a serious need for new construction in minority neighborhoods. Because minorities lag behind whites in income, they are more seriously affected by construction costs which are inflated by Davis-Bacon when considering home construction and renovation.

Washington, D.C., a city with a 70 percent minority population, can be used to illustrate how potential minority home buyers are affected by Davis-Bacon.

On March 12, the city announced the undertaking of an ambitious housing renovation project which would make available 733 units by November 1980. The cost of the project is estimated at 10 million, or a little more than $13,500 for the construction of each unit.

The rehabilitated units will be for both single-family and multi-family occupancy, with 269 units for sale to low and moderate income persons under the Federal Government's Section 235 program. The prices of 229 of these units range from $28,000 to $44,000; and forty units are priced from $38,000 to $44,000. The Section 235 program provides interest subsidies to reduce mortgage costs.

If Davis-Bacon's prevailing wage requirement inflates construction costs in Washington by ten percent, as has been estimated by builders in other areas of the country, sixty-seven less families will gain the opportunity to move into better homes. That is to say, sixty-seven additional units could be renovated with the funds needed to offset the additional construction costs required by Davis-Bacon.* This will be occurring amid reports that some two and three-room apartments in Washington are being shared by as many as two or three families which have been displaced because their homes have been purchased for conversion into expensive condominiums. Displaced families often share housing because affordable units are not available.

Another illustration of the effect of Davis-Bacon on minority homebuyers can be found in Indian housing. The Select Committee on Indian Affairs of the United States Senate reported recently that the prevailing wage requirement of Davis-Bacon has seriously inflated the cost of Indian housing partially financed by the Department of Housing and Urban Development to the extent that the average cost of modest single-family units on reservations is approaching $70,000. That price is almost $5,000 higher than the nationwide cost of the average single family home.

The average income of Indian families was $5,800 as compared with $9,590 per year for the population as a whole according to the 1970 Census, and in some Indian communities the unemployment rates for young people reach as high as eighty percent. Thus, Indian families are hardly able to suffer the rapid inflation of housing costs. Furthermore, this inflation has caused a significant reduction in HUD's estimate of the number of Indian housing units which will be produced in FY1980.

It is ironic that while all fifteen voting Congressional Black Caucus members and all four voting Hispanic Caucus members are quick to speak about the problem of inadequate housing in minority communities, they all voted against waiving Davis-Bacon prevailing wage requirements for residential housing rehabilitation projects carried out by neighborhood-based non-profit organizations.

The legislation which would amend certain federal laws relating to housing, also sought to exempt Indian housing from Davis-Bacon. This amendment to the Housing and Community Development Act was rejected by a vote of 155 ayes to 244 noes.

Government housing programs implemented to aid low-income families could serve far more families if they were not subject to an almost fifty year old law which requires the payment of higher wages to construction workers while also discouraging small, and particularly minority, contractors who would probably work at somewhat lower rates from even bidding.

MINORITY COMMUNITIES

Davis-Bacon has negative effects on minority communities in two significant ways. First, the Act often inflates building construction costs beyond the amount which neighborhood-based organizations can afford to pay for the construction of various projects intended for neighborhood benefit. And second, the Act often aggravates unemployment among minority construction workers and prospective minority construction workers.

(1) The Committee on Banking, Finance and Urban Affairs of the U.S. House of Representatives reported recently that "neighborhood-based non-profit organizations have been frustrated in their efforts to rehabilitate buildings because of the requirement that prevailing wage rates be paid on such projects."

(2) In the area of unemployment, it is easy to see that the intended purpose of Davis-Bacon is not being fulfilled by the way the Act is now being administered. When the law was enacted, the chief concern was the undermining of local wage rates by outside competitors willing to work for very low wages. But the law tends to have the exact opposite effect today, with Davis-Bacon encouraging the hiring of outside union labor rather than small nonunion, and often minority, local labor.

On Indian reservations, for example, few Indians are ever hired to work on Indian Housing Administration projects because few of them have had the opportunity to develop marketable skills to the point that they could be as productive as their Davis-Bacon wages would demand.

Because of this lack of a skilled labor force, on-the-job training programs should be prevalent on reservations, "Yet", according to the U.S. Senate Select Committee on Indian Affairs' Report on Indian Housing, "the Department of Labor's Bureau of Apprenticeship and Training (BAT), which administers these programs, has not taken any initiative to adapt them to the reservation and make them work. Few . . . tribes are large enough to make such a program . . . a success. It appears that there are more than enough training resources out of which BAT could easily construct a worthwhile and appropriate program. Nonetheless, BAT has yet to take any interest in Indian apprenticeship programs although Indian community unemployment rates generally eclipse even the worst urban ghetto black teenage rates, with some reaching as high as eighty percent.

"One thing is clear: the Davis-Bacon program bars local unemployed Indians from working on their own housing projects."

Davis-Bacon demands that apprentices employed on federal construction sites must be registered in state or federal programs recognized by the Bureau of Apprenticeship and training. A case involving the Delta Electric Construction Company, Inc., of San Antonio, Texas, illustrates the problem of this apprenticeship stipulation and its effects on minority employees.

On February 13, Delta entered into a contract with the Navy Department's Naval Facilities Engineering Command to make additions to airfield lighting systems. Shortly after entering into the contract with them, Delta requested authorization of additional classifications and wage rates for junior and senior electrical helpers.

On April 13, the Navy denied Delta's classification and wage rate requests, saying electrician helpers could not be employed instead of "properly indentured apprentices."

Delta, a nonunion firm, did not have a BAT-approved apprenticeship program. Rather, they had developed their own program which included a correspondence course, class-room training and on-the-job training. Arguing against the decision of the Division of Wage Determinations of the Department of Labor, Delta said their employees were being discriminated against because they were being deprived of an opportunity to learn the electrical trades without first joining a union and a union-sponsored apprenticeship program. Delta argued further that the Labor Department's decision violated Title VII of the Civil Rights Act of 1964 because the vast majority of their electrician helpers were minorities, and minorities were not likely to be accepted into union-sponsored apprenticeship programs in as great percentages as they were employed and trained by Delta and other nonunion firms like Delta.

Because apprenticeship programs approved by BAT are almost exclusively union-sponsored, and because minorities seem to have difficulty being accepted into union-sponsored apprenticeship programs, Davis-Bacon's requirement that laborers and helpers should be registered in BAT-approved apprenticeship programs tends to restrict the entry of minorities into the construction labor force.

U.S. District Court dismissed Delta's case, ruling that the decision rested within the Secretary of Labor's jurisdiction and was not subject to judicial review. Therefore, if nonunion apprenticeship programs which would facilitate the entry of more minorities into construction work are to be accepted for federal construction projects, Davis-Bacon must be repealed or its administration must be radically revised.

It is interesting to note that there were racial considerations in the enactment of Davis-Bacon just as there are distinct racial effects of it today, almost fifty years later.

In advocating passage of the Davis-Bacon Act, Congressman Miles Allgood spoke in favor of protecting local "white labor" from "cheap colored labor" from southern states. Today, while Davis-Bacon is intended to protect local workers, relatively few blacks are afforded the opportunity to work on federal construction projects in predominately black neighborhoods, and seldom are Indians afforded the opportunity of employment on housing construction projects on their own reservation.

The National Association of Minority Contractors has recommended the repeal of Davis-Bacon, pointing out that "unemployment among blacks in cities with population over 100,000 is (high) . . . the large pool of idle labor cannot be used and/or trained because of the restrictions of the Davis-Bacon Act."

CONCLUSION

The Davis-Bacon Act has negative effects on minority contractors, minority home buyers and minority communities. Therefore, it is in the best interest of minorities that Davis-Bacon should be repealed.

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*We have assumed that (1) ten percent added cost equals loss of buying power, (2) that each unit equals one family, and (3) that each unit requires $13,500 for rehabilitation.

With repeal of this Act, minorities would be a critical step closer to solving some of the social problems they consider most serious. Housing and unemployment are prime examples. In the area of housing, if Davis-Bacon were not in effect, it would be possible to build or renovate in minority communities more housing units with the same amount of money presently spent. And in the area of unemployment, which plagues minority communities at a menacing rate, the job picture should brighten for young minority persons as contractors would be encouraged to hire them as laborers and helpers, affording them the opportunity to break into the construction labor force (the Economic Forecast and Survey Center of the U.S. Chamber of Commerce estimates that with repeal of Davis-Bacon, employment would increase by as much as 150,000 jobs nationwide). With these two positive results alone, minorities would benefit from repeal of the Act. But there would be other positive results—direct and indirect—of Davis-Bacon's repeal.

If housing, unemployment, and other social problems of great concern to minorities are to be dealt with effectively, Davis-Bacon must be repealed.●

A TRIBUTE TO TWO OUTSTANDING PHYSICIANS—THE LATE DR. LEWIS (LUDWIG) BRINGS AND HIS WIFE, DR. GUSTI BRINGS

● Mr. MATHIAS. Mr. President, the citizens of Cumberland lost a valued friend and selfless helper on July 18, 1979 when Lewis (Ludwig) Brings died leaving behind him a legacy of more than 50 years as a practicing physician. Dr. Brings was born February 18, 1902, in Vienna, Austria, one of two sons of Julius Brings, M.D. Early in life, he determined to pursue a carrer in medicine following in his father's footsteps. In 1924 he graduated from the prestigious University of Vienna School of Medicine. Following medical school, he received extensive training in obstetrics, gynecology, and surgery. During medical school, he met a fellow medical student, Gusti Elisabeth Waldstein, who became a pediatrician and whom he later married.

Following their marriage, because times were unsettled in Europe, the Brings immigrated to the United States and in 1941 moved to Cumberland, Md., where they both opened a practice of medicine.

Cumberland and its environs had few physicians then and the new doctors found they could not practice solely in their respective fields, OB/GYN, surgery and pediatrics. Their doors were open to anyone in pain. Never was a patient refused. At first, they made house calls by bicycle. Lewis Brings delivered many babies at home.

Patients and physicians alike learned that Lewis and Gusti Brings could always be relied upon to provide excellent care. They treated the rich and the poor with equal respect and dignity. They kept late hours so the working men and women were able to receive medical care without sacrificing time on the job. Many times over their 40 years of practice in Cumberland, these dedicated physicians had to set aside personal plans and goals because of the needs of the people for whom they cared.

Lewis Brings was particularly interested in education and learning. He was involved in the training of registered nurses during the time that the Sacred Heart Hospital in Cumberland had its own nursing school. In later years, he held a teaching position at the University of Maryland School of Medicine for the purpose of training nurse practitioners.

Both of the Drs. Brings were instrumental in assisting the Sisters of Charity in building a new hospital in Cumberland. Lewis Brings served as chief of staff of the Sacred Heart Hospital in 1962. Gusti Brings has been elected honorary chief of staff for 1980.

On October 27, 1979, when the Sisters of Charity opened the new wing at Sacred Heart Hospital, the outpatient area of that wing was dedicated jointly to Dr. Lewis Brings and Dr. Leo Ley, in recognition of their contributions to the hospital and the community. No tribute could be more appropriate or better deserved.

In spite of long arduous hours of clinical practice, the Brings had time for raising a family and for other activities. Their two daughters both became professionals: One a physician, the other an educator. The Brings took part in many community and charitable activities including such organizations as the American Lung Association, the American Heart Association, and the Allegany County Crippled Children's Association.

Lewis Brings was a practicing physician until shortly before his death. Gusti Brings this year celebrates the anniversary of 50 years as a practicing physician.

The world in which we live is truly a richer place because of the tireless efforts of Gusti and Lewis Brings. They have made a contribution to quality of life in Cumberland and the State of Maryland which shall not soon be forgotten. They have set an inspiring example for the rest of us.●

THE PERIL OF GROWING DEPENDENCY

● Mr. GOLDWATER. Mr. President, very seldom do we have a chance to hear or read the reactions of those among us who became U.S. citizens and learned to live under the precepts of American freedom. Recently, I received a copy of a speech delivered by a man who offered his reflections on our society after 25 years of citizenship. He had some very interesting thoughts on the perils of growing dependency in America, and I ask to have the speech which Mr. Walter Weisman delivered before the Rotary Club of Birmingham, Ala., printed in the RECORD at this point.

The speech follows:

THE PERIL OF GROWING DEPENDENCY—REFLECTIONS AFTER 25 YEARS OF U.S. CITIZENSHIP

(By Walter Wiesman, Independent Speaker and Consultant)

I appreciate the opportunity to reflect on my quarter-century of U.S. citizenship before Fellow-Rotarians. It was just a couple of blocks from here 25 years ago this week that I had the honor and privilege to become a citizen in the Federal District Court of Judge Hobart Grooms. I am delighted to see Judge Grooms in the audience as a guest of the club. By the way, this week also happens to coincide with my arrival from Germany 34 years ago.

Of course, I could simply wrap up my feelings about the good life in these United States with one of my speeches entitled "I never had it so good." Marching slowly toward 60, I am convinced that I have already had a full life, even at this young age. I agree with Satchel Paige who asked, "How old would you be if you didn't know how old you was?"

But it would be intellectually dishonest to tell you that all's well. I would rather use this unusual anniversary as an occasion for some sober analysis on an issue which may prevent millions of citizens from sharing my good feelings about life in this country.

Let me warn you that I am a rather atypical immigrant, a fact some of you have known during my nearly 30 years in Alabama. My unusual assignments in 25 years of government service, my extensive speaking trips and my volunteer involvement from the local to the national level—all combined with my inquisitive mind—have offered me insights most citizens may never be privileged to gain. I also admit freely that 34 years in Texas and Alabama have not made me into a flaming liberal!

What concerns me most about our future is the ever-growing dependency of the individual citizen. This issue has been haunting me over the years, and my feelings about it are now stronger than ever. It may well be the primary cause for the recently often-mentioned "malaise."

Having spent my early years under a dictatorial form of government, the full impact of which I have only begun to understand during the last decade, the one principle I appreciated the most as I developed an understanding for my new country was the independence of the individual.

There has been a creeping erosion of this concept. And I do not speak of an international conspiracy or some sinister Communist plot. That would be an easy way out to sooth our conscience. I see this phenomenon as a self-inflicted, gradual departure from the principles assuring our personal freedom.

Every time we have chipped away at these principles there were seemingly plausible rationales offered for the departures. It was frequently during times of economic crises. It is not a development attributable to any one political party or president. To one degree or other, we have eroded the foundation for personal incentive for more than 50 years.

As I prepared myself for citizenship in the early '50s, I boned up for the examination before an official of the Immigration and Naturalization Service. I learned that our type of republic means not only freedom and independence but also responsibility, risk-taking, discipline and judgment. In short, there is no free ride by simply benefiting from the obvious advantages.

I observe with sadness today that this lofty goal has lost much of its meaning, primarily through our never-ending efforts to "help people." That kind of help carries a price tag. Too many bargain basement offers have been the death of a good portion of our independence.

A nation can only be as independent as the grand total of the independence of thoughts and actions of its citizens. To drive it home with a sledge hammer—the peril of growing dependency of an increasing number of citizens has become the main reason for our national dependency, hesitation and indecision—our "malaise," if you please.

One major cause for this dependency is the growing reliance on third parties, a form of creeping collectivism invading many phases of our lives. We are now offering "crutches" for all occasions, for all walks of life, all age groups, for almost any personal decision to be made or action to be taken.

Let me, as briefly as possible, identify some major contributors to the crutch factory. I do so with sincere concern, not with malice or blind dislike for the individuals and organizations involved.

The most pervasive influence has been government. Regardless of presidents, congresses and parties, the parade of making citizens more dependent has been going on and on. Occasional lone voices attempting to stop the parade, or at least to slow it down, have had little effect.

The problems multiply when officials now in policy-making positions used to be identified as avowed advocates of "social change." There appears to be a great goal to bring us all down to a common denominator; to make us as "average" as possible.

Hell, I do not care to be average! This country was conceived by uncommon people, under most uncommon circumstances, to assure that uncommon men and women could pursue uncommon goals. That, even today, is known as the "American dream."

Just think of the irony. Hundreds of thousands throughout the world would like to join us, legally and otherwise, to share a piece of this uncommon action. Yet, governmental agencies, charged with assuring the preservation and protection of our principles, have been moving time and again in the opposite direction.

Next, the influence of associations, of groups representing special interests of immense variety. They have a proper part in our political process. You and your company probably belong to several such organizations. How much of a crutch have they become for you? How much of your own thinking do you do? How far have such groups gone beyond reasonable limits?

Just one example close to one of my interests. I have been a member of several national retiree associations for 10 years and have closely followed their activites. One such group recently mailed a tabloid-size, four-page, multi-colored "Bigoil Wanted for Highway Robbery" publication and encouraged more than three million senior citizens to take political action. You can view this copy after my speech and judge whether this kind of extreme approach may not be stepping over the line.

I could not help but wonder, aside from purely factual issues, whether the anti-business minds conceiving such material had determined how many senior citizens may be among the some 14 million stockholders depending for part of their income on the petroleum industry.

Next, the influence of unions. My concern is not whether or not a company has to work with and through a union, but whether organized labor may not have gone way beyond its initial purpose. Consider this one factor. Annual salaries of union staff members in the United States have passed the 1.2 billion dollar mark—100 million dollars per month! Imagine how many citizens thus make their living this way and can hardly be blamed for coming up with all sorts of ideas and actions to assure their jobs.

Next, the influence of religion. Yes, you heard me right, religion! We have been witnessing so-called religious movements of the most extreme nature making human beings virtual slaves. Some of what has happened during the last 20 years may well be the most colossal sacrilege perpetrated in the name of God on a world allegedly more enlightened by educational efforts. In this field, too, consultants and agencies have sprung up with the most outlandish titles, themes, promises and goals, many implying that there is simply no hope without their expertise. Shades of P. T. Barnum!

Next, the influence of "instant experts," the TV "personalities" with easy answers to complex problems, witty comments, profound platitudes and convincing smiles. The more often they appear, the greater their credibility regardless of the validity of their utterings. This category of crutch includes the growing number of people offering advice via print media. An article "The Advice Givers" offered food for thought in this respect in the July 1979 issue of the magazine "Dynamic Years."

Next, the influence caused by the daily bombardment by polls, surveys, statistics offered by an endless number of sources, and interpretations provided by "think tanks," prestigious academicians and other specialists of all shades. One recent article called this process a form of "statistical oppression."

The flood of studies made, mostly paid for by our tax money and often totally un-coordinated between major government agencies, is a never-ending source of confusion to the public and only adds to the uncertain feelings about government. I ran across a study suggesting that, after a heart attack, sex may be more beneficial than walking. I didn't even realize this had ever been questioned!

The issue of the information deluge is compounded when public officials have the urge to utter on-the-spot interpretations on vital matters the moment TV cameras are directed their way.

Next, the influence of the growing number of people offering counseling services. To be sure, many of them are highly reputable and accredited professionals. But this is a field in which public licensing is not required. I am concerned about those who have been offering rational explanations for the most irrational behavior and thus lead citizens into lifestyles with consequences we are already paying for. Certain views suggest that citizens who do not care to use crutches really need help, following the old Hollywood joke, "If you are not in analysis, you must really be sick."

As one last influence I would list speakers and writers who make a comfortable living putting down what has made us great. They find more fault with us than we can collectively imagine. Some still speak of the evils of capitalism, the oppression of workers and the need for true socialism to make us free. With all such evils, which other system would offer such people the opportunity to write sensational best-sellers resulting in tax brackets which makes living in Switzerland or Lichtenstein a desirable solution!

So much for my selection of crutches. You can probably think of others, but this should suffice to make you wonder and ponder. As I mentioned earlier, I fully respect the rights of individuals and organizations engaged in such activities, provided they operate within the law.

What bothers me the most is the growing dependency of individuals in the face of our ever-increasing educational efforts which, in my simple way of thinking, were supposed to contribute to greater knowledge and enlightenment and thus growing independence. I would expect a public prepared and fortified to hear all the voices and views but not to become their victim.

Have we by any chance used our educational process to condition citizens toward the use of crutches as a permanent way of life? This question may be the most delicate issue I am raising in this speech!

The debate over our educational goals never ends. I am a fundamentalist, particularly in regard to the purpose of the first eight grades. The seeds are planted during those years, for better or worse. Only three weeks ago there was yet another wire story, this time by the Associated Press, about the probable illiteracy of up to 64 million U.S. adults. Even taking that figure with a grain of salt, if that ain't dependency, nothing is.

I am concerned about how we use our schools for purposes removed from gaining knowledge and skills. Listen to a quote from presidential assistant Mark Siegel in a speech before the Washington Press Club on April 21, 1977. "We want to use the schools as agents for political reform. If our goal is to change America by the year 2000 or 2010, I don't think we can overlook our children."

Who and what has mandated this eagerness to force fundamental changes on us? What is wrong with the principles that have made us the most successful society in the world? With all our freely discussed problems, we have done better by more people than any system mankind has ever witnessed. If we have not educated our citizens and demonstrated how to use this system to their advantage, that is one issue. But by all that is sane, let us not tamper with the fundamentals!

Do we really have to re-define our national purpose or should we instead assure that more citizens understand and appreciate the unique values of our initial goals and then do something within these values to help themselves and their country?

HEW Secretary Patricia Harris, then still Secretary of Housing and Urban Development, was quoted on June 24 in the "Sunday Parade" as having placed the responsibility for not defining our national purpose on the intellectuals of the nation. This was done during a lecture at Harvard.

I beg to differ with the very able Mrs. Harris. Almost daily we can hear or read about this subject. It all depends on our definition of intellectual. We may be restricting the term too much to citizens with purely academic credentials. Our country's leadership in all walks of life and professions includes numerous capable intellectuals.

A good example is the August 13, 1979 story in "Time" Magazine about Citicorp Chairman Walter Wriston. It was a brief report entitled "Of Freedom and Inflation." It used a number of direct quotes from Mr. Wriston, ending the article with, "To think that the bell does not toll for academic freedom or for freedom of the press if economic freedom is shackled is a dangerous illusion."

Could it be that our society feels uncomfortable with this kind of realistic, candid and brief definition of our problems and for that reason would like to see a more "intellectual" approach? There was in the basic purpose of our system a simplicity which may not suit people accustomed to hear issues explained in highly professional jargon.

There was a boldness, gutsiness and a bit of audacity uniquely American. It is this combination, even with all our problems over more than two centuries, which to this day is admired by the free and not-so-free all over the globe. Should we ever lose this uniqueness, or even water it down too much, mankind will have lost a model republic.

Our dependency began when, somewhere along the way, we started looking for a risk-free life, an illusion in any book. We started to legislate ourselves into all sorts of corners to assure against citizen ignorance and apathy. We started the crutch factory. A society with legislation covering against any and all eventualities is called a dictatorship!

It appears that we now do not even take a deep breath without congressional hearings, without high-priced consultants studying matters highly-paid government executives should be familiar with, and without any number of ranking governmental leaders uttering the most profound nothings before the media. The "malaise" again!

Thus, we find ourselves with a monumental national split personality. There is still a faint recollection of the simple principles which made us great. We idolize the late John Wayne for showing us how to face life, make decisions, find solutions. We marvel at this time of the year at the Champion Pittsburgh Steelers and their motto, "Whatever it takes!"

But when the movie and television screens darken, we turn in our comfortable chairs and reach once again for the crutches, often in the shape of the symbolic umbrella of appeasement and indecision.

I wish I could have given you a more optimistic message on the 25th anniversary of my U.S. citizenship than the words of the German philosopher Goethe that, "None are more hopelessly enslaved than those who falsely believe they are free."●

FEDERAL GOVERNMENT COST OVERRUNS

● Mr. SASSER. Mr. President, the Comptroller General of the United States, Mr. Elmer Staats, last week released a comprehensive review of Federal Government cost overruns entitled "Financial Status of Major Federal Acquisitions, September 30, 1979." Some of the information in this document is nothing less than shocking.

940 ACQUISITIONS

The Comptroller General reveals that, in 1979, Federal departments and agencies were embarked upon 940 major "acquisitions." These are federally funded construction or manufactured projects ranging from weapons systems to mass transit construction projects.

$607 BILLION COST

Mr. President, the estimated cost of completion of the 940 projects now underway is $607 billion. This enormous figure has been growing year after year. Only 4 years earlier, the GAO reported only 585 projects underway that would cost a total of $404 billion to complete—now it is 940 projects costing $607 billion.

COST OVERRUNS—$261 BILLION WORTH

Quite aside from the magnitude and the questionable necessity of all of these expenditures is the issue of cost overruns. There are those who would probably argue that many, if not most, of the 940 projects underway are justified and needed to protect the Nations's security, produce and conserve energy, develop natural resources, and so forth.

But, I do not think I could find anyone who would argue in favor of cost overruns—especially the $261 billion worth of cost overruns revealed in the Comptroller General's report.

That is correct, Mr. President. The report indicates that the current estimate of $607 billion required to complete 940 projects has increased by $261 billion, or 75 percent, over initial cost estimates or over baseline estimates when initial estimates were not available, outdated, or superseded by later authorization.

$76 BILLION IN OVERRUNS LAST YEAR

Mr. President, the overrun figure has increased by $76 billion in the last year alone. The estimated costs of the 940 major projects listed in the report have increased $76 billion over the past year to $607 billion.

INFLATIONARY CAUSES

Mr. President, one might presume to think that the major cause of these overruns is inflation, and he would be wrong. The Comptroller General's report surveyed 224 of the larger projects that accounted for $233 billion out of the $261 billion overrun. For these 224 projects, $92 billion or 39 percent of the overruns are due to inflation. The remaining 61 percent of the overruns are attributable to changes of all kinds, and inadequate original cost estimates.

100-PERCENT COST OVERRUNS

Mr. President, the 940 projects in the Comptroller General's report costing $607 billion have an aggregate cost overrun of $261 billion or 75 percent. However, the Comptroller General has singled out for special recognition some 59 military and 165 civilian projects that have accumulated cost overruns in excess of 100 percent.

GALILEO PROJECT

For the most part, the agencies cooperated fully with the Comptroller General in the development of his report. One agency, the National Aeronautics and Space Administration would not provide the Comptroller General with current information on its Galileo project, explaining that it is currently under review.

Mr. President, I plan to give this $309 million project special attention when it is justified before the Appropriations Committee later this year.

CONCLUSION

Mr. President, I am hopeful that the administration and the affected agencies will take cognizance of this simply awful record of $261 billion in cost overruns, including increases of $76 billion in the past year alone. This condition cannot be allowed to continue. If the cost of funding existing projects is allowed to increase by $76 billion a year, as it did last year, there will be insufficient resources to meet such pressing needs as rebuilding U.S. Defense Forces. It is imperative that the affected departments and agencies redouble their efforts to regain control of these runaway costs.●

THE HONORABLE SOLOMON BLATT

● Mr. HOLLINGS. Mr. President, last month in South Carolina we named a highway in honor of the Honorable Solomon Blatt, speaker emeritus of the South Carolina House of Representatives. When the history of 20th century South Carolina is written, no public servant will loom larger on the scene than Speaker Solomon Blatt of Barnwell. A member of the house from 1933 until 1978, he served as its leader and inspiration for most of those years. He believes in, and practices, sound dignified government, and he did much to create the environment in which South Carolina is now prospering.

Mr. President, on January 6, the dedicatory ceremony was held naming South Carolina Route 3 from Swansea to Grays the "Solomon Blatt Highway." The transcript of the ceremony that day gives us a glimpse of the many accomplishments of this outstanding public servant and of the kind of government he believes in. I ask that the transcript of this ceremony be printed in the Record.

The transcript follows:

Transcript of Ceremony Naming South Carolina Route 3 From Swansea to Grays in Jasper County the "Solomon Blatt Highway," January 6, 1980

Presiding—W. E. Brooker, Denmark, vice chairman, State Highways and Public Transportation Commission.

It's 3:30 and time to start.

The good weather came from Denmark, and all the nice facilities are furnished by Parks, Recreation and Tourism.

I'm W. E. Brooker, the district commissioner for the district that includes Barnwell County. It is my happy privilege to preside over this auspicious occasion honoring our distinguished friend, Mr. Blatt.

Many high honors have come to him, and deservedly so, but I can assure you from my conversations with him as we planned for today, this latest honor is not any less important to him than other honors.

Let me welcome you here as friends of Mr. Blatt. Mr. Blatt, the turnout today is indicative of what your friends think of you.

Now I will call on the Rev. L. G. Corder, pastor of the First Baptist Church of Williston, for the invocation. Rev. Corder.

Reverend Corder. May we pray together.

Our Father, as we pause in Thy presence today, we're reminded of the words of the psalmist: "I will lift up mine eyes unto the hills from whence cometh my help. My help cometh from the Lord which made Heaven and earth."

We thank Thee today that Thou are the Creator of all things. Thou didst form this universe. Thou didst make this land in which we live. Thou didst form man and breath into his nostrils the breath of life, and man became a living soul. Man became the steward of all that Thou has left him with.

And, Father, we thank Thee for this responsibility and privilege which is ours to be keepers of this land which Thou didst create for us and recreate over and over again. We thank Thee for health and strength. We thank Thee for life and for the promise of eternal life through Jesus Christ. We thank Thee for human personalities who have walked the path of life and who have made their contributions and who have done so much to make life easier and better for mankind.

We thank Thee today for the one that we are honoring. We thank Thee for his life, for what he has meant to all of us, for what he has contributed to the welfare of humanity. And, Father, we ask Thy blessings upon him and his family. And upon this occasion we invoke Thy blessings asking that Thy will be done, that in all that is said and done this day that it will bring honor and glory to Thy wonderful name.

For we pray it in the name of Him Who loved us and gave Himself for us. Amen.

Mr. Brooker. Thank you, Rev. Corder. I know that Mr. Blatt and his family are appreciative of your participation and your prayer. You have set the tone for our ceremonies today.

A gathering honoring Mr. Blatt is like a "Who's Who" of those in government, the judiciary, the legislative branch and the private sector, plus many many friends. I will not attempt any detailed introductions in the interest of time, except I want to say we are most happy that Mrs. Richard Riley has accompanied her husband here today. Also we are honored to have the Governor's parents, Mr. and Mrs. Ted Riley, and Mr. Ted Riley's sister, Mrs. Jean Lee. Will you folks please stand?

And since this is a Highway Department sponsored event, I think that it is appropriate that I should introduce some people from the Highway Department.

At this time I'd like to introduce the chairman of the Highway Department, and if you'll please stand we'll wait until the end to applaud. Dr. W. E. Berne of Columbia. Dr. Berne.

We have several members of the Commission that are present with us today: Allen Vaughn from Greenville, Walker Harter from Fairfax, and I believe that Bayles Mack is in the audience from Fort Mill. Bayles was a little late arriving.

I'd like to recognize some other officials with the Department: Mr. E. S. Coffey, the state highway engineer; Walker Ragin, our secretary-treasurer; and I believe Col. Bill Seaborn is in the audience. Colonel, of you'll stand please. And Jim Walker, the director of public relations, and Jim has directed and planned this ceremony and done an outstanding job. If we'll give these people a hand please.

Let me ask all Mr. Blatt's colleagues in the General Assembly, both past and present, to stand. Let's give these gentleman a big hand.

How about state government officials, would you please stand. There was a good number here, and some of them got in late.

And the judiciary, both state and federal. I believe I saw some from the judiciary. There's one on this side.

I'm pleased Senator Hollings could be with us and I'm going to call on him in just a few minutes.

Let me conclude my introduction by asking all the friends and admirers to stand. Give yourself a big hand. How about that, Mr. Blatt. They all stood up, Mr. Blatt. I don't guess you got any . . .

We are really honored to have our distinguished friend, the Junior United States Senator with us, and I'm going to ask him at this time if he'll come up and have a few words to say. Sen Hollings.

Senator HOLLINGS. Gov. Riley, Mr. Pete Brooker, distinguished friends all.

As the Speaker's Speaker Pro-Tem 30 years ago, I cannot help but think that was the time, under the distinguished leadership of our Speaker, we instituted fiscal responsibility. We hear that now in the national halls of government. We hear in national debates with senators running for the chief executive post of our entire country this idea of a balanced budget.

I think in terms of opportunity, in listening to all those and how they're going to create jobs. I guess I know better than any in this audience of the travels and travails and the work involved in the attraction of industrial expansion for our great state. And one reason for it, if you had to select one, is the General Assembly of South Carolina, and the pillar of that particular institution bringing stable government is Solomon Blatt of Barnwell. More than anything perhaps, I guess, is the stability and responsibility that he gives to us in public service. When they talk of those things, they don't have any confidence in politics or politicians any more; I'm sure they are waiting for those who'd act and behave as if they had trust in the people. There's no individual that I know of over the many, many years—including my small 30-year time—who has given respect, stability and responsibility to public service.

And, of course, most of all, Mrs. Ethel, I think your and the speaker's greatest performance was Sol Jr. Coming from Charleston, we don't accept too many people down there. They say there's two crowds, one crowd that never wore shoes before and the other group when they look at you make you feel like you've never worn shoes. Anybody that comes from Barnwell and tries to be a federal judge in that town, it'd be next to impossible, but I can tell you categorically the most popular, the most outstanding federal judge that we've ever had in the low country of South Carolina is Sol Jr.

So it is a tremendous pleasure to be with the Speaker on this occasion and I wish I had more time. I'd pre-empt this program and really make a talk.

I congratulate you.

Mr. BROOKER: Thank you, Senator. We appreciate your remarks and appreciate your being here.

I have several telegrams I'd like to read.

"I regret I will be unable to attend the dedication of the Solomon Blatt Highway today, but previous plans will prevent my traveling to Barnwell for this outstanding occasion. Please permit me to extend my heartfelt congratulations for this well-deserved honor. Your years of service to the state have greatly benefited countless South Carolinians and your selfless work will be long remembered. Best wishes to all and I know this ceremony will be enjoyed by everyone in attendance. With kindest regards, Strom Thurmond, United States Senator."

I have another one.

"I regret due to a previous commitment I am unable to join you for this happy occasion. I have known Mr. Speaker for a number of years and the official naming of S.C. Route 3 to the 'Solomon Blatt Highway' is just a small token of appreciation for the services rendered by a great South Carolinian. Please convey my well wishes to all those in attendance on this memorable occasion. Floyd D. Spence, member of Congress."

I have some other telegrams and letters from friends who are unable to be present and who wish to be remembered to Mr. Blatt on this, his day. It will be impossible to read each one; I will simply pass them along to Mr. Blatt for his enjoyment.

Our honoree insisted in our planning that we do things: schedule the program at 3:30 so that everyone would have time for Sunday dinner and maybe even a short nap before coming here, and hold down the length of the program. The first was relatively simple, the second not so easily done.

There are simply so many aspects of Mr. Blatt's lifetime of public service that the praises could go on and on. However, we have come with what we think is a program that captures the spirit of his useful life.

Our first speaker is Paul W. Cobb, chief commissioner of the South Carolina Department of Highways and Public Transportation, a public official with whom I am pleased to be associated as he renders outstanding service to South Carolina and its citizens.

Welcome, Paul Cobb.

Mr. COBB. It is indeed a pleasure for me to participate in this ceremony today on behalf of the employees of the Department of Highways and Public Transportation.

Only a newcomer in South Carolina would fail to recognize the name of Solomon Blatt, and certainly all who know him realize and appreciate his many accomplishments during a half-century of public service.

Benjamin Disraeli once said "the secret of success is constancy of purpose". I can think of no greater example of the truth of that statement than the life of Solomon Blatt. His constancy of purpose resulted in unparalleled service in the State House of Representatives for the past 47 years and also an unequalled record of 32 years as Speaker of the House. His accomplishments during this time are too many to consider in the time we have today. His contributions to the state are far-reaching, especially in industrial development, in the development of institutions of higher learnings, and in the highway program.

It is fitting, we believe, that we should name S.C. Route 3 the "Solomon Blatt Highway," for it was on this highway that Mr. Blatt has spent much of his life traveling from his home to the State House and back again. In a way, we believe, this has always been his highway, by virtue of his frequent and long use.

I trust that in the years to come the marker we are placing on this highway will serve as a reminder to all who see it that constancy of purpose does result in success, and as an encouragement to those who desire to rise above the mass of humanity and accomplish great things that most of us only dream about.

Mr. Blatt, let me again express the Department's—and my personal—appreciation for your contribution to South Carolina. We hope that you will continue to use this highway for many years to come.

Mr. BROOKER: Thank you, Mr. Cobb. We appreciate your participation today.

Let me tell you why we think our next speaker is so appropriate to represent business and industry in complimenting Mr. Blatt. Several months ago this businessman, not a native of our state but proud to be a South Carolinian by choice, wrote to Gov. Riley suggesting it would be deserved recognition of Mr. Blatt's public service to have South Carolina 3 which he has traveled thousands of times between Barnwell and Columbia named the Solomon Blatt Highway.

He declared particularly how much Mr. Blatt had been responsible for the location of the family's large plant at Blackville, and how other industrialists had been similarly impressed by him. Gov. Riley passed his letter along to the Highway Commission with an endorsement that he thought it would be a splendid way to honor Mr. Blatt. The Commission agreed, so this ceremony was the result.

May I present John Ducate, Jr.

Mr. DUCATE: Thank you, Mr. Speaker.

Mr. and Mrs. Blatt, Gov. Riley, Mr. Blatt. Jr.

I hope I am able to convey today my deep appreciation in being asked to participate in the dedication of Solomon Blatt Highway. To be amongst such distinguished South Carolinians is an honor I'll always remember.

As a member of South Carolina's industrial/business community, I have had first-hand experience with the unselfish and genuine interest Solomon Blatt has shown not only Ducane Heating Corporation, but many other industries in this state. As a matter of fact, I can tell you all today, that when we began looking to the South for our future growth as a company, we were invited to visit five sunbelt states. The other four suffered in comparison to South Carolina due to the fact that we were so impressed with such an honest statesman who asked virtually nothing for himself, only future development of his state and its residents. It is sad to think we may never again meet a statesman of Solomon Blatt's integrity. Therefore, I feel very fortunate in being able to know Solomon Blatt and have the privilege of calling him my friend and a friend of industry.

May you, Solomon Blatt, continue to travel to and from the capital of this great state of South Carolina on the Solomon Blatt Highway for many, many long and healthy years.

Mr. BROOKER: Thank you, Mr. Ducate. Both your idea and your remarks I know are meaningful to Mr. Blatt.

Now for remarks and the reading of the resolution naming South Carolina 3 in its entirety for Mr. Blatt, I will call on the Honorable Judge Rodney Peeples of the Second Judicial Circuit, a longtime associate and protege of Mr. Blatt.

Judge Peeples.

Judge PEEPLES: Thank you, Mr. Chairman. Gov. Riley, Sen. Hollings, Justice Ness, distinguished guests and friends.

It's certainly a privilege for me to have this opportunity to participate in this program here today. Time, of course, will not permit me to tell you how grateful I am for Mr. Blatt and his entire family for everything he has done for me through the years.

Many South Carolinians do not realize or appreciate the value of the triple bond rating which we have, the fine state parks, the schools, the hospitals, and Mr. Blatt certainly deserves considerable credit for many of those things.

Even before I was born, Mr. Blatt was leading the fight for and on behalf of the South Carolina Highway Department. Some of you may remember that when Olin Johnston called out the state militia he attempted to physically maintain control of the Highway Department. As a matter of fact, in December 1936, he called a special session of the S.C. Legislature, and Mr. Speaker was at that time Speaker Pro-Tem and was engaged in a heated battle for the seat of the Speaker of the House of Representatives. In that December 1936 session, Mr. Blatt was at that time fighting for the Highway Department so much so that I remember reading in his book that he engaged in fisticuffs with Rep. Hendrix from Spartanburg County. He has ever maintained that fight for and on behalf of the Highway Department of this state and he has played no small part in developing and maintaining the excellent highway we have which is acknowledged as the finest in these 50 states.

It is indeed appropriate that we pay tribute to him today and recognize his many years of service by this resolution from which I now quote.

"Whereas, the honorable Solomon Blatt Sr. of Barnwell has served with distinction as a member of the State House of Representatives uninterruptedly since 1933,

"And whereas, after one term (1935–36) as Speaker Pro Tempore of the House, he was elected as Speaker in 1937 and served in that capacity 1937–47 and 1951–73, this total of 32 years constituting a record that is unequalled among legislative bodies in the nation,

"And whereas, as Speaker Emeritus since 1973, he has continued to exert his considerable influence and leadership in the House,

"And whereas, it is difficult to recall a bill of major importance enacted into law during his years of service without the cooperation and support of Speaker Blatt (in particular his many contributions to the development of our institutions of higher learning and to the highway program coming to mind),

"And whereas, his influence for sound and stable government in South Carolina has helped in no little measure in the state's industrial development, and whereas it is not uncommon for an industrial prospect to make his decisions to locate in South Carolina in part because of Mr. Blatt,

"And whereas, even though in his 80's, when many a public official would slow down or abandon such an arduous schedule, he continues to make the physically demanding trip to Columbia to serve the people of South Carolina in the House of Representatives.

"Now, therefore be it resolved that the South Carolina State Highways and Public Transportation Commission by unanimous action on this 20th day of September 1979, hereby names the entire length of S.C. 3 between U.S. 278 at Grays in Jasper County and the junction of U.S. 21/U.S. 321 in Lexington County, which he has traveled many thousands of times during nearly half a century in his frequent trips to the state capital, the 'Solomon Blatt Highway' in honor of this distinguished South Carolinian and his many contributions to the people of South Carolina,

"And be it further resolved that a dedication ceremony be held and an appropriate marker erected so that future users of this highway may be reminded of Mr. Blatt's achievements and contributions to his beloved state."

Mr. Brooker, and Mr. Cobb, I commend the good judgment of the Highway Commission in taking this action. Mr. Blatt, I present this resolution to you and congratulate you.

Mr. BROOKER: Thank you, Judge Peeples. Frankly, I don't know where Mr. Blatt can put that resolution. One more such resolution or photograph'll mean he simply has to move to a bigger place, bigger office. If you haven't ever been to his office as a trip in South Carolina, you should go there, but don't get in the hot seat if you go.

How about that, Mr. Speaker?

A ceremony for Mr. Blatt, whose public service has paralleled the terms of 16 governors, would not be complete without the participation by our present Governor. So we are pleased that Gov. Riley could be present on this occasion. He is too well known to all of us to require an introduction. I will simply say that even though he was born and reared in Greenville, Barnwell County also holds very real family ties for him. His father, E. P. Riley, was born at Barnwell and his mother moved to Williston from North Carolina when she was eight years old. The Governor's grandfather, for whom he is named, served as auditor, and his great-grandfather, George Owen Riley, served as both auditor and as sheriff in this great and historic county.

It is my real pleasure to present His Excellency, Gov. Richard W. Riley.

Governor RILEY. Thank you so much, Mr. Brooker, Mr. and Mrs. Blatt, the Blatt family, Sen. Hollings, members of the House, members of the Senate, Justice Ness, members of the judiciary, the constitutional officers, Mr. Cobb and the representatives of the State Highway Department, friends of Mr. Blatt all, in Barnwell and elsewhere.

It's just a real honor for me to be here and to participate in this service today on behalf of a grand friend.

Sol, I want you to notice that I mentioned the House before the Senate in my preliminary statement and I did that out of respect for you and I hope none of the Senators get offended by it.

You know, naming this road the "Solomon Blatt Highway" is more than just a gesture of honor and appreciation for service rendered. It's also very fitting. This is a path that brought Sol Blatt, a young man who read Horatio Alger stories, to the University of South Carolina, and it brought him along to be a lifelong friend of the school and also of education. And this is a path that brought Sol Blatt, a young lawyer, to the Legislature in Columbia where he would certainly become a predominant figure in the landscape of our state and our lives.

I was interested when they were talking of Sol coming to the House in 1933, and I always enjoy reminiscing about the fact that I was born the same week that he first came to the House.

During the decades that Sol has been serving this great county of Barnwell and this great state of South Carolina he has seen eras of economic depression, recovery, world war, the cold war. The transitions have been enormous and not always have they been emotionally, socially or economically agreeable to large segments of our society. Through it all, he has been steadfast in his resolve and success in guaranteeing year after year the financial balance and integrity of this state. And I wonder if we are sufficiently appreciative and aware of this, and are appreciative of the many contributions which are directly accountable to the leadership and the consistency of Sol Blatt—achievements attained despite strenuous personal and political pressures oftentimes. But I think it's fitting now that each person traveling this roadway can be reminded and can be grateful for the stewardship of Solomon Blatt to this state and to this nation and to this country, and yes, to all people everywhere.

It's been said that my parents are both from this great county, so I knew the name Sol Blatt well before I came to Columbia. I remember when I first ran for the House, the campaign issue around in the county up in Greenville was that I was going to be the Piedmont representative of the Barnwell ring. And I had to go out in the county and try to dispel that notion. But I know that name so well when I came to Columbia. But it was only after I came to Columbia as a representative from Greenville that I really began to know the man, Solomon Blatt.

Since that time I have fought with him, side-by-side, and I fought against him nose-to-nose, and I know this: he is a loyal and powerful ally in a common cause and he is an honorable and powerful foe in battle, and that's what the legislative system is all about.

Many of you here today are privileged to claim Mr. Blatt as more than a colleague or an acquaintance but as a friend, and we are here today to bestow the name of our friend Solomon Blatt upon this highway as an expression of our respect, our admiration, our friendship, and even more than that, for this name on this road has a special symbolic meaning to me. Just as this highway began as a stretch of mileage of clay road step-by-step, mile-by-mile, it was built into the highway whose name we place upon today, so, too, the accomplishments and lifework of Solomon Blatt. Not the heroics of a man convinced he's about to change the world, but the heroism of a man willing to struggle step-by-step to make one difference after another, and the promise of more to come.

Thank you.

Mr. BROOKER: Gov. Riley, by your words and your presence you have honored your good friend.

For the principal address of the afternoon, we will hear from someone who has been very close to Mr. Blatt over the years. Our committee felt that there could not have been any more appropriate speaker for this occasion than the one our honoree has chosen. He is a man with a long and distinguished career of public service himself; not the least, I think, was his commanding an infantry company in World War II. In 1954 to 56 he served on the South Carolina Highway Commission and was its chairman in 1956. He became a member of the State Senate in 1957 and the following year was elected to continuous terms as judge of the Second Judicial Circuit. In January 1974, he was elevated to associate justice of the State Supreme Court.

It is my very happy privilege to introduce the Honorable Julius B. Ness, associate justice of the State Supreme Court.

Judge NESS: Thank you, Pete.

Ladies and gentlemen, rather than call all of you by name or position, I'll just concur with Gov. Riley's beginning remarks.

If I appear to be nervous to you, you'll please forgive me because this is really a momentus occasion for me. Just think, a little boy from Bamberg, South Carolina, born and raised in Denmark, South Carolina, having the opportunity to make the address at his friend's . . . on his friend's day.

You know, I'm indeed a most fortunate person. All of you have, or had, a father. I have, or had, two fathers. My father, Morris Ness, passed away in 1975. I'm today blessed with the great honor of dedicating Highway 3 to my other father, Solomon Blatt.

This is an especially meaningful moment for me because it affords me the opportunity to publicly express to you, my own deep and abiding love for him who has been my mentor, my teacher, my advisor, my friend, and my father.

Centuries ago Plaetus said "nothing but heaven itself is better than a friend who is really a friend". My treasured and long-lasting relationship with speaker Blatt has convinced me of the truth of these words. Many of you are undoubtedly familiar with Speaker Blatt's political accomplishments. He is surely the greatest statesman South Carolina has ever produced without exception.

Mr. Speaker, as I fondly call him, was born in Blackville, South Carolina, the son of Nathan and Molly Blatt. He graduated from the University of South Carolina receiving his LLB degree in 1917. He served his country with honor in World War I in the U.S. Army, 323rd Infantry Division. Following the war, he returned to Barnwell to practice law and more importantly he had the good fortune to marry the lovely Ethel Green of Sumter in 1920. Mrs. Blatt has been a wonderful wife and mother and a constant source of inspiration and guidance to her husband. His strong desire to serve the people of South Carolina was realized in 1933 when he became a member of the S.C. House of Representatives and he has served in that capacity until the present, a period of 47 years. He was elected Speaker Pro-Tem without opposition on Jan. 8, 1935, and was elected as speaker in 1937 and successfully elected through 1945. He did not offer for speaker in 1947 and 1949. However, he was re-elected in 1951 and served in that capacity until 1973, nearly all those years without opposition.

If my arithmetic is correct, he served as Speaker of the House for 34 years, although I heard Rodney read the resolution saying 32 years.

Upon his resignation as Speaker on July 31, 1973, he was unanimously elected Speaker Emeritus, a position he continues to occupy.

It's difficult for me to conceive of a more unselfish servant of the people of this state than Speaker Blatt. We all owe him in return for his sterling and generous service.

If I may, allow me to digress to a more personal level and to share with you my private experiences with Mr. Speaker.

In *Fruits of Solitude*, William Penn expressed these thoughts on the quality of a friend. He stated and I quote: "A true friend advises justly, assists readily, adventures boldly, takes all patiently, defends courageously, and continues a friend unchangedly." Speaker Blatt has exemplified all these attributes during our many, many years. I can say that, without hesitation, were it not for Mr. Blatt and his feelings for me, my life would have been far different. In all probability I would not be standing before you today in the capacity I stand were it not for him.

As a young man I wanted very much to go to law school, but my desire alone, however intense, could not provide the money I needed to pay the way. Mr. Speaker, as generous and trusting as he remains today, gave me the funds I needed to attend law school. He supplied me with not only the inspiration to become a lawyer but also with the practical means with which to fulfill that dream. For this faith and trust which he exhibited in me I have been and shall be eternally grateful. He instilled in me the wisdom of the expression "when a friend asks, there is no tomorrow."

Speaker Blatt remained a friend and adviser to me during my law school career. Upon graduation he encouraged me to return to the Bamberg area to practice law. As an eager but green young attorney, Mr. Speaker was an endless source of learned experience and sound advice. No matter how busy he was, he always found the time to listen to my questions and to assist me in finding the answer. As I look back, I realize that many of my questions were quite simplistic, the product of inexperience, yet he never criticized me for taking up his time with trivialities. He realized that my questions were very serious to me and he answered accordingly with thoughtful concern.

Mr. Speaker continued to provide inspiration and encouragement to me as I decided to enter the political arena. He instilled in me the importance of serving my constituents, and as a young senator I endeavored to represent my county and state with the same effort and zeal which Mr. Speaker exhibited. In my mind, Speaker Blatt remains the epitomy of political acumen and service, a model which other young politicians would do well to emulate.

Mr. Speaker has given me many lessons in friendship. He has impressed upon me the importance of loyalty and trust and I, unlike the Governor, I have fought with him many, many times, but never have I fought him nose-to-nose, and never shall I intend to do so.

His impression upon me of loyalty and trust imbued me with a great sense of hope and faith in my fellowman. Thomas Fuller said, "if you have one true friend you have more than your share." I am pleased and proud to count Sol Blatt not only as a father, but also as a true friend, and in that sense I am indeed a wealthy man.

The people of South Carolina have been well-blessed in enjoying the long and devoted service of Speaker Blatt. Today we seek to honor him and humbly to show our profound appreciation for one of our best loved native sons. I am certain that Highway Number 3 will be here for many years to come but I predict that the future will prove that the legend of Solomon Blatt will continue eternally.

Thank you.

Mr. BROOKER. Judge Ness, that was beautifully done as always and our honoree was as wise as the Solomon of old in inviting you to make the remarks on this occasion.

Mr. Blatt, in a moment I will call on you to make a response to what has been said here today, whatever is in your heart, but before I do that, I want to ask Mr. Blatt's family to stand and be recognized.

Sol Jr., rendering distinguished service himself as a U.S. District Judge and his wife Carolyn. Mrs. Blatt, I have intentionally saved you until last. We simply wanted you to know, just before Mr. Blatt speaks, that all of us know what you have mean to him during your nearly 60 years of married life as you stood loyally, and faithfully, and lovingly at his side and contributed as only a wife can to his success in public life. We want you to have these roses as a token of our appreciation and love for you. We know that these flowers will not last very long, but we want the memory of today to linger a long time with you.

Mr. Blatt, we'll hear from you now, please.

Mr. BLATT. Mr. Chairman, Gov. Riley, Sen. Hollings, other distinguished guests, ladies and gentleman, and friends all.

May I say to those who participated in this program how grateful I am for the kind things that you had to say about me, and I want to tell them that if the opportunity is ever mine to pay tribute to them that I shall be as reckless with the truth in paying tribute to them as they have in paying tribute to me.

Today is a very happy day for all the Blatts. As I have traveled the road of life, many good things have come to me. I can assure you that no honor I ever received is appreciated more than the honor you do me on this occasion. With honors come responsibilities. The people who are responsible for this recognition should never be forgotten and the honoree should so live his life as to bring credit to himself and never cause the people to regret the confidence expressed in one so highly honored as I am today.

I make you this promise: I shall never as I travel the treacherous road of life, and as long as I am capable mentally of distinguishing between right and wrong, commit one act to cause you to hang your head in shame or regret the honors you caused to be mine. My one regret is that my mother and father did not live long enough to see the tolerance of the people they lived amongst and to see their son honored as no one in their day was ever honored.

I'm glad I received these towers while living, and a poem written by an unknown author best expresses my feelings, and I quote from it now. "I would rather a little rose from the garden of a friend than flowers strewn around my casket when my days on earth must end. I would rather have a living smile from one I know is true than tears shed round my casket when this world I bid adieu. Bring me all the flowers today whether pink or white or red. I would rather have one blossom now than a truckload when I am dead."

I wish to express to my good friend John Ducate Jr. my gratitude for first suggesting without my knowledge that Highway 3 be given my name. John is a distinguished businessman and has contributed so much to the economy of this area and to the welfare of employees and the health and happiness of our people.

I also express my thanks to Mr. Brooker, that outstanding businessman who's a member of the Highway Commission from this circuit, for bringing this matter to the attention of the Commission and having the Commission agree to this honor that is mine today. For his friendship and his interest in my welfare I will always be grateful.

To Judge Peeples, my former law partner who is now circuit judge from this judicial circuit, I say thank you. He's making a fine record and I thank him for his kindness and commend him for a job well-done and tell him he's highly respected by bar and bench as well as the general public.

I'm proud the distinguished Governor of South Carolina is with us today. He has the intelligence to know the right and the courage to do the right. His objective is to serve well all the people of South Carolina and he is loved and respected by South Carolinians everywhere. He's a good Governor, and with our help, he will place South Carolina at the head of all the states of these United States. His people came from Barnwell County and they were highly regarded by all of our people. His wife and mother are sweet ladies and his father is one of our most distinguished lawyers. I'm grateful for the friendship of Gov. Riley and I wish him well in all the years ahead.

I thank Mr. Justice Ness for his part on this program, for the kind things he had to say about me. I knew him when he was a student at the University of South Carolina, I knew him as one of the most distinguished lawyers ever to live in this state, I knew him as one of the state's outstanding circuit judges where he served so well for so many years. I knew him as a member of the highest court in this state where his opinions are recognized for their clearness, for his understanding of the problems involved and his justice to litigants. No man is more loved in this state than Mr. Justice Ness and I hope God grants to him more years of useful service to the people of South Carolina and that all that he could wish for will be his in the coming years. I'm proud that I can call him my friend.

I thank all others who had a part on this program and for their concern about my welfare and for visiting with me on this occasion my good friend, the distinguished Junior Senator from South Carolina, Mr. Hollings.

I'm grateful, truly grateful, for the honor you've bestowed upon me today. Thomas Jefferson once said that such an occasion was the time for gratitude because he had been given the opportunity to serve the public interest. I accept your recognition by the dedication of this highway in this spirit. I accept it in the spirit of humility which is deepened by my fundamental belief that you honor me for doing my duty, nothing more and nothing less. The best part of life is the working part, the creative part, the real spiritual, emotional, excitement and fulfillment is in doing things for the good of others.

Someone once said that "existence is a strange bargain. Life owes us little, we owe it everything." I thank you for giving me the opportunity to give something to a state, a district, a county that has given so much to me and to my family.

This highway which links Swansea and Grays in Jasper County spans many miles and the lives of three generations of South Carolinians since its construction. It has served as a major link between our part of the state and the capital city, tripling its traffic since 1950. This old road has taken goods to market, children to college, and the people to the seat of their government. It has taken to the seminaries men and women who have studied holy writ, and then took God's teaching to all areas of South Carolina. It has brought industry, jobs and educational opportunities to improve the quality of life of our people of our part of the state.

For me this road is an old familiar friend. It was South Carolina Highway 3 that first took me to Columbia on the people's business nearly 50 years ago and returned me home to my family and friends and the community I loved so much. In every sense, this highway joins the people and place of my birth with the people and place of my work and it warms my heart today to see it named in my honor.

Many fine employees of the South Carolina Highway Department have labored long and hard to construct and maintain this road. The Department has paved more roads and better roads for less money than any state in the nation. We are grateful to Mr. Cobb, the Highway Commissioners, the Highway Department and its faithful employees for their service and high performance over the years which has given us a good return on our invested money. Its employees are honest and dedicated and serve well their state for less compensation than they should receive.

The Patrol does an outstanding job and like other enforcement agencies they deserve the help and support of all of our citizens. The Highway Department, if they are to continue to make progress, will need additional financing and help so those people who have been paying taxes for years and do not live on a paved highway can get out of the mud and ruts. They should not be the forgotten taxpayer.

I want to thank each of you who honor us today with your presence, for your goodwill and friendship. My years of public service have been reported by the generous support I have received from you. The loyalty of old friends and the warmth of new friends is my proudest possession. With your help and the blessings of God, I've enjoyed a long lifetime of service to the people of South Carolina. Our struggles have been many and difficult. We've had our success and I know many more good days lay ahead.

With your continued friendship and God's help the time I spend on this highway in the years ahead will be the happiest days of my life.

I thank each of you from the bottom of my heart.

Mr. Brooker: Mr. Blatt, the significance of your service is exceeded only by your eloquence. We realize that this day has indeed meant much to you.

Our unveiling ceremony is next. The marker recognizing Mr. Blatt has been erected on S.C. 3 near the entrance to the park. Except for the cold weather, we would have held the ceremony there, so that you could see the marker actually unveiled and read the words on it.

But Mr. Blatt himself came up with the idea of having the unveiling and permitting you to enjoy it in the comfort of this beautiful building. He said, why not make a picture of the marker and show it at the ceremony? This is what we have done. As far as we know this is the only time an unveiling has been carried out in this way.

If Mr. Creech will darken the house lights, the next thing you will see will be Mr. and Mrs. Blatt at the actual marker.

(First slide.)

Mrs. Blatt pulls the drape to unveil the marker . . .

(Second slide.)

And here you have the marker that honors Mr. Blatt.

(Third slide.)

(Read from it.)

Solomon Blatt Highway. Named in 1979 in honor of "Mr. Speaker" who has traveled this road between Barnwell and Columbia thousands of times as Member, House of Representatives, since 1933, Speaker of the House 1937–47, 1951–73, a record unequalled in U.S. His influence and leadership have contributed significantly to a South and stable State government, to industrial development, to institutions of higher learning, and to the highway program.

Mr. Blatt, a highway patrolman has just taken the wrapping off the marker beside the highway. Now, for all time, this important highway in our state highway system will be known as the Solomon Blatt Highway, and future generations who pass the marker and read its words will know of your contributions to our state.

Now, may I call upon the Rev. Isaiah Odom of Denmark, pastor of the Second Baptist Church of Barnwell for the benediction.

Reverend Odom: Lord, we thank thee for the man that we've come to honor today, Mr. Solomon Blatt.

A few years ago, his ability and talent was recognized by the citizens of Barnwell County, so he was chosen for special leadership.

In carrying out the duties of your elective office Mr. Blatt, your associates also saw your ability for leadership and placed upon you the duties as Speaker of the House of Representatives. You heartily accepted the office to which you were elected and promised to faithfully fulfill the duties pertaining thereto. By the help of God you've done so.

In memory of your service Mr. Blatt, we dedicate Highway Three.

For many hours, weeks, months, and years that you've spent helping your fellowman, sometimes forgetting and denying yourself, to thee we dedicate Highway Three.

Heroic spirits down through the centuries have been taking the torch from those who have gone on before. The early Christians, the martyrs, the great reformers and the pioneer fathers came to this country in search of religious freedom, modern preachers, teachers of God's Word and statesmen like you. All would say we caught our fire and carried it only a little ways beyond, but there are those who wait to carry it on to victory.

Mr. Speaker Emeritus, you've carried the torch in your community, your law firm, the court rooms, and in the House of Representatives. Not only did you carry it, but you held it high.

To thee we dedicate Highway Three.

Every honorable calling, vocation or profession offers opportunity for public recognition and dedication.

Lord, we thank Thee for all of Thy blessings unto us, we also thank Thee for this historical moment that Thou has granted us to give honor and recognition unto a well-known, loved and dedicated statesman, Mr. Solomon Blatt, one who has given the respect of his fellowman far and near.

Lord, as we dedicate today a section of S.C. Highway Three in honor of your servant and our friend, we pray that Thy will continue to bless and strengthen him, not only him but all of Your servants. Then Lord, when the time comes for us to view the future and reflect back over the past, may we hear well done thy good and faithful servant.

Mr. Brooker. Thank you, Reverend Odom. Our ceremonies are now concluded. A reception will follow.●

SAMUEL F. PRYOR

● Mr. GOLDWATER. Mr. President, for many years the name of Samuel F. Pryor figured prominently in the affairs of this Nation. An early resident of St. Louis, Mo., he has served nearly every President since Herbert Hoover. In World War I, he served in the Marine Corps with former heavyweight champion, Gene Tunney. In 1940, he joined Pan American World Airways and became one of the giants of the commercial airline industry. During World War II, a grateful Government heaped honors on him for building 56 secret airfields in North Africa. These are only a few of Sam Pryor's achievements. Now, at the age of 82, Sam lives quietly in Hawaii where, every day, he visits the cemetery to pay respects at the grave of his wife and at the grave of his longtime friend, Charles A. Lindbergh.

Mr. Presdent, Sam Pryor has the time now to reflect deeply about the United States and our future in this troubled world, and he recently published a prayer entitled, "Is Not God in Every One of Us?" I ask that this prayer be printed at this point in the Record.

The prayer follows:

Is Not God in Every One of Us?

(By Samuel Pryor)

Do you sometimes find yourself wondering about this land of ours—these United States of America—and her future—and our future—in certain news media's troubled World. It would not be surprising if you did sometimes wonder—for if we would listen only to all the attacks made on us—our Country and particularly its leaders and institutions such as the F.B.I. and our many groups of people—we might get to thinking that nothing is right—and everything is wrong.

From without, there are those who attack our system of government—our prosperity—our good intentions toward other people.

From within, there are those who do the same undermining our own confidence in our own government. Keep in mind all great civilizations have been destroyed from within.

During these times when we as a people are faced with a challenge of world leaderships unknown in history—and our shortcomings at home and abroad are so magnified by certain news media and political oratory that it might seem there is nothing good—it might be a good idea to stop a moment to look at the other side of things something not just material but spiritual.

For the first time since the beginning of mankind now almost 2,000 years after the birth of Christ we have a "yard stick" to compare the beauty of our planet—the Earth—to the beauty of other planets.

We have seen an Earth human being walking and riding on the Moon and we have photographed Mars. On both planets we have seen nothing but rock and dust.

Here on Earth whose beauty we have taken for granted we have oceans, lakes, rivers, brooks, ponds, mountains, prairies, forests, deserts, flowers, vegetables, fruits, numerous animals, birds, fish, insects, minerals; we have everything.

Yes, we have a beautiful World except for what we human beings are doing to it. Can you imagine our World before man touched it—can you imagine our World before man invented wars, pollution and self destruction.

On the Peacock throne is the inscription "If there is a heaven on Earth—it is here—it is here—it is here." How could any heaven be more beautiful than our Earth?

Could it not be that God has put us all here in heaven to see what each of us could do with our lives here in heaven?

Is not the great test—are you making this World better for your having the great privilege of being born here? Are you making it every day a more beautiful World? Are you making those around you happier during your life here?

Is not God here in person in every one of us? Talk to him, thank him, ask his advice, ask him forgiveness.

Is not your conscience God? Your conscience is always guiding you. It is always saying to you—Yes or No—do this—don't do that.

God is here in us and in his heaven. Let's not argue about the miraculous birth of Christ or his ascension into heaven with other World religions—we believe that God gave Jesus to us to teach us how to live in a very critical period in our World's history. He lived and died a human death to show us that sometimes it is necessary to suffer and die fighting to make this a better World.

Everyone of us regardless of age has had a dear one—a mother—a father—a grandparent—a wife or husband—a brother, a son or daughter, a dear friend pass from this body life here on Earth to eternity which is here in heaven all about us.

Close your eyes to the physical World about us and communicate with them here with us in heaven—visualize them in the happiest moments you last remembered them. It will make them very happy as it will make you happy.

They are here with us in heaven on earth but in spirit—and God is in every one of us—We are all here, we are all here, we are all here.●

THE 62D ANNIVERSARY OF LITHUANIAN INDEPENDENCE

● Mr. BAYH. Mr. President, on February 16 and 17, the Lithuanian American Council of Lake County, Ind., held its annual commemoration program to honor the occasion of the 62d anniversary of Lithuanian independence. I know that several of my colleagues here in the Senate are fortunate as I am to represent communities of Lithuanian Americans and make their support for Lithuania known today on the Senate floor.

The sad events prior to the entry of the Soviet Union into World War II, which involved collusion between Hitler's Germany and Stalin's Russia, extinguished the political independence of Lithuania through its annexation as part of the U.S.S.R. But Soviet authorities have never been able to subdue the fierce independence and enduring religious faith of the Lithuanian people. Today, I want to take this opportunity to once again express my own undiminished support for the religious, political, and cultural integrity of Lithuania. The brutal Soviet invasion of Afghanistan reminds us only too vividly of the military action taken by Stalin against Lithuania in 1940. Still, the struggle to resist the shackles of Soviet oppression is strong.

The systematic attempts of the Soviet Government to crush the Helsinki watch groups in Lithuania and elsewhere for attempting to monitor the subject of religious liberty and other freedom have succeeded only in drawing worldwide attention and condemnation. Amnesty International—the recipient of the 1977 Nobel Peace Prize—has pointed to the warped view toward freedom of religion taken by Soviet authorities. In their 1977 report, AI noted that Article 142 of the Criminal Code of the Russian Soviet Federated Socialist Republic (RSFSR) makes punishable "violation of the laws of the separation of church and school" according to which it is an offense to teach religion to children "in an organized way." Despite such general proscription on religious activity in the Lithuanian Soviet Socialist Republic, it has been reported by the Chronicle of the Catholic Church in Lithuania that "70 percent of the children in Lithuania have been taught catechism." Such a figure truly testifies to the enduring power of faith and belief in a nation that has been subjected to atheism imposed by the state for nearly 40 years.

Today we give voice to our own admiration of the spirit of independence that characterizes Lithuanians everywhere. Nor in this context can we forget the individual struggles of those such as the defection of Simas Kudirka, the Lithuanian sailor who attempted to defect to the U.S. Coast Guard in 1970 off of Martha's Vineyard. His heroism provided the American public with a moving portrayal of such spirit and a determination not to accept the Communist dogma that the rights of man flow from the generosity of the state rather than the hand of God. We dare not forget the exhaustive effort that was made by Lithuanian Americans in this country that finally secured his release and freedom for his family and the ongoing support for others who yearn to be free. We dare not since such indifference to the fate of the citizens of the captive nations would, indeed, signal a moral retreat from the principles of our own democratic heritage.●

SOCIAL SECURITY BENEFICIARIES MUST BE PROTECTED

● Mr. SASSER. Mr. President, last December the Advisory Council on Social Security forwarded its report to the Congress. Contained in that report was an ill-advised, disturbing recommendation that one-half of the social security benefits paid to beneficiaries should be subject to income tax. The proposal has done nothing but generate anxiety and concern among America's senior population.

According to the Advisory Council's formula, 10.6 million social security recipients out of a total 24.2 million would have to pay additional income tax if half their benefits were subject to tax. The increased tax burden on these 10.6 million persons would be roughly $350 a year, per person.

Let us look at this proposal closely, Mr. President. The revenue gained by taxing social security benefits—roughly $4 million—would not be returned to the social security system. Quite the contrary. The "new" money raised would be placed in the general revenue fund.

Second, most of the persons affected by the Advisory Council's proposal are people of modest means. These are Americans on low and fixed incomes. These are the Americans who are adversely affected by every increase in energy and food prices. But more importantly, these are the Americans who contributed to the social security system throughout their lives. We owe them something, Mr. President. We owe them the benefits that are legally due them.

There are several other reasons why this proposal should be resisted. When Congress established the social security system 45 years ago, a tax equivalent was already figured into the benefits. It is primarily for this reason that benefits have been nontaxable in the past. Furthermore, the Internal Revenue Service, in a 1941 ruling that became the standard by which taxation proposals such as those made by the Advisory Council are measured, ruled social security benefits not subject to income tax.

Social security benefits are earned, not charity. This program is based on the concept that hard work during early life be repaid in later years. I want the senior citizens throughout the United States to know that the U.S. Senate will not forget their contribution to the social security system and our country.

Therefore Mr. President, I am proud to add my name to those Senators cosponsoring Senate Concurrent Resolution 67. This concurrent resolution expresses the opposition of the Senate to the Advisory Council's recommendation. A similar resolution is pending in the House of Representatives.

It is important to remember who we will protect by passing this resolution. We will protect those who cannot afford to pay taxes on their postretirement benefits. We will prevent the further economic decline of a segment of our population already hit hard by inflation, by rising energy costs, small marginal increases in their postretirement benefits.

The Senate has already taken some steps to aid those most in need. Last year, we passed legislation granting heating assistance to those unable to cope with the high cost of energy. We took the first steps toward making the social security disability program more responsive to the needs of the people it serves. Let us now take this small step to protect all social security beneficiaries.

I urge the Senate's early approval of Senate Concurrent Resolution 67.●

EXTENSION OF THE EXCISE TAX FOR GASOHOL

● Mr. BAYH. Mr. President, the House-Senate conferees on H.R. 3919, the windfall profits tax bill, are currently discussing possible options with respect to incentives for gasohol included in the Senate's bill. Senator DOLE and I offered, along with 44 cosponsors, an amendment which passed the Senate which provides for an extension to the year 2000 of the excise tax exemption for gasohol that was originally enacted in the 1978 energy tax bill.

This exemption was designed to last for 5 years, until the end of 1984. However, since the passage of this legislation, we have become aware of the fact that the limited duration of the exemption created uncertainty among private sector investors who were considering capital investments in alcohol fuel production facilities. Lending institutions were also hesitant to provide long-term financing that would outlive the duration of the Federal tax benefit. The retention of the exemption, and extension through 2000 is responsive to the need for an assured long-term Federal tax policy on gasohol and assures that this incentive will be passed along to consumers. Extension of the exemption to the year 2000 should also remove the uncertainty currently facing investors and lending institutions with respect to financing alcohol facilities and provide an added boost to alcohol production.

Over the past few years, we have made enormous progress toward the goal of extending our petroleum supplies by displacing gasoline by domestically produced alcohol. Gasohol is now being sold at thousands of outlets. There is widespread public acceptance of this new product. Jobbers and retailers have a strong interest in entering the distribution system. Several of the major oil companies—once naysayers—have begun selling gasohol in lieu of premium unleaded gasoline and the major auto companies have warranteed their cars for use with gasohol. After years of being one of the few "gasoholics" in Congress, I am enormously gratified by these developments.

The excise tax exemption has provided a major stimulus for gasohol sales this past year by making gasohol a competitive fuel at the retail level. Impetus for its extension stems from a need on the part of potential producers to convince investors and lending institutions that alcohol facilities are a safe investment. Because of the 20- or 30-year amortization period associated with financing alcohol production facilities, the expiration of the exemption in 1984 has caused indecisiveness among investors considering financing new facilities. We are at the point now where demand for alcohol as a fuel is again outstripping supply. Expansion of gasohol sales in the near term depends on hundreds of people deciding to commit capital to new facilities. Countless investors are waiting to see if Congress will extend the exemption before committing themselves to moving into production of this new energy product.

ALCOHOL PRODUCTION CREDIT

In addition to extending the excise tax exemption, our amendment would extend a 40-cent production credit to alcohol producers manufacturing alcohol for end uses which cannot benefit from the exise tax exemption. What we have in mind here, Mr. President, is a credit comparable to the 4-cent excise tax exemption for gasohol, a 90–10 motor fuel, for alcohol fuels which are not eligible for the exemption. In particular, we have in mind farmers producing alcohol for on-farm uses, or manufacturers producing methanol from wood, or municipal waste, which will not be used in motor fuels—but may be used for other end uses, such as utility peaking units or boilers, which are not affected by the excise tax exemption. Thus, while the excise tax exemption would still obtain for all those eligible for it, our amendment would make a comparable tax benefit available for alcohol fuels not covered by the excise tax exemption.

I have long felt that alcohol is a versatile fuel, which can substitute for crude oil products in a number of settings. This 40-cent credit should stimulate diverse uses of alcohol, thus increasing its potential for cutting back on petroleum consumption.

In addition, this credit would be available for alcohol that is produced to be blended into gasoline in proportions other than a 90–10 blend, the only product which is now eligible for the excise tax exemption. This would cover the situation, for example, where a refiner wanted to use alcohol primarily as an octane booster. In this situation, it is not necessary to blend in 10 percent alcohol to achieve the desired effect. Using alcohol as an octane booster not only displaces a small amount of gasoline, but also cuts down on refiners use of crude oil to boost the octane level of unleaded gasoline, an increasingly troublesome problem for refiners. By permitting the 40-cents-per-gallon credit for alcohol/gasoline blends of less than 90–10, we will be encouraging the use of alcohol as an octane booster—a procedure which makes absolutely good sense.

In sum, Mr. President, by combining the excise tax exemption with a 40-cent credit for those not eligible for the former credit, we will be stimulating the use of alcohol, instead of petroleum, for nonmotor fuel uses without endangering the progress we have made through the existence of the excise tax exemption, a tax benefit that automatically gets passed along to consumers under our gasoline pricing regulations.

Criticism of this amendment to H.R. 3919 has centered on the impact of the extension of the excise tax exemption for gasohol in the highway trust fund and the ability of that fund to sustain needed programs in the construction and rehabilitation of the Nation's highway system. Mr. President, the extension of the excise tax exemption for gasohol will have only a minimal impact on the highway trust fund.

The anticipated loss of revenue from gasohol is of far less significance to the trust fund than the effects of shrinking gas consumption and soaring highway construction and maintenance costs.

In light of overwhelming need to reduce American dependence on foreign oil, the diminimus effect of the extension of the excise tax exemption for gasohol and the mandate of the 1978 Surface Transportation Assistance Act requiring the Department of Transportation to assess the continued viability of a tax based on gallonage, I strongly suggest that we can have both an adequate highway system and aggressive development of domestic fuel alternatives such as gasohol.

Mr. President, I ask to have printed in the RECORD a letter from the Secretary of Transportation which addresses these issues and a table prepared by the Department of Transportation showing the effect of this amendment upon revenues to the highway trust fund.

The material follows:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., January 30, 1980.
Hon. BIRCH BAYH,
Chairman, Subcommittee on Transportation, Senate Appropriations Committee, Washington, D.C.

DEAR BIRCH: On several occasions, we have discussed the growing use of gasohol and its importance as a substitute fuel to help meet supply shortages over the coming decade. I am aware of your concern for gasohol in your capacity as Chairman of the National Alcohol Fuels Commission as well as your continuing support for the highway program, and I am pleased to respond to your request for information on the relationship between gasohol and highway financing.

As you know, there are various measures of Federal assistance being made available to encourage the greater use of gasohol. Among them is the exemption of this fuel from the normal Federal taxation on gasoline, which is one of the key revenue sources for the Highway Trust Fund. Extension of this exemption is part of the current conference discussions over the energy tax bill.

Concerns have been raised over the impact the gasohol exemption may have on the Highway Trust Fund and its ability to sustain needed programs in the construction and rehabilitation of the Nation's highway network. Present estimates place the total tax revenues into the Highway Trust Fund from all sources (excluding interest on the fund balances), at $83.5 billion over the decade 1981–1990, before allowing for revenue loss due to gasohol. While precise data is not yet available, the revenue loss is now expected to fall between $2.7 and $4.0 billion, with most of the shortfall occurring in the latter years of the decade. In percentage terms, the gasohol exemption represents a revenue loss of between 3 and 5 percent.

While this is a matter of concern, it is only one of several trends affecting the future of the highway program revenue stream. A lessened rate of travel growth, more fuel efficient auto and truck fleets, potential reliance on electric vehicles, and many other factors are combining to depress trust fund revenues growth well below the levels experienced in earlier time periods.

As part of the 1978 Surface Transportation Assistance Act, the Department of Transportation was directed to undertake a number of revenue related studies, including specific review of the proper allocation of highway expenses among classes of users and the most efficient and effective ways of raising revenue. We have these studies well underway and look forward to reporting their results to the next Congress. At that time, it will be important to assess the future highway programs and the ways in which revenue can be produced for those programs, balancing transportation objectives and other national goals such as the production and use of domestic substitute fuel supplies.

I know you have been a strong supporter of progress in the highway program during your tenure as Chairman of the Senate Transportation Appropriations Subcommittee, and I am sure that you will lend support to the measures necessary to assure that such progress continues in the future. I look forward to working with you on these concerns.

Sincerely,

NEIL GOLDSCHMIDT.

TABLE 1.—ESTIMATED EFFECT OF THE GASOHOL EXEMPTION ON THE HIGHWAY TRUST FUND AT A NOMINAL CONVERSION RATE

[In millions of dollars]

	Net estimated revenue without gasohol exemption	Estimated decrease due to gasohol exemption	Net revenue after gasohol exemption
1980	6, 974	40	6, 934
1981	7, 158	76	7, 082
1982	7, 527	98	7, 429
1983	7, 851	140	7, 711
1984	7, 919	191	7, 728
1985	7, 888	243	7, 645
1986	8, 264	284	7, 980
1987	8, 751	341	8, 410
1988	9, 069	376	8, 693
1989	9, 396	436	8, 960
1990	9, 753	497	9, 256
Total	90, 500	2, 722	87, 828

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ANOTHER WARNING FOR THE WEST FROM SOLZHENITSYN

● Mr. GOLDWATER. Mr. President, it is a curious fact that one of the most eloquent spokesmen for freedom in the world is a Russian expatriate driven from his beloved homeland by the evil and unrelenting curse of communism. Unlike many commentators in the Western nations who view communism only from the shifting and devious actions of the Soviet Union, and who run hot and cold on relations with Russia, supporting détente one day and opposing it the next, Alexander Solzhenitsyn understands the nature of communism itself, whether it be Soviet, Chinese or Vietnamese.

In a recent essay for Time in response to the latest Soviet aggression in Afghanistan, Solzhenitsyn discusses the inherent nature of totalitarian communism as an evil force which presents a mortal danger to humankind wherever it exists.

For example, the author writes:

> In expectation of World War III the West again seeks cover, and finds Communist China as an ally! This is another betrayal, not only of Taiwan, but of the entire oppressed Chinese people. Moreover, it is a mad, suicidal policy: having supplied billion-strong China with American arms, the West will defeat the U.S.S.R., but thereafter no force on earth will restrain Communist China from world conquest."

Mr. President, I believe the warnings of this Russian, a Nobel-prize winning novelist who is an astute observer of people and political institutions, are worthy of our attention, and I ask that the recent, brief essay by Solzhenitsyn may appear in the RECORD.

The material follows:

[From the Washington Star, Feb. 17, 1980]

ANOTHER WARNING FOR THE WEST FROM SOLZHENITSYN

The West began its perilous miscalculation of communism in 1918: from the very beginning the Western powers failed to see the deadly threat that it represented. In Russia at that time, all previously warring factions—from the government forces to the Constitutional Democrats and the right-wing Socialists—united against Communism. Though the peasants and workers were not formally allied with these groups, and were not coordinated, thousands of peasant revolts and dozens of worker uprisings reflected the masses' opposition to communism. A Red Army was mobilized by executing tens of thousands of men who tried to evade Bolshevik conscription. But this Russian national resistance to communism received scant support from the Western powers.

The most fantastically rosy notions about the communist regime circulated in the West, and so-called progressive public opinion greeted it with joy, in spite of the fact that by 1921, 30 Russian provinces were undergoing a Cambodia-like genocide. (In Lenin's lifetime no fewer innocent civilians perished than under Hitler, and yet today American school children who invariably regard Hitler as the greatest villain in history look upon Lenin as Russia's benefactor.) The Western powers vied with one another to give economic and diplomatic support to the Soviet regime, which could not have survived without this aid. Europe took no notice of the fact that some six million people in the Ukraine and the Kuban River basin had died of hunger.

In 1941 the worth of this much-touted regime became apparent to the world: from the Baltic to the Black Sea the Red Army retreated as if swept away by the wind in spite of its numerical superiority and its excellent artillery. There was no precedent for such a rout in a thousand years of Russian history and, indeed, in all military history. In the first few months of the war some three million soldiers had fallen into enemy hands! Here was a clear statement of our people's desire to be rid of communism. The West could not have failed to understand if only it had wanted to see. But in its nearsightedness, the West held that the sole threat to the world resided in Hitler and that his overthrow would end all danger. The West did what it could to help Stalin forcibly harness Russian nationalism for the Communist cause. And so in World War II the West defended not freedom in general but merely freedom for itself.

In order to buy Stalin's friendship at the end of the war, the West turned over 1.5 million people who were then in Allied hands and who did not wish to return to Stalin's tyranny. Among them were entire Russian divisions, Tartar and Caucasion battalions, as well as P.O.W.s and forced laborers numbering in the hundreds of thousands, including old men, women and children.

Stalin manipulated Roosevelt with ease, effortlessly assuring himself of control over Eastern Europe: Yalta marked the beginning of a 35-year streak of American defeats, only briefly interrupted in Berlin and Korea. (When there was the will to resist, victory followed.) As I have written on earlier occasions [in 1975 in an article entitled "The Big Losers in the Third World War" and in the book *Warning to the West*], the entire period from 1945 to 1975 can be viewed as another world war that was lost by the West without a battle and in which some two dozen countries were abandoned to communism.

There are two reasons for this string of capitulations. First is the spiritual impotence that comes from living a life of ease; people are unwilling to risk their comforts. Second, and just as important, is the prevailing, total incomprehension of the malevolent and unyelding nature of communism, which is equally dangerous to every country.

The West often seeks an explanation for the phenomenon of 20th-century communism in some supposed defects of the Russian nation. This is ultimately a racist view. (How then can China be explained? Vietnam? Cuba? Ethiopia? Or the likes of Georges Marchais?)

Flaws are sought everywhere but in communism itself. Its aggressiveness is explained by, for example, Averell Harriman, in terms of a national dread of aggression; this is said to account for the building of a vast arsenal and the seizing of new countries.

Western diplomats depend on unsound hypotheses that involve supposed "left" and "right" factions of the Politburo when, in reality, all of its members are united in seeking world conquest and are undiscriminating in the means they use. Insofar as struggles do occur within the Politburo, they are purely personal; they cannot be used for diplomatic leverage. The average Soviet citizen, deprived though he is of information about the world and of the benefits of Western Kremlinology, understands this perfectly well. Illiterate Afghan herdsmen are equally on target when they burn portraits of Marx and Lenin instead of accepting the tale that their country was occupied simply because Leonid Brezhnev happened to be ailing.

Communism can implement its "ideals" only by destroying the core and foundation of a nation's life. He who understands this will not for a minute before that Chinese communism is more peace-loving than the Soviet variety (it is simply that its teeth have not yet grown), or that Marshal Tito's brand is kindly by nature. The latter was also leavened with blood, and it, too, consolidated its power by mass killings, but the weak-hearted West preferred not to take any notice in 1943–45.

Communism needs the whole charade of detente for only one purpose: to gain additional strength with the help of Western financing (those loans will not be repaid) and Western technology before it launches its next large-scale offensive. Communism is stronger and more durable than Nazism, it is far more sophisticated in its propaganda and excels at such charades.

Communism is unregenerate; it will always present a mortal danger to mankind. It is like an infection in the world's organism: it may lie dormant, but it will inevitably attack with a crippling disease. There is no help to be found in the illusion that certain countries possess an immunity to communism: any country that is free today can be reduced to prostration and complete submission.

In expectation of World War III the West again seeks cover, and finds Communist China as an ally! This is another betrayal; not only of Taiwan, but of the entire oppressed Chinese people. Moreover, it is a mad, suicidal policy; having supplied billion-strong China with American arms, the West will defeat the U.S.S.R., but thereafter no force on earth will restrain Communist China from world conquest.

Communism stops only when it encounters a wall, even if it is only a wall of resolve. The West cannot now avoid erecting such a wall in what is already its hour of extremity.

Meanwhile, however, 220 possible allies have fallen to communism since World War II. Meanwhile, Western technology has helped develop the terrifying military power of the communist world. The wall will have to be erected with what strength remains. The present generation of Westerners will have to make a stand on the road upon which its predecessors have so thoughtlessly retreated for 60 years.

But there is hope. All oppressed peoples are on the side of the West: the Russians, the various nationalities of the U.S.S.R., the Chinese and the Cubans. Only by relying on this alliance can the West's strategy succeed. Only together with the oppressed will the West constitute the decisive force on earth. This is also a matter of principle, if the

West is to uphold freedom everywhere and not merely for itself.

This strategy will obviously entail radical conceptual changes and the rethinking of tactics on the part of Western politicians, diplomats and military men. Five years ago, all my warnings were ignored by official America. Your leaders are free to ignore my present predictions as well. But they, too, will come true.●

SOCIAL SECURITY DISABILITY AMENDMENTS

● Mr. BAYH. Mr. President, on Thursday, January 31, the Senate passed H.R. 3236, the social security disability amendments. I voted for the bill with some reservation because of the severe cuts in disability benefits which will result upon enactment of the legislation. However, I felt the positive measures in the bill dictated my support. I am pleased with the sections which will allow disabled persons greater ability to reenter the job market and another section, which I proposed, to eliminate the waiting period for those persons terminally ill.

Our Nation is comprised of industrious people who want to work—who want to be self-sufficient—who are proud of our work ethic. It is because Americans are a self-sufficient and independent people that we established our social security system. Individuals are able to contribute into an insurance program run by the Federal Government which will ultimately pay them a return on their contributions when and if needed. We do this for our retirement years and also in case of severe physical disability which prevents employment.

DISABILITY BENEFITS

Because of the recognized need to supply assistance to those physically disabled during their working years, the Congress established the disability insurance program. Workers pay into the disability fund, and benefits are paid to those who are so severely disabled that they are unable to work. These individuals are not only faced with the trauma of loss of good health, but must deal with the likelihood of permanent loss of income.

There has been concern over the last few years that the costs of this program were rising much too quickly. That is no longer happening. There were 94,289 fewer disabled in 1978 than there were in 1975. The rate of disabled workers per thousand in 1975 was 7.1 but in 1978 it was 5.2. This is a significant drop. Until there is a justifiable reason to cut benefits drastically I feel the present levels should be maintained.

The system has worked well for many years now. No one wants to become disabled, but when such a tragedy occurs, we need a system that will allow the disabled to remain independent and self-sufficient financially.

The current benefit levels enable a family to make ends meet, but are not extravagant. Under the provisions of H.R. 3236, the present levels of disability benefits would be cut an average of 10 to 15 percent. We have made a commitment to the millions of Americans paying into the system to allow them an adequate return on their mandatory payments. To lower these benefits now is to go back on our word that we would supply sufficient sums when adversity affects the life of an individual. Current benefit levels for a family of four would be affected as follows: If the wage earner became disabled and had been earning approximately $250 per week, under current law the family would be entitled to about $184. This is not a large sum of money for a family of four in these times of high fuel, housing, and food costs. Under the provisions in H.R. 3236, benefits would be cut to $161 a week. This will mean a loss of about $23 a week, or $100 a month. I feel this cut is too drastic.

During Senate consideration of this bill, Senator METZENBAUM proposed an amendment to delete the sections of the bill which mandated the cuts. I supported him in this effort. Proponents of the cuts contend that a significant number of people receive more money under the disability program than if working. This has never been clearly documented and could only occur in cases where an individual earned an average of less than $300 a month before becoming disabled. However, in order to meet this concern, the Metzenbaum amendment was modified to prohibit this from happening in the future. Unfortunately, the amendment lost on a 47 to 47 tie vote. Another amendment offered by Senator JAVITS would have restored some of the benefits cut for those who earn between $700 and $1,000 a year. This group of individuals had the most severe cutback in benefits. However, Senator JAVITS was unsuccessful in his efforts.

In a time when fiscal austerity is of prime importance, I have given my support to proposals which would eliminate wasteful expenditure or end unnecessary programs. However, to cut benefits to those persons so severely disabled that the possibility of returning to work is very slim is to shift an unacceptable burden to persons unable to help themselves. It also breaks our word given to the millions of Americans who have paid into the system with the expectation of receiving assistance should tragedy befall them. I do not feel comfortable breaking this commitment. Our disability program is not a welfare program—the individual who pays into the system for protection has a right to a decent return.

Even though I was disappointed the Metzenbaum and Javits amendments to restore benefits were not approved, I was pleased with the work incentive provisions of the bill.

WORK INCENTIVES

H.R. 3236 extends the present trial work period from 9 months to 24 months. During the second 12-month period the recipient would not receive benefits if an amount were earned over the substantial gainful activity level (SGA) but would retain eligibility for benefits if returning to disability became necessary. The benefit of the trial work period will also be allowed for disabled widows and widowers. In addition, the Social Security Commissioner is directed to develop and carry out demonstration projects designed to encourage work activity by disabled beneficiaries.

Medicare coverage is an important element of disability benefits. Many times the circumstances surrounding a particular disability make this health coverage almost as important, if not more important, than the benefits themselves. Many beneficiaries are fearful of taking the risk of returning to work and losing their medicare coverage. H.R. 3236 eliminates the requirement that workers becoming disabled again within 60 months, and disabled widows and widowers as well as adults disabled since childhood who become disabled again within 84 months, must undergo another 24-month waiting period before becoming eligible for medicare coverage.

In addition, if a disabled individual was initially on the case benefit rolls for a period of less than 24 months, then the months during which he or she received cash benefits would count toward their qualification for medicare coverage if a subsequent disability occured within those time periods. The bill also extends medicare coverage for an additional 36 months after case benefits cease for a worker who is engaging in a substantial gainful activity but has not medically recovered.

I believe these provisions will improve our present system by allowing more individuals to return to work, thereby reducing costs to the system. The pride, self-esteem and independence the individual gains upon reentry into the job market cannot be measured in financial terms.

TERMINALLY ILL

Currently social security disability benefits do not begin to accrue until 5 months after a claim is filed with the Social Security Administration. For the terminally ill, this waiting period often means they will not be able to collect those disability benefits at all, the only social security benefits they will ever be personally able to collect.

I have received heart rendering correspondence from constituents who have not been able to receive such benefits. They are usually in desperate financial situations after long and costly illnesses and are looking for some means of relief. They do not want to collect welfare. For many of them to be put on the welfare rolls at the end of their lives is the final and ultimate humiliation.

Almost 400,000 people will die of cancer this year. Millions will be afflicted. These people who want to receive these benefits are not asking for charity, not asking for welfare benefits, they are asking for social security benefits, benefits they have earned.

The high cost of dying of a terminal illness is something that many of us will unfortunately be acquainted with. One in four of us will either have cancer or have a relative who has cancer not to mention other fatal illnesses. At this time in a person's life when they are spending enormous amounts of money to prolong life for an additional month or just to relieve the pain of dying, how can we say the terminally ill are not special, not worthy of some additional consideration, not worth the estimate. I for one cannot.

I am very pleased the Senate voted to accept my amendment to make disability benefits immediately available to the terminally ill. I hope it will be retained in conference with the House.

SUPPLEMENTAL MEDICARE INSURANCE

Medicare benefits do not cover every type of medical expense an individual might incur; therefore, gaps in medical coverage exist which concern elderly citizens. Unfortunately, unscrupulous insurance companies and/or salesmen take advantage of worried citizens by selling them duplicative policies. Other companies sell by mail in order to use jurisdictional limitations to avoid regulation by States in which the sales are made. Hearings in both the House and Senate have brought to the public's attention the many cases of flagrant maltreatment of the elderly. It is a shocking and deplorable practice which must be stopped. I cosponsored Senator BAUCUS' bill to establish a voluntary certification program for companies selling insurance policies intended to supplement medicare coverage and to stiffen the penalties for such unethical sales practices. I was pleased the Finance Committee included this measure in H.R. 3236 with minor modifications.

Under the provisions of the bill, the Secretary of HEW will make a finding in each State as to whether such a certification process is needed. In as many instances as possible, I would like for the State, in consultation with the insurance industry, to handle the problem without Federal Government interference. The insurance industry is currently striving to end the abuses that occur. When abuses are allowed to occur in a State, however, H.R. 3236 permits the Secretary to establish a voluntary process which will require policies to meet certain minimum standards in order to become certified if the State does not apply equivalent or higher standards. Upon implementation of the certification program, older Americans seeking to purchase a policy offering MediGap coverage will only have to look for this seal of approval. This voluntary program should help both consumers and reputable insurance companies.

The House Select Committee on Aging estimates the loss to senior citizens due to duplicative coverage to be $1 billion a year. Our senior citizens should be protected from fraudulent abuses such as this. I am confident that this particular program will become much less common under this new voluntary certification program.

H.R. 3236 is presently pending in the conference committee of both House and Senate members. I urge the conference to resolve their differences rapidly in such a manner that provides all Americans with adequate protection against tragedy.●

REPORT OF THE NATIONAL CONSUMERS LEAGUE

● Mr. WILLIAMS. Mr. President, for a number of years, the National Consumers League has been in the forefront of efforts to protect people both in the marketplace and in the workplace. The league has worked to give consumers a greater voice in Government and corporate decisionmaking. At the same time, it has recognized that all consumers have a stake in safe conditions and decent wages for the workers who produce consumer goods and services.

As Chairman of the Committee on Labor and Human Resources, I have found the National Consumers League to be an important force in rallying consumer support for worker protection and minimum wage legislation. I was greatly honored to receive the league's 1978 Trumpeter Award for my work in this area.

Sandra L. Willet, the National Consumers League executive vice president, has recently reported to members on the league's current programs and plans for the future. I would like to share this report with my colleagues, and therefore, ask that it be printed at this point in the RECORD.

The material follows:

A REPORT TO NCL MEMBERS

(By Sandra L. Willet)

The concise and upbeat history of the National Consumers League just completed by Erma Angevine, NCL's exceptional president, records our 80 years of constructive outrage and actions to upgrade the health, safety and living standards of American ctizens.

"Investigate, educate, and agitate or legislate," was the motto of NCL's founder Florence Kelley who, between 1899 and 1932, organized raids on the garment district and slaughter houses to expose dangerous working conditions and exploitive wages. A vigorous commitment to economic justice and determination that the consumer voice be included in decision-making by government agencies propelled NCL in the 30's, 40's and 50's to push for a federal minimum wage, consumer representation, drug safety and labeling, and anti-trust legislation. In the 60's and early 70's, a growing number of diverse consumer organizations assumed the visible role as national champions of the consumer's interest.

By 1976 NCL was perched either to retire or to rebuild. We chose the latter route. Despite an uncertain economy and the growing tendency of moderates as well as extremists to ignore the voices of vulnerable individuals, the National Consumers League in its 80th year has been rebuilt. Comparing 1979 to 1978, NCL increased its overall budget 23 percent, its rank and file membership 21 percent, and its education and advocacy programs by much, much more. This year's quantitative and qualitative growth, when compared to 1976 activities, shows increases of more than 400 percent.

Florence Kelley's motto and NCL's vigorous commitment to advancing the consumer and worker interest are evidenced by NCL's current research, lobbying, and training programs. These programs identify NCL as the national membership organization which:

Represents consumer interests in government and corporate decisionmaking. For example, in 1979 we met frequently with President Carter and top White House officials to recommend ways to reform federal regulations and to curb inflation in the basic areas of food, housing, health care and energy. In other instances, we have addressed a particular industry problem by testifying before Congress. To cite a specific case, NCL is in favor of better cost disclosure on different life insurance policies, while at the same time working with selected insurance companies to develop private sector solutions.

Ties the worker and consumer interest together. Attempting to assure that the general public understands the stake this nation has in same working conditions and decent wages, NCL, for eaxmple, has researched hazardous effects of exposing 10- and 11-year-old children who work as farm laborers to potent chemicals in pesticides. Our support for the minimum wage continues with even greater conviction that basic living-standard wages are a requirement for a healthy economy.

Contributes expert consumer viewpoints to technical standards set by government and private industry so that economic competition and consumer safety are maximized. In 1979, the Federal Trade Commission selected NCL to represent the consumer interest in its experimental program with a private standard setting procedures. NCL continues its eperimental program with a private standard setting organization and sits on five of its technical committees concerned with safety and energy saving standards.

Trains consumers to assert their rights with knowledge and self-confidence. Believing that individuals and collective consumer actions are necessary to help people prevent problems and encourage marketplace reform, NCL has adapted its unique "Assertive Consumer" program to local consumer education activities. This year we continue our national program to research and recommend a major overhaul of consumer education as it is currently taught in the classroom, as well as the community.

The next decade holds formidable challenges for NCL and the consumer movement. Not every consumer organization has grown. Not every consumer proposal has been given reasonable consideration by Congress, the Administration or the private sector.

On the contrary, financial resources for social reform are increasingly limited and increasingly sought by colleagues in the environmental and women's movements, specific issue (such as hand-gun control) organizations, and broad public interest coalitions. The recent surge in corporate lobbying and campaign contributions encourages the shift in Congress toward skepticism, if not outright hostility, to the consumer perspective on issues ranging from oil and food prices to social security benefits to health care costs to the FTC's authority to resolve marketplace abuses. There are absolutely no guarantees that there will be funds or a forum to tackle effectively the deceptions, health hazards and anti-competitive practices which continue to plague workers and consumers even as we head toward a new millennium.

In fact, this nation may have to watch its institutions falter and its citizens suffer even more before we regain our balance.

The scene on the House floor during the funeral rule debate may recur many times again before we can recover our common sense. That scene was not one of rational debate. It was primarily an occasion of hooting and hollering to abolish the FTC, a "circus" where frequent laughter interrupted senior Members of Congress. It was an outbreak which never would have been tolerated if it had ever occurred during an FTC hearing or any board meeting of any consumer group I know. It was an outrage.

Although reasonable responses are not forthcoming now from our institutions, the frustrations and anger continue to mount within consumer communities across the country. NCL's growing membership urges NCL to fight for inflation controls, hazardous waste disposal programs, curbs on soaring interest rates, preventive medicine, fair advertising, tax reforms, improved highway safety, and so many other actions which would provide needed relief and basic protections, but which are still beyond NCL's limited means to address effectively at this point. The consumer's voice is crying out. The demands are there. Who is listening?

During this coming decade, I believe answers will emerge through individuals who speak out and through consumers who organize citizen power to sensitize the economic giants and translate rhetoric against big government into an understanding of when government can help. NCL has made this dual approach of individual and collective action work in the past. It is our way.

We know now from decades of experience that it is not enough to complain without suggesting some preventive action; that it is not enough to pass a law without participating in its implementation; that it is not enough simply to ask any public or private institution for sensible answers without shaping their response to meet a consumer need; that it is not enough to "go it alone" on an issue when coalitions, sometimes including corporations, stand a better chance of solving the problem together. The individual's assertive action counts. And the individual's influence when forged into collective action will be needed as much in the 1980's as it was when NCL was founded.

"Investigate, educate, and agitate or legislate" is as relevant to NCL in 1980 as it was in 1899. Such significant increases in membership, budget and programs as NCL experienced in our 80th year give us encouragement, resources and guidance to face the sobering challenges of the 1980's with thoughtful confidence. The National Consumers League has met overwhelming challenges in the past. With your involvement, we pledge our best efforts in the year to come.●

EMIGRATION OF SOVIET JEWS

● Mr. CRANSTON. Mr. President, figures released recently by the National Conference on Soviet Jewry indicate that there has been a significant drop in the number of Soviet Jews who have been granted their emigration rights. Last month, only 2,803 Soviet Jews were allowed to leave the U.S.S.R. This figure is far below the 1979 monthly average of 4,277. The January figures are the lowest monthly totals since September 1978, and represent the sharpest 1-month drop in many years. This reduction in emigration comes after a marked increase in total applications for exit visas for Soviet Jews during 1979.

There are indications that this drop in emigration is the result of decisions which were taken by Soviet authorities last fall, before the invasion of Afghanistan. Those decisions include the tightening of requirements for emigration applications and the closing of a number of Soviet OVIR (visa control) offices. The sharp reduction in emigration has been accompanied by reports of increased harassment of Jews—especially refuseniks—and human rights activists by Soviet officials. In the wake of the Soviet invasion of Afghanistan, the Soviets have continued this crackdown on dissidents and have attempted futilely to silence one of the leading champions of international human rights, Andrei Sakharov. They have also continued to hold Anatoly Shcharansky, who recently marked his 32d birthday while imprisoned for the crime of advocating respect for fundamental human rights.

Thus I view the harassment and the sharp curtailment on emigration by Soviet Jews with great concern. If it continues, it will further undermine the Soviet position in the community of nations and will further reduce the possibility that we will see any significant improvement of United States-Soviet relations in the months and years ahead.

Mr. President, I will continue to follow this situation closely in the months ahead and will remain committed to the defense of the fundamental right of emigration—a right which the Soviet Union reaffirmed in signing the Helsinki Pact but which has been respected by Soviet authorities with little consistency.●

ORDER OF BUSINESS

Mr. HEINZ. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Levin). Without objection, it is so ordered.

EXPRESSIONS OF GRATITUDE TO COL. ISHMAIL KAHN AND MR. BILL HAMIDULLAH

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 610.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 343) to express the gratitude of the Senate for the efforts of Colonel Ishmail Kahn and Mr. Bill Hamidullah in protecting the International School of Islamabad.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. ROBERT C. BYRD. Mr. President, as the reading by the clerk has indicated, the purpose of the resolution is clear: It expresses the gratitude of the Senate for acts of courage that may well have saved the lives of American schoolchildren in Islamabad, Pakistan.

As we all remember, on November 21, 1979, a mob in Islamabad, Pakistan, attacked the U.S. Embassy. The mob was whipped-up by entirely false rumors that the United States was somehow involved in the attack on the Great Mosque in Mecca, Saudi Arabia. The mob besieged the Embassy and set fire to it, trapping many American personnel inside. The Pakistani police and army did not intervene to rescue the Americans from the blazing Embassy until several hours after the attack began. Tragically, two American marines and two Pakistani Embassay employees were killed during the mob's attack.

Elsewhere in Islamabad, other Americans were also the victims of mob action. Many American children were at the International School when a mob attacked. But unlike the situation at the Embassy, the International School was well defended. Col. Ishmail Kahn and Mr. Bill Hamidullah sprang into action. They led the school's staff in fending off the attackers at risk to their own lives. No children were harmed by the mob thanks to the heroic efforts of these two men.

I am proud to join the distinguished acting minority leader, the Senator from Alaska (Mr. Stevens), in bringing the heroism of these two men to the attention of the Senate. Today, Americans often have the impression that we are beleaguered abroad. The courageous actions of Col. Ishmail Kahn and Mr. Bill Hamidullah and the members of the International School staff remind us that Americans abroad still have friends, individuals who recognize the bonds of amity and humanity even in the face of mob action.

This resolution extends to these fine men the thanks of the U.S. Senate for their actions and the lessons implicit in what they have done.

I ask unanimous consent that, at the next printing, the names of the following Senators be added as cosponsors of Senate Resolution 343:

Senator Baucus, Senator Bayh, Senator Bentsen, Senator Boren, Senator Bradley, Senator Bumpers, Senator Cannon, Senator DeConcini, Senator Eagleton, Senator Exon, Senator Ford, Senator Gravel, Senator Hollings, Senator Huddleston, Senator Inouye, Senator Johnston, Senator Kennedy, Senator Leahy, Senator Levin, Senator Long, Senator Magnuson, Senator Matsunaga, Senator McGovern, Senator Melcher, Senator Metzenbaum, Senator Morgan, and Senator Moynihan.

Senator Nelson, Senator Nunn, Senator Pell, Senator Proxmire, Senator Pryor, Senator Randolph, Senator Riegle, Senator Sarbanes, Senator Sasser, Senator Stevenson, Senator Stewart, Senator Stone, Senator Talmadge, Senator Tsongas, Senator Williams, Senator Zorinsky, Senator Chafee, Senator Cochran, Senator Cohen, Senator Dole, Senator Durenberger, Senator Hayakawa, Senator Heinz, Senator Helms, Senator Kassebaum, Senator Lugar, Senator McClure, Senator Percy, Senator Simpson, and Senator Young.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I appreciate the interest of so many of my colleagues in sponsoring Senate Resolution 343, a resolution expressing the gratitude of the U.S. Senate for the actions taken by Col. Ishmail Kahn and Mr. Bill Hamidullah in protecting the lives of over 40 students at the International School of Islamabad.

During the attempt to seize the American Embassy in Islamabad, a group of rioters approached the International School armed with clubs and pipes. Colonel Ishmail Kahn and Mr. Bill

Hamidullah led the staff in defending the compound. Had these two brave men and their staff not displayed such courage, the incident could have ended in tragedy. Fortunately, the damage was slight.

We are deeply grateful to these men and their staff for their assistance to the students at the school and to the United States. Their undaunted courage and valor will not be soon forgotten by the people of this country. Thucydides once wrote:

> They are surely to be esteemed the bravest spirits who, having the clearest sense of both the pains and pleasures of life, do not on that account shrink from danger.

These two men did not shrink from danger; they stood forth valiantly and they prevailed. We owe them a great debt of gratitude.

Mr. President, the colonel had served in this country as a military attaché. I think that the actions of Colonel Kahn and his associate were probably the bravest actions we have heard in connection with the difficulties we have encountered abroad in the past few months.

Certainly, to have thwarted the attack on the International School with nothing other than a few baseball bats and students they rallied to their support should go down as one of the bravest things that has happened. Had they not taken this action, I am convinced that the American students in the International School of Islamabad would have suffered grievous harm and might even be hostages.

The PRESIDING OFFICER. Without objection, the resolution is agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 343

Whereas on November 21, 1979, approximately fifteen rioters rushed the International School of Islamabad where forty students were present;

Whereas, at the same time the rioters rushed the school compound, the attack on the United States Embassy, seven miles away, was in progress;

Whereas Colonel Ishmail Kahn and Mr. Bill Hamidullah, risking their own lives, led the school staff in defending the compound against the rioters and averted the sort of tragedy which took place at the Embassy; and

Whereas all students and staff were unharmed due to the courage and presence of mind of Colonel Ishmail Kahn, and Mr. Hamidullah: Now, therefore, be it

Resolved, That, in recognition of the steadfastness and forceful action of Colonel Ishmail Kahn and Mr. Hamidullah in repelling the attackers of the International School of Islamabad, the Senate expresses gratitude and appreciation.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TIME-LIMITATION AGREEMENT—HOUSE CONCURRENT RESOLUTION 272, SENSE OF CONGRESS TO RELEASE ANDREI SAKHAROV FROM EXILE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as Calendar No. 611, House Concurrent Resolution 272, a sense of Congress to release Andrei Sakharov from exile, is called up and made the pending business, there be a time limitation thereon, overall, of 1 hour, to be equally divided between Mr. CHURCH and Mr. JAVITS.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF CERTAIN SENATORS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders or their designees have been recognized under the standing order, Messrs. PERCY and HARRY F. BYRD, JR., be recognized, each for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the orders for the recognition of the two Senators on tomorrow, there be a brief period for the transaction of routine morning business, not to extend beyond 30 minutes, and that Senators may speak therein up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION TOMORROW OF HOUSE CONCURRENT RESOLUTION 272, SENSE OF CONGRESS TO RELEASE ANDREI SAKHAROV FROM EXILE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the recognition of the two Senators tomorrow for whom orders have been entered previously, rather than for morning business at that point, the Senate then proceed to the consideration of Calendar No. 611, House Concurrent Resolution 272, a sense of Congress to release Andrei Sakharov from exile.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I anticipate a rollcall vote on that resolution tomorrow.

ORDER FOR RECESS UNTIL 1:30 P.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 1:30 p.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 1:30 P.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until 1:30 p.m. tomorrow.

The motion was agreed to; and at 5:08 p.m., the Senate recessed until tomorrow, Tuesday, February 19, 1980, at 1:30 p.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate on February 11, 1980, under authority of the order of the Senate of February 8, 1980:

NATIONAL RAILROAD PASSENGER CORPORATION

The following-named persons to be Members of the Board of Directors of the National Railroad Passenger Corporation for terms expiring July 18, 1982:

James R. Mills, of California (reappointment).

Frank H. Neel, of Georgia (reappointment).

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Guy Feliz Erb, of California, to be Deputy Director of the U.S. International Development Cooperation Agency (new position).

IN THE AIR FORCE

The following-named officers for promotion in the Regular Air Force, under the appropriate provisions of chapter 835, title 10, United States Code, as amended. All officers are subject to physical examination required by law:

LINE OF THE AIR FORCE

Major to lieutenant colonel

Abby, Darwin G., [redacted].
Abel, Franklin G., [redacted].
Abraham, Gary W., [redacted].
Ackerman, Ronald R., [redacted].
Adame, Frederick, P., Jr., [redacted].
Adams, George T., [redacted].
Adams, James L., [redacted].
Adamson, Derry A., [redacted].
Adee, Donald P., [redacted].
Adelman, Philip J., [redacted].
Aglio, Carl J. [redacted].
Ahl, Gilbert W., [redacted].
Albright, Edward L., [redacted].
Alexander, James W., [redacted].
Alie, Jean R., [redacted].
Allen, Ernest G., Jr., [redacted].
Allen, Lacy A., [redacted].
Allen, Lawrence W., [redacted].
Allen, Robert L., [redacted].
Allison, Gary G., [redacted].
Alnwick, Kenneth J., [redacted].
Alspaugh, James D., [redacted].
Anderson, Allen S., [redacted].
Anderson, Calvin C., [redacted].
Anderson, Harold W., [redacted].
Anderson, Jackie L., [redacted].
Anderson, Paul J., Jr., [redacted].
Andrews, Leonard E., [redacted].
Ankley, Donald C., [redacted].
Anselmo, Robert J., [redacted].
Aparicio, Arthur J., Jr., [redacted].
Arellano, Gustavo O., [redacted].
Arnold, John K., III, [redacted].
Arter, Gerald R., [redacted].
Arthur, Paul M., [redacted].
Ashworth, Pratt D., [redacted].
Athas, Charles P., [redacted].
Atkins, Benny J., [redacted].
Ator, Robert A., [redacted].
Augustine, Leonard J., [redacted].
Austin, James L., [redacted].

Austin, Roger J., [redacted].
Austin, William R., II, [redacted].
Auten, Jimmie D., [redacted].
Avery, Richard D., [redacted].
Avis, Bertram, [redacted].
Avitabile, James J., [redacted].
Baak, Jerome A., [redacted].
Babione, William P., [redacted].
Babos, Sandor, [redacted].
Bachellor, Burton P. C., II, [redacted].
Baddley, Benny H., [redacted].
Bagley, Thomas J., III, [redacted].
Bailey, Glenn B., [redacted].
Bailey, Jerry T., [redacted].
Bailey, John R., [redacted].
Bailey, Thomas F., [redacted].
Bainbridge, Thomas A., [redacted].
Baker, James P., [redacted].
Baker, Mary E., [redacted].
Baldassano, Robert S., [redacted].
Baldock, Jessie C., [redacted].
Baldwin, Claude R., [redacted].
Baldwin, Rey D., [redacted].
Ballou, James R., [redacted].
Barber, Lawrence W., [redacted].
Barnhart, Rodger L., [redacted].
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Spencer, Terry L., [redacted].
Spradling, James W., [redacted].
Springsteen, James F., [redacted].
Spurlin, Harold O., [redacted].
Stallings, Malcolm O., Jr., [redacted].
Stamps, Stanley W., [redacted].
Stankiewicz, Paul R., [redacted].
Stapleton, Joseph K., [redacted].
Stark, John B., [redacted].
Starr, Jack E., [redacted].
Stearman, Ralph W., [redacted].
Steckley, Richard A., [redacted].
Steele, Richard R., [redacted].
Steeves, Richard A., [redacted].
Steinheider, Robb, [redacted].
Steinmeier, James H., [redacted].
Stell, David W., [redacted].
Stelmar, Thomas E., [redacted].
Stempson, James A., [redacted].
Stephans, Victor G., [redacted].
Stephenson, Russell G., [redacted].
Stevens, Donald D., [redacted].
Stevens, Jan T., [redacted].
Stevens, Merlin F., [redacted].
Stewart, Harold M., [redacted].
Stewart, Robert B., [redacted].
Stewart, William C., [redacted].
Stewart, William P., [redacted].
Stith, Donald D., [redacted].
Stocker, William F., [redacted].
Stocks, Johnnie C., Jr., [redacted].
Stolworthy, Willard O., [redacted].
Stoop, James K., [redacted].
Stovall, Floyd W., [redacted].
Streitmatter, Larry A., [redacted].
Stretchberry, Donald W., [redacted].
Stueve, John B., [redacted].
Stukel, Donald J., [redacted].
Stumm, Theodore J., [redacted].
Sullivan, Paul M., [redacted].
Sullivan, Robert M., [redacted].
Summer, James L., [redacted].
Sundholm, Robert A., Jr., [redacted].
Suranyi, Edward E., [redacted].
Suriano, Ronald P., [redacted].
Svoboda, Robert J., [redacted].
Swan, Robert S., [redacted].
Sweeney, James K., [redacted].
Sweeney, John R., [redacted].
Sweigart, David L., [redacted].
Swett, David W., Jr., [redacted].
Swiney, Joseph A., [redacted].
Swing, Robert A., [redacted].
Sydow, Daniel C., [redacted].
Symonds, Joseph E., Jr., [redacted].
Tackett, Raymond N., [redacted].
Takeuchi, John F., [redacted].
Talbott, John J., [redacted].
Tamura, Thomas T., [redacted].
Tatum, Charles C., II, [redacted].
Taus, Robert L., [redacted].
Taylor, Larry C., [redacted].
Taylor, Thomas H., [redacted].
Taylor, William W., [redacted].
Teague, John O., [redacted].
Teer, Walter F., Jr., [redacted].
Thar, James W., [redacted].
Thatcher, Robert C., [redacted].
Thedford, Thomas M., [redacted].
Thelen, Daniel J., [redacted].
Thomas, Jackson A., [redacted].
Thomas, Victor R., [redacted].
Thomason, Charlie R., [redacted].
Thompson, Charles H., Jr., [redacted].
Thompson, Clayton H., [redacted].
Thompson, Dale W., Jr., [redacted].
Thompson, Donald E., [redacted].

Thompson, Donald M., [redacted].
Thompson, Edwin W., [redacted].
Thompson, Floyd S., [redacted].
Thompson, Richard L., [redacted].
Thompson, Roy C., [redacted].
Thompson, Tommie N., [redacted].
Thompson, Wesley E., [redacted].
Thornton, Attwood F., [redacted].
Tice, Russell K., [redacted].
Tiches, Timothy C., [redacted].
Tilton, Norman D., [redacted].
Timm, Loren E., [redacted].
Tippett, David F., [redacted].
Tompkins, William P., [redacted].
Toney, William M., [redacted].
Townsend, Johnnie F., [redacted].
Traister, Martin S., [redacted].
Tribble, Donnie M., [redacted].
Trimpl, Robert L., [redacted].
Tripp, Graydon W., [redacted].
Troffo, John, Jr., [redacted].
Trowbridge, Richard F., [redacted].
Troyer, Corlyn J., [redacted].
Truesdale, Ross E., Jr., [redacted].
Try, Paul D., [redacted].
Tuite, John R., [redacted].
Turner, Robert F., [redacted].
Turoff, Michael C., [redacted].
Twigg, John K., [redacted].
Tyre, Bobby E., [redacted].
Uchimura, Walter S., [redacted].
Uhlig, George F., [redacted].
Umstot, Denis D., [redacted].
Undlin, Jesse P., [redacted].
Urbanski, Joseph V., [redacted].
Valentine, John R., [redacted].
Vallerie, Paul J., [redacted].
Vancura, Frank J., [redacted].
Vaninwegen, Earl S., [redacted].
Vanleuven, Don R., [redacted].
Vanpelt, Larry G., [redacted].
Vansloten, Harlyn W., [redacted].
Vantusko, George A., [redacted].
Veeser, Gary M., [redacted].
Vettel, John W., Jr., [redacted].
Viau, David L., [redacted].
Vickers, William W., [redacted].
Vikan, Dean F., [redacted].
Vilseck, August K., Jr., [redacted].
Vincent, Terrill F., [redacted].
Vincent, Thomas R., [redacted].
Viola, John T., [redacted].
Vizcarra, Victor, [redacted].
Voelker, Edward M. II, [redacted].
Vorgetts, Robert J., [redacted].
Voss, John D., [redacted].
Wachmann, Ronald F., [redacted].
Waddle, James E., [redacted].
Wade, Donald M., [redacted].
Wade, Richard L., [redacted].
Wagner, Larry L., [redacted].
Waight, Kenneth T., Jr., [redacted].
Wakefield, James L., [redacted].
Waldrop, Park D., [redacted].
Walker, Alan E., [redacted].
Walker, Belva D., [redacted].
Walker, Clark M., [redacted].
Walker, Frederick T., [redacted].
Walker, Phillip H., [redacted].
Walker, Ronald L., [redacted].
Wallace, Hoyt A., [redacted].
Wallace, Richard P., [redacted].
Wallace, William A., [redacted].
Wallis, William J., [redacted].
Walsh, Denis L., [redacted].
Walsh, Richard D., [redacted].
Walters, Gary T., Jr., [redacted].
Walters, James W., [redacted].
Warack, Christian A., [redacted].
Ward, Edward, [redacted].
Ward, Patrick J., [redacted].
Ware, Bruce K., [redacted].
Ware, Frederick B., [redacted].
Warfel, Clarence A. B., [redacted].
Warner, James G., [redacted].
Warren, James, [redacted].
Warsinske, James A., [redacted].
Washburn, William T., [redacted].
Washington, David L., [redacted].
Waterman, Charles R., Jr., [redacted].
Watson, Ted M., [redacted].
Waylett, Dan K., [redacted].
Weatherbee, James C., [redacted].
Webb, Ronald J., [redacted].
Webb, Walter E., III, [redacted].
Weber, Allan P., [redacted].
Weech, Henry A., Jr., [redacted].
Wehman, Clarence A., [redacted].
Weisbeck, John F., [redacted].
Wells, Don E., [redacted].
Wells, Jack M., [redacted].
Wells, Richard O., [redacted].
Werley, Harley D., [redacted].
Weskamp, Richard D., [redacted].
West, James D., [redacted].
West, Neil W., [redacted].
West, Paul T., [redacted].
West, William O., III, [redacted].
Wheeler, James E., [redacted].
Wheeler, Kenneth R., [redacted].
Wheeler, Maurice J., Jr., [redacted].
Whitaker, Ted, [redacted].
White, Richard E., [redacted].
White, Robert A., [redacted].
White, Robert J., [redacted].
Whitley, Lee O., [redacted].
Whitman, Walter T., III, [redacted].
Whitmire, Jack N., [redacted].
Whorton, William M., [redacted].
Wickman, Douglas V., [redacted].
Widen, Donald A., [redacted].
Wikstrom, Donovan C., [redacted].
Wilcox, Chris N., [redacted].
Wilcox, Robert C., [redacted].
Wiles, Carl T., [redacted].
Wilkinson, Donald L., [redacted].
Wilkinson, Leland K., [redacted].
Wilkinson, Philip A., [redacted].
Williams, Brian R., [redacted].
Williams, Charles P., [redacted].
Williams, James R., [redacted].
Willis, Myron E., [redacted].
Wills, Victor D., [redacted].
Wilmore, Duncan, [redacted].
Wilson, Bernard E., [redacted].
Wilson, Charles R., [redacted].
Wilson, David D., [redacted].
Wilson, David D., [redacted].
Wilson, Edwin B., [redacted].
Wilson, George D., [redacted].
Wilson, Henry J., Jr., [redacted].
Wilson, Kenneth E., [redacted].
Wilson, Raymond L., Jr., [redacted].
Wilson, Robert M., [redacted].
Wilson, William E., [redacted].
Winch, Wayne S., [redacted].
Winklepleck, Robert H., [redacted].
Winters, William N., [redacted].
Witt, Harry J., II, [redacted].
Wolf, Jack L., [redacted].
Wolff, James F., [redacted].
Wolfswinkel, Donald L., [redacted].
Womack, Harold L., [redacted].
Wood, Charles N., [redacted].
Wood, Philip A., [redacted].
Woodman, Lloyd, Jr., [redacted].
Woods, David M., [redacted].
Woodworth, Paul A., [redacted].
Woolsey, Charles T., [redacted].
Worrell, Malcolm L., Jr., [redacted].
Wright, Larry D., [redacted].
Wright, Robert E., [redacted].
Wright, Robert W., [redacted].
Wright, William B., [redacted].
Wyatt, James L., Jr., [redacted].
Wyatt, Jim E., [redacted].
Wylie, Donald L., [redacted].
Yaeger, Michael A., [redacted].
Yandell, John R., [redacted].
Yarborough, Philip P., [redacted].
Yargo, Ralph J., [redacted].
Yates, Ronald W., [redacted].
Yates, Thomas H., [redacted].
Yee, Edmund C. H., [redacted].
Yoakum, Victor E., [redacted].
Yoder, Richard O., [redacted].
Yonkos, James T., [redacted].
Young, Donald E., [redacted].
Young, Douglas R., [redacted].
Young, Edward F., [redacted].
Young, James M., [redacted].
Young, Kenneth M., [redacted].
Young, William E., [redacted].
Zawoysky, John R., [redacted].
Zbylut, Robert S., [redacted].
Zeigler, Curtis O., [redacted].
Zeitler, Fraine C., [redacted].
Zersen, William F. H., [redacted].
Zimmerman, Alex D., [redacted].
Zimmerman, George V., Jr., [redacted].
Zollner, Ronald A., [redacted].
Zook, David S., [redacted].
Zupke, Everett W., [redacted].

CHAPLAIN CORPS

Arther, Donald E., [redacted].
Bluschke, Derrick W., [redacted].
Cleary, William O., Jr., [redacted].
Davis, Edwin S., [redacted].
Evans, Paul R., [redacted].
Felker, Lester G., [redacted].
Foutz, Martin F., Jr., [redacted].
Gallenbach, Thomas E., [redacted].
Highsmith, Darrell C., [redacted].
Irvin, Henry C., [redacted].
Kaiser, Roman F., [redacted].
Kok, Louis E., [redacted].
Ludwig, Alexander P., [redacted].
McGinty, Edward S., [redacted].
McGraw, William M., Jr., [redacted].
McPhee, Richard S., [redacted].
Metcalf, Frank D., [redacted].
Prewitt, Charles B., [redacted].
Sheerin, James O., [redacted].
Smith, Donald R., [redacted].
Thompson, James N., [redacted].
Valen, David L., [redacted].
Wood, Richard D., [redacted].

DENTAL CORPS

Adan, Cirilo L., Jr., [redacted].
Benkel, Bernard H., [redacted].
Bock, Joseph F., Jr., [redacted].
Brandt, Robert L., [redacted].
Brown, Garth W., [redacted].
Bump, Robert L., [redacted].
Dix, Robert L., [redacted].
Ellerbruch, Eldon S., [redacted].
Foulke, Clark N., [redacted].
Gardner, Jerry D., [redacted].
Gough, Robert W., [redacted].
Gray, Gary G., [redacted].
Hammer, Wayne S., Jr., [redacted].
Hartman, Kenton S., [redacted].
Keaton, Wilfrid M., [redacted].
Klepetko, Ronald F., [redacted].
Lee, Kenneth E., [redacted].
Lundgren, Richard P., [redacted].
Meyer, Asher M., [redacted].
Olesen, Harold P., [redacted].
Pixley, Phillip J., [redacted].
Plies, Stanley M., [redacted].
Riley, Guy L., [redacted].
Rivard, Rodney A., [redacted].
Sellers, William R., [redacted].
Sorensen, Donald C., [redacted].
Stanger, James H., [redacted].
Townsend, Herbert K., Jr., [redacted].
Wasserman, Sheldon, [redacted].
Wilcox, James W., [redacted].
Wilson, Theodore T., [redacted].

JUDGE ADVOCATE

Bexten, Richard C., [redacted].
Cleary, Richard M. J., [redacted].
Deruyter, Mark, [redacted].
Hitt, William R., [redacted].
Jones, Robert W., [redacted].
Jones, Roger A., [redacted].
Kastl, Joseph W., [redacted].
Kautt, Richard W., [redacted].
Lewis, Paul K., Jr., [redacted].
Miles, James R., [redacted].
Murphy, Edward J., [redacted].
Murphy, Michael E., [redacted].
O'Brien, Patrick B., [redacted].
Rengert, Kenneth R., [redacted].
Schmidt, James L., [redacted].
Sebesta, Joe M., [redacted].
Thomas, Forrest W., [redacted].

Warner, Arthur W., Jr., [redacted].
Williams, Conward E., [redacted].
Wright, Robert A., [redacted].

MEDICAL CORPS

Altenburg, John F., [redacted].
Anderson, Edgar R., Jr., [redacted].
Beck, Roger A., [redacted].
Borden, Lester L., [redacted].
Buethe, Robert A., Jr., [redacted].
Cloyd, Dale E., [redacted].
Conrad, Larry L., [redacted].
Dichsen, Donald V., [redacted].
Dryden, Richie S., [redacted].
Grant, William H., [redacted].
Johnson, Don E., [redacted].
Johnson, Wayne A., [redacted].
Koenigsberg, Edward J., [redacted].
Magnuson, Arthur W., [redacted].
Martin, Benjamin G., Jr., [redacted].
Mendoza, Edward, [redacted].
Parker, Edward H., Jr., [redacted].
Pittman, James A., [redacted].
Reppart, John T., [redacted].
Saylor, Jack L., [redacted].
Shotton, Francis T., Jr., [redacted].
Signorino, Charles E., [redacted].
Smith, Dwight D., [redacted].
Suter, Darvin K., [redacted].
Tchou, Howard P., [redacted].
Touhey, John E., [redacted].
Troxler, Raymond G., [redacted].
Wagner, Grant H., [redacted].
Walker, Ronald E., [redacted].
Werner, Wolfgang K., 539-56-152.

NURSE CORPS

Adams, Mary E., [redacted].
Anderson, Rhea S., [redacted].
Ault, Mary M., [redacted].
Bailes, Mary E., [redacted].
Beachert, Evelyn S., [redacted].
Bennett, Carol J., [redacted].
Bruner, Judith H., [redacted].
Chambless, Rosalie B., [redacted].
Corrado, Carol J., [redacted].
Dye, Beverly J., [redacted].
Graves, Nancy L., [redacted].
Kendall, Nora M., [redacted].
Kennedy, Joan A., [redacted].
Kirn, Georgia A., [redacted].
Knuth, Betty A., [redacted].
Korach, Margaret M., [redacted].
Kujawa, Dolores M., [redacted].
Lopalo, Salvatore, [redacted].
McElwee, Catherine F., [redacted].
McGuire, Shirley E., [redacted].
Morton, Carol A., [redacted].
Piccolella, Joseph A., [redacted].
Pulda, Roger L., [redacted].
Purvis, Lorena J., [redacted].
Ruotsala, Eila M., [redacted].
Russell, Ann S., [redacted].
Shinn, Patsy F., [redacted].
Sturim, Constance R., [redacted].
Wagner, Kathleen F., [redacted].
Whitley, Helen B., [redacted].
Young, Marva P., [redacted].

MEDICAL SERVICE CORPS

Bargamin, Taliaferro M., [redacted].
Bingham, Thomas W., [redacted].
Cauley, Jerry D., [redacted].
Chapman, Samuel B., Jr., [redacted].
Conley, Raymond P., [redacted].
Curtis, Keith W., [redacted].
Edmonds, Robert D., [redacted].
Frient, Gerald J., [redacted].
Gorman, John A., [redacted].
Hudock, Jack, [redacted].
McNally, Paul M., [redacted].
Moore, Jerry L., [redacted].
Nantz, William C., [redacted].
Rieckhoff, Elmer C., [redacted].
Sanders, Lewis D., [redacted].
Schumaker, Clarence J., Jr., [redacted].
Silliman, Charles L., [redacted].
Strentzsch, Alfred I., Jr., [redacted].
Tibbetts, Thomas, [redacted].
Turner, Charles E., [redacted].
Williams, Robert S., [redacted].

VETERINARY CORPS

Inman, Roger C., [redacted].
May, William O., Jr., [redacted].

BIOMEDICAL SCIENCES CORPS

Archibald, Charles J., [redacted].
Coughlin, John J., [redacted].
Dougherty, Jerry P., [redacted].
Esters, Lavada, [redacted].
Fortune, Miriam W., [redacted].
Garver, Richard B., [redacted].
Gokelman, John J., [redacted].
Good, Merrill R., [redacted].
Heckman, Gerald R., [redacted].
Lewis, Thayer J., [redacted].
Markland, Darryl T., [redacted].
Moody, Maynard G., [redacted].
Mulligan, Hugh F. II, [redacted].
Patterson, Lucille G., [redacted].
Russell, Harry C., [redacted].
Schulz, Victor B., [redacted].
Spence, William E., Jr., [redacted].
Trumbo, Richard B., [redacted].
Wurmstein, John E., [redacted].

The following-named officer for promotion in the U.S. Air Force in the temporary grade indicated, under the appropriate provisions of chapter 839, title 10, United States Code, as amended.

MEDICAL CORPS

Major to lieutenant colonel

Taylor, Steven L., [redacted].

IN THE ARMY

The following-named persons for appointment in the Regular Army of the United States, in the grade specified, under the provisions of title 10, United States Code, sections 3283 through 3294:

To be major

Adkinson, Michael H., [redacted].
Brown, Charles D., [redacted].
Bryant, Wilbert, [redacted].
Doolittle, Douglas R., [redacted].
Doscinski, Leonard E., [redacted].
Dutko, Thomas M., [redacted].
Edgar, Michael W., [redacted].
Goodman, David L., [redacted].
Holtz, Douglas J., [redacted].
Houston, Clifton, [redacted].
Huber, John H., [redacted].
Huffman, Dennis G., [redacted].
Hun, Nicholas J., [redacted].
Hunter, Richard W., [redacted].
Jones, Willie J., [redacted].
Kalowski, Paul J., [redacted].
Krueger, Arthur G., [redacted].
Little, Charles J., [redacted].
Macwillie, Stephen S., [redacted].
Mason, William R., [redacted].
Mayekawa, Jackie T., [redacted].
O'Neil, David C., [redacted].
Parker, Dean L., [redacted].
Phillips, Dean A., [redacted].
Reynolds, Edward J., Jr., [redacted].
Ridley, Leon H., [redacted].
Slimowicz, Charles J., Jr., [redacted].
Smith, Jerry A., [redacted].
White, Robert A., [redacted].
Willis, Richard C., [redacted].
Wilson, Samuel F., [redacted].

To be captain

Abell, Charles S., [redacted].
Alberg, Wayne C., [redacted].
Aldrich, William F., [redacted].
Allen, Thomas S., [redacted].
Allenbach, Stephen E., [redacted].
Ardison, Larry G., [redacted].
Armstrong, James R., [redacted].
Armstrong, Jerry N., [redacted].
Barnes, John W., Jr., [redacted].
Barvinchak, John M., [redacted].
Bauer, William B., [redacted].
Bellamy, Lonnie J., [redacted].
Barczel, David J., [redacted].
Gogema, James A., [redacted].
Branch, John H., [redacted].
Braun, Allan E., Jr., [redacted].
Brockelsby, John W., [redacted].
Brou, Philip E., Jr., [redacted].
Brown, Bryan D., [redacted].
Brown, Douglas J., [redacted].
Burke, Gordon, J., Jr. [redacted].
Burns, John J., Jr., [redacted].
Butler, Philip R., [redacted].
Canavan, Michael A., [redacted].
Carder, Patrick T., [redacted].
Carlin, Dennis, [redacted].
Carmichael, Clifford [redacted].
Carter, Harvey R., [redacted].
Carter, Kevin L., [redacted].
Clinger, Charles G., [redacted].
Cochrane, John S., [redacted].
Cogswell, Charles H., [redacted].
Cole, Clinton J., [redacted].
Colvin, James M., Jr., [redacted].
Comer, Bill J., [redacted].
Cox, David A., [redacted].
Cozzalio, Ace A., [redacted].
Craig, Walter M., Jr., [redacted].
Creque, Terry R., [redacted].
Crowley, Charles C., [redacted].
Crye, Thomas L., [redacted].
Culver, Roland A., [redacted].
Dallas, Edward D., [redacted].
Decker, William M., IV, [redacted].
Demers, Robert P., [redacted].
Dever, Penny J., [redacted].
Dewey, Stephen E., [redacted].
Dewitt, Charles R., [redacted].
Diamond, Richard, [redacted].
Difiore, Frederick H., [redacted].
Donaldson, Patrick J., [redacted].
Downes, Robert E., [redacted].
Dunigan, Theodore R., [redacted].
Eldridge, Roebrt B., [redacted].
Elliott, Merle B., [redacted].
Ellis, Gary G., [redacted].
Elrick, Kenneth W., [redacted].
Eubanks, James E., [redacted].
Fitzsimmons, Edward A., [redacted].
Floren Larry G., [redacted].
Fogel, Jeffrey A., [redacted].
Forman, Robert M., [redacted].
Forsythe, James M., [redacted].
Foster, Patrick B., [redacted].
Fox, Francis M., [redacted].
Franklin, George L., [redacted].
Frier, Warren S., [redacted].
Gamboa. Donna G., [redacted].
Gentry, Thomas W., [redacted].
Givens, James B., [redacted].
Glowaski, Harvey J., [redacted].
Graves, Richard M., [redacted].
Graves, Richard T., [redacted].
Greenlee, Joseph L., [redacted].
Grubb, Ronald A., [redacted].
Guest, Clintice W., [redacted].
Guillory, Kenneth D., [redacted].
Hamilton, Jeanne G., [redacted].
Hannan, Michael J., [redacted].
Harding, Martin R. T., [redacted].
Harley, Timothy W., [redacted].
Harmer, Ronald T., [redacted].
Harper, Gerald W., [redacted].
Harrison, Klien S., [redacted].
Harrison, Woodrow W., [redacted].
Hayden, Douglas C., [redacted].
Heintz, Eugene W., [redacted].
Higgs, Calvin T., Jr., [redacted].
Hobitz, Kenneth I., [redacted].
Horn, John E., [redacted].
Horton, Gregory J., [redacted].
Hughes, Freeman R., [redacted].
Hughes, Henry J., III, [redacted].
Hunter, Gould, II, [redacted].
Jackson, Robert G., [redacted].
Jacobs, Mark G., [redacted].
Jindra, Michael S., [redacted].
Johnson, Donald R., Jr., [redacted].
Jones, John D., [redacted].
Keegan, Mark R., [redacted].
Kenton, James H., [redacted].
Knight, Alphonso W., Jr., [redacted].
Knudsen, Stephen A., [redacted].
Lofland, Chan G., [redacted].

Luper, Larry K., [redacted].
Lurey, Charles D., [redacted].
Lutchendorf, Thomas E., [redacted].
Madkins, Jerry B., [redacted].
Magill, Wayne A., [redacted].
Maier, Mary A., [redacted].
Mancino, Michael, Jr., [redacted].
Mannion, Michael J., [redacted].
Manuel, Harold E., Jr., [redacted].
Martin, Robert L., [redacted].
Masterson, John T., [redacted].
McAnarney, Charles A., [redacted].
McBride, Edward W., [redacted].
McClellan, Michael F., [redacted].
McClellon, Johnie A., [redacted].
McDonald, Daniel L., [redacted].
McFarland, Thomas J., [redacted].
McGowan, Robert J., [redacted].
McKee, Claude J., [redacted].
Melchior, Robert J., [redacted].
Michaelis, Marc, [redacted].
Miller, Melvin A. [redacted].
Miller, Raymond J., [redacted].
Moil, Frederick J., III, [redacted].
Montero, Mario F., [redacted].
Moore, Isiah Jr., [redacted].
Moore, James H., [redacted].
Moorman, John H., [redacted].
Morris, Patrick M., [redacted].
Moses, Jerry R., [redacted].
Murray, Joseph F., [redacted].
Nelson, Joel R., [redacted].
Neutzler, David E., [redacted].
Niederman, Mark B., [redacted].
Nitta, Alan S., [redacted].
Nuxoll, Maximillian B., [redacted].
O'Claire, Richard D., [redacted].
O'Fihelly, Jeremiah, [redacted].
O'Hara, John G., [redacted].
Page, Joseph T., Jr., [redacted].
Paolucci, John N., [redacted].
Parker, Daniel D., [redacted].
Pecher, Philip H., [redacted].
Perea, Valerie J., [redacted].
Perez-Poveda, Gustavo G., [redacted].
Phillips, David L., [redacted].
Potts, Ronald J., [redacted].
Pryor, Maureen, [redacted].
Quirk, Richard J., III, [redacted].
Raskovsky, Victor G., [redacted].
Reed, Joseph O., [redacted].
Rice, Janice C. R., [redacted].
Ripperger, Clifton A., III, [redacted].
Rocho, Dennis L., [redacted].
Ronald, Charles G., [redacted].
Rosebeary, Michael L., [redacted].
Salazar, Altero F., [redacted].
Samuelson, William E., [redacted].
Schenk, Donald F., [redacted].
Schmitt, Michael T., [redacted].
Schnapp, Charles G., [redacted].
Schultz, Kathleen A., [redacted].
Severson, Barton E., [redacted].
Severson, Karle L., [redacted].
Sharrer, Steven C., [redacted].
Sheehan, John F., [redacted].
Sheehan, Morris F., [redacted].
Shimko, Edward J., [redacted].
Sills, Richard E., [redacted].
Simmons, Joseph J., IV, [redacted].
Smith, Arthur G., III, [redacted].
Smith, Gary A., [redacted].
Stanley, Harold B., III, [redacted].
Stecker, Charles W., Jr., [redacted].
Stern, Ernest L., [redacted].
Stevick, Ruth A., [redacted].
Tallas, John C., [redacted].
Tanguay, Paul K., [redacted].
Taylor, Warren W., [redacted].
Teele, Treatifelom S., [redacted].
Tenney, Gerald W., [redacted].
Tharrington, Michael F., [redacted].
Thornton, Eugenia, [redacted].
Tooke, Lamar, [redacted].
Topp Michael A., [redacted].
Virgil, Greg Allan, [redacted].
Walker, Paul R., [redacted].
Wall, John W., [redacted].
Walters, Timothy W., [redacted].
Watson, Roger L., Jr., [redacted].
Weaver, Malcolm G., [redacted].
Wellisch, Lawrence R., [redacted].
West, Andrew C., [redacted].
White, David T., [redacted].
White, Robert L., [redacted].
Wiegner, John N., [redacted].
Wiley, William S., III, [redacted].
Wilkerson, Richard L., [redacted].
Williams, Bennie E., [redacted].
Williams, Gene W., [redacted].
Williams, Maurice, [redacted].
Williams, Stephen B., [redacted].
Williamson, Dennis A., [redacted].
Wilson, Kenneth E., [redacted].
Winchell, John G., [redacted].
Wood, David P., [redacted].
Worch, Ross L., [redacted].
Worthy, Horace, [redacted].
York, Don T., [redacted].
Young, Robert B., [redacted].
Zgutowicz, Henry G., [redacted].
Zimmerman, Ryan M., [redacted].

To be first lieutenant

Aikens, Bernard, [redacted].
Allen, William Y., [redacted].
Bakken, Harold L., [redacted].
Barr, Harley C., II., [redacted].
Barthelemy, Richard E., [redacted].
Balm, Howard W., III, [redacted].
Beck, Lenora H., [redacted].
Beghtol, Michael D., [redacted].
Benedict, Craig F., [redacted].
Bird, John E., [redacted].
Bowers, George E., [redacted].
Bragg, Frank B., Jr., [redacted].
Brinn, Harriett L., [redacted].
Brooks, Steven G., [redacted].
Brown, Michael, [redacted].
Brunson, Ralph T., [redacted].
Bryson, William L., [redacted].
Buono, Neil F., [redacted].
Burns, Robert O., [redacted].
Burt, Nancy J., [redacted].
Caldwell, Michael P., [redacted].
Carpenter, Walter R., Jr., [redacted].
Carroll, Thomas R., [redacted].
Cassella, Robert A., [redacted].
Cerrone, James A., [redacted].
Chilton, Robert S., Jr., [redacted].
Clemen, Gerald T., [redacted].
Collins, James L., [redacted].
Conners, Cynthia S., [redacted].
Cooper, David L., [redacted].
Coy, Bernie D., [redacted].
Crawford, William B., [redacted].
Daly, Michael P., [redacted].
Dasilva, Anthony F., [redacted].
Deal, John W., [redacted].
Durgin, David M., [redacted].
Erickson, Edward J., [redacted].
Evans, Charles E., [redacted].
Fernandez, Joseph C., [redacted].
Fillman, William G., [redacted].
Fricke, James R., [redacted].
Fuentes, Manuel, [redacted].
Garver, Randy, [redacted].
Granger, Dale R., [redacted].
Grant, Peter A., [redacted].
Hackerson, Catherine A., [redacted].
Hamilton, Mitchell W., [redacted].
Hammond, Charles R., [redacted].
Hampson, Michael N., [redacted].
Hankins, James C., [redacted].
Harmatz, Howard F., [redacted].
Hart, Hampton, Jr., [redacted].
Hatley, Jerry D., [redacted].
Hendricks, Robert M., [redacted].
Hockman, Lee J., [redacted].
Hudson, Randy F., [redacted].
Jahn, Sheldon L., [redacted].
Jenkins, Ronald L., [redacted].
Johnson, Ervin, Jr., [redacted].
Kalafian, Jon P., [redacted].
Key, William H., II, [redacted].
Kline, Vernon W., [redacted].
Komo, Eugene J., Jr., [redacted].
Koury, Robert R., [redacted].
Kroeger, Thomas E., [redacted].
Lafleur, James A., [redacted].
Larouche, Setsy S. S., [redacted].
Lewis, Billy J., [redacted].
Lewis, John L., [redacted].
Long, Franklin A., [redacted].
Mainville, Richard J., [redacted].
McCully, Melita E., [redacted].
McGuffin, Stephen C., [redacted].
McMahon, Jim, [redacted].
Monge, Jose F., [redacted].
Murdock, Daniel R., [redacted].
Nazario, Richard, [redacted].
Newman, Billy W., [redacted].
Nicholls, Gregory P., [redacted].
Orr, Joseph E., [redacted].
Osweiler, John R., [redacted].
Patykula, Thomas J., [redacted].
Polk, Ursula S., [redacted].
Rail, Richard A., [redacted].
Richards, Harold D., [redacted].
Robinson, Donald R., [redacted].
Ross, Robert W., [redacted].
Schultz, Larry D., [redacted].
Scott, Walter G., [redacted].
Simmons, Peter, [redacted].
Slusar, Robert T., [redacted].
Smith, David E., [redacted].
Smith, Diana W., [redacted].
Smith, John N., Jr., [redacted].
Sparrow, James M., [redacted].
Spille, Karen E., [redacted].
Steen, Alvonne M., [redacted].
Stransky, Norbert J., [redacted].
Strickland, Joey, [redacted].
Swacina, Daniel J., [redacted].
Thomas, Dwight E., [redacted].
Thomas, Richard B., [redacted].
Throop, William H., [redacted].
Umberger, John K., [redacted].
Varner, Daniel L., [redacted].
Weatherby, David J., [redacted].
Wolboldt, Clinton G., [redacted].
Wolframm, Christine G. M., [redacted].

To be second lieutenant

Budden, Christopher, W., [redacted].
Mamont, Bruce P., [redacted].
Stevens, Charles R., [redacted].
Ward, Rodney G., [redacted].

IN THE NAVY

The following-named ensigns of the U.S. Navy for temporary promotion to the grade of lieutenant (junior grade) in the staff corps as indicated, pursuant to title 10, United States Code, sections 5784 and 5791, subject to qualification therefor as provided by laws:

SUPPLY CORPS

Abramowitz, Larry
Ahern, Robert F., Jr.
Alekson, David W.
Anastos, Ernest G.
Arcement, Larry H., Jr.
Barranger, Harry F.
Bates, John W.
Bechtol, David J.
Bell, Charles W.
Bentler, Jerome F.
Bradley, Shaun G.
Brown, Joseph T.
Brown, Walter W.
Burchill, Gary W.
Christopher, John J., Jr.
Clark, Nicholas B.
Class, John C.
Connery, Robert J., III
Craigie, John W.
Crean, Sean F.
Curtis, William E., Jr.
Ray, John P.
Deshurley, Joe R.
Dixon, Steven P.
Duke Lawrence K.
Evans Mark D.
Ferraro, Eric L.
Ferree, Stephen D.
Fischer, Mark F.
Fittro, Bill D.
Fricke, Michael W.
Gardner, Rodney V.
Godwin, Jacob H., Jr.
Harper, Thomas J.
Hart, Keith E.
Haskins, Edward B.
Herring, John W., Jr.
Holland, James F.
Hollis, Roy A., Jr.
Holstein, Augustine C.
Iverson, Douglas W.
Johnson, Stanley H.
Jones, Stephen E.
Jubert, Gregory A.
Keeter, John W.
Klump, Paul L.
Koronka, Stephen J.
Leach, Vern P.
Lenartz, Robert D.
Lengel, Daryl A.
Love, Charles R.
Lucy Kenneth S.
Lyden, Michael J.
Lynch, Paul F.
Marden, Charles J. Jr.
Mason, Robert
McPheron, Jonathan W.
Mercado, Generato S.
Moore, Virgil V., IV
Moreno, Mariano O., Jr

Myers, Edward S.
Nienhaus, Andrew M.
Olson, Stephen J.
Oshida, Gary A.
Osieski, Robert M.
Ott, Edwin D., Jr.
Pigeon, Roger E.
Price, Larry D.
Ralls, John D.
Richmond, John W.
Robbins, Paul H., Jr.
Robinson, Darryl S.
Schwaneke, Robert L.
Shattuck, Richard B.
Siazek, Walter J.
Slusher, Mark H.
Space, Robert K.
Stamper, Dallas E.
Stabile, Michael E.
Storrey, Richard A.
Suleer, Thomas G.
Thomas, Michael J.
Travis, Glen A.
Tress, William A.
Villanueva, Danilo C.
Vogt, Brian J.
Walter, Frank J., III
Weirich, Dwight S.
Wilmore, Roderick W.
Zeni, David

CIVIL ENGINEER CORPS

Bastile, David G.
Battle, Mark A.
Best, Billie J.
Calhoun, Thomas G.
Cellon, Richard E.
Eichert, George E.
Fretz, Robert J., Jr.
Gildon, Michael E.
Hays, John A.
Kelly, James M.
King, Robert H.
Kirby, Robert M.
Kowalik, Jeremi L. J.
Lehr, Daniel L.
Long, Gregory R.
McVicar, Douglas J.
Maley, Kevin J.
Patterson, Michael J.
Plourde, Alfred E., Jr.
Powers, George W.
Raney, Carl D.
Sachuk, Robert J.
Salling, Elmer C.
Savant, Craig R.
Siffert, John A.
Stranix, John J.
Thigpen, Willard M., Jr.
Wright, Rex W.
Zeoli, Nicholas F., Jr.

The following-named women ensigns of the U.S. Navy for temporary promotion to the grade of lieutenant (junior grade) in the line and various staff corps, as indicated, pursuant to title 10, United States Code, sections 5787b and 5791, subject to qualification therefor as provided by law:

LINE

Albers, Martha A.
Beckman, Patricia L.
Bell, Saundra M.
Burgess, Lynn M.
Cunningham, Janet L.
Hackney, Norma L.
Hagerson, Nancy L.
Hashimoto, Cheryl C.
Hatcher, Millicent G.
Figou, Janeen W.
Flesueur, Mary H.
McPheeters, Nina P.
Myers, Kay A.
Pennington, Shelley
Porcari, Mary V.
Pritchett, Rebecca J.
Provance, Marcia E.
Rahmes, Kristen N.
Rutledge, Leslie C.
Smart, Martha J.
Thrower, Pamela E.
Tichenor, Suzanne P.
Travis, Sandra L.
Walbert, Karen D.
Yoshihashi, Ann K.
Youngblood, Martha M.

MEDICAL SERVICE CORPS

Daly, Patricia A.
Day, Patricia R.

SUPPLY CORPS

Davis, Francis R.
Hawkins, Donna M.

The following named lieutenant (junior grade) of the line, of the U.S. Navy for appointment in the Supply Corps as permanent ensign and temporary lieutenant (junior grade), pursuant to title 10, United States Code, sections 5582(b) and 5791, subject to qualification therefor as provided by law:

Warmington, Jeffery A.

Lt. John A. Tobia, U.S. Navy, for temporary promotion to the grade of lieutenant commander, in the line of the U.S. Navy, pursuant to title 10, United States Code, sections 5769 and 5791, subject to qualification therefor as provided by law.

Lt. (junior grade) Arthur V. Pitman, U.S. Navy, for temporary promotion to the grade of lieutenant, in the line, of the U.S. Navy, pursuant to title 10, United States Code, sections 5769 and 5791, subject to qualification therefor as provided by law.

The following-named lieutenants of the U.S. Navy for temporary promotion to the grade of lieutenant in the line and various staff corps, as indicated, pursuant to title 10, United States Code, sections 5769 (line), 5773 (staff corps), and 5791, subject to qualification therefor as provided by law:

LINE

Hodgkinson, John H.

SUPPLY CORPS

McCorkendale, Don B.

NURSE CORPS

Schryer, Vernon L.

Lt. Cmdr. Douglas J. Kohlan, Dental Corps, U.S. Navy, for temporary promotion to the grade of lieutenant commander, in the Dental Corps of the U.S. Navy, pursuant to title 10, United States Code, sections 5793 and 5791, subject to qualification therefor as provided by law.

Comdr. Leslie V. Shaffer, II, U.S. Navy, for permanent promotion to the grade of commander, pursuant to the provisions of title 10, United States Code, sections 5780 and 5791, subject to qualification therefor as provided by law.

Lt. Comdr. Thomas C. Lynch, U.S. Navy, for permanent promotion to the grade of lieutenant commander, pursuant to the provisions of title 10, United States Code, sections 5780 and 5791, subject to qualification therefor as provided by law.

The following-named ensigns of the line, of the U.S. Navy for appointment in the Supply Corps, as permanent ensign, pursuant to title 10, United States Code, sections 5582(b) and 5791, subject to qualification therefor as provided by law:

Doswell, John M.
Lulton, Timothy V.

The following-named ensign of the Supply Corps, of the U.S. Navy for appointment in the line, as a permanent ensign, pursuant to title 10, United States Code, sections 5582 (a) and 5791, subject to qualification therefor as provided by law:

Johnson, Darrel G.

Executive nomination received by the Secretary of the Senate on February 13, 1980, under authority of the order of the Senate of February 8, 1980:

DEPARTMENT OF DEFENSE

William Eldred Peacock, of the District of Columbia, to be an Assistant Secretary of the Army, vice Robert L. Nelson, resigned.

Executive nominations received by the Secretary of the Senate on February 14, 1980, under authority of the order of the Senate of February 8, 1980:

DEPARTMENT OF STATE

Rozanne L. Ridgway, of the District of Columbia, a Foreign Service officer of class 1, to be Counselor of the Department of State.

DEPARTMENT OF EDUCATION

Betsy Levin, of North Carolina, to be General Counsel, Department of Education (new position).

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Helen S. Astin, of California, to be a Member of the National Council on Education Research for a term expiring September 30, 1982, vice John C. Weaver, term expired.

Executive nominations received by the Secretary of the Senate on February 15, 1980, under authority of the order of the Senate of February 8, 1980:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

John L. Palmer, of Virginia, to be an Assistant Secretary of Health, Education, and Welfare, vice Benjamin W. Heineman, Jr., resigned.

Cesar A. Perales, of New York, to be an Assistant Secretary of Health, Education, and Welfare, vice Arabella Martinez, resigned.

UNITED STATES COURT OF MILITARY APPEALS

Robinson O. Everett, of North Carolina, to be a judge of the U.S. Court of Military Appeals for the remainder of the term expiring May 1, 1981, vice Matthew J. Perry, Jr., resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 18, 1980:

DEPARTMENT OF STATE

James W. Spain, of California, a Foreign Service officer of the class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Turkey.

Philip Mayer Kaiser, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Austria.

Matthew Nimetz, of New York, to be Under Secretary of State for Coordinating Security Assistance Programs.

Charles Conway Flowerree, of Virginia, a Foreign Service officer of class 1, for the rank of Ambassador while serving as the U.S. Representative to the Committee on Disarmament.

The above nominations were approved subject to the nominees' commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of all meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an interim procedure until the computerization of this information becomes operational, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, February 19, 1980, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 20

8:00 a.m.

Environment and Public Works
Environmental Pollution and Resource Protection Subcommittees
To continue joint mark up of S. 1480, to provide for the adequate and safe treatment of hazardous substances released into the environment.
4200 Dirksen Building

Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings on the national security implications of the transfer of technology to the Soviet Union.
6226 Dirksen Building

9:00 a.m.

*Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S.J. Res. 139, S. 2246, and 2253, bills to provide additional financial assistance to provide for the continuation of rail service by the Chicago, Rock Island, and Pacific Railroads.
318 Russell Building

9:30 a.m.

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on S. 2238, authorizing additional funds for fiscal year 1980, and S. 2240, authorizing funds for fiscal year 1981, both for research and development programs of the National Aeronautics and Space Administration.
235 Russell Building

Judiciary
*Improvements in Judicial Machinery Subcommittee
To hold hearings on S. 739 and 1472, bills to require that certain cases with the Federal Government are brought in the court of the district where the impact or injury occurred.
5110 Dirksen Building

10:00 a.m.

Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 2269, authorizing additional funds for and to extend the Emergency Agricultural Credit Adjustment Act through September 30, 1981; S. 1650 and S. 1408, bills to provide for the development of aquaculture in the U.S.; and Amendment No. 1631, authorizing the recovery of wood residues in the national forests for use as fuel, and for conversion to use as petrochemical substitutes or wood products, to S. 1996, to pay timber purchasers for cost in the removal and processing of wood residues from national forest system timber sales areas.
324 Russell Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for Vocational Education, Student Assistance programs, and Student Loan Insurance Fund.
S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Commission on Security and Cooperation in Europe, International Communications Agency, and the Japan-U.S. Friendship Commission.
S-146, Capitol

Armed Services
To continue closed hearings on proposed fiscal year 1981 authorizations for DOD.
212 Russell Building

Conferees
On H.R. 3919, to impose a windfall profits tax on domestic crude oil.
1100 Longworth Building

Energy and Natural Resources
Business meeting, to consider those matters and programs which fall within the committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget by March 15; and other pending calendar business.
3110 Dirksen Building

Foreign Relations
To hold hearings on energy and political security issues in Southwest Asia.
4221 Dirksen Building

Labor and Human Resources
Health and Scientific Research Subcommittee
To hold hearings on S. 1652, proposed Nutrition Labeling and Information Amendments of 1979 to the Federal Food, Drug, and Cosmetic Act.
4232 Dirksen Building

Rules and Administration
To continue hearings on resolutions requesting additional funds for Senate committees.
301 Russell Building

10:30 a.m.

Banking, Housing, and Urban Affairs
Business meeting, to mark up S. 2177 and 2178, to promote homeownership opportunities for moderate income families, and to provide an increase in the statutory limits on interest rates for mortgages under the program.
5302 Dirksen Building

2:00 p.m.

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for Education for the Handicapped, Rehabilitation Services and Handicapped Research, and Special Institutions.
S-128, Capitol

FEBRUARY 21

8:00 a.m.

Environment and Public Works
Environmental Pollution and Resources Protection Subcommittees
To continue joint mark up of S. 1480, to provide for the adequate and safe treatment of hazardous substances released into the environment.
4200 Dirksen Building

8:30 a.m.

Energy and Natural Resources
To resume closed hearings to assess the political, military, economic, and social factors affecting world oil production and consumption over the next decade.
S-407, Capitol

9:00 a.m.

Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold oversight hearings on the activities of the Commodity Futures Trading Commission.
324 Russell Building

9:15 a.m.

Veterans' Affairs
To hold hearings on the Federal Government's efforts to assist Vietnam-era veterans in readjusting to society and finding employment opportunities.
318 Russell Building

9:30 a.m.

*Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To continue hearings on S. 2238, authorizing additional funds for fiscal year 1980, and S. 2240, authorizing funds for fiscal year 1981, both for research and development programs of the National Aeronautics and Space Administration.
5110 Dirksen Building

10:00 a.m.

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Agency for International Development, Congressional Research Service, and the Senate Legal Counsel (Sec. 115, Public Law 95-481).
1114 Dirksen Building

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Consumer Product Safety Commission.
1318 Dirksen Building

Appropriations
Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for higher and continuing education, educational activities overseas; higher education facilities loan and insurance, and college housing loans.

S-128, Capitol

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Small Business Administration.

S-146, Capitol

Armed Services

To continue hearings on proposed fiscal year 1981 authorizations for DOD.

3110 Dirksen Building

*Banking, Housing, and Urban Affairs

Consumer Affairs Subcommittee

To resume hearings on title I, proposed privacy protection amendment, and title II, proposed Fair Authorization Information Practices Act, to S. 1928, proposed Fair Financial Information Practices Act.

5302 Dirksen Building

Commerce, Science, and Transportation

To hold hearings on S. 2245, proposed Motor Carrier Reform Act.

235 Russell Building

Finance

Business meeting, to consider committee budget.

2221 Dirksen Building

2:00 p.m.

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for special projects of the Department of Education.

S-128, Capitol

Select on Intelligence

To hold hearings on S. 2284, proposed legislative charter governing the intelligence activities of the United States.

5110 Dirksen Building

2:30 p.m.

Foreign Relations

To continue closed hearings on energy and political security issues in Southwest Asia.

S-116, Capitol

FEBRUARY 22

9:00 a.m.

Commerce, Science, and Transportation

To hold hearings on a proposed amendment to establish standards for developing a cost ratio trigger for burden of proof in rate cases, to S. 1946, to provide railroads with more pricing rate flexibility and contract provisions.

235 Russell Building

9:30 a.m.

Finance

Social Security Subcommittee

To hold oversight hearings on social security financing.

2221 Dirksen Building

Foreign Relations

To continue closed hearings on energy and political security issues in Southwest Asia.

S-116, Capitol

Labor and Human Resources

To hold joint hearings with the House Committee on Education and Labor on proposed legislation to institute a youth employment program.

2175 Rayburn Building

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the National Consumer Cooperative Bank, Office of Consumer Affairs, and Consumer Information Center.

1318 Dirksen Building

Appropriations

Labor-HEW Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1981 for programs of the Department of Education.

S-128, Capitol

Banking, Housing, and Urban Affairs

International Finance Subcommittee

To hold oversight hearings on the activities of the Export-Import Bank of the United States.

5302 Dirksen Building

Energy and Natural Resources

Parks, Recreation, and Renewable Resources Subcommittee

To hold oversight hearings to review wilderness and rangeland management programs of the Bureau of Land Management.

3110 Dirksen Building

Environment and Public Works

To review those items in the President's budget for fiscal year 1981 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, receiving testimony from officials of the Environmental Protection Agency.

4200 Dirksen Building

*Governmental Affairs

Energy, Nuclear Proliferation, and Federal Services Subcommittee

To resume hearings of S. 1938, proposed Federal Radiation Protection Management Act.

3302 Dirksen Building

Joint Economic

To hold hearings on the Consumer Price Index figures for January.

5110 Dirksen Building

2:00 p.m.

Appropriations

Labor-HEW Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1981 for programs of the Department of Education.

S-128, Capitol

Commerce, Science, and Transportation

Merchant Marine and Tourism Subcommittee

To hold hearings on the application which Sea-Land Service has formally filed with the Maritime Administration to trade in eight SL-7 class containerships for allowances of credit for new ship construction.

235 Russell Building

FEBRUARY 25

9:30 a.m.

Environment and Public Works

Resources Protection Subcommittee

Business meeting, to begin mark up of S. 2181, authorizing funds through fiscal year 1982 to assist States in developing fish and wildlife conservation programs.

4200 Dirksen Building

Special on Aging

Business meeting, to discuss the committee's work plan for the 2d session of the 96th Congress.

154 Russell Building

10:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on S. 2199, 2258, and 2264, bills to alleviate the economic effect of the Soviet grain embargo on American farmers.

324 Russell Building

Banking, Housing, and Urban Affairs

To hold oversight hearings on the conduct of monetary policy.

5302 Dirksen Building

Energy and Natural Resources

To hold hearings on S. 1280, proposed Energy Management Partnership Act.

3110 Dirksen Building

Labor and Human Resources

Health and Scientific Research Subcommittee

To resume hearings on S. 1652, proposed Nutrition Labeling and Information Amendments of 1979 to the Federal Food, Drug, and Cosmetic Act.

4232 Dirksen Building

2:00 p.m.

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for Human Development Services.

S-128, Capitol

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the administration of foreign affairs within the Department of State.

S-146, Capitol

Finance

Social Security Subcommittee

To resume oversight hearings on social security financing.

2221 Dirksen Building

FEBRUARY 26

9:00 a.m.

*Governmental Affairs

Energy, Nuclear Proliferation, and Federal Services Subcommittee

To hold hearings on proposed legislation to increase the authority of the President and Congress in postal operations and to provide a sound financial base for the future of the Postal Service.

3302 Dirksen Building

9:30 a.m.

Commerce, Science, and Transportation

To continue hearings on S. 2245, proposed Motor Carrier Reform Act

235 Russell Building

Environment and Public Works

Resource Protection Subcommittee

Business meeting, to continue mark up of S. 2181, authorizing funds through fiscal year 1982 to assist States in developing fish and wildlife conservation programs.

4200 Dirksen Building

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Department of the Treasury, and the Export-Import Bank of the United States.

1114 Dirksen Building

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Health Care Financing Administration.

S-128, Capitol

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for international organizations and conferences within the Department of State.

S-146, Capitol

Banking, Housing, and Urban Affairs
To continue oversight hearings on the conduct of monetary policy.
5302 Dirksen Building

Budget
To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1981 congressional budget.
6202 Dirksen Building

Energy and Natural Resources
To continue hearings on S. 1280, proposed Energy Management Partnership Act.
3110 Dirksen Building

Labor and Human Resources
To consider those matters and programs which fall within the committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
4232 Dirksen Building

Select on Indian Affairs
To hold hearings on S. 2066, to convey certain land in Colorado to the Ute Mountain Ute Indian Tribe.
5110 Dirksen Building

11:00 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations for fiscal year 1981 from Disabled American Veterans.
318 Russell Building

2:00 p.m.
*Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for International Commissions of the Department of State.
S-128, Capitol

Budget
To continue closed hearings in preparation for reporting the first concurrent resolution on the fiscal year 1981 congressional budget.
6202 Dirksen Building

Environment and Public Works
To review those items in the President's budget for fiscal year 1981 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, receiving testimony from officials of the Economic Development Administration and the Appalachian Regional Commission.
4200 Dirksen Building

FEBRUARY 27

9:30 a.m.
Commerce, Science, and Transportation
To continue hearings on S. 2245, proposed Motor Carrier Reform Act.
235 Russell Building

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on S. 2238, authorizing additional funds for fiscal year 1980, and S. 2240, authorizing funds for fiscal year 1981, both for research and development programs of the National Aeronautics and Space Administration.
6226 Dirksen Building

10:00 a.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Social Security Administration
S-128, Capitol

*Appropriations
State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the International Trade Commission, and the Legal Services Corporation.
S-146, Capitol

Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To hold oversight hearings to examine the scope of rental housing.
5302 Dirksen Building

Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To hold hearings on S. 1934, proposed Municipal Solid Waste to Energy Act.
3110 Dirksen Building

Governmental Affairs
Energy, Nuclear Proliferation, and Federal Services Subcommittee
To continue hearings on proposed legislation to increase the authority of the President and Congress in postal operations and to provide a sound financial base for the future of the Postal Service.
3302 Dirksen Building

Labor and Human Resources
Education, Arts, and the Humanities Subcommittee
Business meeting, to consider S. 1839, authorizing funds through fiscal year 1985 for programs under the Higher Education Act.
4232 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Office of Inspector General, Office of Civil Rights, Policy Research, and Departmental Management.
S-128, Capitol

FEBRUARY 28

9:00 a.m.
Veterans' Affairs
To hold hearings on S. 1188, to revise the vocational rehabilitation programs administered by the Veterans' Administration.
412 Russell Building

9:30 a.m.
Environment and Public Works
To review those items in the President's budget for fiscal year 1981 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, receiving testimony from officials of the Nuclear Regulatory Commission.
4200 Dirksen Building

Governmental Affairs
*Energy, Nuclear Proliferation, and Federal Services Subcommittee
To continue hearings on proposed legislation to increase the authority of the President and Congress in postal operations and to provide a sound financial base for the future of the Postal Service.
3302 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Veterans' Administration.
1318 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Community Services Administration, and the Railroad Retirement Board.
S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Board for International Broadcasting, and the Securities and Exchange Commission.
S-146, Capitol

Banking, Housing, and Urban Affairs
Insurance Subcommittee
To hold hearings on proposed authorizations for fiscal year 1981 for the crime and riot-reinsurance program of the Federal Emergency Management Administration.
5302 Dirksen Building

Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To continue hearings on S. 1934, proposed Municipal Solid Waste to Energy Act.
3110 Dirksen Building

Labor and Human Resources
Education, Arts, and the Humanities Subcommittee
Business meeting, to continue consideration of S. 1839, authorizing funds through fiscal year 1985 for programs under the Higher Education Act.
4232 Dirksen Building

Select on Indian Affairs
To hold hearings on S. 2223, to allow members of Indian tribes to transfer restricted Indian lands to heirs who are not members of the reservation where the land is located.
457 Russell Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the National Commission on Libraries and Information Services, Corporation for Public Broadcasting, Occupational Safety and Health Review Commission, Mine Safety Review Commission, and the Soldiers' and Airmen's Home.
S-128, Capitol

FEBRUARY 29

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology and Space Subcommittee
To resume hearings on S. 2238, authorizing additional funds for fiscal year 1980, and S. 2240, authorizing funds for fiscal year 1981, both for research and development programs of the National Aeronautics and Space Administration.
235 Russell Building

Labor and Human Resources
*Employment, Poverty, and Migratory Labor Subcommittee
Business meeting, to consider proposed legislation authorizing funds for fiscal year 1981 for the Legal Services Corporation.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Veterans' Administration, and for the American Battle Monuments Commission, and U.S. Army cemeterial expenses.
1318 Dirksen Building

Appropriations
Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for domestic programs of ACTION, National Labor Relations Board, Federal Mediation and Conciliation Service, and the National Mediation Board.
S-128, Capitol

Banking, Housing, and Urban Affairs
Insurance Subcommittee
To continue hearings on proposed authorizations for fiscal year 1981 for the crime and riot-reinsurance program of the Federal Emergency Management Administration.
5302 Dirksen Building

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 2156, proposed Northeast Corridor Completion Act.
457 Russell Building

Environment and Public Works
To review those items in the President's budget for fiscal year 1981 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, receiving testimony from officials of the Army Corps of Engineers, the Water Resources Council and the Office of Water Research and Technology.
4200 Dirksen Building

MARCH 3

9:30 a.m.
Labor and Human Resources
Handicapped Subcommittee
To hold oversight hearings on the implementation of the Education for All Handicapped Children Act (P.L. 94-142).
4200 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To resume hearings on proposed legislation to renew the Home Mortgage Disclosure Act.
5302 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To review those programs administered by the Department of Labor.
S-128, Capitol

MARCH 4

8:00 a.m.
Veterans' Affairs
To resume hearings on the Federal Government's efforts to assist Vietnam-era veterans in readjusting to society and finding employment and education opportunities.
412 Russell Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for certain programs administered by the Department of State.
1318 Dirksen Building

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Indian Health Service.
1223 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for public service jobs, special youth programs, the Job Corps, and jobs for the elderly.
1223 Dirksen Building

Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To hold hearings on proposed legislation authorizing funds through fiscal year 1985 for the Urban Mass Transportation program.
5302 Dirksen Building

Energy and Natural Resources
Business meeting, to consider those matters and programs which fall within the committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget by March 15; and other pending calendar business.
3110 Dirksen Building

11:30 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations for fiscal year 1981 from Veterans of Foreign Wars.
318 Russell Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for general manpower training programs, private sector initiatives, State employment security agencies.
1114 Dirksen Building

MARCH 5

9:00 a.m.
Labor and Human Resources
Employment, Poverty, and Migratory Labor Subcommittee
To hold hearings on S. 1129, 2021, and 2218, bills to provide career employment opportunities for disadvantaged youth; and S. 1312, proposed Work and Training Opportunities Act.
4232 Dirksen Building

9:30 a.m.
Environment and Public Works
Business meeting, to mark up S. 2181, authorizing funds through fiscal year 1982 to assist States in developing fish and wildlife conservation programs; S. 1882, to provide for the control of interstate and foreign commerce in fish and wildlife, and to explore the preservation of wildlife on an international level; and to consider those matters and programs which fall within the committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
4200 Dirksen Building

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Office of Surface Mining Reclamation and Enforcement.
1223 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Labor-Management Services Administration, Pension Benefit Guaranty Corporation, Occupational Safety and Health Administration, and the Mine Safety and Health Administration.
1114 Dirksen Building

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the U.S. Trade Representative, and the Federal Trade Commission.
S-146, Capitol

Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To continue hearings on proposed legislation authorizing funds through fiscal year 1985 for the urban mass transportation program.
5302 Dirksen Building

Commerce, Science, and transportation
Merchant Marine and Tourism Subcommittee
To hold hearings on S. 2248, authorizing funds for fiscal year 1981 for the U.S. Travel Service.
235 Russell Building

Energy and Natural Resources
Business meeting, to consider those matters and programs which fall within the committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget by March 15; and other pending calendar business.
3110 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Employment Standards Administration, Bureau of Labor Statistics, and President's Committee on Employment of Handicapped.
1114 Dirksen Building

MARCH 6

8:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on S. 2249, to increase the minimum level of price support on quota peanuts for the 1980 and 1981 crops.
324 Russell Building

9:00 a.m.
Labor and Human Resources
Employment, Poverty, and Migratory Labor Subcommittee
To continue hearings on S. 1312, proposed Work and Training Opportunities Act.
4232 Dirksen Building

9:30 a.m.
Environment and Public Works
Business meeting, to continue consideration of those matters and programs which fall within the committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
4200 Dirksen Building

Veterans' Affairs
Business meeting, to consider those items in the President's budget for fiscal year 1981 which fall within its legislative jurisdiction and to consider recommendations which it will make thereon to the Budget Committee by March 15.
412 Russell Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for certain international security assistance programs of the Department of State.
1114 Dirksen Building

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the National Credit Union Administration,

and Neighborhood Reinvestment Corporation.
1318 Dirksen Building

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the National Endowment for the Humanities.
1223 Dirksen Building

Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To continue hearings on proposed legislation authorizing funds through fiscal year 1985 for the urban mass transportation program.
5302 Dirksen Building

Energy and Natural Resources
Business meeting, to consider those matters and programs which fall within the committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget by March 15; and other pending calendar business.
3110 Dirksen Building

Select on Indian Affairs
To hold hearings on S. 1507, to provide for the purchase of certain facilities, lands, and water rights in and around the San Luis Rey River, San Diego, Calif., to be held in trust for, and operated and maintained by certain boards of Mission Indians.
5110 Dirksen Building

MARCH 10

9:30 a.m.
Labor and Human Resources
Health and Scientific Research Subcommittee
To hold hearings on S. 2144, proposed Health Professions Educational Assistance and Nurse Training Act.
4232 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To resume hearings on S. 1928, proposed Fair, Financial Information Practices Act, and S. 1929, proposed Privacy of Electronic Fund Transfer Act.
5302 Dirksen Building

2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for general administration and legal activities of the Department of Justice.
S-146, Capitol

MARCH 11

8:30 a.m.
Energy and Natural Resources
To resume closed hearings to assess the political, military, economic, and social factors affecting world oil production and consumption over the next decade.
S-407, Capitol

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Selective Service System (Registration).
1318 Dirksen Building

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for certain programs administered by the Secretary of Energy.
1114 Dirksen Building

Appropriations
State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Federal Bureau of Investigation, Department of Justice.
S-146, Capitol

Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To continue hearings on S. 1928, proposed Fair, Financial Information Practices Act, and S. 1929, proposed Privacy of Electronic Fund Transfers Act.
5302 Dirksen Building

Governmental Affairs
Energy, Nuclear Proliferation, and Federal Services Subcommittee
To hold hearings on S. 1699, proposed Energy Impact Assistance Act.
3302 Dirksen Building

Labor and Human Resources
Business meeting, to mark up S. 1076, to improve the regulation of multiemployer pension insurance plans, and to provide sufficient funds to pay benefits.
4232 Dirksen Building

2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Immigration and Naturalization Service, Department of Justice.
S-146, Capitol

MARCH 12

9:00 a.m.
Labor and Human Resources
Employment, Poverty, and Migratory Labor Subcommittee
To resume hearings on S. 1129, 2021, and 2218, bills to provide career employment opportunities for disadvantaged youth.
5110 Dirksen Building

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1981 for the National Bureau of Standards.
235 Russell Building

Labor and Human Resources
*Health and Scientific Research Subcommittee
To resume hearings on S. 2144, proposed Health Professions Educational Assistance and Nurse Training Act.
4232 Dirksen Building

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Office of Indian Education, and the Institute of Museum Services.
1223 Dirksen Building

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Drug Enforcement Administration, Department of Justice.
S-146, Capitol

Banking, Housing, and Urban Affairs
Business meeting, to consider those matters and programs which fall within the committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
5302 Dirksen Building

Governmental Affairs
Energy, Nuclear Proliferation, and Federal Services Subcommittee
To continue hearings on S. 1699, proposed Energy Impact Assistance Act.
3302 Dirksen Building

2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Federal Prison System, and Office of Justice Assistance, Research and Statistics, Department of Justice.
S-146, Capitol

MARCH 13

9:00 a.m.
Labor and Human Resources
Child and Human Development Subcommittee
To hold hearings on proposed legislation to establish Commissions on National Youth Service and Volunteerism.
4232 Dirksen Building

Labor and Human Resources
Employment, Poverty, and Migratory Labor Subcommittee
To continue hearings on S. 1129, 2021, and 2218, bills to provide career employment opportunities for disadvantaged youth.
6226 Dirksen Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the International Development Cooperation Agency, and certain programs of the Agency for International Development.
1114 Dirksen Building

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Office of the Secretary, and the Office of the Solicitor.
1223 Dirksen Building

MARCH 14

8:30 a.m.
Energy and Natural Resources
To resume closed hearings to assess the political, military, economic, and social factors affecting world oil production and consumption over the next decade.
S-407, Capitol

9:00 a.m.
*Veterans' Affairs
To hold hearings on the recruitment and retention of qualified health-care professionals to staff the Veterans' Administration's health-care facilities.
412 Russell Building

10:00 a.m.
*Banking, Housing, and Urban Affairs
International Finance Subcommittee
To resume hearings on S. 864, 1499, 1663, 1744, bills to facilitate the formation of U.S. export trading companies to expand export participation by smaller U.S. companies.
5302 Dirksen Building

MARCH 17

10:00 a.m.
Banking, Housing, and Urban Affairs
International Finance Subcommittee

To hold hearings on S. 2097, proposed Joint Export Marketing Assistance Act, and on the substance of S. 2040, proposed Small Business Export Expansion Act and S. 2104, proposed Small Business Export Development Act.
5302 Dirksen Building

MARCH 18

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for certain programs of the Agency for International Development.
1114 Dirksen Building
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for alternative fuels program of the Department of Energy
1223 Dirksen Building
Banking, Housing, and Urban Affairs
International Finance Subcommittee
To continue hearings on S. 2097, proposed Joint Export Marketing Assistance Act, and on the substance of S. 2040, proposed Small Business Export Expansion Act and S. 2104, proposed Small Business Export Development Act.
5302 Dirksen Building
Energy and Natural Resources
Energy Resources and Materials Production Subcommittee
To hold oversight hearings on the implementation of the Outer Continental Shelf leasing program.
3110 Dirksen Building

MARCH 19

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1981 for programs under the National Climate Program Act.
235 Russell Building
10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Bureau of Indian Affairs.
1224 Dirksen Building
Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

MARCH 20

9:00 a.m.
Veterans' Affairs
Business meeting, to consider S. 1188, to revise the vocational rehabilitation programs administered by the Veterans' Administration.
412 Russell Building
10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for certain programs of the Agency for International Development, and for the Peace Corps.
1114 Dirksen Building
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Environmental Protection Agency.
1318 Dirksen Building
Appropriations
Interior and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Bureau of Indian Affairs.
1223 Dirksen Building
Energy and Natural Resources
Energy Resources and Materials Production Subcommittee
To resume oversight hearings on the implementation of the Outer Continental Shelf leasing program.
3110 Dirksen Building
2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on proposed authorizations for fiscal year 1981 for the Department of Energy.
3110 Dirksen Building

MARCH 21

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1981 for programs under the National Climate Program Act.
235 Russell Building
10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Environmental Protection Agency, and for the Council on Environmental Quality.
1318 Dirksen Building

MARCH 24

10:00 a.m.
Banking, Housing, and Urban Affairs
International Finance Subcommittee
To resume hearings on the U.S. embargo of grain and technology exports to the Soviet Union.
5302 Dirksen Building
Energy and Natural Resources
To hold oversight hearings on the activities of the Department of Energy.
3110 Dirksen Building
2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Bureau of Census, general administration, and economic and statistical analysis, Department of Commerce.
S-146, Capitol

MARCH 25

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for certain programs of the Agency for International Development; the international narcotics control program of the Department of State; and for the Inter-American Foundation.
1318 Dirksen Building
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for certain programs of the Department of Energy.
1223 Dirksen Building
Appropriations
State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Economic Development Administration, and Regional Planning Commission, Department of Commerce.
S-146, Capitol
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1981 for housing, community development programs and the Urban Development Action Grant of the Department of Housing and Urban Development.
5302 Dirksen Building
Energy and Natural Resources
Parks, Recreation, and Renewable Resources Subcommittee
To hold hearings on S. 2233, to permit the Forest Service to acquire lands outside the boundaries of the Los Padres National Forest in California.
3110 Dirksen Building

MARCH 26

9:00 a.m.
Labor and Human Resources
Child and Human Development Subcommittee
Business meeting, to mark up S. 1843 and H.R. 2977, proposed Domestic Violence Prevention and Services Act; and proposed legislation to establish Commissions on National Youth Service and Volunteerism.
4232 Dirksen Building
10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Office of Water Research and Technology.
1223 Dirksen Building
Appropriations
State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Industry and Trade Administration, Minority Business Development Agency, and the U.S. Travel Service, Department of Commerce.
S-146, Capitol
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To continue hearings on proposed legislation authorizing funds for fiscal year 1981 for housing, community development programs and the Urban Development Action Grant of the Department of Housing and Urban Development.
5302 Dirksen Building
Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building
2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the National Oceanic and Atmospheric Administration, Department of Commerce.
S-146, Capitol

MARCH 27

9:30 a.m.

Veterans' Affairs

To hold hearings to receive legislative recommendations for fiscal year 1981 from AMVETS, Paralyzed Veterans, Blinded Veterans, WWI Veterans, and Military Order of the Purple Heart.

1202 Dirksen Building

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the National Science Foundation.

1318 Dirksen Building

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Smithsonian Institution.

1223 Dirksen Building

*Appropriations

State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Patent and Trademark Office, and science and technical research, Department of Commerce.

S-146, Capitol

Banking, Housing, and Urban Affairs

Consumer Affairs Subcommittee

To resume hearings on S. 1928, proposed Fair Financial Information Practices Act, and S. 1929, proposed Privacy of Electronic Fund Transfers Act.

5302 Dirksen Building

Energy and Natural Resources

To hold hearings on S. 1784, to improve the electric generating efficiency of joint Federal-civilian pooling practices in Alaska.

3110 Dirksen Building

2:00 p.m.

Appropriations

State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the National Telecommunications and Information Administration, and the Maritime Administration, Department of Commerce

S-146, Capitol

MARCH 28

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1981 for the National Science Foundation, and for the Office of Science and Technology Policy.

1318 Dirksen Building

Banking, Housing, and Urban Affairs

Consumer Affairs Subcommittee

To continue hearings on S. 1928, proposed Fair Financial Information Practices Act, and S. 1929, proposed Privacy of Electronic Fund Transfers Act.

5302 Dirksen Building

MARCH 31

2:00 p.m.

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Chrysler loan guarantee program.

S-146, Capitol

APRIL 1

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for foreign assistance programs.

1318 Dirksen Building

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Commerce.

S-146, Capitol

Banking, Housing, and Urban Affairs

Housing and Urban Affairs Subcommittee

To resume hearings on proposed legislation authorizing funds for fiscal year 1981 for housing, community development programs and the Urban Development Action Grant of the Department of Housing and Urban Development.

5302 Dirksen Building

APRIL 2

9:30 a.m.

Veterans' Affairs

To resume hearings on the Federal Government's efforts to assist Vietnam-era veterans in readjusting to society, and the use of excepted appointments for disabled veterans.

412 Russell Building

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Selective Service System, and the National Commission on Air Quality.

1318 Dirksen Building

Banking, Housing, and Urban Affairs

Housing and Urban Affairs Subcommittee

To continue hearings on proposed legislation authorizing funds for fiscal year 1981 for housing, community development programs, and the urban development action grant of the Department of Housing and Urban Development.

5302 Dirksen Building

Energy and Natural Resources

Business meeting, to consider pending calendar business.

3110 Dirksen Building

APRIL 3

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Federal Home Loan Bank Board, and the National Institute of Building Sciences.

1318 Dirksen Building

Energy and Natural Resources

To hold hearings on the environmental effects of carbon dioxide present in the atmosphere.

3110 Dirksen Building

APRIL 15

10:00 a.m.

Banking, Housing, and Urban Affairs

International Finance Subcommittee

To hold hearings on proposed authorizations for fiscal year 1981 for the international affairs programs of the Department of the Treasury; and on proposed legislation to increase the U.S. quota in the International Monetary Fund.

5302 Dirksen Building

APRIL 16

9:30 a.m.

Veterans' Affairs

Business meeting, to consider proposed legislation on the recruitment and retention of qualified health-care professionals to staff the Veterans' Administration health-care facilities, S. 759, to provide for the right of the United States to recover their costs of hospital, nursing home, or outpatient, medical care furnished by the Veterans' Administration to veterans for nonservice-connected disabilities to the extent that they have health insurance or similar contracts, and S. 1523 and H.R. 4015, proposed Veterans Senior Citizen Health Care Act.

412 Russell Building

10:00 a.m.

Banking, Housing, and Urban Affairs

International Finance Subcommittee

To continue hearings on proposed authorizations for fiscal year 1981 for the international affairs programs of the Department of the Treasury; and on proposed legislation to increase the U.S. quota in the International Monetary Fund.

5302 Dirksen Building

APRIL 17

9:30 a.m.

*Labor and Human Resources

Child and Human Development Subcommittee

To hold oversight hearings on the development of children who benefit from adoption by facilitating their placement in adoptive homes.

4232 Dirksen Building

APRIL 18

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Federal Emergency Management Agency.

1318 Dicksen Building

APRIL 24

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the National Aeronautics and Space Administration.

1318 Dirksen Building

APRIL 25

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1981 for the National Aeronautics and Space Administration.

1318 Dirksen Building

MAY 1

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Department of Housing and Urban Development.

1318 Dirksen Building

*Labor and Human Resources

Child and Human Development Subcommittee

To hold hearings on issues Congress might consider which would affect youth in the coming decade.

6226 Dirksen Building

MAY 2

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Housing and Urban Development.

1318 Dirksen Building

MAY 15

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1981 for the Department of Housing and Urban Development, and Independent Agencies.

1318 Dirksen Building

MAY 16

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Housing and Urban Development, and Independent Agencies.

1318 Dirksen Building

MAY 22

9:30 a.m.

Labor and Human Resources

Child and Human Development Subcommittee

To hold oversight hearings to examine issues affecting infant mortality, and preventable birth defects.

4232 Dirksen Building

MAY 29

9:30 a.m.

Veterans' Affairs

To hold hearings on proposed legislation to establish a cost-of-living increase for service-connected disability compensation.

412 Russell Building

JUNE 11

9:30 a.m.

*Veterans' Affairs

To hold oversight hearings on the activities of the Inspector General of the Veterans' Administration.

412 Russell Building

CANCELLATIONS

FEBRUARY 20

10:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Navajo and Hopi Indian Relocation Commission, Advisory Council on Historic Preservation, and the Woodrow Wilson International Center for Scholars.

1224 Dirksen Building

Governmental Affairs

To hold hearings on S. 2164 and 2165, bills to protect the confidentiality of certain export information required by the Bureau of the Census for statistical purposes.

3302 Dirksen Building

Judiciary

To hold hearings on pending nominations.

2228 Dirksen Building

FEBRUARY 21

10:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Pennsylvania Avenue Development Corporation, National Capital Planning Commission, and the Franklin Delano Roosevelt Memorial Commission.

1224 Dirksen Building

Governmental Affairs

To continue hearings on S. 2164 and 2165, bills to protect the confidentiality of certain export information required by the Bureau of the Census for statistical purposes.

5302 Dirksen Building

HOUSE OF REPRESENTATIVES—*Tuesday, February 19, 1980*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

How lovely is Thy dwelling place, O Lord of hosts! My soul longs, yea, faints in the courts of the Lord; my heart and flesh sing for joy to the living God.—Psalms 84: 1, 2.

O God, as we go about our daily tasks and seek to do Your will, may we be aware of the presence of Your spirit and conscious of Your abiding love. Strengthen us to do those things that serve this Nation and bring honor and nobility to all people. Give us the spirit of joy in the opportunity of service to others, confident that You are with us every day of our lives. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Chirdon, one of his secretaries, who also informed the House that on February 15, 1980, the President approved and signed a bill of the House of the following title:

H.R. 5176. An act to establish an independent personnel system for employees of the General Accounting Office.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 477. Joint resolution to authorize and request the President to issue a proclamation honoring the memory of Walt Disney on the 25th anniversary of his contribution to the American dream.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
February 14, 1980.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House received in the Office of the Clerk at 11:15 a.m. on Thursday, February 14, 1980, and said to contain a Message from the President wherein he transmits to the Congress the 1976 Annual Report on the Federal Ocean Program.

With kind regards, I am,
Sincerely,
EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.
By W. RAYMOND COLLEY,
Deputy Clerk.

1976 ANNUAL REPORT ON THE FEDERAL OCEAN PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Merchant Marine and Fisheries:

(For message, see proceedings of the Senate of February 18, 1980, p. S1429.)

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. WRIGHT) laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
February 14, 1980.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House received in the Office of the Clerk at 2:58 p.m. on Thursday, February 14, 1980, and said to contain a Message from the President wherein he transmits a special message on territorial policy.

With kind regards, I am,
Sincerely,
EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.
By W. RAYMOND COLLEY,
Deputy Clerk.

FEDERAL TERRITORIAL POLICY TOWARD GUAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 96-268)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Interior and Insular Affairs and ordered to be printed:

(For message, see proceedings of the Senate of February 18, 1980, p. S1429.)

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
February 15, 1980.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Office of the Clerk at 12:41 p.m. on Friday, February 15, 1980, and said to contain a message from the President wherein he transmits the Wild and Scenic River Study of the John Day River in Oregon.

With kind regards, I am,
Sincerely,
EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.
By BENJAMIN J. GUTHRIE,
Assistant to the Clerk.

STUDY OF THE JOHN DAY RIVER IN OREGON—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 96-269)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Interior and Insular Affairs and ordered to be printed:

(For message, see proceedings of the Senate of February 18, 1980, page No. 2901.)

PRIVATE CALENDAR

The SPEAKER pro tempore. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

CLARENCE S. LYONS

The Clerk called the bill (H.R. 3818) for the relief of Clarence S. Lyons.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MORRIS AND LENKE GELB

The Clerk called the bill (H.R. 4285) for the relief of Morris and Lenke Gelb.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

ISAAC DAVID COSSON

The Clerk called the bill (H.R. 2475) for the relief of Isaac David Cosson.

☐ This symbol represents the time of day during the House Proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

There being no objection, the Clerk read the bill as follows:

H.R. 2475

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall, from funds in the Treasury not otherwise appropriated, make monthly payments to Isaac David Cosson of Clermont, Florida, in amounts determined in accordance with section 2 of this Act. Such payments shall be in full satisfaction of any claim against the United States relating to the injuries suffered by Mr. Cosson as a result of the saturation bombing of the yard near his home by an aircraft of the United States Army on August 11, 1944.

SEC. 2. (a) Each monthly amount payable under this Act shall be equal to—

(1) one twelfth of $16,000, adjusted in accordance with subsection (b), reduced by

(2) one twelfth of—

(A) earned income of Mr. Cosson from the preceding calendar year exceeding $3,200; and

(B) the total of any benefits or assistance payable to Mr. Cosson under any Federal, State, or local program in such preceding calendar year (other than under this Act).

(b) (1) On or before February 28 of each year, the Secretary of the Treasury shall adjust the $16,000 amount referred to in section 2(a)(1), with respect to the twelve months beginning after such date, by the percent change, if any, which he determines to have occurred in the price index published for December of the previous year from the price index published for the month in which this Act is enacted.

(2) The monthly amount payable after adjustment under this section shall be rounded to the nearest dollar (rounding any amount which is $0.50 or higher to the next highest dollar), except that no adjustment shall be for less than $1.

SEC. 3. Amounts payable by this Act for any month shall be paid on or before the last day of such month. Such payments shall commence with payment for the second month which begins after the date of the enactment of this Act, and shall cease with respect to months beginning after the month in which the date of Mr. Cosson's death occurs.

SEC. 4. For purposes of this Act—

(1) "earned income" has the meaning given such term by section 911(b) of the Internal Revenue Code; and

(2) "price index" means the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

SEC. 5. The provisions of this Act shall be effective notwithstanding any provision either in the Act of December 3, 1945 (59 Stat. 801), or in the Act of May 10, 1956 (64 Stat. A46).

COMMITTEE AMENDMENT

The SPEAKER pro tempore. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 6: strike "Acts shall be equal to" and insert "Acts shall be equal to one-twelfth of $16,000, adjusted in accordance with subsection (b).".

AMENDMENT OFFERED BY MR. SENSENBRENNER TO THE COMMITTEE AMENDMENT

Mr. SENSENBRENNER. Mr. Speaker, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. SENSENBRENNER to the Committee amendment: Page 2, lines 7 and 18, strike out "$16,000" and insert in lieu thereof "$18,000".

The amendment to the committee amendment was agreed to.

The committee amendment, as amended, was agreed to.

COMMITTEE AMENDMENT

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, strike all from line 8 through line 16.

The committee amendment was rejected.

COMMITTEE AMENDMENT

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, line 3, insert a new section 3 as follows:

SEC. 3. No amount made payable to Mr. Cosson by this Act shall be considered as income or resources for purposes of determining either—

(1) The eligibility of Mr. Cosson to receive medical assistance directly related to or necessitated by the injuries described in the first section of this Act under any State plan approved pursuant to title XIX of the Social Security Act, or under any Federal or federally assisted program, or

(2) The amount of such medical assistance or other aid or assistance which is payable to Mr. Cosson.

The committee amendment was rejected.

AMENDMENT OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SENSENBRENNER: Page 2, line 2, strike out "saturation" and insert in lieu thereof "accidental".

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

ETHNIC JOKES POOR SUBSTITUTE FOR ADDRESSING IMPORTANT ISSUES

(Mr. MOFFETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOFFETT. Mr. Speaker, I think when we return from a hard-working recess in the district it is often good to bring some levity into the body, particularly for our friends on this side of the aisle. There is a joke going around New England and my district, one that is especially popular in Polish and Italian neighborhoods.

□ 1210

It is about an elderly ex-movie actor who is actually running for President, and who thinks he has a chance. What is even funnier is that this elderly ex-movie actor is thinking that he has a chance in New England. Even more ridiculous, he thinks he has a chance in the Polish and Italian communities.

What is not so funny, of course, is that the Reagan campaign up to this moment has been totally devoid of ideas about what can be done about heating oil prices, what can be done about rundown factories, what can be done about rundown cities and other problems of New England. His ethnic jokes are a poor substitute for these important issues.

TIME TO BUILD THE ORME DAM

(Mr. RHODES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RHODES. Mr. Speaker, as I talk to you, some 80,000 cubic feet of water a second race down the Salt River through Phoenix. We have had one 400-year flood and two 100-year floods in the past 3 years.

President Carter has blocked Orme Dam as part of his vendetta against water projects in the West. It is currently undergoing another of the many studies done by the Water and Power Resources Service and the U.S. Army Corps of Engineers.

Although the corps study of alternatives to Orme Dam will not be completed until May 1982, representatives of the Corps of Engineers testified just this morning before a subcommittee of the Appropriations Committee that Orme Dam is still the best bet for flood control to date.

When asked at the hearing whether there could be another 500-year flood—or two—or three—between now and the time the study is complete, the corps representatives testified that it was possible.

Mr. Speaker, in order to meet that May 1982 completion date, the corps needs $330,000 more in its fiscal 1981 budget.

I believe the time has come to face reality. We are in a race between redtape and rising costs, plus a growing population that needs protection from floods. Let us quit studying right now and get busy building the Orme Dam.

Mr. RUDD. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to my colleague from Arizona.

Mr. RUDD. Mr. Speaker, I simply want to join the distinguished minority leader in the comments he makes on the construction of the Orme Dam. It is necessary and vital, and there is no question about it after the last flood.

WHICH CAME FIRST, THE CHICKEN OR THE EGG—CONGRESS DECIDES

(Ms. FERRARO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FERRARO. Mr. Speaker, there are many questions which have challenged the great minds of the human race. But none as simple, and as complex as this: Which came first, the chicken or the egg?

From Adam and Eve to the philosophical pundits of today, the seemingly harmless riddle has stymied the geniuses of the ages. Plato contemplated, Socrates orated, Moliere and Voltaire reasoned without success. And so, we continue to ponder the origin of fowl. The answer is as elusive as ever.

Today the first piece of business before the House is H.R. 6285, the Egg Research and Consumer Information Act. Following that, we will consider H.R. 2492, tariff treatment of crude feathers and down.

A do-nothing Congress? Not at all. Today, the House has answered the unanswerable question, and I thank you.

MOTION TO INSTRUCT CONFEREES ON WINDFALL PROFITS

(Mr. D'AMOURS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. D'AMOURS. Mr. Speaker, as many Members of the House know, I had intended today to offer a preferential motion under clause 1(b), rule XXVIII, which would have instructed the House conferees on windfall profits to accede to Senate amendments on the tax credits. I was contacted very recently by Chairman ULLMAN, who is heading the House conferees. He asked me if I would delay the making of this motion until the House goes into session tomorrow.

On the statement from Mr. ULLMAN that he will not conclude the conference today, and that in fact at the time that I make the motion tomorrow it will be in order because the conference will not be concluded; and in deference to the chairman of the Ways and Means Committee I will hold off the making of this motion until the House resumes tomorrow, at which time I will most definitely make it.

I hope that Mr. ULLMAN will agree that we can get to a vote up or down on whether or not the instructions as I am offering them should be given.

SECRETARY DUNCAN REPUDIATES THE ENERGY DEPARTMENT'S PLANNED BOYCOTT OF STATES NOT RATIFYING THE EQUAL RIGHTS AMENDMENT

(Mr. RUDD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RUDD. Mr. Speaker, Energy Deputy Secretary John Sawhill, in an act of bureaucratic arrogance, asked Department of Energy officials to avoid scheduling big DOE events in 14 States that have not yet ratified the equal rights amendment.

This request was circulated throughout the Department in a memorandum from Mr. Sawhill's staff assistant, Mary Gant.

DEPARTMENT OF ENERGY,
Washington, D.C., January 29, 1980.

Memorandum for the Under Secretary, Chief Financial Officer, Assistant Secretaries, General Counsel, Assistants to the Secretary, Administrators, Directors, Inspector General, Controller.

Subject: States which have not ratified the Equal Rights Amendment.

At the senior staff meeting on Monday, the Deputy Secretary asked that you avoid scheduling big DOE events in states that have not yet ratified the Equal Rights Amendment when possible. The list of 14 states that you should make an effort to avoid include:

Alabama, Arizona, Arkansas, Florida, Georgia, Illinois, Louisiana, Mississippi, Missouri, Nevada, North Carolina, Oklahoma, Utah, Virginia.

MARY GANT,
Staff Assistant.

During his Budget Committee testimony this morning, in response to my questions on this matter, I was most pleased that Secretary Charles Duncan completely repudiated this action, calling it "a serious error."

He stated that no punitive action would be taken by the Energy Department against any State because it has not ratified the equal rights amendment.

This is the only responsible course of action in light of the Department of Energy's mandate to work with people in every State in order to develop better, lower cost energy sources and technologies for the entire Nation.

EGGS, FEATHERS AND CONGRESS

(Mr. MICHEL asked and was given, permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, as you know the Egg Research and Consumer Act amendments and the tariff treatment of feathers and downs are under consideration today.

I find this most fitting because these bills remind me of the current majority leadership.

The Democrat majority is hard-boiled and has scrambled for 25 years looking for good policies. It too often treats the minority as if we were a bad yolk, which really leaves us fried.

I suppose you will say omletting myself go too far.

But then, Mr. Speaker, you have to consider the Feathers and Downs Act. It only goose to show you that under Democrat leadership we duck the hard issues. And so I say to you, sir, feather you like it or not, we of the minority will rise again to give this House a more significant eggislative program than what we have in store for us today.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Washington.

Mr. FOLEY. Mr. Speaker, I would not want to suggest that the gentleman is a "feather merchant," or that he has laid an egg on the floor of the House, but this is important, at least to the country. It is very serious to be subjected to the mockery by the minority of these two fine bills.

Mr. MICHEL. The gentleman is entitled to his opinion.

PRESIDENT WASHINGTON OFFERS FISCAL EXAMPLE

(Mr. DEVINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEVINE. Mr. Speaker, this week we celebrate President George Washington's birthday. In many ways President Washington offers an example we all should strive to imitate.

For instance, when he was President our Federal Government collected taxes at the rate of 93 cents per person in a typical year. And, the Federal Government spent those tax dollars at the rate of 10 cents a minute.

But, today, our country has gone off the straight and narrow track of fiscal solvency. Washington is collecting revenue this year at the rate of $2,400 per person.

The Democrat-controlled Congress is spending those tax dollars at the rate of over $1 million every minute of every day.

Mr. Speaker, it is clear that our Nation needs and wants a change.

We must begin by electing a Republican Congress and ending the 25 years of fiscal mismanagement that has fired inflation and produced soaring budgetary deficits.

☐ 1220

TOPIC: CHANGING CONGRESS

(Mr. BETHUNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BETHUNE. Mr. Speaker, there are those who feel that the Republican suggestion to the voters of the Nation, that Congress should be changed, is nothing more than a partisan quest for power. There is more to it than that.

As a new Member of this institution, I have come to the conclusion that neither Democrats nor Republicans have a monopoly on wisdom. I have seen the intellectual capabilities of both sides exhibited in debate on this floor, and have to conclude that neither is more gifted than the other. While there are philosophical differences among the Members occupying each side of this Chamber, the point being made by those of us advocating change in Congress is broader. We feel an "institutional corruption" has developed in the force which has controlled this House for 25 years.

This does not attempt to imply our Democrat friends are evil or malicious. It is simply to say that Congress is not working right. One party has held power too long. Power corrupts and that is what is wrong with Congress. We need a change. The majority of people in this country are not proud of the Federal

Government or the direction in which it is moving. They do not like the decisions that are being made by Congress, and they do not approve of congressional actions. Simply replacing some of the players does not do the job, because until a majority in Congress is other than Democrat, the Democrats will control the institution. Furthermore, their control reaches beyond Congress to governmental agencies, lobbyists, and literally the power structure of the Nation.

Using a new broom, the voters can install a different power structure. Because it is new and different, the creation of a new power structure in the Government is likely to be more responsive to the people. New people will control congressional committees; new people will control the hearing process before congressional committees; new people will control the flow of legislation to the floor of the House and the Senate; and new people will control the process of debate. Thus, new results will occur.

Hopefully, the voters will find that Congress is in tune with their wishes and responsive to their needs and desires.

VACATING PROCEEDINGS ON H.R. 2475, FOR THE RELIEF OF ISAAC DAVID COSSON

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent to vacate the proceedings whereby a private bill, H.R. 2475, for the relief of Isaac David Cosson, was engrossed, read a third time and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the final committee amendment on page 3, line 20, through page 4, line 7, be agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

EGG RESEARCH AND CONSUMER INFORMATION ACT

Mr. FOLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6285) to amend the Egg Research and Consumer Information Act, as amended.

The Clerk read as follows:

H.R. 6285

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Egg Research and Consumer Information Act Amendments of 1980".

SEC. 2. Section 8(a) of the Egg Research and Consumer Information Act (7 U.S.C. 2707(a)) is amended by deleting the word "eighteen" in such section and inserting in lieu thereof the word "twenty".

SEC. 3. Section 8(b) of the Egg Research and Consumer Information Act (7 U.S.C. 2707 (b)) is amended by deleting the period at the end of the paragraph and inserting the following: ": *Provided further*, That two members of the Egg Board, and alternates therefor, shall be consumers or representatives of consumers, if approved by egg producers voting in a referendum on an amendment to the order. Such consumer appointments shall be made by the Secretary from nominations submitted by eligible organizations. If the Secretary determines that such nominees are not members of either a bona fide consumer organization or do not represent consumers, the Secretary may appoint such consumers or representatives of consumers as deemed necessary to properly represent the interest of consumers. Consumer members of the Egg Board shall be voting members.".

SEC. 4. Section 8(e) of the Egg Research and Consumer Information Act (7 U.S.C. 2707(e)) is amended by striking the third sentence and inserting in lieu thereof the following: "For fiscal year 1981, the rate of assessment prescribed by the order shall not exceed 7½ cents per case of commercial eggs or the equivalent thereof. For each fiscal year thereafter, the rate of assessment may be increased by no more than three-quarters of a cent per case of commercial eggs or the equivalent thereof: *Provided*, That the rate of assessment shall not exceed 10 cents per case of commercial eggs or the equivalent thereof.".

SEC. 5. Section 9 of the Egg Research and Consumer Information Act (7 U.S.C. 2708) is amended by adding at the end thereof a new sentence as follows: "The failure of egg producers to approve an amendment to any Egg Research and Promotion Order shall not be deemed to invalidate such order.".

SEC. 6. Section 15 of the Egg Research and Consumer Information Act (7 U.S.C. 2714) is amended by striking section 15 of the Act and inserting in lieu thereof the following:

"SEC. 15. (a) The several district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating, any order or regulation made or issued pursuant to this Act. Any civil action authorized to be brought under this subsection shall be referred to the Attorney General for appropriate action: *Provided*, That nothing in this Act shall be construed as requiring the Secretary to refer to the Attorney General violations of this Act whenever he believes that the administration and enforcement of the program would be adequately served by administrative action pursuant to paragraph (b) of this section or suitable written notice or warning to any person committing such violations.

"(b)(1) Any person who violates any provisions of any order or regulation issued by the Secretary pursuant to this Act, or who fails or refuses to pay, collect, or remit any assessment or fee duly required of him thereunder, may be assessed a civil penalty by the Secretary of not less than $500 or more than $5,000 for each such violation. Each violation shall be a separate offense. In addition to or in lieu of such civil penalty the Secretary may issue an order requiring such person to cease and desist from continuing such violation or violations. No penalty shall be assessed or cease and desist order issued unless such person is given notice and opportunity for a hearing before the Secretary with respect to such violation, and the order of the Secretary assessing a penalty or imposing a cease and desist order shall be final and conclusive unless the affected person files an appeal from the Secretary's order with the appropriate United States court of appeals.

"(2) Any person against whom a violation is found and a civil penalty assessed or cease and desist order issued under paragraph (b)(1) of this section may obtain review in the court of appeals of the United States for the circuit in which such person resides or has his place of business or in the United States Court of Appeals for the District of Columbia Circuit by filing a notice of appeal in such court within thirty days from the date of such order and by simultaneously sending a copy of such notice by certified mail to the Secretary. The Secretary shall promptly file in such court a certified copy of the record upon which such violation was found. The findings of the Secretary shall be set aside only if found to be unsupported by substantial evidence.

"(3) Any person who fails to obey a cease and desist order after it has become final and unappealable, or after the appropriate court of appeals has entered final judgment in favor of the Secretary, shall be subject to a civil penalty assessed by the Secretary, after opportunity for a hearing and for judicial review pursuant to the procedures specified in paragraphs (b)(1) and (2) of this section, of not more than $500 for each offense, and each day during which such failure continues shall be deemed a separate offense.

"(4) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court of appeals has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General who shall recover the amount assessed in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.".

The SPEAKER pro tempore. Is a second demanded?

Mr. JEFFORDS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Washington (Mr. FOLEY) will be recognized for 20 minutes, and the gentleman from Vermont (Mr. JEFFORDS) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Washington (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, the bill, H.R. 6285, is an act to amend the Egg Research and Consumer Information Act to enable egg producers to establish, finance, and carry out a coordinated program of research, producer and consumer education, and promotion to improve, maintain, and develop markets for eggs, egg products, spent fowl and products of spent fowl. This has been a program that has, since its inception in 1976, worked very well, but there is a need for a very slight increase in the assessment rate, and some other minor changes in the program.

Mr. Speaker, I would like to yield such time as he may consume to the distinguished gentleman from Wisconsin (Mr. BALDUS), the chairman of the Subcommittee on Dairy and Poultry.

Mr. BALDUS. Mr. Speaker, I rise in support of the bill, H.R. 6285, a bill to amend the Egg Research and Consumer

Information Act. The purpose of the Egg Research and Consumer Information Act as stated in its legislative charter is "to enable egg producers to establish, finance, and carry out a coordinated program of research, producer and consumer education, and promotion to improve, maintain, and develop markets for eggs, egg products, spent fowl, and products of spent fowl." H.R. 6285 amends the act to increase the effectiveness of the program being carried out to achieve these legislatively mandated goals.

The amendments first provide for consumer representation on the American Egg Board which is responsible for administering the program under the general supervision of the Secretary of Agriculture. Secondly, H.R. 6285 authorizes an increase in the assessment rate paid by producers to finance the program and, finally, the bill authorizes an administrative procedure for handling violations of the act.

Under current law, the act requires that all Egg Board members shall be egg producers or representatives of egg producers. In order to allow the addition of consumer members to the American Egg Board, the act must be amended. The addition of consumer members will provide new and varied viewpoints to the organization which will enable the Board to better serve the needs of producers and consumers alike.

The activities of the Egg Board are totally financed by producer assessments. Since the inception of the program in 1976, the assessment rate has remained constant at 5 cents per case of 30 dozen eggs, resulting in net revenues of approximately $6 million. Inflation has diminished the impact of the purchasing power of assessments. Since the program was started, the 5-cent assessment has been reduced to 4 cents in purchasing power.

The Board's allocation for advertising has declined by more than half a million dollars in the past 3 years, while the cost of media advertising has increased by approximately 27 percent. There has been similar erosion in the Board's research programs.

This decrease in both absolute and inflationary dollars has required some major modifications to Egg Board programs. An increase in the assessment rate will provide the financial resources that are necessary to carry out an effective program. The amendment would authorize the Secretary to increase the assessment rate for fiscal year 1981 from not more than 5 cents per case of 30 dozen eggs to not more than 7½ cents per case, and each fiscal year after the 1981 fiscal year, by not more than three-quarter cents per case up to a maximum total assessment of 10 cents per case, subject to approval in a referendum of producers.

In the public hearing process, a representative from the United Egg Producers indicated that every regional and national organization of egg producers supported an increase in the assessment rate. It should be noted that expenses incurred by the Department of Agriculture in administering the program are to be reimbursed by the funds collected through producer assessments.

Under H.R. 6285, the Secretary is expected to require that at least 10 percent of Egg Board assessments be allocated to research, prior to granting the Egg Board's budget his approval. Research has been an important aspect of the board's activities. For example, 1980 is the fourth consecutive year that the AEB has provided over a half million dollars for cholesterol research by nonprofit medical and scientific institutions across the country. Besides nutritional research, the board finances research projects to develop processed products from spent fowl and eggs and to determine consumer attitudes toward various egg and spent fowl products. The Egg Board pledges all grantees that it adheres to a policy of noninterference with both experimental work and the right of researchers to publish their findings as they see fit.

The last section of H.R. 6285 makes changes in the authority of the Department to enforce the provisions of the Egg Research and Consumer Information Act. The act requires all producers who are not exempt to remit an assessment. Each producer has the right to demand a refund of the assessment which will promptly be submitted. Under current legislation the only method of enforcing these provisions is to refer the case to the U.S. Attorney for appropriate court action. H.R. 6285 authorizes the Department to deal with violations through the administrative process, by issuing civil penalties and cease and desist orders, accompanied by the appropriate due process protections. Through this procedure, the Department could deal directly with alleged violations increasing the probability of gaining compliance and avoiding significant time lags which often result in the judicial forum. The Federal court system would be spared the responsibility of hearing at the trial level many cases which could effectively be resolved through an administrative procedure.

H.R. 6285 will enable the American Egg Board to more effectively continue the promotional, educational, and research programs developed over the last 4 years.

The Congressional Budget Office report states that no significant additional cost to the Government would be incurred as a result of enactment of H.R. 6285.

I urge my colleagues to support H.R. 6285.

☐ 1230

Mr. JEFFORDS. Mr. Speaker, I yield to the gentleman from Virginia (Mr. WAMPLER) such time as he may consume.

Mr. WAMPLER. Mr. Speaker, I rise in support of this bill to amend the Egg Research and Consumer Information Act. The purpose of this act, passed by the 93d Congress in October of 1974, is to allow the egg industry "to establish, finance, and carry out a coordinated program of research, producer and consumer education and promotion to improve, maintain and develop markets for eggs, egg products, spent fowl and the products of spent fowl."

Since the inception of this act, Mr. Speaker, the assessment for carrying out this program has remained at 5 cents per case of eggs (30 dozen). Obviously, inflation has taken its toll as the dollar has decreased in value. The 5-cent assessment has been reduced to about 4 cents in purchasing power. Without the increase called for in this amendment, the program can no longer remain as effective as it should be.

We are all concerned, Mr. Speaker, with the impact that inflation can have on the consumer, and it is with this concern that we ask that the House pass this bill. H.R. 6285 is anti-inflationary in nature since the activities of the Egg Board will increase consumer awareness of the nutritious, low-cost meals that can be prepared with eggs. Furthermore, producers not favoring the assessment have the right to demand and to receive a refund. It has been estimated that if by the 1985 fiscal year, the entire 5-cent increase is in place, only 0.1 cent should be added to the price of one dozen eggs.

It is rare that the House of Representatives receives such strong support for the passage of a bill. An increase in the rate of assessment was requested by the United Egg Producers and endorsed by 29 different State, regional, and national organizations of egg producers. This represents near unanimous support for the increase by regional and national producer organizations. In addition, this bill is supported by the U.S. Department of Agriculture, and the American Farm Bureau.

The Egg Board has made available over one-half million dollars annually (over $2 million over the last 4 years) solely for cholesterol research by nonprofit medical and scientific institutions across the country. Among those institutions conducting such studies have been Johns Hopkins University, University of California at Los Angeles, St. Louis University Medical School, Massachusetts Institute of Technology, and others.

Al Pope, executive vice president of United Egg Producers, explains how the research projects are selected:

> Most importantly, the research projects funded are not selected on some self-serving basis of the industry. All research applications are turned over to an independent scientific review panel, chaired by Dr. Elliott Rapaport, a past president of the American Heart Association. No projects disapproved by the review panel have ever been funded by the Egg Board. Further, the Egg Board issues a policy statement to all grantees which "pledges a policy of non-interference with both experimental work and the right of researchers to publish their findings as they see fit." In addition, prior to funding, USDA receives the grant applications, and it in turn submits them to yet another independent scientific body for review. To our knowledge, the amount spent by the egg industry in the field of cholesterol research is greater than that spent by any other group in the country.

If this bill is passed, the amount of funds devoted to research will increase from the current level in excess of one-half million dollars annually to over $1 million annually by 1985.

Currently, scientists are not at all complacent about the American diet or the largely sedentary way of life of most Americans. However, several people and groups are trying to indict eggs in the so-called diet-heart disease controversy but to date, I submit, they have only been able to circulate unsubstantiated suspicion and rumor. When scientists differ why should politicians rush to judgment on this issue?

I urge you to support this bill as one which will merely permit the egg industry to continue to make consumers aware of the nutritious low-cost meals that can be prepared with eggs.

Mr. BALDUS. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. Jones).

Mr. JONES of Tennessee. Mr. Speaker, I rise today to offer my wholehearted support for H.R. 6285, the Egg Research and Consumer Information Act Amendments of 1980. I feel a special regard for this bill since I was the sponsor of the original legislation passed in the 93d Congress which established the Egg Board. Its purpose is to carry out a coordinated program of research, producer and consumer education, and promotion to improve, maintain, and develop markets for eggs, egg products, spent fowl, and products of spent fowl.

In my opinion, the gentleman from Wisconsin has done a splendid job in proposing amendments which will further strengthen the original intent of the act.

H.R. 6285 is aimed at benefiting consumer interests and does not propose any new regulations which would drastically change the excellent program now in place. The Egg Board already exists and assessments are already made. The Department of Agriculture exercises strict control over the content of any advertising or promotion. This bill simply strengthens and encourages those features.

The bill would allow the egg producers to vote to increase their rate of assessment from 5 cents per 30-dozen case to 7½ cents per case. It would allow annual increases of three-fourths cents thereafter, but it would impose a 10-cent-per-case maximum.

H.R. 6285 provides several safeguards to protect the interests of our Nation's consumers. It raises the maximum allowable number of members of the Egg Board from 18 to 20 to include two consumer members. It provides the Department with authority to issue cease and desist orders and civil penalties for violation of the act and strengthens the Secretary's powers to require that any material have educational benefit before he approves its use. The interests of consumers are further served by provisions which require that a minimum percentage of funds be used for research and that consumers be provided with useful information on low-cost, nutritious meals prepared in an endless variety of ways.

I sincerely ask all my colleagues to join me in supporting this bill, and again, I want to compliment the distinguished chairman of the Agriculture Committee's Subcommittee on Dairy and Poultry for his excellent work in bringing this bill before us today.

Mr. WAMPLER. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. Richmond).

Mr. RICHMOND. Mr. Speaker, I am here in an unpleasant position today. I hate to come up and argue against a bill that is promoted by my great friend from Wisconsin who has been my colleague since I have been in Congress and my close friend, but I argued against the bill in committee and I feel compelled to bring this argument to the floor.

Frankly, I am against all Government activity in product promotion bills. I believe product promotion belongs to the industry. The Government should not be involved in the election; the Government should not be involved in the collection of funds; the Government should not be involved in using Federal personnel to operate these product promotion boards.

On the other hand, in deference to my colleagues on the Committee on Agriculture and in deference to my friend the gentleman from Wisconsin (Mr. Baldus), I might approve of this bill if it contained an amendment guaranteeing that consumers be advised of the health risk of overconsumption of cholesterol for certain people.

Mr. Speaker, I myself can only eat eggs once a week. We all know for a fact that among mature people, among the people in this very room, many cannot eat eggs every day. Now, why on earth are we here voting on a bill which is just going to increase advertising so that all we will hear on the radio, television and in the newspapers is, "Eat eggs, eat eggs, eat eggs."

Mr. Speaker, the U.S. Department of Agriculture finally put out a very good booklet called "Nutrition and Your Health, Seven Easy Ways to Keep Healthy."

Under item No. 3 it says "Avoid too much fat, saturated fat, and cholesterol. If you have a high blood cholesterol level you have a greater chance of having a heart attack."

It goes on to say:

> For the United States population as a whole, reduction in our current intake of total fats, saturated fats and cholesterol is sensible.
>
> To avoid too much fat, saturated fat and cholesterol, moderate your use of eggs.

Mr. Speaker, our own Government, the U.S. Department of Agriculture, publishes this booklet. We have worked for years and years and years to have this booklet printed, because every commodity and food lobby in the United States was against printing this booklet. We finally had the booklet printed and it says, "Moderate your use of eggs."

Mr. Speaker, is it too much for me to ask that in this body of this bill we have an amendment which says that everytime eggs are advertised it should be noted below that certain people should not overindulge themselves with eggs?

This means we must defeat this suspension. We must allow the distinguished chairman from Wisconsin (Mr. Baldus) to go to the Rules Committee, and bring the bill back with a rule providing for a 1-hour debate and an opportunity to amend the bill.

Last year 700,000 Americans died of heart diseases. We know for a fact that many of those people died from heart diseases because of their high cholesterol levels. We know for a fact that eggs increase cholesterol level. Is it too much to ask that the Federal Government tell mature people not to eat too many eggs?

Mr. Speaker, I only ask that we defeat this suspension, let us ask the gentleman from Wisconsin (Mr. Baldus) to go back to the Rules Committee, get a new rule, and let us pass the bill with a proper amendment.

Mr. Speaker, as it currently stands, H.R. 6285 is a blatant and cynical example of special interest legislation parading under the guise of consumer protection. Cleverly garnished with high sounding words and phrases like "research" and "consumer information," the bill is in fact an egg which has been around too long. Perhaps that is why its sponsors are intent to bring it to the legislative feasting board in such unseemly haste. If indeed there is something rotten in Denmark, I assure you that the egg will out.

What research, what information? Does anyone seriously believe that an egg board composed of egg producers is going to act as an impartial research institute? If six out of every seven dollars collected by the Federal Government under this act is going for promotion and advertising to convince people to consume more eggs, what travesty of language allows the sponsors of this bill to call it a research and information act?

Consistency is perhaps the hobgoblin of little minds but there is a hint of the ridiculous for the Government on one hand to be advising Americans to lower their consumption of eggs and cholesterol and on the other collecting fees to tell people to eat more eggs.

According to the recently published Surgeon General's report to the American public on Health Promotion and Disease Prevention, "Premature heart disease is unequivocally associated with elevated cholesterol levels." One egg yolk alone contains 250 to 300 mg. of cholesterol—more in itself than the prudent level for adults. In the nationally released Dietary Guidelines published jointly by the Departments of Agriculture and Health, Education, and Welfare titled "Nutrition and Your Health," the third of seven guidelines is avoid too much fat, saturated fat and cholesterol. In the interest of health, the agencies specifically advise Americans to moderate their use of eggs.

The major activity of the Egg Board which would receive the additional producer taxes called for H.R. 6285 is, by USDA definition, "media advertising and promotion, using television, radio and magazine campaigns." For these activities, the Egg Board spent over $4 million in federally dictated assessments.

No one has better expressed the need to reduce Government interference in industry and agriculture than the vice president of the Poultry and Egg Institute of America. Testifying before my Nutrition Subcommittee in 1978, the spokesman for the egg industry opposed any increased use of Federal funds to provide consumers with objective scientific information about the relationship of diet to health. According to that industry official: "We would also like to commend Congress and specifically those members of the House Agriculture Committee and this subcommittee who have joined in recent efforts to eliminate unneeded legislation; reduce waste, duplication, and excessive regulation; and curb our burgeoning Federal bureaucracy."

I think we could do nothing better to honor that gentleman's eloquent request on behalf of his industry than defeat this outrageous example of special interest legislation and allow the egg and poultry industry to operate in the free marketplace it desires.

As chairman of the House Nutrition Subcommittee, I urge you to vote "no" on H.R. 6285.

□ 1240

Mr. JEFFORDS. Mr. Speaker, I yield myself such time as I may consumer.

Mr. Speaker, I would like to respond to the comments of the gentleman from New York. There are no Federal funds involved in this program. This is a voluntary, and I emphasize voluntary, checkoff system where egg producers may contribute to a fund in order to do egg research. It is a very small amount—7½ cents per case, or 30 dozen of eggs.

The gentleman from New York would like real Federal involvement. He would like every egg stamped with something that says be careful if you eat it. In fact, if the gentleman had his way, he would have a commodity like salt stamped. He would have milk stamped. He would have water stamped. All of these may be harmful to individuals if not used in moderation.

We must rely on the intelligence of the American public to know that they cannot overindulge. If they have a problem and their doctor tells them not to eat eggs, then they should not eat eggs. There is no evidence that the average or normal person should not eat eggs because of cholesterol. Some people may have a specific problem, but we cannot stamp every piece of food to say that it may be harmful to your health.

I do not understand the gentleman's argument.

Mr. RICHMOND. Mr. Speaker, will the gentleman yield?

Mr. JEFFORDS. Certainly.

Mr. RICHMOND. Mr. Speaker, the gentleman is a great friend of mine. We have worked together for many years. As the gentleman knows, the gentleman is exaggerating the situation. The gentleman is making a joke of the situation. I really feel badly coming from the gentleman particularly.

I do not want every egg stamped. All I want is that every time the Egg Board places an advertisement in some public newspaper or radio or television station, they also mention that eggs are not advisable for certain people.

Now, the gentleman made another statement. The gentleman said the Federal Government is not involved in the cost of this program. How come in our committee report, I quote:

> The committee intends that the cost of any referendum for the amendment of the Egg Research and Promotion Order be considered "administrative costs incurred by the department" and as such they are to be reimbursed from Egg Board assessments.

In other words, the Federal Government will have to put out money, get reimbursed by the Egg Board. The Federal Government is involved in this entire manipulation.

I have no objection to it. I will vote for an Egg Board. I will vote for an Egg Board just because I want to work closely with the rural Members of Congress and I want to help the farmers of the United States; but I will not vote for an Egg Board and I will do everything possible not to create, an Egg Board unless the gentleman will agree that in all advertising we must say that eggs can be injurious to the health of people.

The gentleman knows himself, being over 30 years old, the gentleman knows himself he cannot eat too many eggs. The gentleman knows every single person in this room should not eat eggs every day.

Mr. JEFFORDS. Well, I do not know the answer to that. I do not necessarily agree with that.

Mr. RICHMOND. I think the answer is that there is a strong connection between overindulgence of eggs among mature people and cholesterol. We know that cholesterol is something nobody in this room wants. Let us at least demand that all egg advertising, all egg labeling, not the egg itself, but the carton says something about the fact that overindulgence of eggs is not good for certain people.

Mr. JEFFORDS. But that is true of every food.

Mr. RICHMOND. It is not true of every food.

Mr. JEFFORDS. You can hardly name a food with which you do not have problems.

Mr. RICHMOND. You can drink all the milk you want and nothing will happen to you. You will not get a heart attack. You can eat all the bread you want and nothing will happen. You will just gain some weight.

Mr. JEFFORDS. If you are allergic to wheat, you will have problems.

Mr. RICHMOND. Very few people are allergic to wheat.

Mr. JEFFORDS. That is true.

Mr. RICHMOND. As the gentleman knows, the wheat board agreed to put in dietary information on their labeling.

Mr. JEFFORDS. As you know, of course, the head of the research review panel for the Egg Board is the former head of the American Heart Association. This group is well aware that there may be problems and they work in this area. Obviously, the egg board is supporting research on this subject.

Mr. RICHMOND. If my colleague, the gentleman from Vermont, says that they are so well aware, why are they against agreeing to an amendment which would say that they must put those words in black and white on their cartons and on their advertising? That is all I want.

Mr. JEFFORDS. It is an unnecessary item that everyone is well aware of.

Mr. RICHMOND. It is not when you figure that 700,000 people a year die from heart attacks.

Mr. JEFFORDS. I take back my time.

I commend the gentleman for his interest in this area; what the gentleman says is true of everything—of all foods. It is going beyond reason to add such a requirement as proposed by the gentleman to the bill. As the committee agreed, such an amendment is unnecessary.

The gentleman had his say in the Agricultural Committee. It has been well discussed. This bill is an attempt to keep Government out of things, to allow the private sector to do the things that are necessary to assist in making people aware of the advantages of egg production. It certainly is a very modest amendment.

I should also point out that this amendment adds two consumers to the Egg Board. If the Egg Board and the consumers agree to what the gentleman says as being advisable, then it can be done. This is not a Federal subsidy. This is not a Federal program, so there is no cost to the Federal Government for which the Government is not reimbursed.

Mr. IRELAND. Mr. Speaker, in 1974, the Congress created the American Egg Board, to establish, finance, and carry out a coordinated program of research, producer and consumer education, and promotion to improve the egg markets. This program is funded by the egg industry through an assessment rate on the eggs marketed.

Today through H.R. 6285 we have an opportunity to improve on this program and make it much more effective.

In recognition of the needs of the consumer, this bill would increase the membership of the Board from 18 to 20 and require that two members of the Board represent the needs and concerns of consumers.

Second, many in the industry recognize that due to inflation the assessment that they agreed to pay is not sufficient to pay for the program needed. Therefore, they urge us to allow this assessment to be increased and such authorization is included in this bill.

Furthermore, the board has found that the procedures included in the original legislation to enforce compliance with the act are inefficient and cumbersome. In place of this system, the Agriculture Committee has recommended that many of the compliance problems should be handled administratively, as opposed to the current system of taking it through the Federal court system.

I think this legislation will improve the efficiency of this program. I support it and urge that this bill be adopted.●

The SPEAKER pro tempore (Mr. PREYER). The question is on the motion offered by the gentleman from Washington (Mr. FOLEY) that the House suspend the rules and pass the bill, H.R. 6285, as amended.

The question was taken.

Mr. RICHMOND. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 288, nays 82, not voting 63, as follows:

[Roll No. 57]

YEAS—288

Akaka
Albosta
Alexander
Andrews, N.C.
Annunzio
Anthony
Applegate
Archer
Ashley
Aspin
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Bereuter
Bethune
Bevill
Blanchard
Boggs
Bolling
Boner
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Buchanan
Burgener
Burlison
Burton, John
Burton, Phillip
Butler
Byron
Carter
Cavanaugh
Chappell
Cheney
Clausen
Cleveland
Clinger
Coelho
Coleman
Collins, Tex.
Conyers
Corcoran
Corman
Cotter
Crane, Daniel
D'Amours
Daniel, Dan
Daniel, R. W.
Dannemeyer
Daschle
Davis, Mich.
Deckard
Derrick
Derwinski
Devine
Dickinson
Dicks
Diggs
Dingell
Dixon
Dodd
Dornan
Downey
Duncan, Oreg.
Duncan, Tenn.
Edwards, Ala.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Evans, Del.
Evans, Ga.
Evans, Ind.
Fascell
Fazio
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Forsythe
Fountain
Frenzel
Frost
Fuqua
Gaydos
Giaimo
Gibbons
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gramm
Grassley
Grisham
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hansen
Harkin
Harsha
Hefner
Hinson
Holland
Holt
Hopkins
Horton
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ichord
Ireland
Jeffords
Jeffries
Jenkins
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kelly
Kildee
Kindness
Kramer
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Lee
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Lundine
McCormack
McDade
McHugh
McKay
Marks
Marlenee
Marriott
Mathis
Mattox
Mavroules
Mica
Michel
Mikulski
Miller, Ohio
Mitchell, N.Y.
Mollohan
Montgomery
Moore
Moorhead, Calif.
Murphy, Pa.
Murtha
Myers, Ind.
Natcher
Neal
Nedzi
Nelson
Nichols
Nolan
O'Brien
Oberstar
Obey
Pashayan
Patten
Patterson
Pease
Pepper
Perkins
Pickle
Porter
Preyer
Price
Pritchard
Quayle
Quillen
Regula
Reuss
Rhodes
Rinaldo
Roberts
Robinson
Rodino
Roe
Rose
Rostenkowski
Roth
Rousselot
Royer
Rudd
Sabo
Satterfield
Sawyer
Sebelius
Sensenbrenner
Sharp
Shelby
Shumway
Shuster
Skelton
Slack
Smith, Nebr.
Snowe
Snyder
Spence
Stack
Staggers
Stangeland
Stanton
Steed
Stenholm
Stump
Swift
Synar
Tauke
Taylor
Thomas
Thompson
Traxler
Trible
Udall
Ullman
Vander Jagt
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Weaver
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wright
Wylie
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Zablocki

NAYS—82

Addabbo
Ambro
Anderson, Calif.
Ashbrook
Atkinson
Barnes
Beilenson
Benjamin
Bennett
Bingham
Brodhead
Broyhill
Carr
Chisholm
Clay
Collins, Ill.
Conte
Courter
Danielson
Dellums
Drinan
Edgar
Edwards, Calif.
Fenwick
Ferraro
Garcia
Gradison
Gray
Green
Guarini
Harris
Hawkins
Hollenbeck
Holtzman
Howard
Jacobs
Kostmayer
LaFalce
Lehman
Lungren
McDonald
Maguire
Martin
Matsui
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Moffett
Mottl
Nowak
Ottinger
Paul
Peyser
Ratchford
Richmond
Ritter
Rosenthal
Roybal
Russo
Scheuer
Schroeder
Schulze
Seiberling
Simon
Smith, Iowa
Solarz
Solomon
Spellman
St Germain
Stark
Stockman
Stratton
Studds
Van Deerlin
Vanik
Waxman
Weiss
Wolff
Wolpe
Yates
Zeferetti

NOT VOTING—63

Abdnor
Anderson, Ill.
Andrews, N. Dak.
Biaggi
Boland
Bonior
Campbell
Carney
Conable
Coughlin
Crane, Philip
Davis, S.C.
de la Garza
Donnelly
Dougherty
Early
Eckhardt
Ertel
Fury
Ford, Tenn.
Fowler
Gephardt
Gilman
Hanley
Heckler
Heftel
Hightower
Hillis
Jenrette
Kazen
Kemp
Kogovsek
Leland
Lent
Luken
McClory
McCloskey
McEwen
McKinney
Madigan
Markey
Mazzoli
Moakley
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Myers, Pa.
Oakar
Panetta
Petri
Pursell
Rahall
Railsback
Rangel
Runnels
Santini
Shannon
Stewart
Stokes
Symms
Treen
Wyatt
Wydler

☐ 1300

The Clerk announced the following pairs:

On this vote:

Mr. Rahall and Mr. Panetta for, with Mr. Biaggi against.

Mr. Leland and Mr. Myers of Pennsylvania for, with Mr. Rangel against.

Until further notice:

Mr. Moakley with Mr. Wydler.
Mr. Stokes with Mr. Pursell.
Mr. Shannon with Mr. Philip M. Crane.
Mr. Murphy of Illinois with Mr. Petri.
Mr. Boland with Mr. Railsback.
Mr. Early with Mr. Symms.
Mr. Fary with Mr. McKinney.
Mr. Luken with Mr. Madigan.
Mr. Markey with Mr. Lent.
Mr. Jenrette with Mr. McClory.
Mr. Murphy of New York with Mr. Hillis.
Mr. Hanley with Mr. McCloskey.
Mr. Wyatt with Mr. Kemp.
Mr. Santini with Mr. McEwen.
Mr. Moorhead of Pennsylvania with Mrs. Heckler.
Ms. Oakar with Mr. Gilman.
Mr. Gephardt with Mr. Abdnor.
Mr. Runnels with Mr. Anderson of Illinois.
Mr. Heftel with Mr. Campbell.
Mr. Kazen with Mr. Andrews of North Dakota.
Mr. Hightower with Mr. Coughlin.
Mr. Kogovsek with Mr. Carney.
Mr. Mazzoli with Mr. Davis of South Carolina.
Mr. Bonior of Michigan with Mr. Conable.
Mr. Donnelly with Mr. de la Garza.
Mr. Ford of Tennessee with Mr. Dougherty.
Mr. Fowler with Mr. Eckhardt.
Mr. Ertel with Mr. Stewart.

Messrs. RITTER, RATCHFORD, and COURTER changed their votes from "yea" to "nay."

Messrs. ICHORD, HANSEN, and RINALDO changed their votes from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BALDUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

TARIFF TREATMENT OF FEATHERS AND DOWNS

Mr. ZEFERETTI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 485 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 485

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2492) to correct an anomaly in the rate of duty applicable to articles of apparel in which feathers or downs are used as filling and to extend until June 30, 1984, the duty provisions applicable to crude feathers and downs, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and said substitute shall be considered as having been read. No amendments to the bill or to said substitute shall be in order to except amendments recommended by the Committee on Ways and Means, which shall not be subject to amendment, and an amendment printed in the Congressional Record of November 14, 1979, by, and if offered by, Representative Jenkins of Georgia, said amendment shall not be subject to amendment except pro forma amendments for the purpose of debate, and all points or order against said amendment for failure to comply with the provisions of clause 7, rule XVI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from New York (Mr. ZEFERETTI) is recognized for 1 hour.

Mr. ZEFERETTI. Mr. Speaker, I yield 30 minutes to the gentleman from Mississippi (Mr. LOTT) for purposes of debate, and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 485 provides for the consideration of H.R. 2492, to correct an anomaly in the rate of duty applicable to articles of apparel in which feathers or downs are used as filling, and to extend until June 30, 1984, the duty provisions applicable to crude feathers and downs. The rule allows for a modified closed rule providing 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

The resolution makes in order a committee amendment in the nature of a substitute prohibiting the offering of any amendments with two exceptions: First, amendments recommended by the Committee on Ways and Means, which shall not be subject to amendment; and second, an amendment printed in the CONGRESSIONAL RECORD of November 14, 1979, by and if offered by Representative JENKINS of Georgia, which is not amendable, waiving clause 7, rule XVI against the amendment. In addition, the rule allows for one motion to recommit with or without instructions.

Mr. Speaker, I believe this is a very uncontroversial measure with very little opposition. The measure extends for 4 years the duty-free treatment of imported feathers and downs for use in domestic clothing manufacture. The committee report states the demand for feathers and downs in this country will far exceed our capacity to produce them in the 4-year extension this bill represents. With this assurance I urge my colleagues to support the rule so we may proceed to the consideration of H.R. 2492.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

□ 1310

Mr. Speaker, House Resolution 485 is the rule providing for the consideration of the bill, H.R. 2492, relating to tariff treatment of crude feathers and downs. This is a modified closed rule providing for 1 hour of debate.

The rule makes in order the amendment in the nature of a substitute recommended by the Committee on Ways and Means for the purpose of amendment. Next it specifies amendments which will be in order—those recommended by the Committee on Ways and Means (which will not be subject to amendment) and an amendment to be offered by Representative JENKINS. The Jenkins amendment will not be subject to amendment except pro forma amendments for the purposes of debate, and clause 7 of rules XVI (the germaneness rule) is waived against this amendment.

There is one motion to recommit with or without instructions.

As reported from the Committee on Ways and Means in July, H.R. 2492 proposes to continue the suspension of duty for entries of bulk feathers and downs to June 30, 1984. Since the previous duty suspension terminated on June 30, 1979, the reported legislation contains a clause allowing for retroactive application back to the expiration date.

As originally introduced by the gentleman from Georgia (Mr. JENKINS), H.R. 2492 addressed not only the duty suspension expiration problem, but it also corrected an anomaly in the U.S. Tariff Schedules under which articles of apparel containing feathers and downs are classified as items of feathers, rather than items of apparel, which they are. As a result of the present system, down-filled garments come into the United States under the category of bulk feathers and downs and not as garments. The reason for this is because down in the garments is the chief weight item, thus causing the improper classification. The Jenkins amendment would clarify the categorization by disregarding down as the chief weight item and cause apparel items, such as down-filled jackets or trousers, to be classified properly as such.

Mr. Speaker, I fully support this legislation and the Jenkins amendment and certainly would have no objection to adoption of the rule at this time so that we may proceed to passage of the bill and the amendment.

Mr. ZEFERETTI. Mr. Speaker, I have no requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. VANIK. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2492) to correct an anomaly in the rate of duty applicable to articles of apparel in which feathers or downs are used as filling and to extend until June 30, 1984, the duty provisions applicable to crude feathers and downs.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. VANIK).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2492, with Mr. COELHO in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Ohio (Mr. VANIK) is recognized for 30 minutes, and the gentleman from Minnesota (Mr. FRENZEL) is recognized for 30 minutes.

The Chair now recognizes the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Chairman, I rise in support of H.R. 2492 as amended and reported by the Committee on Ways and Means to continue the suspension of customs duties on feathers and downs from June 30, 1979 to June 30, 1984.

The bill as originally introduced contained as section 1 a provision that would reclassify down-filled apparel in the Tariff Schedules of the United States. Because this section would result in a significant tariff increase, place such apparel under multifiber agreement restraints, and remove the items from duty-free eligibility under the generalized system of preferences, major objections were raised in the full Committee on Ways and Means, and this section was deleted.

The Committee also amended the bill to include a provision protecting the rights of importers to duty-free treatment between the expiration of the duty suspension on June 30, 1979 and the date of the enactment of this act.

The continued suspension of the tariff on feathers and down is justified by the need of our domestic bedding and clothing industries. It is estimated that 22 million pounds of raw feathers and down will be needed to meet current requirements. Furthermore, it is estimated that domestic production of raw feathers and down will be able to supply less than 20 percent of the total current domestic requirement.

Consumer demand has increased dramatically over the last 5 years and expected demand will remain high. The domestic industry expects to remain dependent on foreign sources for these products.

Reports received by the Committee from the Commerce, State, and Treasury Departments, and the Office of the Special Trade Representative favor the continued duty suspension.

The bill, as amended, was ordered reported by voice vote, and I urge its passage.

Mr. JENKINS. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I yield to my distinguished colleague, the gentleman from Georgia (Mr. JENKINS).

Mr. JENKINS. I thank the gentleman for yielding.

Mr. Chairman, sometime ago in committee, I offered an amendment to this particular bill which, in effect, would have placed apparel, primarily jackets and vests that were down filled, from coming into this country unless they were classified as jackets or coats or coats or down-filled vests.

I did this, recognizing that the tremendous increase in the imports in these particular items were in my opinion destroying the domestic industry.

Since that time, the Special Trade Negotiator has had an opportunity to meet with Hong Kong, Taiwan, and Korea, where 90 percent of these imports emanate from and he has worked out a temporary agreement which will be beneficial to the domestic industry.

For that reason I will not be offering the amendment which the rule permits.

I want to say to my colleagues in the House that while I have no down garment plants in my district, I thought this was a principle that ought to be brought to the attention of the House for the benefit of all apparel manufacturing areas. These garments were being brought in, not as garments, but as raw down. I think it is a sad spectacle on the industry of this Nation that we import the raw down, clean it in this country, turn around and ship it back to Korea and Taiwan, to be made into garments, and then reship the garments back to this Nation.

But I am very happy that the Special Trade Negotiator has been able to work this matter out satisfactorily to the apparel industry and to the textile industry.

I am very grateful for the cooperation of the chairman and the members of the Subcomittee on Trade in working this matter out.

Mr. VANIK. I thank our distinguished colleague from Georgia.

Mr. Chairman, I yield such time as he may consume to my distinguished colleague, the gentleman from New York (Mr. DOWNEY).

Mr. DOWNEY. Mr. Chairman, the bill which is before us today serves a worthwhile and necessary purpose. The duty-free importation of crude feathers and downs into the United States provides the raw material for a flourishing feather and down processing industry in this country. It keeps down-processing jobs in the United States and allows American down processors to remain leaders in the industry. Some feathers and downs are produced in the United States, much of this article comes from the area I represent, Long Island, which is world famous for the delicious end product of Long Island duck farms served in restaurants all over the country. However, duck farming is not a widespread industry in the United States and we can only produce domestically about 20 percent of the crude feathers and down our large processing industry requires.

I am sure that many of my colleagues here today own some article of down-filled outerwear, as do tens of thousands of their constituents. The growing popularity of these natural, warm, energy-efficient garments greatly adds to the significance of this bill. The Trade Subcommittee and the full Ways and Means Committee spent a considerable amount of time discussing this issue, and both bodies voted decisively against any attempt to raise the duty on the importation of these important articles through a reclassification of down-filled clothing in the tariff schedules.

As a member of the Ways and Means Subcommittee on Trade, I expressed my strong feelings that the interests of the American consumer, already plagued by inflation and rising costs of clothing and other essentials, would be significantly harmed by an increased tariff on imported down-filled clothing. The type of duty increase which was proposed would have virtually eliminated from the American marketplace the low- and middle-price range down-filled jacket and vest of the type purchased by millions of Americans in large retail stores such as Sears, J. C. Penney, and K Mart. Middle-income Americans would have been frozen out of the market for warm, natural garments made without a need for petrochemical additives. By raising duties we would have been subsidizing the production of synthetic materials, requiring more of what we are telling Americans to use less—oil.

Fortunately, the committee was wise enough to reject the proposal to reclassify down-filled garments and hoist duties on a petard of protectionism. In several months the Office of the Special Trade Representative will once again be discussing the issue of imports of down-filled clothing with the chief exporters of those articles, Taiwan, Korea, and Hong Kong, under the terms of the multifiber agreement. It is important for the STR to be aware that there is strong and unwavering opposition in the Congress to any attempt to reclassify and increase the rate of duty on these important consumer goods. Both the Ways and Means Committee and the Subcommittee on Trade gave a clear mandate against this type of proposal, and I am convinced that the House would have acted similarly if this issue had been brought before this body. I believe it is also important to remind the Special Trade Representative of the strong feeling among many Members of the House that the increase in volume allowed for these articles be kept as loose as possible in light of the growing demand among American consumers for reasonably priced down-filled outerwear.

I am sure that none of my colleagues would disagree with me if I said that the American consumer, coping with continuing increases in the cost of clothing, housing, food, and fuel deserves a break. I do not think that an affordable, warm winter coat for next year is too much for anyone to ask.

Mr. VANIK. I thank my distinguished colleague from New York. I want to say this, when this controversy arose in our committee discussions we tried to use the format that has been described in order to resolve it, so we could avoid controversy on the floor. I want to thank both the gentleman from New York (Mr. DOWNEY) and the gentleman from Georgia (Mr. JENKINS) for being cooperative in giving the committee a chance to work out the problems so there would be no controversy on the floor at this time.

Mr. FRENZEL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I support H.R. 2492 as reported from the committee. As such, the bill simply provides for a continuation of the duty suspension on crude feathers and down through June 30, 1984. The previous duty suspension expired on June 30, 1979, and the bill also provides for reliquidation of entries made between June 30, 1979 and the date of enactment of H.R. 2492 in order to insure a fair transition over the interim period.

The bill as it stands now appears to be noncontroversial in nature. It applies to raw feathers and down imported under item 186.15 of the Tariff Schedules of the United States. Currently, about 80 percent of domestic demand is supplied by imports. Consumer demand has risen dramatically since 1974, and this trend is expected to continue. It is not expected that domestic producers of crude feathers and down will be able to expand their production beyond the 20 percent of the market they now supply. Of course, this is the principal reason the duty was suspended initially, and apparently the structure of the industry has not changed.

A continuation of the duty suspension in this case would lower the costs to domestic manufacturers of down-filled wearing apparel and would improve their competitive position with respect to imports of finished down-filled coats, vests, and jackets. Imports of finished down-filled apparel items have risen sharply over the past several years, and have become increasingly cost-competitive with similar domestically produced garments. This fact has caused some concern because most of this increase enters the United States in a basket category that carries a rather low rate of duty and is not subject to quantitative limitations under the multifiber arrangement.

As many of my colleagues are aware, our distinguished colleague from Georgia (Mr. JENKINS) offered an amendment during the Trade Subcommittee's consideration of this bill the effect of which would have been to reclassify virtually all of the down-filled articles now entering the United States at a rate of duty of 7 percent ad valorem. Instead, an array of duties ranging from 8 to 42.5 percent ad valorem would be applied to these articles, depending on the component of chief value other than down.

This would mean, of course, higher prices to the consumer for the down-filled street and sportswear that has become so popular today. The amendment, which I have consistently opposed, was rejected by the committee before reporting the bill, but the rule we have just approved would permit Mr. JENKINS to offer the amendment on the floor today.

Since H.R. 2492 was reported by the committee, the U.S. Special Trade Representative has conducted extensive negotiations with supplying countries in an effort to resolve this issue. As a consequence of these negotiations and the work of the gentleman from Georgia, an interim agreement has been reached that would limit the increase in imports of down-filled wearing apparel from Taiwan and South Korea to 20 percent of the total amount of such items imported last year. After a 3-month period, negotiations would continue with respect to the percentage increase in volume for particular categories of clothing affected.

I believe this interim agreeemnt is a reasonable compromise which is calculated to protect the interests of both the consumer and the domestic apparel industry. However, we must make it clear that any changes in volume subsequently made as a result of further negotiations not serve to shield domestic industry from competition at the expense of American consumers who deserve the choice of lower cost imported down-filled clothing. I understand that our colleague, Mr. JENKINS, is satisfied with the negotiated compromise, and I understand he will not offer his amendment today.

Mr. Chairman, the compromise I have described should clear the way for approval of the needed suspension of duty on crude feathers and down unencumbered by any textile reclassification provision that could prove to be very costly to the consumer in the long run. The bill as reported received the overwhelming support of the Ways and Means Committee and has been endorsed by the Departments of Commerce, State, and Treasury and by the Office of the U.S. Trade Representative. I urge my colleagues to approve H.R. 2492 without amendment.

● Mr. GUARINI. Mr. Chairman, I urge the extension of the present suspension of duty on crude feathers and down.

The continued suspension of this tariff is in the best interest of our domestic bedding and clothing industries, for it will permit American manufacturers to compete effectively against imported products that contain foreign processed feathers and down. It is estimated that 22 million pounds of raw feathers and down are needed to meet our economy's surging market. But our domestic production of these commodities will be sufficient to supply less than 20 percent of this demand. In fact, the domestic industry readily anticipates its continuing dependence upon foreign sources for these products. Extending the existing suspension is, therefore, essential if lower cost raw materials for American producers of feather- and down-filled commodities are to be provided to the public.

Prior to 1974, when this legislation was first enacted, a 15-percent duty was imposed upon feathers and downs, but significantly lower tariff rates were applied to the finished products, thereby creating an abnormal rate condition. This situation favored foreign manufacturers to the extent that our domestic manufacturers of sleeping bags and outerwear garments found it increasingly difficult to keep pace with foreign suppliers.

Unless the present suspension of duty is continued, the juxtaposition of rates will resurface, allowing foreign manufacturers to again win an inordinately large share of the market. This would encourage our American manufacturers to establish facilities abroad, and result in a further loss of American jobs. The export potential of American companies would be severely endangered as well, negatively affecting our balance of payments at a time when we can least afford it.

The continuation of the existing suspension has the endorsement of the administration, the Office of the Special Representative for Trade Negotiations, and the Departments of State, Treasury, and Commerce. In that, in their comments to our committee, these agencies stressed that the extension would benefit the domestic apparel industry in obtaining access to needed raw materials at a cost competitive with that of foreign manufacturers. It is generally agreed that the lifting of the suspension will result in such a substantial increase in the price of the domestic manufacturers' finished goods (pillows, clothing, comforters), that they will be unable to compete with their imported counterparts. And, of course, extending this legislation will in no way adversely affect the domestic producers of waterfowl feathers and downs. The 200 American suppliers who engage in this trade, raise their birds primarily for meat. The rocketing demand over the past 5 years for outerwear garments has served to dispel any notions that the suspension would impact deleteriously on them.

There can be no question but that continuing the current suspension of the duty on crude feathers and down will promote competition, benefit American industry by providing an impetus for the export of American-made products, and work to the advantage of the American consumer.

Mr. Chairman, it is essential that the suspension of the duty on crude feathers and down be extended. I urge all of my colleagues to vote for passage of H.R. 2492 without amendment, as reported by the Committee on Ways and Means.●

● Mrs. CHISHOLM. Mr. Chairman, the bill under consideration before us today, extending the suspension of an import duty on crude and finished down feathers until June 30, 1984, is of utmost importance to the feather and down industry in this country. Since June 30, 1979, this industry has been in a state of limbo and has been seriously threatened by the lack of any measure to protect them from high tariff and import duties.

Because only 20 percent of the feathers and down needed for manufacturing purposes can be obtained from domestic sources, U.S. manufacturers must import 80 percent of the raw materials needed from countries where food from sources of waterfowl are much more popular than in the United States.

There are about 60 firms in this country involved in the importation of crude and down feathers. Eight of these firms are located in Brooklyn and five are located in my district. These Brooklyn companies comprise over 65 percent of the industry. The current legislative status has caused tremendous confusion in business planning for this industry. It is the traditional practice, based on the original 1974 duty suspension legislation, to quote prices for goods and to make purchase commitments far in advance of the actual season in which the garment is marketed. This tradition leads to stable employment practices on a year-round basis. However, the confusion and uncertainty posed by a lack of legislation suspending tariffs has made it difficult for many of the companies in this country to quote prices.

The interim measure imposing 15 percent on raw goods and 7.5 percent on finished goods such as coats, parkas, vests, sleeping bags, comforters, and so forth, has further exacerbated the situation. This disruption has caused cash flow problems for the companies making it necessary for them to borrow at high interest rates in order to post bonds with customs or pay the duty quoted on the products. These companies are also threatened with the loss of export markets because the imposition of a tariff will eventually mean that finished products manufactured in the United States will bear a much higher price tag than those goods produced in other countries.

The loss of this industry in Brooklyn alone will mean that 1,100 people will be unemployed. Ninety-five percent of these workers are semiskilled and what skills they do have are not necessarily transferable. The loss of these plants would have a significant impact on the unemployment and welfare rolls for my district. Already both figures are way above the national average with the unemployment rate at a high of 35 percent.

Very few jobs that are semiskilled exist anymore, particularly in the Northeastern part of the country from which numerous plants have moved in the last decade. Discontinuation of the tariff suspension would exacerbate the employment situation.

Since 1974, the demand for down products has increased significantly. In 1974, $8 million worth of down products were imported. This translates into about 3.4 million down-filled products. In 1978, there were $59 million down-filled products on the market. This market will grow even more in the next 5 years. However, the United States will share very little in this market.

The imposition of a tariff of 7.5 percent on raw products will mean that American manufacturers will be underpriced by foreign markets. Already a number of foreign exports have nearly captured the American market and these products are sold in this country bearing the labels of American companies.

This measure to suspend the import duty on crude and finished down feathers comes at an extremely crucial time for this country. We are facing a number of financial and inflationary problems which are compounded by energy related problems. We cannot afford to ignore an industry that is facing possible extinction. Such an event would further compound both these problems.

This industry consists of about 60 small companies employing less than 250 people each. The products manufactured from these raw materials are extremely important in these days of energy conservation. A down-filled garment, blanket, or comforter can raise the temperature 10 degrees.

I do not believe that we can ignore this industry's plea for help. I urge my colleagues to carefully consider the bill before us and to vote for the suspension of a duty tariff on crude and finished down feathers.●

Mr. FRENZEL. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. VANIK. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the reported bill as an original bill for the purpose of amendment is considered as read. No amendment shall be in order except an amendment recommended by the Committee on Ways and Means, which shall not be subject to an amendment, and an amendment printed in the CONGRESSIONAL RECORD of November 14, 1979 by, and if offered by, Representative JENKINS of Georgia, said amendment shall not be subject to amendment except pro forma amendments for the purpose of debate.

The text of the bill is as follows:

H.R. 2492

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That items 903.70 and 903.80 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) are each amended by striking out "On or before 6/30/79" and inserting in lieu thereof "On or before 6/30/84".

SEC. 2. (a) The amendments made by the first section of this Act shall apply to articles entered, or withdrawn from warehouse, for consumption on or after the date of enactment of this Act.

(b) Upon request therefor filed with the customs officer concerned on or before the 90th day after the date of the enactment of this Act, the entry or withdrawal of any article to which item 903.70 or 903.80 of the Tariff Schedules of the United States (as in effect on June 30, 1979) applied and—

(1) that was made after June 30, 1979, and before the date of the enactment of this Act, and

(2) with respect to which there would have been no duty if any of the amendments made by the first section of this Act applied to such entry or withdrawal, shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of the enactment of this Act.

Are there any committee amendments?

If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. STUDDS) having assumed the chair, Mr. COELHO, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2492) to correct an anomaly in the rate of duty applicable to articles of apparel in which feathers or downs are used as filling and to extend until June 30, 1984, the duty provisions applicable to crude feathers and downs, pursuant to House Resolution 485, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DOWNEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device and there were—yeas 371, nays 0, not voting 62, as follows:

[Roll No. 58]

YEAS—371

Abdnor
Addabbo
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Anthony
Applegate
Archer
Ashbrook
Ashley
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Burton, John
Burton, Phillip
Butler
Byron
Carr
Carter
Chappell
Cheney
Chisholm
Clausen
Clay
Cleveland
Clinger
Coelho
Coleman
Collins, Ill.
Collins, Tex.
Conte
Conyers
Corcoran
Corman
Cotter
Courter
Crane, Daniel
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
Deckard
Dellums
Derrick
Derwinski
Devine
Dickinson
Dicks
Diggs
Dixon
Dodd
Donnelly
Dornan
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Evans, Del.
Evans, Ga.
Evans, Ind.
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Forsythe
Fountain
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gibbons
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Harkin
Harris
Harsha
Hawkins
Heckler
Hefner
Hinson
Holland
Hollenbeck
Holt
Holtzman
Hopkins
Howard
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffries
Jenkins
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kelly
Kildee
Kindness
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Lee
Lehman
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Lundine
Lungren
McCormack
McDade
McDonald
McHugh
McKay
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Mathis
Matsui
Mattox
Mavroules
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Pa.
Murtha
Myers, Ind.
Natcher
Neal
Nedzi
Nelson
Nichols
Nolan
Nowak
O'Brien
Oberstar
Obey
Ottinger
Pashayan
Patten
Patterson
Paul
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Preyer
Price
Pritchard
Quayle
Quillen
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Robinson
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roth
Rousselot
Roybal
Royer
Rudd
Russo
Sabo
Satterfield
Sawyer
Schroeder
Schulze
Sebelius
Seiberling
Sensenbrenner
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Slack
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spellman
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Stark
Steed
Stenholm
Stockman
Stokes
Stratton
Studds
Stump
Swift
Synar
Tauke
Taylor
Thomas
Traxler
Trible
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker

Whitten
Williams, Mont.
Williams, Ohio
Wilson, Bob
Wilson, Tex.
Winn
Wirth
Wolff
Wolpe
Wright
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NOT VOTING—62

Anderson, Ill.
Bedell
Biaggi
Campbell
Carney
Cavanaugh
Conable
Coughlin
Crane, Philip
Davis, S.C.
de la Garza
Dingell
Dougherty
Eckhardt
Ertel
Fary
Ford, Tenn.
Fowler
Gephardt
Giaimo
Gilman
Hansen
Heftel
Hightower
Hillis
Horton
Jeffords
Jenrette
Kazen
Kemp
Kogovsek
Leland
Lent
Luken
McClory
McCloskey
McEwen
McKinney
Madigan
Mazzoli
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Myers, Pa.
Oakar
Panetta
Pursell
Rahall
Railsback
Rangel
Roberts
Runnels
Santini
Scheuer
Shannon
Stewart
Symms
Thompson
Treen
Wilson, C. H.
Wyatt
Wydler

□ 1340

The Clerk announced the following pairs:

Mr. Murphy of New York with Mr. Anderson of Illinois.
Mr. Panetta with Mr. Kemp.
Mr. Myers of Pennsylvania with Mr. Hansen.
Mr. Roberts with Mr. Hillis.
Mr. Rangel with Mr. McClory.
Mr. Biaggi with Mr. Jeffords.
Mr. Rahall with Mr. McEwen.
Mr. Charles H. Wilson of California with Mr. Horton.
Mr. Thompson with Mr. Carney.
Mr. Stewart with Mr. Dougherty.
Mr. Runnels with Mr. Campbell.
Mr. Jenrette with Mr. Gilman.
Mr. Scheuer with Mr. Conable.
Mr. Kazen with Mr. McCloskey.
Mr. Wyatt with Mr. Lent.
Mr. Kogovsek with Mr. Coughlin.
Mr. Leland with Mr. Madigan.
Mr. Mazzoli with Mr. Philip M. Crane.
Mr. Luken with Mr. Pursell.
Mr. Murphy of Illinois with Mr. Railsback.
Mr. Cavanaugh with Mr. Symms.
Mr. Davis of South Carolina with Mr. Wydler.
Mr. Dingell with Mr. McKinney.
Mr. Eckhardt with Mr. Moorhead of Pennsylvania.
Mr. Fary with Mr. Bedell.
Mr. Giaimo with Mr. Ertel.
Mr. Gephardt with Mr. Ford of Tennessee.
Mr. de la Garza with Mr. Heftel.
Mr. Hightower with Mr. Santini.
Mr. Shannon with Ms. Oakar.
Mr. Fowler with Mr. Treen.

So the bill was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to extend until July 1, 1984, the duty suspension on crude feathers and downs.".

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3789, SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT

Mr. FROST, from the Committee on Rules, submitted a privileged report (Report No. 96–756) on the resolution (H. Res. 579) providing for consideration of the bill (H.R. 3789) to amend section 16(b) of the Soil Conservation and Domestic Allotment Act, as amended, providing for a Great Plains conservation program, which was referred to the House Calendar and ordered to be printed.

TENTH ANNUAL ENVIRONMENTAL QUALITY REPORT OF COUNCIL ON ENVIRONMENTAL QUALITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Merchant Marine and Fisheries.

(For message, see proceedings of the Senate of February 19, 1980.)

AUTHORIZING THE CLERK TO RECEIVE MESSAGES FROM SENATE AND THE SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS DULY PASSED, NOTWITHSTANDING ADJOURNMENT

Mr. COELHO. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Wednesday, February 20, 1980, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. ROUSSELOT. Reserving the right to object, Mr. Speaker, can the gentleman from California explain to us why this is necessary?

Mr. COELHO. Mr. Speaker, if the gentleman will yield, it is necessary to permit the Iwo Jima Day legislation to be signed so the commemoration can take place today. That is the purpose of it.

Mr. ROUSSELOT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REPORT ON HOUSE RESOLUTION 523 TO PROVIDE FUNDS FOR INVESTIGATIONS AND STUDIES BY COMMITTEE ON POST OFFICE AND CIVIL SERVICE

Mr. BRADEMAS, from the Committee on House Administration, submitted a privileged report (Rept. No. 96–757) on the resolution (H. Res. 523) to provide funds for the expenses of investigations and studies to be conducted by the Committee on Post Office and Civil Service, which was referred to the House Calendar and ordered to be printed.

REPORT ON HOUSE RESOLUTION 527 TO PROVIDE FUNDS FOR INVESTIGATIONS AND STUDIES BY COMMITTEE ON FOREIGN AFFAIRS

Mr. BRADEMAS, from the Committee on House Administration, submitted a privileged report (Rept. No. 96–758) on the resolution (H. Res. 527) to provide funds for the expenses of investigations and studies to be conducted by the Committee on Foreign Affairs, which was referred to the House Calendar and ordered to be printed.

REPORT ON HOUSE RESOLUTION 530 TO PROVIDE FUNDS FOR INVESTIGATIONS AND STUDIES BY COMMITTEE ON EDUCATION AND LABOR

Mr. BRADEMAS, from the Committee on House Administration, submitted a privileged report (Rept. No. 96–759) on the resolution (H. Res. 530) to provide funds for the expenses of investigations and studies to be conducted by the Committee on Education and Labor, which was referred to the House Calendar and ordered to be printed.

REPORT ON HOUSE RESOLUTION 531 TO PROVIDE FUNDS FOR INVESTIGATIONS AND STUDIES BY COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

Mr. BRADEMAS, from the Committee on House Administration, submitted a privileged report (Rept. No. 96–760) on the resolution (H. Res. 531) to provide funds for the expenses of investigations and studies to be conducted by the Committee on Standards of Official Conduct, which was referred to the House Calendar and ordered to be printed.

REPORT ON HOUSE RESOLUTION 532 TO PROVIDE FUNDS FOR INVESTIGATIONS AND STUDIES BY COMMITTEE ON GOVERNMENT OPERATIONS

Mr. BRADEMAS, from the Committee on House Administration, submitted a privileged report (Rept. No. 96–761) on the resolution (H. Res. 532) to provide funds for the expenses of investigations and studies to be conducted by the Committee on Government Operations, which was referred to the House Calendar and ordered to be printed.

REPORT ON HOUSE RESOLUTION 535 TO PROVIDE FUNDS FOR INVESTIGATIONS AND STUDIES BY COMMITTEE ON SCIENCE AND TECHNOLOGY

Mr. BRADEMAS, from the Committee on House Administration, submitted a privileged report (Rept. No. 96–762) on the resolution (H. Res. 535) to provide funds for the expenses of investigations and studies to be conducted by the Committee on Science and Technology, which was referred to the House Calendar and ordered to be printed.

REPORT ON HOUSE RESOLUTION 536 TO PROVIDE FUNDS FOR INVESTIGATIONS AND STUDIES BY COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS

Mr. BRADEMAS, from the Committee on House Administration, submitted the privileged report (Rept. No. 96–763) on the resolution (H. Res. 536) to provide funds for the expenses of investigations and studies to be conducted by the Committee on Banking, Finance and Urban Affairs, which was referred to the House Calendar and ordered to be printed.

REPORT ON HOUSE RESOLUTION 537 TO PROVIDE FUNDS FOR INVESTIGATIONS AND STUDIES BY COMMITTEE ON VETERANS' AFFAIRS

Mr. BRADEMAS, from the Committee on House Administration, submitted the privileged report (Rept. No. 96–764) on the resolution (H. Res. 537) to provide funds for the expenses of investigations and studies to be conducted by the Committee on Veterans' Affairs, which was referred to the House Calendar and ordered to be printed.

REPORT ON HOUSE RESOLUTION 538 TO PROVIDE FUNDS FOR INVESTIGATIONS AND STUDIES BY COMMITTEE ON WAYS AND MEANS

Mr. BRADEMAS, from the Committee on House Administration, submitted a privileged report (Rept. No. 96–765) on the resolution (H. Res. 538) to provide funds for the expenses of investigations and studies to be conducted by the Committee on Ways and Means, which was referred to the House Calendar and ordered to be printed.

REPORT ON HOUSE RESOLUTION 539 TO PROVIDE FUNDS FOR INVESTIGATIONS AND STUDIES BY COMMITTEE ON DISTRICT OF COLUMBIA

Mr. BRADEMAS, from the Committee on House Administration, submitted a privileged report (Rept. No. 96–766) on the resolution (H. Res. 539) to provide funds for the expenses of investigations and studies to be conducted by the Committee on District of Columbia, which was referred to the House Calendar and ordered to be printed.

REPORT ON HOUSE RESOLUTION 541 TO PROVIDE FUNDS FOR INVESTIGATIONS AND STUDIES BY COMMITTEE ON ARMED SERVICES

Mr. BRADEMAS, from the Committee on House Administration, submitted a privileged report (Rept. No. 96–767) on the resolution (H. Res. 541) to provide funds for the expenses of investigations and studies to be conducted by the Committee on Armed Services, which was referred to the House Calendar and ordered to be printed.

REPORT ON HOUSE RESOLUTION 543 TO PROVIDE FUNDS FOR INVESTIGATIONS AND STUDIES BY COMMITTEE ON HOUSE ADMINISTRATION

Mr. BRADEMAS, from the Committee on House Administration, submitted a privileged report (Rept. No. 96–768) on the resolution (H. Res. 543) to provide funds for the expenses of investigations and studies to be conducted by the Committee on House Administration, which was referred to the House Calendar and ordered to be printed.

REPORT ON HOUSE RESOLUTION 545 TO PROVIDE FUNDS FOR INVESTIGATIONS AND STUDIES BY COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

Mr. BRADEMAS, from the Committee on House Administration, submitted a privileged report (Rept. No. 96–769) on the resolution (H. Res. 545) to provide funds for the expenses of investigations and studies to be conducted by the Committee on Public Works and Transportation, which was referred to the House Calendar and ordered to be printed.

REPORT ON HOUSE RESOLUTION 546 TO PROVIDE FUNDS FOR INVESTIGATIONS AND STUDIES BY COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. BRADEMAS, from the Committee on House Administration, submitted a privileged report (Rept. No. 96–770) on the resolution (H. Res. 546) to provide funds for the expenses of investigations and studies to be conducted by the Committee on Merchant Marine and Fisheries, which was referred to the House Calendar and ordered to be printed.

REPORT ON HOUSE RESOLUTION 552 TO PROVIDE FUNDS FOR INVESTIGATIONS AND STUDIES BY COMMITTEE ON RULES

Mr. BRADEMAS, from the Committee on House Administration, submitted a privileged report (Rept. No. 96–771) on the resolution (H. Res. 552) to provide funds for the expenses of investigations and studies to be conducted by the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON HOUSE RESOLUTION 554 TO PROVIDE FUNDS FOR INVESTIGATIONS AND STUDIES BY COMMITTEE ON AGRICULTURE

Mr. BRADEMAS, from the Committee on House Administration, submitted a privileged report (Rept. No. 96–772) on the resolution (H. Res. 554) to provide funds for the expenses of investigations and studies to be conducted by the Committee on Agriculture, which was referred to the House Calendar and ordered to be printed.

REPORT ON HOUSE RESOLUTION 556 TO PROVIDE FUNDS FOR INVESTIGATIONS AND STUDIES BY COMMITTEE ON SMALL BUSINESS

Mr. BRADEMAS, from the Committee on House Administration, submitted a privileged report (Rept. No. 96–773) on the resolution (H. Res. 556) to provide funds for the expenses of investigations and studies to be conducted by the Committee on Small Business, which was referred to the House Calendar and ordered to be printed.

REPORT ON HOUSE RESOLUTION 557 TO PROVIDE FUNDS FOR INVESTIGATIONS AND STUDIES OF WELFARE AND PENSION PLANS TASK FORCE BY COMMITTEE ON EDUCATION AND LABOR

Mr. BRADEMAS, from the Committee on House Administration, submitted a privileged report (Rept. No. 96–774) on the resolution (H. Res. 557) to provide funds for the expenses of investigations and studies of a welfare and pension plans task force to be conducted by the Committee on Education and Labor, which was referred to the House Calendar and ordered to be printed.

REPORT ON HOUSE RESOLUTION 565 TO PROVIDE FUNDS FOR INVESTIGATIONS AND STUDIES BY SELECT COMMITTEE ON AGING

Mr. BRADEMAS, from the Committee on House Administration, submitted a privileged report (Rept. No. 96–775) on the resolution (H. Res. 565) to provide funds for the expenses of investigations and studies to be conducted by the Select Committee on Aging, which was referred to the House Calendar and ordered to be printed.

REPORT ON HOUSE RESOLUTION 567 TO PROVIDE FUNDS FOR INVESTIGATIONS AND STUDIES BY COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. BRADEMAS, from the Committee on House Administration, submitted a privileged report (Rept. No. 96–776) on the resolution (H. Res. 567) to provide funds for the expenses of investigations and studies to be conducted by the Committee on Interior and Insular Affairs, which was referred to the House Calendar and ordered to be printed.

REPORT ON HOUSE RESOLUTION 569 TO PROVIDE FUNDS FOR INVESTIGATIONS AND STUDIES BY PERMANENT SELECT COMMITTEE ON INTELLIGENCE

Mr. BRADEMAS, from the Committee on House Administration, submitted a privileged report (Rept. No. 96–777) on the resolution (H. Res. 569) to provide funds for the expenses of investigations and studies to be conducted by the Permanent Select Committee on Intelligence, which was referred to the House Calendar and ordered to be printed.

LUTHERAN CONDEMNATION OF ABORTION

(Mr. ASHBROOK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ASHBROOK. Mr. Speaker, it is clear to any informed observer that the antifamily stereotyping of the pro-life movement as Catholic is another example of the big lie technique in action. It is an insult both to Catholics and to non-Catholics, and has implications of concern even to Members who are not pro-life. Catholics are well aware that this stereotyping is not advanced in laudatory terms. It is done in an effort to stigmatize them as backward, narrow-minded, and biased. I am not a Catholic. I am a Protestant, but I could not resent this leftist ploy any more were I a fervent Roman Catholic.

Religious stereotyping has an old and ugly history both in America and in Europe. In fact, one of the reasons for the founding of our country was to get rid of the condemnation of citizens or the views of citizens because of the religion they chose to practice. Catholic, Protestant, Anglican, Huguenot—they all came here. This old/new tactic of the antifamily forces is contrary to every principle to which we as a nation adhere.

In August of 1979, the Convention of the Wisconsin Evangelical Lutheran Synod in Watertown, Wis., a synod representing 400,000 Lutherans, issued a resolution condemning abortion as murder and encouraged editors of its periodicals, its pastors and its teachers to continue fervently and faithfully to testify against abortion.

I enter the Lutheran condemnation of abortion into the RECORD for two reasons. First, it is an intelligent and concise explanation of the Christian pro-life position. Secondly, it is necessary to continue to expose this insulting and dangerous religious classification of the pro-life movement so long as it is given any credence or attention in our Government or our press.

The word "continue" in the resolution is important. For those willing to pay attention, many Lutherans have been active in the pro-life movement while the "Catholic plot" gambit has been allowed full play by editors and public officials who should know better. There are many other non-Catholic religious denominations and leaders whose efforts in the pro-life movement have been similarly ignored.

The religious labeling of pro-life is clearly a tactic of desperation on the part of those who know that their arguments for abortion on demand cannot carry on the grounds of reason. Like so many discredited causes in the past, they have fallen back on religious bigotry to draw attention away from the moral weakness of their case. Our people have progressed far beyond the age when such appeals reap anything but their contempt. I call upon public officials and the press to reflect that same moral adulthood.

The text of the August 1979 pro-life resolution of the Wisconsin Evangelical Lutheran Synod follows:

> Whereas, (1) the Holy Scriptures clearly teach that the living yet unborn are persons in the sight of God and are under the protection of His Commandment against murder (Job 10: 9–11; Ex. 20: 13; Mt. 5: 12; Gen. 9: 6; Ps. 139: 13; Ps. 51: 5; Jer. 1: 5; Luke 1: 41–44); and
>
> Whereas (2) our hearts are grieved over the millions of unborn who are being murdered each year through the sin of willful abortion; and
>
> Whereas (3) our Synod has historically testified against abortion, except when it is medically necessary to save the life of the mother; therefore be it Resolved, (a) that we encourage the editors of our Synodical periodicals as well as our pastors and teachers to continue fervently and faithfully to testify against abortion; and be it further Resolved, (b) that we continue to urge our membership to make God's will in this matter known to our fellowmen whenever the opportunity presents itself; and be it further Resolved, (c) that we encourage our membership to express their concern and compassion for distressed pregnant women by supporting the development of alternatives to abortion programs which are consistent with God's Word; and be it finally Resolved, (d) that we more zealously preach the Gospel of Christ which alone can change the wicked hearts of men and turn them from sin to righteousness.

ATMOSPHERIC FALLOUT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont (Mr. JEFFORDS) is recognized for 5 minutes.

● Mr. JEFFORDS. Mr. Speaker, today I am introducing a bill intended to either reduce or eliminate those air emissions which lead to harmful effects caused by "atmospheric deposition."

It is apparent, Mr. Speaker, that the United States must embark on a course of energy efficiency. Despite our efforts to bring about increased conservation, our consumption of fossil fuels will continue at a rapid pace, with an increased emphasis on the use of coal, our most abundant fossil fuel reserve. While the merits of such a policy choice can and have been debated extensively, the fact remains that in the short-term we have little choice. The Federal Government's role in the development of more efficient, less polluting energy options has been slow to evolve for a number of reasons, and consequently the available choices are limited.

I do not want to discuss, however, all the pro's and con's of the proposed coal conversion provisions of the energy plan. Rather, I would like to point out to my colleagues that, despite seemingly adequate environmental safeguards imposed on processes and facilities using coal, we are endorsing a policy that could without sufficient study, prove to have very serious ramifications for American agricultural and forestry productivity.

Congress began to recognize the air pollution problem in the mid-sixties and legislation has since been passed which establishes goals for protecting and enhancing the Nation's air quality. Further improvements have been made over the years with the Clean Air Act and successive amendments. Although we have set air quality standards for the protection of public health and welfare, one development that is rarely mentioned is the accumulated impact that fossil fuel pollution has on U.S. agricultural productivity. A compilation of studies prepared by the House Subcommittee on Energy and Power notes:

> Damage directly linked to ongoing fallout of industrial pollution across the U.S. continent, extending hundreds of miles beyond the source of emission, has already reduced yields in forests and other crops in some areas by as much as 75 percent.

Similarly, Russell Train, former administrator of the Environmental Protection Agency has noted:

> Dollar losses to agriculture as a result of air pollution are difficult to quantify. However, it is safe to say that it runs . . . possibly in the hundreds of millions of dollars per year when all aspects of reduced productivity are considered.

Air pollution, however, has only recently begun to be isolated as a significant agricultural problem. A U.S. Department of Agriculture report indicates:

> In studies undertaken in southern California, researchers found in controlled experiments measuring filtered clean-air yields versus ambient polluted-air yields that reductions were sizable. Alfalfa yields declined 38 percent; blackeyed peas, 32 percent; lettuce, 42 percent, sweet corn, 72 percent; and radish, 38 percent. In Massachusetts, similar experiments showed yield reductions from ambient air pollution of 15 percent for alfalfa and sweet corn, 25 percent for beans, and 33 percent for tomatoes. Crop losses from air pollution in California in 1974 amounted to over 55 million dollars. Indications show that the loss trends are steadily increasing.

The substantial shift to coal as a fuel source envisioned by the administration will significantly increase pollution emissions, even with proper enforcement of clean air standards and new source performance standards. My concern is that not enough attention has been focused on the many potential impacts of such a shift, but particularly as that shift will impact on our agricultural productivity. Air pollution affecting crops is not confined to industrial and urban areas. It can spread across the entire continent into many nonindustrialized food-producing States. As another report notes:

> Often covering distances of hundreds of miles, sometimes as far as a thousand miles . . . pollutants travel through the atmosphere, undergoing added chemical changes, depositing the resultant fallout as dry particulates or acid rain at distant places.

Perhaps the primary indicator for determining the extent of pollution in food areas is what is commonly referred to as acid rain, highly acidic rainfall produced by sulfuric acid formed from the oxidation of pollutant sulfur compounds that have been released into the atmosphere. Data from the Scientific American has shown that—

> Acid rain covered part of all the land in states east of the 100th meridian and showed up in large areas to the west: around Los

> Angeles, in Oregon's Willamette Valley, even in Tucson, Arizona and Grand Forks, North Dakota. Studies indicate that acid rain causes a reduction in the photosynthate process, decreasing sugar and starch concentrations as the pH value drops. The effect on aquatic ecosystems of southeastern Canada and the northeastern U.S. is resulting in streams and lakes becoming so acid that salmonoid fishes can no longer survive.

This phenomenon was dramatically illustrated in a major study by the Swedish Government submitted to the United Nations Conference on the Human Environment in 1971. The report's conclusions noted that the acidity of rain in Sweden has increased substantially since the 1950's. It is estimated that this sulfur deposition from precipitation is increasing at a rate of 2 to 3 percent a year, and is the primary factor in the acidification of some 10,000 lakes in Sweden, wreaking havoc upon the ecosystems of those lakes. However, less than one-third of the total acid precipitation is actually Swedish in origin. Over 70 percent is attributed to foreign sources such as Great Britain and central Europe, and a significant portion is even thought to originate from the North American continent.

Clearly, the "acid rain" problem is hemispheric if not global in scope. As we, and most of the industrialized countries of the world, continue to burn ever greater quantities of fossil fuels, we can expect the impact of acid precipitation on sensitive ecosystems to become more serious, even though its overall severity is still being evaluated.

The bill which I am introducing, Mr. Speaker, establishes a coordination mechanism necessary for gaining the participation of Federal and State agencies, universities, private industry, and foreign governments in solving what are very serious problems related to atmospheric deposition.

First, the bill creates a six-member National Advisory Council on Atmospheric Fallout. The six members who would be appointed by the President must come from private industry, State government, a private or public college or university, and a nationally organized environmental group. The Council must include a member from a State with high air emission levels and a member from a State seriously impacted by atmospheric fallout.

An advisory council of this nature, I believe, is essential to dealing effectively and efficiently with problems associated with atmospheric deposition. It cannot be just a coordinated program of the Federal Government—it must involve private industry, State governments, universities, colleges, and citizens in order for the problems to be solved. The problems associated with atmospheric fallout know no political boundaries.

Second, it establishes an interagency committee to examine and investigate the causes and effects of atmospheric fallout and to develop a comprehensive plan to reduce such fallout. The interagency committee would include representatives of Federal agencies and would be cochaired by the Secretary of Agriculture and the Administrator, U.S. Environmental Protection Agency.

Third, the bill authorizes $110.6 million to be appropriated over a 10-year period. These funds would be used by the committee to gain a greater understanding of the problems associated with atmospheric fallout, and in providing solutions to these problems identified. State, Federal agencies, universities and colleges, private industry, and citizen groups are expected to participate in this important undertaking.

At the end of the 10-year period, the committee and advisory council would cease to exist unless extended by Congress.

I believe that Congress must act now as we move forward to become energy independent. Unless we are careful, we may be trading one serious problem for what may be a far more serious problem in the years ahead.●

THE EFFECTS OF 1978 FOREIGN EARNED INCOME ACT'S CHANGES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRENZEL) is recognized for 20 minutes.

● Mr. FRENZEL. Mr. Speaker, right now, as Americans around the world are filing their 1979 income tax returns, Americans abroad are first feeling the effects of the 1978 Foreign Earned Income Act's changes in the tax treatment of U.S. citizens living and working outside of the United States.

In a statement on page E430 in the CONGRESSIONAL RECORD of February 6, I noted that the changes in the tax laws pertaining to Americans abroad—from a flat $20,000 income exclusion to a series of excess living deductions—were causing many Americans to return to the United States. As it is increasingly difficult for companies to recruit new individuals to replace them, the jobs which were formerly held by Americans are now being filled by foreign nationals, whose countries do not tax them on their foreign earnings. Foreign nationals do not specify American supplies and suppliers as Americans do. This observation has been substantiated by the President's Export Council Subcommittee on Export Expansion's report on the tax treatment of Americans working overseas.

In its report, the subcommittee notes that Americans are being taxed out of competition in overseas markets, and that this has resulted in a reduction of at least 5 percent of total exports, or a loss in overseas sales of at least $6 to $7 billion. To remedy this problem, the task force recommends that new tax provisions be enacted immediately.

Such changes in the tax treatment of overseas Americans would be designed to be comparable to the tax policies of our major competing industrial nations, none of which now tax citizens who meet certain foreign residency requirements. The approach recommended by the President's Export Council Subcommittee is the same as that taken by my bill, H.R. 5211, which would exempt Americans living and working abroad from taxation on their earnings as long as they meet the foreign residency requirements set forth in the Internal Revenue Code.

Unfortunately, it appears that the President has chosen to ignore his own Commission's recommendations. While the administration professes to want to develop new markets and increase exports abroad, it is unwilling to support legislation which will achieve this goal. Instead, the administration is content with business as usual which, of course, means lost sales abroad, lost jobs, lost tax revenue, and continuing trade deficits.

The administration ought to support the findings of the Export Council, and either support bills currently in the Congress, or transmit a new proposal, which would ease the tax treatment of Americans living abroad. If that does not occur, the Congress should act unilaterally to relieve this problem.●

□ 1350

KING CRIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 15 minutes.

Mr. GONZALEZ. Mr. Speaker, I rise again, as I have almost on a weekly basis since the assassination of Federal District Judge John W. Wood and before that, to speak of the attempted murder of Assistant Federal District Attorney James Kerr.

I have said, and I will repeat now, that these two crimes occurring for the first time are therefore so unprecedented that one branch of our Government is under a serious threat, a threat of intimidation, a threat of reduction in its independence to which it is entitled under our system of government.

After the assault and the attempted murder of Assistant Federal District Attorney James Kerr, some people who witnessed my concern and my expressions were aware that it was first completely localized in the area of the commission of the crime.

Let me say parenthetically that both crimes took place in an adjacent congressional district to mine in the suburban part of San Antonio, in one of the most distinguished, sedate, and affluent and quiet neighborhoods in the country. Actually, that just happened to be the site selected. The real scene goes 600 miles westward on the outer reaches of the western judicial district of which San Antonio more or less serves as the headquarters, over in El Paso, Tex., where the obvious cause and motivation for both crimes have arisen and where you have the concentration or the hub of activity in this nefarious international trade which I had been reporting prior to these attacks as having grown to enormous proportions—the No. 1 crime record in the country today. It has now gone international. It is the stolen automobile and automobile parts into Mexico in exchange for drugs. That now is more than $1.5 billion in illegal business.

The reason for it is that organized crime of the most sophisticated type moved in just comparatively recently. It is really a very, very busy enterprise.

You actually have four flows as I said before. You have your Eastern Seaboard which includes Washington, D.C., down the coast into Florida and then across to New Orleans, Houston, and into Mexico at the southernmost border point.

Then you have the Chicago-Dallas-Austin-San Antonio-Nuevo Laredo, Mexico, connection into the interior. Then, of course, you have the Las Vegas-El Paso connection, which is where we really have the bigwigs.

Then you also have the California-Tijuana, Mexico, connection. All of these engage in extensive nefarious practices.

I have said for 10 years that the greatest and the most insidious problem confronting America is not communism, it is not the threat of a foreign invasion, it is not even the Iranians. It is organized crime and the way it has taken over in this country. It has penetrated business all the way from banks to shopping centers, to savings and loans, and to insurance companies. It has certainly penetrated the highest levels of the Federal Government for years. In fact, I have been talking on this subject for 10 years and sometimes have taken time to specify the manifestations in some particular cases. Exactly 10 years ago I was speaking out on what turned out to be the Sharpstown scandal, and I had to make 55 speeches before I could even convince the President and the then Attorney General to do something about the Deputy Assistant Attorney General for Criminal Matters who was in cahoots with the people principally behind the Sharpstown scandals.

That is history. The point is, when these developments of 2½ years ago became apparent, first in the District because of the murder of two relatively unknown citizens—because these are the antecedent happenings which always trigger the signals—I spoke out since then and predicted in 1978 that there would ultimately be attacks on the law enforcement agents themselves. Sure enough, 3 months later we had the attempted assassination of the assistant district attorney for the western district, James Kerr.

I have always felt, and have said so, that the intention was not really to kill Kerr but rather to intimidate him. My reasoning was simple. It was because Kerr was not a decisionmaker. It was not he who would decide whom to prosecute, when to prosecute, to what extent to prosecute. I said, "This looks to me more like a signal to the district attorney himself or perhaps the judge." In this case I had very specifically in mind John Wood, the Federal district judge, because he had been very stern, particularly with the drug traffickers. I had him in mind also because, unperceived by any real committee in the Congress or through any expression of concern for years, by even the highest rungs of our enforcement organizations, the fact is that these are the things that men like Judge Wood had to confront.

For example, a very active international drug trafficker is arrested in the western district. He is brought before the court. He is arraigned. A substantial bond is required: $250,000. The accused comes in within 24 hours with $250,000 in cash and pays that bond. Judge Wood would then demand $400,000 or half a million dollars. In some cases he was reversed. In some cases he himself was compelled to reduce that bond. However, in each case you have this astounding experience of having the accused come in with a cash payment of $250,000 or more for a bond.

Mr. Speaker, this is the kind of thing, I think, that should have been addressed long ago. As a matter of fact, for 10 years I have been making requests of not only the law enforcement agencies but the President, the Attorneys General, and the proper committees of the House and even the Senate. But it has been like a coyote out in the brushwood braying to the Moon at the height of night. It does not seem to concern anybody.

The reason I am speaking today is that I have circulated a request to my colleagues in the House to consider helping me with a resolution that I introduced some 3 weeks ago in which I am saying in effect—and this is what we would be saying in the resolution—that it is our sense that the President should authorize the Attorney General to authorize in turn as much as $3 million as a reward for information leading to the arrest and the conviction of those responsible for the attempted assassination of Federal Assistant District Attorney James Kerr and the assassination of Federal District Judge John Wood. It is the most heinous crime of all. I call it the crime of the century.

I have been criticized for that by those who ask. "Do you mean to include even the assassination of President Kennedy?" I do. The reason I do is because of the unprecedented nature of this crime, because of its obvious challenge to the third branch of our Government, and because of the obvious effect of intimidation it has already had on the judges presently serving in the western district, every one of whom is presently under custodial surveillance by Federal marshals as well as by agents of the court.

I hope we will have some response. I see nothing short of something of that nature occurring if we are to have even the beginning of a break in the case.

Despite all the notoriety that the Justice Department and the FBI have been receiving about their "sting" operations and the like, despite the amount of time, money, and personnel diverted to such activities the FBI has been disappointingly unsuccessful in even having a lead on either crime in this case.

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The reason, as I have said before, is that the FBI as the domestic principal law enforcement Federal agency has lost its capability to penetrate the real layers of organized crime in this country.

As a matter of fact, in just less than 2 years, better than 70 percent of their middle- and top-level informers have been murdered. I think this has had a crippling effect on any ability that the FBI might have to penetrate that real layer of organized crime about which I have been speaking, so that crime is still "king" in our country. It is still in my opinion the No. 1 basic problem confronting this country.

I say, and I say in all seriousness, that unless we address ourselves to this problem and do something, it is certain to be the germ seed of the destruction of our democratic way of government.

Mr. Speaker, one good thing about the activities of the FBI lately is what they have done in the name of clearing out corruption in the companion levels of organized crime, the so-called white-collar crimes. There again, I have been speaking out on that for years, even before I came here. I spoke out locally. I spoke out in the State senate. Fortunately, in those instances I think we can say we had a measure of success, because they were local problems and they were addressed and I think successfully.

But here on the national level I find it most disturbing that nothing really serious has been done. The passage of such legislation as the 1970 anticrime and street crime bill and the 1968 antiorganized crime bill was really a serious disappointment. I said so at the time. I was one of the first Members who voted against the legislation, because I think we, the Congress, failed to address ourselves to the problem and passed deficient law. Its major portions have been since stricken by the courts, confirming the doubts we expressed then, so we still have an undiminished challenge confronting this Nation.

I find a relative unawareness of the problem in and out of Congress and in and out of the affected committees. This is the greatest cause of concern I personally have had.

The operations recently announced by the FBI were carried out in the name of trying to address itself to one form of organized crime; but the truth is that unless there is a sustained and directed and concentrated and highest-priority effort at the national level, it means that it will be the biggest challenge of all, because the type and the diversity of crime that besets this country would not be possible if there were not a close and intimate link between governmental, political and business sectors and organized crime.

Maybe it is just too late. Maybe it just cannot be done. I do not think so. What I see of our country is essentially that we are a healthy people, but more or less depending on and trusting the likes of ourselves and the likes of those who are responsible for the executive branch and the judiciary to carry out the basic responsibilities of government.

Of what avail is it to the American people to have freedom in name only, but not in reality, if the Government cannot control crime?

THE 100TH ANNIVERSARY OF THE DEATH OF CONSTANTINO BRUMIDI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, February 19, 1980, marks the 100th anniversary of the death of Constantino Brumidi, the Michelangelo of the U.S. Capitol.

To mark the occasion, a memorial service was held this morning in the Senate wing of the Capitol at the bust of Constantino Brumidi, which was unveiled and dedicated in the rotunda of the Capitol almost 11 years ago on April 30, 1968. The program for today's memorial service follows:

Memorial Service in Honor of Constantino Brumidi, U.S. Capitol, February 19, 1980

(Feb. 19, 1880–Feb. 19, 1980)

PROGRAM

Master of Ceremonies: Hon. Peter W. Rodino, Jr.

Invocation: Rev. James D. Ford, Chaplain, House of Representatives.

Welcome: Hon. Dennis DeConcini.

Distinguished guests:

Hon. Paolo Pansa Cedronio, Ambassador of Italy.

Hon. Robert C. Byrd, Majority Leader of the Senate.

Hon. John Brademas, Majority Whip of the House of Representatives.

Dr. Peter Marzio, Director, Corcoran Gallery of Art.

Remarks:

Hon. Frank Annunzio.

Hon. Fred Schwengel, U.S. Capitol Historical Society.

Laying of wreath:

Hon. Paolo Pansa Cedranio.

Benediction: Dr. Edward L. R. Elson, Chaplain of the Senate.

MEMBERS OF THE BRUMIDI COMMEMORATION COMMITTEE

Co-Chairmen: Hon. Dennis DeConcini, Hon. Peter W. Rodino, Jr.

Hon. Joseph Addabbo, Hon. Jerome Ambro, Jr., Hon. Frank Annunzio, Hon. Mario Biaggi, Hon. Silvio O. Conte, Hon. Peter V. Domenici, Hon. Thomas J. Downey, Hon. Dante B. Fascell, Hon. Vic Fazio, Hon. Geraldine A. Ferraro, Hon. James J. Florio, Hon. Robert N. Giaimo, Hon. Frank Guarini, Hon. John J. LaFalce, Hon. Robert J. Lagomarsino.

Hon. Patrick J. Leahy, Hon. Romano L. Mazzoli, Hon. Daniel A. Mica, Hon. George Miller, Hon. Joseph G. Minish, Hon. Joe Moakley, Hon. John M. Murphy, Hon. James L. Oberstar, Hon. Leon Panetta, Hon. Matthew J. Rinaldo, Hon. Martin A. Russo, Hon. Jim Santini, Hon. Bruce F. Vento, Hon. Leo C. Zeferetti.

Memorial services under the auspices of The National Italian American Foundation, Washington, D.C.

Constantino Brumidi was not only a great artist, but a great man—a man who deeply loved liberty and his adopted nation, the United States of America.

Brumidi was born in Rome in 1805 and came to America in 1852—exiled from his native land because of his political activities. He began his artistic work at the Capitol in 1855.

Since that time, millions of Americans and visitors from all over the world have been held spellbound by his glorious scenes. Evidence of his genius is found throughout the Capitol. His stirring murals, the vividness and color of his art, his bold and moving frescoes, and the bronze stairways which he designed—all add immeasurably to the beauty of the Capitol. The President's Room on the Senate side of the Capitol has been called "the most exquisitely decorated room in America."

His art tells the story of America from the coming of Columbus to the time when America, torn by a Civil War, nevertheless kept the flame of liberty burning brightly.

It was at the time of the Civil War that Brumidi was called upon to give stirring testimony to the enduring quality of the American nation. A Southern army was encamped close by in those early years of the war, and there were many who felt that art must be ignored at the time of the crisis. But Abraham Lincoln knew that a nation must have more than bread and butter and guns to survive. He knew that it must have a vision, a dream of the past and a hope for the future. Lincoln knew that even in the most difficult of times, man must not lose sight of the highest qualities of his nature as they are revealed through great art.

And so in the early years of that tragic war, Abraham Lincoln ordered that work on the dome of the Capitol must continue. It was Constantino Brumidi, the Italian immigrant to America, to whom Lincoln and the Nation turned in those dark days. Brumidi's masterpiece gave then, and still gives today, eloquent testimony to the enduring concepts of liberty and justice in America.

Brumidi was truly a fitting choice, for he knew and understood the meaning of America. He said shortly after he began work on the Capitol:

> I no longer have any desire for fame or fortune. My one ambition and my daily prayer is that I may live long enough to make beautiful the Capitol of one country on earth in which there is liberty.

Brumidi worked on the circular dome of the Capitol when he was 72 years old. Every day for 3 years he was hoisted by pulleys in a perilous ascent and worked, lying on his back, on a scaffold. On October 1, 1879, he almost fell and hung by his arms for more than 15 minutes until rescuers reached him. The shock of the accident hampered his work and he never completely recovered his health. Brumidi died in 1880. After his death, he was buried in an unmarked grave and forgotten for more than 50 years.

Mrs. Myrtle C. Murdock, the wife of an Arizona Congressman, found Brumidi's unmarked grave in the Old Glenwood Cemetery and began long and fruitful work to remind the Nation of the debt it owed this great man. Many others joined in this just cause and today Brumidi is finally receiving the recognition due him.

The man who signed his work with a simple, "C. Brumidi, artist, citizen of the United States," is now, and rightfully so, recognized as one of the intellectual and cultural heroes who have taught us all the true meaning of America.

I would also like to include at this point in the RECORD a brief statement by Dr. David Sellin, a curator with the Architect of the Capitol about Constantino Brumidi. The article follows:

Constantino Brumidi (1805–80): Centennial Observance of the Death of the Artist, February 19, 1980

Nowhere can the contribution of Italy to American cultural heritage be better illustrated than in the U.S. Capitol. The plans adopted in 1793 were based in part on the ancient Roman Pantheon. Shortly after the transfer of the seat of government from Philadelphia to Washington, in 1800, artists were needed to provide suitable sculpture for the building then under construction. There being none in America capable of monumental architecture decoration, the architect of the Capitol recruited Italian artists, bringing them to America for the task, and they worked through much of the first fifty years of the original building to create the familiar allegories of Justice, America and History that can be seen in the old chambers today, and to carve the corn and tobacco leaf capitals, and paint the coffers of the old House Chamber: Franzoni, Andrei, Causici, Valaperta, Capellano, Bonanni, Persico and a host of anonymous craftsmen.

When, at mid century, Thomas U. Walter was appointed Architect of the U.S. Capitol Extension, he turned for inspiration to the Italian Renaissance in designing the present House and Senate wings and the great cast-iron dome, one of the noblest descendants of the dome of the Vatican Basilica of St. Peter. It is particularly fitting that the artist who was destined to decorate its interior with painting in fresco was Roman born and trained, with years of experience in architectural painting in Rome and the Vatican.

Today marks the passage of exactly one hundred years since the death of that artist, a champion of Liberty who proudly signed a painting done in 1857 in this Capitol: "C. Brumidi, artist, Citizen of the U.S."

Constantino Brumidi arrived in New York in 1852, a refugee from the turmoil and revolution that wracked Europe after 1848. After working briefly in Mexico, he returned to the U.S., drawn to Washington in 1855 by the new building activity at the Capitol. There was a great deal of public sentiment that native artists be employed in the decoration of the Extension and dome. Indeed, by the 1850's a number of capable American born sculptors were to be found, most of them trained in Italy, where they had taken up permanent residence.

There were, however, absolutely no mural painters in America familiar with the requirements and techniques of monumental architectural painting at the time that Brumidi first demonstrated his skills in fresco painting, at no charge, and was put on the Architect's payroll at a daily wage.

His first work in 1855 was to decorate the room occupied by the House Committee on Agriculture. Soon he became an indispensable contributor to many phases of the interior decoration of the Capitol, selecting the colors for the walls and upholstery, providing designs for the superb bronze railings of the Members' four private staircases, and for Congressional furniture.

Between 1855 and 1880 Brumidi decorated numerous rooms, corridors, and public areas, including the Rotunda, his most conspicuous work. The Apotheosis of George Washington in the vast canopy of the dome was completed during the Civil War. Below that, circling the Rotunda is a monochrome frieze with episodes in American history, starting with The Landing of Columbus. While painting Penn's Treaty with the Indians, the seventy-five year old Brumidi fell from his scaffold, barely saving himself from plunging to the floor far below. He was rescued, but was unable to continue executing his designs, which he turned over to his countryman and designated successor, Filippo Costaggini.

On February 19, 1880, one hundred years ago, Constantino Brumidi died at his house, a short distance from the building in which he spent 25 years of his life, painting ornament in the classical manner of ancient Pompeii and the Rome of Tiberius, and scenes of history and allegory in the tradition of the masters of the Italian High Renaissance.●

HOMEOWNER, TENANT, AND SMALL BUSINESS ENERGY CONVERSION LOAN PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. HOLTZMAN) is recognized for 5 minutes.

● Ms. HOLTZMAN. Mr. Speaker, today I am introducing the homeowner, tenant, and small business energy conservation loan program. The bill provides long-term, low-interest loans to homeowners, landlords, tenants, and small businesses to finance measures to increase energy efficiency.

In these days of attacks on U.S. interests abroad and threats to our way of life at home, the fact that we import about 45 percent of our oil is often noted. Less trumpeted is the immediate and effective role that widespread energy conservation can play in decreasing this dependence.

My bill seeks to tap this potential by making money available at low-cost loans to homeowners, landlords, and businesses who do wish to undertake conservation measures, and by insuring that word of the program will reach people.

The loans would be made available through establishment of an Energy Conservation Bank in the Department of Energy. Homeowners could receive up to $3,000 for installing energy conservation measures in their existing homes, and up to $5,000 to install solar energy units in either new or existing homes.

Businesses of up to 250 employees could receive a maximum of $40,000 for energy conservation measures in existing buildings and up to $200,000 for solar units in new or existing buildings.

The money could be used for such energy conservation improvements as caulking and weather-stripping doors and windows, insulating ceilings, walls, or floors, installing storm windows and doors, or installing multiglazed windows and doors. The assistance for solar installations could also be applied to wind and other alternate energy sources.

Over one-third of the energy used in the United States is consumed in residential and commercial buildings; from 30 to 60 percent of this may be wasted through inefficiency. By some estimates, 30 percent of American homes are completely uninsulated; altogether, probably two-thirds need additional thermal insulation.

Experts agree that at least a million barrels of oil per day, representing over 12 percent of our imports, could be saved with no change in lifestyle or comfort, by weatherizing homes and businesses. In fact, conservation carries numerous benefits. It is safe and nonpolluting. It saves the energy consumer money: relatively inexpensive conservation measures can reduce energy consumption by at least 50 percent in a typical unweatherized house, with accompanying cuts in now soaring utility bills. It is a short-term as well as a long-term solution, providing us with a method of reducing our crippling reliance on foreign oil now.

Along with solar energy which, with existing technology can bring savings as high as 60 percent in energy consumption, conservation is immediately available, safe, effective, and painless.

Yet, with all this going for it, conservation has not caught on as thoroughly and as extensively as it can and must. This is partly because it is a decentralized solution, involving millions of individual efforts, difficult to bring about by any single action.

People are concerned about investment risk. And many Americans simply do not have access to the cash needed to increase energy efficiency in their buildings. Further, there is a lack of good information about alternatives, benefits, and costs involved.

The bill, besides providing low interest loans, also mandates promotion of the loan program through informing banks, builders, home-improvement contractors, realtors, and consumers about the loans, and actively seeking their participation.

Energy conservation is an immediate solution to a crippling problem; we do not have to wait for it to become effective. But we do need to encourage all Americans to undertake the individual energy conservation efforts whose sum can cut our weakening reliance on foreign oil. I urge prompt adoption of my bill to move toward that goal as quickly as possible.●

VETERANS' ADMINISTRATION HEALTH PERSONNEL SCHOLARSHIP PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. ROBERTS) is recognized for 15 minutes.

● Mr. ROBERTS. Mr. Speaker, today I have introduced H.R. 6534, a bill that would establish a Veterans' Administration health personnel scholarship program. If enacted, the legislation will help solve many of the long-range problems now confronting the agency's Department of Medicine and Surgery (D.M. & S.) in recruiting and retaining physicians and nurses. The bill would: First, substantially increase the quantity and quality of full-time physicians employed by the department; second, eliminate the need for the Veterans' Administration to spend millions annually in contracting for critical services such as radiology, pathology, anesthesiology, and so forth; third, bring about a drastic reduction in the number of foreign medical graduates employed by the department, and fourth, bring into the medical program 600 nurses per year when fully implemented.

Under the proposed program, the Veterans' Administration would provide scholarships for individuals to complete medical and nursing school. The length of the medical scholarship would be 4 years at $18,000 per year. This would include $13,000 for tuition; $500 for expenses and fees, and $4,500 for subsistence. For such financial assistance, the individual would be required to give 1 year of service for each year in medical school. If such individual delayed entry into the VA system in order to obtain his or her graduate medical education, such individual would be required to serve an additional one-half year for each year of graduate medical education. Physicians will owe the VA up to a maximum of 6 years.

The length of the proposed nursing scholarship is 4 years at $6,500 per year. This would include $1,500 for tuition; $500 for expenses and fees and $4,500 for subsistence. Nurses will owe the VA up to a maximum of 4 years of service—1 year of service for each year spent in nursing school.

The maximum cost of the bill in fiscal year 1981 is estimated to be $12.4 million, decreasing until the eighth year when the VA would realize cost-savings totaling more than $2 million. Within 20 years following enactment of the proposed program the Veterans' Administration would realize more than $130 million in cost savings.

Mr. Speaker, the Veterans' Administration's report on the "impact of Special Pay on Recruitment and Retention of Physicians and Dentists," submitted to the House Veterans' Affairs Committee on August 27, 1979, reflects a continuing decline in the VA's ability to recruit and retain an adequate staff of physicians. In 1978, losses of full-time physicians exceeded gains by 10 percent.

Recruitment is becoming increasingly difficult, especially in the subspecialties. The VA cannot recruit ample physicians qualified in radiology, pathology, anesthesiology, and other critical subspecialties. They are not available at any price. Last year the Veterans' Administration had to contract out for these services at a cost of more than $18 million. Contracts being negotiated for these same services in fiscal year 1980 are expected to cost the Veterans' Administration more than $21.5 million. Millions more are being spent for additional services that can only be obtained by contract.

During 1978, over 70 percent of all offers for full-time positions were refused by the candidates. The average time required to recruit a full-time physician was almost 10 months in 1978 with some scarce specialities taking over 20 months. Although other factors are involved, the report shows that the primary reason for this problem is pay comparability.

In addition, the VA is experiencing extreme problems with full-time physicians converting to part time. Currently the VA employs 10,324 physicians. Of this number 3,977 are part time. In 32 VA hospitals the majority of physicians are part time. At seven hospitals, the chief of staff is a part-time physician.

The chairman of the Subcommittee on Medical Facilities and Benefits and the ranking member of the full committee, the Honorable DAVID SATTERFIELD, has introduced special pay legislation that would bring the full-time D.M. & S. physician much closer to full comparability with the uniformed services physicians and those in the private sector. I am a cosponsor of the bill. Hearings on this legislation began February 4. Mr. Satterfield's bill, H.R. 6153, would establish special pay for D.M. & S. physicians and dentists on a permanent basis. It would provide major new incentives for recruitment and retention of full-time physicians and dentists. The hearings highlighted two particular problems that have evolved, grade compaction and the increasing use of foreign medical graduates.

Adjusting to past difficulties in recruitment, the Department of Medicine and Surgery has recruited a work force of physicians primarily being paid in the chief grade ($55,855 annually). Seventy-nine percent of all full-time and 45 percent of all part-time physicians were in the chief grade in February 1979. This grade compaction allows for very little career progression as years pass or as levels of responsibility increase. This situation has developed primarily because the department could not recruit at the salary levels of the lower grades. While higher salaries aid recruitment, grade compaction has a negative impact on retention.

Another major concern I have is the increasing number of foreign medical graduates employed by the Veterans' Administration. VA medical centers have recruited increasing numbers of foreign medical graduates to meet increasing patient care demands. As of February 28, 1979, 37.9 percent of all full-time physicians were foreign medical graduates. and 24.6 percent of all part-time physicians were foreign medical graduates. Although the quality of care may not have diminished due to the influx of foreign medical graduates, cultural and language differences make service in VA hospitals difficult for the veteran-patient as well as the physician.

This proposed VA scholarship program, under the general mandate of assisting "in providing an adequate supply of health manpower to the Nation" (38 U.S.C., 4101(b)), would eventually bring an estimated 400 young physicians per year—(both allopathic and osteopathic—into the VA system. They would enter at lower grades and receive a lower level of special pay during their obligated service period which would reduce the existing grade compaction.

Following the first 3 years of obligated service, participants in the scholarship program would receive half the special pay to which they would otherwise be entitled. This provides a "bridge" of full pay status in recognition of obligated service being tied to completion of graduate medical education and the additional obligation thereby incurred. These young doctors would progress to full pay status on completion of their obligated service period and would be in an excellent position to gain added salary through board certifications, service in the system, full bonus pay, retirement credit, and increasing grade levels and responsibility levels.

At a joint House/Senate Veterans' Affairs Committee oversight hearing held October 25, 1979, the VA acknowledged that it was also experiencing major problems in recruiting and retaining nursing staff in certain locations. The national average turnover rate was 12.8 percent per year for registered nurses as of September 1979. The rate is even higher in the Veterans' Administration. The inability to recruit nurses has caused bed closings in some instances, thereby curtailing or eliminating services to eligible veterans. Our committee is well aware of this situation, and I believe that the inclusion of nurses in the proposed VA scholarship program will be an added resource to aid recruitment and retention of nurses. Assigning these nurses in critical shortage areas will benefit the VA, the veteran-patient, and ultimately the Nation.

Mr. Speaker, the program I am proposing differs from the military manpower Department of Defense program or underserved community public health services program needs, in that it is designed to recruit certain disciplines and specialty categories needed in the Department. These disciplines—medicine and nursing—and physician specialty categories correspond with the needs of the Nation. The program does not increase the number of students in the pipeline per se, but rather it creates a cadre of students obligated to the VA in these critical areas. Emphasis in the awarding of these scholarships in specialty categories in the VA, such as psychiatry, P.M. & R., general internal medicine, and anesthesiology, will simultaneously meet the Nation's needs in these medical specialties.

The VA scholarship program would also provide for a "bridging" between the obligated service period and a full-time position in the VA. The obligated physician would receive half the special incentive pay in each of the last 2 years of obligated service. This feature has the effect of reducing an obligated physician's desire to immediately leave the Department of Medicine and Surgery on completion of his or her obligated service.

Mr. Speaker, this program is a logical extension of the health manpower training mission of the Department of Medicine and Surgery. The VA, as a major national health care provider, and with a demonstrated history of training future health care professionals for the Nation, is uniquely qualified to manage and benefit from this scholarship program. The VA, affiliated with 104 of the Nation's medical schools, already has close, mutually beneficial working relationships with these U.S. medical schools. The VA scholarship program will be similar to programs already established in the Department of Defense and the Department of Health, Education, and Welfare. The VA program will have the same basic goals and outcomes as the other Federal programs, that being: First, to assist in accomplishing the agency's mission; second, to place physicians and nurses in areas with relative health manpower shortages; and third, to assist in meeting the health manpower needs of the Nation.

The VA scholarship program will be considerably more cost effective than the National Health Service Corps' scholarship program, with savings from obligated service in VA hospitals accruing directly to the benefit of the Federal Government. As I stated earlier, we estimate total Federal outlays will be about $58 million over a 7-year period. There would be cost savings in the 8th year should the bill be enacted. By year 13, the agency will have recouped the entire cost, and over a 20-year period the Federal Government will save about $130 million. Clearly, the VA hospital system should be involved in this program on economic grounds alone, notwithstanding the benefit for the veteran-patient and the Nation's manpower needs.

Mr. Speaker, the bill I propose is designed to correct deficiencies currently existing in the VA's medical program while saving the Federal Government millions of dollars. I hope the distinguished and very able chairman of our Subcommittee on Medical Facilities and Benefits, Mr. Satterfield, will consider this measure as he proceeds to hear the recommendations of the agency and others who are working together to solve what we all consider to be major problems that currently exist in the recruiting and retention of VA physicians, dentists, and nurses.

Section-by-Section Analysis of H.R. 6534

The first section of the bill provides that it may be cited as the "Veterans' Administration Health Personnel Scholarship Program Act of 1980."

In section two of the bill, a new subchapter IV would be added to chapter 73 of title 38 of the United States Code. This new subchapter would create the Veterans' Administration Health Personnel Scholarship Program.

Section 2(a) would amend section 4118 of title 38 to provide that those physicians and dentists serving a period of obligated service under subchapter IV of chapter 73 could be paid one-half of the primary special pay and incentive special pay to which an individual would otherwise be entitled under 38 U.S.C. § 4118(b) and (c), but only following the third year of obligated service.

The proposed section 4141 would establish the Scholarship Program "to assist in providing an adequate supply of trained health-care personnel for the Veterans' Administration and the Nation." The main purpose of the bill would be to enhance the Veterans' Administration's ability to recruit and retain physicians, dentists, and certain other health care professionals. An incidental effect of the bill would be to increase the number of health professionals nationwide. Scholarships to new participants in this program would not be furnished after the last day of the tenth fiscal year following the fiscal year in which the program is initiated. The date of initiation of the program would be the date the first scholarship is approved by the Administrator.

Subsection (a) of the proposed section 4142 would set out the requirements for eligibility for acceptance and continued participation in the Scholarship Program. The requirements are that an applicant, (1) be accepted for enrollment, or be enrolled, as a full-time student (A) in an accredited (as determined by the Administrator) educational institution in a State, and (B) in a course of study or program, offered by such institution and approved by the Administrator, leading to a degree in medicine, dentistry, nursing, or other course of study which would meet the educational requirements for the other positions listed and authorized in 38 U.S.C. § 4104(1); (2) submit an application to participate in the Scholarship Program; and (3) sign and submit to the Administrator, at the time of submittal of such application, a written contract to accept payment of a scholarship and to serve a period of obligated service.

Section 4142(b) would direct the Administrator to provide application and contract forms to those individuals desiring to participate in the Scholarship Program, including with such forms a fair summary of the rights and liabilities of individuals whose applications are approved and such other information as may be necessary for the individual to understand their prospective participation in the program and service in the VA's Department of Medicine and Surgery (DM&S).

Section 4142(c) would require the Administrator to give priority in acceptance of applicants for participation in the Scholarship Program, initially, to those individuals who have previously received such scholarships, and subsequently to those individuals who enter training at accredited health education institutions for school years beginning in calendar year 1980, and thereafter.

Section 4142(d) would specify that individuals become participants in the Scholarship Program only upon the Administrator's approval of their application and acceptance of the written contract submitted by the applicant.

The contents of the written contract would be specified in proposed section 4142(e). Those contents would include an agreement that (contingent upon funds being appropriated for the Scholarship Program under subchapter IV) the VA would agree to afford the individual concerned the opportunity for employment to fulfill a period of obligated service in return for the receipt by such individual of a scholarship of from one to four years. The scholarship recipient would agree in the contract to the following: to accept the scholarship; to maintain enrollment in a course of study (as described in 38 U.S.C. § 4142(a)(1)(B)) until completion of the course; to maintain an acceptable level of academic standing; to serve a period of obligated service equal to the greater of one calendar year for each school year for which the individual was provided a scholarship, or two calendar years; and, to serve any additional period of obligated service, when obligated service is deferred pursuant to 38 U.S.C. § 4143(b)(3)(C). In addition, the written contract would have to contain a statement of damages to which the United States would be entitled should the contract be breached, and such other statements of the rights and liabilities of the parties to the contract which are consistent with the provisions of subchapter IV.

Section 4142(f) would provide that a participant's scholarship would consist of payment to, or on behalf of, the student: (1) tuition; (2) other reasonable educational expenses (including fees, books, and laboratory expenses), and, (3) a stipend of no more than $452 per month for each of the 12 consecutive months beginning with the first month of the school year. This subsection would authorize the Administrator's contracting with an educational institution, in which a participant is enrolled, to pay to such institution directly the amounts of tuition and other reasonable educational expenses of a participant; payment to such institutions would be without regard to section 3648 of the revised statutes which prohibits certain advances of public money. Moreover, the amount of monthly stipend would be increased (effective in FY 1981) annually by the percentage of the annual adjustment in the salaries of Federal employees under the General Schedule.

Section 4142(g) would provide that, notwithstanding any other provision of the law, persons undergoing academic training under the Scholarship Program (prior to engaging in deferred internship, residency, or other advanced clinical training) would not be considered Federal employees nor would they be counted against any employment ceiling affecting DM&S.

Section 4142(h) would require the Administrator to report to Congress by March 1 of each year—

(1) the number of students receiving scholarships under the Scholarship Program, and the number of students enrolled in each type of health profession training;

(2) the schools at which such students are receiving their training;

(3) the number of applications filed under this section in the current and prior academic years; and

(4) the amount of tuition paid in the aggregate and at each school for the current and prior academic years.

The Administrator would be allowed to issue regulations and delegate authority, as necessary, to carry out the Scholarship Program under authority of new section 4142 (1).

The proposed section 4143(a) would provide that each participant in the Scholarship Program is required to serve in full-time clinical practice of such individual's profession or in another health care position, in an assignment or location determined by the Administrator as an employee of DM&S for the period of obligated service as provided in such individual's written contract.

Subsection (b) of the proposed section 4143 would require that the Administrator provide each participant in the Scholarship Program with at least 60 days notice of the opportunity to serve the requisite period of obligated service. This 60-day notice would have to precede the date upon which a participant is to complete academic training leading to a degree; with respect to an individual receiving a degree from a school of medicine or dentistry, the Administrator would be able to defer the beginning of service for the period of time required for the participant to qualify for employment for a period of obligated service or complete internship, residency, or other advanced clinical training. No period of deferred internship, residency or other advanced clinical training would be counted toward satisfying a period of obligated service. Any person whose period of obligated service is deferred would be required to undertake internship, residency, or advanced clinical training in an accredited educational institution which has an affiliation agreement with the VA, would incur additional obligated service at the rate of one-half of a calendar year for each year of deferred service, or proportionate ratio thereof, so long as the internship, residency, or advanced clinical training is in a medical or dental specialty necessary to meet the health care requirements of the VA. In the event that the specialty does not meet the VA's health care requirements, the additional period of obligated service would be at the rate of three-quarters of a calendar year for each year of deferred obligated service, or a proportionate ratio thereof.

Section 4143(c) would provide that the period of obligated service would begin on the date a participant in the Scholarship Program is appointed as an employee of DM&S.

Proposed section 4144 would address numerous issues relating to breaches of contracts under the Scholarship Program. Under subsection (a), any individual entering into a written contract and then failing to accept payment of a scholarship would be liable to the United States for the amount of $1,500 as liquidated damages, in addition to any service obligation under that contract. Section 4144(b) would make an individual liable for the amount (including stipends) paid under the contract, in lieu of any service obligation, if such individual fails to maintain an acceptable level of academic standing, is dismissed from the educational institution for disciplinary reasons, or voluntarily terminates the training prior to its completion. Section 4144(c) would specify a formula by which the United States would be entitled to recover damages in the event that a participant breaches the written contract by failing either to begin or complete an applicable period of obligated service.

Subsection (d)(1) of the section 4144 would allow for the cancellation of any obligation under the Scholarship Program upon the death of a participant. By virtue of section 4144(d)(2), the Administrator would be able to waive or suspend any obligation under the Scholarship Program, by regulation, whenever compliance by the individual is impossible due to circumstances beyond the control of the individual. A discharge in bankruptcy under title 11 of the United States Code would also be allowed to release any participant's obligation to pay damages under the Scholarship Program, but only if such discharge is granted after the expiration of the five-year period beginning on the first date that payment of such damages is due.

Section 4145 of the proposed new subchapter would exempt from taxation any payment to, or on behalf of, participant for tuition, reasonable education expenses, or monthly stipend under the Scholarship Program.●

FUNERALS AND FAIRNESS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Massachusetts (Mr. Drinan) is recognized for 5 minutes.

● Mr. DRINAN. Mr. Speaker, a conference committee will soon meet to resolve the differences between the House and Senate versions of the Federal Trade Commission (FTC) reauthorization. With all due respect to my colleagues, I hope that at the time the House conferees will recede from the House position with regard to the so-called Russo amendment, which would prohibit the FTC from regulating the funeral industry.

I have expressed my views on this matter many times, so I will not elaborate today. Allow me, however, to briefly commend the gentleman from Texas (Mr. Eckhardt) for holding a hearing on this last week. The testimony presented at that hearing is further evidence of the pressing need for the sort of Federal regulation of the funeral industry which has been proposed by the FTC. As the Washington Post concluded in an editorial this weekend:

> These proposed rules are mild. They are at most a list of business practices that are decent and honorable. The vigor with which they are being opposed suggests how urgent is the need for them.

Mr. Speaker, for the benefit of my colleagues I include the entire text of this editorial at this point in the Record:

FUNERALS AND FAIRNESS

Where the funeral industry and the FTC are concerned, the House has put itself in the position of the Red Queen: sentence first, verdict later. It voted last year to kill the FTC's proposed regulations on funeral homes. Now one of its committees is holding hearings into how and why the FTC came to propose those regulations.

The timing of the hearings, of course, is not accidental. House members apparently believed last year that they had heard enough from home about the subject—never mind that it was all from the funeral directors—and that they needed no more evidence. But the chairman of a House Commerce subcommittee, Rep. Bob Eckhardt, thought they ought to hear a little from the other side before trying to force the Senate to accept this particular limitation on the FTC.

There are, as best we can figure them out, two basic arguments for strangling the FTC's attempt to regulate funeral homes: such regulations aren't needed and, if they are, the states can do the job. Even the small amount of evidence accumulated by Rep. Eckhardt's committee last Wednesday (the FTC has tons more) should be sufficient to persuade an unbiased observer of the fallacy of each argument.

The catalog of abuses brought before the subcommittee was staggering. For example, there was the story of the woman who was charged for embalming and for a coffin, although all that remained of her husband after the six-hour fire in which he died was some ashes. The argument for giving help to the states in dealing with these things was presented by an assistant attorney general from Arizona, a state not noted for seeking more federal regulation. He pointed out that many state laws on the subject were drafted by the funeral industry itself and offer little or no protection to consumers. A member of the Arizona Funeral and Embalmers Board told the subcommittee that, after he had tried to expand the board's regulatory activities, he received anonymous telephone calls asking him how he wanted to be embalmed.

If the arguments against the FTC's proposed rules are as weak as they sound—and they are—why did the House vote last year to kill them? Because the funeral industry doesn't want to be regulated and is now trying to exercise in Congress the kind of political clout that has kept it free from effective regulation by most state legislatures.

This is not one of those cases in which an industry is about to be tied down in federal red tape and bureaucratic requirements. The FTC's proposed rules are remarkably simple. They would require funeral homes to give prices over the telephone and to provide itemized price lists and written contracts. They would prohibit funeral directors from misstating legal or cemetery requirements and from suggesting that embalming, coffins or burial vaults can preserve a body for long periods of time. They would prohibit padding of prices, embalming without permission and requiring the purchase of coffins for cremated remains.

These proposed rules are mild. They are at most a list of business practices that are decent and honorable. The vigor with which they are being opposed suggests how urgent is the need for them.●

HEARINGS ON VETERANS DISABILITY COMPENSATION AND SURVIVORS BENEFITS BY SUBCOMMITTEE ON COMPENSATION, PENSION, INSURANCE, AND MEMORIAL AFFAIRS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. Montgomery) is recognized for 5 minutes.

● Mr. MONTGOMERY. Mr. Speaker, on February 11, I announced for the benefit of the Members and the public the schedule of hearings of the Subcommittee on Compensation, Pension, Insurance, and Memorial Affairs, which I am privileged to chair, of the Veterans' Affairs Committee.

Hearings of intense interest to millions of veterans and their families are the compensation and dependency and indemnity compensation (DIC) programs which will be reviewed, together with legislation to provide a cost-of-living increase in veterans disability compensation and survivors benefits and on H.R. 6352 to extend eligibility for automotive adaptive equipment for certain severely disabled veterans.

The dates of these hearings were omitted in my printed remarks. Therefore, this is to announce that the oversight and legislative hearings on compensation and DIC programs will be held on April 29 and 30, 1980, and will begin at 8:30 a.m. in 334 Cannon House Office Building, Washington, D.C.

Witnesses desiring to testify at these hearings or to submit a statement for the record, should submit their request to Mrs. Barbara Daniel, clerk of the committee, room 335, Cannon House Office Building, Washington, D.C. 20515. Telephone 202-225-3527.●

PERSONAL EXPLANATION

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

● Mr. BRADEMAS. Mr. Speaker, on February 11, 1980, I missed two rollcall votes. The first, rollcall No. 42, was on agreeing to the Speaker's approval of the Journal. The motion was agreed to by a vote of 210 to 7, with 2 Members voting "present." Had I been present, I would have voted "aye."

The second vote was on rollcall no. 43, a vote on ordering a second on a motion to suspend the rules and pass H.R. 6374, a bill to authorize the President to present on behalf of Congress a gold medal to Ambassador Kenneth Taylor of Canada in recognition of his valiant efforts to secure the safe return of six American Embasssy officials in Tehran, Iran. The second was agreed to by a vote of 230 to 2. Had I been present, I would have voted "aye."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Gephardt (at the request of Mr. Wright), for today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Erdahl) to revise and extend their remarks and include extraneous material:)

Mr. Jeffords, for 5 minutes, today.

Mr. Frenzel, for 20 minutes, today.

(The following Members (at the request of Mr. Coelho) to revise and extend their remarks and to include extraneous matter:)

Mr. Gonzalez, for 15 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Ms. Holtzman, for 5 minutes, today.

Mr. Ottinger, for 5 minutes, today.

Mr. Roberts, for 15 minutes, today.

Mr. Guarini, for 5 minutes, today.

Mr. Drinan, for 5 minutes, today.

Mr. Montgomery, for 5 minutes, today.

Mr. Waxman, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Erdahl) and to include extraneous matter:)

Mr. Rhodes.

Mr. Derwinski in two instances.

Mr. Daniel B. Crane.

Mr. Shumway.

Mr. Guyer.

Mr. Quillen.

Mr. Green.

Mr. Grassley.

Mr. Frenzel in three instances.

Mr. Thomas.

Mr. Lee.

(The following Members (at the request of Mr. Coelho) and to include extraneous matter:)

Mr. Seiberling in 10 instances.

Mr. Ireland.

Mr. Stokes.

Mr. Pepper in five instances.

Mr. Matsui.

Mr. McHugh.

Mr. McCormack.

Mrs. Boggs.

Mr. Bingham in 10 instances.

Mr. Yatron in two instances.

Mr. AuCoin.

Mr. Natcher.

Mr. Solarz.

Mr. Hamilton.

Mr. Phillip Burton.

Mr. Anderson of California in 10 instances.

Mr. Gonzalez in 10 instances.

Mr. Annunzio in six instances.

Mr. Udall.

Mr. Edgar in two instances.

Ms. Holtzman in 10 instances.

Mrs. Schroeder.

Mr. Jones of Tennessee in 10 instances.

Mr. Boner of Tennessee in five instances.

Mr. Alexander.

Mr. D'Amours in two instances.

Mr. Long of Maryland.

Mr. Maguire.

Mr. Corman.

Mr. Ottinger.

Mr. Vento.

Mr. Harris.

Mr. Brademas in two instances.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 5 minutes p.m.), the

House adjourned until tomorrow, Wednesday, February 20, 1980, at 3 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3477. A letter from the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics), transmitting the Defense manpower requirements report for fiscal year 1981, pursuant to 10 U.S.C. 138(c)(3); to the Committee on Armed Services.

3478. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting reports of military construction contracts placed under contract in fiscal year 1979, in which it was necessary to exceed the amount authorized for the project by Congress by more than 25 percent, or reduce the project scope by more than 25 percent in order to permit contract award within the available authorization for such project, pursuant to section 603(f) of Public Law 96–125; to the Committee on Armed Services.

3479. A letter from the General Counsel of the Department of Defense, transmitting an amendment to a previously submitted draft of proposed legislation to authorize certain construction at military installations and for other purposes; to the Committee on Armed Services.

3480. A letter from the Acting Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to amend title 37, United States Code, to authorize the payment of a bonus to a prior service person who enlists, reenlists or voluntarily extends his or her enlistment in a designated element of the Ready Reserve of an armed force; to the Committee on Armed Services.

3481. A letter from the Acting Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting a report that a study has been conducted of the conversion of the function of providing commissary shelf stocking and custodial services at Offutt Air Force Base, Nebraska, to contractor performance, pursuant to section 806(a)(2)(A) of Public Law 96–107; to the Committee on Armed Services.

3482. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Army's proposed sale of certain military equipment to Saudi Arabia (Transmittal No. 80–30), pursuant to section 813 of Public Law 94–106, as amended; to the Committee on Armed Services.

3483. A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to extend and amend the Home Mortgage Disclosure Act of 1975, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

3484. A letter from the Secretary of State, transmitting the annual report on Americans incarcerated abroad for calendar year 1979, pursuant to section 108 of Public Law 95–105; to the Committee on Foreign Affairs.

3485. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on political contributions made by Ambassador-designate Robert E. White, and by members of his family, pursuant to section 6 of Public Law 93–126; to the Committee on Foreign Affairs.

3486. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense equipment and services to Saudi Arabia (Transmittal No. 80–30), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3487. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense equipment to Thailand (Transmittal No. 80–44), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3488. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the proposed issuance of an export license for major defense equipment sold commercially to the Government of the Netherlands (Transmittal No. MC–9–80), pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3489. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

3490. A letter from the Acting U.S. Coordinator for Refugee Affairs, transmitting a report on the Cambodian disaster relief assistance program, pursuant to section 495H (c)(2) of the Foreign Assistance Act of 1961, as amended (93 Stat. 843); to the Committee on Foreign Affairs.

3491. A letter from the Acting Inspector General, Department of Health, Education, and Welfare, transmitting the quarterly report on the activities of his office, covering the period ended December 31, 1979, pursuant to section 204(b) of Public Law 94–505; to the Committee on Government Operations.

3492. A letter from the Deputy Assistant Secretary of Defense (Comptroller-Administration), transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3493. A letter from the Deputy Assistant Secretary of Defense (Comptroller-Administration), transmitting notice of a proposed altered system of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3494. A letter from the Comptroller General of the United States, transmitting a list of reports issued or released by the General Accounting Office during January 1980, pursuant to section 234 of the Legislative Reorganization Act of 1970; to the Committee on Government Operations.

3495. A letter from the Acting Administrator of General Services, transmitting a followup report on the recommendations contained in the 1978 Annual Report of the National Advisory Council on Extension and Continuing Education, pursuant to section 6(b) of the Federal Advisory Committee Act; to the Committee on Government Operations.

3496. A letter from the Secretary of the Interior, transmitting notice of the proposed refund of $252,724.13 in excess gas royalty payments to Chevron U.S.A., Inc., pursuant to section 10(b) of the Outer Continental Shelf Lands Act of 1953; to the Committee on Interior and Insular Affairs.

3497. A letter from the President, National Railroad Passenger Corporation, transmitting the Corporation's legislative recommendations, pursuant to section 308(b) of the Rail Passenger Service Act, as amended; to the Committee on Interstate and Foreign Commerce.

3498. A letter from the Director, Office of Personnel Management, transmitting the 57th annual report of the Board of Actuaries of the Civil Service Retirement System, covering the fiscal year ended September 30, 1977, pursuant to 5 U.S.C. 8347(f); to the Committee on Post Office and Civil Service.

3499. A letter from the Executive Director, U.S. Metric Board, transmitting resolutions adopted by the Board relative to the national policy on metric and the role of the U.S. Metric Board; to the Committee on Science and Technology.

3500. A letter from the Comptroller of the United States, transmitting a report on the major issues concerning the development and military applications of the NAVSTAR Global Positioning System (PSAD–80–21, February 15, 1980); jointly, to the Committees on Government Operations and Armed Services.

3501. A letter from the Comptroller General of the United States, transmitting a report on the major issues concerning the Navy's F/A–18 strike fighter program (PSAD–80–24. February 14, 1980); jointly, to the Committees on Government Operations and Armed Services.

3502. A letter from the Comptroller General of the United States, transmitting a report on the Navy's pilot shortage and efforts taken and needed to improve retention (FPCD–80–31, February 15, 1980); jointly, to the Committees on Government Operations and Armed Services.

3503. A letter from the Comptroller General of the United States, transmitting a report recommending development of procedures to coordinate the supervision of bank holding companies (GGD–80–20, February 12, 1980); jointly, to the Committees on Government Operations, and Banking Finance and Urban Affairs.

3504. A letter from the Comptroller General of the United States, transmitting a report on needed improvements to the management of community-based correctional programs (GGD–80–25, February 15, 1980); jointly, to the Committees on Government Operations and the Judiciary.

3505. A letter from the Comptroller General of the United States, transmitting a report on significant procedural changes needed to strengthen the audit practices of the Law Enforcement Assistance Administration (FGMSD–80–21, February 19, 1980); jointly, to the Committees on Government Operations and the Judiciary.

3506. A letter from the Secretary of the Interior, transmitting the annual report for fiscal year 1978 on the leasing and production program in the Outer Continental Shelf and the number of safety violations, pursuant to sections 15(1) and 22(g) of the Outer Continental Shelf Lands Act, as amended; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

(*Pursuant to the order of the House on February 13, 1980 the following report was filed on February 14, 1980*)

Mr. FOLEY: Committee on Agriculture. H.R. 3789. A bill to amend section 16(b) of the Soil Conservation and Domestic Allotment Act, as amended, providing for a Great Plains conservation program; with amendments (Rept. No. 96–755). Referred to the Committee of the Whole House on the State of the Union; submitted February 19, 1980.

Mr. DERRICK: Committee on Rules. House Resolution 579. Resolution providing for the consideration of the bill (H.R. 3789) to amend section 16(b) of the Soil Conservation and Domestic Allotment Act, as amended, providing for a Great Plains Conservation program. (Rept. No. 96–756). Referred to the House Calendar.

Mr. BRADEMAS: Committee on House Administration. House Resolution 523. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Post Office and Civil Service;

with amendment (Rept. No. 96–757). Referred to the House Calendar.

Mr. BRADEMAS: Committee on House Administration. House Resolution 527. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Foreign Affairs. (Rept. No. 96–758). Referred to the House Calendar.

Mr. BRADEMAS: Committee on House Administration. House Resolution 530. Resolution to provide for the further expenses of investigations and studies to be conducted by the Committee on Education and Labor; with amendment (Rept. No. 96–759). Referred to the House Calendar.

Mr. BRADEMAS: Committee on House Administration. House Resolution 531. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Standards of Official Conduct (Rept. No. 96–760). Referred to the House Calendar.

Mr. BRADEMAS: Committee on House Administration. House Resolution 532. Resolution to provide for the further expenses of studies and investigations to be conducted by the Committee on Government Operations; with amendment (Rept. 96–761). Referred to the House Calendar.

Mr. BRADEMAS: Committee on House Administration. House Resolution 535. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Science and Technology; with amendment (Rept. No. 96–762). Referred to the House Calendar.

Mr. BRADEMAS: Committee on House Administration. House Resolution 536. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Banking, Finance and Urban Affairs; with amendment (Rept. No. 96–763). Referred to the House Calendar.

Mr. BRADEMAS: Committee on House Administration. House Resolution 537. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Veterans' Affairs; with amendment (Rept. No. 96–764). Referred to the House Calendar.

Mr. BRADEMAS: Committee on House Administration. House Resolution 538. Resolution to provide for the further expenses of investigations and studies to be conducted by the Committee on Ways and Means; with amendment (Rept. No. 96–765). Referred to the House Calendar.

Mr. BRADEMAS: Committee on House Administration. House Resolution 539. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on the District of Columbia; with amendment (Rept. No. 96–766). Referred to the House Calendar.

Mr. BRADEMAS: Committee on House Administration. House Resolution 541. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Armed Services (Rept. No. 96–767). Referred to the House Calendar.

Mr. BRADEMAS: Committee on House Administration. House Resolution 543. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on House Administration (Rept. No. 96–768). Referred to the House Calendar.

Mr. BRADEMAS: Committee on House Administration. House Resolution 545. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Public Works and Transportation (Rept. No. 96–769). Referred to the House Calendar.

Mr. BRADEMAS: Committee on House Administration. House Resolution 546. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Merchant Marine and Fisheries; with amendment (Rept. No. 96–770). Referred to the House Calendar.

Mr. BRADEMAS: Committee on House Administration. House Resolution 552. Resolution providing funds for the Committee on Rules; with amendment (Rept. No. 96–771). Referred to the House Calendar.

Mr. BRADEMAS: Committee on House Administration. House Resolution 554. Resolution to provide funds for the expenses of the investigations and studies to be conducted by the Committee on Agriculture (Rept. No. 96–772). Referred to the House Calendar.

Mr. BRADEMAS: Committee on House Administration. House Resolution 556. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Small Business; with amendment (Rept. No. 96–773). Referred to the House Calendar.

Mr. BRADEMAS: Committee on House Administration. House Resolution 557. Resolution providing funds for the further expenses of a welfare and pension plans task force under the jurisdiction of the Committee on Education and Labor (Report, No. 96–774). Referred to the House Calendar.

Mr. BRADEMAS: Committee on House Administration. House Resolution 565. Resolution to provide for the expenses of investigations and studies to be conducted by the Select Committee on Aging (Rept. No. 96–775). Referred to the House Calendar.

Mr. BRADEMAS: Committee on House Administration. House Resolution 567. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Interior and Insular Affairs; with amendment (Rept. No. 96–776). Referred to the House Calendar.

Mr. BRADEMAS: Committee on House Administration. House Resolution 569. Resolution to provide for the expenses of investigations and studies to be conducted by the Permanent Select Committee on Intelligence (Rept. No. 96–777). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BINGHAM:

H.R. 6528. A bill to limit the authority of the Secretary of Health and Human Services with respect to regulation of vitamin and mineral products for over-the-counter human use; to the Committee on Interstate and Foreign Commerce.

By Mr. DAVIS of Michigan:

H.R. 6529. A bill to amend the Internal Revenue Code of 1954 to provide an additional investment tax credit for property placed in service in certain economic redevelopment areas; to the Committee on Ways and Means.

By Mr. HARRIS:

H.R. 6530. A bill to amend the Federal Election Campaign Act of 1971 to eliminate the exemption of Members of Congress from the provision of such act relating to limitations on the use of certain contributions; to the Committee on House Administration.

By Mr. JACOBS (for himself, Mr. Evans of Indiana, Mr. Hillis, Mr. Deckard, Mr. Myers of Indiana, Mr. Quayle, Mr. Fithian, Mr. Benjamin, Mr. Sharp, Mr. Hamilton, and Mr. Brademas):

H.R. 6531. A bill to name a certain Federal building in Indianapolis, Ind., the Minton-Capehart Federal Building; to the Committee on Public Works and Transportation.

By Mr. JEFFORDS:

H.R. 6532. A bill to establish an interagency committee and an advisory council to examine and investigate the causes and effects of atmospheric fallout and to develop a comprehensive plan to reduce such fallout; jointly to the Committees on Interstate and Foreign Commerce and Science and Technology.

By Mr. RAILSBACK:

H.R. 6533. A bill amendments to title 35, United States Code, to establish a uniform Federal patent procedure for small businesses and nonprofit organizations, to improve the administration of the patent and trademark laws, by authorizing reexamination, and for other purposes; to the Committee on the Judiciary.

By Mr. ROBERTS:

H.R. 6534. A bill to amend title 38, United States Code, to establish a Veterans' Administration health professional scholarship program, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SIMON:

H.R. 6535. A bill to extend the authorization of appropriations for the National Institute of Education through fiscal year 1985; to the Committee on Education and Labor.

By Mr. OBERSTAR:

H. Con. Res. 281. Concurrent resolution expressing the sense of the Congress that the people of the United States should observe February 26, 1980, as a national day of prayer and meditation for the hostages in Iran; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRODHEAD:

H.R. 6536. A bill for the relief of Frieda Brenner; to the Committee on the Judiciary.

By Mr. GOLDWATER:

H.R. 6537. A bill for the relief of Maria Cavalieri (nee Fernandez); to the Committee on the Judiciary.

By Mr. RUNNELS:

H.R. 6538. A bill to authorize and direct the Secretary of the Interior to reinstate oil and gas lease New Mexico 33955; to the Committee on Interior and Insular Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1080: Mr. Beard of Rhode Island.

H.R. 1732: Mr. Mitchell of Maryland.

H.R. 5225: Mr. Shelby and Mr. AuCoin.

H.R. 5477: Mr. Vento, Mr. Andrews of North Carolina, Mrs. Chisholm, and Mr. Fauntroy.

H.R. 5663: Mr. Quayle.

H.R. 5862: Mr. Andrews of North Carolina, Mrs. Bouquard, Mr. Derwinski, Mr. Chappell, Mr. Jones of Tennessee, Mr. Loeffler, Mr. Rahall, and Mr. Jones of Oklahoma.

H.R. 5884: Mr. McCormack.

H.R. 6152: Mr. Leland, Mr. Markey, Mr. Swift, Mr. Matsui, Mr. Van Deerlin, Mr. Murphy of New York, and Mr. Walgren.

H.R. 6426: Mr. Atkinson, Mr. Murphy of Pennsylvania, Mr. Whitehurst, Mr. St Germain, and Mr. Walgren.

H.J. Res 322: Mr Neal, Mr. Preyer, Mr. Moakley, and Mr. Jones of North Carolina.

H.J. Res. 372: Ms. Holtzman, Mr. Thompson, Mr. Moorhead of Pennsylvania, Mr. Reuss, Mrs. Snowe, Mr. Lungren, Mr. Lewis, Mr. Fowler, Mr. Lundine, Mr. Regula, Mr. Spence, Mr. McKinney, Mr. Markey, Mrs. Collins of Illinois, Mr. Emery, Mr. Donnelly, Mr. Lowry, Mr. Bolling, Mr. Boner of Tennessee, Mr. Hubbard, Mr. Stanton, Mr. Jenkins, Mr. Preyer, Mr. Mazzoli, Mr. Kastenmeier, and Mr. Lloyd.

H.J. Res. 480: Mr. Holland.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

277. By the SPEAKER: Petition of the City Council, New Orleans, La., relative to strengthening the effectiveness of U.S. intelligence agencies; to the Permanent Select Committee on Intelligence.

278. Also, petition of the Executive Committee, Pennsylvania American Legion, Pittsburgh, Pa., relative to voluntary prayer in public schools and public gatherings; to the Committee on the Judiciary.

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the Congressional Record.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS

The following registrations were submitted for the fourth calendar quarter 1979:

(Note.—The form used for report is reproduced below. In the interest of economy in the Record, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

File One Copy With the Secretary of the Senate and File Two Copies With the Clerk of the House of Representatives:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

Place an "X" Below the Appropriate Letter or Figure in the Box at the Right of the "Report" Heading Below:

"Preliminary" Report ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"Quarterly" Report: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19------- ◀

REPORT

Pursuant to Federal Regulation of Lobbying Act

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

Note on Item "A".—(a) In General. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) Separate Reports. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. Organization or Individual Filing:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

Note on Item "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. Employer.—State name, address, and nature of business. If there is no employer, write "None."

Note on Item "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. Legislative Interests, and Publications in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report. ◀

AFFIDAVIT

[Omitted in printing]

PAGE 1 ◀

A. Brock Adams, 1919 Pennsylvania Avenue NW., Washington, D.C.

B. TRAIN (Transportation by Rail for Agricultural and Industrial Needs), 1776 G Street NW., Washington, D.C. 20006.

A. Raymond T. Adams, 1725 K Street NW., Suite 909, Washington, D.C. 20006.

B. The Superior Oil Co and Superior Farming Co., 1725 K Street NW., Washington, D.C. 20006.

A. Hobson H. Adcock, 700 Anderson Hill Road, Purchase, N.Y. 10577.

B. PepsiCo, Inc.

A. Aeron Marine Shipping Co., Triad Office Center, 2001 Marcus Avenue, Lake Success, N.Y. 11042.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.

B. American Petroleum Partners, 350 North St. Paul, Dallas, Tex. 75201.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.

B. Brooklyn Industrial Development Corp., 2 Blemont Avenue, Rye, N.Y. 10580.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.

B. General Cryogenics, Inc., 2524 Rodney Lane, Dallas, Tex. 75229.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.

B. Filmways, Inc., 2049 Century Park East, Los Angeles, Calif. 90067.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington D.C. 20036.

B. New Energy Corp. of Indiana, 1333 New Hampshire Avenue NW., No. 400, Washington, D.C. 20036.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington D.C. 20036.

B. Valley View Bank, P.O. Box 30100, Dallas Tex. 75230.

A. Peter Allstrom, Food and Beverage Trades Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

B. Food and Beverage Trades Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

A. Charles L. Almond, First City National Bank Building, Houston, Tex. 77002.

B. Vinson & Elkins, First City National Bank Building (for City of Houston), Tex. 77002.

A. Paul Aloe, George Washington University Student Association, 800 21st Street NW., No. 21, Washington, D.C. 20052.

B. George Washington University Student Association, 800 21st Street NW., No. 21, Washington, D.C. 20052.

A. Richard H. Altman, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.

B American Israel Public Affairs Committee, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.

A. American Association of Foundations for Medical Care. 11325 Seven Locks Road, Potomac, Md. 20854.

A. American Association of Port Authorities, Inc., 1612 K Street NW., Washington, D.C. 20006.

A. American Association of Professional Standards Review Organizations, 11325 Seven Locks Road, Potomac, Md. 20854.

A. American Council for Free Asia, 418 C Street NE., Suite 302, Washington, D.C. 20002.

A. American Subcontractors Association, 815 15th Street NW., Suite 902, Washington, D.C. 20005.

A. American Wind Energy Association, 1609 Connecticut Avenue NW., Washington, D.C. 20009.

A. Edward Andersen, The National Grange, 1616 H Street NW., Washington, D.C. 20006.

B. The National Grange, 1616 H Street NW., Washington, D.C. 20006.

A. John A. Anderson, Motor Vehicle Manufacturers Association of the U.S., Inc., 1909 K Street NW., Suite 300, Washington, D.C. 20006.

B. Motor Vehicle Manufacturers Association of the U.S., Inc., 300 New Center Building, Detroit, Mich. 48202.

A. Olin F. Armentrout, National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.

B. Morgan Stanley & Co., Inc., 1251 Avenue of the Americas, New York, N.Y. 10020; Merrill Lynch White Weld, Capital Markets Group, 1 Liberty Plaza, 165 Broadway, New York, N.Y. 10080.

A. Douglas Atwell, Jr., George Washington University Student Association, Marvin Center, No. 424, Washington, D.C. 20052.

B. George Washington University Student Association, Marvin Center, No. 424, 800 21st Street NW., Washington, D.C. 20052.

A. Kathryn A. Aulbach, 1730 K Street NW., Suite 915, Washington, D.C. 20006.

B. The Firestone Tire & Rubber Co., 1200 Firestone Parkway, Akron, Ohio 44317.

A. Aviation Consumer Action Project, 1346 Connecticut Avenue NW., Suite 717, Washington, D.C. 20036.

A. Joseph Warren Ayres, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.

A. Dale R. Babione, Boeing Co., 1700 North Moore Street, Roslyn, Va. 22209.

B. Boeing Co., 1700 North Moore Street, Rosslyn, Va. 22209.

A. Robert A. Bacha, 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

B. Keefe Co. (for Westinghouse Electric Corp.), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

A. Edward R. Bajer, 1155 15th Street NW., No. 713, Washington, D.C. 20005.

B. American Consulting Engineers Council, 1155 15th Street NW., No. 713, Washington, D.C. 20005.

A. Baker & Daniels, Suite 590 South, 1800 M Street NW., Washington, D.C. 20036.

B. Rock Island Refining Corp., P.O. Box 68007, Indianapolis, Ind. 46268.

A. Donald Baldwin, Donald Baldwin Associates, 1140 Connecticut Avenue NW., Washington, D.C. 20036.

B. National Law Enforcement Council, Law Enforcement Assistance Foundation.

A. Richard M. Bank, 1000 Connecticut Avenue NW., No. 300, Washington, D.C. 20036.

B. National Association of Neighborhoods, 1612 20th Street NW., Washington, D.C.

A. Charles D. Barbour, 1700 North Moore Street, 1925 Rosslyn Center Building, Arlington, Va. 22209.

B. Beneficial Management Corp. of America, 1300 Market Street, Wilmington, Del. 19899.

A. Barnes, Richardson & Colburn, 1819 H Street NW., Washington, D.C. 20006.

B. Distilled Spirits Committee for International Trade, Suite 400, Federal Bar Building, 1819 H Street NW., Washington, D.C. 20006.

A. Barnes, Richardson & Colburn, 1819 H Street NW., Washington, D.C. 20006.

B. John W. Thatcher, c/o Banana Supply Co., Inc., 3030 NE Second Avenue, Miami, Fla. 33137.

A. Barnett, Alagia & Carey, 1627 K Street NW., Washington, D.C. 20006.

B. American School Food Service Association, 4101 East Iliff Avenue, Denver, Colo. 80222.

A. Thea Rossi Barron, 106 Little Falls Street, Falls Church, Va. 22046.

B. Right to Life Crusade, Box 2703, Tulsa, Okla. 74101.

A. Linda Leigh Bartlett, 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue N.W., Suite 800, Washington, D.C. 20007.

A. Lawrence R. Baskerville, National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

A. James R. Baxter, 2033 K Street NW., Suite 200, Washington, D.C. 20006.

B. National Construction Employers Council, 2033 K Street NW., Suite 200, Washington, D.C. 20006.

A. Hubert Beatty, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Beneficial Management Corp. of America, 1300 Market Street, Wilmington, Del. 19899.

A. David A. Beren, 910 17th Street NW., Washington, D.C. 20006.

B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 910 17th Street NW., Washington, D.C. 20006.

A. Paul C. Bergson, 2550 M Street NW., Washington, D.C. 20037.

B. RJR Industries, Inc., P.O. Box 2959, Winston-Salem, N.C. 27102.

A. Jerry J. Berman, American Civil Liberties Union, 600 Pennsylvania Avenue, Washington, D.C.

B. American Civil Liberties Union, 22 East 40th Street, New York, N.Y.

A. Robert A. Best, 475 L'Enfant Plaza SW., Suite 4400, Washington, D.C. 20024.

B. Pullman Swindell, 441 Smithfield Street, Pittsburgh, Pa. 15222.

A. Allene Betancourt, 1600 South Eads Street, Arlington, Va. 22202.

B. Chem-Nuclear System, Inc., P.O. Box 1866, Bellevue, Wash. 98009.

A. Smith Blair, National Association of Retired Federal Employees, 1533 New Hampshire Avenue NW., Washington, D.C. 20036.

B. National Association of Retired Federal Employees, 1533 New Hampshire Avenue NW., Washington, D.C. 20036.

A. Douglass M. Bloomfield, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.

B. American Israel Public Affairs Committee, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.

A. Blum & Nash, 1015 18th Street NW., Washington, D.C. 20036.

B. National Committee for Automobile Crash Protection, 1220 19th NW., Suite 201, Washington, D.C. 20036.

A. Robert Z. Bohan, National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.

B. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.

A. Boothe, Prichard & Dudley, 4103 Chain Bridge Road, Fairfax, Va. 22030.

B. Vulcan Materials Co., 1 Metroplex, P.O. Box 7497, Birmingham, Ala. 35209.

A. William H. Borghesani, Jr., 1150 17th Street NW., Washington, D.C. 20036.

B. Keller & Heckman, 1150 17th Street NW., Washington, D.C. 20036.

A. Deborah Bowker, National Association of Postal Supervisors, P.O. Box 23456, L'Enfant Plaza Station, Washington, D.C. 20024.

B. National Association of Postal Supervisors, P.O. Box 23456, L'Enfant Plaza Station, Washington, D.C. 20024.

A. David Boxer, George Washington University Student Association, 424 Marvin Center, 800 21st Street NW., Washington, D.C. 20052.

B. George Washington University Student Association, 424 Marvin Center, 800 21st Street, NW., Washington, D.C. 20052.

A. Dennis M. Bradshaw, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Breed, Abbott & Morgan, 1875 I Street NW., Washington, D.C. 20006.

B. The Lefrak Organization, 97-77 Queens Boulevard, New York, N.Y.

A. Breed, Abbott & Morgan, 1875 I Street N.W., Suite 1000, Washington, D.C. 20006.

B. David H. McConnell, 375 Park Avenue, New York, N.Y.

A. Carol L. Bros, National Women's Political Caucus, 1411 K Street NW., Washington, D.C. 20005.

B. National Women's Political Caucus, 1411 K Street NW., Washington, D.C. 20005.

A. Timothy G. Brosnahan, Burson-Marsteller, 1800 M Street NW., No. 750S, Washington, D.C. 20036.

B. Gould Inc., 1831 Chestnut Street, St. Louis, Mo. 63160.

A. The Law Firm of Jon T. Brown, 1333 New Hampshire Avenue NW., Suite 1270, Washington, D.C. 20036.

B. Louisville & Nashville Railroad Co., 908 West Broadway, Louisville, Ky. 40201.

A. The Law Firm of Jon T. Brown, 1333 New Hampshire Avenue NW., Suite 1270, Washington, D.C. 20036.

B. Western Railroad Association, 222 South Riverside Plaza, Suite 1200, Chicago, Ill. 60606.

A. Karen H. Brown, 1750 K Street NW., Washington, D.C. 20006.

B. Food Marketing Institute, 1750 K Street, NW., Washington, D.C. 20006.

A. Brown, Todd & Heyburn, 1600 Citizens Plaza, Louisville, Ky. 40202.

B. Brown & Williamson Tobacco Corp., 1600 West Hill Street, Louisville, Ky. 40232.

A. Brownstein, Zeidman & Schomer, 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.

B. New York City Housing Development Corp., 42 Broadway, 10th Floor, New York, N.Y. 10004.

A. Robert O. Brunner, National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

A. Garry B. Bryant, 806 15th Street NW., Washintgon, D.C. 20005.

B. Migrant Legal Action Program, Inc., 806 15th Street NW., Washington, D.C. 20005.

A. G. N. Buffington, 1150 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036.

B. Fulbright & Jaworski (for Browning-Ferris Industries, Inc., P.O. Box 3151, Houston, Tex. 77001).

A. G. N. Buffington, 1150 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036.

B. Fulbright & Jaworski (for Consolidated Capital Income Trust, 1900 Powell Street, Emeryville, Calif. 94608).

A. G. N. Buffington, 1150 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036.

B. Fulbright & Jaworski (for Consolidated Capital Realty Investors, 900 Powell Street, Emeryville, Calif. 94608).

A. Gerard P. Burke, 1625 I Street NW., Suite 921, Washington, D.C. 20006.

B. International Air Leases, Inc., P.O. Box 480233, Miami, Fla. 33148.

A. Burson-Marsteller, 1800 M Street NW., Suite 750 South, Washington, D.C. 20036.

B. Meenan Oil Co., Inc., 44 East 23d Street, New York, N.Y. 10010.

A. Demetra D. Burton, Federal National Mortgage Association, 3900 Wisconsin Avenue NW., Washington, D.C. 20016.

B. Federal National Mortgage Association, 3900 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Christine Bushway, United Egg Producers, 499 South Capitol Street SW., No. 411, Washington, D.C. 20003.

B. United Egg Producers, 3951 Snapfinger Parkway, No. 580, Decatur, Ga. 30035.

A. William Byler's Associates, 111 C Street SE., Washington, D.C. 20003.

B. Colville Indian Tribe, Box 150, Nespelem, Wash. 99155.

A. William Byler's Associates, 111 C Street SE., Washington, D.C. 20003.

B. Minnesota Chippewa Tribe, Box 217, Cass Lake, Minn. 56633.

A. Cadwalader, Wickersham & Taft, 1333 New Hampshire Avenue, No. 700, Washington, D.C. 20036.

B. Agrico Chemical Co., Post Office Box 3166, Tulsa, Okla. 74101.

A. Cadwalader, Wickersham & Taft, 1333 New Hampshire Avenue, No. 700, Washington, D.C. 20036.

B. Rohm & Haas Co., Independence Mall West, Philadelphia, Pa. 19105.

A. Cadwalader, Wickersham & Taft, 1333 New Hampshire Avenue, No. 700, Washington, D.C. 20036.

B. Sun Co., Inc., 100 Matsonford Road, Radnor, Pa. 19087.

A. Cadwalader, Wickersham & Taft, 1333 New Hampshire Avenue, No. 700, Washington, D.C. 20036.

B. The Williams Co., One William Center, Tulsa, Okla. 74101.

A. Charles S. Caldwell, Joint Maritime Congress, 444 North Capitol Street, Suite 801, Washington, D.C. 20001.

B. Joint Maritime Congress, 444 North Capitol Street, Suite 801, Washington, D.C. 20001.

A. Arthur E. Cameron, 918 16th Street NW., Suite 406, Washington, D.C. 20006.

B. Gulf & Western Industries, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

A. Camp, Carmouche, Palmer, Barsh & Hunter, 2550 M Street NW., Suite 695, Washington, D.C. 20037.

B. Airco, 85 Chestnut Ridge Road, Montvale, N.J. 07950.

A. Camp, Carmouche, Palmer, Barsh & Hunter, 2550 M Street NW., Suite 695, Washington, D.C. 20037.

B. Bechtel Corp., 1620 I Street NW., Washington, D.C. 20006.

A. Camp, Carmouche, Palmer, Barsh & Hunter, 2550 M Street NW., Suite 695, Washington, D.C. 20037.

B. Cities Service Co., First Place, Box 300, Tulsa, Okla. 74120.

A. Camp, Carmouche, Palmer, Barsh & Hunter, 2550 M Street NW., Suite 695, Washington, D.C. 20037.

B. Conoco, Inc., 1025 Connecticut Avenue NW., Washington, D.C. 20036.

A. Camp, Carmouche, Palmer, Barsh & Hunter, 2550 M Street NW., Suite 695, Washington, D.C. 20037.

B. Olin Corp., 120 Long Ridge Road, Stanford, Conn. 06904.

A. Camp, Carmouche, Palmer, Barsh & Hunter, 2550 M Street NW., Suite 695, Washington, D.C. 20037.

B. Shell Oil Co., Post Office Box 2463, Houston, Tex. 77001.

A. Camp, Carmouche, Palmer, Barsh & Hunter, 2550 M Street NW., Suite 695, Washington, D.C. 20037.

B. United Gas Pipeline Co., Post Office Box 1478, Houston, Tex. 77001.

A. Robert P. Canavan, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

B. National Education Association, 1201 16th Street NW, Washington, D.C. 20036.

A. Sharon M. Canavan, 1125 15th Street NW., Washington, D.C. 20005.
B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.

A. Caplin & Drysdale, 1101 17th Street NW., Washington, D.C. 20036.
B. American Family Life Assurance Co. of Georgia, P.O. Box 1459, Columbus, Ga. 31902.

A. Denise A. Cardman, American Bar Association, 1800 M Street NW., Washington, D.C. 20036.
B. American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637.

A. LeRoy T. Carlson, Jr., Telephone and Data Systems, Inc., 79 West Monroe Street, Chicago, Ill. 60603.
B. Telephone and Data Systems, Inc., 79 West Monroe Street, Chicago, Ill. 60603.

A. Robert H. Carp, 2835 Terrace Drive, No. 119, Chevy Chase, Md. 20015.

A. Donato Caruso, Lorenz, Finn, Giardino & Lambos, 25 Broadway, Suite 1755, New York, N.Y. 10004.
B. New York Shipping Association, Inc., 80 Broad Street, New York, N.Y.

A. Elliot Chabot, George Washington University Student Association, 800 21st Street NW., No. 21, Washington, D.C. 20052.
B. George Washington University Student Association, 800 21st Street NW., No. 21, Washington, D.C. 20052.

A. William A. Chatfield, 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.

A. Karen Christensen, American Civil Liberties Union, 600 Pennsylvania Avenue SE., Washington, D.C. 20003 .
B. American Civil Liberties Union, 22 East 40th Street, New York, N.Y. 10016.

A. Citizens For Legislative Limit Of Oil Import, 400 Newport Center Drive, Newport Beach, Calif. 92660.

A. Citizens for Progressive Reduction of Oil Import, 400 Newport Center Drive, Newport Beach, Calif. 92660.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Industrial Health Council, 1075 Central Park Avenue, Scarsdale, N.Y. 10583.

A. Cohen & Uretz, 1775 K Street NW., Fourth Floor, Washington, D.C. 20006.
B. Estate of W. R. Lovett, Post Office Box 149, Jacksonville, Fla. 32201.

A. The Committee to Safeguard Prisoners' Rights, c/o William Coppola, Ellis Unit, Huntsville, Tex. 77340.

A. Congressional District Action Committee, 23 Cliffview Drive, Northeast, Md. 21901.

A. Gregory E. Conrad, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

A. Continental Resources Co., P.O. Box 44, Winter Park, Fla. 32790.

A. Cook, Purcell, Hansen & Henderson, 1735 K Street NW., Suite 200, Washington, D.C. 20006.
B. Roadway Express, Inc., P.O. Box 471, 1077 Gorge Boulevard, Akron, Ohio 44309.

A. Paul E. Cooney, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Foley, Lardner, Hollabaugh & Jacobs (for Smith Barney, Harris Upham & Co., Inc.), 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Counselors for Management, Inc., 900 17th Street NW., Suite 504, Washington, D.C. 20006.

A. George Darden Craig III, Route 2, Box 14, Salem, Ala. 36874.

A. George Darden Craig III, Route 2, Box 14, Salem, Ala. 36874.
B. Shotwell International Political Action Committee.

A. George Darden Craig III, Route 2, Box 14, Salem, Ala. 36874.
B. Shotwell Labs & Testing Grounds PAC.

A. Charles H. Critchlow, % Lord, Day & Lord, 25 Broadway, New York, N.Y. 10004.
B. Phosphate Chemicals Export Association, Inc., 200 Park Avenue, New York, N.Y. 10017.

A. Croatian National Congress, 100–19 Queens Boulevard, Forest Hills, Queens, N.Y. 11375.

A. Anne M. Cullather, 1707 L Street NW., Suite 515, Washington, D.C. 20036.
B. Association of Media Producers, 1707 L Street NW., Suite 515, Washington, D.C. 20036.

A. John T. Curran, 815 16th Street NW., Suite 603, Washington, D.C. 20006.
B. National Coordinating Committee for Multiemployer Plans, 815 16th Street NW., Suite 603, Washington, D.C. 20006.

A. Curtis, Thaxter, Corey, Lipez & Stevens, 1835 K Street NW., Suite 305, Washington, D.C. 20006.
B. National Alliance for Hydro-Electric Energy, P.O. Box 7320, Portland, Maine 04112.

A. Fred L. Dahl, 10808 South Glen Road, Potomac, Md. 20854.
B. Bechtel Power Corp., 1620 I Street NW., Washington, D.C. 20006.

A. Frank C. Damrell, Jr., 5900 Wilshire Boulevard, Suite 2600, Los Angeles, Calif. 90036.
B. Kings River Water Users Committee, 4888 East Jensen, Fresno, Calif. 93725.

A. Daniels, Houlihan & Palmeter, 1819 H Street NW., Washington, D.C.
B. Korean Traders Association, 10–1, 2–KA Hoehyun-Dong, Chung Ku, Seoul, Korea.

A. Danzansky, Dickey, Tydings, Quint & Gordon, 1120 Connecticut Avenue NW., Washington, D.C.
B. Metropolitan Washington Savings and Loan League, The Washington Building, Washington, D.C.

A. Danzansky, Dickey, Tydings, Quint & Gordon, 1120 Connecticut Avenue NW., Washington, D.C.
B. Perpetual Federal Savings and Loan, 11th and E Streets NW., Washington, D.C.

A. Danzansky, Dickey, Tydings, Quint & Gordon, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Population Crisis Committee, 1120 19th Street NW., Washington, D.C. 20036.

A. Danzansky, Dickey, Tydings, Quint & Gordon, Tenth Floor, 1120 Connecticut Avenue NW., Washington, D.C. 20035.
B. Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20068.

A. Danzansky, Dickey, Tydings, Quint & Gordon, 1120 Connecticuit Avenue NW., Tenth Floor, Washington, D.C. 20036.
B. TVI Corp., 4261 Howard Avenue, Kensington, Md. 20795.

A. F. Gibson Darrison, Jr., 4960 Sentinel Drive, Sumner, Md. 20016.
B. American Chiropractic Association, 2200 Grand Avenue, Des Moines, Iowa 50312.

A. Davis, Graham & Stubbs, 2600 Colorado National Building, 950 17th Street, Denver, Colo. 80202.
B. Northern Colorado Water Conservancy District, P.O. Box 679, Loveland, Colo. 80537.

A. Davis, Graham & Stubbs, 2600 Colorado National Building, 950 17th Street, Denver, Colo. 80202.
B. John T. Oxley, % R. B. Jowell, Route 2, Box 151, Owasso, Okla. 74055.

A. Davis, Graham & Stubbs, 1300 19th Street NW., Suite 400, Washington, D.C. 20036.
B. Purgatoire River Water Conservation District, 430 East Main Street, Trinidad, Colo. 81082.

A. Dawson, Riddell, Taylor, Davis & Holroyd, 723 Washington Building, Washington, D.C. 20005.
B. Air-Conditioning & Refrigeration Institute, 1815 North Fort Myer Drive, Arlington, Va. 22209.

A. Mark A. de Bernardo, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

A. Frank R. DeGeorge, Paralyzed Veterans of America, 4330 East-West Highway, Suite 300, Washington, D.C. 20014.
B. Paralyzed Veterans of America, 4330 East-West Highway, Suite 300, Washington, D.C. 20014.

A. George K. Degnon Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.
B. Association of State and Territorial Health Officials, 1015 15th Street NW., Washington, D.C. 20005.

A. Law offices of Paul H. DeLaney, Jr., 1730 Rhode Island Avenue NW., Suite 310, Washington, D.C. 20036.
B. Guam Chamber of Commerce, 107 ADA Plaza Center, Agana, Guam, U.S.A. 96910.

A. Law offices of Paul H. DeLaney, Jr., 1730 Rhode Island Avenue NW., Suite 310, Washington, D.C. 20036.
B. Leslie Salt Co., P.O. Box 364, Newark, Calif. 94560.

A. Dell, Craighill, Fentress & Benton, 888 17th Street NW., Suite 1200, Washington, D.C. 20006.
B. Jesus Almeida N., Mexican National Confederation of Livestock Producers, 16th Street, No. 3200, Chihuahua, Mexico.

A. Cartha D. DeLoach, 700 Anderson Hill Road, Purchase, N.Y. 10577.
B. PepsiCo, Inc.

A. George H. Denison, 7315 Wisconsin Avenue, Washington, D.C. 20014.

B. Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20006.

A. Dickinson, Wright, McKean, Cudlip & Moon, Suite 801, 1901 L Street NW., Washington D.C. 20036.

B. Michigan Job Development Authority, P.O. Box 30227, Lansing, Mich. 48901.

A. Robert H. Doyle, 1120 Connecticut Avenue NW., No. 310, Washington, D.C. 20036.

B. Water Systems Council, 221 North La Salle Street, Chicago, Ill. 60601.

A. Drinker Biddle & Reath, 1901 L Street NW., Washington, D.C. 20036.

B. Phoenix Steel Corp., 4001 Philadelphia Pike, Claymont, Del. 19703.

A. James Dudley, George Washington University Student Association, 800 21st Street NW., No. 21, Washington, D.C. 20052.

B. George Washington Student Association, 800 21st Street NW., No. 21, Washington, D.C. 20052.

A. Evelyn Dukovic, 3 East 85th Street, New York, N.Y. 10028.

B. Morality In Media, Inc., 475 Riverside Drive, No. 239, New York, N.Y. 10027.

A. Denis J. Dwyer, Railway Progress Institute, 700 North Fairfax Street, Alexandria, Va. 22314.

B. Railway Progress Institute, 700 North Fairfax Street, Alexandria, Va. 22314.

A. Daniel J. Edelman, Inc., 1730 Pennsylvania Avenue NW., No. 460, Washington, D.C. 20006.

B. The Nestle Co., Inc., 1000 Bloomingdale Road, White Plains, N.Y. 10605

A. Daniel J. Edelman, Inc., 1730 Pennsylvania Avenue NW., No. 460, Washington, D.C. 20006.

B. Stepan Chemical Co., Northfield, Ill.

A. Edelman International Corp., 1730 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.

B. Mitsubishi Bank, Ltd., 115 South LaSalle Street, Chicago, Ill. 60603.

A. William A. Edwards, 250 Old Country Road, Mineola, N.Y. 11501.

B. Long Island Lighting Co., 250 Old Country Road, Mineola, N.Y. 11501.

A. Paul S. Egan, National Legislative Commission, 1608 K Street NW., Washington, D.C.

B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.

A. Employee Relocation Council, 1627 K Street NW., Washington, D.C. 20006.

A. Lewis A. Engman, 1155 15th Street NW., Washington, D.C. 20005.

B. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.

A. Christopher Engquist, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Mary Ann Eriksen, 2418 Beverly Boulevard, Los Angeles, Calif. 90057.

B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.

A. Dale W. Fallat, First Federal Building, 5740 Southwyck Boulevard, Toledo, Ohio 43614.

B. The Andersons, P.O. Box 119, Maumee, Ohio 43537.

A. Michael I. Fanning, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Matthew Finucane, 1223 DuPont Circle Building, Washington, D.C. 20036.

B. Center for Auto Safety, 1223 DuPont Circle Building, Washington, D.C. 20036.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Suite 1000, Washington, D.C. 20036.

B. Information Industry Association, 316 Pennsylvania Avenue SE., Washington, D.C. 20003.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Suite 1000, Washington, D.C. 20036.

B. Schenley Industries, Inc., 888 Seventh Avenue, New York, N.Y. 10019.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., 1000, Washington, D.C. 20036.

B. Southern Brooklyn Community Organization, Borough Park Community Development Corp., 4520 18th Avenue, Brooklyn, N.Y. 11204.

A. Barry A. Friedman, Wilner & Scheiner, 2021 L Street NW., Washington, D.C. 20036.

B. American Society of Travel Agents, 711 Fifth Avenue, New York, N.Y. 10022.

A. Cary F. Fulbright, 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc. (for The Navajo Nation, Window Rock, Ariz. 86515), 633 Third Avenue, New York, N.Y. 10017.

A. Marc P. Gabor, 815 16th Street NW., Suite 310, Washington, D.C. 20006.

B. Amalgamated Clothing & Textile Workers Union, 770 Broadway, New York, N.Y. 10003.

A. Michael R. Gale, 444 North Capitol Street NW., No. 312, Washington, D.C. 20001.

B. American Israel Public Affairs Committee, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.

A. Gardner, Carton & Douglas, 1120 Connecticut Avenue NW., Suite 325, Washington, D.C. 20036.

B. Peoples Gas Co., 1120 Connecticut Avenue NW., Washington, D.C. 20036.

A. W. Bradford Gary, 1211 Connecticut Avenue NW., Suite 502, Washington, D.C. 20036.

B. Anheuser-Busch Cos., Inc., 721 Pestalozzi Street, St. Louis, Mo. 63118.

A. Susan Gilbert, 1016 16th Street NW., Washington, D.C. 20036.

B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.

A. David W. Givens, Indiana National Corp., 1 Indiana Square, No. 501, Indianapolis, Ind. 46266.

B. Indiana National Corp., 1 Indiana Square, No. 501, Indianapolis, Ind. 46266.

A. Larry L. Glantz, 236 Massachusetts Avenue NE., Suite 505, Washington, D.C. 20003

B. National Employment Law Project, 236 Massachusetts Avenue NE., Suite 505, Washington, D.C. 20003.

A. Thomas W. Gleason, Law Offices of Thomas Gleason, 1 State Street Plaza, New York, N.Y. 10004.

B. International Longshoremen's Association, AFL-CIO, 17 Battery Place, New York, N.Y. 10004.

A. Judith M. Goff, National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

A. Ann M. Gosier, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

A. Robert K. Gray, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc. (for Distilled Spirits Council of the United States, Washington, D.C.), 633 Third Avenue, New York, N.Y. 10017.

A. Gary M. Grobman, 201 I Street SW., No. 826, Washington, D.C. 20024.

B. Smith & Howard Associates, Inc., 1735 I Street NW., Suite 704, Washington, D.C. 20006.

A. Richard J. Grunewald, 2033 K Street NW., Suite 200, Washington, D.C. 20006.

B. National Construction Employers Council, 2033 K Street NW., Suite 200, Washington, D.C. 20006.

A. Kenneth A. Guenther, Independent Bankers Association of America, 1625 Massachusetts Avenue NW., No. 203, Washington, D.C. 20036.

B. Independent Bankers Association of America, 1168 South Main Street, Sauk Centre, Minn. 56378.

A. David Gusky, 1016 16th Street NW., Washington, D.C. 20036.

B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.

A. Richard C. Guthrie, 2640 Vulcan Drive, Harvey, La. 70058.

B. Avondale Shipyards, Inc., P.O. Box 50280, New Orleans, La. 70150.

A. Robert F. Guthrie, 815 16th Street NW., Washington, D.C. 20006.

B. Department for Professional Employees, AFL-CIO, 815 16th Street NW., Washington, D.C. 20006.

A. Ann Hagemann, 6503 North Rochester Street, Falls Church, Va. 22043.

B. American Broadcasting Co., 1150 17th Street NW., Washington, D.C. 20036.

A. Martin Ryan Haley & Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.

B. Kansas Grain and Feed Dealers Association, 1722 North Plum, Hutchison, Kans. 67501.

A. Hamel, Park, McCabe & Saunders, 1776 F. Street NW., Suite 400, Washington, D.C. 20006.

B. Pepsico, Inc., Purchase, N.Y.

A. Nolan W. Hancock, 1126 16th Street NW., Washington, D.C. 20036.

B. Oil, Chemical, and Atomic Workers International Union, 1636 Champa Street, Denver, Colo. 80201.

A. Charles N. Harkey, 1700 North Moore Street, 1925 Rosslyn Center Building, Arlington, Va. 22209.

B. Beneficial Management Corp. of America, 1300 Market Street, Wilmington, Del. 19899.

A. Wiley C. Harrell, Jr., 1211 Connecticut Avenue NW., Suite 502, Washington, D.C.

B. Anheuser-Busch Co., Inc., 721 Pestalozzi Street, St. Louis, Mo. 63118.

A. Richard Hart, National Association of Manufacturers, 601 North Vermont Avenue, Los Angeles, Calif. 90006.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

A. Hartke & Hartke, 7637 Leesburg Pike, Falls Church, Va. 22043.

B. National Cultural Liberation Movement and South African Black Alliance.

A. Linda Haverfield, 530 Seventh Street SE., Washington, D.C. 20003.

B. Friends of the Earth, 530 Seventh Street SE., Washington, D.C. 20003.

A. Randy Hecht, George Washington University Student Association, Marvin Center, No. 424, Washington, D.C. 20052.

B. George Washington University Student Association, Marvin Center, No. 424, 800 21st Street NW., Washington, D.C. 20052.

A. Bruce Heppen, 1016 16th Street NW., Washington, D.C. 20036.

B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.

A. Lyla M. Hernandez, American Association of Professional Standards Review Organizations, 11325 Seven Locks Road, Potomac, Md. 20854.

B. American Association of Professional Standards Review Organizations, 11325 Seven Locks Road, Potomac, Md. 20854.

A. Heublein, Inc., Munson Road, Farmington, Conn. 06032.

A. Hide Action Program, 1611 North Kent Street, Suite 900, Arlington, Va. 22209.

A. Hill, Christopher and Phillips, 1900 M Street NW., Washington, D.C. 20036.

B. Chrysler Corp., P.O. Box 1919, Detroit, Mich. 48288.

A. Morton A. Hill, 980 Park Avenue, New York, N.Y. 10028.

B. Morality In Media, Inc., 475 Riverside Drive, No. 239, New York, N.Y. 10027.

A. Cornish F. Hitchcock, 1346 Connecticut Avenue NW., Suite 717, Washington, D.C. 20036.

B. Aviation Consumer Action Project, 1346 Connecticut Avenue NW., Suite 717, Washington, D.C. 20036.

A. Bruce E. Holbein, Digital Equipment Corp., 111 Powdermill Road, Maynard, Mass. 01754.

B. Digital Equipment Corp., 111 Powdermill Road, Maynard, Mass. 01754.

A. The Hongkong and Shanghai Banking Corp., c/o Regional Office Americas, 375 Park Avenue, New York, N.Y. 10022.

A. Chuck Hoskinson, George Washington University Student Association, Marvin Center, No. 424, Washington, D.C. 20052.

B. George Washington University Student Association, Marvin Center, No. 424, 800 21st Street NW., Washington, D.C. 20052.

A. Houger, Garvey, Schubert, Adams & Barer, 1919 Pennsylvania Avenue NW., Suite 850, Washington, D.C. 20006.

B. American Short Line Railroad Association, 2000 Massachusetts Avenue NW., Washington, D.C. 20036.

A. Houger, Garvey, Schubert, Adams & Barer, 1919 Pennsylvania Avenue NW., Suite 850, Washington, D.C. 20006.

B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

A. Houger, Garvey, Schubert, Adams & Barer, 1919 Pennsylvania Avenue NW., Suite 850, Washington, D.C. 20006.

B. Totem Ocean Trailer Express, Inc,. 1100 Olive Way, Seattle, Wash. 98101.

A. Houger, Garvey, Schubert, Adams & Barer, 1919 Pennsylvania Avenue NW., Suite 850, Washington, D.C. 20006.

B. C. W. Whitman, Southwest Spokane Street and Chelan Avenue Southwest, on West Waterway, Seattle, Wash.; David S. Updike, 1121 Fairview Avenue North, Seattle, Wash. 98109.

A. Robert Hughes, American Association of Foundations for Medical Care, 11325 Seven Locks Road, Potomac, Md. 20854.

B. American Association of Foundations for Medical Care, 11325 Seven Locks Road, Potomac, Md. 20854.

A. Royston C. Hughes, Continental Resources Co., 1711 Venetian Way, Winter Park, Fla. 32789.

B. Continental Resources Co., P.O. Box 44, Winter Park, Fla. 32790.

A. Michael M. Hunter, International Telephone & Telegraph Corp., 1707 L Street NW., Washington, D.C. 20036.

B. International Telephone & Telegraph Corp., 320 Park Avenue, New York, N.Y. 10022.

A. International Association of Trade Exchanges, 5001 Seminary Road., Suite 310, Alexandria, Va. 22311.

A. International Communications Association, P.O. Box. 10013, Houston, Tex.

A. International Union of Bricklayers & Allied Craftsmen, 815 15th Street NW., Washington, D.C. 20005.

A. Gary Jarmin, Christian Voice, 418 C Street NE., Suite 300, Washington, D.C. 20002.

A. Jeff R. Johnson, Paraplegia Cure Research, 100 Maryland Avenue NE., No. 501, Washington, D.C. 20002.

B. Paraplegia Cure Research, 100 Maryland Avenue NE., No. 501, Washington, D.C. 20002.

A. Martha E. Jones, Florida Phosphate Council, 4 Loma Alta, Lakeland, Fla. 33803.

B. Florida Phosphate Council, P.O. Box 5530, Lakeland, Fla. 33803.

A. Joseph E. Karth, Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20024.

B. Pullman Swindell, 441 Smithfield Street, Pittsburgh, Pa. 15222.

A. Jonathan Katz, George Washington University Student Association, Marvin Center, Room 424, 800 21st Street NW., Washington, D.C. 20052.

B. George Washington University Student Association, 424 Marvin Center, 800 21st Street NW., Washington, D.C. 20052.

A. Robert J. Keefe, 1625 Massachusetts Avenue NW., Washington, D.C. 20036.

B. The Keefe Co. (for Knoxville International Energy Exposition), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

A. Robert J. Keefe, 1625 Massachusetts Avenue NW., Washington, D.C. 20036.

B. The Keefe Co. (for Northern State Power), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

A. Robert J. Keefe, 1625 Massachusetts Avenue NW., Washington, D.C. 20036.

B. The Keefe Co. (for Westinghouse Electric Corp.), 1625 Massachusetts Avenue NW., Washington, D.C. 20036.

A. Michael T. Kelley, 1 Farragut Square NW., Suite 606, Washington, D.C. 20006.

B. Houston Natural Gas Corp., 1 Farragut Square NW., Suite 606, Washington, D.C. 20006.

A. Earl Kelly, Paralyzed Veterans of America, 4330 East-West Highway, Suite 300, Washington, D.C. 20014.

B. Paralyzed Veterans of America, 4330 East-West Highway, Suite 300, Washington, D.C. 20014.

A. William J. Kenney, 1140 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036.

B. Borinquen Fisheries, Ltd., 17 Varick Street, New York, N.Y. 10013.

A. King & Spalding, 2500 Trust Co. Tower, Atlanta, Ga. 30303; 1800 M Street NW., Suite 825, Washington, D.C. 20036.

B. Branch & Associates, Inc., Suite 1630, 400 Colony Square, Atlanta, Ga. 30361.

A. Janie A. Kinney, Blum & Nash, 1015 18th Street NW., Washington, D.C. 20036.

B. National Committee for Automobile Crash Protection, 1220 19th Street NW., Suite 201, Washington, D.C. 20036.

A. Peter M. Kirby, 723 Washington Building, Washington, D.C. 20005.

B. The Kellogg Co., Battle Creek, Mich. 49016.

A. James E. Kneale, 2335 South Meade Street, Arlington, Va. 22202.

B. Lockheed Corp., P.O. Box 551, Burbank, Calif. 91520.

A. Kominers, Fort, Schlefer & Boyer, 1776 F Street NW., Washington, D.C. 20006.

B. Aeron Marine Shipping Co., Triad Office Center, 2001 Marcus Avenue, Lake Success, N.Y. 11042.

A. Louis C. Kramp & Associates, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. United States Industrial Council, P.O. Box 2686, Nashville, Tenn. 37219.

A. Krivit & Krivit, 101 Duddington Place SE., Washington, D.C. 20003.

A. Kutak, Rock & Huie, The Omaha Building, 1650 Farnam Street, Omaha, Nebr. 68102.

B. E. F. Hutton & Co., Inc., 1 Battery Park Plaza, New York, N.Y. 10004.

A. David M. F. Lambert, 1025 Connecticut Avenue NW., Suite 900; Washington, D.C. 20036.

B. Jewish Employment Vocational Services, 1727 Locust Street, St. Louis, Mo. 63103.

A. C. P. Lambos, Lorenz, Finn, Giardino & Lambos, 25 Broadway, Suite 1755, New York, N.Y. 10004.

B. New York Shipping Association, Inc., 80 Broad Street, New York, N.Y.

A. Stephen K. Lambright, 1211 Connecticut Avenue NW., Suite 502, Washington, D.C. 20036.

B. Anheuser-Busch Co., Inc., 721 Pestalozzi Street, St. Louis, Mo. 63118.

A. David E. Landau, American Civil Liberties Union, 600 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. American Civil Liberties Union, 22 East 40th Street, New York, N.Y. 10016.

A. Clifford C. LaPlante, General Electric Co., 777 14th Street NW., Washington, D.C.

B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn.

A. Phil. M. Landrum, P.O. Box 100, Jasper, Ga. 30143.

B. Great American Management and Investment, 100 Peachtree Street, Atlanta, Ga. 30303.

A. Latham, Watkins & Hills, 1333 New Hampshire Avenue NW., Suite 1200, Washington, D.C. 20036.

B. Hampshire Project, 3154 East Hampshire Street, Milwaukee, Wis. 53211.

A. Latham, Watkins & Hills, 1333 New Hampshire Avenue NW., Suite 1200 Washington, D.C. 20036.

B. Standard Oil of California, 225 Bush Street, San Francisco, Calif. 94104.

A. Latham, Watkins & Hills, 1333 New Hampshire Avenue NW., Suite 1200, Washington, D.C. 20036.

B. Vail & Vickers, 123 West Padre Street, Santa Barbara, Calif. 93105.

A. Kenneth L. Lay, Continental Resources Co., 641 Via Lugano, Winter Park, Fla. 32789.

B. Continental Resource Co., P.O. Box 44, Winter Park, Fla. 32790.

A. Kenneth L. Lay, Slurry Transport Associaton, 641 Via Lugano, Winter Park, Fla. 32789.

B. Slurry Transport Association, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.

A. Alan Lee, United Food and Commercial Workers International Union, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.

B. United Food and Commercial Workers International Union, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.

A. Legislative Associates, Inc., 1625 Massachusetts Avenue NW., Suite 505, Washington, D.C. 20036.

B. North American Telephone Association, 1030 15th Street NW., Suite 360, Washington D.C. 20005.

A. Leighton Conklin and Lemov, 2033 M Street NW., Suite 800, Washington, D.C. 20036.

B. Federation of Apparel Manufacturers, 450 Seventh Avenue, New York, N.Y. 10001.

A. LeSourd, Patten, Fleming, Hartung & Emory, 3900 Seattle, First National Bank Building, Seattle, Wash. 98154.

B. General Teamsters Local 959, State of Alaska, P.O. Box 2092, Anchorage, Alaska 99510.

A. LeSourd, Patten, Fleming, Hartung & Emory, 3900 Seattle, First National Bank Building, Seattle, Wash. 98154.

B. The Housing Authority of the City of Seattle, 120 Sixth Avenue North, Seattle, Wash. 98109.

A. Ernest M. LeSueur, 1700 North Moore Street, 1925 Rosslyn Center Building, Arlington, Va. 22209.

B. Beneficial Management Corp. of America, 1300 Market Street, Wilmington, Del. 19899.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Pacific Gas and Electric Co., 77 Beale Street, San Francisco, Calif. 94106.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Tosco Oil Corp., 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Manuel Levine, 6404 Elray Drive, Suite E, Baltimore, Md. 21209.

A. Lewis, Rice, Tucker, Allen & Chubb, 611 Olive Street, Suite 1400, St. Louis, Mo. 63101.

B. Paine, Webber, Jackson & Curtis, 555 South Flower Street, Los Angeles, Calif. 90071.

A. Lillick McHose & Charles, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Neptune Orient Lines, Neptune Building, 13 Trafalger Street, Singapore 0207.

A. Janice C. Lipsen, 900 17th Street NW., Suite 504, Washington, D.C. 20006.

B. Counselors for Management, Inc., 900 17th Street NW., Suite 504, Washington, D.C. 20006.

A. William F. Little, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Ford Motor Co., Dearborn, Mich. 48121.

A. Roy Littlefield, National Tire Dealers and Retreaders Association, 1343 L Street NW., Washington, D.C. 20005.

B. National Tire Dealers and Retreaders Association, 1343 L Street NW., Washington, D.C. 20005.

A. David A. Litvin, 1111 19th Street NW., Suite 310, Washington, D.C. 20036.

B. Kennecott Copper Corp., 161 East 42d Street, New York, N.Y. 10017.

A. Robert R. Locklin, 1707 H Street NW., Washington, D.C. 20006.

B. California Savings and Loan League, 9800 South Sepulveda Boulevard, Los Angeles, Calif. 90045.

A. Loomis, Owen, Fellman & Howe, 2020 K Street NW., Washington, D.C. 20006.

B. National Water Well Association, 500 West Wilson Bridge Road, Worthington, Ohio 43085.

A. Lord, Day & Lord, 25 Broadway, New York, N.Y. 10004.

B. Phosphate Chemicals Export Association, Inc., 200 Park Avenue, New York, N.Y. 10017.

A. Robert E. Losch, 1716 New Hampshire Avenue NW., Washington, D.C. 20009.

B. Olin Corp. (Winchester International), 707 Berkshire Avenue, East Alton, Ill. 62024.

A. Suellen Lowry, National Abortion Rights Action League, 825 15th Street NW., Washington, D.C. 20005.

B. National Abortion Rights Action League, 825 15th Street NW., Washington, D.C. 20005.

A. Charles Emmet Lucey, McDermott, Will & Emery, 1101 Connecticut Avenue NW., Suite 1201, Washington, D.C. 20036.

B. National League for Nursing, 10 Columbus Circle, New York, N.Y. 10019.

A. Peter D. Luxemburger, 3416 Garfield Street NW., Washington, D.C. 20007.

B. Alaska Coalition, 530 Seventh Street SE., Washington, D.C. 20003.

A. Marion M. MacRae, 1800 K Street NW., Suite 920, Washington, D.C. 20006.

B. BankAmerica Corp., Bank of America Center, San Francisco, Calif.

A. David L. Mallino, United Steelworkers of America, 815 16th Street NW., Suite 706, Washington, D.C. 20006.

B. United Steelworkers of America, 5 Gateway Center, Pittsburgh, Pa. 15222.

A. Richard E. Mallory, 11228 Chestnut Grove Square, Apt. 232, Reston, Va. 22090.

B. California Westside Farmers, 1060 Fulton Mall, Suite 1115, Fresno, Calif. 93721.

A. Management Improvement Corp. of America, 617 Morehead Avenue, Durham, N.C. 27707.

A. Manatt, Phelps, Rothenberg & Tunney, 1875 I Street NW., Suite 545, Washington, D.C. 20006.

B. PennCorp Financial, Inc., 3130 Wilshire Boulevard, Santa Monica, Calif. 90406.

A. Manatt, Phelps, Rothenberg & Tunney, 1875 I Street NW., Suite 545, Washington, D.C. 20006.

B. World Oil, 1017 North LaCienega Boulevard, Los Angeles, Calif. 90069.

A. Phillip L. Mann, 1150 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036.

B. Fulbright & Jaworski (for Browning-Ferris Industries, Inc., P.O. Box 3151, Houston, Tex. 77001).

A. Phillip L. Mann, 1150 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036.

B. Fulbright & Jaworski (for Consolidated Capital Income Trust, 1900 Powell Street, Emeryville, Calif. 94608).

A. Phillip L. Mann, 1150 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036.

B. Fulbright & Jaworski (for Consolidated Capital Realty Investors, 1900 Powell Street, Emeryville, Calif. 94608).

A. Marshall, Bratter, Greene, Allison & Tucker, 1140 Connecticut Avenue NW., Suite 501, Washington, D.C. 20036.

B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.

A. Carolyn Massell, Colonial Penn Group, Inc., 5 Penn Center Plaza, Philadelphia, Pa. 19103.

B. Colonial Penn Group, Inc., 5 Penn Center Plaza, Philadelphia, Pa. 19103.

A. Mayer, Brown & Platt, 888 17th Street, NW., Washington, D.C. 20006.

B. Crane Packing Co., 6400 Oakton Street, Martin Grove, Ill. 60053.

A. Mays, Valentine, Davenport & Moore, 1101 Connecticut Avenue NW., Suite 1200, Washington, D.C. 20036.

B. Henry T. Gage, 20630 Harper Street, Suite 118, Harperswood, Mich. 48225.

A. Mays, Valentine, Davenport & Moore, 1101 Connecticut Avenue NW., Suite 1200, Washington, D.C. 20036.

B. Richard T. Short, P.O. Box 933, Virginia Beach, Va. 23451.

A. Bruce A. McAllister, Lorenz, Finn, Giardino & Lambos, 25 Broadway, Suite 1755, New York, N.Y. 10004.

B. New York Shipping Association, Inc., 80 Broad Street, New York, N.Y. 10004.

A. Robert H. McFadden, Motor Vehicle Manufacturers Association of the United States, Inc., 1909 K Street NW., Suite 300, Washington, D.C. 20006.

B. Motor Vehicle Manufacturers Association of the United States, Inc., 300 New Center Building, Detroit, Mich. 48202.

A. Paul J. McGeady, Morality In Media, Inc., 27 Hampton Place, Nutley, N.J. 07110.

B. Morality In Media, Inc., 475 Riverside Drive, 239, New York, N.Y. 10027.

A. Joseph M. McGuire, National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.

B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.

A. William Colm McKeveny, Dunnington, Bartholow & Miller, 161 East 42d Street, New York, N.Y. 10017.

B. American Pulpwood Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

A. Gail H. McLarnon, First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

B. First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

A. Gail H. McLarnon, First National Boston Corp., 100 Federal Street, Boston, Mass. 02110.

B. First National Boston Corp., 100 Federal Street, Boston, Mass. 02110.

A. James R. McMullen, 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.

B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.

A. Laramie Faith McNamara, Flexible Packaging Association, 1111 19th Street NW., Suite 404, Washington, D.C. 20036.

B. Flexible Packaging Association, 12025 Shaker Boulevard, Cleveland, Ohio 44120.

A. Francis X. Meaney, 1 Center Plaza, Boston, Mass. 02108; 1015 15th Street NW., Washington, D.C. 20036.

B. Mintz, Levin, Cohn, Glovsky & Popeo, 1 Center Plaza, Boston, Mass. 02108; 1015 15th Street NW., Washington, D.C. 20036. (for Securities Industry Association, 20 Broad Street, New York, N.Y. 10005).

A. Francis X. Meaney, 1 Center Plaza, Boston, Mass. 02108; 1015 15th Street NW., Washington, D.C. 20036.

B. Mintz, Levin, Cohn, Glovsky & Popeo, 1 Center Plaza, Boston, Mass. 02108; 1015 15th Street NW., Washington, D.C. 20036. (for Refuse Fuels, Inc., P.O. Box 83, Bradford, Mass. 01830).

A. Francis X. Meaney, 1 Center Plaza, Boston, Mass. 02108; 1015 15th Street NW., Washington, D.C. 20036.

B. Mintz, Levin, Cohn, Glovsky & Popeo, 1 Center Plaza, Boston, Mass. 02108; 1015 15th Street NW., Washington, D.C. 20036. (for The Claremont Co., Inc., 908 Purchase Street, P.O. Box E814, New Bedford, Mass. 02742).

A. Harold E. Mesirow, Lillick McHose & Charles, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Foss Launch & Tug Co.; Foss Alaska Line, 660 West Ewing Street, Seattle, Wash. 98119.

A. Harold E. Mesirow, Lillick McHose & Charles, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Pacific Cruise Conference, 311 California Street, San Francisco, Calif. 94104.

A. Metzger, Shadyac & Schwarz, 1 Farragut Square South, Washington, D.C. 20006.

B. Hydrolevel Corp., 83 Water Street, New Haven, Conn. 06511.

A. C. John Miller, 1101 16th Street NW., Washington, D.C. 20036.

B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. California Savings & Loan League, 9800 South Sepulveda Boulevard, Los Angeles, Calif. 90045.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Investors Diversified Services, Inc., IDS Tower, Minneapolis, Minn. 55402.

A. Minnesotans for SALT, 900 Mount Curve Avenue, Minneapolis, Minn.

A. Bruce E. Mizer, Public Power Council, 1310 Main Street, P.O. Box 1307, Vancouver, Wash. 98666.

B. Public Power Council, 1310 Main Street, P.O. Box 1307, Vancouver, Wash. 98666.

A. Morality In Media, Inc., 475 Riverside Drive, Suite 239, New York, N.Y. 10027.

A. Robert E. Morin, 2600 Virginia Avenue NW., No. 901, Washington, D.C. 20037.

B. Society of Real Estate Appraisers, 2600 Virginia Avenue NW., No. 901, Washington, D.C. 20037.

A. Albert E. Mullin,, Jr., Digital Equipment Corp., 111 Powdermill Road, Maynard, Mass. 01754.

B. Digital Equipment Corp., 111 Powdermill Road, Maynard, Mass. 01754.

A. David C. Murchison, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. National Selected Morticians, 1616 Central Street, Evanston, Ill. 60201.

A. Brian P. Murphy, 1010 Wisconsin Avenue NW., No. 630, Washington, D.C. 20006.

B. Friends of Free China, Inc., 1629 K Street NW., Washington, D.C. 20006.

A. Daniel J. Murphy, 425 13th Street NW., No. 548, Washington, D.C. 20004.

B. National Wool Growers Association, 425 13th Street NW., No. 548, Washington, D.C. 20004.

A. Laura Murphy, American Civil Liberties Union, 600 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. American Civil Liberties Union, 22 East 40th Street, New York, N.Y. 10016.

A. Bernard Nash, Blum & Nash, 1015 18th Street, No. 408, Washington, D.C. 20036.

B. Merck & Co., Inc., P.O. Box 2000, Rahway, N.J. 07065.

A. National Selected Morticians, 1616 Central Street, Evanston, Ill. 60201.

A. National Wheel and Rim Association, Inc., 4836 Victor Street, Jacksonville, Fla. 32207.

A. Michael C. Nave, National Association of Retired Federal Employees, 1533 New Hampshire Avenue NW., Washington, D.C. 20036.

B. National Association of Retired Federal Employees, 1533 New Hampshire Avenue NW., Washington, D.C. 20036.

A. New York Shipping Association, Inc., 80 Broad Street, New York, N.Y. 10004.

A. John B. Nicholson, National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.

B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.

A. Richard G. Norris, 8826 Santa Fe Drive, Shawnee Mission, Kans. 66201.

B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60680.

A. Northern Tier Pipeline Co., 1835 K Street NW., Washington, D.C. 20006.

A. Donald A. Nyberg, 1050 17th Street NW., Suite 650, Washington, D.C. 20036.

B. The Standard Oil Co., Midland Building, Cleveland, Ohio 44115.

A. Charles E. Olson, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

A. O'Melveny & Myers, 1800 M Street NW., Washington, D.C. 20036.

B. AMAX, Inc., AMAX Center, Greenwich, Conn. 16830.

A. O'Neill, Forgotson & Roncalio, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.

B. CDECO Maritime Dredging Co., P.O. Box 1488, Mansfield, Ohio 44901.

A. O'Neill, Forgotson & Roncalio, 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.

B. Houston Natural Gas Corp., 1 Farragut Square NW., Suite 606, Washington, D.C. 20006.

A. O'Neill, Forgotson & Roncalio, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Massachusetts General Hospital, Fruit Street, Moseley Building, Boston, Mass. 02114.

A. Daniel P. Oppenheim, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. National Selected Morticians, 1616 Central Street, Evanston, Ill. 60201.

A. Kevin P. O'Rourke, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. National Selected Morticians, 1616 Central Street, Evanston, Ill. 60201.

A. Organization for the Protection and Advancement of Small Telephone Cos., 1104 Gary Court, Wheaton, Ill. 60187.

A. Steven J. Paggioli, Investment Company Institute, 1775 K Street, NW., Washington, D.C. 20006.

B. Investment Company Institute, 1775 K Street, NW., Washington, D.C. 20006.

A. Geri Deborah Palast, National Employment Law Project, 236 Massachusetts Avenue NE., No. 505, Washington, D.C. 20002.

B. National Employment Law Project, 236 Massachusetts Avenue NE., No. 505, Washington, D.C. 20002.

A. Diane M. Palmer, 1200 Northwestern Bank Building, Minneapolis, Minn. 55480.

B. Northwest Bancorporation, 1200 Northwestern Bank Building, Minneapolis, Minn. 55480.

A. Parkinson & Associates, 1640 30th Street NW., Washington, D.C. 20007.

B. Committee for Equitable Crop Insurance Legislation.

A. Jack Partridge, 1014 Vine Street, Cincinnati, Ohio.

B. The Kroger Co., 1014 Vine Street, Cincinnati, Ohio.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. California Westside Farmers 9555 L'Enfant Plaza North SW., Room 1101, Washington, D.C. 20024.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Castle & Cooke, Inc., P.O. Box 3928, San Francisco Calif.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. The Charter Co. 208 Laura Street, Jacksonville, Fla. 32202.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. E.G.G. Industries, 2550 M Street NW., Seventh Floor, Washington, D.C. 20037; and The Essex Co., Lawrence, Mass.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Multi Mineral Corp. 330 North Belt East, Houston, Tex. 77060.

A. Peabody, Rivlin, Lambert & Meyers, 1150 Connecticut Avenue NW., 12th Floor, Washington, D.C. 20036.
B. AMOCO, Inc., 16th Glenarm, Security Life Building, Denver, Colo. 80202.

A. PepsiCo, Inc., 700 Anderson Hill Road, Purchase, N.Y. 10577.

A. Bert E. Perrigan, Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employes 815 16th Street NW., Washington, D.C. 20006.
B. Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employes, 3 Research Place, Rockville, Md. 20850.

A. Peterson, Engberg & Peterson, Suite 907, 1730 M Street NW., Washington, D.C. 20036.
B. Communicating for Agriculture, Inc., Law Office Building, Box 677, Fergus Falls, Minn. 56537.

A. Paul Frederick Peyton, P.O. Box 1370, Sitka, Alaska 99835.
B. Alaska Coalition, 620 C Street SE., Washington, D.C. 20003.

A. Phosphate Chemicals Export Association, Inc., 200 Park Avenue, New York, N.Y. 10017.

A. William N. Plymat, 6955 University Avenue, Des Moines, Iowa 50311.
B. American Council on Alcohol Problems.

A. Richard J. Pollack, American Nurses' Association, 1030 15th Street NW., Suite 408, Washington, D.C. 20005.
B. American Nurses' Association, 2420 Pershing Road, Kansas City, Mo. 64108.

A. Phillip Porte, Phillip Porte & Associates, Inc., 1301 Arlington Ridge Road, Suite 208, Arlington, Va. 22202.
B. National Association of Medical Directors of Respiratory Care, 2606 Hospital Building Box 5280, Corpus Christ, Tex. 78405.

A. Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20068.

A. William D. Powers, 1016 16th Street NW., Suite 800, Washington, D.C. 20036.
B. National Housing Law Project, 2150 Shattuck Avenue, Suite 300, Berkeley, Calif. 94704.

A. PRC Planning and Economics, 7798 Old Springhouse Road, McLean, Va. 22102.
B. City of Birmingham, Ala.

A. Brainard E. Prescott, 670 Main Street, East Aurora, N.Y. 14052.
B. Security New York State Corp., One East Avenue, Rochester, N.Y. 14638.

A. Preston, Thorgrimson, Ellis, Holman & Fletcher, 919 18th Street NW., No. 300, Washington, D.C. 20006.
B. Schnitzer Investment Corp., 3200 Northwest Yeon Avenue, Portland, Oreg. 97210.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. TRAIN (Transportation by Rail for Agricultural and Industrial Needs), 1776 G Street NW., Suite 500, Washington, D.C. 20006.

A. Gwenyth Pritchard, National Federation of Independent Business, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
B. National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.

A. Jack I. Pulley, Dow Corning Corp., P.O. Box 1592, Midland, Mich. 48640.
B. Dow Corning Corp., P.O. Box 1592, Midland, Mich. 48640.

A. Ragan & Mason, 900 17th Street NW., Farragut Building, Washington, D.C.
B. Republic Steel, P.O. Box 6778, Cleveland, Ohio.

A. Robert A. Ragland, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

A. Robert E. Redding, Suite 310, 910 17th Street NW., Washington, D.C. 20006.
B. Shippers National Freight Claim Council, 120 Main Street, Huntington, N.Y. 11743.

A. Thomas M. Rees, 1101 Connecticut Avenue NW., Suite 403, Washington, D.C. 20036.
B. American Savings & Loan Association, 9465 Wilshire Boulevard, Beverly Hills, Calif. 90212.

A. Thomas M. Rees, 1101 Connecticut Avenue N.W., Suite 403, Washington, D.C. 20036.
B. Great Western Savings & Loan Association, 8484 Wilshire Boulevard, Beverly Hills, Calif. 90212.

A. Thomas M. Rees, 1101 Connecticut Avenue NW., Suite 403, Washington, D.C. 20036.
B. Home Savings & Loan Association, 3731 Wilshire Boulevard, Los Angeles, Calif. 90010.

A. Louis D. Reilly III, Telephone & Data Systems, Inc., 517 North Segoe Road, Madison, Wis. 53705.
B. Telephone & Data Systems, Inc., 517 North Segoe Road, Madison, Wis. 53705.

A. Lynne Revo-Cohen, National Press Building, Rm. 481, Washington, D.C. 20045.
B. Federally Employed Women, Inc.

A. Rodey, Dickason, Sloan, Akin & Robb, P.O. Box 1888, Albuquerque, N. Mex. 87103.
B. Navajo Tribe, Window Rock, Ariz. 86515.

A. Joyce E. Roop, 133 C Street SE., Washington, D.C. 20003.
B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.

A. Rose, Schmidt, Dixon, Hasley, Whyte & Hardesty, 818 Connecticut Avenue NW., Washington, D.C. 20006.
B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.

A. Arthur F. Rosenfeld, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

A. Paul M. Ruden, Wilner & Scheiner, 2021 L Street NW., Washington, D.C. 20036.
B. American Society of Travel Agents, 711 Fifth Avenue, New York, N.Y. 10022.

A. Mark S. Schacht, 806 15th Street NW., Washington, D.C. 20005.
B. Migrant Legal Action Program, Inc., 806 15th Street, Washington, D.C. 20005.

A. Schnitzer Investment Corp., 3200 Northwest Yeon Avenue, Portland, Ore. 97210.

A. Walter A. Schumann III, 2751 North Randolph Street, Arlington, Va. 22207.
B. Potomac Overlook Associates.

A. Norman H. Seidler, c/o Lord, Day & Lord, 25 Broadway, New York, N.Y. 10004.
B. Phosphate Chemicals Export Association, Inc., 200 Park Avenue, New York, N.Y. 10017.

A. Rebecca D. Shapiro & Associates, 111 C Street SE., Washington, D.C. 20003.
B. Colville Business Council, Box 150, Nespelem, Wash. 99155.

A. Rebecca Shapiro & Associates, 111 C Street SE., Washington, D.C. 20003.
B. Minnesota Chippewa Tribe, Box 217, Cass Lake, Minn. 56633.

A. Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.
B. Hongkong & Shanghai Banking Corp., c/o Regional Office of Americas, 375 Park Avenue, New York, N.Y. 10022.

A. Shaw, Pittman, Potts & Trowbridge, c/o Ramsay D. Potts, 1800 M Street NW., 900–S, Washington, D.C. 20036.
B. National Committee on Small Issue Industrial Development Bonds, Box 1, 1800 M Street NW., 900–S, Washington, D.C. 20036.

A. Russell H. Shay, Sierra Club, 1107 Ninth Street, Sacramento, Calif. 95814.
B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.
B. Eleanor A. Clark, c/o J. Reynolds Barnes, 11 American Bank Building, 621 Northwest Morrison Street, Portland, Oreg. 97205.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.
B. Consumer Solar Electric Power Corp., 5811 Uplander Way, Culver City, Calif. 90230.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.
B. Nabisco, Inc., 100 DeForest Avenue, East Hanover, N.J. 07936.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.
B. Norfolk & Western, 8 North Jefferson Street, Roanoke, Va. 24011.

A. Shotwell Political Action Commitee, Route 2, Box 14, Salem, Ala. 36874.

A. Barbara A. Shuman, Chevron U.S.A., Inc., 1700 K Street NW., Suite 1204, Washington, D.C. 20006.
B. Chevron U.S.A., Inc., a subsidiary of the Standard Oil Co. of California, 1700 K Street NW., Suite 1204, Washington, D.C. 20006.

A. Barbara Ann Silverman, 2500 DeKalb Pike, Norristown, Pa. 19404.
B. Provident Indemnity Life Insurance Co., 2500 DeKalb Pike, Norristown, Pa. 19404.

A. Simon, Deitch, Siefman & Tucker, 2550 M. Street NW., Suite 300, Washington, D.C. 20037.
B. Central Michigan University, Mount Pleasant, Mich. 48858.

A. Simon, Deitch, Siefman & Tucker, 2550 M Street NW., Suite 300, Washington, D.C. 20037.
B. Michigan Department of Education, Room 520, Michigan National Tower, Lansing, Mich. 48909.

A. Simon, Deitch, Siefman & Tucker, 2550 M Street NW., Suite 300, Washington, D.C. 20037.
B. Wayne State University, Detroit, Mich. 48202.

A. Stanley C. Simon, Simon & Twombly, 2 Turtle Creek Village, Dallas, Tex 75219.
B. Southland Corp., 2828 North Haskell Avenue, Dallas, Tex. 75204.

A. Donald E. Sinville, Public Service Co., of New Hampshire, 227 North Street, Manchester, N.H. 03104.
B. Public Service Co. of New Hampshire, Manchester, N.H. 03105.

A. Slover & Loftus, 1224 17th Street NW., Washington, D.C. 20036.
B. Western Coal Traffic League, Denver, Colo. 80110.

A. Maynard H. Smith, P.O. Box 9198, Treasure Island, Fla. 33740.

A. Snyder & Ball Associates, Inc., 1700 North Moore Street, No. 1610, Arlington, Va. 22209.
B. DSP, Inc., 1700 North Moore Street, Arlington, Va. 22209.

A. Cristine Somma, Flexible Packaging Association, 1111 19th Street NW., Suite 404, Washington, D.C. 20036.
B. Flexible Packaging Association, 12025 Shaker Boulevard, Cleveland, Ohio 44120.

A. Roberta Lee Sorensen, 1611 North Kent Street, Suite 803A, Arlington, Va. 22209.
B. American Osteopathic Association, 1611 North Kent Street, Suite 803A, Arlington, Va. 22209.

A. Souther, Spaulding, Kinsey, Williamson & Schwabe, 1200 Standard Plaza, Portland, Oreg. 97204.
B. Clatskanie People's Utility District, P.O. Box 216, Clatskanie, Oreg. 97016.

A. Charles Stellar, American Association of Professional Standards Review Organizations, 11325 Seven Locks Road, Potomac, Md. 20854.
B. American Association of Professional Standards Review Organizations, 11325 Seven Locks Road, Potomac, Md. 20854.

A. Scott E. Sterling, 1800 M Street NW., No. 1030N, Washington, D.C. 20036.
B. Hauck & Associates, 1800 M Street NW., No. 1030N, Washington, D.C. (for Society of Professional Benefit Administrators).

A. Stroock & Stroock & Lavan, 1150 17th Street NW., Washington, D.C. 20036.
B. Investment Co., Institute, 1775 K Street NW., Washington, D.C. 20006.

A. Stroock & Stroock & Lavan, 1150 17th Street NW., Washington, D.C. 20036.
B. Union Fidelity Life Insurance Co., 4850 Street Road, Travos, Pa. 19049.

A. Richard Sugs, 6330 Southwest 44th Street, Miami, Fla. 33155.

A. Sullivan & Cromwell, 125 Broad Street, New York, N.Y. 10004; 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. AMAX, Inc., AMAX Center, Greenwich, Conn. 06830.

A. Sullivan & Cromwell, 125 Broad Street, New York, N.Y. 10004; 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Goldman, Sachs & Co., 55 Broad Street, New York, N.Y. 10004.

A. Paul Suplizio Associates, 5001 Seminary Road, Suite 310, Alexandria, Va. 22311.
B. International Association of Trade Exchanges, 5001 Seminary Road, Suite 310, Alexandria, Va. 22311.

A. Paul Suplizio Associates, 5001 Seminary Road, Suite 310, Alexandria, Va. 22311.
B. Management Improvement Corp. of America, 617 Morehead Avenue, Durham, N.C. 27707.

A. Surrey & Morse, 1156 15th Street, Washington, D.C. 20005.
B. National School Transportation Association P.O. Box 324, Fairfax, Va. 22030.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Mutual of Omaha Insurance Co., Dodge at 33d Street, Omaha, Nebr. 68131.

A. Douglass W. Svendson, Jr., Stang & Svendson, 1629 K Street NW., Washington, D.C. 20006.
B. Champlin Petroleum Co., 345 Park Avenue, New York, N.Y. 10022.

A. Douglass W. Svendson, Jr., Stang & Svendson, 1629 K Street NW., Washington, D.C. 20006.
B. Offshore Marine Service Association, Suite 2939, 2 Canal Street, New Orleans La. 70130.

A. Douglass W. Svendson, Jr., Stang & Svendson, 1629 K Street NW., Washington, D.C. 20006.
B. Rocky Mountain Energy Co., 345 Park Avenue, New York, N.Y. 10022.

A. Douglass W. Svendson, Jr., Stang & Svendson, 1629 K Street NW., Washington, D.C. 20006.
B. Union Pacific, 345 Park Avenue, New York, N.Y. 10022.

A. Rosemarie Sweeney, American Academy of Family Physicians, 475 L'Enfant Plaza West SW., Suite 2970, Washington, D.C. 20024.
B. American Academy of Family Physicians, 1740 West 92d Street, Kansas City, Mo. 64114.

A. E. Wayne Thevenot, Inc., 1120 Connecticut Avenue NW., Suite 1128, Washington, D.C. 20036.
B. Hallmark Cards, 25th and McGee Street, Kansas City, Mo. 64108.

A. Boyd Thompson, American Association of Foundations for Medical Care, 11325 Seven Locks Road, Potomac, Md. 20854.
B. American Association of Foundations for Medical Care, 11325 Seven Locks Road, Potomac, Md. 20854.

A. Boyd Thompson, American Association of Professional Standards Review Organizations, 11325 Seven Locks Road, Potomac, Md. 20854.
B. American Association of Professional Standards Review Organizations, 11325 Seven Locks Road, Potomac, Md. 20854.

A. TRAIN (Transportation by Rail for Agricultural and Industrial Needs), 1776 G Street NW., Suite 500, Washington, D.C. 20006.

A. Joseph R. Tyler, 1209-B Quarry Road, Marion, Ind. 46952.
B. U.S. Fiber Corp., 101 South Main Street, Delphos, Ohio 45833.

A. U.S.A. Petrochem, 1000 Connecticut Avenue NW., No. 1200, Washington, D.C. 20036.

A. Richard F. Vander Veen, 1333 New Hampshire Avenue NW., Suite 1120, Washington, D.C. 20036.
B. Duke Power Co., Box 33189, Charlotte, N.C. 28242.

A. Murle L. Vaughan, 1700 North Moore Street, 1925 Rosslyn Center Building, Arlington, Va. 22209.
B. Beneficial Management Corp. of America, 1300 Market Street, Wilmington, Del. 19899.

A. Christine L. Vaughn, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

A. Verner, Liipfert, Bernhard & McPherson, 1660 L Street NW., Suite 1100, Washington, D.C. 20036.
B. The Travelers Corp., One Tower Square, Hartford, Conn. 06115.

A. Larry R. Veselka, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. Vinson & Elkins (for City of Houston), 1101 Connecticut Avenue NW., Washington, D.C. 20036.

A. Wald, Harkrader & Ross, 1300 19th Street NW., Washington, D.C. 20036.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Borden Chemical, 180 East Broad Street, Columbus, Ohio 43215.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Deere & Co., John Deere Road, Moline, Ill. 61265.

A. Don Wallace Associates, 232 East Capitol Street, Washington, D.C. 20003.
B.Applied Ceramic Technologies, Inc., 418 East Ninth Street, Rochester, Ind. 46975.

A. Don Wallace Associates, Inc., 232 East Capitol Street, Washington, D.C. 20003.
B. William J. Marcus, 343 Summit Avenue, Mill Valley, Calif. 94941.

A. Richard D. Warden, Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

A. Webster & Chamberlain, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. International Harvester, 401 North Michigan Avenue, Chicago, Ill. 60611.

A. Edward L. Weidenfeld, Sellers, Conner & Cuneo, 1625 K Street NW., Washington, D.C. 20006.

B. Sellers, Conner & Cuneo, 1625 K Street NW., Washington, D.C. 20006.

A. Lauren C. Weilburg, 1611 North Kent Street, Suite 803–A, Arlington, Va. 22209.

B. American Osteopathic Association, 1611 North Kent Street, Suite 803-A, Arlington, Va. 22209.

A. Carol Werner, National Consumer Law Center, 236 Massachusetts Avenue NE., Washington, D.C. 20002.

B. National Consumer Law Center, 11 Beacon Street, Boston, Mass. 02108.

A. William Whichard, Jr., 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Union Oil Co. of California, 461 South Boylston Street, Los Angeles, Calif. 90017.

A. White & Case, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American International Group, Inc., 70 Pine Street, New York, N.Y. 10005.

A. Wickham & Craft, 1050 17th Street NW., Suite 1100, Washington, D.C. 20036.

B. Consumers Solar Electric Power Corp., 5811 Uplander Way, Culver City, Calif. 90230.

A. Wickham & Craft, 1050 17th Street NW., Suite 1100, Washington, D.C. 20036.

B. Trailer Train Co., 300 South Wacker Drive, Chicago, Ill. 60606.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. E. F. Hutton and Co., Inc., One Battery Park Plaza, New York, N.Y. 10004.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. Southern Railway System, 920 15th Street NW., Washington, D.C. 20005.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. Southwest Airlines, P.O. Box 37611, Love Field, Dallas, Tex. 75235.

A. David K. Willis, Motor Vehicle Manufacturers Association of the United States, Inc., 1909 K Street NW., Suite 300, Washington, D.C. 20006.

B. Motor Vehicle Manufacturers Association of the United States, Inc., 300 New Center Building, Detroit, Mich. 48202.

A. Kirk Willison, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Wilmer & Pickering, 1666 K Street NW., Washington, D.C. 20006.

B. CPC International, Inc., International Plaza, Englewood Cliffs, N.J. 07632.

A. Donnie E. Wilson, 1800 M Street NW., Suite 295, Washington, D.C. 20036.

B. Husky Oil Co., P.O. Box 380, Cody, Wyo. 82414.

A. Witkowski, Weiner, McCaffrey and Brodsky, 1575 I Street NW., Suite 350, Washington, D.C. 20006.

B. National Truck Equipment Association, 25900 Greenfield Road, Suite 410, Oak Park, Mich. 48237.

A. Calvin R. Wofford, National Board of Young Men's Christian Associations, 1725 K Street NW., Suite 408, Washington, D.C. 20006.

B. National Board of Young Men's Christian Associations, 291 Broadway, New York, N.Y. 10007.

A. George M. Worden, Hill and Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.

B. Hill and Knowlton, Inc., (for Distilled Spirits Council, Inc.), 633 Third Avenue, New York, N.Y. 10017.

A. George M. Worden, Hill and Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.

B. Hill and Knowlton, Inc., (for Hole Action Program), 633 Third Avenue, New York, 10017.

A. Lynn Weiss Zempel, Motor Vehicle Manufacturers Association of the United States, Inc., 1909 K Street NW., Suite 300, Washington, D.C. 20006.

B. Motor Vehicle Manufacturers Association of the United States, Inc., 300 New Center Building, Detroit, Mich. 48202.

A. John J. Zimmerman, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the fourth calendar quarter 1979:

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19________ ◀

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◀

AFFIDAVIT

[Omitted in printing]

PAGE 1◀

NOTE ON ITEM "D."—(*a*) *In General.* The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—Section 302(a) of the Lobbying Act.

(*b*) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In General.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in accordance with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multipurpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(*c*) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In General.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "None" in the space following the number.

Receipts (other than loans)

1. $________Dues and assessments
2. $________Gifts of money or anything of value
3. $________Printed or duplicated matter received as a gift
4. $________Receipts from sale of printed or duplicated matter
5. $________Received for services (e.g., salary, fee, etc.)

6. $________TOTAL for this Quarter (Add items "1" through "5")
7. $________Received during previous Quarters of calendar year

8. $________TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received

"The term 'contribution' includes a . . . *loan* . . ."—Sec. 302(a).

9. $________TOTAL now owed to others on account of loans
10. $________Borrowed from others during this Quarter
11. $________Repaid to others during this Quarter

12. $________"Expense money" and Reimbursements received this Quarter

Contributors of $500 or more
(from Jan. 1 through this Quarter)

13. Have there been such contributors?

Please answer "yes" or "no": ________

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last days of this Quarter total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor*
	(*"Period"* from Jan. 1 through __________________, 19____)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE ON ITEM "E".—(*a*) *In General.* "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—Section 302(b) of the Lobbying Act.

(*b*) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) in connection with legislative interests:

Fill in every blank. If the answer to any numbered item is "None," write "None" in the spaces following the number.

Expenditures (other than loans)

1. $________Public relations and advertising services
2. $________Wages, salaries, fees, commissions (other than item "1")
3. $________Gifts or contributions made during Quarter
4. $________Printed or duplicated matter, including distribution cost
5. $________Office overhead (rent, supplies, utilities, etc.)
6. $________Telephone and telegraph
7. $________Travel, food, lodging, and entertainment
8. $________All other expenditures

9. $________TOTAL for this Quarter (Add "1" through "8")
10. $________Expended during previous Quarters of calendar year

11. $________TOTAL from January 1 through this Quarter (Add "9" and "10")

Loans Made to Others

"The term 'expenditure' includes a . . . *loan* . . ."—Sec. 302(b).

12. $________TOTAL now owed to person filing
13. $________Lent to others during this Quarter
14. $________Repayment received during this Quarter

15. Recipients of Expenditures of $10 or More

In the case of expenditures made during this Quarter by, or on behalf of the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

PAGE 2

A. Robert J. Aagre, 1615 H Street NW., Washington D.C., 20062.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

D. (6) $1,124. E. (9) $326.85.

A. Thomas G. Abernethy, Sr., 3973 Stuart Place, Jackson, Miss. 39211.

B. United States Cane Sugar Refiners' Association, 1001 Connecticut Avenue, Washington, D.C. 20036.

D. (6) $1,500. E. (9) $717.72.

A. Albert E. Abrahams, 925 15th Street NW., Washington, D.C. 20005.

B. National Association of Realtors, 430 North Michigan Avenue, Chicago, Ill. 60611; 925 15th Street NW., Washington, D.C. 20005.

D. (6) $5,875. (9) $197.30.

A. ACLI International, Inc., 717 Westchester Avenue, White Plains, N.Y. 10604.

E. (9) $1,460.53.

A. Actors Equity Association, 1500 Broadway, New York, N.Y. 10036.

D. (6) $2,500. E. (9) $2,500.

A. Bruce Adams, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $3,825.

A. John J. Adams, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Ethyl Corp., 330 South Fourth Street, Richmond, Va.

A. John J. Adams, 1919 Pennsylvania Avenue NW., Suite 700, Washington, D.C. 20006.

B. Vepco, Seventh and Franklin Streets, Richmond, Va.

D. (6) $1,500.

A. Kenneth R. Adams, Volkswagen of America, Inc., 475 L'Enfant Plaza SW., Suite 2450, Washington, D.C. 20024.

B. Volkswagen of America, Inc., 27621 Parkview Boulevard, Warren, Mich. 48092.

D. (6) $300.

A. Raymond T. Adams, 1725 K Street NW., Suite 909, Washington, D.C. 20006.

B. Superior Oil Co. & Superior Farming Co., 1725 K Street NW., Washington, D.C. 20006.

A. Thomas L. Adams, Jr., 1101 15th Street NW., Washington, D.C. 20005.

B. Republic Steel Corp., Republic Building, Cleveland Ohio 44101.

A. ADAPSO, 1925 North Lynn Street, No. 1100, Arlington, Va. 22209.

E. (9) $610.50.

A. Hobson H. Adcock, PepsiCo, Inc., 700 Anderson Hill Road, Purchase, N.Y. 10577.

B. PepsiCo, Inc., 700 Anderson Hill Road, Purchase, N.Y. 10577.

D. (6) $215.

A. Aeron Marine Shipping Co., Triad Office Center, 2001 Marcus Avenue, Lake Success, N.Y. 11042.

E. (9) $2,340.

A. Aerospace Industries Association of America, Inc., 1725 DeSales Street NW., Washington, D.C. 20036.

D. (6) $13,448.75. E. (9) $13,448.75.

A. AFL-CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $4,450. E. (9) $3,982.22.

A. Donald G. Agger, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc. (for Airbus Industrie, Avenue Lucien Servanty, 31700 Blagnac, France), 1225 19th Street, NW., Washington, D.C. 20036.

A. Donald G. Agger, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc. (for European Aerospace Corp., 1101 15th Street NW., Washington, D.C. 20005). 1225 19th Street NW., Washington, D.C. 20036.

A. Donald G. Agger, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc. (for Government of Morocco Rabat, (Morocco), 1225 19th Street NW., Washington, D.C. 20036.

A. Donald G. Agger, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc. (for Sofreavia, 75 rue la Boetie Paris 8eme, France), 1225 19th Street NW., Washington, D.C. 20036.

A. Air Products & Chemicals, Inc., P.O. Box 538, Allentown, Pa. 18105.

E. (9) $31.25.

A. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.

D. (6) $27,403.11. E. (9) $27,403.11.

A. Randolf H. Aires, 1211 Connecticut Avenue NW., Suite 802, Washington, D.C. 20036.

B. Sears, Roebuck & Co., Sears Tower, Chicago, Ill. 60683.

D. (6) $900. E. (9) $107.07.

A. G. Colburn Aker, Hill & Knowlton, Inc., 1425 K Street, NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 Third Avenue. New York, N.Y. 10017.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.

B. Alaska Interstate Co., 2200 Post Oak Tower, 5051 Westheimer Road, Houston, Tex. 77056.

D. (6) $500.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.

B. Alaskan Petrochemical Co., 3700 Buffalo Speedway, Houston, Tex. 77098.

D. (6) $1,000. E. (9) $515.99.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.

B. American Petroleum Partners, 350 North St. Paul, Dallas, Tex. 75201.

D. (6) $4,000.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.

B. City of Houston, City Hall, Houston, Tex. 77001.

D. (6) $12,000.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.

B. Coastal States Gas Corp., 9 Greenway Plaza, Houston, Tex. 77046.

D. (6) $14,000. E. (9) $69.92.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.

B. Filmways, Inc., 2049 Century Park East, Los Angeles, Calif. 90067.

D. (6) $750.

A. Akin, Gump, Hauer, & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.

B. E. & J. Gallo Winery, P.O. Box 1130, Modesto, Calif., 95353.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.

B. Goldston Oil Corp., P.O. Box 22568, Houston, Tex. 77027.

D. (6) $2,000.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.

B. The Great Western Sugar Co., P.O. Box 5308, Denver, Colo. 80217.

D. (6) $7,500.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.

B. Haskins & Sells, 1114 Avenue of the Americas, New York, N.Y. 10036.

D. (6) $500.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.

B. Loeb Rhoades, Hornblower & Co., 15 Wall Street, Ninth Floor, New York, N.Y. 10005.

D. (6) $1,500. E. (9) $43.47.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.

B. MAPCO, Inc., 1800 South Baltimore Avenue, Tulsa, Okla. 74119.

A. Akin, Gump, Hauer, & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.

B. Northwest Alaskan Pipeline Co., 1801 K Street NW., No. 901, Washington, D.C. 20006.

A. Akin, Gump, Hauer, & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.

B. Northwest Pipeline Co., 314 East Second South, Salt Lake City, Utah 84111.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.

B. Ringling Bros., Barnum & Bailey Combined Shows, Inc., 1015 18th Street NW., Washington, D.C. 20036.

D. (6) $500.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.

B. Sun Co., Inc., 1608 Walnut Street, Philadelphia, Pa. 19013.

D. (6) $3,500.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue, NW., Suite 400, Washington, D.C. 20036.

B. Sun Pipe Line Co., P.O. Box 2039, Tulsa, Okla. 74102.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.

B. Valley View Bank, P.O. Box 30100, Dallas, Tex. 75230.

D. (6) $2,000.

A. Akin, Gump, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.

B. Vickers Petroleum Corp., P.O. Box 2240, Wichita, Kans. 67201.
D. (6) $1,500. E. (9) $8,620.

A. Alaska Coalition, 530 Seventh Street SE., Washington, D.C. 20003.
D. (6) $76,473.48. E. (9) $79,480.53.

A. Joan H. Albert, National Association of Casualty & Surety Agents, 600 Pennsylvania Avenue SE., Suite No. 202, Washington, D.C. 20003.
B. National Association of Casualty & Surety Agents, 5225 Wisconsin Avenue NW., Washington, D.C. 20015.
D. (6) $1,200. E. (9) $70.90.

A. James J. Albertine, Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
B. Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
D. (6) $300.

A. Alcalde, Henderson & O'Bannon, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Air Florida, A.M.F.P.O. 592337, Miami, Fla. 33159.
D. (6) $1,500.

A. Alcalde, Henderson & O'Bannon, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. American Fishing Tackle Manufacturers Association, 2625 Clearbrook Drive, Arlington Heights, Ill. 60005.
D. (6) $4,500.

A. Alcalde, Henderson & O'Bannon, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Associated Industries of Florida, 203 South Adams Street, Tallahassee, Fla. 23202.

A. Alcalde, Henderson & O'Bannon, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. The Brunswick Corp., 1 Brunswick Plaza, Skokie, Ill. 60076.

A. Alcalde, Henderson & O'Bannon, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Computer Sciences Corp., 650 North Sepulveda Boulevard, El Segundo, Calif. 90245.
D. (6) $3,000.

A. Alcalde, Henderson & O'Bannon, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Continental Group, Inc., 633 Third Avenue, New York, N.Y. 10017.
D. (6) $500.

A. Alcalde, Henderson & O'Bannon, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Newspaper-Broadcaster Committee, P.O. Box 3412, San Francisco Calif. 94119.
D. (6) $7,000.

A. Alcalde, Henderson & O'Bannon, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Pan American World Airways, Inc., Pan Am Building, New York, N.Y. 10017.
D. (6) $3,000.

A. Alcalde, Henderson & O'Bannon, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Tampa Port Authority, P.O. Box 2192, Tampa, Fla. 33601.
D. (6) $3,600.

A. Alcalde, Henderson & O'Bannon, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Tampa Electric Co., P.O. Box 111, Tampa, Fla. 33601.
D (6) $1,500.

A. Alcalde, Henderson & O'Bannon, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Jim Walter Corp., P.O. Box 22601, Tampa, Fla. 33622.
D. (6) $3,000.

A. Frederick K. Alderson, 1111 19th Street NW., Washington, D.C. 20036.
B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $288. E. (9) $91.05.

A. Alderson, Ondov, Leonard & Sween, 105 East Oakland Avenue, Austin, Minn. 55912.
B. The Hormel Foundation, Austin, Minn. 55912.
D. (6) $8,717.50. E. (9) $955.61.

A. Claude D. Alexander, National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.
B. National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.
D. (6) $500. E. (9) $126.17.

A. Donald C. Alexander, Morgan, Lewis & Bockius, 1800 M Street NW., Suite 800 North, Washington, D.C. 20036.
B. Committee for Capital Formation Through Dividend Reinvestment.
D. (6) $50.

A. Willis W. Alexander, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,875. E. (9) $16.34.

A. Maxton M. Allcox, 400 First Street NW., Room 801, Washington, D.C. 20001.
B. Brotherhood of Maintenance of Way Employes, 12050 Woodward Avenue, Detroit, Mich. 48203.
D. (6) $44,500.92.

A. Anne Genevieve Allen, Rockwell International, 2230 East Imperial Highway, El Segundo, Calif. 90245.
B. Rockwell International, 2230 East Imperiol Highway, El Segundo, Calif. 90245.
D. (6) $139.44. E. (9) $460.06.

A. Robert D. Allen, 2845 Summit Drive, Hillsborough, Calif. 94010.
B. Bechtel Power Corp., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

A. Alliance of American Insurers, 20 North Wacker Drive, Chicago, Ill. 60606.
E. (9) $2,480.80.

A. Peter Allstrom, Food & Beverage Trades Department, AFL-CIO, 815 16th Street NW., Washington, D.C. 20006.
B. Food & Beverage Trades Department, AFL-CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $1,449.50. E.(9) $12.

A. Charles L. Almond, First City National Bank Building, Houston, Tex. 77002.
B. Vinson & Elkins (for City of Houston), First City National Bank Building, Houston, Tex. 77002.
D. (6) $12,388.75. E.(9) $2,936.21.

A. Richard H. Altman, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
B. American Israel Public Affairs Committee, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
D. (6) $864.17.

A. Ricardo R. Alvarado, 6108 Fort Hunt Road, Alexandria, Va. 22307.
B. Lockheed Corp., P.O. Box 551, Burbank, Calif. 91520.
D. (6) $2,180. E. (9) $659.02.

A. Amalgamated Transit Union, AFL-CIO, 5151 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Amalgamated Transit Union, AFL-CIO, 5151 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Robert S. Amdursky, Willkie Farr & Gallagher, 153 East 53d Street, New York, N.Y.
B. Willkie Farr & Gallagher, 153 East 53d Street, New York, N.Y.

A. American Academy of Family Physicians, 1740 West 92d Street, Kansas City, Mo. 64114.
D. (6) $1,226.79. E. (9) $1,226.79.

A. American Advertising Federation, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
E. (9) $376.35.

A. American Arts Alliance, Inc., 424 C Street NE., Washington, D.C. 20002.
D. (6) $38,191.09. E. (9) $40,617.10.

A. American Association of Blood Banks, 1828 L Street NW., Suite 608, Washington, D.C. 20036.

A. American Association of Foundations for Medical Care, 11325 Seven Locks Road, Potomac, Md.
E. (9) $789.50.

A. American Association of Homes for the Aging, 1050 17th Street NW., Suite 770, Washington, D.C. 20036.
D. (6) $2,822. E. (9) $2,822.

A. American Association of Meat Processors, 224 East High Street, Elizabethtown, Pa. 17022.
D. (6) $612.38. E. (9) $894.42.

A. American Association of Port Authorities, Inc., 1612 K Street NW., Washington, D.C. 20006.
E. (9) $6,043.50.

A. American Association of Professional Standards Review Organizations, 11325 Seven Locks Road, Potomac, Md. 20854.
E. (9) $781.30.

A. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

A. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $68,494.68. E. (9) $68,494.68.

A. American Congress on Surveying and Mapping, 210 Little Falls Street, Falls Church, Va. 22046.
D. (6) $3,743.65. E. (9) $9,065.07.

A. American Council for Capital Formation, 1919 Pennsylvania Avenue NW., Suite 201, Washington, D.C. 20006.
D. (6) $2,205.45. E. (9) $4,185.57.

A. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
E. (9) $637.

A. American Dental Association, 211 East Chicago Avenue, Chicago, Ill. 60611.
D. (6) $15,820.35. E. (9) $15,820.35.

A. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068; 425 13th Street NW., Washington, D.C. 20004.
D. (6) $67,281. E. (9) $67,281.

A. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.
E. (9) $145,812.06.

A. American Feed Manufacturers Association, 1701 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) $2,500. E. (9) $2,500.

A. American Honey Producers Association, P.O. Box 368, Minco, Okla. 73059.
D. (6) $1,352.10. E. (9) $4,615.34.

A. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $38,839.66. E. (9) $38,839.66.

A. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.
D. (6) $10,333.52. E. (9) $4,493.95.

A. American Humane Association, P.O. Box 1266, Denver Colo. 80201.
E. (9) $1,800.

A. American Insurance Association, 85 John Street, New York, N.Y. 10038.
D. (6) $64,107.75. E. (9) $64,107.75.

A. American-Israel Public Affairs Committee, 444 North Capitol Street NW., No. 412 Washington, D.C. 20001.
D. (6) $63,949. E. (9) $54,912.81.

A. American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.
E. (9) $3,552.

A. American League for Exports and Security Assistance, Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20024.
D. (6) $7,100. E. (9) $7,100.

A. American Library Association, 50 East Huron Street, Chicago, Ill. 60611.
D. (6) $5,146.81. E. (9) $3,700.

A. American Maritime Association, 17 Battery Place, North, New York, N.Y. 10004; 1612 K Street NW., Washington, D.C. 20006.
E. (9) $41.

A. American Meat Institute, P.O. Box 3556, Washington, D.C. 20007; 1600 Wilson Boulevard, Arlington, Va.

A. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $2,218.75. E. (9) $31,277.74.

A. American Movers Conference, 1117 North 19th Street, P.O. Box 9204, Arlington, Va. 22209.
D. (6) $1,199.88. E. (9) $1,740.60.

A. American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C.
D. (6) $33,925.06. E. (9) $49,053.39.

A. American Nurses' Association, 2420 Pershing Road, Kansas City, Mo. 64108.
D. (6) $7,941.43. E. (9) $7,941.43.

A. American Optometric Association, c/o Dr. Wendell D. Waldie, 3111 Aloma, Wichita, Kans. 76211.
D. (6) $382.12. E. (9) $382.12.

A. American Orthotic & Prosthetic Association, 1444 N Street NW., Washington, D.C. 20005.

A. American Petroleum Institute, 2101 L Street NW., Washington, D.C.
D. (6) $114,316. E. (9) $156,827.

A. American Physical Therapy Association, 1156 15th Street NW., Washington, D.C. 20005.
D. (6) $2,192.78. E. (9) $2,192.78.

A. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C. 20015.
E. (9) $11,005.12.

A. American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C. 20005.
D. (6) $2,777,815.36. E. (9) $125,366.74.

A. American Public Transit Association, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $4,700. E. (9) $14,304.24.

A. American Rivers Conservation Council, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $43,442. E. (9). $49,254.

A. American Short Line Railroad Association, 2000 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $1,055.75. E. (9) $1,055.75.

A. American Society for Medical Technology, 1725 DeSales Street NW., No. 403, Washington, D.C. 20036.
D. (6) $2,300. E. (9) $2,227.

A. American Surveys, Embassy Square, Suite 901, 2000 N Street NW., Washington, D.C. 20036.
B. National Customs Brokers & Forwarders Association of America, Inc., 1 World Trade Center, Suite 1109, New York, N.Y. 10048.
D. (6) $340.62. E. (9) $175.71.

A. American Textile Manufacturers Institute, Inc., 1101 Connecticut Avenue NW., Suite 300, Washington, D.C. 20036.
D. (6) $39,901.18. E. (9) $39,901.18.

A. American Veterinary Medical Association, 1522 K Street NW., No. 828, Washington, D.C. 20005.
E. (9) $150.

A. The American Waterways Operators, Inc., 1600 Wilson Boulevard, Suite 1101, Arlington, Va. 22209.
D. (6) $2,690. E. (9) $980.

A. Morris J. Amitay, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
B. American Israel Public Affairs Committee, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
D. (6) $7,708.33.

A. John G. Ams, National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
D. (6) $1,500. E. (9) $331.97.

A. Edward Andersen, The National Grange, 1616 H Street NW., Washington, D.C. 20006.
B. The National Grange, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $250.

A. Anthony L. Anderson, Sun Company, Inc., 1800 K Street NW., Suite 820, Washington, D.C. 20006.
B. Sun Company, Inc., 100 Matsonford Road, Radnor, Pa. 19087.
D. (6) $4,934. E. (9) $112.55.

A. Jane K. Anderson, 1111 19th Street NW., Suite 310, Washington, D.C. 20036.
B. Kennecott Copper Corp., 161 East 42d Street, New York, N.Y. 10017.
D. (6) $500. E. (9) $100.

A. Anderson, Pendleton, McMahon, Peet & Donovan, 1000 16th Street NW., No. 701, Washington, D.C. 20036.
B. Embassy of Chile, 1732 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $5,000. E. (9) $238.48.

A. Robert L. Anderson, Deere & Co., John Deere Road, Moline, Ill. 61265.
B. Deere & Co., John Deere Road, Moline, Ill. 61265.
D. (6) $300. E. (9) $6.50.

A. Wayne C. Anderson, 1629 K Street NW., Washington, D.C. 20006.
B. Nabisco, Inc., East Hanover, N.J. 07936.
D. (6) $2,500. E. (9) $1,236.60.

A. William C. Anderson, 1101 16th Street NW., Washington, D.C. 20036.
B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.
E. (9) $52.25.

A. Emmet Andrews, American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C. 20005.
B. American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C. 20005.
D. (6) $7,631.51.

A. Laureen Andrews, League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.
B. League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $2,784. E. (9) $13.

A. Robert C. Angel, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. United States–Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $300.

A. Jack R. Angell, United Gas Pipe Line Co., 1101 17th Street NW., Washington, D.C. 20036.
B. United Gas Pipe Line Co., P.O. Box 1478, Houston, Tex. 77001.

A. J. Donald Annett, Texaco, Inc., 1050 17th Street NW., No. 500, Washington, D.C. 20036.
B. Texaco, Inc., 2000 Westchester Avenue, White Plains, N.Y. 10650.
D. (6) $200.

A. Tobias Anthony, Research-Cottrell, Inc., 1800 K Street NW., Suite 720, Washington, D.C. 20006.
B. Research–Cottrell, Inc., P.O. Box 1500, Somerville, N.J. 08876.

A. APA Co., 400 First Street NW., Washton, D.C. 20001.
B. University of Health Sciences/The Chicago Medical School, 2020 West Ogden Avenue, Chicago, Ill. 60612.
D. (6) $750.

A. Leonard Appel, Woods, Villalon, Hollengreen & Lindeman, 425 13th Street NW., Suite 1032, Washington, D.C. 20004.

B. Everett Terminal Co., Inc., and Port Gardner Timber Co., Inc., P.O. Box 1478, Hewitt Avenue Marine Terminal, Everett, Wash. 98206.
E. (9) $174.73.

A. John Archer, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.
B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Family Corp., 1902 Wynnton Road, Columbus, Ga. 31906.
D. (6) $720.

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Iron and Steel Institute, 1000 16th Street NW., Washington D.C. 20036.
D. (6) $360.

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $8,750.01.

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Realty Committee, 2033 M Street NW., Washington, D.C. 20036.
D. (6) $900.

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Quintana Petroleum Corp., P.O. Box 3331, Houston, Tex. 77001.
D. (6) $938.

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Quintana Refinery Co., P.O. Box 3331, Houston, Tex. 77001.
D. (6) $938.

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Securities Industry Association, 20 Broad Street, New York, N.Y. 10005.
D. (6) $350.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.
B. The Kroger Co., 1014 Vine Street, Cincinnati, Ohio 45201.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.
B. The London Commodity Exchange Co., Ltd., Cereal House, 59 Mark Lane, London EC3R 7NE, England; International Commodities Clearing House Ltd., Roman Wall House, 1–2 Crutched Friars, London EC3N 2AN, England.
D. (6) $2,732.50.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.
B. Werner Fleischmann, 300 Jacksonville Road, Pompton Plains, N.J. 07444.
E. (9) $15.12.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.
B. West Mexico Vegetable Distributors Association, P.O. Box 838, Nogales, Ariz.
D. (6) $210. E. (9) $12.40.

A. Milton F. Ashford, Suite 800, 2030 M Street NW., Washington, D.C. 20036.
B. TRW, Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117.
D. (6) $1,000.

A. Associated Builders and Contractors, Inc., 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.
D. (6) $14,650. E. (9) $373.68.

A. Associated Credit Bureaus, Inc., 6767 Southwest Freeway, Houston, Tex. 77074.

A. Associated Employers, Inc., 6009 Rittiman Plaza, San Antonio, Tex. 78218.

A. Associated Third Class Mail Users, Suite 607, 1725 K Street NW., Washington, D.C. 20006.
D. (6) $600. E. (9) $600.

A. Association for the Advancement of Invention and Innovation, 1735 Jefferson Davis Highway, Suite 605, Arlington, Va. 22202.
D. (6) $275. E. (9) $485.

A. Association for the Improvement of the Mississippi River, 10 Broadway, St. Louis, Mo. 63102.

A. Association of American Publishers, 1707 L Street NW., Suite 480, Washington, D.C. 20036.
D. (6) $5,178.57. E. (9) $5,178.57.

A. Association of American Railroads, American Railroads Building (720), 1920 L Street NW., Washington, D.C. 20036.
D. (6) $38,736.83. E. (9) $38,736.83.

A. Association of American Veterinary Medical Colleges, 1522 K Street NW., No. 828, Washington, D.C. 20005.

A. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.
E. (9) $178.

A. Association of Media Producers, 1707 L Street NW., Suite 515, Washington, D.C. 20036.
D. (6) $4,000. E. (9) $5,675.

A. The Association of Trial Lawyers of America, 1050 31st Street NW., Washington, D.C. 20007.
D. (6) $3,654.75. E. (9) $3,654.75.

A. Association on Japanese Textile Imports, Inc., 551 Fifth Avenue, New York, N.Y. 10017.
E. (9) $250.

A. Assure Competitive Transportation, Inc., 10 South LaSalle Street, Suite 1600, Chicago, Ill. 60603.
D. (6) $6,297. E. (9) $450.

A. George J. Aste, United Airlines, 1825 K Street NW., No. 607, Washington, D.C. 20006.
B. United Airlines, P.O. Box 66100, Chicago, Ill. 60666.
D. (6) $500.

A. Carl E. Atkinson, United States Steel Corp., 818 Connecticut Avenue NW., Washington, D.C. 20006.
B. United States Steel Corp., 600 Grant Street, Pittsburgh, Pa. 15230.
D. (6) $595. E. (9) $243.90.

A. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
E. (9) $1,958.68.

A. Deborah Marie Atwood, Intalco Aluminum Corp., P.O. Box 937, Ferndale, Wash. 98248.
B. Intalco Aluminum Corp., P.O. Box 937, Ferndale, Wash. 98248.
D. (6) $5,000. E. (9) $2,196.85.

A. Allan E. Auger, Great Western Sugar Co., P.O. Box 5308 T. A., Denver, Colo. 80217.
B. Great Western Sugar Co., P.O. Box 5308 T. A., Denver, Colo. 80217.

A. James A. Austin, American Feed Manufacturers Association, 1701 North Fort Myer Drive, Arlington, Va. 22209.
B. American Feed Manufacturers Association, 1701 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) $2,500.

A. John S. Autry, Johns-Manville Corp., 1025 Connecticut Avenue, Suite 214, Washington, D.C. 20036.
B. Johns-Manville Corp., P.O. Box 5108, Denver, Colo. 80217.
D. (6) $1,200. E. (9) $1,928.72.

A. Aviation Consumer Action Project, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $200. E. (9) $65.

A. Walter C. Ayers, Virginia Petroleum Council, 1809 Staples Mill Road, Richmond, Va. 23230.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $100. E. (9) $33.65.

A. Craig H. Baab, American Bar Association, 1800 M Street NW., Washington, D.C. 20036.
B. American Bar Association, 1155 East 60th Street, Chicago Ill. 60637.
D. (6) $400. E. (9) $50.

A. Bache Halsey Stuart Shields, Inc., 100 Gold Street, New York, N.Y. 10038.
E. (9) $700.

A. William Douglas Badger, 12695 Castile Court, Woodbridge, Va. 22192.
B. The Christian Action Council, Inc., 788 National Press Building, Washington, D.C. 20045.
D. (6) $2,600. E. (9) $1,706.43.

A. Baer Marks & Upham, 299 Park Avenue, New York, N.Y. 10017.
B. Commodity Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.

A. Carl E. Bagge, Coal Building, Washington, D.C. 20036.
B. National Coal Association, Coal Building, Washington, D.C. 20036.
D. (6) $2,040. E. (9) $517.75.

A. George F. Bailey, Jr., Alabama Railroad Association, P.O. Box 21, Montgomery, Ala. 36101.
B. Alabama Railroad Association, P.O. Box 21, Montgomery, Ala. 36101.

A. William W. Bailey, Merck & Co., Inc., 1050 17th Street NW., Suite 1050, Washington, D.C. 20036.
B. Merck & Co., Inc., Box 2000, Rahway N.J. 07065.
D. (6) $1,000. E. (9) $387.

A. Edward R. Bajer, 1015 15th Street NW., No. 802, Washington, D.C. 20005.
B. American Consulting Engineers Council, 1015 15th Street NW., No. 802, Washington, D.C. 20005.
D. (6) $450.

A. Baker & Botts, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Houston Lighting & Power Co., P.O. Box 1700, Houston, Tex. 77001.

A. Baker & Botts, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Pennzoil Co., Pennzoil Place, P.O. Box 2967, Houston, Tex. 77002.

D. (6) $360.

A. Baker & Daniels, 1800 M Street NW., Suite 590 South, Washington, D.C. 20036.

B. Coalition for Safe Drinking Water, 1220 Waterway Boulevard, Indianapolis, Ind. 46202.

A. Baker & Daniels, 1800 M Street NW., Suite 590 South, Washington, D.C. 20036.

B. The Consumer Bankers Association, 1725 K Street NW., Washington, D.C. 20006.

E. (9) $117.90.

A. Baker & Daniels, 1800 M Street NW., Suite 590 South, Washington, D.C. 20036.

B. Indiana Toll Road Commission, P.O. Box 748, South Bend, Ind. 46624.

A. Baker & Daniels, 1800 M Street NW., Suite 590 South, Washington, D.C. 20036.

B. Rock Island Refining Corp., P.O. Box 68007, Indianapolis, Ind. 46268.

D. (6) $325.

A. Emil F. Baker, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.

A. George C. Baker, 220 South Clovis Avenue, Fresno, Calif. 93727.

B. U.S. Cane Sugar Refiners' Association, 1001 Connecticut Avenue, Washington, D.C. 20036.

D. (6) $312.50. E. (9) $770.48.

A. Baker & McKenzie, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Cambridge Research and Development Group, 21 Bridge Square, Westport, Conn. 06880.

A. Baker & McKenzie, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Magnatex Industries, Inc., One Marienfeld Place, Midland, Tex. 79701.

A. Donald Baldwin, 1140 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Electric Power Co.

A. Donald Baldwin, 1140 Connecticut Avenue NW., Suite 804, Washington, D.C. 20036.

B. Citizens Committee Against Panama Canal Give-Away.

A. Jacqueline Balk-Tusa, 1625 I Street NW., No. 809, Washington, D.C. 20006.

B. Boise Cascade Corp., 1625 I Street NW., No. 809, Washington, D.C. 20006.

D. (6) $10,312.

A. Ballard, Spahr, Andrews & Ingersoll, 1101 Connecticut Avenue NW., Suite 406, Washington, D.C. 20036.

B. Alaska Housing Finance Corp., Plaza 201 East Third Avenue, Anchorage, Alaska 99510.

A. Ballard, Spahr, Andrews & Ingersoll, 1101 Connecticut Avenue NW., Suite 406, Washington, D.C. 20036.

B. Idaho Housing Agency, 405 South Eighth Street, Suite 395, Boise, Idaho 83701.

A. Bally Manufacturing Corp., 2640 Belmont Avenue, Chicago, Ill. 60618.

A. Sheila Macdonald Bamberger, 311 First Street NW., Washington, D.C. 20001.

B. National Restaurant Association, 311 First Street NW., Washington, D.C. 20001.

D. (6) $3,000. E. (9) $24.20.

A. Joel Richard Bander, United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.

B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.

D. (6) $1,093.75. E. (9) $420.61.

A. Richard M. Bank, 1000 Connecticut Avenue NW., No. 300, Washington, D.C. 20036.

B. National Association of Neighborhoods, 1612 20th Street NW., Washington, D.C.

D. (6) $400.

A. Samuel J. Baptista, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $1,000.

A. Robert O. Barker, NAM, 801 Northland Towers West, Southfield, Mich. 48075.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $1,500.

A. Thomas H. Barksdale, Jr., 2101 L Street NW., Washington, D.C. 20037.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $5,000. E. (9) $208.10.

A. Donna R. Barnako, National Council of Health Care Services, 2600 Virginia Avenue NW., Suite 915, Washington, D.C. 20037.

B. NCHCS, 2600 Virginia Avenue NW., No. 915, Washington, D.C. 20037.

D. (6) $720. E. (9) $382.13.

A. John H. Barnard, Jr., 803 Ironbark Place, Orinda, Calif. 94563.

B. Bechtel Power Corp., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

A. Roger H. Barnard, National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.

B. National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.

A. Barnes, Richardson & Colburn, 1819 H Street NW., Washington, D.C. 20006.

B. John W. Thatcher, c/o Banana Supply Co., Inc., 3030 Northeast Second Avenue, Miami, Fla. 33137.

A. Larry P. Barnett, Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.

E. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.

D. (6) $1,387.50.

A. Barnett, Alagia & Carey, 1627 K Street NW., Washington, D.C. 20006.

B. Florida Fruit and Vegetable Association, 4401 East Colonial Drive, Orlando, Fla. 32814.

D. (6) $2,500.

A. James C. Barr, Credit Union National Association, 1730 Rhode Island Avenue, Washington, D.C. 20036.

B. Credit Union National Association, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

D. (6) $300. E. (9) $211.63.

A. Richard L. Barr, Iowa Railway Association, 620 Capital City Bank Building, Des Moines, Iowa 50309.

B. Iowa Railway Association, 620 Capital City Bank Building, Des Moines, Iowa 50309.

A. Barrett, Smith, Schapiro, Simon, & Armstrong, 26 Broadway, Suite 1400, New York, N.Y. 10004.

B. New York Cocoa Exchange, Inc., and New York Cocoa Clearing Association, Inc., 127 John Street, New York, N.Y. 10038.

A. Barrett, Smith, Schapiro, Simon, & Armstrong, 26 Broadway, Suite 1400, New York, N.Y. 10004.

B. Coffee, Sugar & Cocoa Exchange, Inc., and New York Coffee and Sugar Clearing Association, Inc., Four World Trade Center, New York, N.Y. 10048.

A. Barrett, Smith, Schapiro, Simon, & Armstrong, 26 Broadway, Suite 1400, New York, N.Y. 10004.

B. The New York State Urban Development Corp., 1345 Avenue of the Americas, New York, N.Y., 10019.

A. Robert W. Barrie, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn. 06431.

D. (6) $2,500.

A. Thea Rossi Barron, 106 Little Falls Street, Falls Church, Va. 22046.

B. The Italian American Forum, 2626 Pennsylvania Avenue NW., Washington, D.C 20037.

D. (6) $500.

A. David S. Barrows, 1201 Southwest 12th, Suite 300, Portland, Oreg. 97205.

B. Association of Oregon and California Land Grant Counties, Douglas County Court House, Roseburg, Oreg. 97470.

D. (6) $1,200. E. (9) $708.38.

A. Roger V. Barth, 1828 L Street, NW., Suite 1111, Washington, D.C. 20036.

B. Jackson, Campbell & Parkinson, 1828 L Street, NW., Suite 111, Washington, D.C. 20036 (for L'Enfant Plaza Properties, Inc.)

A. Linda Leigh Bartlett, 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

A. Richard A. Barton, Direct Mail/Marketing Association, Inc., 1730 K Street NW., Suite 905, Washington, D.C. 20006.

B. Direct Mail/Marketing Association, Inc., 6 East 43d Street, 12th Floor, New York, N.Y. 10017.

D. (6) $1,400. E. (9) $727.38.

A. James P. Bass, 1101 17th Street NW., Washington, D.C. 20036.

B. American Airlines, Inc., 1101 17th Street NW., Washington, D.C. 20036.

D. (6) $125.

A. Robert E. Bates, Jr., Mobil Oil Corp., 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.

D. (6) $1,125. E. (9) $60.

A. Davis M. Batson, 1155 15th Street NW., Suite 611, Washington, D.C. 20005.

B. Ethyl Corp., 1155 15th Street NW., Suite 611, Washington, D.C. 20005.

D. (6) $800.

A. Laurie C. Battle, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.

B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.

D. (6) $2,600.

A. Lucius D. Battle, 950 L'Enfant Plaza SW., Washington, D.C. 20024.
B. Communications Satellite Corp., 950 L'Enfant Plaza SW., Washington, D.C. 20024.
D. (6) $200. E. (9) $33.80.

A. Lynne D. Battle, The College Placement Council, Inc., 1101 Connecticut Avenue, NW., Suite 705, Washington, D.C. 20036.
B. The College Placement Council, Inc., 65 East Elizabeth Avenue, Bethlehem, Pa. 18018.

A. John F. Battles, Massachusetts Petroleum Council, 11 Beacon Street, Boston, Mass. 02108.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Gary L. Bauer, Direct Mail/Marketing Association, Inc., 1730 K Street NW., Suite 905, Washington, D.C. 20006.
B. Direct Mail/Marketing Association, Inc., 6 East 43d Street, 12th Floor, New York, N.Y. 10017.

A. Kathleen A. Bauer, Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.

A. John E. Baughman, 5081 Stacy Drive East, Harrisburg, Pa. 17111.
B. Pennsylvania State Education Association, 400 North Third Street, Harrisburg, Pa. 17105.
D. (6) $625.

A. Robert J. Baughman, 1444 N St., NW., Washington, D.C. 20005.
B. American Orthotic and Prosthetic Assoc. 1444 N St., NW., Washington, D.C. 20005.

A. Tina Marts Beach, General Electric Co., 777 14th Street NW., Washington, D.C.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn.
D. (6) $65.

A. Bruce A. Beam, American Electric Power Service Corp., 1801 K Street NW., Suite 1041, Washington, D.C. 20006.
B. American Electric Power Service Corp., 2 Broadway, New York, N.Y. 10004.
D. (6) $82.20. E. (9) $94.60.

A. Michael K. Beard, 100 Maryland Avenue NE., Washington, D.C. 20002.
B. National Coalition to Ban Handguns, 100 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $4,173.48. E. (9) $1,316.61.

A. John E. Bearer, GPU Service Corp., 1001 Broad Street, Johnstown, Pa. 15907.
B. GPU Service Corp., 260 Cherry Hill Road, Parsippany, N.J. 07054.
D. (6) $1,452.58. E. (9) $1,579.08.

A. Donald S. Beattie, Railway Labor Executives' Association, 400 First Street NW., Washington, D.C. 20001.
B. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C. 20001.
D. (6) $2,630.06.

A. Christine T. Beatty, St. Joe Minerals Corp., 1730 Rhode Island Avenue NW., Suite 612, Washington, D.C. 20036.
B. St. Joe Minerals Corp., 250 Park Avenue, New York, N.Y. 10017.
D. (6) $3,600. E. (9) $220.82.

A. Robert J. Becker, Joint Council of Allergy & Immunology, 401 East Prospect Avenue, Suite 210, Mount Prospect, Ill. 60056; 229 North Hammes Avenue, Joliet, Ill. 60435.
B. Joint Council of Allergy & Immunology, 401 East Prospect Avenue, Suite 210, Mount Prospect, Ill. 60056.

A. Beer, Boltz & Bennia, 10 West Square Lake Road, Suite 303, Bloomfield Hills, Mich. 48013.
B. City of Pontiac, Pontiac, Mich.

A. Edwin L. Behrens. The Proctor & Gamble Co., 1801 K Street NW., Suite 230, Washington, D.C. 20006.
B. The Proctor & Gamble Co., 301 East Sixth Street, Cincinnati, Ohio 45202.
D. (6) $150.

A. Max J. Beilke, National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va. 22201.
B. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va. 22201.
D. (6) $759.38.

A. James Beizer, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
D. (6) $282.24. E. (9) $100.

A. Alexander B. Bell, 9618 Cottrell Terrace, Silver Spring, Md. 20903.
B. United Association of Journeymen & Apprentices of the Plumbing & Pipe Fitting Industry of the United States & Canada, 901 Massachusetts Avenue NW., Washington, D.C. 20001.
D. (6) $3,750. E. (9) $227.20.

A. Howard H. Bell, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Advertising Federation, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

A. Winston Everett Bell, P.O. Box 5463, Las Vegas, Nev. 89102.

A. T. A. Bellissimo, 2100 Connecticut Avenue NW., Washington, D.C. 20008.
B. Household Finance Corp.; HFC International Headquarters, 2700 Sanders Road, Prospect Heights, Ill. 60070.
D. (6) $751.88. E. (9) $34.39.

A. C. Thomas Bendorf, 3615 Overcreek Drive, Columbia, S.C. 29206.
B. The Association of Trial Lawyers of America, 1050 31st Street NW., Washington, D.C. 20007.
D. (6) $3,000. E. (9) $100.

A. C. Robert Benedict, 643 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. American Osteopathic Hospital Association, 930 Busse Highway, Chicago, Ill. 60068.
D. (6) $300. E. (9) $261.78.

A. Bruce Benefield, TRW, Inc., 2030 M Street NW., Washington, D.C. 20036.
B. TRW, Inc., 2030 M Street NW., Suite 800, Washington, D.C. 20036.
D. (6) $1,000.

A. Kenneth U. Benjamin, Jr., American Medical Association, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $2,887.50. E. (9) $50.50.

A. Douglas P. Bennett, 499 South Capitol Street SW., No. 407, Washington, D.C. 20003.
B. Jacques Borel Enterprises, Inc., 555 Madison Avenue, New York, N.Y. 10022.
D. (6) $3,000. E. (9) $1.20.

A. Douglas P. Bennett, 499 South Capitol Street NW., No. 407, Washington, D.C. 20003.
B. National Restaurant Association, 311 First Street NW., Washington, D.C. 20001.
D. (6) $1,500.

A. James M. Bennett, Jos. Schlitz Brewing Co., 235 West Galena Street, Milwaukee, Wis. 53212.
B. Jos. Schlitz Brewing Co., 235 West Galena Street, Milwaukee, Wis. 53212.

A. Kathleen M. Bennett, Crown Zellerbach, 1660 L Street, NW., Suite 215, Washington, D.C. 20036.
B. Crown Zellerbach, 1 Bush Street, San Francisco, Calif. 94119.

A. Paul Bennett, Union of Concerned Scientists, 1725 I Street NW., Suite 601, Washington, D.C. 20006.
B. Union of Concerned Scientists, 1725 I Street NW., Suite 601, Washington, D.C. 20006.
D. (6) $5,400.

A. William C. Bennett, Jr., Atlantic Richfield Co., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
D. (6) $405.

A. Walter L. Benning, 14901 Ritchie Road, Centreville, Va. 22020.
B. Manufactured Housing Institute, 1745 Jefferson Davis Highway, Suite 511, Arlington, Va. 22202.
D. (6) $1,000.

A. John C. Bennison, ASTA, 1300 19th Street NW., Washington, D.C.
B. American Society of Travel Agents, Inc., 711 Fifth Avenue, New York, N.Y. 10022.
D. (6) $5,000.

A. Frederick S. Benson, III, International Paper Co., 1620 I Street NW., No. 700, Washington, D.C. 20006.
B. International Paper Co., 1620 I Street, NW., No. 700, Washington, D.C. 20006.
D. (6) $200. E. (9) $100.

A. Nancy C. Benson, American Cyanamid Co., 1575 I Street NW., No. 220, Washington, D.C. 20006.
B. American Cyanamid Co., Wayne, N.J. 07470.
D. (6) $168. E. (9) $58.15.

A. Rebecca Berg, 1730 Rhode Island Avenue NW., Suite 213, Washington, D.C.
B. Brown & Root, Inc., 1730 Rhode Island Avenue NW., Suite 213, Washington, D.C. 20036.
D. (6) $500. E. (9) $275.

A. Paul C. Bergson, RJR Industries, Inc., 2550 M Street NW., Washington, D.C. 20037.
B. RJR Industries, Inc., P.O. Box 2959, Winston Salem, N.C. 27102.
D. (6) $282.64. E. (9) $5.

A. Jane W. Bergwin, Consumers Power Co., 1333 New Hampshire Avenue NW., Suite 1120, Washington, D.C. 20036.
B. Consumers Power Co., 212 West Michigan Avenue, Jackson, Mich. 49201.
D. (6) $200.

A. Berman and Associates, 1776 K Street NW., Washington, D.C. 20006.
B. CNA, CNA Plaza, Chicago, Ill. 60685.
D. (6) $2,000.

A. Berman and Associates, 1776 K Street NW., Washington, D.C. 20006.
B. Loews Corp., 666 Fifth Avenue, New York, N.Y. 10019.
D. (6) $4,500.

A. Berman and Associates, 1776 K Street NW., Washington, D.C. 20006.
B. Unicare Services, Inc., 105 West Michigan Street, Milwaukee, Wis. 53203.
D. (6) $1,250.

A. Berman and Associates, 1776 K Street NW., Washington, D.C. 20006.
B. Warner Communications, Inc., 75 Rockefeller Plaza, New York, N.Y. 10019.
D. (6) $15,000.

A. William R. Berman, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.
B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

A. David C. Bernabucci, 1101 17th Street, NW., Suite 700, Washington, D.C. 20036.
B. National Association of Real Estate Investment Trusts, Inc., 1101 17th Street, NW., Suite 700, Washington, D.C. 20036.
D. (6) $1,700.

A. Arthur S. Berner, Inexco Oil Co., 1100 Milam Building, Suite 1900, Houston, Tex. 77002.
B. Inexco Oil Co., 1100 Milam Building, Suite 1900, Houston, Tex. 77002.

A. Berry, Epstein, Sandstrom & Blatchford, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Centre National Interprofessionnel De L'Economie Leitiere, 8, rue Danielle Casanova, 75002 Paris, France.

A. Berry, Epstein, Sandstrom & Blatchford, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Cheese Importers Association, 460 Park Avenue, New York, N.Y. 10022.
D. (6) $1,500. E. (9) $76.23.

A. Berry, Epstein, Sandstrom & Blatchford, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Committee to Assure the Availability of Casein, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $5,000. E. (9) $1,064.19.

A. Berry, Epstein, Sandstrom & Blatchford, 1700 Pennsylvania Avenue NW., No. 670, Washington, D.C. 20006.
B. Constructora Nacional de Carros de Ferrocarril, S.A., San Lorenzo 925, 5° Piso, Mexico, D. F., Mexico.
D. (6) $18,375. E. (9) $1,099.

A. Berry, Epstein, Sandstrom & Blatchford, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. East-West Trade Council, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Berry, Epstein, Sandstrom & Blatchford, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. The Great Western Sugar Co., P.O. Box 5308, Denver, Colo. 80217.
D. (6) $1,710. E. (9) $298.86.

A. Berry, Epstein, Sandstrom & Blatchford, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Meat Products Group, American Importers Association, 420 Lexington Avenue, New York, N.Y. 10017.

A. Berry, Epstein, Sandstrom & Blatchford, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Orkin Exterminating Co., Inc., 2170 Piedmont Road NE., Atlanta, Ga. 30324.

A. Berry, Epstein, Sandstrom & Blatchford, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Western Radiological Group; Armacost Management Services, Inc., Suite 2, 2044 Armacost Avenue, Los Angeles, Calif. 90025.

A. Robert A. Best, Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20024.
B. American League for Exports & Security Assistance, Inc., Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20024.
D. (6) $600.

A. Robert A. Best, 475 L'Enfant Plaza SW., Suite 4400, Washington, D.C. 20024.
B. Pullman Swindell, 441 Smithfield Street, Pittsburgh, Pa. 15222.
D. (6) $1,000.

A. Robert A. Best, 475 L'Enfant Plaza SW., Suite 4400, Washington, D.C. 20024.
B. TADCO Enterprises, Inc., 1625 Eye Street NW., Suite 1009, Washington, D.C. 20006; Archer-Daniels-Midland Co., Decatur, Ill. 62525.
D. (6) $400.

A. Allene Betancourt, 1600 South Eads Street, Arlington, Va. 22202.
B. Chem-Nuclear Systems, Inc., P.O. Box 1866, Belleveue, Wash. 98009.

A. Robert L. Bevan, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,000. E. (9) $101.27.

A. Beveridge, Fairbanks & Diamond, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. American Paper Institute, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

A. Beveridge, Fairbanks & Diamond, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. New England Fish Co., Pier 89, Seattle, Wash. 98119.

A. Beveridge, Fairbanks & Diamond, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. New England Power Co., 20 Turnpike Road, Westborough, Mass. 01581.
D. (6) $2,250. E. (9) $30.

A. Beveridge, Fairbanks & Diamond, 1333 New Hampshire Avenue NW., Washington, D.C., 20036.
B. Union Mines, 9 West 57th Street, New York, N.Y. 10019.

A. Steven L. Biegel, 1015 15th Street NW., No. 802, Washington, D.C. 20005.
B. American Consulting Engineers Council, 1015 15th Street NW., No. 802, Washington, D.C. 20005.
D. (6) $575.

A. Thomas E. Biery, Mid-Continent Oil & Gas Association, 1919 Pennsylvania Avenue NW, Suite 503, Washington, D.C. 20006.
B. Mid-Continent Oil & Gas Association, 1111 Thompson Building, Tulsa, Okla. 74103.
D. (6) $6,325. E. (9) $74.

A. Walter J. Bierwagen, 5151 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Amalgamated Transit Union, AFL–CIO, 5151 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Gerda Bikales, 6711 Pine Creek Court, McLean, Va. 22101.
B. National Parks and Conservation Association, 1701 18th Street NW., Washington, D.C. 20009.
D. (6) $600. E. (9) $25.

A. Billig, Sher & Jones, 2033 K Street NW., Washington, D.C. 20006.
B. The Adherence Group, 21 West Street, New York, N.Y. 10006.
E. (9) $528.90.

A. Ken Billington, 6537 24th Avenue NE., Seattle, Wash. 98115.
B. Public Power Council, 1310 Main Street, Vancouver, Wash. 98666.
D. (6) $9,700. E. (9) $2,083.76.

A. Sarah Messengale Billock, American Hospital Association, 444 North Capitol Street NW., Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $1,207.17. E. (9) $19.15.

A. Birch, Horton, Bittner & Monroe, 4400 Jenifer Street NW., Suite 300, Washington, D.C. 20015.
B. Aleutian-Pribilof Island Association, Inc., 430 C Street, Anchorage, Alaska 99501.

A. Birch, Horton, Bittner & Monroe, 4400 Jenifer Street NW., Suite 300, Washington, D.C. 20015.
B. Calista Corp., 516 Denali Street, Anchorage, Alaska 99501.

A. Birch, Horton, Bittner & Monroe, 4400 Jenifer Street NW., Suite 300, Washington, D.C. 20015.
B. Coastal States Gas Corp., Nine Greenway Plaza, Houston, Tex. 77046.

A. Birch, Horton, Bittner & Monroe, 4400 Jenifer Street NW., Suite 300, Washington, D.C. 20015.
B. Cook Inlet Region, Inc., 2525 C Street, Anchorage, Alaska 99509.

A. Birch, Horton, Bittner & Monroe, 4400 Jenifer Street NW., Suite 300, Washington, D.C. 20015.
B. MAPCO, Inc., 1800 South Baltimore Avenue, Tulsa. Okla. 74119.

A. Birch, Horton, Bittner & Monroe, 4400 Jenifer Street NW., Suite 300, Washington, D.C. 20015.
B. Sealaska Corp., One Sealaska Plaza, Juneau, Alaska 99801.

A. Birch, Horton, Bittner & Monroe, 4400 Jenifer Street NW., Suite 300, Washington, D.C. 20015.
B. Skan-Kon International, Inc., P.O. Box 57, Fort Yukon, Alaska 99740.

A. Birch, Horton, Bittner & Monroe, 4400 Jenifer Street NW., Suite 300, Washington, D.C. 20015.
B. Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20006.

A. C. Thomason Bishop III, National Association of Manufacturers, 704 Lisburn Road, Camp Hill, Pa. 17011.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $212.50.

A. Neal R. Bjornson, National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
D. (6) $2,300. E. (9) $62.63.

A. Donna C. Blair, Atlantic Richfield Co., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
D. (6) $175.

A. Smith Blair, National Association of Retired Federal Employees, 1533 New Hampshire Avenue NW., Washington, D.C. 20036.
B. National Association of Retired Federal Employees, 1533 New Hampshire Avenue NW., Washington, D.C. 20036.
D. (6) $3,034.33.

A. Richard W. Blake, 1776 K Street NW., Suite 900, Washington, D.C. 20006.
B. American Sugarbeet Growers Association, 1776 K Street NW., Suite 900, Washington, D.C. 20006.
D. (6) $455.

A. Robert W. Blanchette, Alston, Miller & Gaines, 1800 M Street NW., Washington, D.C. 20036.
B. Board of Trade Clearing Corp., 141 Jackson Boulevard, Chicago, Ill.

A. Robert W. Blanchette, Alston, Miller & Gaines, 1800 M Street NW., Washington, D.C. 20036.
B. RCA Global Communications, Inc., 60 Broad Street, Room 700, New York, N.Y. 10004.
D. (6) $187.50.

A. Joseph H. Blatchford, Berry, Epstein, Sandstrom & Blatchford, 1700 Pennsylvania Avenue NW., No. 670, Washington, D.C. 20006.
B. Government of El Salvador, Office of the President, San Salvador, El Salvador.

A. Joseph H. Blatchford, Berry, Epstein, Sandstrom & Blatchford, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. North American Car Corp., 222 South Riverside Drive, Chicago, Ill., 60606.
D. (6) $12,500. E. (9) $59.79.

A. David Blatt, Municipal Labor Committee, 818 18th Street NW., Suite 750, Washington, D.C. 20006.
B. Municipal Labor Committee, 140 Park Place, New York, N.Y. 10007.
D. (6) $5,774.94. E. (9) $2,628.44.

A. Kenneth T. Blaylock, American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
D. (6) $18,931.50. E. (9) $2,049.42.

A. Michael K. Blevins, Society of American Florists, 901 North Washington Street, Alexandria, Va. 22314.
B. Society of American Florists and Ornamental Horticulturists, 901 North Washington Street, Alexandria, Va. 22314.
D. (6) $5,500. E. (9) $698.22.

A. Richard W. Bliss, 1899 L Street NW., Suite 1200, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
D. (6) $675. E. (9) $97.70.

A. Richard W. Bliss, 1899 L Street NW., Suite 1200, Washington, D.C. 20036.
B. New England Electric System, 20 Turnpike Road, Westborough, Mass. 01581.
D. (6) $729.40. E. (9) $335.60.

A. Richard William Bliss, 1899 L Street NW., Suite 1200, Washington, D.C. 20036.
B. SUNEDCO, 12700 Park Central Place, Suite 1500, Dallas, Tex. 75251.
D. (6) $1,500. E. (9) $363.10.

A. Jerald Blizin, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.
B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. L. Thomas Block, Irving Trust Co., One Wall Street, New York, N.Y. 10015.
B. Irving Trust Co., One Wall Street, New York, N.Y. 10015.
D. (6) $450. E. (9) $290.

A. Mark Bloomfield, American Council for Capital Formation, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Council for Capital Formation, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $499.95.

A. Jack A. Blum, 1015 18th Street NW., Washington, D.C. 20036.
B. Independent Gasoline Marketers Council, 1015 18th Street NW., Washington, D.C. 20036.
D. (6) $15,000. E. (9) $715.

A. Jared O. Blum, 1730 M Street NW., Washington, D.C. 20036.
B. Direct Selling Association, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $500. E. (9) $157.85.

A. Blum & Nash, 1015 18th Street NW., Washington, D.C. 20036.
B. National Committee for Automobile Crash Protection, 1220 19th Street NW., Suite 201, Washington, D.C. 20036.
D. (6) $4,500. E. (9) $4,588.58.

A. Blum & Nash, 1015 18th Street NW., Washington, D.C. 20036.
B. New York Mercantile Exchange, 4 World Trade Center, New York, N.Y. 10048.

A. Blum & Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.
B. Twin Coasts Newspaper, Inc., The Journal of Commerce, 110 Wall Street, New York, N.Y. 10005.
D. (6) $2,150. E. (9) $2,168.

A. Wayne F. Boan, National Association of Manufacturers, 601 North Vermont Avenue, Los Angeles, Calif. 90004.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $1,300.

A. Boat Owners Association of The United States, 880 South Pickett Street, Alexandria, Va. 22304.
D. (6) $4,911.50. E. (9) $5,475.49.

A. Robert Z. Bohan, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

A. Robert Z. Bohan, National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.
B. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.
D. (6) $409.39. E. (9) $10.

A. Christie K. Bohner, 900 17th Street NW., No. 1016, Washington, D.C. 20006.
B. Kaiser Steel Corp., 900 17th Street NW., No. 1016, Washington, D.C. 20006.
D. (6) $140.

A. Patricia M. Boinski, Atlantic Richfield Co., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
D. (6) $80. E. (9) $4.

A. Robert J. Bolger, National Association of Chain Drug Stores, Inc., 1911 Jefferson Davis Highway, Suite 504, Arlington, Va. 22202.
B. National Association of Chain Drug Stores, Inc., 1911 Jefferson Davis Highway, Suite 504, Arlington, Va. 22202.
D. (6) $1,650.

A. Jeffrey W. Bolotin, Alston, Miller & Gaines, 1800 M Street NW., Suite 1000, Washington, D.C. 20036.
B. RCA Global Communciations, Inc., 60 Broad Street, New York, N.Y.

A. M. Warren Bolton, 2500 DeKalb Pike, Norristown, Pa.
B. Provident Indemnity Life Insurance Co. 2500 DeKalb Pike, Norristown, Pa. 19404.

A. A. Dewey Bond, American Meat Institute, P.O. Box 3556, Washington, D.C. 20007.
B. American Meat Institute, P.O. Box 3556, Washington, D.C. 20007; 1600 Wilson Boulevard, Arlington, Va.
D. (6) $500.

A. Edward N. Bond, 1700 North Moore Street, Rosslyn, Va. 22209.
B. Boeing Co., P.O. Box 3707, Seattle, Wash 98124.
D. (6) $750. E. (9) $449.76.

A. L. H. Bonin, Jr., Gulf Oil Corp., 1025 Connecticut Avenue NW., Suite 700, Washington, D.C.
B. Gulf Oil Corp., Pittsburgh, Pa. 15230.
D. (6) $2,400. E. (9) $545.42.

A. Jay Bonitt, 300 Maryland Avenue NE., Washington, D.C. 20002.
B. Bendix Corp., 300 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $110. E. (9) $40.

A. Sharon Lee Bonitt, Shell Oil Co., 1025 Connecticut Avenue NW., Suite 200, Washington, D.C. 20036.
B. Shell Oil Co., 1 Shell Plaza, P.O. Box 2463, Houston, Tex. 77001.
D. (6) $500.

A. Boothe, Prichard & Dudley, 4103 Chain Bridge Road, Fairfax, Va. 22030.
B. Vulcan Materials Co., 1 Metroplex, P.O. Box 7497, Birmingham, Ala. 35209.
D. (6) $7,206. E. (9) $195.

A. Edward T. Borda, 1625 I Street NW., Washington, D.C. 20006.
B. Association of General Merchandise Chains, Inc., 1625 I Street NW., Washington, D.C. 20006.
E. (9) $4,090.

A. William H. Borghesani, Jr., 1150 17th Street NW., Washington, D.C. 20036.
B. Keller & Heckman, 1150 17th Street NW., Washington, D.C.
D. (6) $4,500. E. (9) $485.

A. Laurence D. Bory, 1015 15th Street NW., No. 802, Washington, D.C. 20005.
B. American Consulting Engineers Council, 1015 15th Street NW., No. 802, Washington, D.C. 20005.
D. (6) $625.

A. G. Stewart Boswell, American Apparel Manufacturers Association, Inc., 1611 North Kent Street, No. 800, Arlington, Va. 22209.
B. American Apparel Manufacturers Association, Inc., 1611 North Kent Street, No. 800, Arlington, Va. 22209.
D. (6) $2,699.99. E. (9) $124.97.

A. Charles G. Botsford, Botsford Co., 1730 M Street NW., No. 515, Washington, D.C. 20036.
D. (6) $1,500.

A. A. D. Bourland, General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.
D. (6) $3,000. E. (9) $2,331.11.

A. Frank J. Bowden, Jr., Associated Petroleum Industries of Pennsylvania, P.O. Box 925, Harrisburg, Pa. 17108.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $645. E. (9) $214.90.

A. David W. Bowers, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.

B. United States Independent Telephone Association, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.

D. (6) $1,000.

A. Robert R. Bowers, West Virginia Petroleum Council, delete Suite 714 Atlas Building, Charleston, W. Va. 25301.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $225. E. (9) $531.45.

A. Bowery Savings Bank, 110 East 42d Street, New York, N.Y. 10017.

D. (6) $11,419. E. (9) $5,552.58.

A. Deborah Bowker, National Association of Postal Supervisors, P.O. Box 23456, L'Enfant Plaza Station, Washington, D.C. 20024.

B. National Association of Postal Supervisors, P.O. Box 23456, L'Enfant Plaza Station, Washington, D.C. 20024.

D. (6) $2,884.62.

A. Edward L. Bowley, American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C. 20005.

B. American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C. 20005.

D. (6) $11,149.82. E. (9) $4,564.28.

A. Randall Bowman, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

D. (6) $562.50. E. (9) $0.25.

A. Joan Costain Bowyer, Phelps Dodge Corp., 1015 15th Street NW., Washington, D.C. 20005.

B. Phelps Dodge Corp., 300 Park Avenue, New York, N.Y. 10022.

D. (6) $150.

A. John G. Boyd, International Business Machines, 1801 K Street NW., Washington, D.C. 20006.

B. International Business Machines, Old Orchard Road, Armonk, N.Y. 10504.

D. (6) $151.20. E. (9) $29.20.

A. Stephen Boynton, 1050 17th Street NW., Washington, D.C.

B. American Fur Industries, 101 West 30th Street, New York, N.Y. 10001.

D. (6) $1,500.

A. Cynthia H. Braddon, National Newspaper Association, 1627 K Street NW., Suite 400, Washington, D.C. 20006.

B. National Newspaper Asociation, 1627 K Street NW., Suite 400, Washington, D.C. 20006.

D. (6) $800. E. (9) $16.70.

A. Robert E. Bradford, 1750 K Street NW., Washington, D.C. 20006.

B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.

D. (6) $2,000.

A. Frank W. Bradley, 1700 K Street NW., Washington, D.C. 20006.

B. Chevron, U.S.A., Inc. (a subsidiary of Standard Oil Co. of California), 1700 K Street NW., Washington, D.C. 20006.

D. (6) $1,000.

A. Wayne W. Bradley, 535 North Dearborn Street, Chicago, Ill. 60610.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.

D. (6) $500. E. (9) $16.55.

A. Charles N. Bradey, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

A. Charles G. Bragg, P.O. Box 12285, Memphis, Tenn. 38112.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

D. (6) $462.50. E. (9) $30.23.

A. Raymond F. Bragg, Jr., American Petroleum Refiners Association, 1200 18th Street NW., Suite 607, Washington, D.C. 20036.

B. American Petroleum Refiners Association, 1200 18th Street NW., Suite 607, Washington, D.C. 20036.

D. (6) $100.

A. Stuart J. Brahs, American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.

B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.

D. (6) $115.

A. S. Gail Bramblett, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

D. (6) $1,342.40. E. (9) $30.

A. Robert M. Brandon, 1300 Connecticut Avenue NW., Room 403, Washington, D.C. 20036.

B. Citizen/Labor Energy Coalition, 1300 Connecticut Avenue NW., Room 403, Washington, D.C. 20036.

D. (6) $1,850. E. (9) $2,130.

A. T. Edward Braswell, Jr., Corcoran, Youngman & Rowe, 1511 K Street NW., Washington, D.C. 20005.

B. Newport News Shipbuilding & Drydock Co., 4101 Washington Avenue, Newport News, Va. 23607.

D. (6) $1,500.

A. Edward T. Breathitt, Southern Railway Co., 920 15th Street NW., Washington, D.C. 20005.

B. Southern Railway Co., 920 15th Street NW., Washington, D.C.

D. (6) $1,000.

A. John Henry Brebbia, Alston, Miller & Gaines, 1800 M Street NW., Washington, D.C. 20036.

B. Board of Trade Clearing Corp., 141 West Jackson Boulevard, Chicago, Ill. 60604.

A. John Henry Brebbia, Alston, Miller & Gaines, 1800 M Street NW., Washington, D.C. 20036.

B. RCA Global Communications, Inc., 60 Broad Street, Room 700, New York, N.Y. 10004.

A. Breed, Abbott & Morgan, 1875 I Street NW., Washington, D.C. 20006.

B. Lasker, Stone & Stern, 20 Broad Street, New York, N.Y.

A. Breed, Abbott & Morgan, 1875 I Street NW., Washington, D.C. 20006.

B. The Lefrak Organization, 97–77 Queens Boulevard, New York, N.Y.

E. (9) $318.33.

A. Breed, Abbott & Morgan, 1875 I Street NW., Suite 1000, Washington, D.C. 20006.

B. David H. McConnell, 375 Park Avenue, New York, N.Y.

A. Bregman, Abell, Solter & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.

B. Air Transport Association, 1709 New York Avenue NW., Washington, D.C. 20006.

A. Bregman, Abell, Solter & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.

B. American Car Rental Association (ACRA), 1750 Pennsylvania Avenue NW., Suite 1303, Washington, D.C. 20006.

D. (6) $500.

A. Bregman, Abell, Solter & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.

B. American Psychiatric Association, 1700 18th Street NW., Washington, D.C. 20009.

A. Bregman, Abell, Solter & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.

B. Committee for Effective Tax Incentives, 1634 I Street NW., Eighth Floor, Washington, D.C. 20006.

D. (6) $2,500.

A. Bregman, Abell, Solter & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.

B. Hilton International, Inc., 301 Park Avenue, New York, N.Y. 10022.

D. (6) $1,000.

A. Bregman, Abell, Solter & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.

B. Trans World Airlines, 1000 16th Street NW., Suite 704, Washington, D.C. 20036.

A. Bregman, Abell, Solter & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.

B. Truck Renting and Leasing Association, 1750 Pennsylvania Avenue, Suite 1303, Washington, D.C. 20006.

D. (6) $500.

A. Bregman, Abell, Solter & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.

B. Washington Psychiatric Society, 1700 18th Street NW., Washington, D.C.

D. (6) $700.

A. Barbara Brendes, 1100 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.

B. Union Oil Co. of California, 461 South Boylston Street, Los Angeles, Calif. 90017.

A. Edward J. Brenner, Suite 605, 1735 Jefferson Davis Highway, Arlington, Va. 22202.

B. Association for the Advancement of Invention and Innovation, Suite 605, 1735 Jefferson Davis Highway, Arlington, Va. 22202.

A. Miles H. Bresee, Jr., 170 Altura Way, Greenbrae, Calif. 94904.

B. Bechtel Power Corp., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

A. John B. Brewer, American Movers Conference, 1117 North 19th Street (P.O. Box 9204), Arlington, Va. 22209.

B. American Movers Conference, 1117 North 19th Street (P.O. Box 9204), Arlington, Va. 22209.

A. Jeffrey Bricker, 460 Park Avenue, Seventh Floor, New York, N.Y. 10022.

B. Fallek Chemical Corp., 460 Park Avenue, New York, N.Y. 10022.

A. Carolyn Brickey, 133 C Street SE., Washington, D.C. 20003.

B. Congress Watch, 133 C Street, Washington, D.C. 20003.

D. (6) $2,250.

A. Bill Brier, 1025 Connecticut Avenue NW., Suite 402, Washington, D.C. 20036.

B. CF Industries, Inc./Energy Cooperative, Inc., Salem Lake Drive, Long Grove, Ill. 60047.
D. (6) $500. E. (9) $26.80.

A. Claude S. Brinegar, 461 South Boylston Street, Los Angeles, Calif. 90017.
B. Union Oil Co. of California, 461 South Boylston Street, Los Angeles, Calif. 90017.
D. (6) $1,093.84. E. (9), $1,821.16.

A. Belva B. Brissett, 1771 N Street NW., Washington, D.C. 20036.
B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.
D. (6) $1,406.25. E. (9) $323.50.

A. David A. Brody, Anti-Defamation League of B'nai B'rith, 1640 Rhode Island Avenue NW., Washington, D.C. 20036.
B. Anti-Defamation League of B'nai B'rith, 823 UN Plaza, New York. N.Y. 10017.
D. (6) $1,600.

A. Michael D. Bromberg, 1111 19th Street NW., Suite 402, Washington, D.C. 20036.
B. Federation of American Hospitals, 1111 19th Street NW., Suite 402, Washington, D.C. 20036.
D. (6) $4,500.

A. Henry W. Brook, Nuclear Fuel Services, Inc., Suit 600, 6000 Executive Boulevard, Rockville, Md. 20852.
B. Nuclear Fuel Services, Inc., Suite 600, 6000 Executive Boulevard, Rockville, Md. 20852.

A. Dale E. Brooks, Chevron, U.S.A., Inc., 1700 K Street NW., Washington, D.C. 20006.
B. Chevron, U.S.A., Inc. (a subsidiary of Standard Oil Co. of California), 1700 K Street NW., Washington, D.C. 20006.
D. (6) $300.

A. Phillip W. Brooks, Volunteer State Oil Committee, 18th Floor, Third National Bank Building, Nashville, Tenn. 37219.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $675. E. (9) $659.01.

A. Timothy G. Brosnahan, Burson-Marsteller, 1800 M Street NW., Suite 750 Street, Washington, D.C. 20036.
B. Gould, Inc., Electric Motor Division, 1831 Chestnut Street, St. Louis, Mo. 63166.

A. Daniel T. Bross, United Gas Pipe Line Co., 1101 17th Street NW., Washington, D.C. 20036.
B. United Gas Pipe Line Co., P.O. Box 1478, Houston, Tex. 77001.
D. (6) $957. E. (9) $496.19.

A. Donald G. Brotzman, Rubber Manfacturers Association, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Rubber Manufacturers Association, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $8,000.

A. Charles B. Brown, 900 17th Street NW., Washington, D.C. 20006.
B. Kaiser Aluminum & Chemical Corp., 900 17th Street NW., Washington, D.C. 20006.
D. (6) $277.50. E. (9) $14.50.

A. Charles T. Brown, Cities Services Co., Box 100, Miami. Ariz. 85539.
B. Cities Service Co., Box 100, Miami, Ariz. 85539.

A. David S. J. Brown, Monsanto Co., 1101 17th Street NW., Suite 604, Washington, D.C. 20036.
B. Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166.
D. (6) $450. E. (9) $102.07.

A. Donald K. Brown, 1127 11th Street, Suite 618, Sacramento, Calif. 95814.
B. Summa Corp., P.O. Box 14000, Las Vegas, Nev.

A. Howard Brown, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. American Rivers Conservation Council, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $2,865.

A. J. D. Brown, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. American Public Power Association, 2600 Virgiina Avenue NW., Washington, D.C. 20037.
D. (6) $200.

A. Jesse B. Brown, Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20068.
B. Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20068.

A. Karen H. Brown, 1750 K Street NW., Washington, D.C. 20006.
B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $500.

A. Theoran Brown, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $2,949.74.

A. Brown, Todd & Heyburn, 1600 Citizens Plaza, Louisville, Ky. 40202
B. Brown & Williamson Tobacco Corp., 1600 West Hill Street, Louisville, Ky. 40232.
D. (6) $16,000. E. (9) $893.99.

A. Vincent D. Brown, Nebraska Petroleum Council, P.O. Box 95063, 334 South 13th Street, Lincoln, Nebr. 68509.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $500. E. (9) $893.93.

A. William E. Brown, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich.
D. (6) $178. E. (9) $114.51.

A. Brownstein, Zeidman & Schomer, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B . International Foodservice Manufacturers Association, 875 North Michigan Avenue, Chicago, Ill. 60611.

A. Brownstein, Zeidman & Schomer, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. International Franchise Association, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

A. Brownstein, Zeidman & Schomer, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Mortgage Guaranty Insurance Corp., MGIC Plaza, Milwaukee, Wis. 53201.

A. Brownstein, Zeidman & Schomer, 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.
B. New York City Housing Development Corp., 42 Broadway, 10th Floor, New York, N.Y. 10004.

A. Brownstein, Zeidman & Schomer, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. New York City Urban Development Corp., 1515 Broadway, New York, N.Y. 10036.

A. Richard L. Brubacher, Minnesota Petroleum Council, 300 Northern Federal Building, St. Paul, Minn. 55102.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $1,050. E. (9) $1,625.06.

A. Fred J. Bruner, Indiana & Michigan Electric Co., 2101 Spy Run Avenue, Fort Wayne, Ind. 46801.
B. Indiana & Michigan Electric Co., 2101 Spy Run Avenue, Fort Wayne, Ind. 46801.
D. (6) $1,184. E. (9) $2,033.05.

A. Kathryne M. Bruner, General Atomic Co., 2021 K Street NW., Suite 709, Washington, D.C. 20006.
B. General Atomic Co., San Diego, Calif.
D. (6) $650. E. (9) $25.

A. Michael E. Brunner, American Meat Institute, P.O. Box 3556, Washington, D.C. 20007.
B. American Meat Institute, P.O. Box 3556, Washington, D.C. 20007 (1600 Wilson Boulevard, Arlington, Va.).
D. (6) $3,000. E. (9) $431.70.

A. Robert O. Brunner, National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
D. (6) $242.31.

A. J. Charles Bruse, 1700 Pennsylvania Avenue NW., Suite 750, Washington, D.C. 20006.
B. Allstate Enterprises, Inc., Allstate Plaza, Northbrook, Ill. 60062.

A. J. Charles Bruse, 1700 Pennsylvania Avenue NW., Suite 750, Washington, D.C. 20006.
B. Allstate Insurance Co., Allstate Plaza, Northbrook, Ill. 60062.

A. Harvey F. Brush, 2006 Washington Street, San Francisco, Calif. 94109.
B. Bechtel Inc., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

A. Margaret H. Bryant, American Natural Resources, 1899 L Street NW., Suite 500, Washington, D.C. 20036.
B. American Natural Service Co., 1 Woodward Avenue, Detroit, Mich. 48226.
D. (6) $250.

A. Ronald B. Buckhalt, National Utility Contractors Association, 815 15th Street NW., Suite 838, Washington, D.C. 20005.
B. National Utility Contractors Association, 815 15th Street NW., Suite 838, Washington, D.C. 20005.
D. (6) $1,600. E. (9) $2,667.71.

A. P. N. Buckminster, Chrysler Corp., 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Chrysler Corp., 12000 Lynn Townsend Drive, Highland Park, Mich. 48288.
D. (6) $2,000. E. (9) $1,209.50.

A. Michael W. Buckner, United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.
B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.
D. (6) $1,379.18.

A. Robert D. Buehler, B. F. Goodrich Co., 1800 K Street NW., Suite 929, Washington, D.C. 20006.
B. B. F. Goodrich Co., Akron, Ohio 44318.
D. (6) $400.

A. Douglas W. Bulcao, 1101 Connecticut Avenue NW., Suite 300, Washington, D.C. 20036.

B. American Textile Manufacturers Institute, Inc., 1101 Connecticut Avenue NW., Suite 300, Washington, D.C. 20036.

D. (6) $1,055. E. (9) $33.81.

A. Lawrence E. Burch, 1735 Jefferson Davis Highway, Suite 903, Arlington, Va. 22202.

B. Potato Chip/Snack Food Association, 1735 Jefferson Davis Highway, Suite 903, Arlington, Va. 22202.

A. Norman D. Burch, College of American Pathologists, 1333 New Hampshire Avenue NW., Suite 520, Washington, D.C. 20036.

B. College of American Pathologists, 7400 North Skokie Boulevard, Skokie, Ill. 60077.

D. (6) $5,220. E. (9) $77.

A. David G. Burden, 200 East Randolph Drive, Chicago, Ill. 60601.

B. Standard Oil Co., (Indiana), 200 East Randolph Drive, Chicago, Ill. 60601.

D. (6) $896. E. (9) $1,135.

A. William J. Burhop, Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.

B. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.

D. (6) $1,500.

A. Burke & Burke, 30 Rockefeller Plaza, New York, N.Y. 10020.

B. J. Reynolds Barnes (for Eleanor A. Clark), 111 American Bank Building, 621 Southwest Morrison Street, Portland, Oreg. 97205; John Poinier, 382 Springfield Avenue, Summit, N.J.;

E. (9) $582.72.

A. Duane V. Burke, P.O. Box 1724, Rockville, Md. 20850.

B. National Association of State Lotteries, 1290 Silas Deane Highway, Wethersfield, Conn. 06109.

D. (6) $1,800.

A. J. J. Burke, Jr., 40 East Broadway, Butte, Mont. 59701.

B. Montana Power Co., Butte, Mont. 59701.

A. Burley & Dark Leaf Tobacco Export Association, 1100 17th Street NW., Suite 306, Washington, D.C. 20036.

D. (6) $37,286.13. E. (9) $1,020.95.

A. Phillip C. Burnett, National Cotton Council, 1918 North Parkway, Memphis, Tenn. 38112.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

A. Charles S. Burns, Phelps Dodge Corp., 1015 15th Street NW., Washington, D.C. 20005.

B. Phelps Dodge Corp., 300 Park Avenue New York, N.Y. 10022.

D. (6) $1,200.

A. Gerrie Bjornson Burns, B. F. Goodrich Co., 1800 K Street NW., Suite 929, Washington, D.C.

B. B. F. Goodrich Co., Akron, Ohio 44318.

D. (6) $100.

A. Timothy F. Burns, Chemical Manufacturers Association, 1825 Connecticut Avenue NW., Washington, D.C. 20009.

B. Chemical Manufacturers Association, 1825 Connecticut Avenue NW., Washington, D.C. 20009.

D. (6) $300.

A. James L. Burridge, 13605 Glenhurst Road, Travilah, Md. 20760.

B. FMC Corp., 1627 K Street NW., Washington, D.C. 20006.

D. (6) $1,500. E. (9) $558.66.

A. Theresa Ann Burt, 1010 Vermont Avenue NW., Washington, D.C. 20005.

B. Opera America, 1010 Vermont Avenue NW., Washington, D.C. 20005.

D. (6) $750.01. E. (9) $1,217.37.

A. Demetra D. Burton, Federal National Mortgage Association, 3900 Wisconsin Avenue NW., Washington, D.C. 20016.

B. Federal National Mortgage Association, 3900 Wisconsin Avenue NW., Washington, D.C. 20016.

D. (6) $4,153.55. E. (9) $323.38.

A. John M. Burzio, Hydeman, Mason & Goodell, 1220 19th Street NW., Washington, D.C. 20036.

B. Magazine Publishers Association, Inc., Magazine Center, 575 Lexington Avenue, New York, N.Y. 10022.

D. (6) $1,759.20. E. (9) $159.25.

A. Nicholas J. Bush, Exxon Corp., 1899 L Street NW., Suite 1100, Washington, D.C. 20036.

B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y.

E. (9) $764.87.

A. Gary Bushell, Branscomb & Miller, 1700 Bank & Trust Tower (B&T 129), Corpus Christi, Tex. 78477.

B. Atlantic Richfield Corp., 1601 Bryan Street, Dallas, Tex. 75221.

D. (6) $12,500. E. (9) $6,324.62.

A. Gary Bushell, Branscomb & Miller, 1700 Bank & Trust, B&T 129, Corpus Christi, Tex. 78477.

B. Hawn Bros., 101 North Shoreline, Suite 400, Corpus Christi, Tex. 78401.

D. (6) $7,500. E. (9) $1,221.78.

A. Bushnell, Gage, Reizen & Byington, 1111 19th Street NW., Suite 301, Washington, D.C. 20036.

B. J. Reynolds Barnes (for Eleanor A. Clark), 111 American Bank Building, 621 Southwest Morrison Street, Portland, Oreg. 97205.

D. (6) $3,000. E. (9) $155.02.

A. Business Executives Move for New National Priorities, 901 North Howard Street, Baltimore, Md. 21201.

D. (6) $3,788. E. (9) $987.76.

A. Business Products Council Association, P.O. Box 35047, Fayetteville, N.C. 28303.

E. (9) $1,000.

A. James J. Butera, National Association of Mutual Savings Banks, 1709 New York Avenue NW., Suite 200, Washington, D.C. 20006.

B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.

D. (6) $2,968.75. E. 258.06.

A. Butler, Binion, Rice, Cook & Knapp, 818 Connecticut Avenue NW., Suite 350, Washington, D.C. 20006.

B. City of Philadelphia, 1660 Municipal Services Building, Philadelphia, Pa. 19107.

D. (6) $1,740. E. (9) $699.49.

A. Butler, Binion, Rice, Cook & Knapp, 818 Connecticut Avenue NW., Suite 350, Washington, D.C. 20006.

B. Dorchester Sea 3 Products, Inc., 1300 Main, Houston, Tex. 77002.

E. (9) $24,056.67.

A. Butler, Binion, Rice, Cook & Knapp, 818 Connecticut Avenue NW., Suite 350, Washington, D.C. 20006.

B. Inexco Oil Co., 1100 Milam Building, Suite 1900, Houston, Tex. 77002.

A. David C. Butler, Walgreen Co., 200 Wilmot Road, Deerfield, Ill.

B. Walgreen Co., 200 Wilmot Road, Deerfield, Ill.

A. H. E. Butt Grocery Co., P.O. Box 9216, Corpus Christi, Tex. 78408.

E. (9) $1,225.

A. William Byler & Associates, 111 C Street SE., Washington, D.C. 20003.

B. Colville Indian Tribe, Box 150, Nesptem, Wash. 99155.

E. (9) $16.15.

A. William Byler & Associates, 111 C Street SE., Washington, D.C. 20003.

B. Minnesota Chippewe Tribe, Box 217, Cass Lake, Minn. 56633.

D. (6) $1,400. E. (9) $96.63.

A. Helen B. Byrd, National Parks & Conservation Association, 730 24th Street NW., Apt. 403, Washington, D.C. 20037.

B. National Parks & Conservation Association, 1701 18th Street NW., Washington, D.C. 20009.

A. John W. Byrnes, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Foley, Lardner, Hollabaugh & Jacobs (for American Family Mutual Insurance Co.), 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. John W. Byrnes, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Foley, Lardner, Hollabaugh & Jacobs (for Cabor Corp.), 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. John W. Byrnes, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Foley, Lardner, Hollabaugh & Jacobs (for Insurance Association of Connecticut), 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. John W. Byrnes, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Foley, Lardner, Hollabaugh & Jacobs (for Republic of the Philippines), 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. John F. Byset, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

A. Cable, McDaniel, Bowie & Bond, 900 Blaustein Building, Baltimore, Md. 21201.

B. Crown Central Petroleum Corp., 1 North Charles Stret, P.O. Box 168, Baltimore, Md. 21203.

A. Morrison Cain, 1625 I Street NW., Washington, D.C. 20006.

B. Association of General Merchandise Chains, Inc., 1625 I Street NW., Washington, D.C. 20006.

E. (9) $6,250.

A. Alan Caldwell, 1825 K Street NW., Washington, D.C. 20006.

B. Del Monte Corp., One Market Plaza, San Francisco, Calif. 94119.

D. (6) $1,000. E. (9) $50.

A. Calorie Control Council, 5775 Peachtree-Dunwoody Road, Suite 500–D, Atlanta, Ga. 30342.

D. (6) $6,418. E. (9) $7,342.

A. F. Patricia Callahan, 1211 Connecticut Avenue NW., No. 802, Washington, D.C. 20036.

B. Sears, Roebuck and Co., Sears Tower, Chicago, Ill. 60684.

D. (6) $180. E. (9) $32.10.

A. Peter E. Callanan, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Honeywell, Inc., Honeywell Plaza, Minneapolis, Minn. 55408.
D. (6) $875. E. (9) $400.

A. Camp, Carmouche, Palmer, Barsh & Hunter, 2550 M Street NW., Suite 695, Washington, D.C. 20037.
B. ALCI International, Inc., New York, N.Y.

A. Camp, Carmouche, Palmer, Barsh & Hunter, 2550 M Street NW., Suite 695, Washington, D.C. 20037.
B. Airco, 85 Chestnut Ridge Road, Montvale, N.J. 07950.

A. Camp, Carmouche, Palmer, Barsh & Hunter, 2550 M Street NW., Suite 695, Washington, D.C. 20037.
B. Bechtel Corp., 1620 I Street NW., 20006.

A. Camp, Carmouche, Palmer, Barsh & Hunter, 2550 M Street NW., Suite 695, Washington, D.C. 20037.
B. Cities Service Co., First Place, Box 300, Tulsa, Okla. 74120.

A. Camp, Carmouche, Palmer, Barsh & Hunter, 2550 M Street NW., Suite 695, Washington, D.C. 20037.
B. Committee of Railroad Shippers, 2550 M Street NW., Eighth Floor, Washington, D.C. 20037.

A. Camp, Carmouche, Palmer, Barsh & Hunter, 2550 M Street NW., Suite 695, Washington, D.C. 20037.
B. Conoco, Inc., 1025 Connecticut Avenue NW., Washington, D.C. 20036.

A. Camp, Carmouche, Palmer, Barsh & Hunter, 2550 M Street NW., Suite 695, Washington, D.C. 20037.
B. Occidental Petroleum Corp., 10889 Wilshire Boulevard, Suite 1500, Los Angeles, Calif.

A. Camp, Carmouche, Palmer, Barsh & Hunter, 2550 M Street NW., Suite 695, Washington, D.C. 20037.
B. Olin Corp., 120 Long Ridge Road, Stanford, Conn. 06904.

A. Camp, Carmouche, Palmer, Barsh & Hunter, 2550 M Street NW., Suite 695, Washington, D.C. 20037.
B. PPG Industries, Inc., One Gateway Center, Pittsburgh, Pa. 15222.

A. Camp, Carmouche, Palmer, Barsh & Hunter, 2550 M Street NW., Suite 695, Washington, D.C. 20037.
B. Shell Oil Co., P.O. Box 2463, Houston, Tex. 77001.

A. Camp, Carmouche, Palmer, Barsh & Hunter, 2550 M Street NW., Suite 695, Washington, D.C. 20037.
B. United Gas Pipeline Co., P.O. Box 1478, Houston, Tex. 77001.

A. Camp, Carmouche, Palmer, Barsh & Hunter, 2550 M Street NW., Suite 695, Washington, D.C. 20037.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill. 60601.

A. C. Russell Campbell, Jr., Suite 900, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. General Telephone & Electronics Corp., 1 Stamford Forum, Stamford, Conn. 06904.
D. (6) $1,000. E. (9) $46.92.

A. Carl C. Campbell, 1030 15th Street NW., Suite 700, Washington, D.C. 20005.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

A. Jerry L. Campbell, 831 Chestnut Street, Chattanooga, Tenn. 37402.
B. Tennessee Valley Public Power Association, 831 Chestnut Street, Chattanooga, Tenn. 37402.

A. John E. Campbell, American Hospital Association, 444 North Capitol Street NW., Suite 500, Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $17.44 E. (9) $34.19.

A. Thomas D. Campbell, 1000 16th Street NW., Washington, D.C. 20036.
B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60680.
D. (6) $1,500. E. (9) $114.60.

A. Alyce D. Canaday, Pacific Power and Light Co., 918 16th Street NW., Washington, D.C. 20006.
B. Pacific Power and Light Co., Public Service Building, Portland, Oreg. 97204.
D. (6) $400. E. (9) $587.61.

A. Sharon M. Canavan, Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $2,485. E. (9) $3,579.

A. Paul W. Cane, 5 Corte Alegra, Greenbrae, Calif. 94904.
B. Bechtel Power Corp., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

A. David L. Cantor, 1111 19th Street NW., Ninth Floor, Washington, D.C. 20036.
B. Edison Electric Institute, 1111 19th Street NW., Ninth Floor, Washington, D.C. 20036.
D. (6) $196. E. (9) $47.

A. Marvin H. Caplan, Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $5,038.83. E. (9) $129.05.

A. Caplin & Drysdale, 1101 17th Street NW., Washington, D.C. 20036.
B. American Family Life Assurance Co. of Georgia, P.O. Box 1459, Columbus, Ga. 31902.
D. (6) $9,166. E. (9) $152.50.

A. Caplin & Drysdale, 1101 17th Street NW., Washington, D.C. 20036.
B. Council on Foundations, Inc., 1828 L Street NW., Washington, D.C. 20036.
E. (9) $15.01.

A. Ronald A. Capone, Kirlin, Campbell & Keating, 1150 Connecticut Avenue NW., No. 800, Washington, D.C. 20036.
B. Council of European and Japanese National Shipowners' Association, 17/18 Bury Street, London, EC3A, 5AH England.
D. (6) $16,800. E. (9) $1,885.31.

A. Charles E. Capron, 2401 Calvert Street NW,. Suite No. 905, Washington, D.C. 20008.

A. Arnold P. Caputo, 7600 Tremayne Place, No. 302, McLean, Va. 22101.
B. National Concrete Masonry Association, P.O. Box 781, 2302 Horse Pen Road, Herndon, Va. 22070.
D. (6) $82.50. E. (9) $15.22.

A. Isaac R. Caraco, 4532 Park Monaco, Calabasas Park, Calif. 91302.
B. Bechtel Power Corp., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

A. Norval E. Carey, 2021 K Street NW., Suite 709, Washington, D.C. 20006.
B. General Atomic Co., San Diego, Calif.
D. (6) $1,800. E. (9) $191.72.

A. W. H. Carey, Phillips Petroleum Co., 1825 K Street NW., Suite 1107, Washington, D.C. 20006.
B. Phillips Petroleum Co., Bartlesville, Okla.

A. Chapin Carpenter, Jr., Magazine Publishers Association, 1629 K Street NW., No. 603, Washington, D.C. 20006.
B. Magazine Publishers Association, 575 Lexington Avenue, New York, N.Y. 10022.
D. (6) $1,500.

A. Jack M. Carpenter, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
D. (6) $154.35. E. (9) $26.85.

A. Richard M. Carrigan, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $1,884.34. E. (9) $92.55.

A. John R. Carson, 20 Chevy Chase Circle, Washington, D.C. 20015.
B. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C. 20015.
D. (6) $8,000.

A. Charles S. Carter, Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
B. The Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $52.60. E. (9) $41.99.

A. David C. Carter, 1156 15th Street NW., Suite 1019, Washington, D.C. 20005.
B. U.S. Beet Sugar Association, 1156 15th Street NW., Washington, D.C. 20005.
E. (9) $1,518.

A. Harlon B. Carter, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $1,625.

A. Joseph L. Carter, Jr., Association of American Railroads, 412 First Street SE., Suite 200, Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $388. E. (9) 78.25.

A. James P. Carty, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $425.

A. Donato Caruso, Lorenz, Finn, Giardino & Lambos, 25 Broadway, Suite 1755, New York, N.Y. 10004.
B. New York Shipping Association, Inc., 80 Broad Street, New York, N.Y. 10004.

A. Jim Casey, 1010 16th Street, Suite 700, Washington, D.C. 20036.
B. Amfac Nurseries, Inc., 121 South Hill Drive, Brisbane, Calif. 94005.
D. (6) $2,400. E. (9) $192.

A. Jim Casey, 1010 16th Street NW., Suite 700, Washington, D.C. 20036.
B. City of Virginia Beach, Municipal Center, Virginia Beach, Va. 23456.
D. (6) $200. E. (9) $23.

A. Jim Casey, 1010 16th Street NW., Suite 700, Washington, D.C. 20036.

B. Committee on Power for the Southwest, Inc., 5541 East Skelly Drive, Tulsa, Okla.

D. (6) $2,000. E. (9) $215.

A. Jim Casey, 1010 16th Street NW., Suite 700, Washington, D.C. 20036.

B. Twin Falls Canal Co., P.O. Box 326, Twin Falls, Idaho 93301.

D. (6) $6,000. E. (9) $651.

A. John S. Casey, P.O. Box 266, Heflin, Ala. 36264.

B. Alabama Railroad Association, P.O. Box 21, Montgomery, Ala. 36101.

A. Kathleen Casey, Citizen's Choice, Inc., 1615 H Street NW., Washington, D.C. 20062.

B. Citizen's Choice, Inc., 1615 H Street NW., Washington, D.C. 20062.

D. (6) $5,375.04. E. (9) $275.24.

A. C.A.S.H. (Citizens Against Sugar Hikes), 1012 14th Street NW., Suite 901, Washington, D.C. 20005.

A. James B. Cash, Jr., 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $1,000.

A. Allen R. Caskie, American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.

B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.

D. (6) $75.

A. Eugene I. Casraiss, Jr., United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), 1757 N Street NW., Washington, D.C. 20036.

B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), 8000 East Jefferson Avenue, Detroit, Mich. 48214.

D. (6) $7,441.66. E. (9) $125.05.

A. Daniel J. Cassidy, 1001 Connecticut Avenue NW., Suite 1120, Washington, D.C. 20036.

B. Chemical Specialties Manufacturers Association, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

A. John J. Castellani, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $900. E. (9) $32.25.

A. Rita L. Castle, Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61629.

B. Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61629.

D. (6) $200. E. (9) $83.08.

A. Joseph E. Cavanagh, International Brotherhood of Electrical Workers, 1125 15th Street NW., Washington, D.C. 20005.

B. International Brotherhood of Electrical Workers, AFL–CIO–CLC, 1125 15th Street NW., Washington, D.C. 20005.

D. (6) $2,375.

A. Frank H. Cawley, Agricultural Publishers Association, Inc., P.O. Box 2351, Falls Church, Va. 22042.

B. Agricultural Publishers Association, Inc., P.O. Box 2351, Falls Church, Va. 22042.

D. (6) $200. E. (9) $73.18.

A. Dorothy D. Cecelski, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $4,312.47.

A. Cederberg & Associates, 7100 Sussex Place, Alexandria, Va. 22307.

D. (6) $1,200.

A. CF Industries, Inc./Energy Cooperatives, Inc., Salem Lake Drive, Long Drive, Ill. 60047.

E. (9) $1,000.

A. Owen R. Chaffee, 203 Yoakum Parkway, No. 1012, Alexandria, Va. 22304.

B. Manufacturing Housing Institute, 1745 Jefferson Davis Highway, Suite 511, Arlington, Va. 22202.

D. (6) $1,000.

A. Henry Chajet, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

D. (6) $19.23.

A. R. S. Chamberlin, Dow Chemical, U.S.A., 1800 M Street NW., Suite 700–S, Washington, D.C. 20036.

B. The Dow Chemical Co., Midland, Mich. 48640.

D. (6) $570. E. (9) $620.

A. John A. Chambers, 1050 17th Street NW., Suite 680, Washington, D.C. 20036.

B. Satra Corp., 1211 Avenue of the Americas, New York, N.Y. 10036.

D. (6) $3,200. E. (9) $800.

A. Ed Chandler, 7901 Westpark Drive, McLean, Va. 22102.

B. National Machine Tool Builders' Association, 7901 Westpark Drive, McLean, Va. 22102.

D. (6) $562.50. E. (9) 1,050.

A. J. W. Chandler, York Division, Borg-Warner Corp., 1101 17th Street NW., Washington, D.C. 20036.

B. York Division, Bor-Warner Corp., South Richland Avenue, York, Pa. 17405.

E. (9) $19.

A. William C. Chapman, General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.

D. (6) $3,000. E. (9) $3,944.28.

A. John E. Chapoton, 2100 First City National Bank Building, Houston, Tex. 77002.

B. Vinson & Elkins (for Belco Petroleum Corp., One Dag Hammarskjold Plaza, New York, N.Y. 10017), 2100 First City National Bank Building, Houston, Tex. 77002.

D. (6) $10,000.

A. John E. Chapoton, 2100 First City National Bank Building, Houston, Tex. 77002.

B. Vinson & Elkins (for Domestic Wildcatters Association, 900 First City National Bank Building, Houston, Tex. 77002), 2100 First City National Bank Building, Houston, Tex. 77002.

E. (9) $285.90.

A. John E. Chapoton, 2100 First City National Bank Building, Houston, Tex. 77002.

B. Vinson & Elkins (for Mid-Continent Oil & Gas Association, 1800 K Street NW., Suite 620, Washington, D.C. 20006), 2100 First City National Bank Building, Houston, Tex. 77002.

E. (9) $2,608.23.

A. William A. Chatfield, 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.

B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.

E. (9) $40.11.

A. David F. Chavkin, National Health Law Program, 1424 16th Street NW., Suite 304, Washington, D.C. 20036.

B. National Health Law Program, 2401 Main Street, Santa Monica, Calif. 90405.

D. (6) $3,124.39. E. (9) $3,179.78.

A. Leslie Cheek III, Chum & Forster Corp., 1120 Connecticut Avenue NW., Suite 1142, Washington, D.C. 20036.

B. Crum & Forster Corp., Madison Avenue at Canfield Road, P.O. Box 2387, Morristown, N.J. 07960.

D. (6) $14,500. E. (9) $959.86.

A. Jane Cheever, The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

B. The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

A. Jane Cheever, First National Boston Corp., 100 Federal Street, Boston, Mass. 02110.

B. First National Boston Corp., 100 Federal Street, Boston, Mass. 02110.

A. Chemical Manufacturers Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C. 20009.

D. (6) $5,000. E. (9) $3,000.

A. Chemical Specialties Manufacturers Association, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

A. Chemtex Fibers, Inc., 850 Third Avenue, New York, N.Y. 10022.

A. Children's Rights, Inc., 3443 17th Street NW., Washington, D.C. 20010.

D. (6) $250.60. E. (9) $266.27.

A. Phillip R. Chisholm, National Oil Jobbers Affairs, 1707 H Street, 11th Floor, Washington, D.C. 20006.

B. National Oil Jobbers Council, 1707 H Street, Washington, D.C. 20006.

D. (6) $6,125. E. (9) $423.40.

A. Hal M. Christensen, 1101 17th Street NW., Washington, D.C. 20036.

B. American Dental Association, 1101 17th Street NW., Washington, D.C. 20036.

D. (6) $3,000.

A. Chugach Electric Association, Inc., P.O. Box 3518, Anchorage, Alaska 99501.

E. (9) $76.48.

A. Donald T. Chunn, Route 2, Box 89, Columbia, Tenn. 38401.

B. Title Associates, Inc., Route 2, Box 89, Columbia, Tenn. 38401.

A. James W. Ciarroccki, Natural Gas Supply Association, 1025 Connecticut Avenue NW., Suite 505, Washington, D.C. 20036.

B. Natural Gas Supply Association, 1025 Connecticut Avenue NW., Suite 505, Washington, 20036.

D. (6) $1,012.50. E. (9) $212.91.

A. Citizens Committee for the Right to Keep and Bear Arms, 1601 114th SE., Suite 151, Bellevue, Wash. 98004.

(6) $137,011.95. E. (9) $10,582.69.

A. Citizens for Government Fairness, P.O. Box 1336, Brawley, Calif. 92227.

D. (6) $77,730. E. (9) $73,561.84.

A. Citizens for Management of Alaska Lands, Inc., 840 K Street, Suite 205, Anchorage, Alaska 99501.
D. (6) $174,512.44. E. (9) $103,662.93.

A. Citizen/Labor Energy Coalition, 1300 Connecticut Avenue NW., Room 403, Washington, D.C. 20036.
D. (6) $4,290. E. (9) $2,130.

A. Cladouhos & Brashares, 1750 New York Avenue NW., Washington, D.C. 20006.
B. Ashland Oil, Inc., 1401 Winchester Avenue, Ashland, Ky.

A. Cladouhos & Brashares, 1750 New York Avenue NW., Washington, D.C. 20006.
B. Crown Central Petroleum Corp., One North Charles Street, P.O. Box 1168, Baltimore, Md. 21203.

A. Cladouhos & Brashares, 1750 New York Avenue NW., Washington, D.C. 20006.
B. International Processors, 4100 One Shell Square, New Orleans, La. 70139.

A. Cladouhos & Brashares, 1750 New York Avenue NW., Washington, D.C. 20006.
B. Seaview Petroleum Co., P.O. Box 231, Blue Bell, Penn. 19422.

A. Cladouhos & Brashares, 1750 New York Avenue NW., Washington, D.C. 20006.
B. Toyota Motor Sales, U.S.A., 2055 West 190th Street, Torrance, Calif. 90504.

A. Earl W. Clark, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $1,132.50. E. (9) $98.88.

A. Gilbert M. Clark, 1828 L Street NW., Suite 608, Washington, D.C. 20036.
B American Association of Blood Banks, Suite 608, 1828 L Street NW, Washington, DC. 20036.

A. James W. Clark, Jr., American Optometric Association, 1730 M Street NW., Washington, D.C. 20036.
B. American Optometric Association, c/o Dr. Wendell D. Waldie, 3111 Aloma, Wichita, Kans. 67211.
E. (9) $221.
A. Kimball Clark, Association of American Railroads, 412 First Street SE., Suite 200, Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $364.87. E. (9) $278.54.

A. Richard W. Clark, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $2,750.01.

A. Thomas R. Clark, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
D. (6) $90.

A. Vernon A. Clark, 1899 L Street NW., Suite 403, Washington, D.C. 20036.
B. Outdoor Advertising Association of America, Inc., 1899 L Street NW., Suite 403, Washington, D.C. 20036.
D. (6) $750. E. (9) $305.

A. Donald M. Clarke, International Harvester Co., 1707 L Street NW., Washington, D.C. 20036.
B. International Harvester Co., 1707 L Street NW., Washington, D.C. 20036.
D. (6) $1,250. E. (9) $345.98.

A. Wade P. Clarke, Jr., Deere & Co., John Deere Road, Moline, Ill. 61265.
B. Deere & Co., John Deere Road, Moline, Ill. 61265.

A. Clay Pipe Industry Depletion Committee, P.O. Box 6, Pittsburg, Kans. 66762.
D. (6) $486.19.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Sporting Arms and Ammunition Manufacturers Institute, 420 Lexington Avenue, New York, N.Y. 10017.
D. (6) $561.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Synthetic Organic Chemical Manufacturers Association, 1075 Central Park Avenue, Scarsdale, N.Y. 10583.
D. (6) $281.58. E. (9) $19.30.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Time-Critical Shipment Committee.
E. (9) $36.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Tosco Corp., 10100 Santa Monica Boulevard, Los Angeles, Calif. 90067.

A. Frank Clements, 900 15th Street NW., Washington D.C. 20005.
B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.
D. (6) $1,697.93. E. (9) $771.40.

A. Ronald D. Clements, 1111 19th Street NW., Washington, D.C. 20036.
B. The Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $434. E. (9) $211.

A. Clifford & Warnke, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Avco Corp., 750 Third Avenue, New York, N.Y. 10017.

A. Clifford & Warnke, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Coffee, Sugar & Cocoa Exchange, Inc., Four World Trade Center, New York, N.Y. 10048.
D. (6) $2,920. E. (9) $730.

A. Clifford & Warnke, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Joint Corporate Committee on Cuban Claims, c/o Lone Star Industries, Inc., P.O. Box 5050, Greenwich, Conn., 06830.
D. (6) $900. E. (9) $270.

A. Clifford & Warnke, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Warner-Lambert Co., 201 Tabor Road, Morris Plains, N.J. 07950.

A. Stephen J. Cloud, American Movers Conference, 1117 North 19th Street, P.O. Box 9204, Arlington, Va. 22209.
B. American Movers Conference, 1117 North 19th Street, P.O. Box 9204, Arlington, Va. 22209.
D. (6) $1,131.15. E. (9) $54.75.

A. CNA, CNA Plaza, Chicago, Ill. 60685.
E. (9) $2,000.

A. Coalition of Automotive Associations, 1825 K Street NW., Suite 1103, Washington, D.C. 20006.

A. Thomas B. Coates, Connecticut Petroleum Council, 410 Asylum Street, Hartford, Conn. 06103.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Richard B. Cobb, Petroleum Council of Georgia, 230 Peachtree Street NE., Suite 1500, Atlanta, Ga. 30303.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $468. E. (9) $516.68.

A. The Coca-Cola Bottlers' Association, 166 16th Street NW., Atlanta, Ga. 30318.
E. (9) $96.51.

A. The Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga. 30301.
E. (9) $2,248.81.

A. John J. Coffey, 1700 K Street NW., Washington, D.C. 20006.
B. Chevron U.S.A., Inc., a subsidiary of Standard Oil Co. of California, 1700 K Street NW., Washington, D.C. 20006.
A. (6) $650.

A. David Cohen, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $11,764.40. E. (9) $1,296.26.

A. Cohen and Uretz, 1775 K Street NW., Fourth Floor, Washington, D.C. 20006.
B. Estate of Sylvia S. Buring, 1837 Harbor Avenue, Memphis, Tenn. 38113.
E. (9) $344.86.

A. Cohen and Uretz, 1775 K Street NW., Fourth Floor, Washington, D.C. 20006.
B. Wometco Enterprises, Inc., 306 North Miami Avenue, Miami, Fla. 33138.
D. (6) $7,626. E. (9) $110.36.

A. Herbert B. Cohn, Morgan, Lewis & Bockius, 1800 M Street NW., Washington, D.C. 20036.
B. Committee for Capital Formation Through Dividend Reinvestment.

A. John Colbrunn, 27 Briarwood Place, Colorado Springs, Colo. 80906.
B. United States Cruises, Inc., 2200 Sixth Avenue, Seattle, Wash. 98121.

A. Cole Corette & Bradfield, 1200 17th Street NW., Washington, D.C. 20036.
B. The Chase Manhattan Bank, One Chase Manhattan Plaza, New York, N.Y. 10015.
E. (9) $47.90.

A. Eleanor Cole, UBA, Inc., 1800 M Street NW., 460 South, Washington, D.C. 20036.
B. UBA, Inc., 1800 M Street NW., 460 South, Washington, D.C. 20036.
D. (6) $1,000.

A. E. William Cole, Jr., 1100 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
B. Union Oil Co. of California, 461 South Boylston Street, Los Angeles, Calif. 90017.
D. (6) $900. E. (9) $80.

A. Ken W. Cole, Security Life Building, Denver, Colo. 80202.
B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60601.
D. (6) $506.85. E. (9) $1,217.47.

A. R. Michael Cole, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $7,857.25. E. (9) $182.

A. Robert E. Cole, 1660 L Street NW., Washington, D.C.
B. General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.
D. (6) $2,500. E. (9) $1,821.52.

A. Stacey W. Cole, New Hampshire Petroleum Council, 23 School Street, Concord, N.H. 03301.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. William J. Colley, 2550 M Street NW., Washington, D.C. 20037.

B. Cardio Pulmonary Contractors Association, 2550 M Street NW., Washington, D.C. 20037.

A. William J. Colley, 2550 M Street NW., Washington, D.C. 20037.

B. College of American Pathologists, 7400 North Skokie Boulevard, Skokie, Ill. 60076.

A. William J. Colley, 2550 M Street NW., Washington, D.C. 20037.

B. National Association of Truck Stop Operators, P.O. Box 1285, Alexandria, Va. 22313.

A. William J. Colley, 2550 M Street NW., Washington, D.C. 20037.

B. National Pharmaceutical Alliance, 2550 M Street NW., Washington, D.C. 20037.

D. (6) $7,500.

A. Marvin K. Collie, 2201 First City National Bank Building, Houston, Tex. 77002.

B. Vinson & Elkins (for University of Texas System, 201 West Seventh Street, Austin, Tex. 78701), 2100 First City National Bank Building, Houston, Tex. 77002.

E. (9) $807.49.

A. Calvin J. Collier, Hughes Hubbard & Reed, 1660 L Street NW., Washington, D.C. 20036.

B. Bristol-Myers Co., 345 Park Avenue, New York, N.Y. 10022.

A. Calvin J. Collier, Hughes Hubbard & Reed, 1660 L Street NW., Washington, D.C. 20036.

B. Pfizer, Inc., 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $165. E. (9) $9.25.

A. Collier, Shannon, Rill, Edwards & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.

B. Allegheny Ludlum Industries, Inc., 2 Oliver Plaza, Pittsburgh, Pa. 15222.

A. Collier, Shannon, Rill, Edwards & Scott, 1055 Thomas Jefferson Street, NW., Washington, D.C. 20007.

B. Allied General Nuclear Services, 2120 L Street NW., Suite 245, Washington, D.C. 20037.

A. Collier, Shannon, Rill, Edwards & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.

B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.

A. Collier, Shannon, Rill, Edwards & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.

B. Can Manufacturers Institute, 1625 Massachusetts Avenue NW., Washington, D.C. 20036.

A. Collier, Shannon, Rill, Edwards & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.

B. Fallek-Lankro Corp., 460 Park Avenue, New York, N.Y. 10022.

A. Collier, Shannon, Rill, Edwards & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.

B. Ferrous Scrap Consumers Coalition, 1055 Thomas Jefferson Street NW., D.C. 20007.

A. Collier, Shannon, Rill, Edwards & Scott, 1055 Thomas Jefferson Street NW., Suite 308, Washington, D.C. 20007.

B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.

D. (6) $500.

A. Collier, Shannon, Rill, Edwards & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.

B. Republic of China, Taipai, Taiwan.

A. Collier, Shannon, Rill, Edwards & Scott, 1055 Thomas Jefferson Street NW., Suite 308, Washington, D.C. 20007.

B. Tanners' Council of America, Inc., 411 Fifth Avenue, New York, N.Y. 10016.

D. (6) $1,074.25. E. (9) $84.60.

A. Collier, Shannon, Rill, Edwards & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.

B. Tool & Stainless Steel Industry Committee, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.

A. Collier, Shannon, Rill, Edwards & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.

B. United States Fastener Manufacturing Group, 1505 East Ohio Building, 1717 East Ninth Street, Cleveland, Ohio 44114.

A. Bruce Collins, National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

D. (6) $344. E. (9) $43.47.

A. George R. Collins, IUE—AFL–CIO, 1126 16th Street NW., Washington, D.C. 20036.

B. IUE—AFL–CIO, 1126 16th Street NW., Washington, D.C. 20036.

D. (6) $600. E. (9) $300.

A. Dale S. Collinson, Wilkie Farr & Gallagher, 153 East 53d Street, New York, N.Y.

B. Willkie Farr & Gallagher, 153 East 53d Street, New York, N.Y.

A. Robert B. Collyer, UBA, Inc., 1800 M Street NW., Suite 460 South, Washington, D.C. 20036.

B. UBA, Inc., 1800 M Street NW., 460 South, Washington, D.C. 20036.

D. (6) $1,000.

A. Colorado Railroad Association, 420 Denver Club Building, Denver, Colo. 80202.

D. (6) $1,050. E. (9) $1,034.51.

A. Committee for Capital Formation Through Dividend Reinvestment, 1800 M Street NW., Suite 800–N, Washington, D.C. 20036.

E. (9) $100.

A. Committee for Effective Capital Recovery, 1901 L Street NW., Suite 303, Washington, D.C. 20036.

E. (9) $3,886.25.

A. Committee for Effective Tax Incentives, One Farragut Square South, Eighth Floor, Washington, D.C. 20006.

E. (9) $2,500.

A. Committee for Equality of Citizens Before the Courts, 3401 West Division Street, Chicago, Ill. 60651.

D. (6) $125. E. (9) $396.87.

A. Committee for Humane Legislation, Inc., 2101 L Street NW., Washington, D.C. 20037; 11 West 60th Street, New York, N.Y. 10023.

D. (6) $54,659.86. E. (9) $32,409.30.

A. Committee of Urban Program Universities, 1300 19th Street NW., No. 220, Washington, D.C. 20036.

D. (6) $9,000. E. (9) $9,231.86.

A. Committee To Assure the Availability of Casein, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

E. (9) $5,000.

A. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $1,379,621. E. (9) $306,588.43.

A. Lance Compa, 1411 K Street NW., Suite 410, Washington, D.C. 20005.

B. United Electrical, Radio & Machine Workers of America (UE), 11 East 51st Street, New York, N.Y. 10022.

D. (6) $4,056.32. E. (9) $97.50.

A. Computer & Communications Industry Association, Suite 512, 1500 Wilson Boulevard, Arlington, Va. 22209.

A. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C. 20036.

E. (9) $2,549.10.

A. Congress Watch, 133 C Street SE., Washington, D.C. 20003.

D. (6) $34,049.21. E. (9) $34,713.94.

A. Congressional District Action Committee, Del., 700 Euclid Avenue, Wilmington, Del. 19809.

D. (6) $25. E. (9) $124.33.

A. Congressional District Action Committee, No. 7, Fla., c/o Joe Tomaino, 2735 Ivy Street, Tampa, Fla. 33607.

D. (6) $50. E. (9) $50.

A. Congressional District Action Committee, Md., 23 Cliffview Drive, North East, Md. 21901.

D. (6) $3. E. (9) $13.81.

A. Raymond F. Conkling, Texaco Inc., 1050 17th Street NW., Washington, D.C. 20036.

B. Texaco, Inc., 2000 Westchester Avenue, White Plains, N.Y. 10650.

D. (6) $300.

A. Jeffrey B. Conley, United States Chamber of Commerce, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

D. (6) $1,225.

A. Connecticut Bankers Association, 100 Constitution Plaza, Suite 956, Hartford, Conn. 06103.

A. Robert J. Conner, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Chrysler Corp., 12000 Townsend Drive, Highland Park, Mich. 48288.

D. (6) $500. E. (9) $1,322.93.

A. Stephen N. Conner, Route 1, Box 165, Easton, Md. 21601.

B. Ministry of Foreign Affairs, Kingdom of Saudi Arabia, c/o Royal Embassy of Saudi Arabia, 1520 18th Street NW., Washington, D.C. 20036.

E. (9) $1,499.41.

A. Albert J. Conners, Air Force Sergeants Association Inc., 1608 Pittsfield Lane, Bowie, Md. 20715.

B. Air Force Sergeants Association, Inc., 4235 28th Avenue, Suite 713, Marlow Heights, Md. 20031.

A. John J. Connolly, American Waterways Operators, Inc., 1600 Wilson Boulevard, Suite 1101, Arlington, Va. 22209.

B. American Waterways Operators, Inc., 1600 Wilson Boulevard, Suite 1101, Arlington, Va. 22209.

D. (6) $615.

A. Stephen J. Connolly, 1815 H Street NW., Suite 650, Washington, D.C. 20006.

B. Schwartz & Connolly, Inc. (for Owens-Illinois, Toledo, Ohio) 1815 H Street NW., Suite 650, Washington, D.C. 20006.

D. (6) $6,250. E. (9) $134.72.

A. Jerry C. Connors, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va., 22047.

B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

A. David R. Conrad, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. American Rivers Conservation Council, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $4,049.

A. Consolidated Natural Gas Service Co., Inc., 4 Gateway Center, Pittsburgh, Pa. 15222.

A. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza, Washington, D.C. 20024.

E. (9) $16,416.

A. Constructora Nacional de Carros de Ferrocarril, S.A., San Lorenzo 925, 5° Piso, México 12, D.F. México.

E. (9) $19,382.99.

A. Consumer Federation of America, 1012 14th Street NW., Suite 901, Washington, D.C. 20005.

D. (6) $28,980. E. (9) $12,670.

A. Continental Resources Co., P.O. Box 44, Winter Park, Fla. 32790.

E. (9) $26,997.51.

A. Contract Carrier Conference of American Trucking Associations, Inc., 1730 Rhode Island Avenue NW., Suite 801, Washington, D.C. 20036.

D. (6) $100.

A. Control Data Corp., 500 West Putnam Avenue, Greenwich, Conn. 06830.

E. (9) $232.

A. John T. Conway, American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C.

B. American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C.

D. (6) $9,187.50. E. (9) $360.08.

A. Alexandra W. Cook, Electronic Data Systems Corp., 229 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Electronic Data Systems Corp., 229 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $379.50. E. (9) $419.63.

A. Charles F. Cook, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

D. (6) $171.38. E. (9) $21.50.

A. Frederick N. Cook, Vermont Petroleum Association, P.O. Box 566, Montpelier, Vt. 05602.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $600. E. (9) $321.80.

A. Harry N. Cook, 1130 17th Street NW., Washington, D.C. 20036.

B. National Waterways Conference, Inc.

A. J. Crawford Cook, P.O. Box 50485, Columbia, S.C. 29250.

B. J. Crawford Cook, Inc., for the Kingdom of Saudi Arabia, Riyadh, Saudi Arabia), P.O. Box 50485, Columbia, S.C. 29250.

E. (9) $3,133.38.

A. J. Crawford Cook, Inc., P.O. Box 50485, Columbia, S.C. 29250.

B. The Kingdom of Saudi Arabia, Riyadh, Saudi Arabia.

E. (9) $21,797.

A. K. Richard Cook, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn.

D. (6) $525.

A. Cook, Purcell, Hansen & Henderson, 1735 K Street NW., Suite 200, Washington, D.C. 20006.

B. Aleutian/Pribilof Islands Association, Inc., 1689 C Street, Anchorage, Alaska 99501.

A. Cook, Purcell, Hansen & Henderson, 1735 K Street NW., Suite 200, Washington, D.C. 20006.

B. American Motorcyclist Association, P.O. Box 141, Westerville, Ohio 43081.

D. (6) $193.50.

A. Cook, Purcell, Hansen & Henderson, 1735 K Street NW., Suite 200, Washington, D.C. 20006.

B. Ashland Oil, Inc., P.O. Box 391, Ashland, Ky. 41101.

D. (6) $1,255.

A. Cook, Purcell, Hansen & Henderson, 1735 K Street NW., Suite 200, Washington, D.C. 20006.

B. Bank of Louisville, 500 West Broadway, Louisville, Ky. 40202.

A. Cook, Purcell, Hansen & Henderson, 1735 K Street NW., Suite 200, Washington, D.C. 20006.

B. B.A.T. Industries, Ltd., P.O. Box 345, Windsor House, 50 Victoria Street, London SW1H OWL England.

D. (6) $14,600.

A. Cook, Purcell, Hansen & Henderson, 1735 K Street NW., Suite 200, Washington, D.C. 20006.

B. Consolidated Natural Gas Co., 4 Gateway Center, Pittsburgh, Pa. 15222.

D. (6) $1,000.

A. Cook, Purcell, Hansen & Henderson, 1735 K Street NW., Suite 200, Washington, D.C. 20006.

B. DHL Corp., 411 East Capitol Street, Washington, D.C. 20001.

E. (9) $509.05.

A. Cook, Purcell, Hansen & Henderson, 1735 K Street NW., Suite 200, Washington, D.C. 20006.

B. Federal Express Corp., AMF Box 30167, Memphis, Tenn. 38130.

E. (9) $587.09.

A. Cook, Purcell, Hansen & Henderson, 1735 K Street NW., Suite 200, Washington, D.C. 20006.

B. Harley-Davidson Motor Co., Inc., P.O. Box 652, Milwaukee, Wis. 53201.

D. (6) $925.

A. Cook, Purcell, Hansen & Henderson, 1735 K Street NW., Suite 200, Washington, D.C. 20006.

B. Ohio Valley Improvement Association, Inc., 401 Carew Tower, Cincinnati, Ohio 45202.

D. (6) $1,800.

A. Cook, Purcell, Hansen & Henderson, 1735 K Street NW., Suite 200, Washington, D.C. 20006.

B. Roadway Express, Inc., P.O. Box 471, 1077 Gorge Boulevard, Akron, Ohio 44309.

A. Cook, Purcell, Hansen & Henderson, 1735 K Street NW., Suite 200, Washington, D.C. 20006.

B. St. George Tanaq Corp., c/o Aleutian/Pribilof Islands Association, Inc., 1689 C Street, Anchorage, Alaska 99501.

A. Cook, Purcell, Hansen & Henderson, 1735 K Street NW., Suite 200, Washington, D.C. 20006.

B. Society of American Florists, 901 North Washington Street, Alexandria, Va. 22314.

A. Cook, Purcell, Hansen & Henderson, 1735 K Street NW., Suite 200, Washington, D.C. 20006.

B. Texaco, Inc., 2000 Westchester Avenue, White Plains, N.Y. 10650.

D. (6) $1,643.75.

A. Cook, Purcell, Hansen & Henderson, 1735 K Street NW., Suite 200, Washington, D.C. 20006.

B. Texas Gas Transmission Corp., 3800 Frederica Street, Owensboro, Ky. 42301.

D. (6) $1,000. E. (9) $36.95.

A. Cook, Purcell, Hansen & Henderson, 1735 K Street NW., Suite 200, Washington, D.C. 20006.

B. Tobacco Institute, 1875 I Street NW., Eighth Floor, Washington, D.C. 20006.

D. (6) $6,125.

A. Robert M. Cook, 4900 Oak Street, Kansas City, Mo. 64112.

B. Livestock Marketing Association, 4900 Oak Street, Kansas City, Mo. 64112.

D. (6) $3,000. E. (9) $376.08.

A. Eileen D. Cooke, American Library Association, 110 Maryland Avenue NE., Box 54, Washington, D.C. 20002.

B. American Library Association, 50 East Huron Street, Chicago, Ill. 60611.

D. (6) $951.

A. Benjamin Y. Cooper, Printing Industries of America, Inc., 1730 North Lynn Street, Arlington, Va. 22209.

B. Printing Industries of America, Inc., 1730 North Lynn Street, Arlington, Va. 22209.

D. (6) $1,000. E. (9) $31.80.

A. Edward Cooper, 1600 I Street NW., Washington, D.C. 20006.

B. Motion Picture Association of America, Inc., 1600 I Street NW., Washington, D.C. 20006.

A. Janet Cooper, 1016 16th Street NW., Washington, D.C. 20036.

B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.

D. (6) $811.20. E. (9) $811.20.

A. Joshua W. Cooper, 626 South Lee Street, Alexandria, Va. 22314.

B. Portsmouth-Kittery Armed Services Committee, Inc., Box 1123 Portsmouth, N.H. 03801.

D. (6) $1,579.28. E. (9) $538.53.

A. Mitchell J. Cooper, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

B. Council of Forest Industries, 1055 West Hastings Street, Vancouver 1, Canada.

D. (6) $3,000.

A. Mitchell J. Cooper, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

B. Rubber Manufacturers Association, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $10,500. E. (9) $19.75.

A. Cooperative League of the U.S.A., 1828 L Street NW., Suite 1100, Washington, D.C. 20036.

D. (6) $5,900. E. (9) $875.

A. Darrell Coover, National Association of Independent Insurers, 499 South Capitol Street SW., Suite 401, Washington, D.C. 20003.

B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.
D. (6) $2,000. E. (9) $269.

A. John F. Corcoran, Southern Railway Co., 920 15th Street NW., Washington, D.C. 20005.
B. Southern Railway Co., 920 15th Street NW., Washington, D.C. 20005.
D. (6) $1,000.

A. P. H. Corcoran, Association of Oil Pipe Lines, 1725 K Street NW., Washington, D.C. 20006.
B. Association of Oil Pipe Lines, 1725 K Street NW., Washington, D.C. 20006.

A. Samuel C. Corey, 2500 DeKalb Pike, Norristown, Pa. 19404.
B. Provident Indemnity Life Insurance, 2500 DeKalb Pike, Norristown, Pa. 19404.

A. Bennett J. Corn, Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.
B. Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.

A. Donald E. Cornett, 1899 L Street NW., Suite 1100, Washington, D.C. 20036.
B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y.

A. Richard L. Corrigan, 1015 15th Street NW., No. 802, Washington, D.C. 20005.
B. American Consulting Engineers Council, 1015 15th Street NW., No. 802, Washington, D.C. 20005.
D. (6) $875.

A. Allan D. Cors, Corning Glass Works, 1800 K Street NW., Suite 1104, Washington, D.C. 20006.
B. Corning Glass Works, Corning, N.Y. 14830.
D. (6) $600.

A. R. H. "Dick" Cory, 1510 American Bank Tower, Austin, Tex. 78701.
B. Central & South West Services, Inc., 1 Main Place, Suite 2700, Dallas, Tex. 75250.

A. John E. Cosgrove, Public Employee Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
B. Public Employee Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $13,292.28.

A. Cosmetic, Toiletry & Fragrance Association, Inc., 1133 15th Street NW., Suite 1200, Washington, D.C. 20005.

A. James R. Costello, Jr., American Textile Manufacturers Institute, Inc., 1101 Connecticut Avenue NW., Suite 300, Washington, D.C. 20036.
B. American Textile Manufacturers Institute, Inc., 1101 Connecticut Avenue NW., Suite 300, Washington, D.C. 20036.
D. (6) $500. E. (9) $61.

A. Michael E. Costello, 1660 L Street NW., Suite 901, Washington, D.C. 20036.
B. Texas Eastern Transmission Corp., P.O. Box 2521, Houston, Tex. 77001.
E. (9) $492.47.

A. Diane Costenoble, 815 16th Street NW., Washington, D.C. 20006.
B. Food & Beverage Trades Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $223.70. E. (9) $19.90.

A. Council of State Chambers of Commerce, 499 South Capitol Street SW., Suite 412, Washington, D.C. 20003.
D. (6) $365.17. E. (9) $368.50.

A. Counselors for Management, Inc., 900 17th Street NW., Suite 504, Washington, D.C. 20006.
D. (6) $6,260. E. (9) $6,260.

A. James H. Cousins, National Savings & Loan League, 1101 15th Street NW., Suite 400, Washington, D.C. 20005.
B. National Savings & Loan League, 1101 15th Street NW., Washington, D.C. 20005.
D. (6) $800. E. (9) $270.

A. Douglas Couttee, United Food & Commercial Workers International Union, 1775 K Street NW., Washington, D.C. 20006.
B. United Food & Commercial Workers International Union, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $1,058.50.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. American Association of Oral & Maxillofacial Surgeons, 211 East Chicago Avenue, Chicago, Ill. 60611.
D. (6) $12,000. E. (9) $13.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. American Watch Association, 10 East 40th Street, New York, N.Y. 10016.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Bristol Bay Native Corp., P.O. Box 220, Anchorage, Alaska 99510.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Houdaille Industries, Inc., 1 Financial Plaza, Fort Lauderdale, Fla. 33394.
D. (6) $6,672.50.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Hugo Neu, 380 Madison Avenue, New York, N.Y. 10017; Hugo Neu & Sons, Inc., 380 Madison Avenue, New York, N.Y. 10017.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Interbank Card Association, 888 7th Avenue, New York, N.Y. 10019.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Investment Co., Institute, 1775 K Street NW., Washington, D.C. 20006.
E. (9) $10.50.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Irving Trust Co., 1 Wall Street, New York, N.Y. 10015.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Lydall, Inc., 615 Parker Street, Manchester, Conn. 06040.
D. (6) $1,190. E. (9) $13.10.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. National Committee for Limited Profit Housing, c/o HRH Construction Corp., 515 Madison Avenue, New York, N.Y. 10022.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. New York State Urban Development Corp., 1 Astor Plaza, New York, N.Y. 10036.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Securities Industry Association, 490 L'Enfant Plaza East SE., Washington, D.C. 20024.

A. Eugene S. Cowen, 2759 Unicorn Lane NW., Washington, D.C. 20015.
B. American Broadcasting Co., 1150 17th Street NW., Washington, D.C. 20036.
D. (6) $172.80.

A. Cowper & Madison, 712 Eighth Avenue, Fairbanks, Alaska 99701.
B. State of Alaska, Pouch A, Juneau, Alaska 99811.
D. (6) $4,465.

A. C. Bryan Cox, P.O. Box 139, Kansas City, Mo. 64141.
B. Kansas City Life Insurance Co., P.O. Box 139, Kansas City, Mo. 64141.

A. David H. Cox, 1828 L Street NW., Suite 1111, Washington, D.C. 20036.
B. Jackson, Campbell & Parkinson (for L'Enfant Plaza Properties, Inc.), 1828 L Street NW., Suite 1111, Washington, D.C. 20036.
D. (6) $2,500.

A. Eric Cox, 1011 Arlington Boulevard, Suite W–219, Arlington, Va. 22209.
B. World Federalist Political Education Committee, 600 Valley Road, Wayne, N.J. 07470.
D. (6) $875.01.

A. Kenneth A. Cox, 1150 17th Street NW., Washington, D.C. 20036.
B. MCI Communications Corp., 1150 17th Street NW., Washington, D.C. 20036.
D. (6) $4,431. E. (9) $30.05.

A. R. LaVaun Cox, 180 East First South, Salt Lake City, Utah 84139.
B. Mountain Fuel Supply Co., 180 East First South, Salt Lake City, Utah.
D. (6) $111. E. (9) $648.45.

A. William J. Cox, 1707 L Street NW., No. 400, Washington, D.C. 20036.
B. National Committee for a Human Life Amendment, Inc., 1707 L Street NW., No. 400, Washington, D.C. 20036.
D. (6) $14,220. E. (9) $397.

A. Harold P. Coxson, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
D. (6) $500. E. (9) $50.

A. Cramer & Lipsen, 475 L'Enfant Plaza SW., Suite 4100, Washington, D.C. 20024.
B. National Constructors Association, 1101 15th Street NW., Washington, D.C. 20005.
D. (6) $13,000. E. (9) $433.05.

A. Cramer & Lipsen, 475 L'Enfant Plaza SW., Suite 4100, Washington, D.C. 20024.
B. United States & Overseas Employee Tax Fairness Committee, 1101 15th Street NW., Suite 1000, Washington, D.C. 20005.
D. (6) $1,000. E. (9) $72.69.

A. Charles S. Crawford, Mill & Knowlton, 1425 K Street NW., Washington, D.C. 20005.
B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017 (for Hide Action Program).

A. William D. Crawford, Brotherhood of Railway Carmen of the United States & Canada, 400 First Street NW., Washington, D.C. 20001.
B. Brotherhood of Railway Carmen of the United States & Canada, 4929 Main Street, Kansas City, Mo. 64112.
D. (6) $1,470.

A. Credit Union National Association, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

E. (9) $514.73.

A. Aldene E. Creech, National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.

B. National Association of Realtors, 430 North Michigan Avenue, Chicago, Ill. 60611; 925 15th Street NW., Washington, D.C. 20005.

D. (6) $1,500. E. (9) $108.48.

A. Kathryn Hilton Creech, National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

D. (6) $125.

A. Joseph M. Cribben, 6900 Valley Brook Drive, Falls Church, Va. 22042.

B. United Association of Journeymen & Apprentices of the Plumbing & Pipe Fitting Industry of the United States and Canada, 901 Massachusetts Avenue NW., Washington, D.C. 20001.

D. (6) $1,750. E. (9) $30.

A. Richard E. Cristol, Calorie Control Council, 5775 Peachtree-Dunwoody Road, Suite 500–D, Atlanta, Ga. 30342.

B. Robert H. Kellen Co. (for Calorie Control Council, 5775 Peachtree-Dunwoody Road, Suite 500–D, Atlanta, Ga. 30342), 5775 Peachtree-Dunwoody Road, Suite 500–D, Atlanta, Ga. 30342.

D. (6) $590.

A. Charles H. Critchlow, Lord, Day & Lord, 25 Broadway, New York, N.Y. 10017.

B. Phospate Chemicals Export Association, Inc., 200 Park Avenue, New York, N.Y. 10017.

D. (6) $250. E. (9) $163.

A. Critical Mass Energy Project, 133 C Street SE., Washington, D.C. 20003.

D. (6) $450.63. E. (9) $450.63.

A. P. H. Croft, American Short Line Railroad Association, 2000 Massachusetts Avenue NW., Washington, D.C. 20036.

B. American Short Line Railroad Association, 2000 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $1,325.01. E. (9) $1,398.23.

A. Robert W. Cromartie, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $100.

A. Donald A. Crosier, Nebraska Petroleum Council, P.O. Box 95063, 334 South 13th Street, Lincoln, Nebr. 68509.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. David T. Crow, Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.

B. Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.

D. (6) $5,000. E. (9) $6,506.58.

A. Jack A. Crowder, American Textile Manufacturers Institute, Inc., 1101 Connecticut Avenue NW., Suite 300, Washington, D.C. 20036.

B. American Textile Manufacturers, Inc., 1101 Connecticut Avenue NW., Suite 300, Washington, D.C. 20036.

D. (6) $2,000. E. (9) $51.

A. Crowell & Moring, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Associated Gas Distributors, 1100 Connecticut Avenue NW., Washington, D.C. 22036.

A. Crowell & Moring, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Avon Products, Inc., 9 West 57th Street, New York, N.Y. 10019.

D. (6) $495. E. (9) $20.

A. Crowell & Moring, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Commuter Airline Association of America, Inc., 1101 Connecticut Avenue NW., Washington, D.C. 20036.

A. Crowell & Moring, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Control Data Corp., 6003 Executive Boulevard, Rockville, Md. 20852.

A. Crowell & Moring, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Control Data Corp., 500 West Putnam Avenue, Greenwich, Conn. 06830.

A. Crowell & Moring, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Communications Satellite Corp., 950 L'Enfant Plaza SW., Washington, D.C. 20024.

D.(6) $930. E. (9) $20.

A. Crowell & Moring, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Pacific Southwest Airlines, 3225 North Harbor Drive, San Diego, Calif. 92101.

A. David C. Crowley, 1050 17th Street NW., Suite 770, Washington, D.C. 20036.

B. American Association of Homes for the Aging, 1050 17th Street NW., Suite 770, Washington, D.C. 20036.

D. (6) $450. E. (9) $25.

A. George D. Crowley, Jr., Groom & Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.

B. Bally Manufacturing Corp., 2640 Belmont Avenue, Chicago, Ill. 60618.

A. Cuba Claims Association, Executive Committee, P.O. Box 014004, Miami, Fla. 33101.

E. (9) $15.30.

A. William E. Cumberland, Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.

B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.

D. (6) $588. E. (9) $359.

A. Edward M. Cummins, 1 United Drive, Fenton, Mo. 63026.

B. United Van Lines, Inc., 1 United Drive, Fenton, Mo. 63026.

D. (6) $18,000. E. (9) $1,370.80.

A. Cummins Engine Co., Inc., Columbus, Ind. 47201.

A. John T. Curran, Laborers' International Union of North America, AFL–CIO, 905 16th Street NW., Washington, D.C. 20006.

B. Laborers' International Union of North America, AFL–CIO, 905 16th Street NW., Washington, D.C. 20006.

D. (6) $12,075. E. (9) $119.40.

A. William K. Dabaghi, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $1,075.

A. Fred L. Dehl, 10808 South Glen Road, Potomac, Md. 20854.

B. Bechtel Power Corp., 1620 I Street NW., Washington, D.C. 20006.

A. William Kay Daines, American Retail Federation, Inc., 1616 H Street NW., Washington, D.C. 20006.

B. American Retail Federation, Inc., 1616 H Street NW., Washington, D.C. 20006.

D. (6) $200. E. (9) $6.80.

A. Donald W. Dairymple American Cyanamid Co., Lederle Laboratories & Consumer Products Division, 1575 I Street NW., Suite 220, Washington, D.C. 20006.

B. American Cyanamid Co., (for Lederle Laboratories, Pearl River, N.Y. 100965), Wayne, N.J. 07470.

D. (6) $2,200. E. (9) $255.52.

A. John M. Damgard, ACLI International, Inc., 1735 I Street NW., No. 716, Washington, D.C. 20006.

B. ACLI International, Inc., 717 Westchester Avenue, White Plains, N.Y. 10604.

D. (6) $1,000.

A. Frank C. Damrell, Jr., 5900 Wilshire Boulevard, Suite 2600, Los Angeles, Calif. 90036.

B. Coastal States Gas Corp., 9 Greenway Plaza, Houston, Tex. 77046.

A. Tracy Danese, P.O. Box 529100, Miami, Fla. 33152.

B. Florida Power & Light Co., P.O. Box 529100, Miami, Fla. 33152.

D. (6) $473. E. (9) $264.78.

A. Daniels, Houlihan & Palmeter, 1819 H Street NW., Washington, D.C. 20006.

B. Japan Lumber Importers Association, Tokyo, Japan.

A. Joan E. Dannenbaum, 1707 L Street NW., Suite 515, Washington, D.C. 20036.

B. Association of Media Producers, 1707 L Street NW., Suite 515, Washington, D.C. 20036.

D. (6) $4,000. E. (9) $50.

A. Dan Danner, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Armco, 815 Connecticut Avenue NW., Washington, D.C. 20006.

D. (6) $300. E. (9) $237.22.

A. Law Firm of Danzansky, Dickey, Tydings, Quint & Gordon, 1120 Connecticut Avenue NW., Washington, D. C. 20036.

B. Metropolitan Washington Savings & Loan League, The Washington Building, Washington, D.C.

D. (6) $4,927.60.

A. Law Firm of Danzansky, Dickey, Tydings, Quint & Gordon, 1120 Connecticut Avenue NW., Washington, D. C. 20036.

B. National Railway Utilization Corp., 1100 Center Square East, 1500 Market Street, Philadelphia, Pa. 19102.

D. (6) $1,766.50.

A. Law Firm of Danzansky, Dickey, Tydings, Quint & Gordon, 1120 Connecticut Avenue NW., Washington, D. C. 20036.

B. Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20068.

D. (6) $187.50.

A. William H. Darden, 1620 I Street NW., Washington, D.C. 20006.

B. Reynolds Metals Co., 6601 West Broad Street, Richmond, Va. 23261.

D. (6) $750. E. (9) $30.

A. Diane Davenny Darneille, Schering-Plough Corp., Galloping Hill Road, Kenilworth, N.J. 07033.

B. Schering-Plough Corp., Galloping Hill Road, Kenilworth, N.J., 07033.

D. (6) $111. E. (9) $644.58.

A. F. Gibson Darrison, Jr., 4960 Sentinel Drive, Sumner, Md. 20016.

B. American Chiropractic Association, 2200 Grand Avenue, Des Moines, Iowa 50312.

D. (6) $145. E. (9) $188.

A. Thomas Roger Dart, Alabama Petroleum Council, P.O. Box 4220, Montgomery, Ala. 36101.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $125.73.

A. Philip J. Daugherty, Industrial Union Dept., 815 16th Street NW., Washington, D.C. 20006.

B. Industrial Union Department, 815 16th Street, NW., Washington, D.C. 20006.

D. (6) $5,038.83. E. (9) $201.27.

A. Clarence F. Davan, Jr., Great Western Sugar Co., P.O. Box 5308 T.A., Denver, Colo. 80217.

B. The Great Western Sugar Co., P.O. Box 5308 T.A., Denver, Colo. 80217.

A. John B. Davenport, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $68.

A. Larry C. Davenport Calorie Control Council, 5775 Peachtree-Dunwoody Road, Suite 500–D, Atlanta, Ga., 30342.

B. Robert H. Kellen Co. (for Calorie Control Council, 5775 Peachtree-Dunwoody Road, Suite 500–D, Atlanta, Ga. 30342), 5775 Peachtree-Dunwoody Road, Suite 500–D, Atlanta, Ga. 30342.

D. (6) $660.

A. Daniel I. Davidson, Spiegel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.

B. Northern California Power Agency, (770 Kiely Boulevard, Santa Clara, Calif. 95051), and the cities of Alameda, Biggs, Gridley, Healdsburg, Lodi, Lompoc, Palo Alto, Redding, Roseville, Santa Clara, Ukiah, Calif., and associate member, Plumas-Sierra Rural Electric Cooperative.

A. Charles W. Davis, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.

B. First Chicago Corp., 1 First National Plaza, Chicago, Ill. 60670.

A. Charles W. Davis, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.

B. Inland Steel Co., 30 West Monroe Street, Chicago, Ill. 60603.

A. Charles W. Davis, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.

B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.

D. (6) $2,350.

A. Charles W. Davis, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.

B. Northwest Industries, Inc., 6300 Sears Tower, Chicago, Ill. 60606.

A. Charles W. Davis, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.

B. Peoples Gas Co., 122 South Michigan Avenue, Chicago, Ill. 60603.

D. (6) $1,620.

A. Charles W. Davis, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.

B. Sears, Roebuck & Co., Sears Tower, Chicago, Ill. 60684.

A. Charles W. Davis, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.

B. Trans Union Corp., 90 Half Day Road, Lincolnshire, Ill. 60015.

A. David R. Davis, Indiana Petroleum Council, 714 Harrison Building, Indianapolis, Ind. 46204.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $818.48. E. (9) $809.19.

A. Drew M. Davis, National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.

B. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.

D. (6) $312.13. E. (9) $88.73.

A. Edward M. Davis, American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C. 20006.

B. American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C. 20006.

D. (6) $3,850.01. E. (9) $119.74.

A. Davis, Graham & Stubbs, 2600 Colorado National Building, 950 17th Street, Denver, Colo. 80202; Suite 400, 1300 19th Street NW., Washington, D.C. 20036.

B. John T. Oxley, c/o R. B. Jowell, Route 2, Box 151, Owasso, Okla. 74055.

D. (6) $40.25. E. (9) $215.92.

A. Davis, Graham & Stubbs, 2600 Colorado National Building, 950 17th Street, Denver, Colo. 80202; Suite 400, 1300 19th Street NW., Washington, D.C. 20036.

B. Purgatoire River Water Conservancy District, 430 East Main Street, Trinidad, Colo. 81082.

D. (6) $40.25. E. (9) $215.92.

A. Kenneth E. Davis, 1899 L Street NW., No. 807, Washington, D.C. 20036.

B. Rohm & Haas Co., Independence Mall West, Philadelphia, Pa. 19105.

D. (6) $500. E. (9) $234.38.

A. Ovid R. Davis, Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga. 30301.

B. Coca-Cola, P.O. Drawer 1734, Atlanta, Ga. 30301.

D. (6) $342. E. (9) $524.15.

A. R. Hilton Davis, Chamber of Commerce of the U.S.A., 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the U.S.A., 1615 H Street NW., Washington, D.C. 20062.

D. (6) $333.20. E. (9) $ 22.25.

A. Robert W. Davis, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Ford Motor Co., Dearborn, Mich.

D. (6) $1,300. E. (9) $743.

A. Walter L. Davis, United Food & Commercial Workers International Union, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.

B. United Food & Commercial Workers International Union, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.

D. (6) $750.

A. William Lee Davis, 299 Park Avenue, New York, N.Y. 10017.

B. Westvaco Corp., 299 Park Avenue, New York, N.Y. 10017.

D. (6) $868.47. E. (9) $997.31.

A. P. M. Davison, Jr., North Dakota Railway Lines, 418 East Rosser Avenue, P.O. Box 938, Bismarck, N. Dak. 58501.

B. North Dakota Railway Lines.

E. (9) $1,115.52.

A. Dawson, Riddell, Taylor, Davis & Holroyd, 723 Washington Building, Washington, D.C. 20005.

B. Beneficial Finance Co., Morristown, N.J. 07960.

A. Dawson, Riddell, Taylor, Davis & Holroyd, 723 Washington Building, Washington, D.C. 20005.

B. C.I.T. Financial Corp., 650 Madison Avenue, New York, N.Y. 10022.

A. Dawson, Riddell, Taylor, Davis & Holroyd, 723 Washington Building, Washington, D.C. 20005.

B. Dial Financial Corp., 207 Ninth Street, Des Moines, Iowa 50307.

A. Dawson, Riddell, Taylor, Davis & Holroyd, 723 Washington Building, Washington, D.C. 20005.

B. United States Brewers Association, Inc., 1750 K Street NW., Washington, D.C. 20006.

A. J. Edward Day, 21 Dupont Circle NW., Washington, D.C. 20036.

B. Associated Third Class Users, 1725 K Street NW., Washington, D.C. 20006.

D. (6) $150.

A. J. Edward Day, 21 Dupont Circle NW., Washington, D.C. 20036.

B. Electric Industries Association, Consumer Electronics Group, 2001 I Street NW., Washington, D.C. 20006.

A. John Russell Deane III, 1825 K Street NW., Suite 1103, Washington, D.C. 20006.

B. Coalition of Automotive Associations, 1825 K Street NW., Suite 1103, Washington, D.C. 20006.

A. John Russell Deane III, 1825 K Street NW., Suite 1103, Washington, D.C. 20006.

B. Specialty Equipment Market Association, 11540 East Slauson Avenue, Whittier, Calif. 90606.

A. Deaver & Hannaford, Inc., 2030 M Street NW., No. 403, Washington, D.C. 20036.

B. National Venture Capital Association, 2030 M Street NW., No. 403, Washington, D.C. 20036.

D. (6) $10,500. E. (9) $1,622.68.

A. Robert L. Debo, Missouri Oil Council, 428 East Capitol, Suite 203, Jefferson City, Mo. 65101.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $60.57.

A. Tony T. Dechant, National Farmers Union, Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C. 20005.

B. Farmers' Educational & Co-Operative Union of America (National Farmers Union), Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C. 20005.

D. (6) $7,500. E. (9) $246.32.

A. Mark O. Decker, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $45.

A. Winston M. Decker, 1522 K Street NW., No. 828, Washington, D.C. 20005.

B. American Veterinary Medical Association, 1522 K Street NW., No. 828, Washington, D.C. 20005.

D. (6) $150.

A. Winston M. Decker, 1522 K Street NW., No. 828, Washington, D.C. 20005.

B. Association of American Veterinary Medical Colleges, 1522 K Street NW., No. 828, Washington, D.C. 20005.

A. Frank R. DeGeorge, Paralyzed Veterans of America, 4350 East-West Highway, Suite 900, Washington, D.C. 20014.

B. Paralyzed Veterans of America, 4350 East-West Highway, Suite 900, Washington, D.C. 20014.

D. (6) $28,000.

A. George K. Degnon Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.

B. Association of State & Territorial Health Officials, 1015 15th Street NW., Washington, D.C. 20005.

D. (6) $375.

A. DeHart Associates, Inc., 1505 22d Street NW., Washington, D.C. 20037.

B. Recording Industry Association of America, Inc., 1633 Broadway, New York, N.Y. 10019.

D. (6) $975. E. (9) $36.59.

A. DeHart Associates, Inc., 1505 22d Street NW., Washington, D.C. 20037.

B. University of New Mexico, 152 Scholes Hall, Albuquerque, N. Mex. 87131.

A. John L. Delano, Montana Railroad Association, Box 1172, Helena, Mont. 59601.

B. Montana Railroad Association, Box 1172, Helena, Mont. 59601.

E. (9) $1,171.62.

A. Myra J. DeLapp, 1901 L Street NW., Washington, D.C. 20036.

B. Security Pacific National Bank, 333 South Hope Street, Los Angeles, Calif. 90071.

D. (6) $750. E. (9) $88.

A. Dell, Craighill, Fentress & Benton, 888 17th Street NW., Suite 1200, Washington, D.C. 20006.

B. Lic. Jose Carlos de Saracho Calderon, Union Nacional de Productoras de Hortalizas Bulevard Emiliao Zapata, No. 2, P.O. Box 712 Culiacan, Sinoloa, Mexico.

A. Dell, Craighill, Fentress & Benton, 888 17th Street NW., Suite 1200, Washington, D.C. 20006.

B. The Honorable Louis Barrera Gonzales, Gerente General, Loteria Nacional Para la Asistencia Publica, Plaza de la Reforma, No. 1, Mexico 1, D.F.

A. Dell, Craighill, Fentress & Benton, 888 17th Street NW., Suite 1200, Washington, D.C. 20006.

B. Governor Roberto de la Madrid, Gobernador de Baja California, P.O. Box 286, San Ysidro, Calif. 92073.

A. Dell, Craighill, Fentress & Benton, 888 17th Street NW., Suite 1200, Washington, D.C. 20006.

B. Sr. Jesus Almeida N., Mexican National Confederation of Livestock Producers, 16th Street, No. 3200, Chihuahua, Chihuahua, Mexico.

A. Dell, Craighill, Fentress & Benton, 888 17th Street NW., Suite 1200, Washington, D.C. 20006.

B. The Honorable Santiago Roel, Lomas Atlas, No. 177, Mexico D.F., Z.P. 10.

A. Dell, Craighill, Fentress & Benton, 888 17th Street NW., Suite 1200, Washington, D.C. 20006.

B. Sr. Jorge Diaz Serrano, Director General, PEMEX, Avenida Merino Nacional, No. 329, Edificio No. 1810, 12° Piso, Mexico City 17, D.F.

A. Cartha D. DeLoach, PepsiCo, Inc., 700 Anderson Hill Road, Purchase, N.Y.

B. PepsiCo, Inc., 700 Anderson Hill Road, Purchase, N.Y. 10577.

D. (6) $215.

A. Bradford T. Dempsey, 512 West Maple Avenue, No. 210, Vienna, Va. 22180.

A. George H. Denison, 7315 Wisconsin Avenue, Washington, D.C. 20014.

B. Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20006.

D. (6) $1,950. E. (9) $250.

A. Ray Denison, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $12,432. E. (9) $461.30.

A. John H. Denman, Missouri Oil Council, 428 East Capitol, Suite 203, Jefferson City, Mo. 65101.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $650. E. (9) $445.28.

A. Daniel B. Denning, Gulf Oil Corp., 1025 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.

B. Gulf Oil Corp., P.O. Box 1166, Pittsburgh, Pa. 15230.

A. Wells Denyes, Eastman Chemical Products, Inc., 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Eastman Chemical Products, Inc., P.O. Box 431, Kingsport, Tenn. 37662.

D. (6) $175. E. (9) $11.

A. Department for Professional Employees, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $6,111.81. E. (9) $6,111.81.

A. Derrel B. DePasse, Container Corp. of America, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Container Corp. of America, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $12,000.

A. Desautels Associates, Inc., 1725 K Street NW., Suite 811, Washington, D.C. 20006.

B. Flavor & Extract Manufacturers Association of the United States, 900 17th Street NW., Washington, D.C. 20006.

D. (6) $500.

A. Desautels Associates, Inc., 1725 K Street NW., Suite 811, Washington, D.C. 20006.

B. Merrill Lynch, Pierce, Fenner & Smith, Inc., 1 Liberty Place, New York, N.Y., 10006.

D. (6) $1,000.

A. Desautels Associates, Inc., 175 K Street NW., Suite 811, Washington, D.C. 20006.

B. Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20006.

D. (6) $750.

A. R. Daniel Devlin, Trans World Airlines, Inc., 1000 16th Street NW., Washington, D.C. 20036.

B. Trans World Airlines, Inc., 605 Third Avenue, New York, N.Y. 10016.

D. (6) $365.

A. Ralph B. Dewey, Pacific Gas & Electric Co., 1060 17th Street NW., Suite 1180, Washington, D.C. 20036.

B. Pacific Gas & Electric Co., 77 Beale Street, San Francisco, Calif. 94106.

D. (6) $691.50. E. (9) $1,086.62.

A. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. Airbus Industrie, Avenue Locien Servanty, 31700 Blagnac, France.

E. (9) $12,860.

A. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. European Aerospace Corp., 1101 15th Street NW., Washington, D.C. 20005.

A. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. Government of Morocco, Rabat, Morocco.

D. (6) $3,250. E. (9) $1,676.92.

A. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. Sofreavia, 75 rue la Boetie, Paris 8eme, France.

D. (6) $595.68. E. (9) $7,586.88.

A. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. Thomson-CSF (Division Equipements Avioniques), 178 Boulevard Gabriel Péri, 92240 Malakoff, France.

D. (6) $790. E. (9) $705.

A. Charles J. DiBona, 2101 L Street NW., Washington, D.C. 20037.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $1,875.

A. John M. Dickerman, John Dickerman & Associates, Inc., 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

B. National Lumber & Building Material Dealers Association, 1990 M Street NW., Suite 350, Washington, D.C. 20036.

D. (6) $6,167.34. E. (9) $596.04.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.

B. American Fisheries Defense Committee, 2101 L Street NW., 10th Floor, Washington, D.C. 20037.

D. (6) $5,060.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.

B. Custom Automotive Sound Association, Inc., Suite 1000, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $1,000.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.

B. Holstein-Fresion Association of America; Holstein-Fresion Services, Inc., Suite 2500, 1500 Main Street, Springfield, Mass. 01115.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.

B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C. 20001.

A. Dickstein, Shapiro & Morin, 2101 L Street NW, Washington, D.C. 20037.

B. Marine Engineers Beneficial Association, 444 North Capitol Street, Washington, D.C. 20001.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.

B. National Federation of Societies for Clinical Social Work, 698 West End Avenue, New York, N.Y. 10025.

D. (6) $500.

A. Dickstein, Shapiro & Morin, 2101 L Street NW, Washington, D.C. 20036.

B. Tennessee Gas Transmission Co., P.O. Box 2511, Houston, Tex. 77001.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.

B. United States Tour Operators Association, 1671 Wilshire Boulevard, Los Angeles, Calif. 90017.

A. J. R. Dierker, 1150 17th Street NW., Suite 500, Washington, D.C. 20036.

B. McDonnell Douglas Corp., P.O. Box 516, St. Louis, Mo. 63166.

D. (6) $300. E. (9) $39.30.

A. Paula A. Dilley, Marathon Oil Co., 1800 M Street NW., Washington, D.C. 20036.

B. Marathon Oil Co., Findlay, Ohio 45840.

A. Michael F. Dineen, Lumbermens Mutual Casualty Co., Suite 206, 600 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Lumbermens Mutual Casualty Co., Long Grove, Ill. 60049.

D. (6) $1,800.

A. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky. 41076.

D. (6) $46,189.87. E. (9) $46,189.87.

B. Discover America Travel Organizations, Inc., 1899 L Street NW., Washington, D.C. 20036.

D. (6) $2,008. E. (9) $2,008.

A. J. L. Disque, 556 Morris Avenue, Summit, N.J. 07901.

B. CIBA-GEIGY, Corp., 556 Morris Avenue, Summit, N.J. 07901.

D. (6) $640. E. (9) $489.22.

A. Patsy B. Dix, FAIR, 1330 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Federation for American Immigration Reform, 1330 New Hampshire Avenue NW., Washington, D.C. 20036.

D. (6) $1,700. E. (9) $10.

A. Patrick L. Dobey, 4836 Tampa Circle, Anchorage, Alaska.

B. Alaska Coalition, 580 Seventh Street SE., Washington, D.C. 20003.

A. H. A. Doersam, 517 Powell Drive, Annapolis, Md. 21401.

B. Household Finance Corp., 2700 Sanders Road, Prospect Heights, Ill. 60070.

D. (6) $2,197. E. (9) $1,411.80.

A. Frank Domurad, Public Citizen's Tax Reform Research Group, 133 C Street SE., Washington, D.C. 20003.

B. Public Citizen's Tax Reform Research Group, 133 C Street SE., Washington, D.C. 20003.

D. (6) $600.

A. Leo J. Donahue, 230 Southern Building, Washington, D.C. 20005.

B. American Association of Nurserymen, 230 Southern Building, Washington, D.C. 20005.

A. Richard M. Donaldson, 1700 Guildhall Building, Cleveland, Ohio 44115.

B. Standard Oil Co., Guildhall Building, Cleveland, Ohio 44115.

A. Thomas J. Donohue, Citizen's Choice, Inc., 1615 H Street NW., Washington, D.C. 20062.

B. Citizen's Choice, Inc., 1615 H Street NW., Washington, D.C. 20062.

D. (6) $5,000.10.

A. William J. Donovan, National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.

B. National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.

D. (6) $300. E. (9) $28.35.

A. Francis X. Dooley, 525 School Street SW., Washington, D.C. 20024.

B. American Road & Transportation Builders Association, 525 School Street SW., Washington, D.C. 20024.

D. (6) $3,000. E. (9) $145.

A. Joseph W. Dorn, Kilpatrick & Cody, Suite 400, 2033 K Street NW., Washington, D.C. 20006.

B. Kilpatrick & Cody (for Furniture Rental Association of America), Suite 400, 2033 K Street NW., Washington, D.C. 20006.

A. James A. Dorson, 1750 E Street NW., Washington, D.C.

B. Health Insurance Association of America, Inc., 1750 K Street NW, Washington, D.C.

A. H. Eugene Douglas, 1970 Chain Bridge Road, McLean, Va. 22102.

B. Memorex Corp., San Tomas at Central Expressway, Santa Clara, Calif. 95052.

D. (6) $5,000.

E. (9) $120.

A. Dow, Lohnes & Albertson, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

B. Chicago Metropolitan Higher Education Council, et al.

D. (6) $1,580. E. (9) $116.52.

A. Dow, Lohnes & Albertson, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

B. Hampton Roads Energy Co., and Security Marine Terminal Co.

E. (9) $40.95.

A. John P. Doyle, Jr., Bell Helicopter Textron, 1666 K Street NW., Suite 300, Washington, D.C. 20006.

B. Bell Helicopter Textron, 1666 K Street NW., Suite 300, Washington, D.C. 20006.

D. (6) $2,466. E. (9) $391.36.

A. Robert H. Doyle, 1120 Connecticut Avenue NW., No. 310, Washington, D.C. 20036.

B. Plumbing Manufacturers Institute, P.O. Box 484, Gllen Elyn, Il. 60137.

A. Robert H. Doyle, 1120 Connecticut Avenue NW., No. 310, Washington, D.C. 20036.

B. Water Quality Association, 477 East Butterfield Road, Lombard, Ill. 60148.

A. Robert H. Doyle, 1120 Connecticut Avenue NW., No. 310, Washington, D.C. 20036.

B. Water Systems Council, 221 North La Salle Street, Chicago, Ill. 60601.

D. (6) $175.

A. Nancy Drabble, 133 C Street SE., Washington, D.C. 20003.

B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.

D. (6) $3,750.

A. James E. Drake, American Medical Association, 1776 K Street NW., Washington, D.C. 20006.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.

D. (6) $3,528. E. (9) $115.51.

A. Andrew Drance, Room 402, 2020 North 14th Street, Arlington, Va. 22201.

B. Media General, Inc., 333 East Grace Street, Richmond, Va. 23219.

D. (6) $1,029.96. E. (9) $86.85.

A. Anthony V. Dresden, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 3rd Avenue, New York, N.Y. 10017.

A. Jerome L. Dreyer, 1925 North Lynn Street, Arlington, Va. 22209.

B. ADAPSO, 1925 North Lynn Street, No. 1100, Arlington, Va. 22209.

A. Drinker, Biddle & Reath, 1901 L Street NW., Washington, D.C. 20036.

B. Phoenix Steel Corp., 4001 Philadelphia Pike, Claymont, Del. 19703.

E. (9) $7.50.

A. Kevin J. Driscoll, American Bar Association, 1800 M Street NW., Washington, D.C. 20036.

B. American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637.

D. (6) $400. E. (9) $50.

A. Thomas E. Drumm, Jr., 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

B. Macmillan, Inc., 1730 Rhode Island Avenue NW., Washington, D.C. 20036; 866 Third Avenue, New York, N.Y. 10022.

D. (6) $400. E. (9) $675.

A. Franklin B. Dryden, 1875 I Street NW., Washington, D.C. 20006.

B. The Tobacco Institute, 1875 I Street NW., Washington, D.C. 20006.

A. Evelyn Dubrow, International Ladies' Garment Workers' Union, 1710 Broadway, New York City, N.Y. 10019.

B. International Ladies' Garment Workers' Union, 1710 Broadway, New York City, N.Y. 10019.

D. (6) $8,125. E. (9) $3,679.19.

A. Morgan D. Dubrow, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $150.

A. Henry A. Dudley, 1737 H Street NW., Washington, D.C. 20006.

B. Republic of Turkey, 1606 23d Street NW., Washington, D.C. 20008.

D. (6) $6,300. E. (9) $726.66.

A. Mary Jane C. Due, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

D. (6) $154.92.

A. Thomas J. Duffy, Duffy & Jordan, 7 South Dearborn, Chicago, Ill.

B. Soap & Detergent Association, 475 Park Avenue South at 32d Street, New York, N.Y.

A. Francis J. Duggan, Association of American Railroads, 412 First Street SE., Suite 200, Washington, D.C. 20003.

B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.

D. (6) $367.81. E. (9) $269.87.

A. Mervin E. Dullum, 1629 K Street NW., Room No. 204, Washington, D.C. 20006.

B. Delta Air Lines, Inc., Hartsfield Atlanta International Airport, Atlanta, Ga. 30320.

D. (6) $200. E. (9) $48.60.

A. Duncan, Weinberg, Palmer & Miller, 1775 Pennsylvania Avenue NW., No. 1200, Washington, D.C. 20006.

B. "Delaware 5".

A. Duncan, Weinberg, Palmer & Miller, 1775 Pennsylvania Avenue NW., No. 1200, Washington, D.C. 20006.

B. East Bay Regional Park District, 11500 Skyline Boulevard, Oakland, Calif. 94169.

A. Duncan, Weinberg, Palmer & Miller, 1775 Pennsylvania Avenue NW., No. 1200, Washington, D.C. 20006.

B. Buron-Clinton, 3050 Penobscot, Detroit, Mich. 48226.

A. Duncan, Weinberg, Palmer & Miller, 1775 Pennsylvania Avenue NW., No. 1200, Washington, D.C. 20006.
B. Iva May Harvey, Route 7, Box 117, Blythe, Calif. 92225.

A. Duncan, Weinberg, Palmer & Miller, 1775 Pennsylvania Avenue NW., No. 1200, Washington, D.C. 20006.
B. Kenai Natives Association, Inc., P.O. Box 1210, Wildwood Kenai, Alaska 99611.

A. Duncan, Weinberg, Palmer & Miller, 1775 Pennsylvania Avenue NW., No. 1200, Washington, D.C. 20006.
B. Adolph Kizas, 2633 Fort Farnsworth Road, Alexandria, Va. 22303.

A. Duncan, Weinberg, Palmer & Miller, 1775 Pennsylvania Avenue NW., No. 1200, Washington, D.C. 20006.
B. Koniag, Inc., P.O. Box 746, Kodiak, Alaska.
D. (6) $127.50. E. (9) $3.50.

A. Duncan, Weinberg, Palmer & Miller, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Mid-West Consumers, P.O. Box 5089, Evergreen, Colo.

A. Duncan, Weinberg, Palmer & Miller, 1775 Pennsylvania Avenue NW., No. 1200, Washington, D.C. 20006.
B. Western Fuels Association, Inc., 1835 E Street NW., Suite 412, Washington, D.C. 20006.

A. James W. Dunlop, The Brooklyn Union Gas Co., 195 Montague Street, Brooklyn, N.Y. 11201.
B. The Brooklyn Union Gas Co., 195 Montague Street, Brooklyn, N.Y. 11201.

A. Douglas G. Dunn, Northern Natural Gas Co., 1015 15th Street NW., Suite 900, Washington, D.C. 20005.
B. Northern Natural Gas Co., 2223 Dodge Street, Omaha, Nebr. 68102.
D. (6) $1,500.

A. Mari Lee Dunn, American Council for Capital Formation, 1919 Pennsylvania Avenue, NW. Washington, D.C. 20006.
B. American Council for Capital Formation, 1919 Pennsylvania Avenue, NW, Washington, D.C. 20006.

A. James A. Dupree, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich. 48121.
D. (6) $1,625. E. (9) $1,222.40.

A. Joseph L. Duran, First National Bank of Boston, 100 Federal Street, Boston, Mass. 22110.
B. First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

A. L. L. Duxbury, Burlington Northern, Inc., 413 New Jersey Avenue SE., Washington, D.C. 20003.
B. Burlington Northern, Inc., 176 East Fifth Street, St. Paul, Minn. 55101.
D. (6) $5,000. E. (9) $2,477.44.

A. Jean F. Dye, 12700 Lake Avenue, Lakewood, Ohio 44107.
B. National Congress of Parents & Teachers, 700 North Rush Street, Chicago, Ill. 60611.

A. Dennis J. Earhart, 1753 Euclid Street NW., Washington, D.C. 20009.
B. Bonneville Associates, Inc. (for The Western Regional Council), 200 East South Temple, Suite 300, Salt Lake City, Utah 84111.
D. (6) $5,677.50.

A. Jack D. Early, The Madison Building, Suite 514, 1155 15th Street NW., Washington, D.C. 20005.
B. National Agricultural Chemicals Association, 1155 15th Street NW., Suite 514, Washington, D.C. 20005.
D. (6) $25. E. (9) $5.25.

A. Roy W. Easley, Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.

A. East-West Trade Council, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $500. E. (9) $10.20.

A. Patricia S. Ebaugh, 1730 Rhode Island Avenue NW., Suite 612, Washington, D.C. 20036.
B. St. Joe Minerals Corp., 250 Park Avenue, New York, N.Y. 10017.
D. (6) $1,375. E. (9) $79.39.

A. Donald R. Ebe, 1800 K Street NW., Suite 800, Washington, D.C. 20036.
B. The Goodyear Tire & Rubber Co., Akron, Ohio 44316.
D. (6) $1,500.

A. Robert E. Ebel, ENSERCH Corp., 1025 Connecticut Avenue NW., Suite 1014, Washington, D.C.
B. ENSERCH Corp., 301 South Harwood Street, Dallas, Tex. 75201.
D. (6) $1,450. E. (9) $930.

A. Harold F. Eberle, 1120 19th Street NW., Washington, D.C. 20036.
B. Independent Insurance Agents of America, 85 John Street, New York, N.Y. 10038.
D. (6) $14,528.43

A. Linda Ebner, National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $537.

A. N. Boyd Ecker, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $1.500 E. (9) $62.65.

A. Jack Eckerd Corp., P.O. Box 4689, Clearwater, Fla. 33518.

A. Daniel J. Edelman, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Optical Manufacturers Association, Rosslyn, Va.

A. Edelman International Corp., 1730 Pennsylvania Avenue NW., No. 460, Washington, D.C. 20006.
B. DGA International, 1225 19th Street NW., Washington, D.C. 20036 (for Airbus Industrie, 31700 Blangnac, Toulouse, France).
D. (6) $12,860.

A. Edelman International Corp., 1730 Pennsylvania Avenue NW., No. 460, Washington, D.C. 20008.
B. Government of Turkey/Embassy of Turkey, 1606 23d Street NW., Washington, D.C. 20008.
D. (6) $21,300. E. (9) $14,279.08.

A. Edelman International Corp., 1730 Pennsylvania Avenue NW., No. 460, Washington, D.C. 20008.
B. Mitsubishi Bank, Ltd., 115 South LaSalle Street, Chicago, Ill. 60603.
D. (6) $10,025. E. (9) $76.95.

A. Edelman International Corp., 1730 Pennsylvania Avenue NW., No. 460, Washington, D.C. 20008.
B. DGA International, 1225 19th Street NW., Washington, D.C. 20036 (for Sofreavia, 75 Rue La Boetie, 75008 Paris, France).
D. (6) $7,500.

A. William R. Edgar, 1025 Connecticut Avenue NW., Suite 517, Washington, D.C. 20036.
B. General Aviation Manufacturers Association, 1025 Connecticut Avenue NW., Suite 517, Washington, D.C. 20036.
D. (6) $2,451.92.

A. Helen H. Edge, Railway Progress Institute, 700 North Fairfax Street, Alexandria, Va. 22314.
B. Railway Progress Institute, 700 North Fairfax Street, Alexandria, Va. 22314.
D. (6) $302.19.

A. Arthur B. Edgeworth, Jr., 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.
D. (6) $4,150.

A. Edison Electric Institute, 1111 19th Street NW., Ninth Floor, Washington, D.C. 20036.
D. (6) $10,880.52. E. (9) $51,307.87.

A. Stephen L. Edmiston, Disabled American Veterans, 807 Maine Avenue SW., Washington, D.C. 20024.
B. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky. 41076.
D. (6) $6,079.

A. Jonathan W. Edwards, Ribbon Sports, Inc., 507 Second Street NE., Washington, D.C. 20002.
B. Blue Ribbon Sports, Inc., 3900 Southwest Murray Boulevard, Beaverton, Oreg. 97005.

A. Jonathan W. Edwards, Confederated Tribes of Warm Springs, 507 Second Street NE., Washington, D.C. 20002.
B. The Confederated Tribes of Warm Springs, Warm Springs, Oreg. 07761.

A. Jonathan W. Edwards, Navajo Nation, 507 Second Street NE., Washington, D.C. 20002.
B. The Navajo Nation, Window Rock, Ariz. 86515.

A. Jonathan W. Edwards, Portland General Electric Co., 507 Second Street NE., Washington, D.C. 20002.
B. Portland General Electric Co., 121 Southwest Salmon Street, Portland, Oreg. 97204.

A. Macon T. Edwards, 1030 15th Street NW., Suite 700, Washington, D.C. 20005.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $687.50. E. (9) $17.94.

A. Stephen R. Effros, Suite 720, 1825 K Street NW., Washington, D.C. 20006.
B. Community Antenna Television Association, Inc., Suite 106, 4209 Northwest 23d Street, Oklahoma City, Okla. 73107.
D. (6) $9,000. E. (9) $1,050.

A. H. Brent Egbert, 1800 K Street NW., Suite 920, Washington, D.C. 20006.
B. BankAmerica Corp., Bank of America Center, San Francisco, Calif.
D. (6) $552.30. E. (9) $368.26.

A. J. C. B. Ehringhaus, Jr., 1875 I Street NW., Washington, D.C. 20006.

B. The Tobacco Institute, 1875 I Street NW., Washington, D.C. 20006.

A. Sara Ehrman, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.

B. American Israel Public Affairs Committee, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.

D. (6) $7,875.

A. Timothy L. Elder, Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61629.

B. Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61629.

D. (6) $250. E. (9) $425.

A. Electronic Data Systems Corp., 229 Pennsylvania Avenue SE., Washington, D.C. 20003.

E. (9) $2,072.07.

A. George K. Eliades, Society of American Wood Preservers, Inc., 1401 Wilson Boulevard, Suite 205, Arlington, Va. 22209.

B. Society of American Wood Preservers, Inc., 1401 Wilson Boulevard, Suite 205, Arlington, Va. 22209.

D. (6) $250. E. (9) $410.

A. J. Burton Eller, Jr., 425 13th Street NW., Suite 1020, Washington, D.C. 20004.

B. National Cattlemen's Association, 1001 Lincoln Street, Denver, Colo. 80203.

D. (6) $1,000. E. (9) $18.10.

A. Charles W. Elliott, Wisconsin Petroleum Council, 25 West Main Street, Room 703, Madison, Wis. 53703.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $75. E. (9) $252.20.

A. John Doyle Elliott, 5500 Quincy Street, Hyattsville, Md. 20784.

E. (9) $35.93.

A. Steven G. Ellis, 1800 M Street NW., Suite 750 South, Washington, D.C. 20036.

B. Burson-Marsteller (for Superior Ball Division, Lydall, Inc.), 1800 M Street NW., Suite 750 South, Washington, D.C. 20036.

A. Perry R. Ellsworth, National Council of Agricultural Employers, 435 Southern Building, 15th and H Streets NW., Washington, D.C. 20005.

B. National Council of Agricultural Employers, 435 Southern Building, 1425 H Street NW., Washington, D.C. 20005.

D. (6) $1,500. E. (9) $4.

A. Roy Elson, 1771 N Street NW., Washington, D.C. 20036.

B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.

D. (6) $4,200. E. (9) $1,500.

A. Joseph T. Elvove, P.O. Box 5039, Hilton Head Island, S.C. 29928.

B. Publicker Industries, Inc., 77 West Putnam Avenue, Greenwich, Conn. 06830.

D. (6) $10,650. E. (9) $6,292.02.

A. Law offices of Northcutt Ely, Watergate 600 Building, Washington, D.C. 20037.

B. Ocean Mining Associates, Gloucester Point, Va.

D. (6) $6,000.

A. Carl F. Emde, Air Products & Chemicals, Inc., 1800 K Street NW., Suite 1016, Washington, D.C. 20006.

B. Air Products & Chemicals, Inc., P.O. Box 538, Allentown, Pa. 18105.

A. John W. Emeigh, National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

A. Emergency Committee for American Trade, 1211 Connecticut Avenue NW., Suite 801, Washington, D.C. 20036.

D. (6) $8,321.13. E. (9) $6,071.73.

A. Emerson Electric Co., 8100 Florissant, St. Louis, Mo. 63136.

E. (9) $3,445.98.

A. William Emerson, Suite 800, 2030 M Street NW., Washington, D.C. 20036.

B. TRW, Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117.

D. (6) $1,000.

A. Employee Relocation Council, 1627 K Street NW., Suite 600, Washington, D.C. 20006.

E. (9) $17,959.93.

A. Lowell J. Endahl, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $235.

A. Energy Action Educational Foundation, 1523 L Street NW., No. 302, Washington, D.C. 20005.

D. (6) $480. E (9) $591.21.

A. Energy Consumers and Producers Association, P.O. Box 1726, Seminole, Okla. 74868.

D. (6) $20,987.57. E. (9) $20,987.57.

A. Ralph Engel, 1001 Connecticut Avenue NW., Suite 1120, Washington, D.C. 20036.

B. Chemical Specialties Manufacturers Association, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

A. Patricia Hanahan Engman, 1155 15th Street NW., Washington, D.C. 20005.

B. Bristol-Myers Co., 345 Park Avenue, New York, N.Y. 10022.

D. (6) $600.

A. M. Dale Ensign, 1800 M Street NW., Suite 295, Washington, D.C. 20036.

B. Husky Oil Co., P.O. Box 380, Cody, Wyo. 82414.

D. (6) $500. E. (9) $117.55.

A. James R. Enyart, 1101 17th Street NW., Suite 604, Washington, D.C. 20036.

B. Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166.

D. (6) $500.

A. Vickie L. Erickson, 1750 K Street NW., Washington, D.C. 20006.

B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.

D. (6) $600.

A. Mary Ann Eriksen, 800 West First Street, Los Angeles, Calif. 90012.

B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.

D. (6) $2,250. E. (9) $1,005.

A. John M. Erskine, Jr., P.O. Box 3092, Houston, Tex. 77001.

B. Standard Oil Co. (Indiana), P.O. Box 3092, Houston, Tex. 77001.

D. (6) $3,250. E. (9) $1,461.01.

A. George T. Esherick, United States Steel Corp., 818 Connecticut Avenue NW., Washington, D.C. 20006.

B. United States Steel Corp., 600 Grant Street, Pittsburgh, Pa. 15230.

D. (6) $260. E. (9) $57.

A. Ethyl Corp., 1155 15th Street NW., Suite 611, Washington, D.C. 20005.

E. (9) $800.

A. Joseph O. Evans, 4401 Lee Highway, Apt. 21, Arlington, Va. 22207.

A. Robert D. Evans, American Bar Association, 1800 M Street NW., Washington, D.C. 20036.

B. American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637.

D. (6) $400. E. (9) $50.

A. Robert R. Fahs, Cargill, Inc., 1050 17th Street NW., 12th Floor, Washington, D.C. 20036.

B. Cargill, Inc., P.O. Box 9300, Minneapolis, Minn. 55440.

A. Dale W. Fallat, First Federal Building, 5740 Southwyck Boulevard, Toledo, Ohio 43614.

B. The Andersons, P.O. Box 119, Maumee, Ohio 43537.

D. (6) $2,250. E. (9) $400.

A. Families Associated for Inalienable Rights, Inc., 1101 Connecticut Avenue NW., No. 800, Washington, D.C. 20006.

D. (6) $3,586.50. E. (9) $3,334.74.

A. Far West Ski Association, 3325 Wilshire Boulevard, Suite 1304, Los Angeles, Calif. 90010.

E. (9) $674.80.

A. Thomas B. Farley II, 2101 L Street NW., Washington, D.C. 20037.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $5,250. E. (9) $127.40.

A. The Farmers' Educational and Co-Operative Union of America, Denver, Colo. 80251, 1012 14th Street NW., Washington, D.C. 20005.

D. (6) $74,060. E. (9) $56,807.31.

A. Robert S. Faron, LeBoeuf, Lamb, Leiby & MacRae, 1333 New Hampshire Avenue NW., Washington, D.C.

B. LeBoeuf, Lamb, Leiby & MacRae, 1333 New Hampshire Avenue NW., Washington, D.C.; 140 Broadway, New York, N.Y.

A. John W. Farquhar, 1750 K Street NW., Washington, D.C. 20006.

B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.

D. (6) $1,500.

A. Dolores L. Farr, American Nurses' Association, 1030 15th Street NW., Washington, D.C. 20005.

B. American Nurses' Association, 2420 Pershing Road, Kansas City, Mo. 64108.

D. (6) $2,640. E. (9) $134.02.

A. Penelope S. Farthing, 1700 Pennsylvania Avenue NW., Suite 750, Washington, D.C. 20006.

B. Allstate Enterprises, Inc., Allstate Plaza, Northbrook, Ill. 60062.

A. Penelope S. Farthing, 1700 Pennsylvania Avenue NW., Suite 750, Washington, D.C. 20006.

B. Allstate Insurance Cos., Allstate Plaza, Northbrook, Ill. 60062.

A. R. Roy Fausset, 1050 17th Street NW., No. 301, Washington, D.C. 20036.

B. Freeport Minerals Co., 200 Park Avenue, New York, N.Y. 10017.

D. (6) $250.

A. Clinton Fawcett, Coastal States Gas Corp., Nine Greenway Plaza, Houston, Tex., 77046.

B. Coastal States Gas Corp., Nine Greenway Plaza, Houston, Tex. 77046.

D. (6) $1,375. E. (9) $95.

A. Jane Fawcett-Hoover, 1801 K Street NW., Suite 230, Washington, D.C. 20006.

B. The Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio 45202.

A. Federation for American Immigration, Reform, 1330 New Hampshire Avenue NW., Washington, D.C.

D. (6) $4,374.30. E. (9) $4,226.40.

A. Federation of American Controlled Shipping, 17 Battery Place North, New York, N.Y. 10004.

D. (6) $2,703.22. E. (9) $2,703.22.

A. Federation of American Hospitals, 1111 19th Street NW., Suite 402, Washington, D.C. 20036.

D. (6) $7,650. E. (9) $7,650.

A. Federation of American Scientists, 307 Massachusetts Avenue NE., Washington, D.C. 20002.

E. (9) $2,076.08.

A. John W. Feist, 900 17th Street NW., No. 1016, Washington, D.C. 20006.

B. Kaiser Steel Corp., 900 17th Street NW., No. 1016, Washington, D.C. 20006.

D. (6) $504.

A. Lois M. Felder, United Food and Commercial Workers International Union, 1775 K Street NW., Washington, D.C. 20006.

B. United Food and Commercial Workers International Union, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.

D. (6) $904.88.

A. Fellowship Square Foundation, Inc., 11450 North Shore Drive, Reston, Va. 22090.

A. Kenneth E. Feltman, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $400.

A. Bernard Fensterwald, Jr., 2101 L Street NW., Suite 203, Washington, D.C. 20037.

B. Committee for Humane Legislation, Inc., 11 West 60th Street, New York, N.Y. 10023.

D. (6) $6,000. E. (9) $1,937.72.

A. Bernard Fensterwald, Jr., 2101 L Street NW., Suite 203, Washington, D.C. 20037.

B. National Nutritional Foods Association, 7727 South Painter Avenue, Whittier, Calif. 90602.

D. (6) $3,000. E. (9) $356.42.

A. Edward T. Fergus, Bache Halsey Stuart Shields, Inc., 100 Gold Street, New York, N.Y. 10038.

B. Bache Halsey Stuart Shields, Inc., 100 Gold Street, New York, N.Y. 10038.

D. (6) $700.

A. James H. Ferguson, American Society for Personnel Administration, 1625 I Street NW., Suite 926, Washington, D.C. 20006.

B. American Society for Personnel Administration, 30 Park Drive, Berea, Ohio 44017.

D. (6) $5,000. E. (9) $1,626.

A. Vincent J. Ferri, 444 North Capitol Street NW., No. 820, Washington, D.C. 20001.

B. Professional Air Traffic Controllers Organization, 444 North Capitol Street NW., No. 820, Washington, D.C. 20001.

A. Manuel D. Fierro, 1155 15th Street NW., Washington, D.C. 20005.

B. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.

D. (6) $4,000. E. (9) $99.50.

A. Herbert A. Fierst, 610 Ring Building, 1200 18th Street NW., Washington, D.C. 20036.

B. Council of Forest Industries of British Columbia, 1500–1055 West Hastings Street, Vancouver V6E 2H1, British Columbia, Canada.

D. (6) $10,625.01. E. (9) $327.50.

A. Stanley R. Fike, 511 Boston Avenue, Takoma Park, Md. 20012.

B. Fike Metal Products Corp., Blue Springs, Mo. 64015; Fike Chemicals, Inc., Box 546, Nitro, W. Va.

D. (6) $450.

A. Stanley S. Fine, Suite 402, 22 Light Street, Baltimore, Md. 21202.

B. Scientific Games Development Corp., 2625 Cumberland Parkway NW., Atlanta, Ga. 30339.

E. (9) $5.

A. Paul E. Finger, 2027½ O Street NW., Washington, D.C. 20036.

B. Manufactured Housing Institute, 1745 Jefferson Davis Highway, Suite 511, Arlington, Va. 22202.

A. Matthew P. Fink, Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.

B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.

A. Sheldon I. Fink, Sonnenschein Carlin Nath & Rosenthal, 8000 Sears Tower, Chicago, Ill. 60606.

B. First Wisconsin Mortgage Trust, 233 South Wacker Drive, Chicago, Ill. 60606.

D. (6) $4,275. E. (9) $396.09.

A. Thomas D. Finnigan, Union Carbide Corp., 1730 Pennsvlvania Avenue NW., Washington, D.C. 20006.

B. Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017.

E. (9) $57.52.

A. M. J. Fiocco, 1909 K Street NW., S–410, Washington, D.C. 20006.

B. National Industrial Traffic League, 1909 K Street NW., S–410, Washington, D.C. 20006.

D. (6) $1,062.50. E. (9) $42.75.

A. Laurie Ann Fiori, National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

D. (6) $282.69. E. (9) $88.

A. Firearms Lobbv of America, 325 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $7,238.30. E. (9) $7,872.88.

A. First Class Mailers Association, 1101 New Hampshire Avenue NW., Suite 107, Washington, D.C. 20037.

E. (9) $36.

A. First Congressional District Action Committee of Rhode Island, 6 Maxfield Court, Barrington, R.I. 02806.

D. (6) $1,010. E. (9) $796.31.

A. First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

E. (9) $11,573.92.

A. First National Boston Corp., 100 Federal Street, Boston, Mass. 02110.

A. Michael D. Fischer, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Foley, Lardner, Hollabaugh & Jacobs (for Republic of the Philippines), 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Richard L. Fischer, 1000 16th Street NW., Suite 500, Washington, D.C. 20036.

B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60680.

D. (6) $336.

A. Five Freedoms, Inc., P.O. Box 656, Columbia, Md. 21045.

A. Hilliard J. Fjord, 602 Main Street, Suite 600, Cincinnati, Ohio 45202.

B. The Ohio River Co., 580 Walnut Street, Cincinnati, Ohio 45202.

D. (6) $1,500. E. (9) $296.10.

A. Susan G. Flack, American Retail Federation, Inc., 1616 H Street NW., Washington, D.C. 20006.

B. American Retail Federation, Inc., 1616 H Street NW., Washington, D.C. 20006.

D. (6) $2,000. E. (9) $51.25.

A. Daniel V. Flanagan, Jr., 1801 K Street NW., Suite 221, Washington, D.C. 20006.

B. Southern Pacific Co., One Market Plaza, San Francisco, Calif. 94105.

D. (6) $5,000. E. (9) $955.37.

A. James J. Flanagan, New England Power Service Co., 25 Research Drive, Westborough, Mass. 01581.

B. New England Power Service Co., 25 Research Drive, Westborough, Mass. 01581.

D. (6) $1,216.32. E. (9) $188.05.

A. M. Kendall Fleeharty, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

D. (6) $3,000. E. (9) $127.34.

A. Florida Gas Transmission Co., P.O. Box 44, Winter Park, Fla. 32790.

A. John J. Flynt, Jr., Smalley, Cogburn & Flynt, P.O. Drawer A, Griffin, Ga. 30224.

B. AVCO Corp., 1275 King Street, Greenwich, Conn. 06830.

D. (6) $6,086.32. E. (9) $1,086.32.

A. Robert P. Fogarty, 3499 Ridgewood Drive, Columbus, Ohio 43220.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $1,000.

A. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Family Mutual Insurance Co., 3099 East Washington Avenue, Box 7430, Madison, Wis. 53707.

D. (6) $390. E. (9) $1.29.

A. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Cabot Corp. and subsidiaries, 125 High Street, Boston, Mass. 02110.

D. (6) $1,800. E. (9) $11.48.

A. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Insurance Association of Connecticut, 60 Washington Street, Hartford, Conn. 06106.

D. (6) $4,500. E. (9) $17.18.

A. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Republic of the Philippines.

E. (9) $3.

A. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Smith Barney, Harris Upham & Co., Inc., 1345 Avenue of the Americas, New York, N.Y. 10019.

A. Raymond J. Foley, 1430 K Street NW., Suite 1000, Washington, D.C. 20005.

B. National Candy Wholesalers Association, Inc., 1430 K Street NW., Suite 1000, Washington, D.C. 20005.

D. (6) $92.75.

A. Food and Beverage Trades Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $10,018.21. E. (9) $10,018.21.

A. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.

E. (9) $10,800.

A. Foodservice & Lodging Institute, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Forest Farmers Association, P.O. Box 95385, Atlanta, Ga. 30347.

A. E. David Foreman, Jr., Foreman & Associates, Suite 601, 1776 K Street NW., Washington, D.C. 20006.

B. Ogden Corp., 277 Park Avenue, New York, N.Y. 10017.

D. (6) $8,000.

A. Ira N. Forman, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.

B. American Israel Public Affairs Committee, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.

D. (6) $6,499.98.

A. Sallie H. Forman, National Broadcasting Co., Inc., 1800 K Street NW., Washington, D.C. 20006.

B. National Broadcasting Co., Inc., 1800 K Street NW., Washington, D.C. 20006.

D. (6) $787.50. E. (9) $276.48.

A. David H. Foster, Natural Gas Supply Association, 1025 Connecticut Avenue NW., Suite 505, Washington, D.C. 20036.

B. Natural Gas Supply Association, 1025 Connecticut Avenue NW., Suite 505, Washington, D.C. 20036.

D. (6) $3,150. E. (9) $437.07.

A. John G. Fox, American Telephone and Telegraph Co., 2000 L Street NW., Washington, D.C. 20036.

B. American Telephone and Telegraph Co., 195 Broadway, New York, N.Y. 10007.

A. Richard J. Fox, 1000 16th Street NW., No. 503, Washington, D.C. 20036.

B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60601.

D. (6) $400. E. (9) $47.82.

A. Donald Fraher, 810 18th Street NW., Washington, D.C. 20006.

B. Handgun Control, Inc., 810 18th Street NW., Washington, D.C. 20006.

D. (6) $3,692.28. E. (9) $23.50.

A. Joseph L. Fraites, Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.

B. Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.

A. William C. France, National Motorsports Committee of ACCUS, 1701 K Street NW., Suite 1204, Washington, D.C. 20006.

B. National Motorsports Committee of ACCUS, 1701 K Street NW., Suite 1204, Washington, D.C. 20006.

A. William H. G. France, National Motorsports Committee of ACCUS, 1701 K Street NW., Suite 1204, Washington, D.C. 20006.

B. National Motorsports Committee of ACCUS, 1701 K Street NW., Suite 1204, Washington, D.C. 20006.

A. Peter Franchot, Union of Concerned Scientists, 1725 I Street NW., Suite 601, Washington, D.C. 20006.

B. Union of Concerned Scientists, 1208 Massachusetts Avenue, Cambridge, Mass. 02138.

D. (6) $4,375.

A. Walter L. Frankland, Jr., 1717 K Street NW., Washington, D.C. 20006.

B. Silver Users Association, Inc., 1717 K Street NW., Washington, D.C. 20006.

D. (6) $999.90. E. (9) $53.86.

A. Thomas C. Franks, 925 15th Street NW., Washington, D.C. 20005.

B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.

D. (6) $1,500. E. (9) $743.91.

A. Welby M. Frantz, American Movers Conference, 1117 North 19th Street, P.O. Box 9204, Arlington, Va. 22209.

B. American Movers Conference, 1117 North 19th Street, P.O. Box 9204, Arlington, Va. 22209.

D. (6) $245.90.

A. Robert M. Frederick, The National Grange, 1616 H Street NW., Washington, D.C. 20006.

B. The National Grange, 1616 H Street NW., Washington, D.C. 20006.

D. (6) $4,062.50.

A. Leslie E. Freed, 1660 L Street NW., Suite 201, Washington, D.C. 20036.

B. American Can Co., American Lane, Greenwich, Conn. 06830.

E. (9) $227.87.

A. James O. Freeman, United States League of Savings Associations, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.

B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.

D. (6) $2,250. E. (9) $47.60.

A. Harry L. Freeman, Sr., American Express Co., 1700 K Street NW., Washington, D.C. 20006.

B. American Express Co., American Express Plaza, New York, N.Y. 10004.

A. Pamela B. Freer, International Ladies' Garment Workers' Union, 1710 Broadway, New York, N.Y. 10019.

B. International Ladies' Garment Workers' Union, 1710 Broadway, New York, N.Y. 10019.

D. (6) $4,498. E. (9) $342.44.

A. Verrick O. French, National Retail Merchants Association, 1000 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.

B. National Retail Merchants Association, 100 West 31st Street, New York, N.Y. 10001.

D. (6) $600. E. (9) $15.

A. Gregory N. Friberg, 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.

B. Associated Builders and Contractors, Inc., 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.

D. (6) $4,800. E. (9) $91.15.

A. George L. Frick, Delaware Oil Men's Association, 20 East Division Street, Dover, Del. 19901.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Susan Fridy, National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.

B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.

D. (6) $1,260. E. (9) $33.26.

A. Fried, Frank, Harris, Shriver & Kampelman, Suite 1000, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. Schenley Industries, Inc., 888 Seventh Avenue, New York, N.Y. 10019.

E. (9) $3.

A. Philip P. Friedlander, Jr., 1343 L Street NW., Washington, D.C. 20005.

B. National Tire Dealers & Retreaders Association, Inc., 1343 L Street NW., Washington, D.C. 20005.

D. (6) $650.

A. James M. Friedman, 650 Terminal Tower, Cleveland, Ohio 44113.

B. Cleveland Electric Illuminating Co., 55 Public Square, Cleveland, Ohio.

A. Gay H. Friedmann, 1150 Connecticut Avenue NW., Suite 717, Washington, D.C. 20036.

B. Southern California Gas Co., 720 West Eighth Street, M.L. 1208, Los Angeles, Calif. 90017.

D. (6) $4,810. E. (9) $615.45.

A. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C. 20002.

D. (6) $88,394.88. E. (9) $75,424.

A. Gary R. Frink, Watergate 600, Suite 480, Washington, D.C. 20037.

B. Radwaste Management Group, 1800 M Street NW., Washington, D.C. 20036.

A. Gustave Fritschie, 1101 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.

B. National Fisheries Institute, 1101 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.

D. (6) $500. E. (9) $25.

A. Charles H. Fritzel, National Association of Independent Insurers, 499 South Capitol Street SW., Suite 401, Washington, D.C. 20003.

B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.

D. (6) $300. E. (9) $140.

A. Jeffrey A. Fritzlen, Tenneco, Inc., 490 L'Enfant Plaza East SW., Washington, D.C. 20024.

B. Tenneco, Inc., P.O. Box 2511, Houston, Tex. 77001.

D. (6) $1,000.

A Cornelius F. Froeb, Cities Service Co., 1660 L Street NW., Suite 207, Washington, D.C. 20036.

B. Cities Service Co., 1660 L Street NW., Suite 207, Washington, D.C. 20036.

D. (6) $300.

A. Gordon H. Fry, 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.

B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.

A. Fulbright & Jaworski, 800 Bank of the Southwest, Houston, Tex. 77002.

B. St. Joe Paper Co., P.O. Box 1380, Jacksonville, Fla. 32201.

A. Richard G. Fuller, National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22031.

B. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22031.

D. (6) $590.

A. Ronald K. Fuller, San Diego Gas and Electric Co., 1150 Connecticut Avenue, Suite 517, Washington, D.C. 20036.

B. San Diego Gas and Electric Co., 101 Ash Street, San Diego, Calif. 92101.

D. (6) $600. E. (9) $105.

A. Claudia R. Fuquay, National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.

B. National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.

D. (6) $500. E. (9) $42.

A. G-4 Children's Coalition, 9309 Delfield Street, Chevy Chase, Md. 20015.

D. (6) $1,710.

A. Terry Gabrielson, 490 L'Enfant Plaza SW., No. 3202, Washington, D.C. 20024.

B. Transcontinental Gas Pipe Line Corp., 2700 South Post Oak Road, Houston, Tex. 77001.

D. (6) $450.

A. James E. Gaffigan, American Hotel & Motel Association, 1101 Connecticut Avenue NW., Suite 1006, Washington, D.C. 20036.

B. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.

D. (6) $807.70.

A. Norman S. Gaines, 2550 M Street NW., Suite 770, Washington, D.C. 20037.

B. RJR Industries, Inc., P.O. Box 2959, Winston-Salem, N.C. 27102.

D. (6) $566.04.

A. Michael R. Gale, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.

B. American Israel Public Affairs Committee, 444 North Capitol Street NW, No. 412, Washington, D.C. 20001.

D. (6) $2,166.66.

A. Mark J. Gallagher, 1707 L Street NW., No. 400, Washington, D.C. 20036.

B. National Committee for a Human Life Amendment, Inc., 1707 L Street NW., No. 400, Washington, D.C. 20036.

D. (6) $8,545. E. (9) $478.

A. Robert M. Gants, 1101 15th Street NW., Washington, D.C. 20005.

B. National Constructors Association, 1101 15th Street NW., No. 1000, Washington, D.C. 20005.

E. (9) $20.

A. M. D. Garber, Jr., Phillips Petroleum Co., 2101 L Street NW., Sixth Floor, Washington, D.C. 20037.

B. Phillips Petroleum Co., Bartlesville, Okla. 74004.

A. Gardner, Carton & Douglas, 1120 Connecticut Avenue NW., Suite 325, Washington, D.C. 20036.

B. Council of Industrial Boiler Owners, 11222 Silverleaf Drive, Fairfax Station, Va. 22039.

A. Gardner, Carton & Douglas, 1120 Connecticut Avenue NW., No. 325, Washington, D.C. 20036.

B. Heizer Corp., 20 North Wacker Drive, Chicago, Ill. 60606.

D. (6) $2,497.50. E. (9) $61.52.

A. Gardner, Carton & Douglas, 1120 Connecticut Avenue NW., Suite 325, Washington, D.C. 20036.

B. Howard Mobile Village, 701 Cathedral Street, Baltimore, Md. 21201.

A. Gardner, Carton & Douglas, 1120 Connection Avenue NW., No. 325, Washington, D.C. 20036.

B. Elmer W. Kneip, 911 West Fulton Street, Chicago, Ill.

A. Gardner, Carton & Douglas, 1120 Connecticut Avenue NW., No. 325, Washington, D.C. 20036.

B. Marathon Oil Co., 1800 M Street NW., Washington, D.C. 20036.

D. (6) $115.

A. Gardner, Carton & Douglas, 1120 Connecticut Avenue NW., No. 325, Washington, D.C. 20036.

B. Sealed Power Corp., 2001 Sanford Street, Muskegan, Mich. 49443.

A. Gardner, Carton & Douglas, 1120 Connecticut Avenue NW., Suite 325, Washington, D.C. 20036.

B. Small Producers for Energy Independence, 1150 17th Street NW., Washington, D.C. 20036.

A. Robert P. Gardner, Standard Brands Foods Co., 1899 L Street NW., Washington, D.C. 20036.

B. Standard Brands Foods Co., Standard Brands, Inc., 625 Madison Avenue, New York, N.Y. 10022.

D. (6) $900.

A. Wendell P. Gardner, Jr., 1211 Connecticut Avenue NW., No. 802, Washington, D.C. 20036.

B. Sears, Roebuck & Co., Sears Tower, Chicago, Ill. 60684.

D. (6) $250.

A. Theodore J. Garrish, 1525 New Hampshire Avenue NW., Washington, D.C. 20036.

B. National Outdoor Coalition, 8387 Tamarind, Fontana, Calif. 92335.

D. (6) $373.13. E. (9) $294.98.

A. James J. Garry, Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.

B. Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.

A. W. Bradford Gary, 3M Co., 1101 15th Street NW., Washington, D.C. 20005.

B. 3M Co., 3M Center, St. Paul, Minn. 55101.

E. (9) $10.

A. Gas Appliance Manufacturers Association, Inc., 1901 North Fort Myer Drive, Arlington, Va. 22209.

E. (9) $84.90.

A. Lillian B. Gaskin, American Bar Association, 1800 M Street NW., Washington, D.C. 20036.

B. American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637.

D. (6) $400. E. (9) $50.

A. Philip Gasteyer, United States League of Savings Associations, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.

D. (6) $1,762.50.

A. James A. Gavin, Tenneco, Inc., 490 L'Enfant Plaza East SW., Washington, D.C. 20024.

B. Tenneco, Inc., P.O. Box 2511, Houston, Tex. 77001.

A. Margaret L. Gehres, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

D. (6) $1,500. E. (9) $167.36.

A. Leo J. Gehrig, American Hospital Association, 444 North Capitol Street NW., Suite 500, Washington, D.C. 20001.

B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

D. (6) $3,376.16. E. (9) $200.57.

A. Robert C. Gelardi, Calorie Control Council, 5775 Peachtree-Dunwoody Road, Suite 500-D, Atlanta, Ga. 30342.

B. Robert H. Kellen Co., 5775 Peachtree-Dunwoody Road, Suite 500-D, Atlanta, Ga. 30342. (For Calorie Control Council, 5775 Peachtree-Dunwoody Road, Atlanta, Ga. 30342).

D. (6) $1,300.

A. Morton A. Geller, The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

B. The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

A. José A. Gemell, 1100 17th Street, NW., Suite 302, Washington, D.C. 20036.

B. Samuel E. Stavisky & Associates, Inc., (for Brazilian Coffee Institute, 767 Fifth Avenue, New York, N.Y. 10022). 1100 17th Street, NW., Suite 302, Washington, D.C. 20036.

D. (6) $500. E. (9) $540.

A. General Aviation Manufacturers Association, 1025 Connecticut Avenue NW., Suite 517, Washington, D.C. 20036.

E. (9) $2,451. 92.

A. Joseph G. Gerard, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.

E. Ford Motor Co., Dearborn, Mich.

D. (6) $999. (E). (9) $823.68.

A. Louis Gerber, 1925 K Street NW., Washington, D.C. 20006.

B. Communications Workers of America, 1925 K Street NW., Washington, D.C. 20006.

D. (6) $4,409.21. E. (9) $123.02.

A. Getty Oil Co., 3810 Wilshire Boulevard, Los Angeles, Calif. 90010.

E. (9) $21,124.16.

A. Dorothy F. Gevinson, 1801 K Street NW., Suite 230, Washington, D.C. 20006.

B. Proctor & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio 45202.

D. (6) $11.67.

A. Wayne Gibbens, Mid-Continent Oil & Gas Association, 1919 Pennsylvania Avenue NW., Suite 503, Washington, D.C. 20006.

B. Mid-Continent Oil & Gas Association, 1111 Thompson Building, Tulsa, Okla. 74103.

D. (6) $5,476. E. (9) $188.75.

A. Anne Marie Gibbons, 2600 Virginia Avenue NW., Suite 212, Washington, D.C. 20037.

B. American Public Power Association, 2600 Virginia Avenue NW., Suite 212, Washington, D.C. 20037.

D. (6) $400.

A. John A. C. Gibson, Coal Building, Washington, D.C. 20036.

B. National Coal Association, Coal Building, Washington, D.C. 20036.

D. (6) $8,750.01. E. (9) $1,828.02.

A. William G. Giery, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Foodservice & Lodging Institute, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. William L. Gifford, General Electric Co. 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn. 06431.

A. Norma J. Gilbert, 1776 K Street NW., Suite 200, Washington, D.C. 20006.
B. Motorola, Inc., 1776 K Street NW., Suite 200, Washington, D.C. 20006.
D. (6) $1,750. E. (9) $76.80.

A. Arthur P. Gildea, 274 Glenfield Court, Cincinnati, Ohio 45238.
B. Brewery & Soft Drink Workers National Conference, International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America, 1400 Renaissance Drive, Park Ridge, Ill. 60068.

A. Michael Gildea, 815 16th Street NW., Washington, D.C. 20006.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $11,109. E. (9) $168.16.

A. John E. Giles, 1600 I Street NW., Washington, D.C. 20006.
B. Motion Picture Association of America, Inc., 1600 I Street NW., Washington, D.C. 20006.

A. Mark W. Gillaspie, Houston Natural Gas Corp., P.O. Box 1188, Houston, Tex. 77001.
B. Houston Natural Gas Corp., P.O. Box 1188, Houston, Tex. 77001.

A. James T. Gillice, Alliance of American Insurers, 1776 F Street NW., Washington, D.C. 20006.
B. Alliance of American Insurers, 201 North Wacker Drive, Chicago, Ill. 60606.

A. Robert E. Ginther, Association of Local Transport Airlines, Suite 803, 1801 K Street NW., Washington, D.C. 20006.
B. Association of Local Transport Airlines, Suite 803, 1801 K Street NW., Washington, D.C. 20006.
D. (6) $3,500.

A. Jonah Gitlitz, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Advertising Federation, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $90.66.

A. Michael J. Giuffrida, 1019 19th Street NW., Washington, D.C. 20036.
B. National Frozen Food Association, Inc., 1 Chocolate Avenue, P.O. Box 398, Hershey, Pa. 17033.
D. (6) $580. E (9) $5.40.

A. David W. Givens, Indiana National Corp., 1 Indiana Square No. 501, Indianapolis, Ind. 46266.
B. Indiana National Corp., 1 Indiana Square, No. 501, Indianapolis, Ind. 46266.
D. (6) $600. E. (9) $272.

A. Robert G. Glavin, American Hospital Association, 444 North Capitol Street NW., Suite 500, Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $3,436.56. E. (9) $190.67.

A. George L. Gleason, 1750 K Street NW., Suite 300, Washington, D.C. 20006.
B. American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C. 20006.
D. (6) $3,499.99. E. (9) $64.05.

A. John P. Gleason, Jr., 1750 Old Meadow Road, McLean, Va. 22102.
B. Brick Institute of America, 1750 Old Meadow Road, McLean, Va. 22102.

A. George T. Glover, 1111 19th Street NW., Washington, D.C. 20036.
B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $184. E. (9) $417.33.

A. Godfrey Associates, Inc., 918 16th Street NW., S-501, Washington, D.C. 20006.
E. (9) $317.55.

A. Godfrey Associates, Inc., 918 16th Street NW., S-501, Washington, D.C. 20006.
B. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
D. (6) $2,000. E. (9) $184.95.

A. Horace D. Godfrey, 918 16th Street NW., S-501, Washington, D.C. 20006.
B. Godfrey Associates, Inc., 918 16th Street NW., S-501, Washington, D.C. 20006.
D. (6) $2,800. E. (9) $130.60.

A. J. F. Godfrey, P.O. Box 186, Fort Worth, Tex. 76101.
B. Western Co. of North America, P.O. Box 186, Fort Worth, Tex. 76101.
D. (6) $16.

A. Patrick L. Godfrey, National Association of Manufacturers, 711 Court A, Tacoma, Wash. 98402.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $1,400.

A. Harvey S. Gold, Velsicol Chemical Corp., 1015 15th Street NW., Suite 909, Washington, D.C. 20005.
B. Velsicol Chemical Corp., 341 East Ohio Street, Chicago, Ill. 60611.

A. Howard S. Goldberg, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc. (for Airbus Industrie, Avenue Lucien Servanty, 31700 Blagnac, France), 1225 19th Street NW., Washington, D.C.

A. Howard S. Goldberg, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc. (for European Aerospace Corp., 1101 15th Street NW., Washington, D.C. 20005), 1225 19th Street NW., Washington, D.C. 20036.

A. Howard S. Goldberg, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc. (for Sofreavia, 75 rue la Boetie Paris 8eme, France), 1225 19th Street NW., Washington, D.C. 20036.
D. (6) $86.88.

A. Alan J. Goldenberg, Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.
B. Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.

A. Carl Goldfield, 2600 Virginia Avenue NW., Suite 212, Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Suite 212, Washington, D.C. 20037.
D. (6) $500.

A. Lloyd L. Golding, National Association of Truck Stop Operators, Suite 501, 700 North Fairfax Street, Alexandria, Va. 22313.
B. National Association of Truck Stop Operators, Suite 501, 700 North Fairfax Street, Alexandria, Va. 22313.
D. (6) $1,330.

A. Neil B. Goldstein, Sierra Club, 800 Second Avenue, New York, N.Y. 10017.
B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.
D. (6) $6,312.50. E. (9) $1,438.48.

A. Jack Golodner, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. Actors Equity Association, 1500 Broadway, New York, N.Y. 10036.
D. (6) $2,500. E. (9) $357.50.

A. Jack Golodner, 815 16th Street NW., Washington, D.C. 20006.
B. Department for Professional Employees, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $2,625.

A. Ruth Gonze, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $500.

A. Don A. Goodall, American Cyanamid Co., 1575 I Street NW., Suite No. 220, Washington, D.C. 20006.
B. American Cyanamid Co., Wayne, N.J. 07470.
D. (6) $462. E. (9) $136.17.

A. Charles E. Goodell, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc. (for European Aerospace Corp., 1101 15th Street NW., Washington, D.C. 20005), 1225 19th Street NW., Washington, D.C. 20036.

A. Charles E. Goodell, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc. (for Government of Morocco, Rabat, Morocco), 1225 19th Street NW., Washington, D.C. 20036.

A. Charles E. Goodell, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International Inc. (for Sofreavia, 75 rue la Boetie Paris 8eme, France), 1225 19th Street NW., Washington, D.C. 20036.

A. Charles E. Goodell, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc (for Thomson-CSF (AVS), 178 Boulevard Gabriel Péri, 92240 Malakoff, France), 1225 19th Street NW., Washington, D.C. 20036.
D. (6) $125.

A. Vance V. Goodfellow, 307 Fourth Avenue South, P.O. Box 15047, Minneapolis, Minn. 55415.
B. Crop Quality Council, 307 Fourth Avenue South, P.O. Box 15047, Minneapolis, Minn. 55415.
D. (6) $8,647.03.

A. Robert F. Goodwin, Meredith Corp., 1850 K Street NW., Suite 275, Washington, D.C. 20006.
B. Meredith Corp., 1850 K Street NW., Suite 275, Washington, D.C. 20006.
D. (6) $40. E. (9) $19.75.

A. Benjamin Gordon, Health Research Group, 2000 P Street NW., No. 708, Washington, D.C. 20036.
B. Health Research Group, 2000 P Street NW., No. 708, Washington, D.C. 20036.
D. (6) $5.

A. Frank D. Gorham III, 2550 M Street NW., Suite 770, Washington, D.C. 20037.

B. RJR Industries, Inc., P.O. Box 2959, Winston-Salem, N.C. 27102.
D. (6) $203.80. E. (9) $27.75.

A. Ann M. Gosier, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
D. (6) $5.50. E. (9) $0.95.

A. George B. Gould III, National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $9,131.57.

A. Government of El Salvador, Office of the President, San Salvador, El Salvador.
E. (9) $138.45.

A. Robert A. Grady, Jr., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
E. (9) $1.50.

A. Lawrence T. Graham, American Hotel & Motel Association, 1101 Connecticut Avenue NW., Suite 1006, Washington, D.C. 20036.
B. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.
D. (6) $807.69.

A. Maria Ann Graham, National Audubon Society 1301 20th Street NW., Apt. 501, Washington, D.C. 20036.
B. National Audubon Society, 950 Third Avenue, New York, N.Y. 10022.
D. (6) $4,779.99. E. (9) $1,627.01.

A. Allan Grant, American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.
D. (6) $1,875.

A. Wm. W. Grant, Utah International, Inc., 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B Utah International, Inc., 550 California Street, San Francisco, Calif. 94104.
E. (9) $261.47.

A. James L. Granum, Southern Railway Co., 920 15th Street NW., Washington, D.C. 20005.
B. Southern Railway Co., 920 15th Street NW., Washington, D.C. 20005.
D. (6) $1,000.

A. Michael R. Graul, 1725 DeSales Street NW., Suite 401, Washington, D.C. 20036.
B. American Hardware Manufacturers Association, 117 East Palatine Road, Palatine, Ill. 60067.
D. (6) $1,000.

A. James A. Gray, 7901 Westpark Drive, McLean, Va. 22102.
B. National Machine Tool Builders' Association, 7901 Westpark Drive, McLean, Va. 22102.
D. (6) $1,308.47. E. (9) $525.

A. Martha W. Gray, 1101 16th Street NW., Washington, D.C. 20036.
B. Independent Petroleum Association, 1101 16th Street NW., Washington, D.C. 20036.
E. (9) $22.50.

A. Robert Keith Gray, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.
B. Hill and Knowlton, Inc., 633 Third Ave., New York, N.Y. 10016 (for Distilled Spirits Council of the United States, 1300 Pennsylvania Building, Washington, D.C.).

A. Robert Keith Gray, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.
B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10016 (for Motorola, 1776 K Street, Washington, D.C.).

A. Samuel A. Grayson, Union Pacific Railroad Co., 611 Idaho Building, 216 North Eighth, Boise, Idaho 83702.
B. Union Pacific Railroad Co., 1416 Dodge Street, Omaha, Neb. 68179.

A. Donald R. Greeley, Celanese Corp., 1101 17th Street NW., Suite 307, Washington, D.C. 20036.
B. Celanese Corp., 1211 Avenue of the Americas, New York, N.Y. 10036.
D. (6) $750. E. (9) $280.61.

A. George R. Green, 1750 K Street NW., Washington, D.C. 20006.
B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $900.

A. James W. Green, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $2,057. E. (9) $250.65.

A. Mark Green, 133 C Street SE., Washington, D.C. 20003.
B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.
D. (6) $4,750.

A. Robert M. Greening, Jr., Public Power Council, 1310 Main Street, Vancouver, Wash. 98666.
B. Public Power Council, 1310 Main Street, Vancouver, Wash. 98666.
D. (6) $625. E. (9) $1,352.23.

A. P. Michael Greenwald, American Hospital Association, 444 North Capitol Street NW., Suite 500, Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $890.91.

A. Dale W. Greenwood, Washington Railroad Association, 612 Hoge Building, Seattle, Wash. 98104.
B. Washington Railroad Association, 612 Hoge Building, Seattle, Wash. 98104.
D. (6) $334.24. E. (9) $951.80.

A. Saunders Gregg, Entex, Inc., P.O. Box 2628, Houston, Tex. 77001.
B. Entex, Inc., P.O. Box 2628, Houston, Tex. 77001.
E. (9) $25.

A. William G. Greif, Bristol-Myers Co., 1155 15th Street NW., Washington, D.C. 20005.
B. Bristol-Myers Co., 345 Park Avenue, New York, N.Y. 10022.
D. (6) $10,000.

A. Lori Gribbin, Rohm & Haas Co., 1899 L Street NW., No. 807, Washington, D.C. 20036.
B. Rohm & Haas Co., Independence Mall West, Philadelphia, Pa. 19105.
D. (6) $500. E. (9) $82.71.

A. David R. Griffin, 709 Braeburn Drive, Tantallon, Md. 20022.
B. Tenneco, Inc.

A. Harold H. Griffin, 1050 17th Street NW., No. 320, Washington, D.C. 20036.
B. Family Health Program, 9930 Talbert Avenue, Fountain Valley, Calif. 92708.
D. (6) $2,437. E. (9) $453.92.

A. Edward D. Griffith, Atlantic Richfield Co., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
D. (6) $400.

A. A. Jack Grimes, 8150 Leesburg Pike, Suite 1100, Vienna, Va. 22180.
B. National Pest Control Association, 8150 Leesburg Pike, Suite 1100, Vienna, Va. 22180.

A. Gary M. Grobman, No. 826, 201 I Street SW., Washington, D.C. 20024.
B. Smith & Howard Associates, Inc., Suite 704, 1735 I Street NW., Washington, D.C. 20006.
D. (6) $400. E. (9) $12.50.

A. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

A. Frank N. Grossman, Santa Fe Industries, Inc., Suite 840, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Santa Fe Industries, Inc., 224 South Michigan Avenue, Chicago, Ill. 60604.
D. (6) $1,500. E. (9) $300.

A. Gail Pardue Grubb, 1156 15th Street NW., Suite 312, Washington, D.C. 20005.
B. Home Health Services Association, 1156 15th Street NW., Suite 312, Washington, D.C. 20005.
D. (6) $500. E. (9) $60.92.

A. Kenneth J. Guido, 2030 M Street NW., Washington, D.C., 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $900.

A. Thomas M. Gunn, P.O. Box 516, St. Louis, Mo. 63166.
B. McDonnell Douglas Corp., P.O. Box 516, St. Louis, Mo. 63166.

A. William B. Gunter, Kilpatrick & Cody, Suite 400, 2033 K Street NW., Washington, D.C. 20006.
B. Kilpatrick & Cody (for Furniture Rental Association of America), Suite 400, 2033 K Street NW., Washington, D.C. 20006.
E. (9) $10.

A. David Gusky, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
D. (6) $6,864.

A. Susan L. Gustafson, 8111 Gatehouse Road, Falls Church, Va. 22047.
B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

A. Richard C. Guthrie, 2640 Vulcan Drive, Harvey, La. 70058.
B. Avondale Shipyards, Inc., P.O. Box 50280, New Orleans, La. 70150.
D. (6) $6,422.40. E. (9) $700.

A. Robert F. Guthrie, 815 16th Street NW., Washington, D.C. 20006.
B. Department for Professional Employees, AFL-CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $2,885.63.

A. Ellen Haas, Community Nutrition Institute, 1146 19th Street NW., Room 300, Washington, D.C. 20036.

B. Community Nutrition Institute, 1146 19th Street NW., Room 300, Washington, D.C. 20036.
E. (9) $30.

A. C. James Hackett, American Plywood Association, P.O. Box 11700, Tacoma, Wash. 88411.
B. American Plywood Association, P.O. Box 11700, Tacoma, Wash. 98411.

A. James M. Hacking, National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
D. (6) $415.38. E. (9) $193.95.

A. Craig Hackler, Suite 320, 400 North Capitol Street NW., Washington, D.C. 20001.
B. John Finlayson, 147 Cat Rock Road, Cos Cob, Conn. 06904.
D. (6) $200.

A. Craig Hackler, Suite 320, 400 North Capitol Street NW., Washington, D.C. 20001.
B. E. F. Hutton & Co., Inc., One Battery Park Plaza, New York, N.Y. 10004.
D. (6) $1,500.

A. Craig Hackler, Suite 320, 400 North Capitol Street, Washington, D.C. 20001.
B. National Living Centers, 777 South Post Oak Road, Suite 600, Houston, Tex. 77056.

A. Loyd Hackler, American Retail Federation, Inc., 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, Inc., 1616 H Street NW., Washington, D.C. 20006.
D. (6) $2,000. E. (9) $127.98.

A. William G. Haddeland, Minnesota Petroleum Council, 300 Northern Federal Building, St. Paul, Minn. 55102.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Ronald D. Hagen, National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
D. (6) $265.38. E. (9) $34.85.

A. Bruce N. Hahn, 9300 Livingston Road, Washington, D.C. 20022.
B. National Tool, Die, & Precision Machining Association, 9300 Livingston Road, Washington, D.C. 20022.

A. Peter H. Hahn, 1100 17th Street NW., Suite 1000, Washington, D.C. 20036.
B. Chromally American Corp., 120 South Central, St. Louis, Mo. 63105.
D. (6) $2,000. E. (9) $1,050.

A. Thomas F. Hairston, Union Oil Co. of California, 1100 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
B. Union Oil Co. of California, 461 South Boylston Street, Los Angeles, Calif. 90017.
E. (9) $403.65.

A. Haley, Bader & Potts, 1730 M Street NW., Suite 700, Washington, D.C. 20036.
B. Pilots Rights Association, P.O. Box 7000–367 Redondo Beach, Calif. 90277.
D. (6) $10,581.25. E. (9) $5,952.35.

A. Cheryl A. Haley, American Hospital Association, 444 North Capitol Street NW., Suite 500, Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $1,111.74. E. (9) $94.95.

A. Martin Ryan Haley & Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.
B. Agri-Business Inc., 11411 Rendezvous, San Antonio, Tex. 78216.

A. Martin Ryan Haley & Associates, Inc. 1015 15th Street NW., Washington, D.C. 20005.
B. Grain Products International, Inc., Forman, N. Dak. 58032.

A. Martin Ryan Haley & Associates, Inc. 1015 15th Street NW., Washington, D.C. 20005.
B. M&M/Mars Division of Mars, Inc., High Street, Hackettstown, N.J. 07840.

A. Hall, Estill, Hardwick, Gable, Collingsworth & Nelson, 1750 K Street NW., Suite 350, Washington, D.C. 20006.
B. The Williams Cos., P.O. Box 2400, Tulsa, Okla. 74101.

A. Richard F. Hall, Union Oil Co. of California, 1100 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
B. Union Oil Co. of California, 461 South Boylson Street, Los Angeles, Calif. 90017.
E. (9) $329.23.

A. Isabelle Hallahan, The American Dietetic Association, 430 North Michigan Avenue, Chicago, Ill. 60611.
B. The American Dietetic Association, 430 North Michigan Avenue, Chicago, Ill. 60611.
D. (6) $4,320. E. (9) $2,876.97.

A. Joseph Halow, 1800 M Street NW., Washington, D.C. 20036.
B. North American Export Grain Association, Inc., 1800 M Street NW., Washington, D.C. 20036.
D. (6) $900.

A. HALT, Inc., 10 E Street SE., Washington, D.C. 20003.
D. (6) $300. E. (9) $268.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.
B. Belize Sugar Industries, Ltd., Belize City, Belize, Central America.
E. (9) $42.96.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.
B. Beneficial Foundation, 1300 Market Street, Wilmington, Del.
E. (9) $10.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.
B. Government of Republic of Panama, Compania Azucarera La Estrella, S.A., and Azucarera Nacional, S.A., Panama City, Panama.
D. (6) $3,016.65.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.
B. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah 84101.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.
B. Pepsico, Inc., Purchase, N.Y.
E. (9) $54.61.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.
B. State of Alaska.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.
B. Sugar Association of the Caribbean, Port of Spain, Trinidad.
D. (6) $8,922.05. E. (9) $336.02.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.
B. United Student Aid Funds, Inc., 200 East 42d Street, New York, N.Y. 10017.

A. Bruce Hamilton, Sierra Club, Box 1078, Lander, Wyo. 82520.
B. Sierra Club, 530 Buch Street, San Francisco, Calif. 94108.
D. (6) $525. E. (9) $392.78.

A. James L. Hamilton, Ill., United States Steel Corp., 818 Connecticut Avenue NW., Washington, D.C. 20006.
B. United States Steel Corp., 600 Grant Street, Pittsburgh, Pa., 15230.
D. (6) $140. E. (9) $20.

A. Philip W. Hamilton, 1901 L Street NW., Suite 711, Washington, D.C. 20036.
B. Wilson E. Hamilton & Associates, Inc. (for National Labor-Management Foundation, Louisville, Ky.), 1901 L. Street NW., Washington, D.C. 20036.

A. Stanley Hamilton, Common Carrier Conference-Irregular Route, 1616 P Street NW., Suite 204, Washington, D.C. 20036.
B. Common Carrier Conference-Irregular Route, 1616 P Street NW., Suite 204, Washington, D.C. 20036.
D. (6) $500. E. (9) $50.

A. Thomas A. Hammer, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
B. Nelson & Harding (for MBPXL Corp.), 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.

A. Thomas A. Hammer, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
B. Nelson & Harding (for National Campground Owners Association), 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
D. (6) $500.

A. Thomas A. Hammer, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
B. Nelson & Harding (for SunMaid Raisin Growers of California), 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
D. (6) $200.

A. Thomas A. Hammer, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
B. Nelson & Harding (for Western Growers Association), 1101 Connecticut Avenue NW., No. 800, Washington, D.C. 20036.
D. (6) $750.

A. Christopher G. Hankin, 3251 Old Lee Highway, Suite 501, Fairfax, Va., 22030.
B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501 Fairfax, Va 22030.
E. (9) $31.

A. George J. Hanks, Jr., Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017.

A. Elisabeth Hanlin, Johns-Manville Corp., 1025 Connecticut Avenue, Suite 214, Washington, D.C. 20036.
B. Johns-Manville Corp., P.O. Box 5108, Denver, Colo. 80217.
D. (6) $600.

A. Robert P. Hanrahan, 1101 Valley Road, Lake Forest, Ill. 60045.

B. Regional Transportation Authority, 300 North State, Chicago, Ill.

D. (6) $7,400.

A. Hansell, Post, Brandon & Dorsey, 3300 First National Bank Tower, Atlanta, Ga., 30303.

B. Pfizer, Inc., 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.; and Bristol-Myers Co., 1155 15th Street NW., Washington, D.C. 20005.

E. (9) $1,228.22.

A. J. E. Hansen, Brotherhood of Railroad Signalmen, 400 First Street NW., Washington, D.C. 20001.

B. Brotherhood of Railroad Signalmen, 601 West Golf Road, Mount Prospect, Ill. 60056.

D. (6) $350.

A. William E. Hardman, 9300 Livingston Road, Washington, D.C. 20022.

B. National Tool, Die, & Precision Machining Association, 9300 Livingston Road, Washington, D.C. 20022.

A. Eugene J. Hardy, 1776 F Street NW., Washington, D.C. 20006.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $2,500.

A. Andrew E. Hare, 8316 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.

B. National Right to Work Committee, 8316 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.

D. (6) $375. E. (9) $213.

A. Bryce L. Harlow, 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

D. (6) $38.

A. Donald L. Harlow, Air Force Sergeants Association, Inc., 310 Riley Street, Falls Church, Va. 22046.

B. Air Force Sergeants Association, Inc., 4235 28th Avenue, Suite 713, Marlow Heights, Md. 20031.

A. John L. Harmer, 10 East South Temple, Suite 696, Salt Lake City, Utah 84111.

D. (6) $15,000. E. (9) $5,500.

A. C. Wayne Harmon, Gulf Oil Corp., 1025 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.

B. Gulf Oil Corp., P.O. Box 1166, Pittsburgh, Pa. 15230.

D. (6) $250. E. (9) $12.

A. Michael T. Harrigan, 2033 M Street NW., Washington, D.C. 20036.

B. United States Olympic Committee, P.O. Box 4000, Colorado Springs, Colo. 80930.

A. Toni Harrington, American Honda Motor Co., Inc., 955 L'Enfant Plaza North SW., No. 905, Washington, D.C. 20004.

B. American Honda Motor Co., Inc., 100 West Alondra Boulevard, Gardena, Calif. 90247.

D. (6) $150. E. (9) $24.25.

A. Robert H. Harris, General Electric Co., 777 14th Street NW., Washington, D.C.

B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn.

D. (6) $265.

A. Robert L. Harris, 818 Connecticut Avenue, Washington, D.C. 20006.

B. The Aluminum Association, Inc., 818 Connecticut Avenue, Washington, D.C. 20006.

A. Jim Harrison, Committee of Urban Program Universities, 1300 19th Street NW., No. 220, Washington, D.C. 20036.

B. Committee of Urban Program Universities, 1300 19th Street NW., No. 220, Washington, D.C. 20036.

D. (6) $5,349.99. E. (9) $643.30.

A. William C. Hart, 1625 I Street NW., Washington, D.C. 20006.

B. Columbia Gas System Service Corp., 20 Montchanin Road, Wilmington, Del. 19807.

A. Hartford Fire Insurance Co., Hartford Plaza, Hartford, Conn. 06115.

E. (9) $7,100.

A. Charles D. Hartman, Texaco, Inc., 1050 17th Street NW., Suite 500, Washington, D.C. 20036.

B. Texaco, Inc., 2000 Westchester Avenue, White Plains, N.Y. 10650.

D. (6) $555.34.

A. Robert S. Hartmann, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.

B. Hill and Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Norman B. Hartnett, Disabled American Veterans, 807 Maine Avenue SW., Washington, D.C. 20024.

B. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky. 41076.

D. (6) $14,459. E. (9) $1,110.34.

A. Ed Hartung, 3707 Moss Drive, Annandale, Va. 22003.

B. Northrop Corp., 1701 North Fort Myer Drive, Suite 1207, Arlington, Va. 22209.

D. (6) $1,000.

A. Clifford J. Harvison National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C. 20036.

B. National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C. 20036.

A. Michael M. Hash, American Hospital Association, 444 North Capitol Street NW., Suite 500, Washington, D.C. 20001.

B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

D. (6) $7,300.92. E. (9) $165.

A. Paul Hasse, 10 E Street SE., Washington, D.C. 20003.

B. HALT, Inc., 10 E Street SE., Washington, D.C. 20003.

D. (6) $60.

A. Lewis Beach Hastings, 1776 K Street NW., Suite 200, Washington, D.C. 20006.

B. Motorola, Inc., 1776 K Street NW., Suite 200, Washington, D.C. 20006.

D. (6) $500. E. (9) $100.

A. Walter A. Hasty. Jr., Proctor & Gamble Manufacturing Co., 1801 K Street NW., Suite 230, Washington, D.C. 20006.

B. The Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio 45202.

D. (6) $187.50.

A. Rodney E. Haugh, Rubber Manufacturers Association, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Rubber Manufacturers Association, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $480.

A. Mary W. Haught, Sun Co., Inc., 1800 K Street NW., Suite 820, Washington, D.C. 20006.

B. Sun Co., Inc., 100 Matsonford Road, Radnor, Pa. 19087.

D. (6) $650. E. (9) $52.03.

A. Charles W. Havens III, 1025 Connecticut Avenue NW., No. 512, Washington, D.C. 20036.

B. Reinsurance Association of America, 1025 Connecticut Avenue NW., No. 512, Washington, D.C. 20036.

A. Linda Haverfield, 530 Seventh Street SE., Washington, D.C. 20003.

B. Friends of the Earth, 530 Seventh Street SE., Washington, D.C. 20003.

D. (6) $1,833.34.

A. Sidney G. Hawkes, The Mead Corp., 1000 Connecticut Avenue NW., Washington, D.C. 20036.

B. The Mead Corp., Mead World Headquarters, Courthouse Plaza, Northeast, Dayton, Ohio 45463.

D. (6) $950. E. (9) $91.74.

A. John H. Hawkins, Alabama Power Co., 600 North 18th Street, Birmingham, Ala. 35291.

B. Alabama Power Co., 600 North 18th Street, Birmingham, Ala. 35291.

D. (6) $8,814. E. (9) $7,596.45.

A. Paul M. Hawkins, 1750 K Street NW., Washington, D.C.

B. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C.; 919 Third Avenue, New York, N.Y.; 332 South Michigan Avenue, Chicago, Ill.

D. (6) $71.50. E. (9) $5.50.

A. Bruce R. Hawley, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.

D. (6) $4,083. E. (9) $68.

A. Jeffrey A. Hayman, 925 15th Street NW., Washington, D.C. 20005.

B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.

D. (6) $1,219.

A. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C.

D. (6) $959.50. E. (9) $959.50.

A. Health Research Group, 2000 P Street NW., No. 708, Washington, D.C. 20036.

D. (6) $714.47. E. (9) $714.47.

A. Patrick B. Healy, 30 F Street NW., Washington, D.C. 20001.

B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.

D. (6) $543.75.

A. Heavy Specialized Carriers Conference, Inc., 1555 16th Street NW., Washington, D.C. 20036.

A. William H. Hecht, 1875 I Street NW., Washington, D.C. 20006.

B. The Tobacco Institute, 1875 I Street NW., Washington, D.C. 20006.

D. (6) $1,250.

A. Edward D. Heffernan, 1125 15th Street NW., Washington, D.C. 20005.

B. Citizens for Management of Alaska Lands, Anchorage, Alaska.

D. (6) $12,000.

A. Edward D. Heffernan, 1125 15th Street NW., Washington, D.C. 20005.

B. Ductile Iron Pipe Research Association, Oak Brook, Ill. 60521.

A. John F. Heilman, Disabled American Veterans, 807 Maine Avenue SW., Washington, D.C. 20024.

B. Disabled American Veterans, 3725 Alexandria Pike, Cold Springs, Ky. 41076.

D. (6) $10,132. E. (9) $284.18.

A. Clyde M. Heiner, 180 East First South Street, Salt Lake City, Utah 84139.
B. Mountain Fuel Supply Co., 180 East First South, Salt Lake City, Utah.
D. (6) $133. E. (9) $640.93.

A. Steven B. Hellem, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
D. (6) $2,500.

A. Richard L. Hellwege, Lear Siegler, Inc., 1911 Jefferson Davis Highway, Suite 1002, Arlington, Va. 22202.
B. Lear Siegler, Inc., 4141 Eastern Avenue SE., Grand Rapids, Mich. 49508.
D. (6) $546. E. (9) $142.45.

A. Noel Hemmendinger, Arter, Hadden & Hemmendinger, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Arter, Hadden & Hemmendinger (for Banco do Brasil S.A.), 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Noel Hemmendinger, Arter, Hadden & Hemmendinger, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Arter, Hadden & Hemmendinger (for Japan Iron & Steel Exporters' Association, Tokyo, Japan), 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $7,985.

A. Carol C. Henderson, American Library Association, 110 Maryland Avenue NE., Box 54, Washington, D.C. 20002.
B. American Library Association, 50 East Huron Street, Chicago, Ill. 60611.
D. (6) $561.

A. Douglas F. Henderson, Rocky Mountain Oil & Gas Association, 1155 15th Street NW., Suite 314, Washington, D.C. 20005.
B. Rocky Mountain Oil & Gas Association, 345 Petroleum Building, Denver, Colo. 80202.
E. (9) $307.90.

A. John B. Henderson, Textron, Inc., 1666 K Street NW., Washington, D.C. 20006.
B. Textron Inc., 40 Westminster Street, Providence, R.I. 02903.
D. (6) $2,049. E. (9) $446.19.

A. Richard Dean Henderson, Private Truck Council of America, Inc., 1101 17th Street NW., Washington, D.C. 20036.
B. Private Truck Council of America, Inc., 1101 17th Street NW., No. 310, Washington, D.C. 20036.
E. (9) $20.

A. Henkel & Lamon, 229 Peachtree Street NE., 2500 Peachtree Center, Cain Tower, Atlanta, Ga. 30303.
B. Colonial Life & Accident Insurance Co., P.O. Box 1365, Columbia, S.C. 29201.
D. (6) $486. E. (9) $6.90.

A. Henkel & Lamon, 229 Peachtree Street NE., Suite 2500, Atlanta, Ga. 30303.
B. National Association of Pension Consultants and Administrators, Inc., Suite 300, 3 Piedmont Center, Atlanta, Ga. 30305.

A. Henkel & Lamon, 229 Peachtree Street NE., 2500 Peachtree Center, Cain Tower, Atlanta, Ga. 30303.
B. Small Business Council of America, Inc., 702 Longfellow Building, 1201 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $9,101.50. E. (9) $53.89.

A. Edmund P. Hennelly, 150 East 42d Street, New York, N.Y. 10017.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $1,500.

A. Thomas M. Hennessy, Getty Oil Co., 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Getty Oil Co., 3810 Wilshire Boulevard, Los Angeles, Calif. 90010.
D. (6) $3,330. E. (9) $687.12.

A. George F. Hennrikus, Jr., Retired Officers Association, 201 North Washington Street, Alexandria, Va. 22314.
B. Retired Officers Association, 201 North Washington Street, Alexandria, Va. 22314.
D. (6) $4,009.

A. Donald A. Henriksen, 515 South Flower Street, Los Angeles, Calif. 90071.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.

A. Bruce Heppen, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.

A. Lawrence R. Herman, Independent Insurance Agents of America, 1120 19th Street NW., Washington, D.C. 20036.
B. Independent Insurance Agents of America, 85 John Street, New York, N.Y. 10030.
D. (6) $7,367.94.

A. Lyla M. Hernandez, American Association of Professional Standards Review Organizations, 11325 Seven Locks Road, Potamac, Md. 20854.
B. American Association of Professional Standards Review Organizations, 11325 Seven Locks Road, Potomac, Md. 20854.
D. (6) $292. E. (9) $9.80.

A. Herrick, Allen, & Davis, 1701 K Street NW., Suite 706, Washington, D.C. 20006.
B. Amusement & Music Operators Association, 35 East Wacker Drive, Suite 1940, Chicago, Ill. 60601.
D. (6) $1,287.49.

A. Heublein, Inc., Munson Road, Farmington, Conn. 06032.
E. (9) $50,660.52.

A. Ted A. Heydinger, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
D. (6) $1,787. E. (9) $268.33.

A. Andrew I. Hickey, Jr., Federal National Mortgage Association, 3900 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Federal National Mortgage Association, 3900 Wisconsin Avenue NW., Washington, D.C. 20016.
D. (6) $18,022.29. E. (9) $1,372.41.

A. Frederic W. Hickman, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.
B. Commonwealth Edison Co., 1 First National Plaza, Chicago, Ill. 60603.

A. Frederic W. Hickman, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.
B. First Chicago Corp., 1 First National Plaza, Chicago, Ill. 60670.

A. Frederic W. Hickman, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.
B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.
D. (6) $2,350.

A. Frederic W. Hickman, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.
B. Northwest Industries, Inc., 6300 Sears Tower, Chicago, Ill. 60606.

A. Frederic W. Hickman, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.
B. Peoples Gas Co., 122 South Michigan Avenue, Chicago, Ill. 60603.
D. (6) $1,620.

A. Frederic W. Hickman, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.
B. Trans Union Corp., 90 Half Day Road, Lincolnshire, Ill. 60015.

A. Paul T. Hicks, Rhode Island Petroleum Association, 154 Francis Street, Providence, R.I. 02903.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. J. Thomas Higginbotham, Mellon Bank, N.A., Pittsburgh, Pa. 15230.
B. Mellon Bank, N.A. and Mellon National Corp., Mellon Square, Pittsburgh, Pa. 15230.
D. (6) $2,000. E. (9) $1,700.89.

A. Kevin M. Higgins, 9 West 57th Street, New York, N.Y. 10019.
B. Avon Products, Inc., 9 West 57th Street, New York, N.Y. 10019.

A. Hill, Christopher & Phillips, 1900 M Street NW., Washington, D.C. 20036.
B. Chrysler Corp, P.O. Box 1919, Detroit, Mich. 48288.
D. (6) $1,500. E. (9) $1,125.

A. Hill, Christopher & Phillips, 1900 M Street NW., Washington, D.C. 20036.
B. Michigan State Housing Development Authority, Plaza 1, Fourth Floor, 401 South Washington Square, Lansing, Mich. 48909.
D. (6) $704.38. E. (9) $172.50.

A. Hill, Christopher & Phillips, 1900 M Street NW., Washington, D.C. 20036.
B. Morgan Guaranty Trust Co. of New York, 23 Wall Street, New York, N.Y. 10015.
D. (6) $600. E. (9) $300.

A. Gerald "Jerry" Hill, No. 6 Executive Park Drive, Atlanta, Ga. 30329.
B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60601.
E. (9) $62.08.

A. J. Eldred Hill, Jr., UBA, Inc., 1800 M Street NW., 460 South, Washington, D.C. 20036.
B. UBA, Inc., 1800 M Street NW., 460 South, Washington, D.C. 20036.
D. (6) $2,000.

A. Hill & Knowlton, Inc., 1425 K Street NW., No. 1000, Washington, D.C. 20005.
B. Florists' Transworld Delivery Association, P.O. Box 2227, Southfield, Mich. 48037.

A. E. Joseph Hillings, National Airlines, Inc., 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Airlines, Inc., P.O. Box 592055 AMF, Miami, Fla. 33159.
D. (6) $1,100. E. (9) $50.

A. Cornish F. Hitchcock, 1346 Connecticut Avenue NW., Suite 717, Washington, D.C. 20036.
B. Aviation Consumer Action Project, P.O. Box 19029, Washington, D.C. 20036.
D. (6) $200. E. (9) $65.

A. Sheila K. Hixson, 1101 17th Street NW., Washington, D.C. 20036.
B. American Dental Association, 1101 17th Street NW., Washington, D.C. 20036.
D. (6) $1,000.

A. Lawrence S. Hobart, American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $1,000.

A. Claude E. Hobbs, Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20006.

B. Westinghouse Electric Corp., Westinghouse Building, Gateway Center, Pittsburgh, Pa. 15222.

D. (6) $3,200. E. (9) $87.

A. Robert J. Hobbs, National Consumer Law Center, Inc., 11 Beacon Street, Boston, Mass. 02108.

B. National Consumer Law Center, 11 Beacon Street, Boston, Mass. 02108.

D. (6) $681.71. E. (9) $1,292.02.

A. Valery Hobbs, TRW, Inc., 2030 M Street NW., Suite 800, Washington, D.C. 20036.

B. TRW, Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117.

D. (6) $1,000.

A. Howard E. Hoelter, Illinois Petroleum Council, P.O. Box 5034, Springfield, Ill. 62705.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $712. E. (9) $445.80.

A. Irvin A. Hoff, 20 Live Oak Road, Hilton Head Island, S.C. 29928.

B. United States Cane Sugar Refiners' Association, 1001 Connecticut Avenue, Washington, D.C. 20036.

D. (6) $375. E. (9) $280.74.

A. Ellen S. Hoffman, 1520 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Children's Defense Fund of the Washington Research Project, Inc.

D. (6) $1,410. E. (9) $610.96.

A. Herbert E. Hoffman, American Bar Association, 1800 M Street NW., Washington, D.C. 20036.

B. American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637.

D. (6) $400. E. (9) $50.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. American Hawaiian Cruising Line, Inc., Wall Street Plaza, New York, N.Y. 10005.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Council of European & Japanese National Shipowners' Associations, 17/18 Bury Street, London EC3A 5 AH, England.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Direct Selling Association, 1730 M Street NW., Washington, D.C. 20036.

D. (6) $2,270.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Energy Transportation Systems, Inc., 50 Beale Street, San Francisco, Calif. 94119.

D. (6) $1,500. E. (9) $27.10.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Grocery Manufacturers of America, Inc., 3217 K Street NW., Washington, D.C. 20007.

D. (6) $325.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Guam Power Authority, Agana, Guam.

D. (6) $1,102.50. E. (9) $15.

A. Hogan & Hartson, 815 Connecticut Avenue, Washington, D.C. 20006.

B. National Rehabilitation Association, 1522 K Street, NW., Washington, D.C. 20006.

D. (6) $1,653.75.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Wood Energy Institute, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $2,253.13.

A. Bruce E. Holbein, Digital Equipment Corp., 111 Powdermill Road B79, Maynard, Mass. 01754.

B. Digital Equipment Corp., 111 Powdermill Road, Maynard, Mass. 01754.

D. (6) $7,500. E. (9) $732.

A. John H. Holloman III, O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Suite 800, Washington, D.C., 20006.

B. Pfizer, Inc., 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. John H. Holloman III, O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Suite 800, Washington, D.C. 20006.

B. Sperry-Rand Corp., 3333 Pilot Knob Road, St. Paul, Minn.

A. John H. Holloman III, O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Suite 800, Washington, D.C. 20006.

B. Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20006.

A. Wendell M. Holloway, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Ford Motor Co., Dearborn, Mich.

D. (6) $554. E. (9) $537.75.

A. Lee B. Holmes, United States League of Savings Associations, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.

B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill. 60601.

D. (6) $2,362.50.

A. Peter E. Holmes, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn. 96431.

D. (6) $750.

A. Richard C. Holmquist, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

D. (6) $90.66. E. (9) $2.50.

A. Holt, Cicatiello, Neiswanger, Inc., 1441 Irving Street, Rahway, N.J. 07065.

B. New York Mercantile Exchange, 4 World Trade Center, New York, N.Y. 10048.

D. (6) $5,250. E. (9) $1,530.37.

A. E. Y. Holt, Jr., National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.

B. National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.

A. Hongkong & Shanghai Banking Corp., Regional Office Americas, 375 Park Avenue, New York, N.Y. 10022.

A. Hormel Foundation, Austin, Minn. 55912.

E. (9) $9,673.11.

A. Robert Jack Horn, 1819 H Street NW., Suite 950, Washington, D.C. 20006.

B. Detroit Edison Co., 2000 Second Avenue, Detroit, Mich. 48226.

D. (6) $358. E. (9) $137.50.

A. Michael E. Horrell, American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C. 20006.

B. American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C. 20006.

D. (6) $1,365. E. (9) $10.78.

A. Houdaille Industries, Inc., 1 Financial Plaza, Fort Lauderdale, Fla. 33394.

E. (9) $27,246.86.

A. Houger, Garvey, Schubert, Adams & Barer, 1919 Pennsylvania Avenue NW., Suite 850, Washington, D.C. 20006.

B. C. W. Whitman, Southwest Spokane Street and Chelan Avenue Southwest, on West Waterway, Seattle, Wash.; David S. Updike, 1121 Fairview Avenue North, Seattle, Wash. 98109.

D. (6) $841.50. E. (9) $1,009.

A. Houger, Garvey, Schubert, Adams & Barer , 1919 Pennsylvania Avenue Northwest, Suite 850, Washington, D.C. 20006.

B. Totem Ocean Trailer Express, Inc., 1100 Olive Way, Seattle, Wash. 98101.

D. (6) $928. E. (9) $2,091.80.

A. Houston Natural Gas Corp., P.O. Box 1188, Houston, Tex. 77001.

E. (9) $1,448.40.

A. C. T. Hoversten, 209 West 53d Street, Western Springs, Ill. 60558.

B. National Advertising Co., 6850 South Harlem Avenue, Argo P.O., Bedford Park, Ill. 60501.

A. Arthur L. Howard, 1100 H Street NW., Washington, D.C. 20080.

B. Washington Gas Light Co., 1100 H Street NW., Washington, D.C. 20080.

A. Donald L. Howell, First City National Bank Building, Houston, Tex. 77002.

B. Vinson & Elkins (for Slurry Transport Association), First City National Bank Building, Houston, Tex. 77002.

D. (6) $9,212.50. E. (9) $1,594.36.

A. Joe L. Howell, 1700 Pennsylvania Avenue NW., Suite 750, Washington, D.C. 20006.

B. Allstate Enterprises, Inc., Allstate Plaza, Northbrook, Ill. 60062.

A. Joe L. Howell, 1700 Pennsylvania Avenue NW., Suite 750, Washington, D.C. 20006.

B. Allstate Insurance Co., Allstate Plaza, Northbrook, Ill. 60062.

A. John B. Howerton, ASARCO Inc., 1730 Rhode Island Avenue NW., Suite 206, Washington, D.C. 20036.

A. ASARCO Inc., 120 Broadway, New York, N.Y. 10005.

D. (6) $1,500.

A. Karl T. Hoyle, Credit Union National Association, 1730 Rhode Island Avenue, Washington, D.C. 20036.

B. Credit Union National Association, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

D. (6) $300. E. (9) $218.05.

A. Tony R. Huerta, National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $4,394.10.

A. Randall A. Huffman, Willkie Farr & Gallagher, 153 East 53d Street, New York, N.Y. 10022.

B. Willkie Farr & Gallagher, 153 East 53d Street, New York, N.Y. 10022.

A. David Emery Hughes, Union Mutual Life Insurance Co., 2211 Congress Street, Portland, Maine 04112.

B. Union Mutual Life Insurance Co., 2211 Congress Street, Portland, Maine 04112.

D. (6) $150.

A. Hughes, Hubbard & Reed, 1660 L Street NW., Washington, D.C. 20036.
B. Pepsi Cola Bottlers Association, 3100 East Oakland Park Boulevard, Ft. Lauderdale, Fla. 33308.
D. (6) $150. E. (9) $5.

A. Peter W. Hughes, National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
D. (6) $726.92.

A. Robert S. Hughes, American Association of Foundations for Medical Care, 11325 Seven Locks Road, Potomac, Md. 20854.
B. American Association of Foundations for Medical Care, 11325 Seven Locks Road, Potomac, Md. 20854.
D. (6) $292. E. (9) $14.

A. William G. Hughes, National Association of Federal Veterinarians, Suite 836, 1522 K Street, Washington, D.C. 20005.
B. National Association of Federal Veterinarians, Suite 836, 1522 K Street NW., Washington, D.C. 20005.
D. (6) $107.71.

A. Edward L. Huie, Suite 415, Wheaton Plaza North, Wheaton, Md. 20902.
B. National Association of Air Traffic Specialists Inc., Suite 415, Wheaton Plaza North, Wheaton, Md. 20902.
D. (6) $6,717.15. E. (9) $1,295.32.

A. David C. Hull, National Cotton Council of America, 1030 15th Street NW., Suite 700, Washington, D.C. 20005.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

A. Gregory A. Humphrey, American Federation of Teachers, AFL–CIO, 11 Dupont Circle NW., Washington, D.C. 20036.
B. American Federation of Teachers, AFL–CIO, 11 Dupont Circle NW., Washington, D.C. 20036.
D. (6) $10,705.17. E. (9) $40.

A. Keith R. Hundley, Weyerhaeuser Co., 1625 I Street NW., No. 902, Washington, D.C. 20006.
B. Weyerhaeuser Co., Tacoma, Wash. 98477.
D. (6) $500. E. (9) $101.88.

A. Burt H. Hunley, Chevron, U.S.A., Inc., 1700 K Street NW., Suite 1204, Washington, D.C. 20006.
B. Chevron, U.S.A., Inc. (a subsidiary of the Standard Oil Co. of California), 1700 K Street NW., Suite 1204, Washington, D.C. 20006.
D. (6) $195.

A. Michael M. Hunter, International Telephone & Telegraph Corp., 1707 L Street NW., Suite 200, Washington, D.C. 20036.
B. International Telephone & Telegraph Corp., 320 Park Avenue, New York, N.Y. 10022.
D. (6) $300. E. (9) $55.

A. Milton F. Huntington, Maine Petroleum Association, 283 Water Street, Augusta, Maine 04330.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $40.

A. John Edward Hurley, 1101 New Hampshire Avenue NW., Washington, D.C. 20037.

A. John Edward Hurley, 1101 New Hampshire Avenue NW., Suite 107, Washington, D.C. 20037.
B. National Association for Free Enterprise, 1101 New Hampshire Avenue NW., Suite 107, Washington, D.C. 20037.

A. Raymond D. Hurley, 1 Farragut Square South, Washington, D.C. 20006.
B. Owens-Corning Fiberglas Corp., Fiberglas Tower, Toledo, Ohio 43659.

A. Benjamin Melvin Hurwitz, Coastal States Gas Corp., 1333 New Hampshire Avenue NW., Suite 205, Washington, D.C. 20036.
B. Coastal States Gas Corp., 9 Greenway Plaza, Houston, Tex. 77046.
D. (6) $600. E. (9) $176.70.

A. John F. Hussey, Monsanto Co., 1101 17th Street NW., Washington, D.C. 20036.
B. Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166.
D. (6) $500. E. (9) $90.38.

A. Dewey M. Hutchins, Jr., Eastman Kodak Co., 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Eastman Kodak Co., 343 State Street, Rochester, N.Y. 14650.
D. (6) $375. E. (9) $212.

A. Philip A. Hutchinson, Jr., Volkswagen of America, Inc., 475 L'Enfant Plaza SW., Suite 2450, Washington, D.C. 20024.
B. Volkswagen of America, Inc., 27621 Parkview Boulevard, Warren, Mich. 48092.
D. (6) $250.

A. Randy Huwa, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $3,798.

A. David C. Hyer, Ohio Petroleum Council, 88 East Broad Street, Suite 1960, Columbus, Ohio 43215.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Robert D. Hynes, Jr., National Broadcasting Co., Inc., 1800 K Street NW., Washington, D.C. 20006.
B. National Broadcasting Co., Inc., 1800 K Street NW., Washington, D.C. 20006.
D. (6) $200. E. (9) $248.

A. John Iaccio, Seafarers International Union, AGLIW District, 815 16th Street NW., Room 510, Washington, D.C. 20006.
B. Seafarers International Union, AGLIW District, 815 16th Street NW., Room 510, Washington, D.C.
D. (6) $2,125.

A. John K. Iglehart, 900 17th Street NW., Washington, D.C. 20006.
B. Kaiser Foundation Health Plan, Inc.
D. (6) $17,250. E. (9) $1,500.

A. Independent Insurance Agents of America, Inc., 85 John Street, New York, N.Y. 10038.
E. (9) $20,214.55.

A. Independent Local Newspaper Association, 1050 17th Street NW., Washington, D.C. 20036.
D. (6) $7,500. E. (9) $7,500.

A. Independent U.S. Tanker Owners' Committee, 1612 K Street NW., No. 510, Washington, D.C. 20006.

A. Nancy J. Ingalsbee, 3325 Wilshire Boulevard, Suite 1340, Los Angeles, Calif. 90010.
B. Far West Ski Association, 3325 Wilshire Boulevard, Suite 1340, Los Angeles, Calif. 90010.
D. (6) $232. E. (9) $422.80.

A. Deborah A. Insley, General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp.
D. (6) $2,500. E. (9) $387.55.

A. Interlake, Inc., 2015 Spring Road, Oak Brook, Ill. 60521.
E. (9) $13,696.96.

A. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C. 20001.
E. (9) $28,667.34.

A. International Maritime Associates, Inc., 1800 K Street NW., Washington, D.C. 20006. Washington, D.C. 20006.

A. International Union, United Automobile, Aerospace, & Agricultural Implement Workers of America, 8000 East Jefferson, Detroit, Mich. 48214.
D. (6) $66,860. E. (9) $66,860.

A. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.
E. (9) $1,321.29.

A. Investment Counsel Association of America, Inc., 127 East 59th Street, New York, N.Y. 10022.
E. (9) $1,168.

A. Iron Ore Lessors Association, Inc., 1500 First National Bank Building, Saint Paul, Minn. 55101.
D. (6) $4,437.42. E. (9) $10,421.04.

A. William A. Irvine, 1725 K Street NW., Suite 607, Washington, D.C. 20006.
B. Associated Third Class Mail Users, 1725 K Street NW., Suite 607, Washington, D.C. 20006.
D. (6) $600.

A. Joseph S. Ives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $140.

A. Robert A. Jablon, Spiegel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. Fort Pierce Utilities Authority of the city of Fort Pierce; Gainesville-Alachua County Regional Electric Water and Sewer Utilities; Sebring Utilities Commission, cities of Homestead, Kissimmee, Lakeland, Starke, Tallahassee, Fla.

A. James K. Jackson, 818 Connecticut Avenue NW., Washington, D.C. 20006.
B. Federal Cartridge, Co., 2700 Foshay Tower, Minneapolis, Minn. 55402.
D. (6) $500.

A. Mary E. Jacksteit, American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
D. (6) $6,587.70. E. (9) $201.86.

A. Mary Jo Jacobi, 3M, 1101 15th Street NW., Washington, D.C. 20005.
B. Minnesota Mining & Manufacturing Co., 3M Center, St. Paul, Minn. 55101.
D. (6) $3,700.

A. E. A. Jaenke & Associates, Inc., 1575 I Street NW., Suite 230, Washington, D.C. 20005.
B. Cooperative League of the U.S.A., 1828 L Street NW., Washington, D.C. 20036.
D. (6) $1,000. E. (9) $25.

A. E. A. Jaenke & Associates, 1575 I Street NW., Suite 230, Washington, D.C. 20005.

B. Distilled Spirit Committee for International Trade, 1819 H Street NW., Suite 400, Washington, D.C. 20006.

A. E. A. Jaenke & Associates, 1575 I Street NW., Suite 230, Washington, D.C. 20005.

B. Farmland Industries, Kansas City, Mo.

D. (6) $500. E. (9) $7.

A. E. A. Jaenke & Associates, Inc., 1575 I Street NW., Suite 230, Washington, D.C. 20005.

B. Midcontinent Farmers Association, Columbia, Mo. 65201.

A. E. A. Jaenke & Associates, Inc., 1575 I Street NW., Suite 230, Washington, D.C. 20005.

B. University of Kansas, Lawrence, Kans.

D. (6) $250. E. (9) $12.

A. Robert L. James, 1800 K Street NW., Suite 920, Washington, D.C. 20006.

B. BankAmerica Corp., Bank of America Center, San Francisco, Calif.

D. (6) $28.85. E. (9) $10.74.

A. Leslie A. Janka, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc. (for Government of Morocco, Rabat Morocco), 1225 19th Street NW., Washington, D.C. 20036.

D. (6) $96.92. E. (9) $14.53.

A. Leslie A. Janka, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc. (for Thomson-CSF (AVS) 178 Boulevard Gabriel Peri, 92240 Malakoff, France), 1225 19th Street NW., Washington, D.C. 20036.

A. Thomas Destry Jarvis, 529 Tennessee Avenue, Alexandria, Va. 22305.

B. National Parks and Conservation Association, 1701 18th Street NW., Washington, D.C. 20009.

D. (6) $1,833.12. E. (9) $13.20.

A. Joseph A. Jeffrey, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

D. (6) $453.30. E. (9) $310.82.

A. Joseph S. Jenckes, Abbott Laboratories, 1730 M Street NW., Suite 808, Washington, D.C. 20036.

B. Abbott Laboratories, Abbott Park, North Chicago, Ill. 60064.

E. (9) $727.14.

A. Linda Jenckes, 1750 K Street NW., Washington, D.C.

B. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C.; 919 Third Avenue, New York, N.Y.; 332 South Michigan Avenue, Chicago, Ill.

D. (6) $888. E. (9) $17.80.

A. Jenkins, Nystrom & Sterlacci, 2033 M Street NW., Suite 504, Washington, D.C. 20036.

B. Commonwealth of Puerto Rico.

D. (6) $10,450. E. (9) $103.10.

A. James C. Jennings, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Jennings, Strouss & Salmon, 111 West Monroe, Phoenix, Ariz. 85003.

B. Shamrock Foods Co., 2228 North Black Canyon Road, Phoenix, Ariz. 85009.

A. W. Pat Jennings, P.O. Box 231, Marion, Va., 24354.

B. Slurry Transport Association, 490 L'Enfant Plaza East SW., Suite 3210, Washington, D.C. 20024.

D. (6) $1,000.

A. Chris L. Jensen, Florida Petroleum Council, 111 North Gadsden Street, Tallahassee, Fla. 32301.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $1,005. E. (9) $1,110.65.

A. Norman A. Jensvold, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

B. National Rifle Association, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

D. (6) $450.

A. A. W. Jessup, 1899 L Street NW., No. 1100, Washington, D.C. 20036.

B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y. 10020.

E. (9) $110.26.

A. Guy E. Jester, J. S. Alberici Construction Co., 2150 Kienlen Avenue, St. Louis, Mo. 63121.

B. Association for the Improvement of the Mississippi River, 10 Broadway, St. Louis, Mo. 63102.

A. Charles E. Joeckel, Jr., Disabled American Veterans, 807 Maine Avenue SW., Washington, D.C. 20024.

B. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky. 41076.

D. (6) $6,757. E. (9) $183.35.

A. Ronald P. Johnsen, Columbia Gas System Service Corp., 1625 I Street NW., Washington, D.C. 20006.

B. Columbia Gas System Service Corp., 20 Montchanin Road, Wilmington, Del. 19807.

D. (6) $175. E. (9) $368.82.

A. Bruce T. Johnson, Bowery Savings Bank, 110 East 42d Street, New York, N.Y. 10017.

B. Bowery Savings Bank, 110 East 42d Street, New York, N.Y. 10017.

D. (6) $11,419. E. (9) $5,552.58.

A. Calvin P. Johnson, 1750 K Street NW., Washington, D.C., 20006.

B. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C.; 919 Third Avenue, New York, N.Y.; 332 South Michigan Avenue, Chicago, Ill.

A. David H. Johnson, Mississippi Petroleum Council, P.O. Box 42, Jackson, Miss. 39205.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Jeff R. Johnson, Paraplegia Cure Research, 100 Maryland Avenue NE., No. 501, Washington, D.C. 20002.

B. Paraplegia Cure Research, 100 Maryland Avenue NE., No. 501, Washington, D.C. 20002.

D. (6) $100. E. (9) $20.

A. Jess Johnson, Jr., Shell Oil Co., 1025 Connecticut Avenue NW., Suite 200, Washington, D.C. 20036.

B. Shell Oil Co., One Shell Plaza, P.O. Box 2463, Houston, Tex. 77001.

D. (6) $500.

A. John B. Johnson, Alabama Petroleum Council, P.O. Box 4220, Montgomery, Ala. 36101.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $930.40. E. (9) $429.68.

A. Reuben L. Johnson, 1012 14th Street NW., Washington, D.C. 20005.

B. The Farmers' Educational and Co-Operative Union of America (National Farmers Union), Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C. 20005.

D. (6) $8,292.31. E. (9) $180.38.

A. Richard W. Johnson, Jr., Non-Commissioned Officer Association of the U.S.A.; 110 Maryland Avenue NE., Box 43, Washington, D.C. 20002.

B. Non-Commissioned Officers Association of the U.S.A., P.O. Box 33610, San Antonio, Tex. 78233.

D. (6) $2,593.44. E. (9) $325.73.

A. Spencer A. Johnson, Paperboard Packaging Council, 1800 K Street NW., Suite 600, Washington, D.C. 20006.

B. Paperboard Packaging Council, 1800 K Street NW., Suite 600, Washington, D.C. 20006.

A. Stanley L. Johnson, Texaco, Inc., 1050 17th Street NW., Washington, D.C. 20036.

B. Texaco, Inc., 2000 Westchester Avenue, White Plains, N.Y. 10650.

D. (6) $50.

A. William Johnson, Consumers Power Co., 1333 New Hampshire Avenue NW., Suite 1120, Washington, D.C. 20036.

B. Consumers Power Co., 212 West Michigan Avenue, Jackson, Mich. 49201.

D. (6) $600.

A. James D. Johnston, General Motors Corps., 1660 L Street NW., Washington, D.C. 20036.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.

D. (6) $3,600. E. (9) $3,144.13.

A. Joint Corporate Committee on Cuban Claims, c/o Lone Star Industries, Inc., P.O. Box 5050, Greenwich, Conn. 06830.

D. (6) $5,750. E. (9) $1,170.

A. Charlie W. Jones, Man-Made Fiber Producers Association, Inc., 1150 17th Street NW., Washington, D.C. 20036.

B. Man-Made Fiber Producers Association, Inc., 1150 17th Street NW., Washington, D.C. 20036.

D. (6) $325. E. (9) $45.

A. James E. Jones, Appalachian Power Co., 40 Franklin Road SW., Roanoke, Va. 24022.

B. Appalachian Power Co., 40 Franklin Road SW., Roanoke, Va. 24022.

A. James E. Jones, Jr., Alliance of American Insurers, 1776 F Street NW., Washington, D.C.

B. Alliance of American Insurers, 20 North Wacker Drive, Chicago, Ill. 60606.

D. (6) $725. E. (9) $75.

A. Martha E. Jones, 4 Loma Alta, Lakeland, Fla. 33803.

B. Florida Phosphate Council, P.O. Box 5530, Lakeland, Fla. 33803.

D. (6) $5,750. E. (9) $1,591.60.

A. Norvill Jones, Reynolds Metals Co., 1620 I Street NW., Washington, D.C. 20006.

B. Reynolds Metals Co., 6601 West Broad Street, Richmond, Va. 23261.

D. (6) $250.

A. Randall T. Jones, National Cotton Council of America, 1030 15th Street NW., Suite 700, Washington, D.C.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

D. (6) $630.

A. De Soto Jordan, Electronic Data Systems Corp., 229 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Electronic Data Systems Corp., 229 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $176.

A. Donald L. Jordan, Alliance of American Insurers, 1776 F Street NW., Washington, D.C. 20006.
B. Alliance of American Insurers, 20 North Wacker Drive, Chicago, Ill. 60606.
D. (6) $200. E. (9) $75.

A. James V. Jordan, III, P.O. Box 2563, Birmingham, Ala. 35202.
B. Southern Natural Gas Co., P.O. Box 2563, Birmingham, Ala. 35202.

A. Jeffrey H. Joseph, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
D. (6) $1,365. E. (9) $68.40.

A. Ellen Josephson, National Legal Aid and Defender Association, 2100 M Street NW., Suite 601, Washington, D.C. 20037.
B. National Legal Aid and Defender Association, 2100 M Street NW., Suite 601, Washington, D.C. 20037.
D. (6) $6,501. E. (9) $14.50.

A. James N. Juliana, Braniff International, 1750 New York Avenue NW., Suite 340, Washington, D.C. 20006.
B. Braniff International, Braniff Boulevard, P.O. Box 61747, Dallas-Fort Worth Airport, Tex. 75261.
D. (6) $527.66.

A. Robert E. Juliano, Hotel & Restaurant Employees & Bartenders International Union, 1875 I Street NW., Suite 450, Washington, D.C. 20006.
B. Hotel & Restaurant Employees & Bartenders International Union, 120 East Fourth Street, Suite 1300, Cincinnati, Ohio 45202.
D. (6) $9,999.96. E. (9) $2,627.03.

A. Ann P. Kahn, National Congress of Parents & Teachers, 9202 Ponce Place, Fairfax, Va. 22031.
B. National Congress of Parents & Teachers, 700 North Rush Street, Chicago, Ill. 60611.
E. (9) $23.36.

A. Kaiser Steel Corp., 900 17th Street NW., No. 1016, Washington, D.C. 20006.
E. (9) $717.85.

A. Donald J. Kaniewski, Laborers' International Union of N.A., AFL–CIO, 905 16th Street, NW., Washington, D.C. 20006.
B. Laborers' International Union of N.A., AFL–CIO, 905 16th Street NW., Washington, D.C. 20006.
D. (6) $5,224.98. E. (9) $193.50.

A. Elizabeth Kaplan, 530 Seventh Street SE., Washington, D.C. 20003.
B. Friends of the Earth, 530 Seventh Street SE., Washington, D.C. 20003.
D. (6) $2,539.20.

A. Charles W. Karcher, 1780 Guildhall, Cleveland, Ohio 44115.
B. Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.

A. Gene Karpinski, 133 C Street SE., Washington, D.C. 20003.
B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.
D. (6) $3,249.99.

A. Joseph E. Karth, Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20024.
B. American League for Exports & Security Assistance, Inc., Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20024.
D. (6) $6,500.

A. Joseph E. Karth, Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20024.
B. General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
D. (6) $1,500. E. (9) $600.

A. Joseph E. Karth, Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20024.
B. Pullman Swindell, Division of Pullman, Inc., 441 Smithfield Street, Pittsburgh, Pa. 15222.

A. Joseph E. Karth, Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20024.
B. TADCO Enterprises, Inc., 1625 Eye Street NW., Suite 1009, Washington, D.C. 20006; Archer-Daniels-Midland Co., Decatur, Ill. 62525.
D. (6) $2,000.

A. Linda E. Katz, Chicago Rock Island & Pacific Railroad Co., 3350 Huntley Square Drive, No. T–2, Temple Hills, Md. 20031.
B. Chicago Rock Island & Pacific Railroad Co., 332 South Michigan Avenue, Chicago, Ill. 60604.
D. (6) $6,500.

A. Milton M. Kaufmann, 19102 Roman Way, Gaithersburg, Md., 20760.
B. Fund for Animals, Inc., 140 West 57th Street, New York, N.Y. 10019.
D. (6) $3,000.

A. Kathryn Kavanagh-Baran, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $3,399.96.

A. Everett E. Kavanaugh, Cosmetic Toiletry & Fragrance Association, Inc. 1133 15th Street NW., Suite 1200, Washington, D.C. 20005.
B. Cosmetic Toiletry & Fragrance Association, Inc., 1133 15th Street NW., Suite 1200, Washington, D.C. 20005.

A. Thomas O. Kay, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 925 15th Stret NW., Washington, D.C. 20005.
D. (6) $1,500. E. (9) $468.13.

A. Kaye, Scholer, Fierman, Hays & Handler, 425 Park Avenue, New York, N.Y. 10022.
B. Pfizer, Inc., 235 East 42d Street, New York, N.Y. 10017.
D. (6) $762. E. (9) $829.56.

A. William J. Keating, 725 15th Street NW., Washington, D.C. 20005.
B. National Grain & Feed Association, P.O. Box 28328, Washington, D.C. 20005.
D. (6) $9.

A. Howard B. Keck, Superior Oil Co., 555 South Flower Street, Los Angeles, Calif. 90071.
B. Superior Oil Co., 555 South Flower Street, Los Angeles, Calif. 90071.
E. (9) $300.

A. Keck, Mahin & Cate, 8300 Sears Tower, 233 South Wacker Drive, Chicago, Ill. 60606.
B. Schwinn Bicycle Co., 1856 North Kostner Avenue, Chicago, Ill. 60639.

A. W. M. Keck, Jr., 1801 Avenue of the Stars, Suite 1110, Los Angeles, Calif. 90067.

A. Patricia Keefer, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $6,200.01.

A. David C. Keehn, Air Products & Chemicals, Inc., 1800 K Street NW., Suite 1016, Washington, D.C. 20006.
B. Air Products & Chemicals, Inc., P.O. Box 538, Allentown, Pa. 18105.
D. (6) $31.25.

A. Jefferson D. Keith, 8150 Leesburg Pike, Suite 1100, Vienna, Va. 22180.
B. National Pest Control Association, 8150 Leesburg Pike, Suite 1100, Vienna, Va. 22180.

A. Robert H. Kellen, Calorie Control Council, 5775 Peachtree-Dunwoody Road, Suite 500–D, Atlanta, Ga. 30342.
B. Robert H. Kellen Co. (for Calorie Control Council, 5775 Peachtree-Dunwoody Road, Suite 500–D, Atlanta, Ga. 30342), 5775 Peachtree-Dunwoody Road, Suite 500–D, Atlanta, Ga. 30342.
D. (6) $1,320.

A. John B. Kelley, 1025 Connecticut Avenue NW., Suite 1200, Washington, D.C. 20036.
B. Avco Corp., 1275 King Street, Greenwich, Conn. 06830.
D. (6) $1,500.

A. Michael T. Kelley, 1 Farragut Square N.W., No. 606, Washington, D.C. 20006.
B. Houston Natural Gas Corp., 1 Farragut Square NW., No. 606, Washington, D.C. 20006.
E. (9) $107.40.

A. Ty Kelley, National Association of Chain Drug Stores, Inc., 1911 Jefferson Davis Highway, Suite 504, Arlington, Va. 22202.
B. National Association of Chain Drug Stores, Inc., 1911 Jefferson Davis Highway, Suite 504, Arlington, Va. 22202.
D. (6) $1,500.

A. Stephen S. Kellner, 1001 Connecticut Avenue NW., Suite 1120, Washington, D.C. 20036.
B. Chemical Specialties Manufacturers Association, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

A. Carol A. Kelly, American Textile Manufacturers, Institute Inc., Suite 300, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Textile Manufacturers Institute, 1101 Connecticut Avenue NW., Suite 300, Washington, D.C. 20036.
D. (6) $207.50. E. (9) $26.65.

A. Earl Kelly, Paralyzed Veterans of America, 4350 East-West Highway, Suite 900, Washington, D.C. 20014.
B. Paralyzed Veterans of America, 4350 East-West Highway, Suite 900, Washington, D.C. 20014.
D. (6) $26,000.

A. Ernest B. Kelly III, Communications Satellite Corp., 950 L'Enfant Plaza SW., Washington, D.C. 20024.
B. Communications Satellite Corp., 950 L'Enfant Plaza SW., Washington, D.C. 20024.
D. (6) $1,000. E. (9) $489.37.

A. Harold V. Kelly, Republic Steel Corp., 1101 15th Street NW., Washington, D.C. 20005.
B. Republic Steel Corp., Republic Building, Cleveland, Ohio 44101.

A. Peter B. Kenney, National Broadcasting Co. Inc., 1800 K Street NW., Washington, D.C. 20006.
B. National Broadcasting Co., Inc., 1800 K Street NW., Washington, D.C. 20006.
D. (6) $700. E. (9) $25.83.

A. Jeremiah J. Kenney, Jr., Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017.
E. (9) $359.64.

A. Robert T. Kenney, Texaco, Inc., 1050 17th Street NW., Washington, D.C. 20036.
B. Texaco, Inc., 2000 Westchester Avenue, White Plains, N.Y. 10650.

A. Paul A. Kerschner, National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
D. (6) $525. E. (9) $17.35.

A. Robert M. Ketchel, General Electric Co., NW., Washington, D.C. 20005.
B. General Electric Co., 777 14th Street 777 14th Street NW., Washington, D.C. 20005.

A. Gilbert W. Keyes, P.O. Box 3999, Seattle, Wash. 98124.
B. Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.
D. (6) $106.40. E. (9) $106.50.

A. Richard F. Kibben, 200 Park Avenue, Suite 2222, New York, N.Y. 10017.
B. The Business Roundtable, 200 Park Avenue, Suite 2222, New York, N.Y. 10017.

A. William S. Kies, 1750 K Street NW., Washington, D.C. 20006.
B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $750.

A. Daniel L. Kiley, 8 North Jefferson Street, Roanoke, Va. 24042.
B. Norfolk & Western Railway Co., 8 North Jefferson Street, Roanoke, Va. 24042.
D. (6) $450. E. (9) $948.67.

A. Kilpatrick & Cody, Suite 400, 2033 K Street NW., Washington, D.C. 20006.
B. Furniture Rental Association of America, 1101 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.
D. (6) $7,125. E. (9) $1,266.68.

A. Kimberly-Clark Corp., North Lake Street, Neenah, Wis. 54956.
E. (9) $1,013.89.

A. Richard H. Kimberly, Kimberly Clark Corp., 3390 Peachtree Road NE., Executive Suite, Atlanta, Ga. 30326.
B. Kimberly-Clark Corp., North Lake Street, Neenah, Wis. 54956.
D. (6) $14.46. E. (9) $11.75.

A. James L. Kimble, 1025 Connecticut Avenue NW., Suite 415, Washington, D.C. 20036.
B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 415, Washington, D.C. 20036.
D. (6) $1,500.

A. Charles L. King, American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
D. (6) $280.

A. Dean King, National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C. 20006.
E. (9) $13.23.

A. Edward H. King, Walgreen Co., 200 Wilmot Road, Deerfield, Ill. 60015.
B. Walgreen Co., 200 Wilmot Road, Deerfield, Ill. 60015.
D. (6) $58. E. (9) $58.

A. G. J. King, U.S. Air, Inc., Washington National Airport, Washington, D.C. 20001.
B. U.S. Air, Inc., Washington National Airport, Washington, D.C. 20001.
D. (6) $1,000.

A. King & Spalding, 2500 Trust Co. Tower, Atlanta, Ga. 30303; 1800 M Street NW., Suite 825, Washington, D.C. 20036.
B. Branch & Associates, Inc., Suite 1630, 400 Colony Square, Atlanta, Ga. 30361.

A. King & Spalding, 2500 Trust Co. Tower, Atlanta, Ga. 30303.
B. Tri-South Mortgage Investors, 1532 Dunwoody Village Parkway, Atlanta, Ga. 30338; Great American Management & Investment, 2850 Equitable Building, Atlanta, Ga. 30303, CMEI, Inc., 300 Interstate North, Atlanta, Ga. 30339.

A. Roger P. Kingsley, 10801 Rockville Pike, Rockville, Md. 20852.
B. American Speech-Language-Hearing Association, 10801 Rockville Pike, Rockville, Md. 20852.
E. (9) $35.

A. Janie A. Kinney, Blum & Nash, 1015 18th Street NW., Washington, D.C. 20036.
B. National Committee for Automobile Crash Protection, 1220 19th Street NW., Suite 201, Washington, D.C. 20036.
D. (6) $4,500. E. (9) $4,588.58.

A. Janie A. Kinney, Blum & Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.
B. Twin Coasts Newspaper, Inc., Journal of Commerce, 110 Wall Street, New York, N.Y. 10005.
D. (6) $150. E. (9) $153.

A. Alan G. Kirk II, Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20068.
B. Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20068.

A. John R. Kirk, Bingham, Dana & Gould, 100 Federal Street, Boston, Mass. 02110.
B. First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.
D. (6) $1,980. E. (9) $211.65.

A. Kirkland & Ellis, 1776 K Street NW., Washington, D.C. 20006.
B. Grocery Manufacturers, Inc., 1010 Wisconsin Avenue NW., Washington, D.C. 20007.

A. Ralph W. Kittle, 1620 I Street NW., No. 700, Washington, D.C. 20006.
B. International Paper Co., Room 700, 1620 I Street NW., Washington, D.C. 20006.
D. (6) $500. E. (9) $245.

A. Saul B. Klaman, National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.
B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.
D. (6) $1,246.15.

A. Catherine B. Klarfeld, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Foley Lardner, Hollabaugh & Jacobs (for Republic of the Philippines), 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Terrence H. Klasky, Independent Bankers Association of America, 1625 Massachusetts Avenue NW., No. 203, Washington, D.C. 20036.
B. Independent Bankers Association of America, 1168 South Main Street, Sauk Centre, Minn. 56378.
D. (6) $10,000. E. (9) $1,500.

A. Richard P. Kleeman, Association of American Publishers, Inc., 1707 L Street NW., Washington, D.C. 20036.
B. Association of American Publishers, Inc., 1707 L Street NW., Washington, D.C. 20036.

A. Joann Klimschot, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $3,600.

A. Richard A. Kline, 1150 17th Street NW., Suite 609, Washington, D.C. 20036.
B. Council of Active Independent Oil & Gas Producers, 1150 17th Street NW., Suite 609, Washington, D.C. 20036.
D. (6) $5,781.

A. William H. Knapp, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
D. (6) $1,050. E. (9) $56.

A. John P. Knierim, 115 West Seventh Street, Fort Worth, Tex. 76102.
B. Texas Electric Service Co., 115 West Seventh Street, Forth Worth, Tex. 76102.
D. (6) $100.59. E. (9) $27.

A. Gary D. Knight, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
D. (6) $109.90. E. (9) $32.45.

A. Keith R. Knoblock, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
D. (6) $115.84. E. (9) $47.33.

A. John C. Knott, Burlington Northern, Inc., Burlington Northern Station, Casper, Wyo. 82601.
B. Burlington Northern, Inc., 176 East Fifth Street, St. Paul, Minn. 55101.
D. (6) $1,250. E. (9) $1,986.62.

A. C. Neal Knox, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $1,375.

A. John S. Knox, Jr., 166 16th Street NW., Atlanta, Ga. 30318.
B. Coca-Cola Bottlers' Association, 166 16th Street NW., Atlanta, Ga. 30318.
D. (6) $25.

A. Philip M. Knox, Jr., Sears, Roebuck & Co., 1211 Connecticut Avenue NW., Suite 802, Washington, D.C. 20036.
B. Sears, Roebuck & Co., Sears Tower, Chicago, Ill. 60684.
D. (6) $2,000.

A. Ruth E. Kobell, 1012 14th Street NW., Washington, D.C. 20005.
B. Farmers' Educational & Co-Operative Union of America (National Farmers Union), Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C. 20005.
D. (6) $4,119.23. E. (9) $125.82.

A. Bradley R. Koch, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $127.80.

A. George W. Koch, 1010 Wisconsin Avenue NW., Washington, D.C. 20007.
B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Washington, D.C. 20007.
D. (6) $30.

A. Robert M. Koch, 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.

A. Stanley E. Kolbe, Jr., American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
B. American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $2,749.30.

A. Kominers, Fort, Schlefer & Boyer, 1776 F Street NW., Washington, D.C. 20006.
B. Aeron Marine Shipping Co., Triad Office Center, 2001 Marcus Avenue, Lake Success, N.Y. 11042.
D. (6) $2,340.

A. Kominers, Fort, Schlefer & Boyer, 1776 F Street NW., Washington, D.C. 20006.
B. Colt Industries, Inc., 430 Park Avenue, New York, N.Y. 10022.
D. (6) $16,435. E. (9) $199.53.

A. Nicholas Kominus, 1001 Connecticut Avenue, Washington, D.C. 20036.
B. United States Cane Sugar Refiners' Association, 1001 Connecticut Avenue, Washington, D.C. 20036.
D. (6) $937.50. E. (9) $48.98.

A. Stephen Koplan, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
B. American Federation of Labor & Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $12,081.88. E. (9) $142.45.

A. Horace R. Kornegay, Suite 800, 1875 I Street NW., Washington, D.C. 20006.
B. Tobacco Institute, Inc., Suite 800, 1875 I Street NW., Washington, D.C. 20006.

A. Kenneth S. Kovack, United Steelworkers of America, 815 16th Street NW., Suite 706, Washington, D.C. 20006.
B. United Steelworkers of America, 5 Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $7,714.89.

A. Chris Koyanagi, National Council of Community Mental Health Centers, 2233 Wisconsin Avenue NW., Washington, D.C. 20007.
B. National Council of Community Mental Health Centers, Inc., 2233 Wisconsin Avenue NW., No. 322, Washington, D.C. 20007.
D. (6) $3,344. E. (9) $84.

A. E. J. Krabacher, Cincinnati Milacron, Inc., 4701 Marburg Avenue, Cincinnati, Ohio 45209.
B. Cincinnati Milacron, Inc., 4701 Marburg Avenue, Cincinnati, Ohio 45209.
D. (6) $8,900. E. (9) $925.

A. Mylio S. Kraja, American Legion, 1608 K Street NW., Washington, D.C. 20006.
B. American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $8,283. E. (9) $867.95.

A. Amos Kramer, Kansas Petroleum Council, 1414 Merchants Bank Building, Eighth and Jackson Street, Topeka, Kans. 66612.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Louis C. Kramp & Associates, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Holiday Inns, Inc., 3742 Lamar Avenue, Memphis, Tenn. 38118.
D. (6) $1,700.

A. Louis C. Kramp & Associates, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Association of Homes for Children, 200 South Tryon Street, Suite 1500, Charlotte, N.C. 28202.
D. (6) $1,010.

A. Stephen W. Kraus, American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
D. (6) $10.

A. Raymond R. Krause, 1700 Pennsylvania Avenue NW., No. 580, Washington, D.C. 20008.
B. Pfizer, Inc., 235 East 42d Street, New York, N.Y. 10017.
D. (6) $300. E. (9) $72.57.

A. Lawrence E. Kreider, Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C. 20036.
B. Conference of State Bank Supervisors, 1015 18th Street NW., Washintgon, D.C. 20036.

A. L. Wayne Krug, 1100 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
B. Union Oil Co. of California, 461 South Bolyston Street, Los Angeles, Calif. 90017.

A. Joseph Kuchler, American Hospital Association, 444 North Capitol Street NW., Suite 500, Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $2,083.44. E.(9) $110.15.

A. M. J. Kuehne, American Plywood Association, P.O. Box 11700, Tacoma, Wash. 98411.
B. American Plywood Association, P.O. Box 11700, Tacoma, Wash. 98411.

A. Lloyd R. Kuhn, Aerospace Industries Association, 1725 DeSales Street NW., Washington, D.C. 20036.
B. Aerospace Industries Association of America, Inc., 1725 DeSales Street NW., Washington, D.C. 20036.
D. (6) $12,124. E. (9) $1,247.23.

A. Thomas R. Kuhn, American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C. 20006.
B. American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C. 20006.
D. (6) $4,375.01. E. (9) $283.50.

A. Daniel M. Kush, CertainTeed Corp., 1627 K Street NW., Suite 610, Washington, D.C. 20006.
B. CertainTeed Corp., P.O. Box 860, Valley Forge, Pa. 19482.
D. (6) $340. E. (9) $37.61.

A. Kutak Rock & Huie, 1101 Connecticut Avenue NW., 11th Floor, Washington, D.C. 20036.
B. Citibank, N.A. 399 Park Avenue, New York, N.Y. 10043.
D. (6) $1,500. E.(9) $8.

A. Kutak Rock & Huie, 1101 Connecticut Avenue NW., 11th Floor, Washington, D.C. 20036.
B. Indiana National Corp., 1 Indiana Square, Indianapolis, Ind. 46266.
D. (6) $160.

A. Kutak Rock & Huie, 1101 Connecticut Avenue NW., 11th Floor, Washington, D.C. 20036.
B. Old Stone Bank, 150 South Main Street Providence, R.I. 02901.
D. (6) $80. E. (9) $0.30.

A. Kutak Rock & Huie, Omaha Building, 1650 Farnam Street, Omaha, Nebr. 68102.
B. E. F. Hutton & Co., Inc., 1 Battery Park Plaza, New York, N.Y. 10004.
D. (6) $1,500. E. (9) $604.

A. Dan Kuykendall, 918 16th Street NW., Suite 402, Washington, D.C. 20006.
B Southern Furniture Manufacturers Association, 918 16th Street NW., Suite 402, Washington, D.C. 20006.
D. (6) $17,500.

A. Labor Bureau of Middle West, 1200 15th Street NW., Washington, D.C. 20005.

A. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $5,979. E. (9) $6,566.

A. Laborers' International Union of North America, AFL–CIO; 905 16th Street NW., Washington, D.C. 20006.
E. (9) $19,487.88.

A. Walter B. Laessig, 1115 Massachusetts Avenue NW., Washington, D.C. 20005.
B. National Association of Real Estate Investment Trusts, Inc., 1101 17th Street NW., Washington, D.C. 20036.
D. $762.50. E. (9) $7.75.

A. Sandra LaFevere, Nationwide Insurance Co., 1000 Connecticut Avenue NW., No. 304, Washington, D.C. 20036.
B. Nationwide Insurance Co. & Affiliates, One Nationwide Plaza, Columbus, Ohio 43216.
D. (6) $500.

A. Sarah M. Laird, League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.
B. League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $4,047. E. (9) $22.

A. James H. Lake, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
B. National Potato Council, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.

A. David F. Lambert III, Suite 1101, 2001 Jeff Davis Highway, Arlington, Va. 22202.
B. Automotive Occupant Protection Association, Suite 1101, 2001 Jeff Davis Highway, Arlington, Va. 22202.
D. (6) $10,000. E. (9) $1,709.64.

A. David M. F. Lambert, 1025 Connecticut Avenue, Suite 900, Washington, D.C. 20036.
B. Jewish Employment Vocational Services, 1727 Locust Street, St. Louis, Mo. 63103.

A. David R. Lambert, The National Grange, 1616 H Street NW., Washington, D.C. 20006.
B. The National Grange, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $1,648.

A. C. P. Lambos, Lorenz, Finn, Giardino & Lambos, 25 Broadway, Suite 1755, New York, N.Y. 10004.

B. New York Shipping Association, Inc., 80 Broad Street, New York, N.Y. 10004.

D. (6) $2,400. E. (9) $150.

A. A. M. Lampley, United Transportation Union, 400 First Street NW., Suite 704, Washington, D.C. 20001.

B. United Transportation Union, 400 First Street NW., Suite 704, Washington, D.C. 20001.

A. Phil M. Landrum, P.O. Box 100, Jasper, Ga., 30143.

B. Great American Management and Investment, 100 Peachtree Street, Atlanta, Ga. 30303.

D. (6) $2,500. E. (9) $1,017.11.

A. David W. Landsidle, National Association of Manufacturers, 1719 Route 10, Parsippany, N.J. 07054.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $600.

A. Karl S. Landstrom, 510 North Edison Street, Arlington, Va. 22203.

B. Geothermal Resources International, Inc., 4676 Admiralty Way, Suite 503, Marine del Rey, Calif. 90291.

D. (6) $750.

A. Lane and Edson, 1800 M Street NW., Suite 400 South, Washington, D.C. 20036.

B. City of Baltimore, Mayor William Donald Schaefer, Office of the Mayor, 250 City Hall, Baltimore, Md. 21202.

D. (6) $2,000.

A. Lane and Edson, Suite 400 South, 1800 M Street NW., Washington, D.C. 20036.

B. Council for Rural Development, c/o Greater Boston Development, Inc., One Boston Place, Boston, Mass. 02108.

D. (6) $3,000.

A. Lane and Edson, Suite 400 South, 1800 M Street NW., Washington, D.C. 20036.

B. National Leased Housing Association, Suite 400 South, 1800 M Street NW., Washington, D.C. 20036.

D. (6) $450.

A. Laurence F. Lane, 1050 17th Street NW., Suite 770, Washington, D.C. 20036.

B. American Association of Homes for the Aging, 1050 17th Street NW., Suite 770, Washington, D.C. 20036.

D. (6) $975. E. (9) $38.

A. Michael S. Lang, American Productivity Center, Inc., 1700 West Loop South, Suite 210, Houston, Tex. 77027.

B. American Productivity Center, Inc., 1700 West Loop South, Suite 210, Houston, Tex. 77027.

A. Robin W. Lanier, National Retail Merchants Association, 1000 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.

B. National Retail Merchants Association, 100 West 31st Street, New York, N.Y. 10001.

D. (6) $100. E. (9) $5.

A. Clifford C. LaPlante, General Electric Co., 777 14th Street NW., Washington, D.C.

B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn.

D. (6) $637.50.

A. J. Stephen Larkin, International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.

B. International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.

D. (6) $500. E. (9) $207.59.

A. Reed E. Larson, 8316 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.

B. National Right to Work Committee, 8316 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.

A. Lawrence C. Laser, Cities Service Co., 1660 L Street NW., Suite 207, Washington, D.C. 20036.

B. Cities Service Co., 1660 L Street NW., Suite 207, Washington, D.C. 20036.

A. Theodore A. Lattanzio, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

B. National Rifle Association, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

D. (6) $600.

A. Kathryn Lavriha, League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.

B. League of Women Voters of the United States, 1730 M Street, Washington, D.C. 20036.

D. (6) $2,346. E. (9) $38.

A. Jane A. Lawlor, 8111 Gatehouse Road, Falls Church, Va. 22047.

B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

A. Kenneth L. Lay, 641 Via Lugano, Winter Park, Fla. 32789.

B. Florida Gas Transmission Co., P.O. Box 44, Winter Park, Fla. 32790.

A. League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.

D. (6) $21,628. E. (9) $21,628.

A. Kevin R. Leary, National Parking Association, 1101 17th Street NW., Washington, D.C. 20036.

B. National Parking Association, 1101 17th Street NW., Washington, D.C. 20036.

D. (6) $4,167.

A. John I. Le Berre, 900 17th Street NW., Washington, D.C. 20006.

B. Kaiser Aluminum and Chemical Corp., 900 17th Street NW., Washington, D.C.

D. (6) $200. E. (9) $12.

A. LeBoeuf, Lamb, Leiby & MacRae, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Neratoom, B. V., P.O. Box 93244, 2509 AE Den Haag, The Hague, Holland.

A. LeBoeuf, Lamb, Leiby & MacRae, 140 Broadway, New York, N.Y., 1333 New Hampshire Avenue NW., Washington, D.C.

B. Underwriters at Lloyd's London, c/o Wm. G. Hockensmith, 409 McClure Building, Frankfurt, Ky. 40601; c/o John Smith, Lord, Bissell & Brook, 115 South LaSalle Street, Chicago, Ill. 60603.

D. (6) $12.84.

A. Robert F. Lederer, 230 Southern Building, Washington, D.C. 20005.

B. American Association of Nurserymen, 230 Southern Building, Washington, D.C. 20005.

A. David A. Lefeve, 1100 Connecticut Avenue, Suite 340, Washington, D.C. 20036.

B. Merrill Lynch & Co., Inc., 165 Broadway, New York, N.Y. 10080.

D. (6) $5,000. E. (9) $5,000.

A. Leggett, Lanier and Associates, 400 North Capitol Street, Washington, D.C. 20001.

B. Gino Morena Enterprises, P.O. Box 191, South San Francisco, Calif. 94080.

D. (6) $1,500. E. (9) $900.

A. Leggett, Lanier and Associates, 400 North Capitol Street, Washington, D.C. 20001.

B. Northern California Naval Civilian Employees Council, P.O. Box 2321, Alameda, Calif.

D. (6) $3,000. E. (9) $2,900.

A. Leggett, Lanier and Associates, 400 North Capitol Street, Washington, D.C. 20001.

B. Panama Canal Pilots Association, P.O. Box 601, Balboa, C.Z.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., Suite 800, Washington, D.C. 20036.

B. The Adhesive & Sealant Council, Inc., 1500 North Wilson Boulevard, Room 1117, Arlington, Va. 22209.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., Suite 800, Washington, D.C. 20036.

B. Alarm Industry Telecommunications Committee of the National Burglar & Fire Alarm Association, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $13,319.95. E. (9) $13,319.95.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., Suite 800, Washington, D.C. 20036.

B. American Association of Nurse Anesthetists, 619 West Higgins Road, Park Ridge, Ill. 60068.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., Suite 800, Washington, D.C. 20036.

B. American Dental Assistants Association, 666 North Lake Shore Drive, Suite 1130, Chicago, Ill. 60611.

A. Leighton Conklin Lemov & Jacobs, 2033 M Street NW., Suite 800, Washington, D.C. 20036.

B. American Express Co., 1700 K Street NW., Suite 702, Washington, D.C. 20006.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., Suite 800, Washington, D.C. 20036.

B. City & Regional Magazine Association, 2033 M Street NW., Suite 800, Washington, D.C. 20036.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., Suite 800, Washington, D.C. 20036.

B. The Clorox Company, 1221 Broadway, Oakland, Calif. 94612.

A. Leighton Conklin Lemov & Jacobs, 2033 M Street NW., Suite 800, Washington, D.C. 20006.

B. Federation of Apparel Manufacturers, 450 Seventh Avenue, New York, N.Y. 10001.

D. (6) $1,500. E. (9) $1,500.

A. Leighton Conklin Lemov & Jacobs, 2033 M Street NW., Suite 800, Washington, D.C. 20006.

B. Fireman's Fund American Life Insurance Co., 1600 Los Gamos Drive, San Rafael, Calif. 94911.

D. (6) $10,108. E. (9) $10,108.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., Suite 800, Washington, D.C. 20006.

B. General Atomic Co., 2021 K Street NW., Suite 709, Washington, D.C. 20006.

D. (6) $2,813. E. (9) $2,813.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., Suite 800, Washington, D.C. 20036.

B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., Suite 800, Washington, D.C. 20036.

B. Intraocular Lens Manufacturers Association, 1420 Crestview Avenue, Seal Beach, Calif. 90740.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., Suite 800, Washington, D.C. 20006.

B. MCI Communications Corp., 1150 17th Street NW., Washington, D.C. 20036.

D. (6) $4,777. E. (9) $4,777.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., Suite 800, Washington, D.C. 20036.

B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., Suite 800, Washington, D.C. 20036.

B. National Glass Dealers Association, 1000 Connecticut Avenue NW., Suite 802, Washington, D.C. 20036.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., Suite 800, Washington, D.C. 20036.

B. National Macaroni Manufacturers Association, P.O. Box 336, Palatine, Ill. 60067.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., Suite 800, Washington, D.C. 20006.

B. National Manufactured Housing Federation, 2033 M Street NW., Suite, 800, Washington, D.C. 20036.

D. (6) $1,800. E. (9) $1,800.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., Washington, D.C. 20036.

B. TRT Telecommunications Corp., 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $10,093.59. E. (9) $10,093.59.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., Suite 800, Washington, D.C. 20036.

B. Turner Communications Corp. and Turner Broadcasting System, 1018 West Peachtree Street NW., Atlanta, Ga. 30309.

A. Leighton, Conklin, Lemov & Jacobs, 2033 M Street NW., Suite 800, Washington, D.C. 20036.

B. Whey Products Institute, 130 North Franklin Street, Chicago, Ill. 60606.

A. Joseph L. Leitzinger, 900 Fourth Avenue, Seattle, Wash. 98164.

B. Simpson Timber Co., 900 Fourth Avenue, Seattle, Wash. 98164.

D. (6) $397. E. (9) $297.65.

A. Gilbert LeKander, 1629 K Street NW., Suite 801, Washington, D.C. 20006.

B. Montana Power Co., 40 East Broadway, Butte, Mont. 59701; Washington Water Power Co., P.O. Box 3737, Spokane, Wash. 99220.

D. (6) $200.

A. Lynette B. Lenard, 1800 M Street NW., Suite 700-S, Washington, D.C. 20036.

B. The Dow Chemical Co., Midland, Mich. 48640.

D. (6) $100. E. (9) $50.

A. Barbara Leonard, 1725 K Street, Suite 1410, Washington, D.C. 20006.

B. The Consumer Bankers Association, 1725 K Street NW., Suite 1410, Washington, D.C. 20006.

D. (6) $1,000. E. (9) $305.15.

A. Earl T. Leonard, Jr., The Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga. 30301.

B. The Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga. 30301.

D. (6) $330. E. (9) $1,052.66.

A. Lloyd Leonard, League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.

B. League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.

D. (6) $2,859. E. (9) $38.

A. Rodney E. Leonard, Community Nutrition Institute, 1146 19th Street NW., Washington, D.C. 20036.

B. Community Nutrition Institute, 1146 19th Street NW., Washington, D.C. 20036.

E. (9) $30.

A. Charles Leppert, Jr., The Procter & Gamble Manufacturing Co., 1801 K Street NW., No. 230, Washington, D.C. 20006.

B. The Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio 45202.

A. Dale Lestina, National Education Association, 1201 16th Street, NW., Washington, D.C. 20036.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

D. (6) $1,884.34. E. (9) $80.75.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Commonwealth Edison Co., One First National Plaza, Chicago, Ill. 60601.

D. (6) $880.50. E. (9) $10.50.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Cooperative for American Relief Everywhere, Inc., 660 First Avenue, New York, N.Y. 10016.

D. (6) $2,986. E. (9) $15.70.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. General Electric Co., One River Road, Building 500, Room 228, Schenectady, N.Y. 12345.

D. (6) $437.50.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. National Association for Hospital Development, 1700 K Street NW., Washington, D.C. 20006.

D. (6) $275.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. National Council of Community Hospitals, 1735 I Street NW., Suite 710, Washington, D.C. 20006.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Pacific Gas and Electric Co., 77 Beale Street, San Francisco, Calif. 94106.

D. (6) $310.50.

A. Morris J. Levin, 1050 17th Street NW., Washington, D.C. 20036.

B. Independent Local Newspaper Association, Suite 240, 1050 17th Street NW., Washington, D.C. 20036.

D. (6) $7,500

A. Morris J. Levin, 1050 17th Street NW., Washington, D.C. 20036.

B. Association of American Railroads, American Railroad Building, Washington, D.C.

D. (6) $2,000.

A. Harry LeVine, Jr., General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn.

D. (6) $405.

A. Roger N. Levy, 1120 19th Street NW., Washington, D.C. 20036.

B. Independent Insurance Agents of America, 85 John Street, New York, N.Y. 10038.

D. (6) $9,884.13. E. (9) $200.

A. B. P. Lewallen, United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.

B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.

D. (6) $1,379.18.

A. E. David Lewis, Society of American Wood Preservers, Inc., 1401 Wilson Boulevard, Suite 205, Arlington, Va. 22209.

B. Society of American Wood Preservers, Inc., 1401 Wilson Boulevard, Suite 205, Arlington, Va. 22209.

D. (6) $130. E. (9) $60.

A. Robert G. Lewis, 1012 14th Street NW., Washington, D.C. 20005.

B. The Farmers' Educational and Co-Operative Union of America (National Farmers Union), Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C. 20005.

D. (6) $2,304.61. E. (9) $159.30.

A. Stuart A. Lewis, 1800 M Street NW., Suite 1010, Washington, D.C. 20036.

B. Association of Reserve City Bankers, 1800 M Street NW., Suite 1010, Washington, D.C. 20036.

D. (6) $200.

A. Wm. J. Lhota, 301 Cleveland Avenue SW., Canton, Ohio 44702.

B. Ohio Power Co., 301 Cleveland Avenue S.W., Canton, Ohio 44702 (a subsidiary of American Electric Power Co., Inc., 2 Broadway, New York, N.Y. 10004).

D. (6) $152.71. E. (9) $152.09.

A. Herbert Liebenson, National Small Business Association, 1604 K Street NW., Washington, D.C. 20006.

B. National Small Business Association, 1604 K Street NW., Washington, D.C. 20006.

D. (6) $4,500. E. (9) $1,200.

A. William C. Lienesch, 238 10th Street SE., Washington, D.C. 20003.

B. National Parks and Conservation Association, 1701 18th Street NW., Washington, D.C. 20009.

D. (6) $824.67. E. (9) $27.25.

A. William Lilley III, American Express Co., 1700 K Street NW., Washington, D.C. 20006.

B. American Express Co., American Express Plaza, New York, N.Y. 10004.

A. Edward J. Lincoln, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

B. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $100.

A. Charles W. Linderman, Slurry Transport Association, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.

B. Slurry Transport Association, 490 L'Enfant Plaza East SW., Suite 3210, Washington, D.C. 20024.

D. (6) $125.

A. Kathleen M. Linehan, Gulf Oil Corp., 1025 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.

B. Gulf Oil Corp., P.O. Box 1166, Pittsburgh, Pa. 15230.

A. Linton, Mields, Reisler & Cottone, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. Lake Superior District Power Co., 101 West Second Street, Ashland, Wis. 54806.

D. (6) $303.19.

A. Linton, Mields, Reisler & Cottone, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. Madison Gas and Electric Co., 100 North Fairchild Street, Box 1231, Madison, Wis. 53701.

D. (6) $672.75.

A. Linton, Mields, Reisler & Cottone, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. The Metropolitan Sanitary District of Greater Chicago, 100 East Erie Street, Chicago, Ill. 60611.

D. (6) $3,458.26. E. (9) $12.

A. Linton, Mields, Reisler & Cottone, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. Northern States Power Co., 100 North Barstow Street, Eau Claire, Wis. 54701.

D. (6) $909.38.

A. Linton, Mields, Reisler & Cottone, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. Oregon Department of Transportation, Transportation Building, Salem, Oreg.

D. (6) $3,000.

A. Linton, Mields, Reisler & Cottone, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. Radwaste Management Group, 1800 M Street NW., Washington, D.C. 20036.

D. (6) $7,068.75 E. (9) $11.29.

A. Linton, Mields, Reisler & Cottone, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. State of Illinois, Department of Transportation, 2300 South Dirksen Parkway, Springfield, Ill. 62764.

D. (6) $4,757.50. E. (9) $12.

A. Linton, Mields, Reisler & Cottone, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. State of Illinois, Department of Transportation, Division of Water Resources, 2300 South Dirksen Parkway, Springfield, Ill. 62764.

D. (6) $2,287.50. E. (9) $31.

A. Linton, Mields, Reisler & Cottone, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. Superior Water, Light & Power Co., 1230 Tower Avenue, Superior, Wis. 54880.

D. (6) $182.25.

A. Linton, Mields, Reisler & Cottone, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. Wisconsin Electric Co., 231 West Michigan, Milwaukee, Wis. 53201.

D. (6) $3,023.48. E. (9) $90.96.

A. Linton, Mields, Reisler & Cottone, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. Wisconsin Power and Light Co., Madison, Wis.

D. (6) $1,262.44.

A. Linton Mields, Reisler & Cottone, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. Wisconsin Public Service Corp., P.O. Box 700, Green Bay, Wis. 54305.

D. (6) $1,220.25.

A. Charles B. Lipsen, 475 L'Enfant Plaza SW., Suite 4100, Washington, D.C. 20024.

B. Cramer and Lipsen (for National Constructors Association, 1101 15th Street NW., Washington, D.C. 20005) 475 L'Enfant Plaza SW., Suite 4100, Washington, D.C. 20024.

A. Charles B. Lipsen, 475 L'Enfant Plaza SW., Suite 4100, Washington, D.C. 20024.

B. Cramer and Lipsen (for United States and Overseas Employee Tax Fairness Commitee, 1101 15th Street NW., Suite 1000, Washington, D.C. 20005), 475 L'Enfant Plaza SW., Suite 4100, Washington, D.C. 20024.

A. Janice C. Lipsen, 900 17th Street NW., Suite 504, Washington, D.C. 20006.

B. Counselors for Management, Inc., 900 17th Street NW., Suite 504, Washington, D.C. 20006.

E. (9) $5,000.

A. Zel E. Lipsen, 1725 DeSales Street NW., Suite 800, Washington, D.C. 20036.

B. Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20006.

E. (9) $500.

A. Robert G. Litschert, 1111 19th Street NW., Ninth Floor, Washington, D.C. 20036.

B. The Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.

D. (6) $709. E. (9) 349.37.

A. Andrew Litsky, National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

D. (6) $550.

A. Roy Littlefield, National Tire Dealers and Retreaders Association, 1343 L Street NW., Washington, D.C. 20005.

B. National Tire Dealers and Retreaders Association, 1343 L Street NW., Washington, D.C. 20005.

D. (6) $1,125. E. (9) $21.40.

A. E. F. Livaudais, Jr., Atlantic Richfield Co., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.

A. Livestock Marketing Association, 4900 Oak Street, Kansas City, Mo. 64112.

E. (9) $3,376.08.

A. H. Richard Lloyd, Jr., General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

B. General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

D. (6) $45.

A. Robert H. Loeffler, Morrison & Foerster, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. State of Alaska, Department of Natural Resources, Pouch M, State Capitol, Juneau, Alaska 99811.

D. (6) $405.

A. Loews Corp., 666 Fifth Avenue, New York, N.Y. 10019.

E. (9) $4,500.

A. Law Offices of Sheldon I. London, 1725 DeSales Street NW., Suite 401, Washington, D.C. 20036.

B. American Hardware Manufacturers Association, 117 East Palatine Road, Palatine, Ill. 60067.

D. (6) $1,500.

A. Robert W. Long, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington. D.C. 20036.

D. (6) $76.43.

A. Loomis, Owen, Fellman & Howe, 2020 K Street NW., Washington, D.C. 20006.

B. Association of Bituminous Contractors, 2020 K Street NW., Washington, D.C. 20006.

A. Loomis, Owen, Fellman & Howe, 2020 K Street NW., Washington, D.C. 20006.

B. Classroom Publishers Association, 2020 K Street NW., Washington, D.C. 20006.

A. Loomis, Owen, Fellman & Howe, 2020 K Street NW., Washington, D.C. 20006.

B. Industrial Diamond Association, 59 East Main Street, Moorestown, N.J. 08057.

A. Loomis, Owen, Fellman & Howe, 2020 K Street NW., Washington, D.C. 20006.

B. National Association of Casualty and Surety Agents, 5225 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Loomis, Owen, Fellman & Howe, 2020 K Street NW., Washington, D.C. 20006.

B. National Water Well Association, 500 West Wilson Bridge Road, Worthington, Ohio 43085.

A. Loomis, Owen, Fellman & Howe, 2020 K Street NW., Washington, D.C. 20006.

B. Optical Manufacturers Association, 1901 North Fort Myer Drive, Arlington, Va. 22209.

A. Loomis, Owen, Fellman & Howe, 2020 K Street NW., Washington, D.C. 20006.

B. Textile Rental Services Association of America, 1250 East Hallandale Beach Boulevard, Hallandale, Fla. 33009.

A. Lord, Day & Lord, 25 Broadway, New York, N.Y. 10004.

B. Phosphate Chemicals Export Association, Inc., 200 Park Avenue, New York, N.Y. 10017.

E. (9) $413.

A. Edward J. Lord, The American Legion, 1608 K Street NW., Washington, D.C.

B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.

D. (6) $1,903. E. (9) $132.68.

A. Philip J. Loree, 17 Battery Place North, New York, N.Y. 10004.

B. Federation of American Controlled Shipping, 17 Battery Place North, New York, N.Y. 10004.

D. (6) $200. E. (9) $475.09.

A. Judith A. Lorenson, 1960 Lake Clay Drive, Chesterfield, Mo. 63017.

B. Chromalloy American Corp., 120 South Central Avenue, St. Louis, Mo. 63105.

D. (6) $7,500.

A. Robert E. Losch, 1716 New Hampshire Avenue NW., Washington, D.C. 20009.

B. American Dredging Co., et al.

D. (6) $10,000. E. (9) $2,511.08.

A. Robert E. Losch, 1716 New Hampshire Avenue NW., Washington, D.C. 20009.

B. Olin Corp. (Winchester International), 707 Berkshire Avenue, East Alton, Ill. 62024.

E. (9) $1,796.39.

A. Robert E. Losch, 1716 New Hampshire Avenue NW., Washington, D.C. 20009.

B. Pelican Terminal Corp. 500 Jefferson Building. Suite 2025, Houston, Tex. 77002; Port of Galveston (Galveston Wharves), P.O. Box 326, Galveston, Tex. 77550.

D. (6) $12,501. E. (9) $2,017.16.

A. Timothy B. Lovain, New Directions, 305 Massachusetts Avenue NE., Washington, D.C. 20002.

B. New Directions, 305 Massachusetts Avenue NE., Washington, D.C. 20002.

D. (6) $1,777.13.

A. James F. Lovett, Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20006.

B. Westinghouse Electric Corp:, Westinghouse Building, Gateway Center, Pittsburgh, Pa. 15222.

D. (6) $500. E. (9) $200.

A. James P. Low, American Society of Association Executives, 1575 I Street NW., Washington, D.C. 20005.

B. American Society of Association Executives, 1575 I Street NW., Washington, D.C. 20005.

A. Robert C. Lower, Alston, Miller & Gaines, 1200 C. & S. National Bank Building, Atlanta, Ga. 30303.

B. Board of Trade Clearing Corp., 141 West Jackson Boulevard, Chicago, Ill. 60604.

A. William C. Lowrey, Shell Oil Co., 1025 Connecticut Avenue NW., Suite 200, Washington, D.C. 20036.

B. Shell Oil Co., P.O. Box 2463, Houston, Tex. 77001.

D. (6) $500.

A. Gerald M. Lowrie, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $4,000.

A. Freddie H. Lucas, General Motors Corp., 1660 L Street N.W., Washington, D.C. 20036.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.

D. (6) $3,000. (D) (9) $698.89.

A. Charles Emmet Lucey, McDermott, Will & Emery, 1101 Connecticut Avenue N.W., Suite 1201, Washington, D.C. 20036.

B. Catholic Press Association, 119 North Park Avenue, Rockville Centre, N.Y. 11570.

D. (6) $50. E. (9) $5.

A. William F. Ludlam, Sr., P.O. Box 5282, Virginia Beach, Va. 23455.

B. American Revolution Bicentennial Administration Licensees Association, P.O. Box 10, Cocoa Beach, Fla. 32931.

E. (9) $460.

A. Kathy K. Luhn, 1899 L Street NW., Suite 403, Washington, D.C. 20036.

B. Outdoor Advertising Association of America, Inc., 1899 L Street NW., Suite 403, Washington, D.C., 20036.

D. (6) $58. E. (9) $12.

A. Lumbermens Mutual Casualty Co., Long Grove, Ill. 60049.

E. (9) $2,883.

A. Milton F. Lunch, National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.

B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.

D. (6) $1,000.

A. Christian J. Lund, 1125 15th Street NW., Washington, D.C. 20005.

B. United Technologies Corp., United Technologies Building, Hartford, Conn. 06101; 1125 15th Street NW., Washington, D.C., 20005.

D. (6) $10,000. E. (9) $37.

A. Lund Levin & O'Brien, 1625 I Street NW., Washington, D.C. 20006.

B. Federation of American Controlled Shipping, 17 Battery Place North, New York, N.Y. 10004.

D. (6) $300. E. (9) $8.95.

A. Lund Levin & O'Brien, 1625 I Street NW., Washington, D.C. 20006.

B. National Product Liability Council, 20 North Wacker Drive, Chicago, Ill. 60606.

D. (6) $250. E. (9) $16.63.

A. Lund Levin & O'Brien, 1625 I Street NW., Washington, D.C. 20006.

B. Pennsylvania Power & Light Co., 2 North Ninth Street, Allentown, Pa. 18101.

D. (6) $3,696. E. (9) $371.32.

A. Lund Levin & O'Brien, 1625 I Street NW., Washington, D.C. 20006.

B. Shanghai Power Co., 100 West Tenth Street, Wilmington, Del. 19801.

D. (6) $1,188. E. (9) $31.04.

A. Timothy Lynch, American Natural Resources, 1899 L Street NW., Suite 500, Washington, D.C. 20036.

B. American Natural Service Co., 1 Woodward Avenue, Detroit, Mich. 48226.

D. (6) $1,500.

A. Richard Lyng, American Meat Institute, P.O. Box 3556, Washington, D.C. 20007.

B. American Meat Institute, P.O. Box 3556, Washington, D.C. 20007; 1600 Wilson Boulevard, Arlington, Va.

D. (6) $500.

A. William T. Lyons, 1800 M Street NW., Suite 280N, Washington, D.C. 20036.

B. Ciba-Geigy Corp., Ardsley, N.Y. 10502.

D. (6) $2,250. E. (9) $1,755.92.

A. Timothy C. MacCarthy, Motor Vehicle Manufacturers Association of the United States, Inc., 1909 K Street NW., Suite 300, Washington, D.C. 20006.

B. Motor Vehicle Manufacturers Association of the United States, Inc., 300 New Center Building, Detroit, Mich. 48202.

D. (6) $280.

A. Russell MacCleery, National Tire Dealers & Retreaders Association, 1343 L Street NW., Washington, D.C. 20005.

B. National Tire Dealers & Retreaders Association, Inc., 1343 L Street NW., Washington, D.C. 20005.

D. (6) $750.

A. Jack A. MacDonald, National Council of Health Care Services, 2600 Virginia Avenue NW., No. 915, Washington, D.C. 20037.

B. NCHCS, 2600 Virginia Avenue NW., No. 915, Washington, D.C. 20037.

D. (6) $731.25. E. (9) $606.08.

A. James E. Mack, National Confectioners Association, 5101 Wisconsin Avenue NW., Suite 506, Washington, D.C. 20016.

B. National Confectioners Association, 36 South Wabash Avenue, Chicago, Ill. 60603.

D. (6) $19,875. E. (9) $729.97.

A. James H. Mack, 7901 Westpark Drive, McLean, Va. 22102.

B. National Machine Tool Builders' Association, 7901 Westpark Drive, McLean, Va. 22102.

D. (6) $950.61. E. (9) $1,000.

A. Duncan H. Mackenzie, 3019 Goat Hill Road, Bel Air, Md. 21014.

D. (6) $24. E. (9) $179.65.

A. John P. Mackey, Ad Hoc Committee in Defense of Life, Inc., 810 National Press Building, Washington, D.C. 20045.

B. Ad Hoc Committee in Defense of Life, Inc., 150 East 35th Street, New York, N.Y. 10016.

D. (6) $7,650.72. E. (9) $3,201.92.

A. Thomas J. Mader, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $4,650.

A. Edward C. Maeder, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. DGA International, Inc. (for Government of Morocco, Rabat, Morocco), 1225 19th Street NW., Washington, D.C. 20036.

D. (6) $880. E. (9) $59.41.

A. Susan G. Magaw, Potato Chip/Snack Food Association, 1735 Jefferson Davis Highway, Suite 903, Arlington, Va. 22202.

B. Potato Chip/Snack Food Association, 1735 Jefferson Davis Highway, Suite 903, Arlington, Va. 22202.

D. (6) $350. E. (9) $12.

A. John F. Mahoney, American Medical Association, 1776 K Street NW., Washington, D.C. 20006.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.

D. (6) $3,865.44. E. (9) $157.60.

A. Robert L. Maier, 900 17th Street NW., Washington, D.C. 20006.

B. Kaiser Aluminum & Chemical Corp., 900 17th Street NW., Washington, D.C. 20006.

D. (6) $70. E. (9) $4.

A. Andre Maisonpierre, Alliance of American Insurers, 1776 F Street NW., Washington, D.C. 20006.

B. Alliance of American Insurers, 20 North Wacker Drive, Chicago, Ill. 60606.

D. (6) $120.

A. Richard E. Mallory, 11228 Chestnut Grove Square, Apt. 232, Reston, Va. 22090.

B. California Westside Farmers, 1060 Fulton Mall, Suite 1115, Fresno, Calif. 93721.

D. (6) $4,406.25. E. (9) $908.74.

A. J. Wilson Malloy, Jr., Eastman Chemical Products, Inc., 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Eastman Chemical Products, Inc., P.O. Box 431, Kingsport, Tenn. 37662.

D. (6) $700. E. (9) $41.85.

A. Man-Made Fiber Producers Association, Inc., 1150 17th Street NW., Washington, D.C. 20036.

E. (9) $540.

A. Carter Manasco, 5932 Chesterbrook Road, McLean, Va. 22101.

B. National Coal Association, 1130 17th Street NW., Washington, D.C. 20006.

D. (6) $9,624.99. E. (9) $170.85.

A. Manatt, Phelps, Rothenberg & Tunney, 1875 I Street NW., Suite 545, Washington, D.C. 20006.

B. Northrop Corp., 1800 Century Park East, Los Angeles, Calif. 90067.

A. Forbes Mann, 1155 15th Street NW., Suite 1004, Washington, D.C. 20005.

B. LTV Corp., 1525 Elm Street, Dallas, Tex. 75222.

D. (6) $2,000. E. (9) $550.

A. Phillip L. Mann, Fulbright & Jaworski, 1150 Connecticut Avenue NW., Washington, D.C. 20036.

B. Kenneth Lewis, 3300 Northwest Yeon Avenue, Portland, Oreg. 97210.

D. (6) $600. E. (9) $71.07.

A. Armand G. Manson, 1666 K Street NW., Suite 300, Washington, D.C. 20006.

B. Bell Aerospace Textron, 1666 K Street NW., Suite 300, Washington, D.C. 20006.

D. (6) $2,345.

A. Manufactured Housing Institute, 1745 Jefferson Davis Highway, Arlington, Va. 22202.

D. (6) $2,300. E. (9) $2,300.

A. March for Life, Inc., P.O. Box 2950, Washington, D.C. 20013.

D. (6) $22,219.46. E. (9) $22,996.67.

A. Charles T. Marck, 1800 M Street NW., Suite 700 South, Washington, D.C.

B. Dow Chemical Co., Midland, Mich. 48640.

D. (6) $1,000. E. (9) $250.

A. Thomas P. Marinis, Jr., 2228 First City National Bank Building, Houston, Tex. 77002.

B. Vinson & Elkins (for University of Texas System, 201 West Seventh Street, Austin, Tex. 78701). 2100 First City National Bank Building, Houston, Tex. 77002.

E. (9) $807.49.

A. David J. Markey, 1771 N Street NW., Washington, D.C. 20036.

B. National Association of Broadcasters, 1771 N Street, NW., Washington, D.C. 20036.

D. (6) $2,000. E. (9) $465.

A. Lawrence D. Markley, P.O. Box 3518, Anchorage, Alaska 99501.

B. Chugach Electric Association, Inc., P.O. Box 3518, Anchorage, Alaska 99501.

E. (9) $76.48.

A. American Federation of Labor & Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.

B. American Federation of Labor & Congress of Industrial Organizations, 816 16th Street NW., Washington, D.C. 20006.

E. (9) $72.75.

A. D. V. Maroney, Jr., 5151 Wisconsin Avenue NW., Washington, D.C. 20016.

B. Amalgamated Transit Union, AFL–CIO, 5151 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Marshall, Bratter, Greene, Allison & Tucker, 1140 Connecticut Avenue NW., Washington, D.C. 20036.

B. Abbotts Dairies Division of Fairmont Foods Co., 333 West Loop North, Houston, Tex. 77024.

D. (6) $1,615.

A. Marshall, Bratter, Greene, Allison & Tucker, 1140 Connecticut Avenue NW., Washington, D.C. 20036.

B. ADP Pension Services, Inc., 180 Newport Center Drive, Newport Beach, Calif. 92663.

A. Marshall, Bratter, Greene, Allison & Tucker, 1140 Connecticut Avenue NW., Washington, D.C. 20036.

B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.

A. Marshall, Bratter, Greene, Allison & Tucker, 1140 Connecticut Avenue NW., Washington, D.C. 20036.

B. Institute of Electrical & Electronics Engineers, Inc., 345 East 47th Street, New York, N.Y. 10022.

D. (6) $1,950.

A. C. Travis Marshall, 1776 K Street NW., Washington, D.C. 20006.

B. Motorola, Inc., 1776 K Street NW., Washington, D.C. 20006.

D. (6) $1,000. E. (9) $83.97.

A. J. Paull Marshall, Association of American Railroads, 412 First Street SE., Suite 200, Washington, D.C. 20003.

B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.

D. (6) $327.25. E. (9) $517.64.

A. David O. Martin, Kimberly-Clark Corp., North Lake Street, Neenah, Wis. 54956.

B. Kimberly-Clark Corp., North Lake Street, Neenah, Wis. 54956.

D. (6) $100. E. (9) $287.68.

A. John B. Martin, National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

D. (6) $627.69. E. (9) $16.65.

A. Katherine E. Martin, Association of American Railroads, 412 First Street SE., Suite 200, Washington, D.C. 20003.

B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.

D. (6) $269.26. E. (9) $111.19.

A. Larry K. Martin, Man-Made Fiber Producers Association, Inc., 1150 17th Street NW., Washington, D.C. 20036.

B. Man-Made Fiber Producers Association, 1150 17th Street NW., Washington, D.C. 20036. NW., Washington, D.C. 20036.

D. (6) $150. E. (9) $20.

A. Thomas A. Martin, 2101 L Street NW., Washington, D.C. 20037.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $225.

A. Steven A. Martindale, DGA International, Inc., 1220 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc. (for Government of Morocco, Rabat, Morocco), 1225 19th Street NW., Washington, D.C. 20036.

D. (6) $700.

A. Joseph J. Martyak, Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017.

E. (9) $143.57.

A. Maryland Savings-Share Insurance Corp., 901 North Howard Street, Baltimore, Md. 21201.

E. (9) $178.94.

A. Mike M. Masaoka, Association on Japanese Textile Imports, Inc., Suite 520, 900 17th Street NW., Washington, D.C. 20006.

B. Association on Japanese Textile Imports, Inc., 551 Fifth Avenue, New York, N.Y. 10017.

D. (6) $250.

A. Mike M. Masaoka, Suite 2, 900 17th Street NW., Washington, D.C. 20006.

B. Japan Binocular Manufacturers Association, 45–8 Ohyama-Kanai-Cho, Itabashi-Ku, Tokyo, Japan.

D. (6) $500.

A. Mike M. Masaoka, Suite 520, The Farragut Building, 900 17th Street NW., Washington, D.C. 20006.

B. Nisei Lobby, Suite 520, The Farragut Building, 900 17th Street NW., Washington, D.C. 20006.

A. Mike M. Masaoka, Masaoka-Ishikawa & Associates, Inc., Suite 520, 900 17th Street NW., Washington, D.C. 20006.

B. West Mexico Vegetable Distributors Association, P.O. Box 848, Nogales, Ariz. 85621.

D. (6) $1,500.

A. W. A. Mason, 442 Ontario, Shreveport, La.

B. Southwestern Electric Power Co., P.O. Box 21106, Shreveport, La. 71156.

D. (6) $117.47. E. (9) $115.15.

A. Cliff Massa III, National Association of Manufacturers, 1176 F Street NW., Washington, D.C. 20006.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $250.

A. Carolyn Massell, Colonial Penn Group, Inc., 5 Penn Center Plaza, Philadelphia, Pa. 19103.

B. Colonial Penn Group, Inc., 5 Penn Center Plaza, Philadelphia, Pa. 19103.

D. (6) $155. E. (9) $352.73.

A. William F. Massmann, Dr. Pepper Co., P.O. Box 225086, Dallas, Tex. 75265.

B. Dr. Pepper Co., P.O. Box 225086, Dallas, Tex. 75265.

D. (6) $140. E. (9) $240.

A. Charles D. Matthews, 1100 17th Street NW., No. 410, Washington, D.C. 20036.

B. National Ocean Industries Association, 1100 17th Street NW., No. 410, Washington, D.C. 20036.

A. Robert A. Matthews, Railway Progress Institute, 700 North Fairfax Street, Alexandria, Va. 22314.

B. Railway Progress Institute, 700 North Fairfax Street., Alexandria, Va. 22314.

D. (6) $593.15.

A. Joanne E. Mattiace, 1211 Connecticut Avenue NW., No. 802, Washington, D.C. 20036.

B. Sears, Roebuck & Co., Sears Tower, Chicago, Ill. 60684.

A. Robert R. Mattson, Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60601.

B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60601.

A. C. V. and R. V. Maudlin, 1111 E Street NW., Washington, D.C.

B. Georgia Power Co., 270 Peachtree Street, Atlanta, Ga.

A. C. V. and R. V. Maudlin, 1111 E Street NW., Washington, D.C.

B. Joint Government Liaison Committee, 1111 E Street NW., Washington, D.C.

A. Anthony F. Mauriello, N.Y.S. Petroleum Council, 551 Fifth Avenue, Room 718, New York, N.Y. 10017.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Samuel L. Maury, United States Steel Corp., 818 Connecticut Avenue NW., Washington, D.C. 20006.

B. United States Steel Corp., 600 Grant Street, Pittsburgh, Pa. 15230.

D. (6) $255.07. E. (9) $4.

A. Thomas H. Maxedon, Kentucky Petroleum Council, 4010 Dupont Circle, Louisville, Ky. 40207.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $551.25. E. (9) $779.50.

A. James C. May, Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Washington, D.C. 20007.

A. Arnold Mayer, United Food & Commercial Workers International Union, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. United Food & Commercial Workers International Union.

D. (6) $12,155. E. (9) $206.99.

A. Mayer, Brown & Platt, 888 17th Street NW., Washington, D.C. 20006.

B. Aerospace Industries Association of America, Inc., 1725 DeSales Street NW., Washington, D.C. 20036.

A. Mayer, Brown & Platt, 888 17th Street NW., Washington, D.C. 20006.

B. Brunswick Corp., 1 Brunswick Plaza, Skokie, Ill. 60076.

A. Mayer, Brown & Platt, 888 17th Street NW., Washington, D.C. 20006.

B. ERISA Industry Committee, Suite 500, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Mayer, Brown & Platt, 888 17th Street NW., Washington, D.C. 20006.

B. Nokota Co., P.O. Box 1633, 316 North Fifth Street, Bismarck, N. Dak. 58501.

A. Mays, Valentine, Davenport & Moore, Suite 1200, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. Mr. Henry T. Gage, Suite 118, 20630 Harper Street, Harperswood, Mich. 48225.

A. Mays, Valentine, Davenport & Moore, Suite 1200, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. Richard T. Short, P.O. Box 933, Virginia Beach, Va. 23451.

D. (6) $1,700 E. (9) $70.

A. MBPXL Corp., 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.

E. (9) $500.

A. H. Wesley McAden, 1707 L Street NW., Suite 650, Washington, D.C. 20036.

B. J. G. Boswell Co., 333 South Hope Street, Los Angeles, Calif. 90017.

D. (6) $3,000. E. (9) $880.

A. H. Wesley McAden, 1707 L Street NW., Suite 650, Washington, D.C. 20036.

B. Salyer Land Co., P.O. Box 488, Corcoran, Calif. 93212.

D. (6) $3,000. E. (9) $880.

A. J. R. McAlpin, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Armco, 815 Connecticut Avenue NW., Washington, D.C. 20006.

D. (6) $600. E. (9) $325.

A. William J. McAuliffe, Jr., American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.

B. American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.

A. Ann McBride, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $6,816. E. (9) $90.

A. John A. McCahill, 2033 M Street NW., Washington, D.C. 20036.

B. United States Olympic Committee, P.O. Box 4000 Colorado Springs, Colo. 80930.

A. Julie P. McCahill, Mead Corp., 1000 Connecticut Avenue NW., Washington, D.C. 20036.

B. Mead Corp., Mead World Headquarters, Courthouse Plaza NE., Dayton, Ohio 45463.

D. (6) $275. E. (9) $39.

A. William C. McCamant, 1725 K Street NW., Washington, D.C. 20006.

D. (6) $300.

A. McCandless & Barrett, 1707 H Street NW., Washington, D.C. 20006.

B. Energy Consumers & Producers Association, Petroleum Plaza, Seminole, Okla. 74868.

D. (6) $9,579.75.

A. McCandless & Barrett, 1707 H Street NW., No. 1005, Washington, D.C. 20006.

B. Transamerica Insurance Corp. of California (Occidental Life), Occidental Center, Hill & Olive Street at 12 Street, Los Angeles, Calif. 90015.

D. (6) $23,828.50.

A. John A. McCart, Public Employee Department. AFL-CIO, 815 16th Street NW., Washington, D.C. 20006.

B. Public Employee Department, AFL-CIO, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $2,777.56.

A. Carolyn Kim McCarthy, National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.

B. National Association of Realtors, 915 15th Street NW., Washington, D.C. 20005.

D. (6) $1,125. E. (9) $61.62.

A. Sean A. McCarthy, 8003 Westpark Drive, McLean, Va. 22102.

B. Satellite Business Systems, 8003 Westpark Drive, McLean, Va. 22102.

D. (6) $750. E. (9) $63.50.

A. McCarty & Noone, 490 L'Enfant Plaza East SW., Suite 3306, Washington, D.C. 20024.

B. American Medical Technologists, 710 Higgins Road, Park Ridge, Ill. 60068.

D. (6) $540. E. (9) $55.51.

A. James R. McCaul, International Maritime Associates, Inc., 1800 K Street NW., Washington, D.C. 20006.

B. International Maritime Associates, Inc., 1800 K Street NW., Washington, D.C. 20006.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. Cities Service Co., Box 300, Tulsa, Okla. 74102.

E. (9) $44.77.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. Coca-Cola Co., P.O. Box 1734, Atlanta, Ga. 30301.

E. (9) $77.13.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. Estate of Chester H. Roth, Parker, Chapin, Flattau & Kimpl, 530 Fifth Avenue, New York, N.Y. 10036.

E. (9) $6.90.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. Hercules Inc., 910 Market Street, Wilmington, Del. 19899.

D. (6) $250. E. (9) $4.96.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. Mobil Corp., 150 East 42d Street, New York, N.Y. 10017.

E. (9) $176.85.

A. Joel C. McConnell, Jr., Independent Bankers Association of America, 1625 Massachusetts Avenue NW., No. 203, Washington, D.C. 20036.

B. Independent Bankers Association of America, 1168 South Main Street, Sauk Centre, Minn. 56378.

D. (6) $5,000. E. (9) $1,000.

A. Richard M. M. McConnell, National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.

B. National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.

A. Sally McCormick, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $3,000.

A. E. L. McCulloch, Brotherhood of Locomotive Engineers, 819 Railway Labor Building, 400 First Street NW., Washington, D.C. 20001.

B. Brotherhood of Locomotive Engineers, Engineers Building, Cleveland, Ohio 44114.

D. (6) 284.60. E. (9) 85.20.

A. Albert L. McDermott, American Hotel & Motel Association, 1101 Connecticut Avenue NW., Suite 1006, Washington, D.C. 20036.

B. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.

D. (6) $1,633.88.

A. Marianne McDermott, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Jack McDonald, 6845 Elm Street, No. 500, McLean, Va. 22101.

B. Jack McDonald Associates (for Lear Siegler, Inc., 3171 South Bundy Drive, Santa Monica, Calif. 90406), 6845 Elm Street, No. 500, McLean, Va. 22101.

D. (6) $6,000.

A. Jack McDonald Associates, Inc., 6845 Elm Street, No. 500, McLean, Va. 22101.

B. Lear Siegler, Inc., 3171 South Bundy Drive, Santa Monica, Calif. 90406.

D. (6) $12,000. E. (9) $12,000.

A. Jack McDonald Associates, Inc., 6845 Elm Street, No. 500, McLean, Va. 22101.

B. Northrop Corp., 1800 Century Park East, Los Angeles, Calif. 90067.

D. (6) $4,999.98. E. (9) $2,450.

A. James McDonald, 6845 Elm Street, No. 500, McLean, Va. 22101.

B. Jack McDonald Associates (for Lear Siegler, Inc., 3171 South Bundy Drive, Santa Monica, Calif. 90406), 6845 Elm Street, No. 500, McLean, Va. 22101.

D. (6) $6,000.

A. James McDonald, 6845 Elm Street, No. 500, McLean, Va. 22101.

B. Jack McDonald Associates (for Northrop Corp., 1800 Century Park East, Los Angeles, Calif. 90067), 6845 Elm Street, No. 500, McLean, Va. 22101.

D. (6) $2,250.

A. Michael D. McDonald, Maryland Petroleum Association, 60 West Street, Annapolis, Md. 21401.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $100.

A. Patrick W. McElhoes, United Mine Workers of America. 900 15th Street NW., Washington, D.C. 20005.

B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.

D. (6) $1,379.18.

A. Joseph A. McElwain, 40 East Broadway, Butte, Mont. 59701.

B. Montana Power Co., Butte, Mont. 59701.

E. (9) $107.59.

A. Darryl D. McEwen, Society of American Florists, 901 North Washington Street, Alexandria, Va. 22314.

B. Society of American Florists & Ornamental Horticulturists, 901 North Washington Street, Alexandria, Va. 22314.

A. P. Anne McGhee, 1750 K Street NW., Washington, D.C. 20006.
B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $450.

A. John E. McGill, Alascom, Inc., 949 East 36th Avenue, Anchorage, Alaska 99502.
B. Alascom, Inc., 949 East 36th Avenue, Anchorage, Alaska 99502.
E. (9) $436.38.

A. Robert M. McGlotten, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
B. American Federation of Labor & Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $13,062. E. (9) $978.55.

A. Margaret C. McGrail, American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
B. American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $3,790.

A. Jerome J. McGrath, Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
B. Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
D. (6) $500.

A. Joseph B. McGrath, National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $6,500. E. (9) $82.48.

A. Peter E. McGuire, National Association of Retired & Veteran Railway Employees, Inc., 400 First Street NW., Washington, D.C. 20001.
B. National Association of Retired & Veteran Railway Employees, Inc., P.O. Box 6060, Kansas City, Kans. 66106; Hotel & Restaurant Employees International Union, 1875 I Street NW., Washington, D.C. 20006; International Union of Police Association, 422 First Street SE., Washington, D.C.
D. (6) $5,999.98. E. (9) $890.94.

A. John J. McHale, Jr., 1817 Biltmore Street NW., Apt. A, Washington, D.C. 20009.
B. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza SW., Washington, D.C. 20024.
D. (6) $1,500.

A. Walter P. McHugh, American Hospital Association, 444 North Capitol Street NW., Suite 500, Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $3,002.40. E. (9) $39.85.

A. Clarence M. McIntosh, Railway Labor Executives' Association, 40 First Street NW., Washington, D.C. 20001.
B. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C. 20001.
D. (6) $1,115.22.

A. Lyndley R. McIntosh American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C. 20006.
B. American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C. 20006.
D. (6) $1,400. E. (9) $76.42.

A. Robert S. McIntyre, Public Citizen's Tax Reform Research Group, 133 C Street SE., Washington, D.C. 20003.
B. Public Citizen's Tax Reform Research Group, 133 C Street SE., Washington, D.C. 20003.
D. (6) $937.50.

A. Philip A. McKeaney, American Federation of Teachers, AFL–CIO, 11 Dupont Circle NW., Washington, D.C. 20036.
B. American Federation of Teachers, AFL–CIO, 11 Dupont Circle NW., Washington, D.C. 20036.
D. (6) $6,741.54. E. (9) $48.

A. William F. McKenna, 1800 M Street NW., 950N, Washington, D.C. 20036.
B. Silver, Freedman, Housley, Taff & Goldberg, 1800 M Street NW., 950N, Washington, D.C. 20036.

A. William Colm McKeveny, Dunnington, Bartholow & Miller, 161 East 42d Street, New York, N.Y. 10017.
B. American Pulpwood Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

A. C. A. "Mack" McKinney, 110 Maryland Avenue NE., Box 43, Washington, D.C. 20002.
B. Marine Corps League, 911 North Kenmore Street, Suite 321, Arlington, Va. 22201.
E. (9) $26.

A. C. A. "Mack" McKinney, 110 Maryland Avenue NE., Box 43, Washington, D.C. 20002.
B. Non-Commissioned Officers Association of the U.S.A. (NCOA), P.O. Box 33610, San Antonio, Tex. 78233.
D. (6) $5,932.99. E. (9) $14,140.16.

A. John S. McLees, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
D. (6) $773.08. E. (9) $144.70.

A. William F. McManus, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., Easton Turnpike, Fairfield, Conn. 06431.
D. (6) $325.

A. Jane Pierson McMichael, American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
D. (6) $11,417. E. (9) $25,757.87.

A. C. W. McMillan, 425 13th Street NW., Suite 1020, Washington, D.C. 20004.
B. National Cattlemen's Association, 1001 Lincoln Street, Denver, Colo. 80203.
D. (6) $1,500.

A. James D. McMillan, 1899 L Street NW., Suite 1100, Washington, D.C. 20036.
B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y.
E. (9) $138.76.

A. James R. McMullen, 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
E. (9) $44.42.

A. L. Bradley McNally, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Blue Cross & Blue Shield Associations, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $730.

A. Craig L. McNeese, P.O. Box 1700, Houston, Tex. 77001.
B. Houston Lighting & Power Co., P.O. Box 1700, Houston, Tex. 77001.
D. (6) $975. E. (9) $791.85.

A. Robert B. McNeil, Slurry Transport Association, 490 L'Enfant Plaza East SW., Suite 3210, Washington, D.C. 20024.
B. Slurry Transport Association, 490 L'Enfant Plaza East SW., Suite 3210, Washington, D.C. 20024.
D. (6) $125.

A. James A. McPherson, Mo-Ark Basins Flood Control & Conservation Association, P.O. Box 1160, Kansas City, Kans. 66117.
B. Mo-Ark Basins Flood Control & Conservation Association, P.O. Box 1160, Kansas City, Kan. 66117.

A. Francis X. Meaney, One Center Plaza, Boston, Mass. 02108; and 1015 15th Street NW., Washington, D.C. 20005.
B. Mintz, Levin, Cohn, Glovsky and Popeo, One Center Plaza, Boston, Mass. 02108; and 1015 15th Street NW., Washington, D.C. 20005 (for The Claremont Co., Inc., 908 Purchase Street, P.O. Box E814, New Bedford, Mass. 02742).

A. Francis X. Meaney, One Center Plaza, Boston, Mass. 02108; and 1015 15th Street NW., Washington, D.C. 20005.
B. Mintz, Levin, Cohn, Glovsky and Popeo, One Center Plaza, Boston, Mass. 02108; and 1015 15th Street NW., Washington, D.C. 20005 (for Goldman, Sachs & Co., 55 Broad Street, New York, N.Y. 10004).
D. (6) $1,000.

A. Francis X. Meaney, One Center Plaza, Boston, Mass. 02108; and 1015 15th Street NW., Washington, D.C. 20005.
B. Mintz, Levin, Cohn, Glovsky and Popeo, One Center Plaza, Boston, Mass. 02108; and 1015 15th Street NW., Washington, D.C. 20005 (for Refuse Fuels, Inc., P.O. Box 83, Bradford, Mass. 08130).

A. Francis X. Meaney, One Center Plaza, Boston, Mass. 02108; and 1015 15th Street NW., Washington, D.C. 20005.
B. Mintz, Levin, Cohn, Glovsky and Popeo, One Center Plaza, Boston, Mass. 02108; and 1015 15th Street NW., Washington, D.C. 20005 (for Securities Industry Association, 20 Broad Street; New York, N.Y. 10005).

A. Joseph J. Meder, Interlake, Inc., 1050 17th Street, NW., Suite 1160, Washington, D.C. 20036.
B. Interlake, Inc., Commerce Plaza, Commerce Plaza, Oak Brook, Ill. 60521.
D. (6) $7,380. E. (9) $1,784.21.

A. David O. Meeker, Jr., The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
B. The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $1,500.

A. William H. Megonnell, Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
B. The Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $350.65. E. (9) $4.60.

A. Louis L. Meier, Jr., American Society of Civil Engineers, 1625 I Street NW., Washington, D.C. 20006.
B. American Society of Civil Engineers, United Engineering Center, 345 East 47th Street, New York, N.Y. 10017.
D. (6) $525. E. (9) $185.

A. Kenneth A. Meiklejohn, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $13,062.

A. Memorex Corp., 1970 Chain Bridge Road, McLean, Va. 22102.
B. Memorex Corp., San Tomas at Central Expressway, Santa Clara, Calif. 95052.
D. (6) $9,000.

A. Ellis E. Meredith, American Apparel Manufacturers Association, Inc., 1611 North Kent Street, Arlington, Va. 22209.
B. American Apparel Manufacturers Association, Inc., 1611 North Kent Street, Arlington, Va. 22209.

A. Charles L. Merin, National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

A. Edward A. Merlis, Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. New Milwaukee Lines, 500 Maynard Building, Seattle, Wash. 98104.
E. (9) $4.80.

A. Edward L. Merrigan, 6000 Connecticut Avenue N.W., Washington, D.C. 20015.
B. Central Gulf Lines, Inc., International Trade Mart, No. 2 Canal Street, New Orleans, La. 70130.
D. (6) $6,250. E. (9) $26.48.

A. Edward L. Merrigan, 6000 Connecticut Avenue N.W., Washington, D.C. 20015.
B. National Association of Recycling Industries, Inc., 330 Madison Avenue, New York, N.Y. 10017.
D. (6) $8,333. E. (9) $207.49.

A. Edward L. Merrigan, 6000 Connecticut Avenue N.W., Washington, D.C. 20015.
B. John Tudor, 18 East 53d Street, New York, N.Y. 10022.
E. (9) $67.86.

A. Edward L. Merrigan, 6000 Connecticut Avenue NW., Washington, D.C. 20015.
B. Wolf Trap Foundation, 1624 Trap Road, Vienna, Va. 22180.

A. Harold E. Mesirow, Lillick McHose & Charles, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Stencel Aero Engineering Corp., P.O. Box 5836, Ashville, N.C. 28803.

A. Tanya K. Metaksa, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $787.50.

A. The Metropolitan Washington Board of Trade, 1129 20th Street NW., Washington, D.C. 20036.

A. Metzger, Shadyac & Schwarz, One Farragut Square South, Washington, D.C. 20006.
B. Hydrolevel Corp., 83 Water Street, New Haven, Conn. 06511.
E. (9) $2.85.

A. Metzger, Shadyac & Schwarz, One Farragut Square South, Washington, D.C. 20006.
B. Melex, U.S.A., Inc., 1200 Front Street, Raleigh, N.C. 27609.
D. (6) $750. E. (9) $5.

A. M. Barry Meyer, 818 Connecticut Avenue, NW., Washington, D.C. 20006.
B. The Aluminum Association, 818 Connecticut Avenue NW., Washington, D.C. 20006.

A. Milton E. Meyer, Jr., 821 17th Street, No. 600, Denver Colo. 80202.

A. James G. Michaux, Federated Department Stores, Inc., 1801 K Street NW., Suite 903, Washington, D.C. 20006.
B. Federated Department Stores, Inc., 7 West Seventh Street, Cincinnati, Ohio 45202.
D. (6) $500.

A. Ronald A. Michieli, 425 13th Street NW., Suite 1020, Washington, D.C. 20004.
B. National Cattlemen's Association, 1001 Lincoln Street, Denver, Colo. 80203.
D. (6) $1,000.

A. Michigan Knife Co., 120 Pere Marquette Street, Big Rapids, Mich. 49307.
E. (9) $259.

A. Mid-Continent Oil and Gas Association, 1111 Thompson Building, Tulsa, Okla. 74103.
D. (6) $107.91. E. (9) $13,178.81.

A. Joy Midman, National Association of Private Psychiatric Hospitals, 1701 K Street NW., Washington, D.C. 20006.
B. National Association of Private Psychiatric Hospitals, 1701 K Street NW., Washington, D.C. 20006.
D. (6) $100.

A. Evan M. Migdall, 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.
B. Associated Builders and Contractors, Inc., 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.
D. (6) $4,000. E. (9) $170.17.

A. Roy H. Millenson, Association of American Publishers, 1707 L Street NW., Room 480, Washington, DC. 20036.
B. Association of American Publishers, 1707 L Street NW., Room 480, Washington, D.C. 20036.
D. (6) $2,050. E. (9) $83.76.

A. A. Stanley Miller, 910 16th Street, Room 302, Washington, D.C. 20006.
B. Federation of American Controlled Shipping, 17 Battery Place North, New York, N.Y. 10004.
D. (6) $200.

A. Miller Associates, Inc., 2500 Q Street NW., Washington, D.C. 20007.
B. Tosco Corp., 10100 Santa Monica Boulevard, Los Angeles, Calif. 90067.
D. (6) $1,500. E (9) $124.

A. C. John Miller, Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.
B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.
E. (8) $70.75.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. H. E. Butt Grocery Co., P.O. Box 9216, Corpus Christi, Tex. 78408.
D. (6) $1,225. E. (9) $306.25.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Investors Diversified Services, Inc., IDS Tower, Minneapolis, Minn. 55402.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Litton Industries, Inc., 360 North Crescent Drive, Beverly Hills, Calif. 90210.
D. (6) $546.25. E. (9) $15.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Nuclear Fuel Services, Inc., Suite 600, 6000 Executive Boulevard, Rockville, Md. 20852.
D. (6) $2,145.

A. Clinton R. Miller, National Health Federation, 212 West Foothill Boulevard, Monrovia, Calif. 91016.
B. National Health Federation, 212 West Foothill Boulevard, Monrovia, Calif. 91016.
D. (6) $382. E. (9) $2,673.94.

A. Dale Miller, 1200 16th Street NW., No. 305, Washington, D.C. 20036.
B. Gulf Intracoastal Canal Association, Houston, Tex.
D. (6) $262.50. E. (9) $77.98.

A. Dale Miller, 1200 16th Street NW., No. 305, Washington, D.C. 20036.
B. Texasgulf, Inc., Stamford, Conn.
D. (6) $450. E. (9) $672.28.

A. Kirk Miller, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.
D. (6) $4,125. E. (9) $52.

A. Robert H. Miller, Tenneco, Inc., 490 L'Enfant Plaza East SW., Suite 2202, Washington, D.C. 20024.
B. Tenneco, Inc., P.O. Box 2511, Houston, Tex. 77001.

A. Stella L. Miller, National Paint & Coatings Association, Inc., 1500 Rhode Island Avenue NW., Washington, D.C. 20005.
B. National Paint & Coatings Association, Inc., 1500 Rhode Island Avenue NW., Washington, D.C. 20005.
D. (6) $250.

A. John F. Mills, 1875 I Street NW., Washington, D.C. 20006.
B. The Tobacco Institute, 1875 I Street NW., Washington, D.C. 20006.

A. Wayne L. Millsap, Suite 2300, Clayton Inn Center, 7777 Bonhomme Avenue, St. Louis, Mo. 63105.
B. Seven-Up Bottling Co. of St. Louis, Mo., 555 Brown Road, St. Louis, Mo.
D. (6) $180.

A. Edward J. Milne, Jr., 1111 19th Street NW., Washington, D.C. 20036.
B. The Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $436.33.

A. Clarence Mitchell, Jr., NAACP, 733 15th Street NW., Washington, D.C. 20005.
B. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.
D. (6) $3,125.

A. Cleatis G. Mitchell, Box 131, Ashland, Oreg. 97520.
B. Western Truckers Association, Inc., Box 366, Medford, Oreg. 97501.

A. Thomas F. Mitchell, Georgia-Pacific Corp., 1875 I Street NW., Washington, D.C. 20006.
B. Georgia-Pacific Corp., 900 Southwest Fifth Avenue, Portland, Oreg. 97204.
E. (9) $540.

A. Bruce E. Mizer, Public Power Council, 1310 Main Street, P.O. Box 1307, Vancouver, Wash. 98666.
B. Public Power Council, 1310 Main Street, P.O. Box 1307, Vancouver, Wash. 98666.

A. Richard Mizrack, 295 Madison Avenue, New York, N.Y. 10017.
B. Fallek-Lankro Corp., Tuscaloosa, Ala.

A. Michael S. Moe, Tenneco, Inc., 490 L'Enfant Plaza East SW., Washington, D.C. 20024.

B. Tenneco, Inc., P.O. Box 2511, Houston, Tex. 77001.

A. Robert M. Moliter, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn. 06431.

D. (6) $423.

A. Michael J. Molony, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $60.

A. C. Manly Molpus, American Meat Institute, P.O. Box 3556, Washington, D.C. 20007.

B. American Meat Institute, P.O. Box 3556, Washington, D.C. 20007; 1600 Wilson Boulevard, Arlington, Va.

D. (6) $1,000.

A. John S. Monagan, Whitman & Ransom, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Connecticut Bankers Association, 100 Constitution Plaza, Suite 956, Hartford, Conn. 06103.

A. John S. Monagan, 1333 New Hampshire Avenue NW., Washington, D.C. 20006.

B. United States Olympic Committee, Olympic House, 1750 East Boulder Street, Colorado Springs, Colo. 80909.

D. (6) $2,070. E. (9) $3.30.

A. Elizabeth R. Monro, Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.

B. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.

D. (6) $837.50.

A. Michael Monroney, TRW, Inc., 2030 M Street NW., Suite 800, Washington, D.C. 20036.

B. TRW, Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117.

D. (6) $1,000.

A. G. Merrill Moody, Association of American Railroads, 412 First Street SE, Suite 200, Washington, D.C. 20003.

B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.

D. (6) $249.23. E. (9) $196.60.

A. Alan J. Moore, The Atchison, Topeka, and Santa Fe Railway Co., Suite 840, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. The Atchison, Topeka, and Santa Fe Railway Co., 80 East Jackson Boulevard, Chicago, Ill. 60604.

D. (6) $1,000.

A. April D. Moore, 1867 California Street NW., Washington, D.C. 20009.

B. National Consumers League, 1028 Connecticut Avenue NW., No. 522, Washington, D.C. 20036.

A. Clarence W. Moore, 407 Lincoln Road, Miami Beach, Fla. 33139; Barr Building, 910 17th Street NW., No. 917, Washington, D.C. 20006.

B. National Barrel and Drum Association, 910 17th Street NW., No. 912, Washington, D.C. 20006.

D. (6) $625.

A. Joy E. Moore, 925 15th Street NW., Washington, D.C. 20005.

B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.

D. (6) $1,750. E. (9) $154.85.

A. Powell A. Moore, 1155 15th Street NW., No. 424, Washington, D.C. 20005.

B. Electrolert, Inc., 475 Park Avenue, New York, N.Y.

A. Powell A. Moore, 1155 15th Street NW., No. 424, Washington, D.C. 20005.

B. Southern Natural Gas Co., P.O. Box 2563, Birmingham, Ala. 35202.

D. (6) $210.

A. Powell A. Moore, 1155 15th Street NW., No. 424, Washintgon, D.C. 20005.

B. Thomson-CSF, Division Equipments Avioniques, 178, bd Gabriel-Peri, 92240 Malakoff, France.

D. (6) $560.

A. Mark E. Moran, DGA International, Inc., 1407–A North Van Dorn Street, Alexandria, Va.

B. DGA International Inc., 1225 19th Street NW., Washington, D.C. 20036 (for Government of Morocco, Rabat, Morocco).

A. Earl J. Morgan, 1150 17th Street NW., Washington, D.C. 20036.

B. McDonnell Douglas Corp., P.O. Box 516, St. Louis, Mo. 63166.

A. Jo V. Morgan, Jr., 1050 17th Street NW., Washington, D.C. 20036.

B. The American Humane Association, P.O. Box 1266, Denver, Colo. 80201.

D. (6) $1,800.

A. John Morgan, Communications Workers of America, 1925 K Street NW., Washington, D.C. 20006.

B. Communications Workers of America, 1925 K Street NW., Washington, D.C. 20006.

D. (6) $588. E. (9) $23.65.

A. Morgan, Lewis & Bockius, 1800 M Street N.W., Suite 800–N, Washington, D.C. 20036.

B. Committee for Capital Formation through dividend reinvestment.

D. (6) $100. E. (9) $50.

A. James A. Morill, 925 15th Street NW., Washington, D.C. 20005.

B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.

D. (6) $1,500. E. (9) $426.22.

A. Helen Dubino Morrison, 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017 (for Navajo Indian Nation, Window Rock, Ariz. 86515).

A. Helen Dubino Morrison, 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10016.

A. William C. Morrison, 2001 North Adams Street, Arlington, Va. 22201.

B. Meat Importers Council of America, Inc., 1901 North Fort Myer Drive, Arlington, Va. 22209.

D. (6) $875.

A. George R. Moses, 400 North Capitol Street, Suite 323, Washington, D.C. 20001.

B. Leggett, Lanier and Associates, 400 North Capitol Street, Washington, D.C. 20001 (for Nothern California Naval Civilian Employees Council, P.O. Box 2321, Alameda, Calif.).

D. (6) $2,050.

A. Sol Mosher, Crown Zellerbach, 1660 L Street NW., Suite 215, Washington, D.C. 20036.

B. Crown Zellerbach, 1 Bush Street, San Francisco, Calif. 94119.

A. Lynn E. Mote, Northern Natural Gas Co., 1015 15th Street NW., Suite 900, Washington, D.C. 20005.

B. Northern Natural Gas Co., 2223 Dodge Street, Omaha, Nebr. 68102.

D. (6) $2,000.

A. Motor Vehicle Manufacturers Association of the United States, Inc., 300 New Center Building, Detroit, Mich. 48202.

D. (6) $553.72. E. (9) $553.72.

A. Mountain Fuel Supply Co., 180 East First South Street, Salt Lake City, Utah.

E. (9) $1,533.38.

A. Roger L. Mozingo, The Tobacco Institute, 1875 I Street NW., Washington, D.C. 20006.

B. The Tobacco Institute, 1875 I Street NW., Washington, D.C. 20006.

A. William G. Mullen, National Newspaper Association, 1627 K Street NW., Suite 400, Washington, D.C. 20006.

B. National Newspaper Association, 1627 K Street NW., Suite 400, Washington, D.C. 20006.

D (6) $5,625. E. (9) $7.

A. John P. Mulligan, 1101 17th Street NW., Washington, D.C. 20036.

B. Tuna Research Foundation, Inc., 1101 17th Street NW., Washington, D.C. 20036.

D. (6) $1,250.

A. Robert M. Mulligan, 910 17th Street NW., Washington, D.C. 20006.

B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 910 17th Street NW., Washington, D.C. 20006.

A. Albert E. Mullin, Jr., Digital Equipment Corp., 111 Powdermill Road, B79, Maynard, Mass. 01754.

B. Digital Equipment Corp., 111 Powdermill Road, Maynard, Mass. 01754.

D. (6) $3,750. E(9) $681.72.

A. Mullin, Connor and Rhyne, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

B. Alberto de la Vega-Ripol, Apartado 384, Marbella (Malaga), Spain.

D. (6) $546.52. E. (9) $60.13.

A. Tracy Mullin, National Retail Merchants Association, 1000 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.

B. National Retail Merchants Association, 100 West 31st Street, New York, N.Y. 10001.

D. (6) $100. E. (9) $15.

A. Robert J. Mullins, 1012 14th Street NW., Washington, D.C. 20005.

B. The Farmers' Educational and Co-Operative Union of America (National Farmers Union), Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C. 20005.

D. (6) $5,492.31. E. (9) $20.56.

A. Municipal Labor Committee, 140 Park Place, New York, N.Y. 10007.

D. (6) $36,755.64. E. (9) $36,755.64.

A. David C. Murchison, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. National Selected Morticians, 1616 Central Street, Evanston, Ill. 60201.

D. (6) $2,496.25. E. (9) $11.41.

A. Anne G. Murphy, 6009 34th Place NW., Washington, D.C. 20015.

B. Public Broadcasting Service, 475 L'Enfant Plaza SW., Washington, D.C. 20024.

D. (6) $3,526. E. (9) $379.20.

A. Daniel J. Murphy, 425 13th Street NW., No. 548, Washington, D.C. 20004.
B. National Wool Growers Association, 425 13th Street NW., No. 548, Washington, D.C. 20004.
D. (6) $6,750. E. (9) $6,750.

A. Richard E. Murphy, 2020 K Street NW., No. 200, Washington, D.C. 20006.
B. Service Employees International Union, AFL-CIO, CLC, 2020 K Street NW., No. 200, Washington, D.C. 20006.
D. (6) $1,000.

A. Richard W. Murphy, National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.
B. National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.
D. (6) $625. E. (9) $52.81.

A. William T. Murphy, Jr., American Natural Resources System, 1899 L Street NW., Suite 500, Washington, D.C. 20036.
B. American Natural Service Co., One Woodward Avenue, Detroit, Mich. 48226.
D. (6) $2,500.

A. D. Michael Murray, 1120 Connecticut Avenue NW., Suite 1128, Washington, D.C. 20036.
B. Chicago, Milwaukee, St. Paul, and Pacific Railroad, 516 West Jackson Boulevard, Chicago, Ill. 60606.
D. (6) $500.

A. D. Michael Murray, 1120 Connecticut Avenue NW., Suite 1128, Washington, D.C. 20036.
B. The Cleveland Cliffs Iron Co., 1460 Union Commerce Building, Cleveland, Ohio 44115.
D. (6) $150.

A. D. Michael Murray, 1120 Connecticut Avenue NW., Suite 1128, Washington, D.C. 20036.
B. Freeport Minerals Co., 161 East 42d Street, New York, N.Y. 10017.
D. (6) $400.

A. D. Michael Murray, 1120 Connecticut Avenue NW., Suite 1128, Washington, D.C. 20036.
B. Iron Ore Lessors Association, 1500 First National Bank Building, St. Paul, Minn. 55101.
D. (6) $450.

A. D. Michael Murray, 1120 Connecticut Avenue NW., Suite 1128, Washington, D.C. 20036.
B. LTV Corp., P.O. Box 5003, Dallas, Tex. 75222.
D. (6) $500.

A. D. Michael Murray, 1120 Connecticut Avenue NW., Suite 1128, Washington, D.C. 20036.
B. National Association of Industrial and Office Parks, 1700 North Moore Street, Suite 1010, Arlington, Va. 22209.
D. (6) $450.

A. D. Michael Murray, 1120 Connecticut Avenue NW., Suite 1128, Washington, D.C. 20036.
B. National Council of Coal Lessors, Inc., 1150 One Valley Square, Charleston, W. Va. 25301.
D. (6) $400.

A. William E. Murray, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $179.50.

A. Harold D. Muth, 1600 Wilson Boulevard, Suite 1101, Arlington, Va. 22209.
B. The American Waterways Operators, Inc. 1600 Wilson Boulevard, Suite 1101, Arlington, Va. 22209.
D. (6) $300. E. (9) $15.

A. Fred J. Mutz, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,000. E. (9) $30.

A. Gary D. Myers, The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
B. The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
D. (6) $500. E. (9) $1,731.89.

A. J. Walter Myers, Jr., Forest Farmers Association, P.O. Box 95385, Atlanta, Ga. 30347.
B. Forest Farmers Association, P.O. Box 95385, Atlanta, Ga. 30347.

A. Law Offices of Timothy D. Naegele, Suite 1280, 1850 K. Street NW., Washington, D.C. 20006.
B. BayBanks, Inc., 175 Federal Street, Boston, Mass. 02110.

A. Gerald P. Nagy, National Home Furnishings Association, 900 17th Street NW., Suite 514, Washington, D.C. 20006.
B. National Home Furnishings Association, 405 Merchandise Mart, Chicago, Ill. 60654.
D. (6) $560.

A. John J. Nangle, National Association of Independent Insurers, 499 South Capitol Street SW., Suite 401, Washington, D.C. 20003.
B. National Association of Independent Insurers, 499 South Capitol Street SW., Suite 401, Washington, D.C. 20003.
D. (6) $2,500.

A. Hardy L. Nathan, 1750 K Street NW., Washington, D.C. 20006.
B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $1,500.

A. Raymond Nathan, 4242 East-West Highway, Chevy Chase, Md. 20015.
B. American Ethical Union, 2 West 64th Street, New York, N.Y. 10023.
D. (6) $555. E. (9) $505.51.

A. National Agricultural Chemicals Association, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $30.25. E. (9) $30.25

A. National Air Carrier Association, 1730 M Street NW., Suite 710, Washington, D.C. 20036.
D. (6) $3,086. E. (9) $3,086.

A. National Association for Free Enterprise, 1101 New Hampshire Avenue NW., Suite 107, Washington, D.C. 20037.

A. National Association for Humane Legislation, Inc., P.O. Box 11675, St. Petersburg, Fla. 33733.
D. (6) $21.92. E. (9) $14.

A. National Association for Neighborhood Schools, Inc., P.O. Box 14887, Columbus, Ohio 43214.
D. (6) $4,031.94. E. (9) $1,867.23.

A. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va. 22201.
D. (6) $23,357.22. E. (9) $4,484.45.

A. National Association of Air Traffic Specialists, Inc., Suite 415, Wheaton Plaza North, Wheaton, Md. 20902.
D. (6) $102,719.48. E. (9) $8,012.47.

A. National Association of Chain Drug Stores, Inc., 1911 Jefferson Davis Highway, Suite 504, Arlington, Va. 22202.
E. (9) $550.

A. National Association of Federal Veterinarians, Suite 836, 1522 K Street NW., Washington, D.C. 20005.
E. (9) $331.09.

A. National Association of Furniture Manufacturers, 8401 Connecticut Avenue NW., Suite 911, Washington, D.C. 20015.
D. (6) $1,750. E. (9) $1,230.

A. National Association of Independent Colleges & Universities, 1717 Massachusetts Avenue NW., Suite 503, Washington, D.C. 20036.
D. (6) $34,389.88. E. (9) $106,216.85.

A. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $3,905,257.97. E. (9) $212,417.14.

A. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $55,376.57. E. (9) $55,376.57.

A. National Association of Mutual Insurance Cos., 7931 Castleway Drive, Indianapolis, Ind. 46250.

A. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.
D. (6) $13,879.85. E. (9) $13,879.85.

A. National Association of Pension Consultants & Administrators, Inc., 3 Piedmont Center, Suite 300, Atlanta, Ga. 30305.
D. (6) $8,100. E. (9) $102.33.

National Association of Personnel Consultants, 1012 14th Street NW., 15th Floor, Washington, D.C. 20005.
D. (6) $856.72. E. (9) $6,600.

A. National Association of Real Estate Investment Trusts, Inc., 1101 17th Street NW., Washington, D.C.
D. (6) $2,457.50. E. (9) $2,457.50.

A. National Association of Realtors, 430 North Michigan Avenue, Chicago, Ill. 60611; 925 15th Street NW., Washington, D.C. 20005.
E. (9) $45,765.25.

A. National Association of Retired Federal Employees, 1533 New Hampshire Avenue NW., Washington, D.C. 20036.
D. (6) $1,397. E. (9) $445.

A. National Association of State Lotteries, 1290 Silas Deane Highway, Wethersfield, Conn. 06109.
D. (6) $1,800. E. (9) $1,800.

A. National Association of Truck Stop Operators, Suite 501, P.O. Box 1285, Alexandria, Va. 22313.
D. (6) $6,497.91. E. (9) $6,497.91.

A. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22031.
D. (6) $10,169. E. (9) $3,711.36.

A. National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.
E. (9) $500.

A. National Business Aircraft Association, 1 Farragut Square South, Washington, D.C. 20006.

A. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

D. (6) $4,577. E. (9) $4,634.57.

A. National Campground Owners Association, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.

E. (9) $1,000.

A. National Cattlemen's Association, 1001 Lincoln Street, Denver, Colo. 80203.

E. (9) $3,518.10.

A. National Citizens' Coalition for the Windfall Profits Tax, 444 North Capitol Street NW., Washington, D.C. 20001.

E. (9) $660.

A. National Coal Association, Coal Building, Washington, D.C. 20036.

D. (6) $963,197.78. E. (9) $20,346.48.

A. National Coalition to Ban Handguns, 100 Maryland Avenue NE., Washington, D.C. 20002.

D. (6) $137,593.54. E. (9) $62,426.78.

A. National Committee Against Repressive Legislation, 1250 Wilshire Boulevard, Los Angeles, Calif. 90017.

D. (6) $2,193.50. E. (9) $4,375.94.

A. National Committee for a Human Life Amendment, Inc., 1707 L Street NW., No. 400, Washington, D.C. 20036.

D. (6) $59,397.72. E. (9) $17,572.36.

A. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

D. (6) $4,616.66. E. (9) $4,616.66.

A. National Council of Agricultural Employers, 435 Southern Building, 1425 H Street NW., Washington, D.C. 20005.

D. (6) $800. E. (9) $2,014.

A. National Council of Health Care Services, 2600 Virginia Avenue, Suite 915, Washington, D.C. 20037.

D. (6) $2,145.58. E. (9) $2,439.46.

A. National Electrical Manufacturers Association, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $1,610.46. E. (9) $1,610.46.

A. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.

D. (6) $9,617.77. E. (9) $9,617.77.

A. National Federation of Licensed Practical Nurses, Inc., 888 Seventh Avenue, 18th Floor, New York, N.Y. 10019.

D. (6) $1,750. E. (9) $1,750.

A. National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.

D. (6) $4,625. E. (9) $2,843.24.

A. National Grange, 1616 H Street NW., Washington, D.C. 20006.

D. (6) $11,250. E. (9) $6,418.84.

A. National Grain & Feed Association, 725 15th Street NW., Washington, D.C. 20005.

A. National Guard Association of the United States, 1 Massachusetts Avenue NW., Washington, D.C. 20001.

D. (6) $161,824.70. E. (9) $1,172.20.

A. National Home Furnishings Association, 405 Merchandise Mart, Chicago, Ill. 60654.

E. (9) $1,193.55.

A. National Industrial Traffic League, 1909 K Street NW., S-410, Washington, D.C. 20016.

D. (6) $3,000. E. (9) $2,975.

A. National Leased Housing Association, Suite 400-S, 1800 M Street NW., Washington, D.C. 20036.

D. (6) $450. E. (9) $450.

A. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.

D. (6) $6,023.25. E. (9) $6,023.25.

A. National Maritime Council, 1742 N Street NW., Washington, D.C. 20036.

D. (6) $152,638.92. E. (9) $25,202.

A. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.

D. (6) $6,388.93. E. (9) $6,388.93.

A. National Motorsport Committee of ACCUS, 1701 K Street NW., Suite 1204, Washington, D.C. 20006.

A. National Newspaper Association, 1627 K Street NW., Suite 400. Washington, D.C. 20006.

D. (6) $16,813.70. E. (9) $16,813.70.

A. National Oil Jobbers Council, Inc., 1707 H Street NW., 11th Floor, Washington, D.C. 20006.

D. (6) $140,308.59. E. (9) $23.789.52.

A. National Parking Association, 1101 17th Street NW., Washington, D.C. 20036.

E. (9) $5,622.63.

A. National Pest Control Association, 8150 Leesburg Pike, Suite 1100, Vienna, Va. 22180.

D. (6) $565. E. (9) $450.

A. National Potato Council, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.

A. National Product Liability Council, 20 North Wacker Drive, Chicago, Ill. 60606.

D. (6) $40,350. E. (9) $25,384.09.

A. National Railway Utilization Corp., 1100 Centre Square East, 1500 Market Square, Philadelphia, Pa. 19102.

E. (9) $1,766.50.

A. National Realty Committee, Inc., 2033 M Street NW., Washington, D.C. 20036.

D. (6) $1,834.42. E. (9) $1,834.42.

A. National Retail Merchants Association, 100 West 31st Street, New York, N.Y. 10001.

E. (9) $3,835.

A. National Right to Life Committee, Inc., 529 14th Street NW., No. 341, Washington, D.C. 20045.

D. (6) $254,620. E. (9) $6,715.74.

A. National Right to Work Committee, 8316 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.

D. (6) $3,355. E. (9) $3,355.

A. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

E. (9) $3,620.73.

A. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $6,993. E. (9) $6,542.

A. National Savings & Loan League, 1101 15th Street NW., Suite 400, Washington, D.C. 20005.

D. (6) $820,255. E. (9) $373.86.

A. National School Transportation Association, 9001 West Braddock Road, Springfield, Va. 22151.

D. (6) $3,100.71. E. (9) $3,100.71.

A. National Security Traders Association, 55 Broad Street, New York, N.Y. 10004.

E. (9) $1,916.66.

A. National Selected Morticians, 1616 Central Street, Evanston, Ill. 60201.

D. (6) $3,520. E. (9) $3,558.78.

A. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.

D. (6) $12,500. E. (9) $13,450.

A. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.

D. (6) $3,500. E. (9) $61,090.11.

A. National Tire Dealers & Retreaders Association, 1343 L Street NW., Washington, D.C. 20005.

D. (6) $3,851.40. E. (9) $3,851.40.

A. National Water Resources Association, 955 L'Enfant Plaza North SW., Suite 1202, Washington, D.C. 20024.

D. (6) $14,338. E. (9) $8,642.

A. National Woman's Christian Temperance Union, 1730 Chicago Avenue, Evanston, Ill. 60201.

D. (6) $1,150.88. E. (9) $1,120.69.

A. National Wool Growers Association, 425 13th Street NW., No. 548, Washington, D.C. 20004.

E. (9) $6,750.

A. Natural Gas Supply Association, 1025 Connecticut Avenue NW., Suite 505, Washington, D.C. 20036.

D. (6) $2,500. E. (9) $5,659.54.

A. Michael C. Nave, National Association of Retired Federal Employees, 1533 New Hampshire Avenue NW., Washington, D.C. 20036.

B. National Association of Retired Federal Employees, 1533 New Hampshire Avenue NW., Washington, D.C. 20026.

D. (6) $82. E. (9) $17.20.

A. Alexander W. Neale, Jr., Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C. 20036.

B. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C. 20036.

D. (6) $2,455. E. (9) $94.10.

A. Alan M. Nedry, 1111 19th Street NW., Suite 303, Washington, D.C. 20036.

B. Southern California Edison Co., P.O. Box 800, Rosemead, Calif., 91770.

D. (6) $100. E. (9) $50.

A. Frances E. Neely, 245 Second Street NE., Washington, D.C. 20002.

B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C. 20002.

D. (6) $2,853.

A. Mary Elizabeth Neese, National Savings & Loan League, 1101 15th Street NW., Suite 400, Washington, D.C. 20005.

B. National Savings & Loan League, 1101 15th Street NW., Suite 400, Washington, D.C. 20005.

D. (6) $1,000. E. (9) $103.86.

A. Gordon E. Nelson, 12005 Millstream Drive,, Bowie, Md. 20715.

B. Farm Water Alliance, 1707 L Street NW., Suite 650, Washington, D.C. 20036.

D. (6) $17,000. E. (9) $2,230.32.

A. J. T. Nelson, Gibson Island, Md. 21056.

B. Household Finance Corp., 2700 Sanders Road, Prospect Heights, Ill. 60070.

D. (6) $2,000. E. (9) $647.41.

A. Lloyd A. Nelson, 12200 Brookhaven Drive, Silver Spring, Md. 20902.
B. Fellowship Square Foundation, Inc., 11450 North Shore Drive, Reston, Va. 22090.

A. Robert W. Nelson, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $105.

A. A. S. Nemir Associates, Suite 1230, Pennsylvania Building, Washington, D.C. 20004.
B. Brazilian Sugar & Alcohol Institute, Rio de Janeiro, Brazil.
D. (6) $12,750. E. (9) $783.31.

A. Michael P. Neumann, 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
E. (9) $2.

A. Robert B. Neville, 311 First Street N.W., Washington, D.C. 20001.
B. National Restaurant Association, 311 First Street NW., Washington, D.C. 20001.
D. (6) $1,000.

A. Louis H. Nevins, 1709 New York Avenue NW., Suite 200, Washington, D.C. 20006.
B. National Association of Mutual Savings Banks, 200 Park Avenue, Washington, D.C. 20006.
D. (6) $4,375. E. (9) $1,963.06.

A. E. J. Newbould, 1130 17th Street NW., Washington, D.C. 20036.
B. National Clay Pipe Institute, 1130 17th Street NW., Washington, D.C. 20036.
D. (6) $600. E. (9) $16.

A. Frank Newham, National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Kathryn L. Newman, 1101 15th Street NW., Washington, D.C. 20005.
B. Republic Steel Corp., Republic Building, Cleveland, Ohio 44101.

A. Thomas E. Newman, National Association of Manufacturers, 2 Militia Drive, Lexington, Mass. 02173.
B. National Association of Manufacturers, 1776 F Street, Washington, D.C. 20006.
D. (6) $250.

A. Janet G. Newport, National Oil Jobbers Council, 1707 H Street NW., 11th Floor, Washington, D.C. 20006.
B. National Oil Jobbers Council, 1707 H Street NW., Washington, D.C. 20006.
D. (6) $3,875. E. (9) $186.38.

A. New York Committee of International Committee of Passenger Lines, 25 Broadway, New York, N.Y. 10004.
D. (6) $46,500. E. (9) $22,489.

A. New York Shipping Association, 80 Broad Street, New York, N.Y. 10004.
E. (9) $2,550.

A. M. Ray Niblack, 1101 15th Street NW., Washington, D.C. 20005.
B. American Bankers Insurance Co. of Florida, 600 Brickell Avenue, Miami Fla. 33131.
D. (6) $2,000. E. (9) $124.49.

A. Nicholas J. Nichols, American Institute of Certified Public Accountants, 1620 I Street NW., Washington, D.C. 20006.
B. American Institute of Certified Public Accountants, 1211 Avenue of the Americas, New York, N.Y. 10036.
E. (9) $6,642.50.

A. F. Clayton Nicholson, Box 15, Route 1, Henryville, Pa. 18332.
B. Northern Helex Co., 2223 Dodge Street, Omaha, Nebr. 68102.
D. (6) $2,525. E. (9) $643.40.

A. Melissa A. Nielson, 1111 19th Street NW., Suite 310, Washington, D.C. 20036.
B. Kennecott Copper Corp., 161 East 42d Street, New York, N.Y. 10017.
D. (6) $500. E. (9) $100.

A. Donald R. Niemi, Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61629.
B. Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61629.
D. (6) $570. E. (9) $847.36.

A. Patrick J. Nilan, American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C. 20005.
B. American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C. 20005.
D. (6) $11,059.56 E. (9) $4.318.19.

A. Nan Fielding Nixon, 309 Fourth Street SE., Apt. No. 7, Washington, D.C. 20003.
B. Office of Government & Community Affairs, Grays Hall, 16, Harvard University, Cambridge, Mass. 02138.
D. (6) $7,395. E. (9) $635.39.

A. Robert W. Nolan, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.
D. (6) $100.

A. H. Christopher Nolde, Chemical Manufacturers Association, 1825 Connecticut Avenue NW., Washington, D.C. 20009.
B. Chemical Manufacturers Association, 1825 Connecticut Avenue NW., Washington, D.C. 20009.
D. (6) $300.

A. Charles M. Noone, 490 L'Enfant Plaza East SW., Suite 3306, Washington, D.C. 20024.
B. National Association of Small Business Investment Cos., 618 Washington Building, Washington, D.C. 20005.
D. (6) $1,500 E. (9) $178.96.

A. M. Kathryn Nordstrom, National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.
B. National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.
D. (6) $500. E. (9) $96.26.

A. Julia J. Norrell, 1801 K Street NW., No. 821, Washington, D.C. 20006.
B. The Business Roundtable, 200 Park Avenue, New York, N.Y. 10017 and 1801 K Street NW., Washington, D.C. 20006.
D. (6) $1,000. E. (9) $40.

A. Richard G. Norris, 8826 Santa Fe Drive, Shawnee Mission, Kans. 66201.
B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60680.
D. (6) $300. E. (9) $181.

A. North American Car Corp., 222 South Riverside Plaza, Chicago, Ill. 60606.
E. (9) $12,612.83.

A. North American Export Grain Association, Inc., 1800 M Street NW., Washington, D.C. 20036.
E. (9) $900.

A. North American Telephone Association, 1030 15th Street NW., Washington, D.C. 20036.
D. (6) $34,974.63. E. (9) $34,974.63.

A. Northeast Utilities Service Co., Seldon Street, Berlin, Conn. 06037.
E. (9) $1,149.91.

A. Clifford R. Northup, Credit Union National Association, 1730 Rhode Island Avenue, Washington, D.C. 20036.
B. Credit Union National Association, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $300. E. (9) $85.05.

A. N.O.S.I. (Not one square inch!), 4082 Howard Avenue, Los Alamitos, Calif.
E. (9) $2.81.

A. Nossaman, Krueger & Marsh, 445 South Figueroa Street, Los Angeles, Calif. 90071; 1850 K Street NW., Suite 215, Washington, D.C. 20006.
B. Montco, Billings, Mont. 59107; Nance Cattle Co., Birney Mont. 59012.
E. (9) $133.37.

A. Nossaman, Krueger & Marsh, 445 South Figueroa Street, Los Angeles, Calif. 90071. 1850 K Street NW., Suite 215, Washington, D.C. 20006.
B. Ocean Energy Council, Box 57198, Washington, D.C. 20037.
E. (9) $24.

A. Nuclear Fuel Services, Inc., Suite 600, 6000 Executive Boulevard, Rockville, Md. 20852.

A. Franklin W. Nutter, 1025 Connecticut Avenue NW., No. 512, Washington, D.C. 20036.
B. Reinsurance Association of America, 1025 Connecticut Avenue NW., No. 512, Washington, D.C. 20036.
E. (9) $49.50.

A. Mark J. Nuzzaco, 7901 Westpark Drive, McLean, Va. 22102.
B. National Machine Tool Builders' Association, 7901 Westpark Drive, McLean, Va. 22102.
D. (6) $468.75. E. (9) $750.

A. Donald A. Nyberg, 1050 17th Street NW., Suite 650, Washington, D.C. 20036.
B. Standard Oil Co., Midland Building, Cleveland, Ohio 44115.

A. Seward P. Nyman, 20 Chevy Chase Circle, Washington, D.C. 20015.
B. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C. 20015.
D. (6) $850.

A. Hubert K. O'Bannon, 1544 33d Street NW., Washington, D.C. 20007.
B. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza SE., Washington, D.C. 20024.
D. (6) $1,200.

A. Coleman C. O'Brien, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.
B. United States League of Savings Association, 111 East Wacker Drive, Chicago, Ill.
D. (6) $3,712.50. E. (9) $97.95.

A. John F. O'Brien, Connecticut Petroleum Council, 410 Asylum Street, Hartford, Conn. 06103.
B. American Petroleum Institute, 2101 L Street, NW., Washington, D.C. 20037.

A. Raymond O'Brien, International Telephone & Telegraph Corp., 1707 L Street NW., Suite 200, Washington, D.C. 20036.
B. International Telephone & Telegraph Corp., 320 Park Avenue, New York, N.Y. 10022.
D. (6) $100. E. (9) $10.

A. Rosemary L. O'Brien, 1025 Connecticut Avenue NW., Suite 402, Washington, D.C. 20036.

B. CF Industries, Inc., Energy Cooperative, Inc., Salem Lake Drive, Long Grove, Ill. 60047.

D. (6) $500.

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A. G. H. Ochenrider, Grumman Aerospace Corp., 1600 Wilson Boulevard, Arlington, Va. 22209.

B. Grumman Aerospace Corp., Bethpage, N.Y. 11714.

D. (6) $2,500. E. (9) $796.

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A. William B. O'Connell, 111 East Wacker Drive, Chicago, Ill. 60601.

B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill. 60601.

D. (6) $2,000. E. (9) $738.58.

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A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Suite 800, Washington, D.C. 20006.

B. Abt Associates, Inc., Cambridge, Mass. 02138.

D. (6) $1,000. E. (9) $3.86.

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A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Clinical Laboratory Association, Suite 800, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $1,250.

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A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Suite 800, Washington, D.C. 20006.

B. American Family Life Assurance Co., P.O. Box 1459, Columbus, Ga. 31902.

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A. O'Connor & Hannan, 1919 Pennsylvania Avenue, NW., Washington, D.C. 20006.

B. American Institute of Certified Public Accountants, 1620 I Street, NW., Washington, D.C. 20006.

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A. O'Connor & Hannan, 1919 Pennsylvania Avenue, NW., No. 800, Washington, D.C. 20006.

B. American Public Transit Association, 1225 Connecticut Avenue, NW., No. 200, Washington, D.C. 20036.

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A. O'Connor & Hannan, 1919 Pennsylvania Avenue, NW., No. 800, Washington, D.C. 20006.

B. Automotive Parts & Accessories, Inc., 1025 Connecticut Avenue, NW., Washington, D.C. 20036.

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A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Blyth Eastman Dillon & Co., 1221 Avenue of the Americas, New York, N.Y. 10020.

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A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Charles River Breeding Laboratories, Inc., 251 Ballardvale Street, Wilmington, Mass. 01887.

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A. O'Connor & Hannan, 1919 Pennsylvania Avenue, NW., Washington, D.C. 20006.

B. Commonwealth of Puerto Rico, 1625 Massachusetts Avenue, NW., Washington, D.C. 20036.

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A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Suite 800, Washington, D.C. 20006.

B. First National Monetary Corp., 4000 Town Center, 15th Floor, Southfield, Mich. 48075.

D. (6) $1,000. E. (9) $270.92.

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A. O'Connor & Hannan, 1919 Pennsylvania Avenue, NW., No. 800, Washington, D.C. 20006.

B. Hennepin County, 2300 Government Center, Minneapolis, Minn. 55487.

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A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Hospital Financing Study Group, New York, N.Y.

D. (6) $1,200.

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A. O'Connor & Hannan, 1919 Pennsylvania Avenue, NW., No. 800, Washington, D.C. 20006.

B. Investors Diversified Services, Inc., No. 2900, IDS Tower, Minneapolis, Minn. 55402.

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A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Suite 800, Washington, D.C. 20006.

B. JWK International Corp., 7617 Little River Turnpike, Annandale, Va. 22003.

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A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., No. 800, Washington, D.C. 20006.

B. Minneapolis City Council, 307 City Hall, Minneapolis, Minn. 55415.

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A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Suite 800, Washington, D.C. 20006.

B. National Association of Health Career Schools, 11687 Bellagio Road, Suite 16, Los Angeles, Calif. 90049.

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A. O'Connor & Hannan, 1919 Pennsylvania Avenue, NW., No. 800, Washington, D.C. 20006.

B. National Committee for Quality Health Care, New York, N.Y.

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A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Suite 800, Washington, D.C. 20006.

B. National Coal Consumers Alliance, 414 Nicollet Mall, Minneapolis, Minn. 55401.

D. (6) $5,000.

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A. O'Connor & Hannan, 1919 Pennsylvania Avenue, NW., No. 800, Washington, D.C. 20006.

B. John Nuveen & Co., Inc., 209 South LaSalle Street, Chicago, Ill. 60604.

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A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Pfizer, Inc., 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

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A. O'Connor & Hannan, 1919 Pennsylvania Avenue, NW., No. 800, Washington, D.C. 20006.

B. Save Loring Committee, 222 Main Street, Limestone, Mass. 04750.

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A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Securities Industry Association, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.

D. (6) $3,460.

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A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Suite 800, Washington, D.C. 20006.

B. Sperry-Rand Corp., 3333 Pilot Knob Road, St. Paul, Minn.

D. (6) $1,500.

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A. O'Connor & Hannan, 1919 Pennsylvania Avenue, NW., No. 800, Washington, D.C. 20006.

B. Westinghouse Electric Corp., 1801 K Street, NW., Washington, D.C. 20006.

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A. L. L. O'Connor, 20 North Wacker Drive, Chicago, Ill. 60606.

B. Profit Sharing Council of America, 20 North Wacker Drive, Chicago, Ill. 60606.

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A. Leonard F. O'Connor, The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

B. The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

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A. Larry A. O'Day, Combined Insurance Co. of America, Suite 630, 1819 H Street NW., Washington, D.C. 20006.

B. Combined Insurance Co. of America, 5050 Broadway, Chicago, Ill. 60640.

D. (6) $750.

—

A. Thomas A. O'Day, Alliance of American Insurers, 1776 F Street NW., Washington, D.C.

B. Alliance of American Insurers, 20 North Wacker Drive, Chicago, Ill. 60606.

D. (6) $350. E. (9) $190.80.

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A. T. J. Oden, National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $2,250. E. (9) $281.88.

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A. Robert C. Odle, Jr., International Paper Co., 1620 I Street NW., No. 700, Washington, D.C. 20006.

B. International Paper Co., 1620 I Street NW., No. 700, Washington, D.C. 20006.

D. (6) $400. E. (9) $125.

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A. Ashton J. O'Donnell, 89 Fair Oaks Lane, Atherton, Calif. 94025.

B. Bechtel Incorp., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

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A. Bradford C. Oelman, Owens-Corning Fiberglas Corp., Fiberglas Tower, Toledo, Ohio 43659.

B. Owens-Corning Fiberglas Corp., Fiberglas Tower, Toledo, Ohio 43659.

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A. Jane O'Grady, 815 16th Street NW., Washington, D.C. 20006.

B. American Federation of Labor & Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $12,250.

—

A. Bartley O'Hara, 25 Louisiana Avenue NW., Washington, D.C. 20001.

B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C. 20001.

D. (6) $9,874.98.

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A. James G. O'Hara, Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

B. American Federation of Teachers, 11 Dupont Circle NW., Washington, D.C. 20036.

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A. James G. O'Hara, Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

B. General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.

D. (6) $1,275.

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A. Matthew D. O'Hara, General Mills, Inc., 1629 K Street NW., Suite 300, Washington, D.C. 20006.

B. General Mills, Inc., P.O. Box 1113, Minneapolis, Minn. 55440.

D. (6) $59.34.

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A. Alvin E. Oliver, 725 15th Street NW., Washington, D.C. 20005.

B. National Grain & Feed Association, P.O. Box 28328, Washington, D.C. 20005.

D. (6) $37.92.

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A. Van R. Olsen, 1156 15th Street, NW., No. 1019, Washington, D.C. 20005.

B. United States Beet Sugar Association, 1156 15th Street, NW., No. 1019, Washington, D.C. 20005.

A. Nancy J. Olson, Johns-Manville Corp., 1025 Connecticut Avenue NW., Suite 214, Washington, D.C. 20036.
B. Johns-Manville Corp., P.O. Box 5108, Denver, Colo. 80217.
D. (6) $400. E. (9) $8.

A. William J. Olson, 1819 H Street NW., Washington, D.C. 20006.
B. National Foundation/March of Dimes, 1275 Mamaroneck Avenue, White Plains, N.Y. 10605.
D. (6) $3,190. E. (9) $286.21.

A. William J. Olwell, United Food & Commercial Workers International Union, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.
B. United Food & Commercial Workers International Union, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $4,075.49.

A. Samuel Omasta, 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.

A. O'Melveny & Myers, 1800 M Street NW., Washington, D.C. 20036.
B. Bank of America, Bank of America Center, 10th Floor, San Francisco, Calif. 94104.

A. O'Melveny & Myers, 1800 M Street NW., Washington, D.C. 20036.
B. Blyth Eastman Dillon & Co., 555 California Street, San Francisco, Calif. 94104.
D. (6) $15,000.

A. O'Melveny & Myers, 1800 M Street NW., Washington, D.C. 20036.
B. Citizens for Government Fairness, P.O. Box 269, El Centro, Calif. 92243.
D. (6) $5,400.

A. O'Melveny & Myers, 1800 M Street NW., Washington, D.C. 20036.
B. Dean Witter Reynolds, Inc., 45 Montgomery Street, San Francisco, Calif. 94104.

A. O'Melveny & Myers, 1800 M Street NW., Washington, D.C. 20036.
B. Hawaiian Sugar Planters Association, 1511 K Street NW., Washington, D.C. 20005.
D. (6) $1,700. E. (9) $47.27.

A. O'Melveny & Myers, 1800 M Street NW., Washington, D.C. 20036.
B. INA Corp., 1850 K Street NW., Suite 840, Washington, D.C. 20006; Hospital Affiliates International, Inc., 4525 Harding Road, Nashville, Tenn. 37205.

A. O'Melveny & Myers, 1800 M Street NW., Washington, D.C. 20036.
B. Smith Barney, Harris Upham & Co., 350 California Street, San Francisco, Calif. 94104.

A. R. E. Omohundro, National Association of Federal Veterinarians, Suite 836, 1522 K Street NW., Washington, D.C. 20005.
B. National Association of Federal Veterinarians, Suite 836, 1522 K Street NW., Washington, D.C.
D. (6) $178.

A. O'Neill, Forgotson & Roncalio, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Houston Natural Gas Corp., 1 Farragut Square NW., Suite 606, Washington, D.C. 20006.

A. O'Neill, Forgotson & Roncalio, 1333 New Hampshire Avenue, NW., Washington, D.C. 20036.
B. Motorola, Inc., 1776 K Street NW., Washington, D.C. 20006.

A. O'Neill, Forgotson & Roncalio, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Paraho Development Corp., 300 Enterprise Building, Grand Junction, Colo. 81501.

A. O'Neill, Forgotson & Roncalio, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Texas Oil & Gas Corp., Fidelity Union Tower, Dallas, Tex. 75201.

A. O'Neill, Forgotson & Roncalio, 1333 New Hampshire Avenue, NW., Washington, D.C. 20036.
B. Texas Utilities Services, Inc., 2001 Bryan Tower, Dallas, Tex. 75201.

A. O'Neill, Forgotson & Roncalio, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Westinghouse Electric Corp., 1801 K Street, NW., Washington, D.C. 20006.

A. Philip C. Onstad, Control Data Corp., 500 West Putnam Avenue, Greenwich, Conn. 06830.
B. Control Data Corp., 500 West Putnam Avenue, Greenwich, Conn. 06830.
D. (6) $50. E. (9) $182.

A. Daniel P. Oppenheim, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Selected Morticians, 1616 Central Street, Evanston, Ill. 60201.
D. (6) $253.75.

A. Charles Orasin, 810 18th Street NW., Washington, D.C. 20006.
B. Handgun Control, Inc., 810 18th Street NW., Washington, D.C. 20006.
D. (6) $3,323.07. E. (9) $22.

A. Kathleen F. O'Reilly, 1012 14th Street NW., Suite 901, Washington, D.C. 20005.
B. Consumer Federation of America, 1012 14th Street NW., Suite 901, Washington, D.C. 20005.
D. (6) $4,350. E. (9) $250.

A. Kevin P. O'Rourke, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Selected Morticians, 1616 Central Street, Evanston, Ill. 60201.
D. (6) $770. E. (9) $27.37.

A. John L. Oshinski, United Steelworkers of America, 815 16th Street NW., Suite 706, Washington, D.C. 20006.
B. United Steelworkers of America, 5 Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $9,834.87.

A. J. Denis O'Toole, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $880.

A. Roland A. Ouellette, 1660 L Street NW., 501, Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $3,600. E. (9) $4,903.91.

A. Joseph A. Overton III, TRW, Inc., 2030 M Street NW., Suite 800, Washington, D.C. 20036.
B. TRW, Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117.
D. (6) $1,000.

A. Thomas J. Owens, 207 Olympic National Building, Seattle, Wash. 98101.
B. Mutual Savings Banks Association of Washington, 207 Olympic National Building, Seattle, Wash. 98104.
D. (6) $2,850. E. (9) $1,952.56.

A. William H. Owens, Jr., 1101 17th Street NW., Washington, D.C. 20036.
B. American Dental Association, 1101 17th Street NW., Washington, D.C. 20036.
D. (6) $1,000.

A. Raymond S. Page, Jr., Mill Creek Terrace, Gladwyne, Pa. 19035.
B. Campbell Soup Co., Campbell Place, Camden, N.J. 08101.

A. W. D. Page, American Plywood Association, P.O. Box 11700, Tacoma, Wash. 98411.
B. American Plywood Association, P.O. Box 11700, Tacoma, Wash. 98411.

A. Steven J. Paggioli, 1775 K Street NW., Washington, D.C. 20006.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.

A. Henry S. Palau, The Retired Officers Association, 201 North Washington Street, Alexandria, Va. 22314.
B. The Retired Officers Association, 201 North Washington Street, Alexandria, Va. 22314.
D. (6) $640.

A. Diane M. Palmer, 1200 Northwest Bank Building, Minneapolis, Minn. 55480.
B. Northwest Bancorporation, 1200 Northwest Bank Building, Minneapolis, Minn. 55480.
D. (6) $68. E. (9) $63.

A. John N. Pannullo, National Utility Contractors Association, 815 15th Street NW., Suite 838, Washington, D.C. 20005.
B. National Utility Contractors Association, 815 15th Street NW., Suite 838, Washington, D.C. 20005.
D. (6) $800. E. (9) $1,000.

A. Fred Panzer, The Tobacco Institute, 1875 I Street NW., No. 800, Washington, D.C. 20006.
B. The Tobacco Institute, 1875 I Street NW. No. 800, Washington, D.C. 20006.
D. (6) $200. E. (9) $100.

A. Paperboard Packaging Council, 1800 K Street NW., No. 600, Washington, D.C. 20006.

A. G. Oliver Papps, New Jersey Petroleum Council, 170 West State Street, Trenton, N.J. 08608.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Paraplegia Cure Research, 100 Maryland Avenue NE., No. 501, Washington, D.C. 20002.
E. (9) $140.

A. Herschell E. Parent, Arkansas Petroleum Council, 302 Commercial National Bank Building, Little Rock, Ark. 72201.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $357. E. (9) $547.17.

A. Ann L. Parenteau, National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.
B. National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.

A. Judith E. Park, National Association of Retired Federal Employees, 1533 New Hampshire Avenue NW., Washington, D.C. 20036.
B. National Association of Retired Federal Employees, 1533 New Hampshire Avenue NW., Washington, D.C. 20036.
D. (6) $7,282.

A. Carl A. Parker, 449 Stadium Road, Port Arthur, Tex. 77640.

B. Government of Republic of Liberia, Monrovia, Liberia.
D. (6) $3,000.

A. Parkinson & Associates, 1640 30th Street NW., Washington, D.C. 20007.
B. Committee for Equitable Crop Insurance Legislation, 1640 30th Street NW., Washington, D.C. 20007.
D. (6) $41,338.25. E. (9) $26,092.89.

A. Tom E. Paro, Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.
B. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.
D. (6) $178.

A. Linda K. Parson, Cities Services Co., 1660 L Street NW., No. 207, Washington, D.C. 20036.
B. Cities Services Co., 1660 L Street NW., No. 207, Washington, D.C. 20036.

A. Renee Parsons, 530 Seventh Street SE., Washington, D.C. 20003.
B. Friends of the Earth, 530 Seventh Street SE., Washington, D.C. 20003.
D. (6) $1,145.82.

A. Robert D. Partridge, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $212.

A. Alan K. Parver, 1050 17th Street NW., S–770, Washington, D.C. 20036.
B. American Association of Homes for the Aging, 1050 17th Street NW., S–770, Washington, D.C. 20036.
D. (6) $840. E. (9) $25

A. Howard G. Paster, United Automobile, Aerospace, and Agricultural Implement Workers of America, UAW, 1757 N Street NW., Washington, D.C. 20036.
B. United Automobile, Aerospace, and Agricultural Implement Workers of America (UAW), 8000 East Jefferson Avenue, Detroit, Mich. 48214.
D. (6) $12,021.46. E. (9) $256.35.

A. Richard M. Patterson, 1800 M Street NW, Suite 700–S, Washington, D.C. 20036.
B. The Dow Chemical Co., Midland, Mich. 48640.
D. (6) $500. E. (9) $239.50.

A. Thomas Patterson, National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $231.

A. William H. Patterson, General Electric Co., 777 14th Street NW., Washington, D.C.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn.
D. (6) $195.

A. Kenton H. Pattie, National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22031.
B. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22031.
D. (6) $2,457.81.

A. David J. Pattison, 1750 K Street NW., Washington, D.C. 20006.
B. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, DC.; 919 Third Avenue, New York, N.Y.; and 332 South Michigan Avenue, Chicago, Ill.

A. Patton, Boggs and Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Ad Hoc Committee on § 602, 1101 16th Street NW., Suite 300, Washington, D.C. 20006.

A. Patton, Boggs and Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Alaska Housing Financing Corp., P.O. Box 1020, Anchorage, Alaska 99510.
D. (6) $2,475.

A. Patton, Boggs and Blow, 2550 M Street NW., Washington, D.C. 20037.
B. American Imported Automobile Dealers Association, 1129 20th Street NW., Washington, D.C. 20036.

A. Patton, Boggs and Blow, 2550 M Street NW., Washington, D.C. 20037.
B. American Maritime Association, 1612 K Street NW., Washington, D.C. 20006.

A. Patton, Boggs and Blow, 2550 M Street NW., Washington, D.C. 20037.
B. American Society of Association Executives, 1575 I Street NW., Washington, D.C. 20005.
D. (6) $330.

A. Patton, Boggs and Blow, 2550 M Street NW., Washington, D.C. 20037
B. Armco Steel Corp., General Offices, Middletown, Ohio 45042

A. Patton, Boggs and Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Association of Oil Pipelines, 1725 K Street NW., Washington, D.C. 20006.

A. Patton, Boggs and Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Association of Trial Lawyers of America, 1050 31st Street NW., Washington, D.C. 20037.

A. Patton, Boggs and Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Bath Iron Works Corp., 700 Washington Street, Bath, Maine 04530.
D. (6) $592.

A. Patton, Boggs and Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Benamy International, Inc., 3937 Oakcliff Industrial Court NE., Atlanta, Ga. 30340.
D. (6) $490. E. (9) $4.25.

A. Patton, Boggs and Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Bixby Ranch Co. 523 West Sixth Street, Los Angeles, Calif. 90014.
D. (6) $9,388.50.

A. Patton, Boggs and Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Bradford National Corp., 80 Pine Street, New York, N.Y.

A. Patton, Boggs and Blow, 2550 M Street NW., Washington, D.C. 20037.
B. California, Westside Farmers, 9555 L'Enfant Plaza North SW., Room 1101, Washington, D.C. 20024.
D. (6) $961.50. E. (9) $14.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Castle & Cooke, Inc., P.O. Box 3928, San Francisco, Calif.
D. (6) $81.

A. Patton, Boggs and Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Central American Sugar Council, 2550 M Street NW., Eighth Floor, Washington, D.C. 20037.
D. (6) $440.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. The Charter Co., 208 Laura Street, Jacksonville, Fla. 32202.

A. Patton, Boggs and Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Chrysler Corp., P.O. Box 1919, Detroit, Mich. 48288.
D. (6) $93,880.25. E. (9) $6,192.42.

A. Patton, Boggs and Blow, 2550 M Street NW., Washington, Washington, D.C. 20037.
B. Committee for Expanded Trade, 2550 M Street NW., Eighth Floor, Washington, D.C. 20037.
D. (6) $480.

A. Patton, Boggs and Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Committee of Railroad Shippers, 2550 M Street NW., Washington, D.C. 20037.
D. (6) $7,102.80. E. (9) $882.50.

A. Patton, Boggs and Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Council of State Chambers of Commerce (Committee on State Taxation), 1028 Connecticut Avenue NW., Suite 1018, Washington, D.C. 20036.
D. (6) $150. E. (9) $10.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Diagnostic Imaging and Therapy Systems Division (Division of National Electrical Manufacturers Association), 2101 L Street NW., Washington, D.C. 20036.

A. Patton, Boggs and Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Donaldson, Lufkin and Jenrette, Inc., 140 Broadway, New York, N.Y. 10005.

A. Patton, Boggs and Blow, 2550 M Street NW., Washington, D.C. 20037.
B. E.G.G. Industries, 2550 M Street NW., Seventh Floor, Washington, D.C. 20037; and The Essex Co., Lawrence, Mass.
D. (6) $10,760.50. E. (9) $239.75.

A. Patton, Boggs and Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Handicraft Designs, Inc., 87 Commerce Drive, Talford, Pa. 18969.
D. (6) $490. E. (9) $4.25.

A. Patton, Boggs and Blow, 2250 M Street NW., Washington, D.C. 20037.
B. Hobby Industry of America, 319 East 54th Street, Elmwood, N.J. 07407.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Institute of Electrical and Electronics Engineers, 2029 K Street NW., Washington, D.C. 20006.

A. Patton, Boggs and Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Institute of Scrap Iron and Steel, Inc., 1627 K Street NW., Washington, D.C. 20006.
D. (6) $1,440.

A. Patton, Boggs and Blow, 2550 M Street NW., Washington, D.C. 20037.
B. LOOP, Inc., 1010 Common Street, 250 Bank of New Orleans Building, New Orleans, La. 70112.

A. Patton, Boggs and Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Louisiana Pacific Corp., 1300 South West Fifth Avenue, Portland, Oreg. 97201.
D. (6) $1,669.50. E. (9) $35.

A. Patton, Boggs and Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Mars, Inc., 1651 Old Meadow Road, McLean, Va. 22101.
D. (6) $8,214. E. (9) $168.

A. Patton, Boggs and Blow, 2550 M Street NW., Washington, D.C. 20037.

B. Mocatta Metal Corp., 35 Broad Street, New York, N.Y. 10004.
D. (6) $393.

A. Patton, Boggs and Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Multi Mineral Corp., 330 North Belt East, Houston, Tex. 77060.
D. (6) $3,135.

A. Patton, Boggs and Blow, 2550 M Street NW., Washington, D.C. 20037.
B. National Marine Manufacturers Association, 401 North Michigan Avenue, Chicago, Ill. 60601.
D. (6) $1,392. E. (9) $7.50.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. New Process Co., 220 Hickory Street, Warren, Pa. 16366.
D. (6) $1,000.

A. Patton, Boggs and Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Northwest Energy Corp., 315 East 200 South, Salt Lake City, Utah 84111.
D. (6) $24,345.

A. Patton, Boggs and Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Ocean Minerals Co., 465 North Bernardo, Mountain View, Calif. 94040.
D. (6) $8,878. E. (9) $125.

A. Patton, Boggs and Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Penn Central Corp., 1725 K Street NW., Washington, D.C. 20006.

A. Patton, Boggs and Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Pepsico, Inc., Purchase, N.Y. 10577.
D. (6) $3,300 E. (9) $50.

A. Patton, Boggs and Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Jack Philip and Son, Inc., 724 Dupont Plaza Center, Miami, Fla., 33131.
D. (6) $4,362. E. (9) $18.

A. Patton, Boggs and Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Pyrotechnic Signal Manufacturers Association, Inc., 1730 K Street NW., Suite 1300, Washington, D.C. 20006.

A. Patton, Boggs and Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Ralston Purina Co., Checkerboard Square, St. Louis, Mo. 63188.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Reader's Digest Association, Inc., Pleasantville, N.Y. 10570.
D. (6) $2,000.

A. Patton, Boggs and Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Retail Tax Committee, 2550 M Street NW., Washington, D.C. 20037.
D. (6) $1,580. E. (9) $50.

A. Patton, Boggs and Blow, 2550 M Street NW., Washington, D.C. 20037.
B. St. Joe Minerals Co., 1730 Rhode Island Avenue NW., Suite 911, Washington, D.C. 20036.

A. Patton, Boggs and Blow, 2550 M Street NW., Washington, D.C. 20037.
B. State of Alaska, Suite 345, 444 North Capitol Street, Washington, D.C.
D. (6) $4,650. E. (9) $3.

A. Patton, Boggs and Blow, 2550 M Street NW., Washington, D.C. 20037.
B. State of Louisiana, Department of Conservation, P.O. Box 44275, Baton Rouge, La. 70804.

A. Patton, Boggs and Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Tax Corporation of America, 2441 Honolulu Avenue, Montrose, Calif. 91020.

A. Patton, Boggs and Blow, 2550 M Street NW., Washington, D.C. 20037.
B. United Brands Co., 1271 Avenue of the Americas, New York, N.Y. 10020.
D. (6) $750. E. (9) $10.

A. Patton, Boggs and Blow, 2550 M Street NW., Washington, D.C. 20037.
B. U.S. Industries, Inc., 250 Park Avenue, New York, N.Y. 10017.
D. (6) $150. E. (9) $10.

A. Patton, Boggs and Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20006.
D. (6) $1,425. (9) $25.

A. Andrew R. Paul, Suite 920, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Gulf & Western Management Co., 600 New Hampshire Avenue NW., Washington, D.C. 20037.
D. (6) $200. E. (9) $7.

A. Peabody, Rivlin, Lambert & Meyers, 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. Michigan Knife Co., 120 Pere Marquette Street, Big Rapids, Mich. 49307.
D. (6) $340. E. (9) $5.

A. Barbara Jo Pease, Shell Oil Co., 1025 Connecticut Avenue NW., Suite 200, Washington, D.C. 20036.
B. Shell Oil Co., P.O. Box 2463, Houston, Tex. 77001.
D. (6) $500.

A. James M. Peirce, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
D. (6) $1,187.67.

A. Pennsylvania Power and Light Co., Two North Ninth Street, Allentown, Pa. 18101.
E. (9) $4,067.32.

A. Dominic V. Pensabene, 1700 K Street NW., Washington, D.C. 20006.
B. Chevron U.S.A., Inc., a subsidiary of Standard Oil Co. of California, 1700 K Street NW., Washington, D.C. 20006.
D. (6) $375.

A. Gregory M. Pensabene, Santa Fe Industries, Inc., Suite 840, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Santa Fe Industries, Inc., 224 South Michigan Avenue, Chicago, Ill. 60604.
D. (6) $1,000.

A. PepsiCo, Inc., 700 Anderson Hill Road, Purchase, N.Y. 10577.
E. (9) $430.

A. Barbara K. Pequet, 1921 Kalorama Road NW., No. 103, Washington, D.C. 20009.
B. National Consumers League, 1522 K Street NW., No. 406, Washington, D.C. 20005.
D. (6) $200. E. (9) $30.

A. Elinor Peretsman, 55 Tain Drive, Great Neck, N.Y. 11021.
B. United Action for Animals, Inc., 205 East 42d Street, New York, N.Y. 10017.
D.(6) $4.425.75. E. (9) $1,208.52.

A. Perito, Duerk, Carlson and Pinco, 1140 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036.
B. Foremost-McKesson, Inc., Crocker Plaza, One Post Street, San Francisco, Calif. 94100.
D. (6) $4,933.50. E. (9) $5.

A. Perito, Duerk, Carlson and Pinco, 1140 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036.
B. National District Attorney's Association, 666 North Lake Shore Drive, Suite 1432, Chicago, Ill. 60611.
D. (6) $2,427.50. E. (9) $186.26.

A. Tony Perkins, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $100.

A. Jeffry L. Perlman, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
D. (6) $450. E. (9) $108.09.

A. John P. Perrin, American Osteopathic Association, 1611 North Kent Street, Suite 803-A, Arlington, Va. 22209.
B. American Osteopathic Association, 1611 North Kent Street, Suite 803-A, Arlington, Va. 22209.
D. (6) $2,218.85. E. (9) $179.45.

A. Susan Perry, American Public Transit Association, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Public Transit Association, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $3,500. E. (9) $181.24.

A. Tom E. Persky, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $250.

A. John Joseph Pesch, 1701 North Fort Myer Drive, Suite 1208, Arlington, Va. 22209.
B. Northrop Corp., 1701 North Fort Myer Drive, Suite 1208, Arlington, Va. 22209.
D. (6) $580. E. (9) $235.

A. A. Harold Peterson, 715 Cargill Building, Minneapolis, Minn. 55402.
B. National R.E.A. Telephone Association, 715 Cargill Building, Minneapolis, Minn. 55402.
D. (6) $1,450. E. (9) $4,954.19.

A. Peterson, Engberg & Peterson, 1730 M Street NW., No. 907, Washington, D.C. 20036.
B. Communicating for Agriculture, Inc., Law Office Building, Box 677, Fergus Falls, Minn. 56537.
E. (9) $168.33.

A. Kenneth Peterson, 815 16th Street NW., Washington, D.C. 20006.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $13,062. E. (9) $320.22.

A. Mary B. Peterson, General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $3,000. E. (9) $2,075.85.

A. Michael J. Petrina, Jr., 1155 15th Street NW., Washington, D.C. 20005.

B. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.

D. (6) $4,000. E. (9) $48.05.

A. Paul F. Petrus, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.

D. (6) $1,200.

A. Paul Peyton, P.O. Box 1370, Sitka, Alaska 99835.

B. Alaska Coalition, 530 Seventh Street SE., Washington, D.C. 20003.

D. (6) $800.

A. John E. Pflieger, Time, Inc., 888 16th Street NW., Washington, D.C. 20006.

B. Time, Inc., Time and Life Building, Rockefeller Center, New York, N.Y. 10020.

D. (6) $1,700. E. (9) $16.40.

A. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.

D. (6) $12,158.55. E. (9) $12,158.55.

A. John P. Philbin, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.

D. (6) $1,500.

A. John D. Phillips, 1717 Massachusetts Avenue NW., Suite 503, Washington, D.C. 20036.

B. National Association of Independent Colleges and Universities, 1717 Massachusetts Avenue NW., Suite 503, Washington, D.C. 20036.

D. (6) $13,671.78. E. (9) $615.16.

A. Sam Pickard, 1101 17th Street NW., Suite 604, Washington, D.C. 20036.

B. Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166.

D. (6) $500.

A. Wilhelm Pickens, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

D. (6) $787.50. E. (9) $53.90.

A. Pierce, Atwood, Scribner, Allen, Smith & Lancaster, One Monument Square, Portland, Maine 04101.

B. Greater Northern Paper Co., Dead River Co., and Baskahegan Co.

D. (6) $300. E. (9) $18.

A. Pierson, Ball & Dowd, 1200 18th Street NW., Washington, D.C. 20036.

B. Satellite Business Systems, 8003 Westpark Drive, McLean. Va. 22101.

D. (6) $2,500.

A. Pierson Semmes Crolius and Finley, 1054 31st Street NW., Washington, D.C. 20007.

B. American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.

D. (6) $150. E. (9) $6.99.

A. Pilots Rights Association, P.O. Box 7000–367, Redondo Beach, Calif. 90277.

D. (6) $30,595. E. (9) $21,948.77.

A. Linda Pinegar, Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.

B. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.

D. (6) $875.

A. David E. Piper, Pacific Northwest Generating Co., 8383 Northeast Sandy Boulevard, Suite 330, Portland, Oreg. 97220.

B. Pacific Northwest Generating Co., 8383 Northeast Sandy Boulevard, Suite 330, Portland, Oreg. 97220.

A. Pitney Bowes, 69 Walter H. Wheeler, Jr. Drive., Stamford, Conn. 06904.

E. (9) $200.

A. Plains Cotton Growers, Inc., P.O. Box 3640, Lubbock, Tex., 79452.

A. James L. Pledger, National Savings and Loan League, 1101 15th Street NW., Suite 400, Washington, D.C. 20005.

B. National Savings and Loan League, 1101 15th Street NW., Suite 400, Washington, D.C. 20005.

A. Ronald L. Plesser, Blum & Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.

B. Twin Coasts Newspaper, Inc., The Journal of Commerce, 110 Wall Street, New York, N.Y. 10005.

D. (6) $2,000. E. (9) $2,015.

A. Robert Plett Associates, Ltd., 1200 18th Street NW., No. 700, Washington, D.C. 20036.

A. William N. Plymat, 6955 University Avenue, Des Moines, Iowa 50311.

B. American Council on Alcohol Problems, Inc., 119 Constitution Avenue NE., Washington, D.C. 20002; and 6955 University Avenue, Des Moines, Iowa 50311.

D. (6) $1,980. E. (9) $1,336.66.

A. Michael Podhorzer, 1012 14th Street NW., Suite 901, Washington, D.C. 20005.

B. Consumer Federation of America, 1012 14th Street NW., Suite 901, Washington, D.C. 20005.

D. (6) $1,250. E. (9) $100.

A. J. Francis Pohlhaus, NAACP, 733 15th Street NW., Suite 410, Washington, D.C. 20005.

B. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.

D. (6) $6,300.

A. Richard J. Pollack, American Nurses' Association, 1030 15th Street NW., Washington, D.C.

B. American Nurses' Association, 2420 Pershing Road, Kansas City, Mo. 64108.

D. (6) $2,585. E. (9) $117.88.

A. Frances A. Polak, The Goodyear Tire and Rubber Co., 1800 K Street NW., Suite 800, Washington, D.C. 20006.

B. The Goodyear Tire and Rubber Co., Akron, Ohio 44316.

D. (6) $1,000.

A. Richard P. Pollock, Critical Mass Energy Project, 133 C Street SE., Washington, D.C. 20003.

B. Critical Mass Energy Project.

D. (6) $237.50.

A. Rafe Pomerance, 530 Seventh Street SE., Washington, D.C. 20003.

B. Friends of the Earth, Inc., 530 Seventh Street SE., Washington, D.C. 20003.

D. (6) $3,936.60.

A. Robert F. Pontzer, Lear Siegler, Inc., 1911 Jefferson Davis Highway, No. 1002, Arlington, Va. 22202.

B. Lear Siegler, Inc., 3171 South Bundy Drive, Santa Monica, Calif. 90406.

E. (9) $43.20.

A. Henry E. Poole, 9 West 57th Street, New York, N.Y. 10019.

B. Avon Products, Inc., 9 West 57th Street, New York, N.Y. 10019.

D. (6) $100. E. (9) $214.

A. Raymond K. Pope, 1639 K Street NW., Suite 800, Washington, D.C. 20006.

B. AMFAC, Inc., 50 O'Farrell Street, San Francisco, Calif. 94108.

D. (6) $4,375. E. (9) $418.36.

A. Joan E. Porte, National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.

B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.

D. (6) $1,250.

A. Phillip Porte, Phillip Porte & Associates, Inc., 1301 Arlington Ridge Road, Suite 208, Arlington, Va. 22202.

B. American Association for Respiratory Therapy, 1720 Regal Row, Dallas, Tex. 75235.

D. (6) $4,500.

A. Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20068.

E. (9) $187.50.

A. Potter International, Inc., 900 17th Street NW., Suite 300, Washington, D.C. 20006.

B. Rockwell International Inc., 600 Grant Street, Pittsburgh, Pa., 15219.

D. (6) $8,750.

A. Potter International, Inc., 900 17th Street NW., Suite 300, Washington, D.C. 20006.

B. Western Shipbuilding Association, P.O. Box 3976, San Francisco, Calif.

D. (6) $3,000.

A. Ramsay D. Potts, Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., 900–S, Washington, D.C. 20036.

B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20036.

D. (6) $900.

A. M. Elizabeth Powell, 918 16th Street NW., Suite 402, Washington, D.C. 20006.

B. Southern Furniture Manufacturers Association, 918 16th Street NW., Suite 402, Washington, D.C. 20006.

D. (6) $6,241.66.

A. Richard M. Powell, International Association of Refrigerated Warehouses, 7315 Wisconsin Avenue, Washington, D.C. 20014.

B. International Association of Refrigerated Warehouses, 7315 Wisconsin Avenue, Washington, D.C. 20014.

A. Robert D. Powell, 734 15th Street NW., Suite 401, Washington, D.C. 20005.

B. National Business Aircraft Association, One Farragut South, Washington, D.C. 20006.

A. Carlton H. Power, 1918 North Parkway, Memphis, Tenn. 38112.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

D. (6) $212.50. E. (9) $47.76.

A. John J. Power, 101 Constitution Avenue NW., Washington, D.C. 20001.

B. United Brotherhood of Carpenters and Joiners of America, 101 Constitution Avenue NW., Washington, D.C. 20001.

D. (6) $6,401.19. E. (9) $2,942.71.

A. Graydon R. Powers, Jr., Scientific Apparatus Makers Association, 1140 Connecticut Avenue NW., Suite 610, Washington, D.C. 20036.

B. Scientific Apparatus Makers Association, 1140 Connecticut Avenue, Suite 610, Washington, D.C. 20036.

D. (6) $200.

A. William Powers, National Housing Law Project, 1016 16th Street NW., Suite 800, Washington, D.C. 20036.
B. National Housing Law Project, 2150 Shattuck Avenue, Suite 300, Berkeley, Calif. 94704.
D. (6) $8,500. E. (9) $60.

A. Prather Seeger Doolittle & Farmer, 1101 16th Street NW., Washington, D.C. 20036.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20036.
D. (6) $8,000.

A. Prather Seeger Doolittle & Farmer, 1101 16th Street NW., Washington, D.C. 20036.
B. Bankers' Association for Foreign Trade, 1101 16th Street NW., Washington, D.C. 20036.
D. (6) $1,000.

A. Prather Seeger Doolittle & Farmer, 1101 16th Street NW., Washington, D.C. 20036.
B. The First National Bank of Chicago, One First National Plaza, Chicago, Ill. 60670.
D. (6) $500.

A. William S. Prather, United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill. 60601.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill. 60601.
D. (6) $745.

A. James T. Prendergast, 250 East 87th Street, New York, N.Y. 10028.
B. Staff Builders, Inc., 122 East 42d Street, New York, N.Y. 10017.

A. Brainard E. Prescott, 670 Main Street, East Aurora, N.Y. 14052.
B. Security New York State Corp., One East Avenue, Rochester, N.Y. 14638.
E. (9) $708.27.

A. Lloyd T. Preslar, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for Airbus Industrie, Avenue Lucien Servanty, 31700 Blagnac, France).

A. Lloyd T. Preslar, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for European Aerospace Corp., 1101 15th Street NW., Washington, D.C. 20005).

A. Lloyd T. Preslar, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for Government of Morocco, Rabat, Morocco).

A. Lloyd T. Preslar, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for Sofreavia, 75 rue la Boetie, Paris 8eme, France).

A. Paul F. Preston, National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 430 North Michigan Avenue, Chicago, Ill. 60611; 925 15th Street NW., Washington, D.C. 20005.
D. (6) $2,406.25 E. (9) $280.17.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. Bonneville Power Administration Industrial Customers, Suite 310, Lloyd Building, 700 Northeast Multromak Street, Portland, Oreg. 97232.
D. (6) $6,172.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. Fisheries Development Corp., 17 Battery Place, New York, N.Y. 10004.
D. (6) $885.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. National Education Association, 1201 16th Street NW., Washington, D.C.
D. (6) $437.50.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. Northern Tier Pipeline Co., 1835 K Street NW., Suite 801, Washington, D.C. 20006.
D. (6) $3,246.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. State of Alaska, Juneau, Alaska.
D. (6) $2,187.50.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. United States Cruises, Inc., 2200 Sixth Avenue, Seattle, Wash. 98121.
D. (6) $3,700.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. Washington Natural Gas, 815 Mercer, Seattle, Wash.
D. (6) $25.

A. Forrest J. Prettyman, 730 15th Street NW., Washington, D.C. 20005.
B. Association of Bank Holding Companies, 730 15th Street NW., Washington, D.C. 20005.
D. (6) $668.75.

A. Woodruff M. Price, Seaboard Coast Line Industries, Inc., 500 Water Street, Jacksonville, Fla. 32202.
B. Seaboard Coast Line Industries, Inc., 500 Water Street, Jacksonville, Fla. 32202.
D. (6) $3,000.

A. Patricia Pride, Financial Accounting Standards Board, 1129 20th Street NW., Washington, D.C. 20036.
B. Financial Accounting Standards Board, High Ridge Park, Stamford, Conn. 06905.
D. (6) $64.77. E. (9) $81.94.

A. Arnold J. Prima, Jr., The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
B. The American Institute of Architects, 1735 New York Avenue NW., Washington D.C. 20006.
D. (6) $1,200.

A. Jerry C. Pritchett, Mechanical Contractors Association of America, Inc., 5530 Wisconsin Avenue NW., Suite 750, Washington, D.C. 20015.
B. Mechanical Contractors Association of America, Inc., 5530 Wisconsin Avenue NW., Suite 750, Washington, D.C. 20015.

A. Profit Sharing Council of America, 20 North Wacker Drive, Chicago, Ill. 60606.

A. Pro-Life Congressional District 11, P.O. Box 727, San Carlos, Calif. 94070.
D. (6) $615.91. E. (9) $238.51.

A. Pro-Life Congressional District Action Committee—Indiana, 208 Tinkler, Lafayette, Ind. 47901.

A. The Proprietary Association, 1700 Pennsylvania Avenue NW., Washington, D.C.
E. (9) $8,124.98.

A. Gerald R. Prout, Burson-Marstellar, 1800 M Street NW., No. 750 South, Washington, D.C. 20036.
B. Burson-Morsteller, 1800 M Street NW., No. 750S, Washington, D.C. (for Gould, Inc., Electric Motor Division, 1831 Chestnut Street, St. Louis, Mo. 63160).

A. Provident Indemnity Life Insurance Co., 2500 DeKalb Pike, Norristown, Pa.

A. Jerry Z. Pruzan, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
D. (6) $300.

A. Public Citizen's Tax Reform Research Group, 133 C Street SE., Washington, D.C. 20003.
D. (6) $1,537.50. E. (9) $5,462.95.

A. Public Employee Department, AFL-CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $25,280.81. E. (9) $33,113.36.

A. David E. Pullen, Johns-Manville Corp., 1025 Connecticut Avenue, Suite 214, Washington, D.C. 20036.
B. Johns-Manville Corp., P.O. Box 5108, Denver, Colo. 80217.
D. (6) $600.

A. Earle W. Putnam, 5151 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Amalgamated Transit Union, AFL-CIO, 5151 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Howard Pyle III, 2550 M Street NW., Suite 770, Washington, D.C. 20037.
B. RJR Industries, Inc., P.O. Box 2959, Winston Salem, N.C. 27101.
D. (6) $362.64.

A. Robert N. Pyle, P.O. Box 3731, Washington, D.C. 20007.
B. American Fur Industries, 101 West 30th Street, New York, N.Y. 10001.
D. (6) $3,000.

A. Robert N. Pyle, P.O. Box 3731, Washington, D.C. 20007.
B. Independent Bakers Association, P.O. Box 3731, Washington, D.C. 20007.
D. (6) $3,000.

A. E. R. Quesada, P.O. Box 23551, L'Enfant Plaza Station, Washington, D.C. 20024.
B. L'Enfant Plaza Properties, Inc., P.O. Box 23551, L'Enfant Plaza Station, Washington, D.C. 20024.
D. (6) $800.

A. Alex Radin, American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $495.52.

A. Robert A. Ragland, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $200.

A. Richard W. Rahn, American Council for Capital Formation, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Council for Capital Formation, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $324.96.

A. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C. 20001.
D. (6) $39,225. E. (9) $39,225.

A. Railway Progress Institute, 700 North Fairfax Street, Alexandria, Va. 22314.

A. Randall, Bangert & Thelen, 1625 K Street NW., Washington, D.C. 20006.
B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $900.

A. Donald A. Randall, 1625 K Street NW., Suite 1205, Washington, D.C. 20006.
B. Automotive Service Councils, Inc., 188 Industrial Drive, Suite 112, Elmhurst, Ill. 60126.
D. (6) $650.

A. Donald A. Randall, 1625 K Street NW., Suite 1205, Washington, D.C. 20006.
B. National Association for Milk Marketing Reform, 1625 K Street NW., Suite 1206, Washington, D.C. 20006.
D. (6) $930.

A. Gary B. Randall, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $125.

A. Wm. J. Randall, Suite 821, 1515 Jefferson Davis Highway, Arlington, Va. 22202.
B. City of Independence, Mo., 103 North Main Street, Independence, Mo. 64050.
D. (6) $1,500. E. (9) $1,350.

A. Wm. J. Randall, Suite 821, 1515 Jefferson Davis Highway, Arlington, Va. 22202.
B. Clifford R. Kirby, 6916 Lake Drive, Raytown, Mo. 64133; Keith Artman, Farmer and Soil, Inc., Route 1, Box 188, Excelsior Springs, Mo. 64024.
D. (6) $1,500. E. (9) $375.

A. Wm. J. Randall, Suite 821, 1515 Jefferson Davis Highway, Arlington, Va. 22202.
B. United States Railway Association, 955 L'Enfant Plaza North SW., Washington, D.C.
D. (6) $3,000. E. (9) $390.

A. R. Ray Randlett, 1150 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.
B. Allied Chemical Corp., P. O. Box 3000–R, Morristown, N.J. 07960.
D. (6) $60.

Arthur G. Randol III, Exxon Corp., 1899 L Street NW., No. 1100, Washington, D.C. 20036.
B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y. 10020.
E. (9) $765.36.

A. Jerry F. Rapp, Bristol-Myers Co., 1155 15th Street NW., Washington, D.C. 20005.
B. Bristol-Myers Co., 345 Park Avenue, New York, N.Y. 10022.
D. (6) $500.

A. G. David Ravencraft, 1025 Connecticut Avenue NW., Suite 507, Washington, D.C. 20036.
B. Ashland Oil, Inc., P.O. Box 391, Ashland, Ky. 41101.
D. (6) $2,000.

A. W. Randall Rawson, 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
E. (9) $22.55.

A. J. Gene Raymond, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
D. (6) $754.90.

A. Sydney C. Reagan, 6815 Prestonshire, Dallas, Tex. 75225.
B. Southwestern Peanut Shellers Association, 6815 Prestonshire, Dallas, Tex. 75225.
D. (6) $150.

A. Susan E. Reece, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $575. E. (9) $32.80.

A. Dwight C. Reed, National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.
B. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.
D. (6) $72.12. E. (9) $4.

A. John H. Reed, 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.
B. Associated Builders and Contractors, Inc., 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.
D. (6) $8,000. E. (9) $175.86.

A. Thomas M. Rees, 1101 Connecticut Avenue NW., Suite 403, Washington, D.C. 20036.
B. American Savings & Loan Association, 9465 Wilshire Boulevard, Beverly Hills, Calif. 90212.

A. Thomas M. Rees, 1101 Connecticut Avenue NW., Suite 403, Washington, D.C. 20036.
B. Fluor Corp., 1627 K Street NW., Washington, D.C. 20006.

A. Thomas M. Rees, 1101 Connecticut Avenue NW., Suite 403, Washington, D.C. 20036.
B. Great Western Savings & Loan Association, 8484 Wilshire Boulevard, Beverly Hills, Calif. 90212.

A. Thomas M. Rees, 1101 Connecticut Avenue NW., Suite 403, Washington, D.C. 20036.
B. Home Savings & Loan Association, 3731 Wilshire Boulevard, Los Angeles, Calif. 90010.

A. Thomas M. Rees, 1101 Connecticut Avenue NW., Suite 403, Washington, D.C. 20036.
B. Imperial Resources Association, P.O. Box 119, Brawley, Calif. 92227.

A. Don T. Reeves, 245 Second Street NE., Washington, D.C. 20002.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C. 20002.
D. (6) $2,497.

A. J. Ronald Reeves, U.S. Air, Inc., Washington National Airport, Washington, D.C. 20001.
B. U.S. Air, Inc., Washington National Airport, Washington, D.C. 20001.
D. (6) $2,000. E. (9) $165.29.

A. John T. Reggitts, Jr., R.D. No. 2, Boonton Avenue, Boonton, N.J. 07005.

A. Frank D. Register, National Association of Retail Grocers of the United States, Inc., 11800 Sunrise Valley Drive, Reston, Va. 22091.
B. National Association of Retail Grocers of the United States, Inc., 11800 Sunrise Valley Drive, Reston, Va. 22091.
D. (6) $50.

A. Paul Reiber, 1625 I Street NW., Suite 921, Washington, D.C. 20006.
B. International Air Leases, Inc., P.O. Box 480233, Miami, Fla. 33148.
D. (6) $1,900. E. (9) $600.

A. Reid & Priest, 1111 19th Street NW., Washington, D.C. 20036.
B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $112. E. (9) $1.50.

A. Jerry E. Reider, 1745 Jefferson Davis Highway, Arlington, Va. 22202.
B. Emerson Electric Co., 8100 Florissant, St. Louis, Mo. 63136.

A. John A. Reilly, 25th Floor, 530 Fifth Avenue, New York, N.Y. 10036.
B. Estate of Bert N. Adams, et al.
E. (9) $5.

A. Harry O. Reinsch, 1310 Jones Street, No. 902, San Francisco, Calif. 94109.
B. Bechtel Power Corp., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

A. W. W. Renfroe, 69 Fountain Place, Wilkinson Street, Frankfort, Ky. 40601.
B. Kentucky Railroad Association, 69 Fountain Place, Wilkinson Street, Frankfort, Ky. 40601.

A. Diane Rennert, 1707 L Street NW., Washington, D.C. 20036.
B. Association of American Publishers, 1707 L Street NW., Washington, D.C. 20036.
D. (6) $950. E. (9) $136.08.

A. Jamie Replogle, Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.
B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.

A. Reproductive Freedom League, P.O. Box 11921, Lexington, Ky. 40579.
D. (6) $481. E. (9) $434.97.

A. Retired Officers Association, 201 North Washington Street, Alexandria, Va. 22314.
D. (6) $5,960.

A. John H. Reurs, 25 Broadway, New York, N.Y. 10004.
B. New York Committee of International Committee of Passenger Lines, 25 Broadway, New York, N.Y. 10004.
D. (6) $10,827. E. (9) $650.

A. Lynne Revo-Cohen, National Press Building, Room 481, Washington, D.C. 20045.
B. Federally Employed Women, Inc., National Press Building, Room 481, Washington, D.C. 20045.
D. (6) $3,600. E. (9) $2,550.

A. Allan R. Rexinger, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Proprietary Association, 1700 Pennsylvania NW., Washington, D.C. 20006.
D. (6) $7,999.98. E. (9) $125.

A. Nancy C. Reynolds, 300 Maryland Avenue NE., Washington, D.C. 20002.
B. Bendix Corp., 300 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $175. E. (9) $90.

A. William L. Reynolds, National Savings & Loan League, 1101 15th Street NW., Washington, D.C. 20005.

B. National Savings & Loan League, 1101 15th Street NW., Washington, D.C. 20005.

A. Austin T. Rhoads, 910 17th Street NW., Washington, D.C. 20006.
B. International Association of Ice Cream Manufacturers and Milk Industry Foundation, 910 17th Street NW., Washington, D.C. 20006.

A. Edmund B. Rice, American Hospital Association, 444 North Capitol Street NW., Suite 500, Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $2,259.65. E. (9) $45.64.

A. Rice Genocide Research, P.O. Box 7307, Washington, D.C. 20014; 3046 Roosevelt, Detroit, Mich. 48216.
E. (9) $438.80.

A. Grace Ellen Rice, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.
D. (6) $3,375. E. (9) $94.

A. M. Lee Rice, 277 Park Avenue, New York, N.Y. 10017.
B. Ogden Corp., 277 Park Avenue, New York, N.Y. 10017.

A. Theron J. Rice, Conoco, Inc., 1025 Connecticut Avenue, No. 1000, Washington, D.C. 20036.
B. Conoco, Inc., High Ridge Park, Stamford, Conn. 06904.

A. Alan H. Richardson, American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $1,000.

A. Russell W. Richardson, Lear Siegler, Inc., Suite 1002, 1911 Jefferson Davis Highway, Arlington, Va. 22202.
B. Lear Siegler, Inc., 3171 South Bundy Drive, Santa Monica, Calif. 90406.

A. Bruce Rickerson, American Society of Civil Engineers, 1625 I Street NW., Washington, D.C. 20006.
B. American Society of Civil Engineers, 345 East 47th Street, New York, N.Y. 10017.
D. (6) $3,000.

A. Lowell J. Ridgeway, North Dakota Petroleum Council, 418 East Rosser, Box 1395, Bismarck, N. Dak. 58501.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $532. E. (9) $558.77.

A. Mark J. Riedy, Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $2,062. E. (9) $1,352.

A. E. Philip Riggin, National Legislative Commission, 1608 K Street NW., Washington, D.C. 20006.
B. American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $5,529. E. (9) $181.88.

A. Douglas V. Rigler, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Foley, Lardner, Hollabaugh & Jacobs (for Republic of the Philippines), 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Morris A. Riley, American Medical Association, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $1,200.

A. John S. Rippey, 730 15th Street NW., Washington, D.C. 20005.
B. Association of Bank Holding Cos., 730 15th Street NW., Washington, D.C. 20005.
D. (6) $601.88. E. (9) $21.50.

A. Carol A. Risher, Association of American Publishers, Inc., 1707 L Street NW., Suite 480, Washington, D.C. 20036.
B. Association of American Publishers, Inc., 1707 L Street NW., Suite 480, Washington, D.C. 20036.
D. (6) $1,200. E. (9) $136.72.

A. Nancy J. Risque, 1050 17th Street NW., Suite 650, Washington, D.C. 20036.
B. Standard Oil Co., Midland Building, Cleveland, Ohio 44115.

A. James E. Ritchie, 499 South Capitol Street SW., Suite 400, Washington, D.C. 20003.
B. Gaming Industry Association of Nevada, Inc., 1 East First Street, No. 1007, Reno, Nev. 89501.
D. (6) $2,800. E. (9) $1,343.86.

A. James E. Ritchie, 499 South Capitol Street SW., No. 400, Washington, D.C. 20003.
B. National Association of Off-Track Betting. P.O. Box 446, Batavia, N.Y. 14020.

A. James E. Ritchie, 499 South Capitol Street SW., Suite 400, Washington, D.C. 20003.
B. Nevada Resort Association, 732 East Sahara Avenue, Las Vegas, Nev. 89104.
D. (6) $4,200. E. (9) $2,011.82.

A. Stark Ritchie, American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum, 2101 L Street NW., Washington, D.C. 20037.

A. Robert L. Roach, 7426 Piney Branch Road, Takoma Park, Md. 20012.
B. National Audubon Society, 950 Third Avenue, New York, N.Y. 10022.
D. (6) $2,903.83. E. (9) $1,846.27.

R. Roadside Business Association, 9001 West Braddock Road, Springfield, Va. 22151.
D. (6) $1,757.40. E. (9) $1,757.40.

A. Perry A. Roberts, 8100 Florissant, St. Louis, Mo. 63136.
B. Emerson Electric Co., 8100 Florissant, St. Louis, Mo. 63136.
E. (9) $1,041.45.

A. William S. Roberts, National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $60.

A. Betty S. Robinson, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), 1757 N Street NW., Washington, D.C. 20036.
B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), 8000 East Jefferson Avenue, Detroit, Mich. 48214.
D. (6) $7,403.18. E. (9) $136.

A. Charles A. Robinson. Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $227.52.

A. Ronn Robinson, National Education Association, P.O. Box 558, Mercer Island, Wash. 98040.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $953. E. (9) $514.

A. Howard W. Robison, 3903 Franklin Street, Kensington, Md. 20795.
B. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza, Washington, D.C. 20024.
D. (6) $2,250.

A. Antoinette K. Roche, 2021 K Street NW., Suite 709, Washington, D.C. 20006.
B. General Atomic Co., San Diego, Calif.
D. (6) $500. E. (9) $25.

A. Betty P. Rocker, Seafarers International Union of N.A., 815 16th Street NW., Washington. D.C. 20006
B Seafarers International Union of N.A., 675 Fourth Avenue, Brooklyn, N.Y. 11232.
D. (6) $2,500. E. (9) $97.65.

A. Rocky Mountain Oil and Gas Association, 1155 15th Street NW., No. 314, Washington, D.C. 20005.
B. Rocky Mountain Oil and Gas Association, 345 Petroleum Club Building. Denver, Colo. 80202.
E. (9) $307.90.

A. Thomas G. Roderick. 1101 16th Street NW., Washington, D.C. 20036.
B. Consolidated Natural Gas Service Co., Inc., Four Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $2,500.

A. Ted V. Rodgers, Nationwide Insurance Cos. & Affiliates, 1000 Connecticut Avenue NW., No. 304, Washington, D.C. 20036.
B. Nationwide Insurance Cos. & Affiliates, 1 Nationwide Plaza, Columbus, Ohio 43216.
D. (6) $2,500.

A. Bruce N. Rogers, General Motors Corp., 1660 L Street, NW., Washington, D.C.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.
D. (6) $2,500. E. (9) $1,611.11.

A. Donald L. Rogers, 730 15th Street NW., Washington, D.C. 20005.
B. Association of Bank Holding Cos., 730 15th Street NW., Washington, D.C. 20005.
D. (6) $1,270.63.

A. James T. Rogers, 1750 K Street NW., Washington, D.C. 20006.
B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.

A. Margaret Rogers, Printing Industries of America, Inc., 1730 North Lynn Street, Arlington, Va. 22209.
B. Printing Industries of America, Inc., 1730 North Lynn Street, Arlington, Va. 22209.
D. (6) $1,000. E (9) $75.

A. Terrence L. Rogers, American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
D. (6) $6,810.30. E. (9) $145.49.

A. Richard A. Rohrbach, 1625 I Street NW., No. 809, Washington, D.C. 20006.
B. Boise Cascade Corp., 1625 I Street NW., No. 809, Washington, D.C. 20006.
D. (6) $16,050.

A. John F. Rolph III, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $1,500.

A. Teno Roncalio, 701 Rocky Mountain Plaza, P.O. Box 1707, Cheyenne, Wyo. 82001.

B. Northwest Alaskan Pipeline Co., 1801 K Street NW., Washington, D.C. 20036; Colorado Interstate Gas, P.O. Box 1087, Colorado Springs, Colo. 80944.

D. (6) $3,000.

A. Tatiana Roodkowsky, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

D. (6) $2,000. E. (9) $666.10.

A. James E. Rooks, Jr., 1216 16th Street NW., Washington, D.C. 20036.

B. Speiser, Krause & Madole, 1216 16th Street NW., Washington, D.C. 20036 (for Vera C. Clemente, No. 36 Roberto Clemente Street Ext. San Agustin, Rio Piedras, P.R. 00926, Margarita C. Matias, Yagrumo AD–3, Valle Arriba Heights, Carolina, P.R., and Maria Lozano, 519th Street, QC–1, Urb. Country Club, Rio Piedras, P.R.).

A. Nicholas Roomy, Jr., Appalachian Power Co., P.O. Box 1986, Charleston, W. Va. 25327.

B. Appalachian Power Co., P.O. Box 1986, Charleston, W. Va. 25327.

D. (6) $577.20. E. (9) $653.86.

A. Kevin M. Rooney, 1111 19th Street NW., Washington, D.C. 20036.

B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.

D. (6) $2,552. E. (9) $342.29.

A. Joyce Roop, 133 C Street SE., Washington, D.C. 20003.

B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.

D. (6) $1,200.

A. John C. Roots, Atlantic Richfield Co., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.

D. (6) $200.

A. David N. Rose, 180 East First South Street, Salt Lake City, Utah 84139.

B. Mountain Fuel Supply Co., 180 East First South Street, Salt Lake City, Utah.

A. Rose, Schmidt, Dixon, Hasley, Whyte & Hardesty, 818 Connecticut Avenue NW., Washington, D.C. 20006.

B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.

A. Walda W. Roseman, National Public Radio, 2025 M Street NW., Washington, D.C. 20036.

B. National Public Radio, 2025 M Street NW., Washington, D.C. 20036.

D. (6) $10,000. E. (9) $44.37.

A. Albert B. Rosenbaum III, National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C. 20036.

B. National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C. 20036.

A. Harry N. Rosenfield, 1735 DeSales Street NW., Washington, D.C. 20036.

B. American Chiropractic Association.

A. Harvey Rosenfield, 133 C Street SE., Washington, D.C. 20003.

B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.

D. (6) $2,625.

A. Robert W. Ross, National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

D. (6) $1,500 E. (9) $14.10.

A. Seymour N. Ross, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc. (for Thomson-CSF (AVS) 178 Boulevard Gabriel Péri, 92240 Malakoff, France), 1225 19th Street NW., Washington, D.C. 20036.

A. William F. Ross, South Carolina Petroleum Council, 716 Keenan Building, Columbia, S.C. 299201.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

E. (9) $43.85.

A. Alan J. Roth, Spiegel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.

B. Fort Pierce Utilities Authority of the city of Fort Pierce, Gainesville-Alachua County Regional Electric Water & Sewer Utilities, Sebring Utilities Commission, cities of Homestead, Kissimmee, Lakeland, Starke, Tallahassee, Fla.

A. Barry N. Roth, Williams Co.'s, 1750 K Street NW., Suite 350, Washington, D.C. 20006.

B. Williams Co.'s, P.O. Box 2400, Tulsa, Okla. 74101.

D. (6) $150.

A. Marcus Roth, National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001

B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $3,322.97.

A. Edwin Rothschild, 1696 Westwind Way, McLean, Va. 22101.

B. Energy Action Educational Foundation, 1523 L Street NW., Washington, D.C. 20005.

D. (6) $67.50.

A. Donald D. Rounds, South Dakota Petroleum Council, P.O. Box 669, Pierre, S. Dak. 57501.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $400. E. (9) $530.08.

A. William C. Rountree, 1050 17th Street NW., Suite 650, Washington, D.C. 20036.

B. Standard Oil Co., Midland Building, Cleveland, Ohio 44115.

D. $350.

A. Rouss & O'Rourke, Lawyers Building, 231 East Vermijo, Colorado Springs, Colo. 80903.

B. Union Nacional de Productores de Azucar, S.A., de C.V., Balderas 36, Mexico, D.F., Mexico.

D. (6) $2,400 E. $2,721.35.

A. Eugene F. Rowan, J. C. Penney Co., Inc., 1156 15th Street NW., Washington, D.C. 20005.

B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.

A James C. Rowland, Jr., Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Union Carbide Corp., 270 Park Ave., New York, N.Y. 10017.

E. (9) $178.06.

A. John W. Rowland, 5151 Wisconsin Avenue NW., Washington, D.C. 20016.

B. Amalgamated Transit Union, 5151 Wisconsin Avenue NW., Washington, D.C. 20016.

A. George S. Royal, American Movers Conference, 1117 North 19th Street, P.O. Box 9204, Arlington, Va. 22209.

B. American Movers Conference, 1117 North 19th Street, P.O. Box 9204, Arlington, Va. 22209.

D. (6) $27.67. E. (9) $125.53.

A. Kathryn Coe Royce, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

D. (6) $575. E. (9) $52.75.

A. James S. Rubin, 1150 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.

B. Allied Chemical Corp., P.O. Box 3000–R, Morristown, NJ. 07960.

D. (6) $2,250. E. (9) $50.

A. Steven J. Rukavina, 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

D. (6) $295.28.

A. Leonard H. Ruppert, New Jersey Petroleum Council, 170 West State Street, Trenton, N.J. 08608.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Perry A. Russ, Society of American Florists & Ornamental Horticulturists, 901 North Washington Street, Alexandria, Va. 22314.

B. Society of American Florists & Ornamental Horticulturists, 901 North Washington Street, Alexandria, Va. 22314.

A. Albert R. Russell, P.O. Box 12285, Memphis, Tenn. 38112.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

A. Robert M. Russell, 2170 Piedmont Road NE., Atlanta, Ga. 30324.

B. Orkin Exterminating Co., Inc., 2170 Piedmont Road NE., Atlanta, Ga. 30324.

D. (6) $160. E. (9) $943.

A. Wally Rustad, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washingon, D.C. 20036.

D. (6) $50.

A. Sheryl P. Rutledge, 1100 H Street NW., Washington, D.C. 20080.

B. Washington Gas Light Co., 1100 H Street NW., Washington, D.C. 20080.

D. (6) $246.50. E. (9) $9.75.

A. Ella Marice Ryan, J. C. Penney Co., 1156 15th Street NW., Washington, D.C. 20005.

B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.

D. (6) $100.

A. John F. Ryan, International Telephone & Telegraph Corp., 1707 L Street NW., Suite 200, Washington, D.C. 20036.

B. International Telephone & Telegraph Corp., 320 Park Avenue, New York, N.Y. 10022.

A. Lyle Ryter, 499 South Capitol Street SW., Washington, D.C. 20003.

B. American Security Council, 499 South Capitol Street SW., Washington, D.C. 20003.

D. (6) $4,050.

A. Fred J. Sacco, New Jersey Petroleum Council, 170 West State Street, Trenton, N.J. 08608.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Arthur B. Sackler, National Newspaper Association, 1627 K Street NW., Suite 400, Washington, D.C. 20006.

B. National Newspaper Association, 1627 K Street NW., Suite 400, Washington, D.C. 20006.

D. (6) $2,200. E. (9) $115.

A. Robert P. St. Louis, 1700 North Moore Street, Rosslyn, Va. 22209.

B. Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.

D. (6) $750. E. (9) $564.86.

A. Frank Max Salinger, Truck Trailer Manufacturers Association, 2430 Pennsylvania Avenue NW., Washington, D.C. 20037.

B. Truck Trailer Manufacturers Association, 2430 Pennsylvania Avenue NW., Washington, D.C. 20037.

D. (6) $600. E. (9) $321.90.

A. Frank P. Sanders, Flying Tiger Line, Inc., 815 Connecticut Avenue NW., Washington, D.C.

B. Flying Tiger Line, Inc., Los Angeles International Airport, Los Angeles, Calif.

D. (6) $800.

A. Frank P. Sanders, The Signal Cos., Inc., 815 Connecticut Avenue NW., Washington, D.C.

B. The Signal Cos., Inc., 9665 Wilshire Boulevard, Beverly Hills, Calif. 90212.

D. (6) $400.

A. Charles E. Sandler, 2101 L Street NW., Washington, D.C. 20037.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $5,000.

A. David Sandler, National Council of Community Mental Health Centers, 2233 Wisconsin Avenue, Washington, D.C.

B. National Council of Community Mental Health Centers, 2233 Wisconsin Avenue, Washington, D.C.

D. (6) $3,000. E. (9) $150.

A. Peter G. Sandlund, Room 315, 1725 I Street NW., Washington, D.C. 20006.

B. Council of European & Japanese National Shipowners' Associations 17/18 Bury Street, London EC3A 5AH, England.

D. (6) $300.

A. Albert C. Saunders, 1155 15th Street NW., Washington, D.C. 20005.

B. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.

D. (6) $4,999. E.(9) $11.

A. W. P. Sayles, P.O. Box 841, Abilene, Tex. 79604.

B. West Texas Utilities Co., P.O. Box 841, Abilene, Tex. 79604.

A. Henry Schacht, California Canners & Growers, 3100 Ferry Bldg., San Francisco, Calif. 94106.

B. California Canners & Growers, 3100 Ferry Building, San Francisco, Calif. 94106.

D. (6) $3,600. E. (9) $407.75.

A. Jerome D. Schaller, 3 M Co., 1101 15th Street NW., Washington, D.C. 20005.

B. Minnesota Mining & Manufacturing Co., 3M Center, St. Paul, Minn. 55101.

E. (9) $5,000.

A. Kenneth D. Schanzer, National Broadcasting Co., Inc., 1800 K Street NW., Washington, D.C. 20006.

B. National Broadcasting Co., Inc., 1800 K Street NW., Washington, D.C. 20006.

D. (6) $168. E. (9) $270.07.

A. Jay T. Scheck, Jr., Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Ford Motor Co., Dearborn, Mich. 48121.

D. (6) $499.69. E. (9) $429.03.

A. Wendy W. Schiller, National Consumer Law Center, 236 Massachusetts Avenue NE., Washington, D.C.

B. National Consumer Law Center, 11 Beacon Street, Boston Mass. 02108.

E. (9) $925.

A. Jacques T. Schlenger, 1800 Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Md. 21201.

B. Maryland Savings-Share Insurance Corp., 901 North Howard Street, Baltimore, Md. 21201.

E. (9) $178.94.

A. Allan D. Schlosser, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

B. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $400.

A. Richard M. Schmidt, Jr., 1333 New Hampshire Avenue NW., Suite 600, Washington, D.C. 20036.

B. Association of American Publishers, Inc., 1707 L Street NW., Suite 480, Washington, D.C. 20036.

D. (6) $500.

A. Mahlon C. Schneider, Green Giant Co., Hazeltine Gates, Chaska, Minn. 55318.

B. Green Giant Co., Hazeltine Gates, Chaska, Minn. 55318.

D. (6) $250.

A. Andrew A. Scholtz, Coffee, Sugar and Cocoa Exchange, Inc., Four World Trade Center, New York, N.Y. 10048.

B. Coffee, Sugar and Cocoa Exchange, Inc., Four World Trade Center, New York, N.Y. 10048.

A. Michael M. Schoor, National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.

B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.

D. (6) $2,500.

A. Anthony Schopp; Machinery Dealers National Association, 1110 Spring Street, Silver Spring, Md. 20910.

B. Machinery Dealers National Association, 1110 Spring Street, Silver Spring, Md. 20910.

A. Robert I. Schramm, 1725 K Street NW., No. 909, Washington, D.C. 20006.

B. The Superior Oil Co. and Superior Farming Co., 1725 K Street NW., Washington, D.C. 20006.

A. A. Kolbet Schrichte, 311 First Street NW., Washington, D.C. 20001.

B. National Restaurant Association, 311 First Street NW., Washington, D.C. 20001.

A. N. Donald Schroeder, Maryland Petroleum Association, 60 West Street, Annapolis, Md. 21401.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Stanley W. Schroeder, Gas Appliance Manufacturers Association, Inc., 1901 North Fort Myer Drive, Arlington, Va. 22209.

B. Gas Appliances Manufacturers Association, Inc., 1901 North Fort Myer Drive, Arlington, Va. 22209.

E. (9) $84.90.

A. Mark Schultz, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

D. (6) $3,500. E. (9) $123.

A. Robert L. Schulz, Iowa Petroleum Council, 1012 Fleming Building, Des Moines, Iowa 50309.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $685.41. E. (9) $1,228.03.

A. Amy Schussheim, 815 16th Street NW., Washington, D.C. 20006.

B. Food & Beverage Trades Department, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $223.70. E. (9) $12.15.

A. Donald H. Schwab, Veterans of Foreign Wars of the United States, 200 Maryland Avenue NE., Washington, D.C. 20002.

B. Veterans of Foreign Wars of the United States, 200 Maryland Avenue NE., Washington, D.C. 20002.

D. (6) $4,250. E. (9) $142.60.

A. Schwartz & Connolly, Inc., 1815 H Street NW., Suite 650, Washington, D.C. 20006.

B. Owens-Illinois, Toledo, Ohio.

D. (6) $6,250. E. (9) $134.72.

A. Jeffrey H. Schwartz, 1815 H Street NW., Suite 650, Washington, D.C. 20006.

B. Schwartz & Connolly, Inc., 1815 H Street NW., Suite 650, Washington, D.C. 20006 (for Owens-Illinois, Toledo, Ohio).

D. (6) $6,250. E. (9) $134.72.

A. Richard Schwartz, Boat/U.S. 880 South Pickett Street, Alexandria, Va. 22304.

B. Boat Owners Association of the United States, 880 South Pickett Street, Alexandria, Va. 22304.

D. (6) $2,500.

A. William F. Schwind, Jr., Marathon Oil Co., 1800 M Street NW., Washington, D.C. 20036.

B. Marathon Oil Co., Findlay, Ohio. 45840.

A. Scientific Apparatus Makers Association, 1140 Connecticut Avenue NW., Suite 610, Washington, D.C. 20036.

D. (6) $5,650. E. (9) $6,665.75.

A. Harold B. Scoggins, Jr., 1101 16th Street NW., Washington, D.C. 20036.

B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.

E. (9) $74.88.

A. David A. Scott, Mississippi Petroleum Council, P.O. Box 42, Jackson, Miss. 39205.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $1,175. E. (9) $1,312.33.

A. John W. Scott, The National Grange, 1616 H Street NW., Washington, D.C. 20006.

B. The National Grange, 1616 H Street NW., Washington, D.C. 20006.

D. (6) $458.34.

A. Earl W. Sears, P.O. Box 12285, Memphis, Tenn. 38112.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

D. (6) $325. E. (9) $50.63.

A. Harry Richard Seibert, Jr., National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $175.

A. Norman H. Seidler, Lord, Day & Lord, 25 Broadway, New York, N.Y. 10004.

B. Phosphate Chemicals Export Association, Inc., 200 Park Avenue, New York, N.Y. 10017.

A. Armistead I. Selden, 1629 K Street NW., Suite 701, Washington, D.C. 20006.

B. Brown & Williamson Tobacco Corp., 1600 West Hill Street, Louisville, Ky. 40232.

D. (6) $7,500. E. (9) $113.50.

A. Stanton P. Sender, Sears, Roebuck & Co., 1211 Connecticut Avenue NW., Washington, D.C. 20036.

B. Sears, Roebuck & Co., Sears Tower, Chicago, Ill. 60684.

D. (6) $1,000. E. (9) $63.65.

A. Seven Months Session for Congress, 7201 Wood Hollow Drive, No. 337, Austin, Tex. 78731.

E. (9) $453.

A. J. Richard Sewell, Florida Power & Light Co., 1111 19th Street NW., Suite 1102, Washington, D.C. 20006.

B. Florida Power & Light Co., P.O. Box 529100, Miami, Fla. 33152.

D. (6) $525. E. (9) $301.90.

A. Seyfarth, Shaw, Fairweather & Geraldson, 1111 19th Street NW., Washington, D.C. 20036.

B. Dresser Industries, Inc., P.O. Box 718, Dallas, Tex. 75221.

A. Seyfarth, Shaw, Fairweather & Geraldson, 1111 19th Street NW., Washington, D.C. 20036.

B. Trans-Union Corp., 90 Half Day Road, Lincolnshire, Ill. 60015.

A. Robert L. Shafer, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Pfizer, Inc., 235 East 42d Street, New York, N.Y. 10017.

D. (6) $450. E. (9) $108.15.

A. Barbara J. Shailor, 1300 Connecticut Avenue NW., Washington, D.C. 20036.

B. International Association of Machinists & Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $3,799.22.

A. James M. Shamberger, 1025 Connecticut Avenue NW., No. 512, Washington, D.C. 20036.

B. Reinsurance Association of America, 1025 Connecticut Avenue NW., No. 512, Washington, D.C. 20036.

E. (9) $31.24.

A. Shamrock Foods Co., 2228 North Black Canyon Road, Phoenix, Ariz. 85009.

A. Lloyd D. Shand, 1101 17th Street NW., Washington, D.C. 20036.

B. Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166.

D. (6) $400.

A. David Lewis Shapiro, the Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

D. (6) $1,481. E. (9) $35.

A. Harry D. Shapiro, 1800 Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Md. 21201.

B. Maryland Savings-Share Insurance Corp., 901 North Howard Street, Baltimore, Md. 21201.

E. (9) $178.94.

A. Rebecca Shapiro & Associates, 111 C Street SE., Washington, D.C. 20003.

B. Colville Tribe, Box 150, Nespelem, Wash. 99155.

A. Rebecca Shapiro & Associates, 111 C Washington, D.C. 20003.

B. Makah Tribal Council, P.O. Box 115, Neah Bay, Wash. 98357.

A. Rebecca Shapiro & Associates, 111 C Street SE., Washington, D.C. 20003.

B. Minnesota Chippewa Tribe, Box 217, Cass Lake, Minn. 86633.

A. Rebecca D. Shapiro, 111 C Street SE., Washington, D. C. 20003.

B. Quinault Indian Nation, P.O. Box 1118, Taholah, Wash. 98587.

A. Rebecca Shapiro & Associates, 111 C Street SE., Washington, D.C. 20003.

B. Yakima Indian Nation, P.O. Box 151, Toppenish, Wash. 98948.

A. John J. Sharkey, 1629 K Street NW., Room No. 204, Washington, D.C. 20006.

B. Delta Air Lines, Inc., Hartsfield Atlanta International Airport, Atlanta, Ga. 30320.

D. (6) $986.50. E. (9) $47.19.

A. Karen Dolmatch Shaw, 1800 K Street NW., Suite 920, Washington, D.C. 20006.

B. BankAmerica Corp., Bank of America Center, San Francisco Calif.

D. (6) $224. E. (9) $234.20.

A. Shaw, Pittman, Potts & Trowbridge, care of Ramsay D. Potts, 1800 M Street NW., Washington, D.C. 20036.

B. Association for the Improvement of the Mississippi River, 10 Broadway, St. Louis, Mo. 63102.

A. Shaw, Pittman, Potts & Trowbridge, care of Ramsay D. Potts, 1800 M Street NW., 900-S, Washington, D.C. 20036.

B. Atlas Corp., 2506 Prudential Plaza, Denver, Colo. 80202.

A. Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

B. Cayman Turtle Farm, Ltd., P.O. Box 645, Grand Cayman Island, Cayman Islands, British West Indies.

D. (6) $3,027.50.

A. Shaw, Pittman, Potts & Trowbridge, c/o Ramsay D. Potts, 1800 M Street NW., 900-S, Washington, D.C. 20036.

B. Emerson Electric Co., 8100 Florissant, St. Louis, Mo. 63136.

D. (6) $1,333.

A. Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C.

B. Hongkong & Shanghai Banking Corp., c/o Regional Office Americas, New York, N.Y. 10022.

A. Shaw, Pittman, Potts & Trowbridge, c/o Ramsay D. Potts, 1800 M Street NW., 900-S, Washington, D.C. 20036.

B. Investment Counsel Association of Americas, Inc., 127 East 59th Street, New York, N.Y. 10022.

D. (6) $1,168.

A. Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

B. Institute of Foreign Bankers, 200 Park Avenue, Suite 303, Room 23, New York, N.Y. 10017.

D. (6) $500.

A. Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

B. Radioactive Waste Management Group, c/o Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

D. (6) $2,264.35.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.

B. Eleanor Clark, c/o J. Reynolds Barnes, 11 American Bank Building, 621 Northwest Morrison Street, Portland, Oreg. 97205.

E. (9) $4.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.

B. CoaLiquid, Inc., 1215 Citizens Plaza, Louisville, Ky. 40202.

E. (9) $18.58.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.

B. Consumer Solar Electric Power Corp., 5811 Uplander Way, Culver City, Calif. 90230.

D. (6) $5,000. E. (9) $0.47.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.

B. Encyclopedia Britannica, 425 North Michigan Avenue, Chicago, Ill.

D. (6) $30,000. E. (9) $21.57.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.

B. Nabisco, Inc., 100 DeForest Avenue, East Hanover, N.J. 07936.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.

B. New Zealand Wool Board, 139–141 Featherstone Street, Wellington, New Zealand.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.

B. Norfolk & Western, 8 North Jefferson Street, Roanoke, Va. 24011.

E. (9) $1.64.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.

B. Ryder Systems, Inc., 3600 Northwest 82d Avenue, Miami, Fla. 33166.

D. (6) $2,000.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.

B. Tosco Corp., 1919 Pennsylvania Avenue NW., Suite 706, Washington, D.C. 20006.

E. (9) $67.27.

A. Maureen Shea, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $6,098.55. E. (9) $44.15.

A. John J. Sheehan, United Steelworkers of America, 815 Sixteenth Street NW., Suite 706, Washington, D.C. 20006.

B. United Steelworkers of America, 5 Gateway Center, Pittsburgh, Pa. 15222.

D. (6) $9,909.87.

A. John P. Sheffey, National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va. 22201.

B. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va. 22201.

D. (6) $1,269.62.

A. Jowanda Shelton, 2101 L Street NW., Washington, D.C. 20037.

B. Committee for Humane Legislation, 11 West 60th Street, New York, N.Y. 10023.

D. (6) $6,000.

A. Norman R. Sherlock, 1025 Connecticut Avenue NW., Suite 308, Washington, D.C. 20036.

B. American Bus Association, 1025 Connecticut Avenue NW., No. 308, Washington, D.C. 20036.

D. (6) $1,072.50. E. (9) $1,159.01.

A. Nelson Shields, 810 18th Street NW., Washington D.C. 20006.

B. Handgun Control, Inc., 810 18th Street NW., Washington, D.C. 20006.

D. (6) $3,294.

A. Russell L. Shipley, Jr., 1430 K Street NW., Suite 1000, Washington, D.C. 20005.

B. National Candy Wholesalers Association, Inc., 1430 K Street NW., Suite 1000, Washington, D.C. 20005.

D. (6) $38.46.

A. Harvey A. Shipman, Penn Central Corp., 1776 G Street NW., Suite 502, Washington, D.C. 20006.

B. Penn Central Corp., 245 Park Avenue, 44th Floor, New York, N.Y. 10017.

A. Fred B. Shippee, American Apparel Manufacturers Association, Inc., 1611 North Kent Street, No. 800, Arlington, Va. 22209.

B. American Apparel Manufacturers Association, Inc., 1611 North Kent Street, No. 800, Arlington, Va. 22209.

A. Mary Frances Shlagel, 1100 Connecticut Avenue NW., No. 800, Washington, D.C. 20036.

B. Union Oil Co. of California, 461 South Boylston Street, Los Angeles, Calif. 90017.

A. W. Ray Shockley, American Textile Manufacturers Institute, Inc., 1101 Connecticut Avenue NW., Suite 300, Washington, D.C. 20036.

B. American Textile Manufacturers Institute, 1101 Connecticut Avenue NW., Suite 300, Washington, D.C. 20036.

D. (6) $2,550.

A. G. Scott Shotwell, 1619 Massachusetts Avenue, Washington, D.C. 20036.

B. National Forest Products Association, 1619 Massachusetts Avenue, Washington, D.C. 20036.

D. (6) $2,475.

A. Lisa Shulock, Union of Concerned Scientists, 1725 I Street NW., Suite 601, Washington, D.C. 20006.

B. Union of Concerned Scientists, 1208 Massachusetts Avenue, Cambridge, Mass. 02138.

D. (6) $2,825.

A. Barbara A. Shuman, Chevron, U.S.A., Inc., 1700 K Street NW., Suite 1204, Washington, D.C. 20006.

B. Chevron, U.S.A., Inc., a subsidiary of the Standard Oil Co. of California, 1700 K Street NW., Suite 1204, Washington, D.C. 20006.

A. Norman D. Shutler, 1525 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Clayton Manufacturing Co., 4213 North Temple City Boulevard, El Monte, Calif. 91731.

D. (6) $4,593.24. E. (9) $2,120.23.

A. Candice J. Shy, Enserch Corp., 1025 Connecticut Avenue NW., Suite 1014, Washington, D.C. 20036.

B. Enserch Corp., 301 South Harwood Street, Dallas, Texas, 75201.

D. (6) $1,023. E. (9) $625.

A. Lawrence E. Siegel, 1101 16th Street NW., Washington, D.C. 20036.

B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.

D. (6) $3,300. E. (9) $24.50.

A. Mark A. Siegel, Mark A. Siegel & Associates, 400 North Capitol Street NW., Suite 368, Washington, D.C. 20001.

B. Tadco Enterprises, 1625 I Street NW., Suite 1009, Washington, D.C. 20006.

D. (6) $6,000. E. (9) $17.93.

A. Richard H. Siemsen, 8100 Florissant, St. Louis, Mo. 63136.

B. Emerson Electric Co., 8100 Florissant, St. Louis, Mo. 63136.

E. (9) $1,041.03.

A. Bernard H. Sieracki, Illinois Petroleum Council, 79 West Monroe Street, Suite 514, Chicago, Ill. 60603.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $375. E. (9) $533.90.

A. Daniel W. Sigelman, 2000 P Street NW., No. 708, Washington, D.C. 20036.

B. Health Research Group, 2000 P Street NW., No. 708, Washington, D.C. 20036.

D. (6) $390.

A. David Silver, Investment Co. Institute, 1775 K Street NW., Washington, D.C. 20006.

B. Investment Co. Institute, 1775 K Street NW., Washington, D.C. 20006.

A. Silver, Freedman, Housley, Taff & Goldberg, 1800 M Street NW., 950N, Washington, D.C. 20036.

A. Silver Users Association, Inc., 1717 K Street NW., Washington, D.C. 20006.

D. (6) $4,639.50. E. (9) $1,995.08.

A. Barbara Ann Silverman, 2500 DeKalb Pike, Norristown, Pa. 19404.

B. Provident Indemnity Life Insurance Co., 2500 DeKalb Pike, Norristown, Pa. 19404.

A. Althea T. L. Simmons, NAACP, 733 15th Street NW., Suite 410, Washington, D.C. 20005.

B. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.

D. (6) $4,000.

A. Simon, Deitch, Sieman & Tucker, 1111 19th Street NW., Suite 1050, Washington, D.C. 20036.

B. Central Michigan University, Mount Pleasant, Mich. 48858.

A. Simon, Deitch, Siefman & Tucker, 111 19th Street NW., Suite 1050, Washington, D.C. 20036.

B. First National Monetary Corp., 4000 Tower Center, 15th Floor, Southfield, Mich. 48075.

D. (6) $1,000. E. (9) $12.32.

A. Simon, Deitch, Siefman & Tucker, 111 19th Street NW., Suit 1050, Washington, D.C. 20036.

B. Michigan Department of Education, Room 520. Michigan National Tower, Lansing, Mich. 48909.

D. (6) $1,000. E. (9) $195.51.

A. Simon, Deitch, Siefman & Tucker, 111 19th Street NW., Suit 1050, Washington, D.C. 20036.

B. Wayne State University, Detroit, Mich. 48202.

A. Mark Simon, 815 16th Street NW., Washington, D.C. 20006.

B. Food & Beverage Trades Department, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $255.65.

A. Stanley C. Simon, Simon & Twombly, 2 Turtle Creek Village, Dallas, Tex. 75219.

B. Southland Corp., 2828 North Haskell Avenue, Dallas, Tex. 75204.

D. (6) $1,225. E. (9) $590.60.

A. Talmage E. Simpkins, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. AFL–CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $240. E. (9) $741.79.

A. Talmage E. Simpkins, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $1,132.50. E. (9) $291.61.

A. Robert C. Singer, The Soap and Detergent Association, 475 Park Avenue South at 32d Street, New York, N.Y. 10016.

B. The Soap and Detergent Association, 475 Park Avenue South at 32d Street, New York, N.Y. 10016.

A. Thomas K. Singer, 900 17th Street NW., Washington, D.C. 20006.

B. Kaiser Aluminum & Chemical Corp., 900 17th Street NW., Washington, D.C. 20006.

D. (6) $506.54. E. (9) $9.

A. Donald E. Sinville, 227 North Street, Manchester, N.H. 03104.

B. Public Service Co. of New Hampshire, Manchester, N.H. 03105.

A. Stephen L. Skardon, National Association of Retired Federal Employees, 1533 New Hampshire Avenue NW., Washington, D.C. 20036.

B. National Association of Retired Federal Employees, 1533 New Hampshire Avenue NW., Washington, D.C. 20036.

D. (6) $5,500.

A. William J. Skinner, 815 15th Street NW., Washington, D.C. 20005.

B. United States Pharmacopeial Convention, Inc., 12601 Twinbrook Parkway, Rockville, Md. 20854.

D. (6) $436.68. E. (9) $77.05.

A. Barney J. Skladany, Jr., 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.

D. (6) $1,125.

A. Carstens Slack, Phillips Petroleum Co., 1825 K Street NW., Washington, D.C. 20006.

B. Phillips Petroleum Co., Bartlesville, Okla. 74004.

A. F. Slatinshek & Associates, Inc., 218 North Lee Street, Alexandria, Va. 22314.

B. Grumman Aerospace Corp., Bethpage, N.Y. 11714; United Technologies Corp., 1125 15th Street NW., Washington, D.C. 20005; General Dynamics Corp., Pierre LacLede Center, St. Louis, Mo. 63105; Gould, Inc., Government Systems Group, Rolling Meadows, Ill. 60008.

D. (6) $800.

A. William T. Slider, 925 15th Street NW., Washington, D.C. 20005.

B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.

D. (6) $1,500. E. (9) $786.40.

A. Frank Slover, Calorie Control Council, 5775 Peachtree-Dunwoody Road, Suite 500–D, Atlanta, Ga. 30342.

B. Robert H. Kellen Co. for Calorie Control Council, 5775 Peachtree-Dunwoody Road Suite 500–D, Atlanta, Ga. 30342.
D. (6) $450.

A. Small Business Council of America, Inc., 702 Longfellow Building, 1201 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $7,050. E. (9) $13,422.92.

A. Small Producers for Energy Independence, 1000 Sutton Place Building, Wichita, Kans. 67202.
D. (6) $71,671.81. E. (9) $5,881.

A. Smathers, Symington & Herlong, 1700 K Street NW., Suite 400, Washington, D.C. 20006.
B. American Horse Council, 1700 K Street NW., Suite 300, Washington, D.C. 20006.
D. (6) $5,500.

A. Smathers, Symington & Herlong, 1700 K Street NW., Suite 400, Washington, D.C. 20006.
B. American Inland Waterway Committee, 7733 Forsyth Boulevard, St. Louis, Mo.
D. (6) $3,500.

A. Smathers, Symington & Herlong, 1700 K Street NW., Suite 400, Washington, D.C. 20006.
B. City Gas Co. of Florida, 955 East 25th Street, Hialeah, Fla. 33013.
D. (6) $500.

A. Smathers, Symington & Herlong, 1700 K Street NW., Suite 400, Washington, D.C. 20006.
B. Florida East Coast Railway Co., 1 Malaga Street, St. Augustine, Fla. 32084.
D. (6) $5,000.

A. Smathers, Symington & Herlong, 1700 K Street NW., Suite 400, Washington, D.C. 20006.
B. Goldman Sachs, 55 Broad Street, New York, N.Y. 10004.
D. (6) $1,500.

A. Smathers, Symington & Herlong, 1700 K Street NW., Suite 400, Washington, D.C. 20006.
B. Pennzoil Co., Houston, Tex. 77001.
D. (6) $6,000.

A. Donald E. Smiley, Exxon Corp., 1899 L Street NW., Suite 1100, Washington, D.C. 20036.
B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y.
E. (9) $334.92.

A. John G. Smillie, 900 17th Street NW., Washington, D.C. 20006.
B. Permanente Medical Group.
D. (6) $21,924.

A. Arthur J. Smith, Shell Oil Co., 1025 Connecticut Avenue NW., Suite 200, Washington, D.C. 20036.
B. Shell Oil Co., P.O. Box 2463, Houston, Tex. 77001.
D. (6) $500.

A. Smith, Barney Real Estate Corp., 1345 Avenue of the Americas, New York, N.Y. 10019.
E. (9) $ 3,508.

A. Carl Edward Smith, Electronic Data Systems Corp., 229 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Electronic Data Systems Corp., 229 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $536.25. E. (9) $174.69.

A. Catherine Smith. 530 Seventh Street SE., Washington, D.C. 20003.
B. Friends of the Earth, 530 Seventh Street SE., Washington, D.C. 20003.
D. (6) $2,712.57.

A. Douglas J. Smith & Associates, 2550 M Street NW., Suite 300, Washington, D.C. 20037.
B. Institute of Signage Research, 4020 Fabian Way, Palo Alto, Calif. 94304.
D. (6) $2,500. E. (9) $4,110.48.

A. Douglas J. Smith & Associates, 2550 M Street NW., Suite 300, Washington, D.C. 20037.
B. National Electric Sign Association, 2625 Butterfield Road, Suite 310E, Oak Brook, Ill. 60521.
D. (6) $2,500. E. (9) $4,110.48.

A. Douglas J. Smith & Associates, 2550 M Street NW., Suite 300, Washington, D.C. 20037.
B. Sperry Gyroscope, Great Neck, N.Y. 11020.

A. Elizabeth M. Smith, Amalgamated Clothing & Textile Workers Union, 815 16th Street NW., Washington, D.C. 20006.
B. Amalgamated Clothing & Textile Workers Union, 770 Broadway, New York, N.Y. 10003.
D. (6) $3,750. E. (9) $95.91.

A. Gordon L. Smith, Hill and Knowlton, Inc., 1425 K Street NW., No. 1000, Washington, D.C. 20005.
B. Hill and Knowlton, Inc. (for Florists' Transworld Delivery Association), 1425 K Street NW., No. 1000, Washington, D.C. 20005.

A. J. Kenneth Smith, Sun Co., Inc., 1800 K Street NW., Suite 820, Washington, D.C. 20006.
B. Sun Co., Inc., 100 Matsonford Road, Radnor, Pa. 19087.
D. (6) $3,480. E. (9) $92.35.

A. Marie O. Smith, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.

A. Michael P. Smith, New York State Bankers Association, 485 Lexington Avenue, New York, N.Y. 10017.
B. New York State Bankers Association, 485 Lexington Avenue, New York, N.Y. 10017.
D. (6) $432. E. (9) $464.

A. Nancy L. Smith, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
B. Nelson & Harding (for MBPXL Corp.), 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
D. (6) $500.

A. Nancy L. Smith, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
B. Nelson & Harding (for National Campground Owners Association), 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
D. (6) $500.

A. Nancy L. Smith, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
B. Nelson & Harding (for SunMaid Raisin Growers of California), 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
D. (6) $250.

A. Nancy L. Smith, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
B. Nelson & Harding (for Western Growers Association), 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
D. (6) $250.

A. P. Daniel Smith, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $550. E. (9) $145.67.

A. Robert Bland Smith, Jr., American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
D. (6) $157.

A. Talbott C. Smith, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
D. (6) $3,000.

A. William H. Smith, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

A. Wayne H. Smithey, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., The American Road, Dearborn, Mich. 48121.
D. (6) $1,375. E. (9) $852.

A. Arthur V. Smyth, Weyerhaeuser Co., 1625 I Street NW., No. 902, Washington, D.C. 20006.
B. Weyerhaeuser Co., Tacoma, Wash. 98477.
D. (6) $1,900. E. (9) $34.

A. Frank B. Snodgrass, 1100 17th Street NW., Suite 306, Washington, D.C. 20036.
B. Burley and Dark Leaf Tobacco Export Association, 1100 17th Street NW., Suite 306, Washington, D.C. 20036.
D. (6) $909.52. E. (9) $111.43.

A. Norman J. Snow, Rohr Industries, Inc., 1660 L Street NW., No. 504, Washington, D.C. 20036.
B. Rohr Industries, Inc., P.O. Box 878, Chula Vista, Calif. 92012.
D. (6) $340. E. (9) $44.89.

A. Snyder & Ball Associates, Inc., 1700 North Moore Street, No. 1610, Arlington, Va. 22209.
B. Aerojet-General Corp., 9100 East Flair Drive, El Monte, Calif. 91734.

A. Snyder & Ball Associates, Inc., 1700 North Moore Street, No. 1610, Arlington, Va. 22209.
B. DSP, Inc., 1700 North Moore Street, Arlington, Va. 22209.
D. (6) $220.

A. Snyder & Ball Associates, Inc., 1700 North Moore Street, No. 1610, Arlington, Va. 22209.
B. Gould, Inc., 10 Gould Center, Rolling Meadows, Ill. 60008.
D. (6) $120.

A. Edward F. Snyder, 245 Second Street NE., Washington, D.C. 20002.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington D.C. 20002.
D. (6) $4110.

A. J. R. Snyder, United Transportation Union, 400 First Street NW., Suite 704, Washington, D.C. 20001.

B. United Transportation Union, 400 First Street, NW., Suite 704, Washington, D.C. 20001.

E. (9) $550.

A. John M. Snyder, 600 Pennsylvania Avenue SE., Suite 205, Washington, D.C. 20003.

B. Citizens Committee for the Right to Keep and Bear Arms, Bellefield Office Park, 1601 114th S.E., Suite 151, Bellevue, Wash. 98004.

D. (6) $5,700.

A. Society for Animal Protective Legislation, P.O. Box 3719, Georgetown Station, Washington, D.C. 20007.

D. (6) $21,234.63. E. (9) $55,428.75.

A. Vincent R. Sombrotto, National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $2,972.52.

A. Edmund T. Sommer, Jr., Council of American-Flag Ship Operators, 1625 K Street NW., Suite 1200, Washington, D.C. 20006.

B. Council of American-Flag Ship Operators 1625 K Street NW., Suite 1200, Washington D.C. 20006.

D. (6) $320.

A. S. L. Sommer & Associates, Inc., 1800 North Kent Street, Arlington, Va. 22209.

B. Northrop Corp., 1701 North Fort Myer Drive, Suite 1208, Arlington, Va. 22209.

D. (6) $1,600. (9) $483.18.

A. Sonosky, Chambers & Sachse, 2030 M Street NW., Washington, D.C. 20036.

B. Assiniboine and Sioux Tribes, Fort Peck Indian Reservation, Poplar, Mont. 59255.

A. Sonosky, Chambers & Sachse, 2030 M Street NW., Washington, D.C. 20036.

B. Confederated Tribes of the Colville Indian Reservation, Nespelem, Wash. 99155.

A. Sonosky, Chambers & Sachse, 2030 M Street NW., Washington, D.C. 20036.

B. Houlton Band of Maliseets, c/o Maynard Polchies, P.O. Box 223, Houlton, Maine 04730.

A. Sonosky, Chambers & Sachse, 2030 M Street NW., Washington, D.C. 20036.

B. Shoshone Indian Tribe, Wind River Indian Reservation, Fort Washakie, Wyo. 82514.

A. Sonosky, Chambers & Sachse, 2030 M Street NW., Washington, D.C. 20036.

B. Standing Rock Sioux Tribe, Fort Yates, N. Dak. 58538.

A. Mary Sophos, National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.

B. National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.

D. (6) $375. E. (9) $26.

A. Roberta Lee Sorensen, 1611 North Kent Street, Suite 803A, Arlington, Va. 22209.

B. American Osteopathic Association, 1611 North Kent Street, Suite 803A, Arlington, Va. 22209.

D. (6) $760. E. (9) $31.25.

A. Leland R. Sorteberg, National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

A. Shelby E. Southard, 1828 L Street NW., Suite 1100, Washington, D.C. 20036.

B. Cooperative League of the U.S.A., 1828 L Street NW., Suite 1100, Washington, D.C. 20036.

D. (6) $5,900. E. (9) $875.

A. Souther, Spaulding, Kinsey, Williamson & Schwabe, 1200 Standard Plaza, Portland, Oreg. 97204.

B. American Greyhound Track Operators Association, 139 Southeast 14th Lane, Miami, Fla. 33131.

E. (9) $299.66.

A. Souther, Spaulding, Kinsey, Williamson & Schwabe, 1200 Standard Plaza, Portland, Oreg. 97204.

B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

E. (9) $24.70.

A. Southwest Homefurnishings Association, 4313 North Central Expressway, Dallas, Tex. 75205.

A. Southwestern Peanut Shellers Association, 6815 Prestonshire, Dallas, Tex. 75225.

D. (6) $150. E. (9) $150.

A. Larry M. Speakes, 1425 K Street NW., Washington, D.C. 20005.

B. Hill and Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Philip J. Spear, 8150 Leesburg Pike, Suite 1100, Vienna, Va. 22180.

B. National Pest Control Association, 8150 Leesburg Pike, Suite 1100, Vienna, Va. 22180.

A. Frank J. Specht, Schenley Distillers, Inc., 1725 DeSales Street, NW., Washington, D.C. 20036.

B. Schenley Distillers, Inc., 888 Seventh Avenue, New York, N.Y. 10019.

A. Specialty Equipment Market Association, 11540 East Slauson Avenue, Whittier, Calif. 90606.

A. John F. Speer, Jr., 910 17th Street NW., Washington, D.C. 20006.

B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 910 17th Street NW., Washington, D.C. 20006.

A. Charles A. Speir, 2022 Brookwood Medical Center Drive, Birmingham, Ala. 35209.

B. Brookwood Health Services, Inc., 2022 Brookwood Medical Center Drive, Birmingham, Ala. 35209.

A. Speiser, Krause & Madole, 1216 16th Street NW., Washington, D.C. 20036.

B. Mrs. Vera C. Clemente, No. 36 Roberto Clemente Street, Ext. San Agustin, Rio Piedras, P.R. 00926, et al.

A. George Spiegel, Spiegel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.

B. Northern California Power Agency, 770 Kiely Boulevard, Santa Clara, Ca. 95051, et. al.

A. Spiegel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.

B. Northern California Power Agency, et al.

A. Larry N. Spiller, 1015 15th Street NW., No. 802, Washington, D.C. 20005.

B. American Consulting Engineers Council, 1015 15th Street NW., No. 802, Washington, D.C. 20005.

D. (6) $900.

A. Joseph L. Spilman, Jr., 2101 L Street NW., Washington, D.C. 20037.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $200.

A. Frederick C. Spreyer, Pacific Resources, Inc., 1990 M Street NW., Suite 560, Washington, D.C. 20036.

B. Pacific Resources, Inc., 1060 Bishop Street. P.O. Box 3379, Honolulu, Hawaii 96842.

D. (6) $500.

A. Earl C. Spurrier, Monsanto, Co., 1101 17th Street NW., Suit 604, Washington, D.C. 20036.

B. Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166.

E. (9) $150.

A. Squibb Corp., 40 West 57th Street, New York, N.Y. 10019.

A. Squire, Sanders & Dempsey, 21 Dupont Circle, NW., Washington, D.C. 20036.

B. American Society of Anesthesiologists, 515 Busse Highway, Park Ridge, Ill. 60068.

D. (6) $600.50.

A. Squire, Sanders & Dempsey, 21 Dupont Circle NW., Washington, D.C. 20036.

B. National Collegiate Athletic Association, U.S. Highway 50 and Nall Avenue, P.O. Box 1906, Shawnee Mission, Kans. 66222.

D. (6) $2,715. E. (9) $7.50.

A. Squire, Sanders & Dempsey, 21 Dupont Circle NW., Washington, D.C. 20036.

B. Public Securities Association, One World Trade Center, New York, N.Y. 10048.

D. (6) $500.

A. Squire, Sanders & Dempsey, 21 Dupont Circle NW., Washington, D.C. 20036.

B. United States Wrestling Federation, 405 West Hall of Fame Avenue, Stillwater, Okla. 74074.

A. Staff Builders, Inc., 122 East 42d Street, New York, N.Y. 10017.

A. Elvis J. Stahr, Martin Dale, North, Greenwich, Conn. 06830.

B. National Audubon Society, 950 Third Avenue, New York, N.Y. 10022.

D. (6) $13,650. E. (9) $3,627.44.

A. Lynn E. Stalbaum, National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.

B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.

D. (6) $2,093.75. E. (9) $95.54.

A. Joe A. Stamm, Standard Oil (Ohio), 1050 17th Street NW., Suite 650, Washington, D.C. 20036.

B. The Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.

D. (6) $562.50.

A. The Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.

E. (9) $3,211.50.

A. David P. Stang, Stang and Svendson, 1629 K Street NW., Washington, D.C. 20006.

B. J. Ray McDermott and Co., Inc., 1010 Common Street, New Orleans, La. 70160.

D. (6) $395.71.

A. David P. Stang, Stang and Svendson, 1629 K Street NW., Washington, D.C. 20006.

B. Ocean Minerals Co., P.O. Box 4531, Mountain View, Calif. 94040.

D. (6) $921.54.

A. David P. Stang, Stang and Svendson, 1629 K Street NW., Washington, D.C. 20006.

B. Fred J. Russell, P.O. Box 54228, Los Angeles, Calif. 90054.

A. David P. Stang, Stang and Svendson, 1629 K Street NW., Washington, D.C. 20006.
B. Zapata Corp., 711 Louisiana Avenue, Houston, Tex. 77001.
D. (6) $54.31.

A. Michael J. Stanton, Motor Vehicle Manufacturers Association of the United States, Inc., 1909 K Street NW., Suite 300, Washington, D.C. 20006.
B. Motor Vehicle Manufacturers Association of the United States, Inc., 300 New Center Building, Detroit, Mich. 48202.
D. (6) $135.

A. Melvin L. Stark, 1707 L Street NW., Suite 321, Washington, D.C. 20036.
B. Hartford Fire Insurance Co., Hartford, Conn.
D. (6) $6,000.

A. Walter M. Stark, P.O. Box 2563, Birmingham, Ala. 35202.
B. Southern Natural Gas Co., P.O. Box 2563, Birmingham, Ala. 35202.
D. (6) $247.50. E. (9) $799.86.

A. John M. Starrels, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $200.

A. Charles D. Statton, 2130 Oaks Drive, Hillsborough, Calif. 94010.
B. Bechtel Power Corp., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

A. Samuel E. Stavisky & Associates, Inc., 1100 17th Street NW., Suite 302, Washington, D.C. 20036.
B. Brazilian Coffee Institute, 767 Fifth Avenue, New York, N.Y. 10022.
D. (6) $1,500. E. (9) $1,600.

A. Samuel E. Stavisky & Associates, Inc., 1100 17th Street NW., Suite 302, Washington, D.C. 20036.
B. Broadcast Music, Inc., 320 West 57th Street, New York, N.Y. 10019.

A. Samuel E. Stavisky, 1100 17th Street NW., Suite 302, Washington, D.C. 20036.
B. Samuel E. Stavisky & Associates, Inc., 1100 17th Street NW., Suite 302, Washington, D.C. 20036 (for Brazilian Coffee Institute, 767 Fifth Avenue, New York, N.Y. 10022).
D. (6) $1,000. E. (9) $1,060.

A. Randolph J. Stayin, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Steetinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202 (for American Hospital Association, 444 North Capitol Street, Washington, D.C. 20001).

A. Randolph J. Stayin, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Steetinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202 (for Machinery Dealers National Association, 1110 Spring Street, Silver Spring, Md. 20910).
D. (6) $3,161.50. E. (9) $22.47.

A. Randolph J. Stayin, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Steetinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202 (for Special Committee for Workplace Product Liability Reform, 1800 Massachusetts Avenue NW., No. 708, Washington, D.C. 20036).

A. Eugene H. Stearns, American Petroleum Institute, 1200 Harger Road, Suite 323, Oak Brook, Ill. 60521.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. John L. Steele, Time, Inc., 888 16th Street NW., Washington, D.C. 20006.
B. Time, Inc., Time and Life Building, Rockefeller Center, New York, N.Y.
D. (6) $2,200. E. (9) $100.

A. Barbara Diane Steigler, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
D. (6) $1,500. E. (9) $407.17.

A. Theodore P. Stein, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $3,558.

A. Vern Stephens, Cal Fuelohol, Inc., 31 H Street, Bakersfield, Calif. 93304.
B. Cal Fuelohol, Inc., 31 H Street, Bakersfield, Calif. 93304.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Committee for Effective Capital Recovery, 1901 L Street NW., Suite 303, Washington, D.C. 20036.
D. (6) $250. E. (9) $3,636.25.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Pfizer, Inc., 235 East 42d Street, New York, N.Y. 10017.
D. (6) $820. E. (9) $50.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Robert College of Istanbul, Turkey, 380 Madison Avenue, New York, N.Y. 10017.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Talley Industries, Inc., P.O. Box 849, Mesa, Ariz. 85201.
D. (6) $1,250. E. (9) $100.

A. Richard W. Sternberg, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $120.

A. Karen L. Stevens, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $100.

A. Art Stewart, The Great Western Sugar Co., P.O. Box 5308 T.A., Denver, Colo. 80217.
B. The Great Western Sugar Co., P.O. Box 5308 T.A., Denver, Colo. 80217.

A. Robert B. Stewart, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Getty Oil Co., 3810 Wilshire Boulevard, Los Angeles, Calif. 90010.
D. (6) $7,725. E. (9) $105.73.

A. Travis B. Stewart, Hoffmann-La Roche, Inc., 1775 K Street NW., Suite 300, Washington, D.C. 20006.
B. Hoffman-La Roche, Inc., 340 Kingsland Street, Nutley, N.J. 07110.
D. (6) $1,000. E. (9) $250.

A. LaVerne Still, National Cotton Council, 1030 15th Street NW., Suite 700, Washington, D.C. 20005.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $195.

A. John W. Stillwaggon, Coffee, Sugar & Cocoa Exchange, Inc., Four World Trade Center, New York, N.Y. 10048.
B. Coffee, Sugar & Cocoa Exchange, Inc., Four World Trade Center, New York, N.Y. 10048.

A. Edward W. Stimpson, 1025 Connecticut Avenue NW., Suite 517, Washington, D.C. 20036.
B. General Aviation Manufacturers Association, 1025 Connecticut Avenue NW., Suite 517, Washington, D.C. 20036.

A. Stephen A. Stitle, Eli Lilly & Co., 1901 L Street NW., Suite 705, Washington, D.C.
B. Eli Lilly & Co., 307 East McCarty Street, Indianapolis, Ind. 46285.
D. (6) $3,000. E. (9) $4.

A. Adam D. Stolpen, Pitney Bowes, 1101 30th Street NW., Suite 203, Washington, D.C. 20007.
B. Pitney Bowes, 69 Walter H. Wheeler, Jr. Drive, Stamford, Conn. 06904.
D. (6) $100.

A. William M. Stover, Chemical Manufacturers Association, 1825 Connecticut Avenue NW., Washington, D.C. 20009.
B. Chemical Manufacturers Association, 1825 Connecticut Avenue NW., Washington, D.C. 20009.
D. (6) $1,000.

A. David E. Strachan, National Association of Personnel Consultants, 1012 14th Street NW., 15th Floor, Washington, D.C. 20005.
B. National Association of Personnel Consultants, 1012 14th Street NW., 15th Floor, Washington, D.C. 20005.
D. (6) $3,000.

A. Richard B. Straus, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
B. American Israel Public Affairs Committee, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
D. (6) $5,750.

A. J. Stephen Street, 1806 Barbee Street, McLean, Va.
B. Shipbuilders Council of America, 600 New Hampshire Avenue NW., Suite 420, Washington, D.C. 20037.
D. (6) $10,750. E. (9) $70.15.

A. John H. Stroh, Suite 3400, One Mercantitle Center, St. Louis, Mo. 63101.
B. Taylor Group, Inc., 555 Brown Road, Hazelwood, Mo. 63042.

A. George W. Strong, Houston Natural Gas Corp., P.O. Box 1188, Houston, Tex. 77001.
B. Houston Natural Gas Corp., P.O. Box 1188, Houston, Tex., 77001.
D. (6) $225. E. (9) $414.32.

A. Stroock & Stroock & Lavan, 1150 17th Street NW., Washington, D.C. 20036.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C.
D. (6) $3,500. E. (9) $11.30.

A. Stroock & Stroock & Lavan, 1150 17th Street NW., Washington, D.C. 20036.
B. J. Aron & Co., Inc., 160 Water Street, New York, N.Y. 10038.
E. (9) $22.70.

A. Stroock & Stroock & Lavan, 1150 17th Street NW., Washington, D.C. 20036.
B. Mrs. Patsy Perry, c/o Alan Harris, 70 Glenn Cove Road, Roslyn Heights, N.Y.
E. (9) $21.80.

A. Stroock & Stroock & Lavan, 1150 17th Street NW., Washington, D.C. 20036.
B. Office of the Commonwealth of Puerto Rico, 1625 Massachusetts Avenue NW., Washington, D.C. 20036.
E. (9) $7.

A. Stroock & Stroock & Lavan, 1150 17th Street NW., Washington, D.C. 20036.

B. Scientific Games International, Inc., 1615 Cumberland Parkway NW., Atlanta, Ga. 30339.

A. Stroock & Stroock & Lavan, 1150 17th Street NW., Washington, D.C. 20036.

B. Union Fidelity Life Insurance Co., 4850 Street Road, Travos, Pa. 19049.

A. Norman Strunk, United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill., 60601.

B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill. 60601.

D. (6) $3,625. E. (9) $265.16.

A. Robert B. Stulberg, 2000 P Street NW., No. 708, Washington, D.C. 20036.

B. Health Research Group, 2000 P Street NW., No. 708, Washington, D.C. 20036.

A. Walter B. Stults, 618 Washington Building, Washington, D.C. 20005.

B. National Association of Small Business Investment Cos., 618 Washington Building, Washington, D.C. 20005.

D. (6) $1,000.

A. Eugene F. Sturgeon, 182 Crater Lane, Kensington, Conn. 06037.

B. Northeast Utilities Service Co., Selden Street, Berlin, Conn. Edison Electric Institute, 1140 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $786.21. E. (9) $363.70.

A. Norman A. Sugarman, 818 Connecticut Avenue NW., Washington, D.C.

B. Federal Cartridge Co., 2700 Foshay Tower, Minneapolis, Minn. 55402.

A. Sullivan & Beauregard, 1800 M Street NW., Suite 925N, Washington, D.C. 20036.

B. Holly Corp., 2001 Bryan Tower, Suite 2680, Dallas, Tex. 75201.

D. (6) $385. E. (9) $10.

A. Sullivan & Cromwell, 125 Broad Street, New York, N.Y. 10004; 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. AMAX, Inc., AMAX Center, Greenwich, Conn., 06830.

E. (9) $4.

A. Sullivan & Cromwell, 125 Broad Street, New York, N.Y. 10004; 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Goldman, Sachs & Co., 55 Broad Street, New York, N.Y. 10004.

E. (9) $11.10.

A. Sullivan & Cromwell, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. INCO Ltd., Toronto-Dominion Centre, Toronto, Ontario, Canada M5K 1E3.

A. Harold R. Sullivan, 1750 K Street NW., Washington, D.C. 20006.

B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.

D. (6) $1,500.

A. Jim Sullivan, 1717 Massachusetts Avenue NW., Suite 503, Washington, D.C. 20036.

B. National Association of Independent Colleges and Universities, 1717 Massachusetts Avenue NW., Suite 503, Washington, D.C. 20036.

D. (6) $12,793.71. E. (9) $127.38.

A. Roger H. Sullivan, Hawaiian Sugar Planters' Association, 723 Investment Building, Washington, D.C. 20005.

B. Hawaiian Sugar Planters' Association, Aiea, Hawaii 96706.

E. (9) $64.60.

A. Scott K. Sullivan, American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.

B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.

D. (6) $10,008.10. E. (9) $48.36.

A. Sullivan & Worcester, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Marion Laboratories, Inc., 10236 Bunker Ridge Road, Kansas City, Mo. 64137.

D. (6) $7,350. E. (9) $55.26.

A. Duward F. Sumner, Jr., Professional Insurance Agents, 400 North Washington Street, Alexandria, Va. 22314.

B. Professional Insurance Agents, 400 North Washington Street, Alexandria, Va. 22314.

D. (6) $250. E. (9) $250.

A. SunMaid Raisin Growers of California, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.

E. (9) $450.

A. Surrey & Morse, 1156 15th Street NW., Washington, D.C. 20005.

B. Government of the Republic of Zaire, Kinshasha, Zaire.

D. (6) $5,212.90.

A. Surrey & Morse, 1156 15th Street NW., Washington, D.C. 20005.

B. National School Transportation Association, P.O. Box 324, Fairfax, Va. 22030.

D. (6) $435. E. (9) $4.25.

A. Susman, Stern, Heifetz, Lurie, Sheehan, Popkin & Chervitz, 7733 Forsyth Boulevard, 22d Floor, St. Louis, Mo. 63105; and 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.

B. American Inland Waterways Committee, 7733 Forsyth Boulevard, 22d Floor, St. Louis, Mo. 63105.

D. (6) $25,000.

A. Susman, Stern, Heifetz, Lurie, Sheehan, Popkin & Chervitz, 7733 Forsyth Boulevard, 22d Floor, St. Louis, Mo. 63105; and 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.

B. Midland Enterprises, Inc., 1400–580 Building, Cincinnati, Ohio 45202.

D. (6) $2,500.

A. Susman, Stern, Heifetz, Lurie, Sheehan, Popkin & Chervitz 7733 Forsyth Boulevard, 22d Floor, St. Louis, Mo. 63105; and 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.

B. The Valley Line Co., 120 South Central, Clayton, Mo. 63105.

D. (6) $3,750.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. American Industrial Clay and Georgia Kaolin Division of Yara Engineering Corp., 511 Westminister Avenue, Elizabeth, N.J. 07270.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Anglo-American Clays Corp. P.O. Box 471, Sandersville, Ga. 31082.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Connecticut Mutual Life Insurance Co., 140 Garden Street, Hartford, Conn. 06115.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Engelhard Minerals and Chemicals Corp., 299 Park Avenue, New York, N.Y. 10017.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Equifax, Inc., P.O. Box 4081, Atlanta, Ga. 30302.

D. (6) $990. E. (9) $60.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Estate of T. Cartter Lupton, c/o Miller and Martin, Volunteer State Life Building, Chattanooga, Tenn. 37402.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Freeport Kaolin Division of Freeport Minerals Co., 161 East 42d Street, New York, N.Y. 10017.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. J. M. Huber Corp., Thornall Street, Edison, N.J. 08817.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C.

B. Kaiser Aluminum & Chemical Corp., 900 17th Street NW., Washington, D.C. 20006.

D. (6) $5,000. E. (9) $600.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Kansas Farm Bureau Life Insurance Co., 2321 Anderson Avenue, Manhattan, Kans. 66502; Farm Bureau Mutual Insurance Co., KFB Insurance Co., Manhattan, Kans. 66502.

D. (6) $500. E. (9) $4.97.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Kentucky Farm Bureau Mutual Insurance Co., 120 South Hubbard Lane, Louisville, Ky. 40207; FB Insurance Co., 120 South Hubbard Lane, Louisville, Ky. 40207.

D. (6) $500. E. (9) $4.97.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Lawyers' Title Guaranty Fund, P.O. Box 2671, Orlando, Fla. 32802.

E. (9) $68.21.

A. Sutherland, Asbill and Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Massachusetts Mutual Life Insurance Co., 1295 State Street, Springfield, Mass. 01111.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Mullite Co. of America, Andersonville, Ga. 31711.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. The Mutual Benefit Life Insurance Co., 520 Broad Street, Newark, N.J. 07101.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Mutual Life Insurance Co. of New York, 1740 Broadway, New York, N.Y. 10019.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Mutual of Omaha Insurance Co., Dodge at 33d Street, Omaha, Nebr. 68131.

A. Sutherland, Asbill & Brennan, 1666 K Street, NW., Washington, D.C. 20006.

B. Mutual of Omaha Insurance Co., Dodge at 33d Street, Omaha, Nebr. 68131; United Benefit Life Insurance Co., Dodge at 33d Street, Omaha, Nebr. 68131.

D. (6) $500. E. (9) $4.97.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. National Association of Life Cos., Suite 1060, Tower Place, 3340 Peachtree Road NE., Atlanta, Ga. 30326.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. New England Mutual Life Insurance Co., 501 Boylston Street, Boston, Mass. 02117.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Nord Resources Corp., Ole Town Park, 39 Iron Gate Drive, Dayton, Ohio 45459.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. The Northwestern Mutual Life Insurance Co., 720 East Wisconsin Avenue, Milwaukee, Wis. 53202.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. The Northwestern Mutual Life Insurance Co., 720 East Wisconsin Avenue, Milwaukee, Wis. 53202.

A. Sutherland, Asbill & Brennan, 3100 First National Bank Tower, Atlanta, Ga. 30303; and 1666 K Street NW., Washington, D.C. 20006.
B. Oglethorpe Power Corp., 2888 Woodcock Boulevard, Atlanta, Ga. 30341.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Southern Farm Bureau Life Insurance Co., P.O. Box 78, Jackson, Miss. 39205; Southern Farm Bureau Casualty Insurance Co., P.O. Box 1985, Jackson, Miss. 39205; Mississippi Farm Bureau Mutual Insurance Co., Jackson, Miss. 39205.
D. (6) $500. E. (9) $4.97.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Texas Scottish Rite Hospital for Crippled Children, c/o Butler, Binion, Rice, Cook & Knapp, Esperson Buildings, Houston, Tex. 77002.
D. (6) $2,500. E. (9) $15.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Thiele Kaolin, Co., Kaolin Road, Sandersville, Ga.

A. Southerland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. The Travelers Insurance Co., One Tower Square, Hartford, Conn. 06115.
D. (6) $1,500. E. (9) $13.68.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. United Farm Bureau Family Life Insurance Co., 130 East Washington Street, Indianapolis, Ind. 46204; & United Farm Bureau Mutual Insurance Co., 130 East Washington Street, Indianapolis, Ind. 46204.
D. (6) $500. E. (9) $4.97.

A. Sutin, Thayer & Browne, P.O. Box 1945, Albuquerque, N. Mex. 87103.
B. Office of the Attorney General, State of New Mexico, P.O. Drawer 1508, Santa Fe, N. Mex. 87501.

A. W. Thomas Suttle, 204 G Street SW., Washington, D.C. 20024.
B. The Institute of Electrical and Electronics Engineers, Inc., 1111 19th Street NW., Suite 608, Washington, D.C. 20036.
D. (6) $1,180. E. (9) $274.

A. Douglass W. Svendson, Jr., Stang and Svendson, 1629 K Street NW., Washington, D.C. 20006.
B. Champlin Petroleum Co., 345 Park Avenue, New York, N.Y. 10022.

A. Douglass W. Svendson, Jr., Stang and Svendson, 1629 K Street NW., Washington, D.C. 20006.
B. Offshore Marine Service Association, Suite 2939, 2 Canal Street, New Orleans, La. 70130.

A. Douglass W. Svendson, Jr., Stang and Svendscn, 1629 K Street NW., Washington, D.C. 20006.
B. Rocky Mountain Energy Co., 345 Park Avenue, New York, N.Y. 10022.

A. Douglass W. Svendson, Jr., Stang and Svendson, 1629 K Street NW., Washington, D.C. 20006.
B. Union Pacific, 345 Park Avenue, New York, N.Y. 10022.
D. (6) $23.42.

A. Irving W. Swanson, 11212 Farmland Drive, Rockville, Md. 20852.
B. Harris Corp., 2600 Virginia Avenue NW., Suite 800, Washington, D.C. 20037.
D. (6) $6,156.49. E. (9) $905.49.

A. David A. Sweeney, 25 Louisiana Avenue, NW., Washington, D.C. 20001.
B. International Brotherhood of Teamsters, 25 Louisiana Avenue, NW., Washington, D.C. 20001.
D. (6) $12,150.

A. John L. Sweeney, 13931 Esworthy Road, Germantown, Md. 20767.
B. Consolidated Rail Corp., P.O. Box 23451 L'Enfant Plaza, Washington, D.C. 20024.
D. (6) $6,000.

A. John R. Sweeney, 800 Solar Building, 1000 16th Street NW., Washington, D.C. 20036.
B. Bethlehem Steel Corp., Bethlehem, Pa. 18016.

A. Rosemarie Sweeney, American Academy of Family Physicians, 475 L'Enfant Plaza West, Suite 2970, Washington, D.C. 20024.
B. American Academy of Family Physicians, 1740 West 92d Street, Kansas City, Mo. 64114.
D. (6) $363.26. E. (9) $582.62.

A. Richard Preston Swigart, 1660 L Street NW., Suite 201, Washington, D.C. 20036.
B. American Can Co., American Lane, Greenwich, Conn. 06830.
E. (9) $327.13.

A. Russell A. Swindell, P.O. Box 2635, Raleigh, N.C. 27602.
B. North Carolina Railroad Association, P.O. Box 2635, Raleigh, N.C. 27602.
D. (6) $243.90.

A. Michael T. Swinehart, 1422 West Peachtree Street NW., Suite 612, Atlanta, Ga. 30309.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

A. Howard Symons, 133 C Street SE., Washington, D.C. 20003.
B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.
D. (6) $2,750.01.

A. Lewis M. Taffer, American Express Co., 1700 K Street NW., Washington, D.C. 20006.
B. American Express Co., American Express Plaza, New York, N.Y. 10004.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister (for American Hospital Association, 444 North Capitol Street, Washington, D.C. 20001), Dixie Terminal Building, Cincinnati, Ohio 45202.
D. (6) $385.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister (for Cincinnati Stock Exchange, 205 Dixie Terminal Building, Cincinnati, Ohio 45202), Dixie Terminal Building, Cincinnati, Ohio 45202.
D. (6) $4,925. E. (9) $42.78.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister (for Family Leisure Centers, Inc., 1906 Highland Avenue, Cincinnati, Ohio 45219), Dixie Terminal Building, Cincinnati, Ohio 45202.
D. (6) $300. E. (9) 4.20.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister (for Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., No. 800, Washington, D.C. 20007), Dixie Terminal Building, Cincinnati, Ohio 45202.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister (for Hanna-Barbara's Marineland, Box 937, Rancho Palos Verdes, Calif. 90274), Dixie Terminal Building, Cincinnati, Ohio 45202.
D. (6) $800. E. (9) $3.34.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister (for Hanna-Barbara Productions, Inc., 3400 Cahuenga Boulevard, Los Angeles, Calif. 90068), Dixie Terminal Building, Cincinnati, Ohio 45202.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister (for Sisters of Charity of Cincinnati, Ohio; Mount St. Joseph, Ohio), Dixie Terminal Building, Cincinnati, Ohio 45202.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister (for Special Committee for Workplace Product Liability Reform, 1800 Massachusetts Avenue NW., No. 708, Washington, D.C. 20036), Dixie Terminal Building, Cincinnati, Ohio 45202.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister (for Taft Broadcasting Co., 1906 Highland Avenue, Cincinnati, Ohio 45219), Dixie Terminal Building, Cincinnati, Ohio 45202.
D. (6) 5,004. E. (9) $19.51.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister (for Werner Von Clemm, 214 East 17 Street, New York, N.Y. 10003), Dixie Terminal Building, Cincinnati, Ohio 45202.

A. Tanaka Walders & Ritger, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Electronic Industries Association of Japan, 2-2, Marunouchi, 3-chome, Chiyoda-Ku, Tokyo, Japan.
D. (6) $2,550.

A. Daniel F. Tandy, 23 Pascack Road, Woodcliff Lake, N.J. 07675.
B. Alaska Coalition, 530 Seventh Street SE., Washington, D.C. 20003.
D. (6) $2,255.

A. Susan Tannenbaum, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $6,355.65. E. (9) $35.25.

A. William M. Tartikoff, Investment Co. Institute, 1775 K Street NW., Washington, D.C. 20006.

B. Investment Co. Institute, 1775 K Street NW., Washington, D.C. 20006.

D. (6) $288. E. (9) $133.29.

A. David K. Taylor, Jr., 1100 Connecticut Avenue NW., No. 620, Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $375.

A. Taylor Group, Inc., 666 Brown Road, Hazelwood, Mo. 63042.
E. (9) $180.

A. Peggy Taylor, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor & Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $11,163.50. E. (9) $515.73.

A. Sid Taylor, National Taxpayers Union, 325 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. National Taxpayers Union, 325 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $1,800. E. (9) $382.

A. Arthur Earle Teele, Jr., P.O. Box 1877, 135 South Monroe Street, Suite 100C, Tallahassee, Fla. 32302.
B. National Motorsports Committee of ACCUS, 1701 K Street NW., Suite 1204, Washington, D.C. 20006.

A. William K. Tell, Jr., 1050 17th Street NW., Washington, D.C. 20036.
B. Texaco, Inc., 2000 Westchester Avenue, White Plains, N.Y. 10650.
D. (6) $550.

A. Paul M. Tendler, 2020 K Street NW., Suite 420, Washington, D.C. 20006.
B. Paul Tendler Associates, 2020 K Street NW., Suite 420, Washington, D.C. 20006. (for National Federation of Licensed Practical Nurses).
D. (6) $1,575. E. (9) $175.

A. Betty-Grace Terpstra, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
D. (6) $1,500. E. (9) $293.68.

A. Robert P. Terzian, 1111 19th Street NW., Washington, D.C. 20036.
B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $625. E. (9) $193.78.

A. Textron, Inc., 40 Westminster Street, Providence, R.I. 02903.
D. (6) $2,049. E. (9) $2,608.

A. Bruce D. Thevenot, 1155 15th Street NW., Washington, D.C. 20005.
B. Casson, Calligaro & Mutryn (for Humana, Inc., 1 Riverfront Plaza, P.O. Box 1438, Louisville, Ky. 40201), 2500 Virginia Avenue NW., Washington, D.C.
D. (6) $4,500.

A. Bruce D. Thevenot, 1155 15th Street NW., Washington,, D.C. 20005.
B. Oklahoma State Nursing Home Association, 200 Northeast 28th Street, Oklahoma City, Okla. 71305.
D. (6) $920.

A. Bruce D. Thevenot, 1155 15th Street NW., Washington,, D.C. 20005.
B. Physicians Placement Group, Inc., 970 Executive Parkway, Suite 101, St. Louis, Mo. 63141.
D. (6) $3,000.

A. Thevenot, Murray & Scheer, Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Association of Stevedores, 1899 L Street NW., Suite 705, Washington, D.C. 20035.
D. (6) $500.

A. Thevenot, Murray & Scheer, Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Swaziland Sugar Association, Mbabane, Swaziland.

A. Thevenot, Murray & Scheer, Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Time-Critical Shipment Committee.
D. (6) $1,000.

A. Craig G. Thibaudeau, 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
E. (9) $57.90.

A. 13th Congressional District Action Committee, 860 Dearborn Place, Gilroy, Calif. 95020.
D. (6) $380. E. (9) $305.28.

A. 38th Pro-Life Congressional District Action Committee, 8654 Bonview Terrace, Williamsville, N.Y. 14221.

A. 39th Congressional District Action Committee, Rural Delivery No. 2, Allegany, N.Y. 14706.
E. (9) $24.96.

A. 36th Pro-Life Congressional District Action Committee, 129 Belmont Avenue, Buffalo, N.Y. 14223.
E. (9) $26.64.

A. John W. Thomas, 1522 K Street NW., No. 828, Washington, D.C. 20005.
B. American Veterinary Medical Association, 1522 K Street NW., No. 828, Washington, D.C. 20005.

A. John W. Thomas, 1522 K Street NW., No. 828, Washington, D.C. 20005.
B. Association of American Veterinary Medical Colleges, 1522 K Street NW., No. 828, Washington, D.C. 20005.

A. Robert L. Thomas, National Association of Private Psychiatric Hospitals, 1701 K Street NW., Washington, D.C. 20006.
B. National Association of Private Psychiatric Hospitals, 1701 K Street NW., Washington, D.C. 20006.
D. (6) $100.

A. Susan P. Thomases, Willkie Farr & Gallagher, 153 East 53d Street, New York, N.Y. 10022.
B. Willkie Farr & Gallagher, 153 East 53d Street, New York, N.Y. 10022.

A. Boyd Thompson, American Association of Professional Standards Review Organizations, 11325 Seven Locks Road, Potomac, Md. 20854.
B. American Association of Professional Standards Review Organization, 11325 Seven Locks Road, Potomac, Md. 20854.
D. (6) $508. E. (9) $21.

A. Fred D. Thompson, Thompson & Crawford, 14th Floor, First American Center, Nashville, Tenn. 37238.
B. Westinghouse, 1801 K Street NW., Washington, D.C. 20006.
D. (6) $2,520. E. (9) $776.11.

A. Jerry P. Thompson, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
B. International Association of Machinists & Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $4,833.71.

A. Kathleen O. Thompson, American Bankers Association, 1120 Conecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $150.

A. Kenneth W. Thompson, Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
B. Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
D. (6) $300.

A. Richard L. Thompson, Abbott Laboratories, 1730 M Street NW., Suite 808, Washing, D.C. 20036.
B. Abbott Laboratories, Abbott Park, North Chicago, Ill. 60064.

A. Roger G. Thompson, Kentucky Power Co., 1701 Central Avenue, Ashland, Ky. 41101.
B. Kentucky Power Co., 1701 Central Avenue, Ashland, Ky. 41101.
D. (6) $285. E. (9) $736.83.

A. William D. Thompson, Lear Siegler, Inc., 1001 Connecticut Avenue NW., Suite 601, Washington, D.C. 20036.
B. Lear Siegler, Inc., 3171 South Bundy Drive, Santa Monica, Calif. 90406.
D. (6) $3,000. E. (9) $543.99.

A. James L. Thorne, Tenneco, Inc., 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
B. Tenneco, Inc., P.O. Box 2511, Houston, Tex. 77001.

A. Gil Thurm, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
D. (6) $2,500. E. (9) $56.57.

A. Cyrus C. Tichenor III, A. H. Robins Co., Inc., 1050 17th Street NW., No. 1104, Washington, D.C. 20036.
B. A. H. Robins Co., Inc., 1407 Cummings Drive Richmond, Va. 23220.
D. (6) $720. E. (9) $114.57.

A. Drew V. Tidwell, 1725 K Street NW., Suite 1410, Washington, D.C. 20006.
B. Consumer Bankers Association, 1725 K Street NW., Suite 1410, Washington, D.C. 20006.
D. (6) $2,000. E. (9) $932

A. Paul J. Tierney, Transportation Association of America, 1100 17th Street NW., Suite 1107, Washington, D.C. 20036.
B. Transportation Association of America, 1100 17th Street NW., Suite 1107, Washington, D.C. 20036.

A. Wallace F. Tillman, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $128.

A. Martin R. Tilson, Jr., P.O. Box 2563, Birmingham, Ala. 35202.
B. Southern Natural Gas Co., P.O. Box 2563, Birmingham, Ala. 35202.
D. (6) $202. E. (9) $1,814.79.

A. C. H. Timberlake, Phillips Petroleum Co., 1825 K Street NW., Suite 1107, Washington, D.C. 20006.
B. Phillips Petroleum Co., Bartlesville, Okla.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.
B. American Inland Waterways Committee, 7733 Forsyth Boulevard, Suite 2201, St. Louis, Mo. 63105.
D. (6) $523.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $1,313.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.
B. Association of Trial Lawyers of America, 1050 31st Street NW., Washington, D.C. 20007.
D. (6) $38.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.
B. Chrysler Corp., P.O. Box 1919, Detroit, Mich. 48228.
D. (6) $8,594. E. (9) $77.80.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.
B. G. D. Searle & Co., P.O. Box 1045, Skokie, Ill. 60076.
D. (6) $193.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.
B. H. J. Heinz Co., P.O. Box 57, Pittsburgh, Pa. 15230.
D. (6) $413.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.
B. Major League Baseball, 75 Rockefeller Plaza, New York, N.Y. 10019.
D. (6) $633.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.
B. Middle South Services, Inc., Box 61000, New Orleans, La. 70161.
D. (6) $1,073.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $563.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.
B. Northrop Corp., 1800 Century Park East, Los Angeles, Calif. 90067.
D. (6) $523.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.
B. Office of the Governor of the State of Alaska, 444 North Capitol Street NW., Washington, D.C. 20001.
D. (6) $1,050.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.
B. Standard Oil Co. of Indiana, 1000 16th Street NW., Washington, D.C. 20036.
D. (6) $1,018.

A. Michael L. Tiner, United Food & Commercial Workers International Union, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. United Food & Commercial Workers International Union, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $4,589.29. E. (9) $152.33.

A. E. Linwood Tipton, 910 17th Street NW., Washington, D.C. 20006.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 910 17th Street NW., Washington, D.C. 20006.
E. (9) $466.54.

A. Eben S. Tisdale, Scientific Apparatus Makers Association, 1140 Connecticut Avenue NW., Suite 610, Washington, D.C. 20036.
B. Scientific Apparatus Makers Association, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6.) $1,350. E. (9.) $184.31.

A. Title Associates, Inc., Route 2, Box 89, Columbia, Tenn. 38401.

A. Tobacco Associates, Inc., 1101 17th Street NW., Suite 912, Washington, D.C. 20036.
E. (9.) $1,563.50.

A. James R. Tobin, Becton Dickinson & Co., Mack Centre Drive II, Paramus, N.J. 07652.
B. Becton Dickinson & Co., Mack Centre Drive, Paramus, N.J. 07652.
D. (6.) $2,000. E. (9.) $225.

A. Mary A. Tobin, 1899 L Street NW., Suite 1100, Washington, D.C. 20036.
B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y.
E. (9.) $88.95.

A. Patrick F. Tobin, International Longshoremen's & Warehousemen's Union, 417 Fourth Street SE., Washington, D.C. 20003.
B. International Longshoremen's & Warehousemen's Union, 1188 Franklin Street, San Francisco, Calif, 94109.
D. (6.) $5,553.34.

A. Warren D. Toburen, Cities Service Co., 1660 L Street NW., Suite 207, Washington, D.C. 20036.
B. Cities Service Co., 1660 L Street NW., Suite 207, Washington, D.C. 20036.
D. (6.) $155.

A. David G. Todd, 1025 Connecticut Avenue NW., Suite 507, Washington, D.C. 20036.
B. Ashland Oil, Inc., P.O. Box 391, Ashland, Ky. 41101.
D. (6.) $2,000.

A. M. Douglas Todd, American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C. 20006.
B. American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C. 20006.
D. (6.) $1,125. E. (9.) $6.63.

A. William R. Tolley, Jr., Harris Corp., Melbourne, Fla. 32919.
B. Harris Corp., Melbourne, Fla. 32919.
E. (9.) $57.80.

A. Davis J. Tomasin, American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
B. American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6.) $6,012.30. E. (9.) $1,890.99.

A. William D. Toohey, 1899 L Street NW., Suite 600, Washington, D.C. 20036.
B. Discover America Travel Organizations, Inc., 1899 L Street NW., Washington, D.C. 20036.
D. (6) $2,000.

A. Howard A. Topel, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Mullin, Connor & Rhyne (for Alberto de la Vega-Ripol, Apartado 384, Marbella (Malaga), Spain), 1000 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $45.10.

A. Christine Y. Topping, 1717 Massachusetts Avenue NW., Suite 503, Washington, D.C. 20036.
B. National Association of Independent Colleges & Universities, 1717 Massachusetts Avenue NW., Suite 503, Washington, D.C. 20036.
D. (6) $8,104. E. (9) $86.95.

A. John M. Torbet, 1745 Jefferson Davis Highway, Arlington, Va. 22202.
B. Rockwell International, 1745 Jefferson Davis Highway, Arlington, Va. 22202.
D. (6) $32.25.

A. Jay C. Townley, 715 South Harvey, Oak Park, Ill. 60304.
B. Schwinn Bicycle Co., 1856 North Kostner Avenue, Chicago, Ill. 60639.

A. John P. Tracey, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.
B. United States Independent Telephone Association, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.
D. (6) $1,000.

A. Transportation Association of America, 1100 17th Street NW., Suite 1107, Washington, D.C. 20036.

A. Transportation Institute, 923 15th Street NW., Washington, D.C. 20036.
E. (9) $426.33.

A. Paula C. Treat, National Home Furnishings Association, 900 17th Street NW., Suite 514, Washington, D.C. 20006.
B. National Home Furnishings Association, 405 Merchandise Mart, Chicago, Ill. 60654.
D. (6) $575.

A. Richard S. Tribbe, Trans World Airlines, Inc., 1000 16th Street NW., Washington, D.C. 20036.
B. Trans World Airlines, Inc., 605 Third Avenue, New York, N.Y. 10016.
D. (6) $253.

A. William C. Triplett II, 955 L'Enfant Plaza North SW., No. 905, Washington, D.C. 20024.
B. American Honda Motor Co., Inc., 100 West Alondra Boulevard, Gardena, Calif. 90247.
D. (6) $200. E. (9) $101.45.

A. Glenwood S. Troop, Jr., 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.
D. (6) $9,250. E. (9) $243.20.

A. Thomas L. Trueblood, International Harvester Co., 401 North Michigan Avenue, Chicago, Ill. 60611.
B. International Harvester Co., 401 North Michigan Avenue, Chicago, Ill. 60611.
D. (6) $1,000. E. (9) $203.39.

A. Jerry R. Tucker, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), 1757 N Street NW., Washington, D.C. 20036.
B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), 8000 East Jefferson Avenue, Detroit, Mich. 48214.
D. (6) $7,591.66. E. (9) $101.60.

A. John B. Tucker, Jr., National Association of Retail Druggists, 1750 K Street NW., Washington, D.C. 20006.
B. National Association of Retail Druggists, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $300.

A. Philip J. Tulimieri, Jr., 9 West 57 Street, New York, N.Y. 10019.

B. Avon Products, Inc., 9 West 57 Street, New York, N.Y. 10019.

A. Tuna Research Foundation, Inc., 1101 17th Street NW., Washington, D.C. 20036.
D. (6) $2,603.54. E. (9) $3,201.92.

A. Richard F. Turney, 1725 K Street NW., Washington, D.C. 20006.
B. Courtney & McCamant, 1725 K Street NW., Washington, D.C. 20006.
D. (6) $300.

A. Shela C. Turpin, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,000.

A. L. Stanton Tuttle, 213 Belle Meade Boulevard, Nashville, Tenn. 37205.
B. Brookwood Health Services, Inc., 2010 Brookwood Medical Center Drive, Birmingham, Ala. 35209.

A. Joseph R. Tyler, 1209-B Quarry Road, Marion, Ind. 46952.
B. United States Fiber Corp., 101 South Main Street, Delphos, Ohio 45833.
D. (6) $6,000.

A. St. Clair J. Tweedie, Scientific Apparatus Makers Association, 1140 Connecticut Avenue NW., Suite 610, Washington, D.C. 20036.
B. Scientific Apparatus Makers Association, 1140 Connecticut Avenue NW., Suite 610, Washington, D.C. 20036.
D. (6) $2,100. E. (9) $100.

A. Edgar H. Twine, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
D. (6) $350. E. (9) $48.68.

A. G. John Tysse, Kimberly-Clark Corp., 1730 Pennsylvania Avenue NW., Suite 1000, Washington, D.C. 20006.
B. Kimberly-Clark Corp., North Lake Street, Neenah, Wis. 54956.
D. (6) $500. E. (9) $100.

A. Stewart L. Udall, 1775 Pennsylvania Avenue NW., No. 1200, Washington, D.C. 20006.
B. The Foothills Pipe Lines (Yukon), Ltd., Suite 212, Tower A, 320 Queen Street, Ottawa, Ontario, Canada KIRSA 2.

A. Jerry G. Udell, American Retail Federation, Inc., 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, Inc., 1616 H Street NW., Washington, D.C. 20006.
D. (6) $300. E. (9) $100.

A. John C. Uehlinger, 501 North Quaker Lane, Alexandria, Va. 22304.
B. American Congress on Surveying and Mapping (ACSM), 210 Little Falls Street, Falls Church, Va. 22046.
D. (6) $739.06.

A. Unicare Services, Inc., 105 West Michigan Street, Milwaukee, Wis. 53203 (for Nursing Homes, Health Salons).
E. (9) $3,750.

A. Union Mutual Life Insurance Co., 2211 Congress Street, Portland, Maine 04112.
E. (9) $165.20.

A. United Action for Animals, Inc., 205 East 42d Street, New York, N.Y. 10017.
D. (6) $2,355.90. E. (9) $2,355.90.

A. United Brotherhood of Carpenters and Joiners of America, 101 Constitution Avenue, NW., Washington, D.C. 20001.
E. (9) $9,343.90.

A. United Food and Commercial Workers International Union, AFL-CIO, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $39,618.14. E. (9) $39,618.14.

A. United Gas Pipe Line Co., P.O. Box 1478, Houston, Tex. 77001.
E. (9) $1,805.39.

A. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.
E. (9) $10,161.77.

A. U.S. Cane Sugar Refiners' Association, 1001 Connecticut Avenue, Washington, D.C. 20036.
D. (6) $7,315. E. (9) $5,102.73.

A. United States Cruises, Inc., 2200 Sixth Avenue, Seattle, Wash. 98121.
E. (9) $3,789.80.

A. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C. 20036
D. (6) $920. E. (9) $920.

A. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill. 60601.
E. (9) $131,824.37.

A. U.S. Maritime Committee, Inc., 600 New Hampshire Avenue NW., Washington, D.C. 20037.
D. (6) $5,500. E. (9) $18,471.67.

A. United States and Overseas Employees Tax Fairness Committee, 1101 15th Street NW., No. 1002, Washington, D.C.
D. (6) $1,658. E. (9) $28,268.24.

A. Lloyd N. Unsell, 1101 16th NW., Washington, D.C. 20036.
B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.
E. (9) $87.50.

A. United Van Lines, Inc., 1 United Drive, Fenton, Mo. 63206.
E. (9) $19,370.80.

A. Drew A. Upton, Scientific Apparatus Makers Association, 1140 Connecticut Avenue NW., Suite 610, Washington, D.C. 20036.
B. Scientific Apparatus Makers Association, 1140 Connecticut Avenue NW., Suite 610, Washington, D.C.
D. (6) $2,000. E. (9) $100.

A. Mathew Valencic, 10 E Street SE., Washington, D.C. 20003.
B. HALT, Inc., 10 E Street SE., Washington, D.C. 20003.
D. (6) $60.

A. Jack J. Valenti, 1600 I Street NW., Washington, D.C. 20006.
B. Motion Picture Association of America, Inc., 1600 I Street NW., Washington, D.C. 20006.

A. Francis R. Valeo, 818 18th Street NW., Washington, D.C. 20006.
B. U.N. University, Washington, D.C., 1180 United Nations, New York, N.Y.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street, NW., Suite 500, Washington, D.C. 20036.
B. Alaska Petrochemical Co., 3700 Buffalo Speedway, Suite 806, Houston, Tex. 77098.
D. (6) 125.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street, NW., Suite 500, Washington, D.C. 20036.
B. Allied-General Nuclear Services, P.O. Box 847, Barnwell, S.C. 29812.

A. Van Ness, Feldman & Sutcliffe, A Professional Corporation, 1220 19th Street, NW., Suite 500, Washington, D.C. 20036.
B. American Institute for Certified Public Accountants, 1620 I Street, NW., Washington, D.C. 20006.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street, NW., Suite 500, Washington, D.C. 20036.
B. Arctic Slope Regional Corp., Barrow, Alaska 99723.
D. (6) $314. E. (9) $71.25.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street, NW., Suite 500, Washington, D.C. 20036.
B. Basin, Inc., P.O. Box 2297, Midland, Tex. 79702.
D. (6) $187. E. (9) $40.75.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street, NW., Suite 500, Washington, D.C. 20036.
B. Continental Resources Co., P.O. Box 44, Winter Park, Fla. 32790.
D. (6) $125. E. (9) $33.50.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street, NW., Suite 500, Washington, D.C. 20036.
B. Huntington's Disease Coalition, 250 West 57th Street, New York, N.Y. 10019.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street, NW., Suite 500, Washington, D.C. 20036.
B. Hydro-Energy Associates, Inc., 7612 Route 130, Pennsauken, N.J. 08110.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street, NW., Suite 500, Washington, D.C. 20036.
B. National Committee for Automobile Crash Protection, 1220 19th Street NW., Suite 201, Washington, D.C. 20036.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street, NW., Suite 500, Washington, D.C. 20036.
B. North Slope Borough, P.O. Box 69, Barrow, Alaska 99723.
D. (6) $320. E. (9) $4.50.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street, NW., Suite 500, Washington, D.C. 20036.
B. Northern Tier Pipeline Co., 1776 Lincoln Street, P.O. Box 5568, Denver, Colo. 80217.
D. (6) $1,200. E. (9) $43.40.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Pacific Gas and Electric Company, 77 Beale Street, San Francisco, Calif. 94106.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Palm Beach-Broward Farmers Committee for Legislative Action, P.O. Box 396, Boynton Beach, Fla. 33435.
D. (6) $130. E. (9) $32.25.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Republic Geothermal, Inc., 11823 East Slauson Avenue, Suite One, Santa Fe Springs, Calif. 90670.
D. (6) $438. E. (9) $52.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.

B. South Florida Tomato & Vegetable Growers Association, P.O. Drawer B.B., Homestead, Fla. 33030.

D. (6) $130. E. (9) $32.25.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.

B. Southwest Winter Vegetable Growers Association, P.O. Box 1670, Immokalee, Fla. 33934.

D. (6) $130. E. (9) $32.25.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.

B. 25 E Street Associates, 1220 19th Street NW., Suite 400, Washington, D.C. 20036.

E. (9) $22.50.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.

B. Western Crude Oil, Inc., P.O. Box 5568, Denver, Colo. 80217.

D. (6) $540. E. (9) $37.40.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.

B. Wheelabrator-Frye Inc., Liberty Lane, Hampton, N.H. 03842.

A. Van Ness, Feldman & Sutcliffe, 1200 19th Street NW., Suite 500, Washington, D.C. 20036.

B. Windfarms, Ltd., 402 Jackson Street, San Francisco, Calif. 94111.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.

B. Yellowstone Park Co., Yellowstone National Park, Wyo. 82190.

D. (6) $860. E. (9) $27.

A. H. Stewart Van Scoyoc, 1701 Pennsylvania Avenue NW., Suite 1120, Washington, D.C. 20006.

B. E. I. duPont de Nemours & Co., 1007 Market Street, Wilmington, Del. 19898.

D. (6) $60. E. (9) $8.

A. John A. Vance, Pacific Gas and Electric Co., 1050 17th Street NW., Suite 1180, Washington, D.C. 20036.

B. Pacific Gas and Electric Co., 77 Beale Street, San Francisco, Calif. 94106.

D. (6) $1,091.25. E. (9) $2,018.59.

A. Richard F. Vander Veen, 1333 New Hampshire Avenue NW., Suite 1120, Washington, D.C. 20036.

B. American Seating Co., 901 Broadway Avenue NW., Grand Rapids, Mich. 49504.

D. (6) $5,550.

A. Richard F. Vander Veen, 1333 New Hampshire Avenue NW., Suite 1120, Washington, D.C. 20036.

B. Brooklyn Union Gas Co., 195 Montague Street, Brooklyn, N.Y. 11201.

D. (6) $5,000.

A. Richard F. Vander Veen, 1333 New Hampshire Avenue NW., Suite 1120, Washington, D.C. 20036.

B. Citibank, 399 Park Avenue, New York, N.Y. 10043.

A. Richard F. Vander Veen, 1333 New Hampshire Avenue NW., Suite 1120, Washington, D.C. 20036.

B. Consumers Power Co., 212 West Michigan Avenue, Jackson, Mich. 49201.

D. (6) $16,600.

A. Richard F. Vander Veen, 1333 New Hampshire Avenue NW., Suite 1120, Washington, D.C. 20036.

B. Duke Power Co., Box 33189, Charlotte, N.C. 28242.

D. (6) $2,000.

A. Richard F. Vander Veen, 1333 New Hampshire Avenue NW., Suite 1120, Washington, D.C. 20036.

B. Gulf States Utilities Co., P.O. Box 2951, Beaumont, Tex. 77701.

D. (6) $3,000.

A. Christine L. Vaughn, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

D. (6) $195. E. (9) $24.45.

A. Velsicol Chemical Corp., 341 East Ohio Street, Chicago, Ill. 60611.

A. Gilda Ventresca, American Hospital Association, 444 North Capitol Street NW., Suite 500, Washington, D.C. 20001.

B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

D. (6) $2,376. E. (9) $99.82.

A. Jerry T. Verkler, P.O. Box 2521, Houston, Tex. 77001.

B. Texas Eastern Transmission Corp., P.O. Box 2521, Houston, Tex. 77001.

A. C. John Vermilye, United States Steel Corp., 818 Connecticut Avenue NW., Washington, D.C. 20006.

B. United States Steel Corp., 600 Grant Street, Pittsburgh, Pa. 15230.

A. Verner, Liipfert, Bernhard & McPherson, 1660 L Street NW., Washington, D.C. 20036.

B. Hellenic Republic of Greece, 2221 Massachusetts Avenue NW., Washington, D.C. 20008.

A. Verner, Liipfert, Bernhard and McPherson, 1660 L Street NW., Suite 1100, Washington, D.C. 20036.

B. Pan American World Airways, Inc., Pan American Building, New York, N.Y. 10017.

D. (6) $15,713. E. (9) $58.23.

A. Larry R. Veselka, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. Vinson & Elkins (for city of Houston), 1101 Connecticut Avenue NW., No. 900, Washington, D.C. 20036.

D. (6) $5,118.75.

A. Larry R. Veselka, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. Vinson & Elkins (for Continental Resources Co.), 1101 Connecticut Avenue NW., No. 900, Washington, D.C. 20036.

D. (6) $13,650. E. (9) $176.64.

A. Larry R. Veselka, 1101 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.

B. Vinson & Elkins (for Houston Natural Gas Corp.), 1101 Connecticut Avenue NW., No. 900, Washington, D.C. 20036.

D. (6) $900.

A. Larry R. Veselka, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. Vinson & Elkins (for Slurry Transport Association), 1101 Connecticut Avenue NW., No. 900, Washington, D.C. 20036.

D. (6) $1,518.75. E. (9) $39.25.

A. Larry R. Veselka, 1101 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.

B. Vinson & Elkins (for Texas Eastern Transmission Corp.), 1101 Connecticut Avenue NW., No. 900, Washington, D.C. 20036.

D. (6) $262.50.

A. John C. Vickerman, American Society of Association Executives, 1575 I Street NW., Washington, D.C. 20005.

B. American Society of Association Executives, 1575 I Street NW., Washington, D.C. 20005.

A. R. Eric Vige', Cities Service Co., 1660 L Street NW., Suite 207, Washington, D.C. 20036.

B. Cities Service Co., 1660 L Street NW., Suite 207 Washington, D.C. 20036.

D. (6) $20.

A. Rudolph A. Vignone, 1800 K Street NW., Suite 800, Washington, D.C. 20006.

B. Goodyear Tire & Rubber Co., Akron, Ohio 44316.

D. (6) $1,500.

A. Howard A. Vine, National Assn. of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

B. National Assn. of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $400.

A. Walter D. Vinyard, Jr., Alston, Miller & Gaines, 1800 M Street NW., Washington, D.C. 20036.

B. Hartford Fire Insurance Co., Hartford, Conn. 06115.

D. (6) $250. E. (9) $8.

A. Walter D. Vinyard, Jr., Alston, Miller & Gaines, 1800 M Street NW., Washington, D.C. 20036.

B. John Nuveen & Co., Inc., 209 S. LaSalle Street, Chicago, Ill. 60604.

D. (6) $3,200. E. (9) $25.

A. Andrew Vitali, Jr., 2101 L Street NW., Washington, D.C. 20037.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $6,000. E. (9) $147.50.

A. Volkswagen of America, Inc., 27621 Parkview Boulevard, Warren, Mich. 48092; P. A. Hutchinson, Jr., 475 L'Enfant Plaza SW., Suite 2450, Washington, D.C. 20024.

E. (9) $2,274.23.

A. Vorys, Sater, Seymour & Pease, 1800 M Street NW., Suite 800S, Washington, D.C. 20036.

B. Grocery Manufacturers of America, 1010 Wisconsin Avenue, Washington, D.C.

D. (6) $996.

A. Vorys, Sater, Seymour & Pease, 1800 M Street NW., Suite 800S, Washington, D.C. 20036.

B. International Agricultural Development Service, 1133 Avenue of the Americas, New York, N.Y. 10036.

D. (6) $9,300. E. (9) $638.80.

A. Vorys, Sater, Seymour & Pease, 1800 M Street NW., Suite 800S, Washington, D.C. 20036.

B. Ohio Manufacturers Association, 100 East Broad Street, Columbus, Ohio 43215.

D. (6) $1,742.90. E. (9) $18.70.

A. Donn L. Waage, 1200 Northwest Bank Building, Minneapolis, Minn. 55480.

B. Northwest Bancorp., 1200 Northwest Bank Building, Minneapolis, Minn. 55480.

A. Robert J. Wager, Suite 850, 2020 K Street NW., Washington, D.C. 20006.

B. American Bakers Association, Suite 850, 2020 K Street NW., Washington, D.C. 20006.

D. (6) $810. E. (9) $3.75.

A. Paul Wagner, Wagner & Baroody, Inc., 1100 17th Street NW., Washington, D.C. 20036.
B. Electrolert, Inc., 475 Park Avenue, New York, N.Y. 10016.
E. (9) $331.25.

A. Herbert R. Waite, First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.
B. First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.
D. (6) $3,770. E. (9) $5,612.27.

A. Herbert R. Waite, First National Boston Corp., 100 Federal Street, Boston, Mass. 02110.
B. First National Boston Corp., 100 Federal Street, Boston, Mass. 02110.

A. Wald, Harkrader & Ross, 1300 19th Street NW., Washington, D.C. 20036.
B. Chemtex Fibers, Inc., 850 Third Avenue, New York, N.Y. 10022.

A. Robert E. Waldron, Associated Petroleum Industries of Michigan, P.O. Box 10070, Lansing, Mich. 48901.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $540.63. E. (9) $531.79.

A. E. F. Waldrop, Jr., Association of American Railroads, 412 First Street SE., Suite 200, Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $930.40.

A. Charles W. Walker, International Brotherhood of Electrical Workers, 1125 15th Street NW., Washington, D.C. 20005.
B. International Brotherhood of Electrical Workers AFL–CIO–CLC, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $6,250.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Agrico Chemical Co. et al.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Aluminum Co. of America, 1200 Ring Building, Washington, D.C. 20036.
D. (6) $500.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Amax, Inc., et al.
D. (6) $4,275.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Airlines, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Telephone & Telegraph Co., 2000 L Street NW., Washington, D.C. 20036.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Bechtel Power Corp., 1620 I Street NW., Washington, D.C. 20006.
D. (6) $500.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Bethlehem Steel Corp., Bethlehem, Pa. 18016.
D. (6) $500.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Dealer Bank Association, 1800 K Street NW., Washington, D.C. 20006.
D. (6) $1,875.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Deere & Co., John Deere Road, Moline, Ill. 61265.
D. (6) $500.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Dresser Industries, Inc., 1100 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $500.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Eastern Air Lines, Inc., 10 Rockefeller Plaza, New York, N.Y. 10020.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Federal National Mortgage Association, 3900 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., American Road, Dearborn, Mich. 48121.
D. (6) $500.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. General Telephone & Electronics, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $500.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
D. (6) $500.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Goodyear Tire & Rubber Co., 1800 K Street NW., Washington, D.C. 20006.
D. (6) $500.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Lone Star Steel Co., 2200 West Mockingbird Lane, Dallas, Tex. 75215.
D. (6) $1,687.50.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Northwest Industries, Inc., 6300 Sears Tower, Chicago, Ill. 60606.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Owens-Illinois, Inc., P.O. Box 1035, Toledo, Ohio 43666.
D. (6) $500.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Pan American World Airways, Inc., Pan Am Building, New York, N.Y. 10017.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Procter & Gamble Co., Cincinnati, Ohio 45201.
D. (6) $500.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Trans Union Corp., 90 Half Day Road, Lincolnshire, Ill. 60015.
D. (6) $1,250.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Trans World Airlines, Inc., 605 Third Avenue, New York, N.Y. 10016.

A. Charles E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017.
D. (6) $500.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. United Air Lines, Inc., P.O. Box 66100, Chicago, Ill. 60666.

A. Elaine Nogay Walker, 1625 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Can Manufacturers Institute, 1625 Massachusetts Avenue NW., Washington, D.C. 20036.

A. Linda Walker-Hill, 1425 K Street NW., Washington, D.C. 20005.
B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Warren W. Walkley, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

A. R. Duffy Wall, 1050 17th Street NW., No. 301, Washington, D.C. 20036.
B. Freeport Minerals Co., 200 Park Avenue, New York, N.Y. 10017.

A. Barbara Coleman Wallace, 2732 Porter Street NW., Washington, D.C. 20008.
B. Committee to Preserve the Appalachian Coal Market, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $5,900.

A. Carl S. Wallace, 1800 K Street NW., Suite 614, Washington, D.C. 20006.
B. Purolator, Inc., 255 Old New Brunswick Road, Piscataway, N.J. 08854.
D. (6) $231.75.

A. Don Wallace Associates, Inc., 232 East Capitol Street, Washington, D.C. 20003.
B. American Sugar Cane League of the U.S.A., Inc., 416 Whitney Building, New Orleans, La. 70130.
D. (6) $9,000. E. (9) $10,077.89.

A. Don Wallace Associates, Inc., 232 East Capitol Street, Washington, D.C. 20003.
B. American Textile Machinery Association, 1730 M Street NW., Suite 804, Washington, D.C. 20036.
D. (6) $1,000.

A. Don Wallace Associates, Inc., 232 East Capitol Street, Washington, D.C. 20003.

B. Applied Ceramic Technologies, Inc., 418 East Ninth Street, Rochester, Ind. 46975.

D. (6) $600. E. (9) $305.

A. Don Wallace Associates, Inc., 232 East Capitol Street, Washington, D.C. 20003.

B. Cotton Warehouse Association of America, 232 East Capitol Street, Washington, D.C. 20003.

D. (6) $9,375. E. $10,633.17.

A. Don Wallace Associates, Inc., 232 East Capitol Street, Washington, D.C. 20003.

B. Delta & Pine Land Co. of Mississippi, Scot, Miss. 38772.

A. Don Wallace Associates, Inc., 232 East Capitol Street, Washington, D.C. 20003.

B. Diversion Communications, Inc., 60 East 42d Street, New York, N.Y. 10017.

A. Don Wallace Associates, Inc., 232 East Capitol Street, Washington, D.C. 20003.

B. ML Barge Management Corp., 60 East 42d Street, New York, N.Y. 10017.

A. Don Wallace Associates, Inc., 232 East Capitol Street, Washington, D.C. 20003.

B. William J. Marcus, 343 Summit Avenue, Mill Valley, Calif. 94941.

A. Raymond C. Wallace, 5151 Wisconsin Avenue NW., Washington, D.C. 20016.

B. Amalgamated Transit Union, 5151 Wisconsin Avenue NW., Washington, D.C. 20016.

A. R. Douglas Wallin, Jr., 1745 Jefferson Davis Highway, Arlington, Va. 22202.

B. Emerson Electric Co., 8100 Florissant, St. Louis, Mo. 63136.

E. (9) $30.50.

A. John F. Wanamaker, Retired Officers Association, 201 North Washington Street, Alexandria, Va. 22314.

B. Retired Officers Association, 201 North Washington Street, Alexandria, Va. 22314.

D. (6) $1,311.

A. Alan S. Ward, 818 Connecticut Avenue NW., Washington, D.C. 20006.

B. Baker & Hostetler, 818 Connecticut Avenue NW., Washington, D.C. 20006 (for The Soap & Detergent Association, 475 Park Avenue South at 32d Street, New York, N.Y. 10016).

A. John E. Ward, 182 Soundview Avenue, White Plains, N.Y. 10606.

B. Meat Importers Council of America, Inc., 1901 North Fort Myer Drive, Arlington, Va. 22209.

A. Jack Ware, 2101 L Street NW., Washington, D.C. 20037.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $6,940. E. (9) $189.55.

A. Michael O. Ware, Conoco, Inc., 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Conoco, Inc., High Ridge Park, Stamford, Conn. 06904.

D. (6) $900.

A. Peter F. Warker, TRW, Inc., 2030 M Street NW., Washington, D.C. 20033.

B. TRW, Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117.

D. (6) $750.

A. Warner Communications, Inc., 75 Rockefeller Plaza, New York, N.Y. 10019.

E. (9) $15,000.

A. Betsy R. Warren, 1111 19th Street NW., Washington, D.C. 20036.

B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.

D. (6) $2,332. E. (9) $45.51.

A. Washington Gas Light Co., 1100 H Street NW., Washington, D.C. 20080.

E. (9) $1,196.77.

A. Washington State NARAL, P.O. Box 15549, Seattle, Wash. 98115.

D. (6) $2,067.19. E. (9) $2,949.59.

A. Nan Waterman, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $5,179.01. E. (9) $501.08.

A. R. J. Watson, 1745 Jefferson Davis Highway, Arlington, Va. 22202.

B. Rockwell International, 1745 Jefferson Davis Highway, Arlington, Va. 22202.

D. (6) $495.

A. Carolyn Herr Watts, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $25.

A. George B. Watts, National Broiler Council, 1155 Fifteenth Street NW., Washington, D.C. 20005.

B. National Broiler Council, 1155 Fifteenth Street NW., Washington, D.C. 20005.

D. (6) $500.

A. James L. Watts, 618 Washington Building, Washington, D.C. 20005.

B. National Association of Small Business Investment Co., 618 Washington Building, Washington, D.C. 20005.

D. (6) $2,000.

A. William J. Way, General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.

D. (6) $2,500. E. (9) $1,263.42.

A. Raymond J. Weatherly, 9824 Fairfax Square, No. 380, Fairfax, Va. 22037.

B. Manufactured Housing Institute, 1745 Jefferson Davis Highway, Suite 511, Arlington, Va. 22202.

D. (6) $300.

A. William H. Weatherspoon, North Carolina Petroleum Council, P.O. Box 167, Raleigh, N.C. 27602.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $400. E. (9) $735.75.

A. Douglas M. Webb, 1111 19th Street NW., Suite 310, Washington, D.C. 20036.

B. Kennecott Copper Corp., 161 East 42d Street, New York, N.Y. 10017.

D. (6) $500. E. (9) 158.70.

A. Frederick L. Webber, 1111 19th Street NW., Washington, D.C. 20036.

B. Edison Electric Institute, 1111 19th Street NW., Washington D.C. 20036.

D. (6) $6,077.92.

A. John F. Weber, 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

B. Grocery Manufacturers of America, 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

A. Webster & Chamberlain, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Society of Radiologic Technologists, 500 North Michigan Avenue, Suite 836, Chicago, Ill. 60611.

D. (6) $2,000.

A. Webster & Chamberlain, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Families Associated for Inalienable Rights, Inc., 1101 Connecticut Avenue NW., No. 800, Washington, D.C. 20006.

D. (6) $1,000. E. (9) $372.02.

A. Webster & Chamberlain, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. International Harvester, 401 North Michigan Avenue, Chicago, Ill. 60611.

A. Webster & Sheffield, 1750 New York Avenue NW., Washington, D.C. 20006.

B. National Conference of Bankruptcy Judges, Webster & Sheffield, 1750 New York Avenue NW., Washington, D.C. 20006.

D. (6) $5,000. E. (9) $1,168.08.

A. Webster & Sheffield, 1 Rockefeller Plaza, New York, N.Y. 10020.

B. Smith, Barney Real Estate Corp., 1345 Avenue of the Americas, New York, N.Y. 10019.

D. (6) $3,260. E. (9) $31.

A. Fred Wegner, National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

D. (6) $392.30. E. (9) $148.45.

A. Lauren C. Weilburg, 1611 North Kent Street, Suite 803-A, Arlington, Va. 22209.

B. American Osteopathic Association, 1611 North Kent Street, Suite 803-A, Arlington, Va. 22209.

D. (6) $646. E. (9) $20.80.

A. Donald G. Weinert, National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.

B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.

D. (6) $1,500.

A. Joan Weinstock, American Optometric Association, 1730 M Street NW., Washington, D.C. 20036.

B. American Optometric Association, c/o Dr. Wendell D. Waldie, 3111 Aloma, Wichita, Kans. 67211.

D. (6) $60.54. E. (9) $100.58.

A. Weisman, Celler, Spett, Modlin & Wertheimer, 1025 Connecticut Avenue NW., No. 317, Washington, D.C. 20036.

B. Canada-France-Hawaii Telescope Corp., Kamuela, Hawaii 96743.

D. (6) $2,000.

A. Weisman, Celler, Spett, Modlin & Wertheimer, 1025 Connecticut Avenue NW., No. 317, Washington, D.C. 20036.

B. Council of Creative Artists, Libraries & Museums, 250 West 57th Street, New York, N.Y.

D. (6) $500.

A. Weisman, Celler, Spett, Modlin & Wertheimer, 1025 Connecticut Avenue NW., No. 317, Washington, D.C. 20036.

B. National Football League Players Association, 1300 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $2,000.

A. Weisman, Celler, Spett, Modlin & Wertheimer, 1025 Connecticut Avenue NW., No. 317, Washington, D.C. 20036.

B. Trans-Lux Corp., 110 Richards Avenue, Norwalk, Conn. 06854.

D. (6) $1,000.

A. Michael A. Weiss, Tenneco, Inc., 490 L'Enfant Plaza East SW., Washington, D.C. 20024.

B. Tenneco, Inc., P.O. Box 2511, Houston, Tex. 77001.

E. (9) $75.

A. Morton N. Weiss, 55 Broad Street, New York, N.Y. 10004.

B. National Security Traders Association, Inc., 55 Broad Street, New York, N.Y. 10004.

D. (6) $1,916.66.

A. Judith H. Weitz, 1520 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Children's Defense Fund, 1520 New Hampshire Avenue NW., Washington, D.C. 20036.
D. (6) $1,057. E. (9) $1,080.62.

A. Michael D. Welch, 400 North Capitol Street, Suite 323, Washington, D.C. 20001.
B. Leggett, Lanier & Associates, 400 North Capitol Street, Washington, D.C. 20001 (for Gino Morena Enterprises, P.O. Box 191, South San Francisco, Calif. 94080.).
D. (6) $150.

A. Michael D. Welch, 400 North Capitol Street, Suite 323, Washington, D.C. 20001.
B. Leggett, Lanier & Associates, 400 North Capitol Street, Washington, D.C. 20001 (for Northern California Naval Civilian Employees Council, P.O. Box 2321, Alameda, Calif.).
D. (6) $100.

A. Michael D. Welch, 400 North Capitol Street, Suite 323, Washington, D.C. 20001.
B. Leggett, Lanier & Associates, 400 North Capitol Street, Washington, D.C. 20001 (for Panama Canal Pilots Association, P.O. Box 601, Balboa, C.Z.).

A. L. H. Wells, Shell Oil Co., 1025 Connecticut Avenue NW., Suite 200, Washington, D.C. 20036.
B. Shell Oil Co., P.O. Box 2463, Houston, Tex. 77001.
D. (6) $500.

A. James F. Welsh, 4805 Edgefield Road, Bethesda, Md. 20014.
B. Alaska Coalition, 530 7th Street SE., Washington, D.C. 20003.
D. (6) $2,349.43.

A. W. R. Werner, CertainTeed Corp., 1627 K Street NW., Suite 610, Washington, D.C. 20006.
B. CertainTeed Corp., P.O. Box 860, Valley Forge, Pa. 19482.

A. Fred Wertheimer, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $10,608. E. (9) $96.

A. West Mexico Vegetable Distributors, Inc., P.O. Box 848, Nogales, Ariz. 85621.
E. (9) $500.

A. Harry H. Westbay III, 1625 I Street NW., Suite 805, Washington, D.C. 20006.
B. St. Regis Paper Co., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $1,200. E. (9) $600.

A. Western Co. of North America, P.O. Box 186, Fort Worth, Tex. 76101.
E. (9) $361.

A. Western Growers Association, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
E. (9) $1,000.

A. Western Radiological Group, Suite 2, 2044 Armacost Avenue, Los Angeles, Calif. 90025.

A. Harvey J. Wexler, Continental Airlines, 1025 Connecticut Avenue NW., Suite 1017, Washington, D.C. 20036.
B. Continental Airlines, International Airport, Los Angeles, Calif. 90009.
D. (6) $2,000. E. (9) $1,000.

A. Brian B. Whalen, International Harvester Co., 401 N. Michigan Avenue, Chicago, Ill. 60611.
B. International Harvester Co., 401 N. Michigan Avenue, Chicago, Ill. 60611.
D. (6) $1,250. E. (9) $5,372.32.

A. Clyde A. Wheeler, Jr., Sun Co., Inc., 1800 K Street NW., Suite 820, Washington, D.C. 20006.
B. Sun Co., Inc., 100 Matsonford Road, Radnor, Pa. 19087.
D. (6) $15,000. E. (9) $344.25.

A. Edwin M. Wheeler, The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
B. The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
E. (9) $25.

A. Thomas E. Wheeler, National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $1,063.

A. William Whichard, Jr., No. 800, 1100 Connecticut NW., Washington, D.C. 20036.
B. Union Oil Co. of California, 461 South Boylston Street, Los Angeles, Calif. 90017.

A. White & Case, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American International Group, Inc., 70 Pine Street, New York, N.Y. 10005.
E. (9) $84.99.

A. White & Case, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Joseph E. Seagram & Sons, Inc., 375 Park Avenue, New York, N.Y. 10022.
D. (6) $1,003.60.

A. Donald F. White, American Retail Federation, Inc., 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, Inc., 1616 H Street NW., Washington, D.C. 20006.
D. (6) $1,000. E. (9) $20.

A. White, Fine & Verville, 1156 15th Street NW., Suite 302, Washington, D.C. 20005.
B. Turlock Irrigation District, P.O. Box 949; 333 E. Canal Street, Turlock, Calif. 95380; and Modesto Irrigation District, 1231 11th Street; P.O. Box 4060, Modesto, Calif. 95352.

A. John C. White, Private Truck Council of America, Inc., 1101 17th Street NW., Washington, D.C. 20036.
B. Private Truck Council of America, Inc., 1101 17th Street NW., No. 310, Washington, D.C. 20036.
E. (9) $20.

A. John S. White, Marathon Oil Co., 1800 M Street NW., Washington, D.C. 20036.
B. Marathon Oil Co., Findlay, Ohio 45840.

A. Donald W. Whitehead, Suite 816, 1620 I Street NW., Washington, D.C. 20006.
B. Thetford Corp., P.O. Box 1285, Ann Arbor, Mich. 48106.
D. (6) $100. E. (9) $14.

A. Alton W. Whitehouse, Jr., 1750 Midland Building, Cleveland, Ohio 44115.
B. The Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.
D. (6) $799.

A. Louis M. Whitlock, P.O. Box 396, Carlsbad, N. Mex. 88220.
B. Beker Industries Corp., 124 West Putnam Avenue, Greenwich, Conn. 06830.
E. (9) $1,433.81.

A. Gary L. Whittle, North Carolina Petroleum Council, P.O. Box 167, Raleigh, N.C. 27602.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Wickham & Craft, 1050 17th Street NW., Suite 1100, Washington, D.C. 20036.
B. Allegheny Airlines, National Airport, Washington, D.C. 20001.

A. Wickham & Craft, 1050 17th Street NW., Suite 1100, Washington, D.C. 20036.
B. American Airlines, 633 Third Avenue, New York, N.Y. 10017.
D. (6) $812.25.

A. Wickham & Craft, 1050 17th Street NW., Suite 1100, Washington, D.C. 20036.
B. Consumers Solar Electric Power Corp., 5811 Uplander Way, Culver City, Calif. 90230.
D. (6) $530.

A. Wickham & Craft, 1050 17th Street NW., Suite 1100, Washington, D.C. 20036.
B. Eastern Air Lines, Miami International Airport, Miami, Fla. 33148.
D. (6) $812.25.

A. Wickham & Craft, 1050 17th Street NW., Suite 1100, Washington, D.C. 20036.
B. Encyclopaedia Britannica, Inc., 425 North Michigan Avenue, Chicago, Ill. 60611.
D. (6) $2,250.

A. Wickham & Craft, 1050 17th Street NW., Suite 1100, Washington, D.C. 20036.
B. Hughes Air West, San Francisco International Airport, San Francisco, Calif. 94128.

A. Wickham & Craft, 1050 17th Street NW., Suite 1100, Washington, D.C. 20036.
B. Pan American World Airways, Pan Am Building, New York, N.Y. 10017.
D. (6) $812.25.

A. Wickham & Craft, 1050 17th Street NW., Suite 1100, Washington, D.C. 20036.
B. Piedmont Airlines, Smith Reynolds Airport, Winston-Salem, N.C. 27102.

A. Wickham & Craft, 1050 17th Street NW., Suite 1100, Washington, D.C. 20036.
B. Trailer Train Co., 300 S. Wacker Drive, Chicago, Ill. 60606.
D. (6) $812.25.

A. Wickham & Craft, 1050 17th Street NW., Suite 1100, Washington, D.C. 20036.
B. Trans World Airlines, 605 Third Avenue, New York, N.Y. 10016.
D. (6) $812.25.

A. Wickham & Craft, 1050 17th Street NW., Suite 1100, Washington, D.C. 20036.
B. United Airlines, Inc., P.O. Box 66100, Chicago, Ill. 60666.
D. (6) $812.25.

A. Rebecca Wilcox, 900 17th Street, NW., Washington, D.C. 20006.
B. Kaiser Foundation Health Plan, Inc.
D. (6) $8,500.

A. Wilcox & Sharood, 1899 L Street NW., No. 705, Washington, D.C. 20036.
B. National Association of Stevedores, 1899 L Street NW., Washington, D.C. 20036.
D. (6) $7,165.70. E. (9) $8,342.50.

A. Jerry C. Wilkerson, 1025 Connecticut Avenue NW., Suite 1005, Washington, D.C. 20036.
B. International Franchise Association, 1025 Connecticut Avenue NW., Suite 1005, Washington, D.C. 20036.
D. (6) $650. E. (9) $945.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Association of Data Processing Service Organizations, Inc., 210 Summit Avenue, Montvale, N.J. 07645.
D. (6) $600.50. E. (9) $10.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington D.C. 20006.
B. Bonneville International Corp., 36 South State Street, Salt Lake City, Utah.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. Brigham Young University, Provo, Utah.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. The Church of Jesus Christ of Latter-Day Saints, 10 East North Temple, Salt Lake City, Utah.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. College Placement Council, 65 Elizabeth Street, Bethlehem, Pa.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont.

E. (9) $18.44.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. The Hoopa Valley Tribe, P.O. Box 817, Hoopa, Calif.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. Independent Data Communications Manufacturers Association, Inc. (IDCMA), 1735 New York Avenue NW., Washington, D.C. 20006.

D. (6) $2,620.50. E. (9) $100.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. Independent Insurance Agents of America, 85 John Street, New York, N.Y. 10038.

D. (6) $3,661.50. E. (9) $100.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. NANA Regional Corp., Inc., Box 49, Kotzebue, Ak. 99752.

E. (9) $39.49.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. Arapahoe Tribe of Indians, Fort Washakie, Wyo.

E. (9) $78.42.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. Shee Atika, Inc., P.O. Box 4578, Mount Edgecumbe, Alaska 99835.

E. (9) $185.95.

A. Wilkinson, Cragun & Barker 1735 New York Avenue NW., Washington, D.C. 20006.

B. State of Hawaii, Department of Regulatory Agencies, P.O. Box 531, Honolulu, Hawaii.

D. (6) $871. E. (9) $10.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. The Three Affiliated Tribes of the Fort Berthold Reservation, New Town, N. Dak.

E. (9) $4.

A. Wilkinson, Cragun & Barker 1735 New York Avenue NW., Washington, D.C. 20006.

B. U.S. National Bank, Medford, Oreg. (for the remaining members of the Klamath Indian Tribe, Oregon).

E. (9) $42.10.

A. Sandra L. Willett, 624 C Street SE., Washington, D.C. 20003.

B. National Consumers League, 1522 K Street NW., No. 406, Washington, D.C. 20005.

D. (6) $325. E. (9) $10.

A. Ralph E. Willham, 1750 New York Avenue NW., Washington, D.C. 20006.

B. Sheet Metal Workers' International Association, 1750 New York Avenue NW., Washington, D.C. 20006.

D. (6) $8,550.

A. C. Ronald Williams, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017 (for Navajo Indian Nation, Window Rock, Ariz. 86515).

D. (6) $1,200. E. (9) $120.

A. Williams & Connolly, 1000 Hill Building, Washington, D.C. 20006.

B. CBS, Inc., 1800 M Street, Washington, D.C. 20036.

A. Williams & Connolly, 1000 Hill Building, Washington, D.C. 20006.

B. Citizens for Sensible Maine Power, c/o Seth Hedgcock, Farnham Point, East Boothbay, Maine 04544.

A. Williams & Connolly, 1000 Hill Building, Washington, D.C. 20006.

B. Federal National Mortgage Association (FNMA), 3900 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Williams & Connolly, 1000 Hill Building, Washington, D.C. 20006.

B. The LTV Corp., LTV Tower, 1525 Elm Street, Dallas, Tex. 75201.

A. Williams & Connolly, 1000 Hill Building, Washington, D.C. 20006.

B. Ralph A. Pari, Rhode Island Housing and Mortgage Finance Corp., Suite 1700, 17th Floor, 40 Westminster Street, Providence, R.I. 02903.

D. (6) $412.50.

A. Williams & Connolly, 1000 Hill Building, Washington, D.C. 20006.

B. Westlands Water District, 567 West Shaw, Fresno, Calif. 93704.

A. Williams & Connolly, 1000 Hill Buidling, Washington, D.C. 20006.

B. William H. Sullivan, Jr., 500 Neponset Avenue, Dorchester, Mass. 02122.

E. (9) $242.86.

A. Harding deC. Williams, National Savings and Loan League, 1101 15th Street NW., Suite 400, Washington, D.C. 20005.

B. National Savings and Loan League, 1101 15th Street NW., Suite 400, Washington, D.C. 20005.

A. Harry D. Williams, Ashland Oil, Inc., 1025 Connecticut Avenue NW., Suite 507, Washington, D.C. 20036.

B. Ashland Oil, Inc., P.O. 391, Ashland, Ky. 41101.

D. (6) $5,000.

A. Williams & King, Suite 800, 1620 I Street NW., Washington, D.C. 20006.

B. American Netting Manufacturers Organization, c/o Ralph J. Sigler, FNT Industries, 927 First Street, Menominee, Mich. 49858.

D. (6) $4,000.

A. Lee Williams, American Retail Federation, Inc., 1616 H Street NW., Washington, D.C. 20006.

B. American Retail Federation, Inc., 1616 H Street NW., Washington, D.C. 20006.

D. (6) $1,600. E. (9) $900.

A. Lucinda L. Williams, 1111 19th Street NW., Suite 402, Washington, D.C. 20036.

B. Federation of American Hospitals, 1111 19th Street NW., Suite 402, Washington, D.C. 20036.

D. (6) $3,150.

A. Williams, Myers and Quiggle, 888 17th Street NW., Washington, D.C. 20006.

B. Church Alliance for Clarification of ERISA, c/o Gary S. Nash, 511 North Akard Building, Suite 311, Dallas, Tex. 75201.

D. (6) $14,437.50. E. (9) $151.38.

A. Nathaniel Williams, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $1,648.46.

A. John C. Williamson, 1725 K Street NW., Suite 1402. Washington, D.C. 20006.

B. Mortgage Insurance Companies of America, 1725 K Street NW., Suite 1402, Washington, D.C. 20006.

D. (6) $2,700. E. (9) $28.

A. John C. Williamson, 1825 K Street NW., Washington, D.C. 20006.

B. National Apartment Association, 1825 K Street NW., Washington, D.C. 20006.

D. (6) $1,000.

A. Frederick L. Williford, 8401 Connecticut Avenue, Suite 911, Washington, D.C. 20015.

B. National Association of Furniture Manufacturers, 8401 Connecticut Avenue, Suite 911, Washington, D.C. 20015.

D. (6) $500. E. (9) $30.

A. Willkie Farr & Gallagher, 153 East 53d Street, New York, N.Y.

E. (9) $23.55.

A. Allen W. Wills, 1970 Chain Bridge Road, McLean, Va. 22102.

B. Memorex Corp., San Tomas at Central Expressway, Santa Clara, Calif. 95052.

D. (6) $4,000.

A. Betsy Willson-Messer, National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

D. (6) $242.31. E. (9) $12.75.

A. Charlotte M. Wilmer, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $75.

A. Wilmer & Pickering, 1666 K Street NW., Washington, D.C. 20006.

B. The Business Roundtable, 1801 K Street NW., Washington, D.C. 20006.

D. (6) $281.

A. Bjorg Opdahl Wilson, 6107 Greentree Road, Bethesda, Md. 20034.

B. Citizens Committee for UNICEF, 110 Maryland Avenue NE., Washington, D.C. 20002.

D. (6) $182.

A. Dena L. Wilson, 1600 Wilson Boulevard, Suite 1101, Arlington, Va. 22209.

B. The American Waterways Operators, Inc., 1600 Wilson Boulevard, Arlington, Va. 22209.

D. (6) $50.

A. Donnie E. Wilson, 1800 M Street NW., Suite 295, Washington, D.C. 20036.

B. Husky Oil Co., P. O. Box 380, Cody, Wyo. 82414.

D. (6) $250. E. (9) $29.

A. James E. Wilson, Jr., 1150 17th Street NW., Suite 500, Washington, D.C.

B. McDonnell Douglas Corp., P.O. Box 516, St. Louis, Mo. 63166.

A. Morris Woodrow Wilson, 1012 14th Street NW., Washington, D.C. 20005.

B. The Farmers' Educational and Co-Operative Union of America (National Farmers Union), Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C. 20005.

D. (6) $4,321.17. E. (9) $101.93.

A. Winston P. Wilson, 523 N. Forrest Street, Forest City, Ark. 72335.

B. Northrop Corp.

A. Albert Winchester, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $3,558.

A. Joseph B. Winkelmann, 925 15th Street NW., Washington, D.C. 20005.

B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.

D. (6) $1,500. E. (9) $686.52.

A. James R. Winnie, Cities Service Gas Co., P.O. Box 2518, Oklahoma City, Okla. 73125.

B. Cities Service Gas Co., P.O. Box 25128, Oklahoma City, Okla. 73125.

A. Mark E. Winter, American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.

B. American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.

D. (6) $2,500.

A. Jane Wishner, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $2,953.98.

A. Richard F. Witherall, Colorado Railroad Association, 420 Denver Club Building, Denver, Colo. 80202.

B. Colorado Railroad Association, 420 Denver Club Building, Denver, Colo.

D. (6) $1,050. E. (9) $1,034.51.

A. Witkowski, Weiner, McCaffrey and Brodsky, Suite 350, 1575 I Street NW., Washington, D.C. 20005.

B. Coordinating Council on Manufactured Housing Finance, Suite 350, 1575 I Street NW., Washington, D.C. 20005.

D. (6) $7,380.

A. Witkowski, Weiner, McCaffrey and Brodsky, 1575 I Street NW., Suite 350, Washington, D.C. 20005.

B. National Manufactured Housing Finance Association, 1575 I Street NW., Washington, D.C. 20005.

D. (6) $4,541.

A. Witkowski, Weiner, McCaffrey and Brodsky, 1575 I Street NW., Suite 350, Washington, D.C. 20005.

B. National Truck Equipment Association, 25900 Greenfield Road, Suite 410, Oak Park, Mich., 48237.

D. (6) $1,000.

A. Glenn P. Witte, 910 17th Street NW., Washington, D.C. 20006.

B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 910 17th Street NW., Washington, D.C. 20006.

A. H. C. Witthaus, General Motors Corp., 1660 L Street NW., Suite 501, Washington, D.C. 20036.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.

D. (6) $3,000. E. (9) $1,595.87.

A. F. Lorraine Woehrle, National Association of Truck Stop Operators, Suite 501, 700 N. Fairfax Street, Alexandria, Va. 22313.

B. National Association of Truck Stop Operators, Suite 501, 700 North Fairfax Street, Alexandria, Va. 22313.

D. (6) $2,791.66.

A. Erving Wolf, Inexco Oil Co., 1100 Milam Building, Suite 1900, Houston, Tex. 77002.

B. Inexco Oil Co., 1100 Milam Building, Suite 1900, Houston, Tex. 77002.

A. James E. Wolf, The Trane Co., 2020 14th Street, North Arlington, Va. 22201.

B. The Trane Co., 3600 Pammel Creek Road, La Crosse, Wis. 54601.

D. (6) $450.

A. Sidney M. Wolfe, 2000 P Street NW., No. 708, Washington, D.C. 20036.

B. Health Research Group, 2000 P Street NW., No. 708, Washington, D.C. 20036.

D. (6) $40.

A. Kenneth Wollack, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.

B. American Israel Public Affairs Committee, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.

D. (6) $6,333.32.

A. Ronald Wolsey, 300 E. Joppa Road, Suite 507–A, Towson, Md. 21204.

B. Standard Oil Co. (Indiana), 200 E. Randolph Drive, Chicago, Ill. 60601.

D. (6) $280.65. E. (9) $31.33.

A. Don Womack, 1150 Connecticut Avenue NW., Suite 1013, Washington, D.C. 20036.

B. Texas Utilities Services, Inc., 2001 Bryan Tower, Dallas, Tex. 75201.

D. (6) $1,893. E. (9) $107.22.

A. Burton C. Wood, Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.

B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.

D. (6) $8,400. E. (9) $16,862.

A. Charles A. Wood, National Fuel Gas Distribution Corp., Room 900, 10 Lafayette Square, Buffalo, N.Y. 14203.

B. National Fuel Gas Distribution Corp., National Fuel Gas Supply Corp., National Gas Storage Corp., Seneca Resources Corp.

D. (6) $703.14. E. (9) $1,025.88.

A. Wilbur S. Wood, National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

A. W. Alan Woodford, Chemical Manufacturers Association, 1825 Connecticut Avenue NW., Washington, D.C. 20009.

B. Chemical Manufacturers Association, 1825 Connecticut Avenue NW., Washington, D.C. 20009.

D. (6) $300.

A. Diane Woodruff, Committee of Urban Program Universities, 1300 19th Street NW., No. 220, Washington, D.C. 20036.

B. Committee of Urban Program Universities, 1300 19th Street NW., No. 220, Washington, D.C. 20036.

D. (6) $1,968.75.

A. M. Alan Woods, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for Airbus Industrie, Avenue Lucien Servanty, 31700 Blagnac, France).

A. M. Alan Woods, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for European Aerospace Corp., 1101 15th Street NW., Washington, D.C. 20036).

A. M. Alan Woods, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc. (for Sofreavia, 75 rue la Boetie, Paris 8eme, France), 1225 19th Street NW., Washington, D.C. 20036.

A. M. Alan Woods, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for Thomson-CSF (AVS) 178 Boulevard Gabriel Peri, 92240 Malakoff, France).

A. Perry W. Woofter, 2101 L Street NW., Washington, D.C. 20037.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $8,000. E. (9) $210.

A. Linda Anzalone Woolley, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

D. (6) $600.

A. Ronald L. Wooten, Consolidation Coal Co., 1025 Connecticut Avenue NW., Suite 1000, Washington, D.C. 20036.

B. Consolidation Coal Co., Consol Plaza, 1800 Washington Road, Pittsburgh, Pa. 15241.

D. (6) $372.30. E. (9) $45.

A. George M. Worden, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017 (for Distilled Spirits Council).

A. World Federalist Political Education Committee, 600 Valley Road, Wayne, N.J. 07470.

D. (6) $38,815.73. E. (9) $10,851.63.

A. Steven M. Worth, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Edward E. Wright, 1819 H Street NW., Suite 1175, Washington, D.C. 20006.

B. G–4 Children's Coalition, 7309 Delfield Street, Chevy Chase, Md. 20015.

E. (9) $10.

A. Franklin L. Wright, Jr., 1709 New York Avenue NW., Suite 200, Washington, D.C. 20006.

B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.

D. (6) $2,500. E. (9) $333.93.

A. Wyatt and Saltzstein, 1725 DeSales Street NW., Washington, D.C. 20036.

B. American Business Press, Inc., 205 East 42nd Street, New York, N.Y. 10017.

D. (6) $2,687.50.

A. Richard E. Wyckoff, 1771 N Street NW., Washington, D.C. 20036.

B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.

D. (6) $1,500. E. (9) $200.

A. Wyman, Bautzer, Rothman & Kuchel, No. 580, The Watergate 600, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. Bristol Bay Native Corp., P.O. Box 220, Anchorage, Alaska 99501.

D. (6) $40.

A. John Yarmola, Seafarers International Union of North America, 815 16th Street NW., Room 510, Washington, D.C. 20006.

B. Seafarers International Union of North America, 815 16th Street NW., Room 510, Washington, D.C. 20006.

D. (6) $3,500. E. (9) $30.

A. Jack Yelverton, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.

A. D. Scott Yohe, 1629 K Street NW., Room 204, Washington, D.C. 20006.

B. Delta Air Lines, Inc., Hartsfield Atlanta International Airport, Atlanta, Ga. 30320.

D. (6) $330. E. (9) $116.75.

A. G. Reynolds Young, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $1,000.

A. John Andrew Young, Suite 207, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.

A. Judith A. Young, National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.

B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.

D. (6) $1,250. E. (9) $70.73.

A. Kenneth Young, 815 16th Street NW., Washington, D.C. 20006.

B. American Federation of Labor & Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $13,510. E. (9) $322.81.

A. Pamela K. Young, National Association of Manufacturers, 222 South Prospect Avenue, Park Ridge, Ill. 60068.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $70.

A. Stephen T. Young, National Audubon Society, 1755 Park Road NW., Washington, D.C. 20010.

B. National Audubon Society, 950 Third Avenue, New York, N.Y. 10022.

D. (6) $5,047.50. E. (9) $1,412.07.

A. Betsy Younkins, 2101 L Street NW., Washington, D.C. 20037.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $4,000. E. (9) $204.47.

A. Eugene A. Yourch, 17 Battery Place North, New York, N.Y. 10004.

B. Federation of American Controlled Shipping, 17 Battery Place North, New York, N.Y. 10004.

D. (6) $200. E. (9) $425.50.

A. L. Andrew Zausner, 1155 15th Street NW., Suite 602, Washington, D.C. 20005.

B. Pennzoil Co., Pennzoil Place, P.O. Box 2967, Houston, Tex. 77001.

D. (6) $1,000. E. (9) $12.

A. Harry M. Zachem, Ashland Oil, Inc., 1025 Connecticut Avenue NW., Suite 507, Washington, D.C. 20036.

B. Ashland Oil, Inc., P.O. Box 391, Ashland, Ky. 41101.

D. (6) $2,000.

A. Donald M. Zahn, 8316 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.

B. National Right to Work Committee, 8316 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.

D. (6) $240. E. (9) $112.

A. Lynn Zakupowsky, General Electric Co., 777 15th Street NW., Washington, D.C. 20005.

B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn. 06431.

D. (6) $750.

A. Steven S. Zaleznick, National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

D. (6) $253.85. E. (9) $15.75.

A. Barnaby W. Zall, FAIR, 1330 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Federation for American Immigration Reform, 1330 New Hampshire Avenue NW., Washington, D.C. 20036.

D. (6) $2,125. E. (9) $20.

A. John S. Zapp, American Medical Association, 1776 K Street NW., Washington, D.C. 20006.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.

D. (6) $3,960. E. (9) $153.30.

A. L. Andrew Zausner, 1155 15th Street NW., No. 602, Washington, D.C. 20005.

B. Pennzoil Co., Pennzoil Place, P.O. Box 2967, Houston, Tex. 77001.

D. (6) $1,000. E. (9) $12.

A. Donald P. Zeifang, 1771 N Street NW., Washington, D.C. 20036.

B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.

D. (6) $3,000. E. (9) $310.

A Kathi Schear Zimmer, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $126.

A. Zoological Action Committee, 1320 19th Street NW., Suite 400, Washington, D.C. 20036.

D. (6) $525. E. (9) $7.64.

A. John L. Zorack; Cook, Purcell, Hansen & Henderson, 1735 K Street NW., No. 200, Washington, D.C. 20006.

B. Federal Express Corp., AMF Box 30167, Memphis, Tenn. 38130.

E. (9) $587.09.

A. John L. Zorack; Cook, Purcell, Hansen & Henderson, 1735 K Street NW., No. 200, Washington, D.C. 20006.

B. DHL Corp., 411 East Capitol Street, Washington, D.C. 20001.

E. (9) $509.05.

A. Charles O. Zuver, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $3,000. E. (9) $71.89.

A. Frances Zwenig, 133 C Street SE., Washington, D.C. 20003.

B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.

D. (6) $769.24.

A. Daniel I. Zwick, American Hospital Association, 444 North Capitol Street NW., Suite 500, Washington, D.C. 20001.

B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the first calendar quarter of 1979 were received too late to be included in the published reports for that quarter:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19_______ ◄

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◄

AFFIDAVIT

[Omitted in printing]

PAGE 1◄

COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

NOTE ON ITEM "D."—(*a*) *In General.* The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—Section 302(a) of the Lobbying Act.

(*b*) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In General.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in accordance with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multipurpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(*c*) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In General.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "None" in the space following the number.

Receipts (other than loans)

1. $--------Dues and assessments
2. $--------Gifts of money or anything of value
3. $--------Printed or duplicated matter received as a gift
4. $--------Receipts from sale of printed or duplicated matter
5. $--------Received for services (e.g., salary, fee, etc.)

6. $--------TOTAL for this Quarter (Add items "1" through "5")
7. $--------Received during previous Quarters of calendar year

8. $--------TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received

"The term 'contribution' includes a . . . *loan* . . ."—Sec. 302(a).

9. $--------TOTAL now owed to others on account of loans
10. $--------Borrowed from others during this Quarter
11. $--------Repaid to others during this Quarter

12. $--------"Expense money" and Reimbursements received this Quarter

Contributors of $500 or more
(from Jan. 1 through this Quarter)

13. Have there been such contributors?
Please answer "yes" or "no": --------

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last days of this Quarter total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor*
	(*"Period"* from Jan. 1 through ------------------, 19----)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE ON ITEM "E".—(*a*) *In General.* "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—Section 302(b) of the Lobbying Act.

(*b*) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) in connection with legislative interests:

Fill in every blank. If the answer to any numbered item is "None," write "None" in the spaces following the number.

Expenditures (other than loans)

1. $--------Public relations and advertising services
2. $--------Wages, salaries, fees, commissions (other than item "1")
3. $--------Gifts or contributions made during Quarter
4. $--------Printed or duplicated matter, including distribution cost
5. $--------Office overhead (rent, supplies, utilities, etc.)
6. $--------Telephone and telegraph
7. $--------Travel, food, lodging, and entertainment
8. $--------All other expenditures

9. $--------TOTAL for this Quarter (Add "1" through "8")
10. $--------Expended during previous Quarters of calendar year

11. $--------TOTAL from January 1 through this Quarter (Add "9" and "10")

Loans Made to Others

"The term 'expenditure' includes a . . . *loan* . . ."—Sec. 302(b).

12. $--------TOTAL now owed to person filing
13. $--------Lent to others during this Quarter
14. $--------Repayment received during this Quarter

15. Recipients of Expenditures of $10 or More

In the case of expenditures made during this Quarter by, or on behalf of the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

A. Albert E. Abrahams, National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.

B. National Association of Realtors, 430 North Michigan Avenue, Chicago, Ill. 60611; 925 15th Street NW., Washington, D.C. 20005.

D. (6) $5,875. E. (9) $142.63.

A. Actors Equity Association, 1500 Broadway, New York, N.Y. 10036.

D. (6) $2,500. E. (9) $2,500.

A. Ad-Hoc Committee for Competitive Telecommunications, 411 Second Street NE., Suite 301, Washington, D.C. 20002.

D. (6) $89,088.90. E. (9) $85,541.96.

A. Air-Conditioning and Refrigeration Institute, 1815 North Fort Myer Drive, Arlington, Va. 22209.

D. (6) $21,000. E. (9) $5,025.

A. Robert S. Amdursky, Willkie Farr & Gallagher, 153 East 53d Street, New York, N.Y.

B. Willkie Farr & Gallagher, 153 East 53d Street, New York, N.Y.

E. (9) $88.

A. American Cancer Society, Inc., 777 Third Avenue, New York, N.Y. 10017.

E. (9) $5,916.67.

A. American Citizens Crusade and Lobby, Inc., 1400 Gulf Boulevard, Apartment 403, Clearwater Beach, Fla. 33515.

D. (6) $458. E. (9) $378.

A. American Federation of State, County, and Municipal Employees, AFL–CIO, 1625 L Street NW., Washington, D.C. 20036.

E. (9) $44,990.40.

A. American Feed Manufacturers Association, 1701 North Fort Myer Drive, Arlington, Va. 22209.

D. (6) $2,561.97. E. (9) $2,561.97.

A. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

D. (6) $18,780.53. E. (9) $18,780.53.

A. American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.

E. (9) $3,318.

A. The American League of Anglers, 810 18th Street NW., Washington, D.C. 20006.

D. (6) $1,936.88. E. (9) $1,358.67.

A. American National Standards Institute, 1430 Broadway, New York, N.Y. 10018.

E. (9) $1,362.73.

A. American Paper Institute, Inc., 260 Madison Avenue., New York, N.Y. 10016.

A. American Physical Therapy Association, 1156 15th Street NW., Washington, D.C. 20005.

D. (6) $2,699.22. E. (9) $2,699.22.

A. American Subcontractors Association, 815 15th Street, Suite 902, NW., Washington, D.C. 20005.

D. (6) $625.

A. American Textile Machinery Association, 1730 M Street NW., Washington, D.C. 20036.

D. (6) $9.

A. Virginia Andary, Catholics For A Free Choice, 1411 K Street NW., No. 1130, Washington, D.C. 20005.

B. Catholics For A Free Choice, 1411 K Street NW., No. 1130, Washington, D.C. 20005.

A. Anthony L. Anderson, Sun Co., Inc., 1800 K Street NW., Suite 820, Washington, D.C. 20005.

B. Sun Co., Inc., 100 Matsonford Road, Radnor, Pa. 19087.

D. (6) $4,934. E. (9) $116.

A. J. L. Anderson, Times, Inc., 888 16th Street NW., Washington, D.C. 20006.

B. Time, Inc., Time & Life Bldg., Rockefeller Center, New York, N.Y.

D. (6) $2,500. E. (9) $74.52.

A. Scott G. Anderson, Burlington Northern, Inc., Suite 506, 2000 L Street NW., Washington, D.C. 20036.

B. Burlington Northern, Inc., 176 East Fifth Street, St. Paul, Minn. 55101.

D. (6) $1,900. E. (9) $1,135.99.

A. Florian J. Anfang, Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employees, 815 16th Street NW., Washington, D.C. 20006.

B. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employees, 3 Research Place, Rockville, Md. 20850.

D. (6) $800. E. (9) $826.

A. Roy A. Archibald, National Education Association, California Teachers Association, 1705 Murchison Drive, Burlingame, Calif. 94010.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

D. (6) $953. E. (9) $1,085.50.

A. Fred Armstron, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.

B. American Association of Dealers in Ancient, Oriental, and Primitive Art, 159½ East 94th Street, New York, N.Y. 10028.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.

B. Commissioner of Baseball, 15 West 51st Street, New York, N.Y. 10019.

E. (9) $16.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.

B. Crown Zellerbach, One Bush Street, San Francisco, Calif. 94119.

D. (6) $797. E. (9) $5.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.

B. Price Waterhouse, 1259 Avenue of the Americas, New York, N.Y. 10020.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.

B. Recording Industry Association of America, Inc., 1633 Broadway, 33d Floor, New York, N.Y. 10019.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.

B. State Farm Mutual Automobile Insurance Co., One State Farm Plaza, Bloomington, Ill. 61701.

D. (6) $1,240. E. (9) $19.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.

B. Young, Kaplan, Edelstein, Zeigler & Zisselman, 277 Park Avenue, New York, N.Y. 10017. (The Estate of Sigmund Sommer.)

E. (9) $15.20.

A. Mary Aronson, 1625 L Street NW., Washington, D.C. 20036.

B. American Federation of State, County and Municipal Employees, AFL–CIO, 1625 L Street NW., Washington, D.C. 20036.

D. (6) $5,000. E. (9) $154.19.

A. Joseph Ashooh, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Allan E. Auger, The Great Western Sugar Co., P.O. Box 5308 T.A., Denver, Colo. 80217.

B. The Great Western Sugar Co., P.O Box 5308 T.A., Denver, Colo. 80217.

D. (6) $1,800. E. (9) $1,293.24.

A. Charles W. Bailey, 8316 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.

B. National Right to Work Committee, 8316 Arlington Boulevard, No. 600, Fairfax, Va. 22038.

A. Baker & McKenzie, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Cambridge Research & Development Group, 21 Bridge Square, Westport, Conn. 06880.

D. (6) $1,891.

A. Baker & McKenzie, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Magnatex Industries, Inc., 1 Marienfeld Place, Midland, Tex. 79701.

D. (6) $23,603.73. E. (9) $590.73.

A. Bally Manufacturing Corp., 2640 Belmont Avenue, Chicago, Ill. 60618.

E. (9) $1,650.

A. Robert D. Bannister, National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.

B. National Association of Home Builders of the United States Association, 15th and M Streets NW., Washington, D.C. 20005.

D. (6) $11,597. E. (9) $1,055.18.

A. Dennis J. Barbour, 1015 15th Street NW., No. 403, Washington, D.C. 20036.

B. American Occupational Medical Association, 1015 15th Street NW., Washington, D.C. 20036.

A. Barnes, Richardson & Colburn, 1819 H Street NW., Washington, D.C. 20006.

B. Distilled Spirits Committee for International Trade, Suite 400, Federal Bar Building, 1819 H Street NW., Washington, D.C. 20006.

D. (6) $4,050. E. (9) $1,575.61.

A. Eileen Barthelmy, American League of Anglers, 810 18th Street NW., Washington, D.C. 20006.

B. American League of Anglers, 810 18th Street NW., Washington, D.C. 20006.

D. (6) $625.44. E. (9) $733.23.

A. Walter L. Benning, 14901 Ritchie Road, Centreville, Va. 22020.

B. Manufactured Housing Institute, 1745 Jefferson Davis Highway, Suite 511, Arlington, Va. 22202.

D. (6) $1,500. E. (9) $94.

A. John C. Bennison, 1300 19th Street NW., Washington, D.C. 20036.

B. American Society of Travel Agents, 711 Fifth Avenue, New York, N.Y. 10022.

D. (6) $5,000.

A. Paul C. Bergson, 2550 M Street NW., Washington, D.C. 20037.

B. RJR Industries, Inc., P.O. Box 2959, Winston-Salem, N.C. 27102.

D. (6) $300. E. (9) $75.

A. Sarah Massengale Billock, American Hospital Association, 444 North Capitol Street NW., No. 500, Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) 737.15. E. (9) $29.09.

A. H. Radford Bishop, 8251 Maryland Avenue, St. Louis, Mo. 63105.
B. American Investment Co., 8251 Maryland Avenue, St. Louis, Mo. 63105.

A. Smith Blair, National Association of Retired Federal Employees, 1533 New Hampshire Avenue NW., Washington, D.C. 20036.
B. National Association of Retired Federal Employees, 1533 New Hampshire Avenue NW., Washington, D.C. 20036.
D. (6) $4,660.62.

A. Jack A. Blum, 1015 18th Street NW., Washington, D.C. 20036.
B. Independent Gasoline Marketers Council, 1015 18th Street NW., Washington, D.C. 20036.
D. (6) $15,000. E. (9) $585.40.

A. Blum & Nash, 1015 18th Street NW., Washington, D.C. 20036.
B. New York Merchantile Exchange, 4 World Trade Center, New York, N.Y. 10048.

A. Mary M. Bourdette, 733 15th Street NW., Washington, D.C. 20005.
B. Legal Services Corp., 733 15th Street NW., Washington, D.C. 20005.
D. (6) $758.80. E. (9) $26.35.

A. Boyden, Kennedy, Romney & Owens, 1000 Kennecott Building, Salt Lake City, Utah 84133.
B. Northwest Pipeline Co., 315 East Second South, Salt Lake City, Utah.
D. (6) $6,000. E. (9) $112.37.

A. Marguerite Bracy, 1625 L Street NW., Washington, D.C. 20036.
B. American Federation of State, County & Municipal Employees, AFL–CIO, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $6,000. E. (9) $73.

A. Dan J. Bradley, Legal Services Corp., 733 15th Street NW., Washington, D.C. 20005.
B. Legal Services Corp., 733 15th Street NW., Washington, D.C. 20005.
D. (6) $267.96.

A. Gene M. Bradley, 1700 North Moore Street, 20th Floor, Rosslyn, Va. 22209.
B. Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.
D. (6) $224. E. (9) $274.50.

A. George Lambert Bristol, 1106 West Avenue, Austin, Tex. 78701.
B. E. F. Hutton & Co., Inc., 1 Battery Park Plaza, New York, N.Y. 10004.
D. (6) $9,000. E.(9) $1,235.54.

A. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employees, 815 16th Street NW., Washington, D.C. 20006.
B. Brotherhood of Railway, Airline & Steampship Clerks, Freight Handlers, Express & Station Employees, 3 Research Place, Rockville, Md. 20850.
D. (6) $54,882. E. (9) $54,882.

A. John J. Brown, 1125 17th Street NW., Washington, D.C. 20036.
B. International Union of Operating Engineers, 1125 17th Street NW., Washington, D.C. 20036.
D. (6) $3,500. (9) $275.

A. Thomas H. Brownell, P.O. Box 3999, Seattle, Wash.
B. Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.
D. (6) $250. E. (9) $900.30.

A. Brownstein Zeidman & Schomer, 1025 Connecticut Avenue NW., No. 900, Washington, D.C. 20036.
B. Mortgage Guaranty Insurance Corp., MGIC, Milwaukee, Wis. 53201.

A. Brownstein Zeidman & Schomer, 1025 Connecticut Avenue NW., No. 900, Washington, D.C. 20036.
B. New York City Urban Development Corp., 1515 Broadway, New York, N.Y. 10036.

A. Marguerite E. Bryan, Joint Maritime Congress 444 North Capitol Street, Suite 801, Washington, D.C. 20001.
B. Joint Maritime Congress, 444 North Capitol Street, Suite 801, Washington, D.C. 20001.
D. (6) $685.20.

A. Quentin L. Burgess, 733 15th Street NW., Washington, D.C. 20005.
B. Legal Services Corp., 733 15th Street NW., Washington, D.C. 20005.
D. (6) $214.20. E. (9) $6.

A. Duane V. Burke, P.O. Box 1724, Rockville, Md. 20850.
B. National Association of State Lotteries, 1290 Silas Deane Highway, Wethersfield, Conn. 06109.
D. (6) $1,800.

A. David G. Calkins, Hospital Association of New York State, 15 Computer Drive West, Albany, N.Y. 12205.
B. Hospital Association of New York State, 15 Computer Drive, West, Albany, N.Y. 12205.
D. (6) $176. E. (9) $160.86.

A. John E. Campbell, American Hospital Association, 444 North Capitol Street NW., No. 500, Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $17.44.

A. Caplin & Drysdale, 1101 17th Street NW., Washington, D.C. 20036.
B. American Family Life Assurance Co. of Georgia, P.O. Box 1459, Columbus, Ga. 31902.
D. (6) $20,621. E. (9) $415.04.

A. LeRoy T. Carlson, Jr., Telephone & Data Systems, Inc., 79 West Monroe Street, Chicago Ill. 60603.
B. Telephone & Data Systems, Inc., 79 West Monroe Street, Chicago, Ill. 60603.

A. Anthony P. Carnevale, 1625 L Street NW., Washington, D.C. 20036.
B. American Federation of State, County & Municipal Employees, AFL–CIO, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $11,250. E. (9) $396.40.

A. Charles T. Carroll, 1957 E Street NW., Washington, D.C. 20006.
B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
D. (6) $2,000. E. (9) $500.

A. Kathleen Casey, Citizen's Choice, Inc., 1615 H Street NW., Washington, D.C. 20062.
B. Citizen's Choice, Inc., 1615 H Street NW., Washington, D.C. 20062.
D. (6) $5,375.04. E. (9) $235.43.

A. C.A.S.H. (Citizens Against Sugar Hikes), 1012 14th Street NW., Suite 901, Washington, D.C. 20005.

A. Cayman Turtle Farm, Ltd., P.O. Box 645, Grand Cayman Island, Cayman Islands, British West Indies.
E. (9) $3,151.25.

A. Central Station Electrical Protection Association, 1000 Vermont Avenue NW., Washington, D.C. 20005.
E. (9) $1,106.27.

A. Owen R. Chaffee, 203 Yoakum Parkway, No. 1012, Alexandria, Va. 22304.
B. Manufactured Housing Institute, 1745 Jefferson Davis Highway, Suite 511, Arlington, Va. 22202.
D. (6) $1,000. E. (9) $110.

A. Steven M. Champlin, 329 Eighth Street NE., Washington, D.C. 20002.
B. Vietnam Veterans of America, 419 Park Avenue South, New York, N.Y. 10016.
D. (6) $1,200.

A. Donald E. Channell, 1819 H Street NW., Suite 950, Washington, D.C. 20006.
B. Society of Military Widows, 861 Sixth Avenue, San Diego, Calif. 92101.
D. (6) $1,500.

A. Chemtex Fibers, Inc., 850 Third Avenue, New York, N.Y. 10022.

A. Yvonne M. Chicoine, 316 Pennsylvania Avenue SE., Suite 400, Washington, D.C. 20003.
B. American Conservative Union, 316 Pennsylvania Avenue SE., Suite 400, Washington, D.C. 20003.
D. (6) $4,371.23. E. (9) $385.44.

A. Clifford & Warnke, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Proprietary Association, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Coca-Cola Bottlers' Association, 166 16th Street NW., Atlanta, Ga. 30318.
E. (9) $87.98.

A. John Colbrunn, 27 Briarwood Place, Colorado Springs, Colo. 80906.
B. United States Cruises, Inc., 2200 Sixth Avenue, Seattle, Wash. 98121.

A. Timothy A. Colcord, 1620 I Street NW., Washington, D.C. 20006.
B. Visa U.S.A., Inc., 300 Clearview Way, San Mateo, Calif. 94403.
D. (6) $6,875. E. (9) $1,342.53.

A. John M. Collier, 4436 Perrier Street, New Orleans, La. 70115.
B. Southern Forest Products Association, P.O. Box 52468, New Orleans, La. 70152.
D. (6) $16,600.04.

A. Collier, Shannon, Rill, Edwards & Scott, 1055 Thomas Jefferson Street NW., No. 308, Washington, D. 20007.
B. American Feed Manufacturers Association, 1701 North Fort Myer Drive, Arlington, Va. 22209.

A. Collier, Shannon, Rill, Edwards & Scott, 1055 Thomas Jefferson Street NW., No. 308, Washington, D.C. 20007.
B. Tanners' Council of America, Inc., 411 Fifth Avenue, New York, N.Y. 10016.
D. (6) $331.87. E. (9) $68.19.

A. William P. Collins, National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
D. (6) $2,308. E. (9) $532.64.

A. Committee for 806.30 and 807, Inc., 1611 North Kent Street, Suite 800, Arlington, Va. 22209.
D. (6) $3,895.68. E. (9) $10,288.86.

A. Committee Urging Regulatory Reform for Efficient National Trucking, 1000 Connecticut Avenue NW., Suite 1200, Washington, D.C. 20036.
D. (6) $700.

A. Stephen R. Conafay, 1700 Pennsylvania Avenue NW., No. 580, Washington, D.C. 20006.
B. Pfizer, Inc., 235 East 42d Street, New York, N.Y. 10017.
D. (6) $400. E. (9) $1,109.64.

A. Stephen J. Connolly, 1815 H Street NW., Suite 650, Washington, D.C. 20006.
B. Schwartz & Connolly, Inc., 1815 H Street NW., Suite 650, Washington, D.C. 20006.
D. (6) $2,500. E. (9) $200.

A. Edward Cooney, Food Research & Action Center, 2011 I Street NW., No. 700, Washington, D.C. 20006.
B. Food Research & Action Center, 2011 I Street NW., No. 700, Washington, D.C. 20006.

A. Consolidated Edison Co. of New York, Inc., 4 Irving Place, New York, N.Y. 10003.
E. (9) $406.26.

A. Consumer Federation of America, 1012 14th Street NW., Suite 901, Washington, D.C. 20005.
D. (6) $20,110. E. (9) $14,635.

A. Continental Resources Co., P.O. Box 44, Winter Park, Fla. 32790.
E. (9) $6,027.

A. Cook & Henderson, 1735 K Street NW., Suite 200, Washington, D.C. 20006.
B. Aleutian/Pribilof Islands Association, Inc., 1689 C Street, Anchorage, Alaska 99501,

A. Cook & Henderson, 1735 K Street NW., Suite 200, Washington, D.C. 20006.
B. Ashland Oil, Inc., P.O. Box 391, Ashland, Ky. 41101.

A. Cook & Henderson, 1735 K Street NW., Washington, D.C. 20006.
B. Bank of Louisville, 500 West Broadway, Louisville, Ky. 40202.
D. (6) $2,936.25.

A. Cook & Henderson, 1735 K Street NW., Suite 200, Washington, D.C. 20006.
B. Brown & Williamson Industries, Inc., 2000 Citizens Plaza, Louisville, Ky. 40232.

A. Cook & Henderson, 1735 K Street NW., Suite 200, Washington, D.C. 20006.
B. Consolidated Natural Gas Co., 4 Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $4,500.

A. Cook & Henderson, 1735 K Street NW., Second Floor, Washington, D.C. 20006.
B. DHL Corp., 411 East Capitol Street, Washington, D.C. 20001.
D. (6) $1,500.

A. Cook & Henderson, 1735 K Street NW., Second Floor, Washington, D.C. 20006.
B. Federal Express Corp., AMF Box 30167, Memphis, Tenn. 38130.
D. (6) $6,000.

A. Cook & Henderson, 1735 K Street NW., Suite 200, Washington, D.C. 20006.
B. Ohio Valley Improvement Association, Inc., 401 Carew Tower, Cincinnati, Ohio 45202.
D. (6) $500.

A. Cook & Henderson, 1735 K Street NW., Suite 200, Washington, D.C. 20006.
B. St. George Tanaq Corp., c/o Aleutian/Pribilof Islands Association, Inc., 1689 C Street, Anchorage, Alaska 99501.
D. (6) $400.

A. Cook & Henderson, 1735 K Street NW., Suite 200, Washington, D.C. 20006.
B. Society of American Florists, 901 North Washington Street, Alexandria, Va. 22314.

A. Cook & Henderson, 1735 K Street NW., Suite 200, Washington, D.C. 20006.
B. Texaco, Inc., 2000 Westchester Avenue, White Plains, N.Y. 10650.
D. (6) $300.

A. Cook & Henderson, 1735 K Street NW., Suite 200, Washington, D.C. 20006.
B. Texas Gas Transmission Corp., 3800 Frederica Street, Owensboro, Ky. 42301.
D. (6) $2,500. E. (9) $113.10.

A. Cook & Henderson, 1735 K Street NW., Suite 200, Washington, D.C. 20006.
B. Tobacco Institute, 1875 I Street NW., 8th Floor, Washington, D.C. 20006.
D. (6) $11,690.95.

A. Allan D. Cors, 1800 K Street NW., Suite 1104, Washington, D.C. 20006.
B. Corning Glass Works, Corning, N.Y. 14830.
D. (6) $500.

A. William R. Corson, 1707 H Street NW., Washington, D.C. 20006.
B. Penthouse International Ltd., 1707 H Street NW., Washington, D.C. 20006.
D. (6) $8,750. E. (9) $6,180.

A. Clark R. Cosse, III, 5644 Hawthorne Place, New Orleans, La. 70124.
B. Southern Forest Products Association, P.O. Box 52468, New Orleans, La. 70152.
D. (6) $7,050.

A. Council for Inter-American Security, 305 Fourth Street NE., Washington, D.C. 20002.
D. (6) $236,580. E. (9) $1,070.39.

A. Council to Save the Post Card, Suite 700, 725 15th Street NW., Washington, D.C. 20005.
D. (6) $350.

A. Counselors for Management, Inc., 900 17th Street NW., Suite 504, Washington, D.C. 20006.
D. (6) $6,240. E. (9) $6,240.

A. Roger C. Courtney, American Psychiatric Association, 1333 New Hampshire Avenue NW., Suite 670, Washington, D.C. 20036.
B. American Psychiatric Association, 1700 18th Street NW., Washington, D.C. 20009.
D. (6) $1,500. E. (9) $323.

A. Cowper & Madson, 543 Third Avenue, Suite D, Fairbanks, Alaska 99701.
B. State of Alaska, Pouch A, Juneau, Alaska 99811.
D. (6) $4,760.

A. Eric Cox, 1011 Arlington Boulevard, Suite W–219, Arlington, Va. 22209.
B. World Federalist Political Education Committee, 600 Valley Road, Wayne, N.J. 07470.
D. (6) $875.01.

A. R. LaVaun Cox, 180 East First South, Salt Lake City, Utah 84139.
B. Mountain Fuel Supply Co., 180 East First South, Salt Lake City, Utah.
E. (9) $145.73.

A. Cramer & Lipsen, 475 L'Enfant Plaza SW., Suite 4100, Washington, D.C. 20224.
B. National Constructors Association, 1101 15th Street NW., Washington, D.C. 20005.

A. Cramer & Lipsen, 475 L'Enfant Plaza SW., Suite 4100, Washington, D.C. 20224.
B. United States & Overseas Employee Tax Fairness Committee, 1101 15th Street NW., Suite 1000, Washington, D.C. 20005.
D. (6) $1,500. E. (9) $79.25.

A. Aldene E. Creech, National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 430 North Michigan Avenue, Chicago, Ill. 60611; 925 15th Street NW., Washington, D.C. 20005.
D. (6) $1,500. E. (9) $145.13.

A. Richard C. Creighton, 1957 E Street NW., Washington, D.C. 20006.
B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
D. (6) $4,000. E. (9) $500.

A. James H. Cromwell, 1957 E Street NW., Washington, D.C. 20006.
B. Associated General Contractors of America, Inc., 1957 E Street NW., Washington, D.C. 20006.
D. (6) $2,500. E. (9) $500.

A. Douglas A. Crowley, 1957 E Street NW., Washington. D.C. 20006.
B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Culp, Dwyer, Guterson & Grader, 1300 Hoge Building, Seattle, Wash. 98104.
B. Pacific Northwest Utilities Conference Committee, 1151 Valley Mall Parkway, East Wenatchee, Wash. 98801.
D. (6) $15,099.11. E. (9) $14,844.11.

A. William E. Cumberland, Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $588. E. (9) $254.

A. Jay B. Cutler, American Psychiatric Association, 1333 New Hampshire Avenue NW., Suite 670, Washington, D.C. 20036.
B. American Psychiatric Association, 1700 18th Street NW., Washington, D.C. 20009.
D. (6) $3,700. E. (9) $488.15.

A. Richard C. Darling, J. C. Penney Co., 1156 15th Street NW., Washington, D.C. 20005.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.
D. (6) $350. E. (9) $100.15.

A. Diane Davenny Darneille, Schering-Plough Corp., Galloping Hill Road, Kenilworth, N.J. 07033.
B. Schering-Plough Corp., Galloping Hill Road, Kenilworth, N.J. 07033.
D. (6) $450. E. (9) $3,878.04.

A. John C. Datt, American Farm Bureau Federation, 425 13th Street, NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.
D. (6) $7,500.

A. Clarence F. Davan, Jr., P.O. Box 5308 T.A., Denver, Colo. 80217.
B. The Great Western Sugar Co., P.O. Box 5308 T.A., Denver, Colo. 80217.
D. (6) $3,200. E. (9) $2,262.19.

A. Donald S. Dawson, 723 Washington Building, Washington, D.C. 20005.
B. Opticians Association of America, 1250 Connecticut Avenue N.W., Washington, D.C. 20036.

A. Dawson, Riddell, Taylor, Davis & Holroyd, 723 Washington Building, Washington, D.C. 20005.
B. Air Transport Association, 1709 New York Avenue NW., Washington, D.C. 20006.
D. (6) $3,125.

A. Dawson, Riddell, Taylor, Davis & Holroyd, 723 Washington Building, Washington, D.C. 20005.
B. American Bus Association, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,500.

A. Dawson, Riddell, Taylor, Davis & Holroyd, 723 Washington Building, Washington, D.C. 20005.
B. Beneficial Finance Co., Morristown, N.J. 07960.
D. (6) $2,500.

A. Dawson, Riddell, Taylor, Davis & Holroyd, 723 Washington Building, Washington, D.C. 20005.
B. C.I.T. Financial Corp., 650 Madison Avenue, New York, N.Y. 10022.

A. Dawson, Riddell, Taylor, Davis & Holroyd, 723 Washington Building, Washington, D.C. 20005.
B. Dial Financial Corp., 207 Ninth Street, Des Moines, Iowa 50307.
D. (6) $2,500.

A. Dawson, Riddell, Taylor, Davis & Holroyd, 723 Washington Building, Washington, D.C. 20005.
B. Hormel Foundation, Austin, Minn. 55912.

A. Dawson, Riddell, Taylor, Davis & Holroyd, 723 Washington Building, Washington, D.C. 20005.
B. Legislature of the Virgin Islands, Charlotte Amalie, St. Thomas, V.I. 00801.

A. Dawson, Riddell, Taylor, Davis & Holroyd, 723 Washington Building, Washington, D.C. 20005.
B. United States Brewers Association, Inc., 1750 K Street NW., Washington, D.C. 20006.

A. Dawson, Riddell, Taylor, Davis & Holroyd, 723 Washington Building, Washington, D.C. 20005.
B. Virgin Islands Gift & Fashion Shop Association, St. Thomas, V.I. 00801.

A. Dawson, Riddell, Taylor, Davis & Holroyd, 723 Washington Building, Washington, D.C. 20005.
B. W. K. Kellogg Foundation, Battle Creek, Mich. 49016.

A. Dealer Bank Association, 1800 K Street NW., Suite 1014, Washington, D.C. 20006.
D. (6) $13,244. E. (9) $13,244.

A. Brian Deery, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, Inc., 1957 E Street NW., Washington, D.C. 20006.

A. deKieffer and Associates, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
B. Bureau of National and International Communications, Private Bag X152, Oretoria, 0001, Republic of South Africa.

A. Law Offices of Paul H. DeLaney, Jr., 1730 Rhode Island Avenue NW., Suite 310, Washington, D.C. 20036.
B. Cargill, Inc., P.O. Box 9300, Minneapolis, Minn. 55440.
D. (6) $13,686.41.

A. Law Offices of Paul H. DeLaney, Jr., 1730 Rhode Island Avenue NW., Suite 310, Washington, D.C. 20036.

B. Cargill Leasing Corp., 15407 McGinty Road, Minnetonka, Minn.
D. (6) $1,209.41.

A. Law Offices of Paul H. DeLaney, Jr., 1730 Rhode Island Avenue NW., Suite 310, Washington, D.C. 20036.
B. Guam Chamber of Commerce, 107 ADA Plaza Center, Agana, Guam, U.S.A. 96910.
D. (6) $500.

A. Law Offices of Paul H. DeLaney, Jr., 1730 Rhode Island Avenue NW., Suite 310, Washington, D.C. 20036.
B. Trade Adjustment Assistance Coordinating Committee.
D. (6) $250.

A. Department for Professional Employees, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $6,096.39. E. (9) $6,096.39.

A. Direct Selling Association, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $20,825. E. (9) $11,126.32.

A. Harley M. Dirks, American Medical Association, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $2,887.50.

A. Leo J. Donahue, 230 Southern Building, Washington, D.C. 20005.
B. American Association of Nurserymen, 230 Southern Building, Washington, D.C. 20005.

A. Richard M. Donaldson, 1700 Guildhall Building, Cleveland, Ohio 44115.
B. The Standard Oil Co. (Ohio) Guildhall Building, Cleveland, Ohio 44115.
D. (6) $360.

A. Thomas J. Donohue, Citizen's Choice, Inc., 1615 H Street NW., Washington, D.C. 20062.
B. Citizen's Choice, Inc. 1615 H Street NW., Washington, D.C. 20062.
D. (6) $5,000.10.

A. Doub, Purcell, Muntzing & Hansen, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Rice, Inc., Houston, Tex.

A. Doub, Purcell, Muntzing & Hansen, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. The Board of Trade of Kansas City, Mo., Inc., Kansas City, Mo.

A. Doub, Purcell, Muntzing & Hansen, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Campbell Taggart, Inc., Dallas, Tex.

A. Doub, Purcell, Muntzing & Hansen, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Clayton Brokerage Co. of St. Louis, Inc., Clayton, Mo.

A. Doub, Purcell, Muntzing & Hansen, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. CSR, Ltd., Sydney, Australia.
D. (6) $1,250. E. (9) $413.18.

A. Doub, Purcell, Muntzing & Hansen, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Iowa Beef Processors, Inc., Dakota City, Nebr.
D. (6) $12,000. E. (9) $1,410.30.

A. Doub, Purcell, Muntzing & Hansen, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Pesticide Producers Association, Washington, D.C.

A. Doub, Purcell, Muntzing & Hansen, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Planters Peanuts, Washington, D.C.

A. Doub, Purcell, Muntzing & Hansen, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Pioneer Corp., Amarillo, Texas.

A. Mary Jane C. Due, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
D. (6) $1,523.38.

A. Jeffrey M. Duke, 260 Madison Avenue, New York, N.Y. 10016.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Vicki L. Dungan, 737 10th Street SE., Washington, D.C. 20003.
B. Society of Professional Benefit Administrators, 1800 M Street NW., Suite 1030N, Washington, D.C. 20036.
D. (6) $700.

A. James W. Dunlop, The Brooklyn Union Gas Co., 195 Montague Street, Brooklyn, N.Y. 11201.
B. The Brooklyn Union Gas Co., 195 Montague Street, Brooklyn, N.Y. 11201.

A. Helen H. Edge, Railway Progress Institute, 700 North Fairfax Street, Alexandria, Va. 22314.
B. Railway Progress Institute, 700 North Fairfax Street, Alexandria, Va. 22314.
D. (6) $201.46.

A. Ed Edmondson, P.O. Box 11, Muskogee, Okla. 74401.
B. Cherokee Nation, P.O. Box 119, Tahlequah, Okla. 74464.
D. (6) $9,054. E. (9) $1,566.

A. Ed Edmondson, P.O. Box 11, Muskogee, Okla. 74401.
B. Doss Aviation, Inc., P.O. Box 725, Fort Rucker, Ala. 36360.
D. (6) $1,950. E. (9) $923.50.

A. Clifford E. Edwards, National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
E. (9) $19.

A. J. Rodney Edwards, 260 Madison Avenue, New York, N.Y. 10016.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Phyllis Eisen, Zero Population Growth, Inc., 1346 Connecticut Avenue NW., Washington, D.C. 20036.
B. Zero Population Growth, Inc., 1346 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $29. E. (9) $3.

A. Adelaide K. Eisenmann, 607 G Street SW., Washington, D.C. 20024.
B. Panamanian Committee for Human Rights, 5700 Southwest 59th Court, Miami, Fla. 33143.

A. Richard Eisenmann, 607 G Street SW., Washington, D.C. 20024.

B. Panamanian Committee for Human Rights, 5700 Southwest 59th Court, Miami, Fla. 33143.
E. (9) $120.31.

A. James V. Elder, Sierra Club, 330 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.
D. (6) $4,222. E. (9) $164.88.

A. John Ellis, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Dorothy A. Ellsworth, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
B. International Association of Machinists and Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $4,394.28. E. (9) $139.80.

A. John W. Emeigh, National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

A. Emergency Committee for American Trade, 1211 Connecticut Avenue, N.W., Washington, D.C. 20036.
D. (6) $9,808.50. E. (9) $10,382.02.

A. Employee Relocation Council, 1627 K Street NW., Washington, D.C. 20006.
E. (9) $2,796.57.

A. Energy Action Educational Foundation, 1523 L Street NW., No. 302, Washington, D.C. 20005.
D. (6) $675. E. (9) $1,996.91.

A. Herb Epstein, Solar Lobby, 1001 Connecticut Avenue NW., No. 510, Washington, D.C. 20036.
B. Solar Lobby, 1001 Connecticut Avenue NW., No. 510, Washington, D.C. 20036.
D. (6) $3,274.74.

A. Jerry N. Ervin, Quintana Refinery Co., P.O. Box 3331, Houston, Tex. 77001.
B. Quintana Refinery Co., P.O. Box 3331, Houston, Tex. 77001.

A. Brock Evans, Sierra Club, 330 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Sierra Club, 530 Bush St., San Francisco, Calif. 94108.
D. (6) $3,200. E. (9) $19.50.

A. George W. Falltrick, Brotherhood of Railway, Airline, & Steamship Clerks, Freight Handlers, Express & Station Employes, 815 16th Street NW., Washington, D.C. 20006.
B. Brotherhood of Railway, Airline, & Streamship Clerks, Freight Handlers, Express & Station Employes, 3 Research Place, Rockville, Md. 20850.
D. (6) $1,920. E. (9) $1,918.

A. Federal Express Corp., P.O. Box 727, Memphis, Tenn. 38194.
E. (9) $91,713.22.

A. Stuart F. Feldman, Suite 931, 1346 Connecticut Avenue NW., Washington, D.C. 20036.

A. Stuart F. Feldman, Suite 931, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
B. Council of Vietnam Veterans, Inc., Suite 931, 1346 Connecticut Avenue NW., Washington, D.C. 20036.

A. Leon Felix, National Education Association, 1419 Joan Drive, Palatine, Ill. 60067.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $953. E. (9) $832.25.

A. C. H. Fields, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.
D. (6) $4,216. E. (9) $58.

A. Theodora Fine, American Psychiatric Association, 1333 New Hampshire Avenue NW., Suite 670, Washington, D.C. 20036.
B. American Psychiatric Association, 1700 18th Street NW., Washington, D.C. 20009.
D. (6) $1,620. E. (9) $503.05.

A. Paul E. Finger, 2027½ O Street NW., Washington, D.C. 20036.
B. Manufactured Housing Institute, 1745 Jefferson Davis Highway, Suite 511, Arlington, Va. 22202.

A. Laurie Ann Fiori, National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
D. (6) $329.80. E. (9) $139.89.

A. First Pro-Life Congressional District Action Committee (Fla.), 10 North 77th Avenue, Pensacola, Fla. 32506.

A. Fisheries Development Corp., 17 Battery Place, New York, N.Y. 10004.
E. (9) $933.

A. Mark Fitzgerald, 15th & M Streets NW., Washington, D.C. 20005.
B. National Association of Home Builders of the United States, 15th & M Streets NW., Washington, D.C. 20005.
D. (6) $6,577. E. (9) $1,312.30.

A. T. E. Fitzgerald, Jr., 18913 Quail Valley Boulevard, Gaithersburg, Md. 10760.
B. Household Finance Corp., HFC International Headquarters, 2700 Sanders Road, Prospect Heights, Ill. 60070.
D. (6) $1,427.50. E. (9) $700.13.

A. James H. Fitzpatrick, Hospital Association of New York State, 15 Computer Drive West, Albany, N.Y. 12205.
B. Hospital Association of New York State, 15 Computer Drive West, Albany, N.Y. 12205.
D. (6) $437. E. (9) $320.14.

A. Food Research and Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.
E. (9) $7,840.05.

A. Forest Farmers Association, P.O. Box 95385, Atlanta, Ga. 30347.
E. (9) $406.62.

A. J. Dee Frankfourth, P.O. Box 403, Eagle River, Alaska 99577.
B. Alaska Coalition, 530 7th Street SE., Washington, D.C. 20003.
D. (6) $3,591. E. (9) $199.39.

A. Charles L. Frazier, National Farmers Organization, Corning, Iowa 50841; 475 L'Enfant Plaza SW., No. 2250, Washington, D.C. 20024.
B. National Farmers Organization, Corning, Iowa 50841.
D. (6) $2,722.50. E. (9) $1,867.30.

A. Leslie E. Freed, 1660 L Street NW., Suite 201, Washington, D.C. 20036.
B. American Can Co., American Lane, Greenwich, Conn. 06830.
E. (9) $606.82.

A. Harry L. Freeman, American Express Co., 1700 K Street NW., Washington, D.C. 20006.
B. American Express Co., American Express Plaza, New York, N.Y. 10004.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue, Suite 1000, Washington, D.C. 20037.
B. Automotive Dismantlers & Recyclers of America, 1000 Vermont Avenue, Washington, D.C. 20006.
E. (9) $10.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Beth Israel Medical Center, 10 Nathan Perlman Place, New York, N.Y. 10003.
E. (9) $115.56.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Suite 1000, Washington, D.C. 20037.
B. Dr. Halla Brown, 2475 Virginia Avenue NW., Washington, D.C. 20037.
E. (9) $8.85.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Suite 1000, Washington, D.C. 20037.
B. Center for Research Libraries, 5721 Cottage Grove Avenue, Chicago, Ill. 60637.
E. (9) $8.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Suite 1000, Washington, D.C. 20037.
B. Information Industry Association, 316 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $3,457. E. (9) $110.05.

A. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C. 20002.
D. (6) $50,510. E. (9) $75,424.

A. Gustave Fritschie, 1101 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.
B. National Fisheries Institute, 1101 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.
D. (6) $500.

A. Robert D. Fritz, Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 815 16th Street NW., Washington, D.C. 20006.
B. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 3 Research Place, Rockville, Md. 20850.
D. (6) $2,800. E. (9) $2,477.

A. William R. Ganser, Jr., 4804 Folse Drive, Metairie, La. 70002.
B. Southern Forest Products Association, P.O. Box 52468, New Orleans, La. 70152.
D. (6) $1,658.52.

A. Marie Gavigan, 1957 E Street NW., Washington, D.C. 20006.
B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C 20006.

A. Leo J. Gehrig, American Hospital Association, 444 North Capitol Street NW., No. 500, Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $1,549.49. E. (9) $142.58.

A. John Gentille, 1957 E Street NW., Washington, D.C. 20006.

B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Claire M. Geoghegan, 411 Second Street NE., Washington, D.C. 20002.

B. Ad-Hoc Committee for Competitive Telecommunications, 411 Second Street NE., No. 301, Washington, D.C. 20002.

D. (6) $8,307.72.

A. Llewellyn H. Gerson, North Washington at Madison, Alexandria, Va. 22314.

B. United Fresh Fruit & Vegetable Association, North Washington at Madison, Alexandria, Va. 22314.

D. (6) $92.30. E. (9) $378.

A. Getty Oil Co., 3810 Wilshire Boulevard, Los Angeles, Calif. 90010.

E. (9) $12,026.84.

A. Norma J. Gilbert, 1776 K Street NW., Suite 200, Washington, D.C. 20006.

B. Motorola, Inc., 1776 K Street NW., Suite 200, Washington, D.C. 20006.

D. (6) $1,300. E. (9) $63.50.

A. Jonah Gitlitz, 1225 Connecticut Avenue NW., Suite 401, Washington, D.C. 20036.

B. American Advertising Federation, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $181.32.

A. Vernie R. Glasson III, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.

D. (6) $5,000. E. (9) $21.

A. Robert G. Glavin, American Hospital Association, 444 North Capitol Street NW., No. 500, Washington, D.C. 20001.

B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

D. (6) $674.66. E. (9) $43.18.

A. Claude R. Glaze, Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 815 16th Street NW., Washington, D.C. 20006.

B. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 3 Research Place, Rockville, Md. 20850.

D. (6) $1,600. E. (9) $1,518.

A. Glenmede Trust Co., 229 South 18th Street, Philadelphia, Pa.

E. (9) $16,218.50.

A. Neil B. Goldstein, Sierra Club, 800 Second Avenue New York, N.Y. 10017.

B. Sierra Club 530 Bush Street, San Francisco, Calif. 94108.

D. (6) $6,000. E. (9) $2,176.58.

A. William M. Goldstein, Morgan, Lewis & Bockius, 1800 M Street, NW., Washington, D.C. 20036.

B. Committee on Capital Formation Through Dividend Reinvestment.

A. Jack Golodner, 1140 Connecticut Avenue NW., Washington, D.C. 20036.

B. Actors Equity Association, 1500 Broadway, New York, N.Y. 10036.

D. (6) $2,500. E. (9) $478.01.

A. Jack Golodner, 815 16th Street NW., Washington, D.C. 20006.

B. Department for Professional Employees, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $2,625.

A. Alfonso J. Gonzalez, National Association of Social Workers, 1425 H Street NW., Suite 600, Washington, D.C. 20005.

B. National Association of Social Workers, 1425 H Street NW., Suite 600, Washington, D.C. 20005.

D. (6) $9,000. E. (9) $620.

A. Brenda J. Gore, 1155 15th Street NW., Washington, D.C. 20005.

B. LTV Corp., 1525 Elm Street, Dallas, Tex. 75222.

D. (6) $500.

A. Maria Ann Graham, 1301 20th Street NW., Apt. 501, Washington, D.C. 20036.

B. National Audubon Society, 950 Third Avenue, New York, N.Y. 10022.

D. (6) $4,779.99. E. (9) $1,537.36.

A. Martha W. Gray, 1101 16th Street NW., Washington, D.C. 20036.

B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.

E. (9) $47.27.

A. Great Western Sugar Co., P.O. Box 5308, T.A., Denver, Colo. 80217.

E. (9) $29,221.80.

A. Wayne Green, 73 Magazine, Peterborough, N.H. 03458.

B. 73, Inc., Peterborough, N.H. 03458.

A. Alison Eden Greene, Suite 600, 1707 H Street NW., Washington, D.C. 20006.

B. National Foundation-March of Dimes, 1275 Mamaroneck Avenue, White Plains, N.Y. 10605.

D. (6) $1,500. E. (9) $30.

A. P. Michael Greenwald, American Hospital Association, 444 North Capitol Street NW., No. 500, Washington, D.C. 20001.

B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

D. (6) $861.30. E. (9) $35.36.

A. Roger F. Griffin, 1620 I Street NW., Suite 703, Washington, D.C. 20006.

B. Bechtel Corp., 1620 I Street NW., Suite 703, Washington, D.C. 20006.

A. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., No. 701, Washington, D.C. 20036.

D. (6) $3,273.90. E. (9) $3,273.90.

A. John T. Grupenhoff, 6410 Rockledge Drive, Suite 208, Bethesda, Md. 20034.

B. American Academy of Dermatology, 820 Davis Street, Evanston, Ill. 60201.

D. (6) $220. E. (9) $26.50.

A. John T. Grupenhoff, 6410 Rockledge Drive, Suite 208, Bethesda, Md. 20034.

B. American Gastroenterological Association, c/o Charles Slack, Inc., Thorofare, N.J. 08086.

D. (6) $420. E. (9) $2.40.

A. John T. Grupenhoff, 6410 Rockledge Drive, Suite 208, Bethesda, Md. 20034.

B. MEGO International, Inc., 41 Madison Avenue, New York, N.Y. 10010.

D. (6) $1,020. E. (9) $276.10.

A. John T. Grupenhoff, 6410 Rockledge Drive, Suite 208, Bethesda, Md. 20034.

B. National Association for Hospital Development, 1700 K Street NW., Suite 605, Washington, D.C. 20006.

D. (6) $224. E. (9) $67.70.

A. Robert F. Guthrie, 815 16th Street NW., Washington, D.C. 20006.

B. Department for Professional Employees, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $2,885.63.

A. Ellen Haas, Community Nutrition Institute, 1146 19th Street NW., Room 300 Washington, D.C. 20036.

B. Community Nutrition Institute, 1146 19th Street NW., Room 300, Washington, D.C 20036.

E. (9) $25.

A. Craig Hackler, 400 North Capitol Street, No. 600, Washington, D.C. 20001.

B. National Living Centers, 777 50 Post Oak Road, No. 600, Houston, Tex. 77056.

A. Charles W. Hackney, Jr., National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.

B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.

D. (6) $6,144. E. (9) $444.41.

A. Charles T. Hagel, Firestone Tire & Rubber Co., 1730 K Street NW., Suite 915, Washington, D.C. 20006.

B. The Firestone Tire & Rubber Co., 1200 Firestone Parkway, Akron, Ohio 44317.

D. (6) $5,000. E. (9) $147.74.

A. Cheryl A. Haley, American Hospital Association, 444 North Capitol Street NW., No. 500, Washington, D.C. 20001.

B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

D. (6) $692.95. E. (9) $71.13.

A. Martin G. Hamburger, Rural Delivery 3, Glen Rock, Pa. 17327.

B. PEN, Inc., 5013 Central Avenue, St. Petersburg, Fla. 33710.

D. (6) $500. E. (9) $300.

A. Doris G. Hardesty, Joint Maritime Congress, 444 North Capitol Street, Suite 801, Washington, D C. 20001.

B. Joint Maritime Congress, 444 North Capitol Street, Suite 801, Washington, D.C. 20001.

D. (6) $175.89.

A. John L. Harmer, 10 East South Temple, Suite 696, Salt Lake City, Utah 84111.

D. (6) $15,000. E. (9) $4,000.

A. Michael M. Hash, American Hospital Association, 444 North Capitol Street NW., No. 500, Washington, D.C. 20001.

B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60061.

D. (6) $2,867.54. E. (9) $141.84.

A. Mary W. Haught, Sun Co., Inc., 1800 K Street NW., Suite 820, Washington, D.C. 20006.

B. Sun Co., Inc., 100 Matsonford Road, Radnor, Pa. 19087.

D. (6) $650. E. (9) $60.25.

A. James E. Hawkins, 1725 DeSales Street NW., Suite 402, Washington, D.C. 20036.

B. National Demonstration Water Project, 1725 DeSales Street NW., No. 402, Washington, D.C. 20034.

A. Bruce R. Hawley, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.

D. (6) $3,875. E. (9) $6.

A. Spencer H. Heine, Montgomery Ward & Co., Inc., 1 Montgomery Ward Plaza, Chicago, Ill. 60671.

B. Montgomery Ward & Co., Inc., 1 Montgomery Ward Plaza, Chicago, Ill. 60671.

A. Clyde M. Heiner, 180 East First South, Salt Lake City, Utah.

B. Mountain Fuel Supply Co., 180 East First South, Salt Lake City, Utah.
E. (9) $100.43.

A. Daniel R. Helmick, 1625 Eye Street NW., Room 301, Washington, D.C. 20006.
B. Columbia Gas Distribution Cos., 99 North Front Street, Columbus, Ohio 43215.
D. (6) $2.677.50 E. (9) $195.77.

A. Thomas M. Hennessy, 1701 Pennsylvania Avenue, NW., Washington, D.C. 20006.
B. Getty Oil Co., 3810 Wilshire Blvd., Los Angeles, Calif. 90010.
D. (6) $2,220. E. (9) $525.87.

A. Hercules, Inc., 910 Market Street, Wilmington, Del. 19899.
E. (9) $4,126.

A. William G. Herrold, 2029 K Street NW., Suite 601, Washington, D.C. 20006.
B. The Institute of Electrical and Electronics Engineers, 2029 K Street NW., Suite 601, Washington, D.C. 20006.
D. (6) $938.50. E. (9) $780.

A. William R. Hesse, American Association of Advertising Agencies, 1899 L Street NW., Suite 700, Washington, D.C. 20036.
B. American Association of Advertising Agencies, 200 Park Avenue, Pan Am Building, New York, N.Y. 10017.
D. (6) $2,500. E. (9) $750.

A. Heublein, Inc., Munson Road, Farmington, Conn. 06032.
E. (9) $7,775.

A. Dave Hill, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.
D. (6) $3,000. E. (9) $94.

A. Stuart L. Hill, 1459 Via Loma, Walnut Creek, Calif. 94598.
B. Bechtel, Inc., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

A. Hill and Knowlton, Inc., 1425 K Street NW., No. 1000, Washington, D.C. 20005.
B. Florists' Transworld Delivery Association, P.O. Box 2227, Southfield, Mich. 48037.

A. Arthur F. Hintze, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. James D. Hittle, 3137 S. 14th Street, Arlington, Va. 22204.
B. Vought Corp., Dallas, Tex.
D. (6) $3,600. E. (9) $261.

A. Gerald F. Hogan, 1012 14th Street NW., Suite 901, Washington, D.C. 20005.
B. Consumer Federation of America, 1012 14th Street, NW., Suite 901, Washington, D.C. 20005.
D. (6) $2,000. E. (9) $175.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Council of European and Japanese National Shipowners' Associations, 17/18 Bury Street, London EC3A 5AH, England.
D. (6) $515. E. (9) $41.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Energy Transportation Systems, Inc., 50 Beale Street, San Francisco, Calif. 94119.
D. (6) $650.

A. Hogan & Hartson, 815 Connecticut Avenue, Washington, D.C. 20006.
B. National Rehabilitation Association, 1522 K Street NW., Washington, D.C.
D. (6) $270.

A. Holiday Inns, Inc., 3742 Lamar Avenue, Memphis, Tenn. 38118.
E. (9) $4,650.

A. Fortescue W. Hopkins, Box 218, Daleville, Va. 24083.
B. Graham-White Manufacturing Co., P.O. Box 1099, Salem, Va. 24153; Graham-White Sales Corp., P.O. 1099, Salem, Va. 24153.

A. Hospital Association of New York State, 15 Computer Drive West, Albany, N.Y. 12205.
D. (6) $1,568. E. (9) $1,568.

A. Clifford T. Howlett, Jr., Georgia-Pacific Corp., 1875 Eye Street N.W., Washington, D.C. 20006.
B. Georgia-Pacific Corp., 900 Southwest Fifth Avenue, Portland, Oreg. 92704.
E. (9) $250.

A. Karetta B. Hubbard, National Treasury Employees Union, 1730 K Street N.W., Suite 1101, Washington, D.C. 20006.
B. National Treasury Employees Union, 1730 K Street NW., Suite 1101, Washington, D.C. 20006.
D. (6) $9,500. E. (9) $2,000.

A. Randall A. Huffman, Willkie Farr & Gallagher, 153 East 53d Street, New York, N.Y.
B. Willkie Farr & Gallagher, 153 East 53d Street, New York, N.Y.
E. (9) $289.94.

A. Gregory A. Humphrey, American Federation of Teachers, AFL–CIO, 11 DuPont Circle NW., Washington, D.C. 20036.
B. American Federation of Teachers, AFL–CIO, 11 Dupont Circle NW., Washington, D.C. 20036.
D. (6) $7,233.15. E. (9) $26.

A. Gerard F. Hurley, National Club Association, 1625 I Street NW., Washington, D.C. 20006.
B. National Club Association, 1625 I Street NW., Washington, D.C. 20006.
D. (6) $1,000. E. (9) $24.35.

A. Raymond D. Hurley, One Farragut Square South, Washington, D.C. 20006.
B. Owens-Corning Fiberglas Corp., Fiberglas Tower, Toledo, Ohio 43659.

A. Independent Bankers Association of America, 1625 Massachusetts Avenue NW., Suite 203, Washington, D.C. 20036.
D. (6) $90,371. E. (9) $66,679.63.

A. Ronald K. Ikejiri, 1730 Rhode Island Avenue NW., No. 204, Washington, D.C. 20036.
B. Japanese American Citizens League, 1765 Sutter Street, San Francisco, Calif. 94115.
D. (6) $2,605.50.

A. Institute of Foreign Bankers, 200 Park Avenue, No. 303, Room 23, New York, N.Y. 10017.

A. Interlake, Inc., 2015 Spring Road, Oak Brook, Ill. 60521.
E. (9) $14,364.19.

A. International Association of Machinists & Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
E. (9) $17,597.55.

A. International Union of Operating Engineers, 1125 17th Street NW., Washington, D.C. 20036.
E. (9) $3,925.

A. Roy Jacobsen, 6845 Elm Street, No. 500, McLean, Va. 22101.
B. Jack McDonald, Associates, Inc. (for Sugar Association of America, 1511 K Street NW., Washington, D.C. 20005), 6845 Elm Street, No. 500, McLean, Va. 22101.
D. (6) $6,000. E. (9) $728.70.

A. Walter K. Jaenicke, National Forest Products Association, 1619 Massachusetts Avenue, Washington, D.C. 20036.
B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $5,000. E. (9) $840.76.

A. Herbert N. Jasper, 411 Second Street NE., Washington, D.C. 20002.
B. Ad-Hoc Committee for Competitive Telecommunications, 411 Second Street NE., No. 301, Washington, D.C. 20002.
D. (6) $14,307.72.

A. Philip F. Jehle, 1150 Connecticut Avenue NW., Suite 310, Washington, D.C. 20036.
B. SmithKline Corp., 1500 Spring Garden Street, Philadelphia, Pa., 19101.
D. (6) $1,000. E. (9) $1,075.

A. Walter W. John, Organization of Professional Employees of the U.S. Department of Agriculture, Room 1414, South Building, USDA, Washington, D.C. 20250.
B. Organization of Professional Employees of the U.S. Department of Agriculture, Room 1414, South Agriculture Building, Washington, D.C. 20250.
D. (6) $502.

A. Bruce T. Johnson, Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $763. E. (9) $2,713.

A. David Johnston, 1957 E Street NW., Washington, D.C. 20006.
B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Joint Maritime Congress, 444 North Capitol Street, Suite 801, Washington, D.C. 20001.
D. (6) $19,813.01. E. (9) $19,813.01.

A. Ernest W. Jones, 1957 E Street NW., Washington, D.C. 20006.
B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Randall T. Jones, 1030 15th Street NW., Suite 700, Washington, D.C.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $630.

A. Thomas M. Joyce, 1120 19th Street, Washington, D.C. 20036.
B. Independent Insurance Agents of America, Inc., 85 John Street, New York, N.Y. 10038.
D. (6) $6,537.53.

A. Geza Kadar, Jr., 1700 Pennsylvania Avenue NW., No. 200, Washington, D.C. 20006.
B. Blue Cross & Blue Shield Associations,

1700 Pennsylvania Avenue NW., No. 200, Washington, D.C. 20006.

D. (6) $700.

A. H. Richard Kahler, 1850 K Street NW., Suite 925, Washington, D.C. 20006.

B. Caterpillar Tractor Co., 100 North East Adams Street, Peoria, Ill. 61629.

D. (6) $2,500. E. (9) $1,719.91.

A. Irving K. Kaler, Kaler & Center, Suite 1749, Lenox Towers, 3400 Peachtree Road NE., Atlanta, Ga. 30326.

B. Outdoor Advertising Association of America, Inc., 1660 L Street NW., Suite 215-16, Washington, D.C. 20036.

D. (6) $1,760. E. (9) $169.38.

A. Gary Paul Kane, National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.

B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.

D. (6) $7,528. E. (9) $783.84.

A. Elizabeth Kaplan, 530 Seventh Street SE., Washington, D.C. 20003.

B. Friends of the Earth, 530 Seventh Street SE., Washington, D.C. 20003.

D. (6) $2,539.20.

A. Charles W. Karcher, 1780 Guildhall, Cleveland, Ohio 44115.

B. Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.

A. Robert J. Keefe, 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

B. Keefe Co. (for American Family Life Assurance Co.), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

D. (6) $5,625.

A. Robert J. Keefe, 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

B. Keefe Co. (for the Cordage Institute), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

D. (6) $3,375. E. (9) $794.

A. James J. Kennedy, Jr., Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 815 16th Street NW., Washington, D.C. 20006.

B. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 3 Research Place, Rockville, Md. 20850.

D. (6) $7,000. E. (9) $1,375.

A. William J. Kenney, 1140 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036.

B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.

A. William J. Kenney, 1140 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036.

B. Arlington Trust Co., P.O. Box 688, Lawrence, Mass. 01842.

D. (6) $5,243. E. (9) $6,426.84.

A. William J. Kenney, 1140 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036.

B. Borinquen Fisheries, Ltd., 17 Varick Street, New York, N.Y. 10013.

D. (6) $10,330. E. (9) $16,170.

A. Dean King, National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Daniel L. Kiley, 8 North Jefferson Street, Roanoke, Va. 24042.

B. Norfolk & Western Railway Co., 8 North Jefferson Street, Roanoke, Va. 24042.

D. (6) $1,220.50. E. (9) $334.57.

A. Roberta D. Kimball, 1957 E. Street NW., Washington, D.C. 20006.

B. Associated General Contractors of America, 1957 E. Street NW., Washington, D.C. 20006.

A. Sally Ann Kirkpatrick, American Insurance Association, 1025 Connecticut Avenue NW., Suite 415, Washington, D.C. 20036.

B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 415, Washington, D.C. 20036.

D. (6) $5,300. E. (9) $445.69.

A. Jeff Kirsch, Food Research & Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.

B. Food Research & Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.

D. (6) $1,114.11. E. (9) $15.10.

A. Donald R. Kirtley, Hercules Inc., 910 Market Street, Wilmington, Del. 19899.

B. Hercules Inc., 910 Market Street, Wilmington, Del. 19899.

A. Ralph W. Kittle, 1620 I Street NW., No. 700, Washington, D.C. 20006.

B. International Paper Co., Room 700, 1620 I Street NW., Washington, D.C. 20006.

D. (6) $400. E. (9) $185.

A. Terrence H. Klasky, Independent Bankers Association of America, 1625 Massachusetts Avenue NW., Suite 203, Washington, D.C. 20036.

B. Independent Bankers Association of America, 1168 South Main Street, Sauk Centre, Minn. 56378.

D. (6) $10,000. E. (9) $1,500.

A. John S. Knox, Jr., 166 16th Street NW., Atlanta, Ga. 30318.

B. Coca-Cola Bottlers' Association, 166 16th Street NW., Atlanta, Ga. 30318.

D. (6) $25.

A. Louis C. Kramp & Associates, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Holiday Inns, Inc.

D. (6) $4,650.

A. Louis C. Kramp & Associates, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. National Associates of Homes for Children, 200 South Tryon Street, Suite 1500, Charlotte, N.C. 28202.

D. (6) $750.

A. Louis C. Kramp & Associates, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. ServiceMaster Industries, Inc., 2300 Warrenville Road, Downers Grove, Ill. 60515.

D. (6) $100.

A. Louis C. Kramp & Associates, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. United States Industrial Council, P.O. Box 2686, Nashville, Tenn. 37219.

D. (6) $1,500.

A. Kroger Co., 1014 Vine Street, Cincinnati, Ohio 45201.

E. (9) $1,532.09.

A. Joseph Kuchler, American Hospital Association, 444 North Capitol Street NW., No. 500. Washington, D.C. 20001.

B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

D. (6) $1,302.15. E. (9) $54.85.

A. Franklin James Kulhanek, 1007-A Constitution Avenue NW., Washington, D.C. 20002.

B. Grocery Manufacturers of America, 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

D. (6) $1,188.46. E. (9) $1,723.28.

A. Dan Kuykendall, 918 16th Street NW., Suite 402, Washington, D.C. 20006.

B. Southern Furniture Manufacturers Association, 918 16th Street NW., Suite 402, Washington, D.C. 20006.

D. (6) $15,000.

A. Harry J. Lambeth, 725 15th Street NW., Suite 700, Washington, D.C. 20005.

B. Council to Save the Postcard, Suite 700, 725 15th Street NW., Washington, D.C. 20005.

A. A. M. Lampley, United Transportation Union, 400 First Street NW., Suite 704, Washington, D.C. 20001.

B. United Transportation Union, 400 First Street NW., Suite 704, Washington, D.C. 20001.

A. Clifford C. LaPlante, General Electric Co., 777 14th Street NW., Washington, D.C.

B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn.

D. (6) $637.50.

A. Louis F. Laun, 260 Madison Avenue, New York, N.Y. 10016.

B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Charles B. Lavin, Jr., American Subcontractors Association, 815 15th Street NW., Suite 902, Washington, D.C. 20005.

B. American Subcontractors Association, 815 15th Street NW., Suite 902, Washington, D.C. 20005.

A. Susannah Lawrence, Solar Lobby, 1001 Connecticut Avenue NW., Suite 510, Washington, D.C. 20036.

B. Solar Lobby, 1001 Connecticut Avenue NW., No. 510, Washington, D.C. 20036.

D. (6) $949.20.

A. Robert F. Lederer, 230 Southern Building, Washington, D.C. 20005.

B. American Association of Nurserymen, 230 Southern Building, Washington, D.C. 20005.

A. David A. Leff, Joint Maritime Congress, 444 North Capitol Street, NW., Washington, D.C. 20001.

B. Joint Maritime Congress, 444 N. Capitol St., Suite 801, Washington, D.C. 20001.

D. (6) 1,467.99.

A. Legislative Associates, Inc., 1625 Massachusetts Avenue NW., Washington, D.C. 20036.

B. North American Telephone Association, 1030 15th Street NW., Suite 360, Washington, D.C. 20005.

D. (6) $24,075. E. (9) $484.40.

A. Leighton Conklin & Lemov, 2033 M Street NW., Suite 800, Washington, D.C. 20036.

B. Federation of Apparel Manufacturers, 450 Seventh Avenue, New York, N.Y. 10001.

A. Rodney E. Leonard, Community Nutrition Institute, 1146 19th Street NW., Room 300, Washington, D.C. 20036.

B. Community Nutrition Institute, 1146 19th Street NW., Room 300, Washington, D.C. 20036.

E. (9) $25.

A. Joseph Letorney, National Education Association, 112 Union Street, South Weymouth, Mass. 02190.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $953. E. $530.75.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Commonwealth Edison Co., One First National Plaza, Chicago, Ill. 60601.
E. (9) $11.50.

A. S. R. Levering, 245 Second Street NE., Washington, D.C. 20002.
B. U.S. Committee for the Oceans, 245 Second Street NE., Washington, D.C. 20002.

A. Lewis, Rice, Tucker, Allen & Chubb, 611 Olive Street, Suite 1400, St. Louis, Mo. 63101.
B. Paine, Webber, Jackson & Curtis, 555 South Flower Street, Los Angeles, Calif. 90071.
E. (9) $288.

A. Liberty Lobby, Inc., 132 Third Street SE., Washington, D.C. 20003.
D. (6) $87,583.34. E. (9) $93,723.07.

A. Russell B. Light, Boeing Co., 1700 North Moore Street, 20th Floor, Rosslyn, Va. 22209.
B. The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.

A. Linton, Mields, Reisler & Cottone, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Lake Superior District Power Co., 101 West Second Street, Ashland, Wis. 54806.
D. (6) $250.13.

A. Linton, Mields, Reisler & Cottone, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Madison Gas & Electric Co., 100 North Fairchild Street, Box 1231, Madison, Wis. 53701.
D. (6) $555.02.

A. Linton, Mields, Reisler & Cottone, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. The Metropolitan Sanitary District of Greater Chicago, 100 East Erie Street, Chicago, Ill. 60611.
D. (6) $3,141.60. E. (9) $33.70.

A. Linton, Mields, Reisler & Cottone, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Northern States Power Co., 100 North Barstow Street, Eau Claire, Wis. 54701.
D. (6) $750.23.

A. Linton, Mields, Reisler & Cottone, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Oregon Department of Transportation, Transportation Building, Salem, Oreg.
D. (6) $3,000.

A. Linton, Mields, Reisler & Cottone, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Radwaste Management Group, 1800 M Street NW., Washington, D.C. 20036.
D. (6) $3,731.25.

A. Linton, Mields, Reisler & Cottone, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. State of Illinois, Department of Transportation, Division of Water Resources, 2300 South Dirksen Parkway, Springfield, Ill. 62764.
D. (6) $2,287.50. E. (9) $98.30.

A. Linton, Mields, Reisler & Cottone, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. State of Illinois, Department of Transportation, 2300 S. Dirksen Parkway, Springfield, Ill. 62764.
D. (6) $5,627.60. E. (9) $54.38.

A. Linton, Mields, Reisler & Cottone, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Superior Water, Light & Power Co., 1230 Tower Avenue, Superior, Wis. 54880.
D. (6) $150.36.

A. Linton, Mields, Reisler & Cottone, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Wisconsin Electric Power Co., 231 West Michigan, Milwaukee, Wis. 53201.
D. (6) $2,433.54. E. (9) $219.13.

A. Linton, Mields, Reisler & Cottone, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Wisconsin Power & Light Co., Madison, Wis.
D. (6) $1,230.87.

A. Linton Mields, Reisler & Cottone, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Wisconsin Public Service Corp., P.O. Box 700, Green Bay, Wis. 54305.
D. (6) $1,006.70.

A. Charles B. Lipsen, 475 L'Enfant Plaza SW., Suite 4100, Washington, D.C. 20024.
B. Cramer and Lipsen, (for Government of Nicaragua, Managua, Nicaragua), 475 L'Enfant Plaza SW., Suite 4100, Washington, D.C. 20024.

A. Charles B. Lipsen, 475 L'Enfant Plaza SW., Suite 4100, Washington, D.C. 20024.
B. Cramer and Lipsen, (for National Constructors Association, 1101 15th Street NW., Washington, D.C. 20005), 475 L'Enfant Plaza SW., Suite 4100, Washington, D.C. 20024.

A. Charles B. Lipsen, 475 L'Enfant Plaza, SW., Suite 4100, Washington, D.C. 20024.
B. Cramer and Lipsen (For: U.S. & Overseas Employee Tax Fairness Committee, 1101 15th Street NW., Suite 1000, Washington, D.C. 20005), 475 L'Enfant Plaza, SW., Suite 4100, Washington, D.C. 20024.
D. (6) $1,500. E. (9) $79.25.

A. Janice C. Lipsen, 900 17th Street NW., Suite 504, Washington, D.C. 20006.
B. Counselors for Management, Inc., 900 17th Street NW., Suite 504, Washington, D.C. 20006.
E. (9) $5,000.

A. E. F. Livaudais, Jr., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
D. (6) $200.

A. Nira Hardon Long, 1800 M Street NW., Suite 880 South, Washington, D.C. 20036.
B. City of Los Angeles, Los Angeles, Calif. 90012.
D. (6) $5,625.

A. Nellie L. Longsworth, Preservation Action, 1914 Sunderland Place NW., Washington, D.C. 20036.
B. Preservation Action, 1914 Sunderland Place NW., Washington, D.C. 20036.
D. (6) $4,947.66.

A. Timothy B. Lovain, New Directions, 305 Massachusetts Avenue NE., Washington, D.C. 20002.
B. New Directions, 305 Massachusetts Avenue NE., Washington, D.C. 20002.
D. (6) $5,082.24.

A. Charles Emmet Lucey, McDermott, Will & Emery, 1101 Connecticut Avenue NW., Suite 1201, Washington, D.C. 20036.
B. Catholic Press Association, 119 N. Park Avenue, Rockville Centre, N.Y. 11570.
D. (6) $250. E. (9) $10.

A. Barbara A. Ludden, 1435 G Street NW., Suite 935, Washington, D.C. 20005.
B. American National Standards Institute, Inc., 1430 Broadway, New York, N.Y. 10018.
E. (9) $1,362.73.

A. Samuel A. Mabry, Hercules, Inc., 1800 K Street NW., Washington, D.C. 20006.
B. Hercules, Inc., 910 Market Street, Wilmington, Del. 19899.
D. (6) $1,800. E. (9) $162.

A. Manatt, Phelps, Rothenberg & Tunney, 1875 I Street NW., Suite 545, Washington, D.C. 20006.
B. Northrop Corp., 1800 Century Park East, Los Angeles, Calif. 90067.

A. Manufactured Housing Institute, 1745 Jefferson Davis Highway, Arlington, Va. 22202.
D. (6) $3,004. E. (9) $3,004.

A. John V. Maraney, 324 East Capitol Street NE., Washington, D.C. 20003.
B. National Star Route Mail Carriers' Association, 324 East Capitol, Washington, D.C. 20003.

A. Robert V. Mariani, Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 815 16th Street NW., Washington, D.C. 20006.
B. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 3 Research Place, Rockville, Md. 20850.
D. (6) $800. E. (9) $783.

A. C. Travis Marshall, 1776 K Street NW., Washington, D.C. 20006.
B. Motorola, Inc., 1776 K Street NW., Washington, D.C. 20006.
D. (6) $1,200. E. (9) $539.12.

A. Reynaldo L. Martinez, National Education Association, 1330 Gaylord Street, No. 707, Denver, Colo. 80206.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $953. E. (9) $420.50.

A. Charles H. Mauzy, National Education Association, P.O. Box 7308, Reynolds Station, Winston-Salem, N.C. 27109.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $953. E. (9) $323.

A. William J. McAuliffe, Jr., American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.
B. American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.

A. McCandless & Barrett, 1707 H Street NW., Washington, D.C. 20006.
B. Energy Consumers & Producers Association, Petroleum Plaza, Seminole, Okla. 74868.
D. (6) $7,006.73.

A. McCandless & Barrett, 1707 H Street NW., Suite 1005, Washington, D.C. 20006.
B. Transamerica Insurance Corp. of California, Occidental Center, Hill and Olive at 12 Street, Los Angeles, Calif. 90015.
D. (6) $24,317.74.

A. Sean A. McCarthy, 8003 Westpark Drive, McLean, Va. 22102.

B. Satellite Business Systems, 8003 Westpark Drive, McLean, Va. 22102.

D. (6) $1,000. E. (9) $68.77.

A. Bruce A. McCrodden, 1050 17th Street NW., Suite 650, Washington, D.C. 20036.

B. Standard Oil Co., Midland Building, Cleveland, Ohio 44115.

D. (6) $37.50.

A. James W. McDade, McDade & Lee, 1130 17th Street NW., Washington, D.C. 20036.

B. Stewart Capital Corp., 485 Madison Avenue, New York. N.Y. 10022.

A. Edward T. McDonald, Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 815 16th Street NW., Washington, D.C. 20006.

B. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 3 Research Place, Rockville, Md. 20850.

D. (6) $2,560. E. (9) $2,342.

A. Jack McDonald, 6845 Elm Street, No. 500, McLean, Va. 22101.

B. Jack McDonald Associates, Inc., (for Citizens for Management of Alaskan Lands, P.O. Box 3256–DT, Anchorage, Alaska 99510), 6845 Elm Street, No. 500, McLean, Va. 22101.

D. (6) $2,000.

A. Jack McDonald, 6845 Elm Street, No. 500, McLean, Va. 22101.

B. Jack McDonald Associates, Inc., (for Lear Siegler, Inc., 3171 South Bundy Drive, Santa Monica, Calif. 90406), 6845 Elm Street, No. 500, McLean, Va. 22101.

D. (6) $6,000.

A. Darryl D. McEwen, Society of American Florists, 901 North Washington Street, Alexandria, Va. 22314.

B. Society of American Florists & Ornamental Horticulturists, 901 North Washington Street, Alexandria, Va. 22314.

A. John E. McGill, Alascom, Inc., 949 East 36th Avenue, Anchorage, Alaska 99502.

B. Alascom, Inc., 939 East 36th Avenue, Anchorage, Alaska 99052.

A. Gregory E. McGowan, Firestone Tire & Rubber Co., 1730 K Street NW., Suite 915, Washington, D.C. 20006.

B. Firestone Tire & Rubber Co., 1200 Firestone Parkway, Akron, Ohio 44317.

D. (6) $3,500. E. (9) $972.38.

A. Joseph B. McGrath, National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $6,500. E. (9) $151.95.

A. Walter P. McHugh, American Hospital Association, 444 North Capitol Street NW., No. 500, Washington, D.C. 20001.

B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

D. (6) $1,353.60. E. (9) $36.25.

A. Philip A. McKeaney, American Federation of Teachers, AFL–CIO, 11 Dupont Circle NW., Washington, D.C. 20036.

B. American Federation of Teachers, AFL–CIO, 11 Dupont Circle NW., Washington, D.C. 20036.

D. (6) $5,725.70. E. (9) $44.

A. C. A. Mack McKinney, 110 Maryland Avenue NE., Box 43, Washington, D.C. 20002.

B. National Headquarters, Marine Corps League, 911 North Kenmore Street, Suite 321, Arlington, Va. 22201.

E. (9) $26.

A. L. Bradley McNally, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Blue Cross & Blue Shield Associations, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $925. E. (9) $100.

A. Francis X. Meaney, 1 Center Plaza, Boston, Mass. 02108.

B. Goldman, Sachs & Co., 55 Broad Street, New York, N.Y. 10004.

D. (6) $1,000. E. (9) $30.

A. Carl J. Megel, American Federation of Teachers, 11 Dupont Circle NW., Washington, D.C. 20036.

B. American Federation of Teachers, AFL–CIO, 11 Dupont Circle NW., Washington, D.C. 20036.

D. (6) $8,135. E. (9) $35.

A. Nanine Meiklejohn, 1625 L Street NW., Washington, D.C. 20036.

B. American Federation of State, County & Municipal Employees, AFL–CIO, 1625 L Street NW., Washington, D.C. 20036.

D. (6) $7,500. E. (9) $82.25.

A. Ted H. Meredith, 6030 Warwick Court, New Orleans, La. 70114.

B. Southern Forest Products Association, P.O. Box 52468, New Orleans La. 70152.

D. (6) $3,219.36.

A. Harold E. Mesirow, Lillick McHose & Charles, 1220 19th Street NW., Washington, D.C. 20036.

B. Stencel Aero Engineering Corp., P.O. Box 5836, Asheville, N.C. 28803.

A. Michigan Knife Co., 120 Pere Marquette Street, Big Rapids, Mich. 49307.

E. (9) $694.13.

A. Migrant Legal Action Program, 860 15th Street NW., Suite 600, Washington, D.C. 20005.

E. (9) $9,551.47.

A. Miller, Cassidy, Larroca & Lewin, 2555 M Street NW., Suite 500, Washington, D.C. 20037.

B. Alaska Federation of Natives, International, 133 Queen Anne Avenue North, Seattle, Wash. 98102.

A. Miller, Cassidy, Larroca & Lewin, 2555 M Street NW., Suite 500, Washington, D.C. 20037.

B. American Motors Corp., 14250 Plymouth Road, Detroit, Mich. 48232.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. California Savings & Loan League, 9800 South Sepulveda Boulevard, Los Angeles, Calif. 90045.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Northern Helex Co., 2223 Dodge Street, Omaha, Nebr. 68102.

D. (6) $450.

A. Miller & Chevalier, 1700 Pennsylvania Ave. NW., Washington, D.C. 20006.

B. Nuclear Fuel Services, Inc., Suite 600, 6000 Executive Boulevard, Rockville, Md. 20852.

D. (6) $2,530.

A. Clinton R. Miller, National Health Federation, 212 West Foothill Boulevard, Monrovia, Calif. 91016.

B. National Health Federation, 212 West Foothill Boulevard, Monrovia, Calif. 91016.

E. (9) $38,186.04.

A. Deborah Imle Miller, National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.

B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.

D. (6) $1,904. E. (9) $206.81.

A. Joseph S. Miller, 19 Third Street NE., Washington, D.C. 20002.

B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20035.

D. (6) $4,500. E. (9) $325.

A. Joseph S. Miller, 19 Third Street NE., Washington, D.C. 20002.

B. District 1–PCD, Marine Engineers Beneficial Association, 444 North Capitol Street, Washington, D.C. 20001.

D. (6) $3,000. E. (9) $850.50.

A. Joseph S. Miller, 19 Third Street NE., Washington, D.C. 20002.

B. O & C Counties Association, Route 3, Box 1530, Roseburg, Oreg. 97470.

A. Joseph S. Miller, 19 Third Street NE., Washington, D.C. 20002.

B. Port of Portland, Box 3529, Portland, Oreg. 97208.

D. (6) $600.

A. Joseph S. Miller, 19 Third Street NE., Washington, D.C. 20002.

B. Western Forest Industries Association, 1500 Southwest Taylor, Portland, Oreg.

D. (6) $3,000. E. (9) $245.

A. Kirk Miller, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.

D. (6) $4,000. E. (9) $93.

A. William P. Miller, Pr., American Society of Mechanical Engineers, 2029 K Street NW., Washington, D.C. 20006.

B. American Society of Mechanical Engineers, 345 East 47th Street, New York, N.Y. 10017.

E. (9) $225.85.

A. John F. Mills, 1875 I Street NW., Washington, D.C. 20006.

B. The Tobacco Institute, 1875 I Street NW., Suite 800, Washington, D.C. 20006.

A. Charles W. Mitchell, 4601 Schenley Road, Baltimore, Md. 21210.

B. Wills & Associates, Inc., No. 903, 36 South Charles Street, Baltimore, Md. 21201 (for Americans for Alaska).

A. Clarence Mitchell, NAACP, 733 15th Street NW., Washington, D.C. 20005.

B. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.

D. (6) $3,125.

A. Cleatis G. Mitchell, Box 131, Ashland, Oreg. 97520.

B. Western Truckers Association, Inc., Box 366, Medford, Oreg. 97501.

A. Donald Craig Mitchell, 1601 F Street, Anchorage, Alaska 99501; 510 A Street NE., Washington, D.C. 20002.

B. Alaska Federation of Natives, 1577 C Street, Suite 304, Anchorage, Alaska 99501.

D. (6) $9,000. E. (9) $631.15.

A. John S. Monagan, 1333 New Hampshire Avenue NW., Washington, D.C. 20006.

B. Central Station Electrical Protection Association, 1000 Vermont Avenue NW., Washington, D.C. 20005.

D. (6) $1,000. E. (9) $106.27.

A. Christopher Monek, 1957 E Street NW., Washington, D.C. 20006.

B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Donald L. Mooers, 10024 Kendale Road, Potomac, Md. 20854.
B. Westinghouse Electric Corp., Washington, D.C.
D. (6) $2,470.

A. April Moore, 1867 California Street NW., Washington, D.C. 20009.
B. National Consumers League, 1522 K Street NW., No. 406, Washington, D.C. 20005.

A. Mountain Fuel Supply Co., 180 East First South, Salt Lake City, Utah.
E. (9) $246.16.

A. James T. Mular, Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 815 16th Street NW., Washington, D.C. 20006.
B. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 3 Research Place, Rockville, Md. 20850.
D. (6) $2,800. E. (9) $2,075.

A. John P. Mulligan, Tuna Research Foundation, Inc., 1101 17th Street NW., Washington, D.C. 20036.
B. Tuna Research Foundation, Inc., 1101 17th Street NW., Washington, D.C. 20036.
D. (6) $1,250.

A. Daniel J. Mundy, Building & Construction Trades Department, 815 16th Street NW., Suite 603, Washington, D.C. 20006.
B. Building & Construction Trades Department, 815 16th Street NW., Suite 603, Washington, D.C. 20006.
D. (6) $9,124.96. E. (9) $3,657.66.

A. Ralph D. Murphine, 1214 16th Street NW., Washington, D.C. 20036.
B. Committee to Preserve the Appalachian Coal Market, Suite 311, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $1,000.

A. D. Michael Murray, 1120 Connecticut Avenue NW., Suite 1128, Washington, D.C. 20036.
B. Chicago, Milwaukee, St. Paul & Pacific Railroad, 516 West Jackson Boulevard, Chicago, Ill. 60606.
D. (6) $500.

A. D. Michael Murray, 1120 Connecticut Avenue NW., Suite 1128, Washington, D.C. 20036.
B. Cleveland Cliffs Iron Co., 1460 Union Commerce Building, Cleveland, Ohio 44115.
D. (6) $300.

A. D. Michael Murray, 1120 Connecticut Avenue NW., Suite 1128, Washington, D.C. 20036.
B. Freeport Minerals Co., 161 East 42d Street, New York, N.Y. 10017.
D. (6) $400.

A. D. Michael Murray, 1120 Connecticut Avenue NW., Suite 1128, Washington, D.C. 20036.
B. Iron Ore Lessors Association, 1500 First National Bank Building, St. Paul, Minn. 55101.
D. (6) $450.

A. D. Michael Murray, 1120 Connecticut Avenue NW., Suite 1128, Washington, D.C. 20036.
B. LTV Corp., P.O. Box 5003, Dallas, Texas 75222.
D. (6) $400.

A. D. Michael Murray, 1120 Connecticut Avenue NW., Suite 1128, Washington, D.C. 20036.
B. National Association of Industrial & Office Parks, 1700 North Moore Street, Suite 1010, Arlington, Va. 22209.
D. (6) $500.

A. D. Michael Murray, 1120 Connecticut Avenue NW., Suite 1128, Washington, D.C. 20036.
B. National Council of Coal Lessors, 1130 17th Street NW., Washington, D.C. 20035.
D. (6) $400.

A. J. Walter Myers, Jr., Forest Farmers Association, P.O. Box 95385, Atlanta, Ga. 30347.
B. Forest Farmers Association, P.O. Box 95385, Atlanta, Ga. 30347.
D. (6) $122. E. (9) $284.62.

A. Law office of Timothy D. Naegele, Suite 1280, 1850 K Street NW., Washington, D.C. 20006.
B. PruLease, Inc., 1255 Boylston Street, Boston, Mass. 02215.

A. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.
D. (6) $35,154. E. (9) $34,899.

A. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
D. (6) $287,805.53. E. (9) $140,386.69

A. National Association of Homes for Children, 200 South Tryon Street, Suite 1500, Charlotte, N.C. 28202.
E. (9) $750.

A. National Association of Retired Federal Employees, 1533 New Hampshire Avenue NW., Washington, D.C. 20036.
D. (6) $5,556. E. (9) $393.

A. National Association of State Lotteries, 1290 Silas Deane Highway, Wethersfield Conn. 06109.
D. (6) $1,800. E. (9) $1,800.

A. National Coalition for Marine Conservation, Inc., P.O. Box 23298, Savannah, Ga. 31403.
D. (6) $8,495. E. (9) $9,649.58.

A. National Committee Against Repressive Legislation, 1250 Wilshire Boulevard, Los Angeles, Calif. 90017.
D. (6) $1,940.48. E. (9) $4,405.31.

A. National Committee for Symphony Orchestra Support, 1100 17th Street NW., Suite 313, Washington, D.C. 20036.
D. (6) $281.25. E. (9) $5,579.35.

A. National Consumer Finance Association, 1000 16th Street NW., Washington, D.C. 20036.
E. (9) $1,850.

A. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $16,627.42. E. (9) $60,183.49.

A. National Federation of Licensed Practical Nurses, Inc., 888 Seventh Avenue, 18th Floor, New York, N.Y. 10019.
D. (6) $1,783. E. (9) $1,783.

A. National Hairdressers and Cosmetologists Association, 3510 Olive Street, St. Louis, Mo. 63103.
D. (6) $1,435.38.

A. National Organization for the Reform of Marijuana Laws (NORML), 2317 M Street NW., Washington, D.C. 20037.
D. (6) $29,052. E. (9) $78,317.

A. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $11,620. E. (9) $70,830.

A. National Rural Letter Carriers' Association, 1750 Penn. Avenue NW., Washington, D.C.
D. (6) $8,133. E. (9) $9,940.

A. National Taxpayers Union, 1521 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $4,790. E. (9) $4,790.

A. National Wool Growers Association, 452 13th Street NW., No. 548, Washington, D.C. 20004.

A. Michael C. Nave, National Association of Retired Federal Employees, 1533 New Hampshire Avenue NW., Washington, D.C. 20036.
B. National Association of Retired Federal Employees, 1533 New Hampshire Avenue NW., Washington, D.C. 20036.
D. (6) $65. E. (9) $4.50.

A. Frances E. Neely, 245 Second Street NE., Washington, D.C. 20002.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C. 20002.
D. (6) $2,853.

A. NETWORK, 806 Rhode Island Avenue NE., Washington, D.C. 20018.
D. (6) $20,606.71. E. (9) $2,719.85.

A. E. John Neumann, Baltimore Gas & Electric Co., 1523 L Street NW., No. 500, Washington, D.C. 20005.
B. Baltimore Gas & Electric Co., P.O. Box 1475, Baltimore, Md. 21203.
D. (6) $562.97. E. (9) $574.78.

A. New York Committee of International Committee of Passenger Lines, 25 Broadway, New York, N.Y. 10004.
D. (6) $19,000. E. (9) $22,220.

A. Frank Newham, National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

A. Norfolk & Western Railway Co., 8 North Jefferson Street, Roanoke, Va. 24042.
E. (9) $2,809.84.

A. Julia J. Norrell, 1801 K Street NW., Suite 821, Washington, D.C. 20006.
B. The Business Roundtable, 200 Park Avenue, New York, N.Y. 10017; and 1801 K Street NW., Washington, D.C. 20006.
D. (6) $1,000. E. (9) $40.

A. North American Telephone Association, 1030 15th Street NW., Washington, D.C. 20036.
D. (6) $43,231.31. E. (9) $43,231.31.

A. Mary E. Oakes, Hercules, Inc., 1800 K Street NW., Washington, D.C. 20006.
B. Hercules, Inc., 910 Market Street, Wilmington, Del. 19899.
D. (6) $112.

A. Dallin H. Oaks, Brigham Young University, Provo, Utah 84602.
B. Brigham Young University, Provo, Utah 84602.

A. Neil H. Offen, 1730 M Street NW., Washington, D.C. 20036.
B. Direct Selling Association, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $1,000. E. (9) $251.68.

A. Roy E. Olson, 260 Madison Avenue, New York, N.Y. 10016.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Law offices of John F. O'Neal, 600 New Hampshire Avenue NW., Suite 952, Washington, D.C. 20037.

B. Commodity Exchange, Inc., Four World Trade Center, Southeast Plaza Building, New York, N.Y. 10048.

D. (6) $2,663.87.

A. Kathleen F. O'Reilly, 1012 14th Street NW., Suite 901, Washington, D.C. 20005.

B. Consumer Federation of America, 1012 14th Street NW., Suite 901, Washington, D.C. 20005.

D. (6) $4,350. E. (9) $250.

A. Organization for the Protection and Advancement of Small Telephone Cos., 1104 Gary Court, Wheaton, Ill. 60187.

E. (9) $4,603.30.

A. Organization of Professional Employees of the U.S. Department of Agriculture, Room 1414, South Building, USDA, Washington, D.C.

D. (6) $192.97. E. (9) $872.71.

A. J. Allen Overton, Jr., American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

D. (6) $489.92. E. (9) $36.50.

A. Barbro Owens, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Pacific Northwest Utilities Conference Committee, 1151 Valley Mall Parkway, East Wenatchee, Wash. 98801.

D. (6) $30,383.50. E. (9) $26,659.61.

A. Gerard Paul Panaro, Jenkins, Nystrom & Sterlacci, 2033 M Street NW., Suite 504, Washington, D.C. 20036.

B. Retail Bakers of America, 6525 Belcrest Road, Suite 250, Hyattsville, Md. 20782.

D. (6) $1,875. E. (9) $78.

A. Paraplegia Cure Research, 100 Maryland Avenue NE., Washington, D.C. 20002.

D. (6) $190. E. (9) $670.95.

A. Judith E. Park, National Association of Retired Federal Employees, 1533 New Hampshire Avenue NW., Washington, D.C. 20036.

B. National Association of Retired Federal Employees (NARFE), 1533 New Hampshire Avenue NW., Washington, D.C. 20036.

D. (6) $7,282.

A. Jack Partridge, 1014 Vine Street, Cincinnati, Ohio 45201.

B. Kroger Co., 1014 Vine Street, Cincinnati, Ohio, 45201.

D. (6) $1,000. E. (9) $532.09.

A. William H. Patterson, General Electric Co., 777 14th Street NW., Washington, D.C.

B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn.

D. (6) $220.

A. Peabody, Rivlin, Lambert & Myers, 1150 Connecticut Avenue NW., Washington, D.C. 20036.

B. Motorola, Inc., Schaumberg, Ill. 60196.

D. (6) $625. E. (9) $10.

A. Peabody, Rivlin, Lambert & Myers, 1150 Connecticut Avenue NW., Washington, D.C. 20036.

B. Semiconductor Industries Association, 20380 Town Center Lane, Cupertino, Calif. 95014.

D. (6) $937.50. E. (9) $10.

A. Jack Pearce, Pearce & Brand, 1000 Connecticut Avenue NW., Suite 1200, Washington, D.C. 20036.

B. Committee Urging Regulatory Reform for Efficient National Trucking, 1000 Connecticut Avenue NW., Suite 1200, Washington, D.C. 20036.

E. (9) $921.44.

A. Jack Pearce, Pearce & Brand, 1000 Connecticut Avenue NW., No. 1200, Washington, D.C. 20036.

B. U.S.A. Petrochem Petroleum Refiner, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $26,365.25. E. (9) $19,615.60.

A. Pepper, Hamilton & Scheetz, 1776 F Street NW., Washington, D.C. 20006.

B. Alcalde, Henderson & O'Bannon, 1901 North Fort Meyer Drive, No. 1204, Rosslyn, Va. 22209.

D. (6) $1,225.

A. Pepper, Hamilton & Scheetz, 1776 F Street NW., Washington, D.C. 20006.

B. Cold Finished Steel Bar Institute, P.O. Box 5631, Chicago, Ill. 60680.

D. (6) $455.

A. Pepper, Hamilton & Scheetz, 1776 F Street NW., Washington, D.C. 20006.

B. Glenmede Trust Co., 1529 Walnut Street, Philadelphia, Pa. 19102.

D. (6) $16,072.50. E. (9) $146.

A. Pepper, Hamilton & Scheetz, 1776 F Street NW., Washington, D.C. 20006.

B. Harris Corp., Melbourne, Fla. 32919.

D. (6) $2,232.50. E. (9) $10.30.

A. Pepper, Hamilton & Scheetz, 1776 F Street NW., Washington, D.C. 20006.

B. Sun Shipbuilding, Foot of Morton Avenue, Chester, Pa. 19013.

D. (6) $846.25.

A. Pepper, Hamilton & Scheetz, 1776 F Street NW., Washington, D.C. 20006.

B. United States Cane Sugar Refiners Association, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $1,772.50.

A. Pepper, Hamilton & Scheetz, 1776 F Street NW., Washington, D.C. 20006.

B. Western Union Corp., 1 Lake Street, Upper Saddle River, N.J.

D. (6) $6,419.15. E. (9) $12.90.

A. Perito, Duerk, Carlson & Pinco, 1140 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036.

B. National District Attorney Association, 666 North Lake Shore Drive, Suite 1432, Chicago, Ill. 60611.

D. (6) $915. E. (9) $183.29.

A. Perito, Duerk, Carlson & Pinco, 1140 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036.

B. Society of Real Estate Appraisers, 645 North Michigan Avenue, Chicago, Ill. 60611.

D. (6) $8,261. E. (9) $104.53.

A. Edmund J. Perret II, American Psychiatric Association, 1333 New Hampshire Avenue NW., Suite 670, Washington, D.C. 20036.

B. American Psychiatric Association, 1700 18th Street NW., Washington, D.C. 20009.

D. (6) $1,290. E. (9) $323.

A. Bert E. Perrigan, Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 815 16th Street NW., Washington, D.C. 20006.

B. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 3 Research Place, Rockville, Md. 20850.

D. (6) $2,240. E. (9) $2,182.

A. Paul Fredrick Peyton, P.O. Box 1370, Sitka, Alaska 99835.

B. Alaska Coalition, 620 C Street SE., Washington, D.C. 20003.

A. Physicians National Housestaff Association, 1029 Vermont Avenue NW., Suite 308, Washington, D.C. 20005.

E. (9) $1,076.48.

A. Wilhelm Pickens, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

D. (6) $787.50. E. (9) $129.93.

A. Rena S. Pies, 1611 North Kent Street, No. 900, Arlington, Va. 22209.

B. American Footwear Industries Association, 1611 North Kent Street, Arlington, Va. 22209.

E. (9) $28.

A. Michael M. Pocost, New York State Petroleum Council, 551 Fifth Avenue, New York, N.Y. 10017.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Michael Podhorzer, 1012 14th Street NW., Suite 901, Washington, D.C. 20005.

B. Consumer Federation of America, 1012 14th Street NW., Suite 901, Washington, D.C. 20005.

D. (6) $1,250. E. (9) $100.

A. J. Francis Pohlhaus, NAACP, 733 15th Street NW., Suite 410, Washington, D.C. 20005.

B. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.

D. (6) $6,300.

A. Ronald Pollack, Food Research & Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.

B. Food Research & Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.

D. (6) $2,110.36. E. (9) $28.59.

A. Rafe Pomerance, 530 Seventh Street SE., Washington, D.C. 20003.

B. Friends of the Earth, 530 Seventh Street SE., Washington, D.C. 20003.

D. (6) $3,936.60.

A. S. J. Poray-Tucholski, 15271 East Cedarsprings Drive, P.O. Box 1681, Whittier, Calif. 90609.

B. Bermejo River Project Development Association.

A. A. Frank Portmann III, AMAX Coal Co., 105 South Meridian Street, Indianapolis, Ind. 46225.

B. AMAX Coal Co., 105 S. Meridian Street, Indianapolis, Ind. 46225.

D. (6) $2,250.

A. John Post, 1801 K Street NW., Suite 821, Washington, D.C. 20006.

B. Business Roundtable, 200 Park Avenue, New York, N.Y., 1801 K Street NW., No. 821, Washington, D.C. 20006.

D. (6) $200. E. (9) $40.

A. M. Elizabeth Powell, 918 16th Street NW., Suite 402, Washington, D.C. 20006.

B. Southern Furniture Manufacturers Association, 918 16th Street NW., Suite 402, Washington, D.C. 20006.

D. (6) $5,349.99.

A. Prather, Seeger, Doolittle & Farmer, 1101 16th Street NW., Washington, D.C. 20036.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $8,000.

A. Prather, Seeger, Doolittle & Farmer, 1101 16th Street NW., Washington, D.C. 20036.

B. Bankers' Association for Foreign Trade, 1101 16th Street NW., Washington, D.C. 20036.

D. (6) $1,000.

A. Prather, Seeger, Doolittle & Farmer, 1101 16th Street NW., Washington, D.C. 20036.

B. First National Bank of Chicago, 1 First National Plaza, Chicago, Ill. 60670.

D. (6) $500.

A. Preservation Action, 1914 Sunderland Place NW., Washington, D.C. 20036.

D. (6) $21,702.20 E. (9) $20,229.17.

A. Preston, Thorgrimson, Ellis & Holman, 919 18th Street NW., Suite 300, Washington, D.C. 20006.

B. Bonneville Power Administration Industrial Customers, Suite 310, Lloyd Building, 700 Northeast Multnomah Street, Portland, Oreg. 97232.

D. (6) $7,375.

A. Preston, Thorgrimson, Ellis & Holman, 919 18th Street NW., Suite 300, Washington, D.C. 20006.

B. Western Resource Alliance, Star Route Box 98, Eastsound, Wash.

D. (6) $3,145.

A. PROD, Inc., 2000 P Street NW., Suite 612, Washington, D.C. 20036.

A. Steven L. Pruitt, 1625 L Street NW., Washington, D.C. 20036.

B. American Federation of State, County & Municipal Employees, AFL–CIO, 1625 L Street NW., Washington, D.C. 20036.

D. (6) $7,500. E. (9) $458.73.

A. Robert N. Pyle, P.O. Box 3731, Washington, D.C. 20007.

B. American Fur Industry, 101 West 30th Street, New York, N.Y. 10001.

D. (6) $3,000.

A. Quintana Refinery Co., P.O. Box 3331, Houston, Tex. 77001.

A. Radioactive Waste Management Group, c/o Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 22036.

D. (6) $30,950.59. E. (9) $30,950.59.

A. Magda Ratajski, Norfolk & Western Railway Co., P.O. Box 23652, L'Enfant Plaza Station, Washington, D.C. 20024.

B. Norfolk & Western Railway Co., 8 North Jefferson Street, Roanoke, Va. 24042.

D. (6) $640. E. (9) $114.77.

A. Campbell L. Reed, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Don T. Reeves, 245 Second Street NE., Washington, D.C. 20002

B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C. 20002.

D. (6) $2,497.

A. Louis D. Reilly III, Telephone and Data Systems, Inc., 517 North Segoe Road, Madison, Wis. 53705.

B. Telephone and Data Systems, Inc., 517 North Segoe Road, Madison, Wis. 53705.

A. Reproductive Freedom League, P.O. Box 11921, Lexington, Ky. 40579.

D. (6) $610.02. E. (9) $511.04.

A. Research To Prevent Blindness, Inc., 598 Madison Avenue, New York, N.Y. 10022.

E. (9) $1,655.25.

A. Reserve Officers Association of the United States, 1 Constitution Avenue NE., Washington, D.C. 20002.

D. (6) $1,393.23. E. (9) $3,655.47.

A. John H. Reurs, 25 Broadway, New York, N.Y. 10004.

B. New York Committee of International Committee of Passenger Lines, 25 Broadway, New York, N.Y. 10004.

D. (6) $10,827. E. (9) $500.

A. Lynne Revo-Cohen, National Press Building, Room 481, Washington, D.C. 20045.

B. Federally Employed Women, Inc., National Press Building, Room 481, Washington, D.C. 20045.

D. (6) $3,600. E. (9) $1,250.

A. Edmund B. Rice, American Hospital Association, 444 North Capitol Street NW., No. 500, Washington, D.C. 20001.

B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

D. (6) $1,396.88. E. (9) $134.64.

A. Grace Ellen Rice, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.

D. (6) $3,250. E. (9) $160.

A. K. O. Richardson, Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 815 16th Street NW., Washington, D.C. 20006.

B. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 3 Research Place, Rockville, Md. 20850.

D. (6) $1,900. E. (9) $2,060.

A. James W. Riddell, 723 Washington Building, Washington, D.C. 20005.

B. The Kellogg Co., Battle Creek, Mich. 49016.

A. Mark J. Riedy, Mortgage Bankers Association of America, 1125 15th Street, NW., Washington, D.C. 20005.

B. Mortgage Bankers Association of America, 1125 15th Street, NW., Washington, D.C. 20005.

D. (6) $2,062. E. (9) $1,709.

A. Douglas A. Riggs, 1040 Potlatch Circle, Anchorage, Alaska 99503.

B. Citizens for the Management of Alaska Lands, P.O. Box 3256 DT, Anchorage, Alaska 99510.

D. (6) $10,873.38. E. (9) $73.14.

A. Judith Assmus Riggs, 733 15th Street, NW., Washington, D.C. 20005.

B. Legal Services Corp., 733 15th Street, NW., Washington, D.C. 20005.

A. Nancy J. Risque, The Standard Oil Co. (Ohio), 1050 17th Street NW., Suite 650, Washington, D.C. 20036.

B. The Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.

A. Selina Rissell, 411 Second Street NE., Washington, D.C. 20002.

B. Ad-Hoc Committee for Competitive Telecommunications, 411 Second Street NE., No. 301, Washington, D.C. 20002.

D. (6) $5,769.24.

A. Valentin Riva, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. RJR Industries, Inc., 1100 Reynolds Blvd., Winston-Salem, N.C. 27105.

E. (9) $3,463.28.

A. Robert L. Roach, National Audubon Society, 7426 Piney Branch Road, Takoma Park, Md. 20012.

B. National Audubon Society, 950 Third Avenue, New York, N.Y. 10022.

D. (6) $2,903.83 E. (9) $1,794.30.

A. Paula Roberts, Food Research and Action Center, 2011 Eye Street NW., Suite 700, Washington, D.C. 20006.

B. Food Research and Action Center, 2011 Eye Street NW., Suite 700, Washington, D.C. 20006.

D. (6) $2,038.93. E. (9) $27.63.

A. Jerome Robinson, Florida Restaurant Association, P.O. Box 61–128, North Miami, Fla. 33161.

B. Florida Restaurant Association, P.O. Box 61–128, North Miami, Fla. 33161.

A. Ronn Robinson, National Education Association, P.O. Box 558, Mercer Island, Wash. 98040.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

D. (6) $953. E. (9) $1,528.

A. Teno Roncalio, 701 Rocky Mountain Plaza, P.O. Box 1707 Cheyenne, Wyo. 82001.

B. Northwest Alaskan Pipeline Co., 1801 K Street NW., Washington, D.C. 20036.

D. (6) $1,500.

A. D. N. Rose, 180 East First South, Salt Lake City, Utah 84139.

B. Mountain Fuel Supply Co., 180 East First South, Salt Lake City, Utah 84139.

A. William C. Roundtree, The Standard Oil Co. (Ohio), 1050 17th Street NW., Suite 650, Washington, D.C. 20036.

B. The Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.

D. (6) $250.

A. Michael O. Roush, National Federation of Independent Business, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.

B. National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.

D. (6) $2,250. E. (9) $100.

A. Nancy Rubini, Preservation Action, 1914 Sunderland Place NW., Washington, D.C. 20036.

B. Preservation Action, 1914 Sunderland Place NW., Washington, D.C. 20036.

D. (6) $2,018.70. E. (9) $28.46.

A. Michael Sandifer, Food Research & Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.

B. Food Research & Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.

D. (6) $114.74. E. (9) $1.75.

A. Jennifer S. Sauve, 15th and M Streets NW., Washington, D.C. 20005.

B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.

D. (6) $6,652. E. (9) $746.35.

A. Mark S. Schacht, 806 15th Street NW., Washington, D.C. 20005.

B. Migrant Legal Action Program, Inc., 806 15th Street NW., Washington, D.C. 20005.

E. (9) $7,211.58.

A. Jerome D. Schaller, 3M, 1101 15th Street NW., Washington, D.C. 20005.
B. Minnesota Mining & Manufacturing Co., 3M Center, St. Paul, Minn. 55101.
E. (9) $3,851.75.

A. Schanes Associates, 451 New Jersey Avenue SE., Washington, D.C. 20003.
B. Society of Professional Benefit Administrators, 1800 M Street NW., Suite 1030N, Washington, D.C. 20036.
D. (6) $4,000. E. (9) $2,700.

A. Steven E. Schanes, 4884 San Joaquin Drive, San Diego, Calif. 92109.
B. Society of Professional Benefit Administrators, 1800 M Street NW., Suite 1030N, Washington, D.C. 20036.
D. (6) $2,000.

A. Terry L. Schmidt, Terry L. Schmidt Associates, Inc., 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American College of Emergency Physicians, 3900 Capital City Boulevard, Lansing, Mich. 48906.
D. (6) $900.

A. Arthur L. Schmuhl, 1957 E Street NW., Washington, D.C. 20006.
B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Mahlon C. Schneider, Green Giant Co., Hazeltine Gates, Chaska, Minn. 55318.
B. Green Giant Co., Hazeltine Gates, Chaska, Minn. 55318.
D. (6) $250. E. (9) $465.61.

A. Frank Schneller, 1957 E Street NW., Washington, D.C. 20006.
B. Associated General Contractors of America, Inc., 1957 E Street NW., Washington, D.C. 20006.
E. (9) $200.

A. James H. Schuyler, 15th and M Streets NW., Washington, D.C. 20005.
B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
D. (6) $8,654. E. (9) $730.38.

A. Schwartz & Connolly, Inc., 1815 H Street NW., Suite 650, Washington, D.C. 20006.
B. Owens-Illinois, Toledo, Ohio.
D. (6) $2,500. E. (9) $200.

A. Jeffrey H. Schwartz, 1815 H Street NW., Suite 650, Washington, D.C. 20006.
B. Schwartz & Connolly, Inc., 1815 H Street NW., Suite 650, Washington, D.C. 20006 (for Owens-Illinois, Toledo, Ohio).
D. (6) $2,500. E. (9) $200.

A. Donald A. Scott, 1957 E Street NW., Washington, D.C. 20006.
B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. ServiceMaster Industries, Inc., 2300 Warrenville Road, Downers Grove, Ill. 60515.
E. (9) $100.

A. Yvonne L. Shafer, National Education Association, Classroom Teachers Association of Dallas, 3816 San Jacinto, Dallas, Tex. 75204.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $904. E. (9) $329.

A. Barbara J. Shailor, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
B. International Association of Machinists & Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $3,799.22.

A. Richard N. Sharood, Wilcox & Sharood, 1899 L Street NW., No. 705, Washington, D.C. 20036.
B. National Federation of Fishermen, 919 18th Street NW., No. 820, Washington, D.C. 20006.
D. (6) $3,332. E. (9) $77.32.

A. Richard N. Sharood, Wilcox & Sharood, 1899 L Street NW., No. 705, Washington, D.C. 20036.
B. Shipbuilders Council of America, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
D. (6) $6,083. E. (9) $275.57.

A. Dean E. Sharp, Suite 710, 400 First Street NW., Washington, D.C. 20001.
B. Independent Health Insurance Institute, Inc., Suite 710, 400 First Street NW., Washington, D.C. 20001.
D. (6) $2,500. E. (9) $175.

A. James E. Shaw, Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 815 16th Street NW., Washington, D.C. 20006.
B. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 3 Research Place, Rockville, Md. 20850.
D. (6) $1,600. E. (9) $1,421.

A. Jonathan R. Sheiner, 4 Irving Place, New York, N.Y. 10003.
B. Consolidated Edison Co. of New York, Inc., 4 Irving Place, New York, N.Y. 10003.
D. (6) $406.26.

A. Norman R. Sherlock, 1025 Connecticut Avenue NW., No. 308, Washington, D.C. 20036.
B. American Bus Association, 1025 Connecticut Avenue NW., No. 308, Washington, D.C. 20036.
D. (6) $1,072.50. E. (9) $1,493.45.

A. Shimano American Corp., 1133 Avenue of the Americas, New York, N.Y. 10036.
E. (9) $5,940.31.

A. Joan Shorey, Solar Lobby, 1001 Connecticut Avenue NW., No. 510, Washington, D.C. 20036.
B. Solar Lobby, 1001 Connecticut Avenue NW., No. 510, Washington, D.C. 20036.
D. (6) $522.06.

A. G. Scott Shotwell, 1619 Massachusetts Avenue, Washington, D.C. 20036.
B. National Forest Products Association, 1619 Massachusetts Avenue, Washington, D.C. 20036.
D. (6) $2,475.

A. Norman D. Shutler, 1525 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Clayton Manufacturing Co., 4213 North Temple City Boulevard, El Monte, Calif. 91731.
D. (6) $5,000. E. (9) $2,304.43.

A. Sidley & Austin, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006; 1 First National Plaza, Chicago, Ill. 60603.
B. Canadian Pacific Ltd., Canadian National Railways et al.
D. (6) $31,355. E. (9) $5,175.63.

A. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.
D. (6) $162,654.53. E. (9) $162,654.53.

A. Silverstein & Mullens, 1776 K Street NW., Washington, D.C. 20006.
B. American Stock Exchange, 86 Trinity Place, New York, N.Y. 10006.

A. Silverstein & Mullens, 1776 K Street NW., Washington, D.C. 20006.
B. Bristol-Myers Co., 345 Park Avenue, New York, N.Y. 10002.

A. Silverstein & Mullens, 1776 K Street NW., Washington, D.C. 20006.
B. Champion International Corp., 1 Landmark Square, Stamford, Conn. 06921.

A. Silverstein & Mullens, 1776 K Street NW., Washington, D.C. 20006.
B. Federal National Mortgage Association, 1133 15th Street NW., Washington, D.C. 20005.

A. Silverstein & Mullens, 1776 K Street NW., Washington, D.C. 20006.
B. General American Transportation Co., 120 South Riverside Plaza, Chicago, Ill. 60606.

A. Silverstein & Mullens, 1776 K Street NW., Washington, D.C. 20006.
B. Music Corp. of America, Inc., 100 Universal City Plaza, Universal City, Calif. 91608.

A. Silverstein & Mullens, 1776 K Street NW., Washington, D.C. 20006.
B. National Association of Home Builders, 15th and M Streets NW., Washington, D.C.

A. Silverstein & Mullens, 1776 K Street NW., Washington, D.C. 20006.
B. National Savings & Loan League, 1200 17th Street NW., Washington, D.C. 20036.

A. Silverstein & Mullens, 1776 K Street NW., Washington, D.C. 20006.
B. Ogden Transportation Corp., 277 Park Avenue, New York, N.Y. 10017.

A. Marcus W. Sisk, Jr., 1775 K Street NW., Washington, D.C. 20006.
B. Tosco Corp., 10100 Santa Monica Boulevard, Los Angeles, Calif. 90067.
D. (6) $4,000. E. (9) $271.65.

A. Stephan L. Skardon, Jr., National Association of Retired Federal Employees, 1533 New Hampshire Avenue NW., Washington, D.C. 20036.
B. National Association of Retired Federal Employees (NARFE), 1533 New Hampshire Avenue NW., Washington, D.C. 20036.
D. (6) $5,500.

A. Scott L. Slesinger, 15th and M Streets NW., Washington, D.C. 20005.
B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
D. (6) $5,539. E. (9) $361.58.

A. Smathers, Symington & Herlong, 1700 K Street NW., Suite 400, Washington, D.C. 20006.
B. Florida East Coast Railway Co., 1 Malaga Street, St. Augustine, Fla. 32084.
D. (6) $5,000.

A. Catherine Smith, 530 Seventh Street SE., Washington, D.C. 20003.
B. Friends of the Earth, 530 Seventh Street SE., Washington, D.C. 20003.
D. (6) $2,712.57.

A. Elizabeth M. Smith, Amalgamated Clothing & Textile Workers Union, 815 16th Street NW., Washington, D.C. 20006.
B. Amalgamated Clothing & Textile Workers Union, 770 Broadway, New York, N.Y. 10003.
D. (6) $3,750. E. (9) $226.89.

A. Gordon Smith, 1425 K Street NW., No. 1000, Washington, D.C. 20005.

B. Hill & Knowlton, Inc. (for Florists' Transworld Delivery Association), 1425 K Street NW., No. 1000, Washington, D.C. 20005.

A. J. Kenneth Smith, Sun Co., Inc., 1800 K Street NW., Suite 820, Washington, D.C. 20006.
B. Sun Co., Inc., 100 Matsonford Road, Radnor, Pa. 19087.
D. (6) $3,480. E. (9) $28.

A. Edward F. Snyder, 245 Second Street NE., Washington, D.C. 20002.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C. 20002.
D. (6) $4,110.

A. Society of Professional Benefit Administrators, 1800 M Street NW., Suite 1030N, Washington, D.C. 20036.
D. (6) $1,350. E. (9) $33.34.

A. Solar Lobby, 1001 Connecticut Avenue NW., No. 510, Washington, D.C. 20036.
D. (6) $104,156. E. (9) $20,270.

A. Michael L. Solomon, 5726 Thomas Edison Court, Alexandria, Va. 22310.
B. National Apartment Association, 1825 K Street NW., No. 604, Washington, D.C. 20006.
D. (6) $1,500.

A. Leland R. Sorteberg, National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

A. Southern Forest Products Association, P.O. No. 52468, New Orleans, La. 70152.
D. (6) $34,949.67. E. (9) $34,949.67.

A. Southwestern Peanut Shellers Association, 6815 Prestonshire, Dallas, Tex. 75225.
D. (6) $150. E. (9) $150.

A. Rodney K. Spackman, National Association of Manufacturers, 601 North Vermont Avenue, Los Angeles, Calif. 90004.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $1,300.

A. Wilbur D. Sparks, Air-Conditioning & Refrigeration Institute, 1815 North Fort Myer Drive, Arlington, Va. 22209.
B. Air-Conditioning & Refrigeration Institute, 1815 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) $1,600. E. (9) $625.

A. David R. Spence, Preservation Action, 1914 Sunderland Place, Washington, D.C. 20036.
B. Preservation Action, 1914 Sunderland Place NW., Washington, D.C. 20036.
D. (6) $2,018.70. E. (9) $83.74.

A. James M. Sprouse, 1957 E Street NW., Washington, D.C. 20006.
B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Squire, Sanders & Dempsey, 21 Dupont Circle NW., Washington, D.C. 20036.
B. Public Securities Association, 1 World Trade Center, New York, N.Y. 10048.
D. (6) $480.

A. John W. Sroka, 1957 E Street NW., Washington, D.C. 20006.
B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. David E. Stahl, 15th and M Streets NW., Washington, D.C. 20005.
B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
D. (6) $2,942. E. (9) $79.47.

A. Joe A. Stamm, Standard Oil Co. (Ohio), 1050 17th Street NW., Suite 650, Washington, D.C. 20036.
B. Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.
D. (6) $312.50.

A. Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.
E. (9) $3,282.29.

A. John M. Starke III, Phillips Petroleum Co., 1825 K Street NW., Suite 1107, Washington, D.C. 20006.
B. Phillips Petroleum Co., Bartlesville, Okla.

A. John M. Starrels, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $200.

A. Art Stewart, P.O. Box 5308 T.A., Denver, Colo. 80217.
B. Great Western Sugar Co., P.O. Box 5308 T.A., Denver, Colo. 80217.
D. (6) $1,500. E. (9) $790.70.

A. Robert B. Stewart, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Getty Oil Co., 3810 Wilshire Boulevard, Los Angeles, Calif. 90010.
D. (6) $2,317.50. E. (9) $108.15.

A. Michael Stientjes, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.
D. (6) $3,500. E. (9) $19.

A. George Stockton, 1957 E Street NW., Washington, D.C. 20006.
B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
E. (9) $200.

A. Richard Boyle Storey, Suite S–103, 1750 Old Meadow Road, McLean, Va. 22102.
B. International Military Club Executives Association, 1750 Old Meadow Road, Suite S–103, McLean, Va. 22102.

A. Andrea Strader, 1625 L Street NW., Washington, D.C. 20036.
B. American Federation of State, County & Municipal Employees, AFL–CIO, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $5,500. E. (9) $89.50.

A. Stronberg & D'Addario, Ltd., 136 South Royal Street, Alexandria, Va. 22314.
B. KMS Fusion, Inc., 3941 Research Drive, Ann Arbor, Mich. 48106.
D. (6) $3,000. E. (9) $3,000.

A. Sullivan & Cromwell, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. INCO, Ltd., Toronto-Dominion Centre, Toronto, Ontario, Canada M5K 1E3.

A. Sullivan & Worcester, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Marion Laboratories, Inc., 10236 Bunker Ridge Road, Kansas City, Mo. 64137.
D. (6) $7,870. E. (9) $368.28.

A. Paul E. Suplizio, 5001 Seminary Road, Suite 310, Alexandria, Va. 22311.
B. National Treasury Employees Union, 1730 K Street NW., Suite 1101, Washington, D.C. 20006.
D. (6) $4,500. E. (9) $4,500.

A. Surrey & Morse, 1156 15th Street, NW., Washington, D.C. 20005.
B. Government of Republic of Zaire, Kinshasa, Zaire.
D. (6) $4,270.50. E. (9) $23.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. National Association of Life Cos., Suite 1060 Tower Place, 3340 Peachtree Road NE., Atlanta, Ga. 30326.

A. Richard Preston Swigart, 1660 L Street NW., Suite 201, Washington, D.C. 20036.
B. American Can Co., American Lane, Greenwich, Conn. 06830.
E. (9) $231.38.

A. Telephone & Data Systems, Inc., 79 West Monroe Street, Chicago, Ill. 60603.

A. John F. Terzano, 329 Eighth Street NE., Washington, D.C.
B. Vietnam Veterans of America, 419 Park Avenue South, New York, N.Y. 10016.
D. (6) $403.74.

A. Thevenot, Murray & Scheer, 1120 Connecticut Avenue NW., Suite 1128, Washington, D.C. 20036.
B. National Association of Stevedores, 1899 L Street NW., Suite 705, Washington, D.C. 20035.
D. (6) $500.

A. Thevenot, Murray & Scheer, Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Swaziland Sugar Association, Mbabane, Swaziland.
D. (6) $6,000. E. (9) $860.25.

A. Thevenot, Murray & Scheer, Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Time-Critical Shipment Committee.
D. (6) $2,000.

A. 38th Pro-Life Congressional District Action Committee, 8654 Bonview Terrace, Williamsville, N.Y. 14221.

A. 37th Congressional District Action Committee (New York), 419 Woodbridge Avenue, Buffalo, N.Y. 14214.

A. Doris I. Thomas, 15th and M Streets NW., Washington, D.C. 20005.
B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
D. (6) $5,711. E. (9) $848.78.

A. Jerry P. Thompson, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
B. International Association of Machinists & Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $4,833.71.

A. Samuel Thurm, 1725 K Street NW., Washington, D.C. 20006.
B. Association of National Advertisers, 155 East 44th Street, New York, N.Y. 10017.

A. George Tilton, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
D. (6) $1,887.60.

A. Joseph P. Trainor, Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 815 16th Street NW., Washington, D.C. 20006.
B. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 3 Research Place, Rockville, Md. 20850.
D. (6) $6,000. E. (9) $1,450.

A. Tuna Research Foundation, Inc., 1101 17th Street NW., Washington, D.C. 20036.
D. (6) $2,774.52. E. (9) $2,930.91.

A. W. Glenn Tussey, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.
D. (6) $5,000.

A. United Fresh Fruit & Vegetable Association, North Washington at Madison, Alexandria, Va. 22314.
D. (6) $92.30. E. (9) $378.

A. United States Committee for the Oceans, 245 2nd Street NE., Washington, D.C. 20002.
E. (9) $232.13.

A. United States Cruises, Inc., 2200 Sixth Avenue, Seattle, Wash. 98121.
E. (9) $14,019.23.

A. U.S.A. Petrochem, 1000 Connecticut Avenue NW., No. 1200, Washington, D.C. 20036.
E. (9) $14,019.23.

A. H. Stewart Van Scoyoc, 1701 Pennsylvania Avenue NW., Suite 1120, Washington, D.C. 20006.
B. E. I. du Pont de Nemours & Co., 1007 Market Street, Wilmington, Del. 19898.
D. (6) $120. E. (9) $16.

A. R. Dick Vander Woude, National Education Association, 1365 Worcester Drive, Grand Rapids, Mich. 49505.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $953. E. (9) $614.32.

A. Gilda Ventresca, American Hospital Association, 444 North Capitol Street NW., No. 500, Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $1,735.20. E. (9) $97.91.

A. Ingrid A. Voorhees, 1957 E Street NW., Washington, D.C. 20006.
B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
D. (6) $1,500. E. (9) $500.

A. Abe J. Voron, 6204 White Oake Lane, Tamarac, Fla. 33319.
B. National Radio Broadcasters Association, 1705 De Sales Street NW., No. 500, Washington, D.C. 20036.
D. (6) $1,200. E. (9) $1,250.

A. Vorys, Sater, Seymour & Pease, 1800 M Street NW., 200S Washington, D.C. 20036.
B. Grocery Manufacturers of America, 1010 Wisconsin Avenue, Washington, D.C.
D. (6) $3,893.15.

A. Donn L. Waage, Northwest Bancorp., 1200 Northwestern Bank Building, Minneapolis, Minn. 55480.
B. Northwest Bancorp., 1200 Northwestern Bank Building, Minneapolis, Minn. 55480.

A. Wake Up America, 5515 London Road, Duluth, Minn. 55804.
D. (6) $260.30. E. (9) $1,191.03.

A. Barbara Coleman Wallace, 2732 Porter Street NW., Washington, D.C. 20008.
B. Committee to Preserve the Appalachian Coal Market, 1619 Masachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $5,600.

A. Lionel L. Wallendrod, 260 Madison Avenue, New York, N.Y. 10016.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Charles S. Walsh, Fleischman & Walsh, 1725 N Street NW., Washington, D.C. 20036.
B. National Cable Television Association, 918 16th Street NW., Washington, D.C. 20006.

A. Jack Ware, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $6,259. E. (9) $401.95.

A. Raymond J. Weatherly, 9824 Fairfax Square No. 380, Fairfax, Va. 22031.
B. Manufactured Housing Institute, 1745 Jefferson Davis Highway, Suite 511, Arlington, Va. 22202.
D. (6) $300.

A. Lee Weddig, 1101 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.
B. National Fisheries Institute, 1101 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.
D. (6) $500.

A. Western Resource Alliance, Star Route Box 98, Eastsound, Wash.
E. (9) $3,145.50.

A. Clyde A. Wheeler, Jr., Sun Co., Inc., 1800 K Street NW., Suite 820, Washington, D.C. 20006.
B. Sun Co., Inc., 100 Matsonford Road, Radnor, Pa. 19087.
D. (6) $15,000. E. (9) $215.07.

A. Evelyn J. White, 2301 Market Street, Philadelphia, Pa. 19101.
B. Philadelphia Electric Co., 2301 Market Street, Philadelphia, Pa. 19101.
D. (6) $6,250. E. (9) $1,237.

A. Bryon K. Whitehead, Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 815 16th Street NW., Washington, D.C. 20006.
B. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 3 Research Place, Rockville, Md. 20850.
D. (6) $800. E. (9) $735.

A. Alton W. Whitehouse, Jr., 1750 Midland Building, Cleveland, Ohio 44115.
B. Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.
D. (6) $553.50.

A. Whitman & Ramsom, 1333 New Hampshire Avenue NW., Suite 650, Washington, D.C. 20036.
B. Shimano American Corp., 1133 Avenue of the Americas, New York, N.Y.
D. (6) $4,650. E. (9) $290.31.

A. Scott C. Whitney, 1322 Skipwith Road, McLean, Va. 22101.
B. Colt Industries, Inc.
D. (6) $4,500. E. (9) $785.

A. Wickwire, Lewis, Goldmark & Schorr, 500 Maynard Building, Seattle, Wash. 98104.
B. Arctic Slope Regional Corp., Inupiat Community of the Arctic Slope, P.O. Box 129, Barrow, Alaska 99723.
D. (6) $255. E. (9) $762.73.

A. Wickwire, Lewis, Goldmak & Schorr, 500 Maynard Building, Seattle, Wash. 98104.
B. Save Our Railroad Employment (S.O.R.E.), c/o Fife Community Credit Union, 4410 20th Street East, Tacoma, Wash. 98424; New Milwaukee Lines, 500 Maynard Building, Seattle, Wash. 98104.
D. (6) $4,660. E. (9) $6,987.03.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Physical Therapy Association, 1156 15th Street NW., Washington, D.C. 20005.
D. (6) $207. E. (9) $11.10.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. Association for Responsible Housing Policy, Inc., 1101 Connecticut Avenue NW., No. 500, Washington, D.C. 20036.
D. (6) $7,505. E. (9) $89.75.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. Bangor Punta Operations, Inc., 1 Greenwich Plaza, Greenwich, Conn. 06830.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. Burger King Corp., 7360 North Kendall Drive, Miami, Fla. 33152.
D. (6) $272.50. E. (9) $5.07.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. C. Brewer & Co., Ltd., P.O. Box 1826, Honolulu, Hawaii 96801.
E. (9) $5.13.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. Domestic Petroleum Council, 1101 Connecticut Avenue NW., No. 500, Washington, D.C. 20036.
D. (6) $3,000. E. (9) $76.94.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. Feather & Down Association, 4441 Auburn Boulevard, Suite O, Sacramento, Calif. 95841.
D. (6) $588.75. E. (9) $2.99.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. Hawaiian Sugar Planter's Association, 1511 K Street NW., Suite 723, Washington D.C. 20005.
D. (6) $4,499.50. E. (9) $42.84.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. Institute for Due Process for Financial Institutions, 1130 17th Street NW., Washington, D.C. 20036.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. IU International Management Corp., 1500 Walnut Street, Philadelphia, Pa. 19102.
D. (6) $1,920. E. (9) $47.02.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. Lanham Act Preservation Association, 1101 Connecticut Avenue NW., No. 500, Washington, D.C. 20036.
D. (6) $3,375. E. (9) $38.47.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. Louisiana Land & Exploration Co., P.O. Box 60350, New Orleans, La. 70160.
D. (6) $4,412. E. (9) $17.09.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Association of Water Cos., Suite 1110, 1019 19th Street NW., Washington, D.C. 20036.
D. (6) $650. E. (9) $17.11.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.
E. (9) $59.84.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. Outdoor Advertising Association of America, 1660 L Street NW., No. 215, Washington, D.C. 20036.
E. (9) $1.54.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. Pillsbury Co., 608 Second Avenue South, Minneapolis, Minn. 55402.
D. (6) $1,245. E. (9) $8.55.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. Securities Industry Association, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
D. (6) $287.50. E. (9) $8.55.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. Southern California Gas Co., 1150 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,562.50. E. (9) $38.47.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. Student Loan Marketing Association (Sallie Mae), 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
D. (6) $570. E. (9) $29.93.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. Southland Royalty Co., 1000 Fort Worth Club Tower, Fort Worth, Tex.
E. (9) $21.37.

A. Peters D. Willson, Zero Population Growth, Inc., 1346 Connecticut Avenue NW., Washington, D.C. 20036.
B. Zero Population Growth, Inc., 1346 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,142.

A. Wilner & Scheiner, 2021 L Street NW., Washington, D.C. 20036.
B. Motion Picture Association of America, Inc.

A. James R. Winnie, Cities Service Gas Co., P.O. Box 25128, Oklahoma City, Okla. 73125.
B. Cities Service Gas Co., P.O. Box 25128, Oklahoma City, Okla. 73125.
D. (6) $33.63.

A. Winston & Strawn, 2550 M Street NW., No. 500, Washington, D.C. 20037.
B. Atlanta/LaSalle Corp., 150 South Wacker Street, Chicago, Ill. 60600.

A. Winston & Strawn, 2550 M Street NW., No. 500, Washington, D.C. 20037.
B. International Council of Shopping Centers, 665 Fifth Avenue, New York, N.Y. 10022.
E. (9) $800.36.

A. Mark E. Winter, American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.
B. American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.
D. (6) $2,500.

A. John P. Wintrol, Perito, Duerk, Carlson & Pinco, 1140 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036.
B. Perito, Duerk, Carlson & Pinco, 1140 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036 (for National District Attorney Association).

A. Frank R. Wolf, 1901 North Moore Street, No. 804, Arlington, Va. 22209.
B. Gerber Products Co., 445 State Street, Fremont, Mich. 49412.
D. (6) $100. E. (9) $78.15.

A. Frank R. Wolf, 1901 North Moore Street, No. 804, Arlington, Va. 22209.
B. National Farm & Power Equipment Dealers Association, 10877 Watson Road, St. Louis, Mo. 63127.

A. Burton C. Wood, Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $8,400. E. (9) $21,415.

A. Wilbur S. Wood, National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

A. William E. Woods, National Association of Retail Druggists, 1750 K Street NW., Washington, D.C. 20006.
B. National Association of Retail Druggists, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $750. E. (9) $150.

A. Wyatt & Saltzstein, 1725 DeSales Street NW., Washington, D.C.
B. American Business Press, Inc., 205 East 42d Street, New York, N.Y. 10017.
D. (6) $2,687.50.

A. Donald Yarborough, Paraplegia Cure Research, 100 Maryland Avenue NE., Washington, D.C. 20002.
B. Paraplegia Cure Research, 100 Maryland Avenue NE., Washington, D.C., 20002.
D. (6) $210.

A. Stephen T. Young, National Audubon Society, 1755 Park Road NW., Washington, D.C. 20010.
B. National Audubon Society, 950 Third Avenue, New York, N.Y. 10022.
D. (6) $5,047.50. E. (9) $1,678.02.

A. Barry W. Zander, 6113 Amhurst Street, Metairie, La. 70003.
B. Southern Forest Products, P.O. Box 52468, New Orleans, La. 70152.
D. (6) $5,671.02.

A. Zero Population Growth, Inc., 1346 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,045. E. (9) $4,625.

A. Daniel I. Zwick, American Hospital Association, 444 North Capitol Street NW., No. 500, Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $73.85.

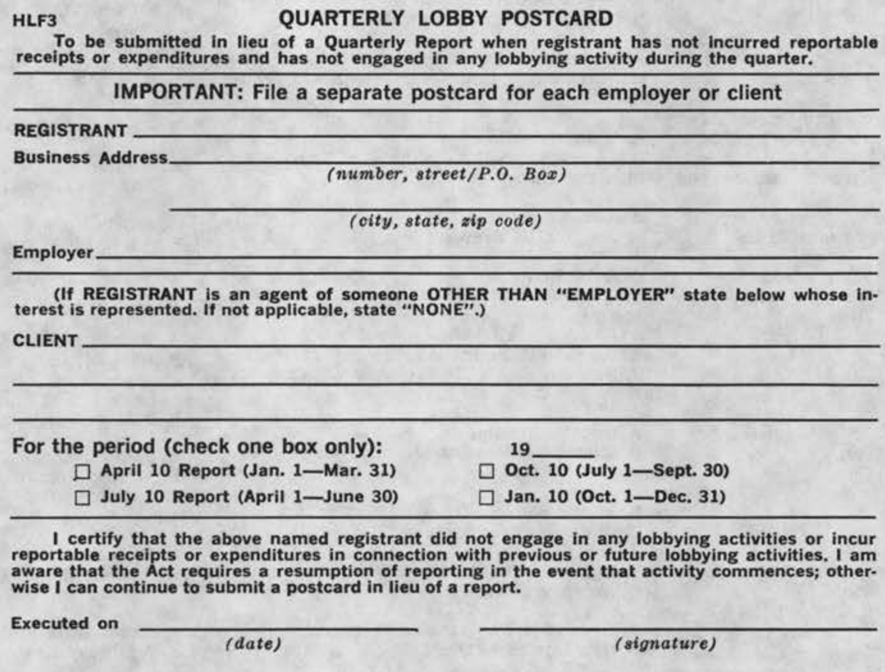
QUARTERLY LOBBY POSTCARD

The following Quarterly Lobby Postcards were filed with the Clerk of the House of Representatives for the fourth calendar quarter of 1979:

A POSTCARD MAY BE USED WHEN A REGISTRANT HAS NOT INCURRED REPORTABLE RECEIPTS AND EXPENDITURES AND HAS NOT ENGAGED IN ANY LOBBYING ACTIVITY DURING THE QUARTER.

NOTE: THE FOLLOWING INFORMATION IS BEING PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

The Postcard has been reproduced below:



HLF3

QUARTERLY LOBBY POSTCARD

To be submitted in lieu of a Quarterly Report when registrant has not incurred reportable receipts or expenditures and has not engaged in any lobbying activity during the quarter.

IMPORTANT: File a separate postcard for each employer or client

REGISTRANT ____________________

Business Address ____________________
(number, street/P.O. Box)

____
(city, state, zip code)

Employer ____________________

(If REGISTRANT is an agent of someone OTHER THAN "EMPLOYER" state below whose interest is represented. If not applicable, state "NONE".)

CLIENT ____________________

For the period (check one box only): **19____**

☐ **April 10 Report (Jan. 1—Mar. 31)** ☐ **Oct. 10 (July 1—Sept. 30)**
☐ **July 10 Report (April 1—June 30)** ☐ **Jan. 10 (Oct. 1—Dec. 31)**

I certify that the above named registrant did not engage in any lobbying activities or incur reportable receipts or expenditures in connection with previous or future lobbying activities. I am aware that the Act requires a resumption of reporting in the event that activity commences; otherwise I can continue to submit a postcard in lieu of a report.

Executed on ____________________ ____________________
(date) *(signature)*

A. Brock Adams.
B. TRAIN.

A. John J. Adams.
B. Ethyl Corp.

A. Gerald B. Adcock.
B. Joint Council on International Children's Services from North America.

A. V. J. Adduci.
B. Motor Vehicle Manufacturers Association of the United States, Inc.

A. G. Colburn Aker.
B. Hill & Knowlton, Inc.

A. Akin, Gump, Hauer & Feld.
B. E & J Gallo Winery.

A. Akin, Gump, Hauer & Feld.
B. MAPCO, Inc.

A. Akin, Gump, Hauer & Feld.
B. Northwest Alaskan Pipeline Co.

A. Akin, Gump, Hauer & Feld.
B. Northwest Pipeline Co.

A. Akin, Gump, Hauer & Feld.
B. Sun Pipe Line Co.

A. Robert D. Allen.
B. Bechtel Power Corp.

A. Joseph C. Allwarden.
B. Kollsman Instrument Co.

A. Amalgamated Transit Union, AFL-CIO.

A. Amalgamated Transit Union, National Capitol Local 689.

A. American Business Council.

A. American Frozen Food Institute.

A. American Hellenic Institute Public Affairs Committee, Inc.

A. American Orthotic & Prosthetic Association.

A. American Radio Relay League, Inc.

A. American Seed Trade Association.

A. Americans for Alaska, Inc.

A. Americans for SALT.

A. Mary M. Anderson.
B. ICX Aviation, Inc.

A. Jack R. Angell.
B. United Gas Pipe Line Co.

A. Robert E. Ansheles.
B. CITC Industries, Inc.

A. John D. Aquilino, Jr.
B. National Rifle Association.

A. ARAS.

A. John Christian Archer.
B. Brown & Root, Inc.

A. Roy A. Archibald.
B. The National Education Association.

A. Arent, Fox, Kinter, Plotkin & Kahn.
B. Automotive Filter Manufacturers Council.

A. Arent, Fox, Kintner, Plotkin & Kahn.
B. National Association of Greeting Card Publishers.

A. W. Stanley Armstrong.
B. American Mining Congress.

A. Meyer L. Aron.

A. Associated Employers, Inc.

A. Association of American Veterinary Medical Colleges.

A. Association of Government Accountants.

A. George J. Aste.
B. United Airlines.

A. John D. Austin.
B. American Mining Congress.

A. Automotive Filter Manufacturers Council.

A. Rosalyn Hester Baker.
B. The National Education Association.

A. Richard L. Baldwin.
B. American Radio Relay League, Inc.

A. Ballard, Spahr, Andrews & Ingersoll.
B. Alaska Housing Finance Corp.

A. Ballard, Spahr, Andrews & Ingersoll.
B. Idaho Housing Agency.

A. John H. Barnard, Jr.
B. Bechtel Power Corp.

A. Joel T. Barnett.
B. Brookwood Health Services, Inc.

A. Roger V. Barth.
B. Jackson, Campbell & Parkinson (for L'Enfant Plaza Properties, Inc.)

A. Lynne D. Battle.
B. College Placement Council.

A. Robert J. Baughman.
B. American Orthotic & Prosthetic Association.

A. Douglas P. Bennett.
B. Association of Executive Recruiting Consultants, Inc.

A. James M. Bennett.
B. Jos. Schlitz Brewing Co.

A. O. M. Berge.
B. Brotherhood of Maintenance of Way Employes.

A. Richard B. Berman.
B. Steak and Ale Restaurants of America, Inc.

A. Charles Bernhardt.
B. National Federation of Federal Employes.

A. Allene Betancourt.
B. Chem-Nuclear Systems, Inc.

A. Beveridge, Fairbanks & Diamond.
B. American Paper Institute.

A. Beveridge, Fairbanks & Diamond.
B. New England Fish Co.

A. Beveridge, Fairbanks & Diamond.
B. Union Mines.

A. Walter J. Bierwagen.
B. Amalgamated Transit Union.

A. Robert J. Bird.
B. Occidental Life Insurance Co.

A. Robert J. Bird.
B. The Paul Revere Corp.

A. Robert J. Bird.
B. Zachry, Inc.

A. Tom G. Black.
B. National Federation of Federal Employees.

A. Larry H. Blanchard.
B. Credit Union Financial Services, Inc.

A. Robert W. Blanchette.
B. Board of Trade Clearing Corp.

A. Jerald Blizin.
B. Hill & Knowlton.

A. Jeffrey W. Bolotin.
B. RCA Global Communications, Inc.

A. M. Warren Bolton.
B. Provident Indemnity Life Insurance Co.

A. Rodney A. Bower.
B. International Federation of Professional & Technical Engineers.

A. Gene M. Bradley.
B. The Boeing Co.

A. David C. Branand.
B. American Mining Congress.

A. John Henry Brebbia.
B. Board of Trade Clearing Corp.

A. John Henry Brebbia.
B. RCA Global Communications, Inc.

A. Barbara Brendes.
B. Union Oil Co. of California.

A. Miles H. Bresee, Jr.
B. Bechtel Power Corp.

A. Timothy G. Brosnahan.
B. Burson-Marsteller (for Gould, Inc.)

A. The Law Firm of Jon T. Brown.
B. Louisville & Nashville Railroad Co.

A. The Law Firm of Jon T. Brown.
B. Western Railroad Association.

A. Michael F. Brown.
B. American Frozen Food Institute.

A. Shirle Brown.
B. S.L.B. Enterprises.

A. Stanley R. Browne.
B. E. I. du Pont de Nemours & Co., Inc.

A. Harvey F. Brush.
B. Bechtel, Inc.

A. Lawrence E. Burch.
B. Potato Chip/Snack Food Association.

A. John L. Burke, Jr.
B. Arent, Fox, Kintner, Plotkin & Kahn (for Automotive Filter Manufacturers Council).

A. Francis X. Burkhardt.
B. International Brotherhood of Painters & Allied Trades.

A. Bruce Burkland.
B. American Bakers Association.

A. Burns Public Relations Services, Inc.
B. DeHart Associates, Inc.

A. Burr, Pease & Kurtz, Inc.
B. Eklutna.

A. Butler, Binion, Rice, Cook & Knapp.
B. City of Houston/Department of Aviation.

A. Thomas D. Byrne.
B. Alton Box Board Co.

A. Cadwalader, Wickersham & Taft.
B. Associated Metals & Minerals Corp.

A. Cadwalader, Wickersham & Taft.
B. Roy O. Martin, Jr.

A. Cadwalader, Wickersham & Taft.
B. New England Fish Co.

A. Cadwalader, Wickersham & Taft.
B. Rohm & Haas Co.

A. Roy C. Cahoon.
B. National Automatic Merchandising Association.

A. Gordon L. Calvert.
B. Commercial Law League of America.

A. Donald L. Calvin.
B. New York Stock Exchange.

A. Jerry L. Campbell.
B. Tennessee Valley Public Power Association.

A. Paul W. Cane.
B. Bechtel Power Corp.

A. W. Dean Cannon, Jr.
B. California Savings and Loan League.

A. Charles E. Capron.

A. Donald Capshaw.
B. Airline Pilots Association.

A. Isaac R. Caraco.
B. Bechtel Power Corp.

A. Carella, Bain, Gilfillan & Rhodes.
B. Wagner Electric Corp.

A. William Edward Carmichael.
B. American Floral Services, Inc.

A. Jim Casey.
B. Belle Fourche Irrigation District.

A. Jim Casey.
B. Garrison Diversion Conservancy District.

A. John L. Casey.
B. Investment Counsel Association of America, Inc.

A. Daniel J. Cassidy.
B. Chemical Specialties Manufacturers Association.

A. John E. Chapoton.
B. Vinson & Elkins (for Lone Star Steel Co.).

A. John E. Chapoton.
B. Vinson & Elkins (for Petroleum Equipment Suppliers Association).

A. John E. Chapoton.
B. Vinson & Elkins (for Quintana Petroleum Corp.).

A. Seymour M. Chase.
B. AST Co.

A. Chemical Specialties Manufacturers Association.

A. Howard P. Chester.
B. Stone, Glass & Clay Coordinating Committee.

A. Donald T. Chunn.
B. Title Associates, Inc.

A. City of Houston/Department of Aviation.

A. Bob Clark & Associates.
B. Ryder System, Inc.

A. Jean Marshall Clarke.
B. National Organization for Women.

A. William F. Clarken.
B. International Council of Airshows.

A. Earle C. Clements.
B. The Tobacco Institute.

A. The Cleveland Electric Illuminating Co.

A. Cole, Corette & Bradford.
B. American Express Co.

A. Collier, Shannon, Rill, Edwards & Scott.
B. Allegheny Ludlum Industries, Inc.

A. Collier, Shannon, Rill, Edwards & Scott.
B. American Cylinder Manufacturers.

A. Collier, Shannon, Rill, Edwards & Scott.
B. American Footwear Industries Association, Inc.

A. Collier, Shannon, Rill, Edwards & Scott.
B. Bicycle Manufacturers Association of America, Inc.

A. Collier, Shannon, Rill, Edwards & Scott.
B. Can Manufacturers Institute.

A. Collier, Shannon, Rill, Edwards & Scott.
B. Ferrous Scrap Consumers Coalition.

A. Collier, Shannon, Rill, Edwards & Scott.
B. National Broiler Council.

A. Collier, Shannon, Rill, Edwards & Scott.
B. Republic of China.

A. Collier, Shannon, Rill, Edwards & Scott.
B. The Society of Independent Gasoline Marketers of America.

A. Collier, Shannon, Rill, Edwards & Scott.
B. Tool & Stainless Steel Industry Committee.

A. Collier, Shannon, Rill, Edwards & Scott.
B. United States Fastener Manufacturing Group.

A. Connecticut Bankers Association.

A. James T. Conner.
B. Mobay Chemical Corp.

A. Gregory E. Conrad.
B. American Mining Congress.

A. Patrick H. Corcoran.
B. Association of Oil Pipe Lines.

A. Alfred C. Cordon.
B. Buffalo Broadcasting Co., Inc.

A. Samuel C. Corey, Jr.
B. Provident Indemnity Life Insurance Co.

A. Samuel C. Corey, Sr.
B. Provident Indemnity Life Insurance Co.

A. Bennett J. Corn.
B. Coffee, Sugar & Cocoa Exchange, Inc.

A. The Cosmetic, Toiletry & Fragrance Association.

A. Daniel T. Coughlin.
B. Jos. Schlitz Brewing Co.

A. Raymond L. Courage.
B. Carl Byoir & Associates, Inc. (for Railway Progress Institute Tank Car Safety Committee).

A. Covington & Burling.
B. Penjerdel Corp.

A. C. Bryan Cox.
B. Kansas City Life Insurance Co.

A. Margaret S. Craig.
B. Brookwood Health Services, Inc.

A. Bobby E. Crow.
B. Columbia Gulf Transmission Co.

A. Crowell & Moring.
B. Associated Gas Distributors.

A. Curtis, Mallet-Prevost, Colt & Mosle.
B. United States Trust Company of New York.

A. Everett E. Cutter.
B. Oregon Railroad Association.

A. Fred L. Dahl.
B. Bechtel Power Corp.

A. Damon Corp.

A. David S. Danielson.
B. American Optometric Association.

A. Danzansky, Dickey, Tydings, Quint & Gordon.
B. Government of Antigua.

A. Danzansky, Dickey, Tydings, Quint & Gordon.
B. Japan Atomic Industrial Forum.

A. Danzansky, Dickey, Tydings, Quint & Gordon.
B. Perpetual Federal Savings & Loan Association.

A. Danzansky, Dickey, Tydings, Quint & Gordon.
B. Population Crisis Committee.

A. Stephen I. Danzansky.
B. Danzansky, Dickey, Tydings Quint & Gordon (for Government of Antigua).

A. Joseph Dauksys.
B. Rubber Manufacturers Association.

A. Gary W. Davis.
B. Pennsylvania State Education Association.

A. George R. Davis.
B. Amalgamated Transit Union, National Capital Local 689.

A. Davis, Polk & Wardwell.
B. Salomon Bros.

A. Gaston De Bearn.
B. Hoffman-La Roche, Inc.

A. Francis R. deBondt.
B. Credit Union Financial Services, Inc.

A. Winston M. Decker.
B. Association of American Veterinary Medical Colleges.

A. DeHart Associates, Inc.
B. The University of New Mexico.

A. DeKalb AgResearch.

A. Stephen T. Delamater.
B. Halliburton Co.

A. Dell, Craighill, Fentress & Benton.
B. Hon. Santiago Roel.

A. Bradford T. Dempsey.

A. Daniel B. Denning.
B. Gulf Oil Corp.

A. James T. Devine.
B. Bowling Proprietors' Association of America, Inc.

A. Dewey, Ballantine, Bushby, Palmer & Wood.
B. American Can Co.

A. Dewey, Ballantine, Bushby, Palmer & Wood.
B. Stewart Capital Corp.

A. Dickstein, Shapiro & Morin.
B. Atlantic Fisheries Association, Inc.

A. Dickstein, Shapiro & Morin.
B. Capeway Seafoods, Inc.

A. Dickstein, Shapiro & Morin.
B. Fass Bros., Inc.

A. Dickstein, Shapiro & Morin.
B. International Brotherhood of Teamsters.

A. Dickstein, Shapiro & Morin.
B. Marine Engineers Beneficial Association.

A. Dickstein, Shapiro & Morin.
B. Tennessee Gas Transmission Co.

A. Margot Dinneen.
B. Northern Tier Pipeline.

A. M. A. Dittenhofer.
B. Association of Government Accountants.

A. Hollis M. Dole.
B. Atlantic Richfield Co.

A. William D. D'Onofrio.
B. National Association for Neighborhood Schools, Inc.

A. William D. D'Onofrio.
B. Positive Action Committee, Inc.

A. Jack C. Donovan.
B. The Cleveland Electric Illuminating Co.

A. James A. Dorsch.
B. Health Insurance Association of America.

A. H. Eugene Douglas.
B. Memorex Corp.

A. Harry L. Downey, Jr.
B. Firestone Tire & Rubber Co.

A. Anthony V. Dresden.
B. Hill & Knowlton, Inc.

A. Deborah Drudge.
B. Healthy America.

A. W. H. Drushel, Jr.
B. Vinson & Elkins (for Quintana Petroleum Corp.).

A. W. H. Drushel, Jr.
B. Vinson & Elkins (for Quintana Refinery Co.).

A. Franklin B. Dryden.
B. The Tobacco Institute.

A. Michael F. Duffy.
B. American Mining Congress.

A. Duncan, Weinberg, Palmer & Miller.
B. Adolph Kizas.

A. Duncan, Weinberg, Palmer & Miller.
B. Delaware 5.

A. Duncan, Weinberg, Palmer & Miller.
B. East Bay Regional Park District.

A. Duncan, Weinberg, Palmer & Miller.
B. Iva May Harvey.

A. Duncan, Weinberg, Palmer & Miller.
B. Huron-Clinton.

A. Duncan, Weinberg, Palmer & Miller.
B. Kenai Natives Association, Inc.

A. Duncan, Weinberg, Palmer & Miller.
B. Mid-West Consumers.

A. Duncan, Weinberg, Palmer & Miller.
B. Western Fuels Association, Inc.

A. James W. Dunlop.
B. The Brooklyn Union Gas Co.

A. Mari Lee Dunn.
B. American Council for Capital Formation.

A. John H. Dunne.
B. International Federation of Professional & Technical Engineers, AFL–CIO.

A. Joseph L. Duran.
B. The First National Bank of Boston.

A. Henry I. Dworshak.
B. American Mining Congress.

A. Eaton Associates.

A. Robert E. L. Eaton.
B. Eaton Associates.

A. Daniel J. Edelman, Inc.
B. American Seat Belt Council.

A. Edelman International Corp.
B. Republic of Haiti/Embassy of Haiti.

A. Anne Edlund.
B. Motor Vehicle, Manufacturers Association of the United States.

A. Jonathan W. Edwards.
B. Blue Ribbon Sports, Inc.

A. Jonathan W. Edwards.
B. The Confederated Tribes of Warm Springs.

A. Jonathan W. Edwards.
B. The Navajo Nation.

A. Jonathan W. Edwards.
B. Portland General Electric Co.

A. J.C.B. Ehringhaus, Jr.
B. The Tobacco Institute.

A. Stephen W. Elliott.
B. Fidelity Union Trust Co.

A. Steven G. Ellis.
B. Burson-Marsteller (for Lydall Inc.).

A. C. F. Emde.
B. Air Products & Chemicals, Inc.

A. Gertrude Engel.
B. York Barbell Co.

A. Ralph Engel.
B. Chemical Specialties Manufacturers Association.

A. Steven L. Engelberg.
B. American Association of Marriage & Family Therapy.

A. David C. Evans.
B. Brick Institute of America.

A. Joseph O. Evans.

A. Robbie G. Exley.
B. National Federation of Federal Employees.

A. Robert S. Faron.
B. LeBoeuf, Lamb, Leiby & MacRae.

A. Arthur S. Fefferman.
B. American Council of Life Insurance, Inc.

A. Leon Felix.
B. The National Education Association.

A. Fellowship Square Foundation, Inc.

A. C. W. Fendrich.
B. Research-Cottrell, Inc.

A. Blaine Fielding.
B. American Paper Institute, Inc.

A. H. Barney Firestone.
B. Assure Competitive Transportation, Inc.

A. First National Boston Corp.

A. C. D. Fleet, Jr.
B. N. B. Hunt.

A. Aaron I. Fleischman.
B. Cablecom-General, Inc.

A. Aaron I. Fleischmann.
B. Warner Amex Cable Communications, Inc.

A. David H. Foerster.
B. The National Education Association.

A. Foodservice & Lodging Institute.

A. Gordon Forbes.
B. Minnesota Railroads Association.

A. James W. Foristel.
B. American Association of Opthalmology.

A. John S. Forsythe.
B. American Council of Life Insurance, Inc.

A. Joseph L. Fraites.
B. Coffee, Sugar & Cocoa Exchange, Inc.

A. Robert E. Freer.
B. Kimberly-Clark Corp.

A. Fried, Frank, Harris, Shriver & Kampelman.
B. Cheyenne River Sioux Tribe.

A. Fried, Frank, Harris, Shriver & Kampelman.
B. Metlakatla Indian Community.

A. Fried, Frank, Harris, Shriver & Kampelman.
B. Oglala Sioux Tribe.

A. Fried, Frank, Harris, Shriver & Kampelman.
B. Pueblo of Laguna.

A. Fried, Frank, Harris, Shriver & Kampelman.
B. Rosebud Sioux Tribe.

A. Fried, Frank, Harris, Shriver & Kampelman.
B. Seneca Nation of Indians.

A. Gary R. Frink.
B. Radwaste Management Group.

A. Terry Gabrielson.
B. Transcontinental Gas Pipe Line Corp.

A. Bob Garcia.
B. Southwest Flight Crew Association.

A. Gardner, Carton & Douglas.
B. Council of Industrial Boiler Owners.

A. Gardner, Carton & Douglas.
B. Elmer W. Kneipp.

A. Gardner, Carton & Douglas.
B. Howard Mobile Village.

A. Gardner, Carton & Douglas.
B. Sealed Power Corp.

A. Gardner, Carton & Douglas.
B. Small Producers for Energy Independence.

A. Theodore J. Garrish.
B. American Metal Detectors Manufacturers, Inc.

A. James J. Garry.
B. Coffee, Sugar & Cocoa Exchange, Inc.

A. Morton A. Geller.
B. The First National Bank of Boston.

A. Donald H. Gerrish.
B. American Bakers Association.

A. William T. Gibb III.
B. American Council of Life Insurance, Inc.

A. William G. Giery.
B. Foodservice & Lodging Institute.

A. William L. Gifford.
B. General Electric Co.

A. Susan Gilbert.
B. National Federation of Federal Employees.

A. Arthur P. Gildea.
B. National Conference of Brewery & Soft Drink Workers.

A. John P. Gleason, Jr.
B. Brick Institute of America.

A. Thomas G. Godfrey.
B. Kikkoman Foods, Inc.

A. Alan J. Goldenberg.
B. Coffee, Sugar & Cocoa Exchange, Inc.

A. Vance V. Goodfellow.
B. Crop Quality Council.

A. Bruce G. Goodman.
B. Damon Corp.

A. Robert D. Gordon.
B. International Union of Police Associates.

A. Sara Ann Gordon.
B. Bill Newbold & Associates (for American Protestant Hospital Association).

A. Sara Ann Gordon.
B. Bill Newbold & Associates (for Texas Hospital Association).

A. Irmgard Gordos.
B. American Security Council.

A Carl F. Graham.
B. Amway Corp.

A. Ruth Graves.
B. Reading Is Fundamental, Inc.

A. Robert Keith Gray.
B. Hill & Knowlton, Inc. (for Distilled Spirits Council of the United States).

A. Robert Keith Gray.
B. Hill & Knowlton, Inc. (for Motorola).

A. Samuel A. Grayson.
B. Union Pacific Railroad.

A. The Great A&P Tea Co., Inc.

A. Edward M. Green.
B. American Mining Congress.

A. Alison E. Greene.
B. March of Dimes Birth Defects Foundation.

A. Chester A. Groseclose, Jr.
B. South Dakota Railroads Association.

A. Thomas M. Gunn.
B. McDonnell Douglas Corp.

A. Maria Faller Gwaltney.
B. American Hellenic Institute Public Affairs Committee, Inc.

A. C. James Hackett.
B. American Plywood Association.

A. William D. Hager.
B. American Academy Actuaries.

A. Floyd D. Hall.
B. International Air Transport Association.

A. Norman S. Halliday.
B. National Association of Greeting Card Publishers.

A. Patricia Halpern.
B. National Health Federation.

A. Seymour Halpern.
B. Sydney S. Baron & Co., Inc. (for American Can Co.).

A. Seymour Halpern.
B. Sydney S. Baron & Co., Inc. (for Republic of South Africa).

A. Hamel, Park, McCabe & Saunders.
B. State of Alaska.

A. Hankla & Peters.
B. LaJet, Inc.

A. George J. Hanks, Jr.
B. Union Carbide Corp.

A. Erling Hansen.
B. Group Health Association of America, Inc.

A. Robert E. Harman.
B. The National Education Association.

A. Michael T. Harrigan.
B. U.S. Olympic Committee.

A. William C. Hart.
B. Columbia Gas System Service Corp.

A. Robert S. Hartmann.
B. Hill & Knowlton, Inc.

A. William H. Hecht.
B. The Tobacco Institute.

A. Heinhold Commodities, Inc.

A. Harry V. Helton.
B. Reynolds Metals Co.

A. Thomas R. Hendershot.
B. P. Mastrippolito & Sons, Inc.

A. Thomas R. Hendershot.
B. Petroleum Heat & Power Co.

A. C. Dayle Henington.
B. Chicago Mercantile Exchange.

A. Donald A. Henriksen.
B. Atlantic Richfield Co.

A. Bruce P. Heppen.
B. National Federation of Federal Employees.

A. Bert Ingalls Hickman, Jr.
B. The Keefe Co. (for Fyrnetics, Inc.).

A. Bert Ingalls Hickman, Jr.
B. The Keefe Co. (for Log Homes Council).

A. Kevin M. Higgins.
B. Avon Products, Inc.

A. Howard E. Holcomb.
B. National Association of Independent Colleges & Universities.

A. Robert L. Holding.
B. Association of Home Appliance Manufacturers.

A. Henry W. Holling.
B. Caterpillar Tractor Co.

A. Linwood Holton.
B. American Council of Life Insurance, Inc.

A. Gary Hong.
B. Group Health Association of America, Inc.

A. Fortescue W. Hopkins.
B. Graham-White Manufacturing Co. & Graham-White Sales Corp.

A. Houger, Garvey, Schubert, Adams & Barer.
B. American Pyrotechnics Association.

A. Thomas B. House.
B. American Frozen Food Institute.

A. C. T. Hoversten.
B. National Advertising Co.

A. Hudson, Leftwich & Davenport.
B. City of Detroit.

A. Gary E. Hughes.
B. American Council of Life Insurance, Inc.

A. William E. Hughes, Jr.
B. Northeast Utilities Service Co.

A. Craig R. Hume.
B. Hill & Knowlton.

A. Acacia G. Hunt.
B. American Bakers Association.

A. Frederick D. Hunt, Jr.
B. American Academy of Actuaries.

A. Lawrence H. Hunt, Jr.
B. Heinhold Commodities, Inc.

A. Peter C. Hunt.
B. The Brooklyn Union Gas Co.

A. Gerard F. Hurley.
B. National Club Association.

A. Robert R. Hurt.
B. Merck & Co., Inc.

A. Independent U.S. Tanker Owners' Committee.

A. G. Conley Ingram.
B. Board of Trade Clearing Corp.

A. International Brotherhood of Painters & Allied Trades.

A. International Maritime Associates, Inc.

A. James C. Jennings.
B. Hill & Knowlton.

A. Calvin P. Johnson.
B. Health Insurance Association of America.

A. Donald A. Johnson.
B. Plains Cotton Growers, Inc.

A. H. Bradley Johnson.
B. American Mining Congress.

A. Rady A. Johnson.
B. Standard Oil Co. (Indiana)

A. Spencer A. Johnson.
B. Paperboard Packaging Council.

A. James V. Jordan III.
B. Southern Natural Gas Co.

A. Ardon B. Judd, Jr.
B. Dresser Industries, Inc.

A. Geza Kadar, Jr.
B. Blue Cross & Blue Shield Associations.

A. Julius Kaplan.
B. Kirkwood, Kaplan, Russin, & Vecchi (for Government of Colombia).

A. Richard T. Kaplar.
B. Motor Vehicle Manufacturers Association.

A. Linda E. Katz.
B. Chicago Rock Island & Pacific Railroad Co.

A. Everett E. Kavanaugh.
B. The Cosmetic, Toiletry & Fragrance Association.

A. Keck, Mahin & Cate.
B. Schwinn Bicycle Co.

A. Robert C. Keeney.
B. United Fresh Fruit & Vegetable Association.

A. Donald W. Keller.
B. Quintana Petroleum Corp.

A. George J. Kelley.
B. Blue Cross & Blue Shield Associations.

A. Stephen G. Kellison.
B. American Academy of Actuaries.

A. Stephen S. Kellner.
B. Chemical Specialties Manufacturers Association.

A. Robert F. Kelly.
B. E. I. du Pont de Nemours & Co., Inc.

A. William T. Kendall.
B. Alliance for Free Enterprise.

A. William J. Kenney.
B. Taiyo Fishery Co., Ltd.

A. Kenyon & Kenyon.
B. Estate of Bert N. Adams, et al.

A. Robert M. Ketchel.
B. General Electric Co.

A. Richard F. Kibben.
B. The Business Roundtable.

A. Edward J. Kiernan.
B. International Union of Police Associations.

A. Kikkoman Foods, Inc.

A. Francis L. Kinney.
B. Northeast Utilities Service Co.

A. Roger Klein.
B. Public Securities Association.

A. Jeffrey W. Knight.
B. Friends of the Earth.

A. Paul E. Kohl.
B. 18th Congressional District Action Committee for Pro-Life Activities.

A. Charles B. Kornmann.
B. South Dakota Railroads Association.

A. L. Wayne Krug.
B. Union Oil of California.

A. Anthony L. Kucera.
B. The American Waterway Operators, Inc.

A. M. J. Kuehne.
B. American Plywood Association.

A. Philip Kugler.
B. American Federation of Teachers, AFL–CIO.

A. Labor Bureau of Middle West.

A. Philip A. Lacovara.
B. Bristol-Myers Co.

A. Philip A. Lacovara.
B. Merck & Co., Inc.

A. Philip A. Lacovara.
B. Pfizer, Inc.

A. Bruce C. Ladd, Jr.
B. The Upjohn Co.

A. Ralph D. B. Laime.
B. The National Education Association.

A. Thomas M. Landin.
B. SmithKline Corp.

A. Bruce A. Landy.
B. Cryogenic Vacuum Technology Co.

A. Michael S. Lang.
B. American Productivity Center, Inc.

A. James J. LaPenta, Jr.
B. Laborers' International Union of North America.

A. Lawrence C. Laser.
B. Cities Service Co.

A. Glenn T. Lashley.
B. American Automobile Association.

A. Latham, Watkins & Hills.
B. National Association of Real Estate Investment Trusts, Inc.

A. Richard A. Leahy.
B. Investment Counsel Association of America, Inc.

A. Robert B. Leflar.
B. Health Research Group.

A. Robert Leibner.
B. American Frozen Food Institute.

A. Leighton, Conklin, Lemov & Jacobs.
B. The Adhesive & Sealant Council, Inc.

A. Leighton, Conklin, Lemov & Jacobs.
B. Agri International, Inc.

A. Leighton, Conklin, Lemov & Jacobs.
B. American Association of Nurse Anesthetists.

A. Leighton, Conklin, Lemov & Jacobs.
B. American Dental Assistants Association.

A. Leighton, Conklin, Lemov & Jacobs.
B. City & Regional Magazine Association, Inc.

A. Leighton, Conklin, Lemov & Jacobs.
B. The Clorox Co.

A. Leighton, Conklin, Lemov & Jacobs.
B. Delex International, Inc.

A. Leighton, Conklin, Lemov & Jacobs.
B. Development Healthcare & Wellness, Inc.

A. Leighton, Conklin, Lemov & Jacobs.
B. Family Practice Life & Health Action Research.

A. Leighton, Conklin, Lemov & Jacobs.
B. GEM Mailing, Inc.

A. Leighton, Conklin, Lemov & Jacobs.
B. Grocery Manufacturers of America, Inc.

A. Leighton, Conklin, Lemov & Jacobs.
B. Intraocular Lens Manufacturers Association.

A. Leighton, Conklin, Lemov & Jacobs.
B. Jet America International, Inc.

A. Leighton, Conklin, Lemov & Jacobs.
B. National Cable Television Association, Inc.

A. Leighton, Conklin, Lemov & Jacobs.
B. National Glass Dealers Association.

A. Leighton, Conklin, Lemov & Jacobs.
B. National Macaroni Manufacturing Association.

A. Leighton, Conklin, Lemov & Jacobs.
B. Security Associates, Inc.

A. Leighton, Conklin, Lemov & Jacobs.
B. Turner Broadcasting Corp.

A. Leighton, Conklin, Lemov & Jacobs.
B. Universal Medical Laboratories, Inc.

A. Leighton, Conklin, Lemov & Jacobs.
B. Whey Products Institute.

A. Richard Lesher.
B. Chamber of Commerce of the United States of America.

A. Joseph Letorney.
B. The National Education Association.

A. Leva, Hawes, Symington, Martin & Oppenheimer.
B. Commerzbank Aktiengesellschaft.

A. Leva, Hawes, Symington, Martin & Oppenheimer.
B. Consolidated Edison Co. of New York, Inc.

A. Leva, Hawes, Symington, Martin & Oppenheimer.
B. Glass Packaging Institute.

A. Leva, Hawes, Symington, Martin & Oppenheimer.
B. National Franchise Association Coalition.

A. Leva, Hawes, Symington, Martin & Oppenheimer.
B. Union Investment GmbH.

A. Theodore M. Littman.
B. Rockwell International.

A. Harold D. Loden.
B. American Seed Trade Association.

A. Nils A. Lofgren.
B. Motor Vehicle Manufacturers Association.

A. Loomis, Owen, Fellman & Howe.
B. National Association of Manufacturers.

A. Robert C. Lower.
B. Board of Trade Clearing Corp.

A. Douglas E. MacArthur.
B. Zantop International Airlines.

A. James E. Mack.
B. National Association of Mirror Manufacturers.

A. James E. Mack.
B. Peanut Butter & Nut Processors Association.

A. Curtis T. Mackey.
B. National Insulation Contractors Association.

A. Dan V. Maroney, Jr.
B. Amalgamated Transit Union, AFL-CIO.

A. Chalmers H. Marquis.
B. Agency for Instructional TV.

A. Chalmers Marquis.
B. Children's TV Workshop.

A. Reynaldo L. Martinez.
B. National Education Association.

A. Mike M. Masaoka.
B. American Japanese Trade Committee.

A. Mike M. Masaoka.
B. Nisei Lobby.

A. Paul J. Mason.
B. American Council of Life Insurance, Inc.

A. Charles D. Matthews.
B. National Ocean Industries Association.

A. C. V. & R. V. Maudlin.
B. Georgia Power Company.

A. C. V. & R. V. Maudlin.
B. Joint Government Liaison Committee.

A. Charles H. Mauzy.
B. National Education Association.

A. Mays, Valentine, Davenport & Moore.
B. Henry T. Gage.

A. Douglas E. McAllister.
B. American Mining Congress.

A. William J. McAuliffe, Jr.
B. American Land Title Association.

A. Hugh McBride.

A. Michael J. McCabe.
B. Allstate Insurance Co.

A. John A. McCahill.
B. U.S. Olympic Committee.

A. A. R. McCammon.
B. Tennessee Railroad Association.

A. James R. McCaul.
B. International Maritime Associates, Inc.

A. McClure & Trotter.
B. Avon Products, Inc.

A. Robert S. McConnaughey.
B. American Council of Life Insurance, Inc.

A. Marianne McDermott.
B. Hill & Knowlton, Inc.

A. Darryl D. McEwen.
B. Society of American Florists.

A. Stanley J. McFarland.
B. National Education Foundation.

A. James M. McGarry, Jr.
B. Eaton Associates.

A. William F. McKenna.
B. Silver, Freedman, Housley, Taff & Goldberg.

A. Laramie F. McNamara.
B. Flexible Packaging Association.

A. Margaret McNamara.
B. Reading Is Fundamental, Inc.

A. Robert E. McVicker.
B. Kollsman Instrument Co.

A. Ronald E. McWilliams.
B. The Boeing Co.

A. Gil Meisgeier.
B. National Franchise Association Coalition.

A. R. Otto Meletzke.
B. American Council of Life Insurance, Inc.

A. Memorex Corp.

A. Milton E. Meyer, Jr.
B. Colorado Bar Association.

A. Miller & Chevalier.
B. Northern Helex Co.

A. Luman G. Miller.
B Oregon Railroad Association.

A. Paul J. Miller.
B. Investment Counsel Association of America, Inc.

A. R. Eric Miller.
B. Bechtel Power Corp.

A. Glenn W. Million.
B. The Disabled Officers Association.

A. Richard V. Minck.
B. American Council of Life Insurance, Inc.

A. A. W. Mininni.
B. Stop Our Selling of America.

A. Stacey J. Mobley.
B. E. I. du Pont de Nemours & Co.

A. John S. Monagan.
B. Connecticut Bankers Association.

A. John C. Monsul.

A. C. Austin Montgomery.
B. Credit Union Financial Services, Inc.

A. Moore McCormack Resources, Inc.

A. Powell A. Moore.
B. Electrolert, Inc.

A. Roger Owen Moore.
B. Five Freedoms, Inc.

A. E. Joyce Morgan.
B. American Mining Congress.

A. Earl J. Morgan.
B. McDonnell Douglas Corp.

A. Helen Dubino Morrison.
B. Hill & Knowlton.

A. Helen Dubino Morrison.
B. Hill & Knowlton (for Navajo Indian Nation).

A. Robert M. Mulligan.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation.

A. Margaret R. Murray.
B. DeKalb AgResearch.

A. Margaret R. Murray.
B. Heinold Commodities, Inc.

A. Paul J. Myer.
B. American Broadcasting Co.

A. Law offices of Timothy D. Naegele.
B. BayBanks, Inc.

A. Nassau, Beer, Boltz & Bennia.
B. City of Pontiac, Mich.

A. The National Alliance of Teenagers, Inc.

A. National Club Association.

A. National Council for a Responsible Firearms Policy.

A. National Grain & Feed Association.

A. National Small Business Index.

A. National Wheel & Rim Association.

A. Carolyn B. Nelson.
B. Brookwood Health Services, Inc.

A. Lloyd A. Nelson.
B. Fellowship Square Foundation, Inc.

A. Mark D. Nelson.
B. E. I. du Pont de Nemours & Co.

A. Milton E. Neshek.
B. Kikkoman Foods, Inc.

A. New England Petroleum Corp.

A. Victor L. Nutt.
B. Gulf + Western Industries, Inc.

A. George O'Bea, Jr.
B. United Paperworkers International Union.

A. Mary Eileen O'Brien.
B. Dow Corning Corp.

A. O'Connor & Hannan.
B. American Institute of Certified Public Accountants.

A. O'Connor & Hannan.
B. American Public Transit Association.

A. O'Connor & Hannan.
B. Automotive Parts & Accessories, Inc.

A. O'Connor & Hannan.
B. Commonwealth of Puerto Rico.

A. O'Connor & Hannan.
B. Hennepin County.

A. O'Connor & Hannan.
B. Investment Co. Institute.

A. O'Connor & Hannan.
B. Investors Diversified Services, Inc.

A. O'Connor & Hannan.
B. John Nuveen & Co., Inc.

A. O'Connor & Hannan.
B. National Committee for Quality Health Care.

A. O'Connor & Hannan.
B. Save Loring Committee.

A. O'Connor & Hannan.
B. Westinghouse Electric Corp.

A. L. L. O'Connor.
B. Profit Sharing Council of America.

A. Leonard F. O'Connor.
B. The First National Bank of Boston.

A. Ashton J. O'Donnell.
B. Bechtel Inc.

A. John A. O'Donnell.
B. Philippine Sugar Commission.

A. Roy E. Olson.
B. America Paper Institute, Inc.

A. O'Neill, Forgotson & Roncalio.
B. CDECO Maritime Dredging Co.

A. O'Neill, Forgotson & Roncalio.
B. Massachusetts General Hospital.

A. O'Neill, Forgotson & Roncalio.
B. Motorola, Inc.

A. O'Neill, Forgotson & Roncalio.
B. Texas Utilities Services, Inc.

A. Outdoor Power Equipment Institute, Inc.

A. W. D. Page.
B. American Plywood Association.

A. Joseph J. Panella.
B. Dow Chemical U.S.A.

A. Paperboard Packaging Council.

A. Linda K. Parson.
B. Cities Service Co.

A. David J. Pattison.
B. Health Insurance Association of America.

A. Richard A. Paysor.
B. Chromalloy American Corp.

A. Peabody, Rivlin, Lambert & Meyers.
B. Tuna Research Foundation.

A. Beth Peacock.
B. General Foods.

A. Pendleton & McLaughlin.
B. Canned & Cooked Meat Importers' Association.

A. Victor J. Perini, Jr.
B. Highway Users Federation for Safety & Mobility.

A. Ilbert Phillips.
B. American Council of Life Insurance, Inc.

A. Stuart F. Pierson.
B. Commonwealth of Puerto Rico, et al.

A. Rena S. Pies.
B. American Footwear Industries Association.

A. Ronald L. Platt.
B. Burger King Corp.

A. Robert Plett Associates, Ltd.

A. Positive Action Committee, Inc.

A. Everett O. Post.
B. National Association of Service Contractors.

A. E. A. Potter.
B. NCR Corp.

A. Gregg R. Potvin.

A. Powell, Goldstein, Frazer & Murphy.
B. Westinghouse Electric Corp.

A. Richard M. Powell.
B. International Association of Refrigerated Warehouses.

A. Prather Seeger Doolittle & Farmer.
B. Boyd Lumber Corp.

A. James T. Prendergast.
B. Staff Builders, Inc.

A. Preston, Thorgrimson, Ellis & Holman.
B. Moore McCormack Resources.

A. Preston, Thorgrimson, Ellis & Holman.
B. Seatrain Lines, Inc.

A. Preston, Thorgrimson, Ellis & Holman.
B. Tennessee Gas Pipeline Co.

A. Preston, Thorgrimson, Ellis & Holman.
B. TRAIN.

A. Preston, Thorgrimson, Ellis & Holman.
B. Transportation Institute.

A. Preston, Thorgrimson, Ellis & Holman.
B. Western Resource Alliance.

A. Preston, Thorgrimson, Ellis & Holman.
B. WOMETCO Enterprises, Inc.

A. Profit Sharing Council of America.

A. Provident Indemnity Life Insurance Co.

A. Public Securities Association.

A. Earle Putnam.
B. Amalgamated Transit Union, AFL–CIO.

A. William A. Quinlan.
B. Retail Bakers of America.

A. David Racer.
B. National Federation of Federal Employees.

A. Rare Animal Relief Effort, Inc.

A. B. P. Rauwerda.
B. Neratoom, B. V.

A. Julian O. Read.
B. Central & South West Corp.

A. Reading Is Fundamental, Inc.

A. Charlotte T. Reid.
B. Motorola.

A. Harry O. Reinsch.
B. Bechtel Power Corp.

A. W. W. Renfroe.
B. Kentucky Railroad Association.

A. Research-Cottrell, Inc.

A. Austin T. Rhoads.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation.

A. M. Lee Rice.
B. Ogden Corp.

A. R. Paul Richard.
B. Association of American Law Schools.

A. Lloyd C. Richardson, Jr.
B. South Dakota Railroads Association.

A. James E. Ritchie.
B. National Association of Off-Track Betting.

A. Brinton P. Roberts.
B. New England Tank Industries of New Hampshire, Inc.

A. Robinson, Silverman, Pearce, Aronsohn & Berman.
B. National Realty Committee, Inc.

A. Rodey, Dickason, Sloan, Akin & Robb.
B. The Navajo Tribe.

A. Lois M. Rodney.
B. Credit Union Financial Services, Inc.

A. Rogers & Wells.
B. F. & M. Schaefer Corp.

A. Rogers & Wells.
B. The Gregg Co., Ltd.

A. Rogers & Wells.
B. A. Johnson & Co., Inc.

A. Rogers & Wells.
B. Overseas Shipholding Group.

A. Rogers & Wells.
B. Squibb Corp.

A. Rogers & Wells.
B. Teachers Insurance & Annuity Association/CREF.

A. Rogers & Wells.
B. Twentieth Century Fox Film Corp.

A. John W. Rowland.
B. Amalgamated Transit Union, AFL–CIO.

A. Herbert Y. Schandler.
B. American League for Exports & Security Assistance, Inc.

A. Dale E. Schell.
B. GATX Corp.

A. Andrew A. Scholtz.
B. Coffee, Sugar & Cocoa Exchange, Inc.

A. Robert I. Schramm.
B. The Superior Oil Co. & Superior Farming Co.

A. Walter A. Schumann III.

A. Seatrain Lines, Inc.

A. Ronald C. Seeley.
B. Claimants to the Bert N. Adams Claim.

A. Sadie E. Seeley.
B. National Federation of Federal Employees.

A. Seyfarth, Shaw, Fairweather & Geraldson.
B. Dresser Industries, Inc.

A. Seyfarth, Shaw, Fairweather & Geraldson.
B. Trans-Union Corp.

A. Yvonne L. Shafer.
B. National Education Association.

A. Luther W. Shaw.
B. Paluszek & Leslie Associates.

A. Shea & Gould.
B. Guaranty Fuels, Inc.

A. Shea & Gould.
B. Independent Research Library Association.

A. Michael S. Sher.
B. National Alliance of Teenagers, Inc.

A. Seymour Sheriff.
B. Man-Made Fiber Producers Association, Inc.

A. James K. Shiver.
B. Diamond Shamrock.

A. Mary Frances Shlagel.
B. Union Oil Co. of California.

A. Debbie Leilani Shon.
B. National Education Association.

A. Silver, Freedman, Housley, Taff & Goldberg.

A. Larry Silverman.
B. Clean Water Action Project.

A. Robert C. Singer.
B. The Soap & Detergent Association.

A. 6th Pro-Life Congressional District Action Committee.

A. Robert William Smith.
B. Railway Progress Institute.

A. William H. Smith.
B. American Bankers Association.

A. Snyder & Ball Associates, Inc.
B. Aerojet-General Corp.

A. Christine D. Somma.
B. Flexible Packaging Association.

A. Sonosky, Chambers & Sachse.
B. Seminole Indian Tribe of Florida.

A. Sonosky, Chambers & Sachse.
B. Sioux Nation.

A. South Dakota Railroads Association.

A. Larry M. Speakes.
B. Hill & Knowlton, Inc.

A. John F. Speer, Jr.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation.

A. William C. Spence.
B. Columbia Gulf Transmission Co.

A. Spradling, Stagner, Alpern & Friot.
B. Kansas Delaware Tribe of Indians, Inc.

A. Staff Builders, Inc.

A. State & Federal Associates, Inc.
B. National Association of Convenience Stores.

A. State & Federal Associates, Inc.
B. Potato Chip/Snack Food Association.

A. State & Federal Associates, Inc.
B. Schering-Plough Corp.

A. Roy N. Staten.
B. Bethlehem Steel Corp.

A. Charles D. Statton.
B. Bechtel Power Corp.

A. Leon P. Stavrou.
B. American Hellenic Institute Public Affairs Committee, Inc.

A. David J. Steinberg.
B. National Council for a Responsible Firearms Policy.

A. Charles W. Stellar.
B. AAPSRO.

A. John W. Stillwaggon.
B. Coffee, Sugar & Cocoa Exchange, Inc.

A. Edward W. Stimpson.
B. General Aviation Manufacturers Association, Inc.

A. B. R. Stokes.
B. American Public Transit Association.

A. O. R. Strackbein.
B. International Allied Printing Trades Association.

A. Roger J. Stroh.
B. United Fresh Fruit & Vegetable Association.

A. George Strumpf.
B. Group Health Association of America, Inc.

A. Daniel C. Sullivan.
B. Assure Competitive Transportation, Inc.

A. John R. Sweeney.
B. Bethlehem Steel Corp.

A. John R. Sweeney, Jr.
B. National Association of Selective Distributors.

A. Lewis M. Taffer.
B. American Express Co.

A. Frank A. Taylor.
B. National Federation of Federal Employees.

A. Tennessee Gas Pipeline Co.

A. Third Congressional District Action Committee (AL).

A. John W. Thomas.
B. American Veterinary Medical Association.

A. John W. Thomas.
B. Association of American Veterinary Medical Colleges.

A. Eugene M. Thore.
B. Aetna Life & Casualty Co.

A. Eugene M. Thore.
B. Metropolitan Life Insurance Co.

A. Paul J. Tierney.
B. Transportation Association of America.

A. Title Associates, Inc.

A. C. Richard Titus.
B. American Paper Institute, Inc.

A. H. Willis Tobler.
B. E. A. Jaenke & Associates, Inc.

A. Thomas J. Touhey.
B. A.R.F. Products, Inc.

A. Jay Charles Townley.
B. Schwinn Bicycle Co.

A. TRAIN.

A. Transportation Association of America.

A. Robert C. Troup.

A. Philip J. Tulimieri, Jr.
B. Avon Products, Inc.

A. 12th Congressional District Action Committee.

A. 23d Congressional District Action Committee.

A. Richard A. Van Deuren.
B. National Employee Benefits Institute.

A. Nicholas L. Van Nelson.
B. American Paper Institute, Inc.

A. R. Dick Vander Woude.
B. National Education Association.

A. Jerry T. Verkler.
B. Texas Eastern Transmission Corp.

A. C. John Vermilye.
B. United States Steel Corp.

A. Verner, Liipfert, Bernhard & McPherson.
B. Hellenic Republic of Greece.

A. Verner, Liipfert, Bernhard & McPherson.
B. Pan American World Airways, Inc.

A. Brenda R. Viehe-Naess.
B. American Insurance Association.

A. Walter D. Vinyard, Jr.
B. Hartford Fire Insurance Co.

A. Vorys, Sater, Seymour & Pease.
B. National Hockey League.

A. Catherine Waelder.
B. National Federation of Federal Employees.

A. Ethan J. Wagner.
B. Southwest Flight Crew Association.

A. Wakefield Washington Associates.
B. National Distillers & Chemical Corp.

A. Wald, Harkrader & Ross.
B. Chemtex Fibers, Inc.

A. Linda Walker-Hill.
B. Hill & Knowlton.

A. Warren W. Walkley.
B. General Electric Co.

A. Raymond C. Wallace.
B. Amalgamated Transit Union, AFL-CIO.

A. James Wanko.
B. Society of American Florists.

A. Alan S. Ward.
B. Baker & Hostetler (for the Soap & Detergent Association).

A. Robert B. Washington, Jr.
B. Danzansky, Dickey, Tydings, Quint & Gordon (for Government of Antigua).

A. Clarke R. Watson.
B. Rocky Mountain Oil & Gas Association.

A. Webster & Chamberlain.
B. National Club Association.

A. Webster & Chamberlain.
B. National Sporting Goods Association.

A. Elizabeth S. Weltner.
B. Hill & Knowlton.

A. Thomas F. Wenning.
B. National Association of Retail Grocers of the United States.

A. Thomas F. Wenning.
B. National Food Brokers Association.

A. William Whichard, Jr.
B. Union Oil Co. of California.

A. Wickham & Craft.
B. Congaree Limited Partnership.

A. Wickham & Craft.
B. Ryder System, Inc.

A. Richard J. Wiechmann.
B. American Paper Institute, Inc.

A. Robert E. Williams.
B. United Airlines.

A. Allen Wills.
B. Memorex Corp.

A. George S. Wills.
B. Americans for Alaska.

A. Wilmer & Pickering.
B. Dealer Bank Association.

A. Wilmer & Pickering.
B. Morgan Guaranty Trust Co.

A. Wilmer & Pickering.
B. Motor Vehicle Manufacturers Association of the United States, Inc.

A. Wilmer & Pickering.
B. National Corp. for Housing Partnerships.

A. Dorothy R. Wilson.
B. Coalition of Concerned Charities.

A. James R. Winnie.
B. Cities Service Gas Co.

A. Curtin Winsor, Jr.
B. Alliance for Free Enterprise.

A. Winston & Strawn.
B. Building Owners & Managers Association International.

A. Winston & Strawn.
B. International Council of Shopping Centers.

A. Ann R. Wise.
B. Hollingsworth & Vose Co.

A. Glenn P. Witte.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation.

A. Frank R. Wolf.
B. National Farm & Power Equipment Dealers Association.

A. George M. Worden.
B. Hill & Knowlton (for Distilled Spirits Council).

A. Steven M. Worth.
B. Hill & Knowlton.

A. Wyman, Bautzer, Rothman & Kuchel.
B. California Canners & Growers.

A. Wyman, Bautzer, Rothman & Kuchel.
B. Eklutna, Inc.

A. Wyman, Bautzer, Rothman & Kuchel.
B. Petersen Publishing Co.

A. Donald Yarborough.
B. Paraplegia Cure Research.

A. Carmen E. Young.
B. National Federation of Federal Employees.

A. John J. Zimmerman.
B. American Mining Congress.

A. Carl E. Zwisler III.
B. International Franchise Association.

SENATE—*Tuesday, February 19, 1980*

(Legislative day of Thursday, January 3, 1980)

The Senate met at 1:30 p.m., on the expiration of the recess, and was called to order by Hon. HOWELL HEFLIN, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Let us pray.

Thanks be to Thee, O Lord, for the good gift of life, for its wonder and its mystery, for its joy and its pain. Now take our lives, just as we are, and use them in Thy service. Nourish our minds and hearts on "whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report." And by what we do may this Nation and the world be lifted toward Thy great kingdom. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. MAGNUSON).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 19, 1980.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HOWELL HEFLIN, a Senator from the State of Alabama, to perform the duties of the Chair.

WARREN G. MAGNUSON,
President pro tempore.

Mr. HEFLIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order the majority leader is recognized.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COAL'S POTENTIAL

Mr. ROBERT C. BYRD. Mr. President, the Nation's most prestigious scientific organization, the National Academy of Sciences, has concluded that, for the next 30 years, the United States must dramatically increase its use of coal to meet its future energy needs.

These conclusions were recently issued in a massive study prepared by an Academy-appointed committee of some 350 experts, who submitted their findings to the Department of Energy. The 783-page report took 4 years to complete and is perhaps the most comprehensive analysis of American energy needs yet published.

According to the report, the Nation's two highest priorities should be the displacement of oil with coal for electrical power generation and the development of a domestic synthetic fuels industry for both liquids and gas. The report concluded that coal use is one of the most viable alternatives for generating electricity in the near future. This energy source could ease future liquid fuel shortages if the oil or natural gas displaced can be put to other, more critical, uses.

The experts warned that it was unrealistic to count on solar power as an immediate, convenient replacement for foreign oil. The committee's members held out little hope that solar power would contribute much to the Nation's energy supplies before the turn of the century, unless the Government provides enormous subsidies for solar research and penalizes the use of nonrenewable fuels. Such a crash program would be very costly, with uncertain results. A better route is to continue solar research at the increased levels committed to it by Congress, while moving forward with immediate plans to increase the use of our Nation's plentiful coal and other fossil fuel supplies.

The Academy's message is clear: The United States, if it is to regain its energy independence, must pursue several alternatives to foreign oil and must begin as soon as practicable to benefit from its vast reserves of coal.

Over the past several weeks, other Senators and I have been working with the administration and experts at the Department of Energy to develop legislation directed at the increased use of coal for electrical generation. Although the Powerplant and Industrial Fuel Use Act, enacted by the 95th Congress, was intended to promote such displacement of oil with coal, the scheme of exemptions and exceptions contained in that bill have not produced a rapid conversion of existing generating facilities. Given the urgent need to reduce oil consumption and foreign oil imports, the mandatory conversion of coal-capable generating plants now appears to be required. This is the focus of the legislation currently under consideration.

As the final form of this legislation has taken shape, the initiative contemplates a $12-billion, two-phase program of grants to eligible utilities to pay a significant portion of the capital costs of conversion, giving priority to the costs of pollution control equipment. Phase I would achieve oil savings of 350,000 to 550,000 barrels per day through the prohibition against the use of oil or gas in 141 powerplants named in a statutory list. Phase II would establish a grant program designed to assist utilities to achieve, on a voluntary basis, whatever oil or gas displacement is needed to meet the total 1 million barrel per day target. This plan is directed at converting powerplants to coal in the most cost effective way, while at the same time protecting the public health from excessive pollution emissions. Given the financial structure of the utility industry and the current regulatory scheme, increased use of coal probably cannot be accomplished without this assistance.

The President's July 15 energy message established, among other things, an objective of displacing 50 percent of the electric utility oil consumption by 1990. This commitment was recently reiterated in the written State of the Union message. Legislation to promote the increased use of coal by utilities remains an unfinished item on the energy agenda. Given the immediate reduction in foreign oil imports which could be realized by this program, a coal conversion bill will receive high priority on the Senate agenda this year.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order the acting minority leader is recognized.

SENATOR JACOB JAVITS

Mr. STEVENS. Mr. President, it was with some concern that I noted this morning the prediction of Barbara Walters that our good friend, the Senator from New York, Senator JAVITS, might announce his intention not to run next week.

I do not wish that the lady be embarrassed publicly, but it is my hope that her prediction is wrong.

Senator JAVITS in his role now as ranking Republican on the Foreign Relations Committee is contributing greatly to the policies of the Nation in a very critical period.

We need his total experience and guidance, and I think that the Senate would be hardpressed to attempt to replace that experience in this critical period.

So, I, for one, and I believe I speak for all Republicans who are in the Senate, hope that this is not an accurate report and that our colleague, Senator JAVITS, when he makes his announcement next week, will determine to seek reelection and to continue to serve this Nation for another 6 years as he has so well over the many years of the past.

He is a man young in vigor and young in spirit and certainly has a keen vision of the future. We need him. I think the Republic needs him as well as the Republicans.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. STEVENS. I yield my time to my colleague.

Mr. PERCY. Mr. President, I concur completely. Having talked with Senator JAVITS both yesterday and this morning, I can affirm that there is no one who can speak with any authority about what his intentions are and what his announcement will be next Monday.

I earnestly hope that he will see it in his heart to continue to serve the Senate. I know of no man who is younger in spirit, more vigorous and dynamic than Senator JAVITS is today, and I know no one else whose mind is more agile and who is devoting himself more in the Senate to finding and determining what is best for the United States of America and who is serving in a capacity that would be absolutely irreplaceable in the Senate today.

I am proud of my association with him, and it is a close association. He sits right next to me in the Senate. We sit side by side on the two major committees on which I serve, the Foreign Relations Committee and the Committee on Governmental Affairs.

His brilliant analysis of the world's problems, his perception and his vision of America's role in the world today, are unparalleled.

Though he has every right to do what he feels he should do at this time, I earnestly hope and pray that he will see fit to continue his service in the Senate because it would be good for the Senate of the United States, it would certainly be good for the Republican Party, and it would be good for the United States of America and for the people of this country.

So I join my distinguished colleague, the acting minority leader, in expressing that hope and our deep gratitude to Senator JAVITS for all he has meant to every one of us.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. STEVENS. Mr. President, I yield to the Senator from Illinois so much time as he needs from the remainder of my time.

Mr. PERCY. Mr. President, I believe under a previous order the Senator from Illinois is to be recognized at this point.

The ACTING PRESIDENT pro tempore. At the conclusion of the leadership time.

Do the leaders yield back their time?

Mr. STEVENS. May I say for the benefit of the Chair that I have yielded the remainder of my time to the Senator from Illinois. If there is any further time and if he wishes to use it, he may do so.

Mr. PERCY. I believe the Senator from Illinois has a special order which he is prepared to use any time after the leadership yields its time back.

Mr. STEVENS. The Senator can use the remainder of my leadership time.

Mr. ROBERT C. BYRD. I yield back my time.

RECOGNITION OF SENATOR PERCY

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized for not to exceed 20 minutes.

LITHUANIAN INDEPENDENCE DAY

Mr. PERCY. Mr. President, today as we note the anniversary of Lithuanian independence I think it is incumbent on us to recall the seizure of Lithuania, Latvia, and Estonia by Soviet forces in 1940, and to take cognizance of the fact that Baltic Americans have long warned us of the threat of Soviet aggression elsewhere.

Mr. President, I can well remember when I prepared for my first trip to the Baltic States in 1966, meeting at my home with a cross section of Americans of Baltic heritage for advice and counsel to help prepare me for that trip. The expression of the deep feeling that they have for their countrymen, for their heritage, and the deep feeling that they have about the oppression they had personally witnessed or which their relatives have witnessed, was a moving experience for me.

Throughout the course of my study trip in the Baltic States, I was reinforced by accuracy of what they told me and by the strong concern these Baltic Americans had for Lithuania, Latvia, and Estonia.

Ever since assuming a seat in the U.S. Senate, on the anniversary of Lithuanian independence I have spoken on the floor of the Senate, and I do so knowing that I am a voice for hundreds of thousands of Lithuanian Americans who love America, but who love also their heritage, and who have devoted and dedicated themselves, because of the freedom they enjoy in this country, to seeing that they not enjoy it just for themselves but that they want the same freedom for the people of the Baltic States of Lithuania, Latvia, and Estonia.

Only recently the Soviet threat became a reality once again when Soviet troops invaded Afghanistan, thus extending the threat to the entire Persian Gulf region.

I have welcomed the response of this country, the response of the agricultural community, exemplified by the unanimous resolution adopted by the Farm Bureau at its annual convention in Phoenix to embargo grain to the Soviet Union; a unanimous feeling, I believe, in the business community that we should in no way strengthen the ability of the Soviet Union to wage aggressive warfare aganist other people; and certainly the action we have taken regarding the Olympics, to send a message to Moscow that this kind of brutal aggression in Afghanistan will not be tolerated and will not be looked upon with any acceptance by the people of the United States.

I think we can say once again in expressing our gratitude to the people of the Baltic States, that those Baltic Americans were not at all surprised by this development as were some other Americans, because they have known for 40 years that the independence of nations on the perimeter of the Soviet Union remains at risk.

Freedom is a birthright of every man, woman, and child on Earth. Yet it is denied by oppressive regimes to hundreds of millions of people. This situation is intolerable for it violates the basic rights, the basic human rights, of so many. The deprivation of freedom in the Baltic States, as in other countries, reminds us all that we live in a dangerous world where freedom is never assured.

Mr. President, we in this country who cherish and love freedom, whose ancestors founded this Nation because they loved freedom and were willing to fight for it, must never take the freedom that we have for granted, nor must we ever take for granted the freedom of others. We must continue to wage the battle for freedom throughout the world.

On December 20, 1979, in the U.S. Senate, we passed a resolution, without dissent, which reasserted our Nation's continuing commitment to the people of the Baltic States. It was important that we pass the resolution because it is important to remind our leaders and the leaders of other nations that the plight of the Baltic peoples continues to be of concern to us as well as to them.

It also sends a message to the leaders in the Kremlin that we do not accept the forcible incorporation of Lithuania, Latvia, and Estonia into the Soviet Union. It puts us on record once again in reaffirming our commitment to the independence of the Baltic States, an independence for which I spoke out in Moscow in 1966, after visiting the Baltic States, and dared the media, with whom I talked, to print it or put it on the radio or on television. To the best of my knowledge, it was not reported.

We, who live in freedom, who can express candidly and openly our views on public policy, who can practice our religions without harassment, who can travel throughout our broad land without passports or restrictions, who can emigrate if we choose, who can breathe the invigorating air of freedom, must never forget those who are deprived of these blessings.

We pray for those in the Baltic States who are, in effect, imprisoned by forces beyond their control. It is our responsibility to support their aspiration for freedom. All Americans, indeed all who live in freedom, must understand the living hell to which peoples are condemned when they are denied their freedom.

Our concern is for all the peoples of the Baltic States, but we should note again on this occasion the special trauma endured by Balys Gajauskas, Viktoras Petkus and Nijole Sadunaite who are in prison when they should be in freedom, and Marija Jurgutiene who has still not been granted permission to join her husband in our country.

As we mark the 62d anniversary of Lithuanian independence proclaimed in 1918, and the 729th anniversary of the founding of the Lithuanian State in 1251, let us reemphasize our Nation's policy of nonrecognition of the Soviet conquest of the Baltic States and salute those brave Lithuanians, Latvians, and Estonians who maintain their heritage, their culture and their religious faith against extraordinary odds.

Having witnessed the extraordinary efforts made by the people of the Baltic States to preserve their native tongue, their heritage, their folklore, their customs, their habits, I pay tribute to them for the courageous way in which they have exemplified their desire to possess the freedom that has been denied them.

I also pay tribute to those Americans of Baltic descent who have kept up this fight for freedom for so many years and, aided by Radio Free Europe, Radio Liberty, and the Voice of America, have kept alive the hope of freedom for all these blessed people.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. PERCY. I am happy to yield.

SENATE RESOLUTION 369—100TH ANNIVERSARY OF PRESBYTERIAN COLLEGE

Mr. ROBERT C. BYRD. Mr. President, the Committee on the Judiciary today reported out a resolution authorized by Mr. Thurmond and Mr. Hollings which extends the congratulations and best wishes of the Senate to Presbyterian College, located in the State of South Carolina, on the 100th anniversary of its founding. The resolution has been cleared on both sides of the aisle.

I yield to Mr. Thurmond at this time and I ask unanimous consent that the Senate proceed to consideration of the resolution.

Mr. THURMOND. Mr. President, I thank the majority leader.

Mr. President, I send to the desk a resolution.

The ACTING PRESIDENT pro tempore. The resolution will be stated by title.

The assistant legislative clerk read as follows:

Mr. Thurmond (for himself, Mr. Hollings, Mr. Dole, Mr. Hatch, Mr. Huddleston, Mr. Helms, Mr. Kennedy, Mr. Nunn, Mr. Pryor, Mr. Warner, Mr. Tower, Mr. Sasser, and Mr. Stevens) proposes a resolution (S. Res. 369) extending the congratulations and best wishes of the Senate to Presbyterian College on the 100th anniversary of its founding.

The ACTING PRESIDENT pro tempore. Is there objection to the consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. THURMOND. Mr. President, this resolution extends the congratulations and best wishes of the Senate to Presbyterian College, Clinton, S.C., on the 100th anniversary of its founding.

Mr. Hollings, the junior Senator from the State of South Carolina, joins me as a cosponsor of this resolution.

Mr. President, Presbyterian College is a privately controlled, non-tax-supported college operated in Clinton, S.C., by the Southeast Synod of the Presbyterian Church. It is governed by a board of 34 trustees, 26 of whom are named by Presbyterians in Georgia and South Carolina.

This college is recognized throughout the South as one of the stronger Christian-oriented institutions in that region. Fundamental to the training given at Presbyterian College is the conviction that each individual life needs Christian direction to achieve full capacity.

For 100 years now, Presbyterian College has served the church, the South, and the Nation by training thousands of men and women for careers in business, medicine, religion, teaching, law, public service, and many other fields.

For example, alumni rolls include the presidents of 12 colleges and seminaries as well as uncounted faculty members and administrators. Also, Presbyterian College has graduated almost 600 ministers and missionaries and hundreds of medical doctors. Among the scores of business leaders are the heads of numerous top financial and industrial firms, plus a wide array of successful entrepreneurs. There are judges, attorneys, and legislators as well as a former counsel to the President of the United States.

Former Presbyterian College students have advised the Army's guided missile system, helped to direct the Moon rocket project and tracked Russian satellites. Five wear the stars of Army generals.

One alumnus ranks as a world authority on tropical birds. Three others have international reputations in fields of Old Testament interpretation, 18th century literature, and southern literature.

The list could go on and on, underscoring the fact that from this small campus radiate countless contributions for the Nation to share. Whatever the enterprise, Presbyterian College alumni have brought to it high ethical standards and Christian commitment.

Presbyterian College is a fully accredited college with a student body of about 900, composed of approximately 500 men and 400 women. Dr. Kenneth B. Orr recently succeeded Dr. Marc Weering as president. The faculty is made up of about 54 full-time academic teachers, of which about 70 percent hold doctorates. The college campus makes up 175 acres and includes 20 major buildings.

Presbyterian College is also well known for its outstanding sports program. It offers some of the most modern athletic facilities in the South and its tennis accommodations are far superior to those at many major colleges and universities. Just last year its football team finished a 10–1 season, going to the semifinals in the national playoffs and being rated No. 1 in the Nation in its division for the final 3 weeks of the regular season. Former Presbyterian College star Cally Gault serves as the athletic director and head football coach at Presbyterian College.

Presbyterian College also boasts an outstanding Army Reserve officer training corps program which dates back to the World War I period. Presbyterian College gave strong support to the military during World War II when the regular academic program was accelerated to produce ROTC leaders quickly and some of the facilities were turned over to the Air Force which turned out 1,600 cadets in about 14 months.

Mr. President, private Christian oriented colleges played a key role in the development of our Nation, itself only slightly over 200 years old. Today in times of big government I feel the type of higher education offered in nontax supported colleges is vital to our continued growth and development as a people.

In conclusion, I ask unanimous consent that a brief history of Presbyterian College prepared by Ben Hay Hammet, director of alumni and college relations, be printed at this point in the Record.

There being no objection, the history was ordered to be printed in the Record, as follows:

HISTORY OF PRESBYTERIAN COLLEGE

Presbyterian College, now moving through its greatest period of development, cherishes a 100-year heritage of solid achievement in Christian higher education.

The College had its beginning in 1880 with a dedicated man's dream of service. That individual was the Rev. William Plumber Jacobs, pastor of Clinton's First Presbyterian Church and founder of Thornwell Orphanage five years earlier. He established the institution as Clinton College, primarily at first to supplement the education of his orphans. It remained largely the enterprise of this single, inspired person during the first decade.

The young school moved steadily forward, with both college preparatory and regular college programs, and a new charter in 1890 changed the name to Presbyterian College of South Carolina. Under provisions of this charter, the original plans of management by the Clinton Presbyterian Church were expanded to permit election of trustees by the Presbyteries of the South Carolina Synod. Shortly thereafter the administration modernized the curriculum, and introduced campus athletics and a broader range of extracurricular activities.

Two important developments occurred in 1904. Another charter change brought the College under the full control and direction of the South Carolina Synod, and Dr. William G. Neville became president to launch PC into its first major period of plant expansion. On the campus where just two buildings stood, three more were added over a three-year period.

Dr. Davison M. Douglas assumed the presidency in 1911. During his 15½ year tenure, PC came into its own as a college with revamped curriculum, full accreditation, intercollegiate athletics, ROTC and four more buildings added to the plant. When he left in December, 1926, the enrollment totaled 276 students.

Georgia Presbyterians joined in support of PC in 1928. A new system of control adopted at this time authorized the choice of trustees by the Synods of South Carolina and Georgia, and this joint relationship brought an expansion of influence, support and patronage.

Another distinguished churchman, Dr. John McSween, became president in 1929 and maintained the close ties between PC and the church, but his six-year tenure was handicapped by the national financial crisis. It fell the lot of Dr. William P. Jacobs II, industrialist-trustee and grandson of the founder, to guide the College out of the "depression" period and through the pressures of World War II during his 1935–45 tenure as president.

Presbyterian College gave strong support to the emergency of World War II. The regular academic program was accelerated to produce ROTC-trained leaders quickly, and altogether more than 1,000 alumni-at-arms served this country in all theaters of operation. The College also gave its facilities (March, 1943, to July, 1944) for preliminary training of Air Force pilots. An estimated 1,600 of these cadets studied in the detachment here while Presbyterian maintained its regular curriculum for the reduced number of civilian students.

After World War II, PC moved quickly to an over-capacity 500 students and launched a long-range program to expand and strengthen the institution. Dr. Marshall W. Brown, who had served as dean for 16 years, became president in 1945. His administration of 18½ years, the longest presidential tenure in the history of the College, added considerably to the plant and endowment resources—as well as to the academic program—and set the stage for the next decade of unprecedented growth. The campus was expanded from 55 to 175 acres.

Marshall Brown was succeeded in 1963 by Dr. Marc C. Weersing, then minister of the Spartanburg (SC) First Presbyterian Church. Dr. Weersing's 16-year tenure saw the total assets increase by more than four times in terms of endowment holdings and plant additions that included eight major new buildings. Fundamental changes in facilities and curriculum came in 1965 with the move to full coeducation (Previously, women had attended in limited numbers as day students). Developments during these years broadened PC's support base and brought additional academic prestige, a stronger faculty and an expanded program in Christian higher education.

Upon his retirement in 1979, Marc Weersing turned over the presidency to Dr. Kenneth B. Orr, a minister-educator with an excellent record of achievement as president of the Presbyterian School of Christian Education in Richmond, Va. (1974–79) and before that as vice-president at Union Theological Seminary in Virginia.

Today, heading into its second century of service to God and man, Presbyterian College looks confidently to the future in the strong conviction that this school will continue its vital function as one of the outstanding private colleges of the South.

Presidents of the college

William S. Lee	1880–1885
Robert P. Smith, D.D	1885–1888
J. W. Kennedy	1888–1890
John I. Cleland	1891–1894
E. C. Murray, D.D	1894–1897
Almon E. Spencer, LL.D	1897–1904
William G. Neville, DD., LL.D	1904–1907
Robert Adams, D.D	1907–1910
Almon E. Spencer, LL.D	1910–1911
Davison McDowell Douglas, D.D., LL.D.	1911–1926
Burney L. Parkinson, Ph.D	1927–1928
John McSween, D.D	1929–1935
William P. Jacobs II, LL.D	1935–1945
Marshall W. Brown, Ped.D., LL.D	1945–1963
Marc C. Weersing, D.D	1963–1979
Kenneth B. Orr, Ph.D	1979–

ACCREDITATION

Presbyterian College is a fully accredited college of liberal arts and sciences. It is a member of these educational associations:

The Southern Association of Colleges and Secondary Schools; Association of American Colleges; and Association of South Carolina Colleges.

Also, PC is on the list of the American Association of University Women.

THE LOCATION

Presbyterian College is located in Clinton, a progressive little city of 10,000 in the heart of the South Carolina Piedmont.

A nearby jet airport and excellent highway facilities are available. Clinton is situated 40 miles from Greenville, 37 miles from Spartanburg, 64 miles from Columbia, and 90 miles from Charlotte, at a key point on the Federal interstate highway system. It is within a few miles of Lake Greenwood, with its state park recreational facilities, and a few hours driving distance of the sea coast and the mountain ski areas.

Clinton's economy is soundly balanced between industry and agriculture. It is the home of three other large institutions besides PC: Thornwell Home for Children; a branch of the Presbyterian Home for retirees; and Whitten Village for mentally handicapped children.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution (S. Res. 369) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas, this year marks the 100th anniversary of the founding of Presbyterian College, located in Clinton, South Carolina;

Whereas, for 100 years Presbyterian College has served the Church, the South, and the Nation by training thousands of men and women for careers in business, medicine, religion, teaching, law, public service, and many other fields;

Whereas, Presbyterian College is privately controlled and supported, represents the purest form of free enterprise in education, and has steadily extended its influence and grown in stature; and

Whereas, Presbyterian College is now experiencing its greatest period of development: Now, therefore, be it

Resolved, That the Senate of the United States extends its congratulations and best wishes to Presbyterian College on the occasion of the 100th anniversary of its founding.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President of Presbyterian College.

RECOGNITION OF HARRY F. BYRD, JR.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Virginia (Mr. HARRY F. BYRD, JR.) is recognized for not to exceed 15 minutes.

PRESIDENT CARTER'S BUDGET

Mr. HARRY F. BYRD, JR. Mr. President, President Carter's budget message to the Congress last month proposed a $68 billion increase in Government spending.

His budget figure for the upcoming year for interest costs on the national debt is $80 billion. Uncontrolled deficit spending has caused the national debt to double in 8 years. It now exceeds $840 billion.

When will this Government put its financial house in order?

President Carter's budget proposals certainly will not. Indeed, they are a blueprint for more inflation.

It is significant that of the $68 billion increase in spending which the President recommends, less than 25 percent is concerned with national defense. Much of the increase is in new and expanded domestic programs—with the food stamp program being increased 43 percent over what it was last year.

How long will it be before the President and the Congress come to grips with a fundamental problem—controlling out-of-control Government spending?

Few will contend that balancing the Federal budget will solve all of our Nation's problems. But it is a long first step—and an essential one. Congress and the President must act now to restore public confidence in the American dollar—else it will continue to lose purchasing power, thus disadvantaging every wage-earner.

It is shocking that despite a 13 percent inflation rate in 1979—and every evidence of an even higher inflation rate in 1980—the Congress and the President still refuse to come to grips with a basic problem.

The law requires that the budget be balanced beginning with the fiscal year now under consideration. It is Public Law 95–435, approved by the President on October 10, 1978.

But President Carter, in submitting his budget proposals last month, which proposals provide another huge deficit, said in effect to hell with the law. Will the Congress take the same attitude?

There is little evidence to indicate that the Congress is serious about balancing the budget. The Congress has grown accustomed to huge deficits.

But never before has Congress been faced with such devastating inflation—nor with Public Law 95–435.

So if the Congress is determined to continue on its deficit-spending spree, it must do so with the knowledge that not only will it continue to fuel inflation—but that it would be acting illegally by ignoring its own law. This is hardly a desirable example to set for the American people.

So, it will be most interesting to see how Congress handles Public Law 95–435 which states:

> Beginning with fiscal year 1981, the total budget outlays of the federal government shall not exceed its receipts.

Mr. SCHMITT. Mr. President, will the Senator yield for a question?

Mr. HARRY F. BYRD, JR. I am happy to yield to the distinguished Senator from New Mexico.

Mr. SCHMITT. Mr. President, does the Senator have a suggestion on how the Congress might approach this violation of the statute?

Mr. HARRY F. BYRD, JR. Yes. The suggestion is that Congress take the President's budget, go over it item by item, and reduce the amounts in that budget to a point where the expenditures will not exceed the revenues. It will require some painful decisions. But it is something, in the judgment of the Senator from Virginia, that must be done if we are ever to get back to a balanced budget, if we are ever to cut out the continued deficit financing that now has been going on for more than 20 years and the best part of 40 years.

Mr. SCHMITT. Mr. President, does the Senator from Virginia believe that this can be done and still provide adequate moneys for the national defense which the President's budget does not provide, particularly taking into account the artificially low inflation rate he assumes for defense expenditures.

Mr. HARRY F. BYRD, JR. Yes, I think it can be done. The $68 billion increase which the President proposes in total spending, of that $68 billion only 25 percent of that is for national defense. The bulk of it is for new and expanded domestic programs.

For example, the President proposes a 43-percent increase in the food stamp program for the upcoming year compared to last year.

It can be done and, not only that, I think it must be done unless the Congress itself is going to ignore its own law.

Mr. SCHMITT. Mr. President, it is my understanding, if the Senator will yield further, that the budgets for the regulatory agencies in general and in aggregate have gone up far greater than the total budget itself. Is that the Senator's understanding?

Mr. HARRY F. BYRD, JR. For the regulatory agencies, percentage-wise, they probably have. I must say that I do not feel I could answer that categorically at the moment.

Mr. SCHMITT. Mr. President, I would just add to this colloquy that my understanding is specifically that they have gone up on the order of 13 to 15 percent in many of these agencies, which is, of course, an added burden later on in terms of the degree to which these agencies regulate the commerce of the United States.

Mr. HARRY F. BYRD, JR. Yes. Not only that, but the agencies promulgating such regulations are adding to the cost of living of the American people.

I know when the Federal Trade Commission legislation was before the Senate recently, the able Senator from New Mexico had a good bit to say about that and presented some very important facts to the Senate and some fine amendments, which helped that bill a great deal.

Mr. SCHMITT. I thank the Senator. I agree with the Senator that there are areas in the budget which could be trimmed, which represent increases over and above what are necessary to operate the Federal Government and to provide the necessary services to the people without any reduction in services. I believe we can cut out the waste and abuse and reduce the burden of regulation on the American people, which is what they are asking for.

As I interpret the Senator's remarks, he is suggesting that Congress submit a budget in conformance with the public law cited which would provide in this next fiscal year, in fiscal 1981, a balanced budget while still providing for the necessary expenditures, particularly those in the national defense. I agree with the Senator, and I believe there are many others who believe that the Budgetary Committee and the Appropriations Committee, with other necessary action on the floor, can allow us to do that.

Mr. HARRY F. BYRD, JR. I appreciate the Senator's comments.

Mr. THURMOND. Will the Senator yield?

Mr. HARRY F. BYRD, JR. I am glad to yield.

Mr. THURMOND. I commend the able Senator from Virginia for the remarks he has made, and I ask that I be associated with those remarks.

The distinguished Senator from Virginia frequently calls to the attention of the Senate the plight in which we find ourselves today. We have not balanced the budget one time in the last 20 years. The debt is up about $900 billion. The interest alone is about $60 billion. I feel as he does, that we must balance this budget. I feel, as he does, that a greater proportion of this budget should go into national defense, which means our survival, the survival of the freedom of the people of this country, and a smaller percentage go into other matters. Again I commend the able Senator from Virginia.

Mr. HARRY F. BYRD, JR. I thank my distinguished friend from South Carolina.

Mr. President, I do believe that this is a matter which is so vital to the American people. How can we get inflation under control unless we get the spending of the Federal Government under control?

It is the accumulated and accelerated deficit going on year after year which is a major cause, if not the major cause, of the inflation which is eating so heavily into every wage earner's paycheck and into every shopper's grocery dollar.

It is up to the Congress to comply with the law, which the Congress enacted, and if it does, we will have a balanced budget. If it does not comply with that law, it will be saying to the American people that we enacted legislation to require a balanced budget but we, ourselves, are not going to abide by it. I submit that the problems which face our Nation today are so grave that in order to alleviate those problems, in order to begin to solve those problems, we must begin that process right here in Washington, we must begin it right here in Congress.

We cannot logically say to the labor unions of this country and the laboring people of this country, "You hold down your demands for wage increases," and say to the companies, "You hold down your price increases," if we will not do anything about our own cost of government right here in Washington.

I say if we are going to get inflation under control, we must start right here in Washington, D.C., and in the Congress.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, are there any further orders for the recognition of Senators?

The PRESIDING OFFICER (Mr. Baucus). No, there are not.

Mr. ROBERT C. BYRD. I thank the Chair.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business not to extend beyond 15 minutes, and that Senators may speak up to 5 minutes therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT ECONOMIC COMMITTEE REPORT

Mr. JAVITS. Mr. President, every year in preparation for the release of its annual report, the Joint Economic Committee calls on some of the truly outstanding members of the economics and business community to share their views on the U.S. economy's outlook.

It is always gratifying to one who has served on the Joint Economic Committee for many years to benefit from the expertise and freshness of thought which such witnesses bring to our hearings. Indeed, this year's hearings have been particularly instructive, for they have served to underscore the sharp contrasts that exist between the economic prescriptions offered to us by the administration and those which others in the private sector propose for the decade of the eighties.

Witnesses from the administration offered us an exceedingly grim economic forecast for the near term and for much of the decade. A recession with unemployment reaching 7½ percent is expected—indeed counted upon—to deal with the worst annual inflation since 1944. And, the administration's stated anti-inflationary fight consists largely of a promise for a nearly balanced budget soon and an energy plan inadequate to the need and still puffing and hauling through the Democratic controlled Congress; that a concerted effort on the side of real economic growth to achieve the real standard of living gains that have eluded us for the past 2 years is still not an administration alternative.

This is an unacceptable strategy and one which was likewise rejected by the economists and businessmen who testified before the committee. Instead they called for bolder measures: Large scale investment to modernize our country's industrial plant; to reverse our productivity decline; and to break our energy dependence.

Mr. President, I call your attention and that of my colleagues, in particular, to the excellent statements of Dr. Lester Thurow of MIT; Dr. Walter Rostow of the University of Texas; and Franklin Lindsay, who is chairman of the research and policy committee of the committee for economic development and chairman of Atek Corp.; and I shall ask that they be printed in the Record at the conclusion of my remarks.

As Thurow indicates, our country's most basic problem is slow productivity growth. Indeed, the United States has already slipped to fifth among the industrial nations in terms of per capita GNP and at least a part of our industrial base is slipping into obsolescence. We can reverse this trend, he argues, only by implementing a long-run strategy that particularly addresses our energy and productivity problems. Thurow believes, as do many of his colleagues, that only by restructuring our tax system to cut consumption and by devoting a much larger share of GNP to investment will we have the necessary incentives to save and invest for the future, thereby to combat inflation and to insure a period of sustained real growth for the country.

Dr. Rostow expresses a similar view, calling for a massive mobilization of capital and technology to insure a credible energy policy for the United States. According to Rostow, the type of investment needed in energy production and conservation to release our country from its present economic trap is so large—3 percent of GNP by his estimate—that it would in itself be a sufficiently strong economic impetus to bring the country back to full employment. Significantly, he views the need to break the constraint of our oil dependence as so urgent that he calls for a partnership effort, endorsed by Congress and the administration, to be accomplished on a wartime emergency basis.

Lastly, I call the attention of my colleagues to the paper presented by Mr. Lindsay, which perceptively notes that our economy is increasingly on overload and unable to produce that margin of surplus wealth that affords us the quality of life we have come to enjoy and to expect. In setting forth these comments, Lindsay corroborates the views of earlier witnesses, urging the implementation of a credible energy policy and measures to strengthen the long-term productivity, supply capacity and competitiveness of our economy, and warning that failure to do so is likely to cause increasingly larger supply bottlenecks and shortages for industry.

I share many of the concerns to which these witnesses refer, and I especially approve their effort to bring to the attention of the American people the urgency and decisiveness with which we must act to adopt a long-run strategy of increased savings and investment to increase productivity. If we fail now to galvanize our energies and tailor our strategies to achieve the maximum efficiency from our economy in the coming year, we risk an even lower standard of living and an increasingly vulnerable competitive stance abroad.

Mr. President, I urge my colleagues as well as the American people to make note of the message which these experts bring us so that we in the Congress can begin to act with the alacrity to put in place the policies that will change the economic direction of our country, reduce our vulnerability to outside dislocations from abroad, and buttress our national security.

Mr. President, I ask unanimous consent that the statements of Dr. Thurow, Dr. Rostow, and Mr. Lindsay be printed at this point in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT BY LESTER C. THUROW

However you rate the performance of the economy during the last half of the 1970s, the performance during the first half of the 1980s is apt to be worse. Inflation, high unemployment, slow productivity growth, exploding energy prices and erratic supplies, a falling dollar—in each case the probability of a worse performance is higher than that of a better performance.

Part of the cause is found in the subject matter of these hearings. At no point in the past decade has any administration, Republican or Democratic, had a long-run strategy for curing the nation's economic ills. Each administration has been preoccupied with short-run fire fighting.

Our economic problems have been with us for the past decade and will be with us for the next decade because none of them has a short-run cure. Some of them cannot even begin to be solved unless others are first solved. The 1980s are going to require a national bipartisan long-run strategy and the patience to stick with it.

Our most basic problem is slow productivity growth. Productivity determines the increase in our real standard of living and the ease with which the country can shoulder a larger defense burden. If productivity is growing at an acceptable rate the country can survive its other problems. Without productivity growth the country will inevitably slip into economic oblivion even if the other problems are solved. While per capita GNP is not a perfect measure of economic performance, the United States has already slipped to fifth among industrial nations. And whatever its current position its growth of productivity is far below that of most other industrial countries.

With manufacturing productivity growing at a rate one-half that of Germany and one-third that of Japan, the value of the dollar can only fall. Monetary policies, such as those adopted in October, can provide a short-run respite but they cannot prevent the inevitable. The dollar will fall as long as our productivity is growing much more slowly than that of our major trading partners and competitors.

Faster productivity growth will require fundamental changes in the way that we operate our economy. There are a number of things that we are going to have to quit doing. The Japanese have a conscious national economic policy of getting out of sunset industries and into sunrise industries. If you look at American economic policies over the past decade this country has adopted exactly the opposite strategy. Our history is one of using tariffs, quotas, informal marketing agreements, subsidies, and a host of other policies to protect our sunset industries. But in doing so we imprison ourselves in a low productivity. Protection is a policy that has got to be reversed. But this also means much better policies for directing workers and capital into new sunrise industries. Without the promise of new industries and new jobs no country is able to close down its old obsolete industries.

Higher productivity growth will also require a different anti-inflationary strategy. A case can be made for fighting inflation with recession if inflation can be easily and quickly conquered, but it makes no sense if the anti-inflation fight is going to be difficult and slow. No one is going to increase investment if they have large amounts of idle capital capacity and the prosepcts of little or no economic growth. To spend the next decade fighting inflation with recession is to guarantee a decade of bad productivity performance. Twenty-five to thirty percent of our current productivity declines stems from these policies. The country needs economic policies that guarantee a period of sustained real economic growth. Only then will people be willing to make the long-run plans and investments necessary to cure the productivity problem.

While more savings and investment will cure the productivity problem by themselves, they are certainly necessary ingredients of any solution. If you believe that Germans, Japanese, and Americans are equally smart, then the economy that invests 20 percent of its GNP in plant and equipment, the Japanese, is going to do better than the economy that invests 15 percent, the German, and both are going to do better than the economy that invests 10 percent, ourselves. But before policies can be designed to stimulate saving and investment, a decision has to be made about an issue that now stands implicitly in the background. Does America want to increase savings and investment with policies that will make the distribution of income more unequal or does it want to achieve this result with policies that preserve the current distribution of income and wealth? Savings and investment can be increased either way. But to follow the first course seems guaranteed to generate so much controversy that the issue of more investment will get lost in the argument as to whether government should have conscious policies to make the distribution of income more unequal.

If we want more savings and investment it is not necessary to have a more unequal distribution of income. On the investment side the correct solution is to abolish the corporate income tax and to completely integrate corporate and personal income taxation. The corporate income tax would be abolished but each year the corporation would send every stockholder the equivalent of a W-2 form telling him how much had been earned on his behalf. This income would be added into the shareholders other sources of personal income to determine how much personal tax he or she should pay. This improves the progressivity of the personal income tax since each shareholder is now paying taxes at a rate commensurate with their own personal situation and not at some common corporate rate, but it is also a powerful incentive for more investment since the after tax rate of return on corporate investment almost doubles.

But the major difficulty is not found in the precise incentives for more investment. If investment goes up as a fraction of the GNP, then something else must come down. Given the increases that are likely to occur in the defense budget, it is not going to be possible to simply cut taxes and government expenditures to stimulate investment. There is going to have to be a conscious national policy of reducing consumption. Cutting consumption is the essence of increasing investment. How is this to be done? Unless you are prepared to answer that question you are not really an advocate of more investment.

The answer, if there is one, is likely to be found in a progressive value added tax. In a progressive value added tax, the tax is imposed at some rate, say 10 percent, but there is also an offsetting income tax credit, say $1,000. Thus the family with $10,000 in expenditures pays an extra $1,000 in valued added tax but gets $1,000 back in the form of an income tax credit. The family spending $15,000, pays $1,500 in value added taxes, gets $1,000 back in income tax credits, and is a net tax payer of $500. Such a tax can be used to reduce consumption in accordance whatever your judgments are as to how the economic burdens of increasing investment should be shared across the population.

But let me return to the issue of a strategy for fighting inflation. While many factors have contributed to our current inflation problem, inflation is now being driven by the price of energy. Each energy shock has driven the inflation rate to higher levels in the 1970s and there is every reason to believe that each shock during the 1980s will drive it to yet higher levels. As long as these shocks continue to occur, no one is going to cure the inflation problem. To control inflation we must control the price of energy. This means energy independence and developing alternative domestic sources of supply.

Since Germany and Switzerland are often held up as countries that have cured their inflation problems without curing the energy problem, let me examine the price that they have been willing to pay, or more accurately, let me examine the price that they have been willing to force others to pay. There is no doubt that a major recession will reduce the rate of inflation even in the face of an energy shock. And there is also no doubt that Germany has been willing to engineer a major recession. In the third quarter of 1979 German industrial employment was 12 percent lower than it was in 1973. If American employment had fallen 12 percent from 1973 to 1979, we would now have a 28 percent unemployment rate. Germany and Switzerland do not have high unemployment rates because they have been willing to send hundreds of thousands of guest workers back to their homes in Italy, Spain, Turkey, and Yugoslavia. Between 1972 and 1978 the Swiss deported 10 percent of their labor force. To do the same we would have to deport over 10 million workers. Inflation can be controlled with recession but only if you are willing to pay an enormous cost. Small short recessions are not going to do the job. And every new oil shock requires a new recession.

Energy is the realistic key to inflation. But the U.S. does not now have an energy policy. It has not agreed on what fuels will be used to provide alternative sources of energy and it does not have a realistic time table for achieving energy independence. Moving to world energy prices is at best the removal of a bad policy. It eliminates the subsidy to consume energy and increases the incentive to produce domestic energy, but America is going to have to be willing to take the hard steps that most other industrial countries have already taken.

Most countries levy a large tax on gasoline to increase its selling price far beyond that of world petroleum prices. To solve the energy problem we will have to do the same. To prevent the tax from making inflation worse it should be refunded to the states on a dollar for dollar basis to the extent that they reduce sales or property taxes. This also has the advantage of making it clear to voters that a gasoline tax is not a net increase in taxation. It is simply a device to drastically discourage gasoline consumption until alternative sources of liquid energy can be found.

Energy also ties back into the productivity problem. The U.S. savings rate has fallen dramatically in the last half of the 1970s. Some of this is due to inflation and low interest rates on the savings accounts of small savers, but some of it is also due to the energy tax that has been levied by OPEC. At current oil prices OPEC will take almost 4 percent of the GNP during 1980. This is beginning to approach our defense spending. At 1972 prices current oil imports would be absorbing less than 0.3 percent of our GNP. When someone levies a tax on a necessity that ends up taking almost 4 percent of the GNP, it would be very surprising if the average American family did not pay part of this tax out of its savings. To some extent our savings are down because we are giving them to OPEC.

To solve the inflation, falling dollar, and unemployment problems, we are first going to have to solve the energy and productivity problems. Inflation cannot be controlled without controlling energy prices. The dollar cannot be rescued without a better productivity performance. With a more rapidly growing GNP and more investment, the unemployment problem will gradually shrink. But both energy and productivity are going to confront us with a difficult problem.

Energy and productivity both require that we devote a much larger fraction of the GNP to investment. And this is going to have to occur in an environment where a much larger fraction of the GNP will also have to be devoted to defense. This is only possible if we consume less. In the long-run increasing the proportion of our GNP devoted to investment will increase our consumption standards but in the short-run it is necessary to cut consumption to raise investment. Reaching agreement on cutting consumption is going to be the key policy question of the early 1980s. If we cannot agree on how to cut consumption we are not going to be solving any of our problems.

TESTIMONY OF W. W. ROSTOW

I

I believe our economy—and our national life—is caught in a trap. Current policies in no way promise to get us out of that trap. The purpose of my testimony is briefly to describe the trap; to explain why current policies will not extricate us from it; and to outline a route of escape. In the end I shall pull back and try to explain in broad terms the historical reasons for our difficulty and for the necessary remedy.

II

Although it has deeper causes I shall come to, the trap was sprung by the rise in oil prices in the autumn of 1973 and the failure of the Executive Branch under three presidents and the failure of the Congress to generate a policy capable of reducing oil imports. This extraordinary failure over six years produced not only successive balance of payments deficits, but also a dollar undervalued by about 30 percent relative to the other major currencies; that is, the exchange rate is about that much lower than the dollar's relative purchasing power would suggest. The weakness of the dollar, in turn, threatened the barely viable system of international trade and payments which emerged after the collapse of the Bretton Woods arrangements in 1971.

In 1979 we were forced to cope with the crisis by bringing about a recession which is now under way. Output is declining and unemployment may well rise above 8 percent in 1980. Average gross real weekly earnings in the non-agriculture sector, which increased at an annual average rate of 1.8 percent between 1952 and 1972, declined at an annual rate of 1.4 percent between 1972 and the third quarter of 1979. There was, in fact, a decline of 4 percent between September 1978 and September 1979. The recession will worsen this situation. It will also lower investment and prevent the rise in the capital/labor ratio necessary to restore momentum to our lagging rate of productivity increase. The recession, in addition, will increase the federal budget deficit by simultaneously reducing revenues and increasing social welfare outlays.

Meanwhile, the failure to deal with energy combined with a gap of about 8 percent between the rate of increase in productivity and the rate of increase in money wages appears to guarantee an inflation rate of over 10 percent during the recession year 1980. The recession will have only a minor effect on the rate of price increase due to the nature of the inflationary forces we confront. A reduction in aggregate demand will not greatly abate the wage-push and raw material-push inflation which now grips the country. So far as energy is concerned, we have not faced up to the requirements for increasing coal, nuclear, synthetics, and solar energy production sufficiently to permit us to cut oil imports substantially. Nor have we increased the incentives for oil and natural gas drilling enough to slow down the inevitable decline in production as much as we could. We have done rather well in energy conservation, cutting the marginal energy/GNP ratio from almost 1 to .6. There is more to do; but it is evident that conservation cannot do the job on its own. Indeed, it will take heroic efforts to hold the marginal energy/GNP ratio at .6.

In the very short run, economies induced by high energy prices and recession may yield a temporary oil glut; but the prospects for global oil demand and production do not appear compatible with high or even modest growth rates in the United States, Western Europe, and Japan over the years ahead. This is the somber conclusion of the CIA assessment of last August. We face the prospect, therefore, of being plunged promptly into another and perhaps deeper recession after a brief and incomplete recovery from the present recession.

If present policies continue, the 1980's could, then, be a decade of progressively slower growth, progressively higher unemployment, continued high inflation and stagnant productivity, accompanied by progressive erosion of public services and progressive weakening of our strategic position on the world scene, which an increase in military hardware alone cannot correct.

III

How, then, do we break out of the trap?

The answer lies in elaborating and acting on the concept which the Joint Economic Committee has helped to pioneer. I refer to the theme enunciated in your report of March 19, 1979, reinforced in the Midyear Report and Staff Study of August; namely, that ". . . the basic economic problems . . . for the foreseeable future are not on the demand but rather on the supply side of the economy."

Within this broad concept, the place to start is with the task of reducing the nation's paralyzing reliance on oil imports. This will require not only redoubtable efforts to conserve energy but also an all-out energy production effort, including a massive effort in what can broadly be defined as synthetics. The accompanying table, comparing quite similar projections down to 1990 made by the Energy Information Administration (EIA) and the Bureau of Economic Geology of the University of Texas at Austin, exhibits the basis for this conclusion. I shall not elaborate the assumptions underlying these estimates now, but would be pleased to answer any questions they may raise. I would only say that, on the basis of recent U.S. performance, the assumptions are optimistic.

The first point I wish to drive home is that the required investment in U.S. production and conservation needed to reduce oil imports is so large that it would, in itself, bring the economy back to sustained full employment. (The technical basis for this judgment is published in a piece of mine entitled "Energy and Full Employment" which appears in Charles Hitch [ed.], Energy Conservation and Economic Growth.) Taking into account infrastructure as well as plant and equipment requirements, I would estimate that we require during the 1980's something like an extra 3 percent of GNP allocated to investment in energy production, conservation, and conversion of utilities to coal. This linkage of investment requirements on the supply side to a return to sustained full employment is the missing element in the Joint Economic Committee's 1979 report. And it is a critical element, because, once the linkage is perceived, it should be possible to unite business and labor in support of a supply side program, including the minority groups which have suffered such disproportionately high unemployment rates.

U.S. ENERGY PERFORMANCE, PROSPECTS AND POSSIBILITIES, 1978–90

[In mmboed]

	1978	1990	EIA–C, 1990	Recent performance	Assumptions, 1978–90
Total energy consumption	36.9	46.8	51.2	1975–78, 3.5 percent; 1977–78, 2.4 percent	Increase at 2 percent per annum.
Oil and NGL production	9.8	7.7	9.4	1972–76, −3.7 percent. Decline resumed after North Slope oil came on stream (last quarter, 1978).	Decrease at 2 percent per annum.
Natural gas	9.1	8.1	7.9	1973–78, −2.7 percent. Reduced to −1.0 percent 1975–78, due to intrastate market incentives.	Decrease at 1 percent per annum.
Coal	7.1	11.4	13.0	1973–77, 2.7 percent; with decline in 1978 due to strike	Increase at 4 percent per annum.
Nuclear	1.4	4.4	4.9	Rapid increase 1972–77 (from 0.3 to 1.3 mboed) with new starts now virtually halted.	Assumes present impasse will be overcome and current plans are consummated.
Other	1.4	2.0	2.4		
Total production	28.8	33.6	37.6	1973–78, −0.72 percent; but stagnant 1975–78	Comes to 1.3 percent increase per annum as opposed to net decline between 1973 and 1978.
Exports	.9	.9	1.0		
Net imports	8.9	13.2	13.8	1973–77, 8.4 percent; with temporary decline in 1978 due to coming on stream of North Slope.	Comes to 3.3 percent increase per annum.
Synthetics program required for 4.5 mmboed imports.		8.7	9.3		

Source: 1990 estimates from Bureau of Economic Geology, University of Texas at Austin.

The second necessary elaboration of supply side economics relates to productivity. As we all know, the slowdown in productivity has multiple causes. But, as I argued on July 25, 1979, before your special study committee on economic change, the most important is the slowdown in the investment rate. The working force has been increasing quite rapidly, but the capital/labor ratio has fallen. The low investment rate, in turn, is the result of the stop and go policies we have experienced since 1973 plus the deceleration or decline in consumer outlays. We may well need special tax incentives to stimulate investment, notably in the modernization of industrial plant; but the experience of France and other countries indicates that private investment only expands substantially in an environment of sustained high growth and expected high growth. Only then are business firms prepared to make the long-term commitments to new plant and new, more efficient technologies.

In this context, the sessions you are now holding are of particular importance. They should design the national strategy for the next sustained period of economic expansion. The recession now under way is releasing labor and increasing idle industrial capacity. That labor and capacity should be set to work in the next boom not in response to enlarged consumers outlays, induced by an income tax cut or otherwise enlarged federal deficits; but by enlarged investment outlays for energy production and conservation, for the modernization of industrial plant, and for other necessary supply-side purposes.

As for inflation, the dollar will begin to strengthen from the day the world's financial centers conclude the United States has adopted an energy policy capable, in time, of substantially reducing oil imports. And that will damp some of the inflationary pressure arising from an undervalued dollar. But in the end, we shall require a much more redoubtable effort than any yet attempted to negotiate arrangements—equitable for business and labor alike—to link money wage increases to the average rate of productivity increase. Such arrangements should be easier to negotiate if labor is convinced that energy-related investments is under way on a scale which promises sustained full employment in the short run and a removal of the international oil constraint on our economy when the energy investment program is completed.

How long will that take? The lead times for various types of energy investment, conventionally measured, vary, of course, as the accompanying chart indicates. But those lead times could be cut radically if the energy production and conservation effort were to be undertaken on, essentially, a wartime basis. The 1975 modifications in the Defense Production Act of 1950 provide to the President some of the tools to do the job. Congress might extend its provisions, if necessary. I would guess that, if we rolled up our sleeves and decided to recapture control over our destiny, our energy situation could be significantly improved in two years and radically transformed for the better within five years. But we would have to mean it as much as we did when Franklin Roosevelt set the target of producing 50,000 planes a year and the nation delivered. In fact, I have reluctantly concluded that the strategic, economic, and social consequences of our excessive dependence on oil imports are so grave that, with the agreement of the Congress, the President should institute a state of emergency.

V

But, more generally, I am arguing that the route out of the trap—and the heart of supply-side economics—is a massive investment program to reduce oil imports; that such a program would strengthen the dollar and our balance of payments; supplemented by tax incentives for the modernization of industrial plant, it would accelerate the increase in productivity; and it would provide a setting in which we ought to be able to get control of the 8% or so element of wage-push inflation which bedevils us all, including labor.

I should like to conclude, however, not with these operational recommendations but by suggesting as an economic historian why we face this extraordinary challenge.

The reason is that we enjoyed but did not understand the great boom of the 1950's and 1960's. That boom was made possible by a 25% improvement in our terms of trade; that is, import prices fell relative to export prices by that amount. The rise in real incomes we therefore enjoyed permitted us to expand consumers purchases of goods and services; to expand public services, notably in education and health; and also to enlarge transfers to the less advantaged. Our economists and the politicians they advised came to regard this state of affairs as permanent, perhaps even the result of the magic of the Keynesian revolution.

But the underpinnings of this majestic boom were eroding in the 1960's: world grain stocks in relation to consumption declined; U.S. oil and gas reserves relative to consumption declined and production peaked out in 1970–1971. There was degeneration also in other supply-side sectors. We discovered that large allocations of resources were required to maintain reasonably clean air and water; we failed to maintain a minimally viable rail transport system; we failed to recognize and act to redress a decline in water reserves in certain regions of the country.

Then, starting at the close of 1972 with the leap in grain prices, the terms of trade radically reversed. They have since shifted about 25% against us and other advanced industrial countries. The disproportionate rise in import prices accelerated inflation, cut into real wages, and, in effect, turned off the great boom of the 1950's and 1960's. Although I shall not burden you today with the evidence, this was the fifth time in the past two centuries that something like this had happened.*

It is the unfavorable shift in the terms of trade which signals the coming of a supply—rather than demand-oriented phase in our national life and, indeed, in the world economy as a whole.

Such phases in the past have lasted twenty years or so. They were periods when the direction of investment shifted to expand supply in the sectors where relative prices had risen and the profitability of investment thereby increased. For example, the price of wheat increased by 2½ times between 1844 and 1855. The response of the world economy was to pour capital (from Britain as well as the northeast) into the opening up of the American middle west by building a railway net beyond the Appalachians and encouraging a massive flow of immigrants from northwest Europe. The process continued out to the Pacific after the Civil War. Although business cycles continued, the years of railway building across the continent were, by and large, prosperous. There was a rise in the over-all investment rate and some pressure, in the 1850's, on urban real wages.

I cite this case because it suggests in a rough-and-ready way what is likely to happen if we face up to our supply-side tasks. To free ourselves from dependence on oil imports is, relative to the size of our economy, quite as big as enterprise as building the transcontinental railroads 130 years ago. It will require the mobilization of capital and technology on a grand scale. It will provide jobs. We may still face, for a while, pressure on real earnings; but that should lift as the price of energy is brought under control and productivity resumes a decent rate of increase. The spirit of common purpose and unity such a great national enterprise would generate should ease many problems which now seem unmanageable, notably the problem of controlling wage-push inflation.

Thus, the stakes are high for all of us in the success or failure of this committee in translating supply-side economics into a viable set of operating policies.

STATEMENT OF FRANKLIN A. LINDSAY

Mr. Chairman, members of the Joint Economic Committee:

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* The evidence for this view is contained in my *The World Economy: History and Prospect*, Austin: University of Texas Press, 1978, pt. 3.

On behalf of the Committee for Economic Development, I welcome this opportunity to comment on the present unsatisfactory state of the American economy, and on appropriate policy remedies for the short and the long term.

The plain fact is we ask more of our economy, and will certainly ask more in the future, then hobbling restraints and competing priorities allow it to provide—in jobs and real income, in ample and efficiently produced goods, in international competitiveness, and in global economic and military security. Nor, with this increasing overload, is the economy creating that margin of surplus wealth which would enable us to afford the quality of life we have come to expect in terms of health, safety and environmental standards, of income support to the disadvantaged, and of renewed social and economic viability for our deteriorated central cities.

Inflation is both a symptom and a major contributing cause of this widening gap between expectations and performance. Chronic inflation will continue to distort and limit the economy's performance until we root out the underlying causes of the disorder.

Adequate restraint of total demand is clearly a key prerequisite for bringing inflation under control. But such measures by themselves are not sufficient to do the job. We strongly believe that a major part of the solution must lie in measures to strengthen the long-term productivity, supply capacity, and competitiveness of our economy. Such measures should, in particular, include a sharply increased emphasis on investment in physical and human capital; on stimulating innovation and technological progress; on strengthening the net availability of domestic energy resources and reducing dependence on foreign energy supplies; and on removing impediments to efficiency through unnecessary or unduly costly regulations.

The President's economic messages contain positive recommendations in each of the areas cited, many of which we support. But we also believe that the President's proposals fall well short of what is required. Our economic policy needs to give much higher priority to strengthening the investment and supply side of the economy than is now the case.

Before turning to supply-related issues, let me first comment on the Administration's proposed strategy for overall demand management. We welcome the strong emphasis in the President's budget and economic messages on the need for overall demand restraint. If inflation is to be brought under control, firm adherence of both fiscal and monetary policies to such a strategy of restraint will be essential. We also applaud the introduction of the concept of a credit budget and of the related new system to subject federal credit activities to a disciplinary process somewhat comparable to the process that places annual limitations on outlays under the regular budget.

Clearly, however, many of the assumptions underlying the President's messages are subject to unusual uncertainties. A question can also be raised whether the Administration's forecast of renewed economic growth in the first half of 1981 is consistent with its projection of a sharp further tightening in the bite of fiscal policy as a result of the scheduled large increase in Social Security taxes at the beginning of that year. For these reasons, it is appropriate that the budget contains some discussion of contingency plans in the event that the economy should turn out to be significantly weaker than expected. I shall return to one aspect of this discussion in a moment.

What concerns me, however, is that there is no discussion in these messages of the contingency measures that might have to be taken if changes in the international situation and greater-than-expected increases in defense-related expenditures should risk a significant enlargement in the budget deficit over the levels now projected, either during the current fiscal year or in fiscal 1981. I am not suggesting that such overruns are bound to occur. Given the very long lead periods involved in building new weapons systems, even very significant increases in authorizations for new military hardware may not affect actual outlays for quite some time. Moreover, I am personally convinced that major improvements in our overall defense readiness are possible through more effective allocation of existing defense dollars. Nevertheless, if authorizations or spending for national security related purposes turn out to be significantly larger than now budgeted, the Administration and the Congress need to make certain that timely offsetting actions are taken—either in terms of added expenditure restraints, foregone tax reductions, or if necessary, even tax increases—to allow continued adherence to overall fiscal restraint. In other words, thought should be given now as to what needs to be done to avoid the disastrous mistake of the guns-plus-butter, buy-now-pay-later fiscal policy that was followed during the escalation of the Vietnam War in the mid-1960s.

Let me now turn to the needed policies on the supply side. Here, I think, it is clear that no single measure is more important than the provision of more adequate incentives for investment in new plant and equipment. There is strong evidence that since 1973, a low rate of capital formation has contributed substantially to our dismal productivity record; according to experts in the Bureau of Labor Statistics, it actually was the predominant cause of that lag. Moreover, the escalating cost of energy and new environmental regulations have in many cases rendered existing plant and equipment inadequate or obsolete. Because of inadequate capital formation, furthermore, we are faced with actual or potential bottlenecks in key industries; a lag in the competitive race with foreign countries that are installing more efficient and up-to-date equipment; and a reduced potential for innovation and rapid technological progress.

While the lag in adequate capital investment is a long-term contributor to inflation, the high rates of inflation since the early 1970s have themselves also been a major factor in reducing the incentives for capital investment. This has happened because allowable depreciation of existing plant and equipment is based on historical costs, which in a period of rapid inflation is much lower than replacement costs.

The seriousness of the problem was described in dramatic language by Fletcher Byrom, Chairman of the Koppers Company and Chairman of the Committee for Economic Development, in his testimony before this Committee last year. He said, "To be blunt, we are rapidly liquidating the capital base of the core of the nation's economic system. This is happening because of the combination of high fixed costs of new physical capital; the long lead time needed to expand or modernize capacity, or to launch a new product; the unpredictability of possible added costs created by regulatory uncertainties; outmoded accounting practices and taxing policies; and anti-growth depreciation policies."

How can this problem be overcome? Our Research and Policy Committee has concluded that the number-one priority measure to stimulate investment in new plant and equipment should be the prompt introduction of more rapid capital recovery allowances. We believe that a substantial shortening of depreciation schedules is the most equitable and effective way of providing the needed investment incentives. Our Committee arrived at this conclusion after more than a year's intensive work on CED's new policy statement "Stimulating Technological Progress" that has just been issued. To provide further background on the reasoning behind our recommendations, I am submitting the summary chapter of our new policy statement with the request that it be included in the record.

It is striking that there is now widespread support in principle for more rapid capital recovery allowances, not only within the business community but also within the Congress and in the academic community. The President's economic messages suggest that the Administration, too, sees major merit in such an approach. Yet there is no proposal along this line in the President's budget, on the ground that accelerated depreciation involves a tax cut that ought to be considered only if the economic situation and prospects should worsen sharply.

To be quite frank, Mr. Chairman, this line of reasoning simply does not add up. Tax incentives to encourage more capital investment are urgently needed as a way to improve productivity and fight inflation over the long run. It makes no sense to say that we cannot adopt such long-term structural measures unless there is a recession. Indeed, by delaying the introduction of improved depreciation allowances, we will fall further behind in our efforts to produce the new capital—and prevent the deterioration of existing capital—needed to avoid major inflationary supply bottlenecks in the future.

In presenting his budget for 1981, the President stated that he is proposing "selected, essential increases in areas of high priority and great national concern" but that he found a way to accommodate these increases within a framework of sufficient overall budget restraint to cope with the danger of excessive demand. I believe—and I think that this view is generally shared by my fellow CED trustees—that adequate provisions for more rapid capital recovery need to be included among the highest priority items in our fiscal program. If we are to win the long-run battle of inflation, a way needs to be found to include such a measure in a budgetary plan that meets the essential requirements for overall fiscal discipline.

More rapid capital recovery allowances are, of course, only one of the steps required to strengthen capital investment and stimulate technological progress. Among other needed steps are a range of measures to encourage a high level of private investment in longer-term, and often high-risk, ventures that lead to innovation and its diffusion throughout the economy. Our new policy statement presents a comprehensive set of proposals in that connection. They include a shift to "flexible depreciation" of R & D equipment and structures; major reforms in the patent system to make it more efficient and effective, such as voluntary arbitration, a single court of patent appeals, and a first-to-file patent system; and increased public support for basic research. While the Administration has recently also come out with a set of proposals for stimulating technological progress—many of which we support—our own recommendations in this area call for much more forceful and comprehensive action.

Another major impediment to investment, innovation and economic efficiency stems from the costs and delays imposed by unnecessarily burdensome regulatory processes. In this connection, we welcome most of the Congressional initiatives and the Administration's proposals for overhauling the regulatory system. Many of these are fairly close to the recommendations in our own recent policy statement on this subject.[1] These recommendations include the use of cost-benefit analyses prior to the adoption of new regulatory regimes

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[1] Redefining Government's Role in the Market System, July 1979.

steps to remove inconsistencies, bureaucratic delays and unnecessary paperwork

a shift in emphasis toward regulatory performance standards which industry can meet in the most efficient way, as an alternative to regulatory practices that dictate to industry exactly how and with what tools it must achieve regulatory goals; and

Other reforms intended to make the regulatory climate more predictable, less costly, and more hospitable to private initiatives and innovation.

We very much hope that the Administration and the Congress will move expeditiously toward implementing these proposals.

My comments so far have largely focussed on strengthening the physical capital base of the private sector of the economy. We also need to face up to the serious problem of inadequate investment in the public sector and particularly the deteriorating infrastructure in many of our major cities. While there is not enough time here to discuss this issue in detail, I do want to note that CED has just started a new study on the revitalization of America's cities which will address this and related issues, placing particular emphasis on the potentials for more effective public-private partnerships to cope with our urban problems.

Next, a few comments on the critically important subject of energy. More adequate domestic energy resources and reduced dependence on unreliable foreign supplies will clearly be of key importance for the efficient long-term performance of our economy. Greater efforts at energy conservation as well as intensified programs to expand domestic energy supplies can greatly help in containing the rise in real energy costs over the long term and preventing supply shortages and bottlenecks that could exacerbate long-term inflation. But this does not mean that the correct current policy is to keep energy prices artificially low. Indeed, we are convinced that allowing energy prices to rise to levels determined by market forces is the best way to encourage more energy conservation and production.

As Professor Thomas Schelling stated in a recent study prepared for our Committee,[3] "Keeping fuel prices artificially below the replacement cost of the fuels being used subsidizes excessive consumption, inhibits exploration and development of supply and misrepresents the worth of technological changes that economize energy." I fully recognize that adequate ways must be found to assist those in our society for whom very large and sudden increases in energy costs can be a crushing economic burden. This problem, however, should be solved by direct income supplements to those in need rather than by interference with market prices.

Another key element for coping with the longer-term energy problem will be the development of an initial capability for commercial-scale domestic production of synthetic fuels. In a policy statement issued last July,[4] our Committee outlined a specific approach for accomplishing this objective. That approach places primary reliance on private sector resources and market incentives and limits the first stage of the program to construction of approximately ten plants that would be sufficient to demonstrate the viability of various synthetic fuel program will be passed and the legislative program now emerging in the Congress is closely in line with the basic approach we recommended. The principal need now is to make sure that an effective synethetic fuel program will be passed and put into operation as soon as possible and that its implementation does not become bogged down in delays and uncertainties.

Finally, let me turn to the need for increased investment in human capital and particularly for greatly intensified efforts to provide adequate skill training and productive jobs for the structurally unemployed and underemployed. In our January 1978 policy statement on jobs for the hard-to-employ,[5] we called for a major new public-private partnership to achieve these goals, placing special emphasis on involving business much more actively in skill training of the disadvantaged and in fostering a better transition from school to work. We strongly believe that such efforts are not merely desirable to aid the less fortunate in our society but are vitally needed to make our economy more productive and to alleviate potential future inflationary problems arising from skill shortages and labor supply bottlenecks.

As you know, the Private Sector Initiative Program under CETA which has been developed by the Administration and the Congress since the time our Report appeared closely follows the basic approach we recommended. We very much welcome this effort and are pleased to have had a role in its initiation. In our view, the program deserves continuing strong support by the Congress.

It is our impression—reinforced by what we learned at the policy forums we held in six major cities over the last year and a half—that the Private Sector Initiative Program is making real progress. Many of the new Private Industry Councils now being established in communities throughout the country are becoming catalysts for a constructive public-private partnership. It is also clear, however, that the process of successful institution-building takes considerable time. Hence, we believe that the Congress should allow ample time before making detailed judgments about the performance of these Councils. There should, however, be continuous intensive monitoring of the way in which the Councils are evolving to assure that they are in fact providing for really meaningful involvement of the private business sector in the training and jobs effort.

We also strongly favor the basic approaches under the new Youth Employment Initiative Program that the President has just announced, particularly the strong emphasis on a better transition from school to work; on providing both in-school and out-of-school teenagers with a better chance to acquire jobs skills needed in the private sector; and on clear performance standards for both program participants and service providers.

While the programs I have cited are directed at the disadvantaged, the need for improved skill training and upgrading really extends very broadly throughout our labor force. The more we can improve the skills of our workers at all levels, the greater will be the productivity of our economy and our ability to combat inflation.

Let we conclude, Mr. Chairman, by emphasizing that my remarks today have not been intended to cover the full range of steps that need to be included in a successful anti-inflationary strategy. Our Committee is continuing to devote intensive study to the most promising approaches for dealing with the inflation problem. It is clear, however, that there is no simple or one-dimensional answer. In particular, we reject proposals for quick fixes, such as the imposition of comprehensive wage and price controls in peacetime. Such a step would only worsen the longer-term inflation problem by seriously interfering with needed incentives for efficient allocation of resources. Nor, in my view, does the answer lie in sole or excessive reliance on demand restraint. Instead, a major part of the solution must consist of positive steps to make the economy more productive and innovative and to foster an environment of sustained long-term economic growth.

I want to leave one thought with you: that the modernization and expansion of our store of human and physical capital cannot be treated as a countercyclical option. It is urgent to begin now, and to pursue steadfastly, a redressing of the past imbalance in budgetary policy which has favored consumption at the expense of investment.

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, this request has been cleared with the distinguished acting minority leader. I ask unanimous consent that the Senate proceed to the consideration of Calendar Orders Nos. 604 and 605.

HELEN KELLER DAY

The PRESIDING OFFICER. The joint resolution, Calendar No. 604, will be stated by title.

The second assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 127) to authorize and request the President to proclaim June 27, 1980, as "Helen Keller Day."

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the joint resolution.

Mr. HEFLIN. Mr. President, I rise today to urge my colleagues to support Senate Joint Resolution 127 which authorizes the President to proclaim June 27, 1980, as "Helen Keller Day," in honor of the 100th anniversary of Helen Keller's birth.

When I introduced this resolution last session, I spoke of Helen Keller's remarkable life, the story of which is well known. It is the story of how, through her own faith and determination and aided by her devoted teacher Anne Sullivan, Helen Keller overcame the physical handicaps of blindness and deafness to become fluent in the use of sign language, mastering the Braille alphabet, and learning to speak. It is the story of how she furthered her education at the Horace Mann School for the Deaf, the Perkins Institute for the Blind, and Radcliffe College where she graduated with honors. More importantly, however, it is also the story of how, after her personal victory over her disabilities, she turned her life and ambitions to the service of others, authoring 11 books that have been translated into over 50 languages and lecturing in 35 countries on all 5 continents. With limitless stamina and energy she dedicated her life to bettering the conditions of the blind and deaf throughout the world.

The commemorative day which this resolution authorizes will be celebrated in conjunction with several events planned around the country in Helen Keller's honor. Among these is the Helen Keller Centennial Congress to be held in Boston the week of June 23, 1980. The annual Helen Keller Festival will be held during the weekend of June 29 through July 1, 1980, in Tuscumbia, Ala., which was Helen Keller's birthplace and my home town. Also during this week the U.S. Postal Service plans to issue a commemorative postage stamp in honor of both Helen Keller and her teacher Anne Sullivan. Other events and ceremonies have been planned by various organizations throughout the country that will also coincide with the 100th anniversary of Helen Keller's birth.

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[3] *Thinking Through the Energy Problem*, CED supplementary Paper, April 1979.

[4] *Helping Insure Our Energy Future: A Program for Developing Synthetic Fuel Plants Now*, July 1979.

[5] *Jobs for the Hard-to-Employ: New Directions for a Public-Private Partnership, January 1978.*

There is a much more important reason for the adoption of this resolution which I would like to offer for the consideration of my colleagues. It is my feeling that this resolution offers a unique opportunity to do much more than just set aside 1 day to honor an outstanding disabled American. It provides a chance to call attention to just how much can be accomplished by even the most severely handicapped person when proper education, training, and opportunities are made available.

All too often tributes such as these tend to focus solely on the accomplishments of the individual being honored. Certainly the courage and achievements of Helen Keller should not be overlooked for they offer hope to many of our disabled citizens. More importantly, however, they also offer proof of the remarkable human potential which lies within each of us, disabled or not. How many Helen Kellers have been lost because of the assumptions of people around them that such individuals could not contribute to society? We, as a nation, can no longer afford to waste such untapped potential.

By focusing attention on the fact that Helen Keller's disabilities were minor compared to her talents and abilities, this resolution can be our first step in educating the nondisabled public to the potential of the talents and abilities of other handicapped individuals and to the importance of bringing these citizens into the mainstream of American life so that all of us can benefit from their contributions.

With this resolution we can celebrate with pride the miracle of Helen Keller's life and, in so doing, we can also celebrate the potential, the achievements and the talents of all disabled Americans.

With this resolution, we can celebrate with pride the miracle of Helen Keller's life. In doing so, we can also celebrate the potential, the achievements, and the talents of all disabled Americans.

I ask unanimous consent to add as cosponsors to this resolution the names of Senators BOSCHWITZ, GOLDWATER, HOLLINGS, STAFFORD, and WILLIAMS.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 127) was ordered to be engrossed for a third reading, read the third time, and passed.

UP AMENDMENT NO. 983

(Purpose: To substitute a new preamble)

Mr. HEFLIN. Mr. President, I send to the desk an amendment which amends the preamble.

The PRESIDING OFFICER. The clerk will state the amendment.

The second assistant legislative clerk read as follows:

The Senator from Alabama (Mr. HEFLIN) proposes an unprinted amendment numbered 983.

Mr. HEFLIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

Strike out the preamble and insert the following:

Whereas, Helen Keller was left incurably blind and deaf at the age of nineteen months;

Whereas, through her own determination and faith, and through the patience and understanding of her devoted teacher, Anne Sullivan, Helen Keller overcame the disability of blindness and deafness, became fluent in the use of sign language, mastered the braille alphabet, and learned to speak;

Whereas, after her personal victory over her disabilities, Helen Keller turned her life and ambitions to the services of others, demonstrating to the world that her disabilities were minor compared to her talent and abilities;

Whereas, for more than a half century, Helen Keller has been a symbol of courage and faith serving to encourage and benefit millions of her fellow handicapped in America and throughout the world, serving to educate the non-handicapped to the potential of handicapped persons;

Whereas, with limitless stamina and energy, Helen Keller dedicated her life to others, giving unceasingly—speaking, writing, traveling, and working constantly to improve the conditions of deaf and blind people;

Whereas, as counselor to the American Foundation for the Blind she guided programs to advance economic, cultural, and societal opportunities of deaf and blind persons throughout the United States and was instrumental in launching a new era of work to advance these opportunities;

Whereas, through the Helen Keller World Crusade for the Blind, Helen Keller inspired programs for the education and rehabilitation of blind persons around the globe and became the primary force which led to increased awareness of the problems faced by the handicapped;

Whereas, wherever she went Helen Keller was received with a massive outpouring of love and admiration, being honored by heads of state, and being acclaimed by all;

Whereas, Helen Keller's spirit will endure as long as man can read and stories can be told of the woman who showed the world that there are no boundaries to courage and faith; and

Whereas, June 27, 1980, marks the one hundredth anniversary of Helen Keller's birth in Tuscumbia, Alabama.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the preamble.

The amendment (UP No. 983) to the preamble was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the preamble as amended.

The preamble, as amended, was agreed to.

The joint resolution (S.J. Res. 127), with its preamble, as amended, is as follows:

Whereas, Helen Keller was left incurably blind and deaf at the age of nineteen months;

Whereas, through her own determination and faith, and through the patience and understanding of her devoted teacher, Anne Sullivan, Helen Keller won a magnificent victory over darkness and defeat, emerging from hopeless childhood into remarkable womanhood by becoming fluent in the use of sign language, mastering the Braille alphabet, and, miraculously, learning to speak; and

Whereas, after her personal victory over darkness and despair, Helen Keller turned her life and ambitions to the services of others; and

Whereas, for more than a half century, Helen Keller has been a symbol of courage and faith serving to encourage and benefit millions of her fellow handicapped in America and throughout the world; and

Whereas, with limitless stamina and energy, Helen Keller dedicated her life to others, giving unceasingly—speaking, writing, traveling, and working constantly to improve the conditions of deaf and blind people; and

Whereas, as counselor to the American Federation of the Blind, she guided programs to advance economic, cultural, and societal opportunities of deaf and blind persons throughout the United States and was instrumental in launching a new era of work to advance these opportunities; and

Whereas, through the Helen Keller World Crusade for the Blind, Helen Keller inspired programs for the education and rehabilitation of blind persons around the globe and became the primary force which led to increased awareness of the problems faced by the handicapped; and

Whereas wherever she went Helen Keller was received with a massive outpouring of love and admiration, being honored by heads of state, and being acclaimed by all; and

Whereas Helen Keller's spirit will endure as long as man can read and stories can be told of the woman who showed the world that there are no boundaries to courage and faith; and

Whereas June 27, 1980, marks the one hundredth anniversary of Helen Keller's birth in Tuscumbia, Alabama: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation designating June 27, 1980, as "Helen Keller Day" and encouraging appropriate Government agencies to foster the recognition of the significance of Helen Keller's achievements on that day with appropriate ceremonies, programs, and activities.

POLICY WITH RESPECT TO ITEMS CARRIED ON SPACE FLIGHT MISSIONS

The joint resolution (S.J. Res. 141) to establish the policy of the United States with respect to items carried on space flight missions and to express the sense of the Congress that the Attorney General defend any civil action brought with respect to items carried on Apollo missions to the Moon, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) it is the policy of the United States that no astronaut or other individual who participates in a space flight mission be unjustly enriched through the sale of items carried by the astronaut or individual on a space vehicle.

(b) It is the further policy of the United States that postal covers, coins, and other items carried on Apollo missions to the Moon and now in the possession of the United States be retained by the United States in order to avoid unjust commercialization of the Apollo missions.

Sec. 2. To carry out the policy set forth in the first section of this joint resolution, it is the sense of the Congress that the Attorney General of the United States defend the United States, the National Aeronautics and Space Administration, or any official of the United States or the National Aeronautics and Space Administration in civil actions brought by or on behalf of astronauts to recover postal covers, coins, and other items which were carried on Apollo missions to the Moon and are in the possession of the United States.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. CHURCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Is there further morning business?

COMMEMORATES LITHUANIAN ANNIVERSARY

Mr. JEPSEN. Mr. President, last Saturday, February 16, we commemorated the 62d anniversary of the establishment of the Republic of Lithuania and the 729th anniversary of the formation of the Lithuanian State. In light of the Soviet Union's most recent action to suppress another sovereign nation, I think it is important that we take a moment to reflect on the significance of this day.

The situation in Afghanistan is not something new and should, therefore, not come as a surprise to the American people. We need only look to the 1940 illegal annexation of the Baltic States of Estonia, Latvia, and Lithuania and we can see that suppression of free people has been a consequence of Soviet foreign policy for decades. However, in spite of political repression, religious persecution, and cultural genocide, the Lithuanian people have not given up their fight to regain the freedom they lost.

Mr. President, we have often heard talk about human rights, but rarely have we seen any action to protect these rights. Hopefully, the Soviet Union's invasion into Afghanistan will make people realize what the Soviet Union is really after. I think it is important that we now make a special effort to reaffirm our commitment to the preservation of human rights and the sovereignty of all nations.

THE IMPACT OF TRUCKING DEREGULATION

Mr. JEPSEN. Mr. President, ever since the debate on the question of trucking deregulation began, I have maintained that we should be willing to consider all sides of the issue. In this vein, I am submitting the testimony of three of my constituents, Mr. Virgil Umthun of Eagle Grove, Mr. Herald Smith of Cedar Rapids, and Mr. B. H. Wiseman of Des Moines, for consideration by my colleagues. In light of the significant impact this change will have on the trucking industry and the livelihood of a great many people, I think their testimony before the Interstate Commerce Commission will be of particular interest.

Therefore, I ask unanimous consent that the following statements be printed in the Record and I urge my colleagues to consider their opinions.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Verified Statement of Herald A. Smith

My name is Herald A. Smith, and I am chairman of the board of CRST, Inc., domiciled in Cedar Rapids, Iowa. My statement is based on a career of 35 years in the trucking business, which includes service last year as Chairman of the Iowa Motor Truck Association and currently as second vice president of the Common Carrier Conference-Irregular Route of the American Trucking Associations.

CRST has authority under MC–114237 and subnumbers to transport meat and meat products, frozen foods, steel, dry freight and some general commodities. With nearly 250 company drivers and 300 owner-operators, CRST operates 550 power units and a pool of nearly 800 trailers. All our tariffs are individually filed.

There are many questions about the proposed master certification deregulation move. For instance, would the Commission demand surrender of all outstanding certificates or only those covering areas or commodities in which a carrier would be seeking a master certificate? If all certificates are canceled, very few carriers would seek master certificates. Those that did would be doing so, of course, for the purpose of gaining additional authority. If, on the other hand, we would not have to relinquish all authority, but only that pertaining to the master certificate items, I could see where some established truckload carriers could expand their various divisions into more profitable operations.

Over-all, however, I would not see too many problems under master certification for large carriers or medium-size ones like CRST, which had gross operating revenue of $39,000,000 in 1978. Yet the small carrier or one-man operation would be highly jeopardized and the small shipper would be in trouble. Adoption of the master certification proposal would mean the Commission was no longer protecting the public with a good common carrier system and would be contrary to the Commission's mandate in the National Transportation Policy to "encourage sound economic conditions in transportation, including sound economic conditions among carriers."

At the outset under master certification, I have no doubt that infant small truck operators would engage in an internecine struggle that will guarantee long-range gains for only larger carriers. As these novices awake to the fact they cannot compete below costs, back will go their vehicles to a repossesser who does not want them. Thus, these victims will be left with meaningless master certificates they were led by the Commission to believe were passports to utopia.

The end result will be a trend toward what we have in many other industries—a few large, well-capitalized motor carriers serving who and where they want, when they want and at the rate they want. But even the remaining common carriers will probably have a smaller pie to cut up. The reason: Private carriage will of necessity be expanded to replace real or perceived trucking needs.

One member of the Commission has even suggested that if needed truck service was not provided or available in the changed environment, the government could take the subsidy approach. Millions of tax dollars already go to subsidize airline service. Millions more are being poured in to preserve barebones rail lines. Even the intercity bus industry collects subsidy for rural service. There is no need today to provide service subsidy to the trucking industry. Why, then, opt for this type of deregulation if even proponents admit it might lead to yet another drain on the Treasury? Instead, the Commission needs to protect the public with a soundly regulated and workable trucking system—as it is doing now.

Another fiscal question to be confronted, whether by the Commission or the Congress, is that of reparation to the thousands of trucking companies for the common carrier certificates they would have to surrender—apparently irrevocably—in order to receive the new master certificates. CRST has built up its system through the purchase of authorities at a total cost of $3,900,000. Would a government that permitted and even encouraged these outlays in the interest of providing service to the public renege on any moral obligation to the individuals and stockholders left holding the bag? Has the Commission even considered the total amount that might be involved? Would the Commission suggest that these losses be handled through tax write-offs? Or have the Congress appropriate monies to pay for the losses directly? On what basis would amounts be calculated—actual price of acquisition plus associated costs or upgraded to the current inflated level?

Then there is the matter of our certificates being used as collateral. CRST recently obtained a loan of $100,000 with our certificates as the sole collateral. What would the Commission advise us—or our financial institution, for that matter—to do about such outstanding loans should we have to turn in the certificates for these valueless master certificates?

The defects I see in this master certification approach and elimination of close Commission control of freight rates far outweigh potential benefits. For these reasons, CRST respectfully urges the discontinuance of any further consideration of the entire Ex Parte MC–135 proceeding.

Verification

State of Iowa, County of Linn, ss:

Herald A. Smith, President, CRST, Incorporated, being duly sworn, deposes and says that he has read the foregoing statement, knows the contents thereof, and that the same are true as stated.

Herald A. Smith,
Chairman of the Board CRST, Incorporated.

Subscribed and sworn to before me Lawrence G. Miller, a Notary Public in and for the County of Linn, State of Iowa, this 21st day of January, 1980.

Lawrence G. Miller,
Notary Public.

My commission expires 9–30–82.

Verified Statement of Virgil Umthun

My name is Virgil Umthun, and I am president of Umthun Trucking Co. located in Eagle Grove, Iowa. I have been involved in the trucking industry in general and the Umthun company in particular for the past 26 years. In my position as president of the company, I have total responsibility for the over-all day-to-day and future operations of the business.

The Umthun Trucking Co. engages in the transportation of lumber and building materials, including clay, glass, stone and fabricated steel. In 1978 our company grossed $19.7 million and with an operating ratio of 98.3 percent showed a net revenue of $343-456. to realize this small profit, we hauled nearly 2 million tons of materials. Accomplishing this used the services of 110 independent contractors and 221 company drivers. Each driver carried an average load of 42,000 pounds and averaged 325 miles per trip.

The actual driving operations are only part of the picture. Supporting the services of our drivers is a consist of 60-plus persons located in our Eagle Grove headquarters and terminal facilities in 6 other states.

I'm aware these figures may seem like peanuts to the Interstate Commerce Commission, but to my company, its employees and the independent drivers it represents our day-to-day existence. And to our shippers and their receivers in 14 states throughout the midwest it reflects 26 years of responsible, dependable, reliable and economic transportation.

The majority of the growth realized by Umthun Trucking has taken place within the past 10 years. In 1969 our company used only eight independent contractors and employed only 75 of its own drivers. The company's growth derived from solid management, sound experience, and reliable service. Without a doubt we can say the foundation for our expansion was due to the stability of the trucking industry. We were able to capitalize on the industry's stability to attract more investment, apply for new routes, gather more customers, and employ more people. The company, its customers and its employees, now face complete disruption of the foundation upon which our livelihoods depend because of deregulation of trucking and in particular the deregulation of the lumber and building materials segment of the industry as proposed by the ICC in Ex Parte No. MC–135, Sub. No. 5.

One of the most callous and irresponsible acts that the ICC can do is jeopardize the income and threaten the jobs of those persons involved in the regulated trucking industry. At a time when inflation and unemployment are on the rise, it is inconceivable to me that our government would risk escalating our poor economic situation by experimenting with the established trucking industry. We have the means at our disposal (the Motor Carrier Act of 1935) to adapt today's changing environment to meet the needs of the times. To completely wipe 45 years of progress off the books in the interest of politics and theory is insanity.

After carefully going over the Task Force report, I find myself not only stunned, but completely discouraged. Discouraged by the fact not only is the report accepted by the Chairman of the ICC as the "bible" of motor carrier transportation, but it is then passed on to other government leaders as infallible.

As an example of the fallacy of the report, on page 71 it states that one of the characteristics of the lumber and building materials segment of the trucking industry is that this freight is "essentially backhaul freight for the most participants." This is completely erroneous. Perhaps 20 or so years ago there may have been some truth to this statement. The trucking industry, just as many of the other industries it serves, has undergone tremendous specialization since its earlier days. Even the report refers to the lumber and building materials segment as "specialized." Then, under its mandate for deregulation, the Task Force incongruently states that most of the tonnage is only secondary, or backhaul. If this is true, then what in the world are they trying to deregulate?

Speaking for Umthun Trucking, the freight we carry is fronthaul tonnage, and speaking from my day-to-day experience, it is also true of my competitors.

For 26 years my company has endeavored to eliminate empty mileage or empty backhaul. During this time we have come very close to eliminaitng the word "backhaul" from our operations. Because of our investments of time, money and good service, we have established a transport service whereby we can take a "fronthaul" at Point Y to be delivered to Point X. Oftentimes this movement will involve Points A, B and C. This intricate balance of terminals and shipments cuts out waste, eliminates excessive empty mileage, and benefits our company, our shippers and ultimately the consumers.

Chairman O'Neal stated repeatedly last year that the Commission was unable to specify how much fuel could be saved by the deregulation of the trucking industry. In testimony before the Senate Commerce Committee, Senator Donald Riegle indicated fuel savings information of this nature was vital if the Congress were to objectively form an opinion on the merits of deregulation. The Congress still has not received the answers to its fuel questions. O'Neal has said, however, that he was sure there would be an increase in fuel consumption during the early years should deregulation come into existence.

I concur in his assumption. With more trucks running after the same amount of freight there simply has to be greater waste. In the past, the trucking industry has accounted for only 5 percent of the nation's total fuel consumption. Now we are confronted with a situation where the ICC would increase the unnecessary consumption of energy when it is our declared national policy to decrease the excessive usage of gasoline and crude oil.

Deregulation directly contradicts yet another national policy. The Federal Reserve Board has tightened credit in hopes of toning down excessive borrowing and/consumer debts. Deregulation of the trucking industry runs 180 degrees counter to this important economic regulation. A new truck tractor and trailer are costing buyers as much, if not more than, new homes. In 1979 Umthun's outlay for this equipment amounted to $79,000. I am unable to determine how individual truckers and small businessmen can assume such a "mortgage"; add to it such annual up-front expenses as insurance, licensing and taxes; then face rising fuel costs, maintenance and living expenses; and finally realize a profit. The government is holding out false promises to individuals and small firms to overextend themselves financially to enter into a cutthroat business already numbering more than 16,000 established carriers. This is both injustice by the "body politic" and insanity.

In order for my company to compete in a deregulated environment, it is going to have to increase its share of business from the more lucrative markets. Heretofore, we have serviced smaller shippers and communities, because such service was a requirement of our authority. Operating under the umbrella of a master certificate and facing deregulated competitors, Umthun Trucking will have to concentrate the majority of its attention and equipment on markets offering the greatest returns.

Naturally, this abandonment of the small shippers and communities meets with a ready solution from the ICC and deregulationists:

"The newer and small entries into truckin will fill the void."

This is grotesque supposition having no foundation. With all my years and experience in the trucking business, I am unable to fathom how the small operator can meet his financial needs, both immediate and recurring, should he service only those areas not meeting the profit needs of established transporters. To complete this obvious scenario, I see the rates for such transportation going up 20 percent within a very short period of time, and the requests for further increases will begin to pile up. (Naturally, the ICC will be unable to handle these requests within a reasonable amount of time because it will never have solved its logistic and personnel problems that were the root cause of the transportation malfunctions in the first place.)

It's interesting to note that the ICC again has an answer to the probable skyrocketing rates for smaller communities and shippers: the government will subsidize the carriers! The same old visionary response! If it doesn't work, we'll just let the taxpayer foot the bill! We end up at this when there was never anything seriously wrong in the first place!

For the reasons submitted, I request that Ex Parte No. Mc–135 calling for deregulation of the trucking industry and the issuance of a master certificate be rejected.

VERIFICATION

State of Iowa, County of Wright, ss:

Virgil Umthun, President, Umthun Trucking Co., being duly sworn, deposes and says that he has read the foregoing statement, knows the contents thereof, and that the same are true as stated.

VIRGIL UMTHUN,
President, Umthun Trucking Co.

Subscribed and sworn to before me David J. Lydell, a Notary Public in and for the County of Wright, State of Iowa, this 14th day of December, 1979.

DAVID J. LYDELL,
Notary Public.

VERIFIED STATEMENT OF B. H. WISEMAN

My name is B. H. Wiseman and I am Executive Vice President of Robco Transportation, Inc. As Executive Vice President, I am responsible for the over-all management of this irregular-route trucking company, which specializes in refrigerated transport or temperature-controlled service.

I have been employed in the trucking industry for 25 years, the last five with Robco. Our company is based in Des Moines, Iowa.

Robco serves 48 states and utilizes 86 independent contractors and 30 driver employees. We have a fleet of 116 tractors and 136 trailers. We are authorized to transport meat and meat products, frozen foods, dairy products, furniture, printed materials and foodstuffs. We also transport produce when it fits into our traffic lanes. We maintain terminals in Des Moines, Iowa, and Bassett, Virginia.

Our 1978 revenues were $6,985,376 and our operating ratio was 97.6.

The fact that the Interstate Commerce Commission has even instituted this proceeding is more than enough reason to oppose MC–135, not to mention the many fallacies and the unrealistic evaluation of the truckload motor carrier industry contained in the Motor Carrier Task Force Report.

I firmly and strongly believe that Congress, not an agency of the Congress, should indicate the National Transportation Policy. Any changes in that policy should emanate from Congress and Congress should establish the ground rules, including the implementation of any changes, if there are to be any. The Commission's role, by law as stated in the Interstate Commerce Act, is nothing more than carrying out the instructions of Congress. It is obvious to me at this time that the Commission is interpreting the Act as it sees fit in order to justify the deregulation of the trucking industry by administrative fiat.

The Congressional intent, as I see it, was and still is to establish a motor carrier transportation system that will provide stable, reliable and equal service and rates to all. This system, although not perfect, is in place today. To change it without Congressional sanction is unjustified and unlawful.

Without economic regulation and the protection afforded all users of the system, it will indeed be interesting to see how the public fares in an unprotected environment of cut-rate competition among motor carriers.

There are many statements in the Motor Carrier Task Force Report that either admit to the problems that will be caused by deregulation or conclude that the truckload segment of the industry needs no deregulating because of its already highly competitive nature. Yet, the Commission chooses to ignore its own research and press forward for an idea it says is long overdue.

For instance, on page 2 of the Motor Carrier Task Force Report:

"From the 1950's onward, the crescendo for regulatory reform has been building. The pressure has not come from the regulated, nor from the shipper side of the equation, nor, by and large, from communities. These interests generally support continuation of regulation. Pressures for deregulation have come from quarters opposed to Federal intervention in an industry which is said to be characteristically competitive who argue that regulation produces intolerable inefficiencies in the economic system."

Translated, this means that economic theorists and professional students and their college teachers think the system needs changing. Based on books and classroom situations, these individuals, who have no working knowledge of the trucking industry nor any practical working experience, have passed judgment on the industry for all of us.

These theorists are immune from the repercussions of their judgments and will not be held accountable when the system bottoms up under their vision of a "correct" trucking environment. Just like the regulators who are currently promulgating these changes, the theorists will not be in government service when the tires go flat in the trucking industry.

The Commission's high and mighty attitude is again chronicled on page 3 of the Motor Carrier Task Force Report:

". . . The issue is whether a regulatory system perceived to function acceptably well according to the standards applied by those directly involved, should give way to a competitive system which many argue will produce more efficient results?"

Again, the Commission is saying its theorists know more than the providers and users of the system.

The Commission also admits there are dangers involved with its actions and further admits there is considerable competition in the truckload area.

Page 3 from the Motor Carrier Task Force Report:

"We are acutely aware that change may bring both benefits and drawbacks, and a major drawback of increased freedom is the increased potential for discrimination."

Page 19 of the Report:

"Competition already exerts a substantial influence over these sectors of the trucking industry. The need of the Federal government directly to influence rates and services is limited. Several of the carrier segments in this category face competition from private carriers or railroads, and in some instances both. The ability of carriers to establish fixed rates schedules through collective ratemaking is comparatively limited."

Page 20 of the Report:

"For the most part, few natural barriers to entry seem to exist."

After admitting competition and free entry are by-words of the truckload motor carrier industry, the Commission immediately interjects its own judgments, which it feels should prevail. Page 22 of the Report:

". . . the Task Force has made an initial determination through evaluation of carrier and shipper circumstances that market forces, with reduced entry and rate interventions by the Commission, will provide shippers in affected markets with more efficient, more diverse services, and more nearly competitive rates."

The Commission's arrogance and self-preservation motives become clearer by reading page 19 of the Motor Carrier Task Force Report:

"The special commodity carriers' area was given priority because it appears to be a greater and more quickly achieved potential for reaching the designated performance goals through substantial regulatory reform than does the general commodities field."

In looking at rates and authority as perceived by the Motor Carrier Task Force Report, I note the Commission will expect carriers to file a master certificate for commodities and areas of operation. While it will not be mandatory for carriers to apply for such a certificate, competition will make such a certificate mandatory. Any carrier that does not apply for any and all commodities it ever expects to transport and in an area as large as the 48 contiguous states, with an eye on Alaska, Canada and Mexico and who knows where else, will place itself at an immediate disadvantage.

In proposing such master authority, the Commission does not address the problem of compensating carriers for the value of their current operating authority, that must be forfeited in order to obtain the master certificate.

Robco currently values its operating authority at $342,883.12. If we have to forfeit that authority, I expect, at minimum, to be allowed a tax write-off for this loss. Such a loss would also impair our ability to borrow for capital improvements and equipment inasmuch as our authority has served and is serving as collateral for our loans. Since the Commission is so quick to take, will it be as quick to supply a remedy/answer for my banker?

Staying with the money problem, I find it interesting the Commission is recommending a zone of reasonableness for rates, a no-suspend zone within which rates could move up or down without Commission intervention. In its Task Force Report, the Commission proudly proclaims on page 34:

"In a sense, the no notice zone would establish a limited 'spot market' for a restricted range of transportation markets. Further, use of this approach in limited product areas would provide an experiemental basis for considering widening use of such rate flexibility."

This spot market pricing is the modus operandi in the exempt trucking area. Surely the shortage of trucks and the unstable pricing mechanism in exempt trucking must offer some insight into the effects of such a system on truckload special commodity carriers.

Inasmuch as 50 percent of Robco's business is meat and meat products, frozen foods and dairy products, I would like to analyze some of the Task Force Report comments on temperature controlled transportation.

The Task Force Report on pages 60–61–62, make these observations:

'The irregular route common carrier is the backbone of the industry's (temperature controlled) transportation system.

". . . meat packing plants are not found in the major freight receiving centers, thereby creating deadhead mileage and equipment availability problems for carriers and meat shippers.

"The frozen foods industry represents another major market segment for refrigerated carriers. Production facilities are located throughout the country, owned by many very small firms and a few very large firms.

"The dairy products industry tends to be somewhat more localized than either meat packing or frozen foods.

"In short, the markets for refrigerated transportation are very nearly captive to truck service."

On page 63 of the Report, the Task Force offers this summary:

"However, uncertain or inadequate equipment availability caused principally by (1) the instability of demand, (2) transportation charges in the unregulated markets for temperature controlled transport, and (3) a perceived decline in the number of owner-operators of temperature controlled equipment, is reported to be causing increasingly severe problems for shippers of regulated temperature controlled products, and for 'hanging' meats particularly."

Obviously, the Commission feels it can remedy all the problems outlined above with the efforts in Ex Parte MC–135, Sub. 2. This is doubtful.

The owner-operator problem would not be solved by MC–135, it would grow. Qualified owner-operators are virtually impossible to find today. Under MC–135, such operators may attempt to deal directly with shippers and I predict that only those owner-operators (I prefer to call them independent contractors) with more than one truck will have any opportunity to survive. One-truck operators striking out on their own will, in general, fail and leave trucking. This will reduce the size of the available truck fleet and the shipping public will again be the victim.

The Task Force (page 58) admits there is already an equipment shortage involving refrigerated trucks and (page 67) admits "shippers in the more isolated locations see this as meaning that they will receive even less service than at present, because the one truck operator simply could not absorb the extra deadhead mileages." If you add in the equipment shortage problems caused by high equipment costs (page 58), is there any doubt the shipping public will continue to face transportation problems, We are currently paying $47,500 for a tractor and $28,500 for a refrigerated trailer. How many independent contractors, especially one-truck operators, can afford such equipment and still go out and solicit traffic at rates commensurate with their costs?

Putting it all together unpredictable market demands for refrigerated trucking due to commodity and regional characteristics, the plurality of small shippers located in remote traffic lanes, high cost of equipment, shortage of qualified drivers and independent contractors and a perception by shippers of the need for private carriage—the outcome is obvious.

The Task Force agrees (pages 67–68–69):

"Carrier and shipper attitudes toward deregulation followed basically the same pattern. Virtually all firms believe that there will be substantial short-term disruption.

"Also in the short run, it is anticipated that deregulation would result in a retrenchment in respect to capital expenditures for equipment. A 'wait and see' attitude is expected to prevail—especially due to the extreme cost of refrigerated equipment.

"Both shippers and carriers expect to find greater concentration in the refrigerated carrier industry."

The users and providers of the system see nothing but problems. There will be a short-term disruption but I believe under this concept the industry will never stabilize. Traffic lanes will be upset, causing an imbalance that will affect service everywhere. Rates will fluctuate wildly because of the obvious rate-cutting that must be done to obtain traffic to retain some sense of a balanced traffic flow. This will impact directly on small and isolated communities.

The refrigerated trucking industry will be on hold while companies test the environment and react accordingly as it pertains to new service, reduction in service, additional manpower and equipment purchases. A no-growth period is inevitable, and I believe such a period could last for several years.

The shipping and consuming public will suffer accordingly.

Yet the Task Force concludes on pages 68–69:

"This suggests that after an initial shakedown period, upon deregulation of motor carrier entry, rates, and rate bureau practices, the industry would stabilize in a condition at least equal in quality to that currently existing. The carrier structure, however, is likely to change under deregulation to one of substantially greater concentration among the larger, well established firms."

Again, the question is how long will the shake-down period last? And why should the public be subjected to such an upheaval when the system works well now?

There will be a concentration of large trucking firms in the refrigerated transport business and they will control and dominate price and service just as large general commodity carriers dominate the less-than-truckload business.

If the Commission wants to destroy our refrigerated transport system, then it should continue its plans to implement Ex Parte MC–135, Sub. 2.

However, I do not want Robco or my industry destroyed, and for all the above reasons I ask that MC–135 be withdrawn.

VERIFICATION

State of Iowa, County of Polk, ss:

B. H. Wiseman, Executive Vice President, Robco Transportation, Incorporated, being duly sworn, deposes and says that he has read the foregoing statement, knows the contents thereof, and that the same are true as stated.

B. H. WISEMAN,
Executive Vice President,
Robco Transportation, Inc.

Subscribed and sworn to before me Warren E. Sommerfeld, a Notary Public in and for the County of Polk, State of Iowa, this 31 day of December, 1979.

WARREN E. SOMMERFELD,
Notary Public.

My commission expires September 30, 1981.

IN SUPPORT OF IOWA GASOHOL WEEK

Mr. JEPSEN. Mr. President, the patriotic farmers of Iowa are already responding to the President's call for increased alcohol fuels production in order to help our country reduce its dependence on foreign sources of energy. Farmers all over our State are seriously going about the business of doing what it takes to set up alcohol fuels production.

Toward this end, the Iowa Development Commission and the Iowa Corn Promotion Board are attempting to do everything they can to help these farmers get this job done. In fact, beginning today and continuing through the 24th of February, the development commission and the corn promotion board are jointly sponsoring Iowa gasohol week, "Seven Iowa Days for Energy Independence." I commend these two groups for the enthusiasm and just plain hard work they have put into helping Iowa get alcohol fuels production in gear.

Recently, Del Van Horn, director of the Iowa Development Commission, wrote a guest opinion for the Des Moines Register concerning the "good economics" of gasohol. Mr. Van Horn points out that while gasohol has never been promoted as a quick and easy total solution, it is available now and can "help buy time while the long-term answers develop." We all know how important the need for native renewable energy resources is, particularly because of the national security pressures which have built up in the oil-producing regions of the world.

Therefore, Mr. President, I ask unanimous consent that the text of Mr. Van Horn's statement be printed in the RECORD in order to help everyone understand just how beneficial gasohol can be to our country and just how willing Iowans are to help the United States with the present energy situation.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE (GOOD) ECONOMICS OF GASOHOL

(By Del Van Horn)

Lauren Soth, in an article printed on this page Feb. 2, said that using corn for gasohol is good politics but bad economics. Gasohol made from corn is good politics, but it is good economics, too, and good for Iowa.

It's good for Iowa's grain farmers because it's an additional market for their corn. It's good for the people in Sioux City and Cedar Rapids, where new alcohol plants will create more than 200 jobs. It's good for the overall economy of the state, because gasohol will increase the total markets available for products grown in Iowa soil, the lifeblood of our lifestyle.

Gasohol is being made from corn not because of politics, or the Russian grain embargo or the oil lobby in Washington, D.C. Corn is being used for one basic reason: economics. Corn is one of the few things we are capable of processing into large volumes of alcohol right now, without gearing up entirely new technologies.

We're swimming in the largest surplus of corn in history. We've also been hit with two severe gasoline shortages during the 1970s. Good sense and sound economics dictate that we take something that is renewable and that we have plenty of and use it to stretch supplies of something that is growing extremely scarce.

The Iowa Development Commission has never promoted gasohol as a quick, easy, total solution. But it is one of the few short-run (less than five years), partial solutions to our liquid-energy problems. Converting coal to gasoline, drawing oil from oil shale, and cellulose conversion are 10 to 20 years away. Gasohol will help buy time while the long-term answers develop.

Gasohol production raises three basic questions. Does it take more energy to produce the alcohol than the gasohol mixture delivers in the gas tank? Will large-scale gasohol production do irrevocable damage to our soil resources? Does it divert food from the mouths of the starving?

On the energy-balance question, as a means of gaining some perspective, consider the electric light bulb. Its energy conversion balance is 92 percent negative. In other words, for every 100 BTUs that go into illuminating that bulb over your head, you get only eight BTUs back. The rest are wasted.

In terms of alcohol-fuels facilities, the energy conversion balance is a bit more complex. In some plant designs, the BTU balance is negative; in others, it swings into the positive side. Many of the distilleries on the drawing board will use waste steam from utility generating plants, coal, methane or some other nonpetroleum fuel. In these operations, the energy balance is being designed into the plans to yield a positive energy conversion.

An example is the Alcohols Inc. plant being built in Sioux City. Steam from a nearby coal-fired generating station will provide heat for the distillery, and the result will be a positive energy conversion.

Another example is the proposed gasohol plant in Minong, Wis. The principal heat source will be methane gas, created by the waste from thousands of hogs raised in a confinement building next to the distillery. The hogs will be fed the high-protein byproduct created as the alcohol is produced. The operation will be an almost-closed system, with a positive energy conversion factor.

Conversion is the key word. The only process known to the human race that creates new energy is fusion. Beyond that, energy can be neither created nor destroyed. Alcohol production from corn simply converts the solar energy locked in the grain into a usable, liquid form.

The making of fuel alcohol is a new industry, growing to meet an urgent need. This is the ideal environment for new technology and innovation. The process of extracting alcohol from grain will become increasingly efficient, requiring less and less energy, at a lower relative cost. Petroleum fuels cannot claim a similar future.

Regarding the second question, gasohol and alcohol fuels made from grain will have a *positive* effect on Iowa's soil. The alcohol-fuels movement will help push soil-conservation measures to the forefront, forcing conscientious decisions to be made before a crisis situation arises, if one arises at all.

If we do find ourselves barren and stripped of our topsoil at some time in the future, it will not be the fault of alcohol fuel production. It will be the fault of unfocused foresight, or the lack of any foresight at all, on the part of our farmers.

Therein lies my confidence in Iowa's future. We're blessed with the richest soil and the most productive agriculturalists in the world. The men and women who work Iowa's farms understand the soil, and they will protect it. That responsibility is inherent to their responsibility to feed the world.

That brings me to the last major concern of gasohol critics: the effects of grain alcohol fuel production on the price and supply of food.

The Office of Technology Assessment, an advisory arm of Congress, recently issued a report predicting that gasohol consumption could reach 10 billion-to-20 billion gallons per year without having a significant impact on food prices. The report, which parallels the Carter administration's goals announced last month, states that reaching that consumption level would require from 1 billion-to-2 billion gallons of ethanol, utilizing up to 750 million bushels of corn.

While the report states that gasohol production at these levels would not raise food prices significantly at the consumer end, it would have an important influence on the prices grain producers receive for corn, and that's good for Iowa.

An important question to raise is this: What will the grocery bill rise to if farmers don't have reasonable supplies of fuel available? Food is the staff of life. It is cheap at any price. Availability is the key to cost. A farmer with an empty fuel barrel is a provider without the tools of the trade. Again, gasohol is part of the answer.

At this moment, gasohol production is not taking food from the mouths of the hungry. We have a record surplus, and it appears that will continue during the next few years. Enough corn will be available during that time to feed the world and to stretch our energy supplies.

In the meantime, the Iowa Development Commission will support research aimed at moving the high-protein byproduct of alcohol production, distillers' dried grains, into the food chain to help feed the world's hungry.

Our surplus of corn will buy time for the genius of innovation. I am confident that a conflict between the hungry and the energy-strapped people of the world will not develop.

Anyone with any interest in gasohol and alcohol fuels has studied not only the arithmetic and economics but also the energy realities this country faces in the future. The steam behind the development of gasohol is results-oriented—producing a liquid-fuel extender that can be used right now, without any vehicle modifications, and creating a new, dependable market for Iowa corn and new job opportunities for Iowans.

LEGAL OBLIGATION TO RATIFY

Mr. PROXMIRE. Mr. President, is this Nation to be last when rightfully it should have been first? Will this Senate continue to speak with uncertainty when properly it ought to act with conviction? I speak of the Genocide Convention and of our duty to act upon it.

As we sit idle on this issue, the list of advocates continues to lengthen. We are all aware by now of the endorsement of the convention by the American Bar Association. Now the ranks have been joined by another. On January 4 of this year, the American Association for the Advancement of Science, a leading scientific society in the world, voted to endorse the convention. This is an association which is committed to the advancement of science and concerned with the enhancement of scientific freedom and responsibility. How many more must speak out before this Senate takes a stand?

When will this Senate fulfill its duty? I speak not merely of a moral compulsion to act but of an actual legal obligation. This Nation as a party to the Charter of the United Nations reaffirmed certain principles and accepted a certain onus. In the preamble of the charter we agreed "to reaffirm faith in fundamental human rights and in the dignity and worth of the human person." By article 1 we declared that among the purposes of the United Nations was the promotion of respect for "fundamental freedoms for all without distinction as to race, sex, language or religion."

By article 13 we declared that the General Assembly shall encourage the progressive development of international law and its codification. The implication of this is simple.

It is already obligatory for members of the United Nations to take the necessary measures to insure the protection of human life and dignity.

What can be more basic to this obligation than the declaration of genocide as an international crime? Should there not be a treaty, a body of international law, which outlaws the mass murder of a national, ethnic, racial or religious group? Are we not a nation devoted to the rule of law?

I say yes. And I say yes, that further delay is inconceivable and grows more so with each passing year and each inactive Senate session.

APPOINTMENT OF SPECIAL PROSECUTOR

Mr. PROXMIRE. Mr. President, recently I sent a letter to the Attorney General calling for the appointment of a special prosecutor under the Ethics in Government Act of 1978 to inquire into whether Secretary of the Treasury G. William Miller committed criminal perjury before the Senate Banking Committee in 1978 during his nomination hearings to be Chairman of the Federal Reserve Board.

The letter sets forth in detail the specific testimony of Mr. Miller under oath which we now know was false and misleading. Furthermore, Mr. President, the letter sets forth the circumstances which make it compelling that Mr. Miller might have known that his testimony was false and misleading. If he knew, of course, he committed perjury.

While I do not wish to go over the evidence in detail now which is in the letter, I may point out to my colleagues that Mr. Miller vehemently denied any knowledge of Textron bribes before the Banking Committee. The SEC complaint and its staff report make Mr. Miller's denials incredible. Textron engaged in bribery on a worldwide scale in 10 countries over an 8-year period paying out $5.4 million in bribes.

Bribery was facilitated at Textron by a Textron policy of overbilling and accommodation payments and payments to Swiss bank accounts to its agents who would funnel the cash on to Government officials. The policy was so widespread that no reasonable person could conclude that Mr. Miller could not have known.

The Miller case is the very kind of case that gave rise to the special prosecutor provisions of the Ethics Act. Mr. Miller is a member of the President's Cabinet team. How in the world can the Attorney General be expected to render a decision on a fellow Cabinet member regarding possible criminal conduct in which the public can have the least faith that it was rendered impartially. Look at what is happened so far in the Miller case. On January 14 the Justice Department informed me by letter that their investigation of whether Textron obstructed justice before the Senate Banking Committee in connection with Mr. Miller's nomination would take several months to complete. Despite the Justice Department position on January 14, and the facts that—First, 11 Textron officials or agents took the fifth amendment before the SEC and second, the Justice Department had not even interviewed senior Textron officials who reported directly to Mr. Miller and who had knowledge of Textron bribes. Attorney General Civiletti cleared Mr. Miller of any wrongdoing on February 5 before the Senate Appropriations Committee, 5 days after the SEC filed its complaint against Textron.

Mr. President, what happened is exactly why a special prosecutor is needed. I have the highest regard for Attorney General Civiletti's personal integrity. But the Ethics in Government Act of 1978 was specifically designed to prevent the Attorney General from exercising jurisdiction in a case like this one, involving as it does a fellow Cabinet officer and member of the President's inner circle. Further investigation needs to be undertaken to determine whether Secretary Miller should be prosecuted for criminal perjury. The public will not be satisfied unless this investigation is conducted by an independent special prosecutor with Justice Department powers.

Mr. President, I ask unanimous consent that my letter to Attorney General Civiletti dated February 13, 1980, be printed in full in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., February 13, 1980.

Hon. Benjamin Civiletti,
Attorney General of the United States,
Department of Justice, Washington, D.C.

Dear Mr. Attorney General: In January and February 1978 Secretary Miller appeared before the Senate Banking Committee in connection with his nomination to be Chairman of the Federal Reserve Board. As Chairman of the Banking Committee. I am concerned about the possibility that Mr. Miller may have committed criminal perjury before our Committee. Here is why:

Mr. Miller made a series of false and misleading statements to the Committee. We know the statements to be false and misleading simply by comparing them to the complaint of the Securities and Exchange Commission against Textron, its Staff Report and Mr. Miller's own admissions before the Committee recently under oath respecting his 1978 statements.

The purpose of this letter is to transmit to you specific information that Secretary of the Treasury Miller "has committed a violation of any Federal criminal law other than a violation constituting a petty offense" within the meaning of Section 591 (a) of the Ethics in Government Act of 1978.

The specific information is as follows:

On January 24, 1978 and on February 28, 1978, Secretary Miller testified before the Committee on Banking, Housing and Urban Affairs on his nomination to be a member (Chairman) of the Federal Reserve Board.

The Committee had received information that in 1973 Textron paid a $2.9 million commission to its Iranian sales agent, Air Taxi, in connection with the sale of helicopters to the government of Iran and that General Khatami, the head of the Iranian Air Force, had a financial interest in Air Taxi. If General Khatami did have an interest in Air Taxi and if Textron knew of the ownership interest, the $2.9 million commission payment would have constituted a bribe by Textron to an Iranian government official.

The Committee also had received information that Textron may have paid a bribe to a Ghanian government official through a Nigerian front in connection with the sale of helicopters.

The Committee was also concerned that overbilling and accommodation payment practices at Textron and payments to Swiss bank accounts were being used to facilitate the payment of bribes to foreign government officials and for other illegal purposes.

Mr. Miller's stewardship of Textron during the period 1960–1978 was relevant to his qualifications to serve as Chairman of the Federal Reserve Board. The Commission endeavored, therefore, to develop a complete record through Mr. Miller's testimony on whether Textron had paid foreign bribes to gain business, and specifically on the Air Taxi, Ghana, overbilling, Swiss account and accommodation payments matters.

In his testimony before this Committee in 1978, Mr. Miller denied that General Khatami had an ownership interest in Air Taxi; denied that Textron knew of General Khatami's ownership of Air Taxi; and denied that he himself knew of General Khatami's ownership interest in Air Taxi.

In his testimony before this Committee in 1978, Mr. Miller was requested to report to the Committee on Textron's sale of helicopters to the government of Ghana and the activities of its agent. Mr. Miller reported to the Committee that he had examined the transaction and although he did not approve of the way it was structured, he did not know of any impropriety.

In his testimony before this Committee in 1978, Mr. Miller repeatedly denied that Textron engaged in the bribery of foreign government officials. Mr. Miller testified that Textron had a policy against foreign bribery and that he was familiar in detail with the operation of Textron and that neither he nor his senior officials knew about or condoned the bribery of foreign officials.

In his testimony in 1978 before this Committee, Mr. Miller denied that there was anything improper or illegal with Textron's overbilling or accommodations payments practices and that Textron made no payments to Swiss accounts for improper purposes.

Based upon the complaint of the Securities and Exchange Commission and its Staff Report and Mr. Miller's own admissions under oath, it appears clear that Mr. Miller's testimony before this Committee in 1978 was false and misleading. Further, there is every good objective reason to believe that Mr. Miller knew his testimony before this Committee in 1978 was false and misleading. Secretary Miller, therefore, may have committed perjury before this Committee in 1978.

The SEC complaint states that General Khatami had an ownership interest in Air Taxi and that General Khatami received $500,000 of the $2.9 million paid to Air Taxi by Textron in 1973. The SEC complaint and Report together with information supplied to this Committee show that Textron knew and had every reason to know that General Khatami owned Air Taxi. Officials of Textron who were in contact with and reported to Mr. Miller had knowledge of General Khatami's interest in Air Taxi. Documents in Textron's files showed that General Khatami had an ownership interest in Air Taxi. In fact, General Khatami's ownership of Air Taxi was common knowledge in Iran as testified to by State Department personnel and public source documents including a Commerce Department World Trade Data Report supplied to Textron by the Commerce Department pursuant to Textron's request. These objective facts strongly infer that Mr. Miller had reason to know that General Khatami had an ownership interest in Air Taxi at the time he denied such knowledge before this Committee in 1978.

The SEC complaint and Staff Report show that the sale of helicopters to the Government of Ghana was structured to facilitate the payment of a bribe to a Ghanian government official. Mr. Miller failed to report this fact to the Committee although objective facts strongly indicate he had reason to know that a payoff was made in the Ghana transaction. On January 25, 1978 one day after Mr. Miller first appeared before this Committee and was requested to inquire into the Ghana matter, Textron destroyed a document which revealed that a bribe was paid to a Ghanian government official. Senior officials at Textron knew that the Ghanian bribe had been paid. Mr. Miller discussed the Ghana transaction with those officials in connection with his testimony to this Committee on the Ghana transaction. I believe Mr. Miller had reason to know that a bribe was paid by Textron in Ghana. Mr. Miller did not report the true facts to this Committee concerning the Ghana transaction.

Contrary to Mr. Miller's testimony before this Committee in 1978, the SEC complaint and Staff Report set forth a course of conduct at Textron during an eight year period in which Mr. Miller was either the President or Chairman of Textron in which Textron bribed foreign government officials in ten different countries. The facts are clear: under Mr. Miller, Textron had a worldwide policy of bribery of foreign government officials. Mr. Miller's testimony before this Committee in 1978 was that Textron did not engage in foreign bribery. The SEC complaint characterized statements to the same effect made by Mr. Miller to Textron stockholders in 1976 and 1977 as "erroneous and misleading" and without a reasonable basis. Mr. Miller had every reason to know that his testimony to this Committee in 1978 concerning Textron bribes was false and misleading. Senior Textron officials in direct communication and reporting relationship to Mr. Miller had knowledge of the bribes in foreign countries. Based upon the objective evidence, it is unreasonable to conclude that Mr. Miller did not know of the bribes in foreign countries.

Contrary to Mr. Miller's testimony to this Committee in 1978, the SEC complaint and Report show that overbilling and accommodation payments were used by Textron to facilitate the bribery of foreign government officials and tax fraud by foreign entities in their home countries. Contrary to Mr. Miller's testimony to this Committee, and according to the SEC complaint and Staff Report, Textron made payments to Swiss bank accounts to facilitate the bribery of foreign government officials.

If Mr. Miller knew in 1978 that these statements were false or misleading—that is when he made them—he committed perjury.

Did he know?

There was every opportunity for Mr. Miller to know in 1978 that the statements he made to our Committee were false or misleading. Here's why: Mr. Miller was known to be a vigorous and competent chief executive of Textron who made a practice of knowing the details.

His senior executives—Mr. Miller's subordinates—who reported directly to him—knew—according to the established record—at the time Mr. Miller testified that some of his statements were false.

Did these senior officials tell Mr. Miller before he testified what the truth was about Textron bribery—in any of the fourteen cases of bribery? If they did, Mr. Miller committed perjury before this Committee.

I believe that the facts which I have recited and which are readily available to the Justice Department by comparing Mr. Miller's testimony before this Committee with the SEC complaint and Staff Report make a strong case for the appointment of a special prosecutor under the Ethics in Government Act of 1978 to inquire into whether Secretary Miller committed perjury or obstructed justice before this Committee in connection with his nomination to be a member (Chairman) of the Federal Reserve in 1978.

There are strong indications that Textron engaged in a deliberate policy of obstructing this Committee's function in inquiring into Mr. Miller's qualifications to serve as a member (Chairman) of the Federal Reserve in 1978. Last October the Wall Street Journal published an investigation report which discussed the destruction of documents at Textron as follows: "In anticipation of the Senate (Miller confirmation) hearings, sales managers in the international marketing department now say they were told to look through correspondence files with dealers overseas. The stated purpose was to make sure that nothing in the files could be 'misinterpreted' by Mr. Miller's critics, chiefly Banking Committee Chairman William Proxmire of Wisconsin. To some managers, these instructions meant that the files should be cleaned out". The SEC complaint and Staff Report show that the day after Mr. Miller's first appearance before this Committee a Textron document was destroyed which revealed that Textron had paid a bribe to a Ghanian government official. On other occasions, Textron's submission of documents to the Committee were timed to stonewall the Committee's effort to get to the bottom of General Khatami's ownership interest in Air Taxi and whether Textron had paid a bribe to the Iranian General.

Textron officials failed to make the Committee aware of the existence of a document relating to an internal inquiry into the $2.9 million payment to Air Taxi until after the Committee had discovered the existence of the document in accounting work papers of Arthur Young and Company, Textron's accountants, even though the Textron document was called for by the Committee's initial document letter request.

The existence of documents in Textron's possession relating to William French (a Textron sales agent) and his attorney and which were called for by a Committee subpoena were not made known to the Committee until after the Committee found out about the existence of the documents through Mr. French's lawyer, C. Robert Bell of Wichita, Kansas, and made a further request on Textron.

Frank M. Sylvester (a key Textron divisional Vice President for International Marketing) testified under oath that he had no knowledge of General Khatami's influence over military purchases by Iran. Over two weeks later, Textron supplied the Committee with a document which it earlier had failed to turn over pursuant to a Committee subpoena showing that Mr. Sylvester had discussed General Khatami's influence in Iran over military purchases with other Textron employees. The document appears to directly contradict Mr. Sylvester's testimony.

On the morning of the final Committee vote on the nomination of G. William Miller, just prior to the convening of the Committee, Textron tendered documents to the Committee which it said came "into our possession at this last minute" confirming that public records in Iran showed General Khatami to have been Chairman of Air Taxi.

Furthermore, a March 1971 Textron memorandum which contained evidence that General Khatami owned Air Taxi, and which was discussed by senior officials of Textron was not delivered to this Committee until June 21, 1978, months after Mr. Miller's confirmation as a member (Chairman) of the Federal Reserve.

I believe that the foregoing specific information concerning Secretary Miller satisfies the statutory standard for the appointment of a special prosecutor under the Ethics in Government Act of 1978. In addition, there are overwhelming compelling public reasons for the appointment of a special prosecutor in Secretary Miller's case.

A central purpose of the special prosecutor provisions of the Ethics in Government Act of 1978 is to ensure the public that information concerning criminal wrongdoing by Cabinet level officials forming part of the President's team will be vigorously investigated by someone independent of the President's Cabinet team. The Attorney General is a Cabinet official. And while I have the highest faith in your own personal integrity, the public simply will not be satisfied by a prosecutorial review of the information concerning Secretary Miller unless undertaken by a special prosecutor.

Consider the fact that eleven Textron officials or Textron agents took the Fifth Amendment in the SEC investigation and their testimony was not obtained and the further fact that senior officials of Textron having direct contact with Mr. Miller while he served at Textron and who had knowledge of the bribery of foreign government officials have not as of this date been interviewed by the Justice Department.

Neither the Securities and Exchange Commission nor this Committee can immunize witnesses and conduct an inquiry before a grand jury to learn the whole truth of Secretary Miller's knowledge that his statements to this Committee in 1978 were false and misleading. Only a prosecuting agency like the Department of Justice or a special prosecutor has that kind of power.

But the Department of Justice has a glaring conspicuous conflict of interest. Mr. Miller is in the same administration as the Attorney General. They are fellow cabinet officers. It is an election year. An adverse finding against Mr. Miller by the Attorney General would hurt the Administration, compromise the prospects of the President's continuation in office after the next election and possibly bring down the present Attorney General as well as the President.

The difficulty posed by one Cabinet official passing on information relating to the criminal activities of another cabinet official is well illustrated by what has occurred in Secretary Miller's case. The SEC filed its complaint in the Textron matter on January 31. The facts in the complaint together with those in the underlying Staff Report made clear that senior officials of Textron had knowledge of bribery. These officials were in communication with Mr. Miller when he headed Textron. Despite the fact that the Justice Department had written to me on January 14 that its investigation of obstruction of justice before this Committee would take several months to complete and the fact that the senior Textron officials had not been interviewed by the Justic Department, on February 5, 1980 you appeared before the Senate Appropriations Committee and stated that Mr. Miller had no knowledge of foreign bribes. I believe that your conclusion on February 5 was at least premature.

The facts concerning Secretary Miller make a more compelling case for the appointment of a special prosecutor than in the case of Hamilton Jordan where a special prosecutor was appointed pursuant to your request. In the Jordan case you found that although prosecution was not warranted, further investigation could not be ruled out. In Secretary Miller's case not only is further inquiry necessary but prosecution cannot be ruled out. Certainly Secretary Miller's case meets the statutory standard for appointment of a special prosecutor.

It is for precisely this situation for which the office of special prosecutor has been created under the law. Mr. Miller may be guilty of perjury. He may be innocent. But exoneration of Mr. Miller by the Attorney General will not be credible to millions of Americans.

For the reasons I have stated, I believe that a special prosecutor should be appointed under the Ethics in Government Act of 1978 to investigate whether Secretary Miller committed perjury or obstructed justice in his confirmation hearings before the Senate Banking Committee on his nomination to be a member (Chairman) of the Federal Reserve. I look forward to your prompt reply to this letter.

Sincerely,

WILLIAM PROXMIRE,
Chairman.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE COUNCIL ON ENVIRONMENTAL QUALITY—MESSAGE FROM THE PRESIDENT—PM 171

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report, which was referred to the Committee on Environment and Public Works:

To the Congress of the United States:

I am pleased to transmit to the Congress the Tenth Annual Environmental Quality Report of the Council on Environmental Quality. This report reflects the solid achievement of a decade of intensive effort by the American people and their government to improve the quality of the environment.

Of all the social, political, and economic changes of the past decade, perhaps none is more important to the future of our planet and the survival of our children than the change that has taken place in the way we look at our world and its resources. In the past 10 years, we have come to understand that our own well-being and the health, the safety—indeed the existence—of future generations depend on how we treat our world today. We know now that our planet is both fragile and finite, and that the decisions we make today will spell the difference between a polluted, unproductive and eventually uninhabitable world and a world that can sustain itself and the creatures that live on it indefinitely.

This change in our collective consciousness was not only remarkably swift, but also remarkably broad. People around the world simultaneously began to realize the dangers of pollution and the hazards of abusing and depleting the earth's resources, and to demand effective action to protect the environment.

In the United States, a decade of environmental progress began with the signing on January 1, 1970 of the National Environmental Policy Act—the Nation's charter for protecting and improving the environment. The first Earth Day, in April 1970, showed unmistakably the Nation's new environmental awareness. Millions of people across the country participated in teach-ins, clean-ups, and many other actions to demonstrate their environmental concern and to gain a greater appreciation of ecology. The active citizen involvement in environmental affairs spurred by Earth Day has been the major force behind the accomplishments of the past 10 years. Public support for an improved, healthy environment remains strong as we enter the 1980s.

The environmental record of the Congress and the Executive Branch during these 10 years has been exceptional. Congress has passed more than two dozen pieces of landmark legislation designed to preserve or enhance environmental quality—an unprecedented record of accomplishment in just one decade. Several of these laws were measures I proposed and strongly supported. I have personally had the pleasure of signing into law the 1977 amendments to the Clean Air Act and the Clean Water Act, the 1977 Surface Mining Control and Reclamation Act, the 1977 Mine Safety and Health Act, the 1977 Nuclear Non-Proliferation Act, the 1978 Energy Act, with its many features emphasizing energy conservation, the 1978 Environmental Pesticide Control Act, the 1978 Quiet Communities Act, the 1978 National Parks and Recreation Act, and the reauthorization of such essential laws as the Endangered Species Act. I have also had the satisfaction of issuing two broad Environmental Messages which initiated more than 100 legislative proposals, Executive Orders and directives, and policy reforms.

The Administration and the Congress have not yet accomplished all of the environmental goals that I have set, but we have done a great deal in three years and will continue our efforts. The actions my Administration has taken to protect the environment here and abroad, and the successes we have had, are among the most gratifying achievements of my Presidency.

The sustained environmental improvement effort of the past 10 years has made significant inroads on the problems identified at the start of the decade. Most major industrial facilities have met initial air and water pollution control requirements. Automobiles are now equipped with pollution control devices. The environmental achievements of state and local governments and of many other nations and international organizations are impressive.

The fact that our Nation has accomplished much in so short a time does not mean that we can relax our vigilance. Many serious environmental problems remain unsolved. One of the most troublesome examples during the past year was the seepage of toxic chemicals from an abandoned waste dump at Love Canal in Niagara Falls, New York, creating a public health problem of major proportions. Incidents like Love Canal make painfully clear the continued need for environmental protection programs. The past year has also reminded us again of the environmental dangers of complicated technologies that we do not fully understand or control, and of the need to manage the earth's finite resources, such as energy and food, in better ways. In the years ahead, solving environmental problems does not promise to become easier.

We are, however, better equipped to deal with the problems of the future than we were in 1970. This February marks the tenth anniversary of the Council on Environmental Quality, which was placed in the President's own office to analyze and coordinate federal environmental policy and advise the President on environmental matters. Unlike a decade ago, we now have strong institutions like the Environmental Protection Agency and the National Oceanic and Atmospheric Administration to carry out environmental protection activities and to develop and implement sound policies. In addition, established government agencies like the Departments of the Interior and Agriculture and the U.S. Army Corps of Engineers have significantly redirected their missions. We are continually upgrading our environmental research and information activities to improve our current efforts and to meet future problems. In sum, the basic institutions for improving the quality of our environment are now firmly in place.

The past decade has been a remarkable beginning. I look forward to cooperating with the Congress and with all nations in our efforts to make this earth a better place to live. Let us move confidently into a second decade of environmental progress.

JIMMY CARTER.

THE WHITE HOUSE, *February 19, 1980.*

PRESIDENTIAL APPROVALS

A message from the President of the United States reported that he had approved and signed the following acts:

On February 12, 1980:

S. 423. An act to provide financial assistance for the development and maintenance of effective, fair, inexpensive, and expeditious mechanisms for the resolution for minor disputes:

On February 15, 1980: ,

S. 1300. An act to amend the Federal Aviation Act of 1958 in order to promote competition in international air transportation, provide greater opportunities for United States air carriers, establish goals for developing United States international aviation negotiating policy, and for other purposes.

MESSAGES FROM THE HOUSE

At 2:45 p.m., a message from the House of Representatives delivered by Mr. Gregory, announced that the House has passed the bill (S. 1125) to improve and expand the Federal crop insurance program, and for other purposes, with an amendment in which it requests the concurrence of the Senate.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHURCH, from the Committee on Foreign Relations, without amendment:

S. Con. Res. 77. An original concurrent resolution stating that the Congress does favor the submission of the President with respect to the Amendment to the Agreement Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes of July 3, 1958, signed on December 5, 1979 (Rept. No. 96–572).

By Mr. DOLE, from the Committee on the Judiciary, without amendment, but with a preamble:

S.J. Res. 140. A joint resolution designating February 19, 1980, as "Iwo Jima Commemoration Day" (Rept. No. 96–573).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. CHURCH, from the Committee on Foreign Relations:

Ex. DD, 96–1. Protocol, with Annex, Amending the 1953 Halibut Fishery Convention with Canada (Ex. Rept. No. 96–27).

Ex. G, 95–1. Protocol With Canada to Amend the Convention for the Protection, Preservation, and Extension of the Sockeye Salmon Fisheries in the Fraser River System, as Amended (Ex. Rept. No. 96–28).

Ex. G, 92–1. Convention on Psychotropic Substances (with a reservation) (Ex. Rept. No. 96–29).

Ex. B, 96–1. Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used for Such Carriage (Ex. Rept. No. 96–30).

By Mr. BAYH (for Mr. KENNEDY), from the Committee on the Judiciary:

Charles B. Renfrew, of California, to be Deputy Attorney General.

John H. Shenefield, of Virginia, to be Associate Attorney General.

(The above nominations from the Committee on the Judiciary were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. BAYH (for Mr. KENNEDY), from the Committee on the Judiciary:

Henry Woods, of Arkansas, to be U.S. District Judge for the Eastern District of Arkansas.

Barbara J. Rothstein, of Washington, to be U.S. District Judge for the Western District of Washington.

Harry T. Edwards, of Michigan, to be U.S. Circuit Judge for the District of Columbia Circuit.

Richard S. Arnold, of Arkansas, to be U.S. Circuit Judge for the Eighth Circuit.

Helen Jackson Frye, of Oregon, to be U.S. District Judge for the District of Oregon.

Diana E. Murphy, of Minnesota, to be U.S. District Judge for the District of Minnesota.

Gilberto Gierbolini-Ortiz, of Puerto Rico, to be U.S. District Judge for the District of Puerto Rico.

Owen M. Panner, of Oregon, to be U.S. District Judge for the District of Oregon.

James Anthony Redden, Jr., of Oregon, to be District Judge for the District of Oregon.

Robert G. Renner, of Minnesota, to be U.S. District Judge for the District of Minnesota.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HEFLIN (for Mr. KENNEDY (for himself and Mr. MATSUNAGA)) (by request):

S. 2301. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, to assist law enforcement agencies in achieving a binding law enforcement officers' bill of rights; to the Committee on the Judiciary.

By Mr. CHURCH (by request):

S. 2302. A bill to amend Public Law 90–553, to authorize the transfer, conveyance, lease and improvement of, and construction on, certain property in the District of Columbia, for use as a headquarters site for an international organization, as sites for governments of foreign countries, and for other purposes; to the Committee on Foreign Relations.

By Mr. STAFFORD:

S. 2303. A bill to provide for the establishment of a national cemetery in the State of Vermont; to the Committee on Veterans' Affairs.

By Mr. HAYAKAWA:

S. 2304. A bill for the relief of Alex Mensah Akoto and Grace Owusu Akoto, husband and wife; to the Committee on the Judiciary.

By Mr. PROXMIRE (by request):

S. 2305. A bill to authorize the back side of United States paper money of the denomination of $1 to be printed by a method other than the intaglio process; to the Committee on Banking, Housing, and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HEFLIN (for Mr. KENNEDY (for himself and Mr. MATSUNAGA)) (by request):

S. 2301. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, to assist law enforcement agencies in achieving a binding law enforcement officers' bill of rights; to the Committee on the Judiciary.

LAW ENFORCEMENT OFFICERS BILL OF RIGHTS

Mr. HEFLIN. Mr. President, on behalf of the distinguished Senator from Massachusetts (Mr. KENNEDY), for himself and Mr. MATSUNAGA, I introduce for him and send to the desk a bill entitled the Law Enforcement Officers Bill of Rights.

Mr. President, I ask unanimous consent that a statement by Senator KENNEDY on the bill, together with the text of the bill, be printed in the RECORD.

There being no objection, the statement and bill were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR KENNEDY

Today I introduce legislation to urge the Law Enforcement Assistance Administration to assist local law enforcement officers—our front line of defense in the struggle against crime—in enacting a binding law enforcement officers bill of rights. The intent of this legislation is clear—to extend the police officers and other law enforcement officials the same guarantees of civil rights and due process as all other Americans enjoy. The bill encourages LEAA to get behind and support efforts by local law enforcement officers to establish a law enforcement officers bill of rights. Under this legislation—introduced at the request of the International Union of Police Associations—AFL–CIO and their distinguished officers, Edward J. Kieman, President and Robert D. Gordon, Secretary-Treasurer—LEAA would be encouraged to give priority status to the enactment of a uniform law enforcement officers bill of rights which would be governed by the following criteria:

1. Law enforcement personnel could not be prohibited from engaging in political activity when off duty and acting in a non-official capacity.

2. Law enforcement officers under investigation for alleged illegality or impropriety must be notified from the outset concerning the nature of the complaint, those who will be present during my interrogation, and their legal rights including the right to counsel.

3. All such interrogations must be conducted in a reasonable manner without threat or harassment.

4. The complete interrogation proceeding must be recorded.

5. The law enforcement officer must be notified and given reasons for any punitive action taken against him prior to the effective date of such action.

6. The law enforcement officer shall have the right to initiate a civil suit to recover damages from persons violating any part of this newly established bill of rights legislation.

7. No law enforcement officer shall be required to disclose information concerning his/her personal finances as a condition of promotion.

8. Adequate representation of law enforcement personnel must be provided whenever a police complaint review board is established.

The idea of a law enforcement officers bill of rights is gaining momentum in our Nation. Several versions have already been promulgated in California, Maryland, Virginia and several of our cities. This legislation does not compel the creation of local bills of rights for law enforcement personnel; it encourages LEAA to work with local officials in creating these due process guarantees for our local police and other law enforcement personnel. This legislation enjoys the broad-based support of our rank and file law enforcement personnel, including the International Union of Police Association with over 75,000 members. Our law enforcement community is not asking for very much. Basically, they want to be assured that they will have the same civil rights and due process guarantees as the persons they protect. This legislation is in no way intended to protect the dishonest officer, but it is intended to protect the constitutional rights of the great majority of our honest, dedicated and professional law enforcement officers.

We cannot expect our Nation's law enforcement officers to live up to the letter of the law in protecting every citizen's rights while at the same time they are not afforded the same protection.

Our Nation's front line defense against crime rests with our law enforcement personnel. Approval of this legislation will be a giant step forward in recognizing that the cop on the beat has civil rights that must also be protected. This legislation clearly demonstrates that the Congress itself fully supports the dedicated work and commitment of our Nation's law enforcement personnel.

S. 2301

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by redesignating parts G, H, I, and J as parts H, I, J, and K, respectively, and by inserting immediately after part E the following new part:

"PART F—LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS

"SEC. 471. Beginning with the first fiscal year commencing not less than one year after the date of the enactment of this part, the Law Enforcement Assistance Administration shall encourage, assist and urge states, units of general local government or public agencies to adopt a law enforcement officers' bill of rights which substantially provides as a minimum the following rights for the law enforcement officers of such State, unit of general local government, or public agency:

" 'BILL OF RIGHTS

" 'POLITICAL ACTIVITY OF LAW ENFORCEMENT OFFICERS

" 'SECTION 1. Except when on duty or acting in his official capacity, no law enforcement officer shall be prohibited from engaging in political activity or be denied the right to refrain from engaging in such activity.

" 'RIGHTS OF LAW ENFORCEMENT OFFICERS WHILE UNDER INVESTIGATION

" 'SEC. 2. Whenever a law enforcement officer is under investigation for alleged malfeasance, misfeasance, or nonfeasance of official duty, with a view to possible disciplinary action, demotion, dismissal, or criminal charges, the following minimum standards shall apply:

" '(1) No adverse inference shall be drawn and no punitive action taken from a refusal of the law enforcement officer being investigated to participate in such investigation or be interrogated other than when such law enforcement officer is on duty, or when exigent circumstances otherwise require.

" '(2) Any interrogation of a law enforcement officer shall take place at the offices of those conducting the investigation, the place where such law enforcement officer reports for duty, or such other reasonable place as the investigator may determine.

" '(3) The law enforcement officer being investigated shall be informed, at the commencement of any interrogation, of the nature of the investigation and the identity and authority of the person conducting such investigation, and at the commencement of any interrogation of such officer in connection with any such investigation shall be informed of all persons present during such interrogation.

" '(4) No formal proceeding which has authority to penalize a law enforcement officer may be brought except upon charges signed by the persons authorized to make those charges.

" '(5) Any interrogation of a law enforcement officer in connection with an investigation shall be for a reasonable period of time, and shall allow for reasonable periods for the rest and personal necessities of such law enforcement officer.

" '(6) No threats or harassment shall be made to any law enforcement officer in connection with an investigation in order to induce the answering of any question, but immunity from prosecution may be offered to induce such answering.

" '(7) All interrogations of any law enforcement officer in connection with the investigation shall be recorded in full.

" '(8) The law enforcement officer shall be entitled to the presence of his counsel or any other one person of his choice at any interrogation in connection with the investigation.

" 'REPRESENTATION OF COMPLAINT REVIEW BOARDS

" 'SEC. 3. Whenever a police complaint review board has been established which includes in its membership persons other than law enforcement officers of the agencies under the jurisdiction of such board, such board shall also include a fair representation of such officers.

" 'CIVIL SUITS OF LAW ENFORCEMENT OFFICERS

" 'SEC. 4. Any law enforcement officer shall have the right, and shall receive public legal assistance when requested, to recover pecuniary and other damages from persons violating any of the rights established under the law enforcement officers' bill of rights.

" 'DISCLOSURE OF FINANCES

" 'SEC. 5. No law enforcement officer shall be required to disclose, for the purposes of promotion or assignment, any item of his property, income, assets, debts, or expenditures or those of any member of such officer's household.

" 'NOTICE OF DISCIPLINARY ACTION

" 'SEC. 6. Whenever a personnel action which will result in any loss of pay or benefits, or is otherwise punitive is taken against a law enforcement officer, such law enforcement officer shall be notified of such action and the reasons therefor a reasonable time before such action takes effect.

" 'RETALIATION FOR EXERCISING RIGHTS

" 'SEC. 7. There shall be no penalty nor threat of any penalty for the exercise by a law enforcement officer of his rights under this bill of rights.

" 'OTHER REMEDIES NOT DISPARAGED

" 'SEC. 8. Nothing in this bill of rights shall disparage or impair any other legal remedy any law enforcement officer shall have with respect to any rights under this bill of rights.'.

"SEC. 472. As used in this part—

"(1) 'law enforcement officer' means any officer or employee of a public agency, if the principal official function of such officer or employee is to investigate crimes, or to apprehend or hold in custody persons charged or convicted of crimes, and include police, sheriffs, bailiffs, and corrections guards;

"(2) 'complaint review board' means any public body with specific lawful authority to investigate and take public action, including making reports, on charges of improper conduct by law enforcement officers, but is not a law enforcement agency, a grand jury, or other entity similar to a grand jury; and

"(3) 'law enforcement agency' means any public agency charged by law with the duty to investigate crimes, apprehend and hold in custody persons charged with crimes.".

By Mr. CHURCH (by request):

S. 2302. A bill to amend Public Law 90-553, to authorize the transfer, conveyance, lease, and improvement of, and construction on, certain property in the District of Columbia, for use as a headquarters site for an international organization, as sites for governments of foreign countries, and for other purposes; to the Committee on Foreign Relations.

● Mr. CHURCH. Mr. President, I introduce by request a bill to amend Public Law 90-553, to authorize the transfer, conveyance, lease, and improvement of, and construction on, certain property in the District of Columbia, for use as a headquarters site for an international organization, as sites for governments of foreign countries, and for other purposes.

The bill has been requested by the Under Secretary of State for Management and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with section-by-section analysis of the bill and the letter from the Under Secretary of State to the President of the Senate dated February 1, 1980.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 2302

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of October 8, 1968 (Public Law 90-553, 82 Stat. 958) is amended:

(1) by substituting "develop in coordination with the Administrator of General Services for, or to sell, exchange," for the term "sell" in the first sentence thereof;

(2) by inserting ", the western boundary of the University of the District of Columbia, Yuma Street, 36th Street," immediately after "Van Ness Street"; and

(3) by substituting "the Secretary" for "he".

SEC. 2. Section 2 is amended by deleting subsections (a) and (b) thereof, and by redesignating subsection (c) as Section 2, which as redesignated is further amended to read as follows:

"Sec. 2. If so requested by any foreign government or international organization and with funds provided in advance, the Administrator of General Services is hereby authorized to design, construct, and equip a headquarters building or legation building or related facilities on property conveyed pursuant to section (1) of this Act."

Sec. 3. Section 3 is deleted, and sections 4 to 6 inclusive are renumbered as sections 3 to 5 inclusive. The first sentence of section 3 as renumbered, preceding the proviso clause therein, is amended to read as follows:

"Except for section 16 thereof, the Act of June 20, 1938 (D.C. Code, *1973* ed., secs. 5–413 to 5–428) shall not apply to buildings constructed on property transferred or conveyed pursuant to this Act or section 3 of the Act of October 8, 1968:"

Sec. 4. Section 4 as renumbered is amended by

(1) inserting "demolition or removal of existing structures, site preparation, and the" immediately after "The";

(2) striking out "and" before "(d)";

(3) inserting "(e) other utilities, and (f) related improvements necessary to accomplish the purposes of this Act," after "first alarm system,"; and

(4) inserting "or contiguous to" after "within".

Sec. 5. Section 5 as renumbered is amended by

(1) inserting ", exchange," after "sale" in the first sentence, and by inserting ", exchanges," after "sales" in the second sentence thereof; and

(2) striking out in the third sentence the period after "receipts", and inserting in lieu thereof the following:

", *Provided,* That the Secretary may retain therefrom a reserve for maintenance of public improvements authorized by this Act, which are not under the jurisdiction of any other federal agency or the District of Columbia, or conveyed to a government or international organization under Section 1 of this Act.".

Sec. 6. Public Law 90–553 as amended by Public Law 93–40 (87 Stat. 74), and as further amended by this Act may be cited as the "International Center Act".

Section-by-Section Analysis

Proposed amendments to Public Law 90–553, as amended previously by Public Law 93–40.

Deletions in prior language are indicated by lines enclosed in brackets (see Note to comments on Sections 2 and 3 below).

New language is indicated in italic.

Preface: Descriptive change to conform to amendments set out below.

Section 1: The Department of State is presently developing, in accordance with Public Law 90–553, a portion of a federally-owned area in northwest Washington, D.C. (see attached map) to accommodate chanceries and related facilities for more than ten governments.

This Section authorizes the Secretary of State to obtain the development of an adjacent 11-acre area (known as the northwest quadrant) within the existing federally-owned site, for chanceries and related facilities of up to eight additional foreign governments. (The transfer of the 11-acre area, now under GSA control, to the Department of State has been approved by OMB and will be accomplished by administrative action).

This Section also authorizes the Secretary to obtain the development of a separate 8-acre area within the same federally-owned site which had been set aside for the Organization of American States (OAS) by the original Act, by substituting another public international organization. (OAS is locating its headquarters at another site). This would enable the Secretary to complete the project in accordance with the original Master Plan approved by the National Capital Planning Commission. The Secretary would also be authorized under these amendments to set aside land within the 8-acre parcel for development of additional chancery and related facilities for up to four more governments.

This legislation retains the original plan for the International Center, which included development of common auditorium and other facilities on the 8-acre OAS site to serve the general diplomatic community within the Center, together with the possible development of space for chancery annex or other temporary diplomatic uses related to the International Center.

Section 2: This section authorizes the General Services Administration to perform certain services for transferees upon receipt of funds therefor, in the same manner as provided for in the original Act.

Note: Sections 2 (a) and (b) of the original Act relating to the Organization of American States have been deleted in their entirety (see copy of P.L. 90–553 attached hereto, indicating deletions).

Section 3: Section 3 of the Act as adopted in October 1968 is unrelated to the International Center, and its purposes have been carried out. That section is therefore unnecessary to retain as permanent legislation, and is deleted herein. It is not intended to affect or modify the validity of any acts taken pursuant to the authority granted in that section prior to its deletion.

Section 4 of the original Act, renumbered as section 3, is amended to reflect the amendments in the preceding sections, and to correct citations therein.

Section 4: This section contains technical amendments to clarify authority for activities necessary for the development of the International Center, including widening of streets and making other improvements to areas immediately affected by this project.

Section 5: The term "exchange" as used here and in Section 1 relates to authority otherwise available to the Secretary of State pursuant to Section 1 of the Foreign Service Building Act of 1926, as amended (22 U.S.C. 292) to obtain buildings and grounds abroad by means of exchange. It is in some cases advantageous to the United States to tie the transfer of property available for use by a foreign government in this country to the acquisition of buildings and grounds for the use of the United States abroad.

This Section permits the use of non-appropriated funds derived from sale, exchange or lease of property in the Center to cover the Department's costs in completing the project, as is being done for sites presently under development in accordance with the original Act.

The proviso clause authorizes the establishment of a reserve from non-appropriated funds received from the sale, exchange or lease of property in the Center, to be used for maintenance of common grounds, park buffer areas and similar areas created by the development of the Center for which jurisdiction is not assumed by another agency or transferee, and avoids the necessity of appropriated fund expenditures for that purpose within the limits of such a reserve.

Public Law 90–553 (Oct. 8, 1968) as amended by Public Law 93–162, together with additional proposed amendments, to accompany the Section-by-Section Analysis:

A bill to authorize the transfer, conveyance, lease and improvement of, and construction on, certain property in the District of Columbia, for use as a headquarters site for [the Organization of American States] *an international organization,* as sites for governments of foreign countries, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to facilitate the conduct of foreign relations by the Department of State in Washington, District of Columbia, through the creation of a more propitious atmosphere for the establishment of foreign government and international organization offices and other facilities, the Secretary of State is authorized to *develop in coordination with the Administrator of General Services for, or* sell, *exchange,* or lease to foreign governments and international organizations property owned by the United States in the Northwest section of the District of Columbia bounded by Connecticut Avenue, Van Ness Street, *the western boundary of the University of the District of Columbia, Yuma Street, 36th Street,* Reno Road, and Tilden Street, upon such terms and conditions as [he] *the Secretary* may prescribe. Every lease, contract of sale, deed, and other document of transfer shall provide (a) that the foreign government shall devote the property transferred to use for legation purposes or (b) that the international organization shall devote the property transferred to its official uses.

[Sec. 2. (a) The Secretary of State is hereby authorized to transfer or convey to the Organization of American States, without monetary consideration, all right, title, and interest to a parcel of land not to exceed eight acres, to be selected by the Secretary of State, within the area described in section 1 of this Act. The deed conveying such property shall provide that the Organization of American States shall use the property solely as a site for a headquarters building and related improvements, and shall contain such other terms and conditions as he may prescribe.]

[(b) The conveyance authorized by section 2(a) of this Act shall not be made until the Organization of American States has agreed that it will transfer or convey, without monetary consideration, all right, title, and interest of the Organization of American States in the building and other improvements on the property known as lot 800 in square 147 in the District of Columbia to the United States as soon as the site referred to in section 2(a) is developed for use as a headquarters. The agreement provided for in this subsection shall be in such form as may be satisfactory to the Secretary of State.]

Sec. 2[(e)]. If so requested by [the Organization of American States] *any foreign government or international organization* and with funds provided in advance, [by the Organization of American States] the Administrator of General Services is hereby authorized to design, construct, and equip a headquarters building *or legation building* [for the Organization of American States] *or related facilities* on property conveyed pursuant to section (1) [2(a)] of this Act.

[Sec. 3. The Secretary of State is hereby authorized to transfer or convey to the Organization of American States without monetary consideration, all right, title, and interest of the United States in and to the property known as lot 800 in square south 173 in the District of Columbia and the buildings and other improvements on such property for use by the Organization of American States.]

Sec. 3[4]. *Except for section 16 thereof, the* Act of June 20, 1938 (D.C. Code, 1967 *1973* ed., secs. 5–413 [or] *to* 5–428), shall not apply to buildings constructed on property transferred or conveyed pursuant to [, 2(a), or 3] this Act *or section 3 of the Act of October 8, 1968*: Provided, That each transferee or grantee of property so transferred or conveyed shall comply with all other applicable District of Columbia codes and regulations relating to building construction, equipment, and maintenance. Plans showing the location, height, bulk, number of stories, and size of, and the provisions for open space and off street parking in and around such buildings shall be approved by the National Capital Planning Commission and plans showing the height and appearance, color, and texture of the materials of exterior construction of such buildings shall be approved by the Commission of Fine Arts prior to the construction thereof.

Sec. 4[5]. *The demolition or removal of existing structures, site preparation, and the* construction, reconstruction, relocation, and rebuilding of (a) public streets and sidewalks, (b) public sewers and their appurtenances, (c) water mains, fire hydrants, and other parts of the public water supply and distribution system, [and] (d) the fire alarm system, (*e*) *other utilities, and* (*f*) *related improvements necessary to accomplish the purposes of this Act*, which are within *or contiguous to* the area described in section 1 of this Act and which are occasioned in carrying out the provisions of this Act, shall be provided by the Secretary of State, in coordination with the Administrator of General Services and the government of the District of Columbia.

Sec. 5[6]. There is hereby authorized to be appropriated, without fiscal year limitation, not to exceed $2,200,000 to carry out the purposes of section 4 of this Act: *Provided*, That such sums as may be appropriated hereunder shall be reimbursed to the Treasury from proceeds of the sale, *exchange*, or lease of property to foreign governments and international organizations as provided for in this first section of this Act. All proceeds received from such sales, *exchanges*, or leases shall, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484) or any other law, be paid into a special account with the Treasurer of the United States, such account to be administered by the Secretary of State for the purposes set out in section 5 of this Act. All sums remaining in such special account after completion of the projects authorized in section 5 shall be covered into the Treasury as miscellaneous receipts, *Provided, That the Secretary may retain therefrom a reserve for maintenance of public improvements authorized by this Act, which are not under the jurisdiction of any other federal agency or the District of Columbia, or conveyed to a government or international organization under section 1 of this Act.*

Sec. 6. This Act, as amended, may be cited as the "International Center Act".

Public Law 90–553, 90th Congress,
H.R. 16175, October 8, 1968

An act to authorize the transfer, conveyance, lease, and improvement of, and construction on, certain property in the District of Columbia, for use as a headquarters site for the Organization of American States, as sites for governments of foreign countries, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to facilitate the conduct of foreign relations by the Department of State in Washington, District of Columbia, through the creation of a more propitious atmosphere for the establishment of foreign government and international organization offices and other facilities, the Secretary of State is authorized to sell or lease to foreign governments and international organizations property owned by the United States in the Northwest section of the District of Columbia bounded by Connecticut Avenue, Van Ness Street, Reno Road, and Tilden Street, upon such terms and conditions as he may prescribe. Every lease, contract of sale, deed, and other document of transfer shall provide (a) that the foreign government shall devote the property transferred to use for legation purposes, or (b) that the international organization shall devote the property transferred to its official uses.

SEC. 2.

(c) If so requested by the Organization of American States, and with funds provided in advance by the Organization of American States, the Administrator of General Services is hereby authorized to design, construct, and equip a headquarters building for the Organization of American States on the property conveyed to it pursuant to section 2(a) of this Act.

SEC. 4. The Act of June 20, 1938 (D.C. Code, 1967 ed., secs. 5–413 or 5–428) shall not apply to buildings constructed on property transferred or conveyed pursuant to section 1, 2(a), or 3 of this Act: *Provided*, That each transferee or grantee of property so transferred or conveyed shall comply with all other applicable District of Columbia codes and regulations relating to building construction, equipment, and maintenance. Plans showing the location, height, bulk, number of stories, and size of, and the provisions for open space and offstreet parking in and around, such buildings shall be approved by the National Capital Planning Commission, and plans showing the height and appearance, color, and texture of the materials of exterior construction of such buildings shall be approved by the Commission of Fine Arts prior to the construction thereof.

SEC. 5. The construction, reconstruction, relocation, and rebuilding of (a) public streets and sidewalks, (b) public sewers and their appurtenances, (c) water mains, fire hydrants, and other parts of the public water supply and distribution system, and (d) the fire alarm system, which are within the area described in section 1 of this Act and which are occasioned in carrying out the provisions of this Act, shall be provided by the Secretary of State, in coordination with the Administrator of General Services and the government of the District of Columbia.

SEC. 6. The costs of carrying out the purposes of section 5 of this Act shall be funded from the proceeds of the sale or lease of property to foreign governments and international organizations as provided for in the first section of this Act. All proceeds received from such sales or leases shall, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484) or any other law, be paid into a special account with the Treasurer of the United States, such account to be administered by the Secretary of State for the purposes set out in section 5 of this Act. All sums remaining in such special account after completion of the projects authorized in section 5 shall be covered into the Treasury as miscellaneous receipts.

Approved October 8, 1968.

Legislative history:

House report No. 1717 (Comm. on Public Works).

Senate report No. 1575 (Comm. of Foreign Relations).

Congressional Record, Vol. 114 (1968):

Sept 16: Considered and passed House.

Sept. 20: Considered and passed Senate.

Public Law 93–40, 93d Congress,
S. 1235, June 12, 1973

An act to amend Public Law 90–553 authorizing an additional appropriation for an International Center for Foreign Chanceries

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 6 of Public Law 90–553 (82 Stat. 958) is hereby amended to read as follows:

"There is hereby authorized to be appropriated, without fiscal year limitation, not to exceed $2,200,000 to carry out the purposes of section 5 of this Act: *Provided*, That such sums as may be appropriated hereunder shall be reimbursed to the Treasury from proceeds of the sale or lease of property to foreign governments and international organizations as provided for in the first section of this Act."

Approved June 12, 1973.

Legislative History:

House Report No. 93–213 accompany H.R. 6830 (Comm. on Public Works).

Senate report No. 93–92 (Comm. on Foreign Relations).

Congressional Record, Vol. 119 (1973):

Apr. 2, considered and passed Senate.

May 30, considered and passed House, in lieu of H.R. 6830.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., September 6, 1979.
Hon. CYRUS R. VANCE,
Department of State,
Washington, D.C.

DEAR MR. ————: During recent months representatives of the Department of State have been discussing with staff of the Office of Management and Budget the future of the old Bureau of Standards site at Connecticut Avenue and Van Ness Street, N.W. in the District of Columbia. Department representatives have proposed that the northwest quadrant be utilized for additional foreign chanceries. The southeast quadrant would be used for a headquarters building for an international organization other than the Organization of American States, additional chancery sites, or both.

On May 14, this office requested the General Services Administration to examine alternative uses for these two parcels in an effort to identify their highest and best utilization. That report has recommended substantially what the Department of State had proposed. We also note that the Department's proposal is consistent with the 1980–5 Federal Capital Improvements Program of the National Capital Planning Commission.

This is to inform you that the Office of Management and Budget believes that the Department's proposals represent the most appropriate use of the northwest and southeast quadrants. I have today requested the General Services Administration to initiate a transfer of the northwest quadrant to the Department of State for use as sites for foreign chanceries. I ask the Department of State to submit for OMB review a draft of legislation to permit both of the parcels to be utilized as the Department has proposed. Details can be determined in the course of OMB review of the draft legislation.

Sincerely,

JOHN P. WHITE,
Deputy Director.

UNDER SECRETARY OF STATE,
FOR MANAGEMENT,
Washington, February 1, 1980.
Hon. WALTER F. MONDALE,
President of the Senate

DEAR MR. PRESIDENT: Enclosed for your consideration and appropriate reference is a legislative proposal to amend Public Law 90–553, enacted on October 9, 1968 and known as the "International Center Act", to expand and bring to completion the planned International Center within the federally-owned Bureau of Standards site at Van Ness Street and Connecticut Avenue in northwest Washington, D.C.

The Center was intended to partially alleviate the critical shortage of suitable space for location of chanceries and related facilities of foreign governments in the nation's Capital, an issue which has become of increasing concern to the Department of State in the discharge of its federal functions.

The development of sites at the International Center by the Department of State, through the General Services Administration, which will accommodate more than ten governments is presently underway pursuant to the Act. It is anticipated that all available space of chanceries at the Center will be reserved by the end of 1980.

The proposed amendments provide for an expansion area, known as the northwest quadrant (adjacent to the present site of the University of the District of Columbia), to accommodate chanceries and related facilities for up to nine additional governments within the existing federally-owned area.

The original Act also provided space within the planned International Center for a public international organization headquarters, in order to provide for appropriate higher density development adjacent to the Metro system, which would be both compatible with and provide facilities to support a diplomatic center.

The amendments would permit the substitution of another international organization (other than the Organization of American States as provided for in the original Act), as well as permit the Secretary of State to develop additional sites for up to four more nations within the area set aside for an international organization.

Finally, the amendments would authorize the Department to utilize proceeds realized from the lease of land in the International Center to defray development costs, as is now being done pursuant to the present legislation for the existing sites under development in the Center. The project would in this manner be brought to completion without any additional requests for appropriated funds.

The need for this legislation has now become critical. The United States Government, as part of its international obligations, is required to assist foreign governments to obtain suitable premises for chanceries in the District of Columbia in accordance with the Vienna Convention on Diplomatic Relations of 1961, which entered into force as a treaty for the United States on December 13, 1972 (23 UST 32, TIAS 7502). Of equal importance, there is a growing need for reciprocity involving the substantial problems of the United States missions overseas. The Department of State is now unable to meet these obligations due to the current unavailability of suitable chancery sites in the District because of security, costs and restrictive zoning problems. This situation is now creating an adverse impact on our foreign relations and the ability of the United States to support our needs abroad.

This Bill will not resolve the problem, but it will significantly assist the United States in alleviating its adverse impact primarily for the smaller or lesser funded nations for which the assistance is most urgently needed.

The proposed legislation is supported by the General Services Administration, the National Capital Planning Commission, and the Office of Management and Budget.

The Office of Management and Budget has advised the Department that enactment of this proposal would be consistent with the Administration's objectives.

The Department urges your support of the legislation and requests that consideration be given to its expeditious passage.

Sincerely,

BEN H. READ.●

By Mr. PROXMIRE (by request):

S. 2305. A bill to authorize the back side of U.S. paper money of the denomination of $1 to be printed by a method other than the intaglio process; to the Committee on Banking, Housing, and Urban Affairs.

Mr. PROXMIRE. Mr. President, by request I am introducing legislation which would authorize a change in the method of printing the backs of $1 Federal Reserve notes. Existing legislation specifies that the intaglio method of printing be used by the Bureau of Engraving and Printing in all currency production. While this process is recognized as the most secure method of printing to prevent counterfeiting, it is also the most difficult and expensive method of printing. Recent problems have led the Bureau of Engraving and Printing to seek less costly alternatives. These problems include escalating material and labor costs; the need for new and expensive intaglio equipment; and a rapidly approaching space shortage.

Mr. President, the administration's proposal would also insure that the front side of the $1 Federal Reserve notes continue to be printed by the intaglio process. I ask unanimous consent that the bill together with its accompanying documents be printed in the RECORD.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 2305

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the ninth paragraph of section 16 of the Federal Reserve Act, as amended (38 Stat. 267; 12 U.S.C. 418) is further amended by inserting at the end the following new sentence:

"However, notwithstanding this provision or any other provision of law, the back side of United States paper money of the denomination of $1 is authorized to be printed by a method other than the intaglio process, as may be directed by the Secretary of the Treasury: *Provided,* That the front side of such paper money shall be printed using the intaglio process."

SEC. 2. The two-hundred-thirty-eighth paragraph of Section 1 of the Act of August 24, 1912, as amended (37 Stat. 430; 31 U.S.C. 177), is further amended by inserting at the end the following new sentence:

"However, notwithstanding this provision or any other provision of law, the back side of United States paper money of the denomination of $1 is authorized to be printed by a method other than the intaglio process, as may be directed by the Secretary of the Treasury: *Provided,* That the front side of such paper money shall be printed using the intaglio process.

THE DEPUTY SECRETARY
OF THE TREASURY,
Washington, D.C., January 8, 1980.

Hon. WALTER F. MONDALE,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill "To authorize the back side of United States paper money of the denomination of $1 to be printed by a method other than the intaglio process."

Under current law, the backs of all paper money of the United States and its insular possessions must be printed using the intaglio printing process. Additionally, the Federal Reserve Act requires both the fronts and backs of all Federal reserve notes to be printed using the intaglio method. While the intaglio printing process is recognized as the most secure method of printing to prevent counterfeiting, it is also the most difficult and expensive method of printing available.

Recent problems have led Bureau of Engraving and Printing management to seek a less costly alternative to full intaglio printing. These problems include rapidly escalating material and labor costs which result in increased problems in controlling the impact on currency costs; an impending requirement for new and expensive intaglio equipment; and pressure on the availability of existing space and production capacity.

The purpose of the draft bill is to obtain authorization to utilize printing methods other than the intaglio process in the printing of the backs of paper money of the denomination of $1, while insuring that at least one side (the front) continues to be printed by the intaglio process.

If the bill is enacted, the Bureau of Engraving and Printing expects the following results:

1. An annual savings of from $2 million to $7 million (estimate based on FY 79 currency program costs);
2. Significant productivity improvements from associated process changes without sacrificing the security of the product;
3. An extension of the life of the current plant by about 6 years because of a 30 percent reduction in the intaglio printing requirements; and
4. A diminishment of the requirements for additional plate printers, a craft for which qualified persons are increasingly difficult to recruit.

For your convenient reference, there is enclosed a comparative type showing the changes which would be made in existing law.

It would be appreciated if you would lay the draft bill before the Senate. An identical draft bill has been transmitted to the Speaker of the House of Representatives.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the submission of this proposed legislation to the Congress.

Sincerely,

ROBERT CARSWELL.

COMPARATIVE TYPE SHOWING CHANGES WHICH WOULD BE MADE IN EXISTING LAW BY PROPOSED BILL

(New matter is Italic)

Federal Reserve Act, as amended. (38 Stat. 267; 12 U.S.C. 418)

Title 12—BANKS AND BANKING

Chapter 3—FEDERAL RESERVE SYSTEM

SEC. 418. Printing of notes; denomination and form.

In order to furnish suitable notes for circulation as Federal reserve notes, the Comptroller of the Currency shall, under the direction of the Secretary of the Treasury, cause plates and dies to be engraved in the best manner to guard against counterfeits and fraudulent alterations, and shall have printed therefrom and numbered such quantities of such notes of the denominations of $1, $2, $5, $20, $50, $100, $500, $1,000, $5,000, $10,000 as may be required to supply the Federal reserve banks. Such notes shall be in the form and tenor as directed by the Secretary of the Treasury under the provisions of this chapter and shall bear the distinctive numbers of the Federal reserve banks through which they are issued. *However, notwithstanding this provision or any other provision of law, the back side of United States paper money of the denomination of $1 is authorized to be printed by a method other than the intaglio process, as may be directed by the Secretary of the Treasury: Provided, That the front side of such paper money shall be printed using the intaglio process.*

* * * * *

Act of August 24, 1912, as amended.

Title 31—MONEY AND FINANCE

Chapter 5—BUREAU OF ENGRAVING AND PRINTING

SEC. 177. Bonds, notes, and checks; printing on presses and power presses directed by Secretary of Treasury; internal revenue stamps

Checks, the backs and tints of all United States bonds, the backs and tints of all United States paper money, and the backs and tints of bonds and paper money issued by any of the insular possessions of the United States, shall be printed from intaglio plates and on such plate printing presses as may be directed by the Secretary of the Treasury, said presses to be operated by plate printers, except that checks and tints may be printed by any desired process: *Provided*, That the Secretary of the Treasury is authorized to print from plates of more than four subjects each upon power presses the fronts and backs of any paper money, bonds, or other printed matter on or after January 3, 1923, authorized to be executed at the Bureau of Engraving and Printing: *Provided further*, That the Secretary of the Treasury may, in his discretion, apply motors to hand-roller presses that were on August 24, 1912, or thereafter operated in the Bureau of Engraving and Printing, but such presses, if equipped with motors, shall be regarded as hand-roller presses within the meaning of this section. *However, notwithstanding this provision or any other provision of law, the back side of United States paper money of the denomination of $1 is authorized to be printed by a method other than the intaglio process, as may be directed by the Secretary of the Treasury: Provided, That the front side of such paper money shall be printed using the intaglio process.*

ADDITIONAL COSPONSORS

S. 2064

At the request of Mr. Williams, the Senator from Wyoming (Mr. Simpson) was added as a cosponsor of S. 2064, a bill to amend section 103 of the Internal Revenue Code of 1954 to provide that the interest on certain mortgage revenue bonds will be exempt from Federal income tax.

S. 2236

At the request of Mr. Proxmire, the Senator from Georgia (Mr. Nunn) was added as a cosponsor of S. 2236, a bill to amend the Currency and Foreign Transactions Reporting Act to provide for more efficient enforcement, and for other purposes.

S. 2253

At the request of Mrs. Kassebaum, the Senator from Nevada (Mr. Cannon), and the Senator from Nebraska (Mr. Exon) were added as cosponsors of S. 2253, a bill to provide for an extension of directed service on the Rock Island Railroad and to provide transaction assistance to the purchasers of portions of said railroad.

S. 2269

At the request of Mr. Zorinsky, the Senator from Texas (Mr. Tower), and the Senator from South Carolina (Mr. Hollings) were added as cosponsors of S. 2269, a bill to extend the Emergency Agricultural Credit Adjustment Act of 1978.

S. 2289

At the request of Mr. Randolph, the Senator from Utah (Mr. Hatch) was added as a cosponsor of S. 2289, a bill to designate February 22 of each year as Washington's Birthday and to make such day a legal public holiday.

SENATE JOINT RESOLUTION 82

At the request of Mr. Goldwater, the Senator from Massachusetts (Mr. Kennedy) was added as a cosponsor of Senate Joint Resolution 82, a joint resolution to designate the week commencing with the third Monday in February of each year as "National Patriotism Week."

SENATE JOINT RESOLUTION 100

At the request of Mr. Sasser, the Senator from New Hampshire (Mr. Durkin) was added as a cosponsor of Senate Joint Resolution 100, a joint resolution authorizing the President to proclaim May 1, 1980, "National Bicycling Day."

SENATE JOINT RESOLUTION 127

At the request of Mr. Heflin, the Senator from Arizona (Mr. Goldwater), the Senator from South Carolina (Mr. Hollings), the Senator from Vermont (Mr. Stafford), the Senator from New Jersey (Mr. Williams), and the Senator from Minnesota (Mr. Boschwitz) were added as cosponsors of Senate Joint Resolution 127, a joint resolution to authorize and request the President to proclaim June 27, 1980, as "Helen Keller Day."

SENATE JOINT RESOLUTION 135

At the request of Mr. Bayh, the Senator from Mississippi (Mr. Cochran) was added as a cosponsor of Senate Joint Resolution 135, a joint resolution to provide for designation of the first Friday in March as "Teacher Day, United States of America."

SENATE JOINT RESOLUTION 136

At the request of Mr. Sasser, the Senator from West Virginia (Mr. Randolph), the Senator from Mississippi (Mr. Cochran), and the Senator from Idaho (Mr. McClure) were added as cosponsors of Senate Joint Resolution 136, a joint resolution to designate the month of March, 1980 as "Gospel Music Month."

SENATE JOINT RESOLUTION 140

At the request of Mr. Robert C. Byrd, the Senator from South Carolina (Mr. Hollings) was added as a cosponsor of Senate Joint Resolution 140, a joint resolution designating February 19, 1980 as "Iwo Jima Commemoration Day."

At the request of Mr. Stevens, the Senator from Kansas (Mrs. Kassebaum) was added as a cosponsor of Senate Joint Resolution 140, supra.

SENATE RESOLUTION 197

At the request of Mr. Bumpers, the Senator from Vermont (Mr. Leahy) was added as a cosponsor of Senate Resolution 197, a resolution directing a study of the advisability and feasibility of instituting a biennial fiscal period for the U.S. Government.

AMENDMENT NO. 501

At the request of Mr. Stafford, the Senator from West Virginia (Mr. Randolph) was added as a cosponsor of amendment No. 501 intended to be proposed to S. 688, a bill to authorize appropriations to the Department of Energy for civilian programs for fiscal year 1980 and fiscal year 1981, and for other purposes.

SENATE RESOLUTION 370—SUBMISSION OF A RESOLUTION AUTHORIZING PRINTING OF "DEVELOPMENTS IN AGING: 1979"

Mr. CHILES submitted the following resolution, which was referred to the Committee on Rules and Administration:

S. Res. 370

Resolved, That there shall be printed for the use of the Special Committee on Aging the maximum number of copies of part 1 of its annual report to the Senate, entitled "Developments in Aging: 1979", which may be printed at a cost not to exceed $1,200.

SENATE CONCURRENT RESOLUTION 77—ORIGINAL CONCURRENT RESOLUTION REPORTED RELATING TO UNITED STATES-UNITED KINGDOM COOPERATION FOR DEFENSE PURPOSES

Mr. CHURCH, from the Committee on Foreign Relations, reported the following original concurrent resolution, which was read twice and placed on the calendar:

S. Con. Res. 77

Resolved by the Senate (the House of Representatives concurring), That the Congress does favor the submission of the President containing the text of the Amendment to the Agreement Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes of July 3, 1958, signed on December 5, 1979, transmitted to the Congress by the President on November 28, 1979.

AMENDMENTS SUBMITTED FOR PRINTING

DISABLED VETERANS REHABILITATION ACT—S. 1188

AMENDMENT NO. 1661

(Ordered to be printed and referred to the Committee on Veterans' Affairs.)

Mr. CRANSTON submitted an amendment intended to be proposed by him to S. 1188, a bill to improve and modernize the vocational rehabilitation program provided service-disabled veterans under chapter 31 of title 38, United States Code, and for other purposes.

Mr. CRANSTON. Mr. President, I submit for printing an amendment to S. 1188, the proposed Disabled Veterans Rehabilitation Act of 1979.

BACKGROUND

A. HISTORY OF VA VOCATIONAL REHABILITATION PROGRAMS

Mr. President, throughout our Nation's history, our people and our Federal Government have shown special concern for meeting the needs of those who are disabled as a result of wartime service in the country's Armed Forces and, more recently, as the result of service in time of either war or peace. Federal assistance to those so disabled has been based upon the national purpose that everything possible should be done to help the disabled veteran readjust to civilian life.

Totally or partially disabled veterans of wars prior to World War I were provided with hospital care and compensation for disabilities incurred in service. In 1917, however, Congress enacted the War Risk Insurance Act of 1917, Public Law No. 90, 65th Congress, that recognized the service-connected disabled veterans' need for vocational rehabilitation in addition to compensation in order to acquire the skills necessary to compete in the labor market. That act included, as part of its benefits package for service-connected disabled veterans, general provisions for vocational rehabilitation, without specifying how rehabilitation was to be accomplished.

In 1918, the Vocational Rehabilitation Act, Public No. 178, 65th Congress, was enacted and provided more specific provisions for a service-connected disabled veteran's vocational rehabilitation program. To be eligible to participate in that program, the veteran had to demonstrate an inability to carry on gainful employment or reenter the occupation that the veteran left when entering active service. While participating in vocational rehabilitation, a veteran received a special rate of compensation and the Government paid the costs of training.

Following training, and as part of the program, responsibility for finding suitable employment for rehabilitated veterans was placed upon the Government. The vocational rehabilitation program for World War I disabled veterans terminated in 1928. During the program, approximately 675,000 veterans applied for rehabilitation, of whom approximately half were rated as eligible for rehabilitation training.

Mr. President, on December 12, 1941—5 days after the Japanese attack on Pearl Harbor—President Roosevelt requested the joint efforts of several Federal agencies, including the Veterans' Administration, to study the problems of rehabilitating disabled World War II veterans. Subsequently, in 1943, Congress enacted Public No. 16, 78th Congress, which included provisions for a vocational rehabilitation program for those who incurred service-connected disabilities in active service on or after December 6, 1941, and prior to the termination of hostilities in World War II. The purpose of that program was to restore employability lost by virtue of a handicap due to service-connected disability. A veteran participating in that program was provided with a subsistence allowance and the VA paid tuition and fees for the training that the veteran pursued. By 1950, approximately 550,000 disabled veterans from World War II had benefited from the program.

Shortly after the outbreak of the Korean conflict, President Truman recommended the renewal of the World War II vocational rehabilitation program. Congress responded to this recommendation with the enactment in 1950 of Public Law 894, 81st Congress, and that act as amended in 1951 by Public Law 110, 82d Congress, which provided a vocational rehabilitation program similar to the World War II program, for veterans who incurred service-connected disabilities and needed to overcome the handicap of a disability incurred or aggravated by such service. However, the disability had to be a direct result of armed conflict or incurred by a serviceperson either while engaged in extra-hazardous service or while the United States was engaged in war; and training was required to be completed by participating veterans on or before August 20, 1963.

Thus, Mr. President, vocational rehabilitation legislation historically was enacted to address the prospective needs of service-connected disabled veterans when the Nation was faced with an existing or potential major military conflict. However, in 1962, with the enactment of Public Law 87-815, vocational rehabilitation benefits were granted to any veteran of World War II and the Korean conflict if he or she had a service-connected disability rated as 10 percent or more disabling and was in need of vocational rehabilitation; and a veteran whose disability was incurred after World War II and at any time other than during the Korean conflict was made eligible for vocational rehabilitation benefits if his or her service-connected disability was rated as 30 percent or more disabling or, if rated less than 30 percent, if he or she had a pronounced employment handicap.

In 1974, Public Law 93-508, the Vietnam Era Veterans' Readjustment Assistance Act of 1974, liberalized the eligibility requirements for vocational rehabilitation—now, as so liberalized, the current requirements under chapter 31 of title 38—by extending the eligibility to any veteran with a service-connected disability rated at less than 10 percent or more who is in need of vocational rehabilitation, defined as training for the purpose of restoring employability * * * lost by virtue of a handicap due to service-connected disability. This measure made the eligibility requirements of the existing program for both wartime and peacetime veterans comparable to the eligibility requirements of the programs provided to veterans of World War II and the Korean conflict.

From June 1943, through January 1980, a total of approximately 831,700 disabled veterans had trained under the VA vocational rehabilitation program. Of those, 621,300 were World War II veterans, 77,000 were veterans of the Korean conflict, 23,600 were post-World War II peacetime veterans who were trained after 1972 when the law was changed to provide for their eligibility, and 109,800 were Vietnam-era veterans. At the end of January 1980, there were a total of 14,900 veterans in vocational training under chapter 31.

B. NEED FOR REVISION OF CURRENT VA VOCATIONAL REHABILITATION PROGRAM

Throughout the period from 1943 through the present, Congress has enacted various laws, in addition to those I have just mentioned, expanding and making improvements in many aspects of the VA's rehabilitation program and increasing the level of subsistence allowance in light of the inflation that occurred during that period, but the purpose and structure of the program have remained intact, without comprehensive revision. In light of changes in the general field of rehabilitation of handicapped persons since World War II and in light of the enactment of Public Law 93-112, the Rehabilitation Act of 1973, the Senate Committee on Veterans' Affairs has for 6 years had major concerns regarding the need for major revisions of the chapter 31 program.

The Rehabilitation Act of 1973 substantially restructured and redefined concepts regarding handicapped individuals generally and rehabilitation services and training and employment opportunities for them.

Thus, in 1974, in the committee report to accompany S. 2784, S. Rept. No. 93-907, on page 52, the committee noted that the vocational rehabilitation chapter and the implementing regulations had many inconsistencies and strongly recommended that the VA thoroughly review chapter 31 for possible legislative and administrative changes, particularly in light of the Rehabilitation Act of 1973.

Again, in 1976, for substantially the same reasons, the committee—in its report to accompany S. 969, the Veterans Education and Employment Assistance Act of 1976, S. Rept. No. 94-1243, on page 43—urged the VA to conduct a thorough review of the vocational rehabilitation program for possible legislative and administrative changes. The committee also noted that it expected the Administrator of Veterans' Affairs, in the conduct of the study, to confer with the Commissioner of the Rehabilitation Services Administration in the Department of Health, Education, and Welfare.

However, by 1977, the committee had received no such recommendations from the VA. Thus, the committee included in S. 457, the GI Bill Improvement Act of 1977, a provision requiring the Administrator, after consultation with the Commissioner of the Rehabilitation Services Administration in the Department of Health, Education, and Welfare, to submit to the President and the Congress by March 1, 1978, a report of a study of the VA's vocational rehabilitation program under chapter 31.

That provision, as enacted in section 307 of Public Law 95-202, required that the report include the Administrator's recommendations for changes in chapter 31, recommendations with respect to the need for services of vocational rehabilitation specialists to provide chapter 31 trainees with appropriate job development and job placement assistance, recommendations for utilizing the veterans education programs provided for by chapters 32, 34, 35, and 36 to meet the needs of disabled veterans eligible for chapter 31 training, and a description and analysis of the scope and quality of the chapter 31 program in comparison to vocational rehabilitation provided under the Rehabilitation Act of 1973.

That study, entitled "A Study of the Provisions For Veterans Vocational Rehabilitation," submitted on October 5, 1978, as well as a subsequent VA study entitled "Summary Report of the Vocational Rehabilitation (Chapter 31) Program Evaluation," conducted pursuant to subsection 219 of title 38 and submitted on October 5, 1979, strongly indicate that the present VA vocational rehabilitation program is antiquated and in need of a complete overhaul—rather than piecemeal amendments—to be able to best serve the rehabilitation needs of the most deserving group of veterans—those who are disabled while serving our Nation in its armed services.

The VA, in its study and program evaluation highlighted several areas of the current vocational rehabilitation program as needing new emphasis and attention. The most basic conclusions were that the VA vocational rehabilitation programs needed to provide more comprehensive services and that the goal of vocational rehabilitation should be suitable employment, rather than completion of training. The VA also cited needs for improved outreach efforts to seriously disabled veterans, more effective case management and coordination of all vocational rehabilitation services in individual cases and, improved, ongoing staff development, and improvements in job assistance, followup activities and records systems.

In addition, the VA evaluation report emphasized the need for a more aggressive program management approach, including an improved, more structured review and evaluation system.

Mr. President, the 1978 and 1979 VA studies also indicate that between 1973 and 1977 there have been certain shifts in the uses that service-connected disabled Vietnam-era veterans make of their entitlement to vocational rehabilitation under chapter 31 and to GI bill educational assistance under chapter 34. With the liberalization of chapter 31 eligibility requirements, veterans rated less than 30-percent disabled have increased their use of chapter 31 benefits and decreased their use of chapter 34 educational benefits. A General Accounting Office study underway, which I will describe further shortly, confirms these trends. However, individuals with disability ratings of 30 percent or greater have increased their use of chapter 34 benefits and decreased their use of chapter 31 benefits.

Following up on the VA studies, on May 11, 1979, the Administrator of Veterans' Affairs submitted legislation to improve the vocational rehabilitation program. S. 1188, the administration bill, which I introduced by request on May 21, 1979, would modernize and make extensive improvements in the chapter 31 program. The House of Representatives, on October 16, 1979, passed a measure, H.R. 5288, containing the administration-proposed amendments to chapter 31 with certain revisions. On January 24, the Senate passed this bill with a substitute amendment which made no substantive revisions to the chapter 31 provisions other than to provide for a subsistence allowance rate increase. Thus, I will refer to H.R. 5288 in the course of this statement in the form it passed the House of Representatives.

Although the VA studies provided much useful information and the administration-requested and House-passed bills would do much to make needed improvements in the current vocational rehabilitation program, I believed that a further, independent study was needed to develop information in addition to that contained in the studies on certain major issues before the committee undertook to make the first comprehensive revisions of the vocational rehabilitation program in more than 25 years. Thus, in a March 1, 1979, letter to the Comptroller General, I requested that the General Accounting Office—GAO—conduct an extensive study of the program.

Mr. President, I ask unanimous consent that a copy of that letter be inserted in the RECORD at this point.

MARCH 1, 1979.

HON. ELMER B. STAATS,
Comptroller General of the United States,
Washington, D.C.

DEAR MR. COMPTROLLER GENERAL: It is my understanding that the General Accounting Office has undertaken a self-initiated review of operations in Los Angeles, California, of the vocational rehabilitation program, authorized by chapter 31 of title 38 of the United States Code.

The Senate Committee on Veterans' Affairs is undertaking a review of all of chapter 31 during the 96th Congress with a view to determining what, if any, statutory changes would make the program more meaningful and useful for the rehabilitation of the service-connected disabled veteran population. In connection with the development of legislation, it would be very helpful for the Committee to have a report prepared by the GAO on the chapter 31 program. Accordingly, I am hereby requesting that you expand the audit to two additional sites, geographically separated and preferably representative of areas where the tuition for publicly supported institutions of higher learning is relatively high and areas where it is relatively low. In making the study, it would be of assistance to the Committee if you would investigate and report on the following matters:

1. Does effective communication, cooperation, and coordination exist in the following instances:

a. Between the Department of Veterans' Benefits (DVB) and the Department of Medicine and Surgery (DM&S)?

b. Within DVB between the counseling psychologist and the vocational rehabilitation specialist (VRS)?

c. Between the VA and State Employment Security Agencies and other appropriate agencies in order to provide assistance in obtaining employment to veterans who have completed training?

d. Between the VRS and the veterans' representatives on campus (Vet-Rep)?

e. Between the VRS and the State Approving Agency (SAA)?

f. Between the VA and the Rehabilitation Services Administration (all levels)?

2. Is there evidence of the need for any of the following:

a. Additional outreach to eligible veterans?

b. Removal of financial disincentives regarding veterans—

(1) entering training?

(2) selecting chapter 34 rather than chapter 31 benefits?

(3) accepting employment?

c. Modifications in trainee penalties prescribed for unsatisfactory conduct and lack of cooperation?

d. Improvements in the system of program evaluation or measurement?

3. In the development of the individually tailored rehabilitation training program—

a. to what extent does the veteran participate in the design of the program and modifications of it after it is established?

b. what provision is made for assuring appropriate periodic review by qualified personnel?

c. are goals established that bear a relationship to the types of employment opportunities available?

d. how is the selection of the mode of training made?

e. what provision is made for assuring that the mode of training bears a relationship to the type and severity of the veteran's disability?

4. What was the average time in the areas studied between the following:

a. Application and counseling?

b. Counseling and entry into training?

c. Entry into training and receipt of benefits?

5. What are the qualifications, training, and caseloads for—

a. counseling psychologists (including, with respect to caseloads, the proportion of time devoted to chapter 34 counselees)?

b. VRS's?

6. a. What is the role of the Interdisciplinary Vocational Rehabilitation Board in each Regional Office?

b. Are these boards effective?

7. To what extent are "special restorative training" services available under chapter 31?

8. a. To what extent are "medically infeasible" and "not in need" determinations made?

b. To what extent do unmet pre-training needs result in "medically infeasible" determinations?

9. The report, prepared by the Veterans' Administration pursuant to section 307 of Public Law 95–202, entitled "A Study of the Provisions for Veterans Vocational Rehabilitation", states: "Since the way in which a function is conceptualized tends to influence the way in which it is carried out, the present limited definition of vocational rehabilitation in chapter 31 may be said to encourage a segmented approach that is not in the interest of best professional practice." The report outlines a series of gaps and deficiencies in VA vocational rehabilitation services, including pre-training needs, post-training assistance, and the provision of medical services. To what extent are the gaps and deficiencies in needed service due to a lack of statutory authority?

10. To what extent are veterans training under the State-Federal vocational rehabilitation program carried out under title I of the Rehabilitation Act of 1973, and what is their status (including type of disability and training, with reference to service-connection or non-service-connection) with respect to chapter 31 eligibility?

11. To what extent are drug and alcohol dependence or abuse disabilities—

a. underlying, secondary, or complicating factors in the veteran's service-connected disability?

b. the basis for "medically infeasible" determinations?

c. the focus of DM&S rehabilitation efforts concurrent with efforts to provide vocational rehabilitation with respect to the service-connected disability?

12. What is the extent of participation of chapter 31 trainees in the section 1685 VA work-study program?

It would be extremely helpful if the report the Committee is requesting could be completed by September 1. Thus, we would greatly appreciate your giving this request sufficient priority to meet this timetable.

With warm personal regards,
Cordially,

ALAN CRANSTON,
Chairman.

AMENDMENT NO. 1661

Mr. CRANSTON. Mr. President, although the GAO report is not expected to be published until about February 20, 1980, the committee staff has been fully briefed on the results of the study. Based on the results of the VA and GAO studies, I have prepared and am submitting an amendment to the administration-requested bill, S. 1188.

Mr. President, my amendment is designed to accomplish a long-needed modernization and the expansion and improvement of the chapter 31 program. In certain respects, my amendment closely parallels the provisions of the administration-requested bill, S. 1188 as introduced, and the amendments to chapter 31 that would be made by the House-passed bill, H.R. 5288, and, in other areas, my amendment would make substantial changes that are not proposed either in S. 1188 as introduced or in H.R. 5288 as passed by the House.

EMPLOYMENT PURPOSE

A major improvement and expansion proposed by both my amendment and S. 1188 and H.R. 5288 is to enlarge the purpose and effective operation of the vocational rehabilitation program under chapter 31 beyond achievement of the employability of the veteran to the actual employment of the veteran in a suitable job. Under current law, the stated purpose of vocational rehabilitation is to restore employability to the extent consistent with the degree of disablement, and job placement services, postplacement services to help with the veteran's adjustment in employment, and other post-training followup have been found, by the VA and the GAO, to be seriously deficient under the VA's current program. My amendment would, as would the administration and House-passed bills, include in the statement of the purposes of chapter 31 the enabling of the disabled veteran "to obtain and maintain suitable employment."

In addition, to help assure achievement of the employment purpose to the maximum extent possible, the amendment would, as would S. 1188 and H.R. 5288, mandate that the Administrator "actively promote the development and establishment of on-job training and employment opportunities" for chapter 31 participants and coordinate his efforts in this regard with Federal, State, and local governmental and nongovernmental agencies, and would entitle veterans who are determined to be employable to assistance in obtaining employment, which may include direct VA placement services and the use of the placement services of State-operated programs under the Rehabilitation Act of 1973, other State employment services, the Veterans Employment Service of the Department of Labor, the Office of Personnel Management, and other public or nonprofit organizations having placement services available.

In addition, in a manner similar to S. 1188 and H.R. 5288, my amendment would specifically provide for postplacement services for any chapter 31 participant and for special assistance to the most severely disabled veterans requiring homebound training or self-employment, or both, who have trained under chapter 31. Such assistance would consist of the provision of license fees, supplies, initial stocks and essential equipment to establish a business and services to help the veteran obtain a loan from the Small Business Administration and assure that he or she receives the special consideration to which veterans are entitled under the Small Business Act.

SCOPE OF SERVICES

Mr. President, my amendment would, as would the administration and House-passed bills, specify a broad range of services and assistance that the Administrator may provide to participants in chapter 31 programs. The intention with respect to specifying such services is to provide clear authority for the full range of diagnostic, evaluative, counseling, pretraining, training, and other services that may be needed to assist the veteran in entering and pursuing rehabilitation and, as discussed above, in finding, adjusting to, and maintaining employment.

As the Administrator explained in his May 11, 1979, letter transmitting the administration-requested legislation, the VA interpretation of current law equates vocational rehabilitation under chapter 31 with training and thus does not provide for pretraining services that may enable a veteran, whose mental or physical disability renders entry into training infeasible, to prepare to enter into a training program. The administration and House-passed bills and the amendment would authorize such services.

In addition, my amendment would make clear, as I understand the two other bills intend, that the VA may provide, as part of a vocational rehabilitation program, services to enable the veteran to achieve maximum independence in the functions of daily living.

For many veterans with serious disabilities which impair their abilities to care for themselves, to move about in their homes and communities, and to communicate and deal effectively with others, these so-called "independent living services" are essential to enable them to achieve a maximum level of independent, self-sustaining life in the community, which, in turn, is often critical to their ability to find and hold gainful employment in the community. The amendment deals more specifically and fully with the provision of independent living services, including provision for a pilot program of independent living services and assistance, which I will discuss in more detail in a few minutes, for those who are determined to be too severely disabled to pursue a vocational goal.

FOCUSING SERVICES ON THOSE WITH SERIOUS EMPLOYMENT HANDICAPS

Mr. President, in practice, according to the soon-to-be-released GAO report on chapter 31 vocational rehabilitation, virtually all veterans with service-connected disabilities rated as 10 percent or more disabling who apply are accepted into the VA's chapter 31 vocational rehabilitation program. The amendment would expressly provide chapter 31 eligibility to all such veterans and would thus delete from S. 1188 the requirement—also included in the House-passed bill—that the veteran be determined to be in need of vocational rehabilitation because of an employment handicap.

It is clear that not all service-connected disabled veterans presently participating or, under the amendment, expected to participate in the chapter 31 program, have employment handicaps of such a serious nature that they require a full, planned program of counseling and other supplementary services to enable them to pursue training and obtain employment. Therefore, the amendment would limit extended evaluation to those who, after an initial evaluation, are determined possibly to have a serious employment handicap and would mandate the development of an individualized, written vocational rehabilitation plan and counseling in accordance with such a plan only in the cases of those who are found to have a serious employment handicap.

Where, after an initial evaluation, the veteran is determined not to have a serious employment handicap, counseling, placement, and other authorized services would be provided to the individual at his or her request. This approach is designed to eliminate, in a great number of cases, unnecessary, routine counseling and the development of individualized vocational rehabilitation plans where they are not needed and, thus, should conserve the time and efforts of VA vocational rehabilitation personnel in order to focus them most directly and fully on the needs of those who have serious employment handicaps or who, although not so seriously handicapped, feel a specific need for the services of those personnel.

ELECTION OF GI BILL EDUCATIONAL ASSISTANCE ALLOWANCES BY CERTAIN CHAPTER 31 PARTICIPANTS

Mr. President, the 1978 and 1979 VA studies discussed above revealed a shift in recent years away from the use by service-connected disabled veterans with more serious disabilities of chapter 31 vocational rehabilitation benefits to the use of chapter 34 GI bill education assistance allowances.

Moreover, there has for many years been a substantial percentage of all service-connected veterans eligible for vocational rehabilitation under chapter 31 who have chosen to use chapter 34 instead of chapter 31 benefits.

According to the VA, many disabled veterans enrolled in State-supported schools with low tuition and fees elect to train under the chapter 34 program because the educational assistance allowance they receive under that program is substantially higher than the subsistence allowance they would receive under chapter 31 and the fact that the VA would pay their tuition and fees under chapter 31 does not detract from the financial attractiveness to them of chapter 34 benefits.

Unfortunately, however, a chapter 34 participant—even though service-connected disabled—is not presently eligible for counseling and other services available under chapter 31. Thus, the effect of an election of chapter 34 benefits has been to cut the veteran off from chapter 31 services which may be of substantial value to his or her rehabilitation and employment.

The administration-requested bill deals with this problem by making chapter 34 participants who have chapter 31 eligibility eligible for certain vocational rehabilitation services under chapter 31.

H.R. 5288 does not contain such a provision. Rather, it contains a 17-percent cost-of-living increase for chapter 31 participants, an increase designed to narrow the gap between the financial incentives for the veteran to enter chapter 34 and chapter 31 training sufficiently to cause the veteran to participate in the chapter 31 program.

The amendment, by providing for a fuller range of services, particularly extensive employment assistance, is designed to meet the needs of seriously disabled veterans and, thus, should help assure that such veterans in need of chapter 31 services will elect to participate in this program. In addition, with respect to less seriously disabled veterans who are determined not to have a serious employment handicap, the amendment would permit them, to the extent that they have chapter 34 eligibility and entitlement, to receive, in lieu of chapter 31 allowances, chapter 34 educational assistance allowance together with counseling and appropriate employment services under chapter 31.

INDEPENDENT LIVING SERVICES

Both the administration and the House-passed bills included in the chapter 31 statement of purpose and in the definition of "vocational rehabilitation" the concept that services may be provided to help the veteran achieve maximum independence. According to the section-by-section analysis submitted by the VA with its proposed bill, authority to provide services for this purpose was included so that the VA may assist a severely handicapped veteran who is not capable of training to employment * * * to reach that level of adjustment consistent with his or her capabilities that can best be described as maximum independence.

Neither bill, however, provides further clarification of the intended scope or use of such authority.

I strongly agree that services and assistance should be made available to enable severely disabled veterans to achieve maximum independence. However, I believe that chapter 31 provisions should more clearly address the scope of the services and assistance involved and the circumstances under which they are to be provided.

Thus, under the amendment, the provision of independent living services and assistance is authorized during three major stages:

First, pretraining, extended evaluation, under both bills and the amendment, during which time services and assistance may also be provided to improve the veteran's ability to participate in vocational training;

Second, during a period of vocational training for a veteran as to whom it has been determined that the achievement of a vocational goal is feasible; and

Third, when it has been determined that a veteran's disability is so severe that the achievement of a vocational goal is not feasible, a program consisting solely of services and assistance to enable the veteran to achieve maximum independence in the functions of daily living is authorized under a 5-year pilot program of independent living services and assistance for certain such veterans.

Mr. President, by making clear that services and assistance may be provided during a period of extended evaluation both to help the veteran achieve maximum independence in the functions of daily living and to improve the veteran's potential for pursuing vocational training, the amendment would help to assure that, when the veteran enters vocational training, he or she is not only prepared to pursue the training concerned but is also as capable as possible of caring for himself or herself and otherwise functioning with as much independence as is feasible by that time.

In addition, the amendment would clearly authorize independent living services and assistance during the period of vocational training so that the veteran can continue to receive any help that he or she may continue to need to achieve maximum independence in the functions of daily living. It is not clear whether such services and assistance could be provided during this stage under S. 1188 and H.R. 5288. I believe that entitlement to independent living services and assistance should clearly be provided to the severely disabled veterans who are in need of them at this stage, because, as I have previously indicated, the ability to function with maximum independence in the community is often extremely important to the individual's ability to obtain and maintain gainful employment.

In the cases of those veterans whose disabilities are so severe that following evaluation it is determined that pursuit of a vocational goal is not feasible, my amendment would entitle such veterans to independent living services and assistance under a 5-year pilot program during fiscal years 1981 through 1985. Under this pilot program, the VA would provide such veterans in various geographic regions with independent living services and assistance through contractual arrangements with public or nonprofit agencies with expertise in the provision of such services.

In order to help the Congress assess the effectiveness of independent living services and assistance to these severely disabled veterans and determine whether they should be expanded to reach all such veterans under chapter 31 and be made a permanent entitlement, the amendment would mandate a study by the Administrator focusing on the key aspects of the pilot program and require that a report of the study, including the Administrator's recommendations, be submitted no later than September 30, 1984, the end of the 4th fiscal year of the 5-year pilot program.

Finally with respect to independent living services, the amendment would provide a clear and broad-ranging delineation of the scope of independent living services and assistance—whereas S. 1188 and H.R. 5288 provide no additional scope of services for independent living purposes—to include, as needed, all services and assistance that may be provided under section 702 of the Rehabilitation Act. Thus, under chapter 31, severely disabled veterans would be entitled to the full range of services and assistance—including appropriate accommodations to and modification of living space, attendant care, and prevention services, which would not appear to be authorized under the administration and House-passed bills—that are available to nonveterans under the Rehabilitation Act of 1973.

OTHER SUBSTANTIVE DIFFERENCES BETWEEN S. 1188 AS INTRODUCED AND THE AMENDMENT

Mr. President, in addition to the changes in the foregoing major areas that the amendment would make in the administration-requested legislation, S. 1188 as introduced, the amendment would differ from that legislation in a variety of other respects, some of which I would like to highlight briefly at this point.

A. DURATION OF SERVICE AND ASSISTANCE

Under current law, a program or course of vocational rehabilitation is generally limited to 4 years unless the Administrator prescribes a longer period. The administration-requested legislation proposes that, unless a longer period of time is prescribed by the Administrator, the period of services to evaluate and improve the rehabilitation potential of a veteran for whom the feasibility of attaining rehabilitation is indeterminate may not exceed 12 months and the period of vocational rehabilitation, following a finding of feasibility of vocational rehabilitation, may not exceed 64 months.

Mr. President, under the amendment, a period of extended evaluation—during which services and assistance would be authorized as necessary to accomplish a comprehensive evaluation, to improve the veteran's ability to pursue a program leading to a vocational goal, to enhance the veteran's ability to live and function independently, and to formulate an individualized vocational rehabilitation plan—generally may not exceed 12 months. Where necessary, however, the amendment would authorize an extension of up to 6 months if it is reasonably likely that a determination could be made during the period of the extension as to whether a vocational goal is feasible for the veteran.

Additional extensions of up to 6 months each would be authorized under the same circumstances. Thus, although I agree with the VA that a separate 12-month period of evaluation is desirable, I believe that, instead of providing for open-ended extension in the Administrator's discretion, it is preferable to require specific determinations regarding the necessity for extensions at periodic intervals no greater than 6 months. The goal here is to move toward an end to the limbo status of extended evaluation and, it is to be hoped, toward establishment of a vocational goal whenever feasible.

With respect to the basic period of vocational rehabilitation training to which the veteran would be entitled following a determination that a vocational goal is feasible, I do not agree with the administration that an across-the-board increase in the period of services and assistance from 48 months to 64 months is warranted. The Administrator, in his May 11, 1979, letter transmitting the administration-requested legislation, pointed out as justification for that increase that under current education practices, "45 months, instead of 36, may be needed to complete an undergraduate program, and 18 months, instead of 12, may be needed to achieve a master's degree."

Thus, since a master's degree is needed for entry into many professional occupations and would be the appropriate level of training for the complete restoration of employability in a number of chapter 31 cases, the administration proposed that the present 48-month limit be increased to a 64-month limit.

The amendment would provide, as does current law, a general 48-month limit on the veteran's entitlement, but would provide for extending the months of entitlement in order to provide additional vocational rehabilitation training services and assistance as necessary in three situations—

First, as under current law, where a veteran who was previously rehabilitated—that is, rendered employable—under chapter 31 requires additional months of entitlement to services and assistance because a worsening of his or her disability has made it impossible for the veteran to function in the vocation for which he or she was previously trained;

Second, where the occupation for which the veteran was previously trained under chapter 31 has proven to be inappropriate; and

Third, where the Administrator determines additional months of entitlement are necessary to enable the veteran to achieve a specific vocational goal.

Mr. President, the amendment would thus provide sufficient flexibility to provide the months of entitlement necessary for a service-connected disabled veteran to obtain a master's degree—or other appropriate level of training—at a pace consistent with the veteran's ability to progress, taking into account his or her disability, but would not increase the basic entitlement as proposed by the administration on the general theory that a greater number of months of entitlement are needed by some to obtain a master's degree.

In addition, I believe that it is preferable to provide specifically by statute for the granting of longer periods of entitlement where warranted by a deterioration in the veteran's disability or the inappropriateness of a prior vocational goal.

B. PERIODS OF ELIGIBILITY

The administration bill would eliminate all time limits on the eligibility of service-connected disabled veterans for vocational rehabilitation. In support of this position, the Administrator noted in the letter of transmittal that the removal of such time limits would allow the VA "to extend assistance to those older veterans whose conditions may have worsened and affected their employability."

Current law provides for a basic 9-year period of eligibility for vocational rehabilitation under chapter 31 following the veteran's discharge or release from active service. However, under current law—

A 4-year extension is provided where the veteran is prevented from completing vocational rehabilitation within the 9-year period because either a disability made the veteran's training infeasible, the veteran had not timely met the requirement of a discharge or release under conditions other than dishonorable but the nature of the discharge or release was changed by appropriate authority, or the veteran had not timely established the existence of a service-connected disability; and

Any necessary extension may be granted for a veteran with a "serious disability," resulting from a disability which affords basic eligibility for chapter 31 vocational rehabilitation, if either the veteran had not previously been rendered employable as the result of training under chapter 31, or the "serious disability" developed, after the veteran was declared rehabilitated, from or as the result of a worsening of the veteran's service-connected disability to the extent that the veteran is unable to perform the duties of the occupation for which the veteran was previously trained under chapter 31.

Mr. President, I do not believe that it would be wise to eliminate totally the time limits on the eligibility for chapter 31 benefits. Such time limits tend to encourage prompt use of rehabilitation services and assistance. However, I do believe that the time limits are in need of substantial revision.

Thus, with respect to periods of eligibility, the amendment would:

First, provide a basic 10-year period of eligibility in line with the 10-year delimiting period under chapter 34.

Second, revise the current-law provisions for granting 4-year extensions to assure that each veteran is afforded a full 10 years of eligibility from the date on which it becomes medically feasible for the veteran to participate in a rehabilitation program, or the veteran satisfies the nature-of-discharge requirements, or the veteran is determined to have a service-connected disability. With respect to medical feasibility, the amendment would make clear that the medical conditions entitling the veteran to a "tolling" of the 10-year period of eligibility include an alcohol or drug abuse or dependence disability—as would the Senate-passed amendment, to section 1662(a)(1) of title 38, in section 201 of H.R. 5288 as passed by the Senate on January 24, 1980, which provides for including such a disability among the disabilities which result in a tolling of the 10-year delimiting period for chapter 34 benefits.

Also, the amendment would expand the chapter 31 tolling provision with respect to the nature-of-discharge requirements to include discharges which constitute a bar to benefits under section 3103 of title 38 so that a full 10 years of chapter 31 eligibility are afforded in individual cases where a determination by the Administrator removes such a bar.

Third, the amendment would add, to the provisions under which any necessary extension may be granted for vocational rehabilitation, provisions for an extension of the period of eligibility for a vocational rehabilitation program where the occupation for which the veteran previously trained under chapter 31 has proven to be inappropriate or where the Administrator determines that an extension is necessary in order to enable the veteran to achieve a vocational goal. These latter grounds for an extension would provide the Administrator with sufficient discretion to provide an extension as necessary to meet vocational rehabilitation needs following a determination of the appropriateness of granting an extension in an individual case without an across-the-board elimination of time limits on eligibility.

With respect to the provision of independent living services and assistance for veterans for whom a vocational goal is determined not to be feasible, the amendment would provide 24 months of entitlement to such services and assistance and would authorize extensions where it is determined that the provision of independent living services and assistance in individual cases would be likely to increase the veteran's ability to live and function independently.

C. COST-OF-LIVING INCREASE

The administration-requested bill did not provide for a cost-of-living increase in the subsistence allowances payable under chapter 31. However, the administration has announced in its fiscal year 1981 budget request, its intention to propose a 10-percent increase in the rates of subsistence allowances paid under chapter 31 and in the rates of GI bill educational assistance allowances.

Consistent with the 15-percent cost-of-living increase in GI bill benefits passed by the Senate on January 24, 1980, in H.R. 5288, the amendment would provide a 15-percent cost-of-living increase in chapter 31 subsistence allowances. However, it should be noted at this point that the amendment rectifies an inadvertent error in the chapter 31 rates included in the 15-percent increase amendment adopted on January 24 by the Senate by providing that the chapter 31 rates would be increased a full 15 percent—the clear intent of the earlier overwhelming Senate action and the basis for the cost estimate prepared for the amendment and H.R. 5288 as passed by the Senate.

D. PAYMENT OF ALLOWANCES TO INCARCERATED AND INSTITUTIONALIZED VETERANS

Mr. President, current law makes no provision for the special circumstances involved in payment of a subsistence allowance to a veteran who is incarcerated or institutionalized in a medical facility at VA expense while pursuing a program of education or vocational rehabilitation. The administration bill would require subsistence allowance payments to be withheld by the Administrator during the veteran's incarceration in a jail or prison or institutionalization in a VA domiciliary facility unless the veteran has dependents, in which case the allowance could, upon the veteran's request, be paid to his or her dependents.

The amendment would modify these provisions in the administration bill with respect to incarcerated veterans in order, consistent with the Senate-passed provisions in H.R. 5288, to provide for payment of the subsistence allowance to a veteran's dependent only if the dependent agrees to receive the payments and to provide, upon the veteran's request, for the Administrator to invest the allowance in U.S. Government securities during the veteran's incarceration and deliver them to the veteran upon his or her release.

Also, in view of the fact that the

amendment would permit a veteran participating in a chapter 31 program of vocational rehabilitation who has no serious employment handicap to elect to receive a chapter 34 educational assistance allowance in lieu of a subsistence allowance and payment of tuition and fees, the amendment would also include provisions—substantively identical with the Senate-passed provisions in H.R. 5288—for the withholding during the veteran's incarceration of amounts in excess of the costs to the veteran of tuition and fees and for the conversion of any withheld amounts to Government securities, payments to dependents, and payment to the veteran upon release on the same basis as described above with respect to a veteran to whom a chapter 31 subsistence allowance is payable.

In the cases of institutionalized veterans, I am unable to see any basis for distinguishing between veterans institutionalized in a VA domiciliary facility and those institutionalized in other VA medical facilities or in any medical facility at VA expense. In addition, I do not believe that any allowances should be withheld until such time as the veteran has been institutionalized for at least 30 days. Thus, the amendment includes provisions for the withholding and payment of allowances generally as discussed above with respect to incarcerated veterans, and includes within the scope of such provisions veterans who have been institutionalized for more than 30 days in any VA hospital, nursing home, or domiciliary facility or in any other medical facility at VA expense. However, the amendment would authorize the Administrator to pay to the veteran so much of the allowance as the veteran needs to meet his or her continuing financial obligations during such institutionalization.

E. USE OF FEDERAL FACILITIES AND SERVICES

The administration bill, generally recodifying provisions of current law, would authorize the Administrator to use the facilities and services of any Federal agency to provide rehabilitation and to enter into contracts or agreements for the use of the facilities and services of Federal agencies other than the VA.

The amendment incorporates those provisions and provides for the Administrator to contract specifically with the VA's Department of Medicine and Surgery—DM & S—for the use of DM & S facilities and services for the provision of authorized rehabilitation services under chapter 31. Under current law, DM & S provides certain rehabilitative services under chapter 17 of title 38 as part of hospital and medical care of veterans, generally with little coordination with chapter 31 programs.

In addition, in providing rehabilitation services DM & S receives no reimbursement from chapter 31 entitlement funds, even if the veteran or veterans concerned have chapter 31 entitlement and eligibility and are referred for the services by a chapter 31 counselor. The amendment, in order to assure better coordination of rehabilitation services to chapter 31 participants and to encourage more comprehensive rehabilitation services for disabled veterans receiving hospital, nursing home, and domiciliary care through DM & S, would provide for the Administrator to contract with DM & S for the purchase of rehabilitation services from DM & S facilities and services for those veterans participating in a chapter 31 program of rehabilitation.

In addition to helping assure greater coordination between the Department of Veterans' benefits, which administers chapter 31 programs, and DM & S in the provision of rehabilitation programs to veterans, I believe that this provision in the amendment would contribute greatly to enhancing DM & S rehabilitation efforts—a major goal of Administrator of Veterans' Affairs Max Cleland—because the services that it would provide under chapter 31 would be paid for out of entitlement funding under that chapter rather than the overextended funds appropriated generally for medical care—funds which DM & S must apportion among various competing needs of eligible veterans for care and treatment. This provision would truly assure primacy of rehabilitation for service-connected disabled veterans within the VA by providing for a secure source of funding for the care and treatment needed for such rehabilitation.

F. VETERANS' ADVISORY COMMITTEE ON REHABILITATION

The House-passed bill, but not the administration bill, would establish a Veteran's Advisory Committee on Rehabilitation. I believe that such a committee is very desirable for the purposes of assuring ongoing, independent assessments of veteran's rehabilitation needs and VA programs and activities to meet those needs and to increase coordination of all VA resources devoted to aspects of rehabilitation, especially as between the Departments of Medicine and Surgery and of Veterans' Benefits within the VA.

Thus, the amendment includes the House-passed provisions with modifications specifying that the voting membership shall be appointed from the general public, that no less than half the voting membership must be service-connected disabled veterans, and that the committee shall also include individuals who have distinguished themselves in the public and private sectors in certain fields relevant to the rehabilitation of veterans.

In addition, in order to help assure adequate coordination within the VA and among relevant Federal agencies and to provide the committee with the perspectives of those Federal officials with particularly relevant responsibilities, the amendment would include as ex officio nonvoting members representatives of the VA's Department of Medicine and Surgery and Department of Veterans' Benefits, of the Commissioner of the Rehabilitation Services Administration and the Director of the National Institute for Handicapped Research in the Department of Education, and of the Secretary of Health and Human Services. The amendment also makes clear that an annual evaluative report would be required to be made by the committee to the Administrator and the Congress.

TECHNICAL, CONFORMING AND MISCELLANEOUS AMENDMENTS

Mr. President, the amendment contains certain technical amendments, included in the administration bill to bar—consistent with current law limitations that bar double payment in the case of other educational allowances—a veterans' receipt of a subsistence allowance under chapter 31 concurrently with active duty service or training under the Government Employees Training Act and to include chapter 31 benefits in the present title 38 provision limiting the number of months of benefits an individual may receive under two or more VA education programs.

The amendment would also add to chapter 34 a provision substantially identical to that discussed above, with respect to the payment of an educational assistance allowance to an individual institutionalized in a VA medical facility or other medical facility at VA expense.

In addition, Mr. President, the amendment would revise the provision in chapter 32 of title 38, relating to the post Vietnam-era veteran's educational assistance program, with respect to the current law provision designating those to whom a deceased participant's unused contributions to the chapter 32 educational fund are to be paid. Under current law, such unused contributions are paid to the person or persons designated by the deceased participant as the beneficiaries of the participant's Servicemen's Group Life Insurance (SGLI) policy, or, where the participant had no SGLI policy or had made no such designation, to the deceased participant's estate.

I agree with the approach reflected in current law that payment be made directly to those persons whom the participant probably would have liked to receive his or her unused contributions—instead of being paid to the participant's estate—and that the designated SGLI beneficiaries may be presumed to be those whom the participant would desire to be benefited.

However, I do not believe that current law goes far enough in enabling payment to be made directly to the persons who, in all likelihood, the participant would have wished to receive payment if the participant is not covered under SGLI or has not designated an SGLI beneficiary.

Thus, the amendment would amend the provision involved to provide that the deceased participant's unused contributions to the educational fund be paid to the participant's SGLI beneficiary, or, if the participant is not covered under SGLI or has not designated a beneficiary, to the participant's surviving spouse, or, if there is no surviving spouse, to the participant's surviving child or children, in equal shares, thus simplifying payment and tax consequences in these instances. Under the amendment, only where there is no surviving spouse or child would payment be made to the participant's estate.

Finally, Mr. President, I wish to indicate at this point that the committee staff is preparing further amendments to be added to this bill shortly which would expand further various services, benefits, and opportunities in connection with the employment and on-job training of service-connected disabled chapter 31 participants, other disabled veterans, and veterans of the Vietnam era. This additional legislation will include a statutory codification of the Department of Labor's disabled veterans outreach program, and will be finalized after the committee's March 4 hearing on the employment and training needs of Vietnam-era veterans.

EFFECTIVE DATE

S. 1188 as amended by the amendment I am submitting would become effective on October 1, 1980.

Mr. President, I ask unanimous consent that the text of the amendment I am submitting be printed in the RECORD at this point, to be followed by a document that I have had prepared to show changes made in existing law by the amendment.

There being no objection, the amendment and material were ordered to be printed in the RECORD, as follows:

On page 1, line 3, strike out all after enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Disabled Veterans Rehabilitation Act of 1980".

TITLE I—REHABILITATION AMENDMENTS

SEC. 101. (a) Chapter 31 of title 38, United States Code, is amended to read as follows:

"CHAPTER 31—TRAINING AND REHABILITATION FOR SERVICE-CONNECTED DISABLED VETERANS

"Sec.
"1500. Purpose.
"1501. Definitions.
"1502. Basic entitlement.
"1503. Periods of eligibility.
"1504. Scope of services and assistance.
"1505. Duration of rehabilitation programs.
"1506. Initial and extended evaluations; determinations regarding serious employment handicap.
"1507. Individualized vocational rehabilitation plan.
"1508. Allowances.
"1509. Entitlement to independent living services and assistance.
"1510. Leaves of absence.
"1511. Regulations to promote satisfactory conduct and cooperation.
"1512. Revolving fund loans.
"1513. Books, supplies, and equipment.
"1514. Vocational rehabilitation for hospitalized members of the Armed Forces and veterans.
"1515. Vocational rehabilitation outside the United States.
"1516. Rehabilitation resources.
"1517. Employment assistance.
"1518. Personnel training and development.
"1519. Rehabilitation research and special projects.
"1520. Pilot program of independent living services and assistance.
"1521. Veterans' Advisory Committee on Rehabilitation.

"§ 1500. Purpose

"The purposes of this chapter are to provide for all services and assistance necessary to enable veterans with service-connected disabilities to achieve maximum independence in the functions of daily living, and, to the maximum extent feasible, to become employable and to obtain and maintain suitable employment.

"§ 1501. Definitions

"For the purposes of this chapter—

"(1) The term 'medical condition' means a disability, including an alcohol or drug dependence or abuse disability, or combination of disabilities of a veteran.

"(2) The term 'program of education' has the meaning provided in section 1652(b) of this title.

"(3) The term 'program of independent living services and assistance' includes both (A) the services provided for in this chapter that are needed to enable a veteran to achieve independence in the functions of daily living, including, but not limited to, such counseling, diagnostic, medical, social, psychological, and educational services as are determined by the Administrator to be needed for such veteran to achieve maximum independence in such functions, and (B) the assistance authorized by this chapter for such veteran.

"(4) The term 'rehabilitated' means rendered employable in the occupation for which a vocational rehabilitation program has been provided under this chapter.

"(5) The term 'rehabilitation program' means (A) a vocational rehabilitation program, or (B)(i) a program of independent living services and assistance for a veteran for whom a vocational goal has been determined not to be feasible, and (ii) the assistance authorized by this chapter for such veteran.

"(6) The term 'serious employment handicap' means a significant impairment of an individual's ability to prepare for, obtain, or retain employment consistent with such individual's abilities, aptitudes, and interests.

"(7) The term 'vocational goal' means a gainful employment status that is consistent with an individual's abilities, aptitudes, and interests.

"(8) The term 'vocational rehabilitation program' includes both (A) the services provided for in this chapter that are needed for the accomplishment of the purposes of this chapter, including, but not limited to, such counseling, diagnostic, medical, social, psychological, independent living, economic, educational, vocational, and employment services as are determined by the Administrator to be needed in order (i) to determine whether a vocational goal is feasible for a veteran, (ii) to improve such veteran's potential to participate in a program of services designed to achieve a vocational goal, and (iii) in the case of a veteran for whom a vocational goal is determined to be feasible, to enable such veteran to achieve maximum independence in the functions of daily living and to become, to the maximum extent feasible, employable and to obtain and maintain suitable employment, and (B) the assistance authorized by this chapter for a veteran receiving any of the services described in clause (A) of this paragraph.

"§ 1502. Basic entitlement

"A veteran shall be entitled to rehabilitation under the terms and conditions of this chapter if such veteran—

"(1) has a service-connected disability which is, or but for the receipt of retirement pay would be, compensable under chapter 11 of this title and which was incurred or aggravated inservice on or after September 16, 1940; and

"(2) was released from active military, naval, or air service under conditions other than dishonorable or is, pending discharge, hospitalized in a hospital over which the Secretary of Defense has jurisdiction.

"§ 1503. Periods of eligibility

"(a) Unless a longer period of eligibility is authorized pursuant to subsection (b), (c), or (d) of this section, educational assistance or rehabilitation may not be afforded to a veteran under this chapter after the end of the ten-year period beginning on the date of such veteran's discharge or release.

"(b)(1) If the Administrator determines that a veteran has been prevented from entering or completing a vocational rehabilitation program under this chapter within the period of eligibility prescribed in subsection (a) of this section because a medical condition made it infeasible for such veteran to participate in such a program, the ten-year period of eligibility shall not run during the period of time that such veteran was so prevented from participating in such a program.

"(2) If the Administrator determines that a veteran has been prevented from entering or completing a vocational rehabilitation program under this chapter within the period of eligibility prescribed in subsection (a) of this section because (A) such veteran had not met the requirement of a discharge or release under conditions other than dishonorable before (i) a change, correction, or modification of a discharge or dismissal made pursuant to section 1553 of title 10, (ii) a correction of the military records of the service department concerned under section 1552 of title 10, or (iii) other corrective action by competent authority, or (B) such veteran's discharge or dismissal was, under section 3103 of this title, a bar to benefits under this title before the Administrator made a determination that such discharge or dismissal is not a bar to such benefits, the ten-year period of eligibility shall run from the date on which such veteran's discharge or dismissal was so changed, corrected, or modified or the Administrator made such determination, as appropriate.

"(3) If the Administrator determines that a veteran has been prevented from entering or completing a vocational rehabilitation program under this chapter within the period of eligibility prescribed in subsection (a) of this section because such veteran had not established the existence of a service-connected disability which is compensable under chapter 11 of this title and such veteran has a serious employment handicap, vocational rehabilitation may be afforded such veteran during the ten-year period beginning on the date on which notification is mailed to such veteran that it has been determined that such disability exists.

"(c) A veteran who is in need of services to overcome a serious employment handicap may be afforded a vocational rehabilitation program after the expiration of the period of eligibility otherwise applicable to such veteran if the Administrator determines an extension of the applicable period of eligibility to be necessary for such veteran based upon such veteran's particular employment handicap and need for such services if—

"(1) such veteran had not previously been rehabilitated under this chapter;

"(2) such veteran had previously been rehabilitated under this chapter but (A) the occupation for which such veteran had been so rehabilitated was not appropriate in view of such veteran's employment handicap and abilities, or (B) such need for such services has developed from, or as a result of, a change in such veteran's service-connected disability that precludes such veteran from performing the duties of the occupation for which such veteran previously received vocational rehabilitation under this chapter; or

"(3) the Administrator determines, under regulations which the Administrator shall prescribe, that an extension of the period of eligibility of such veteran is necessary to carry out the purposes of this chapter.

"(d) A veteran whose disability or disabilities are so severe that a vocational goal for such veteran is determined not to be feasible may be afforded a program of independent living services and assistance under this chapter after the expiration of the period of eligibility otherwise applicable to such veteran if the Administrator determines an extension of the period of eligibility of such veteran is necessary for such veteran to achieve maximum independence.

"§ 1504. Scope of services and assistance

"(a) Services and assistance which the Administrator may provide under this chapter, pursuant to regulations which the Administrator shall prescribe, shall include—

"(1) evaluation of the potential for rehabilitation of a veteran, including diagnostic and related services (A) to determine whether such veteran's disability or disabilities cause a serious employment handicap and whether a vocational goal is feasible for such veteran, and (B) to provide a basis for planning a suitable vocational rehabilitation program or a program of services to improve the vocational rehabilitation potential or independent living status of such veteran, as appropriate;

"(2) educational, vocational, psychological, employment, and personal adjustment counseling;

"(3) an allowance and other appropriate assistance, as authorized by section 1508 of this title;

"(4) a work study allowance as authorized by section 1685 of this title;

"(5) placement services to effect suitable placement in employment, and postplacement services to attempt to assure satisfactory adjustment in employment;

"(6) personal adjustment and work adjustment training;

"(7) vocational and other training services and assistance, including individualized tutorial assistance, tuition, fees, books, supplies, and licensing fees, and equipment and other training materials determined by the Administrator to be necessary to accomplish the purposes of the rehabilitation program in the individual case;

"(8) loans as authorized by section 1511 of this title;

"(9) treatment, care and services described in chapter 17 of this title;

"(10) prosthetic appliances, eyeglasses, and other corrective and assistive devices;

"(11) services to a veteran's family as necessary for the effective rehabilitation of such veteran;

"(12) for the most severely disabled veterans requiring homebound training or self employment, or both homebound training and self employment, such license fees, essential equipment, supplies, and minimum stocks of materials as the Administrator determines to be necessary for such a veteran to begin employment and are within the criteria and cost limitations that the Administrator shall prescribe in regulations for the furnishing of such fees, equipment, supplies, and stocks;

"(13) travel and incidental expenses under the terms and conditions set forth in section 111 of this title, plus, in the case of a veteran who because of such veteran's disability has transportation expenses in addition to those incurred by persons not so disabled, a special transportation allowance to defray such additional expenses during rehabilitation, job seeking, and the initial employment stage; and

"(14) special services related to blindness and deafness, such as

"(A) language training, speech and voice correction, training in ambulation, and one-hand typewriting;

"(B) orientation, adjustment, mobility, reader, interpreter, and related services; and

"(C) telecommunications, sensory, and other technical aids and devices.

"(b) A program of independent living services and assistance may include the types of services and assistance described in section 702 of the Rehabilitation Act of 1973 (29 U.S.C. 796).

"(c) A rehabilitation program (including individual courses) to be pursued by a veteran shall be subject to the approval of the Administrator.

"§ 1505. Duration of rehabilitation programs

"(a) The period of time for extended evaluation to evaluate or to improve the rehabilitation potential of a veteran for whom the feasibility of achieving a vocational goal is undetermined may not exceed twelve months, except that such period of time may be extended for additional periods of up to six months each if the Administrator determines that, during the extended period concerned, it is reasonably likely that a determination can be made with respect to such veteran as to whether the achievement of a vocational goal is feasible.

"(b) Except as provided in subsection (c) of this section, a vocational rehabilitation program for a veteran under this chapter following a determination of the feasibility of achieving a vocational goal may not exceed forty-eight months, except that, in the case of a veteran who is determined to have a serious employment handicap, the counseling and placement and postplacement services described in section 1504(a)(2) and (5) of this title may be extended for an additional period not to exceed eighteen months.

"(c) The Administrator may extend further the period of vocational rehabilitation for a veteran with a serious employment handicap under the circumstances described in clause (2) or (3) of section 1503(c) of this title to the extent that an extension of such period is necessary to enable such veteran to achieve a vocational goal.

"(d) Unless the Administrator determines that a longer period is necessary and likely to result in a substantial improvement in a veteran's ability to live and function independently, a program of independent living services and assistance for a veteran under this chapter following a determination that such veteran's disability or disabilities are so severe that the achievement of a vocational goal is not feasible may not exceed twenty-four months.

"§ 1506. Initial and extended evaluations; determinations regarding serious employment handicap

"(a) A veteran with a service-connected disability who applies for benefits under this chapter shall be provided with an initial evaluation consisting of such services described in section 1504(a)(1) of this title as are necessary to determine whether such veteran has or may have a serious employment handicap.

"(b) A veteran as to whom it is determined under subsection (a) of this section that a serious employment handicap exists or may exist shall be provided with extended evaluation consisting of services described in section 1504(a)(1) of this title, such services under this chapter as the Administrator determines necessary to improve such veteran's potential for participation in a program of services designed to achieve a vocational goal, and appropriate assistance as authorized by section 1508 of this title.

"(c) Not later than the end of the period of extended evaluation for a veteran under subsection (b) of this section (including any extensions under section 1505(a) of this title), the Administrator shall determine whether such veteran has a serious employment handicap; and a veteran who is determined to have a serious employment handicap and as to whom it is determined that the achievement of a vocational goal is feasible shall be provided with an individualized written plan of vocational rehabilitation and shall be afforded counseling in accordance with such plan.

"(d) In connection with each period of extended evaluation of a veteran and each rehabilitation program for a veteran who is determined to have a serious employment handicap, the Administrator shall assign a Veterans' Administration employee to be responsible for the management and followup of the provision of services and assistance under this chapter to such veteran.

"§ 1507. Individualized vocational rehabilitation plan

"(a) The Administrator shall formulate an individualized written plan of vocational rehabilitation for a veteran described in section 1506(c) of this title. Such plan shall be developed jointly with such veteran, and shall include, but not be limited to (1) a statement of long range rehabilitation goals for such veteran and intermediate rehabilitation objectives related to achieving such goals, (2) a statement of the specific services and assistance to be provided under this chapter, (3) the projected date for the initiation and the anticipated duration of each such service, (4) objective criteria and an evaluation procedure and schedule for determining whether such objectives and goals are being achieved, and (5) the name and business address and telephone number of the Veterans' Administration employee assigned responsibility for the management and followup of the provision of such services and assistance to such veteran.

"(b) The plan formulated under subsection (a) of this section for a veteran shall be reviewed at least annually, and each such veteran shall be afforded the opportunity to participate in each review of such plan and jointly to redevelop such plan.

"(c) Prior to agreeing to a plan under subsection (a) of this section or to any redevelopment or denial of redevelopment of a plan under subsection (b) of this section, a veteran shall be informed of such veterans' opportunity for a review as set forth in the following sentence. If a veteran does not agree to such plan, redevelopment, or denial of redevelopment, the plan as proposed together with a written statement, prepared by or for such veteran, of such veteran's objections to such plan shall be reviewed by the Administrator or the Administrator's designee in the Central Office of the Veterans' Administration, and a decision shall be rendered on such review not later than ninety days after the date on which such veteran submits a written request for such review to the person described in subsection (a)(5) of this section.

"§ 1508. Allowances

"(a) Unless a veteran elects to receive an educational assistance allowance pursuant to subsection (f) of this section, each veteran shall be paid a subsistence allowance in accordance with this section during a period determined by the Administrator to be a period of (1) extended evaluation, (2) participation in a rehabilitation program under this chapter, and (3) postvocational rehabilitation training (not to exceed two months).

"(b) Except as otherwise provided in this section, the subsistence allowance paid to a veteran under this chapter shall be determined in accordance with the following table, and shall be the monthly amount shown in column II, III, IV, or V (whichever is applicable as determined by the veteran's dependency status) opposite the appropriate type of program being pursued as specified in column I:

"Column I	Column II	Column III	Column IV	Column V
Type of program	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Institutional training:				
Full-time	$277	$343	$404	$30
Three-quarter time	208	258	302	22
Half-time	138	171	202	15
Farm cooperative, apprentice, or other on-job training: Full-time	242	292	337	22
On-job training or work experience for no or nominal pay in Federal agency: Full-time	277	343	404	30
Extended evaluation: Full-time	277	343	404	30
Independent living training:				
Full-time	277	343	404	30
Three-quarter-time	208	258	302	22
Half-time	138	171	202	15

"(c)(1) If the vocational rehabilitation program for a veteran includes training on the job by an employer in any month, such employer shall be required to submit to the Administrator a statement in writing showing any wage, compensation, or other income paid by the employer to such veteran for such month, directly or indirectly. Based upon such written statement, the Administrator is authorized to reduce the subsistence allowance of such veteran to an amount considered equitable and just.

"(2) A veteran pursuing on-job training or work experience as part of a vocational rehabilitation program in a Federal agency under the provisions of section 1516(a)(1) of this title for no or nominal pay shall be paid the appropriate subsistence rate provided in subsection (b) of this section for an institutional program.

"(d)(1) The Administrator shall, in accordance with regulations which the Administrator shall prescribe not inconsistent with regulations governing the determination of full-time status and part-time status under chapter 34 of this title, define full-time and each part-time status for veterans participating in rehabilitation programs under this chapter.

"(2) A veteran undergoing extended evaluation on less than a full-time basis may be paid a proportional subsistence allowance in accordance with regulations which the Administrator shall prescribe.

"(3) During the two-month period following a determination that a veteran with a serious employment handicap is rehabilitated, such veteran shall be paid at the rate provided in subsection (b) of this section for the full-time benefits payable for the type of rehabilitation program that such veteran pursued.

"(e) In the case of a veteran pursuing a rehabilitation program on a full-time residential basis in a specialized rehabilitation facility, the Adminstrator shall be authorized, upon the request of such veteran, to pay to such facility the cost of such veteran's room and board and to pay to such veteran that portion of the allowance for dependents payable, as determined by such veteran's dependency status, under subsection (b) of this section for a full-time institutional program.

"(f) To the extent that a veteran who is determined not to have a serious employment handicap has remaining eligibility for and entitlement to educational assistance benefits under chapter 34 of this title, such veteran may elect, in lieu of services and assistance pursuant to the provisions of this chapter other than this subsection, to pursue a program of education and receive an educational assistance allowance and other assistance as authorized under chapter 34 of this title, together with such services under section 1504 (2), (5), (6), and (11) of this title as such veteran may request and the Administrator determines to be necessary to accomplish the purposes of this chapter, if the Administrator approves such veteran's chosen educational, professional, or vocational objective of such program. In the event that such veteran makes such an election, the terms and conditions, including allowances and other assistance, applicable to the pursuit of a program of education under such chapter shall apply.

"(g)(1) Notwithstanding any other provision of this title, the subsistence allowance for a veteran who is pursuing a program of vocational rehabilitation under this chapter while incarcerated in a Federal, State, county, or local prison or jail, shall be paid as follows:

"(A) If such veteran has no dependents, the Administrator shall withhold such allowance while such veteran is so incarcerated and pay such amount to such veteran upon such veteran's release from prison or jail or, at the request of such veteran, purchase with such allowance and hold for such veteran United States Government securities and deliver them to such veteran upon such veteran's release from prison or jail.

"(B) If such veteran has one or more dependents, the Administrator shall pay such allowance to such veteran's dependent or dependents (or legal guardian or guardians thereof) designated by such veteran to receive such allowance, but only to the extent that both the veteran and the designated dependent or dependents (or legal guardian or guardians thereof) so request. If such veteran does not request the Administrator to pay to a particular dependent of such veteran any amount payable on account of such dependent or such dependent does not join in such request, the amount involved shall not be paid to or accrued by such veteran. The Administrator shall, while such veteran is so incarcerated, withhold any amount of such allowance, not payable on account of a dependent or dependents, that is accrued by such veteran and shall pay such amount to such veteran upon such veteran's release from prison or jail or, at the request of such veteran, purchase with such amount and hold for such veteran United States Government securities and deliver them to such veteran upon such veteran's release from prison or jail.

"(2) The provisions of paragraph (1) of this subsection shall not apply in the case of any veteran who is pursuing a vocational rehabilitation program under this chapter while placed and residing in a halfway house or while participating in a work-release program.

"(h)(1) Notwithstanding any other provision of this title, the educational assistance allowance for a veteran who has elected to receive such allowance pursuant to subsection (f) of this section and who is pursuing an institutional program of education under this chapter while incarcerated in a Federal, State, county, or local prison or jail, shall be computed and paid as follows:

"(A) If such veteran is pursuing a program of education on a half-time or more basis and has no dependents, the Administrator shall pay such veteran such amount, not in excess of the appropriate rate, as is necessary to cover the cost of established charges for tuition and fees required of similarly circumstanced nonveterans pursuing the same program. The Administrator shall withhold any amount in excess of such cost and pay such amount to such veteran upon such veteran's release from prison or jail or, at the request of such veteran, purchase with such excess amount and hold for such veteran United States Government securities and deliver them to such veteran upon such veteran's release from prison or jail.

"(B) If such veteran is pursuing a program of education on a half-time or more basis and has one or more dependents, the Administrator shall pay such veteran such amount, not in excess of such appropriate rate, as is necessary to cover the cost of established charges for tuition and fees required of similarly circumstanced nonveterans pursuing the same program; and the Administrator shall pay any amount in excess of such cost to such veteran's dependent or dependents (or legal guardian or guardians thereof) designated by such veteran to receive such excess amount, but only if both the veteran and the designated dependent or dependents (or legal guardian or guardians thereof) so request. If such veteran does not request the Administrator to pay to a particular dependent of such veteran any amount payable on account of such dependent or such dependent does not join in such request, the amount involved, if not payable to such veteran under the first sentence of this subparagraph, shall not be paid to or accrued by such veteran. The Administrator shall pay any excess amount accrued by such veteran to such veteran upon such veteran's release from prison or jail or, at the request of such veteran, purchase with such excess amount and hold for such veteran United States Government securities and deliver them to such veteran upon such veteran's release from prison or jail.

"(2) The provisions of paragraph (1) of this subsection shall not apply in the case of any veteran who is pursuing a program of education under this chapter while placed and residing in a halfway house or while participating in a work-release program.

"(i) Notwithstanding any other provision of this title, in the case of a veteran pursuing a vocational rehabilitation program while institutionalized in a Veterans' Administration hospital, nursing home, or domiciliary facility, or in a facility with which the Administrator, under the provisions of chapter 17 of this title, has contracted for such veteran's care at Veterans' Administration expense, the subsistence or (if such veteran has made an election under subsection (f) of this section) educational assistance allowance appropriate for the type of training pursued shall, after such veteran has been so institutionalized for thirty days, accrue and be withheld (and converted to securities), paid to dependents, and paid to such veteran upon discharge from such facility under the same terms and conditions set forth in subsection (g) or (h) of this section, as appropriate, except that the Administrator shall, upon the request of such veteran, pay to such veteran all or part of such monthly allowance payments as are determined to be necessary to meet continuing financial obligations of such veteran.

"(j) Payment of a subsistence allowance may be made in advance in accordance with the provisions of section 1780(d) of this title.

"§ 1509. Entitlement to independent living services and assistance

"A veteran who is prevented from entering a vocational rehabilitation program under this chapter because such veteran's disability or disabilities are so severe that it is determined that the achievement of a vocational goal is not feasible shall be entitled, pursuant to the provisions of section 1520 of this title, to a program of independent living services and assistance designed to enable such veteran to achieve maximum independence in the functions of daily living.

"§ 1510. Leaves of absence

"The Administrator shall prescribe such regulations as the Administrator determines necessary for granting leaves of absence to veterans pursuing a rehabilitation program under this chapter. During authorized leaves of absence, a veteran shall be considered to be pursuing such program.

"§ 1511. Regulations to promote satisfactory conduct and cooperation

"The Administrator shall prescribe such rules and regulations as the Administrator determines necessary to promote satisfactory conduct and cooperation on the part of veterans who are pursuing rehabilitation programs under this chapter. If a veteran fails to maintain satisfactory conduct or cooperation, the Administrator may discontinue services and assistance unless the Administrator determines that mitigating circumstances exist. In any case in which such services and assistance have been discontinued, the Administrator may reinstitute such services and assistance only if the Administrator determines that—

"(1) the cause of the unsatisfactory conduct or cooperation of such veteran has been removed; and

"(2) the rehabilitation program which such veteran proposes to pursue (whether the same or revised) is suitable to such veteran's abilities, aptitudes, and interests.

"§ 1512. Revolving fund loans

"The revolving fund established pursuant to part VII of Veterans Regulations Numbered 1(a) is continued in effect, and may be used by the Administrator, under regulations prescribed by the Administrator, for making advances, not in excess of twice the full-time institutional monthly subsistence allowance for a veteran with no dependents, as set forth in section 1508(b) of this title, to veterans pursuing rehabilitation programs under this chapter. Such advances, and advances from such fund made before the effective date of the Disabled Veterans Rehabilitation Act of 1980, shall bear no interest and shall be repaid in such installments, as may be determined by the Administrator, by proper deductions from future payments of compensation, pension, subsistence allowance, educational assistance allowance, or retirement pay.

"§ 1513. Books, supplies, and equipment

"Any books, supplies, or equipment furnished a veteran under this chapter shall be deemed released to such veteran, except that if the Administrator determines that, because of fault on such veteran's part, such veteran has failed to complete the course of vocational rehabilitation, the Administrator may require such veteran to return any or all of such books, supplies, or equipment not actually expended, or to repay the reasonable value thereof. Such books, supplies, and equipment may be turned in to educational or training institutions for credit under such terms as may be approved by the Administrator, or may be disposed of in such other manner as the Administrator may determine.

"§ 1514. Vocational rehabilitation for hospitalized members of the Armed Forces and veterans

"(a) Services and assistance may be provided under this chapter to an individual who is hospitalized pending discharge from active military, naval, or air service if such individual would be eligible for such services and assistance except for the fact that such individual has not been discharged or released from such service. In such cases, no subsistence allowance shall be paid.

"(b) Service and assistance may be provided under this chapter to a veteran who is institutionalized in a Veterans' Administration hospital, nursing home, or domiciliary facility or, where feasible, in any other hospital or medical facility.

"§ 1515. Vocational rehabilitation outside the United States

"Pursuant to regulations which the Administrator shall prescribe, a program of vocational rehabilitation under this chapter may be provided outside the United States if the Administrator determines that such training is (1) necessary in the particular case to provide the preparation needed to render a veteran employable and enable such veteran to obtain and retain suitable employment, and (2) in the best interest of such veteran and the Federal Government.

"§ 1516. Rehabilitation resources

"(a) Notwithstanding any other provision of law, for the purpose of providing services under this chapter, the Administrator may—

"(1) use the facilities of any Federal agency (including the Veterans' Administration) to provide training or work experience as part or all of a veteran's vocational rehabilitation program for no or nominal pay when the Administrator determines such training or work experience is necessary to accomplish such veteran's rehabilitation;

"(2) use the facilities, staff, and other resources of the Veterans' Administration;

"(3) employ such additional personnel and experts as the Administrator considers necessary; and

"(4) use the facilities and services of any Federal agency, agencies maintained by joint Federal and State contributions, private institutions and establishments, and private individuals.

"(b)(1) While pursuing on-job training or work experience under clause (1) of subsection (a) of this section, a veteran shall be considered to be an employee of the United States for the purposes of the benefits of chapter 81 of title 5, but not for the purposes of laws administered by the Office of Personnel Management.

"(2) Use of facilities, staff, and other resources of the Department of Medicine and Surgery under clause (2) of subsection (a) of this section, to provide rehabilitation services under this chapter, including medical services authorized under chapter 17 of this title, shall, as provided for in a veteran's individualized written plan of vocational rehabilitation developed under section 1507 of this title, be procured through contract with such department; and the amounts of payments for such services shall be determined in accordance with current accounting principles used within such department, subject to review and modification by the Administrator with respect to the reasonableness of proposed charges.

"(3) Use of facilities and services under clause (4) of subsection (a) of this section, shall, as provided for in a veteran's individualized written plan of vocational rehabilitation developed under section 1507 of this title, be procured through contract, agreement, or other cooperative arrangement.

"§ 1517. Employment assistance

"(a) A veteran who has participated in a vocational rehabilitation program under this chapter or a similar program under the Rehabilitation Act of 1973 and who is determined to be employable shall be furnished assistance in obtaining employment consistent with such veteran's abilities, aptitudes, interests, and employment handicap. Such assistance may include (1) direct placement of such veteran in employment; and (2) utilization of placement services of (A) programs under the Rehabilitation Act of 1973, (B) the State employment service and the Veterans Employment Service of the Department of Labor, (C) the Office of Personnel Management, and (D) any other public or nonprofit organization having placement services available.

"(b)(1) If a veteran has completed vocational rehabilitation for self-employment in a small business enterprise under this chapter, the Administrator shall cooperate with the Small Business Administration to assist such veteran to secure a loan for the purchase of equipment needed to establish such veteran's own business and to assure that such veteran receives the special consideration provided for in section 8 of the Small Business Act (15 U.S.C. 633(b)).

"(2) The Administrator may, under the terms and conditions of clause (12) of section 1504(a) of this title, furnish a veteran described in such clause who has trained under a State rehabilitation program with the objective of self-employment in a small business enterprise such supplementary equipment and initial stocks and supplies as are determined to be needed by such veteran if such supplementary equipment and initial stocks and supplies, or assistance in acquiring them, are not available through the State program or other sources.

"(c)(1) The Administrator shall actively promote the development and establishment of on-job training and employment opportunities for veterans with service-connected disabilities through direct Veterans' Administration employee outreach, in cooperation with activities carried out by the Secretary of Labor, to employers and through Veterans' Administration coordination with Federal, State, and local governmental agencies and appropriate nongovernmental organizations.

"(2) The Administrator shall prescribe regulations, subject to the approval of the Secretary of Labor in light of the provisions of title V of the Rehabilitation Act of 1973 (29 U.S.C. subch. V) and section 2012 of this title, authorizing payments to be made to employers for providing on-job training to veterans who have been rehabilitated under this chapter in individual instances when the Administrator determines such payment to be necessary to obtain the needed on-job training or to begin employment. Such payments shall not exceed the direct expenses incurred by such employers in providing such on-job training or employment opportunity. If any such veteran participates in such on-job training that satisfies the criteria for payment of a training assistance allowance under section 1787 of this title, such veteran shall, to the extent that such veteran has remaining eligibility for and entitlement to such allowance, be paid such allowance.

"§ 1518. Personnel training and development

"(a) The Administrator shall provide a program of ongoing professional training and development for Veterans' Administration counseling and rehabilitation personnel engaged in providing rehabilitation services under this chapter. The objective of such training shall be to assure that rehabilitation services for veterans are provided in accordance with the most advanced knowledge, methods, and techniques available for the rehabilitation of handicapped persons. For this purpose, the Administrator may employ the services of consultants and may make grants to and contract with public or private agencies (including institutions of higher learning) to conduct such training and development.

"(b) The Administrator shall coordinate with the Commissioner of the Rehabilitation Services Administration in the Department of Education in planning and carrying out personnel training in areas of mutual programmatic concern.

"§ 1519. Rehabilitation research and special projects

"(a) The Administrator shall carry out an ongoing program of activities for the purpose of advancing the knowledge, methods, techniques, and resources available for use in rehabilitation programs for veterans. For this purpose, the Administrator shall conduct and provide support for the development or conduct, or both the development and conduct, of—

"(1) studies and research concerning the psychological, educational, employment, social, vocational, industrial, and economic aspects of the rehabilitation of disabled veterans, including new methods of rehabilitation: and

"(2) projects which are designed to increase resources and potential for accomplishing the rehabilitation of disabled veterans.

"(b) For the purpose specified in subsection (a) of this section, the Administrator is authorized to make grants to or contract with public or nonprofit agencies, including institutions of higher learning.

"(c) The Administrator shall cooperate with the Commissioner of the Rehabilitation Services Administration and the Director of the Institute of Handicapped Research in the Department of Education and the Secretary of Health and Human Services regarding rehabilitation studies, research, and special projects of mutual programmatic concern.

"§ 1520. Pilot program of independent living services and assistance

"(a) During fiscal years 1981 through 1985, the Administrator is authorized to contract with public or nonprofit agencies with a demonstrated capacity to conduct programs of independent living services for severely handicapped persons to provide, under regulations which the Administrator shall prescribe, programs of independent living services and assistance under this chapter in various geographical regions, to veterans as to whom it is determined that the achievement of vocational goals are not feasible, who are selected pursuant to criteria prescribed in such regulations, and who have remaining entitlement and periods of eligibility for rehabilitation under this chapter. The Administrator shall, to maximum extent feasible, include substantial numbers of veterans undergoing long-term institutionalization in Veterans' Administration hospitals and nursing homes and in nursing homes with which the Administrator contracts for the provision of care to veterans among those to whom independent living services and assistance are provided under this subsection. A program of independent living services and assistance for a veteran shall consist of such services described in section 1504 (a) and (b) of this title as the Administrator determines necessary to enable such veteran to achieve maximum independence in the functions of daily living. Such veteran shall have the same procedural rights with respect to an individualized written plan for services and assistance as is afforded veterans participating in vocational rehabilitation under section 1507 of this title. Any contract for services that are initiated with respect to any veteran prior to the end of fiscal year 1985 may be continued in effect after the end of fiscal year 1985 for the purposes of providing services to such veteran in accordance with the provisions of this chapter.

"(b) Not later than September 30, 1984, the Administrator shall submit to the Congress a report on the program of independent living services and assistance provided for in subsection (a) of this section. Such report shall include—

"(1) the results of a study which the Administrator shall conduct of the accomplishments and cost effectiveness of such program, including the extent to which (A) such program has met needs for comprehensive independent living services that would not otherwise have been met, (B) severely disabled veterans have achieved and maintained greater independence in the functions of daily living as a result of participation in the program, and (C) costs of care in hospitals and nursing homes have been and may be avoided as the result of such services; and

"(2) the Administrator's recommendations for any legislative changes with respect to the provision of independent living services and assistance to veterans for whom the achievement of a vocational goal is not feasible.

"§ 1521. Veterans' Advisory Committee on Rehabilitation

"(a) The Administrator shall appoint an advisory committee to be known as the Veterans' Advisory Committee on Rehabilitation (hereinafter in this section referred to as the 'Committee'). The members of the Committee shall be appointed by the Administrator from the general public and shall serve for terms to be determined by the Administrator not to exceed three years. Service-connected disabled veterans shall constitute no less than one-half of the voting membership of the Committee, and the Committee shall also include individuals who have distinguished themselves in both the public and private sectors in the fields of rehabilitation medicine, vocational guidance, vocational rehabilitation, and employment and training programs. The Administrator may designate one of the voting members of the Committee as the chairman of the Committee. In addition to the members appointed by the Administrator, the membership of the Committee shall include as ex officio nonvoting members representatives of the Department of Medicine and Surgery and the Department of Veterans' Benefits, of the Commissioner of the Rehabilitation Services Administration and of the Director of the National Institute for Handicapped Research in the Department of Education, and of the Secretary of Health and Human Services.

"(b) The Administrator shall advise and consult with the Committee on a regular basis with respect to the administration of veterans' rehabilitation programs under this title.

"(c) The Committee shall submit to the Administrator and the Congress an annual report on the rehabilitation programs and activities of the Veterans' Administration, and shall submit such other reports or recommendations to the Administrator and the Congress as the Committee determines appropriate. The annual report shall include an assessment of the rehabilitation needs of veterans and a review of the programs and activities of the Veterans' Administration designed to meet such needs.".

(b) The items relating to chapter 31 in the table of chapters at the beginning of title 38, United States Code, and at the beginning of part III of such title, are amended to read as follows:

"31. Training Rehabilitation for Service-Connected Disabled Veterans____1500".

TITLE II—TECHNICAL AMENDMENTS—EFFECTIVE DATE

SEC. 201. Section 1781 of title 38, United States Code, is amended by inserting immediately after "36" the following: "or subsistence allowance granted under chapter 31".

SEC. 202. Section 1795 of title 38, United States Code, is amended by—

(1) amending clause (4) to read as follows:

"(4) chapters 32, 34, 35, and 36 of this title, and the former chapter 33";

(2) striking out the comma immediately following "thereof)" and inserting in lieu thereof a period; and

(3) striking out "but this section shall not be deemed to limit the period for which assistance may be received under chapter 31 alone." and inserting in lieu thereof the following: "No person may receive assistance under chapter 31 of this title in combination with assistance under any of the provisions of law cited in clauses (1), (2), (3), and (4) of this section in excess of forty-eight months (or the part-time equivalent thereof) unless the Administrator determines that additional months of benefits provided by such chapter are required to accomplish the rehabilitation purposes set forth in that chapter.".

SEC. 203. Section 1631(a)(1) of title 38, United States Code, is amended by adding at the end thereof the following: "The thirty-six month maximum shall be subject to the provisions of section 1795 of this title limiting the aggregate period for which any person may receive assistance under two or more programs of education administered by the Veterans' Administration.".

SEC. 204. Section 1682 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(h) Notwithstanding any other provision of this title, in the case of an eligible veteran pursuing a program of education while institutionalized in a Veterans' Administration hospital, nursing home, or domiciliary facility or in a facility with which the Administrator, under the provisions of chapter 17 of this title, has contracted for such veteran's care at Veterans' Administration expense, the educational assistance allowance appropriate for the type of training pursued shall, after such veteran has been so institutionalized for thirty days, accrue and be withheld (and converted to securities), paid to dependents, and paid to such veteran upon discharge from such facility under the same terms and conditions set forth in subsection (g) of this section, as appropriate, except that the Administrator shall, upon the request of such veteran, pay to such veteran all or part of such monthly allowance payments as are determined to be necessary to meet continuing financial obligations of such veteran.".

SEC. 205. In the case of any veterans who has filed a claim for total disability on the basis of such veteran's individual unemployability resulting from service-connected disability, the Administrator shall provide for (1) a comprehensive diagnostic evaluation by Veterans' Administration employees responsible for such evaluations under chapter 31 of title 38, United States Code, of such veteran's potential for vocational rehabilitation and employment, and (2) such evaluation to be considered in the adjudication of such veteran's claim, unless the Administrator finds such evaluation and consideration not to be reasonably necessary for the purposes of such adjudication.

SEC. 206. Section 1624(a) of title 38, United States Code, is amended to read as follows:

"(a)(1) If a participant dies, the amount of such participant's unused contributions to the fund shall be paid to living person or persons first listed below:

"(A) The beneficiary or beneficiaries designated by such participant under such participant's Servicemen's Group Life Insurance policy.

"(B) The surviving spouse of the participant.

"(C) The surviving child or children of the participant, in equal shares.

"(2) If there is no such person living, such amount shall be paid to the participant's estate.".

SEC. 207. The provisions of this Act shall become effective on October 1, 1980.

Amend the title so as to read: "A bill to amend title 38, United States Code, to improve, expand, and modernize the program of vocational rehabilitation for service-connected disabled veterans under chapter 31 of such title, and to provide for a pilot program of independent living services for certain severely disabled veterans under such chapter; and for other purposes.".

Changes in existing law made by Amendment No. 1661 to S. 1188 as introduced are shown as follows (existing law proposed to be omitted is enclosed in brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 38, UNITED STATES CODE

* * * * *

PART III—READJUSTMENT AND RELATED BENEFITS

CHAPTER	Sec.
31. [Vocational] *Training and* Rehabilitation *for Service-Connected Disabled Veterans*	[1501] *1500*
32. Post-Vietnam Era Veterans' Educational Assistance	1601
34. Veterans' Educational Assistance	1650
35. Survivors' and Dependents' Educational Assistance	1700
36. Administration of Educational Benefits	1770
37. Home, Condominium, and Mobile Home Loans	1801
39. Automobiles and Adaptive Equipment for Certain Disabled Veterans and Members of the Armed Forces	1901
41. Job Counseling, Training, and Placement Service for Veterans	2001
42. Employment and Training of Disabled and Vietnam Era Veterans	2011
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Chapter 31—[VOCATIONAL] *TRAINING AND* REHABILITATION *FOR SERVICE-CONNECTED DISABLED VETERANS*

Sec.
1500. Purpose.
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1518. Personnel training and development.
1519. Rehabilitation research and special projects.
1520. Pilot program of independent living services and assistance.
1521. Veterans' Advisory Committee on Rehabilitation.

§ 1500. Purpose

The purposes of this chapter are to provide for all services and assistance necessary to enable veterans with service-connected disabilities to achieve maximum independence in the functions of daily living, and, to the maximum extent feasible, to become employable and to obtain and maintain suitable employment.

§ 1501. Definitions

For the purposes of this chapter—

[(1) The term "World War II" means the period beginning on September 16, 1940, and ending on July 25, 1947.]

(1) The term "medical condition" means a disability, including an alcohol or drug dependence or abuse disability, or combination of disabilities of a veteran.

(2) The term "program of education" has the meaning provided in section 1652(b) of this title.

(3) The term "program of independent living services and assistance" includes both (A) the services provided for in this chapter that are needed to enable a veteran to achieve independence in the functions of daily living, including, but not limited to, such counseling, diagnostic, medical, social, psychological, and educational services as are determined by the Administrator to be needed for such veteran to achieve maximum independence in such functions, and (B) the assistance authorized by this chapter for such veteran.

(4) The term "rehabilitated" means rendered employable in the occupation for which a vocational rehabilitation program has been provided under this chapter.

(5) The term "rehabilitation program" means (A) a vocational rehabilitation program, or (B)(i) a program of independent living services and assistance for a veteran for whom a vocational goal has been determined not to be feasible, and (ii) the assistance authorized by this chapter for such veteran.

(6) The term "serious employment handicap" means a significant impairment of an individual's ability to prepare for, obtain, or retain employment consistent with such individual's abilities, aptitudes, and interests.

(7) The term "vocational goal" means a gainful employment status that is consistent with an individual's abilities, aptitudes, and interests.

[(2)] *(8)* The term "vocational rehabilitation *program*" [means training (including educational and vocational counseling, all appropriate individualized tutorial assistance, and other necessary incidental services) for the purpose of restoring employability, to the extent consistent with the degree of disablement, lost by virtue of a handicap due to service-connected disability] *includes both (A) the services provided for in this chapter that are needed for the accomplishment of the purposes of this chapter, including, but not limited to, such counseling, diagnostic, medical, social, psychological, independent living, economic, educational, vocational, and employment services as are determined by the Administrator to be needed in order (i) to determine whether a vocational goal is feasible for a veteran, (ii) to improve such veteran's potential to participate in a program of services designed to achieve a vocational goal, and (iii) in the case of a veteran for whom a vocational goal is determined to be feasible, to enable such veteran to achieve maximum independence in the functions of daily living and to become, to the maximum extent feasible, employable and to obtain and maintain suitable employment, and (B) the assistance authorized by this chapter for a veteran receiving any of the services described in clause (A) of this paragraph.*

§ 1502. Basic entitlement

[(a) Every veteran who is in need of vocational rehabilitation on account of a service-connected disability which is, or but for the receipt of retirement pay would be, compensable under chapter 11 of this title shall be furnished such vocational rehabilitation as may be prescribed by the Administrator, if such disability arose out of service during World War II or thereafter.

[(b) Unless a longer period is prescribed by the Administrator, no course of vocational rehabilitation may exceed four years. If the veteran has pursued an educational or training program under chapters 33 (prior to its repeal), 34 35, or 36 of this title, such program shall be utilized to the fullest extent practical in determining the character and duration of the vocational rehabilitation to be furnished the veteran under this chapter.

[(c) Vocational rehabilitation may not be afforded outside of a State to a veteran on account of post-World War II service if the veteran, at the time of such service, was not a citizen of the United States.

[(d) Veterans pursuing a program of vocational rehabilitation training under the provisions of this chapter shall also be eligible, where feasible, to perform veteran-student services pursuant to section 1685 of this title and for advance subsistence allowance payments as provided by section 1780 of this title.]

A veteran shall be entitled to rehabilitation under the terms and conditions of this chapter if such veteran—

(1) has a service-connected disability which is, or but for the receipt of retirement pay would be, compensable under chapter 11 of this title and which was incurred or aggravated in service on or after September 16, 1940; and

(2) was released from active military, naval, or air service under conditions other than dishonorable or is, pending discharge, hospitalized in a hospital over which the Secretary of Defense has jurisdiction.

§ 1503. Periods of eligibility

(a) Unless a longer period of eligibility is authorized pursuant to subsection (b) [or (c)] *(c), or (d)* of this section, [vocational] *educational assistance or* rehabilitation may not be afforded to a veteran [after nine years following the veteran's discharge or release; except vocational rehabilitation may be afforded to any person until October 15, 1971, if such person is eligible for vocational rehabilitation by reason of a disability arising from service before October 15, 1962, but either after World War II, and before the Korean conflict, or after the Korean conflict] *under this chapter after the end of the ten-year period beginning on the date of such veteran's discharge or release.*

(*b*)(*1*) [where] *If the Administrator determines that* a veteran [is] *has been* prevented from entering or [having entered, from] completing *a* vocational rehabilitation [training] *program under this chapter* within the period of eligibility [described] *prescribed* in subsection (a) of this section [because—]

[(1) the veteran had not timely attained, retained, or regained medical feasibility for training because of disability;

[(2) the veteran had not timely met the requirement of a discharge or release under conditions other than dishonorable, but the nature of such discharge or release was later changed by appropriate authority; or

[(3) the veteran had not timely established the existence of a compensable service-connected disability,

such training may be afforded the veteran during a period not to exceed four years beyond the period of eligibility otherwise applicable to the veteran] *because a medical condition made it infeasible for such veteran to participate in such a program, the ten-year period of eligibility shall not run during the period of time that such veteran was so prevented from participating in such a program.*

(2) If the Administrator determines that a veteran has been prevented from entering or completing a vocational rehabilitation program under this chapter within the period of eligibility prescribed in subsection (a) of this section because (A) such veteran had not met the requirement of a discharge or release under conditions other than dishonorable before (i) a change, correction, or modification of a discharge or dismissal made pursuant to section 1553 of title 10, (ii) a correction of the military records of the service department concerned under section 1552 of title 10, or (iii) other corrective action by competent authority, or (B) such veteran's discharge or dismissal was, under section 3103 of this title, a bar to benefits under this title before the Administrator made a determination that such discharge or dismissal is not a bar to such benefits, the ten-year period of eligibility shall run from the date on which such veteran's discharge or dismissal was so changed, corrected, or modified or the Administrator made such determination, as appropriate.

(3) If the Administrator determines that a veteran has been prevented from entering or completing a vocational rehabilitation program under this chapter within the period of eligibility prescribed in subsection (a) of this section because such veteran had not established the existence of a service-connected disability which is compensable under chapter 11 of this title and such veteran has a serious employment handicap, vocational rehabilitation may be afforded such veteran during the ten-year period beginning on the date on which notification is mailed to such veteran that it has been determined that such disability exists.

(c) A veteran who is [found to be] in need of [vocational rehabilitation] services to overcome [the handicap of blindness, or other serious disability, resulting from a service-connected disability which affords basic eligibility for vocational rehabilitation under section 1502 of this title may be afforded such vocational rehabilitation after the termination date otherwise applicable to the veteran when such action is determined by the Administrator to be necessary for such veteran based upon such veteran's disability and need for vocational rehabilitation, if—] *a serious employment handicap may be afforded a vocational rehabilitation program after the expiration of the period of eligibility otherwise applicable to such veteran if the Administrator determines an extension of the applicable period of eligibility to be necessary for such veteran based upon such veteran's particular employment handicap and need for such services if—*

(1) [the] *such* veteran had not previously been rehabilitated [(that is, rendered employable as the result of training furnished] under this chapter[, or];

[(2) such serious disability (whether blindness or otherwise) has developed from, or as a result of, the worsening of the veteran's service-connected disability since the veteran was declared rehabilitated to the extent that it precludes the veteran performing the duties of the occupation for which the veteran was previously trained under this chapter.]

(2) such veteran had previously been rehabilitated under this chapter but (A) the occupation for which such veteran had been so rehabilitated was not appropriate in view of such veteran's employment handicap and abilities, or (B) such need for such services has developed from, or as a result of, a change in such veteran's service-connected disability that precludes such veteran from performing the duties of the occupation for which such veteran previously received vocational rehabilitation under this chapter; or

(3) the Administrator determines, under regulations which the Administrator shall prescribe, that an extension of the period of eligibility of such veteran is necessary to carry out the purposes of this chapter.

(d) A veteran whose disability or disabilities are so severe that a vocational goal for such veteran is determined not to be feasible may be afforded a program of independent living services and assistance under this chapter after the expiration of the period of eligibility otherwise applicable to such veteran if the Administrator determines an extension of the period of eligibility of such veteran is necessary for such veteran to achieve maximum independence.

§ 1504. Scope of services and assistance

(a) Services and assistance which the Administrator may provide under this chapter, pursuant to regulations which the Administrator shall prescribe, shall include—

(1) evaluation of the potential for rehabilitation of a veteran, including diagnostic and related services (A) to determine whether such veteran's disability or disabilities cause a serious employment handicap and whether a vocational goal is feasible for such veteran, and (B) to provide a basis for planning a suitable vocational rehabilitation program or a program of services to improve the vocational rehabilitation potential or independent living status of such veteran, as appropriate;

(2) educational, vocational, psychological, employment, and personal adjustment counseling;

(3) an allowance and other appropriate assistance, as authorized by section 1508 of this title;

(4) a work study allowance as authorized by section 1685 of this title;

(5) placement services to effect suitable placement in employment, and postplacement services to attempt to assure satisfactory adjustment in employment;

(6) personal adjustment and work adjustment training;

(7) vocational and other training services and assistance, including individualized tutorial assistance, tuition, fees, books, supplies, and licensing fees, and equipment and other training materials determined by the Administrator to be necessary to accomplish the purposes of the rehabilitation program in the individual case;

(8) loans as authorized by section 1511 of this title;

(9) treatment, care and services described in chapter 17 of this title;

(10) prosthetic appliances, eyeglasses, and other corrective and assistive devices;

(11) services to a veteran's family as necessary for the effective rehabilitation of such veteran;

(12) for the most severely disabled veterans requiring homebound training or self employment, or both homebound training and self employment, such license fees, essential equipment, supplies, and minimum stocks of materials as the Administrator determines to be necessary for such a veteran to begin employment and are within the criteria and cost limitations that the Administrator shall prescribe in regulations for the furnishing of such fees, equipment, supplies, and stocks;

(13) travel and incidental expenses under the terms and conditions set forth in section 111 of this title, plus, in the case of a veteran who because of such veteran's disability has transportation expenses in addition to those incurred by persons not so disabled, a special transportation allowance to defray such additional expenses during rehabilitation, job seeking, and the initial employment stage; and

(14) special services related to blindness and deafness, such as

(A) language training, speech and voice correction, training in ambulation, and one-hand typewriting;

(B) orientation, adjustment, mobility, reader, interpreter, and related services; and

(C) telecommunications, sensory, and other technical aids and devices.

(b) A program of independent living services and assistance may include the types of services and assistance described in section 702 of the Rehabilitation Act of 1973 (29 U.S.C. 796).

(c) A rehabilitation program (including individual courses) to be pursued by a veteran shall be subject to the approval of the Administrator.

§ 1505. Duration of rehabilitation programs

(a) The period of time for extended evaluation to evaluate or to improve the rehabilitation potential of a veteran for whom the feasibility of achieving a vocational goal is undetermined may not exceed twelve months, except that such period of time may be extended for additional periods of up to six months each if the Administrator determines that, during the extended period concerned, it is reasonably likely that a determination can be made with respect to such veteran as to whether the achievement of a vocational goal is feasible.

(b) Except as provided in subsection (c) of this section, a vocational rehabilitation program for a veteran under this chapter following a determination of the feasibility of achieving a vocational goal may not exceed forty-eight months, except that, in the case of a veteran who is determined to have a serious employment handicap, the counseling and placement and postplacement services described in section 1504(a) (2) and (5) of this title may be extended for an additional period not to exceed eighteen months.

(c) The Administrator may extend further the period of vocational rehabilitation for a veteran with a serious employment handicap under the circumstances described in clause (2) or (3) of section 1503(c) of this title to the extent that an extension of such period is necessary to enable such veteran to achieve a vocational goal.

(d) Unless the Administrator determines that a longer period is necessary and likely to result in a substantial improvement in a veteran's ability to live and function independently, a program of independent living services and assistance for a veteran under this chapter following a determination that such veteran's disability or disabilites are so severe that the achievement of a vocational

goal is not feasible may not exceed twenty-four months.

§ 1506. Initial and extended evaluations; determinations regarding serious employment handicap

(a) A veteran with a service-connected disability who applies for benefits under this chapter shall be provided with an initial evaluation consisting of such services described in section 1504(a)(1) of this title as are necessary to determine whether such veteran has or may have a serious employment handicap.

(b) A veteran as to whom it is determined under subsection (a) of this section that a serious employment handicap exists or may exist shall be provided with extended evaluation consisting of services described in section 1504(a)(1) of this title, such services under this chapter as the Administrator determines necessary to improve such veteran's potential for participation in a program of services designed to achieve a vocational goal, and appropriate assistance as authorized by section 1508 of this title.

(c) Not later than the end of the period of extended evaluation for a veteran under subsection (b) of this section (including any extensions under section 1505(a) of this title), the Administrator shall determine whether such veteran has a serious employment handicap; and a veteran who is determined to have a serious employment handicap and as to whom it is determined that the achievement of a vocational goal is feasible shall be provided with an individualized written plan of vocational rehabilitation and shall be afforded counseling in accordance with such plan.

(d) In connection with each period of extended evaluation of a veteran and each rehabilitation program for a veteran who is determined to have a serious employment handicap, the Administrator shall assign a Veterans' Administration employee to be responsible for the management and followup of the provision of services and assistance under this chapter to such veteran.

§ 1507. Individualized vocational rehabilitation plan

(a) The Administrator shall formulate an individualized written plan of vocational rehabilitation for a veteran described in section 1506(c) of this title. Such plan shall be developed jointly with such veteran, and shall include, but not be limited to (1) a statement of long range rehabilitation goals for such veteran and intermediate rehabilitation objectives related to achieving such goals, (2) a statement of the svecific services and assistance to be provided under this chapter, (3) the projected date for the initiation and the anticipated duration of each such service, (4) objective criteria and an evaluation procedure and schedule for determining whether such objectives and goals are being achieved, and (5) the name and business address and telephone number of the Veterans' Administration employee assigned responsibility for the management and followup of the provision of such services and assistance to such veteran.

(b) The plan formulated under subsection (a) of this section for a veteran shall be reviewed at least annually, and each such veteran shall be afforded the opportunity to participate in each review of such plan and jointly to redevelop such plan.

(c) Prior to agreeing to a plan under subsection (a) of this section or to any redevelopment or denial of redevelopment of a plan under subsection (b) of this section, a veteran shall be informed of such veteran's opportunity for a review as set forth in the following sentence. If a veteran does not agree to such plan, redevelopment, or denial of redevelopment, the plan as proposed together with a written statement, prepared by or for such veteran, of such veteran's objections to such plan shall be reviewed by the Administrator or the Administrator's designee in the Central Office of the Veterans' Administration, and a decision shall be rendered on such review not later than ninety days after the date on which such veteran submits a written request for such review to the person described in subsection (a)(5) of this section.

§ [1504.] *1508.* [Subsistence allowances] *Allowances*

[(a) While pursuing a course of vocational rehabilitation training and for two months after the veteran's employability is determined, each veteran shall be paid a subsistence allowance as prescribed in this section.]

(a) Unless a veteran elects to receive an educational assistance allowance pursuant to subsecion (f) of this section, each veteran shall be paid a subsistence allowance in accordance with this section during a period determined by the Administrator to be a period of (1) extended evaluation, (2) participation in a rehabilitation program under this chapter, and (3) postvocational rehabilitation training (not to exceed two months).

(b) [The subsistence allowance of a veteran-trainee is to] *Except as otherwise provided in this section, the subsistence allowance paid to a veteran under this chapter shall* be determined in accordance with the following table, and shall be the monthly amount shown in column II, III, IV, or V (whichever is applicable as determined by the veteran's dependency status) opposite the appropriate type of [training] *program being pursued* as specified in column I:

[

Column I	Column II	Column III	Column IV	Column V
Type of training	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Institutional:				
Full-time	$226	$280	$329	$24
Three-quarter-time	170	210	247	18
Half-time	113	140	165	12
Farm cooperative, apprentice, or other on-job training:				
Full-time	197	238	275	18

]

Column I	*Column II*	*Column III*	*Column IV*	*Column V*
Type of program	*No dependents*	*One dependent*	*Two dependents*	*More than two dependents*
				The amount in column IV, plus the following for each dependent in excess of two:
Institutional training:				
Full-time	*$277*	*$343*	*$404*	*$30*
Three-quarter time	*208*	*258*	*302*	*22*
Half-time	*138*	*171*	*202*	*15*
Farm cooperative, apprentice, or other on-job training: Full-time	*242*	*292*	*337*	*22*
On-job training or work experience for no or nominal pay in Federal agency: Full-time	*277*	*343*	*404*	*30*
Extended evaluating: Full-time	*277*	*343*	*404*	*30*
Independent living training:				
Full-time	*277*	*343*	*404*	*30*
Three-quarter-time	*208*	*258*	*302*	*22*
Half-time	*138*	*171*	*202*	*15*

(c)(*1*) [Where the course of vocational rehabilitation training consists of training on the job by an employer, such employer shall be required to submit monthly to the Administrator a statement in writing showing any wage, compensation, or other income paid by the employer to the veteran during the] *If the vocational rehabilitation program for a veteran includes training on the job by an employer in any month, such employer shall be required to submit to the Administrator a statement in writing showing any wage, compensation, or other income paid by the employer to such veteran for such* month, directly or indirectly. Based upon such written [statements,] *statement*, the Administrator is authorized to reduce the subsistence allowance of such veteran to an amount considered equitable and just.

"(2) A veteran pursuing on-job training or work experience as part of a vocational rehabilitation program in a Federal agency under the provisions of section 1516(a)(1) of this title for no or nominal pay shall be paid the appropriate subsistence rate provided in subsection (b) of this section for an institutional program.

[(d) The Administrator shall define full-time and part-time training in the case of all eligible veterans pursuing a course of vocational rehabilitation training under this chapter.]

"(d)(1) The Administrator shall, in accordance with regulations which the Administrator shall prescribe not inconsistent with regulations governing the determination of full-time status and part-time status under chapter 34 of this title, define full-time and each part-time status for veterans participating in rehabilitation programs under this chapter.

"(2) A veteran undergoing extended evaluation on less than a full-time basis may be paid a proportional subsistence allowance in accordance with regulations which the Administrator shall prescribe.

"(3) During the two-month period following a determination that a veteran with a serious employment handicap is rehabilitated, such veteran shall be paid at the rate provided in subsection (b) of this section for the full-time benefits payable for the type of rehabilitation program that such veteran pursued.

"(e) In the case of a veteran pursuing a rehabilitation program on a full-time residential basis in a specialized rehabilitation facility, the Administrator shall be author-

ized, upon the request of such veteran, to pay to such facility the cost of such veteran's room and board and to pay to such veteran that portion of the allowance for dependents payable, as determined by such veteran's dependency status, under subsection (b) of this section for a full-time institutional program.

"(f) To the extent that a veteran who is determined not to have a serious employment handicap has remaining eligibility for and entitlement to educational assistance benefits under chapter 34 of this title, such veteran may elect, in lieu of services and assistance pursuant to the provisions of this chapter other than this subsection, to pursue a program of education and receive an educational assistance allowance and other assistance as authorized under chapter 34 of this title, together with such services under section 1504 (2), (5), (6), and (11) of this title as such veteran may request and the Administrator determines to be necessary to accomplish the purposes of this chapter, if the Administrator approves such veteran's chosen educational, professional, or vocational objective of such program. In the event that such veteran makes such an election, the terms and conditions, including allowances and other assistance, applicable to the pursuit of a program of education under such chapter shall apply.

(g)(1) Notwithstanding any other provision of this title, the subsistence allowance for a veteran who is pursuing a program of vocational rehabilitation under this chapter while incarcerated in a Federal, State, county, or local prison or jail, shall be paid as follows:

(A) If such veteran has no dependents, the Administrator shall withhold such allowance while such veteran is so incarcerated and pay such amount to such veteran upon such veteran's release from prison or jail or, at the request of such veteran, purchase with such allowance and hold for such veteran United States Government securities and deliver them to such veteran upon such veteran's release from prison or jail.

(B) If such veteran has one or more dependents, the Administrator shall pay such allowance to such veteran's dependent or dependents (or legal guardian or guardians thereof) designated by such veteran to receive such allowance, but only to the extent that both the veteran and the designated dependent or dependents (or legal guardian or guardians thereof) so request. If such veteran does not request the Administrator to pay to a particular dependent of such veteran any amount payable on account of such dependent or such dependent does not join in such request, the amount involved shall not be paid to or accrued by such veteran. The Administrator shall, while such veteran is so incarcerated, withhold any amount of such allowance, not payable on account of a dependent or dependents, that is accrued by such veteran and shall pay such amount to such veteran upon such veteran's release from prison or jail or, at the request of such veteran, purchase with such amount and hold for such veteran United States Government securities and deliver them to such veteran upon such veterans' release from prison or jail.

(2) The provisions of paragraph (1) of this subsection shall not apply in the case of any veteran who is pursuing a vocational rehabilitation program under this chapter while placed and residing in a halfway house or while participating in a work-release program.

(h)(1) Notwithstanding any other provision of this title, the educational assistance allowance for a veteran who has elected to receive such allowance pursuant to subsection (f) of this section and who is pursuing an institutional program of education under this chapter while incarcerated in a Federal, State, county, or local prison or jail, shall be computed and paid as follows:

(A) If such veteran is pursuing a program of education on a half-time or more basis and has no dependents, the Administrator shall pay such veteran such amount, not in excess of the appropriate rate, as is necessary to cover the cost of established charges for tuition and fees required of similarly circumstanced nonveterans pursuing the same program. The Administrator shall withhold any amount in excess of such cost and pay such amount to such veteran upon such veteran's release from prison or jail or, at the request of such veteran, purchase with such excess amount and hold for such veteran United States Government securities and deliver them to such veteran upon such veteran's release from prison or jail.

(B) If such veteran is pursuing a program of education on a half-time or more basis and has one or more dependents, the Administrator shall pay such veteran such amount, not in excess of such appropriate rate, as is necessary to cover the cost of established charges for tuition and fees required of similarly circumstanced nonveterans pursuing the same program; and the Administrator shall pay any amount in excess of such cost to such veteran's dependent or dependents (or legal guardian or guardians thereof) designated by such veteran to receive such excess amount, but only if both the veteran and the designated dependent or dependents (or legal guardian or guardians thereof) so request. If such veteran does not request the Administrator to pay to a particular dependent of such veteran any amount payable on account of such dependent or such dependent does not join in such request, the amount involved, if not payable to such veteran under the first sentence of this subparagraph, shall not be paid to or accrued by such veteran. The Administrator shall pay any excess amount accrued by such veteran to such veteran upon such veteran's release from prison or jail or, at the request of such veteran, purchase with such excess amount and hold for such veteran United States Government securities and deliver them to such veteran upon such veteran's release from prison or jail.

(2) The provisions of paragraph (1) of this subsection shall not apply in the case of any veteran who is pursuing a program of education under this chapter while placed and residing in a halfway house or while participating in a work-release program.

(i) Notwithstanding any other provision of this title, in the case of a veteran pursuing a vocational rehabilitation program while institutionalized in a Veterans' Administration hospital, nursing home, or domiciliary facility, or in a facility with which the Administrator, under the provisions of chapter 17 of this title, has contracted for such veteran's care at Veterans' Administration expense, the subsistence or (if such veteran has made an election under subsection (f) of this section) educational assistance allowance appropriate for the type of training pursued shall, after such veteran has been so institutionalized for thirty days, accrue and be withheld (and converted to securities), paid to dependents, and paid to such veteran upon discharge from such facility under the same terms and conditions set forth in subsection (g) or (h) of this section, as appropriate, except that the Administrator shall, upon the request of such veteran, pay to such veteran all or part of such monthly allowance payments as are determined to be necessary to meet continuing financial obligations of such veteran.

(j) Payment of a subsistence allowance may be made in advance in accordance with the provisions of section 1780(d) of this title.

§ *1509. Entitlement to independent living services and assistance*

A veteran who is prevented from entering a vocational rehabilitation program under this chapter because such veteran's disability or disabilities are so severe that it is determined that the achievement of a vocational goal is not feasible shall be entitled, pursuant to the provisions of section 1521 of this title, to a program of independent living services and assistance designed to enable such veteran to achieve maximum independence in the functions of daily living.

§ [1505.] *1510.* Leaves of absence

The Administrator shall prescribe such regulations at the Administrator [deems] *determines* necessary for granting leave of absence to veterans pursuing a [course of vocational rehabilitation training. Such leaves of absence shall not be granted to any veteran in excess of thirty days in any consecutive twelve months, except in exceptional circumstances.] *rehabilitation program under this chapter*. During authorized leaves of absence, a veteran shall be considered [as] *to be* pursuing [the veteran's course of vocational rehabilitation training] *such program.*

§ 1506. Medical care for trainees

[The Administrator may furnish veterans receiving vocational rehabilitation such medical care, treatment, hospitalization, and prosthesis as may be necessary to accomplish the purposes of this chapter, whether or not such medical care, treatment, hospitalization, or prosthesis is otherwise authorized under chapter 17 of this title.]

§ [1508.] *1511.* Regulations to promote [good] *satisfactory conduct and cooperation*

The Administrator shall prescribe such rules and regulations as the Administrator [deems] *determines* necessary [in order] to promote [good] *satisfactory* conduct and cooperation on the part of veterans who are [receiving vocational rehabilitation. Penalties for the breach of such rules and regulations may extend to (1) forfeiture by the offender for three months of subsistence allowance otherwise payable, and (2) permanent disqualification for further vocational rehabilitation.] *pursuing rehabilitation programs under this chapter. If a veteran fails to maintain satisfactory conduct or cooperation, the Administrator may discontinue services and assistance unless the Administrator determines that mitigating circumstances exist. In any case in which such services and assistance have been discontinued, the Administrator may reinstitute such services and assistance only if the Administrator determines that—*

(1) the cause of the unsatisfactory conduct or cooperation of such veteran has been removed; and

(2) the rehabilitation program which such veteran proposes to pursue (whether the same or revised) is suitable to such veteran's abilities, aptitudes, and interests.

§ [1507.] *1512.* [Loans to trainees] *Revolving fund loans*

The revolving fund [which was] established pursuant to part VII of Veterans Regulation Nnumbered 1(a) is continued in effect, and may be used by the Administrator, under regulations prescribed by the Administrator, for making advances, not in excess of [$200 in any case] *twice the full-time institutional monthly subsistence allowance for a veteran with no dependents, as set forth in section 1508(b) of this title, veterans* [commencing or undertaking courses of vocational rehabilitation] *pursuing rehabilitation programs under this chapter. Such advances, and advances* [heretofore made] *from such fund made before the effective date of the Disabled Veterans Rehabilitation Act of 1980,* shall bear no interest and shall be repaid in such installments, as may be determined by the Administrator, by proper deductions from future payments of [subsistence allowance] compensation, pension, *subsistence allowance, educational assistance allowance, or retirement pay.*

§ [1509.] *1513.* Books, supplies, and equipment

[a] Any books, supplies, or equipment furnished a veteran under this chapter shall be deemed released to [the veteran, except that if, because of fault on the veteran's part, the veteran fails to complete the course of vocational rehabilitation, the veteran may be required by the Administrator to return any or all of such books, supplies, or equipment not actually expended, or to repay the reasonable value thereof] *such veteran, except that if the Administrator determines that, because of fault on such veteran's part, such veteran has failed to complete the course of vocational rehabilitation, the Administrator may require such veteran to return any or all of such books, supplies, or equipment not actually expended, or to repay the reasonable value thereof. Such books, supplies, and equipment may be turned in to educational or training institutions for credit under such terms as may be approved by the Administrator, or may be disposed of in such other manner as the Administrator may determine.*

[(b) Returned books, supplies, and equipment may be turned in to educational or training institutions for credit under such terms as may be approved by the Administrator, or may be disposed of in such other manner as the Administrator may approve.]

§ [1510.] *1514.* Vocational rehabilitation for hospitalized [persons] *members of the Armed Forces and veterans*

[Vocational rehabilitation may be afforded under this chapter to any person who is hospitalized pending final discharge from the active military, naval, or air service, if such person is qualified for such vocational rehabilitation in every respect except for discharge. No subsistence allowance shall be payable to any person while such person is receiving vocational rehabilitation solely by reason of this section.]

(a) Services and assistance may be provided under this chapter to an individual who is hospitalized pending discharge from active military, naval, or air service if such individual would be eligible for such services and assistance except for the fact that such individual has not been discharged or released from such service. In such cases, no subsistence allowance shall be paid.

(b) Services and assistance may be provided under this chapter to a veteran who is institutionalized in a Veterans' Administration hospital, nursing home, or domiciliary facility or, where feasible, in any other hospital or medical facility.

§ 1515. Vocational rehabilitation outside the United States

Pursuant to regulations which the Administrator shall prescribe, a program of vocational rehabilitation under this chapter may be provided outside the United States if the Administrator determines that such training is (1) necessary in the particular case to provide the preparation needed to render a veteran employable and enable such veteran to obtain and retain suitable employment, and (2) in the best interest of such veteran and the Federal Government.

[§ 1511. Training and training facilities

[The Administrator shall prescribe and provide vocational rehabilitation to veterans eligible therefor. For such purposes, the Administrator may—

[(1) employ additional personnel and experts, as the Administrator deems necessary;

[(2) utilize and extend Veterans' Administration facilities;

[(3) utilize facilities of any agency of the United States, or any facilities maintained by joint Federal and State contributions;

[(4) provide, by agreement or contract with public or private institutions or establishments, for such additional training facilities as may be suitable and necessary;

[(5) cooperate with and employ the facilities of other governmental and State employment agencies for the purpose of placing in gainful employment persons who have received vocational rehabilitation.

Notwithstanding any other provision of law, the facilities of any agency of the United States, as designated in clause (3) of this section, may be used to provide unpaid training or work experience as part or all of a veteran's program of vocational rehabilitation when the Administrator determines such training or work experience to be necessary to accomplish vocational rehabilitation. While pursuing such training or work experience, an uncompensated veteran shall be deemed an employee of the United States for the purposes of the benefits of chapter 81 of title 5 but not for the purposes of laws administered by the Civil Service Commission.]

§ 1516. Rehabilitation resources

(a) Notwithstanding any other provision of law, for the purpose of providing services under this chapter, the Administrator may—

(1) use the facilities of any Federal agency (including the Veterans' Administration) to provide training or work experience as part or all of a veteran's vocational rehabilitation program for no or nominal pay when the Administrator determines such training or work experience is necessary to accomplish such veteran's rehabilitation;

(2) use the facilities, staff, and other resources of the Veterans' Administration;

(3) employ such additional personnel and experts as the Administrator considers necessary; and

(4) use the facilities and services of any Federal agency, agencies maintained by joint Federal and State contributions, private institutions and establishments, and private individuals.

(b)(1) While pursuing on-job training or work experience under clause (1) of subsection (a) of this section, a veteran shall be considered to be an employee of the United States for the purposes of the benefits of chapter 81 of title 5, but not for the purposes of laws administered by the Office of Personnel Management.

(2) Use of facilities, staff, and other resources of the Department of Medicine and Surgery under clause (2) of subsection (a) of this section, to provide rehabilitation services under this chapter, including medical services authorized under chapter 17 of this title, shall, as provided for in a veteran's individualized written plan of vocational rehabilitation developed under section 1507 of this title, be procured through contract with such department; and the amounts of payments for such services shall be determined in accordance with current accounting principles used within such department, subject to review and modification by the Administrator with respect to the reasonableness of proposed charges.

(3) Use of facilities and services under clause (4) of subsection (a) of this section, shall, as provided for in a veterans individualized written plan of vocational rehabilitation developed under section 1507 of this title, be procured through contract, agreement, or other cooperative arrangement.

§ 1517. Employment assistance

(a) A veteran who has participated in a vocational rehabilitation program under this chapter or a similar program under the Rehabilitation Act of 1973 and who is determined to be employable shall be furnished assistance in obtaining employment consistent with such veteran's abilities, aptitudes, interests, and employment handicap. Such assistance may include (1) direct placement of such veteran in employment; and (2) utilization of placement services of (A) programs under the Rehabilitation Act of 1973, (B) the State employment service and the Veterans Employment Service of the Department of Labor, (C) the Office of Personsel Management, and (D) any other public or nonprofit organization having placement services available.

(b)(1) If a veteran has completed vocational rehabilitation for self-employment in a small business enterprise under this chapter, the Administrator shall cooperate with the Small Business Administration to assist such veteran to secure a loan for the purchase of equipment needed to establish such veteran's own business and to assure that such veteran receives the special consideration provided for in section 8 of the Small Business Act (15 U.S.C. 633(b)).

(2) The Administrator may, under the terms and conditions of clause (12) of section 1504(a) of this title, furnish a veteran described in such clause who has trained under a State rehabilitation program with the objective of self-employment in a small business enterprise such supplementary equipment and initial stocks and supplies as are determined to be needed by such veteran if such supplementary equipment and initial stocks and supplies, or assistance in acquiring them, are not available through the State program or other sources.

(c)(1) The Administrator shall actively promote the development and establishment of on-job training and employment opportunities for veterans with service-connected disabilities through direct Veterans' Administration employee outreach, in cooperation with activities carried out by the Secretary of Labor, to employers and through Veterans' Administration coordination with Federal, State, and local governmental agencies and appropriate nongovernmental organizations.

(2) The Administrator shall prescribe regulations, subject to the approval of the Secretary of Labor in light of the provisions of title V of the Rehabilitation Act of 1973 (29 U.S.C. subch. V) and section 2012 of this title, authorizing payments to be made to employers for providing on-job training to veterans who have been rehabilitated under this chapter in individual instances when the Administrator determines such payments to be necessary to obtain the needed on-job training or to begin employment. Such payments shall not exceed the direct expenses incurred by such employers in providing such on-job training or employment opportunity. If any such veteran participates in such on-job training that satisfies the criteria for payment of a training assistance allowance under section 1787 of this title, such veteran shall, to the extent that such veteran has remaining eligibility for and entitlement to such allowance, be paid such allowance.

§ 1518. Personnel training and development

(a) The Administrator shall provide a program of on-going professional training and development for Veterans' Administration counseling and rehabilitation personnel engaged in providing rehabilitation services under this chapter. The objective of such training shall be to assure that rehabilitation services for veterans are provided in accordance with the most advanced knowledge, methods, and techniques available for the rehabilitation of handicapped persons. For this purpose, the Administrator may employ the services of consultants and may make grants to and contract with public or private agencies (including institutions of higher learning) to conduct such training and development.

(b) The Administrator shall coordinate with the Commissioner of the Rehabilitation Services Administration in the Department

of Education in planning and carrying out personnel training in areas of mutual programmatic concern.

§ 1519. Rehabilitation research and special projects

(a) The Administrator shall carry out an ongoing program of activities for the purpose of advancing the knowledge, methods, techniques, and resources available for use in rehabilitation programs for veterans. For this purpose, the Administrator shall conduct and provide support for the development or conduct, or both the development and conduct, of—

(1) studies and research concerning the psychological, educational, employment, social, vocational, industrial, and economic aspects of the rehabilitation of disabled veterans, including new methods of rehabilitation; and

(2) projects which are designed to increase resources and potential for accomplishing the rehabilitation of disabled veterans.

(b) For the purpose specified in subsection (a) of this section, the Administrator is authorized to make grants to or contract with public or nonprofit agencies, including institutions of higher learning.

(c) The Administrator shall cooperate with the Commissioner of the Rehabilitation Services Administration and the Director of the Institute of Handicapped Research in the Department of Education and the Secretary of Health and Human Services regarding rehabilitation studies, research, and special projects of mutual programmatic concern.

§ 1520. Pilot program of independent living services and assistance

(a) During fiscal years 1981 through 1985, the Administrator is authorized to contact with public or nonprofit agencies with a demonstrated capacity to conduct programs of independent living services for severely handicapped persons to provide, under regulations which the Administrator shall prescribe, programs of independent living services and assistance under this chapter in various geographical regions, to veterans as to whom it is determined that the achievement of vocational goals are not feasible, who are selected pursuant to criteria prescribed in such regulations who have remaining entitlement and periods of eligibility for rehabilitation under this chapter. The Administrator shall, to maximum extent feasible, include substantial numbers of veterans undergoing long-term institutionalization in Veterans' Administration hospitals and nursing homes and in nursing homes with which the Administrator contracts for the provision of care to veterans among those to whom independent living services and assistance are provided under this subsection. A program of independent living services and assistance for a veteran shall consist of such services described in section 1504(a) and (c) of this title as the Administrator determines necessary to enable such veteran to achieve maximum independence in the functions of daily living. Such veteran shall have the same procedural rights with respect to an individualized written plan of services and assistance as is afforded veterans participating in vocational rehabilitation under section 1507 of this title. Any contract for services that are initiated with respect to any veteran prior to the end of fiscal year 1985 may be continued in effect after the end of fiscal year 1985 for the purposes of providing services to such veteran in accordance with the provisions of this chapter.

(b) Not later than September 30, 1984, the Administrator shall submit to the Congress a report on the program of independent living services and assistance provided for in subsection (a) of this section. Such report shall include—

(1) the results of a study which the Administrator shall conduct of the accomplishments and cost effectiveness of such program including the extent to which (A) such program has met needs for comprehensive independent living services that would not otherwise have been met, (B) severely disabled veterans have achieved and maintained greater independence in the functions of daily living as a result of participation in the program, and (C) costs of care in hospitals and nursing homes have been and may be avoided as the result of such services; and

(2) the Administrator's recommendations for any legislative changes with respect to the provision of independent living services and assistance to veterans for whom the achievement of a vocational goal is not feasible.

§ 1521. Veterans' Advisory Committee on Rehabilitation

(a) The Administrator shall appoint an advisory committee to be known as the Veterans' Advisory Committee on Rehabilitation (hereinafter in this section referred to as the "Committee"). The members of the Committee shall be appointed by the Administrator from the general public and shall serve for terms to be determined by the Administrator not to exceed three years. Service-connected disabled veterans shall constitute no less than one-half of the voting membership of the Committee, and the Committee shall also include individuals who have distinguished themselves in both the public and private sectors in the fields of rehabilitation medicine, vocational guidance, vocational rehabilitation, and employment and training programs. The Administrator may designate one of the voting members of the Committee as the chairman of the Committee. In addition to the members appointed by the Administrator, the membership of the Committee shall include as ex officio nonvoting members representatives of the Department of Medicine and Surgery and the Department of Veterans' Benefits, of the Commissioner of the Rehabilitation Services Administration and of the Director of the National Institute for Handicapped Research in the Department of Education, and of the Secretary of Health and Human Services.

(b) The Administrator shall advise and consult with the Committee on a regular basis with respect to the administration of veterans' rehabilitation programs under this title.

(c) The Committee shall submit to the Administrator and the Congress an annual report on the rehabilitation programs and activities of the Veterans' Administration, and shall submit such other reports or recommendations to the Administrator and the Congress as the Committee determines appropriate. The annual report shall include an assessment of the rehabilitation needs of veterans and a review of the programs and activities of the Veterans' Administration designed to meet such needs.

Chapter 32—POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE

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Subchapter II—Eligibility; Contributions; and Matching Fund

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§ 1624. Death of participant

(a) *(1)* If a participant dies, the amount of such participant's unused contributions to the fund shall be paid [(1)] to the [beneficiary or beneficiaries designated by such participant under such participant's Servicemen's Group Life Insurance policy, or (2) to the participant's estate if no beneficiary has been designated under such policy or if the participant is not insured under the Servicemen's Group Life Insurance program.] *person or persons first listed below:*

(A) the beneficiary or beneficiaries designated by such participant under such participant's Servicemen's Group Life Insurance policy.

(B) The surviving spouse of the participant.

(C) The surviving child or children of the participant, in equal shares.

(2) If there is no such person living, such amount shall be paid to the participant's estate.

(b) If a participant dies after having been discharged or released from active duty and before using any or all of the contributions which the participant made to the fund, such unused contributions shall be paid as prescribed in subsection (a) of this section.

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Subchapter III—Entitlement; Duration

§ 1631. Entitlement; loan eligibility

(a)(1) A participant shall be entitled to a maximum of 36 monthly benefit payments (or their equivalent in the event of part-time benefit payments). *The thirty-six month maximum shall be subject to the provisions of section 1795 of this title limiting the aggregate period for which any person may receive assistance under two or more programs of education administered by the Veterans' Administration.*

(2) The amount of the monthly payment to which any eligible veteran is entitled shall be ascertained by (A) adding all contributions made to the fund by the eligible veteran, (B) multiplying the sum by 3, (C) adding all contributions made to the fund for such veteran by the Secretary, and (D) dividing the sum by the lesser of 36 or the number of months in which contributions were made by such veteran.

(3) Payment of benefits under this chapter may be made only for periods of time during which an eligible veteran is actually enrolled in and pursuing an approved program of education and, except as provided in paragraph (4), only after an eligible veteran has been discharged or released from active duty.

(4) Payment of benefits under this chapter may be made after a participant has completed his or her first obligated period of active duty (which began after December 31, 1976), or 6 years of active duty (which began after December 31, 1976), whichever period is less.

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Chapter 34—VETERANS' EDUCATIONAL ASSISTANCE

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Subchapter IV—Payments to Eligible Veterans; Veteran-Student Services

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§ 1682. Computation of educational assistance allowances

(a)(1) * * *

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*(f) The educational assistance allowance of a veteran pursuing a course in part by open circuit television shall be computed in the same manner that such allowance is computed under subsection (e) of this section for an independent study program.

*(g)(1) Notwithstanding any other provision of this title, the educational assistance allowance for an eligible veteran who is pursuing an institutional program of education under this chapter while incarcerated in a Federal, State, county, or local prison or jail, shall be computed and paid as follows:

(A) If the veteran is pursuing a program of education on a half-time or more basis and has no dependents, the Administrator shall pay the veteran such amount, not in excess of the appropriate rate, as is necessary to cover the cost of established changes for tuition and fees required of similarly circumstanced non-veterans pursuing the same program. The Administrator shall withhold any amount in excess of such cost and pay such amount to the veteran upon the veteran's release from prison or jail, or at the request of the veteran, purchase with such excess amount and hold for the veteran United States Government securities and deliver them to the veteran upon the veteran's release from prison or jail.

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*Subsections (f) and (g) of section 1682 are as passed by the Senate on January 24, 1980, in section 207(3) of H.R. 5288.

(B) If the veteran is pursuing a program of education on a half-time or more basis and has one or more dependents, the Administrator shall pay the veteran such amount, not in excess of such appropriate rate, as is necessary to cover the cost of established charges for tuition and fees required of similarly circumstanced nonveterans pursuing the same program; and the Administrator shall pay any amount in excess of such cost to the veteran's dependent or dependents (or legal guardian or guardians thereof) designated by the veteran to receive such excess amount, but only if both the veteran and the designated dependent or dependents (or legal guardian or guardians thereof) so request. If the veteran does not request the Administrator to pay any amount payable on account of any particular dependent of the veteran to such dependent or the dependent does not join in such request, the amount involved, if not payable to the veteran under the second sentence of this paragraph, will not be paid to or accrued by the veteran. The Administrator shall pay any excess amount accrued by the veteran to the veteran upon the veteran's release from prison or jail or, at the request of the veteran, purchase with such excess amount and hold for the veteran United States Government securities and deliver them to the veteran upon the veteran's release from prison or jail.

(2) The provisions of paragraph (1) of this subsection shall not apply in the case of any veteran who is pursuing a program of education under this chapter while placed and residing in a halfway house or while participating in a work-release program.

(*h*) *Notwithstanding any other provision of this title, in the case of an eligible veteran pursuing a program of education while institutionalized in a Veterans' Administration hospital, nursing home, or domiciliary facility or in a facility with which the Administrator, under the provisions of chapter 17 of this title, has contracted for such veteran's care at Veterans' Administration expense, the educational assistace allowance appropriate for the type of training pursued shall, after such veteran has been so institutionalized for thirty days, accrue and be withheld (and converted to securities), paid to dependents, and paid to such veteran upon discharge from such facility under the same terms and conditions set forth in subsection (g) of this section, as appropriate, except that the Administator shall, upon the request of such veteran, pay to such veteran all or part of such monthly allowance payments as are determined to be necessary to meet continuing financial obligations of such veteran.*

CHAPTER 36—ADMINISTRATION OF EDUCATIONAL BENEFITS

* * * * *

Subchapter II—Miscellaneous Provisions

§ 1781. Limitations on educational assistance

No educational assistance allowance granted under chapter 34, 35, or 36 *or subsistence allowance granted under chapter 31* of this title shall be paid to any eligible person (1) who is on active duty and is pursuing a course of education which is being paid for by the Armed Forces (or by the Department of Health, Education, and Welfare in the case of the Public Health Service); or (2) who is attending a course of education or training paid for under the Government Employees' Training Act and whose full salary is being paid to such person while so training.

* * * * *

§ 1795. Limitation on period of assistance— under two or more programs

The aggregate period for which any person may receive assistance under two or more of the laws listed below—

(1) parts VII or VIII, Veterans Regulation numbered 1(a), as amended;

(2) title II of the Veterans' Readjustment Assistance Act of 1952;

(3) the War Orphans' Educational Assistance Act of 1956;

(4) chapters [31] *32,* 34, 35, and 36 of this title, and the former chapter 33

may not exceed forty-eight months (or the part-time equivalent thereof) [but this section shall not be deemed to limit the period for which assistance may be received under chapter 31 alone]. *No person may receive assistance under chapter 31 of this title in combination with assistance under any of the provisions of law cited in clauses (1), (2), (3), and (4) of this section in excess of forty-eight months (or the part-time equivalent thereof) unless the Administrator determines that additional months of benefits provided by such chapter are required to accomplish the rehabilitation purposes set forth in that chapter.*

NOTICES OF HEARINGS

COMMITTEE ON VETERANS' AFFAIRS

● Mr. CRANSTON. Mr. President, I would like to announce several changes in the previously announced hearing schedule of the Veterans' Affairs Committee for this month.

On February 21, the third in a series of hearings dealing with Vietnam veterans' readjustment to civilian life, previously scheduled to begin at 9:30 a.m. in room 412, will now begin at 9:15 in room 318 of the Russell Building.

The hearing on the vocational rehabilitation program carried out by the Veterans' Administration, and VA-proposed legislation, S. 1188, and an amendment to it I am submitting today, which was previously scheduled for February 7, has been rescheduled for February 28 at 9 a.m. in room 412 of the Russell Building.●

SUBCOMMITTEE ON INSURANCE

● Mr. STEWART. Mr. President, I wish to announce that the Subcommittee on Insurance of the Committee on Banking, Housing, and Urban Affairs will hold an oversight hearing on the reauthorization of the flood insurance program and the extension of the crime and riot reinsurance programs. The hearing will be held on Thursday, February 28, 1980, at 10 a.m., in room 5302 Dirksen Senate Office Building.

For further information regarding this hearing, please contact Robert Malakoff of the subcommittee staff at 202-224-7391.●

COMMITTEE ON VETERANS' AFFAIRS

● Mr. CRANSTON. Mr. President, I announce for the information of Senators and the public that on February 26, beginning at 11 a.m. in room 318 of the Russell Office Building, the committee will conduct a hearing to receive legislative recommendations from the Disabled American Veterans for the second session of the 96th Congress from DAV National Commander Paul L. Thompson.●

ADDITIONAL STATEMENTS

THE UNITED STATES AND THE INTERNATIONAL LABOR ORGANIZATION

● Mr. WILLIAMS. Mr. President, on Wednesday, February 13, 1980, President Carter announced the decision of this Government to reaffiliate with the International Labor Organization. I applaud this move, and wholeheartedly endorse this step to once again directly involve the United States, the employing community, and the U.S. trade union movement in this international organization which seeks to deal with the problems of working men and women.

It has become increasingly clear that the problems of workers have effects which cross national boundaries. Our efforts to eliminate workplace safety hazards are being replicated throughout the world. All nations must work together to confront the hazards of workers' health which is the result of the widespread use of chemicals and toxics in workplaces throughout the world. Substandard labor conditions and wages in undeveloped and developing nations directly affect the working conditions in our country, and our ability to compete in the world's marketplaces.

In short, Mr. President, labor problems are just not localized in an increasingly interrelated and interdependent world. And, the International Labor Organization serves as a forum through which these problems can be addressed on a worldwide basis.

The United States should be a part of these discussions, and we must have an input if adequate solutions are to be reached. It is not merely a matter of imposing our will on the nations of the world. It is a matter of working together with all peoples, to address problems which may well be insoluble without the worldwide commitment of an international organization which is dedicated to improving working conditions on a multinational basis.

And it is important that in confronting these problems the international community do so openly, without polemic, and in a manner free from strife, and free from consideration of extraneous matters. I believe that the International Labor Organization can achieve this goal. Our decision to once again join in that effort will contribute to the seriousness of purpose which will, in the end, benefit working people everywhere.●

PROPOSED FEDERAL ELECTION COMMISSION REGULATION

● Mr. DOLE. Mr. President, the Federal Election Commission has submitted to Congress regulations to govern the funding and sponsorship of nonpartisan Federal candidate debates. The Federal Election Commission has stated that the purpose of these regulations is to create a narrow exemption from the provisions of the Federal Election Campaign Act to permit certain nonprofit organizations and news media organizations to stage nonpartisan Federal candidate debates. In effect, this rule will allow news media organizations to sponsor nonpartisan debates without the costs of the debates being considered campaign contributions.

Mr. President, if some candidates are given an opportunity to appear before the voters to debate their views, concerns, and opinions, while other candidates for the same office are denied the opportunity to appear, it seems clear to the Senator from Kansas that the debaters have secured a definite advantage. That advantage is tantamount to the sponsors of the debate giving the debaters a cash contribution to each candidate's campaign fund. Consider the fact that the only way that the nondebating candidates will be able to have their views, concerns, and opinions aired will be if they pay for the air time.

FREE PRESS

At the very foundation of this country is the concept of a free press. Our people are among the best informed people in the world. That is because we have a healthy thriving media.

Unfortunately, the people's need to know and the media's desire to inform can work to the detriment of some political candidates. This is why it is important for this regulation to be implemented, since it will prevent news media organizations and nonprofit organizations from shaping an election by providing candidates that they considered attractive with an invaluable opportunity to come before the public to the exclusion of the other candidates.

NASHUA, N.H., TELEGRAPH

For example, the Nashua, N.H., Telegraph plans to conduct a debate on February 23, 1980, between two of the seven candidates for the Republican Presidential nomination. In effect the Nashua Telegraph is making a campaign contribution to the two candidates that it has selected to debate. The proposed rule would require the fair and impartial treatment of all the candidates; therefore each of the seven candidates would be invited to appear before the voters to inform them of their political ideologies. Without this rule, the Nashua Telegraph is free to limit the information that is presented to the voters, thereby shaping the election.

The proposed regulation was published on December 27, 1979, but it will not go into effect until 30 legislative days after the regulation was transmitted to Congress. Before 30 legislative days have passed and the rule is implemented, the Nashua Telegraph debates will have taken place in violation of the proposed rule.

Mr. President, this regulation would allow the FEC to prevent news media organizations and nonprofit organizations from shaping an election by providing candidates that they considered attractive with an invaluable opportunity to come before the public, leaving those candidates that did not have the media's seal of approval, out in the cold. Given the fact that in this technological age, where 5 minutes of air time is worth 5 weeks on the campaign trail shaking hands, giving speeches, and attending rallies, it is imperative that all the candidates are given an equal opportunity to reach the voters.

This country was founded on the notion that the people have the right to decide which candidate holds an elected office, not the media. Our creed has been one man, one vote. If the media allows that voter to be well informed on the various issues, that is acceptable. It is unacceptable if the media decides which candidates the voters will be informed of.

The Senator from Kansas supports the proposed regulation and anticipates its implementation because it will insure that Federal elections are conducted in a fair and impartial manner free from the undue influence of the media.●

GOLD MEDAL

● Mr. FORD. Mr. President, one of the first people to support President Carter's call for a boycott of the 1980 summer Olympic games was my constituent, Mr. John F. Nieder of Covington, Ky. I ask that his letter to the editor of the Kentucky Post be printed in the Record.

The letter follows:

GOLD MEDAL

In the interest of these United States and our deep concern for people in Afghanistan, Americans have the once in a life time golden race opportunity to become Gold Medal winners by supporting President Carter's boycott of the International Summer Olympics to be held in Moscow.●

SMALL BUSINESS

● Mr. BUMPERS. Mr. President, I am very pleased to be a cosponsor of S. 2152 and S. 2136, introduced in the first session of this Congress by the distinguished chairman of the Senate Select Committee on Small Business (Mr. Nelson). These measures are needed by the small business sector of our economy and will assist small businesses in forming needed capital to foster their growth during this period of extraordinary inflation and shortage of credit.

S. 2136 will modify the existing corporate income tax structure and allow small companies to retain more of their profits for capital formation. It will increase from $100,000 to $150,000 the amount of earnings a corporation may earn before the maximum 46-percent tax rate is applied. Further, it will modify the rates between $0 and $150,000 to free more earnings to be reinvested.

S. 2152 will double the amount of used equipment purchases which are eligible for the 10-percent investment tax credit. Under existing law only $100,000 of used equipment purchases are eligible for the 10-percent credit, but this bill will raise the amount to $200,000.

Although both of these bills will apply to both large and small companies, they will primarily benefit the small enterprises whose annual earnings are under $150,000 and who must rely on used machinery to improve their operations.

Mr. President, while I am endorsing these two bills designed to give needed relief to small businesses, I would also like to salute the small businesses in this country. They perform an excellent, and often overlooked, job of successful innovation, job creation and other important matters. There is a definite need for Members of the Congress to be aware of the needs of the small business and to adequately consider the small companies when legislation is pending before us.

The Small Business Committee has held hearings in the past couple of years and some witnesses have related some very remarkable statistics which reflect the large role that small firms play in our economy. These hearings have shown that small business accounts for 50 percent of all new innovations.

Small firms—with less than 1,000 employees—produce innovations at one-fourth the cost of medium-size firms—with 1,000 to 10,000 employees—and at one twenty-fourth the cost of large firms—those with over 10,000 employees. Of all the new oil wells drilled in this country, only 20 percent are drilled by the major integrated oil companies. Finally, according to the National Alliance of Business, for the past decade 70 percent of the new jobs were created by small businesses with less than 100 employees. Therefore, Mr. President, these statistics vividly demonstrate the role of the small enterprise in our economy and the need for appropriate legislation to encourage their growth and development.

Finally, Mr. President, the recent White House Conference on Small Business dramatized and focused on the needs of the small business community in this country. Delegations from each State debated the issues confronting small businesses and submitted proposals to the President. This open and detailed discussion was needed by small concerns so the administration and Congress could be made acutely aware of the problems facing them. I was especially proud of the delegation from my State of Arkansas. Each of the delegates performed a great deal of work at meetings and study before the conference began. More importantly, in this time of increasing inflation and economic strife, the entire delegation from my State declined any Federal assistance and paid their own way to attend and participate in this meeting. I am very proud of this. I ask that the following list of delegates of the State of Arkansas be printed in the Record.

The list follows:

Leon L. Adams, John L. Anthony, James Beavers, Russell O. Black, Samuel H. Blackwood, Jr., Victor L. Cary, William L. Ferren, Norma June Grayson, Clarence A. Hamilton, Frank Henslee, Wetzel C. LaGrone.

John Perry Lee, Brenda Perciful, Raymond A. Pritchett, Jr., Pat M. Riley, Albert H. Rusher, Ben P. Talbot, Sr., Sterling Woodward Tucker, Robert M. Twvford, Charles F. Watts, Fred J. Weaver, R. J. Wills, Lucille Wilson.●

PAY LID SQUEEZING BEST PILOTS OUT OF U.S. WARPLANE COCKPITS

● Mr. COHEN. Mr. President, an article by George Wilson in Sunday's Washington Post, "Pay Lid Squeezing Best Pilots Out of U.S. Warplane Cockpits," illustrates dramatically and clearly the most critical military manpower problem facing us today.

Failure to adequately compensate the top quality professionals in the Nation's military is causing these individuals to leave the service. Wilson cited a quote by Gen. Curtis LeMay which he said sums up the view of underpaid Air Force pilots: "All this hollering over registration and the draft is like swatting at the flies rather than attacking the manure pile." These "fighter jocks flying the hottest planes in the sky, the ones who would go to war first, cannot figure out how Washington can be so dumb," according to Wilson.

As was brought out during the recent military pay debate, so many pilots are quitting in protest over low pay that both the Air Force and the Navy fear they will not have enough to man all their warplanes. The Air Force figures it will be 2,400 pilots short this fiscal year, 3,500 next year, and 4,000 the following year, unless pay and other benefits are significantly improved. The Navy needed to retain 58 percent of its young pilots this year; its estimates it will hold only 28 percent of them.

The reason is simple. Despite the glamour and excitement of flying the fighter planes, these highly trained professionals realize they can make at least twice as much money, with fewer hassles, in the civilian sector. The average military pilot makes about $24,000. That is not much, especially when one considers that the pilots are entrusted with some of the most advanced technology and tactically critical parts of our arsenal.

As Wilson points out, "They resent risking their lives for a government that refuses to keep their pay ahead of inflation." They are also concerned about the extremely low pay that skilled enlisted people receive.

"It's very disheartening for me to go out to my jet and have my crew chief work my airplane, and then tip that same crew chief over at the commissary for bagging groceries," one captain said. That crew chief, maintaining the $15 million F-15 fighter is a senior airman. His base pay is $6,840 a year. Allowances on top of that push his pay to just under $9,000.

The Wilson article touches on probably the most pervasive cause of discontentment within our military forces—and the most serious threat to maintaining a strong national defense. All of our advanced weaponry will do us little good if we do not have the skilled personnel needed to operate it.

It costs $900,000 to train just one Air Force pilot in the sophisticated tactics needed to win dogfights against Russians flying modern planes, Wilson points out. Military personnel specialists stress—and we must never lose sight of this—that it is cheaper to pay an individual well enough to stay in than it is to bring in three our four others to replace him.

"We can draft people until we're blue in the face. bring them in for 2 years, and they roll out after 2 years," says Vice Adm. Kinnear, Commander of the Navy's Atlantic fleet warplane squadrons. "But that doesn't do anything to build up the skilled manpower who take 5 or 6 years to train."

As we seek better military manpower policies, we should heed his words. I commend this article to the attention of my colleagues. I ask that it be printed in the RECORD.

The article follows:

PAY LID SQUEEZING BEST PILOTS OUT OF U.S. WARPLANE COCKPITS

(By George C. Wilson)

LANGLEY AFB, VA.—The fighter jocks flying the hottest planes in the sky, the ones who would go to war first, cannot figure out how Washington can be so damn dumb.

To them, all this hollering over registration and the draft is like swatting at the flies rather than attacking the manure pile, to use a famous expression from one of their former leaders, Gen. Curtis E. LeMay.

The big problem in today's military, according to the pilots of Langley Air Force Base, is not recruiting or drafting new bodies—although they favor this—but holding onto the men and women with "the right stuff" already in uniform.

"I feel unappreciated, taken advantage of," said Capt. William R. Looney III, expressing the hurt felt by the proud men who are pilots. "I'm disappointed in my countrymen. Tomorrow I could die. The American civilian leadership doesn't appreciate I'm doing that for them."

Pentagon statistics and surveys document that thousands of young pilots such as Looney are fed up with losing money to inflation year after year as the commander-in-chief caps their pay and civilian workers get big raises.

So many pilots are quitting in protest that both the Air Force and Navy fear they will not have enough to man all their warplanes. The Air Force figures it will be 2,400 pilots short this fiscal year, 3,500 next year and 4,000 the year after—unless pay and other benefits are improved dramatically. The Navy needed to retain 58 percent of its young pilots this year but now estimates it will hold only 28 percent of them.

The Air Force says it costs $900,000 to train just one pilot in the sophisticated tactics needed to win dogfights against Russians flying modern planes. But this expensive training makes the pilot highly saleable to commercial airlines and other civilian firms willing to pay twice as much as the military.

Today's jet pilot is a different breed from the storybook one, the hard-drinking swashbuckler of Pappy Boyington fame. He has at least one college degree, often two. He talks and thinks like an engineer, or else he does not survive modern weapons. And like everyone else, he worries about buying a home and putting aside enough money for his children's education.

He is hard to replace. Neither registration nor the draft would close the pilot gap. That is why Gen. Lew Allen, Air Force chief of staff, and Adm. Thomas B. Hayward, chief of naval operations, are more worried about keeping the good people they have than finding new bodies.

The squadron commanders who would have to lead their pilots to war, like Lt. Col. Ralph Wetterhahn of the 71st Eagle squadron here, see concentrating on retention as a matter of common sense.

"It's a whole lot cheaper to keep one guy from going out the back door than to try to take in three or four others through the front door to replace him," Wetterhahn reasoned. Safer, too.

His squadron flies the hot F15 Eagle fighter under the motto: "Our mission is to fly, fight and win." The word "win" is underlined. Living or dying in today's air battles depends on decisions made in seconds high above the earth. Inexperienced pilots die quickly.

"We can draft people until we're blue in the face, bring them in for two years, and they roll out after two years," said Vice Adm. George E. R. Kinnear II, commander of the Navy's Atlantic fleet warplanes squadrons. "But that doesn't do anything to build up the skilled manpower who take five or six years to train."

It is young pilots with six to 11 years service—the ones especially attractive to airlines and other civilian employers—whom the Air Force and Navy are losing at an alarming rate.

Why would these pilots trade whirling around the sky at 1,000 miles an hour in fighter planes which cost $15 million to $25 million each for the comparatively dull life of civilian jobs? A group of them gathered to explain it at the building just off the airfield here used by the 94th "Hat in the Ring" squadron. Capt. Eddie Rickenbacker made the squadron famous during World War I. The original squadron's stone "Hat in the Ring" symbol—mounted in 1918 on the 94th's operations building in Toul, France—now marks the entrance to squadron headquarters.

The pilots in the lounge wear red or blue turtleneck jerseys under their flying suits. They begin with niceties and move quickly to anger—anger focused on Washington. Why does Washington care so much about draft legislation and "real growth" in the $158 billion Pentagon budget? Why does it care so little about "real growth" in the pilots' $24,000 paychecks?

The outrage is as visible in their conversation as the contrails from their F15 Eagles against a morning sky.

"A lot of people have this money problem," continued Capt. Looney, 30, native of Norman, Okla., an Air Force Academy graduate who also has a master's degree in management from the University of Michigan.

"It's not like we're saying poor Air Force officer, poor F15 pilot", Looney explained. "But the thing is that you see your friends outside the service making more money, and you know you're just as well equipped and capable, if not more so, to make as much money as they do. You see what they can provide for their families. It frustrates you.

"I get a very good feeling for what I'm doing. Some day I'm going to be happy as hell and look back with great pride on the things I've accomplished in the military. But I'm exacting a pretty high price from my wife and my children to accomplish this for myself. They're the ones who are suffering.

"I feel unappreciated, taken advantage of. They know they've got a good f——— deal in the majority of people who fly this airplane. I don't feel my general has done that to me. I feel the civilian leadership has done that to me.

"The airplane could blow up. Somebody could run into me or I could run into them or we could go to war and I could get killed. And I've got a wife and parents and a family I'm leaving behind. I've accepted this, as has everybody else in this room. The American civilian leadership doesn't appreciate I'm doing that for them. I'm disappointed."

Capt. James G. Boehm, 29, of Fairview Park, Ohio, one of the pilots who flew an F15 to Saudi Arabia early in the Iranian crisis, agreed.

"If you think you're getting bad vibes," Boehm said, "I want to tell you you're talking to guys who have the best assignment in the Air Force"—flying the F15 fighter. Many pilots flying lesser planes are even more dispirited, he said, because they feel their efforts are not appreciated. "We're in our job right now so kids in San Francisco can go out and demonstrate against the draft."

Capt. David A. Greschke, 33, of Huron,

S.D., is very saleable on the civilian market. He holds an electrical engineering degree from South Dakota State University and a public administration degree from the University of North Colorado.

"I'm still motivated," said Greschke, "but I would expect, after 10½ years in the Air Force, to be at a measurable level above where I started in pay, responsibilities and so on. But really, all that has changed is the rank."

He and other pilots, some of whom pulled pay cards and other papers from flight suit pockets to document their claims, said they have been losing to inflation year after year, most recently because President Carter capped their pay raises at 5 and then 7 percent—far below the actual rate of inflation.

The $24,000 captains said they do not expect to be paid the $60,000 to $100,000 salaries of commercial airline pilots. But they resent risking their lives for a government that refuses to keep their pay ahead of inflation. They said that skilled enlisted people, such as the crew chiefs who keep their F15s flyable, are losing out, too.

"It's very disheartening for me to go out to my jet and have my crew chief work my airplane, and then tip that same crew chief over at the commissary for bagging groceries," complained Capt. Rowe P. Stayton, 28, of Quinlan, Tex., an Air Force Academy graduate.

"There's something wrong with that system," Stayton went on. "The guy is expected to put in a hell of a job out there during the day and has to come over here in the evening to make ends meet by taking what I consider a demeaning position. More important, he cannot do his regular, very important job well because he is staying up too late doing the second job."

Stayton's crew chief maintaining the $15 million F15 is an E-3, or senior airman. His base pay is $570 a month, or $6,840 a year. Allowances on top of that push his pay to just under $9,000.

Maj. Hal Hornburg, 34, who has a business degree from Texas A&M and a master's degree in career management from the University of Utah, is briefing Capt. Gerry Christeson, a graduate of Ohio State, on how they are going to "kill" two "enemy" planes in an instrumented rectangle of sky off Cape Hatteras.

The "enemy" planes are Navy F14s out of nearby Ocean air base. Every maneuver will be recorded electronically. Afterward, the pilots will study on a screen back at the squadron what they did right and wrong, like pro football players reviewing Sunday's game film. The pilots' mistakes would probably mean death in wartime because aerial missiles have become so lethal.

Hornburg's briefing underscores the technological nature of modern dogfighting. Life or death depends on your radar seeing the other guy before his radar sees you, and on split-second mental computations of geometric angles for missiles or gunfire. No more white scarf, eyeball-to-eyeball, lengthy whirling gunfights. It is kill or be killed in seconds.

"I don't want to fight slow speed today. So think getting energy. If you can't get back into the fight a good high energy rate, then separate." That means: if you can't manage supersonic speeds, break off the engagement.

"I want to run in on these guys at a six to nine thousand foot split and try to run a bracket on them," he continued. That means boxing in the two Navy F14s with the two F15s.

"I want to bracket them in terms of horizontal offset, vertical offset and in time. If I go low, we'll have a time bracket on them. What I want to avoid at all costs is having them see both of us at the same time. . . .

"What we want to do is get a quick kill and get out. If they deny that, and we know that by aspect [the geometric angles between planes fighting each other], then we fight them single-ship. If we can't get a quick kill within 15 to 20 seconds, then we want to bug out. We don't want to stay in and fight slow. Do not engage subsonic."

Capt. Christeson, Hornburg's wing man in the upcoming two-against-two air battle, interjected: "I'd like to call the aspects of my bogie, maybe every four miles. That cues me. And it might cue you if you hear me call an aspect is bogus because the geometry has changed. . . ."

"We don't have to come back with three or four kills apiece," Hornburg stressed as he ended his briefing. "What we don't want to do is come back with a mort." For mortuary.

Hornburg and Christeson walked out to their F15s, relishing the thought of the upcoming duel off Cape Hatteras. To his dismay, Hornburg found his F15 broken down. Christeson took on the two F14s alone and got back "alive."

The scene is a dinner at a restaurant outside Norfolk. Two F15 pilots from Langley and their wives are having a night out. Joan Johnson, mother of two and a computer specialist, is explaining why low pay is not the only reason pilots are quitting in droves.

"If he moves again," she announced resolutely, "I'll stay." Capt. Henry B. Johnson III, 34, of Silver Spring, who had to bail out over the North Sea when both Pratt & Whitney F100 engines on his F15 conked out at once, said he would respect her decision.

The Johnsons have been in the Air Force 11 years. They have been forced to move 11 times. Joan has had it with both the "genteel poverty" and the continuous moving.

"Our fifth grader has been in five different school systems. It's a constant adjustment to different curricula," she said. Meanwhile, she has had to give up one good job after another.

Mr. Johnson expressed the frustration shared by thousands of today's military pilots: "I didn't anticipate at 23 what my personal needs would be at 33." ●

LITHUANIAN INDEPENDENCE DAY

● Mr. LEVIN. Mr. President, February 16, 1980, commemorated the 62d anniversary of the establishment of the Republic of Lithuania when, in 1918, a courageous people proclaimed to the world their independence from Russian domination. Lithuania enjoyed a period of freedom and saw her economy, industry, culture, and national spirit flourish between two world wars. But 40 years ago, in 1940, Lithuania lost her independence as a result of a pact by bloody dictators.

For just a brief time of about 20 years, the Lithuanian people enjoyed the privilege of freedom, but the tragic historical domination of Lithuania by Russia was reinstated by Stalin. In June 1940, the Soviet Union invaded and forcibly annexed Lithuania despite Russia's "sacred word of honor" not to do so in a peace treaty and nonaggression pact with Lithuania. One month later in July 1940, after mock elections, Russia claimed, and still claims, that Lithuania voluntarily voted and asked to be incorporated into the Soviet Union. We know this is a lie. We know that the Soviet invaded, occupied, and continue to occupy Lithuania today. Unfortunately, there is no trace of independence in Lithuania today except in the hearts and minds of these brave people.

Current Soviet policies in regard to Lithuania threatens the national identity of Lithuania. Soviet domination robs Lithuania of its religious, national, political, social, and economic character.

Mr. President, the United States has never recognized the Soviet Union's annexation of Lithuania or any of the Baltic States and has continued to recognize the diplomatic corps established by independent Lithuania. I urge the Carter administration to support and strengthen this diplomatic representation since the policy of nonrecognition has a powerful mitigating effect on the Soviet Union. We must continue to protest, in the strongest possible terms, the repressive measures of the Soviets against the Lithuanian Nation.

Mr. President, by the end of World War II, Lithuania had lost about one-third of her population through forcible deportations, assassinations, and national genocide of its great people. On this very day, political repression, religious persecution, cultural genocide, and the denial of basic human rights continue in Lithuania by the Soviet occupiers.

Mr. President, nation after nation has been invaded and annexed by the Soviet Union. It started with the Baltic States and now even freedom-loving Afghanistan cannot escape the Russian bearhug.

For a millennium the Lithuanian national symbol has been the Vytis, a warrior with a raised sword who is prepared for a battle against the wrongdoers of the Nation and humanity. Indeed, this is a symbol that is fused with the body and blood of every Lithuanian. But the Lithuanian emblem has been torn from them, and has been replaced by the ominous hammer and sickle. The spirit of the Vytis remains, which should lie forever within the nation, which should constantly prod Lithuanian consciences and arouses a thirst for freedom.

Mr. President, the Russian tyrant required several years before achieving a physical victory over Lithuania. May she never achieve a spiritual one. I deeply share with all Lithuanians the objectives of fostering religious, national, and political consciousness, and the raising of the issue of Lithuanian freedom before the world. I look forward to the day when Lithuania's goal of an independent state is realized.●

TAX BENEFITS

● Mr. BUMPERS. Mr. President, I remain concerned about the inability of the Senate to pass meaningful tax reform legislation. Each year we have fallen far short of any real tax reform. The underlying deficiencies of our tax system persist.

I receive numerous letters each day from Americans who are unhappy with the inherent unfairness and complexity of our tax system. As my colleagues may recall, during the waning days of the 95th Congress, the Senator from Massachusetts (Mr. KENNEDY) and I offered an amendment to the Revenue Act of 1978 that increased tax benefits for middle- and low-income taxpayers. Although it passed the Senate, it was unfortunately dropped from the bill by the House-Senate Conference Committee.

During the Senate's consideration of the windfall profit tax legislation, I offered an amendment that would have substantially increased the revenues from the windfall profit tax. The increase would have been used to reduce the prospective social security tax increases. Unfortunately, this amendment was defeated.

Until I am successful in adding similar provisions to future tax legislation, low- and middle-income citizens will be deprived of the tax relief they need and deserve. In the interim, I want to help these people by publicizing the tax benefits they are entitled to receive.

Today, I am taking the first step in this campaign by publicizing the numerous tax advantages provided for elderly Americans. At a time in which double-digit inflation is draining the limited financial resources of those on fixed incomes, it is apparent that the millions of elderly citizens are desperately in need of this information. These are not people who are demanding greater tax benefits for themselves. On the contrary, these are people who seek only to receive what they deserve. For them, securing professional tax help is simply an unaffordable luxury. As a result, they fail to take advantage of the many tax benefits they might otherwise receive.

Mr. President, the Senate Special Committee on Aging has compiled a comprehensive list of itemized deductions available to elderly citizens. I think it is one of the most useful documents I have seen this year. I ask that it be printed in the RECORD.

The checklist follows:

CHECKLIST OF ITEMIZED DEDUCTIONS FOR SCHEDULE A (FORM 1040)

MEDICAL AND DENTAL EXPENSES

Medical and dental expenses (unreimbursed by insurance or otherwise) are deductible to the extent that they exceed 3 percent of your adjusted gross income (line 31, Form 1040).

INSURANCE PREMIUMS

One-half of medical, hospital or health insurance premiums are deductible (up to $150) without regard to the 3 percent limitation for other medical expenses. The remainder of these premiums can be deducted, but is subject to the 3 percent rule.

DRUGS AND MEDICINES

Included in medical expenses (subject to 3 percent rule) but only to extent exceeding 1 percent of adjusted gross income (line 31, Form 1040).

OTHER MEDICAL EXPENSES

Other allowable medical and dental expenses (subject to 3 percent limitation):

Abdominal supports (prescribed by a doctor).

Acupuncture services.

Ambulance hire.

Anesthetist.

Arch supports (prescribed by a doctor).

Artificial limbs and teeth.

Back supports (prescribed by a doctor).

Braces.

Capital expenditures for medical purposes (e.g., elevator for persons with a heart ailment)—deductible to the extent that the cost of the capital expenditure exceeds the increase in value to your home because of the capital expenditure. You should have an independent appraisal made to reflect clearly the increase in value.

Cardiographs.

Chiropodist.

Chiropractor.

Christian Science practitioner, authorized.

Convalescent home (for medical treatment only).

Crutches.

Dental services (e.g., cleaning, X-ray, filling teeth).

Dentures.

Dermatologist.

Eyeglasses.

Food or beverages specially prescribed by a physician (for treatment of illness, and in addition to, not as substitute for, regular diet; physician's statement needed).

Gynecologist.

Hearing aids and batteries.

Home health services.

Hospital expenses.

Insulin treatment.

Invalid chair.

Lab tests.

Lipreading lessons (designed to overcome a handicap).

Medicare A, voluntarily paid, if you are 65 or older and not entitled to social security benefits.

Neurologist.

Nursing services (for medical care, including nurse's board paid by you).

Occupational therapist.

Ophthalmologist.

Optician.

Optometrist.

Oral surgery.

Osteopath, licensed.

Pediatrician.

Physical examinations.

Physical therapist.

Physician.

Podiatrist.

Psychiatrist.

Psychoanalyst.

Psychologist.

Psychotherapy.

Radium therapy.

Sacroiliac belt (prescribed by a doctor).

Seeing-eye dog and maintenance.

Speech therapist.

Splints.

Supplementary medical insurance (Part B) under Medicare.

Surgeon.

Telephone/teletype special communications equipment for the deaf.

Transportation expenses for medical purposes (8 cents per mile plus parking and tolls or actual fares for taxi buses, etc.).

Vaccines.

Vitamins prescribed by a doctor (but not taken as a food supplement or to preserve general health).

Wheelchairs.

Whirlpool baths for medical purposes.

X-rays.

Expenses may be deducted only in the year you paid them. If you charge medical expenses on your bank credit card, the expenses are deducted in the year the charge is made regardless of when the bank is repaid.

TAXES

Real estate.

General sales.

State and local income.

Personal property.

If sales tax tables are used in arriving at your deduction, ordinarily you may add to the amount shown in the tax tables the sales tax paid on the purchase of the following items: automobiles, trucks, motorcycles, airplanes, boats, mobile homes, and materials used to build a new home when you are your own contractor.

When using the sales tax tables, add to your adjusted gross income any nontaxable income (e.g., Social Security, Veterans' pensions or compensation payments, Railroad Retirement annuities, workmen's compensation, untaxed portion of long-term capital gains, dividends untaxed under the dividend exclusion, interest on municipal bonds, untaxed part of unemployment compensation and public assistance payments).

CONTRIBUTIONS

In general, contributions may be deducted up to 50 percent of your adjusted gross income (line 31, Form 1040). However, contributions to certain private nonoperating foundations, veterans organizations, fraternal societies, or nonprofit cemetery companies, are limited to 20 percent of adjusted gross income.

Cash contributions to qualified organizations for (1) religious, charitable, scientific, literary or educational purposes, (2) prevention of cruelty to children or animals, or (3) Federal, State or local governmental units (tuition for children attending parochial schools is not deductible).

Fair market value of property (e.g., clothing, books, equipment, furniture) for charitable purposes. (For gifts or appreciated property, special rules apply. Contact local IRS office.)

Travel expenses (actual or 8 cents per mile plus parking and tolls) for charitable purposes (may not deduct insurance or depreciation in either case).

Cost and upkeep of uniforms used in charitable activities (e.g., scoutmaster).

Purchase of goods or tickets from charitable organizations (excess of amount paid over the fair market value of the goods or services).

Out-of-pocket expenses (e.g., postage, stationery, phone calls) while rendering services for charitable organizations.

Care of unrelated student in your home under a written agreement with a qualifying organization (deduction is limited to $50 per month).

INTEREST

Home mortgage.

Auto loan.

Personal loan.

Installment purchases (television, washer, dryer, etc.).

Bank credit card—can deduct the finance charge as interest if no part is for service charges, loan fees, credit investigation fees, or similar charges.

Other credit cards—you may deduct as interest the finance charges added to your monthly statement, expressed as an annual percentage rate, that are based on the unpaid monthly balance.

Points—deductible as interest by buyer where financing agreement provides that they are to be paid for use of lender's money and only if the charging of points is an established business practice in your area. Not deductible if points represent charges for services rendered by the lending institution (e.g., VA loan points are service charges and are not deductible as interest). Not deductible if paid by seller (are treated as selling expenses and represent a reduction of amount realized).

Penalty for prepayment of a mortgage—deductible as interest.

Revolving charge accounts—may deduct the separately stated "finance charge."

CASUALTY OR THEFT LOSSES

Casualty (e.g., tornado, flood, storm, fire, or auto accident provided not caused by a willful act or willful negligence) or theft losses—the amount of your casualty loss deduction is generally the lesser of (1) the decrease in fair market value of the property as a result of the casualty, or (2) your adjusted basis in the property. This amount must be further reduced by any insurance or other recovery, and, in the case of property held for personal use, by the $100 limitation. Report your casualty or theft loss on Schedule A. If more than one item was involved in a single casualty or theft, or if you had more than one casualty or theft during the year, use Form 4684 for computing your personal casualty loss.

MISCELLANEOUS

Appraisal fees to determine the amount of a casualty loss or to determine the fair market value of charitable contributions.

Union dues.

Cost of preparation of income tax return.

Cost of tools for employee (depreciated over the useful life of the tools).

Dues for Chamber of Commerce (if as a business expense).

Rental cost of a safe-deposit box used to store income-producing property.

Fees paid to investment counselor.

Subcriptions to business publications.

Telephone and postage in connection with investments.

Uniforms required for employment and not generally wearable off the job.

Maintenance of uniforms required for employment.

Special safety apparel (e.g., steel toe safety shoes or helmets worn by construction workers; special masks worn by welders).

Business entertainment expenses.

Business gift expenses not exceeding $25 per recipient.

Employment agency fees under certain circumstances.

Cost of a periodic physical examination if required by employer.

Cost of bond if required for employment.

Expenses of an office in your home if used regularly and exclusively for certain business purposes.

Educational expenses that are: (1) required by your employer to maintain your position; or (2) for maintaining or sharpening your skills for your employment.

Political Campaign Contributions.—You may claim a credit (line 38, Form 1040) for campaign contributions to an individual who is a candidate for nomination or election to any Federal, State, or local office in any primary, general, or special election. The credit is also applicable for any (1) committee supporting a candidate for Federal, State, or local elective public office, (2) national committee of a national political party, (3) State committee of a national political party, (4) local committee of a national political party, or (5) certain newsletter funds set up and maintained by a person who holds, has been elected to, or is a candidate for nomination or election to a public office. The amount of the tax credit is one-half of the political contribution, with a $50 ceiling ($100 for couples filing jointly).

PRESIDENTIAL ELECTION CAMPAIGN FUND

Additionally, you may voluntarily earmark $1 of your taxes ($2 on joint returns) for the Presidential Election Campaign Fund.

ADDITIONAL INFORMATION

For any questions concerning any of these items, contact your local IRS office. You may also obtain helpful publications and additional forms by contacting your local IRS office.

OTHER TAX RELIEF MEASURES

Filing status	*Required to file a tax return if gross income is at least—*
Single (under age 65)	$3,300
Single (age 65 or older)	4,300
Qualifying widow(er) under 65 with dependent child	4,400
Qualifying widow(er) 65 or older with dependent child	5,400
Married couple (both spouses under 65) filing jointly	5,400
Married couple (1 spouse 65 or older) filing jointly	6,400
Married couple (both spouses 65 or older) filing jointly	7,400
Married filing separately	1,000

Additional Exemption for Age.—Besides the regular $1,000 exemption, you are allowed an additional exemption of $1,000 if you are age 65 or older on the last day of the taxable year. If both a husband and wife are 65 or older on the last day of the taxable year, each is entitled to an additional exemption of $1,000 because of age. You are considered 65 on the day before your 65th birthday. Thus, if your 65th birthday is on January 1, 1980, you will be entitled to the additional $1,000 exemption because of age for your 1979 Federal income tax return.

"Zero Bracket Amount."—The "zero bracket amount" is a flat amount that depends on your filing status. In 1979, this amount was increased for each filing status. If you are married filing jointly or a qualifying widow or widower, your zero bracket amount is $3,400. If you are single or a head of household, your zero bracket amount is $2,300. If you are married filing separately, it is $1,700. It is not a separate deduction; instead, the equivalent amount is built into the tax tables and tax rate schedules. Since this amount is built into the tax tables and tax rate schedules, you will need to make an adjustment if you itemize deductions. However, itemizers will not experience any change in their tax liability and the tax computation will be simplified for many itemizers.

Tax Tables.—Tax tables have been developed to make it easier for you to find your tax if your income is under certain levels. Even if you itemize deductions, you may be able to use the tax tables to find your tax easier. In addition, you do not have to deduct $1,000 for each exemption because this amount is also built into the tax table for you.

Multiple Support Agreements.—In general, a person may be claimed as a dependent of another taxpayer, provided five tests are met: (1) Support, (2) gross income, (3) member of household or relationship, (4) citizenship, and (5) separate return. But in some cases, two or more individuals provide support for an individual, and no one has contributed more than half the person's support. However, it still may be possible for one of the individuals to be entitled to a $1,000 dependency deduction if the following requirements are met for multiple support:

1. Two or more persons—any one of whom could claim the person as a dependent if it were not for the support test—together contribute more than half of the dependent's support.
2. Any one of those who individually contribute more than 10 percent of the mutual dependent's support, but only one of them, may claim the dependency deduction.
3. Each of the others must file a written statement that he will not claim the dependency deduction for that year. The statement must be filed with the income tax return of the person who claims the dependency deduction. Form 2120 (Multiple Support Declaration) may be used for this purpose.

Sale of Personal Residence.—You may exclude from your gross income some or all of your gain from the sale of your principal residence, if you meet certain age, ownership, and occupancy requirements at the time of the sale. The exclusion is elective, and you may elect to exclude gain only once. If you were age 55 or older before the date of sale, you may elect to exclude up to $100,000 of gain on the sale if you owned and occupied the residence for 3 of the 5 years ending on the date of sale (or 5 of 8 years under certain circumstances). Form 2119 (Sale or Exchange of Personal Residence) is helpful in determining what gain, if any, may be excluded.

Additionally, payment of tax on the gain on the sale of your personal residence in excess of the excluded amount will be deferred if, within 18 months before or 18 months after the sale, you buy and occupy another residence, the cost of which equals or exceeds the adjusted sales price of the old residence. Additional time is allowed if (1) you construct the new residence; (2) you were on active duty in the U.S. Armed Forces; or (3) your tax home was abroad. Publication 523 (Tax Information on Selling or Purchasing Your Home) may also be helpful.

Credit for the Elderly.—You may be able to claim this credit and reduce taxes by as much as $375 (if single), or $562.50 (if married filing jointly), if you are:

(1) Age 65 or older, or

(2) Under age 65 and retired under a public retirement system.

For more information, see instructions for Schedules R and RP.

Credit for Child and Dependent Care Expenses.—Certain payments made for child and dependent care may be claimed as a credit against tax.

If you maintained a household that included your dependent under age 15 or a dependent or spouse incapable of self-care, you may be allowed a 20-percent credit for employment related expenses. These expenses must have been paid during the taxable year in order to enable you to work either full or part time.

For detailed information, see the instructions on Form 2441.

Earned Income Credit.—If you have a dependent child who shares your principle place of abode in the United States, you may be entitled to a special payment or credit of up to $500. This is called the earned income credit. It may come as a refund check or be applied against any taxes owed. Generally, if you reported earned income and had adjusted gross income (line 31, Form 1040) of less than $10,000, you may be able to claim the credit.

Earned income means wages, salaries, tips, strike benefits, other employee compensation, and net earnings from self-employment (generally amount shown on Schedule SE (Form 1040) line 13). A married couple must file a joint return to be eligible for the credit. Certain married persons living apart with a dependent child may also be eligible to claim the credit.

For more information, see instructions for Form 1040 or 1040A.

ENERGY TAX ACT

The Energy Tax Act of 1978 is directed at providing tax incentives for energy conservation measures and for conversion to renewable energy sources.

A credit of up to $300 may be claimed for expenditures for energy conservation property installed in or on your principal residence, whether you own or rent it. The residence must have been substantially completed by April 20, 1977. Items eligible for the credit are limited to the following: insulation (fiberglass, cellulose, etc.) for ceilings, walls, floors, roofs, water heaters, etc.; exterior storm (or thermal) windows or doors; caulking or weatherstripping for exterior windows or doors; a furnace replacement burner which reduces the amount of fuel used; a device to make flue opening (for a heating system) more efficient; an electrical or mechanical furnace ignition system which replaces a gas pilot light; an automatic energy-saving setback thermostat; and a meter which displays the cost of energy usage.

A maximum credit for renewable energy source property is $2,200. Equipment used in the production or distribution of heat or electricity from solar, geothermal, or wind energy sources for residential heating, cooling, or other purposes may qualify for this credit.

Energy credits may be claimed by completing Form 5695 and attaching it to your Form 1040.

Examples of items which do not qualify for energy credit are the following: carpeting, drapes, wood paneling, exterior siding, heat pump, wood or peat fueled residential equipment, fluorescent replacement lighting system, hydrogen fueled residential equipment, equipment using wind energy for transportation, expenditures for a swimming pool used as an energy storage medium, and greenhouses.

For further information, consult the instructions for Form 5695 and IRS Publication 903, Energy Credits for Individuals.●

SIXTY-SECOND ANNIVERSARY OF LITHUANIAN INDEPENDENCE DAY

● Mr. LUGAR. Mr. President, this weekend Lithuanians in America celebrated the 62d anniversary of Lithuanian Independence Day. Sixty-two years ago—in February 1918—Lithuania once again became an independent country. After several years of fighting against the Bolshevik army, the Soviet Union renounced its claims against Lithuania "forever."

But as we know, the Soviet Union's renunciation lasted only 20 years. In 1940 Soviet troops moved into the Baltic countries, Lithuania included. A rigged election was held, and the Baltic countries of Lithuania, Latvia, and Estonia were forced into the Soviet empire.

Mr. President, in recent months we have seen in Afghanistan another instance of the same Soviet imperialism which annexed the Baltic countries. As we respond to this most recent Soviet aggression, let us remember the other peoples who have been brutally subjegated by military force. Let us honor, too, those Lithuanians and those other peoples in whom the spirit of liberty and independence still dwells.

As Lithuanians celebrate the anniversary of their independence, they will celebrate also the resistance of people everywhere to conquest and aggression.●

THE FRAUD HOTLINE

● Mr. SASSER. Mr. President, fraud, abuse and waste in the Government is costing the taxpayer billions of dollars. This was the thrust of testimony presented by the Comptroller General, Elmer Staats, in his testimony before the Legislative Branch Appropriations Subcommittee on December 4, 1978.

At that hearing, I suggested that a nationwide toll free fraud hotline be installed at the General Accounting Office. With the strong support of the former ranking minority member of our subcommittee, the distinguished senior Senator from Pennsylvania (Mr. SCHWEIKER) and the full cooperation of Comptroller General Staats, the fraud hotline was installed at the General Accounting Office and became operational in January of 1979.

The nationwide toll free fraud hotline is 800–424–5454. In the Washington, D.C. metropolitan area the number is 633–6987.

Mr. President, the January 21, 1980, issue of U.S. News & World Report carried an interview with Comptroller General Elmer Staats on GAO's efforts to curb fraud, abuse, and waste in Government. Much of the interview dwells on the performance and results of the fraud hotline to date, which I believe would be of interest to my colleagues.

I should add, Mr. President, that all of the work of the General Accounting Office is valuable and important. In the year ending September 30, 1979, the benefits of GAO in terms of collections and other measurable savings attributable to the work of the General Accounting Office amounted to $2.5 billion, more than 10 times the cost of operating the GAO.

As important as these savings are, Mr. President, I believe that the fraud hotline is performing a unique task—that is of restoring integrity to governmental operations. Mr. Staats and Mr. George Egan, the Director of the Fraud Task Force are to be commended for their very fine efforts.

Mr. President, I ask that the U.S. News interview with Comptroller General Staats be printed in the RECORD at this point.

The interview follows:

GAO CHIEF: FRAUD AND WASTE COSTING TAXPAYERS BILLIONS

Q. Mr. Staats, the General Accounting Office has been called the "taxpayer's friend" because it uncovers fraud, abuse and waste in federal programs. How serious are these losses?

A. No one knows actually, but we do know it's in the billions. You have to look at it program by program. For example, about a billion dollars of the money loaned to students by the Veterans Administration and the Office of Education is overdue. That's about 25 percent of the total money loaned. Some of it will be repaid, but this gives you an idea of the magnitude of the overall problem and how difficult it is to make a judgment as to how much will eventually be lost.

Q. What kinds of programs are most susceptible to fraud?

A. The hardest to control are those in which an individual is entitled to receive a specific benefit—so-called entitlement programs. Medicaid, for example, is commonly abused by recipients who misstate their cases to obtain larger benefits and by doctors who get paid for treating patients they never attended.

Q. Which is harder to control—fraud or abuse?

A. It's easier to control fraud. You can pinpoint specific acts of obvious wrongdoing, document the case and levy penalties—civil or criminal. When you publicize these cases, it has a therapeutic effect on others who might be tempted to try it. Abuse and waste are harder to define and inyolve many more people.

Q. Would you explain GAO's role in exposing abuse and fraud in government?

A. As an independent oversight arm of Congress, we audit and evaluate government agencies and programs. We do little direct-financial-audit work, though we do set out for the agencies certain accounting principles and standards.

We also evaluate management performance and program results. About 50 percent of our work consist of trying to decide whether programs are working as intended by Congress: What their payoff is, so to speak.

One of the things we've done is to set up a nationwide toll-free hot line that anyone can call—anonymously, if they wish—to report fraud or abuse. In its first year, the hot line received about 14,000 calls. We haven't screened them all yet, but of those we have, nearly half were found to have substance. About 3,000 cases have been referred to inspectors general in the agencies involved. Over 50 have been turned over to the Justice Department for action.

Q. What types of complaints are most often reported to GAO?

A. Most are about people getting federal assistance to which they are not entitled; the largest number involve social services administered by the Department of Health, Education and Welfare. The second largest number of complaints received by the GAO hot line involve the Department of Defense—chiefly in the procurement area.

Programs under the Department of Housing and Urban Development also generate a lot of complaints. In most instances, these relate to shoddy workmanship and mismanagement of block-grant funds, or tenant eligibility and housing quality in federally assisted housing.

Q. Does the hot line uncover big cases or just a lot of nickel-and-dime abuses?

A. We get all kinds really, including some interesting cases. For example, someone in Detroit blew the whistle on a government employee who drove a government car and had an arrangement with a filling-station operator to charge the government for gasoline he never used. He and the station operator split the proceeds. We're checking to see if this scheme is widespread. If so, a lot of money could be involved. But the amount of money, as we see it, is less important than what all this does in terms of destroying people's confidence in the operations of government.

Q. Are federal workers themselves reporting problems?

A. Yes, but not as many as we expected. Most complaints are from people in private life. Of the 3,000 cases I mentioned earlier, less than 30 percent involve federal employes.

Q. Is there much fraud in government-procurement programs?

A. Yes, the procurement area is second only to social services in the amount of fraud reported. The problem is too few controls on who buys what for the government and how it is used. The potential for abuse is obvious when you are spending billions of dollars.

Q. What about fraud and abuse among federal contractors and consultants?

A. This is a large and growing problem because well over half the federal budget is being spent by entities other than the federal agencies: Contractors, grant recipients and others. That presents a problem of accountability.

Universities, for example, have been critical of what they consider to be government interference in education. Yet federal money flows to these campuses, so there has to be some degree of accountability. It's a real dilemma.

Revenue sharing presents a different kind of problem. The money goes into the treasury of a city in the same way that local tax revenues do. Once that happens, how do you decide which is a federal dollar and which local? You can't, because the federal and local moneys are commingled.

Q. How can corruption pervade an agency such as the General Services Administration without being detected? Was that an isolated case, or are more scandals ahead?

A. We've thought about what happened in GSA many times and wondered whether there was anything more we might have done to prevent it.

We checked and found that, over a period of five years, we had issued at least 200 reports relating to GSA's management problems, which I feel were at the root of the trouble. The agency's own auditors and inspectors also made numerous reports. If GSA's top management had been on its toes, this most likely would never have happened.

It could happen elsewhere. That's why we're going into all federal agencies now to see what kind of internal control systems they have. But each time you plug one loophole, you often find another area vulnerable to fraud or abuse.

Q. Has the increased use of computers by government agencies affected your ability to detect fraud?

A. Computers present a growing problem. There are around 12,000 computers in the government now. In some cases, they do the whole thing: Watch inventories and reorder when stocks dip to a specific level, record deliveries and pay his bills. But how do you build controls in a computer to prevent fraud? We have a lot to learn about this.

Our studies show the potential for computer fraud could be very serious. To dramatize this, we ran a series of fictitious names through the payroll system of the Department of Housing and Urban Development to see whether they would get paid. Sure enough, they did—including one "Donald Duck."

Q. Donald Duck?

A. HUD thought they had us on that one because they found a Donald Duck working for the government out in Denver. But we weren't trying to be humorous; we were trying to make the point that HUD's computers should have had controls to reject all those fictitious names—yet they didn't.

Q. Why aren't more government-fraud cases prosecuted?

A. We now have an interagency fraud task force, which, among other things, is looking into this. One problem is the lack of a uniform definition in the government as to what constitutes fraud. We're trying to work out an agreed definition with the Justice Department. We don't have it yet.

The task force has gone back over all the fraud cases in 23 different agencies over the past 2½ years to find out what happened to those cases. We can see that the system isn't working: The Justice Department is clogged with cases. What we may eventually have to do is allow the agencies themselves to assess civil penalties rather than allow violators to go free simply because U.S. attorneys can't get around to prosecuting them.

Q. Most agencies now have an office of inspector general to deal with fraud and abuse. How is this working out?

A. It's too early to tell. But GAO now has responsibility for setting guidelines under which the inspectors general do their work, and we've found that these offices are not getting the staff and money they need to do a thorough job. The staffing of these offices has been given about as low a priority as you can get in the government.

Q. Does this indicate indifference on the part of the executive branch to the fraud-and-abuse problem?

A. To an extent, yes—but you can't let Congress off completely. Congress can always add money to the budget if the members think it's important enough.

Inside the agencies, program managers have a natural resistance to auditing. It's a human tendency to say, "I know more about this program than anybody else can possibly know." By the same token, the virtue of outside checking is obvious. Our calculations indicate that in the last three years GAO's auditing of programs has saved over 11 billion dollars in quantifiable savings alone that might otherwise have been lost.

Q. You mentioned that one of GAO's responsibilities is to evaluate management and program performance. Doesn't that take you far outside GAO's original field of auditing?

A. That's a criticism we've heard. But evaluation is now a part of oversight, and we're an oversight agency of Congress. Anytime you try to make a judgment on whether an agency program is working as it should, you are in highly sensitive territory. However, I challenge anybody to show that we're not competent to deal with these issues.

You don't save much money by doing a straight financial audit. But you can save an awful lot of money if you're making evaluations of programs that may have lived beyond their appropriate life or need to be changed.

Acting alone, we can't direct agencies to change programs or policies. What we can do is to recommend to Congress what we think should be done.

Q. How many investigators does GAO have to watch over the entire federal bureaucracy?

A. We have about 4,100 professional people, compared with 3,000 when I took over 14 years ago. During this period, the case load has doubled to where we have between 1,300 and 1,500 different projects under way at any one time.

Q. Does GAO need additional power or personnel?

A. We've asked Congress for legislation giving us the right to seek court action for information being withheld by government agencies and private parties. We're about the only agency left that doesn't have the subpoena power, and it has been a fairly serious handicap.

We won't hesitate to ask Congress to provide us with additional personnel when we feel the need for them.

Q. Is GAO limited to scrutinizing the bureaucracy, or do you also seek out waste in Congress and the courts?

A. We do exercise an audit function over the federal judiciary, but we have very limited responsibility with respect to Congress. To be honest, we don't see how an external body such as GAO can do much about some of the problems of congressional operations.

When the question came up, for example, as to whether we should audit campaign expenses of the House and the Senate, we asked to be excused from that. We believed that this would have damaged our relationship with Congress and made our overall effectiveness weaker.

Q. What should the role of Congress be in controlling fraud and abuse—to tighten up existing laws or enact new ones?

A. We come back, essentially, to the oversight question again. In many cases, the law can be tightened up, but often it's a problem of the way the rules and regulations are written by agencies administering the law. This can only be remedied by better congressional oversight: The lawmakers holding hearings, asking questions, finding out how the laws are being administered. We've been seeing much more of this in recent years, and the trend is encouraging.●

PROPOSED ARMS SALES

● Mr. CHURCH. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million or, in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sale shall be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is immediately available to the full Senate, I ask to have printed in the RECORD the notifications I have just received.

The notifications follow:

DEFENSE SECURITY
ASSISTANCE AGENCY,
Washington, D.C., February 4, 1980.

Hon. FRANK CHURCH,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 80–32, concerning the Department of the Air Force's proposed Letter of Offer to Saudi Arabia for defense articles and services estimated to cost $70.0 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

ERICH F. VON MARBOD,
Acting Director.

[Transmittal No. 80–32]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective Purchaser: Saudi Arabia.

(ii) Total Estimated Value: Major Defense Equipment,* $63.0 million; Other, $7.0 million; Total, $70.0 million.

(iii) Description of Articles or Services Offered: An additional quantity of fourteen (14) F–15 engines (F–100) and seventy-one (71) spare engine modules.

(iv) Military Department: Air Force (SFA3).

(v) Sales Commission, Fee, etc. Paid, Offered or Agreed To Be Paid: None.

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed To Be Sold: None.

(vii) Section 28 Report: Case not included in Section 28 report.

(viii) Date Report Delivered to Congress: 4 Feb. 1980.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C.

Hon. FRANK CHURCH,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 80–38, concerning the American Institute in Taiwan's proposed Letter of Offer to the Coordination Council for North American Affairs for defense articles and services estimated to cost $167.1 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

ERICH F. VON MARBOD,
Acting Director.

[Transmittal No. 80–38]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective Purchaser: Coordination Council for North American Affairs (CCNAA) pursuant to Public Law 96–8.

(ii) Total Estimated Value: Major Defense Equipment* $150.4 million; Other, $16.7 million; Total, $167.1 million.

(iii) Description of Articles or Services Offered: Five (5) batteries of I–HAWK including 280 I–HAWK missiles, technical assistance, repair parts and associated equipment.

(iv) Military Department: American Institute in Taiwan for the U.S. Army (XXD).

(v) Sales Commission, Fee, etc. Paid, Offered or Agreed to be Paid: None.

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: None.

(vii) Section 28 Report: Included in report for quarter ending 31 December 1979.

(viii) Date Report Delivered to Congress: 4 February 1980.

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*As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

Defense Security Assistance Agency,
Washington, D.C.

Hon. Frank Church,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 80-39, concerning the American Institute in Taiwan's proposed Letter of Offer to the Coordination Council for North American Affairs for defense articles and services estimated to cost $35.0 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

Ernest Graves,
Director.

[Transmittal No. 80-39]

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective Purchaser: Coordination Council for North American Affairs (CCNAA) pursuant to Public Law 96-8.

(ii) Total Estimated Value: Major Defense Equipment* $31.5 million; Other $3.5 million; Total $35.0 million.

(iii) Description of Articles or Services Offered: Two hundred eighty-four (284) I(SEA)—Chaparral missiles including technical assistance, training, repair parts and associated equipment.

(iv) Military Department: American Institute in Taiwan for the U.S. Army (XXE).

(v) Sales Commission, Fee, etc. Paid, Offered or Agreed to be Paid: None.

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: None.

(vii) Section 28 Report: Included in report for quarter ending 31 December 1979.

(viii) Date Report Delivered to Congress: 4 February 1980.

Defense Security Assistance Agency,
Washington, D.C.

Hon. Frank Church,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 80-27, concerning the Department of the Navy's proposed Letter of Offer to France for defense articles and services estimated to cost $48.0 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

Ernest Graves,
Director.

[Transmittal No. 80-27]

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective Purchaser: France.

(ii) Total Estimated Value: Major Defense Equipment* $36.0 million; Other $12.0 million; Total $48.0 million.

(iii) Description of Articles or Service Offered: Materials and services to update four TARTAR Missile Fire Control Systems (MK-74) to the latest U.S. Navy configuration.

(iv) Military Department: Navy (LBX).

(v) Sales Commission, Fee, etc. Paid, Offered or Agreed to be Paid: None.

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: See Annex under separate cover.

(vii) Section 28 Report: Case not included in Section 28 report.

(viii) Date Delivered to Congress: 12 February 1980.

Defense Security Assistance Agency,
Washington, D.C.

Hon. Frank Church,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 80-30, concerning the Department of the Army's proposed Letter of Offer to Saudi Arabia for defense articles and services estimated to cost $77.5 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

Erich F. Von Marbod,
Acting Director.

[Transmittal No. 80-30]

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective Purchaser: Saudi Arabia.

(ii) Total Estimated Value: Major Defense Equipment* $70.0 million; Other $7.5 million; Total $77.5 million.

(iii) Description of Articles or Services Offered: Approximately one hundred and forty thousand (140,000) rounds of mortar, howitzer, and tank gun ammunition.

(iv) Military Department: Army (VAR).

(v) Sales Commission, Fee, etc. Paid, Offered or Agreed to be Paid: None.

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: None.

(vii) Section 28 Report: Case not included in Section 28 report.

(viii) Date Report Delivered to Congress: 13 Feb. 1980.

Defense Security Assistance Agency,
Washington, D.C., February 8, 1980.

Hon. Frank Church,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 80-43, concerning the Department of the Navy's proposed Letter of Offer to Malaysia for defense articles and services estimated to cost $23.0 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

Erich F. Von Marbod,
Acting Director.

[Transmittal No. 80-43]

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective Purchaser: Malaysia.

(ii) Total Estimated Value: Major Defense Equipment* $20.7 million; Other $2.3 million; Total $23.0 million.

(iii) Description of Articles or Services Offered: Eighty-eight (88) A-4 aircraft and related ground support and training equipment, spare and repair parts, and publications.

(iv) Military Department: Navy (SAH).

(v) Sales Commission, Fee, etc. Paid, Offered or Agreed to be Paid: None.

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: None.

(vii) Section 28 Report: Case not included in Section 28 report.

(viii) Date Report Delivered to Congress: 8 Feb. 1980.

Defense Security Assistance Agency,
Washington, D.C.

Hon. Frank Church,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 80-44, concerning the Department of the Army's proposed Letter of Offer to Thailand for defense articles and services estimated to cost $23.2 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

Erich F. Von Marbod,
Acting Director.

[Transmittal No. 80-44]

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective Purchaser: Thailand:

(ii) Total Estimated Value: Major Defense Equipment* $18.4 million; Other $4.8 million; Total $23.2 million.

(iii) Description of Articles or Services Offered: Twenty four (24) M163A1 20 mm self-propelled air defense guns (Vulcan) and related ancillary equipment and spart parts.

(iv) Military Department: Army.

(v) Sales Commission, Fee, etc. Paid, Offered or Agreed to be Paid: None.

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: None.

(vii) Section 28 Report: Case not included in Section 28 report.

(viii) Date Report Delivered to Congress: 13 Feb. 1980.●

TRIBUTE TO DR. JAMES O. STALLINGS

○ Mr. JEPSEN. Mr. President, cancer of the larynx, a disease that affects 10,000 Americans every year, causes serious vocal damage and generally requires laryngectomy, removal of cancerous tissue, in order to save a victim's life. However this operation deprives the victim of his voice. Fortunately, a few skilled doctors are able to remedy this situation.

Dr. James O. Stallings of Des Moines, Iowa, specializes in this area and has given many cancer victims added hope in their efforts to resume a normal life. He has given the survivors of larynx cancer the opportunity to speak again.

I would like to commend Dr. Stallings for his significant contribution to the health of the American people. I am submitting for the Record an article published in the Des Moines Tribune that describes the Stallings technique in addition to the progress some of his patients have made.

The article follows:

D.M. Doctor's New Surgery

(By Gary Heinlein)

"Good morning, we are beginning by taking the palmaris longus tendon." It was the voice of Dr. James O. Stallings providing his own commentary as he performed the intricate surgery being shown simultaneously on a large-screen color TV.

The scene was Mercy Hospital's Beh Auditorium, where doctors from all over the nation had gathered Friday to watch Stallings' new procedure for restoring speech to those who have had their voice boxes removed.

The technique is considered a medical breakthrough that will provide help for persons previously doomed to a life of silence after their voice boxes, or larynxes, are removed because of cancer or other diseases.

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*As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

It involves use of a rib section to reconstruct the Adam's apple and tendons from the arm, leg or neck to form vocal cords.

As his peers watched, the 41-year-old Des Moines plastic surgeon slit the inside of the patient's wrist and drew out a thin, white tendon (palmaris longus) that looked like a piece of elastic.

Stallings said the tendon is "a weak flexor of the wrist" and added it's a "spare part" that has been used for years in other operations, such as "grafting of the hand."

As the four-hour operation continued, Stallings cut open the lower neck of the patient, 65-year-old James Crump of Covington, Ky., and inserted a red rubber catheter tube in Crump's esophagus.

Stallings split the tendon lengthwise with a scissors, then sewed the two pieces end-to-end.

Next, he cut slits in each side of Crump's neck just below the jawbone. He used a small air drill to drill holes in the jawbones where the tendon was to be attached.

The rest of the procedure involved looping the tendon over the esophagus and catheter tube and drawing the ends up inside Crump's neck to be attached with permanent sutures to the holes in his jawbone.

This technique is one of the few voice-box reconstruction methods being used in the United States. Another technique, pioneered by Dr. Mario Staffieri of Piacenza, Italy, has been used in about 50 cases in this country.

Staffieri, who was in the operating room observing Stallings' work, was one of several authorities in the field who was to speak at a series of lectures and discussions on Saturday.

The meeting is an international symposium on surgical reconstruction of the voice box after total laryngectomy. Some 160 doctors and nurses from 43 states attended the two-day affair.

During the operation on Crump, whose larynx was removed 10 years ago, Stallings provided a detailed, running account of his procedure and answered questions from the audience via the TV-audio hookup.

"That's music you hear in the background," he noted at one point. "We have piped-in music here to make it more pleasant."

He also said one of his first woman patients for the procedure, Lillie Jones, was in the audience at the auditorium and asked her to stand.

Jones, 70, of 1613 Ohio St., is a dramatic witness for the benefits of the reconstruction surgery.

She said her larynx was removed after a tumor wrapped itself almost entirely around it, reducing her voice to a whisper and closing off part of her breathing tube.

She said the surgery was so extensive she was unable to learn esophageal speech, the method of speech often taught laryngectomy patients.

Following her operation in 1977 at Iowa Lutheran Hospital, Jones said she and other members of the Aurora Avenue Bible Church prayed.

"If the Lord didn't want me to talk, that's all right, because I'd just go on writing," Jones said.

But one day she saw a news story on television about the Stallings surgery and when she later saw another story about it on another network, "I wondered if the Lord was talking to me."

Stallings operated on Jones last April, she said, and a week afterward a nurse showed her how to put her thumb over the hole in the front of her neck to speak.

The hole is left in a largyngectomy patient's neck as a breathing tube after the voice box has been removed. Jones and others who have had the reconstruction surgery place a finger over the hole to increase the volume of their voice when they talk.

"My first words were read from the Bible," said Jones, who talks in the raspy voice common among those who have had this type of surgery.

"I was surprised to hear my voice," she added. "In fact, I had to cry because I thought I never would talk again."

Another of Stallings' patients who talked in glowing terms about the operation was Wayne Livesay, 57, of Riverside, Calif., who underwent both the laryngectomy and reconstruction procedures in a single surgery.

Livesay, a watch commander at a state prison in Chino, Calif., said he had cancer that had almost completely taken away his ability to speak by November 1976.

When he learned his larynx would have to be removed, Livesay said he decided he would rather die.

"It's a helpless feeling," he said. "I've been through two wars; I've been a prisoner of war in Germany. But this is the bottom, because you can't fight back."

Livesay said his family doctor read about Stallings operation in a medical journal and showed the article to him.

Livesay said he came to Des Moines two weeks later for an examination by Stallings and was operated on a week later.

"It's so much better now than it was for the 6 or 7 months previous (to the operation), I was rather thrilled," said Livesay. He called the reconstruction procedure an "option" and a "ray of hope" for persons like himself.

He said he now frequently speaks to groups of persons who have had largyngectomies. "My message is always the same: Get your voice box reconstructed."

He said the open tube that protrudes from his neck does not embarrass him. In fact, he added, "each of my grandchildren has gone through the routine of plugging up the trachea for me."

Both Jones and Livesay say they eventually plan to have Stallings close the openings in their necks. Stallings has developed a procedure for doing this only recently and, Livesay said, has so far performed it on four patients.

Added Livesay: "I don't yell fore! when I play golf anymore because I don't have the volume I used to. But otherwise I don't feel handicapped in any way." ●

MORTGAGE REVENUE BOND IMPASSE MUST BE BROKEN BY CONGRESS SOON

● Mr. SASSER. Mr. President, I would like to call to the attention of the Senate the need to begin work immediately to resolve the impasse that we are now facing on the mortgage revenue bond situation.

HOUSING MARKET CAN BENEFIT FROM RESPONSIBLE USE OF MORTGAGE BONDS

Mr. President, the housing market in this country is in deep financial trouble. Mortgage rates now stand well above 11.5 percent in most areas. Housing starts have dropped off by more than 17 percent in the last year. Consequently, more and more American families find themselves unable to purchase single-family housing. The American dream of homeownership is fading fast for all too many Americans.

Now I understand that the interest rates are going to have to come down and our economic growth is going to have to increase for our housing markets to see better times.

Yet there are some innovative ways in which prompt Federal action can help the sagging housing industry. One of the first such actions is to clarify the tax-exempt status of State and local mortgage revenue bonds.

Ever since April 25 of last year, when Congressman ULLMAN first introduced restrictive mortgage bond legislation, State and local governments all across the country have been uncertain about the tax-exempt status of these bonds. And, Mr. President, after nearly 10 months of work on this issue, the House has yet to vote out legislation on this matter. Clearly, this inaction cannot be allowed to continue.

Mr. President, in July 1979, the Subcommittee on Intergovernmental Relations held an extensive hearing on the fiscal impact of mortgage bonds. Officials from the Treasury and the Congressional Budget Office testified as to the Federal revenue losses that could be incurred by the use of these mortgage bonds. State and local government officials testified about the positive effects that these bonds were having in revitalizing urban areas and noted the measures that they were taking to assure that these bonds were only directed to middle- and low-income homeowners. All in all, Mr. President, the testimony presented a strong case for permitting State and local governments to continue to issue these mortgage bonds as long as the Federal revenue loss could be kept within tolerable limits.

After careful study of this hearing record, Mr. President, I recently sent a letter to my distinguished colleague, Senator LONG. In that letter, I requested the Finance Committee to consider adopting mortgage bond legislation that would place a volume "cap" on the overall issuance level of single family mortgage revenue bonds, thereby limiting the Federal revenue loss. Otherwise, I recommended leaving State and local governments free to set the basic terms and conditions of the issuance of mortgage bonds. In this manner, the Federal Government can prevent mortgage bonds from becoming an open-ended Federal subsidy, but at the same time, it allows State and local governments the flexibility to respond to the particular needs of their individual housing markets.

At this point, I would like to enter into the RECORD my letter to Senator LONG about my views on this issue.

The letter follows:

COMMITTEE ON GOVERNMENTAL AFFAIRS, SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS,
Washington, D.C., January 14, 1980.

Hon. RUSSELL B. LONG,
U.S. Senate, Washington, D.C.

DEAR RUSSELL: The Senate Subcommittee on Intergovernmental Relations, which I chair, recently held hearings on "The Intergovernmental Fiscal Impacts of Tax-Exempt Single Family Housing Revenue Bonds". Representatives of all three levels of government presented their views on this important and timely topic.

The issuance of mortgage revenue bonds by state and local governments touches on very fundamental issues in our inter-governmental fiscal system.

First, we must be concerned about the potential Federal revenue loss which can result from unrestricted use of mortgage bonds. Secondly, we must take steps to insure that unfettered issuance of these bonds does not disrupt other types of tax-exempt borrowing. And finally, we must insure that these bonds are issued in a fiscally prudent and responsible manner.

State and local governments, as our hearing record indicates, are convinced that these tax-exempt bonds are being used responsibly to fulfill their public service obligations in the housing field. It should be the responsibility of this Congress to aid them in this pursuit as long as these mortgage bonds do not disrupt the tax-exempt bond market and do not result in catastrophic fiscal losses for the federal government.

The purpose of this letter is to summarize the hearing record and the intergovernmental issue involved with mortgage revenue bonds. I have also enclosed recommendations for legislative action.

BACKGROUND

Based on the testimony presented by state and local government representatives, the use of mortgage revenue bonds represents a good faith effort to utilize the private market-place to make single family housing more affordable to low and moderate income citizens. In particular, these bonds can be an effective tool in promoting redevelopment in depressed urban areas in instances where state law prohibits bond issuance by neighboring jurisdictions.

Prior to 1978, the issuance of mortgage revenue bonds for single family housing had been the exclusive domain of state housing finance agencies (HFA's). These single family housing bonds were generally issued in conjunction with the HFA's multi-family rental housing activities, of which they represented only a small proportion.

Since mortgage revenue bonds were introduced at the local level in 1978, this finance mechanism has proven quite popular. State and local governments combined issued more than $3.4 billion during the first four months of 1979 alone, an amount equal to the $3.4 billion which were "in the pipeline" on April 25, 1979, when H.R. 3712 was introduced to curtail their issuance. A significant proportion of "pipeline" bonds, $2.1 billion, were issued between April 25 and August 31, 1979, a period which immediately followed the inclusion of transition rules in the reported version of H.R. 3712 and the passage of S. Res. 188. Moreover, several hundred million dollars worth of bonds have been issued since August 31, 1979 when the Ways and Means Committee report on mortgage bonds was issued.

Mortgage bonds are popular for several important reasons. The demand for single family housing is high due to increased rates of household formation and the recognition that homeownership is currently among the few "inflation proof" investment opportunities. Usury laws in some states have dried up the conventional mortgage market because the mortgage interest rate has risen above the maximum rate allowed by law. Down payment requirements of as little as five percent in many mortgage bond programs enable first time home purchasers to enter the housing market. Finally, only recently has the spread between the interest rate on mortgages and the interest rate on municipal bonds become large enough to cover the administrative costs of a mortgage bond program while permitting a significant write down of mortgage costs to homebuyers.

Consequently, state and local officials perceive these programs as a way to give positive benefits to their constituents with no direct expenditure of public monies. They also see this tool as a means to "re-capture" middle class residents to assist in inner-city revitalization. Last of all, mortgage revenue bonds are administratively uncomplicated. They require no additional paperwork for mortgage applicants and no additional administrative bureaucracy.

INTERGOVERNMENTAL ISSUES INVOLVED IN MORTGAGE BONDS

Despite the popularity of mortgage revenue bonds, there are several major intergovernmental issues involved in the growing use of mortgage revenue bonds.

Federal revenue losses

One major cost occurs at the federal level where we must determine the revenue loss that we are willing to sustain to fulfill this public policy goal. This revenue loss must also be carefully considered in light of other competing programs and our action to report a balanced budget by FY 1981.

Mr. Roger Altman, Assistant Secretary of the Treasury Department for Domestic Finance testified that his department has estimated that, in the absence of federal limits, about one-half of all mortgages will be financed with tax-exempt revenue bonds in 1984. This would mean that about $240 billion of single family housing bonds would be issued in 1984 compared to about $3 billion in 1978. The Congressional Budget Office concurs that this volume of bond activity is a reasonable possibility.

Dr. Alice Rivlin, Director of the Congressional Budget Office, testified that her office has estimated that each billion dollars of new, single family housing bonds, costs about $22.5 million in foregone tax revenues every year for the life of the bonds. If half of all mortgages are financed by tax-exempt bonds in 1984, the federal revenue loss will be about $11 billion in that year, according to CBO, and in later years will range as high as $22 billion according to the Treasury Department.

Public interest group representatives took exception with Treasury estimates of the loss associated with unrestricted revenue bond issuance. They believe that the revenue loss figures computed by CBO and the Department of the Treasury may be over-stated, because the estimates are based in great part on the hurried actions of issuing governments intent on avoiding restrictive federal regulations. They contend that the estimates also failed to include off-setting tax revenues which would accompany any heightened level of activity in the housing industry. Several of the interest groups were highly critical of what they perceived to be Treasury's unwillingness to discuss their assumptions and methodology on the revenue loss question.

In my opinion, the lower $11 billion tax loss estimate for 1984, even if trimmed somewhat, is not acceptable given the $30 billion tax expenditure for owners of single family homes already projected for FY 1984. I would recommend that any legislation considered by that Finance Committee include a volume cap of 10 percent of the average of the previous three years' conventional mortgage issuance which would result in a federal revenue loss ranging from $384 million in FY 1980 to $2.1 billion in FY 1984. This cap could apply to state HFA's and local governments alike, should be calculated on a state by state basis and should be allocated among local governments pursuant to state law.

As Dr. Rivlin testified at our hearing "Statewise caps on housing bond volumes are by far the most effective way of limiting future volume" (i.e., of the five types of possible limitations the Congress could impose). Such a limitation has no variability among the states, as do median income and home purchase price figures. I would recommend that aside from the imposition of a volume cap, that the nature and degree of other constraints be determined by the state legislatures for their housing finance agencies and for their local governments.

The 10 percent volume cap should constrain the money available for mortgage revenue bond programs within the states sufficiently to require the kind of tragetting that H.R. 5741 (the successor bill for H.R. 3712) seeks to accomplish, yet the cap does not penalize states for showing initiative and creativity in this area.

Effect on market for tax exempt debt

Assistant Secretary Altman also noted three potential disruptions in the municipal bond market resulting from the unfettered use of mortgage revenue bonds—the crowding out of other multi-family housing debt, of marginal borrowers, and of regional borrowers.

Dr. Rivlin asserted that the abilities of state and local governments to finance traditional capital improvements might be impaired as well. She cited an Urban Institute study which estimated a 4 to 7 basis point increase in tax-exempt borrowing costs for each $1 billion of mortgage revenue bonds issued.

However, both the Congressional Budget Office and the Advisory Commission on Intergovernmental Relations caution that the predictions of the effects of mortgage revenue bonds on the market for tax-exempt debt are uncertain because no one knows what the capital market's ability to absorb debt might be.

The case for federal intervention seems justified. Each of the many local jurisdictions that has issued and will issue mortgage revenue bonds has little economic incentive to show restraint, as it has neither a legal nor a moral obligation to back its bonds. In addition, bond issuance is seemingly costless for state and local governments. Housing finance agencies are restrained within their respective states by limitations placed by the state legislatures, but no such limitations exist over the level of activity by all the states combined. As a result, no single jurisdiction need concern itself with the aggregate impact of the hundreds of incremental decisions to issue or not to issue bonds.

I once again feel that a volume cap on the market for single family mortgage revenue bonds can help alleviate many of these potential problems. As Mayor Richard Carver of Peoria, Illinois put it so succinctly in his testimony on behalf of the Advisory Commission on Intergovernmental Relations and the United States Conference of Mayors:

"Personally, I feel rather strongly that some overall limitation on the market is desirable. If the volume of mortgage revenue bonds issued nationally is not excessive, many of the potentially adverse impacts feared by critics of the practice can be avoided. Such fears include the possibility of overcrowding the market for tax exempt securities, with resulting increases in interest costs for state and local borrowing; the serious competitive impact upon private lenders; and the large costs to the Federal Treasury."

Improving State and local accountability for mortgage bonds

State and local interest groups testifying at the Intergovernmental Relations Subcommittee hearing contended that there has been no widespread abuse in the issuance of mortgage bonds. However, several witnesses supported greater fiscal accountability in the issuance of these home financing instruments.

Several witnesses felt that state legislatures have passed and should continue to pass comprehensive laws that would allocate mortgage financing responsibilities among competing local governments—something that may be desirable to prevent local governments from floating more mortgage bonds than can be absorbed in a local housing market. City council presidents from Minneapolis and St. Paul pointed to their State's omnibus housing finance law as an example of a carefully constructed approach to the issuance of these bonds in a metropolitan area.

The Council of State Housing Agencies also expressed concern for insuring greater fiscal accountability in local mortgage bonds. They recommend that all mortgage bonds be floated with the advice and counsel of pertinent local housing authorities and in accordance with general state laws that supervise the issuance of tax exempt bonds. Without these controls, the municipality, which has no true financial responsibility for these bonds, might be pressured into issuing these bonds with very little real understanding of how they would affect the local housing market.

Most of the witnesses, however, were in substantial agreement that placing stringent national standards on income and housing purchase price limitations would be a very difficult task for the national government to accomplish even handedly. They felt that these standards were best pursued at the state and local level.

They suggested that state legislatures could pass enabling legislation in this field in consultation with their local governments that would target these bonds on the moderate income populations of the areas to be served by mortgage bonds.

Consequently, I feel that the primary federal restriction that should be placed on mortgage bonds is the volume cap on bonds already discussed earlier in this letter. While there is some advantage in specifying the upper income and housing purchase price limitations on mortgage bonds, state and local governments should basically determine these criteria.

At the same time, we would encourage state legislatures, in consultation with local communities, to enact mortgage bond laws, that would set reasonable limitations on the use of such bonds and would set forth reasonable procedures for allocating bonding authority among the various local jurisdictions that wish to issue such bonds. I would encourage state legislatures, in this regard, to give preference to areas that are using these home finance instruments to revitalize urban centers. Finally, state legislation should also be drafted to insure proper fiscal accountability by local governments when they issue bonds. An appropriate local fiscal and housing officer should monitor the issuance of these bonds and make sure that these bonds will be marketable and that their issuance poses no threat, however indirect, to the bonding prospects of the affected local community. With these state legislative safeguards in place, there is little need or desirability for federal restrictions in these matters.

A reasonable transition rule

Finally, I am concerned about developing fair transition rules for mortgage bonds. Presently, there is considerable uncertainty about whether state and local governments can continue to issue mortgage bonds. Many states passed laws this last legislative session authorizing local governments to issue mortgage bonds. But in some cases these laws were not signed by April 25. Consequently, some bond counsels feared giving these communities the go-ahead to issue these bonds. In other cases, state housing agencies with existing programs were seeking expanded borrowing authority from their legislatures for these programs as of April 25. The transition rule found in H.R. 5741 would accommodate these instances, and should be included in any measure considered by the Senate.

H.R. 5741—"The Mortgage Subsidy Bond Tax Act of 1979"

As reported by the House Ways and Means Committee, H.R. 5741, "The Mortgage Subsidy Bond Tax Act of 1979" imposes limitations on the personal income of homebuyers, the purchase price of homes, the geographic areas in which the houses can be purchased, the overall volume of bonds, and the type of home purchaser. While on the whole, the witnesses recognized the need for some sort of limitation on bond issuance for the common good, they uniformly felt that the net effect of over-lapping these several limitations would be to eliminate this finance mechanism, or at best to create an administratively unworkable one. At a time when this subcommittee is attempting to find ways to disentangle and simplify the federal grant-in-aid and regulatory systems, we feel it is important to define one or two proxies to allow the attainment of the same policy goals as H.R. 5741 without the administrative burdens.

No formula or set of formulas devised here in Washington will guarantee even-handed treatment across all jurisdictions, as the conditions in individual housing markets vary so widely across the nation. The popularity of mortgage revenue bonds reflects the initiative which state and local governments have taken to define and solve their individual housing finance problems. While there have been some notable cases of abuse, the overall record has been a good one, particularly for state housing finance agencies. No total shutdown of mortgage revenue bonds is warranted at this time.

SUMMARY

The creativity and initiative which state and local governments have shown in acting to solve their problems of housing affordability should be commended. The Subcommittee on Intergovernmental Relations has found little widespread abuse of mortgage revenue bonds. However, mortgage bonds do have the potential to spur significant unacceptable levels of revenue loss for the federal government and to drive up the cost of tax-exempt borrowing to the detriment of other state and local capital needs. Further, in the absence of a general or moral obligation for local revenue bonds, adequate supervision should be assured by either state housing finance agencies, local housing agencies or by review of an appropriate state agency which supervises local finance.

Therefore, I recommend that any bill reviewed by the Finance Committee include the following:

A state by state volume cap on the issuance of single family mortgage revenue bonds based upon the average of the previous three years' mortgage revenue bonds issuance, with the allocation determined by the state legislature in consultation with affected local jurisdictions. All other limitations should be left to the determination of the state legislatures in consultation with local governments.

A requirement that the fiscal accountability of mortgage bonds be assured by the state housing authority, local housing authority or by review of an existing state agency which supervises local finance.

Liberalized transition rules which would accommodate the needs of those state housing finance agencies which had the authority to issue bonds as of April 25, but were awaiting new or increased bonded indebtedness authorization during the course of the normal budget process. The rules should also allow local governments which received authority to issue bonds during the 1979 legislative session to proceed.

I sincerely hope that our effort will facilitate the work of the Finance Committee in its deliberations on this complex and timely subject.

With best wishes, I am
Sincerely,

JIM SASSER,
Chairman, Subcommittee on Intergovernmental Relations.

Mr. SASSER. Now, Mr. President, it has come to my attention that there may be action in the conference on the windfall profit tax bill to include very restrictive legislative language on mortgage revenue bonds in the conference report, even though such legislation has not even been considered on the House floor.

Yet, aside from the oversight hearings conducted by my Intergovernmental Relations Subcommittee and by the Housing Subcommittee, chaired by my distinguished colleague from New Jersey, Senator WILLIAMS, there has been no legislative review of the matter in the Senate.

Mr. President, I think that it is essential for the Senate to have a full and open debate on this far-reaching matter. We need to fully understand the fiscal impacts of mortgage bonds on our Federal budget, and on the costs of other tax-exempt borrowing by State and local governments. We need to evaluate the housing aspects of these bonds, and we need to seek the counsel of State and local governments and of the housing industry as to how these bonds benefit home construction in this country.

The uncertainty over mortgage bond legislation has in some cases served to worsen the housing situation rather than help it. In Shelby County in my home State of Tennessee, the county government has been trying to issue $150 million of mortgage revenue bonds for many months. The $150 million issue seemed at first to be ineligible under the terms of the original House measure, then eligible under a loosening of the so-called transition rules, and now its status is uncertain. As a result, the housing market there has virtually ceased to function since any home-purchaser with even the slightest chance of eligibility under the mortgage bond program has refrained from buying property at high rates when less expensive money may be on the way.

This is but one of many examples of why we must clarify and resolve this mortgage bond issue promptly. This issue is one worthy of expeditious, yet thorough, Senate review, not hasty treatment in pursuit of an easy solution.

Thank you, Mr. President.●

OIL INDUSTRY PROFITS

● Mr. DOLE. Mr. President, whenever oil companies announce their latest profit figures, there is a great hue and cry that oil companies are boosting their profits by gouging the public. Not all industry profits receive this kind of attention. The Senator from Kansas does not believe that every oil company has the public interest at heart, but it is unfair to judge oil companies by a stricter standard than we would apply to any other industry. Companies are in business to make money, and in a healthy market system that pursuit serves the public interest well by producing much-needed commodities at reasonable cost.

Oil companies employ people and supply a much-needed resource to the public. Oil company employees care about the business they are in, and believe that they serve the public well. They know that every citizen has an interest in a productive oil industry, particularly in the expansion of domestic oil production.

Mr. President, the attitudes of oil company employees were very well stated in a letter published in the January 30, 1980, edition of the Great Bend Tribune, Great Bend, Kan. The letter, submitted by concerned employees of Ladd Petroleum Corp., points out that oil industry profits have been typical of profits for manufacturing companies, but that the oil industry has been above average in putting profits into research, exploration, and development. I believe that the Ladd Petroleum employees have a lot to tell us about our energy problem. Because I think my colleagues will benefit from their views, I ask that the letter by the concerned employees of Ladd Petroleum Corp., be printed in its entirety in the RECORD.

The letter follows:

JANUARY 30, 1980.

TO THE EDITOR:

Late in October, 1979 the nation's oil companies announced record profit increases for the third quarter of 1979. Predictably, the news media headlined reports of "enormous oil company profits" House Speaker O'Neill and other politicians called the earnings "sinful" and an "utter disgrace". One labor leader termed the profits "pornographic". President Carter reacted by threatening "punitive actions" against the oil industry unless Congress acted to pass a strong windfall profits tax on domestic oil production. No doubt the profit increases will continue, as will the political and public outcry against them. But before the crescendo begins anew, perhaps some facts about energy and profits should be stated for the record.

Recently we have seen a cutoff in Iranian crude imports, continued OPEC price increases, as well as internal and external threats to the peace and stability of the Middle East and Persian Gulf nations (which provide the lion's share of the free world's energy supplies). The facts of life for this country are that we are becoming daily more dependent on external sources of energy due to: (1) the inability of domestic energy sources to keep pace with rising demand, (2) artificially low domestic energy prices which have encouraged consumption and discouraged investments toward increased domestic production, (3) lack of economic incentive for and regulatory hinderances to research and development of alternative domestic energy sources (coal, nuclear, solar, unconventional or tertiary recovery of oil and gas, etc.) and (4) the general lack of knowledge and resulting paralysis gripping the public and its government, which prevent the implementation of coherent, effective national energy policy.

In regard to oil industry profits it is meaningful to note several important statistics. Over the past ten years, oil industry capital investments in research, exploration and production have amounted to twice industry net income, as compared to a ratio of 1.5 for all business. Oil industry profits expressed as a percentage return on investments were 12.5 percent over the last five years, as compared to 13.3 percent for all manufacturing companies. Oil profits measured as a percentage of sales was 4.8 percent in 1978 (6.5 percent in the third quarter of 1979), as compared to 5.2 percent for all businesses (5.5 percent in the third quarter of 1979). Following a large increase in oil company profits in 1973 and OPEC oil price increases in 1974, domestic drilling activity increased and has increased dramatically in every year since.

Those who view oil industry profits in terms of arbitrary and meaningless economic statistics (such as percentage increases from year to year) fail to distinguish profits from profitability. Profits are essential to our free enterprise system's efforts to face up to the energy facts of life. While oil profits are big in terms of dollars, the capital investments needed to develop new energy supplies are even larger. Profits are the basic source of capital for investments in research, exploration, production, refining and marketing of oil and gas (as well as for alternative energy sources). Oil company profits are not a source of exhorbitant dividends for stockholders or lavish spending on non-energy businesses. Oil company profits are being invested in costly new refineries, oil shale and coal conversion plants, solar and nuclear research and development, exploratory and development drilling for oil and gas, and secondary and tertiary processes to recover the two-thirds of the oil already discovered which is left in the ground by primary producing mechanisms.

While oil company "profits" have increased dramatically percentage-wise as compared to last year, oil company "profitability" is only average as compared to all other industries In the final analysis, whether oil company, profits are "obscene" depends not on the actual or perceived magnitude of the profits, but on the degree to which those profits are put to use to solve the grave energy problems facing America.

Submitted respectfully by,

CONCERNED EMPLOYEES OF
LADD PETROLEUM CORP.●

PRELIMINARY NOTIFICATION PROPOSED ARMS SALES

● Mr. CHURCH. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million or, in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sale shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that such a notification was received on February 12, 1980.

Interested Senators may inquire as to the details of this preliminary notification at the offices of the Committee on Foreign Relations, room S–116 in the Capitol.

The notification follows:

[Confidential when with attachments]

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., February 12, 1980.

DR. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated February 18, 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a NATO country tentatively estimated to cost in excess of $25 million.

Sincerely,

GLENN A. RUDD,
Acting Director.●

FIFTIETH ANNIVERSARY OF THE DISCOVERY OF THE PLANET PLUTO

● Mr. SCHMITT. Mr. President, 50 years ago yesterday, a young American self-trained astronomer at the Lowell Observatory in Flafstaff, Ariz., was advised by a group of visiting astronomers that "looking for trans-Neptunian planets was a waste of time and effort, since so much previous work had been without success."

Clyde Tombaugh did not take that advice. Clyde, now a professor emertus at New Mexico State University, had grown up in the heartland of America and was used to hard work as a farm boy. He knew the fruits of labor and perseverance all too well. Heedless of the advice, Clyde continued his efforts, putting to use all he had learned, and discovered Percival Lowell's elusive "Planet X" on the afternoon of February 18, 1930.

This year we commemorate the discovery of Pluto. In the intervening 50 years a world war has been fought and won, a depression has been weathered and overcome, eight Presidents have been elected and served, and the Moon has been explored. For events such as these and the discovery of Pluto, three factors that are so much a part of the American dream are responsible: The goal, the effort, and the perseverance.

The goal was not simply to find a planet which cannot be seen by the naked eye. Rather, the goal was to increase knowledge. Thus, man would gain a clearer insight into this new frontier.

The effort was not simply to achieve for achievement's sake. Rather, the effort was to build upon the successes of the past and to learn from the failings.

The perseverance was not simply to prove one's spiritual or physical constitution. Rather, perseverance was necessary to understand what limitations existed and to discover how to overcome those limitations.

Of course, these three factors would mean relatively little without the climate of freedom so inherent in the history of our Nation.

Clyde Tombaugh, like Benjamin Franklin, Tomas Edison, Eli Whitney, Robert Hutchings Goddard and a parade of American men of will, ingenuity and creativity, found what he was looking for. He used all that he had learned to surpass the known limits of knowledge. Because of this kind of effort, our future has been greatly enriched.

The discovery of our outermost planet, Pluto, is a story not unlike that of the discovery of America, the climbing of Mount Everest or the landing of men on the Moon. Someday, we may leave behind this "fragile marbled piece of blue with ancient seas and continental rafts" and travel the oceans of space and continue to expand our knowledge of the universe. With perseverance and effort, such is mankind's "new manifest destiny." ●

SUBMARINE COMMUNICATIONS AND THE WINDOW OF OUR VULNERABILITY

● Mr. HUMPHREY. Mr. President, it is now clear to everyone that our Nation is in perilous danger. Our national security is under challenges now much graver than in December 1941, after Pearl Harbor. But until recently, President Carter had not recognized the seriousness of the Soviet threat or perceived the Soviets' hostile intentions. His recent statement that Brezhnev lied to him about Afghanistan—his confession that he finally learned of Soviet duplicity—is an incredible admission of naivete.

The litany of Carter administration cutbacks in our defense strength is often recited, but it cannot be repeated often enough, because President Carter is now trying to claim the mantle of a strong national defense leader who will be able to stand up to the Soviets.

It is well for everybody to remember that President Carter cancelled our B-1 bomber, while the Soviets have already produced about 200 comparable Backfire bombers.

It is well to remember that President Carter closed the only production line for intercontinental ballistic missiles in the free world, and actually destroyed the production tooling, at the same time the Soviets were producing eight types of ICBM's.

It is well to remember that President Carter delayed and cut back funding for the Trident submarine, the MX missile, the SRAM missile, and our cruise missile programs, while the Soviets have accelerated their own development of comparable weapons.

We should remember that President Carter has cut our naval warship construction program in half, while the Soviet Navy is fast becoming the predominant battle fleet in the world.

We should recall that President Carter canceled production of the enhanced radiation or neutron artillery shell, in docile response to a massive Soviet propaganda campaign, without exposing the fact that the Soviets have hypocritically possessed similar weapons themselves for years.

We should remember that President Carter has cut back or closed the production lines for many types of ammunition and ordnance, to the point that our ammunition stocks are so low that we are unprepared for a major war.

Finally, our current President plans to withdraw 1,000 of our nuclear warheads from NATO, while he nevertheless admits that the Soviet deployment of SS-20 intermediate range missiles in the Warsaw Pact begun as long ago as 1975 is now being accelerated.

How long can we go on disarming ourselves, weakening America's defense strength, while the Soviet threat across the full spectrum of military capabilities continues relentlessly to grow? The huge Soviet war machine casts an ugly ominous shadow over free Europe, the Middle East, China, and the free Americas. Yet we go on scrapping weapons as if we really were the strongest Nation in the world, as President Carter falsely claims we are.

Some of our defense leaders do recognize our severe danger. Consider, for example, this bone-chilling statement about American weakness by the Chairman of the Joint Chiefs of Staff, General Jones, a year ago in the military posture statement:

> The Soviets have been outspending us in this area (of strategic forces) by a factor of between two and three for many years and they may well believe that they can achieve a margin of superiority over us in the early 1980s. It is now generally accepted by most defense analysts that, regardless of U.S. actions, Soviet strategic capability will increase relative to that of the U.S. through the mid-1980s, with or without a SALT agreement . . . in some areas (the Soviets) have already surpassed us, and we are concerned because their momentum will allow them to gain advantage over the United States in most of the static indications of strategic force by the early 1980s . . . Because of the lead times in modern weapons, this progressive shift in the military balance will continue into the mid-1980s with or without SALT."

What I find most frightening about General Jones' statement is his acknowledgment of U.S. helplessness to correct our strategic deficiencies until after the mid-1980's. Free men everywhere should not accept such capitulation to the Soviet challenge. If we do, the United States may never make it to 1986. I cannot agree with President Carter's willingness to wait out the Soviet "window of opportunity" until after 1985, when our presently planned and slowly maturing strategic modernization programs—especially the MX—will begin to be effective.

Last year, Defense Secretary Brown also admitted in his defense posture statement that although the U.S. position in the strategic balance was even now bad, that:

> . . . The (strategic) balance will be less favorable in the early 1980's than it is now . . . our position will get worse between now and 1981 and 1982 . . . the growing vulnerability of our land-based missile force in the early 1980's could, if not corrected, eventually produce a significant element of U.S. disadvantage and contribute to a perception of U.S. strategic inferiority."

But Secretary Brown is willing to do nothing until MX becomes operational in 1986. He also does not acknowledge that the reason for this further U.S. decline goes far beyond the Soviet counterforce "threat window" to Minuteman opening in 1980. We will have no significant increase in strategic capabilities until about 1982, when a few air-launched cruise missiles and Trident submarines begin to come into the force. Further, the combination of premature Polaris SLBM deactivation, Trident submarine construction delays, and Trident I missile replacement all occurring concurrently in the early 1980's will severely reduce the number of our deployable retaliatory SLBM's from 656 to less than 400. This alarming SLBM drawdown in the early 1980's will occur precisely when the threat to our ICBM's is at its highest peak ever in our history, and when we will most need our subbased, survivable deterrent. Far fewer than even these minimal 400 SLBM's will be at sea at any one time, giving us a very thin sea-based leg of the triad indeed. An international perception of further declining U.S. strength will inevitably result from the unilateral deactivation of our Polaris SLBM's during this 1980–86 period of severe vulnerability.

More significantly, Under Secretary of Defense William Perry admitted in 1979 Senate hearings that in addition to the severe SLBM drawdown in the early 1980's, the other two legs of our strategic triad will become vulnerable during the 1979–85 term of the SALT II treaty. He said that our ICBM's will be vulnerable by 1982 (really 1980) and our bombers by 1985. Thus, by 1985, we will be relying totally on only part of one leg of our triad—patrolling SLBM's. We will lose "essential equivalence" and we will in fact have a dangerous "minimum deterrence" posture under SALT II. This is the thinking underlying the President's statement that all we need is one *Poseidon* submarine for deterrence.

We should therefore be concerned about hedging against uncertainties about the survivability of the submarine leg of our strategic triad. We should urgently insure against the possibility of Soviet advances in antisubmarine warfare capability.

This year's military posture statement for fiscal year 1981 by General Jones has portrayed an even worse future danger by extending the window of our strategic vulnerability from the mid-1980's, as it was last year, to the late 1980's:

> . . . because of lead times in modern weapons programs, this progressive shift in the strategic balance will continue into the latter part of the 1980s when our current modernization programs are far enough along to restore full strategic parity.

This authoritative statement from our military is remarkable also because it is a frank admission that we have now lost strategic parity with the Soviets, and therefore that "essential equivalence" is really a euphumism for inferiority. The strategic modernization programs referred to are the new Trident submarines and missiles, the air-launched cruise missiles, and then after 1986, the MX ICBM. But absolutely none of these strategic modernization programs will close the Soviet threat window to our Minuteman ICBM's between 1980 and 1986. Thus we may never get to 1986.

The Carter administration plans to accept a totally unprecedented Soviet counterforce threat from 1980 to 1986. This Soviet threat will checkmate or neutralize all of our strategic forces, with profound geopolitical effects. U.S. foreign policy is already on the global defensive.

In the meantime, during the Soviet window of opportunity lasting through 1986, we are inordinately dependent on our SLBM forces which many would like to assume are invulnerable, since we have no hard evidence to prove there is a clear and present danger to them. Continued SLBM survivability is a dangerous, unsupported assumption, however, and we are sweeping an obvious but serious problem under the rug.

All of our SSBN's must virtually hover near the surface at a fraction of their depth and speed capability to remain in communications with the National Command Authority at all times. We have a logical and available solution to get them deep, but it requires a politically difficult decision which apparently cannot be made by this administration. Without it, the huge new *Trident* submarines will be going to sea restricted in the same way to near surface depths and slow speeds as the present *Polaris/Poseidon* fleet.

Our solution is the Navy's extremely low frequency (ELF) communication program. When I looked in the fiscal year 1981 budget for this program, one which could provide a relatively quick fix to insure that the sea leg does not become as vulnerable as the others, I found a budget request for only $453,000 for ELF.

The ELF system in Wisconsin has already been tested and is demonstrably workable to improve SLBM operational survivability.

For example, ELF communications have already been achieved with a submarine traveling at a speed of 16 knots, a depth of 400 feet, under 30 feet of ice in the Arctic. Another successful test was carried out with a submarine traveling at 20 knots and a depth of 300 feet in the central Atlantic. Normally, our SLBM submarines must travel very slowly and operate close to the surface in order to be able to receive signals. ELF would enormously improve their survivability.

Everybody knows ELF works. Everybody knows ELF is safe. In 1977, the National Science Foundation gave an earlier 4,000 square mile ELF system a near perfect bill of health with respect to biological and ecological concerns. I think everybody knows ELF is needed. But our President is in a political dilemma and continues to procrastinate the simple decision that the Senate Armed Services Committee asked him to make years ago. Long ago, we asked him to certify the national need, select a site for the system, and communicate this to the Congress. Because of the President's indecision on this matter, which amounts to a negative decision adversely affecting the national security, the primitive but effective test facility in Wisconsin which had been communicating with selected submarines for years is now in this time of global crisis no longer doing so. It was shutdown a year ago and remains in a caretaker status today. Nothing in the fiscal year 1981 budget request even presumes to turn it on, to say nothing of going forward to convert it to a meaningful defense system. Let us look at some of the tragic history of this program.

While still in office, President Gerald Ford speaking in Michigan in May 1976 said:

> If the United States does not proceed with Project Seafarer, we will lose an important military link between the command posts at the White House or the Pentagon and our Navy submarines all over the world. Project Seafarer must be installed if we are to have this absolutely essential communication link between the Commander-in-Chief, the Pentagon and our seafaring strategic submarines. Project Seafarer is absolutely essential to our national security.

On March 9, 1977, Adm. James L. Holloway III, then Chief of Naval Operations, said that the need for Seafarer is real and urgent; that it works; and that there are no adequate alternatives for communicating with our submarines.

Again in May 1977 Mr. W. Graham Claytor, then Secretary of the Navy, wrote:

> The extremely low frequency radio wave capability of Seafarer is the only known means that will give the Navy continuous communications with our strategic submarines without exposing them to detection; these submarines must be kept secure and undetected to maintain our country's deterrent against nuclear attack. I concur in the opinion of Admiral J. L. Holloway III, Chief of Naval Operations, that the extremely low frequency radio wave capability of Seafarer is needed for the security of the United States.

He went on to say:

> The requirement for such a capability is real, urgent and in the interest of national security. The technical feasibility of an extremely low frequency radio wave system has been proven. This radio wave is the only known form of communication with our submarine forces that permits them to operate at depth and speed without using a near-surface antenna. It permits the maintenance of essential communications connectivity, reduces the submarine's vulnerability to detection and enhances the credibility of our sea-based nuclear deterrent forces.

On May 20, 1977, Harold Brown, the Secretary of Defense, wrote in a letter to Chairman Mahon of the House Appropriations Committee saying:

> The ELF communications capability provides for continued high survivability for our fleet ballistic missile system in the face of increasing threats to submarine operations. Thus, the need for an operational ELF system is real and urgent for peacetime, crises, and conventional warfare, as well as for strategic war.

On July 29, 1977, President Jimmy Carter wrote to Congressman Cederberg saying that he believed that improved communications to our submarines would promote their survivability, mobility, and tactical usefulness and thus were essential. His letter was in support of continued funding for ELF.

Shortly after the 1976 election, former President Ford again speaking in Michigan said:

> Seafarer is a critically important product for the military capacity of our country. It's probably the best deterrent to war our country has. If you force the submarines to come to the surface to communicate with the Chief Executive, they become targets for the enemy.

Let me remind you that all of the foregoing applied to the full Seafarer system which would have provided capability for communications submerged to the entire submarine fleet but because of a political dilemma, that system was reduced in size by a factor of 20.

In order to do this, in February 1978, 2 years ago, the President terminated the Seafarer program but reaffirmed "that we have an urgent need to provide our submarines with a communications capability that frees them from dependence upon surface or near surface message reception." He directed the Secretary of Defense to examine the feasibility of a more austere ELF system.

Defense Secretary Brown reported to the President in December 1978 that a small system of barely minimal capability "will provide this vitally important communications capability in the shortest time, at lowest cost, and with the least impact on the environment of any of the alternatives."

Mr. President, everything I am citing occurred between 1 and 3 years ago—and yet nothing has happened on this program except to move it farther back on the back burner.

In September of 1979, the Secretary of Defense once again recommended to the President that in order to minimize the time to develop a fully operational ELF system, the Wisconsin test facility should be reopened and we should continue ELF in an R. & D. status.

Now, we see a request for only $453,000 for this program in fiscal year 1981—a year in which we acknowledge our strategic inferiority and say we are not going to restore our strategic parity until the late 1980's.

We see no reference to this vital need at all in the fiscal year 1981 posture statement.

We are still waiting for the President's go-ahead and site selection decisions.

Some people think our SSBN's are undetectable because they roam submerged in a big ocean in which the Soviets presently have no wide-area detection capability. Official sources appear to place the earliest date by which they could achieve that capability at "after the mid-1980's" to the "early 1990's," but they admit they do not know.

The facts that argue in favor of proceeding with ELF now are overwhelming:

Our intelligence estimates of Soviet technology timetables have consistently been wrong commencing with Sputnik, and vividly illustrated in many areas in the very recent past, including the surprise new Russian *Alfa* submarine, a formidable ASW platform.

The Soviets are conceded to have pretty good ASW forces on a local, or theater basis. Russia's strides toward a global navy and ever more ASW submarines are obvious to all.

A single *Trident* submarine will carry 24 MIRV-8 missiles or 192 independent nuclear warheads. These could be knocked out with a torpedo fired from a conventional diesel submarine which even the Cubans now have. It is because strategic deterrence is and will be in the sea leg that the Russians are making such a major effort to achieve an ASW breakthrough. We have too much investment in these submarines to take their invulnerability for granted.

It will still take several years to field a fully operational ELF system and to equip the submarines with receivers. If we began in 1980, it would take until the mideighties unless a crash program were authorized.

If the SLBM is a worthwhile deterrent, is not this survivability insurance worth the small fraction of the total cost? We have invested many tens of billions of dollars in our strategic submarine force. Should we not be working on it now to plug the dangerous gap that will occur if we have underestimated Russia's capability again? When it is urgent, it will be too late.

As recently as February 1, 1980, President Carter was asked by a reporter, "After 3 years of study, have you determined if ELF is necessary for national security?" In a rather vague, lengthy response, the President said that Project ELF is still "a viable necessity and that we intend to go ahead with that kind of program—eventually." When, Mr. President? Is it when our SSBN's have been pretargeted? Is it when one of our SSBN's does not return to port? Is it after the proof of entire force vulnerability is manifest?

In conclusion, I have a question.

Will an administration that cannot bite the political bullet on the installation of 130 miles of electric wire to keep our SSBN fleet deep have the courage to convince the environmentalists not to oppose construction of the much more environmentally disruptive MX ICBM? Let this be a test case for President Carter. All that is needed is an affirmative decision on ELF from him and soon.

The MX ICBM will affect thousands of square miles of desert in Utah and Nevada, and the President believes the racetrack deployment made is best. ELF involves only 130 miles of electric wire laid next to existing roads. We need to see a demonstration of Presidential will to deploy ELF, or we will never ever get the MX which the President has decided to wait until 1986 to deploy.●

THE PARTIALLY SIGHTED DO ACHIEVE

● Mr. RANDOLPH. Mr. President, I am always gratified when our news media provides information to the general public about the abilities and accomplishments of handicapped individuals. We all need to be reminded that when opportunities are provided, our Nation's handicapped cannot only function in the mainstream of society but can make valuable contributions.

Such a reminder is contained in a recent article in the Washington Post about Dr. Samuel Genensky, director of the recently established Center for the Partially Sighted in California. Legally blind, Dr. Genensky uses a variety of visual aids to do almost anything a fully-sighted person can do. He has started a personal crusade to help other partially sighted men and women learn that they can make it.

As chairman of the Subcommittee on the Handicapped, I commend this constructive effort. I feel my colleagues will read this article with interest and I ask that it be printed at this point in the Record.

The article follows:

[From the Washington Post, Jan. 16, 1980]

Coping: Sharpening the Focus on the Partially Sighted

(By Carol Krucoff)

Samuel Genensky lives "in a world of shape, form and color." Legally blind since birth when a hospital staffer mistakenly put an alkaline solution in his eyes instead of silver nitrate, he has no vision in one eye and partial sight (20/800) in the other.

Yet with few exceptions, the 52-year-old mathematician can do anything a fully-sighted person can. He strides confidently down unfamiliar city streets without the aid of a dog, cane or human. He can read newspapers, write with a pen, watch movies, plays and ballgames.

The key to his seemingly extraordinary abilities is the variety of visual aids he employs. He wears binoculars around his neck to help him read street signs or traffic signals and, with the other end, find objects on the floor.

A pair of telescopic spectacles—which look like a jeweler's glass attached to a pair of glasses—allow him to watch television, and a pair of "monster binoculars" enable him to sit in a theater balcony and watch a ballet. At his home and office, closed circuit television cameras focus on a printed page so he can read the enlarged letters on a screen.

"The vast majority of the legally-blind are not blind," Genensky stresses. "And if most partially-sighted people had the appropriate visual aids they could function in the mainstream of society."

As director of the recently-established Center for the Partially Sighted in California, Genensky is helping hundreds of partially-sighted people do just that. He was in Washington this week to investigate future funding sources for the federally-supported facility which provides examinations, visual-aid prescriptions, mobility training and counseling for the partially-sighted.

"When it comes to services, almost all the emphasis has been on the functionally blind," notes Genensky. "Yet there are 116,000 functionally-blind people in the country and 1.75 million partially sighted."

Society's tendency to classify people as either blind or sighted, Genensky says, "condemns a large number of people to be classified as blind who aren't."

One problem is a confusion in terminology "*Functionally blind* people can see nothing at all or just light and shadow," he explains. "A person is *legally blind* if vision in the better eye is correctable to no better than 20/200.

"A person is *partially-sighted* if visual acuity in the better eye, even with ordinary corrective lenses, does not exceed 20/70. In general terms, a partially-sighted person is unable to read newspaper column type even with ordinary corrective glasses."

His own experience of being forced to attend a high school for the blind for one year, started his personal crusade to prove that partially-sighted people can use what vision they have to function in the mainstream of society.

He earned a Ph.D. in mathematics "because it was the last thing anyone thought I could do," and started the center "to help others like me learn that they can make it."

For more information, write The Center for the Partially Sighted, Santa Monica Hospital Center, 1250 Sixteenth St., Santa Monica, Calif. 90404.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

ANDREI SAKHAROV

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of House Concurrent Resolution 272, which the clerk will state by title.

The second assistant legislative clerk read as follows:

> A concurrent resolution (H. Con. Res. 272) expressing the sense of the Congress that Adrei Sakharov should be released from internal exile, urging the President to protest the continued suppression of human rights in the Soviet Union, and for other purposes.

The Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. Time on this resolution is limited overall to 1 hour, to be equally divided and controlled by the Senator from Idaho (Mr. Church) and the Senator from New York (Mr. Javits).

Who yields time?

Mr. CHURCH. Mr. President, I yield 1 minute to the distinguished Senator from Washington (Mr. Jackson).

Mr. JACKSON. Mr. President, I want to add my voice to all the others on behalf of House Concurrent Resolution 272 in support of Dr. Andrei Sakharov and his friends, the other Soviet Helsinki Monitors who have been imprisoned for so long.

This resolution very properly specifies that the treatment of Nobel Laureate Sakharov and the Soviet Helsinki Monitors be raised at the coming review session in Madrid of the Conference on Security and Cooperation in Europe.

Mr. President, in this connection, I wish to submit for inclusion in the Record three remarkable letters which appeared in last Friday's New York Times. These letters were written by exiles, bearers of famous names, who suffered in the Soviet Union for their devotion to human rights. Valery Chalidze, a Georgian, calls for Sakharov's freedom. Litvinov's granddaughter-in-law, Maya Kopelev, expresses her concern for poet Lev Kopelev. Raisa Moroz, so recently arrived in this country as a result of her husband's release and exchange, writes in defense of one of the leading Ukrainian writers, Z. M. Krasiwkski, who has already suffered the horrors of psychiatric imprisonment, and who now with his family is an outcast in his homeland.

I ask unanimous consent that these three letters be printed in the Record.

Mr. President, I want especially to commend the Senator from Idaho for his leadership.

There being no objection, the letters were ordered to be printed in the Record, as follows:

[From the New York Times, Feb. 15, 1980]

What American Scientists Owe Andrei Sakharov

To the Editor:

News of additional measures taken by the Soviet authorities against Andrei Sakharov reaches us almost daily. It is plain that the regime will stop at nothing in order to shut him up.

I have collaborated with Dr. Sakharov in his human-rights activities over a 10-year period, first in Moscow and later from New York. I know that threats will never keep him quiet. He will sacrifice himself for his ideas. And the self-indulgent Western world will acclaim him, but will, I fear, prove incapable of saving him.

Governments will express their concern but maintain a policy of business as usual. Eminent scientists will publicly regret that the persecution of their colleague will hinder contacts with Soviet scholars. But let's be serious, nothing will really change. American scientists will smile politely at their Soviet colleagues. They will remain foreign members of the Soviet Academy of Sciences. They will shake the hands that signed the resolutions and letters against Dr. Sakharov.

Sakharov has suffered more than one blow in the course of events during the past seven years. And each time I have heard American scientists say:

"If the Soviet authorities dare go one step further, then we will take strong action." But only strong individuals can take strong actions. Are American scientists worthy of their traditional role as a moral authority for society?

I have always spoken against a boycott of scientific contacts, but with one reservation: a boycott is justified when a scientist's ethical code requires such action. Now is the moment when their sense of morality should prompt scientists to break off all contacts with the representatives of a government that is brazenly destroying a truly exceptional member of the world scientific community.

Dr. Sakharov's freedom of movement must be restored, and his safety protected. The values of our civilization count for little if they permit us to remain passive in the face of the violence directed against Andrei Sakharov.

Valery Chalidze,
New York.

Will the Writer and Humanist Lev Kopelev Be Next?

To the Editor:

An article with accusations against my father, Lev Kopelev, has appeared in the Soviet press. It is only too well known that such a step is usually followed by others, like arrest, as in the cases of Shcharansky, Ginzburg, Orlov and many others, or exile, as with Solzhenitsyn and Sakharov, or something equally distressing.

I don't know what to expect now, but I do know that these accusations are the same ones for which he was already arrested and sentenced to 10 years in concentration camps.

Then, in 1945, his offense was that as an officer in the Red Army he had tried to save prisoners of war from being killed by Soviet soldiers and officers. Later, on German territory, he tried to save the civilian population—the elderly, women and children—from being raped, robbed and killed by Soviet soldiers. He served his full term and was cleared of these charges, but they are now being voiced again.

After he was freed, he continued to speak out against violations committed by the Soviet state. He spoke out against the Soviet invasion of Czechoslovakia in 1968 and more than once issued warnings against the "restoration of Stalinism," which meant the continuation of repression censorship and discrimination of all kinds in the Soviet Union. He wrote petitions protesting the arrest and sentencing of writers Sinyavsky and Daniel; he helped to get Solzhenitsyn's books published and tried to save him from persecution.

My father was expelled from the Communist Party in 1968 for his statements. Since then his works have not been published in the Soviet Union, although his articles and two books have been printed in the U.S. and in other Western countries. His dear friend, the German writer Heinrich, Böll, has called my father Don Quixote because he has never cared about what could happen to him, only about the persecution of others.

He has countless friends. His house has for many years been a sort of club where people speaking any language could meet and talk. This went on in spite of his expulsion from the Writers' Union and in spite of the fact that his telephone has been disconnected for three years. It is no surprise that the Soviet authorities are doing whatever they can to cut the line of communication between human-rights activists and foreigners, as well as contacts with those abroad, as they did recently with Andrei Sakharov.

The latest offense committed by my father, along with his wife, the writer Raya Orlova, from the Soviet point of view, is the signing of petitions protesting the arrest of Tatyana Velikanova and the exile of Dr. Sakharov.

Although Soviet leaders don't seem to care much about public opinion these days, they nevertheless try desperately to keep secret what is going on inside. Still, I hope they choose the most humane way to deal with my father and his wife.

Maya Kopelev Litvinov.

Tarrytown, N.Y.

A Poet's Life at Stake

To the Editor:

In April 1979, my husband was suddenly and miraculously taken out of a Soviet prison and flown to the United States, to freedom, Our family owes its boundless gratitude to the efforts of Western individuals and organizations and to the American Government.

Nevertheless, had it not been for the Western press, which publicized my husband's name, I doubt that we would be among the fortunate few who are now free. For this reason, I would like to call attention to the plight of a friend who remains behind.

Zinovij Mikhailovich Krasiwski, a Ukrainian writer, poet and historian, was released from a psychiatric hospital in July 1978. His long confinements have caused severe damage to his health.

His most recent incarceration lasted 11 years. First he was sent to prison for expressing dissenting views in a publication. Then he was sent directly to a psychiatric hospital for writing dissenting poems in prison.

I assure you that Zinovij Krasiwski is an intelligent, sane and rational individual. Nevertheless, he is categorzed as insane by the authorities. His movements are severely restricted. He is denied the privileges enjoyed by most Soviet citizens. Every move is monitored. He is a prisoner, though not behind bars.

Neither Zinovij Krasiwski nor his wife, a physician, who is my closest friend, are able to pursue their professions. Their sons are not permitted to pursue the studies of their election. Being treated as outcasts has adversely affected their studies and their health. The family has applied for permission to emigrate, but it has not been granted.

Recently, Zinovij Krasiwski became a member of the Helsinki Monitoring Group. For this reason his name appears on the Sakharov list of persons in danger of arrest. Another imprisonment is likely to be fatal. I can only hope that this letter will help him.

Raissa Moroz.

New York, N.Y.

Mr. CHURCH. Mr. President, I thank the Senator very much for his support.

The PRESIDING OFFICER. Who yields time?

Mr. CHURCH. Mr. President, I yield myself such time as I may require.

Mr. President, today the Senate considers a resolution urging the Soviet Union to release Andrei Sakharov from the internal exile to which he was condemned on January 22. The resolution is carefully drafted to couch this urging in the context of international pledges, given by the Soviet Union, to respect and promote basic human rights. It has been approved unanimously by the House of Representatives and by the Senate Foreign Relations Committee. I am confident that it will be approved by the Senate as well.

Speaking in its support, however, I would like to address a question which goes somewhat beyond the language and focus of the resolution itself. The question is one of the relevance of Andrei Sakharov and of congressional support for him to the broad goals of peace and international security.

Given the state of United States-Soviet relations, some may mistake this resolution for little more than a gesture and thus miss its real significance. It is true that our words alone cannot rapidly achieve the goal we seek—that of freedom for a great and unjustly persecuted man.

Yet that goal is worthy and attainable. Moreover, as we commit ourselves to pursuing that goal, we also renew a continuing American commitment to an objective which Andrei Sakharov, more than any other contemporary world figure, articulated and embodied. That objective is the shining, distant goal of peace based on observance of human rights, of a world order rooted in respect for individual and national diversity.

Often, over the dozen years of his open dissent, Andrei Sakharov was reproached with the seeming futility of his activities. With so few sympathizers against such a powerful system, he was asked, why did he not abandon the unequal struggle? Struggling, after all, created only martyrs, not progress. It fed the Soviet state political prisoners, but not political change. Why not give up, be quiet?

Two years ago in an afterword to the English translation of Alarm and Hope, a collection of his essays and interviews, Andrei Sakharov responded to this persistent criticism. "Of course dissenters are few;" he wrote:

> How could it be otherwise in a state where everyone is either a hired hand of the government or a functionary, and all live in total dependence on the state? Dissenters cannot be called generals without armies, for they are neither generals nor officers of any army at all. They represent only themselves, their own free thinking and their own consciences. But in a totalitarian monolithic setting, that is already a great deal. Theirs is a qualitative leap, liberating the consciousness of millions of people, of those who come home from work every day to twist the dials of their transistor radios. Their activity is of interest to the whole world after decades of living next to the totalitarian colossus.
>
> The West has finally begun to pay attention to dissent. . . . That has been one result of the heroic struggle for public notice of a few hundred dissenters out of a population of hundreds of millions. We are convinced that knowledge of the real situation in the USSR and Eastern Europe—as in the rest of the world—is a practical necessity for the West, first of all. The defense of victims of repression, of civil and political rights, is an essential foundation of the pursuit of international stability and confidence.
>
> No matter how important arms control discussions are, they can produce decisive re-

sults only when they are joined to the resolution of broader and more complicated problems of military-political and ideological confrontation, including questions of human rights. The freedom to exchange information at home and across international frontiers, the freedom to move at home and to travel or emigrate abroad, all rank as prerequisites of international trust, basic to the process of diminishing hostility. As long as a country has no civil liberty, no freedom of information, and no independent press, then there exists no effective body of public opinion to control the conduct of the government and its functionaries. Such a situation is not just a misfortune for citizens unprotected against tyranny and lawlessness: It is a menace to international security.

By its invasion of Afghanistan and its repression of Andrei Sakharov and other dissenters, the Soviet Union has again revealed the truth of his warning. A society without the internal controls of free public debate is an international menace.

In this resolution, then, we are not striking only a moral or moralizing posture. We are renewing our faith in an ideal that has long been one guide to American foreign policy. That ideal—that a freer world is a safer world—is one which Andrei Sakharov shares. In trying to come now to his aid, we aid not him alone but ourselves as well.

Mr. President, in concluding I simply want to note my very deep concern for Doctor Sakharov's physical safety. The press report published today of an incident in the Gorky police station last Friday, when Doctor Sakharov says he and his wife were physically abused, alarms me very much. Neither of the Sakharovs is young and neither is healthy. If the Soviet decision to banish Andrei Sakharov to Gorky should prove a prelude to systematic maltreatment of him there, the indignation the world has already expressed will rise to a shout of protest that will be deafening even inside the Soviet Union.

Mr. President, I reserve the remainder of my time.

Mr. HAYAKAWA addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. HAYAKAWA. I yield myself such time as I may need.

Mr. President, 2 years ago, my colleague from Wyoming (Mr. WALLOP) and I had the honor of meeting with Dr. Sakharov in his apartment in Moscow. We found him to be a gentle and thoughtful man, deeply concerned about intellectual freedom and worried about the increasing preoccupation of the Soviet leadership with the quest for military superiority. It was with a sense of great personal sadness that I received the news of his arrest and subsequent exile.

I must say that it was a shock to Senator WALLOP and to me to find what modest, little quarters—the little apartment—this distinguished, world-famous scientist had to live in. It was so small some of us had to sit on the bed. Mrs. Sakharov served us tea and cakes. It was a friendly and pleasant occasion, but it was an occasion held under somewhat less than luxurious circumstances considering the distinction of the great man we were talking to.

On January 28, Senator WALLOP and I introduced Senate Concurrent Resolution 340, condemning the Soviet treatment of Dr. Sakharov as further proof of the Soviet Government's refusal to recognize the basic human rights of their citizens as defined in the Helsinki Accords and their inability to tolerate the expression of any opinion other than their own. In the past, Soviet leaders have asserted that Western support for human rights initiatives constitutes "interference" in the internal affairs of the Soviet Union. To the contrary, the abuse of human rights in the U.S.S.R. is a legitimate matter for international concern. Dr. Sakharov's exile is a violation not only of Soviet law, but of the Final Act of the Helsinki Accords and the International Covenants on Human Rights as well, both of which have been ratified by the Soviet Government.

Although Sakharov's arrest is the most prominent, recent example of Soviet repression, it is by no means an isolated incident. The greatest "crime" in the Soviet Union seems to be criticism of the Soviet regime. Time and again, those daring enough to publish underground books and pamphlets have been arrested and punished, imprisoned. In recent months there has been a noticeable increase in the number of such arrests. A survey by the staff of the Helsinki Commission reveals that over 100 human rights activists were convicted in the Soviet Union in 1979, and that another 59 were arrested and are currently awaiting trial. These dissidents represent a wide range of groups within Soviet society—from those established to monitor Soviet compliance with the provisions of the Helsinki Accords to Ukrainian and Lithuanian nationalists and would-be emigrants from the Soviet Union.

The question arises, Why has the Soviet Union chosen this particular time to launch a new campaign of repression? A number of considerations undoubtedly played a part in their decision: The perceived need to silence their internal critics prior to the summer Olympics; as a slap at the United States; and, in the case of Sakharov, as retaliation for his outspoken criticism of the Soviet invasion of Afghanistan and his public advocacy of a boycott of the Moscow Olympics. In fact, the insecurity of the Soviet regime is evidenced not so much by the presence of dissent within their borders as by their fear of the political and ideological consequences which would result from giving their citizens a free choice.

Andrei Sakharov has long been one of the leaders of the Soviet dissident movement in addition to being a great scientist.

Even the Soviet military suffers as a result of the lack of freedom given to scientists like Sakharov.

In addition, he is a man of great moral courage. Called by many the "Conscience of Russia," he stands as a symbol of courage and humanity in an often unjust world. Because of his accomplishments, he enjoyed a special status, one that allowed him to speak out against the human rights abuses occurring in the Soviet Union. Sakharov pointed out that Soviet authorities were systematically violating international covenants on human rights, and signed countless petitions in behalf of political prisoners, arrested intellectuals, and ethnic and religious minorities. He soon became a champion of the Jewish emigration movement and a staunch supporter of the Jackson-Vanik amendment. For this, he suffered KGB harassment, searches of his apartment, persecution of his family, detainment and at times even physical abuse.

Mr. President, we must send a clear signal to the Soviet Union that such violations of human rights are unacceptable to the United States. Therefore, it is important that the United States act on this issue in a timely manner. Since House Concurrent Resolution 272 has already been passed unanimously by the House, I asked that the Senate Foreign Relations Committee report this resolution favorably to the floor of the Senate for early consideration. I urge my colleagues to support this measure.

The world owes a great debt to Dr. Sakharov. The Soviets can hold him incommunicado; they might even kill him, but his message must continue to be heard.

It was very good news to learn that Harvard University has offered Dr. Sakharov a professorship. I wish there were some way we could get Dr. Sakharov released to take this professorship in a university and in a country that would really honor him for his achievements and give him real freedom to speak out the way he wants to.

I add, Mr. President, that Senator WALLOP has a flight due to come in at 2:10 p.m. this afternoon at Dulles. It is possible he will not be here in time to give a statement. If not, I wanted to give this explanation. But he will have a statement to make as soon as he arrives, whether he arrives in time for the vote, or not.

Mr. President, I am happy to yield to the distinguished Senator from New York.

Mr. JAVITS. I thank the Senator very much.

Mr. President, I congratulate Senator HAYAKAWA, and his colleagues, not only on the sponsorship of this resolution which is before us out of the Foreign Relations Committee, but also on the fact that in an act of graciousness and wisdom, the Senator leading the group took the resolution which came over from the other body rather than press his own. So that, at one moment, we might have a concurrent expression of opinion by Congress on this highly critical matter. I think that is the way in which intelligent legislation is made, and it shows a very fine disposition toward the result, rather than any personal pride in what might be initiated; and that is worthy of the cause.

Mr. President, I will not repeat what my colleagues have discussed, because I feel that that would be a work of supererogation. They have covered the subject very completely. However, I should like to address myself to why we speak and what good it will do.

Seemingly, the Soviet Union faces us

with a blank wall of silence or indifference. Therefore, what do we gain by all these resolutions?

As my colleagues have demonstrated adequately, Sakharov is quite a symbol of the determination of men not to be quiet in face of tyranny and injustice. This reminds us of other times, such as the times of the holocaust in Europe, probably the greatest crime committed against mankind in history, in which many in the world averted their eyes, including many in Germany itself.

So, for one, it is good for us to be reminded constantly as to our duty and and as to the injustices in the world, so that we may be encouraged by the protest.

But there is even a greater responsibility, and that responsibility is the unremitting pressure upon the world's conscience and upon the conscience of the Soviet peoples themselves which, somehow or other, will break through.

If that were not true, the Sakharovs of the Soviet Union and the dissidents of the Soviet Union would not be the first ones to urge us, notwithstanding the disadvantages to them, which are very real, to continue our protest. They are convinced it is effective, and their ox is being gored.

Last, Mr. President, the Soviet Union has subscribed to the Helsinki Declaration, which makes completely unlawful—indeed, makes a mockery of the signature of the Soviet Union on that document—exiling Sakharov, as it has, for the reasons it has given.

The Helsinki Final Act has been reviewed once. It will be reviewed again in Madrid and in this fall's follow-on session. It is critically important that the world, and especially we, speak in time, so that the Soviet Union may know exactly what awaits it.

I am one who believes that the boycott of the Moscow Olympics is a sound idea—not that it will cure the situation, but that it is a building block in what ultimately will elevate all of us to a higher standard, including the Soviet Union. So it is with the Helsinki Declaration. We are building up a case of violation which, in my judgment, will prevail ultimately.

Finally, Mr. President, the effect upon Sakharov, himself: There is a very fine piece of evidence on that score, which I should like to read to the Senate, found by one of my staff.

As recently as February 4, in an interview in the Corriere Della Sera of Milan, with an Italian journalist, the Soviet dissident historian Roy Medvedev said as follows about Sakharov and his exile to Gorky.

> Question. What happens after Gorkiy?
>
> Answer. If he (Sakharov) does not learn his lesson and proves obstinate, he will be punished more severely and sent to a more distant and less pleasant city, and so forth. In the meantime, since our government—

To wit, the Soviet Government—

> knows you Westerners better than you think, your attention will be distracted and your reaction will gradually decrease. And the other dissidents, who regarded Sakharov as inviolate, will also have time to learn their lessons. Sakharov could be sent to Gorkiy, then maybe to Irkutsk in Siberia, Tomsk or Chita. Every time worse, every time worse. The system is so simple, so effective; how can you fail to understand it? The important thing is for the victim always to have something to lose and therefore to be afraid.

Mr. President, how magnificent it is, as an example of pure personal courage, that Sakharov continues unafraid: that he continues defiantly speaking out in protest, through his wife, even from Gorky. How long he may be allowed this slender contact with the outside world, we do not know. But if we do not insist that Soviet violations of his individual human rights be held to the forefront of world attention, then the Soviet Union never will be called to account and never will be corrected.

I think the greatest act we can perform is to keep our faith with Sakharov and his colleagues and to pledge ourselves never to let up in this struggle, to bear in mind that Sakharov is but an example of what can happen to our world and even our country, unless we continue to wage this good fight.

We have good days and bad days, and we have good experiences and bad experiences. But if we are constant and continue unremitting, through ourselves and our children and our children after them, this system, which is so antihuman, will be broken; and even though we may not live to see it, we will have been heavily responsible for breaking it and perhaps, at long last, freeing mankind, as it should be freed.

So I hope very much that we, too, as the House, may have a unanimous vote on this resolution.

Mr. CHURCH. Mr. President, I commend the Senator from New York for his most eloquent statement.

I yield such time as may be required to the distinguished Senator from Michigan (Mr. LEVIN).

How much time does the Senator desire?

Mr. LEVIN. Three or four minutes.

Mr. CHURCH. I yield 5 minutes to the Senator from Michigan.

Mr. LEVIN. I thank my friend from Idaho.

Mr. President, Andrei Sakharov once wrote:

> A person is free only if he has all his rights. When you live in a house whose door is locked, you are a prisoner even if you don't need to leave. All of us are prisoners now.

When he wrote those words, Andrei Sakharov lived in Moscow. Last month, however, he was sent to Gorky, in forced exile, with even fewer of his rights. He now lives next to a police station, and he is not allowed to receive mail or make phone calls at the local telegraph office, according to recent press reports. He is restricted to Gorky's city limits, which is off limits to foreigners because a military aircraft factory is located in the area.

Andrei Sakharov is a preeminent defender of human rights; and because he spoke out so vigorously and so often, he was finally forcefully denounced by the Soviet press and taken from his home by the Soviet Government.

Many reports have indicated that there has been a heightened crackdown against dissidents, especially those who have concerned themselves with human rights activities.

The banishment of Sakharov can only be seen as another step toward the complete squelching of individuals and groups who have spoken out in favor of freedom in the Soviet Union. It can only be taken as another slap in the face of human rights in the Soviet Union.

In acting on the resolution before us today, the Senate acknowledges this gross affront to humanity and the disregard of the Soviet Government for basic liberties. Just as it stepped in and forcefully took direct control of the nation of Afghanistan, the Soviet Government has shown its violent desire for complete oppressive control of its people by plucking Sakharov out of Moscow and forcing him into exile in Gorky. Although at this time we can do little but raise our voices and let the Soviet Government know that we will not stand by and passively watch as liberties continue to be taken away from individuals and nations, we must at least let them know of our outrage at their actions.

Mr. President, I commend Senators CHURCH and HAYAKAWA and their colleagues on the Foreign Relations Committee for their steadfastness to this issue. It is indeed the cause of all humanity that they are fighting for.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CHURCH. Mr. President, I express a word of appreciation to the Senator from Michigan for his fine statement.

Mr. President, it may be that other Senators wish to speak on the resolution before we vote it. For that purpose, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. HAYAKAWA. Mr. President, I yield 5 minutes to the Senator from Maryland.

Mr. MATHIAS. Mr. President, I was visited recently by Tatyana and Efrem Yankelevich, Dr. Andrei Sakharov's stepdaughter and her husband. This dedicated young couple, who live in Boston, came to Washington to plead for visible and concrete American actions in support of Dr. Sakharov. They described in a very moving way the shared life that they lived with Dr. and Mrs. Sakharov in the Soviet Union. They now believe that visible action in the United States, in the Senate, could help to stay the Soviet hand from even worse indignities and offenses against the Sakharovs.

The resolution we have before us today is one such action. It spells out clearly what Dr. Sakharov's forced exile to the city of Gorky means. It means that the Soviet Union is in deliberate and flagrant violation of a host of international agreements to which it is a party. It means that Soviet leaders cynically talk about human rights while they stifle the free expression of one of their country's great thinkers and Nobel Laureates.

This resolution will send a clear message of resounding disapproval from the American people to Moscow. But it cannot be an isolated gesture.

The American scientific community, in particular, will have many opportunities in private and in public to make clear how repulsive they find this brutal treatment of one of the world's most distinguished members of their profession.

Indeed, at this very moment, a gathering of scientists representing the 35 signatories to the Helsinki accords is taking place in Hamburg, Germany. Philip Handler, the president of the National Academy of Sciences and head of the U.S. delegation, and other Americans are using this forum to make their views known to their colleagues around the world.

In a statement delivered prior to his departure for Hamburg, Mr. Handler forecast the message he was carrying:

> Our message will be clear: By flouting the standards of human decency, by creating an atmosphere of tension and fear, Soviet authorities have angered and alienated the scientists of the U.S. and of the West; in so doing, they have isolated their scientific community from the one resource they crave more than any other—the stimulation and creativity of free minds. That message will be conveyed in the presence of delegations from all the other East European nations. May it strike home.

It is a powerful statement, Mr. President.

I ask unanimous consent that the opening address given yesterday in Hamburg by Mr. Handler be printed in the RECORD. The message he promised is delivered forcefully and publicly.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY PHILIP HANDLER

Mr. Chairman, distinguished delegates to the Scientific Forum from the nations of the Conference on Security and Cooperation in Europe, ladies and gentlemen:

Let me express the thanks of my country, and its delegation, for the hospitality of our host, the Federal Republic of Germany, and to my friend, Dr. Klaus Gottstein, Executive Secretary of the Forum for his diligence and imagination in preparing for this unprecedented gathering. The rules by which CSCE proceeds seem strange and awkward to scientists. Hence, it is all the more true that, whatever the outcome of the Forum, we owe a debt of gratitude to Dr. Gottstein and to his government for establishing a suitable atmosphere in which to conduct our discussions.

The Forum is not a 'scientific meeting' as scientists use the term; it is a part of what is called the 'CSCE Process'. Its principal concern is the international scientific enterprise, including its groundrules, rather than the substance of science, itself. The Forum, therefore, is seen by the American delegates as an opportunity to discuss freely and without restriction those matters particularly germane to the improvement of scientific relations among the CSCE countries. My purpose, today, is to summarize for you, those matters that we most wish to discuss for the next two weeks.

The background against which our discussions take place begins in the post-World War II recovery of Europe. North America emerged from that war physically unharmed and with unparalleled scientific resources. For almost two decades, our rapidly grown scientific enterprise was perhaps two-thirds of the world total. Since then, our relative position has diminished as the other CSCE nations and Japan developed their own scientific capabilities so effectively. But, to us, who believe that knowledge gained anywhere benefits mankind everywhere, that is cause only for rejoicing. The resultant unprecedented burgeoning of understanding of living systems and of the physical universe requires no recounting here. Nor does the equally remarkable proliferation of technologies that affect virtually every aspect of our daily lives. But those dramatic developments have markedly altered the societal role of the scientist precisely because it is science that now offers the principal means to affect the ancient scourges of humanity—war, famine, and pestilence—as well as to affect the quality of life everywhere.

As scientists, we have also learned something of the consequences of our acts of discovery and application. Robert Oppenheimer said, "The physicists have known sin," but the physicists are not alone. We enter the last two decades of the twentieth century acutely aware that we share responsibility for the fate of our children's children; we share responsibility for the quality of the future of mankind and we appreciate our obligation to help assure that there will, indeed, be a future for mankind.

The scientific communities of the world will inevitably be expected to assume greater responsibility for expanded food production and dietary improvement, for better health care and the eradication of disease, for improved communication, for new ways both to conserve and to harness sources of energy, and—regrettably—for the development of new and more lethal weapons. We will also be faced with the great need to contribute to popular education for citizenship in our technology-dominated world. *Pari passu*, we will surely consider ourselves ever more responsible for the ways in which the fruits of our labors are used by the larger society.

Knowing all this, and knowing that governments today seek to use science and technology in ways unthinkable but a few decades ago, we must also reckon with the fact that scientific interchange across national boundaries, among scientists and their institutions, has become far more complicated than once it was.

What can we forsee for the future of scientific cooperation, exchange, and communication?

Because science is international, we have always been faced with the problem of international agreement on technical standards: on units of measurement, on symbols and nomenclature. Now, it is even more important that we agree and conform to common standards of responsibility and behavior.

It is ironic, therefore, that the obstacles to free and timely interchange among scientists are becoming more, not less, significant and complicated as our technical capacity to communicate expands. It is a painful paradox that scientific interchange has become more vulnerable as the forums for such interchange become more numerous.

Our formal adoption of common standards of behavior began in 1958, when the International Council for Scientific Unions (ICSU) first took a stand by adopting a resolution on political nondiscrimination. In 1963, ICSU created its Committee on Free Circulation of Scientists. In 1976, it published its resolution on the universality of science and established the Committee on the Safeguard of the Pursuit of Science. (I am pleased that the distinguished Chairman of that Committee, Professor Ole Maaloe of Denmark, is a delegate to this Forum.)

Thus, the one nongovernmental scientific organization with which every scientific community represented at this Forum has some contact has a history of more than two decades of thoughtful, constructive progress toward the concept of common standards and values in the world of science. The Helsinki Final Act complements the ICSU initiatives and expands both their meaning and their force, since the Final Act was signed by governments rather than by scientists.

Yet, today, this Forum gathers in an atmosphere of international tension and with somewhat less than full trust. Those of you who read the press dispatches from the United States will know that the American delegation is here despite calls to boycott from a number of eloquent and eminent American scientists. You will be aware of the deep, pervading concern of the American scientific community for the fate of individual scientists now in prison or in exile in their own countries. Harsh words have been spoken; some of them were mine at a recent hearing before the Commission of our Congress charged with following the progress of the Helsinki Accords.

The American delegation to the Scientific Forum fervently believes that freedom is absolutely essential to the scientific endeavor. We are critical of national acts that fail to meet the basic tests of adherence to the Helsinki Final Act. We are dismayed about the manner in which some countries regulate the participation of their scientists in international scientific meetings; about the abridgement of freedom to leave a country, as well as of permission to enter it; about the censorship of international journals of science; about the dismissal of scientists from their posts because they ask to emigrate, or because they disagree with the current policies of a government; about the harsh treatment of scientists who have sought to monitor how well their governments adhere to the provisions of the Helsinki Accords.

Let me invite your attention to the Universal Declaration of Human Rights, to the International Covenant on Economic, Social and Cultural Rights, and to that excellent little monograph by the Council for Science and Society and the British Institute of Human Rights, entitled "Scholarly Freedom and Human Rights." It makes the unambiguous point that "The success of a scholar's work depends as much on the freedom of others to study and do research as it does on his own."

The members of our delegation will speak as individuals, as free men and women from a free country; we will offer constructive proposals on ways to improve the atmosphere for scientific interchange, on ways to find common standards and values, and on specific proposals for steps toward a true cooperative spirit.

In 1976, I told the Annual Meeting of our Academy that:

"I am committed to defense of the human rights of all persons, and to those of scientists in particular. Not, as is so often argued, because humanity may be denied the fruits of their science, but because they are precious as human beings; because abrogation of their rights is injurious to all mankind; because as liberal intellectuals, scientists not infrequently become involved in the defense of the human rights of others; and because I am likely to be best informed concerning their circumstances."

To me, and to all members of the American delegation, the questions of freedom of inquiry, freedom to write and publish, freedom to speak, freedom to come and go across national borders, and freedom to live where one's heart and conscience take one, are indissolubly bound to freedom of one's person. We cannot consider scientific communication. We perceive no essential distinctions between pursuit of truth about the nature of man or of the physical universe and pursuit of truth about the human condition in the societies in which we live.

Nor do we speak for ourselves alone. In our country, in a spontaneous upwelling without precedent, thousands of scientists have been declaring themselves personally unwilling to engage in scientific interchange with colleagues in the Soviet Union until the government of that country has restored the normal civil status of scientists who have been imprisoned for acts consonant with the spirit of the Helsinki Agreement, until that scientist whom the Nobel Committee termed "the conscience of mankind" is once again allowed to serve his country and humanity with the freedom and honor he so well deserves. The scientific world refuses to accept protestations that such matters are the internal affairs of the countries involved. Indeed, agreement that these transgressions, wherever they occur, are of universal concern is the very essence of the Helsinki Accords. And if disaffection continues to spread among Western scientists, if the matters that trouble us are not rectified, if we are confronted with yet further crises of conscience, the interchanges that we have gathered here to foster will, instead, soon dissolve in bitterness and anger.

In the past decade or so, the number of scientists crossing borders among the CSCE countries has expanded remarkably. International scientific cooperative programs have developed with enthusiasm and substantial governmental support. All of us would like this cooperation to continue and expand and would like the scientific cooperative avenues to broaden. Some of the CSCE countries have benefitted more than others; it would be good to redress that imbalance, to assure that the fruits of the scientific endeavor are truly of equal benefit to all.

The least complicated, yet in many ways the most important area of scientific cooperation is fundamental research—the exploration of nature itself. In an ideal world, this would require the support but neither the permission nor the catalysis of governments since it occurs readily on the initiative of scientists themselves. Since every political barrier to this spontaneous process must be a matter of deep concern to scientists everywhere, such problems rank high on the agenda of this Forum.

But there are also numerous opportunities for meaningful cooperation in the areas of applied research on our agenda. For example, there are opportunities for significant new cooperative ventures—bilateral and multilateral in the fields of conservation, conversion, transmission, and use of energy. Patently, the success of efforts in these directions will be critical to the vitality of the economy and the quality of daily life in every country and may well be determinant with respect to the prospect for world peace.

Before this century is over, the success or failure of science may well be judged by the success or failure of agriculture. There are vast possibilities for increasing knowledge of genetic mechanisms which can improve geographic adaptability and disease resistance. With patience and skill, the reproductive efficiency of livestock can be enhanced and the devastations of epizootic diseases can be reduced. Current research on plant diseases may enable environmentally-conservative biological methods of pest control, for example through the use of gametocides, sterilants, and species-specific microbial pathogens. Better knowledge of the photosynthetic process and germplasm exchange should enable markedly enhanced food production efficiency.

Scientists stand before the bar of a hungry, burgeoning humanity; we must not be found wanting.

We have just begun to bring the fruits of new biological knowledge and understanding to bear on the dread diseases of mankind. The eradication of smallpox is a classic model of international cooperation in the application of knowledge. That accomplishment is a tribute to Professor Raska at the Charles University in Prague who was, for years, the lonely principal proponent of what became the successful eradication campaign and to Professor Henderson of Johns Hopkins University who planned and directed its final stages. We are morally constrained to seek like solutions to such other infectious diseases as measles and poliomyelitis; to help bring under control such tropical diseases as trachoma and schistosomiasis. What we are learning about interferon, hormones and their receptors, immunochemistry, genetic mechanisms, environmental challenge, the early detection and treatment of many forms of cancer, and the etiology and pathogenesis of cancer, atherosclerosis and "autoimmune diseases" must be shared fully with each other and with those who conduct research on health problems in countries outside the CSCE family.

To share the results of the combined health research of the CSCE countries is surely a moral imperative.

Collective scientific research and decision-making are essential if we are to arrest global atmospheric and marine degradation and pollution. No nation has the resources, the access, or the talent to grapple with these problems alone. As one of my colleagues in our delegation has remarked, "Real progress in improving global environments while simultaneously making the fruits of technology accessible to a broader spectrum of the citizens of all countries is such a worthy objective."

We are well aware that only through the careful nurturing of cross-cultural communication can we bring a sense of perspective and balance to each others' views. The blights that bedevil many of the world's cities and the grinding poverty and ignorance of many rural peoples are, or are about to become, the common problems of all societies. We need each other if only to seek amelioration of these great evils.

It would be an immense tragedy if the glorious possibilities of cooperation in these ventures were to be denied to mankind in consequence of disintegration of the international scientific order because of the failure of some to live up to the standards of behavior to which our governments agreed in Helsinki. Are the ideological polarizations of today's world driving our scientific communities apart? Or can reason and good will prevail? We may know more two weeks hence.

It is my heartfelt hope that the results of this Forum will yet be recorded with pride by the scientists in attendance.

For the duration of this Forum, I suggest that we could usefully ask ourselves the following questions:

(1) Can the ways in which the international organizations of science address their tasks be improved?

(2) If traditional disciplines impose conventional boundaries that are inappropriate to today's needs, can new terms of reference be devised for the broadly-construed fields of inquiry before us?

(3) Can we agree on guidelines to assure that international meetings and exchanges will take place in a climate conducive to free association and unfettered communication?

(4) Is it possible to develop an international style that leaves arrangements for scientific interchange in the hands of scientists, not politicians, a style that facilitates the acceptance of invitations and the dissemination of knowledge, in which the desirability of mutual benefit is implicit?

(5) Can we agree to strengthen the apparatus and the resolve of the International Council of Scientific Unions to develop and apply that set of common standards and values which is already part of its agenda?

But I must warn that even constructive, affirmative responses to these questions may not suffice. This meeting is being watched. This Forum, once deemed of little significance, has become a "step between Belgrade and Madrid," and the signals emanating from these halls will not go ignored.

To achieve the modest goals I have proposed, it is imperative that we first wholeheartedly accept and resolve to implement the elemental propositions concerning human rights that underlie the very roots of our scientific endeavor.

To quote another colleague:

". . . intellectual freedom is essential to human society—freedom to obtain and distribute information, freedom for open-minded and unfearing debate and freedom from pressure by officialdom and prejudices. Such a trinity of freedom of thought is the only guarantee against an infection of people by mass myths. . . . Freedom of thought is the only guarantee of the feasibility of a scientific democratic approach to politics, economy and culture."

Those words were written by a Foreign Associate of the National Academy of Sciences: Andrei Sakharov.

Thank you.

Mr. HAYAKAWA. Mr. President, I yield 3 minutes to the distinguished Senator from Illinois who also wishes to speak on this resolution.

Mr. PERCY. Mr. President, I should like to associate myself with the comments of my distinguished colleague from Maryland, who has always been a voice for freedom.

I am also very proud indeed of the floor manager of this resolution, our distinguished colleague from California (Mr. HAYAKAWA), who has spoken with depth and conviction and in a very meaningful way for the freedom that he cherishes, has long fought for, and in which we all deeply believe.

Earlier today I spoke on Lithuanian Independence Day, which is a reminder to all of us that repression can go on for decades and yet there lives in the hopes and in the minds of many Americans, particularly those of Baltic descent, a feeling that we simply cannot permit this to become the status quo. We must raise our voices constantly, as I have on every single Lithuanian Independence Day since I have been in the U.S. Senate.

The resolution before us, I believe, is a message that must be sent, and must be sent unanimously, to the world, must be sent to the Soviet Union. The Senate of the United States and the House of Representatives feel deeply and strongly about this matter.

Senator MATHIAS has mentioned the statement by Philip Handler, and he has incorporated the full text in the RECORD. But I should like to just read a few sentences from that to emphasize the depth of feeling of Philip Handler, president of the National Academy of Sciences and chairman of the U.S. delegation at the scientific forum of the CSCE.

He said in part:

> The Sakharov exile is, thus, a powerful signal to the scientific community, as the invasion of Afghanistan is to the political-military community. Of these two, the Soviet invasion of Afghanistan is clearly the event of transcending global importance.
>
> The fate of Sakharov, so soon after Afghanistan, is important both in its own right and because it means that voices of moderation within the USSR, voices that might, for example, urge reconsideration of the Afghanistan adventure, will be given no audience. We have all observed the implacable intransigency of Soviet officialdom for years, and have all been aware of their repression of intellectuals, scientists, and artists. We had hoped that this intransigency and repression would be ameliorated by one or another force or event. It is now clear that we hoped in vain.

The whole approach the United States has taken to the brutal invasion of Afghanistan has been to send a clear and distinct message to the Soviet Union that we will simply not tolerate this kind of aggression. For the first time the Soviet Union had invaded a country of the Third World, a country I have visited throughout every part from the Soviet border, on the Baluchistan border, its capital city of Kabul, and in its western regions.

No one who has visited that country and known of the inability of the people to defend themselves against this kind of aggression can appreciate the arousing of the citizenry to fight with their bare hands, in many cases, this aggression.

So, too, when we have a great scientist who has simply had his voice suppressed, and who has been suppressed, and yet, with all of the intimidation to which he has been subjected, has raised that voice time and time again, almost crying in the wilderness, it is right that we, the greatest Nation on Earth, should raise our voices now in unanimously supporting this resolution.

I commend my distinguished colleagues.

I ask unanimous consent that a letter to the New York Times of Friday, February 15, 1980, entitled "What American Scientists Owe Andrei Sakharov," from Valery Chalidze be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

What American Scientists Owe Andrei Sakharov

> To the Editor:
>
> News of additional measures taken by the Soviet authorities against Andrei Sakharov reaches us almost daily. It is plain that the regime will stop at nothing in order to shut him up.
>
> I have collaborated with Dr. Sakharov in his human-rights activities over a 10-year period, first in Moscow and later from New York. I know that threats will never keep him quiet. He will sacrifice himself for his ideas. And the self-indulgent Western world will acclaim him, but will, I fear, prove incapable of saving him.
>
> Governments will express their concern but maintain a policy of business as usual. Eminent scientists will publish regret that the persecution of their colleague will hinder contacts with Soviet scholars. But let's be serious, nothing will really change. American scientists will smile politely as their Soviet colleagues. They will remain foreign members of the Soviet Academy of Sciences. They will shake the hands that signed the resolutions and letters against Dr. Sakharov.
>
> Sakharov has suffered more than one blow in the course of events during the past seven years. And each time I have heard American scientists say:
>
> "If the Soviet authorities dare go one step further, then we will take strong action." But only strong individuals can take strong actions. Are American scientists worthy of their traditional role as a moral authority for society?
>
> I have always spoken against a boycott of scientific contacts, but with one reservation: a boycott is justified when a scientist's ethical code requires such action. Now is the moment when their sense of morality should prompt scientists to break off all contacts with the representatives of a government that is brazenly destroying a truly exceptional member of the world scientific community.
>
> Dr. Sakharov's freedom of movement must be restored, and his safety protected. The values of our civilization count for little if they permit us to remain passive in the face of the violence directed against Andrei Sakharov.

● Mr. PELL. Mr. President, I support the resolution under consideration, House Concurrent Resolution 272. As cochairman of the Helsinki Commission, I am pleased to note that this resolution calling for the release of nobel laureate Andrei Sakharov was originally sponsored in the House by my colleagues on the commission. I commend the House for the unanimous passage of this excellent resolution and I urge the Senate to do the same.

Mr. President, the forced internal exile of Andrei Sakharov, the father of the Soviet human rights movement, by the Soviet Government is but the latest example of the callous disregard that Government has for universally-accepted standards of human rights. As the resolution points out, the Soviet Government has, once again, demonstrated to the world its failure to live up to its commitments under numerous international agreements, including the Helsinki Final Act. We in the Senate must continue to call the Soviet Union to task for these gross violations of basic human rights.

Andrei Sakharov is a member of the Soviet Academy of Sciences, a distinguished physicist, as well as a courageous humanitarian. At considerable risk to himself and family, Sakharov forsook the comforts and security of his prestigious position in Soviet science and became the spokesman for hundreds of less fortunate Soviet citizens—victims of official repression. Many of those victims were also members of the Soviet scientific community. Some—Orlov and Shcharansky for instance—are mentioned in this resolution. Countless others such as Robert Nazaryan, Tanya Velikanova, Lev Regelson, and Rollan Kadiev are unnamed but not forgotten. This resolution expresses the congressional will that these individuals and their champion—Andrei Sakharov—shall not be abandoned.

It is fitting that the Senate should be paying tribute to these noble human rights activists while in Hamburg, Germany, scientists from the 35 Helsinki signatories are meeting to discuss scientific cooperation and its future. I commend the members of the United States delegation—headed by National Academy of Sciences President Dr. Philip Handler—for their determination to raise the cases of Dr. Sakharov and others with their Soviet counterparts and I convey my full support for that position. Dr. Handler said recently at a hearing before the Helsinki Commission, "By flouting the standards of human decency, by creating an atmosphere of tension and fear, Soviet authorities have angered and alienated the scientists of the United States and the West; in so doing, they have isolated their scientific community from one resource they crave more than any other—the stimulation and creativity of free minds." By exiling Andrei Sakharov to Gorky, the Soviets are attempting to isolate his free mind and the truth he speaks from the West. We in the West—scientist and Senator alike—must not allow that to happen.●

● Mr. DOLE. Mr. President, on January 22, Prof. Andrei D. Sakharov was forced into exile to the closed city of Gorky. During the weeks that followed this move, he has been denied contact with foreigners. He and his wife Yelena Bonner have been subjected to various threats. This morning, the New York Times reported that the Sakharovs had charged police brutality when they went to a police station to inquire about a detained friend.

Unprecedented expressions of support have emanated from the world scientific community, who identifies with an esteemed colleague. Indeed, Dr. Sakharov's moral stature equals the scope of his professional accomplishments in the field of science.

Coming on the heels of the Soviet invasion of Afghanistan, the escalation of human rights violations by the Soviets indicates subtle developments within the Soviet Union that must be confronted vigorously, if we are to maintain efforts for peace. The delicate balance achieved in recent years must be preserved. It must not be allowed to tip dangerously as a result of capricious shifts in Soviet policy.

Recent Soviet decisions are seen as the result of the growing influence of Mikhail Andreyevich Suslov. Mr. Suslov is the senior member of the present leadership, and one of the powerful national secretaries of the central committee since 1947. His prime responsibility is ideological work. He is described as a "hard liner" in foreign policy and as a conservative on the domestic scene, according to a recent essay published by Craig R. Whitney in the New York Times on February 15. The general crackdown against activists within the last few months, the invasion of Afghanistan, and finally the internal exile of Professor Sakharov would seem to substantiate Mr. Whitney's analysis.

The growing concern on the part of the free world towards the increased suppression aimed at the Soviet intellectual elite, is expected to be a main topic raised at the scientific forum now under way in Hamburg, Germany. I believe, however, that the weight of Presidential authority must be fully exercised in communicating to the Soviets our strong protest against the continuation of human rights violations. It is to this effect that I support House Concurrent Resolution 272, urging the President to ask for an immediate release of Dr. Sakharov.

We should not be misled into thinking that advocacy of human rights and concern for United States security are two principles that are contradictory in their relationship to each other, and that a choice must be made. My own belief is that the two are intertwined and interdependent. When a nation attempts to silence its leading thinkers, the ultimate goal is destruction of the opposition, thereby securing more strongly the hold of dictatorial government. This increases the danger to the free world, by diminishing democratic influences within a nation whose voices of moderation have been stilled.

In insisting that human rights be observed and that the provisions of Helsinki be respected by the Soviet Union, I believe that we must make use of the many avenues open to us to apply pressure on the Soviets. Such a line of action has been suggested by Doctor Sakharov, himself, in a series of essays published under the title Alarm and Hope. It is a view I adopted long ago, and to which I continue to adhere.

No less important to the cause of peace than the end of an arms race, of which Doctor Sakharov is a strong advocate, is the democratization of the eastern bloc. That democratization, no matter how slight, can never occur, so long as the voice of people such as Dr. Sakharov is permitted to remain silent.

As the most powerful Nation in the western world, and as a leader in the field of human rights, the United States must exercise its responsibility in pleading the cause of human rights and the release of Dr. Sakharov to the Soviets, in terms barring all ambiguity.●

● Mr. McGOVERN. Mr. President, as a member of the Commission on Security and Cooperation in Europe, I urge my Senate colleagues to adopt Resolution 272—now up for our consideration—which urges the Soviet Government to release Professor Sakharov from exile in the closed city of Gorki and which calls on our Government to protest the imprisonment of Soviet human rights activists in clear violation of the Helsinki Final Act.

The banishment of Andrei Sakharov on January 22, 1980, is the culmination of a campaign of repression in a vain effort by the Soviet Government to stifle the human rights movement in the U.S.S.R. Over the past few years, the Soviets have arrested, imprisoned, and exiled dissidents of many reigious, political, ethnic, and social strata of that vast country. A recent staff survey conducted by the Commission on Security and Cooperation in Europe reveals that in 1979 the Soviet authorities have sentenced 102 Soviet human rights activists to lengthy terms of imprisonment, while another 59 people are in pre-trial isolation.

This campaign of repression has spanned across all the causes championed by the Soviet human, religious, and civil rights movements: Three Russian Orthodox leaders—Father Dmitri Dudko, Lev Regelson and Father Gleb Yakunin are now awaiting trial; the Lithuanian Catholic activists—Antanas, Terletskas and Yulius Sasnauskas are imprisoned; the Crimean Tatar physicist—Rollan Kadiev, is now in jail; an Armenian economist—Eduard Arutunyan has been in detention since July without a trial; Aleksander Podrabinek—a young Jewish advocate for reform of Soviet psychiatry, has been sentenced to spend 5 years in the far north.

These brave men and women in the Soviet Union now need our support—as expressed in Resolution 272.

Mr. President, Andrei Sakharov has been called the "spokesman for the conscience of mankind" by the Nobel Peace Prize committee. I ask that the text of the Nobel Prize Award Citation for Andrei Sakharov be printed at this point in the RECORD.

The text of the citation follows:

CITATION FOR THE 1975 NOBEL PEACE PRIZE AWARD

The Nobel Committee of the Norwegian Parliament has awarded Nobel's peace prize for 1975 to Andrei Sakharov.

Sakharov's personal and fearless effort in the cause of peace among mankind serves as a mighty inspiration to all true endeavors to promote peace. Uncompromisingly and forcefully, Sakharov has fought not only against the abuse of power and violations of human dignity in all its forms, but he has with equal vigor fought for the ideal of a state founded on the principle of justice for all.

In a convincing fashion Sakharov has emphasized that the individual rights of man can serve as the only sure foundation for a genuine and long-lasting system of international cooperation. In this manner he has succeeded very effectively, and under trying conditions, in reinforcing respect for such values as all true friends of peace are anxious to support.

Andrei Dmitrivich Sakharov has addressed his message of peace and justice to all peoples of the world. For him it is a fundamental principle that world peace can have no lasting value, unless it is founded on respect for the individual human being in society. This respect has found expression in several international declarations; for example, the UN declaration of the rights of man. Sakharov has demanded that the national authorities of each country must live up to the commitments they have undertaken in signing these declarations.

In the various agreements signed this year by 35 states at the security conference in Helsinki, it was again emphasized that this respect for human dignity was an obligation undertaken by the states themselves. In the agreement the parties acknowledge that respect for human rights and fundamental freedoms is an important factor in the cause of peace, justice, and well-being which is essential to ensure the development of friendly relations and cooperation not only among themselves but among all the countries of the world.

In more forceful terms than others, Andrei Sakharov has warned us against not taking this seriously, and he has placed himself in the vanguard of the efforts to make the ideals expressed in this paragraph of the Helsinki agreement a living reality.

Andrei Sakharov is a firm believer in the brotherhood of man, in genuine coexistence, as the only way to save mankind. It was precisely by means of encouraging fraternization between all peoples, based on truth and sincerity, that Alfred Nobel envisaged the possibilities of creating a safer future for all mankind. When states violate the fundamental precepts of human rights, they are also, in Sakharov's view, undermining the work to promote confidence across national borders.

Sakharov has warned against the dangers connected with a bogus detente based on wishful thinking and illusions. As a nuclear physicist he has, with his special insight and sense of responsibility, been able to speak out against the dangers inherent in the armaments race between the states. His aims are demilitarization, democratization of society in all countries and a more rapid pace of social progress.

Sakharov's love of truth and strong belief in the inviolability of the human being, his fight against violence and brutality, his courageous defense of the freedom of the spirit, his unselfishness and strong humanitarian convictions have turned him into the spokesman for the conscience of mankind, which the world so sorely needs today.●

Mr. TSONGAS. Mr. President, I rise in support of House Concurrent Resolution 272, which calls for the release of Andrei Sakharov from internal exile. This resolution also urges President Carter to protest the continued suppression of human rights in the Soviet Union.

As I am sure my colleagues are aware, Andrei Sakharov has been one of the leading spokesmen for the expansion of human rights and fundamental freedoms in the Soviet Union. He is perhaps the most noted of all Soviet physicists, and continues to be held in the highest esteem, especially by his scientific colleagues. His arrest and exile, Mr. President, are in direct violation to the principles of the Helsinki Final Act, the Universal Declaration of Human Rights, and also the International Covenant on Civic and Political Rights.

Dr. Sakharov has attempted to extol the virtues of freedom without breaking Soviet laws. For his actions, he has been arrested and internally exiled to Gorkiy. Since his arrest, Dr. Sakharov has been placed under police supervision and has been forbidden to communicate by mail or phone with foreigners or even his relatives. It remains in doubt whether he will be allowed to use Gorky's limited scientific center to continue his work in physics. The Soviet Union has been unjustified in taking these extreme actions. We must make them aware of our concern.

Mr. President, all freedom-loving people should condemn the Soviet Union's actions. It is crucial for the United States and other peaceful nations to defend those individuals living in authoritarian States, who participate in the nonviolent struggle for freedom, for justice, and for human rights. It is our duty to uphold and encourage these rights for all the oppressed peoples of the world. The United States must continue its efforts to seek the release of those Soviet citizens who have been incarcerated for their political or religious beliefs, as well as denied their right to emigrate to the country of their choice.

I urge President Carter to protest, in the strongest possible terms and at the highest possible levels, the exile of Andrei Sakharov and the continued suppression of human rights in the Soviet Union. I also ask that all the signatories of the Helsinki accords join with us in protesting Dr. Sakharov's exile and the continued suppression of human rights in the Soviet Union. We must not forget that the struggle for world peace is the responsibility of all free nations.

Mr. President, I strongly urge my colleagues to support this resolution.

● Mr. LEAHY. Mr. President, I wish to speak in support of H. Con. Res. 272 which expresses the sense of the Congress that Andrei Sakharov should be released from exile. The resolution also urges the President to protest the continued repression of basic human rights in the Soviet Union. Such Soviet actions are in blatant violation of the commitments made at Helsinki. The recent mistreatment of Sakharov and his wife Elena Bonner—physical beatings by Soviet police officials—illustrate a deep sickness within the Soviet system. These actions make a sham of the Olympic competition at Lake Placid.

All the world knows of Andrei Sakharov's selfless role as the voice of the Soviet human rights movement. Recent Soviet acts of selective repression—aimed at isolating Sakharov—have failed to silence him. These actions are signs of just how much the Kremlin fears his call to conscience.

The resolution before us today also calls on the United States delegation to the 1980 Madrid Review Meeting to raise not only the case of Andrei Sakharov, but also those of the imprisoned and harassed members of the Soviet Helsinki groups. Therefore, at this time, I call the attention of my Senate colleagues to the fact that there are 36 members of the Soviet Helsinki groups now in prison.

Studies of many of these men and women are included in Profiles: The Helsinki Monitors, recently released by the Commission of Security and Cooperation in Europe.

There have been new repressive moves by Soviet authorities against members of the Helsinki movement. In the last 4 months, seven members of the various Soviet Helsinki groups have been arrested, two have been detained, and four have been sentenced to lengthy prison terms. The Ukrainian group has borne the brunt of these attacks. Currently, Vasyl Striltsiv, Petro Rozumny, Yaroslav Lesiv, and Vitaly Kalynychenko are in pretrial detention. Recently sentenced are: Oles Berdnyk (9 years), Yuri Lytvyn (3 years), Vasyl Sychko (3 years), and Petro Sychko (3 years).

The Soviets have also recently stepped up repression in Moscow. A leading religious rights advocate, Father Gleb Yakunin, was arrested in November. On December 7, a member of the Moscow group, Viktor Nekipelov, was arrested. Tania Osipova was detained for the month of January. In the last few days, two members of the group on psychiatric abuse were also arrested—Vyacheslav Bakhmin and Feliks Serebrov.

Mr. President, I only mention these lesser known Soviet citizens at this time because they, too, must not be forgotten. At a time when the world is outraged by the Soviet attempts to muzzle Nobel laureate Sakharov, these other brave men and women need our support more than ever.●

Mr. HAYAKAWA. Mr. President, we are prepared to yield back the remainder of our time.

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. Church, I yield myself as much time as I may require.

Mr. President, I strongly support the resolution approved by the Committee on Foreign Relations protesting the action taken by the Soviet Union against Andrei Sakharov.

Dr. Sakharov is an internationally respected scientist. He has been a leading advocate for human rights within the Soviet Union, and for his work he was awarded the Nobel Peace Prize.

Recently, it has been reported that Dr. Sakharov has been stripped of his state honors, banished to internal exile in the Soviet Union, and denied the right to conduct his research, to speak out, or to contact the outside world. It appears that the Soviet Government authorities are attempting to render Dr. Sakharov anonymous.

This is why it is so important to keep the matter of Andrei Sakharov before the full view of the world, as this resolution intends to do. Apparently, the only thing that has protected Dr. Sakharov is his international reputation. The Soviet officials must know that the world will not forget this resolute man.

Recently, House Speaker O'Neill and I sent a letter to the Chairman of the United Nations Commission on Human Rights, urging that action be taken on the matter of Andrei Sakharov.

I would hope that the voice of world protest will cause the Soviet Union to relent in its efforts to silence this courageous man.

Mr. CHURCH. Mr. President, I ask for the yeas and nays on this resolution.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. CHURCH. Mr. President, there are no further speakers that I know of. I yield back the remainder of my time.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the concurrent resolution. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Ohio (Mr. Glenn), the Senator from Hawaii (Mr. Inouye), the Senator from Massachusetts (Mr. Kennedy), the Senator from New York (Mr. Moynihan), the Senator from Maryland (Mr. Sarbanes), and the Senator from Mississippi (Mr. Stennis) are necessarily absent.

I further announce that the Senator from Alaska (Mr. Gravel) is absent on official business.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. Baker) and the Senator from South Dakota (Mr. Pressler) are necessarily absent.

The PRESIDING OFFICER (Mr. Pryor). Are there other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 42 Leg.]

YEAS—91

Armstrong
Baucus
Bayh
Bellmon
Bentsen
Biden
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Church
Cochran
Cohen
Cranston
Culver
Danforth
DeConcini
Dole
Domenici
Durenberger
Durkin
Eagleton
Exon
Ford
Garn
Goldwater
Hart
Hatch
Hatfield
Hayakawa
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Jackson
Javits
Jepsen
Johnston
Kassebaum
Laxalt
Leahy
Levin
Long
Lugar
Magnuson
Mathias
Matsunaga
McClure
McGovern
Melcher
Metzenbaum
Morgan
Muskie
Nelson
Nunn
Packwood
Pell
Percy
Proxmire
Pryor
Randolph
Ribicoff
Riegle
Roth
Sasser
Schmitt
Schweiker
Simpson
Stafford
Stevens
Stevenson
Stewart
Stone
Talmadge
Thurmond
Tower
Tsongas
Wallop
Warner
Weicker
Williams
Young
Zorinsky

NOT VOTING—9

Baker
Glenn
Gravel
Inouye
Kennedy
Moynihan
Pressler
Sarbanes
Stennis

So the concurrent resolution (H. Con. Res. 272) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, follows:

Whereas the Final Act of the Conference on Security and Cooperation in Europe commits the signatory countries to respect human rights and fundamental freedoms;

Whereas the signatory countries have pledged themselves to "fulfill in good faith their obligations under international law";

Whereas the Universal Declaration of Human Rights guarantees to all the rights of freedom of thought, conscience, religion, opinion, and expression;

Whereas the International Covenant on Civil and Political Rights guarantees that everyone shall have the right to freedom of thought, conscience, and religion, the right to hold opinions without interference, and the right to freedom of expression;

Whereas the Soviet Union signed the Final Act of the Conference on Cooperation and Security in Europe, is a party to the Universal Declaration of Human Rights, and has ratified the International Covenant on Civil and Political Rights;

Whereas Principle VII of the Final Act specifically confirms the "right of the individual to know and act upon his rights and duties" in the field of human rights and Principle IX confirms the relevant and positive role individuals play in the implementation of the provisions of the Final Act;

Whereas the invasion and occupation of Afghanistan by armed forces from the Soviet Union is a direct violation of the Declaration of Principles Guiding Relations between States of the Helsinki Final Act, including the commitments to refrain from the threat or use of force, to respect equal rights and self-determination of peoples, to observe the purposes and principles of the Charter of the United Nations, to fulfill in good faith obligations arising from generally recognized principles and rules of international law;

Whereas Nobel Laureate Andrei Sakharov, leader of the human rights movement in the Union of Soviet Socialist Republics, condemned the Soviet intervention in Afghanistan, calling it a "threat to the entire world" and demanded the withdrawal of Soviet troops:

Whereas Doctor Sakharov was subsequently arrested and exiled to the city of Gorky in direct contravention of Principle VII of the Helsinki Final Act, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights;

Whereas all freedom-loving peoples should condemn the recent actions of the Soviet Union in denouncing and internally exiling Doctor Sakharov; and

Whereas the continued repression of religious believers, scientists, writers, intellectuals, human rights activists, and Helsinki Monitors, including Scharansky, Orlov, Rudenko, Tykhy, Petkus, and many others, is an egregious violation of both Principle VII and Basket Three of the Helsinki Final Act: Now, therefore, be it

Resolved by the House of Representatives (*the Senate concurring*), That it is the sense of the Congress that, in accordance with the Final Act of the Conference on Security and Cooperation in Europe, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights, the Union of Soviet Socialist Republics should release Andrei Sakharov from internal exile immediately.

Sec. 2. The Congress urges the President—

(1) to protest, in the strongest possible terms and at the highest levels, the exile of Andrei Sakharov and the continued suppression of human rights in the Soviet Union;

(2) to call upon all other signatory nations of the Helsinki Final Act to join in such protests and to take actions against the Soviet Union, including refusal to participate in the 1980 summer Olympics in Moscow, suspension of appropriate trade, economic, and commercial activities with the Soviet Union, and other such sanctions as may be available to them; and

(3) to inform immediately the governments of all other signatory nations of the Helsinki Final Act that the United States delegation to the 1980 Conference on Security and Cooperation in Europe review meeting intends to raise at that meeting these specific violations of the Helsinki Final Act, including the individual cases of Andrei Sakharov and the Soviet Helsinki Monitors.

Sec. 3. The Clerk of the House of Representatives shall transmit copies of this resolution to the Soviet Ambassador to the United States and to the Chairman of the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. HAYAKAWA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNITED NATIONS PRESENCE IN THAILAND AND KAMPUCHEA REFUGEE ENCAMPMENTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 608.

The PRESIDING OFFICER. The clerk will state the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 72) expressing the sense of the Congress that the President should request the United Nations to establish an international presence in the refugee encampments on the border between Thailand and Kampuchea, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to consider the concurrent resolution.

Mr. LEVIN. Mr. President, we cannot allow the world to forget or overlook the continuing tragedy which is occurring in Cambodia. Events in other parts of the world have taken precedence recently, but for those who have been displaced by war, famine, and disease in Cambodia, the nightmare continues and shows little sign of abating. While we cannot afford to minimize the seriousness of international developments elsewhere, we cannot allow them to overshadow the efforts needed to ease the plight of Cambodia's refugees.

Shortly after returning from visiting Cambodian refugee camps in Thailand this past January, Senator Hayakawa and I introduced a resolution calling upon the President to request the United Nations to establish an international presence in the refugee encampments on the Thai-Cambodian border, in general accordance with a request to this effect by the Thai Government, a request upon which no action has yet been taken. Senator Hayakawa and I have been gratified by the support we have received in this body for our effort, including the original cosponsorship of Senators Baucus, Danforth, and Sasser, who recently visited both Thailand and Cambodia, Senators Glenn, McGovern, and Lugar, members of the Foreign Relations Committee, and Senators Church and Javits, chairman and ranking member of the committee. We are also appreciative the committee has acted so promptly on the resolution, in recognition of the urgency of the problem to which we hope the U.N. will respond.

That urgency was underscored just over a week ago, when the Thai Government announced the closing of the Nong Chan camp on the Thai-Cambodian border. This camp had been considered a model for the border feeding program, for in addition to feeding a small resident population, the camp was supplying food to tens of thousands of Cambodians who journeyed miles from the interior of the country to pick up food at the camp and return to share it with hungry family and friends. Because of the inadequacy of the food distribution effort within Cambodia, the infusion of food through the border is, at least for the present, a critical part of the effort to feed people inside the country. Nong Chan was playing an important role in that effort.

But now that camp has been closed. In announcing the closing, the Thais cited the danger of Vietnamese attack, and the confiscation of rice from the camp by Vietnamese troops in Cambodia. The latter problem is one which neither the Thais nor the U.N. can control. Estimates of the amount of food which ends up in Vietnamese hands varies, but the international agencies have always acknowledged that some raking off of food supplies by the military (both Vietnamese and Pol Pot forces) was an inevitable price for getting food to civilians, and a price worth paying.

The other danger, the threat of Vietnamese attack, is one of the problems to which our resolution responds. A United Nations presence in the border camps would serve as a deterrent to Vietnamese aggression against those camps by demonstrating the support of the international community for the relief efforts which are taking place at the camps, and by making clear that the purpose of the aid is unequivocally humanitarian, not political. The pretext for Vietnamese attack on the camps, that they are providing aid and comfort to the Cambodian insurgency, would be undermined by a visible international presence administering the aid effort in the camps. Encouraging stability in the Thai-Cambodian border region should be a fundamental objective for the U.N., and establishing a U.N. presence in the border camps could make a major contribution to achieving that objective.

Mr. President, I made a statement introducing this resolution which discussed some of the other purposes of a U.N. presence, and I ask unanimous consent that it be printed in the Record along with articles from the Detroit Free Press and the New York Times on the closing of the Nong Chan camp.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEVIN. Mr. President, I urge the Senate to send an urgent firm message to the United Nations by its prompt and overwhelming approval of this resolution.

Mr. President, before I close, I thank my partner in this effort, Senator Hayakawa, for his great effort, both in pressing the resolution on the Senate floor and in the Foreign Relations Committee.

Exhibit 1

Statement

Mr. President, I recently returned from visiting a number of Cambodian refugee camps in Thailand and along the Thai-Cambodian border. During a portion of that visit, I joined the distinguished Senator from California (Mr. Hayakawa), who is a member of the East Asia and Pacific Affairs Subcommittee of the Foreign Relations Committee. Senator Hayakawa and I share, along with others in this body, a deep concern about the plight of those Cambodians who have been forced to flee their war-ravaged country.

As a result of what we saw in the border refugee camps, Senator Hayakawa and I are submitting today a resolution, together with Senators Baucus, Danforth, Glenn, McGovern, Lugar, and Sasser, which we hope will make some contribution to the safety and well-being of those refugees.

Mr. President, although overshadowed by events in other parts of the world, the problems of Cambodian refugees in the Thai-Cambodian border region remain very serious. As many as a million refugees have fled their homes and temporarily resettled in

Thai refugee camps and in the border area. The Thai Government has generously opened its border to all Cambodians who have sought entry, and those who are now living in camps within Thailand are receiving minimally adequate food, water, and medical care, and have found safety from the fighting within their country. However, the hundreds of thousands of refugees in border encampments are still plagued by an insecure food and water supply and by fear for their physical safety.

Let me give some examples of the problems faced by these refugees. Several days before my visit to the border, an armed clash occurred in the Nong Samet border camp. While the genesis of the fighting was somewhat unclear, the outcome was not: the entire population of the camp, estimated to be as many as 200,000 persons, were forced to flee, though many were in fragile physical condition. Some fled to camps further into Thailand, others to nearby border camps, and others simply scattered into the forests surrounding Nong Samet. Even a week after the attack, I was not permitted to enter the Nong Samet camp itself, because the situation there was still considered insecure.

There are other problems in the border camps as well. During my visit, the International Committee on the Red Cross, which supplies food to the Non Mak Mun border camp, decided to cut off temporarily its food deliveries to that camp. Two reasons were given for that decision: First, that a food convoy was attacked by camp residents before it could make its deliveries, and, second, that too much of the internationally supplied food was being routinely raked off and resold for the personal enrichment of those who controlled the camp.

I believe that the chaotic situation in these camps is largely attributable to the lack of an outside, international presence to monitor activities within the camps. In the refugee camps within Thailand, the U.N. agencies supplying food do monitor its distribution, to insure that it reaches those for whom it is intended, and that it is fairly distributed. In the border camps, however, the U.N. simply drops the food off at the camps, and leaves it to the internal leadership to handle distribution. I have described some of the results of that policy.

Mr. President, the Thai Government is familiar with and concerned about the problems in the border camps. The Thais requested a U.N. presence, in the form of observers, in those camps, in the hope that that would alleviate some of the problems they have experienced.

Incidentally, I note in this morning's newspaper a reference again to fighting in those border camps.

Despite this request from the government most directly affected, the U.N. has not acted. Therefore, the resolution being submitted today by Senator Hayakawa and me and others asks the President to ask the United Nations, in turn, to establish an international presence in the border camps.

Such a presence, I believe, would fulfill four major purposes. First, it would help to promote the security and stability of the refugees in the border camps. Second, it would help to insure that internationally supplied food delivered to the camps reaches free of charge those refugees who are most in need of it, as is the intention of the donors, who are providing funds to purchase the food. Third, it would demonstrate to the international community that the assistance which is being provided to refugees in the border camps is solely for humanitarian purposes. Fourth, it would encourage the Heng Samrin regime and the Vietnamese troops to respect the use of the border area as a sanctuary for those Cambodians who are in need of humanitarian assistance.

I know that Senator Hayakawa shares my appreciation for the support we have received for this effort from many of our colleagues and others who are concerned about the Cambodian refugee situation. I hope that this resolution can be acted upon speedily both in this body and in the House, where it is being introduced by Congressman Zablocki of Wisconsin, so that we will send a strong signal of concern to the U.N. and we hope it will result in prompt, quick, and decisive action.

I thank the Senator from California for his work in this effort.

[From the Detroit Free Press, Feb. 10, 1980]

Free Cambodia Aid Ends—Thailand Closes Relief Center

(By Rod Nordland)

Nong Chan, Thailand.—Military authorities have closed the only rice distribution operation on the Cambodian border that was specifically set up to aid hungry people in the interior.

In closing the Nong Chan camp run by international agencies, Thai military spokesmen cited the danger of Vietnamese attack and the fact that Vietnamese troops had been confiscating much of the rice as it was taken into the interior by refugees who came here to pick it up.

But Western intelligence sources suggested that the action was taken to protect the thriving black market in international agency rice that operates out of other camps along the border.

The Nong Chan camp had become a model of orderly free distribution of rice to refugees at the Cambodian border under the direct supervision of the International Red Cross.

At other border camps, where up to half a million refugees have gathered, Khmer Serel—Free Khmer—guerrillas have controlled the distribution of rice from international agencies.

It is common practice for them to resell the rice to their own refugees in the camps or to give it to couriers who transport it inside Cambodia, where it is exchanged for gold.

The shutdown came after participants in a "March for Cambodian Survival," including singer Joan Baez and actress Liv Ullmann, left Thailand after their attempt to dramatize the need for relief supplies to be carrried into Cambodia.

Nong Chan had been the most effective distributor. Each week, 45,000 persons hiked or rode bicycles or ox-carts into the camp to collect a ration of 20 kilograms of rice per person to take back. Many spent days on the road, coming as much as 100 miles, from Battambang or Siem Reap, to fetch food for their families.

Relief workers recently completed construction of new buildings and an outpatient treatment center here.

"This was an excellent distribution facility," said the camp's Red Cross co-ordinator, Robert Ashe, who declined to comment on why he thought the center was being closed.

Thai military officials said that, in addition to the security threat, 90 percent of the rice distributed here had been falling into Vietnamese hands.

Interviews with refugees and aid officials confirmed that, in many instances, Vietnamese troops had been confiscating the rice or demanding bribes in the form of Thai goods or cigarettes in exchange for allowing the rice convoys to pass.

But those interviews indicated that much less rice was being stopped than the Thai military's estimate—at most, about 30 percent.

Western intelligence sources say the real reason that the Thai military has stopped distribution at Nong Chan is that it has been working too well, depriving leaders of the Khmer Serei camp at Nan Mak Moon of their revenue from bartering rice for gold in the interior.

The leader of that camp, Van Saren, enjoys close ties with the Thai military.

Last month, Van Saren's guerrillas attacked Nong Chan, killing four persons and burning down thatched huts of villagers there.

In Cambodia, a Life of Wandering to Find Food

(By Henry Kamm)

Nong Chan, Thailand.—The two men walking toward this Thai village on the dirt road leading from the border were visibly Cambodian.

Not only the red-and-white checked scarves around their heads, their ragged clothes and the sandals made of old tires gave away their nationality. It was also their shuffle, a gait of dejection imposed by the road that has taken an entire nation through fours years of despotism to famine, renewed war and uprooting into a present that seems to lead to no future.

And it was their eyes, filled with mute weariness and uncomplaining sadness.

Where were they going? One, wearing torn brown, blue and yellow striped pajama pants and the black shirt of the days of the deposed Prime Minister, Pol Pot, pointed down the road. Where were they from? They came from Monkol Borei District in Battambang Province, Cambodia's rice bowl. They said it had taken them three days and nights to reach the border.

On the way, their group of 10 men—heading here in the hope of finding rice that is being distributed by the International Committee of the Red Cross and the United Nations Children's Fund and buying vegetables from Thai villagers—was waylaid by two Vietnamese soldiers. They took the small quantities of gold and Thai currency that the men carried for their purchases.

Gold and the Thai baht are the only currencies of western Cambodia. There is no Cambodian currency.

It was the third time that the two neighbors had made the march to the border to get food for their families. On the two previous occasions, their groups were held up by Vietnamese soldiers, and most of their rice was stolen.

When they reached the food-distribution point near here, they learned that Thai military authorities had suspended distribution. They decided to wait for the unknown day on which it might resume. Now they were heading for the village at the crossroads. With no money or valuables left, they hoped that Thai villages would give them some fruit.

They are used to walking and have nothing else to do. Their sole diet while they are waiting at the border is about a pound of rice a day.

For that ration, thousands of Cambodians, as disappointed as the two men, line up patiently in barren rice fields neglected since the Pol Pot days.

Squatting in the sun, in the neat single files to which they grew accustomed under the regimentation of the Pol Pot days, they wait for hours to be counted. Then they move to the next barren patch, squat again, and wait for the distribution to begin.

Many children are with them. Some, adults explained, were brought to carry an extra ration of rice. Others are the lost children who live throughout Cambodia. Their parents are gone. Sometimes they say that they are dead, sometimes that they do not know what happened to them. They attach themselves to relatives; sometimes older ones travel in groups without adults. The adults suggest that the children follow without being asked, because there is no one else for them.

NO POLITICAL PREFERENCES

People who know that they are eating more than the families they left behind in the search for food appear to think of food only. They express no political preferences, no matter how patiently and subtly an interpreter translates questions.

They recall in horror the Pol Pot regime and speak of days filled with ceaseless work and days and nights full of fear of their leaders' cruelty. Now that that regime has been reduced to guerrilla resistance against Vietnam, they fear the Vietnamese, who have brought starvation.

Mr. HAYAKAWA. Mr. President, on February 7 my colleagues on the Senate Foreign Relations Committee reported out unanimously Senate Concurrent Resolution 72, which was introduced by Senator LEVIN and myself. Our resolution calls upon the President to request the United Nations to establish an international presence, under United Nations auspices, in the refugee camps on the border between Thailand and Kampuchea, formerly known as Cambodia. We decided to introduce this resolution after visiting the Khao I Dang refugee camp in Thailand.

This refugee camp, by the way, had been started just 6 weeks before Senator LEVIN and I arrived to visit. There was already a population of 110,000. It was amazing to us how much order had been established in so short a time and how much self-government and self-rule.

Although the plight of the Cambodians cannot be underestimated, I was encouraged by the wonderful spirit shown by the Khmer people in the camps I visited, and their improved physical condition. Humanitarian organizations—the United Nations High Commission on Refugees, Food for the Hungry, CARE, the International Rescue Committee, the Red Cross and many others—which are supplying food and medical care, nurses, physicians and many volunteers, have done a remarkable job. It was a most pleasant surprise to discover that within a few weeks of being fed regularly, the children are jumping up and down, playing on stilts, flying kites, and racing around as lively, healthy children do, and just a few weeks earlier, they were the picture of misery and emaciation.

I was also impressed with the determination of the Khmer people to preserve their own culture even though under both the Pol Pot and Heng Samrin regimes there has been a great effort to wipe out the traditional Khmer culture. The relocation of these refugees to many different host countries will further endanger the safekeeping of this culture and I find this extremely disturbing. This is a problem that must be addressed soon.

The Khmer culture is rich. It is religious. It goes back thousands of years. What we saw was the attempt, under rather poverty-stricken conditions, to recover some of the ritual dances celebrating family life and celebrating the harvest. I must interject here that it was rather pathetic when 10 girls danced the harvest dance and at the end of it they had a little bowl in their hand to throw out rice, except for 10 girls they only had three bowls, so seven had to go through the motion without actually having the bowl. That is the shortage they have of everything.

However, a more immediate danger is the security and stability of the refugees in the camps close to the frontier. Assaults on the border camp by guerrilla forces and roving bands of bandits attempting to obtain goods for sale on the black market are a constant threat in these camps along the border on the frontier. Furthermore, the refugees are often victimized by militant factions within the camps. The distribution of food is not properly supervised in some of the camps—thus opening the way for even more fighting, piracy, thievery, and disorder.

In addition, we are all aware of two very real external threats to the security of the border area. A major offensive by the Vietnamese against the Pol Pot forces would drive still more Cambodians to the Thai border in search of refuge, further aggravating the conditions in the camps.

Another potential catastrophe would be a direct attack on any one of these border camps by the Vietnamese under the pretext of pursuing Pol Pot supporters. Although every day that one of these events does not occur is a day of reprieve, we must take precautions against these disastrous possibilities.

I feel it is imperative that the Congress send a clear message to both the administration and the United Nations that, though the sending of food and medical supplies and volunteers is important, it does not fulfill our obligation. The government of Thailand has requested that the United Nations provide international observers in these border camps but the United Nations has yet to respond in a favorable manner. We must do all in our power to help the Thai Government meet this humanitarian burden they have undertaken and aid them in protecting the integrity of their frontiers. Therefore, I ask my colleagues to give this resolution their overwhelming support.

Mr. LEVIN. Mr. President, I do not know of anybody else who wishes to speak on this resolution.

The PRESIDING OFFICER. Without objection, the concurrent resolution is agreed to.

The preamble was agreed to.

The concurrent resolution (S. Con. Res. 72) with its preamble, follows:

S. CON. RES. 72

Whereas the Government of the Kingdom of Thailand has demonstrated to the world its humanitarian convictions by opening its borders and providing asylum and assistance to the Khmer people who have been victims of war, famine, and oppression in Kampuchea;

Whereas the international community owes a great debt of gratitude to the Government of the Kingdom of Thailand for its compassionate actions on behalf of the Khmer people;

Whereas hundreds of thousands of Khmer have fled their homes in Kampuchea seeking security, food, and medical assistance;

Whereas many of these refugees have settled temporarily in encampments along the border between Thailand and Kampuchea where food, water, and medical care have been made available to them;

Whereas the security of the refugees in these encampments is continually threatened because of the unrest and the lack of an international presence in that border area;

Whereas armed conflict within these encampments has forced many refugees, often in fragile physical condition, to flee in fear for their physical safety;

Whereas food which is being provided by international organizations for humanitarian relief to refugees in these encampments may not be reaching those with the greatest need because of a lack of supervision of its distribution;

Whereas the Government of the Kingdom of Thailand has requested the United Nations to provide international observers in the area of the border between Thailand and Kampuchea, but no action has been taken; and

Whereas the international community, acting through the United Nations, has an obligation to provide such assistance to the Government of the Kingdom of Thailand as may be necessary in support of its efforts on behalf of the Khmer people: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President, acting through the Permanent Representative of the United States to the United Nations, should request the United Nations to establish under is auspices an international presence in the encampments of Khmer refugees along the border between the Kingdom of Thailand and Kampuchea for the purposes of—

(1) promoting security and stability for the refugees in encampments along the border between Thailand and Kampuchea;

(2) overseeing the distribution of food and water to insure that they are equitably distributed to those refugees for whom they are intended;

(3) demonstrating that the assistance which is being provided to refugees in such encampments by the United Nations and other international agencies is solely for humanitarian purposes; and

(4) encouraging all nations in the region to respect the use of the border area between Thailand and Kampuchea as a sanctuary for those Khmer who are in need of humanitarian assistance.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. HAYAKAWA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME-LIMITATION AGREEMENT—S. 2222

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as Calendar Order No. 607, S. 2222, extending the time to commence actions on behalf of Indians whose land is held in trust, is called up and made the pending business there be a time agreement thereon as follows:

One hour equally divided on the bill, the time to be controlled by Mr. MELCHER and Mr. COHEN; 30 minutes equally divided on any amendment, with one exception, that being an amendment by Mr. BELLMON on which there be 1 hour; provided further, that there be 20 minutes on any debatable motion, appeal, or point of order if such is submitted to the Senate by the Chair; and that the agreement be in the usual form.

Mr. STEVENS. There is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the agreement follows:

Ordered, That when the Senate proceeds to the consideration of S. 2222 (Order No. 607), a bill to extend the time for commencing actions on behalf of an Indian tribe, band, or group, or on behalf of an individual Indian whose land is held in trust or restricted status debate on any amendment (except an amendment to be offered by the Senator from Oklahoma (Mr. BELLMON), on which there shall be one hour); shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill; and debate on any debatable motion, appeal, or point of order which is submitted or on which the Chair entertains debate shall be limited to 20 minutes to be equally divided and controlled by the mover of such and the manager of the bill: *Provided*, That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or his designee: *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of final passage of the said bill, debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the Senator from Montana (Mr. MELCHER) and the Senator from Maine (Mr. COHEN): *Provided*, That the said Senators, or either of them, may from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion, appeal, or point of order.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IWO JIMA COMMEMORATION DAY

Mr. ROBERT C. BYRD. Mr. President, I ask that a message from the House on House Joint Resolution 469 be laid before the Senate.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The second assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 469) designating February 19, 1980, as "Iwo Jima Commemoration Day."

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the resolution be considered as having been read twice by title and that the Senate proceed with its immediate consideration.

There being no objection, the Senate proceeded to consider the joint resolution.

● Mr. DOLE. Mr. President, this resolution, on the 35th anniversary of the invasion of Iwo Jima, commemorates the heroism of the American servicemen who fought and died on the island of Iwo Jima in World War II. The Senator from Kansas feels that this commemoration is especially appropriate as our Nation finds itself in a period of increasing international tension, for it serves to remind all Americans that, though we are not a warlike people, Americans throughout history have acquitted themselves bravely in defense of our national interest.

Some familiarity with the battle for Iwo Jima has been etched on the popular memory through the famous photograph, and later monument, of the men of the 28th Marine Regiment raising the flag on Mount Suribachi. Iwo Jima was the site of some of the most ferocious fighting in World War II. The invasion required American marines to attack the brave and skillful Japanese defenders across open beaches affording no significant cover. Consequently, 5,931 marines were killed and 17,372 were wounded in the assault on the island. The American naval forces supporting the invasion suffered about 850 additional casualties. At the same time, the Japanese sustained over 20,000 men killed.

Yet, in spite of these casualties, the victory at Iwo Jima was an important step in the American war effort. Iwo Jima was secured to establish an emergency base for American bombers on the long return trip from bombing runs over Japan. That goal was achieved. From the day of the battle, February 19, 1945, to the end of March 1945, about 2,400 B-29 bombers made unscheduled landings on Iwo Jima, which thus afforded a refuge to about 25,000 crewmen.

Certainly the Americans who served at Iwo Jima and the relatives and friends of those who died there have just cause to be proud. Those now serving in the Armed Forces can also reflect with pride on the tradition of valor which is their duty to uphold. Through this commemoration, all American citizens salute those who struggled on Iwo Jima. ●

The joint resolution (H.J. Res. 469) was ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Senate Joint Resolution 140 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSORS—SENATE JOINT RESOLUTION 140

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Mr. HOLLINGS be added as cosponsor of Senate Joint Resolution 140.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. STEVENS. Mr. President, I make the same request for the lady from Kansas (Mrs. KASSEBAUM).

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar.

Mr. STEVENS. There is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all the nominations on the Executive Calendar be considered en bloc and confirmed en bloc.

The following nominations were considerd and confirmed en bloc:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Horace Dicken Cherry, of Maryland, to be an Assistant Secretary of Housing and Urban Development.

FEDERAL HOME LOAN BANK BOARD

John H. Dalton, of Virginia, to be a member of the Federal Home Loan Bank Board for the remainder of the term expiring June 30, 1982.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE PUBLIC HEALTH SERVICE

Public Health Service nominations beginning Kirk K. Barnes, to be senior surgeon, and ending Marvin W. H. Young, to be assistant health services officer, which nominations were received by the Senate and appeared in the Congressional Record on January 22, 1980.

Public Health Service nominations beginning Robert S. Adelstein, to be medical director, and ending Ronald A. Reddick, to be senior assistant health services officer, which nominations were received by the Senate and appeared in the Congressional Record on January 22, 1980.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider en bloc the votes by which the nominees were confirmed en bloc.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be notified of the confirmation of the nominees.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 2 P.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 2 p.m. tomorrow.

The PRESIDING OFFICER (Mr. LEVIN). Without objection, it is so ordered.

ORDER AUTHORIZING THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES FROM THE HOUSE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the recess of the Senate over until tomorrow, the Secretary of the Senate be authorized to receive messages from the House of Representatives.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER AUTHORIZING SIGNING OF ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the recess of the Senate over until tomorrow, the Vice President of the United States, the President pro tempore, and the Acting President pro tempore (Mr. HEFLIN) may be authorized to sign all duly enrolled bills and joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I will confer with the distinguished acting Republican leader, and I will confer with the managers of the bill S. 2222, a bill to extend the time for commencing actions on behalf of an Indian tribe, band, or group, or on behalf of an individual Indian whose land is held in trust or restricted status, to see if they will be ready to proceed with that bill on tomorrow afternoon.

Has the order for the recess of the Senate been entered?

The PRESIDING OFFICER. Yes, it has.

Mr. ROBERT C. BYRD. Is there any order for the recognition of Senators on tomorrow?

The PRESIDING OFFICER. There are none.

Mr. ROBERT C. BYRD. I thank the Chair.

ORDER FOR THE RECOGNITION OF SENATOR SASSER TOMORROW

Mr. ROBERT C. BYRD. I ask unanimous consent that after the two leaders or their designees have been recognized on tomorrow, Mr. SASSER be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2 P.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, in accordance with the order previously entered, I move, if there be no further business to come before the Senate today, that the Senate stand in recess until the hour of 2 p.m. tomorrow.

The motion was agreed to; and at 4:07 p.m. the Senate recessed until Wednesday, February 20, 1980, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate, February 19, 1980:

DEPARTMENT OF COMMERCE

Abraham Katz, of Florida, to be an Assistant Secretary of Commerce (New position).

MERIT SYSTEMS PROTECTION BOARD

Thomas H. Henderson, Jr., of Maryland, to be Special Counsel of the Merit Systems Protection Board for a term of 5 years, vice Haywood Patrick Swygert, resigned.

DEPARTMENT OF STATE

The following-named Foreign Service information officers for promotion in the Foreign Service to the classes indicated:

Foreign Service information officers of class 1:

Leonard J. Baldyga, of Virginia.
K. Marshall Berg, of Florida.
Victor B. Olason, of Washington.
James M. Rentschler, of Pennsylvania.

Foreign Service information officers of class 2:

Paul P. Blackburn, of the District of Columbia.
R. Dabney Chapman, of Iowa.
Neal T. Donnelly, of Maryland.
G. Michael Eisenstadt, of New York.
John D. Garner, of Arkansas.
William F. Gresham, of Florida.
Jerry L. Inman, of California.
Bruce R. Koch, of Pennsylvania.
Theodore M. Liu, of California.
Gary G. Morley, of Texas.
Warren J. Obluck, of California.
Edward T. Penney, of Virginia.
Deirdre Mead Ryan, of Connecticut.
Jaroslav J. Verner, of Minnesota.
George Edwin Wishon, of California.

Foreign Service information officers of class 3:

Barbara Joan Allen, of Missouri.
Peter J. Antico, of New York.
Linda A. Buggeln, of Florida.
Csaba T. Chikes, of New Hampshire.
Ronald D. Clifton, of Florida.
Joan L. Dickie, of New York.
John P. Harrod, of New Hampshire.
Thomas A. Homan, of Nebraska.
Claude William La Salle II, of Louisiana.
Carol E. Ludwig, of Iowa.
Robert L. Michael, of Ohio.
Michael F. O'Brien, of California.
Donna Marie Oglesby, of Florida.
Marjorie Ann Ransom, of the District of Columbia.
Douglas S. Rose, of Virginia.
Robert B. Sandin, of Virginia.
E. David Seal, of Missouri.
Karin Thorbecke Stephen, of Florida.
John A. Swenson, of New York.
Frances F. Switt, of New Jersey.
Larry R. Taylor, of Washington.
Lawrence M. Thomas, of Tennessee.
John C. Thomson, of California.

Foreign Service information officers of class 4:

Raymond D. Anderson, Jr., of Florida.
Sheila West Austrian, of California.
William R. Barr, of New York.
Cesar D. Beltran, of California.
Charles Edward Bernier, of Washington.
James Davis Burns, Jr., of Mississippi.
Bruce K. Byers, of Virginia.
James Joseph Callahan, of Massachusetts.
Albert W. Dalgliesh, Jr., of Michigan.
Howard E. Daniel, of New Jersey.
Janet C. Demiray, of Virginia.
Lucille R. Di Palma, of New York.
Fredric A. Emmert, of Virginia.
Patricia R. Ezell, of California.
Lynne E. Hart, of California.
Barry B. R. Jacobs, of Virginia.
Patricia H. Kushlis, of California.
Joel J. Levy, of Connecticut.
William H. Lindsey, Jr., of Louisiana.
Gerald C. Mattran, of Illinois.
Mildred C. McCoo, of California.
Robert J. Meade, of New Jersey.
David E. Miller, of Pennsylvania.
Susan Lowe Modi, of Ohio.
John T. Ohta, of Tennessee.
Karl F. Olsson, of Nebraska.
James C. Palmer, of Utah.
Timothy M. Randall, of Nevada.
Edith E. Russo, of California.
Diane Curns Salisbury, of New York.
Anne M. Sigmund, of Kansas.
Dudley O'Neal Sims, of Florida.
Arthur L. Skop, of the District of Columbia.
J. Brooks Spector, of Pennsylvania.
Stephan Strain, of Virginia.
Rosalind L. Swenson, of New York.
Arthur A. Vaughn, of Rhode Island.
William Scott Watson, of Georgia.

Foreign Service information officers of class 5:

Michael Allen Betcher, of California.
Kathleen A. Brion, of New York.
Anne M. Chermak, of California.
Patrick J. Corcoran, of New York.
Kathleen Delaney, of New York.
Peter DeShazo, of Illinois.
Mark E. Dillon, of California.
Louis P. Falino, Jr., of Pennsylvania.
Cindy J. Fox, of New York.
John Davis Hamill, of Ohio.
Thomas G. Hart, of Connecticut.
Barbara E. Haven, of New York.
Thomas Neil Hull III, of New Hampshire.
Frank L. Jenista, of Pennsylvania.
Linda Jewell, of Arkansas.
Richard J. Kaplan, of Massachusetts.
Robert S. Lapiner, of California.
Barry Jay Levin, of Missouri.
Perla Limbago Manapol, of Virginia.
Michael McCarry, of Florida.
Michael J. Mingo, of California.
Judith Michele Mudd, of the District of Columbia.
William G. Murphey, of Michigan.
Charles David Noziglia, of Virginia.
Ray Orley, of California.
Nancy LeRoy Rosenblum, of Michigan.
Rick A. Ruth, of the District of Columbia.
Charla Saylor, of Ohio.
J. Riley Sever, of Florida.
Lynn Gunn-Smith Sever, of Florida.
Gary D. Smith, of California.
Pamela H. Smith, of Washington.
Lorraine Toly, of Washington.
Don Quintin Washington, of California.

Foreign Service information officers of class 6:

Martin E. Adler, of the District of Columbia.
Mark L. Asquino, of Rhode Island.
Joseph J. Brennig, of Pennsylvania.
David N. Cohen, of Ohio.
Douglas A. Davidson, of Ohio.
Carol Doerflein, of New Jersey.
John P. Dwyer, of Connecticut.
Jack Glenn Feldman, of Maryland.
Helmut Fischer, of California.
Brian H. Guss, of Pennsylvania.
Lauren Beth Hale, of Connecticut.
Thomas James Johnston, of Maryland.
Nicolas Robertson, of California.
Vallerie J. Steenson, of California.
Mark Van Fleet, of Pennsylvania.
Francis B. Ward III, of New York.
James D. Welch, of Texas.

Foreign Service information officers of class 7:

David B. Monk, of Massachusetts.
Warren Morningstar, of Utah.
Stephen A. Seche, of Massachusetts.
Holly Stewart, of the District of Columbia.
Charles H. Walsh, Jr., of New York.

IN THE NAVY

The following-named officer having been designated for command and other duties of great importance and responsibility in the grade of vice admiral within the contemplation of title 10, United States Code, section 5231, for appointment while so serving as follows:

To be vice admiral

Rear Adm. Edward P. Travers, U.S. Navy.

In The Navy

The following-named captains of the Navy for temporary promotion to the grade of rear admiral in the staff corps, as indicated, pursuant to title 10, United States Code, sections 5772 and 5791, subject to qualification therefor as provided by law:

MEDICAL CORPS

To be rear admiral

Lewis H. Seaton
William M. McDermott, Jr.

SUPPLY CORPS

Bruno A. Pomponio
Scott W. Ebert
Millard J. Johnson
Niel P. Ferraro

CHAPLAIN CORPS

Neil M. Stevenson

CIVIL ENGINEER CORPS

Howard H. Haynes
John P. Jones, Jr.

DENTAL CORPS

Thomas W. McKean

CONFIRMATIONS

Executive nominations confirmed by the Senate February 19, 1980:

Department of Housing and Urban Development

Horace Dicken Cherry, of Maryland, to be an Assistant Secretary of Housing and Urban Development.

Federal Home Loan Board

John H. Dalton, of Virginia, to be a Member of the Federal Home Loan Bank Board for the remainder of the term expiring June 30, 1982.

The above nominations were approved subject to the nominees' commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.

Public Health Service

Public Health Service nominations beginning Kirk K. Barnes, to be senior surgeon, and ending Marvin W. H. Young, to be assistant health services officer, which nominations were received by the Senate and appeared in the Congressional Record on January 22, 1980.

Public Health Service nominations beginning Robert S. Adelstein, to be medical director, and ending Ronald A. Reddick, to be senior assistant health services officer which nominations were received by the Senate and appeared in the Congressional Record on January 22, 1980.

EXTENSIONS OF REMARKS

SALUTE TO SHELBY MOFFATT

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1980

● Mr. MATSUI. Mr. Speaker, I would like to recognize at this time, an outstanding young man from the Third District of California, Shelby Richard Moffatt. Shelby recently visited Washington, D.C., to participate in the national finals of the Boy Scouts of America/Reader's Digest National Public Speaking contest. The six finalists from all over the country spoke before members of the Toastmasters International and guests. Shelby placed third with his speech on Boy Scouts, and was awarded an $800 scholarship.

Shelby, a 15-year-old sophomore at Jesuit High School in Sacramento, and the son of Wetumka and Valerie Moffatt, won first place in the regional contest at the University of Santa Clara in November before advancing to the national finals in Washington, D.C. Prior to Shelby's success at the regional contest, he won competitions at the council and area levels. Over 30,000 boys participated in this contest.

Shelby is very active in the Forensics Union at Jesuit, where he participates in debating, public speaking, and dramatic presentations. He was the freshman class winner of the annual Freshman Elocution Contest for the 1978–79 school year. He is also very active in football, track, basketball, and boxing at Jesuit.

Along with his scholastic accomplishments, Mr. Moffatt has many other interests. He is a member of Century Christian Methodist Episcopal Church in Sacramento, and he is an Eagle Scout with 32 merit badges. His interest in scouting enabled him to attend the World Boy Scout Jamboree in Stockholm, Sweden, and to visit France, Switzerland, Germany, Lichtenstein, Austria, Iceland, and Canada.

Mr. Speaker, it gives me great pleasure to recognize the accomplishments of this fine young man. Shelby has set an excellent example for all American youth to follow, and I am certain that these experiences will open many exciting doors for him.●

OIL PRICE DECONTROL

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1980

● Mr. EDGAR. Mr. Speaker, I would like to include in the RECORD an article written by Neal Peirce which examines a little-discussed effect of the decontrol of domestic crude oil prices. The article is self-explanatory and I strongly urge my colleagues to read it:

EIGHT STATES TO GAIN HUGE WINDFALL FROM DECONTROL OF OIL PRICES

WASHINGTON.—A gargantuan redistribution of wealth among the nation's states—unheralded and virtually undiscussed until the last few weeks—has emerged as an inevitable result of the Carter administration's policy of phased decontrol of oil prices.

The winners will be a handful of oil-producing states which stand, according to U.S. Treasury estimates, to garner a windfall of $128 billion over the coming decade. Ninety percent of the money will go to eight states. Alaska will get $37.3 billion, Texas $33.2 billion, California $21.8 billion, Louisiana $13.8 billion. Oklahoma's gain will be $3.1 billion; $5.9 billion will be shared by Wyoming, New Mexico and Kansas.

The money will flow into the coffers of the oil-producing states from increased royalties on oil produced on state-owned lands, plus the overall gains in oil severance, corporate, income and property taxes resulting from dramatically increased oil prices.

The losers will be all other states, whose citizens and governments will be forced, as they purchase oil, to transfer immense amounts of cash to the oil-producing regions. The amounts of money involved are so great that the nation's existing federal-state and state-to-state fiscal relationships may be skewed beyond recognition. The $128 billion, for instance, amounts to doubling of all federal revenue-sharing and then delivering it to just eight of the 50 states. The new money will represent, on an annual basis, 308 percent of Alaska's 1978 expenditures, 91 percent of Texas' 34 percent of Louisiana's 16 percent of California's and 41 percent of Oklahoma's.

The "winner" states will be able to reduce or in some cases virtually eliminate whole classes of taxes, to offer immense tax inducements to footloose corporations, and to invest in huge new public facilities without new taxes or borrowing. Lower taxes could be a strong magnet for population migration, with all the economic activity that comes in the wake of major population shifts.

"What we're talking about is a massive shift in the competitive relationship between states," says Tom Cochran of the Northeast-Midwest Institute, a congressional research affilate. Oil decontrol may lead to the emergence of "a small group of extremely wealthy, extremely powerful states—sort of a United American Emirates," Cochran told Richard Corrigan of National Journal.

The oil states will not only receive immense new oil-related revenues, but could become eligible for a greater share of the $30 billion of federal aid—including general revenue-sharing—which is distributed annually under formulas which reward states that have greater relative "tax effort." Current federal law includes not just personal and business taxes but also oil severance taxes as "tax effort."

The non-oil states, by contrast, will receive proportionately less federal aid, will lose billions through oil costs, and will see their corporate income tax yields drop as firms are obliged to pay more and more for oil, and thus have less net profits.

It would be unfair to accuse the oil states of some kind of "plot" to enrich themselves at the expense of the rest of the nation. Indeed, during the entire time the Carter administration was formulating its oil-price decontrol program, and through most of the congressional committee debate on the windfall profits tax, no one spotted or seriously considered the immense interstate fiscal implications. The new policy was pretty well frozen into place before Treasury Department and Congressional Budget Office analysts began to estimate the relative gains and losses of the states.

As the Senate debated the windfall profits tax, Sen. John Danforth (R-Mo.) proposed that the states be obliged to pay the tax on the additional oil royalty moneys they would receive. Danforth's position would have brought about $12.4 billion into the U.S. Treasury that the states would otherwise have kept.

The oil states' new revenues, Danforth claimed, will allow them to "conduct what amounts to economic warfare on the rest of the country." They will begin, said Danforth, to do "exactly what the OPEC countries are doing—build up their economic base at the expense of the rest of the country." If states with Chrysler factories think they are having problems now, said Danforth, "just wait until one plant after another is picked off" by the oil-rich states.

Oil state senators reacted sharply. States aren't corporations and shouldn't be taxed accordingly, said Senate Finance Committee Chairman Russell Long of Louisiana. "My state is not Exxon," said California's Alan Cranston. (California, indeed, may invest some of its profits in solar and other alternative energy programs that would reduce oil demand and benefit the whole country.) Although the Carter administration backed Danforth's amendment, it was rejected, 65–28, after Long threatened to delay the entire windfall profits bill.

So immense are the fiscal stakes for states, however, that the issue is sure to balloon into one of the major controversies of the '80s—much greater in the dollar amounts involved, and possible intensity of debate, than recent years' altercations over relative federal aid for "Sunbelt" and "Frostbelt" states.

Could the 42 non-oil states "gang-up" on the eight "winners"? Perhaps. But the "winners" have some strong arguments. There is strong justification for state severance taxes on oil or other minerals: the state is, after all, losing a non-renewable resource. Huey Long won justifiable fame as a populist for slapping severance taxes on Louisiana oil and gas, rather than allowing all the profits to go to big oil firms.

Many non-oil states have big coal reserves and may not want to restrict their right to increase severance taxes on coal. Moreover, it's not clear, constitutionally, whether the federal government can restrict state-imposed severance taxes.

But non-oil states may be hurt so badly by the new redistribution of wealth that they'll fight tooth and nail for changes in federal law. Indeed, the economic dislocations may be so grave that there will be a compelling case for a national compromise that would curtail some of the immense windfall a few states now stand to receive.●

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

NATIONAL HEALTH INSURANCE IS A TRAP

HON. DANIEL B. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1980

● Mr. DANIEL B. CRANE. Mr. Speaker, all the talk about national health insurance reminds me of a cartoon I saw not long ago, showing Uncle Sam wearing a physician's head reflector and a white smock. The caption read:

> He failed with the post office, now he wants to be a doctor.

A new study, prepared by the Association of American Physicians and Surgeons, the result of exhaustive research by Executive Director Frank K. Woolley, shows that the Federal Government has a notoriously poor track record when it comes to interference with the private sector. This is particularly acute regarding the health field.

It seems to me that, as rational men and women, we have an obligation to the citizens we represent to take a long, hard look at all Government expenditures. In my few months in Congress, I've developed a handy yardstick which I apply to proposed legislation: Is it Constitutional? Does it restrict or expand individual freedom? Will it help balance the Federal budget? Is it inflationary? Is it needed or just a pork barrel?

One of the proposals to which we must give this kind of scrutiny is national health insurance. There are some disturbing facts about the concept of taxpayer financed health insurance.

Many of these facts have not been brought to light.

It's time people recognize that Government can't give you anything unless it takes it away from you in the first place.

Let us not forget that nearly 90 percent of Americans enjoy the protection of private health insurance.

According to the Commerce Department and the Consumer Price Index, the cost of living has more than doubled in the last 12 years. This means that the 1979 dollar is worth only 48 cents compared to the 1967 dollar.

As the dollar's purchasing power was plummenting, the cost of medical care rose a stagggering 230 percent. This is the direct result of inflation and the cost of Government regulation. During this time, Government spending increased by an even more staggering 300 percent.

According to the U.S. Survey of Current Business, almost $790 billion of expenditures can be linked to Government. This includes spending by Federal, State, and local governments and the cost to private business for complying with Federal regulations.

If Government increases threefold again by 1990—a not unreasonable projection—its cost to the taxpayers will be $2.3 trillion. In other words, Government will be spending more than all our citizens now earn. This means a British-style 98 percent tax rate and unimaginable inflation.

Senator Kennedy estimates that his health care plan would cost taxpayers $130 billion in the first year alone. But that is only an estimate. Let us look at the history of the medicare and medicaid programs and keep in mind the old saw:

> Fool me once, shame on you. Fool me twice, shame on me.

In 1968, HEW estimated that medicare would cost $3.7 billion per year and medicaid $1 billion per year. In its first year alone, medicare actually cost $6 billion—over 1½ times its projected cost—and medicaid cost $3.6 billion—over 3½ times its projected cost.

Now, 10 years later, we are saddled with a monstrous bureaucracy, inundated with fraud and corruption. The Social Security Bulletin reports 1978 medicaid costs to be 22 times the original estimates and medicare cost more than 8 times the 1968 figures.

Over a 10-year period, 1965-75, health care spending increased $80 billion for the combined private and public sectors. Many of these additional costs in the private sector have been forced upon us because of governmental rules and regulations. Almost half of the cost increase, $37.5 billion, was due to inflation. Inefficiencies in the administration of medicare and medicaid by Government agencies accounted for another $18 million.

All told, Government accounted for 75 percent of the $80 billion health care increase, according to the American Enterprise Institute. The remainder came from population growth, increased income and new technology.

Economic statistics aside, can we ignore the administrative and social costs of this program? What about the increased paperwork and bureaucratic redtape? Should a superior doctor be paid the same fee for a delicate operation as a beginning practitioner? Would patients be able to choose a doctor and have their records kept confidential?

Most importantly, can we afford the moral upheaval that would surely accompany the runaway inflation, confiscatory taxation and pervasive bureaucracy of national political medicine?

It becomes increasingly clear that national taxpayer financed health care is not the answer. The Association of American Physicians and Surgeons has assembled an impressive case against taxpayer financed national health schemes, and I commend it to the attention of my colleagues. The study may be ordered through Mr. Frank K. Woolley, Executive Director, AAPS, 8991 Cotswold Drive, Burke, Va. 22105.

I sincerely hope that my colleagues are not fooled by the political medicine lobby's rhetoric and estimates. Medicare and medicaid fooled us, shame on them; if the taxpayer financed national health scheme is adopted, shame on us.●

A TRIBUTE TO MICKEY SENKO

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1980

● Mr. RHODES. Mr. Speaker, on March 1, one of the Hill's authentic institutions will no longer be with us when photographer Mickey Senko retires.

Mickey has been on hand for 20 years, in freezing cold and boiling sun, for shots in the office or mass delegations on the Capitol steps. During his two decades of service to Republican Members of the House, he went through a mountain of film and millions of sheets of print paper. Throughout it all, he displayed equanimity, and was affable and courteous, even in the face of some inevitably trying situations.

I have been in Congress during the entire time Mickey has been at our beck and call. I can recall when he and Bob Brockhurst—the other half of this now departed institution, who retired a year or so ago—had a small cluttered darkroom on the ground floor of the old Congressional Hotel, just off the newsstand. They performed minor miracles in forcing their limited equipment to its utmost capacity to turn out a torrent of prints.

Mickey probably knew as many Congressmen personally as any other staffer on the Hill. He somehow found time, between running here and there for congressional posings, to snap other events for many groups on the Hill, and his scenic pictures of the Capitol appeared regularly in Roll Call.

I know that I speak for all Republican Members, and many Democrats who have benefited from Mickey's dedicated service, when I say that we really will miss him in the halls of Congress, and we wish him a long, happy, fulfilling, and certainly well-earned retirement. Mickey, we were glad to have you aboard for the past 20 years.●

ENERGY BUDGET ANALYSIS

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1980

● Mr. EDGAR. Mr. Speaker, the following is an analysis of the President's 1981 budget for energy. The analysis was prepared by the Northeast-Midwest Congressional Coalition:

BUDGET BRIEF: ENERGY CONSERVATION AND PRODUCTION

HIGHLIGHTS

The president's fiscal 1981 budget for Energy Department programs, exclusive of low-income energy assistance, totals $5.922 billion in budget authority, an increase of $150 million (or an 0.8 percent increase when adjusted for inflation). Major regional issues in the energy budget included coal synfuels production, the geographic distribution of federally subsidized investments for synfuels, and the use of windfall profits tax monies for biomass energy production.

This analysis only scratches the surface of energy budget issues with major implications for the Northeast-Midwest region. For this reason, the Institute intends to publish a more comprehensive regional energy budget analysis within a few days.

BUDGET SUMMARY

[Dollars in millions]

Energy programs	1980	1981	Percent change, 1980–81	
			Actual	Adjusted for inflation
Conservation:				
Budget authority	$815	$1,067	30.9	20.6
Outlays	603	856	42.0	30.7
Research, development, and applications:				
Fossil energy:				
Budget authority	897	1,165	29.9	19.6
Outlays	931	939	0.9	−7.1
Solar and other renewable resources:				
Budget authority	771	868	12.6	3.7
Outlays	778	836	7.5	−1.1
Magnetic fusion:				
Budget authority	356	404	13.5	4.5
Outlays	375	464	23.7	13.9
Nuclear fission:				
Budget authority	1,186	925	−22.0	−28.2
Outlays	1,266	1,048	−17.2	−23.8
Other research, development, and applications:				
Energy systems and storage:				
Budget authority	104	112	7.7	−0.8
Environment:				
Budget authority	235	261	11.1	2.3
Supporting research:				
Budget authority	252	297	17.9	8.5
General purpose facilities:				
Budget authority		60		
General reduction:				
Budget authority	−71			
Research, development, and applications (subtotal):				
Budget authority	3,730	4,092	9.7	1.0
Regulation and information:				
Budget authority	379	355	−6.3	−13.7
Direct production:				
Budget authority	488	408	−16.4	−23.0
Total energy programs:				
Budget authority	5,412	5,922	9.4	0.8

I. Administration's energy goals

Background

In his fiscal 1981 budget, the president has proposed programs designed to—

Reduce projected 1990 U.S. Oil imports from more than 13 million barrels per day to 4-5 million barrels per day (MMB/D) through conservation and increased domestic production of oil, gas, coal, and synthetic fuels;

Shift a significant part of the nation's energy production to renewable resources as oil and natural gas production decline; and

Protect the nation against the social and economic dislocations that could arise from sudden disruptions in supply.

With revenues generated from the windfall profits tax (legislation now in conference committee would establish a tax expected to generate $227 billion in revenues by 1990), the president seeks to finance three basic programs—

Assistance to low-income households to help offset higher energy prices;

Additional federal assistance for mass transit and automobile fuel efficiency; and

Investment in synthetic fuels, conservation, and other energy measures to reduce imports of oil.

ADMINISTRATION'S ENERGY GOALS

Year	Energy savings goal (Barrels per day)	Program	Spending goals	
			Years	Billions
1990	280,000	Conservation	1980–1990	$5.8
1990	250,000	Mass transit and auto efficiency.	1980–1990	16.5
1990	750,000	Powerplant conversion	1980–1990	12.0
1990	1,700,000	Synthetic fuel production	1980–1984	20.0
			1984–	68.0
2000	8,000,000	Solar and other renewables.	1980–1990	(2)
		Biomass	1980–1990	3.0
2000	(1)	Nuclear	1980–1990	(2)

[1] Nuclear energy is assumed to account for one-fifth of the Nation's electricity by the year 2000, up 7 percent from the 1978 level.

[2] Unknown.

II. Conservation

Background

The president has proposed $1.067 billion in budget authority for energy conservation programs in fiscal 1981. This represents an actual increase in budget authority of $252 million over fiscal 1980 (a 20.6 percent increase when adjusted for inflation). The president has proposed $856 million in outlays for energy conservation programs in 1981. This represents an actual increase in outlays of $253 million over fiscal 1980, or a 30.7 percent increase when adjusted for inflation.

In addition, the administration has proposed spending $16.5 billion of the proceeds from the windfall profits tax for additional federal assistance for improvements in public transportation and automobile fuel efficiency. Congress has not yet agreed to this proposal: House and Senate Conferees are still trying to reconcile differences in the House and Senate versions of the windfall profits tax bill (H.R. 3919), and neither bill explicitly earmarks funds for increasing transportation energy efficiency. The Senate bill, however, contains an authorization for $1 billion in improvements. (A provision authorizing $15 billion was killed on the Senate floor.)

Regional Implications

Conservation is the Northeast-Midwest region's best alternative "source of energy," given high residential and commercial consumption of energy coupled with steep energy prices. In addition, an effective energy conservation effort—

Is relatively labor-intensive and may create substantial employment opportunities for semiskilled workers;

Probably is the cheapest, safest, and most productive energy alternative readily available in large amounts, and one proven technically and environmentally sound;

Could save the federal government billions of dollars in low-income energy assistance; and

Has the potential of saving of 30 to 40 percent of total U.S. energy consumption (the current level of oil imports), according to one source.

Because of the concentration of population in large urban centers in the Northeast and Midwest, the potential for reduction in gasoline usage through improvements in public transportation is great. Consequently, the elimination of the Transportation Trust Fund from the windfall profits tax bill is a serious loss to the region.

In addition, while the president proposes significant increases in certain conservation programs, the low-income weatherization program is allocated only a modest actual increase, resulting in a real dollar decline.

III. Domestic energy production

Background—Fossil Energy

The president has proposed $1.165 billion in budget authority for fossil energy programs in 1981. This represents an actual increase in outlays of $268 million over fiscal 1980 (or a 19.6 percent increase when adjusted for inflation). In addition, the administration has proposed $939 million in outlays for fossil energy programs in 1981, representing an actual increase in outlays of $8 million over fiscal 1980, but a 7.5 percent decrease when adjusted for inflation.

The president has proposed an additional $17.8 billion in budget authority for the Energy Security Corporation (renamed the Synthetic Fuels Corporation in S. 932). The Senate bill would give the Energy Security Corporation $20 billion in budget authority for five years, including $19 billion for oil shale development, coal gasification, and liquefaction. The Senate legislation would place a ceiling of $1 billion on large-scale biomass development. If the Energy Security Corporation submits an acceptable strategy for achieving its production goal, Phase II could go into effect after the five-year period. Congress then could authorize up to $68 billion more.

Regional Implications.

Virtually all of the $19 billion earmarked for investment in oil shale development, coal gasification, and liquefaction is expected to flow to Western and Southern States. A significant amount of the $1 billion allocated to large-scale biomass development probably would benefit the agricultural areas of the Northwest-Midwest region.

Although it is impossible under current definitions of synfuels to determine with precision where the additional $68 billion administered by the Corporation would be invested, much of it is likely to be made in Western and Southern States. Oil shale resources most likely to be commercialized are all in the West. There are substantial coal resources identified in the Northwest-Midwest region which could sustain synthetic fuel plants, but of the potential sites identified by the Energy Department in a draft report dated January 1980, only one-third were in the region. Roughly 3 percent were located in Pennsylvania and 30 percent in Illinois. Acid mine drainage, coal resources located under some of the nation's best farmland, and the commitment of much of the coal to metallurgical and power industries act as constraints on synthetic fuel production from coal in the region.

It would be in the region's interest to broaden the list of technologies in which the Corporation could invest to include direct burning of coal in technologically innovative facilities, co-generation, solid-waste utilization, and so forth. These technologies may be more cost-effective sources of energy in the region. In addition, too narrow a focus on synfuels as presently defined risks the kinds of legal and other delays associated with such large, centralized capital facilities as nuclear generators.

Background—Solar and Other Renewables

The president has proposed fiscal 1981 budget authority of $868 million for solar and other renewables. This represents an increase of $97 million in budget authority over 1980, or a 3.7 percent increase when adjusted for inflation. The administration also has proposed fiscal 1981 outlays of $836 million for solar and other renewable resources. This represents an increase of $58 million in outlays over fiscal 1980, or a 1.1 percent decrease when adjusted for inflation.

Regional Impact

Solar technologies, particularly small-scale, have great potential for increasing energy production in the Northwest and Midwest. In addition, these technologies—

Stimulate small business, innovation, and employment; and

Are largely proven and existing technologies that tend to be environmentally sound and commercially feasible in the near term.

A variety of solar alternatives would directly reduce the region's dependence on outside sources of energy in both the near and long term. These include:

Biomass;

Passive solar technology for new construction;

Small-scale, on-site solar heating and cooling;

Small-scale hydropower; and

Small-scale wind systems.●

THE HOFF HOUSE

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1980

● Mr. UDALL. Mr. Speaker, in the past few years, there has been a renewed interest and determination on the part of many residents of Tucson to help preserve some of that city's heritage.

I am proud of that interest in a couple of ways. First, as chairman of the House Interior Committee, I am in a position to be of help to local governments and private citizens by seeking that we have legislation on the books that can encourage and assist historic preservation. Second, I am proud of this local interest because Tucson, along with the rest of Arizona, has enjoyed some of the most phenomenal growth in all of the country in just the past decade. The new demands of a modern society makes it all the more important that we help save these reminders of an earlier Tucson.

One of the people who has helped is a friend and a prominent Tucson lawyer, Richard D. Grand. Dick and his partners, Tom McHugh and James Heckbert, recently moved their law practice to one of Tucson's historic homes, the Gustav Hoff house. Their concern deserves commendation.

The home was built in 1880, during the administration of President Rutherford B. Hayes. In that same year, Tom Edison was just 31 years old, Teddy Roosevelt was a strapping young man of 22, and Wyatt Earp, at the age of 32, still was carving out a name for himself as a legendary western lawman. Gustav Hoff was a native of Prussia who did well in his adopted country. He was a successful businessman and politician, serving in the territorial legislature and as mayor of Tucson. He was prosperous enough to furnish some of his home with items purchased at the 1876 Philadelphia Exposition and shipped around Cape Horn to California and then overland to Tucson. Those items remain in the home today.

These pieces of history are important. I am really pleased that Dick and his law partners have seen fit to care for this link with our past. They have my thanks.●

LITHUANIAN INDEPENDENCE DAY

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mr. WINN. Mr. Speaker, the commemoration of this year's Lithuanian Independence Day assures a special significance, particularly in light of the Soviet Union's ruthless invasion of Afghanistan. By invading Afghanistan, the Soviets have again provided us with a chilling message—a message of expansionism which had its very origins in the Baltic area.

Since the Soviets swiftly and brutally annexed Lithuania in 1940, the issues of Russification and human rights have been at the heart of the captive cause in that Baltic nation. Moreover, throughout modern history we have been grimly reminded of the Soviet tyranny in Lithuania. We have witnessed the terror of Soviet extermination practices and the deportation of thousands of innocent Lithuanians to Siberia. We have followed the arrest and trials of Lithuanian dissidents whose only crimes have been to better guarantee the dignity and the rights of individuals.

Despite the many years of suffering, the people of Lithuania have persevered in their struggle for freedom and self-determination. Entrapped by the Soviets, the Lithuanians have continued to resist political repression, religious persecution and cultural genocide.

Although conditions in that Baltic country remain disturbing—they are not without hope. Perhaps we have finally come to realize that with the invasion of Afghanistan, continuing Soviet attempts to gradually expand—in order that the correlation of forces is fully in its favor—is no longer just an idea. Knowing full well that there is no struggle without sacrifice, it is my hope that the United States and other countries will continue to talk when we can and act when we must—for the sake of freedom in Lithuania and throughout the world.●

CAVANAUGH TRIBUTE

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1980

● Mr. PHILLIP BURTON. Mr. Speaker, I join my colleagues today in expressing my sadness and profound sense of loss over the retirement of John Cavanaugh.

John is one of the fine and brilliant young Members of this body. He served a short time, but with great distinction. He is widely respected by other Members, including both those who have served many terms and the newer arrivals to this body.

He is a dedicated, hardworking Congressman of the utmost integrity. I feel privileged to have worked with John in the past 3 years and will sorely miss him in the future.

John Cavanaugh had the courage to take positions on issues which he believed in but which might cause him trouble with his colleagues or back home. Most recently, he spoke out against an ill-advised water project in his own congressional district.

In the time I have known John, we have disagreed on some issues, but I have never failed to be impressed by the strength of his convictions and his willingness to act on these beliefs despite the potential political repercussions.

John is leaving to spend time with his young family—including the children who have become well-known on the floor of the House. I applaud John for the wisdom of this decision, but I fervently hope that at some later time John will be able to resume his career in Congress and continue the fine work he has just begun here. I look forward with great anticipation to that day.●

LITHUANIAN INDEPENDENCE DAY

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mr. COUGHLIN. Mr. Speaker, I am very pleased to join my colleagues in honoring the 62d anniversary of Lithuania's Declaration of Independence. Although the sovereignty of this nation was a victim of Soviet oppression, the proud spirit of its people has never succumbed and the spirit of this declaration has survived and continues to flourish.

The illegal invasion and subsequent occupation of Lithuania was an unparalleled transgression of the universally acclaimed right to self-determination as expressed in the charter of the United Nations and acceded to by, among others, the Soviet Union itself. Lithuania paid dearly in its fight to retain its independence. Thirty thousand Lithuanian freedom fighters died in resistance to Soviet annexation and an equal number perished in prison or in exile. Documented cases of Soviet persecution continue to reach the West. Yet, despite the obvious personal risk, dissidents continue to fight for the freedom they have been denied. Theirs is a just cause and must not be abandoned.

At a time when Soviet aggression is again threatening the independence of sovereign nations—this time Afghanistan—our Nation not only must reaffirm but also strengthen its commitment to the principles of freedom, self-determination, and independence. We must never let our dedication to human rights diminish. As Lithuania has been an inspiring example of a nation and a people which have maintained its national pride and its will to independence, so the United States must also continue to be a symbol of hope and inspiration to those who have been denied these rights.

Because of my deep concern for this violation of human rights I introduced House Concurrent Resolution 50, protesting the illegal seizure of the Baltic States and reaffirming the U.S. pledge to uphold the ideals of the United Nations Charter promoting "universal respect for, and observance of, human rights and fundamental freedoms for all." I hope all Americans will unite in supporting this commitment.●

THE SOVIET INVASION OF AFGHANISTAN

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1980

● Mr. BINGHAM. Mr. Speaker, some have accused the administration of reacting hysterically to the Soviet invasion of Afghanistan.

I do not feel the charge is justified.

As an example of what I consider a well reasoned, nonhysterical analysis of the situation in the Middle East, I include herewith an excerpt from testimony presented to the Foreign Affairs Committee today by Defense Secretary Harold Brown:

The Middle East and Southwest Asia

I would like to turn specifically to the unsettled region from Western North Africa, across the Middle East and the Persian Gulf to Southwest Asia. One can argue Soviet motives in this area—very likely those motives are mixed. What is certain is that as the Soviets have sharply increased their military capabilities over the years, they have developed their power projection forces substantially. They have also displayed an increasing willingness to sponsor the use of—or themselves to use—military force outside of the Warsaw Pact area—in Angola, Ethiopia, South Yemen, and most recently and most outrageously in Afghanistan.

Whatever Soviet motives were, the effects of the invasion of Afghanistan are clear. The Soviets have increased substantially their ability to influence and intimidate their neighbors (especially if they and others were to conclude that the U.S. response to their moves is ineffective); they have improved their geographical position to apply pressure—military, political, or insurgent—to Iran and Pakistan, and the littoral states of the Persian Gulf and the Arabian Sea; they have sharply increased anxieties in Western Europe and Japan about the vulnerability of oil exports to interdiction or to Soviet control at the source.

We have learned from past experience that there are two certain ways to encourage Soviet adventurism. One is for the United States to disclaim any national interest in matters that occur beyond North America and Western Europe (or in the extreme case, beyond our own borders); such a disclaimer invites the Soviets to fill this vacuum. The second is for the United States to lack, or appear to lack, either the will or the ability to defend our vital interests.

What is at stake in the Persian Gulf is the fundamental economic and political well-being of the United States and its allies. If the industrialized nations of the world were deprived of access to the energy resources of the Persian Gulf, the result, both economic and political, would very probably be a collapse of our allies and of the world economy.

By the same token, if the Soviets were to gain control of the Persian Gulf, they could manipulate the flow of oil in such a way that Japan and the Western European nations could be subject to the type of political coercion that could make them more like Soviet satellites than U.S. allies.

Access to Persian Gulf oil is therefore[*] a vital American interest. We do not assert rights of ownership, but we do insist on preserving the option of buying it. The Soviet invasion of Afghanistan, by adding to Soviet military capabilities and political reach, is a clear threat to this vital American interest, both directly and through what it could do to the well-being and political independence of our principal allies.

The military capabilities of the Soviets in this region, and their willingness to exercise them, threaten the achievement of our own objectives. Simply stated, our objectives are:

Continued access to oil supplies.

Prevention of Soviet political and military domination of the region.

Promotion of stability and independence in the area's member states, and

Advancement of the Middle East peace process, while ensuring (and to help ensure) the continued security of the state of Israel.●

GREEN CITES ANDERSON URBAN POLICY

HON. S. WILLIAM GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1980

● Mr. GREEN. Mr. Speaker, on February 7, 1980, our distinguished colleague, Representative John B. Anderson, Republican, of Illinois, delivered a major policy address in my congressional district. In his speech, which was entitled "An Investment in the Urban Future," Mr. Anderson incisively described some of the basic problems plaguing America's cities and offered a most interesting set of approaches to solve those problems.

I have been a frequent critic of the Carter administration's abandonment of any coherent urban policy and I am delighted that there is one candidate in the current race for the Presidency who has thought long and hard about the needs of urban America and who has brought intelligence, imagination, and practicality to the discussion of this aspect of the campaign.

Because John Anderson's speech on urban affairs is so important, I ask that it be inserted into the Record so that all of our colleagues may read and discuss it. Today, I will insert the introduction to the speech, which outlines some of the current problems and some of our past failures; tomorrow, I will insert the portion which describes four of Congressman Anderson's program proposals; and the next day, I will insert his final approach and the conclusion of this significant position paper. I urge all of my colleagues to give John Anderson's address their most careful attention:

An Investment in the Urban Future

POSITION PAPER: TOWARDS A NEW APPROACH TO URBAN PROBLEMS

The 1980's will mark an important turning point for American cities. Faced with the cumulative effect of a decade of rising costs and the devastating effects of an energy crisis, urban and local governments at all levels face the grim realities of attempting to solve persistent problems with declining revenues. Such prospects can serve as a source of alarm, or they can be used as an opportunity to reassess our entire approach to urban problems, looking for new solutions which are not only more cost-effective, but also more satisfying to those whose lives are most directly affected.

After trying for several generations to solve urban problems by making cities more dependent on federal largess, we need new policies which can liberate the vital energies of urban dwellers and point them on the way to greater self-reliance. We need to stop thinking in terms of federal expenditures as short term solutions to urban problems and begin thinking in terms of long term investments in the future ability of cities to solve their own problems.

We need a policy which is fiscally sound and socially responsible. I propose a two-tiered decentralized approach directing resources back to local governments and back to neighborhoods. Through a combination of innovative revenue and tax approaches, the specter of imminent social and financial disaster can be lifted, and cities can be restored to their rightful position as vital centers of community and culture.

Despite the unprecedented expenditures of hundreds of billions of dollars by the federal government on urban programs during the last two decades, residents of our metropolitan areas have suffered an actual decline in many of the most crucial aspects of life. Test scores in our schools have plummeted and many moderate income families, black and white, have withdrawn their children from the public schools. Crime has continued to rise despite lavish expenditures by a Federal Law Enforcement Assistance Administration. The epidemic of crime in our cities has in recent years jumped to our suburbs creating a climate of fear and severely restricting the mobility of many, particularly women and the elderly.

At the same time, an explosion in the costs of housing and a doubling of interest rates over the last decade have made the dream of home ownership increasingly inaccessible to many middle income families. This development threatens to create a new kind of class cleavage in America, not on income lines, but rather between those who were fortunate enough to purchase their homes in a time of moderate interest rates and housing prices and those who did not.

Since the creation in 1965 of the Department of Housing and Urban Development and the subsequent launching of a host of housing programs there has occurred an actual worsening of the housing conditions of the urban poor. Over a decade ago, the Kerner Commission report blamed civil disorders to a large degree on overcrowded, substandard ghetto housing and widespread segregation of the races. Today, the number of households suffering some housing deprivation totals more than 16 million, two and a half times the number cited in the Kerner Commission Report.

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[*] Word "therefore" was added orally.

Chronic high inflation rates have had a particularly corrosive effect on the poor. The inflationary climate has dampened savings and investment and choked off many job opportunities. Despite the existence of multibillion dollar Federal job programs, minority youth unemployment has rocketed to Depression-era levels.

Federally mandated programs may promote vital national goals, but in the absence of adequate federal funding, they place severe pressures on already limited local budgets.

Meanwhile the physical plants of many of our largest cities have continued to deteriorate at an alarming rate. Roads, sewer systems and other vital parts of many of our older cities, such as New York, need to be replaced, but such expenditures are prohibitively expensive today and the cities are already hard pressed to meet their current obligations. According to City Controller Harrison Goldin, New York should spend close to $40 billion over the next 10 years to make up for neglected maintenance and repairs on city-owned streets, but the city can only afford to spend $1.4 billion a year on this. The deterioration of the physical plants of our cities has resulted from decades of short sighted policies by city officials who have voted for politically popular and showy new projects rather than investing in the more mundane but vital aspects of municipal upkeep. This tendency has been reinforced by a continuing bias in Federal grant-in-aid programs in favor of construction to the virtual exclusion of repair and maintenance work.

Finally, in many cities the vitally important concept of the neighborhood has all but disappeared, leaving in its place large concentrations of people who lack any sense of belonging to their neighborhood and hence are reluctant to contribute to the growth and development of their communities.

These conditions have persisted for many years. Attempts by the federal government to alleviate them have produced results that are mixed at best. Meanwhile the energy crisis has imposed severe new burdens upon city finances and through higher fuel costs, has imposed an even worse burden upon many city residents.

Furthermore, pressures upon city services shall increase as people return to the cities in an attempt to avoid escalating transportation costs. Cities are often not prepared to receive this influx of new residents. While this movement back to the cities may over the longer term enhance the cities' revenue base, over the short term it may generate more demand for services.

Some of the worst urban problems have been alleviated over the past quarter century by unprecedented increases in public expenditures. Between 1951 and 1974 state and local spending after accounting for price increases rose by 6.3 percent annually, or almost twice as fast as the rate of growth of the entire economy. The growth of big-city spending per capita during the late 1960's and early 1970's was equivalent to the rate of total growth registered by IBM, one of the leading private market growth companies. Such rates of public expenditure are no longer possible today. We cannot hope, in light of soaring inflation and energy costs to redress the persistent problems of cities by a new Marshall Plan. Nor can cities break the vicious cycle of dependency themselves. If they raise taxes to fund basic services in a period of inflation, they drive out industry and tax-paying citizens. If they lower services to regain financial independence, they achieve the same result. Since many people and businesses can leave the cities for the more affluent suburbs, they are not forced by circumstance to solve the problems of the cities. Those who cannot leave and are forced by circumstance to stay in the cities for the most part lack the resources to bring about urban revitalization. Although the energy crisis may create a new circumstance to force people back into the cities, it simultaneously brings with it a massive increase in urban expenditure for fuel and inflation-caused wage increases. Under these conditions, benign neglect will create neither independence nor an improvement in urban living.

The federal budget, however, has been stretched to the breaking point. Yet both President Carter and Senator Kennedy continue to project the illusion that our cities can muddle along with increased federal aid.

My fellow Republican candidates have failed, in turn, to address the problems of our cities or to take seriously the challenge of building an urban constituency for the Republican Party.

It is time, then, for all the presidential candidates to discard political rhetoric—whether it is liberal or conservative—and set about fashioning a new direction for urban policy which can avert the disaster course on which we are now headed.

Over the past half century two basic approaches have been applied to urban problems. The first, evolving out of the depression era, has stressed active federal intervention to deal with the problems of the cities. This intervention has been in the form of direct federal expenditures largely for public works, indirect federal funding through grants to states and localities, and subsidies—either to designated groups or to individuals to perform a variety of federally authorized services.

There is no question that a large number of these programs were absolutely necessary to meet pressing immediate needs and that without them the quality of urban life would be worse than it is today. But, as the proliferation of programs reached a peak in the late 1960's, it became increasingly obvious that they were based on the fallacy that the government's power and resources could be expanded without limit to solve urban problems. Furthermore, the very accumulation of authorities, each with their own rulemaking apparatuses, review procedures and funding timetables, threatened to defeat the basic purpose of getting funds to the needy. According to the 1974 National Housing Policy Review, for instance, federal housing programs represented nothing but a "hodgepodge," containing "internal inconsistencies, numerous duplications, cross-purposes, and overlaps as well as outright conflicts and gimmickry."

Finally, federal programs created an alarming condition of dependence by the cities on federal assistance—a dependence that is both very unhealthy in the long run and very difficult to escape in the short run. It is unhealthy because dependence upon outside revenue sources, outside initiatives, and outside "solutions" to local problems discourages communities from confronting their own problems and encourages them to fall further behind in meeting the needs of their citizens. Dependence has simply led to greater dependence and often to an unwillingness to solve problems which can be passed off on someone else.

Dependence is, however, difficult to escape in the short run for two reasons. Federal assistance, put simply, has become an absolute necessity, an economic and financial tenant for most cities—if the federal government should substantially cut its support to cities, they will suffer massive short-run dislocations. Secondly, dependence by cities on the federal government has created a strong political advantage for federal government bodies. The federal bureaucracy which administers the programs, the Senators and Congressmen who take credit for the categorical grants, and the White House, especially in an election year, all derive direct benefits from the existing arrangements. Under these circumstances, it will be difficult indeed to recreate a healthy, yet relatively independent and self-sustaining urban community environment.

The last two Republican administrations have offered a second approach to urban policy. Recognizing the inflexibility of categorical grant programs which spelled out rigid guidelines for each program and an inherent bias in the legislation toward the biggest cities with the most powerful mayors, they introduced block grants and revenue sharing, which offered the combined advantages of consolidating and simplifying the delivery of federal aid to cities on an equitable basis and encouraging greater flexibility for local governments to solve their own problems. Initially authorized in 1972 to return more than $30 billion to state and local governments over a four-year period, the revenue sharing program was renewed in 1976, retaining the same formula for the distribution of funds, but adding tougher requirements to protect civil rights and to insure broad citizen participation in the distribution of funds.

To insure that sufficient funds would be available for the most hard pressed cities, the Ford administration developed procedures to target federal aid to distressed people and places, again according to a preset formula and without strings attached. For critics who feared that such a flexible program would defer money from critical needs like housing, the Ford administration could cite the fact that in the last year of its term HUD committed to subsidize 531,000 units of low and moderate housing, more than in the entire second Johnson administration and more than in any year of the Carter administration. Independent studies showed that while the level of direct funding for social services remained a relatively small proportion of revenue sharing funds, it still remained at comparable or higher levels than it was before revenue sharing.

As announced March 27, 1978, President Carter's policy adopted much of the rhetoric of the previous Republican administration by promising to cut red tape, enlisting the private and voluntary sectors and establishing what he called "a new partnership" with local, state and neighborhood units of government. In reality, Carter offered a new proliferation of programs, each to satisfy some agency of the federal government anxious to have its share of urban funding. Despite claims that his proposals would "improve the effectiveness of federal programs through coordination," simplify planning requirements, reorder resources and save paperwork, the President refused to eliminate or even modify any existing federal program. Instead, as the Washinton Post's David Broder reported, his proposals would "virtually guarantee more bureaucracy, regulations, and frustrations for local officials" and their communities.

Carter's method of securing an urban policy statement as much as its substance reveals the terrible weakness of his presidency. Unable to assert the kind of discipline on his urban task force which could bring out of the mass of their recommendations some order of priority, he accepted the lump sum of their proposals and had the courage if not the conviction to call them a "comprehensive urban policy."

Since 1979, HUD has pressed for a centralized approach through expansion of categorical programs and a tightening of federal regulations on community development block grants. Under the Carter influence, the Urban Development Action Grants program, which I originally supported, has been turned under the influence of political grantsmanship to look all to much like a discredited form of urban renewal, with an emphasis on large-scale clearance and construction projects, such as hotels, convention centers and shopping malls.

President Carter's approach has been to talk about administrative reform and fiscal restraint, while his practice has been to give free reign to categorical programs and increase their budgets, a practice best illustrated by his support for Public Service Employment.

Without having to recount all the stories of how city governments like the one in Cleveland fired huge numbers of employees only to rehire them with CETA funds, it should be sufficient to report the devastating limitations of the program: its inability to impart skills to the structurally unemployed or to find them permanent jobs, and its contribution to urban dependency.

By the best available evidence, only one of every two federally supported jobs represents a new addition to the stock of jobs. The longer these programs stay in place, the larger the "substitution" rate, or the degree to which the people hired are those who would be hired under normal conditions. As that substitution rate rises from 50 percent to 80 percent, the cost of creating each new job rises from $15,000 to $37,500. On top of this, the President and the Congress propose not only to expand the current program but to add yet another special program for youth, all at a time when the Department of Labor and local manpower agencies are stretched to their limit to administer the program.

Such a program might be laudable if it were serving its intended purpose of reducing unemployment. Instead, it appears that the vast majority of CETA employees, up to 90 percent in most instances, do not find employment in the private sector after their term of service. Meanwhile the percentage of CETA employees in urban work force has risen to alarming heights: 32.8 percent in Buffalo, 25.8 percent in Hartford, more than 18 percent in Atlanta and Cleveland, and more than 15 percent in Gary, Youngstown, and Detroit.

The picture is clear, then. CETA funds have been misused and not always used for their initial purpose to provide long-term job opportunities for the structurally unemployed. Rarely are they used in an integrated program with other local economic development programs. Not only does the need for direction need to be addressed but also for an improved audit system for all existing urban services.

I am not one to level broadscale attacks on programs like CETA or public works, which have in many instances proven useful—if terribly costly—on a short-term basis. Many cities have been forced to improve their programs in the absence of other revenue sources. But this is not a useful approach to the long-term solution of urban problems. We need to recognize that urban regeneration is not a top-down process that emanates from the vision of some Federal department in Washington. It is instead the result of actions by countless individuals and groups at the local level—neighborhood associations, merchants, lenders, city officials, church and civic leaders. The role of the federal government is not to mastermind or to dictate the shape of these efforts at urban regeneration but rather to create a climate that empowers individuals, private groups, business and local governments to improve the quality of life in their cities.

The federal government, therefore, should approach the urban situation as an investment opportunity, not just as a spending responsibility. The "return" on this investment should be not only a healthier urban climate in America, but also the realized savings to the federal treasury when dependency is reduced and cities can once again become self-sustaining.

Federal programs, then, must simultaneously serve two functions—a short-run support function and a long-run investment function. The latter is by far the most important. While meeting immediate needs, Federal programs should ultimately be directed at such objectives as increasing the revenue base of cities, at increasing the quality to their service infrastructure, of strengthening their attractiveness to commerce and industry, at increasing their attractiveness to the tax-paying middle class, at increasing their ability to create taxpaying middle class, at increasing their ability to encourage job creation and training in the private sector, especially for young people who are about to enter the job market, and at strengthening community awareness and civic pride.●

A TRIBUTE TO SENATOR MIKE MONRONEY

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mr. McCLORY. Mr. Speaker, in the passing of former Senator Mike Monroney of Oklahoma, the Nation has witnessed the final earthly journey of one of the greatest public figures of out time, and I have lost a long-time personal friend.

My wife Doris and I have been longtime friends of Mike and Mary Ellen Monroney and we have formed a personal attachment to this political and public couple and our friendship has extended to other members of their family.

Congressman and later Senator Mike Monroney was an independent thinker and an effective doer in behalf of those he represented in the Congress of the United States and, indeed, in behalf of all of the people of our Nation. In addition to his sound and thorough grasp of domestic issues and his responsible decisions in the performance of his public duties, Mike Monroney maintained a global perception cf our Nation's role in human history—and articulated that role with clarity and with deep understanding.

Mr. Speaker, in a purely personal vein, I wish today to recall the more recent experiences which my wife Doris and I have had with Mary Ellen Monroney, with their son Mike Monroney, Jr. and his wife Jocelyn. We have been in their company frequently, and have benefited from these enriching experiences during a period when Senator Monroney was indisposed and removed from normal activity.

Mr. Speaker, in paying tribute today to Senator Mike Monroney, let me also, in behalf of my wife Doris, express to Mary Ellen, to Mike Monroney, Jr. and to Jocelyn our affection and deep respect, and to extend our love and sympathy.●

QUICK, TAX THE FIREWOOD

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1980

● Mr. SHUMWAY. Mr. Speaker, last week the Wall Street Journal carried an article entitled "Tax the Windfall Profits on Firewood" which was a masterpiece of satire. It pokes well-deserved fun at our precarious attitudes toward the issue of energy independence, and illustrates lucidly where Government determination to control energy supplies can lead.

Ironically enough, although the article is intended to be a tongue-in-cheek piece, it represents more truth than fiction. Substituting "oil" for "firewood" when reading the article, one would find a depressingly accurate picture of where America stands today. I commend this commentary to my colleagues, and hope they will all reflect upon the truisms it reveals:

TAX THE WINDFALL PROFITS ON FIREWOOD

(By David Hale)

There is an urgent need for the federal government to impose price controls and a windfall profits tax on New England firewood.

Congress has done its best to protect the northeastern states from greedy oil and gas companies, but so far it has ignored the economic injustices being inflicted upon the region by the profit hungry woodlot barons of northern New England.

The price of firewood has practically tripled since 1973. The cord of Vermont wood which once fetched $30 now sells for $80-$90 locally and almost twice as much in Manhattan. The forest lords of New England are making obscene profits at the expense of both fireplace lovers in the big cities and their own village neighbors.

One-half of all homes in Vermont, New Hampshire, and Maine now have wood burning stoves or furnaces, but only a small number of homeowners have their own private woodlots. Most are totally at the mercy of local lumber men who charge whatever the market will bear for firewood. In some cases they also insist upon bargaining only in French.

Despite their courageous attacks on the oil industry, northern New England Congressmen have refused to speak out against the firewood price gouging. The political and financial power of the woodlot barons is so great that they have intimated local politicians into complete silence. In fact, a few Congressmen have become nothing more than mouthpieces for the firewood lobby. But as the price of firewood today testifies, there is a strong argument for federal intervention in the industry as soon as the New Hampshire primary is out of the way.

First, Congress needs to establish a Department of Renewable Resources to regulate the growing, harvesting and marketing of firewood in New England and other regions where it is now commonly used. The present Department of Energy has only about 20,000 employes and is too busy regulating the oil industry to be saddled with responsibility for managing firewood supplies. It will take at least five hundred federal foresters to police the woods of Vermont and New Hampshire, alone, plus a support staff of several thousand lawyers, accountants, and public relations experts to interpret and administer the government's new firewood laws on a nationwide basis.

Secondly, Congress needs to draft a price control code for firewood. It could use several different formulas to determine firewood prices, but federal oil legislation probably provides the best model for how to proceed. The price of firewood should be a function of a tree's age.

Firewood from trees which started growing before 1973 should be priced at the lowest possible level in order to prevent New England woodlot barons from taking advantage of the 12-fold increase in oil prices since that time. Most New Englanders with old trees did not foresee the current scarcity of energy, so they should not be allowed to charge a high price for their wood today. A maximum retail price of $35 per cord plus some modest inflation adjustments would be perfectly reasonable.

Firewood from trees planted after 1973 should be priced according to a sliding scale. The younger the tree, the higher the allowed price for its firewood. There should be no price controls at all on trees planted after 1980 in order to encourage woodlot owners to plant new ones.

Because of transportation problems, the federal government also will have to develop a flexible pricing code for wood from remote locations. The new Department of Renewable Resources should create geographic sub-classifications such as mountain wood, ledge wood, swamp wood or wood stunted by acid rain.

The federal government permits the petroleum industry to charge a high price for Alaskan oil. Congress might officially designate Maine's Indian reservations as new Alaskas for purposes of firewood price control.

Whatever the exact particulars of the new price control code, though, Congress should not spend more than one session writing it. Federal auditors will want to begin marking New England trees with spray paint for price control compliance by this summer.

History shows that price controls usually create shortages, so Congress will want to back up the price controls program with severe penalties for violators. The government should punish first time offenders by making them keep a federal auditor on their payroll, imprison second time offenders, and burn down the trees of third time offenders.

The best way to punish greedy forest owners and people willing to pay firewood prices above officially proscribed levels is by reducing the amount of wood available to everyone. As many forward-thinking Massachusetts politicians have noted in past debates about federal oil policy, the smaller the supply of wood or any other form of energy in the nation, the easier it will be for the government to regulate it.

If this policy causes wood shortages to become a serious political problem in New England—say people freeze to death—the federal government can import wood from Quebec and finance it with a windfall profits tax on firewood from trees planted after 1980.

Like the proposed windfall tax on oil, this levy should not actually be a tax on firewood profits. It should be an excise tax on firewood sales. Such a tax will guarantee the government some revenues even if inflationary cost pressures and federal price controls put most woodlot harvesting operations out of business.

The United States government can't prevent Arabs and French Canadians from taking advantage of the fact that energy is now a scarce commodity, but we certainly don't want any New Englanders who are not on the federal payroll to look for solutions to the problem. Such efforts might lead to private profiteering, arouse strong public resentment, and reduce the ability of our political leaders to control energy supplies.

The energy policies which are good enough for the nation's oil industry are more than generous enough for New England's firewood barons.●

NOLAN TRIBUTE

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 1980

● Mr. CORMAN. Mr. Speaker, with the retirement of RICK NOLAN this year, we shall lose a colleague of impressive stature, First elected in 1974, he soon marked out his interest in the agricultural concerns of his district along with the interests of small business by his fervent activity on those committees. As a colleague of his on the Small Business Committee, I have long noted his serious interest and concern for the interests which affect the small businessman of our Nation.

He has been a credit to the Democratic Party and a legislator of the highest order. We will miss RICK NOLAN and we can only wish him the best of luck in the years to come.●

U.S. PARTICIPATION IN THE MOSCOW OLYMPICS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1980

● Mr. DERWINSKI. Mr. Speaker, a former sports editor, Dennis Wheeler, is now editor of the Star Herald newspapers serving suburban Cook County, Ill. He recently editorialized on U.S. participation in the Moscow Olympic games. I believe his points are very well taken and his reasons are sound. Therefore, I wish to insert this excellent commentary for the Members' attention:

[From the Star/Herald, Feb. 10, 1980]

THE REASONS FOR A BOYCOTT

(By Dennis Wheeler)

Painfully, I hereby board the bandwagon.

The bandwagon of Americans who with great regret and reluctance have come to believe we must boycott the Moscow Olympics.

For me, it is especially hard to climb aboard. I love the Olympics, both as a spectacle and as a magnificent and panoramic sports event.

I love the pomp and the color. The thrills and the agonies. The celebrations and the disappointments.

And mostly, the competitions.

And there is no question that if the United States boycotts, the Olympics will not be the same again.

They will probably fade away and finally disappear.

Future historians will record the glory that was the 20th Century Olympic movement. Photos and film will capture the drama of Jesse Owens winning the 100 meters in Berlin in 1936, to the chagrin of Hitler. The awesomeness of Ali (then Cassius Clay) wiping out opponent after opponent in 1960. Nadia Comenici in 1976. Peggy Fleming, Janet Lynn and Dorothy Hamill. Bob Richards in the decathlon. Mark Spitz in 1972. John Curry. Nellie Kim. Vasily Alexeev.

Americans, Canadians, Britons, Japanese, Russians, Europeans, South Americans, Africans, Australians, Israelis, Arabs.

Men and women, both young and not so young.

Some of these names, so familiar to the avid followers of the Olympic movement, are Winter Olympics achievers.

Yes, it is pretty certain that if Moscow is boycotted the 1984 Olympics will be fatally politized as well, and that half of the competition also will begin glimmering away.

Why am I finally for the boycott?

Because as I write these sad paragraphs, and as I have thought about them through during the last few weeks, I realize they are laden with emotion and not common sense.

And when you start thinking about the Olympics in terms of common sense, the beauty and the marvel of the Olympics begins to wither and fall off, leaving the undelying reality, which is neither beautiful nor marvelous.

The fact is the Olympics have never been unpolitical. The current boycott question is only the latest in the grubby list of political hassles that have threatened and often destroyed the so-called unity of the Games.

There was Hitler in 1936, using people who are technically men in women's events, steroids and drugs, the use of the victory risers to make political statements.

There has been the incredibleness of the most populous nation in the world, Red China, being excluded from the Games because of politics.

And then the equally incredible approval by the International Olympic Committee of Red China to the exclusive of Taiwan.

There was the exclusion of Rhodesia and South Africa, politically motivated.

There was Munich in 1972 and the Israeli team brutally butchered by political terrorists.

And this year, there is the Russian invasion of Afghanistan and America threatening to boycott Moscow.

We as Americans see little wrong with this threat. Why let the Soviets grab the limelight and take political advantage of the Games, when they have raped a neighbor?

Indeed, who are we to say in all honesty that we will not be trying out hardest to make political hay this week at Lake Placid? We will not admit it is political but it won't hurt politically if we show ourselves to be a freedom-loving, happy, prosperous, progressive, and efficient country this week. Right?

So to say the Games should be unpolitical is totally unrealistic. As long as they last, they will be political.

So is it necessary we bother with the Olympics any more?

It's because my unhappy answer to that question is probably not that I say we should boycott in order to gain whatever strategic leverage from it that we can.

If the boycott can help shake the Russians into a more genial international posture, then it's a good strategic move.

If the boycott can call attention to our national disgust for international lawlessness, then it's a good strategic move.

Those who say sports and politics should not mix are right.

So let's find a way to not mix them any more. *If* someone wants to establish an international competition completely devoid of politics, then fine.

If someone can eliminate flags, national logos, uniforms with national insignia on them—if all the scoreboards with nation totals on them can be burned to the ground—then maybe a new international competition might be worthwhile.

Fact is, we already have dozens of international competitions having little or no national chauvinism attached to them. Any number of track and field meets are held every year to which competitors from dozens of nations are welcome. And nobody keeps any national totals on any national scorecard.

If the Russians pull out of Afghanistan before February 20, as President Carter has demanded they do, then we can go ahead and attend in Moscow. But only because we originally said we would. We would only be fulfilling a promise.

And then in 1984, if the Russians want to, they can come to Games in Los Angeles.

But that's only if it is politically or strategically wise for either country to do so.

And that, unfortunately, is the bottom line. And it's never going to be any different.

So if the Olympics are on their way out, and I think they are whether there's a boycott this summer or not, then so be it.

They will be missed, emotionally.

But not realistically.●

NATIONAL DAY OF PRAYER FOR THE HOSTAGES

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1980

● Mr. OBERSTAR. Mr. Speaker, I am today introducing a concurrent resolution to designate February 26, 1980, as a day of national prayer and meditation for the Americans held hostage at our Embassy in Tehran, Iran.

The plight of our fellow citizens held hostage has become the concern of the entire Nation. Millions of Americans feel that concern in a very deep and intensely personal way.

In the over 100 days since the seizure of our Embassy, the Nation has not wavered in its commitment to the safe return of our fellow Americans. During this crisis, all Americans have spontaneously given the President the support he needs in his efforts to secure the release of the hostages.

I would like to urge my colleagues to join me in sponsoring this resolution calling for a national day of prayer and meditation on February 26.

The initiative for this day of prayer and meditation is the inspiration of the First Congregational Church of the United Church of Christ in Grand Marais, a beautiful city on the north shore of Lake Superior in Minnesota.

The concern of that congregation for the hostages is indicative of a nationwide sentiment and is a tribute to the spiritual strength of the American people.●

THE BALLOONED FEDERAL BUREAUCRACY

HON. JAMES H. QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1980

● Mr. QUILLEN. Mr. Speaker, I would like to commend to my colleagues a recent newspaper article by columnist James J. Kilpatrick, who frequently keys on many of the injustices heaped on Americans by the ballooned Federal bureaucracy.

Mr. Kilpatrick recounts the efforts of the National Right To Work Legal Foundation, a nonprofit group dedicated to asserting an individual's right to work without alining himself with any labor union if he so choses.

Mr. Kilpatrick raises a valid question: How best to curb the use of an arm of the executive branch to limit the freedoms of Americans who may be philosophically unalined with the prevailing views of the party in power in the executive branch.

Mr. Speaker, I hope each Member will take time out to share one organization's story of, "A Vendetta by the IRS." The implications are frightening for all of us.

[From the Washington Star, Feb. 7, 1980]

A VENDETTA BY THE IRS

(By James J. Kilpatrick)

In a free society, where theoretically the people are masters and government is their servant, agencies of government ought not to engage in vendettas. But the Internal Revenue Service has been waging one, and thereby hangs this tale.

Twelve years ago a group of men and women, deeply concerned at the abuse of an individual worker's rights by the excesses of trade unionism, created the National Right to Work Legal Foundation. Thanks to aggressive leadership and a popular cause, the foundation soon gained a reputation as a redoubtable defender of the little guy—the worker who gets ground down by the union shop

The foundation went to court in behalf of a teacher in Michigan, a telephone worker in Maryland. It fought legal battles for airline employees in California and college professors in Michigan. Its clients came to include truck drivers, electricians and construction workers. These were people whose elementary right to work was imperiled by the brute power of Big Unionism. And little by little, the foundation racked up an impressive string of victories.

As you can imagine, these successive gnatstings eventually began to penetrate the elephant hide of the AFL-CIO. The foundation operates on a total budget of $3.6 million a year; it has only 14 full-time staff attorneys. There is no way even to estimate the combined resources of the great unions, but we are dealing here with a very small David and a very large Goliath. And Goliath began to get mad.

So it came to pass that the giants of organized labor waxed wroth, and being wroth, they conveyed their displeasure to the Internal Revenue Service. The giants of labor complained that they were being impertinently trod upon by this pesky outfit, and they demanded that the IRS put an end to it. Specifically, they demanded that the IRS revoke the foundation's certificate of tax exemption.

In the field of private philanthrophy, such a certificate is more precious than diamonds. It is the absolutely essential condition for survival. Without an exemption under Section 501(c)(3) of the Tax Code, contributions swiftly diminish from a flood to a trickle.

In 1977, out of the clear sky, the IRS suddenly, inexplicably revoked the foundation's certificate—a certificate that had been effective since 1968. The IRS said the original exemption had been granted in "error". In the government's view, little David never had been entitled to exemption in the first place.

Why was this? Under IRS regulations, a foundation is entitled to exemption if it promotes social welfare by defending "human and civil rights secured by the law." The IRS astonishingly took the view that a right to work is not a human or civil right secured by law. Yes, admitted the IRS, the individual worker may have certain statutory rights, but he has no "fundamental" right that might be deemed essential to the orderly pursuit of happiness by free men. Therefore, exemption denied.

The foundation challenged this tyrannical decree in court and on Dec. 21 won a resounding victory. A text of the opinion by U.S. District Judge F. T. Dupree, Jr. of North Carolina has just come to hand. He ruled in the foundation's favor on every essential point. A man's right to work, said Judge Dupree, is "liberty's cornerstone." Indeed, "the courts have rarely articulated a foundamental right with more sweeping eloquence and affection than they have the right to work." And the right is most certainly a right "secured by law."

The IRS has not decided whether to appeal the Dupree decision. The probabilities are strong that the decree will be left to stand. But we still ought to inquire what motive of vendetta led the IRS to undertake this costly harassment, and we ought to reflect anew upon a dictum from John Marshall. It provides a moral to this tale: The power to tax involves the power to destroy. This is what the IRS set out to do to the Right to Work Legal Foundation. Little fellows across the land may be grateful that the effort failed.●

NOLAN TRIBUTE

HON. NORMAN D'AMOURS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 1980

● Mr. D'AMOURS. Mr. Speaker, I wish to take only a few minutes to express my deep respect and my sincere affection for the gentleman from Minnesota, Mr. Richard Nolan, whose voluntary resignation from Congress has recently been announced.

An understanding of the motives that urge this decision upon Rick Nolan requires me to respect his conclusion but does not lessen the sorrow his absence will cause me and so many of us, nor the negative effect his leaving has upon the U.S. Congress. As strange as it sounds, I miss him already.

I suppose I could go on with a listing of the many virtues of this truly kind and loving man but those virtues are certainly well known to anyone who has enough interest in Rick to listen to or read these remarks.

Still, I would like to say this. Rick Nolan is best described in ideological terms as a liberal. I would label him very liberal had I not such a strong aversion to labels, but I would add to that label the observation that those who know Rick would agree that he has given liberalism a good name. Rick Nolan doesn't only love the human race in general, or as an abstraction. He also manages to demonstrate sincere kindness, caring, respect, and love for the individuals with whom he deals. May his tribe increase. Especially within the Congress.●

VALUE OF RECLAMATION PROJECTS

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1980

● Mr. McCORMACK. Mr. Speaker, during the past several years a number of attacks have been made on the value of reclamation projects, particularly in the Western States.

Contrary to some of the misinformation which has been circulated on this subject, these projects are some of the most cost beneficial activities undertaken by the Federal Government.

An article recently appearing in the Wenatchee, Wash., World highlighted the most important facts on this subject.

NCW Irrigation Production Valued at $284 Million

Crops valued at nearly $284 million were produced by farms in North Central Washington federal irrigation projects in 1978, an increase of more than $30 million over the drought year of 1977.

According to crop production reports released recently by the U.S. Bureau of Reclamation, crops produced in the Columbia Basin Project had a gross value of $226,648,153.

In the various Chief Joseph Dam projects, primarily fruit producing, the gross crop value was listed at $57,204,277. All areas where fruit production is the prime water user saw large increases in the value of the crop.

In the Columbia Basin, with 509,200 irrigated acres, the average crop value per acre reached $445.

And the figures illustrate what sugar beets meant to many Basin farmers. In the last year of production, the gross value of the sugar beet crop in the three Columbia Basin Project irrigation districts was listed at $23.3 million.

In the Chief Joseph Project, with 25,799 irrigated acres, mostly in orchards, the value per acre was $2,217, up almost $1,000 over 1977.

Here's a district-by-district breakdown of the crop production report:

EAST COLUMBIA BASIN

The East District reported 122,765 acres in the irrigation rotation in 1978. The gross crop value was $49.5 million, up about $5 million even with a slight drop in acreage. With federal ASCS payments, the sugar program and other additional revenue the total crop value reached $52.2 million. That brought the average value per irrigated acre to $421.

Farmers in the district, served primarily by the East Low Canal, grew a variety of crops but sugar beets were the biggest cash contributor. Gross value of the beet crop was listed at $8.4 million. It was produced on 14,720 acres with an average yield of 27 tons per acre. The closest competitor was $6.44 million in potatoes grown on 5,197 acres. The alfalfa produced had a gross value of $6.3 million on 26,217 acres.

Other large crops include 5,442 acres of dry beans with a gross value of $1.7 million. There were 4,293 acres of sweet corn valued at $1.9 million and 1,407 acres of onions valued at $4.2 million.

There were a total of 32,006 acres devoted to cereal crops such as corn, barley and wheat. There were a total of 1.7 million bushels of wheat produced at a rate of 85 bushels per acre. Gross value was $6 million.

Seed crops were produced on 19,760 acres and included alfalfa, clover, corn, grass, lettuce, onion, pea and potato seed. Gross value of the entire seed crop was $6.7 million.

Only 453 acres were devoted to fruit, producing $1.2 million in apples, berries, grapes, peaches and pears.

QUINCY-COLUMBIA BASIN

The Quincy District had a total of 205,177 irrigated acres in 1978. Gross crop value reached $90 million, or $93.6 million after additional revenue from federal payments and crop programs. That's up from $79 million in 1977. The average crop value per acre was $452.

The most valuable crop was alfalfa hay at $16.3 million. Some 66,065 acres were devoted to alfalfa production.

There was $10 million in wheat produced on 33,468 acres at an average yield of 89 bushels per acre. The total value of the cereal crop, including barley, dry corn and oats was $16.6 million.

In field crops there were 17,456 acres devoted to sugar beets producing a crop valued at $9.2 million. There was $3 million in dry beans produced in the Quincy District and $1.2 million in spearmint.

The total potato crop, both early and late, was valued at about $15 million. There were 11,878 acres in potatoes in 1978.

The fruit crop was valued at $14 million, primarily in apples. Cherries valued at $1.4 million were produced as well as $477,214 in grapes. Total fruit acreage was 4,426.

SOUTH COLUMBIA BASIN

In the South District there were 175,994 irrigated acres that produced a crop valued at $78.8 million, up from $75 million the year before. The average value per acre, including additional revenue from farm programs, was $452.

Here potatoes were the most valuable crop, with $23 million produced on 20,621 acres. That includes both the early and late crop.

On 61,826 acres, alfalfa hay valued $15.6 million was produced. Wheat was valued at $7 million. Some 25,967 acres were devoted to wheat with an average yield of 81 bushels.

In comparison, other crops made a modest contribution but ~~there were $5.7 million in~~ sugar beets, $4.1 million in corn, $2.1 million in dry beans, $2.2 million in spearmint, $1.3 million in alfalfa seed and $1.7 million in grapes. Grapes were the most valuable fruit but the apple crop was valued at $936,768.

OKANOGAN

In fruit-growing areas the average crop value per acre is much higher than in areas producing row crops or grain and the increases in crop value were at times dramatic. In Okanogan there were 3,690 irrigated acres producing a crop valued at $4.6 million, up over $1 million with only a slight increase in acreage. Average crop value per acre was $1,126.

Of that apples provided $4.3 million on 2,388 acres. The total value of the fruit crop was $4.4 million with pears a distant second at $109,680.

In addition to fruit growing there were $162,678 in forage crops grown on 1,171 acres.

LAKE CHELAN

Lake Chelan produced crops valed at $13.4 million on 5,037 irrigated acres, up almost $4 million. Average crop value per acre was $2,315.

There were $13.1 million in apples produced. Cherries accounted for only $20,000 of the gross crop value for the district while prunes and plums accounted for $175,000.

A per-acre yield of 10.5 tons was reported for apples with a total of 47,901 tons produced. Average value per ton was $275.

There was $51,700 in alfalfa produced on 235 acres.

BREWSTER FLAT

The Brewster Flat district achieved a crop value of $4.7 million on 2,205 irrigated acres, nearly double the gross crop value of 1977. There was an increase of about 100 irrigated acres over the previous year. With 1,628 acres of apples the district averaged a value of $2,495 per acre, about $1,000 over 1977.

There were 92 acres in peaches and 87 acres in pears. About 398 acres were in forage crops producing a value of $90,120.

BRIDGEPORT BAR

Bridgeport Bar grew crops valued at $510,580. With 399 acres under irrigation the average value per acre reached $1,279, up about $600 over 1977.

The primary crop was apples with 209 acres producing a crop valued at $454,080. Hay and irrigated pasture accounted for 184 acres with a crop valued at $21,905.

GREATER WENATCHEE

The Greater Wenatchee irrigation division had a total crop value of $15.8 million in 1978. That's up over $6 million from the year before.

The average value per acre was $2,516, up about $1,000

Some 5,000 acres were in apples. The apple crop was valued at $13.8 million. Apple acreage was up slightly.

Other fruits grown included some apricots, about 450 acres of cherries and some peaches and pears.

Cherry orchards produced crops valued at $1.35 million on 450 acres. Average value per acre for cherries was $3,000.

OROVILLE-TONASKET

This orcharding area had 7,150 acres producing a crop valued at $18.8 million in 1978. That's up about $10 million from the year before. Average value per acre nearly doubled, coming in at $2,164.

Most production was included in 6,573 acres of apples producing a crop valued at $18.5 million. There were 135 acres of pears.

Some 442 acres were in alfalfa and irrigated pasture.

WHITESTONE

The 2,365 acres in the Whitestone district produced a $4 million crop. Apples were the chief contributor with a crop valued at $3.7 million produced on 1,685 acres. There were 90 acres of pears that grew a crop valued at $162,000.

Average value per acre in the district was set at $1,690.

The value of crops in the Whitestone area increased by about $1 million while the per-acre value was up by about $100.

About 590 acres were in forage, mostly alfalfa.●

LITHUANIAN INDEPENDENCE DAY

HON. ANDREW MAGUIRE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mr. MAGUIRE. Mr. Speaker, to commemorate this 62d anniversary of the reestablishment of an independent Lithuania I insert into the RECORD the text of an interview with the noted Soviet human rights activist Aleksandr Ginzburg on the status of Lithuanian prisoners. The world must familiarize itself with the horrors of Soviet labor camps in order to grasp fully why an independent Lithuania means so much to her nationals everywhere.

The interview follows:

ALEKSANDR GINZBURG ON LITHUANIAN PRISONERS

BALYS GAJAUSKAS

I parted with Balys Gajauskas at the Mordovian special regime labor camp No. 1 only a few days ago. He is very eager to continue his activity as member of the Lithuanian Helsinki Group. Yet, those who had known him previously, have noticed that he has aged to an unbelievable degree. This does not mean that he has turned into a decrepit old man, but after his first twenty-five years in the camps, following the troubled years after his release, he still looked very well, he seemed to be younger than he actually was. But now he has suddenly turned some ten years older. Nevertheless, he carried himself admirably well, his endurance is marvelous, he seems to be imperturbable—at least on the surface.

His chief burden is the special work prisoners must perform—the polishing of crystal. We had become sort of inured to it and we worked without respirators and other protective devices. Balys is physically unable to work that way. And so he has to toil for eight hours with his respirator on, which makes breathing difficult. More than that, he wears huge canvas gloves. But the gloves make it even more difficult to top the required output norm, which determines how much money one will be paid for spending at the camp canteen (*lariok*). A prisoner must polish 35 pieces of crystal, 8 x 10 centimeters in size. Failure to fulfill the norm means that one will be denied two rubles for "production" and will have to do with only four rubles per month. And two rubles mean a lot for us prisoners.

Gajauskas tried to work in the open and joined a small construction team. But work in the swampy terrain is rather difficult—all he could earn was four rubles a month. The open air project was completed and he is back, polishing crystal again.

The prisoners are allowed two small packages a year—up to one kilogram in weight. Gajauskas finally managed to scrounge up a pair of spectacles. Before that he had to suffer for several months, because he was unable to read without spectacles.

The daily routine in the camp is as follows: up at 6:00 AM, eight hours of work, bedtime at 10:00 PM. There are two shifts: one from 8:00 AM to 5:00 PM, with an intermission for lunch, and from 6:00 PM to 1:30 AM. Gajauskas works on both shifts in succession. Because of poor health, Ginzburg could work only on the first shift and he would meet with Gajauskas every second week.

At the Mordovian special regime labor camp, each cell houses three to five prisoners. As soon as the work shift ends, prisoners must go back to their cells. Gajauskas is in good company. His cellmates are the Ukrainian Lukyanenko, Ivan Gel, and Ivan S. Stepanov, a former criminal prisoner, who has been a prisoner since 1946.

HENRIKAS JAŠKŪNAS

Henrikas Jaškūnas carries himself quite honorably. I find his ideas somewhat strange and anachronistic—for him the solution is *soviets* (councils) without bolsheviks. . . . In general, he is a genuinely likeable person, but a bit too hotheaded. He gets especially upset about the internal clashes among prisoners, who are cooped up together all the time. Jaškūnas, as well as Gajauskas, the Ukrainians Tichy and Lukyanenko, and myself have formed a buffer of sorts, a third "neutralizing" force . . . .

The most complex problem the Lithuanian political prisoners are facing is their ties with the outside world. Gajauskas is luckier in this respect—he has a very good, understanding wife, Irena. The situation of Jaškūnas is much more difficult, because his family is completely disinterested in such matters. Therefore, support and information are more difficult to obtain. Certain things in the camps very much depend on families.

I think that the problem of Lithuanians and Ukrainians in the camps—at least of the new arrivals—should be publicized as much as possible. They did not have time to accomplish much practically, but they received ten years in the camps and five years of exile, while I was given only eight years, although I have been doing it much longer. Lithuanians and Ukrainians are punished drastically, and the situation in their countries will hardly improve unless internal public opinion makes itself felt strongly and there is broader moral support for the democratic movement.

VIKTORAS PETKUS

Viktoras Petkus, member of the Lithuanian Helsinki Group, was first brought to Vladmir prison, but he did not stay there a long time. As far as I know, he has no close relatives, and so an additional problem arose—he was not allowed to receive money orders. At the time, there was no work in prison, and so Petkus was unable to earn even the few rubles for the prison canteen. There he was, without money, without letters, without anything . . .

Afterwards, Petkus was transferred to Chistopol prison. It is a small place and the regime is stricter than in Vladimir. But then Petkus had a stroke of luck—to everybody's astonishment, he was put in the same cell with Shcharansky, although Petkus had received a special regime sentence while Shcharansky was punished for a term in a strict regime camp. The important thing is that they are together. They lend each other moral support, especially since neither of them has any links with the outside world. Petkus has lost very much weight. He jokes that he will try to remain slim. For a while he was limited to the standard prison diet without any supplements. At present he gets three rubles a month, a rather measly sum for the prison canteen.

We did not know too much about the Chistopol prison. but quite recently early in April, a former political prisoner was transferred to our camp from Chistopol. He described it as a very small, rather old, prison half of which is reserved for political prisoners. Colonel Malofeyev has been appointed chief of prison. The prisoners work on small watch parts under poor light. The output norms are so high that nobody so far has been able to meet them.

The regime in Chistopol is very strict. All political prisoners have had the taste of isolation cells. Visits are practically absent There is nobody who visits Petkus, and Shcharansky has been deprived of visiting rights. In Chistopol, unlike in Vladimir, the political prisoners are kept strictly segregated from the criminals, Neither the criminals nor the outside personnel, are allowed any contact with the political prisoners. A lieutenant, for instance, acts as the librarian. The library is truly 'fantastic,' some 80 dull books in all. There are, of course, no books in Lithuanian or Ukrainian.●

GARY ROTH WINS STATE CONTEST

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1980

● Mr. AuCOIN. Mr. Speaker, I want to bring to the attention of my colleagues a speech that was written by a young constituent of mine, Gary Roth of Scappoose, Oreg. He is the State winner of the Voice of Democracy Contest sponsored by the Veterans of Foreign Wars and the Ladies Auxiliary. The speech is an excellent one focusing on pride in relation to self and country. Following is the text of his speech:

I consider myself a responsible citizen and because of that I try to assume not just the common, almost mandatory responsibilities. But also those which are equally important and yet neglected, such as; energy conservation, education, respect for America's symbols, respect for mankind, and the sense of one's self worth—uncommonly known today as pride.

All these aspects of pride are tied in directly with what I believe to be my role in America's future. No longer it seems are people proud of their country or themselves. It seems as though determination to excel is a thing of the past. Has pride in the American heart become something that will be written in history books? Has it become virtually non-existant among today's young people? Perhaps it would not be so if we each were able to clearly see what it is that is worthy of pride.

What should we each be proud of as Americans? First there is the problem of energy that is making itself felt in the lives of all. The various energy departments can derive all the solutions and negotiate with other countries all they want to but it won't do a particle of good unless I and every other American citizen set an example for others to follow and conserve in every way. Yes, energy is a national problem and if America could become energy independent she would then by far, be the most internationally self-sufficient nation in the world. Now that's something to be proud of. So like the saying goes "every little bit helps." I'll do my part by turning down the heat, shutting off the lights, and sharing a ride with a friend.

Another source of truly necessary pride is an educated mind. Something that I, as a young person, find quite disturbing in some of my peers today is that they see very little value in education. It hurts me to see someone being made fun of simply because they find an interest in education. I am proud to work for education and good marks myself, and I am proud that I am a scholastic student, not a "cool" student; not forgetting that it is possible for a person to be both. We must all have enough pride in ourselves not to define ourselves only by what other think of us.

Pride in America's symbols is also something that is difficult to find these days. I see graffiti on government buildings and the American Flag, the symbol of our freedom, being treated with disrespect. This past summer I toured much of the East Coast. One of the tourist attractions was the Statue of Liberty. All around the stairs on the way to the top and in observation area you could see that "Roy loves Rhonda," and how great the "class of '78" was, not to mention the fact that "Kilroy had been there." The same holds true for the Washington Monument. The entire observation area was covered with these cute slogans. Perhaps there isn't much that can be done except to keep painting over the stuff and help to create a feeling of pride among all young people so that they can find other ways to prove their worth to society.

Then there is the pride in one's self and others that one has friends. One should feel honored to have that special person as a friend when he does something admirable. One should be proud that he is capable of being a true friend. Don't be phony toward someone pretending to be his friend while stabbing him in the back and running him down to others.

I've been discussing pride and how it can play a definite role in improving America's future. But how can a person be proud? He can start out by actually participating in the business of living in this country. But in addition to energy conservation, education, and having respect for America's symbols, one's self and others, each of us needs to do something with ourselves that is worthy of pride.

A person needs to foster individuality within himself so he may carry his head high and not have to rely on welfare programs and food stamps for his existence. Each person should assert himself, have a goal, being careful not to become complacent. Each person needs to feel he is number one in something, for I believe that today it is not only the survival of the fittest on the job market, but it is that person who honestly feels he can do something and works hard that is successful on the job and as a person.

But in doing this the American citizen should be honest with himself and those around him. And if it should ever get to the point that a person doesn't know what the next honest step in a situation is, I suggest he read the Bible, because whenever I get myself in a fix, that is where I find the answers. This brings a type of pride that is a quiet assurance of one's own self-worth.

This sense of self-worth is essential then to my role in America's future, a role which involves fostering pride in others and living with real pride myself. My first question was, "Has pride become something that will be written in history books?" The answer is, "No." Pride can and must live in the hearts of all Americans.●

ESTONIAN INDEPENDENCE DAY

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1980

● Mr. SOLARZ. Mr. Speaker, I would like to draw the attention of my colleagues to the 62d anniversary of the Proclamation of Independence of the Republic of Estonia, which occurs February 24.

On this date in 1918, Estonia declared its independence, based on the principles of self-determination, then championed by Woodrow Wilson and agreed to by all members of the League of Nations, including the Soviet Union.

Estonia enjoyed independence for a brief period of only 20 years, after which followed its annexation by the U.S.S.R. in 1940.

Commemorating their national holiday on February 24, Estonians around the world affirm their determination to fight for the restoration of the independence of their native land. Despite threats of imprisonment, dedicated Estonians continue to make their voices heard. In recognition of the right of all peoples to self-determination, let us commend all those in Estonia who courageously work for the freedom of their nation today.●

TAX THE WINDFALL PROFITS ON FIREWOOD

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1980

● Mr. FRENZEL. Mr. Speaker, the following item appeared in the Wall Street Journal of February 13. Mr. Hale's article has appeared in several Vermont newspapers.

Tax the Windfall Profits on Firewood

(By David Hale)

There is an urgent need for the federal government to impose price controls and a windfall profits tax on New England firewood.

Congress has done its best to protect the northeastern states from greedy oil and gas companies, but so far it has ignored the economic injustices being inflicted upon the region by the profit hungry woodlot barons of northern New England.

The price of firewood has practically tripled since 1973. The cord of Vermont wood which once fetched $30 now sells for $80-$90 locally and almost twice as much in Manhattan. The forest lords of New England are making obscene profits at the expense of both fireplace lovers in the big cities and their own village neighbors.

One-half of all homes in Vermont, New Hampshire, and Maine now have wood burning stoves or furnaces, but only a small number of homeowners have their own private woodlots. Most are totally at the mercy of local lumber men who charge whatever the market will bear for firewood. In some cases they also insist upon bargaining only in French.

Despite their courageous attacks on the oil industry, northern New England Congressmen have refused to speak out against the firewood price gouging. The political and financial power of the woodlot barons is so great that they have intimidated local politicians into complete silence. In fact, a few Congressmen have become nothing more than mouthpieces for the firewood lobby. But as the price of firewood today testifies, there is a strong argument for federal intervention in the industry as soon as the New Hampshire primary is out of the way.

First, Congress needs to establish a Department of Renewable Resources to regulate the growing, harvesting and marketing of firewood in New England and other regions where it is now commonly used. The present Department of Energy has only about 20,000 employees and is too busy regulating the oil industry to be saddled with responsibility for managing firewood supplies. It will take at least five hundred federal foresters to police the woods of Vermont and New Hampshire, alone, plus a support staff of several thousand lawyers, accountants, and public relations experts to interpret and administer the government's new firewood laws on a nationwide basis.

Secondly, Congress needs to draft a price control code for firewood. It could use several different formulas to determine firewood prices, but federal oil legislation probably provides the best model for how to proceed. The price of firewood should be a function of a tree's age.

Firewood from trees which started growing before 1973 should be priced at the lowest possible level in order to prevent New England woodlot barons from taking advantage of the 12-fold increase in oil prices since that time. Most New Englanders with old trees did not foresee the current scarcity of energy, so they should not be allowed to charge a high price for their wood today. A maximum retail price of $35 per cord plus some modest inflation adjustments would be perfectly reasonable.

Firewood from trees planted after 1973 should be priced according to a sliding scale. The younger the tree, the higher the allowed price for its firewood. There should be no price controls at all on trees planted after 1980 in order to encourage woodlot owners to plant new ones.

Because of transportation problems, the federal government also will have to develop a flexible pricing code for wood from remote locations. The new Department of Renewable Resources, should create geographic sub-classifications such as mountain wood, ledge wood, swamp wood or wood stunted by acid rain.

The federal government permits the petroleum industry to charge a high price for Alaskan oil. Congress might officially designate Maine's Indian reservations as new Alaskas for purposes of firewood price control.

Whatever the exact particulars of the new price control code, though, Congress should not spend more than one session writing it. Federal auditors will want to begin marking New England trees with spray paint for price control compliance by this summer.

History shows that price controls usually create shortages, so Congress will want to back up the price controls program with severe penalties for violators. The government should punish first time offenders by making them keep a federal auditor on their payroll, imprison second time offenders, and burn down the trees of third time offenders.

The best way to punish greedy forest owners and people willing to pay firewood prices above officially proscribed levels is by reducing the amount of wood available to everyone. As many forward-thinking Massachusetts politicians have noted in past debates about federal oil policy, the smaller the supply or wood or any other form of energy in the nation, the easier it will be for the government to regulate it.

If this policy causes wood shortages to become a serious political problem in New England—say people freeze to death—the federal government can import wood from Quebec and finance it with a windfall profits tax on firewood from trees planted after 1980.

Like the proposed windfall tax on oil, this levy should not actually be a tax on firewood profits. It should be an excise tax on firewood sales. Such a tax will guarantee the government some revenues even if inflationary cost pressures and federal price controls put most woodlot harvesting operations out of business.

The United States government can't prevent Arabs and French Canadians from taking advantage of the fact that energy is now a scarce commodity, but we certainly don't want any New Englanders who are not on the federal payroll to look for solutions to the problem. Such efforts might lead to private profiteering, arouse strong public resentment, and reduce the ability of our political leaders to contol energy supplies.

The energy policies which are good enough for the nation's oil industry are more than generous enough for New England's firewood barons.●

THE CHURCH IN NICARAGUA

HON. MATTHEW F. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1980

● Mr. McHUGH. Mr. Speaker, the House will soon consider a bill authorizing $75 million in economic aid to Nicaragua. Some Members have expressed reluctance about voting for aid to Nicaragua, fearing that the Government of that nation may be planning to eliminate all opposition and to establish a Cuban-style totalitarian regime.

However, a recent Washington Post article points out that, in contrast to the usual Marxist model, the Nicaraguan revolution has produced increasingly friendly relations between church and state. Within the Government, priests serve as Foreign Minister, Minister of Culture, and Minister of Planning; another priest is directing the country's literacy campaign. Outside the Government, the church remains free to criticize those aspects of the revolution with which it disagrees. These developments encourage all of us who hope for a humane and pluralistic society in Nicaragua.

Mr. Speaker, for the benefit of those Members who may not have seen this important article, I am inserting a copy into the Record at this point:

[From the Washington Post, Feb. 15, 1980]

Church Charts New Path In Talks With Nicaraguan Rulers

(By Marjorie Hyer)

The Roman Catholic Church of Nicaragua is making Latin American history in the way it is learning to work with a socialist revolutionary government, according to the Nicaraguan church's top leader.

"The church has sustained conversations with the government junta and the Sandinista movement," said Archbishop Miguel Obando y Bravo of Managua. The Sandinistas seized control of the Central American nation last year.

Speaking to reporters during a visit here last week, Obando said that the church is "going along" with the new revolutionary government while feeling it still can criticize it.

The Nicaraguan prelate, head of the most important diocese in his nation, was in Washington on his way home from San Francisco, where, at the invitation of Archbishop John Quinn, he had visited a colony of about 50,000 Nicaraguan expatriates.

He had hoped to visit with members of Congress to lobby for a bill providing aid to Nicaragua, which has been pending since last summer. But since he was here only on Friday—a day when members traditionally, head back home, particularly in an election year—he made only limited contacts.

According to church experts, the Nicaraguan situation marks the first time in South America that the church and a revolutionary government have been reasonably amicable following a coup.

In the years and months leading up to last summer's civil war there, Obando was increasingly critical of President Anastasio Somoza, although he stopped short of supporting the Sandinistas directly. Toward the end of the civil war, Obando, the most important of the country's prelates, traveled to Venezuela and then to Costa Rica, where negotiations were going on with Sandinista leaders.

When the Sandinista government-in-exile flew triumphantly into Nicaragua last July. Obando was with them. The hierarchy's support was not unconditional, however. The bishops soon issued a pastoral letter that warned against authoritarianism on the left.

Communication between the church and revolutionary government leaders remained open, however, and in November, the bishops issued another pastoral letter, entitled "Christian Commitment for a New Nicaragua," that gave conditional support for the new government's policies.

A section of the pastoral letter dealt forthrightly with the question of socialism. As Obando summarized the central points, "If socialism means to take away divinely given rights . . . if socialism takes away from parents the right of educating their children as they see fit, that is not what the bishops want.

"If on the other hand, it gives the rights of the people to use the goods of this earth for the benefit of the people," it would have their support, he said.

A key passage in the bishops' message said: "We are further confident that our [Nicaragua's] revolutionary process will be something original, creative, truly Nicaraguan and in no sense imitative. But what we, together with most Nicaraguans, seek is a process that will result in a society completely and truly Nicaraguan, one that is neither capitalistic, not dependent, nor totalitarian."

Parish priests have taken a far more aggressive role than their bishops in the new revolutionary government and three are in high posts: the Rev. Miguel d'Escoto, foreign minister; the Rev. Xavier Gorostiaga, a Panamanian Jesuit on loan to the Ministry of Planning, and the Rev. Ernesto Cardenal, minister of culture.

Despite statements on several occasions by Pope John Paul II that clergy should not become part of the political process, the archbishop said, in answer to a question, "The Holy See has as yet not given an opinion" about the three priests serving in government posts.

Obando said that church leaders were told last month that "in the long term, Catholic schools would be nationalized." But he said the government gave assurances that "the religious personnel should continue" as teachers.

At the same meeting, he said church leaders raised the question of government control of the mass media. They were told, he said, that "TV at least for the moment would remain in the public sector, but that the church would have a chance for its programs."

The church's 20-year-old radio station, which Obando said he controls, "is functioning, and we have the promise from the government that it will continue."●

A COMMEMORATIVE POSTAGE STAMP HONORING THE AGED

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1980

● Mr. PEPPER. Mr. Speaker, today I am introducing legislation to provide for the issuance of a commemorative postage stamp in honor of older Americans. There are several vital and timely legislative measures shaped by the Congress in recent years which taken together indicate the need to issue a stamp commemorating the cause of the aging and the aged.

All should know that our elderly make up the fastest growing group in our society. The approximate 291 million persons 60 years and over, in 1970, throughout the world, will increase to nearly 585 million by the year 2000—an increase of more than 100 percent.

Recognition of the proportionately greater number of older persons in the world has been gradual. It was not until the last few decades that attention of individual nations and increasingly, of the world community has been drawn to the social, economic, political, and scientific issues and problems which may develop from the phenomenon of the aged and aging. In many countries, the aged population already has had a profound effect on the family, labor force, and policies and practices of government.

For this reason, the Congress recently proposed and the United Nations approved a resolution I introduced calling for a World Assembly on Aging in 1982, in the belief that a great deal can be gained in bringing together scientists, educators, social scientists, urban planners, and others interested in the field of aging, to identify needs and resources, exchange ideas, share common problems and goals, develop long-range policies, and formulate recommendations for action by individual agencies within the United Nations interested in matters relating to the aged and aging.

The convening of a World Assembly on Aging in 1982 is timely as it will follow in the footsteps of a White House Conference on Aging scheduled to be held in 1981. The White House Conference will provide the United States with an opportunity to thresh through and reassess its methods, approaches, and techniques of improving the lot of elderly people nationwide. Such deliberations can improve the ability of the United States to assist less-developed nations meet and plan for the future of their aging populations.

I believe that it is imperative that we act to sensitize our Nation's citizenry with respect to the cause of aging. It is timely to enhance communication between all Americans in order that we might all benefit from the attention that will be given to this growing population in the next several years. Indeed, a stamp commemorating the aged and the aging is a most appropriate device for focusing national attention on this most important issue, and thus build an informed and participating society.

I urge my colleagues to join me in the support of this legislation and include it in its entirety, at this point in the RECORD:

H.R. —

A Bill to provide for the issuance of a commemorative postage stamp in honor of older Americans in recognition of the 1981 White House Conference on Aging and the World Assembly on Aging to take place in 1982.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General is authorized and directed to issue a special postage stamp in honor of older Americans in recognition of the 1981 White House Conference on Aging and the World Assembly on Aging to take place in 1982. Such stamp shall—

(1) have a denomination of 15 cents;

(2) bear such design as the Postmaster General shall determine; and

(3) first be placed on sale on September 8, 1980, and remain on sale thereafter.

SEC. 2. The Postmaster General shall solicit and consider submissions by older Americans of recommended designs in making the determination under paragraph (1) of the first section of this Act.●

U.S. BISHOPS SUPPORT AID TO NICARAGUA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1980

● Mr. HAMILTON. Mr. Speaker, many Members of this body have been watching events in Nicaragua closely since last summer. There are honest differences of opinion as to what those events mean and where they will lead. Some colleagues believe that Nicaragua is drifting into totalitarianism. Others are uncertain how the Nicaraguan political landscape will appear months from now. Still others of us express a cautious optimism that an open society in Nicaragua is possible.

A potent force on the contemporary scene in Nicaragua today is the Roman Catholic Church. The role of the Nicaraguan bishops has been one of articulate advocacy of social justice, political pluralism, freedom of expression, and human rights for the Nicaraguan people. In the fulfillment of this role they have not stood alone. Encouragement has been given to the Nicaraguan bishops by their brother bishops in many lands. Most significant is the encouragement that has come from the bishops of the United States.

The Most Reverend John R. Quinn, Archbishop of San Francisco and President of the National Conference of Catholic Bishops/United States Catholic Conference, has recently contacted the Speaker of the House and the chairman of the Foreign Affairs Committee to voice his strong support of the supplemental request for aid to Nicaragua. Archbishop Quinn's clear and eloquent letters speak for themselves. I insert them into the CONGRESSIONAL RECORD for the use and benefit of my colleagues. I urge my colleagues to consider them carefully:

NATIONAL CONFERENCE
OF CATHOLIC BISHOPS,
Washington, D.C., February 1, 1980.

Hon. THOMAS P. O'NEILL, Jr.,
House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: The supplemental request for Nicaragua soon to be voted upon by the House is of great importance both to the reconstruction needs of Nicaragua and to our own future relations with that country. Indeed, if the House approves the measure without further change and by a comfortable margin, that vote could well symbolize the beginning of a new and more mature relationship with all the democratic societies of the hemisphere.

In December 1979, the Catholic bishops of the United States urged the prompt passage of the Administration bill in testimony before the Senate Foreign Relations Committee. The bishops of Nicaragua have also spoken in strong support of such aid from abroad. Archbishop Miguel Obando Bravo of Managua is himself coming to the United States next week partly to convey to us the real and urgent needs of Nicaragua today.

I sincerely hope that the members will be duly sensitive to the critical opportunity that is theirs to provide essential humanitarian assistance to the people of Nicaragua, and to help assure the orderly process of the new society that is taking shape there.

With cordial good wishes, I remain

Sincerely yours in Christ,

Most Rev. JOHN R. QUINN,
Archbishop of San Francisco,
President NCCB/USCC.

NATIONAL CONFERENCE
OF CATHOLIC BISHOPS,
Washington, D.C., February 1, 1980.

Hon. CLEMENT J. ZABLOCKI,
Chairman, Foreign Affairs Committee, House of Representatives, Washington, D.C.

DEAR CHAIRMAN ZABLOCKI: I write to urge your support for the supplemental aid request for Nicaragua.

The suffering of the Nicaraguan people in their struggle with the Samoza regime left thousands dead and wounded. Despite this immense human tragedy and the accompanying devastation of the national economy, the Nicaraguan government and people are already involved in a major effort of reconstruction.

The church in Nicaragua has expressed its support for the reconstruction effort through its Bishops Conference. Archbishop Miguel Obando Bravo of Managua is coming to the United States this week at my invitation to make known in the United States the urgent needs of the Nicaraguan people.

To complement the efforts and sacrifices which Nicaraguans are making for their country they will need external assistance. it is at this early stage of the national reconstruction that external aid is most critically called for. The supplemental aid request by the President at this time, while modest in amount, will undoubtedly achieve results beneficial both to Nicaragua and to us many times over.

I urge you, Mr. Chairman, to do all in your power to resist any further conditions being placed on this aid and to assure speedy passage of this important measure.

With cordial good wishes, I remain

Sincerely yours in Christ,

Most Rev. JOHN R. QUINN,
Archbiship of San Francisco,
President NCCB/USCC.●

H.R. 6504—NATIONAL HERITAGE POLICY ACT

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1980

● Mr. VENTO. Mr. Speaker, the National Heritage Policy Act which last week I cosponsored with Congressmen BURTON, SEBELIUS, SEIBERLING, BINGHAM, and KOSTMAYER, will increase recognition and assistance for Minnesota's efforts to protect both our cultural and our national heritage. This legislation will strengthen State planning for the protection of natural areas by recognizing the States as having the lead responsibility for inventorying and studying heritage resources. It will also establish the State as responsible for nominating areas to the proposed Register of Natural Areas, just as they are now responsible for nominating sites to the Register of Historic Places. Furthermore, it will require Federal agencies to take into account in their planning the effects of their factors on registered areas of State and local significance.

The act will particularly strengthen State natural heritage programs such as that in Minnesota, and 25 other

States across the Nation. Minnesota has already taken a lead in proper management policies for natural resources. In 1975, State Senator Gerald Willet and I succeeded in passing the Outdoor Recreation Act which provides for an inventory, reassessment, and possible reclassification of State recreation lands. The program, an outgrowth of the Project '80 Study, has allowed the government to review past land use decisions and to provide for the implementation of the most appropriate land management policies. The Minnesota natural heritage program is only 1 year old, but has already been very active and useful by contributing data to State recreation planning, to the scientific and natural areas program, and to environmental review. In conjunction with the Outdoor Recreation Act, it has and will provide a crucial data base for the proper use of the State's natural resources. Soon the program will begin to provide information on Minnesota's rare plants to the U.S. Fish and Wildlife Service.

Our State natural heritage program is equally important to intelligent development planning. This usefulness is attested to by the fact that funding to set up the Minnesota inventory of significant plant and animal communities and geologic features has come not only from conservation-oriented sources, but from the Northern States Power Co., the Minnesota Gas Co., and the Potlatch Corp. Consultants to private developers also rely on information provided by the natural heritage inventory to evaluate sites for new development such as shopping centers. In the near future the Minnesota heritage program will be studying the locations of new powerplants for the State's powerplant siting group.

The Minnesota natural heritage and cultural heritage programs both contribute to the interpretive programs of State parks. Interpretive specialists have found that in most cases, historic patterns were determined by natural region characteristics. In Minnesota we have found that linking natural and historic heritage enriches the public's understanding of both. The National Heritage Policy Act will strengthen the ties between the Nation's cultural and natural heritage programs, linking them on a policy level and organizing the natural programs to parallel the historic preservation efforts.

I am certain that this legislation will be a help to States which already have heritage programs and those desiring to start one.●

CRISIS IN AFGHANISTAN

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1980

● Mrs. SCHROEDER. Mr. Speaker, I think this article is exceptional in its portrayal of the feelings of most Americans regarding the crisis in Afghanistan. I request that it be included in the Record.

The article follows:

[From the Cleveland Press, January 26, 1980]

OF TIME AND THE RIVERS, AND TWO TEENAGE SONS

(By Dick Feagler)

What you do, if you've got two teen-age boys, what you do is you go to the old hutch in the family room where the set of encyclopedias is kept.

It isn't much of a set of encyclopedias. My wife got them at a supermarket a year or so ago. Each week she got a different volume. She missed the "Z's" though. The offer ran out before we got the "Z's."

Things, I'm sure, are better in the Pentagon. I imagine that in the Pentagon, if they want to look something up they have rooms full of people responsible for each letter in the alphabet. They have filing cabinets and computers and linguists who can tell them how you say "incursion" in 76 different languages.

All I have is a small set of Funk & Wagnalls with a piece missing. Fortunately, I don't need the "Z's." The very first volume is what I am after. Volume. One. A to AMERI.

Afghanistan is on page 206. On the facing page is a color picture of a bus. "Afghanistan, Plate 1. Traditional artwork enhances 20th Century machinery as strikingly shown in this bus used for long-distance travel. Such elaborately decorated buses are frequently seen in the Afghan countryside."

That is very interesting, but not what I am after. I don't know really what I am after. I am responding to a vague sense of responsibility that comes these days if you've got two teen-age boys.

I would like to know the names of the rivers in Afghanistan. I see one is called the AmuDar'ya, known in ancient times as the Oxus. Then there is the Kabul, the Indus, the Helmand. I have never heard of any of them before. The question is, will I be reading about them in the papers next month? Next year?

On page 213, there is a familiar sight.

"A gigantic representation of Buddha, carved into a cliff of the Hindu Kush range is a reminder of the religious past of Afghanistan," a photo caption says. "The figure is part of the ruins of an ancient Buddhist monastery recently uncovered during excavations at Bamian."

Ah, yes, Buddhists I have seen before. Vietnam had Buddhists. Had Buddhists and rivers that got mentioned in the newspaper. Even had 20th Century machinery enhanced by traditional artwork—slogans painted in white on the sides of tanks and on the noses of helicopters.

The principal export of Afghanistan is Karakul skins, sent chiefly to the United States. I wonder what the hell we do with them. My curiosity at the moment, however, lies chiefly with the principal import. I mean besides Russians. I want to know if the principal import of Afghanistan could some day be my boys. But I can't look that up in my Funk & Wagnalls.

Time magazine troubles me. Time magazine is sounding rather warlike these days. So is Jimmy Carter but that, maybe, I can chalk up to the election year. It is Time magazine that bothers me more. It tells me that things are getting pretty grim about Afghanistan.

My God! Afghanistan! Who the hell even knew where it was a couple of months ago? It is time, I gather, for a father to interest himself in such matters as Karakul skins and cities like Kabul and Kandahar. I have never received a letter from Kandahar. Would it be un-American of me to suggest that I don't want any son of mine writing me from Kandahar?

I probably would. I don't think of myself as un-American. I think of myself as very American. I have come to believe in the free enterprise system of investment and return.

I do not believe, for instance, in risking my life or the lives of my sons. Vietnam taught me better. You do not risk your life because it is all the capital you have. This is not sound business.

You might. I believe, invest your life. You might invest it if there was a promise of good return. The last war we fought was a lousy investment. It left better than 50,000 of us totally bankrupt, which is to say, dead.

What was the return? Well, we got a stamp out of it. In the post office a month ago I saw a sign advertising Vietnam commemorative stamps. I bought 10 of them. I put them on letters that went to the car insurance company. American Express. The last one I used to mail my dues payment to the Thirteenth Street Racquet Club. That took care of $1.50 worth of commemoration.

Time magazine tells me that we are united people now, ready to take up arms in a good cause. I have taken up a volume of my supermarket encyclopedia at midnight with my boys asleep upstairs. I have learned the names of rivers, cities and mountains.

I am calm and I am not a pacifist. I feel that I can kill the man who lays a hand on my son in exchange for a book of stamps. Time magazine should note this. Anybody interested should note this.●

MARY L. YUNT, OUTSTANDING WOMAN IN ORGANIZED LABOR

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1980

● Mr. PATTERSON. Mr. Speaker, on Thursday, February 14, Mary L. Yunt was honored by a coalition of labor, business, and community leaders in cooperation with Israel's labor federation Histadrut, for her outstanding contributions to Orange County.

Mary Yunt has been selected for this honor because of her involvement with Orange County organized labor, particularly since her selection as the secretary-treasurer of the Orange County Central Labor Council in 1979. Mary has been active in labor efforts within the county since 1964 and has proven herself to be highly dedicated and deeply committed to improving the position of labor within the county.

Mary Yunt is also well known for her involvement in political campaigning and her participation in the COPE program. Many elected representatives within Orange County have worked closely with Mary and have benefited from her ability to organize activities and encourage participation by others.

Mr. Speaker, I ask my colleagues to join with me and the community leaders of Orange County who are honoring Mary Yunt for her many contributions as an outstanding woman in labor. We are grateful to her for her leadership and proud of her for her many accomplishments.●

FUTURE FARMERS OF AMERICA—1980

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1980

● MR. NATCHER. Mr. Speaker, the theme for the 1980 National Future Farmers of America Week, "FFA—Preparing for Progress," seems appropriate and altogether indicative of the seed from which this national organization sprouted, for being prepared, planning ahead, and getting things off to a good start are a way of life in agriculture.

FFA Week is traditionally celebrated by the organizations' 494,000 members beginning the Saturday before George Washington's birthday and ending the following Saturday, for George Washington is revered by members of Future Farmers not only as the first President of these United States, but as our country's first farmer. Consequently, the week of February 16-23 marks the celebration of National Future Farmers of America Week.

Nationally founded in 1928 and chartered by Congress in 1950, the FFA program has from the start stressed leadership, cooperation, and citizenship. As students in vocational agriculture programs, these young men and women are prepared with the theoretical knowledge and practical skills of agriculture—an industry at the heartbeat of the world; providing food and fiber for all people.

The FFA is an organization open to any student who is enrolled in vocational agriculture in the public secondary schools, area vocational education centers, and State vocational technical schools; however, I am particularly proud of the 15,049 young men and women who comprise Kentucky's FFA organization. This year, Kentucky's 162 chapters will participate in project "operation identification." This project will involve Kentucky FFA chapters' cooperation with Kentucky State Police, County Farm Bureaus, and the Kentucky Crime Prevention Office to mark farm equipment on farms in their local community.

National FFA activities for 1980 include; the National FFA energy conservation program, the building our American communities program, and the chapter farm safety program.

All these programs represent the FFA's interest in preparing our young people for the future. Its activities are specifically designed as part of the instructional program in vocational agriculture. Every member of the FFA will not, of course, become a farmer in the future, but every member will be equipped to handle a job related to the broad field of agriculture.

National FFA Week affords us all an opportunity to better witness the fine work of these young men and women, and to salute this splendid organization on the unlimited agricultural contributions that have been made by its membership. To all of my young friends in the Future Farmers of America, I offer them my congratulations on their past accomplishments, and my continued support as they prepare for progress.●

A VOICE OF DEMOCRACY

HON. HAROLD RUNNELS

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1980

● Mr. RUNNELS. Mr. Speaker, Rosemarie Ferrara of Alamogordo, N. Mex., is the New Mexico winner in this annual contest conducted by the Veterans of Foreign Wars. Rosemarie's speech pays tribute to all the young people over the centuries who have defended the freedoms of this great Nation, and points out that each new generation has the responsibility of freedom.

At this point in the RECORD, I insert the remarks of this outstanding young lady from New Mexico:

MY ROLE IN AMERICA'S FUTURE

Before dawn, before the sun has kissed the earth, A light flickers against the night sky. Presently, a figure runs over the hills of Greece. A youth thinly clad, skin shining with the labor of his task, clutches in his hand, the torch. The flame has passed through the hands of many runners, before reaching those of this young Greek. Proud of his duty, he knows full well the whole task rests in his hand. For he is the anchorman; his role—to deliver this torch to the site of the Olympic Games, to light a tradition that will continue through the ages.

Two thousand years pass, and across miles of land, another spark is ignited. Yet it burns not in the hands of men, but in their souls. No ordinary flame is this, for only the most magnificent of fires motivate mankind to fight for a cause; this fire burns through injustice and slavery, and withstands the attacks of a world indifferent to human rights. Only one fire created by Nature endured 200 years of pain, depression, hardship, sorrow, and war, and still has the power to burn brightly. That fire is Freedom. For centuries this fire has illuminated the shores of America, lighting the way for those who have dreamed of a better life. Yet recently many feel that the fire of freedom is waning in the hands of today's youth. They fear that the blaze that once brought warmth to so many is now on the verge of burning out.

So many of my elders have exposed me, as a young American, to these views. Yet I speak in the hopes that these fallacies shall be dispelled. For though I have seldom experienced times of need, I have seen the faces of millions of Cambodians, Vietnamese, and yes, even Americans, affected by deprivation. Although I have had to fight for my liberty, I know, that surrounding the globe are the graves of the millions of Americans who died that I might be free. And despite the fact that I have never had my faith tried as have the Americans being persecuted in Iran and throughout the world. I know that America's future lies in the safekeeping of traditions that have made her the bulwark of freedom.

I am aware of all this and more; this I seek my role in America's future—the role of the torch carrier. John F. Kennedy admonished, "Let the word go forth from this time and place, to friend and foe alike, that the torch has been passed to a new generation of Americans."

Can I not take his words into my own heart and face the challenge set before me? For even in my youth. I see that only in the eternal light of freedom can we remain one people, one nation, one America.

My responsibilities in carrying this torch are clear to me and are expressed in the words of Nathan M. Pusey in his Message to Americans:

"It is our task to keep alive in young people the courage to dare to seek the truth, to be free, to establish in them a compelling desire to live greatly and magnanimously."

Think not that I am incapable of fulfilling this role, for in me is the spirit of the young Greek who knew that a tradition depended upon him. Burning deep within my heart is a fire fed by the spirits of my forefathers. And I know that the destiny of my country lies in the preservation of one tiny spark.

I am proud to be that youth, running for my country. My torch—freedom; my destination—the future of America.

ROSEMARIE FERRARA.●

PLO SUPPORTS SOVIETS INVASION OF AFGHANISTAN

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1980

● Mr. OTTINGER. Mr. Speaker, I would like to bring to the attention of my colleagues a letter to the editor by Katherine Bennett of Hanover, N.H., which appeared recently in the New York Times.

The PLO's response to the Soviets invasion of Afghanistan is quite telling. These terrorist leaders' support for the Soviets criminal actions, clearly cited in this letter, reveals once again the truly abhorrent nature of this organization and the justifiable opposition of the Israeli Government to having the PLO in control of the West Bank of the Jordan River. The text of this enlightening letter follows:

WHAT THE PLO SAYS ABOUT AFGHANISTAN

HANOVER, N.H., *Jan. 22, 1980.*

TO THE EDITOR:

David Folkerts-Landau asks, "What explains the silence of the P.L.O. . . . in the face of Moscow's invasion of Afghanistan?" [letter Jan. 20]. In fact, a number of P.L.O. leaders have been quite vocal—expressing total support of the Soviet action.

Farouk Kaddoumi said in Sofia, Bulgaria, a few days after the invasion: "Thank God for the selflessness of the Soviet Union in coming to the aid of the Afghan people."

P.L.O. Information Director Yassir Rabbo said on Jan. 8: "The Russian involvement in Afghanistan is an important asset to all revolutionary forces which oppose the expansion of the American presence in the Middle East."

And Bassan Abu Sherif of the P.F.L.P. (Popular Front for the Liberation of Palestine), which is tied to the P.L.O. said: "The Russians have helped progressive forces in Afghanistan to foil efforts by pro-American elements to take control of the country's institutions."

The question is not, Why has the P.L.O. been silent about the invasion? but Why has the press been so silent about the P.L.O. response?

KATHERINE BENNETT.●

HARRIET WIEDER OUTSTANDING WOMAN IN GOVERNMENT

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1980

● Mr. PATTERSON. Mr. Speaker, on Thursday, February 14, Harriet Wieder was honored by a coalition of labor, business, and community leaders in cooperation with Israel's labor federation Histadrut, for her outstanding contributions to Orange County.

Mrs. Wieder is the first woman ever to be elected to the Orange County Board of Supervisors. She has served this county well since she left Mayor Sam Yorty's Los Angeles office in 1973. Since that time, Harriet has served as councilwoman and mayor for the city of Huntington Beach, and represented the county on a variety of State and county boards.

She is admired throughout the county for her commitment to her constituents and her willingness to actively pursue their interests. She has taken a high profile on environmental and consumer issues and her pursuit of protective legislation and quality programs, is well known.

Mr. Speaker, I ask my colleagues to join with me and the community leaders of Orange County who are honoring Harriet Wieder for her many contributions as an outstanding woman in government. We are grateful to her for her leadership and proud of her many accomplishments.●

LINCOLN AND WASHINGTON—GIANTS FOR FREEDOM

HON. TENNYSON GUYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1980

● Mr. GUYER. Mr. Speaker, our Nation was blessed with two giants for freedom—both born in February—Abraham Lincoln and George Washington. Lincoln was a saint among sinners, a giant among pygmies. Obscurity, poverty, and irony were his credentials. Son of Kentucky Baptists—his mother an orphan—she died when he was 10; his father a poor itinerant backwoods laborer who died under the press of pioneer hardships. Other Presidents were born in log cabins but none ever moved so humbly in high places. He was a Mount Olympus underprivileged, unancestored, and unknown. His mother's arms were his cradle—the lonely wilderness his playground. He was our first President to be born outside the Thirteen Colonies. Life was his school. He was his own teacher. He read while he plowed—and the tree stumps heard more eloquent speeches than we hear in Congress today.

Historians said he could always cry—he was moved by an empty sleeve, a child's broken toy, a mother's broken heart, a nation of divided people.

He lived beyond his time—back in the Illinois Legislature, he was championing the cause of woman suffrage long before it was an issue. He was the first person in 5,000 years to stand against slavery. His defeat for the Senate in 1858 was merely a Bunker Hill, not a Waterloo. A mob waited for him in Baltimore, so he secretly entered Washington by another route.

In his second inaugural address, Lincoln quoted the Bible three times and used the name of God seven times.

Lincoln died in a tailor shop—more fitting than the White House. When he died, animosity turned to mourning—misunderstanding became adoration.

If he were living today, first, our Government would spend within its income; second, we would never compromise with communism; third, he would honor the ownership of property; fourth, he would restore the dignity of all people; and fifth, all religious faith would be safe with him.

GEORGE WASHINGTON

If he were with us today, he could not pass the physical to get into the Army—bad chest, flat feet, smallpox, false teeth.

Three women turned him down in marriage. Randolph betrayed him. Tom Paine called him "Old Muttonhead."

Most of us did not know that Washington as a farmer gave America its first wheat, buckwheat, alfalfa, and crop rotation.

As Commander in Chief at 43, he was chased by five Royal Commanders for 6 years. He evaded more armies and acquired more territory for America than Napoleon ever possessed. When he was President, there were only 666 men in the U.S. Army.

He bled to death while being treated for pneumonia.

If Washington were alive, he would say again "Beware of foreign entanglements."

The memory of both Lincoln and Washington reminds us of our giant redwoods. A few of them, although surviving more than 5,000 years, have succumbed. But like nations that fail to be strong both inside and out, these trees were not the victims of snow, rain, storms, or weather but rather from the unseen foes of bugs and beetles on the inside. In these perilous times, let us be strong both militarily and morally.●

DEAN BERGER

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1980

● Mr. YATRON. Mr. Speaker, on the evening of March 1, 1980, many friends and associates will gather to honor Mr. Dean Berger at the annual Schuylkill County Fire Police Association.

Mr. Berger is a constituent of mine and I wanted to share with my colleagues in the U.S. House of Representatives his great accomplishments which are well known in the Sixth District and the Commonwealth of Pennsylvania, but certainly merit wider recognition.

Dean Berger first became involved with the fire police and the fire department in 1968 when he joined the North End Hose Company of Pine Grove, Pa. In 1970, he was elected to the office of president of the Schuylkill County Fire Police Association and has served in this capacity ever since.

In January 1976, he was elected to the post of second vice president of the Pennsylvania Fire Police Association. He held this post for 2 years and in November of 1977, he was elected first vice president of this outstanding organization and was sworn in at Elizabethtown, Pa., in January of 1978. In September of 1979, at the State meeting in Sharon, Pa., he was elected president of the Pennsylvania State Fire Police Association. He was sworn in at the West Fall Fire Company in Mattamoras, Pa. on November 18, 1979.

I know that my colleagues will join me in sending our congratulations to Mr. Dean Berger for the fine job he has done. His leadership in this difficult and dangerous profession has generated progress that will only grow in importance in the coming years.

The members of the Fire Police Association dedicate themselves 24 hours a day to protecting our lives, our homes, and our businesses. Dean Berger is a very special man in a very special profession.●

ESTONIAN INDEPENDENCE DAY

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1980

● Mr. McCLORY. Mr. Speaker, on February 23 we mark the 62d anniversary of Estonian independence. Estonia achieved its modern status as an independent nation on February 23, 1918, in the aftermath of World War I and the Russian Revolution. It retained its freedom for over 20 years until Soviet troops annexed it forcibly together with the other Baltic republics in 1940.

The Soviet invasion in 1940 was justified under the pretext of a friendship treaty between Estonia and the Soviet Union. It was under the pretext of a similar friendship treaty that the most recent nation, Afghanistan, was added to the list of those who have lost their national freedom through Soviet aggression.

Mr. Speaker, how many nations must be added to the list of captive nations before we realize that the Soviets mean what they say? They intend to destroy us and our way of life. They intend to bring the whole world under Communist domination and, more specifically, under the domination of the Soviet Union.

The proud and ancient people of Estonia have much to tell us about what it means to live under Soviet rule. It means the deprivation of all natural freedoms and the imposition of a harsh totalitarian regime which is afraid of free thought and free speech and all other forms of freedom.

It means also the existence of a regime which is a standing threat to its neighbors, and must—in the nature of things—be a standing threat to its neighbors because to remain at peace is to display its economic and moral failures to all the world.

Mr. Speaker, the Estonian people are free in spirit even though they remain subjugated by Soviet troops. We owe them a debt of fidelity for their endurance. We must remember their trials and resolve not only to resist future Soviet aggression, but also to hasten the day when all the nations now under the Soviet yoke will be free.

That is not an impossible dream because our system and our values are superior to the Soviets' system and values. If we doubt this, we need only ask the people of Estonia.●

APO PRIVILEGES FOR AMERICAN SCHOOLS ABROAD

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1980

● Mr. ALEXANDER. Mr. Speaker, I would like to continue presenting the issues which confront U.S. citizens living overseas as defined by the American citizens abroad.

The material follows:

ISSUE No. 11

Short Title: APO Privileges for American Schools Abroad.

Summary of the problem: Unlike many other countries, the United States provides almost no assistance at all for educating the children of private citizen Americans abroad. One practice had been permitted to evolve, however, through the generosity of the Department of Defense. With DOD indulgence, a number of overseas American schools were allowed to enjoy the usage of the Military Postal Service (MPS) whereby educational materials could be sent at low cost from the United States to the overseas school locations.

In March, 1978, in an economy move, DOD abruptly terminated this indulgence and forced a number of overseas schools to undergo severe hardship in their operations through extra cost in obtaining educational materials, and extra time due to the frequent inefficiencies of the foreign postal systems that were henceforth used.

ACA's question: Why, in the name of small scale economies, should it be the children who have to suffer abroad?

The President's reply: "Because the MPS was established for the purpose of supporting the active U.S. Armed Forces deployed abroad, the Defense Department decided to delete from the list of eligible users of the system all individuals and organizations not operating in direct support of the Defense mission. The non-Defense Department tuition fee schools were only one group among the several organizations eliminated from the list of eligible users. The Defense Department's action also reflected the views of the House Committee on Post Office and Civil Service, which had recommended "that the Department of Defense in concert with the Postal Service take the necessary action to insure that each user of the MPS will pay a fair share of the cost of maintaining the system." A significant consideration affecting the Defense decision in this matter was the fact that dependent children of military personnel and Defense Department employees in these schools frequently represent less than one percent of the total enrollment."

Having justified the DOD policy, the President nevertheless convinced DOD to modify its stand. The President further reported: "Although the curtailment of MPS service applied to all non-Defense tuition fee schools, the Department of Defense has agreed that these schools, having Defense Department and other U.S. Government dependents enrolled, are authorized to use the MPS for first class letter mail weighing less than sixteen ounces and containing official school correrspondence, test materials, student records, etc. In addition, the Defense Department has agreed to continue to review individual requests for reinstatement of full service based upon exceptional circumstances."

Subsequent to ACA's request for redress the situation has improved. But, there are a number of further considerations that need to be addressed.

ACA's renewed question: The new DOD policy consists of a willingness to extend limited MPS services to tuition fee schools abroad if such schools have among their enrolled students dependents of the U.S. Armed Forces or of other employees of the Government. Why is the United States continuing to make a distinction between bureaucrats and those in the private sector?

It might be suggested that DOD is not the relevant department of the Government to provide services to all Americans abroad. But that would not coincide with recent Congressional action making DOD the principal responsible body for administering the overseas election provisions whereby all U.S. citizens abroad can vote in U.S. Federal Elections.

Further, if DOD is not the relevant body, why is not some similar form of postal assistance offered to help facilitate the education of American children abroad? Large sums of Federal money are given to individual States each year to supplement local revenues for educational purposes. Why could not some modest sums be allocated to help children abroad?

Finally, it should be recalled that the President used the necessity for all of those enjoying the MPS services to pay their fair share of the costs of this system as a justification for eliminating overseas schools from among the MPS beneficiaries. It does not seem to follow that using the MPS under the same conditions as other eligible organizations implied in any way that the schools were not willing to pay their fair share. We wonder why this particular comment was appended to the President's statement?

ACA asks why the United States favors some children and discriminates against others overseas for this assistance to their education? Why are not all American children equally deserving of assistance abroad?

ISSUE No. 12

Short title: Educational Allowances for U.S. Government Employees Abroad.

Summary of the problem: Government employees must send their children to Department of Defense schools where they exist abroad. Only in cases where no such schools are available can government dependents have their tuitions and fees reimbursed for attending private educational institutions.

Some government employees feel that this does not allow their children a free choice of educational opportunity.

ACA's question: Why does the U.S. Government not allow a greater freedom of choice for dependent children in their schooling abroad?

The President's reply: "The choice afforded employees abroad where Defense schools exist is the same as the choice they would face at home, namely, either to utilize a publicly-supported school at no direct cost or a reimbursed cost or to pay for attendance at a private or other school not supported by the U.S. taxpayers. Education allowances are provided only in cases where there is no such choice."

ACA's renewed question: Why does the Government not consider giving greater leeway to dependents of Government employees abroad in the selection of the school most appropriate for their children?

In this regard it is instructive to observe that a number of other countries have found a method for subsidizing, at least in part, the education of many children of private sector citizens by sending the government dependents to private schools that have been organized abroad.

We wonder whether it would not be more equitable in terms of the disbursements of taxpayers' dollars to have as few DOD schools as possible, and only in the case of situations where there is no possible local American school that could be created. Getting DOD out of the education business would permit much greater flexibility in having the Government help all Americans educate their children abroad. The United States could then follow the lead of such countries as France and West Germany whereby the Government would offer subsidies to help construct private schools abroad, help operate them and help find staff for them.

ACA would like to think that some way could be found to make the educational facilities abroad available on an equitable basis for all American children. It might also improve the impression of choice and control that Government families feel they exercise over their children's schooling also.●

PROHIBIT PERSONAL USE OF CAMPAIGN FUNDS

HERBERT E. HARRIS II

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1980

● Mr. HARRIS. Mr. Speaker, last December, as we rushed to complete legislative business before the adjournment of the first session, both the House and Senate overwhelmingly passed legislation to clean up Federal campaign practices.

The major provisions of this bill—(H.R. 5010)—simplified reporting and record keeping requirements, expanded the role of political parties, and increased grassroots participation in Federal campaigns. I agreed with the sponsors of the legislation that these provisions represented needed improvements in Federal campaign laws. In light of the upcoming elections, timely implementation of such reforms was, and is, essential.

But what many of my colleagues may not have realized was that, in passing this legislation, we created a loophole to benefit the current 434 Members of this House. Under the act, Members who take office after January 8, 1980, are prohibited from converting leftover campaign funds to personal use, but Members elected prior to that date may, upon retirement, pocket surplus campaign funds. In effect, we have created a camouflaged pension plan for those of us who now hold seats in the House of Representatives.

I am introducing legislation today to close this loophole. My bill would remove that clause in the Federal Election Campaign Act which, in effect, exempts sitting Members of the House from the ban on conversion of campaign funds.

There is no justification for allowing Congressmen and Congresswomen to build a cash retirement fund with campaign contributions. The prohibition on personal use of campaign funds should be universal—applied to former, present and future Members of this House.

There can be no excuse for permitting current Members of the House to use campaign funds for personal enrichment. I hope the House will act promptly to close this loophole before the next election.●

CENTRAL NEW YORK'S OUTSTANDING WOMEN

HON. GARY A. LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1980

● Mr. LEE. Mr. Speaker, each year for the past 30 years, the Syracuse Federation of Women's Clubs has joined with the Syracuse Post-Standard to salute the Central New York area's most outstanding community leaders among women who have distinguished themselves in specialized fields. The recipients of this honor are chosen annually by a select panel from hundreds of nominees, and designated as Women of Achievement.

Announcement of the winners on New Year's Day and the gala awards luncheon in February have become a Syracuse tradition; and a public salute before this honorable body to the Women of Achievement, to the Syracuse Federation of Women's Clubs, and the Syracuse Post-Standard, has become a Washington tradition I am proud to continue today.

It is a privilege to share with you a community's pride in the accomplishments of the Women of Achievement for 1979:

Margaret Daly, All-Time; Molly Broad, Career; Lorraine Caruso, Music; Karin Franklin, Communications; Charlotte Hillsberg, Health; Shirley Jefferson, Citizenship; Lorraine Merrick, Education; Kay Naumann, Volunteer Leadership; Ann Pietrafesa, Social Service; Maria Russell, Public Relations; and Bonnie Totten, Religion.

Central New York is a finer place to live because of the dedication and skill of many women, but these 11, guests of honor at the annual Women of Achievement awards luncheon in Syracuse, February 14, are special.●

WALL STREET JOURNAL ENDORSES $75 MILLION AID TO NICARAGUA

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1980

● Mr. DRINAN. Mr. Speaker, later this week, the House will consider the Special Central American and Caribbean Security Assistance Act of 1979. The bill authorizes $70 million for concessionary loans to finance imports of U.S. goods and services to be used in rebuilding the Nicaraguan economy, and to generate local currency for reconstruction activities. The remaining $5 million is allotted for grants for agricultural, technical, and educational assistance.

An editorial in today's Wall Street Journal concludes that "the future is resolutely uncertain" in Nicaragua, but "there are reasons to go ahead with the aid."

Mr. Speaker, Nicaragua is in the midst of the process of rebuilding the nation after its revolution. The money in this bill will add to the international effort to help get Nicaragua back on its feet.

The Wall Street Journal editorial points to the many conflicting attitudes in the United States about the aid package and concludes that the aid will support our best interests.

I urge all my colleagues to support the aid package to Nicaragua and to read the editorial that follows:

[From the Wall Street Journal, Feb. 19, 1980]

CENTRAL AMERICAN CHANCE

Seven months ago, Sandinist rebels overthrew the Nicaraguan regime of Anastasio Somoza. At the time there were two competing views here in the U.S. about what it was all going to mean. One was that nothing was going on except a justifiable rebellion by indigenous freedom fighters against Somoza's U.S.-supported corruption. The other was that Nicaragua had had a Cuban-sponsored revolution and was on its inexorable way to Cuban-style Communism. Events still haven't provided a judgment on which version was correct. But soon we're going to have to make some decisions about our policy towards Nicaragua anyway.

Right now there's an administration-sponsored bill in the Congress to lend the Nicaraguans $70 million and give them another $5 million in grants. The aid is meant to enable the country, especially its still-substantial private sector, to restore an economy ravaged by the civil war. The authorization bill has passed the Senate but is in some trouble in the House: A number of Representatives are gloomily contending that the money can't stop Nicaragua from becoming a totalitarian state and then America's enemy. They point to the Sandinists' recent abstention in the UN vote on the Soviet invasion of Afghanistan, and the anti-American rhetoric that the Nicaraguans delivered along with their expression of neutrality.

Those in favor of the aid package answer that Nicaragua isn't Castroite now, but it may well become so if we don't help out with the economic crisis. It's nice to see that for once both sides in the debate are admitting the existence of Communist designs and the possibility of a Communist triumph. But so far the evidence is still mixed.

On the one hand, even apart from the anti-U.S. language there are some disturbingly familiar signs: substantial expropriations of businesses and personal wealth, a steady exodus by the middle classes, the presence of Cuban "reading teachers," continued postponement of elections, and the appearance of powerful Sandinist Defense Committees, a network of neighborhood "cells" on the Cuban model that dispense supplies and propaganda and enforce mandatory attendance. On the other, the government has avoided massively vindictive revolutionary justice. It continues to express respect for the role of the Church and the private sector, and hasn't really clamped down on freedom of expression. And it hasn't gone into the business of subverting its neighbors.

In short, the future is resolutely uncertain; and, that being the case, there are reasons to go ahead with the aid. For one thing, Nicaragua still has some objective characteristics—its middle class for instance—that make its prospects brighter than those of other Central American nations. For another, the rising level of conflict in nearby countries like Guatemala and El Salvador make this a specially poor time to cut our ties to the region.

And finally, there is a judgment we have to make about the attitude this country is going to take towards the uncertain course of history in this region—whether we are going to act on the assumption that we have been defeated or whether we will take some chances, even relative long shots, to try and avoid the debacle.●

WINNING SPEECH FROM MINNESOTA

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1980

● Mr. SABO. Mr. Speaker, I submit for the record a fine and thoughtful speech by a young man from Minnesota. I think that his words reflect the energy and enthusiasm of America's young people as they face the complex challenges of the future.

The speech of Christopher Paul Eid follows:

Christopher Paul Eid, Minnesota, Winner, 1979-80 V.F.W. Voice of Democracy Scholarship Program

There's an old Chinese prayer that says:

I am not everyone,
But I am one.
I cannot do everything,
But I can do something.
What I can do, I ought to do,
And, by the Grace of God, I will do.

I think that prayer is really neat. It relates in some ways to the sometimes-not-so-obvious fact: that America's future is my future. If I want to have some say in it, I can't just sit back and "rock my life away," as one television commercial so aptly puts it. Whoever wrote that prayer—whether it was a Chinese emperor—or priest—or farmer—or housewife—knew that there is always going to be someone, somewhere—who is going to stand up and start to pull our country out of the mess it is in right now. Someone, somewhere—who will start solving our unemployment, our inflation, and our crime. At least that's what the history books have always told us!

That reminds me of a game they taught us to play in Kindergarten: "Follow the Leader." We played a game of our choice twice a week, and our teacher would always start our favorite game by doing something for us all to imitate, like clapping three times, or hopping on one foot. She would do some pretty silly things, but we all loved it! Well, on one of our game days we had a substitute teacher—and she wasn't about to squat down and quack like a duck! But the game was fun, usually. It would be great if I could say that I got up and started the game, but then it was only Kindergarten, and that would have been very unlikely. When you think about it, though, that thought is very scary. Inadvertently, they were training us to be stick-in-the-mud monkeys, all followers, with not one Harriet Tubman, the great slave leader—type in the group. But wait a minute! Is that all that bad? Actually, the possibilities could be fantastic! What would happen if . . . I became a member of my high school student council?, and what if . . . I got involved with our school spirit committee?, and what if . . . I got my church group together to clean up the local park?, and what if . . . I should organize some of my fellow college students to put on an ice cream social at the nursing home?, and what if . . . I should get a job where I can research the possibility of a new energy source for our future?, and what if . . . I should discover it!, and what if . . . I should help start a fund drive for the needy?, and what if . . . I should run for President! and . . . boy, that last one sounds pretty far-fetched for a little kid who can't even figure out quadratic equations yet. But someone has to do it, and I can name off thirty-nine people who have had the guts to shoot for the top, from Washington—to Lincoln—to Carter, and those are just the winners, too! The point is, though, I wouldn't have to accomplish all of this. Once the ball is rolling, everyone will be involved, and America's future will be our future. By the time that happens, my generation would change into a generation of leaders, rather than one of just followers. Now, I can see that someone really knew what they were talking about when they said that every cloud has a silver lining, and that the problems of today are really only the challenges of tomorrow. My teacher really was smart in teaching us "Follow the Leader." If I want to make something of my future, I'm going to have to make the history books come true, and do everything I can do. And do-you-know-what? By the Grace of God—I will do!●

A CONGRESSIONAL COMMENDATION

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1980

● Mr. LONG of Maryland. Mr. Speaker, on Saturday, February 9, it was my honor to present a congressional commendation to Mr. Paul Kurisky, a member of Boy Scout Troop 859, who achieved the rank of Eagle Scout at only 14 years of age.

Paul, son of Jo Ann and George Kurisky, resides in Phoenix, Md., and attends Calvert Hall High School on an academic scholarship. He is interested in swimming, tennis, and cross-country running. He won his letter in cross-country running at Calvert Hall earlier this year.

Paul has advanced through various leadership positions in scouting, including assistant patrol leader, patrol leader, scribe, and assistant senior patrol leader.

Awards were also given to:

Chris Benish—First Class Scout, First Aid Merit Badge.

Nick Gounaris—First Class Scout.

David Roll—Second Class Scout.

Steve Wisel—First Class Scout.

As a former Boy Scout, I ask my colleagues to join me in congratulating these young men for their achievements.●

MOTION TO INSTRUCT WINDFALL PROFITS CONFEREES

HON. NORMAN E. D'AMOURS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuseday, February 19, 1980

● Mr. D'AMOURS. Mr. Speaker, I urge all of my colleagues to join with me in voting to instruct the conferees on the Windfall Profit Tax bill to accept tax credits for energy conservation and alternative energy development.

The House has been criticized for talking a lot about alternative energy and conservation but doing nothing about it. This may be the only opportunity we will have to go on record in favor of alternative energy development and meaningful conservation initiatives, including: Passive solar energy; gasohol; wood energy; small scale hydroelectric energy; conservation and solar credits for landlords; and other equally valuable alternative energy technologies and conservation initiatives.

These initiatives are contained in a Senate passed section of the bill. The House has never had a chance to vote for or against these measures because the House Ways and Means Committee, after holding hearings, chose to go straight to conference rather than reporting to the full House a bill directing how the windfall profit revenues should be spent.

These instructions, if fully carried out, will only affect some 11 percent of the windfall profit tax revenues.

By bypassing the House and going straight to conference the House has been denied a chance to insure that the proceeds from this tax will be used to reduce our dangerous dependence on foreign oil.

I would like to share with my colleagues a "Dear Colleague" letter I circulated on this topic last week with a dozen of my colleagues:

Congress of the United States,
Washington, D.C., February 13, 1980.

Dear Colleague: On Thursday evening, February 7th, House conferees on the Windfall Profit Tax bill voted 9 to 4 to oppose any and all energy tax credits. They then went on to kill Senate amendments relative to credits for passive solar energy, heat pumps, electric cars, wood-burning stoves and furnaces, more efficient gas and oil boilers and furnaces, and extension of credit eligibility to landlords. Still other credits which are liable to be killed or greatly reduced before the conference is finished relate to gasohol, wind, cogeneration, hydroelectricity, geothermal energy, and solid waste power generation.

Because the full House was denied an opportunity to take up the crucial issue of what to do with the revenues from the Windfall Profit Tax, we believe some action is necessary to impress upon the conferees that the Windfall Profit Tax was intended largely as a method to aid in the utilization of alternative sources of energy and energy conservation. Several studies have determined that tax credits are an invaluable way to accomplish this.

We intend to introduce a motion early next week to instruct conferees. The motion will instruct House conferees to recede and concur with Senate amendments on residential and business energy credits, which would promote the use of alternative sources of energy. The total amount of these credits is approximately $26 billion, or 11 percent of the overall revenues from the Windfall Profit Tax. It is a relatively modest amount for steps aimed at cutting our dangerous dependence on foreign oil.

We hope you will agree with us that the full House ought to be on record as favoring these important incentives and that the conferees ought to have some instructions from their colleagues on these crucial energy issues.

Sincerely,

Norman E. D'Amours, James M. Jeffords, Berkley Bedell, Charles Rose, Robin L. Beard, Beverly B. Byron, Parren J. Mitchell, John B. Anderson, James Weaver, Wyche Fowler, Jr., Richard L. Ottinger, James C. Cleveland, and Floyd J. Fithian.●

E. R. BECK

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1980

● Mr. ANDERSON of California. Mr. Speaker, in one way, I am not sure that the retirement of E. R. Beck from the Lomita Chamber of Commerce is a permanent incident. You see, Mr. Speaker, E. R. Beck retired from his multifaceted auto services business in December 1966, only to come out of retirement on January 1, 1967. At that time, E. R. Beck began his career with the Lomita Chamber of Commerce as its chamber manager.

All of Lomita knows E. R. Beck, since he has lived there for over 50 years. Having been born and raised in Texas, E. R. served in both the Army and Navy during World War I. After the war, he worked at a variety of jobs, ranging from bank teller to salesman for the American Tobacco Co. Yet for a large portion of his life, E. R. worked in the oil industry, starting out at 33½ cents an hour in 1923.

E. R. met his wife Minnie at college, and the two moved to California in 1925. For 20 years E. R. was employed by the Shell Oil Co., until the abrupt news came from his doctor that because of heart trouble he had only 6 months to live. E. R. and Minnie decided that if he was to die, he might as well die in Texas; they bought a dairy farm, where much to everyone's surprise and pleasure, E. R. regained his health. The family later returned to the south bay area, where E. R. and his son Richard began the first service station/used car and garage business in Harbor City. For almost 15 years E. R. served the community and its various automotive needs.

Service to the community came not only in his business dealings with south bay residents, but also with his membership in both the Masons and Lions Clubs. A Mason back in Texas, E. R. joined the Lomita Chapter of the Masons. As a member of the Harbor City-Lomita Lions Club, E. R. served as secretary, treasurer, and president. He is known to all as "Mr. Lion," and just last month was honored with the Lions Club International life membership award.

When E. R. joined the Lomita Chamber of Commerce as its chamber manager back in 1967, his coming out of retirement was actually a new channel for his many talents and abundant energy. All of Lomita felt his presence, as he has an excellent memory and never hesitated to press anyone and everyone into service for the community. It is an accepted fact that E. R. helped keep the chamber going, and kept everyone on their toes. If something needed to be done, E. R. was instrumental in getting the project off the ground and making sure that it was completed, for it was common knowledge that E. R. looked out for the city's welfare at every turn, diligently keeping informed as to every aspect of life in Lomita. Relations between the chamber of commerce and the city council are harmonious in no small part because of his efforts and dedication.

Such dedication is also clearly evident to his dear wife, Minnie. Mr. Speaker, this past Sunday, February 17, marked the 57th wedding anniversary of this couple. There are not many relationships that last even half as long; thus, such an event is to be regarded as a glowing tribute to both these fine people.

When E. R. retires from the Lomita Chamber of Commerce on June 1, 1980, he and Minnie plan to travel. They are both living testimony to the caliber of people I am proud to claim as constituents of my district. Although we will miss them while they are away, my wife, Lee, and I extend to both of them the most wonderful of travels, and to their daughter-in-law Leona and grandchildren Linda and Darrel, a life of successes and accomplishments equal to those of E. R. Beck.●

OBERLIN STUDENTS FOLLOW SLAVE UNDERGROUND RAILROAD ROUTE

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1980

● Mr. STOKES. Mr. Speaker, it is particularly significant that during this month, which is Black History Month, I can report to my colleagues an event which has recaptured the dreams and achievements of black people in this country. The actions of nine black Oberlin College students have underscored the fervor and quest for freedom of black slaves in this country in the 1800's while simultaneously outlining the challenges for blacks in the future.

On January 2, 1980, Richard Littlejohn, Lester Barclay, Adrian Banks, Herman Beavers, Gale Ellison, Larry Spinks, David Hoard, George Barnwell, and Marzella Player embarked on a 420-mile journey from Greenberg, Ky., to Oberlin College tracing the underground railroad route many slaves took to gain freedom. Conceived as a winter term project and financed by the National Endowment for the Humanities, the project became more than a university requirement—it became a symbolic journey.

This trip underscored the violations of civil and human rights that early Americans inflicted on black slaves. It also emphasized the spirit and determination of this race of people to, as the old spiritual goes, "steal away" to freedom.

The ambitious young people donned the slave clothes of their ancestors. They walked about 17 miles per day and whenever possible, ate the same type of food. They slept in many of the same places slaves traveling the underground railroad did sacrificing the convenience of warmth and comfort in the pursuit of their goal.

All too vividly like their forebears, on a couple of occasions they were harassed by people. But, they were never deterred from their goal.

It is particularly gratifying for me that these young people undertook this project. The slaves and the early freedom fighters are dead now. These young people are our investment in the future. They have proven to me that they possess the vitality and tenacity to continue the struggle on behalf of blacks, the poor, and other minorities in this country.

When W. E. B. DuBois spoke of the "talented tenth," I am confident that he was referring to young people of the caliber and determination of these Oberlin students. Similarly, I know that Dr. Martin Luther King, Jr. and Langston Hughes' inspirational words on equality and dreams somehow spurred these young people on. Finally, I know that Sojourner Truth must have nurtured the hope that fine young people like the Oberlin students would continue her tireless journey to freedom.

At this time, Mr. Speaker, I would like my colleagues to join me in commending these young people. I am entering several newspaper articles about this journey in the Record.

Nine Students Complete Slave Trek

(By Jane M. Littleton)

Ice clung to George Barnwell's eyelashes and to Herm Beavers' and David Hoard's mustaches; their feet were sore, muscles ached, but they were free.

And so were Adrian Banks, Marzella Player, Gale Ellison, Lester Barclay, Richard Littlejohn and Larry Spinks.

The Oberlin College students returned to campus yesterday, completing their 420-mile walk, a re-creation of an escape from slavery via the Underground Railroad route that thousands of fugitive slaves used during the 1820s.

It had begun 31 days ago in Greensburg, Ky., and had become more than a winter term project for the students. It had become a trip laced with pain and discouragement at times, they said, but definitely a time to recommit themselves to making a contribution to black history.

They were welcomed by more than 300 friends, relatives, high school, elementary and college students, faculty and three elderly black women, including 97-year-old

Rosetta Lawrence of Elyria. The elderly women's parents were slaves.

Like their ancestors, this group had made history.

Hoard, of Paoli, Pa., and conductor of the group, said he believed they had done something that had never been attempted before.

"I think crossing the Ohio River was the climax for me, personally," said Barnwell, a junior from Clinton, Md.

"I feel a tremendous amount of pride. I'm really proud to be black," said Ms. Player, almost in tears. She is from Reston, Va.

As the students trudged the last mile, wearing the same baggy, raggedy slave clothing they had worn for a month, the excitement began to mount.

A woman in a van stopped and handed Barclay, of Chicago, two bags of cookies. The group was ahead of schedule so they stopped inside a small meat market. The manager passed out cookies, hot coffee and orange drink.

"How has it been?"

"It's been smooth, but cold," said Barnwell.

Since the trek began, the students had walked about 18 miles a day and on several occasions, 26. Spinks, of St. Louis, and Littlejohn, of Bridgeport, Conn., rode in a camper, which carried food, blankets and medical supplies. It was their responsibility to find shelter for the walkers.

Trying to be as authentic as possible, the students usually slept in barns or unheated and often unfurnished homes, many of which were historic landmarks because they were original safe stops along the Underground Railroad.

Yesterday, as the end of the journey neared, some high school pupils joined the walk and soon about 100 persons, young and old, were walking with them. Half a dozen reporters and television cameramen rode atop a fire engine. The police department had roped off part of the street and the crowd continued to swell.

At Hamilton and N. Main streets, at the heart of the campus, the walk was officially over.

The students began crying, laughing and hugging each other, friends and well-wishers. A band was playing "Battle Hymn of the Republic" and high school and elementary students were cheering and waving the American flag.

During a brief ceremony outside Hall Auditorium Plaza, Oberlin College President Emil C. Dannenberg commended the students for what he called a difficult task well done.

Oberlin, one of the first colleges in the country to admit women and blacks, was an important stopping point for escaping slaves.

During a news conference the group talked about their encounter with a hostile sheriff in Brookville, Ky. "We thought we were going to be arrested," said Beavers, of Maple Heights.

OBERLIN BLACKS NEAR END OF 421-MILE WALK

OBERLIN (UPI)—Nine black students from Oberlin College on Friday will complete their 420-mile walk along a major route of the Underground Railroad, once used by black slaves to escape to freedom.

The students were in Mansfield on Monday, where they stayed in a United Methodist Church and will arrive in Wellington tomorrow, Oberlin College spokeswoman Carol Petraidis said.

The students—six men and three women—when they left Greensburg, Ky., Jan. 2, retracing the route across the Ohio River and into Ohio. Eight of the nine students have been walking while one has driven a car behind them.

Dressed in calico and burlap clothing of the slave era, the students have been spending nights in churches, barns and private homes made available to them. They have been eating food typical of the slave diet, including grits.

One of the students travelling the 400-mile route is Herman Beavers of Maple Heights, a junior. He is the only Ohioan in the group.

In Wellington the students will stay in the Russell Pruitt Home, a local historic site.

When the students arrive in Oberlin Friday, they will be met on the edge of town by college students, local school children and other local residents, who will accompany them on the last 15 minutes of their journey. Then Oberlin College President Emil C. Danenberg and Oberlin City Manager Sherry Shuttles will speak to them and the others present.

Oberlin was the first integrated college in the United States. The project is being funded by a grant from the National Endowment of the Humanities.

OBERLIN STUDENTS END WALK ALONG SLAVE ROUTE

(By Robert Sangeorge)

OBERLIN (UPI).—Joyfully singing spirituals and dressed appropriately for 14-degree weather, nine black Oberlin College students today completed their 420-mile historic retracing of the Underground Railroad—once used by black slaves to escape to freedom.

The six men and three women arrived home to a happy reunion with friends and family, being greeted from their month-long journey which began in Greensburg, Ky., by a crowd of about 500 people.

The only Ohioan among the nine students is Herman Beavers, a junior from Maple Heights.

"You have fired our imaginations and given us a renewed feeling of pride in our Oberlin heritage, providing for us a sense of continuity with a significant period in Oberlin's past," Oberlin College President Emil C. Danenberg told the students.

The president also noted Oberlin was an important stopping place for slaves escaping from the South before 1860.

"Today, Feb. 1, 1980, you nine are a symbolic link with these early Oberlin students," Danenberg said. "Your project has led us to a deeper understanding of and appreciation for a vital aspect of Oberlin's history."

City Manager Sherry A. Suttles echoed Danenberg's comments.

"A way has been paved, and you have helped keep the path open, by your daring trek from Kentucky in the face of inclement weather, meager traditional food and hostile residents along the way," Ms. Suttles said. "We salute you."

Appropriately, Oberlin was the first integrated college in the United States.

Eight of the students made their way on foot across the Ohio river and into Ohio. One drove a car behind them.

The project received a $9,378 grant from the National Endowment for the Humanities Youth Grant Division and was designed to explain many of the myths and legends connected with the Underground Railroad.

[From the Cleveland Press, Jan. 19, 1980]

STUDENTS TRAVEL UNDERGROUND RAILROAD

(By Ted Virostko)

HILLSBORO, OHIO.—Herman Beavers, a 20-year-old government and sociology major at Oberlin College, is on a 33-day adventure recreating the underground railroad slaves used to flee to freedom.

"Yes, this is an adventure," Beavers said as he and nine other participants in the long walk prepared to spend the night here—the 18th stop—on their trip. It will end Feb. 3 in Oberlin.

"We've experienced many new things," the 1977 graduate of Maple Heights High School said in a telephone interview from Highland House, a museum operated by the Highland County Historical Society.

The 10 spent last night in the museum and today visited several homes that "were part underground railroad stations," according to Joseph Rockhold, society president.

The re-creation started Jan. 2 in Greensburg, Ky., and it was only last Wednesday that the group, which includes three women students, crossed the Ohio River from Dover, Ky., to Ripley, Ohio.

"The crossing was a good experience," Beavers said. "It took us about a half hour to row across the river. There was a bunch of school kids on the bank cheering for us. It was really nice."

Beavers, whose family lives at 5585 Garden St., Maple Heights, said there have been only two "bad or scarey" experiences, both in Kentucky.

The first occurred in Belltown when the group, following threats from a neighbor adjacent to the barn in which they were going to spend the night, decided to "go down the road a piece" and slept in a camper that carries the group's sleeping equipment.

Then in Brookville, the sheriff and residents weren't too friendly, although members of a church in which the students spent the night were extremely friendly and good hosts.

On the whole, said Beavers, the only Ohioan among the students, Kentuckians were friendly.

"They would wave at us while we walked. They offered us rides, places to stay. It was counter to what I had believed," he explained when asked what kind of reception he had expected while walking through Kentucky.

A very pleasing experience for Beavers came Thursday night when the 10 students stayed at the Fincastle (Highland County) home of Mr. and Mrs. Jay Polstre and their six children, ranging in age from three months to 11 years.

"The kids took to us right away," he said. "We played cards and just played with them. I really enjoyed it. In the morning while I was cooking breakfast, a couple of them got up and helped me."

"I'm very happy to be participating," Beavers said. "I'm in pretty good shape. (He's on the track and football teams.) I really haven't had any physical problems. I, as did everyone else, had sore feet at the start but now we're used to walking. At the end of the day you take off your shoes, sleep and you're ready to start the next day."

Larry Spinks, 21, of St. Louis, a major in political science, seems to have the toughest job. He's the group's advance man. He has the responsibility of finding the night's lodging and working in the community with the contact person, if there is one. In Kentucky there was only one contact person. In Ohio there will be six.

How does he go about finding shelter?

"I just go and knock on doors, explain what we are doing and ask whether we can spend the night."

He said the Polstres were the eighth door he knocked on before sleeping quarters were found. In many instances the group sleeps in churches or even in barns.

"I am learning about history and about people," Spinks said. "I come from an all-black background. There are a lot of good people, especially whites. I did not know that. Total strangers helped us when asked."

Beavers said the idea for the re-creation resulted when three students, including him, were trying to decide what kind of a project they could do during Oberlin's winter term. First came a suggestion to "travel down South and record our experience."

Later this was changed when David Hoard, 20, of Paoli, Pa., suggested they travel the slave escape route. Hoard was able to obtain a federal grant of $9,378 to finance the venture.

"Really it was a group idea," Hoard said, "We've walked 210 miles so far and have to walk another 180. We are trying to re-create a bit of history. It has never been done before by young black students."

Hoard, who along with Spinks mapped the route, says he feels "Ohio people appear to be friendlier. They even gave us the key to the city."●

ENERGY COALITION SUPPORTS MOTION TO INSTRUCT WINDFALL PROFITS CONFEREES

HON. NORMAN E. D'AMOURS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1980

● Mr. D'AMOURS. Mr. Speaker, the Harvard University study, "Energy Future," by Robert Stobaugh and Daniel Yergin provides strong evidence of the contribution that energy conservation and alternative energy technologies can make toward reducing our dangerous dependence on foreign oil.

Energy future documents the direct correlation between the size of tax credits for these technologies and their utilization by the public. The authors argue strongly for substantially increased tax credits for solar energy and other alternative technologies—along the lines of the tax credits contained in the Senate amendments to the windfall profits tax bill.

Mr. Speaker, in spite of recent increases in the cost of crude oil the need for these tax credits has not diminished. Inflation has also pushed up the cost of alternative technologies and the differential between conventional and alternative technologies has remained relatively constant.

I would like to share with my colleagues a letter from the Energy Coalition supporting a motion I will make to instruct the House conferees on the windfall profits bill to include in the conference report significant tax credits for energy conservation and alternative energy technologies.

The Energy Coalition, a coalition for renewable resources and energy efficiency is comprised of: Environmental Action, Environmental Defense Fund, Environmental Policy Center, Friends of the Earth, National Wildlife Federation, Natural Resources Defense Council, Sierra Club, Solar Lobby, and the Wilderness Society.

The letter follows:

ENERGY COALITION,
Washington, D.C., February 15, 1980.

DEAR MEMBER OF CONGRESS: Last Thursday the Conferees on the Windfall Profits Tax, H.R. 3919, came close to finishing work on the bill and, in the process, drastically reduced the package of renewable energy and conservation credits passed by the Senate. The price tag on the entire package would have amounted to 10 percent of the expected revenues of tax. Although some items are still under discussion, the Joint Tax Committee staff has recommended a credit package amounting to 2 percent of the total expected revenues, that is $6.6 billion out of $227 billion.

Thus far the Conferees have expanded the residential tax credit for solar, wind and geothermal energy and have agreed to credits to provide price floors for synthetic fuels. They have drastically reduced the Senate proposals for credits to encourage industry and commercial concerns to use renewable resources. The Conferees totally eliminated credits for passive solar heating (the most energy efficient solar technology) as well as a number of conservation items such as replacement oil and gas furnaces for residential use and industrial heat pumps. Some provisions are still being discussed, i.e. cogeneration, alcohol fuels, and hydroelectric facilities.

With regard to the tax incentives still to be decided, we are urging conferees to accept a 10 percent energy credit for cogeneration equipment, and to reject the Senate proposal for credits and use of tax exempt bonds to finance new hydroelectric facilities or to retrofit existing facilities larger than 25 Mw.

One apparent barrier to House agreement with the Senate is the fact that the House has never approved any expenditures of tax revenues. An effort is now under way, led by Congressman D'Amours and others, to move to instruct the Conferees before they reach a final decision to recede and concur with the incentive proposals passed by the Senate.

The Energy Coalition is urging the Conferees to reconsider their decision to exclude the passive solar tax credit for builders, to exclude a variety of residential conservation measures, and to reduce the business tax credit for solar energy investments.

The D'Amours motion provides a mechanism for the House to express its will. We therefore ask you to support this motion as a signal to the Conferees to include the Senate's conservation and renewable energy incentives in the Conference agreement.

SUSANNAH LAWRENCE.●

CUB SCOUT PACK 14—50TH ANNIVERSARY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1980

● Mr. ANDERSON of California. Mr. Speaker, on February 23, 1980, Cub Scout Pack 14 will celebrate its 50th anniversary with a special all-day program of exhibits and activities at the Queen Mary in Long Beach, Calif. I take great pleasure in making this announcement and giving recognition to this most remarkable youth organization. Currently being sponsored by the Belmont Heights United Methodist Church Men's Club of Long Beach, this pack is 1 of only 17 Cub Scout packs in the United States, and the only pack in southern California, that has been continuously active since the Cub Scouts were founded 50 years ago.

Through its long history, Pack 14 has served the community well by developing confidence, enterprise and a strong sense of honor and duty in its young people. More than 2,000 boys have gone through the pack since its inception. Many of those have since become community leaders, attained national prominence, and distinguished themselves in their professions.

Pack 14 holds the special distinction of being founded by Mrs. Ora Lowery, the first, and until recent years the only woman in the United States to hold the post of cubmaster. A special resolution of the Congress made this possible by amending the Boy Scouts of America rules of its charter, originally granted in 1916.

The long success of this organization has been made possible only by the dedicated service of hundreds of volunteer adults who have served unselfishly as den mothers, cubmasters, assistant cubmasters and committee members. I send them my thanks and congratulations for their valuable service.

Mr. Speaker, it is organizations such as Cub Scout Pack 14 that give strength and integrity to our local communities. Through their programs and activities, they teach values of discipline, patriotism, and citizenship, to both youth and adults.

My wife, Lee, joins me in congratulating Pack 14 for remaining a steadfast contributing part of our society these past 50 years. We send our best wishes for continuing success to Pack Committee Chairman, Jerry Ruhlow, and all the members and supporters of Pack 14.●

PARENT PARTICIPATION TV WORKSHOPS

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1980

● Mr. BRADEMAS. Mr. Speaker, on October 31, the Congressional Wives Task Force cosponsored a congressional breakfast with Teachers Guide to Television and NBC to introduce the "Parent Participation TV Workshops" to Members of the House and Senate.

The breakfast featured a premiere of the tape of a "Parent Participation TV Workshop" in which congressional families and friends joined in a parent-child discussion of "Freedom Road," which had been shown on NBC the previous nights. The conversation was led by Dr. Thomas Minter, Deputy Commissioner of Elementary and Secondary Education, and Dr. Bettye

Caldwell, distinguished professor of education and director of the Center for Child Development at the University of Arkansas. FCC Commissioner Abbott Washburn and his family also participated.

For those of my colleagues who do not know of this national effort, its purpose is to use television to open communication between parents and children, to help children choose their values, learn to make decisions, discover who they are and who they can become. The project is described in an article from the November issue of Educational Leadership which I shall insert in the RECORD.

The "Parent Participation TV Workshops" seek to lead children from the television set to active participation in life, to reading, to critical thinking. A workshop can be organized in any family's living room, a school, a church, a library, a community center, wherever parents and children meet and grandparents as well.

"Parent Participation TV Workshops," made possible by a grant from NBC, provide all materials free to any parent, teacher, or community leader who makes a commitment to organize a workshop and send a report on the group's progress to Teachers Guides to Television, creator and orchestrator of the national effort.

Three States, Georgia, Michigan, and Pennsylvania, have announced a statewide "Parent Participation TV Workshop" effort, and others plan to follow soon. Thirty-eight national organizations have endorsed the effort, including the Education Commission of the States, the Council of Chief State School Officers, the National Association of State Boards of Education, the National Coalition of Title I Parents, the National PTA, the Girl Scouts, the National Retired Teacher's Association/the American Association of Retired Persons, and every major U.S. religious group.

Landis Neal, cochairman of the Congressional Wives Task Force, told persons attending the breakfast that:

> NBC is to be commended for its generosity in funding this project and members of the Congressional Wives Task Force hope that the Members of Congress, who know so well the influence and the power of television, will want to spread the good word in their home districts and States that television can be used as a positive tool in our home, in our churches, in our schools, in our communities.

Mr. Speaker, I hope that Members of Congress will want to help the young people and parents in their communities reach out to each other through the "Parent Participation TV Workshops."

Mr. Speaker, I insert at this point in the record an article, entitled, "Prime Time for Communication," by Fred T. Wilhelms, published in the November 1979 issue of the journal, "Educational Leadership," a publication of the Journal of the Association for Supervision and Curriculum Development, the article follows:

PRIME TIME FOR COMMUNICATION

(By Fred T. Wilhelms)

This is a consumer report. For several years I have been loosely associated—in a watching role, mostly—with a small outfit called *Teachers Guides to Television*. When you come right down to it, TGTV is really two people: Ed Stanley, retired from NBC after longtime responsibility for educational and public service programming; and Gloria Kirshner, a gifted, creative teacher with experience across the spectrum of education. Combining their expertise, they set out to enrich the schools' use of TV, and at the same time to stimulate programming compatible with school needs.

As the name of their organization suggests, their basic tool has been a series of *guides* for teachers. Well before each semester they search out the most valuable offerings that are going to be available, study scripts, preview films, and select their list. But their service goes far beyond mere listing: using expert consultants, they provide background on each program and demonstrate how it might be used. The questions they raise are singularly evocative and ought to stimulate the imagination of any good teacher.

About three years ago, an explosive new idea entered the scene: the "Parent Participation TV Workshop." Just to read the phrase is enough to set your professional imagination racing; it's a "natural." Here we are, in these quicksand times, with our youth groping and our parents worrying, the gap between them tragically wide. Two out of three parents, studies show, feel impotent in getting through to their children on serious, sensitive matters that range from death to drugs to money to sex and family problems. Underneath all their veneers, young people yearn desperately to be in close communication with their parents—yet they drift off into a half-secret world of their own. And the walls get higher and higher.

Suppose we had an attractive, neutral device to gather both groups around, with some trained leaders to help them through the awkwardness and old silence. A television program might be just the thing—especially if it dealt naturally and sensitively with the subjects they've both wanted to talk about, but couldn't. They wouldn't have to talk right away about themselves—which is too hard. They could talk about the show, the characters, their motivations, and whatever else came naturally out of the shared experience. Little by little, they could bring the whole thing closer to home. The chances are, they eventually could talk straight to each other about the things that really matter.

That, in a nutshell, is the purpose of the Parent Participation TV Workshop: to open up communication. All you need is a warm, concerned leader (in a school, church, social agency, or wherever), who is good at group process, to invite a small group of parents and their children of a reasonably common age group, get them acquainted in a congenial place and set things going. It will help if the leader has previewed the program, but the hints the *Teachers Guides* supply will do nicely. The leader can set the tone with a few introductory remarks about the "show" they are about to see. But it will be in the moments just after the showing that his or her warm, relaxing skills will really come into play. Expect that at first the conversation will be a hesitant trickle, before it starts flowing naturally.

That is the heart of the thing. Simplicity itself! And yet, like many action plans, it needs some muscle and some organization behind it. Above all it needs *commitment*, understanding commitment, from people in position to act. If your school feels that it might be interested, the first thing to do is to write Gloria Kirshner at the TGTV address given in the first footnote. She will send you much more explicit descriptions, accounts of what has been going on elsewhere, notices of conferences that may be held near you, and statements by educators already experienced in the movement. Then you will be in better position to judge whether you wish to be involved, perhaps in a small way at first.

Despite the newness of the notion, the "accounts of what has been going on elsewhere" are impressive already, and snowballing rapidly. Some 25 or 30 associations, including ASCD, are listed as cooperating groups; they range from the Campfire Girls to the National PTA to the Council of Chief State School Officers. In May, the Parent Participation TV Workshops were selected as one of 11 "programs that work," for the USOE Commissioner's Conference on "Building Confidence in the Public Schools." Within USOE, officials are contemplating incorporation into the field of career education. Others are talking about possibilities with reference to citizenship education, moral education, values clarification, self-image, and problem solving. One could go on and on.

The producers of "Sooner or Later," the program about a young girl's first love used most intensively last spring, are putting together a Saturday morning series built around typical problems of pre-adolescents and teenagers: peer pressures, family relationships, and so on. The series will use interviews with the heroes of today's teenagers, speaking from their own home towns. Much of this whole parent participation development has been made possible by the interest of the media, with NBC underwriting a six-figure grant that makes the necessary materials free of cost to the schools.

Within the schools themselves, the level of interest varies from the original centers with a couple of years of experience behind them to schools that are just testing the water with their toes. For example, in May the San Francisco Board of Education heard a presentation on the Parent Participation TV Workshops and voiced enthusiastic support of the project; it is not yet clear what action will result. Baltimore, on the other hand, had 12 schools involved last year on a volunteer basis, and was shooting for 50 as an immediate goal. The patterns of organization and support are already too numerous to describe.

The most extensive effort so far has been the statewide drive launched last spring in Georgia by Lucille Jordan, Associate State Superintendent for Instructional Services. Building around the TV film "Sooner or Later," Jordan organized advance workshops to which principals, parent leaders, and guidance counselors could come to preview the film and design their local efforts. She also secured the cooperation of the state's welfare and health departments so that notices went to hundreds of thousands of lay people. In cooperation with the Human Resources Department, a hot line was maintained for a week after the show so that families that had uncovered problems would have a place to turn.

Jordan now plans to work with the Saturday morning series mentioned earlier. This fall she has a special, particularly Georgian, resource to work with: the new films of Eliot Wigginton's famous activities with three generations of citizenry in the mountains of North Georgia—the work that led to the publication of the *Foxfire* series. When these films are aired she plans to go beyond "parent participation" to Grandparent/Parent/Student Workshops.

As I look back over the accumulating record, it almost seems to me that the greater danger is not lack of acceptance but *over* acceptance for too wide a variety of goals—all of them good in their own ways. The basic idea is so attractive that ardent professionals seize upon it to promote whatever is closest to their hearts: reading, writing, career education, and so on. I hope that the original sponsors can concentrate on their first purpose, to open communication within families. For here, surely, is a paramount need of our times, and the Parent Participation TV Workshop looks like an amazingly good answer to that need.●

REMARKS BY HON. SHIRLEY M. HUFSTEDLER, SECRETARY OF EDUCATION, TO THE NATIONAL CONGRESS ON CHURCH-RELATED COLLEGES AND UNIVERSITIES

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1980

● Mr. BRADEMAS. Mr. Speaker, I was privileged, on February 2, 1980, to be present in Washington, D.C., to hear an address delivered by the distinguished Secretary of Education, the Honorable Shirley M. Hufstedler, at a meeting of the National Congress on Church-Related Colleges and Universities.

Secretary Hufstedler delivered a most thoughtful address on this occasion and I wish to draw it to the attention of my colleagues.

Mr. Speaker, as one who only recently became acquainted with Secretary Hufstedler, I can say that I have been most impressed by her sense of vision, her keen intelligence, and her unquestioned dedication to a vital place for education in American Life. I commend President Carter on his wise choice for this significant responsibility.

Mr. Speaker, Secretary Hufstedler's address of February 2, 1980 follows:

REMARKS BY SHIRLEY M. HUFSTEDLER, SECRETARY OF EDUCATION

There is both a certain symmetry and a touch of irony to this occasion. The symmetry is that I am here on behalf of the newest force in American Education, while you are here on behalf of the oldest. The irony is that I am doing the talking, and you the listening. It ought to be the other way around; and I assure you that, on other occasions, it will be. For today, however, I shall take as my text Matthew 29:6—"And the last shall be first."

I must say that I am impressed to be in a room big enough to hold twenty-three denominations without a fight. As I think about it, I might change my text to Isaiah 11:6. That is where the prophet predicts that "The wolf shall dwell with the lamb; the leopard shall lie down with the kid; and the Baptist, the Catholic and the Methodist shall sup together." . . . By God's grace, and by John Moseley's, it has come to pass.

I wish that President Carter could be here to see this. It would give him new hope. Lately, the wolves have shown a disturbing tendency to devour the sheep. Preoccupied with the international situation, the President asked me to keep his appointment with you today. In exchange, I asked for his help with some of my own Department's international problems. You may not realize that the Department will inherit the responsibility for our military schools abroad. I told the President there may be some trouble in filling teaching vacancies in Iran. . . . He seemed sympathetic.

Honoring the President's request required that I do some rearranging of a hectic schedule, and I was glad to do it. The chance to bring Presidential greetings and to open a dialogue with you was too good to pass up. We have much to say to one another and it is important that we begin right away; for we are entering a crucial time in the history of American education.

TIME FOR A FISCAL DIET

After decades of unparalleled growth and prosperity, a period of uncertainty stretches before us. The baby boom has subsided, but inflation hasn't. With both enrollments and costs under pressure, all of the nation's colleges and universities—both public and private—will feel the squeeze.

We are going to have to push ourselves away from the banquet table and go on a diet. That in itself is not a bad thing. A diet by no means has to be bland, and it is good for both the physical and the intellectual health. Nevertheless, making the necessary adjustments will not be without trauma. We need to begin planning now to prepare for the problems that we know will arise.

That is why I have been so impressed with the work of this Congress. You have addressed yourselves to the key questions in a timely manner. You have done it with a spirit of cooperation and good will that does you enormous credit. And, it seems to me, you have made real progress. Issues have been examined; insights shared; data collected; and the great questions that your institution will face in the coming years have been clearly framed. As you conclude this phase of your work, permit me to offer my personal congratulations, and those of President Carter on a job exceedingly well done.

Now comes the day of reckoning. After two years of study and deliberation, you must return to your denominations and pose the most fundamental question: What is the mission of church-related colleges in the 1980's? We know why they were founded; we know why they were here a century ago; but why are they here today? And why should they be here tomorrow?

With twenty-three denominations involved, I feel safe in predicting at least forty different answers to these questions. I am in no position to predict or to influence any denomination's response. I have been, however, a trustee of a church-related college, Occidental College. And my new job does give me, shall we say, an ecumenical view of things. Between the two roles, I have gained some insights that may be of interest—and, I hope, of help—as each denomination works internally to define the missions of its own affiliated schools. In that spirit, here are some reflections, from both a personal and a national prespective, on what the church-related schools offer that is worth having today—and that is worth saving for tomorrow.

I begin with history and with history's companion: tradition. These have little to do with aged buildings and campus customs. Rather, they have to do with people drawing strength and inspiration and solace from those who went before. They involve living comfortably with the past; not in the past, but with the past. No institutions in American life provide a truer sense of history and tradition than our church-related colleges.

FIRST CAME HARVARD

Three hundred and forty years ago, the first generation of colleges began to appear in America. First came Harvard in 1639, then one after another came schools like William and Mary, Yale, and Brown. Almost all of these first colleges grew out of the churches, modeled on the great European universities which had sprung from the medieval church half a millenium before.

It was more than a hundred and fifty years before the first public universities opened their doors; and still another hundred and fifty years passed before their enrollments grew larger than those of the private schools. Historically then, private, mainly church-related, schools have not been simply an important part of American higher education, but its backbone. Drawing on the traditions of centuries, these schools educated the leaders and the teachers, the artists and the clerics, the statesmen and the builders of the nation. That is a past to be proud of and to preserve.

Few of us would argue that yesterday's glory is, by itself, justification for tomorrow's existence. Still, in an age when "Future Shock" is more than the title of a book, when so many young people feel isolated and rootless, we should not lightly discard institutions that can trace their origin and their inspiration back over eight hundred years. By their continued existence and vitality, church-related colleges—even the newest and most modern—are constant reminders of a rich cultural and national heritage. When one is lost, the tragedy is not that the victory bell rusts or that buildings decay. The tragedy is that a precious link with the past is broken; that our sense of who we are and whence we came is diminished.

History, of course, is more than mere persistence; tradition more than habit. Your colleges are valuable not simply because they have stood so long against the pressures of time, but because the ideas they have stood for—and stand for today—are worth preserving.

First among these is a focus on human and spiritual values. Many other functions of church-related colleges can be duplicated; if not by public institutions then by secular ones. But evolutions of the law, and of the secular academic spirit, have greatly weakened the study of morality and faith at the public universities—and at many private ones as well. Serious academic inquiry into these matters has become almost exclusively the domain of church-related colleges and universities.

I, for one, can see no sign that the need for such inquiry and such institutions is lessening. Indeed, the signs are all the other way. In an age when technology magnifies the consequences of individual and collective actions, the need to consider questions of morality has never been greater. While justice and harmony remain elusive, as always they have been, who can question the need to examine and re-examine our relationships with God and with one another? The colleges that sustain such study are just as precious, just as irreplaceable, as those that sustain basic research in the physical sciences—perhaps, in the long run, even more so.

A HERITAGE OF INDEPENDENCE

The second great tradition of the church-related colleges, this one shared with other private schools, is a heritage of independence. I do not mean independence in the romantic sense of absolute freedom from entanglements and obligations. In our interdependent world, few individuals and even fewer institutions can escape the pressures of society. My years on the Board of Occidental College certainly taught me that small private colleges do not escape those pressures. They must attract students, renew faculties, impress private donors, and retain denominational support all at the same time. To keep that many balls in the air at once is a good trick. And, when one is fully engaged in it, the romantic notion of independence seems laughable.

I am reminded here of my friend, Dick Gilman, President of Occidental. You will remember Longfellow's famous dictum: "He whom the gods would destroy, they first make mad." You may be less familiar with Gilman's rejoinder, "They could do the same job in half the time by making him a college president * * *." It wasn't hard to persuade Dick to take some time off to help me set up shop in Washington.

So when we speak of the independence of private and church-related colleges, we need not delude ourselves or our listeners with visions of ivory towers standing aloof from the hurly burly of everyday life. You are independent not because you are free of commitments, but because you have made commitments of the highest order—commitments that transcend the pressures and the passions of the moment. Secure in those commitments, you offer respite, perspective, and places to gather courage to stand against the tide.

Independence has been wryly defined as the right to be wrong. A more complete definition might be drawn from Emerson: the right to "march to a different drummer." That is the right which this country's private colleges have always treasured.

In 1826, when it was incredible to suppose that state universities might someday admit black students, Amherst College granted a degree to Edward Jones. In 1833, when the mere notion of higher education for women was subversive, Oberlin College opened its doors to them. When great political and social movements have sought to scourge the schools of the unorthodox, private colleges have harbored the brave few who dared be different. When, in our own day, sweeping edicts come down from Washington, resistance—or indifference—centers on these campuses. And while, as I have already noted, it has become unfashionable to dwell on questions of religion, hundreds of colleges continue to insist that nothing in all of life is more relevant to human education.

There will be those who demur that, for every heroic stand by an independent college on behalf of human liberty and reason, one might as easily cite a case of mindless dogma or stubborn racism. Whatever be the bacterium of truth in that view, it is certainly irrelevant. A great nation will not perish because some have marched with their drummers down mistaken paths. But if, in some tumultuous moment of crisis, no ear is attuned to the one soft rhythm that leads to safety and freedom, the consequences may be incalculable.

SPECIAL CONTRIBUTION IN THE 1980'S

As the Secretary of Education, I would not have any school define its mission solely in terms of history, values and independence. Schools are places for learning; and they must ultimately justify their existence by the quality of the education that they offer. The educational quality and accomplishment of church-related colleges in the past is beyond dispute. The question now is whether these schools have any special contribution to make to American education in the 1980's and beyond?

My answer is an unequivocal, resounding yes!

At a time of general concern over achievement, you continue to offer excellence. I refer not just to the excellence of enormous research facilities and faculties laden with Nobel laureates. Few schools in the nation can aspire to that standard—though some that do so are among your number. There is also a form of excellence based on simple, more traditional values: Faculties dedicated to teaching and accessible to students; high expectation and firm standards; careful academic counseling; and personal attention to the progress and problems of each student. Your colleges have always followed that road to excellence—and I applaud you for it.

In an era of standardization, you continue to offer flexibility and innovation. A student body of 40,000 renders experiments unwieldy. Public accountability to press and legislature makes them risky. That is why smaller, independent colleges have always been the innovators in American higher education. The need and the possibilities for that role are as great or greater today than every before.

As public institutions grow ever more impersonal, you continue to offer education on a human scale. There are obvious advantages to smaller, more intimate schools. But scale has less to do with size than might be thought. It has more to do with building a sense of community; a sense of support and concern for one another. Few things can make so meaningful an addition to the college experience. Your colleges, by their very nature, have always done this exceptionally well.

Just to list your ongoing educational contributions would require several more courses in our luncheon. If, however, I had to characterize in one word your contribution, not only to education but to our national life, the word would be diversity.

The institutions represented here range in size from 36,000 students to 300. They run the gamut from total dependence on their churches, to complete autonomy. They serve as centers to disparate communities—not only the towns and cities in which they are located, but the extended religious and ethnic groups which sustain them. They include the new and the old, the affluent and the hard-pressed. They represent every extreme of social and academic policy. They grew up at different moments in history and have addressed themselves to different needs. Among them, they represent an enormous portion of the total range of educational choices available to young people today. Without them, American education would be immeasurably blander and poorer.

AMERICA WILL BE WATCHING

If I may summarize the message that I would have you take back to your different denominations, it is this: All America will be watching with interest and with concern as you continue the work begun by this Congress. We treasure your colleges and universities for their rich history and tradition, for their moral guidance, for their sturdy independence, for their educational excellence and, most of all, for their glorious, irreplaceable diversity. They are badly needed today—as much as at any time in our History; and They will be at least as necessary tomorrow. Their loss would impoverish and sadden the entire nation.

At this point in the sermon, before too many have dozed off, I believe it is customary to pass the collection plate.

Since church-related schools are of such national importance, it is only natural that some of the more worldly among you are wondering what, if anything, the Federal government can do to help them survive? Coming from a judicial background, I am particularly sensitive to the legal issues involved. Even so, I believe that there can be, and there should be, further assistance to young people attending private institutions. We can do a better job of delivering the needed services while still adhering meticulously to the Constitutional guidelines.

Having said that, let me pause to drop in a caveat. Entirely apart from the Constitutional commands, there is a worrisome question of which I know you are aware. To what extent is it ultimately wise for private structures—and particularly for religious ones—to become dependent on the Federal purse?

As a matter of necessity, the Federal government must impose rather strict requirements of both eligibility and accountability. These requirements, as you are well aware, can pose serious questions of privacy and of conscience. Yet freedom from outside interference when dealing with such questions is a basic part of the rationale for having private schools in the first place. This makes it a very sensitive task to help in a non-obtrusive way.

FOCUS ON THE REAL MISSION

In the government's eagerness to help and the schools' anxiety to meet payrolls, it is easy to miss the gradual development of a whole variety of dependencies—and to ignore their long-term consequences. Such dependencies can prove very difficult to break. Over time, they also tend to exert pressure, in oblique but nonetheless real ways, on institutional decisionmaking. Situations can arise which put the new-found necessity of retaining Federal support in conflict with a college's basic goals. The results can be devastating, especially for religious institutions.

In order to preserve the values of private versus public education, we must keep in mind at all times what our real mission is. This means carefully considering each proposal to determine whether the benefits conveyed are worth the entanglements entailed. It means reminding oneself over and over that excessive dependency on the will and the wishes of others is never a healthy thing—and that it is sometimes fatal.

Constitutional questions aside, it may well be that the safest way for the Federal government to help is by continuing to provide assistance, in the form of grants and loans, to students rather than to institutions. Even these programs are not without their problems, as evidenced by the current litigation with Grove City College. Still, they are the best means currently available for providing assistance without totally corrupting the recipients.

I am very much interested in hearing about other ideas for accomplishing the same thing. There may be some possibilities in the area of targeting funds to meet the special needs of special students—the handicapped, for instance. Such aid would pose relatively few religious and moral questions. Perhaps a program could be devised to avoid the Scylla of entanglement and the Charybdis of constitutional prohibitions.

In the meantime, there are some important things that can be done to improve existing programs. We can cast a critical eye, for example, on regulations. The need for proper oversight of Federal funds is manifest, but there is no reason for excessive or burdensome paperwork.

One of my first projects is to launch a thorough review of every program regulation in the Department of Education, to see which are necessary and which serve only to strangle the programs they are supposed to help. Nothing gives me greater pleasure than to take a large pair of shears and cut through unnecessary red tape. I intend to do precisely that.

At the same time, we must establish and uphold the integrity of our grant and loan programs in the public mind. That means closing interest loopholes, cutting default rates and controlling costs. And, if we are not to face a host of new regulations, it means that the colleges themselves must show some leadership. If we fail to do these things, we risk the ultimate disaster: loss of public support.

PROEDUCATION ADMINISTRATION

President Carter has headed most proeducation administration in American history. There is no guarantee that the new President—to be elected in 1984—will be so favorable. In the long cycle of national politics, nothing is forever. At some point, the reins of government will quite likely be in the hands of people much less inclined to spend Federal dollars for student assistance programs. When that day comes, the only protection for those who depend on the dollars will lie in broad public support for the programs.

Lately, there has been a spate of news items about the costs and abuses of student aid programs. If prolonged, such reports can have the cumulative effect of undermining public confidence. I am a Californian who watched the pressure on property taxes build to the point of sudden explosion with Proposition 13. If that experience taught me anything, it is that once public confidence is lost, it is virtually impossible to regain.

That is why we must act now to reassure the people that these programs are equitable, cost-efficient, and well administered. Above all, we must bring sky-rocketing costs under control. President Carter has proposed changes in the Higher Education Act that would accomplish these ends. I am going up the Hill to work for them in Congress. I strongly advise each of you to do the same.

I would like to conclude with a few thoughts about what church-related colleges can and must do to help themselves. I'm afraid that my division of time is a little misleading. To give a truer picture of the relative efforts required, I should have begun with self-help and talked for half an hour—leaving perhaps thirty seconds at the end to touch on Federal assistance. The fact is that largesse from Washington will be utterly irrelevant to colleges that do not begin planning now to make the best use of their own resources—they will not be around to fill out the forms.

The first thing that I would urge on every one of you is to take the problem seriously. Last year, for the first time in history, fewer high school seniors graduated than in the previous year. The long awaited enrollment decline is upon us. I know that each of you has such a strong overall program that you will not be affected. But I am extremely worried about the person seated immediately to your right—that school is going to lose some students.

EVALUATE PROBLEMS HONESTLY

The second thing to do is make an honest evaluation of your problem areas. You don't have to tell anybody what they are; but you need to know. And the sooner you know, the better; because some of the standards and practices that suited the palmy days of the sixties and seventies are just not going to be good enough for the eighties. Take a look at the curriculum, at recruitment and financial aid, at overall costs. Examine the competition you're facing now, and how it will change.

Consider the faculty. I know of no college president or dean who does not spend a great deal of time considering the faculty; though not, perhaps, as much collective time as the faculty spends considering the deans! If every slot you have is filled by 55-year-old white males with low energy, solid tenure and perfect health—face up to the problem. You may have to resign, but at least you'll know why.

When you've examined your problems, do the same thing for your strengths and your possibilities. Then tap the creativity and the commitment of your whole college community to devise a plan for the future. It doesn't have to be a radical, change-the-world kind of plan unless you want it to be—or your problems require it. It simply needs to be a realistic plan for addressing your school's needs.

Don't be afraid to seek out and study models of success. There are many to choose from. Some schools have met the enrollment challenge by more aggressive marketing and improved recruitment of regular students. Others have met the same challenge by going outside the traditional pool of 18-22-year olds. They have focused on women returning to the work force; on career people retooling for new jobs; on senior citizens back in school for the sheer joy of learning.

Don't be afraid, either, to try things that haven't been tried before. There are so many possibilities. I would love to see colleges and universities enter into some joint ventures with private sector employers. Perhaps faculty members could make temporary exchanges with junior and middle management. The companies would get some new thinking of the job while allowing their regular employees to get a refreshing dose of the humanities. These people could be exposed to an entirely new set of concepts—ideas they had encountered neither in prior graduate nor in undergraduate work, nor in their lives and times in the commercial world. The arrangement could allow colleges to renew older faculty members and, at the same time, bring some fresh new minds onto campus without the normal worries over tenure.

A project like that requires no vast infusions of Federal money. On the contrary, it depends, like so much else, on the ingenuity, the talent and the imagination of colleges and faculty. It is precisely because America's church-related colleges have those qualities in abundance, that I hold no fears for their future.

STEP TOWARD ULTIMATE VICTORY

To acknowledge a problem is very far from being defeated by it. Rather, it is the first step toward ultimate victory. The song of doom is a never-ending refrain; but every institution represented in this room has survived far more difficult times than these. In moments of doubt we would do well to remember the prophecy of Dr. J. H. Reynolds, President of Hendrix College: "The rapid growth of tax-supported institutions . . . throws a tremendous strain on the church-related colleges . . . It constitutes a national emergency not second in importance to . . . droughts no floods . . . The future of the detached college is seriously menaced."

Since those words were written—in 1932—church-related colleges have survived three wars, a depression, and even Dr. Reynolds. Today they enroll more students than ever before. Last year, they grew faster than any other type of college. Not bad for a doomed species.

My closing piece of advice, is gratuitous, as all advice tends to be; and, therefore, usually worth what is paid for it. But my advice is that all of us who value church-related colleges should enter the new decade with flags flying and with heads high. As the heirs to a magnificent tradition, there can be no reasonable bounds on our optimism, on our confidence, or on our future.●

HOSPITALS BURDENED WITH FISCAL PROBLEMS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1980

● Mr. RANGEL. Mr. Speaker, I am today cosponsoring a bill introduced by my colleague, the Honorable Cardiss Collins. I want to join with my colleague in drawing attention to the immediate crisis many of our community hospitals are facing. Hospitals—both public and private-nonprofit—are burdened with fiscal problems so severe that, for many, closure is in the near future.

The conditions responsible for this plight have no easy remedy. Based on preliminary examinations it appears that the primary cause is the large population of individuals with no private or Government program to pay the cost of their care. Hospitals located in medically underserved areas cannot turn these people away; they have nowhere else to go. However, neither can these hospitals continue to absorb the cost of their care without eventual financial ruin.

I agree fully with my colleague, Mrs. Collins, that this situation cannot wait until the real remedy for the problem is available—a health insurance system which provides protection for the entire population. Although I do not believe that the medicare trust fund should be the sole source of financial relief, as is provided for in H.R. 6016, I do recognize the importance of the legislation as a vehicle for drawing attention to the immediacy of the problem.

The Subcommittee on Health of the Committee on Ways and Means has announced hearings on the financial crisis of our community hospitals. These hearings will begin on February 29 and will be held in Washington, D.C., and several cities where hospitals seem to be experiencing the most severe financial difficulties. So that we will have a better overview of the problem, I have also sent each of my colleagues in the House a letter asking for information on specific hospitals in their communities which are in financial distress.

I welcome this opportunity to give additional recognition to the problem. And, I am hopeful that we will be able to develop a feasible program of assistance for these hospitals.●

A REVIEW OF SPANISH CULTURE WEEK IN NEW ORLEANS

HON. LINDY (MRS. HALE) BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1980

● Mrs. BOGGS. Mr. Speaker, last fall, from Sunday, October 7, through Sunday, October 14, a significant new event made its debut in the city of

New Orleans. This unique activity, Spanish Culture Week, was sponsored by several local universities and the Sociedad Española. The areas covered during this week of intensive study of Spanish culture, history, language, and society were quite diverse and enlightening.

I feel that this program made a significant contribution to efforts in New Orleans to rediscover our historic Spanish cultural roots and to efforts to develop better understanding among the American, Cuban, Mexican, and Central American communities that now consider New Orleans and the United States to be their home.

At the request of Prof. Gilbert Paolini of Tulane University who served as the chairman of the event, I would like to insert in the Congressional Record a summary of the events which took place at last fall's Spanish Culture Week, as gratuitiously prepared by Dr. Paolini. I am sure everyone is looking forward to the next observance of this important event:

Spanish Culture Week

Spanish Culture Week 1979, sponsored jointly by Tulane University, Loyola University, the University of New Orleans, and Sociedad Española, was celebrated in New Orleans from October 7-14. Congresswoman Lindy Boggs, four-term representative of the Second District of Louisiana, was the guest of honor at the opening ceremonies held on Sunday, October 7 at the Myra Clare Rogers Memorial Chapel of Newcomb College, Tulane University. Both Governor Edwin Edwards and Mayor Ernest Morial proclaimed this period Spanish Culture Week in Louisiana and in New Orleans, respectively. The Week included a series of cultural and social activities—lectures, a concert, exhibits, films, a panel discussion—all focusing upon the proud and strong Spanish cultural and linguistic heritage.

The purpose and importance of Spanish Culture Week was explained by Dr. Gilbert Paolini, General Chairman of the event and Professor of Spanish at Tulane University, at the opening ceremonies: "The purpose of Spanish Culture Week is to celebrate Columbus Day, to focus attention upon the Spanish contribution to our City, State, and Nation, and to promote the study of the Spanish language and its culture not only among native speakers of English but among those of Spanish heritage as well."

Dr. Paolini stated that because English today is the world's dominant political and commercial language, many Americans believe our nation to be almost wholly self-sufficient and so vast in itself that foreign nations and foreign languages need not be studied seriously. This impression is deep-rooted in Americans and in our educational system, and is dangerous to our national welfare. We must "orient our education toward bringing forth a generation of Americans sensitive to, responsive to, and appreciative of other cultures. It is no longer possible to define an educated person solely in terms of the individual's awareness of his or her own nation and culture, without regard for the surrounding universe."

Dr. Paolini continued, emphasizing the need for Americans to expand their knowledge of foreign cultures and languages: "Today, America's cultural awareness must extend beyond its physical boundaries. No longer is it opportune nor profitable to claim a division of people based on a division of culture. More and more every day, we are facing a world of relatively shrinking distances and the approaching of a new day of an indivisible world. Therefore, the immense value of the awareness and knowledge of a foreign language and culture, which in addition to necessarily deepening one's grasp of one's native culture, is that it leads us into a new world of traditions, and thought, and feelings. Furthermore, it adds an international dimension to American education, and it makes Americans aware of the interdependent, indivisible world on their doorstep."

Officials from participating institutions (Dr. F. Sheldon Hackney of Tulane, Dr. Seraphia Leyda of UNO, Dr. Robert Preston of Loyola, and Mr. Eduardo Guevara of Sociedad Española) each saluted Spanish Culture Week and emphasized the importance of the Spanish language and culture in our area.

The Consul General of Spain, the Honorable José Montero, Marqués de Casa Mena, pointed out that more than twelve million Americans today continue to speak Spanish, that Spanish is the second most spoken language in this country, and that more than two-thirds of the territory of the U.S. had been under Spanish rule at one time or another.

Congresswoman Lindy Boggs, featured speaker at the ceremonies, focused on the importance of language study and bi-lingual education in the United States. "I am pleased," she opened, "that in Spanish Culture Week, in addition to the variety of cultural activities, that there is tremendous emphasis on the need for education in foreign languages. We have almost come full cycle and are once again beginning to recognize the need for studying foreign languages. We know very well that there was a time when there was a great loss in interest in languages. Where there is a loss of interest, that means that colleges will no longer require it for entrance or as a necessary adjunct to graduation, and that in turn means that elementary schools and secondary schools will no longer offer it. Of course, this leads to fewer trained teachers, and so on. But then there came a tremendous influx of children who needed to have bi-lingual education programs. Because of this there has been a great emphasis, certainly on the national level and within those areas where there are large concentrations of persons needing such education, on bi-lingual programs. Just last week the House and Senate appropriated 121 million dollars to bi-lingual education. These funds will reach 725 schools and 340,000 children. There are other programs within the same bill which offer states the opportunity to give technical assistance to local programs, and through those programs not only are there educational advantages but also the advantage of learning language in conjunction with a job skill. In addition, in this bill we are going to have monies for the National Information Clearing House on bi-lingual programs and for the National Advisory Council on bi-lingual programs. This emphasis in the bi-lingual programs shows what need there is in the country to foster the study of the traditional foreign languages."

Congresswoman Boggs went on to say that President Carter's Commission on Foreign Languages had had significant impact on placing the emphasis where it was needed and that "the study of foreign languages is important not only to the educational and cultural aspects of the U.S. and its citizens, but also to its trade, its commerce, and its national defense." She pointed out that "we live in a world that is shrinking, a world in which we must recognize our interdependence with our sister American states, an interdependence which is vital to our very being today." She felt, therefore, that New Orleans was a most appropriate place to have a Spanish Culture Week.

Congresswoman Boggs went on to salute the Spanish hero Gálvez for his part in the American Revolutionary War; she spoke further of the combined destiny of the U.S. and the Latin American states. She concluded, "It is extremely important that we remember that we have to combine not only our cultural, our educational, and our institutional exchanges, but we must recognize, as our government has done, the importance of making certain that there are funds in the international monetary fund (World Bank, etc.), that we participate in the new Caribbean group for economic development that already has thirty nations and fifteen institutions involved, and that we share our knowledge in health and nutrition with our sister American states."

She ended with a salute to all the participants of Spanish Culture Week for placing emphasis on the study of foreign languages and for "saying what a grand and glorious tradition the Spanish have in Louisiana."

Also included in Sunday's ceremony was a program of Spanish Music presented by the Newcomb College Department of Music. Mrs. Marilyn Thomas Bernard sang seven classical Spanish songs; Elias Barreiro and Russel Brazzel performed several classical guitar pieces composed by Spaniards; and Mrs. Elizabeth Schwartz played three classical Spanish compositions on the organ.

The activities for the remainder of Spanish Culture Week included the following: A panel discussion on Monday, October 8 at UNO, "The Spanisn Language in Today's World."

On Tuesday morning, October 9, Lt. Governor James E. Fitzmorris, Jr., and Mayor Ernest N. Morial presented proclamations at the Cabildo. At the same time and place, the Consul General of Spain presented replicas of Spanish Regimental Battle Flags used by Spanish units in the American Revolution, to the Louisiana State Museum.

A series of lectures was held Tuesday afternoon at Loyola University. The topics of the lectures included, "Spanish New Orleans" by the Consul General of Spain, "The Architecture of Northern Spain" by Prof. Samuel Wilson, Jr., "The Humanistic Values and Spanish Values" by Prof. Maurice Brungardt, and "A Kaleidoscopic Overview of Spanish Theatre Today" by Mr. Eduardo Guevara.

On Tuesday evening at Tulane University, Prof. Carlos Cortinez lectured on "Borges and Spain."

On Wednesday, October 10, an Hispanic Coffee Tasting as well as Hispanic exhibits were held at Loyola University. That evening Prof. Lily Litvak of the University of Texas lectured on "Anarchy and Theatre in Spain at the Turn of the Century."

Luisa Mercedes Levinson, visiting Argentine writer and novelist, delivered a talk, "España en la Argentina" on Thursday evening, October 11 at UNO.

On Friday and Saturday scholars of the South Central Modern Language Association delivered a series of lectures on Spanish and Spanish American literature in the Grand Hotel.

On Sunday, October 14, the festivities closed at Loyola Unversity with the showing of two feature Spanish films.

In conjunction with Spanish Culture Week, various exhibits were mounted throughout the city: Prof. William J. Smither's photographic exhibit, "Musical Instruments in Medieval Spanish Architectural Sculpture" at Loyola University, the Howard Tilton Memorial Library's "Spanish Contributions to the Western World" at

Tulane University, and the New Orleans Public Library's display of Spanish Historical Documents.

Sociedad Española also sponsored a Spanish Literary Contest open to graduate and undergraduate students of universities in Louisiana, Texas, Mississippi, Alabama and Florida. Categories included short story, essay, and poetry. Three cash prizes were awarded in each category. Giovanna Huyke of Newcomb College won the top poetry prize. Noemi E. Ramos of Tulane and Fernando Burgos of the University at Gainsville, tied for second. Debra A. Maury of Auburn University placed third.

In the essay, Michael E. Chesney, S.J. of Loyola University won first, Jennifer Gehrt of Austin College in Sherman, Texas won second, and Betsy Boulder also of Austin College placed third.

In the short story category, Maria-Jesus Natal from the University of Florida at Gainsville won first prize and Doris Lynn Hicks of North Texas State University in Denton was awarded third.

Spanish Culture Week will be held again in October 1981.●

EMERGENCY ASSISTANCE TO HOSPITALS

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1980

● Mrs. COLLINS of Illinois. Mr. Speaker, on December 4, 1979, I introduced H.R. 6016, to provide emergency assistance to those hospitals who are facing severe containment of services to the poor and near poor in communities across the country.

While the ideal situation would be the enactment of a national health insurance plan as well as a reimbursement formula from the State which would respond to the actual cost of providing health care services, it is highly unreasonable to expect our health care professionals to provide quality services while they attempt to raise funds for survival by engaging in a political process.

To date 10 Members have cosponsored H.R. 6016 (see list below).

For those of you who have not cosponsored this bill, I hope that you will join your colleagues in an effort to bail out troubled hospitals in order in insure health care services to those who need it most and who can least afford to purchase them. Also, the Ways and Means Subcommittee on Health will be holding hearings on the financial crisis of our community hospitals at the end of February.

Cosponsors of H.R. 6016: Congressman JOSEPH ADDABBO, Congressman JONATHAN BINGHAM, Congresswoman SHIRLEY CHISHOLM, Congressman BALTASAR CORRADA, Congressman CHARLES DIGGS, Congressman JIM MATTOX, Congressman PARREN J. MITCHELL, Congressman MORGAN F. MURPHY, Congressman CHARLES B. RANGEL, and Congressman PETER RODINO.●

SENATE—*Wednesday, February 20, 1980*

(Legislative day of Thursday, January 3, 1980)

The Senate met at 2 p.m., on the expiration of the recess, and was called to order by Hon. DONALD W. STEWART, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal God, our Creator and Redeemer, we acknowledge that Thou art holy and we are unholy, Thou art perfect and we are imperfect, Thou art pure and we are impure. As we open the Lenten days of penitence and renewal may a new spirit arise in us and in all the people of this good land. Take from us all that obstructs the way of righteousness and truth. Deliver us from pride and prejudice, from the clash of class with class, or race with race, from hostility or mistreatment of our fellow citizens, from distrust of one another, from intemperate speech, the hot invective, the cruel epithet. Set our minds upon the vision of Thy kingdom and a better people in a more righteous land that we may be partners in building that higher kingdom, the law of which is love and the ruler of which is the Lord of life.

We pray in His name who forgives and renews the humble and contrite of heart. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. MAGNUSON).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 20, 1980.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DONALD W. STEWART, a Senator from the State of Alabama, to perform the duties of the Chair.

WARREN G. MAGNUSON,
President pro tempore.

Mr. STEWART thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

Mr. ROBERT C. BYRD. Mr. President, I yield to the distinguished majority whip.

THE NEED TO MAINTAIN U.S. NUCLEAR NONPROLIFERATION STANDARDS

Mr. CRANSTON. Mr. President, the Soviet invasion of Afghanistan has given a new urgency to U.S. efforts to improve our relations with India and Pakistan. The threat posed to the stability of south Asia by Soviet aggression in Afghanistan has also upped the stakes of the U.S. efforts to prevent the spread of nuclear weapons. For it is clear that the dangers of greater instability—and ultimately, of nuclear war—would be heightened if India and Pakistan were to acquire nuclear arsenals.

The twin imperatives of checking Soviet aggression and halting nuclear proliferation require a delicate balancing act. But as one who has long supported U.S. nonproliferation efforts, I think it is highly ironic that the Congress may be asked to take steps ostensibly to enhance the stability of Pakistan and India by supporting actions which may, in fact, lead to greater instability and vast dangers through an India-Pakistan nuclear arms race.

I am prepared to support appropriate military and economic assistance for Pakistan. And I welcome appropriate administration initiatives to improve our relations with India. But I have serious reservations about any steps that would in effect abandon permanently the application of important nonproliferation standards to our trade with and assistance to these nations.

I believe we should combine our offer of military and economic assistance to Pakistan with a redoubling of our efforts to stop Pakistan's development of a nuclear weapons capability.

And I see no sound justification for continuing U.S. nuclear fuel supplies for India after the March 10 deadline for Indian acceptance of international inspection, as the administration is planning to propose. There is little reason to expect that continued U.S. supply past this deadline will speed Indian compliance with international safeguards norms. Extension of this deadline could prove greatly harmful to U.S. nonproliferation efforts and could seriously worsen present instability in south Asia by intensifying Pakistani fears that India is developing nuclear weapons to use against them.

I believe the President was correct in being absolutely firm in demanding that the Soviet Union meet his February 20 deadline to get out of Afghanistan or face a U.S. boycott of the Moscow Olympics. I believe he should be equally firm in the case of India.

What is at stake is not only peace between two bitter enemies—India and Pakistan—and a solid front against Soviet aggression, but also the future success of efforts to halt the worldwide proliferation of nuclear weapons.

Mr. President, I also want to note the importance of maintaining effective nuclear export standards in pursuing our nonproliferation objectives. The Carter administration and the Congress have established orderly procedures for reviewing nuclear exports. These include provisions for a timely State Department recommendation on the appropriateness of export applications, independent safeguards review of these applications by the Nuclear Regulatory Commission (NRC), and finally—in the event the NRC finds that an application does not comply with essential safeguards criteria but the administration believes there are compelling national security reasons for proceeding nevertheless—there is provision for the timely issuance of an export license by a Presidential Executive order.

I believe this independent review of safeguards compliance is indispensable. I understand there is a desire on the part of some State Department officials to remove the NRC's independent review authority. But I would be forced to work with my Senate colleagues to oppose actively any such effort to short-circuit the independent review of nuclear export applications' compliance with essential nonproliferation criteria.

Mr. President, two thoughtful editorials in the Monday editions of the Los Angeles Times and the Washington Post forcefully present a number of these points.

I ask unanimous consent that these editorials appear in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Feb. 18, 1980]

IT'S GOOD NUCLEAR INSURANCE

The State Department has never really been happy with the Nuclear Nonproliferation Act of 1978, under which Congress sought to use controls over the exports of nuclear fuel and technology to prevent the spread of nuclear weapons.

That law, which was enacted with President Carter's approval, placed the power to review proposed shipments of atomic fuel and equipment in the hands of the five-man Nuclear Regulatory Commission.

Now, taking advantage of the fact that the streamlining of the Commission is under White House consideration, high-ranking State Department officials—led by special representative Gerard C. Smith—are proposing that the agency be stripped of its review authority.

Three members of the commission have been persuaded to support the proposal, but

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

that doesn't alter the fact that such a change would be a serious mistake.

The State Department's view is that, as one official told the New York Times, "the NRC should not be second-guessing the President on foreign-policy issues. It is not their business, and they are not equipped for it."

This is a great distortion of what the situation really is.

The 1978 law did not give review authority to the Nuclear Regulatory Commission because of any presumed foreign-policy expertise, but because of its technical abilities in the nuclear field—and its independence from White House control.

The law, furthermore, does not actually empower the commission to veto export licenses that the executive branch proposes to approve. A negative finding can be ignored by the President. This in fact occurred in 1978 in the case of a controversial nuclear fuel shipment to India.

But the authors of the 1978 act knew from experience that the State Department has a tendency to look the other way when tough antiproliferation action might roll the diplomatic waters. This is what the department tried to do after the Indian nuclear test explosion in 1974.

The commission's review process was deliberately created as a form of insurance that nuclear export licenses could not be rushed through without adequate consideration of the consequences. The present setup has served that purpose, and should be continued.

[From the Washington Post, Feb. 18, 1980]

NUCLEAR BALANCING ACT

Before the Russians took over Afghanistan, this country was putting pressure on both India and Pakistan to thwart their making any further progress on the development of nuclear weapons. Nothing in the past few months has suggested that the region would be improved by these countries' acquiring nuclear arsenals. The incendiary politics of the region and the fragility of many of its governments underline the point. Then why should American nuclear non-proliferation policy even be an issue now? Because certain aspects of the crisis in the Persian Gulf region and South Asia have made it so: Reminders of the vulnerability of the oil supply have encouraged those who would like to proceed with nuclear energy technology with a minimum of precautions against the misuse of that technology for bomb-making purposes. And pressures being brought on both the Indians and the Pakistanis to forgo nuclear explosives are thought likely to interfere with the new post-Afghanistan need to work with these countries to bolster the region's defense.

At the time of the Russian invasion, the United States was facing a March 1980 deadline, set by law, when India would have to accept international safeguards on all its nuclear facilities or face a halt of U.S. nuclear cooperation. Two years of persistent efforts to reach agreement on this point had failed, leaving two equally unattractive options for U.S. diplomacy: cut off nuclear supplies (which would end all hope of eventually securing Indian cooperation and raise the likelihood that India would seize and reprocess U.S.-supplied spent fuel already in that country) or waive the law—without reason to expect a future change in Indian policy (which would preserve a semblance of good relations with India, but damage the credibility of U.S. non-proliferation policy elsewhere, especially in Pakistan).

In Pakistan, the major thrust of U.S. policy was a continuing—and so far futile—search for a combination of incentives and threatened sanctions powerful enough to persuade the government of Gen. Zia ul-Haq to halt its clandestine nuclear weapons program.

Since the invasion of Afghanistan, the administration has announced that it will seek a waiver of the law that prohibits assistance to Pakistan because of its nuclear weapons work, and is apparently considering the sale to Pakistan of A7 long-range fighters—planes appropriate for use against India. To assuage the Indian reaction, the United States has already agreed to sell essential—and previously denied—sophisticated electronic equipment for India's long-range fighter planes (primarily planned for use against Pakistan) and is reported to be planning to continue nuclear fuel shipments after the March deadline.

This balancing act—the attempt to preserve cordial relations with both India and Pakistan while letting nuclear developments take a back seat for the time being—is unlikely to work. A more promising approach would involve an all-out effort to halt Pakistan's nuclear program, using the leverage acquired through military and economic assistance. This effort would almost certainly be doomed by a U.S. decision to continue nuclear supply to India beyond the March deadline, for in Pakistani eyes the West's nonproliferation policy is already flagrantly discriminatory: India, after all, exploded a nuclear bomb without any penalty. A U.S. decision to stick with the statutory deadline would have the added benefit of showing others around the world that we are serious about non-proliferation.

This country should also try to get China to help. In addition to its undisputed influence with Pakistan, the People's Republic has a compelling national security interest in not having two nuclear neighbors—the Soviet Union and India—and its differences with India are, at least by comparison with others in the region, minor. Improved Sino-Indian relations could do much to moderate Indian policy and improve the prospects for a non-nuclear South Asia.

The administration has apparently decided that the immediate Soviet threat in South Asia poses a greater peril to world peace than the longer term possibility of a nuclear arms race between India and Pakistan, with China and the Soviet Union as substitute players on opposing sides. At best, that is a questionable decision, especially when it is possible to deal with both threats at once.

RECOGNITION OF SENATOR SASSER

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Tennessee is recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Will the Senator yield for a unanimous-consent request?

Mr. SASSER. I yield.

Mr. ROBERT C. BYRD. I thank the distinguished Senator.

ORDER TO PROCEED TO CONSIDERATION OF S. 2222

Mr. ROBERT C. BYRD. Mr. President, on yesterday, after consultation with the distinguished acting Republican leader (Mr. STEVENS), I indicated that today the Senate would proceed to the consideration of the Indian land claims bill. In the meantime, the acting minority leader and I were going to inquire through our staffs, personally, and so on, as to whether or not the managers of the bill could be prepared to handle it today. They are ready. Mr. MELCHER is in the Chamber and Mr. COHEN is standing by.

So, Mr. President, I ask unanimous consent that upon the completion of the orders for the recognition of Senators today, the Senate proceed to the consideration of Calendar Order No. 607, S. 2222.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD Mr President, I ask unanimous consent that the time I have consumed not be charged against Mr. SASSER under his order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SUNSET LEGISLATION

Mr. SASSER. Mr. President, I should like to report briefly on the progress that sunset legislation is now making in the Senate.

Hearings on this most vital legislation were completed last September and the Governmental Affairs Committee, under the capable leadership of its chairman, (Mr. RIBICOFF) will shortly be marking up this legislation so that it may be considered by the full Senate during the early part of this session.

Mr. President, all too often, we in the Senate are taken with the crisis of the moment—whether that be a need to solve the hostage situation in Iran, counter Russian aggression in Southwest Asia, or stem our dangerous dependence on foreign oil. These are certainly all matters that deserve our attention, but we can not forget the need to continue to seek improvements in the way we manage our day-to-day business here in the Congress.

Several years ago, under the leadership of Senator MUSKIE, Senator BYRD, Senator BELLMON and others too numerous to mention here, we passed the Congressional Budget Act. We created a new way of approaching the budget. We took action to set overall targets for spending and taxation. We worked to prevent runaway spending and bring fiscal restraint to many parts of the Federal budget that had heretofore never known such restraint. That budget legislation has improved our ability to make intelligent and informed choices about budgetary policy in the Senate. Now we have an excellent opportunity to add to that fiscal management tool by enacting sunset legislation.

In its simplest terms, sunset legislation does to program review what the budget legislation did to our budget process. First, it sets forth a systematic 10-year cycle during which Federal programs of a similar nature can be reviewed on a systematic basis. The sunset review will be undertaken by the authorizing committee and will be as detailed as that committee feels appropriate. It will permit that authorizing committee to compare similar Federal programs, determine which is effective and which is not and seek appropriate modifications for such programs. If a program does not receive a "sunset" review, a point of order may lie against the appropriation of new funds for the program.

There are some who say that sunset cannot work. They say that the workload is too great. They say that governmental programs that have stood the test of time will be put in jeopardy. They say that sunset will be used as a way of bringing legislative business to a halt through indiscriminate use of the filibuster.

To those critics, Mr. President, I say that if we can not pass sunset legislation, we are in effect saying that:

Congress cannot manage itself and systematically review the many programs that it has passed over the year;

That we do, in fact, have a system where Government programs do have eternal life and that Government programs do not have to justify their existence from time to time;

That the Congress really does not care about orderly and fair review of program; rather, they are so politicized that they will bring the workings of the Senate to a halt whenever the least chance avails itself.

I, for one, steadfastly reject these criticisms of sunset legislation. And in the weeks ahead, I am sure that the Governmental Affairs Committee, in its deliberation on pending regulatory reform and sunset bills, will put many of these criticisms to rest.

But, Mr. President, in the final analysis, it is the American public whom we all serve that really wants to see sunset legislation, at long last, passed.

I think that evidence of this desire was most graphically illustrated by a recent editorial in the Tennessean which appeared on this subject. I ask unanimous consent to have that editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CONGRESS SHOULD APPROVE AN EFFECTIVE SUNSET LAW

The Congress is astonishingly productive at times in making laws and setting up programs but it is loathe to re-examine its creations to see if they are working.

One way to bring this about would be to enact a Sunset law calling for review of all federal programs. Congressional committees are considering such a law but whether it will become reality is uncertain.

State legislatures have pioneered the idea of Sunset laws and in the last four years 34 states have enacted various kinds of such legislation. Most of the states apply the process to regulatory agencies, but this year Colorado will review executive departments as well.

Since the states have found the Sunset concept works, it is difficult to understand the reluctance of the Congress to try it.

The Congress assuredly has resources far beyond those of the states and it could conduct thorough reviews of government programs if it wished. It should see its role as not only that of creating programs, but that of continued oversight to see whether the programs are working and if not, why they are not.

Some programs run afoul of the executive bureacuracy and may be implemented badly, or neglected. But Congress needs to know what sort of implementation a program is getting, as well as the impacts on the local level.

Public opinion polls have repeatedly shown that the people support Sunset laws as a way of improving government performance or ridding the government of needless waste. If the program doesn't work, they see no need of continuing to finance it from their dollars.

Common Cause, the citizens lobby, has suggested some criteria for an effective Sunset law:

Sunset legislation must provide for termination of federal programs, tax benefits and regulatory activities unless they are evaluated and periodically established by Congress.

Effective Sunset legislation must provide a process for coordinated review of similar programs.

Sunset legislation must provide for special evaluation of priority programs.

Sunset legislation must provide for review of tax expenditures and credit programs along with related spending programs.

The latter is quite important because tax preferences and incentives are an increasingly large part of federal spending. They are spending. In order to help a particular industry or class of citizens the government foregoes revenues it would otherwise receive under the tax laws.

Finance Chairman Russell Long has vigorously opposed an amendment in the Senate to include tax expenditures in the evaluation cycle.

If the tax issue is a major obstacle in the Senate, there is a proposal in the House to omit any time limit for evaluation of programs. It will permit legislative committees to determine what programs in their jurisdiction need evaluation. That is hardly a Sunset concept, it is more like a moonchange concept.

Congress does need to pass an effective Sunset law and the sooner it is done the better.

SAVINGS IN PRINTING COSTS

Mr. SASSER. Mr. President, over the past several years, the Senate Legislative Branch Appropriations Subcommittee, which I chair, along with our sister subcommittee in the House, chaired by Congressman ADAM BENJAMIN, have been working to eliminate unnecessary printing costs. Some of our suggested changes may appear unimportant, but when they are all added up, it amounts to a very significant savings for the taxpayer.

Yesterday, the subcommittee received testimony from the chairman of the Joint Committee on Printing, Congressman FRANK THOMPSON, JR. Chairman THOMPSON testified on the cost savings of certain specific initiatives jointly undertaken by the Legislative Subcommittees and the Joint Committee.

Mr. President, I submit a list of the initiatives and the associated annual cost savings for the RECORD at this point:

Initiative:	*Annual saving*
1. Reduce by half the number of "free" CONGRESSIONAL RECORDS and confine distribution to educational or public institutions	$1,712,000
2. Increase by $25 the annual subscription rate for the Federal Register	977,000
3. Limit the Congressional Directory to one full edition per Congress	173,000
4. Eliminate the "automatic" distribution to Members of Congress of the bound CONGRESSIONAL RECORD	256,000
5. Increase by $30 the annual subscription rate for the CONGRESSIONAL RECORD	153,000
6. Limit to one per Member the receipt of the hard cover Congressional Directory	76,000
7. Eliminate imprinted names on the Congressional Directory	7,000
Total	$3,354,000

In addition to these cooperative efforts, the Joint Committee on Printing, under the leadership of Chairman THOMPSON and our distinguished Senate colleague, the vice chairman of the Joint Committee (Mr. PELL) has self-initiated six other reforms that will result in annual savings of $1.8 million.

Mr. President, I think this is a very good record—13 initiatives that will result in annual savings of $5.2 million in printing costs.

However, Mr. President, there still needs to be more effort in this area. For example, yesterday in the tunnel to the House subway under the Capitol, over 25 dumpsters filled with unused hearings publications were lined up for disposal. These publications were still bound together by plastic strips in packages of 10, just the way they had been delivered from the Government Printing Office. Perhaps a couple of nice-sized trees would still be standing today if whoever it was that ordered those excessive quantities of publications had been a little more careful, a little more frugal in placing his orders.

Mr. President, I am hopeful that all the Members will take note of the $5.2 million in annual savings that we have been able to achieve and redouble their efforts to eliminate any wasteful, excessive printing costs in the area under their jurisdiction.

Mr. President, I yield back the remainder of my time.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business not to extend beyond 5 minutes and that Senators may speak therein.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ALASKA'S STRATEGIC MINERALS

Mr. STEVENS. Mr. President, I have spoken before about this Nation's defense posture, most recently in response to the President's state of the Union speech. It concerns me that America might not be prepared to defend its vital interests around the globe. I know that many responsible spokesmen of both parties share my concern. I was struck by the timeliness of recent comments made by Representative JAMES SANTINI.

In a story in the Washington Star dated February 13, 1980, Representative SANTINI warned that America could be "brought to its knees" more quickly by the loss of certain strategic minerals than by a cutoff of oil supplies. Representative SANTINI's arguments are well founded and based upon his knowledge of our domestic mineral wealth gained as chairman of the House Subcommittee on Mines and Mining. I ask unanimous consent that the news story from the Washington Star containing his remarks be printed in its entirety in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. WARNED OF LOSS OF STRATEGIC METALS

NEW YORK.—America could be "brought to its knees" more quickly by the loss of strategic minerals than by a cutoff of oil supplies, according to a Congressman who is pushing for a U.S. minerals policy.

"Africa is the Persian Gulf of minerals," said Rep. James Santini, D-Nev., chairman of the House Subcommittee on Mines and Mining. "There are certain minerals such as cobalt, chrome and manganese which are absolutely essential to industry and to the defense of our country.

"We are heavily dependent on southern Africa—Rhodesia, South Africa and Zaire—and on the Soviet Union for these minerals," Santini said in an interview. "A chrome embargo by Russia and Rhodesia would bring the entire industrial world to its knees in just six months."

The effects of OPEC oil price increases and the Iranian disruption of supplies are only a sample of what would happen if price manipulation and supply curtailment were exerted on certain strategic minerals, said Santini.

Since their use isn't as visible as oil, our import dependence for these minerals hasn't aroused the public, Santini said. "There are no 'moms for moly' or 'teens for tungsten' clamoring for a national minerals policy."

But the everyday lives of moms, dads and teens would be drastically altered if there were any supply disruption, according to E. F. Andrews, vice president of Allegheny Ludlum industries, an outspoken industry representative on the subject.

"Forget OPEC and gasoline," Andrews said. "Without chrome and cobalt we wouldn't have automobiles or airplanes. Imagine life without the stainless steel necessary to process food, without surgical instruments, without computers."

Santini recently completed a fact-finding tour of South Africa and Zaire, talking with officials and visiting mines which produce a large part of the free-world supply of cobalt, chrome and manganese.

One such mine he visited in the Shaba province of Zaire, "one of the most politically and socially unstable parts of the world," produces 65 percent of the free-world supply of cobalt, which is essential to the manufacture of jet airplane engines.

Of the 3.7 billion tons of known chromium reserves in the world 3.6 billion tons are in South Africa and Rhodesia, against whom the United States has applied trade sanctions. The remaining reserves are in Russia.

In not trading with Rhodesia, Santini said, we have increased our dependence on Russia.

Industry spokesmen say South Africa has acted responsibly as a world supplier of chromium despite condemnation of its apartheid policy, but maintain there is no assurance it will continue to do so.

"With their gold and other mineral exports they don't need the income from chromium," Santini said.

As an example of the "alarming" U.S. minerals situation Santini cited a recent committee foray into the bureaucracy over defense needs and stockpile.

"The Department of Defense, one of our most influential and powerful government agencies, testified it does not get involved in minerals needs, that's handled by the Department of Interior," Santini said.

"Interior's assistant secretary of energy and minerals told the committee it was not the role of these agencies to become involved in the minerals policy of defense agencies," he said.

"We still have time to get our act together on minerals," Santini said "and the American people, the administration and the Congress ought to be doing something about it now."

Mr. STEVENS. Mr. President, Representative SANTINI's remarks come at a time of heightened interest in America's own natural resources. Encouraging reports from the exploration of the Overthrust Belt give promise of significant gas deposits in a geologic structure which runs from Arizona to Canada. However, at the same time powerful voices are clamoring for Congress to post off-limit signs on vast areas of Alaska. As I have stated on several occasions, my State could outproduce the Persian Gulf if the Nation would let it.

Instead, many areas in Alaska are withdrawn before their resource potential is even determined. Alaska has extensive resources not only of fossil fuels but of many strategic minerals as well. This body, in its deliberation of the Alaska lands bill, must not ignore its duty to at least provide an opportunity to know what resources are being locked up, before the key is turned. Finally, Mr. President, when I urge my colleagues to provide for the strong, responsive defense of Alaska, I do so not just for my constituents in Alaska, but for the constituents of all of my colleagues.

Mr. President, if the strong defense of the Persian Gulf is vital to the strategic interests of the United States, how much more important is the strong defense of Alaska?

ALASKA'S OIL RESERVES

Mr. STEVENS. Mr. President, I ask unanimous consent to have printed in the RECORD the Campaign Notes article from the Washington Post of this morning. In that article, the Washington Post has taken issue with Governor Reagan and stated he made a misstatement yesterday when he claimed that Alaska has more oil reserves than Saudi Arabia.

Governor Reagan was referring to the potential of Alaska to produce oil and gas and compared it to Saudi Arabia. He is absolutely right that Alaska's potential for production is greater than Saudi Arabia's potential for production. The difference is that Saudi Arabian reserves are primarily discovered reserves, whereas our discovered reserves are limited to the Prudhoe Bay area. That reserve, contrary to what the Post says, is 50 billion barrels. Its discovered producible reserves are just under 10 billion barrels. The difference is the ability of American technology to produce from our known discovered reserves.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REAGAN LEAD SEEN SHRINKING

Ronald Reagan's lead in the GOP presidential race is shrinking, according to the latest CBS-New York Times poll.

A sampling of 1,536 adults nationwide last week showed Reagan favored by 33 percent of the GOP respondents, down from his 45 percent showing in January.

George Bush was one of two GOP hopefuls whose rating climbed in February, from 6 percent in January to 24 percent this month.

Other results: Sen. Howard M. Baker Jr., 11 percent (the same as in January); John B. Connally, 5 percent (10 percent in January); Sen. Bob Dole, 2 percent (5 percent in January), Rep. John B. Anderson, 1 percent (2 percent in January), and Rep. Philip M. Crane, 2 percent (0 in January).

John B. Connally, who has raised and spent almost $11.4 million in his bid for the GOP president nomination, took his entire campaign staff off salary yesterday.

Connally's 390 full-time, paid campaign workers have been asked to "temporarily volunteer their services," a move that will save Connally about $95,000 a week, spokesman Bill Rhatican said.

He said the money will be used to finance advertising efforts in South Carolina, Alabama and Florida.

Connally, the only presidential candidate to refuse to take federal matching funds, has raised and spent more money than any other candidate. Yet he has been unable to move upward in the polls.

Saying he believes an inevitable recession will cost the nation some 1.5 million jobs this year, Sen. Edward M. Kennedy yesterday called for expansion of community service employment programs aimed at protecting the elderly.

In a policy paper on the aged, he also called anew for enactment of his national health insurance plan.

"I want to see an America that . . . maintains and improves our Social Security, that frees the elderly from crime in the streets and isolation in their homes," he said.

"If any group in our society deserves the attention and respect of the rest of us, it is the elderly," he said.

Ronald Reagan made an apparent misstatement yesterday when he claimed that Alaska has more oil reserves than Saudi Arabia.

Reagan's claim befuddled the Energy Department and the American Petroleum Institute, which both said the Saudis have some 18 times more oil than the Alaskans.

On a campaign swing through southeastern Massachusetts, the candidate for the Republican presidential nomination told a crowd: "This is an energy-rich nation. Alaska alone has a greater oil reserve than Saudi Arabia."

"I cannot explain where he got that," said Petroleum Institute aide Lane Johnston, citing studies that show that on Jan. 1, 1979, "Alaska's estimated, proven crude oil reserves were 9 billion, 247 million barrels."

She said the same figure for Saudi Arabia was 165 billion, 700 million barrels.

Reagan, who was unavailable to comment on the discrepancy, has made similar comparisons between Alaska and Saudi Arabian reserves before in his campaign.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session for 1 minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—TREATIES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the four protocols and conventions and agreements, Calendar Orders Nos. 1, 2, 3, and 4 on the Executive Calendar, be considered having passed through the various parliamentary stages up to and including the presentation of the resolution of ratification; that the four be voted on en bloc at a time to be agreed upon between the acting Republican leader and myself.

Mr. STEVENS. There is no objection to that procedure, Mr. President.

Mr. ROBERT C. BYRD. And that it be in order to order the yeas and nays at any time in legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Would that vote include a vote on the reservation on Executive G?

Mr. ROBERT C. BYRD. The Chair raises a good point. Would the Chair repeat that statement?

The ACTING PRESIDENT pro tempore. Would the reservation to Executive G be included in the en bloc vote?

Mr. ROBERT C. BYRD. Yes. I am glad the Chair has called my attention to there being a reservation, but all of the items were cleared. There would be no objection to the reservation, so I include that in the request.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on the four items on the Executive Calendar I have just alluded to in the unanimous-consent request.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, later today I will announce, after consultation with the distinguished acting Republican leader, on what day the vote will occur, and it will be a rollcall vote as already ordered on the four protocols, and in this instance they will be voted on en bloc, so one rollcall vote will count for four.

Mr. President, I ask unanimous consent that the vote en bloc on the four protocols occur at 5 o'clock on Monday afternoon next.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

PROTOCOL, WITH ANNEX, AMENDING THE 1953 HALIBUT FISHERY CONVENTION WITH CANADA; EX. DD—96TH CONGRESS, 1ST SESSION

THE ACTING PRESIDENT pro tempore. Without objection, the first treaty will be considered as having passed through its various parliamentary stages up to and including the presentation of the Resolution of Ratification, which the clerk will state.

The legislative clerk read as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol, with Annex, Amending the 1953 Convention Between the United States of America and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, signed at Washington on March 29, 1979 (the Protocol). (Executive DD, 96th Congress, first session.)

PROTOCOL WITH CANADA TO AMEND THE CONVENTION FOR THE PROTECTION, PRESERVATION, AND EXTENSION OF THE SOCKEYE SALMON FISHERIES IN THE FRASER RIVER SYSTEM, AS AMENDED; EX. G—95TH CONGRESS, 1ST SESSION

The ACTING PRESIDENT pro tempore. Without objection, the next treaty will be considered as having passed through its various parliamentary stages up to and including the presentation of the Resolution of Ratification, which the clerk will state.

The legislative clerk read as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol Between the Government of the United States of America and the Government of Canada to Amend the Convention for the Protection, Preservation, and Extension of the Sockeye Salmon Fisheries in the Fraser River System, As Amended, signed at Washington on February 24, 1977. (Executive G, 95th Congress, first session.)

CONVENTION ON PSYCHOTROPIC SUBSTANCES; EX. G—92D CONGRESS, 1ST SESSION

The ACTING PRESIDENT pro tempore. Without objection, the next treaty will be considered as having passed through its various parliamentary stages up to and including the presentation of the Resolution of Ratification, which the clerk will state.

The legislative clerk read as follows:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention on Psychotropic Substances, signed at Vienna, February 21, 1971 (Executive G, 92nd Congress, first session), subject to the following reservation:

That in accord with paragraph 4 of Article 32 of the Convention, peyote harvested and distributed for use by the Native American Church in its religious rites is excepted from the provisions of Article 7 of the Convention on Psychotropic Substances.

AGREEMENT ON THE INTERNATIONAL CARRIAGE OF PERISHABLE FOODSTUFFS AND ON THE SPECIAL EQUIPMENT TO BE USED FOR SUCH CARRIAGE; EX. B—96TH CONGRESS, 1ST SESSION

The ACTING PRESIDENT pro tempore. Without objection, the next treaty will be considered as having passed through its various parliamentary stages up to and including the presentation of the Resolution of Ratification, which the clerk will state.

The legislative clerk read as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used for Such Carriage (ATP), done at Geneva on September 1, 1970, under the Auspices of the Economic Commission for Europe (ECE). (Executive B, 96th Congress, first session.)

Mr. ROBERT C. BYRD subsequently said: Mr. President, I ask unanimous consent that the rollcall vote en bloc on the four protocols on the Executive Calendar, which was previously set for 5 p.m. on Monday, be changed to 3:45 p.m. on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATIONS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that with the exception of Calendar Order No. 35 on the Executive Calendar, the Senate proceed to the consideration of the nominees en bloc.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Now, Mr. President, I ask unanimous consent the nominees be confirmed en bloc, the motion to reconsider en bloc be laid on the table, and the President be immediately notified of the confirmation of the nominees.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

Harry T. Edwards, of Michigan, to be U.S. circuit judge for the District of Columbia circuit.

Richard S. Arnold, of Arkansas, to be U.S. circuit judge for the 8th circuit.

Diana E. Murphy, of Minnesota, to be U.S. district judge for the district of Minnesota.

Robert G. Renner, of Minnesota, to be U.S. district judge for the district of Minnesota.

Gilberto Gierbolini-Ortiz, of Puerto Rico, to be U.S. district judge for the district of Puerto Rico.

Helen Jackson Frye, of Oregon, to be U.S. district judge for the district of Oregon.

James Anthony Redden, Jr., of Oregon, to be U.S. district judge for the district of Oregon.

Owen M. Panner, of Oregon, to be U.S. district judge for the district of Oregon.

Barbara J. Rothstein, of Washington, to be U.S. district judge for the western district of Washington.

Henry Woods, of Arkansas, to be U.S. district judge for the eastern district of Arkansas.

DEPARTMENT OF JUSTICE

Charles B. Renfrew, of California, to be Deputy Attorney General.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I thank the Chair and all Senators.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination, which was referred to the Committee on Armed Services.

(The nomination received today is printed at the end of the Senate proceedings.)

REPORT OF REVISION AND DEFERRALS OF BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 172

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying document, which was referred to the Committee on the Budget, the Committee on Appropriations, the Committee on Labor and Human Resources, the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Finance, jointly, pursuant to order of January 30, 1975:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report one revision to a previously transmitted rescission proposal decreasing the amount proposed by $6.4 million. In addition, I am reporting two new deferrals of budget authority totalling $20.0 million and two revisions to previously transmitted deferrals increasing the amount deferred by $13.9 million.

The revision to the rescission proposal affects the Health Resources Administration of the Department of Health, Education, and Welfare.

The new deferrals and revisions to existing deferrals involve programs in the Departments of Agriculture, Health, Education, and Welfare, and the Treasury.

The details of the revised rescission proposal and the deferrals are contained in the attached reports.

JIMMY CARTER.

THE WHITE HOUSE, *February 20, 1980.*

MESSAGE FROM THE HOUSE RECEIVED DURING RECESS

Under authority of the order of the Senate of February 19, 1980, the Secretary of the Senate, on February 19, 1980, during the recess, received a message from the House of Representatives which reported that the Speaker has signed the following enrolled joint resolutions:

H.J. Res. 469. A joint resolution designating February 19, 1980, as "Iwo Jima Commemoration Day"; and

H.J. Res. 477. A joint resolution to authorize and request the President to issue a proclamation honoring the memory of Walt Disney on the twenty-fifth anniversary of his contribution to the American dream.

The enrolled joint resolutions were subsequently signed by the Acting President pro tempore (Mr. HEFLIN).

MESSAGES FROM THE HOUSE

At 3:50 p.m., a message from the House of Representatives delivered by Mr. Gregory, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2475. An act for the relief of Isaac David Cosson;

H.R. 2492. An act to extend until July 1, 1984, the duty suspension on crude feathers and downs; and

H.R. 6285. An act to amend the Egg Research and Consumer Information Act.

At 5:25 p.m., a message from the House of Representatives delivered by Mr. Gregory, announced that, pursuant to the provisions of Public Law 86–420, as amended, the Speaker has appointed Mr. DE LA GARZA, chairman, Mr. YATRON, vice chairman, Mr. KAZEN, Mr. WOLFF, Mr. MILLER of California, Mr. COELHO, Mr. SKELTON, Mr. KOGOVSEK, Mr. ROUSSELOT, Mr. GILMAN, Mr. LAGOMARSINO, and Mr. RUDD as members of the U.S. Delegation of the Mexican-United States Interparliamentary Group on the part of the House.

HOUSE BILLS REFERRED

The following bills were read twice by their titles and referred as indicated:

H.R. 2475. An act for the relief of Isaac David Cosson; to the Committee on the Judiciary.

H.R. 2492. An act to extend until July 1, 1984, the duty suspension on crude feathers and downs; to the Committee on Finance.

H.R. 6285. An act to amend the Egg Research and Consumer Information Act; to the Committee on Agriculture, Nutrition, and Forestry.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3013. A communication from the Assistant Secretary of Defense (Comptroller), reporting, pursuant to law, the intention to obligate $3.7 million in the Army Stock Fund and $26.4 million in the Defense Stock Fund for war reserve stocks; to the Committee on Appropriations.

EC–3014. A communication from the Acting Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to amend title 37, United States Code, to authorize the payment of a bonus to a prior service person who enlists, reenlists, or voluntarily extends his or her enlistment in a designated element of the Ready Reserve of an armed force; to the Committee on Armed Services.

EC–3015. A communication from the Acting Assistant Secretary of the Air Force (Research, Development, and Logistics), reporting, pursuant to law, that a study has been conducted with respect to converting the function of providing commissary shelf stocking and custodial services at Offutt Air Force Base, Nebraska, and a decision has been made that performance under contract is the most cost-effective method of accomplishment; to the Committee on Armed Services.

EC–3016. A communication from the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), transmitting, pursuant to law, the Defense Manpower Requirements Report for FY 1981; to the Committee on Armed Services.

EC–3017. A communication from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, reports of military construction projects placed under contract in fiscal year 1979, in which it was necessary to exceed the amount authorized for the project by the Congress by more than 25 percent, or reduce the project scope by more than 25 percent in order to permit contract award within the available authorization for such project; to the Committee on Armed Services.

EC–3018. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "NAVSTA Should Improve the Effectiveness of Military Missions—Cost Has Increased," February 15, 1980; to the Committee on Armed Services.

EC–3019. A communication from the Chairman, Board of Governors, Federal Reserve Board, transmitting, pursuant to law, its Monetary Policy Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–3020. A communication from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to extend and amend the Home Mortgage Disclosure Act of 1975, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

EC–3021. A communication from the President, National Railroad Passenger Corporation, transmitting, pursuant to law, its annual report; to the Committee on Commerce, Science, and Transportation.

EC–3022. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on special pay to U.S. Coast Guard officers holding positions of unusual responsibility and of critical nature; to the Committee on Commerce, Science, and Transportation.

EC–3023. A communication from the Deputy Secretary of Energy, transmitting, pursuant to law, the annual report on the Strategic Petroleum Reserve (SPR); to the Committee on Energy and Natural Resources.

EC-3024. A communication from the Secretary of the Interior, reporting, pursuant to law, that Chevron U.S.A. has submitted an application to the department for repayment of excess as royalties totaling $252,724.13 for lease OCS-G 225-1, West Cameron Block 533, offshore Louisiana; to the Committee on Energy and Natural Resources.

EC-3025. A communication from the General Counsel, Department of Energy, transmitting, pursuant to law, notices of meetings related to the International Energy Program; to the Committee on Energy and Natural Resources.

EC-3026. A communication from the Secretary of Health, Education, and Welfare, reporting, pursuant to law, on the status of the 1980 End-Stage Renal Disease (ESRD) annual report; to the Committee on Finance.

EC-3027. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements other than treaties entered into by the United States within sixty days after the execution thereof; to the Committee on Foreign Relations.

EC-3028. A communication from the Secretary General, Organization of American States, reporting with regard to assistance to the social and economic recovery of Nicaragua; to the Committee on Foreign Relations.

EC-3029. A communication from the Director, Community Services Administration, transmitting, pursuant to law, the transition report of the Inspector General of the Community Services Administration; to the Committee on Governmental Affairs.

EC-3030. A communication from the Acting Inspector General, Department of Health, Education, and Welfare, transmitting, pursuant to law, the Inspector General's quarterly report for October-December 1979; to the Committee on Governmental Affairs.

EC-3031. A communication from the Administrator, General Services Administration, transmitting a draft of proposed legislation to amend the Federal Property and Administrative Services Act of 1949, as amended, to authorize the Administrator of General Services to enter into contracts for janitorial, trash removal, and similar building services, and protective service in federally owned and leased properties for periods not to exceed three years, and for other purposes; to the Committee on Governmental Affairs.

EC-3032. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a summary of responses (proposals for action or reasons for inaction) for the report of the National Advisory Council on Extension and Continuing Education; to the Committee on Governmental Affairs.

EC-3033. A Communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of GAO reports for the month of January 1980; to the Committee on Governmental Affairs.

EC-3034. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Improved Grant Auditing and Resolution of Findings Could Save the Law Enforcement Assistance Administration Millions," February 19, 1980; to the Committee on Governmental Affairs.

EC-3035. A communication from the Assistant Secretary for Administration, Department of Housing and Urban Development, transmitting, pursuant to law, a report of a new system of records; to the Committee on Governmental Affairs.

EC-3036. A communication from the Chairman, Board of Governors, United States Postal Service, transmitting, pursuant to law, the annual report of the Postmaster General for fiscal year 1979; to the Committee on Government Affairs.

EC-3037. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Community-Based Correctional Programs Can Do More To Help Offenders," February 15, 1980; to the Committee on the Judiciary.

EC-3038. A communication from the Director, Community Services Administration, transmitting, pursuant to law, the administration's report covering the period January 1 through December 31, 1979; to the Committee on the Judiciary.

EC-3039. A communication from the Deputy Assistant Secretary for Indian Affairs, Department of the Interior, transmitting, pursuant to law, final regulations dealing with education contract under the Johnson-O'Malley Act; to the Committee on Labor and Human Resources.

EC-3040. A communication from the Chairman, Federal Council on the Arts and the Humanities, transmitting a draft of proposed legislation to amend the Arts and Artifacts Indemnity Act; to the Committee on Labor and human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MELCHER, from the Select Committee on Indian Affairs, with amendments:

S. 1464. A bill to direct the Secretary of the Interior to acquire certain lands for the benefit of the Mille Lacs Band of the Minnesota Chippewa Indians (Rept. No. 96-574).

By Mr. ROBERT C. BYRD (for Mr. Kennedy), from the Committee on the Judiciary, without amendment, but with a preamble:

H.J. Res. 434. A joint resolution to authorize and request the President to issue a proclamation designating April 6 through 12, 1980, "National Medic Alert Week" (Rept. No. 96-575).

By Mr. ROBERT C. BYRD (for Mr. Kennedy), from the Committee on the Judiciary, with an amendment, an amendment to the title and with a preamble:

S.J. Res. 135. A joint resolution to provide for designation of the first Friday of March as "Teacher Day, United States of America" (Rept. No. 96-576).

By Mr. ROBERT C. BYRD (for Mr. Kennedy), from the Committee on the Judiciary, without amendment, but with a preamble:

S.J. Res. 82. A joint resolution to designate the week commencing with the third Monday in February of each year as "National Patriotism Week" (Rept. No. 96-577).

S.J. Res. 132. A joint resolution to authorize and request the President to issue a proclamation designating April 6 through 12, 1980, "National Medic Alert Week" (Rept. No. 96-578).

By Mr. ROBERT C. BYRD (for Mr. Kennedy), from the Committee on the Judiciary, without amendment:

S. 442. A bill for the relief of Issac N. Hulver of Kansas City, Missouri (Rept. No. 96-579).

S. 803. A bill for the relief of Nick Masonich (Rept. No. 96-580).

S. 1086. A bill for the relief of Bharat Persaud (Rept. No. 96-581).

H.R. 891. An act for the relief of Barbara Laws Smith (Rept. No. 96-582).

H.R. 948. An act for the relief of Maria Corazon Samtoy (Rept. No. 96-583).

H.R. 1559. An act for the relief of Nelia Ruiz Hedlund (Rept. No. 96-584).

H.R. 1829. An act for the relief of Loraine Smart and Robert Clarke (Rept. No. 96-585).

H.R. 3139. An act for the relief of Pedro Gauyan Nelson (Rept. No. 96-586).

H.R. 3873. An act for the relief of Jan Kutina (Rept. No. 96-587).

Special Report Pursuant to Section 302(b) of the Congressional Budget Act of 1974 (Rept. No. 96-588).

By Mr. THURMOND, from the Committee on the Judiciary, with an amendment:

S. 1615. A bill for the relief of James R. Thornwell (Rept. No. 96-589).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. STAFFORD (for himself, Mr. Javits, Mr. Pell, Mr. Williams, Mr. Bentsen, Mr. Chafee, Mr. Church, Mr. Cranston, Mr. Dole, Mr. Durenberger, Mr. Hatch, Mr. Hatfield, Mr. Leahy, Mr. Lugar, Mr. Magnuson, Mr. McGovern, Mr. Moynihan, Mr. Nunn, Mr. Randolph, Mr. Ribicoff, Mr. Riegle, Mr. Roth, Mr. Stevenson, and Mr. Levin):

S. 2306. A bill to amend the Higher Education Act of 1965 to provide for the establishment of international education programs under that Act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. CRANSTON (for himself, Mr. Hayakawa, and Mr. DeConcini):

S. 2307. A bill to provide that certain lands in Imperial County, California, that became federal property by the process of accretion be sold to the persons who would be the current owners of such lands but for such accretion; to the Committee on Energy and Natural Resources.

By Mr. THURMOND:

S. 2308. A bill to amend section 2003 of title 38, United States Code, to provide for the assignment of clerical or secretarial employees to assist veterans' employment representatives assigned to the States under such section; to the Committee on Veterans' Affairs, by unanimous consent.

By Mr. DURENBERGER:

S. 2309. A bill to prevent the interest rate on extended payments on estate taxes attributable to certain farms and closely held businesses from increasing to 12 percent; to the Committee on Finance.

By Mr. RIBICOFF (by request):

S. 2310. A bill to authorize the set-off of annuity payments or refunds payable from the Civil Service Retirement Fund to former employees of the government of the District of Columbia in order to liquidate debts owed to the government of the District of Columbia; to the Committee on Governmental Affairs.

S. 2311. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act with respect to the rate of compensation of the City Administrator; to the Committee on Governmental Affairs.

S. 2312. A bill to authorize payment from the Civil Service Retirement and Disability Fund for the expenses of retirement appeals; to the Committee on Governmental Affairs.

S. 2313. A bill to amend section 225 of the Federal Salary Act of 1967, as amended; to the Committee on Governmental Affairs.

S. 2314. A bill to amend section 5519 of title 5, United States Code, relating to crediting amounts received for certain reserve or National Guard Service; to the Committee on Governmental Affairs.

By Mr. HUDDLESTON (for himself, Mr. Talmadge, Mr. Helms, and Mr. Ford):

S. 2315. A bill to authorize the Secretary of Agriculture to establish reserves of agricultural commodities to stabilize farm prices whenever export sales of agricultural commodities are suspended for reasons of national security or foreign policy and the prices producers receive for the commodities involved are, or will be, adversely affected by such suspension; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. INOUYE:

S. 2316. A bill for the relief of Mr. and Mrs. Faalili Afele; to the Committee on the Judiciary.

By Mr. GOLDWATER (for himself and Mr. DeConcini):

S. 2317. A bill to restore certain lands in Arizona to the Colorado River Indian Reservation; to the Committee on Energy and Natural Resources.

By Mr. HATFIELD:

S. 2318. A bill to revise the boundary of Crater Lake National Park in the State of Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SCHWEIKER:

S. 2319. A bill to improve the administration of the affirmative action employment program for government contractors by exempting contractors without appreciable employment opportunities and by eliminating unnecessary requirements and paperwork; to the Committee on Labor and Human Resources.

By Mr. CANNON (by request):

S. 2320. A bill to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards, including certain special statutory programs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. JEPSEN:

S. 2321. A bill to amend the Internal Revenue Code of 1954 to exempt from taxation the earned income of certain individuals working outside the United States; to the Committee on Finance.

By Mr. INOUYE:

S. 2322. A bill to authorize appropriations for fiscal year 1981 for certain maritime programs of the Department of Commerce, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH:

S. 2323. A bill to establish a periodic review of Federal regulatory agencies, and to reduce the size and scope of Federal regulatory policies and procedures; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STAFFORD (for himself, Mr. Javits, Mr. Pell, Mr. Williams, Mr. Bentsen, Mr. Chafee, Mr. Church, Mr. Cranston, Mr. Dole, Mr. Durenberger, Mr. Hatch, Mr. Hatfield, Mr. Leahy, Mr. Lugar, Mr. Magnuson, Mr. McGovern, Mr. Moynihan, Mr. Nunn, Mr. Randolph, Mr. Ribicoff, Mr. Riegle, Mr. Roth, Mr. Stevenson, and Mr. Levin):

S. 2306. A bill to amend the Higher Education Act of 1965 to provide for the establishment of international education programs under that act, and for other purposes; to the Committee on Labor and Human Resources.

INTERNATIONAL EDUCATION PROGRAMS ACT

Mr. STAFFORD. Mr. President, I am introducing today, jointly with Senator Javits and 22 additional Members of this body, the International Education Programs Act of 1980, intended to become title VI of the Higher Education Act of 1965, as amended. Part B of this legislation is especially the inspiration of the Senator from New York.

Joining us as cosponsors are Senators Pell, Williams, Bentsen, Chafee, Church, Cranston, Dole, Durenberger, Hatch, Hatfield, Leahy, Lugar, Magnuson, McGovern, Moynihan, Nunn, Randolph, Ribicoff, Riegle, Roth, and Stevenson.

The bill is based on three fundamental premises:

First, we face increasingly difficult times in our foreign relations and increasingly complex relationships with other countries;

Second, education plays a centrally important part in preparing this country for a world of change;

Third, it is in the national interest to promote both our analytic and linguistic capabilities for international affairs and our citizens' understanding of our relationships to other countries and peoples.

In overview, our bill would:

Reauthorize the foreign language and area study programs presently authorized under title VI of the National Defense Education Act;

Move them into title VI of the Higher Education Act:

Revise the legislative framework in accordance with the report of the President's Commission on Foreign Language and International Studies;

Add a new part B for "business and international education"; and

Remove friction across levels of education by moving a section of the old NDEA to the Elementary and Secondary Education Act.

These actions are intended to have some broad, beneficial effects:

By removing international education from the peripheral context of NDEA and instead "mainstreaming" it into the Higher Education Act, we make it a part of the main fabric of our higher education legislation and encourage linkages across other parts of that act; and

By adding Part B, we not only help the country to prepare to export, but also bring a reinvigorating international business perspective into juxtaposition with the old NDEA programs, and we bring to international education the vitality of the American business community.

Mr. President, our purposes are to reinvigorate the international dimension of American higher education; to strengthen those linkages of elementary and secondary education to higher education which can help prepare American citizens for changes in the world which will affect this country; to improve the Nation's long-term capabilities in foreign relations, including foreign-language capabilities; and to encourage linkages between business and higher education which can be helpful in preparing the United States to meet its pressing and growing need to export.

Our bill has two main thrusts. One is to move title VI of the National Defense Education Act into the Higher Education Act. This is basically a matter of putting an existing program in a framework which has become more appropriate and offers greater impact.

We wish to underscore that by moving NDEA into HEA we do not seek to detract from the strong national security rationale for these programs. To the contrary, we reaffirm this rationale's continuing validity, especially as these programs are needed to prepare people for foreign affairs analysis and diplomatic work, as well as to increase the American people's understanding of events abroad. We salute the NDEA Mideast Centers for providing invaluable analytic assistance to the media during the last several months of crisis, just as the Latin American Centers responded magnificently when called upon a year ago.

NDEA was conceived in 1958 in an atmosphere of emergency, as part of our response to Sputnik. Much of the original NDEA is no longer operational. What remains is principally the foreign language and area study programs of title VI. These programs have served the country well, although they have been supported inadequately. Indeed, across the last 14 years the international programs have received a steadily declining share of the Office of Education's budget, now only approximately two-hundredths of 1 percent of that budget.

The Higher Education Act is a subsequent creation, beginning in 1965. It is properly the most integrative act in the field of higher education. It is here that the broadest perspectives on higher education should be stated, and it is here that the broadest linkages across higher education programs should be forged.

At present there is no international dimension in the Higher Education Act. This gap is out of phase with the expanding and increasingly complex relationships of this country with the rest of the world. It is also at odds with the very idea of a university, which must be universal in its interests. The reality is that the international dimension is integral to all of higher education. That fact ought to be reflected in the way we write our legislation.

By leaving the international dimension in NDEA, we have allowed it to be treated as something apart from the rest of higher education, whereas we should have been encouraging a broader perspective cross-cutting other portions of the Higher Education Act, for example, the titles pertaining to libraries and continuing education.

Our legislative schedule calls for reauthorizing both NDEA and HEA in this Congress. Our current opportunity to integrate the two is therefore especially obvious. It happens, fortuitously, that HEA VI is about to become a vacant title, so the international programs we propose to put there can continue to be called title VI programs.

I would like to point out that the administration's proposals for the reauthorization of the Higher Education Act include moving NDEA VI into HEA VI. Moreover, the House of Representatives recently passed H.R. 5192, which provides for this transfer from NDEA to

HEA. We have worked with that bill very closely, seeking ways to improve upon the other body's good effort, especially in light of the subsequently released report of the President's Commission on Foreign Language and International Studies. We have taken to heart its call for improvement at the undergraduate as well as the graduate level.

We have made one quite basic change. We have moved NDEA section 603, the grant program to promote cultural understanding, into title III of Elementary and Secondary Education Act. Section 603 in practice has emphasized programs designed to improve teacher training and access to information pertinent especially for the elementary and secondary schools. Section 603 additionally authorizes community, adult and continuing education programs, and we want these nascent programs to be developed. We know that interest in international affairs within the continuing education field is increasing rapidly. We hope that the title I continuing education programs and our international education programs will develop a strong partnership for outreach.

The greatest improvement to be achieved by transferring section 603 to ESEA is that we thereby get rid of the funding trigger which provides that no money shall be made available for section 603 programs until at least $15 million have been made available for NDEA's other sections. That trigger has become an irritant. It has operated as a ceiling for higher education programs, a ceiling which is doubly lamentable because it works as a depressant when the rate of inflation is high. It also has had the effect of causing the higher education and elementary/secondary communities to compete against one another. In the entire realm of Federal education legislation, I do not recall any other place where levels of education are pitted against one another in this way. We should be trying to achieve the opposite effect, so that those concerned with international education at the various education levels will seek to cooperate and contribute to one another's efforts.

The administrative integration of international education programs across all levels is important, especially as these programs are small and are interrelated. We therefore intend to state, in report language, that we wish all international education programs to be administered by one office or division, as they are now. We are providing, in our section 605, that research and studies can be undertaken at any of the educational levels, and that the annual report be integrative across levels. In parallel, we are providing that the advisory board shall include representatives of all educational levels and shall advise on international programs at all educational levels.

I believe, Mr. President, that international concerns will have to be given greater weight in the new Department of Education than they received in the old Office of Education. Department status will bring international representation functions, but more basically, international education programs will have to be given the greater emphasis that corresponds to the Nation's growing needs. Also, because interagency coordination will need to be strengthened, I hope that Secretary Hufstedler will soon take steps to upgrade the status of international education within the new Department.

While preparing our bill, we received a lot of ideas, many of which we did not not have time to explore thoroughly, and some of which would have cost a lot of money.

The creation of a Center for the Study of Relations between the United States and Mexico is a good idea. As our relations with Mexico become increasingly complex and important, our two countries will face many difficult issues: migration, water rights, environmental pollution, demography, tourism, trade and energy, among others. There is a great need to develop American experts who understand Mexico and can provide solutions to the problems facing both countries. It is not appropriate to create either a line item or a set-aside, but it should be possible as a matter of administrative initiative to encourage a Mexican tilt at an existing Latin American Center or some other steps toward assuring that this country will have the needed growing capability. We will so suggest in report language.

Finally, there is the matter of money. The administration's fiscal year 1981 budget request for NDEA is $30 million. We would add, for part B, $10 million, to consist entirely of matching funds, no dollar to be spent unless there is an equal non-Federal match. Our bill authorizes no other "new" money in the sense of new categories of appropriations. We do divide what is covered by the administration's $30 million into two line items, one for the NDEA programs being moved into the Higher Education Act and the other for the programs being moved to the Elementary and Secondary Education Act. We set the authorizations a good bit above the administration's request and recommend small annual increments. At that, all the three parts combined do not total $100 million until the fifth year. NDEA authorization levels have been $75 million per year since 1974. We are inadequate in keeping up with the changing pace of the world now, yet on our real world agenda we find that functional issues are being added increasingly to regional ones. The complexity increases. So we are likely to find increased appropriations advisable.

Mr. President, Senator Javits is introducing the second main thrust of our initiative, part B. His statement will follow mine. Thereafter, there will be statements by Senators Pell, Chafee, Riegle, and Roth. Following those statements, I ask unanimous consent that the text of the bill and a few statements of endorsement be printed in the Record.

● Mr. JAVITS. Mr. President, I am pleased to join with Senator Stafford as the principal sponsor of this critically needed legislation.

Senator Stafford has already elaborated on the purpose of parts A and C of our bill, which will improve the capacity of our education system to promote international understanding through international and foreign language studies at the elementary, secondary, and postsecondary levels. The changes proposed by parts A and C are essentially structural—moving title VI of the National Defense Education Act into the Higher Education Act, as most of NDEA has already been incorporated into other portions of body of the Federal education law—and similarly, placing the existing section 603 of NDEA, relating to international programs at the elementary and secondary level, in the Elementary and Secondary Education Act, effectively removing the funding "trigger" mechanism which has served to depress appropriations for international education in both the elementary and secondary, and higher education sectors.

Part B of this legislation, Mr. President, is the crux of our initiative—to encourage the use of the vast resources and talents of our postsecondary education sector to improve our Nation's international economic performance, particularly in the area of trade promotion and expansion, by forging linkages between the business community and higher education. Last October, at the Education Subcommittee's hearings on reauthorization of higher education programs, I raised the issue of the deplorable state of knowledge of foreign languages and cultures in this country, particularly among business persons engaged in trade activities, who require such international skills in order to perform adequately their responsibilities. At that hearing, I challenged representatives of the higher education community to seek ways to encourage improved relationships between international education and business which can result in the fulfillment of a critical national goal, to wit: The substantial improvement of our international economic performance.

Mr. President, in November, subsequent to these hearings, the President's Commission on Foreign Language and International Studies issued its report to the President, finding:

> A serious deterioration in this country's language and research capacity, at a time when an increasingly hazardous international military, political, and economic environment is making unprecedented demands on America's resources, intellectual capacity and public sensitivity—

According to the report, to which we, through this legislation, subscribe—

> America's incompetence in foreign languages is nothing short of scandalous, and it is becoming worse . . . while the use of English as a major international language of business, diplomacy and science should be welcomed as a tool for understanding across international boundaries, this cannot be solely considered a substitute for direct communications in the many areas and on innumerable occasions when knowledge of English cannot be expected . . . our vital interests are impaired by the fatuous notion that our competence in other languages is irrelevant. Indeed, it is precisely because of this nation's responsibilities and opportunities as a major power and as a symbol of ideals to which many of the world's people aspire that foreign languages, as a key to unlock the mysteries of other customs and cultures, can no longer be viewed as an educational and civic luxury.

Mr. President, the President's Commission has corroborated the pressing need to redress this woeful inadequacy and lack of preparation in international skills necessary to sustaining and improving the status of the American economy in an increasingly interdependent, international economic environment. Our Nation's performance in the highly competitive international trade sector has been deteriorating, in large part due to a failure to recognize the importance of foreign language capacity in the marketing of products and services abroad. It is instructive to note that the President's Commission reported that there are currently some 10,000 English-speaking Japanese business representatives assigned to the United States, and fewer than 900 American business representatives in Japan, only a small fraction of whom have a facility in the Japanese language. This obviously puts the United States at a very serious marketing disadvantage. Furthermore, foreign language incapacity of American firms compounds this competitive disadvantage since, as stated in the Commerce Department's publication, Business America (September 24, 1978), American sellers often rely on the translation of messages and contracts supplied by their prospective foreign buyers.

Despite the great capacity of our institutions to develop international understanding, American higher education and the business community have had historically a mutually accepted "hands-off" relationship, based upon a general unwillingness of business to utilize the resources of a sector over which it has little or no control and concomitant unwillingness on the part of higher education to be dictated to in terms of curriculum by an exogenous business sector with specific information and personnel needs.

This legislation will improve the relationships between the business and higher education sectors, with the goal of promoting American international understanding and trade interests, by establishing a program of Federal assistance to postsecondary institutions which have entered into agreements with business enterprises, trade organizations, or consortia of such organizations, to establish or expand curricula to serve international needs of the American business community. We anticipate that federally-assisted programs operated under these agreements would include: Training of faculty and students, both full and part time, in skills pertinent to marketing, financial arrangements, and legal requirements of trading in other nations; development of specialized teaching materials to aid in the conduct of foreign trade; establishing student and faculty fellowships, internships, and personnel exchanges to increase awareness of international business activities in institutions of higher education and inform the business community of the capacity of higher education to assist export development; and generally improving the international perspectives of American graduate and undergraduate schools of business, whose curricula often tend to center on internal economic conditions, in isolation from their international causes and ramifications. As the Federal share will pay a maximum of half the cost of such programs, it is expected that these agreements between business organizations and institutions will include arrangements to assist the contracting college or university to meet its required match. Thus, both the institution of higher education and the private sector organization will have a substantial stake in the success of this joint venture.

Mr. President, while we do not perceive this legislation as a single easy answer to our dismal performance in the international economic system, we believe that we can infuse a greater international perspective into our institutions of higher education and simultaneously encourage business to utilize an underused resource in the effort to redress our economic ills. Indeed, we perceive this as a critical first step in bringing our colleges and universities, those great reservoirs of intelect and vitality, and our business community closer together to achieve an absolutely necessary goal, to wit—the stability of our international economic and hence, political system.

Mr. President, I submit for the RECORD a letter from Dr. Martin Meyerson, president of the University of Pennsylvania, with whom I discussed business education linkages at our October 18 hearings.

The letter follows:

UNIVERSITY OF PENNSYLVANIA,
Philadelphia, January 14, 1980.

Hon. JACOB K. JAVITS,
The U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: I write in wholehearted support of the Stafford-Javits version of the new Title VI of the Higher Education Act. I am delighted that you will introduce Part B, on "Business and International Education." Prompted by your request at the Subcommittee hearings on October 18 that we seek ways to make international education more responsive to business and business more aware of the value of increased involvement with international education, I have followed with interest the work of Subcommittee staff and others in refining this legislation. Their efforts have been encouraging and productive.

As a result, I believe that the new Title VI can fulfill important national purposes by linking higher education and the business community, thus providing for American business the expertise it needs in dealing with its international trading partners. Events in Iran and Afghanistan demonstrate all too well that America's security, image, and national interests require the most expert knowledge we can muster about the culture and politics of all areas of the world. The transfer of the current Title VI of NDEA into the Higher Education Act is an important and undoubtedly constructive step toward increasing this kind of expertise and making it available to business and government.

Your initiative, reflected in Part B's provisions for bringing business and higher education together in internatonal education, has considerably strengthened this bill and its potential for achieving its purposes. The transfer, in the revised version of the International Understanding Act to the Elementary and Secondary Education Act for the sake of increasing continuing and community education, improves upon the original.

The revised bill also includes the concept of geographic distribution (section 606), but at the same time urges a consistently high level of performance as the primary criterion for support of international study centers. Over the past few decades, certain advanced area study centers have attained remarkable results, and any weakening of their resources would be a severe loss to research and the development of the faculty who will teach and conduct international research in the future.

In this regard, I speak as the president of a university at which several distinguished international study centers have been painstakingly developed over the years. Two major centers of this kind, Pennsylvania's Middle East Center and the South Asia Regional Studies Center, were given great impetus by funding under the old Title VI. That seed money enabled us to attract the additional support from business and foundations that has helped sustain a strong faculty as well as providing graduate fellowship and research support.

All told, the University of Pennsylvania has three dozen institutes and centers with international content, ranging from language and area studies, such as the Middle East Center, the Germanic and Oriental programs, to the Multinational Enterprise Unit in the Wharton School and the International Comparison Project, which carries out comparative studies on international purchasing powers and currencies. It will become increasingly important to maintain this kind of diversity, as well as depth, in international and foreign language studies. To do so, this University and all of higher education will look to opportunities provided under the new Title VI.

I appreciate the opportunity to comment on this legislation. I value the personal initiative you have taken, as well as your joint efforts with Senator Stafford, in drafting a bill worthy of the challenge and the need that international education represents for us in America. Higher education, the business community, and the nation at large may be grateful for your leadership in this enterprise. With best wishes.

Sincerely,

MARTIN MEYERSON.●

● Mr. PELL. Mr. President, I am pleased to be a copsonsor of this important legislation. It is good for education at all levels, and contributes significantly to our country's capabilities in foreign relations, while helping to prepare American business for growing export success.

As events abroad have increasingly profound impact on all Americans, it is essential that education prepare our country for a world of rapid change. While programs under title VI of the National Defense Education Act have provided for language and area studies since 1958, this effort has been small. As our relations with the rest of the world have grown more complex, international education legislation has not been central to our higher education efforts.

By bringing NDEA's higher education programs into the Higher Education Act, this bill makes the international dimension an integral part of our Nation's postsecondary education efforts. And by moving the elementary and secondary portions of NDEA into the Elementary and Secondary Education Act, the bill eliminates the old funding trigger which has in the past pitted different levels of education against one another.

The legislation being introduced today has taken into consideration the recommendations of the President's Commission on Foreign Language and International Studies. I believe it to be a very constructive approach, and look forward to its consideration as part of the reauthorization of the Higher Education Act to be undertaken next week by the Subcommittee on Education, Arts, and Humanities.●

● Mr. CHAFEE. Mr. President, I wholeheartedly support the Stafford-Javits initiative for the International Education Programs Act, offered today as a new title VI of the Higher Education Act.

Government sponsored international education did not begin in the United States until passage of the Fulbright Act on August 1, 1946. Yet, international education in the United States is as old as the American Republic and, in the history of education, dates back to ancient and biblical times.

In the 1830's, American educators, such as Horace Mann and Henry Barnard, both leaders in the movement for the common public school system, had been to Europe to study its educational systems. From these studies and earlier influences developed our kindergarten and the graduate school from German influence, and the liberal arts college from English traditions.

Many of the annual reports of the U.S. Commissioner of Education since the time of Mann and Barnard, have included analyses and comparative studies of foreign education. Even before World War I, but more especially after it, programs of international exchange of teachers, scholars, and students were developed. These programs, however, were sponsored primarily by philanthropic foundations, such as the Rockefeller and Ford Foundations, the Carnegie Endowment for International Peace, the Guggenhiem Foundation, and learned and professional groups.

Today, we are introducing before the Senate, what may be the most significant international education legislation since Senator Fulbright's departure from the Senate.

Soaring spaceships of the early 1960's led to a greater emphasis on science and technology in American schools. Now, soaring inflation and trade deficits, and fluctuating world political conditions facing us in the early 1980's are spurring a greater emphasis on teaching international and economic education.

At present, however, national curricula in all parts of the world still remain relatively provincial. Many societies from Sparta to the Soviet Union have thought it dangerous to study ideas and customs of other lands, fearing that patriotism would be diluted through exposure to ways of life and systems of values not ones own.

Today, in the spirit of our predecessors in education and in Congress, we are stating the importance of international education—that it is a mission of education to help each of us to see foreigners not as abstractions but as concrete human beings, with their own reasons, sufferings and joys, and to discern a common humanity among the various nations.

Provincialism results in ignorance of people and events that are foreign to our shores. The dangers to America of provincialism has been vividly demonstrated by our unwillingness to compete for international business in the world arena, by our difficulties in understanding the history and beliefs of the Moslem world, and, perhaps even by our prolonged involvement in the complicated affairs of Southeast Asia. It is, I believe, significant that a survey of American specialized knowledge of other parts of the world made in the mid-1960's showed that two areas of which we were most ignorant were Vietnam and the Persian Gulf.

I believe that it is a national and international necessity to seek forms of education which will enable our young people to see various nations as made up of "human beings" and also to discern a "common humanity" among them.

As we look for an education about the world outside our borders that would be most appropriate for the rising generations of Americans, efforts must be made to convey the importance of these goals. One way to achieve them is to stress the problems which face, not individual nations, but all mankind. Nuclear armaments, over population, energy and food shortages, environmental pollution—these are problems that present challenges of a complexity in scale never before faced. In addition, the world has become increasingly interdependent since World War II, as illustrated by the political allegiances of developing Third World nations, the growing multinational companies and consortiums, and the interdependency of monetary and trade systems.

This prospect of a rapidly changing, dangerous and yet, in many ways, exhilerating future, led members of the United Nations Educational, Scientific and Cultural Organization (UNESCO) Commission to identify as a universal requirement for education everywhere "the preparation of every citizen of every society to keep learning throughout life, to live with ambiguity and complexity and to see one's own salvation as not separate from that of people's and nation's once well beyond the concern or awareness of one's parents."

Today, with the introduction of the International Education Programs Act, Congress is taking a major step toward this universal requirement. This legislation will serve our national security, diplomacy, and business relations by enhancing our linguistic and analytic capabilities for international affairs. It will serve the needs of our economy by stimulating the acquisition of knowledge and skills needed for improved export performance. And it will contribute to our citizens' understanding in and relationships with other countries.

The introduction of this legislation could not have come at a more important time.

First, it comes just as we are establishing a new Cabinet-level Department of Education and it sends a clear signal that the international dimension of both the Department and American education needs attention in keeping with the growing importance of the rest of the world for all Americans.

Second, it comes at a time when we have just concluded our 44th consecutive month of trade deficits. For far too long, U.S. businesses have ignored the markets beyond our own borders and simply been content to rely on domestic sales. Only now, with increased competition and a weakened dollar are we beginning to understand the importance of exports and the benefits of increased trade. For years there have been tens of thousands of Japanese businessmen in New York City alone, fluent in English, knowledgeable of American needs and demands, working vigorously to sell their country's products; yet, in Tokyo, there are barely more than a handful of American businessmen who speak limited Japanese, attempting to compete on an international scale in the same manner they compete in the United States.

Third, this legislation comes as we are struggling to understand the conflicts, religious beliefs, and needs of the Moslem world and Middle East nations. Knowledge and understanding are imperative if we are to exert a stabilizing influence on areas of the world with volatile problems.

And finally, this bill comes at a time when the United States and the People's Republic of China are forging new bonds of friendship in such fields as education, business, and technology.

This is good legislation in terms of cost. With increased pressure on the Federal Government to cut spending, this bill will achieve much of its purpose by reauthorizing current appropriations provided under the National Defense Education Act.

The bill will revitalize the old NDEA provisions by incorporating many of the ideas of the recent report of the President's Commission on Foreign Language and International Studies.

It also has the advantage of ending the competition between higher education and the elementary and secondary levels caused by the old funding trigger provision. It does this by moving the latter elements to the Elementary and Secondary Education Act. Yet, the bill recognizes the need for integration of the international dimension across all educational levels by providing for single advisory board oversight.

By moving NDEA's title VI to the Higher Education Act title VI, the act has the effect of giving the international dimension of higher education legislation a more prominent place. This will benefit the teaching, research, and contract functions of our colleges and universities. It will also help to change the way the Higher Education Act is perceived as a whole. It has the potential of leading to the review of the relationship of title VI to other Higher Education Act titles in much the same way university administrators must develop links between their institution's resources.

Similarly, the addition of part B, dealing with export education, will have predictable positive effects beyond its purpose of helping the country to cope with its pressing need to export. By being combined with the old NDEA, it will invite new creativity, expand the constituency of Americans learning about the rest of the world, and will bring to international education the dynamism of the American business community. This could be an enormous positive development—for education and for the economy.

Finally, it is my hope that in addition to more international education, this legislation will promote more internationalism in education. By this I mean that education in any one country stands to gain through an exchange of ideas and experiences in other countries. This legislation lays the groundwork for such shared knowledge. We know that our own system bears the mark of importation. Certainly Horace Mann and others made their own adaptations to European models, but at least it was not necessary to invent them for a second time. Likewise, our contribution here today in the area of international education deserves careful study by other nations as well.

As a member of the Senate Export Caucus, and the Intelligence Committee, I find this to be a most important addition to the Higher Education Act. It is a well-conceived bill, and it merits everyone's support.

• Mr. RIEGLE. Mr. President, today I join with Senator STAFFORD in introducing the International Education Programs Act, to establish a new title VI of the Higher Education Act of 1965.

I believe our country faces a growing need to strengthen international awareness in the American educational system. In view of the modern international climate, which is inherently linked with both economics and diplomacy, it behoves us to provide educational resources which will aid not only in strengthening our relations with other nations but which will also refine our expertise in dealing with the internationalization of our economy.

The purpose of this bill is to provide a threefold approach to augment our education process in the international study area. It specifically touches upon our need to foster graduate and undergraduate programs in both the foreign language field and related "area studies"; to develop an education curricula which will better serve the needs of the business community, particularly with regard to economic management in the international arena; and to promote a greater understanding of international policies and U.S. actions with relation to them for the benefit of our citizens.

My home State of Michigan has long been a leader in the field of international education. The University of Michigan for example, has world-renowned study centers on South Asia, South East Asia, the Middle East and, Russia and Eastern Europe. Michigan State University is similarly known for its leadership in African studies, as well as for work in developing elementary and secondary programs.

In shifting our national focus from the Sputnik-era National Defense Education Act to a more coordinated approach to higher education, the bill I am sponsoring today follows the lead of Representative BILL FORD of Michigan, chairman of the House Subcommittee on Postsecondary Education. The full House recently passed H.R. 5192, Representative FORD's bill to reauthorize the Higher Education Act, which similarly incorporates the shift of these NDEA programs into the comprehensive Higher Education Act.

Our proposal also includes provisions originally proposed by Senator JAVITS to promote linkages between higher education and business in order to promote increased exports. This challenge grant program has an extraordinary multiplier potential to enable American businesses of all sizes to better compete in the world marketplace.

I believe that the promotion of mutual understanding between nations is paramount in this era. This bill provides the opportunity, to a wide spectrum of the population, to develop and enrich their understanding of the international system.

As the Labor and Human Resources Committee amends and extends the Higher Education Act, I will work with Senator STAFFORD and with other committee members supporting this bill to assure that the Federal Government finally focuses additional attention on this vital educational field.•

• Mr. ROTH. Mr. President, I rise to join my colleagues in sponsoring amendments to the Higher Education Act of 1965 to provide for the establishment of international education programs.

Awareness in this country of foreign languages and customs is at a dangerously low point. For too long we have felt that the rest of the world needs to look to the United States for new technology and for expanding market opportunities for selling their goods.

This perception, if ever accurate, is certainly not accurate today. We in this country now face serious problems in maintaining our international economic competitiveness, as is evident from our massive trade deficit of just under $30 billion in 1979. This was the third such massive trade deficit in a row, and the outlook for the coming year is for more of the same.

Europe, Japan, and the OPEC countries are all expected to grow more rapidly in the 1980's than the United States. Consequently, today we ourselves need to look overseas for the fastest growing market opportunities for our producers. We also need to look overseas for new technology in many areas, since our post-war technological dominance has largely disappeared.

Obviously, increased foreign area and language studies in the United States will not correct our trade and technology problems; however, a program of expanded language and area studies would be a significant step in the right direction. Part B of this amendment, which provides for business and international education programs, seems to me to be particularly significant.

In the past, the business and academic communities have often seemed to talk past one another to the detriment of both. Our schools seem too often simply to train future language teachers, rather than to emphasize the commercial aspects of language and area studies training. For businessmen, the importance of understanding foreign languages and cultures is often not appreciated until a mid-career assignment requires a move overseas.

Communication between the academic and business communities needs to be greatly expanded. For its part, the business community needs to understand that being able to get directions to the nearest restaurant is not enough. Instead a deep knowledge of the foreign language and culture is required, so that products can be designed and packaged to meet local tastes. In our schools and universities, students need to understand early on that language training will pay off in future career opportunities in the business world.

The advisory board envisioned in section 613 will be particularly useful in helping to strengthen communications between the business and academic communities. This board will consist of six Government representatives, three from the business community, and three from the academic community.

I would prefer to see the private representation on this board expanded, so that the board would consist of one-third government, one-third business, and one-third academic representatives. This would foster communication between the business and academic communities to an even greater extent than would the proposed composition of the board, in my judgment. I am not offering an amendment to the amendment at this point, but would hope that this suggestion would be taken up during mark-up.

The provision for consultation with the Secretary of Commerce in selecting business representatives is welcome, but it may be better to have at least one of the business representatives selected by the Administrator of the Small Business Administration and the remainder by the Secretary of Commerce. The Commerce Department and the Small Business Administration have extensive ties with the business community and should be able to nominate business representatives who can fully articulate the needs of the business community.

Program envisioned under this amendment also are a significant step forward in increasing foreign language and area studies in the United States. I fully support these programs, particularly those to develop curricula for international education.

Recently I developed a bill to provide for an Export Education Foundation, and so I have brought some distinctive intellectual baggage of my own to my consideration of the Stafford-Javits bill. I thoroughly appreciate what they have done, and I am fully supportive.

Nonetheless, I want to take this opportunity to indicate that there are two directions which I would like to see us address in the future, to expand the business aspects of the program. The bill envisions student and faculty fellowships and internships in international business activities. This type of program has often resulted largely in fellowships for faculty members; I believe we should consider greater emphasis upon overseas student internships.

Such interns could work under the direction of U.S. commercial officers overseas in export promotion activities, including implementation of the multilateral trade agreements approved by the Congress last year. Interns could be recent graduate students with masters degrees in business, engineering, or other appropriate discipline. Nominal fees could be charged for interns' services, which might include translation or market research work for American businessmen overseas. After completion of their internships, the program could make special efforts to place the interns in suitable career assignments, perhaps in the commercial service corps or in an international activity of a company.

Another matter I propose for further consideration is translation centers. This country is losing business because of inadequate translation services. We need to examine the best ways to provide such services and to look at the ways that other countries, such as Germany and Japan, provide them. We need the testimony of business and higher education and our linguists as we proceed. I am delighted to know that Senators STAFFORD and JAVITS are interested in this problem, and I hope we will be able to address it during the coming year.

Mr. President, the title VI initiative will strengthen our country's international position through increased awareness of foreign markets. It merits the support of the Senate as well as that of the business and academic communities.●

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 2306

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "International Education Programs Act".

SEC. 2. Title VI of the Higher Education Act is amended to read as follows:

"TITLE VI—INTERNATIONAL EDUCATION PROGRAMS

"PART A—INTERNATIONAL AND FOREIGN LANGUAGE STUDIES

"FINDINGS AND PURPOSES

"SEC. 601. (a) The Congress finds that—

"(1) knowledge of other countries is important in promoting mutual understanding and cooperation between nations;

"(2) strong American educational resources are a necessary base for strengthening our relations with other countries;

"(3) present and future generations of Americans should be given the opportunity to develop to the fullest extent possible their intellectual capacities in all areas of knowledge pertaining to other countries, peoples, and cultures; and

"(4) the economy of the United States and the long range security of the Nation are dependent upon acquiring such knowledge.

"(b) It is the purpose of this part to assist in the development of resources and trained personnel for international study, international research, and foreign language study and to coordinate programs of the Federal Government in the areas of international study and research and foreign language study.

"GRADUATE AND UNDERGRADUATE LANGUAGE AND AREA CENTERS

"SEC. 602. (a) (1) The Secretary is authorized to make grants to, and enter into contracts with, institutions of higher education for the purpose of establishing, strengthening, and operating graduate and undergraduate centers which will be national resources for the teaching of any modern foreign language, for instruction in fields needed to provide a full understanding of the areas, regions, or countries in which such language is commonly used, or for research and training in international studies and the international aspects of professional and other fields of study.

"(2) Any such grant or contract may be used to pay all or part of the cost of establishing or operating a center or program, including the cost of teaching and research materials, the cost of curriculum planning and development, the cost of bringing visiting scholars and faculty to the center to teach or to conduct research, and the cost of training, improvement, and travel of the staff for the purpose of carrying out the objectives of this section.

"(3) The Secretary may make grants to centers described in paragraph (1) having important library collections for the maintenance of such collections.

"(b) The Secretary is also authorized to pay stipends to individuals undergoing advanced training in any center receiving Federal financial assistance under this part, including allowances for dependents and for travel for research and study in the United States and abroad.

"(c) No funds may be expended under this part for undergraduate travel except in accordance with rules prescribed by the Secretary setting forth policies and procedures to assure that Federal funds made available for such travel are expended as part of a formal program of supervised study.

"ADVANCED INTERNATIONAL STUDIES CENTERS

"SEC. 603. (a) (1) The Secretary is authorized to make grants to institutions of higher education, or combinations of such institutions, for the purpose of establishing, strengthening, and operating graduate centers which will be regional resources to increase access to research and training in international and foreign language studies and the international aspects of professional and other fields of study. Activities carried out in such centers may be concentrated either on specific geographical areas of the world or on particular fields or issues in world affairs which concern one or more countries, or on both. In addition to providing training to students enrolled in the institution of higher education in which the Center is located, the centers serving as regional resources shall, in order to qualify for assistance under this section, offer programs to strengthen international studies and foreign languages in the two-year and four-year colleges and universities in the region served by each such center.

"(2) The Secretary may also make grants to public and private nonprofit agencies and organizations, including professional and scholarly associations, whenever the Secretary determines that such grants will make an especially significant contribution to attaining the objectives of this section.

"(b) Grants under this section may be used to pay part or all of the cost of establishing, strengthening, equipping, and operating research and training centers, including the cost of teaching and research materials and resources, the cost of programs for bringing visiting scholars and faculty to the center, and the cost of training, improvement, and travel of the staff for the purposes of carrying out the provisions of this section. Such grants may also include funds for stipends (in such amounts as may be determined in accordance with regulations of the Secretary) to individuals undergoing training in such centers, including allowances for dependents and for travel for research and study in the United States and abroad.

"(c) Grants under this section shall be made on such conditions as the Secretary determines to be necessary to carry out the purposes of this section.

"UNDERGRADUATE INTERNATIONAL STUDIES AND FOREIGN LANGUAGE PROGRAMS

"SEC. 604. (a) The Secretary is authorized to make grants to institutions of higher education, or combinations of such institutions, to assist them in planning, developing, and carrying out a comprehensive program to strengthen and improve undergraduate instruction in international studies and foreign languages. Grants made under this section may be for projects and activities which are an integral part of such a comprehensive program, such as—

"(1) planning for the development and expansion of undergraduate programs in international studies;

"(2) teaching, research, curriculum development, and other related activities;

"(3) training of faculty members in foreign countries;

"(4) expansion of foreign language courses;

"(5) programs under which foreign teachers and scholars may visit institutions as visiting faculty; and

"(6) programs designed to integrate undergraduate education with terminal Masters Degree programs having an international emphasis.

"(b) The Secretary may also make grants to public and private nonprofit agencies and organizations, including professional and scholarly associations, whenever the Secretary determines such grants will make an especially significant contribution to attaining the objective of this section.

"RESEARCH; STUDIES; ANNUAL REPORT

"SEC. 605. (a) The Secretary may, directly or through grants or contracts, conduct research and studies which contribute to the purposes of this part and part N of title III of the Elementary and Secondary Education Act of 1965. Such research and studies may include but are not limited to—

"(1) studies and surveys to determine the need for increased or improved instruction in modern foreign languages and in other fields needed to provide a full understanding of the places in which such languages are commonly used;

"(2) research on more effective methods of providing instruction in such foreign languages and other fields; and

"(3) the development of specialized materials for use in providing such instruction or for use in training individuals to provide such instruction.

"(b) The Secretary shall prepare and publish an annual report which shall include an index and analysis of the books and research materials produced with assistance under this title.

"EQUITABLE DISTRIBUTION OF FUNDS

"SEC. 606. (a) The Secretary shall make excellence the criterion for selection of grants awarded under section 602.

"(b) To the extent practicable and consistent with the criterion of excellence, the Secretary shall award grants under this part (other than section 602) in such manner as will achieve an equitable distribution of funds throughout the Nation.

"ADVISORY BOARD

"SEC. 607. (a) Not less than three times each year, the Secretary shall convene meetings of an advisory board on the conduct of programs under this part, and part N of title III of the Elementary and Secondary Education Act of 1965. The board shall consist of—

"(1) one member selected by the Secretary of State;

"(2) one member selected by the Secretary of Defense;

"(3) one member selected by the Secretary of Education to serve as Chairman and coordinator of the activities of the board;

"(4) one member selected by the Chairman of the National Endowment for the Humanities;

"(5) one member selected by the Director of the International Development Cooperation Administration;

"(6) one member selected by the Director of the International Communication Agency;

"(7) two members selected by the Secretary from among representatives of the post-secondary education community;

"(8) two members selected by the Secretary from among representatives of the elementary and secondary education community; and

"(9) three members selected by the Secretary from among members of the public.

"(b) The advisory board established under subsection (a) shall consider the grants made, or contracts entered into, under this part and part N of title III of the Elementary and Secondary Education Act of 1965. The board shall advise the Secretary on (1) any geographic areas of special need or concern to the United States, (2) the specific foreign languages to be designated under section 394(b)(3) of the Elementary and Secondary Education Act of 1965, (3) innovative approaches which may help to fulfill the purposes of this title, (4) activities which are duplicative of programs operated under other provisions of Federal law, (5) changes which should be made in the operation of programs under this part to ensure that the attention of scholars is attracted to problems of critical concern to United States international relations, and (6) the administrative and staffing requirements of international education programs in the Department.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 608. There are authorized to be appropriated $60,000,000 for fiscal year 1981, $65,000,000 for fiscal year 1982, $70,000,000 for fiscal year 1983, $75,000,000 for fiscal year 1984, and $80,000,000 for fiscal year 1985, to carry out the provisions of this part.

"PART B—BUSINESS AND INTERNATIONAL EDUCATION PROGRAMS

"FINDINGS AND PURPOSES

"SEC. 611. (a) The Congress finds that—

"(1) the future economic welfare of the United States will depend substantially on increasing international skills in the business community and creating an awareness among the American public of the internationalization of our economy;

"(2) concerted efforts are necessary to engage business schools, language and area study programs, public and private sector organizations, and United States business in a mutually productive relationship which benefits the Nation's future economic interests;

"(3) few linkages presently exist between the manpower and information needs of United States business and the international education, language training and research capacities of institutions of higher education in the United States, and public and private organizations; and

"(4) organizations such as world trade councils, world trade clubs, chambers of commerce and State departments of commerce are not adequately used to link universities and business for joint venture exploration and program development.

"(b) It is the purpose of this part—

"(1) to enhance the broad objective of this Act by increasing and promoting the Nation's capacity for international understanding and economic enterprise through the provision of suitable international education and training for business personnel in various stages of professional development; and

"(2) to promote institutional and noninstitutional educational and training activities that will contribute to the ability of United States business to prosper in an international economy.

"EDUCATION AND TRAINING PROGRAMS

"SEC. 612. (a) The Secretary shall make grants to, and enter into contracts with, institutions of higher education to pay the Federal share of the cost of programs designed to promote linkages between such institutions and the American business community engaged in international economic activity. Each program assisted under this part shall both enhance the international academic programs of institutions of higher education and provide appropriate services to the business community which will expand its capacity to engage in commerce abroad.

"(b) Eligible activities to be conducted by institutions of higher education under this section shall include, but are not limited to—

"(1) innovation and improvement in international education curriculums to serve the needs of the business community, including development of new programs for nontraditional, mid-career, or part-time students;

"(2) development of programs to inform the public of increasing international economic interdependence and the role of American business within the international economic system;

"(3) internationalization of curriculums at the junior and community college level, and at undergraduate and graduate schools of business;

"(4) development of area studies programs and interdisciplinary international programs;

"(5) establishment of export education programs through cooperative arrangements with regional and world trade centers and councils, and with bilateral and multilateral trade associations;

"(6) research for and development of specialized teaching materials, including language materials, and facilities appropriate to business-oriented students;

"(7) establishment of student and faculty fellowships and internships for training and education in international business activities;

"(8) development of opportunities for junior business and other professional school faculty to acquire or strengthen international skills and perspectives; and

"(9) development of research programs on issues of common interest to institutions of higher education and private sector organizations and associations engaged in or promoting international economic activity.

"(c) No grant may be made and no contract may be entered into under the provisions of this part unless an institution of higher education submits an application at such time and in such manner as the Secretary may reasonably require. Each such application shall be accompanied by a copy of the agreement entered into by the institution of higher education with a business enterprise trade organization, trade organization or association engaged in international economic activity, or a combination or consortium of such enterprises, organizations or associations, for the purpose of establishing, developing, improving or expanding activities eligible for assistance under subsection (b) of this section. Each such application shall contain assurances that the institution of higher education will use the assistance provided under this part to supplement and not to supplant activities conducted by institutions of higher education described in subsection (b).

"(d) The Federal share under this part for each fiscal year shall not exceed 50 per centum of the cost of such program.

"ADVISORY BOARD

"SEC. 613. (a) Not less than three times each year the Secretary shall convene meetings of an advisory board on the conduct of programs under section 612 of this title. The board shall consist of—

"(1) one member selected by the Secretary of State;

"(2) one member selected by the Secretary of the Treasury;

"(3) one member selected by the Secretary of Commerce;

"(4) one member selected by the Secretary to serve as Chairman and coordinator of the activities of the Board;

"(5) one member selected by the President and Chairman of the Export-Import Bank of the United States;

"(6) one member selected by the Administrator, Small Business Administration;

"(7) three members selected by the Secretary from among representatives of the postsecondary educational community; and

"(8) three members selected by the Secretary from among representatives of the business community.

"(b) The advisory board established under subsection (a) shall review the programs under section 612 and shall advise the Secretary on (1) changes which should be made to advance the purposes of this part and to assure the success of the programs authorized by this part, (2) special needs of such programs, and (3) any program elements which are duplicative of programs operated under other provisions of Federal law.

"(c) The Secretary shall prepare and publish an annual report. This report shall be combined with that mandated under section 605(b).

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 614. There are authorized to be appropriated $10,000,000 for fiscal year 1981 and for each of the succeeding fiscal years ending prior to October 1, 1985, to carry out the provisions of part B of this title.

"PART C—GENERAL PROVISIONS

"DEFINITIONS

"SEC. 621. (a) As used in this title—

"(1) the term 'area studies' means a program of comprehensive study of the aspects of a society or societies, including study of its history, culture, economy, politics, international relations and languages;

"(2) the term 'international business' means profit-oriented business relationships conducted across national boundaries and includes activities such as the buying and selling of goods; investments in industries; the licensing of processes, patents and trademarks; and the supply of services;

"(3) the term 'export education' means educating, teaching and training to provide general knowledge and specific skills pertinent to the selling of goods and services to other countries, including knowledge of market conditions, financial arrangements, laws and procedures; and

"(4) the term 'internationalization of curricula' means the incorporation of international or comparative perspectives in existing courses of study or to add new components to the curricula to provide an international context for American business education.

"(b) All references to individuals or organizations, unless the context otherwise requires, mean individuals who are citizens of the United States or organizations which are organized or incorporated in the United States.".

SEC. 3. Title III of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new part:

"PART N—INTERNATIONAL UNDERSTANDING

"SHORT TITLE; DECLARATION OF FINDINGS; PURPOSE

"SEC. 393. (a) This part may be cited as the 'International Understanding Act'.

"(b) The Congress finds that—

"(1) the well-being of the United States and its citizens is affected by policies adopted and actions taken by, or with respect to, other nations and areas; and

"(2) the United States must afford its citizens adequate access to the information which will enable them to make informed judgments with respect to the international policies and actions of the United States.

"(c) It is the purpose of this part to support educational programs which will increase the availability of such information to students in the United States.

"PROGRAM AUTHORIZED

"SEC. 394. (a)(1) The Secretary is authorized, by grant or contract, to stimulate educational programs to increase the understanding of students and the public in the United States about the cultures and actions of other nations in order to better evaluate the international and domestic impact of major national policies.

"(2) Grants or contracts under this section may be made to any public or private agency or organization, including, but not limited to, institutions of higher education, State and local educational agencies, professional associations, education consortia, and organizations of teachers.

"(b)(1) Financial assistance under this part may be used for assistance for inservice training of teachers and other education personnel, the compilations of existing information and resources about other nations in forms useful to various types of educational programs, and the dissemination of information and resources to educators and educational officials upon their request, but such assistance may not be used for the acquisition of equipment or remodeling of facilities.

"(2) Financial assistance under this part may be made for projects and programs at all levels of education, and may include projects and programs carried on as part of community, adult, and continuing education programs.

"(3) Financial assistance under this part may be used by local educational agencies to introduce instruction in foreign languages designated by the Secretary as having critical importance for the Nation.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 395. There are authorized to be appropriated $7,000,000 for fiscal year 1981, $9,000,000 for fiscal year 1982, $11,000,000 for fiscal year 1983, and $12,000,000 each for fiscal years 1984 and 1985 to carry out the provisions of this part.".

SEC. 4. (a) Title VI of the National Defense Education Act of 1958 is repealed.

(b) Title I of the International Education Act of 1966 is repealed.

AMERICAN COUNCIL ON EDUCATION,
Washington, D.C., February 4, 1980.

Hon. ROBERT T. STAFFORD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STAFFORD: On behalf of the undersigned higher education associations, I would like to express our strong support for your thorough revision of the legislation which supports essential international education activity at colleges and universities throughout the nation. The legislation which you and Senator Javits have prepared constitutes timely encouragement to the rich resources that higher education can bring to bear upon the complex and pressing international challenges facing the Nation in the years ahead.

The union of scholarly and governmental interests under the aegis of Title VI of the National Defense Education Act has been useful and productive. Under this rubric, aided greatly by private philanthropy until the 1970's, an extensive flowering of language and area studies in higher education has occurred. However, after more than twenty years, the relationship of this law to national needs and to program potential warrants close scrutiny. We applaud your efforts to reassess this situation constructively, and to make corresponding changes in the law.

Among the features of your bill, we specifically appreciate the new context you have given for the conduct of foreign language and international studies relative to United States interests in a changing world. We also strongly support the added flexibility you have incorporated into program assistance to higher education institutions. The program you have outlined builds upon the strengths and the accumulated expertise of the past twenty years, yet reaches beyond to engage the diverse resources of all two- and four-year colleges and universities in meeting the national need for informed citizens, trained scholars, for knowledge of other cultures, and for an understanding of the global problems which threaten us all.

We are pleased that you have integrated this law into the Higher Education Act. This transfer recognizes the inherent international nature of colleges and universities and consequently, the vital role of higher education in international studies. Furthermore, the nation's need for foreign language and international studies is ill-served by the spasmodic attention it has received over the past several years. The viability of these programs has been jeopardized by their status as categorical programs under NDEA Title VI. Surely history would indicate that the National need for international understanding does not have a fixed expiration date, but exists as an ongoing challenge.

Finally, we welcome the addition by Senator Javits of Part B, "Business and International Education." This portion of the bill is a positive step toward eliminating present barriers between international knowledge and business skills on the one hand, and the need to expand effectively U.S. export markets on the other. The application of available resources toward the conduct of business abroad and the development of new capabilities are essential to the Nation's future economic well-being. The largely untapped potential of higher education can make important contributions in this area.

We are grateful for your bold leadership in revising this important piece of legislation. The changes you have proposed will greatly enhance collaboration between higher education, the business community, and the government as we equip the Nation to meet an uncertain future.

Sincerely,

J. W. PELTASON.

UNDER SECRETARY OF STATE FOR MANAGEMENT,
Washington, D.C., December 19, 1979.

Hon. ROBERT T. STAFFORD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STAFFORD: Thank you for your letter concerning NDEA Title VI changes.

The President's Commission on Foreign Languages and International Studies confirmed both the deterioration in language and international affairs capabilities in the United States and the declining trend of support for pertinent studies programs. The Department had long been aware of the downtrend and was concerned for the harmful effect that it would have on the nation's foreign operation capacity, both governmental and private.

The Department believes the downtrend must be reversed. We, therefore, strongly support the efforts to revitalize these educational programs which are so basic to the preparation for professional participation in foreign affairs. In light of our balance-of-payments problems, the linkage to business should be particularly rewarding.

I have not had the opportunity to analyze H.R. 5192 or your proposed legislation in detail. Recognizing the common purpose, however, I believe that you and your colleagues will develop a compromise to materially improve the present situation.

You have my sincere appreciation for your efforts.

Sincerely,

BEN H. READ.

EMERGENCY COMMITTEE FOR AMERICAN TRADE,
Washington, D.C., February 11, 1980.

Hon. ROBERT T. STAFFORD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STAFFORD: ECAT is an organization of 63 leaders of large U.S. companies with extensive international business operations. In 1978, worldwide sales by these companies totalled $400 billion and they employed 5 million people.

Because of their extensive worldwide business operations, ECAT members are well aware of the need for U.S. businessmen to speak foreign languages. In this regard, we share the concern of the President's Commission on Foreign Languages and International Studies that only 8 percent of American colleges and universities now require a foreign language for admission and that only a handful of American high school students study a foreign language for more than two years. ECAT, therefore, appreciates your initiative to establish educational programs which would contribute to improving the U.S. businessman's language proficiency, as well as his understanding of the social, economic and political factors which are essential to doing business in foreign countries.

Consideration by the Congress of the International Educational Program Act is an indication of the Congress' desire to encourage U.S. exports. Unfortunately, a growing number of export disincentives created by the Congress and the Executive Branch drastically inhibit our ability to export.

In the field of language training alone, for example, there is agreement among educators that one of the most effective means of learning a foreign language is to live in a foreign country. However, recent revisions by the Congress of Sections 911 and 913 of the U.S. tax code, directed at U.S. citizens living and working abroad, has resulted in extensive costs to American business firms employing U.S. citizens abroad. These added tax costs are such that U.S. companies are reducing the number of their overseas American employees and employing nationals of other countries whose loyalties are not to the United States but to their home countries. One result is that when foreign employees have the chance, they direct business purchases away from the United States to either their host or home country. We believe that U.S. exports have suffered quite badly as a result.

What is needed in U.S. export policy is consistency. We are pleased that your International Educational Program Act is a step in the right direction.

Sincerely,

ROBERT L. MCNEILL,
Executive Vice Chairman.

American Assembly of
Collegiate Schools of Business,
Washington, D.C., February 5, 1980.
Hon. Robert T. Stafford,
U.S. Senate,
Washingon, D.C.

Dear Senator Stafford: Thank you for your letter of January 18, 1980 inviting me to comment on the important legislation which you and Senator Javits propose to introduce.

It has been my opportunity during the current academic year to serve as president of the American Assembly of Collegiate Schools of Business (AACSB), the officially recognized accrediting organization and association of schools of business in the United States. In this capacity—and on behalf of the AACSB Board of Directors—I am pleased to endorse the purposes and objectives of the proposed legislation. While the views expressed in this letter have been approved by the board of directors, they do not necessarily reflect the views of the membership of AACSB, since time did not permit such wide consultation.

Since World War II, the U.S. has been operating in a new type of national economic environment, and a significant international component has been added to it. The rise of the multinational corporation, the interrelatedness of our national economic life with that of other countries of the world, and other economic developments have come to place an additional responsibility on our schools of business and management. They must provide future business leaders with an understanding and appreciation of the international economic environment in which U.S. business must operate.

As you requested, I have examined Part B Section 611–614, an entirely new section of the proposed bill designed to encourage linkages between business and higher education which can contribute to the ability of U.S. business to prosper in an international economy. In my opinion you outline a well conceived plan to achieve this goal and an approach which is constructive and feasible.

The importance of the international area in the education of future managers has been a growing conviction on the part of AACSB deans for the past several years. Some of the kinds of programs mentioned in the bill do exist in our schools of business but on a fragmented, inadequate scale. AACSB itself has undertaken some important but still relatively new programs to acquaint faculty members with new information available in the international business field and to sensitize them to the importance of the international dimension of business education. Nevertheless, the number exposed to this kind of training is still small. The organization and funding in your proposed bill would permit a scale of effort that would strengthen such programs and help coordinate them with public and private sector organizations.

A proper interfacing of business, government, and the academic world will help us to retrieve some of the economic leadership that America has seemingly lost and to develop the areas in which we have comparative national advantages. I applaud the legislation you have proposed; and as current president of the American Assembly of Collegiate Schools of Business—and on behalf of its board of directors—I am pleased to give you our endorsement and support of it.

Sincerely yours,

V. K. Zimmeman,
President.

Tufts University,
The Fletcher School of
Law and Diplomacy,
Medford, Mass., January 25, 1980.
Senator Robert T. Stafford,
Dirksen Senate Office Building,
Washington, D.C.

Dear Senator Stafford: I am writing in support of the Stafford-Javits bill, Title VI of the Higher Education Act of 1965, International Education Programs. I applaud your efforts to bring meaning and substance to the good work of the President's Commission on Foreign Language and International Studies, and I believe that this bill is an excellent way to act in the most constructive fashion to do so.

Your bill is a very positive addition to the legislation required to support international education in the United States. I agree that it is important to institutionalize the importance of international education by bringing it into the Higher Education Act. By taking it out of the National Defense Education Act we in no way suggest that the national defense is any less at stake. On the contrary, the national defense is even more at stake, and this is precisely what makes it important to update this excellent act and move it to a location where it can do more good and receive more recognition.

I hope you will not hesitate to call on me or any other members of the international affairs education community for assistance with this bill. As we move into this difficult time in foreign affairs, we must remember that constancy and professionalism is one of the highest national priorities. Thank you for doing your part.

Sincerely,

Theodore L. Eliot, Jr.,
Dean.

The Atlantic Council of the
United States,
Washington, D.C., February 7, 1980.
Senator Robert T. Stafford,
Senate Subcommittee on Education, Arts and Humanities, Washington, D.C.

Dear Senator Stafford: It is my understanding that your Subcommittee on Education, Arts and Humanities has under active consideration the Stafford-Javits bill for International Educational Programs, and I write you today to express the whole-hearted support of the Atlantic Council of the United States for the measure. It is a strong and constructive piece of legislation that should do much to help improve the position of the United States in the important field of internaional education.

We here at the Atlantic Council have been concerned for some time about the inadequacies of our international education program and the relatively small amount of money we spend for it. Far too many of our younger generation, including many who will soon be moving into positions of power and influence in the country, are going through high school—and even college—without acquring a real knowledge of the world in which they live. When we consider how interdependent the world has become we begin to appreciate how important the task of international education is. Certainly if the members of the younger generation are to respond satisfactorily to the challenges of the 1980's and the 1990's, they must be well aware of the forces and factors that shape our world relationships.

In this connection I am particularly concerned about the growing gap that exists in connection with our European relationships. As you are well aware, after World War II it was fashionable for our colleges and universities to open centers and to sponsor courses and programs dealing with Asia, Africa, Latin America, Eastern Europe and the Middle East. In the circumstances, this emphasis on the developing countries was probably justified. But in the process the whole field of European studies was badly neglected.

Clearly this situation ought to be rectified—especially in view of our NATO relationships and the need to work closely with western allies. Our people ought to have a better understanding of European affairs. But they ought to have a better understanding of world affairs, too. We think your legislation is an important step in the right direction. That is why we support it.

Sincerely yours,

Kenneth Rush.

National Defense University,
Washington, D.C., January 31, 1980.
Hon. Robert T. Stafford,
Dirksen Senate Office Building,
Washington, D.C.

Dear Senator Stafford: I have recently become aware of your sponsorship, together with that of Senator Javits and others, of the International Educational Programs Act of 1980 and wish to take this opportunity to comment on several aspects of the proposed legislation.

As an academician involved in developing and preparing senior-level military and civilian executives for policy and staff elements of the National Security establishment, I have been deeply concerned with the declining capabilities of the educational establishment to contribute to the expanding need for qualified personnel in international studies. Specifically, the reduced availability of quality graduates in the fields of foreign languages, area studies, and international studies integrating socio-political and economic disciplines has made it increasingly difficult to maintain the quality of faculties dedicated to National Security affairs. Therefore, I am gratified to learn of the provisions of "Title VI International Education Programs," which represents an impressive infusion of resources into this vital area.

Equally gratifying are the new initiatives included under Part B of the proposed legislation, entitled, "Business and International Education Programs." This strikes me as a most important innovation in strengthening both formal academic and applied professional programs needed to heighten the sensitivity of private sector management to international business opportunities. The growing interdependency of the world economy, together with the declining relative leverage of the U.S. position, underscores a growing imperative to integrate international considerations into decisionmaking at all levels within the U.S. business establishment. This concern, coupled with the increasing competitiveness confronted by U.S. firms, both domestically and abroad, has prompted many educators to observe that much of our future prosperity and security may well depend on successfully transitioning the perspective of decisionmakers from one of a predominantly domestic orientation to one broadened by strategic international considerations.

The prospects for a solution of this problem are greatly enhanced by the provision in Part B of the bill which provides substantial funding for academic and professional training programs in the field of international business. This initiative may well prove to be a turning point in converting concept into reality in the internationalization of the educational base supporting U.S. business. Therefore, I strongly support the legislation and consider it to be essential in developing institutional leadership and providing strategic perspective so vitally needed in both governmental organizations and private enterprise.

My very best wishes for the successful enactment of this essential contribution to the Nation's security.

Sincerely,

JOHN N. ELLISON,
Associate Dean for Program Development

LATIN AMERICAN
STUDIES ASSOCIATION,
Urbana, Ill., January 29, 1980

Hon. ROBERT T. STAFFORD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STAFFORD: On behalf of the Latin American Studies Association, of which I am President this year, let me take this opportunity to express my congratulations to you on your efforts to improve international education. I am particularly pleased with the "International Education Programs Act," Title VI of the Higher Education Act of 1980. Part C, export education, is a most innovative approach to the training of area specialists for business. Latin Americanists could greatly benefit from such educational incentives since that region figures so heavily in our nation's international trade. Today over 80 percent of all U.S. trade with developing nations take place in this hemisphere. The need to educate students of Latin American studies in the basic skills of business and trade will certainly prove a highly valued asset to firms seeking trained area specialists with business credentials.

Thank you for your continued efforts to ensure that international education remains high on this Congress' priorities. If I can be of further assistance to you please feel free to call or write.

Sincerely,

CARMELO MESA-LAGO,
Director, Center for Latin American Studies, University of Pittsburgh and President of LASA.

UNIVERSITY OF PENNSYLVANIA,
Philadelphia, Pa., January 14, 1980.

Hon. JACOB K. JAVITS,
U.S. Senate,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: I write in wholehearted support of the Stafford-Javits version of the new Title VI of the Higher Education Act. I am delighted that you will introduce Part B, on "Business and International Education." Prompted by your request at the Subcommittee hearings on October 18 that we seek ways to make international education more responsive to business and business more aware of the value of increased involvement with international education, I have followed with interest the work of Subcommittee staff and others in refining this legislation. Their efforts have been encouraging and productive.

As a result, I believe that the new Title VI can fulfill important national purposes by linking higher education and the business community thus providing for American business the expertise it needs in dealing with its international trading partners. Events in Iran and Afghanistan demonstrate all too well that America's security, image and national interests require the most expert knowledge we can muster about the culture and politics of all areas of the world. The transfer of the current Title VI of NDEA into the Higher Education Act is an important and undoubtedly constructive step toward increasing this kind of expertise and making it available to business and government.

Your initiative, reflected in Part B's provisions for bringing business and education together in international education, has considerably strengthened this bill and its potential for achieving its purposes. The transfer, in the revised version, of the International Understanding Act to the Elementary and Secondary Education Act for the sake of increasing continuing and community education, improves upon the original.

The revised bill also includes the concept of geographic distribution (section 606), but at the same time urges a consistently high level of performance as the primary criterion for support of international study centers. Over the past few decades, certain advanced area study centers have attained remarkable results, and any weakening of their resources would be a severe loss to research and the development of the faculty who will teach and conduct international research in the future.

In this regard, I speak as the president of a university at which several distinguished international study centers have been painstakingly developed over the years. Two major centers of this kind, Pennsylvania's Middle East Center and the South Asia Regional Studies Center, were given great impetus by funding under the old Title VI. That seed money enabled us to attract the additional support from business and foundations that has helped sustain a strong faculty as well as providing graduate fellowship and research support.

All told, the University of Pennsylvania has three dozen institutes and centers with international content, ranging from language and area studies, such as the Middle East Center, the Germanic and Oriental programs, to the Multinational Enterprise Unit in the Wharton School and the International Comparison Project, which carries out comparative studies on international purchasing powers and currencies. It will become increasingly important to maintain this kind of diversity, as well as depth, in international and foreign language studies. To do so, this University and all of higher education will look to opportunities provided under the new Title VI.

I appreciate the opportunity to comment on this legislation. I value the personal initiative you have taken, as well as your joint efforts with Senator Stafford, in drafting a bill worthy of the challenge and the need that international education represents for us in America. Higher education, the business community, and the nation at large may be grateful for your leadership in this enterprise. With best wishes.

Sincerely,

MARTIN MEYERSON.

NATIONAL EDUCATION ASSOCIATION,
Washington, D.C., December 18, 1979.

Hon. ROBERT T. STAFFORD,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SENATOR STAFFORD: The NEA supports the move of NDEA Section 603 into Title III of the Elementary and Secondary Education Act and the move of Title VI of the NDEA into the Higher Education Act.

These moves will eliminate the funding trigger for Section 603, which should permit international education to stand on its own merits and provide for more adequate funding. They also put international education programs into more compatible settings. This should provide for better administration of the programs.

The recent studies on "International Education" indicate a great need for public awareness and for increased efforts in the area of international education. The interdependence of todays' world, the need for the United States citizens to understand and appreciate other cultures and other peoples make imperative a greater emphasis on international education.

Sincerely,

STANLEY J. MCFARLAND,
Director of Government Relations.

GEORGETOWN UNIVERSITY,
THE CENTER FOR STRATEGIC
AND INTERNATIONAL STUDIES,
Washington, D.C., January 9, 1980.

Hon. ROBERT T. STAFFORD,
U.S. Senator,
Washington, D.C.

DEAR SENATOR STAFFORD: I have just learned of your leadership in introducing legislation to bring the International Education Programs Act of 1980. I am writing to commend you for this action and particularly for including the new Part B on Business and International Education Programs.

My current activities include considerable attention toward U.S. export policy, in particular to the competitiveness of U.S. exports to Third World markets. Our national security, especially at this period of dependence on imports of foreign oil, requires that we expand our exports. The problems of our export policy are many, and I don't need to get into my views in depth in this letter. Suffice it to say that my observations indicate that a major problem is that American businessmen generally feel uncomfortable and unprepared in non-English speaking countries. If we are to export more, this has to change. Compare the number of English-speaking Japanese businessmen in the U.S. with the number of Japanese-speaking American businessmen in Japan; there is no comparison. Your legislation hits the need right on the head.

If there is any criticism I have it is the low level of the planned authorization. In my opinion, the figures should be in the $20 million range, and there should not be an expectation that this program will be phased out. During the 1980s our business will need government help to be internationally competitive. Your legislation makes great sense for the 1980s.

Please feel free to call on me if I may be of assistance to you in your endeavors.

Sincerely,

MICHAEL A. SAMUELS,
Executive Director.

EMORY UNIVERSITY,
Atlanta, Ga., December 21, 1979.

Senator ROBERT T. STAFFORD,
Dirksen Building,
Washington, D.C.

DEAR SENATOR STAFFORD: In July, 1979, Emory University received an award from the HEW Office of Education to establish an undergraduate International Studies Program in Emory College. This program has been established, and has been most beneficial to our overall undergraduate program.

The grant has enabled us to prepare fourteen courses dealing with international topics (such as "Africa in the Modern World," "Political Violence," "Contemporary East Asia: Societies and Institutions"). Through all these courses, approximately two-thirds of the students in Emory College will have enhanced their understanding of global issues and international studies. In addition, these course syllabi will be made available to faculty teaching in other colleges and universities in Georgia, so that the information gathered here will serve other faculty and students in the area.

Because of the funds provided through the grant, there has been an increase in faculty positions in international studies areas here. Additional activities sponsored by the International Studies program include lecture programs, a Russian film festival, luncheons and faculty seminars, and a town meeting on Salt II (with William Colby, Admiral Elmo Zumwalt, President James Laney, and State Representative Liane Levitan).

These new expanded activities have been extremely well received, both by those on campus and by members of the community. We believe the attention focused on international events and topics has been most helpful to the community, broadening our perspectives and enriching the undergraduate program.

I hope you will support undergraduate international studies during the current reauthorization process. Emory University's involvement with this program has been extremely successful and productive, and we hope that the Congress will recognize these benefits and choose to extend them in future years.

Sincerely,

PATRICIA A. STRINGER,
Acting Dean.

INDIANA UNIVERSITY,
Bloomington, Ind., January 4, 1980.

Senator ROBERT T. STAFFORD,
Dirksen Senate Office Building,
U.S. Senate, Washington, D.C.

DEAR SENATOR STAFFORD: I have looked over the draft of the new Title VI legislation proposed for the Higher Education Act of 1965 and in general find it a most admirable improvement on the current legislation on International Education Programs. The increased emphasis on national resource centers for foreign language and area studies is welcome as is the increased flexibility of programming envisioned in the establishment of graduate regional centers focused on area or fields or issues in world affairs.

Those of us interested in international education are also pleased to see the program to improve undergraduate instruction in the critical areas of international studies and foreign languages. In addition, we find the inclusion of continuing, community, and adult education programs within the mainstream of international education as a positive step in the development of a national program.

Because of Indiana University's longstanding interest in the development of joint programs in business and international studies, we are gratified to see that Section 609 of the proposed legislation encourages the development of this area of academic-business inquiry.

We do, however, have some concern about the language in Section 602, paragraph b, where it seems clear that students can only receive stipends for advanced training while enrolled in a federally funded center. We believe this is an unnecessary restriction, for it is sometimes the case that an institution with a strong program does not have a federally funded center. Such an institution should not be denied the opportunity to compete for the fellowships. This is especially the case since the guidelines in the proposed legislation require reasonable geographic distribution. We believe that while the emphasis on strong federally funded centers is appropriate, the fellowship competition ought to be made wider so as to encourage those institutions willing to develop strong international programs without federal support.

Other than this problem which we expect can be resolved without serious difficulty, I am pleased to tell you that Indiana University believes this to be a most useful revision of the current arrangements for Title VI International Education Programs.

Sincerely yours,

JOHN W. RYAN,
President.

STANFORD UNIVERSITY,
Stanford, Calif., January 8, 1980.

Senator ROBERT T. STAFFORD,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SENATOR STAFFORD: I have recently had an opportunity to examine the text of the proposed International Education Programs Act of 1980 that you and Senator Javits plan to introduce in the near future and felt that I had to write to thank you for this really splendid effort on behalf of a sadly neglected but very important cause. Permit me to explain my own relationship to the field and offer a few comments on the Bill.

I was a member of the recent President's Commission on Foreign Language and International Studies and chaired its subcommittee on Advanced Training and Research. I am also director of Stanford University's Center for Research in International Studies and have worked in this general area for thirty-odd years.

I might add that the last ten or so of these have been progressively more discouraging for those of us who believe that the United States has been systematically denying itself an important part of the human and intellectual capacity it needs in order to conduct more effectively its public and private relationships and business abroad. It is this background of adverse experience that adds a special meaning and importance to your Bill.

Where the substance of the legislation is concerned, I have little but praise to offer. It is especially gratifying to note that it does incorporate a number of the most important recommendations of the President's Commission: the provisions for federal assistance to both advanced training and research and to undergraduate education as well, the need for an advisory board on international education, and expansion of international studies at the pre-collegiate and adult levels, and the improvement of the international training available to our business community.

These are all intelligent, constructive, and sorely needed provisions. If the legislation passes and is funded at a reasonable level, I hope that it will be possible to persuade the Department of Education to administer the Act in a fashion that will both preserve and strengthen our existing capacities in the international field while simultaneously and gradually phasing in, as funding permits, its innovative aspects. There are grounds for serious concern on this latter score.

In more general terms I would like to comment briefly on what I take to be the basic philosophy and purpose of your Bill. In my opinion it is, if successful, capable of making the beginning of a new era in federal policy toward the international aspects of our educational system. This, I take it, is what you and your associates intended to symbolize when you gave it a name, happily different from that of the old National Defense Education Act, and when you provided for it a new and more regularized status as a portion of the Higher Education Act.

The fundamental importance of such a development lies, I believe, in its implications with respect to national priorities. For years I have been mystified by federal policies that have consistently failed to recognize that in our public and private dealings abroad, just as in science and technology at home, our basic and irreplaceable resources are human and intellectual capital.

I have often wondered, once the abnormal margins of advantage conferred on us by the consequences of World War II began to attenuate, how long it would take us to realize that it was essential to compensate for these losses by providing training at all educational levels that would prepare Americans to deal more effectively with the problems and opportunities that lie beyond our frontiers.

We are so obviously faced with a future in which our national security and well-being in practically every meaningful aspect are certain to be increasingly affected by foreign developments and policies over which we have little or no influence. It simply does not make sense under these circumstances to allow our facilities for the teaching of foreign languages, for the understanding of foreign societies and cultures, or for the study and analysis of the great international problems of the day to atrophy for lack of public interest or support.

Such neglect can only indicate a sense of national needs and priorities that, in its mistaken absorption with lesser issues of seemingly greater urgency, has almost completely lost touch with the basic realities and trends of our time.

It is in these terms that my colleagues and I so strongly applaud and support your truly farsighted and constructive initiative. While it may not in itself resolve any of the country's major international problems, it can shift the odds in our favor and in time equip us to deal with these problems much more effectively than is the case today. Lord knows, we need such a capacity! The best of luck. We are in your debt.

Sincerely yours,

ROBERT E. WARD, *Director.*

THE WORLD TRADE INSTITUTE,
New York, N.Y., January 28, 1980.

Senator ROBERT T. STAFFORD,
5219 Dirksen Building,
Washington, D.C.

DEAR SENATOR STAFFORD: The draft of the bill to amend the Higher Education Act of 1965 with a new Title VI on International Education Programs, which you and Senator Jacob Javits will introduce, was sent to me for review and comment. This is of particular interest to me for the following reasons:

1. On behalf of the American Council on Education I chaired a national task force, in 1976–77, to undertake studies and publish the report on Business & International Education;

2. On behalf of the American Assembly of Collegiate Schools of Business I have been responsible during the past three years for the academic aspects of the nationwide workshops on the Internationalization of the Business School Curriculum, and edited the report with that same title;

3. I am past President and current Dean of the Fellows of the Academy of International Business, the association of the approximately 950 professors of international business in the U.S. and abroad;

4. In my current work at the World Trade Institute.

Because of the above, I am very keenly aware of the great need for Federal support of international education, not only in business schools, to prepare business graduates for the realities of today's business world, but also in high schools, in all parts of the university, and at the level of adult education. High school students need more exposure to other cultures and to the international scene in general to become better citizens in today's world and better voters in

U.S. elections. College graduates cannot pretend to be educated if they have not achieved a modicum of understanding of the language, culture, economy and politics of some area of the world other than the U.S.

Your bill will facilitate a renaissance in American education toward the solution of the above problems, and I support it wholeheartedly.

There are, however, two aspects of the bill which, I feel, may benefit from some additional thinking. First, simply improving the existing language and area study centers, or creating new ones, does not solve any problems if students do not change their current course selection pattern. The real question is how these Federal funds might be used as leverage to induce educational institutions to change their entrance or graduation requirements. Perhaps this type of goal could be written into the introduction to the bill, if not in the body of the bill, to show the intent of the Congress and to provide guidance to the Department of Education in its evaluation of grant requests.

Secondly, I should like to refer to the requirement on Page 10, lines 4 to 7, that each application for funds "shall be accompanied by a copy of the agreement entered into by the institution of higher education with a business enterprise . . ." etc. This implies that such an agreement must exist in order to qualify for a grant, whereas many of the eligible activities referred to on Page 9 are not of the type which would involve a cooperative agreement between the educational institution and a business enterprise or association. Perhaps the insertion of "where applicable" in some appropriate place would solve this matter.

Thank you very much for this opportunity to review and comment on the draft bill. I sincerely hope for a speedy passage of the bill through Committee and through Congress.

Sincerely yours,

Lee C. Nehrt,
Director.

University of California,
Los Angeles, Calif., January 31, 1980.
Hon. Robert T. Stafford,
U.S. Senate,
Washington, D.C.

Dear Senator Stafford: The purpose of this letter is to register our strong support for the International Education Programs Act of 1980, which it is understood will soon be introduced by you and your colleagues in the Senate. This timely initiative comes at a most critical juncture. The recent report of the President's Commission on Foreign Language and International Studies illuminated the very real crisis we confront in the maintenance of this nation's capacity—in terms of the intellectual and specialist resources, and supporting infrastructure—to comprehend, analyze, interpret, and possibly forecast the crises and perils of an increasingly complex and volatile international environment.

The concentration of international expertise developed and institutionalized in our major research universities during the past two decades has become a seriously endangered national resource. These universities not only house, sustain and serve the bulk of the nation's leading rare specialists and experts on foreign areas, they also have the major research libraries, foreign language training specialists and facilities, and research infrastructure for advanced study. The further proliferation of these would be prohibitively costly.

However, such existing concentrations must serve a broader constituency. A significant number of international and foreign area specialists are now distributed among the hundreds of smaller universities and colleges throughout the country. This broad diffusion of foreign area expertise throughout the higher levels of America's pluralistic educational system is also crucial for the national interest. It furthers the internationalization of the curriculum not only in higher education, but also at the secondary and elementary levels, not to mention expanding the knowledge of the citizenry at large through the outreach programs of those institutions.

The developmental costs of the major concentrations of foreign areas, foreign language and international expertise at major research over the past two decades have been enormous. The recurrent costs of merely sustaining them have been, and continues to be, borne overwhelmingly by those universities from local resources. However, markedly increased and long-term assured Federal Government funding is indispensable to ensure not only their survival, but also the maintenance of their quality, their effectiveness, and the realization of their full potential. Such funding is equally vital to the functioning of regional consortia of universities sharing the opportunities and resources of the major national centers as well as the wider diffusion of knowledge and understanding about the world to all levels of the educational system.

International Education Programs Act of 1980 you are introducing into the Senate addresses itself directly to these critical needs and we wish to commend you for your vision and the leadership you are providing to enact legislation designed to meet them.

Sincerely,

Charles E. Young,
Chancellor.

The University of Vermont,
Burlington, Vt., January 31, 1980.
Hon. Robert T. Stafford,
U.S. Senate,
Washington, D.C.

Dear Senator Stafford: Sven Groennings has shared with me the text of a bill that you are introducing jointly with Senator Javits, the International Education Programs Act of 1980. I want to express to you my interest and support for this bill.

The University of Vermont is now active in programs covered by the bill. They are good programs at this University—good largely through the devotion and commitment of the faculty involved. They are, however, programs that could be considerably strengthened by resources to support the effort of the faculty. I can see ways in which good programs could be made better through this bill.

Our College of Arts and Sciences is the home of an interdisciplinary Center for Area and International Studies. Faculty of that college and of other colleges and schools on the campus cooperate in joint efforts in five major international areas: Asian Studies, Canadian Studies, European Studies (focused on Western, Northern, and Mediterranean Europe), Latin American Studies, and Russian and East European Studies. Interdisciplinary programs of this kind, however, tend to be limited in terms of supporting resources.

The traditions of colleges and universities have directed resources primarily into discipline-based departments. The University is limited in its ability to redirect existing resources into the support of interdisciplinary programs. Our own Center for Area and International Studies would benefit considerably by funds to cover the costs of materials for teaching and research, the expenses of visitors from other institutions and from public life, and the costs to faculty for broadening their own knowledge of the field. I note with pleasure the ways in which your bill seeks to respond to just those kinds of problems.

The bill is similarly responsive to needs that American higher education has in instruction in foreign languages. Again, The University of Vermont has strong departments, but they could benefit from strengthening in the particular area of language instruction. We now provide considerable instruction in French, Spanish, German, and Russian. There is a modest amount of instruction in Hebrew and in Slavic languages (for example, Serbo-Croation). Within recent years, however, we have had to sacrifice the teaching of Italian and of Chinese. Clearly, these would have been of benefit to the programs in Asian Studies and in European Studies.

The interest and commitment to instruction in foreign languages at the University of Vermont is evidenced by the fact that the incoming President of the American Council on the Teaching of Foreign Languages is a member of our own Department of Romance Languages, Professor Thomas Geno. I believe that you will find him willing to share with you his views on the programs that you propose.

One final point that I would make is that your bill is a strong bill because it provides breadth in the scope of international education. I think that is very important. The history of the past two decades shows that this nation has had to respond to conflicts and misunderstandings in what might have been thought the most unlikely places. International education can make its greatest contribution by developing a strong base on which understanding can be built and conflict prevented.

Sincerely,

Lattie F. Coor,
President.

University of Hawaii at Manoa,
Honolulu, Hawaii, January 25, 1980.
Hon. Robert T. Stafford,
U.S. Congress,
Washington, D.C.

Dear Senator Stafford: Word has reached me at this distant Pacific outpost that the Senate bill entitled "International Education Programs Act of 1980" will soon be introduced into the Senate by your office. This is good news and I offer my support and encouragement.

The recent Commission on Foreign Language and International Studies has highlighted the need for strong programs in international studies. The need for strengthening and expanding our effort in international education is also becoming more and more obvious in light of recent world events. It's imperative that we increase our knowledge and working expertise of foreign cultures and languages as a crucial first step in maintaining our nation's leadership in world affairs.

Recently, University of Hawaii students trained under federally-funded programs were selected to travel to the People's Republic of China on year-long scholarly exchanges. These students have impressed their hosts with their knowledge of the Chinese language and culture. Our nation's ability to send these top-quality students is a strong endorsement of the value of our international programs. This phenomenon is being repeated all over the world 'as students and faculty, under federal sponsorship and support, represent their country as goodwill ambassadors.

Through your initiative and leadership, Congress is facing up to its responsibility of ensuring that America will enter the 1980's better prepared to deal with an ever-increasing complex and interdependent world. I thank you for this and for your untiring efforts in advancing the status and importance of international studies in American education. We are greatly in your debt.

Sincerely,

George Akita,
Professor of History.

Columbia University,
New York, N.Y., January 23, 1980.
Senator Robert T. Stafford,
Dirksen Senate Office Building,
Washington, D.C.

Dear Senator Stafford: I understand that you will shortly be introducing in the Senate some vital new legislation, the International Education Programs Act of 1980. I just wanted you to know that I support this legislation strongly and appreciate very much what you are doing.

As events in Afghanistan and Iran underline, this country is in deep need of increased expertise and public understanding of foreign areas. We made a good start with the NDEA, but clearly need to do much more to strengthen the teaching and research in this field and to support bright young Americans who are prepared to devote the long years required to attain mastery.

Thank you!

Sincerely yours,

James William Morley,
Professor of Government.

Northwestern University,
Evanston, Ill., January 30, 1980.
Hon. Robert T. Stafford,
Dirksen Senate Office Building,
Washington, D.C.

Dear Senator Stafford: I am writing to commend the proposed International Education Programs Act of 1980, which authorizes federal funding to implement the most important recommendations of the President's Commission on Foreign Languages and International Studies: expanded programs for research, graduate training, and undergraduate education in international studies; expanded programs for foreign language and global education at the precollegiate and adult levels; new programs for international business training; and an advisory board on international education. The need for such federal programs, which was carefully articulated by the President's Commission, is all too evident from current affairs.

Northwestern University has, in the recent past, reaffirmed its commitment to the concepts that lie behind this legislation. Northwestern is among that 8 percent of all American colleges and universities still requiring, as one criterion for admission, the study of foreign language at the secondary school level. Northwestern's College of Arts and Sciences has, in a comprehensive revision of its curriculum, maintained a requirement in foreign language for graduation. Last spring, the University announced plans to construct a Residential College of International Studies, which will create a focal point for interchange between students studying foreign languages, political science, or other relevant disciplines, students matriculating from foreign countries, and students returning from study abroad.

Northwestern's J. L. Kellogg Graduate School of Management offers a joint major in international business. One program at Northwestern, however, has special significance in exemplifying a crucially important concept that undergirds this proposed legislation—the Program of African Studies, which is a center for research and graduate training.

If federal support for international education is to be effective, it must be implemented from the top down, beginning with research and graduate training. Northwestern's Program of African Studies, which was the first such interdisciplinary program in the United States, and which has received federal support through NDEA, has made a continuing contribution to the nation's understanding of Africa. Also, by working with local educational institutions, business organizations, and service groups, and by encouraging interaction between local peoples and African students and visitors, the Program of African Studies has fostered in the Chicago area greater comprehension of African affairs and African-American linkages.

In addition, this program has had a positive impact upon Northwestern in a number of ways, such as building the Library of African Studies into the largest among university holdings in the United States and stimulating the growth of several departments in the social sciences and the humanities. The advancement of knowledge through research and the training of expert personnel through graduate education are indispensable to the success of the other programs proposed under the International Education Programs Act of 1980.

As an economist and a university president, I have long been concerned that our national security and welfare were being undermined by neglect of the international aspects of our educational system. I commend your legislative efforts to remedy this problem.

Sincerely,

Robert H. Strotz,
President.

Indiana University,
February 4, 1980.
Senator Robert T. Stafford,
Dirksen Senate Office Building,
Washington, D.C.

Dear Senator Stafford: I am writing to encourage you in your continuing support for Title VI of the Higher Education Act. The Senate bill for the "International Education Programs Act of 1980" is a cornerstone of the successor legislation to NDEA VI and could mean the difference between national understanding and national ignorance in future international crises such as those of 1979 and 1980 or the Vietnam War.

You should know that hundreds of trained specialists like me, working in language and area studies, depend on the new legislation for the preparation of the next, much larger, generation of American internationalists. NDEA VI performed yeoman service for two decades. Its successor must be better funded and even more effective.

Sincerely yours,

George M. Wilson,
Professor of History and of
East Asian Languages and Cultures.

Association of American Colleges,
Washington, D.C., February 11, 1980.
Hon. Robert T. Stafford,
U.S. Senator,
Washington, D.C.

Dear Senator Stafford: On behalf of the 640 members of the Association of American Colleges—large and small, public and private, two year, four year and professional—I want to commend you for your leadership in the area of international studies. Your bill for reauthorizing federal programs for international education as Title VI of the Higher Education Amendments recognizes current needs for academic expertise, for linkages with business, and for an informed citizenry.

The importance of highly trained international scholars needs no repetition at a time of crises in Iran and Afghanistan. The members of this Association, however, are also very aware that our nation not only needs experts, but also a well-informed public that understands the complexities of an increasingly interdependent world. Teachers, local officials, community business leaders, and all responsible citizens must be globally literate. In large part, they will obtain such understanding through their undergraduate education.

Liberal education, the raison d'etre of our Association, has always stressed the importance of studying foreign languages and the value of understanding the historical, social, artistic, philosophical, and religious principles underlying other cultures. Therefore, we commend you for including undergraduate international education programs as an important component of your bill.

Grants under these programs have played an important role in the past in strengthening the quality of education on hundreds of campuses. While advanced centers will develop expertise and depth of knowledge, the undergraduate programs can provide the breadth needed throughout our society for real international understanding. The partnership of advanced training and broad undergraduate programs is required for an effective approach to international education at the college level.

Once again, we applaud your efforts and support Title VI in the new Higher Education Amendments.

Sincerely,

Mark H. Curtis,
President.

University of Cambridge,
Cambridge, England, February 7, 1980.
Senator Robert T. Stafford,
Dirksen Senate Office Building,
Washington, D.C.

Dear Senator Stafford: As the former director of the Center for South Asian Studies at the University of Virginia, I write to support your efforts for the early passage of the International Education Programs Act of 1980. It is obviously crucial to the national interest that this legislation be passed, incorporating the key recommendations of the President's Commission on Foreign Language and International Studies.

It is equally important that the $30 million administration request for Title VI of the Higher Education Act be authorized to maintain and enhance the national infrastructure of specialized language and area training centers in American universities, thereby to provide the nation the expertise needed to deal with the world of the 1980s.

Secretary Vance is quite right when he argues in his foreign aid message that the United States has "to address the problems of poverty and tensions in the developing world that would produce new crises if left unattended;" and the $10.4 billion administration request for foreign aid is an obvious and legitimate approach to these problems.

The point, of course, is that juxtaposed next to the $10.4 billion foreign aid package, the $30 million administration request for Title VI is an exceedingly modest price to pay for the understanding that will permit us as a nation to act with insight in addressing the political and economic tensions to which Secretary Vance refers. The understanding will go far to assure that the $10.4 billion is intelligently invested to serve the Nation's long term interests. The $30 million is, therefore, a crucial initiative which will be reduced at the risk of an ignorance we can ill afford.

As an example of the contemporary relevance of language and area programs, supported in part by Title VI, I cite the case of the University of Virginia, with which I am most familiar. Among our several interests, we focus significantly on Islamic South Asia, including the teaching of Persian and Urdu, languages of historic and contemporary usage in that vast West and South Asian arc stretching from Iran and Afghanistan through Pakistan, North and Central India, and Bangla Desh, and comprising a population in excess of 800 million people. Another of our emphases is in Buddhist studies, both Tibetan Buddhism and the Buddhism of Southeast Asia.

These programs, dealing in depth with the languages and cultures of the region, were not created in response to the crises in Iran, or Afghanistan or Pakistan. But they now help provide a more sensitive understanding of the region on which American policy can be intelligently based. It is precisely the value of Title VI that it has facilitated and helped maintain this crucial infrastructure of specialized training facilities in American higher education quite independently of the newest international political crisis.

The International Education Programs Act of 1980 will contribute to maintaining and strengthening that infrastructure as we move into the 1980s and I urge its early passage.

I might add that I am on leave for the year from the University of Virginia and the perspective from Europe simply reinforces the perceptions argued in this letter, namely that America has a central role to play in the world of the 1980s and we need to play that role with much strength and a great deal of wisdom.

Sincerely,

Dr. Walter Hauser.

By Mr. CRANSTON (for himself, Mr. Hayakawa, and Mr. DeConcini):

S. 2307. A bill to provide that certain lands in Imperial County, Calif., that became Federal property by the process of accretion be sold to the persons who would be the current owners of such lands but for such accretion; to the Committee on Energy and Natural Resources.

● Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill to provide for the sale of certain lands in Imperial County, Calif., to those persons who would be the current owners of such lands but for accretion. The measure is a companion to H.R. 3239 introduced in the House by Congressman Clair Burgener.

Mr. President, the lands involved in this legislation comprise 27 acres along the Colorado River and are generally known as Harvey's Fishing Hole. These lands were included in a patent deed issued by the United States in 1914, and after a number of transfers were subdivided in the 1950's by Kindred and Ida Mae Harvey. A large majority of the 96 lots were sold and many improved. Today Harvey's Fishing Hole has about 25 permanent and 100 part-time residents.

For the last 15 years there has been a dispute over who owns this land. Some time between 1910 and 1936, before the completion of Boulder Dam, the Colorado River shifted its course. As the river moved, it washed away the Harvey's Fishing Hole land in Arizona originally deeded by President Woodrow Wilson and redeposited it on the California side of the river, adjoining Federal property. The residents of Harvey's Fishing Hole argue that the river moved suddenly, that avulsion occurred, and that the land thus is still theirs. The Federal Government, on the other hand, argues that the river moved slowly and imperceptibly, and the land accreted to the Government. In 1967 the Interior Department first notified the owners in writing of the Government's claim, and in 1972 the Government brought suit to evict the private landowners.

Mr. President, I personally believe that there are some equities on the part of the homeowners. They paid for the Harvey's Fishing Hole property—and firmly believed that they had a clear chain of title to the land. They paid property taxes on the property until the Federal Government asserted its claim to the land. And although Boulder Dam was completed in 1936 stabilizing the Colorado River, the Federal Government waited 36 years before it filed its lawsuit. The Federal Government stood by for years and did nothing to halt the development of Harvey's Fishing Hole property while the owners invested thousands of dollars improving the land.

Since these equities were not admissible in the Government's lawsuit, I sponsored legislation in the 95th Congress which would have permitted the Harvey's Fishing Hole residents to assert equitable and legal defenses in the pending eviction suit. That legislation was not enacted, and in 1979 the U.S. District Court in San Diego ruled in favor of the Federal Government. The case has now been appealed.

Mr. President, the legislation I am introducing today does not dispute the Government's contention that accretion occurred or overturn the court's ruling that the Federal Government owns the land as a result of accretion. But in recognition of the equities, the bill provides for the resale of Harvey's Fishing Hole to the current residents. Even if the property legally is the Government's, I feel the residents should be permitted to stay there. I am not aware of any real need by the Government for this particular section of Colorado River shoreline for recreational or other public use.

The legislation proposes that the property owners repurchase the land at the 1961 prices, for which I understand figures are available. The property owners feel it would be unfair to require them to pay today's fair market value for land which they bought once already. I am aware that a few of the current residents of Harvey's Fishing Hole purchased their lots and then developed the land after the Federal Government publicly raised the question of title. I hope that hearings can be held on this legislation to look into these issues, and decide what relief is appropriate given the equities of the situation.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2307

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall convey to any person claiming to have been deprived of title to any portion of the real property in Imperial County, California, described in section 2 of this Act, as a result of the judgment entered by the United States District Court for the Southern District of California on January 21, 1977, in the case of *United States* v. *Harvey*, No. 72–277T, all right, title, and interest of the United States in and to such portion of real property if—

(1) application therefor, accompanied by such proof of title as the Secretary of the Interior shall require, is received by such Secretary within 5 years after the date of the enactment of this Act, and

(2) payment is made to the United States in an amount equal to the fair market value of such portion of real property, determined as of May 19, 1961, exclusive of the value of any improvements thereon.

Sec. 2. The real property referred to in the first section of this Act consists in a total of 27 acres, more or less, divided into 96 parcels or lots, known as the Harvey's Fishing Hole subdivision, located in the southwest quarter of the northwest quarter of section 21, township 1 north, range 23 west of the Gila and Salt River base and meridian, being also portions of lots 1, 2, 5, and 6 of section 9, township 9 south, range 22 east of the San Bernardino Meridian, California, as depicted by plat for dependent resurvey and survey of accretion of such township accepted May 19, 1961.●

By Mr. THURMOND:

S. 2308. A bill to amend section 2003 of title 38, United States Code, to provide for the assignment of clerical or secretarial employees to assist veterans' employment representatives assigned to the States under such section; to the Committee on Veterans' Affairs, by unanimous consent.

Mr. THURMOND. Mr. President, today, I am introducing legislation that would provide a clerical or secretarial assistant to each State Veterans' Employment Representative (SVER). There are 52 SVER's and they are mandated by section 2003 of title 38, United States Code.

Mr. President, as part of the Veterans Employment Service (VES) within the Department of Labor, these SVER's perform a valuable function in the area of veterans employment. They are statutorily charged with monitoring the implementation of employment programs and policies of the Department of Labor which affect veterans. These responsibilities include the monitoring of the many new provisions affecting veterans in the Comprehensive Employment and Training Act (CETA); promoting the new targeted tax credit as it affects veterans; overseeing the Disabled Veteran Outreach Program (DVOP) and the Help Through Industry Retraining and Employment (Hire II) program; promoting On-the-Job Training (OJT) and apprenticeship programs; and, as required by section 2003(7) of title 38, assisting "in every possible way in improving working conditions and the advancement of employment of * * * veterans * * *"

If measured solely by these responsibilities, I believe the case for clerical assistance can be made. However, last year the administration proposed in its fiscal year 1980 budget request to eliminate all 52 secretarial positions from the VES, and offset these cuts by having each State Employment Security Agency (SESA) provide secretarial assistance to the SVER. This would be accomplished by transferring approximately $700,000 from the VES portion to the grants-to-States portion of the Department of Labor budget, thereby making these 52 secretaries responsible to the SESA.

I am concerned that the proposal to have the SESAs provide secretarial staff will compromise the ability of the SVERs to carry out their duties as mandated by section 2003 of title 38 of the United States Code. Section 2003 provides that the SVERs are "administratively responsible to the Secretary of Labor for the execution of the Secretary's veterans' counseling and placement policies through the public employment service and in cooperation with manpower and training programs administered by the Secretary or by prime sponsors under the Comprehensive Employment and Training Act in the State." Thus, the SVERs' role is to monitor and promote the Secretary's veterans' employment policies through the SESAs. To make the SVER dependent on the State agency for support staff is to place that individual in the conflicting position of being both overseer of and supplicant to the SESA. Such a policy, I believe, raises serious questions with regard to the ability of the SVER to carry out his statutory responsibilities.

Upon learning of this impending transfer of funds, my colleagues on the Veterans' Affairs Committee joined me in a letter to the Secretary of Labor, Ray Marshall, expressing our deep concern in the results that this proposed action may have on veterans employment programs. In replying to our letter, Secretary Marshall stated that these personnel cuts were necessary to "demonstrate that the Federal Government is willing to take the lead in the fight against inflation * * *." I find this statement quite puzzling in light of the Washington Post article published on November 4, 1970, which reported that the President's wife has a personal staff of 21 with a budget of $650,000, although a separate staff handles her correspondence and all White House entertaining.

Mr. President, the status of these 52 secretaries for fiscal year 1980 was resolved when my colleague from North Dakota (Mr. BURDICK) introduced an amendment during subcommittee consideration of the fiscal year 1980 appropriation bill for the Department of Labor which resulted in the continued funding of these secretarial positions from the VES account. When this appropriations bill was considered by the full Senate, I made inquiry with the chairman of the Senate Committee on Appropriations (Mr. MAGNUSON) regarding his committee's position on the matter.

I was assured that the intent of this amendment was to restore the necessary funds for these secretaries and continue the current funding procedure.

Mr. President, I believe the congressional intent became manifest concerning this matter during its consideration last year; however, I recently learned that during the initial consideration of the fiscal year 1981 budget, the administration again proposed to alter the status of these 52 secretaries.

The legislation I am introducing will statutorily express the intent of Congress. Further, it would guarantee secretarial support to those individuals that have been charged with an important and often complex and time-consuming task.

Mr. President, the need for these secretaries has been expressed by the American Legion, Veterans of Foreign Wars and the Disabled American Veterans. I ask unanimous consent that resolutions from each of these organizations be printed in the RECORD at the conclusion of my remarks, and that this measure be referred to the Committee on Veterans' Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be so referred.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION NO. 14

Whereas, The Congress of the United States, with the passage of the Wagner-Peyser Act of 1933, provided for a Veterans Employment Service; and

Whereas, As part of this Veterans Employment Service (VES), from the beginning of the program, a secretary was assigned to each State Veterans Employment Representative, now called State Director of Veterans Employment (SDVE), with the positions of both secretary and SDVE being Federal positions; and

Whereas, Congress has since passed legislation to strengthen and improve employment services to veterans, notably PL 92-540, PL 93-508, and PL 94-502, which expanded the duties and responsibilities of the SDVEs and provided for the appointment of Assistant SDVEs; and

Whereas, In spite of new duties and personnel, there was no provision made for additional secretarial assistance, so that secretaries had to also assist the newly assigned ADVEs, and those ADVEs located in cities away from the SDVEs have had to perform all their own clerical work of filing material, answering correspondence, typing reports, etc.; and

Whereas, This Administration, under the guise of attempted economy, attempted to eliminate the jobs of all fifty-two (52) secretaries in the field service of the VES, an unjust action which would have adversely affected job assistance to unemployed veterans in every State; and

Whereas, There would have been no actual saving of Federal funds because the Department of Labor then proposed to increase the Grants to States by an appropriate amount to enable the States to hire secretaries to perform the same duties as the discharged Federally employed secretaries, although this proposal did not assure there would be secretarial services available to the VES; and

Whereas, The American Legion was able to persuade Congress to specifically require that the 1980 budget for the Department of Labor/Veterans Employment Service include funds for these fifty-two (52) secretarial positions, but this success will not prevent the Department of Labor from attempting a similar act in the future; now therefore be it

Resolved, By The American Legion in National Convention assembled in Houston, Texas, August 21, 22, 23, 1979, that The American Legion seek legislation to amend Section 2003 of Chapter 41 of title 38, United States Code, to provide that Federal funds shall be used for the assignment of Federally employed secretary/stenographers in the field staff of the Veterans Employment Service; such secretary/stenographers being assigned to each State Director for Veterans Employment and to Assistant State Directors of Veterans Employment as required, and with provisions for promotion to Administrative Assistant positions for secretaries meeting certain prescribed performance and length-of-service standards.

RESOLUTION NO. 723

Whereas, the Congress of the United States has enacted legislation providing for a Veterans Employment Service within the Department of Labor; and

Whereas, the act provides that the State Director of the Veterans Employment Service and the assistant State Director of the Veterans Employment Service shall be an eligible veteran, and at the time of appointment, shall be a bona-fide resident of the state for at least two years; and

Whereas, the act does not provide for Regional Directors of the Veterans Employment Service or the assignment of secretaries for the Regional Director, State Director, or Assistant State Directors; and

Whereas, the assigning of a local state resident to the position of State Director and Assistant State Director is advantageous to the government and veterans, as the individual is knowledgeable to state programs as well as acquainted with state officials; and

Whereas, the Department of Labor has recently recommended curtailment of funds for secretarial positions within the Veterans Employment Service, thereby diminishing services to the nation's veterans; now, therefore

Be it resolved, by the 80th National Convention of the Veterans of Foreign Wars of the United States, that we go on record (1) petitioning the Congress of the United States to oppose any changes to the residential requirements for appointment of State Directors and Assistant State Directors of the Veterans Employment Service; (2) establish by legislation the position and the assignment of full time secretaries at the regional and state levels; (3) that adequate funds be provided by the Congress to the Department of Labor on a line item basis for an efficient and effective Veterans Employment Service.

RESOLUTION NO. 002

Whereas, Congress has seen fit over the years to enact significant legislation providing for adequate employment services to veterans and disabled veterans; and

Whereas, the Department of Labor recently attempted to abolish the secretarial positions for the State Directors of Veterans Employment; and

Whereas, it is the belief of the Disabled American Veterans that in order to have an effective delivery system, monitoring must be accomplished by the State Directors and their Assistants and to carry out their duties adequate secretarial and clerical staff is necessary; NOW

Therefore, be it resolved that the Disabled American Veterans in National Convention assembled in Boston, Massachusetts, July 15 through 19, 1979, seeks an amendment to Chapter 41, Title 38, U.S. Code providing for the assignment of clerical and administrative staff to the State and Assistant State Directors.

By Mr. DURENBERGER:

S. 2309. A bill to prevent the interest rate on extended payments on estate taxes attributable to certain farms and closely held businesses from increasing to 12 percent; to the Committee on Finance.

Mr. DURENBERGER. Mr. President, I send to the desk a bill that amends section 6601 of the Internal Revenue

Code of 1954 relating to the interest rate on extended payments on estate taxes attributable to certain farms and closely held businesses.

Mr. President, in general, an estate tax return is due 9 months after the decedent's death and except in certain specified situations, payment of the estate tax is due with the return. However, the Code contains two provisions which permit the estate tax to be paid over a period of 10 or 15 years depending on the nature of the assets in the estate.

First. Ten-year payment. An executor may elect to pay the estate tax attributable to an interest in a farm or closely held business in installments over a period not to exceed 10 years. In order to qualify for this provision, the value of the interest in the closely held business must exceed 35 percent of the value of the gross estate or 50 percent of the taxable estate of the decedent. The interest rate on the estate tax payments was set at 9 percent in 1975 with adjustments to be made periodically by the Treasury Department to keep it approximately equal to 90 percent of the prime rate quoted by commercial banks to large businesses (as regularly published by the Federal Reserve). Effective on February 1, 1976, the interest rate was adjusted downward from 9 percent to 7 percent and later to 6 percent.

Second. Fifteen-year payment. An executor may elect an alternative for extending the payment of estate tax attributable to a closely held business where the business constitutes more than 65 percent of the decedent's adjusted gross estate. Under this provision, the executor can elect to defer principal payments for up to 5 years from the due date of the estate tax return. However, interest for the first 5 years is payable annually. Thereafter, pursuant to the executor's initial election, the principal amount of the estate tax liability may be paid in from 2 to 10 installments. A special 4 percent interest rate is allowed on the estate tax attributable to the first $1 million of farm or other closely held business property, and interest on amounts of estate tax in excess of this amount will bear interest at the regular rate for deferred payments as in the provision for the 10-year payment.

Mr. President, the Treasury Department has recently readjusted the interest rate under the terms of the 1975 Revenue Act. In Revenue Ruling 79-366, the Internal Revenue Service stated that effective February 1, 1980, the interest rate will be increased from 6 to 12 percent where it will remain for 2 years.

Mr. President, these deferred payment provisions have proven inadequate to deal with the liquidity problems experienced by estates in which a substantial portion of the assets consist of a closely held business or other illiquid assets.

In many cases, it takes several years before a business can regain sufficient financial strength to generate enough cash to pay estate taxes after the loss of one of its principal owners. Moreover, some businesses are not so profitable that they yielded enough to pay both the estate tax and interest. This problem will be compounded when the interest rate is increased by 100 percent on February 1, 1980.

Mr. President, this bill would provide that the rate of interest on qualifying deferred payments, other than those paying 4 percent, will be the lesser of 6 percent or 75 percent of the prime rate as determined by the Board of Governors of the Federal Reserve System.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2309

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 6601 of the Internal Revenue Code of 1954 (relating to interest on underpayment, nonpayment, or extension of time for payment of tax) is amended by—

(1) redesignating subsection (k) (relating to no interest on certain adjustments) as subsection (l),

(2) adding immediately after subsection (j) a new subsection (k) to read as follows:

"(k) Interest Rate on Portion of Estate Tax Extended Under Section 6166.—

"(1) IN GENERAL.—If the time for payment of an amount of tax imposed by chapter 11 is extended as provided in section 6166, interest on the portion of such amount which does not qualify for the 4-percent rate under subsection (j). shall (in lieu of the annual rate provided by subsection (a)) be paid at a rate determined under pragraph (2). For purposes of this subsection, the amount of any deficiency which is prorated to installments payable under section 6166 shall be treated as an amount of tax payable in installments under such section.

"(2) INTEREST RATE.—The rate of interest under this subsection shall be the lesser of—

"(A) 6 percent, or

"(B) a rate determined in the same manner as under section 6621 except that subsection (c) thereof shall be applied by substituting '75 percent' for '90 percent'.

The rate determined under subparagraph (B) shall not be less than 4 percent.

"(3) TREATMENT OF PAYMENT.—In any case where this subsection and subsection (j) apply with respect to the amount of tax imposed by chapter 11 which is extended as provided in section 6166, any payment of a portion of such amount shall be allocated to the 4-percent portion in accordance with paragraph (3) of subsection (j) and any remaining amount shall be treated, for purposes of computing interest for periods after such payment, as reducing the amount to which this subsection applies."

and

(3) striking out "For purposes of this subsection," in paragraph (2) of subsection (j) and inserting in lieu thereof "For purposes of this subsection and subsection (k),".

(b) The amendments made by this Act shall apply to interest payable for periods beginning after January 31, 1980.

By Mr. RIBICOFF (by request):

S. 2310. A bill to authorize the set-off of annuity payments or refunds payable from the civil service retirement fund to former employees of the government of the District of Columbia in order to liquidate debts owed to the government of the District of Columbia; to the Committee on Governmental Affairs.

● Mr. RIBICOFF. Mr. President, at the request of the government of the District of Columbia, I am introducing legislation to authorize the set-off of annuity payments or refunds payable from the civil service retirement and disability fund to former employees of the government of the District of Columbia in order to liquidate debts owed to the District of Columbia government.

The mayor advises that a result of a decision of the Comptroller General, based upon a U.S. District Court opinion, the government of the District of Columbia is a legal entity, separate and apart from the United States. Accordingly, the Office of Personnel Management can no longer honor claims by the District government for set-off of moneys in the retirement fund to liquidate debts due, in the absence of specific statutory authority. The mayor states further that this proposed legislation would provide the District government with the same opportunity afforded Federal agencies to obtain satisfaction of debts owed by former employees.

I ask unanimous consent that the text of the bill, and the accompanying letter explaining in detail the need for this legislation, be printed in the RECORD.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 2310

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8346 of Title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(C) Notwithstanding any other provision of law, the Office is authorized to take appropriate action on counterclaims filed by the government of the District of Columbia as set-off against amounts otherwise due and payable from the fund to former employees of the government of the District of Columbia: *Provided,* That the indebtedness due to the government of the District of Columbia is directly related to employment with such government."

THE DISTRICT OF COLUMBIA,
Washington, D.C., September 11, 1969.
Hon. WALTER F. MONDALE,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: The Government of the District of Columbia has the honor to submit, for the consideration of the 96th Congress, a draft bill "To authorize the set-off of annuity payments or refunds payable from the Civil Service Retirement and Disability Fund to former employees of the government of the District of Columbia in order to liquidate debts owed to the government of the District of Columbia."

The proposed legislation would amend Title 5 of the United States Code to provide specific authority for the set-off of annuity payments, or refunds, payable from the Civil Service Retirement and Disability Fund to former employees of the District Government in order to liquidate debts owed to the District Government by such former employees. Set-offs would extend only to those debts related to employment with the District Government, such as debts due to overdrawn leave, overpayment of salary, and failure to refund travel advances. Although the District Government, in many cases, is able to obtain satisfaction of such indebtedness by agreement with its employees, legislation is required to permit set-offs in those circumstances when employees terminate their employment without discharging an indebtedness due the District. There would virtually never be a controversy between the parties involved since detailed records are kept for these types of expenditures and it becomes merely a matter of checking such records against the amount due an employee in order to determine whether the employee has been overcompensated.

The right of the Federal Government to apply amounts in the Fund payable to former Federal employees in order to satisfy indebtedness owed to the United States by such former employees is well settled, and has been upheld in numerous court cases. There is no provision in the civil service retirement laws specifically authorizing this procedure. It is based on the common law right of every creditor to apply the monies of his debtor which are in his possession to extinguish claims against the debtor.

Previously, the set-off procedure was also applied in cases of debts owed by former employees of the District Government. However, as a result of a Comptroller General's decision, the District Government has not been able to recover amounts due from former employees by set-off against the civil service retirement fund since 1956. That decision, 36 Comp. Gen. 457 (December 6, 1956), was based on an opinion of the United States District Court for the District of Columbia and stated, in essence, that the District of Columbia is a legal entity—separate and distinct from the United States, and therefore, the Civil Service Commission could no longer, in the absence of specific statutory authority, honor claims by the District Government for set-off of monies in the retirement fund to liquidate debts due to the District Government.

The proposed legislation would, in general, provide the District Government with the same opportunity afforded Federal agencies to obtain satisfaction of debts owed by former employees.

We estimate that there are approximately 350 cases annually which might be subject to set-off. Enactment of the proposed legislation would not result in any additional costs to the District Government or impose any substantial increase in the workload of the Office of Personnel Management.

The Office of Management and Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of this proposed legislation to the Congress.

Sincerely,

MARION S. BARRY, Jr.,
Mayor.●

By Mr. RIBICOFF (by request):

S. 2311. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act with respect to the rate of compensation of the City Administrator; to the Committee on Governmental Affairs.

● Mr. RIBICOFF. Mr. President, at the request of the government of the District of Columbia, I am introducing legislation to amend the District of Columbia Self-Government and Governmental Reorganization Act with respect to the rate of compensation of the City Administrator.

Existing law provides that the City Administrator be paid at the rate establish by the Mayor, not to exceed level IV of the executive schedule (5 U.S.C. 5315). This legislation would remove the applicability of the Federal executive schedule to the position of City Administrator enabling his salary to be paid at a rate established by the Mayor in accordance with the District government merit personnel system which became effective March 3, 1979.

I ask unanimous consent that the text of the bill, and the accompanying letter explaining the need for this legislation, be printed in the RECORD.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 2311

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 422(7) of the District of Columbia Self-Government and Governmental Reorganization Act is amended to read as follows:

"(7) The Mayor shall appoint a City Administrator, who shall serve at the pleasure of the Mayor. The City Administrator shall be the chief administrative officer of the Mayor, and he shall assist the Mayor in carrying out his functions under this Act, and shall perform such other duties as may be assigned to him by the Mayor. The City Administrator shall be paid at a rate established by the Mayor in accordance with the District government merit personnel system."

THE DISTRICT OF COLUMBIA,
Washington, D.C., January 24, 1980.

Hon. WALTER F. MONDALE,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: The Government of the District of Columbia has the honor to submit for the consideration of the 96th Congress a draft bill "To amend the District of Columbia Self-Government and Governmental Reorganization Act with respect to the rate of compensation of the City Administrator."

Section 422(7) of the D.C. Self-Government Act presently provides that: "The City Administrator shall be paid at a rate established by the Mayor, not to exceed level IV of the Executive Schedule established under section 5315 of title 5 of the United States Code." The enclosed draft bill would amend section 422(7) by removing the applicability of the Federal Executive Schedule to the position of City Administrator.

The proposed amendment is consistent with section 422(3) of the D.C. Self-Government Act which authorizes the Council of the District of Columbia to establish a merit personnel system for the District of Columbia Government. Pursuant to that section the Council enacted D.C. Law 2-139, the "District of Columbia Government Comprehensive Merit Personnel Act of 1978", which became effective on March 3, 1979. D.C. Law 2-139 provides for a procedure for establishing a comprehensive compensation system for all District of Columbia Government employees.

I urge the Congress to take prompt and favorable action on the enclosed draft bill.

Sincerely,

MARION S. BARRY, Jr., *Mayor.*●

By Mr. RIBICOFF (by request):

S. 2312. A bill to authorize payment from the civil service retirement and disability fund for the expenses of retirement appeals; to the Committee on Governmental Affairs.

● Mr. RIBICOFF. Mr. President, at the request of the Director of the Office of Personnel Management, I am introducing legislation to amend section 8348(a) of title 5, United States Code, to provide authority for the Merit Systems Protection Board to charge the civil service retirement and disability fund for the cost of retirement appeals.

The Director advises that section 8348 (a)(2) authorizes the Office of Personnel Management to charge the civil service retirement fund with the expenses incurred in the administration of Federal retirement law. The Civil Service Commission, in the past, has interpreted this authority to allow the setoff of expenses incurred by the Federal Employee Appeals Authority and the Appeals Review Board in the administration of appeals allowed under section 8347(d), since both were part of the Commission.

Since the reorganization was effected, the functions of these offices were assumed by the Merit Systems Protection Board, but the administration of the retirement program is the responsibility of the Office of Personnel Management which is now a separate agency.

This proposed legislation would give to the Merit Systems Protection Board the statutory authority, which it now lacks, to charge the fund for the expenses of appeals.

I ask unanimous consent that the text of the bill, and the accompanying letter of explanation, be printed in the RECORD.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 2312

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 8348 of title 5, United States Code, is amended by (1) striking out "and" after paragraph (1); striking out the period after paragraph (2) and by inserting, in lieu thereof "; and" and by adding the following new paragraph: (3) is made available, subject to such annual limitation as Congress may prescribe, for any expenses incurred by the Merit Systems Protection Board in the administration of appeals authorized under section 8347(d) of this subchapter.

OFFICE OF PERSONNEL MANAGEMENT,
Washington, D.C., July 9, 1979.

Hon. WALTER F. MONDALE,
President of the Senate.

DEAR MR. PRESIDENT: I submit for the consideration of Congress, and recommended favorable action on the attached draft bill to amend section 8348(a) of title 5, United States Code to provide authority for the Merit Systems Protection Board to charge the Civil Service Retirement and Disability Fund for the cost of retirement appeals.

Section 8348(a)(2) provides the Office with the authority to charge the Civil Service Retirement Fund with the expenses incurred in the administration of our Retirement law. (5 U.S.C., Ch. 83). In the past, the Civil Service Commission interpreted this to allow the set off of expenses incurred by the Federal Employee Appeals Authority and the Appeals Review Board in the administration of appeals allowed under 8347(d). Since both these appeals authorities were part of the Commission, the charge against the fund was deemed appropriate. After the reorganization was effected, however, the functions of these offices were assumed by the Merit System Protection Board, while the administration of the retirement program is the responsibility of the Office of Personnel Management, a separate agency.

MSPB lacks statutory authority to charge the Fund for the expense of future appeals. An amendment to the law is necessary to permit this. Unless legislation of this nature is enacted prior to October 1, 1979, MSPB will no longer have a right to draw against the Fund and will be forced to finance retirement appeals with funds directly appropriated from the general revenues.

The Office of Management advises that from the standpoint of the Administration's program there is no objection to the submission of this proposal.

A similar letter is being sent to the Speaker of the House.

Sincerely yours,

ALAN K. CAMPBELL,
Director.●

By Mr. RIBICOFF (by request):

S. 2313. A bill to amend section 225 of the Federal Salary Act of 1967, as amended; to the Committee on Governmental Affairs.

● Mr. RIBICOFF. Mr. President, at the request of the Director, Office of Personnel Management, I am introducing legislation to amend section 225 of the Federal Salary Act of 1967, as amended.

The Director advises that, under a 1967 statute, every fourth fiscal year a Commission on Executive, Legislative, and Judicial Salaries ("quadrennial commission") is appointed to review salary rates for top officials in the executive, legislative, and judicial branches of the Government and to recommend appropriate changes in these salary rates to the President. Following a review of these recommendations, the President transmits to the Congress with his budget message his own recommendations on new salary rates which become effective upon approval by both Houses of Congress.

When this statute was enacted the fiscal year began on July 1 of each year, giving the Commission 6 months in which to prepare its January budget message. In 1976, the Government's fiscal year was changed to begin on October 1 instead of July 1, thus shortening the period during which the Commission must complete its work from nearly 6 months to less than 3 months.

This proposed legislation would amend existing law to provide for the establishment of the quadrennial commission on July 1 instead of for the duration of the fiscal year as is now provided, thus affording the Commission a more reasonable period of time to complete its work.

I ask unanimous consent that the text of the bill and the accompanying letter and analysis be printed in the RECORD.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 2313

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351–361) is amended as follows:

(1) In paragraph (3) of subsection (b), by striking out the second sentence and inserting in place thereof the following:

"The terms of office of persons so appointed shall commence on July 1 of the preceding fiscal year and shall end on the last day of the fiscal year with respect to which the appointment is made, except that, if any appointment is made after the beginning but before the end of any such period, the term of office based on such appointment shall be for the remainder of such period.";

(2) In subsection (c), by striking out the phrase "any fiscal year" both places that phrase occurs and inserting in place thereof the phrase "any term of office";

(3) In subsection (f), by striking out the phrase "fiscal years" and inserting in place thereof the phrase "periods for which the members of the Commission are appointed,"; and

(4) In subsection (g), by striking out that portion of the second sentence following the phrase "fiscal year" and inserting in place thereof the phrase "with respect to which the Commission is appointed.".

OFFICE OF PERSONNEL MANAGEMENT,
Washington, D.C., March 29, 1979.
Hon. WALTER F. MONDALE,
President of the Senate.

DEAR MR. PRESIDENT: The Office of Personnel Management submits herewith a legislative proposal, "To amend section 225 of the Federal Salary Act of 1967, as amended." We request that you refer this proposal to the appropriate committee for early consideration.

Under section 225 of the Federal Salary Act of 1967, every fourth fiscal year a Commission on Executive, Legislative, and Judicial Salaries (the "quadrennial commission") is appointed to review the salary rates for top officials in the executive, legislative, and judicial branches of the Government and recommend appropriate changes in these salary rates to the President. After reviewing the recommendations of the quadrennial commission, the President transmits to Congress with his budget message his own recommendations on new salary rates. The rates recommended by the President become effective upon approval by both Houses of Congress.

When this salary adjustment mechanism was established in 1967, the Government's fiscal year began on July 1 of each year, so the quadrennial commission had nearly six months in which to prepare its recommendations to the President for his consideration in preparing his January budget message. However, in 1976 the Government's fiscal year was changed to begin on October 1 instead of July 1. Since section 225 of the Federal Salary Act of 1967 speaks only to the establishment of the quadrennial commission for the duration of the fiscal year, the effect of this change of the fiscal year has been to shorten the period during which the quadrennial commission must do its work from nearly six months to less than three months.

The most recent quadrennial commission, in fiscal year 1977, managed by a great effort to complete its report to the President within this very brief period, but this length of time is clearly inadequate for the completion of so major a task as the review of salaries for the Government's top officials.

Therefore, we have prepared the enclosed legislative proposal, which would amend section 225 to provide once again for the establishment of the quadrennial commission on July 1 rather than October 1 of every fourth fiscal year. This change will ensure that future quadrennial commissions will have sufficient time to complete a thorough review of the need for changes in the pay rates for the Government's top officials.

The Office of Management and Budget advises that the enactment of this legislative proposal would be in accord with the program of the President.

Sincerely yours,

ALAN K. CAMPBELL,
Director.

ANALYSIS

The draft bill consists of four clauses, each of which amends a different subsection of section 225 of the Federal Salary Act of 1967.

The first clause would amend section 225 (b) so as to allow the appointment of members of the Commission on Executive, Legislative, and Judicial Salaries on the July 1 preceding the fiscal year with respect to which the Commission is appointed, rather than on or after the October 1 beginning of that fiscal year. If a member is appointed after July 1, he or she would serve for the remainder of the period which begins on the July 1 preceding the fiscal year with respect to which the Commission is appointed, and runs to the end of that fiscal year.

The second clause would amend section 225 (c) to authorize the appointment of an Executive Director and staff for the Commission and the reimbursable detailing of Government personnel to the Commission for the same period as the members of the Commission would be appointed.

The third clause would amend section 225 (f) to authorize the Commission to conduct its review of pay rates during the entire period for which the members of the Commission would be appointed.

The fourth clause would make an editorial amendment to section 225(g) to conform to the amendment made by the first clause.●

By Mr. RIBICOFF (by request):

S. 2314. A bill to amend section 5519 of title 5, United States Code, relating to crediting amounts received for certain Reserve or National Guard service; to the Committee on Governmental Affairs.

● Mr. RIBICOFF. Mr. President, at the request of the Department of Defense, I am introducing legislation to amend section 5519 of title 5, United States Code, relating to crediting amounts received for certain Reserve or National Guard service.

The Department advises that, under existing law, Federal employees, who are members of the National Guard or Reserve, are entitled to receive both civil service and military pay while on annual active duty for training in a military leave status; and there are currently in excess of 100,000 Federal employees who are guardsmen or reservists entitled to receive both Federal civilian and Reserve military pay for 15 days active duty training annually.

This legislation is designed to eliminate such dual compensation so that these Federal employees would receive active duty pay, plus any difference between that military pay and their civil service pay for that period.

I ask unanimous consent that the text of the bill, and the accompanying letter of explanation, be printed in the RECORD.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 2314

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5519 of title 5, United States Code, is amended by inserting "(a)," following "section 6323".

SEC. 2. This Act is effective on the first day of the first month after the date of enactment.

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, D.C., March 13, 1979.

Hon. WALTER F. MONDALE,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Forwarded herewith is draft legislation "To amend section 5519 of title 5, United States Code, relating to crediting amounts received for certain reserve or National Guard service".

The proposal is a part of the Department of Defense Legislative Program for the 96th Congress, and the Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the presentation of this proposal for the consideration of the Congress. It is recommended that the proposal be enacted by the Congress.

PURPOSE OF THE LEGISLATION

Existing law entitles Federal employees who are members of the National Guard or Reserve to receive both Civil Service pay and military pay while on annual active duty for training with the Guard or Reserve in a military leave status. Under current authority, in excess of 100,000 Federal employees who are Guardsmen or Reservists are entitled to receive both Federal civilian and Reserve military pay for 15 days active duty for training annually.

The purpose of the proposed legislation is to eliminate such dual compensation by amending section 5519 of title 5, United States Code, so that these Federal employees will receive active duty pay for their 15 days of annual military leave, plus any difference between that military pay and their Civil Service pay for that period. The crediting of military pay against civilian pay would be handled administratively in the same manner as currently applies to those members of a Guard or Reserve Component who are ordered to active duty to enforce the laws of the United States under the provisions of 5 U.S.C. § 6323(c).

COST AND BUDGET DATA

The enactment of this proposal would result in an estimated savings of $30.0 million for Fiscal Year 1980. The exact savings would depend on the numbers and salaries of Federal employees performing annual active duty for training in the Guard or Reserve in a military leave status.

Sincerely,

DEANNE C. SIEMER.●

By Mr. HUDDLESTON (for himself, Mr. TALMADGE, Mr. HELMS, and Mr. FORD):

S. 2315. A bill to authorize the Secretary of Agriculture to establish reserves of agricultural commodities to stabilize farm prices whenever export sales of agricultural commodities are suspended for reasons of national security or foreign policy and the prices producers receive for the commodities involved are, or will be, adversely affected by such suspension; to the Committee on Agriculture, Nutrition, and Forestry.

TRADE SUSPENSION COMMODITY RESERVES ACT OF 1980

● Mr. HUDDLESTON. Mr. President, the situation in Afghanistan and the subsequent suspension of shipments of grain and other agricultural and strategic items to the Soviet Union has fostered a new awareness of the value of American agriculture to our economy, to our national security and foreign policy, and to our efforts to become more self-sufficient in energy. The embargo has also demonstrated, once again, the susceptibility of farm prices to sudden changes in supply and demand and the need for a clearer indication that effective price support measures can be implemented to stabilize market prices following unforeseen changes in market conditions resulting from a trade suspension.

The bill which I am introducing today provides the Secretary with new authority to protect the American farmer from the adverse effects of the January 4 suspension of shipments of grain and other agricultural commodities to the Soviet Union and with authority to provide support should shipments of agricultural commodities be suspended in the future for reasons of national security or foreign policy.

This authority will permit the Secretary to extend commodity loans to all producers, to increase commodity reserves to meet national and international food and feed emergencies, and to establish grain reserves which can contribute to both our energy production and price support objectives. I am pleased that several of my colleagues have joined in cosponsoring this legislation.

More specifically, the bill would:

First. Authorize the Secretary to establish trade suspension commodity reserves for wheat and feed grains whenever the President or other member of the executive branch causes the commercial sale of such commodities to any country or area of the world to be suspended for reasons of national security or foreign policy, if it is also determined that the prices producers receive for the commodities are, or will be, adversely affected by the trade suspension.

Second. Provide the Secretary authority to place commodities in reserve by purchasing and holding in a Commodity Credit Corporation fuel production reserve commodities suitable for use in the production of alcohol for fuel, and to expand the producer storage programs established under the Agricultural Act of 1949 for commodities not designated for fuel production.

Third. Require the Secretary to announce, within 30 days after the enactment of this legislation or export sales are suspended, whether trade suspension commodity reserves will be established and the amount of each commodity to be placed in the reserves to maintain producer prices near levels producers received for their commodities prior to the suspension of trade.

Fourth. Permit the Secretary to dispose of fuel production reserve stocks acquired by the Commodity Credit Corporation only through sales for use in the production of fuel conversion prices for the grain. The fuel conversion price is defined as the price for the commodity that would make gasohol, using alcohol produced from the commodity, competitive in price with nonlead gasoline.

Fifth. Authorize the Secretary to call loans, made on fuel stocks placed in the farmer-held reserve under this bill, when the market price for the commodity reaches the fuel conversion price, and to call loans on other commodities in a manner consistent with the provisions of reserves established under the Agricultural Act of 1949, as amended.

Sixth. And, provide that all producers of a commodity will be eligible to participate in the expansion of the farmer-held grain reserve under the bill.

I would like now to discuss in more detail specific provisions of the bill.

At the time of the suspension of grain shipments to the Soviet Union, it was apparent that price support measures would have to be implemented to ameliorate the price impact of the 17 million metric ton reduction in grain exports to that country. To provide time for the market to assess the impacts of the embargo, trading on the major grain exchanges was suspended for 2 days. And, measures designed to bring about a recovery in farm prices, under existing authorities, were announced over a period of several weeks.

While measures implemented have been successful in bringing about a price recovery in a number of markets, prices have continued to average below their January 4 close in some markets. In these markets, supplies continue to overhang the market, and there is concern that prices may soften as farmers, who have waited patiently for a recovery in their markets, begin to move their crops to market to retire last year's credit obligations and purchase seed, fertilizer, and other inputs needed in producing the 1980 crop.

With almost 95 percent of Kentucky's grain farmers and almost 75 percent of the grain farmers across the country ineligible to participate in the current loan program there is concern that others may yet suffer substantial losses. Acquisitions of corn by CCC on February 11 were made at an average price of $2.40 per bushel—some 16 cents below the January 4 cash grain price at Chicago.

The bill which I am introducing would provide the Secretary clear authority to support farm prices for wheat and feed grains when, for reasons of national security or foreign policy, exports of such items are suspended. Under authorities provided in this bill, the Secretary would be able to isolate quantities of grain overhanging and depressing market prices and to later use those reserves in a manner that would help us achieve energy self-sufficiency and not conflict with existing programs.

While we should constantly work to develop new markets, we cannot always expect to have alternative markets to open up, or shortfalls in world production to occur that are sufficient to absorb a significant portion of commodities which may be displaced by a suspension of trade.

This bill would permit the Secretary to recognize, in establishing and managing our commodity reserves, the value which a reserve stock for fuel can have, not only in supporting farm prices but in providing a suitable feed stock at economical prices to the emerging alcohol for fuels industry. During periods where feed stock supplies are limited and grain prices move above, but do not trigger, the call levels for stocks in the farmer-held food and feed reserve, corn and other grains accumulated in a fuel reserve under this bill would be available to move into fuel production at prices which preserve their use in the production of alcohol for fuel. Thus, Government stocks would be drawn down without negatively impacting on the market.

The bill would also permit the Secretary to extend farm commodity loans to all farmers. A suspension of exports for national security and foreign policy reasons is an action taken on behalf of all Americans, is a cost which should be shared equally by all, and is not a normal risk factor farmers alone should be asked to assume. With production costs rising and profit margins narrowing, to ask farmers to assume the risks associated with the increasing use of food in foreign policy would ultimately lead to higher food costs.

In conclusion, I wish to reiterate that authorities provided in this bill may be employed to alleviate the overhang of embargoed grain on the market and will provide a greater assurance that losses resulting from a future suspension of grain exports will not be inequitably borne by farmers or a single group of farmers. The authorities provided will authorize the accumulation of stocks to be used in a manner that will complement current programs and help meet our national goal of increased energy self-sufficiency. I urge my colleagues to expedite the passage of this legislation, and ask unanimous consent, Mr. President, that a summary and the bill be printed in the RECORD.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 2315

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Trade Suspension Commodity Reserves Act of 1980".

SEC. 2. Notwithstanding any other provision of law—

(a) Whenever the President or other member of the executive branch of government causes the commercial sales of any commodity (as defined in subsection (b) of this section) to any country or area of the world to be suspended for reasons of national security or foreign policy under the Export Administration Act of 1979 or any other provision of law, and the prices producers receive for such commodity are, or the Secretary of Agriculture determines will be, adversely affected by such action, the Secretary is authorized to act to stabilize prices producers receive for such commodity by establishing trade suspension reserves of such commodity, as provided in subsection (d) of this section.

(b) For purposes of this Act, the term "commodity" shall include any of the following: wheat, corn, grain sorghums, oats, barley, rye, and such other grains as the Secretary determines appropriate for inclusion under the provisions of this Act.

(c) Within 30 days after the commercial export sales of a commodity to a country or area are suspended as described in subsection (a) of this section, the Secretary of Agriculture shall announce whether trade suspension grain reserves under this Act will be established, and shall include in such announcement the amount of the commodity that shall be placed in the trade suspension grain reserves, which shall be that portion of the suspended commercial exports that should be removed from the market to maintain producer prices at the levels producers had received for the commodity immediately prior to the suspension of trade.

(d) To establish reserves necessary to stabilize prices under this Act, the Secretary of Agriculture is authorized to—

(1) through the Commodity Credit Corporation, purchase commodities suitable for use in the production of alcohol for fuel and pay such storage, transportation, and related costs as may be necessary to permit maintenance of such commodities in reserve for the purposes of this Act and disposition of such commodities as provided in subsection (e) of this section; and

(2) if the export sales of wheat or feed grains are suspended, increase the stocks held under the producer storage program under section 110 of the Agricultural Act of 1949 by making additional nonrecourse loans available to producers under that program.

Except as otherwise provided in this Act, commodities placed in reserve under clause (1) of the preceding sentence shall be acquired, handled, and disposed of under the provisions of the Commodity Credit Corporation Charter Act, and commodities placed in reserve under clause (2) of the preceding sentence shall be acquired, handled, and disposed of under the provisions of section 110 of the Agricultural Act of 1949.

(e) The Secretary of Agriculture may dispose of commodities acquired by the Commodity Credit Corporation under clause (1) of the first sentence of subsection (d) of this section only through sale, at not less than the fuel conversion price for the commodity involved, for use in the production of alcohol for fuel: *Provided,* That such sales shall only be made to persons for use in the production of alcohol for motor fuel at facilities that (1) begin operation after January 4, 1980, and (2) whenever supplies of the commodity involved are not readily available, can produce alcohol from agricultural or forestry biomass feedstocks other than the commodity involved.

(f) (1) To facilitate the use of commodities that are held in reserve under this Act by producers under the producer storage program for fuel production purposes, the Secretary of Agriculture may require such producers to repay nonrecourse loans under that program, plus accrued interest thereon, prior to the maturity date thereof whenever the Secretary determines that the then current market price for the commodity involved is not less than the fuel conversion price for the commodity.

(2) Whenever nonrecourse loans under the producer storage program are made available as provided in this Act, the Secretary shall announce, at the time the availability of such loans is announced, and every 3 months thereafter while such loans are available or outstanding, the fuel conversion prices of the commodities held in the producer storage program under this Act.

(g) The fuel conversion price for a commodity shall be the price determined by the Secretary of Agriculture that will permit gasoline-alcohol mixtures using alcohol produced from the commodity to be competitive in price with nonlead gasoline priced at the point it leaves the refinery, adjusted for differences in octane rating. In determining the fuel conversion price, the Secretary shall take into consideration the energy value of the commodity and the value of byproducts also recoverable from the commodity; the direct costs and capital recovery costs for a grain alcohol distillery capable of producing forty million gallons of alcohol and recovering byproducts annually; and Federal, State, and local tax and other incentives applied to alcohol used for fuel.

(h) The Secretary of Agriculture shall establish safeguards to assure that commodities held in trade suspension grain reserves under this Act shall not be used in any manner to unduly depress, manipulate, or curtail the free market.

(i) All producers of a commodity shall be eligible for nonrecourse loans under the producer storage program made available as provided in this Act.

SEC. 3. The Secretary of Agriculture is authorized to issue such regulations as may be necessary to carry out the provisions of this Act.

SEC. 4. The provisions of this Act shall become effective with respect to any suspension of commercial export sales, as described in section 2(a) of this Act, implemented after December 31, 1979, except that, with respect to any such suspension implemented prior to the date of enactment of this Act, the provisions of section 2(c) of this Act shall become effective on the date of enactment.

SUMMARY OF THE TRADE SUSPENSION COMMODITY RESERVES ACT OF 1980

The bill authorizes the Secretary of Agriculture to act to stabilize farm prices by establishing trade suspension reserves of agricultural commodities when export sales of the commodities are suspended.

The major provisions of the bill—

(1) Authorize the Secretary, whenever—

(a) the President or other member of the executive branch causes the commercial sales of wheat or other grains to any country or area of the world to be suspended for reasons of national security or foreign policy, and

(b) prices producers receive for the commodities are, or will be, adversely affected by the trade suspension,

to establish trade suspension reserves of the commodities:

(2) Authorize the Secretary to place commodities in reserve under the bill by—

(a) purchasing, and holding in a Commodity Credit Corporation fuel production reserve, commodities that are suitable for use in the production of alcohol for fuel, and

(b) if wheat or feed grains are involved in the suspension, expanding the stocks of the farmer-held grain reserve;

(3) Require the Secretary to announce, within 30 days after export sales are suspended, whether trade suspension commodity reserves will be established, and include in the announcement the amounts of the commodities to be placed in the reserve;

(4) Provide that the amount of a commodity to be placed in a trade suspension commodity reserve will be that amount that must be removed from the market to maintain farm prices for the commodity at the levels they were immediately prior to the suspension of trade;

(5) Provide that the Secretary may dispose of fuel production reserve stocks acquired by the Commodity Credit Corporation only by sale for use in the production of fuel, and that such sales may not be made at less than the fuel conversion price (which would be the price for the commodity that would make gasohol using alcohol produced from the commodity competitive in price with with nonlead gasoline) (commodities could only be sold to new facilities that can use agricultural or forest biomass feedstocks other than the commodity involved);

(6) To facilitate the use for fuel production purposes of any commodity placed in the farmer-held grain reserve under the bill, authorize the Secretary to call loans when

the market price for the commodity reaches the fuel conversion price;

(7) Provide that all producers of a commodity will be eligible to participate in the expansion of the farmer-held grain reserve under the bill; and

(8) Make the bill effective with respect to any trade suspensions implemented after December 31, 1979.●

By Mr. GOLDWATER (for himself and Mr. DeConcini):

S. 2317. A bill to restore certain lands in Arizona to the Colorado River Indian Reservation; to the Committee on Energy and Natural Resources.

● Mr. GOLDWATER. Mr. President, it gives me great pleasure to introduce for myself and my colleague from Arizona (Mr. DeConcini), the following legislation at the request of the Colorado River Indian Tribes. The bill is a companion to a measure being introduced in the House today by Congressman Stump of Arizona.

In brief, the bill would authorize the return of 16,000 acres of public lands, known as the La Paz area, to the Colorado River Indian Reservation in Yuma County, Ariz.

The Colorado River Indian Reservation was created by the act of March 3, 1865. Ten years after the establishment of the reservation, its southern boundary was extended twice by Executive order to provide a buffer between the Indian lands and the mineral prospectors and cattlemen. The La Paz Arroyo lands were originally a part of the Colorado River Indian Reservation. There is no question about this fact.

In 1875, in an effort to clearly define the extent of the reservation trust lands, the Commissioner of the General Land Office, pursuant to a request of the Commissioner of Indian Affairs, arranged for a survey of the reservation by a Mr. Chandler Robbins. Mr. Robbins' survey located its southern boundary at La Paz Arroyo. This survey was reconfirmed by the 1912 Harrington resurvey and the location was upheld finally by the Commissioner of the General Land Office in 1913 and 1914. In spite of and contrary to the surveys, the lands were removed from the reservation by the Executive order of November 22, 1915, as the result of erroneous reasons and without any compensation.

Today, the Colorado River Indian Tribes would like to have their lands returned because of issues of historical ownership, legal rights, and agricultural need.

The bill Senator DeConcini and I are introducing will accomplish this purpose. Under the legislation, the return of the La Paz lands will, of course, be subject to valid existing rights. And, all rights and claims will be examined closely as the legislation is being considered.

The return of these lands has been approved in general terms by the Arizona State Office of the U.S. Bureau of Land Management in a report dated November 25, 1974, and it is my understanding that office believes the conclusions of the 1974 report are still valid. Moreover, I have made several inquiries with local officials and citizens in the area in and around the land described by the bill and have not received any negative reactions to the proposal. In any event, I will make certain that the legislation receives thorough hearings so that there will be no unexpected consequences of what I believe is a necessary and appropriate resolution of a longstanding boundary problem.●

By Mr. HATFIELD:

S. 2318. A bill to revise the boundary of Crater Lake National Park in the State of Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

● Mr. HATFIELD. Mr. President, today I am introducing legislation to further protect a national park which houses the deepest and possibly the most pure body of fresh water in the United States. Crater Lake National Park, designated as such in 1902, is an area of approximately 240 square miles, located in southwestern Oregon. Its primary feature, of course, is the lake, which was formed about 6,600 years ago when the top of the 12,000 foot volcano Mount Mazama collapsed, forming a caldera. A jagged rim surrounds the lake, rises abruptly, and crests 500 to 2,000 feet above the water, providing a spectacular view of one of the most interesting geological features in the country.

In contrast to most other natural lakes, Crater Lake has no influent or effluent streams to provide continuing supplies of oxygen, nutrients, and large volumes of fresh water. Thus, water entering the lake comes directly from rainfall or snowmelt and leaves by means of evaporation or seepage through fractures in the caldera wall. Its purity is thus highly susceptible to man-caused pollution, which would not be "flushed" by water moving through the lake.

Several other ecological communities of importance exist within the park. It is to these features that I address my concern. This legislation provides, through a moderate expansion of the park, protection for key natural features associated with the geological formations in the park. On the east, the boundary modifications would include the Sand Creek Drainage, a canyon which contains geological pumice formations commonly referred to as "The Pinnacles," as well as Bear Butte, a significant scenic feature viewed from within the park. To the north, the proposed boundary incorporates the lower slopes of Timber Crater, and the Desert Ridge—Boundary Springs ecological units. Sphagnum Bog, an area to the west of the park, which exhibits a flora of mosses and herbs, is fed by Crater Springs. The proposal incorporates that spring, as well as the scenic Spruce Lake into the park. Just outside the southwest corner of the park is a unique area known as Thousand Springs. This feature also would be included in the park, if the Senate enacts this legislation.

Total acreage of the existing park is 160,290. My proposal would add approximately 22,890 acres to that figure, all of which are presently managed by the U.S. Forest Service. There is no private land involved in this proposal.

I might also note, Mr. President, that the major portion of this acreage was recommended last year by the administration for additional protection as wilderness through the Forest Service evaluation of roadless areas, known as RARE II. After intensive evaluation by myself and my staff, I agreed that these lands merit protection. However, because of their size and relationship to the geological features of the park, I believe it makes sense that these lands be managed by the National Park Service.

Mr. President, a glance at the map indicates that the straightlined boundaries drawn 80 years ago did not follow the ecological features of the land area, but simply carved a rectangle to assure protection of the lake. If we were to draw boundaries today which reflect natural ecological features related to those in the existing park, I believe they would clearly follow those proposed in this legislation. I urge my colleagues on the Energy and Natural Resources Committee to consider favorably a proposal to further protect this significant natural treasure.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2318

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first section of the Act entitled, "An Act Reserving from the public lands in the State of Oregon, as a public park for the benefit of the people of the United States, and for the protection and preservation of the game, fish, timber, and all other natural objects therein, a tract of land herein described, and so forth, "approved May 22, 1902 (32 Stat. 202), is amended to read as follows:

"That in order to preserve for the benefit, education, and inspiration of the people of the United States certain unique and ancient volcanic features, including Crater Lake, together with significant forest and fish and wildlife resources, there is hereby established the Crater Lake National Park in the State of Oregon. The boundary of the park shall encompass the lands, waters, and interests therein within the area generally depicted on the map entitled, "Crater Lake National Park, Oregon," numbered 106–80,001, and dated February, 1980, which shall be on file and available for public inspection in the office of the National Park Service, Department of the Interior. Lands, waters, and interests therein within the boundary of the park which were within the boundary of any national forest are excluded from such national forest and the boundary of such national forest is revised accordingly."

(b) The Act entitled "An Act To add certain land to the Crater Lake National Park in the State of Oregon, and for other purposes," approved May 14, 1932 (47 Stat. 155), is repealed.●

By Mr. SCHWEIKER:

S. 2319. A bill to improve the administration of the affirmative action employment program for Government contractors by exempting contractors without appreciable employment opportunities and by eliminating unnecessary requirements and paperwork; to the Committee on Labor and Human Resources.

AFFIRMATIVE ACTION PROGRAM IMPROVEMENTS ACT OF 1980

● Mr. SCHWEIKER. Mr. President, I would like to ask each of my colleagues to imagine a three-employee construction firm in his State that is performing a Government contract. Imagine that this contract involves a total of 11 employees, of which 4 were in the craft classification of laborer. Imagine further that the Government's affirmative action program applicable to Federal contractors includes a goal of 5-percent female employment as laborers. And also imagine that this employer employed no female laborers and was unable to find one who was two-tenths female.

Finally, imagine that because of this failure, the Department of Labor told this small contractor to follow 43 separate compliance and paperwork requirements, or risk losing his contract. All this would take some imagination, right? Maybe; but it all happened to Dante DiGaetano of Drexel Hill, Pa.

Today, I introduce legislation to restrain the imaginations of the Department of Labor people who enforce the affirmative action program for Government contractors under Executive Order 11246.

Before explaining this bill, I would like to report on my efforts to resolve this problem administratively. On November 28, soon after I learned of this nonsense, I wrote Labor Secretary Marshall seeking changes in the program to exempt very small businesses from the affirmative action program, and to reduce the mind-boggling amount of paperwork for contractors of all sizes. Earlier this month, after over 2 months, I received a reply from Mr. Marshall. While professing concern over the problem, Secretary Marshall rejected my proposals.

Mr. President, I ask unanimous consent that the texts of both of these letters be printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
Washington, D.C., November 28, 1979.

Hon. F. RAY MARSHALL,
Secretary of Labor,
Washington, D.C.

DEAR MR. SECRETARY: I seek your assistance in eliminating a complex of unnecessary and overburdensome government regulation concerning compliance by small business government contractors with affirmative action employment requirements under Executive Order 11246.

A constituent of mine, who operates a sole proprietorship, was the recipient of a government construction contract which included federal affirmative action requirements. This contractor employs a total of three people, one carpenter and two laborers. He has no secretary, no office, and no other employees. On the contract in question, a total of 11 workers were employed, the contractor's three, two electricians of the electrical subcontractor, two plumbers of the plumbing subcontractor, two painters of the painting subcontractor, and two laborers of the flooring subcontractor.

A Labor Department review of this contractor's employment practices concluded he had failed to meet his quota of 5 percent females employed in the craft classification of laborer. Assuming this contractor would not have been expected to employ an individual who is two-tenths female, the deficiency boils down to the contractor's failure to employ one female among the four laborers.

As a result of this deficiency, the employer was told he must either defend a legal action to disqualify him from federal contracting or sign a "conciliation agreement." Recognizing the obvious mismatch of him against the government, he chose to sign.

The agreement is ten pages long. It cites 17 separate deficiencies, mostly dealing with failure to undertake various mechanical steps deemed necessary to demonstrate an effort to meet the affirmative action quota. It also spells out numerous "corrective measures" the contractor must take in order to keep his government contract. Included in these "corrective measures," I have counted forty-three separate requirements for affirmative actions he must undertake and for paperwork he must maintain. For your information, the things the Labor Department has told this businessman to do and the records he has been told to keep to prove his obedience are as follows:

(1) maintain documentation of good faith efforts to employ 1 woman laborer for every 20 employees;

(2) maintain documentation that all foremen maintain a working environment free of harassment;

(3) maintain a current listing of recruitment sources for minority and craft workers;

(4) maintain copies of letters to recruitment groups specifying employment opportunities;

(5) maintain records of all responses received to letters to recruitment groups;

(6) maintain a separate file for every recruitment group contacted;

(7) maintain a file of names, addresses, telephone numbers, and craft of minority and women applicants and a record of what action was taken with respect to each, including reasons why any applicant was not hired;

(8) maintain written records of contacts (written, telephonic, or personal) with minority and women's community organizations and recruitment sources, and schools and training organizations;

(9) maintain copies of letters sent to community organizations, recruitment sources, schools and training organizations at least one month prior to acceptance of applicants for training, describing openings, screening procedures, and tests to be used in the selection process;

(10) maintain copies of dairies, telephone logs, or memoranda indicating contacts with minority and women employees requesting assistance in recruiting other minorities and women;

(11) maintain records of results from contracts under No. 10;

(12) maintain records of contractor's contributions in cash, equipment, or personnel to Labor Department sponsored training programs;

(13) maintain records of hiring of minorities and women from Department of Labor sponsored training programs;

(14) maintain copies of letters to minority and women recruitment sources informing them of Labor Department training programs;

(15) maintain a written equal employment opportunity policy, including identification of contractor's EEO officer;

(16) include EEO policy in company policy manuals;

(17) post a copy of the EEO policy at all job sites;

(18) maintain documentation that EEO policy has been discussed with every minority and woman employee:

(19) maintain documentation that EEO policy has been discussed regularly at staff meetings;

(20) have copies of newsletters and annual reports that include the EEO policy;

(21) have copies of letters to unions and training programs requesting assistance in meeting EEO duties;

(22) have copies of letters at least every six months or at the start of every new major contract to all recruiting sources (including labor unions and training programs) stating EEO policy;

(23) maintain copies of advertising with EEO statement;

(24) maintain copies of letters to all subcontractors and suppliers requiring compliance with EEO policy;

(25) maintain records of annual reviews of minority and female employees for promotional opportunities;

(26) maintain records of encouragement of minority and female employees to seek promotions;

(27) maintain records of annual review with supervisory personnel of affirmative action obligations, including identification of time and place of meetings, persons attending, subject matter discussed, and disposition of subject matter;

(28) maintain certifications that testing, interviewing, and selection procedures meet government guidelines;

(29) maintain documentation that the EEO officer reviews all monthly workplace reports, hirings, terminations and training;

(30) have a written job descripion for EEO officer including duty to monitor all employment activities for discriminatory effects;

(31) maintain documentation that corrective action has been taken whenever the contractor finds a possible discriminatory effect;

(32) include in all subcontracts and purchase orders a government "Certification of Nonsegregated Facilities";

(33) maintain records that parties and picnics have been posted and available to all employees;

(34) maintain records of contacts with supervisors to insure privacy between the sexes with respect to toilets and changing facilities;

(35) maintain records of all contacts from minority or women subcontractors;

(36) maintain records of assistance provided to minority or women subcontractors in preparing price quotations;

(37) maintain records of all minority or female subcontracts awarded, with dollar amounts;

(38) maintain copies of solicitations to minority or female subcontractors for project bids;

(39) submit reports to the government regarding EEO activities;

(40) maintain records for each employee of name, address, telephone number, trade union, social security number, race, sex, position, dates of change in position, hours worked per week, rate of pay, and locations of work;

(41) file with the government monthly employment utilization reports;

(42) file with the government a quarterly report of minority and female applicants, job offers, new hires, terminations, and layoffs;

(43) submit a report to the government stating the date when each of the above requirements was complied with.

Mr. Secretary, I understand that the government has a legal right to attach strings to the awarding of federal contracts. But to tie this avalanche of paperwork to a three-employee firm which failed to meet its quota of one female employee is stupefying. This wheel-spinning does nothing to advance the government's overall program, is an extraordinarily wasteful use of government resources, and is inconsistent with clear Congressional policy of increasing utilization of small business for government contract work. If real people, real time, and real taxpayers' money were not involved, this bureaucratic paper shuffle would be amusing. But it is not amusing, and, in my opinion, immediate corrective action is imperative.

Therefore, I propose that you immediately exercise your Executive Order 11246 authority (under section 204) to waive the applicability of the affirmative action requirements to any employer with fewer than 25 employees (including all employees of the contractor plus the subcontractors' employees involved in the contract). In addition, I strongly suggest that you initiate a thorough review of the program to determine if further revisions in coverage are desirable and if the mind-boggling amount of paperwork can be reduced for all contractors.

The change I propose would focus the government's enforcement program where it will more likely achieve appreciable results and would be entirely consistent with the President's espoused objective of reducing unnecessary government regulation and paperwork. I hope you will give this your careful attention. Enclosed for your information is a copy of the conciliation agreement referred to above.

Thank you for your consideration. Please advise me of your thoughts on this matter.

Sincerely,

Richard S. Schweiker,
U.S. Senator.

U.S. Department of Labor,
Office of the Secretary,
Washington, D.C., February 4, 1980.

Hon. Richard S. Schweiker,
U.S. Senate,
Washington, D.C.

Dear Senator Schweiker: Thank you for your letter of November 28, 1979, in which you described the difficulties one of your constituents had in complying with the regulations of the Office of Federal Contract Compliance Programs (OFCCP). I apologize for the delay in responding. Although you did not identify the constituent and the conciliation agreement attached to your letter did not include the contractor's name, I believe you are referring to the Dante Construction Company (hereinafter "Dante").

Dante is a Federal contractor with Federal contracts in excess of $800,000 to do renovation work for the Department of Defense at the Philadelphia Navy Yard. These contracts were entered into between August, 1978 and April, 1979. As you are aware, the Navy Yard is located in South Philadelphia, in an area which has a very high concentration of available minority group persons and non-minority women, and the workforce at this location is highly visible to the community.

All covered contractors who have Federal contracts or subcontracts in excess of $10,000 are required to submit monthly Employment Utilization Reports, Form CC257. This report shows the number of hours worked in the covered area for both its Federal and non-Federal work.

Dante was notified of this requirement during the bid process and upon award of its contracts. However, no reports were submitted by Dante until it was notified that it was in violation of its contractual obligations by OFCCP's Philadelphia Area Office. When Dante reported in January, 1979, for the months of October, 1978 and November, 1978, it reported "No Activity". Thereafter, no other reports were submitted. Under normal circumstances, a 30-day "Notice to Show Cause" would be issued for failure to report.

In view of the high dollar volume of contracts held and the highly visible location of the projects, the Area Office Director of our Philadelphia Office elected to assign a staff person to conduct a compliance review. Usually, we schedule compliance reviews of contractors who report 8,000 or more hours of work during a month's period. Had Dante been reporting, it would not have been scheduled for a review.

The review occurred in June, 1979, at the Navy Yard facility. The contractor requested that the meeting take place at this location rather than in its office. He further indicated he would bring all of the necessary records. (These are described in the Standard Federal Equal Employment Opportunity Construction Contract Specifications (41 CFR 60–4.3), which are a part of all Federal construction contracts.)

I have directed the OFCCP to make sure their compliance officers adhere to less burdensome and more helpful procedures in situations similar to Dante's. Also, I have directed OFCCP to have a compliance officer contact Dante and offer technical assistance.

Although I believe that OFCCP's experience with Dante is an exception to normal OFCCP operations, I share your concern that small contractors should not be confronted with unnecessary and overburdensome government regulations. However, the situation we face in OFCCP with construction work is not stable and neither are the contract dollars awarded for a given contract. Employment in the construction industry is so fluid that very few contractors maintain a crew of 25 permanent emloyees. Most contractors' workforces fluctuate, sometimes greatly, with the dollar volume of work and with the seasons, thus making it almost impossible to utilize the number of employees as a basis for determining coverage. Further, the prime contractors' and subcontractors' employment activity must be considered separately, since they individually are responsible for their own employment practices.

The OFCCP is making progress in reducing paperwork requirements, such as the abbreviated review mentioned previously. Continued paperwork reductions and increased technical assistance will, in my view, relieve the regulatory burden on small contractors such as Dante, yet protect the integrity of this vital program.

Thank you for bringing this matter to my attention. It has been helpful to me in assuring that our programs are administered in a reasonable manner. If I may be of further assistance, please let me know.

Sincerely,

Ray Marshall,
Secretary of Labor.

Mr. SCHWEIKER. Mr. President, I consider the Secretary's response totally inadequate. First, the claim that compliance officers generally do not hassel small employers is irrelevant. The fact is that virtually all of the 43 requirements imposed on this tiny contractor are taken right out of the Department's regulations. Thus, he was required to do all of these things regardless of the likelihood of being rechecked. Certainly, it is absurd to say to someone: "You have to do all these things; but if you don't, we probably won't catch you."

Second, Secretary Marshall's directive to his staff to be "less burdensome and more helpful" is silly. Forty-three requirements are forty-three requirements, no matter how friendly or "helpful" the compliance officer might be.

Third, the Secretary's claim that an exemption from the requirements based on employment size is "almost impossible" is directly contradicted by his stated policy of generally avoiding enforcement against contractors based on their employment size of less than 50 workers (8,000 work-hours per month).

Fourth, while the Secretary half hints of efforts to reduce paperwork, there is not the slightest evidence of any real desire to do anything about it.

Mr. President, I continue to believe the Government's affirmative action program for Federal contractors is a valuable supplement to the historic Equal Opportunity Title of the Civil Rights Act of 1964. But for this program to meaningfully advance the goal of increased employment opportunities for minorities and women, it must at least focus on businesses where there are appreciable employment opportunities. And it must also be administered with some limits on wheelspinning compliance requirements and paper shuffling.

The legislation I introduce today is designed to accomplish these goals. First, I propose to exempt from the affirmative action requirements all contractors and subcontractors who employ no more than five workers. In my request to Secretary Marshall, I suggested an exemption based on the total number of workers of the general contractors and all subcontractors being less than 25. To simplify the administration of the exemption, I have revised this to consider each contractor and subcontractor individually.

With respect to firms of this size, meeting the Department's "goals" would still generally involve employing only a small fraction of a person. It is also noteworthy that in our basic equal employment opportunity law, title VII of the Civil Rights Act, employers of fewer than 15 are exempt. While waiving affirmative action requirements for tiny contractors, my bill would retain the nondiscrimination requirements of the Executive order.

The second part of my bill is aimed at reducing the mindboggling compliance and paperwork requirements for all Government contractors. Many of the 43 requirements taken from the Department's regulations involve outreach and recruiting efforts. Contractors are told to contact anyone and everyone who might provide leads in finding minority and female applicants, and are required to keep extensive records, including letters, memoranda, telephone logs, and more, to prove compliance. A much more effective and efficient program of outreach and recruiting can be implemented through State employment service offices around the country, all under the umbrella of the U.S. Employment Service. These offices should develop ongoing working relationships with community groups and education and training organizations in order to develop lists of qualified applicants. Contractors could then simply solicit referrals from the employment service. This system would be more effective than the haphazard scheme of each contractor individually trying to search out the groups and develop confidence in the quality of the referrals. This would also reduce the compliance and paperwork burdens for the contractor to a more rational level.

The bill directs the Secretary of Labor to implement this linkage system. A contractor then satisfies his affirmative action outreach obligations by soliciting referrals from the Employment Service and by considering in good faith these referrals for employment. As under present rules, the employer will retain full authority to decide whether the individuals referred are qualified. While there is no presumption that referrals are necessarily qualified for particular jobs, the employer will have to consider all referrals in good faith. In addition, the bill does not change usage of goals and timetables as guidelines and as measurements of progress.

The bill also spells out other categories of permissible affirmative action obligations, including reasonable efforts at promotion and training opportunities, compliance with nondiscrimination requirements of title VII of the Civil Rights Act, and necessary recordkeeping and reporting.

Mr. President, I have heard many complaints about the compliance and paperwork requirements of the affirmative action program. Many of these are not dealt with in this bill. Rather, this is a very moderate bill which simply seeks to provide some control over the wandering imaginations of the enforcement officers of the affirmative action program for Government contractors.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2319

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Affirmative Action Program Improvements Act of 1980".

SEC. 2. (a) Section 718 of the Civil Rights Act of 1964 is amended by inserting "(a)" after the section designation, and by adding at the end thereof the following new subsections:

"(b) No provisions included in any executive order relating to equal employment opportunities or agency regulation promulgated pursuant to any such executive order that require a government contractor, in any contract with the United States, or a subcontractor, in any contract with a government contractor, to carry out affirmative action programs or activities shall apply to any contractor or subcontractor who at all times within the 12-month period preceding the awarding of the contract or subcontract employed five or fewer employees and who at all times during the term of the contract or subcontract will employ five or fewer employees.

"(c) The Secretary of Labor shall, through the United States Employment Service, develop and implement a program to identify potentially qualified applicants and minority owned businesses in connection with the affirmative action employment obligations of government contractors and subcontractors. Beginning six months after the effective date of the Affirmative Action Program Improvements Act of 1980, any government contractor or subcontractor shall satisfy affirmative action obligations and objectives under any applicable executive order relating to equal employment opportunities, agency regulation promulgated pursuant to any executive order, plan, or agreement by—

"(1) making a reasonable, good faith effort to obtain employment referrals (except with respect to managerial, professional, and supervisory positions) and, if appropriate, referrals of potential subcontractors from the United States Employment Service and to employ qualified applicants and contract with qualified subcontractors referred by the Service;

"(2) complying with the requirements of this title;

"(3) complying with reasonable affirmative action obligations with respect to promotion and training opportunities; and

"(4) maintaining and submitting necessary records and reports."

(b) The heading of such section 718 is amended to read as follows:

"SPECIAL PROVISIONS WITH RESPECT TO AFFIRMATIVE ACTION REQUIREMENTS FOR GOVERNMENT CONTRACTORS".●

By Mr. CANNON (by request):

S. 2320. A bill to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards, including certain special statutory programs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

NATIONAL BUREAU OF STANDARDS AUTHORIZATIONS ACT

● Mr. CANNON. Mr. President, I introduce today, at the request of the Secretary of Commerce, a bill to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards, including certain special statutory programs, and for other purposes.

I ask unanimous consent that the text of the bill, the letter of transmittal, the statement of purpose and need, and appendix I, II, III, and IV be printed in the RECORD.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 2320

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Bureau of Standards Authorizations of Appropriations Act for Fiscal Years 1981 and 1982."

AUTHORIZATIONS FOR ACTIVITIES UNDER THE ACT OF MARCH 3, 1901

SEC. 2. (a) There are hereby authorized to be appropriated to the Secretary of Commerce to carry out activities performed by the Bureau under the Act of March 3, 1901, as amended (15 U.S.C. 271–278h), except section 16 thereof (15 U.S.C. 278f), $87,733,000 together with such sums as may be necessary for increases resulting from adjustments in salary, pay, retirement, other employee benefits required by law, and for other non-discretionary costs for fiscal year 1981, and such sums as may be necessary for fiscal year 1982.

(b) Section 16 of the Act of March 3, 1901, as amended (15 U.S.C. 278f), is further amended by adding at the end thereof a subsection (c) to read as follows: "(c) For the purposes of this section, there are authorized to be appropriated to the Secretary of Commerce $1,253,000 together with such sums as may be necessary for increases resulting from adjustments in salary, pay, retirement, other employee benefits required by law, and for other non-discretionary costs for fiscal year 1981, and such sums as may be necessary for fiscal year 1982."

(c) Section 18 of the Act of March 3, 1901, as amended (15 U.S.C. 278h), is further amended by: (1) repealing subsection (b); and (2) removing the designation "(a)" from the remaining paragraph.

AUTHORIZATIONS FOR ACTIVITIES UNDER OTHER STATUTES

SEC. 3. (a) There are authorized to be appropriated to the Secretary of Commerce $15,390,000 together with such sums as may be necessary for increases resulting from adjustments in salary, pay, retirement, other employee benefits required by law, and for other nondiscretionary costs for fiscal year 1981, and such sums as may be necessary for fiscal year 1982 to carry out the activities specified for performance by the Secretary or the Bureau in:

(1) Section 111(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 759(f));

(2) Sections 5 (d) and (e), 8 and 9(a) of the Fair Packaging and Labeling Act (15 U.S.C. 1454 (d) and (e), 1457, and 1458(a));

(3) Section 383(c) of the Energy Policy and Conservation Act, as amended (42 U.S.C. 6363(c));

(4) Section 5002 of the Solid Waste Disposal Act, as amended (42 U.S.C. 6952);

(5) Section 5(d) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704(d)); and

(6) Title IV of the Trade Agreements Act of 1979 (19 U.S.C. 2531–2573).

(b) There are authorized to be appropriated to the Secretary of Commerce to carry out research by the Bureau in the area of environmental measurement sciences $245,000 together with such sums as may be necessary for increases resulting from adjustments in salary, pay, retirement, other employee benefits required by law, and for other nondiscretionary costs for fiscal year 1981, and such sums as may be necessary for fiscal year 1982.

(c) There are authorized to be appropriated to the Secretary of Commerce to carry out the purposes of the Standard Reference Data Act (15 U.S.C. 290–290f) such sums as may be necessary for fiscal year 1982.

FACILITIES IMPROVEMENT

SEC. 4. The Act of March 3, 1901, as amended (15 U.S.C. 271–278h), is further amended by striking the figure "$75,000" in section 14 of such Act (15 U.S.C. 278d) and inserting in lieu thereof the figure "$250,000".

INTERNATIONAL ACTIVITIES

SEC. 5. In order to develop and strengthen the Department of Commerce's expertise in science and engineering, to enhance the Secretary's ability to maintain the Department's programs at the forefront of worldwide developments in science and engineering, and to cooperate in international scientific activities, the Act of March 3, 1901, as amended (15 U.S.C. 271–278h), is further amended by adding immediately after section 16 (15 U.S.C. 278f) a new section 17 to read as follows:

"SEC. 17. (a) The Secretary is authorized, notwithstanding any other provision of law, to expend such sums, within the limit of appropriated funds, as the Secretary may deem desirable, through the grant of fellowships or any other form of financial assistance, to defray the expenses of foreign nationals not in service to the Government of the United States while they are performing scientific or engineering work at agencies of the Department of Commerce or participating in the exchange of scientific or technical information at agencies of the Department of Commerce.

"(b) The Congress consents to the acceptance by an employee of the Department of Commerce of fellowships, lectureships, or other positions for the performance of scientific or engineering activities or for the exchange of scientific or technical information, offered by a foreign government, and to the acceptance and retention by an employee of the Department of Commerce of any form of financial or other assistance provided by a foreign government as compensation for and/or to defray the expenses associated with performing scientific or engineering activities or exchanging scientific or technical information, when the acceptance of such fellowship, lectureship or position or the acceptance and retention by an employee of such assistance is determined by the Secretary to be appropriate and consistent with the interests of the United States. For the purposes of this subsection, the definitions appearing in subsection 7342(a) of title 5 of the U.S. Code apply. *Civil actions* may be brought and penalties assessed against any employee who knowingly accepts and retains assistance from a foreign government not consented to by this subsection in the same manner as prescribed by subsection 7342(h) of title 5 of the U.S. Code.

"(c) Provisions of law prohibiting the use of any part of any appropriation for the payment of compensation to any employee or officer of the Government of the United States who is not a citizen of the United States, shall not apply to the payment of compensation to scientific or engineering personnel of the Department of Commerce."

ACTIVITIES PERFORMED FOR OTHER AGENCIES

SEC. 6. The Secretary of Commerce shall charge for any service performed by the Bureau, at the request of another government agency, in compliance with any statute, enacted before, on, or after the date of enactment of this Act, which names the Secretary or the Bureau as a consultant to another government agency, or calls upon the Secretary or the Bureau to support or perform any activity for or on behalf of another government agency, or to cooperate with any government agency in the performance by that agency of any activity, regardless of whether the statute specifically requires reimbursement to the Secretary or the Bureau by such other government agency for such service, unless funds are specifically appropriated to the Secretary or the Bureau to perform such service. The Secretary may, however, waive any charge where the service rendered by the Bureau is such that the Bureau will incur only nominal costs in performing it. Costs shall be determined in accordance with section 12(e) of the Act of March 3, 1901, as amended (15 U.S.C. 278b(e)).

THE SECRETARY OF COMMERCE,
Washington, D.C., January 25, 1980.

Hon. WALTER F. MONDALE,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed are six copies of a bill "To authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards, including certain special statutory programs, and for other purposes", together with a statement of purpose and need in support thereof and three appendices.

This bill may be cited as the "National Bureau of Standards Authorizations Act for Fiscal Years 1981 and 1982."

We have been advised by the Office of Management and Budget that there is no objection from the standpoint of the Administration's program to the submission of this legislation to the Congress, and that its enactment would be in accord with the program of the President.

Sincerely,

——— ———,
Secretary of Commerce.

Enclosures.

STATEMENT OF PURPOSE AND NEED

The National Bureau of Standards (NBS), the Nation's oldest national laboratory and lead agency for measurement science and standards, was created by the Act of March 3, 1901 (Pub. L. No. 56–177; 15 U.S.C. 271–278h) (hereinafter cited as the "Organic Act" or "Act"). Pursuant to that Act, the Secretary of Commerce is authorized to undertake certain functions including: the custody, maintenance, and development of the Nation's standards of physical measurement and provision of means and methods for making measurements consistent with these standards; the determination of physical constants and properties of materials; the development of methods for testing materials, mechanisms, structures, supplies and equipment; cooperation with other Federal agencies and the private sector in the establishment of standard practices; the provision of advisory services to government agencies on scientific and technical problems; and the invention and development of devices to serve special national needs.

The basic mission of NBS is to apply its expertise in science and engineering to foster attainment of national goals such as (A) continued economic development and enhanced innovation and productivity in industry and commerce through optimal utilization of labor, energy, and material resources; (B) reasonable and equitable regulatory decision-making that achieves legislative goals effectively and efficiently without imposing unnecessary burdens on the economy, on individuals, on public or private organizations, or on State or local governments; (C) equity in commerce through mutual understanding and acceptance of recognized transfer standards; and (D) accuracy and compatability in scientific communication and technology transfer among industry, government, and academia. The latter includes development of meaningful comparisons between theoretical predictions and empirical data used in developing scientific knowledge.

NBS, through performance of the functions set forth in the Organic Act (15 U.S.C. 271–278h), and in other statutes, provides for the government and the Nation a core capability in science and engineering for pursuit of national goals by fulfilling three major roles: (A) it is the Nation's central reference laboratory and lead agency for the development and provision of measurement standards, measurement methods and techniques, and standard reference materials and data essential for the resolution of Federal, State and local scientific and technical measurement issues; (B) it addresses technological problems for the Nation through the application of physical, chemical, mathematical, and engineering science by providing traceability of measurements to national standards essential for ensuring measurement comparability, by uniform determination of the physical, chemical and engineering properties of matter, and by provision of uniform methods for measuring the performance of materials, products, and engineered systems of products; and (C) it enhances the technological and scientific base of the Nation's productive sectors by developing basic technical information that underlies product and process development and innovation. In carrying out these roles, the Secretary, acting through the Director of NBS, places special emphasis on providing equal opportunities, especially for women and minorities, in recruitment, hiring, promotion, reassignment, awards and training arrangements.

In its measurement and standard role, NBS assures that U.S. measures for the fundamental constants of nature, length, mass, time, temperature, luminous intensity, electricity, and the quantities derived therefrom are precisely defined, accurately realized, internationally compatible, and accessible to a broad range of users. It provides standard reference materials and measurement assurance programs designed to assure uniform comparability through accuracy in measurements, and improved methodologies for the analysis, characterization, and measurement of the properties of matter.

In recent years, various statutes have directed NBS to provide assistance toward solving technological problems important to a variety of national concerns. In its problem solving role, and in its role as a developer of basic technologies and information, NBS is broadly involved in applying its basic scientific and technological expertise to the development of measurement methods, standards, and basic technical information for areas such as energy and materials conservation, building technology, electronic reliability, fire research, health technology, environmental science, electromagnetic radiation, nuclear safeguards, automation, automatic data processing and industrial productivity.

The application of the Bureau's expertise in science and technology to the attainment of national goals is consistent with the Nation's efforts to continue its economic development and to promote its social well-being.

Since its creation in 1901, and until fiscal year 1979, NBS operated through annual appropriations pursuant to a continuing authorization provided by the Organic Act, except for Section 16 of the Act which is discussed below. In 1978, the Congress in Public Law No. 95–322 amended section 18 of the Organic Act (15 U.S.C. 278h) to limit to fiscal years 1979 and 1980 the period for which appropriations under the Act are authorized. That amendment authorizes appropriations for fiscal years 1979 and 1980 of such sums as may be necessary for the Secretary to carry out the provisions of the Act. The primary purposes of this bill are to authorize appropriations for fiscal years 1981 and 1982 to carry out the Bureau's programs and to restore the continuing authorization of appropriations for any activities of the Secretary performed under the Organic Act by agencies other than the Bureau.

Subsection 2(a) of this bill extends, for fiscal years 1981 and 1982, the authorization of appropriations for all Bureau programs falling under the authority of the Organic Act, except for those falling under section 16, by $87,733,000 together with such sums as may be necessary for increases resulting from adjustments in salary, pay, retirement, other employee benefits required by law, and for other non-discretionary costs for fiscal year 1981, and such sums as may be necessary for fiscal year 1982.

Subsection 16(a) of the Organic Act (15 U.S.C. 278f(a)) is the enabling authority for the fire research activities of the NBS Center for Fire Research. Subsection 16(b) of the Organic Act (15 U.S.C. 278f(b)) authorizes appropriations for those activities through fiscal year 1980.

Subsection 2(b) of this bill extends for fiscal years 1981 and 1982 the authorization of appropriations for the Bureau's fire research activities, by authorizing $1,253,000 together with such sums as may be necessary for increases resulting from adjustments in salary, pay, retirement, other employee benefits required by law, and for other non-discretionary costs for fiscal year 1981, and such sums as may be necessary for fiscal year 1982.

Brief statements of the purposes and goals of the Bureau's activities under the Organic Act, for which appropriations are authorized under subsections 2 (a) and (b) are included in Appendix I.

Section 2 of the Organic Act (15 U.S.C. 272) is a broad enabling authority to the Secretary to perform a variety of scientific and dissemination functions. While most of these functions are performed by NBS, some, in various areas, are performed by other elements of the Department (such as, the National Oceanic and Atmospheric Administration and the National Telecommunications and Information Administration). It is clear from the legislative history of

Public Law No. 95-322 that Congress desired to amend section 18 of the Organic Act (15 U.S.C. 278h) to place NBS, and only NBS, under a periodic reauthorization of appropriations requirement. However, the language of the amendment to section 18 has the effect of placing under a periodic reauthorizing requirement all activities of the Secretary of Commerce under the Act, whether performed by NBS or by other elements of the Department of Commerce. In order to conform the law to the intent of Congress, subsection 2(c) of this bill amends section 18 of the Organic Act (15 U.S.C. 278h) by repealing the limited (to fiscal years 1979 and 1980) authorization of appropriations to the Secretary, and thereby restores the previous continuing authorization of appropriations for carrying out the provisions of the Act.

The intent of Congress to place the Secretary's activities under the Organic Act that are performed by the Bureau under a periodic reauthorization requirement, however, is maintained by the limited (to fiscal years 1981 and/or 1982) authorizations of appropriations provided by subsections 2 (a) and (b) and section 3 of this bill (discussed below).

In summary, subsections 2 (a) and (b) and section 3 provide specific authorizations of appropriations for the activities of the Bureau for fiscal years 1981 and 1982; reauthorizations of appropriations will be required for the Bureau's activities in subsequent fiscal years. The repeal provided by subsection 2(c) has the effect of providing a continuing authorization of appropriations for Organic Act activities performed by agencies of the Department of Commerce other than the Bureau which derive part of their basic enabling authority from functions authorized for the Secretary by the Organic Act (generally section 2 thereof, 15 U.S.C. 272).

Subsection 3(a) of this bill lists six statutes in which the President, the Secretary or NBS is directed to perform specific activities. For five of the statutes, either an authorization of appropriation for the Secretary or NBS limited to specific fiscal years was included in the enabling legislation or in subsequent authorizing legislation, or the enabling legislation contains no authorization of appropriations language and thus provides a continuing authorization, i.e., an authorization not limited to specified fiscal years. The remaining statute, the Earthquake Hazards Reduction Act of 1977, cited in subsection 3(a)(5), contains a general authorization of appropriations (42 U.S.C. 7706) for the President which is limited to fiscal years 1978, 1979 and 1980.

Subsection 3(a) extends through fiscal years 1981 and 1982 to the Secretary of Commerce those authorizations of appropriations which expire at the end of fiscal year 1980, and supersedes those authorizations of appropriations which are continuing with authorizations which are limited to fiscal years 1981 and 1982. Subsection 3(a) authorizes to be appropriated to the Secretary of Commerce $15,390,000 together with such sums as may be necessary for increases resulting from adjustments in salary, pay, retirement, other employee benefits required by law, and for other non-discretionary costs for fiscal year 1981, and such sums as may be necessary for fiscal year 1982 to carry out the activities specified for performance by the Secretary or the Bureau in the listed statutes.

A brief statement regarding the status and history of the authorization of appropriations for the activities of NBS under each statute set forth in subsection 3(a) follows. Descriptions of the goals and status of the NBS programs initiated in response to those statutes are given in Appendix III.

By the Act of October 30, 1965 (Pub. L. No. 89-306), which has come to be known as the "Brooks Act," section 111 was added to the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 759). Subsection (f) of section 111 (40 U.S.C. 759(f)) authorizes the Secretary of Commerce "to provide agencies, and the Administrator of General Services . . . with scientific and technological advisory services relating to automatic data processing and related systems, and . . . to make appropriate recommendations to the President relating to the establishment of uniform Federal automatic data processing standards." It further authorizes the Secretary to undertake "necessary research in the sciences and technologies of automatic data processing computer and related systems. . . ." By Executive Order No. 11717, dated May 9, 1973, the Secretary of Commerce was delegated all functions relating to the establishment of Government-wide automatic data processing standards, including the President's function of approving standards pursuant to section 111(f)(2) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 759(f)(2)). Most of the responsibility for implementation of these provisions has been delegated by the Secretary to the Director of the Bureau.

No authorization of appropriations was provided for section 111. Accordingly, section 111 acts as a continuing authorization of appropriations for the Secretary's activities thereunder. Subsection 3(a)(1) of this bill supersedes this continuing authorization with an authorization of appropriations which is limited to fiscal years 1981 and 1982. This subjects appropriations for the Bureau's activities under section 111(f) of the Federal Property and Administrative Services Act of 1949, as amended, to reauthorization in step with the reauthorizations of appropriations for the rest of the Bureau's programs.

Under sections 5(d) and (e), 8 and 9(a) of the Fair Packaging and Labeling Act (FPLA) (Pub. L. No. 89-755; 15 U.S.C. 1454 (d) and (e), 1457 and 1458(a)), the Secretary of Commerce has certain responsibilities, which have been delegated to the Director of the Bureau, for the establishment of voluntary product standards. That Act does not contain any limitation as to the authorization of appropriations for implementation of its activities, and thus it provides a continuing authorization of appropriations. Subsection 3(a)(2) of this bill supersedes the Secretary's continuing authorization of appropriations under FPLA with an authorization limited to fiscal years 1981 and 1982. This subjects the Secretary's continuation of activities under this Act to periodic evaluation and reauthorization by the Congress.

Subsection 383(c) of the Energy Policy and Conservation Act (EPCA), as amended (Pub. L. No. 94-163; 42 U.S.C. 6363(c)) requires NBS to develop test procedures for evaluating the substantial equivalency of recycled oil to new oil. Subsection 383(c) does not contain any limitation as to the authorization of appropriations for implementation of NBS's activities. Thus, that section provides a continuing authorization of appropriations. In 1976, NBS reprogrammed funding from its base of directly appropriated funds to establish a recycled oil program in its Office of Recycled Materials. Since that time, the program has been supported by a combination of reprogrammed and Congressionally appropriated funds. Subsection 3(a)(3) of this bill supersedes NBS's continuing authorization of appropriations for its EPCA activities with an authorization limited to fiscal years 1981 and 1982. This subjects NBS's continuation of activities under subsection 383(c) to periodic evaluation and reauthorization by the Congress.

Section 2 of the Resource Conservation and Recovery Act of 1976 (Pub. L. No. 94-580; 42 U.S.C. 6901-6987) amended, reorganized and expanded the Solid Waste Disposal Act (Pub. L. No. 89-272). Under section 5002 of the Solid Waste Disposal Act, as amended (42 U.S.C. 6952), the Secretary of Commerce acting through NBS is required to develop specifications for the classification of materials recovered from waste. The Department of Commerce requested and the Congress approved reprogramming of $983,000 and 14 positions for the NBS section 5002 Recycled Materials Program during fiscal year 1979. With these reprogrammed resources, NBS is initiating a project to determine the heat content, the corrosive nature, and the trace metal pollutants present when municipal solid waste is used as fuel. Authorization of appropriations for fiscal year 1979 was provided in the Environmental Research, Development and Demonstration Authorization Act of 1979 (Pub. L. No. 95-477). Fiscal year 1980 funding of $878,000 and 6 positions for the second phase of this program were approved by Congress. The Secretary of Commerce on March 20, 1979 submitted to the Congress a proposed bill to extend the authorization of appropriations to the Secretary for the fiscal year 1980 activities of the Bureau under section 5002. This authorization was taken up by the Congress and included in the Environmental Research, Development and Demonstration Authorization Act of 1980 (H.R. 2676, section 4(2)). Subsection 3(a)(4) of this bill extends the authorization of appropriations for these activities through fiscal years 1981 and 1982.

The Earthquake Hazards Reduction Act of 1977 (Pub. L. No. 95-124; 42 U.S.C. 7701-7706) mandated development of National Earthquake Hazards Reduction Program activities through fiscal year 1980 for the President, the National Science Foundation, and the United States Geological Survey. Subsection 3(a)(5) of this bill authorizes appropriations for fiscal years 1981 and 1982 to the Secretary of Commerce for use by NBS for its work as directed by the President (see Appendix II).

The Trade Agreements Act of 1979 (Pub. L. No. 96-39) was signed into law by the President on July 27, 1979. The purpose of that Act is to approve and implement trade agreements negotiated under the Trade Act of 1974 (Pub. L. No. 93-618; 19 U.S.C. 2101-2487); to foster the growth and maintenance of an open world trading system; to expand opportunities for the commerce of the U.S. in international trade; and to improve the rules of international trade and provide for the enforcement of such rules. Title IV of the Trade Agreements Act of 1979 is entitled "Technical Barriers to Trade (Standards)" (19 U.S.C. 2531-2573). It deals with Federal standards-related activities and establishes within the Department of Commerce a Standards Information Center to serve as the central national collection facility for information relating to standards, certification systems, and standards-related activities. The Statements of Administrative Action for the Trade Agreements Act of 1979 (H.R. Doc. No. 153, 96th Cong., 1st Sess., pt. II, at 481, 487-490 (1979)) specifies that this Standards Information Center is to be located within NBS and lists ten functions for the Center. These functions are described in Appendix II.

The Trade Agreements Act of 1979 contains no specific authorization of appropriations; thus, it provides a continuing authorization. Subsection 3(a)(6) of this bill supersedes this continuing authorization with an authorization of appropriations to the Secretary of Commerce for NBS activities under Title IV which is limited to fiscal years 1981 and 1982.

The National Climate Program Act (NCPA) (15 U.S.C. 2901–2908) is not included in subsection 3(a). Authorizations of appropriations for NBS' National Climate Program Act activities under subsections 5 (c) and (d) of NCPA (15 U.S.C. 2904(c) and (d)) are covered by the general authorization of appropriations to the Secretary of Commerce contained in a separate bill, S. 1391, now pending in the Congress, which would amend subsection 9(a) of NCPA (15 U.S.C. 2908(a)) to extend authorizations of appropriations for fiscal years 1981 and 1982 for programs under the National Climate Program Act. This reauthorization will support appropriations for the National Oceanic and Atmospheric Administration (NOAA) and its National Climate Program Office. On a reimbursable basis, NBS will perform such climate-related measurement activities as NOAA or other agencies may request. Any national measurement standards and methods needed to provide assurance in assessments of atmospheric composition and in property measurements performed under the National Climate Program could be developed by NBS. NBS has the capability to conduct research and development activities culminating in the production of any standard reference materials, reference methods, equipment, and calibration services required to provide quality assurance for the Program's atmospheric measurements. In this way NOAA, and other affiliations (e.g., NASA) within the National Climate Program, will be able to relate their data to national standards.

Subsection 3(b) of this bill extends the authorization of appropriations to the Secretary of Commerce for use by the Bureau for fiscal years 1981 and 1982 for research in the area of environmental measurement sciences, by authorizing $245,000 together with such sums as may be necessary for increases resulting from adjustments in salary, pay, retirement, other employee benefits required by law, and for other non-discretionary costs for fiscal year 1981, and such sums as may be necessary for fiscal year 1982. Appropriations for this program were first authorized for fiscal year 1979 in the Environmental Research, Development and Demonstration Authorization Act of 1979 (Pub. L. No. 95–477). On March 20, 1979, the Secretary of Commerce submitted to the Congress a proposed bill to extend for fiscal year 1980 the authorization of appropriations for NBS research in the area of environmental measurement sciences. This authorization was taken up by the Congress and included in the Environmental Research, Development and Demonstration Authorization Act of 1980 (H.R. 2676, section 4(1)).

Authorizations of appropriations for the Standard Reference Data Act (Pub. L. No. 90–396; 15 U.S.C. 290–290f) activities of NBS for fiscal years 1979, 1980, and 1981 are provided by Public Law No. 95–322 (15 U.S.C. 290f.) For fiscal year 1981, appropriations of $5,250,000 are authorized. The President's Budget requests $3,248,000 for these activities. Subsection 3(c) of this bill extends the authorization of appropriations for these activities through fiscal year 1982, thereby bringing the next requirement for reauthorization of appropriations for these activities in step with the next requirement for reauthorization of the rest of the Bureau's programs. Subsection 3(c) authorizes appropriations of such sums as may be necessary for fiscal year 1982.

A chart outlining the appropriations authorized by this bill and by Public Law No. 95–322 is attached as Appendix IV. The President's budget request for NBS for fiscal year 1981 broken into the categories set forth in this bill is included in this chart for comparison.

Section 4 of this bill amends section 14 of the Organic Act, as amended (15 U.S.C. 278d), to increase to $250,000 the amount of appropriated funds which may be obligated for construction and installation of improvements to existing NBS buildings. At present, that Act limits the funds which NBS may expend for construction of buildings and other facilities or for improvements to existing buildings to $75,000 unless provision allowing NBS to exceed the $75,000 limit is made in the appropriation concerned.

Section 14 was included by Congress in the Organic Act for the purpose of eliminating the need for the Congress to deal with small sums of money for certain projects that NBS might manage internally. The limit was last changed in 1972, when the Congress amended the Organic Act (15 U.S.C. 278d) to increase the limit from $40,000 to $75,000. Since 1972, the purchasing power of the dollar has been reduced significantly. Raising the $75,000 limit to $250,000 is needed in order to keep pace with rising costs, to facilitate smooth handling, and to eliminate those administrative costs now associated with seeking Congressional approval of expenditures over $75,000.

A $250,000 limit is chosen because current economic indicators show that in 1982 $200,000 will be required to equal the buying power of $75,000 in 1972 dollars. Further, the Composite Cost Index prepared by the Department of Commerce indicates that the cost of construction in March 1978 was approximately 167.5% of the cost for the same period in 1972 dollars. The Survey of Current Business Report for 1976 through 1978 verifies the index reported above (See Table 19, Implicit Price Deflators for G.N.P., "Fixed Investments—Structures"). The continuation of increases in cost at the levels experienced in the last several years indicates that $152,000 to $155,000 will be required by 1980 just to maintain the buying power of $75,000 in 1972 dollars. The amendment to allow an increase to $250,000 in the amount of appropriated funds which may be obligated for certain projects will allow for the effects of rising costs beyond fiscal year 1982.

The Appropriations Committees of the Congress have recognized the need for increases and have provided for increases in the dollar limit to $200,000 in Public Law No. 95–355, Second Supplemental Appropriations Act, 1978, which was signed into law on Sept. 8, 1978; and in Public Law No. 96–68 signed into law on September 24, 1979 making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending September 30, 1980.

It is anticipated that the increase to a $250,000 limit will result in gained opportunities for cost savings. On occasion, over the past few years, several projects have indicated a potential for cost savings with a relatively minor investment required at initiation of the project. In some cases, delays in obtaining Congressional approval for expenditure of amounts over $75,000 have resulted in the loss of potential discounts and cost savings, or they have allowed time for significant cost increases to occur. For example, NBS began equipping its Gaithersburg laboratory buildings with an environmental control system in 1977. As envisioned, the environmental control system should result in energy and cost savings of approximately $180,000 annually. The installation of the system was to be accomplished in stages with costs for each stage to be in the $190,000 to $200,000 range. If the statutory limitation of $75,000 had been higher, the installation of the total system could have been accomplished in a smoother manner, and work could have begun sooner each year without added expenses, cost increases and delays required for extra administrative work to justify the project and request increases in the statutory limit.

Section 5 of this bill amends the Organic Act to permit the Secretary to help defray the expenses of foreign nationals not in service to the United States Government but who are performing scientific or engineering activities at agencies of the Department of Commerce. In addition, it amends the Organic Act to provide Congressional consent to acceptance and retention by Department employees of financial or other assistance provided by a foreign government as compensation for and/or to defray the expenses associated with their performing scientific or engineering activities for the foreign government. Finally, it amends the Organic Act to permit funds appropriated to the Secretary to be used to pay compensation to any alien occupying a scientific or engineering position within the Department when determined by the Secretary to be appropriate and consistent with the interests of the United States.

The general authorities in the Organic Act have been amended at various times to allow the Secretary to meet the growing challenges of an increasingly technological society. Of particular significance, for international purposes, is the authority provided for NBS in 1972 under section 3 of the Organic Act which authorizes the Bureau to perform its functions for international organizations of which the United States is a member, for governments of friendly countries, or for any scientific organization, educational institution, firm, or individual in a friendly country which requires the use of standards or standard measuring instruments. Pursuant to the requirements of section 3 of the Organic Act, the exercise of this authority is carried out in coordination with the Department of State and other interesed agencies in the U.S. Government.

Current trends in science and technology indicate that U.S. technical agencies, including NBS and the National Oceanic and Atmospheric Administration (NOAA), must pay increasing attention to non-U.S. developments. The number of important advances in metrology, physics, chemistry, and technology occurring outside the U.S. has been steadily increasing. Whereas twenty years ago up to 50 percent or more of major new developments resulted from U.S. work, now that figure is 20–25 percent, or even less in some fields. Patent statistics show that, in some of the most important areas of modern technology (e.g., semiconductors, computers), the number of patents granted to Japanese, German, and other non-U.S. sources are exceeding those granted to Americans. Thus, increased attention to foreign science and technology is essential to ensure that the Department's scientific and technical research and services remain at the forefront of world developments.

For example, the Department of Commerce, through NBS, has an active program of cooperative research under which visiting guest workers and research associates engage in research for their employers or themselves. While these guest workers and research associates are not employees of the U.S. Government, experience has proven their research work to be highly beneficial to our scientific efforts. Their different orientations and specialized expertise provide a healthy supplement to NBS' in-house capabilities. They bring detailed information about activities in their home laboratories that frequently leads to new NBS approaches and to joint development of new measurement techniques and instrumentation. Finally, and most importantly, their development of close working relationships with NBS scientists establishes most effective and long-lasting contacts that provide invaluable channels, especially vital when the contacts are international, for communication to NBS of information about developments at the forefront of research in their sponsoring institutions.

Frequently where such guest workers or research associates are from abroad, the amount of support they receive from their foreign sponsors or their own personal resources are not sufficient to allow them to live in the United States, especially in the high-cost-of-living Montgomery County, Maryland area, at other than at the most meager level of subsistence. These problems are exacerbated when such visiting scientists bring their families with them, as is the common practice, because the length of their visits is usually at least six months. These visitors are, therefore, often subject to tremendous personal hardships. Since guest workers and research associates are not considered as serving the U.S. Government, the Secretary under existing law lacks authority to financially assist them and thus, is unable to alleviate their hardship. In the face of these problems, it has been the Department's experience that some foreign scientists interested in coming to NBS to perform cooperative research highly beneficial to the interests of the United States, did not come because of the concerns over the adequacy of their financial support; others returned to their home countries earlier than we wished; and others were forced to leave their families behind for the lengthy period of their visit. In almost all instances those who did come experienced financial hardship.

To be specific, during the past five years, more than 100 outstanding foreign scientists from 25 different countries whose collaborative research would have greatly benefited the Department's scientific efforts, failed to come to NBS because of a lack of resources or financial fears. In approximately twenty-five of the cases where foreign scientists came to the Department to participate in cooperative research, the individuals involved suffered significant personal hardship. For example, in 1974, the winner of the Welch Award of the International Union of Vacuum Sciences, Technique and Application, came to the Department's NBS for collaborative research. In order to live on his meager income from the Physics Department of the University of Wroclaw, Poland, he had to stay with a member of the NBS staff for seven months. In another case, where a German scientist came to NBS, funded by a grant from the German government, the grant proved to be significantly inadequate for living in Montgomery County, Maryland, and, to reduce his hardship, NBS staff members collected furniture for him and his wife, provided him with transportation, etc. Though the visiting scientist managed to complete his work at NBS, he was forced to use his personal savings to do so. This type of experience is especially embarrassing because many foreign institutions comparable to NBS furnish guest houses and/or contract-boarding houses, low-cost cafeteria facilities, and round-the-clock shuttle transportation for NBS scientists during their work visits at foreign laboratories. It is not in the Nation's best interest for the Department to be lacking authority to deal with these types of situations and thereby to derive the highly desirable and cost-effective benefits of work by such visiting scientists.

Section 5 of this bill in part amends the Organic Act by adding a subsection 17(a) to provide authority, similar to that enjoyed by the National Science Foundation (42 U.S.C. 1872(a)), for the Secretary of Commerce to assist foreign scientists and engineers who need some financial support beyond that provided by their foreign sponsor or beyond their own economic means. This legal authority will enable the Department to attract and benefit from the cooperative research of visiting scientists or engineers who might otherwise not come to the Department, and to prevent the premature termination of research activities by those who do come but find they are faced with severe financial hardship. While the language of the proposed subsection 17(a) is broad, permitting the Secretary to grant fellowships or any other form of financial assistance to foreign nationals, it is emphasized that this authority will only be utilized on a case-by-case basis for the limited purposes described above. It will not be used as an employment or compensation authority. The exercise of this authority will be coordinated with the Department of State and other interested Federal agencies such as the United States International Communications Agency, which under law is charged with the coordination of "international informational, educational, or cultural activities conducted or planned by departments and agencies of the United States Government" (22 U.S.C. 1461-1(3)), and the United States International Development Cooperation Agency.

In addition, Section 5 would also remedy another recurring problem in the Department's international scientific cooperation efforts. The U.S. Constitution (Art. I, sec. 9, cl. 8) states that "no Person holding any Office of Profit or Trust under [the United States], shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State." Under this provision, unless Congress consents through the enactment of a statute, Federal employees cannot retain compensation or gifts from foreign governments.

Because of their recognized scientific and technical expertise and world-wide stature, NBS employees are frequently offered research fellowships, temporary research positions, or lectureships by foreign institutions characterized as entities of foreign governments. The above-mentioned Constitutional prohibition has frequently prevented NBS scientists from taking advantage of these opportunities. While the Constitution does not prohibit the United States government from directly accepting from a foreign government monies for the services of a United States employee assigned to official duty in the foreign country and paid by the United States, the laws of many countries prohibit payment to the United States government but permit direct payment to an individual U.S. scientist. In the past, both Departmental scientists who have received these offers and the Department have been embarrassed when these restrictions have combined with the above-mentioned Constitutional prohibition to prevent Departmental scientists from accepting such fellowships, positions, or other opportunities offered by foreign institutions. Section 515 of the Foreign Relations Authorization Act, Fiscal Year 1978, made substantial changes in the existing law regulating the acceptance and retention by Federal employees of gifts and decorations from foreign governments (5 U.S.C. 7342). In that Act, among other things, Congress consented to the accepting by a Federal employee of a gift in the nature of an educational scholarship from a foreign government.

Section 5 of this bill in part amends the Organic Act by adding a subsection 17(b) to provide specific Congressional consent for Departmental employees to accept fellowships, lectureships, or other positions for the performance of scientific or technical activities or for the exchange of scientific or engineering information, offered by a foreign government, and to accept and retain any form of financial or other assistance provided by a foreign government as compensation for and/or to defray the expenses associated with performing scientific or engineering activities or exchanging scientific or technical information, when the acceptance or retention of such assistance is determined by the Secretary to be appropriate and consistent with the interests of the United States. This amendment will enable Departmental employees to take full advantage of such opportunities as described above, and would greatly enhance the Department's ability to engage in meaningful international scientific cooperation and information interchange.

Section 5 would also remedy another recurring problem. The Department of Commerce's scientific and technical agencies occasionally have the need to employ foreign scientists or engineers with exceptional, often unique, abilities in their particular disciplines. At present, the Department has limited but sufficient authority to hire such foreign scientists.

Almost all scientific and engineering positions within the Department are required to be filled competitively. While Office of Personnel Management (OPM) regulations under Executive Order No. 11935 generally prohibit hiring aliens into competitive service positions, one exception to this prohibition is that aliens may be hired into competitive positions when no other qualified United States citizen is available. However, this exception is subject to a statutory restriction which prohibits the payment of appropriated funds to employees who are aliens from non-allied countries. This general restriction appears annually in an appropriation act which specifies with certain exception, that no part of any appropriation contained in that act or elsewhere may be used to pay compensation to employees and officers of the United States Government whose posts of duty are in the continental United States who are aliens from countries not "allied with the United States in the current defense effort." This language, which has been codified and appears in title 31 of the U.S. Code, section 699b, was enacted for fiscal year 1979 in section 602 of the Treasury, Postal Service and General Government Appropriations Act, 1979 (Pub. L. No. 95-429).

The scientific and technical agencies of the Department of Commerce (i.e., NBS, NOAA) also have limited authority to hire foreign scientists into excepted positions. OPM regulations provide that the Department may hire temporary or intermittent scientists for consultative purposes, scientists who are members of a faculty of an accredited university or college for a period not to exceed 130 working days per year, and scientists who are graduate students and whose work at the agency is to be used toward the attainment of a graduate degree. However, the statutory ban against paying appropriated funds to non-allied aliens also applies.

A recent example of the non-allied alien payment problem arose when NBS wanted to employ a uniquely qualified scientist from Switzerland—a non-allied country. This Swiss scientist, under temporary employment by the University of Colorado, had been working through a program of cooperative research with a team of NBS scientists on an experimental project of great significance to NBS programs in radiation metrology. He was involved in the team effort as a powerful and effective contributor who brought with him the immediate past experience of having a major responsibility for a related effort at Fribourg University in Switzerland. He quickly became up-to-date with NBS technologies, and made dominant contributions to the team's efforts. The NBS scientists involved felt, and still feel, that his continued participation in the team's effort is essential. However, when his temporary employment with the University of Colorado expired, NBS, though theoretically able to "employ him" because of his unique qualifications, could not pay him because of the statutory prohibition against the use of appropriated funds to compensate aliens from non-allied countries. The scientist, therefore had to obtain employment elsewhere.

Section 5 of this bill in part amends the Organic Act by including a subsection 17(c) to provide that provisions of law prohibiting the use of appropriated funds for the payment or compensation to any employee of the United States Government who is not a United States citizen, shall not apply to the payment of compensation to Departmental scientific and engineering personnel.

It would be highly beneficial to the U.S. scientific community if individuals of exceptional scientific or engineering competence, who happen to be aliens from a nonallied country such as Sweden or Switzerland, from time to time could be employed and paid by one of the scientific and technical agencies of the Department of Commerce such as the National Bureau of Standards or the National Oceanic and Atmospheric Administration. This authority is similar to that presently enjoyed by the Department of Defense (31 U.S.C. 700), the National Aeronautics and Space Administration (42 U.S.C. 2473(c)(10)), the National Science Foundation (42 U.S.C. 1873 (a)), and, to a limited degree, the Public Health Service of the Department of Health, Education, and Welfare (42 U.S.C. 209(h)), all of which are agencies with large scientific staffs similar to those of the technical scientific agencies of the Department of Commerce. The Department intends each year to request Congress to include in the Act making appropriations to the Department, a provision reenacting subsection 17(c).

Section 6 of this bill statutorily embodies existing departmental policy by specifying that the Secretary shall charge for any service performed by the Bureau, at the request of another government agency, to comply with any statute containing a provision which specifically names the Secretary or the Bureau as a consultant to another government agency, or calls upon the Secretary or the Bureau to perform or cooperate in the performance of certain activities with, for, or on behalf of another government agency, regardless of whether the statute specifically requires reimbursement to the Secretary or the Bureau to perform such service. Section 6 would permit the Secretary to waive any charge where the service rendered by the Bureau is such that the Bureau will incur only nominal costs in performing it. Section 6 specifies that costs shall be determined in accordance with subsection 12(e) of the Organic Act (15 U.S.C. 278b(e)). Appendix III lists and describes eight statutes of the type covered by section 6.

APPENDIX I. STATEMENT OF GOALS AND OBJECTIVES FOR BASIC NBS PROGRAMS UNDER THE ORGANIC ACT

Subsection 2(a) of this bill authorizes appropriations for fiscal years 1981 and 1982 for the Bureau's basic activities under the Act of March 3, 1901, as amended (Pub. L. No. 56–177; 15 U.S.C. 271–278h), the Bureau's Organic Act, except for section 16 thereof (15 U.S.C. 278f). This Appendix lists and describes those programs in 11 broad categories that span the Bureau's activities in measurement science and technology. These categories are identical with those set out in the Presidents Budget for Fiscal Year 1981. This breakdown into categories together with the activities of the Fire Research Center and the activities and programs of the Bureau mandated by the statutes listed in section 3 and described in the Statement of Purpose and Need and Appendix II and the services performed on a reimbursable basis for other agencies covered by section 7 and described in the Statement of Purpose and Need and Appendix III, represent the broad scope of NBS' activities. The 11 categories together with brief descriptions of the activities associated therewith follow.

(1) Physical and Chemical Measurements and Standards. The activities of the Bureau under this category fulfill its mandated responsibility for the "custody, maintenance, and development [and dissemination] of the national standards of measurements." (Pub. L. No. 56–177; 15 U.S.C. 272(a)). These standards constitute a base measurement system that is maintained at a level of accuracy sufficient to meet the needs of science, industry, and commerce, and to enable the U.S. to maintain a competitive technology. Activities under this category include the maintenance of the scientific competence and experimental facilities necessary to provide the Nation with standards, measurement techniques, reference materials, and critical data needed as a central basis for uniform measurements in optical, ultraviolet, plasma, and ionizing radiation. This central basis is essential for enabling the safe and effective application of these types of radiation, in science and industry, in such areas as nuclear energy, environmental protection, medical diagnostics and therapy, industrial processing, and radiation protection for the public. New and improved measurement methods and standards for measuring chemical composition required by industry for economic quality control, by regulatory agencies for providing a sound basis for monitoring and setting compliance levels, by medical laboratories for effiecient and accurate health care delivery, by scientific research institutions, and by other standards organizations are developed by NBS scientists. Areas of emphasis for these programs include: (1) the maintenance of the primary standards of frequency, mass, length, temperature, and voltage to ensure that NBS can provide measurements that are accurate, uniform and stable over long periods of time, and appropriate calibration services for a network of industrial, scientific and government institutions; (2) the development of high accuracy measurement methods for analysis of drugs and compounds in blood serums; and (3) the development of improved standards for ultraviolet optical measurements to characterize solar irradiation levels.

(2) Materials and Thermodynamic Measurements and Standards. The goals of the activities under this category are to: (1) define and describe the properties and performance of materials and the behavior of complex chemical systems encountered in materials processing, chemical manufacturing, energy conversion and the environment; (2) provide the Nation with a central basis for uniform and accurate physical and chemical measurements, standards and data to facilitate and assure the safe and economic use of materials, the design of optimized process facilities, and equity in the marketplace; (3) develop a fundamental understanding of physical and chemical processes to promote technical innovation and improve industrial productivity; (4) characterize the basic mechanisms which limit the durability of materials in service; and (5) provide test methods and standards to improve materials performance and durability. Objectives include: (1) the development of measurement methods, standards, and data to characterize the structure, properties, and behavior of metals, polymers, ceramics, and glasses, which lead to predictions about the performance of such materials in service and to controlling processes tailoring them for specific end uses; and (2) the determination and reporting of thermophysical process data, transport properties, equations of state, and atomic and molecular data for the design and optimization of manufacturing processes, new applications in energy conversion, and use in science and new technologies.

(3) Measurement Assurance. The goals of the activities under this category are to: (1) maintain and improve the national measurement system which disseminates uniform and accurate measurements to industry, science, and government agencies; (2) support that system with training and consultation as appropriate; (3) assist in organizing effective ways of dissemination and develop measurement methods for maintaining optimum statistical control of measurement systems; and (4) establish an effective system of uniform weights and measurement laws, regulations, device designs, and performance criteria. The national measurement system provides government, industry and commerce with a basis for establishing compatibility of products, increased productivity, equity in trade, and a competitive U.S. position in the world market. Emphasis is placed on the development of continuous measurement assurance programs which assure traceability of measurements through commercial calibration laboratories or public laboratories to NBS. The coordination of staff participation in domestic and international measurement standards activities is also emphasized to promote efficient production, fair regulation and control, and a strong international market position for U.S. industry.

(4) Applied Measurement. The goals of the activities under this category are to: (1) meet specific national needs for measurement and data services through development and operation of multidisciplinary activities which optimize the use of all NBS technical resources; (2) coordinate the planning and dissemination of results of these activities with users in industry, universities, and other Federal agencies; and (3) continually assess developing national needs for measurement and data services. Objectives of the program include: developing standards, measurement methods, and testing procedures to provide the measurement basis for nondestructive evaluation techniques needed to improve manufacturing productivity and safety assessments of structures and consumer goods; developing the measurement research basis required to quantify and monitor air and water pollutant levels; developing measurement methods and procedures required for the characterization, production, and certification of standard reference materials; and developing test procedures and guidelines to serve as the basis for physical and chemical specification and classification of materials recovered from the Nation's waste stream.

(5) Engineering Standards. Major goals of the activities under this category are to contribute to the strength and stability of the U.S. economy and the international competitive position of U.S. industry, trade and commerce. To these ends, the optimum development and use of voluntary engineering standards is promoted through technical contributions, standards information services, and standards research and analysis programs. Other major goals are to contribute to equity in the marketplace and to public health and safety by providing technical criteria and administrative mechanisms for evaluating the competence and adequacy of testing laboratories involved in commerce and regulation. Activities include the overall management, planning, policy development, and coordination for domestic engineering standards information and serving as an objective body which contributes to the technical base on which private and government standards-writing organizations depend. NBS provides liaison, administrative and technical assistance in the development of interagency standards policy and programs and in the conduct of the DOC National Voluntary Laboratory Accreditation Program. NBS also operates standards information services which provide standards information, metric information, and information related to domestic and international standards participation by NBS staff members.

(6) Safety Performance Engineering Research. The goal of the activities under this category is to provide government agencies

and the private sector with engineering research, measurement technology, technical information, and performance criteria essential to increasing the safety and performance of buildings and consumer products and to the more efficient use of energy and materials. Activities emphasize development of building design criteria for improved structural reliability and for reduction of hazards associated with natural events, such as earthquakes and extreme winds; establishment of test methods and measurement techniques for determining the strength and durability of structures, building components and materials; improvement of the energy efficiency and sensory environment of buildings through research into the performance of thermal and mechanical systems, building envelopes, and illumination and service systems; provision of the technical base for assessing product hazards and developing safety regulations; and development of measurement techniques, test methods, and efficiency targets for reducing appliance energy use.

(7) Technical Support to Industrial Productivity. The goal of the activities under this category is to contribute to national economic well-being, equitable regulations, and maintenance of U.S. leadership in technology by providing a technical and measurement base and methods for encouraging technological innovation by industry. Improvement of the U.S. competitive position in international markets and real growth in manufacturing productivity are expected outgrowths of such innovation. Activities include: providing national reference standards and engineering measurement traceability for electronic devices and instruments and electrical materials; providing measurement and test methods, data and standards for the characterization of electronic devices and for the materials, processes and equipment used in their manufacture; providing the theoretical and empirical foundation for characterization of nonionizing electromagnetic radiation and assessing its effects; maintaining and developing national reference standards for practical electrical units derived from the basic units; providing engineering measurements of force and dimension (both static and dynamic), measurements and characterization of surface finish, characterization of static and dynamic machine errors, engineering measurements and procedures for on-line inspection and quality control and automatic control of discrete mechanical processes; providing technical data, instrumentation, models, continuous process control technology and measurement services in fluid mechanics, fluid quantity determination, and flow properties to industry and Government; and providing technical information, engineering standards, performance evaluation methods, and base technology for thermal processes such as heating, boiling, drying, smelting, power generation, cryogenics, and heat recovery.

(8) Mathematical Sciences. The goal of the activities under this category is to contribute to the solution of engineering and scientific problems at NBS by providing improved mathematical and computer science competence and methods to enhance the accuracy, reliability, and integrity of experiments and research data. The entire NBS research effort is benefited since NBS measurement and materials characterization activities require use of sophisticated and powerful mathematical and statistical techniques to achieve required accuracies and precision. Many of the mathematical techniques needed by the NBS staff are also needed by other Federal agencies and by many private technical organizations, including universities. The results of NBS' mathematical activities are of wide interest and are widely utilized outside NBS. Objectives include: ensuring that the most advanced and appropriate mathematical and statistical procedures are used in NBS technical programs; promoting the use of effective statistical techniques for planning, analysis, and interpretation of experiments and data collection programs; evaluating and validating the efficiency, accuracy, and precision of algorithms both for numerical calculation and for mini- and micro-processor based scientific instrumentation; enhancing the interpretation of measurement results by improving the description and interpretation of physical system models by developing, acquiring, and validating mathematical techniques and software; and facilitating the use of more sophisticated scientific theory by installing and using software systems, processors, languages, and algorithms.

(9) Computer Sciences and Technology. The goals of the activities under this category are to: (1) develop needed Federal automatic data processing (ADP) standards for the purpose of achieving increased economies through more competitive Federal ADP procurement practices and improved ADP utilization by Federal agencies; (2) perform cost-benefit analyses to prioritize these standards-making activities and optimize the program's effectiveness; (3) conduct technology forecasts to guide NBS and Federal ADP management planning; and (4) establish and operate a mechanism for reporting agencies' compliance with mandatory standards. Fifty standards are scheduled to be completed within five years. These standards are expected to result in cost savings to the Government on the order of $440 million per year. It is anticipated that the government will achieve cost savings on the order of $60 million per year through the competitive procurement of computer system and network hardware, software, and services; of $15 million per year through increased efficiency and effectiveness in the application, use, and operation of Federal ADP equipment; of $250 million annually through a reduced level of effort and costs associated with converting software and data from one computer system to another; of $75 million annually in more foolproof operation of Federal computer systems; and of $40 million annually through reduced costs of developing and using computerized models.

(10) Maintenance of Technical Competence. Goals include establishing and maintaining areas of excellence within the NBS mission through long-term experimental or theoretical efforts in science and technology; providing a program plan, in the context of a long-term mission and philosophy, to establish an understanding of appropriate NBS contributions to national objectives and of the specific needs of the users of NBS outputs, and to conduct evaluations of the economic and social benefits of NBS programs; and providing promising scientists and engineers from industry with an opportunity to participate in NBS research programs in the various branches of physical, engineering, and mathematical sciences. Objectives include ensuring that NBS has the underlying knowledge and skills necessary to meet the responsibilities assigned to it. This is accomplished by creating areas of excellence that will strengthen the scientific and technical foundation of current programs, and by preparing foundations for planned new programs to be undertaken in response to changing national needs. Other objectives include assuring optimum use of NBS resources in carrying out NBS' primary statutory responsibility to provide measurement and standards-related services to the technical community by establishing appropriate Bureau priorities. A Research Associate Program selects candidates from industry who can, by their creative interaction with NBS staff, enhance NBS competence in areas that need building or strengthening, as well as enhance their own personal growth and the competence of their sponsoring organizations.

(11) Capital Transfers and Facilities—Goals are to modify and add to existing NBS facilities in order to accommodate ongoing and new programs, as provided for in sections 14 and 15 of the Organic Act (15 U.S.C. 278d and 278e) and to ensure a sufficient revolving fund for investment in general equipment and inventories of standard reference materials to be offered for sale. Emphasis is given to: (1) providing minor improvements and modifications to facilities in order to ensure maximum usefulness of existing laboratories and other buildings; (2) providing new construction and major modifications to existing buildings in order to ensure up-to-date scientific laboratories; (3) providing special equipment and facilities for ongoing and new NBS programs; and (4) providing a sufficient permanent capital base for investment in needed general equipment and standard reference material inventories.

Subsection 2(b) of this bill authorizes appropriations for fiscal years 1981 and 1982 for the Bureau's *Fire Science and Engineering activities.* The purpose of these activities is to develop the technical base necessary to support a national goal of reducing fire losses by 50 percent within the next generation. Objectives of the program include: reducing the number of sustained ignitions in the environment by providing the technical basis for selecting proper materials, controlling design of common ignition sources, and deterring arson; reducing the spread and growth of a fire and its combustion products (given a sustained ignition) by developing improved criteria for materials selection, new or improved design concepts and modeling techniques; improving the probability of arresting fires at an early stage through the development of improved methods for automatic detection and suppression and by designing methodologies for their use; and providing protection for people in a building fire through development of technical bases and criteria for improving alarm, communication, escape, and rescue systems.

Both laboratory and theoretical work on ignition and fire spread and the determination of their role in smoke and toxic gas development are applied in developing the basic knowledge of fire and its products of combustion which is needed to generate improved fire safety measures. This fundamental work, for which a portion of the funds are transferred from the United States Fire Administration, provides the foundation for test methods, standards, design specifications, and recommended practices for use by the United States Fire Administration, various voluntary standards-writing organizations, mandatory standards-writing groups in Federal agencies, model code groups, and State and local authorities. This work also has wide applicability to arson detection; to the fire safety of consumer products, building construction, and furnishings; and to fire control systems and cost/benefit evaluation of fire-safe building design alternatives. Examples of specific activities are development of toxicity screening test protocol to be submitted to consensus standards bodies; publication of a room fire growth model concept in which contributing components are identified in order of importance to first severity; and investigation of the mechanisms of soot (smoke) formation and possible methods for its control.

APPENDIX II. GOALS AND STATUS OF NBS PROGRAMS UNDER THE STATUTES LISTED IN SECTION 3

Subsection 3(a)(1)—Subsection 111(f) of the Federal Property and Administrative

Services Act of 1949, as amended (40 U.S.C. 759(f)). By the Act of October 30, 1965 (Pub. L. No. 89–306) which has come to be known as the "Brooks Act", section 111 was added to the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 759). Subsection (f) of section 111 (40 U.S.C. 759(f)) authorizes the Secretary of Commerce "to provide agencies, and the Administrator of General Services . . . with scientific and technological advisory services relating to automatic data processing and related systems, and . . . to make appropriate recommendations to the President relating to the establishment of uniform Federal automatic data processing standards." It further authorizes the Secretary "to undertake necessary research in the sciences and technologies of automatic data processing computer and related systems . . ." By Executive Order No. 11717, dated May 9, 1973, the Secretary of Commerce was delegated all functions relating to the establishment of Government-wide automatic data processing standards, including the President's function of approving standards pursuant to subsection 111(f)(2) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 759(f)(2)). The responsibility for implementation of these provisions has been delegated by the Secretary to the Bureau.

Through its Institute for Computer Sciences and Technology, NBS develops and issues Federal automatic data processing (ADP) standards, provides scientific and technical advisory services to Federal agencies, and performs related computer science research. The activities are aimed toward improving the productivity and economy of Federal government operations through more efficient procurement and more effective utilization of computer resources.

Since the passage of the Brooks Act, NBS has developed and issued 41 Federal Information Processing Standards, 16 guidelines for ADP practices and procedures, and 6 information guides to the standards program: Standards and guidelines are directed toward reducing unnecessary expenses in the Federal government's computer hardware and software systems, and toward improving information interchange. Also advisory service projects addressing a broad spectrum of computer-related problems have been completed for other Federal agencies, and several hundred research reports and other guidance documents have been published.

NBS' current program focuses on improving efficiency and reducing the costs, which are estimated to be between $4 and $10 billion annually, of the government's ADP activities. Selected for top priority development are five families of standards that address critical high cost problem areas: (1) high level programming languages; (2) software quality control; (3) computer system and network interfaces; (4) database management system; and (5) computer security and risk management.

Subsection 3(a)(2)—Subsections 5 (d) and (e), 8 and 9(a) of the Fair Packaging and Labeling Act (FPLA) (Pub. L. No. 89–755; 15 U.S.C. 1454 (d) and (e), 1457 and 1458 (a)). Subsection 5(d) requires that "[w]henever the Secretary of Commerce determines that there is undue proliferation of the weights, measures, or quantities in . . . consumer commodity . . . and such undue proliferation impairs the reasonable ability of consumers to make value comparisons . . . he shall request manufacturers . . . to participate in the development of a voluntary product standard . . . pursuant to section 2 of the Act of March 3, 1901 (31 Stat. 1449, as amended; 15 U.S.C. 272)." Responsibility for implementation of this directive has been delegated by the Secretary of Commerce to NBS. Over the past ten years, NBS has reprogrammed approximately $1,000,000 from its base of direct appropriations to carry out this FPLA activity. In that time, 50 package quantity standards for commodities determined to be most in need of attention have been established. As a result, manufacturers have agreed to 100 percent compliance with voluntary packaging standards for a majority of the products identified by NBS. In addition, NBS has worked with the National Conference on Weights and Measures to develop the Model State Packaging and Labeling Regulation which has now been adopted by 35 states. This model regulation contributes to the effective regulation of all goods subject to the Act, while still providing for control over those packaged goods which are not subject to FPLA. Current NBS program emphasis is directed to resolving potential problems in package labeling, on conversion to the metric system, and on nonuniformity conflicts between Federal and state consumer product regulations.

Subsection 3(a)(3)—Subsection 383(c) of the Energy Policy and Conservation Act (EPCA), as amended (Pub. L. No. 94–163; 42 U.S.C. 6363(c)). Subsection 383(c) provides that "the National Bureau of Standards shall develop test procedures for the determination of substantial equivalency of re-refined or otherwise processed used oil . . . with new oil . . . ." In July 1976, in response to this mandate, NBS established a Recycled Oil Program in the Office of Recycled Materials of its National Measurement Laboratory. This program develops test procedures and standards for determining the equivalency (relative to virgin oil) of re-refined oils so as to provide the basis for Federal Trade Commission (FTC) rules with regard to test procedures and labeling standards used in industry for recycled oil. The inadequacy of current test and labeling procedures has severely limited the use of these recycled oil products. In addition, hundreds of millions of gallons of used oil are dumped or burned in environmentally unacceptable ways each year. Successful recycling of such oils would therefore not only conserve petroleum resources, but would also reduce environmental pollution. Many states are planning or implementing recycling programs, and reliable test procedures are urgently needed to assure the quality of re-refined oil and thereby the increased use of re-refined oil products in the marketplace.

In November, 1978, NBS transmitted to the FTC test procedures for evaluation of recyled oils to be used as fuel, particularly as furnace fuel. NBS is now concentrating on the development of effective test procedures and standards for evaluating recycled oils for other end uses, i.e., for engine lubrication, hydraulic use, industrial use, etc.

Subsection 3(a)(4)—Section 5002 of the Solid Waste Disposal Act, as amended (42 U.S.C. 6952). Section 2 of the Resource Conservation and Recovery Act of 1976 (Pub. L. No. 94–580, 42 U.S.C. 6901–6987) amended, reorganized and expanded the Solid Waste Disposal Act (Pub. L. No. 89–272). Section 5002 of the Solid Waste Disposal Act, as amended (42 U.S.C. 6952), provides that "[t]he Secretary of Commerce, acting through the National Bureau of Standards . . . shall . . . publish guidelines for the development of specifications for the classification of materials recovered from waste which were destined for disposal."

Attainment of satisfactory solutions to the problem of solid waste disposal is a high priority of most state and local officials. This is not surprising considering that approximately 150 million tons per year of municipal solid waste are generated in the United States. Currently, over 93 percent of this waste is disposed by open dumping, "sanitary" landfilling, incineration, or ocean dumping. In many cases, these are environmentally unsound methods. Alternatives to land disposal methods must be found since many cities in the U.S. will run out of suitable solid waste disposal sites by 1983. By separating the metals, glass, and organic fractions of principal solid waste from each other, a sensible and potentially marketable set of commodities is obtained leaving a substantially reduced volume to dispose of.

The current program emphasis is directed toward developing specifications for the characterization of recovered materials, the evaluation of existing, proposed, and/or required specifications for these materials, and the establishment of guidelines for such specifications. Recovered materials will be classified based on the available data concerning existing and potential applications for such materials. This will be accomplished through close interaction with both recyclers and manufacturers, other government agencies, industrial associations and potential consumers of the recovered materials. The section 5002 program plan also includes an investigation of the quality and uniformity of the classified recovered materials produced by various recovery methods and a correlation of the results with market needs. Existing standards and specifications for virgin materials will be reviewed and their applicability to the recovered materials in the marketplace will be determined. This review will be carried out in conjunction with various standards setting organizations, industry and government. In those areas where virgin material standards and specifications cannot be applied to recovered materials, NBS will begin work to develop guidelines for new standards specifications, test methods and procedures for such recovered materials for the marketplace. Finally, NBS will continue to work with the appropriate standards setting organizations to encourage the publication, promulgation and updating of standards for recovered materials to meet market needs in government and industry, and with recyclers, manufacturers and consumers to encourage the adoption and use of these material standards in the commerce of the nation.

Subsection 3(a)(5)—Subsection 5(d) of the Earthquake Hazards Reduction Act of 1977 (Pub. L. No. 95–124; 42 U.S.C. 7704(d)). Subsection 5(d) requires that "[in] assigning the role and responsibility of Federal Departments . . . the President shall, where appropriate include . . . the National Bureau of Standards. . . ." The Act mandated the development of a National Earthquake Hazards Reduction Program. A report on this program, which was forwarded by the President to the Congress in June, 1978, contains a comprehensive approach to developing hazards reduction measures and establishes the roles for Federal, state and local governments and the private sector. Under this program, the National Bureau of Standards is required to "(1) assist and cooperate with the Department of Housing and Urban Development, other Federal agencies (particularly those involved in research), the National Institute of Building Sciences, professional organizations, model code groups, and state and local building departments, in continuing the development, testing and improvement of model seismic design and construction provisions suitable for incorporation in local codes, standards and practices, [and] (2) [conduct] research on performance criteria and supporting measurement technology for earthquake resistant construction." (Earthquake Hazards Reduction Program Implementation Plan, p. 23.) Program implementation plans are being developed by NBS managers for NBS activities under the President's Earthquake Hazards Prevention Program.

Subsection 3(a)(6)—Title IV of the Trade Agreements Act of 1979, (Pub. L. No. 96–39; 19 U.S.C. 2531–2573). The purpose of the

Trade Agreements Act of 1979 is to approve and implement the trade agreements negotiated under the Trade Act of 1974 (Pub. L. No. 93–618; 19 U.S.C. 2101–2487) and to foster and promote the growth and maintenance of an open world trading system. Title IV, Technical Barriers to Trade (Standards), of the Trade Agreements Act of 1979 deals with Federal standards-related activities and establishes within the Department of Commerce a Standards Information Center. The Center is to serve as the central national collection facility for information relating to standards, certification systems, and standards-related activities. Under the Statements of Administrative Action for The Trade Agreements Act of 1979 (H.R. Doc. No. 153, 96th Cong. 1st Sess., pt. II, at 481, 487–490 (1979)), NBS is specified as the location in the Department of Commerce for the Center. The Statements of Administrative Action call for the NBS Standards Information Center to: serve as the inquiry point for all information on Federal standards-related activities; have in its collection one copy of all title, text and applicable rules of all international, Federal, state and private standards and certification systems; review the Federal Register for proposed federal standards-related activities; maintain and review information on all standards-related activities; respond to all inquiries on standards-related activities; provide copies of international, Federal, state and private standards and certification systems information for a reasonable fee, etc.

It is also expected that NBS will be called upon to provide technical assistance to developing countries as specified in section II of the Agreement on Technical Barriers to Trade (H.R. Doc. No. 153, 96th Cong., 1st Sess., pt. I, at 229).

Subsection 3(b)—Environmental Measurement Sciences. Reliable environmental measurement systems are essential in order to: (1) aid in planning and implementing pollution abatement actions; (2) allow Federal regulatory agencies to enforce environmental regulations in an equitable manner; (3) provide an adequate data base for balancing environmental, energy, and economic goals; (4) aid in improving pollution abatement technology where deficiencies are found to exist; and (5) determine whether apparent variations are significant or are within statistical measurement errors.

Passage of the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. No. 95–500; 33 U.S.C. 1251–1376), the Safe Drinking Water Act (Pub. L. No. 93–523; 42 U.S.C. 300f–300j–10), the Clean Air Act (42 U.S.C. 7401–7642), the Toxic Substances Control Act (Pub. L. No. 94–469; 15 U.S.C. 2601–2629), the National Climate Program Act (Pub. L. No. 95–367; 15 U.S.C. 2901–2908), and the National Ocean Pollution Research and Development and Monitoring Planning Act (Pub. L. No. 95–273; 33 U.S.C. 1701–1709) has resulted in a large increase in governmental and industrial activity related to measurements for long-term monitoring of pollution levels over wide geographic areas. These measurements require accurate measurement methods, standards, and data for use by Federal, state and local government agencies, by companies discharging waste into the air and water, and by consultants and private laboratories. The role of NBS is to provide the basis for assessing present accuracy and for achieving greater accuracy in the methods used for monitoring pollutants. NBS activities include studies of the physical and chemical characteristics of toxic chemicals to model and assess the fate and persistence as well as the pathways of toxic materials as they move from the natural environment to the food chain.

The appropriation authorized in subsection 3(b) of this bill allows NBS to maintain to some degree the expertise required to meet the needs of such Federal agencies as the Environmental Protection Agency (EPA), the National Oceanic and Atmospheric Administration, the National Aeronautics and Space Administration, the Department of the Interior, the Coast Guard, the U.S. Geological Survey, various state and local governments, and U.S. industry. The program's effort in directly providing measurement standards for monitoring environmental pollutants is supported by EPA.

Subsection 3(c)—The Standard Reference Data (SRD) Act (Pub. L. No. 90–396; 15 U.S.C. 290–290f. The SRD Act declared the policy of the Congress to make critically evaluated reference data readily available to scientists, engineers, and the general public. Under the terms of the SRD Act, the Secretary of Commerce is assigned primary responsibility for providing for the collection, compilation, critical evaluation, publication and dissemination of standard reference data.

The obective of the activities conducted under the SRD Act is to increase the effectiveness of research, development, and engineering design by providing critically evaluated data on properties of materials needed by scientists and engineers in the United States. The program is designed to retrieve the useful data from the half-million or more scientific papers and reports published annually throughout the world; to evaluate these data and select reliable values; and to make the results available in a convenient reference form. In this way costly design mistakes are prevented, the need for overdesign is reduced, and the expensive repetition of measurements is avoided. Thus, the program serves as an interface between laboratory measurements of physical and chemical properties and the application of the resulting data to the solution of a wide variety of problems.

Since passage of the SRD Act in 1968, the NBS has established over twenty continuing data centers and supports a number of other data evaluation projects. These are integrated into a system under which data are retrieved, evaluated, and prepared for publication on a regular schedule. The total output of data consists of over 200 data compilations covering about 80 distinct physical properties and over 40,000 different substances. A number of bibliographies, indexes, and directories of data sources have also been published.

The Journal of Physical and Chemical Reference Data, created in 1972 under the authority of the SRD Act, is now a well-established source of authoritative data for the U.S. technical community. Most of the major technical libraries in the U.S. subscribe to this basic reference source, and thousands of individual scientists and engineers have purchased data compilations which appear in it.

The SRD program is a decentralized one, with the evaluation of data conducted by specialized groups and individual experts throughout the country. The various data centers and other projects are located in universities, industrial laboratories, and research institutes, as well as in the technical divisions of NBS. The program management is provided by the Office of Standard Reference Data at NBS. In addition, this Office coordinates with other government agencies and private groups engaged in data activities and with other countries and international organizations that have active data programs. An important objective of the Office is to maximize the utility of foreign data programs to U.S. scientists and engineers.

Many new needs for evaluated data bases have become evident, especially those growing out of the national concern for problems of energy, environmental quality, and materials shortages. The growing attention to the prediction of long-term effects of new technology has highlighted the importance of standardized, reliable data bases for input to modeling calculations. Using the resources developed over a number of years, the SRD program has been able to respond quickly to many of these needs. Programmatic changes have been effected which focus the effort more directly on such national problem areas.

The program must be a dynamic one, since large amounts of new experimental data are generated each year, and new needs are constantly emerging. The new measurements must be evaluated and incorporated into the system in order to provide up-to-date reference tables. New needs require repackaging of data in different formats and frequently lead to more strenuous requirements on accuracy. A continuing program of this nature is an essential resource for American science and technology in solving the Nation's technological problems.

APPENDIX III. STATUS OF NBS PROGRAMS UNDER THE STATUTES LISTED IN SECTION 6

Section 6 of this bill statutorily embodies existing departmental policy by specifying that the Secretary shall charge for any service performed by the Bureau to comply with any statute containing a provision which specifically names the Secretary or the Bureau as a consultant to another government agency, or calls upon the Secretary or the Bureau to perform or cooperate in the performance of certain activities with, for, or on behalf of another government agency, regardless of whether the statute specifically requires reimbursement to the Secretary or the Bureau to perform such service. Section 6 would permit the Secretary to waive any charge where the service rendered by the Bureau is such that the Bureau will incur only nominal costs in performing it. Section 6 specifies that costs shall be determined in accordance with subsection 12(e) of the Organic Act (15 U.S.C. 278b(e)).

This Appendix lists eight statutes which are examples of the types covered by section 6. In these acts Congress has explicitly provided that NBS expertise is to be available to assist other Federal agencies in carrying out programs mandated in the Acts. This Appendix describes the programs and activities conducted by NBS to respond to these statutes.

Subsection 6(b)(1)—Subsections 323(a)(2), 323(a)(5), and 325(a) of the Energy Policy and Conservation Act (EPCA), as amended (Pub. L. No. 94–163; 42 U.S.C. 6293 and 6295(a)). Subsection 323(a)(2) of EPCA states in relevant part that "[the Secretary of Energy] shall direct the National Bureau of Standards to develop test procedures for the determination of . . . [the] estimated annual operating costs of [thirteen specified home appliances] . . . and . . . at least one other useful measure of energy consumption. . . . " Subsection 323(a)(5) in relevant part states that "the [Secretary of Energy] may . . . direct the National Bureau of Standards to develop . . . proposed test procedures for [other home appliances as he may specify]. . . ." Under subsection 323(a)(2) NBS has developed test procedures for the thirteen home appliances specified in the Act. A general authorization of appropriations for this NBS work was contained in EPCA. In 1976 the Energy Conservation and Production Act (ECPA) (Pub. L. 94–385) amended subsection 325(a) of EPCA (42 U.S.C. 6295(a)) to require that the Secretary of Energy direct NBS to develop energy efficiency improvement targets for major energy-consuming household appliances. As amended subsection 325(a) states in relevant part that "the [Secretary of Energy] shall direct the National Bureau of Standards to develop an energy efficiency improvement target for each [of thirteen specified home appliances]. . . ."

NBS has assisted the Secretary of Energy (DOE) in selecting energy-efficiency improvement targets for the thirteen specified home appliances, and is continuing to provide technical assistance in making any necessary changes in the test procedures. This work is funded by DOE.

Subsection 6(b)(2)—Sections 304 and 310 of the Energy Conservation and Production Act (ECPA) (Pub. L. No. 94-385; 42 U.S.C. 6833 and 6839). Section 304 provides that "the Secretary [of Energy] only after consultation with . . . the Secretary of Commerce utilizing the services of the Director of the National Bureau of Standards . . . shall develop and publish . . . proposed performance standards for new commercial buildings . . . [and] . . . proposed performance standards for new residential buildings."

Section 310 provides that "the Secretary [of Energy] in cooperation with . . . the Secretary of Commerce utilizing the services of the Director of the National Bureau of Standards . . . shall carry out any activities which the Secretary determines may be necessary or appropriate to assist in the development of performance standards under section 304(a) and to facilitate the implementation of such standards by state and local governments." NBS, under the program mandated by ECPA, provides technical assistance to DOE in developing criteria and test methods for materials and systems used in building energy conservation and in establishing weatherization techniques for buildings. These activities include field studies to determine in-service performance of various wall reinsulation retrofits, and technical input for installation standards for various retrofit measures such as for insulation and window devices. NBS is also developing a methodology for prioritizing various measures in different climate zones. NBS is continuing to support DOE in research to improve performance based design standards for energy conservation in buildings. This work has provided, for example, the basis for the first building energy standard, ASHRAE 90-75, entitled Design and Evaluation Criteria for Energy Conservation in New Buildings. This standard has become the basis for most state energy conservation plans. NBS has also developed revised criteria for materials to retrofit buildings under the Federal government's Weatherization Assistance Program and life-cycle costing procedures for conserving energy in Federal buildings. This work is also funded by DOE.

Subsection 6(b)(3)—The Solar Photovoltaic Energy Research, Development, and Demonstration Act of 1978 (Pub. L. No. 95-590, 42 U.S.C. 5581-5594). This Act established an accelerated research program leading to commercial application of solar photovoltaic energy technologies. The formal title to the Act specifically mentions NBS support of the Department of Energy (DOE) in carrying out this program. NBS is currently assisting the Solar Energy Research Institute (SERI) in meeting the requirements of section 7 of the Act. Specifically, NBS is assisting in the development of performance criteria for photovoltaic systems, and is preparing guidelines for planning laboratory accreditation and product certification programs. Funding for this work is provided by DOE through SERI.

Subsection 6(b)(4)—Section 222, 545(a), 546 and 653(a) of the National Energy Conservation Policy Act (Pub. L. No. 95-619; 42 U.S.C. 8223, 8255(a), 8256 and 6345 nt.). That Act contains several sections which provide for utilization of NBS services. Section 222 states in relevant part that "[t]he Secretary [of Energy] shall consult with the Secretary of Commerce, acting through the National Bureau of Standards, with regard to any product or material standard . . . as a basis for judging the efficacy, energy efficiency, safety, or other attributes of energy conservation materials, products, or devices. . . ." The NBS, at DOE's request, is continuing work on test methods for determining energy consumption and operating costs of consumer products called for under this section.

Subsection 545(a) provides that "[t]he Secretary [of Energy] in consultation with . . . the Director of the National Bureau of Standards . . . shall—(1) establish practical and effective methods for estimating and comparing life cycle costs for Federal buildings; and (2) develop and prescribe the procedures to be followed in applying and implementing the methods so established. . . ."

Section 546 provides that "[t]he Secretary [of Energy], in consultation with . . . the Director of the National Bureau of Standards . . . shall establish and publish energy performance targets for Federal buildings. . . . The performance targets established under the preceding sentence shall be compatible with energy conservation performance standards adopted or developed by the Secretary of Housing and Urban Development for buildings."

Subsection 683(a) provides that "The Secretary of Energy, in consultation with the Director of the National Bureau of Standards . . . shall conduct a study of the relevance to energy conservation programs of the use of the concept of energy efficiency as being the ratio of the minimum available work necessary for accomplishing a given task to the available work in the actual fuel used to accomplish that task."

The scope of NBS work under the provisions of this Act and the amount of funding is at the discretion of the DOE. It is anticipated that DOE will provide funding for NBS activities under the Act.

Subsection 6(b)(5)—Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (Pub. L. No. 94-580; 42 U.S.C. 6962). Section 6002 requires that any Federal government procuring agency consider "guidelines of the Bureau of Standards in any case in which such material is covered by such guidelines" in purchasing products with the maximum recycled material content. The NBS role in this area is in the development stage. It is envisioned that NBS will participate or consult in: identifying the products that public purchasing officials feel would be candidate for recycled content; selecting for study certain products based on criteria that include quantity purchased, dollar volume, impact on recycling, etc.; collecting and evaluating purchase specifications, test methods and standards, and performance criteria for these selected products; examining collected data for any information that might exclude a product containing recycled or recovered materials; and using collected data and information to prepare new purchase specifications suitable for use by Federal, state, and local purchasing officials in procuring items containing recycled or recovered materials.

Subsection 6(b)(6)—Subsection 29(d) of the Consumer Product Safety Act (Pub. L. No. 92-573; 15 U.S.C. 2078(d)). Subsection 29(d) requires that the Consumer Product Safety Commission "to the maximum extent practicable, utilize the resources and facilities of the National Bureau of Standards. . . ." The NBS Center for Consumer Product Technology coordinates Bureau activities for the Commission which include research, test method development, and technical analysis and advice. The Center has: developed test methods for flammability for carpets, rugs, children's sleepwear, and mattresses; provided technical work for standards for toys, bicycles, lawnmowers, and miniature Christmas tree lights; performed analysis of possible products defects; and provided longer term research on questions relating to product safety. The Consumer Product Safety Commission has provided funding for most of this work.

Subsection 6(b)(7)—Subsection 356(a) of the Public Health Service Act, as amended by the Radiation Control Health and Safety Act of 1968 (Pub. L. No. 90-602; 42 U.S.C. 263(a)(6)). Subsection 356(a) requires the Secretary of HEW to "consult and maintain liaison with the Secretary of Commerce . . . on (A) techniques, equipment, and programs for testing and evaluating electronic product radiation, and (B) the development of performance standards . . . pursuant to control such radiation emissions." NBS provides, chiefly through its Center for Radiation Research and its Center for Electronics and Electrical Engineering, assistance and support activities to the Bureau of Radiological Health (BRH) of the Department of HEW by providing measurement standards and procedures to be used in protecting the public from harmful effects of ionizing and nonionizing radiation. NBS reviews regulations and guidelines with emphasis on measurement implications that are proposed by BRH, and provides coordination and technical assistance in the development of voluntary standards that supplement or are substituted for Federal regulation. NBS activities in this area include: the development of basic measurement standards, instruments, and procedures; calibration of field instruments against these standards; and the conduct of measurement assurance programs for manufacturers, users, and regulators of electronic products. For example, the measurement assurance program in radiation research provides services for the accurate measurement of radiation dosage in cancer treatment.

Subsection 6(b)(8)—Section 14 of the Federal Nonnuclear Energy Research and Development Act of 1974 (Pub. L. No. 93-577; 42 U.S.C. 5913). Section 14 requires that "[t]he National Bureau of Standards shall give particular attention to the evaluation of all promising energy-related inventions, particularly those submitted by individual inventors and small companies for the purpose of obtaining direct grants from the [Secretary of Energy]. The National Bureau of Standards is authorized to promulgate regulations in the furtherance of this section." NBS responded to this mandate by establishing an Office of Energy Related Inventions (OERI) on March 3, 1975. Since that time, there has been wide use of the service provided by that Office. As of March 1, 1979, OERI had received 10,531 requests for invention evaluations, had completed evaluation of 9,778 of these, and had recommended 97 inventions to the DOE. In followup, DOE has provided funding of $2,347,800 in contracts or grants for development of 34 of the 97 NBS-recommended inventions. An example of one recommended invention which has reached a viable place in the marketplace is a conservation system which utilizes waste heat to preheat scrap steel for the production of steel ingots by electric arc melting. This system has demonstrated a 15 percent reduction (or 75 kilowatt hours per ton) in electricity requirements for processing of a ton of steel. This could result in a saving of more than a billion kilowatt hours annually if the process is used in one-fourth of the open-hearth or electric furnace mills. Many steel companies have expressed interest in utilizing the process.

Authorization of appropriations for the activities of OERI is provided under the DOE authorizing legislation. Funding for OERI's work is requested in the DOE annual appropriation and transferred by DOE to NBS. For fiscal year 1979, DOE is transferring funding for OERI to NBS from funds appropriated under Public Law No. 95-482. On March 9, 1979, the Secretary of Energy submitted to the Congress a proposed bill (introduced as H.R. 3000 and S. 688) that includes an extension for fiscal year 1980 of the authorization of appropriations for the activities of OERI. Funding for OERI for fiscal year 1980 is included in the DOE budget request under H.R. 4930. The services of OERI will continue to be provided in fiscal years 1981 and 1982 on a reimbursable basis, with authorizations of appropriations and funding to be provided under DOE's authorizing and appropriations requests for those years.

APPENDIX IV

AUTHORIZATIONS OF APPROPRIATIONS FOR NBS FOR FISCAL YEARS 1981 AND 1982 AND PRESIDENT'S BUDGET REQUEST FOR NBS FOR FISCAL YEAR 1981

[In thousands of dollars, fiscal years]

Activity	Authorization, 1981	Budget request, 1981	Authorization, 1982
Organic Act activities other than fire research (authorization contained in sec. 2(a) of bill).	[1] $87,733	$87,733	Such sums as may be necessary.
Fire research activities (authorization contained in sec. 2(b) of bill).	[1] 1,253	1,253	Do.
6 special statutes mandating NBS activities (authorization contained in sec. 3(a) of bill).	[1] 15,390	15,390	Do.
Environmental measurement sciences activities (authorization contained in sec. 3(b) of bill).	[1] 245	245	Do.
Subtotal fiscal year 1981 authorizations contained in bill.	104,621	104,621	
Standard Reference Data Act activities (fiscal year 1981 authorization contained in Public Law 95–322, fiscal year 1982 authorization contained in sec. 3(c) of bill).	[2] $5,250	$3,248	Do.
Total	[3] 109,871	107,869	

[1] Together with such sums as may be necessary for increases resulting from adjustments in salary, pay, retirement, other employee benefits required by law, and for other nondiscretionary costs.

[2] An authorization of appropriations of $5,250,000 for the Standard Reference Data Act activities of NBS for fiscal year 1981 is contained in Public Law 95–322.

[3] Total authorizations would exceed the President's budget request for NBS for fiscal year 1981 by $2,002,000 because Public Law 95–322 authorizes $2,002,000 for NBS Standard Reference Data Act activities above that requested in the President's budget. ●

By Mr. JEPSEN:

S. 2321. A bill to amend the Internal Revenue Code of 1954 to exempt from taxation the earned income of certain individuals working outside the United States; to the Committee on Finance.

FOREIGN EARNED INCOME TAX REDUCTION

● Mr. JEPSEN. Mr. President, today I am introducing legislation to eliminate U.S. taxes on income earned by U.S. citizens working overseas. There would be no change in the law regarding so-called unearned income, such as interest and dividends.

Mr. President, I believe that this change in the tax law is necessary for several reasons, related to both equity and efficiency. The fact of the matter is that the United States is the only industrialized nation in the world which taxes the worldwide income of all its citizens, regardless of where they reside. Most countries only tax the worldwide income of their residents and grant tax relief for foreign earned income. For example:

Canadian nonresident citizens are completely exempt from Canadian income tax.

Any citizen of Great Britain spending 365 days working overseas is eligible for 100-percent tax relief. One who spends more than 30 days working overseas is entitled to partial tax relief.

Swedish citizens do not pay Swedish income tax if they are away from Sweden more than 1 year.

Up until 1977 the United States also gave substantial tax breaks to Americans working overseas. Prior to passage of the Tax Reform Act of 1976 U.S. citizens working abroad could exclude up to $20,000 of earned income a year, if they were present in a foreign country for 17 of 18 months or if they were bona fide residents of a foreign country for a period which included an entire taxable year. In the case of individuals who had been bona fide residents of a foreign country for 3 years or more the exclusion was increased to $25,000 of earned income. In addition, under pre-1977 law, foreign taxes paid on the excluded income were creditable against the U.S. tax on any foreign income above the $20,000 or $25,000 limit. In 1975 140,000 Americans claimed the foreign earned income exclusion.

The Tax Reform Act of 1976 reduced the income exclusion to $15,000, provided that any individual entitled to the exclusion was not allowed to use the foreign tax credit with respect to foreign taxes allocatable to the income which was excluded from U.S. tax, and required that additional income earned above the income exclusion would be taxed at marginal rates applicable to one's income as though the exclusion did not exist. The effect was to substantially increase taxes on Americans working overseas, raising the cost of working and doing business overseas and leading to a severe cutback of American personnel and business overseas.

The adverse impact of these changes were so immediate that the Congress quickly postponed their effective date. A General Accounting Office report issued in February 1978 urged that the Tax Reform Act of 1976 not be implemented and that the Congress consider continuing tax incentives for Americans working overseas.

By 1978 the Congress realized its error. American businesses had called back many of their employees working abroad, making it more difficult for them to compete overseas. The Foreign Earned Income Act of 1978 was supposed to correct the problems caused by the Tax Reform Act of 1976. The new legislation is highly complicated, setting up a series of deductions for excess living expenses for Americans abroad, with the $20,000 exclusion being permitted for those individuals who live and work in "hardship" situations. Unfortunately, partly due to the complexity of the law and partly due to the fact that Congress has not gone far enough, the Foreign Earned Income Act has not removed the disincentive which now exists for Americans to work overseas.

U.S. construction contractors have been especially hard-hit by the rising cost of living overseas and by the tax law with regard to foreign earned income. For example, between June 1975 and April 1978 American firms were able to win more than 10 percent of all construction contracts awarded in the Middle East. Since passage of the Foreign Earned Income Act, however, U.S. firms have only received 1.5 percent of contracts awarded owing to increased labor costs necessary to offset the tax and higher living costs.

Five years ago the United States was the leading exporter to Saudi Arabia. Now the United States is down to third or fourth position, and the same is true throughout the Middle East. The reason is that U.S. firms just cannot afford to station sales and marketing people in the Middle East any more. According to General Electric, it costs $90,000 or more in pay and allowances to maintain an American overseas who is paid only $30,000 at home. For this money it is cheaper for the company to hire two Britons, who, in many cases, quadruple their aftertax earnings by going overseas.

Although Iowa is usually thought of primarily as an agricultural State, it also has a substantial manfacturing sector, much of which is involved in overseas trade. Nearly 800 firms in Iowa derive substantial sales from overseas and some 20% of the Iowa workforce is employed in export or related services. I have heard directly from them about the problems they have attempting to sell overseas and about the barriers erected by our own government to exports, in spite of the large trade deficit the United States continues to have. High on the list of every exporter of trade impediments is the tax on foreign earned income, which discourages them from stationing sales personnel overseas or bidding for contracts which involve large amounts of labor, as in construction.

The legislation I am introducing today is quite simple and parallels legislation introduced in the House by Congressman Bill Frenzel of Minnesota. It would eliminate all U.S. taxes on foreign earned income. Americans working overseas would continue to pay foreign taxes and the exemption would not apply to unearned income. It seems to me that this is the most straightforward, simple, and equitable way to deal with the problem.

I ask unanimous consent to have printed in the Record at this point an article from this morning's New York Times regarding the adverse effects of U.S. tax law on exports.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

COSTLY FALL IN EXPATRIATE JOBS

(By Robert D. Hershey, Jr.)

London, February 18.—Tax penalties, a weak dollar and soaring inflation have made it so expensive to employ Americans overseas that large numbers of them are being replaced by other nationalities at what appear to be major economic and political costs to the United States.

American executives say the problem which has been building for many years, now jeopardizes billions of dollars of exports and hundreds of thousands of jobs at home and abroad.

A recent report issued by the President's Export Council, an advisory group headed by Reginald H. Jones, chairman of the General Electric Company, echoed that view. The council declared that the trend of Americans being taxed out of competing in foreign markets had produced a "sharp" loss of business, contributing to the balance-of-payment deficit, a loss of American jobs and a decline in "presence and prestige" abroad.

Not only are United States and foreign companies increasingly reluctant to subsidize American workers overseas, but the workers themselves are rejecting job offers because of the financial burdens posed by such a move.

The expatriates say that many laws and practices tend to make second-class citizens of the two million of them who live overseas, but income taxes are regarded as the most damaging factor. The United States is the only major country that taxes income earned abroad, a fact that increasingly places Americans and their companies at a competitive disadvantage. Americans overseas often pay foreign income taxes as well, but they receive a credit for such levies when they file their American tax returns.

"What we're seeing is a form of discrimination against Americans by our own Government," said John G. McCarthy Jr., vice president of Russell Reynolds Associates, an executive recruiting company. "It means Americans seeking to work abroad are burdened with cost factors which other nationals do not have."

Mr. McCarthy, who runs the firm's Middle East operation from London, said the company had conducted searches for about 35 Middle East clients last year, all of whom would have preferred an American. In all but three cases, however, the jobs were filled by Britons for reasons of cost. Other American jobs overseas, he said, are being taken by Canadians, who pay no income tax at home so long as the employee is accompanied abroad by his family.

American companies are confronted by the same problem. William Ferguson, a senior manpower manager for General Electric here, said it could cost G.E. $90,000 or more in pay and allowances to maintain an American overseas who is paid only $30,000 at home.

"It's really disturbing," said Mr. Ferguson. "We can hire two fully qualified British nationals and afford to train them in our products for less than we can put one American on the payroll."

He added that five years ago the United States was the leading exporter to Saudi Arabia, but that it had slipped to third or fourth position because of the high cost of doing business there. "We would love to double our sales and marketing operation in the Middle East, but we just can't afford it," he added.

While a British employee can quadruple his after-tax earnings by going overseas, his American counterpart usually fares no better than he would have at home. At times, the American is actually penalized by taxes levied on allowances for what in many cases are astronomic costs for housing and education. In some cases, an American's tax liability may exceed his basic salary before adjustments.

One group of activists, the Geneva-based American Citizens Abroad, has listed 63 ways in which they say the Government discriminates against them. They range from taxes on "phantom" income arising from currency fluctuations and loss of Social Security benefits to the sometimes bizarre rules governing the citizenship of children born abroad.

The latest frustration for overseas Americans is the Carter Administration's response late last month to a Congressional demand that it identify and evaluate all the statutes and regulations that treat expatriates differently and that it recommend action to eliminate discrepancies.

Critics say, however, that the Treasury report fell far short of its mandate. The report found that while taxation of Americans abroad could have adversely affected United States exports, "it is not clear how prevalent this type of situation is or what its impact is." It added that the studies done so far did not permit decisions about what changes, if any, should be made.

The Treasury's report was characterized by Andy Sundberg of American Citizens Abroad as a "red herring that the White House has just dragged across the path that was supposed to lead toward an unambiguous statement of where overseas Americans are supposed to fit into the political, social, economic and ideological life of the United States."

He said that what he called inconclusive findings on the relationship between income taxes and exports were "a silly answer to the wrong question."

A task force of the President's Export Council, headed by Robert Dickey 3d of the Dravo Corporation, recommended that the United States align its tax policy with that of its competitors, none of which now taxes its citizens who meet overseas residency tests.

This would restore to Americans abroad the status enjoyed by most of them until 1962, when income of less than $20,000 was tax-exempt. By the mid-1970's, inflation, the decline of the dollar and rising salaries and benefits put heavy financial pressure on Americans overseas.

Instead of liberalizing the exemptions, Congress decided in 1976 to eliminate them altogether. At the same time, the Internal Revenue Service decided that any goods or services workers received, even housing in the Saudi Arabian desert, had to be declared and taxed at full market value.

"It's not just a matter of dollars and cents," said Mr. McCarthy, the recruiter. "If you don't have American people of some stature on the ground, you're just not going to get across the American point of view. You can project power with aircraft carriers, but you can also spread American influence with businessmen."●

By Mr. INOUYE:

S. 2322. A bill to authorize appropriations for fiscal year 1981 for certain maritime programs of the Department of Commerce, and for other purposes; to the Committee on Commerce, Science, and Transportation.

● Mr. INOUYE. Mr. President, the legislation I am introducing today would authorize appropriations for fiscal year 1981, for certain maritime programs of the Department of Commerce. The amounts authorized in the bill reflect the levels requested in the administration's budget for fiscal year 1981.

Section 209 of the Merchant Marine Act of 1936 provides that there are authorized to be appropriated for the maritime activities of the Department of Commerce only such sums as the Congress may specifically authorize by law. The legislation therefore contains specific authorizations for the following programs.

CONSTRUCTION-DIFFERENTIAL SUBSIDY (CDS)

In order to maintain a base of efficient shipbuilding and ship repair facilities, the law authorizes the Secretary of Commerce to equalize the cost disparity which exists between the United States and foreign shipbuilding prices through the payment of a subsidy to U.S. shipyards. To be eligible for CDS, a vessel must be built in an American shipyard, owned by American citizens, manned by an American crew, and operated under the U.S.-flag in the Nation's essential foreign commerce.

The authorization level for construction subsidies for fiscal year 1981 is $135,000,000. The 1981 program will continue the initiative to foster construction of dry bulk carrying ships by providing for construction of five of these ships.

OPERATING-DIFFERENTIAL SUBSIDY (ODS)

The Secretary of Commerce is authorized to pay ODS to U.S. shipbuilding companies in order to achieve cost parity in seamen's wages, vessel insurance, and maintenance and repairs not covered by insurance. ODS is intended to assure that American shippers will have regular and frequent service between United States and overseas markets at reasonable and competitive freight rates.

Operating subsidies are based upon the difference between United States and foreign vessel operating costs and are paid to promote the maintenance of a U.S.-flag merchant fleet capable of providing essential shipping services. Essential services are defined as those ocean services, routes and lines, and bulk carrying services essential for the promotion, development, expansion, and maintenance of the foreign commerce of the United States. Operators receiving subsidies for the provision of such services must operate American-built vessels manned by American crews. For fiscal year 1981, the bill authorizes $347,697,000, which will finance operating subsidies to qualified U.S.-flag operators in order to support the continuation of essential American merchant marine services.

RESEARCH AND DEVELOPMENT

This program develops methods, systems, and equipment to the U.S. shipbuilding and ship operating industries to be more productive and to be more competitive with foreign shipbuilders and ship operators. Programs are aimed at development of information and technology that will result in lower shipbuilding costs, operating costs, and Government subsidies for both ship construction and operation. Substantial participation of industry is obtained through cost sharing. The amount authorized for fiscal year 1981 is $18,750,000.

MARITIME EDUCATION AND TRAINING

For maritime education and training expenses, the bill authorizes amounts not to exceed $26,763,000 for fiscal year 1981, including not to exceed $18,201,000 for maritime training at the Merchant Marine Academy at Kings Point, N.Y., $6,680,000 for financial assistance to State marine schools, and $1,882,000 for supplementary training courses authorized under section 216 (c) of the Merchant Marine Act, 1936.

The 1981 maritime education and training program includes operation of the U.S. Merchant Marine Academy, continuing assistance to the six State marine schools, and supplementary training for eligible merchant marine personnel. Funds authorized for the Merchant Marine Academy will provide for increased maintenance and operating requirements and continuation of the facilities modernization program. The State marine school program, established by the Maritime Academy Act of 1958, assists States in the operation and maintenance of maritime academies for the education and training of individuals for service as officers in the U.S. merchant marine. Assistance is provided to participating States (California, Massachusetts, Maine, New York, Michigan, and Texas) in the form of annual grants, allowances to cadets, and maintenance and repair of ships on loan for use as training ships.

The bill also provides authorization for appropriations needed for supplemental training courses in the use of shipboard collision avoidance radar, gyro compass operation and maintenance, use of loran C, field exercise training in shipboard firefighting, and operation and maintenance of medium and slow speed marine main propulsion diesel engines. The administration's 1981 budget request provides for increased maintenance and operating requirements of the program.

OPERATING EXPENSES

For operating expenses, the bill authorizes amounts not to exceed $38,864,000 for fiscal year 1981, including not to exceed $7,208,000 for reserve fleet expenses, and $31,656,000 for other operating expenses.

The reserve fleet program provides for preservation, maintenance and security of ships in the National Defense Reserve Fleet and for administration of the ship transfer and ship disposal programs. The National Defense Reserve Fleet provides an inventory of ships available to meet requirements for additional shipping capacity in times of national emergency. The administration's 1981 budget requests additional funding for Maritime Administration expenses in the joint Navy-Maritime Administration ready reserve fleet program.

Funds authorized under the category of "other operating expenses" provides for the direction and administration of all agency programs other than the Merchant Marine Academy, supplementary training and reserve fleet programs and for all program costs not separately authorized above.

The bill would also authorize supplemental appropriations in 1981, of additional amounts to the extent necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

The bill also requests necessary authority for supplemental appropriations, should they be needed, for uncontrollable cost increases in public utilities, food service and other expenses at the Merchant Marine Academy at Kings Point, N.Y.

Mr. President, a 1977 MarAd study which centered on maritime aid programs of major maritime nations—Japan, the United Kingdom, Norway, Sweden, West Germany, and France—showed that:

> Direct maritime industry assistance provided by these six countries averaged about $1.6 billion per year.

As a percentage of gross national product this is more than double the rate of assistance our Government gives to our maritime industry.

It is quite understandable therefore why all of these countries except West Germany and Sweden ranked ahead of the United States in terms of dead weight tonnage, according to the latest MarAd statistics.

Mr. President, the legislation I am introducing today is by any standards a modest expenditure if, as mandated by law, our merchant marine is to carry a substantial portion of our international waterborne trade, and be capable of serving as a naval and military auxiliary in time of war or national emergency.●

By Mr. HATCH:

S. 2323. A bill to establish a periodic review of Federal regulatory agencies, and to reduce the size and scope of Federal regulatory policies and procedures; to the Committee on Governmental Affairs.

REGULATORY REDUCTION ACT OF 1980

Mr. HATCH. Mr. President, the Federal Government is too big. It is clumsy, complex, unresponsive and accountable to no one. Agencies and super-agencies tend to reproduce like rabbits. They proliferate, often overlap, yet lead charmed lives even when they have lost any usefulness.

An invincible majority of American citizens, both liberals as well as conservatives, seem to agree with all of the propositions I have just recited. There is probably no more visible evidence anywhere in American politics today of a consensus of public opinion than there is in the felt proposition that if we could, we as makers of laws ought to just scrap our Federal junkheap of regulatory entanglement and start over again.

Over the past several decades, disillusionment with the notion of Federal centralized planning began to spread through word of mouth or by the tales told of those who suffered firsthand experience with it. It has only been in the more recent years, during the last half decade when a respectable and growing library of literature on the subject has given overwhelming intellectual and politically scientific support to this point of view.

Armed with these volumes of studies and monographs, many people both within and outside of Government have been devoted to the task of lightening the burden of bureaucracy carried by every American citizen. And for all of these efforts, the burden grows. For all of the determination and resources and political resolve of elected Government officials, Federal agencies found wanton or wanting and marked for extinction have all taken the form of Hydra's head. As in Greek mythology, the head of some ugly agency which has lived past its purpose is cut off, and three new ones grow. And this is no exaggeration. Consider the results of the study conducted on this subject by Dr. Hubert Kaufman of the Brookings Institution, reprinted in a Washington Star editorial last May. Under both Democratic and Republican administrations, and despite all the brave and handsomely written reorganization proposals by incoming Presidents, the growth of Federal agency domination and proliferation is on an upwardly curving trend line. The basic fact is this, to cite the Kaufman conclusion:

> Starting with 175 Government agencies that existed in the year 1923, it was found that in 1973, a half century later, all but 23 of those same agencies were still alive. Although the Bureau of Livery Stable Management had at last vanished from the Department of Commerce, 246 new agencies had already been born.

We all recognize the problem, and we should all remind ourselves that no one political party or group or ideological following has a monopoly on the indignation which rightfully ought to be raised. In fact, running the risk of failing to mention several Senators who have been active in the efforts for regulatory reform, I cannot help but commend the work of both my colleagues, Senators Ed Muskie and Charles Percy for their respective legislative efforts and active leadership in the effort to make a sunset law a fact of life in our public policy. Knowledgeable, tireless and influential as they are, however, as congressional leaders, Democratic Senator Muskie and Republican Senator Percy have not been given the backing by the united front of colleagues from both parties which they deserve. And it is no secret that the prospects for a sunset bill which will see the light of day on the Senate and House floors, respectively, grows dimmer by the day.

And yet American citizens want to regain control of that vast, tangled web called the Federal Government. There are many of us who believe that only if the threat of termination is written into an agency's authorization process will legislators and agency people be given the incentive to make legislative oversight a reality.

Having studied the matter, and firm in the resolve that there is greater urgency about the crisis of bureaucratic growth within our Government at the highest levels than too often appears to many living within the Nation's Capital, I have drafted a piece of legislation which I hereby introduce, entitled the Regulatory Reduction Act of 1980. This bill is a complement of earlier legislation, the logical extension of the efforts by those who pioneered the battle to make the Federal Government more accountable, and through it can be established a regular and periodic review of Federal agency practices.

Under my proposal, the President would be required to submit to Congress an agency review plan every 4 years.

This plan will include recommendations for retaining, transferring, or eliminating altogether the agencies or department offices itemized in my bill. A process for congressional review is delineated as well as a timetable during which the White House or the Congress must explicitly act to propose additional areas for broad regulatory activity or else the agency or departmental office involved will be prevented from promulgating any new rules or regulations.

I ask unanimous consent that my legislation be printed in the RECORD together with an interview with Dr. Murray Weidenbaum on the costs of Federal regulatory policy as it affects every American citizen.

I think that my bill as drafted is a reasonable proposal which if enacted would provide the blueprint for regulatory reduction in our time.

There being no objection, the bill and interview were ordered to be printed in the RECORD, as follows:

S. 2323

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Regulatory Reduction Act of 1980."

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that Federal regulatory policies and procedures require a comprehensive and ongoing procedural review by the President and the Congress in order to correct or eliminate regulatory abuses and inefficiencies which plague American citizens and the American economy as a whole.

(1) Regulatory policies often approve rules and promulgate regulations without due consideration of the relationship between the costs versus the benefits of these same rules and regulations.

(2) Some regulatory policies and procedures increase the rate of inflation and stifle competitive initiative in the American economy.

(3) Regulatory agencies have often wasted their limited resources through unsound management and business practices, and have contributed to the general public's feeling of enmity toward the government and uncertainty about the nature and economic impact of these rules and regulations.

(4) Regulatory procedures and policies are often conflicting, outmoded, and in violation and in disregard of their congressional mandates.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) "agency" has the same meaning as provided in section 552(e) of title 5, United States Code; and

(2) "rule" has the same meaning as provided in section 551(4) of title 5, United States Code, and includes rulemaking, adjudication, agency proceedings, or agency action, as defined in paragraph (5), (7), (12), and (13) respectively, of section 551 of title 5, United States Code.

PERIODIC REVIEW

SEC. 4. (a) Not later than the last day of April in every fourth year beginning on the year of the date of enactment, the President shall submit to Congress a plan containing the information required to be included under subsection (c) with respect to the following agencies:

Environmental Protection Administration;
Energy Regulatory Administration;
Federal Energy Regulatory Commission;
Department of the Interior;
Department of Housing and Urban Development;
Occupational Safety and Health Administration;
Department of Labor;
Civil Aeronautics Board;
Interstate Commerce Commission;
Federal Maritime Commission;
Department of Transportation;
Federal Communications Commission;
Office of the Comptroller of the Currency, Department of Treasury;
Federal Deposit Insurance Corporation;
Federal Home Loan Bank Board;
Board of Governors of the Federal Reserve System;
National Credit Union Administration;
Federal Savings and Loan Insurance Corporation;
Board of Governors of the Federal Reserve System;
National Credit Union Administration;
Federal Savings and Loan Insurance Corporation;
International Trade Commission;
Commodity Futures Trading Commission;
Securities and Exchange Commission;
Farm Credit Administration;
General Services Administration;
Consumer Product Safety Commission;
Federal Aviation Administration, Department of Transportation;
Federal Trade Commission;
Food and Drug Administration;
Department of Education;
Department of Health and Human Resources;
Department of Agriculture;
National Highway Traffic Safety Administration;
National Labor Relations Board;
Federal Mediation Board;
Equal Employment Opportunity Commission.

(b) Each plan submitted under subsection (a) shall include provisions relating to each of the agencies included therein, and shall include provisions relating to such additional agencies or offices as the President elects to include, or the Speaker of the House of Representatives and the President pro tempore of the Senate may require. Notice of any additional agency or office to be included in such plan shall be sent to the President not later than the last day of September of the year preceding the plan submitted under subsection (a).

(c) A plan submitted by the President pursuant to subsection (a) shall contain the following information with respect to agencies which are included in any such plan pursuant to subsection (a):

(1) recommendations for the retention, transfer, consolidation, modification, or elimination of functions;

(2) recommendations for organizations, structural, and procedural reforms;

(3) recommendations for the merger, modification, establishment, or abolition of Federal regulations or agencies;

(4) recommendations with respect to agency jurisdictions and requirements of general applicability;

(5) recommendations for increasing economic competition;

(6) recommendations for reprivatizing agency or particular federal office functions to the private or voluntary sectors of the economy.

(d) The submission of each plan by the President pursuant to subsection (a) shall include a report on the cumulative impact of all Government regulatory activity on the general economy, on specific industry groupings, and to the degree that information is current and available, on the rate of capital formation and investment.

(e) If by the first day of May of the year specified in subsection (a), the President has failed to submit the appropriate plan as required in subsection (a), or has submitted a plan which fails to provide such information as is required by subsection (c) of this section, the committees of Congress having primary legislative jurisdiction or oversight responsibilities with respect to any such areas, together with the Committee on Government Operations of the House or the Committee on Governmental Affairs of the Senate, shall prepare such plan(s) which shall become the pending business in the House of Representatives and the Senate not later than the first day of May of the following year. Such plan(s) shall be jointly reported in agreement between and among such committees can be made with respect to such plan(s) but otherwise shall be separately reported.

CONGRESSIONAL REVIEW

SEC. 6. (a) The President shall submit each plan required under section 4 to the Congress and separately transmit such plan to the Speaker of the House of Representatives and the President pro tempore of the Senate.

(b) Each plan submitted under subsection (a) shall be referred jointly to the Committee on Government Operations of the House of Representatives and the appropriate committee or committees of the House of Representatives having primary legislative responsibilities with respect to the subject matter of such plan; and to the Committee on Government Affairs of the Senate and the appropriate committee or committees of the Senate having primary legislative jurisdiction or oversight responsibilities with respect to the subject matter of such plan.

(c) The committees to which a plan is referred under this section shall review such plan and report a bill approving or disapproving such plan in whole or in part, with such amendments as are deemed appropriate. Such reports shall be joint reports if agreement between or among such committees can be made with respect to any such plan(s), but otherwise shall be separate reports. The reported bill shall become the pending business in the House of Representatives and the Senate not later than the first day of May of the following year.

(d) If no comprehensive regulatory reduction legislation in a designated area as described in section 4(a) and which comforms to the criteria set forth in section 4(c) is enacted by August 1 of the year following the year in which a comprehensive plan has been submitted to the President then all departments and agencies affected thereby shall have no authority to issue, enforce, or promulgate any new rules or regulations except those essential for preserving public health and safety. A concurrent resolution of either House or Senate stating in substance that such rule or regulation is not essential for such preservation would render such regulation null and void.

TERMINATION OF AGENCIES

SEC. 7. (a) In the event that no comprehensive regulatory reduction legislation has been enacted with respect to a designated area described in 4(e), every agency described in each plan submitted under this Act shall be terminated after the last day of December in the calendar year next following the calendar year in which such plan is required to be submitted, unless other appropriate provision is enacted by the Congress providing for the continuation of such agency.

REGULATION: FUEL FOR INFLATION

(Prof. Murray Weidenbaum, director of the Center for the Study of American Business at Washington University in St. Louis, is recognized as one of the most important critics of excessive government regulation of business. Assistant Secretary of the Treasury for Economic Affairs from 1969 to 1971, Weidenbaum leaped into national prominence when he wrote a scathing indictment of the inflationary efforts of regulation entitled, Government Mandated Price Increases.

(Published in 1975 by the American Enterprise Institute, that study demonstrated in devastatingly clear and readable language some of the hidden costs and negative social effects of well-intentioned regulation. The regulators designed equal employment opportunity regulations that reduced black employment, imposed environmental restrictions which were tantamount to placing regressive taxes on the poor and wrote health and safety standards the meaning of which could not even be determined by the most astute businessmen.

(His most recent and just published work, The Future of Business Regulation (1979, Amacom, $12.95), though thoroughly readable, is more quantitative in approach. The anecdotes are left out and in their place is a summary of an exhaustive study of the cost to the economy and to the consumer of government regulation. He estimates the price tag of the most easily measured effects of regulation at $102.7 billion for 1979. But the real cost, he suggests, is much higher.

(The $102.7-billion figure, for instance, does not include so-called "third-order" effects which cannot be accurately measured. Capital formation becomes more difficult because funds are siphoned off to pay the cost of compliance with regulations, technological innovation is slowed down markedly because of government interference with product development and business planning becomes more difficult because the actions of regulators cannot be rationally predicted. Neither can the total increase in unemployment be measured precisely. But the combination of all these problems, says Weidenbaum, probably has a more harmful effect on our lifestyle than the direct cost of regulations.

(Disputing the claims of Prof. Weidenbaum and other economists about the costs of regulations is Ralph Nader's Corporate Accountability Research Group, which has just published a report, Business Report on the Law. That report, which was actually written by long-time Nader associate Mark Green and Norman Waitzman, a graduate student at American University, tries to show that regulation provides a net benefit to the economy—potentially as much as $200 billion a year.

(Prof. Weidenbaum is back in Washington temporarily, serving as Resident Scholar with the American Enterprise Institute and as co-editor of the Institute's magazine, Regulation. Richard Vigilante, who was interning with Human Events through the National Journalism Center's Internship Program, took the opportunity to talk with Prof. Weidenbaum about his own work and about the Nader group's study.)

Q. Prof. Weidenbaum, Ralph Nader's Corporate Accountability Research Group has come out with a study on the costs and benefits of federal regulation, particularly health and safety regulations. One of the study's primary goals is to refute your own work in this field. Specifically, Nader contends your estimate—that the current cost of such regulation comes to $102 billion a year—is "a consumer fraud." What's your response?

A. I think that's the typical overstatement or hatchet job I've been accustomed to seeing from the Nader camp. I don't take it seriously at all.

Q. The Nader study casts doubt on your method of determining costs. For instance, he charges that your procedure of multiplying administrative costs of the agencies by 20 to arrive at total cost to industry is unfair because the actual multiplier varies for different agencies. In terms that a layman can understand, how did you arrive at your estimate?

A. What my associates and I did was to do a careful, in-depth study for 1976 to see what was, as best we could calculate it, the cost of complying with federal regulation for that year. Where I could estimate it—now I'll get back to that because that's critical—where we could estimate it, the costs of compliance came to over $60 billion. The costs of operating the regulatory agencies came to $3 billion.

So in 1976, the base year where we had all the data available, the $3 billion of budget costs the taxpayer paid to operate the regulatory agencies, resulted in a figure 20 times as high—over $60 billion—for industry compliance. That's where we got the 20 to 1—it wasn't a figure out of the air. It was a very careful estimate, first of the $3 billion in the budget—no one's refuted that—and second of the $60 billion in the private sector.

A fair and objective analysis of the $60-billion figure would have shown two things. One: there were a number of program estimates that they quarrelled with where they thought the cost estimate was on the high side. That's their prerogative. I'm not saying they are right, but that's a genuine, legitimate critique. In some cases my cost estimate may have been too high. I don't think so; in fact, others have come up with much higher estimates.

But secondly a fair and objective study would also have shown that, in many cases, I didn't have a cost estimate, for example, for the Department of Energy. I couldn't get a handle on what the cost of complying with all those federal energy regulations were, so rather than guessing, I carried the cost at zero. That's clearly an underestimate. Nader conveniently forgot that.

But that wasn't an exception. There were many other agencies—the Nuclear Regulatory Commission, the Consumer Product Safety Commission. I have a whole list in my study of areas where clearly there was a regulatory burden, but we couldn't estimate it so we carried it at zero.

Any fair and honest critic of our study would have said, "My goodness, there may have been some instances where we think you overestimated costs but there were far more cases where you patently underestimated the cost. Zero is surely an underestimate." Even though we flagged and labeled those areas of underestimate in our study, Nader chose to ignore them. That's why I can't take his so-called "study" seriously. It's a lawyer brief, it's not a serious study.

Q. What sort of information does a responsible economist use to do the type of estimates you've done? What are the components of such a study?

A. First of all, You survey the literature to see what available component studies have already been made, which is precisely what we did. For example, in the case of environmental regulations, we went to the U.S. Council on Environmental Quality and picked up their data. They each year estimate the cost of complying with environmental regulations. We ended up with nearly $8 billion estimated for compliance costs for environmental regulations.

By the way, for the year that I used the government's data, the Brookings Institution came up with higher numbers. I didn't use the higher numbers, I used the government's numbers because that was consistently the approach I took. Whenever there was a range of numbers on the cost of regulation, I took the low end of the range. That's another point that Nader and his people conveniently overlook. Whoever sees them take the low end of any range; they've always taken the high end of the range.

In the case of the Occupational Safety and Health Administration (OSHA), McGraw-Hill does an annual survey of the cost of compliance. I took the McGraw-Hill figures. In the case of the paperwork burden, which, by the way, came to $25 billion in 1976, I took the figures of the official U.S. Commission on Paperwork. Again, Nader has some quarrel with them, but he doesn't have his own numbers.

There is much good work done in this field if only Mr. Nader would look at it.

There was a reputable study done on Colorado by the economics firm of Bickert, Browne, Coddington and Associates which showed that regulation added $1,500 to $2,000 to the cost of a new, one-family home from 1970 to 1975. Similar studies in New Jersey and St. Louis confirmed that study.

Dow Chemical has shown that its costs due to regulation increased 27 per cent in one year—from 1976 to 1977, and that 45 per cent of the regulations went beyond good scientific, manufacturing, business or personnel practices. That's the sort of thing that is available if you are willing to look at it.

In the case of the old-line agencies he seems to like the data because he doesn't like the programs. If there's any indication of bias it's this. Where he likes the government program, he attacks my data; where he opposes the program he likes my data.

For the ICC and the CAB, the FCC—the old-line agencies—there was an established body of data in the economic literature. I took that and updated it. But again, wherever there was a range of estimates, I took the low end of the range, not because I thought those were more accurate, but because I wanted to be more conservative.

Q. Nader has a number of specific complaints about your study. One of them is that the Bureau of Labor Statistics has criticized your figures.

A. That's a substantial charge. The only problem is that it's a total falsehood. They have not criticized my numbers. I don't know why he repeats that lie. If you look at the supporting footnote, it is not a footnote to any Labor Department source or spokesman, but to a letter from someone in a regulatory bureau of the Department of Transportation.

Q. He also charges anti-regulators with having a cold-hearted attitude, with ignoring, for instance, 100,000 work-related deaths a year.

A. That's another figment of the Nader imagination. Several years ago, then-Secretary of HEW, Joseph Califano surfaced that number in a speech. Subsequent research so thoroughly discredited the number that he didn't use it again. The American Industrial Health Council in its 1979 report, Toward a Sound Public Policy on Carcinogenic Agents, showed that not only was the methodology used in determining that figure faulty, but it was applied to data that were off by as much as 100 percent.

Q. Are things like unemployment costs or figures for the effect of GNP included in your study? The Nader study asserts that regulation reduces unemployment.

A. First of all, I did not put in the effect of government regulation on unemployment. But if I had I would have reached the opposite conclusion.

For example, take the minimum wage laws: regulations under the minimum wage laws clearly reduce employment for teen-agers without offsetting increases for adult unemployment. Every professional study has shown that.

There's another example of where I underestimate rather than overestimate the burden of regulation. But if you think the employment of the regulators is a plus, and I don't think it is, then I have to say that the 80,000 jobs created directly by the federal budget to staff the agencies are more than offset by the hundreds of thousands of jobs lost due to the minimum wage.

Hundreds of thousands is a low estimate because the Center for the Study of American Business did an analysis of one increase in the minimum wage law. That one increase resulted in 200,000 teen-agers being unemployed because they were priced out of the labor market. One increase. And you know how many increases we've had in the minimum wage law.

Q. Nader claims that hundreds of thousands of people find jobs producing the hardware that help us comply with automobile emission standards, building into production facilities the health and safety procedures and equipment that OSHA and other agencies require, constructing major antipollution facilities, etc.

A. What Mr. Nader is conveniently forgetting are the inroads made on American production by foreign automobiles and other foreign goods which are not built under the same stringent government regulations. And we know the tremendous loss in American jobs due to rising imports.

Q. But the study claims that the jobs these workers do, do improve the quality of our lives and are therefore productive. As a matter of fact, one of the fundamental complaints Nader has about your approach is that it is based on cost-benefit analysis. He claims this does not take into account more humane considerations like quality of life.

A. Well, he meets himself coming and going, because by the end of the study he does a benefit cost analysis showing, or trying to show, that the benefits of regulation are greater than the costs. So quite clearly when Ralph Nader does a benefit cost analysis, that's O.K.; but if I do a benefit cost analysis, that's reprehensible. I have a little bit of a problem accepting that.

But look at the facts of the matter. Take job safety, take OSHA: what benefits have we gotten out of OSHA? Well, supposedly it's the safer work environment of the American worker. Very frankly, if that were the case, I think it would be a great bargain. If the $3.5 billion a year that American industry spends to meet the OSHA requirements were resulting in a safer work place, I'd say that's a great bargain.

But—and this is a fundamental problem—you can't assume, the way he does, that those regulations work. I urge you to look at the Labor Department's own statistics on days lost per worker in American industry since OSHA got started, days lost due to job-related accidents and job-related health hazards. Do you see any improvement? The data don't show any improvement.

According to the Bureau of Labor Statistics the work place got generally more hazardous in 1973, got better as usual during the recession that followed and worse again in 1977. It's quite clear that OSHA isn't working. So, sure, the costs are substantial, but you don't get the offsetting benefits.

Q. Let's talk about Nader's own study for a minute. It claims that the cumulative "life-saving and economic benefits" of five major agencies—OSHA, FDA, NHISA, EPA and CPSC—were "over $35 billion in 1978 and will be $80 billion by 1985 and have a potential annual benefit of over $200 billion." What do you think of their estimate?

A. "Butterfly statistics" is the phrase that comes to mind. You know, you need a number; well, you get out a net and grab the first number that comes by.

Q. Is there anything you can tell us about Nader's methodology? Have you examined his study?

A. Methodology is too kind a term. He is inclined to take uncritically any special interest that comes up with a high number for the benefits from any government regulatory program. And he will use the lowest cost estimate that he can and compare the two. To call that a study contradicts the very term scholarship.

Q. Well, what about, for instance, health care costs? Nader points out that such costs grew from $12 billion in 1950 to $200 billion today, and suggests that some of this is due to a deteriorating environment which regulation could improve.

A. Well, that's just the point. We've had OSHA since 1973 and we've had the rising health care costs. OSHA doesn't work. The regulations don't work. It's not a question of being a heavy and not caring about human life, only caring about dollars—that's a lot of nonsense. The sad fact of the matter is that more often than not those regulations just generate costs and don't generate offsetting benefits.

Q. If regulation isn't a solution to some of these problems, problems that we clearly have to deal with, what would be a solution?

A. Well, first of all, I don't think it's an either/or. I've never said that. I don't care what words my friend Ralph puts in my mouth. What I have said, is we have overregulated, which I've defined not in any emotional way but simply as the economist's shorthand for regulation that generates more costs than benefits. So to meet that situation, I've made, in my various studies, a variety of recommendations.

First of all, in the old line agencies like ICC, FCC and CAB, I've been urging greater reliance on competition, on market forces. As we've seen in the CAB case, that works. Through the old line agencies the government is literally a barrier to entry. If you reduce barriers to entry you get more competition and the consumer interest is served.

Very frankly, that won't happen in the case of the environmental and safety considerations. You've got to supplement the market. But you supplement the market, I think, not by opposing the market via detailed regulations, but by working through the market.

For example, most economists of all political persuasions who study environmental pollution say that the best way to deal with that is either through a redefinition of property rights in such a way that people are obliged to pay for the air and water they pollute, or a system of pollution permits and pollution taxes to make the act of polluting more expensive so that it pays to reduce the amount of pollution. That would be a far more cost effective way of achieving a healthy environment than the existing standards.

In the job safety area, for example, you need a variation of the insurance principle so that it becomes more costly to operate an unsafe working environment. But how the safer working environment is achieved—that is essentially a managerial decision. In some areas it'll pay a company to change its production methods. In some cases, to give safety equipment to employes. In other cases, to change the shifts around, train the workers in safer working procedures. But it is quite clear, looking at the facts of the matter, the government issuing detailed standards, detailed regulations, just doesn't work, doesn't get you a safer working environment.

In the case of product safety, every survey of the consumer I have seen comes up with the conclusion consumers don't want to see products banned by the government. What they do want is more information so they can make more intelligent choices on their own. That too would be a far more cost-effective approach.

So I don't come down with an either/or position. I'm not against the existence of government in a modern society. What I do say is that the current system of detailed government intervention isn't working, we need badly to reform government regulation. I think it is an interesting juxtaposition: those of us who are conservative are urging the change and reform and it's the Ralph Naders of the world who are the strong advocates of the status quo.

Q. How does a conservative economist deal with the plight of the poorer worker? Nader says that free choice is a farce for these people, that the choice for them isn't between a high risk-high pay and low risk-low pay job but between having a job or not having a job at all.

A. I must question when was the last time Ralph Nader was on the factory floor. When was the last time he left his law office? Because the reality is very different. Take OSHA's standards on deep-sea diving. This is a great example of protecting workers against themselves. The greatest gripes about the OSHA standards on deep-sea diving came from the deep-sea divers who are very well-trained, very well-experienced, very highly paid people who want to take risks.

First of all, the risks are very low, the rewards are very great, and that's the way they earn their livelihood. To make deep-sea diving more difficult, more onerous, less rewarding, is no favor to the deep-sea divers. Those regulations are the product of people who don't know how the real world operates.

Look, we choose not to live in a risk-free environment. For example, at a modern airport, airplanes take off and land every few minutes. If you wanted to reduce drastically the risk of crashes, you would say airplanes could only take off every 30 minutes. Why not a 25 m.p.h. auto speed limit instead of 55? The American public won't accept those interferences with their daily lives. They choose the risk.

The risks that Nader and his allies want to protect us from are often far more remote than the risks of flying or driving. I Ihad a discussion with HEW when they were saying that trichlorethylene, an additive that used to be used in decaffeinated coffee was carcinogenic. But the dosage needed to induce cancer was equivalent to a human being drinking 50 million cups of decaffeinated coffee, every day, for a lifetime.

I put it to the people at HEW, "If every man, woman and child in America drank 10 cups of decafeinated coffee daily, how many cases of cancer would result in this country? Ten a year"?

"Oh no, not that many."

"Five a year"?

"No."

"One"?

The poor fellow had to tell me he didn't think there would even be one additional cancer a year but that he couldn't be quite sure.

You know, those are great odds. Where else can I get such odds?

If they try to give us a risk-free environment, they'll get us back to the Stone Age. Think about it. The Stone Age was a very unsafe time for human existence.

Q. Are you suggesting, in a sense, that public reaction is a better guide to when regulation becomes excessive than studies like Nader's or even your own?

A. Well, that's the great virtue of the market. If 51 per cent of the people want to do one thing and 49 per cent want to do something else, well, in the market they can make that choice. When the government decides, everyone has to go along.

Let's take lawnmowers. The lawnmower is a so-called "hazardous product." Under the

Nader approach Big Brother in Washington would tell you whether you could use one. But every consumer survey I have seen says that the consumer wants to make up his or her own mind.

General Motors has to spend millions of dollars a year on surveys to find out what's on the minds of American consumers. But Ralph Nader knows without spending a nickel? How brilliant can he be that he knows without surveying them?

Q. What would a market alternative to regulation be like?

A. In the case of interstate trucking the market alternative would mean that many companies and individuals now eager to compete in the trucking market would be allowed to do so, when now so many of them are barred by regulation. Surely the consumer would be better served by having lots of competing truckers to choose from.

Right now the ICC restricts competition to a small group and then says they have to regulate that small group to keep them from charging monopoly prices. But the ICC created the monopoly in the first place. That's where the market would be far superior.

In the case of health and safety regulations, pollution taxes and permits would be an example of working through the market to encourage consumption of less polluting items. If items that are more polluting become more expensive than items that are less polluting, we'll have good reason as consumers to shift to less polluting items.

Q. Nader also disputes a number of traditional claims about regulation, for instance that it increases inflation, cuts productivity and slows down innovation. Let's take innovation. He says conglomerates are the main barrier to innovation and that the effect of regulation is negligible or positive.

A. He is so confused it isn't funny. Look at the research and development budgets of the major companies. You will find a rising share of these budgets going to what I call "defensive research," research to keep up with the regulators. When one-fifth, one-third, up to a half of research and development goes to unproductive uses, it's no surprise we're getting a slowdown of innovation and new technology in this country.

Q. What about inflation and productivity?

A. You don't have to take my word for it, look at the Department of Commerce's own studies. Ed Denison, a distinguished economist now at Commerce, has done pioneering work showing in detail how EPA and OSHA have diminished the productivity of this country.

Denison's work while he was still at the Brookings Institution showed that as of 1975 regulation was reducing business productivity by 1.4 per cent a year—knocking $20 billion off the GNP annually. Inflation? Who pays the real costs of complying with regulatory requirements? The consumer, in higher prices. To say that is not inflation, as Mr. Nader is maintaining, is economic nonsense.

Q. Have you had any previous experience with Nader? You think his study was not objective. Were you surprised?

A. I wasn't surprised at all. I've grown accustomed to this sort of thing. When the Nader Raiders agree with me, they'll cite me as a great authority. If they disagree with me they'll hurl all sorts of invective. But that's not unique. They do that with everybody.

Q. What are the best and worst things that have happened in government regulation recently?

A. The best is the move towards deregulating the airlines. Airline profits have improved and prices went down, so both consumers and companies benefited. Airlines are being used more, so workers have benefited. It's hard to find a single cost of deregulation in that case.

I wouldn't put the efforts of the Carter Administration in the same category. They've paid lip service to regulatory reform, but I can't point to any really serious reduction of inefficient regulation. But what I do find impressive is that the Carter Administration did feel obliged to go through the motions. It shows that even they must be sensitive to growing public resentment of regulation. That's good.

Similarly the Congress, particularly the Senate, has been holding hearings on regulatory reform. But by and large they have de-fanged the reform. What they need is to legislate a cost-benefit test. A regulator shouldn't be able to impose a new regulation without showing that it will do more good than harm, that the benefits exceed the costs. That, thus far, the Congress has been reluctant to do.

On the negative side, I'd say OSHA continues to be the real negative. They've gotten a lot of mileage out of eliminating the thousand or so "Mickey Mouse" regulations. That's desirable, and we literally ridiculed them into doing that.

Simultaneously, though, they've promulgated the general carcinogenic proposal. That's the serious one. That's the one which will, it is estimated, if it goes into effect, generate more costs than all the existing OSHA regulations. So maybe it is one step forward and three steps backward.

Q. What is the "general carcinogenic proposal"?

A. It hasn't taken final form yet but it will be a set of very tough standards limiting the level of cancer-causing materials in the work place environment. The problem is that the underlying research done so far indicates that the required levels of purity will be unrealistic and potentially more harmful than helpful.

Take asbestos, for example. In certain doses asbestos causes cancer. But the level of asbestos it looks like they are going to allow in the environment is way under the danger point. We may end up having asbestos effectively banned.

But asbestos can be a very helpful, life-sustaining substance. For one thing, it keeps your car from crashing—it's used in brake shoes.

The pipeline of regulation is full. We are going to see more regulation in the future. Frankly, that is why I came out with the new book, *The Future of Business Regulation*. Unfortunately, business regulation does have a future.

Q. How is regulation affecting energy production?

A. Here I think that it's become so apparent, despite stories about rip-offs by the oil companies, who the real culprit is—the government.

But sometimes I am encouraged. Two of our major newspapers, the New York Times and the Washington Post, each set up investigative groups to find out who caused the gas lines. In both cases the reporters came up with the conclusion that the basic problem wasn't OPEC and certainly wasn't the oil companies. It was the Department of Energy's regulation, allocation and price controls. It was DOE that was the basic culprit. Unfortunately, almost everyone else ignored the reporters.

Q. What about other sources of energy, either coal or so-called alternative sources? Does regulation affect their availability?

A. Very dramatically. I'm a strong advocate of solar energy. But most of the noisy advocates of solar power advocate government subsidy. I think that is silly. If you look at the transition in this country from whale oil to kerosene to gasoline as new energy sources, there wasn't any government subsidy involved, but neither were there any government price controls involved.

What delays the widespread use of solar energy?—the idiot policy of keeping the price of conventional fuel artifically low via price control. It's like putting your foot on the brake and the accelerator at the same time. The subsidy is the accelerator, but the artificially low price of conventional fuel puts the brake on alternative sources. It's idiocy.

Q. What about coal? Can we solve that one humanely? On the one hand we have old-style mining—dangerous to the point of cruelty; on the other hand, strip mining that destroys the land.

A. Strip mining regulation is a typical example of going too far. It's a good idea to require that the land be put in some usable condition. But Congress is requiring that the land be returned to its original contours—the most onerous possible regulation. It has the effect of making strip mining almost impossible.

If we didn't require returning land to the original condition, there might be lots of improvements, the land might be more readily used by farmers.

Take a look at Western Europe, West Germany for example. They haven't always returned the land to the original contour, but they've tried to leave the stripped land, first of all so that it's not an ugly eyesore, but also so that it can be used in other ways either agricultural or industrial.

Q. So you're almost suggesting we might get a double benefit out of strip mining.

A. Precisely. There are no tragic choices, there are only choices between intelligence and stupidity.

Q. It's very interesting to find a conservative economist who is as pro-solar as you clearly are. How soon are we going to get solar energy and how realistic an alternative is it?

A. We have some solar power now. If we let the market work, my grandchildren will have lots of solar energy, but only if we let the market work. It hurts to see the so-called proponents of solar energy interfere with the market and truly defeat their own purposes.

Q. If, as a birthday present, you got to abolish one federal agency, just one, which would it be?

A. Oh, what a pleasant thought. The Department of Energy would be my first choice. We would have more domestically produced energy than we have today, the resource cost of energy would go down and the American public would greatly benefit.

ADDITIONAL COSPONSORS

S. 2034

At the request of Mr. DURENBERGER, the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of S. 2034, a bill to amend title II of the Social Security Act as to modify the criteria respecting certain self-employment income for purposes of the social security retirement test.

S. 2165

At the request of Mr. RIBICOFF, the Senator from Minnesota (Mr. DURENBERGER) was added as a cosponsor of S. 2165, a bill to amend section 301 of title 13, United States Code, to protect the confidentiality of export data required by the Bureau of the Census for statistical purposes.

S. 2248

At the request of Mr. INOUYE, the Senator from New York (Mr. JAVITS) was added as a cosponsor of S. 2248, a bill to amend the International Travel Act of

1961 to authorize additional appropriations, and for other purposes.

S. 2249

At the request of Mr. Talmadge, the Senator from Texas (Mr. Bentsen) was added as a cosponsor of S. 2249, a bill to increase the minimum level of price support on quota peanuts for the 1980 and 1981 crops.

S. 2258

At the request of Mr. Talmadge, the Senator from Alabama (Mr. Stewart), the Senator from Arkansas (Mr. Bumpers), and the Senator from Georgia (Mr. Nunn) were added as cosponsors of S. 2258, a bill to alleviate the adverse affects of the suspension of trade with the Union of Soviet Socialist Republics on U.S. agricultural producers; and for other purposes.

S. 2282

At the request of Mr. Talmadge, the Senator from South Carolina (Mr. Thurmond) was added as a cosponsor of S. 2282, a bill to amend the Food Stamp Act of 1977 to provide the Secretary of Agriculture forfeiture authority.

S. 2292

At the request of Mr. Percy, the Senator from Mississippi (Mr. Cochran) was added as a cosponsor of S. 2292, a bill to amend title 18 of the United States Code with respect to arson for profit.

SENATE JOINT RESOLUTION 134

At the request of Mr. Cochran, the Senator from Alabama (Mr. Heflin), the Senator from Kentucky (Mr. Ford), the Senator from Florida (Mr. Stone), the Senator from Maryland (Mr. Sarbanes), the Senator from Minnesota (Mr. Boschwitz), the Senator from Mississippi (Mr. Stennis), the Senator from Florida (Mr. Chiles), the Senator from Michigan (Mr. Riegle), the Senator from California (Mr. Cranston), and the Senator from Georgia (Mr. Talmadge) were added as cosponsors of Senate Joint Resolution 134, a joint resolution to authorize the President to proclaim February 10, 1980, as "Energy Awareness Day."

SENATE CONCURRENT RESOLUTION 60

At the request of Mr. Jepsen, the Senator from Minnesota (Mr. Boschwitz), the Senator from Wyoming (Mr. Simpson), and the Senator from New Hampshire (Mr. Humphrey) were added as cosponsors of Senate Concurrent Resolution 60, a concurrent resolution expressing the sense of the Congress with respect to the treatment of Christians by the Union of Soviet Socialist Republics, and for other purposes.

SENATE CONCURRENT RESOLUTION 61

At the request of Mr. Jepsen, the Senator from Minnesota (Mr. Boschwitz), the Senator from Wyoming (Mr. Simpson), and the Senator from New Hampshire (Mr. Humphrey) were added as cosponsors of Senate Concurrent Resolution 61, a concurrent resolution expressing the sense of the Congress with respect to the treatment of Christians by the Union of Soviet Socialist Republics, and for other purposes.

RESOLUTION 371—SUBMISSION OF A RESOLUTION WAIVING CONGRESSIONAL BUDGET ACT

Mr. WILLIAMS submitted the following original resolution, which was referred to the Committee on the Budget:

S. Res. 371

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 446. Such waiver is necessary because, although no actual expenditures would be made before October 1, 1980, section 7 of the bill technically authorizes enactment of new budget authority for the present fiscal year and was reported on September 13, 1979.

SENATE RESOLUTION 372—SUBMISSION OF A RESOLUTION RELATING TO TRANSPORTATION PROBLEMS OF ELDERLY IN RURAL AREAS

Mr. PRESSLER submitted the following resolution, which was referred to the Committee on Commerce, Science, and Transportation:

S. Res. 372

Resolved, That it is the sense of the Senate that the Department of Transportation should conduct a study of the transportation problems of the elderly in rural areas, and should report the results of such study to the Senate at the earliest practicable date, but not later than four months after the date on which this resolution is agreed to.

Sec. 2. The Secretary of the Senate shall transmit a copy of this resolution to the Secretary of Transportation.

Mr. PRESSLER. Mr. President, today I am submitting a resolution which would request the Department of Transportation to conduct a study of the transportation problems of the elderly in rural areas.

Last week, during the session of the South Dakota State Legislature a resolution was adopted which requested the Department of Transportation to conduct a study of the transportation problems of the elderly in rural areas and recommend to Congress possible solutions to these problems. I ask unanimous consent that the State resolution be printed immediately following my remarks.

In the past year, I have held two Aging Seminars in South Dakota, one in Rapid City and the other in Aberdeen. The message from South Dakota senior citizens was one of great urgency when speaking of their transportation problems. The lack of public transportation and the skyrocketing cost of fuel have caused many senior citizens living in rural areas to become stranded, miles from needed food and medical assistance.

A lack of substantive data on this problem, however, precludes Congress from acting to assist the elderly Americans living in rural areas. In an article entitled "The Rural Aged," E. Grant Youmans, speaks of this problem:

> The growing attention to problems of the elderly has been accompanied by an enormous volume of literature about aging. . . . In such a rapidly growing research field, there has been a notable defect—the limited number of studies of older persons living in rural environments in the United States. . . . Almost all social gerontologists are urban dwellers, and their research efforts have been directed mainly to studies of human aging in city environments.

The limited number of studies that are available dealing with the problems of the rural elderly do not deal with their transportation problems. It seems to me that this is a major problem that must be dealt with by Congress. It does little good for us to offer Federal programs to the elderly in rural areas if these same elderly cannot have access to these programs because of a lack of affordable transportation.

Mr. President, I ask that my colleagues give serious consideration to the cosponsorship of this resolution. We must begin dealing with the problems of the rural elderly.

There being no objection, the concurrent resolution was ordered to be printed in the Record, as follows:

Senate Concurrent Resolution

A concurrent resolution requesting the United States Department of Transportation to conduct a study of the transportation problems of the elderly in rural areas.

Whereas, South Dakota has one of the highest ratios in the nation of elderly individuals to the general population; and

Whereas, the State has among the fewest doctors per capita in the nation resulting in centralized medical services; and

Whereas, South Dakota is primarily a rural state with great distances between communities; and

Whereas, elderly individuals living in rural areas on a fixed income must travel great distances to obtain needed food and medical assistance; and

Whereas the skyrocketing prices of petroleum and the resulting rise in transportation costs increasingly places a greater burden on the fixed incomes of the elderly to maintain the basic necessities of life; and

Whereas the Federal government to this point has taken only limited affirmative steps to assist the elderly in rural areas to meet their transportation needs;

Now, therefore, be it *resolved* by the Senate of the 55th Session of the State of South Dakota, the House of Representatives concurring therein, that the South Dakota Legislature hereby request that the United States Department of Transportation conduct a study of the transportation problems of the elderly in rural areas and recommend to Congress possible solutions to these problems.

Be it further *resolved* that the Secretary of the Senate forward copies of this resolution to the President of the United States of America, to the Secretary of the United States Department of Transportation and to each member of the South Dakota Congressional Delegation.

SENATE CONCURRENT RESOLUTION 78—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO THE INDEPENDENCE OF THE REPUBLIC OF TUNISIA

Mr. STONE (for himself and Mr. Percy) submitted the following original concurrent resolution, which was referred to the Committee on Foreign Relations:

S. CON. RES. 78

Whereas the Republic of Tunisia has been, since gaining independence in 1956, a close friend of the United States, a responsible member of the international community, and a force for stability in North Africa; and

Whereas the Congress commended the Republic of Tunisia in House Resolution 163 on the occasion of the Twenty-third Anniversary of its independence; and

Whereas the Republic of Tunisia in January of this year was the object of an unwarranted attack organized and supported by external forces; and

Whereas the Government of the Republic of Tunisia continues to be the focus of an intensive propaganda effort launched from outside the country; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the Government and people of the United States reaffirm their longstanding friendship for the Republic of Tunisia and expresses their concern with and support for the continuing independence, sovereignty and integrity of the Republic of Tunisia.

NOTICES OF HEARINGS

SUBCOMMITTEE ON THE HANDICAPPED

● Mr. RANDOLPH. Mr. President, as chairman of the Subcommittee on the Handicapped, I announce that our subcommittee has scheduled an oversight hearing on Public Law 94-142, the Education for All Handicapped Children Act of 1975. The hearing will be held on Monday, March 3, 1980, in room 4200, Dirksen Senate Office Building, starting at 9:30 a.m.

Persons wishing additional information should contact Mrs. Patria Forsythe, staff director, 10-B Russell Senate Office Building, Washington, D.C. (202) 224-9075.●

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

● Mr. JACKSON. Mr. President, I would like to announce a change in the schedule for the hearings of the Committee on Energy and Natural Resources on the geopolitics of oil. The hearing previously scheduled for February 14 has been canceled. The revised schedule is as follows:

February 19, "Other Producers" (continued) Nigeria, Angola, and China.

February 21, Soviet Bloc.

March 11, the Industrialized Consumers.

March 14, the Less Developed Countries.

All hearings will begin at 8:30 a.m. The hearing scheduled for February 19 will be held in room 224, Russell Senate Office Building. All other hearings will be in room S-407 of the Capitol and will be closed to the public. For further information, contact Jim Pugash, staff counsel, at (202) 224-0611.●

SELECT COMMITTEE ON SMALL BUSINESS

● Mr. NELSON. Mr. President, on March 4, 1980, the Select Committee on Small Business will hold hearings on S. 2224, a bill to increase the authorization levels for the Small Business Administration's 7(1) energy loan program. The hearings will be held at 9:30 a.m. in room 424 of the Russell Senate Office Building. Questions may be directed to the committee staff at 224-5175.●

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON NUCLEAR REGULATION

Mr. EXON. Mr. President, I ask unanimous consent that the Subcommittee on Nuclear Regulation of the Committee on Environment and Public Works be authorized to meet during the session of the Senate today to mark up nuclear waste legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

DR. MILTON FRIEDMAN'S PRESCRIPTION FOR THE 1980'S

● Mr. DOLE. Mr. President, much attention has been focused on the monetary policies that the Federal Reserve has been trying to implement since last November; that is, to limit the rate of growth in the money supply, and to tighten procedures so that money supply targets are more likely to be hit. Last week, the Fed boosted interest rates by another percentage point, possibly a sign that the new procedures have not yet been fully "worked in" to the system. In addition, the Federal Reserve has altered its traditional measurements of money supply growth—M1, M2, and so forth. The changes are designed to reflect recent innovations in the way our banking and financial system operates.

Many commentators view the Fed's performance as a tribute to the growing influence of ideas espoused by Dr. Milton Friedman. Dr. Friedman has long espoused the view that controlling the money supply at a steady rate of expansion is the key to economic growth without inflation. As for Dr. Friedman himself, he will withhold judgment on Federal Reserve policies until they show some results over a period of time. That is one of a number of interesting comments that Milton Friedman made on the public broadcasting program, "Wall Street Week," on January 4 of this year.

Mr. President, many people are aware of Dr. Friedman's leadership of the monetarist school of economic thought, and of the fact that he was awarded a Nobel Prize for his contributions in that area. Fewer people know that Dr. Friedman is an outspoken advocate of changing our way of thinking in many areas of public policy. This situation may change as a result of the public television series "Free To Choose," which presents Dr. Friedman's approach to a number of the most critical problems of our society. Even those who disagree violently respect Dr. Friedman for the intellectual clarity and forceful presentation of his views.

On the January 4 "Wall Street Week" program, Milton Friedman was asked to identify three legislative measures that would control inflation and put the economy back on the right track. This Senator, for one, was particularly gratified by the response. Dr. Friedman cited three issues that have been of great concern to me—tax indexing, a constitutional amendment to control Federal spending, and the windfall profit tax.

Mr. President, let me quote Dr. Friedman on the subject of tax indexing legislation. This issue is his top priority, as it is for the Senator from Kansas:

> Number One, and I would put at the top of the list for Congress, would be to adjust the corporate and personal income tax so as to be adjusted against inflation—to index the tax system. Because right now, one of the major reasons we have inflation is because it's a way in which Congress can impose higher taxes on all of us without having to vote for it. You have a lot of talk right now about tax cuts. That's nonsense, nobody is really talking about cutting a tax. All anybody is talking about is not having taxes go up as much as they otherwise would. The effect of inflation, the effect of the higher social security tax, the effect of mislabeled windfall profits tax are all going to be to raise taxes. Taxes will be higher in 1980 no matter what legislation Congress passes, and the first step to stop that process, in my opinion, would be to index the tax system. And that by itself will not stop inflation, but it will take away the incentive for Congress and the Administration to produce inflation.

That is exactly right. That is why over a year ago I introduced the Tax Equalization Act, S. 12, to index the personal income tax for inflation. I sponsored similar legislation in the 95th Congress, and in each Congress the measure has been brought to a vote on the Senate floor. Support is growing, and I hope we may achieve Dr. Friedman's priority goal in this Congress.

Mr. President, Dr. Friedman's second priority is to amend the Constitution so as to limit Federal spending. Last year, I introduced Senate Joint Resolution 5, which would limit spending as a percentage of GNP and require a balanced budget. I am also pleased to be a cosponsor of Senate Joint Resolution 126, which has been approved by the Subcommittee on the Constitution. This amendment would require a balanced budget and would limit revenues to the percentage of national income they constituted in the previous year, unless Congress explicitly votes otherwise. I strongly support this amendment, and I will work for its approval by the Judiciary Committee. I believe the amendment will achieve the goals Dr. Friedman desires, by putting the political burden of proof on Congress to increase taxes if it wants to raise the level of Federal spending. The Senator from Kansas hopes that those who share Milton Friedman's views on limiting the size of Government will support Senate Joint Resolution 126, which I believe has a good chance of being acted on by the Senate this year.

Milton Friedman's third priority for 1980 is for Congress to reject the windfall profits tax. Dr. Friedman believes, in his words, that—

> We are very vulnerable in the Persian Gulf—it's a major source of danger to our national security. There is nothing we could do that would improve from a long run point of view our strategic position in the Persian Gulf so much as abolishing the Department of Energy, ending oil and gas price control, and forgetting about the windfall profits tax—because those measures would be strong measures to make us independent of the Persian Gulf—to make us less dependent on that very vulnerable supply of oil.

Mr. President, since the windfall profit tax bill was brought up before the Senate Finance Committee, I have worked for a fair tax with adequate incentives for domestic production to prevent an increase in our dependence on foreign oil. We have had some success in limiting the tax on new oil and certain types of domestic production, but I do share Dr. Friedman's concern that the net effect of the tax could be to increase our dependence on the Persian Gulf—at a time when events in that area have dramatized, as never before, the risks inherent in such dependence. The Senator from Kansas deems it unlikely that the windfall tax will be rejected, but Dr. Friedman's remarks serve to underline the point that we must be certain that the final version of the tax will not cripple our efforts to achieve energy independence. Those Members of Congress who have turned this bill into a revenue measure, rather than an energy initiative, would do well to heed this danger.

This, then, are Milton Friedman's legislative priorities for our economy in 1980. It would be false modesty for the Senator from Kansas to deny that his own legislative initiatives for restoring good sense to economic policy bear a remarkable resemblance to Dr. Friedman's prescriptions. Tax indexing, constitutional limits on Federal spending, and preserving incentives for domestic energy production will, in the long run, help bring down inflation, restore stable economic growth, and give our Nation better control over its energy supply. I am glad to be in accord with Dr. Friedman on these issues, and I hope that more and more of my colleagues will do the same. Dr. Friedman deserves great credit for his efforts over the years to bring such issues to the attention of the public, and to compel us to rethink our approach to economic problems. It is true that no legislator can act solely on the basis of economic theory, because we are responsible to our constitutents and must make compromises in order to make any progress at all. That is why our legislators are politicians, not economists. But ideas do have consequences, and the ideas of Milton Friedman have already had significant consequences, as is attested by the actions of the Federal Reserve Board. I hope that Dr. Friedman's ideas continue to influence our policymakers, because I believe the Nation will profit from the result.●

WHAT AMERICA STANDS FOR

● Mr. BOREN. Mr. President, I would like to share with my colleagues a copy of an article from the Okmulgee, Okla., Daily Times. Especially in light of the current frustrations we are facing in world events, this article brings a needed reminder of what America stands for, and encourages a strong pride in our country that sometimes seems to be found lacking.

The article follows:

> ### Let's Become One Flag Waving City
>
> We strongly believe that now is the time for all Americans to reaffirm their belief in the principles of the Declaration of Independence and physically show allegiance to the United States of America. What better way is there than to fly the colors we so strongly believe in? The majestic Red, White and Blue of Old Glory! We'd like to see Okmulgee, Oklahoma, become the most visual Flag Waving City in our country.
>
> Our country is currently facing more problems, national and international, than we have in a long period of time. Our beliefs, our principles, and our honor have been challenged from all points of the globe.
>
> We take great pride in the freedom of being able to criticize the actions of our own government, the politics and what we personally feel are injustices. We can even relish in the freedom we have to personally consult with our representatives of government and suggest our ideas in solving national situations. Our freedom is so great that we can voice strong vocal criticism, publicly, with no fear of reprisal, even to the point of verbal criticism of the President of the United States of America. No other nation in the entire universe can make this claim.
>
> While we ourselves accept our freedoms as a commonplace inheritance, just a matter of fact, we deeply resent the silent implication of other nations and the spoken accusations that it is our country that is at fault for all the unrest throughout the world. How long has it been, that we have been heavily taxed to make it possible to feed and rebuild war-torn and needy nations? . . . Only to have them turn on us once they have regained their composure.
>
> But America is a forgiving nation. We would like to see all people in the universe living under freedom loving governments, and our government strives toward that end. Unfortunately there are other governments who do not share our dreams of a world of free nations, their goal is conquest at any cost.
>
> We believe in America! And we believe that now is the time to stand up and be counted. Let's do some Flag Waving. Let's make Okmulgee, Oklahoma, U.S.A. the Flag Wavingest town in the whole country.
>
> We, at the Okmulgee Daily Times, feel that our readers think as we do on this issue. We had planned to publish a double page declaration of our belief on Sunday, January 27, along with signatures of citizens in the area who feel as we do. This declaration is dedicated to, Once Again, reaffirm ourselves to the Principles of the Declaration of Independence and Allegiance to the United States of America.
>
> The idea was to charge $2.00 for each person signing the "Affirmation" except for those citizens over 60 years of age. The charge for our Senior Citizens to be $1.00. All proceeds derived from the double-page spread will be contributed by the Okmulgee Daily Times in behalf of the Citizens of Okmulgee to the Veterans Hospital Canteen Fund, Muskogee, to provide items for our veterans who have served in previous conflicts.
>
> In the meantime we discovered a source of miniature flags on an 11-inch staff. We have set up the date of publishing the "Affirmation" to February 10, 1980, (just two days before Lincoln's birthday).
>
> Each person signing the "Affirmation", reaffirming his-her self to the Principles of the Declaration of Independence and Allegiance to the United States, will receive a miniature (4'' x 5½) flag to be proudly flown from their auto antenna. All those citizens who have already signed, please drop by the Daily Times office and get your flag.
>
> You are invited to add your signature to these pages. The "Affirmation" is on display in the Conference Room in the Business office of the Okmulgee Daily Times and may be signed by the public anytime during normal business hours. (8 a.m. to 5 p.m. Monday through Friday).
>
> Copies of this "Affirmation" of the People of Okmulgee will be forwarded to each of our elected officials in the state Legislature, and the Congress, as well as to Governor Nigh and the President of the United States.
>
> Can you imagine such a sight as every auto in Okmulgee, Oklahoma, flying an American Flag and shouting loudly so the whole world can hear. . . . "We believe in our American heritage, we declare our independence, and we stand behind the United States of America!" ●

DEFENSE SPENDING

● Mr. BAUCUS. Mr. President, on January 28, President Carter submitted the administration's budget for fiscal year 1981. One quarter of that budget, nearly $160 billion, will go toward our national defense.

Obviously, the specifics of the President's budget request will require careful scrutiny and informed debate, and I intend to participate in that debate fully.

At this time, however, I would like to focus on the larger, more fundamental question; that is, what constitutes a strong defense and how much should we be willing to pay for it? This is the key issue and will be the subject of long and difficult debate in the Senate over the next months.

Certainly, a strong defense is capable of protecting America from any outside threats. It discourages Soviet aggression, direct or indirect, against America, her allies, or any other sovereign nation. In short, a strong defense insures the security of America and her allies by making war an unattractive alternative for potential adversaries.

But how do we measure that strength? The most simplistic measurement uses dollars and cents. By that measure, the United States will be 5-percent stronger this year than last if we support the President's budget request. But this measurement of strength is far too simplistic and dangerous in this age of vying nuclear superpowers.

I believe in a strong America. But we must understand our strength in all its depth and dimension. Perhaps the most profound dimension of Americas strength is the vitality of our democracy and the freedom it affords each and every one of us. Another powerful aspect of American strength is the spirit and determination of the American people. The vital role of a vigorous national economy and our tremendous wealth of natural resources is also well recognized. Moreover, we should continue to keep uppermost in our minds another essential component of our Nation's strength—the loyalty and respect of our allies. And, of course, any measure of our strength inevitably will include an analysis of America's military might.

Maintaining a strong defense costs a great deal of money, and I am prepared to spend whatever is necessary to insure the security of this great Nation.

President Carter has requested nearly $160 billion to accomplish this task. This increase represents a 5-percent real increase in budget authority over last year. A 5-percent increase in defense spending may well be necessary. But I am concerned that wise, necessary increases in defense spending must not be simply crude, across-the-board percentage increases, but rather, must be carefully reasoned and targeted.

We must nourish and sustain all the aspects of America's strength. To devote excessive resources directly toward military production drains resources away from many of America's other equally vital strengths.

We must also bear in mind that military spending is one of the most inflationary kinds of spending, creating enormous buying power without creating consumer or investment goods for the market. Inflation saps America's strength both at home and abroad, weakening the domestic economy, the power of the dollar overseas, and the individual purchasing power of each and every American.

We must devote the necessary research and resources to our defense, but we must not forget the other serious problems we are grappling with. To the extent that we devote our enormous wealth of talent and resources into defense, rather than into nondefense activities, we risk drawing money and attention from other areas of domestic concern, such as developing a viable mass transit system, revitalizing our older cities, or helping America to become energy independent.

World War II was not won by America and her allies because of our tremendous defense capabilities alone, though these were certainly considerable. Rather, America was able to contribute to the Allied victory because of its tremendous agricultural and industrial capacity. When our security was threatened, we were able to convert our tremendous productive capacity to the war effort.

I support a strong, efficient, lean defense. We must maintain our flexibility. We must avoid the specter of a bloated, lumbering superpower—stumbling, blustering, and alienating the world, but unable to respond in a tough and appropriate manner when an actual challenge to our security occurs.

Much is made of the fact that Russian defense spending has outpaced American military spending in recent years. Whether or not this is actually the case, the fundamental point is that higher defense spending does not necessarily translate directly into better, stronger defense. For example, the Soviets spend several times more on agriculture than the United States, but still cannot manage to adequately feed their own people. At the same time, my own State of Montana exports 80 percent of its grain to foreign countries.

Calm and determination are crucial during these tense times. We must not confuse dollars with sense, or beligerence with toughness.

I will close my remarks with a quote by Dwight Eisenhower, who said:

> There is no way in which a country can satisfy its craving for absolute security—but it can bankrupt itself morally and economically in an attempt to reach that illusory goal through arms alone. The military establishment, not productive of itself, necessarily must feed on the energy, productivity, and brain power of the country, and if it takes too much, our total strength declines.

Mr. President, debate and critical thought, impossible in the Soviet Union, are a fundamental part of American freedom. I intend to use these cherished freedoms during debate on our defense needs. Throughout, I will keep in mind the vital need for a strong defense posture, and I am fully prepared to spend whatever is necessary to insure the security of the United States. But, I will also try to bear in mind that America's strength far surpasses any numerical measurement of defense dollars or nuclear warheads.●

THE 1980 WASHINGTON LOBBY OF THE STUDENT COALITION FOR SOVIET JEWRY

● Mr. HEINZ. Mr. President, it is my pleasure to welcome to Washington over 1,000 members of the Student Coalition for Soviet Jewry, here today for their fourth annual Washington lobby. I have the honor of serving as cochairman of this year's effort, together with Senator CRANSTON, Congressman BUCHANAN, and Congressman DRINAN.

The Student Coalition for Soviet Jewry was formed 4 years ago by a group of students concerned about the repression of Jews in the Soviet Union and determined to do something about it themselves—to take the initiative, rather than to sit back and leave all the work to their elders or someone else. These students saw that an effective response to the plight of Soviet Jewry demanded increased communication between American citizens and their Representatives in Washington. They have been working toward this goal with dedication and diligence—and success—and have attracted considerable recognition in so doing.

As you are all no doubt aware, members of the coalition from your home States have prearranged meetings with you and your staff. They will also be talking today with their Congressmen, officials at the Soviet affairs desk of the State Department, and members of the White House staff. A 24-hour vigil in front of the Soviet Embassy is now in progress. Following the day's events, a profile book on the Congress will be published, delineating each Member's past record on Soviet Jewry questions and the substance of the meetings held today; this book will be widely distributed within the Jewish community.

The problems that have aroused these students' concern are more serious today than ever. There were signs last year that the Soviet Union's treatment of its Jewish citizens might be improving; five political prisoners were released in April, followed shortly by five more. But that event was the fruit of worldwide public attention in a climate of détente. Now the Soviet Union's lamentable conduct in Afghanistan has led to a significant worsening of relations between it and other nations. There are valid fears that the victims of these worsening relations will be Soviet Jews—especially those who in the past have been critical of the Soviet Union's actions. There are fears that the Russians, no longer seeing anything to be gained from a policy of conciliation, will crack down on the dissidents within its borders. There are also fears, however, that our own Government may abandon the cause of Soviet Jewry in pursuit of other, more security-minded objectives.

For that reason, I urge you to welcome the representatives of the student coalition and to listen to them carefully. These young people come well informed and sincere. They deserve our respect for their commitment and our thanks for their efforts.●

THE TRANSFER OF ADVANCED TECHNOLOGY TO THE SOVIET UNION

● Mr. STONE. Mr. President, I submit for the RECORD two articles concerning the transfer of advanced technology to the Soviet Union. It disturbs me that such a portion of Soviet military capability is based on technology given them by the United States. It also disturbs me that once a decision has been made by the administration to stop this transfer of technology that we find it so difficult to do so. It appears that our colleague, Senator HARRY F. BYRD, JR. is on the right track.

The article follows:

[From the Wall Street Journal, Feb. 8, 1980]

THE KAMA RIVER SOURCE

(By Craig Roberts)

When Soviet invasion forces rolled into Afghanistan in trucks built at the big new Kama River plant with the aid of U.S. technology and financing, they raised dust in Washington as well as on the road to Kabul.

Everyone has always assumed it to be U.S. policy not to sell the Russians things that might help them militarily. Quite obviously, that policy has some serious holes in it. Some are even bigger than the one that allowed sophisticated U.S. equipment to go into the production of diesel engines at Kama River and allotted $153,950,000 in Export-Import Bank financing to enable the Russians to buy all that high-priced hardware. Answers are needed and no one is rushing forward to supply them. Quite the contrary, the Commerce Department, which is in charge of licensing such exports, seems to be intent on keeping the process surrounded by secrecy.

U.S. licensing practices came under fire months before the latest Soviet aggression emphasized the importance of the issue. In May of 1979, Lawrence J. Brady, acting director of the Commerce Department's Office of Export Administration, testified before a House Armed Services subcommittee that the department was not enforcing its own regulations which prohibit the military diversion of U.S. licensed technology. The Kama River plant was cited.

As it happens, the morning of the day Mr. Brady testified, the subcommittee had received CIA confirmation that U.S. technology was being diverted to military use at the Kama River plant. It also received word that the Department of Defense was pressing the Commerce Department to apply the required sanctions.

Mr. Brady's testimony hardly made him a hero with his superiors. In addition to preparing briefs in their own defense—which had the interesting by-product of also defending the Soviets—they set about to destroy his credibility and demote him, or so a later investigation indicates. That investigation, conducted by the Office of Special Counsel, held that the pressures applied to Mr. Brady violated his rights as a civil servant. The Secretary of Commerce was instructed to "restore to Mr. Brady his full duties and responsibilities" and ordered to see to it that "no reassignment, transfer or detail of Mr. Brady be effected without consultation with and concurrence of Mr. Brady and this office."

Mr. Brady enjoyed further vindication when President Carter responded to the Afghanistan invasion by ordering an embargo on further transfers of U.S. technology to the Soviet Union. Nevertheless, he resigned last month, charging that Commerce officials were "trying to find loopholes in the . . . embargo . . . the President has ordered." He said he could not continue to serve officials "who would knowingly improve the military strength of an enemy of this country and would make every attempt possible to cover up these actions."

These are harsh words, quite likely too harsh with fellow bureaucrats given the twists and turns American Presidents have taken on this issue and the attempts they have made to use technology transfer and trade for political leverage with the Russians. No less a tactician than Henry Kissinger played a direct role in granting the Kama River licenses.

But it clearly is time to re-examine this issue and a good way to start would be to cut away the secrecy that has surrounded technology transfer. Commerce has been doing just the opposite by fighting off Freedom of Information suits and other efforts by journalists to find out what companies sold what items to the Russians.

It is most likely the files would show even more serious lapses than the one involving Kama River. Intelligence sources believe that the Soviets could not have installed multiple warheads on their intercontinental missiles as quickly as they have if a U.S. firm had not been permitted to sell them a unique machine that produces high quality miniature ball bearings. Congressional sources, backed by independent intelligence estimates, claim that U.S. technology helped the Russians develop guidance systems and gyroscopes for ICBMs and antisubmarine devices that make U.S. Trident submarines more vulnerable.

This all requires more explanation. It suggests that a new debate is needed on the old question of "linkage," or giving the Russians certain favors in return for concessions elsewhere. It is a matter far too serious to be surrounded by secrecy and cover-ups. While Mr. Carter is trying to decide where we go from here on technology transfer, it is only fair for the Congress and the public to know where we've been.

[From the Richmond Times Dispatch, Feb. 11, 1980]

BUSINESS AS USUAL

(By Joe Duggan)

When the Red army rumbled into Afghanistan at Christmastime and poised itself to take easy advantage of political chaos in Iran as a potential means of gaining control of the Persian Gulf region's oil, President Carter wanted the American people to believe that he was taking adequate countermeasures. The newly alerted commander-in-chief called for increased military spending (but not for the resurrection of such torpedoed systems as the B-1 bomber and the neutron bomb), for resumption of draft registration, and for trade sanctions—an embargo on grain sales and restrictions on technological transfers to the Soviet Union.

Withholding advanced technology probably is the strongest penalty the United States could exact against the Soviets as well as the measure most helpful to our own defensive interests. There is little disputing that the Soviet army would not have become "the most powerful land army in the world," as the U.S. Defense Intelligency Agency recently described it, if the American government had not allowed certain U.S. firms to export precision instruments, highly sophisticated electronic gear and the like to the Soviet Union.

Sadly and alarmingly, evidence came to light this week showing that for several years high administration officials have employed bureaucratic obstacles and deliberate cover-ups to render ineffective the government's intended restrictions on export of strategically sensitive products. Even after President Carter's well-publicized order to restrict the export of crucial technology to the Soviet Union, an intra-bureaucratic campaign to continue the exports is taking place, while the president's own determination to curtail technology transfers is anything but evident.

Testimony by strategic exports and comments by senators at a recent session of Sen. Harry F. Byrd Jr.'s subcommittee on military procurement revealed the following:

Dozens of licenses for export of sensitive instruments to communist countries have been granted in recent years over the opposition of officials in the responsible agency, the Commerce Department's Office of Export Administration, through the intervention of higher-ups, including former Secretary of State Henry Kissinger and leading officials in the Carter administration's Commerce Department. (Lawrence Brady, the government "whistleblower" who in several appearances before congressional panels has revealed these and other contraventions of American national security interests, recently was forced from his Commerce Department post in a shameful bureaucratic intrigue that will be the topic of future discussion here.)

Because of a ridiculous twist to the "proprietary confidentiality" provision of existing American export law, the Commerce Department will not allow U.S. intelligence services access to files regarding strategic trade to the communist bloc, not even to files concerning documented illegal diversions of strategic equipment from civilian to military purposes. Lt. Col. James Dearlove of the Defense Intelligence Agency told Senator Byrd's subcommittee that his agency never has asked the Commerce Department to provide information on the Soviets' military use of American technology "because I knew the answer would be 'No.' " One result of this absurd policy is that American intelligence agencies even now are seeking to determine by expensive satellite surveillance what already is known to certain officials of the Commerce Department in Washington.

Although White House congressional liaison Frank Moore pledged last month that the administration would "severely limit" trade with Russia, including "general commerce," the Commerce Department has just approved the sale of an entire assembly line to the notorious Kama River truck plant where military vehicles employed in the Afghan invasion were manufactured with American expertise and capital.

President Carter apparently has abandoned commitment to effective strategic export restrictions. At the subcommittee hearing Sen. Strom Thurmond and Senator Byrd stated categorically that they had been assured by President Carter last month in a private meeting at the White House that the administration would halt technology sales to the Soviet satellite countries as well as to Russia. White House spokesman Rex Granum later replied that Mr. Carter made no such promise. In addition to implying that Senators Thurmond and Byrd are liars, Mr. Granum has suggested that the White House has chosen to close its eyes to the reality of Eastern Europe, its total de facto control by the Kremlin.

Despite the "get tough" rhetoric of Jimmy Carter since the Afghan invasion, it is clear that, to an alarming extent, his administration is carrying on business as usual with the Soviet Union. Congress can and should act to correct existing contraventions of our national interest in international trade policy. Toward this end, Senator Byrd's office has been speaking of new legislation to make certain that U.S. intelligence agencies are informed of all strategic trade. But if the scandal of sending the Soviets sophisticated devices they intend to use to strangle us is to be ended, Jimmy Carter will have to be born yet again—with the will to protect our national security without vacillation.●

A PROPOSED FEDERAL ELECTION COMMISSION REGULATION

● Mr. DOLE. Mr. President, the Federal Election Commission has submitted the following regulation to Congress:

PROPOSED F.E.C. RULE

11 CFR Chapter I is amended as follows:

1.11 CFR 100.4(b) (16) is added to read as follows:

"§ 1004.4 Contribution.

(b) ***

(16) Funds provided to defray costs incurred in staging nonpartisan candidate debates in accordance with the provisions of 11 CFR 110.13 and 114.4(4).

2.11 CFR 100.7(b) (18) is added to read as follows:

"§ 100.7 Expenditure.

(b) ***

(18) Funds used to defray costs incurred in staging nonpartisan candidate debates in accordance with the provisions of 11 CFR 110.13 and 114.4(e).

3.11 CFR 110.13 is added to read as follows:

"§ 110.13 Nonpartisan candidate debates.

(a) Staging organizations. (1) A nonprofit organization which is exempt from federal taxation under 26 U.S.C. § 501(c) (3), and a nonprofit organization which is exempt from federal taxation under 26 U.S.C. § 501(c) (4) and which does not endorse, support or oppose political candidates or political parties may stage nonpartisan candidate debates in accordance with 11 CFR § 110.13(b) and 114.4(e).

(2) Broadcasters, bona fide newspapers, magazines and other periodical publications may stage nonpartisan candidate debates in accordance with 11 CFR 110.13(b) and 114.4 (e).

(b) Debate Structure. The structure of debates staged in accordance with 11 CFR 110.13 and 114.4(e) is left to the discretion of the staging organization, provided that (1) such debates include at least two candidates, and (2) such debates are nonpartisan in that they do not promote or advance one candidate over another.

4.11 CFR 114.4(e) is added to read as follows:

"§ 114.4 Nonpartisan communications.

(e) Nonpartisan candidate debates. (1) A nonprofit organization qualified under 11 CFR 110.13(a) (1) may use its own funds and may accept funds donated by corporations or labor organizations under 11 CFR 114.4(e) (3) to defray costs incurred in staging nonpartisan candidate debates held in accordance with 11 CFR 110.13.

(2) A bona fide broadcaster, newspaper, magazine and other periodical publication may use its own funds to defray costs incurred in staging nonpartisan public candidate debates held in accordance with 11 CFR 110.13.

(3) A corporation or labor organization may donate funds to nonprofit organizations qualified under 11 CFR 110.13(a) (1) to stage nonpartisan candidate debates held in accordance with 11 CFR 110.13 and 114.4 (e)."

This regulation will provide a narrow exemption from the provisions of the Federal Election Campaign Act to permit certain nonprofit organizations and news media organizations to stage nonpartisan Federal candidate debates. Under this exemption expenditures for staging such debates will be regarded as neither made for the purpose of influencing an election nor in connection with a Federal election.

This regulation has not been enacted into law. The proposed regulation was published on December 27, 1979, but it will not go into effect until 30 legislative days after the regulation was transmitted to Congress. Presently the FEC has no regulation that permits news media organizations to make expenditures to stage Federal candidate debates. The Senator from Kansas believes that the absence of an FEC regulation in this area is not an indication that it is proper or ethical for the media to promote one candidate over another by sponsoring a debate and not allowing all of the candidates to participate in the debate.

The media has the power to shape the opinions of the voters. This is an awesome power and it must be exercised wisely and responsibly. It is irresponsible for a news organization to hold a debate and exclude some of the candidates from participating because it deprives the voters access to the information that is necessary for them to make an informed decision concerning which candidate could best represent that particular voter's concern or interest.

When the courts have threatened members of the press with censureship tremendous cries of outrage were heard across the country. News organizations were incensed that in our free society, the courts were unilaterally deciding what information would be made available to the public. When a news organization sponsors a debate and fails to invite all of the candidates to participate in the debate, that news organization has engaged in censorship.

The media is preventing the voters from receiving information that is the lifeblood of an election. Apparently the media found the views of some of the candidates objectionable and censured them by failing to provide an equal opportunity for the candidate to present his views to the voters.

NASHUA TELEGRAPH

The Nashua Telegraph, a New Hampshire newspaper, plans to engage in this form of censorship. The Nashua Telegraph will sponsor a debate on February 23, 1980, 3 days before the New Hampshire primary. Only 2 of 7 Republican Presidential candidates have been invited to participate in that debate. As a consequence, the voters of New Hampshire will be deprived of this opportunity to consider the opinions of each of the candidates, and permitted to hear the opinions of the candidates that the Nashua Telegraph has given its approval to. Ostensibly the Nashua Telegraph has censored the information that the voters can receive.

This, in effect, places in the hands of the media the ultimate decision of which candidates will be placed before the public. Because the media has come to play such an important role in political campaigns it is imperative that the individuals who control the media do not promote one candidate over the others. Irresponsible behavior that results in the censorship of information that is made available to the public cannot be allowed to continue. The media must demonstrate its commitment to responsible coverage of the news rather than its desire to shape the election process.

Mr. President, the upcoming Nashua Telegraph debates are an example of how the media can leave its imprint on the electoral process, and why these FEC regulations are necessary. Unfortunately, high standards and principles have begun to erode, hence, these regulations are necessary.●

RULES OF THE SELECT COMMITTEE ON INDIAN AFFAIRS

● Mr. MELCHER. Mr. President, in compliance with section 133(b) of the Legislative Reorganization Act of 1946, as amended, the Select Committee on Indian Affairs is publishing the committee's rules, which I submit for printing in the RECORD.

The rules are as follows:

RULES OF THE SELECT COMMITTEE ON INDIAN AFFAIRS

COMMITTEE RULES

Rule 1. The Standing Rules of the Senate, Senate Resolution 4, and the provisions of the Legislative Reorganization Act of 1946, as amended by the Legislative Reorganization Act of 1970, to the extent the provisions of such Acts are applicable to the Select Committee on Indian Affairs and as supplemented by these rules, are adopted as the rules of the Committee.

MEETINGS OF THE COMMITTEE

Rule 2. The Committee shall meet on the first Wednesday of each month while the Congress is in session for the purpose of conducting business, unless, for the convenience of Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

OPEN HEARINGS AND MEETINGS

Rule 3. Hearings and business meetings of the Committee shall be open to the public except when the Committee by majority vote orders a closed hearing or meeting.

HEARING PROCEDURE

Rule 4. (a) Public notice shall be given of the date, place, and subject matter of any hearing to be held by the Committee at least one week in advance of such hearing unless the Chairman of the Committee determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the Committee involved concurs. In no case shall a hearing be conducted with less than 24 hours notice.

(b) Each witness who is to appear before the Committee shall file with the Committee, at least 24 hours in advance of the hearing, a written statement of his or her testimony in as many copies as the Chairman of the Committee prescribes.

(c) Each Member shall be limited to 5 minutes in the questioning of any witness until such time as all Members who so desire have had an opportunity to question the witness unless the Committee shall decide otherwise.

(d) The Chairman and ranking Minority Member or the ranking Majority and Minority Members present at the hearing may each appoint one Committee staff member to question each witness. Such staff member may question the witness only after all Members present have completed their questioning of the witness or at such other time as the Chairman and the ranking Majority and Minority Members present may agree.

BUSINESS MEETING AGENDA

Rule 5. (a) A legislative measure or subject shall be included in the agenda of the next following business meeting of the Committee if a written request for such inclusion has been filed with the Chairman of the Committee at least 1 week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee to include legislative measures or subjects on the Committee agenda in the absence of such request.

(b) The agenda for any business meeting of the Committee shall be provided to each Member and made available to the public at least 3 days prior to such meeting, and no new items may be added after the agenda is so published except by the approval of a majority of the Members of the Committee. The Clerk shall promptly notify absent Members of any action taken by the Committee on matters not included in the published agenda.

QUORUMS

Rule 6. (a) Except as provided in subsecs. (b) and (c), three Members shall constitute a quorum for the conduct of business of the Committee.

(b) No measure or matter shall be ordered from the Committee unless three Members of the Committee are actually present at the time such action is taken.

(c) One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure before the Committee.

VOTING

Rule 7. (a) A rollcall of the Members shall be taken upon the request of any Member.

(b) Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only upon the date for which it is given and upon the items published in the agenda for that date.

SWORN TESTIMONY AND FINANCIAL STATEMENTS

Rule 8. Witnesses in Committee hearings may be required to give testimony under oath whenever the Chairman or ranking Minority Member of the Committee deems such to be necessary. At any hearing to confirm a Presidential nomination, the testimony of the nominee, and at the request of any member, any other witness shall be under oath. Every nominee shall submit a financial statement, on forms to be perfected by the Committee, which shall be sworn to by the nominee as to its completeness and accuracy. All such statements shall be made public by the Committee unless the Committee in executive session determines that special circumstances require a full or partial exception to this rule. Members of the Committee are urged to make public a complete disclosure of their financial interests on forms to be perfected by the Committee in the manner required in the case of Presidential nominees.

CONFIDENTIAL TESTIMONY

Rule 9. No confidential testimony taken by or confidential material presented to the Committee or any report of the proceedings of a closed Committee hearing or business meeting shall be made public, in whole or in part or by way of summary, unless authorized by a majority of the Members of the Committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 10. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee hearing tends to defame him or otherwise adversely affect his reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony or evidence.

BROADCASTING OF HEARINGS OR MEETINGS

Rule 11. Any meeting or hearing by the Committee which is open to the public may be covered in whole or in part by television broadcast, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the seating, vision, and hearing of Members and staff on the dais or with the orderly process of the meeting or hearing.

AMENDING THE RULES

Rule 12. These rules may be amended only by a vote of a majority of all the Members of the Committee in a business meeting of the Committee: *Provided*, That no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least three days in advance of such meeting. Such proposed amendment shall be mailed to each Member of the Committee at least seven (7) calendar days in advance of the meeting.●

THE FEDERAL TRADE COMMISSION AUTHORIZATION BILL

● Mr. GARN. Mr. President, I was 1 of 13 Senators to vote against S. 1991, the Federal Trade Commission authorization bill. I voted against the bill because I regarded it as a meaningless shell, masquerading as regulatory reform.

I was therefore delighted to see the February 14 editorial in the Wall Street Journal, which summarizes my views very well.

As the Journal points out, the FTC can continue to issue "fishing expedition" subpenas, fund liberal groups such as Americans for Democratic Action, preempt State laws, turn over confidential information to law enforcement authorities, and promulgate overreaching regulations with no effective check from either the legislative or the judicial branch.

The two-and-a-half House veto is a joke. Congress can pass a bill as easily as it can veto a rule under the Levin-Boren amendment.

I agree with the Journal that, "if anything like the phony Senate bill emerges (from conference), the FTC will have demonstrated that all the noise about reducing Government regulation is only talk."

I suspect that S. 1991 is the first of a series of attempts to diffuse the issue of "big government" in this election year. Those who think that the American people will be satisfied with cosmetic approaches are, in my opinion, sadly mistaken.

I submit the editorial for the Record.

The editorial follows:

The FTC Only-Talk Show

There has been a lot of talk about the need to curb excesses of government regulation, and widespread agreement that the most excessive regulator of all has been the Federal Trade Commission. The U.S. Senate has just finished emasculating the efforts to bring the FTC under control.

Complaints grew as the FTC attacked trademarks, children's TV advertising and funeral parlors. States were upset that the FTC was getting into their regulatory acts, leaping in even where HEW and the Justice Department feared to tread. Business worried about the need to tighten standards governing the disclosure of confidential information the FTC required them to supply. The FTC's new habit of issuing blanket subpoenas demanding reams of documents prior to issuing a complaint was likened to a policeman coming to your door determined to arrest you and demanding your life story in hopes of discovering an offense.

Soon the Congress, pummeled by the kind of broad, small town constituencies who get attention, was roaring, and the FTC was on the carpet. The House was tough, voting a one-house veto of FTC regulations and overriding the FTC's challenge to trademarks and investigations of agricultural cooperatives and funeral parlors. But then Senator Wendell Ford (D., Ky.) took charge and the Senate edited the bill down to a cosmetic fix-up.

The legislative veto is retained in name, for example but in practice it requires both houses and signature by the President. In other words, Congress can police the FTC by passing a bill.

The Senate went through the motions of tightening disclosure without dealing with the objection that the FTC is giving state enforcement agencies evidence they cannot legally obtain on their own. The effort to prevent the FTC from taking over state-regulated professions also failed. And the FTC can resume its fishing expeditions if it first issues a complaint.

The FTC will have to award legal fees to successful defendants against its actions, except in cases where the FTC itself rules it was justified in bringing the action. The FTC must prepare a regulatory analysis before promulgating a major regulation, but the merits of it are not subject to review by the courts.

Perhaps the most questionable aspect of the FTC's activities in recent years has been its habit of paying Washington lobbyists to stir up opportunities for FTC investigations and regulations. A spate of private bureaucracies like Americans for Democratic Action, Sierra Club, and Ralph Nader's Center for Automobile Safety now earn a living by representing "the public interest" in FTC proceedings. Senator Alan Simpson (R., Wyo.) tried to do something about the use of the taxpayers' money to fund private interest groups, but succeeded only in limiting them to $50,000 each per rulemaking.

The Ford bill now goes to conference with the House, and perhaps something can be salvaged. But if anything like the phony Senate bill emerges, the FTC will have demonstrated that all the noise about reducing government regulation is only talk.●

SIR ERIC WYNDHAM WHITE

● Mr. MOYNIHAN. Mr. President, I rise today to pay tribute to one of the truly great international civil servants of our times, Sir Eric Wyndham White. Sir Eric was a member of a small and most distinguished class of individuals, a group concerned with problems of international character, and it was his genius to create a great international institution with a minimum of bureaucracy. The Trade Agreements Act of 1979 is in many respects his memoire—and a most fitting one it is.

On February 5 a letter from Ambassador John M. Leddy, honoring Sir Eric, appeared in the Washington Post. The letter was accompanied by a list of cosigners for there was no room in the letters column. I am happy to add my name to those already listed, and ask that both the letter and the list be printed in the Record.

The material follows:

[From the Washington Post, Feb. 5, 1980]

Sir Eric Wyndham White

The American press has all too briefly noted the death in Geneva recently of Sir Eric Wyndham White.

Sir Eric was one of a handful of gifted international public servants who made a lasting contribution to world order in the postwar period. As head of the secretariat of the General Agreement on Tariffs and Trade (GATT) from 1947 to 1968, he was at once its leading spirit and its defender. Scorned by the U.S. Congress, driven by the contentions between the British-led European Free Trade Area and the French-led European Economic Community and starved at all times for funds and staff, GATT was, as Sir Eric used to point out, the Cinderella of international institutions. That it held together at all was due as much as anything to the initiative, persuasive talents and sheer force of will of Sir Eric, who was responsible for converting, often by stratagems bordering on the Byzantine, a simple trade agreement into a vital international institution. It is a tribute to his memory that GATT remains today the centerpiece of the world's trading system.

He will be missed by his friends and admirers in America. I regret that space does not permit listing the names of many of them who have asked me to express these sentiments on their behalf.

John M. Leddy,
McLean.

List

Carl D. Corse, John W. Evans, Isaiah Frank, Theodore R. Gates, Walter Hollis, James H. Lewis, Margaret H. Potter, Myer Rashish, Jacques J. Reinstein, J. Robert Schaetzel, Philip Trezise, and Leonard Weiss.●

GEORGE F. KENNAN'S VIEWS ON AFGHANISTAN

● Mr. BAUCUS. Mr. President, several weeks ago, George F. Kennan, one of America's most distinguished historians and respected diplomats, wrote an article which appeared in the New York Times. It is an eloquent appeal for a calm, reasoned, and balanced reaction to the Soviets' invasion of Afghanistan.

Of course, the Soviet action in Afghanistan was a serious breach of international law which the world has strongly and justly condemned. The United States, in its position as leader of the free world, must make it crystal clear that such blatant aggression is unacceptable.

But our resolve must be tempered with a keen awareness of the delicate and dangerous balance of power that weighs our every word and action. Strident warnings of reciprocation can only aggravate tensions and provoke further Soviet actions. We must be firm in our conviction that no nation, no matter how strong, can suppress another sovereign nation. But cold war rhetoric will not strengthen America or frighten the Soviets. Instead, we must concentrate our energy on ending our dangerous dependence on foreign oil and quietly and confidently strengthening our ties with our allies throughout the world.

The Soviet invasion was a blunder which the Soviets will have a difficult time explaining to an angry world. Now, more than ever, we need a strong measure of Mr. Kennan's mature statesmanship.

I ask that Mr. Kennan's article be printed in the RECORD.

The article follows:

[From the New York Times, Feb. 1, 1980]

GEORGE F. KENNAN, ON WASHINGTON'S REACTION TO THE AFGHAN CRISIS: "WAS THIS REALLY MATURE STATESMANSHIP?"

PRINCETON, N.J.—On Christmas Day 1979, after more than a century of periodic involvement with the internal affairs of its turbulent neighbor, and after many months of futile effort to find a pro-Soviet Afghan figure capable of running the country, the Soviet Government suddenly expanded what was already a sizeable military involvement in Afghanistan into a full-fledged occupation, promising that the troops would leave when their limited mission had been accomplished.

This move was not only abrupt—no effort had been made to prepare world opinion for it—but it was executed with incredible political clumsiness. The pretext offered was an insult to the intelligence of even the most credulous of Moscow's followers. The world community was left with no alternative but to condemn the operation in the strongest terms, and it has done so.

So bizarre was the Soviet action that one is moved to wonder whence exactly, in the closely shielded recesses of Soviet policy making, came the inspiration for it and the political influence to achieve its approval. It was a move decidedly not in character for either Aleksei N. Kosygin or Leonid I. Brezhnev. (The one was, of course, ill and removed from active work. The limitations on the other's health and powers of attention are well-known.) Andrei A. Gromyko, too, is unlikely to have approved it. These reflections suggest the recent breakthrough, to positions of dominant influence, of hard-line elements much less concerned for world opinion, but also much less experienced, than these older figures.

Such a change was not unexpected by the more attentive Kremlinologists, particularly in the light of the recent deterioration of Soviet-American relations, but it was assumed that it would take place only in connection with, and coincidental with, the retirement of Mr. Brezhnev and other older Politburo members. That it could occur with the preservation of Mr. Brezhnev as a figurehead was not foreseen.

Be that as it may, this ill-considered move was bound to be unacceptable to the world community, and the United States had no alternative but to join in the condemnation of it in the United Nations. But beyond that point, the American official reaction has revealed a disquieting lack of balance, both in the analysis of the problem and then, not surprisingly, in the response to it.

In the official American interpretation of what occurred in Afghanistan, no serious account appears to have been taken of such specific factors as geographic proximity, ethnic affinity of peoples on both sides of the border, and political instability in what is, after all, a border country of the Soviet Union. Now, specific factors of this nature, all suggesting defensive rather than offensive impulses, may not have been all there was to Soviet motivation, nor would they have sufficed to justify the action; but they were relevant to it and should have been given their due in any realistic appraisal of it.

Instead of this, the American view of the Soviet action appears to have run overwhelmingly to the assumption that it was a prelude to aggressive military moves against various countries and regions farther afield. No one can guarantee, of course, that one or another such move will not take place. A war atmosphere has been created. Discussion in Washington has been dominated by talk of American military responses—of the acquisition of bases and facilities, of the creation of a rapid-deployment force, of the cultivation of military ties with other countries all along Russia's sensitive southern border. In these circumstances, anything can happen. But the fact is, this extravagant view of Soviet motivation rests, to date, exclusively on our own assumptions. I am not aware of any substantiation of it in anything the Soviet leaders themselves have said or done. On the contrary, Mr. Brezhnev has specifically, publically and vigorously denied any such intentions.

In the light of these assumptions we have been prodigal with strident public warnings to the Russians, some of then issued even prior to the occupation of Afghanistan, not to attack this place or that, assuring them that if they did so, we would respond by military means. Can this really be sound procedure? Warnings of this nature are implicit accusations as well as commitments. We are speaking here of a neighboring area of the Soviet Union, not of the United States. Aside from the question of whether we could really back up these pronouncements if our hand were to be called, is it really wise—is it not in fact a practice pregnant with possibilities for resentment and for misreading of signals—to go warning people publicly not to do things they have never evinced any intention of doing?

This distortion in our assessment of the Soviet motivation has affected, not unnaturally, our view of other factors in the Middle Eastern situation. What else but a serious lack of balance could explain our readiness to forget, in the case of Pakistan, the insecurity of the present Government, its recent callous jeopardizing of the lives of our embassy personnel, its lack of candor about its nuclear programs—and then to invite humiliation by pressing upon it offers of military aid that elicited only insult and contempt? What else could explain, in the case of Iran, our sudden readiness—if only the hostages were released—to forget not only their sufferings but all the flag-burnings, the threatening fists, the hate-ridden faces, and the cries of "death to Carter," and to offer to take these very people to our bosoms in a common resistance to Soviet aggressiveness? What else could explain our naive hope that the Arab states could be induced, just by the shock of Afghanistan, to forget their differences with Israel and to join us in an effort to contain the supposedly power-mad Russians?

This merits a special word. I have already referred to the war atmosphere in Washington. Never since World War I has there been so far-reaching a militarization of thought and discourse in the capital. An unsuspecting stranger, plunged into its midst, could only conclude that the last hope of peaceful, nonmilitary solutions had been exhausted—that from now on only weapons, however used, could count.

These words are not meant to express opposition to a prompt and effective strengthening of our military capabilities relevant to the Middle East. If what was involved here was the carrying of a big stick while speaking softly rather than the carrying of a relatively small stick while thundering all over the place, who could object? But we do not, by this preoccupation with a Soviet military threat the reality of which remains to be proved run the risk of forgetting that the greatest real threats to our security in that region remain what they have been all along: our self-created dependence on Arab oil and our involvement in a wholly unstable Israeli-Arab relationship, neither of which is susceptible of correction by purely military means, and in neither of which is the Soviet Union the major factor?

If the Persian Gulf is really vital to our security, it is surely we who, by our unrestrained greed for oil, have made it so. Would it not be better to set about to eliminate, by a really serious and determined effort, a dependence that ought never have been allowed to arise, than to try to shore up by military means, in a highly unfavorable region, the unsound position into which the dependence has led us? Military force might conceivably become necessary as a supplement to such an effort; it could never be an adequate substitute for it.

The oddest expression of this lack of balance is perhaps in the bilateral measures with which we conceive ourselves to have punished the Russian action. Aside from the fact that it is an open question whom we punished most by these measures—Russia or ourselves—we have portrayed them as illustrations of what could happen to Moscow if it proceeded to one or another of the further aggressive acts we credit it with plotting. But that is precisely what these measures are not; for they represent cards that have already been played and cannot be played twice. There was never any reason to suppose that the Soviet Government, its prestige once engaged, could be brought by open pressure of this nature to withdraw its troops from Afghanistan. But this means, then, that we have expended—for what was really a hopeless purpose—all the important nonmilitary cards we conceived ourselves as holding in our hand. Barring a resort to war, the Soviet Government has already absorbed the worst of what we have to offer, and has nothing further to fear from us. Was this really mature statesmanship on our part?

We are now in the danger zone. I can think of no instance in modern history where such a breakdown of political communication and such a triumph of unrestrained military suspicions as now marks Soviet-American relations has not led, in the end, to armed conflict. The danger is heightened by the fact that we do not know, at this time, with whom we really have to deal at the Soviet end. If there was ever a time for realism, prudence and restraint in American statesmanship, it is this one. Nothing in the passions of electoral politics could serve as the slightest excuse for ignoring this necessity.●

TUITION TAX CREDIT

● **Mr. MOYNIHAN.** Mr. President, some weeks ago, those of us who favor the adoption of tuition tax credit legislation to assist with the costs of nongovernmental education for elementary and secondary school students were inspired by the appearance in the Washington Star of a superb letter to the editor from Mary Ellen McMillen, of Washington, D.C. With a rare mixture of hard information and persuasive presentation, she describes the importance of such aid, particularly for the education of children from low- and middle-income families. In order that her views can attain the attention that they deserve, I ask that her letter be printed in the Record.

The letter follows:

My Children Need Education Now!

(By Mary Ellen McMillen)

Regarding the Letters to the Editor in response to William Buckley's column on "Helping private schools" (July 31), two fundamental points need to be made: No American would be "compelled" by a tuition tax credit to support church-related schools. On the contrary, any American who so desired might deduct from his federal (not state) income tax no more than $250 as credit against the tuition he pays to any non-public school—church-affiliated or independent.

It is argued that public aid to private education in the form of tuition tax credits would primarily benefit upper middleclass parents, enabling them to send their children to select, very expensive private schools. The motives of these parents are, by implication, maligned. They are made to seem seekers of status, of privilege, of segregation. Could these parents not be seeking educational essentials for their children?

No matter. How would a tuition tax credit as currently proposed affect an upper middleclass parent? St. Alban's School, part of the educational complex on or near the grounds of the Washington Cathedral, which operates under the auspices of the Episcopal Church, will charge a tuition of $2,850 for day students in this coming academic year. Supplemental to this tuition are fees which will bring the total cost of one school year to roughly $3,600. Among these is a lunch fee of $325. There are parents who will argue that St. Alban's is worth every penny. But the upper middleclass parent considering St. Alban's for his son would find that the $250 maximum allowable tuition tax credit would not even pay for lunch.

So scratch St. Alban's, along with National Cathedral School, Beauvoir, Potomac, Sidwell Friends, The Heights, Georgetown Prep (all of which have a tuition of $2,000 plus) if you have to depend on tuition tax credits to make the difference.

Then who are the parents whom a tuition tax credit would really benefit? What are the schools their children really might attend? The U.S. Catholic Conference estimates that three-quarters of the students enrolled in private schools in the United States are enrolled in Roman Catholic schools. And it is this fact of affiliation of so large a part of the non-public educational structure with a single religious community that is legitimately troublesome.

By reason of numbers alone, the Roman Catholic school system forms a fundamental part of the U.S. educational structure, particularly in the major urban areas. In the Archdiocese of Washington (comprising the District and Montgomery, Prince Georges, Calvert, Charles and St. Mary's counties in Maryland) nearly 40,000 children attend Roman Catholic schools.

But who are these children? In the District, approximately 30 percent of the children enrolled in Roman Catholic parish elementary schools are not Catholic. Eighty percent are black. Only six of the 24 Roman Catholic elementary schools in the District are west of Rock Creek Park.

In some of the schools east of the park, 50 to 60 percent of the enrollment is non-Catholic. West of the park, non-Catholic enrollment in half of the six elementary schools has stood at 20 to 25 percent. The average tuition in the District's Roman Catholic parish elementary schools is $500. A tuition tax credit of $250 would make a difference to a parent considering Assumption School on Martin Luther King Avenue SE. It could also make a difference to many families in Chevy Chase.

What is the American citizen owed for his tax dollars? Well, there is one item: a bona fide education for his children. No, I don't mean that Johnny or Jane can read the label on a can in a grocery store. What if P.S. No. 1 is not measuring up. What if violence, crime and fear go to school along with my children?

And what if across the street stands St. Mary's? No one loiters in the halls at St. Mary's. The children say "yes, ma'm" to the teacher and they have homework. They are taught the old Judaic-Christian principle that stealing is wrong. (Not "socially unacceptable"—wrong!)

Accolades to the glory of the U.S. public school system by some education association official or some teachers' union leader don't hold water with me. No, I won't wait two years, five years, ten years until a new principal or new superintendent can maybe put the whole shebang back together. My children need education NOW. The public school system has served the United States supremely well—in the past. Is it doing the job today? Who is? I've paid my money.

I am a white Roman Catholic, educated in Catholic schools in the District. Although we all live on the slippery slope of inflation, at present I don't need a tuition tax credit to send my children to the school of mine and my husband's choice.

On this issue of public aid to nonpublic education, I ask my co-religionists to come down out of the pulpit. Of course Roman Catholic schools teach the tenets of the Roman Catholic faith. But what else do they teach? That is what the American public is entitled to know—and upon which it can base it judgment. These schools are not "Sunday schools." If push comes to shove, I could teach my children the doctrines of our religious community, but I have neither the skill nor the time to teach them reading, writing and arithmetic. And that is why they go to school.

By the same token, citizens of other religious persuasions and those whose beliefs are purely secular should form their judgment on the basis of academic merit. So what if Mary's picture is up there along with Lincoln's and Martin Luther King's? Can the students at least spell "Lincoln?" Hopefully, the day of denominational hostility has passed. In any case, at rock bottom, a school is what its parents make it.

The question of public aid to nonpublic schools should be decided upon one issue, and that is not the question of extending sectarian belief. It is this: Does the non-public educational structure, church-affiliated or otherwise, serve the interest of the citizens of the United States?●

PREJUDICE

● Mr. GARN. Mr. President, I recently received a poem written by one of my constituents, Judy Anne Rider, which I believe deserves the attention of my colleagues and the American people.

Judy wrote this poem to express her frustration at the outrages committed against human liberty in the holding of American hostages in Iran. I believe all Americans share her frustration and her desire that this crisis will be resolved quickly and peacefully.

Mr. President, Judy Anne Rider's poem is an eloquent statement of the dignity of each human being, and I ask that it be printed in the Record.

The poem follows:

Prejudice

(By Judy Anne Rider)

Some men have skin of ebony
Some bear an olive hue,
Some white, some red, some yellow
But what does color do?

Does darkness boast more honor
Can a red man not be brave,
Was each man not made holy
By the gift our Savior gave?

Is love blind to a baby
If his skin's not pearly white,
Or compassion dead to any man
Who wants within your sight?

Can you turn your back on suffering
If the victim doesn't match,
What you see within your mirror
Of the fleeting glimpse you catch?

Can you justify indifference
Saying, 'he's just not your kind,'
Would the world be somehow better
If we all should grow so blind?

Should a language or a custom
A belief, a dream or plan,
Be the only way to measure
The true value of a man?

Can our differences become a source
Of prejudice so vast,
That we beat those down who frighten us
Until we are the last?

Should each man not have his vision
Who can say which one's from God,
When we know His love is boundless
In His Universe so broad?

And can any one of us
Condemn another man of Earth,
Just because he may not typify
Our own concept of worth?

Should a man be bound and beaten
If his bloodline isn't true,
If his country seeks to temper
All the principles he knew?

And is God not our Creator
Regardless of the name,
That each of us has chosen
Are His teachings not the same?

Does He tell us love thy neighbor
Even one so far away,
That the days and nights are melted
And the shadows seem to stay?

Does He emphasize indulgence
Of the varied minds of man,
Telling each of us to tolerate
And listen when we can?

To humbly seek His mercy
Judging no one for his sins,
Or in setting up our standards
Where eternity begins?

Or are men of God all brothers
All united to one goal,
Can we look beyond the colors
Seeing deep into the soul?

Can we set aside the methods
He has chosen for his prayer,
And see the simple beauty
That our God has nestled there?

And if our needs are different
If we march to separate drums,
Can we all not be delighted
With each life the way it comes? ●

EDUCATING THE HANDICAPPED

• Mr. MOYNIHAN. Mr. President, during the 94th session of Congress, a significant effort was embarked upon which, it was hoped, would correct a longstanding injustice. The injustice was the inadequate level of education being provided to the Nation's up to 8 million handicapped youngsters. That effort resulted in the setting of a noble yet attainable goal for the Nation; that of providing equal educational opportunity to all handicapped children through enactment of the Education for All Handicapped Children Act. The passage of this measure implied a national effort.

The providing of educational opportunity was, and continues to be, a problem of national significance. As our knowledge of the problem increased, a consensus emerged that we must take strong action to deal with it. I do not mean to suggest that our local schools were not attempting to provide educational services to the handicapped, for in the main they were, and are. However, the costs associated with that effort were, and continue to be, staggering. In 1975, a time when most public schools were in a better financial situation than they are today, the cost was high, but acceptable if one accepted the premise that the Federal Government would contribute its fair share.

It is now almost 5 years since enactment of the Education for All Handicapped Children Act. The Federal share, based on a formula involving the national average per pupil expenditure in public elementary and secondary education, was to reach 20 percent in fiscal 1980. It did not. In fiscal year 1981, it was to be 30 percent. Instead, the President has again proposed 12 percent. While there are some things to be applauded in the President's fiscal year 1981 budget, and some provisions which I will support, I cannot accept this reneging on our commitment to assist the States with the cost of educating the Nation's handicapped children.

Last September, I wrote to HEW Secretary Patricia Harris, and urged her attention to this problem. At that time I suggested that—

> The administration has a solemn duty to propose sufficient funding to carry out the provisions of Public Law 94–142, or to acknowledge that it has no such intention, in which case I believe you are obligated to submit legislation absolving the States from requirements that they cannot be reasonably expected to satisfy without the necessary financial assistance.

I deeply regret that it now appears that the latter option is one which the administration and Congress may have to consider. That would be a sad outcome to a noble effort, but we have reached a point where our local schools cannot continue to make progress in this area without Federal assistance.

With the Federal aid promised in 1975, we might yet meet this challenge; without it, we will surely fail. I must add that to my knowledge, no response was ever prepared by officials at HEW to my letter to Secretary Harris. Certainly none ever reached me. I regret to report that the answer seems to be embodied in the administration's budget proposal presented to Congress only last week: level funding, insuring a continuation of unkept promises and hypocrisy at the expense of some of our most deserving youngsters.

I ask my colleagues, especially those on committees with jurisdiction over this area, to ponder this very serious situation, and to consider the need for a remedy. I include with my statement a copy of my September letter to Secretary Harris, and also, a column which appeared in the New York Times, by Mr. Albert Shanker, president of the American Federation of Teachers. In it, he accurately describes the unhappy history of what once was a noble effort by the Congress. I ask that this material be printed in the RECORD.

The material follows:

CARTER, CONGRESS RENEGE ON A PROMISE

(By Albert Shanker)

President Carter has made his budget public. On at least one point, it should anger teachers, supervisors, school board members and parents. The President has failed to meet a commitment to provide some financial help in educating the handicapped. This is an issue which affects all school districts. It should result in a major campaign directed at the President and the Congress.

Many will ask why Uncle Sam should pay the bill for educating the handicapped. Until fairly recently, many communities did not provide education for handicapped students in their districts. Or, in some cases, the education provided was part-time; in many cases what was provided had little or no relationship to what handicapped children needed. A national movement developed. The neglect and miseducation of the handicapped were fully documented. In a number of states, the courts ruled that by not giving handicapped children an appropriate education, the schools had violated their constitutional rights. The movement succeeded, and in November 1975 the Congress passed and the President signed into law Public Law 94–142, the Education for All Handicapped Children Act, whose major provisions were to go into effect in October 1977. The vote in Congress was overwhelming, 404 to 7 in the House, 87 to 7 in the Senate.

It was known at the time that the cost of bringing millions of handicapped students into schools would be expensive, not only because of all the added students, but because it is far more costly to educate the handicapped. With passage of the law came a commitment by Congress, a promise that local school districts would not have to bear the cost by themselves. The federal government would help.

The promise made by Uncle Sam was not particularly generous. It was agreed that the U.S. would contribute 5% in fiscal 1978, the first year of the program, and that this would be increased to 20% in fiscal 1980 (this school year), to 30% next year and to 40% in fiscal 1982. But these percentages are misleading: they are not percentages of what a school *actually* spends to educate a handicapped child, but 20% or 30% or 40% of the average cost of educating all children in school all across the country. That average is only $1,400 yet there is no large city in the country which spends only $1,400 per child.

On top of this inadequate formula, Congress and the President have compounded the problem. Instead of giving local school districts the 20% that was promised for this year, only 12% was appropriated. And in his budget message, instead of trying to keep Congress honest by asking for the full 30% next year and 40% the following year, the President is seeking 12% for the 1980-81 school year and 12.5% for the 1981-82 school year. This is called breaking a promise on a very large scale.

The dimensions of the problem can be seen by what it is doing to the New York City schools. Next year we will have more than 60,000 handicapped children in our school system, and the Board of Education has had to budget $8,180 for each of them. This is not out of any spendthrift urge on New York's part, but because that is the cost of the programs the federal courts have ordered us to put in place as a result of the federal legislation. The pricetag of providing education to a handicapped child in New York is now nearly three times the cost of educating a non-handicapped child—and Uncle Sam is giving us only 12% of about half of that lesser cost!

New York Mayor Edward I. Koch knows this. He went to Washington a week ago to make the case that there are a number of federal mandates that Congress isn't paying for and that are hurting the city and blocking its best efforts to balance its budget. He called Congress "cynical" in the way it has funded P.L. 94–142—"first they underestimate the costs and then they underfund the estimate"—and said that Congress has reneged "on the delivery of an already meager federal share of the cost of meeting its own national mandates." This, he said, "not only dooms the compliance efforts of local school districts, but also jeopardizes the overall quality of education that can be offered to all children."

Ed Koch pointed out that New York City is receiving only $8.5 million in federal aid under P.L. 94–142 while spending an estimated $221 million of its own tax levy dollars to educate the handicapped this year. Next year, the New York commitment will grow to $278 million—and unless something happens soon from now until 1983, New York City will have to shell out nearly $1.2 billion to satisfy the federal law.

Koch is right, and the President and Congress should be held accountable. The mystery is: Which is the real Ed Koch? The Ed Koch who goes to Washington and makes a brilliant speech about how our New York City schools are hurting because of federal actions? Or the Ed Koch who has been pretending for a month that he can cut the education budget by $154 million next year and still have a school system if only teachers, principals and parents would do their job?

U.S. SENATE,
Washington, D.C., September 13, 1979.
Hon. PATRICIA R. HARRIS,
Secretary, U.S. Department of Health, Education, and Welfare, Washington, D.C.

DEAR SECRETARY HARRIS: As you know, the Education for All Handicapped Children Act of 1975 requires of each state that a "free appropriate public education" be provided for all children aged 3 to 21. This requirement is to be fully met by September 1980. As you also know, included in the passage of this legislation was a commitment of federal support to help offset the additional cost of the states of complying with the Act. This is clearly stated in the language of P.L. 94–142:

"State and local educational agencies have a responsibility to provide education for all handicapped children, but present financial resources are inadequate to meet the special educational needs of handicapped children; and

"[I]t is in the national interest that the Federal Government assist State and local efforts to provide programs to meet the educational needs of handicapped children. . . ."

This promise of federal support, it would appear, has not been realized. And there is every sign that the executive branch has no intention of realizing it.

As you develop H.E.W.'s budget request for fiscal year 1981, therefore, I urge you in the strongest possible terms to include adequate funds to carry out the provisions of the Education for All Handicapped Children Act. Without such a commitment, I fear that education officials in my state and others cannot carry out the federal mandate in this area.

I have been contacted by many prominent educators and other citizens who are deeply concerned about the level of federal support that was evidenced in the fiscal year 1980 budget. The figures I have seen indicate that it costs 2 to 7 times as much to educate a handicapped student as it does other students. If these figures are accurate, and I have no reason to doubt that they are, it would seem critical that we provide funds at the level indicated by the federal statute, under which the percentage of federal support was scheduled to increase over a 5 year period beginning in 1978, and was to have reached 30% in fiscal year 1980–1. We remain painfully far from that target. Both the Presidents' budget proposal for fiscal year 1980, and the Labor-H.E.W. appropriation now pending, provide funding at a level of only 12%. This means that the states would receive $1.4 billion less than was originally anticipated when P.L. 94–142 was enacted. Given this inadequate level of support, states will likely find it impossible to meet the September 1980 deadline. A major correction—and compensation—is called for in the fiscal year 1981 budget if this unhappy outcome is to be avoided.

I hope you share my view that adequate federal support for efforts in this area must be forthcoming if we are to achieve our national goals in the education of handicapped children. A firm commitment of such support must be made in order that state education officials who are charged with the primary responsibility in this area can meet the mandates set forth in this Act.

I have no wish to be dramatic, but I submit to you that the administration has a solemn duty either to propose sufficient funding to carry out the provisions of P.L. 94–142 or to acknowledge that it has no such intention, in which case I believe you are obliged to submit legislation absolving the states from requirements that they cannot reasonably be expected to satisfy without the necessary financial assistance. This, in my view, would be a deeply disappointing outcome, but more honest than continuing with the present hypocrisy. The Education for All Handicapped Children Act set forth a laudable, even a noble goal for the nation. I fervently hope that it can be achieved, and that efforts to "balance the budget" will not be permitted to deny appropriate educational services to millions of children with special needs. But if it remains the administration's judgment that the federal government cannot afford to do its part, it is the responsibility of the administration to acknowledge this and to recognize the impossible situation in which it places state and local education officials.

Sincerely,

DANIEL PATRICK MOYNIHAN.

THE ALTERNATIVE TO THE OLYMPIC BOYCOTT

● **Mr. DOLE.** Mr. President, in response to the Soviet invasion of Afghanistan, President Carter called for a boycott of the 1980 summer Olympics in Moscow by American athletes, if the Soviet Union did not withdraw their troops by February 20. That deadline has arrived and it appears that the President will stand firm on this action. While it is certainly an understandable reaction to the Soviet invasion of Afghanistan, a blatant example of Soviet aggression, we must also keep in mind the ambitions and goals of our American athletes and those of other countries. For many Americans, these goals are rooted in the original principles of the olympian movement. Those principles include the celebration of brotherhood and a mutual striving for excellence, in an atmosphere of nondiscrimination, international goodwill, and in a spirit of peace. The people of the United States still believe in these ideals. In recent years we have placed a higher premium and interest in developing and promoting the benefits of athletic competition and ability. Therefore, it is important that our athletes are offered a viable alternative to the summer Olympics in Moscow, the best possible opportunity to enable our athletes and others who have worked long and hard toward physical excellence in the olympian spirit to realize their aspirations.

With this in mind I suggested that we move the Olympics to a site more compatible with the olympian principles of international brotherhood and peace, such as Montreal or Munich. Later, when Mr. Carter decided to ask for a boycott of the Moscow games, others suggested a permanent neutral site, perhaps in Greece, home of the original games. Placing the games in a neutral site could depoliticize the games and still give our athletes a chance to be rewarded for their hard work and dedication.

It has now become obvious that the United States will not be participating in the Olympic games in Moscow this summer. It is even more imperative now that we begin planning for the best possible alternative event for our athletes and those of other countries who have expressed their intentions to join us in the boycott. Even the executive director of the United States Olympic Committee, Mr. F. Don Miller, admitted the committee is discussing other options available. However, their line of thought at this time appears to be toward establishing an athletic competition for American athletes only.

AMERICAN-ONLY EVENT A MISTAKE

While I can certainly understand and appreciate the intentions behind such an action, I do not feel it is the most adequate and appropriate alternative for our athletes. An "American only" event would be even less than what occurs practically every year in most sports—a world championship competition. In addition, it would not take into consideration those athletes from other countries who will be following the lead of the United States and staying away from Moscow. Fear has been expressed by members of the U.S.O.C. that the International Olympic Committee might punish the countries and the athletes who participate in an alternative event to the Moscow Olympics—barring them from future Olympic games and stripping Los Angeles of the 1984 summer Olympics.

This will not be a real and valid concern, however, if we orchestrate a large, widely supported alternative to the Olympic games, equal in scope and nature. The sooner we act, the more other nations will be able to rally to this idea and plan to participate. Even Lord Killanin, president of the I.O.C., has expressed a desire to be able to hold this summer's Olympics some place other than Moscow, but he believes it is technically impossible and legally and morally wrong to do so because the Moscow organizers have not broken any of the terms of the contract they signed in 1974. It seems ironic to be standing behind technical legal considerations at this point, in light of the total lack of morality and human decency evident in the unprovoked Soviet invasion of a friendly nation, Afghanistan. This was a violation of the basic premise of the Olympics movement, a higher contract than the 1974 agreement. Further, various national sports organizations have stated the technical possibility of creating a new site in time for the summer Olympics if we begin as soon as possible. The old adage, "If there's a will there's a way" seems to hold true in this case, if only we start to act now.

ORGANIZE NEW INTERNATIONAL GAMES NOW

The recent backing for creating a permanent neutral site for the games, and new ideas calling for several sites, on a rotating basis, to set up athletic events along the same lines as in the present Olympics, are beginning to attract worldwide attention. The global community wishes to continue in the tradition and spirit of the Olympics, free from political influence. But it has become too difficult to find a site to host all the events. The expense and need for large facilities has grown every 4 years. I would like to advocate today that the United States, in conjunction with other concerned nations, support a new approach to the quadrenniel celebration of international sports.

It is not too late to set up a site to realize these games for this summer if we begin implementation of this course of action now. Several universities in this country have already offered their services and facilities to the U.S.O.C. for use "in a major athletic event" next summer. If no one else in the world wants to host such an event—open to athletes of all countries whether or not they compete in Moscow—one or several of these offers should be accepted. As announced by Lord Killanin, the games would go on as scheduled in Moscow, despite the cries of protest from the U.S. Government and other countries. The leadership of the I.O.C. would be welcomed, but if they and our own Olympic committee do not realize the merits of accepting such an alternative, then they should abdicate thier role in international sports and give the individual sports groups that belong to it the opportunity to form a new organization to run next summer's free games. The question of future sites could then be addressed, using either one or several rotating sites on a permanent, depoliticized basis.

Mr. President, in the interest of all athletes around the globe, to show our respect for the striving toward excellence, and in keeping with the olympian principles of international brotherhood and peace, I urge the immediate establishment of a new commission to organize our international games. We cannot delay if we wish to succeed; the United States must take the lead and act now.●

THE MOTOR CARRIER REFORM ACT OF 1980

● Mr. CANNON. Mr. President, when I introduced the Motor Carrier Reform Act of 1980 (S. 2245) on February 1, 1980, I indicated that I would shortly submit a section-by-section analysis to be printed in the RECORD. I now submit the analysis for the RECORD.

The analysis follows:

SECTION-BY-SECTION ANALYSIS

TITLE

The Act is to be cited as the "Motor Carrier Reform Act of 1980."

PURPOSE OF THE BILL

Section 2 states that the purpose of the Act is to reduce unnecessary regulation by the Federal Government.

CONGRESSIONAL FINDINGS

Section 3 stresses the importance to the national economy of a safe, sound, competitive, and fuel efficient motor carrier system. It also states that in order to achieve such a system, Congress finds it necessary to revise the statutes governing Federal regulation of the motor carrier industry. Those statutes are outdated, tend to inhibit innovation and growth, and fail to sufficiently encourage operating efficiencies and competition.

In revising the statutes, Congress also intends to give the Interstate Commerce Commission explicit direction for the regulation of the motor carrier industry and to ease that industry's uncertainty about the future of regulation by the Commission. The Commission is admonished to stay within the powers vested in it by the new law.

Finally, this section states that Congress intends that the changes in the statutes and any resulting changes be implemented with the least amount of disruption to the transportation system as possible.

NATIONAL TRANSPORTATION POLICY

Section 4 of the Act amends the national transportation policy set forth in title 49. Specifically, it declares that it is Federal policy with respect to motor carriers of property to rely to the maximum extent feasible upon competition to meet the needs of the public, to encourage price and service options, to achieve energy and economic efficiency, to provide opportunities for adequate profits and fair wages and working conditions, and to improve and maintain a sound privately owned motor carrier system.

MOTOR CARRIER ENTRY POLICY

Section 5 adds a new subsection to Section 10922 of title 49 to govern applications for authority to operate as motor common carriers of property. New subsection (b) retains the traditional test that all applicants must be fit, willing, and able. However, it makes it easier for applicants to obtain certificates by requiring the Commission to grant certificates unless it finds on the basis of a preponderance of evidence that the transportation would be inconsistent with the present or future public convenience and necessity. In other words, it creates a presumption that the proposed transportation is in the public interest. Under the current law, the applicant has the burden of proving that the transportation meets the public convenience and necessity test. In applying this test, the Commission is directed to consider evidence of public support as well as the quality and quantity of existing service in the market. In balancing the evidence, the Commission may consider the effect of granting the application upon existing carriers but shall not find that diversion of revenue or traffic is in and of itself inconsistent with the public convenience and necessity.

While the new subsection eases the applicant's burden, it does not relieve the Commission from its responsibility to consider each application on an individual basis. In fact, paragraph (b) (2) specifically prohibits the Commission from instituting the so-called "master certificate" approach to granting certificates. That approach is one that the Commission has adopted in some limited areas and is considering using in other areas. Pursuant to that approach, the Commission makes one general finding of public need for a specific type of transportation without looking at the individual carriers and situations involved. Paragraph (2) makes it clear that the Commission is obliged to look at each application and decide whether the transportation would be inconsistent with the public need.

In the case of some types of transportation, the legislation does more than modify the public convenience and necessity test. It actually eliminates the test altogether. Specifically, paragraph (b) (3) provides that the Commission shall not apply the public convenience and necessity test to applications for authority to provide transportation to points not served by a certificated carrier, transportation services as a direct substitute for abandoned rail service, certain transportation for the Federal Government, and, to a limited extent, transportation of packages weighing 100 pounds or less.

Finally, in order to expedite the application process, the legislation limits the carriers who can protest applications filed under subsection (b). Under paragraph (b) (4), the only carriers that may protest an application are carriers which recently have performed service within the scope of the application, carriers which have filed an application for substantially the same traffic, and carriers the Commission grants leave to intervene.

REMOVAL OF CERTAIN RESTRICTIONS ON MOTOR CARRIER OPERATIONS

Section 6 further amends section 10922 of title 49 by adding a new subsection on restriction removal. Specifically, subsection (h) directs the Commission to eliminate all gateway restrictions and circuitous route limitations imposed upon motor common carriers of property. Further, it requires the Commission to implement expedited procedures for processing applications by individual carriers seeking removal of a number of other restrictions included in the carriers' certificates. Under the expedited procedures, a carrier will be able to apply to broaden the categories of commodities which it is authorized to haul, to begin serving intermediate points on its certificate, and to begin performing round-trip service where only one-way service is authorized. The Commission must take final action on the applications no later than 120 days after they are filed with the Commission.

Since the beginning of motor carrier regulation, the Commission has restricted motor carrier operations both geographically and functionally. Often, this practice has been exacerbated by the applicants themselves who have filed applications of extremely narrow scope in order to forestall would-be protestants.

The result is that carriers' operating authorities often are overly complex and contain restrictions that are wasteful of fuel, expensive, inefficient or otherwise not in the public interest. Further, the Commission's backlog of cases has risen sharply as it has become increasingly difficult for it to process the large number of narrowly-drawn applications.

The purpose of this section is to help simplify the whole certificate process and to eliminate those restrictions which do not further the public interest. Also, by providing carriers with the opportunity to broaden their operating authorities through an expedited process, it should ultimately help reduce the Commission's normal workload.

EXEMPTIONS

Section 7 amends section 10526(a) of title 49 to include additional motor carrier transportation exemptions. Subsection (a) of the legislation will allow carriers to transport in the same vehicle mixed loads of regulated and exempt commodities, and will extend the agricultural exemption to include uncooked meat and bananas, and some agricultural production items purchased by farmers. Subsection (b) expands the current exemption for air cargo.

Currently, fish, poultry, livestock, vegetables, and fresh fruits (except bananas) are exempt from Commission regulation. The legislation will accord the same treatment to the transportation of red meats and bananas. The rationale behind the provision on mixed loads and agricultural production items, is to reduce empty backhauls and improve carriers' operating efficiency.

Under current Commission regulations, the air cargo exemption allows transportation of property only within certain mileage limits of an airport. The legislation would eliminate the mileage limits, and exempt the transportation of property by motor vehicle, provided it is part of a continuous movement which, prior or subsequent thereto, has been or will be transported by aircraft, or in some emergency situations by motor vehicle.

OWNER-OPERATORS

Section 8 amends chapter 105 of title 49 by adding a new section 10527 allowing owner-operators to haul regulated commodities in conjunction with the movement of their exempt commodities. The owner-operators must perform the transportation themselves and register their vehicles with the Commission. The owner-operators may charge no less than the lowest tariffs on file for the transportation of the commodities they choose to carry. In order to register with the Commission, the owner-operator is required to offer proof of insurance or other type of security and to designate agents on whom service of process in a court proceeding may be made.

The section is considered necessary to improve owner-operators' efficiency, increase conservation of fuel, and reduce the costs of transporting agricultural commodities.

PRIVATE CARRIAGE

Section 9 of the Act amends section 10524 of title 49 by adding a subsection that would permit compensated intercorporate hauling as lawful private carriage. Under current law, the Commission regards members of a corporate family as strangers and prohibits them from providing transportation for compensation for each other without a certificate or permit. New subsection (b) specifically authorizes such transportation if the parent company owns directly or indirectly an interest of 51 percent or more in each of the subsidiaries. Under this subsection, a corporation wishing to serve other members of the corporate family would file a simple notice with the Commission. A copy of the notice would be published in the Federal Register, and would be carried by each private carrier in its vehicle, so as to give evidence that it has the right to carry not only for itself, but for related corporations in which the parent owns a 51 percent or more interest.

MOTOR CONTRACT CARRIERS

Section 10 of the Act amends several sections of title 49 on motor contract carriers.

Subsection (a) amends the definition of motor contract carrier and the criteria to be used by the Commission in acting on permit applications to delete the reference to the number of shippers to be served by the carriers. Until recently, the Commission interpreted that language to mean that a contract carrier could serve no more than eight persons. The Commission has since abolished that rule and subsection (a) ratifies the Commission's action. With these changes, contract carriers will continue to be required to meet the standard of dedication of equipment or providing a service to meet a shipper's distinct need, but will be able to expand their service to more shippers. Subparagraph (3)(a) authorizes contract carriers to serve shipper associations and other entities that do not own the freight being shipped.

Subsection (b) amends section 10930(a) of title 49 to eliminate the current restriction upon a carrier operating in both a contract and common carrier capacity. The Commission recently concluded through rulemaking that such dual operations are consistent with the public interest and transportation policy.

Subsections (c) and (d) authorize contract carriers to provide services and transportation to freight forwarders.

Subsection (e) adds a new section 10925 (e) to title 49. It sets up a procedure for converting contract carrier permits to common carrier certificates. The Commission must determine that the operations of the holder of the permit are no longer that of a contract carrier, but instead constitute common carriage.

ZONE OF RATE FREEDOM FOR MOTOR CARRIERS OF PROPERTY AND FREIGHT FORWARDERS

Section 11 adds a new subsection to section 10708 of title 49 which provides individual carriers with greater freedom to set rates in response to market demands. Under this subsection, the carrier will be free to raise its rates 10 percent above or reduce them 10 percent below the level which the rate was one year prior to the point of reference.

This provision will encourage competition among individual carriers by allowing each of them complete freedom to set its own rates within the zone. At the same time, the width of the zone is set so that consumers will be protected in areas where there may not be adequate competition to keep such rates from being excessive.

The Commission's authority to suspend and investigate a proposed rate on the basis that it would be discriminatory or predatory, is not affected by this subsection.

RULE OF RATEMAKING

Section 12 amends section 10701 of title 49 by adding a subsection (e) that requires the Commission in proceedings to determine the reasonableness of rate levels for motor carriers of property, to authorize revenue levels that are adequate to permit well-managed carriers to cover their costs and earn a fair return. The standards adopted by the Commission under this subsection will enable carriers to achieve revenue levels that provide for a flow of net income, plus depreciation, assure repayment of debt, permit the raising of capital equity, attract and retain capital in amounts adequate to provide a sound motor carrier system, and cover the effects of inflation by taking into consideration estimated future costs.

Subsection (b) amends section 10704 (b)(2) of title 49. In prescribing a rate for a motor carrier of property, the Commission will continue to consider the effect of the rate on the movement of traffic by that carrier. However, the Commission will not consider the other factors listed in paragraph (b)(2). Instead, it will consider the factors included in new subsection (e) of section 10701.

RATE BUREAUS

Section 13 of the Act amends section 10706 of title 49 by redesignating subsection (b) as (c) and adding a new subsection (b) to govern the rate bureau agreements of motor common carriers of property.

Paragraph (b)(2) of section 10706 directs the Commission to approve a rate bureau agreement if it determines that the agreement fulfills each requirement of subsection (b), unless it finds that such agreement is inconsistent with the national transportation policy. Under the current law, the Commission is required to approve such agreements only when it finds that the agreements will further the national transportation policy. Assuming the agreement meets the requirements of subsection (b), the Commission will have less discretion than it now has in deciding whether to approve the agreement.

Paragraph (b)(3) contains a number of new requirements which the agreements and the rate bureaus must meet. Some of these are related to limitations on the ability of members of a rate bureau to discuss or vote upon certain rate proposals. Specifically, subparagraph (3)(B)(i) provides that after January 1, 1981, only those carriers that have authority to participate in the transportation to which a proposal applies may vote on the proposal. Under subparagraph (3)(C), carriers may not discuss or vote on rates which individual carriers propose pursuant to section 11 of this legislation which establishes a zone of rate freedom. Finally, subparagraph (3)(D) provides that effective July 1, 1983, no carriers may discuss or vote on single-line rates. The legislation provides that phasing out of voting and discussion on single-line rates over a sufficient length of time to allow the industry and shippers to prepare for the change in the way in which they have been doing business. Also, it provides Congress with an opportunity to review the effect of the legislation's other reform measures, including the procedural reforms in the rate bureau area, before the final lifting of the rate bureaus' antitrust immunity.

Other significant requirements contained in paragraph (b)(3) prohibit a rate bureau from interfering with a carrier's right of independent action, from protesting tariff items published by or for the account of a carrier, and from acting on employee proposals for changes in tariff items published by or for the account of any of its member carriers. Further, this paragraph requires rate bureaus to open their meetings to the public. Specifically, subparagraph (3)(B)(v) provides that upon request, a rate bureau must divulge the names of the proponents of any rates or rules and how member carriers vote on them, and must admit any person to any meeting at which such proposals will be discussed or voted on.

Subsection (b) of this section of the legislation directs the Commission, the Secretary of Transportation, and the Comptroller General to submit separate reports to the Congress by July 1, 1982 on the probable effect of eliminating antitrust immunity for the discussion of single-line rates and on the need for continued antitrust immunity with respect to joint rates.

LUMPING

Section 14 of the Act amends chapters 111 and 119 of subtitle IV of title 49 by adding provisions addressing the problem that some carriers and owner-operators have had with having to pay large fees to so-called "lumpers" to load and unload their vehicles. Frequently, such fees are required to be paid, regardless of whether the carrier or owner-carrier is willing to perform that service himself. Also, the carrier or owner-operator often are not reimbursed by the shipper for the fees.

Subsection (a) adds a new section 11109 to title 49. Under this section, a consignor or consignee who requires a truck driver to use assistance in loading or unloading the vehicle, either must provide such assistance or must compensate the driver for all costs associated with securing such assistance. Further, this section makes it unlawful for anyone to coerce or attempt to coerce a driver to use loading or unloading assistance which is not required by the consignor or consignee or which the driver otherwise would not use. In the case of a tariff filed by a carrier which provides for loading or unloading by the carrier, the rates paid would be considered to include compensation sufficient to meet the requirements of this section.

Subsections (b) and (c) establish civil and criminal penalties for violations of new section 11109.

MOTOR CARRIER BROKERS OF PROPERTY

Section 15 amends section 10924 of title 49 by adding a new subsection to govern applications for licenses to be motor carrier brokers of property. New subsection (b) eliminates the requirement that the Commission find that the transportation for which the person is to be a broker will be consistent with the public interest and the national transportation policy. The Commission must determine only that the applicant is fit, willing, and able.

Subsection (b) of the legislation redesignates section 11108 of title 49 as 11109, and inserts a new section on contracts for exempt agricultural transportation. New section 11108 directs the Commission to promulgate regulations requiring brokers and owner-operators to use written contracts to govern agricultural transportation which is otherwise exempt from the Commission's jurisdiction. The regulations are to include minimum requirements and conditions for the contracts.

FINANCE EXEMPTIONS

Section 16 amends sections 11302(b) (issuance of securities) and 11343(d)(1) (consolidation, merger, and acquisition of control) of title 49. Both of these sections contain exemptions which turn on the dollar amount involved in the transaction. Those dollar amounts have remained unchanged for many years. The legislation raises them upward to reflect the inflationary trend in the economy.

UNIFORM STATE REGULATION

Section 17 of the Act directs the Secretary of Transportation, in consultation with the States and the motor carrier industry, to develop recommendations regarding State regulation of licensing, registration and filings for interstate motor carriers. Currently, the States' regulations often are confusing, lack uniformity, and are unnecessarily duplicative and burdensome.

POOLING ARRANGEMENTS

Section 18 amends section 11342 of title 49 by adding a new subsection on pooling arrangements by motor common carriers of property.

Under the new subsection, any party to an agreement governing a pooling arrangement may apply for Commission approval of the agreement. The applicant must file the agreement with the Commission not less than thirty days before its effective date. The Commission must approve the agreement without hearing, unless it determines either that the agreement is of major transportation importance, or that it will unduly restrain competition. If either of those factors is present, then the Commission is directed to hold a hearing on the agreement.

The purpose of this provision is to expedite the procedures for Commission consideration of the agreements. This should lead to greater use of pooling arrangements. Such arrangements can be beneficial to the shipping public in the form of more frequent and expeditious service than otherwise available in areas where shipments are small in size and number. The arrangements also allow carriers to reduce their operating expenses.

JOINT RATES AND THROUGH ROUTES

Section 19 amends section 10705 of title 49. It authorizes the Commission to require the establishment of through routes and joint rates between motor carriers of property, and between those carriers and rail and water carriers. Currently, these carriers can enter into such arrangements on a voluntary basis. The amendments would enable the Commission to require coordinated service between and within the several modes where it is needed, but is not being performed voluntarily. Such authority should end in the establishment and maintenance of dependable joint-line service responsive to the needs of the shipping public.

TEMPORARY AUTHORITIES AND EMERGENCY TEMPORARY AUTHORITIES

Section 20 of the Act amends section 10928 of title 49 to provide for grants of temporary and emergency temporary authority to motor carriers of property.

New subsection (b) is based on the existing statute with two changes. Grants of such authority shall be made under procedures developed pursuant to Commission regulations. The Commission must take final action on an application filed under this subsection no later than 90 days after it is filed.

Subsection (c) establishes a statutory provision on emergency temporary authority for the first time. It is based on Commission regulations. The Commission will have 15 days to take final action on an application.

PROCEDURAL REFORM

Section 21 amends sections 10322, 10323, and 10324 of title 49. These sections set forth the procedures governing non-rail proceedings.

Subsection (a) amends section 10322 to provide that the Commission or a division shall review an initial decision when a timely exception is filed by an interested party, and the initial decision is that of an individual Commissioner, an employee board, or an employee delegated by the Commission to act under section 10305. It also provides that the Commission or a division can review such a decision on its own initiative. This amendment would eliminate the authority of an employee board to review such decisions. It is to be read in conjunction with the amendments to section 10323. Those amendments do away with the requirement that an application for rehearing, reargument, or reconsideration be granted if the matter was delegated for initial decision to an individual Commissioner, board, or employee and the matter was not previously reviewed. The change means that a party will have the right to have either the Commission or a division review the initial decision. However, if the party fails to file an exception, the party will no longer have the right to automatic rehearing, reargument, or reconsideration. That matter will be discretionary with the Commission or a division.

Parargaph (b)(3) of the legislation also eliminates the language in subsection 10323 (c) which subjects a decision of the Commission or a division to additional scrutiny under section 10323. There appears to be no need for such multiple appeals.

Under paragraph (a)(2) of this section of the legislation, an initial decision will no longer be automatically stayed or postponed because it is under review. Similarly, under subsection (c), the filing of an application for rehearing, reargument, or reconsideration of a decision by a division, individual Commissioner, or employee board will no longer operate to automatically stay or postpone the decision. In both instances, the matter of a stay will be discretionary with the Commission. This is important in view of the time limits in new subsection 10322(c) which requires the Commission to take final action on applications for motor carrier certificates or permits no later than 270 days after the applications are filed with the Commission.

ENFORCEMENT

Section 22 amends section 11702(a)(4) of title 49 to grant the Commission independent litigating authority with respect to motor carriers. Currently, the Commission has the authority to seek independently injunctive relief against motor carriers. However, it may not seek such relief for civil money penalties. Those enforcement actions must be brought by the Department of Justice. It is believed that this limitation is a barrier to adequate Commission enforcement of its Congressional mandate. Subsection (b) of this section of the legislation will empower the Commission to initiate and conduct civil litigation in its own name.

Subsection (a) removes the reference to rail carriers from section 11701(c) of title 49. This change will give to all regulated carriers a like guarantee of an end to formal Commission investigations within a three-year period.

Subsection (c) amends section 1114 of title 18 to establish Federal jurisdiction for assaults on Commission officers or employees engaged in the performance of official duties. Currently, this section covers assaults on officers and employees of the executive branch. There appears to be no reason to distinguish between employees of the executive branch and employees of independent regulatory agencies like the Commission, when they are engaged in investigative, inspection, or law enforcement functions.

COOPERATIVE AND SHIPPER ASSOCIATIONS

Section 23 of the Act amends section 10526 of title 49 to allow an agricultural cooperative association to haul up to thirty-five percent of its total interstate tonnage in non-farm, non-member goods, in movements incidental and necessary to its primary business as a cooperative. The current law limits such transportation to fifteen percent of total interstate tonnage. The change will reduce the number of cooperative-owned trucks returning empty to agricultural product origins, and thus improve the efficiency of trucking operations servicing the cooperative members' outbound transportation needs.

In order to ensure that the cooperative association does not exceed the tonnage limitation and abides by other requirements in the Act, the legislation also provides that the Commission can require the association to make reports and maintain records related to such transportation. Further, the Commission can bring enforcement actions against noncompliant associations.

The Commission's authority to require reports and records, and to bring enforcement actions is extended to shipper associations, as well. Currently, the Commission has no authority over these associations whose purpose is to provide certain services to members only on a non-profit basis. The intent of this section is not to give the Commission a mandate to impose a new regulatory regime, but rather to provide sufficient enforcement tools to assure that each cooperative and shipper association is legitimate and not a "sham".

At present, the Commission has had to treat these associations and cooperatives as "shippers" rather than carriers. Accordingly, their compliance and enforcement program has been severely curtailed. History has shown that many "sham" associations have been able to conduct illegal interstate operations and be literally free of ICC conventional monitoring to which all regulated "carriers" are subject.

CONSOLIDATION, MERGER, AND ACQUISITION OF CONTROL OF A FREIGHT FORWARDER

Section 24 of the Act amends sections 11323 and 11343 of title 49 to extend to freight forwarders the right to acquire other types of carriers with the approval of the Commission. Currently, section 11323 prohibits a freight forwarder from acquiring other carriers, but permits those carriers to acquire freight forwarders. Subsection (c) of the bill repeals section 11323. Subsection (d) amends section 11343 by including transactions involving freight forwarders. Under section 11343, consolidations, mergers, and acquisitions of control may be carried out only with the approval and authorization of the Commission. Paragraph (d)(2) includes a grandfather clause to cover acquisitions of freight forwarders accomplished prior to July 1, 1980 under section 11323. They will be deemed to be approved and authorized by the Commission.

Subsection (a) amends section 10741(c) of title 49 to make it clear that a freight forwarder may not discriminate against any carrier in favor of a carrier controlled by, or under common control with, such freight forwarder.●

ANNIVERSARY OF THE GEORGIA HUSSARS

● Mr. TALMADGE. Mr. President, on February 12, 1733, James Edward Oglethorpe and a group of English settlers arrived at Yamacraw Bluff, near Savannah, and colonized the area that is now the State of Georgia.

Three years later, on February 13, 1736, General Oglethorpe organized one of the Nation's most historic military commands, the Georgia Hussars. The Georgia Hussars has participated, as a unit, or by its members, in every war since its founding, bringing honor and glory to the State of Georgia and to the Nation.

This troop fought many battles against the Spanish and their Indian allies, including the "Battle of Bloody Marsh" on St. Simons Island, which insured that Georgia would remain an English colony. They also fought valiantly during the American Revolution, and at the present time, the Georgia Hussars continues to serve Georgia and the Nation in the Army National Guard.

February 13, 1980, marked the 244th anniversary of this distinguished group. In view of this, I submit for the Record two resolutions honoring the Georgia Hussars which were adopted in the Georgia House of Representatives and the Georgia Senate last year.

The resolutions follow:

Resolution

Whereas, the Colony of Georgia was founded on February 12, 1733, as a military buffer for the English colonies north of the Savannah River and the Spanish Territory of Florida; and

Whereas, when Governor Oglethorpe found it necesseary to have mounted troops, he organized a troup of mounted rangers on February 13, 1736, and appointed Hugh MacKay, Captain; and

Whereas, this was Georgia's first Troop of Horse (later Dragoons and then Cavalry), consisting of volunteers from other Georgia military commands which included HBM's the 42nd Regiment (presently known as the "Black Watch" Scottish Highlanders); and

Whereas, this Troop fought many battles against the Spanish and their Indian allies, including the "Battle of Bloody Marsh" on St. Simons Island; and

Whereas, they fought valiantly during the American Revolution at the first Battle of Savannah (known as the riceboats) and throughout the war in Georgia, Florida, and South Carolina, including the Battle of Savannah on October 9, 1779, where they were part of the Georgia Legion led by Brigadier General Casimir Pulaski, and during which he was mortally wounded; and

Whereas, the Georgia Hussars, one of our nation's most historic military commands, was specially recognized for service in the Revolution and given battle honors at ceremonies in Washington, D.C., on August 29, 1976, by then Secretary of the Army, Martin R. Hoffman; and

Whereas, the Georgia Hussars has participated as a unit or by its members, in every war since its founding, bringing honor and glory to Georgia and the nation, its battle honors being a continuing legend of gallantry above and beyond the call of duty; and

Whereas, the Georgia Hussars continues its service to Georgia in the Army National Guard on this, its two hundred and forty-third anniversary.

Now, therefore, be it resolved by the House of Representatives that this body hereby recognizes the service and the many sacrifices and gallant actions of the citizen-soldiers of the Georgia Hussars in peace as well as in war, which have brought honor and glory to the State of Georgia as well as to themselves.

Be it further resolved that the Clerk of the House of Representatives is hereby authorized and directed to transmit an appropriate copy of this Resolution to the Honorable George Busbee, Governor of Georgia; to the Honorable Jimmy Carter, President of the United States; to each member of the Georgia delegation to the United States Congress; and to Colonel (Ret.) Lindsey P. Henderson, Jr., President of the Georgia Hussars.

RESOLUTION

Whereas, the Colony of Georgia was founded on February 12, 1733, as a military buffer for the English colonies north of the Savannah River and the Spanish territory of Florida; and

Whereas, Governor Oglethorpe, finding it necessary to have mounted troops, raised a troop of mounted rangers on February 13, 1736, and appointed Captain Hugh Mackay as commander; and

Whereas, Georgia's first Troop of Horse, later Dragoons and Cavalry, consisted of volunteers from other Georgia military commands such as the HBM's 42nd Regiment, who are presently known as the Black Watch Scottish Highlanders; and

Whereas, the Georgia Hussars fought valiantly during the American Revolution in the campaigns in Georgia, Florida and South Carolina; and

Whereas, as part of the Georgia Legion, it participated in the first Battle of Savannah and the Battle of Savannah on October 9, 1779, where the Legion's commander, Brigadier General Casimir Pulaski, was mortally wounded; and

Whereas, the Georgia Hussars is one of our Nation's most historic military commands and was specially recognized and given battle honors at ceremonies in Washington, D.C., on August 29, 1976, for its service in the American Revolution; and

Whereas, the Georgia Hussars has participated as a unit or by its members in every war since its organization and has brought honor and glory to Georgia and our nation; and

Whereas, its battle honors are a continuing legend of gallantry above and beyond the call of duty as exemplified by the continued service to Georgia in the United States Army National Guard on this its two hundred and forty-third anniversary.

Now, therefore, be it resolved by the Senate of the State of Georgia that this Body goes on record as recognizing the long service, many sacrifices and gallant actions of these citizen-soldiers of the Georgia Hussars in peace as well as war. Their service has brought honor and glory to the State of Georgia and to themselves.

Be it further resolved that the Secretary of the Senate is hereby authorized and directed to transmit an appropriate copy of this Resolution to the Honorable George Busbee, Governor of Georgia; to Jimmy Carter, President of the United States; to each member of the Georgia delegation to the United States Congress; and to Colonel (Ret.) Lindsey P. Henderson, Jr., President of the Georgia Hussars.

COST OF REFUGEE ASSISTANCE TO EXCEED $2 BILLION

• Mr. HUDDLESTON. Mr. President, last year my amendment to the Refugee Assistance Act required the President to submit a report to Congress on the total costs of our domestic and foreign refugee assistance efforts. This report has finally been completed and the results are surprising. In fiscal year 1980 Federal, State and local governments will spend an estimated $1.7 billion and this will escalate to $2.112 billion in fiscal year 1981.

The continual and rapid rise in the cost of our refugee assistance efforts should be a matter of serious concern to Congress. While the United States should continue to have a reasonable and humane refugee program, it must be tempered by overall budget restraints. Our refugees assistance efforts will have to be looked at very critically in light of the fact that many domestic assistance programs are scheduled to remain at the same level or be cut back in fiscal year 1981.

Unfortunately, those cost figures are only estimates and could still increase. A January 1980 assessment of the Indochinese refugee program by the HEW Inspector General found that many of the needs of refugees resettled in this country are not being met. The report states:

> Doubling the number of refugees will likely result in further reductions in the extent and quality of services; if current problems are not addressed, this could become a major national issue.

I ask that both of these reports be printed in the RECORD.

The reports follow:

INTRODUCTION AND SUMMARY OF FINDINGS

INTRODUCTION

This report was prepared in accordance with Section 4 of the Supplemental Refugee Assistance/Cambodian Relief Assistance Act (PL 96–110), which requires the President to report to the Congress on the total cost of U.S. refugee assistance, both in this country and abroad, provided by the U.S. Government as well as by state and local governments.[1] This reporting requirement was originally introduced as an amendment to the bill by Senator Walter Huddleston of Kentucky. In remarks about the amendment on the floor, Senator Huddleston indicated that he expected an accounting of all direct costs of foreign and domestic refugee assistance and a "good faith estimate" of indirect costs[2] to the American taxpayer.

In order to show all identifiable costs, this report consists of four sections. Sections I describes U.S. assistance to refugees abroad, including contributions to international organizations involved in refugee and humanitarian relief. The Food for Peace program, and direct bilateral U.S. aid for refugee-related programs. Section II outlines the initial costs of resettling refugees in the United States, including overseas processing, transportation, and grants to the voluntary agencies for reception and placement of refugees in this country. Section III presents the costs to the Federal Government of funding state and local programs specifically for refugees in need of assistance after their arrival in this country, such as cash and medical benefits, English and vocational training, special education assistance, and mental health counseling. Also included are the costs attributable to refugee assistance for other federal programs intended to serve all needy U.S. residents, such as food stamps and low-income housing assistance. Section IV reviews the estimated financial impact of refugee admissions on state and local governments, with a focus on programs providing special services to refugees, such as education. However, this section does not attempt to assess the impact on broader programs serving all residents (such as public safety, transportation, and environmental protection), since there is no way to track the impact of refugees as opposed to any other segment of the population, nor would the exclusion of refugees from their services have a significant impact on their costs.

Throughout this report, costs are calculated or estimated on the basis of refugee admissions in 1975, when the Indochinese refugee program began following the fall of the noncommunist governments of Indochina and when emigration began to increase dramatically from the Soviet Union and other socialist countries. Since 1975, about 300,000 Indochinese, 19,000 Cubans, and 83,000 Soviets, Eastern Europeans and other refugees have resettled in the United States.

Calculations for Fiscal Years 1980 and 1981 are based on the following projected admission rates:

	1980	1981
Indochinese	168,000	168,000
Soviet, Eastern Europeans and others	50,000	54,000
Cuban ex-political prisoners	3,000	4,800
Total	221,000	226,800

These projected admission rates are for planning purposes only. Actual admissions will be subject to Presidential determination and consultation with the Congress under provisions of the Refugee Act of 1979, now pending final Congressional action. These levels will also depend on Congressional approval of the necessary funds. (Fiscal Year 1981 amounts are in included in the President's budget request.)

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[1] Section 4 of PL 96–110 states "not later than 60 days after the date of enactment of this Act, the President shall report to the Congress—

(1) the estimated total costs to the United States Government, during Fiscal Year 1980 and Fiscal Year 1981, of domestic and foreign assistance to refugees under all programs of the United States Government, and

(2) the estimated total costs to State and local governments during such fiscal years for assistance to refugees which is attributable to such programs."

[2] *Congressional Record*, November 2, 1979, p. 30748.

Cost estimates for Fiscal Year 1980 and 1981 reflect the two-year time limit for full federal reimbursement to state and local governments proposed in the Administration's original version of the Refugee Act of 1979. The duration of full federal reimbursement differs in the House and Senate version of the bill and will have to be resolved in conference. These cost projections may have to be adjusted, depending on final Congressional action on the Refugee Act. All years referred to are fiscal years.

SUMMARY OF FINDINGS

The total cost borne by federal, state and local governments for refugee assistance abroad and in this country is estimated to be $1.7 billion for Fiscal Year 1980, and $2.112 billion for 1981. These costs cover U.S. contributions for humanitarian assistance to millions of refugees and displaced persons overseas, most of whom will be repatriated or resettled elsewhere rather than be admitted to the United States; the processing and transportation of refugees admitted to this country; special services designed to help refugees become self-sufficient and contributing members of American society as soon as possible; and the use of general federally funded programs by refugees who meet normal eligibility requirements.

The aggregated costs of refugee assistance are undeniably substantial in absolute terms, and they represent both a major undertaking by the United States and a growing charge to U.S. taxpayers. In recent years public attention has increasingly focused on refugee programs and the impact of refugees on our society, particularly since increased admissions have coincided with greater competition with other disadvantaged residents of this country over low-cost housing, entry-level jobs, and other scarce resources. In order to keep the cost of U.S. refugee assistance in perspective, it is important to consider the following factors:

1. As well as benefiting a growing refugee population in this country, U.S. refugee programs assist millions of other needy refugees and displaced persons all over the world. About 25 percent of federal outlays for refugee assistance are attributable to the U.S. share of care and maintenance of refugees overseas awaiting repatriation or resettlement, or for food aid to people displaced by war and famine (as in Kampuchea).

2. Refugee assistance is a major component of U.S. foreign policy. The United States has a long tradition of providing humanitarian relief to people in need, wherever they may be, and in supporting the relief efforts of countries in which refugees seek temporary asylum. Equally important, such relief is an essential element in U.S. efforts to minimize the serious political, social and economic strains that the presence of refugees creates in friendly countries such as Thailand and the other Southeast Asian states, Pakistan, and Somalia.

3. In some areas of the world, such as Southeast Asia, conditions may not permit repatriation or absorption of the refugees in the countries of first asylum, and resettlement in third countries like the United States may be essential to save lives and maintain the principle of first asylum.

4. Resettlement of refugees in the United States is not a new policy. Throughout our history we have absorbed large waves of immigrants, and since World War II we have had a national policy of assisting in the resettlement of refugees in this country. Freedom of emigration, especially of people from the Soviet Union and Eastern Europe, has been a major goal of the American people, the Congress, and successive Administrations. The United States has implicitly acquired a responsibility through its support for free emigration to insure that the emigres will be offered new homelands.

5. Federal outlays for refugee assistance are only a small part of the total budget (less than one-quarter of one percent, or 0.0025) each year. State and local costs of refugee assistance represent an equally small proportion of their total expenditures.

6. Estimated costs for refugee assistance do not take into consideration the tax contributions and other financial benefits that refugees provide once they have settled in this country.

7. The federal government encourages participation in refugee assistance by the private and voluntary sectors, both overseas and in this country, to assure that U.S. contributions help as many refugees and displaced persons as possible. Contributions from voluntary agencies and the public at large are not included in this report, since they are often difficult to assess in dollar amounts.

Summary of Federal, State and local funding for refugee assistance

[BA in millions of dollars]

	1980	1981
International refugee assistance:		
Department of State/Agency for International Development:		
Migration and Refugee Assistance	$201.1	$253.0
UNRWA	52.0	[1]
Food for Peace	55.0	55.0
Section 495 F	14.2	[1]
Sections 533 and 534 ESF	25.5	[1]
Kampuchean Relief	[2] 25.0	See text
U.S. Emergency Refugee and Migration Assistance Fund	40.0	15.0
Department of Defense	4.0	4.0
Peace Corps	0.2	0.7
Subtotal	417.0	327.7
Initial U.S. resettlement:		
Department of State:		
Migration and Refugee Assistance	255.1	299.3
Office of the U.S. Coordinator for Refugee Affairs	0.5	0.5
Immigration and Naturalization Service	2.5	2.5
Security clearances	1.5	1.5
Subtotal	259.6	304.2
Domestic resettlement services:		
Department of Health, Education and Welfare:		
Refugee Assistance	524.0	598.5
AFDC	22.9	41.0
SSI	10.8	17.4
Medicaid	14.0	26.5
Indochina Refugee Children Assistance Act	12.0	[3]
Department of Agriculture:		
Food and nutrition service	126.0	212.0
Other programs	$2.0	$2.0
Department of Commerce	0.3	0.3
Department of Housing and Urban Development	12.2	17.6
Department of Justice	1.0	1.0
Department of Labor	53.0	53.0
ACTION	0.8	0.8
Subtotal	779.0	980.1
State and local services:		
Cash and medical benefit	2.6	106.5
Elementary/Secondary education	242.0	384.0
Subtotal	244.6	500.5
Total	1,700.2	2,112.5

[1] These programs are consolidated in the Migration and Refugee Assistance Appropriation in 1981.

[2] Additional amounts totalling $40 million have been provided through the Food for Peace Program or as a contribution to the UNHCR funded from the Migration and Refugee Assistance appropriation. These amounts have been included as costs incurred by those accounts.

[3] Costs for special educational programs for refugee children are included in the Refugee Assistance account for fiscal year 1981.

SECTION I: INTERNATIONAL REFUGEE ASSISTANCE

The U.S. Government expects to contribute $417.0 million for humanitarian and refugee aid overseas in Fiscal Year 1980. In 1981 that figure is expected to decrease to $327.7 million, primarily because of uncertainty over requirements for Kampuchea and several other refugee assistance programs. These programs include those of the United Nations High Commissioner for Refugees (UNHCR), the International Committee for the Red Cross (ICRC), the United Nations Relief and Works Agency (UNRWA), and the Intergovernmental Committee for European Migration (ICEM). This section also includes an analysis of U.S. food aid for refugees and displaced persons and U.S. bilateral and related refugee assistance.

The United Nations High Commissioner for Refugees

In 1980 the United States will contribute up to $161,950,000 to the refugee programs of the UNHCR. Of this total, $125,500,000 is allocated for the care and maintenance of Indochinese refugees and the construction of new refugee processing centers (RPCs) in the Philippines and Indonesia, $20,000,000 is for refugees and displaced persons in Africa, $15,000,000 is for the victims of hostilities in Cyprus in 1974 (of which $13,000,000 was appropriated at Congressional initiative) and $1,450,000 is for refugees in the rest of the world.

In 1981 the Administration is seeking appropriations totalling $141 million for the continuation of these programs.

International Committee of the Red Cross (ICRC)

The ICRC has a long-standing policy of providing assistance to victims of war and civil discord. During 1980 the Administration plans to contribute $5 million to support ICRC activities in Africa. An additional $1 million will be contributed to the general program of the ICRC. During 1981 our total contributions to the ICRC are expected to be $8 million, of which $7 million will be for assistance in Africa.

Intergovernmental Committee for European Migration (ICEM)

The United States is a charter member of ICEM, which arranges medical screening and transportation of refugees to countries of permanent resettlement, largely to the United States. The Administration will contribute $4,120,000 in 1980 and $5,000,000 in 1981 for membership and the voluntary contributions for regular activities of ICEM and the Committee's program of selective resettlement of migrants to nations with recognized skill shortages.

United Nations Relief and Works Agency (UNRWA)

UNRWA is responsible for assisting 1.7 million Palestinian refugees. In 1980 the Administration expects to contribute $52 million to this program. In 1981 the Administration proposes to raise that contribution to $62 million in view of the severe financial problems currently confronting UNRWA.

Food for Peace

Food aid is a vital component of the U.S. response to major refugee disasters. In 1980 the Administration has already contributed $25 million worth of Food for Peace (PL 480 Title II) commodities and transportation to assist in the Khmer relief effort and $30 million more to assist in feeding refugees in Somalia, Pakistan and elsewhere. Growing refugee needs (especially those in Kampuchea, Pakistan and Somalia) may require using additional contributions from the Food for Peace program in the remainder of 1980. In developing an estimate of 1981 contributions, we are projecting a continuation of the current year level.

Assistance to Israel in Resettling Soviet and Eastern European Refugees

The Congress, at its own initiative, appropriated $25 million in 1980 to provide support to Israel in meeting the cost of resettling Soviet and Eastern European refugees. The President is requesting the same amount in the 1981 budget.

Section 533 Economic Support Funds (ESF)

Due to concern for the serious refugee problems in southern Africa, the Administration has instituted a special ESF program for that area. In 1980 an estimated $10.5 million will be provided for refugee-related activities in southern Africa. Beginning in 1981 this program will be merged into a program of special refugee assistance projects in Africa funded through the Migration and Refugee Assistance appropriation of the Department of State.

Section 495 of the Foreign Assistance Act

The Congress has directed that funds provided in 1980 be redirected to allow for an expanded program of assistance to refugees in Africa. These funds are expected to total $14.25 million in 1980 and will be used for refugee assistance and education. This program will be continued but will be merged in 1981 into a $12 million program for special refugee assistance projects funded through the Migration and Refugee Assistance appropriation.

Assistance to Victims of the Kampuchean Famine

Through the middle of January, the United States had contributed nearly $50 million in cash (excluding contributions to the UNHCR discussed above), commodities, or services to this relief program. This includes the $25 million in Food for Peace commodities contribution discussed earlier.

The total cost of this program is difficult to estimate because of uncertainty over future deliveries of food to Kampuchea. Should the barriers to effective food distribution lessen in coming months and deliveries continue, the costs of this program to the U.S. may double to approximately $100 million. On the other hand, if the relief effort is restricted primarily to the Thai-Khmer border feeding programs, the costs will not rise as significantly.

Resettlement in Southeast Asia of Indochinese Refugees

The State Department requested $2 million in 1980 to start a program of resettlement for Indochinese refugees in Southeast Asia. Since it appears unlikely that the first-asylum nations will agree to accept refugees for permanent resettlement, these funds may be reprogrammed for other refugee needs. No funds are requested for this program in 1981.

Reimbursement to the Department of Defense

The Department of State requested $17 million for 1980 to reimburse the Department of Defense for air reconnaissance support for rescue of refugees at sea and for transportation of refugees to RPCs. The funds have now been reprogrammed to finance a combined air reconnaissance program and a modified refugee transportation system. This program is not expected to continue into 1981.

U.S. Emergency Refugee and Migration Assistance Fund (Emergency Fund)

The Emergency Fund was established by the Congress as a source of financing for emergent refugee needs. Since the uses of the Emergency Fund are, by definition, not foreseeable, it is difficult to project actual expenditures. In 1980 $40 million is requested, including a special appropriation of $25 million to finance emergency group refugee admissions to the United States under new authority sought in the pending Refugee Act. In 1981 $15 million is requested.

Department of Defense

The Department of Defense expects to incur directly costs of approximately $4 million (which are not reimbursable by the Department of State) in both 1980 and 1981 to care for refugees rescued at sea by U.S. Navy ships. These include the costs of feeding, providing short-term housing and medical care to refugees rescued by Navy vessels in Southeast Asia.

Peace Corps

The Peace Corps has signed an agreement with ICEM to recruit and sponsor qualified former volunteers and others to serve as medical screeners and processors in support of the refugee resettlement program in Southeast Asia. This program will provide 38 volunteers in 1980 at a cost of $245,000 and 68 volunteers in 1981 at a cost of $686,000.

SECTION II: INITIAL U.S. RESETTLEMENT COSTS

The initial Federal costs of resettling refugees in the United States involve selection and processing, transportation, and initial reception and placement services. These costs are largely funded by the Department of State. Small costs also are incurred by those agencies involved in the process of refugee security clearances and actual admission to the U.S.

Department of State

The Department of State expects to resettle 168,000 Indochinese refugees in this country in 1980, at a cost of $200.3 million. The Administration has budgeted $221.2 million to admit another 168,000 Indochinese refugees in 1981. But actual admission levels will be subject to a Presidential Determination and consultations with the Congress before the beginning of the fiscal year, under the terms of the pending Refugee Act of 1979. The increased costs in 1981 reflect the effects of inflation on transportation and initial reception and placement activities.

Cost estimates for 1980 and 1981

[In millions]

	1980	1981
Selection, documentation and other processing costs	$10.9	$9.5
Transportation	105.4	121.8
Reception and placement grants	84.0	89.9
Total	$200.3	$221.2

Funds requested for transportation of refugees in 1980 and 1981 are provided to ICEM as a source of capital for loan funds. Refugees sign promissory notes against the loan fund with repayments used to finance a portion of transportation costs in future years.

The Department of State estimates costs of $49.8 million in 1980 to finance the resettlement of 36,000 Soviet, Eastern European and other refugees.

This estimate includes (in millions of dollars):

Contractual assistance provided by voluntary agencies to refugees	[1] $29.5
Transportation and related services	7.2
Reception and placement grants	12.6
Far East refugee program	.5
Total	49.8

[1] The contractual services provided by the voluntary agencies include the care and maintenance of refugees while they await processing for resettlement, their actual processing, and in some cases English-language training.

Unexpected increases in emigration from the Soviet Union in recent months make it likely that the United States will admit up to 50,000 non-Indochinese refugees in 1980. The Administration will consult with the Congress on these increased admissions on enactment of the Refugee Act of 1979. Any additional costs resulting from increased admissions will be met by reprogramming 1980 refugee appropriations.

In 1981 the Administration is projecting a flow of 54,000 refugees from the Soviet Union and Eastern Europe at an estimated cost of $73 million. This includes (in millions of dollars):

Contractual services provided by the voluntary agencies	$41.6
Transportation and related services	11.3
Reception and placement grants	20.2
Total	73.1

As in the case of the Indochinese refugees, the funds requested for transportation of these refugees are contibuted to loan funds managed by ICEM. There is again some degree of self-financing for refugee transportation as a result of the repayment by refugees of the travel loans.

Department of Justice

The Immigration and Naturalization Service (INS) has staff in Europe and Asia to process refugee applications for resettlement in the United States. INS estimates that total costs for this service will be less than $3 million in each year.

Security clearances

Prior to approval for admission to the United States, refugees receive security checks—on such matters as narcotics, visa fraud, and other illegalities—conducted by several federal agencies. Total costs are approximately $1.5 million in both years.

Administration expenses

Administrative support of the refugee program in the Department of State will cost about $5 million in both 1980 and 1981. Operating and salary costs for the Office of the U.S. Coordinator for Refugee Affairs will be about $550,000 in each year.

SECTION III: FEDERALLY FUNDED DOMESTIC ASSISTANCE PROGRAMS

In accordance with U.S. laws and traditions, refugees admitted for resettlement receive the assistance necessary to become productive and self-sufficient. The domestic programs designed to meet the pressing financial, medical and social needs of refugees, and other needy Americans, are detailed below.

Department of Health, Education, and Welfare

The HEW funded refugee assistance program has six major components.

1. State administered programs.—States are reimbursed for their costs in providing cash and medical assistance through federal/state shared programs such as A.F.D.C. and Medicaid and General Assistance (which is normally funded entirely by state and local governments). In 1980 States receive these reimbursements without regard to the length of time an individual refugee has been in the U.S. For 1981 the estimates provided assume that Congress will approve the President's proposal to provide special federal reimbursement to States for refugees only during their first two years in the country. Funds are also provided to State agencies for English language and vocational training, employment counseling and a variety of social services similar to those funded under Title XX of the Social Security Act. The estimated cost for 1980 is $405.2 million; and 1981 projection is $459 million.

2. Voluntary agency programs.—Matching funds are provided to voluntary resettlement agencies which provide comprehensive resettlement services to Soviet Jewish refugees. These services include cash and medical assistance, training, social services and special counseling. The President's budget includes $32 million in 1980 and $36 million in 1981 for this program.

3. Cuban program phasedown.—States are reimbursed for costs related to Cuban refugees who arrived in this country prior to October 1, 1978. Funds are provided for cash and medical assistance, education, and administrative costs not covered by other federal programs. Because these refugees no longer present a special burden to the states, funding is gradually being phased out under the terms of a Congressionally agreed-upon timetable. The estimated cost is $53.3 million in 1980 and $44.8 million in 1981.

4. Education assistance for children.—Discretionary grants are awarded to selected local school systems to meet the unique educational needs of refugee children. In 1980 a supplemental appropriation of $23.2 million has been requested to fund the 1980/81 school year. Funding of $44.3 million is proposed in the 1981 budget to forward fund the 1981/82 school year.

5. Preventive health.—Improved health screening services are being proposed to identify health problems of Indochinese refugees which adversely affect the individual, but which do not pose a public health threat. The estimated cost is $6.3 million in 1980 and $7.9 million in 1981.

6. Federal administrative costs.—Funds are included to provide policy direction and technical assistance to state employment training programs and social service agencies, and monitor state welfare programs. Estimated costs are $4 million in 1980 and $6.5 million in 1981.

Aid to Families with Dependent Children (AFDC)

While the Refugee Assistance program pays the normal state share of cash assistance costs, the federal share is included in this separate appropriation. To qualify for assistance, refugees must meet normal AFDC eligibility requirements (with certain exceptions). HEW estimates that refugees benefits will be $22.9 million in 1980 and $41.0 million in 1981 through this entitlement program.

Supplemental Security Income (SSI)

This entitlement program, funded entirely by the federal government, provides cash assistance for needy, aged, blind or disabled refugees and other individuals who meet SSI eligibility requirements. HEW estimates that refugees will receive $10.8 million in benefits in 1980, and $17.4 million in 1981.

Medicaid

Similar to the arrangement for AFDC, the Refugee Assistance appropriation pays the normal state share of specified medical assistance costs for refugees who qualify under state Medicaid program. Costs in the Medicaid account represent the normal federal matching share of this assistance. HEW estimates that refugees will receive $14 million in 1980 benefits and $26.5 million in 1981.

Formula Grants for Education of Refugee Children

In 1980 Congress appropriated $12 million under the authorities of the Indochinese Refugee Children's Assistance Act for the 1979/1980 school year for special costs associated with the education of Indochinese children. In the 1981 budget discretionary grants will be provided to local school districts for special refugee education programs under the Refugee Act, as discussed above.

Department of Agriculture

The food stamp program, administered by the Food and Nutrition Service (F&NS), provides coupons redeemable for certain food items based on income levels and family size. F&NS estimates that refugees will receive $115.4 million in 1980 benefits, and $191.6 million in 1981.

The school lunch and breakfast programs provide free or reduced price meals to students from low-income families. F&NS estimates that refugees will receive $10.6 million in benefits in 1980, and $20 million in 1981.

Programs of the Family Extension Service and the Forest Service Job Corps Center also assist refugees. Costs in both 1980 and 1981 are estimated to be $2 million.

Department of Commerce

The National Sea Grant Program (which aids Gulf Coast fishermen) and a Minority Business Development Administration counseling program in Beaumont, Texas provide assistance to refugees. The Department estimates that total costs will be approximately $300,000 in each year.

Department of Housing and Urban Development

Refugees are eligible for Public Housing and Section 8 housing along with other low-income persons. The Department estimates that as many as 5,500 families currently receive benefits through these programs at a total potential cost of $12.2 million in 1980. HUD estimates that an additional 5,600 families may begin to use housing provided through these programs in 1981, bringing the total cost to about $27.6 million.

Department of Justice

The Community Relations Service provides assistance to local communities in resolving situations of potential conflict. The Department estimates that CRS involvement in refugee matters will absorb less than $1 million in available resources in either 1980 or 1981.

Department of Labor

Refugees are eligible for Job Corps, Comprehensive Employment and Training (CETA) and Federal-State Employment Service programs, along with other needy individuals. Although refugees may have special needs for jobs programs, utilization rates have been relatively low. The Department anticipates increasing the number of Indochinese refugee youth enrolled in the Job Corps from 500 to 2,000 during 1980, and continuing this level through 1981. Other youth programs to meet special needs are also being developed. Estimated total costs will be $53 million in both 1980 and 1981.

Adult refugees are eligible for training through CETA programs. However, the decentralized CETA operation makes it difficult to identify separately refugee participants. The Department of Labor is modifying its data collection systems to provide both the number of refugee participants and associated costs. This information will be available in several months.

ACTION

Programs utilizing the skills of volunteers to assist in the refugee resettlement program are financed by this agency. ACTION estimates that the total cost of the programs will be approximately $750,000 in either 1980 or 1981.

SECTION IV: STATE AND LOCAL SERVICES

The Federal Government has financed the special costs associated with the temporary and transition services required by refugees during their initial resettlement. Since large flows of Soviet and Indochinese refugees have occurred only in the last five years, State and local governments have incurred only a small share of the total costs of refugee assistance. As refugees become more assimilated into American society, State and local governments will begin to assume a share of these costs more commensurate with their normal share of costs for assisting other needy Americans.

This policy on financing of refugee assistance has been clearly expressed in the Refugee Act which is currently receiving final Congressional action. The President's version of the bill establishes that for the twenty-four months following the admission of a refugee that the federal government is authorized to finance the full cost of services required to aid in the adjustment of a refugee to life in the United States. Following that two-year period financing for certain cash, medical and social services would become consistent with policies for other Americans and normal cost sharing rules between the Federal and State governments will apply.

State and local costs directly attributable to refugees are largely limited to the traditional non-federal functions of financing and providing elementary and secondary education. Based on the age distribution of Indochinese refugees (approximately 29 percent are of school age) and average per pupil expenditures, these services are estimated to cost $241.2 million in 1980 and $394 million in 1981.

In 1980 State and local expenses for cash and medical assistance to refugees will be $2.6 million, largely attributable to refugees whose full needs cannot be met through the special voluntary agency program discussed in Section 3 of this report. In 1981 these costs are estimated to be $106.5 million reflecting the cost sharing principles of the Refugee Act. Offsetting reductions in federal costs have been assumed, though the increased financial incentives provided under the Refugee Act for State and local governments to assimilate more rapidly refugees into community economic and social life may result in reduced total refugee assistance costs.

As was previously noted, the indirect costs of State and local government programs which do not provide services to refugees as a distinct population group have not been estimated here.

SERVICE DELIVERY ASSESSMENT: REPORT TO THE SECRETARY

INTRODUCTION

Background

The United States has resettled about 200,000 Indochinese refugees since 1975. The early waves of refugees were first sent to U.S. military bases before being assigned to a voluntary agency (volag) for resettlement. By the end of 1975, it was believed that the crest of refugee flight to the U.S. has passed; the camps were closed and a direct resettlement program was instituted which was thought to be capable of handling the few expected newcomers.

This past summer, President Carter pledged to double the monthly quota of refugees from 7,000 to 14,000—168,000 refugees per year—the largest resettlement program the U.S. has ever attempted. The legislation for the current program expired on September 30, 1979, and important changes are being considered.

The current direct resettlement program is run by eight voluntary agencies who receive $350.00 from the State Department for each refugee resettled. These agencies may provide a wide range of services to refugees including lodging, food, clothing, cash, health services, counseling, English language training, education and vocational training.

HEW is responsible for administration of the Indochinese Refugee Assistance Program (IRAP) located in the Social Security Administration. In FY '79, the IRAP budget contained $143.4 million. Almost 75% of these funds ($105.7 million) are spent for financial and medical assistance to refugees and state administration of the program. The remaining $37.8 million is spent on: (1) special projects for English, employment training and mental health ($7.5 million) which are administered directly by HEW; and (2) various social services ($30.2 million) administered by state agencies largely through Title XX purchase of service contracts. The Office of Education administers a program which provides funds to local educational agencies to provide educational services for Indochinese children. This program was not reviewed in this assessment.

Last June, the Secretary initiated several reviews of the IRAP program in order to have better information on which to base program decisions and strengthen HEW leadership and management. This assessment focuses on the current experiences of refugees and service providers at the local level.

Study purpose and design

The purpose of this assessment is to describe the general living conditions of Indochinese refugees in the United States and the extent to which federally-funded programs are assisting them. Specifically, the assessment was to determine:

I. How are the refugees doing?

II. How useful are voluntary agency resettlement efforts?

III. How useful are HEW's current programs?

IV. How well does the 'system' work?

V. Can the current programs absorb large numbers of new refugees?

Discussions were held with over 800 people in 15 states during this study, including 500 refugees, 335 service providers and voluntary agencies, and 80 Americans selected at random. The initial phase of the study consisted of largely open-ended discussions to identify key issue areas. The data shown in this report is from the structured field work conducted from August 6–17, 1979, in New York, Pennsylvania, Florida, Louisiana, Illinois, Iowa, Texas, California, and Oregon. These states were chosen because they have large concentrations of refugees, represent a wide geographic spread and provide a range of both urban and non-urban sites.

The numbers and percentages which appear in this report are intended to give the reader a sense of how study participants responded to certain questions, but the data cannot be assumed to be statistically reliable.

MAJOR FINDINGS

I. Most refugees are living in marginal circumstances; they speak little English, are trapped in the secondary job market or on welfare, and live in overcrowded, ghetto-like housing. New arrivals have less education, little skilled employment experience and more serious health problems than "old wave" refugees. Some refugees, however, have had great success.

II. Upon arrival most voluntary agencies do not provide refugees with the vital services essential to self-sufficiency. Although refugees are considered a federal responsibility, there is no uniform approach or policy for resettlement services.

A. There is inadequate notification of and preparation for the arrival of refugees. Many refugees move from the initial resettlement area.

B. Refugees receive little information regarding their rights and responsibilities and have little understanding of American economic practices and social customs.

C. Most voluntary agencies are advising refugees to find work immediately, others, following a different agency philosophy, advise obtaining English or work training while being supported on public assistance.

D. Current resettlement efforts largely consist of assistance for immediate survival needs (food, housing, jobs, clothing). Refugees receive insufficient help with daily living skills, information and referral and interpreter services. There is no standard set of sponsor responsibilities. Additionally, voluntary agencies provide inconsistent amounts of cash assistance.

III. Refugees have many needs which are not sufficiently met by the private sector or by HEW services. There is tremendous variation in the availability and quality of services provided to refugees.

A. There are significant differences among states in the type and extent of services available to refugees.

B. The demand for English training far surpasses all other service needs, yet few intensive programs are available to refugees.

C. Most refugees are working in the secondary job market, yet few are receiving employment training or assistance.

D. Although refugees generally receive emergency health care from public clinics, health screening is rare in the United States. Dental care is spotty.

E. Many refugees are experiencing emotional problems; the failure to resettle refugees in an orderly manner exacerbates the problem.

F. Most refugees use welfare for a short time. English and employment training are essential to attain self-sufficiency.

G. Housing and transportation are major problems for refugees, particularly in areas where there are good job opportunities.

IV. There are serious weaknesses in the current refugee assistance "system".

A. The lack of cooperation and coordination among service providers and voluntary agencies at all levels of government has resulted in fragmentation of services and poor interagency referral at the local level.

B. Funding mechanisms are unnecessarily confusing and duplicative. Federal and state government responsibilities are poorly defined. The program lacks accountability and refugee involvement in decision making.

C. Many local service providers and volunteers are incredibly dedicated and work long hours to assist refugees.

V. Doubling the number of refugees will likely result in further reductions in the extent and quality of services; if current problems are not addressed, this could become a major national issue.

A. Refugees are settling in areas in which either the *job* or housing markets are highly competitive.

B. Negative public opinion is increasing significantly; given existing programs and resources, we can expect continued tension and demonstrations.

C. Unless program policy changes are instituted and additional resources secured, newly arriving refugees will cause greater strain in many communities.

I. How are the refugees doing?

Some refugees have had great success in this country: they own homes and businesses and have children in college. Most of these families are "old wave" (arrived prior to January, 1978) and have more than one job or wage earner in the household. By American standards, they have attained middle class status.

A few refugees are in desperate situations. They live in abject poverty, with severe mental or physical health problems, in neighborhoods where they fear for their personal safety. They are often confused and isolated.

Most refugees, however, live in marginal circumstances. Fifty-nine percent of the respondent households have at least one spouse working despite the fact that most of them speak little or no English. Many work in the secondary job market at or near the minimum wage. In case of recession, they may be among the first to be laid off. They tend to live together in clusters in order to survive; they help each other with job referrals, car pools, interpreter services and social support.

"Other Indochinese people make me to be happy and make me to forget my loneliness, helplessness and hopelessness in this country." (Hmong refugee).

"Old wave" refugees reffect a wide range of backgrounds, but some of them are well-educated and had been exposed to western culture. The "new wave" refugees in Asian camps are also said to have diverse backgrounds, but proportionately there are more persons with little formal education, non-transferable job experience and little exposure to Western urban life. Many of these refugees have developed physical health or emotional problems as a result of being in the Asian camps for a long time.

Refugees express gratitude to the people of the United States and their government for bringing them here and allowing them the opportunity for a new life. They ask for very little, but acknowledge that they need help. The most frequently expressed wish is for the U.S. government to bring more refugees from Asian camps as soon as possible. For themselves, they ask for English language and job training so that they can become productive American citizens as soon as possible.

"We want in the near future to have a job and not be a problem to the government." (Vietnamese refugee).

II. How useful are current voluntary agency resettlement efforts?

A. Initial arrival and secondary migration: There is inadequate notification and preparation for the intial arrival of refugees. Many refugees move from the initial resettlement area.

Refugees are flown directly from the Asian camps to their final U.S. destination. Numerous complaints were heard about refugees being stranded overnight in airports en route to their destination. Local volags are often unaware of incoming refugees and their characteristics. Little notification is given to local governments or other service providers. The expected increase in refugee arrivals will likely worsen this situation.

Forty-one percent of the refugees we spoke to had moved from one city to another since their arrival in the U.S. The primary reasons given for moving are family/friend reunification (mentioned by 62 percent), better job opportunities (25 percent), more amenable climate (13 percent), and better services (6 percent). There are no accurate national data on the extent and nature of refugee migration. Services are severely strained where substantial in-migration occurs.

B. Orientation: Refugees receive little information regarding their rights and responsibilities and have little understanding of American economic practices and social customs.

Service providers state that the types of information most often not provided to refugees include:

Legal rights and responsibilities (mentioned by 25 percent). Refugees unwittingly break the law. Further, they do not understand the circumstances under which the law can protect them. Immigration problems, landlord/tenant agreements and property and liability insurance present new concepts. In some sites there are numerous complaints about lack of police protection. Refugees often do not understand that certain documents, such as drivers' licenses, are required and often do not know how to obtain them.

Explanation of American customs and social behavior. Some refugee behavior patterns which are perfectly acceptable in the Indochinese culture are simply not acceptable in this country (e.g. men holding hands and undiapered children). Refugees are unprepared for the American reactions to such incidents. Some refugees have lost their jobs because they did not know they had to call in sick; others do not realize they have to make an appointment to see a doctor.

Economic practices (banking, taxes, credit cards, life insurance, etc.). Many financial and economic concepts need to be understood such as banking practices, credit cards, life insurance and taxes. Some refugees have not paid taxes because they do not understand or are unaware of our system of taxation. Others have been exploited in major purchases with long term credit.

C. Volag Advice and Cash Assistance: Volags advise refugees according to individual agency philosophy and provide inconsistent amounts of cash assistance.

The decision to go to work immediately or to learn English first is believed to significantly influence the long-range economic self-sufficiency of new arrivals. Two-thirds of the volags and sponsors report that they strongly advise refugees to begin working immediately. "Restores dignity" and "for their own pride and self-respect" are common rationales. Some say that its refugees go on welfare while in full-time training, they will become long-term welfare recipients. "ESL hinders their becoming self-sufficient (volag).

The selection of actual services to be provided rests with each local volag. The volags/sponsors usually provide at least some cash and locate housing, often paying the first months' rent. About half the refugees indicate they were provided with food, furnishings and clothing; only 45 percent received some kind of orientation and/or help with practical living problems. Forty-three percent of the refugees indicate they currently are most likely to rely on members of their families or other refugees for assistance.

Most volags stop providing assistance when the refugees get a job, except in cases of emergency; sponsors may retain their relationship over a longer time period. Local volags in areas with heavy in-migration often experience overload, which may result in lower quality service to all refugees in that area.

Most refugees are aware of welfare and health agencies and Indochinese multi-service agencies (where they exist). For other problems, refugees are most likely to rely on other refugees for information and referral. In most sites, there is no overall responsibility for assisting refugees with information and referral. As a result, almost all service providers (96 percent) indicate that they help refugees with I&R, but 57 percent indicate that they consider this to be the sponsor's responsibility.

Many service providers, especially Indochinese employees, spend much time assisting refugees with transportation, job interviews, grocery shopping and translation services. While some projects are funded to provide this type of much needed service, other projects are providing these services even though they receive funding for other purposes.

Twenty percent of the service providers serving substantial numbers of refugees have no bilingual staff. Cambodian, Laotian and Chinese interpreters are rare. Even where service agencies employ a range of bilingual staff there are too few for the caseload. Agencies without interpreters report using other refugees or borrowed bilinguals. Most refugees bring their own interpreter, usually a family member or friend, who often speaks limited English and must take a day off work to provide this assistance. Even Social Security offices do not provide interpreters.

III. How useful are HEW programs?

A. State disparities: There are significant differences in the scope of services among states.

Based on 1978 data, Washington State has 75 percent more total IRAP funds than Texas, which has 2.5 times more refugees. Pennsylvania has received more than twice as much IRAP money as Louisiana, even though both have roughly equivalent refugee populations. These differences are primarily due to different levels of cash/medical assistance and state initiative in seeking funds for refugee services. Welfare benefits, Medicaid coverage and Title XX eligibility requirements vary substantially from state to state and have a major effect on the ability of refugees to obtain needed services. Opportunities, particularly for English and job training, are very limited in some states.

8. *HEW program efforts.*

1. English Language Training: Most refugees cannot communicate in English. There are not enough English language programs where training is available, much of it is haphazard. Good English programs often have long waiting lists and huge classes.

The English capability of the refugees in this study is quite low. Only one-third of all the refugees could be understood by the survey team. Almost half of the old wave refugees had difficulty communicating and 25 percent could not communicate without an interpreter. Refugees and service providers consistently state their most important need is to learn English. "This is a wealthy society, but since I don't know the langauge, everything is shut off to me." (Ethnic Chinese)

Twenty-eight percent of the refugees have not had any English training in this country; almost half (46 percent) of the refugees who arrived in 1979 are not currently taking English. They are unable to take language training due to lack of classes, competing work pressures, poor location/scheduling of classes, insufficient child care and transportation and Title XX eligibility requirements.

Two-thirds of the refugees want at least 20 hours per week of English instruction, in sessions of 4 to 6 hours per day. Given this intensity, most refugees feel they could learn enough English to get along in less than one year. English language teachers agree, saying a period of 6 to 12 months of intensive English training would be adequate for most refugees, but refugees illiterate in their own language will need 2 to 3 years. In most places, intensive language training is simply not available. Three-quarters of the refugees report receiving less than 20 hours per week (in one site, refugees were found to be enrolled in three different programs in order to get 45 hours of training per week).

The quality of English training varies substantially. Some classes provide specialized ESL for Indochinese taught by highly trained teachers; others are drop-in classes in church basements taught by volunteers. Some are vastly overcrowded (a class of 100 students to a single teacher was observed in one site).

Good ESL classes are characterized by study participants as:

Small, not more than 20 students.

Taught by enthusiastic and culturally sensitive teachers. Refugees prefer bilingual teachers or aides for beginning students. "The teacher could say banana all day, but until she said it in Laotian, I don't know what it means." (Hmong refugee) Many prefer American (ESL) teachers thereafter in order to learn proper pronunciation.

Composed of students of similar English speaking ability. Most refugees do not object to the mixing of nationalities.

Those which emphasize conversation and pronunciation, not grammar.

Use subject matter directed to the needs of the students. The use of visual materials is popular. Team members observed English classes where refugees were learning to shop, change money, keep checkbooks and read local maps. Refugees and teachers are enthusiastic about field trips and guest lecturers on practical matters (carpentry, cooking, etc.).

2. Employment Services: Many refugee families have no wage earner. Refugees are largely limited to the secondary job market, which does not provide health insurance or other fringe benefits. Job counseling and vocational/skills training are scarce. Eligibility criteria and English requirements often exclude refugees from mainstream skill training programs.

Over one-third of the refugee households have no wage earner. The major reasons for unemployment are inability to speak English, poor health, lack of relevant work experience and inadequate orientation to the United States work practices. Contrary to American belief that Indochinese women do not work outside the home, one-third of the women are currently employed, compared with 55% of the men. Highly trained refugees are often underutilized (e.g. a neurosurgeon studying welding, an international law professor studying auto mechanics). Some refugees with few skills in Indochina may be doing relatively better in the U.S.

Two-thirds of the refugees interviewed had not been to a job counseling/placement agency. Only half of the respondents who used a job counseling program were sent to an employer, and only half of these were hired. Most refugees say they found their current job through other refugees (33%) or sponsors and volags (17%).

Good job counseling/placement agencies are described as providing:

(1) Assessment of prior education and work experience.

(2) Development of a career plan including additional experience and training needed to meet career objectives.

(3) Orientation to United States work practices.

(4) Identification of job openings and referrals.

(5) Job development to create slots which fit refugee needs.

(6) Follow-up assistance after job placement.

Most agencies concentrate their resources on function 4, identifying job openings and sending refugees out for interviews. Agencies vary substantially in their attention to functions 1, 2 and 6. Orientation to U.S. work practices and job development/promotion for refugees are largely overlooked.

Mainstream employment agencies without bilingual personnel are generally ineffective. Some bilingual job counselors in other agencies are sometimes poorly trained and have little knowledge of job market conditions, transferability of skills, licensing or training requirements. Job counseling/placement agencies which use teams of Indochinese and American workers seem to work well.

Many refugees want job training. Seventy-five percent of the refugees who completed skill training say they got jobs in the area for which they were trained. There are not enough skill training programs/slots. English requirements and income eligibility preclude many refugees from enrolling in CETA and other mainstream skill training programs.

3. Health services: Physical and dental health screening and treatment is sporadic. Few health professionals believe refugees are endangering the American population with communicable diseases, although many refugees do have parasites, skin rashes, poor nutrition and diseased teeth. Public health facilities are overwhelmed in some areas. There are delays in getting Medicaid cards: Medicaid does not cover treatment of some illnesses. Interpreters are frequently unable to understand and explain Western medical practices.

One-third of this year's arrivals have not received medical attention, although health professionals say virtually all of them need health screening. One sponsor indicated, "Our refugee family came with six different types of parasites, active T.B. and terrible teeth. One child alone had nine abscessed teeth; another needed open heart surgery." Reasons include: 1) patient overload in clinics with bilingual personnel: 2) lack of clarity as to who will pay for screening outside of federal facilities; and 3) lack of interaction of local health officials and volags. Although many refugees appear to have severe dental problems, 54 percent of the refugees have not had any dental attention, including 39 percent who have been here more than three years. Reasons for lack of dental care include high cost and no Medicaid coverage in some states. Health providers indicate that the threat of communicable disease has been overstated by the media. They suggest that HEW provide the public with accurate information to ameliorate these fears.

Health providers say their single most troublesome problem is a lack of interpreters, although most providers say they have some kind of Indochinese staff (primarily Vietnamese). Only 23 percent of the refugees who needed an interpreter report that one was available at the facility they visited. "Difficulty to explain my teeth hurting symptom to the dentist." (Cambodian Refugee) Forty-six percent of the refugees indicate they use refugee friends as interpreters. The few practicing Indochinese physicians are extremely overworked. Almost two-thirds of the health providers volunteer that there are definite cultural problems, e.g. refugees come in only for acute problems, do not follow prescribed medical instructions and are reluctant to discuss personal health problems.

Fifty percent of the refugees report paying for health care by Medicaid. In some states, long delays in Medicaid reimbursement is reported. In areas where few physicians see Medicaid patients, refugees report long waiting periods to see a doctor. Medicaid does not cover initial health screening, some treatments and medications and, in some states, dental care. In one state, it is strongly suggested that many refugees are on cash assistance in order to be eligible for Medicaid. Refugees who work in the secondary job market seldom have health insurance and cannot afford to pay for health care.

Health education is rarely provided both because there is no Medicaid coverage and providers are busy treating acute illnesses. Health education is important since refugees are unfamiliar with American food, child health, immunizations, and the use of prescription drugs. Few health education materials are printed in Indochinese languages. Some exemplary materials have been developed, but distribution has been very limited.

4. Mental Health: Many refugees are experiencing emotional problems characterized by personal sorrow (depression, homesickness, loneliness) which is traditionally handled within the Indochinese family. Culture shock, poor orientation, inability to communicate, separation of families, social isolation and financial insecurity greatly increase refugee despair. The failure to resettle refugees in an orderly manner exacerbates the problem. Western methods of treatment are not believed to be effective with the Indochinese.

Seventy-six percent of the refugees indicate that many refugees experience emotional problems. Primary causes are said to be separation of families and cultural shock. The vast majority of the refugees report that people suffering from these problems receive help from their families and other refugees or deal with their problems alone.

"When I first came, I thought I had committed suicide. I thought I had lost more than most—not money—but what I believed in. I was very depressed and didn't know what I wanted—I didn't care." (Vietnamese person of prestige.)

"There is no way we can relate to their sense of loss. It is worse than death—like an unfinished funeral." (mental health worker) Many mental health workers note that emotional problems are often related to physical health or other practical "life situation" problems. Mental Health workers see such manifestations as depression, alcohol/substance abuse, family tensions and psychosomatic illness. Few respondents think the problems are clinically severe. Those having the greatest emotional difficulties are the elderly, people who do not speak English, particularly women alone in the home, and single persons.

Few refugees use community mental health centers. Only twelve refugees, nine from one state, mention mental health centers as a resource. Indochinese people find it difficult to discuss personal problems and the use of an interpreter increases their discomfort.

Many refugees stress the need for cultural centers. They believe such centers can provide orientation and other programs to help reduce these problems. "It is important for people who have lost everything to have a place to socialize and to pray and to calm their problems." (Laotian refugee)

5. Welfare: Most refugees use welfare briefly. Welfare policies vary from state to state and dramatically affect the choices available to refugee families.

"I feel bad about I cannot support myself. I feel I am not the good son of the family if I stay on welfare." (Hmong refugee).

Two-thirds of the refugee respondents have been on welfare at some time (41% are currently receiving public assistance). About 70% of former and recent recipients are or were on the rolls for eight months or less. Very few welfare workers think refugees are likely to need more than two years of cash assistance. They describe long term recipients as elderly heads of household with large families, no English or few job skills.

It has been suggested that refugees often continue on welfare after securing a job in order to supplement low earnings. However, only 13% of the wage earning households also collect welfare.

In one state, welfare benefits are so low that refugees can rarely avail themselves of formal training ($184.50/month for the average refugee family of six). In another state, welfare benefits are quite liberal and refugees are urged to get a year of training while on cash assistance ($625/month for the same size family).

AFDC and IRAP cash assistance work requirements are of value only when the Work Incentive Program (WIN) or Employment Services (ES) offices have bilingual workers. Because there are so few bilingual workers most refugees are assigned to an inactive status.

Seventy-four percent of the refugees with experience on welfare report no problems. Those who have problems mention long delays in eligibility determination (three months), late payments, reporting requirement and difficulty in filling out forms.

6. Housing: Housing is extremely difficult to find and very costly in these areas. In other areas, housing is available, but in unsafe neighborhoods. Although refugees consider their physical facilities to be adequate in these places, many are overcrowded. Transportation is another related problem in areas where houses are far away from jobs and services.

Refugees have great difficulty finding housing. Large Indochinese families are not welcome by private landlords. Exorbitant rents are reported. In one area where housing is particularly scarce, first and last months' rent, a deposit, and an additional $100 per head for more than five occupants is sometimes charged in advance. In addition to the common problem of public housing scarcity, there is intense competition with other low-income groups who believe that refugees are being given preference in public housing projects. "Refugees dilute services to regular residents of public housing." (Service provider). Most public housing officials report little involvement with the refugee program. Only 3% of the refugee respondents live in sponsor-owned homes or apartments. About one-fourth of the "old wave" refugees own their own homes.

Refugees rarely express dissatisfaction with their housing, even when conditions appeared dismal to the interviewer. (A family of eight, who arrived here four years ago, is living in a two-room shack with one double bed.) Complaints from refugees center on overcrowding. Concern about personal safety and fear of crime are also reported by people in the refugee community. Language barriers prevent refugees from communicating with police and neighbors.

IV. How well does the current system work?

A. Interagency relationships: There is a marked lack of cooperation and coordination between local service providers and voluntary agencies. The agencies involved in the resettlement, sponsorship, training, job counseling, and health care of refugees often have little knowledge of each other's programs. Interagency referral of refugees is haphazard and often impersonal.

The most frequent complaint expressed by service providers is interruption in federal funds.

Field teams report that voluntary agencies and service providers are generally aware of each other but do not relate in any substantive way. There are isolated examples of joint planning and coordination of service which result in better services for refugees. Referrals among agencies are perfunctory. "Getting services is often a matter of luck."

In many places, refugees constitute a small proportion of mainstream providers' caseloads and therefore are a low priority. "Most social service agencies have only meager information about refugees." (Social service caseworker). Lack of bilingual staff and cultural sensitivity alienates it from refugees. Refugees do not demand coordination from the system because they do not want adverse publicity which might affect reunification with their family members still in Asian camps.

There is no mechanism or incentive in most communities for agencies to decide together what services are needed and who will provide them. Where a state or local agency has assumed this role, it is sometimes resented by other service providers. The federal government has done little to bring these groups together.

B. Systems problems and inefficiencies: Current funding mechanisms need to be simplified. Federal and state government responsibilities require further definition. The program lacks accountability.

Local refugee programs may be funded out of State Department resettlement funds, HEW IRAP funds through the State Title XX system or HEW IRAP special projects. These funds may be used for the same or similar services. This system is inefficient, confusing and unnecessary. The Title XX system per se has distinct disadvantages both to refugees, who often do not receive services due to an inappropriate income eligibility determination, and to service providers who complain about excessive Title XX paperwork. Special project requirements were said to be reasonable.

With the exception of the volags, there is strong agreement among agencies that there should be a single administrative system for project funds. Most voluntary agency representatives think the current structure works adequately. A deep division exists between those who strongly recommend that HEW fund all local service provided directly through a competitive process and those who want HEW to fund states who in turn would directly fund local service providers.

Arguments for the federally managed system include: 1) refugee programs are 100 percent federally funded; project grant decisions should be made by federal officials; 2) federal management would provide more standardization of services and reduce service disparity among states; and 3) administrative practices could be simplified and provide a basis for development of program performance standards.

Arguments for a state arranged system include: 1) state management would encourage state governments to commit state resources for refugees or coordinate the funds with other mainstream funded services; 2) state management allows more flexible definition of services and management control; and 3) state management allows restriction of services to those offered to other low-income groups.

The IRAP program has poor management controls. Monitoring of grants and contracts by federal and state officials appears sporadic. (One-third of the service providers request more monitoring and evaluation of programs.) Some refugees and service providers are concerned about possible mismanagement of federal funds and recommend stronger controls.

Few Indochinese refugees appear to be involved in program and policy decisions. Most refugees employed by volags and service providers are in staff positions and do not participate in agency decisions. There appears to be little involvement of Indochinese associates in the development or implementation of services.

C. Local workers: Many local service providers and volunteers are incredibly dedicated and work long hours to assist refugees.

Field teams observed incredible efforts on the part of local voluntary agencies and service providers to provide support to refugees. Many people, particularly the Indochinese staff, are working extremely long hours under constant pressure at low wages. Many of these workers spend much of their personal time providing counseling, orientation, interpretation and transportation to other refugees. Some Indochinese associations, sponsors, and other community volunteers devote remarkable time, energy and money assisting refugees (e.g. some "old wave" refugees had housed as many as 20 different new families in their homes until they could get started on their own).

V. Can the current programs absorb large numbers of new refugees?

A. Refugees are settling in areas in which either the job market or the housing market are highly competitive.

The ability of the local economy to absorb significant numbers of new refugees has not been thoughtfully considered in resettlement. Apart from immediate service needs, such as language and living skills, the most fundamental needs of new refugees when they arrive are jobs and housing. The ability to secure either is largely a function of local market conditions. Jobs are more plentiful in California and Texas, but housing is expensive and public transportation is inadequate.

B. Negative public opinion is increasing significantly; given existing programs and resources, we can expect continued tension and further demonstrations. This is becoming an intensely emotional issue.

"They seem so angry about us trying to stay alive. I don't know why we must be so much their enemy." (Vietnamese refugee).

There are an increasing number of newspaper and television stories regarding the tension and conflict between refugees and Americans in various parts of the country.

There are essentially three reasons for this conflict:

Because many refugees do not understand American social customs, refugees often behave in ways which are perfectly normal in Indochina but are offensive to Americans. These incidents result in difficulties with neighbors and the legal system.

Many refugees do not understand the "unwritten rules" of American business practice. The incident in Seadrift, Texas is illustrative. By encroaching on American fishermen's customary rights, refugees engendered the ill-will of local citizens to the point of violence. The inability of refugees to communicate with Americans about their differences heightens suspicion and anger.

Americans resent the real and perceived government benefits to refugees. Indochinese refugees are treated differently in terms of certain welfare and program benefits; sometimes they are given priority in public housing. Other low income Americans, especially non-English speaking minorities, resent this special treatment. Other Americans resent the use of their tax dollars to support refugees from an unpopular war. The IRAP program has not been adequately explained to the American public. The belief that the government buys houses, cars and fishing boats for refugees is typical of widespread misconceptions. Some of these misconceptions can be explained by refugee behavior: Americans find it hard to believe that a refugee can buy a car or fishing boats with cash, unless the government gave him the money. "I am annoyed at these refugees who drive around in Mercedes and take food stamps and welfare money out of a Gucci purse in supermarket lines." (newspaper poll)

These factors are contributing to misunderstandings and tension in many communities.

A random telephone survey of 80 Americans indicates that recent press coverage on refugees is reaching most of the population. Almost half expressed negative feelings, while only one-third had a positive reaction to bringing the refugees here. If the refugees are admitted to the country, however, 45 percent of the respondents indicated they would welcome them in their city.

C. Unless program policy changes are instituted and additional resources secured, newly arriving refugees will cause greater strain in many communities.

Refugees are currently receiving insufficient assistance, particularly with orientation, English language and employment training. New arrivals are believed to need much more assistance than those who came in the first wave. They will initially increase welfare rolls, need more time to learn English, require comprehensive orientation to western social/economic practices and need thorough health screening and treatment.

Most voluntary agencies say they can handle additional large numbers of refugees if additional resources are provided; however, most other service providers do not believe they can serve substantial numbers of refugees even if funding were increased commensurately. This study raises some serious questions about the quantity and quality of services currently provided. If the numbers are doubled, funds will have to be doubled just to continue the patchwork of services currently available. A far more creative approach must be taken to give refugees a basic set of tools with which to enter the American mainstream.

Although there are many difficulties in providing assistance to refugees, numerous respondents comment on the remarkable inner strength and energy of the refugees despite their war and Asian camp experiences.

"Overall, their resiliency is much more startling than their depression. They are doing much better than they should be, considering what they have been through. These people are survivors—they can do most anything." (Mental health counselor).

FOREIGN POLICY

● Mr. STEVENSON. Mr. President, our colleague from the other body, Paul Simon, had the courage to utter some uncomfortable truths when he delivered the annual Adlai Stevenson lecture at Illinois Wesleyan University earlier this month. His words deserve attention and repeating. Mr. President, I ask that Representative Simon's lecture be printed in the Record.

The lecture follows:

Foreign Policy: Response to Need or Response to Passion?

Late in 1951, Governor Adlai E. Stevenson wrote an article for Foreign Affairs which appeared in April, 1952. Written long before Harry Truman announced his decision to step down from the presidency, Governor Stevenson wrote: "This is a campaign year in America, and we must expect oversimplification of issues . . . Men, even responsible men, will wander far afield in search of votes. They will capitalize on every discontent, every prejudice, every credulity, even in the deadly serious business of foreign policy. Will we emerge from the ordeal of the campaign more aware of the true causes of our difficulties and the magnitude of the stakes involved? Or less aware? Will we emerge better prepared to turn with fortitude to the work in hand? Or worse prepared?"

The Stevenson observations are as pertinent in the election year of 1980 as in 1952. There is danger in an election year that we cheer or jeer rather than think, that we react more than we reflect, and that we respond to national need with national cynicism.

Adlai Stevenson had a willingness to utter the unpopular, to make us think, to make us uncomfortable in our world of platitudes and easy answers. And I should note that his son, the senator, has followed the same thoughtful course.

Let me discuss with you a few concerns I have. And, most likely, ruffle a few feathers along the way.

I am concerned by our misunderstanding of the Soviet threat.

I share the public revulsion at the Soviet invasion of Afghanistan. But our tendency to view the Soviet threat as primarily military ignores the truth and Afghanistan provides the example. Months before the invasion, on April 28, 1978 the government of that country was overthrown and a pro-Soviet regime installed. That is fairly typical of Soviet gains. Soviet gains in the third world are generally made where there is the unhappy mix of poverty and desperation. Today there are only two nations which can be counted on to support Soviet policy no matter how illogical and torturous its course: Bulgaria and Cuba.

Cuba typifies Soviet conquest—without troops—rather than Bulgaria. The danger of Soviet expansion across Western Europe by armed forces is small; the danger of Soviet armed intervention in Iran or Pakistan is somewhat greater, but probably still small. But you can be sure that the Soviets are exerting every effort to secure power through subversion in those two countries and a host of others. Poverty and misery are the allies of Soviet expansion. Yet we move with great reluctance against those two Soviet allies.

A Congressman or Senator or candidate can make a speech calling for more weapons and less foreign economic aid—and receive applause—and yet it does not seem to occur to the speaker or the audience that such a stand plays into Soviet hands.

For fiscal year 1981 we will probably increase our military spending by about $20 billion. That will weigh heavily on our economy, spur inflation, and I fear do little, if anything, to deter the fundamental Soviet threat. If we spent $1 billion of that amount to promote exchanges, and $2 billion of that amount to give greater opportunity to the world's hungry and hopeless and desperate—and reduced pressure on our budget by not spending the additional $17 billion—my guess is that we would be making a significantly greater contribution to peace and stability than our extra nuclear weapons and other equipment will provide. I favor a strong defense, but if we had had twice the number of submarines and bombers and nuclear weapons and manpower in recent months, it would not have changed the course of events either in Iran or Afghanistan. Greater understanding of the Soviets and greater sensitivity to the problems of the people of Iran and Afghanistan might have made a difference. Responding to the Soviet threat solely in terms of arms buildup is responding in terms which serve our national passion, not our national interest.

Both the Soviets and the United States tend to be largely insensitive to the problems as perceived by the other side. The best way for the United States to reduce the Soviet threat is through mutual understanding. Just as we have concerns about some of their actions—they clearly miscalculate our response—so we easily misunderstand their perspective. We see no problem with deployment forces and bases close to Soviet territory, but we get excited when they have far fewer troops and weaponry in Cuba. I am not excusing Soviet actions. I do suggest that we must communicate much more with each other, try to understand each other, and, where possible, reach agreements that reduce the likelihood of world destruction. That is not the only way we deal with the Soviet threat, but it is an approach which should be used much more.

I am concerned by our unilateral actions.

A host of examples could be provided. Our announcement that we will not tolerate Soviet intervention in the Persian Gulf is an example. I thought that was always our policy. What is new? Precisely what did we mean? Did we consult with the Persian Gulf Nations? Did we consult with the Western European nations which are much more dependent on Persian Gulf oil than we are? Consultation cannot become paralysis of policy, which it easily can become, but more consultation should take place.

By far the most impressive leader among the Western Nations today is Chancellor Helmut Schmidt of West Germany, and he has suggested that a division of labor in response to the Soviet invasion of Afghanistan might be wise. Wouldn't it also be wise to try a division of labor beyond the Afghanistan issue? The international agencies—such as the World Bank—have generally served well, but multi-lateral approaches have not reached the point of either efficiency, sophistication or political independence where they can provide all of the necessary help to developing nations.

But do we need six nations coming in with individual aid programs? Are there countries where U.S. assistance might endanger the stability of a government, but German or Dutch or Danish or Japanese assistance would not? The British leadership on Rhodesia/Zimbabwe—with the U.S. pulling out of its former leadership role—is an example of what might happen more frequently. The U.S. is no longer the completely dominant economic figure it once was, and there is no reason we should pretend that we are. We still have more economic muscle than any other nation, but the responsibilities of responding adequately to the hopes and aspirations of other nations—and for stopping aggression—call for a shared leadership role.

I am concerned with our imprudence in language which leaves friend and foe uncertain.

A few days ago, the New York Times quoted Chancellor Schmidt of West Germany as saying: "We do not need nervousness, war cries or excited or provocative speeches. What we need, instead, is carefully thought out crisis management." Some years ago Chicago had a mayor who rode to popularity in part by a pledge to "punch King George in the nose." He never came near King George, of course, but he appealed to our sense of bravado. Now—particularly after the unprovoked Afghanistan invasion—our speeches receive cheers when we threaten to "punch the Russians in the nose" so to speak. These speeches satisfy our emotional—and political—needs, but they add nothing to the cause of peace and stability.

We in the United States seem to have a propensity for speaking and then reflecting, rather than the reverse. That is better than no reflection, but the dangers of accidental war increase when others do not understand our positions clearly, when they are uncertain if we mean what we say. Parents know that if you tell a child that there will be "no television tonight until you have your school work done," the parent had better stick by it—both for the child's sake and the parent's sake. Uncertainty breeds problems.

It also means that the parent should be careful in "drawing the line," in suggesting punishment. The international arena has some similarities. We should not announce one day that the presence of a brigade of Soviet troops in Cuba is unacceptable and two weeks later find them acceptable. We should not announce an economic blockade of Iran, that we will proceed with it despite a Soviet veto in the United Nations, and then quietly drop the blockade. In this uncertainty the Soviets, rightly or wrongly, detect weakness of leadership and this invites Soviet adventurism that too easily could lead to that flash point we all fear.

In an interview with a French publication on the implications of the Afghanistan invasion, former Secretary of Defense and Energy, James Schlesinger, noted:

"In my judgment the Soviets . . . have been quite prudent in the conduct of international affairs . . . Over the years they have moved when it was low-risk to move . . . It is only when strategic vacuums are created that they move. That is as much our responsibility as theirs."

I am not suggesting that every struggle within a developing nation be turned into an East/West confrontation, but when our intelligence activities detect Soviet troops massing in a border situation, a quiet phone call from our leadership to theirs, before any action, is much to be preferred to public speeches of denunciation afterwards; the former has the potential to save the situation, the latter to aggravate it. We should speak on international issues with more deliberation, choosing our words carefully, and making sure our course follows our words.

I am concerned that our policy and our culture cuts us off from much of the world.

In many countries official U.S. policy is to have no contact with groups within the country which oppose the government in power. Three weeks ago I spent a day and a night in the Sahara where I met with the leaders of the Polisario, the group fighting for independence for the Western Sahara, formerly Spanish Morocco, now claimed by Morocco.

The United Nations and the Organization of African Unity have called for a referendum by the people of that area to determine what course they want for themselves. The United States has announced approval of an arms shipment of $230 million for Morocco, which is trying to hold onto the territory and opposes the referendum, at least at this time. Morocco's King, in many respects, has provided amazingly enlightened leadership for his country, and Morocco has been our friend.

But for us to isolate ourselves from reality by ordering our embassies in Morocco, Algeria, and Mauritania to have no contact with the leaders of the Polisario does the King of Morocco no good and brings no respect to the United States. Morocco controls five cities. It is almost a rerun of Vietnam. I am not suggesting that we should endorse the Polisario cause, nor even the referendum (though I personally favor that), but before we send $230 million in weapons to one side of this conflict, there ought to be a few U.S. officials spending a night in a tent in the Sahara, as I did; there ought to be a willingness to listen to the other side; there ought to be a willingness to find out which side is likely to win and to help extricate our friends from a war if it is unwinnable. And the Western Sahara is only one example.

In Iran, we acceded to the Shah's requests and had virtually no contact with the National Front and other opposition forces. But we did neither the Shah nor ourselves any favor by that acquiescence and isolation. And I tend to believe that we do our good friends, the Israelis, no good by refusing to talk to the Palestine Liberation Organization leaders. U.S. policy should gradually shift from ignoring opposition forces to listening to them—not in terms of recognition, or support, but simply to listen, because if we are better informed, we are more likely to make sound decisions.

I do not suggest that we suddenly drop all commitments not to have contact with the opposition, for some of our friends would be disquieted and uneasy if there were a sudden, major reversal. But the word should quietly spread that a new policy is coming, that the U.S. is willing to listen, to be open.

Our cultural isolation is caused, in part, because we are among the most benighted of nations in the development of foreign language skills. We are the only nation in which you can graduate from college—or even earn a doctorate—without having had a year of a foreign language during all of your school years. When both our security needs and our economic needs suggest that foreign language study and the understanding of other cultures is increasingly important, our foreign language enrollments in both absolute numbers and in percentages continue to experience decline. Marie Antoinette said, "Let them eat cake." We say, "Let them speak English," blissfully unaware that each year a decreasing percentage of the world speaks English. And by our cultural isolation, we invite Vietnam-type blunders and continued adverse balances in trade.

Our isolation is more than language isolation. I have a fair understanding of Christianity and Judaism and the various divisions within each, but I know little about Islam and its divisions. I need to grow. All of us need to grow. And as we show in interest in others—their languages, their beliefs, their hopes, their fears, we will find ourselves better understood.

I am concerned by the mistrust I find toward government.

I understand the mistrust. Watergate, Vietnam, congressional corruption, bureaucratic ineptitude, all add to less than the beatific vision of government we would like. But our government is better than the image. And where we have had the government and the private sector working together closely—as in agriculture—we have made amazing strides. Our government is, surprisingly, smaller than it was two decades ago relative to our population. In 1960 we had 13.1 federal government employees per 1,000 population, and today we have 12.5 per 1,000 population. But the facts and public perception differ, and the public is concerned.

But is the public mood such that we seriously do not want to use government, for example, to guarantee the right of senior citizens to have dentures and hearing aids; that we do not want to use government to encourage productivity rather than nonproductivity; that we do not want to use government to encourage exports? Has the Proposition 13 fever so permeated the nation that good school programs must suffer? Are there no new frontiers for this nation, and will our government be powerless to help us enter those new frontiers?

Part of the mistrust in government has been self-induced, for the abuse by government policymakers is not only corruption by money, which substitutes a moneyed interest for national need, but corruption by polls, which substitutes subservience to public opinion for service to the national need. Public officials who take polls before they take stands, who hold their finger to the wind to determine public policy, are an anemic crew who ill serve the ship of state. They win elections that way, but the nation loses while they win. These people—whether at the local, state, or national level—are leaders in name and by title, but not in fact. Can you imagine Harry Truman taking a poll to determine where he stood on an issue?

We must rid the body politic of open bribery; we must gradually change our system of financing campaigns, for sometimes the financing of campaigns comes close to bribery; and we must nominate and elect people in both political parties who have the courage to be unpopular, who are willing to risk their political hides for the welfare of a community, state and nation. Neither the energy problem nor the inflation problem is insoluble, but the administration, the Congress, and the public are continuing to look for easy, comfortable answers to solving them. There are no such answers, and the sooner you demand of public officials the tough answers, the sooner we will be on the road to solving our problems.

I am concerned that the self-examination which must take place in government also takes place with the host of constituencies which help to shape government policy.

Business has shown much more of a social conscience than it did two decades ago, but there are other problems. Two decades ago, 400 of Fortune's top 500 companies controlled two-thirds of the corporate wealth of the nation. Today it is 200 with that power. Will business come up with constructive answers for economic concentration or will our economy be further weakened by lack of competition before we are forced into answers which may be extreme? Unions have contributed immensely to the productivity of the nation, but abuses of unemployment compensation are real and now discourage productivity. Will union leadership face up to this or must an answer be imposed by those less sympathetic to working men and women?

Whenever the minimum wage goes up, youth unemployment goes up. Should we have a youth differential in the minimum wage as the West Europeans? Can we as a society afford to just ignore the problem of increasing numbers of young people who cannot get jobs, who are not learning good work habits? Farmers have enriched this nation nutritionally and economically, but does it make sense, morally or economically, to pay farmers $600 million a year for not producing food in a world of hungry people?

The media has halted abuses by the powerful in government, but is it equally good at building trust in government when it is merited? Members of the House and Senate who travel to other countries generally fulfill an important and needed public service. Where there is abuse of that travel privilege, it should be criticized.

But I have yet to read or hear an editorial criticizing members of Congress who do not travel, yet that is a much greater abuse of public service. And academicians, with their wealth of background, too often have contributed less than they might, in part because of an excess of cynicism that is part of the campus scene. There is a veneer of sophistication about cynicism that has special appeal on a campus. A touch of cynicism is healthy, but fundamentally the cynics are not going to build a better world. We need your background to enrich and inspire and lead, not tear down.

If every person, every group, every profession, every association, every community looks for self-improvement, collectively we can contribute immensely.

The last time I saw Adlai Stevenson was at a dinner held in honor of his son who had just been inaugurated as State Treasurer. The dinner was held in a small room above Saputo's restaurant in Springfield, sort of the Lucca Grill of Springfield. He enjoyed himself as much as anyone there. He was proud. He was buoyant.

That pride, that buoyancy, that clarity of thought, we need today. No one person can give it to us. But together we can strive toward it. And to the extent we achieve it, we will have inherited his rich legacy.●

THE ROCK ISLAND RAILROAD

● Mr. PERCY. Mr. President, today, I testified before the Senate Subcommittee on Surface Transportation concerning the need to provide temporary service over the Chicago, Rock Island, and Pacific Railroad. I ask unanimous consent that the full text of my statement before the subcommittee be printed in the RECORD.

The statement follows:

TESTIMONY BY SENATOR CHARLES H. PERCY

Mr. PERCY. Mr. Chairman, I commend the Subcommittee for holding this hearing to review proposals to provide temporary service over the Chicago, Rock Island, and Pacific Railroad.

It is an end of an era for the Rock Island as we know it. I am not quite sure when the downfall of the Rock began. However, I remember in 1963 the Rock Island Board of Directors approved a plan to merge with the Union Pacific. Nearly 12 years later the Interstate Commerce Commission approved the merger application. The problem: The prospective partner was no longer interested in the aging bride-to-be. Several months later, the Rock Island filed for bankruptcy. Last September, the Interstate Commerce Commission directed the Kansas City Terminal Railway Co. to take over the operation of the bankrupt and strike-torn Rock Island Railroad. In a matter of time, Trustee William Gibbons' plan for liquidation of the Rock will be put into effect.

Today, we are faced with the prospect of the ICC directed service order over the Rock's system running out on March 2. Without an extension of this service the system will simply shut down even though there are a number of companies interested in purchasing parts of the Rock. As a first step toward reaching this unreasonable goal of terminating service over all of the Rock's lines, the ICC is allowing the Kansas City Terminal Railway Co., the Rock's directed service carrier, to begin embargoing inbound shipments into the Rock Island system the day after tomorrow. This action must be stopped.

The Department of Transportation has received letters of intent from various companies expressing an interest in acquiring most of the Rock's lines in Illinois. Thus, an interruption of service over these lines in the near future may be unnecessary and cause undue hardship to shippers, employees and consumers, not to mention the dimension of this disruption to our communities as a whole. In Illinois, at least, the following would be impacted:

Loss of jobs: There are 2,882 Rock Island employees in Illinois who would lose their jobs immediately.

Over 350 businesses disrupted: A disruption of service on the Rock's lines could cause untold layoffs at plants and manufacturing companies depending on shippers supplies. In addition, there would be a ripple effect on consumers of the products shipped by the Rock. In just the past few weeks, I have heard from Illinois businesses that would be affected. They include: Archer Daniels Midland Co., Marshall Putnam Oil Co., Pabst Brewing Co., E. I. DuPont DeNemours and Co., Bellrose Silica Co., Ralston Purina Co., Ottawa Silica Co., A. E. Staley Mfg. Co., Garvey International, Inc., the PQ Corp., Bemis Co., Hiram Walker & Sons, Inc., WABCO, Sherwin Williams Co., Pullman Corp., Agar Products, Keebler Baking Co., Metron Steel, Solo Cups Co., OwensIl., Georgia Pacific, CID Warehousing Co., Clear View Plastic Co., and Caterpillar Tractor Co.

Loss of commuter service: Over 14,000 daily commuters on the Chicago to Joliet run would lose this service. This at a time when we are asking the American public to conserve our precious energy resources and cut back on automobile driving.

Highways: The Department of Transportation estimates that on a yearly basis the Rock originates and terminates over 132,000 carloads of traffic in Illinois. Some of these carloads could be moved by trucking firms. However, much of Illinois' highway system is relatively old and was not designed to handle the increase in truck traffic that has already occurred in the last decade. By dramatically increasing the volume of truck traffic on these roads, Illinois' highway system would have a greater strain placed on it than it currently has.

Example: Sherwin Williams, the world's largest manufacturer of paints, annually moves 2,500 carloads on the Rock system out of Calumet. If rail service becomes unavailable a minimum of 10,000 trucks would be needed to carry this traffic. Of course there would be further complications by trucking these products since there are regulations governing certain hazardous materials over the highway system.

In reviewing these implications of shutting down the Rock, my main objective is to obtain a smooth transition period during which companies interested in acquiring portions of the Rock will have that opportunity without disruption to the communities involved. I recognize that the entire system cannot be preserved as it now exists. That decision has been made. My purpose is to support the Subcommittee's effort to devise an equitable transition period leading to the continuation of a system that is viable.

There are several portions of Senator Kassebaum's proposal, S. 2253, the Rock Island Transition Act, which I strongly support because it provides the transition time needed to resolve this problem.

It extends the existing ICC directed service order, slated to expire on March 2, to April 2. I believe that this action would provide the time frame needed to interest companies in acquiring portions of the Rock and the time frame needed for those carriers who have expressed an interest an opportunity to firm up their offers of purchase.

After April 2, 1980, it provides continuing directed service over all those lines which the Secretary of Transportation has identified "as being the subject of bonafide offers of purchase until the transactions are consummated." As I understand Sen. Kassebaum's bill, the ICC would have a 120 day limit in which to reach a decision on all proceedings filed by April 2, 1980, which involve a sale, transfer, or lease of any line of the Rock Island.

As far as labor protection for the Rock employees and the type of federal assistance which will be made available to prospective purchasing railroads, I am reserving judgment until I have an opportunity to review the Department of Transportation's proposals. I understand that the Department will be testifying later today on its recommendations.

Since the Department of Transportation has received letters of intent from prospective acquirers for over 95 percent of the Rock's freight traffic, I encourage the Subcommittee to provide the reasonable transition time necessary for these bids to be consummated.●

THE 62D ANNIVERSARY OF INDEPENDENCE OF THE REPUBLIC OF ESTONIA

● Mr. LUGAR. Mr. President, on February 24, free Estonians will celebrate the 62d anniversary of the proclamation of the independence of the Republic of Estonia. The Estonian American National Council has issued a statement on this occasion, and I ask that it be printed in full in the RECORD.

The statement follows:

STATEMENT

Recently 40 years elapsed from the signing of the notorious Stalin-Hitler pact of August 23rd, 1939, which offered to Nazi-Germany a welcome pretense for starting World War II. In secret protocols of the same pact Hitler agreed to consider parts of Eastern Europe, including the three Baltic Nations—Estonia, Latvia and Lithuania—as belonging to Soviet Russia's so-called "sphere of influence."

Consequently, Stalin received a free hand to forcibly annex these three independent nations, which remain illegally occupied by the USSR to this very day.

Soon after the conclusion of the said pact, Estonia signed, on September 28th, 1939, under military threat and without the possibility of any help from abroad, a Pact of Mutual Assistance with the Soviet Union.

Although this pact was forced upon the Estonian Government, the latter tried painstakingly to fulfill its treaty obligations. The then Estonian foreign minister Professor Ants Piip, in a private letter to one of the Estonian envoys, emphasized that at least two major things were achieved: war was avoided, and the Peace Treaty with Soviet Russia remained in force. He considered the Peace Treaty as the most important international act of Estonia, which legally guaranteed Estonia's position among other independent states.

February 2nd, 1980, marks the 60th anniversary of this Peace Treaty, which was concluded by Estonia after a victorious War of Independence. This war was started by Russian invasion of Estonian territory at the end of the year 1918.

In the abovementioned Peace Treaty Soviet Russia explicitly renounced voluntarily and forever all rights of sovereignty over the Estonian people and territory, and recognized the independence of Estonia.

Estonia had proclaimed itself an independent republic on February 24th, 1918. The decision was based on President Woodrow Wilson's declaration about all peoples' right to self-determination. Even Soviet Russia under its ruler Lenin had claimed to adhere to this principle.

The Allied Powers of World War I were at first somewhat hesitant about recognizing the newly emerged independent country. Their positive reaction was mainly achieved thanks to the fierce and successful fighting of the Estonian Army in the War of Independence. In May 1919, for instance, the Baltic Commission of the Peace Conference in Paris admitted unanimously that "the Estonians had done miracles."

During a period of twenty years of independence the Estonian people demonstrated successfully what a small nation is able to achieve in all fields of life when it enjoys peace and freedom.

In 1940 this came to an abrupt end by the devious acts of a big totalitarian neighbor—Communist Russia. Since then the Estonian people have suffered extremely heavy human and material losses. This situation still persists. Estonia is economically exploited by the governing Moscow regime. Those who dare make any requests for freedom and justice, relying on the stipulations of the Helsinki Final Act, are either confined to mental hospitals or sentenced to prison terms. Needless to say that such sentences are made in conformity with the ill-famed mock trials of the Stalin era.

Nevertheless, again and again bold freedom fighters make their voices heard, one of the last evidences being an appeal on the 40th anniversary of the Stalin-Hitler pact and addressed to the Secretary General of the United Nations. This appeal was signed by 45 representatives of the three Baltic Nations. Unfortunately, such urgent appeals from the countries which once were members of the League of Nations seem to fall on deaf ears.

At the same time the United Nations has opened its doors to a great number of states which rightly have been liberated from the yoke of colonialism. Such colonialism, however, still prevails in vast regions of Eastern Europe, where over one hundred million people are subjugated to an intentional process of Russianization.

One of the more imminent concerns of the Estonian people is the fact that the Yachting Regatta of the Olympic Games of 1980 is to take place in Tallinn, the capital of Soviet-occupied Estonia.

As a free nation, the Estonians would have been delighted to welcome the world's yachtsmen to their country. Now they are looking at this event with mixed feelings. They anxiously expect that the outside world would refrain from any acts which would damage the justified claims for freedom of the Estonian people or the international status of the Republic of Estonia.

The United States has never recognized the forcible annexation of Estonia, Latvia and Lithuania by the Soviet Union, which fact is of great moral support to the people of these nations.

The 62nd anniversary of the proclamation of the independence of the Republic of Estonia is approaching and Estonians over the whole world are commemorating their national holiday on February 24th. They confirm at such occasions their determination to fight for the restoration of the independence of their native Estonia. At the same time they hope that world public opinion will support them in this struggle for freedom and justice.●

A STORY OF BRAVERY

● Mr. MORGAN. Mr. President, I would like to enter the name of Alfred Pleasants of Durham, N.C., into the record books as one very brave young man.

Recently, on a hiking trip, Alfred Pleasants' companion fell through the ice on a pond and struggled to pull himself out. Alfred, who is a Cub Scout, had the foresight and presence of mind to assist him in the fashion aimed at preserving both lives. Alfred propped himself against a log and gradually got his friend out of the icy water.

I want to commend Alfred Pleasants for his bravery and quick thinking. I am sure that his training in the Scouts and his personal courage came into play in saving the life of another human being.

Few of us are ever placed in a life and death situation. Alfred Pleasants, at the age of 8, faced such a crisis and rose to the challenge. His act was truly that of a hero and I wanted to let the Senate of the United States know this young man's story.

Without objection, I ask that two news accounts of Alfred's rescue be placed in the Record at this point.

The news accounts follow:

[From the Durham (N.C.) Morning Herald, Feb. 7, 1980]

Cub Scout Pulls Chum From Pond in Hope Valley

(By Richard Jones)

Wednesday's school holiday began and ended like any young hiker's dream, but for 8-year-old Alfred Pleasants and 7-year-old Bryan White, the middle was a bit more like a nightmare.

Alfred, a Cub Scout, may have saved Bryan's life. Bryan fell through thin ice on a pond in a woods off Hope Valley Road.

Alfred, son of John and Blair Pleasants of 4309 Malvern Road, pulled Bryan, of 3914 Wynford Drive, from the freezing pond then managed to find help at a barn so Bryan wouldn't freeze in his soaking clothes.

Mrs. Pleasants and Alfred told the story:

The two boys had been hiking in the woods when they discovered the pond. After Bryan walked out onto the pond and fell through, Alfred moved across the ice, propped himself against a log, pulled Bryan out of the water and carried him to shore.

Then the two began looking for help. After some searching, they found a young woman, Florence Goode, feeding a horse in a barn. She took the boys to her home, where they changed into dry clothes and warmed up.

From there, they rode a horse back home.

Alfred, a member of Epworth United Methodist Church Cub Scout Pack 461, said he had never been taught how to save someone who had fallen through ice, but remembered a Boys' Life picture on how to use sticks and distribute weight on ice. Alfred (his friends call him Alfie) said he used a stick to help pull Bryan in.

"Yes, we're proud of him," said Mrs. Pleasants. "He could have run for help (instead of pulling out Bryan), but then it would have been too late because there was no one around."

Mrs. Pat White, Bryan's mother, was grateful, naturally.

"I don't know that he (Bryan) was aware that it was a pond," she said. "He'd never been back there before. He might have thought it was something small that had frozen over, with the snow on the ground.

"But I'm thankful he wasn't alone."

So for both boys the day ended happily.

Bryan was a little worried but warm, his mother said.

And Alfred got to ride a horse home, his first ride on a "real" horse, plus a phone call from a newspaperman which, Mrs. Pleasants said, sent his 4-foot-4, 60-pound body several feet off the ground.

[From the Durham (N.C.) Sun, Feb. 7, 1980]

Fast Thinking Is Key to Rescue

(By Keith Upchurch)

A Durham boy who rescued his 7-year-old friend from possible drowning in an icy pond off Hope Valley Road said today he had to "think fast" when he saw his friend fall through the pond's thin ice.

Alfred Pleasants, 8, of 4309 Malvern Road, pulled Bryan White of 3914 Wynford Drive out of the icy pond in woods off Hope Valley Road yesterday.

Alfred said this morning he and Bryan had been hiking in the woods when they discovered the pond. He said when Bryan walked out onto the pond and fell through, he had to "think fast" because he knew his friend was drowning. He said the water was about four feet deep, and was up to Bryan's nose.

Alfred carefully moved across the ice toward Bryan. He saw a log sticking out of the icy water and used it to brace himself as he extended his hand to Bryan and lifted him out of the water.

He said he carried Bryan for several feet until he was able to walk by himself.

The two boys walked about a half mile looking for help when they found a young woman, Florence Goode, feeding a horse in a barn. She took the boys to her home, where they changed into dry clothes, warmed up, and had some hot cocoa, Alfred said.

They rode a horse back home. Alfred said part of the journey was "fun" since neither he nor Bryan had ever ridden a horse before.

Alfred, son of John and Blair Pleasants, is a member of Epworth United Methodist Church Cub Scout Pack 461. He said he never had been taught how to save someone who had fallen through ice, but recalled a picture in Boys' Life, a Scout magazine, showing how to use sticks to pull someone to safety and how to distribute body weight on ice.

Mrs. Pleasant said she and her husband are proud of Alfred.

"He could have run for help (instead of pulling Bryan out), but then it would have been too late because there was no one around."

Bryan's mother, Mrs. Pate White, said she was grateful.

"I don't know that he (Bryan) was aware that it was a pond. He'd never been back there before. He might have thought it was something small that had frozen over, with the snow on the ground. But Im thankful he wasn't alone."●

CONSTANTINO BRUMIDI, CITIZEN OF THE UNITED STATES

● Mr. DeCONCINI. Mr. President, I wish to call to the Senate's attention a small ceremony that took place in the Capitol yesterday. My distinguished colleague from New Mexico, Senator Pete Domenici, and several other distinguished guests, including Congressmen Frank Annunzio and John Brademas, and I participated in this ceremony, which paid tribute to a man whose contributions to our Nation may be largely unrecognized. I am speaking of Constantino Brumidi, who has been called the "Michelangelo of the Capitol." Yesterday was the 100th anniversary of his birth.

I am a relative newcomer to Congress. However, I have always been in awe and admiration of this building in which we stand today. It is a building that truly inspires patriotism in Americans. It is as distinctive as any governmental seat in any country in the world; its architecture and artwork are a fitting tribute to this great land and to our system of government. Constantino Brumidi, who is becoming increasingly well regarded in artistic circles, was a man of extraordinary skill, possessing that indefinable artistic ability which allowed him to capture the vibrant spirit of our democracy. His work, which is visible in virtually every corner of the Capitol, has enriched our heritage forever.

Mr. President, I am proud to note that it was largely through the efforts of a citizen of my home State of Arizona that Constantino Brumidi's name and memory became immortalized here. Dr. Myrtle Cheney Murdock, wife of then-Congressman John Murdock of Arizona, had discovered Mr. Brumidi's unmarked grave in Washington's Glenwood Cemetery and, after considerable effort, persuaded Congress in 1950 to establish a marker for that grave.

Through the efforts of several appreciative Members of Congress, a fine sculptress, Miss Jimilu Mason, was commissioned to create a bust of Mr. Brumidi for display in the Capitol. That bust, which I am sure my colleagues will agree is one of which Mr. Brumidi himself would have been proud, was dedicated in 1968 and is on display in the foreign relations room of the Senate wing, where yesterday's ceremony took place. Mr. Brumidi, who labored intensely for 25 years making this building beautiful and died almost anonymously, has finally achieved a measure of the recognition he so justly deserves.

Constantino Brumidi was a simple man, Mr. President. He signed his work with a simple: "C. Brumidi, artist, citizen of the United States." No doubt he would have suffered a certain amount of embarrassment at being called the Michelangelo of the Capitol. Yet, to those of us who work here, and to the many thousands of visitors who have the privilege of seeing his work each year, it is not an inaccurate or undeserved title. He was a deeply patriotic man, and he is a credit to Italian-Americans and to all citizens of this country. As an Italian-American myself, I am particularly pleased to be able to honor him today.●

SENATE JOINT RESOLUTION 126—FEDERAL BUDGET REFORM

● Mr. LUGAR. Mr. President, on December 19 of last year, the Judiciary Subcommittee on the Constitution voted 5 to 2 to report to the full committee Senate Joint Resolution 126. Senate Joint Resolution 126 proposes a constitutional amendment to reform Federal budget, tax, and spending procedures. I would like to take this opportunity to indicate my support for this resolution.

Senate Joint Resolution 126 proposes two changes in our current budgetary three-fifths vote of both Houses of Congress to adopt a deficit budget. This provision is intended to restore a balanced Federal budget as the norm of our practice. Second, it would require a specific vote to increase the Federal share of the economy. As such, it would counter the nonlegislated tax increases that arise as a result of the operation of progressive tax rates in a period of inflation.

Senate Joint Resolution 126 represents the culmination of many months of hearings, discussions, and drafting by the subcommittee members and their staffs. Senators DeConcini, Thurmond, Heflin, Hatch, and Simpson deserve high praise for their efforts and for the product which they have reported to the full committee. Many Senators, including myself, have submitted proposed amendments to balance the budget to the Subcommittee on the Constitution. Some favored prohibitions against unbalanced budgets; others favored limits on Federal spending; and yet others favored limits on Congress power to tax. I am certain that each of these proposals would accomplish some of the ends of the others. From these related, but quite distinct, proposals, the subcommittee was able to craft an amendment which arguably gives something to each of them. At the same time, Senate Joint Resolution 126 is duly attentive to the proper scope and form of a proposed amendment to the Constitution of the United States. Senate Joint Resolution 126 writes no "economic policy" into the Constitution; it simply restores a balance to Federal taxing and spending. There is nothing antidemocratic about this proposal. If the elected representatives of the American people wish to vote higher taxes, they may do so at any point. Senate Joint Resolution 126 simply requires that this be done straightforwardly, and not through inflationary increases that are never voted upon. Genuine representative government deserves no less.

Mr. President, I am hopeful that all Senators who introduced balanced budget or other budgetary amendment proposals will add their names as cosponsors to this proposal. I am hopeful, too, that before long all Senators will have the opportunity to vote upon Senate Joint Resolution 126 on the floor of the Senate.●

INTERIOR DEPARTMENT DOCUMENTS ON THE IMPERIAL VALLEY

● Mr. NELSON. Mr. President, sometime this year the Supreme Court will make a decision on whether the Imperial Valley is subject to the acreage limitation provisions of reclamation law. During the Senate's debate on S. 14, the Reclamation Reform Act, I commented extensively on this matter.

Recently, three important documents concerning this case have come to my attention. The documents detail the decision of the Justice Department not to appeal a 1971 court decision to exempt Imperial from reclamation law. Because of the importance of these documents, I wanted to make them available for my colleagues' inspection. I therefore ask that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE INTERIOR,
Washington, D.C., April 5, 1971.

Re *United States* v. *Imperial Irrigation District*, Civil No. 67-7-T, U.S.D.C. Southern District of California.

Hon. JOHN N. MITCHELL,
Attorney General of the United States, Department of Justice, Washington D.C.

DEAR JOHN: I have reviewed the facts and circumstances of the above captioned case as well as the memorandum decision by the United States District Court with my Solicitor, Mitchell Melich. Additionally, we have conferred on the matter with Deputy Attorney General Kleindienst.

They are both of the opinion that an appeal should not be taken in this case and I fully concur with this view. Therefore, I recommend that the United States not appeal the decision of the U.S. District Court, to the U.S. Court of Appeals.

Yours sincerely,
ROGERS C. B. MORTON.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SOLICITOR,
Washington, D.C., April 5, 1971.

Re *United States* v. *Imperial Irrigation District*, Civil No. 67-7-T, U.S.D.C., Southern District of California.

Hon. JOHN N. MITCHELL,
Attorney General of the United States, Department of Justice, Washington, D.C.

DEAR MR. ATTORNEY GENERAL: On January 7, 1971, Assistant Attorney General Shiro Kashiwa asked for the Department of the Interior's recommendation for or against an appeal from the United States District Court's judgment entered February 9, 1971, in the subject action, holding that the land limitation provisions of reclamation law do not apply to privately owned lands in Imperial Irrigation District.

I have reviewed the memorandum opinion of Judge Turrentine dated January 5, 1971, and the entire factual background which gave rise to this case. Under the circumstances this Department recommends that an appeal not be taken, of the trial court's decision, to the Ninth Circuit Court of Appeals.

Also, I have reviewed this case with Deputy Attorney General Kleindienst and he concurs in this recommendation that no appeal be taken.

Sincerely yours,
MITCHELL MELICH,
Solicitor.

OFFICE OF THE SOLICITOR GENERAL,
Washington, D.C., April 8, 1971.

MEMORANDUM FOR THE FILES

Re *United States* v. *Imperial Irrigation District*, et al., No. 67-7-T, S.D. California.

I have concluded not to authorize an appeal in this case.

Since this conclusion is contrary to the recommendation of Assistant Attorney General Kashiwa of the Lands Division, and is contrary to the recommendations of three members of my own staff, it is incumbent on me to write this memorandum expressing the reasons for my conclusion. The Solicitor of the Department of the Interior has recommended against appeal, although he gives no reasons for his conclusion.

It is also appropriate to note that various types of pressures have been circulating about including items received in the mail, columns by Jack Anderson, and others. With great care, and to the best of my ability, I have tried to be indifferent to these pressures, and to decide the question (which it is my duty to decide) strictly on the merits. I have tried to approach the problem as a lawyer, and as a Solicitor General, responsible on this matter at this point for the sound administration of justice and of governmental action.

1. Irrigation in the Imperial Valley was originally a private enterprise. On this basis, the Valley grew and developed. By the early 1920's, the irrigated area had reached virtually its full extent.

2. The Boulder Canyon Project Act did not make possible the reclamation of any appreciable amount of land in the Imperial Valley. The land had already been reclaimed. The Boulder Canyon Project Act, by providing for the All American Canal, did provide for a more stable water supply for the Valley, by eliminating the risks of taking the water through Mexico; and it provided protection against the considerable risk of flooding with which the Valley had long been threatened. There is no doubt that this was a benefit to the Valley. Except in a very broad sense, though, it did not amount to reclamation. It helped to protect reclamation which had already occurred under private enterprise, but it did not make possible the cultivation of any appreciable number of additional acres.

3. Of great importance is the fact that there were already large land holdings in the Imperial Valley at the time the Boulder Canyon Project Act was adopted. By the late 1920's, the Valley had for many years been probably the most intensively farmed area in the United States. It was, indeed, the source of a large amount of fresh produce marketed all over the country. Much of this was produced on large land holdings. The Imperial Valley had never been a "homesteading" area. It had long been an area where large scale farming was conducted although there were some smaller farms, too.

4. It may well be that Congress could have provided that the improvement resulting from the construction of the All American Canal should be made only on condition that all large holdings be broken up, and that land holdings thereafter be limited to 160 acres. There is certainly nothing in the statute which says this expressly. As I have already indicated, the situation was not akin to the usual reclamation project, which brings new land into cultivation, and can appropriately provide that its benefits should be widely shared among small land holders. Here the Imperial Valley was already well established, and functioning on a very large scale, with many large holdings. It is, it seems to me, a rather different thing to say that large holdings must be broken up than it is to say that large holdings shall not be formed in a new development.

5. I recognize fully that arguments can be made on the basis of the statutory provisions, particularly those referring to "the reclamation laws," that the proper construction of what Congress did is that land holdings in the Imperial Valley should be reduced to 160 acres, in effect, retroactively. Arguments can be made the other way, too. On either basis, the arguments are extremely technical and complex. Neither conclusion can be said, in my judgment, to be clear or "required" as a matter of ordinary principles of statutory construction.

6. Similarly, the legislative history is far from clear, but can be read to provide support for either view. There are clear statements in the legislative history that the 160 acre limit was not involved. These are included in the opinion of the district court. Similarly, there are explicit statements in the legislative history (referred to in Mr. Kashiwa's memorandum) to the contrary. Actually, though, the entire legislative history is extremely complex. It is very hard to have any conviction that any of these items of legislative history have any close relation to the statute as it was finally enacted. The one thing that can be said about the statute passed by Congress is that it contains no express provision on this question and that the arguments that can be made about it, by reference to other statutes, and so on, are complex, and not very convincing.

7. In this situation, we have what seems to me to be the determinative factor in this case. This is the announcement made by the Secretary of the Interior, Ray Lyman Wilbur in February, 1933. This was to the clear effect that the 160 acre limitation was not applicable in the Imperial Valley, for the reason that no new water was being sold under the All American Canal project.

This was a clear and specific administrative determination, contemporaneously made, by the officers charged with the administration of this statute. As far as I can determine, it did not cause a ripple at the time, and it was not seriously questioned in Congress, or elsewhere. Indeed, there was a local court decision confirming it. I do not put much stress on that, but it is a part of the picture which shows that this question was determined in 1933, that it was long regarded as settled, and that many actions were taken in reliance on it.

One of the arguments frequently made by the government is that of the importance of administrative determinations, particularly those contemporaneously made by the officers charged with the administration of the statute involved. This is familiar doctrine in the tax field, and it has long been applied in many other areas of the government. Moreover, there is a further doctrine. Good government requires a substantial measure of stability. There needs to be a basis for reliance on positions taken by responsible administrative officers. Here the position had been outstanding for 34 years before the present suit was filed. Although I make no suggestion that the statute of limitations applies in this case, the usual period of the statute of limitations with respect to real property is 20 years. There is reason behind such provision.

It is said that the action by Secretary Wilbur in February, 1933, was taken in the dying days of the Hoover administration, and therefore, for some reason, is not entitled to great weight. These were, however, the officers who had been responsible for the construction of the Hoover Dam, and who had carried out all of the negotiations under the Boulder Canyon Project Act, and particularly those with respect to the All American Canal. They were the ones who were then charged with the administration of these statutes. It is hard for me to think of officers who would have been better qualified to know what the appropriate resolution of this problem was. Moreover, they could well have felt that it was not fitting to let such a matter go over to the new administration, since they were directly responsible for it, and had the experience to deal with it.

On this matter, it seems to me significant, too, that no steps were taken by the immediately succeeding administration to upset the determinations made in February, 1933. If there had been serious doubts about this, it seems clear that they would have been raised in the Franklin D. Roosevelt administration. If prompt doubts had been raised, we would not have a long continued administrative construction, and the situation today would be very different. But the initial questions were raised about this only in the mid 1940's, and only with reference to another valley served by the project. Application to the Imperial Valley was soon denied, and no action was taken which directly opposed the conclusion of Secretary Wilbur in the Imperial Valley until the opinion of the Solicitor of Interior on December 31, 1964.

This was more than 31 years after Secretary Wilbur's determination. Whether there was any political motivation in this, I do not regard it as relevant. The significant thing, it seems to me, is that the prior determination had then been outstanding for 31 years, had been widely understood and accepted, and had been extensively relied upon.

8. To me, the essence of this case is essentially a question of good administration of the government. Is it sound to have a government system in which official determinations are made, on questions which are at least debatable, are then outstanding for more than 30 years, and are then decided another way by a succeeding governmental official? This does not strike me as good administration, or good government. Of course, life is filled with uncertainties, including commercial life and the ownership of property. But one of the functions of government is to provide for stability and to make it possible for the people to rely on situations which have been determined, and where they make commitments on the basis of that determination.

To me, the controlling factor in this case is the determination of Secretary Wilbur in February, 1933. This was later confirmed by Secretary Krug in 1948. I do not think that it is sound, 38 years later, to be presenting serious questions about that action. Whether it was right or wrong, it was made; and such an administrative determination, on a question at least doubtful should be sustained after a lapse of 38 years.

9. I have given careful consideration to the question whether, agreeing that the underlying questions here are arguable, an appeal should not be authorized simply for the purpose of obtaining a decision of an appellate court on an obviously important matter. Indeed, that would be the easy way out; and it has been tempting. I have given consideration to the question whether I am leaning over backwards. However, I have come to the conclusion that it is not appropriate for me, on this matter, simply to say that it is a doubtful question, and so it should be decided by the court of appeals.

The responsibilities of the Solicitor General cannot be described in a few words. If he authorized appeals in every case where the question was doubtful, a great many more government appeals would be taken than in fact are taken. It is very clear that the Solicitor General is an advocate and not a judge. However, he is a very special sort of advocate. He has a responsibility with respect to government litigation, and he is expected to exercise some control over it, so that cases are not presented simply for the purpose of getting a decision. He has some responsibility in some cases to see that cases are not presented which should not be presented, that cases are not presented where the government's position is, on his best analysis, not one which the government should be interested in.

For the reasons I have already given, this seems to me to be such a case. No matter where I look and turn, I cannot get away from the administrative decision which was made, by officers having responsibility in the area, in February 1933, now 38 years ago. I would not say that it is a breach of faith or a breach of trust for the government to seek to change that decision. I have concluded that, in my judgment, it simply is not good government and that it is not a position which, in the particular circumstances of this case, the United States should be advancing before a court.

In summary, it is not just that I think an appeal to the Ninth Circuit Court of Appeals would be unsuccessful, but that I think that it ought to be unsuccessful. In such circumstances, it does not seem to me appropriate to authorize an appeal.

10. It is clear that there are many defects in the opinion of the district court in this case. It misquotes the statute, and makes other errors. I do not think, though, that these are really very significant. In particular, I do not think that they have the significance which is attached to them in the long memorandum from Mr. Kashiwa. It remains the fact that there is nothing really explicit in the statute, and that the statutory provisions require a good deal of rather involved reading together to support the government's position—a reading together which essentially ignores the special and unusual situation and background of the All American Canal project.

The opinion likewise has some rather sweeping language which might be regarded as having some general effect on the application of the reclamation laws to other projects. It is suggested that there should be an appeal for the purpose of getting this language qualified or disapproved, even if the appeal did not lead to any different result with respect to the Imperial Valley. I am not able to conclude that this is an adequate basis for an appeal. In the first place, these portions of the opinion of the district court are dictum at most, with respect to other projects, and they are rather clearly dictum. I do not think that the precedent will be of any serious moment in subsequent cases involving other areas with different histories and backgrounds. In the second place, I do not think it is appropriate to take an appeal simply for the purpose of getting an opinion limited or corrected, if we think the court reached the right result. Since I think the court here did reach the right result, because of the long continued administrative practice, I do not think that the undue breadth of the opinion is an adequate basis for appeal.

11. In reaching this conclusion, I have sought to consider only the merits of the controversy, and to focus my examination on the responsibilities of this office for the proper handling of government litigation.

For the reasons indicated, however, after full and careful consideration, I have come to the conclusion that there should be no appeal in this case.

ERWIN N. GRISWOLD,
Solicitor General.

[From the Washington Post, Apr. 9, 1971]

LAND GRAB

Sen. Clint Anderson (D-N.M.) has made an 11th hour effort to wrench California's lush Imperial Valley from the land barons.

At issue is not just the valley, but hundreds of thousands of other Western acres which get vital federal water at ludicrously low rates.

Such wealthy corporate landowners as Irvine Land, Purex and United Fruit—backed by the powerful Farm Bureau—now hold up to 12,000 acres each of federally-watered Imperial Valley land despite a law that limits holding to 160 acres.

These land conglomerates cite a disputed 1933 memo from a lame-duck GOP administrator to justify their grip. They have been upheld, surprisingly, by Federal Judge Howard Turpeptin who has refused to enforce the 160-acre law.

Now the Interior and Justice Departments are debating whether to appeal. After all, the land barons are heavy GOP contributors and have made private calls upon both departments. President Nixon has also fought the 160-acre limitation for 22 years.●

A PROPOSED NEW NORTH ATLANTIC TREATY OF TECHNOLOGICAL COOPERATION AND TRADE

● Mr. GOLDWATER. Mr. President, it has come to my attention that a very important paper addressing the survival of the free world was presented at the NATO 30th Anniversary Conference held in Brussels, Belgium, last September. This draft paper, authored by Thomas A. Callaghan, Jr., argues that the security of the West requires a return to the original concept of NATO as an alliance for the achievement of balanced collective forces with a conventional military capability sufficient to deter Russian aggression. Mr. Callaghan contends that instead of fulfilling the concept of balanced collective, conventional forces, operating together for the defense of Europe as one geopolitical entity, NATO has become what amounts to an intercontinental nuclear nonaggression pact between the United States and the Soviet Union.

An adequate and credible conventional defense of Europe does not require large increases in European defense expenditures, according to Mr. Callaghan. Rather, it requires relatively modest increases of about 5 percent in real terms per year, plus full and nonduplicative military-industrial cooperation within Europe.

In order to achieve these goals and to meet the challenge of renewing collective efforts within the entire alliance, Mr. Callaghan proposes a new treaty which would establish the rules that would govern intercontinental military trade and cooperation between Europe and North America. He suggests this new treaty be called the North Atlantic Treaty of Technological Cooperation and Trade, a treaty creating a structured North Atlantic Defense Market among the nations of the North Atlantic Alliance.

Mr. President, I believe the suggestions made by Mr. Callaghan deserve careful study by Congress and the President. In order to make my colleagues aware of this thoughtful and provocative paper, I submit the text, as revised by the author, for the Record.

The text follows:

A New North Atlantic Treaty of Technological Cooperation and Trade (Revised Text, November 20, 1979)

(By Thomas A. Callaghan Jr., Director, Allied Interdependence Project)

(Originally Presented at the NATO 30th Anniversary Conference, Brussels, Belgium, September 1–3, 1979)

A SALT II PROSPECTIVE

The SALT II Treaty will probably be seen, in years to come, as an intercontinental nuclear non-aggression pact between the United States and the Soviet Union. The Americans and Russians have agreed (in effect) to remove their queens from the global chessboard, except to protect their own kings from checkmate. What contingencies will constitute checkmate are still unclear.

But the play for control of the board will continue—with bishops, knights and rooks. The Warsaw Pact has them. NATO does not. Thus the Alliance comes face to face with a crisis it has been courting for twenty-five years.

A NATO RETROSPECTIVE

The North Atlantic Treaty was signed, and ratified, while the United States still had a monopoly of atomic weapons. If ever atomic deterrence was sufficient unto itself for the defense of Europe, it was then. But in 1949, the leaders and nations of the Alliance realized (as seemingly they do not now) that a strong, collective, conventional military capability was needed to deter Russian aggression.

In his 1969 memoir, Present at the Creation, Dean Acheson tells of presiding at the fourth session of the North Atlantic Council in London in 1950, at which "the basic problems, which NATO has never been able to solve, began to emerge."

The North Atlantic Council was considering the recommendation of its Defense Committee that Alliance governments (in Acheson's words) provide a progressive increase in defense forces—

". . . based on the creation of balanced collective forces rather than balanced national forces. By this was meant a force for the defense of Europe, complete and balanced in its components when viewed as a collectivity, rather than a collection of national forces each complete with all the necessary component arms. The latter was beyond the economic means of Europe. . . ."

Council members were asked in the course of the debate, "What would be the fate of an imperiled nation if the collective force did not come to its aid?"

There was (predictably) an attempt to gloss over the question. Dean Acheson tells us he intervened to insist that this was a real issue, that it should be understood, faced and resolved. He emphasized to the North Atlantic Council that:

"The sole point at issue was that in raising the forces for the defense of the area, economic necessity required that all duplication of effort be eliminated."

The concept of "balanced collective forces" was approved unanimously by the North Atlantic Council on 17 May 1950. The deputy members of the Council were instructed to remain in continuous session in London "in an attempt to push forward the development of the collective defense."

The momentum thus generated (and spurred by the Korean invasion) continued for the next several years. The Alliance nations agreed on all that was conceptually needed, then and now, for the defense of Europe:

A forward strategy to resist aggression as far to the east as possible

Integrated and balanced conventional forces

Equitable burden-sharing, including balance of payments relief

A collective European defense procurement effort

American economic cooperation in armaments

In the end, it all came to naught. What went wrong?

For one thing, as Dean Acheson himself acknowledged, "while we Americans talked of balanced collective forces, our own military planning and budgeting were undertaken aloof and apart from Europe." This problem continues to this day, though the Carter Administration is trying to correct it.

For another, the Korean War stalemate diminished the fears of a Russian attack. At the same time, dollar deficits, the demand for post-war recovery capital, material shortages, and inflation, all combined to make additional European defense spending politically burdensome.

TWO WRONG TURNINGS

But two events, more than any others, doomed the efforts to raise balanced, collective, conventional forces for the defense of Europe. One was the defeat of the European Defense Community (EDC) which made it structurally impossible. The other was the doctrine of massive nuclear retaliation, which made it conceptually unnecessary.

The concept of collective forces had not yet been rooted in structures within which it could grow, when the building of the most important structure collapsed. Some aspects of the EDC may have been too ambitious. Most were not.

If NATO was ever to become more than a sub-nuclear Potemkin Village, there had to be agreement within Europe (and between Europe and North America) on a single, coherent defense strategy. All NATO nations had to agree they would be fighting the same war together—defending Europe as one geopolitical entity. NATO Europe's thirteen weak nations would have to heed Benjamin Franklin's advice to another weak thirteen: "We must all hang together, or, most assuredly, we shall all hang separately."

The EDC made "hanging together" possible. There would be common military requirements. A European defense procurement effort, and a continental European defense industrial base, would provide large weapons inventories at reasonable cost. When the military assistance phase of American economic cooperation in armaments ended, a new military trade phase would insure standardized weapons procured on an inter-continental scale. Thus, NATO's forces could operate together.

The attainment of these objectives became moot when the United States put forth the doctrine of massive nuclear retaliation. This was never a valid, war-fighting strategy for the defense of Europe. It was, however, an all too credible budget-fighting scheme. It emphasized nuclear deterrence. The conventional defense of Europe, except for a tripwire, became unnecessary. But the paradox, as Senator Sam Nunn (Dem., Georgia) points out in his Foreword to the English version of Belgian General Robert Close's book, Europe Without Defense? is that—

"NATO today maintains far fewer men under arms than it did during the era of massive nuclear retaliation—a strategy which relegates non-nuclear forces to an almost perfunctory role."

Massive nuclear retaliation—"more bang for the buck"—meant defense on the cheap. For the United States, the high cost of conventional forces, swollen by the Korean War, could safely be cut back. This made the much lower cost of providing nuclear forces and weapons politically attractive. It also appealed to a Europe still recovering from World War II. The United States would now bear the cost of Allied nuclear deterrence. Each European government, and particularly those with colonial commitments, would be free to determine how much it could afford to spend to maintain its own national segment of the tripwire.

Politically difficult questions of collective defense could be put aside. There would be peace and prosperity for all NATO nations, under the American nuclear umbrella.

THE $150.0 BILLION PFR YEAR TRIPWIRE

By 1961, Allied leaders began to warn of the danger of the North Atlantic Alliance having but two strategic options: surrender, or nuclear war. These warnings have never been heeded. Today, NATO's conventional forces are collectively so weak that Allied government and military officials argue only over the number of days they might resist, before resorting to nuclear weapons.

Earlier this year, for example, the House Armed Services Subcommittee on NATO Standardization, Interoperability and Readiness found that:

"Incredibly, after 30 years, NATO now hopes, by 1983, to develop a capability to fight for 30 days.

"The European shortages of ammunition and replacement stocks are critical; evidence available to the subcommittee suggests that European forces will begin to run out of equipment and ammunition in a matter of days rather than weeks or months."

The fourteen armed nations of the North Atlantic Alliance are spending nearly $150,000,000,000 per year—more than $12.0 billion per month—on general purpose forces. This sum should be sufficient to provide strong conventional forces for the defense of Europe. It does not! Why? Because each nation spends its money for the national (rather than collective) defense.

The concept that 14 sovereign nations could forge a credible, collective, conventional defense capability—without a collective military-industrial effort—has failed miserably.

Every Allied government determines what weapons it will buy, when, in what quantities, and for what military purpose. Some rich nations are poorly defended, as are (unfortunately) all poor nations. Unnecessary duplication (indeed multiplication) of Allied defense-industrial effort abounds. Logistic support for what German General Johannes Steinhoff called "a museum of weapon systems" is provided by 14 national defense ministries for 39 armed forces. No wonder that NATO Secretary General Joseph Luns spoke of "a logistics nightmare that may well prove impossible of support."

The provisioning of forces, and the provisioning of war reserve stocks, is also a national responsibility. Defense ministries (European and North American) buy weapons without adequate ammunition, aircraft without adequate repair parts, missile launchers without adequate numbers of missiles. Shortages of fuel, ammunition and other expendable limit operational training, and severely reduce Allied readiness. The short-war/long-war argument is effectively foreclosed by the long lead times—and gaps of months and years—between war reserve replenishment orders, and first production deliveries.

The massive five-thousand mile Soviet military threat to Europe is seen through fourteen national prisms. The Allies do not agree on the magnitude of the threat. They have yet to agree on a strategy for meeting the threat. As a consequence, NATO's Integrated Military Command today commands almost nothing that is integrated:

Neither its tactical doctrine for the defense of Europe;

Nor its military equipment requirements;

Nor its weaponry, its ammunition, nor its repair parts;

Nor its war reserve "days of supply";

Nor its logistics, its communications, nor its operational training.

Yet successive American Secretaries of Defense have estimated that NATO and the Warsaw Pact are devoting approximately the same resources to the development, production, training, maintenance, operation and support of general purpose forces. What do these roughly equal resource commitments produce?

For the Warsaw Pact it produces a massive, standardized collective force, capable of operating effectively together.

For NATO it produces a de-standardized collection of national forces, qualitatively uneven, quantitatively inferior, unable to fight for the same period of time at the same munitions expenditure rates, and with only a limited ability to rearm, refuel, repair, reinforce, support, supply or even communicate with one another.

Seen in this light, it is not the conventional force buildup of the Warsaw Pact that threatens Europe. It is NATO's own self-inflicted wounds. The Russians are not ten feet tall. They just seem that way, because Allied governments have collectively cut themselves off at the knees.

Allied Heads of Government, their Congress and Parliaments, should ask themselves:

Do we have a moral right to place an annual $150.0 billion tax burden upon our people, to produce conventional forces collectively so weak, that a Warsaw Pact attack could only be met by surrender, or nuclear war?

NO ECONOMIC REASON FOR NATO TO BE INFERIOR

The collective weakness of Allied conventional forces contrasts starkly with the great economic strength of NATO.

Europe and North America are the two richest, most technologically advanced industrial economies in the world.

NATO Europe alone is the second richest economy, and the third most technologically advanced military-industrial base.

The twelve armed nations of NATO Europe have a combined Gross National Product (GNP) 88 percent as large as the United States; 127 percent greater than the Warsaw Pact!

The fourteen armed nations of NATO have a GNP 289 percent greater than the Warsaw Pact.

The Warsaw Pact's GNP is only 35 percent of NATO's GNP.

Thus, there is no economic reason for NATO to be inferior to the Warsaw Pact.

The Russians have great respect for the industrial prowess of the West. One might argue that if the Alliance nations had built a collective military-industrial base fifteen or more years ago, the Russians would have recognized the hopelessness of trying to beat the NATO nations on the weapons production floor. Unfortunately, NATO's greatest deterrent and defensive capability—its collective industrial strength—has not even been put in play.

The consequences of this folly were summarized as follows by Oliver C. Boileau, President of Boeing Aerospace Company, in an address to a Financial Times Conference in London in 1977:

"The weapons planners in the communistic nations are capitalizing on what we in the free enterprise system proved long ago—that one large production run is cheaper and more efficient than many small ones. They are beating us at our game!

"The money we waste in duplication could much better be spent in providing our troops with fewer [different] weapons in greater numbers, and in developing weapons which improve the ability of our forces to work and fight together."

NATO EUROPE: AN AMERICAN MILITARY PROTECTORATE?

In politics, as in physics, there is a Newtonian Third Law which says that for every action there is always an equal and opposing reaction. The actions that have been taken to strengthen the North Atlantic Alliance have produced strong reactions, particularly in the United States Congress.

Questions are being asked concerning the Alliance—its strength, its weakness, its readiness for war, its staying power in conflict—that were generally ignored in the past. There is particular interest in learning: what happens if deterrence fails? Ambiguities in the nuclear deterrence/conventional defense equation that could once be passed off as "confusing the Russians", and therefore an element of Allied strength, are now recognized as elements of weakness.

The partnership the Europeans have wanted for so long is being examined in detail, and found wanting. The following are examples of Congressional attitudes:

"The committee continues to be concerned about providing our NATO forces with viable options other than the use of nuclear weapons in the event of war. Western Europe cannot be defended by American conventional forces alone." (Senate Armed Services Committee, 1978)

"The strength of NATO defenses depends less on the capabilities of the U.S. forces than it does on the capabilities of the remaining three-quarters of forces provided by the Western European Allies. Most European forces are not as well provided with weapons, equipment and supplies as U.S. forces. They are less able to sustain combat in the face of an intense Warsaw Pact attack." (Congressional Budget Office, 1978)

"The term 'two-way street' as used by the Europeans, is a political device to secure economic benefits for European industries, and often has little or nothing to do with enhancing military effectiveness." (House NATO Subcommittee, 1979)

"Our European partners today muster an aggregate GNP over twice that of the Soviet Union. They can and should do more. We must make it plainer than ever before that improvements in American forces in Europe are of little value without significant improvements in Allied forces." (Senator Sam Nunn, 1979)

"The subcommittee examined the issue of burden-sharing, asking why the United States should:

"Provide nearly ⅔ of the Alliance defense funds?

"Devote nearly 50 percent more of its gross domestic product to defense than the average of NATO Europe?

"Spend three times as much on military research and development as all its European Allies combined?

"Spend more than twice as much per capita on defense as the average of NATO Europe and ⅔ more than the next closest country?" (House NATO Subcommittee, 1979)

"For the past five years, the committee has placed great emphasis on defense programs oriented to NATO. The United States has paid a price for improvements in NATO warfighting capability. In the years 1974–80, in real terms, American expenditures for its NATO forces (including reinforcements) have increased by 3.3 percent per year; and decreased by 1.5 percent per year for all other forces." (Senate Armed Services Committee, 1979)

"We must make it clear to our Allies that U.S. forces outside Europe protect not only American interests, but European interests as well, and that by improving their own forces in Europe they allow the United States to better protect free world interests elsewhere." (Senator Sam Nunn, 1979)

"This section of the proposed legislation requires the Secretary of Defense to make an annual assessment of the readiness status of American and Allied NATO forces, to report the deficiencies to the Congress, together with planned budget actions (by the U.S. and its Allies) to correct the deficiencies." (House Armed Services Committee, 1979)

". . . the present shortfall in Western European defense demands unique solutions.

"We cannot have an adequate deterrent or fighting capability on the cheap. For the present, the solution will not be found in less—it must be secured by more—more modern equipment, more efficient planning and training.

"Our defense appears to be based more on hopes and wishes—if we have enough time, if we get enough cooperation, if everything goes according to plan—our plan—we can survive and ultimately restore the continent to its present balance.

"We are deluding ourselves and the people who rely on us if we do not move out of our present dream-world, and into the world of reality." (House NATO Subcommittee, 1979)

There is concern in the Congress with testimony that the NATO goal of a 3 percent annual growth was admittedly dictated by political realities, and is insufficient to reverse the NATO-Pact conventional balance. The House NATO Subcommittee concluded that the NATO Long Term Defense Plan will have little impact on NATO readiness until the 1990s.

But individual members of the Congress find nothing more perplexing—more bewildering—than Europe's apparent contentment in the role of a military protectorate of the United States. "They don't seem to have the slightest interest in defending themselves," one Representative told me.

In an interview in the February-March 1979 issue of NATO's Fifteen Nations, NATO Secretary General Dr. Joseph Luns tried to explain the attitudes of European Governments and Parliaments, saying:

". . . theoretically it seems odd that a group of European nations which have more inhabitants than the Soviet Union, far more gross national product, far more technological know-how—and I'm talking about civilisation in a general sense—that they should be unable to defend themselves. But that is a result of the fact that the priorities have become so different since the last war.

"In the social sector our expenses have gone sky high in all countries, to an extent not even dreamt of before the war. I would be the last to say we should stop it. Even if I wanted it, I wouldn't say so because it's impossible, it's a political impossibility. In other words, to expect the countries of NATO [Europe] to go back to their original spending, which at the inception of the Alliance was about double of what it is now, is unrealistic.

"We do spend in real terms something more than 20 years ago, because our gross national product has risen so much, but our defence burden is far less than it was 20 years ago. But you cannot ask parliaments, they will not do it, and their governments will not even propose it, to double their defence outlay. It is not realistic and therefore you must take it as it is.

"In other words, we do depend in the foreseeable future on strong American support and an American presence in Europe. We must see it as it is. Therefore when people say Europe must defend itself, I think it's splendid but I don't see it happening."

Dr. Luns overstates what the Congress, and most Americans, expect of Europe, when he speaks of European Parliaments being asked to "double their defence outlay". Only if the United States were to withdraw from Europe would increases of that magnitude be necessary.

Adequate conventional defense does not require large increases in European defense expenditures. It does require relatively modest near-term increases (about 5 percent in real terms per year for several years), plus full and nonduplicative military-industrial cooperation within Europe, and between Europe and North America. Dr. Luns recognized this need, for he went on to say that:

"Even if there was a real European superstate, a federated state let us say, even then that state would have to spend more than the sum of the defence budgets of the countries which currently set their own expenditures. There would be more efficiency, there should be a greater yield, but still they would have to spend more, so it is not very realistic.

"But I repeat, it would be a very good thing if European countries would cooperate more, would take more common decisions, would have the same sort of armaments. And this would be conducive to European unity."

Here Dr. Luns is much closer to what the Congress, the President, and other Americans have long sought, namely for Europe to organize its defense procurement efforts (in the words of the Culver-Nunn Legislation) on "a united and collective basis", so that NATO can mount a credible, collective conventional defense.

Nuclear parity is NATO Europe's OPEC—an end to the days of defense on the cheap. It ends the American military protectorate of Europe. It should also end the American practice of conducting its military planning and budgeting aloof and apart from Europe.

Nuclear parity will profoundly change the assumptions and relationships of the United States with its Allies. The realities of Allied security are beginning to intrude upon those who would prefer the ambiguity and gloss of Allied tranquillity. In Dean Acheson's words, these collective security issues must be understood, faced and resolved.

COUPLING STRENGTH, AND DECOUPLING WEAKNESS

In his testimony in July on the SALT II Treaty, General Alexander M. Haig, Jr., former SACEUR, told the Senate Armed Services Committee that while—

". . . a conventional attack would be met in kind, the serious, historical imbalance in conventional forces favoring the Warsaw Pact has led to the common expectation among our Allies of early resort to nuclear weapons—both tactical and strategic."

In a colloquy with the Senators following his formal statement, General Haig characterized the concept of deterrence based on Mutual Assured Destruction (MAD) of populations as not moral, not logical, not credible.

Ambassador Clare Booth Luce has called MAD this generation's Maginot Line! It is a MADness that lulled NATO into a false sense of security as the Warsaw Pact tortoise relentlessly built up its conventional forces. It is a MADness that still leads some to believe that the Russians can be persuaded to renounce at the negotiating table what they have already won on the production floor—ignoring the great Russian pride of accomplishment, and the Russian economic deprivation that made it possible.

Many Europeans fear that if NATO's conventional forces are collectively strong enough to defend Europe from a Warsaw Pact attack, without recourse to nuclear weapons, it will decouple the American inter-continental, continental and battlefield nuclear commitment to the defense of Europe. They understandably fear that for the third time this century, European cities will be destroyed, and Europe's peoples slaughtered or made homeless, in a devastating conventional war of attrition.

In the United States, there is growing Congressional concern that, with nuclear parity, Americans may find themselves precipitated into a nuclear war because of the unnecessary weakness of Allied conventional forces. Understandably they fear American cities may be destroyed in a nuclear exchange to protect European cities from conventional destruction.

Europeans doubt the conventional defensibility of Europe. They argue for early resort to battlefield nuclear weapons. Americans fear rapid escalation from battlefield, to continental, to inter-continental nuclear weapons. As Senator Sam Nunn put it five years ago, in a report to the Senate Armed Services Committee:

"This dependence on the nuclear crutch in Europe is no longer feasible. Nobody has any experience in fighting nuclear wars, and nobody knows what would happen if one were to start. Some people feel that NATO could use tactical nuclear weapons without much chance of a similar response from the Warsaw Pact, and that escalation from tactical nuclear weapons to strategic nuclear weapons could be controlled. . . . The point is that nobody is certain about what would happen."

Escalation risks the annihilation of two continents, their civilizations and economies, with radiation effects lingering for decades, or centuries, if not millenia. This is simply too high a price to pay to retrieve a military disaster that might have been avoided by strong conventional forces.

The issue is not, as the Europeans have seen it, the coupling of nuclear forces to conventional forces. The issue is coupling American strength to European weakness, and then having to suffer the consequences. Coupling American strength to European strength will always have popular and political support. But strength to weakness will lead to decoupling, even of conventional forces. Senator Sam Nunn said recently:

"In this century, Americans have died in large numbers on European battlefields. We are prepared to do so again if necessary, but only for a Europe that is dedicated to its own defense."

There are Americans who don't share the European view of the indefensibility of NATO Europe. They cite the Russian reverence for their World War II "Hero Cities"—Kiev, Kursh, Leningrad, Minsk, Moscow, Sevastopol and Volgograd (Stalingrad)—the cities that could not be taken (or were only taken) after a prolonged seige that took a heavy enemy toll. The Russians understand the defensibility of cities. Deterrence would be greatly enhanced if the European Allies were prepared to mount a stalwart urban NATO defense, and proclaim with Churchillian defiance, "We will fight in the cities, we will fight in the streets, we will never give up!"

An urban defense strategy would say to the Russians that however much you might covet Europe's labor force, and its technological and industrial base, you will never capture it intact. It would end the temptation of a short, blitzkrieg conquest of Western Europe.

A stalwart urban defense permits a counter-attack strategy—also well understood by the Russians. It would put them on notice that a Warsaw Pact attack on Western Europe would not only fail, but would inevitably lead to a war of liberation in Eastern Europe and the Soviet Union. This too is deterrence.

There is nothing provocative in such a stance. The North Atlantic Alliance would still vigorously pursue peaceful coexistence with the Warsaw Pact, but NATO would now be flying the Don't Tread On Me flag of early American history. This is a concept of defense and deterrence that would appeal to the youth of Europe and North America, who expect their leaders to order nuclear war as a last (and not a first) resort.

Some argue that the Alliance is politically too fragile to face up to the many problems involved in structuring a credible, collective conventional capability. If they are right, so be it. Something will have been learned, and the American, Canadian and European governments can plan accordingly. But more likely we will learn that the Alliance has a strength, a vitality and a nerve that the timid could never plumb. Given leadership, direction and challenge, the nations will respond with a vigor that will command their own respect, and that of the Russians.

Before his election, President Jimmy Carter promised a high priority for revitalizing the North Atlantic Alliance, saying:

"The period that lies ahead can be as exciting and challenging as the period after World War Two, in which the European Communities, NATO, the Organization for Economic Cooperation and Development (OECD), and the other great institutions of our day were fashioned. The opportunity is there. Working closely together, Europe and the United States can seize it—for their good and that of mankind."

AMERICANS NOW SEEK REASSURANCE FROM EUROPE

Nuclear parity has brought the North Atlantic Alliance full circle. The concept of nuclear deterrence without a credible conventional defense is finding fewer supporters in the United States.

For thirty years, European governments have sought assurances of American strength, and American will. And now it is the Americans that are seeking assurances of Europe's collective strength, and Europe's collective will. The United States provides little more than 20 percent of NATO's conventional forces. Europe provides the other 80 percent. No Allied nation—not even the United States—can insure the defense of Europe.

It is this simple reality that is turning American policy back towards the Alliance's early concepts of collective conventional defense, and collective military-industrial cooperation. If the burdens and benefits of Allied defense are equitably and collectively shared between Europe and North America, then the North Atlantic Alliance could redress, and thereafter maintain the conventional force balance in Europe, without economic strain.

For this to be possible, the twelve armed nations of Europe must organize their defense industrial base on an efficient and competitive basis. This is the thrust of the Euro-Group Defense Ministers Report to their governments (1975), the Tindemans Report to the European Council (1975), the Klepsch Report to the European Parliament (1978), and the Critchley Report to the Western European Union (1978). All argue the need for Europe to aggregate its defense procurement market and organization on a continental scale.

The Culver-Nunn Legislation (1976) and President Carter at the London NATO Summit (1977) encouraged European efforts to establish a common European development and production base. Unfortunately, the progress being made by the Independent European Programme Group (IEPG), established in 1976 as a result of the EuroGroup Report, has been disappointingly slow.

Americans are beginning to understand what Jean Monnet meant when he said:

"... the United States has only one reliable European ally—Europe!"

The conventional force balance can never be redressed until the two-pillar partnership concept of endless Allied rhetoric is resurrected, and made to work. This doesn't mean nothing can be done without a united Europe. It does mean that no progress can be made until Europe's defense procurement is organized (in the words of the Culver-Nunn Legislation) on "a united and collective basis".

Only then can there be a two-way street in military trade on an inter-continental scale. Only then can the burdens Americans want shared be balanced by the benefits Europeans want shared. Only then can all unnecessary duplication of effort be eliminated.

THE NORTH AMERICAN DEFENSE MARKET

NATO nations are spending enough to maintain the conventional force balance, once it has been redressed.

How then does the Alliance overcome the political inertia that keeps the nations from collectively employing the necessary resources? The law of inertia was explained to us in high school in terms of a freight car—forty men were required to get that freight car moving; but once moving, one man could keep it moving. That's the task facing the Alliance—getting a collective defense-industrial effort moving!

In April 1941, Canadian Prime Minister Mackenzie King met President Franklin D. Roosevelt at Hyde Park to discuss a similar problem: how to mobilize the resources of the North American continent.

They decided that each country would produce and provide the other with the defense equipment it was best able to make. The weapons and equipment which Canada produced, and sold to the United States—in turn provided Canada with the dollars it needed to buy weapons and equipment from the United States.

To show they meant business, President Roosevelt and Prime Minister King established dollar purchase goals to be met by each country. Each country, they said, would (in the twelve months following the Hyde Park Agreement) place orders with the other for between $200.0 million and $300.0 million of military equipment. The purchase targets may seem small until we translate them into 1979 dollars: between $1.0 billion and $1.5 billion in orders from each other in twelve months!

In the 38 years since the Hyde Park Agreement, there has been a North American Defense Market between Canada and the United States. In the past 30 years that statistics have been kept, there has been over $10.5 billion in military trade between the two countries. Until recent years, no attempt was made to balance trade on either an annual, or project basis. The peak American trade deficit (1971) was $544.3 million. The peak Canadian deficit (1979) stands at more than $565.0 million.

In other words, twenty years have seen $5.0 billion bought by the United States from Canada, and $5.5 billion bought by Canada from the United States.

No similar trading structure exists within the North Atlantic Alliance.

A NEW NORTH ATLANTIC TREATY

The fourteen armed nations of the Alliance are spending $40.7 billion per year on conventional weapons development and production, and an even larger sum on logistic support.

When one begins to discuss a $40-plus billion annual military trading structure between Europe and North America with congressmen, parliamentarians, industrialists and labor leaders, words like "faith", "trust" and "confidence" begin to surface. And they should. However inadequate and inefficient the national defense efforts of the Alliance might be, nobody wants to discard the known and adopt the unknown.

Memoranda of Understanding (MOUs) won't provide the assurance people seek. MOUs have no magic to stir public and political comprehension and support. An MOU can not allay fears and suspicions. The armaments cooperation issues are too volatile, too politically charged, and the consequences of mistrust or misunderstanding too portentous, to be resolved by an instrument other than a treaty. Only a treaty can define the rights and obligations of sovereign states to one another. Only a treaty can bind the national defense economies of the Alliance together.

"The Thirteenth Anniversary of the first treaty can best be marked by beginning work on a new North Atlantic Treaty of Technological Cooperation and Trade."

The first Treaty called forth a collective military force for the defense of Europe. But it was flawed because it failed to call forth a collective military-industrial effort, without which there can be no collective security below the nuclear threshold.

The new treaty would generate a popular and political consensus on each side of the Atlantic, supporting renewed collective efforts within the entire Alliance. It would:

Join the enormous technological and industrial resources of Europe and North America in a two-pillared North Atlantic Defense Market;

Establish a continental European defense industrial base, and a European defense procurement agency;

Provide for the equitable sharing of Allied defense burdens and benefits keyed to the European and North American pro rata share of the combined NATO GNP;

Employ this same GNP formula (currently 56 percent North America, 44 percent Europe) to provide military assistance and support to the less developed countries of the Alliance—thereby greatly strengthening the Southern Flank;

Encourage the less developed countries of the Alliance to participate in the collective effort as soon as practicable;

Permit Japan, Australia and New Zealand to accede to the treaty on the same terms at a later date.

The new treaty would respond to the challenge laid down by Under Secretary of Defense (Policy) Robert W. Komer, when he told the members of the Atlantic Treaty Association (ATA) Assembly, that:

"If we pool our resources and efforts and pull together, we can generate credible and capable coalition defense for the 80s at a politically acceptable cost.

"This is the biggest challenge confronting NATO. The real test of NATO in the 80s will be how well both sides of the Atlantic collaborate with each other in a hundred different fields."

This "biggest challenge confronting NATO" can better be understood if one contrasts the sum of the Alliance's fourteen national defense investment efforts, with what the Alliance could collectively achieve "if we pool our resources and efforts and pull together."

Allied nations currently spend $40.7 billion per year on weapons acquisition. If Europe was carrying its fair share of Allied defense burdens (44 percent), that sum would be increased by more than $10.0 billion per year. If Canada did likewise, another $2.2 billion would be added. And if all unnecessary duplication of effort could be eliminated, more than $10.0 billion of waste would be available each year for weapons acquisition.

A structured North Atlantic Defense Market, with burdens and benefits collectively shared, would thus total more than $60.0 billion per year. The fears on each side of the Atlantic of loss of business, and loss of jobs, would be swept away (to use President Kennedy's phrase) by "a rising tide that raises all boats".

The treaty would establish the rules that would govern inter-continental military trade and cooperation between Europe and North America. It would inspire "faith", "trust" and "confidence". It would give the Alliance a new popular and political mandate. It would infuse the Alliance with a cohesion, a vitality, an excitement and purpose it has not had for years.

PROVISIONS OF NEW TREATY ESTABLISHING A NORTH ATLANTIC DEFENSE MARKET

Establishing a North Atlantic Defense Market would be the largest peacetime politico-economic cooperative effort ever undertaken by free people in their own defense. It would test whether the nations of the North Atlantic Alliance have the political will, the political wisdom, and the institutional flexibility to match the military-industrial discipline of the Soviet-dominated Warsaw Pact.

Building the cooperative structure (a two-way street) will require a public and political consensus generated first, by a Congressional Resolution and then by the Treaty binding all Alliance countries.

The first step would be a Vandenberg-style Resolution, passed this time by both Senate and House, stating it to be the sense of the Congress that the President of the United States should begin negotiations with the Canadian and European Allies leading to a North Atlantic Treaty of Technological Cooperation and Trade. The President of the United States, with the declared bipartisan support of the United States Congress, would then propose a transatlantic bargain to Europe, to be embodied in the treaty. The United States would:

Offer to join Europe and Canada in determining new weapons and equipment requirements for the collective defense of Europe;

Offer to agree with Europe and Canada on an efficient but equitable assignment of new weapons development and production projects, so that (over the years) there will be a balance in prime contract dollars spent in Europe and in North America;

Offer to open all American subcontracts for agreed NATO systems to competition on a reciprocal basis, so that all NATO weapons and equipment subcontracts will be competitively awarded on each side of the Atlantic by the end of the tenth year.

Offer to share equitably the cost of providing military weapons and equipment assistance to the less developed countries of the Alliance until such time as they can earn their own way through military trade, or through economic growth;

Offer to increase the total American defense budget by at least 4 percent per year in real terms for the next five years.

In return, the United States would ask Europe to organize its defense procurement efforts "on a united and collective basis", and specifically agree:

To establish an institution within the North Atlantic Alliance (presumably the Independent European Programme Group) which would permit the European Allies collectively to plan, finance and manage inter-continental, non-duplicative, multi-annual, multi-project defense research, development, production and support programs with the United States and Canada;

To increase Europe's collective defense expenditures by at least 5 percent per year in real terms for five years, until Europe's total defense expenditures equal its pro rata share of NATO's combined GNP, or until lower levels are mutually agreed;

To share with Canada and the United States the cost of military assistance to the less developed countries of the Alliance, while taking positive steps (as recommended by the EuroGroup) to encourage the effective participation of those countries in military production and trade;

To join with the United States and Canada in progressively opening all Allied defense subcontracts to competition by the end of the tenth year;

To compensate fully for the United States' annual balance of payments deficit on military account, by either:

(1) Reimbursed use of American weapons and test facilities which Europe lacks;

(2) Reimbursed use of American operational and other training facilities, particularly when such use would result in European defense budget economies;

(3) Upgrading Allied weapon systems of American origin by modification to the current American standard in Europe, thus increasing interoperability;

(4) Replenishing war reserve deficiencies by purchasing ammunition and other expendables from the United States;

(5) Assuming American basing chores and costs in Europe;

(6) Or, by procurement of American weapons and equipment;

To agree to permit Japan, Australia and New Zealand to accede to the treaty, on the same terms and conditions at a later date.

Other provisions of the treaty would address critical inter-Allied problems. The treaty would:

Establish fixed minimum percentages of Allied defense budgets to be devoted annually to investment and support (including war reserves), so that increased manpower costs are not met by reducing funds required for modernization and readiness;

Establish fixed minimum percentages of Allied defense procurement funds to be allocated each year to basic research, and "technological building blocks", to insure both the viability and inviolability of the North Atlantic defense technology base;

Require reliable statistics to be developed and maintained, so that Allied policy differences could be debated and resolved from a common data base;

Provide that no Allied government could deny defense production to another, except in accordance with the treaty itself, or other inter-Allied agreements (thus substituting multilateral Allied arms export restraints for unilateral American restraints);

Require Allied governments to establish security policies and procedures which (other things being equal) would facilitate Allied cooperation;

Provide that military trade need not be balanced at the prime contract level on either a project, or annual basis;

Establish a two-tier (senior and junior), two-campus (Europe and North America) NATO Industrial College where Allied government officials, military officers, defense industry executives, and defense trade union leaders, could together learn the art, science and lessons of efficient multinational cooperation;

State explicitly that the treaty's implementation is to be governed by the golden rule—that each Allied government will interpret and apply the treaty's provisions as it would wish them interpreted and applied to its own government.

But there would be more to the bargain than that. The Treaty would re-affirm the American pledge to defend Europe by every means at its disposal, including its battlefield, continental and inter-continental nuclear forces, provided Europe agreed to join in building a collective, conventional capability sufficient to defend Europe against a Warsaw Pact attack, without recourse to nuclear weapons except as a last resort.

SHORT-, MID- AND LONG-TERM GOALS

With the bargain struck, Europe and North America would follow the lead taken by President Roosevelt and Prime Minister King. They would establish goals to be met.

The Soviet Union's 15-year head-start in the build-up of the Warsaw Pact conventional forces would not permit the nations to focus on new development projects only. Short-term results must also be sought. The Alliance must achieve the optimum interoperability of current inventories. War reserve "days of supply" must be brought to agreed uniform levels. The Standardization Agreements (STANAGs) must be implemented. There must be procurements from one another, and a start made on common logistic support.

Employment and other political benefits must begin to appear within the terms of incumbent Congressmen and Parliamentarians.

But long-term goals must also be established, so the Alliance never again finds itself fielding forces that can not refuel, rearm, repair, reinforce, support, supply or even communicate with one another.

The President of the United States, working with the Congress, would propose the following mid-, short-, and long-term goals.

SHORT-TERM GOALS

Current Inventories and Days of Supply: Europe and North America would each pledge to spend $1.0 billion per year, for the next five years, over and above current defense budgets:

To achieve optimum interoperability of current weapons, equipment and communications, and

To reach agreed uniform war reserve "days of supply" throughout the Alliance

Equipment Standardization Agreements (STANAGs): Europe and North America would together implement each year at least 20 percent of the material STANAGs already agreed, and would implement each new material STANAG within a year.

Within three years of implementation, each STANAG item would be procured by open, competitive bidding by both Europe and North America.

Procurement: A three year goal of $3.0 billion of defense procurement orders from one another; with European production of American systems, in case there was a short-fall in Europe's ability to produce $3.0 billion of competitive systems of their own.

MID-TERM AND LONG-TERM GOALS

Research: A three year goal for harmonizing all defense basic research.

Development: An initial three year goal of $4.0 billion of complementary development projects underway on each side of the Atlantic.

Logistics: A four year goal for common logistic support of all common weapons and equipment now in Allied inventories.

Military-Industrial Interdependence: By successive development, procurement and logistic support goals, Europe and North America would (by the twelfth year) achieve complete military-industrial interdependence within a fully-structured North Atlantic Defense Market.

Some say these goals are ambitious. They are! Some even say they are too ambitious. They are not. Assume for a moment that the transatlantic bargain is agreed by all Alliance nations; that the treaty has been negotiated and ratified; that the new cooperative structures are in place, and fully manned; that the governments have ordered full speed ahead on 1 January 1980; and then reflect upon the fact that:

Decision, development, production, deployment and training lead times are such that we would be into the 21st century before the North Atlantic Alliance could field the same collective conventional force capability that the Warsaw Pact has today!

DO WE DARE PROCEED ANY SLOWER?

Fortunately, the short-term goals will correct the most glaring conventional force deficiencies. Interoperable equipment modifications could begin in the second year. Significant increases in war reserve stocks would also begin in the second year. By the mid-80's, NATO forces could operate together. The short-term goals would also generate many tens of thousands of additional defense industry jobs on each side of the Atlantic—and within the terms of incumbent Congressmen and Parliamentarians.

The political and economic benefits would be widely distributed, thereby minimizing (if not completely eliminating) transitional economic and employment dislocations. And the political cohesion, the public confidence, and the real and measurable military results obtained in the early years, would guarantee the political commitment to see the job through.

But all efforts need not come to a halt pending negotiation and ratification of the treaty. Quite the contrary. When the Congress has passed the Vandenberg-style resolution, the United States could (on an interim basis) cease bilateral dealings with the individual European countries, and work with Europe on a collective basis, presumably through the Independent European Programme Group (IEPG).

A COHERENT POLICY OF COLLECTIVE DEFENSE, DETERRENCE AND DETENTE

The benefits of the new treaty would transcend its initial emphasis on NATO military-industrial cooperation.

Within the NATO area itself, Kremlin leaders would see that Europe and North America, the two richest, most technologically advanced industrial economies in the world, had finally pooled their enormous resources for their common defense. The ability of the North Atlantic Alliance to cooperate in peacetime would unequivocally signal a will to cooperate, if necessary, in the event of a Warsaw Pact attack.

But basing the military-industrial cooperation on total defense budgets (rather than some ill-defined allocation of the costs of the conventional defense of Europe)—and subsequently adding Japan, Australia and New Zealand—would also signal the determination of the industrialized nations of the West to defend (and equitably share the costs of defending) their vital interests worldwide. The backward nations of the Warsaw Pact could no longer continue to out-produce, and out-deploy the West.

In the post-Brezhnev era, sometime in the 80s, this could be the most effective deterrent to Soviet military temptations.

Critics of adequate American defense in the Congress and elsewhere, could no longer complain (as rightly they do now) that the United States is bearing a disproportionate share of the Free World's defense burdens. Indeed, they would see that once all the Allies got the "freight car moving", efficiencies of scale would permit first a leveling, and then a reduction (in real terms), of the defense burdens of every Allied nation, including the United States.

Nor could other critics complain (as rightly they do now) that commitments to a NATO defense diminish the security of the West outside the NATO area.

Cooperative structures, macro-economic in scale, and demonstrated to be necessary to provide adequate defense "at a politically acceptable cost", are bound to garner public and political support. This will have an appeal to the imagination and idealism of our youth. That in itself is of critical importance. The least noticed weakness of the North Atlantic Alliance is of the spirit—its lack of relevance to, and support from, the youth of Europe and North America.

The cooperative and effective utilization of Allied defense resources to lessen the danger of nuclear war is but a first step towards fashioning a world our youth will want to live in.

This new treaty might have been called one of "Military Cooperation and Trade". It is not, and purposely so. If the Alliance can develop the political techniques and structures to achieve Economic Cooperation in Armaments, then it shall also have developed the type of European/North American/Far Eastern political structures which can be adapted to economic cooperation in almost every area of civil technology; energy, nuclear safety, nuclear waste management or disposal, environmental control, housing, materials, transportation, food production, space, etc.

Civil technological cooperation would not be exclusive. In time it would be extended to all other OECD countries. OPEC participation would also be sought. And, in the spirit of the Marshall Plan offer which Stalin rejected, civil technological cooperation should also be available to the Warsaw Pact.

The Soviet Union badly needs western civil technology. They can acquire it (as at present) by hard currency purchases, or by Allied credits. But as long as Allied economic assistance is available to the Soviet Union in this fashion, there is no need for them to divert resources from defense.

We are thus fueling a dynamic disequilibrium that may one day destroy this planet.

But the West could use its collective technological and industrial wealth to induce the Soviet Union to make detente a fearless reality. How?

By withholding technological cooperation with the East (whether for credits or for cash) as long as the Soviet military buildup continues;

By offering civil technological cooperation between East and West as soon as the Warsaw Pact was prepared to reduce its forces to a non-threatening threshold, so that both NATO and the Warsaw Pact could divert resources from military to civil technological investment.

The West would thus be using its vast technological and industrial resources not only for its own defense, but also to build a secure bridge between East and West. We would, for the first time, be pursuing a coherent and mutually reinforcing policy of collective defense, deterrence and detente.●

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

EXTENSION OF TIME FOR COMMENCING ACTIONS ON BEHALF OF CERTAIN INDIANS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of S. 2222, which the clerk will state by title.

The legislative clerk read as follows:

A bill (S. 2222) to extend the time for commencing actions on behalf of an Indian tribe, band, or group, or on behalf of an individual Indian whose land is held in trust or restricted status.

The Senate proceeded to consider the bill, which had been reported from the Select Committee on Indian Affairs with an amendment. On page 2, line 2, strike "30" and insert "31" so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the third proviso in section 2415(a) of title 28, United States Code, is amended by striking out "after April 1, 1980" and inserting in lieu thereof "after December 31, 1984".

(b) The proviso in section 2415(b) of title 28, United States Code, is amended by striking out "on or before April 1, 1980" and inserting in lieu thereof "on or before December 31, 1984".

Mr. MELCHER. Mr. President, S. 2222 is a bill to extend to December 31, 1984, the time in which the United States may bring a claim for damages on behalf of Indian tribes or individuals.

On December 17, 1979, the Senate Select Committee on Indian Affairs held oversight hearings on the progress of the Departments of the Interior and Justice in identifying and processing claims of Indians and Indian tribes which might be affected by the Federal Statute of Limitations (28 U.S.C. 2415). The testimony received at that hearing demonstrates a strong and immediate need for an amendment of this statute to extend the time limits.

The witnesses who testified before the committee represent a cross section of persons who would be affected by this legislation: Administration witnesses from Interior and Justice; field and regional solicitors with the Department of the Interior; Indian and non-Indian groups who had participated in the Interior Department research efforts; tribal representatives whose interests would be adversely affected if the statute is not extended; and non-Indian witnesses who believe their interests might be adversely affected if the statute is extended.

The testimony shows that aside from planning, the Department of the Interior did not begin a concerted effort at claim identification and processing until early in 1979, when funds for this project first reached Interior and a Presidentially imposed hiring freeze on all agencies was lifted. In January of 1979, the Department of the Interior testified that it was aware of approximately 700 outstanding cases. Through the research efforts conducted in 1979 by independent contractors, this figure jumped to approximately 9,500 claims. During the course of the year 1979, the Department was able to dispose of approximately 2,700 claims either by rejection for lack of merit or by successful resolution without litigation.

The number and nature of these claims varies greatly from one area of the country to another. In the North Central States, California, and, to a lesser extent, the Pacific Northwest, large numbers of "forced fee" cases have been identified. These involve individually owned trust allotments in which the Department of the Interior issued fee patents to the land without the consent or approval of the Indian owner, thus subjecting the property to State and local taxation, exposing the property to debt foreclosures, or freeing it for sale without requirement of secretarial consent. Many other claims arise from trespass over Indian-owned property by utility companies or State or local governments. In Arizona and California there are claims for improper pumping or diversion of water. In many areas of the country there are significant claims for unlawful extraction of mineral resources. In New Mexico the claims of the pueblos cannot even be identified until new and extensive surveys are completed.

In some of these areas there has been movement toward negotiated resolution of claims. In other subect areas the recent identification of claims has not allowed adequate opportunity to even formulate concepts for settlement discussions.

In Arizona and Utah there has been forward movement toward negotiated settlement of water claims. In the last Congress the water claims of the Ak Chin Indian community were settled and the select committee now has before it settlement legislation involving the San Luis Rey Water District in California. In Minnesota, a 1977 opinion of the State supreme court opened up possibilities of individual Indian claims on large numbers of allotments, title to which may have been unlawfully acquired. A large number of these claims arise on the White Earth Reservation. It appears there are possibilities for negotiated settlement of these claims but there has not been sufficient time to commence settlement discussions.

As previously noted, the Department of the Interior presently has before it some 9,768 claims. Witnesses for both the Departments of Interior and Justice stated that they would not be able to complete work on the pre-1966 Indian claims within the time allowed by the present statute of limitations. This testimony was supported by many additional witnesses. Failure to extend the time limits now provided will, unnecessarily, bar many meritorious claims of Indian tribes and individuals; it will cause the filing of a multitude of lawsuits which might be rejected if adequate time is allowed for administrative review on the merits; and it will deprive the United States of adequate opportunity to negotiate settlements outside of court. The mass filing of these cases will also cause unnecessary financial burdens on private individuals and local governments which may be named as defendants, and will additionally tax the resources of the Departments of Interior and Justice, U.S. attorneys' offices, and courts.

S. 2222 will extend the time limits for filing Indian claims to December 31, 1984. I believe the interests of all concerned would be best served by enactment of this legislation. The additional time provided by this bill should enable the Departments of Justice and Interior sufficient time to determine those claims which have merit, and initiate settlement negotiations or litigation. It will also provide Congress an opportunity to consider legislative solutions which are fair and just to all parties concerned.

Mr. President, I think it is obvious that this bill addresses a concern that extends throughout many parts of the country. Unless we want mass injustices to result by not extending the statute of limitations, or, on the other hand, if we do not want to clog the courts with a lot of unnecessary proceedings, it is imperative that we enact this bill. I believe it is a fair and just bill, and the testimony we have received on the bill at our public hearings demonstrates that it is vitally needed.

Mr. President, I yield to the Senator from Maine, on his time.

Mr. COHEN. Mr. President, I oppose the enactment of Senate bill 2222.

The purpose of this bill before us today is to once again extend the statute of limitations due to expire on April 1, 1980, for certain contract and tort claims for money damages brought by the United States on behalf of Indian tribes, bands, or individual Indians where land is held in trust or restricted status.

Prior to 1966, there was no statute of limitations imposed on contract or tort claims brought by the United States although there was a time limitation for actions brought by private individuals. Intent on remedying this inequity and preventing the presentation of stale claims by the Government, Congress enacted a 6-year-and-90-day limitation in which the Government could bring actions in behalf of Indians based upon contract or tort claims. The original statute of limitations would have expired on July 18, 1972. However, the Bureau of Indian Affairs and the Solicitor's Office of the Department of Interior indicated that they were not able to perform the necessary work to identify and process all potential claims; and Congress once again extended the statute, this time for an additional 5 years, to July 18, 1977, with assurances from the Department of Interior that this was an adequate amount of time to complete their work. As the July deadline approached, the Department of Interior once again indicated that a further extension was necessary.

I was serving in the House of Representatives at that time, as a member of the House Judiciary Committee. As I recall, the Justice Department asked for an extension of some 10 years. The Judiciary Committee recommended in its bill an extension of 5 years; and when it came to the floor of the House of Representatives, we voted for a 2-year extension.

Then, during a conference with the House and the Senate, we agreed to a 2½-year extension until April 1 of this year; but it was made absolutely clear by all parties concerned, including the chairman of the Interior Committee in the House, Mr. UDALL, that this was the final extension.

Now, as we near the end of this extension, this 2½-year period, the Department of the Interior once again tells us that a further extension is necessary. The Department of the Interior has had almost 14 years to process and dispose of these claims; and after each extension, they have given assurances that they could complete the work in the time allotted. Yet, rather than reducing the number of outstanding claims to be processed, the potential claims keep increasing at a dramatic rate. In 1977, the Solicitor to the Department of Interior indicated that unprocessed cases could exceed 1,500. In December 1979, the Assistant Secretary for Indian Affairs indicated that the Bureau has in excess of 9,500 claims before it. The more times an extension is approved, the more cases seem to surface.

For this reason, Mr. President, I urge my colleagues to oppose this measure.

I must say that I am not unmindful of a major claim that is pending before the courts in the State of Maine. As a matter of fact, we received word today that the attorney general in my State would like to see an extension of the statute of limitations in order to allow the parties to continue to try to work out a settlement, without forcing court litigation, which would have a very severe economic impact upon the State of Maine.

However, in good conscience, I must say that in view of the fact that I was the one who fashioned the amendment in the House of Representatives that limited the original extension, in July of 1977, to 2 years, and had agreed to a compromise of 2½ years, with the understanding that it was the last and final extension, even though it is in my State's best interests to extend the statute, under the circumstances, I feel compelled to vote against this extension and to urge my colleagues to do the same.

Mr. President, I yield such time as he may need to the Senator from Oklahoma.

Mr. BELLMON. I thank the Senator from Maine.

Mr. President, I have an amendment at the desk, and I ask that it be reported.

The ACTING PRESIDENT pro tempore. Until the committee amendment has been disposed of, floor amendments are not in order. One committee amendment is outstanding.

Mr. MELCHER. Mr. President, we have one committee amendment that is technical in nature, to make the dates conforming. I ask that it be reported at this time.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 2, line 2, strike "30" and insert "31".

Mr. MELCHER. Mr. President, this amendment would just make the dates conform. December 31 is the correct date.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

UP AMENDMENT NO. 984

(Purpose: to extend the statute of limitations with respect to certain claims of Indians)

Mr. BELLMON. Mr. President, I repeat my request. I call up my amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Oklahoma (Mr. BELLMON) proposes an unprinted amendment numbered 984:

At the end of the bill, add the following new section:

SEC. 2. The amendments made by the first section of this Act shall be applicable only with respect to those Indian claims identified, on or before December 31, 1981, by the Secretary of the Interior as an Indian claim or potential claim and published in the Federal Register in accordance with this section.

Mr. BELLMON. Mr. President, the issue before the Senate today is a request for a third extension to the statute of limitations for Indian claims. This time limitation applies to the filing of certain contract and tort claims by the United States on the behalf of American Indian citizens.

In the Bureau of Indian Affairs testimony before the Senate Select Committee on Indian Affairs, it was stated that due to belated funding and personnel problems, over 9,000 claims remain to be processed. The problem is that the Bureau of Indian Affairs and the Department of Justice do not have time to process the remaining claims and file the meritorious actions by April 1, 1980. The committee bill provides an extension of the filing of actions to December 31, 1984.

My amendment would provide that a time limitation of December 31, 1981, be set for the identification of claims. This gives ample time for the Bureau of Indian Affairs to complete the field studies necessary for identification of claims. The amendment states that the Bureau of Indian Affairs would file a listing of those identified claims with the Solicitor of the Department of Interior by that date. The listing of the identified claims would be published in the Federal Register by the Secretary of Interior.

If Congress sets the date of December 31, 1981, as the limitation for the identification of claims, an orderly investigation and processing of these claims could be conducted by the Bureau of Indian Affairs and the Department of Justice. The filing of the meritorious actions would be completed by the limitation date of the committee bill, December 31, 1984.

Mr. President, I join in the comments of the Senator from Maine.

I was serving as a member of the former Interior Committee, back in 1972, when the extension of the Indian Claims Commission came before that committee for renewal. I recall vividly interrogating witnesses as to whether or not, if we gave this 5-year extension, they would be able to complete their work.

Those 5 years have gone by, and now another 2½ years are about to go by, and still, according to the evidence, the Commission has some 9,000 claims remaining to be processed.

The purpose of my amendment is to begin, in an orderly way, the phasing out of the Indian Claims Commission. I believe that no matter how much time we give them, when that date runs out, they will come in here and say, "We still have hundreds or thousands of claims remaining," and they will tell us that it is too abrupt to cut off the existence of the Commission. They will make out a case that we have to give them another 2 or 5 years, and this can go on indefinitely.

With this amendment, we are trying to put a termination on the time for the filing and identification of new claims. Thereby, once no more new claims are being filed, the Commission will be able to process the claims that have been identified. When the time extension runs out, their work will have been completed, and they cannot say that they still have a big backlog of claims on file.

That is the purpose of the amendment, and I hope the manager and the assistant manager of the bill can see the merit in the amendment and will accept it.

Mr. MELCHER. Mr. President, on the majority side, we accept this amendment. It is a fair amendment.

However, I want to make it clear that the bill before us does not deal with the Indian Claims Commission. The Commission itself has been terminated, and those cases that were before the Commission have been transferred to the Court of Claims. This is a different matter we are addressing here.

Mr. COHEN. Mr. President, I should like to address a couple of questions to the Senator from Oklahoma.

I point to page 21 of the report in connection with the hearings held before our committee, in which I raised a question to one of the witnesses, Mr. Nitzshke.

I asked him, in essence, what the time frame was in which these cases had been coming to the office and how old they were, how new. I told him that what I was concerned about was that as each day goes by, more and more cases come in, and whether or not we have a sort of weaving of the rug and unweaving during the evening—that we would have more cases at the end of that 2½-year period than we had to begin with.

Mr. Nitzshke said:

> Answering your last question first, cases come in on a daily basis. We are still receiving new cases every day and we anticipate we will continue—

That is to receive new cases—

> As long as the program lasts or at least until April 1st.

So the Senator from Oklahoma raises a valid point, and it seems to me what he is trying to achieve are, in effect, two statutes of limitations, namely, one for the filing of a claim with the Commission itself or bringing it to the attention of the Justice Department or the Department of the Interior, and another for the expiration of the statute itself.

I do not have any objection to this particular approach.

I commend the Senator for what he is trying to achieve, but I do raise a question. Now I am not sure about the constitutionality of such a dual standard to have an extension of the statute of limitations for a 2-year period and yet within that extension of the statute itself to have a cutoff of the 1-year period so that, unless one files his claim within 1 year, he would not qualify to have it come under the statute of a 2-year extension.

As to whether that violates any concepts of due process I am not prepared to say. But having raised that as a caveat I will say I have no objection to the Senator's amendment.

Mr. BELLMON. Mr. President, I cannot respond authoritatively to the question the Senator has raised regarding the constitutionality of this approach. We have tried to draw this in a way that we feel would meet the constitutional requirements and if for some reason it does not the matter could later be challenged.

I hope that the manager and floor manager will accept the amendment.

I yield back my time.

The PRESIDING OFFICER. Does the Senator from Maine yield back his time?

Mr. COHEN. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment was agreed to.

Mr. MELCHER. Mr. President, I wish to make it clear that, if this bill is not passed and we do not extend the statute of limitations, it will not prevent actions in Federal courts by individual Indians or Indian tribes on claims that they have. The suits would be likely to be filed anyway by individual Indians or Indian tribes.

What the bill will allow, if we pass it, permitting the extension of the statute of limitations will give the Department of the Interior and the Justice Department the opportunity to identify the claims, to assist in identifying claims, to eliminate many of them, and hopefully to be able to negotiate out a settlement on remaining claims without going to court.

We think that is meritorious and we think it is only fair that the Department of the Interior, in fulfilling its trust responsibility, continue to assist individual Indians and Indian tribes on determining whether or not they have legitimate claims.

That is the sum and substance of the bill. I think it is meritorious. I think it is needed, and I hope the Senate agrees with it.

Mr. CRANSTON. Mr. President, I wish to express my support for S. 2222, which I am cosponsoring. The Bellmon amendment, which sets a relatively short deadline for the formal identification of new claims, is not an unreasonable addition. I believe it is necessary to set an outer limit on the time within which claims can be identified.

However, many of the smaller tribes and bands, particularly including those in California, who lack the administrative staff and legal and investigative resources to identify all those potential claims which they may be entitled to file, may have a problem with this deadline. These tribes and bands are dependent for BIA assistance in identifying these claims, and the BIA has been notoriously slow in providing that assistance.

The California Indian Legal Services program, which has been furnishing legal aid to these Indian groups, provided testimony which listed an estimated 1,700 potential claims in Round Valley alone, as a result of a cursory examination of the BIA records for that area.

While I believe that an end to this process should be achieved, I do not believe that people with just claims should be denied justice arbitrarily, by virtue of a deadline adopted by the government when that same government's inaction has kept these injustices from coming to light all these years.

While I support this legislation, with such agreement as can be reached over the Bellmon amendment, I want to express the caveat that it may be necessary to consider further extension of these deadlines before they expire, if all potential claims have not by that time been formally identified as a result of either government action or inaction. Of course, I believe the potential claimants should be required to exercise due diligence in the prosecution of these claims.

I ask unanimous consent that the statement of California Indian Legal Services on December 16, 1979, before the Senate Select Committee on Indian Affairs, which describes my concerns in detail, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY CALIFORNIA INDIAN LEGAL SERVICES

INTRODUCTORY PROVISO

At the outset please note that California Indian Legal Services (hereinafter CILS), was informed at the very last moment of the opportunity to present testimony before this committee. Consequently, the discussion of 2415 concerns herein is merely a general descriptive overview of our concern. Therefore we request that we be allowed to reserve the right to provide the committee with a more detailed supplementation of the matter herein presented.

Background re: Why CILS became involved in assisting the Bureau of Indian Affairs in the investigation of 2415 claims in California.

In late June of 1979 CILS discovered that only ten (10) 2415 claims had been identified by the Sacramento Area Office of the Bureau of Indian Affairs for potential prosecution. (See Exhibit A attached hereto obtained from the Solicitor's Department, Washington D.C. documenting claims identified throughout the state.) The notion that only ten claims were identified was incomprehensible to us given the following factors: (1) first hand input of multiple 2415 related concerns obtained from communications with various allottees and tribal representatives; (2) the fact that there are more than 100 Indian tribes in California scattered over a vast amount of land; (3) the nature of the manner in which trust land was acquired in California i.e., by various executive orders in other than a unitary fashion; (4) the lack of coherent administrative jurisdiction by the BIA over Indian land and in some instances overlapping jurisdiction.

CILS' concern with the small number of claims identified in California was further reenforced upon being informed in mid-June of an August 1, 1979, administratively imposed, cut-off date for the submission of 2415 claims. (See Exhibit B, p. 2 attached hereto i.e. memo of February 1, 1979 from the Acting Director of Trust Responsibilities). Since by its term, the statute allows for the filing of claims up and until April 1, 1980, CILS was concerned that many members of the California Indian community, not on notice of the administrative cut-off date, would have their claims go unaddressed.

HISTORY OF CILS' UNDERTAKING TO ASSIST THE BIA IN 2415 CLAIMS IDENTIFICATION

Between July 9, 1979 and July 20, 1979, on its own initiative, undertook to negotiate a contract with the Sacramento Area office of the BIA to assist in the 2415 claims identification process. Although CILS signed off on the contract by July 26, 1979, our involvement in the project was not triggered until after August 6, 1979, the date on which the Bureau of Indian Affairs finally entered its signature to the agreement.

By the term of the contract CILS was allowed beyond the August 1, 1979, administratively imposed cut-off date to identify and submit 2415 claims. During this period CILS researchers were reportedly to be given the same access to Bureau files as BIA employees. Under each understanding, CILS agreed to attempt to search through the individual allotment files and tribal land files in the state to look for evidence in those files supporting further 2415 claims. Moreover, during its negotiating with the Bureau, CILS was also asked to assess the extent of the forced fee patent problem throughout the state. (Even though, as of the time of the contract, neither the Solicitor's office nor the Justice Department did know how they were going to resolve the prosecution of forced fee claims). Briefly, forced fees are issuance of a fee patent prior to expiration of the trust period without application and valid competency determinations.

As per the terms of the agreement with the BIA, CILS fielded a team of 24 researchers and two attorney coordinators, and designated from our own staff a 2415 coordinator in each of the CILS offices throughout the state. However, since the contract was not fully executed until August 6, 1979 CILS was unable to have our researchers selected, trained and in the field until the latter part of August. Researchers in the northern part of the state were selected and trained by August 20 and 21st. Researchers in the southern part of the state were selected and trained by August 28th. In a month and a half CILS was able to present the Bureau with approximately 700 potential claims. Given the short time of our contract, thorough documentation could not be provided. Problems in supportive documentation did not rest solely upon the lack of time, but also were encountered due to the total lack of any coherent system of file keeping within the Bureau.

At the time of negotiating the contract CILS was informed that a "uniform" and comprehensive file system existed in the state pertaining to Indian land matters. Such a statement was misleading at best. A given allotment file can, and often did, have information in five different states, D.C. and nine different physical plants. Fee patents are kept in Suitland, Maryland. Trust patents are kept in Portland, Oregon. Conveyances made to the Bureau of Reclamation are stored in Denver, Colorado. Individual allotment files are partially stored in D.C. and partially stored in California. The California storage locations include, but are not limited to, San Bruno, Laguna Nigule, Palm Springs, Sacramento and Hoopa. In further regard to the sufficiency of the data contained within the Bureau file in California, note should be taken of certain very alarming statements made by BIA employees to CILS 2415 researchers. Specifically, various of our researchers were informed that five years ago allotment files in California were selectively purged of information. Thus it is hard to tell whether salient data can be obtained from these files without extensive research and investigation in the field among the tribes and allottees concerned. Needless to say, there was no time to attempt this necessary task within the confines of CILS' contract with the BIA.

CILS did seek out potential claims not identified in the BIA file search. By the terms of our agreement with the Bureau we undertook to solicit and generate claims via a multi phased advertising campaign. By the latter part of August CILS bulk mailed 34,000 newspaper/flyers describing 2415 claims and highlighting the cut off date to all Indian organizations, reservations and rancherias throughout the state. These newspapers contained claim form, inserts to which could be filled out and returned to CILS offices for research and submission to the Bureau. The newspaper mailing was followed by a second mailing in the first week of September of a poster highlighting the 2415 information already conveyed. By September 1, 1979 CILS also distributed a 30 and 60 second public service spot to all 60 TV stations in the state, highlighting the October 1 deadline for 2415 claim submission in California and the availability of CILS officers throughout the state for aiding in claim filing. This is in stark contrast to prior BIA efforts. By September 6, 1979 CILS also issued both a 25 and 30 second public service spot to all radio stations in the state.

Prior advertising of the 2415 claims process in California had been misleading i.e. it led people to believe they had up and until April 1, 1980 to submit claims. But no matter how hard we may have attempted to get the word out concerning the October 1 administratively imposed cut off date, it must be emphasized that, given the brevity of our involvement under the Bureau contract, the Indian community in California was only given a month to digest and respond to the advertisement.

As to be expected with such a short impact period for these media efforts, many claims are still coming into CILS offices throughout the state, and given the administratively imposed cut off date these claims may not be processed as a matter of policy by the Interior, or if not as a matter of policy, as a matter of reality in light of time constraints and insufficient personnel.

In its short term contract with the Bureau, CILS feels that it only touched the iceberg of potential 2415 claims in California. And in light of the situation, we can't be sure which part we touched. No one from Interior or Justice knows. They can't know. We do at least know that there are many allotment and tribal land files which we never even got to in our research process. Moreover, there is no way that the Bureau had the time to intelligently research and analyze the implications of the claims submitted.

CILS has been informed that of the 700 potential claims it identified, as little as 50 or maybe even 10 may be referred for litigation by Interior to the Justice Department, and fewer still may pass Justice's screen. Based on letters CILS has seen, sent from the Bureau, many of these claims appear to have been dismissed from consideration on grounds that further documentation was necessary. We have also found that this was the plight of several claims identified prior to the 1977 extension. However, if further time could be spent, and resources made available, we believe that many of the claims submitted to the Bureau can be thoroughly documented and proved.

CILS has been given no feedback on the criteria applied by the local Bureau or solicitors' office regarding how they determine to reject or pursue a claim. Given the short time period the Sacramento solicitor's office has had to review and assimilate the claims we presented, we have no assurances that arbitrary and capricious standards of review are not being applied.

To the contrary, we have specific reason to believe, based on our involvement in the contract, that Bureau decision making had to be cursory and non-systematic.

From the inception of its involvement on the 2415 claims project with the Bureau, CILS noted the lack of a coordinated system in the Bureau office concerning the 2415 process. No rational systematic approach seem to have ever been developed by the Bureau or Solicitor's office in California. To adequately and rationally address 2415 problems in the State of California, CILS urges the committee to extend the statute for a three year period, and that as a part of this extension sufficient resources and personnel be made available to process the claims.

To provide for the active pursuit of 2415 claims we believe that an independent team of special prosecutors should be appointed to address further investigation and prosecution of 2415 claims; particularly, where, as in many cases, the issue of a third party liability also includes the government. (Such as in under-appraisals of timber sales and forced fee patents situations).

During our participation in the 2415 contract we heard direct statements from BIA and Solicitor's office personnel to the effect that claims involving any potential government liability would be rejected.

Dated: December 16, 1979.

Mr. MELCHER. Mr. President, I ask unanimous consent that a statement by Senator GRAVEL be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT OF SENATOR GRAVEL

I wish to go on record in support of this measure before us. Because of the sheer numbers of claims before it, the Department of the Interior will not be able to comply with the April 1, 1980 deadline imposed by Congress for bringing actions for damages in behalf of Native American groups arising from claims dating prior to 1966. This legislation does not pass judgment on these claims but merely increases the time frame until December 31, 1984 in which the Department can bring action on the thousands of pending claims.

Like other states, Alaska has several Native groups whose land was held in trust or in some restricted status prior to the Alaska Native Claims Settlement Act. Several claims are now pending before the Department of Alaskan Native groups, including the people of Admiralty Island. Thus, I think it is only fair that such claims arising prior to 1966 be afforded the opportunity to be considered by the Department and possibly pursued in court based on their merits.

I thank the floor managers of the bill for this opportunity to speak on this important matter and for their diligence in bringing the bill to the floor in a most expeditious manner. I encourage my colleagues to vote favorably on this measure.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. MELCHER. Mr. President. I yield back the remainder of my time.

Mr. COHEN. Mr. President, I have one final comment to make.

I appreciate what the Senator from Montana has said. This will not prevent actions from being filed by individual tribes or individual Indians, but it will in fact, if the statute is not extended, prevent the United States from continuing to either process or investigate these particular claims. I think what it does is strike at the heart of the issues.

If we say we will extend it for a certain period of time and then this is the last time, we should not retrench on that particular pledge.

What we are doing here today is rescinding in essence a pledge that was made certainly by the Members of the House of Representatives and those who are in charge of the matters pertaining to Indian affairs, saying this was the last time. That means April 1 of this year.

So I think that we are going to have to restore a respect for the law, and in my judgment we have too many laws, either being over enforced or under enforced, and in either event they breed a contempt for the rule of law. If we have a law that says the statute shall expire such and such a date, and we agree this is the final extension, we should abide by that particular pledge.

For that reason I again urge my colleagues to oppose this particular extension of the statute of limitations.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. COHEN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. COHEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. COHEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill having been read the third time, the question is, shall it pass?

So the bill (S. 2222), as amended, was passed, as follows:

S. 2222

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the third proviso in section 2415(a) of title 28, United States Code, is amended by striking out "after April 1, 1980" and inserting in lieu thereof "after December 31, 1984".

(b) The proviso in section 2415(b) of title 28, United States Code, is amended by striking out "on or before April 1, 1980" and inserting in lieu thereof "on or before December 31, 1984".

SEC. 2. The amendments made by the first section of this Act shall be applicable only with respect to those Indian claims identified, on or before December 31, 1981, by the Secretary of the Interior as an Indian claim or potential claim and published in the Federal Register in accordance with this section.

Mr. MELCHER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. COHEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. STEWART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BAUCUS). Without objection, it is so ordered.

BLACK HISTORY MONTH

Mr. STEWART. Mr. President, February is Black History month around the country. It is a time when black Americans take stock of the tremendous contributions that they have made to our great Nation. It is important that all Americans not lose touch with their historical antecedents. The late President Lyndon Baines Johnson once said that—

> History is more than a record of man's conflict with nature and himself. It is the knowledge which gives dimension to the present, direction to the future, and humility to the leaders of men. A nation, like a person, not conscious of its own past is adrift without purpose or protection from the contending forces of dissolution.

Our history has been the sustaining force throughout the 200-odd years of our great republic. Our history, like our people, is rich in its diversity. Our Nation has been called a melting pot and, indeed, it is. The inscription over the rostrum in this Chamber reads "E Pluribus Unum," "One out of Many." The American people are indeed one people who have come out of the many races and nationalities who are our forebears.

Mr. President, as we observe Black History Month, I want to take note of outstanding achievements which black Alabamians have made to our great Nation. George Washington Carver, one of the most renowned horticulturists of his period, lived and worked in Tuskegee, Alabama. Dr. Carver did more for southern agriculture than any other single person. Through his pioneer research into uses for the peanut and sweet potato, he gave the southern farmer another cash crop at a time when the boll weevil had devastated our cotton crops. Because of his efforts, the peanut industry is a multi-billion dollar enterprise. We often forget that Dr. Carver is the inventor of both peanut butter and peanut oil.

Another black Alabamian whom we are extremely proud of is Booker T. Washington. While he was not a native Alabamian, he did all of the work for which he is remembered in Alabama. Booker T. Washington is considered by most to be the father of black education in this country. He did so much to teach blacks and whites the virtues of industry and thrift. He built an institution to teach his people the marketable skills to enable them to fend for themselves in a highly competitive society.

The list of black Alabamians who have contributed to the cultural, economic, and social development of this Nation goes on. The great heavyweight boxing champion Joe Louis, the prolific operatic soprano Marian Anderson and W. C. Handy, the father of the blues, are just a few. We are indeed fortunate to have so many illustrious black Americans to call Alabama home.

Until recent years far too little has been recorded about the many deeds and accomplishments of black Americans. I am pleased that we are beginning now to recognize and emphasize these contributions because I feel they will add an important dimension to the educational growth of our young people—both black and white. It has been a long, difficult struggle to overcome the artificial barriers of racism, and while we still have a long way to go, I believe this kind of effort can only help us reach our ultimate goal. Black Americans have a rich and full heritage to celebrate, a heritage that is intertwined in the growth and development of this great Nation of ours.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1979

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 581, S. 1390.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1390) to promote commercial motor vehicle safety, to prevent injury to commercial motor vehicle operators, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

The Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation with an amendment to strike all after the enacting clause and insert the following:

That this Act may be cited as the "Commercial Motor Vehicle Safety Act of 1979".

FINDINGS

SEC. 2. The Congress finds—

(1) that it is in the public interest to enhance commercial motor vehicle safety and thereby to reduce highway fatalities, injuries, and property damage;

(2) that improved commercial motor vehicle safety measures and strengthened enforcement would reduce the number of fatalities and injuries, and the level of property damage related to commercial motor vehicle operations;

(3) that enhanced protection of the health of commercial motor vehicle operators is in the public interest; and

(4) that interested State governments can provide valuable assistance to the Federal Government in assuring that commercial motor vehicle operations are conducted safely and healthfully.

PURPOSE

SEC. 3. It is declared to be the purpose of this Act to promote the safe operation of commercial motor vehicles in or affecting interstate commerce, to minimize dangers to the health of operators of commercial motor vehicles when operating such vehicles, and to assure increased compliance with the commercial motor vehicle safety and health rules, regulations, standards, and orders issued pursuant to this Act.

TITLE I—COMMERCIAL MOTOR VEHICLE SAFETY

DEFINITIONS

SEC. 101. For purposes of this title, the term—

(1) "commerce" means trade, traffic, or transportation within the jurisdiction of the United States between a place in a State and a place outside of such State, or which affects trade, traffic, or transportation between a place in a State and a place outside of such State;

(2) "commercial motor vehicle" means any self-propelled or towed vehicle used on the highways in commerce principally to transport passengers or cargo—

(A) if such vehicle has a gross vehicle weight rating of 10,000 or more pounds;

(B) if such vehicle is designed to transport more than 10 passengers, including the driver; or

(C) if such vehicle is used in the transportation of materials found by the Secretary to be hazardous for the purposes of the Hazardous Materials Transportation Act, as amended (49 U.S.C. 1801 et seq.);

(3) "employee" means—

(A) a driver of a commercial motor vehicle (including an independent contractor while in the course of personally operating a commercial motor vehicle);

(B) a mechanic;

(C) a freight handler; or

(D) any individual other than an employer who is employed by a commercial motor carrier and who in the course of his employment directly affects commercial motor vehicle safety, but such term does not include an employee of the United States, any State, or a political subdivision of a State who is acting within the course of such employment;

(4) "employer" means any person engaged in a business affecting commerce who owns or leases a commercial motor vehicle in connection with that business, or assigns employees to operate it in commerce, but such term does not include the United States, any State, or a political subdivision of a State;

(5) "person" means one or more individuals, partnerships, associations, corporations, business trusts, or any other organized group of individuals;

(6) "Secretary" means the Secretary of Transportation; and

(7) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, or the Government of the Northern Marianas.

DUTIES

SEC. 102. Each employer and employee shall comply with the safety and health rules, regulations, standards, and orders issued pursuant to this title which are applicable to his own actions and conduct.

REGULATORY AUTHORITY AND STANDARDS

SEC. 103. (a) The Secretary shall establish and revise such rules, regulations, standards, and orders as may be necessary in order to further the purpose of this Act. The Secretary shall where practicable consider costs and benefits before revising existing rules, regulations, standards, and orders or before promulgating new rules, regulations, standards, or orders. Such rules, regulations, standards, and orders shall be directed toward assuring that—

(1) commercial motor vehicles are safely maintained, equipped, loaded, and operated;

(2) the responsibilities imposed upon drivers of commercial motor vehicles do not impair a driver's ability to operate safely;

(3) the physical condition of drivers of commercial motor vehicles is adequate to enable them to drive safely; and

(4) the operation of commercial motor vehicles does not create deleterious effects on the physical condition of such drivers.

(b)(1) The Secretary shall promulgate any such rule or regulation within a period of 1 year after the date of commencement of any proceeding respecting such rule or regulation. If the Secretary determines that any such promulgation will not be completed within such time period, the Secretary shall immediately notify the Congress and shall furnish the reasons for the delay, information regarding the resources assigned, and the projected completion date, for any such proceeding. If such rule or regulation has not been promulgated within 1 year after the date of the commencement of any proceeding with respect to such rule or regulation, the Secretary shall supply the Congress with current data regarding the information specified in the preceding sentence, and shall provide the Congress with such information at the end of every 60-day period thereafter during which the proceeding remains incomplete.

(2) All rules, regulations, standards, and orders issued under this section shall be promulgated in accordance with section 553 of title 5, United States Code (without regard to section 556 and 557 of such title), except that the time periods specified in paragraph (1) of this subsection shall apply to such promulgation.

(c) The Secretary may waive in whole or in part application of any rule, regulation, standard, or order established under this section with respect to any person or class of persons if he determines that such waiver is in the public interest and is consistent with the safe operation of commercial motor vehicles. Any waiver permitted under this subsection shall be published in the Federal Register, together with the reasons for such waiver. Any agency action taken under this section is subject to judicial review as provided in chapter 7 of title 5, United States Code.

(d) The Secretary and the Director of the National Institute for Occupational Safety and Health shall, in consultation with the Secretary of Labor, undertake a study of health hazards to which employees engaged in the operation of commercial motor vehicles are exposed, and shall develop such materials and information as are necessary to enable such employees to carry out their employment in a place and manner free from recognized hazards that are causing or are likely to cause death or serious physical harm. The study shall include recommendations regarding the most appropriate method for regulating and protecting the health of operators of commercial motor vehicles. Such study shall be submitted to the Congress within 1 year after the date of enactment of this title.

(e) The Secretary, the Director of the National Institute for Occupational Safety and Health, and the Secretary of Labor shall coordinate their activities to insure adequate protection of the safety and health of operators of commercial motor vehicles. Such Secretaries and Director shall attempt to minimize paperwork burdens, to assure maximum coordination, and to avoid overlap or the imposition of undue burdens on persons subject to such rules, regulations, standards, and orders.

GENERAL POWERS

SEC. 104. (a) The Secretary is authorized to conduct, directly or indirectly, such research, development, demonstrations, and training activities as are considered appropriate to develop rules, regulations, standards, and orders authorized to be promulgated under section 103 of this title, to design and develop improved enforcement procedures and technologies, and to familiarize affected persons with such rules, regulations, standards, and orders.

(b) In carrying out his functions under this title, the Secretary is authorized to perform such acts including conducting investigations and inspections, compiling statistics, making reports, issuing subpenas, requiring production of documents, records, and property, taking depositions, holding hearings, prescribing recordkeeping and reporting requirements, and carrying out and contracting for such research, development, testing evaluation, and training as he determines necessary to carry out the provision of this title, or rules, regulations, standards, or orders issued pursuant thereto. With respect to the provisions of this title, if the Secretary approves a plan pursuant to section 111 of this title, the Secretary may delegate to a State such functions respecting the enforcement (including investigations) of the provisions of this title or rules, regulations, standards, or orders issued pursuant thereto as he determines appropriate to carry out the provisions of this title.

INSPECTIONS AND WARRANTS

SEC. 105. (a)(1) To carry out the Secretary's responsibilities under this title, agents of the Secretary are authorized to enter upon, inspect, and examine facilities, equipment, operations, and pertinent records without advance notice, in accordance with the provisions of paragraph (2) of this subsection. Any such agent of the Secretary shall display proper credentials when requested and may consult with employers and employees and their duly authorized representatives, and shall offer them a right of accompaniment.

(2)(A) A warrant under this paragraph shall be required for any entry or administrative inspection (including impoundment of motor vehicles or motor vehicle equipment) authorized by this section, except if such entry or inspection is—

(i) with the consent of the employer or agent of the employer in charge of the business, establishment, or premises;

(ii) in situations involving inspection of motor vehicles where there is reasonable cause to believe that the mobility of the motor vehicle makes it impractical to obtain a warrant;

(iii) in any other exceptional or emergency circumstance where time or opportunity to apply for a warrant is lacking;

(iv) for access to and examination of books, records, and any other documentary evidence which can be easily altered, manufactured, or falsified; and

(v) in any other situations where a warrant is not constitutionally required.

(B) Issuance and execution of administrative inspection warrants shall be as follows:

(i) Any judge of the United States or of a State court of record, or any United States magistrate, may, within his territorial jurisdiction, and upon proper oath or affirmation showing probable cause, issue warrants for the purpose of conducting administrative inspections authorized by this section and of impoundment of motor vehicles or motor vehicle equipment appropriate to such inspections. For the purposes of this section, the term "probable cause" means a valid public interest in the effective enforcement of this title, or rules, regulations, standards, or orders issued thereunder sufficient to justify administrative inspections of the area, establishment, premises, records, or motor vehicles, or contents thereof, in the circumstances specified in the application for the warrant.

(ii) A warrant shall be issued only upon an affidavit of an officer, or representative of the Secretary having knowledge of the facts alleged, sworn to before the judge or magistrate and establishing the grounds for issuing the warrant. If the judge or magistrate is satisfied that grounds for the application exist or that there is a reasonable basis for believing they exist, he shall issue a warrant identifying the area, establishment, premises, or motor vehicle to be inspected, the purpose of such inspection, and, where appropriate, the type of property to be inspected, if any. The warrant shall—

(I) identify the items or type of property to be impounded, if any;

(II) be directed to a person authorized under this section to execute it;

(III) state the grounds for its issuance and the name of the person or persons whose affidavit has been taken in support thereof;

(IV) command the person to whom it is directed to inspect the area, establishment, premises, records, or motor vehicle identified for the purpose specified, and where appropriate, shall direct the impoundment of the property specified;

(V) direct that it be served during the hours specified in it; and

(VI) designate the judge or magistrate to whom it shall be returned.

(iii) A warrant issued pursuant to this section must be executed and returned within 10 days of its date unless, upon a showing by the Secretary of a need therefor, the judge or magistrate allows additional time in the warrant. If property is impounded pursuant to a warrant, the person executing the warrant shall give the person from whom or from whose premises the property was taken a copy of the warrant and a receipt for the property taken or shall leave the copy and receipt at the place from which the property was taken. The return of the warrant shall be made promptly and shall be accompanied by a written inventory of any property taken. The inventory shall be made in the presence of the person executing the warrant and of the person from whose possession or premises the property was taken, if they are present, or in the presence of at least one credible person other than the person making such inventory, and shall be verified by the person executing the warrant. The judge or magistrate, upon request, shall deliver a copy of the inventory to the person from whom or from whose premises the property was taken and the applicant for the warrant.

(iv) The judge or magistrate who has issued a warrant under this section shall attach to the warrant a copy of the return and all papers filed in connection therewith and shall file them with the clerk of the district court of the United States for the judicial district in which the inspection was made.

DUTY TO INVESTIGATE COMPLAINTS; PROTECTION OF COMPLAINANTS

SEC. 106. (a) The Secretary shall timely investigate any nonfrivolous written complaint alleging that a material violation of any rule, regulation, standard, or order issued under this title is occurring or has occurred within the preceding 60 days. The complainant shall be timely notified of findings resulting from such investigation. The Secretary shall not be required to conduct separate investigations of duplicative complaints.

(b) Notwithstanding the provisions of section 552 of title 5, United States Code, the Secretary shall not disclose the identity of complainants unless its is determined that such disclosure is necessary to prosecute a violation. If disclosure becomes necessary, the Secretary shall take every practical measure within his authority to assure that the complainant is not subject to harassment, intimidation, disciplinary action, discrimination, or financial loss as a result of such disclosure.

PENALTIES

SEC. 107. (a) If the Secretary finds that a violation of this title has occurred, the Secretary shall issue a written notice to the violator. Such notice shall describe with reasonable particularity the nature of the violation found and the provision which has been violated. The notice shall fix a reasonable time for abatement of the violation, specify the appropriate civil penalty, if any, and specify the actions which the Secretary proposes to be taken in order to avoid subsequent similar violations. The notice shall indicate that the violator may, within 15 days of service, notify the Secretary of his intention to contest the matter. In the event of a contested notice, the Secretary shall afford such violator an opportunity for a hearing, pursuant to section 554 of title 5, United States Code, following which the Secretary shall issue an order affirming, modifying, or vacating the notice of violation.

(b) Except as hereinafter provided, any person who is determined by the Secretary to have committed an act which is a violation of recordkeeping requirements issued by the Secretary pursuant to this title shall be liable to the United States for a civil penalty not to exceed $500 for each offense. Each day of a violation shall constitute a separate offense, except that the total of all civil penalties assessed against any violator for all offenses relating to any single recordkeeping violation shall not exceed $10,000. If the Secretary determines tthat a substantial health or safety violation exists or has occurred which could reasonably lead to, or has resulted in, serious personal injury or death, he may assess a civil penalty not to exceed $10,000 for each offense: *Provided, however*, That except for recordkeeping violations, no civil penalty provided under this Act shall be assessed against an employee for violations of this Act unless the employee is an operator of a commercial motor vehicle and the Secretary determines that such employee's actions constituted gross negligence or reckless disregard for safety, in which case such employee shall be liable for a civil penalty not to exceed $1,000. The amount of any civil penalty, and a reasonable time for abatement of the violation, shall by written order be determined by the Secretary, taking into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the violation, the degree of culpability, history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice and public safety may require. In each case, the assessment shall be calculated to induce further compliance.

(c) The Secretary may require any violator served with a notice of violation to post a copy of such notice or statement thereof in such place or places and for such duration as the Secretary may determine appropriate to aid in the enforcement of this title.

(d) If, upon inspection or investigation, the Secretary determines that a violation, or combination of violations, poses an imminent hazard to safety, the Secretary shall order a vehicle or employee operating such vehicle out of service or order an employer to cease all or part of his commercial motor vehicle operations. In making any such order, the Secretary shall impose no restriction on any employee or employer beyond that required to abate the hazard. Subsequent to the issuance of such order, opportunity for review shall be provided in accordance with section 554 of title 5, United States Code, except that such review shall occur not later than 10 days following issuance of such order.

(e) Any person other than an employee who knowingly and willfully violates any provision of this Act or who knowingly and willfully makes any false statement or representation required under this Act shall, upon conviction, be subject for each offense to a fine not to exceed $25,000 or imprisonment for a term not to exceed 1 year, or both: *Provided, however*, That if such violator is an employee he shall only be subject to penalty if while operating a commercial motor vehicle his activities have led or could have led to death or serious injury, in which case he shall be liable, upon conviction, for a fine not to exceed $2,500.

(f) The Secretary shall promulgate regulations establishing penalty schedules designed to induce timely compliance for persons failing to comply promptly with the requirements set forth in notices and orders.

(g) Any aggrieved person who, after a hearing, is adversely affected by a final order issued under this section may, within 30 days, petition for review of the order in the United States court of appeals in the circuit wherein the violation is alleged to have occurred or where he has his principal place of business or residence, or in the United States Court of Appeals for the District of Columbia Circuit. Review of the order shall be based on a determination of whether the Secretary's findings and conclusions were supported by substantial evidence, or otherwise not in accordance with law. No objection that has not been urged before the Secretary shall be considered by the court, unless reasonable grounds existed for failure or neglect to do so. The commencement of proceedings under this subsection shall not, unless ordered by the court, operate as a stay of the order of the Secretary.

(h) The Secretary may obtain enforcement including injunctive relief, of any penalties or orders issued under this section by applying to the United States district court for the district where the violation occurred or where the cited party has his principal place of business or residence. In addition to granting enforcement, the district court may assess an appropriate penalty for noncompliance and award such further relief as justice and public safety may require.

(i) All penalties and fines imposed under this section shall be deposited into the Treasury as miscellaneous receipts.

(j) In any action brought under this section, subpenas for witnesses who are required to attend a United States district court may run into any other district.

(k) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this section, trial shall be by the court, or, upon demand of the accused, by a jury, conducted in accordance with the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

REPRESENTATION BEFORE THE COURTS

SEC. 108. Except as provided in section 518 (a) of title 28, United States Code, relating to litigation before the Supreme Court, the General Counsel of the Department of Transportation may appear for and represent the Secretary in all proceedings and in any civil litigation brought under this title. Prior to making any such appearance and representation, the General Counsel of the Department of Transportation shall consult with and inform the Attorney General of the United States of his activities pursuant to this section.

PROTECTION OF EMPLOYEES

SEC. 109. (a) No person shall discharge, discipline, or in any manner discriminate against any employee with respect to the employee's compensation, terms, conditions, or privileges of employment because such employee (or any person acting pursuant to a request of the employee) has filed any complaint or instituted or caused to be instituted any proceeding under or related to this title or other authorities of the Secretary relating to commercial motor vehicle safety, or has testified or is about to testify in any such proceeding, or because such employee has exercised, on behalf of himself or others, any right afforded by this Act.

(b) No person shall discharge, discipline, or in any manner discriminate against an employee with respect to the employee's compensation, terms, conditions, or privileges of employment for refusing to operate a vehicle when such operation constitutes a violation of any Federal rules, regulations, standards, or orders applicable to commercial motor vehicle safety or health, or because of the employee's reasonable apprehension of serious injury to himself or the public due to the unsafe condition of such equipment. The unsafe conditions causing the employee's apprehension of injury must be of such nature that a reasonable person, under the circumstances then confronting the employee, would conclude that there is a bona fide danger of an accident, injury, or serious impairment of health, resulting from the unsafe condition. In order to qualify for protection under this subsection, the employee must have sought from his employer, and have been unable to obtain, correction of the unsafe condition.

(c) (1) Any employee who believes he has been discharged, disciplined, or otherwise discriminated against by any person in violation of subsection (a) or (b) of this section may, within 180 days after such alleged violation occurs, file (or have filed by any person on the employee's behalf) a complaint with the Secretary of Labor alleging such discharge, discipline, or discrimination. Upon receipt of such a complaint, the Secretary of Labor shall notify the person named in the complaint of the filing of the complaint.

(2) (A) Within 60 days of receipt of a complaint filed under paragraph (1) of this subsection, the Secretary of Labor shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify the complainant and the person alleged to have committed a violation of this section of his findings. Where the Secretary of Labor has concluded that there is reasonable cause to believe that a violation has occurred, he shall accompany his findings with a proposed order providing the relief prescribed by subparagraph (B) of this paragraph. Thereafter, either the person alleged to have committed the violation or the complainant may, within 30 days, file objections to the proposed order and request a hearing on the record. Such hearings shall be expeditiously conducted. Where a hearing is not timely requested, the proposed order shall be deemed a final order which is not subject to judicial review. Upon the conclusion of such hearing, the Secretary of Labor shall issue a final order within 120 days. In the interim, such proceedings may be terminated at any time on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the person alleged to have committed the violation.

(B) If, in response to a complaint filed under paragraph (1) of this subsection, the Secretary of Labor determines that a violation of subsection (a) or (b) of this section has occurred, the Secretary of Labor shall order (i) the person who committed such violation to take affirmative action to abate the violation, (ii) such person to reinstate the complainant to the complainant's former position together with the compensation (including back pay), terms, conditions, and privileges of the complainant's employment, (iii) compensatory damages, and (iv) where appropriate, exemplary damages. If such an order is issued, the Secretary of Labor, at the request of the complainant, may assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorney's fees) reasonably incurred, as determined by the Secretary of Labor, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

(d) (1) Any person adversely affected or aggrieved by an order issued after a hearing under subsection (c) of this section may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred, or the circuit in which such person resided on the date of such violation. The petition for review must be filed within 60 days from the issuance of the Secretary of Labor's order. Such review shall be in accordance with the provisions of chapter 7 of title 5, United States Code, and shall be heard and decided expeditiously.

(2) An order of the Secretary of Labor, with respect to which review could have been obtained under this section, shall not be subject to judicial review in any criminal or other civil proceeding.

(e) Whenever a person has failed to comply with an order issued under subsection (c) (2) of this section, the Secretary of Labor shall be in accordance with the provisions of district court for the district in which the violation was found to occur in order to enforce such order. In actions brought under this subsection, the district courts shall have jurisdiction to grant all appropriate relief, including injunctive relief, reinstatement, and compensatory and exemplary damages. Civil actions brought under this subsection shall be heard and decided expeditiously.

GRANTS TO STATES

SEC. 110. Under the terms and conditions of this title, and subject to the availability of funds, the Secretary is authorized to make grants to States for the development or implementation of programs for the enforcement of Federal rules, regulations, standards, and orders applicable to commercial motor vehicle safety and compatible State rules, regulations, standards, and orders.

STATE ENFORCEMENT

SEC. 111. (a) (1) The Secretary shall formulate procedures for any State to submit a plan whereby the State agrees to adopt, and to assume responsibility for enforcing rules, regulations, standards, and orders in compliance with this title. Such plan shall be approved by the Secretary if, in his judgment, the plan is adequate to promote the objectives of this title, and the plan—

(A) designates the State motor vehicle safety agency responsible for administering the plan throughout the State;

(B) contains satisfactory assurances that such agency has or will have the legal authority, resources, and qualified personnel necessary for the enforcement of such rules, regulations, standards, and orders;

(C) gives satisfactory assurances that such State will devote adequate funds to the administration of such plan and enforcement of such rules, regulations, standards, and orders;

(D) provides a right of entry and inspection sufficient to enforce the provisions of this title;

(E) provides civil penalty procedures, rights, and remedies comparable to those set forth in section 107 of this title;

(F) provides that all reports required pursuant to this title to be submitted to the State agency, and that such agency make available upon request to the Secretary all such reports;

(G) provides that such State agency will adopt such uniform reporting requirements and use uniform forms for recordkeeping, inspections, and investigations as may be established and required by the Secretary; and

(H) requires registrants of commercial motor vehicles to make a declaration of applicable Federal and State safety rules, regulations, standards, and orders.

(2) If a plan submitted under paragraph (1) of this subsection is rejected, the Secretary shall provide the State a written explanation of his action and shall permit the State to modify and resubmit its proposed plan for approval, in accordance with the procedures formulated in such paragraph.

(b) The Secretary shall, on the basis of reports submitted by the State agency, and on his own inspections, make a continuing evaluation of the manner in which each State with a plan approved under this section is carrying out such plan. Whenever the Secretary finds, after affording due notice and opportunity for comment, that a State plan previously approved is not being followed or that it has become inadequate to assure the enforcement of rules, regulations, standards, or orders issued under this title, he shall notify the State of withdrawal of approval of such plan. Upon receipt of such notice, such plan shall cease to be in effect. Any State aggrieved by a determination of the Secretary pursuant to this subsection may seek judicial review pursuant to chapter 7 of title 5, United States Code. The State may, however, retain jurisdiction in any case commenced before the withdrawal of the plan whenever the issues involved do not directly relate to the reasons for the withdrawal of approval of the plan.

(c) The Secretary shall not approve any plan under this section which does not provide that the aggregate expenditure of funds of the State and political subdivisions thereof, exclusive of Federal funds, for commercial motor vehicle safety programs will be maintained at a level which does not fall below the average level of such expenditures for its last 2 full fiscal years preceding the date of enactment of this Act.

STATE REGULATIONS

SEC. 112. (a) Except as may otherwise be provided in this or any other law, any State agency may adopt additional or more stringent safety rules, regulations, standards, or orders for commercial motor vehicle safety if such rules, regulations, standards, or orders are not inconsistent with the Federal rules, regulations, standards, and orders issued under this title.

(b) Nothing in this Act shall affect existing hour-of-service regulations of any State applying to commercial motor vehicle operations occurring wholly within that State, unless the Secretary affirmatively finds upon review of a State's hours-of-service regulations that such regulations (1) materially diminish commercial motor vehicle safety or the health and safety of employees, (2) are not required by compelling local conditions, or (3) unduly burden interstate commerce. If the Secretary makes such an affirmative determination, he may require such State to adopt Federal hours-of-service regulations.

FEDERAL SHARE OF COSTS

SEC. 113. By grants authorized under this title, the Secretary shall reimburse any State an amount not to exceed 80 percent of the costs incurred by that State in that fiscal year in the development and implementation of programs to enforce commercial motor vehicle rules, regulations, standards, or orders adopted pursuant to this title. The funds of the State and political subdivisions thereof which are required to be expended under section 111(c) of this title shall not be considered to be part of the non-Federal share. The Secretary is authorized to allocate, among the States whose applications for grants have been approved, those amounts appropriated for grants to support such programs pursuant to such criteria as may be established.

AUTHORIZATIONS

SEC. 114. To carry out the purposes of sections 109 and 111 of this title, there is authorized to be appropriated an amount not to exceed $50,000,000 in fiscal year 1981, not to exceed $100,000,000 in fiscal year 1982, and not to exceed $100,000,000 in fiscal year 1983. Appropriated funds authorized by this section shall be used to reimburse to States the Federal pro rata share of costs incurred. Grants made pursuant to the authority of this shall be for periods not to exceed 1 fiscal year, ending at the end of a fiscal year.

ANNUAL REPORT

SEC. 115. (a) As part of the Secretary's annual report to the Congress required by section 12 of the Department of Transportation Act (49 U.S.C. 1658), the Secretary shall make a written report to the Congress concerning his efforts and his current plans to upgrade the safety and health of operators of commercial motor vehicles. The report shall include, but not be limited to, an evaluation of commercial motor vehicle safety or health programs of the Department of Transportation, an outline of problem areas and appropriate steps to alleviate them, and recommendations for closer coordination and cooperation among agencies of the Federal Government and between the Federal Government and the States to enforce the rules, regulations, standards, and orders issued pursuant to this title.

(b) Within 12 months after the date of enactment of this title, the Secretary shall prepare and transmit to the Congress a written report concerning the advisability of establishing a national commercial driver register to upgrade commercial motor vehicle safety through improved monitoring of traffic violations and accidents and of multiple State licensing. In the event the Secretary recommends the establishment of such a register, within 60 days after the submission of his report to Congress he shall publish in the Federal Register a Notice of Proposed Rulemaking describing the operation of a program to demonstrate the utilization of such a register.

APPLICABILITY

SEC. 116. Nothing in this title shall apply to the operation of any vehicles engaged in farming activities and logging operations as defined by the Secretary.

COMMERCIAL MOTOR VEHICLE SAFETY ADVISORY COMMITTEE

SEC. 117. (a) (1) Not later than 12 months after the date of enactment of this Act, the Secretary shall establish a Commercial Motor Vehicle Safety Advisory Committee and appoint the initial members of the Committee. The Committee shall be composed of the Secretary and 15 members each of whom shall be experienced in the safety regulation of commercial motor vehicles or technically qualified by training experience or knowledge to evaluate commercial motor vehicle rules or regulations. The Committee shall be appointed by the Secretary, after consultation with public and private agencies and organizations concerned with commercial motor vehicle safety. Members shall include representatives of State governments, the motor carrier industry, shippers, union drivers and independent owner-operators, and the public.

(2) A Chairman shall be selected by a majority of the members of the Committee.

(3) Each member appointed by the Secretary shall hold office for a term of 3 years, except that (A) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; (B) the terms of office of members first taking office after the date of enactment of this Act shall expire as follows: Five at the end of 1 year after the date such Committee members are appointed by the Secretary; five at the end of 2 years after the date such Committee members are appointed by the Secretary; and five at the end of 3 years after the date such Committee members are appointed, as designated by the Secretary at the time of appointment; and (C) the term of any member shall be extended until the date on which the successor's appointment is effective. None of the members appointed by the Secretary who has served a 3-year term, other than Federal officers or employees, shall be eligible for reappointment within 1 year following the end of his preceding term.

(4) Members of the Committee other than Federal employees may be compensated at a rate to be fixed by the Secretary at not to exceed the daily equivalent of the maximum annual rate of basic pay then currently payable under the General Schedule under section 5332 of title 5, United States Code, for each day (including traveltime) when engaged in the actual duties of the Committee. All members, while away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently. Payments under this section shall not render members of the Committee employees or officials of the United States for any purpose.

(b) The Advisory Committee shall advise, consult with, and make recommendations to the Secretary on matters relating to the activities and functions of the Deparment in the field of commercial motor vehicle safety. The Committee is authorized to review research projects or programs submitted to or recommended by it in the field of commercial motor vehicle safety and recommend to the Secretary any such projects which it believes show promise of making valuable contributions to human knowledge with respect to the cause and prevention of commercial motor vehicle accidents. The Committee is also authorized to review, prior to issuance, rules, regulations, standards, and orders proposed to be issued by order of the Secretary under the provisions of this title and to make recommendations thereon. Such recommendations shall be published in connection with the Secretary's determination or order.

(c) The Committee shall meet with the Secretary (or his designee) at least once every year.

TITLE II—SAFETY ASPECTS OF FIT, WILLING, AND ABLE DETERMINATIONS

SAFETY ASPECTS OF FIT, WILLING, AND ABLE DETERMINATIONS

SEC. 201. (a) Subchapter II of chapter 109 of title 49, United States Code, is amended by adding at the end thereof the following new section:

"§ 10934. Safety aspects of fit, willing, and able determinations.

"(a) (1) In making any determination under this subchapter as to whether a person is fit, willing, and able to provide transportation or other services, the Commission shall seek the advice of the Secretary of Transportation (hereinafter in this section referred to as the 'Secretary') with regard to the safety-related aspects of any such determinations. The Commission may not authorize a person to provide transportation or other services if the Secretary determines that, as to the safety-related aspects of such determinations, that person is not fit, willing, and able to provide those services, and the Commission may not deny a person authority to provide transportation or other services on the basis of considerations within the authority of the Secretary under this section, except when the Secretary determines that such person is, as to safety-related matters, not fit, willing, and able to provide those services.

"(2) The Secretary shall advise the Commission of his determinations with regard to the safety-related aspects of fit, willing, and able determinations in accordance with the provisions of this section.

"(3) Nothing in this section shall apply to fit, willing, and able determinations by the Commission regarding the authority of a person to provide transportation or other services as a broker or water carrier.

"(b) In the case of applications to the Commission for new or additional authority, the determinations of the Secretary with regard to the safety-related aspects of fit, willing, and able determinations shall be provided to the Commission as follows:

"(1) Immediately upon receipt of an application under this subchapter for authority to provide transportation or other services, the Commission shall forward to the Secretary a copy of such application.

"(2) Within 60 days of receipt of the application by the Commission, the Secretary shall notify the Commission as to whether, as to matters related to safety, the Secretary determines the applicant fit, willing, and able to provide the transportation or other services in question. Within such 60-day period, if the Secretary is unable to make such determination, he may notify the Commission that he will require an additional period, not to exceed 20 days, to make such determination. Failure by the Secretary to reply to the Commission within 60 days of receipt of the application by the Commission, or, in the case where an extension of time has been secured, within 80 days of receipt of the application by the Commission, shall be construed as a determination by the Secretary that, with regard to safety, the applicant is fit, willing, and able.

"(3) The applicant, the Commission, and other interested persons may submit information and recommendations to the Secretary as to whether, with regard to safety-related matters, the applicant should be considered fit, willing, and able to provide services. If any relevant fact material to the determination of the safety-related aspects of whether the applicant should be considered fit, willing, and able to provide services is in dispute, and resolution of that fact would be aided by the taking of evidence under oath with opportunity for cross-examination, the Secretary may certify the dispute to an employee of the Department who shall have the power to administer oaths. Such employee shall conduct such proceedings as appropriate to resolve the dispute and shall recommend a finding to the Secretary. There shall be no interlocutory appeal of the finding of the Secretary as to the factual dispute.

"(4) After consultation with the Secretary, the Commission may authorize an applicant to provide transportation or other services on an emergency basis, for a period in advance of the Secretary's determination with regard to safety-related matters as to whether the applicant is fit, willing, and able to provide such services. No such authorization shall extend for a period of more than 80 days.

"(c) (1) In any case where a person is authorized to provide services under this subchapter, that person shall, with regard to safety-related matters, be deemed fit, willing, and able to provide such services until such time as the Secretary may determine that such person is with regard to safety-related matters, no longer fit, willing, and able to provide those services. Except when the Secretary determines that the public safety requires the utilization of the authority provided in paragraph (2) of this subsection, determinations may be made under the authority of this subsection only after notice and opportunity for hearing, open to participation by all interested parties, pursuant to section 554 of title 5, United States Code. The Secretary may commence such hearing upon his own motion, or upon the request of an interested party, and shall conduct such a hearing upon the request of the Commission. When the Secretary determines that a person subject to the provisions of this paragraph is, with regard to safety-related matters, no longer fit, willing, and able to provide such services, the Secretary shall request the Commission to revoke, or to suspend all or part of the authority of that person to provide such services, and the Commission shall immediately order such revocation or suspension. Such request by the Secretary shall be accompanied by a brief written statement, to be issued by the Commission with its order, of the reasons for the Secretary's determinations.

"(2) In any case where the Secretary determines that the continued provision of services by a person poses an imminent hazard to safety, the Secretary shall request the Commission to revoke, or to suspend all or part of, the authority of that person to provide such services and the Commission shall immediately order such revocation or suspension, but only to the extent necessary to abate such hazard. Such request by the Secretary, to be binding on the Commission, shall be accompanied by a brief written statement, to be issued by the Commission with its order, supporting the issuance of the order. As used in this paragraph, an 'imminent hazard' exists when there is a substantial likelihood that serious harm will occur, as a result of the continued provision of services by a person, prior to the completion of an administrative hearing initiated to review whether, as regards safety-related matters, that person is fit, willing, and able to provide services.

"(3) Persons adversely affected by any order issued pursuant to paragraphs (1) and (2) of this subsection are entitled to a subsequent hearing pursuant to section 554 of title 5, United States Code, to be commenced by the Secretary within 10 days of issuance of the order.

"(d) Determinations by the Secretary as to whether an applicant is, with regard to safety-related matters, fit, willing, and able to provide services, may be reviewed in the United States court of appeals for the circuit in which the applicant has his principal place of business or residence, or in the United States Court of Appeals for the District of Columbia Circuit, if petition for review of such determination is filed within 30 days of such determination by the Secretary. Review of such determination by the Secretary shall consider only whether the determination was supported by substantial evidence or was otherwise not in accordance with law. No objection which was not urged before the Secretary or his designated agent in the course of administrative proceedings may be considered by the court, unless reasonable grounds existed for failure or neglect to do so.

"(e) The Secretary shall promulgate regulations establishing the basis for the Secretary's determinations with regard to the safety-related aspects of fit, willing, and able determinations. Such regulations may include the establishment of requirements bearing on the ability of an applicant to safely perform services, such as requirements that an applicant—

"(1) register with the Secretary, thereby providing notice of his intent to operate;

"(2) demonstrate knowledge of, agree to, and provide evidence, including accident and compliance histories and out-of-service ratios, of his ability to operate in compliance with all standards applicable to commercial motor vehicle safety promulgated by the Secretary, including hours of service rules, and including rules, regulations, standards, and orders promulgated pursuant to this title, the Department of Transportation Act, and the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.);

"(3) carry such documentation as the Secretary may require;

"(4) carry adequate liability insurance or enter into comparable bonding arrangements;

"(5) designate an agent for service of process; and

"(6) carry and display vehicle identification in such form and manner as the Secretary may require.

The Secretary may also promulgate such regulations as the Secretary may determine appropriate to assist in the implementation of this section, including rules to require that applications filed with the Commission include such information as the Secretary may require to assist the Secretary in making determinations as to whether, with regard to safety-related matters, a person is fit, willing, and able to provide transportation or other services.".

(b)(1) Except as provided in paragraph (2) of this subsection, the provisions of this Act shall take effect on the date of enactment of this Act.

(2) The provisions of subsection (a) of this section shall take effect 180 days after the date of the enactment of this Act, and on such date, the provisions of section 4(e) of the Department of Transportation Act (49 U.S.C. 1653(e)), so far as they require the Secretary of Transportation to report to the Commission regarding the safety records of persons who would be subject to the provisions of subsection (a) of this section, are superseded.

(3) The general powers provided to the Secretary of Transportation in section 104 of this Act are available to the Secretary of Transportation in his implementation of section 10934 of title 49, United States Code.

(c) The index for subchapter II of chapter 109 of title 49, United States Code, is amended by adding at the end thereof the following new item:

"10934. Safety aspects of fit, willing, and able determinations.".

TITLE III—MISCELLANEOUS PROVISIONS

SAVINGS PROVISION

SEC. 301. All rules, regulations, standards, orders, or determinations issued under sections 204(a) (1), (2), (3), (3a), and (5) of part II of the Interstate Commerce Act or issued by the Secretary relating to commercial motor vehicle safety shall be continued under this Act until such time as they may be modified by the Secretary.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STAFFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STAFFORD. Mr. President, I ask unanimous consent that the following staff members of the Committee of Environment and Public Works have the privilege of the floor during consideration and votes on S. 1390: Richard Harris, Lee Fuller, Jean Schrag, John Yago, and Bailey Guard.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STAFFORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, I ask unanimous consent that the following staff members of the Commerce Committee, Mr. Will Ris, Mr. Dan Jaffe, and Mr. Rich Fitzsimmons of my staff, be allowed floor privileges for the debate on the upcoming bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, I suggest the absence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SHIPPERS EXPORT DECLARATION BILL

Mr. DURENBERGER. Mr. President, today I added my name as a cosponsor to S. 2165, the shippers export declaration bill, introduced by Senator RIBICOFF at the request of the administration. This bill would amend section 301 of title 13, of the United States Code, to protect the confidentiality of export data from the shippers export declaration (SED) as required by the Census Bureau for statistical purposes.

U.S. exporters are required, under the Export Administration Act of 1969, to file an SED form. These forms are collected at U.S. ports by the Customs Service which forward them to the Census Bureau, where the information is compiled for statistical purposes. The SED is the principal source for calculating the U.S. balance of payments.

The SED contains some sensitive business information, such as the price of the commodity to be exported and the ultimate consignee; because of the obvious necessity of keeping this information confidential the Export Administration Act exempts the SED from the disclosure procedures of the Freedom of Information Act. However, that exemption expires on June 30 of this year. S. 2165 would extend the exemption indefinitely.

The entries on the SED have always been handled as highly sensitive information. The Census Bureau has fully respected the confidentiality of these forms, and wants to continue to do so. However, that policy is being challenged by some shippers, carriers, warehousemen, handlers and brokers—all of whom service the export industry and want to enhance their own competitive positions domestically. The policy is being challenged in other quarters by those who see the continued exemption as an encroachment on the access to public documents, as guaranteed under the Freedom of Information Act. Those who would change the present law and policy concede that some information on the SED must remain confidential, but want other nonsensitive items to be available to the public. Their solution is to exempt some SED entries from disclosure, but allow public access to others. This approach is proposed in S. 2164, the shippers export declaration bill introduced by Senator PERCY and cosponsored by Senator RIBICOFF. I believe there are sound policy and administrative reasons for extending the current policy of exempting all SED entries from the disclosure provisions of the Freedom of Information Act.

Allowing public access to sensitive information about the products U.S. firms sell abroad will damage our international competitive position. Foreign markets are extremely competitive.. Our companies will not be able to break into new markets or continue their foothold in existing ones if we publicize the names of foreign customers, a description of the goods they buy, and the prices of our products. Foreign competitors will simply undersell U.S. exporters.

Our balance-of-payments problems are familiar and well-documented. Our trade deficit is about $34 billion, and this total cannot be blamed on the price of imported oil alone. If our oil imports had been less, we still would have been faced with a trade deficit. In 1975, the United States had a $20 billion trade surplus in manufactured goods; in 1978, we had a $5.8 billion deficit. We need to turn these trends around; we cannot afford to take risks that might damage our international competitive position further.

A strong export policy contributes to a strong domestic economy:

One out of every eight manufacturing jobs in the United States depends on exports.

The products of every third acre of U.S. farmland are exported. Each dollar of those agriculture exports stimulates more than a dollar's worth of output in food related industries.

One out of every $3 of U.S. corporate profits is derived from international activities.

It is obvious that the U.S. Government must stimulate exports. Unfortunately, our current foreign economic policy is not shaped systematically, but almost by accident. We cannot afford any more "accidents," such as allowing public access to sensitive export data that will be used by foreign competitors against our firms.

A few months ago, Congress approved a trade reorganization plan to strengthen our ability to sell products abroad. That plan shuffled trade responsibilities from five or six Federal departments and agencies to two: The Department of Commerce and the Office of the Special Trade Representative. The basic purpose of the effort was to consolidate responsibility for policymaking and implementation, and thus enhance the Federal Government's ability to sell abroad. It would be a mistake to approve a bill now that would work at cross-purposes with that earlier action. That is why I believe it is so important to support S. 2165, and maintain the confidentiality of all entries on the SED.

Administratively, it is not feasible to exempt some SED items from public disclosure, and permit access to others. Partial disclosure will not work because it is nearly impossible to determine which information to place in the confidential category and which to place in the nonsensitive category. Confidential information varies from company to company and from one industry to another. Furthermore, if bits and pieces of information are made public, they can be pieced together with data from manifests, bills of lading, and similar documents, and with some insight, the full picture will emerge to our competitors abroad.

If some information is to be made available to the public, a two-part or multi-part SED would need to be designed. Not only would such a form be cumbersome and increase handling and paperwork, but it would vastly increase the chance of error. It would be too easy to file the sensitive section incorrectly in the nonsensitive file cabinet. Only a small percentage of errors in the 9 million SED's submitted annually could result in enormous adverse consequences. At a time when Congress and the bureaucracy are striving to simplify operations, reduce paperwork, and increase efficiency, there is no good rationale for introducing new complications. The entire SED should remain confidential.

The decision to exempt the SED from the Freedom of Information Act should be an easy one. It is clear that the risks of disclosing any of this information heavily outweigh the advantages to be gained by a few companies.

U.S. PARTICIPATION IN THE MOSCOW OLYMPICS

Mr. DURENBERGER. Mr. President, today marks the deadline set by President Carter for the withdrawal of Soviet troops from Afghanistan. In the month since the President set his arbitrary deadline, the world has continued to witness with outrage the tragedy and horror of the Soviet invasion of Afghanistan. Soviet troops remain in Afghanistan and reinforcements pour in daily. The fighting continues and citizens of Afghanistan continue to die, victims of Soviet aggression.

Under these circumstances, Americans can do no less than reaffirm our commitment against participation in Moscow Olympics. We must make clear that we will not belittle the spirit of the Olympics by conducting the games of peace in a nation at war.

Continued Soviet intransigence about the crisis in Afghanistan is not surprising. Having set themselves on a course of aggression, the Soviets were unlikely to be dissuaded by American deadlines. To expect otherwise was both unrealistic and naive.

The use of a deadline was an inappropriate response to the Soviet invasion. The issue was not whether the Soviets should remain in Afghanistan beyond some arbitrarily set date; the issue was and continues to be the invasion itself.

My cosponsorship of the original Olympics resolution in the Senate was based on my belief that the United States must make it clear, through a variety of actions, that the Soviet behavior in Afghanistan is intolerable. Failure to act on this belief in the hope that an arbitrary deadline would somehow induce the Soviets to leave Afghanistan would have missed the point. The Senate resolution urging the International Olympic Committee to relocate the games was a sanction, not merely leverage to get the Soviets to leave Afghanistan. Regardless of whether the Soviets leave, their actions must be confronted and challenged.

The passing of the President's deadline now gives us the opportunity to confront directly the Soviet invasion. I am pleased that the U.S. Olympic Committee itself has recognized the gravity of the issues involved and has agreed to abide by the President's request.

The best solution is to relocate the summer games. However, my visits with Minnesotans and with athletes from around the country have convinced me that those people directly involved with the Moscow Olympics will support a U.S. boycott of the games.

The thrill and excitement of the games at Lake Placid remind us that a boycott of the Moscow Olympics is a serious measure and would be a hardship on the athletes who have trained for many years. But Americans have shown that they will sustain hardship in order to adhere to principle. In this case the principle is clear: Americans will support peace and will stand fast in the face of aggression.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAIVER OF THE PASTORE RULE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Senators may continue to speak out of order, notwithstanding the Pastore rule, until the managers of the bill begin their statements on the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMPHASIZING THE POSITIVE ABOUT THE BUREAUCRACY

Mr. PROXMIRE. Mr. President, along with the Congress, the object of most scorn, derision, ridicule, and mistreatment are the so-called bureaucrats in our Government, and I think it is a shame. The people I know who work for the Federal Government are good and decent and conscientious people who come in early and stay late and do a fine job. It is easy to make a target of the bureaucracy. It is a massive group of people who cannot defend themselves.

Of course, as in any group, there are some people who are not competent or diligent, but, certainly, they have been given a bum rap.

I was delighted to see a column by Douglas Costle, head of the Environmental Protection Agency, in which he listed specifically some of the superb accomplishments of the people in the bureaucracy.

About 2 years ago, I gave a series of speeches on the floor about what is right with our Government. I think this article by Mr. Costle is right along that line. It is such a thoughtful and perceptive article that I call it to the attention of my colleagues. I do hope that the people in this country will begin to appreciate the excellent service which many people in Government are providing and which they rarely get any credit for.

Mr. President, the article to which I refer was printed on February 16, 1980, in the Washington Star, and is entitled "Creativity in the Bureaucracy." This article was written by Mr. Douglas M. Costle, Administrator of the Environmental Protection Agency; and four of his points deserve the attention of the American public and elected officials.

First, this article includes examples of important innovations that Federal employees have made in areas affecting us both in war and peace. From these discussions, all Americans might reasonably conclude that parts of the bureaucracy have much more creativity and spunk than are commonly recognized.

Second, this article points out that the publicity given to venal, incompetent, or lazy bureaucrats often obscures the fact that the vast majority of Federal employees are honest, competent, and hard working. This observation, I believe, is quite important. While I have seldom hesitated to criticize some Federal programs, I contend that, in fairness, we must continue to give credit to the countless Federal employees who, day by day, serve the national interest. We must be conscious of the fact that morale among Federal employees will decrease if cynicism among the public increases.

Third, I share Mr. Costle's view that worthwhile Government programs and employees must receive more even-handed publicity, especially from the press. For this reason, I recently delivered 25 speeches discussing how and why our Government has worked effectively. While I have given "Golden Fleece" awards for certain Government programs involving ironic, ridiculous, or excessive expenditures, I also have seen the need to grant "Merit" awards to Government agencies in recognition of cost savings, quality work, and other exemplary achievements.

Fourth, Mr. Costle suggests that "the most flagrant Government scandals—from Teapot Dome to Watergate—were created by elected officials and their political appointees, not by career Government employees." He then places the blame for the behavior of elected officials and their political appointees: "Decade after decade," he maintains, "the major problem with Government hasn't been lazy bureaucrats; it's been lazy voters. It's been us."

Elected officials and the public would do well to ponder this point. Meanwhile, these officials and the public can appreciate the fact that, on the whole, the bureaucracy is much more creative and honest than has been commonly thought. To help publicize this fact and emphasize the positive aspects of the bureaucracy, I ask unanimous consent that Mr. Costle's "Point of View" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Creativity in the Bureaucracy

A senior member of the DuPont family, now deceased, once was asked how many people worked at the chemical company's Wilmington, Del., headquarters. He paused a few moments to reflect, then answered, "About half."

I treasure the story because, apart from its gentle humor, it is one of the few admissions I have seen that at least some employees in the private sector dope off now and then. What we usually get is a portrait of the free-enterprise worker toiling ceaselessly to boost GNP, while the government worker snoozes over his stapler.

Even when governmental employees do something well, the praise is frequently tempered by a sense of surprise at this astonishing behavior. Recently the Washington Post complimented the Environmental Protection Agency for two cost-saving innovations in the control of air pollution. "EPA deserves congratulations," the Post concluded, "for that governmental rarity—a creative and practical new idea."

In point of fact, government workers come up with new ideas at a surprising rate. Civil servants patent about 1,500 inventions a year. The Office of Personnel Management (formerly the Civil Service Commission) reports that during 1978 the government adopted 42,512 employee suggestions that saved $132 million in tangible first-year benefits.

"Suggestions" is a humble term, connoting ideas for saving paper clips and cutting down the phone bill. But ideas contributed by federal employees over the years go far beyond such mundane matters and touch nearly every aspect of our common life, in war and peace:

The radio proximity fuse—second in importance only to the atomic bomb in World War II—was invented by civil servants. So was the Sidewinder missile, a heat-seeking device so sensitive it can sniff out and home in on a smouldering cigarette from 100 yards away.

After lavishing millions of dollars on a prototype "supersonic" fighter that failed to exceed the speed of sound, Convair gambled on the radical "Area Rule" design of a federal engineer who had warned the industry that its own designs wouldn't work. On its first flight, the new plane broke the sound-barrier while it was still climbing.

Some consumer industries are based on inventions by federal workers. The heat process used to can hams and other meats was developed by two men: George Hormel and a Department of Agriculture employee. Aerosol dispensers, originally intended to arm soldiers with insecticides against malaria-carrying mosquitoes, were invented by Agriculture scientists. Miniaturized electronics circuits, which make computers smaller and calculators cheaper, were developed by Army technicians trying to cram gear into missile nose cones.

Rachel Carson's Silent Spring—undoubtedly the most important single stimulus to the environmental movement—grew out of reports she read about the side-effects of DDT during her 16 years as biologist and chief editor of the U.S. Fish and Wildlife Service.

Despite universal hostility to "red tape," we all have reason to be grateful for a memorable piece of it: the refusal of Dr. Frances Kelsey (then and now an employee of the Food and Drug Administration) to license thalidomide for sale in this country.

The vast majority of civil servants' contributions do not, of course, involve such drama. Like most jobs in the private sector, most jobs in government are routine. Unlike business employees, however, government employees are on our common payroll, and are easy targets for our common criticism.

More often than not, it's a bum rap. For every civil servant whose venality, incompetence or inertia gains public notice, there are a hundred more turning in an honest day's work for an honest day's pay in some job that exceeds the jurisdiction, interest or competence of business.

The most flagrant government scandals—from Teapot Dome to Watergate—were created by elected officials and their political appointees, not by career government employees. Decade after decade, the major problem with government hasn't been lazy bureaucrats, it's been lazy voters. It's been us.

RATIFY CONVENTION BEFORE MEMORY FADES

Mr. PROXMIRE. Mr. President, throughout history genocide has been perpetrated by men against their fellow men. Little was done, however, until the world was swept with repulsion at the horrors inflicted by the Nazi state. Now, more than 30 years after the adoption of the Genocide Convention, this Senate has yet to act, and with each passing year it becomes more difficult to do so. Yet, this very fact makes it imperative that we do not forget and that we do not succumb to the dangers of apathy and complacency.

For this purpose then, let us recall the essentials of the convention, the provisions which spell out the repugnant act of genocide. Article I declares that genocide is a crime against mankind. Whatever the circumstances, whether in war or in peace, genocide is to be deterred and castigated by international law.

Article II defines the crime. It acknowledges that assault upon groups, whether they be national, ethnical, racial, or religious in nature, may involve both physical and psychological measures. Genocide is understood to be the destruction or attempt to destroy the whole or substantial part of these groups by: Killing, causing serious bodily harm, or the permanent impairment of mental faculties, restricting births, forcibly transferring children, or inflicting upon the group conditions of life designed to cause its physical destruction. It is clear that the intent to impose bodily destruction or mental disintegration are equally reprehensible.

Article III delineates the genocidal acts which are punishable. Genocide or the complicity in genocide is a crime. So, too, is the attempt to commit, conspiracy to commit, or the act of public incitement to commit any act of genocide.

Having outlined the essential provisions of the convention, let me share with you some words, spoken over 30 years ago, which cut through the heart of this Senate's inaction. Assistant Secretary of State Ernest Gross had this to say to the United Nations Assembly in December 1948:

> In a world beset by many problems and great difficulties, we should proceed with this Convention before the memory of recent horrifying genocidal acts has faded from the minds and conscience of man.

That was over 30 years ago. The urgency of this statement must not become locked in the past. I will not submit to the notion that after so many years the convention rings hollow of any promise. We must protect the future for the young and those yet unborn. We must ratify the Genocide Convention.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1979

The Senate continued with the consideration of the bill S. 1390.

Mr. PERCY. Mr. President, I ask unanimous consent that Bill Mayer and Jerry Block, of the Governmental Affairs Committee, be granted the privileges of the floor during the discussion and votes on the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, I ask unanimous consent that Cindy Douglass, Kris Wilkes, and Matt Scocozza be granted the privileges of the floor during the consideration of S. 1390.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, passage of S. 1390, in my view, is essential to improved truck and bus safety in the United States. Deaths on our Nation's highways recently have been increasing at an unacceptable rate. Truck and bus accidents have played a significant role in this disturbing trend.

S. 1390 provides a systematic approach to remedying the present deficiencies in the commercial motor vehicle safety area.

First. The legislation increases civil and criminal penalties for violation of Federal commercial motor vehicle safety and health requirements. Widespread violation of Federal commercial motor vehicle safety regulations must be brought to an end. Safety inspections by Federal inspectors throughout this country have consistently uncovered vehicles with defective brakes or other serious deficiencies in important safety equipment. S. 1390's improved enforcement tools will provide significant incentives for commercial motor vehicle companies and their drivers to take the necessary safety precautions to avoid sending dangerous vehicles out on our Nation's highways.

Second. S. 1390 provides grants to States in order to assist them in developing programs to greatly increase enforcement of commercial motor vehicle safety regulations. Presently, the Federal Government has an extremely limited number of commercial motor vehicle inspectors. Also, there is no systematic Federal/State cooperative program in the commercial motor vehicle safety area. This matching grant program, by providing the means for strengthened State inspection programs, will assure that there is a far greater chance of detection of violations of safety or health regulations. To fund this critical program, the authorization levels in S. 1390 are $50 million in fiscal year 1981, $100 million for fiscal year 1982, and $100 million for fiscal year 1983. The matching grants are to be on an up to 80/20 basis. The legislation emphasizes that this authorization is only for extending the present programs of the States and that the States through their own funding mechanisms must maintain their present level of effort in the commercial motor vehicle safety area to be eligible for matching grant funding.

Third. This legislation assures rapid investigation of nonfrivolous complaints which allege material violations of commercial motor vehicle safety and health rules and regulations. Also, S. 1390 provides protection for complainants from being disciplined, discriminated against, or discharged pursuant to their filing a complaint concerning safety or health violations. Employees often are the first to be aware of violations and deserve "whistle-blower" protection. These employee complaint and whistle-blower protection provisions are similar to provisions that have proved to be effective in the Toxic Substances Control Act and other safety and health legislation passed by the Congress.

Finally. S. 1390 would designate the Department of Transportation as the agency with the responsibility for fit, willing, and able determinations in the safety area. Our hearings demonstrated that the Interstate Commerce Commission, which presently has this responsibility, has little or no expertise in the safety area. This legislation, therefore, provides DOT, the agency with the primary expertise, with the responsibility for this extremely important safety function. The ICC's existing authority to make fit, willing, and able determinations on economic grounds, however, is unaffected by this legislation. The committee expects the Department of Transportation and the ICC to coordinate closely together in this area in order to avoid duplication and overlap, causing unnecessary burdens on affected groups. However, if the Secretary of Transportation finds there are additional requirements necessary for safety, then appropriate requirements can be established.

Mr. President, I believe this is an extremely important piece of safety legislation. It is an outgrowth of legislation originally introduced by Senator PERCY and carefully refined by the committee. The Senate Commerce, Science, and Transportation Committee passed it without opposition, and I ask my colleagues to provide it strong support.

Mr. President, I yield the floor.

Mr. PERCY. Mr. President, S. 1390, the Commercial Motor Vehicle Safety Act of 1979, is before the Senate for consideration. In recent years, unsafe trucking practices on our Nation's highways have reached epidemic proportions, threatening the health and safety of truckdrivers and the American motoring public. Last June, I—together with Senator KENNEDY, distinguished chairman of the Judiciary Committee, Senator PACKWOOD, the distinguished ranking Republican on the Commerce Committee, and Senator MAGNUSON, the distinguished chairman of the Appropriations Committee and the ranking Democrat and former chairman of the Commerce Committee—introduced this bill to promote commercial motor vehicle operators.

Mr. President, I wish to express my appreciation for the thoughtful and expeditious consideration given to this important measure, by the distinguished chairman of the Commerce Committee, Senator CANNON. His continuing concern and interest in this area has proved instrumental in bringing this important legislation before us today.

I would like to offer public commendation for my distinguished colleague, Senator ROBERT PACKWOOD, over the years, has consistently displayed a keen interest in upgrading the safety of transportation in the United States. The thoroughness, imagination, and dedication he brings to his work in this field have been of demonstrable importance, particularly his vital contributions to the progress of this bill through the legislative process.

Similarly, many thanks are due to my distinguished colleague, Senator EDWARD KENNEDY, for his help in developing this important legislation. His support and advice proved invaluable, and his abiding interest in this critical area of health and safety is well known to all of us.

An extremely important and powerful Senator WARREN MAGNUSON, who has long demonstrated his overriding concern for safety issues, especially those related to transportation. Over the past decade he was a pioneer in the regulation of commerce in the name of health and safety. His leadership and activity in this important area remain strong and vital.

Mr. President, there is an urgent and life-threatening problem now running rampant on America's highways. Our roads are plagued by what appears to be an epidemic of unsafe trucks. These trucks threaten the health, and, indeed, the lives, of both the motoring public and of the truckdrivers themselves. The state of our highways is horrendous. Each year, more Americans are killed on the road than were killed in the Vietnam war in any year, and trucks have contributed disproportionately to the record. Hardly a day passes when we do not see on the local news the horrifying wreckage of a big rig crashed on the side of a highway.

Urgent legislative remedies are now required. I believe the Commercial Motor Vehicle Safety Act of 1979, S. 1390, would go far toward creating a truly effective program of upgrading truck safety.

In recent years, improper truck maintenance, unfit equipment, overloading and often unreasonable driving schedules have contributed to the creation of severe hazards over the roads. Truck accidents and fatalities have increased at an alarming rate. According to the latest figures compiled by the Department of Transportation, of the 50,000 highway fatalities in this country in 1978, 17,578—or nearly 35 percent—were caused by trucks and buses. Heavy trucks alone were responsible for 11 percent of these fatal accidents, despite the fact that they account for less than 1 percent of vehicles on the road. This is a significant increase, for in 1975 heavy trucks were involved in only 7.8 percent of fatal accidents. While the number of vehicle miles traveled by heavy trucks rose 14 percent from 1975 to 1977, the number of these trucks involved in fatal accidents increased 29.3 percent.

In 1978, 5,075 Americans were killed in accidents involving heavy trucks, an alarming increase of 53 percent over 1975. During the same period, the number of all highway fatalities increased 12.6 percent, of itself a significant climb.

Heavy trucks pose particularly severe hazards to automobiles and their occupants. In a fatal accident involving a heavy truck and a passenger car, 97 percent of the deaths are to the occupants of the car. Per 100 million miles, the involvement of heavy trucks in fatal accidents is 165 percent greater than the involvement of passenger vehicles.

The recent rash of truck accidents has rendered truck driving one of the more dangerous occupations in America. The truck is a driver's jobsite; the road, his workplace. They are both replete with hazards. In 1978, fatalities to occupants of heavy trucks numbered 1,010—a 41-percent increase over 1975. A 1976 Wisconsin study showed that truckdrivers were nine times as likely as all other workers to be killed in work-related accidents.

The latest accident data compiled by the Bureau of Motor Carrier Safety (BMCS), indicates that, in 1978, interstate motor carriers of property and passengers reported approximately 35,000 accidents, which resulted in 3,200 fatalities, 3,400 injuries, and $310 million in property damage. This represents, since 1975, an increase of 43 percent in fatalities, 29 percent in injuries, and a startling 96 percent in property damage. And, according to the Bureau, these figures are understated because a significant number of accidents went unreported.

Inadequate law enforcement is largely to blame for this shoddy record. In a series of Federal roadside spot checks conducted during 1978, over 42 percent of the 26,000 vehicles inspected by the BMCS were deemed "imminently hazardous" and were immediately ordered off the road until repaired. Yet, the Bureau was able to inspect less than 1 percent of the 3 million commercial motor vehicles under its purview. It is reasonable to believe, therefore, that many more unsafe vehicles and conditions go undetected.

I also want to point out that, in my home State of Illinois, truck accident rates have skyrocketed in the last 4 years, according to the Illinois Department of Transportation. For all trucks—including sizes ranging from pick-ups to combination tractor-semi-trailer rigs—the number of vehicles involved in fatal accidents increased 99 percent from 1975 to 1978. Combination vehicles alone, the so-called big rigs, were involved in fully 10 percent of fatal highway accidents in the State last year.

In 1978, there was a 47-percent increase in the number of combination vehicle accidents on Illinois highways. The figures for all trucks indicate that there was a distressing 116-percent rise in the number of trucks involved in highway accidents.

A 1977 General Accounting Office (GAO) report, entitled "The Federal Motor Carrier Safety Program: Not Yet Achieving What the Congress Wanted," concluded:

> In view of the limited accident data obtained, the continuing infrequency of safety inspections, and the high rate of trucks taken out of service after inspection, little assurance exists that most motor carriers are complying with Federal safety regulations.

Federal and State authorities currently lack the manpower and funds to deal adequately with the burgeoning number of heavy trucks. As a result, thousands of big rigs zoom down the highways in bad repair, overloaded, and unsafely driven, because their operators and owners know that the odds of being stopped are about as good as the oil companies losing money next year.

Inadequate enforcement is, in turn, due, in large part, to shortcomings in present truck safety statutes. Outmoded and antiquated laws now bind the hands of the authorities, rendering them nearly helpless even when they do find violations. This bill aims to redress these shortcomings, and to strengthen the hand of the safety authorities.

Civil fines can be an effective deterrent to safety violations. However, at present, civil penalties can only be assessed against a driver or a company for failure to keep proper paperwork. They are not applicable to any other safety violation, such as the failure to maintain safe brakes or to load the truck within prescribed limits. In these instances, the BMCS can only bring formal criminal prosecutions in court or initiate a time-consuming administrative hearing.

This has proved to be a difficult and ineffective process. For instance, in 1978, BMCS detected over 110,000 safety violations during nationwide road checks of 25,695 vehicles and drivers. Yet, Bureau investigators were able to develop only 319 cases, either in court or for administrative action. The majority of these cases were not accepted by the Department of Justice for criminal prosecution.

The effectiveness of the Bureau's safety program could be greatly enhanced by expanding civil forfeiture authority to include all types of substantial violations of safety regulations.

Moreover, the maximum amount for fines for safety violations have not been revised since 1957. They are now seriously out of line with fines for violation of other Federal regulations. Low penalties, coupled with the lengthy process of criminal enforcement, do little to discourage future violations. It is imperative that we raise these fines and set realistic time limits for the prosecution of cases and processing of fines.

Concerned truck drivers and trucking employees are often a great boon to trucking safety. Because their lives and health depend upon the safety and fitness of their vehicles, many such drivers are anxious to find out defects in their rigs. But when these drivers refuse to drive a hazardous vehicle, or report a significant violation to the authorities, many times they find themselves fired or punished as a "reward" for their diligence.

The Interstate Commerce Commission now provides no restraints upon employers who retaliate against these whistleblowers. The sad result is that trucking employees are extremely hesitant to report even the most flagrant safety violations. The Government has lost a potentially important ally in its fight to protect truckers and the public.

Historically, Congress has taken a keen interest in protecting the health and safety of America's workers. The Occupational Safety and Health Act protects nearly every worker in America, with the notable exception of many of those in the trucking industry. At the time it was argued that, since the Department of Transportation already had authority to regulate trucking industry safety practices, no additional coverage was necessary.

However, experience has shown that occupational protections afforded truckdrivers are woefully inadequate. The Federal Government has done little to stem the rapidly rising number of truckdrivers killed on the highways. Working conditions inside the cabs of trucks are also deteriorating. Vibration, exhaust fumes, and extreme temperatures all make truck driving a serious risk to driver health, and to the safety of the public.

In light of these hazards, measures are urgently needed to protect this country's truckdrivers. It is inexcusable that protections accorded truckers lag so far behind those affordable to other workers. The Secretary of Transportation has experience in regulating and monitoring the safety of the trucking industry. He would be the logical and most effective choice to assume responsibility for protecting the health and safety of truckdrivers.

Nearly 3 million heavy trucks roll down America's highways every day. And yet, the BMCS, the lead agency in enforcing truck safety, has only 158 inspectors and safety officers. Clearly, we need to bring far greater resources to bear on this life-threatening problem.

Many trucking firms and drivers are conscientious about highway safety. Yet, a regrettable few—an unscrupulous minority—are lax in their commitment to safety. Federal and State vehicle safety programs must be improved to prevent them from posing a danger to both the general public and other truckers.

In the name of effectiveness and economy, the individual States should be encouraged to actively assist the Federal effort. Each of the 50 States now has an existing program for the enforcement of highway safety. The State of California alone has more truck inspectors on the job than the BMCS has to patrol the entire country. Clearly, the vastly superior resources and manpower of the States would be a valuable addition to the Federal enforcement effort.

But the Federal Government now provides no funding to the States for this purpose, and thus no incentive exists for them to cooperate. With adequate incentives—for instance, reimbursement for a percentage of the cost of operating strong uniform truck safety programs—much could be done to crack down on speeding, tailgating, sloppy maintenance, and overloading.

With proper incentive, States could operate both more permanent and portable weigh scales to prevent heavy loads which are destroying our roadways, and which make vehicles dangerous to drive. Increased enforcement personnel would slow down all vehicles, not just trucks, with the result that thousands of lives would be saved.

Without prompt remedial action, the state of our highways will steadily worsen. This bill builds upon and expands past legislation to create what I consider to be a truly effective truck safety program. In drafting this legislation, we have sought to reduce the load on our already overburdened courts. We have tried to alleviate the unnecessary delays that so often plague our regulatory process. And, we have sought ways to encourage compliance with safety regulations that do not plunge industry neck deep in paperwork.

Provisions of S. 1390 would greatly enhance the effectiveness and efficiency of the Department of Transportation in regulating and enforcing truck safety and the health and safety of truck-drivers. It directs the Secretary of Transportation to address those areas which have caused the grievous problems since the DOT was created 11 years ago.

To accomplish these goals, S. 1390:

Raises civil fines from $500 to a maximum of $10,000 for serious safety violations;

Authorizes the Secretary of Transportation to regulate the health and safety of working conditions for truck-drivers and insure that trucks are safely maintained and operated;

Provides for 1-year imprisonment and/or a maximum $25,000 fine for knowing and willful criminal violations;

Expands Federal truck safety jurisdiction to include all commercial motor vehicles, both interstate and intrastate, over 10,000 pounds;

Authorizes the Secretary to conduct on-the-job inspections and investigations;

Protects trucking employees from discipline, discharge, or discrimination for refusing to drive an unsafe vehicle or for reporting safety violations;

Authorizes a uniform reporting system to eliminate excessive paperwork required of trucking firms and truckers;

Encourages States to assist in the enforcement of truck safety by offering them Federal financial incentives;

Allows States to apply for exemptions from particular Federal regulations if their proposed regulations do not diminish safety;

Authorizes the Secretary of Transportation to rule on the safety aspects of fit, willing, and able determinations by the Interstate Commerce Commission;

Requires the Secretary to promulgate any rule or regulation according to a specific and expeditious timetable;

Authorizes the Secretary of Transportation and the Director of the National Institute for Occupational Safety and Health, in consultation with the Secretary of Labor, to undertake a study of the health hazards to which truck drivers are exposed;

Authorizes the Secretary to order those vehicles or employees out of service which pose an imminent hazard to public safety, and

Requires the Secretary to report yearly to the Congress concerning his efforts to improve truck safety, and assessing the advisability of establishing a National Commercial Driver Register.

The provisions of this bill would greatly enhance the effectiveness and efficiency of DOT in regulating and enforcing truck safety. Abuse of present regulations has resulted in countless deaths, injuries, and loss of property. This situation will not improve itself. The time to crack down is now.

The commercial trucking industry is critical to the business of America and continues to grow in leaps and bounds. In 1977 alone, intercity freight transported by trucks amounted to 561 billion ton-miles. The Highway Users Foundation predicts that, during the next 15 years, the number of trucks on the road will double. Our highways should not be deathtraps—they were built for the safe enjoyment and use of all Americans.

This legislation has been greatly enhanced by the diligence and concern of various driver representatives—namely, the International Brotherhood of Teamsters and the Professional Drivers Council. From the start, they have provided keen insights and original ideas to protect the health and safety of their members and the motoring public. This legislation would not have been possible without the outstanding contributions of these conscientious advocates who have well represented their member employees with diligence and concern.

Likewise, the American Trucking Associations (ATA) is to be highly commended for the outstanding contributions they have made to the development of this legislation. The ATA has displayed a sincere and abiding commitment to upgrading the safety of its industry. The Executive and SCORE Committees of ATA, consisting of many highly dedicated, safety conscious trucking executives, devoted hundreds of hours to poring over the provisions of this bill. Subsequent ATA endorsement is the result of an immense amount of interchange and consultation. It is a tribute to the ATA to have taken such a bold position of leadership on this important issue.

Mr. President, the Commercial Motor Vehicle Safety Act of 1979, S. 1390, is the product of over 2 years of painstaking study and negotiation. It enjoys the support of every major organization representing the trucking industry, and has received the unanimous endorsement of the Committee on Commerce, Science, and Transportation. I believe it deserves Senate support as well.

Mr. President, I thank my distinguished colleague (Mr. Exon) for the floor management of this bill.

My early years in the Senate were devoted essentially to the problems of the Vietnam War, Mr. President. I can recall the hundreds of hours that we all devoted to listening to young people protest that war, to various groups petitioning the Congress of the United States to end that war. Always, there was the haunting thought that that war, 10 years in duration, had cost 50,000 lives and hundreds of thousands of injured and disabled. The bill before us is a bill that will have a far greater effect upon the lives and safety of all Americans than the whole Vietnam War.

The death rate due to accidents involving trucks and busses, if continued at the present trend, will exceed 200,000 for 10 years, not just 50,000. I say "just" because any life lost that does not have to be lost is a source of deep regret. Yet, we do not have sufficient public consciousness about highway deaths. We somehow feel this is a price we have to pay for a fast-moving society that needs to keep on the move.

I think of the resistence that I had years ago to the introduction of a bill that I had sponsored at the time to require a 55-mile-per-hour speed limit on all Federal highways. I was accused of slowing up the economy, strangling the effort of people to move ahead; there was the feeling that somehow, there should be freedom, particularly on the part of young people, to push that pedal down and see how fast that car can go. Yet I did not have to be reminded of the fact that, in Chicago, we have one of the most advanced and largest rehabilitation institutes in the world. In that institute, the No. 1 cause of people coming there is tragic automobile accidents. You can see them in room after room and ward after ward—young people incapacitated for life, crippled, maimed. Of course, the dead are not there, just the injured.

So I say that this measure that is before us today is a tribute to the Committee on Commerce, to our colleagues who have worked with us on this measure, a measure that is just as important as ending a tragic war, a measure designed to contribute to reducing the tragedy of death on the highways in America.

Mr. President, as I have said, unsafe trucking practices have reached epidemic proportions: In 1978, 17,500 Americans were killed by trucks and buses, nearly 35 percent of the annual motor vehicle-related fatalities. Heavy trucks alone were responsible for 5,075 deaths, an increase of 53 percent since 1975.

When are we going to end this madness? When are we going to say, "Enough is enough"? And what can we do about it?

We did, in part, slow this trend by the 55-mile-per-hour speed limit. According to well-established statistics, we have saved approximately 13,000 lives a year and tens of thousands of injuries since the passage of that one law—this, in addition to saving millions of barrels of oil. It was put in as an energy measure. In the back of my mind, and apparently in the minds of many on the floor of the Senate who fought for that legislation, were the lives that could be saved by such a measure. Here again is a chance to move forward after analyzing a problem, and through the passage of a law, reverse this trend in highway deaths.

Shoddy safety procedures have rendered truck driving one of the more hazardous occupations in America today. The reason the truck drivers and truckers of America are for this bill is that they know the hazards of that job cannot be continued. In 1978, over 1,000 occupants of heavy trucks were killed in accidents. This was an increase of 41 percent over 1975. Negligent or improper maintenance of vehicles is perhaps the single greatest contributor to this frightening decline in safety. In 1978, the Bureau of Motor Carrier Safety in DOT inspected nearly 26,000 vehicles. Incredibly, 42 percent of these were deemed "imminently hazardous" and were immediately ordered off the road.

Mr. President, I just drove, a weekend ago, from Denver to Vail, Colo. On virtually every mountain incline there, there were huge illuminated signs telling a truck driver that if he losses control of his rig, there is a sand hill provided for him on the side of the road so he can drive into it and stop that truck. So frequent are faulty brakes on trucks in Colorado, that they now have to make special provisions for runaway trucks.

If we go out and look on a highway—395, 295, go down to Williamsburg—if we figure that on a statistical basis, 4 out of 10 of those trucks are "imminently hazardous" by our own Department of Transportation's definition, we shall recognize why the fastest-growing death rate in America is from unsafe trucks. There is something we can do about it. We can do what the Commerce Committee has seen fit to unanimously recommend.

This Congress and this Senate can work rapidly when they have the facts available. We have the facts available and the whole industry united, truckers, members of the Teamsters Union, and others, supporting this effort to move ahead and remove this tremendous hazard.

S. 1390 takes into account that there is inadequate authority that severely impairs the Federal truck safety enforcement effort.

DOT has jurisdiction only to regulate vehicles operating interstate, despite the fact that the majority of trucks operate intrastate.

It is a little confounding that we have a whole Department of Transportation, a department our Governmental Affairs Committee was responsible for establishing some years ago, which we tend to think of as somehow providing for the safety of the trucking industry, but which in reality has no jurisdiction, whatsoever, over most of the trucks we see on the road.

The BMCS has extremely limited authority to levy fines for violations. Instead, it must turn to time-consuming criminal prosecutions which receive low priority in the Justice Department.

We wondered why DOT could not do something with the authority they now have. We were dumbfounded to learn that they have to bring criminal charges through the Justice Department for any safety violation, putting these violations in competition with organized crime, with drug abuse, with all the other prosecutions with which Justice has to deal. We found that the priority of truck safety prosecutions was very low, despite the fact that day after day people are being slaughtered and killed on the highways.

Fine levels have gone unchanged since 1957. What has happened to the dollar since 1957? As the dollar has gone down, the impact of the present fine level has severely shrunk. The fine level, even though the problem has become exacerbated, is one-third what it was when fines were established in 1957.

We also found that cooperation between Federal and State truck safety enforcement efforts is minimal. We thought there could be and should be a body of evidence to show the Federal Government and the States are working together on a common national problem, instead we found grave discrepancies and duplications in Federal and State laws and regulations undercut safety and are often burdensome both to drivers and the trucking industry. Safety enforcement is further hampered by inadequate protections from arbitrary discharge and discrimination which prevent trucking employees, especially drivers, from reporting safety violations or refusing to operate unsafe vehicles.

Here we found a problem similar to the one which we dealt with through whistle blower protection legislation for Federal employees. There was a great reluctance on the part of Government employees to ever come in and testify before Congress, because, if they did, they would be recriminated against.

We found a similar pattern here. If someone would come in to give evidence about unsafe vehicles, to complain about them, the inflation pressures and the pressures on profits being such as they are, they would likely find themselves out of a job the next day.

There was no protection for anyone who, in the public interest, brought this to the public attention.

This legislation is the product of over 2 years of painstaking study and negotiation, with the invaluable contributions of the International Brotherhood of Teamsters, the Professional Drivers' Council, and the American Trucking Associations. They all support S. 1390. The Commerce Committee has unanimously endorsed the bill, for which I am deeply grateful.

In summary, S. 1390 raises civil fines from $500 to a maximum of $10,000 for serious safety violations. With a $500 fine, the loss could be made up by just another day on the road. Many trucks were not called off the road despite the fact that they were dangerous to drive. Why not take a chance? A $500 fine is equivalent to a $5 parking ticket when we consider the amount of money that can be made on a truck with a full load for 1 day.

But with a $10,000 potential fine, violators are going to think twice about that. Any serious safety violation, and they will pull that truck off the road.

What we have to do is increase the penalty and make it easier to impose so that it will no longer be cost effective to keep a truck on the road if it is unsafe.

S. 1390 authorizes the Secretary of Transportation to regulate the health and safety of working conditions for truck drivers and insure that trucks are safely maintained and operated.

It provides for 1-year imprisonment and/or a maximum $25,000 fine for knowing and willful criminal violations.

It expands Federal truck safety jurisdiction to include all commercial motor vehicles, both interstate and intrastate, over 10,000 pounds.

It authorizes the Secretary to conduct on-the-job inspections and investigations.

It protects trucking employees from discipline, discharge, or discrimination for refusing to drive an unsafe vehicle or for reporting safety violations.

Just like Federal employees who come before Congress to talk about the malfeasance they see in office, they should not be permitted to be fired because they, in the public interest, have testified about something they know is wrong and not in the public interest.

So we want to protect the whistleblowers, the truckdriver who simply says that this truck is unsafe to drive, is a hazard to everyone he is going to pass or approach on the highway.

We want something done about it. We want those people protected. The truckdrivers want them protected, and truckers now support protection for those people.

It authorizes a uniform reporting system to eliminate excessive paperwork required of trucking firms and truckers.

It goes to the heart of what we are trying to accomplish in regulatory reform. It improves rather than adds to the burden of paperwork.

It encourages States to assist in the enforcement of truck safety by offering Federal financial incentives of up to 80 percent of the cost of State truck safety programs which conform to the approach of this bill.

Finally, it authorizes the Secretary to order those vehicles or employees out of service which pose an imminent hazard to public safety.

Mr. President, there are very few pieces of legislation we are able to audit in their aftereffect as carefully as we will be able to audit this legislation.

I hope the Commerce Committee will see fit to put together the figures once this bill has become law and is in effect. How many lives have we saved? How many injuries have we saved? This impact will be greater than ending the Vietnam war.

This bill is straightforward. It is simple. I think it should have universal support. It will be a giant step forward in making the highways safer for every single family out on the highway and, just as important, safer for the truckdrivers who are engaged in one of the most hazardous occupations today.

Mr. EXON. Mr. President, I ask unanimous consent that the following staff members have the privilege of the floor during the consideration of S. 1390: Kevin Curtin, Ed Hall, Aubrey Sarvis, and Bill Diefenderfer.

The PRESIDING OFFICER. Without objection, it is so ordered.

● Mr. PACKWOOD. Mr. President, as the ranking minority member of the Senate Commerce Committee and as a cosponsor of the bill, I join Senator Exon in urging my colleagues to support S. 1390, the Commercial Motor Vehicle Safety Act.

The necessity for reducing the fatalities and injuries due to automobile and truck accidents on our highways has been the purpose of several major pieces of legislation over the years. The Congress has voted for safer highways, for lower speed limits, for safer automobiles, and for programs to improve driver behavior.

Our votes have worked to reduce highway fatalities despite an ever-increasing number of vehicles on the highways traveling more miles. Yet despite this effort, there has long been a serious gap in highway safety legislation. Heavy trucks have not been adequately regulated, nor have the present regulations been adequately enforced. Senator Percy has long recognized this gap and has over the years fought for improved commercial motor vehicle safety. I commend him for his efforts and join with him as a cosponsor of S. 1390.

The bill was introduced and referred to the Senate Commerce Committee where, under Chairman Cannon's leadership, hearings were held, and the bill was favorably reported to the Senate by a unanimous vote.

I also wish my colleagues to be aware of the tremendous support this bill has received from both truckdrivers and the trucking industry. Efforts by representatives of these groups have clearly made this a workable proposition.

S. 1390 will improve highway safety as follows:

Title I of the bill authorizes the Secretary of Transportation to establish regulations related to commercial motor vehicle safety and the commercial motor vehicle drivers' health while operating the vehicle. A commercial motor vehicle is defined as any self-propelled or towed vehicle used on the highways with a weight in excess of 10,000 pounds; or any such vehicle used to transport more than 10 passengers; or any vehicle used to transport hazardous materials. Vehicles used in farming or logging operations are exempt.

The bill also authorizes the Secretary to conduct commercial motor vehicle safety research and training. The Secretary is authorized to conduct investigations and inspections without advance notice and is required to investigate any nonfrivolous written complaint alleging that a material violation of the title is occurring. Civil and criminal penalties are established for violations of the act.

In addition, the Secretary is authorized to place a vehicle out of service if such vehicle poses an imminent hazard to public safety. The bill also provides protections for employees who report a violation of the act or refuse to operate an unsafe vehicle. The employees' remedy is patterned after the employee protection provisions of the Toxic Substances Control Act.

States are authorized to assume responsibility for enforcement of the standards and incentive assistance funds are available to the States to develop and institute enforcement plans. The amounts authorized subject to an 80/20 Federal/State share are $50,000,000 in fiscal year 1981, $100,000,000 in fiscal year 1982, and $100,000,000 in fiscal year 1983.

The Secretary is also required to study and report to Congress on the advisability of a national commercial driver register.

The bill also establishes a Commercial Motor Vehicle Safety Advisory Committee to advise the Secretary on matters relating to commercial motor vehicle safety.

Title II of the bill authorizes the Department of Transportation to make the determination as to whether a commercial motor carrier is fit, willing, and able as to the safety-related aspects of that determination. Currently, the Interstate Commerce Commission is responsible for such determinations although the ICC does not have the expertise or responsibility for commercial motor vehicle safety.

Again, I strongly urge my colleagues to support this legislation.●

Mr. EXON. Mr. President, I ask unanimous consent that the committee substitute be considered as original text.

The PRESIDING OFFICER. Without objection, the amendment is agreed to and is considered as original text.

UP AMENDMENT NO. 985

(Purpose: Make technical amendments)

Mr. EXON. Mr. President, I send to the desk a number of technical amendments and ask that they be considered and agreed to en bloc. These amendments are strictly technical and do not alter the substance of the legislation.

The PRESIDING OFFICER. The amendments will be stated.

The assistant legislative clerk read as follows:

The Senator from Nebraska (Mr. Exon) proposes technical amendments, unprinted, numbered 985.

Mr. EXON. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

On page 23, line 12, strike "Government" and insert in lieu thereof "Commonwealth".

On page 42, line 12, insert a comma immediately after "enforcing".

On page 43, line 9, strike "to" the first time it appears therein.

On page 43, line 13, insert "such" immediately after "use".

On page 46, line 12, strike "109" and insert in lieu thereof "110".

On page 48, line 7, insert a comma immediately after "members".

On page 48, line 9, insert a comma immediately after "training".

On page 49, line 6, strike "appointment,"' and insert in lieu thereof "appointment;".

On page 49, line 14, strike "retary at" and insert in lieu thereof "retary, but".

On page 55, line 8, insert a comma immediately after "services".

On page 57, line 8, strike "Act,", and insert in lieu thereof "Act (49 U.S.C. 1651 et seq.),".

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

UP AMENDMENT NO. 986

(Purpose: Provide authorizations)

Mr. EXON. Mr. President, I send to the desk the following amendment. Again, this is essentially technical, but it is a funding mechanism.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Nebraska (Mr. Exon) proposes an unprinted amendment numbered 986.

Mr. EXON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 59, immediately after line 2, insert the following new section:

"AUTHORIZATION FOR APPROPRIATIONS

"Sec. 302. (a) There are authorized to be appropriated to the Secretary of Transportation for fiscal year 1981 not to exceed $1,500,000, for purposes of carrying out the provisions of section 103(d) of this Act.

"(b) There are authorized to be appropriated for fiscal year 1981 not to exceed $150,000, for purposes of carrying out the provisions of section 115(b) of this Act.

"(c) There are authorized to be appropriated for each of the fiscal years 1981, 1982, and 1983 not to exceed $125,000, for purposes of carrying out the provisions of section 117 of this Act.".

Mr. EXON. Mr. President, this amendment provides specific authorizations for:

First, a study of health hazards facing truck drivers provided for in section 103(d) of S. 1390;

Second, a report by the Department of Transportation concerning the advisability of establishing a national commercial driver register provided for in section 115(b) of S. 1390; and

Third, the activities of the Commercial Motor Vehicle Safety Advisory Committee established by section 117 of this act.

When this legislation was passed by the Senate Commerce Committee, there were no specific authorizations provided for these functions. The committee intended to have these programs provided for out of the discretionary funds of the Department of Transportation. In discussions with the Budget Committee, it was pointed out that such discretionary funding will be more limited than in previous years; therefore, the committee decided to provide specific authorizations for these programs. Therefore, to carry out the activities of the Commercial Motor Vehicle Safety Advisory Committee, a $125,000 authorization is provided for fiscal years 1981 through 1983. A one-time authorization of $1.5 million is provided for the health hazards study. Finally, $150,000 is provided to investigate the advisability of the development and establishment of a national commercial driver register. These authorization levels have been arrived at after discussions with the relevant agencies and are analogous to similar studies and programs that have been undertaken in the past.

Mr. President, I believe these authorization levels are the bare minimums necessary for the carrying out of these programs, and I ask that they be approved at this time.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. EXON. Mr. President, the manager of the bill has no further amendments at this time.

Mr. PERCY. Mr. President, with the exception of a possible amendment by Senator PACKWOOD, I believe the minority has no further amendments. Senator PACKWOOD is tied up in a conference at this time. There are other amendments to be offered. I think it would be Senator PACKWOOD'S preference that he stay in conference as long as he can and that the other amendments precede his. But if there are no further amendments, I will send word to Senator PACKWOOD that we are ready for him.

Mr. EXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MELCHER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 987

(Purpose: To amend title 23, United States Code, to establish uniform national standards for weight and length of vehicles using the National System of Interstate and Defense Highways, and for other purposes)

Mr. MELCHER. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. MELCHER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the proper place insert the following: Section 127 of title 23, United States Code, is amended by adding the following at the end thereof:

"No State may enact or enforce any laws denying reasonable access to and from the Interstate System on roads providing access between the Interstate System and terminals and facilities for food, fuel, repairs and rest. Notwithstanding any other provision in this section, no State may enact or enforce any law regarding the Interstate and Defense Highways which provides a gross maximum overall weight limit of less than eighty thousand pounds and less than twenty thousand pounds per single axle and thirty-four thousand pounds per tandem up to a gross overall weight limit of eighty thousand pounds, nor may any State enact or enforce any law which provides a gross overall length limit of less than sixty-five feet (excluding length required by energy conservation devices and/or designs) for tractor, semitrailer and other motor vehicle combinations and receive its apportionment of funds authorized to be appropriated for any fiscal year under section 108(b) of the Federal-Aid Highway Act of 1956 nor shall the Secretary of Transportation approve any project under section 106 in any such State. Notwithstanding any limitation relating to vehicle widths contained in this section a State may permit trucks or combinations thereof having a width up to 102" to operate over interstate highways with traffic lanes designed to be of a width of 12 feet or more under special permit authority if the State undertakes and implements the results of traffic engineering studies at locations where such vehicles will operate. Such studies shall consider remedial responses required to enhance safety such as the need for advisory speed and other signing, reduced speed limits, and warning of potential hazards due to high winds. States shall issue such special permit authority for a period of one year and only upon finding, that such width is necessary for fuel efficient movement of freight and that the granting of such permit will not negatively impact highway safety.

The cosponsors of UP amendment No. 987 are: Senators Levin, McClure, DeConcini, Boren, Bellmon, Stewart, Zorinsky, Baucus, Riegle, Morgan, Jepsen Stone, Church, Cohen, and Packwood.

Mr. MELCHER. Mr. President, the amendment at the desk is the outgrowth of legislation I introduced on June 20 of last year.

It was S. 1383, and it was introduced at the height of the truck strike that gripped this Nation in late spring and early summer of the past year. My intent in introducing this legislation was to provide uniform national standards for weight and length of trucks operating in interstate commerce.

Presently, Mr. President, there are certain States which because of their present laws preclude the efficient utilization of and fuel conservation in the motor carrier industry. I quote from the report of the Secretary of Transportation to the President entitled "Problems of Truck Owner-Operators":

> Particularly troublesome are the states known as the "barrier states." These states, ranged along the Mississippi River, render it effectively impossible to take advantage of the higher weight limits in effect in the majority of states on transcontinental shipments.

Until 1966, the States regulated truck size and weight limits. That year, in the interests of setting standards for interstate truck transportation, Congress established a maximum gross weight limit of 73,280 pounds on the Interstate System. The Federal limit allowed for some exceptions to this maximum, but States could still set their maximum limits below 73,280 pounds and could regulate truck lengths.

In 1973 and 1974, first the President and later Congress, established the 55 mile-per-hour speed limit. The new speed and the resulting longer truck transit times created a shortage of truck capacity in the short-run. To help offset this shortage, Congress raised the maximum weight limit to 80,000 pounds. As it stands today, the limit is permissive. It still grants certain exceptions and allows States to adhere to lower maximum limits. There is no Federal standard for the length of trucks.

Several States along the Mississippi River and in the East have retained the 73,280 pound limit. These "barrier" States interfere with the efficiency of interstate movements by maintaining the lower weight maximums in the face of lowered speed limits. This limitation most seriously affects long hauls of dense commodities that must move across "barrier" States. For example, a truck moving from California to New York must confrom to the regulations of the most restrictive State along the way. In some cases, truckers may take circuitous routes to avoid States with lower maximum weights. In these cases, the "barrier" States reduce the productivity and overall capacity of the trucking industry, and add to the fuel required to meet the highway transportation needs of the economy.

S. 1383 provided standards for our interstate and national defense highways which would have effectively eliminated these barriers. S. 1383 included a gross overall weight limit standard of 80,000 pounds while preserving the present grandfather clause for those States exceeding that standard. This bill also sets national standards of 20,000 pounds for a single axle and 35,000 pounds for tandem axles. Additionally the bridge formula was changed to accommodate these national standards. Finally, an overall length standard of 65 feet was established.

Subsequently, after much analysis, on October 11, I introduced printed amendment 510, an amendment in the nature of a substitute to S. 1383. This amendment and S. 1383 have been cosponsored by 20 of my colleagues including Senators MCCLURE, DECONCINI, CHURCH, RIEGLE, GOLDWATER, BELLMON, EXON, STONE, BAUCUS, YOUNG, HEFLIN, MORGAN, BOREN, STEWART, STEVENS, ZORINSKY, COHEN, PRESSLER, JEPSEN, and LEVIN.

The only change to S. 1383 made in the printed amendment was to the bridge formula. The bridge formula incorporated in the substitute is the table C which was recommended to the 88th Congress as House Document 354. Section 108(k) of the Federal-Aid Highway Act of 1956 required a study of bridge stress.

In response to 108(k), tables A, B, and C were recommended as complying with the bridge stress requirements. Table B was eventually written into law where it now exists codified in section 127 of title 23 of the United States Code. However, I must emphasize that all three tables as recommended to Congress by the Department of Transportation meet the stress requirements of the bridges on the Nation's interstate and defense highways.

The original basis for increasing the tandem axle weight was to remove the economic incentive to place the fifth forward to put more weight on the steering axle and reduce weight on the tandem axles so that they remain under the present 34,000 pound limit. State length limits are also an incentive for the placement of the fifth wheel forward so that no trailer cube space needs to be sacrificed. Additionally, the trade off between cab space and trailer cube has been a point of friction between labor and management.

Cab size and the steering axle weights were the subject of extensive hearings before the Senate Commerce Committee in September of 1978. These hearings revealed the concern of many for the impact on safety of placing the weight on the front steering axle, the placement of the fifth wheel, and reduced cab size.

This Nation can no longer afford to allow our States to interfere with interstate commerce as a few are today doing through the regulation of truck weight and length limits.

The U.S. Rural Transportation Advisory Task Force which was chaired jointly by the Secretary of Transportation Goldschmidt and Secretary of Agriculture Bergland recommended:

> Incentives to encourage states to increase truckload limits to 80,000 pounds and length limits to 65 feet on interstate and other major highways, along with incentives to states trying to resolve varying state regulations.

That is exactly as I am doing here today.

Weight limits affect all businesses that move their goods by truck. However, agriculture has a special interest in maximizing truck capacity. Agricultural trucking often involves long hauls and perishable products. Many agricultural commodities are heavy and dense, so that a trucker loading to the 73,280 pound limit may still have the cubic capacity to carry more. Consequently, lower weight limits force agricultural shippers to use more trucks than they would need otherwise, and finding available trucks may be difficult when trucks are in short supply.

This enforced inefficiency has important implications for producers and consumers of a variety of farm products that move by truck. A large percentage of agricultural traffic must cross the States along the Mississippi. The following exhibit shows flows of feeder cattle to five major feeding States. Red meats for Eastern States come from States either in or west of the weight limit barrier. Poultry raised heavily in the Southeast move by truck to destinations in the Northeast, Midwest, and West. The following table shows relative shares of total production in relevant areas:

AGRICULTURAL PRODUCTION LOCATION, SELECTED COMMODITIES 1978

	Production of U.S. total in—	
	States west of barrier[1]	Barrier[1] and bordering States
Fresh vegetables	0.65	
Fall potatoes	.60	
Applies	.39	
Cattle, live weight		0.84
Hogs, live weight		.60
Broilers, live weight	.12	

[1] A "barrier" State is defined as one for which truck load maximums are below the Federal statutory limit of 80,000 lb on the Interstate Highway System.

In addition, Mr. President, I must point out that the limitation on truck length is a specific and peculiar problem for livestock producers who must ship their feeder cattle often into States that have the limitation on length.

Going to fresh fruit and vegetable movements, I might point out, Mr. President, that these are especially long-haul commodities. Fresh produce is grown predominantly in the Pacific States. Much of it moves by truck to the major consuming markets in the Northeast quadrant of the United States. In 1975, the average length of haul for fresh fruits and vegetables was over 2,000 miles. For many of these fresh commodities, transportation costs account for a large percentage of retail price. Sometimes transport cost is even greater than the product's value to the producer.

To my fellow Senators who represent the producers of agricultural products and consumers as well, I have at my desk charts from the U.S. Department of Agriculture showing the flow of agricultural commodities to the marketplace and which vividly illustrate the need for this amendment.

A higher weight limit on the interstates of the barrier States of 80,000 pounds and a length limit of 65 feet would be in the interest of agriculture because it would increase trucker productivity and reduce transport costs. Extending these limits to other major highways would make agricultural trucking more effective, especially in the case of movements of fresh meats to eastern markets. A high standard in all States would also benefit agriculture's transportation providers. Under the current condition of disparate weight limits, the payloads of hauls through the "barrier" States are approximately 15 percent below the maximum. Higher payloads could be important to truckers hauling agricultural commodities, particularly to the small businessmen—the independent owner-operators—who haul much of the Nation's fresh produce.

The higher weight limit need not decrease highway safety or increase State highway and road maintenance costs unduly. Congress has the authority to regulate "interstate" commerce and transportation on the interstates. If these are to be made standard, however, it is logical that any additional costs resulting from this regulation be covered by Federal user charges.

There are estimates available of the total savings in fuel or in other transportation costs of increases in maximum weight and length limits. For commodities sufficiently dense to load trucks to 80,000 pound gross weights, the cargo weight would increase about 15 percent if maximum gross weights were raised from 73,280 to 80,000 pounds. Fuel use per vehicle mile increases only modestly as cargo weight increases.

Until better data on fuel requirements and commodity flows become available, it is difficult to give estimates. It is clear that movements of perishables are primarily long-haul. Therefore, change in weight limits affecting only a small portion of an entire trip for perishables has a "leverage" effect on cost and fuel savings.

What are the fuel savings that can be realized from uniform national weight and length standards?

The savings from this type of legislation cannot be simply qualified in terms of gallons of gasoline to be saved since these savings when passed on through the economy have a beneficial multiplier effect.

Our distinguished colleague from Iowa, Senator JEPSEN, and a cosponsor of my bill in the February 7, 1980 CONGRESSIONAL RECORD, made a fine statement in support of our legislation. He made reference to the initial estimate made by the Stanford Research Institute for the Federal Energy Administration that 225 million gallons of fuel could be saved annually by establishing uniform weight and length standards. Additionally, according to my colleague, a study by the Iowa State Department of Transportation concluded, and I must say astoundingly:

> The benefit-cost ratio shows that for each dollar in increased highway wear, society will receive 4.2 dollars in benefits in the form of reduced transportation costs.

I repeat, $4.2 for each additional dollar in wear; a 4-to-1 return.

In testimony before the Committee on Environment and Public Works, Thomas Browne, vice president, United Parcel Service, stated that according to a UPS study UPS alone in the seven States of Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee their fuel savings would exceed 900,000 gallons a year and 2.2 million gallons nationally a year if twin-trailer combinations of up to 65 feet are allowed.

In the same hearings before the Senate Environment and Public Works Committee, the Administrator of the Federal Highway Administration estimated national fuel savings of between 50 and 200 million gallons of fuel.

According to Don Phipps, president of the Iowa Independent Truckers Association, Iowa alone can save 7.9 million gallons of fuel, in testimony at the October 25 hearing.

Edward Kiley, appearing on behalf of the American Trucking Association, said that Stanford Research Institute's 200-million-gallon figure was conservative since it was based solely on intrastate movements whereas interstate movements are where the very large savings can be made.

The national cooperative highway research program estimates total fuel savings could reach as high as 875 million gallons per year or more than 7 percent of total diesel now consumed.

There was initially concern expressed for the additional wear and tear that would be caused by the increase to 35,000 pounds for the tandem axle and for the change in the bridge formula. The amendment being offered today has none of these changes. The amendment will cause minimal additional wear to our highways. The only wear that will occur will be as a direct result of the national standard of 80,000 pounds.

There are numerous organizations supporting this amendment. They are: The

Owner-Operators, Independent Drivers Association, the American Trucking Association, the Private Truck Council. National Governors' Association (except for 65 feet), United Parcel Service (for 65 feet only), American Farm Bureau, Western Montana Independent Truckers Association, National Broiler Council, Iowa Independent Truckers Association, Truck Trailer Manufacturers Association, South Dakota Independent Truckers Association (West Chapter).

Mr. President, we are in an emergency situation. Our Nation must respond to our energy crisis. This amendment is one clear and direct conservation measure. It will save literally millions, and over 2 to 3 years into the billions, of gallons of fuel. We cannot afford to allow this incongruity of State law to preclude the conservation required of the times.

Even if there is to be additional wear, I say let us employ our fellow Americans to repair that wear and not send any more dollars overseas than are absolutely necessary.

Mr. President, I reserve the remainder of my time.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER (Mr. LEVIN). The Senator from Oregon.

Mr. PACKWOOD. Mr. President, I am a cosponsor and supporter of the amendment of the Senator from Montana, and I want to address my remarks to a very, very specific part of that amendment. That is the part of the amendment that will allow States, if they wish, to increase to 102 inches the width of trucks.

First, let me say there are 25 States today that allow wider vehicle lengths than the current Federal law of 96 inches.

Those were States that were grandfathered into the system when the 96-inch width was set by Federal law. So we have 25 States now that exceed it.

All my amendment does is give to the other States the discretionary authority to decide whether or not they want to go to 102-inch width trucks. And I say discretionary authority because they can only do that after a study which would determine that there would be no adverse safety impact.

Buses that haul passengers today are allowed to go to 102 inches. There would seem to be no reason why we would allow buses, which haul people, to be 102 inches wide and limit trucks and, ironically, limit them in only half of our States to 96 inches.

A principal reason for the slight increase in the width is that most standardized containers today are 4 feet or 8 feet long or wide. At 96 inches you cannot get these containers to be stacked side by side. You cannot take a 4-by-8 piece of plywood and put two of them side by side in a car that is limited to 96 inches. They just will not quite cram in.

Consequently, we have truck upon truck upon truck hauling containers that are standard 4 by 8 or 4 by 4's being very fuel inefficient because they cannot be stacked side by side, which would take about 97, 98, or 99 inches. The 102-inch width would accommodate that.

Study after study has recommended going to the 102 inches. Those studies include the 1964 U.S. Government study, the 1973 U.S. Department of Transportation study, the 1979 Department of Transportation study, and a recent study by the Michigan Highway Safety Research Institute which, interestingly enough, from a rollover standpoint, found that 102 inches is safer than 96 inches. It is obvious that the wider you make a truck, the broader that you are able to pack it and the greater its density of weight spread out across a certain width, the more difficult it is to roll it over. So from a rollover standpoint it is literally safer than a narrower truck.

The American Association of State Highway and Transportation Officials supports 102 inches. The Western Association of State Highway and Transportation Officials supports it. The forest products and paper industry and, as of today, the American Trucking Association support it.

There is no adverse argument to the 102-inch width. There has been some objection—it is the only objection that I know of—from the American Railway Association. But the objection is understandable. If, indeed, trucks were allowed to be 102 inches wide and they could haul standard containers that are 4 by 4 or 4 by 8's and stack them double, side-by-side, in a truck, that makes a truck more efficient, makes it more competitive, and the railroads would just as soon not have that increased competition.

So, Mr. President, for that reason, I hope that not only will the Melcher amendment pass, which I think is a good amendment, but that this provision within it makes it a doubly good amendment because it would allow the trucks to be just wide enough—no wider than the buses that are now allowed on the road—to accommodate standard packaging containers.

Again, I emphasize that all it does is allow the States, if they wish, to go to 102 inches. It does not compel it. It does not overrule their authority. It simply allows them to, and only after they have made a finding that allowing the trucks to go to that width would present no impairment of safety.

Mr. STAFFORD. Mr. President, I find, with regret, that I must rise in opposition to the pending amendment. If I might have the attention of the distinguished author of the amendment, the principal author, I will ask one or two questions, simply to make certain that I am talking about the amendment that is currently pending in front of the Senate.

This amendment is the one which would require some 14 States to establish or permit an 80,000-pound limit on highways, and those 14 States currently have limits that are lower than that and generally up to 73,280-pound level. Is that correct?

Mr. MELCHER. Mr. President, I believe the Senator is correct that 14 States would be affected by it.

Mr. STAFFORD. In the same amendment that is pending in front of us, as I read it, if any State declined to comply with the 80,000-pound limit, that State, under the amendment, could be denied funds under section 108(b) of the Federal-Aid Highway Act of 1956 for highway construction and repair. Am I correct in that?

Mr. MELCHER. The Senator is correct.

Mr. STAFFORD. And the last sentence on the first page of the copy of the amendment which I have is the part that Senator PACKWOOD has recently been discussing, which does permit a width up to 102 inches on trucks operating on the interstate highway system. So that we are now dealing with both, originally, the Melcher amendment and the Packwood amendment in one package?

Mr. MELCHER. That is correct.

Mr. STAFFORD. I wonder if the Senator could advise the Senator from Vermont a little bit on the first sentence of the amendment, which states: "No State may enact or inforce any law denying reasonable access to and from the interstate system on roads providing access between the interstate system and terminals and facilities for food, fuel, repairs, and rest."

Would that mean the State would have to permit weights up to 80,000 pounds on any highway? For example, even a dirt road leading from a restaurant to an interstate system?

Mr. MELCHER. No. Mr. President, I would respond that I do not read the amendment that way and that is clearly not our intent. The reasonable access would be set by the Department of Transportation.

Mr. STAFFORD. In other words, to establish a legislative history, if I understand the Senator's amendment, it would require that the 80,000-pound weights be permitted only on highways immediately providing access to the interstate system and terminals and facilities for food, fuel, repairs, and rest, and highways of a type that could properly carry an 80,000-pound load without undue damage. Am I correct in that?

Mr. MELCHER. I think that is correct. I think that the Senator has properly stated it.

Mr. STAFFORD. I thank the Senator very much for helping to clarify that about this amendment.

Mr. President, the amendment which my distinguished colleague from Montana (Mr. MELCHER) has offered would have an impact on the interstate and Federal-aid highway system. Very frankly, in the opinion of the Senator from Vermont, it is an invasion of the jurisdiction of the Environment and Public Works Committee, of which I am the ranking minority member. In fact, a point along this line is the fact that the original Melcher amendment, then S. 1388, which has been modified, I appreciate, was referred to the Committee on Environment and Public Works for hearings sometime prior to the present.

This Senator does not believe that this is the time to make any changes in the current Federal regulations governing truck size and weight standards. The Senator from Vermont is not convinced that such a change will provide more benefits than costs.

The Transportation Subcommittee of the Senate Environment and Public Works Committee, on which I serve, held hearings on the truck size and weight issue last October. Testimony was received on several legislative proposals including S. 1383, introduced by the Senator from Montana (Mr. MELCHER) and S. 1689, the legislation proposed by the administration. While there were many different opinions expressed on the degree of impact either uniform or increased truck weights would have, there was general agreement that there would be an adverse impact regarding highway deterioration.

At the same time, there was conflicting testimony on what the net fuel savings would be with either uniform or increased weight standards. The argument has been made that additional energy used in repairs and rehabilitation of deteriorated highways and bridges due to heavier trucks would offset any fuel savings created by uniform or increased truck weights. Estimates have been made on how much fuel could be saved through other means such as observing the speed limit and proper tire inflation. In fact, observing the speed limit, selecting more fuel efficient vehicles and maintaining proper tire pressure would, according to the trucking industry's own estimates, save more than twice as much fuel as mandating uniform truck size and weight standards.

The Senator from Montana (Mr. MELCHER) might argue that he is not increasing gross truck weight limits on the Interstate System; he is only making them uniform at the current Federal limit of 80,000 pounds. There was considerable debate on this issue in 1974 when the Federal weight limits were increased from 73,280 to 80,000 pounds. It was acknowledged during that debate that such an increase would result in a 20-percent reduction of the service life of highway pavement. Because it was agreed that there would be this kind of impact and because the States have traditionally borne the costs of highway maintenance, it was also agreed that States should have the option of remaining at 73,280 pounds if the increased costs were unacceptable to a particular State. While most States have conformed to the Federal maximum limits, as noted earlier, 14 States elected not to do so. Many of these 14 States are located along the Mississippi Valley and have soil conditions which are not ideal for highway construction, so consequently the impact as far as increased costs are concerned may be even greater for these States.

For these 14 States, uniformity will be an increase. I would remind my colleagues that these 14 States already have the authority to raise their truck weight limits at any time to 80,000 pounds either permanently or on an emergency basis, and many of them actually did so temporarily during the last fuel crisis.

During consideration of the Surface Transportation Assistance Act of 1978, the Congress included provisions requiring two studies which directly relate to the truck size and weight issue.

The first requires the Department of Transportation to conduct a study examining the impact of both uniform truck size and weight standards and higher weight limits, and the impact of these various standards on highway construction, maintenance, and bridge design. This report is due in January 1981.

The second report is the highway cost allocation study to determine highway costs and how these costs should be allocated to the various users of the highway system. This report will be available in January 1982. I believe in order to make responsible decisions in this area we must have the best possible information available and that includes the findings of these two reports.

Finally, the Federal Government is going to have to make some very difficult decisions as to where the Federal highway dollar should be invested. The message we are getting from the States is that highways and bridges are deteriorating at an alarming rate while the cost of maintenance and replacement is skyrocketing. At the same time, revenue projections for the highway trust fund over the next 5 to 10 years are looking grim indeed as a result of several factors including gasohol incentives in the form of tax exemptions and decreasing gas consumption.

This Senator regretfully must oppose the amendment offered by the Senator from Montana (Mr. MELCHER) because I do not believe we have the evidence at this point which supports any change in current Federal truck size and weight standards.

I must also oppose that portion of the amendment which has been principally sponsored by Senator PACKWOOD. This also, in the opinion of the Senator from Vermont, is an invasion of the jurisdiction of the Senate Environment and Public Works Committee, on which, as I pointed out, the Senator from Vermont is the ranking minority member. Our committee has not yet had the opportunity to examine this issue. This Senator believes it is important to do so before such legislation is considered.

The amendment would allow States to issue special permits for a year for vehicles carrying loads up to 102 inches wide on the Interstate Highway System. The current Federal width standard is 96 inches. States are now allowed to set their own width standards for roads not on the Interstate System. They are also allowed to issue special permits for wider loads on the Interstate System on a one-time basis.

This Senator understands that this amendment seeks to address a specific problem in the State of Oregon involving a specific industry. But I am concerned that such an exception made for one State, Oregon, must necessarily be extended to all States. Similarly, such an exception made to provide relief to one industry will have to be extended to all industries.

The amendment would restrict these wider vehicles to lanes constructed to a width of 12 feet—or to the Interstate System. This raises the question though of how will we keep these vehicles from using roads other than the Interstate System, and they must use other roads to pick up and deliver their products. The primary and secondary roads have not been designed for such widths and increasing the number of larger trucks on these roads concerns me.

While current interstate standards could probably accommodate 102-inch wide vehicles, it must be noted that many of the high occupancy vehicle lanes which are being added to interstate routes are not being constructed to that standard. It is my understanding that some of them are being built narrower; 102-inch widths may very likely have additional safety impacts on exit and access ramps and in passing other vehicles.

This Senator is not convinced that we now have adequate information in this area to know what kind of impact such a provision has on safety and on the entire Federal-aid highway system.

For that reason, the Senator from Vermont must oppose this amendment in its entirety.

It has been my experience, Mr. President, since I have opposed larger truck widths, lengths, and weights before, that larger truck widths, lengths, and weights have come in any event, and probably may today. The Senator from Vermont drove some 350 miles on the Interstate System over the last weekend and in the opinion of the Senator from Vermont most of the trucks that were traveling on the roads I happened to be driving on were exceeding the speed limit by a substantial amount. They were fully as large, in my inexpert opinion, as could safely be accommodated on the highways of America. The Senator from Vermont believes this is not the time for any reason to increase either weights, lengths, or widths. I yield the floor.

Mr. PERCY addressed the Chair.

The PRESIDING OFFICER (Mr. HUDDLESTON). The Senator from Illinois.

Mr. PERCY. Mr. President, I have no questions regarding that part of the amendment offered by Senator PACKWOOD, which I support. But when coupled with an increase in weight, I would find myself opposed.

Mr. President, the Department of Transportation is presently involved in an extensive study of the whole problem of the effect of increased maximum truck weights on our Nation's highways. The results of this study are due in 11 months. They are due in January 1981. Senate action today to permanently raise interstate truck weight limits without the results of these studies, in my judgment, would be premature.

I feel that the committee that has jurisdiction over this matter should have the opportunity to study it carefully, should have the opportunity to take into account the exhaustive study now being made by the Department of Transportation. For us to precipitously move ahead without adequate committee study, without the completion of the basic report, and to move ahead in the absence of facts today, would be, I believe, a grave mistake.

Heavier vehicles increase pavement damage at an ever-increasing rate. We do not have to debate that. That is a well-known fact.

Extensive road tests conducted by the American Association of State Highway and Transportation officials have confirmed this. Pavement damage caused by one 80,000-pound truck is equivalent to that of 10,000 cars.

I would hope that any Senator, before voting on a measure that would have such a tremendous potential impact on their own State budget, would have an opportunity to study the report to the Congress by the Comptroller General, a reported dated July 16, 1979.

The title of the report is "Excessive Truck Weight: An Expensive Burden We Can No Longer Support."

The problem that is being pointed out by the Comptroller General is that existing truck weights may present a great problem. What we have under consideration in the proposed amendment of our distinguished colleague from Montana is to add to those weights.

The Comptroller General has concluded that:

> The Nation's highways are deteriorating at an accelerated rate and sufficient funds are not available to meet current needs or future requirements. Excessive truck weight is a major cause of highway damage. The rate of highway deterioration will slow down if excessively heavy trucks are kept off the highways.
>
> Federal weight limits and monitoring of State weight enforcement programs are inadequate to protect the $96 billion Federal highway investment made since 1956. The Congress should amend highway legislation to apply Federal weight limits to all Federal-aid highways and to prohibit issuance of overweight permits and exemptions when loads can be reduced to meet normal State weight limits.

The Comptroller General goes on to say:

> National statistics show that about 22 percent of the loaded tractor-trailers exceed State weight limits. The Department of Transportation must work with the States to develop an effective weight enforcement program to apprehend overweight trucks. Severe penalties that will deter overweight operations should be imposed.

I hope Congress will have the opportunity to study this report and then have an opportunity to study the exhaustive work being undertaken now by the Department of Transportation on truck weights. I think that that analysis should be made by the appropriate committee of the Senate before we proceed and vote favorably on the pending amendment.

Existing interstate rehabilitation needs are extensive and alarming. According to the Federal Highway Administration, nearly 8,400 miles of pavement and over 20,000 bridges on the interstate system are now in need of rehabilitation at a cost of $3 billion. Every year, an additional 4,500 miles of interstate deteriorate to the point where rehabilitation is required. According to the Federal Highway Administration (FHWA) estimates, an average annual expenditure of $950 million will be required over the next 20 years to keep pace with these needs.

Mr. President, current funding for interstate rehabilitation is inadequate. The Surface Transportation Assistance Act authorized $175 million per year in fiscal years 1979 and 1980 and $275 million per year in fiscal years 1981 and 1982 for rehabilitating the interstate system. Such funding falls far short of the $950 million investment level identified by FHWA.

If I could just take my own State of Illinois for the moment as an example here, Mr. President, increasing maximum gross truck weight from 73,280 pounds to 80,000 pounds with this amendment would reduce interstate pavement surface life by at least 17 percent. When we consider the extraordinary effort that States are making to balance their budgets, the services they are now cutting out, and many State needs, to approve a measure which would decrease interstate pavement surface life by 17 percent is, indeed, a severe blow to every single Governor, every State legislature, and every taxpayer in the respective States.

The Illinois Department of Transportation estimates the resultant increases in interstate rehabilitation costs at $9 million annually. The total Federal funding available for Illinois rehabilitation programs amounts to only $7 million annually, and this is inadequate to cover even present needs.

The issue of truck lengths is extremely complex. There are many questions raised by Senator Melcher's amendment which require careful study: What are the safety effects of federally mandated increases in truck length? What about the trend of squeezing cab lengths to maximize trailer length within established overall length limits? These are questions which are vital to the health and safety of truck drivers and the motoring public. They are far too critical and complex to be decided on the Senate floor after a debate of relatively few minutes. They require the careful consideration of a committee with the appropriate expertise.

Mr. President, I should prefer to hold off this amendment until such time as the issue can be thoroughly studied by the appropriate committee and reported to the floor with a committee report. In the absence of such a study, I shall be compelled to vote against the amendment, even though I do favor that provision which has been incorporated by our distinguished colleague, Senator Packwood of Oregon. That amendment, involving truck width on the Interstate Highway System, only applies under very special circumstances. These circumstances include, first, the State undertaking and implementing results of traffic engineering studies on locations where wider vehicles would operate; second, State finding that 102 inches width permits are necessary for fuel-efficient movement of freight; and, third, the State finding that such permits will not negatively impact on highway safety.

Those are three binding commitments and conditions that create the circumstances, the special circumstances, that would trigger the Packwood amendment.

In 1964, a Commerce Department report entitled "Maximum Desirable Dimensions and Weights of Vehicles Operated on the Federal Aid System" recommended increasing interstate truck width limits to 102 inches. In addition, the American Association of State Highway and Transportation officials support 102-inch truck width limits on interstate systems.

It appears that the Packwood portion of this amendment would have no direct impact on highway safety. However, I must point this out: once 102-inch-wide trucks are allowed on interstate highways, there will be pressure on the States to allow these trucks to operate on narrower roads, which then might succeed in creating a more hazardous result. I certainly would want to take a very close look at what that impact would be.

It appears that Senator Packwood has attempted to make his amendment as restrictive as possible. If offered as a separate amendment, I could support it. If coupled with the pending amendment, which I think really requires greater study—and I am respectful of the deep study our distinguished colleague has put into this matter. He is knowledgeable in the field and I know that some interests in Illinois would strongly support his efforts. But, in view of the fact that a committee has not reported on this, in view of the fact that we are part way through a study by the Department of Transportation on this very issue, the Senator from Illinois would much prefer to have that study available and a report from the committee available before he votes on a matter that might have such a possible adverse impact on the highway system.

So I regretfully am forced to oppose this amendment.

Mr. MELCHER. Mr. President, I have taken note of the studies that have been mentioned. I had noticed one study will be completed in 1981 and another one will be completed in 1982. Meanwhile, we have the truckers having to use more fuel to go their roundabout routes to avoid the States where the limitations are less. Whether we accept the minimum or the lowest estimate of savings, which is 200 million gallons per year, that I have cited, or take the upper one, which is 875 million gallons saved in diesel fuel, either one of those figures is quite large. I should think that that speaks for itself on the need for the amendment.

I might point out that from one trucker strike to the next, this is always the hottest issue with the truckers. They have long asked for this. We have attempted to give it to them before. We have the opportunity today to go to a uniform length and width, and I hope the Senate can agree to the amendment.

The PRESIDING OFFICER. Who yields time?

The question is on agreeing to the amendment.

Mr. PRESSLER. Mr. President, I rise in support of Senator Melcher's amendment to establish uniform weights and lengths in the trucking industry

As a cosponsor of S. 1383, I am deeply concerned about the hardship to truckers, the inefficiences in our transportation system, and the wasted fuel caused by variances in truck weight and length limits in different States. In many cases, due to lower weight or length standards, truckers are forced to stop and unload or drive a circuitous route to avoid certain "iron curtain" States with lower limits. In the interests of efficient commerce and fuel conservation, we must establish uniform national weight and length standards.

This committee has heard testimony on this issue in past hearings. The Environment and Public Works Committee, on which I serve, also held hearings on this problem at my request and heard from many representatives of the trucking industry in support of S. 1383.

While the issue of truck weight and length standards falls within the jurisdiction of the Environment and Public Works Committee, I wish to express today my strong support for the effort to establish national limits.

Mr. President, I urge my colleagues to support Senator MELCHER's amendment.

● Mr. RIEGLE. Mr. President, I wish to express my support for the Melcher amendment to S. 1390, the Commercial Motor Vehicle Safety Act of 1979. This amendment would set national uniform standards for the weight and length of trucks passing over the Nation's highways. It is an important piece of legislation because it would more efficiently utilize presently unused truck capacity and save energy.

At present, the trucking industry must contend with the problem of "barrier States." This effectively produces a barrier to trucks attempting to carry loads across the country because a truck must carry a lighter load at the time it crosses the border of a barrier State. This is a counterproductive practice, especially at a time when energy conservation is an important concern for all of us. One effect of the proposed amendment would be to provide an energy savings to the Nation by utilizing previously unused capacity in the trucking industry. A uniform national standard of 80,000 gross pounds overall would be set, with a length limit of at least 65 feet. The net effect of this action would be a more reasonable standard nationwide allowing a more efficient use of truck capacity and an easier passage from State to State, eliminating the confusion involved in the present archaic method which allows certain States to set limits below reasonable levels. The benefits of a uniform national standard for truck weight and length are apparent.

It has been our experience in Michigan that highways can withstand heavier load levels and that allowing these heavier levels does not result in a reduction in safety. At a time when efficient use of our resources is increasingly important, I consider the Melcher amendment to be in the national interest.●

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SEVERAL SENATORS. Vote!

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana.

The amendment (UP No. 987) was agreed to.

Mr. MELCHER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PACKWOOD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

● Mr. CULVER. Mr. President, while I will not support the pending legislation for reasons I will make clear in this statement, I wish to restate my support for Federal legislation which will raise the minimum standards for truck weights and lengths along the Interstate Highway System to 80,000 lbs. and 60 feet during fuel emergencies. Such legislation will conserve fuel and protect truckers against precipitous increases in the cost of doing business during severe fuel shortages.

However, I am concerned about immediately raising the mandatory Federal minimum weight to 80,000 pounds on a permanent basis, as the pending bill would do. Currently, the administration is conducting a study, to be forwarded to Congress by the beginning of next January, on whether the minimum weight standard should be permanently raised. A second cost allocation study to assess how to fairly amend the trust fund in order to pay for the added wear on the Interstate System if heavier trucks are permitted is also under way. The Interstate System is already wearing out more quickly than we can complete the last new sections, and maintenance costs will continue to rapidly escalate in subsequent years. There is growing concern as to whether anticipated trust fund revenues will be adequate to meet these cost increases, and it is necessary for the Congress to be able to gage the additional revenue needs posed by heavier trucks in order to assure the continued integrity of the Highway Trust Fund. For these reasons it would be premature to enact this amendment now.

I want to reiterate my support for raising the Federal truck minimum to 80,000 pounds during fuel emergencies. I have introduced legislation to accomplish this and hearings have been conducted by the Transportation Subcommittee of the Senate Committee on the Environment and Public Works. I will continue to work for prompt congressional enactment of this measure, and urge the administration to accelerate the completion of its pending studies as quickly as possible so that Congress will have the data and information required to decide whether to raise the Federal truck weight standard permanently.●

Mr. EXON. Mr. President, as far as I know, there are no further amendments pending, or to be considered. As we proceed to third reading, I ask for the yeas and nays on final passage of S. 1390.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. EXON. Mr. President, I know of no further amendments.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendments to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill, as amended, pass? The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from New Jersey (Mr. BRADLEY), the Senator from Ohio (Mr. GLENN), the Senator from Alaska (Mr. GRAVEL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Maryland (Mr. SARBANES), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia (Mr. RANDOLPH) and the Senator from Ohio (Mr. GLENN) would each vote "yea."

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Kansas (Mr. DOLE), the Senator from New Hampshire (Mr. HUMPHREY), the Senator from New York (Mr. JAVITS), the Senator from Kansas (Mrs. KASSEBAUM), and the Senator from South Dakota (Mr. PRESSLER) are necessarily absent.

The PRESIDING OFFICER (Mr. BUMPERS). Is there any other Senator in the Chamber who wishes to vote?

The result was announced—yeas 69, nays 16, as follows:

[Rollcall Vote No. 43 Leg.]

YEAS—69

Armstrong
Baucus
Bayh
Bellmon
Bentsen
Biden
Boren
Boschwitz
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Church
Cochran
Cohen
Cranston
Danforth
DeConcini
Domenici
Durenberger
Durkin
Exon
Ford
Goldwater
Hart
Hatfield
Hayakawa
Heflin
Helms
Hollings
Huddleston
Inouye
Jackson
Jepsen
Johnston
Laxalt
Levin
Long
McClure
Magnuson
Matsunaga
Melcher
Metzenbaum
Morgan
Moynihan
Nunn
Packwood
Pell
Percy
Ribicoff
Riegle
Sasser
Schweiker
Simpson
Stevens
Stevenson
Stewart
Stone
Talmadge
Thurmond
Tower
Tsongas
Wallop
Warner
Weicker
Williams
Young
Zorinsky

NAYS—16

Bumpers
Chafee
Culver
Eagleton
Garn
Hatch
Heinz
Leahy
Lugar
Mathias
Nelson
Proxmire
Pryor
Roth
Schmitt
Stafford

NOT VOTING—15

Baker
Bradley
Dole
Glenn
Gravel
Humphrey
Javits
Kassebaum
Kennedy
McGovern
Muskie
Pressler
Randolph
Sarbanes
Stennis

So the bill (S. 1390) was passed, as follows:

S. 1390

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this

Act may be cited as the "Commercial Motor Vehicle Safety Act of 1980".

FINDINGS

SEC. 2. The Congress finds—

(1) that it is in the public interest to enhance commercial motor vehicle safety and thereby to reduce highway fatalities, injuries, and property damage;

(2) that improved commercial motor vehicle safety measures and strengthened enforcement would reduce the number of fatalities and injuries, and the level of property damage related to commercial motor vehicle operations;

(3) that enhanced protection of the health of commercial motor vehicle operators is in the public interest; and

(4) that interested State governments can provide valuable assistance to the Federal Government in assuring that commercial motor vehicle operations are conducted safely and healthfully.

PURPOSE

SEC. 3. It is declared to be the purpose of this Act to promote the safe operation of commercial motor vehicles in or affecting interstate commerce, to minimize dangers to the health of operators of commercial motor vehicles when operating such vehicles, and to assure increased compliance with the commercial motor vehicle safety and health rules, regulations, standards, and orders issued pursuant to this Act.

TITLE I—COMMERCIAL MOTOR VEHICLE SAFETY

DEFINITIONS

SEC. 101. For purposes of this title, the term—

(1) "commerce" means trade, traffic, or transportation within the jurisdiction of the United States between a place in a State and a place outside of such State, or which affects trade, traffic, or transportation between a place in a State and a place outside of such State;

(2) "commercial motor vehicle" means any self-propelled or towed vehicle used on the highways in commerce principally to transport passengers or cargo—

(A) if such vehicle has a gross vehicle weight rating of 10,000 or more pounds;

(B) if such vehicle is designed to transport more than 10 passengers, including the driver; or

(C) if such vehicle is used in the transportation of materials found by the Secretary to be hazardous for the purposes of the Hazardous Materials Transportation Act, as amended (49 U.S.C. 1801 et seq.);

(3) "employee" means—

(A) a driver of a commercial motor vehicle (including an independent contractor while in the course of personally operating a commercial motor vehicle);

(B) a mechanic;

(C) a freight handler; or

(D) any individual other than an employer; who is employed by a commercial motor carrier and who in the course of his employment directly affects commercial motor vehicle safety, but such term does not include an employee of the United States, any State, or a political subdivision of a State who is acting within the course of such employment;

(4) "employer" means any person engaged in a business affecting commerce who owns or leases a commercial motor vehicle in connection with that business, or assigns employees to operate it in commerce, but such term does not include the United States, any State, or a political subdivision of a State;

(5) "person" means one or more individuals, partnerships, associations, corporations, business trusts, or any other organized group of individuals;

(6) "Secretary" means the Secretary of Transportation; and

(7) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, or the Commonwealth of the Northern Marianas.

DUTIES

SEC. 102. Each employer and employee shall comply with the safety and health rules, regulations, standards, and orders issued pursuant to this title which are applicable to his own actions and conduct.

REGULATORY AUTHORITY AND STANDARDS

SEC. 103. (a) The Secretary shall establish and revise such rules, regulations, standards, and orders as may be necessary in order to further the purpose of this Act. The Secretary shall where practicable consider costs and benefits before revising existing rules, regulations, standards, and orders or before promulgating new rules, regulations, standards, or orders. Such rules, regulations, standards, and orders shall be directed toward assuring that—

(1) commercial motor vehicles are safely maintained, equipped, loaded, and operated;

(2) the responsibilities imposed upon drivers of commercial motor vehicles do not impair a driver's ability to operate safely;

(3) the physical condition of drivers of commercial motor vehicles is adequate to enable them to drive safely; and

(4) the operation of commercial motor vehicles does not create deleterious effects on the physical condition of such drivers.

(b) (1) The Secretary shall promulgate any such rule or regulation within a period of 1 year after the date of commencement of any proceeding respecting such rule or regulation. If the Secretary determines that any such promulgation will not be completed within such time period, the Secretary shall immediately notify the Congress and shall furnish the reasons for the delay, information regarding the resources assigned, and the projected completion date, for any such proceeding. If such rule or regulation has not been promulgated within 1 year after the date of the commencement of any proceeding with respect to such rule or regulation, the Secretary shall supply the Congress with current data regarding the information specified in the preceding sentence, and shall provide the Congress with such information at the end of every 60-day period thereafter during which the proceeding remains incomplete.

(2) All rules, regulations, standards, and orders issued under this section shall be promulgated in accordance with section 553 of title 5, United States Code (without regard to sections 556 and 557 of such title), except that the time periods specified in paragraph (1) of this subsection shall apply to such promulgation.

(c) The Secretary may waive in whole or in part application of any rule, regulation, standard, or order established under this section with respect to any person or class of persons if he determines that such waiver is in the public interest and is consistent with the safe operation of commercial motor vehicles. Any waiver permitted under this subsection shall be published in the Federal Register, together with the reasons for such waiver. Any final agency action taken under this section is subjected to judicial review as provided in chapter 7 of title 5, United States Code.

(d) The Secretary and the Director of the National Institute for Occupational Safety and Health shall, in consultation with the Secretary of Labor, undertake a study of health hazards to which employees engaged in the operation of commercial motor vehicles are exposed, and shall develop such materials and information as are necessary to enable such employees to carry out their employment in a place and manner free from recognized hazards that are causing or are likely to cause death or serious physical harm. The study shall include recommendations regarding the most appropriate method for regulating and protecting the health of operators of commercial motor vehicles. Such study shall be submitted to the Congress within 1 year after the date of enactment of this title.

(e) The Secretary, the Director of the National Institute for Occupational Safety and Health, and the Secretary of Labor shall coordinate their activities to insure adequate protection of the safety and health of operators of commercial motor vehicles. Such Secretaries and Director shall attempt to minimize paperwork burdens, to assure maximum coordination, and to avoid overlap or the imposition of undue burdens on persons subject to such rules, regulations, standards, and orders.

GENERAL POWERS

SEC. 104. (a) The Secretary is authorized to conduct, directly or indirectly, such research, development, demonstrations, and training activities as are considered appropriate to develop rules, regulations, standards, and orders authorized to be promulgated under section 103 of this title, to design and develop improved enforcement procedures and technologies, and to familiarize affected persons with such rules, regulations, standards, and orders.

(b) In carrying out his functions under this title, the Secretary is authorized to perform such acts including conducting investigations and inspections, compiling statistics, making reports, issuing subpenas, requiring production of documents, records, and property, taking depositions, holding hearings, prescribing recordkeeping and reporting requirements, and carrying out and contracting for such research, development, testing evaluation, and training as he determines necessary to carry out the provisions of this title, or rules, regulations, standards, or orders issued pursuant thereto. With respect to the provisions of this title, if the Secretary approves a plan pursuant to section 111 of this title, the Secretary may delegate to a State such functions respecting the enforcement (including investigations) of the provisions of this title or rules, regulations, standards, or orders issued pursuant thereto as he determines appropriate to carry out the provisions of this title.

INSPECTIONS AND WARRANTS

SEC. 105. (a) (1) To carry out the Secretary's responsibilities under this title, agents of the Secretary are authorized to enter upon, inspect, and examine facilities, equipment, operations, and pertinent records without advance notice, in accordance with the provisions of paragraph (2) of this subsection. Any such agent of the Secretary shall display proper credentials when requested and may consult with employers and employees and their duly authorized representatives, and shall offer them a right of accompaniment.

(2) (A) A warrant under this paragraph shall be required for any entry or administrative inspection (including impoundment of motor vehicles or motor vehicle equipment) authorized by this section, except if such entry or inspection is—

(i) with the consent of the employer or agent of the employer in charge of the business, establishment, or premises;

(ii) in situations involving inspection of motor vehicles where there is reasonable cause to believe that the mobility of the motor vehicle makes it impractical to obtain a warrant;

(iii) in any other exceptional or emergency circumstance where time or opportunity to apply for a warrant is lacking;

(iv) for access to and examination of books, records, and any other documentary evidence which can be easily altered, manufactured, or falsified; and

(v) in any other situations where a warrant is not constitutionally required.

(B) Issuance and execution of administrative inspection warrants shall be as follows:

(i) Any judge of the United States or of a State court of record, or any United States magistrate, may, within his territorial jurisdiction, and upon proper oath or affirmation showing probable cause, issue warrants for the purpose of conducting administrative inspections authorized by this section and of impoundment of motor vehicles or motor vehicle equipment appropriate to such inspections. For the purposes of this section, the term "probable cause" means a valid public interest in the effective enforcement of this title, or rules, regulations, standards, or orders issued thereunder sufficient to justify administrative inspections of the area, establishment, premises, records, or motor vehicles, or contents thereof, in the circumstances specified in the application for the warrant.

(ii) A warrant shall be issued only upon an affidavit of an officer, or representative of the Secretary having knowledge of the facts alleged, sworn to before the judge or magistrate and establishing the grounds for issuing the warrant. If the judge or magistrate is satisfied that grounds for the application exist or that there is a reasonable basis for believing they exist, he shall issue a warrant identifying the area, establishment, premises, or motor vehicle to be inspected, the purpose of such inspection, and, where appropriate, the type of property to be inspected, if any. The warrant shall—

(I) identify the items or type of property to be impounded, if any;

(II) be directed to a person authorized under this section to execute it;

(III) state the grounds for its issuance and the name of the person or persons whose affidavit has been taken in support thereof;

(IV) command the person to whom it is directed to inspect the area, establishment, premises, records, or motor vehicle identified for the purpose specified, and where appropriate, shall direct the impoundment of the property specified;

(V) direct that it be served during the hours specified in it; and

(VI) designate the judge or magistrate to whom it shall be returned.

(iii) A warrant issued pursuant to this section must be executed and returned within 10 days of its date unless, upon a showing by the Secretary of a need therefor, the judge or magistrate allows additional time in the warrant. If property is impounded pursuant to a warrant, the person executing the warrant shall give the person from whom or from whose premises the property was taken a copy of the warrant and a receipt for the property taken or shall leave the copy and receipt at the place from which the property was taken. The return of the warrant shall be made promptly and shall be accompanied by a written inventory of any property taken. The inventory shall be made in the presence of the person executing the warrant and of the person from whose possession or premises the property was taken, if they are present, or in the presence of at least one credible person other than the person making such inventory, and shall be verified by the person executing the warrant. The judge or magistrate, upon request, shall deliver a copy of the inventory to the person from whom or from whose premises the property was taken and the applicant for the warrant.

(iv) The judge or magistrate who has issued a warrant under this section shall attach to the warrant a copy of the return and all papers filed in connection therewith and shall file them with the clerk of the district court of the United States for the judicial district in which the inspection was made.

DUTY TO INVESTIGATE COMPLAINTS; PROTECTION OF COMPLAINANTS

SEC. 106. (a) The Secretary shall timely investigate any nonfrivolous written complaint alleging that a material violation of any rule, regulation, standard, or order issued under this title is occurring or has occurred within the preceding 60 days. The complainant shall be timely notified of findings resulting from such investigation. The Secretary shall not be required to conduct separate investigations of duplicative complaints.

(b) Notwithstanding the provisions of section 552 of title 5, United States Code, the Secretary shall not disclose the identity of complainants unless it is determined that such disclosure is necessary to prosecute a violation. If disclosure becomes necessary, the Secretary shall take every practical measure within his authority to assure that the complainant is not subject to harassment, intimidation, disciplinary action, discrimination, or financial loss as a result of such disclosure.

PENALTIES

SEC. 107. (a) If the Secretary finds that a violation of this title has occurred, the Secretary shall issue a written notice to the violator. Such notice shall describe with reasonable particularity the nature of the violation found and the provision which has been violated. The notice shall fix a reasonable time for abatement of the violation, specify the appropriate civil penalty, if any, and specify the actions which the Secretary proposes to be taken in order to avoid subsequent similar violations. The notice shall indicate that the violator may, within 15 days of service, notify the Secretary of his intention to contest the matter. In the event of a contested notice, the Secretary shall afford such violator an opportunity for a hearing, pursuant to section 554 of title 5, United States Code, following which the Secretary shall issue an order affirming, modifying, or vacating the notice of violation.

(b) Except as hereinafter provided, any person who is determined by the Secretary to have committed an act which is a violation of recordkeeping requirements issued by the Secretary pursuant to this title shall be liable to the United States for a civil penalty not to exceed $500 for each offense. Each day of a violation shall constitute a separate offense, except that the total of all civil penalties assessed against any violator for all offenses relating to any single recordkeeping violation shall not exceed $10,000. If the Secretary determines that a substantial health or safety violation exists or has occurred which could reasonably lead to, or has resulted in, serious personal injury or death, he may assess a civil penalty not to exceed $10,000 for each offense: *Provided, however*, That except for recordkeeping violations, no civil penalty provided under this Act shall be assessed against an employee for violations of this Act unless the employee is an operator of a commercial motor vehicle and the Secretary determines that such employee's actions constituted gross negligence or reckless disregard for safety, in which case such employee shall be liable for a civil penalty not to exceed $1,000. The amount of any civil penalty, and a reasonable time for abatement of the violation, shall by written order be determined by the Secretary, taking into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the violation, the degree of culpability, history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice and public safety may require. In each case, the assessment shall be calculated to induce further compliance.

(c) The Secretary may require any violator served with a notice of violation to post a copy of such notice or statement thereof in such place or places and for such duration as the Secretary may determine appropriate to aid in the enforcement of this title.

(d) If, upon inspection or investigation, the Secretary determines that a violation, or combination of violations, poses an imminent hazard to safety, the Secretary shall order a vehicle or employee operating such vehicle out of service or order an employer to cease all or part of his commercial motor vehicle operations. In making any such order, the Secretary shall impose no restriction on any employee or employer beyond that required to abate the hazard. Subsequent to the issuance of such order, opportunity for review shall be provided in accordance with section 554 of title 5, United States Code, except that such review shall occur not later than 10 days following issuance of such order.

(e) Any person other than an employee who knowingly and willfully violates any provision of this Act or who knowingly and willfully makes any false statement or representation required under this Act shall, upon conviction, be subject for each offense to a fine not to exceed $25,000 or imprisonment for a term not to exceed 1 year, or both: *Provided, however*, That if such violator is an employee he shall only be subject to penalty if while operating a commercial motor vehicle his activities have led or could have led to death or serious injury, in which case he shall be liable, upon conviction, for a fine not to exceed $2,500.

(f) The Secretary shall promulgate regulations establishing penalty schedules designed to induce timely compliance for persons failing to comply promptly with the requirements set forth in notices and orders.

(g) Any aggrieved person who, after a hearing, is adversely affected by a final order issued under this section may, within 30 days, petition for review of the order in the United States court of appeals in the circuit wherein the violation is alleged to have occurred or where he has his principal place of business or residence, or in the United States Court of Appeals for the District of Columbia Circuit. Review of the order shall be based on a determination of whether the Secretary's findings and conclusions were supported by substantial evidence, or otherwise not in accordance with law. No objection that has not been urged before the Secretary shall be considered by the court, unless reasonable grounds existed for failure or neglect to do so. The commencement of proceedings under this subsection shall not, unless ordered by the court, operate as a stay of the order of the Secretary.

(h) The Secretary may obtain enforcement, including injunctive relief, of any penalties or orders issued under this section by applying to the United States district court for the district where the violation occurred or where the cited party has his principal place of business or residence. In addition to granting enforcement, the district court may assess an appropriate penalty for noncompliance and award such further relief as justice and public safety may require.

(i) All penalties and fines imposed under this section shall be deposited into the Treasury as miscellaneous receipts.

(j) In any action brought under this section, subpenas for witnesses who are required to attend a United States district court may run into any other district.

(k) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this section, trial shall be by the court, or, upon demand of the accused, by a jury, conducted in accordance with the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

REPRESENTATION BEFORE THE COURTS

SEC. 108. Except as provided in section 518 (a) of title 28, United States Code, relating to litigation before the Supreme Court, the General Counsel of the Department of Transportation may appear for and represent the

Secretary in all proceedings and in any civil litigation brought under this title. Prior to making any such appearance and representation, the General Counsel of the Department of Transportation shall consult with and inform the Attorney General of the United States of his activities pursuant to this section.

PROTECTION OF EMPLOYEES

SEC. 109. (a) No person shall discharge, discipline, or in any manner discriminate against any employee with respect to the employee's compensation, terms, conditions, or privileges of employment because such employee (or any person acting pursuant to a request of the employee) has filed any complaint or instituted or caused to be instituted any proceeding under or related to this title or other authorities of the Secretary relating to commercial motor vehicle safety, or has testified or is about to testify in any such proceeding, or because such employee has exercised, on behalf of himself or others, any right afforded by this Act.

(b) No person shall discharge, discipline, or in any manner discriminate against an employee with respect to the employee's compensation, terms, conditions, or privileges of employment for refusing to operate a vehicle when such operation constitutes a violation of any Federal rules, regulations, standards, or orders applicable to commercial motor vehicle safety or health, or because of the employee's reasonable apprehension of serious injury to himself or the public due to the unsafe condition of such equipment. The unsafe conditions causing the employee's apprehension of injury must be of such nature that a reasonable person, under the circumstances then confronting the employee, would conclude that there is a bona fide danger of an accident, injury, or serious impairment of health, resulting from the unsafe condition. In order to qualify for protection under this subsection, the employee must have sought from his employer, and have been unable to obtain, correction of the unsafe condition.

(c) (1) Any employee who believes he has been discharged, disciplined, or otherwise discriminated against by any person in violation of subsection (a) or (b) of this section may, within 180 days after such alleged violation occurs, file (or have filed by any person on the employee's behalf) a complaint with the Secretary of Labor alleging such discharge, discipline, or discrimination. Upon receipt of such a complaint, the Secretary of Labor shall notify the person named in the complaint of the filing of the complaint.

(2) (A) Within 60 days of receipt of a complaint filed under paragraph (1) of this subsection, the Secretary of Labor shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify the complainant and the person alleged to have committed a violation of this section of his findings. Where the Secretary of Labor has concluded that there is reasonable cause to believe that a violation has occurred, he shall accompany his findings with a proposed order providing the relief prescribed by subparagraph (B) of this paragraph. Thereafter, either the person alleged to have committed the violation or the complainant may, within 30 days, file objections to the proposed order and request a hearing on the record. Such hearings shall be expeditiously conducted. Where a hearing is not timely requested, the proposed order shall be deemed a final order which is not subject to judicial review. Upon the conclusion of such hearing, the Secretary of Labor shall issue a final order within 120 days. In the interim, such proceedings may be terminated at any time on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the person alleged to have committed the violation.

(B) If, in response to a complaint filed under paragraph (1) of this subsection, the Secretary of Labor determines that a violation of subsection (a) or (b) of this section has occurred, the Secretary of Labor shall order (i) the person who committed such violation to take affirmative action to abate the violation, (ii) such person to reinstate the complainant to the complainant's former position together with the compensation (including back pay), terms, conditions, and privileges of the complainant's employment, (iii) compensatory damages, and (iv) where appropriate, exemplary damages. If such an order is issued, the Secretary of Labor, at the request of the complainant, may assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorney's fees) reasonably incurred, as determined by the Secretary of Labor, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

(d) (1) Any person adversely affected or aggrieved by an order issued after a hearing under subsection (c) of this section may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred, or the circuit in which such person resided on the date of such violation. The petition for review must be filed within 60 days from the issuance of the Secretary of Labor's order. Such review shall be in accordance with the provisions of chapter 7 of title 5, United States Code, and shall be heard and decided expeditiously.

(2) An order of the Secretary of Labor, with respect to which review could have been obtained under this section, shall not be subject to judicial review in any criminal or other civil proceeding.

(e) Whenever a person has failed to comply with an order issued under subsection (c) (2) of this section, the Secretary of Labor shall file a civil action in the United States district court for the district in which the violation was found to occur in order to enforce such order. In actions brought under this subsection, the district courts shall have jurisdiction to grant all appropriate relief, including injunctive relief, reinstatement, and compensatory and exemplary damages. Civil actions brought under this subsection shall be heard and decided expeditiously.

GRANTS TO STATES

SEC. 110. Under the terms and conditions of this title, and subject to the availability of funds, the Secretary is authorized to make grants to States for the development or implementation of programs for the enforcement of Federal rules, regulations, standards, and orders applicable to commercial motor vehicle safety and compatible State rules, regulations, standards, and orders.

STATE ENFORCEMENT

SEC. 111. (a) (1) The Secretary shall formulate procedures for any State to submit a plan whereby the State agrees to adopt, and to assume responsibility for enforcing, rules, regulations, standards, and orders in compliance with this title. Such plan shall be approved by the Secretary if, in his judgment, the plan is adequate to promote the objectives of this title, and the plan—

(A) designates the State motor vehicle safety agency responsible for administering the plan throughout the State;

(B) contains satisfactory assurances that such agency has or will have the legal authority, resources, and qualified personnel necessary for the enforcement of such rules, regulations, standards, and orders;

(C) gives satisfactory assurances that such State will devote adequate funds to the administration of such plan and enforcement of such rules, regulations, standards, and orders;

(D) provides a right of entry and inspection sufficient to enforce the provisions of this title;

(E) provides civil penalty procedures, rights, and remedies comparable to those set forth in section 107 of this title;

(F) provides that all reports required pursuant to this title be submitted to the State agency, and that such agency make available upon request to the Secretary all such reports;

(G) provides that such State agency will adopt such uniform reporting requirements and use such uniform forms for recordkeeping, inspections, and investigations as may be established and required by the Secretary; and

(H) requires registrants of commercial motor vehicles to make a declaration of knowledge of applicable Federal and State safety rules, regulations, standards, and orders.

(2) If a plan submitted under paragraph (1) of this subsection is rejected, the Secretary shall provide the State a written explanation of his action and shall permit the State to modify and resubmit its proposed plan for approval, in accordance with the procedures formulated in such paragraph.

(b) The Secretary shall, on the basis of reports submitted by the State agency, and on his own inspections, make a continuing evaluation of the manner in which each State with a plan approved under this section is carrying out such plan. Whenever the Secretary finds, after affording due notice and opportunity for comment, that a State plan previously approved is not being followed or that it has become inadequate to assure the enforcement of rules, regulations, standards, or orders issued under this title, he shall notify the State of withdrawal of approval of such plan. Upon receipt of such notice, such plan shall cease to be in effect. Any State aggrieved by a determination of the Secretary pursuant to this subsection may seek judicial review pursuant to chapter 7 of title 5, United States Code. The State may, however, retain jurisdiction in any case commenced before the withdrawal of the plan whenever the issues involved do not directly relate to the reasons for the withdrawal of approval of the plan.

(c) The Secretary shall not approve any plan under this section which does not provide that the aggregate expenditure of funds of the State and political subdivisions thereof, exclusive of Federal funds, for commercial motor vehicle safety programs will be maintained at a level which does not fall below the average level of such expenditures for its last 2 full fiscal years preceding the date of enactment of this Act.

STATE REGULATIONS

SEC. 112. (a) Except as may otherwise be provided in this or any other law, any State agency may adopt additional or more stringent safety rules, regulations, standards, or orders for commercial motor vehicle safety if such rules, regulations, standards, or orders are not inconsistent with the Federal rules, regulations, standards, and orders issued under this title.

(b) Nothing in this Act shall affect existing hour-of-service regulations of any State applying to commercial motor vehicle operations occurring wholly within that State, unless the Secretary affirmatively finds upon review of a State's hours-of-service regulations that such regulations (1) materially diminish commercial motor vehicle safety or the health and safety of employees, (2) are not required by compelling local conditions, or (3) unduly burden interstate commerce. If the Secretary makes such an affirmative determination, he may require such State to adopt Federal hours-of-service regulations.

FEDERAL SHARE OF COSTS

SEC. 113. By grants authorized under this title, the Secretary shall reimburse any State an amount not to exceed 80 per centum of the costs incurred by that State in that fiscal year in the development and implementation of programs to enforce commercial motor vehicle rules, regulations, standards, or orders adopted pursuant to this title. The funds of the State and political subdivisions thereof which are required to be expended under section 111(c) of this title shall not be considered to be part of the non-Federal share. The Secretary is authorized to allocate, among the States whose applications for grants have been approved, those amounts appropriated for grants to support such programs pursuant to such criteria as may be established.

AUTHORIZATIONS

SEC. 114. To carry out the purposes of sections 110 and 111 of this title, there is authorized to be appropriated an amount not to exceed $50,000,000 in fiscal year 1981, not to exceed $100,000,000 in fiscal year 1982, and not to exceed $100,000,000 in fiscal year 1983. Appropriated funds authorized by this section shall be used to reimburse to States the Federal pro rata share of costs incurred. Grants made pursuant to the authority of this title shall be for periods not to exceed one fiscal year, ending at the end of a fiscal year.

ANNUAL REPORT

SEC. 115. (a) As part of the Secretary's annual report to the Congress required by section 12 of the Department of Transportation Act (49 U.S.C. 1658), the Secretary shall make a written report to the Congress concerning his efforts and his current plans to upgrade the safety and health of operators of commercial motor vehicles. The report shall include, but not be limited to, an evaluation of commercial motor vehicle safety or health programs of the Department of Transportation, an outline of problem areas and appropriate steps to alleviate them, and recommendations for closer coordination and cooperation among agencies of the Federal Government and between the Federal Government and the States to enforce the rules, regulations, standards, and orders issued pursuant to this title.

(b) Within 12 months after the date of enactment of this title, the Secretary shall prepare and transmit to the Congress a written report concerning the advisability of establishing a national commercial driver register to upgrade commercial motor vehicle safety through improved monitoring of traffic violations and accidents and of multiple State licensing. In the event the Secretary recommends the establishment of such a register, within 60 days after the submission of his report to Congress he shall publish in the Federal Register a Notice of Proposed Rulemaking describing the operation of a program to demonstrate the utilization of such a register.

APPLICABILITY

SEC. 116. Nothing in this title shall apply to the operation of any vehicles engaged in farming activities and logging operations as defined by the Secretary.

COMMERCIAL MOTOR VEHICLE SAFETY ADVISORY COMMITTEE

SEC. 117. (a) (1) Not later than 12 months after the date of enactment of this Act, the Secretary shall establish a Commercial Motor Vehicle Safety Advisory Committee and appoint the initial members of the Committee. The Committee shall be composed of the Secretary and 15 members, each of whom shall be experienced in the safety regulation of commercial motor vehicles or technically qualified by training, experience or knowledge to evaluate commercial motor vehicle rules or regulations. The Committee shall be appointed by the Secretary, after consultation with public and private agencies and organizations concerned with commercial motor vehicle safety. Members shall include representatives of State governments, the motor carrier industry, shippers, union drivers and independent owner-operators, and the public.

(2) A Chairman shall be selected by a majority of the members of the Committee.

(3) Each member appointed by the Secretary shall hold office for a term of 3 years, except that (A) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; (B) the terms of office of members first taking office after the date of enactment of this Act shall expire as follows: Five at the end of 1 year after the date such Committee members are appointed by the Secretary; five at the end of 2 years after the date such Committee members are appointed by the Secretary; and five at the end of 3 years after the date such Committee members are appointed, as designated by the Secretary of the time of appointment; and (C) the term of any member shall be extended until the date on which the successor's appointment is effective. None of the members appointed by the Secretary who has served a 3-year term, other than Federal officers or employees, shall be eligible for reappointment within 1 year following the end of his preceding term.

(4) Members of the Committee other than Federal employees may be compensated at a rate to be fixed by the Secretary, but not to exceed the daily equivalent of the maximum annual rate of basic pay then currently payable under the General Schedule under section 5332 of title 5, United States Code, for each day (including traveltime) when engaged in the actual duties of the Committee. All members, while away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently. Payments under this section shall not render members of the Committee employees or officials of the United States for any purpose.

(b) The Advisory Committee shall advise, consult with, and make recommendations to the Secretary on matters relating to the activities and functions of the Department in the field of commercial motor vehicle safety. The Committee is authorized to review research projects or programs submitted to or recommended by it in the field of commercial motor vehicle safety and recommend to the Secretary any such projects which it believes show promise of making valuable contributions to human knowledge with respect to the cause and prevention of commercial motor vehicle accidents. The Committee is also authorized to review, prior to issuance, rules, regulations, standards, and orders proposed to be issued by order of the Secretary under the provisions of this title and to make recommendations thereon. Such recommendations shall be published in connection with the Secretary's determination or order.

(c) The Committee shall meet with the Secretary (or his designee) at least once every year.

ESTABLISH UNIFORM NATIONAL STANDARDS FOR WEIGHT AND LENGTH OF VEHICLES

SEC. 118. Section 127 of title 23, United States Code, is amended by adding the following at the end thereof: "No State may enact or enforce any law denying reasonable access to and from the Interstate System on roads providing access between the Interstate System and terminals and facilities for food, fuel, repairs and rest. Notwithstanding any other provision in this section, no State may enact or enforce any law regarding the Interstate and Defense Highways which provides a gross maximum overall weight limit of less than eighty thousand pounds and less than twenty thousand pounds per single axle and thirty-four thousand pounds per tandem up to a gross overall weight limit of eighty thousand pounds, nor may any State enact or enforce any law which provides a gross overall length limit of less than sixty-five feet (excluding length required by energy conservation devices and/or designs) for tractor, semitrailer and other motor vehicle combinations and receive its apportionment of funds authorized to be appropriated for any fiscal year under section 108(b) of the Federal-Aid Highway Act of 1956 nor shall the Secretary of Transportation approve any project under section 106 in any such State. Notwithstanding any limitation relating to vehicle widths contained in this section a State may permit trucks or combinations thereof having a width up to 102 inches to operate over interstate highways with traffic lanes designed to be of a width of 12 feet or more under special permit authority if the State undertakes and implements the results of traffic engineering studies at locations where such vehicles will operate. Such studies shall consider remedial responses required to enhance safety such as the need for advisory speed and other signing, reduced speed limits, and warning of potential hazards due to high winds. States shall issue such special permit authority for a period of one year and only upon finding, that such width is necessary for fuel efficient movement of freight and that the granting of such permit will not negatively impact highway safety.".

TITLE II—SAFETY ASPECTS OF FIT, WILLING, AND ABLE DETERMINATIONS

SAFETY ASPECTS OF FIT, WILLING, AND ABLE DETERMINATIONS

SEC. 201. (a) Subchapter II of chapter 109 of title 49, United States Code, is amended by adding at the end thereof the following new section:

"§ 10934. Safety aspects of fit, willing, and able determinations.

"(a) (1) In making any determination under this subchapter as to whether a person is fit, willing, and able to provide transportation or other services, the Commission shall seek the advice of the Secretary of Transportation (hereinafter in this section referred to as the 'Secretary') with regard to the safety-related aspects of any such determinations. The Commission may not authorize a person to provide transportation or other services if the Secretary determines that, as to the safety-related aspects of such determinations, that person is not fit, willing, and able to provide those services, and the Commission may not deny a person authority to provide transportation or other services on the basis of considerations within the authority of the Secretary under this section, except when the Secretary determines that such person is, as to safety-related matters, not fit, willing, and able to provide those services.

"(2) The Secretary shall advise the Commission of his determinations with regard to the safety-related aspects of fit, willing, and able determinations in accordance with the provisions of this section.

"(3) Nothing in this section shall apply to fit, willing, and able determinations by the Commission regarding the authority of a person to provide transportation or other services as a broker or water carrier.

"(b) In the case of applications to the Commission for new or additional authority, the determinations of the Secretary with regard to the safety-related aspects of fit, willing, and able determinations shall be provided to the Commission as follows:

"(1) Immediately upon receipt of an application under this subchapter for authority to provide transportation or other services, the Commission shall forward to the Secretary a copy of such application.

"(2) Within 60 days of receipt of the application by the Commission, the Secretary shall notify the Commission as to whether, as to matters related to safety, the Secretary determines the applicant fit, willing, and able to provide the transportation or other services in question. Within such 60-day period, if the Secretary is unable to make such determination, he may notify the Commission that he will require an additional period, not to exceed 20 days, to make such determination. Failure by the Secretary to reply to the Commission within 60 days of receipt of the application by the Commission or, in the case where an extension of time has been secured, within 80 days of receipt of the application by the Commission, shall be construed as a determination by the Secretary that, with regard to safety, the applicant is fit, willing, and able.

"(3) The applicant, the Commission, and other interested persons may submit information and recommendations to the Secretary as to whether, with regard to safety-related matters, the applicant should be considered fit, willing, and able to provide services. If any relevant fact material to the determination of the safety-related aspects of whether the applicant should be considered fit, willing, and able to provide services is in dispute, and resolution of that fact would be aided by the taking of evidence under oath with opportunity for cross-examination, the Secretary may certify the dispute to an employee of the Department who shall have the power to administer oaths. Such employee shall conduct such proceedings as appropriate to resolve the dispute and shall recommend a finding to the Secretary. There shall be no interlocutory appeal of the finding of the Secretary as to the factual dispute.

"(4) After consultation with the Secretary, the Commission may authorize an applicant to provide transportation or other services on an emergency basis, for a period in advance of the Secretary's determination with regard to safety-related matters as to whether the applicant is fit, willing, and able to provide such services. No such authorization shall extend for a period of more than 80 days.

"(c)(1) In any case where a person is authorized to provide services under this subchapter, that person shall, with regard to safety-related matters, be deemed fit, willing, and able to provide such services until such time as the Secretary may determine that such person is, with regard to safety-related matters, no longer fit, willing, and able to provide those services. Except when the Secretary determines that the public safety requires the utilization of the authority provided in paragraph (2) of this subsection, determinations may be made under the authority of this subsection only after notice and opportunity for hearing, open to participation by all interested parties, pursuant to section 554 of title 5, United States Code. The Secretary may commence such hearing upon his own motion, or upon the request of an interested party, and shall conduct such a hearing upon the request of the Commission. When the Secretary determines that a person subject to the provisions of this paragraph is, with regard to safety-related matters, no longer fit, willing, and able to provide such services, the Secretary shall request the Commission to revoke, or to suspend all or part of the authority of that person to provide such services, and the Commission shall immediately order such revocation or suspension. Such request by the Secretary shall be accompanied by a brief written statement, to be issued by the Commission with its order, of the reasons for the Secretary's determination.

"(2) In any case where the Secretary determines that the continued provision of services by a person poses an imminent hazard to safety, the Secretary shall request the Commission to revoke, or to suspend all or part of, the authority of that person to provide such services, and the Commission shall immediately order such revocation or suspension, but only to the extent necessary to abate such hazard. Such request by the Secretary, to be binding on the Commission, shall be accompanied by a brief written statement, to be issued by the Commission with its order, supporting the issuance of the order. As used in this paragraph, an 'imminent hazard' exists when there is a substantial likelihood that serious harm will occur, as a result of the continued provision of services by a person, prior to the completion of an administrative hearing initiated to review whether, as regards safety-related matters, that person is fit, willing, and able to provide services.

"(3) Persons adversely affected by any order issued pursuant to paragraphs (1) and (2) of this subsection are entitled to a subsequent hearing pursuant to section 554 of title 5, United States Code, to be commenced by the Secretary within 10 days of issuance of the order.

"(d) Determinations by the Secretary as to whether an applicant is, with regard to safety-related matters, fit, willing, and able to provide services, may be reviewed in the United States court of appeals for the circuit in which the applicant has his principal place of business or residence, or in the United States Court of Appeals for the District of Columbia Circuit, if petition for review of such determination is filed within 30 days of such determination by the Secretary. Review of such determination by the Secretary shall consider only whether the determination was supported by substantial evidence or was otherwise not in accordance with law. No objection which was not urged before the Secretary or his designated agent in the course of administrative proceedings may be considered by the court, unless reasonable grounds existed for failure or neglect to do so.

"(e) The Secretary shall promulgate regulations establishing the basis for the Secretary's determinations with regard to the safety-related aspects of fit, willing, and able determinations. Such regulations may include the establishment of requirements bearing on the ability of an applicant to safely perform services, such as requirements that an applicant—

"(1) register with the Secretary, thereby providing notice of his intent to operate;

"(2) demonstrate knowledge of, agree to, and provide evidence, including accident and compliance histories and out-of-service ratios, of his ability to operate in compliance with all standards applicable to commercial motor vehicle safety promulgated by the Secretary, including hours of service rules, and including rules, regulations, standards, and orders promulgated pursuant to this title, the Department of Transportation Act (49 U.S.C. 1651 et seq.), and the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.);

"(3) carry such documentation as the Secretary may require;

"(4) carry adequate liability insurance or enter into comparable bonding arrangements;

"(5) designate an agent for service of process; and

"(6) carry and display vehicle identification in such form and manner as the Secretary may require.

The Secretary may also promulgate such regulations as the Secretary may determine appropriate to assist in the implementation of this section, including rules to require that applications filed with the Commission include such information as the Secretary may require to assist the Secretary in making determinations as to whether, with regard to safety-related matters, a person is fit, willing, and able to provide transportation or other services.".

(b)(1) Except as provided in paragraph (2) of this subsection, the provisions of this Act shall take effect on the date of enactment of this Act.

(2) The provisions of subsection (a) of this section shall take effect 180 days after the date of the enactment of this Act, and on such date, the provisions of section 4(e) of the Department of Transportation Act (49 U.S.C. 1653(e)), so far as they require the Secretary of Transportation to report to the Commission regarding the safety records of persons who would be subject to the provisions of subsection (a) of this section, are superseded.

(3) The general powers provided to the Secretary of Transportation in section 104 of this Act are available to the Secretary of Transportation in his implementation of section 10934 of title 49, United States Code.

(c) The index for subchapter II of chapter 109 of title 49, United States Code, is amended by adding at the end thereof the following new item:

"10934. Safety aspects of fit, willing, and able determinations.".

TITLE III—MISCELLANEOUS PROVISIONS

SAVINGS PROVISIONS

SEC. 301. All rules, regulations, standards, orders, or determinations issued under sections 204(a) (1), (2), (3), (3a), and (5) of part II of the Interstate Commerce Act or issued by the Secretary relating to commercial motor vehicle safety shall be continued under this Act until such time as they may be modified by the Secretary.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 302. (a) There are authorized to be appropriated to the Secretary of Transportation for fiscal year 1981 not to exceed $1,500,000, for purposes of carrying out the provisions of section 103(d) of this Act.

(b) There are authorized to be appropriated for fiscal year 1981 not to exceed $150,000, for purposes of carrying out the provisions of section 115(b) of this Act.

(c) There are authorized to be appropriated for each of the fiscal years 1981, 1982, and 1983 not to exceed $125,000, for purposes of carrying out the provisions of section 117 of this Act.

The title was amended so as to read:

A bill to promote highway safety, to reduce highway fatalities and injuries, to minimize property damage by encouraging the safe operation and maintenance of commercial motor vehicles, to minimize dangers to the health of operators when operating commercial motor vehicles, and for other purposes.

Mr. EXON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. PERCY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, for the information of Senators there will be no more rollcall votes today.

Mr. EAGLETON. Mr. President, I voted against final passage of S. 1390, because I object to unnecessary Federal preemption of a question previously left to the discretion of the States. The issue of truck weights is currently before the Missouri Legislature. It is the subject of heated questions over public safety and road maintenance costs. I just do not believe there is justification for the Federal Government to come barreling down the road with an 80,000-pound mandate of this kind. I would have thought that over the past years Washington might have learned something. It does not have all the answers and does not always know best.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business not to extend beyond 30 minutes and that Senators may speak therein up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REV. RAYMOND J. DE JAEGHER: "THUNDER ROARING FAR AWAY"

Mr. HELMS. Mr. President, today I wish to pay tribute to the memory of a great Christian and a great champion of freedom, the Reverend Raymond J. de Jaegher, who was called from this life on February 6, 1980. In the last 15 years, he had made many visits to Washington to give us the benefit of his unequaled knowledge of the political developments in the Far East, and he was widely known and respected on both sides of Capitol Hill. I would like to recount, very briefly, the facts of his astonishing life, career and ministry of 49 years in the service of the Lord.

Raymond de Jaegher was born in Courtrai, Belgium, on September 13, 1905. His father, a mining engineer, died a month before the outbreak of the First World War, and his mother, left with five young children, fled to England. The children remembered shivering with fear at the sight of the German Zeppelins, and they returned to Belgium in 1919 to find their family home totally destroyed. No doubt it was this early experience of the devastation of war that inspired in Father de Jaegher the abundance of compassion he was ever to show for refugees and victims of war in a life that was to see vast numbers of both.

As a young lad of 15, he happened to encounter his destiny in the person of a fellow Belgian, the Reverend Vincent Lebbe, who had been for many years a missionary of the Gospel in China. The imagination of the young Raymond caught fire from the zeal of Father Lebbe, as he labored tirelessly in Europe on behalf of Chinese students who had been stranded in France by the failure of a Chinese-French bank, a bank with close ties to the Communist Party in France.

A young radical by the name of Mao Tse-tung had set up a plan whereby young Chinese intellectuals would travel to France to imbibe socialist ideals at the fount of the French Revolution. Thereafter they would return home to become the nucleus of the movement to communize China.

The students, left penniless by the failure of the bank, abandoned by the socialists and Communists in France who had urged them to come, and unable to receive funds from their families in war torn China, were in desperate straits. Father Lebbe, recognizing their idealism and the important role they were to play in China's future, set about immediately to assist them and to salvage what he could of their educations and their lives. In doing so, he both inspired and encouraged the vocation of his young compatriot, who had conceived the great desire to go himself to China as a missionary. From Father Lebbe, his mentor and spiritual guide, Raymond de Jaegher received his Chinese name, Thunder Roaring Far Away.

ARRIVAL IN CHINA

Having finished his military service in the Belgian cavalry, and having completed his studies in theology and philosophy at Louvain University, Raymond de Jaegher departed for China where, in 1931, he was ordained a priest in the diocese of An Kuo. This was the year Japan invaded Manchuria, and war in one form or another would engulf China for the next 25 years.

Though it has become fashionable in some circles to question the value of missionary activity, and to disparage missionaries for their efforts among indigenous cultures, Father de Jaegher never approached China from an alien, Western point of view. From the start he mastered the Chinese language and identified himself totally with Chinese thought and custom. Many years later, while living in New York, he had the occasion to meet Alexander Solzhenitsyn, and Solzhenitsyn was known to refer to him as "the Chinese priest."

MAGISTRATE OF AN KUO

Through his parish work and his relief work among the Chinese fleeing the Japanese invasion, Father de Jaegher won over the confidence of the people to such a degree that when, in 1937, the Nationalist government decided to evacuate the district of An Kuo, taking with them the local magistrate, the police and the full ranks of officialdom, a delegation of the citizens came to his mission and implored him to become their district magistrate. He accepted the office, but declined the title, and thus became the acting magistrate of a district harboring half a million people. Within a month he had organized police protection and administrative services for 400 villages under his direction. It was a prodigious achievement, and to the end of his life he sopke of the gratification it had given him, not because he did the job so brilliantly, but because ordinary Chinese had vested such confidence in him, a young man and a Westerner, in their hour of extreme need.

There were to be many such hours of need in the harrowing decade to come. No sooner had he organized his district, than the Chinese Red Army appeared on the scene. Following in the wake of the Japanese, the Chinese Communists made it their business to seize the areas the Japanese, for want of manpower, could not occupy. Their rule was to be so ruthless and their liquidations so horrible in their unremitting effort to conquer all China that one could scarcely comprehend the magnitude of the suffering of the ordinary people. "We were to see all of this unrolling before our eyes," he wrote, "like a Chinese scroll painted by a devil."

From 1937 to 1943, when he was put in a Japanese concentration camp, Father de Jaegher lived and worked under the rule of the Chinese Red Army. These nightmare years are unforgettably documented in his gripping and evocative book, "The Enemy Within." The personal and collective tragedies of many of his flock during this period of subversion and betrayal and systematic extermination of the ancient Chinese culture and its moral patrimony are almost unbearable to read. During all this time, this priest so successfully outwitted and outbluffed his Communist overlords that they too ultimately approached him and offered to make him a Red Army General if he would go over to their side. Needless to say, this honor he declined.

SOVIET INVASION OF CHINA

After being liberated by the American Army from the Weihsien Concentration Camp, he proceeded to Peiping and was involved in refugee work. The shooting war in the Pacific may have ended with the surrender of Japan, but the war for the destiny of China was just entering its climactic phase.

Toward the end of 1945, the Soviet Union, which had been in the war of the Pacific for all of 6 days, started pouring its forces from Siberia into Manchuria, an area that had been held by the Japanese for 14 years. The Soviets did not scruple to sign the Sino-Soviet Treaty with the Nationalist government, the terms of which specified that Soviet troops would withdraw from Manchuria, but it was a treaty the Soviets would honor on their own peculiar terms.

As the Nationalists waited on the border, the Soviets descended upon the area, looting its mines and mills, its factories and arsenals and turning over enormous caches of Japanese arms to the Chinese Communists. When the Red Army departed, they made sure that the Chinese Communists were in firm control of Manchuria, and well equipped for their continuing offensive elsewhere in the country.

THE "AGRARIAN REFORMERS"

Mr. President, we are all familiar with the tragic blunders and mistakes that were made in that crucial period of China's history. "Liberal" spokesmen in our own Government seldom lost the opportunity to praise these "agrarian reformers" who were bringing "democracy" to China, the usual sort of "democracy" that proceeds from the barrel of a gun. Moreover, it is no secret that Chinese Communist sympathizers were doing everything to confound the work of the Marshall mission, which was vainly trying to negotiate a peace between the Nationalists and the Communists, and whose fatal mistake was to deal with the Communists not as a political party, but as a de facto government.

Father de Jaegher personally witnessed the extensive Communist efforts to curry favor with American officials, but his travels through the country made him aware of the ongoing attacks by Communist guerrillas, the riots and the panic they fomented among people already prostrated from war. He saw the bitter frustration and despair of Chinese villagers who wondered why there must be continuing war, not between Chinese and Japanese, but between Chinese and Chinese.

Father de Jaegher wrote:

> There was no one to tell them that their communist agents were busy continuously in the cities, propagandizing from day to night, extolling the benefits of communism, painting a wonderful picture of life under the communists, telling the people how bad the Nationalists were, piling lie upon lie and promise upon promise.

Father de Jaegher spent the watershed year of 1948 traveling extensively in China, lecturing in universities and visiting churches and missions. When Peiping fell on January 23, 1949, he had every intention of continuing his work in South China, but the Communist juggernaut was steadily advancing. In Shanghai he was approached by a friend who told him he was marked for execution by the Communists and that he must leave the country, which he sadly and reluctantly did.

WORK IN VIETNAM

Thereafter he resumed his missionary work among the Chinese in Vietnam, where this whole appalling tragedy would be recapitulated. In his 10 years in Vietnam, Father de Jaegher worked ceaselessly to avert the same calamity that had befallen China. Besides serving as an adviser to President Ngo Dinh Diem, he helped to organize the Free Pacific Association. He founded two high schools, the Free Pacific News Agency, and the monthly Free Pacific Magazine. He founded a daily paper, the New Vietnam, and published monthly magazines in French and English in Saigon for the Asian People's Anti-Communist League.

Convinced that the battle for the freedom of Asia would be won or lost in the communications media in the United States, he came to New York in 1964 and established the Asian Speakers Bureau. He himself lectured extensively throughout the United States and made hundreds of apparances on college campuses and on radio and television programs. I well remember, the day that the death of Chairman Mao was announced, turning on my car radio and hearing Father de Jaegher giving a meticulous analysis of the power struggles that were even then shaping up in China.

Every year he visited the Republic of China on Taiwan, Hong Kong, South Korea, Japan, and other Asian countries to keep abreast of developments there. He wrote over a hundred magazine articles, books, and pamphlets. With Dr. Stephen Pan he was coauthor of "Peking's Red Guard," an exhaustive study of the Cultural Revolution. In New York he also served as a director of Sino-American Amity, an organization assisting Chinese students in the United States.

STAUNCH ANTI-COMMUNIST

It was in the latter period of his life that I came to know Father de Jaegher and his enormous range of activities to advance the cause of freedom in Asia. While a deep love of God motivated all his labors, he was no pacifist. His staunch anticommunism was not prompted by political considerations, but by religious considerations.

No human being, he felt, could live out his life in the service of God and his fellow man when he was enslaved by an ideology that was not only inhuman, but antihuman. He stressed that point ceaselessly, as he feared that the United States might be losing sight of it. President Carter's decision to give the Crown of St. Stephen, which was entrusted to the United States by the Hungarian people, in the final hours of World War II, to the Soviet-backed Communist Government of Hungary, and later his decision to abandon our Mutual Defense Agreement and our diplomatic relations with Taiwan, were particularly grievous blows to him.

Nevertheless, he refused to countenance defeat or despair. Even as he battled the cancer that ultimately took his life, the determination to go on fighting a righteous cause never left him. He kept up an exhausting schedule of appearances and a voluminous correspondence almost to the end. He greatly admired John Paul II and felt his long experience in dealing with the ways and means of communism was a particular gift of providence to the world.

Along with my staff, I feel privileged to have had the benefit of many discussions with this extraordinary and exceptional man, who personally suffered all of the vicissitudes of missionary life of which the Apostle Paul has written. If freedom is ever restored to the captive nations of Asia, as, please God one day it shall, it will grow from the faith so tirelessly nurtured by this truly great servant of the Chinese people. He was buried on February 12 in the Benedictine Cemetery at Bristol, Va., and I join with the multitude of his friends in this country, and his friends around the world, in commending to the Lord this soul who endured the worst cataclysms of the 20th century with dauntless courage, and unquenchable hope.

THE RETIREMENT OF COL. BURTON A. PAQUIN

Mr. LEAHY. Mr. President, I pay a brief tribute to Col. Burton A. Paquin—a fellow Vermonter—who has served our country and our State for 38 years. Colonel Paquin served in the Air Force during World War II and the Korean war. He was also among the charter members of the Vermont Air National Guard, serving from 1946–50 and from 1952–66. Colonel Paquin has recently retired from 14 years of active duty as the U.S. Property and Fiscal Officer at Camp Johnson in Vermont. Our United States and our State of Vermont have truly benefitted from his long years of service. His honesty, fairness, and competence are well-known to those who served with him and to those who worked with him. The State of Vermont will miss Colonel Paquin because it knows the value of a good man. On behalf of all Vermonters, I want to extend sincere appreciation for his dedication. Mr. President, I believe that this small moment of the Senate's time has been well spent.

U.S. CONVENTIONAL MILITARY FORCES AND THE ALL-VOLUNTEER FORCE

Mr. LEAHY. Mr. President, this is a serious time for America—and a serious time for the world. Americans remain captive in Iran. The Afghan people remain the captive of a Soviet occupying army. SALT II is dead, and the entire process of nuclear arms control could unravel. The President has called for predraft registration and America could return to a peace time draft.

This time carries with it serious consequences and implications. We will increase defense spending, but our goal of balancing the Federal budget may very well be delayed because of these increases.

How we Americans respond—the choices we make—will strongly influence the security of our country for decades to come. We need only look at the alinement of nations today to realize how these choices will affect other nations.

One of the most important lessons we must learn from these difficult times is something I have tried to call attention to during the 5 years I have represented Vermont in the U.S. Senate. The lesson is that we must improve our conventional arms capability and halt the country's unfortunate and militarily inadvisable drift toward too rigid a reliance on nuclear weapons.

From the frustration and anxiety which Americans have experienced during these past months, must come a defense policy which will recognize that conventional military forces and their state of readiness are essential to protecting our citizens and our national interests.

I believe increased defense spending is necessary, but only if we direct this increased spending to the neglected areas of our conventional forces. Our gross national product and the amount of money that we Americans can spend on defense is not unlimited. We cannot simply stand back and throw money at the problem. We can spend money quickly on major weapon systems which will not be operational for years to come, or we can balance our approach to defense and spend more cautiously on conventional forces. That can help us today.

While I have been in the Senate, there have been a number of debates over various weapon systems. Some were built. Some were not. In many cases when they were built they forced this country to rely a little more heavily on its strategic nuclear forces. At the same time, our conventional forces were sadly neglected. Does anyone doubt that a new aircraft carrier, and the escorts necessary for it, deny us the money and shipbuilding capacity to build numerous fast missile firing surface ships? Would it not have made more sense to totally modernize our tank forces then to spend $6 or $7 billion for an ABM system that was closed 1 week after opening because it was obsolete? We can all think of other examples.

Each time this country committed itself to a major weapon system, our defense posture became more rigid—with a shorter range of options. As a result, we can deliver a nuclear warhead to the other side of the world in 30 minutes, but the more realistic step of moving forces into a trouble spot such as the Persian Gulf can take up to 30 days.

Both the Soviet Union and the United States have such enormous strategic nuclear capability that neither can win in an all-out nuclear war—instead, we would destroy each other and quite possibly, the rest of the world. I, for one, want an alternative.

That alternative is a strong, effective, modern, well-equipped conventional force. Let us not confuse the military means of protecting ourselves, here and abroad, with symbols. Symbols are weapons that do not contribute to the ability of a commander and his soldiers in the field to achieve their military objectives at a given place, at a given time. Symbols, as we all well know, do not enhance a soldier's ability to survive.

I have never known a critic of defense spending who did not call for a strong national defense. I have never heard one of my colleagues who call for a higher defense budget deny the need to eliminate waste and inefficiency in military spending. What we must remember is that the issue is not less spending or more spending, but efficient spending—targeted spending. Before we commit billions to a major strategic weapon, we must make sure that there are ample funds for fuel, for training, for operations and maintenance and for readiness.

Our overall national defense cannot and does not hinge on whether or not we build any single weapon system. We cannot consider major weapons while we neglect the basics. We must see that the soldier in the field with a jamming rifle is taken care of first. We cannot—and never could—compensate for a lack of conventional military capability by increasing nuclear arms.

We cannot consider military hardware in a vacuum. This Nation's defense is based on people and preparedness as well as equipment. The key, then, to our defense policy is not to lose sight of all the components of our national defense.

Before I close my general comments and hear your specific questions, I want to take a moment to speak about one component of our national defense—the Volunteer Force.

The key issue in the debate on the Volunteer Force is the fulfillment of our manpower goals with enough qualified people to defend our country.

If this Nation—for reasons of national security—needs a draft or predraft registration to realize this goal, I will support these actions.

But I do not believe that taking these steps today will most effectively and efficiently meet this goal.

We must remember that, coupled with our reserve and National Guard units, the All-Volunteer Force is the only trained reliable force available to the United States today. In fact, under any system of registration and draft, there would be no significant change in the makeup of our Armed Forces for well over a year. What I believe we must do is apply the additional resources and national commitment to making the Volunteer Force work better for us today.

I wish the President had set specific goals for the All-Volunteer Force and a specific period of time—18 months—to carry out those goals. This should have been done with the understanding that if they were not reached within that period of time, we would go to an actual registration system.

Unfortunately, the President did not take this step—and I am troubled that he did not call on young Americans to serve their country before recommending registration.

Our modern military, with its sophisticated weapons, requires highly trained soldiers. Our experience has shown that if people are drafted, most will leave the service by the time they are becoming proficient at their given positions. After all, it takes more training today to operate a tank than it took to fly a World War II fighter plane. A draft cannot solve this problem now.

We can maintain a strong military force only when we recognize the need for training and experience. We must address the problems of retention and recruitment. A fair, realistic increased pay scale is one such step. I supported efforts to increase the salary of our military personnel above the level proposed by the President. I will continue to support efforts to improve training, education, and inducements for the best of our military to reenlist. Retention—not recruitment—is the immediate solution. The problems that do exist can be solved, but the country, the Congress, and the Defense Department must fully support the all-volunteer concept.

We must reach a consensus on the question of the draft and the future of the All-Volunteer Force. This, however, is but one aspect of our defense. We are faced with a much larger task: We must set the future course of American defense and foreign policies. We must begin today—in a time of crisis.

We must coordinate our defense policy with our foreign policy. We should not make foreign policy commitments where we do not have a real interest. And let us stop making foreign policy commitments that require a military backup when we know the military backup is not available to us. And once we have committed our military forces in carrying out our policies, let us realize that the days are over when we can rely solely on a nuclear deterrent—if those days ever existed. To have a true deterrent, we must improve our conventional arms capability, thus decreasing our reliance on nuclear weapons.

During the years, I have served on the Armed Services Committee, the Defense Appropriations Committee, and the Select Committee on Intelligence, I have become convinced that we can still move away from policies that leave us little or no flexibility. We can avoid the development of a rigid defense posture that give us options that lead inexorably to nuclear war. But in developing such a policy, we must have the funds to guarantee that the basic needs are met—operations, maintenance, training, and supplies.

Congress and the rest of the country are finally realizing that an increase in nuclear arms does not—and, indeed, never could—compensate for lack of conventional capabilities. More and more, people realize that using tactical nuclear weapons to compensate for conventional weapons is only a trigger for strategic Armageddon.

Instead of the global game of chance that hopes a nuclear war could remain limited, we should take the more responsible step of providing an adequate conventional alternative. There really is no substitute for a well-equipped, well-trained, and well-maintained conventional force. Without this, we are eventually left with the unacceptable alternatives of nuclear war or capitulation.

Not all of the answers will be easy, and, indeed, not every one of them will even be right. The course is clear, however, and it can be followed if we who make the policy for our country, will move forward with strength, resolve, and with unity.

MISSISSIPPI AND NATIONAL JAYCEES SPONSOR ENERGY AWARENESS DAY

Mr. COCHRAN. Mr. President, I take this opportunity to commend the Mississippi and National Jaycees organizations for their efforts in sponsoring Energy Awareness Day, February 10.

The Jaycees sought to get everyone to do three things on "E Day": turn thermostats down three degrees to 65, avoid all unnecessary travel, and curtail unnecessary use of electricity. Although there are no firm estimates of the energy savings possible from this conservation, the Department of Energy has estimated that lowered thermostats and minimal car pooling would save our country 1.17 million barrels of oil per day. By comparison, the $20-billion synfuels package has a production goal of 1.5 million barrels of oil per day by 1995.

The activities for Energy Awareness Day included participation by the Jaycee chapters in every State, recognition through gubernatorial or legislative proclamation in some 25 States, and monitoring of electricity meters by Jaycees in order to determine the amount of energy savings.

I think that we need to commend the Jaycees and to encourage them and other organizations to participate in efforts such as Energy Awareness Day. The real benefit from days such as this is that more and more people are made aware of the savings that can result from conservation and of the ease with which those savings can be achieved. With efforts like this, we can immediately reduce our energy consumption and improve our ability to supply our own needs.

TRIBUTE TO FORMER SENATOR A. S. MIKE MONRONEY OF OKLAHOMA

Mr. BOREN. Mr. President, this past week, Oklahomans lost a great leader and friend in the passing of former U.S. Senator A. S. Mike Monroney.

I have a special feeling about Mike Monroney. My father and Mike served from Oklahoma together in the U.S. House of Representatives for 8 years. When Mike Monroney made his first race for the U.S. Senate in 1950, he spent the night at our home after delivering a campaign speech in my hometown. To a young man of 9, it was an exciting event and one which I vividly remember.

The widow of Mike Monroney, Mary Ellen Monroney, and his son, J. Michael, were among the first to extend a warm welcome to me and my wife when I began my service in the Senate last year.

Senator Monroney served his state and his country as both a Congressman and a Senator. He was a Member of the House from 1939 to 1951, and entered the Senate in 1951, serving until 1969. In 1945, he received the Collier's Award for Distinguished Congressional Service.

He was a native of Oklahoma City and a graduate of the University of Oklahoma. Before entering public service, Senator Monroney worked as a newspaper reporter and political writer.

His accomplishments were many. Probably the greatest tribute to his service was the establishment of the Federal Aviation Aeronautics Center in Oklahoma City at Will Rogers World Airport.

The center, which bears his name, is the only facility in the world for training airport traffic controllers.

It was due to Senator Monroney's foresight that this center was built. Senator Monroney was a true pioneer of aviation who worked to pass the bills and build the bases so that aviation could become what it is today in this country.

He was a leader in legislative reform. As a Congressman, Senator Monroney served as vice chairman of the Joint Committee on the Organization of Congress that drafted the Legislative Reorganization Act of 1946, popularly known as the LaFollette-Monroney Act.

This act reorganized and reduced the number of congressional committees, and instituted a number of reforms to make both Houses operate more efficiently.

Among his many other accomplishments, Mike Monroney was instrumental in setting up the International Development Association, an affiliate of the World Bank.

In the late 1950's, Senator Monroney envisioned a multilateral effort to invest funds productively in poor nations, many of which were just coming into independence at that time.

His efforts have succeeded beyond anybody's expectations. What was once an American foreign aid burden is now a genuine international effort. In the latest IDA replenishment, 33 nations have agreed to contribute $12 billion. Over the years, the U.S. share has declined from 60 percent to 27 percent.

Thanks in part to Mike Monroney, this effort has been a wise investment for the United States because for every dollar put in, there is a return of $3.

Senator Monroney served with distinction. He was a great statesman.

More than any other attribute, Mike Monroney was known as a friend to the public. His pleasing smile was famous. He was well-known for his kindness and for the encouragement and example which he gave to many young people from Oklahoma who wished to enter public life.

Mike Monroney will be missed. But his accomplishments will remain with us as living examples of his dedicated service to the people of Oklahoma and the entire country.

Oklahomans are proud of Mike Monroney because of his ability as a legislator. Above all, we are proud that his record was that of a good and decent human being. His life and career stand as a testament to the possibility that the effective public official can remain an individual of absolute integrity and solid ethical standards.

The PRESIDING OFFICER. Is there further morning business?

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HARRY F. BYRD, JR. Is the Senate still in morning business?

The PRESIDING OFFICER. The Senate is still conducting morning business.

CETA MARCHES ON

Mr. HARRY F. BYRD, JR. Mr. President, the 1981 budget submitted by the President to Congress on January 28 provides fresh evidence—as if it were needed—that old programs never die.

The program in question is public service employment under the Comprehensive Employment and Training Act (CETA).

The seeds of this program were planted in 1972 with the authorization of a so-called emergency jobs program under which $660 million was spent in that year. During the 1974–75 recession, public service jobs were funded at $2.5 billion.

Despite recovery from the recession, the Carter administration recommended an enormous boost in public service jobs almost immediately upon taking office. Spending for 1977 and 1978 combined exceeded $7 billion, for an annual average $1 billion above the level at the depths of the recession.

This was sold to the American people as part of the totally unnecessary and highly inflationary "stimulus" program, the effects of which are still being felt in the budget and the economy.

As the CETA public service jobs program swelled, criticism of it multiplied. Investigations showed that most workers were in dead-end positions, many cities were using CETA as a subsidy for their payrolls and out-and-out corruption was uncovered in some instances.

The remedy for these problems was not to get rid of the program, even though its antirecession rationale had long since disappeared, but rather to shuffle the titles of the Comprehensive Employment and Training Act, expanding efforts to combat so-called structural unemployment.

The second concurrent budget resolution for 1980, passed last November, called for phasing down the countercyclical public service jobs program in the current year and eliminating it at the end of 1981.

But President Carter's budget proposes the maintaining of this program at the present level of 200,000 for all of 1980 and 1981. There is no mention of a phasing down. Moreover, he recommends an expansion of the other public service jobs program—the so-called structural part—from 200,000 to 250,000.

Thus, under the President's plan, public service jobs would rise from 400,000 this year to 450,000 next year. Spending would go from $4 billion to $4.4 billion.

So a program which was ineffective in the last recession at a level of $2.5 billion will be used to combat the next recession—which has not arrived—at a level of $4.4 billion.

CETA marches on.

Old programs never die.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 2 P.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 2 p.m. tomorrow afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, are there any orders for the recognition of Senators on tomorrow?

The PRESIDING OFFICER. There are none.

ORDER FOR THE RECOGNITION OF SENATOR PERCY TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders or their designees have been recognized under the standing order, Mr. PERCY be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the one nomination that was not confirmed this morning, Calendar Order No. 35.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF JUSTICE

The assistant legislative clerk read the nomination of John H. Shenefield, of Virginia, to be Associate Attorney General, vice Michael J. Egan, resigned.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask that the President be immediately notified of the confirmation of the nominee.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT REFERRAL OF NOMINATIONS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, that when the nominations for Under Secretary of Commerce for International Trade and Assistant Secretary of Commerce for Trade Administration are received, they be referred jointly to the Committees on Banking, Housing, and Urban Affairs and Finance.

Mr. President, I further ask unanimous consent that each of the two committees be authorized to file individual reports on these nominations.

Mr. STEVENS. Mr. President, reserving the right to object—and I shall not object—the distinguished majority leader has discussed this with me, and I do not bespeak myself by saying that we are both a little concerned about the precedent of this. Nominations should go to one committee only, in my opinion. However, the Parliamentarian informed us that there is no alternative but to follow this procedure in this case.

I am hopeful that the administration will take a look at the titles of these people so that they might avoid the potential future possibility of one committee recommending confirmation and the other opposing confirmation. I think that could lead us into real difficulty in the future.

I shall not object at this time because of the conference we have had with the Parliamentarian.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE SENATE TO CONVENE ON MONDAY FEBRUARY 25, 1980, AT 2 P.M. FOLLOWING A RECESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate convenes on Monday, it convene following a recess and at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR EXECUTIVE SESSION ON MONDAY, FEBRUARY 25, 1980

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday at 3:15 p.m., the Senate go into executive session and that there be 30 minutes to be equally divided between Mr. CHURCH and Mr. JAVITS for a discussion of the protocols and the convention that is being voted on at 3:45 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I make that request as in executive session.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT OF CONFEREES—FEDERAL TRADE COMMISSION ACT OF 1979

Mr. FORD. Mr. President, pursuant to the previous order, I send to the desk names of conferees on H.R. 2313 and ask the Chair to make the appointments.

The PRESIDING OFFICER. Without objection, the request of the Senator to allow the Chair to name the conferees is agreed to and the clerk will call the names of the conferees.

The assistant legislative clerk read as follows:

Messrs. FORD, CANNON, MAGNUSON, HEFLIN, DANFORTH, PACKWOOD, and WARNER.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2 P.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move that the Senate, in accordance with the order previously entered, stand recessed until 2 o'clock tomorrow afternoon.

The motion was agreed to; and, at 5:37 p.m., the Senate recessed until Thursday, February 21, 1980, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate February 20, 1980:

IN THE MARINE CORPS

The following-named officers of the Marine Corps for temporary appointment to the grade of brigadier general under the provisions of title 10, U.S. Code, section 5769:

Donald J. Fulham
John I. Hudson
Joseph E. Hopkins
Anthony Lukeman
William H. J. Tiernan
Jacob W. Moore
Walter D. Fillmore

CONFIRMATIONS

Executive nominations confirmed by the Senate February 20, 1980:

DEPARTMENT OF JUSTICE

John H. Shenefield, of Virginia, to be Associate Attorney General.

Charles B. Renfrew, of California, to be Deputy Attorney General.

The above nominations were approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

THE JUDICIARY

Harry T. Edwards, of Michigan, to be U.S. circuit judge for the District of Columbia Circuit.

Richard S. Arnold, of Arkansas, to be U.S. circuit judge for the eighth circuit.

Diana E. Murphy, of Minnesota, to be U.S. district judge for the district of Minnesota.

Robert G. Renner, of Minnesota, to be U.S. district judge for the district of Minnesota.

Gilberto Gierbolini-Ortiz, of Puerto Rico, to be U.S. district judge for the district of Puerto Rico.

Helen Jackson Frye, of Oregon, to be U.S. district judge for the district of Oregon.

James Anthony Redden, Jr., of Oregon, to be U.S. district judge for the district of Oregon.

Owen M. Panner, of Oregon, to be U.S. district judge for the district of Oregon.

Barbara J. Rothstein, of Washington, to be U.S. district judge for the western district of Washington.

Henry Woods, of Arkansas, to be U.S. district judge for the eastern district of Arkansas.

HOUSE OF REPRESENTATIVES—*Wednesday, February 20, 1980*

The House met at 3 p.m.

The Reverend Karl E. Kniseley, national chaplain of the American Legion and former pastor, Glendale First Lutheran Church, Glendale, Calif., offered the following prayer:

God of our Fathers, in these tense days, grant wisdom and strength of purpose to the Members of this House. Our thoughts are sobered by both the Presidential ultimatum pointing to this day and by the plight of our fellow Americans who are held hostage.

Let the wise words of the Man of Nazareth be heard:

When a strong man armed keepeth his palace, his goods are in peace; but when a stronger than he shall come upon him, and overcome him, he taketh away from him all his armour wherein he trusted and divideth his spoils.—Luke 11: 21–22.

Now may God's prophet of old strengthen you with this timeless assurance:

They that wait upon the Lord shall renew their strength; they shall mount up with wings as eagles; they shall run, and not be weary; and they shall walk and not faint.—Isaiah 40: 31.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Chirdon, one of his secretaries, who also informed the House that on February 18, 1980, the President approved and signed a bill of the House of the following title:

H.R. 2440. An act to provide assistance to airport operators to prepare and carry out noise compatibility programs, to provide assistance to assure continued safety in aviation, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 272. Concurrent resolution expressing the sense of the Congress that Andrei Sakharov should be released from internal exile, urging the President to protest the continued suppression of human rights in the Soviet Union, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3757. An act to amend the National Parks and Recreation Act of 1978, to establish the Channel Islands National Park, and for other purposes.

The message also announced that the Senate had passed a joint resolution and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S.J. Res. 141. Joint resolution to establish the policy of the United States with respect to items carried on space flight missions and to express the sense of the Congress that the Attorney General defend any civil action brought with respect to items carried on Apollo missions to the Moon; and

S. Con. Res. 72. Concurrent resolution expressing the sense of the Congress that the President should request the United Nations to establish an international presence in the refugee encampments on the border between Thailand and Kampuchea, and for other purposes.

THE REVEREND KARL E. KNISELEY

(Mr. MOORHEAD of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOORHEAD of California. Mr. Speaker, I am delighted to take this moment to welcome the Reverend Karl Kniseley to the U.S. House of Representatives and to introduce this exceptional Christian gentleman to my colleagues.

For many years I have known and respected Dr. Kniseley for his dedicated involvement with his parishioners, his community, and his country.

Dr. Kniseley is the national chaplain of the American Legion for the current membership year. He was an Army chaplain during World War II, serving during the recapture of the Philippines and the occupation of Japan. He has been the chaplain of Glendale's Legion post since 1965 and was the pastor of that city's largest Lutheran church from 1954 until his retirement last year.

In addition to his activities in the American Legion, Reverend Kniseley has been active in the Kiwanis, the Community Chest, the local welfare board, the Masonic Lodge, the Moose, the Elks, the chamber of commerce, and the VFW.

He is currently coordinator of the Glendale police chaplains and a religious commentator on two Los Angeles radio stations.

I want to join with the U.S. Congress in paying tribute to this man who has served his fellow man with such care and dedication.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
February 19, 1980.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted February 19, 1980, the Clerk has received this date the following message from the Secretary of the Senate:

That the Senate passed without amendment H.J. Res. 469, a Joint Resolution designating February 19, 1980 as "Iwo Jima Commemoration Day."

With kind regards, I am,

Sincerely,

EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.
By W. RAYMOND COLLEY,
Deputy Clerk.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to the authority granted the Speaker on Tuesday, February 19, 1980, the Speaker did on that day sign the following enrolled joint resolutions:

H.J. Res. 469. Joint resolution designating February 19, 1980, as "Iwo Jima Commemoration Day"; and

H.J. Res. 477. Joint resolution to authorize and request the President to issue a proclamation honoring the memory of Walt Disney on the 25th anniversary of his contribution to the American dream.

APPOINTMENT AS MEMBER OF SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

The SPEAKER. Pursuant to House Resolution 13, 96th Congress, the Chair appoints as a member of the Select Committee on Narcotics Abuse and Control the gentlewoman from Illinois, Mrs. COLLINS, to fill the existing vacancy thereon.

APPOINTMENT AS MEMBERS OF U.S. DELEGATION OF THE MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER. Pursuant to the provisions of Public Law 86–420, as amended, the Chair appoints as members of the U.S. delegation of the Mexico-United States Interparliamentary Group the following members on the part of the House:

Mr. DE LA GARZA of Texas, Chairman;

Mr. YATRON of Pennsylvania, vice chairman;

Mr. KAZEN of Texas;

Mr. WOLFF of New York;

☐ This symbol represents the time of day during the House Proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Mr. MILLER of California;
Mr. COELHO of California;
Mr. SKELTON of Missouri;
Mr. KOGOVSEK of Colorado;
Mr. ROUSSELOT of California;
Mr. GILMAN of New York;
M. LAGOMARSINO of California; and
Mr. RUDD of Arizona.

SUPREME COURT HOLDS ANTI-ABORTION LANGUAGE UNCONSTITUTIONAL

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, the Supreme Court yesterday on a 6-to-3 vote temporarily upheld a ruling by Judge Dooling of Brooklyn, N.Y., that the antiabortion language included by Congress in the Labor-HEW appropriation bill was unconstitutional.

In so doing, the Court ordered the Government to resume paying for abortions through the welfare program, practically on demand by any welfare recipient.

The Court did not expressly agree with that decision. It announced its intention to consider the Government's appeal. But it did clear the way for Federal financing to resume on a temporary basis in direct contravention of the act of Congress.

It is almost inconceivable to me that the Supreme Court ultimately would uphold a ruling which says in effect that taxpayer-financed abortions have somehow assumed the status of a constitutional right.

Such a legal conclusion as that would be a monstrous distortion of the Constitution and an outrageous abuse of the law-abiding, tax-paying public and its duly elected legislative branch of Government.

After many hours of agonizing deliberation and numerous votes on the floor of this House, Congress has repeatedly and very deliberately chosen to restrict the use of tax moneys to paying for only those abortions that are necessary to save a woman's life or to end a pregnancy that resulted from forcible rape or incest.

That amendment represents the deliberate decision of the U.S. Congress. It has resulted in the drastic reduction of federally funded abortions from about 300,000 cases a year to fewer than 2,000.

Whatever one's feelings may be as to the social ethics involved, surely the right of Congress to enact a specific limitation on the use of tax moneys for any such purpose is a right long established. It is a right without which Congress could not perform its duty to the American taxpayer.

That right is indispensable to the legislative branch in carrying out its constitutional responsibility, and I trust that the Supreme Court will speedily and decisively reaffirm that right in this case.

THE AAM AND THE DEPARTMENT OF AGRICULTURE'S NEW YEARBOOK

(Mr. HANCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANCE. Mr. Speaker, the American Agriculture Movement is having its members appear at the Capitol this week, and I would like to congratulate these people. They are to be commended for the hard work they are doing in agriculture and for their efforts toward changing the present farm bill and making it better.

Also, I say, congratulations to the president of the American Agriculture Movement, Mr. Marvin Meek from Plainview, Tex., for his hard work.

Mr. Speaker, one of the things I would like to bring to the attention of the Members has to do with the 1979 Agriculture Yearbook that just came out today. We know that the Agriculture Yearbook has in the past been a most popular item with our constituents, but this year's new book is completely different from anything we have seen in the past. It is designed, so the letter from the Secretary says, for children ages 9 to 12.

To give the Members a little indication of some of the highlights in the Yearbook, allow me to read a quiz in the book that asks:

> What is the best way to thaw frozen meat?
> a. Use your hair drier.
> b. Sit on it.
> c. Put it in the refrigerator.

Some Members may think this is a book that is designed to help promote nutrition.

But there is one line in the book that says that Babe Ruth ate 20 hotdogs just before a baseball game. I do not know the exact nutritional value that will add to any 9- to 12-year-old.

There is also a chapter in this great book where it says "did prehistoric kids eat bugs." We know that is a big issue with every 9- to 12-year-old.

The thing that perturbed me about this book is that it is completely different from anything we have had in the past Agriculture Yearbooks which have been very popular publications. In the past it gave statistics and facts about agriculture.

Mr. Speaker, I think there is going to be a lot of criticism from our constituents when they see this book. I hope the Members will let the people in the Department of Agriculture know that it is a waste of the taxpayer's money to print this type of book.

□ 1510

MOTION TO INSTRUCT ON WINDFALL PROFITS BILL

(Mr. D'AMOURS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. D'AMOURS. Mr. Speaker, as the leadership knows and as many Members of the House know, I withheld the offering of a motion to instruct conferees on the windfall profit tax yesterday in deference to some Members who wanted to oppose that motion who were not here and to give opponents an opportunity to prepare more carefully their response. I hope that in light of that fact, the opponents of that motion will agree that we should get to a vote up or down on the merits of this motion to instruct, and I would appreciate—I think most Members would appreciate—that eventuality coming about.

RESUMPTION OF FEDERAL FUNDING FOR ABORTIONS

(Mr. HAGEDORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAGEDORN. Mr. Speaker, yesterday the Supreme Court refused a request by the Government to stay a district court order calling for a resumption of Federal funding for abortions. Although the Court has agreed to hear the case on an expedited appeal, the effect of the ruling is that the Department of Health, Education, and Welfare must immediately resume payments for virtually all abortions on demand.

The Supreme Court's ruling directly contravenes the express intent of Congress on this matter. The Hyde amendment, which has been adopted, permits Federal payment for abortions only in cases where a woman's life would be jeopardized without it or where a pregnancy resulting from rape or incest has been promptly reported. HEW estimates that as a result of yesterday's ruling, approximately $88 million in Federal funds could be spent over the next year to finance 470,000 abortions. That is $88 million that the Hyde amendment says cannot be spent for the purpose of providing abortions on demand.

If, after a review of the case, the Supreme Court determines that the Hyde amendment is unconstitutional, then we are faced with a different problem. But, at this point, the Supreme Court's ruling represents a judicial usurpation of legislative power.

ENERGY INSECURITY IN WINDFALL PROFITS TAX

(Mr. JEFFORDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JEFFORDS. Mr. Speaker, I just want to let the Members of the House know that I am going to support the D'Amours motion today to instruct conferees and tell them why it is I think they ought to take a look at what the conference committee is doing. We must realize this is the last chance we have to give them some instructions on some vitally important matters and promises that have been made. Notwithstanding the promises to use an amount of money to fight the energy crisis to create an energy security fund, it is turning into energy insecurity fund, the conferees are going to give a mere 15 percent of the funds generated by the windfall profits tax to solve the energy crisis. Remember some of the promises that have been made here and by the President, they are zeroed out. Take a look at this bill, take a look at what they are doing to it, and support the motion.

TIDE HAS TURNED ON ECONOMIC GROWTH

(Mr. ROUSSELOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROUSSELOT. Mr. Speaker, the quarter-century following World War II bore witness to an unprecedented period of economic growth for the United States. With few exceptions, each successive year brought with it an ever-increasing standard of living for the average American worker. It was a period of great expectations—of not one, but two chickens in every pot and two cars in every garage.

Unfortunately, the tide has turned. Today's American is working more and enjoying it less. The U.S. standard of living is shrinking. Investments and savings are down and the golden age of the consumer is over.

Today, the American worker's paycheck is almost completely consumed in meeting the basic necessities of daily life. Soaring food, housing, and energy costs are partially to blame, but the real culprit is the ever-increasing demand of Federal, State, and local taxes.

A study recently completed by the Tax Foundation, Inc. pointed out that the average American worker put in a total of 2 hours and 45 minutes out of his 8-hour day just to pay his 1979 Federal, State, and local tax bill. That's almost 30 percent of his working day—longer than he worked to pay for any other single item and longer than he worked to pay his grocery and housing bills combined.

With all this talk of declining productivity, it is obvious that the American worker is producing for the Government. The question is, What is the Government producing for the American worker?

INTEREST RATE IS WHAT THE FEDERAL RESERVE WANTS IT TO BE

(Mr. CARTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER. Mr. Speaker, I was aroused, alarmed, and disturbed on Friday when I noticed that the Federal Reserve had raised the exchange rate to 13 percent. This means that every member bank which borrows money from the Federal Reserve must charge a minimum of 14 percent interest for its loans to small businessmen, to farmers, and to young people who are building or paying for homes.

The interest rate is what the Federal Reserve wants it to be, as the genial gentleman from Texas, the honorable Wright Patman, many times said.

This high interest rate will cause thousands of farmers to lose their farms, thousands of small businessmen to go bankrupt, and millions of young people to be unable to repay their loans. While the large fat cat banks borrow at 13 percent and lend at 15¾ percent, and while the millionaires in our country can invest in Treasury bills at 13 percent, the Federal Reserve System is making the rich richer and the poor poorer.

I trust that something will touch the heart of Chairman Volcker and focus his attention on the plight of the little people of our country.

The high interest rate also further stokes the fires of inflation.

SPENDING RECORD OF DEMOCRAT CONGRESS

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, if anyone wants to know why it is so hard to cut Federal spending, they should look at the record of the Democrat Congress itself.

While the public has been crying for cuts, the Congress has been gorging itself on bigger and better payrolls every year.

With minor exceptions, the majority has allowed the standing committees of the Congress to increase their spending astronomically since 1976.

Counting spending for both statuary and investigative staff, here is a rundown of some of the biggest increases in committee expenditures since 1976:

Merchant Marine and Fisheries, 187 percent; House Rules Committee, 97 percent; Small Business, 90 percent; Science and Technology, 85 percent; Interior Committee, 83 percent; Veterans Affairs, 82 percent; Armed Services, 79 percent; Agriculture, 57 percent; Ways and Means, 53 percent; and Judiciary, 31 percent.

But this should come as no surprise.

When President Carter took office in 1976, he promised to cut Federal spending and decrease the size of the bureaucracy.

Now we find he has increased Federal spending by 24 percent in the past 2 years, that his budget deficit this year will be $40 billion—not $29 billion—and that the civilian Government has increased by one cabinet department and 40,000 persons since he took office.

Is there any question that it is time for a change? We need some truth in spending here in the Capitol. We need a Republican majority.

THE MOST BASIC CIVIL RIGHT—THE RIGHT TO LIFE

(Mr. HYDE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HYDE. Mr. Speaker, I am saddened that the decision of Congress has been overturned by six Justices of the Supreme Court yesterday on an issue that involves the killing of so many preborn lives. I speak of the decision on the McRae against Califano case. Prudence ought to have required that the status quo be maintained pending a full hearing by the Court. Now the killing can start up again and it is tragic.

This, however, will give new momentum to the drive for a human life amendment to our Constitution so the unborn of both the rich and the poor might enjoy the most basic civil right—the right to life.

Since the Supreme Court has now usurped the appropriations function of Congress, perhaps they can handle the rest of the budget and we can go home.

ONE REVISION TO A PREVIOUSLY TRANSMITTED RESCISSION PROPOSAL AND TWO NEW DEFERRALS OF BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 96-270)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

(For message, see proceedings of the Senate of February 20, 1980.)

MOTION TO INSTRUCT CONFEREES TO AGREE TO CERTAIN PROVISIONS IN TITLE II OF SENATE AMENDMENT TO H.R. 3919, CRUDE OIL WINDFALL PROFIT TAX OF 1979

Mr. D'AMOURS. Mr. Speaker, I offer a motion.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

> Mr. D'Amours moves that, pursuant to the provisions of clause 1(b) of Rule XXVIII, the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 3919 be instructed to agree to the provisions contained in parts 1, 2 and 4 of title II of the Senate amendment to the text of the bill.

The SPEAKER pro tempore. The gentleman from New Hampshire (Mr. D'Amours) is recognized for 1 hour.

Mr. D'AMOURS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I hope that those Members who are not on the floor at the moment are paying some attention to the electronic communication systems they have in their offices to stay in touch with what is going on on the House floor, because there is an awful lot of misinformation about this House concerning what has been going on with regard to the House-Senate conference which is now deciding what to do about the windfall profit tax revenues.

Since last December we have had conferees meeting to determine that tax. It has been pretty well determined at about $227 billion. But for the past few weeks, there has been some bogging down on how the revenues will be distributed, particularly on whether any of those revenues and how much should go toward alternative energy production and conservation.

I think it is important for Members to understand that we have never had the opportunity to express ourselves as Members of the House on whether or not we would go along with funding serious conservation efforts.

The other body did consider, the other body held hearings and markup and passed the bill by a 74-to-24 vote, saying that approximately 10 percent—only 10 percent—of the revenues generated by the windfall profit tax should be used to promote conservation.

The House Committee on Ways and Means did hold hearings on the question, but did not mark up a bill, and instead went directly to conference. So while the Senators are on record saying they strongly favor conservation efforts, we are silent.

And because of perhaps this silence, on February 7, the House conferees caucused and voted 9 to 4 that they would oppose any and all tax credits that might encourage conservation.

Why did they oppose it? You are going to hear them, some of them, later today when I yield to them. I think they are going to tell the House, because this is what they are saying privately, is who needs tax credits when the price of oil is so high that people are going to go out and in a self-defensive manner purchase alternative energy development equipment and insulate and perform other acts of conservation.

Well, since that vote, there has been some retrenchment. In fact, the House conferees have voted for several items, several tax credits, which would encourage conservation.

In fact, since I offered this motion yesterday, they have been becoming increasingly more generous. They have been very nice to the people who believe in alcohol fuel. They have been rather generous just today to the people who are standing strong for small-scale hydrodevelopment.

I applaud their new-found generosity, and I submit wisdom, but I think we ought to insist that they go a lot further and take conservation as seriously as the people of America take it and as every independent or careful study on the subject takes it. Every independent and careful study on the subject says the tax credits, even with the high prices of gasoline, and other fossil fuels, tax credits are an important and a workable incentive to accelerate investment in alternative energy sources and in conservation.

Now, the argument that high prices automatically will result in the conservation we seek to promote does not bear scrutiny.

I am going to very quickly try to address myself to some of the points they make.

They say tax credits do not work. They have no studies on this. They have a deep and profound prejudice against tax credits, but every study conducted by the DOE in 1979 through Booz Allen Associates, the Harvard Energy Future Study just recently published in 1979, I submit a time of high energy cost, say that not only would tax credits work, but we ought to increase tax credits beyond what the conferees have proposed and even beyond what the Senate is now proposing.

□ 1530

But what these people overlook is that as inflation goes up, because of increasing energy costs, so does the cost of the equipment that needs to be installed to promote conservation and alternative energy development. Beyond this, there is a very profound and a very basic misunderstanding in the arguments of those that say high prices do the trick. The misunderstanding is this: Conservation should not follow rising energy costs; conservation should come ahead, to preclude, to prevent rising energy costs.

The mind-set that says, oh, it will happen anyway, that is the mind-set that for the past 7 years or so has prevented us from doing a darn thing to encourage conservation. We should, I think, at this late date come to realize that if we are going to keep costs down, we ought to start conserving now, not after costs have risen so dramatically that people cannot afford to do anything else. And they are not going to do it, they are not going to do it this year. We do not know what the price of energy has to get to before people begin conserving, but we do know they are not doing it, and we do know that the up-front costs are getting increasingly high and that they would rather pay on a monthly basis increased energy costs than pay that huge initial investment that would lower their energy monthly bills over a period of time.

Let us remember we are not just trying to promote conservation, we are trying to accelerate conservation.

The other thing they say is that it is going to happen by itself. But it is not going to happen by itself. The House-Senate conferees, because of the House pressure, omitted, removed from the bill the Senate provision that said that landlords should qualify for the credit. Well, landlords are not going to invest in conservation and alternative energy production because they are going to pass the costs on to the tenant. The tenant is not going to do it because why should the tenant spend good money in improving somebody else's property. It does not happen by itself. It needs to be encouraged. Remember, it needs all the more to be encouraged because we are even now subsidizing through our Tax Code the use of fossil fuels.

If we are going to do that, why not accelerate investment into alternative energy sources and conservation for all of the other reasons I have mentioned.

Like the weather, conservation is something everybody talks about, but we do not do anything about. Still, every study shows we could save about 40 percent of our total energy usage, not only from imports, not only from oil, 40 percent of all of our energy could be saved if we were to adopt and maximize measures to promote conservation. But unfortunately conservation is thought to be trivial. "What do we get out of this technology, what do we get out of that technology? It does not amount to a whole lot."

But here again is a mind-set that has prevented us from taking any meaningful action in 7 years. We, as Americans, are used to coming in like the United States Marines at the very last moment and saving the day, and so we naturally enough, as Energy Future points out, we naturally enough are all waiting for the big technological fix, the dramatic technological solution to all of our energy problems.

I hope, and we all do, that such a solution someday, somehow, might be found. But the reality that we are living with is that it is not one big solution, it is the implementation of hundreds, maybe even thousands of little things that we can do that might in the aggregate give us the 40-percent conservation that we have known we could get since 1973 or before and have not even begun to seriously implement.

Another problem with conservation is that it is not equally applicable to all areas of the country. In the area I come from wood energy is a very workable, meaningful solution or partial solution. But maybe it does not work in Manhattan. Maybe it does not work in some other part of the country. But that does not mean that we ought to derogate its usefulness and throw it away. There are some technologies that may work in some areas that will not work in, for instance, my section of the country, but if my colleagues think these potentials are trivial, let us look very quickly at just wood.

The New England Energy Caucus of the Congress found that by 1985 northern New England couuld save about 45 percent of all of its oil usage just by getting to a full utilization of its wood potential. The Department of Energy study I referred to earlier found that 9 quads, that is about 12 percent of all of the fuel used in 1978, could be saved if we used all of our wood potential. The Energy Future study that Harvard just completed recently came to the same conclusion as the Department of Energy and said we could save about 3 million barrels a day in oil equivalents if we would only make use of our wood potential.

Now, 3 million barrels a day, adjusted on an annual basis, is all of the heating oil consumed in this country. That is not a negligible figure. Right now wood produces about half of the amount of energy that nuclear power does, and has the potential to produce three times the amount of energy as nuclear power produces.

I am not going to talk just about wood. Others who will speak are going to talk about that and other technologies. But those that might be relatively small in the aggregate amount to a whopping 40 percent of all of our energy.

Let me make one final point. As the gentleman from Vermont (Mr. JEFFORDS) pointed out in the 1-minute speeches, this is the only chance the Members of this body are going to have to vote and express themselves on how they feel about alternative energy and conservation. Remember, the conferees, who do not like tax credits, are not writing and are not there conferring for the purposes of finishing off a revenue bill. This is not a tax bill. This is an energy bill. We passed this law, this tax because of our embarrassing dependence on OPEC oil. We passed this bill because of our embarrassing failure to take meaningful conservation steps in the past 7 years.

Is it not reasonable that 10 percent, only 10 percent of that money generated might be used to take the steps that are going to free us from that dependence on OPEC, that are going to finally start doing something about our terrible, terrible failure to address conservation over the past several years.

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. D'AMOURS. At this time I yield 5 minutes to the chairman of the Ways and Means Committee, the gentleman from Oregon (Mr. ULLMAN).

Mr. ULLMAN. I thank the gentleman for yielding.

Let me explain the status of the conference. In the bill of the other body they had $26 billion over a 10-year period for credits and industrial development bonds. It had been mutually agreed with the Senators and our conferees that these provisions generally shall be provided over a 5-year period, rather than the 10-year period in the Senate amendment sent to us. This reduces the revenue cost at the outset from $26 billion to $16 billion.

Despite the fact that the Ways and Means Committee is very skeptical of credits, and we held hearings on them, and the committee decided not to go forward with them, despite that fact we have moved in good faith and have already accepted almost $9 billion worth of those credits.

The resolution before my colleagues today would accept all of the other body's credits. Many of those were floor amendments, some of which were poorly considered, and a number of them were industrial development bonds. For instance, there are several billion dollars in the Senate package included in the resolution for industrial development bonds that would be used for financing major hydroelectric facilities, including a 1,400-megawatt dam in Alaska which, in our judgment, would not be justified under any circumstances. We have very carefully and very responsibly looked at all of this package.

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Now, let me tell the Members some of the things that we have adopted in the resolution. We have an increase in the solar credit from the existing levels, which are 20 percent and 30 percent, to 40 percent of $10,000. In other words, in solar we allow $4,000 of credit for a $10,000 investment, and I do not know how much more liberal we can get.

We have increased the business energy credits for solar, wind, geothermal, and oceanthermal from 10 to 15 percent. This credit is in addition to the normal investment tax credit. We think this is a major incentive.

We have restored the regular investment credit and accelerated depreciation to equipment using petroleum, coke and pitch, which were removed in 1978. We have extended the energy credit to coke ovens, which is of some concern to people in steel areas. We have extended the energy credit to biomass, which is very important around the country. We have extended the energy credit to intercity buses. We have a transitional rule for credits expiring in 1982; if commitments specified in the bill are made before 1982, the credit will be available in those cases for costs through 1990. We have provided for expensing of tertiary injectants. We have provided the energy investment credit or tax-exempt bonds for low-head, hydroelectric equipment. In this instance, we further liberalized the Senate provision where they had no provision beyond the 25-megawatt capacity rating for an existing facility. We provided a credit and a pro rata adjustment against the total cost, which is a very great liberalization of the Senate provision.

We have also adopted the excise tax exemptions for gasohol. We also have carefully worked out, in conjunction with that, a user's credit for methanol.

In the process of doing this, we have improved the Senate bill. We have been very liberal in our acceptance of these credits and industrial development bonds which will accomplish a goal. Indiscriminately taking everything in the Senate bill, including a lot of the very loosely formed floor amendments, I think would be irresponsible. I think it is in the best interests of all of us that we do not go down the road of instructing conferees to do things that are not responsible. We are acting responsibly.

We are going to bring the Members a bill that does include what, in our judgment, are the best and the only justifiable credits and industrial development bonds provisions that were included in the Senate package.

One matter that has not been resolved is the cogeneration provision, and I am going to recommend to the House conferees that we clean that provision up and recommend its acceptance. When we have done that, I do not really know what there is left for us to argue about.

The SPEAKER pro tempore. The time of the gentleman from Oregon has expired.

Mr. D'AMOURS. Mr. Speaker, I would like at this point to say, if the gentleman will remain just a minute, that all the yielding I will do for the remainder of the time that I control will be for the purposes of debate only, whether or not I remember to add that to the statement when I yield or not.

Mr. Speaker, I yield to the gentleman from Oregon to ask him, if he would try to answer, a few questions.

Mr. ULLMAN. I would be happy to.

Mr. D'AMOURS. How much remains of the approximately $25 billion of credits the Senate bill originally proposed in these three sections?

Mr. ULLMAN. The first thing that the Senate conferees agreed to, because in their judgment it was wiser policy, was to cut the period the credits would be in effect from 10 years to 5 years, so that the Congress could look at all of these credits again and determine whether they would be useful for a longer period. In the process of doing that, all of their credits were reduced to $16 billion revenue loss. Of that $16 billion, industrial development bonds accounted for $3 billion. We have already adopted about $9 billion of those credits.

Mr. D'AMOURS. So what the gentleman is saying is, with the work the conference has done on hydro and gasohol just coming, that we have left $9 billion worth of credits out of the original $25.6 billion the Senate provisions contained?

Mr. ULLMAN. I am saying that if you relate this $25 billion to——

Mr. D'AMOURS. Am I wrong to say that?

Mr. ULLMAN. It is wrong to say it, because it misleads. If we renew these credits during the 5 years, that will add back significantly to what we have left out, but by reducing the package to 5 years we have cut it to $16 billion. I think that is advisable, and of the $16 billion we are accepting $9 billion. A lot of what we rejected is just not acceptable for public policy.

Mr. D'AMOURS. In point of fact, I applaud the conferees and their chairman, the gentleman in the well, for having acceded to several of the credits of the Senate originally proposed. But, the gentleman does not disagree that removing the only incentive landlords might have to insulate their homes is a significant omission, would he not? The eliminating of the incentive for heat pumps, for the replacement of oil and gas furnaces and boilers, credit for airtight wood stoves, replacing coal furnaces, rebuilding wood-burning furnaces—I could go on and on. That is not insignificant.

Mr. ULLMAN. Let me explain what we have done. We have not eliminated those. We have set forth a set of standards that I think encompasses a sound energy policy. We have told the Secretary that all of those items the gentlemen has listed would be acceptable under those standards. The President has already recommended some of them, such as, wood-burning stoves, so certainly the gentleman could expect that would be recommended and approved by the Secretary.

Mr. D'AMOURS. My knowledge is, Mr. Speaker, the Secretary has never been willing to come to recommend wood-burning stoves for the credit.

Mr. ULLMAN. They are recommended.

Mr. D'AMOURS. But if the Secretary does recommend these conservation measures the House conferees refuse to consider, they will probably be funded from general revenues, I would assume, rather than from moneys we are generating from the windfall profit tax. If they are worth doing it, then why are we not doing it with moneys generated from the windfall profit tax, which is, after all, created for that purpose?

Mr. ULLMAN. The whole amount goes into the general fund. It really does not make any difference whether we take it out of one pocket or the other.

But, I urge the Members not to support this motion and to stay with the responsible procedures of the House in accepting the conference report, and then they will have a chance to work their will on the conference report.

Mr. D'AMOURS. Mr. Speaker, I yield 5 minutes to the gentleman from Vermont (Mr. JEFFORDS).

Mr. JEFFORDS. Mr. Speaker, I certainly want to commend the gentleman from New Hampshire for bringing this motion before the House. I would like to briefly review where we stand so that there are no misconceptions about the motion.

First of all, instructions are not binding. I think there may be a little feeling, after the chairman spoke, that if we were to pass this we would tie them up and bind them. That is not true. All this does is send a message, and it is our last chance to send a message—the only one Members are going to have. The next vote will be up or down on the windfall profit tax. That is it, and Members can worry about all of the things they promised the people back home and be in a dilemma, because they are going to have to say yes or no on a windfall profit tax.

Let us take a look at some of these things. First of all, take a look at how a normal conference committee works. The House came in with one revenue figure, the Senate with another. The House had $277 billion in revenue, and the Senate had $178 billion. They did a remarkable thing—I do not know how many weeks it took them to do it—but they added the two together, divided by two, and increased the Senate revenues by 50 percent. Beautiful. Yes, we got more money to spend in the energy crisis.

Then they turned to tax expenditures. We never had a chance to vote on anything that had to do with tax expenditures.

□ 1550

There were hearings in the Committee on Ways and Means. We all went down there with great hope in our hearts, thinking, "By gosh, they are going to come out with a bill and we are going to have a chance to tell the people back home we are in favor of these tax credits." Did we ever get a bill? No. They did a little end run. They did a little end run to the conference committee.

One would have hoped that with 50 percent more money to spend, rather than reduce the tax expenditures in the Senate bill, they might increase them. Let us see what they did. The Senate came through with, I think, a not very generous amount for helping end the energy crisis. As you will recall, that was how this whole thing was sold from the beginning. We were sold on decontrol; the President told us we have got to have decontrol to get prices up. Remember what else he said: we are going to take these excess windfall profits and spend them in three areas. We are going to spend them on assistance to low-income households. That is pretty much taken care of in this bill. We are going to increase funding for mass transit, and we are going to undertake a major program of new energy initiatives.

Let us examine that promise the President gave us, the one that we all went home and campaigned on and told the people about. Let us compare that with what the conferees are doing. As has been noted, the Senate bill contained $26 billion toward this end—not a very large proportion of the $178 billion total. One would think that with 50 percent more revenues than the Senate bill, the conferees could have raised that amount. No. Did they come down half? That is another option, taking the House position of no action on credits. But did they go to half? No. They went down to less than a quarter of what the Senate gave us.

If we take a look at some of the specific areas, the picture looks dramatically worse. The Senate bill provided $8.668 billion in residential energy tax incentives, and the House conferees accepted only $431 million, a mere 5 percent of the Senate level. We have told our constituents, if you do things to conserve, we are going to reward you. Now what has this conference committee included for residential conservation—$1 billion? $2 billion? Wrong. Absolutely nothing. That is what is in here.

If you want to go home and defend to your people that you are going to give them nothing for the efforts they have made to purchasing wood stoves and all sorts of other energy-saving devices, you can vote against this motion.

Generally, what the conferees have done is to provide a mere 15 percent of these revenues, for anything to do with the energy crisis. They have taken a monstrous amount of money and said, "We are going to set that aside for a rainy day. We are not going to tell you what to use it for. We are going to give you a little Christmas present later on."

The rainy day is here today. It is the energy crisis this bill was supposed to fix. That is what the President told us. That is what we told the people back home, and what have we done? Nothing. Less than 15 percent is related to energy, with 85 percent going in other directions.

Mr. MOFFETT. Mr. Speaker, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman from Connecticut.

Mr. MOFFETT. I thank the gentleman for yielding. I want to congratulate the gentleman on his statement. The gentleman just talked about that rainy day being here. Paraphrasing an old song about that rainy day, there is another line: "I laughed at the thought that it might turn out this way."

We are not in any way following the conservation policy that a lot of us thought we were following when the President made the speeches and when the bill was passed, and so forth—and this is no condemnation of the conferees—but this is our one vote, as the gentleman has said correctly, on conservation. As far as this session is going, it is going to be a big conservation vote, and I applaud the gentleman for his speech and his statement.

Mr. JEFFORDS. I thank the gentleman.

Mr. DOWNEY. Mr. Speaker, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman from New York.

Mr. DOWNEY. I thank the gentleman for yielding. I want to commend the gentleman as well. Is there any doubt in the gentleman's mind that if we do not do these things, it is only going to cost our people more and more money?

Mr. JEFFORDS. There is no question about it. If we look at the savings in oil expenditures and savings of energy all the way across the board for some of these things we promised the people, there is no justification whatsoever for not fulfilling those commitments.

On national television last July, the President made some pretty specific promises in addition to naming the windfall profit tax a major energy initiative. The White House statement on his "oil import reduction program" said:

"In addition to the Solar Bank, the President also has proposed major new tax credit initiatives for solar energy."

In particular, he outlined new credit intitiatives for passive solar construction, solar process heat and wood stoves. In line with the President's recommendations, the Senate included new credits for passive solar construction, solar process heat and wood stoves. The passive credit would have amounted to $321 million, while the wood stove credit would have totalled $189 million. Both of these credits were rejected out of hand by the House.

Many believe that the builders' credit for passive solar construction was the most important credit, with a tremendous potential for reducing residential energy consumption. The passive credit was the only credit aimed at builders, who currently have little incentive to build conservation-oriented housing. The President strongly endorsed a passive solar credit for builders in his July statement. Such a credit would have given an important signal to the homebuilding industry, and would also serve to equalize the price differential between passive solar and conventionally heated homes. California's boom in new residential solar installations is due in part to the enthusiastic response of builders to the 55-percent solar credit, according to a recent California Energy Commission analysis. The credit also helped accomplish the construction of 5,000 new solar subdivision homes between January and mid-1979.

The enormous potential for energy savings from residential conservation initiatives has been well established. These efforts should be viewed as an abundant domestic alternative energy source. Residential energy tax credits provide an extremely useful tool for encouraging homeowners to invest in energy-saving measures. But what did the House conferees agree to on conservation-related residential tax credits? Absolutely nothing. They rejected the Senate provisions granting credits for the installation of heat pumps ($401 million), replacement oil and gas furnaces and boilers ($1,561 million), replacement coal furnaces and replacement woodburning furnaces ($133 million and $35 million, respectively).

It is difficult for me to believe that the conferees refuse to acknowledge the energy-saving potential of these conservation investments, because the evidence is so sharply convincing. If 10 percent of existing oil-burning furnaces, over 15½ million barrels of oil would be saved annually. Twenty percent replacement would yield more than 31 million barrels annually, while 30 percent replacement would gain nearly 47 million barrels annually. An analysis by the New England Congressional Caucus found that the energy savings of oil equivalent would be 75.4 MMBBL. According to the Energy Future report of the Harvard Business School Energy Project, the heat pump can produce up to three times as much output in thermal energy as it receives in electrical energy input. Furthermore, solar industry people in Vermont have told me heat pumps are vital to the successful function of active solar systems.

In the solar heating area, the Senate bill would have raised the credit to 50 percent of the first $10,000 spent. A history of solar heating sales over the last few years will give Members an idea of why such an expansion of solar tax credits is a good idea. According to the Energy Future report, solar heating sales, including installation, increased tenfold in 3 years, from $25 million in 1975 to $260 million in 1977. During the first half of 1978 there were only small gains from these levels due to uncertainties over Federal tax credits. Congressional Research Service figures show that in the first half of 1977, the overall output of manufactured solar space heating and hot water devices was equivalent to 2.5 million square feet. Output went up to 3 million square feet in the second half of 1977, but by the first half of 1979 it had declined to 2.6 million square feet. These figures demonstrate that there has been no real growth in 2 years.

Furthermore, President Carter has said he wants to have 2.5 million solar installed (heated or hot water) homes by 1985. We are falling way behind in achieving this goal. In order to meet the 2.5 million-unit level by 1985, we would have had to sell 283,000 units in 1978. In fact, only 32,000 active and passive solar systems were sold in 1978. This information suggests that the tax credits provided for in the National Energy Act are insufficient and should be expanded in line with the Senate version.

It is widely recognized that the high first cost of most active systems has proven to be a major barrier to the rapid development of a solar-heating and hot-water system market. Possible customers want to recoup quickly the dollars they spend on a system through dollars saved on their fuel bills. The Energy Future report concluded that:

> The 20 to 30 percent tax credit provided by the 1978 legislation is too low. A 55 to 60 percent tax credit would seem much more appropriate, for a twelve-year payback would thereby be reduced to five years. Ours is not a far-fetched proposal, for California already offers a 55 percent credit.

In addition, a 1977 report entitled "Federal Incentives for Solar Homes: An Assessment of Program Options" by RUPI, Inc. projected that a 50-percent credit would raise solar sales 167 percent by 1986. The California experience is instructive on this point. The California Legislature passed a 55-percent credit in 1977. With about one-tenth of the U.S. population, the State now has approximately one-fourth of the Nation's solar applications. By 1985, they expect to have 1.5 million solar installations.

I want to commend the conferees for recognizing the benefits that can be derived from the advancement of hydroelectric power in their action to provide for a new 10-percent energy tax credit for hydroelectric facilities. This type of business energy tax credit will be welcomed by many in my own State of Vermont who have recognized that hydroelectric power generation is a viable alternative energy form which holds real promise for the future. I am also pleased with the action by the conferees to expand current tax law governing industrial development bonds. By exempting from tax requirements bonds underwriting electric-generating equipment at hydroelectric power dams, a powerful incentive has been given to pursue the further development of this alternative energy source.

Though the conferees action will help many in Vermont who are developing hydroelectric power at existing sites in their attempts to raise capital, I personally wish that the conferees had further expanded this provision to cover "new" hydro sites. At the same time, the fact that the conferees limited the coverage of this provision to municipally owned hydro facilities disappoints me, since it does not assist either investor or cooperative-owned utilities which have an interest in hydroelectric power.

In my own State of Vermont, there is a clear example of how this limitation would inhibit the involvement of an investor-owned utility in the development of six hydro sites. The Central Vermont Public Service Corp., currently examining the potential of six sites, one of which is in New Hampshire, has determined that these units would double the utility's in-state hydro generation and result in a replacement of electricity normally generated from peaking or intermediate units using oil. Mr. Thomas J. Hurcomb, vice president of external affairs for this Vermont corporation estimates that there would be an approximate oil savings of 175,000 barrels per year from the installation of these six units. Further, Mr. Hurcomb reveals that under conventional utility financing, these hydro sites would probably not be built. With tax-exempt financing, they become viable. This becomes obviously clear when one examines the differences in financing the $52.5 million construction costs for the six projects over a 50 year period. With conventional utility financing at 12 percent interest, the cost is $69,000,000. With tax-exempt financing at 7¾ percent interest, the cost is $40,000,000, or a $29,000,000 savings.

The potential for hydroelectric power generation nationally has already been documented by the Army Corps of Engineers as significant. Over the next two decades, conventional hydroelectric projects could provide the equivalent power capacity of 80 large nuclear or conventional power plants of 1000 MWe each, which could account for about 5 percent of the Nation's electrical generating capacity. If produced by thermal plants, this projected hydroelectric increase in electricity would require an average of approximately 80 million barrels of oil per year, with an annual cost in excess of $1 billion if the oil were imported.

While the distribution of existing small-scale hydroelectric power resources is extremely variable in the United States, it should be noted that nearly all regions of the country have the potential for incremental energy development. Additionally, the undeveloped potential for all sites and capacity ranges of hydroelectric power is widely distributed around the country, which refutes the common misunderstanding that hydro power is a potential energy source which is confined to one or two regions.

Finally, during their deliberations over the windfall profit tax bill, I was also disappointed in the conferees action to drop the proposed accelerated depreciation section of the legislation before them, which dealt with small hydroelectric generating equipment.

In the area of tax credits for the purchase of woodburning devices, I am very dismayed with the action of the conferees to direct the Secretary of the Treasury to consider inclusion under provisions of the National Energy Act of 1978 this particular item, rather than taking the opportunity of using proceeds from the windfall profit bill. With their action, the conferees are missing an opportunity to provide relief for those Americans whose income levels place them in a position of receiving the full brunt of rising home heating fuel prices, which might otherwise be displaced with the use of wood fuel.

It should be remembered that since the first cost of a wood stove is much cheaper than for any type of solar heating system, a wood-burning device tax credit offers low and moderate income persons access to energy tax credits that they might otherwise not be able to gain.

Contrary to the arguments of the conferees, there is substantial documentation in support of a tax credit for woodburning devices.

In 1977, a report from the New England Federal Regional Council, an organization of 15 Federal Government agencies in New England, recommended flatly that incentives for renewable energy should include wood. According to the final report of the New England Energy Congress, released June 1, 1979, wood use in the residential sector of New England alone could supplant a million barrels of oil per year by 1985 if assisted by Federal tax credits for wood stoves and wood furnaces.

The New England Congressional Caucus, in its February 1979 study of rural energy sources, indicated that wood, as a percentage of total energy demand in 1985, could provide the equivalent annual oil savings in Vermont alone of 38.9 percent. The fact that the percentage of Vermont homeowners who use wood as their primary source of heat has more than doubled since 1976, indicates the interest in wood burning devices as alternatives to traditional home heating equipment.

From a national perspective, this country's wood resources are generally acknowledged to be very substantial. In its March 21, 1979, draft document "Assessment of Proposed Federal Tax Credits for Residential Wood Burning Equipment," the U.S. Department of Energy states that the overall supply of fuel wood in this country is adequate to meet vast increases in residential wood burning. The U.S. Forest Service has indicated that surplus growth from commercial forests alone could supply a significant portion of the heating load for over 10 million homes.

The DOE, in its 1979 study, indicates that although supplies vary among regions of the country no one area appears to face a shortage. Resources are relatively evenly distributed in the Northeast, Southeast, Appalachia, Pacific and Mountain regions.

It is sometimes incorrectly assumed that the Northeast is the area with the greatest timber resource. It has been estimated that the supplies of wood fuel in this country represent an annual energy potential of roughly 9 quads. Out of the aproximate 9-quad value, the Pacific, Mountain, Appalachian, and Southeast areas each represent 15 percent of the Nation's total wood resource. The Northeast represents 14 percent, the Delta States, 10 percent, the Lake States, 8 percent, the Southern Plains, 4 percent, the Cornbelt, 3 percent, and the Northern Plains, 1 percent. It is clear from these figures that there are many areas around the Nation that enjoy vast, readily available, as well as potential timber resources. For this reason, a wood-burning device tax credit would be something welcomed by millions of Americans in all regions of the country.

The popularity of wood-burning equipment among Americans is demonstrated by the fact that since 1972, sales of residential devices have grown fivefold. Wood fuel is now used in upwards of 5 percent of U.S. households for part or all of space heating requirements. By 1985, between 10 and 15 million homes will rely on wood fuel.

The problem today is the need for an incentive to those lower- and middle-income homeowners who are feeling the squeeze of rising oil heating costs, on one side, and the rising investment costs of purchasing new devices, on the other.

The desire to employ the wood burning device system is one many Americans have, especially since wood heating is cheaper than oil based on current wood fuel costs. To bolster this, the 1979 DOE study reveals that equipment tax credits would have a beneficial impact on annual wood heating costs and have a significant effect on a taxpayer's cash flow and on reducing equipment payback period. Where people cut their own wood supply—and this is the case for about 50 percent of wood burners—tax credits will have a relatively greater impact since the prime economic consideration is on equipment, not fuel costs. Additionally, it is suggested that the tax credits will likely have a considerable promotional value for the sale of wood burning devices.

One of the major objectives of the Energy Tax Act of 1978, as well as that of the President's 1979 energy proposals, was to promote the purchase and installation of energy saving devices. A 15-percent tax credit alone would result in a public oil saving of 160 million barrels, cumulative, through 2005, if eligibility is limited to airtight stoves and furnaces. At the same time, such a tax credit would result in a direct Federal revenue loss of $500 million cumulative through 1985 if eligibility was limited to airtight stoves and furnaces. This translates to a tax revenue loss per barrel of oil saved, from $3 to $6 for airtight stoves, while solar home tax credits comparatively cost more at $11 per barrel. Obviously, wood-burning devices are proven energy savers. Add to this the fact that the fuel efficiency of the modern wood-burning stove is between 50 and 65 percent, nearly as high as that for gas or oil furnaces, while outranking electric generating plants, which are only 30 to 40 percent efficient.

The Environmental Protection Agency has informed us that it is not their belief that the increased sales of wood burning stoves would have any significant pollutant effect, since there are no sulfates emitted from wood burning, and that the ash is useful as a fertilizer. DOE, in their 1979 study on wood-burning stove tax credits revealed while increased wood cutting activities might pose some negative environmental effects, these effects could be avoided or controlled through the application of sound forest management practices. At the same time though, increased wood harvesting could result in positive impact on wildlife habitats and forest productivity.

In reference to our Nation's balance of payments, it is not expected, that tax credits for wood heating will significantly increase the ratio of imported to domestic sales. It is also anticipated that rigorous safety and performance standards would exclude many of the current models of imported units from tax credit eligibility.

There are several other employment and social aspects which a tax credit on wood burning devices would impart. First, in a new home where one or two stoves will be the primary heat source, the backup heating system can often be reduced in size and simplified, resulting in significantly improved wood heating economics. Additionally, properly sequenced wood heating systems can also be used to moderate winter demand profiles for electric and gas utilities. Finally, wood heating can help insure against fuel delivery interruptions and power blackouts.

In the employment area, two studies on wood energy potential which were completed in the past 2 years concluded that increased wood usage would benefit local economies and employment primarily by increasing the demand for firewood. One of these reports suggested that between 10,000 and 16,500 jobs could be created in New England alone.

The future development of even more efficient wood-burning devices is encouraging. In Stowe, Vt., a wood energy firm is working on a prototype device which would be attached to home heating furnaces and boilers already in residential use. This device uses highly compressed wood pellets which are burned at high temperatures and produce methane gas which ultimately heats a residence in a fashion similar to traditional fuels. The pellets are fed automatically from a storage bin and home heating temperature is thermostatically controlled.

In Sweden, an Italian wood energy specialist is developing a high combustion device which produces a gas from burning wood pellets similar to the Stowe, Vt., prototype. The upshot of these advances and those which the woodheating industry is exploring, portend greater, efficient use of this renewable resource and lend credence to the necessity for purchase incentives a tax credit would provide.

Finally, I have a great deal of disappointment in the apparent decision by the conferees to recommend that any tax credit that might be given in the future be retroactive to July 1979. This seems unfair, in my mind, to all those people around the country who have joined the effort to reduce our use of traditional fossil fuels to heat their homes by converting to wood burning. My own legislative approach to this issue of a tax credit for the purchase of wood-burning devices, called for a retroactive payment to April 1977.

Mr. MOORE. Mr. Speaker, will the gentleman yield?

Mr. D'AMOURS. I yield 5 minutes to the gentleman from Louisiana.

Mr. MOORE. Mr. Speaker, I rise in opposition to the motion to instruct. I understand the concern of those who have taken the well today for energy conservation and for bringing on new forms or alternative forms of energy. But I submit there are five reasons why this motion to instruct ought to be voted down.

First, our Committee on Ways and Means has had no hearings this year, or in recent history, on the issue of using tax credits to bring on energy conservation, energy savings, or new forms of energy.

Mr. D'AMOURS. Mr. Speaker, will the gentleman yield? I would like to ask him to yield at this point.

Mr. MOORE. I yield to the gentleman from New Hampshire.

Mr. D'AMOURS. I testified at those hearings. I testified in favor of tax credits for energy, for that very specific purpose. I know members of the committee have been saying there have not been hearings, but I was there testifying at those hearings.

Mr. MOORE. When were those hearings?

Mr. D'AMOURS. July or August, as I recall. As a matter of fact, the gentleman from California (Mr. ROUSSELOT) was sitting next to the gentleman from Louisiana (Mr. MOORE) when I testified.

Mr. MOORE. I appreciate that. The point I am trying to make is we have not had hearings on all or even many of these specific tax credits that are in the Senate bill. We have had people like the gentleman from New Hampshire who have come in and made comments, which we appreciated, but not hearings on specific provisions which we now face. Some of these credits may be needed, and some not, but we do not know which is the case and should not legislate blindly. Further, the biggest bulk of these tax credits go to industry and business, not individuals as some would believe. We have not had hearings to determine how efficient the spending of that money is. What the Chairman of the Committee on Ways and Means offered is to let us go about this in a normal legislative fashion. Let us hold hearings on these particular points. Let us bring in a bill to the floor that we can amend and debate. Therefore, we will give you a better chance, far better than a motion to instruct, to work what may be the true will of the House on these matters.

Second, it should be voted down because we are giving tax credits in many of these instances to encourage people to do things they are doing anyway, things that are going to happen anyway, and we are going to lose tax funds coming to the Treasury by so doing. To given an example, heat pumps are being bought right now. I just purchased one and put it in my home in Washington. I need no tax credit for that. That was done. Insulation is being done now. Many of the industrial tax credits are going to industry that is doing the desired activity already. I do not think we need to give Exxon, Gulf, Texaco, and Shell tax credits, which are in the Senate proposal, to do the things they are already doing, to build the plants that are already on the drawing board and are going to be built anyway. We have absolutely no evidence yet that would come from hearings on these things that there are plants that will not be built without those tax credits.

The point is we are actually going to be paying for things that the high and increasing cost of oil will cause them to do anyway by normal marketplace decisions.

Third, you cause a distortion in the marketplace. Any time you give a tax credit for some new device in a bill as the Senate does, then you cause people to buy that device, not because it saves energy or is cheap, but because we have a tax credit to make it sell. Then when an inventor comes along subsequently with a new device that does not have a tax credit, he cannot get into the market because of a competitive disadvantage caused by his competitors having a tax credit he was able to get in the bill in the Senate. They should compete on merit in the marketplace, not on which one has a tax credit.

Fourth, in many instances the credit will not increase usage due to limited supply, but will only cause the price to go up to the consumer because of the credit-stimulated additional demand.

I served on the Energy Subcommittee for 3 years. We looked into the situation of giving tax credits then for insulation. We found only so much insulation could be produced in this country and that a tax credit was not going to cause any increase in its production. There was only so much in the marketplace to be bought and all that was going to happen, and in fact did happen, is that the cost of those materials went up. The consumer paid more after the credit than before. That could happen again.

Fifth, and finally, this is an inefficient way to go about bringing on new forms of energy or energy development. We are doing the same thing Congress has done many times. We are throwing money at a problem to get votes back home, or in frustration because we cannot think of anything else to do immediately to solve the problem. We already have grants in other bills; we already have loans; we already have a number of incentive programs to help people develop new forms of energy. Some of that money is not even being spent. So we are going to have a duplication, if we are not careful, of giving tax credits for things that are happening anyway and are already subsidized or stimulated.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. D'AMOURS. I yield one-half additional minute to the gentleman to compensate for the time he yielded to me.

Mr. MOORE. I thank the gentleman. So basically in conclusion what I am saying is that this motion to instruct demands that every single one of these credits, regardless of whether it is good or bad, must be accepted for 10 years—regardless of whether they are needed for 1 year or 2. Such a demand is inefficient; it is wasteful and a terrible way to legislate.

I urge the Members to let us work this through the normal procedure and will of the Congress.

Mr. D'AMOURS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Massachusetts (Mrs. HECKLER).

Mrs. HECKLER. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the motion to instruct the conferees. If we are to meet this energy crisis head on, we must continue to encourage the development and use of environmentally sound and reliable alternate energy resources. The availability of energy credits would provide a stimulus to business to expand research and development of alternative energy resources.

I want to say that I appreciate the difficult role that the Committee on Ways and Means must play and I congratulate the committee for the steps they have taken thus far. The House Ways and Means Committee's recognition of hydroelectric power projects are an important development for the generation of power in New England certainly and possibly in other sections of the country—one which I have strongly advocated.

The Army Corps of Engineers has estimated there are up to 5,000 existing dam and other water projects in the United States which have the potential of being developed as small-scale hydropower projects. This is an energy resource which is renewable, nonpolluting and not affected by price increases for oil. These dams have the potential of saving more than 123,000 barrels of oil each day and could provide power for 2 to 4 million families.

More than 2,000 of these existing dam sites are located in the New England area, which is the home of some of the Nation's highest electric bills. Rehabilitation of these dams as hydropower sites of up to 25,000 kilowatts could provide a significantly daily savings in the use of oil to this area of the country. The technology for hydropower is proven, the sites are there, the need is evident, and the economic feasibility becomes clearer day by day. If small-scale hydropower is vigorously pursued now, it can make a badly needed contribution to our lagging energy growth in the short run and save us from some serious shortages in the next few years. The time period needed to develop the facilities is relatively short—3 to 4 years—in comparison to other forms of alternative energy which could take up to 13 years for development. The energy tax credits contained in the windfall oil profit tax bill would provide the incentive to promote development of these small-scale hydropower facilities and increase the amount of power generated from domestic energy sources.

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I think as well the gasoline excise tax relief for gasohol to which the committee has agreed is also a very important provision.

In this regard I would like to ask the distinguished chairman of the Committee on Ways and Means (Mr. ULLMAN) a question on tax relief.

Mr. ULLMAN. Mr. Speaker, I would be happy to respond.

Mrs. HECKLER. I would like to say, Mr. Speaker, I am very concerned not only about the potential, the existing potential for gasohol, which would use virtually every feedstock available from the agricultural community, but looking down the road, and not too far down the road, it is quite obvious we are going to be able to develop gasohol from urban waste. In that regard, I think it is very important that we consider treatment of the revenue bonds which a community would float in order to fund the construction of a plant to convert urban waste into ethanol and to produce gasohol from urban waste conversion. I wonder what action the conference committee has taken on the treatment of revenue bonds for that purpose.

Mr. ULLMAN. Will the gentlewoman yield?

Mrs. HECKLER. I would be happy to yield.

Mr. ULLMAN. Mr. Speaker, that is still an open issue. We will be considering it within the next couple of days. I believe I would agree with the gentlewoman, it is a matter that could be of very important national interest and I think I will recommend to the conferees that we accept it but it still is an open status.

Mr. BEDELL. Mr. Speaker, would the gentlewoman yield?

Mrs. HECKLER. I would be glad to yield to the gentleman from Iowa.

Mr. BEDELL. I thank the gentlewoman for yielding.

Mr. Speaker, my understanding is that it is in the Senate bill. If we pass the D'Amours amendment, what we are saying here on the floor is that we indeed support that and would hope that they would accept such an amendment.

Mrs. HECKLER. Mr. Speaker, I would like to say to the distinguished chairman of the Committee on Ways and Means that I particularly appreciate his support because I have spearheaded the drive for the development of the enzymatic hydrolysis technology which uses a cellulosic waste feedstock to create fermentable sugars and the subsequent production of alcohol. At this moment the National Alcohol Fuels Commission is meeting across the country and has visited the U.S. Army Natick Laboratories located in my district, where the world renowned research team developed the process under the competent direction of Leo Spano. Though this process has not yet reached the pilot plant phase, that would be the next developmental step. It is going to be one of the answers to the production of gasohol in America in the very near future.

Mr. Speaker, I would hope the committee would be sufficiently farsighted to include that. I am happy to hear the expression of support from the distinguished chairman of the Committee on Ways and Means (Mr. ULLMAN).

Mr. ULLMAN. I appreciate the comments and I agree with the gentlewoman's remarks.

Mrs. HECKLER. Mr. Speaker, I would also like to say I feel very strongly that the question of conservation is indeed the best energy policy for America and unless we take that approach, we are not really going to resolve our energy crisis.

Mr. D'AMOURS. Mr. Speaker, I yield 3 minutes for purposes of debate only to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, I support the motion. I want to compliment the chairman of the Committee on Ways and Means and the conferees for what they have done on low-head hydroelectric dams. I filed the first bill for a 10-percent tax credit on that, and I have many cosponsors here in the House, and I understand they came out with 11 percent, which is even better than the bill we had.

Mr. Speaker, I rise in support of the motion to instruct conferees on H.R. 3919, the windfall profit tax bill, to recede and concur in Senate amendments which provide residential and business tax credits for energy conservation and alternative energy sources.

As we all know, the windfall profit tax is designed to allow the middle- and low-income American consumer to recoup some $227 billion of the nearly $1 trillion in anticipated additional profits to the oil industry. These additional profits will be the result of the decision to decontrol the price of domestic crude oil.

It is imperative that the conferees recognize the fact that tax incentives encourage conservation and promote the use of renewable resources. We must all realize the significance of weaning ourselves from foreign crude oil supplied by the OPEC oil barons. We must forge ahead at flank speed to develop a comprehensive energy plan, designed to eliminate oil imports which currently represent 50 percent of our daily oil consumption.

We can most effectively accomplish this goal with a concerted effort by all citizens. However, it is imperative that the Federal Government offer the leadership with proper incentives. Current estimates show that conservation could reduce consumption by 30 to 40 percent of all imported oil. Solar, hydroelectric power, the use of woodstoves and more efficient oil and gas furnaces and other renewable resources could provide more than 20 percent of our Nation's energy needs by the year 2000.

This $227 billion tax measure, as negotiated by the conferees, is scheduled to offer tax credits in the order of $6.6 billion, or just 2 percent of the total expected revenues. The residential and business tax credits, which are so important to this Nation's energy future, would amount to $26 billion, or merely 11 percent of the total expected revenues. This measure may prove to be the single—most significant bill to emerge from this Chamber in the next decade.

The windfall profit tax bill, with these comprehensive residential and business energy tax credits, reflects a deep, national commitment to reduce our dependence on foreign oil. A windfall profit tax bill, without these energy tax credits, reflects an attitude to the rest of the world that our addiction to crude oil will never be overcome. The public will perceive our oil-dependency rehabilitation program as merely a half-way house approach. It is once again, a "business as usual" approach if we fail to pass this resolution. We can ill afford to avoid our responsibility to the entire country. The stakes are too great at this time in our history. I urge your support on this motion.

Mr. D'AMOURS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. DOWNEY).

Mr. DOWNEY. Mr. Speaker, I support the gentleman's motion, recognizing the hard work of the conferees serving on the Ways and Means Committee. I can appreciate some of the difficulties they have had with the Senate trying to iron out compromises.

Mr. Speaker, we owe it to the American people to have a bold program and what the tax credit staff and the conference has worked out so far is not a bold program. It is going to cost money now. Unless we are willing to spend the money now, it is going to cost us that much more in the future.

We have heard references here to the fact that we can save between 30 percent and 40 percent of our dependence on foreign oil if we conserve. That is true. Those of us who have read the Harvard energy study know that in the final chapter they outline a program of bold approaches. They talk about conservation and they talk about a large solar energy credit, which is what the Senate has included. They talk about large residential credits. That is what we need.

If conservation is going to mean anything for our people who cannot really afford to buy heat pumps because they can hardly afford the cost of home heating oil, they need an additional incentive, and incentives are provided in the Senate package.

Mr. Speaker, is it precise? Of course it is not precise. Is anything we ever do here precise? Is there any guarantee that if we wait 3 or 4 months we will have a better program, more carefully tailored to the economic needs of our country? That is preposterous. This is the best thing we have right now. Let us run with it.

I understand the inequities and some of the inefficiencies, but if we decide to do nothing it will cost us that much more in the future.

Mr. Speaker, I strongly support this motion to instruct the windfall profits conference committee to recede and concur in the Senate amendments which provide residential and business tax credits for the use of alternative sources of energy. Specifically, I address the heating tax credit for middle-income consumers, the addition of high efficiency boilers and furnaces to the residential conservation tax credit, and the credit extended to expenditures for airtight wood-burning stoves and/or wood-burning boilers or furnaces which are part of a central heating system.

The Senate passed version of the windfall profit tax legislation provides for critically needed energy assistance to low- and middle-income Americans. The assistance for middle-income taxpayers is in the form of a tax credit which refunds a portion of the increase of residential heating costs through the tax mechanism. The credit would be available for 3 years. This is the only energy assistance proposed for middle income consumers. It would be available to those earning less than $20,000 annually. This provision was not considered by the Ways and Means Committee.

The credit would return to consumers one-quarter of the increased cost of their heating bill since September 1978, less normal inflation increases in that cost. In other words, if the price of home heating fuel has risen from 50 cents to 85 cents, and 10 percent is due to inflation, 25 percent of the remaining increase, or 7.5 cents, would be the credit amount. Consumers would be entitled to this per gallon amount times the volume consumed, with a maximum of $200 per family. The credit would be available to all residential energy consumers.

The provision implements in part the administration's home heating oil tax rebate proposed and passed by the House in 1977. At that time, President Carter proposed that increased cost of home heating oil due to enactment of the crude oil equalization tax (COET) be rebated to all consumers in full. The same consumer price increase now results from crude oil decontrol, yet the revenues flow to the Federal Government through the windfall profit tax rather than from COET.

This credit would cushion the burdensome impact of crude oil decontrol on middle-income consumers. It is temporary, and is only a partial refund of increased costs.

Congress enacted a comparable cushion for residential natural gas users in the form of the incremental pricing provisions of the Natural Gas Policy Act. The Senate passed version of the windfall profit bill also includes a conservation tax credit of great significance to residential oil and gas consumers—the inclusion of high efficiency boilers and furnaces in the list of energy conservation measures.

Currently, an enormous amount of energy is wasted in energy inefficient homes. These inefficiencies are the result of two separate but related problems. First, the energy losses in the building envelope are included in existing law. However, until now, there has not been a significant incentive to homeowners to upgrade the efficiency of their heating equipment. This tax credit would provide a well-targeted incentive precisely to meet this need.

The inclusion of high efficiency boilers and furances in the residential conservation credit would provide a 15-percent tax credit to purchasers of only the highest efficiency equipment commercially available. Oil heat equipment must exceed 80 percent average fuel efficiency to qualify; gas heat equipment must meet a 75-percent efficiency level. Through this limitation the provision achieves two principal effects. First, it strongly encourages homeowners to purchase the most efficient equipment of much higher efficiency. Currently, home heating equipment varies in efficiency from approximately 60 to 80 percent efficiency. In many homes the existing heating equipment is only 50 percent efficient or less. Therefore, the tax credit incentive could lead to increases of 20 or even 30 percent in the efficiency of residential heating equipment. This becomes particularly critical when homeowners reinsulate, since this causes the existing boiler or furnaces to perform even less efficiently.

The third credit in the Senate-passed bill provides low and moderate income residential users with a tax credit of up to $200 per year for installation of wood-burning stoves.

For each household, the credit is allowed to only one person, the individual who furnishes the largest portion of the household expenses. In my opinion, there is a great need for this credit. Already over two-tenths of one quad—a significant amount of energy—comes from the use of wood burning stoves in the residential sector. In the Northeast, well over half of the homeowners use wood as a source of energy. More imported oil could be displaced if costly wood burning heating equipment could be made more affordable to low- and moderate-income people. I believe that the resultant revenue loss associated with such a tax credit is displaced as a result of the increased use of wood energy. This proposed credit, would induce the installation of enough additional units to displace about 8,600 barrels per day. If we make the conservative assumption that the average price of oil will be just $25 per barrel between now and 1983, it is clear that we will be displacing at the very least, $78 million of oil imports yearly. For a $10 million investment per year, we may well be decreasing our oil imports by $78 million per year.

These three provisions should be included in the conference report on the windfall profit tax. My constituents are in need of these incentives. The effects of decontrol of crude oil prices are already being felt, and this is why I so earnestly ask that we act in these three ways to assist homeowners in easing those burdens.

Mr. D'AMOURS. Mr. Speaker, I yield 2 minutes for purposes of debate only to the gentleman from Connecticut (Mr. DODD).

Mr. DODD. Mr. Speaker, I, too, would like to compliment the conferees for wrestling with one of the most difficult issues to face this Congress. However, I also would like to join in support of this motion. It seems to me that nearly a year ago when we were talking about the windfall profits tax it was quite clear to all of us that the revenues that would be generated through that tax would be devoted almost exclusively to energy production.

When the House passed its windfall profit tax bill last June, the specifics of where the new revenues would be spent were not included in the legislation. The Senate, in its version of the bill, provided a package of tax credits for residential and business investment in energy saving equipment. Today, the full House will have the chance to take a stand on how a portion of the windfall revenues should be used, and I would urge House Members to instruct the windfall proft tax conferees to adopt the Senate's tax incentives for investment in alternative energy technologies.

The Senate energy conserving credits amount to $25.7 billion of the $227 billion in revenues that will be generated by crude oil decontrol—a very small price to pay for a reduction in our dependence on foreign oil. $8.7 billion in residential energy tax credits would encourage the use of heat pumps, replacement boilers and furnaces, wood-burning stoves, coal and wood furnaces, and solar and wind equipment. The remaining $17 billion would be used to foster industry investment in solar, wind, hydro, geothermal, and biomass energy systems as well as cogeneration, heat pump, and coke and pitch fuel equipment.

Approval of these energy tax credits is particularly important to New England, a region that imports more than 80 percent of the fuel it uses. New England has led the Nation in reducing energy consumption, but incentives for investment in alternative fuels would not only reduce our use of foreign energy supplies but also help to alleviate the energy price burden that is being exacerbated by decontrol of domestic crude oil.

Solar, woodstove, and biomass energy sources are most appealing to the Northeast and experts have estimated that solar energy, in conjunction with conservation efforts, could reduce our consumption of conventional fuel by more than 50 percent by the end of this century. Statistics show that in the 1980's tax credits for wood-burning stoves and replacement boilers and furnaces could save upwards of 220 million barrels of oil.

Raising the solar and wind tax credit rate from 30 to 50 percent, as has been proposed in the Senate bill, could save the equivalent of 900 million barrels of oil by the year 2000. Business tax incentives show an event greater return in energy savings. A 10-percent increase in the business credits for solar and wind property could supplant 1,450 million barrels of oil by 2000, and passive solar and small scale hydro credits could potentially save 480 million barrels of fuel over the same time period.

In their book, "Energy Future," authors Stobaugh and Yergin emphasize the importance of providing adequate energy tax credits to encourage conservation and the use of renewable energy sources:

> The 1978 National Energy Act provides a 10 percent tax credit for conservation investment. But given the subsidies and external costs of other energy sources, as well as the high hurdle rates, 10 percent seems much too low. Significantly greater tax credits, up to 40 percent, plus accelerated depreciation, and energy conservation loans, are required. These are especially important in a period of lagging economic confidence, high uncertainty, and consequent low investment.

The House conferees on the windfall profit tax bill have already agreed to discard all but two of the residential energy credit provisions including woodstoves, heat pumps, replacement boilers and furnaces, and electric vehicles. Passive solar heating has also been scratched and the 50 percent solar credit has been reduced to 40 percent.

The conferees have made these reductions without a clear idea of the extent of House support for energy tax credits. The resolution to instruct the windfall profit tax conferees will give Members the opportunity to demonstrate how vital they believe passage of energy tax incentives is to the effort to encourage conservation and stimulate the market for new energy technologies. Approval of the motion would further indicate the importance of using windfall profit tax revenues to fund related programs.

For the sake of our Nation's economic and energy welfare, we must speed the process of alternative energy development through mechanisms like energy tax credits. Without substantial improvements in the current level of credits, as included in the Senate bill, we could significantly retard the progress toward America's energy goals.

Mr. Speaker, we have heard a great many speeches and impressive rhetoric in this Chamber during the past several months about our Nation's willingness to defend against Soviet aggression in the Middle East and protect our vital interests in the Persian Gulf. Now we are going to be engaging in debates here on the House floor in the coming weeks on national security issues. There will be all sorts of motions and amendments made to strengthen our defense capabilities. We are about to vote on an issue that is just as important to our national security interests as any motion that will be made to buy an additional piece of military equipment.

Mr. Speaker, if we are truly committed to the rhetoric we have been using in the past several months about being strong and about being independent and showing our resolve, this is the place to do it this afternoon. We have an opportunity to put some teeth in the conservation effort, to provide some assistance to people who cannot afford the high cost of replacement of furnaces, of heat pumps, and a variety of other energy equipment used in the residential and the business sector where the bulk of this money is going. This will contribute as much, I would suggest, as anything we might do in terms of a military context. Let us send a message today not only to people in this country but to our allies and adversaries as well, that we are committed to reducing our dependency on foreign oil and we are committed to providing adequate incentives to encourage people in this country to conserve energy.

A barrel conserved is a barrel found, and that is what this motion will allow us to do.

I, for one, am not willing to risk prolonging our dependency on foreign fuel another decade, and I would recommend that my colleagues take a firm stance in favor of energy tax credits and our Nation's energy future

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Mr. D'AMOURS. Mr. Speaker, I yield 1½ minutes for purposes of debate only to the gentlewoman from Maryland (Mrs. BYRON).

Mrs. BYRON. Mr. Speaker, I rise in support of the motion.

The conservation of energy is even more important today than it was when the House first drafted the residential energy conservation tax credits in 1977. Wood stoves were not included in the list of improvements which homeowners could make to qualify for the tax credit and I feel this omission was a serious mistake. In many districts, wood stoves are probably the most important, most effective, most practical, and most popular energy conservation improvement available. I have received letters from constituents who report that they are able to reduce their heating bill by more than 50 percent through the use of wood stoves.

Heating oil was 53 cents per gallon last May and 91 cents per gallon yesterday. Many low-income people in my district use kerosene as a source of heat and we are facing the prospects that kerosene may no longer be available in our area in the future. If our country is to become independent of foreign energy supplies, we must utilize our own domestic resources to the maximum extent possible, particularly coal and our renewable resources such as solar energy and wood. While the average family cannot afford the $8000 to $10,000 which solar energy systems often cost, they can afford several hundred dollars for a wood stove.

If the goal of the residential energy conservation tax credit is to encourage families to take the necessary action to save energy and bring our country one step closer to energy independence, then clearly wood stoves should be eligible for the credit. Without distracting from the importance of solar energy, it is important to note that extending the tax credits to wood stoves is estimated to be more than twice as cost-effective to the Treasury when the amount of energy saved is evaluated in comparison with the amount of revenue loss to the Treasury.

It is also most important to include all of the necessary components of wood energy in the tax credit, such as the stove pipe as well as the cost of the wood stove itself. This is both realistic and fair and will help encourage installation techniques that will not cut corners and possibly pose a fire hazard. Furthermore, the tax credit should be retroactive to April 20, 1977, in order to be fair to the many citizens who have already responded to the national appeal for energy conservation.

Wood supplied the vast majority of our energy needs our first 100 years. By the beginning of the 20th century coal replaced wood as our major source of energy and continued in that position until 1950, when it was replaced by oil as our No. 1 source of energy. This trend clearly must be reversed. With the exception of hydroelectric power, wood energy currently supplies more energy than all other sources of renewable energy combined.

Mr. D'AMOURS. Mr. Speaker, I yield 2 minutes for purposes of debate only to the gentleman from Indiana (Mr. FITHIAN).

Mr. FITHIAN. Mr. Speaker, I thank the gentleman for yielding.

Let me just say, first of all, that I want to express my personal appreciation to the conferees for having done today what I believe is the single most important measure taken on energy since I came to the House 6 years ago. That was the extension of the waiver of the road tax on blended fuels until the year 1992, for it is my judgment that it is in the biomass area that we will get the quickest turnaround time, with one exception; that exception is what the gentleman from New Hampshire is proposing here today, that is the conservation measures.

Now, it has been said here that it is inefficient to go by way of tax credits to get energy. It is my information that if we went on the most expensive energy conservation program that all of us could think up, that the barrels of oil saved would cost us less than $10 a barrel. I have seen estimates at $6 a barrel. I have seen estimates at $8 a barrel. In any event, it would cost us less than $10 a barrel. Obviously, then, a vigorous conservation program is cheap at twice the price, for nowhere in the world today are you going to buy oil for that price.

I would argue, therefore, that we ought to support this motion, simply because we have for one reason or another not been able in this House to deal with a variety of energy options.

I have risen, therefore, to support the gentleman from New Hampshire and would urge a "yes" vote on the resolution.

Mr. D'AMOURS. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. LUKEN).

Mr. LUKEN. Mr. Speaker, I urge my House colleagues to support the motion of the distinguished gentleman from New Hampshire (Mr. D'AMOURS) to instruct the House conferees to recede and concur with Senate amendments to the crude oil windfall profit tax regarding residential and business energy credits.

These increased tax credits are needed to promote the use of alternate sources of energy. At a time when foreign oil prices continue their reckless escalation, wreaking havoc with our Nations' economy, Congress should be doing everything possible to encourage the use of alternative forms of energy. The proposed tax credits provide a major step in this direction.

The benefits of using alternate sources of energy—specifically solar energy—are numerous. Solar energy lessens our dependence on foreign oil, so that American currency used to pay for this oil remains in the U.S. economy. In addition, by using solar energy, consumers' utility bills will stabilize and possibly decrease. Finally, a new solar industry will emerge, creating jobs for the American economy.

However, with all of these benefits, the public has not readily accepted solar energy; incentives are needed.

The House Small Business Subcommittee on Energy, Environment, Safety and Research, which I chair, has held numerous hearings on solar energy. When asked what incentives are most effective in promoting the increased use of solar energy, most witnesses stated, without hesitation, that increased tax credits constitute a major incentive.

The tax credits included in the Senate version are not excessive. I introduced legislation in the first session of the 96th Congress to increase the tax credits for businesses and residences to 50 percent. California has similar legislation currently in effect. The results there have been very positive and installation of solar equipment has increased.

The Senate is to be commended for including these increased tax credits for renewable energy sources in the windfall profit tax bill. The existing credits have been a start, but they must be increased. I urge my colleagues to support the motion.

Mr. D'AMOURS. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. BEDELL).

Mr. BEDELL. Mr. Speaker, like the others, I would like to commend the conference committee most particularly for what they did today as they extended the exemption on gasohol for the 4-cent tax up until 1992.

I realize the difficult problem that

they have. I hope that the Members of the House will realize that in giving these instructions, we do not require them to approve every tax credit in the Senate version. What we are simply telling those conferees is that the Members of the House believe that we need to have tax credits to move us forward in regard to energy conservation and energy production.

I would like to also agree with the statement of the gentleman from Connecticut when he said that when we passed this tax bill, it was at least the understanding of many of us, that some of the revenues were to be used to help solve our energy problem, and I went back and told my people that we were going to use this tax to help us solve our energy problems. We now are arguing whether we should take roughly 10 percent of the tax and use it for conservation and for efforts to try to increase production on such items as alcohol fuels, whether or not we should encourage our communities to build alcohol fuel facilities by exempting the bonds that they sell for that purpose to make them tax exempt.

One of the gentlemen said we have to wait, we have to wait until we have hearings. We have to wait for this. I can tell you what my people think. My people think we have been waiting, waiting, waiting too long. They think we have an energy problem. I think we have an energy problem. This is one opportunity we have right now to tell the conferees and to tell everybody else that we think we should start to do something about our energy problems.

I urge the Members here to support this resolution.

Mr. D'AMOURS. Mr. Speaker, I yield such time as he may consume to the gentleman from Maine (Mr. EMERY).

Mr. EMERY. Mr. Speaker, I rise in support of the resolution to instruct the House conferees to concur with the Senate position on tax credits for wood stoves and wood and coal furnaces.

I was very disappointed to receive news that the House conferees to the Windfall Profit Tax Act had deleted tax credit provisions that would have encouraged the direct use of wood as an energy resource.

New England is overwhelmingly dependent on imported oil. But we have made great efforts to utilize those resources that are locally available and renewable in supply. Wood for heating ranks foremost among these energy sources. The New England Energy Congress estimated that wood heating could contribute the equivalent of 74.1×10^6 barrels of heating oil by the year 2000 if proper financial tax incentives were established.

As one New England Congressman who recognizes that the United States, and particularly New England, needs to shift away from a dangerous dependency on imported oil, I have supported deregulation of oil and gas and numerous other energy incentive programs to increase the production of oil and alternative energy sources. Yet, when the House of Representatives had the opportunity to help that region of the country that is hit the hardest by these unfortunate circumstances, it failed to provide any incentive to the single resource that offers the greatest hope—wood.

Ultimately, the discarding of these tax credits will impede the struggle to ease New England from the stranglehold of imported oil.

Mr. D'AMOURS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. SOLOMON).

Mr. SOLOMON. Mr. Speaker, I rise in support of the gentleman's motion. One of the first bills I sponsored after coming to Congress was one to provide a residential energy credit for the installation of wood-burning stoves. Home wood-burning does save energy and, if it is encouraged, can make an immediate, measurable impact on this Nation's energy shortage.

A study prepared for the Department of Energy last year gave evidence to the fact that a tax credit for wood burning equipment will stimulate the purchase of wood stoves. When one considers that a wood stove saves the equivalent of at least 10 barrels of oil annually over a lifetime of 20 years, we are talking about a savings of $6,000 per person in imported oil at today's world price.

Mr. Speaker, the people who have installed wood stoves are saving money and making a contribution to energy self-sufficiency. A large portion of the wood stoves used in this country are used in the northeast, which is also the largest user of high priced foreign oil. By providing an incentive for the purchase of wood stoves, we can markedly lower the cost of energy to the consumer and at the same time reduce reliance on oil imports where the demand for imports is currently the greatest.

Mr. Speaker, for the life of me, I cannot understand why anyone would oppose this energy tax credit legislation which is designed to do two things, produce domestic energy and save energy through conservation, both of which would result in importing less foreign oil into this country. Mr. Speaker, American dependency on foreign oil is threatening our national security, it is wrecking our economy and it is fueling inflation which is breaking the backs of the American people. I urge support of this motion.

Mr. D'AMOURS. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. GLICKMAN).

Mr. GLICKMAN. Mr. Speaker, I rise in strong support of the motion offered by our colleague from New Hampshire. He obviously recognizes, as I do, that we have a critical need to move ahead without further delay in developing alternatives to our dwindling, increasingly expensive petroleum supply.

The one argument that I have heard most often about the windfall profit tax legislation is that it will have the effect of discouraging increased energy production. Given the fact that we designed the House bill to focus the tax on "old oil" and the actions by the Senate which had the effect of furthering that perspective, I do not buy that argument. If I did, I would not have supported the House version of the bill.

However, the fact that that argument is being used against the bill is a very good reason for us to make sure—by adopting this motion to instruct—that the bill includes incentives to get us into widespread commercial use of alternatives across the board.

I would give particular attention to the fact that this motion includes item 41 dealing with alcohol fuels and, particularly, the Senate-passed provision to extend until the year 2000 the present exemption from the Federal gasoline excise tax sales of "gasohol." I personally have talked and written to the House conferees on this issue over and over again during the last few weeks about item 41 and how vital it is that that exemption be extended. Without that assurance of steady, long-term tax help, investors who are planning to move into alcohol for fuel production just will not do so. They see that tax exemption as vital to the success of their endeavors. Certainly at a time when we have shown a willingness to invest Federal dollars to support alcohol production, we do not want to with the other hand discourage private investment in that same important work. Approval of this motion and subsequent action by our House conferees will assure that we do not end up with that kind of contradictory policies.

Mr. D'AMOURS. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Speaker, I rise in strong support of the motion to instruct conferees on the windfall oil profit tax bill.

The decision to decontrol the price of domestic crude oil has provided an additional impetus to efforts to conserve energy and utilize alternative energy sources. The effects of decontrol will be especially substantial for those who rely on oil to heat their homes and businesses. These people recognize that switching to fuels other than oil, and implementing strict conservation measures offer the best means of dealing with the increased cost of oil. They understand that in modern, efficient equipment, and new technologies, lie their best hope of lessening their personal dependence on oil. Unfortunately, for many, the cost of investing in this equipment or making use of this technology is prohibitive.

The revenues to be generated by the windfall profit tax represent an opportunity for the Federal Government to stimulate energy conservation, and the utilization of alternative sources of energy. The residential and business energy tax credits, which the Senate adopted in its version of the windfall profit tax bill, are an important means of accomplishing that result. To many of the people now using oil to heat their houses, or their places of business, those credits could make the difference in determining whether or not to invest in a more fuel efficient boiler or furnace, or whether or not to try to meet some of their energy needs with a fuel other than petroleum. The Senate's tax credit for residential energy use is of particular importance to those of our citizens hardest hit by the rapidly rising cost of home-heating oil.

Mr. Speaker, I believe that these credits are an altogether appropriate use for a portion of the windfall profit tax revenues. They will provide a clear indication that Congress is committed to an energy policy that recognizes the need to encourage both conservation and a shift from petroleum as an energy source. I urge that the House adopt the motion to instruct its conferees with the hope that the conference report on the windfall profit tax bill will contain a strong package of energy tax credits.

Mr. D'AMOURS. Mr. Speaker, I yield such time as he may consume to the gentleman from South Dakota (Mr. DASCHLE).

Mr. DASCHLE. Mr. Speaker, I rise in support of the motion offered by the gentleman from New Hampshire. Our Nation is much too dependent on foreign energy resources, resources which are increasingly costly not only to individual consumers, but to our Nation as a whole.

One consequence of this dependence has been the President's recent call for reinstitution of the military draft, the first step toward our country waging war half a world away. A war to defend oil pipelines and insure the continued flow of oil from the Middle East. A war once unthinkable, now threatened, but a war which need not become unavoidable.

Conservation and accelerated use of renewable energy resources comprise an alternative to conflict—a viable, realistic, and effective alternative which can reduce our unwelcome dependence on precarious supplies of foreign energy. To accelerate the use of alcohol fuel, solar energy, other renewable energy resources and conservation efforts, incentives are appropriate and, in the truest sense, in the national interest.

However, I want to associate myself with the remarks of the gentlemen from Indiana (Mr. FITHIAN) and Iowa (Mr. BEDELL) in their eloquent praise of the conference committee's actions today. By setting the tax-exempt status on alcohol fuels through the year 1992, we have given investors, producers, retailers and consumers an opportunity to make alcohol fuels an important transportation fuel.

I have little doubt that because of this action alcohol fuel development will continue to expand exponentially. While we continue to advance other legislation which will insure alcohol fuel development in the years ahead, it is with confidence that we know that the way has now been paved.

Mr. D'AMOURS. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. BALDUS).

Mr. BALDUS. Mr. Speaker, I rise in support of the motion.

I would simply like to make two points in the 1 minute I have. One is, and I think this should be remembered by everyone, that is, that when they vote for this motion they are not tying the hands of the conferees from negotiations, but they are giving them an instruction. They are giving them support. They are giving them direction. I think that is a very necessary vote and I think everyone in the House should vote for it.

The other reason that has been given for voting against it, because we have not had hearings in the House, is preposterous. In the 5 years that I have been here, and I am sure in the years before that since the first oil embargo, we have been discussing and discussing alternatives. Certainly every one of these has been turned over by four or five committees in the House of Representatives since that time; so I urge very strongly that we maintain these incentives for conservation; wood-burning stoves, heat pumps, the whole bunch of things that need to be considered.

Mr. D'AMOURS. Mr. Speaker, I yield two minutes for purposes of debate only to the gentleman from California (Mr. CORMAN).

Mr. CORMAN. Mr. Speaker, I rise in opposition to the motion. I make a plea to retain some integrity in the tax code. If there is one thing that is wrong with the code, it is too complex. It is riddled with exemptions, exclusions and deductions, known as tax expenditures. We try too much to control the lives of Americans and to control their businesses through the tax code. That is bad tax policy.

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Mr. Speaker, we will be spending hundreds of millions and into the billions of dollars to try to solve our energy problems and the worst way to do it is through the tax code.

Several of the provisions in the Senate bill call for the financing of energy projects through the use of tax exempt bonds. These bonds are purchased by individuals in the 50 percent or $60,000 tax bracket and above. They are purchased by people who can afford to receive lower interest rates in order to reduce their taxable income, and in some cases to avoid paying taxes altogether.

Mr. Speaker, this is a terribly inefficient way of financing any project, no matter how worthy. It creates the kind of distortion in the tax system that leads to outrage and revolt among those taxpayers whose incomes are not high enough to take advantage of such devices. Those projects that are worthy of Government support should be able to stand the test of the appropriations process and be financed directly rather than through loopholes in the tax code. It is because of this effort to rely on the tax code to solve all our problems that we have found ourselves with a system that is devilishly complex and blatantly unfair.

I have voted to accept some credits because I think we have to reach an accommodation with the Senate. We must tax the windfall profit of oil companies. We must use some of the revenue to keep very poor people from freezing to death in that part of the country where we hear so much about the virtues of the wood-burning stove. We must supply some across-the-board tax cuts to the working poor and those of moderate means because they are not going to be able to maintain their standard of living, pay increased energy costs and pay the taxes they are now paying.

But, Mr. Speaker, if we are going to carve out $6 to $7 billion from the windfall profit tax revenues for people who live on the tax-exempt income from their investments, we will not be able to meet our responsibilities to those Americans who most need help. I urge a no vote on this motion to instruct, Mr. Speaker, and I yield back the balance of my time.

Mr. D'AMOURS. Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut (Mr. RATCHFORD).

Mr. RATCHFORD. Mr. Speaker, I rise in support of the motion.

Mr. Speaker, I rise today to voice my strong support for the motion to instruct the House conferees on the windfall profit tax legislation to recede and concur in Senate amendments providing residential and business tax credits for energy conservation and alternative energy sources.

As my colleagues in the House are well aware, the House has yet to have the opportunity to consider the issues of tax incentives for energy conservation and alternative energy development. The House consideration of H.R. 3919 was limited strictly to the structure of the windfall profit tax itself, with no discussion of the future use of the windfall profit tax revenues. I believe there is a broad consensus in the House that the revenues of the windfall profit tax offer our only hope of financing the expensive initiatives of a national energy program that are so vital to our future independence from a reliance of foreign oil.

In this context, it is disturbing to learn of the apparent decision by the House conferees to oppose the Senate provisions for residential and business tax credits that are the cornerstone of Federal efforts to promote energy conservation and alternative energy development. While it would be nice to have the luxury of a more leisurely consideration of tax incentives in the House, the time for an increased Federal commitment to energy conservation and alternative energy development is long overdue. If we fail to approve at least some of these tax measures as part of the windfall profit tax legislation now in conference, any meaningful steps toward the goal of energy independence may be impossible prior to the close of the second session of the 96th Congress.

Mr. Speaker, in acting to expand the Federal commitment to energy conservation and alternative energy development, we are hardly embarking on a new mission in uncharted waters. The effectiveness of tax incentives—the result of their simplicity and their direct assistance to homeowners and businessmen—has been clearly documented by the experience of the past 2 years under the provisions of the Energy Tax Act of 1978. The importance of energy conservation and alternative energy development—and the dangers of our current dependence on foreign oil—have been made painfully clear by the international turmoil of the past few months. We have an opportunity to act now, to strengthen proven incentives which offer some hope of moving away from our reliance on the imports of OPEC nations—and we cannot afford to delay in our fight for energy independence any longer.

The Senate provisions of the windfall-profit tax take some prudent steps to increase the tax credits available to homeowners and businessmen who invest in solar energy and in energy conservation and weatherization measures. The Senate bill also expands the coverage of existing tax credits to include a number of other energy investments with significant potential for reducing our dependence on fossil fuels, including woodburning stoves and furnaces, heat pumps, more efficient replacement oil and gas furnaces, and coal furnaces. Finally, for businesses, the Senate version of the windfall-profit tax increases the tax credits for alternative energy sources, and provides new Federal incentives for conservation efforts in mass transit (carpooling and vanpooling, electric vehicles, and some intercity buses).

In considering today's motion to instruct the House conferees on this issue of tax credits, there is no attempt to bind the conferees to except each and every provision in the Senate version of the windfall-profit tax legislation. The proper balance between various incentives for conservation and alternative energy development certainly should remain open for debate by my colleagues in the House. Yet if we fail to express a commitment now to an expansion of Federal efforts in promoting energy conservation and alternative energy development, we both delay our all-important effort to reduce our consumption of fossil fuels and we run the risk of having the revenues of the windfall-profit tax diverted to nonenergy-related purposes.

Mr. Speaker, the President's decision to decontrol the price of domestic oil has already placed a heavy burden on oil consumers across the Nation. As the profits of the oil industry already begin to skyrocket, the House has a responsibility to recover some of the additional revenues which decontrol will bring and to insure that they are wisely invested in our Nation's energy future. The motion to instruct the House conferees to recede and concur in Senate amendments providing residential and business tax credits for energy conservation and alternative energy sources provides our opportunity to fulfill this commitment to the American people. I urge my colleagues to lend their full support to the motion, and to start us on the long road to energy independence in the years ahead.

The SPEAKER pro tempore. The Chair will state that the gentleman from New Hampshire (Mr. D'AMOURS) has 10 minutes remaining.

Mr. D'AMOURS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Speaker, the difficulty of arriving at a compromise between our two bodies with respect to the windfall profit tax bill is enormous. We have been meeting days and weeks, mornings, afternoons, and into the evenings, trying to arrive at some kind of a sensible compromise.

If we now instruct the conferees at this hour, we are in effect destroying the work of our conference that has been going on for weeks. This is not the right way to go about it.

When this bill passed the House, we had an agreement on both sides of the aisle within our committee that we would not have any tax credits. The Senate saw fit to put in $26 billion on a 10-year basis. They did reduce that amount to 5 years for $16 billion. Some of us from the House conferees thought we ought to have some tax credits, and that that would be in order, although our House conferees by tentative vote at one time had agreed on no tax credits at all. Some of the conferees felt, though, that there should be some selective areas of tax credits, and we have carefully and, we hope, thoughtfully gone about the process of trying to find out where to make tax cuts, or give tax credits. We arrived at some reasonable amount, and, in some areas, such as gasohol, I think these people should be enormously satisfied with what we have done. Those of us who have labored to reach some compromise now find it very difficult to understand why they would now want to force the entire Senate version on us.

If you tie our hands, I think in effect you are destroying the committee's work, because there is mightly little difference between tying our hands and giving us instructions.

The gentleman from California (Mr. CORMAN) has said that we ought to maintain the integrity of the tax code. He is right.

Mr. Speaker, everybody wants a lot of credits. The committee and the conferees have thus far done a good job, and we ought not to instruct the conferees at this point.

Mr. D'AMOURS. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. FOWLER).

Mr. FOWLER. Mr. Speaker, as a member of the Committee on Ways and Means and as one who has the highest respect for its chairman and for my colleagues, I take the floor only because of what I see to be the urgency and the special circumstances of this particular case.

Many months ago, when the House considered and approved this substantial excise tax, many of us who supported a strong tax did so with the clear understanding that we were developing a bill to address our most serious national problem—energy. We have now passed the largest single revenue measure in our Nation's history.

What it appears to me is happening is what we used to call in my part of the country the "doctrine of the full till." That is, when the coffers look to be overflowing and it appears that the $227 billion and possibly $500 billion over the next 10 years is coming in, the doctrine of the full till creates enormous pressure on the conferees to convert this tax bill into a general tax bill and to forget about the initial purpose, that being to lessen our dependency on foreign oil.

I do not like to instruct the conferees of the Committee on Ways and Means or anybody else, but it is advisory only. If we are going to do anything about our economic problems in this country, if we are going to do anything about our energy problems, if we are not going to continue to have pressure to increase the defense budget, because of our present dependency upon that region of the world that produces this energy, we have got to find a way to develop alternative sources of energy, to inspire conservation efforts, and to put money from this tax into the pockets of businesses and individuals in this country that will take strong antidependency action that will somehow lessen our dependency upon this oil.

Ten percent, 12 percent, or 11 percent of an energy tax bill for energy conservation credits cannot be too much. We can go from there to a consideration of all the other needs of the American people and all the other agendas in the U.S. Congress if we are going to go into a general tax bill.

Mr. LOWRY. Mr. Speaker, will the gentleman yield?

Mr. FOWLER. I yield to the gentleman from Washington.

Mr. LOWRY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I commend the gentleman on the points he is making. We are paying $80 billion this year for what in 1973 we paid $5 billion. We cannot stand that.

I commend the gentleman on making that point, and I urge a yes vote on the motion.

Mr. D'AMOURS. Mr. Speaker, I yield 2 minutes, for purposes of debate only, to the gentleman from New Jersey (Mr. HOWARD).

Mr. HOWARD. Mr. Speaker, we are going to vote in a few minutes on this motion, but first I would like to point out one or two things we are going to be voting on.

If we vote for this motion, we are going to be voting for a lot of things that are very popular and several things that are very necessary, but if we vote for this motion, we are also voting for the final destruction of the highway trust fund.

The highway trust fund has come from the tax on fuel. Whether we talk about the Dole amendment in the other body that exempted the tax that goes into the highway trust fund for gasohol during the year 2000 or whether, by the conference committee's action this morning, we exempt gasohol through the year 1992, we are not going to have the funds necessary for improvements in our highway system.

We have been trying to conserve energy in the past. We get more miles per gallon from our automobiles, we have preferential bus lanes, we have carpooling and vanpooling programs. We have cut the use of gasoline by 8 percent in the months of October, November, and December—a worthwhile goal. We have also depleted the funds going to the highway trust fund.

We want to fix 105,000 unsafe bridges that exist today. We want to eliminate the situation where a bridge collapses on the average of one every 2 days. We want to modernize the existing system.

If we vote for this motion, if we exempt gasohol through 1992 or the year 2000, on top of the savings we are getting in fuel now, this will ultimately destroy the highway trust fund.

Mr. Speaker, I hope that we all realize that, because we will not have any decent highway programs anywhere in the United States if we exempt gasohol right through the year 1992 or the year 2000.

☐ 1630

Mr. D'AMOURS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I am going to be brief in summation, but there are some points which absolutely have to be made, beginning with the point made by the gentleman from New Jersey (Mr. HOWARD), the last speaker. I think it is important that we all understand that the point just made is irrelevant to the motion I am making, because the point the gentleman addressed himself to has already been resolved by the conferees. So it is not covered in any way by this motion, whether one agrees with it or not. So please keep in mind that nothing we are doing today will have any direct effect or indirect effect on the question just raised by the gentleman from New Jersey (Mr. HOWARD).

Now, it has been said by the gentleman from California (Mr. CORMAN) that what we should be doing is cutting taxes. This is a tax cut. It is a tax cut. It is a targeted tax cut, though.

You can cut taxes generally and give people more money, and they can use that money to go out and buy more oil and more gas, or you can cut taxes this way and target the cuts to be used for conservation.

This argument is not original with me. It was made by Chairman LONG of the conference. I think it is persuasive. I agree with it.

Second, this is not too late, as the gentleman from Texas (Mr. PICKLE) said. It is not too late. I think, if anything, we are just in time. If you go down and watch the conference, the Senate is very aware of what we are doing on the floor today. They have already begun to change their stance because of what we are doing. It is not too late. If anything, it is in the nick of time.

I want the Members here to know that in the course of this debate I have yielded to every Member who wanted to speak in opposition to this motion that I am making. I have not prevented any Member from speaking, at least in opposition. The unanimous-consent requests were granted to those who were supporting my motion.

Mrs. SNOWE. Mr. Speaker, will the gentleman yield?

Mr. D'AMOURS. I yield to the gentlewoman from Maine.

Mrs. SNOWE. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the motion by my distinguished colleague from New Hampshire (Mr. D'AMOURS) to instruct House conferees on the windfall profit tax bill, H.R. 3919. This resolution would instruct conferees to agree with the Senate in adopting residential energy credits and business energy investment credits. Most of these credits are for energy conservation and alternative energy sources, and I think it is important for us to recognize and affirm that such credits encourage conservation and promote the use of renewable resources. It is in the best interest of this Nation to provide tax credits designed to reduce America's dependence on foreign oil.

Under the Senate version, homeowners and businesses would be eligible for credits in a number of areas from solar to geothermal. I would like to address my remarks to a specific area, wood stoves and wood furnaces. Wood is abundant, immediately available and has the potential to significantly expand its contribution to the country's energy needs. The people of Maine have long recognized this fact, and I think the country can greatly profit from their example. There are a number of reasons to support a tax credit for wood stoves and furnaces:

It is one tax credit which will help those being most severely hurt by the energy crisis, both lower and middle income families.

Wood now provides half as much energy as does nuclear power and according to a recent DOE study on wood burning, the overall supply of wood fuel is adequate to meet vast increases in residential wood use. "The supplies of wood fuel in this country represents an annual energy potential of roughly 9 quads," the report found. The country's total energy consumption 1978 equaled 76 quads.

Residential wood heating alone could be expected to save us 95 million barrels of oil annually. The long-term incremental savings resulting specifically from a 15-percent tax credit is estimated at 120 million barrels. When viewed in the light of the estimated $418 million revenue loss from 1979 to 1985, this computes to a revenue loss of $2.53 per barrel of oil saved.

DOE has calculated that a tax credit for wood burning equipment could accelerate the move to wood by a rate equal to the credit level. In other words, a 15-percent tax credit would accelerate the use of food heating by 15 percent.

The DOE Booz Allen study found any potential environmental impacts from large scale wood burning to be controllable.

The people of Maine are taking advantage of this abundant energy supply. Two years ago the Department of Energy initiated a wood stove program which is presently sponsoring five projects designed to develop a quantitative base of knowledge on wood stoves and the availability of wood fuel. Two of these five projects are being conducted within my State of Maine. The University of Maine at Orono is studying the use of wood stoves as supplementary heaters in new homes which are designed to be primarily solar-heated homes; and the Maine Audubon Society is conducting a regional study to quantify present and projected demand for firewood.

According to Aubudon's draft report which was submitted in March of last year, almost one-half (46 percent) of the homeowners in Maine burned firewood during the winter of 1977–78. An average of 3.6 cords of wood was burned by each household which represents an annual equivalent oil savings of 685 gallons per home. Two-thirds of the households burning wood estimated an energy savings of 25 percent, while the remaining woodburners estimated savings of 50 percent or more. An average saving of $283 per household was attributed to firewood use.

Given the annual average income in Maine of $5,700, this credit would provide vital relief for middle- and low-income persons who will face the brunt of this winter's crisis. We need to be gearing our energy measures toward those individuals who can ill afford to experience escalating energy costs. In this regard, a nonprofit community development corporation called Coastal Enterprises in Bath, Maine is concentrating its efforts in the development and financing of wood-energy businesses aimed at assisting those with low incomes. The major objective of this organization is to increase the flow of fuelwood to the consumer. Along these lines, Coastal Enterprises just received a grant to construct a low-cost fuelwood processing mill which they hope to integrate into a demonstration scale concentration yard. Encouragement of efforts of this nature is necessary, if we are to insure a sound fuelwood market.

Wood is New England's most abundant energy resource with over 80 percent of the region forested. Given the growing interest displayed by various organizations and individuals, I believe that home wood-burning is becoming a way of life for a growing number of New Englanders. I have cosponsored legislation which would provide a 15-percent tax credit, I would support a higher credit. As it stands the present tax credit would help offset the initial investment necessary to convert to wood heat, and it would increase our reliance on local, renewable energy resources.

Without strong tax incentives for conservation and the use of renewable energy resources, windfall profit tax revenues will not ease the burden of oil decontrol on this Nation. I urge my colleagues to support this motion.

● Mr. DRINAN. Mr. Speaker, I rise in strong support of H.R. 3919, a motion to instruct the House conferees on the windfall profits tax to accept the energy credits adopted by the Senate. These credits would encourage the development of a wide range of conservation and alternative energy technologies at a cost of about $26 billion, approximately 11 percent of the revenue the windfall profits tax is expected to generate.

Unfortunately, on February 7 the House conferees voted to oppose these energy credits, despite the fact that virtually every recent study of our Nation's energy situation has concluded that we would save 30 to 40 percent of our energy use through the use of conservation technologies; that solar and other renewable energy sources could provide at least 20 percent of the energy we require; and that tax credits are an effective means of encouraging people and business to adopt these new energy technologies which could substantially reduce our crippling dependence on expensive foreign oil.

Subsequently, the House conferees voted to eliminate the tax credits for wood stoves, for passive solar heating, for industrial heat pumps, and for new energy efficient boilers and furnaces. They also eliminated a provision extending the energy credits to landlords, and reduced the credits designed to encourage conservation and industrial use of renewable energy sources. As this legislation is currently written, only 2 percent of the vast resources that this mild tax on the profits of decontrol will yield will be spent to increase our energy independence. This is a pathetically small investment in the effort to solve our Nation's most important problem.

The credits which the conferees have opposed are particularly important to the people of New England, a region which is severely dependent on foreign sources of oil. New England has no significant indigenous coal or petroleum resources and it is located at the end of the oil, gas, and coal distribution systems. New Englanders are acutely aware of our dependence and over the last few years we have seriously addressed ourselves to this problem. Last summer, for instance, the New England Energy Congress, a 120-member grassroots organization sponsored by the New England Congressional Caucus, released an unprecedented 500-page report, "New England Blueprint for Energy Action." This report concluded, in part, that New England could meet 25 percent of its energy needs by the year 2000 with wood, hydroelectric, solar, and other renewable sources.

The day this report was released, the New England Congressional Caucus announced the introduction of a 25-bill legislative package which was designed to implement most of the recommendations of the Energy Congress. Included in this package were bills providing tax credits for wood stoves, energy conserving furnaces, passive solar design features, and industrial energy conservation investments—precisely the kind of credits that the House conferees have opposed.

There is really no doubt that wood has tremendous potential for the United States. Recent studies document that this Nation's wood resources are sufficient to support a vast increase in wood burning and that the environmental problems associated with wood burning are controllable. Perhaps most importantly, wood stoves are an available, down-to-earth,and relatively inexpensive means of reducing our use of petroleum. This is a technology that low- and moderate-income people—those who are the most severely hurt by the recent drastic increases in energy costs—can take advantage of.

I cannot overstate the importance of these tax credits to the people of New England, over 70 percent of whom heat their homes with oil. The wood stove, for instance, would significantly increase the use of wood stoves in our region. Wood is one natural resource which New England does possess in abundance. The energy congress concluded that wood can realistically be expected to replace over 50,000 barrels of oil per day in New England by 1985 if the proper incentives are provided by the Government. Primary among these proposed incentives is the establishment of a tax credit for wood stoves. A DOE study indicates that wood stove installations would be accelerated at a rate directly proportional to the amount of a tax credit. In other words, a 15-percent credit would accelerate installation by 15 percent.

In conclusion, Mr. Speaker, I strongly urge the adoption of this motion. It will not bind the conferees to accept every one of the Senate's provisions, but it will clearly express the will of the House that this legislation should contain strong provisions to encourage the use and development of conservation, renewable, and alternative energy sources. The President's decision to decontrol the price of domestic crude oil will cost American consumers hundreds of billions of dollars in higher energy costs. The windfall profits tax will recover a modest portion of these billions of dollars which will accrue to the oil companies as unearned profits as a result of decontrol. It is not only proper, but essential that a substantial portion of this revenue be used to enable the American people to invest in the new energy technologies which will reduce our dependence on petroleum and increase our Nation's energy self-sufficiency.●

Mr. D'AMOURS. Mr. Speaker, I remind the Members of the House that this is the only change we are apt to have on the question of whether we favor or oppose what we have been talking about for so long and doing nothing about for so long, the question of conservation and promoting alternative energy development. I urge, for the purposes of instructing the conferees in the House and for the benefit of the Senators who support our position, a very strong vote in support of this motion.

Mr. Speaker, I move the previous question on the motion to instruct.

Mr. ULLMAN. Mr. Speaker, I move to table the motion offered by the gentleman from New Hampshire (Mr. D'AMOURS).

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from Oregon (Mr. ULLMAN).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. ULLMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 130, nays 272, not voting 31, as follows:

[Roll No. 59]

YEAS—130

Alexander
Andrews, N.C.
Anthony
Archer
Ashley
Badham
Bafalis
Bennett
Bolling
Bowen
Brademas
Brodhead
Brooks
Brown, Calif.
Brown, Ohio
Broyhill
Burgener
Burlison
Burton, Phillip
Butler
Cheney
Coelho
Collins, Tex.
Conyers
Corcoran
Corman
Cotter
Danielson
de la Garza
Dellums
Diggs
Dixon
Duncan, Oreg.
Duncan, Tenn.
Eckhardt
Edwards, Calif.
Edwards, Okla.
Erlenborn
Evans, Del.
Fary
Foley
Fountain
Frenzel
Frost
Giaimo
Gibbons
Goldwater
Gonzalez
Gradison
Gramm
Guyer
Hall, Tex.
Hance
Harsha
Hefner
Hightower
Hinson
Holland
Holt
Hopkins
Howard
Hubbard
Ireland
Jones, Okla.
Kelly
Kindness
Latta
Leach, La.
Leath, Tex.
Lloyd
Lott
Lungren
McCormack
McDonald
Martin
Michel
Miller, Ohio
Mollohan
Montgomery
Moore
Moorhead, Calif.
Murphy, N.Y.
Murtha
Natcher
Paul
Pepper
Perkins
Pickle
Preyer
Pritchard
Rahall
Railsback
Rangel
Regula
Rostenkowski
Rousselot
Russo
Sabo
Schulze
Shannon
Shumway
Shuster
Simon
Slack
Snyder
Spence
Stack
Stanton
Stark
Steed
Stenholm
Stockman
Stratton
Stump
Symms
Synar
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
White
Whitley
Whitten
Wright
Wyatt
Young, Fla.
Zablocki

NAYS—272

Abdnor
Addabbo
Akaka
Albosta
Ambro
Anderson, Calif.
Annunzio
Applegate
Aspin
Atkinson
AuCoin
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bereuter
Bethune
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Boner
Bonior
Bonker
Bouquard
Breaux
Brinkley
Broomfield
Buchanan
Burton, John
Byron
Carr
Carter
Cavanaugh
Chappell
Chisholm
Clausen
Clay
Cleveland
Clinger
Coleman
Collins, Ill.
Conte
Coughlin
Courter
Crane, Daniel
D'Amours
Daniel, Dan
Daniel, R. W.
Daschle
Deckard
Derrick
Derwinski
Devine
Dickinson
Dicks
Dingell
Dodd
Donnelly
Dornan
Dougherty
Downey
Drinan
Early
Edgar
Edwards, Ala.
Emery
English
Erdahl
Ertel
Evans, Ga.
Evans, Ind.
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Florio
Ford, Tenn.
Forsythe
Fowler
Fuqua
Garcia
Gaydos
Gilman
Gingrich
Ginn
Glickman
Goodling
Gore
Grassley
Gray
Green
Grisham
Guarini
Gudger
Hagedorn
Hall, Ohio
Hamilton
Hanley
Hansen
Harkin
Harris
Hawkins
Heckler
Heftel
Hillis
Hollenbeck
Holtzman
Horton
Huckaby
Hughes
Hutto
Hyde
Ichord
Jacobs
Jeffords
Jeffries
Jenkins
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kildee
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Leach, Iowa
Lederer
Lee
Lehman
Leland
Lent
Levitas

Lewis
Livingston
Loeffler
Long, La.
Long, Md.
Lowry
Lujan
Luken
Lundine
McCloskey
McDade
McHugh
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Mathis
Matsui
Mattox
Mavroules
Mazzoli
Mica
Mikulski
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mottl
Murphy, Pa.
Myers, Ind.
Neal
Nedzi
Nelson
Nichols
Nolan
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patterson
Pease
Petri
Peyser
Porter
Pursell
Quayle
Quillen
Ratchford
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Robinson
Rodino
Roe
Rose
Rosenthal
Roth
Roybal
Royer
Rudd
Santini
Satterfield
Sawyer
Scheuer
Schroeder
Sebelius
Seiberling
Sensenbrenner
Sharp
Shelby
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Solarz
Solomon
Spellman
St Germain
Staggers
Stangeland
Stokes
Studds
Swift
Tauke
Taylor
Thomas
Thompson
Traxler
Trible
Walgren
Walker
Wampler
Waxman
Weaver
Weiss
Whitehurst
Whittaker
Williams, Mont.
Williams, Ohio
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff
Wolpe
Wydler
Wylie
Yates
Yatron
Young, Mo.
Zeferetti

NOT VOTING—31

Anderson, Ill.
Andrews, N. Dak.
Ashbrook
Campbell
Carney
Conable
Crane, Philip
Dannemeyer
Davis, Mich.
Davis, S.C.
Ford, Mich.
Gephardt
Hammerschmidt
Jenrette
Kazen
Kemp
McClory
McEwen
McKay
McKinney
Moorhead, Pa.
Murphy, Ill.
Myers, Pa.
Patten
Price
Roberts
Runnels
Stewart
Treen
Watkins
Young, Alaska

□ 1640

The Clerk announced the following pairs:

Mr. Jenrette with Mr. McKinney.

Mr. McKay with Mr. Kemp.

Mr. Moorhead of Pennsylvania with Mr. Hammerschmidt.

Mr. Murphy of Illinois with Mr. Anderson of Illinois.

Mr. Roberts with Mr. Campbell.

Mr. Watkins with Mr. Ashbrook.

Mr. Myers of Pennsylvania with Mr. Philip M. Crane.

Mr. Patten with Mr. Andrews of North Dakota.

Mr. Price with Mr. Davis of Michigan.

Mr. Gephardt with Mr. McClory.

Mr. Kazen with Mr. McEwen.

Mr. Runnels with Mr. Dannemeyer.

Mr. Stewart with Mr. Young of Alaska.

Mr. Ford of Michigan with Mr. Davis of South Carolina.

Mr. Carney with Mr. Conable.

Messrs. CHARLES WILSON of Texas, MATSUI, GUARINI, BREAUX, NEDZI, and RUDD changed their votes from "yea" to "nay."

Messrs. DE LA GARZA, VOLKMER, DIXON, and PHILLIP BURTON changed their votes from "nay" to "yea."

So the motion to table was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

□ 1650

PARLIAMENTARY INQUIRY

Mr. BROWN of Ohio. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. BROWN of Ohio. Mr. Speaker, on the screens in the offices when this vote was called it indicated that the vote was on the issue of the motion to instruct and not until some of us came to the floor did we discover that the vote was actually on a motion to table the motion to instruct.

Now, before we vote again could we get a clear statement of what is at issue in whatever the next vote is, because it occurs to me that there may have been some confusion on the last vote, given what appeared on the screens in Members' offices.

The SPEAKER pro tempore. The Chair put the question properly then and will now.

The question is on the motion to instruct the House conferees.

Mr. BROWN of Ohio. This question, this question we will vote on now is a vote on the motion to instruct the conferees?

The SPEAKER pro tempore. The question that will occur now is on the motion to instruct the conferees.

(By unanimous consent Mr. GIBBONS was allowed to speak out of order.)

REQUEST THAT MEMBERS NOT INSTRUCT CONFEREES

Mr. GIBBONS. Mr. Speaker, I cannot believe the last vote. It is absolutely astounding.

What my colleagues voted for was to instruct the conferees to throw away $26 billion on some tax credits of doubtful value. The gentleman from New Hampshire wanted wood-burning stoves, and he got wood-burning stoves and a bunch of biomass along with it.

Now, I would hope that the Members would have some faith and trust in the conferees. We are working hard. We have done all that anybody wanted on the gasohol problem this morning, and we took care of that problem, and I hope my colleagues understand that.

But, please, do not instruct us. We are about to complete this conference. We are about to get things wound up and get it out here where we can either accept it or reject it. But if my colleagues instruct us now we are going to have to go back to square one, and we will be drawing away money and everything under the Sun.

PARLIAMENTARY INQUIRY

Mr. JONES of Oklahoma. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. JONES of Oklahoma. The parliamentary inquiry, Mr. Speaker, pertains to precisely what we are voting on and what we are instructing the conferees to do. It is my understanding that the gentleman wishes to instruct the conferees to accept the Senate tax credit. It does not pertain to gasohol, it does not pertain to industrial development bonds; is that correct?

The SPEAKER pro tempore. The question is on the motion and the motion has already been read. The Chair cannot characterize the instructions in the motion.

Mr. JONES of Oklahoma. Is it on tax credits only or what?

The SPEAKER pro tempore. The question is on the motion to instruct the conferees offered by the gentleman from New Hampshire (Mr. D'AMOURS).

The question was taken; and the Speaker pro temore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. D'AMOURS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 195, noes 207, not voting 31, as follows:

[Roll No. 60]

AYES—195

Abdnor
Addabbo
Albosta
Ambro
Anderson, Calif.
Aspin
Atkinson
AuCoin
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bereuter
Bevill
Bingham
Blanchard
Boggs
Boland
Boner
Bonior
Bonker
Bouquard
Brinkley
Broomfield
Buchanan
Burton, John
Byron
Carr
Cavanaugh
Chisholm
Clausen
Cleveland
Coleman
Conte
Coughlin
Courter
Crane, Daniel
D'Amours
Daschle
Deckard
Derrick
Derwinski
Devine
Dingell
Dodd
Donnelly
Dougherty
Downey
Drinan
Early
Edgar
Emery
Erdahl
Ertel
Evans, Ga.
Fazio
Fenwick
Ferraro
Fish
Fithian
Flippo
Florio
Forsythe
Fowler
Gaydos
Gilman
Ginn
Glickman
Goodling
Gore
Grassley
Gray
Green
Guarini
Hall, Ohio
Hamilton
Hanley
Harkin
Heckler
Hillis
Hollenbeck
Holtzman
Horton
Huckaby
Hughes
Ichord
Jeffords
Jenkins
Johnson, Colo.
Jones, Tenn.
Kastenmeier
Kildee
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Lederer
Lee
Lent
Levitas
Lewis
Livingston
Loeffler
Long, La.
Lowry
Lujan
Luken
Lundine
McHugh
Maguire
Markey
Marks
Marlenee
Marriott
Mathis
Mavroules
Mikulski
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mottl
Murphy, Pa.
Neal
Nedzi
Nelson
Nolan
Nowak
Oakar
Oberstar
Obey
Ottinger
Pashayan
Patterson
Pease
Petri
Peyser
Porter
Pursell
Quayle
Quillen
Ratchford
Reuss
Richmond
Rinaldo
Ritter
Rodino
Roe
Rose
Rosenthal
Roth
Royer
Santini
Satterfield
Sawyer
Schroeder
Sebelius
Sensenbrenner
Shelby
Shumway
Skelton
Smith, Nebr.
Snowe
Solomon
St Germain
Stangeland
Studds
Tauke
Thompson
Traxler
Vento
Walgren
Wampler
Waxman
Weaver
Whittaker
Williams, Mont.
Williams, Ohio
Wilson, Tex.
Winn
Wirth
Wolff
Wolpe
Yatron
Young, Mo.
Zeferetti

NOES—207

Akaka
Alexander
Andrews, N.C.
Annunzio
Anthony
Applegate
Archer
Ashley
Badham
Bafalis
Bennett
Bethune
Biaggi
Bolling
Bowen
Brademas
Breaux
Brodhead

Brooks
Brown, Calif.
Brown, Ohio
Broyhill
Burgener
Burlison
Burton, Phillip
Butler
Carter
Chappell
Cheney
Clay
Clinger
Coelho
Collins, Ill.
Collins, Tex.
Conyers
Corcoran
Corman
Cotter
Daniel, Dan
Daniel, R. W.
Danielson
de la Garza
Dellums
Dicks
Diggs
Dixon
Dornan
Duncan, Oreg.
Duncan, Tenn.
Eckhardt
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
English
Erlenborn
Evans, Del.
Evans, Ind.
Fary
Fascell
Findley
Fisher
Foley
Ford, Tenn.
Fountain
Frenzel
Frost
Fuqua
Garcia
Giaimo
Gibbons
Gingrich
Goldwater
Gonzalez
Gradison
Gramm
Grisham
Gudger
Guyer
Hagedorn
Hall, Tex.
Hance
Hansen
Harris
Harsha
Hawkins
Hefner
Heftel
Hightower
Hinson
Holland
Holt
Hopkins
Howard
Hubbard
Hutto
Hyde
Ireland
Jacobs
Jeffries
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Kelly
Kindness
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lehman
Leland
Lloyd
Long, Md.
Lott
Lungren
McCloskey
McCormack
McDade
McDonald
Madigan
Martin
Matsui
Mattox
Mazzoli
Mica
Michel
Miller, Calif.
Miller, Ohio
Mollohan
Montgomery
Moore
Moorhead, Calif.
Murphy, N.Y.
Murtha
Myers, Ind.
Natcher
Nichols
O'Brien
Panetta
Paul
Pepper
Perkins
Pickle
Preyer
Price
Pritchard
Rahall
Railsback
Rangel
Regula
Rhodes
Robinson
Rostenkowski
Rousselot
Roybal
Rudd
Russo
Sabo
Scheuer
Schulze
Seiberling
Shannon
Sharp
Shuster
Simon
Slack
Smith, Iowa
Snyder
Solarz
Spellman
Spence
Stack
Staggers
Stanton
Stark
Steed
Stenholm
Stockman
Stokes
Stratton
Stump
Swift
Symms
Synar
Taylor
Thomas
Trible
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Volkmer
Walker
Weiss
White
Whitehurst
Whitley
Whitten
Wilson, Bob
Wilson, C. H.
Wright
Wyatt
Wydler
Wylie
Yates
Young, Fla.
Zablocki

NOT VOTING—31

Anderson, Ill.
Andrews, N. Dak.
Ashbrook
Campbell
Carney
Conable
Crane, Philip
Dannemeyer
Davis, Mich.
Davis, S.C.
Dickinson
Ford, Mich.
Gephardt
Hammerschmidt
Jenrette
Kazen
Kemp
McClory
McEwen
McKay
McKinney
Moorhead, Pa.
Murphy, Ill.
Myers, Pa.
Patten
Roberts
Runnels
Stewart
Treen
Watkins
Young, Alaska

□ 1720

The Clerk announced the following pairs:

On this vote:

Mr. McKay for, with Mr. Gephardt against.

Mr. Myers of Pennsylvania for, with Mr. Conable against.

Until further notice:

Mr. Moorhead of Pennsylvania with Mr. Anderson of Illinois.

Mr. Kazen with Mr. Hammerschmidt.

Mr. Jenrette with Mr. Young of Alaska.

Mr. Ford of Michigan with Mr. Ashbrook.

Mr. Murphy of Illinois with Mr. McClory.

Mr. Patten with Mr. Kemp.

Mr. Roberts with Mr. Andrews of North Dakota.

Mr. Stewart with Mr. Campbell.

Mr. Runnels with Mr. Dannemeyer.

Mr. Watkins with Mr. Dickinson.

Mr. Davis of South Carolina with Mr. Davis of Michigan.

Mr. McEwen with Mr. Philip M. Crane.

Mr. McKinney with Mr. Carney.

Messrs. HOLLAND, McCLOSKEY, ROBINSON, TAYLOR, and WEISS changed their votes from "aye" to "no."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE RESOLUTION 571, DIRECTING ATTORNEY GENERAL OF UNITED STATES TO FURNISH CERTAIN INFORMATION TO HOUSE OF REPRESENTATIVES

Mr. RODINO, from the Committee on the Judiciary, submitted an adverse report (Rept. No. 96–778) on the resolution (H. Res. 571) directing the Attorney General of the United States to furnish certain information to the House of Representatives, which was referred to the House Calendar and ordered to be printed.

ESTABLISHING CHANNEL ISLANDS NATIONAL PARK

Mr. PHILLIP BURTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3757) to amend the National Parks and Recreation Act of 1978, to establish the Channel Islands National Park, and for other purposes with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause, and insert:

TITLE I

Sec. 101. The National Parks and Recreation Act of 1978, approved November 10, 1978 (92 Stat. 3467), is amended as follows:

(a) Section 318, re: Point Reyes National Seashore is amended by:

(1) in subsection (a), change the period following "May 1978" to a comma and insert "plus those areas depicted on the map entitled 'Point Reyes and GGNRA Amendments, dated October 25, 1979'.".

(2) in subsection (b), changing the word "The" at the beginning of section 5(a) to "Except for property which the Secretary specifically determines is needed for interpretive or resources management purposes of the seashore, the";

(3) in subsection (c), after "May 1, 1978", inserting "or, in the case of areas added by action of the Ninety-sixth Congress, May 1, 1979", and at the end of the subsection, following the word "property", inserting "that were in existence or under construction as of May 1, 1978";

(4) in subsection (d), changing the phrase "subsection (c)" to read "subsections (c), (d), and (e)" and adding the following at the end thereof:

"(d) The Secretary is authorized to accept and manage in accordance with this Act, any lands and improvements within or adjacent to the seashore which are donated by the State of California or its political subdivisions. He is directed to accept any such lands offered for donation which comprise the Tomales Bay State Park, or lie between said park and Fish Hatchery Creek. The boundaries of the seashore shall be changed to include any such donated lands.

"(e) Notwithstanding any other provision of law, no fee or admission charge may be levied for admission of the general public to the seashore.";

(5) adding a new subsection (f) as follows:

"(f) Section 9 of such Act is amended by adding at the end thereof: 'In addition to the sums heretofore authorized by this section, there is further authorized to be appropriated $5,000,000 for the acquisition of lands or interests therein.'.".

(b) Section 551, re: the National Trails System Act is amended by:

(1) in paragraph (9), add the following at the end thereof:

"(8) The North Country National Scenic Trail, a trail of approximately thirty-two hundred miles, extending from eastern New York State to the vicinity of Lake Sakakawea in North Dakota, following the approximate route depicted on the map identified as 'Proposed North Country Trail-Vicinity Map' in the Department of the Interior 'North Country Trail Report', dated June 1975. The map shall be on file and available for public inspection in the office of the Director, National Park Service, Washington, District of Columbia. The trail shall be administered by the Secretary of the Interior.".

(2) in paragraph (15), subsection (e), delete the "," after Continental Divide National Scenic Trail, and insert "and the North Country National Scenic Trail,".

(3) in paragraph (15), subsection (f), after the phrase "Continental Divide National Scenic Trail", insert "or the North Country National Scenic Trail".

(4) in paragraph (23), revise subsection (c) to read as follows:

"(c) There is hereby authorized to be appropriated such sums as may be necessary to implement the provisions of this Act relating to the trails designated by paragraphs 5(a) (3), (4), (5), (6), (7), and (8): *Provided*, That no such funds are authorized to be appropriated prior to October 1, 1978: *And provided further*, That notwithstanding any other provisions of this Act or any other provisions of law, no funds may be expended by Federal agencies for the acquisition of lands or interests in lands outside the exterior boundaries of existing Federal areas for the Continental Divide National Scenic Trail, the North Country National Scenic Trail, the Oregon National Historic Trail, the Mormon Pioneer National Historic Trail, the Lewis and Clark National Historic Trail, and the Iditarod National Historic Trail.".

(c) Section 320, re: Chesapeake and Ohio Canal National Historic Park, is amended by changing the colon following the word "acres" to a period, and by deleting the proviso in its entirety.

Sec. 102. The Wild and Scenic Rivers Act of 1968 (82 Stat. 906), as amended (16 U.S.C. 1271), is further amended—

(a) in section 5(a) by adding the following new clause at the end thereof:

"(76) Birch, West Virginia: The main stem from the Cora Brown Bridge in Nicholas County to the confluence of the river with the Elk River in Braxton County.".

(b) in section 5(b) by deleting "(75)" and inserting "(76)".

Sec. 103. The Act of October 27, 1972, (86 Stat. 1299), as amended (16 U.S.C. 459), is further amended as follows:

(a) In subsection 2(a), change the period following "October 1978" to a comma and insert "plus those areas depicted on the map entitled 'Point Reyes and GGNRA Amendments and dated October 25, 1979.".

(b) In section 6, after "$61,610,000" insert "plus $15,500,000", after "herein", insert "said total development ceiling to be reduced by $10,000,000".

Sec. 104. The Act of August 18, 1970 (84 Stat. 825), as amended, is further amended as follows:

(a) In section 8 near the end thereof, delete the sentence "Each report and annual listing shall be printed as a House document.", and insert in lieu the following: "Each report and annual listing shall be printed as a House document: *Provided*, That should adequate supplies of previously printed identical reports remain available, newly submitted identical reports shall be omitted from printing upon the receipt by the Speaker of the United States House of Representatives of a joint letter from the chairman of the Committee on Interior and Insular Affairs of the United States House of Representatives and the chairman of the Committee on Energy and Natural Resources of the United States Senate indicating such to be the case."; and

(b) Insert "(a)" after "Sec. 8." and add a new subsection (b) as follows:

"(b) Within six months of the date of enactment of this subsection, the Secretary shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and 'Natural Resources of the United States Senate, a comprehensive, 'National Park System Plan', which document shall constitute a professional guide for the identification of natural and historic themes of the United States, and from which candidate areas can be identified and selected to constitute units of the National Park System. Such plan shall be revised and updated annually.".

Sec. 105. (a) The Secretary of the Interior is authorized to revise the boundaries of the following units of the National Park System:

(1) Carl Sandburg Home National Historic Site, North Carolina: to add approximately seventeen acres.

(2) Chickamauga and Chattanooga National Military Park, Georgia and Tennessee: to add approximately one acre.

(3) Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park, Virginia: to add approximately twenty acres.

(b) Sections 302, 303, and 304 of the National Parks and Recreation Act of 1978 (92 Stat. 3467) shall be applicable to the boundary revisions authorized in subsection (a) of this section, except that for the purposes of this section, the date of enactment referred to in section 302 of such Act shall be deemed to be the date of enactment of this section.

(c) For the purposes of acquiring the lands and interests in lands added to the units referred to in subsection (a), there are authorized to be appropriated from the Land and Water Conservation Fund such sums as may be necessary, but not to exceed $304,000 for Chickamauga and Chattanooga National Military Park and not to exceed $234,000 for Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park.

Sec. 106. The Secretary of the Interior is authorized and directed to take such measures as may be necessary to provide for the continued protection of the historic Palmer's Chapel in the Cataloochee Valley of the Great Smoky Mountains National Park. The importance of the chapel in memorializing the early settlement of the valley and in providing an opportunity for interpreting the cultural traditions of the former residents of the valley is hereby recognized, and the Secretary is authorized to make suitable arrangements for the history of the chapel to be communicated to park visitors and for the chapel to continue to be used for memorial purposes by former residents and their descendants.

Sec. 107. Section 304(a) of the Act of October 21, 1976 (90 Stat. 2732), is amended by inserting after "to the jurisdiction of the" the following: "Secretary of the Army, the land under the jurisdiction of the".

Sec. 108. The Act of June 30, 1944 (58 Stat. 645), as amended (16 U.S.C. 450bb), is further amended (1) by changing "Boundary Map, Harpers Ferry National Historical Park", numbered 385–40,000D and dated April 1974 to "Boundary Map, Harpers Ferry National Historical Park'", numbered 385–80,021A and dated April 1979 and changing "two thousand acres" to "two thousand four hundred and seventy-five acres" in the first section; and (2) by changing "$1,300,000" to "$1,600,000" in section 4.

Sec. 109. Subsection 5(b) of the Act of October 13, 1964 (78 Stat. 1087), an Act "To authorize the Secretary of the Interior to cooperate with the State of Wisconsin in the designation and administration of the Ice Age National Scientific Reserve in the State of Wisconsin, and for other purposes", as amended (16 U.S.C. 469h), is further amended by changing "$425,000" to "$2,500,000".

Sec. 110. Section 320 of the Act of October 21, 1976 (90 Stat. 2732), is amended in subsection (j) by changing "$13,000,000" to "$23,700,000".

Sec. 111. Paragraph (13) of section 101 of the Act entitled "An Act to provide for increases in appropriation ceilings and boundary changes in certain units of the National Park System, and for other purposes", approved October 21, 1976 (90 Stat. 2732, 2733), is amended by changing the period to a semicolon and inserting the following thereafter: "the Secretary of the Interior is authorized to revise the boundary of the seashore to add approximately two hundred and seventy-four acres and to delete approximately two thousand acres, and sections 302 and 303 of the Act of April 11, 1972 (86 Stat. 120, 121), shall apply to the boundary revision authorized herein.".

Sec. 112. (a) In order to commemorate the first European settlement in Louisiana, Fort Saint Jean Baptiste de Natchitoches (hereinafter called the "fort"), the Secretary is authorized to render the State of Louisiana such assistance, in the form of technical advice, grants of funds for land acquisition and development, and other help necessary to reconstruct the fort: Provided, That no funds shall be expended for reconstruction unless the Secretary determines that such reconstruction can be based on historical documentation.

(b) The Secretary is authorized to enter into a cooperative agreement with the State of Louisiana and affected local governmental authorities which agreement shall include but not limited to—

(1) assurances that the State of Louisiana shall operate and maintain the fort as a public area;

(2) assurances that the State of Louisiana shall incur all operation and maintenance costs;

(3) assurances by the State of Louisiana that they will manage the fort consistent with its historic character; and

(4) authority for the Secretary to obtain reimbursement from or offset against the State of Louisiana of all Federal funds previously granted under this section, including subsequent violation of paragraph (3) of this subsection.

(c) There is hereby authorized to be appropriated not to exceed $2.813.000 for the purposes of this section: *Provided*, That the Secretary may expend not to exceed 75 per centum of the total cost incurred in the reconstruction of the fort.

Sec. 113. (a) The United States Navy Memorial Foundation is authorized to erect a memorial on public grounds in the District of Columbia in honor and in commemoration of the men and women of the United States Navy who have served their country in war and peace.

(b)(1) The Secretary is authorized and directed to select, with the approval of the National Commission of Fine Arts and the National Capital Planning Commission, a suitable site on public grounds of the United States, in the District of Columbia or on such grounds principally serving as a site for national monuments along the Potomac River in Northern Virginia, upon which may be erected the memorial authorized in subsection (a).

(2) The design and plans for such memorial shall be subject to the approval of the Secretary, the National Commission of Fine Arts, and the National Capital Planning Commission.

(3) Other than as to the land authorized for the erection of the memorial in paragraph (1) of this subsection, neither the United States nor the District of Columbia shall be put to any expense in the erection of this memorial.

(c) The authority conferred pursuant to this section shall lapse unless (1) the erection of such memorial is commenced within five years from the date of enactment of this section, and (2) prior to its commencement funds are certified available in an amount sufficient, in the judgment of the Secretary to insure completion of the memorial.

(d) The maintenance and care of the memorial erected under the provisions of this section shall be the responsibility of the Secretary.

Sec. 114. Section 206 of the Act of October 15, 1966 (80 Stat. 915), is amended by deleting all of subsection 6(c) and inserting in lieu thereof the following:

"(c) For the purposes of this section there is authorized to be appropriated an amount equal to the assessment for United States membership in the Centre for fiscal years 1979, 1980, 1981, and 1982: *Provided*, That no appropriation is authorized and no payment shall be made to the Centre in excess of 25 per centum of the total annual assessment of such organization. Authorization for payment of such assessments shall begin in fiscal year 1981, but shall include earlier costs.".

Sec. 115. (a) The Secretary of the Interior is authorized to revise the boundary of the Saratoga National Historic Park to add approximately one hundred and forty-seven acres.

(b) For the purposes of acquiring land and interest in land added to the unit referred to in subsection (a) there are authorized to be appropriated from the Land and Water Conservation Fund such sums as may be necessary but not to exceed $74,000 for Saratoga National Historic Park.

Sec. 116. The Secretary of the Interior shall designate the David Berger Memorial located at the Jewish Community Center in Cleveland Heights, Ohio, as a national memorial. The significance of the memorial in preserving the memory of the eleven Israeli athletes who were assassinated at the Olympic games in Munich, Germany, in 1972 is, by this designation, recognized by the Congress.

Sec. 117. The Secretary of the Interior is authorized to acquire by purchase with donated or appropriated funds not to exceed two and one-half acres of land and submerged lands, waters, or interest therein, at Charleston, South Carolina, known generally at the Fleet Landing Site, for purposes of a mainland tour boat facility for access to Fort Sumter National Monument. Property so acquired shall be administered as a part of Fort Sumter National Monument. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

Sec. 118. Subsection 507(q) of the Act of November 10, 1978 (92 Stat. 3506) is amended in clause (2)(E) by changing "5" to "9".

Sec. 119. (a) In order to protect the unique scenic, scientific, educational, and recreational values of certain lands in and around Yaquina Head, in Lincoln County, Oregon, there is hereby established, subject to valid existing rights, the Yaquina Head Outstanding Natural Area (hereinafter referred to as the "area"). The boundaries of the area are those shown on the map entitled "Yaquina Head Area", dated July 1979, which shall be on file and available for public inspection in the Office of the Director, Bureau of Land Management, United States Department of the Interior, and the State Office of the Bureau of Land Management in the State of Oregon.

(b)(1) The Secretary of the Interior (hereinafter referred to as the "Secretary") shall administer the Yaquina Head Outstanding Natural Area in accordance with the laws and regulations applicable to the public lands as defined in section 103(e) of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1702), in such a manner as will best provide for—

(A) the conservation and development of the scenic, natural, and historic values of the area;

(B) the continued use of the area for purposes of education, scientific study, and public recreation which do not substantially impair the purposes for which the area is established; and

(C) protection of the wildlife habitat of the area.

(2) The Secretary shall develop a management plan for the area which accomplishes the purposes and is consistent with the provisions of this section. This plan shall be developed in accordance with the provisions of section 202 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1712).

(3) Notwithstanding any other provision of this section, the Secretary is authorized to issue permits or to contract for the quarrying of materials from the area in accordance with the managment plan for the area on condition that the lands be reclaimed and restored to the satisfaction of the Secretary. Such authorization to quarry shall require payment of fair market value for the materials to be quarried, as established by the Secretary, and shall also include any terms and conditions which the Secretary determines necessary to protect the values of such quarry lands for purposes of this section.

(c) The reservation of lands for lighthouse purposes made by Executive order of June 8, 1866, of certain lands totaling approximately 18.1 acres, as depicted on the map referred to in subsection 119(a), is hereby revoked. The lands referred to in subsection 119(a) are hereby restored to the status of public lands as defined in section 103(e) of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1702), and shall be administered in accordance with the management plan for the area developed pursuant to subsection 119 (b), except that such lands are hereby withdrawn from settlement, sale, location, or entry, under the public land laws, including the mining laws (30 U.S.C., ch. 2), leasing under the mineral leasing laws (30 U.S.C. 181 et seq.), and disposals under the Materials Act of July 31, 1947, as amended (30 U.S.C. 601, 602).

(d) The Secretary shall, as soon as possible but in no event later than twenty-four months following the date of the enactment of this section, acquire by purchase, exchange, donation, or condemnation all or any part of the lands and waters and interests in lands and waters within the area referred to in subsection 119(a) which are not in Federal ownership except that State land shall not be acquired by purchase or condemnation. Any lands or interests acquired by the Secretary pursuant to this section shall become public lands as defined in the Federal Land Policy and Management Act of 1976, as amended. Upon acquisition by the United States, such lands are automatically withdrawn under the provisions of subsection 119(c) except that lands affected by quarrying operations in the area shall be subject to disposals under the Materials Act of July 31, 1947, as amended (30 U.S.C. 601, 602). Any lands acquired pursuant to this subsection shall be administered in accordance with the management plan for the area developed pursuant to subsection 119(b).

(e) The Secretary is authorized to conduct a study relating to the use of lands in the area for purposes of wind energy research. If the Secretary determines after such study that the conduct of wind energy research activity will not substantially impair the values of the lands in the area for purposes of this section, the Secretary is further authorized to issue permits for the use of such lands as a site for installation and field testing of an experimental wind turbine generating system. Any permit issued pursuant to this subsection shall contain such terms and conditions as the Secretary determines necessary to protect the values of such lands for purposes of this section.

(f) The Secretary shall develop and administer, in addition to any requirements imposed pursuant to paragraph 119(b)(3), a program for the reclamation and restoration of all lands affected by quarrying operations in the area acquired pursuant to subsection 119(d). All revenues received by the United States in connection with quarrying operations authorized by paragraph 119(b)(3) shall be deposited in a separate fund account which shall be established by the Secretary of the Treasury. Such revenues are hereby authorized to be appropriated to the Secretary as needed for reclamation and restoration of any lands acquired pursuant to subsection 119(d). After completion of such reclamation and restoration to the satisfaction of the Secretary, any unexpended revenues in such fund shall be returned to the general fund of the United States Treasury.

(g) There are hereby authorized to be appropriated in addition to that authorized by subsection 119(f), such sums as may be necessary to carry out the provisions of this section.

SEC. 120. (a) The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to conduct a survey of sites which he deems exhibit qualities most appropriate for the commemoration of each former President of the United States. The survey may include sites associated with the deeds, leadership, or lifework of a former President, and it may identify sites or structures historically unrelated to a former President but which may be suitable as a memorial to honor such President.

(b) The Secretary shall, from time to time, prepare and transmit to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate reports on individual sites and structures identified in the survey referred to in subsection (a), together with his recommendations as to whether such site or structure is suitable for establishment as a national historic site or national memorial to commemorate a former President. Each such report shall include pertinent information with respect to the need for acquisition of lands and interests therein, the development of facilities, and the operation and maintenance of the site or structure and the estimated cost thereof. If during the six-month period following the transmittal of a report pursuant to this subsection neither Committee has by vote of a majority of its members disapproved a recommendation of the Secretary that a site or structure is suitable for establishment as a national historic site, the Secretary may thereafter by appropriate order establish the same as a national historic site, including the lands and interests therein identified in the report accompanying his recommendation. The Secretary may acquire the lands and interests therein by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange, and he shall administer the site in accordance with the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666), as amended.

(c) Nothing in this section shall be construed as diminishing the authority of the Secretary under the Act of August 21, 1935 (49 Stat. 666), as amended, or as authorizing the Secretary to establish any national memorial, creation of which is hereby expressly reserved to the Congress.

(d) There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

SEC. 121. Authorizations of moneys to be appropriated under this Act shall be effective on October 1, 1980. Notwithstanding any other provisions of this Act, authority to enter into contracts, to incur obligations, or to make payments under this Act shall be effective only to the extent, and in such amounts, as are provided in advance in appropriation Acts.

TITLE II

SEC. 201. In order to protect the nationally significant natural, scenic, wildlife, marine, ecological, archaeological, cultural, and scientific values of the Channel Islands in the State of California, including, but not limited to, the following:

(1) the brown pelican nesting area;

(2) the undisturbed tide pools providing species diversity unique to the eastern Pacific coast;

(3) the pinnipeds which breed and pup almost exclusively on the Channel Islands, including the only breeding colony for northern fur seals south of Alaska;

(4) the Eolian landforms and caliche;

(5) the presumed burial place of Juan Rodriguez Cabrillo; and

(6) the archaeological evidence of substantial populations of Native Americans;

there is hereby established the Channel Islands National Park, the boundaries of which shall include San Miguel and Prince Islands, Santa Rosa, Santa Cruz, Anacapa, and Santa Barbara Islands, including the rocks, islets, submerged lands, and waters within one nautical mile of each island, as depicted on the map entitled, "Proposed Channel Islands National Park" numbered 159-20,008 and dated April 1979, which shall be on file and available for public inspection in the offices of the Superintendent of the park and the Director of the National Park Service, Department of the Interior. The Channel Islands National Monument is hereby abolished as such, and the lands, waters, and interests therein withdrawn or reserved for the monument are hereby incorporated within and made a part of the new Channel Islands National Park.

SEC. 202. (a) Within the boundaries of the park as established in section 201, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire lands, waters, or interests therein (including but not limited to scenic easements) by donation, purchase with donated or appropriated funds, transfer from any Federal agency, exchange, or otherwise. Unless the property is wholly or partially donated, the Secretary shall pay to the owner the fair market value of the property on the date of its acquisition, less the fair market value on that date of any right retained by the owner. Any lands, waters, or interests therein owned by the State of California or any political subdivision thereof shall not be acquired. Notwithstanding any other provision of law, Federal property located within the boundaries of the park shall with the concurrence of the head of the agency having custody thereof, be transferred to the administrative jurisdiction of the Secretary for the purposes of the park: *Provided*, That the Secretary shall permit the use of federally owned park lands and waters which (i) have been transferred from another Federal agency pursuant to this section or which (ii) were the subject of a lease or permit issued by a Federal agency as of the date of enactment of this title, for essential national security missions and for navigational aids, subject to such terms and conditions as the Secretary deems necessary to protect park resources.

(b) Notwithstanding the acquisition authority contained in subsection 202(a), any lands, waters, or interests therein, which are owned wholly or in part, by or which hereafter may be owned by, or under option to, the National Park Foundation, the Nature Conservancy (including any lands, waters, or interests therein which are designated as "Nature Conservancy Lands" on the map referred to in section 201 of this title) or any similar national, nonprofit conservation organization, or an affiliate or subsidiary thereof shall be acquired only with the consent of the owner thereof: *Provided*, That the Secretary may acquire such property in accordance with the provisions of this Act if he determines that the property is undergoing or is about to undergo a change in use which is inconsistent with the purposes of this title.

(c) With respect to the privately owned lands on Santa Rosa Island, the Secretary shall acquire such lands as expeditiously as possible after the date of enactment of this title. The acquisition of these lands shall take priority over the acquisition of other privately owned lands within the park.

(d)(1) The owner of any private property may, on the date of its acquisition and as a condition of such acquisition, retain for himself a right of use and occupancy of all or such portion of such property as the owner may elect for a definite term of not more than twenty-five years, or ending at the death of the owner, or his spouse, whichever is later. The owner shall elect the term to be reserved. Any such right retained pursuant to this subsection with respect to any property shall be subject to termination by the Secretary upon his determination that property is being used for any purpose which is incompatible with the administration of the park or with the preservation of the resources therein, and it shall terminate by operation of law upon notification by the Secretary to the holder of the right, of such determination and tendering to him the amount equal to the fair market value of that portion which remains unexpired.

(2) In the case of any property acquired by the Secretary pursuant to this title with respect to which a right of use and occupancy was not reserved by the former owner pursuant to this subsection, at the request of the former owner, the Secretary may enter into a lease agreement with the former owner under which the former owner may continue any existing use of such property which is compatible with the administration of the park and with the preservation of the resources therein.

(3) Any right retained pursuant to this subsection, and any lease entered into under paragraph (2), shall be subject to such access and other provisions as may be required by the Secretary for visitor use and resources management.

Sec. 203. (a) The Secretary is directed to develop, in cooperation and consultation with the Secretary of Commerce, the State of California, and various knowledgeable Federal and private entities, a natural resources study report for the park, including, but not limited to, the following:

(1) an inventory of all terrestrial and marine species, indicating their population dynamics, and probable trends as to future numbers and welfare;

(2) recommendations as to what actions should be considered for adoption to better protect the natural resources of the park.

Such report shall be submitted within two complete fiscal years from the date of enactment of this title to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, and updated revisions of such report shall be similarly submitted at subsequent two year intervals to cover a period of ten years after the date of enactment of this title.

(b) The Secretary is authorized and directed to enter into and continue cooperative agreements with the Secretary of Commerce and the State of California for the enforcement of Federal and State laws and regulations on those lands and waters within and adjacent to the park which are owned by the State of California. No provision of this title shall be deemed to affect the rights and jurisdiction of the State of California within the park, including, but not limited to, authority over submerged lands and waters within the park boundaries, and the marine resources therein.

Sec. 204. (a) Subject to the provisions of section 201 of this title, the Secretary shall administer the park in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented (16 U.S.C. 1 et seq.). In the administration of the park, the Secretary may utilize such statutory authority available for the conservation and management of wildlife and natural and cultural resources as he deems appropriate to carry out the purposes of this title. The park shall be administered on a low-intensity, limited-entry basis.

(b) In recognition of the special fragility and sensitivity of the park's resources, it is the intent of Congress that the visitor use within the park be limited to assure negligible adverse impact on the park resources. The Secretary shall establish appropriate visitor carrying capacities for the park.

(c)(1) Within three complete fiscal years from the date of enactment of this title, the Secretary, in consultation with The Nature Conservancy and the State of California, shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, a comprehensive general management plan for the park, pursuant to criteria stated in the provisions of section 12(b) of the Act of August 18, 1970 (84 Stat. 825), as amended (16 U.S.C. 1a–1 et seq.). Such plan shall include alternative considerations for the design and operation of a public transportation system connecting the park with the mainland, with such considerations to be developed in cooperation with the State of California and the Secretary of Transportation. The Secretary shall seek the advice of the scientific community in the preparation of said plan, and conduct hearings for public comment in Ventura and Santa Barbara Counties.

(2) Those aspects of such a plan which relate to marine mammals shall be prepared by the Secretary of Commerce, in consultation with the Secretary and the State of California.

Sec. 205. The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking with respect to the lands and waters within or adjacent or related to the park, and the head of any Federal agency having authority to license or permit any undertaking with respect to such lands and waters, shall, prior to the approval of the expenditure of any Federal funds on such undertaking or prior to the issuance of any license or permit, as the case may be, afford the Secretary a reasonable opportunity to comment with regard to such undertaking and shall give due consideration to any comments made by the Secretary and to the effect of such undertaking on the purposes for which the park is established.

Sec. 206. Within three complete fiscal years from the date of enactment of this title, the Secretary shall review the area within the park and shall report to the President, in accordance with subsections 3 (c) and (d) of the Wilderness Act (78 Stat. 890), his recommendations as to the suitability or nonsuitability of any area within the park for designation as wilderness. Any designation of any such areas as wilderness shall be accomplished in accordance with said subsections of the Wilderness Act.

Sec. 207. Notwithstanding any other provision of law, no fees shall be charged for entrance or admission to the park.

Sec. 208. The Secretary is authorized to expend Federal funds for the cooperative management of The Nature Conservancy and other private property for research, resources management, and visitor protection and use. All funds authorized to be appropriated for the purposes of the Channel Islands National Monument are hereby transferred to the Channel Islands National Park. Effective October 1, 1980, there are hereby authorized to be appropriated such further sums as may be necessary to carry out the purposes of this title, but not to exceed $500,000 for development. From the Land and Water Conservation Fund there is authorized to be appropriated $30,100,000 for the purposes of land acquisition. For the authorizations made in this section, any amounts authorized but not appropriated in any fiscal year shall remain available for appropriation in succeeding fiscal years.

Amend the title so as to read: "An Act to establish the Channel Islands National Park, and for other purposes.".

Mr. PHILLIP BURTON (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. LAGOMARSINO. Mr. Speaker, reserving the right to object, I would like to inquire of the gentleman from California if he would explain what the Senate amendments do to the bill as it was passed by the House.

Mr. PHILLIP BURTON. Mr. Speaker, I urge my colleagues to accept the amendments made by the Senate with respect to H.R. 3757.

I first wish to commend our counterpart committee in the Senate for their contributions to this legislation. H.R. 3757 treats a number of issues in a single bill. Chairman Dale Bumpers is to be commended for this action, as are his colleagues and the committee staff. I must also express my appreciation to Senator Alan Cranston and his staff for their diligent and effective efforts which have made this legislation possible.

There are a number of our colleagues in the House who should be recognized for their efforts on behalf of this legislation, and whose bills were incorporated into H.R. 3757.

Bob Lagomarsino is the principal author of H.R. 2975, the legislation in this Congress to preserve the Channel Islands in California. His leadership and effort was decisive in this successful effort. As the author of H.R. 16190 in 1966 (the 89th Congress), and H.R. 6108 in 1967 (the 90th Congress), bills to establish a Channel Islands National Park, I am particularly pleased to see the House take final action to send this measure to the President.

John Slack introduced H.R. 1251 to provide for a study of the Birch River in West Virginia as a potential wild and scenic river.

Bill Whitehurst introduced H.R. 1307 to designate the North Country National Scenic Trail, an initiative which the House approved last Congress in our omnibus parks bill, but which was later deleted by the Senate.

Lamar Gudger is the author of H.R. 1038, to protect historic Palmer's Chapel in the Great Smoky Mountains National Park.

Joe Fisher introduced H.R. 4317 to enhance the protection of historic Harper's Ferry by including an additional area for scenic protection downstream from the National Historical Park.

Henry Reuss has acted to assure the continuation of the cooperative State and Federal effort to manage the Ice Age National Scientific Reserve in Wisconsin through the authorization of needed additional funding.

The good efforts of Don Bonker to complete the protection of the remarkable Point of Arches area of Olympic National Park are continued here with a needed increase in the land acquisition authorization level for the park.

I would like to comment now on the items in the legislation which have undergone some modification in the Senate.

In section 101(a), the Senate has approved the acquisition of additional lands for Point Reyes National Seashore in the vicinity of Tomales Bay. Other lands in this same area are included in Golden Gate National Recreation Area in section 102 of the bill. The effects of these additions are to protect this highly scenic area from uncontrolled development, and to take advantage of the good efforts which have already been made by both the State of California and the private sector to protect these lands.

In the Fish Hatchery Creek area, the Senate changes include the addition of a parcel owned by Pauline Bradley, the deletion of several acres of a parcel owned by David Weerts, and the agreement to a boundary adjustment conforming to a bargain sale of portions of the Adams property to the trust for public land, with the understanding that the sale will be consummated without change from the price agreed in the option.

I expect that all the properties in the Fish Hatchery Creek area will be expeditiously acquired, and I also expect that the Secretary of the Interior will make every effort to acquire all the additions to both Point Reyes National Seashore and Golden Gate National Recreation Area within 3 years, in view of the rapidly rising land prices in these areas.

The Giacomini Ranch at the south end of Tomales Bay is a vital property in maintaining the pastoral character of this area. The property is expected to continue to be managed in a pastoral manner consistent with the responsibilities of the Secretary. Mr. Giacomini's present use of the property as it relates to his duck club should be considered for the remainder of his life as consistent with the protection of this area.

Thanks to the Senate amendment, the Secretary will also be able to complete the acquisition program initiated by the State of California in the Inverness Ridge (Tomales Bay) area to protect by acquisition only the remaining undeveloped land in that vicinity. Shoreline areas along Tomales Bay will also be protected.

The details of this additional protection for both Point Reyes National Seashore and Golden Gate National Recreation Area are shown on the following list:

I. POINT REYES NATIONAL SEASHORE ADDITIONS—1979

1. Tomales Bay State Park (incl. 82.59 acres—private), 1,041.2 acres.

2. Other: California Dept./Parks & Recreation (see III) (adjacent to Point Reyes National Seashore), 383.64 acres.

3. Nature Conservancy (see IV–3), 303.2 acres.

4. Audubon Canyon Ranch (2.04+0.62) (see IV–4), 2.66 acres.

5. Inverness Water Company (see IV–5), (adjacent to 2. or 3. or Point Reyes National Seashore), (To be donated to Marin Conservation League), 129.58 acres.

6. Adams Property—Fish Hatchery Creek (subject to acreage increase if bargain sale option not implemented), 130.36 acres.

Subtotal, 1,990.64 acres.

7. Other: Fish Hatchery Creek Private Property (include 1 acre Bradley property), no acreage estimate.

8. Undeveloped lots as of October 1, 1979 from White House Pool—going north to Chicken Ranch Beach, on the East side of Sir Francis Drake Blvd. (between Tomales Bay and Sir Francis Drake Blvd.), no acreage estimate.

9. Wedge between Tomales Bay State Park and Point Reyes National Seashore, 6 acres.

10. Other: Inverness Ridge Private Property, 300.0+ acres.

II. GOLDEN GATE NAT'L. RECREATION AREA ADDITIONS—1979

1. Public—California:

Samuel P. Taylor State Park, 2,543.16 acres, and on lease and permit, 92.22 acres.

Other Dept./Parks & Recreation (on East side of Tomales Bay) (see V–1), 457.38 acres.

Wildlife Conservation Board (see V–2), 586.2 acres.

State of California total 3,678.96 acres.

2. Audubon Canyon ranch (see V–3), 271.07 acres.

Does not include 26 acres donated to Cal. Parks & Recreation Angress deal, nor 19.6 acres sold to Wildlife Conservation Board.

3. Private:

(a) Waldo Giacomini Ranch, 519.41 acres.

(b) George and Robert Gallagher Ranch (Lagunitas Loop), 331.00 acres.

(c) Ottinger Estate (Lagunitas Loop), 320.00 acres.

Large private; subtotal, 1,170.41 acres.

GGNRA subtotal this page, 5,331.44 acres.

(d) 1. All of the undeveloped lots, parcels, lands and interests in lands West of Highway 1 (to Tomales Bay)—from the southernmost point where lands owned, or administered, by the State of California Wildlife Conservation Board abut Highway 1—going North thru Miller Point Park are included within the boundary; except as provided below in this subsection.

The Town of Marshall, from the Post Office Building on the North to the last undeveloped lot on the south of the Town, and the area known as Marconi Cove, are excluded from the boundary, and

2. All of the lands and interests in land bounded by Tomales Bay and Highway 1 and by (and including) the former Angress Property on the North and the northernmost point (the Post Office Building) of the Town of Marshall on the South are included within the boundary.

(No acreage estimate for 3(d) 1 and 2 above.)

III. OTHER CALIFORNIA STATE DEPARTMENT OF PARKS AND RECREATION OWNED LANDS

Proposed 1979 Additions to Point Reyes National Seashore-Inverness Ridge.

	PCL No.	Acreage
20	109–330–16	28.34
21	109–330–26	10.04
22	109–140–36	40.22
23	109–150–07	44.86
25	109–150–25	3.07
26	109–150–24	4.05
27	109–150–23	2.62
28	109–150–17	7.12
29	109–140–31	44.86
39	114–011–86	47.79
43	114–061–07	1.0
44	114–061–16	1.10
45	114–061–17	2.64
47	114–040–53	25.16
52	114–040–41	7.68
59	114–040–03	110.0
71		1.04
72		2.05
Total		[1]383.64

[1] Excluding Tomales Bay State Park (See IV for Private Lands).

Source: California State Department of Parks and Recreation—October, 1979.

IV. PRIVATE LANDS (SEE I, ITEMS 3, 4, 5)

Proposed 1979 Additions to Point Reyes National Seashore–Inverness Ridge.

3. *Nature Conservancy*

Assessor's PCL No.	*Acres*
120–300–26	29.44
114–040–50	163.12
114–040–49	26.00
114–040–43	44.60
114–040–48	40.16
	303.32

4. *Audubon Canyon Ranch*

Assessor's PCL No.	
112–151–01	0.62
114–062–02	2.04
	2.66

5. *Inverness Water Company*

(To be donated to Martin Conservation League)

Assessor's PCL No.	
109–330–08	10.0
109–140–19	66.14
109–140–32	53.44
	129.58

Recap

Nature Conservancy	303.32
Audubon Canyon Ranch	2.66
Inverness H20 Company	129.58
	435.56

V. BREAKDOWN OF 1979—GGNRA ADDITIONS—TOMALES BAY-EAST SIDE

1. California Dept. of Parks & Recreation

Parcel No.	*Acres*
15 (Former Angress Property)	22.1
16 (Audubon—gift to State—Angress Deal) 10/20/79	26
35	64.99
36	9.4
37	12.63
38	11.3
39	64.35
54	16.9
55	18.08

	Acres
56	10.28
57	8.13
	264.16
33 Tomassini & Bottari[1]	165
34 Johanson Property[1]	28.22
Other Dept./Parks & Recreation	457.38

2. California Wildlife Conservation Board Purchased

From Waldo Giacomini (initial)	482.3
Same—White House Pool	13.2
Same—Paper Mill Creek/Highway No. 1/Pt. Reyes	11.4
Along Highway 1—Marsh	21.2
From Bianci (along Highway 1)	14.22
From M. J. Carton	16.38
From Audubon — 3 parcels (Creekside between Highway 1 and Keys/Walker	19.6
Lease from California Lands Commission	7.9
Total	586.2

3. Audubon Canyon Ranch

South of Cypress Grove—Angress

Parcel No.	
119-020-01 (across Highway 1 from Giacomini Ranch)	9.0
106-050-10	Negligible
106-020-33	1.33
Cypress Grove (excl. 26 Acres donation—Angress Deal)	129.23

North of Cypress Grove—Angress

Parcel No.	
104-030-07 (Between Highway 1 & Keys/Walker	96.74
104-030-08 Creek-Preston Point Area)	23.71
104-160-01 (Just South of Nick's Cove)	8.52
104-190-32	1.0
104-210-08	0.5
104-230-21	1.04

[1] Condemnation.

In section 101(b), the Senate has made a constructive correction of a flaw in the National Trails System Act which was made by Senate amendments adopted last Congress. The Senate correction restores the ability of Federal agencies to make needed acquisitions for trail purposes within existing Federal areas. I understand that this would apply to Federal areas with specified external boundaries, such as National Forests, but is not to be construed as permitting Federal acquisition in undefined areas of Federal lands such as are managed by the Bureau of Land Management. The amendment also permits Federal matching grants to be used by State or local governments for trail purposes.

In section 106, the Senate adjusts land acquisition limitations to reflect the latest cost estimates for the affected areas.

In title I, the Senate also adds new sections which permit the Congress to treat several additional items which have come to our attention, as follows:

Section 112 provides the necessary authority to complete a boundary adjustment at Padre Island National Seashore in Texas. This completes the intent of a provision authorized in the 94th Congress.

Section 113 authorizes the Secretary of the Interior to assist the State of Louisiana in the protection of Fort Saint Jean Bapiste de Natchitoches, and provides for continued State and local participation on this project.

Section 114 authorizes the erection, at no Federal expense, of a Navy memorial in the District of Columbia.

Section 114 extends the authorization for the United States participation as a member of the International Centre for the Study of the Preservation and Restoration of Cultural Property.

Section 115 authorizes the addition of some 147 acres to the Saratoga National Historical Park in New York. This addition is currently in the ownership of the Nature Conservancy, and will be a welcome addition to the park. An authorization limit of $74,000 is included for this acquisition.

Section 116 designates an existing property in Ohio as a national memorial to the 11 Israeli athletes who were killed at the 1972 Olympics. This would give appropriate recognition to the existing David Berger Memorial, named for one of the athletes who lost his life in such tragic circumstances. I understand that the memorial would continue under local ownership and control.

Section 117 authorizes the purchase of an access site in Charleston, S.C., to improve visitor access to Fort Sumter National Monument.

Section 118 enlarges the Santa Monica Mountains National Recreation Area Advisory Commission by four members, which will provide a better opportunity for full representation on this important panel. My special thanks to Congressman **Tony Beilenson** for calling this need to our attention.

Section 119 establishes the Yaquina Head Outstanding Natural Area in Oregon. This area would be administered by the Bureau of Land Management in accordance with a management plan to be developed which would conserve the important scenic qualities of this impressive segment of the Oregon coast.

Section 120 establishes a procedure whereby the Secretary of the Interior will survey various properties which may be appropriate to commemorate former Presidents of the United States. The Secretary is to transmit reports on such sites to the authorizing committees, and may establish appropriate national historic sites after a period of review before the Senate and House authorizing committees.

I want to especially commend the Senator from Oregon, Mr. **Hatfield**, for his initiative in authoring this provision, which is similar to language approved by the House last Congress. This authorization will encourage a more complete program of preservation of sites important to interpreting the history of the Presidency. I expect the National Park Service to be responsible for conducting these studies and making timely reports to the committees. The agency should act promptly to begin this important review.

In title II of the bill, which establishes the Channel Islands National Park in California, the Senate has made several changes. In addition to several technical amendments, the Senate bill authorizes the immediate acquisition of Santa Rosa Island, a superb natural resource which will be a great asset to the park. The Senate bill directs that the Santa Rosa acquisition will be the first priority for acquisition at the Channel Islands National Park. We expect that the present owners of the island will continue their existing uses while acquisition is pending. I would also expect that the Secretary of the Interior would make every reasonable effort to rapidly acquire any other privately owned lands in the park if the owner or owners of those lands desire to sell at an early date.

The Channel Islands National Park will be a remarkable addition to our national park system. H.R. 3757 also disposes of a number of other items which will be important gains for our programs.

To summarize, title I of the bill will accomplish the following:

10 boundary adjustments for various units of the national park system are authorized;

Point Reyes National Seashore.

Chesapeake and Ohio Canal National Historical Park.

Golden Gate National Recreation Area.

Carl Sandburg Home National Historic Site.

Chickamauga and Chattanooga National Military Park.

Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park.

Harpers Ferry National Historical Park.

Padre Island National Seashore.

Saratoga National Historical Park.

Fort Sumter National Monument.

8 increases in acquisition funding are accomplished;

Point Reyes National Seashore.

Golden Gate National Recreation Area.

Chickamauga and Chattanooga National Military Park.

Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park.

Harpers Ferry National Historical Park.

Olympic National Park.

Saratoga National Historical Park.

Fort Sumter National Monument.

The North Country National Scenic Trail is designated, adding a route of some 3,200 miles to the national trails system.

A wild and scenic river study of the Birch River in West Virginia is directed.

A cooperative assistance program with the State of Louisiana to preserve Fort Saint Jean Baptiste de Natchitoches is authorized.

A development ceiling increase is made to continue the cooperative program at the Ice Age National Scientific Reserve.

Continuation of the United States participation in the International Centre for the Study of the Preservation and Restoration of Cultural Property is authorized.

Authorization is made for the United States Navy Memorial Foundation to erect a suitable memorial on public grounds in the District of Columbia.

The David Berger Memorial is designated as a national memorial.

The Santa Monica Mountains National Recreation Area Advisory Commission is enlarged.

The Yaquina Head Outstanding Natural Area in Oregon is established.

A generic procedure for identifying and protecting historic sites to memorialize former Presidents is instituted.

Numerous technical and correcting amendments are made.

I urge my colleagues to join in adopting the Senate amendments and clearing this measure for signing by the President.

Mr. LAGOMARSINO. Mr. Speaker,

further reserving the right to object, I yield to the gentleman from Kansas (Mr. SEBELIUS).

Mr. SEBELIUS. I thank the gentleman for yielding. I rise in support of the motion.

Mr. Speaker, I support passage of this bill now under consideration, H.R. 3757, which establishes the Channel Islands National Park in California, and incorporates numerous miscellaneous provisions principally related to the National Park Service.

This bill originally passed the House on May 7, 1979, and has finally found its way back from the Senate with various amendments. I must say that there are several of these amendments which I find to be nonmeritorious, but I am reluctantly willing to accept them in order to salvage the main parts of the bill and get it into law.

I would first like to offer some comments on title II of the bill, which deals with the Channel Islands National Park.

I have long been disturbed, as this bill has moved along, and particularly as worked over by the Senate, that with all the strong statements as to the great importance of this new park's protection of marine mammals and wildlife, it actually offers very little in that regard. The bill even started off at one time carrying the label of "Channel Islands Marine National Park." As it now moves to the threshold of going into law, the bill contains very meager protective provisions for marine associated wildlife, and I think that is most unfortunate. For that reason, it is all the more important that the National Park Service fully respond to the provisions of section 203(a) regarding the study of and the reporting on the populations and welfare of all species, especially marine related. This should at least serve as an early warning system for any jeopardy that may come to these species resulting from any adverse impact brought upon them due to commercial fishing, kelp harvest, oil drilling, space technologies activities and the like. Since this is a national park, the highest protective designation available for a unit of the national park system, I would expect the National Park Service to fully utilize all legal means available to them in this bill and existing law to properly protect the native species of the park.

I am sorry to see the Senate deletion of authority for the National Park Service to perhaps eventually acquire the waters portion of the park. I do hope that the State will continue to act in full concert with the National Park Service to do everything possible to protect the marine resources of the park to national park standards.

I am pleased with the Senate provision to permit conventional acquisition of Santa Rosa Island, but I question the wisdom of prioritizing acquisition for this one landowner over others. I would expect that all private landowners (of which there are a grand total of two) and the National Park Service might find it mutually beneficial to have some flexibility in acquisition programing, and I would expect that some acquisition among the landowners could be somewhat simultaneous and still be within the intent and constraints of the bill's language in section 202(c).

I am concerned, with regard to section 204(c)(1), that as a matter of principle the National Park Service retain final control over all parts of the finally approved general management plan for the park, and it is important that the part of the plan to be developed by the Secretary of Commerce relative to marine mammals be properly oriented to park policy and objectives, and that it so conforms properly when finally approved and adopted by the National Park Service as a part of the overall general management plan.

Mr. Speaker, I am very pleased to see this part of California's Channel Islands destined for the increased environmental protection it will receive from this legislation. This area has long been desired for addition to the national park system, and I am glad to have been able to be a part of the process to bring it about. Again, I want to commend my good friend and colleague, BOB LAGOMARSINO, for his excellent leadership in bringing about this very important legislation, and special acknowledgement is also due our very able subcommittee chairman, PHIL BURTON, for his excellent guidance of this measure.

Mr. Speaker, there are numerous other miscellaneous features in this bill, most of which already passed the House last May. There is only one item that I wish to amplify on here.

With regard to section 104(b) dealing with the National Park System Plan, I can not stress enough how important it is that the National Park Service take this matter seriously of using this plan as the guide for adding to and rounding out the national park system. The National Park Service has already begun to revise the plan pursuant to the provision in this bill, and it is my recent understanding that they are about ready to be able to submit the revised plan as called for in this amendment provision.

There are two other thoughts relative to the new park area studies (section 8) which I believe need attention. I believe that henceforth, with each new area study submitted, that each such study should include an indication of which themes in the National Park System plan are satisfied by the study. Moreover, I believe that, in conformance with the existing mandate of law in section 8 of Public Law 91–383, as amended, relative to continually monitoring the welfare of areas studied, the National Park Service should simultaneously submit to the Congress annually each October 1, a synopsis of the current condition of the integrity and welfare of each area studied, as it currently exists or has changed since the previous such submission or initial study report submission one year earlier. This would be helpful in documenting the change of conditions, if any, since the Congress was last notified of the merit of any of these candidate areas. This should be a relatively easy task to perform, and this action is also designed to assure that the National Park Service will continually monitor and document the welfare of these areas to assure that the values warranting initial listing still remain, prior to the time the Congress may take action to protect the areas.

With regard to several of the amendments added to this bill in the Senate Committee as well as earlier this week on the Senate floor, I can only say that I am less than enthusiastic.

Mr. Speaker, I urge the adoption of this bill.

Mr. LAGOMARSINO. Mr. Speaker, further reserving the right to object, I strongly support this bill and ask for its passage this afternoon. I commend the gentleman from California for his leadership in bringing it back to the House.

I would like to take a few moments to express my complete support for H.R. 3757, the omnibus parks bill which includes, as title II, my legislation to establish the new Channel Islands National Park in California.

I would first like to thank and commend my colleagues on the National Parks Subcommittee, especially our distinguished chairman, PHIL BURTON, and DON CLAUSEN and KEITH SEBELIUS for their excellent efforts in expeditiously approving this legislation in the committee and in the House last May. I would also like to particularly commend my friend and colleague, Senator CRANSTON, who introduced the companion bill in the Senate, my California colleague, Senator S. I. HAYAKAWA, and Senate subcommittee chairman, DALE BUMPERS, whose efforts there made the new park a reality. Further, I wish to recognize the superb work of the present Superintendent of the Channel Islands National Monument, Bill Ehorn, for his tireless efforts in preserving these extraordinary natural values and for the cooperation he has shown in working with the many interests involved, especially with the affected landowners. I would also like to commend the landowners, especially Dr. Carey Stanton, for their efforts in preserving the islands.

H.R. 3757, the omnibus parks bill, contains a collection of technical improvements in park policy and corrects technical errors in previous parks bills as well as boundary adjustments. As already mentioned, title II of the bill represents the Channel Islands National Park legislation, expanding the existing national monument on Santa Barbara and Anacapa Islands to include San Miguel, Santa Cruz, and Santa Rosa Islands in a new national park.

The five islands, which lie at a distance of 11 to 60 miles off the coast of Santa Barbara and Ventura Counties in my district contain nationally significant scenic, ecological, cultural, and scientific features which deserve to be protected as a national park for the benefit of future generations.

Because of their relative remoteness

from the mainland, the islands have evolved separately, sustaining a remarkably pristine environment apart from the various competing pressures of man's technological activities. The waters surrounding the islands contain marine resources unparalleled in the eastern Pacific, including sheltered tide pools teeming with kelp beds and marine life which nurture the more visible species of sea birds and pinnipeds found there.

The Channel Islands offer crucial habitat for sea birds including the only nesting area for the endangered brown pelican on the west coast. In addition, the islands embody the largest pinniped rookery in the world where six varieties of seals and sea lions coexist and/or breed and pup at Point Bennet, on San Miguel Island. The islands also foster a larger number of endangered flora and fauna, many of which are unique to the islands.

Culturally, the islands offer a rich past, containing a wealth of relics from the time they were inhabited by the Chumash Indians, as well as the presumed burial place of the founder of California, Juan Cabrillo.

Because of the unique delicacy of the islands' resources, this legislation directs that the park be administered on a low-intensity, limited-entry basis, so that visitor use would be limited to levels which do not endanger the precariously balanced environment found here. It is my intention, and I believe that of the many cosponsors and Senator CRANSTON, that the islands to comprise the new park be treated as gently as are the islands now constituting the Channel Islands National Monument.

As already indicated, two of the islands are now in public ownership as national monuments—Anacapa and Santa Barbara. San Miguel Island is presently owned by the Navy and administered by the National Park Service through a cooperative agreement. This agreement has served well the needs of both parties in managing San Miguel's extraordinary resources and the legislation allows this working relationship to continue until such time that the island is no longer required for naval purposes at which point it would automatically transfer to the National Park Service.

The bill, as amended by the Senate, calls for acquisition of all privately owned lands with the exception of the Nature Conservancy property on Santa Cruz Island which will continue in private ownership as a nature preserve. The bill directs the Secretary to acquire Santa Rosa Island, owned by the Vail & Vicker Cattle Corp. as quickly as possible, and specifies that acquisition of Santa Rosa Island take priority over acquisition of other privately owned lands within the park. It is my intent that all the privately owned property, excepting the Nature Conservancy, be acquired as expeditiously as possible. It is also my intention that, pending acquisition, the landowners be permitted to continue existing uses of their land.

This legislation insures the exclusive ownership and jurisdiction of the State of California over marine resources by specifying that these waters shall remain in the hands of the State and shall not be acquired. One of the reasons for this prohibition is to allay the concerns of sport and commercial fishermen and other natural resource users about Federal Government interference with their activities. This provision upholds the U.S. Supreme Court decision which granted the State authority over the submerged lands and waters within 3 miles of the islands. The 1-nautical mile administrative boundary included in the new park will allow the Park Service to assist the State in enforcement of State laws, continuing the present situation around the Channel Islands National Monument. This boundary is vital for allowing the State to grant Park Service rangers such authority to assist them in these marine areas.

Finally, I would like to point out that some opponents of establishment of the Channel Islands National Park have argued that the new park would adversely affect oil development in the Santa Barbara Channel. No provision of this act would affect oil and gas development. I would like to state for the record that the 1-mile administrative boundary proposed for the park is within the 3-mile State buffer zone which already prohibits oil and gas activity in this area. In this regard, I call the attention of my colleagues to Senator JACKSON's comments in the CONGRESSIONAL RECORD, February 18, 1980, p. 2892.

Mr. Speaker, the National Park Service has for two decades sought national park status for the Channel Islands. This year, the islands were identified as the top priority for inclusion in the National Park System. The Channel Islands provide us with a special view of what the mainland must have looked like thousands of years ago. I am delighted that they will be protected in this manner for the benefit of generations to come.

Mr. Speaker, I urge that my colleagues support H.R. 3757, the omnibus parks bill, including the creation of the Channel Islands National Park.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California (Mr. PHILLIP BURTON) to dispense with the reading of the Senate amendments?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from California (Mr. PHILLIP BURTON)?

There was no objection.

A motion to reconsider was laid on the table.

RESOURCE CONSERVATION AND RECOVERY ACT AMENDMENTS OF 1979

Mr. FLORIO. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3994) to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal year 1980, to make certain technical changes, to strengthen the regulatory and enforcement mechanisms, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. FLORIO).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3994, with Mr. FITHIAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from New Jersey (Mr. FLORIO) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. MADIGAN) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from New Jersey (Mr. FLORIO).

☐ 1720

Mr. FLORIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 3994 is a bill to amend the Resource Conservation and Recovery Act and to reauthorize the Federal hazardous and nonhazardous solid wastes regulatory program. The bill provides a total of $156.5 million for fiscal year 1980 and mandates that $42 million be used to implement the Federal regulatory and enforcement program and to provide technical assistance to States.

During the past year, there have been an increasing number of incidents where the improper disposal of hazardous wastes seriously threatened the public health and environment. The committee responded to these events by taking steps to strengthen the existing Federal hazardous wastes program by expanding the enforcement authority of the EPA Administrator.

The bill now authorizes the Administrator to initiate appropriate civil action and issue any order necessary to protect the public and the environment from an imminent and substantial danger that may result from exposure to hazardous wastes. This provision enhances the ability of the Administrator to take precautionary measures where necessary in order to protect the residents of our communities from becoming the unwitting victims of improper disposal practices. The bill provides that $30 million of the total authorization be used for grants to States to implement the hazardous wastes planning program.

Although the discovery of hazardous wastes sites continues, there has been no systematic attempt to determine the actual number of sites or the full scope of this problem. In response to this situation, the bill requires a State-by-State inventory of hazardous wastes sites and authorizes $20 million to conduct the inventory. The bill also empowers the EPA Administrator to perform the inventory in the event a State fails or is unable to comply with this requirement adequately. The committee feels that this inventory is a vital element in moving toward resolving the problem of cleanup and containment of abandoned and inactive hazardous waste sites.

The bill also strengthens the nonhazardous solid waste provisions by reauthorizing $30 million for grants to States for planning and implementation of State plans and $18 million for grants to municipalities for solid waste management and resource recovery planning and programs. At a time when our natural materials and energy resources are at a premium, it is critical for us to begin to utilize our domestic sources for fulfilling these needs.

In order to strengthen the existing provision which encourages Federal procurement of goods with recycled materials, the bill provides a series of deadlines by which the EPA is to fulfill the Federal procurement requirements under the act. The committee agreed that this measure would serve to stimulate the recovery of valuable materials that would otherwise be discarded.

The bill is amended to authorize $3 million to the Secretary of the Department of Commerce to assist the Administrator of EPA in fulfilling the Federal procurement requirements and to develop private sector markets for recovered materials.

The committee gave lengthy consideration to both hazardous and nonhazardous solid waste matters and feels that the provisions in this bill serve to enhance the objectives of the act. I look forward to favorable consideration on the House floor today.

Mr. MADIGAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 3994.

This legislation addresses several associated problems—the management of municipal and industrial waste, the storage and disposal of hazardous waste, the recycling and reuse of materials, and the conversion of trash and garbage into fuel and energy.

Three years ago, with the adoption of the Resource Conservation and Recovery Act, the Congress provided the regulatory authority to the Environmental Protection Agency for the management and control of hazardous waste. Pursuant to congressional directive, EPA was to propose regulations which would put into place a "cradle to grave" regulatory program for those who generate, transport, treat, store, and dispose of hazardous waste.

There is general agreement that EPA has not acted expeditiously in implementing that regulatory program. And while environmentalists, industry, State and local government officials have all been extremely critical of EPA, and are understandably dismayed at the delays, the agency has made some progress in implementing this important environmental program.

But this painfully slow regulatory process underscores the fact that the time has come for the Congress to insist that agencies maximize their resources and focus their regulatory attention on the problems that represent the greatest hazard to public welfare. EPA must exercise more commonsense and should take into account the economic impact of their actions as compared to the public benefits of a particular proposed regulation or standard.

This bill does not totally address the problems of the inadequate hazardous waste disposal or the problems with abandoned dump sites. The recent report by the Interstate and Foreign Commerce Subcommittee on Oversight and Investigations outlines the hazardous waste disposal problem. It dramatically shows how little we really know about the magnitude of this problem. Our country presently lacks the ability to determine where hazardous sites are; to clean up unsafe active and inactive sites; and to provide sufficient facilities for the safe disposal of hazardous waste for the future.

This bill will help EPA focus its activities. It strengthens the enforcement and inspection authority of the Administrator of EPA. It gives the Administrator much needed discretion and provides EPA with the opportunity to use commonsense and when appropriate establish separate standards for new and existing facilities.

Mr. Chairman, in this bill we have provided the Secretary of Commerce with money to accelerate the development of markets for recovered materials and promotion of new technologies for resource recovery. In addition, we have reenforced the Federal procurement sections of RCRA. The Federal Government has been negligent in its efforts to assist significantly in the early attainment and maintenance of maximum industrial resource recovery, and recycling and conservation in the United States. We found that Federal agencies have largely ignored these provisions provided under RCRA. Hopefully, these agencies will respond to the initiatives that we have provided in this legislation.

This bill continues the maximum involvement of State and local authorities in the implementation of programs under RCRA. It also provides much needed technical and financial assistance to these units of Government.

Mr. Chairman, H.R. 3994 is significant and effective environmental legislation and I urge that Members support it.

Mr. FLORIO. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. TRAXLER).

Mr. TRAXLER. Mr. Chairman, I extend my deep appreciation to the gentleman for giving me this 5 minutes. I do intend to take all of it. I rarely take this floor. This is a matter, however, of great importance to me and the contituency that I represent. The town that I come from, Saginaw, Mich., has the largest cast iron foundaries in the world. More tonnage of castings are poured there than any other place in the world.

In the bill before us today, the Commerce Committee has included an amendment to section 3001 of the Solid Waste Disposal Act. This section deals with the identification and listing of hazardous waste. It is also my understanding that the distinguished gentleman from Alabama (Mr. BEVILL) will later be offering an amendment which would also amend section 3001. Both of these amendments would limit EPA's ability to classify certain wastes as "hazardous" pending further comprehensive and detailed studies. Aside from the particular justifications that have led to this call to exempt certain wastes from being classified as hazardous, it seems to me that the spirit behind these amendments is to address overzealous and perhaps unjustified regulatory action by the Environmental Protection Agency.

As all my colleagues are aware, the Resource Conservation and Recovery Act requires EPA to identify the characteristics of hazardous waste, and list particular hazardous wastes, which are to be regulated from their generation to their final disposal. This task has proven to be onerous, particularly in light of the strict timetable imposed on the Agency. EPA has missed statutory deadlines, and is now scrambling to issue final rules under pressure from a court order. The Agency's motives may be generally commendable, but from my perspective, it appears that EPA may be hastily classifying wastes as hazardous—and imposing burdensome costs on businesses—without proper or sufficient data to support their classification.

In recent weeks, I have become aware of a listing EPA has made under section 3001 which will have a major effect on my own district, but it will also impact nationwide. EPA is attempting to classify as hazardous lead-bearing wastewater treatment sludges from gray iron foundries. They have proposed this listing—remember, under the pressure of court-ordered deadlines—and yet they do not appear to have the data to back up their claim. Even the Administrator's reasons for making the classification are not consistent with EPA's own hazardous waste criteria.

The Agency has already once revised its listing dealing with waste from iron foundries. On August 22, 1979, EPA listed as a proposed hazardous waste "lead/phenolic sand-casting waste from malleable iron foundries." When documentation to support this listing was requested from the Agency, none was forthcoming. Finally, on November 26, EPA withdrew its earlier listing and substituted "lead-bearing wastewater treatment sludges from gray iron foundries." Documentation was again requested from the Agency, and ultimately EPA did come forth with some documentation—but it still does not support the listing as a hazardous waste.

Part of the problem with the documentation is that it is based on studies performed pursuant to regulations implementing the Clean Water Act. Inasmuch as the objective of those studies was to develop water regulations, no analytical data were collected to characterize foundry sludges.

In the absence of sludge data, EPA's Office of Solid Waste has extrapolated the water studies to conclude that foundry wastewater treatment sludges are hazardous due to the presence of lead. Furthermore, the documentation contains no information dealing with lead concentrations in the extract from foundry sludges, which, according to EPA's own criteria, is the key consideration in classifying a waste as hazardous.

In summary, EPA has said lead is present and, per se, is hazardous. But what EPA has not done is show that the lead from the foundry sludges is actually reaching the environment and posing a threat to health.

It is my understanding of this law that the burden of establishing that a waste is hazardous is on the Government. In this instance, the Government has not proven its case. EPA really seems to be saying to industry: "You tell us why we shouldn't list it." That is not the way this act should work. I think it would be a mistake and most unfortunate for EPA to finalize this listing without accurate and substantiated proof that they are really dealing with a hazardous waste.

Mr. Chairman, I was considering offering an amendment, along the lines of the one adopted by the Commerce Committee and that proposed by the gentleman from Alabama, to deal specifically with this listing of lead-bearing sludge from gray iron foundries. But I will not do so. I am, however, calling upon EPA to withdraw this classification pending further study and analysis of whether this waste can be clearly viewed as hazardous under this act. It is important to remember that the withdrawal of this listing does not mean that these foundry sludges will go unregulated—they will still be subject to disposal regulations under subtitle D. I feel this is the most responsible route for the Agency to take in light of the lack of evidence that a hazard to the environment actually exists. I will have an opportunity to discuss this particular problem further with EPA officials when they appear before the Appropriations Committee next month, and I am hopeful that some resolution will be reached.

The Agency's intentions may be good, but EPA is working under a strict timetable and seems overly eager to classify all it can within that timeframe. In the final analysis, unnecessary regulations will only add to the already high costs that industry faces from Government regulation, and this cost will ultimately be shared by the American consumer and taxpayer. I would hope that EPA would be more responsive to these concerns.

□ 1730

Mr. FLORIO. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. EDGAR).

Mr. EDGAR. Mr. Chairman, last Thursday I had the distressing experience of inspecting the Chester-Wade site, a dump full of hazardous wastes located in my district.

When I say it is a "dump site," many people think of it as being in an open space area. This happens to be in the town of Chester, and it is a dump site created by an unscrupulous businessman who decided to take barrels filled with toxic waste chemicals and store them on his property until he could convince someone to come into the property. He then asked them to dump the contents of the barrels into the Delaware River, and then he proceeded to wash the barrels out and resell them.

Last Thursday, as I walked through this site with a gas mask on and in rubber boots, accompanied by people from Rollins Engineering and several other scientists who have been studying this particular site at length, we discovered that there are some 2,500 barrels filled with toxic waste, some of which are so badly damaged from a fire in the winter of 1978 that the toxic chemicals are simply spewing out on the ground. There are dead pigeons and other birds lying around on the ground.

When I jokingly asked the people who were involved in the cleanup process, they told me they had no problem with rats or mice or any of the normal rodents that one would have along a river like the Delaware River. I simply had an eerie feeling that everything in the area was subject to death and destruction.

Mr. Chairman, the State of Pennsylvania has acted responsibly. They have targeted this site. They have spent about $600,000 trying to clean up the site. They have removed a lot of the liquids that are causing a great deal of concern to the residents of the community. But all they have been able to do with some $600,000 of expenditures is to defuse the bomb.

The ground is still saturated. Many of the pieces of equipment still lie around soaked in all different kinds of materials that range anywhere from PCB's to other kinds of direct toxic chemicals.

Mr. Chairman, I would like to commend the chairman of the committee for bringing forward this kind of legislation which will begin to address some of the problems that are faced in the site at Chester. That will not, however, solve the problem of the $3 million to $5 million necessary to remove the bulk substances, the old tires, the old barrels, the old pieces of equipment, and in fact some of the buildings and some of the earth that has been saturated with toxic waste.

So while I commend the committee chairman for his action on this legislation, I urge the Congress of the United States to raise the question of what the Federal Government's role, critical role, is in this type of dangerous toxic waste site.

Mr. Chairman, I urge the Members to move as quickly as possible to solve that problem.

Mr. Chairman, last Thursday I had the distressing experience of inspecting the Chester Wade site, a dump full of hazardous wastes located in my district. As I walked through the site, wearing protective clothing and a gas mask, my overwhelming impression was one of destruction and waste. There were dead birds and plants littering the ground and otherwise usable machinery standing idle. Almost nothing on the site can be reused. Since the initial discovery, more hazardous materials have been discovered, and the cleanup efforts now under way are overmatched and underfunded. It is still unknown what the long-term effects of this site will be on the surrounding population and ecosystem, but residents living nearby have already been treated for skin rashes and have serious and legitimate health concerns. The existence of the site has already led to decreasing property values as well.

This brings me to H.R. 3994, the Commerce Committee's bill to reauthorize the Resource Conservation and Recovery Act for fiscal year 1980. I urge my colleagues to support the bill, as it is a significant step in securing more effective control over hazardous waste sites like the one in my district. In addition, this bill upholds the spirit of the proposed "superfund" legislation, which will provide compensation for damages to natural resources and public health due to hazardous wastes as well as provide funds for cleanup efforts.

The Environmental Protection Agency estimates that only 10 percent of hazardous wastes are disposed of in compliance with the proposed Federal guidelines, and that there may be health and environmental hazards at as many as 40,000 dumps across the country. These sites, like the Wade site, have lethal compounds and highly toxic chemicals stored in containers which may be corroded and leaking their contents into the soil and water adjacent to the sites. The improper disposal of such wastes can lead to air, water, and soil pollution, explosions, birth defects, and cancer.

It is urgent that the Federal Government respond to these dangers immediately. More research is needed to determine the optimum methods for disposing of hazardous wastes and cleaning up abandoned sites. In the interim, this bill is valuable because it strengthens EPA's authority to promulgate and enforce regulations on these waste sites, and directs the States to inventory all hazardous waste sites to determine health and environmental implications.

I would also like to urge my colleagues to support Mr. FLORIO's amendment, the Municipal Resources Management Act, which will promote the recovery of energy and materials from solid waste. This amendment will provide grant money to States and localities to help them plan effective resource recovery programs, thereby decreasing their solid waste disposal problems while increasing their revenues.

While it is true that other statutes provide money for resource recovery programs, they are not adequately funded. An example is the cooperative venture between Scott Paper Co. and Delaware County now in progress in my district. The project is designed to burn all of the county's wastepaper to generate steam for Scott's manufacturing process. This project is one of 25 nationwide vying for just $2 million in funds for engineering feasibility studies. Since these studies are very expensive to produce, several worthy projects will have to be terminated for lack of funds. I believe that there is no justification for any of these projects' termination for any reason other than merit. With this amendment, access to funding for these projects will be assured.

There is one provision which I would like to see added to H.R. 3994 and that is to give EPA the power to subpena witnesses or documents when investigating hazardous waste sites. This provision is contained in the Senate version of the bill and I would, therefore, urge the House conferees to adopt it.

Finally, I would like to take the opportunity to commend my colleague from across the river, Jim Florio, for his leadership on this bill. His efforts here will be translated into the kind of relief people rightfully expect of this Government and I wish to express the thanks of the people of my district, and my own, for his diligence and hard work.

Mr. MADIGAN. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. Findley).

Mr. FINDLEY. Mr. Chairman, as we debate this bill to reauthorize the Resource Conservation and Recovery Act we should not lose site of the fact that EPA has had nearly 3 years to issue rules for implementing the Resource Conservation and Recovery Act. The lack of an effective EPA enforcement program has had its unfortunate impact on many communities around the country. One such case is the location of the Earthline hazardous waste dump in Wilsonville, Ill., a small rural community in my district.

Incredibly, Earthline Corp., a division of SCA, Inc., built its hazardous waste treatment plant within the city limits of Wilsonville, on top of an old, abandoned coal mine.

Late in 1977 the residents discovered that waste material such as PCB's, dioxin, dirt contaminated with mercury, cyanides, and a myriad of other dangerous and possibly lethal waste was being stored at the facility without their knowledge. Immediately Wilsonville filed suit to stop Earthline, and in August of 1978 Illinois District Court Judge John Russell ordered Earthline to halt all activities at the site and disassemble and remove completely the waste disposal facility located there. This sweeping order was based in part on the court's recognition that at no time before the construction permit was issued did Earthline officials make known to the residents of Wilsonville the dangerous nature of the chemicals to be buried at the site. Even to this day, after 12,000 pages of testimony and supporting materials, the residents of Wilsonville still have not been provided a full accounting of all of the different kinds of potentially lethal wastes buried at the site.

This is information to which the people of Wilsonville are entitled and it is my belief that had EPA expedited its rulemaking process, the residents might have been spared a lengthy and costly court trial.

To prevent this from ever happening again, I plan to offer an amendment to the Resource Conservation and Recovery Act which will require full public hearings whenever an application is filed for a new hazardous waste treatment facility. My amendment will assure openness and candor from not only government officials but also industry representatives as to what the facility is designed to do and what kinds of material will be stored.

Wilsonville, Love Canal in Niagara Falls, N.Y., the Valley of the Drums in Kentucky, and countless other locations around the country have unnecessarily fallen prey to an ineffective and poorly organized effort by EPA to prevent hazardous waste pollution from affecting the lives of millions of people across this country. My amendment will help protect future generations from similar peril.

Mr. FLORIO. Mr. Chairman, I yield 1 minute to the gentleman from Nevada (Mr. Santini).

Mr. SANTINI. Mr. Chairman, I want to commend the chairman for working to forge a legislative product that will help prevent environmental damage from hazardous wastes but will also require EPA to adhere to a reasonable regulatory process.

I understand Mr. Bevill will offer an amendment which will defer regulation of "special waste" until after EPA studies the need to do so. The provisions of the amendment have been developed in consultation with Mr. Florio and Mr. Madigan. The product is a good one that will require EPA to prove a waste is harmful before regulating it. This will save the American public from unreasonable costs imposed on the mining, utility, and cement industries.

All the parties involved worked diligently to achieve this result. I am pleased that we have been able to reach this consensus which was possible only because of this effort.

Mr. STAGGERS. Mr. Chairman, I rise in support of H.R. 3994, the Resource Conservation and Recovery Act Amendments of 1979. This legislation authorizes appropriations for important hazardous and solid waste programs administered by the Environmental Protection Agency and strengthens the regulatory and enforcement mechanisms in the underlying act. I want to commend the subcommittee chairman (Mr. Florio) and his minority counterpart (Mr. Madigan) for their fine efforts in formulating this bill. They have demonstrated their concern for a cleaner environment and are working diligently to achieve this goal, that is so important to all Americans.

Mr. Chairman, the Resource Conservation and Recovery Act of 1976, which this bill reauthorizes, established a comprehensive statutory framework to deal with land-based environmental problems, following enactment of laws designed to address the serious problems of air and water pollution. The 1976 act created a "cradle to grave" regulatory regime for safe handling of hazardous waste, provided incentives and encouragement to States and localities for environmentally sound disposal and reuse of solid waste, promoted commercialization of resource recovery technology, and set standards for Government procurement to encourage the purchase of recycled materials.

The act recognized that many of the problems it addressed were local in nature and were most susceptible to local solutions. Accordingly, State and local involvement in development and implementation of State solid waste and hazardous waste plans was encouraged through Federal grant programs. Only in the area of hazardous waste, posing substantial danger to human health and the environment, was the Federal regulatory role emphasized.

The problem of improper and environmentally unsound solid and hazardous waste disposal is now being addressed under the Resource Conservation and Recovery Act, despite the EPA's laxity in promulgating regulations under the act. However, the act provided primarily for prospective action with respect to waste generation, treatment, transportation, storage, and disposal practices.

As we are all only too well aware, the consequences of past unsafe hazardous waste disposal practices are of growing magnitude in our society. The tragic human health and environmental effects of indifferent, negligent, and reckless practices have recently become evident as the glare of national publicity has been focused on Love Canal, "Valley of the Drums," PCB-dumping in North Carolina, toxic dumping in Pittston, Pa., and scores of similar incidents throughout the Nation. Clearly, there is a need for comprehensive legislation to address this extremely serious problem. The Committee on Interstate and Foreign Commerce is presently engaged in such an effort. This bill, however, authorizes necessary funding for programs that will prevent recurrence of unsafe, hazardous waste handling practices and strengthens existing enforcement authority to promptly abate health and environmental hazards resulting from these practices.

Specifically, the bill authorizes total appropriations of $156,500,000 for fiscal year 1980 to carry out various programs under the act. This compares with an authorization of $149,500,000 for fiscal year 1979 for major programs under the act. Major authorizations within the total for fiscal 1980 are $42,000,000 to EPA for general administration of all programs under the act; $30,000,000 to EPA for grants to States for developing and implementation of State hazardous waste programs; $30,000,000 for grants to States for development and implementation of State solid waste plans; $18,000,000 for grants to State and local government authorities for solid waste management and resource recovery programs; $20,000,000 for a new State abandoned hazardous waste site inventory program; $10,000,000 for grants to rural communities for solid waste management facilities; and $3,000,000 to the Department of Commerce to promote commercialization of proven resource recovery technologies, and development of markets for recycled materials.

Mr. Chairman, H.R. 3994 also makes some important amendments to existing law. Significantly, the bill enhances the authority of the Administrator of EPA to forcefully and rapidly deal with waste handling and disposal practices or sites presenting an imminent and substantial endangerment to public health or the environment. The so-called "imminent hazard" authority contained in existing law is deficient in that it requires preresponse judicial proceedings. Such litigation may unduly delay emergency action to abate an imminent or existing hazard and it subjects the Administrator to a difficult burden of proof in demonstrating the existence or imminence of a substantial hazard. H.R. 3994 remedies these deficiencies by authorizing the Administrator to issue and enforce emergency orders to protect public health and the environment, prior to lengthy litigation contesting the existence or degree of hazard and by imposing a less restrictive burden of proof in the event such litigation ultimately does ensue.

H.R. 3994 extends EPA's access, entry, and inspection authority to inactive and abandoned hazardous waste sites and prohibits destruction, alteration or concealment of records pertaining to the handling of hazardous waste. Moreover, the reported bill authorizes the Administrator, upon receipt of infomation that a hazardous waste site may present a significant health or environmental hazard, to issue orders requiring present or former owners of such sites to conduct or assume the costs of monitoring, testing and analysis necessary to determine the nature and extent of the hazard.

To enhance resource recovery, the reported bill requires State solid waste plans to provide that neither State nor local governments may be prohibited from entering into long term contracts for the operation of such facilities. Such long-term contracts are equally essential as long-term markets for recovered materials to the viability of such facilities. H.R. 3994 further provides resource recovery and reuse by stengthening Federal recyclable procurement requirements and establishing firm deadlines for compliance. As the largest consumer in the Nation, the Federal Government should rightfully assume a strong leadership role in promoting resource recovery through its procurement practice.

It is clear that EPA has attempted to implement certain provisions of RCRA in a manner inconsistent with the legislative intent. For instance, EPA pursued a course which could have required retrofitting of waste water treatment facilities built by municipalities and industries at considerable expense to comply with the Clean Water Act. Clearly, where demonstrated health and environmental hazards are present, remedial action ought to be pursued. However, in the absence of such a demonstration it makes little sense to uniformly impose costly and inflationary design and construction modification requirements on the owners and operators of such facilities. Accordingly, wastes received by such facilities were exempted from the provisions of the act. This broad exemption will be modified by the sponsor of the original amendment, the distinguished gentleman from Washington (Mr. SWIFT), to provide sufficient authority for EPA to regulate genuinely hazardous facilities. Coupled with a provision in the reported bill permitting the Administrator to establish, where appropriate, separate performance standards for new and existing facilities, this modification will give the Agency clear guidance as to the appropriate regulatory course it should pursue.

Another example of EPA's regulatory excess is its proposal to impose costly regulation on certain wastes—cement kiln dust waste, utility waste, phosphate uranium and other mining wastes, and oil and gas drilling muds and oil production brines. In its proposed regulations of December 18, 1978 EPA acknowledged that the Agency has very little information on the composition, characteristics, and the degree of hazard posed by these wastes, that they occur in very large volumes and that potential hazards posed by these wastes are relatively low. Nevertheless the Agency proceeded to embark on a cumbersome regulatory course in the absence of any real demonstration of risk. The reported bill presently contains a provision dealing with oil and gas muds and brines. The distinguished gentleman from Alabama (Mr. BEVILL) intends to offer a well-considered and balanced amendment to deal with the other waste in this so-called special category, which has my strong support and should receive the support of every Member of this House. I will address myself to the particulars of that amendment when it is offered.

Finally, to eliminate duplicative and burdensome permitting requirements for disposal of coal mining wastes under the Surface Mining Control and Reclamation Act and RCRA, I intend to offer an amendment to provide for such permits to be issued solely by the Office of Surface Mining in the Department of the Interior, giving appropriated consideration to EPA suggestions as to how RCRA requirements, if any, should be integrated into these permits. Both this amendment and the Bevill amendment will remove unnecessary regulation and contribute to increased coal utilization, spurring attainment of the President's national energy objectives. There are a number of other important amendments that will be offered that will also significantly improve the act.

Mr. Chairman, H.R. 3994 is an important bill for all the reasons I have set forth and I urge the adoption of the bill.

● Mr. GORE. Mr. Chairman, I rise to express my strong support for the legislation which is before the House, the reauthorization of the Resource Conservation and Recovery Act (RCRA).

As recently as last year, the hazardous waste issue was virtually unknown except to the people involved in the agonizingly slow process of developing regulations under this law to ensure the safe handling and disposal of hazardous waste for the future. In 1978—just as in 1976 when RCRA was originally enacted—few Americans were aware of the menacing presence of abandoned and inactive waste dumps. The Love Canal disaster gave the country its first tragic evidence of the gravity of the hazardous waste problem. Finally, we have awakened to the incredibly difficult and potentially disastrous problem of land pollution.

RCRA contains no reference to or remedy for abandoned or inactive hazardous waste sites. In 1976 the Congress simply was not aware of the problem. Generators and disposers of hazardous waste may have been ignorant of the problem or may have decided not to share their knowledge with us. Regardless, this is a monumental problem and the Federal Government and most States lack the authority to deal with it. This legislation will provide tools which are critical to the effort to protect the public's health and the environment from the improper disposal of hazardous wastes.

The problem is a real one. The Commerce Oversight Subcommittee, in a year-long investigation of hazardous wastes, identified numerous waste sites which posed major hazards to the public health and the environment because of inadequate design or unsafe disposal methods. The result has been human suffering, environmental injury, and substantial economic costs. The full magnitude of the problem is still not known. This legislation establishes a statewide inventory program for abandoned waste disposal sites. This survey will finally enable us to understand the dimensions of the problem.

Remedies exist, although some may be complex and expensive. This legislation would provide grants for State hazardous waste programs to develop treatment, storage, and disposal facilities and to remove or ameliorate wastes that present hazards to a local community.

The bill provides the Environmental Protection Agency (EPA) with preventive tools, monitoring and testing authorities, which would be used to examine sites that may present a substantial hazard. This provision, which I successfully offered during the Commerce Committee markup, would allow EPA to evaluate potentially dangerous sites before such sites could wreak havoc. This would allow states and EPA to root out a problem before it develops into a major threat to the surrounding area.

Mr. Chairman, the effort to mitigate the hazardous waste problem is in its infancy. This bill will take an important stride toward determining the size of the task before us and the best means of solving it. For too long we have ignored the real and potential consequences of land pollution. These dangers must be redressed. This legislation is an important part of the long-term effort to accomplish that end. I urge its adoption.●

● Mr. ECKHARDT. Mr. Chairman, I must regretfully oppose the passage of H.R. 4774, which would amend the National Labor Relations Act to provide that any employee who is a member of a religion or sect historically holding conscientious objection to joining or financially supporting a labor organization shall not be required to do so. After motive consideration I have determined that this measure is not only unnecessary but will in fact restrict, rather than expand, existing protections for religious liberty regarding union security agreements.

The bill's ostensible purpose is to reconcile two presumbaly conflicting statutory provisions in order to protect the first amendment right of free exercise of religion for those with religious objection to joining or paying dues to a union. Section 8(a)(3) of the National Labor Relations Act allows employers and unions representing a majority of employees to make as a condition of employment a requirement that all employees in a bargaining unit pay union dues whether they belong to the union or not. This union shop privilege allowed in the National Labor Relations Act is said to be in apparent conflict with title VII, the equal employment opportunity section of the Civil Rights Act of 1964 which proscribes as an unlawful employment practice discrimination by an employer or labor union on the basis of religion. Section 701(j) of the Equal Employment Opportunity Act of 1972 specifically defines "religion" as including all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business. As Mr. CLAUSEN so ably pointed out, in every court of appeals which has considered the issue of the application of title VII to employees with religious objections to paying dues to a union, all have placed the burden on employers and unions to show that such religious objections cannot be accommodated in some other fashion and have concluded that the clear intent of Congress is that, all things being equal, the mandate for elimination of religious discrimination in employment practices has a much higher national priority than the union security privilege.

I believe that congressional intent is clear—employers and unions must reasonably accommodate religious beliefs without undue hardship on business, and this duty has priority over the statutory allowance of union security agreements. If redundancy were the only objection to H.R. 4774, I probably would not have opposed it as a restatement of congressional policy. But H.R. 4774 is more than just unnecessary; it will in fact restrict the rights already granted by the "reasonable accommodation" provision of title VII.

As the fifth circuit in *Cooper* v. *General Dynamics*, 533 F2d 163, 168 (1976), cert. denied sub nom., makes plain, if an employee's conduct is religiously motivated, his employer must tolerate it unless doing so would cause undue hardship, and all forms and aspects of religion, however eccentric, are protected.

The definition of religion itself in the "reasonable accommodation" section of the Equal Opportunity Act, 42 U.S.C. 2000e(j), is stated generally to include "all aspects of religious observance and practice, as well as belief." Thus, we must look elsewhere for a more precise delimitation of the scope of the term religion. The clearest delimitation in the context of the statute was stated by the seventh circuit in *Redmond* v. *GAP Corp.*, 574 F2d 897, 901 (1978):

> We believe that the clearest test to be applied to the determination of what is "religious" under Sec. 2000e(j) can be derived from the Supreme Court decisions in *Welsh* v. *United States* 398 U.S. 333 (1970), and *United States* v. *Seeger* 380 U.S. 163 (1969), i.e., (1) is the "belief" for which protection is sought "religious" in person's own scheme of things, and (2) is it "sincerely held."

Seeger and Welsh both involved conscientious objection to the military draft on religious grounds. The Court in both cases broadly interpreted the exemption for "religious training and belief" defined in the statute as "an individual's belief in a relation to a supreme being involving duties superior to those arising from any human relation but [not including] essentially political, sociological, or philosophical views or a merely personal moral code." In Seeger, Mr. Justice Clark stated the test as—

> A sincere and meaningful belief which occupies in the life of its possessor a place parallel to that filled by the God of those admittedly qualifying for the exemption comes within the statutory definition. 380 U.S. at 176.

Welch did not himself characterize his objections as being religious yet the Court found that his views were such that he came within the religious exemption:

> If an individual deeply and sincerely holds beliefs that are truely ethical or moral in source and content but that nevertheless impose upon him a duty of conscience to refrain from participating in any way at any time, he is entitled to a religious exemption because of his beliefs function as a religion in his life. 398 U.S. 340.

H.R. 4774 attempts to greatly restrict the broad, nontraditional definition of religion already recognized by the courts. This bill would require that a conscientious objector be both "a member of and adher[ant] to established and traditional tenets or teachings of a bona fide religion, body, or sect which has historically" objected to joining or financially supporting labor organizations. This very restrictive definition allows an exemption only for about seven denominations which have established doctrine against supporting unions. New religions, which could not "historically" hold such objections, are apparently left out as are loosely organized sects and even a profound belief by a single person. Most "established and traditional" religions began with the vision of a single individual—Abraham, Jesus, Mohammed, Buddha, Martin Luther, John Calvin, Joseph Smith, Mary Baker Eddy and countless others have begun as heretics against "established and traditional" religions with "historic" doctrines, yet their adherents came to number in the millions. By codifying this restrictive exemption from union security agreements instead of leaving the definition vague, I believe that we may well accomplish the opposite of what we have set out to do.

Defining the religious exemption so strictly so as to include some religions and exclude others may also result in a violation of the establishment of religion clause of the first amendment. The U.S. Supreme Court in *Lemon* v. *Kurtzman* 403 U.S. 603, 612–13 (1971), developed three tests to determine conflict with the establishment clause:

> First, the statute must have a secular legislative purpose; second, its principal or primary effect must be one that neither advances nor inhibits religion; finally, that statute must not foster "an excessive entanglement with religion." 403 U.S. 612, 613.

As is pointed out in a perceptive article in 51 Notre Dame Lawyer 481, February 1976, "Is Title VII's Reasonable Accommodation Requirement a Law 'Respecting an Establishment of Religion'?", there is probably no problem with the "excessive entanglement" criterion here, and the courts have rarely used the secular legislative purpose test to strike down conflicting statutes except in extreme cases (*Epperson* v. *Arkansas* 393 U.S. 97(1968)—struck ban on teaching evolution; *Abington School District* v. *Schempp* 374 U.S. 203(1963)—struck down required prayer in school.)

By having as its primary effect the advancement of certain religions beyond merely clearing up any restriction on the free exercise of religion, H.R. 4774 may go too far, especially if we are to be so exclusive regarding which religions may qualify for special treatment. Such a statute can hardly be said to have a neutral effect. We are not lifting a Government sanction restricting free exercise of religion here—we have already stated congressional policy that employers and unions may have union security agreements but must reasonably accommodate conflicts with the religious views of employees. To go beyond that exception for religion generally and make special exception for about seven denominations (with no room in the scope of the exception for new religions or a change in established doctrine) is not only unnecessary but also quite possibly unconstitutional.

Finally, why must we restrict the "reasonable accommodation" in these circumstances to the paying of a sum equal to the union dues and initiation fees to one of three designated charities? Why not simply leave the means of accommodation to the ingenuity of the parties involved and let the courts determine the reasonableness of the accommodation if any conflict arises. Such matters are best left to be handled flexibly on a case by case basis.

Again, while the basic purpose behind H.R. 4774 is most worthy and its sponsors and supporters have only the highest motivation for bringing it forward, I believe that we already have the means at hand in existing law to solve the problem of accommodating those whose religious views prevent them from joining or contributing to a labor union as required under a union security agreement. H.R. 4774 is, in fact, a step backward, and I must reluctantly oppose it on behalf of those whom we would seek to protect by its passage.●

● Mr. ALBOSTA. Mr. Chairman, as the Congress prepares to consider amendments to the Resource Conservation and Recovery Act, I feel that I must speak out. Based on my own experience as chairman of the Select Committee on PBB's of the Michigan State Legislature, it is clear that EPA did not have the authority required to deal with the hazardous wastes in a comprehensive and responsible manner. It is also clear to me that hazardous wastes require Federal action so that at least some minimum standards will be set for the handling of these substances.

However, it is equally important to avoid overreacting. In its attempt to be comprehensive EPA has listed many items as hazardous wastes in its proposed guidelines announced on November 26, 1979. For example, iron foundries produce sludge that can contain lead. EPA has listed this sludge as a hazardous waste. The industry affected claims that the EPA is assuming that this material is hazardous without looking at the fact that the lead actually leaching out is minimal. The industry further claims that the lead-bearing sludge will be handled properly anyway under the normal Resource Conservation and Recovery Act provisions and regulations based on the act.

Although there may be ways to work out such problems in the administrative process, this is a good example of a problem we would do well to be aware of. That is, we should take care not to strangle industries in redtape or unnecessary paperwork, or saddle them with added expenses unless we have considerable and substantial evidence of a problem. Then, when we know that a problem is real, or very likely to occur, we should go after that problem with clear forceful regulatory action.

If we do not take this responsible approach, then the EPA and many of the rest of us in government and industry will spend a lot of our time chasing phantom problems while the real disasters go unchecked. We cannot allow that to happen.●

Mr. FLORIO. Mr. Chairman, I have no further requests for time.

Mr. MADIGAN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 3994

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Resource Conservation and Recovery Act Amendments of 1979".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. (a) Section 2005(a) of the Solid Waste Disposal Act, as redesignated by section 3(b)(1) of this Act, is amended by striking out "1978, and" and substituting "1978" and by inserting the following before the period at the end thereof: ", and $42,000,000 for the fiscal year ending September 30, 1980".

(b) Section 3011(a) of such Act is amended by inserting the following after "1979": "and $30,000,000 for the fiscal year 1980".

(c) Section 4008(a)(1) of such Act is amended by striking out "1978 and" and substituting "1978," and by inserting the following after "1979": ", and $30,000,000 for the fiscal year 1980".

(d) Section 4008(a)(2)(C) of such Act is amended by inserting after "1979": "and $18,000,000 for the fiscal year 1980".

(e) Section 4008(e)(2) of such Act is amended by inserting the following after "1979": "and $2,500,000 for the fiscal year 1980"

(f) Section 4009(d) of such Act is amended by inserting the following after "1979": "and $10,000,000 for the fiscal year 1980".

(g)(1) Subtitle E of such Act is amended by adding the following new section at the end thereof:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 5005. There are authorized to be appropriated $3,000,000 for the fiscal year 1980 to carry out the purposes of this section.".

(2) The table of contents for such subtitle E is amended by adding the following new item at the end thereof:

"Sec. 5005. Authorization of appropriations.".

AMENDMENTS TO SOLID WASTE DISPOSAL ACT

SEC. 3. (a)(1) Paragraph (14) of section 1004 of the Solid Waste Disposal Act is amended by inserting before the period at the end thereof the following: "or which is not a facility for disposal of hazardous waste".

(b)(1) Section 2004 of such Act is repealed and the following sections are redesignated accordingly.

(2) The table of contents for subtitle B of such Act is amended by striking out the item relating to section 2004 and redesignating the succeeding items accordingly.

(c) Section 3004 of the Solid Waste Disposal Act is amended by adding the following after the first sentence thereof: "In establishing such standards the Administrator shall, where appropriate, establish separate standards for new and existing facilities.".

(d) Section 3001 of such Act is amended by inserting "(1)" after "(b)" and by adding the following new paragraph at the end of subsection (b):

"(2) Notwithstanding the provisions of paragraph (1) of this subsection, drilling fluids, produced waters, and other wastes associated with the exploration for, or development and production of, crude oil or natural gas shall not be considered 'hazardous waste' within the meaning of this section and shall not be subject to the provisions of this subtitle.".

(e) Section 3005(e) of such Act is amended by striking "facility is in existence on the date of enactment of this Act" and inserting in lieu thereof "facility is in existence on the effective date of the regulations under sections 3001 and 3004,".

(f) Section 3007(a) of such Act is amended—

(1) by inserting "or section 7003 of subtitle G," after "subtitle,";

(2) by striking "maintained by any person" after "establishment or other place";

(3) by inserting "or has handled" after "otherwise handles";

(4) by striking "any officer or employee" and inserting in lieu thereof "any officer, employee, or representative";

(5) by striking "duly designated officer employee" and inserting in lieu thereof "duly designated officer, employee, or representative";

(6) by striking "furnish or permit" and inserting in lieu thereof "furnish information relating to such wastes and permit";

(7) by striking out "such officers or employees" and inserting in lieu thereof "such officers, employees, or representatives";

(8) by inserting "or have been" after "where hazardous wastes are"; and

(9) by striking "officer or employee obtains" and inserting in lieu thereof "officer, employee, or representative obtains".

(g) Section 3007(b) of such Act is amended by inserting before "shall be available": "(including records, reports, or information obtained by representatives of the Environmental Protection Agency).

(h) Section 3008(d) of such Act is amended by—

(1) striking out the period following the word "subtitle" at the end of paragraph (3) and by inserting ", or" and the following at the end of such paragraph (3):

"(4) generates, stores, treats, transports, disposes of, or otherwise handles any hazardous waste (whether such activity took place before or takes place after the date of the enactment of this paragraph) and—

"(A) who fails or refuses to comply with any order under section 3012, or

"(B) destroys, alters, or conceals any record maintained with respect to the generation, storing, treatment, transportation, disposal, or other handling of hazardous waste.".

(i) Section 3008 of such Act is amended:

(1) in subsection (a)(1), by striking "the Administrator shall give notice to the violator of his failure to comply with such requirement. If such violation extends beyond the thirtieth day after the Administrator's notification," and by inserting "immediately or" after "compliance"; and

(2) in subsection (a)(2), by striking "thirty days".

(j) Section 3011 of such Act is amended by adding the following new subsection at the end thereof:

"(b) ACTIVITIES INCLUDED.—State hazardous waste programs for which grants may be made under subsection (a) may include (but shall not be limited to) planning for hazardous waste treatment, storage and disposal facilities, and the development and execution of programs to protect health and the environment from inactive facilities which may contain hazardous waste and which may present a substantial endangerment to the human health or the environment.".

(k)(1) Subtitle C of such Act is amended by adding the following new section at the end thereof:

"HAZARDOUS WASTE SITE INVENTORY

"Sec. 3012. (a) State Inventory Programs.—Each State shall, as expeditiously as practicable, undertake a continuing program to compile, publish, and submit to the Administrator an inventory describing the location of each site within such State at which hazardous waste has at any time been stored or disposed of. Such inventory shall contain—

"(1) a description of the location of the sites at which any such storage or disposal has taken place before the date on which permits are required under section 3005 for such storage or disposal; and

"(2) such information relating to the amount, nature, and toxicity of the hazardous waste at each such site as may be practicable to obtain and as may be necessary to determine the extent of any health hazard which may be associated with such site.

Any State may exercise the authority of section 3007 for purposes of this section in the same manner and to the same extent as provided in such section in the case of States having an authorized hazardous waste program, and any State may by order require any person to submit such information as may be necessary to compile the data referred in paragraphs (1) and (2).

"(b) Environmental Protection Agency Program.—If the Administrator determines that any State program under subsection (a) is not adequately providing information respecting the sites in such State referred to in subsection (a), the Administrator shall notify the State. If within ninety days following such notification, the State program has not been revised or amended in such manner as will adequately provide such information, the Administrator shall carry out the inventory program in such State. In any such case—

"(1) the Administrator shall have the authorities provided with respect to State programs under subsection (a);

"(2) the funds allocated under subsection (c) for grants to States under this section may be used by the Administrator for carrying out such program in such State; and

"(3) no further expenditure may be made for grants to such State under this section until such time as the Administrator determines that such State is carrying out, or will carry out, an inventory program which meets the requirements of this section.

"(c) Grants.—(1) Upon receipt of an application submitted by any State to carry out a program under this section, the Administrator may make grants to the States for purposes of carrying out such a program. Grants under this section shall be allocated among the several States by the Administrator based upon such regulations as he prescribes to carry out the purposes of this section. The Administrator may make grants to any State which has conducted an inventory program which effectively carried out the purposes of this section before the date of the enactment of the Resource Conservation and Recovery Act Amendments of 1979 to reimburse such State for all, or any portion of, the costs incurred by such State in conducting such program.

"(2) There are authorized to be appropriated to carry out this section $20,000,000 for the fiscal year 1980.".

(3) The table of contents for such subtitle C is amended by inserting the following new item at the end thereof:

"Sec. 3012. Hazardous waste site inventory.".

(4) Section 3008(d)(3) of such Act is amended by inserting "or information" after "document".

(1) (1) Subtitle C of such Act is amended by adding the following new section at the end thereof:

(l) Section 4003 of such Act is amended—

(1) by striking out "4005(c)" in paragraph (2), and inserting in lieu thereof "4004(b)"; and

(2) by inserting "State or" in paragraph (5) after "The plan shall provide that no" and by striking the period after "resource recovery facilities" and adding the following: ", from entering into long-term contracts for the operation of such facilities, or from securing long-term markets for material and energy recovered from such facilities.".

(m) Section 4005 of such Act is amended as follows:

(1) by striking out subsection (a); by redesignating the succeeding subsections accordingly; and by amending subsection (b) (as so redesignated) by striking out "the inventory under subsection (b) shall" and substituting "the inventory under subsection (a) shall";

(2) by amending the first sentence of section 4005(b) (as redesignated by paragraph (1) of this sub-section), by striking out "Any" and inserting in lieu thereof "Upon promulgation of criteria under section 1008 (a)(3), any";

(3) by striking out "4003(2)" in subsection (b) (as redesignated by paragraph (1) of this subsection) and inserting in lieu thereof "4003(3)"; and

(4) by striking out "Not" in subsection (a) (as redesignated by paragraph (1) of this subsection) and inserting in lieu thereof "To assist the States in complying with section 4003(3), not".

(n) Section 4006(b)(1)(B) of such Act is amended by striking out "functions" wherever it appears and inserting in lieu thereof "management activities".

(o) Section 6002 of such Act is amended as follows:

(1) by deleting the first sentence in subsection (c)(1), and inserting in lieu thereof the following: "After the date specified in applicable guidelines prepared pursuant to subsection (e) each procuring agency which procures any items designated in such guidelines shall procure such items composed of the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, considering such guidelines.";

(2) by striking out clause (ii)" in subsection (c)(1)(C), and inserting in lieu thereof "subparagraph (B)";

(3) by deleting "recovered material and recovered-material-derived fuel" in subsection (c)(2), and inserting in lieu thereof the following: "energy or fuels derived from solid waste";

(4) by deleting so much of subsection (c)(3) as follows "vendors" and inserting in lieu thereof a colon and the following:

"(A) certify that the percentage of recovered materials to be used in the performance of the contract will be at least the amount required by applicable specifications or other contractural requirements, and

"(B) estimate the percentage of the total material utilized for the performance of the contract which is recovered materials.";

(5) by amending subsection (d) to read as follows:

"(d) Specifications.—All Federal agencies that have the responsibility for drafting or reviewing specifications for procurement items procured by Federal agencies shall—

"(1) as expeditiously as possible (but in any event no later than five years after the date of enactment of the Resource Conservation and Recovery Act of 1979), eliminate from such specifications—

"(A) any exclusion of recovered materials; and

"(B) any requirement that items be manufactured from virgin materials; and

"(2) within one year after the date of publication of applicable guidelines under subsection (e), or as otherwise specified in such guidelines, assure that such specifications require the use of recovered materials to the maximum extent possible without jeopardizing the intended end use of the item.";

(6) by deleting the second sentence in subsection (e), and inserting in lieu thereof the following:

"Such guidelines shall—

"(1) designate those items which are or can be produced with recovered materials and whose procurement by procuring agencies will carry out the objectives of this section, and

"(2) set forth recommended practices with respect to the procurement of recovered materials and items containing such materials and with respect to certification by vendors of the percentage of recovered materials used, and shall provide information as to the availability, relative cost, and performance of such materials and items.

In designating items under paragraph (1), the Administrator shall consider, among other relevant factors:

"(A) the availability of such items;

"(B) the impact of the procurement of such items by procuring agencies on the volume of solid waste which must be treated, stored, or disposed of;

"(C) the economic and technological feasibility of producing and using such items; and

"(D) other uses for such recovered materials.".

(p) Section 7003 of such Act is amended by—

(1) striking out "is presenting" and inserting in lieu thereof "may present";

(2) by striking "the Administrator may bring suit" and all that follows down through "the alleged disposal" and inserting in lieu thereof "may take action";

(3) by striking out "suit" in the last sentence thereof and substituting "action"; and

(4) by inserting "(a) Authority of Administrator.—" after "7003" and adding the following at the end thereof: "The action which the Administrator may take under this section may include (but shall not be limited to)—

"(1) issuing such orders as may be necessary to protect public health and the environment, and

"(2) commencing a civil action for appropriate relief, including a restraining order or permanent or temporary injunction.

"(b) Violations.—Any person who willfully violates, or fails or refuses to comply with, any order of the Administrator under subsection (a)(1) may, in an action brought in the appropriate United States district court to enforce such order, be fined not more than $5,000 for each day in which such violation occurs or such failure to comply continues.".

(q)(1) Section 7006 of such Act is amended—

(1) by inserting "(a) Review of Final Regulations and Certain Petitions.—" before "Any";

(2) by adding the following new subsection (b) at the end thereof:

"(b) Review of Certain Actions Under Sections 3005 and 3006.—Review of the Administrator's action—

"(1) in issuing, denying, modifying, or revoking any permit under section 3005, or

"(2) in granting, denying, or withdrawing authorization or interim authorization under section 3006,

may be had by any interested person in the Circuit Court of Appeals of the United States for the Federal judicial district in which such person resides or transacts such business upon application by such person. Any such application shall be made within ninety days from the date of such issuance, denial, modification, revocation, grant, or withdrawal, or after such date only if such application is based solely on grounds which arose after such ninetieth day. Such review shall be in accordance with sections 701 through 706 of title 5 of the United States Code.";

(3) by striking out ". Any" in paragraph (1) thereof and substituting "; any";

(4) by striking out ". Action" in paragraph (1) thereof and substituting "; action"; and

(5) by striking out "proper." in paragraph (2) thereof and substituting "proper;".

Section 7009 of such Act is amended by striking out "unless the Secretary" and substituting "unless the Administrator".

Section 8002 of such Act is amended by adding the following new subsection at the end thereof:

"(n) (1) The Administrator shall conduct a detailed and comprehensive study and submit a report on the adverse effects, if any, of drilling fluids, produced waters, and other wastes associated with the exploration for, or development or production of, crude oil or natural gas on the environment, including but not limited to, the effects of those wastes on human health, water quality, air quality, welfare, and natural resources, and on the adequacy of means and measures currently employed by the oil and gas drilling and production industry, Government agencies, and others to dispose of and utilize those wastes and to prevent or substantially mitigate any adverse effects. The study shall include an analysis of—

"(A) the sources and volume of discarded material generated per year from such wastes;

"(B) present disposal practices;

"(C) potential dangers to human health and the environment;

"(D) alternatives to current disposal methods;

"(E) the cost of those alternatives; and

"(F) the impact of those alternatives on the exploration for, and development and production of, domestic crude oil and natural gas.

In furtherance of this study, the Administrator shall, as he deems appropriate, review studies and other actions of other Federal agencies concerning such wastes with a view toward avoiding duplication of effort and expeditious completion of the study. The Administrator shall publish a report of the study and shall include appropriate findings and recommendations for Federal and non-Federal actions.

"(2) The Administrator shall complete the research and study and submit the report required under paragraph (1) not later than October 1, 1981. Upon completion of the study, the Administrator shall prepare a plan for research, development, and demonstration respecting the findings of the study and may submit any legislative recommendations resulting from the study to the Congress.

"(3) There are authorized to be appropriated not to exceed $1,000,000 for the fiscal year 1980 to carry out the provisions of this subsection.".

AMENDMENT OF RESOURCE CONSERVATION AND RECOVERY ACT OF 1976

SEC. 3. Sections 3 and 4 of the Resource Conservation and Recovery Act of 1976 are hereby repealed.

Mr. FLORIO (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The **CHAIRMAN.** Is there objection to the request of the gentleman from New Jersey?

There was no objection.

COMMITTEE AMENDMENTS

The **CHAIRMAN.** The Clerk will report the first committee amendment.

Mr. FLORIO. Mr. Chairman, I ask unanimous consent that all committee amendments, except those beginning on page 3, line 17 and extending through line 21; and beginning on page 11, line 3, and extending through line 17 on page 12, be considered en bloc and considered as read and printed in the RECORD.

The **CHAIRMAN.** Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The committee amendments above referred to are as follows:

Committee amendments: Page 3, in line 9, strike out "section" and substitute "subtitle (other than section 5002)".

Page 3, line 13, insert "(1)" after "(a)".

Page 4, line 22, strike out the comma.

Page 7, line 1, strike out "(b)" and insert in lieu thereof "(c)".

Page 7, line 23, strike out "and".

Page 8, line 3, strike out the period and insert in lieu thereof a semicolon.

Page 8, after line 3, insert the following:

(3) the name and address, or corporate headquarters of, the owner of each such site, determined as of the date of preparation of the inventory;

(4) an identification of the types or techniques of waste treatment or disposal which have been used at each such site; and

(5) information concerning the current status of the site, including information respecting whether or not hazardous waste is currently being treated or disposed of at such site (and if not, the date on which such activity ceased) and information respecting the nature of any other activity currently carried out at such site.

For purposes of assisting the States in compiling information under this section, the Administrator shall make available to each State undertaking a program under this section such information as is available to him concerning the items specified in paragraphs (1) through (5) with respect to the sites within such State, including such information as the Administrator is able to obtain from other agencies or departments of the United States and from surveys and studies carried out by any committee or subcommittee of the Congress.

Page 13, after line 24, insert the following new subsection and redesignate the following subsections accordingly:

(p) (1) Section 5002 of such Act is amended by striking out "the date of the enactment of this Act" and inserting in lieu thereof "September 1, 1979."

(2) Section 5003 of such Act is amended by striking out "the enactment of this Act" and inserting in lieu thereof: "September 1, 1979,".

Page 14, line 10, strike out "the date" and all that follows down through "(e)" in line 11 and insert in lieu thereof: "September 1, 1982".

Page 15, line 17, strike out "five years" and all that follows down through line 18 and insert in lieu thereof: "July 1, 1980),".

Page 17, strike out the period at the end of line 3 and substitute "; and".

Page 17 after line 4, insert:

(7) by inserting "not later than September 1, 1981," after "shall" in the first sentence of subsection (e).

Page 17, line 11, strike out "the Administrator".

Page 17, line 17, insert a period after "7003".

The **CHAIRMAN.** The question is on the committee amendments considered en bloc.

The committee amendments were agreed to.

The **CHAIRMAN.** The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, after line 16, insert the following:

(2) Paragraph (27) of such section 1004 is amended by striking out "or industrial discharges" and inserting in lieu thereof "or solid or dissolved materials in wastewaters received by or discharged from industrial or municipal wastewater treatment facilities."

AMENDMENT OFFERED BY MR. SWIFT AS A SUBSTITUTE FOR THE COMMITTEE AMENDMENT

Mr. SWIFT. Mr. Chairman, I offer an amendment as a substitute for the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. SWIFT as a substitute for the committee amendment: Page 3, after line 16 insert:

(2) Section 3005 of the Resource Conservation and Recovery Act is amended by adding the following new subsection at the end thereof:

"(f) EXISTING WASTEWATER TREATMENT FACILITIES.—(1) In issuing a permit under subsection (c) of this section, the Administrator (or a State which has received full or interim authorization under section 3006) shall not require an existing wastewater treatment facility to comply with requirements of section 3004(3) or 3004(4) which—

"(A) are designed to prevent the release of hazardous waste or any constituent thereof into soil or groundwater; and

"(B) would require major reconstruction of such facility if the permit applicant demonstrates that no significant release of hazardous waste or any constituent thereof from such facility into an underground water supply is occurring or is reasonably likely to occur.

"(2) For purposes of assisting the Administrator (or the State, if applicable) in making the determinations required by paragraph (1) of this subsection, the Administrator (or the State) may require the owner or operator of an existing wastewater treatment facility to conduct, and report the results of, such studies, testing and monitoring as the Administrator (or the State) finds is reasonably necessary to make such determinations, provided that the Administrator (or the State) may not require leachate monitoring unless the Administrator (or the State) determines that leachate monitoring is necessary to confirm or clarify groundwater monitoring data which indicates the presence of groundwater pollution.

"(3) Where feasible, in the case of existing wastewater treatment facilities, the Administrator (or the State, if applicable) shall issue permits under subsection (c) at the same time as revised permits under section 402 of the Clean Water Act.

"(4) Upon receipt of information, including, but not limited to, monitoring data and reports required by section 3004(2), indicating that there has been a significant release of hazardous waste or any constituent thereof into an underground water supply from an existing wastewater treatment facility exempted from major reconstruction under paragraph (1), or that such facility is being operated for purposes other than treating wastewater to meet requirements of the Clean Water Act, the Administrator (or the State, if applicable) may take appropriate action under this title or other authority of the Administrator (or the State), including ordering the owner or operator of such facility to show why its permit should not be modified to require compliance with the requirements of section 3004(3) or 3004(4) from which it has been exempted.

"(5) For purposes of this section, the term 'existing wastewater treatment facility means a lagoon, surface impoundment or basin which is part of a wastewater treatment or pretreatment system operated for the sole purpose of treating wastewater to meet applicable requirements of the Clean Water Act and which was in operation or under physical construction before the date of promulgation of initial regulations under section 3004 of this title.".

Mr. SWIFT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment offered as a substitute for the committee amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

(Mr. SWIFT asked and was given permission to revise and extend his remarks.)

□ 1740

Mr. SWIFT. Mr. Chairman, this is a substitute for my amendment added in committee to revise the definition of "solid waste" contained in section 1004. My earlier amendment would have exempted the contents of wastewater treatment systems that are permitted under the Clean Water Act—(the so-called NPDES program)—from the definition of solid waste under RCRA. The intention was to eliminate the possibility of exclusively costly and duplicative regulation of these facilities under both the Clean Water Act and the Resource Conservation and Recovery Act. The Environmental Protection Agency objected to the amendment because it felt the language was too broad and went too far.

Accordingly, I initiated a discussion among effected parties. The result was the language before the House today. I wish to commend the cooperation of EPA and the affected industrial groups for their willingness to arrive at a compromise which seeks to avoid unnecessary regulation, yet which protects our environment from hazardous wastes.

Essentially this amendment provides for the exemption of existing waste water treatment systems, built to comply with the requirements of the Clean Water Act, from the requirements of the Resource Conservation and Recovery Act which would necessitate major construction if the owner/operator demonstrates that no significant release of hazardous wastes into underground water supplies will occur.

Mr. Chairman, I would like to insert into the RECORD at this point a more detailed description of the amendment. This description was agreed to by EPA, the affected industries and myself as embodying the scope and intent of the amendment:

This amendment seeks to strike an equitable balance between (1) the need to prevent contamination of underground water supplies by hazardous waste in wastewater treatment facilities and (2) the substantial investment which has been made to build or upgrade such facilities to meet Clean Water Act requirements and the additional cost and practical difficulties of retrofitting such facilities if they contain hazardous waste but do not already meet applicable RCRA requirements. The amendment adds a new paragraph to Section 3005 of RCRA which would require the Administrator (or a State with an authorized state hazardous waste program) to exempt an existing wastewater treatment facility from any requirements of Section 3004(3) or 3004(4) which are intended to prevent the migration of hazardous waste into soil or groundwater and which would require major reconstruction if the owner/operator demonstrates that no significant release of hazardous waste into underground water supplies is occurring or is likely to occur. This means that existing treatment facilities which do not release significant amounts of hazardous waste into groundwater—including facilities which do not leak at all or facilities which are not located over or near groundwater supplies—will not have to install liners, erect soil barriers, or build leachate collection systems in order to obtain a permit under RCRA.

EPA's proposed Section 3004 regulations do not indicate which requirements have been proposed to implement Section 3004 (3) or Section 3004(4) of RCRA. In promulgating final regulations under Section 3004, the Administrator should identify those requirements applicable to wastewater treatment facilities which are issued under the authority of Section 3004(3) or 3004(4) so that permit writers and permit applicants will know which Section 3004 requirements are potentially subject to the exemption authorized by this provision.

Whether a release is significant should be determined based on a statistically significant difference in the concentration of any hazardous waste or any constituent thereof measured in groundwater samples taken hydraulically downgradient from the facility as compared to samples taken hydraulically upgradient from such facility. The purpose is to determine whether the facility is releasing hazardous waste into groundwater in a manner inconsistent with the objectives of this Act.

A statistically significant difference between upgradient and downgradient groundwater samples is one which represents a real and continuous effect on groundwater from materials released from the facility. For example, a random measurement of a chemical material outside the confidence interval established for that material using background (upgradient) quality data and appropriate statistical tests would not be the type of case requiring remedial action.

For the purpose of collecting samples under this provision, downgradient wells should be located so as to provide the greatest opportunity for the interception of any plume containing pollutants released from a facility. The exact number and location of wells should be based on groundwater flow rate, climate, hydrogeologic conditions, and such other factors as the Administrator deems appropriate.

The term "underground water supply" should be defined to include (1) any aquifer supplying drinking water for human consumption (2) a sole-source aquifer, and (3) any other aquifer being used, or reasonably capable of being used, as a public or private drinking water supply, as a water supply for domestic livestock or for irrigation.

As in all permit proceedings, the applicant for this exemption would bear the burden of demonstrating to the permitting authority that it is entitled to an exemption from some of the requirements of Section 3004. However, unlike other permit proceedings under Section 3005, the Administrator's authority under Section 3004 and 3005 to require permit applicants to provide such information as is necessary for him to make a permitting decision is somewhat limited in this case. For purposes of determining whether a treatment facility is eligible for this exemption, the Administrator may not require leachate monitoring as a matter of course. He may, however, require leachate monitoring where necessary to confirm or clarify groundwater monitoring data which indicate groundwater pollution (for example, to trace the source of the pollution where there are several possible sources).

This exemption applies only to a lagoon, surface impoundment or basin (including a spill pond or holding pond) which is part of a wastewater treatment train operated for the sole purpose of treating wastewater to meet Clean Water Act requirements. These limitations are intended to prevent disposers from circumventing the requirements of Section 3004 by dumping hazardous wastes into wastewater treatment lagoons or calling any hole in the ground where semi-liquid hazardous wastes are dumped a "wastewater treatment facility." They should not be construed, however, as preventing legitimate wastewater treatment lagoons which are incidentally used for recreational purposes or for treating wastewater for reuse as process water from potentially qualifying for an exemption.

In addition, this provision applies only to facilities which were in operation or under physical construction prior to the promulgation of initial regulations under Section 3004. New facilities would be required to meet all applicable Section 3004 requirements.

The amendment also provides that at any time the Administrator (or a State with an authorized program) finds that a treatment lagoon no longer qualifies for the exemption—either because it is causing a significant release of hazardous waste into groundwater or because it is using its facility for purposes other than treating wastewater—the Administrator (or the State) may reopen the permit for that facility and/or take such other actions as he deems appropriate. The inclusion of explicit authority for the modification of permits in this section is not intended to limit the Administrator's authority to exercise other enforcement authorities under other provisions of RCRA or other applicable statutes.

This amendment is not intended in any way to limit EPA's authority under RCRA or Section 304(c) of the Clean Water Act to require treatment lagoons to retrofit or adopt best management practices to prevent surface water pollution.

Mr. Chairman, I have here a letter from Mr. Thomas C. Jorling, then Assistant Administrator for Waste and Hazardous Materials, Environmental Protection Agency, which states in part:

> I can state that we now support the alternative language which we have discussed with you and which is enclosed in this letter.

Mr. Jorling attached a copy of the language and legislative history that I have brought before the House, which is as follows:

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., July 12, 1979.

Hon. AL SWIFT,
House of Representatives,
Washington, D.C.

DEAR MR. SWIFT: I am pleased to convey to you the Environmental Protection Agency's position regarding the substitute amendment to your earlier amendment to the Resource Conservation Recovery Act (RCRA) covering "treatment train lagoons."

There is no doubt that the application of RCRA Subtitle C requirements to industrial lagoons that are components of treatment technology necessary to comply with the Clean Water Act is one of the more difficult issues of integration that the Agency has had to face in implementing the two statutes while providing maximum protection of the public health.

As you know, we opposed your earlier amendment because we felt it was overreaching in its attempt to reconcile the two issues and would have left important environmental protection elements unaddressed.

I want to commend you for your willingness to engage in discussions with the Agency, industry, and others regarding refinements to your amendment in an attempt to address not only the real areas of overlap but also the real areas of omission of important environmental objectives. I can state that we now support the alternative language which we have discussed with you and which is enclosed with this letter.

One basic objective of RCRA is to prevent the release of hazardous waste into the environment. We feel that the legislative language and the accompanying descriptive material in the form of legislative history are in full accord with this objective. The amendment also allows for the proper application of state and federal permitting resources in the area of treatment train lagoons.

I want to thank you for your assistance in reaching this position. We look forward to working with you in the future as we continue the task of implementing these important hazardous waste mandates.

Sincerely yours,

THOMAS C. JORLING,
Assistant Administrator.

Mr. Chairman, I also have here a letter signed by Mr. John E. Daniel on behalf of the forest products industry which states their agreement. I understand that other industries are also party to the agreement. The letter is as follows:

FOREST INDUSTRY RESOURCE AND ENVIRONMENTAL PROGRAM,
Washington, D.C., July 13, 1979.

Hon. AL SWIFT,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. SWIFT: The forest products industry deeply appreciates your role in calling the attention of Congress to the question of duplicative coverage of existing wastewater treatment systems under the Resource Conservation and Recovery Act.

After the Committee's approval of your amendment, questions were raised about the ability of the Environmental Protection Agency to protect underground water supplies in those instances where significant quantities of hazardous wastes leak from a wastewater treatment facility. Additionally, concern was expressed that new lagoons might not be constructed to meet the requirements of the Resource Conservation and Recovery Act. We, like you, were also troubled by these questions and concerns and began discussions with you and your staff, the Committee and its staff, and EPA to resolve these doubts.

We are pleased that these enlightening and constructive discussions have resulted in agreement that the enclosed amendment to add a new subsection to Section 3005 of the Act should be substituted for your Committee amendment. Agreement was also reached that the enclosed Legislative History accurately describes the new amendment and its purpose.

As you are aware, in developing the Legislative History, we wanted to assure that the criteria for determining when a facility might threaten an underground water supply refer to the statutory objectives of the Resource Conservation and Recovery Act. The legislative history accompanying your revised amendment makes clear that an existing facility that is exempted from the reconstruction requirements must not be releasing hazardous waste into groundwater in a manner inconsistent with the Act's objectives.

Section 1003 of the Act sets forth these objectives as follows:

"The objectives of this Act are to promote the protection of health and the environment and to conserve valuable material and energy resources by—

"(4) regulating the treatment, storage, transportation, and disposal of hazardous wastes which have adverse effects on health and the environment."

The implementation of this objective is through Section 3004 of the Act. That section requires performance criteria as necessary to protect health and environment standards. EPA's proposed regulations of December 18, 1978, would establish these human health and environment standards. The groundwater standard, for instance reads:

"All facilities shall be located, designed, constructed, and operated in such a manner as to prevent:

"(a) endangerment of an underground drinking water source beyond the facility property boundary, or

"(b) endangerment of an aquifer which is designated as a sole or principal source aquifer according to Section 1424(e) of the Safe Drinking Water Act of 1974. . . ."

EPA's surface water standard would provide:

"All facilities shall be located, designed, constructed, and operated in such a manner as to prevent any surface or sub-surface discharge from the facility into navigable waters from causing a violation of Water Quality Standards promulgated or approved under Section 303 of the Clean Water Act, or a violation of the controls on the discharge of oil or hazardous substances under Section 311 of the Clean Water Act."

Finally, the air standard is proposed as follows:

"All facilities shall be located, designed, constructed, and operated in such manner as to prevent air emissions from such facilities from causing a violation of standards or regulations promulgated pursuant to Sections 110, 111 and 112 of the Clean Air Act."

As you can see, the stated objectives of RCRA are not without meaning. Indeed, EPA's proposed health and environmental standards provide impartial, objective, measurable parameters for avoiding adverse effects on health and the environment.

Because we believe that the enclosed amendment and legislative history direct EPA to provide an exemption from the requirements of Subsections 3004 (3) and (4) for existing wastewater treatment facilities which are operating in conformance with the objectives of the Resource Conservation and Recovery Act, the forest industry supports the new amendment and its legislative history. We find that it constitutes the "window" you sought through which the consequences, if any, of possible releases from wastewater treatment facilities should be taken into account.

We pledge our assistance to you and the committee to see this new language through to enactment. Again, we thank you for your thoughtful attention to this issue.

Sincerely,

JOHN E. DANIEL,
Director, Manufacturing,
Environmental Programs.

Mr. MADIGAN. Mr. Chairman, will the gentleman yield?

Mr. SWIFT. I yield to the gentleman from Illinois.

Mr. MADIGAN. I thank the gentleman for yielding.

Mr. Chairman, I support the amendment offered by the gentleman from Washington and I commend him for his efforts in developing a responsible and reasonable amendment which addresses the concerns which were raised during consideration of the bill in committee. But I want to make sure my understanding of the substitute amendment is correct.

As I understand it, this substitute amendment would require that industrial waste water treatment facilities be retrofitted or replaced according to EPA standards only in cases where ground water monitoring data reveals that there is a significant release to an underground water supply of any hazardous waste from the waste water treatment pond or basin.

I would ask the gentleman if my understanding of the substitute is correct.

Mr. SWIFT. The gentleman's understanding is exactly correct.

Mr. MADIGAN. So the Congress does not expect the owners of waste water treatment facilities to go back and rebuild them to new standards unless evidence of the kind that I have just described justifies that that would be needed; is that correct?

Mr. SWIFT. That is correct, and that was the purpose of the amendment.

Mr. MADIGAN. Mr. Chairman, I believe that the gentleman has a significant amendment. It makes a good contribution to this act, and I would urge its adoption.

Mr. SWIFT. I thank the gentleman for his support.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. SWIFT. I yield to the gentleman from New Jersey.

Mr. FLORIO. Mr. Chairman, I, too, want to express my support for the substitute amendment and commend the gentleman for the hard work he put in in trying to overcome some of the unintended consequences of a previous amendment which was adopted. It is my understanding that this does have the support of the affected agencies as well as the appropriate industries that are affected; is that correct?

Mr. SWIFT. That is correct.

Mr. FLORIO. Mr. Chairman, I am pleased to express my support.

Mr. LOEFFLER. Mr. Chairman, will the gentleman yield?

Mr. SWIFT. I yield to the gentleman from Texas.

Mr. LOEFFLER. I thank the gentleman for yielding and I wish to congratulate the gentleman for offering this amendment.

Mr. Chairman, certainly the Congress should not now expect the owners of existing facilities to tear them up and rebuild them to standards which are developed after the fact, unless evidence justifies that there is an adverse effect on the health and environment. I believe that the amendment offered by the gentleman from Washington was developed in that spirit, and I ask him if he agrees with my interpretation of this amendment.

Mr. SWIFT. That is my interpretation of the amendment.

Mr. LOEFFLER. I thank the gentleman, and I again commend him for his efforts.

Mr. SWIFT. I thank my colleague, the gentleman from Texas.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. SWIFT) as a substitute for the committee amendment.

The amendment offered as a substitute for the committee amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the last committee amendment.

The Clerk read as follows:

Committee amendment: Page 11, line 1, insert the following new subsection and redesignate the succeeding subsections accordingly:

(1) (1) Subtitle C of the such Act is amended by adding the following new section at the end thereof:

"MONITORING, ANALYSIS, AND TESTING

"SEC. 3013. (a) AUTHORITY OF ADMINISTRATOR.—Upon the receipt of any information indicating that hazardous waste is, or has been, stored, treated, or disposed of at any facility or site, and the presence of any hazardous waste at such facility or site, or the release of any such waste or other substance from such facility or site, may create a significant hazard to human health or the environment, the Administrator may issue an order requiring the persons who owned or operated such facility or site for any period during which hazardous waste was treated or disposed of at such site to—

"(1) conduct such monitoring, testing, analysis, and reporting as the Administrator deems necessary to ascertain the nature and extent of the potential hazard to public health and the environment associated with such facility of site; or

"(2) pay for the costs of such monitoring, testing, and analysis carried out by the Administrator, a State or local government, or by any person designated by the Administrator.

An order issued by the Administrator under this section shall become final 30 days after the date of issuance unless, before the expiration of such 30 day period, the person or persons subject to such order request a public hearing. When such a hearing is requested, the order (as issued or modified) shall become final, or shall be revoked by the Administrator, not later than 10 days after conclusion of the hearing. Any hearing under this subsection shall be commenced within 90 days of the issuance of the order and shall be conducted pursuant to 554 of title 5 of the United States Code.

(b) VIOLATIONS.—Any person who violates or fails or refuses to comply with an order issued under this section shall, in an action brought in the appropriate U.S. District Court to enforce such order, be subject to a civil penalty not to exceed $5,000 for each day in which such violation occurs or such failure to comply continues.

(2) The table of contents for such subtitle C is amended by adding the following new item at the end thereof:

"SEC. 3013. Monitoring, analysis, and testing.".

Mr. GORE (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

AMENDMENT OFFERED BY MR. GORE AS A SUBSTITUTE FOR THE COMMITTEE AMENDMENT

Mr. GORE. Mr. Chairman, I offer an amendment as a substitute for the committee amendment, and I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The amendment offered as a substitute for the committee amendment reads as follows:

Amendment offered by Mr. GORE as a substitute for the committee amendment: Page 11, strike out line 3 and all that follows down through line 15 on page 12 and insert in lieu thereof the following:

"MONITORING, ANALYSIS, AND TESTING

"SEC. 3013. (a) AUTHORITY OF ADMINISTRATOR.—If the Administrator determines, upon receipt of any information, that—

"(1) the presence of any hazardous waste at a facility or site at which hazardous waste is, or has been, stored, treated, or disposed of, or

"(2) the release of any such waste from such facility or site

may present a substantial hazard to human health or the environment, he may issue an order requiring the owner or operator of such facility or site to conduct such monitoring, testing, analysis, and reporting with respect to such facility or site as the Administrator deems reasonable to ascertain the nature and extent of such hazard.

"(b) PREVIOUS OWNERS AND OPERATORS.—In the case of any facility or site not in operation at the time a determination is made under subsection (a) with respect to the facility or site, if the Administrator finds that the owner of such facility or site could not reasonably be expected to have actual knowledge of the presence of hazardous waste at such facility or site and of its potential for release, he may issue an order requiring the most recent previous owner or operator of such facility or site who could reasonably be expected to have such actual knowledge to carry out the actions referred to in subsection (a).

"(c) PROPOSAL.—An order under subsection (a) or (b) shall require the person to whom such order is issued to submit to the Administrator within 30 days from the issuance of such order a proposal for carrying out the required monitoring, testing, analysis, and reporting. The Administrator may, after providing such person with an opportunity to confer with the Administrator respecting such proposal, require such person to carry out such monitoring, testing, analysis, and reporting in accordance with such proposal, and such modifications in such proposal as the Administrator deems reasonable to ascertain the nature and extent of the hazard.

"(d) MONITORING, ETC. CARRIED OUT BY ADMINISTRATOR.—(1) If the Administrator determines that no owner or operator referred to in subsection (a) or (b) is able to conduct monitoring, testing, analysis, or reporting satisfactory to the Administrator, if the Administrator deems any such action carried out by an owner or operator to be unsatisfactory, or if the Administrator cannot initially determine that there is an owner or operator referred to in (a) or (b) who is able to conduct such monitoring, testing, analysis, or reporting, he may—

"(A) conduct monitoring, testing, or analysis (or any combination thereof) which he deems reasonable to ascertain the nature and extent of the hazard associated with the site concerned, or

"(B) authorize a State or local authority or other person to carry out any such action, and require, by order, the owner or operator referred to in subsection (a) or (b) to reimburse the Administrator or other authority or person for the costs of such activity.

"(2) No order may be issued under this subsection requiring reimbursement of the costs of any action carried out by the Administrator which confirms the results of an order issued under subsection (a) or (b).

"(3) For purposes of carrying out this subsection, the Administrator or any authority or other person authorized under paragraph (1), may exercise the authorities set forth in section 3007.

"(e) ENFORCEMENT.—The Administrator may commence a civil action against any person who fails or refuses to comply with any order issued under this section. Such action shall be brought in the United States district court in which the defendant is located, resides, or is doing business. Such court shall have jurisdiction to require compliance with such order and to assess a civil penalty of not to exceed $5,000 for each day during which such failure or refusal occurs.".

Mr. GORE. Mr. Chairman, as a member of the Oversight Investigations Subcommittee, I have been working on the hazardous waste issue for 3 years now. We have conducted 13 hearings on this problem, and it is a problem that is indeed deserving of a great deal of national attention. I want to commend the chairman of the subcommittee, the gentleman from New Jersey (Mr. FLORIO), and the ranking minority member, the gentleman from Illinois (Mr. MADIGAN), for their excellent work on this legislation. I strongly support it.

As I will get to it in a minute, this amendment is relatively noncontroversial. But I did want to say to the Members of this body that this legislation that we have before us, while it is excellent, does not address the entire problem, and we will be asked later this year to address other legislation which would address the problem of abandoned sites. This legislation, which has been described as the superfund legislation, will be coming before this body later this year, and there will be a more heated debate at the time.

Mr. Chairman, with regard to my amendment, a somewhat different version of this amendment was approved by the Commerce Committee earlier this year. I am offering a substitute to my original amendment for two reasons: First, it meets the concerns raised by several industry groups about the original amendment; and second, after a careful reworking of the original amendment I believe this substitute language is a tremendous improvement.

My amendment empowers the Administrator of the Environmental Protection Agency (EPA) or his designated authority to order or conduct testing, analysis, and monitoring of any hazardous waste that may present a substantial hazard to public health or the environment. It will give EPA or the States the opportunity to assess the potential or real dangers posed by a hazardous waste site that is suspected of being a source of pollution or otherwise threatening public health. Without my amendment EPA or local health officials simply do not have the authority to closely look at and monitor hazardous waste sites except under very special circumstances.

In 1976, with the passage of the Resource Conservation and Recovery Act (RCRA), Congress recognized that land, like water and air is an invaluable national resource. This body took a great step toward preventing the wanton abuse of this resource by passing the hazardous waste legislation. Once fully underway, this program will consist of specific standards regulating hazardous waste in a "cradle to grave" fashion. However, after the law was adopted, new information revealing the serious magnitude of the hazardous waste problem was discovered; it became clear that several vital statutory gaps existed in RCRA. My amendment will close what I believe to be a crippling shortfall of the legislation.

The major criticism levied against our hazardous waste law is its prospectiveness. RCRA does not address the issue of abandoned or inactive sites. The Oversight and Investigations Subcommittee's 13 days of hazardous waste hearings established a clear record of the enormous problems, both in numbers and degree of risk, presented by abandoned and inactive waste sites. Love Canal and Valley of the Drums are only two of a number of such sites and they are the tip of the iceberg.

My amendment contains the authority to look at these abandoned and inactive sites when there is a reasonable suspicion of a threat to health or the environment. I emphasize a reasonable suspicion of a hazard because my amendment's trigger is clearly divorced from the imminent and substantial endangerment test currently invoked under section 7003. The crucial limitations of section 7003's authority are described in the Oversight and Investigations Subcommittee report on hazardous waste:

> This authority is of limited utility for several reasons. First, it is not preventative. It requires that an actual hazard exists. Second, EPA can only exercise this authority where the owner or responsible party is identifiable and financially and otherwise able to remedy it. Third, even where these conditions obtain, the "imminent and substantial" test carries a high burden of proof in court. Fourth, any remedial efforts can only begin after successful judicial action, which can take a long time.

Although this bill, H.R. 3993, would improve and expand the Administrator's authority under section 7003, it carries a higher burden of proof than section 3013 and its broader remedies are commensurate with that burden.

The burden of proof needed to trigger an order under section 3013 must be considered in the context of the section's modest remedies—testing, monitoring and analysis. The often astronomical costs of excavation and cleanup are not factors in 3013's equation. This section is a preventative tool whose trigger is unrelated to the timeframe in which an injury may occur. An actual hazard need not exist. The Administrator can issue an order under 3013 any time he makes a determination that the presence of potential for release of a hazardous waste may present a substantial threat to public health or the environment.

The amendment is a modest one: it authorizes testing and monitoring. Cleanup actions and liability provisions are not authorized under my amendment. The moderate remedies provided for under my amendment are very reasonable and will prove to be extremely cost effective. If these testing and monitoring procedures were conducted at Love Canal the cost would have been $4 billion—instead more than $25 million has already been spent in the initial clean up stages and $3 billion in damages is being sought. The cost of complying with an order issued under my amendment is very low, indeed a piddling compared with cleanup and damages costs.

Subsection (b) is included to ensure that the responsible party(s) would be liable for complying with an order issued by the administrator. If the current owner has been deceived by a previous owner regarding the presence of potential for release of any hazardous waste then the administrator shall require the next previous owner who had actual knowledge of the hazardous waste's presence or potential for release, to comply with the order.

I am heartened by the endorsement of my amendment by the Chemical Manufacturers Association and by environmental groups. I have worked with all of these groups to fashion the modifications in the amendment which I offer today. This amendment enhances EPA's authority to protect the public and it also safeguards industry from unreasonable demands or expenses. The modifications I present today greatly improve my amendment, it ensures that the actions taken will be responsible ones. I appreciate industry's efforts to make this a better measure and I welcome their support.

The short history of this amendment is unusual. It was molded from the imputs of industry groups, environmental groups, regulatory officials and those out in the field who on a daily basis face the hazardous waste problem. These groups helped create this measure and they support this measure. I ask for my colleagues support also.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. GORE. I yield to the gentleman from New Jersey.

Mr. FLORIO. Mr. Chairman, the committee has no difficulty with this amendment and feels it is very helpful. The committee will support it.

Mr. GORE. I thank the gentleman.

Mr. MADIGAN. Mr. Chairman, will the gentleman yield?

Mr. GORE. I yield to the gentleman from Illinois.

Mr. MADIGAN. Mr. Chairman, I want to commend the gentleman on his diligence and continuing to work on this section and to improve it to the state where he has now in the amendment that he is offering. I support it, and I think it is a good amendment. I again want to stress that I think the gentleman has gone to an extreme effort to see that this is perfected, and I want to congratulate him on his diligence.

Mr. GORE. I thank my colleague for his kind words.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. GORE) as a substitute for the committee amendment.

The amendment offered as a substitute for the committee amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STAGGERS: On page 3, after line 21, insert the following:

(3) Section 1006 of such Act is amended by adding the following new subsection at the end thereof:

"(c) INTEGRATION WITH THE SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977.—Before the later of 90 days following the promulgation of final regulations relating to mining wastes or overburden under any section of subtitle C or 90 days after the date of enactment of this paragraph, the Administrator shall review any regulations applicable to the treatment, storage, or disposal of any coal mining wastes or overburden promulgated by the Secretary of the Interior under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 and following). If the Administrator determines that any requirement of final regulations promulgated under any section of subtitle C relating to mining wastes or overburden is not adequately addressed in such regulations promulgated by the Secretary, the Administrator shall transmit such determination, together with suggested revisions and supporting documentation, to the Secretary for his consideration."

On page 4, after line 22, insert the following new subsection and renumber succeeding subsections accordingly:

(f) Section 3005 of such Act is amended by adding the following new subsection at the end thereof:

"(f) COAL MINING WASTES AND RECLAMATION PERMITS.—Notwithstanding subsections (a) through (e) of this section, any permit and reclamation plan covering any coal mining wastes or overburden which has been issued or approved under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 and following) shall be deemed to be a permit issued pursuant to this section with respect to the treatment, storage, or disposal of such wastes or overburden. Regulations promulgated by the Administrator under this subtitle shall not be applicable to treatment, storage, or disposal of coal mining wastes and overburden which are covered by such a permit and reclamation plan.

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. STAGGERS. Mr. Chairman, to start off, I would like to say that this is a needed piece of legislation and a good piece of legislation to help keep our country clean, working, and something that we are proud of.

In that same context, I would also like to congratulate the gentleman from New Jersey, JIM FLORIO, the chairman of the subcommittee, and the gentleman from Illinois, ED MADIGAN, his counterpart on the Republican side, to say that they are dedicated, able Congressmen who are working to make America a cleaner place and a better place in which to live. I congratulate all of their subcommittee chairmen and the full committee for the work they have done on this bill. This is only part of the legislation that they turn out time after time which is good for this land of ours. I would like to congratulate the staffs, because the staff on both sides of the aisle has worked hard to try to bring about an agreement and to bring about a good bill. Without the staff, we just could not do our work, so I do want to congratulate the staff.

Mr. Chairman, this amendment simply provides that the Environmental Protection Agency will defer to the Office of Surface Mining in the Department of the Interior with respect to permits for coal mining wastes and overburden.

The EPA and the Department of the Interior have comparable regulatory authority over hazardous coal mining waste disposal. Final performance standards have already been promulgated by the Office of Surface Mining in the Interior Department under the Surface Mining Control and Reclamation Act of 1977. EPA is required to promulgate hazardous waste regulations under subtitle C of the Resource Conservation and Recovery Act. Final regulations under that statute have not yet been issued.

My amendment provides that all regulatory requirements governing coal mining waste disposal shall be integrated into a single permit to be issued by the Office of Surface Mining. The amendment would encourage further cooperation and consultation between EPA and OSM in formulating those requirements. The amendment would provide a comprehensive framework for a single regulatory scheme and eliminate the burdensome regulatory duplication that would result if coal producers were required to obtain two permits governing a single activity from two different Federal agencies.

I urge the adoption of the amendment.

□ 1750

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from New Jersey.

Mr. FLORIO. I thank the gentleman for yielding.

I would express my enthusiastic support for this amendment. The Secretary of the Interior and the EPA Administrator have both reviewed this amendment and feel that it is compatible with the goals sought by both agencies. Therefore, this is something we support enthusiastically.

Mr. MADIGAN. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Illinois.

Mr. MADIGAN. I thank the gentleman for yielding.

We have had an opportunity to review the chairman's amendment on this side of the aisle and think it is a constructive amendment and certainly intend to support it.

Mr. STAGGERS. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. STAGGERS.)

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FINDLEY

Mr. FINDLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FINDLEY: Page 18, after line 6, insert:

(s) Section 7004(b) of the Solid Waste Disposal Act is amended by inserting "(1) before PUBLIC PARTICIPATION" and by inserting the following new paragraph at the end thereof:

"(2) Before the issuing of a permit to any person with any respect to any facility for the treatment, storage, or disposal of hazardous wastes under section 3004, the Administrator shall—

"(A) cause to be published in major local newspapers of general circulation and broadcast over local radio stations notice of the agency's intention to issue such permit, and

"(B) transmit in writing notice of the agency's intention to issue such permit to each unit of local government having jurisdiction over the area in which such facility is proposed to be located and to each State agency having any authority under State law with respect to the construction or operation of such facility.

If within 45 days the Administrator receives written notice of opposition to the agency's intention to issue such permit, or if the Administrator determines on his own initiative, he shall hold a public hearing on whether he should issue a permit for the proposed facility. Whenever possible the Administrator shall schedule such hearing at a location convenient to the nearest population center to such proposed facility and give notice in the aforementioned manner of the date, time, and subject matter of such hearing. No state program which provides for the issuance of permits referred to in this paragraph may be authorized by the Administrator under section 3006 unless such program provides for the notice and hearing required by this paragraph."

Redesignate the following subsections accordingly.

Mr. FINDLEY. Mr. Chairman, I rise to offer an amendment to H.R. 3994 to require public notice and hearings wherever a controversial new hazardous waste treatment facility is proposed.

My amendment comes in response to the construction of a hazardous waste treatment facility within the city limits of Wilsonville, Ill., a community of 800 people in my district. The location of this obnoxious dump in the middle of this community resulted from the lack of openness and candor from the waste dump operator, Earthline, Inc.

When the company first proposed the new site, it purposefully neglected to say exactly what would be buried there. Upon learning that PCB's dioxin, cyanide and a variety of other dangerous and lethal chemicals were being stored and buried at the site, the residents of Wilsonville filed a law suit to have the site closed. In August of 1978, Chief Judge John Russell ordered the facility closed citing the danger to both the residents of Wilsonville and the environment from the dump. In his opinion the judge pointed out that Earthline never at any time made "mention or indication that hazardous toxic waste substances that are dangerous to human beings and other living things (were) to be buried at the site."

The amendment I am offering will strengthen and reinforce this act by requiring the Administrator to provide public notice and public hearings wherever a hazardous waste facility is to be located. Through the hearing process, EPA would be required to provide an opportunity for all points of view to be expressed before making any final decision. In this way, precise questions as to what would be buried at the site could be answered. And all those opposed to the location of a hazardous waste site could make their views heard.

My amendment requires that wide public notice of any proposal to construct a hazardous waste facility be given to local and State public officials, newspapers, local radio stations, and other interested parties in the immediate geographic area of where a facility is planned to be built.

If is my belief that people who live in the vicinity of a proposed hazardous waste disposal site have a right to know what kinds of hazardous and toxic substances may be buried in their neighborhood. My amendment will assure them of this right and help protect future safety and health.

Mr. MADIGAN. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Illinois.

Mr. MADIGAN. I thank the gentleman for yielding.

I would like to say to the House that we have reviewed the amendment of the gentleman from Illinois (Mr. FINDLEY), and think that it has as its purpose the very constructive notion of involving local people in the process of determining whether or not the site selection is proper.

We think it is a good addition to the bill and certainly intend to support it and urge that the House would do likewise.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I am glad to yield to my friend, the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Illinois (Mr. FINDLEY).

This amendment will insure that the local people will have the opportunity to have their opinions heard before a permit to build a hazardous chemical waste site is issued. It will require that the hearing is in the affected community. It requires that the affected community have timely notice of any permit request.

The need for this amendment is presently being demonstrated in my district in Lewis County on the Ohio River.

An out-of-State firm is seeking to put a hazardous chemical waste site near Ribolt. This firm has been very secretive and has attempted to rush its permit through the State officials. The local people have been forced to drive 130 miles to Frankfort to meet with the State officials and seek information.

Furthermore, this site is located between two branches of the headwaters of Cabin Creek. Cabin Creek empties into the Ohio River at Springdale, just above Maysville, a distance of about 12 miles. This hazardous chemical waste site would prove a serious threat to the water supplies of Mavsville and Augusta, Ky., and Cincinnati, Ohio.

The adoption of this amendment will prevent attempts of the sort I just described to rush through permits. The people who must live with any such site will be notified of the permit application, and they will have the opportunity to be heard.

The counties affected by this proposed site are united in their opposition to the permit.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from New Jersey.

Mr. FLORIO. I am pleased to express my support of the amendment as well. I am convinced the key to an effective siting program with regard to hazardous waste has got to be public support, and you do not get public support unless you get public participation. So I am pleased to support the amendment.

Mr. FINDLEY. I thank the gentleman.

Mr. MOFFETT. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Connecticut.

Mr. MOFFETT. Mr. Chairman. I would like to also express support for the gentleman's amendment and at this time attempt to make a bit of legislative history, if we might, perhaps with the chairman of the subcommittee.

The gentleman is putting his finger on a very important point here. That is local involvement in the whole process. In the question of an inventory that a State makes, for example, of all these sites, my State is in the middle of it right now and perhaps the gentleman's is, too. Do we have any assurance that local communities will surely be involved in the process and will receive technical assistance and so forth, once a hazardous waste site, let us say, from past industrial activities, is located, has been identified within the border of a town, for example? This is something that concerns me, because we are going through it right now.

The gentleman's amendment sort of encompasses the spirit of what I am talking about, but I would like to know that there is some assurance that local communities are being asked to participate as these States compile their inventory plan and that this does not come as some shock out of the sky to a local community where they have not been involved.

Could either the gentleman from Illinois or the distinguished chairman of the subcommittee respond, or can we say that this is our intent at least that the local community be given the maximum participation?

Mr. FINDLEY. If the gentleman would permit me, let me just say a word about what the amendment actually does.

It requires public notice and public hearings whenever a controversial new hazardous waste facility treatment is proposed. It is not retroactive, but it would apply to any new proposal of this sort.

It does require that the Administrator transmit in writing a notice of the agency's intention to each unit of local government having jurisdiction over the area in which such facility is proposed to be located. This would involve local units of government.

It would require the publication, not only in printed media, but over the electronic media of the public hearing, at which time anyone having an interest could be heard. So I think it is an adequate safeguard for new proposals, and it came into being out of an alarming experience that occurred in my district.

Wilsonville, Ill., a community of about 600 people, had located within the city limits a dump operated by Earthline Corp., and the corporation purposely withheld information from the community about what was proposed to be buried.

The courts finally ordered the closing of this dump, and I think wisely so. But out of this experience and experiences that I had heard about elsewhere in the country, I came to the belief that this hearing process should be written into the law.

I am glad to hear the bipartisan expressions of support for the amendment.

Mr. MOFFETT. If the gentleman will continued to yield, if only I could have the chairman indicate whether on the State plan for inventory of existing sites there is, at least in the spirit of what we are doing here, a requirement for the State to——

The CHAIRMAN. The time of the gentleman from Illinois (Mr. FINDLEY) has expired.

(At the request of Mr. MOFFETT and by unanimous consent, Mr. FINDLEY was allowed to proceed for 1 additional minute.)

Mr. MOFFETT. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Connecticut.

Mr. MOFFETT. If in fact we are interested to the extent practicable to have the towns and the localities involved as that inventory is compiled.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from New Jersey.

Mr. FLORIO. The gentleman is asking a question somewhat different from the amendment.

Mr. MOFFETT. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Connecticut.

Mr. MOFFETT. I understand that.

Mr. FLORIO. But the general answer is that yes there is public participation that is provided for in the overall adoption of the State plan. The section that the gentleman is concerned about that is in this bill, the inventory of abandoned sites, is a component of the State plan or will be as a result of the passage of this law. So there is an opportunity for full participation by the citizens in the adoption of the overall plan, a component of which is the inventory provision.

Mr. MOFFETT. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. FINDLEY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BEVILL

Mr. BEVILL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BEVILL. Page 4, line 10, strike out "paragraph" and insert in lieu thereof "paragraphs".

Page 4, line 17, strike out the close quotation marks and the period following.

Page 4, after line 17, insert the following:

"(3) (A) Notwithstanding the provisions of paragraph (1) of this subsection, each waste listed below shall, except as provided in subparagraph (B) of this paragraph, be subject only to regulation under other applicable provisions of Federal or State law in lieu of this subtitle until at least six months after the date of submission of the applicable study required to be conducted under subsection (f), (o), (p), or (q) of section 8002 of this Act and after promulgation of regulations in accordance with subparagraph (C) of this paragraph:

"(i) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels.

"(ii) Solid waste from the extraction, beneficiation, and processing of ores and minerals, including phosphate rock and uranium ore.

"(iii) Cement kiln dust waste.

"(B) (i) Owners and operators of disposal sites for wastes listed in subparagraph (A) may be required by the Administrator, through regulations prescribed under authority of section 2002 of this Act—

"(I) as to disposal sites for such wastes which are to be closed, to identify the locations of such sites through surveying, platting, or other measures, together with recordation of such information on the public record, to assure that the locations where such wastes are disposed of are known and can be located in the future, and

"(II) to provide chemical and physical analysis and composition of such wastes, based on available information, to be placed on the public record.

"(ii) (I) In conducting any study under subsection (f), (o), (p), or (q) of section 8002 of this Act, any officer, employee, or authorized representative of the Environmental Protection Agency, duly designated by the Administrator, is authorized, at reasonable times and as reasonably necessary for the purposes of such study, to enter any establishment where any waste subject to such study is generated, stored, treated, disposed of, or transported from; to inspect, take samples, and conduct monitoring and testing; and to have access to and copy records relating to such waste. Each such inspection shall be commenced and completed with reasonable promptness. If the officer, employee, or authorized representative obtains any samples prior to leaving the premises, he shall give to the owner, operator, or agent in charge a receipt describing the sample obtained and if requested a portion of each such sample equal in volume or weight to the portion retained. If any analysis is made of such samples, or monitoring and testing performed, a copy of the results shall be furnished promptly to the owner, operator, or agent in charge.

"(II) Any records, reports, or information obtained from any person under subclause (I) shall be available to the public, except that upon a showing satisfactory to the Administrator by any person that records, reports, or information, or particular part thereof, to which the Administrator has access under this subparagraph if made public, would divulge information entitled to protection under section 1905 of title 18 of the United States Code, the Administrator shall consider such information or particular portion thereof confidential in accordance with the purposes of that section, except that such record, report, document, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act. Any person not subject to the provisions of section 1905 of title 18 of the United States Code who knowingly and willfully divulges or discloses any information entitled to protection under this subparagraph shall, upon conviction, be subject to a fine of not more than $5,000 or to imprisonment not to exceed one year, or both.

"(iii) The Administrator may prescribe regulations, under the authority of this Act, to prevent radiation exposure which presents an unreasonable risk to human health from the use in construction or land reclamation (with or without revegetation) of waste from the extraction, beneficiation, and processing of phosphate rock or the extraction of uranium ore.

"(iv) Whenever on the basis of any information the Administrator determines that any person is in violation of any requirement of this subparagraph, the Administrator shall give notice to the violator of his failure to comply with such requirement. If such violation extends beyond the thirtieth day after the Administrator's notification, the Administrator may issue an order requiring compliance within a specified time period or the Administrator may commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

"(C) Not later than six months after the date of submission of the applicable study required to be conducted under subsection (f), (o), (p), or (q) of section 8002 of this Act, the Administrator shall, after public hearings and opportunity for comment, either determine to promulgate regulations under this subtitle for each waste listed in subparagraph (A) of this paragraph or determine that such regulations are unwarranted. The Administrator shall publish his determination, which shall be based on information developed or accumulated pursuant to such study, public hearings, and comment, in the Federal Register accompanied by an explanation and justification of the reasons for it.".

Page 19, line 12, after "Act" strike out all that follows through the colon on line 13 and insert in lieu thereof the following.

is amended—

(1) by striking out the last sentence of subsection (f) of such section and inserting in lieu thereof the following: "Not later than thirty-six months after the date of the enactment of the Resource Conservation and Recovery Act Amendments of 1979, the Administrator shall publish a report of such study and shall include appropriate findings and recommendations for Federal and non-Federal actions concerning such effects. Such report shall be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives."; and

(2) by adding the following new subsections at the end thereof:

Page 21, line 3, strike out the close quotation marks and the period following:

Page 21, after line 3, insert the following:

"(o) Materials Generated From the Combustion of Coal and Other Fossil Fuels.—The Administrator shall conduct a detailed and comprehensive study on the adverse effects on human health and the environment, if any, of the disposal and utilization of fly ash waste, bottom ash waste, slag waste, flue gas emission control waste, and other byproduct materials generated primarily from the combustion of coal or other fossil fuels. Such study shall include an analysis of—

"(1) the source and volumes of such materials generated per year;

"(2) present disposal and utilization practices;

"(3) potential danger, if any, to human health and the environment from the disposal and reuse of such materials;

"(4) documented cases in which danger to human health or the environment from surface runoff or leachate has been proved;

"(5) alternatives to current disposal methods;

"(6) the costs of such alternatives;

"(7) the impact of those alternatives on the use of coal and other natural resources; and

"(8) the current and potential utilization of such materials.

In furtherance of this study, the Administrator shall, as he deems appropriate, review studies and other actions of other Federal and State agencies concerning such waste or materials and invite participation by other concerned parties, including industry and other Federal and State agencies, with a view towards avoiding duplication of effort. The Administrator shall publish a report of such study, which shall include appropriate findings, not later than thirty-six months after the date of enactment of the Resource Conservation and Recovery Act Amendments of 1979. Such report shall be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives.

"(p) Cement Kiln Dust Waste.—The Administrator shall conduct a detailed and comprehensive study of the adverse effects on human health and the environment, if any, of the disposal of cement kiln dust waste. Such study shall include an analysis of—

"(1) the source and volumes of such materials generated per year;

"(2) present disposal practices;

"(3) potential danger, if any, to human health and the environment from the disposal of such materials;

"(4) documented cases in which danger to human health or the environment has been proved;

"(5) alternatives to current disposal methods;

"(6) the costs of such alternatives;

"(7) the impact of those alternatives on the use of natural resources; and

"(8) the current and potential utilization of such materials.

In furtherance of this study, the Administrator shall, as he deems appropriate, review studies and other actions of other Federal and State agencies concerning such waste or materials and invite participation by other concerned parties, including industry and other Federal and State agencies, with a view towards avoiding duplication of effort. The Administrator shall publish a report of such study, which shall include appropriate findings, not later than thirty-six months after the date of enactment of the Resource Conservation and Recovery Act Amendments of 1979. Such report shall be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives.

"(q) Materials Generated From the Extraction, Beneficiation, and Processing of Ores and Minerals, Including Phosphate Rock and Uranium Mining Ore.—The Administrator shall conduct a detailed and comprehensive study on the adverse effects or human health and the environment, if any, of the disposal and utilization of solid waste from the extraction, beneficiation, and processing of ores and minerals, including phosphate rock and uranium ore. Such study shall be conducted in conjunction with the study of mining wastes required by subsection (f) of this section and shall include an analysis of—

"(1) the source and volumes of such materials generated per year;

"(2) present disposal and utilization practices;

"(3) potential danger, if any, to human health and the environment from the disposal and reuse of such materials;

"(4) documented cases in which danger to human health or the environment has been proved;

"(5) alternatives to current disposal methods;

"(6) the costs of such alternatives;

"(7) the impact of those alternatives on the use of phosphate rock and uranium ore, and other natural resources; and

"(8) the current and potential utilization of such materials.

In furtherance of this study, the Administrator shall, as he deems appropriate, review studies and other actions of other Federal and State agencies concerning such waste or materials and invite participation by other concerned parties, including industry and other Federal and State agencies, with a view towards avoiding duplication of effort. The Administrator shall publish a report of such study, which shall include appropriate findings, in conjunction with the publication of the report of the study of mining wastes required to be conducted under subsection (f) of this section. Such report and findings shall be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives.".

Mr. BEVILL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

□ 1800

Mr. BEVILL. Mr. Chairman, I rise to offer an amendment to H.R. 3994, the Resource Conservation and Recovery Act Amendments of 1979. I believe this amendment is of vital importance to our Nation, particularly in light of the President's recent focus of our attention on the need to develop our domestic coal resources.

Mr. Chairman, I am pleased to report that this amendment has been discussed with the leadership, and that the distinguished chairman of the Interstate and Foreign Commerce Committee, Mr. STAGGERS, has indicated his support of the amendment.

The amendment would encourage development of coal as a primary domestic source of energy, avoid unnecessary inflationary impact, and focus the efforts of the Environmental Protection Agency in implementing the Resource and Conservation and Recovery Act toward activities truly necessary to protect public health and the environment specifically, it would require EPA to defer imposition of regulatory requirements on the disposal of the waste byproduct of fossil fuel combustion, of discarded mining materials and of cement kiln dust waste until after EPA has completed studies to determine whether, if at all, these materials present any hazard to human health or the environment. These studies would include evaluation of the economic and environmental aspects of existing and alternative disposal and reuse options. EPA would also be required to focus on the impact of these alternatives on the use of our coal and other natural resources.

As the Members of this body are aware, the Environmental Protection Agency has begun to implement the statutory mandate of the Resource Conservation and Recovery Act of 1976. No one will dispute the importance of development of meaningful regulation to deal with the truly hazardous waste products which threaten our communities and the environment. This amendment would in no way limit EPA's appropriate attention to such dangerous waste products.

Quite to the contrary, it would clarify this bodys intention that EPA not digress from issues demanding immediate attention. But attempting to include within EPA's initial regulatory system such material as fly ash, bottom ash, slag, and flue gas emission control waste—the byproduct of burning coal and other fossil fuels—would constitute precisely such a digression. I am aware of no evidence that in the many years in which fossil fuels have been burned in this country, their waste disposal has ever presented a "substantial-hazard to human health or the environment," the statutory standard for regulation as a hazardous waste. Yet unless this House provides EPA with clear guidance on this issue, EPA apparently intends to impose regulatory restrictions on the management of these byproduct materials that would discourage the use of coal.

Let me be quite candid in expressing my particular concern that the House not allow EPA to take steps that will discourage the use of coal. Mr. Chairman, I have the honor to serve as chairman of the Energy and Water Development Appropriation Subcommittee which funds some 70 percent of the Department of Energy's research and development programs. For the past several years when that Department appears before our subcommittee they testify at some length on the options this country has in the energy field. I do not disagree that we should be exploring and developing all the energy options we can. Increased use of our Nation's coal supplies as a primary element in our effort to eliminate our reliance on foreign energy sources is an option that we must exercise. We possess the world's largest reserves of coal. We must provide incentives, not disincentives, for its use.

I am not suggesting that increased development of coal resources should occur at the cost of our health or reasonable environmental protection. But I am suggesting that we concern ourselves with removing unnecessary roadblocks to the development of our coal resources.

The effect on coal usage of the regulations EPA has proposed under RCRA clearly would constitute an unnecessary and ill-timed regulatory burden. Responsible estimates of their impact by the utility industry—a major consumer of fossil fuel in this Nation—indicated a $1 billion increase in the cost of the production of electricity from coal over the first 3 years they are imposed. Additional billions of dollars of costs would be imposed over the coming decades. These costs are likely to be passed along to consumers, with an immediate inflationary impact. Moreover, imposition of these costs on those who burn coal cannot help but discourage the switching from reliance on oil to reliance on domestic coal.

It is hard to underestimate the importance of such fuel switching to our national interests. Consider, for example, the case of the Consolidated Edison Co., which supplies electricity for the Greater New York City area. Ninety percent of that company's electrical generating capacity is now oil fired. If Consolidated Edison is able to convert only three of its oil burning plants to coal burning capacity—as the company has proposed—it would save 15 million barrels of imported oil per year.

Consolidated Edison proposed just such a conversion over 56 years ago. Yet it has still not been able to obtain Federal and State approval of its plan. It would be totally senseless to impose another level of regulatory restrictions on such a conversion, or to discourage Consolidated Edison's efforts with additional restrictions on its operations, if there is in fact no substantial, factual basis for imposing these additional requirements.

And this, Mr. Chairman, is the situation we are faced with: EPA has itself recognized that it has "very little information on the composition, characteristics, and degree of hazard posed by these wastes." In its announcement, printed in the Federal Register of December 18, 1978, EPA announced it did not have data on the effectiveness of current or potential waste management technologies or the technical or economic practicability of imposing its proposed regulations. In that same announcement EPA also stated that it believed that any potential hazards presented by the materials "are relatively low."

Mr. Chairman, this amendment would require EPA to promptly undertake studies to fill these gaps in the agency's knowledge, and to determine whether there is any health or environmental problem from the disposal of these coal by-product wastes and other materials listed on subparagraph A of the amendment. I am certain that all would agree that it would be unreasonable for EPA to impose costly and burdensome regulatory requirements without knowing if a problem really exists, and if it does, the true scope and nature of that problem.

The amendment directs that EPA complete these studies promptly. Let me note, in addition, that numerous existing Federal and State programs under regulatory authorities other than RCRA, assure that the disposal of these materials will not go unregulated. For example, no meaningful environmental review or environmental impact statement can ignore the need for appropriate waste disposal facilities. In addition, many States have imposed powerplant siting acts, which require a full evaluation of the environmental aspects of utility operations, and utilities are a major user of coal.

Another example, of an existing regulatory program is EPA's water discharge permit program under the Federal Water Pollution Control Act. Thus, while this amendment will place a moratorium on regulation of these wastes under RCRA, it cannot be said that it would allow unregulated use of a potentially dangerous material. It will not exempt disposal of these materials from regulatory programs under these other statutes. Nor will it preclude EPA from imposing reasonable requirements to keep track of where these waste materials are being disposed while the required study is being completed. Quite the contrary, the amendment specifically authorizes EPA to identify the location of closed sites through the normal processes of surveying, platting, and public recordation. This will allow identification of these sites in the future, if this becomes necessary. The amendment also authorizes EPA to collect information on the chemical and physical composition of these wastes. This information already is generally available: This authorization is not a directive to EPA to require additional analysis and testing, but rather to collect and place on the public record the significant data that is already available.

Let me now turn to several specific elements of the amendment as it relates to encouraging the use of coal.

First, the amendment covers fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal and other fossil fuels. I have carefully chosen these phrases, in order to allow utilities and others who burn coal and other fossil fuels mixed with other materials—such as municipal waste, also known as "refuse derived fuel"—to avoid being saddled with the unnecessary regulatory burdens EPA has proposed simply because they are being innovative or seeking to improve our use of our resources. For as this Nation seeks to develop coal, we must also seek to develop alternate energy sources.

It is the sponsor's intention that this list of waste materials in the amendment be read broadly, to incorporate the waste products generated in the real world as a result of the combustion of fossil fuels. We do not believe that these terms should be narrowly read and thus impose regulatory burdens upon those who seek to assist the Nation by burning coal. EPA should recognize that these "waste streams" often include not only the byproducts of the combustion of coal and other fossil fuels, but also relatively small proportions of other materials produced in conjunction with the combustion, even if not derived directly from these fuels. EPA should not regulate these waste streams because of the presence of these materials, if there is no evidence of any substantial environmental danger from these mixtures.

Second, the amendment mandates studies that will encompass not simply waste disposal, but the potential reuses of these byproducts, before they become waste materials. Reuse is important for several reasons. There no longer can be any denying of the need for us to conserve our precious natural resources. Indeed, a national commitment to encourage reuse of such materials as fly ash was a key element of RCRA—the Resource Conservation and Recovery Act—which, unfortunately, seems to have not received adequate attention at EPA.

In addition, reuse of these byproduct materials saves energy. For example, EPA representatives have estimated that a 20-percent use fly ash in cement would result in a 15-percent savings in the amount of energy used to produce that cement. This would be a significant portion of all energy consumed in U.S. manufacturing industries, for example, 3.5 percent in 1975. Also, reuse of these materials is cost effective. EPA officials have estimated that the use of fly ash in federally sponsored concrete construction would save taxpayers 10 to 15 percent of the cost of those projects.

EPA's studies should not proceed in a vacuum. Numerous studies have been undertaken in recent years with regard to disposal of these fossil fuel byproduct materials.

These studies have been sponsored by EPA, the Department of Energy, the electric utility industry, and others. None of these efforts has been comprehensive or provided the full factual basis necessary for reasoned decisionmaking. Yet each provided a portion of the foundation for further work. EPA should build on these earlier studies, not repeat them, in the efforts it undertakes under this amendment.

Moreover, EPA should seek the assistance and cooperation of those most expert in this field. With regard to fossil fuel byproducts, I include in this category not only representatives of coal-burning industries, but personnel from other agencies of Government that are aware of the role coal plays in our national energy policy, or of actual disposal and utilization practices. These agencies include the Department of Energy, the Department of the Interior, the Federal Highway Administration, Department of Commerce, the Department of Agriculture, among others. In the face of our current energy crisis and the increasing costs of Government, American taxpayers cannot afford to have separate agencies of Government working without coordination. Instead, we need a cooperative, informed effort directed to the goals the President has set for us.

Finally, let me direct the House's attention to the fact that after EPA concludes these studies, it will be required to obtain public views on them and to make known whether, as a result of this process, EPA believes any regulation of these materials is necessary. This requirement is especially important in view of our national commitment to develop a coherent and consistent policy toward the use of our coal and other energy resources.

This requirement will focus public attention on the issue of whether regulation is consistent with our national policy goals. It will also allow interested parties to evaluate the basis of the Agency's decision, and to address the question of what degree of regulation, if any, is appropriate.

Mr. Chairman, I would close by citing just a few of these national policy goals. The President has asked that we establish an Energy Mobilization Board to expedite development of critical energy facilities. It makes no sense for EPA to simultaneously impose unnecessary regulations on coal users. The President has asked that we require utilities to cut oil consumption by 50 percent. This requires that they burn coal. It makes no sense for EPA to simultaneously act to discourage coal conversions and constructions of new coal-fired capacity. The President has asked that we join hands to fight inflation. It makes no sense for EPA to needlessly impose expensive regulations. For those reasons, Mr. Chairman, I urge the adoption of this amendment.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. BEVILL. I yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, I rise in support of the Bevill amendment.

As a legislator who is greatly concerned with both the serious environmental and energy problems with which this country is now faced, I want to insure that the scope of this amendment suspending the full regulation of utility waste during a study of the hazards of such waste is made explicitly clear. Presently, utility companies are combining with local governments to utilize refuse derived fuel, in combination with traditional fossil fuels, for the generation of steam and electricity. My own district, for example, is in the forefront of this commendable undertaking.

Refuse derived fuel, or as it is commonly known, RDF, is a component of relatively harmless municipal wastes. It consists primarily of paper products which are extracted from municipal refuse by means of sophisticated resource recovery technology that separates trash into various waste streams including sand, glass, metals, and the refuse derived fuel. The RDF produced can then be burned with coal or other fossil fuels in utility company boilers as part of the electric and steam generation processes. Use of RDF in this manner will reduce pollution from solid waste and contribute to conservation of our natural fossil fuel resources. Significantly, one purpose of the Resource Conservation and Recovery Act was to promote this very type of activity.

This amendment suspending the full regulation of utility waste recognizes that EPA regulations could have a great impact on the utilization of fossil fuels even though it has not been determined whether a sufficient degree of hazard exists to warrant additional regulation. Once RDF is combined with coal in the combustion process, the RDF and coal ash wastes are commingled and for all practical purposes are inseparable. Thus, likewise, the EPA regulations would have a significant impact on the utilization of RDF. At a time when the use of RDF is in its fledgling stages, an additional burden posed by such regulation on the use of RDF could prove to be the death knell for a promising alternate fuel source, the use of which also makes a much needed contribution to alleviation of solid waste disposal problems.

Of course, since RDF is made up of municipal refuse, its composition may vary from time-to-time and from place-to-place and the possibility that a sample of RDF may now and then meet one of EPA's tests for identification of hazardous waste cannot be ruled out. However, metals, glass and other potentially harmful substances will have been removed from the RDF, so that the residue from its combustion should provide little risk of harm. Thus, as with residue from fossil fuel combustion, additional studies of combined RDF and coal ash residue should be undertaken to determine whether these wastes pose any hazards which warrant additional stringent regulation.

Accordingly, I wish to make it clear that this amendment is intended to cover waste from the combined combustion of RDF and fossil fuels. The language of this amendment differs significantly from that used by EPA in its proposed hazardous waste regulations, and the purpose of this difference is to extend coverage of the amendment to circumstances where fossil fuels are burned in conjunction with other materials such as RDF. So long as more than 50 percent of a fuel mix consists of a fossil fuel, the waste generated from the combined fuel mix is subject to this amendment despite the fact that the volume of the waste ash resulting from each of the fuels being burned may not be directly proportional to the volume, tonnage or Btu value of the fuel inputs.

Refuse derived fuel, in combination with traditional fossil fuels, offers municipalities a means of reducing their costs. In my own district there are plans to burn both coal and RDF sometime next year. It is my understanding that unless your amendment is adopted, the Environmental Protection Agency will promulgate regulations bringing a number of wastes under the hazardous waste program.

Would your amendment cover waste from combined combustion of refuse derived fuel and fossil fuel?

Mr. BEVILL. The gentleman is correct. This amendment offers this mixture completely.

Mr. HORTON. I thank the gentleman and I indicate my support for his amendment. I think it is a good amendment and I hope it is adopted.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. BEVILL. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Chairman, much of the debate surrounding the Resource Conservation and Recovery Act tends to emphasize the need for stricter environmental controls for handling hazardous wastes. However, for such wastes as fly ash and slag, less control is needed.

In December of 1978, the U.S. EPA in its wisdom proposed regulations for the handling of what the Agency characterizes as "special hazardous wastes." Earning this special distinction are such materials as fly ash, slag, and bottom ash which are the residue from burning coal. EPA wants to regulate this byproduct material even though the Agency admits its not sure whether a potential threat to people or the environment exists from these wastes. However, if EPA is successful in issuing rules regulating these special wastes, a now flourishing industry which recycles these byproducts would be gravely disrupted and possibly closed down.

Responding to this regulatory threat, I introduced H.R. 4658 in June of this year to force EPA to suspend additional regulations pending a detailed study by the Agency of the degree of hazard—if any—posed by these materials, the adequacy of present disposal methods, and current and potential reuse.

My bill is important to Illinois and other coal producing States because nearly 63 million tons of fly ash and bottom ash are currently being collected each year. Although this material is being used for road construction, in brick manufacturing to replace clay, in manufacturing roofing felt, to absorb oil spills, for grouting, and for a variety of other uses, EPA wants to limit its use.

If the Agency is successful in classifying fly ash and slag as hazardous wastes, their reuse will be discouraged or eliminated. EPA's decision to treat these relatively harmless byproducts as special hazardous wastes subject to stringent regulation will only hasten the decline of the coal industry in this country and that is something we can ill afford. In addition, it has been calculated that EPA's proposed regulations for these byproducts would add $1 billion over a 3-year period to the cost of producing electricity, costs which will be passed along to already inflation saddled consumers.

For all these reasons, I urge adoption of the amendment offered by my colleague from Alabama.

Mr. MOFFETT. Mr. Chairman, will the gentleman yield?

Mr. BEVILL. I yield to the gentleman from Connecticut (Mr. MOFFETT).

Mr. MOFFETT. I thank the gentleman for yielding. I think it is important we establish, and I think the gentleman has done a good job of that, establish exactly what is being done and what is not being done by this amendment. It is clear that there are some people, as I understand it, in the oil and gas industry who are outraged by any regulation or any prospect of regulation of oil and gas muds and brines. The gentleman has not really taken a stand on that issue, as I understand it, except to say in terms of time that right now we should focus on known hazards, we should focus on active and abandoned dump sites, and let their study go forward, by no means preclude in the future the regulation in some way of these other things, and let us find out what the study says.

Mr. BEVILL. The gentleman is correct. If their study shows there is any harmful material or any need for regulations, then we would want them.

Mr. MOFFETT. I thank the gentleman. I support the gentleman's amendment.

Mr. RAHALL. Mr. Chairman, will the gentleman yield?

Mr. BEVILL. I yield to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. I commend the gentleman from Alabama for his amendment. I rise in support of the Bevill amendment to the Resource Conservation and Recovery Act of 1976 that would require EPA to evaluate a variety of aspects of coal byproduct management before imposing regulations upon these materials under this act.

I view the proposed amendment as an integral element of our national energy policy. At a time when we are seeking to encourage electric utilities and others to switch from the burning of oil to coal, it would be highly inappropriate to place further unnecessary regulatory roadblocks in the way of increased coal usage.

Indeed, this amendment may very well serve the same purpose as the President's proposed Energy Mobilization Board. It will be a step toward the elimination of delay and unnecessary paperwork in the development of our domestic energy resources. Coal is our most abundant and readily available domestic energy source. To break the grip of foreign energy suppliers on our industry, we must promote its use, not deter it.

Mr. Chairman, avoidance of unnecessary regulation of coal byproducts is particularly important because of the impact such regulation will have on reuse.

I am proud to say that the State of West Virginia is in the forefront of reusing these valuable resources. Since 1975, over 300 miles of secondary roads constructed by the West Virginia Department of Highways have been based with cement-treated bottom ash. Compacted fly ash has similarly been utilized to control road embankment subsidence. In addition, pioneering work in the construction of brick and block from fly ash and slag has been undertaken in Morgantown, W. Va. by the coal research bureau at West Virginia University, and one of the world's largest roofing granule plants, which uses boiler slag as a raw material, is located in Moundsville, W. Va.

These are promising, but still new, developments. They are occurring in a fragile economic context, in a marketplace where they must compete with a variety of other natural aggregates and materials. It is obvious that the imposition of any expensive regulatory requirements on these developing industries will have a disastrous impact on them. It thus is vital that EPA fully evaluate a need for regulation, and the alternatives to various regulatory schemes, before blindly and only because coal is involved, imposing regulation of these coal byproduct materials.

I am not urging that EPA defer regulation necessary to protect the public health, safety, or the environment. But EPA itself has admitted that it has very little information on these materials, and that such information as it has indicates that they are at worst low-hazard materials. The amendment directs EPA to act promptly to increase its understanding of these materials and their handling. But it precludes EPA from acting precipitously to impose additional burdensome regulation.

In closing, let me comment on one aspect of the proposed amendment that I think is particularly important. As I have indicated, EPA has readily admitted its lack of familiarity with the processes in which coal is burned. This lack of familiarity must not, in and of itself, become the basis for overly broad regulation. I thus applaud the language of the amendment, which directs EPA to defer regulation of fly ash waste, bottom ash waste, slag waste, and flue gas emission control wastes. In the real world, these waste materials do not include solely fly ash, bottom ash, slag, or scrubber sludge. Quite often, other materials are mixed with these large volume waste streams, with no environmentally harmful effects, and often with considerable benefit—as when, for example, boiler cleaning acids are neutralized by being mixed with alkaline fly ash. These appear to me to be environmentally beneficial practices, which EPA should encourage. At the very least, however, the Agency should take no steps to discourage them until it has developed a full factual understanding of the situation. This amendment would assure that EPA allows all persons burning coal to avoid unnecessary regulation of the byproducts produced by that combustion, as those byproducts are currently being managed in the real world, by real people, with real sense.

Mr. Chairman, all too often Federal regulators and the Congress have adopted programs without considering the interrelationship of those programs with other national goals. In the area of energy development and today's complex society we can no longer avoid this luxury. In recent weeks, the executive branch has offered its proposals to further this goal. It is now time for this House to pick up the ball. The amendment allows us the opportunity to do so; Mr. Chairman, I urge adoption of the amendment of the distinguished Chairman of the Appropriations Subcommittee on Public Works, the gentleman from Alabama (Mr. Bevill).

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. BEVILL. I yield to the gentleman from Kentucky (Mr. Perkins).

Mr. PERKINS. I want to compliment the gentleman for offering his amendment. I support the amendment and feel it is a good amendment.

Mr. BEVILL. I thank the gentleman.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. BEVILL. I am happy to yield to the chairman of the committee, the gentleman from New Jersey (Mr. Florio).

Mr. FLORIO. I, too, would like to compliment the gentleman for the hard work that went into the negotiations in order to come up with something that was acceptable for all.

I would like to ask the gentleman a question.

Some of the wastes associated with phosphate and uranium mining are radioactive and pose very serious known health hazards when improperly used or disposed. Your amendment allows EPA, during the study period, to regulate the use of wastes in construction materials and to regulate such wastes in order to prevent radiation exposure which would cause unreasonable risks to health doesn't it?

Mr. BEVILL. The gentleman is correct.

Mr. FLORIO. If the gentleman will yield further, I would like to submit for the Record the results of studies performed by EPA which demonstrate the known health risks associated with radioactive uranium and phosphate wastes.

Case Studies on Known Adverse Effects of Radioactive Phosphate and Uranium Mining Wastes

In a study of 93 homes built on reclaimed phosphate lands in Florida, EPA found radon daughter and gamma radiation concentrations vastly in excess of normal background levels. Analyses performed by EPA indicate that if individuals were to live in these homes throughout their lives, they would experience an average risk of lung cancer roughly 35 percent greater than that for the United States as a whole, as well as a higher risk of other types of cancer. For the 14,000 persons who now live on reclaimed phosphate lands in Florida, this translates into an additional 150 deaths from lung cancer (over and above the 420 which might be expected) and an additional 12 deaths from other types of cancer.

In another study of 187 homes built on land where uranium mill tailings had been deposited as construction fill, EPA found radon daughter concentrations which, over a lifetime of exposure, could be expected to triple the normal incidence of lung cancer. Residents of these homes were also exposed to gamma radiation triple that of normal background levels.

In a third study on the use of cement containing phosphate slag in 156 homes in Idaho, EPA again found highly elevated levels of gamma radiation, approximately three times current Federal radiation protection guidelines for members of the general population. Those levels present an even more serious risk for small children and pregnant women, the very individuals who tend to spend a larger portion of their time at home.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

(On the request of Mr. Williams of Montana and by unanimous consent, Mr. Bevill was allowed to proceed for 2 additional minutes.)

Mr. WILLIAMS of Montana. Mr. Chairman, will the gentleman yield?

Mr. BEVILL. I yield to the gentleman from Montana (Mr. Williams).

Mr. WILLIAMS of Montana. Mr. Chairman, I, too, want to commend the gentleman for his amendment.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Alabama.

This amendment would direct the Environmental Protection Agency to evaluate certain high volume, low toxicity wastes so as to assure a reasoned set of regulations by which to manage these wastes. My interest in this amendment is in the area of wastes from mineral production. Mining and processing of minerals is a major industry in my congressional district. My discussion of the wastes generated by the mining industry has illustrated for me the wisdom of this amendment.

As has been stated, this amendment would merely suspend regulation of these wastes for a reasonable period of time until more is known about them. What is known? With regard to slag wastes generated by the smelting of copper, the National Academy of Sciences has recently reported that it "is basically inert and weathers slowly. The slag produced 2,500 years ago at King Solomon's mines north of Eliat, Israel, has not changed perceptibly over time.

Should wastes such as smelting slag be subject to stringent regulations at this time? I think not—not until a thorough study is conducted by the responsible agency which clearly proves the need for additional regulation.

Mr. BEVILL. I thank the gentleman. May I urge each of my colleagues to vote for this amendment.

Mr. Chairman, I yield to the gentleman from West Virginia (Mr. Staggers).

Mr. STAGGERS. Mr. Chairman, I rise in support of the amendment offered by the distinguished gentleman from Alabama (Mr. Bevill), and commend him for his diligent efforts in formulating a reasonable and balanced approach to a difficult issue. This amendment is necessary to insure that genuinely necessary environmental regulation does not include overregulation of coal mining and inhibit coal utilization. As everyone in this Chamber knows, the coal industry is vital to the economy of my State and to the solution of this Nation's energy problems. The EPA regulatory program being discussed here today is one of several Government regulatory programs which, in fact, discourage the increased utilization of coal by imposing overlapping and duplicative regulatory requirements. The program would have this unfortunate effect due to its proposed inclusion of both coal mining and coal combustion wastes within the scope of EPA's hazardous waste program in a "special waste" category. However, EPA admits to no factual or demonstrated basis for such an inclusion. Solid waste byproducts of the mining and combustion of coal and other fossil fuels have been present in the environment of this country since fossil fuels were first used and our practical experience has revealed no instance where ash, slag or sludge or mining waste has been shown to have posed a substantial hazard to human health or the environment.

One of the principle adverse impacts of this overboard regulatory program on fossil fuel combustion products would be to severely discourage their reuse. Such a result would run counter to one of the principal designs of the Resource Conservation and Recovery Act—conservation of valuable material. The 1976 act sought to stimulate recovery and reuse of discarded materials and thereby lessen our solid waste burden. Coal combustion products, including particularly fly ash, provide significant beneficial reuses and substitution for other more costly materials. In particular, fly ash is used as a substitute in cement, used in road building, road approaches and fills of all types. The West Virginia Department of Highways and other State highway departments use substantial amounts of these materials in road construction and rebuilding each year. An additional potentially promising use is in strip mining reclamation. The act is intended to encourage, not discourage, such beneficial reuses.

Regulation of coal mining and disposal of mining wastes is presently covered by the Surface Mining Control and Reclamation Act of 1977. Further extensive regulation under RCRA, especially in the absence of any real need for such regulation, would be duplicative and extremely burdensome to the coal mining industry. This is the reason that I am offering an amendment today, to coordinate the requirements of this act with the Surface Mining Act. Because of the need to restrain such overregulation, I support the efforts of the distinguished gentlemen from Alabama to reverse EPA's proposed regulatory action and require the agency to determine first whether there is a problem which truly requires regulation of these wastes.

Mr. Chairman, I wish to underline one vital point regarding the Bevill amendment. We must avoid placing unnecessary roadblocks in the way of developing our coal resources. This amendment continues to subject specified byproducts of fossil fuel combustion, coal mining wastes and the other so-called special wastes to existing regulatory programs under presently applicable Federal and State laws, but would preclude, until after completion of the required study and rulemaking, any EPA regulation of these wastes under subtitle C of RCRA. This amendment is necessary to insure that the results of the studies to be undertaken have not been prejudged or undermined by imposition of regulation prior to an actual determination of the necessity for it. Suspending EPA regulation would also relieve the States of any requirement under EPA regulations implementing RCRA to promulgate additional regulations covering these materials at this time.

The amendment provides EPA with sufficient authority to obtain all information necessary to address the possible need for regulation of "special wastes." It also provides authority for regulation of phosphate- and uranium-mining wastes when a genuine human health hazard may exist. It is a balanced amendment that deals with a difficult problem and I urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama (Mr. BEVILL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FLORIO

Mr. FLORIO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLORIO: Page 21, after line 3, insert:

ENERGY AND MATERIALS RECOVERY

SEC. 4. (a) The Congress finds that—

(1) municipal solid waste contains valuable energy and material resources which can be recovered and used thereby conserving increasingly scarce and expensive fossil fuels and virgin materials;

(2) the recovery of energy and materials from municipal waste can have the effect of reducing the volume of the municipal waste stream and the burden of disposing of increasing volumes of solid waste;

(3) the technology to recover energy and materials from solid waste is of demonstrated commercial feasibility; and

(4) various communities throughout the nation have different needs and different potentials for utilizing techniques for the recovery of energy and materials from waste, and Federal assistance in planning and implementing energy and materials recovery programs should be available to all such communities on an equitable basis in relation to their needs and potential.

(b) Section 4001 of the Solid Waste Disposal Act (relating to objectives) is amended by inserting "including energy and materials which are recoverable from solid waste" after "valuable resources".

(c) Section 4002(c) of the Solid Waste Disposal Act (relating to guidelines for State plans) is amended in paragraph (11) by inserting after "recovered material" the following: "and energy and energy resources recovered from solid waste".

(d)(1) Section 4003 of the Solid Waste Disposal Act is amended by inserting "negotiating and" after "from".

(2) Section 4003 of the Solid Waste Disposal Act (relating to minimum requirements for State plans) is amended by inserting "(a) MINIMUM REQUIREMENTS.—" after "4003" and by adding the following new subsection at the end thereof:

"(b) ENERGY AND MATERIALS RECOVERY FEASIBILITY PLANNING AND ASSISTANCE.—(1) A State which has a plan approved under this subtitle or which has submitted a plan for such approval shall be eligible for assistance under section 4008(a)(3) if the Administrator determines that under such plan the State will—

"(A) analyze and determine the economic and technical feasibility of facilities and programs to recover energy and materials from municipal waste,

"(B) analyze the legal, institutional, and economic impediments to the development of systems and facilities for the recovery of energy and materials from municipal waste and make recommendations to appropriate governmental authorities for overcoming such impediments;

"(C) assist municipalities within the State in developing plans, programs, and projects to recover energy and materials from municipal waste; and

"(D) coordinate the resource recovery planning under subparagraph (C).

"(2) The analysis referred to in paragraph (1)(A) shall include—

"(A) the evaluation of, and establishment of priorities among, market opportunities for industrial and commercial users of all types (including public utilities and industrial parks) to utilize energy and materials recovered from municipal waste,

"(B) comparisons of the relative costs of energy recovered from municipal waste in relation to the costs of energy derived from fossil fuels and other sources, and

"(C) studies of the transportation and storage problems and other problems associated with the development of energy and materials recovery technology, including curbside source separation.

Such studies and analyses shall also include studies of other sources of solid waste from which energy and materials may be recovered.".

(e)(1) Section 4008(a)(1) of the Solid Waste Disposal Act is amended by inserting the following before the period at the end thereof: "(other than the provisions of such plans referred to in section 4003(b), relating to feasibility planning for municipal waste energy and materials recovery).".

(2) Section 4008(a) of such Act is amended by adding the following new paragraph at the end thereof:

"(3)(A) There is authorized to be appropriated for the fiscal year beginning October 1, 1981 and for each fiscal year thereafter before October 1, 1986, $4,000,000 for purposes of making grants to States to carry out section 4003(b). No amount may be appropriated for such purposes for the fiscal year beginning on October 1, 1986, or for any fiscal year thereafter.".

"(B) Assistance provided by the Administrator under this paragraph shall be used only for the purposes specified in section 4003(b). Such assistance may not be used for purposes of land acquisition, final facility design, equipment purchase, construction, startup or operation activities.

"(C) Where appropriate, any State receiving assistance under this paragraph may make all or any part of such assistance available to municipalities within the State to carry out the activities specified in section 4003(b)(1)(A) and (B).".

(3) Section 4008 of such Act is amended by adding the following new subsection at the end thereof:

"(f) ASSISTANCE TO MUNICIPALITIES FOR ENERGY AND MATERIALS RECOVERY PLANNING ACTIVITIES.—(1) The Administrator is authorized to make grants to municipalities, regional authorities, and intermunicipal agencies to carry out activities described in subparagraphs (A) and (B) of section 4003(b)(1). Such grants may be made only pursuant to an application submitted to the Administrator by the municipality which application has been approved by the State and determined by the State to be consistent with any State plan approved or submitted under this subtitle or any other appropriate planning carried out by the State.

"(2) There is authorized to be appropriated for the fiscal year beginning October 1, 1981 and for each fiscal year thereafter before October 1, 1986, $8,000,000 for purposes of making grants to municipalities under this subsection. No amount may be appropriated for such purposes for the fiscal year beginning on October 1, 1986, or for any fiscal year thereafter.".

"(3) Assistance provided by the Administrator under this subsection shall be used only for the purposes specified in paragraph (1). Such assistance may not be used for purposes of land acquisition, final facility design, equipment purchase, construction, startup or operation activities.".

(f) Section 4008(d) of the Solid Waste Disposal Act is amended by inserting "(1)" after "TECHNICAL ASSISTANCE.—" and by adding the following new paragraph at the end thereof:

"(2) In carrying out this subsection, the Administrator is authorized to provide technical assistance to States, municipalities, regional authorities, and intermunicipal agencies upon request, to assist in the removal or modification of legal, institutional, and economic impediments which have the effect of impeding the development of systems and facilities to recover energy and materials from municipal waste. Such impediments may include—

"(A) laws, regulations, and policies, including State and local procurement policies, which are not favorable to resource recovery policies, systems, and facilities;

"(B) impediments to the financing of facilities to recover energy and materials from municipal waste through the exercise of State and local authority to issue revenue bonds and the use of State and local credit assistance; and

"(C) impediments to institutional arrangements necessary to undertake projects for the recovery of energy and materials from municipal waste, including the creation of special districts, authorities, or corporations where necessary having the power to secure the supply of waste of a project, to implement the project, and to undertake related activities.".

(g) Section 6003 of the Solid Waste Disposal Act is amended—

(1) by inserting "(a) GENERAL RULE.—" after "6003"; and

(2) by adding the following new subsection at the end thereof:

"(b) INFORMATION RELATING TO ENERGY AND MATERIALS RECOVERY.—The Administrator shall collect, maintain, and disseminate information concerning the market potential of energy and materials recovered from solid waste, including materials obtained through source separation. The Administrator shall identify the regions in which the increased substitution of such energy for energy derived from fossil fuels and other sources is most likely to be feasible, and provide information on the technical and economic aspects of developing integrated resource recovery systems which provide for the recovery of source-separated materials to be recycled. The Administrator shall utilize the authorities of subsection (a) in carrying out this subsection.".

NATIONAL ADVISORY COMMISSION ON RESOURCE RECOVERY

SEC. 5. (a) The Administrator of the Environmental Protection Agency shall establish, within 30 days after the date of the enactment of this Act, a commission to be known as the National Advisory Commission of Resource Recovery (hereinafter in this section referred to as the "Commission").

(b) (1) The Commission shall—

(A) after consultation with the appropriate Federal agencies, review budgetary priorities relating to resource recovery, determine to what extent program goals relating to resource recovery are being realized, and make recommendations concerning the appropriate program balance and priorities;

(B) review any existing or proposed resource recovery guidelines or regulations;

(C) determine the economic development potential of resource recovery, including the availability of markets for recovered energy and materials, and make recommendations concerning the utilization of such potential;

(D) identify, and make recommendations addressing, institutional obstacles impeding the development of resource recovery; and

(E) evaluate the status of resource recovery technology and systems including both materials and energy recovery technologies, recycling methods, and other innovative methods for extracting valuable resources from solid waste.

The review referred to in subparagraph (A) should include but not be limited to an assessment of the effectiveness of the Technical Assistance Panels, the Public Participation program and other program activities under the Solid Waste Disposal Act.

(2) Not later than March 15, 1981, the Commission shall transmit to the Administrator of the Environmental Protection Agency, the President, and to each House of the Congress a report containing the recommendations referred to in paragraph (1) and such other recommendations for legislation and administrative actions relating to resource recovery as it considers appropriate. Before March 15, 1981, the Commission may submit prelimary recommendations to the Administrator, the Office of Management and Budget, and other appropriate agencies for purposes of consideration in connection with the fiscal year 1982 budget.

(c) The Commission shall be composed of 9 members appointed by the Administrator of the Environmental Protection Agency from among persons who are not officers or employees of the United States and who are specially qualified to serve on the Commission by reason of their education, training, or experience. The membership of the Commission shall include persons who will represent the views of consumer groups, local government organizations, industry associations, and environmental and other groups, concerned with resource recovery. Members shall be appointed for the life of the Commission.

(d) Members of the Commission shall serve without pay. While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(e) Five members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(f) The Chairman of the Commission shall be designated by the Administrator at the time of his appointment to the Commission.

(g) The Commission shall meet at the call of the Chairman or a majority of its members.

(h) With the approval of the Commission, the Chairman may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code.

(i) Upon request of the Commission, the Administrator of the Environmental Protection Agency or the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this section.

(j) The Commission may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(k) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairman, the head of such department or agency shall furnish such information to the Commission.

(l) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(m) The Commission shall cease to exist upon submission of its report pursuant to this section.

SPECIAL COMMUNITIES

SEC. 6. Section 4008(e) of the Solid Waste Disposal Act is amended by—

(1) striking out "identify communities" in paragraph (1) thereof and substituting "identify local governments";

(2) striking out clause (A) thereof and redesignating clauses (B) and (C) as (A) and (B) respectively;

(3) striking out "solid waste disposal facilities in which more than 75 per centum of the solid waste disposed of is from areas outside the jurisdiction of the communities" in paragraph (1) thereof and substituting "a solid waste disposal facility (i) which is owned by the unit of local government, (ii) for which an order has been issued by the State to cease receiving solid waste for treatment, storage, or disposal, and (iii) which is subject to a State approved end-use recreation plan";

(4) striking out "which have" in clause (B) of paragraph (1), as redesignated by paragraph (2) of this section, and substituting the following "which are located over an aquifer which is the source of drinking water for any person or public water system and which has";

(5) inserting before the period at the end of paragraph (1): ", including possible methane migration";

(6) striking out "each of the fiscal years 1978 and 1979" in paragraph (2) and substituting "the fiscal year 1980";

(7) striking out "the conversion, improvement" in the first sentence of paragraph (2) and all that follows down through the period at the end of such sentence and substituting "containment and stabilization of solid waste located at the disposal sites referred to in paragraph (1)";

(8) inserting the following new sentence at the end of paragraph (2): "No unit of local government shall be eligible for grants under this paragraph with respect to any site which exceeds 65 acres in size."; and

(9) striking out paragraph (3) thereof.

NOTIFICATION

SEC. 7. Section 3010(a) of the Solid Waste Disposal Act is amended by striking out "or revision" and by inserting the following at the end of the first sentence thereof: "In revising any regulation under section 3001 identifying additional characteristics of hazardous waste or listing any additional substance as hazardous waste subject to this subtitle, the Administrator may require any person referred to in the preceding sentence to file with the Administrator (or with States having hazardous waste permit programs under section 3006) the notification described in the preceding sentence.".

Page 21, line 6, strike out "SEC. 3." and substitute "SEC. 8.".

Mr. FLORIO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FLORIO. Mr. Chairman, I have an amendment at the desk that I would like to bring to the floor for consideration.

This amendment addresses two critical issues facing our Nation's communities today: Uncertain energy and materials supplies an overabundance of garbage with ever-decreasing disposal alternatives. It is critical that we begin to develop alternative energy and material sources and more carefully manage our land resources that are otherwise destined to become garbage dumps.

This amendment takes one modest step towards addressing both of these problems by providing a means for States and localities to reassess their energy recovery and solid waste disposal alternatives.

This amendment to the Resource Conservation and Recovery Act provides technical and financial assistance to States and localities for waste-to-energy feasibility planning. A total of $12 million is provided for such planning with $4 million available to States and $8 million available to localities.

In order to receive this assistance both States and localities must show intent to perform the necessary analysis to determine the feasibility of recovering energy and materials from waste. Also, in order to ensure Statewide coordination of solid waste planning, localities must receive State approval of the grant application as a condition for receiving Federal assistance.

No funds are to be used for nonplanning actions such as land acquisition or construction.

This amendment also provides technical assistance for addressing legal and institutional barriers to private sector development of waste-to-energy as well as encouraging the evaluation of market opportunities for recovered resources.

The amendment requires the administrator of the environmental protection agency to establish a "clearing house" of resource recovery information available to both public and private sector users.

Finally, the amendment directs the administrator of the environmental protection agency to establish a National Advisory Commission on Resource Recovery. The Commission is authorized to make recommendations to the President and the Congress regarding the effectiveness of the resource recovery programs, the economic development potential of waste-to-energy and materials recovery, and innovative technology and systems for the recovery of energy and materials from solid waste.

I feel that this amendment provides the appropriate impetus for encouraging the development of waste-to-energy and look forward to favorable action on this matter today.

Mr. MADIGAN. Mr. Chairman, will the gentleman yield?

Mr. FLORIO. I am happy to yield to the gentleman from Illinois (Mr. MADIGAN).

Mr. MADIGAN. I thank the gentleman for yielding. I wish this amendment could have been ready earlier so it could have been part of the bill as it came to the floor of the House. But there were a lot of technical problems involved in getting this amendment ready.

□ 1810

It is an excellent addition to the bill. I want to congratulate the gentleman for the hard work he did on getting the amendment finally together, and urge the Members of the House to support it.

Mr. FLORIO. I thank the gentleman for his kind comments, and publicly express my appreciation for his support in the development of this entire piece of legislation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. FLORIO).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. MIKULSKI

Ms. MIKULSKI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. MIKULSKI: Page 6, strike out line 4 and substitute: "a comma and the following at the end of such paragraph"

Page 6, line 6, insert "knowingly" after "(4)".

Page 6, line 9, strike out all that follows "and" down through "(B)" in line 12 and substitute "who".

Page 6, strike out line 15 and substitute: handling of hazardous waste, or

"(5) transports, treats, stores, or disposes of any hazardous waste identified or listed under this subtitle in reckless disregard of the fact that he thereby causes or creates a substantial danger or risk to human life or health";

(2) striking out "knowingly" in so much of such section 3008(d) as precedes paragraph (1) thereof;

(3) inserting "knowingly" after "(1)", "(2)", and "(3)";

(4) inserting after "$25,000" the following "($50,000 in the case of a violation of paragraph (1), (2), or (5))";

(5) inserting after "one year" the following "(two years in the case of a violation of paragraph (1), (2), or (5))"; and

(6) by striking out the last sentence thereof.

Page 6, line 22, strike out "and".

Page 6, line 23, strike out the period and substitute: "; and ".

Page 6, after line 23, insert:

(3) by adding the following new subsection at the end thereof:

"(e) RECKLESS.—For purposes of subsection (d)(5), a person's state of mind is reckless with respect to—

"(1) an existing circumstance if he is aware of a substantial risk that the circumstance exists but disregards the risk; or

"(2) a result of his conduct if he is aware of a substantial risk that the result will occur but disregards the risk.

For purposes of this subsection, a substantial risk is a risk that is of such a nature and degree that to disregard it constitutes a gross deviation from the standard of care that a reasonable person would exercise in such a situation.".

Ms. MIKULSKI (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Ms. MIKULSKI. Mr. Chairman, the episodes of illegal, surreptitious dumping which have come to light in recent years make it clear that law enforcement authorities must have strong and effective tools to prosecute violators of the hazardous waste laws.

Hazardous waste violations have had a tremendous effect not just on a few individuals, but on whole cities and ecosystems. Because of the dumping of toxic chemicals in Louisville, Ky.'s sewer system, that city's sewage treatment plant was unable to function properly, causing untreated sewage to enter the Ohio River and endanger the drinking water supplies of cities downriver. The James River, and to a lesser degree the entire Chesapeake Bay ecosystem, was contaminated because kepone was dumped into the water.

Lives have been endangered by the reckless storage and disposal of hazardous wastes throughout the United States. From my own State of Maryland, where PCB's and explosive chemicals were stored in old tanks without proper permits, to California, where the pesticide DBCP has been dumped in mines and lagoons, which then seeped into ground water supplies used for drinking, there has been a frightening pattern across this country of flagrant disregard for law and safety. A few lawbreakers have endangered entire areas—and then it is up to the taxpayers to clean it up.

Mr. Chairman, under present law any person who knowingly transports, treats, stores, or disposes of hazardous waste without a permit is subject only to prosecution for a misdemeanor—a $25,000 fine or 1 year in jail.

My amendment would raise this penalty to 2 years in jail and a fine of $50,000 for violations of the provisions of RCRA noted above. It would also provide that any person who transports, treats, stores, or disposes of any hazardous waste in reckless disregard of the fact that he or she is creating a substantial danger or risk to human life or health, will be subject to the same penalty.

Designating violations of RCRA as felonies will give us the deterrent we need. Violators will be more likely to be caught and prosecuted if my amendment is adopted because of the greater priority given to felonious offenses.

Everyone who has considered the problem of hazardous waste disposal acknowledges that the most important element in getting control over the proliferating problem of hazardous waste is a vigorous enforcement effort. I believe that the tools provided by this amendment will significantly aid in that effort.

Mr. FLORIO. Mr. Chairman, will the gentlewoman yield?

Ms. MIKULSKI. I yield to the gentleman from New Jersey.

Mr. FLORIO. Mr. Chairman, I would like to first state again the valuable contribution of the gentlewoman, a member of the subcommittee, in the formulation of this piece of legislation, and then to say that I am very happy to support her amendment.

Her amendment is a vital part of the total regulatory process. We are going to be putting in regulations to eliminate inappropriate disposal, and unless we have the appropriate law enforcement tools, alternatives will be the illegal dumping. We have got to make sure that there are stiff and sure penalties for illegal dumping so that from this point forward there will be no Love Canals in this country. So, I commend the gentlewoman for this very important piece of legislation, and support her amendment.

Ms. MIKULSKI. I thank the gentleman.

Mr. MOFFETT. Mr. Chairman, will the gentlewoman yield?

Ms. MIKULSKI. I yield to the gentleman from Connecticut.

Mr. MOFFETT. Mr. Chairman, I rise in strong support of the Mikulski amendment.

Hazardous waste is the biggest environmental problem of the 1980's. We are just beginning to realize the incredible magnitude of the problem when toxic wastes are disposed of in an environmentally unsound manner. For years, we have ignored the disposal problem and concentrated on cleaning up the environment from pollution that is generated during actual operation.

This nationwide problem is nowhere more evident than in Connecticut—

Torrington: Asbestos dump left by an old company that went out of business. Asbestos was not found until workers went in to break ground for a new shopping center. Asbestos is known to be a carcinogenic substance.

Southington: High levels of toxic chemicals from an industry disposal site leached into community's groundwater. At least two wells have been closed. The town has had a hard time finding emergency supply of water and now are trying to get drinking water from neighboring towns. Meanwhile, the industry is being sued and culpability is difficult to prove.

East Windsor: Privately owned disposal site has an underground fire going on, which is smoking and smoldering. Firefighters found barrels of hazardous waste at the site. The more they try to put it out by digging it up, the more it catches fire. It has been burning for over 6 months. Ironically, the State will not close it down because it is the only approved hazardous waste disposal site around.

Just last week the State released an inventory of hazardous waste sites totaling over 3,500 sites, an underestimate because it was compiled from local and Government intraagency files. They still must be investigated to determine the potential threat that they pose.

For Connecticut to begin to solve the problem, they are anxiously awaiting EPA's RCRA regulations which were first promised in April 1978. The agency even failed to meet its court imposed deadline of last December 1979. It may be that EPA is solving a mammoth problem but they need all the resources they can get. And so does the State.

Healthwise, it is worthy of noting that the kinds of effects that one finds from human exposure to toxic chemicals, especially at low levels, are things like cancer and birth defects which are not quickly discernible. But the danger is no less great. It is important to prevent these kinds of devastating effects to befall our citizens before the danger becomes more real.

Mr. MADIGAN. Mr. Chairman, will the gentlewoman yield?

Ms. MIKULSKI. I am happy to yield to the gentleman from Illinois.

Mr. MADIGAN. Mr. Chairman, I should like to ask if the level of penalty described in the gentlewoman's amendment is that that is recommended by the Department of Justice.

Ms. MIKULSKI. This was an amendment that was recommended by the Department of Justice because they felt it would provide for more efficient use of their resources in preparing, for preparation; because it would be a felony and would, one, act as a deterrent because this tends to be a white-collar crime, and when we have it a felony, the chief executive officer, we felt, would be far more prudent in his activities.

Mr. FLORIO. Mr. Chairman, will the gentlewoman yield for a comment?

Ms. MIKULSKI. I yield.

Mr. FLORIO. One of the things the Justice Department is very interested in is getting the assistance of the FBI in certain instances, especially interstate commerce. The FBI either has an official policy or an unofficial policy of not becoming involved in misdemeanors. To this degree, if this is now upgraded to felony, the Justice Department feels that it could get greater support of the resources of the FBI in tracking down some of these people.

Mr. MADIGAN. If the gentlewoman will yield further, if I may ask the gentlewoman a hypothetical question: In the event that the owner of some hazardous waste contracts with a trucking company to dispose of that waste, and the trucking company disposes of it in an illegal and felonious manner, I should like to know from the gentlewoman who has committed the felony. Has it been committed by the trucking company or by the persons who owned the waste that was to be disposed of, or by both?

Ms. MIKULSKI. To be sure that I have an accurate response for that based on the Justice Department, I would like to yield to the chairman of the committee for this important legislative dialog.

The CHAIRMAN. The time of the gentlewoman from Maryland has expired.

(At the request of Mr. Florio and by unanimous consent, Ms. Mikulski was allowed to proceed for 3 additional minutes.)

Mr. FLORIO. The question, as I understand it, is in the event of a disposer and a carter, who is it that will be found guilty of the offense?

Mr. MADIGAN. Who has committed the felony?

Mr. FLORIO. Of course, the whole question will be determined by a court, and the feeling is that, on the actual person who violates the standard, which is reckless disregard, who should have known of the inappropriateness of the disposal. Obviously, these are factual matters and we have had instances in the past whereby someone has had a release ostensibly absolving them from any responsibility of inappropriate disposal; under this statute, of course, and a very strict standard of law in the criminal statutes, there will be a need to go beyond just the front of the release to find out whether that individual should have had knowledge as to the accuracy or adequacy of the disposal producer. So, in effect what I am suggesting, not a direct answer, a factual determination will have to be made by the law enforcement agencies through the indictment process.

Mr. MADIGAN. If the gentlewoman will yield further, I should like to pursue with the gentleman from New Jersey one question, because as I recall we discussed this in the subcommittee, and I felt then and feel now that the penalties should be more severe than that which has been previously prescribed by the law. All I am concerned about is that, if someone in good faith hires the services of a second party to dispose of hazardous waste under the impression that it is going to be disposed of in a legal way, whether or not that person has any further responsibility under this particular amendment once the hazardous waste leaves his or her property.

Mr. FLORIO. If the gentlewoman will yield further, the language of the amendment in defining "reckless disregard" states that that individual knows of existing circumstances, if he is aware that a substantial risk does exist, but disregarded that risk. Obviously, this is general language, but of course we are always dealing with general language. It is a factual situation. The law enforcement officials will make a determination as to whether that individual was sufficiently callous in his disregard of the risk. It seems to me, to use the example the gentleman used, if in fact one has an awareness of the hazardous propensities of a particular chemical, knows of the difficulties associated with disposal, and one notwithstanding that sells those materials to someone who comes up in a pickup truck, and that person gives him a release, that very well may be, notwithstanding the conditions of the release, that could be construed as reckless disregard.

It depends on the facts, but I think the language is sufficiently clear. The Justice Department has reviewed this language, and I am convinced that what the gentlewoman is doing is not only appropriate, but certainly desirable.

□ 1820

Mr. MADIGAN. I am sufficiently reassured and would urge the Committee to support the amendment of the gentlewoman from Maryland (Ms. Mikulski).

Mr. HILLIS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to express my support for H.R. 3994, the Resource Conservation and Recovery Act Amendments of 1979.

The storage, treatment, and disposal of hazardous wastes must receive our highest priority. The Federal Government and the States must work together to undertake an inventory of hazardous sites and protect the public from those sites where hazardous waste has been improperly stored.

Hazardous waste storage is an issue which often causes great concern to residents located near the sites. I know from firsthand experience how troubling the storage of hazardous waste can be to those people. The Four-County Landfill, located in Fulton County, Ind., has been used in the past as a storage site for hazardous waste. Although the State of Indiana has continuously monitored the site for seepage of contaminants, there remains some question as to whether or not the site should have ever been selected to store hazardous waste. For example, there are seven wells located around the site which must be tested four times each year to insure the safety of the residents who depend on the wells for their water supply. Further, to protect the residents, the sheriff of Fulton County must keep a constant watch on the site.

The fear of contaminant seepage has caused many of my constituents to be concerned about their safety. Many local citizens groups and county officials have expressed their concerns about having the site too close to residential areas and the water supplies. While I am unaware of any immediate health hazard, the site does illustrate the need for better planning before site selection. It also illustrates the concern of local residents caused by hazardous waste storage.

The Federal Government must have the authority to respond to situations where hazardous wastes threatens public health. We must be able to assure the public, and the local residents in particular, that without question a particular site is safe before it is used to store hazardous waste.

I commend the committee for recognizing the need for better Government procedures and oversight. This legislation will enable the Federal Government to work with the States to implement a program designed to identify and correct potential health hazards caused by waste disposal. I support H.R. 3994 and urge its passage.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Maryland (Ms. MIKULSKI).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LAFALCE

Mr. LAFALCE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LAFALCE: On page 17, line 8, add the following new subsection "(r)" and redesignate all succeeding subsections accordingly:

(r) Section 7001 of such Act is amended by adding the following new subsection:

"(f) OCCUPATIONAL SAFETY AND HEALTH.—In order to assist the Secretary of Labor and the Director of the National Institute for Occupational Safety and Health in carrying out their duties under the Occupational Safety and Health Act of 1970, the Administrator shall—

"(A) Provide the following information, as such information becomes available, to the Secretary and the Director:

"(i) The identity of any hazardous waste treatment, storage, disposal facility or site where clean-up is planned or underway:

"(ii) Information identifying the hazards to which persons working at a hazardous waste treatment, storage, disposal facility or site or otherwise handling hazardous waste may be exposed, the nature and extent of the exposure, and methods to protect workers from such hazards; and

"(iii) Incidents of worker injury or harm at a hazardous waste treatment, storage or disposal facility or site; and

"(B) Notify the Secretary and the Director of the Administrator's receipt of notifications under section 3010 or reports under sections 3002, 3003 and 3004 of this Title and make such notifications and reports available to the Secretary and the Director.

Mr. LAFALCE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LAFALCE. Mr. Chairman, first I would like to commend the chairman of the subcommittee, the gentleman from New Jersey (Mr. FLORIO) and the ranking minority member, the gentleman from Illinois (Mr. MADIGAN) for the excellent work they have done not only to bring about the reauthorization of RCRA, but to bring about some very needed changes within it giving much greater law enforcement authority to the Environmental Protection Agency, and also calling for a national program for the identification of the thousands of hazardous waste dump sites across the United States.

Mr. Chairman, during the past several years, improperly disposed hazardous waste materials have caused serious environmental health problems in nearly every one of the 50 States. Over 3,000 chemical dump sites with more than 760 million tons of toxic chemical wastes have been identified throughout the country. Many of these chemicals are nondegradable; others represent complex waste mixtures of unknown identity.

Mr. Chairman, the Love Canal dump site in Niagara Falls, N.Y., in my own congressional district, represents perhaps America's most tragic example of a situation where "everything has gone wrong" with stored poisonous chemical wastes.

The Congress has responded to this immediate and serious problem of inappropriate hazardous waste management with the introduction of a variety of bills which address dump site problems, provide funds for cleanup, and establish liability. My own bill, H.R. 5291, the Hazardous Waste and Toxic Tort Act would provide for the cleanup and/or monitoring of abandoned hazardous waste sites. It would provide for a program to select new environmentally safe hazardous waste sites. Further, H.R. 5291 would create a mechanism for compensating persons for property loss and personal injury caused by exposure to improperly stored or disposed hazardous materials.

In addition to this proposed legislation, there are several pieces of existing law which bear directly on the hazardous waste problem. The legislation we are considering today, the Resource Conservation and Recovery Act of 1976, is perhaps the strongest of these. RCRA contains specific authority to regulate the "treatment, storage, transportation, and disposal of hazardous wastes which have adverse effects on health and the environment."

Today we are considering amendments to RCRA which would, among other accomplishments, provide for the identification of existing hazardous waste sites, many of which may be causing harm to the environment and human health. Once this identification task is completed, the long and very difficult task of isolating these very poisonous materials from the environment must begin. This will include, in many cases, actually digging up the wastes and hauling them to new storage sites.

Mr. Chairman, this task will require a massive commitment of funds and manpower. Many workers will be involved in the handling, storage, treatment, transportation, and disposal of hazardous wastes. Workers engaged in hazardous waste operations are, in many cases, subject to direct and immediate exposure to these toxic and deadly chemicals. The potential for explosions, fires, release of deadly gases, and exposures to harsh chemicals, heavy metals, and carcinogenic compounds remain ever-present dangers. Workers engaged in hazardous waste operations must be afforded the greatest possible protection from these dangers.

I am offering this amendment today in order to insure that workers who are involved in the day-to-day tasks of hazardous waste cleanup are protected from exposures to these materials.

In specific, this amendment calls for EPA to transmit to OSHA and NIOSH information identifying hazardous waste treatment, storage or disposal facilities, sites where cleanup is planned or underway, and specifying and characterizing hazardous situations at particular sites. Once OSHA and NIOSH receive this information, these agencies will be better equipped to carry out their duties which include conducting investigations and studies and standard setting.

In addition, the Administrator of EPA will notify OSHA and NIOSH of the availability of other information collected under sections 3002, 3003, 3004 and 3010 of RCRA which relate to standards for hazardous wastes and notification of hazardous waste operations.

This amendment, Mr. Chairman, is but a modest attempt to insure that the workers who tackle the job of freeing America from what has been called the single most significant environmental health issue of this decade, the improper disposal of hazardous waste materials, are adequately protected from exposure to these substances. The provisions of this amendment are designed to provide critical information to the Federal agencies charged with primary responsibility for the protection of workers.

Mr. Chairman, I urge the adoption of this important and necessary amendment.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. LAFALCE. I yield to the gentleman from New Jersey.

Mr. FLORIO. I thank the gentleman for yielding. The gentleman's amendment is very helpful, useful, and we support it.

Mr. LAFALCE. I thank the gentleman.

Mr. MADIGAN. Mr. Chairman, will the gentleman yield?

Mr. LAFALCE. I yield to the gentleman from Illinois.

Mr. MADIGAN. I thank the gentleman for yielding. We have had the opportunity to review the gentleman's revised amendment and think that it is a constructive amendment. We congratulate the gentleman on offering it this afternoon and urge that the committee adopt the amendment.

Mr. LAFALCE. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. LAFALCE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GLICKMAN

Mr. GLICKMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GLICKMAN: On page 17, after line 7, insert the following new subsection and redesignate subsequent subsections of the bill accordingly:

"(r) Section 6004 of such Act is amended by—

(1) inserting immediately after "an executive agency (as defined in section 105 of title 5, United States Code)" in subsection (a)(1), "or any unit of the legislative branch of the Federal Government";

(2) inserting after "Each Executive agency" in subsection (a)(2), "or any unit of the legislative branch of the Federal Government"; and

(3) inserting after "The President" in subsection (a)(4) "or the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate with regard to any unit of the legislative branch of the Federal Government".

Mr. GLICKMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. GLICKMAN. Mr. Chairman, I will explain quite briefly what this simple amendment would do. It would require the legislative branch of the Federal Government to comply with guidelines set under the Solid Waste Disposal Act, as amended, and to implement the goals of this act with regard to our own activities.

As the law now stands, the various agencies of the Federal executive branch are subject to the guidelines and goals of this important legislation; however, as is the case in all too many situations, the Congress has excluded itself from compliance. It is high time that we begin bringing ourselves under the laws that we enact, and this amendment will hopefully begin the process.

I have attempted to get a handle on just how much paper we use in the legislative branch, but I have not been able to come up with a specific figure. But I have been told that just pulling together the information would be a sizable task and that our office stationery and mimeographing accounts for only a small percentage of the paper we use. Given the volume of reports and publications generated by the Congress not to mention the number of bills and resolutions we introduce, it is not surprising that we are talking about a sizable quantity of paper—much of which ends up in waste cans all over the Hill.

And there is much more to our congressional waste—that generated by incoming mail in the form of envelopes and wrappings discarded and that generated by the cafeterias and food services that serve us, our employees, and visitors. In short, none of us can deny that the Congress itself generates considerable quantities of solid waste on a daily basis—certainly more than some of the smaller executive branch agencies already covered by the statute.

My amendment is carefully drafted in that it would reserve for the Committee on House Administration and the Senate Committee on Rules and Administration the authority to promulgate the necessary rules to assure compliance on our part. In the case of the executive branch, the law assigns that responsibility to the President.

This is a small step, but it is a most important one at this time when we hear so often the beck and call for regulatory reform. It can only instill more confidence if the American people know that we are passing laws and allowing regulations to go into effect with the full understanding that they will apply to us in our official capacity just as they do to all other citizens and organizations.

I strongly urge my colleagues' support.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from New Jersey.

Mr. FLORIO. I thank the gentleman for yielding. The committee has no opposition to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. GLICKMAN).

The amendment was agreed to.

The CHAIRMAN. Are there any other amendments?

AMENDMENT OFFERED BY MR. MADIGAN

Mr. MADIGAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MADIGAN: Page 14, after line 6, insert:

(3)(A) Subtitle E of such Act is amended by inserting the following new section after section 5004:

"NONDISCRIMINATION REQUIREMENT

"SEC. 5005. The Secretary of Commerce shall not discriminate between recovered materials and virgin materials in making any determination under any authority of law concerning whether or not to impose monitoring or other controls on any marketing or transfer of materials.".

"(B) The table of contents for such Act is amended by inserting the following new item after the item relating to section 5004:

"Sec. 5005. Nondiscrimination requirement.

Mr. MADIGAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MADIGAN. Mr. Chairman, the Resource Conservation and Recovery Act requires the Secretary of Commerce to identify the economic barriers to the use of recovered materials and to encourage the development of new uses for recovered materials.

In the bill we are considering today we are providing the Department of Commerce with the mandate to move more actively to develop new uses in expanded markets for recovered material. At a time when this country is facing a growing energy shortfall, and when there is an increasing concern about the future availability of many of our depletable natural resources, this Congress should do all that is possibe to encourage the use of recyclable materials.

Mr. Chairman, this amendment would prohibit the Secretary of Commerce from discriminating unfairly and unreasonably against the marketability of recyclable materials during any regulatory proceeding conducted by the Department of Commerce.

One of the major congressional purposes underlying RCRA was to enhance conservation of depletable materials through maximum industrial recycling. This amendment will further such effort by prohibiting discrimination or economic restrictions on any recoverd material or materials by the Secretary of Commerce.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. MADIGAN. I yield to the gentleman from New Jersey.

Mr. FLORIO. I thank the gentleman for yielding. This is a highly desirable amendment. It does restore the balance between the recyclable and nonrecyclable, and I think it is an appropriate amendment.

Mr. MADIGAN. Mr. Chairman, I want to thank the gentleman from New Jersey (Mr. FLORIO) not only for his support for the amendment but for his leadership in this and other matters before the subcommittee particularly in bringing this bill to the floor of the House in the fine condition in which it is.

Mr. RINALDO. Mr. Chairman, will the gentleman yield?

Mr. MADIGAN. I will be happy to yield to the gentleman from New Jersey.

Mr. RINALDO. I thank the gentleman for yielding. I want to take this opportunity, of course, to say that I agree with the purposes of the amendment. I think it is a good amendment. Additionally, I want to congratulate the chairman, my colleague, the gentleman from New Jersey (Mr. FLORIO), and also the ranking minority member, the gentleman from Illinois (Mr. MADIGAN), for bringing this bill before us today.

Mr. Chairman, I support the bill before us today, H.R. 3994. This bill amends the Solid Waste Disposal Act to provide a 1-year reauthorization, and it provides the Environmental Protection Agency with much-needed new authority to deal with hazardous wastes.

Recent events have focused attention on the problem of abandoned hazardous waste disposal sites. The very serious situations which have been discovered at Love Canal, the Valley of the Drums, and other sites throughout the country where toxic wastes have been improperly disposed of have made us aware of the need for stronger governmental action to address this problem.

In my congressional district, the Chemical Control Corp. in Elizabeth, N.J., has posed a very serious threat to public health, safety, and the environment. This company, after closing down its incinerator which had been used to dispose of chemical wastes, continued to receive thousands of drums of chemicals which were stockpiled on the property. I personally visited this site on several occasions and found drums stacked four and five high, immediately adjacent to the road, many of which were punctured and leaking. The site was described as a "ticking time bomb," which, if an explosion of any size had occurred, would have sent a cloud of toxic fumes over all of northern New Jersey, Staten Island, and Manhattan.

The State of New Jersey, with some Federal assistance, has begun a massive cleanup operation at this site, but progress has been slow and thousands of drums remain.

These instances are, I believe, representative of a widespread problem of abandonment hazardous waste disposal sites throughout the Nation—a problem which will require a great deal of attention and money to solve.

The Oversight and Investigations Subcommittee, on which I serve, has conducted an extensive and thorough investigation of hazardous waste disposal sites and practices in the United States and has made a number of findings and legislative recomendations. This Congress will, I am sure, be considering comprehensive legislation to address this problem.

This legislation before us today, however, provides a needed first step toward providing increased Federal authority over the thousands of potentially hazardous abandoned waste disposal sites which exist throughout the United States.

However, we are lacking information about the true scope of the problem. For example, how many hazardous waste sites are there across the Nation? This legislation directs the States to undertake an inventory of hazardous waste sites and to assess the health hazards which they present. If a State fails to carry out the inventory, EPA may step in and conduct the survey. The bill provides $20 million in grants to assist States in carrying out this requirement.

The bill also provides EPA with increased enforcement powers to respond to hazardous waste situations. EPA is given power to seek a court order when it finds that the handling, storage, treatment, transportation, or disposal of hazardous waste may present a substantial danger to public health or the environment. Under present law, the Agency must show that an imminent and substantial hazard already exists.

EPA is also authorized access to information held by those who have handled hazardous waste in the past as well as those who are currently doing so. The destruction, alteration, or concealment of hazardous waste handling and storage records is also prohibited.

The bill provides for Federal monitoring of hazardous waste sites which may pose a significant hazard to human health or the environment. EPA may order the person or company that owned or operated the site to conduct tests to determine the potential hazard, or the Agency may conduct such tests and require the owner or operator to pay for them.

The provisions significantly strengthen the ability of the Federal Government to respond to threats to the public posed by abandoned hazardous waste disposal sites. I urge your support for this bill.

☐ 1830

Mr. MADIGAN. I thank the gentleman from New Jersey for his support, not only here today, but also in the Committee on Interstate and Foreign Commerce where the gentleman continues to serve as a very valuable member and a very strong ally.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. MADIGAN).

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore, Mr. ROSTENKOWSKI, having assumed the chair, Mr. FITHIAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3994) to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal year 1980, to make certain technical changes, to strengthen the regulatory and enforcement mechanisms, and for other purposes, pursuant to House Resolution 473, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FLORIO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 386, noes 10, answered "present" 1, not voting 36, as follows:

[Roll No. 61]

AYES—386

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Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Annunzio
Anthony
Applegate
Archer
Ashley
Aspin
Atkinson
AuCoin
Badham
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Buchanan
Burgener
Burlison
Burton, John
Burton, Phillip
Butler
Byron
Carr
Carter
Cavanaugh
Chappell
Cheney
Chisholm
Clausen
Clay
Cleveland
Clinger
Coelho
Coleman
Collins, Ill.
Conable
Conte
Conyers
Corcoran
Corman
Cotter
Coughlin
Courter
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Daschle
Davis, Mich.
de la Garza
Deckard
Dellums
Derrick
Derwinski
Devine
Dickinson
Dicks
Dingell
Dixon
Dodd
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fowler
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hance
Hanley
Harkin
Harris
Harsha
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Holtzman
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kelly
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Leach, Iowa
Leath, Tex.
Lederer
Lee
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
Lungren
McCloskey
McCormack
McDade
McHugh
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Mathis
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Ind.
Natcher
Neal
Nedzi
Nelson
Nichols
Nolan
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Pease
Pepper
Perkins
Petri
Pickle
Preyer
Price
Pritchard
Pursell
Quayle
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Robinson
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roth
Roybal
Royer
Rudd
Russo
Sabo
Santini
Satterfield
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Slack
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spellman
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Stark
Steed
Stenholm
Stokes
Stratton
Studds
Swift
Synar
Tauke
Taylor
Thomas
Thompson
Traxler
Trible
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Walker
Wampler
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Bob
Wilson, Tex.
Winn
Wirth
Wolff
Wolpe
Wright
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NOES—10

Collins, Tex.
Crane, Daniel
Fountain
Latta
McDonald
Martin
Paul
Rousselot
Stump
Symms

ANSWERED "PRESENT"—1

Bafalis

NOT VOTING—36

Anderson, Ill.
Andrews, N. Dak.
Ashbrook
Bonker
Broyhill
Campbell
Carney
Crane, Philip
Dannemeyer
Davis, S.C.
Diggs
Duncan, Oreg.
Hammerschmidt
Hansen
Jenrette
Kazen
Kemp
Leach, La.
McClory
McEwen
McKay
McKinney
Moorhead, Pa.
Murphy, Ill.
Myers, Pa.
Peyser
Porter
Roberts
Runnels
Stewart
Stockman
Treen
Udall
Watkins
Wilson, C. H.
Young, Alaska

☐ 1850

The Clerk announced the following pairs:

Mr. Moorhead of Pennsylvania with Mr. Young of Alaska.

Mr. Charles H. Wilson of California with Mr. Anderson of Illinois.

Mr. Udall with Mr. Hansen.

Mr. Roberts with Mr. McClory.

Mr. Myers of Pennsylvania with Mr. Porter.

Mr. Duncan of Oregon with Mr. McKinney.

Mr. Davis of South Carolina with Mr. Hammerschmidt.

Mr. Bonker with Mr. McEwen.

Mr. McKay with Mr. Ashbrook.

Mr. Runnels with Mr. Andrews of North Dakota.

Mr. Watkins with Mr. Philip M. Crane.

Mr. Stewart with Mr. Broyhill.

Mr. Murphy of Illinois with Mr. Campbell.

Mr. Jenrette with Mr. Carney.

Mr. Kazen with Mr. Dannemeyer.

Mr. Peyser with Mr. Leach of Louisiana.

Mr. Diggs with Mr. Treen.

Mr. LATTA changed his vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FLORIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3994

Mr. FLORIO. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill the Clerk be authorized to correct section numbers, punctuation, and cross references, to strike out the word "the" on line 1, page 11, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill H.R. 3994.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FLORIO. Mr. Speaker, pursuant to the provisions of House Resolution 473, I call up from the Speaker's table the Senate bill (S. 1156) to amend and reauthorize the Solid Waste Disposal Act, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. FLORIO

Mr. FLORIO. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLORIO moves to strike out all after the enacting clause of the Senate bill, S. 1156, and to insert in lieu thereof the provisions of H.R. 3994, as passed, as follows:

SHORT TITLE

SECTION 1. This Act may be cited as the "Resource Conservation and Recovery Act Amendments of 1979".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. (a) Section 2005(a) of the Solid Waste Disposal Act, as redesignated by section 3(b)(1) of this Act, is amended by striking out "1978, and" and substituting "1978" and by inserting the following before the period at the end thereof: ", and $42,000,000 for the fiscal year ending September 30, 1980".

(b) Section 3011(a) of such Act is amended by inserting the following after "1979": "and $30,000,000 for the fiscal year 1980".

(c) Section 4008(a)(1) of such Act is amended by striking out "1978 and" and substituting "1978," and by inserting the following after "1979": ", and $30,000,000 for the fiscal year 1980".

(d) Section 4008(a)(2)(C) of such Act is amended by inserting after "1979": "and $18,000,000 for the fiscal year 1980".

(e) Section 4008(e)(2) of such Act is amended by inserting the following after "1979": "and $2,500,000 for the fiscal year 1980".

(f) Section 4009(d) of such Act is amended by inserting the following after "1979": "and $10,000,000 for the fiscal year 1980".

(g)(1) Subtitle E of such Act is amended by adding the following new section at the end thereof:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 5005. There are authorized to be appropriated $3,000,000 for the fiscal year 1980 to carry out the purposes of this subtitle (other than section 5002).".

(2) The table of contents for such subtitle E is amended by adding the following new item at the end thereof:

"Sec. 5005. Authorization of appropriations.".

AMENDMENTS TO SOLID WASTE DISPOSAL ACT

SEC. 3. (a)(1) Paragraph (14) of section 1004 of the Solid Waste Disposal Act is amended by inserting before the period at the end thereof the following: "or which is not a facility for disposal of hazardous waste".

(2) Section 3005 of the Resource Conservation and Recovery Act is amended by adding the following new subsection at the end thereof:

"(f) EXISTING WASTEWATER TREATMENT FACILITIES.—(1) In issuing a permit under subsection (c) of this section, the Administrator (or a State which has received full or interim authorization under section 3006) shall not require an existing wastewater treatment facility to comply with requirements of section 3004(3) or 3004(4) which—

"(A) are designed to prevent the release of hazardous waste or any constituent thereof into soil or groundwater; and

"(B) would require major reconstruction of such facility if the permit applicant demonstrates that no significant release of hazardous waste or any constituent thereof from such facility into an underground water supply is occurring or is reasonably likely to occur.

"(2) For purposes of assisting the Administrator (or the State, if applicable) in making the determinations required by paragraph (1) of this subsection, the Administrator (or the State) may require the owner or operator of an existing wastewater treatment facility to conduct, and report the results of, such studies, testing and monitoring as the Administrator (or the State) finds is reasonably necessary to make such determinations, provided that the Administrator (or the State) may not require leachate monitoring unless the Administrator (or the State) determines that leachate monitoring is necessary to confirm or clarify groundwater monitoring data which indicates the presence of groundwater pollution.

"(3) Where feasible, in the case of existing wastewater treatment facilities, the Administrator (or the State, if applicable) shall issue permits under subsection (c) at the same time as revised permits under section 402 of the Clean Water Act.

"(4) Upon receipt of information, including, but not limited to, monitoring data and reports required by section 3004(2), indicating that there has been a significant release of hazardous waste or any constituent thereof into an underground water supply from an existing wastewater treatment facility exempted from major reconstruction under paragraph (1), or that such facility is being operated for purposes other than treating wastewater to meet requirements of the Clean Water Act, the Administrator (or the State, if applicable) may take appropriate action under this title or other authority of the Administrator (or the State), including ordering the owner or operator of such facility to show why its permit should not be modified to require compliance with the requirements of section 3004(3) or 3004(4) from which it has been exempted.

"(5) For purposes of this section, the term 'existing wastewater treatment facility' means a lagoon, surface impoundment or basin which is part of a wastewater treatment or pretreatment system operated for the sole purpose of treating wastewater to meet applicable requirements of the Clean Water Act and which was in operation or under physical construction before the date of promulgation of initial regulations under section 3004 of this title.".

(b)(1) Section 2004 of such Act is repealed and the following sections are redesignated accordingly.

(3) Section 1006 of such Act is amended by adding the following new subsection at the end thereof:

"(c) INTEGRATION WITH THE SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977.—Before the later of 90 days following the promulgation of final regulations relating to mining wastes or overburden under any section of subtitle C or 90 days after the date of enactment of this paragraph, the Administrator shall review any regulations applicable to the treatment, storage, or disposal of any coal mining wastes or overburden promulgated by the Secretary of the Interior under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 and following). If the Administrator determines that any requirement of final regulations promulgated under any section of subtitle C relating to mining wastes or overburden is not adequately addressed in such regulations promulgated by the Secretary, the Administrator shall transmit such determination, together with suggested revisions and supporting documentation, to the Secretary for his consideration."

(2) The table of contents for subtitle B of such Act is amended by striking out the item relating to section 2004 and redesignating the succeeding items accordingly.

(c) Section 3004 of the Solid Waste Disposal Act is amended by adding the following after the first sentence thereof: "In establishing such standards the Administrator shall, where appropriate, establish separate standards for new and existing facilities.".

(d) Section 3001 of such Act is amended by inserting "(1)" after "(b)" and by adding the following new paragraphs at the end of subsection (b):

"(2) Notwithstanding the provisions of paragraph (1) of this subsection, drilling fluids, produced waters, and other wastes associated with the exploration for, or development and production of, crude oil or natural gas shall not be considered 'hazardous waste' within the meaning of this section and shall not be subject to the provisions of this subtitle.

"(3) (A) Notwithstanding the provisions of paragraph (1) of this subsection, each waste listed below shall, except as provided in subparagraph (B) of this paragraph, be subject only to regulation under other applicable provisions of Federal or State law in lieu of this subtitle until at least six months after the date of submission of the applicable study required to be conducted under subsection (f), (o), (p), or (q) of section 8002 of this Act and after promulgation of regulations in accordance with subparagraph (C) of this paragraph:

"(i) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossible fuels.

"(ii) Solid waste from the extraction, benefication, and processing of ores and minerals, including phosphate rock and uranium ore.

"(iii) Cement kiln dust waste.

"(B) (i) Owners and operators of disposal sites for wastes listed in subparagraph (A) may be required by the Administrator, through regulations prescribed under authority of section 2002 of this Act—

"(I) as to disposal sites for such wastes which are to be closed, to identify the locations of such sites through surveying, platting, or other measures, together with recordation of such information on the public record, to assure that the locations where such wastes are disposed of are known and can be located in the future, and

"(II) to provide chemical and physical analysis and composition of such wastes, based on available information, to be placed on the public record.

"(ii) (I) in conducting any study under subsection (f), (o), (p), or (q) of section 8002 of this Act, any officer, employee, or authorized representative of the Environmental Protection Agency, duly designated by the Administrator, is authorized, at reasonable times and as reasonably necessary for the purposes of such study, to enter an establishment where any waste subject to such study is generated, stored, treated, disposed of, or transported from; to inspect, take samples, and conduct monitoring and testing; and to have access to and copy records relating to such waste. Each such inspection shall be commenced and completed with reasonable promptness. If the officer, employee, or authorized representative obtains any samples prior to leaving the premises, he shall give to the owner, operator, or agent in charge a receipt describing the sample obtained and if requested a portion of each such sample equal in volume or weight to the portion retained. If any analysis is made of such samples, or monitoring and testing performed, a copy of the results shall be furnished promptly to the owner, operator, or agent in charge.

"(II) Any records, reports, or information obtained from any person under subclause (I) shall be available to the public, except that upon a showing satisfactory to the Administrator by any person that records, reports, or information, or particular part thereof, to which the Administrator has access under this subparagraph if made public, would divulge information entitled to protection under section 1905 of title 18 of the United States Code, the Administrator shall consider such information or particular portion thereof confidential in accordance with the purposes of that section, except that such record, report, document, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act. Any person not subject to the provisions of section 1905 of title 18 of the United States Code who knowingly and wilfully divulges or discloses any information entitled to protection under this subparagraph shall, upon conviction, be subject to a fine of not more than $5,000 or to imprisonment not to exceed one year, or both.

"(iii) The Administrator may prescribe regulations, under the authority of this Act, to prevent radiation exposure which presents an unreasonable risk to human health from the use in construction or land reclamation (with or without revegetation) of solid waste from the extraction; beneficiation, and processing of phosphate rock or the extraction of uranium ore.

"(iv) Whenever on the basis of any information the Administrator determines that any person is in violation of any requirement of this subparagraph, the Administator shall give notice to the violator of his failure to comply with such requirement. If such violation extends beyond the thirtieth day after the Administator's notification, the Administrator may issue an order requiring compliance within a specified time period or the Administrator may commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

"(C) Not later than six months after the date of submission of the applicable study required to be conducted under subsection (f), (o), (p), or (q) of section 8002 of this Act, the Administator shall, after public hearings and opportunity for comment, either determine to promulgate regulations under this subtitle for each waste listed in subparagraph (A) of this paragraph or determine that such regulations are unwarranted. The Administator shall publish his determination, which shall be based on information developed or accumulated pursuant to such study, public hearings, and comment, in the Federal Register accompanied by an explanation and justification of the reasons for it.".

(e) Section 3005(e) of such Act is amended by striking "facility is in existence on the date of enactment of this Act" and inserting in lieu thereof "facility is in existence on the effective date of the regulations under sections 3001 and 3004".

(f) Section 3005 of such Act is amended by adding the following new subsection at the end thereof:

"(f) Coal Mining Wastes and Reclamation Permits.—Notwithstanding subsections (a) through (e) of this section, any permit and reclamation plan covering any coal mining wastes or overburden which has been issued or approved under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 and following) shall be deemed to be a permit issued pursuant to this section with respect to the treatment, storage, or disposal of such wastes or overburden. Regulations promulgated by the Administrator under this subtitle shall not be applicable to treatment, storage, or disposal of coal mining wastes and overburden which are covered by such a permit and reclamation plan.

"(g) Section 3007(a) of such Act is amended—

(1) by inserting "or section 7003 of subtitle G," after "subtitle,";

(2) by striking "maintained by any person" after "establishment or other place";

(3) by inserting "or has handled" after "otherwise handles";

(4) by striking "any officer or employee" and inserting in lieu thereof "any officer, employee, or representative";

(5) by striking "duly designated officer employee" and inserting in lieu thereof "duly designated officer, employee, or representative";

(6) by striking "furnish or permit" and inserting in lieu thereof "furnish information relating to such wastes and permit";

(7) by striking out "such officers or employees" and inserting in lieu thereof "such officers, employees, or representatives";

(8) by inserting "or have been" after "where hazardous wastes are"; and

(9) by striking "officer or employee obtains" and inserting in lieu thereof "officer, employee, or representative obtains".

(h) Section 3007(b) of such Act is amended by inserting before "shall be available": "(including records, reports, or information obtained by representatives of the Environmental Protection Agency)".

(i) Section 3008(d) of such Act is amended by—

(1) striking out the period following the word "subtitle" at the end of paragraph (3) and by inserting a comma and the following at the end of such paragraph (3):

"(4) knowingly generates, stores, treats, transports, disposes of, or otherwise handles any hazardous waste (whether such activity took place before or takes place after the date of the enactment of this paragraph) and who destroys, alters, or conceals any record maintained with respect to the generation, storing, treatment, transportation, disposal, or other handling of hazardous waste, or

"(5) transports, treats, stores, or disposes of any hazardous waste identified or listed under this subtitle in reckless disregard of the fact that he thereby causes or creates a substantial danger or risk to human life or health";

(2) striking out "knowingly" in so much of such section 3008(d) as precedes paragraph (1) thereof;

(3) inserting "knowingly" after "(1)", "(2)", and "(3)";

(4) inserting after "$25,000" the following "($50,000 in the case of a violation of paragraph (1), (2), or (5))";

(5) inserting after "one year" the following "(two years in the case of a violation of paragraph (1), (2), or (5))"; and

(6) by striking out the last sentence thereof.

(j) Section 3008 of such Act is amended:

(1) in subbsection (a)(1), by striking "the Administrator shall give notice to the violator of his failure to comply with such requirement. If such violation extends beyond the thirtieth day after the Administrator's notification," and by inserting "immediately or" after "compliance";

(2) in subsection (a)(2), by striking "thirty days"; and

(3) by adding the following new subsection at the end thereof:

"(e) Reckless.—For purposes of subsection (d)(5), a person's state of mind is reckless with respect to—

"(1) an existing circumstance if he is aware of a substantial risk that the circumstance exists but disregards the risk; or

"(2) a result of his conduct if he is aware of a substantial risk that the result will occur but disregards the risk.

For purposes of this subsection, a substantial risk is a risk that is of such a nature and degree that to disregard it constitutes a gross deviation from the standard of care that a reasonable person would exercise in such a situation.".

(k) Section 3011 of such Act is amended by adding the following new subsection at the end thereof:

"(c) ACTIVITIES INCLUDED.—State hazardous waste programs for which grants may be made under subsection (a) may include (but shall not be limited to) planning for hazardous waste treatment, storage and disposal facilities, and the development and execution of programs to protect health and the environment from inactive facilities which may contain hazardous waste and which may present a substantial endangerment to the human health or the environment.".

(l)(1) Subtitle C of such Act is amended by adding the following new section at the end thereof:

"HAZARDOUS WASTE SITE INVENTORY

"SEC. 3012. (a) STATE INVENTORY PROGRAMS.—Each State shall, as expeditiously as practicable, undertake a continuing program to compile, publish, and submit to the Administrator an inventory describing the location of each site within such State at which hazardous waste has at any time been stored or disposed of. Such inventory shall contain—

"(1) a description of the location of the sites at which any such storage or disposal has taken place before the date on which permits are required under section 3005 for such storage or disposal;

"(2) such information relating to the amount, nature, and toxicity of the hazardous waste at each such site as may be practicable to obtain and as may be necessary to determine the extent of any health hazard which may be associated with such site;

"(3) the name and address, or corporate headquarters of, the owner of each such site, determined as of the date of preparation of the inventory;

"(4) an identification of the types or techniques of waste treatment or disposal which have been used at each such site; and

"(5) information concerning the current status of the site, including information respecting whether or not hazardous waste is currently being treated or disposed of at such site (and if not, the date on which such activity ceased) and information respecting the nature of any other activity currently carried out at such site.

For purposes of assisting the States in compiling information under this section, the Administrator shall make available to each State undertaking a program under this section such information as is available to him concerning the items specified in paragraphs (1) through (5) with respect to the sites within such State, including such information as the Administrator is able to obtain from other agencies or departments of the United States and from surveys and studies carried out by any committee or subcommittee of the Congress. Any State may exercise the authority of Section 3007 for purposes of this section in the same manner and to the same extent as provided in such section in the case of States having an authorized hazardous waste program, and any State may by order require any person to submit such information as may be necessary to compile the data referred to in paragraphs (1) and (2).

"(b) ENVIRONMENTAL PROTECTION AGENCY PROGRAM.—If the Administrator determines that any State program under subsection (a) is not adequately providing information respecting the sites in such State referred to in subsection (a), the Administrator shall notify the State. If within ninety day following such notification, the State program has not been revised or amended in such manner as will adequately provide such information, the Administrator shall carry out the inventory program in such State. In any such case—

"(1) the Administrator shall have the authorities provided with respect to State programs under subsection (a);

"(2) the funds allocated under subsection (c) for grants to States under this section may be used by the Administrator for carrying out such program in such State; and

"(3) no further expenditure may be made for grants to such State under this section until such time as the Administrator determines that such State is carrying out, or will carry out, an inventory program which meets the requirements of this section.

"(c) GRANTS.—(1) Upon receipt of an application submitted by an State to carry out a program under this section, the Administrator may make grants to the States for purposes of carrying out such a program. Grants under this section shall be allocated among the several States by the Administrator based upon such regulations as he prescribes to carry out the purposes of this section. The Administrator may make grants to any State which has conducted an inventory program which effectively carried out the purposes of this section before the date of the enactment of the Resource Conservation and Recovery Act Amendments of 1979 to reimburse such State for all, or any portion of, the costs incurred by such State in conducting such program.

"(2) There are authorized to be appropriated to carry out this section $20,000,000 for the fiscal year 1980.".

(3) The table of contents for such subtitle C is amended by inserting the following new item at the end thereof:

"Sec. 3012. Hazardous waste site inventory.".

(4) Section 3008(d)(3) of such Act is amended by inserting "or information" after "document".

(m)(1) Subtitle C of such Act is amended by adding the following new secton at the end thereof:

"MONITORING, ANALYSIS, AND TESTING

"SEC. 3013. (a) AUTHORITY OF ADMINISTRATOR.—If the Administrator determines, upon receipt of any information, that—

"(1) the presence of any hazardous waste at a facility or site at which hazardous waste is, or has been, stored, treated, or disposed of, or

"(2) the release of any such waste from such facility or site.

may present a substantial hazard to human health or the environment, he may issue an order requiring the owner or operator of such facility or site to conduct such monitoring, testing, analysis, and reporting with respect to such facility or site as the Administrator deems reasonable to ascertain the nature and extent of such hazard.

"(b) PREVIOUS OWNERS AND OPERATORS.—In the case of any facility or site not in operation at the time a determination is made under subsection (a) with respect to the facility or site, if the Administrator finds that the owner of such facility or site could not reasonably be expected to have actual knowledge of the presence of hazardous waste at such facility or site and of its potential for release, he may issue an order requiring the most recent previous owner or operator of such facility or site who could reasonably be expected to have such actual knowledge to carry out the actions referred to in subsection (a).

"(c) PROPOSAL.—An order under subsection (a) or (b) shall require the person to whom such order is issued to submit to the Administrator within 30 days from the issuance of such order a proposal for carrying out the required monitoring, testing, analysis, and reporting. The Administrator may, after providing such person with an opportunity to confer with the Administrator respecting such proposal, require such person to carry out such monitoring, testing, analysis, and reporting in accordance with such proposal, and such modifications in such proposal as the Administrator deems reasonable to ascertain the nature and extent of the hazard.

"(d) MONITORING, ETC., CARRIED OUT BY ADMINISTRATOR.—(1) If the Administrator determines that no owner or operator referred to in subsection (a) or (b) is able to conduct monitoring, testing, analysis, or reporting satisfactory to the Adminstrator, if the Administrator deems any such action carried out by an owner or operator to be unsatisfactory, or if the Administrator cannot initially determine that there is an owner or operator referred to in (a) or (b) who is able to conduct such monitoring, testing, analysis, or reporting, he may—

"(A) conduct monitoring, testing, or analysis (or any combination thereof) which he deems reasonable to ascertain the nature and extent of the hazard associated with the site concerned, or

"(B) authorize a State or local authority or other person to carry out any such action, and require, by order, the owner or operator referred to in subsection (a) or (b) to reimburse the Administrator or other authority or person for the costs of such activity.

"(2) No order may be issued under this subsection requiring reimbursement of the costs of any action carried out by the Administrator which confirms the results of an order issued under subsection (a) or (b).

"(3) For purposes of carrying out this subsection, the Administrator or any authority or other person authorized under paragraph (1), may exercise the authorities set forth in section 3007.

"(e) ENFORCEMENT.—The Administrator may commence a civil action against any person who fails or refuses to comply with any order issued under this section. Such action shall be brought in the United States district court in which the defendant is located, resides, or is doing business. Such court shall have jurisdiction to require compliance with such order and to assess a civil penalty of not to exceed $5,000 for each day during which such failure or refusal occurs.".

(2) The table of contents for such subtitle C is amended by adding the following new item at the end thereof:

"Sec. 3013. Monitoring, analysis, and testing.".

(n) Section 4003 of such Act is amended—

(1) by striking out "4005(c)" in paragraph (2), and inserting in lieu thereof "4004(b)"; and

(2) by inserting "State or" in paragraph (5) after "The plan shall provide that no" and by striking the period after "resource" recovery facilities" and adding the following: ", from entering into long-term contracts for the operation of such facilities, or from securing long-term markets for material and energy recovered from such facilities.".

(o) Section 4005 of such Act is amended as follows:

(1) by striking out subsection (a); by redesignating the succeeding subsections accordingly; and by amending subsection (b) (as so redesignated) by striking out "the inventory under subsection (b) shall" and substituting "the inventory under subsection (a) shall";

(2) by amending the first sentence of section 4005(b) (as redesignated by paragraph (1) of this subsection), by striking out "Any" and inserting in lieu thereof "Upon promulgation of criteria under section 1008 (a)(3), any";

(3) by striking out "4003(2)" in subsection (b) (as redesignated by paragraph (1) of this subsection) and inserting in lieu thereof "4003(3)"; and

(4) by striking out "Not" in subsection

(a) (as redesignated by paragraph (1) of this subsection) and inserting in lieu thereof "To assist the States in complying with section 4003(3), not".

(p) Section 4006(b)(1)(B) of such Act is amended by striking out "functions" wherever it appears and inserting in lieu thereof "management activities".

(q)(1) Section 5002 of such Act is amended by striking out "the date of the enactment of this Act" and inserting in lieu thereof "September 1, 1979".

(2) Section 5003 of such Act is amended by striking out "the enactment of this Act" and inserting in lieu thereof: "September 1, 1979,".

(3)(A) Subtitle E of such Act is amended by inserting the following new section after section 5004:

"NONDISCRIMINATION REQUIREMENT

"Sec. 5005. The Secretary of Commerce shall not discriminate between recovered materials and virgin materials in making any determination under any authority of law concerning whether or not to impose monitoring or other controls on any marketing or transfer of materials.".

"(B) The table of contents for such Act is amended by inserting the following new item after the item relating to section 5004:

"Sec. 5005. Nondiscrimination requirement.".

(r) Section 6002 of such Act is amended as follows:

(1) by deleting the first sentence in subsection (c)(1), and inserting in lieu thereof the following: "After September 1, 1982, each procuring agency which procures any items designated in such guidelines shall procure such items composed of the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, considering such guidelines.";

(2) by striking out "clause (ii)" in subsection (c)(1)(C), and inserting in lieu thereof "subparagraph (B)";

(3) by deleting "recovered material and recovered-material-derived fuel" in subsection (c)(2), and inserting in lieu thereof the following: "energy or fuels derived from solid waste";

(4) by deleting so much of subsection (c)(3) as follows "vendors" and inserting in lieu thereof a colon and the following:

"(A) certify that the percentage of recovered materials to be used in the performance of the contract will be at least the amount required by applicable specifications or other contractual requirements, and

"(B) estimate the percentage of the total material utilized for the performance of the contract which is recovered materials.";

(5) by amending subsection (d) to read as follows:

"(d) Specifications.—All Federal agencies that have the responsibility for drafting or reviewing specifications for procurement items procured by Federal agencies shall—

"(1) as expeditiously as possible (but in any event no later than July 1, 1980), eliminate from such specifications—

"(A) any exclusion of recovered materials; and

"(B) any requirement that items be manufactured from virgin materials; and

"(2) within one year after the date of publication of applicable guidelines under subsection (e), or as otherwise specified in such guidelines, assure that such specifications require the use of recovered materials to the maximum extent possible without jeopardizing the intended end use of the item.";

(6) by deleting the second sentence in subsection (e), and inserting in lieu thereof the following:

"Such guidelines shall—

"(1) designate those items which are or can be produced with recovered materials and whose procurement by procuring agencies will carry out the objectives of this section, and

"(2) set forth recommended practices with respect to the procurement of recovered materials and items containing such materials and with respect to certification by vendors of the percentage of recovered materials used, and shall provide information as to the availability, relative cost, and performance of such materials and items.

In designating items under paragraph (1), the Administrator shall consider, among other relevant factors:

"(A) the availability of such items;

"(B) the impact of the procurement of such items by procuring agencies on the volume of solid waste which must be treated, stored, or disposed of;

"(C) the economic and technological feasibility of producing and using such items; and

"(D) other uses for such recovered materials."; and

(7) by inserting "not later than September 1, 1981," after "shall" in the first sentence of subsection (e).

(s) Section 7001 of such Act is amended by adding the following new subsection:

"(f) Occupational Safety and Health.—In order to assist the Secretary of Labor and the Director of the National Institute for Occupational Safety and Health in carrying out their duties under the Occupational Safety and Health Act of 1970, the Administrator shall—

"(A) Provide the following information, as such information becomes available, to the Secretary and the Director:

"(i) The identity of any hazardous waste treatment, storage, disposal facility or site where clean-up is planned or underway;

"(ii) Information identifying the hazards to which persons working at a hazardous waste treatment, storage, disposal facility or site or otherwise handling hazardous waste may be exposed, the nature and extent of the exposure, and methods to protect workers from such hazards; and

"(iii) Incidents of worker injury or harm at a hazardous waste treatment, storage or disposal facility or site; and

"(B) Notify the Secretary and the Director of the Administrator's receipt of notifications under section 3010 or reports under sections 3002, 3003 and 3004 of this Title and make such notifications and reports available to the Secretary and the Director.

(t) Section 6004 of such Act is amended by—

(1) inserting immediately after "an executive agency (as defined in section 105 of title 5, United States Code)" in subsection (a)(1), "or any unit of the legislative branch of the Federal Government";

(2) inserting after "Each Executive agency" in subsection (a)(2), "or any unit of the legislative branch of the Federal Government"; and

(3) inserting after "The President" in subsection (a)(4)" or the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate with regard to any unit of the legislative branch of the Federal Government".

(a) Section 7003 of such Act is amended by—

(a) striking out "is presenting" and inserting in lieu thereof "may present";

(2) by striking "may bring suit" and all that follows down through "the alleged disposal" and inserting in lieu thereof "may take action";

(3) by striking out "suit" in the last sentence thereof and substituting "action"; and

(4) by inserting "(a) Authority of Administrator.—" after "7003", and adding the following at the end thereof: "The action which the Administrator may take under this section may include (but shall not be limited to)—

"(1) issuing such orders as may be necessary to protect public health and the environment, and

"(2) commencing a civil action for appropriate relief, including a restraining order or permanent or temporary injunction.

"(b) Violations.—Any person who willfully violates, or fails or refuses to comply with, any order of the Administrator under subsection (a)(1) may, in an action brought in the appropriate United States district court to enforce such order, be fined not more than $5,000 for each day in which such violation occurs or such failure to comply continues.".

(v) Section 7004(b) of the Solid Waste Disposal Act is amended by inserting "(1)" before "Public Participation" and by inserting the following new paragraph at the end thereof:

"(2) Before the issuing of a permit to any person with any respect to any facility for the treatment, storage, or disposal of hazardous wastes under section 3004, the Administrator shall—

"(A) cause to be published in major local newspapers of general circulation and broadcast over local radio stations notice of the agency's intention to issue such permit, and

"(B) transmit in writing notice of the agency's intention to issue such permit to each unit of local government having jurisdiction over the area in which such facility is proposed to be located and to each State agency having any authority under State law with respect to the construction or operation of such facility.

If within 45 days the Administrator receives written notice of opposition to the agency's intention to issue such permit, or if the Administrator determines on his own initiative, he shall hold a public hearing on whether he should issue a permit for the proposed facility. Whenever possible the Administrator shall schedule such hearing at a location convenient to the nearest population center to such proposed facility and give notice in the aforementioned manner of the date, time, and subject matter of such hearing. No state program which provides for the issuance of permits referred to in this paragraph may be authorized by the Administrator under section 3006 unless such program provides for the notice and hearing required by this paragraph."

(w) Section 7006 of such Act is amended—

(1) by inserting "(a) Review of Final Regulations and Certain Petitions.—" before "Any";

(2) by adding the following new subsection (b) at the end thereof:

"(b) Review of Certain Actions Under Sections 3005 and 3006.—Review of the Administrator's action—

"(1) in issuing, denying, modifying, or revoking any permit under section 3005, or

"(2) in granting, denying, or withdrawing authorization or interim authorization under section 3006,

may be had by any interested person in the Circuit Court of Appeals of the United States for the Federal judicial district in which such person resides or transacts such business upon application by such person. Any such application shall be made within ninety days from the date of such issuance, denial, modification, revocation, grant, or withdrawal, or after such date only if such application is based solely on grounds which arose after such ninetieth day. Such review shall be in accordance with sections 701 through 706 of title 5 of the United States Code.";

(3) by striking out ". Any" in paragraph (1) thereof and substituting "; any";

(4) by striking out ". Action" in paragraph (1) thereof and substituting "; action"; and

(5) by striking out "proper." in paragraph (2) thereof and substituting "proper;".

(x) Section 7009 of such Act is amended by striking out "unless the Secretary" and substituting "unless the Administrator".

(y) Section 8002 of such Act is amended—

(1) by striking out the last sentence of subsection (f) of such section and inserting in lieu thereof the following: "Not later than thirty-six months after the date of the enactment of the Resource Conservation and Recovery Act Amendments of 1979, the Administrator shall publish a report of such study and shall include appropriate findings and recommendations for Federal and non-Federal actions concerning such effects. Such report shall be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives."; and

(2) by adding the following new subsections at the end thereof:

"(n)(1) The Administrator shall conduct a detailed and comprehensive study and submit a report on the adverse effects, if any, of drilling fluids, produced waters, and other wastes associated with the exploration for, or development or production of, crude oil or natural gas on the environment, including but not limited to, the effects of those wastes on human health, water quality, air quality, welfare, and natural resources, and on the adequacy of means and measures currently employed by the oil and gas drilling and production industry, Government agencies, and others to dispose of and utilize those wastes and to prevent or substantially mitigate any adverse effects. The study shall include an analysis of—

"(A) the sources and volume of discarded material generated per year from such wastes;

"(B) present disposal practices;

"(C) potential dangers to human health and the environment;

"(D) alternatives to current disposal methods;

"(E) the cost of those alternatives; and

"(F) the impact of those alternatives on the exploration for, and development and production of, domestic crude oil and natural gas.

In furtherance of this study, the Administrator shall, as he deems appropriate, review studies and other actions of other Federal agencies concerning such wastes with a view toward avoiding duplication of effort and expeditious completion of the study. The Administrator shall publish a report of the study and shall include appropriate findings and recommendations for Federal and non-Federal actions.

"(2) The Administrator shall complete the research and study and submit the report required under paragraph (1) not later than October 1, 1981. Upon completion of the study, the Administrator shall prepare a plan for research, development, and demonstration respecting the findings of the study and may submit any legislative recommendations resulting from the study to the Congress.

"(3) There are authorized to be appropriated not to exceed $1,000,000 for the fiscal year 1980 to carry out the provisions of this subsection.

"(o) MATERIALS GENERATED FROM THE COMBUSTION OF COAL AND OTHER FOSSIL FUELS.—The Administrator shall conduct a detailed and comprehensive study on the adverse effects on human health and the environment, if any, of the disposal and utilization of fly ash waste, bottom ash waste, slag waste, flue gas emission control waste, and other by-product materials generated primarily from the combustion of coal or other fossil fuels. Such study shall include an analysis of—

"(1) the source and volumes of such materials generated per year;

"(2) present disposal and utilization practices;

"(3) potential danger, if any, to human health and the environment from the disposal and reuse of such materials;

"(4) documented cases in which danger to human health or the environment from surface runoff or leachate has been proved;

"(5) alternatives to current disposal methods;

"(6) the costs of such alternatives;

"(7) the impact of those alternatives on the use of coal and other natural resources; and

"(8) the current and potential utilization of such materials.

In furtherance of this study, the Administrator shall, as he deems appropriate, review studies and other actions of other Federal and State agencies concerning such waste or materials and invite participation by other concerned parties, including industry and other Federal and State agencies, with a view towards avoiding duplication of effort. The Administrator shall publish a report of such study, which shall include appropriate findings, not later than thirty-six months after the date of enactment of the Resource Conservation and Recovery Act Amendments of 1979. Such report shall be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives.

"(p) Cement Kiln Dust Waste.—The Administrator shall conduct a detailed and comprehensive study of the adverse effects on human health and the environment, if any, of the disposal of cement kiln dust waste. Such study shall include an analysis of—

"(1) the source and volumes of such materials generated per year;

"(2) present disposal practices;

"(3) potential danger, if any, to human health and the environment from the disposal of such materials;

"(4) documented cases in which danger to human health or the environment has been proved;

"(5) alternatives to current disposal methods;

"(6) the costs of such alternatives;

"(7) the impact of those alternatives on the use of natural resources; and

"(8) the current and potential utilization of such materials.

In furtherance of this study, the Administrator shall, as he deems appropriate, review studies and other actions of other Federal and State agencies concerning such waste or materials and invite participation by other concerned parties, including industry and other Federal and State agencies, with a view towards avoiding duplication of effort. The Administrator shall publish a report of such study, which shall include appropriate findings, not later than thirty-six months after the date of enactment of the Resource Conservation and Recovery Act Amendments of 1979. Such report shall be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives.

"(q) Materials Generated From the Extraction, Beneficiation, and Processing of Ores and Minerals, Including Phosphate Rock and Uranium Mining Ore.—The Administrator shall conduct a detailed and comprehensive study on the adverse effects on human health and the environment, if any, of the disposal and utilization of solid waste from the extraction, beneficiation, and processing of ores and minerals, including phosphate rock and uranium ore. Such study shall be conducted in conjunction with the study of mining wastes required by subsection (f) of this section and shall include an analysis of—

"(1) the source and volumes of such materials generated per year;

"(2) present disposal and utilization practices;

"(3) potential danger, if any, to human health and the environment from the disposal and reuse of such materials;

"(4) documented cases in which danger to human health or the environment has been proved;

"(5) alternatives to current disposal methods;

"(6) the costs of such alternatives;

"(7) the impact of those alternatives on the use of phosphate rock and uranium ore, and other natural resources; and

"(8) the current and potential utilization of such materials.

In furtherance of this study, the Administrator shall, as he deems appropriate, review studies and other actions of other Federal and State agencies concerning such waste or material and invite participation by other concerned parties, including industry and other Federal and State agencies, with a view towards avoiding duplication of effort. The Administrator shall publish a report of such study, which shall include appropriate findings, in conjunction with the publication of the report of the study of mining wastes required to be conducted under subsection (f) of this section. Such report and findings shall be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives.".

ENERGY AND MATERIALS RECOVERY

SEC. 4. (a) The Congress finds that—

(1) municipal solid waste contains valuable energy and material resources which can be recovered and used thereby conserving increasingly scarce and expensive fossil fuels and virgin materials;

(2) the recovery of energy and materials from municipal waste can have the effect of reducing the volume of the municipal waste stream and the burden of disposing of increasing volumes of solid waste;

(3) the technology to recover energy and materials from solid waste is of demonstrated commercial feasibility; and

(4) various communities throughout the nation have different needs and different potentials for utilizing techniques for the recovery of energy and materials from waste, and Federal assistance in planning and implementing energy and materials recovery programs should be available to all such communities on an equitable basis in relation to their needs and potential.

(b) Section 4001 of the Solid Waste Disposal Act (relating to objectives) is amended by inserting "including energy and materials which are recoverable from solid waste" after "valuable resources".

(c) Section 4002(c) of the Solid Waste Disposal Act (relating to guidelines for State plans) is amended in paragraph (11) by inserting after "recovered material" the following: "and energy and energy resources recovered from solid waste".

(d)(1) Section 4003 of the Solid Waste Disposal Act is amended by inserting "negotiating and" after "from".

(2) Section 4003 of the Solid Waste Disposal Act (relating to minimum requirements for State plans) is amended by inserting "(a) MINIMUM REQUIREMENTS.—" after "4003" and by adding the following new subsection at the end thereof:

"(b) ENERGY AND MATERIALS RECOVERY FEASIBILITY PLANNING AND ASSISTANCE.—(1) A State which has a plan approved under this subtitle or which has submitted a plan for such approval shall be eligible for assistance under section 4008(a)(3) if the Administrator determines that under such plan the State will—

"(A) analyze and determine the economic and technical feasibility of facilities and programs to recover energy and materials from municipal waste,

"(B) analyze the legal, institutional, and economic impediments to the development of systems and facilities for the recovery of energy and materials from municipal waste and make recommendations to appropriate governmental authorities for overcoming such impediments;

"(C) assist municipalities within the State in developing plans, programs, and projects to recover energy and materials from municipal waste; and

"(D) coordinate the resource recovery planning under subparagraph (C).

"(2) The analysis referred to in paragraph (1)(A) shall include—

"(A) the evaluation of, and establishment of priorities among, market opportunities for industrial and commercial users of all types (including public utilities and industrial parks) to utilize energy and materials recovered from municipal waste,

"(B) comparisons of the relative costs of energy recovered from municipal waste in relation to the costs of energy derived from fossil fuels and other sources, and

"(C) studies of the transportation and storage problems and other problems associated with the development of energy and materials recovery technology, including curbside source separation.

Such studies and analyses shall also include studies of other sources of solid waste from which energy and materials may be recovered.".

(e)(1) Section 4008(a)(1) of the Solid Waste Disposal Act is amended by inserting the following before the period at the end thereof: "(other than the provisions of such plans referred to in section 4003(b), relating to feasibility planning for municipal waste energy and materials recovery).".

(2) Section 4008(a) of such Act is amended by adding the following new paragraph at the end thereof:

"(3)(A) There is authorized to be appropriated for the fiscal year beginning October 1, 1981 and for each fiscal year thereafter before October 1, 1986, $4,000,000 for purposes of making grants to States to carry out section 4003(b). No amount may be appropriated for such purposes for the fiscal beginning on October 1, 1986, or for any fiscal year thereafter.".

"(B) Assistance provided by the Administrator under this paragraph shall be used only for the purposes specified in such 4003 (b). Such assistance may not be used for purposes of land acquisition, final facility design, equipment purchase, construction, startup or operation activities.

"(C) Where appropriate, any State receiving assistance under this paragraph may make all or any part of such assistance available to municipalities within the State to carry out the activities specified in section 4003(b)(1)(A) and (B).".

(3) Section 4008 of such Act is amended by adding the following new subsection at the end thereof:

"(f) Assistance to Municipalities for Energy and Materials Recovery Planning Activities.—(1) The Administrator is authorized to make grants to municipalities, regional authorities, and intermunicipal agencies to carry out activities described in subparagraphs (A) and (B) of section 4003 (b)(1). Such grants may be made only pursuant to an application submitted to the Administrator by the municipality which application has been approved by the State and determined by the State to be consistent with any State plan approved or submitted under this subtitle or any other appropriate planning carried out by the State.

"(2) There is authorized to be appropriated for the fiscal year beginning October 1, 1981 and for each fiscal year thereafter before October 1, 1986, $8,000,000 for purposes of making grants to municipalities under this subsection. No amount may be appropriated for such purposes for the fiscal year beginning on October 1, 1986, or for any fiscal year thereafter.".

"(3) Assistance provided by the Administrator under this subsection shall be used only for the purposes specified in paragraph (1). Such assistance may not be used for purposes of land acquisition, final facility design, equipment purchase, construction, startup or operation activities.".

(f) Section 4008 (d) of the Solid Waste Disposal Act is amended by inserting "(1)" after "Technical Assistance.—" and by adding the following new paragraph at the end thereof:

"(2) In carrying out this subsection, the Administrator is authorized to provide technical assistance to States, municipalities, regional authorities and intermunicipal agencies upon request, to assist in the removal or modification of legal, institutional, and economic impediments which have the effect of impeding the development of systems and facilities to recover energy and materials from municipal waste. Such impediments may include—

"(A) laws, regulations, and, policies, including State and local procurement policies, which are not favorable to resource recovery policies, systems, and facilities;

"(B) impediments to the financing of facilities to recover energy and materials from municipal waste through the exercise of State and local authority to issue revenue bonds and the use of State and local credit assistance; and

"(C) impediments to institutional arrangements necessary to undertake projects for the recovery of energy and materials from municipal waste, including the creation of special districts, authorities, or corporations where necessary having the power to secure the supply of waste of a project, to implement the project, and to undertake related activities.".

(g) Section 6003 of the Solid Waste Disposal Act is amended—

(1) by inserting "(a) General Rule.—" after "6003"; and

(2) by adding the following new subsection at the end thereof:

"(b) Information Relating to Energy and Materials Recovery.—The Administrator shall collect, maintain, and disseminate information concerning the market potential of energy and materials recovered from solid waste, including materials obtained through source separation. The Administrator shall identify the regions in which the increased substitution of such energy for energy derived from fossil fuels and other sources is most likely to be feasible, and provide information on the technical and economic aspects of developing integrated resource recovery systems which provide for the recovery of source-separated materials to be recycled. The Administrator shall utilize the authorities of subsection (a) in carrying out this subsection.".

NATIONAL ADVISORY COMMISSION ON RESOURCE RECOVERY

Sec. 5. (a) The Administrator of the Environmental Protection Agency shall establish, within 30 days after the date of the enactment of this Act, a commission to be known as the National Advisory Commission of Resource Recovery (hereinafter in this section referred to as the "Commission").

(b)(1) The Commission shall—

(A) after consultation with the appropriate Federal agencies, review budgetary priorities relating to resource recovery, determine to what extent program goals relating to resource recovery are being realized, and make recommendations concerning the appropriate program balance and priorities;

(B) review any existing or proposed resource recovery guidelines or regulations;

(C) determine the economic development potential of resource recovery, including the availability of markets for recovered energy and materials, and make recommendations concerning the utilization of such potential;

(D) identify, and make recommendations addressing, institutional obstacles impeding the development of resource recovery; and

(E) evaluate the status of resource recovery technology and systems including both materials and energy recovery technologies, recycling methods, and other innovative methods for extracting valuable resources from solid waste.

The review referred to in subparagraph (A) should include but not be limited to an assessment of the effectiveness of the Technical Assistant Panels, the Public Participation program and other program activities under the Solid Waste Disposal Act.

(2) Not later than March 15, 1981, the Commission shall transmit to the Administrator of the Environmental Protection Agency, the President, and to each House of the Congress a report containing the recommendations referred to in paragraph (1) and such other recommendations for legislation and administrative actions relating to resource recovery as it considers appropriate. Before March 15, 1981, the Commission may submit preliminary recommendations to the Administrator, the Office of Management and Budget, and other appropriate agencies for purposes of consideration in connection with the fiscal year 1982 budget.

(c) The Commission shall be composed of 9 members appointed by the Administrator of the Environmental Protection Agency from among persons who are not officers or employees of the United States and who are specially qualified to serve on the Commission by reason of their education, training, or experience. The membership of the Commission shall include persons who will represent the views of consumer groups, local government organizations, industry associations, and environmental and other groups, concerned with resource recovery. Members shall be appointed for the life of the Commission.

(d) Members of the Commission shall serve without pay. While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(e) Five members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(f) The Chairman of the Commission shall be designated by the Administrator at the time of his appointment to the Commission.

(g) The Commission shall meet at the call of the Chairman or a majority of its members.

(h) With the approval of the Commission, the Chairman may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code.

(i) Upon request of the Commission, the Administrator of the Environmental Protection Agency or the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this section.

(j) The Commission may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(k) The Commission may secure directly from any department or agency of the United

States information necessary to enable it to carry out this Act. Upon request of the Chairman, the head of such department or agency shall furnish such information to the Commission.

(l) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(m) The Commission shall cease to exist upon submission of its report pursuant to this section.

SPECIAL COMMUNITIES

SEC. 6. Section 4008(e) of the Solid Waste Disposal Act is amended by—

(1) striking out "identify communities" in paragraph (1) thereof and substituting "identify local governments";

(2) striking out clause (A) thereof and redesignating clauses (B) and (C) as (A) and (B) respectively;

(3) striking out "solid waste disposal facilities in which more than 75 per centum of the solid waste disposed of is from areas outside the jurisdiction of the communities" in paragraph (1) thereof and substituting "a solid waste disposal facility (i) which is owned by the unit of local government, (ii) for which an order has been issued by the State to cease receiving solid waste for treatment, storage, or disposal, and (iii) which is subject to a State approved end-use recreation plan";

(4) striking out "which have" in clause (B) of paragraph (1), as redesignated by paragraph (2) of this section, and substituting the following "which are located over an aquifer which is the source of drinking water for any person or public water system and which has";

(5) inserting before the period at the end of paragraph (1): ", including possible methane migration";

(6) striking out "each of the fiscal years 1978 and 1979" in paragraph (2) and substituting "the fiscal year 1980";

(7) striking out "the conversion, improvement" in the first sentence of paragraph (2) and all that follows down through the period at the end of such sentence and substituting "containment and stabilization of solid waste located at the disposal sites referred to in paragraph (1)";

(8) inserting the following new sentence at the end of paragraph (2): "No unit of local government shall be eligible for grants under this paragraph with respect to any site which exceeds 65 acres in size."; and

(9) striking out paragraph (3) thereof.

NOTIFICATION

SEC. 7. Section 3010(a) of the Solid Waste Disposal Act is amended by striking out "or revision" and by inserting the following at the end of the first sentence thereof: "In revising any regulation under section 3001 identifying additional characteristics of hazardous waste or listing any additional substance as hazardous waste subject to this subtitle, the Administrator may require any person referred to in the preceding sentence to file with the Administrator (or with States having authorized hazardous waste permit programs under section 3006) the notification described in the preceding sentence.".

AMENDMENT OF RESOURCE CONSERVATION AND RECOVERY ACT OF 1976

SEC. 8. Sections 3 and 4 of the Resource Conservation and Recovery Act of 1976 are hereby repealed.

Amend the title so as to read: "An Act to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal year 1980, to make certain technical changes, to strengthen the regulatory and enforcement mechanisms, and for other purposes.".

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read:

> An act to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal year 1980, to make certain technical changes, to strengthen the regulatory and enforcement mechanisms, and for other purposes.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 3994) was laid on the table.

PERSONAL EXPLANATION

Mr. PORTER. Mr. Speaker, with reference to the last vote that was taken on final passage of H.R. 3994, I was unavoidably detained. I was late, and had I been able to reach the Chamber in time, I would have voted "aye."

THE ISSUE OF AID TO NICARAGUA

(Mr. YOUNG of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. YOUNG of Florida. Mr. Speaker, tomorrow, Thursday, February 21, the House is scheduled to consider H.R. 6081, the Special Central American Assistance Act of 1979. This bill would provide $75 million in foreign aid for Nicaragua.

The issue of aid to Nicaragua is extremely controversial because there is a very serious question concerning the direction the Sandinista controlled government is moving and the role that Cuba is playing in Nicaragua today. In addition, there is mounting evidence that Cuba is involved in exporting revolution to a number of neighboring countries in Central America and the Caribbean.

According to a news article which appeared in the February 18, 1980, issue of the Washington Star a number of U.S. specialists on Latin America have concluded:

> Cuba has, in the past year or so, assigned a higher priority to attempts to subvert regimes in Latin America. They discern a new phase in the Cuban effort to spread communism in this hemisphere. Cuba is credited by the specialists with playing a key organizing role in the Sandinista victory in Nicaragua last July and now in moves toward consolidating Communist power there.

According to one U.S. specialists: "The infrastructure for a complete Communist takeover is now being put into place" in Nicaragua.

I hope our colleagues will take the time to review this interesting news article which appears below in it's entirety:

EXPERTS SEE NEW CUBA ROLE IN HEMISPHERE REVOLUTIONS

(By Henry S. Bradsher)

Cuban training and advice on revolutionary techniques have contributed to growing political turmoil in Central America—including leftist violence in El Salvador—and pose a danger to governments in other parts of Latin America, according to U.S. specialists on the region.

The specialists say that Cuba has in the past year or so assigned a higher priority to attempts to subvert regimes in Latin America. They discern a new phase in the Cuban effort to spread communism in this hemisphere.

Cuba is credited by the specialists with playing a key organizing role in the Sandinista victory in Nicaragua last July and now in moves toward consolidating Communist power there.

Cuba is also teaching radicals from other Latin American countries how to develop popular complaints into revolutionary situations, the specialists said. The effects are already being seen in crises in Guatemala and El Salvador, and they could appear soon in other places.

Smoldering complaints based on economic and social disparities, some existing since Spanish settlers subjugated Indians, are being fanned into flames by a new Cuban approach. It emphasizes broad-based revolutionary movements, replacing Cuba's unsuccessful 1960s emphasis on small guerrilla bands in Latin American countries.

The Carter administration has recognized the threat to some Latin American regimes as a result of Cuban activity. The threat is considered more real and more dangerous than the possibility of direct intervention in Latin American countries by Cuban troops.

But the twin U.S. answers to the threat are long-term responses: supplying economic aid to help reduce poverty that breeds revolution and urging social and political reforms. The U.S. responses might not be able to overcome years of social ills before the Cubans can foster the development of explosive pressures and then touch sparks to them.

The specialists, most of whom analyze Latin American developments for the U.S. government, said Cuba's new activity apparently results from seeing fresh opportunities in the region after the coup in Grenada last March and the fall of President Anastasio Somoza Debayle in Nicaragua last July.

Those events led to the creation of a special task force by the Carter administration to study instability in the region. It was headed by Philip C. Habib, a senior adviser to Secretary of State Cyrus R. Vance.

But, although it recognized the need for more economic aid, the budget recommendation that President Carter sent to Congress last month decreased the amount of economic aid sought for Latin America. Carter had asked $326 million for the current fiscal year, but he only asked $304 million for 1981.

The existence of revolutionary new possibilities became evident to Havana, and presumably also to the leaders in Moscow who finance and influence what Havana does, after Cuban ventures in Africa had stagnated.

There are now about 36,000 Cuban troops and military advisers in Africa and the Middle East plus about 14,000 teachers, technicians and others. With a population bulge at home that creates a need for jobs, and with Moscow paying the bills, this is a role that Cuba can maintain for an indefinite time.

But since the buildup in Ethiopia in the winter of 1977–78, following the 1975 Angolan venture, there have not been any openings for playing major new roles in new African countries. Havana and Moscow apparently decided not to get involved in the Rhodesian civil war after training some local guerrillas. Both quietly support the current attempt to reach a political solution.

The Latin American opportunities are different from the African ventures. They require only seed money and small numbers of people. Some of the revolutionaries are radicals from other Latin countries who have been trained and have lived in Cuba for years as the nucleus of a Communist international brigade.

These people are now instructing the local leaders of old, sometimes moribund, movements in various countries on how to expand their political base, turn latent grievances into explosive issues, and organize revolutions. This represents a new approach for Cuba to Latin American revolution.

When Fidel Castro came to power in Cuba on New Year's Day 1959, he called for his guerrilla example to be followed in Nicaragua, the Dominican Republic, Venezuela and other countries. Guerrilla missions were quickly sent to these countries and others like Haiti and Panama. But most were what the specialists called "comic opera operations" that failed.

More careful preparations led to more serious revolutionary efforts. The theory in Havana was that a small guerrilla nucleus would spark the overthrow of dictatorial regimes. But these efforts ended with the death in Bolivia in 1967 of Castro's comrade, Che Guevara.

Cuba remained dedicated to spreading its revolution, but after 1967 it emphasized the maintenance of formal relations with Latin governments. Obtaining the benefits of trade and cultural exchanges was not considered inconsistent with plotting to subvert other governments.

The overthrow in 1973 of the world's first democratically elected Marxist president, Salvador Allende Gossens in Chile, confirmed the Cuban conviction that only an armed revolution that destroyed all opposing power could establish a Communist regime. The theory was then growing in Havana that the best way to prepare for such revolutions was by developing mass organizations.

Cuba stayed in touch with the small, mostly insignificant guerrilla movements around the region, and it continued to train revolutionaries. But, one specialist said, it seemed to lack any master plan.

The strength and intensity of the Sandinista movement in Nicaragua apparently surprised Cuba, although the Sandinistas were already receiving help from some Latin American democratic opponents of Somoza as well as some not-so democratic anti-Somoza quarters. The unsuccessful Sandinista uprising in September 1978 caused Havana to take a new look at the movement.

In early 1979, the specialists say, the Cubans reached some kind of agreement with the Sandinistas to provide advisers, weapons, communications and other forms of aid. This seems to have been the critical element that led to the Sandinista victory over Somoza in July.

The precise nature of the Cuban role is still unclear. Some U.S. officials talk of Cuban "command and control," while others say it was more advice on coordination than the actual running of Sandinista operations. Cubans tried to stay in the background, using Communists from other Latin countries that they had trained.

"They don't want any Cuban bodies being found on guerrilla battlefields abroad," was the way one specialist described Havana's caution. But Cuba sent 1,200 teachers into Nicaragua after the Sandinista victory.

After Somoza fled Nicaragua, the local committees that had run Sandinista operations assumed broad powers over food distribution, passports and other things. These powers have gradually been expanded. At the same time, unions and other mass organizations have been formed to widen controls, the media have been muzzled, and security services strengthened.

"The infrastructure for a complete Communist takeover is now being put into place" in Nicaragua, one specialist said.

He compared the situation there with the piece-by-piece tactics that Communists used in Eastern Europe to slice up opposition after World War II and the conversion of Castro's originally broad-based 1959 government into a Communist regime. Another specialist said a similar development is now occurring in Ethiopia, where the Cubans and Soviets are trying to build a solidly, Communist political base underneath the military junta that they went to aid.

"But at the moment (in Nicaragua) there's still enough divergence of views to slow the process" of a takeover, the specialist added.

After Somoza fell, the Cubans began paying more attention to neighboring El Salvador and Guatemala. Both countries had old, ineffective opposition movements that could be shaped into potent new forces for revolution.

The specialists have since last summer seen some coordination among what had been separate organizations in El Salvador, a coordination they believe is the result of Cuban efforts. This has led to an upsurge in revolutionary activity that threatens the stability of the country and is causing great concern in Washington.

After forging leftist unity, the Cuban advisers are presumed now to be preparing for insurrection. "They'll probably be ready within a year or so," one specialist said.

In Guatemala, the old Guerrilla Army of the Poor has moved away from its former base among a small core of radicalized university students to appeal to the masses of poor Indians. This is a shift from the traditional supporters of Marxist movements in Latin America to a new and potentially stronger element that can sustain a revolutionary movement.

Specialists say that Cuban tactics differ in other Latin American areas. In the eastern Caribbean they seem to be counting on large-scale unemployment and other economic problems to produce radical changes. They are also watching for possibilities in South America, one example being Paraguay's future after aging dictator Alfredo Stroessner dies.

ROCK ISLAND RAILROAD

(Mr. KRAMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KRAMER. Mr. Speaker, once again the Nation is facing the imminent disruption of vital rail service as the directed service order on the Rock Island Line nears termination on March 2.

The effect of terminated service on my district alone would be disastrous. Agriculture is the second largest single industry in Colorado, next to tourism, and is the only major industry in eastern Colorado. The Rock Island represents the only rail service, for example, in Kit Carson County, which is one of the top winter wheat counties in the State. That county alone produced more than 12 million bushels of crops last year which must be stored or transported to market. Grain elevators in the past year have been filled to overflowing, and grain had to be stored on the ground. Trucking the grain adds 25 to 30 cents per bushel to the farmers' costs, and this could well drive the farmers off the farm. The consumer gets higher prices both ways. In addition, trucking is not available for shipments of liquid fertilizer into eastern Colorado, and costs for solid fertilizer shipments by truck range from $8 to $34 higher per ton. It is not difficult to project the effects of these factors on the future of agriculture in eastern Colorado and on the future costs of agricultural products nationwide.

And the problems are not limited just to agriculture. Nichols Tillage Tools, the major industry in Simla, in Elbert County, produces agricultural equipment and relies on steel shipments by rail. In the absence of that service, this company faces shutdown or relocation. In either case, the town of Simla, population 460, will be devastated by the loss of the nearly $1 million payroll of the plant. Other illustrations of the severity of the threat of loss of rail service abound in Lincoln and El Paso Counties.

I know these examples can be replicated in every district in the 13 States which are served by the 7,000 miles of Rock Island track. It is for all of these communities, and indeed for the Nation as a whole, that we who are principally affected, are trying to find a viable resolution of the problems surrounding this bankrupt railroad. At a time when rail export grain traffic is reaching an all-time high, it seems absurd that we should allow service along the Rock Island, which has routes through the heart of the Nation's "breadbasket" and which in 1978 carried 7 percent of all corn and wheat moved by rail, to come to an end. And that is what will happen on much of the Rock Island line in less than 2 weeks if the Congress does not take action to prevent it.

Legislation has been introduced which would provide for a simple further extension of the directed service order. Frankly, in my view, a simple extension of the directed service order at this point may be helpful to some of our constituents, but it would be costly and in itself would not lead to resolution of the underlying problems. Other legislation has been introduced which would tie further directed service to portions of the line which are subject to be purchased and would provide purchase assistance.

When the present directed service order went into effect, it was the common hope that the time provided by that order would be sufficient to allow for the acquisition of the Rock Island by other interested railroads or other purchasers with a minimal disruption of service. Unfortunately, those hopes have not been realized on segments of the line, and without some changes in present conditions, those hopes will not be realized in the near future.

There are two major impediments standing in the way of acquisitions of the Rock Island line. One is the labor problems associated with the railroad's disposition. These problems involve such complex issues as retroactive pay, seniority rights, relocation assistance, and severance pay, and must be resolved before any transfer of the Rock Island line can be consummated. Legislation is being developed to address these complex problems and should be introduced shortly.

Second is the seriously deteriorated physical condition of the line. Last summer, the Federal Railway Administration investigated something over half—52 percent—of the line's trackage, and found that 48.4 percent of that track did not comply with the requirements for the posted speed, and fully 24 percent did not even comply with class I standards which means that the track is unsafe for a train to run 10 miles per hour. It is thought that the portions of the track investigated were probably some of the better track, so a simple multiplication by two will not necessarily give us the full picture.

Furthermore, the physical problems cannot be solved by simple replacement of rails and ties. Subgrade stabilization and surfacing will be required on some of the line to bring it up to ICC's minimum geometry thresholds, which are designed to provide a minimum degree of safety for the public and railroad employees. And, in places, for example, in my own district, substantial bridge repairs are required.

In short, this is not a line on which a simple transfer of ownership will lead to continued service. It is estimated that just on the stretch of line between Omaha and Colorado Springs, almost 300 miles, or nearly 50 percent, of the line is below class I standards and much of that will essentially have to be rebuilt. I am told that this could take up to 3 years and as much as $50 million just to make the line safe to be operated.

Clearly, with that level of investment in dollars and time before the acquired line could even become operational, during which time service interruptions can be expected to result in further reduced volume and thus further reduced future profitability, there must be a positive incentive to induce profitable operations to undertake an anticipated loss of that magnitude. In the case of some potential purchasers, a Government loan assistance program for purchase and rehabilitation may help meet the front-end costs.

But, that approach may not offer the same appeal to other prospective purchasers who are not as concerned with meeting the front-end costs as they are concerned with becoming further enmeshed in governmental redtape and controls and with having to meet future loan repayment schedules after having suffered net operating losses on the purchased line during the lengthy period required to bring it up to service level. Thus, I have sought to find an alternative approach, which would offer the necessary incentive for the critical rehabilitation of the line without requiring extensive and prolonged Government involvement and expenditures. I believe this can be done simply through the provision of tax credits to those railroads which invest the large sums necessary for acquisition and rehabilitation of this line.

Today, I am introducing legislation which would provide a credit against the tax liability of a domestic railroad for the amount incurred in any taxable year to upgrade to class 3 standards the Rock Island line acquired by such railroad. The credit could not exceed the tax liability for any taxable year, but the bill does provide for a 3-year credit carryback and a 7-year credit carryover for a maximum 10-year period during which the credit could be applied.

I strongly believe that this approach is the simplest, most cost-effective means of encouraging the rehabilitation and continued operation of a vital link in our national rail system. It does not require a costly Government bureaucracy to administer. It does not entail Government loan commitments and continuous Government involvement to secure such loans. It does not leave the unsettling prospect of future Government subsidies for loan repayments which can not be met or for operating losses. Instead, it relies on the force of the marketplace to assure economic viability of the line which is acquired and made serviceable. The credit is limited just to the actual rehabilitation costs, so the investors must be able to see the future profitability of the line before making the initial acquisition investment, and they must be able to see that profitability without the prospect of future Government assistance. The added attraction of this approach is that in the long run it can be anticipated to increase revenues as the line once again becomes profitable.

I believe this approach may offer the kind of stimulus which will appeal to the potential purchasers who are presently running profitable operations because of their ability to make sound economic projections, and who simply do not see those projections coming up positive under present terms or under involved Government assistance programs.

Because the rail service provided on the Rock Island line is so important to our agricultural industry as a whole, and is vital to many communities which are serviced exclusively by the Rock, I believe it is essential that we act to mitigate the inevitable disruptions of interrupted or terminated service along this line. I believe the bill I am introducing today provides the necessary incentive to rebuild at least those portions of the line which have the potential for future profitability, and it does so with minimum Government costs and redtape.

I am pleased that my friend and colleague, KEITH SEBELIUS, whose district abuts mine, has joined me in sponsoring this measure, and I hope our colleagues will carefully consider this somewhat different approach to resolving one of our major rail problems, and will join us in pushing for its prompt enactment.

□ 1520

LEGISLATION TO DELAY PAY RAISES

(Mr. GRASSLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRASSLEY. Mr. Speaker, today I am introducing legislation that will postpone, for 4 years, the appointment of members of the Commission on Executive, Legislative and Judicial Salaries. Passage of this bill will effectively preclude Members of Congress from receiving huge salary increases pursuant to the operation of Public Law 90–206. These pay raises will take effect in just about a year unless we nip this thing in the bud.

Members of the so-called Quadrennial Commission are appointed by the President, President of the Senate, Speaker of the House, and Chief Justice of the United States. Unless the current law is amended, these individuals will make recommendations for salary adjustments to the President of the United States late this year. The President then is required to make salary recommendations to the Congress in his next budget message—in this case, the budget for fiscal year 1982. The law further provides for congressional review and consideration of the Presidential pay recommendations within a specified time limit.

My point in offering this bill today is to indicate my feeling that we ought not to be even considering pay raises for Members of Congress and other highly paid Federal Government officials. Why even go through the motions of establishing a Commission whose recommendations will be invalid and should be rejected by the Congress? We can save the taxpayers some money—and spare Commission members and the Commission staff considerable work—by simply providing that the Quadrennial Commission shall not meet this year.

Now there might be those who will argue that we ought to go ahead and let this Quadrennial Commission meet and begin the pay raise process. They will probably say that we really do not know what sort of pay adjustments will be proposed.

I would invite those individuals to look and see what prior Quadrennial Commissions have proposed. The first Commission wanted to raise the salaries of Congresspersons by $20,000 from $30,000 annually to $50,000 per year. This was back in 1968. In 1973 this pay panel came up with a suggestion that our compensation should increase $10,500 to $53,000 per annum. The most recent Quadrennial Commission, which submitted its report in December 1976, proposed a $12,900 pay hike from $44,600 to $57,500 per year. This most recent pay adjustment went into effect providing for a 29-percent increase in congressional salaries.

I would like to point out that all of this took place some years ago before our country was caught in the grip of double-digit inflation. I shudder to think what their recommendations will be this year.

The record demonstrates that huge congressional pay raises have contributed to the inflationary mindset we have in the United States. Citizens look and see that their elected servants are receiving by way of salary adjustments and observe no self-restraint. It is business as usual and the old what is in it for me mentality so prevalent nowadays. The Congress ought to set a good example for the rest of the Nation to follow. Let us act now, let us be decisive, let us demonstrate that we are going to do without and make a sacrifice for the good of the country.

EUROPEAN NUCLEAR WASTE MANAGEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CORCORAN) is recognized for 30 minutes.

Mr. CORCORAN. Mr. Speaker, as I indicated in my remarks to the House of Representatives on December 20, 1979, the last day of the first session of this Congress, I used part of the time between sessions to inspect a number of nuclear facilities in Great Britain, France, and Germany. My primary purpose was to look at their progress in handling the nuclear wastes which are developed in the nuclear fuel cycle. In the course of the 2-week tour, our delegation also had the opportunity to observe all other major aspects of European commercial nuclear programs as well.

Before discussing the nuclear programs and the specific facilities in each of the countries we inspected, I would like to assert my principal conclusion of the tour—the key to nuclear waste management is reprocessing spent nuclear fuel. All of these countries are far ahead of the United States in managing nuclear wastes. All of them have opted for reprocessing despite our decision to the contrary, announced by President Carter on April 7, 1977, and despite the President's simultaneous request that all other nations do likewise. All of these countries are moving to the next step in the fuel cycle regarding waste management, which is vitrification. And finally, all of these countries are therefore in a position to move ahead on storing the vitrified or glassified nuclear waste in permanent repositories, such as underground salt mines.

Therefore, Mr. Speaker, I hope that when you and our colleagues in the House of Representatives, as well as the President of the United States, consider the European nuclear experience during the past few years, you will agree with me that the United States should reopen the reprocessing option because of its implications for better nuclear waste management.

While I intend to return to a more detailed discussion of this and related recommendations for revising our current policies on the commercial use of nuclear power, I now want to report our findings on the tour:

GREAT BRITAIN

During an overview briefing conducted by Sir John Hill, Chairman of the United Kingdom Atomic Energy Agency, we learned that the English accept two basic premises regarding the energy picture: One is that petroleum will become increasingly scarce, and two, it will become increasingly more expensive.

High energy costs have always been factored into their living standards, for example, in the various designs for their cities, which tend to be compact. They expect that overall energy growth rate will be somewhere between 1 and 2 percent per year. This includes a reduction of 25 percent due to the effects of future conservation.

Mr. Hill stated that the English people believe that they need nuclear powerplants; however, they expect the government to make sure that these are safe. And as a matter of policy, reprocessing is desirable both to close the fuel cycle and for the purposes of waste management.

The Department of Environment oversees the waste management effort. They rely on the geological survey for their geological effort and the U.K.A.E.A. for technical advice. The Department of Environment has both the policy role for identifying appropriate waste management approaches as well as the standard setting role for determining the dose levels to be released through the waste management activity. This agency is considering setting up a semiprivate organization to implement the government's waste management effort which will provide the service at a fee to the nuclear industry.

Mr. Hill expressed concern that the American nuclear power program would be losing its young people because the program is in a degenerative state. He felt that the loss of these people would hamper our efforts to restart the program.

Mr. Hill's staff expressed concern at the unilateral way we developed the Nuclear Non-Proliferation Act. They feel this act does not recognize their need for energy security—and puts us in a position of speaking down to our Allies.

The NNPA requirement that any American equipment involved in the fission process used by foreign governments would make the nuclear fuel subject to the U.S. reporting and transfer requirements was identified by the English as particularly damaging to U.S. equipment vendors' commercial position. They believe that no country would tolerate this level of intervention in their fuel cycle or with their sovereignty.

The United Kingdom has 13 nuclear powerplants on line now, producing 12 percent of its electricity. It is building one new nuclear plant a year for the next 10 years to meet an anticipated 1½ to 2 percent growth in electrical demand. These plants will be 1,200 megawatt and will take 9 years each to build. As plants currently under construction come on line, it is anticipated that nuclear power will produce 20 percent of their electricity by the end of 1981.

Their licensing process includes public comments and hearings, which has added about 2 years to the construction time of a nuclear plant. Their Secretary of State for Energy approves or disapproves a license after hearing all the pertinent information. A Parliamentary debate is possible if the issue is controversial. There is no judicial review.

Their nuclear regulatory framework is divided among the Department of Energy, the Nuclear Inspectorate, and the Department of the Environment. Representatives of these agencies stressed that agreement is always reached between the bodies through organized discussion and debate. And I would just comment that their Parliamentary form of government is conducive to this coordination on major policy issues such as nuclear power.

Britain is working on the breeder reactor, reprocessing of nuclear spent fuel, and vitrification (glassification) of high-level wastes. In the mid-60's at Harwell high-level wastes were vitrified and stored. These wastes were retrieved last year and determined to be in the same condition. No leakage, dissolution, or disruption was discovered. The British have determined to proceed with vitrification of their high-level wastes, primarily because glassified high-level waste is easier to handle than spent fuel or liquid waste.

In summary, Sir John Hill said the United Kingdom is committed to reprocessing and to the breeder reactor. It sees both as integral and essential to proceeding in an energy-conscious manner to provide domestic energy resources.

Following our briefing in London, the delegation traveled to Scotland to visit the Dounreay Prototype Fast Breeder Reactor and Reprocessing Facility.

In the early 1950's, the United Kingdom foresaw a shortage of energy and a shortage of uranium. The effort at Dounreay has been directed to give the United Kingdom energy independence. The siting of the plant at Dounreay was done with public explanation of the risks prior to the siting of the plant.

The researchers at Dounreay have looked at the accident scenarios resulting from TMI and have determined that there would be no effect on the prototype fast reactor design. They are currently investigating various modes of accidents whereby all power could be lost for all emergency systems. It appears that the prototype fast reactor is a "walk-away" reactor. By walk-away reactor, it is meant that without any hands being on the controls of the machine, it could safely shut down and cool itself with a total loss of power to all systems.

"Probabilistic assessment" was used for the design of the prototype fast reactor system (PFR). The design of each system was subject to a failure consequence analysis whereby dose and events per year were calculated. These calculations determined the basis for the design of each system.

The same people, that is, the researchers who developed the design of the prototype fast reactor, are the people who were simultaneously developing the probabilistic risk assessment methods. It appears that the PFR system has been designed at each stage according to probabilistic assessment methods, rather than using probabilistic assessment methods to see how safe the design is after it is fully completed.

It was pointed out that if the optimization of each element of the fuel cycle is done separately, then when put together, the result may be a system which is highly incompatible. Therefore, the reprocessing scheme as well as the reactor, along with the fuel design, are developed together so that this mismatch does not occur.

The plant displays at the PFR are highly computerized and displayed to the operator on four television monitors. The operator can dial any information directly from the computer to one of the monitors that is strictly for data display.

FRANCE

The Commissariat a l'Energie Atomique (CAE) is the French Atomic Energy Commission, whose basic function is to promote the uses of nuclear energy in science, industry, and national defense. We were briefed on their commercial nuclear programs by members of the CAE and its staff.

France's nuclear program is made easier by the existence of a single utility, Electricite de France. It is a governmental organization which must get a declaration from the Minister of Industry that a nuclear project is necessary to the nation. Public hearings are then held and all information is considered in determining whether or not to issue a declaration. Once a declaration is issued, the only court appeal available is one which shows that issuance of the declaration was procedurally flawed.

It currently takes 6 years to build a nuclear powerplant. Designs are standardized and the same construction company is used. Only site selection differs.

The French currently have five gas-cooled reactors, but these are being phased out in favor of pressurized water reactors—PWR's. They are beginning one PWR every 4 to 6 weeks. Today, 16 percent of France's electricity is supplied by nuclear power. By 1985, the figure will be 50 percent. By 2000, nuclear power will supply 75 to 85 percent of France's electrical needs.

The French view this as a national necessity. Ninety-nine percent of their oil is imported, as is 75 percent of their coal and 66 percent of their natural gas. Thus, national independence is basic to their nuclear program.

They anticipate a 3- to 4-percent annual growth in total energy use and 5- to 6-percent annual growth in electricity consumption. Nuclear power is, therefore, an important domestic resource. This explains their strong emphasis on the breeder reactor, as well as reprocessing, and the vitrification of high-level waste.

France is also making conservation strides. By 1990, energy conservation will be saving 20 percent of the energy used today. French citizens receive tax breaks for using home insulation, take advantage of cheaper off-peak electrical rates, and have a lower per capita use of energy than we do. Further, the French citizen can only get 90 percent of the energy he used last year. A specific tax on oil is levied to increase conservation, a portion of the proceeds going specifically for nuclear power.

The CAE representatives made two final points. The United States is spending the same amount of money on breeder reactor research as France is spending on building them. And we will lose our nuclear experts and expertise if they are not encouraged and given a future of progress.

The first French facility we visited was at Cape LaHague. The LaHague reprocessing plant was initially planned in 1960 and built in 1966 to serve France's domestic gas-cooled reactors. Since that time this plant has been redesigned and upgraded to provide the capability to reprocess light water reactor fuel, for example, low enriched uranium, as well as breeder reactor fuel, for example, plutonium-bearing material, all in the same facility. France's work on reprocessing has been accomplished in tandem with its work on the breeder reactor and its light water reactor program.

The LaHague facility will have enough extra capacity in 1985 through 1995 to service 20 foreign reactors each year for that 10-year period. France has already contracted out this open space on their production line. These contracts are held by Japan, Sweden, Denmark, and Germany among others. After 1995 the French will have no excess capacity and will only be able to serve their own domestic reactor industry.

At the end of 1980, construction is expected to begin on the glassification facility at LaHague that will solidify the high-level waste at the site in a form that will be prepared for permanent disposal. Those countries which have contracted with France to reprocess fuel must take back the fission product waste in a glassified form as part of the contract.

The French facility at LaHague is highly computerized. They have had a main computer analyzing all the parameters from the facility and assisting in its operation for the past 7 years. The displays are on a simplified process diagram and television tube displays.

It was pointed out by the French that our facility at Barnwell at this point in time is an antique, since it no longer represents technology that is either current or, perhaps, even workable.

After the LaHague tour, we next visited the waste vitrification facility (AVM) and the so-called Phenix fast breeder reactor at Marcoule.

The French use a borosilicate glass in the vitrification process. The glass is stable up to 600 degrees centigrade.

The French have found that they burn out the melter pot approximately every 2,000 hours. They have found this is not the cause for real problems with the plant since they can easily replace it in 2 days. This is a low dose maintenance operation.

The entire AVM facility was tested to determine the capability to remotely decontaminate its process equipment prior to its startup. This was accomplished.

The French currently plan to store the glassified waste in the AVM storage holes for about 40 to 50 years. This will permit additional cooling of the glassified fission products so that they can be safely stored underground without concern for the stability of the glass product.

The glass in which the calcined fission products are stored is a mixture in which the fission products are an integral part of the glass.

The French had corrosion problems with the scrubber tank in the AVM. This was solved by changing the normality of the scrubber solution and by altering the materials of which the scrubber tank was made.

While the French do not believe that the glassified product created at the AVM is necessarily the final product, they do believe that the product in this form is in a much safer configuration and will therefore give them more time to determine if there is another form that they wish to store the waste in for ultimate disposal.

The Phenix breeder reactor has been operative for some time and is working well. It has undergone a total station blackout as part of its testing, and it is capable of removing all heat by convection alone. The heat exchangers from sodium to water in the Phenix have never leaked. They are designed to transfer heat in modules, with a total of 36 modules.

The Phenix has already used and recycled its reprocessed uranium within the reactor.

The worst problem that the French have had with the Phenix is a primary to secondary heat exchanger leak. This was determined to have occurred due to faulty design in the upper head which was subsequently corrected in all the heat exchangers. The problem, however, required them to demonstrate that a major component that had operated in the reactor for almost 3 years would be pulled and decontaminated so that it could be worked on directly by plant employees. This was done successfully. The total dose to the workers was a maximum of 30 millirem and the peak dose rate was 30 millirem per hour; the total manrem from this operation was 17.

For the Phenix reactor the French have identified six key safety parameters which are grouped on the console directly in front of the operator. The operator also has all alarms immediately displayed to him on a televison-type display.

Following this visit, we traveled to Creys Malville to inspect the new and much larger breeder reactor which is under construction, the so-called Super Phenix. Its cost is approximately twice the dollars per kilowatt that an equivalent light water reactor would be. This, however, includes the cost of R. & D. as well as the cost of many items associated with the first-of-a-kind design. It is expected, however, that the cost of subsequent units will greatly decrease.

The Super Phenix project is totally of French design, and managed by the French, although there is some financial participation by Germany, Italy, England, and several other European countries.

The major departure of the Super Phenix design from previous experience is in the design of the sodium steam generator. This steam generator has been tested at actual operating conditions for 2,000 hours on a test stand. They are currently tearing this steam generator down to see the metallurgical results of this operation.

The Super Phenix, instead of having one 1200 megawatt turbo generator, will have two 600-megawatt turbo generators. This is because the French did not want to experiment with larger designs with which they have no experience.

The Super Phenix has three separate and independent reactor shutdown systems. One of these systems is comprised of three segmented control rods which can be inserted into a core that has been highly physically deformed.

The Super Phenix has been designed with a core catcher in the event of a core meltdown. This would assure that the molten core would not come in contact with the primary vessel and would be in a position to be cooled by sodium that is routed through the core catcher.

The French have not made extensive use of probabilistic assessment in the design of the Super Phenix, except for the design of the reactivity control system; that is, three separate shutdown systems. This is because they believe that this is the most critical point in the safety of the reactor.

The French believe that the most critical aspects of reactor safety are good basic design of the machine, good operating practice, and good maintenance practice.

The Super Phenix currently employs about 1,400 construction workers. During operation 300 people will be required.

The fuel cycle of Super Phenix requires that it be shut down once a year for refueling and inspections. The machine will have a breeding ratio of 1 to 2.

Before leaving France, we discussed general energy issues with representatives of the International Energy Agency. What follows are some general impressions of their views:

Conservation, coal, and nuclear energy sources must be used to reduce the pressure on oil in the next 10 to 15 years.

The Europeans see governmental ambivalence in our path toward nuclear power. They are concerned that this ambivalence will cause a destruction of the personnel-oriented infrastructure that supports the nuclear power industry in the United States.

The IEA has not done an independent study on uranium supplies; however, they believe that, while there is probably enough uranium in the world to go around to fuel reactors for the next 30 to 50 years, it would be imprudent to base one's fuel availability projection or build one's program on the basis of assuming that this fuel will in fact, be available.

One perception that the IEA has of the French is that the French are concerned that if the United States does not get in with a heavy commitment to nuclear power, many of the European nations will have to undergo increased public pressure and questioning on the safety of their programs. This is because the population will be concerned with the question: If it is safe, why is not the United States doing it?

The Italians have hit their IEA trigger point for receiving assistance from member countries with their supply of oil. The IEA staff expressed concern that the system of assistance will not work if activated.

GERMANY

Germany is by far the least developed country we visited, in terms of nuclear power. Currently only 10 percent of Germany's electricity is supplied by nuclear power. By 1985, that figure will rise to 15 percent, and by 2000, it will be 25 percent. Several away-from-reactor storage sites will be established, although Germany is dedicated to using the breeder and reprocessing. Reprocessing will both reduce the amount of nuclear waste to be disposed of, and increase the productivity of the uranium, 100 percent of which Germany must import.

Although the use of nuclear power is a federal decision, the local governments have what amounts to a veto over nuclear projects. As a result, the proposed nuclear center at Gorleben in Lower Saxony has been held hostage to political considerations, although all agree as to the center's safety aspects. If completed, the center would contain thermal reactors, breeders, reprocessing of spent fuel, vitrification and final disposal all at one site. Judicial review is also very important in Germany.

We first met with representatives of the German Ministry for Research and Technology to get a briefing on their commercial nuclear programs. They have tried to colocate reprocessing and final disposal facilities at the same site.

The fuel cycle will be in "private hands" except for the final disposal of nuclear waste.

Gorleben, a potential site for final disposal and reprocessing, is hung up for political reasons by the State of Lower Saxony, although the site has been found to be satisfactory on the basis of all technical considerations.

All reactor licensing has been conditioned on resolving "the back end" of the fuel cycle—this has now become the focal point of the opposition movement; that is, the back end of the fuel cycle.

The Germans believe that the best way to dispose of spent fuel is to reprocess it. This is not necessarily economic; however, it is the safest way to dispose of the fuel since it separates out plutonium from fission products. Thus, the waste decays to harmless levels in 1,000 years.

Recycle of plutonium in light water reactors results in reprocessing a waste that would otherwise approach radiation levels in natural uranium ores after 1,000 years of decay. This is due to the fact that plutonium would not be present in these wastes.

The greatest concern in long-term storage is that there is no plutonium being put into the ground. This would change the radiation consideration from 1,000 years to millions of years.

The Germans have determined that the recycle of plutonium of light water reactors would improve by 30 per cent the utilization of uranium, all of which is imported. The Germans believe this is a significant conservation item.

The "back end" of the fuel cycle has been decoupled from the breeder. The issue of the breeder will be decided by a separate government proposal.

Ten percent of German electricity is currently produced by nuclear power, 15 percent will be nuclear in 1985, 25 percent is expected by the year 2000.

In Germany, lignite is the cheapest form of baseload power. Nuclear power competes with lignite in Germany, not oil.

Eight percent of all oil used in Germany is used in the production of electricity. They intend to reduce this consumption of oil.

Germany mines 100 million tons of coal a year. Use of the entire coal production for synthetic fuels would result in a maximum reduction of imports by 25 percent.

The political problems with nuclear power are linked to upcoming elections in which it is being used as "created issue," but it is not a primary issue.

Germans, of course, recognize that worldwide uranium supplies exist; however, they are unsure that these resources will be available for political reasons.

The Germans feel that a free economic exchange between countries would ease problems with uranium. This would lessen the need for the breeder. However, the current trend of nationalism is ending all of this.

We visited the permanent waste disposal facility at Asse. It was originally built in 1906 as a salt mine. It was bought in the mid-1960's by the German Government as a test laboratory for the storage of disposal of radioactive waste. The German entity that owns and operates Asse is a group called GSF, which is similar to our Oak Ridge National Laboratories.

The salt in Asse is 200 million years old; the geological anticline that the salt is located in is 100 million years old. This formation has been stable that entire period of time, 100 million years.

The purpose of Asse is to develop the technology for the storage of low-level, intermediate-level, and high-level waste. High-level waste will be stored in solid form. The Germans do not consider spent fuel to be waste.

The United States has a bilateral agreement with Germany to do testing in the Asse Salt Mine. The purpose of this testing is to provide base-line data for existing U.S. computer codes on rock mechanics.

To date, 125,000 55-gallon drums of low-level waste have been stored in Asse. This low-level waste comes from nuclear medical programs, as well as nuclear powerplants.

Thirteen hundred 55-gallon drums of intermediate-level waste have been disposed of at Asse. The intermediate-level waste is the reprocessing waste from Karlsruhe Research Center. These wastes contain cesium, strontium and actinides. The dose rate limit for wastes put into the Asse Salt Mine is 200 millirem per hour at contact with the surface of the drum. This is also the requirement for the low-level waste.

The salt has excellent characteristics for disposal of waste. The fact that it exists intact demonstrates that it has not had contact with water for geologic periods of time. Salt dissipates heat from radioactive waste very well and is highly plastic, which would cause cracks to be "self-healing."

Tests are being currently run at 200 degrees centigrade on the salt. This consists of boring test holes in the rock and using electrically powered heaters to measure such things as convergence, the amount of moisture driven out of the salt, as well as the heat dissipation capability of the salt.

The thermal tests that are currently being run are being performed at a power density of 60 watts per liter, although the actual storage will be at 40 watts per liter. In this testing, convergence testing is being done on the salt.

Convergence is the term used to describe the capability of salt to "flow" and reheal itself in the event of cracking. It is this phenomenon that the scientists anticipate will cause salt to reseal itself around radioactive waste that is stored in mines.

The Germans inspect sample lots of drums before they are stored to assure that there is no water present. If any water were to be found, the drums would be banned from storage in the mine.

The Karlsruhe Research Center was founded in 1956. It has 3,300 employees and occupies 1 square mile. The research center performs West Germany's basic research on breeder reactors, reprocessing, and reactor safety.

In 1967 through 1970, the WAK reprocessing plant was built; they have reprocessed LWR fuel with up to 30,000 megawatt days per ton burnup. This plant has processed a total of 105 metric tons, and is capable of a maximum of 40 tons per year.

DWK is the company that has been set up by German utilities to complete the "back end" of the fuel cycle. The Germans will build a French AVM—the type of vitrification facility at Marcoule—at Karlsruhe to solidify 14 cubic meters of waste they have at the site. They believe it can be licensed in Germany. However, they cannot build their own facility because of licensing problems. The licensing people will not permit the facility to be built until certain basic questions are answered. However, the German authorities pointed out that they cannot get the information until they build the facility. Therefore, they are going to build the German facility for Eurochemic in Mol, Belgium.

The WAK reprocessing plant was built as a pilot plant to experiment and develop techniques and data on reprocessing. The facility has a very complex control room, which provides direct readouts and direct alarms based on plant flow schematics.

Experience at the German reprocessing facility has been essentially with light water reactor fuel. The German experience with vitrification has been limited to dummy runs on a simple rig. It does not involve the use of any radioactive material.

The German vitrification machine that will be built at the Eurochemic facility in Mol, Belgium, will utilize an integrated calciner, glass frit mixing chamber. This chamber will require replacement every 2 years at a cost of about $2 million. It is expected that the cost in manpower will be very expensive. However, the machine is expected to be an efficient, continuous processing machine when it is running.

The German prototype vitrification machine is far more complex than the French AVM and appears to have much less testing behind it. The prototype of this machine, however, has not been tested with radioactive material.

The German nozzle enrichment technique is currently being incorporated in a plant being built in Brazil. The German nozzle enrichment technique can produce a plant at half the capital cost of a gaseous diffusion plant. It will have approximately the same power requirement.

Our last stop in Europe before returning to the United States on January 16 was at the Alken Fabrication Plant in Hanau, West Germany.

This plant has handled plutonium fabrication for 17 years. It employs 400 people. It has handled 17 tons of plutonium in these years. The facility has fabricated 25 tons of nuclear fuel. They are currently fabricating fuel for Germany's first prototype fast reactor that is under construction.

Up to one-half mile outside of the plant virtually no plutonium has been found that is due to the operation of the facility. The overriding concern of Germany is to minimize the amount of plutonium in spent fuel and outside the core of the nuclear reactors.

The objective of thermal recycle, that is, the recycle of plutonium in light water power reactors, is to close the fuel cycle without using a breeder reactor.

The points against long-term storage, that is, long-term risk due to the storage of spent fuel, are:

Long-term storage makes plutonium more accessible each year, due to the continuing decay of the fission products.

Long-term storage requires the storage of fissionable material in a burnable cladding, that is, zirconium, which serves as the clad for most fuel rods, is burnable.

The storage of spent fuel involves the storage of pressurized fission product gases within the fuel pins. These fission product gases are under a pressure of 20 atmospheres and present a potential risk to health and safety if they were to suddenly release the gas.

Thermal recycle of plutonium in light water reactors would reduce the enrichment requirement for uranium in light water reactors by 25 percent at the equilibrium cycle.

On an economic basis, the economics of thermal recycle are marginal, but for environmental and proliferation reasons, the need to reprocess exists. Because of safety reasons, on the balance, to reprocess plutonium is a plus. The Germans do not believe that plutonium should be put in the ground as a nuclear waste.

They argue that to give up the recycle of plutonium in light water reactors is to give up the incentive for improvements in light water reactor fuel performance. The need for a breeder ultimately will be paramount, according to officials at this facility, as uranium supplies dwindle.

The basis of security in plutonium storage is: man, method, machine, and material. The detection devices that are utilized in the security of plutonium bunkers are devices that can detect up to one-tenth of 1 gram of plutonium on entry or exit from the plutonium labs. Thus, a man could work his entire lifetime at the plant and never steal enough plutonium to make a critical mass.

The Germans believe that a plutonium explosive device is far more difficult to develop than an enriched uranium device. They believe that the security systems must not restrict civil liberties excessively. Government agencies perform the background check for employees who are employed as guards or workers within the plutonium facility.

The basis for design of the plutonium facility is that an armed force should not be able to gain access to the plutonium areas for at least one-half hour, and that no plutonium should be able to leave the facility undetected. Drills have been performed whereby within 10 minutes from being notified, 300 to 400 Federal law enforcement people could be on site.

The bunkers that house the plutonium are capable of withstanding the explosion of a 20-kiloton nuclear device 100 meters away. This is because the designers believe that a conventional weapon should not be able to cause a nuclear disaster larger than the disaster that would be caused by the explosion of the weapon itself.

The plant is currently fabricating plutonium fuel for use in light water reactors as well as the first plutonium core for Germany's first breeder reactor, which is under construction at Kalkar.

Mr. Speaker, because of the nature of our tour of the aforesaid facilities, this has been an extensive report, and because I will have much more to say on the subject in the coming debates on U.S. commercial nuclear policy, I will close with just a few brief observations.

I think the legislative objectives of the inspection tour were realized, because we saw firsthand that our European allies are taking concrete steps not only to use nuclear power in solving the current world energy crisis, but more importantly from the standpoint of my personal objectives, they are moving ahead with specific, technological programs to reprocess the spent fuel so that the high-level radioactive waste involved can be separated and put into a safe, stable form ready for permanent disposal. Moreover, they are moving ahead toward ultimate disposal of this waste by not just looking for permanent disposal sites, but by actually storing nuclear wastes and testing this experience at the same time.

Mr. Speaker, not only for the purpose of getting more efficient use of the known sources of uranium, but also of immediate concern to us, the English, the French, and the Germans have found that reprocessing spent nuclear fuel is the key to nuclear waste management. I think the time has come for the United States to face up to the same reality.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. RITTER) is recognized for 5 minutes.

● Mr. RITTER. Mr. Speaker, due to illness on February 11 and 12, 1980, I was unavoidably unable to vote on the legislation before the House of Representatives on those days. If present and able I would have voted as follows:

H.R. 6374: Gold Medal for Canadian Ambassador. Motion to suspend rules and pass bill. "Yea."

H.R. 4774: Conscientious objection to

union membership. Motion to suspend rules and pass bill. "Yea."

H.R. 5913: Shipbuilding negotiated pricing. Motion to suspend rules and pass the bill. "Yea."

H.R. 3995: Noise Control Act authorization. Bauman amendment to provide a 1-year authorization for the EPA to carry out the provisions of the Noise Control Act. "Yea."

H.R. 3995: Noise Control Act authorization. Committee amendment to allow a one House veto of EPA rules under the Noise Control Act. "Yea."

H.R. 3995: Noise Control Act authorization. Passage of bill. "Yea."

H.R. 4119: Federal crop insurance. Adoption of rule for consideration of bill. "Yea."●

INFLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. COLLINS) is recognized for 15 minutes.

Mr. COLLINS of Texas. Mr. Speaker, inflation is the No. 1 problem facing American families. And as Congress continues to spend more and more, inflation keeps on skyrocketing.

Arthur Burns emphasized inflation's impact when he stated:

> Average wholesale prices rose at an annual rate of 2 percent from 1964 to 1968, 4 percent from 1968 to 1972, and 10 percent from 1972 to 1978.

That is 2 percent to 4 percent to 10 percent and today inflation is 14 percent.

This means the dollar is constantly dropping in value. If you have $1,000 in the bank today, 5 years from now it will only be worth $519.

Congress is creating this inflation. Congressmen who pride themselves on being innovative and creative are finding ways to spend more money which means more inflation.

Liberals through the 1960's and 1970's believe they could totally reduce unemployment, eliminate poverty, enhance prosperity and improve the quality of life which stimulated many expectations and demands. But the Government cannot solve all problems or relieve all hardships. The shortcuts are not there for individuals, for troubled industries, for regions, or for any racial group. Congress created a problem which has been magnified by Federal judges with much heart and little sense.

This leads to more and higher inflation. This year's tax burden is $77 billion more than the tax burden last year. As deficits mount in size, the culmination will lead to a recession that could bring the old depression back more severely.

Income maintenance programs that were liberalized while incentives to work were reduced have caused more people to overuse unemployment insurance, to file for more food stamps, and to increase their welfare checks.

The other day as Arthur Burns sounded off objectively about his experience in the Federal Reserve, I wondered when Congress will face up to realities.

I strongly seek your support for my four bills known collectively as the "solutions for inflation" that are aimed at stopping the growth of the bureaucratic and congressional output in Washington. The need in America is for more religion and less government. This country was built on a faith in God where we worked as individuals rather than a faith in the Government where we expect the Government to do everything for everybody. Washington is the focal point of most of America's problems. The bigger Washington becomes the worse the situation is for the average citizen back home.

My bills, H.R. 201 and House Resolution 57 take these positive steps. They would reduce new spending legislation by eliminating half of the civilian employees in Washington. With half of the Washington bureaucracy eliminated, it would facilitate our services back home through the regional offices. H.R. 202 would stop building Federal buildings within 50 miles of Washington.

And the best part of my bills, House Concurrent Resolution 7, states that Congress would not meet so often. Congress needs to spend more time reviewing the legislation it has created; that can only be done at home when we are out of session. What is more, when Congress is out of session, Congress cannot pass any new bills for spending money or assessing new taxes.

Let us help Congress. We have the greatest country in the world. It was built on the Bible and hard work. The fundamentals built this great country, and no where in the Bible does it tell you the Government can solve your problems.

America today has more government than the people want. more regulations than we can carry, and more taxes than we can afford to pay. Let us have less government.

WINDFALL PROFITS ON FIREWOOD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CONABLE) is recognized for 5 minutes.

● Mr. CONABLE. Mr. Speaker, as we move doggedly ahead to impose a new heavy tax on our domestic oil, an alert New England economist is now pointing out that similar action seems necessary for firewood. He contends artfully, perhaps archly, that prompt action is needed if firewood barons are not to realize unseemly profits from rising prices of their product.

I know my colleagues will want to examine these conditions with the same perspective we are bringing to domestic oil production, and so I rush to submit this windfall firewood plan for general consideration:

[From the Wall Street Journal, Feb. 18, 1980]

TAX THE WINDFALL PROFITS ON FIREWOOD!

(By David Hale)

There is an urgent need for the federal government to impose price controls and a windfall profits tax on New England firewood.

Congress has done its best to protect the northeastern states from greedy oil and gas companies, but so far it has ignored the economic injustices being inflicted upon the region by the profit hungry woodlot barons of northern New England.

The price of firewood has practically tripled since 1973. The cord of Vermont wood which once fetched $30 now sells for $80–$90 locally and almost twice as much in Manhattan. The forest lords of New England are making obscene profits at the expense of both fireplace lovers in the big cities and their own village neighbors.

One-half of all homes in Vermont, New Hampshire, and Maine now have wood burning stoves or furnaces, but only a small number of homeowners have their own private woodlots. Most are totally at the mercy of local lumber men who charge whatever the market will bear for firewood. In some cases they also insist upon bargaining only in French.

Despite their courageous attacks on the oil industry, northern New England Congressmen have refused to speak out against the firewood price gouging. The political and financial power of the woodlot barons is so great that they have intimidated local politicians into complete silence. In fact, a few Congressmen have become nothing more than mouthpieces for the firewood lobby. But as the price of firewood today testifies, there is a strong argument for federal intervention in the industry as soon as the New Hampshire primary is out of the way.

First, Congress needs to establish a Department of Renewable Resources to regulate the growing, harvesting and marketing of firewood in New England and other regions where it is now commonly used. The present Department of Energy has only about 20,000 employes and is too busy regulating the oil industry to be saddled with responsibility for managing firewood supplies. It will take at least five hundred federal foresters to police the woods of Vermont and New Hampshire, alone, plus a support staff of several thousand lawyers, accountants, and public relations experts to interpret and administer the government's new firewood laws on a nationwide basis.

Secondly, Congress needs to draft a price control code for firewood. It could use several different formulas to determine firewood prices, but federal oil legislation probably provides the best model for how to proceed. The price of firewood should be a function of a tree's age.

Firewood from trees which started growing before 1973 should be priced at the lowest possible level in order to prevent New England woodlot barons from taking advantage of the 12-fold increase in oil prices since that time. Most New Englanders with old trees did not foresee the current scarcity of energy, so they should not be allowed to charge a high price for their wood today. A maximum retail price of $35 per cord plus some modest inflation adjustments would be perfectly reasonable.

Firewood from trees planted after 1973 should be priced according to a sliding scale. The younger the tree, the higher the allowed price for its firewood. There should be no price controls at all on trees planted after 1980 in order to encourage woodlot owners to plant new ones.

Because of transportation problems, the federal government also will have to develop a flexible pricing code for wood from remote locations. The new Department of Renewable Resources should create geographic subclassifications such as mountain wood, ledge wood, swamp wood or wood stunted by acid rain.

The federal government permits the petroleum industry to charge a high price for Alaskan oil. Congress might officially designate Maine's Indian reservations as new Alaskas for purposes of firewood price control.

Whatever the exact particulars of the new price control code, though, Congress should not spend more than one session writing it. Federal auditors will want to begin marking

New England trees with spray paint for price control compliance by this summer.

History shows that price controls usually create shortages, so Congress will want to back up the price controls program with severe penalties for violators. The government should punish first time offenders by making them keep a federal auditor on their payroll, imprison second time offenders, and burn down the trees of third time offenders.

The best way to punish greedy forest owners and people willing to pay firewood prices above officially prescribed levels is by reducing the amount of wood available to everyone. As many forward-thinking Massachusetts politicians have noted in past debates about federal oil policy, the smaller the supply of wood or any other form of energy in the nation, the easier it will be for the government to regulate it.

If this policy causes wood shortages to become a serious political problem in New England—say people freeze to death—the federal government can import wood from Quebec and finance it with a windfall profit tax on firewood from trees planted after 1980.

Like the proposed windfall tax on oil, this levy should not actually be a tax on firewood profits. It should be an excise tax on firewood sales. Such a tax will guarantee the government some revenues even if inflationary cost pressures and federal price controls put most woodlot harvesting operations out of business.

The United States government can't prevent Arabs and French Canadians from taking advantage of the fact that energy is now a scarce commodity, but we certainly don't want any New Englanders who are not on the federal payroll to look for solutions to the problem. Such efforts might lead to private profiteering, arouse strong public resentment, and reduce the ability of our political leaders to control energy supplies.

The energy policies which are good enough for the nation's oil industry are more than generous enough for New England's firewood barons.●

HEALTH RESEARCH ACT OF 1980

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Waxman) is recognized for 5 minutes.

● Mr. WAXMAN. Mr. Speaker, on February 13, 1980, I introduced on behalf of myself, Mr. Carter, Mr. MaGuire, Mr. Walgren, Mr. Gramm, and Mr. Leland, the Health Research Act of 1980.

Our Nation's health research effort is second to none in its scope and accomplishments. This effort has been encouraged and nurtured over the past decades by the firm and continued support of the Congress of the United States. I believe the Congress has shown remarkable foresight in recognizing the importance of health research. Through new discoveries, health research offers great hope for reducing enormous suffering and economic losses from illness and for improving the quality of life of the American people. Clearly, the chances for major breakthroughs have never been greater.

We are embarking on a new decade—a decade of hope and opportunity but also a decade in which our Nation's resources are not limitless. Priorities for Federal programs and funding are being set. I believe the commitment of Congress to support health research should rank as a very high priority. I am confident that America's investment in health research will continue to produce generous dividends.

The legislation I have introduced is a statement of solid support for health research programs and addresses the need for coherent and coordinated Federal health research policies. I will briefly outline several of the major provisions of this act.

The Health Research Act of 1980 recognizes, in statute, the National Institutes of Health and its 11 component National Research Institutes, and provides an authorization of appropriations for each of the institutes. Currently, the National Institute of Environmental Health Sciencies does not have statutory authority under title IV of the Public Health Service Act and only 2 of the 11 National Research Institutes, the National Cancer Institute, and the National Heart, Lung and Blood Institute have an authorization of appropriations. The Health Research Act of 1980 recognizes the major accomplishments of all the component research institutes of the NIH and provides each of them increased recognition, visibility and an opportunity for constructive oversight.

The Health Research Act of 1980 addresses the guidelines used to review and approve research grants, contracts and proposals at the NIH and the need to promote greater coordination between the programs of the National Research Institutes. For those purposes, new authorities are provided to the National Research Institute Directors and the Director of NIH. At the same time this legislation recognizes and preserves the uniqueness and plurality of the individual research institutes. Other major provisions of the Health Research Act of 1980 provide for greater input into the development of Federal health research policy by the public, scientists and health professionals through an expanded role on national research institute advisory councils and boards. Further provisions of this legislation would strengthen disease prevention and education programs in the NIH, eliminate present disincentives for persons entering research training through the National Research Service Award program and develop modest new programs in digestive diseases.

Finally, the Health Research Act of 1980 proposes reauthorization of valuable ongoing programs in the National Cancer Institute, the National Heart, Lung and Blood Institute and reauthorizes other important disease related programs in Arthritis and Diabetes and research training programs for the years 1981 to 1983. Subcommittee on Health and the Environment of the Interstate and Foreign Commerce Committee will schedule hearings on this important legislation this month and I look forward to comments and suggestions from the administration and the health research community at that time. I am pleased to have the distinguished ranking minority member of the subcommittee, Tim Lee Carter, join me in introducing this legislation.●

● Mr. CARTER. Mr. Speaker, on February 13, 1980, I joined the distinguished chairman of the Subcommittee on Health and the Environment, Henry A. Waxman, in cosponsoring H.R. 6522, the Health Research Act of 1980. The legislation extends authority for the activities of the National Cancer Institute; the National Heart, Lung, and Blood Institute; and the National Institutes of Arthritis, Metabolism, and Digestive Diseases, as well as making needed changes in the statutory authority for the other research institutes of the National Institutes of Health.

Although I have recently introduced two bills embodying my own specific proposals in this area—H.R. 6620, the diabetes research and training amendments and H.R. 6437, the arthritis research and training amendments—I have joined with Chairman Waxman and other members of the subcommittee in introducing the Health Research Act in order to underline my strong commitment to biomedical research. In my view, the renewal of this commitment demands that we work together to devise legislation to strengthen and improve our crucial biomedical research program. For this reason, I look forward to a collaborative effort to arrive at a consensus proposal.

Mr. Speaker, the importance of biomedical research cannot be stated strongly enough. The increases in our understanding of various disease processes brought by advances in biomedical research have led to a measurable reduction in human suffering. More importantly, biomedical research is tremendously important to the future health and well-being of the citizens of this country and of the people of the world. There is no doubt in my mind that the directions and priorities we set for future research, particularly in the area of prevention, can significantly alter the nature of disease as we know it today.

Clearly, the challenges are before us and they will not disappear. We must be willing to make the commitment, scientifically and financially, to find the solutions, just as we have found the solution for eradication of smallpox.

Now we have no smallpox, as a result of vaccinations, and we must have the scientists and researchers who are willing to dedicate themselves. I mean by that, real dedication, true dedication to finding the answers to the many puzzles which confront us. And I believe we can succeed in that regard.

I am reminded of the following excerpt from one of the advisory groups of the President's 1976 Biomedical Research Panel:

> Human beings have within their reach the capacity to control or prevent human disease. Although this may seem an overly optimistic forecast, it is, in fact, a realistic, practical appraisal of the long-term future.
>
> There do not appear to be any impenetrable, incomprehensible diseases. Ultimately, the ideal technology for comprehensive health care would consist of measures for the prevention of disease. This can be done now with outstanding success, but only on a limited scale, for certain infectious diseases, and it should be the long-term objective for biomedical research in general.

I support those objectives as strongly today, Mr. Speaker, as I did when they were presented to the Congress 3 years ago. I know that I share this view with the chairman and with the other members of the subcommittee who have cosponsored this legislation. I look forward to working with them to insure that we are doing all that we can to provide a strong and effective biomedical research program.

Thank you, Mr. Speaker.●

MONETARY MORASS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. CAVANAUGH) is recognized for 5 minutes.

● Mr. CAVANAUGH. Mr. Speaker, the International Trade, Investment and Monetary Policy Subcommittee of the House Banking, Finance and Urban Affairs Committee has already completed 3 days of hearings on legislation that proposes to increase U.S. participation in the International Monetary Fund (IMF) by $5.4 billion. The primary justification cited is the need to provide the IMF with substantial additional resources, to be contributed by all member countries, to help finance the continually increasing debt burden experienced by oil-importing countries corresponding to the continually increasing surplus being amassed by oil-exporting countries (OPEC).

It is the less developed countries (LDC's) that are most vulnerable to OPEC price increases and least able to finance the additional oil bills and, because of the nature of their emerging economies, least able to take the kinds of significant domestic measures that could set them back on the right course without placing the burden of that adjustment process on those in that country least able to carry it; namely the poor.

The first time OPEC subjected oil importing countries to a huge increase in oil cost was in the 1973–74 period. The major private banks stepped in and played the major roll in recycling. The process was both profitable for them in real terms and provided them with a new market, namely the LDC's, to which to lend OPEC's hugh deposits necessitated by slackened credit demand in the west due to recession.

Virtually every witness who has testified before the subcommittee has indicated that the banks will not be able to play the same recycling role for this latest round of balance of payments financing needs. The subcommittee will be hearing from additional witnesses in the near future, including the bank regulatory agencies, to, among other issues, determine the extent of the banks' ability to prudently play the recycling role and the level of the "financing shortfall" that will have to be met by other institutions, including international institutions.

In an effort to keep my colleagues abreast of the continuing dialogue on these issues I will be inserting material in the record periodically. The Wednesday, February 20, 1980, edition of the Wall Street Journal contained an important article entitled, "Monetary Morass: World's Bankers Face Big Task of Recycling OPEC Surplus Funds. The article follows:

MONETARY MORASS: WORLD'S BANKERS FACE BIG TASK OF RECYCLING OPEC SURPLUS FUNDS

(By Richard F. Janssen and Philip Revzin)

The world's financial system is facing its most formidable challenge yet—"recycling" the suddenly swelling surplus of the oil cartel by lending the money to developing countries already burdened with debt.

The exact magnitude of the task can't be pinned down. It will depend mainly on how far members of the Organization of Petroleum Exporting Countries go beyond the surprise doubling of oil prices in 1979. As of now, through, the OPEC nations' surplus of oil revenues over their import bills seems sure to reach about $110 billion in 1980. This huge sum would be nearly double last year's surplus and is almost 20 times the 1978 figure.

But in assessing the rapidly changing scene, bankers and other analysts in the U.S. and Europe are coming to a tentative consensus that:

—The obstacles are greater now than in the first round of recycling after the initial explosion of oil prices in 1973–74 because of such current problems as superpower tension, Islamic unrest, the vast amounts of poor-country credits already on banks' books, and the escalating interest burden on developing nations.

—Failure would have highly dangerous consequences, ranging out to a collapse of the world's financial system, a surge in trade protectionism that could set off a serious world-wide recession or, possibly, an oil shortage so severe that it could provoke a war.

—The recycling effort can nevertheless be reasonably successful in sustaining the poor countries and even in turning tidier profits for the banks if official agencies can provide enough help.

OMINOUS TALK

The problem has spurred some ominous talk. David Rockefeller, chairman of Chase Manhattan Bank, forecasts "treacherous economic seas and gale-force financial winds, strong enough to capsize" even the most successful developing countries. Sen. Jacob Javits of New York sees the international monetary system up against "the most serious threats" since World War II. And Otmar Emminger, recently retired chief of West Germany's central bank, fears that the whole structure could, like Humpty Dumpty, "have a great fall."

Yet, even most pessimists add that the problem, while difficult, isn't unsolvable. Underlying many of the dire warnings, observers say, is a desire to help avert a calamity. Specifically, the alarm-criers hope to push OPEC toward price moderation, poor countries toward the International Monetary Fund's discipline and away from private-borrowing sprees, and Western governments away from the temptation to meddle in the international credit markets.

While Federal Reserve Board Chairman Paul A. Volcker says he doesn't see "any immediate crisis," he does deem recycling "a serious problem," In testimony before the House Banking Committee yesterday, he cautioned U.S. banks to be "prudent" in extending fresh credits to the poor countries despite their mounting defficulties.

What worries the bankers the most right now is the threat of wider controls on international capital movements. They cite some Carter-administration steps—especially the freeze of Iranian assets. And they see wider controls most likely to be imposed if other Mideast nations try to yank their huge deposits out of U.S. banks and thereby trigger a "run on the dollar." If Western banks are drained of OPEC funds that can be recycled to the Third World, the upshot would be to "condemn the world to a nose dive into a massive depression," worries Yves Laulan, chief economist for Societe Generale, a big Paris bank.

RUMORS OF WITHDRAWALS

Although bankers are reticent about any such politically motivated withdrawals at their own banks, some do confide that they have fear of other banks suffering unusual drains of OPEC deposits. In principle, at least, the U.S. response to the hostage-taking in Tehran does give other oil countries "more incentive to keep their assets out of national-government control," notes Allan H. Meltzer, a Carnegie-Mellon University economist.

The usual way to do that is to place deposits in the Eurocurrency market; that is the London-centered banking network in which some $1 trillion of dollars and other currencies are deposited outside their home countries and thus presumably beyond governmental reach. But the U.S. extension of the Iranian-assets freeze to foreign branches of American banks and the ensuing legal disputes have analysts worried that even the Eurocurrency markets won't look safe enough to OPEC.

The ultimate worry is that OPEC will simply keep a lot more oil in the ground. In doing so, the oil producers would generate fewer surplus dollars to put at risk in banks, but they also would undermine the world economy—and perhaps even provoke a war for control of Mideastern oil fields. "For the first time in 20 years, I feel that something dramatic may happen," says Giuseppe Tome, a Geneva investment executive.

A less dramatic but perhaps more widely shared worry is voiced by John Fay, formerly an official of the Paris-based Organization for Economic Cooperation and Development. "There may be less tendency for OPEC countries to put their money directly into the banking system," he says. And Robert Caravallo, a French commercial banker, adds that although the commercial banks of the U.S. and other industrial countries have handled nearly all the recycling of the past five years, "eventually we'll have to realize that the recycling problem can't be solved by the private banking system alone."

Henry Wallich, a member of the Federal Reserve Board, notes that "the IMF may have to play a larger role." The 140-member IMF has readily available sizable sums—estimated at the equivalent of $13 billion. But Marina Whitman, chief economist at General Motors Corp., says developing nations are shunning the IMF because of their unwillingness "to subject themselves to the surveillance" of the Washington-based body. Under IMF rules, countries must take progressively tougher actions, such as raising taxes and curbing imports, to cure the ailments that increase their need to borrow.

The task ahead is so "gigantic" that the IMF may need beefing up, contends William D. Mulholland, president of the Bank of Montreal. He suggests that instead of relying on funds voted by member governments, the IMF might need to do its own borrowing on world markets. Similarly, Mr. Wallich suggests that commercial banks might have to cooperate more closely with the IMF, by linking their loans to the conditions that it imposes.

Although OPEC nations' suspected skittishness about deposits in U.S. banks is perhaps the most obvious danger, it probably is the least menacing, many bankers say. "The dollars don't disappear down a dark hole" when drawn out of a U.S. bank, a British official notes. Rather, they typically are transferred by wire to another bank, from which an equal sum could be instantly sent back. Moreover, the deposit problem could be greatly eased if the IMF goes ahead with its proposed "substitution account" to absorb surplus dollars in exchange for a new IMF asset.

Also posing obstacles to the lending side of recycling is the chill in Soviet-American relations. In many such loans, dozens of banks from Western countries chip in on a single large credit to a developing country. "Foreign banks are less likely to join in on an American-led syndicated loan," lest they run afoul of some U.S. crackdown on credit to unfriendly countries, a California banker worries.

EASTERN EUROPE AFFECTED

Moreover, U.S. lenders themselves seem more worried about risky loans, and East European countries have suddenly become the most vulnerable to a precautionary cutback, even though these governments have a reputation for prompt repayment. An East German credit had to be trimmed to $100 million from $150 million in the aftermath of the Soviet foray into Afghanistan, bankers say. One executive adds that since then, his bank's negotiations on loans to all other Soviet-bloc countries have been stalled. He says that as a result of this changed climate, these nations may become even more dependent on the Soviet Union itself.

On the other hand, some Western bankers are wondering whether the Soviet Union would be as obliging as they had assumed in helping their European clients repay debts, if necessary. Moscow might withhold such help, and thus stick American banks with overdue loans, to punish the U.S. for the grain embargo. "At best, several billion dollars of U.S. banks' loans have declined in quality" because of the waning of detente, says George M. Salem, an analyst at Bache Halsey Stuart Shields Inc. He cautions that some Soviet-bloc nations would have trouble servicing their current debt if their dollar inflow from new loans is curbed.

SHORTAGE OF PROJECTS?

Bankers also are becoming warier of loans to developing nations generally. C. David Finch, a key IMF official, told a recent seminar sponsored by the Securities Groups, a New York brokerage house, that more developing countries could join Turkey, Zaire, Jamaica and the Sudan in the "very severe economic crisis" of being unable to borrow enough to keep their production going normally.

In addition, Jan Tumlir, chief economist of the Geneva-based General Agreement on Tariffs and Trade, warns of another, quite different problem—doubt whether some developing countries can devise "a sufficient number of investment projects" to make constructive use of recycled funds. He adds that investors are particularly likely to shy away from helping build factories in poor countries if recession-haunted rich nations erect protectionist barriers to keep out the proposed facilities' output. Meanwhile, some OPEC nations themselves are hesitating about modernizing too quickly, lest they trigger the kind of religious backlash that has shaken Iran.

Rattled by such shocks as the South Korean coup, bankers are also becoming warier because of political instability in developing nations. As a whole, bankers "have done a pretty miserable job of predicting political risks," admits John C. Haley, executive vice president of Chase Manhattan. Diether Hoffmann, cochairman of Frankfurt's Bank fur Gemeinwirtschaft, concedes, "I wish we would give only five year loans" because assessing a country's political stability beyond that is "very close to gambling."

But instead, competition among banks to put abundant funds to work in developing countries has lengthened the average maturity to nearly 11 years from 9½ years in late 1978, Morgan Guaranty Trust Co. calculates. The profitability of such loans has been shrinking, the bank notes. For instance, late last year Malaysia could borrow at an interest rate "spread" of 0.57 percentage point over the banks' cost of funds, down from nearly a full percentage point a year earlier.

A BRIGHT SPOT

Amid all the gloomy talk, the brightest hope is the possibility that the gloom itself may help reverse the trend to lower profitability, many bankers say. After listening to a dire speech at a recent meeting of bankers, one international lending officer said, "I'm more optimistic—spreads will widen." If the developing countries can be convinced that loans will become harder to get, the borrowers will be more apt to accept higher interest rates, he reasons.

Ironically, a major obstacle to the recycling effort lies in the very success of the first round of such lending. Since 1974, commercial-bank loans outstanding to nonoil developing countries "have grown from about $35 billion to $150 billion," estimates Robert Avila, an economist at A. Gary Shilling & Co., a New York consulting firm. To add much more to their debt load, he frets, will make the international banking system "increasingly vulnerable to defaults and a classic financial panic over the next few years."

Whether banks will significantly increase loans to poor nations is doubtful, however. Each commercial bank sets its own "country risk" limits, and some big institutions in the U.S. and West Germany "are up against their prudential limits already for some countries," says J. Paul Horne, a Paris-based analyst for Smith Barney, Harris Upham & Co. Countries that can't borrow all they need to pay for costlier oil and other imports and to repay old loans, many analysts say, simply will have to stretch out repayments and risk the domestic unrest often provoked by the accompanying austerity programs.

HELPED BY GOLD

But the credit needs of developing countries mightn't be quite as pressing as they seem, contends G. A. Costanzo, vice chairman of Citibank. "They have a little more elbow room," he says, because the value of their gold reserves has soared and because last year some of them "borrowed more than they really needed." So he finds recycling "still a very manageable picture overall."

Also reassuring, many bankers say, is the increase in their knowledge about international finance during the first round of recycling. They add that central bankers have tightened their cooperation enough to prevent any major bank failures that could upset Western economies. In their role of lenders of last resort, some central bankers say privately, they are prepared to pump in enough money to keep any big bank afloat.

Such reassurances are unsettling to some bankers, however. "There is some risk," says Mr. Mulholland of the Bank of Montreal, that "as a result of our earlier success we may be overestimating the capacity of the international financial system to absorb such shocks" as those flowing from the oil-price increases. And Gordon Richardson, governor of the Bank of England, observes that not only is this round of recycling bigger than the first one but, "more worringly, it is likely to be more persistent."●

THE LONELY AMERICAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. VAN DEERLIN) is recognized for 5 minutes.

● Mr. VAN DEERLIN. Mr. Speaker, of the thousands of cases my office has dealt with over the years, one stands out, perhaps above all the others. It involves the tireless efforts of a constituent, Mrs. Doye Fannin, to cut through layers of bureaucratic redtape and indifference in order to bring a stateless young man, set adrift in Korea, to the United States.

Mrs. Fannin sought my assistance, and last December 28 our efforts were rewarded when James Daniel Bronson was allowed to fly to the United States to join Doye and her husband, Bob, at their home in Spring Valley, Calif.

Some of our colleagues may have seen or heard accounts of this highly unusual case. Jimmy Bronson was born in Korea 25 years ago to American parents, a married Army lieutenant and an unmarried WAC sergeant, who in effect abandoned him when they were rotated, separately, back to the United States.

With the departure of his natural parents, Jimmy never really had a family, until Doye Fannin came on the scene—and by then he was 24 years old. Jimmy was raised in a series of foster homes but wherever he went he was shunned by Koreans who regarded him as an outsider with no place in their tightly knit society. Some U.S. officials have proven equally callous, refusing to treat Jimmy as anything other than a Korean—notwithstanding all the physical evidence to the contrary.

So Jimmy has spent his youth and young manhood as a man literally without a country. He was unwanted by Korea and by the United States. He really had no place to turn until a little over a year ago when Mrs. Fannin learned of his plight while serving in Korea as a Red Cross worker.

Seeing the young man's predicament, Doye and Bob Fannin quickly acted to help him, first by offering financial aid and then by trying to get Jimmy admitted to the United States.

Getting him into this country proved to be a struggle. Attempts to locate Jimmy's natural parents were unavailing. Doye contacted the Army, the Veterans' Administration and the Social Security Administration, but none could provide any leads. The Fannins also ran into stone walls when they sought immigration papers for Jimmy because his U.S. origins could not be documented.

After the Fannins sought my help, in September, initially I, too, was frustrated. The U.S. Embassy in Seoul, Korea, seemed deaf to appeals on Jimmy's behalf. Lower echelons of the Immigration and Naturalization Service were similarly unresponsive.

Finally, in December, I telephoned David Crosland, Acting Commissioner of Immigration, to solicit his intervention. Next day the word came down: James

Bronson was to receive humanitarian parole, a rarely invoked procedure for admitting an alien to this country when there seems to be no other applicable provision.

Jimmy is now in the United States, studying English and preparing to learn a trade. In this regard, he is somewhat handicapped, since he was given only a few years of formal education in Korea.

Recently I met with Jimmy and his surrogate dad, Bob Fannin, in my San Diego office, and I was much impressed by the young man's sincerity and by his determination to succeed in the United States.

He would like to become a U.S. citizen, but he cannot start the process leading to naturalization until he has status as an immigrant. While humanitarian parole was a most useful and appreciated device for allowing Jimmy to come to the United States, it confers no immigration status. As far as the law is concerned, Jimmy is still on the outside, knocking on the door and asking to come in.

I believe that the interest of everyone concerned will be served if James Daniel Bronson can be declared a legally resident alien. Accordingly, I have introduced legislation to make him a resident of the United States with an eye toward becoming a naturalized citizen, if he eventually satisfies all the requirements for citizenship. Residency, effective as of the date of enactment (or retroactively to the date he entered the country), would represent a start toward allowing Jimmy Bronson to participate fully in the life of our country, which really is, or should be, his country as well. A similar bill has been introduced by Senator HAYAKAWA. Because of the special circumstances of this case, we are hopeful the measures can be considered in a reasonably expeditious fashion.●

□ 1700

ROY JOHNSON BULLOCK—IN MEMORIAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ZABLOCKI) is recognized for 5 minutes.

Mr. ZABLOCKI. Mr. Speaker, it was with a sense of deep sorrow and personal loss that I learned of the death on February 13 of Dr. Roy Johnson Bullock, former staff administrator of the Committee on Foreign Affairs.

For over 20 years, Roy Bullock was a source of strength and support to committee members on both sides of the aisle, whom he served with impartial dedication and a high sense of personal integrity and professionalism.

He steadfastly resisted any form of special recognition for his services. For example, upon his retirement from the committee in 1972 he responded "I merely did my job." Nevertheless I hope I may now be forgiven for summarizing a few highlights of his long and distinguished career in education and Government.

A native Nebraskan, Roy Bullock attended Doane College, Nebr.—an institution which in 1961 awarded him an honorary LL.D. degree. He received his A.B. from Doane with Phi Beta Kappa honors in 1925, a master's degree in business administration from Harvard in 1927, and a Ph. D. in economics from Johns Hopkins in 1933. He was a member of the University of Oregon (1927–28) and Johns Hopkins University (1928–41) faculties, and in 1941 was named director of the Johns Hopkins School of Business.

During World War II, Dr. Bullock served with the Office of Price Administration, on the Board of Economic Warfare (as chief of the Price Control Section), and as a Research Director and Consultant to the Department of State. This was followed in 1945 by an assignment to Berlin in military government as chief of the Foreign Trade Section, U.S. Zone, and as Chairman of the Joint Export-Import Agency of the Combined British and U.S. Zones.

Roy's first position on Capitol Hill was as a staff member of the Joint Committee on Foreign Economic Cooperation, beginning in May 1948. He was appointed to the staff of the Committee on Foreign Affairs on March 8, 1951, later became a senior staff consultant and then staff administrator in 1970. He has for many years been a distinguished member of the Cosmos Club of Washington, D.C.

There is much more that could be said about Roy's richly varied and remarkable record of public service. To his friends and former associates, however, Roy Bullock will be remembered most of all for his knowledgeable, commonsense approach to all problems, and more than a few crises: his dry and self-deprecating sense of humor; his high sense of duty; and his absolute fairness and uncompromising honesty in his dealings with his colleagues and the public. Above all, he was a man of quiet and imposing dignity, who commanded the enduring confidence and respect of both the membership and staff of the Committee on Foreign Affairs.

To Roy's beloved widow, Ruth, to his three children, seven grandchildren and one great-grandchild, I offer my deepest and most profound sympathy. To all of them I would merely add that besides "doing his job," which is all he would ever admit to, Roy Bullock also set a standard of performance to which many have aspired, but which relatively few have achieved.

● Mr. BROOMFIELD. Mr. Speaker, I was saddened to learn of the death on February 13 of Dr. Roy Bullock, who served on the professional staff of the House Committee on Foreign Affairs from 1951 until his retirement on December 31, 1972.

Dr. Bullock, who was staff administrator at the time of his retirement, was associated with the Committee on Foreign Affairs at a time when the staff was small but served the entire committee, including subcommittees.

His professional career encompassed both the executive and legislative branches of Government. During the 1942–48 period, Dr. Bullock served successively with the Office of Price Administration, the State Department Anglo-American Caribbean Committee, the U.S. Military Government in Germany as chief of the foreign trade section in the U.S. Zone, and as U.S. chairman of the Joint Export-Import Agency of the Combined British and U.S. Zones. From May 1948 to March 1951, he was on the staff of the Joint Committee on Foreign Economic Cooperation, before joining the House Committee on Foreign Affairs.

Dr. Bullock was a native of Nebraska and a graduate of Doane College, Crete, Nebr. He later earned an M.B.A. degree from Harvard, a Ph. D. from Johns Hopkins University, and was awarded an honorary LL.D. by Doane College. He taught at the University of Oregon and Johns Hopkins University before entering Government service.

I extend my deepest sympathy to his widow, Ruth, and their three children on the passing of Roy Bullock, who will be remembered not only as a fine professional, but as a trusted friend of those he served in the Congress.●

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the life, character, and public service of the late Dr. Roy Johnson Bullock, the subject of my special order on today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

OUTSTANDING CULTURAL CONTRIBUTIONS IN THE PERFORMING ARTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. LELAND) is recognized for 5 minutes.

Mr. LELAND. Mr. Speaker, Nina Vance, founder and executive director of Houston's Alley Theatre, deserves recognition as one of this country's most outstanding cultural contributors in the field of performing arts. In 1963, Secretary of State Dean Rusk appointed her to the Advisory Committee on the Arts of the U.S. Advocacy Commission of International Education and Cultural Affairs. Ms. Vance received numerous personal and national honors affiliated with her role in promoting cultural arts. Her dynamic and energetic role came to an end on February 19, 1980.

Columnist Maxine Messenger briefly describes a warm personal relationship with her, revealing Ms. Vance's character as cordial and vigorous.

Mr. Speaker, let me just share Mrs. Messenger's statement to the Houston community in particular for the loss that she felt, which is a prevailing sentiment on the part of all Houstonians who knew of her deeds. It was labeled "A Sad Note," and I read from the Houston Chronicle of February 19, 1980:

A SAD NOTE

I lost one of my best friends Sunday night when the Alley Theater's Nina Vance succumbed to a long and valiant fight with cancer. Nina and I started out together when she taught me speech and drama at San Jacinto High School in the early '40s. She had just finished college then, and in later years used to "threaten" me if I told that she had taught me so long ago. "It'll make me look a lot older than I am," she used to say. Nina and I worked together at the old Margo Jones Community Players in those days, some years before she went on to direct at the Jewish Community Center and later formed the Alley. My husband Emil played in one of her JCC plays, right up until the night before he took off for overseas during WW II. It's been a long, warm and wonderful friendship, and I am devastated at her death. As close as we were, I didn't know she was terminally ill—I suppose she didn't want anyone to know. We had dined together off and on and talked frequently during her long illness, and though I suspected all was not well, she never let on. A marvelous part of my youth, and of my present life, is gone. Emil and I will miss her so very much.

HOUSEHOLD GOODS SHIPPER PROTECTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Eckhardt) is recognized for 5 minutes.

• Mr. ECKHARDT. Mr. Speaker, today, I am introducing legislation to protect and assist consumers in using the household goods transportation system. As household goods shippers, consumers are dependent upon specialized carriers who provide them with the information and services necessary to make and to carry out their shipping decisions. Being unfamiliar with the operational intricacies of the household goods carrier industry and using this transportation system only upon infrequent occasions, consumers are in an unequal bargaining position with the industry. Coupled with the fact that present law requires household goods shippers to pay for their shipments upon delivery, consumers can exert little, if any, economic leverage against household goods carriers who may engage in unfair or deceptive acts or practices.

The significant rise in shipper complaints filed with the Interstate Commerce Commission (ICC) over the past 3 years is indicative of the increasing problems encountered by consumers in dealing with household goods carriers. These problems include inordinate delays in pickup and delivery of household goods, disputes over property damage and loss settlements, and understatements of actual charges eventually collected from household goods shippers, through carrier estimating practices. In 1976, 10,572 shipper complaints were filed against the household goods carrier industry. By 1979, Commission statistics showed 21,421 complaints filed on matters relating to the transportation of household goods. Even taking into account the rise in numbers of transported shipments, the complaint rate rose 76 percent during this time period.

For these reasons, I believe that household goods shippers require protection from unfair or deceptive acts or practices on the part of household goods carriers. In addition, I believe that these shippers could benefit greatly from the establishment of informal dispute settlement procedures to help resolve their disputes with carriers in a fair, timely, and inexpensive manner.

The Household Goods Shipper Protection Act addresses these concerns in two specific ways. First, the ICC is given specific jurisdiction and enforcement authority over unfair or deceptive acts or practices by household goods carriers. Penalties for violations of Commission rules, regulations, or orders may total up to $10,000 per violation. The legislation also allows the ICC to bring its own civil forfeiture actions to collect the penalties for violations.

Second, the bill encourages household goods carriers to assist in the expeditious and equitable resolution of shipper disputes by establishing informal dispute settlement procedures. Developed in conformance with certain basic requirements set forth in the legislation, these procedures would be available for use by consumers at no extra charge.

Of particular significance to consumers is the fact that decisions must be rendered, within 40 days of receipt of a written shipper complaint, by qualified, independent persons. Should no procedures be available to a consumer to resolve a household goods dispute, the shipper may pursue an action at law, and the successful shipper claimant may be awarded attorney's fees. This particular provision should act as an incentive for carriers to devise their own dispute settlement procedures. All parties retain the right to appeal any decision rendered under such settlement procedures. In addition, the decision may be admitted as evidence, subject to shipper approval, in any court proceeding on the dispute.

Through the enforcement authority given the Interstate Commerce Commission to prohibit unfair or deceptive acts or practices on the part of household goods carriers, and by the incentive given household goods carriers, to devise informal dispute settlement procedures to resolve shipper disputes, this legislation will provide direct protection and assistance to consumers in their reliance upon household goods carriers. In addition, this legislation will support the continuation of a safe, stable, and financially sound transportation system of household goods as it seeks to improve the performance of and services offered by household goods carriers.

Section-by-Section Analysis of Household Goods Shipper Protection Act

Section 1. Title. Section 1 states the purpose of this legislation which is to prohibit unfair or deceptive acts and practices of household goods carriers and to provide for the fair, timely and inexpensive resolution of household goods shipper disputes. The section also cites the title of the bill as the "Household Goods Shipper Protection Act."

Section 2. Declaration of Policy. The Declaration of Policy emphasizes the economic importance for the Nation of a safe, stable and financially-sound system of transportation of household goods. In addition, the section underlines the responsibility of the Interstate Commerce Commission (ICC) to maintain the continuation of this system of transportation by household goods carriers.

Finding consumers to be infrequent household goods shippers who are unfamiliar with the operations of household goods carriers or the regulations with which they must comply, the section concludes that consumers are in a disparate bargaining position with such carriers. Demonstrative of the adverse ramifications of this situation for consumers is the 76 percent increase in field shipper complaints, in proportion to the number of shipments transported by household goods carriers, over the past three years. For these reasons, the section concludes that household goods shippers need protection from unfair or deceptive acts or practices used or engaged in by such carriers.

The section outlines specific ways to protect and to assist household goods shippers in using the household goods transportation system. First, authority is granted to the Interstate Commerce Commission to protect shippers from unfair or deceptive acts or practices of household goods carriers. Second, the establishment of ICC-approved informal dispute mechanisms by household goods carriers is recommended to assist in the fair, timely and inexpensive resolution of shipper disputes.

Section 3. Definitions. Household Goods Carrier—Household goods carrier is defined broadly to include not only a person who holds a certificate and provides for the transportation of household goods, but any person who holds himself out to provide services or to arrange for the transportation of household goods. Thus, the definition extends the bill's jurisdiction to include motor common carriers and their agents, freight forwarders and brokers. Since the aim of this bill is to protect household goods shippers, the definition of carrier includes all persons who may be involved in the transportation of household goods.

Transportation of Household Goods.—Transportation of household goods is defined as transportation, subject to the jurisdiction of the ICC, of all or a substantial part of property from one residence to another residence, including transportation of such property to a place of storage and transportation of such property from a place of storage to such residence. The intent of this definition is to exclude "second proviso" shipments (office and plant equipment or fixtures) and "third proviso" shipments (commodities requiring special handling) which are tendered by commercial shippers. Since the aim of this bill is to protect consumers who have to ship their household goods, the definition extends only to consumer shipments.

Section 4. Unfair or Deceptive Acts or Practices of Household Goods Carriers. Section 4 adds a new section to chapter 111 of title 49 of the Interstate Commerce Act which declares as unlawful the use of or the engagement in any unfair or deceptive acts or practices by household goods carriers in the advertisement, offer or provision of transportation of household goods. The ICC is authorized and directed to prevent household goods carriers, or those acting on their behalf, from using or engaging in such acts or practices through the promulgation of rules or regulations, which are issued after ICC consultation with the Federal Trade Commission (FTC), and by the issuance of orders against any person to cease and to desist from such acts or practices. In prescribing such rules, the Commission also is directed to follow the rulemaking procedures in accordance with section 553 of title 5, United States Code, and section 18 of the FTC Act. Under these procedures, interested parties will be able to present written and/or oral argument on the proposed rules with the opportunity for cross-examination as stipulated by the Commission.

Section 5. Enforcement by the Commission. Section 5 adds a new civil penalty provision to section 11702(a) of title 49 of the Interstate Commerce Act which enables the

Commission to enforce its own fines against household goods carriers for violations of rules, regulations or orders developed under the Commission's authority to prohibit unfair or deceptive acts or practices. The intent of this provision is to broaden the Commission's authority beyond negotiating penalties to be assessed by the Department of Justice against carriers for so-called "paperwork" violations of recordkeeping rules. Under this new provision, the ICC is empowered to penalize carriers directly for engaging in or using acts or practices which cause "substantive" harm to the consumer.

Section 6. Private Enforcement. Section 6 preserves the private right of action of a household goods shipper as well as a government department, agency, or instrumentality against a household goods carrier for damages sustained as a result of an act or omission on the part of such carrier. It also asserts the shipper's private right of action against the carrier for the violation of any ICC rule, regulation or order, including those developed under the Commission's authority to prohibit unfair or deceptive acts or practices, with respect to the transportation of household goods.

Section 7. Penalty. Section 7 establishes civil fines to be assessed by the Commission against household goods carriers, or any person acting on behalf of such carriers, who violate any ICC rule, regulation or order with respect to the Commission's authority to prohibit unfair or deceptive acts or practices in the transportation of household goods. In addition, this section establishes guidelines for court use in assessing such penalties. These guidelines include consideration of any prior history of such prohibited conduct and the degree of harm sustained by the shipper. Essentially, these penalties, totaling up to $10,000 per violation and/or $10,000 per continuing day of violation, are for carrier infractions of substantive Commission rules or orders which result in direct harm to the shipper.

Section 8. Dispute Settlement. Section 8 establishes a new section under chapter 117 of title 49 of the Interstate Commerce Act to authorize the Commission to review and to approve applications made by household goods carriers for the establishment of dispute settlement procedures. These procedures are for the purpose of resolving disputes of household goods shippers in a fair, expeditious and inexpensive manner.

Established by household goods carriers in accordance with certain minimum requirements set forth in this section, these procedures are to be available for use by shippers at no charge. In addition, the procedures are subject to review by the ICC to insure continuing compliance with the statute and Commission rules or regulations.

Included in the statutory guidelines are requirements for (1) the proper notification of the availability to and operation of the procedures for settling a shipper dispute; (2) the appointment of qualified, independent persons as dispute settlers to hear and to resolve such a dispute; (3) the timely rendering of a decision and subsequent disclosure of the resolution and its attendant obligations to all parties to the dispute; (4) the option for an oral presentation of a dispute by any or all parties to the dispute; (5) the right of my party to the dispute to appeal the decision rendered by the dispute settlers; (6) the admissibility of the decision as evidence in a court proceeding relative to such dispute (subject to shipper approval), and (7) the awarding of attorney's fees to successful shipper claimants, under certain circumstances, where an action at law, relating to a household goods shipper dispute, has been brought in court.●

LITHUANIAN INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. STRATTON) is recognized for 5 minutes.

● Mr. STRATTON. Mr. Speaker, February 16, 1980, marked the 62d anniversary of Lithuanian Independence Day. I take this opportunity once again this year to pay tribute to the Lithuanian people everywhere who embrace the ideals of liberty and continue to long for the day when they can again freely and openly exercise their much-cherished cultural and religious freedom as an independent nation. There is particular significance in this celebration this year as a brief review of the events surrounding the inglorious Soviet conquest of Lithuania underlines how little has changed in the territorial ambitions of the Soviet system, and reminds us how every state bordering the Soviet Union remains in constant jeopardy of invasion and subjugation.

When the Lithuanian people at the close of World War I established their own government and proclaimed their independence, the Bolsheviks invaded the newly created state. They fought the invaders fiercely and bravely until the Lithuanian nation finally emerged triumphant. On July 19, 1920, the Soviet government signed a treaty of peace which declared that it "voluntarily and forever renounces all sovereign rights possessed by Russia over the Lithuanian people and their territory." During the subsequent 20 years the Lithuanian people were able to savor the peace and freedom they had so valiantly fought for.

But then came the Hitler-Stalin Pact and the partition of Poland between Nazi Germany and the Soviet Union. Kremlin immediately demanded permission to place 20,000 troops in Lithuania for the duration of the war. These troops, it was emphasized, would be removed at the end of the war. On October 10, 1939, only 2 weeks after the original demand was served on Lithuania, the Soviet Union concentrated its armed forces on the Lithuanian frontier and compelled this brave nation to sign the pact of mutual assistance which the Kremlin placed before it. But at the point of signing, they discovered that the clause stipulating that Soviet bases would be removed after the war had been effaced from the pact on the personal instruction of Stalin.

On July 14, 1940, 8 months later, the Soviet Government demanded that the Lithuanian Minister of the Interior and the Director of Security be brought to trial, that a government friendly to the Soviet Union be installed, and that the Red Army be granted free entry into Lithuania. Without even leaving enough time for a reply, the next day on June 15, the Red Army occupied Lithuania and the government was forced to flee abroad. Then as today, the Soviet regime had carefully laid out its plans and proceeded to move rapidly. They had a quisling regime in the wings ready to be installed and a list of Lithuanian patriots whom they would ruthlessly eliminate.

This parallel is as sadly familiar to us as the 30 Lithuanians, Latvians, and Estonians who on January 28 signed an open letter to Leonid Brezhnev and to U.N. Secretary General Kurt Waldheim, condemning the Soviet invasion of Afghanistan and comparing it to the Soviet invasion of the Baltic States in 1940. It is an indication how much the Soviet regime dreads this type of criticism that it immediately condemned the Nobel Peace Prize winner, Andrei Sakharov, long an advocate of national rights within the Soviet bloc, to internal exile.

The letter to Brezhnev and the signing of a Baltic charter by 45 people last August has been recently characterized by the Christian Science Monitor as a "fresh burst of nationalism in the Baltic." The charter called for full independence for the Baltic States and disclosure of secret clauses in the Molotov-Ribbentrop Pact of 1939, which led to annexation by Moscow.

It is extremely heartening to see that the national consciousness of the Lithuanian people is not fading after all of these years as the Soviet ideologues had hoped, but is even more resolute today, especially in the face of ongoing Soviet aggression and imperialism.●

INTRODUCTION OF BILL TO AMEND THE FEDERAL RESERVE ACT

(Mr. HANLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

● Mr. HANLEY. Mr. Speaker, as a member of the House Banking Committee I have witnessed the semiannual struggle to extend the Interest Rate Control Act. In the process of more years than I care to remember, the simple extension of this law has been the basis of many disagreements and a great deal of soul searching. It has become clear to me that a longer term solution is appropriate.

During the last few months, I have reviewed the many pieces of legislation drafted by my colleagues from both the House and Senate which are now the subject of hearings before the Financial Institutions Subcommittee. I have listened to many witnesses and have had the opportunity to ask many questions regarding the various proposals before the subcommittee. From all I can tell, no consensus yet exists on any single piece of legislation, though in piecing together the wants and desires of consumers, Government, and financial institutions one can see emerging a fair and equitable plan for all. The components of this plan must take cognizance of the fact that many different players with ultimately the same interests have been tugging and pulling the very fabric of the financial structure of this country. Inflation has indeed been the culprit which has forced us all into this indepth study of interest rate controls and it is these controls that have had a deleterious effect on both the consumer and the financial institution. With inflation now hovering around 13 percent, it is little wonder that the small saver looks longingly for an opportunity to earn a fair return on his or her investment. At the same time, financial institutions are faced with usury ceilings that were put into place long before the Federal Reserve acted to make credit scarce and therefore up its price.

One must hope that the rate of inflation will slow and eventually decrease and that some of the pressures that torment the marketplace will diminish. In that light, I think we must reconsider whether we want to saddle the financial institutions of this country with a mandatory increase in the rate of interest they must pay based on a perception of the way the world would forever be as seen by this Congress. Therefore, I must propose alternatives to any of the plans now before the Congress that would mandatorily ratchet up the rate of interest that would be paid irrespective of the true market conditions prevailing at some future time.

There is no question in my mind that something must be done for the small saver. My chairman, Mr. St Germain, said it so eloquently in his opening statement for the Interest Rate Control Act hearings. I join with him in seeking predictability in whatever action we take. It should be firm—decisive—not filled with loopholes, hesitations, and escape clauses.

At the same time I am persuaded that equity must be the hallmark of any approach we adopt. For years, the differential has effectively channeled money into the thrift industry for housing. The new powers which my bill would provide will accomplish the same goal.

In order to strike a fair balance between the new powers and the differential advantage, I propose in my bill the following solution:

First, no differential will be permitted on any type of account authorized or modified by the regulators after February 19, 1980. Modification is limited to a 1-percent increase or decrease in the interest rate. If any one regulator feels a need exists to reimpose a differential, he may come to the Hill and get a concurrent resolution.

Second, on accounts in existence prior to December 31, 1975, the differential will be maintained subject to the right of the regulators to seek a concurrent resolution eliminating it.

Third, on accounts authorized between December 31, 1975 and February 20, 1980, the question of the differential would be left to the regulators solely. In that regard I note that they have balanced all interests fairly to date.

Again, sharing the wisdom of my chairman, Mr. St Germain, I also urge the regulators to raise the savings rate one-half of 1 percent within a year and to develop new accounts to insure a fair return to the saver balanced against the duty to protect the financial solvency of the banks, savings and loans, and mutual savings banks.

I have also added some language which should take on even more significance than it now has; that is, the advertising portion of the reg "Q'" legislation. This is one baby which we should be careful to keep when the bath is thrown out.

Included with the new powers for the savings and loans and mutual savings banks which mirror the provisions of our good colleague from Georgia, Mr. Barnard, are some adjustments to confirm the savings bank phase-in of powers with the anticipated 5-year schedule implicit in my bill.

Though the regulators will have the initial control of the process of rate change, with the Congress ready to address grievances and excesses in judgment, practicality suggests that a staged raising of rates will be likely. Such being so, a gradual raising of powers seems desirable, too. However, the testimony given to the financial institutions subcommittee so far indicates that no one is sure, in fact, no one has exactly assessed the degree to which thrifts with expanded powers will develop the new business potentials to be allowed. Market penetration in diverse services for which no base of experience exists on the part of thrifts is an uncertain prospect at this point.

Prudence would suggest that even as we move toward the "Q"-less marketplace we should provide sufficient time for familiarity to breed expertise and for the real world to prove out the idealized equity of the asset side of the ledger being balanced by new income streams from new powers. Just as the saver and borrower are treated with interest rates commensurate with the value of services provided them, so should institutions have adequate earnings opportunities.

Lastly, I have suggested a rise in the FDIC coverage from $40,000 to $60,000 as an attempt to strengthen the position of all insured institutions as against the marketplace money rates. The safety issue may be persuasive to some saver-investors and to the extent that it may be, it should be accommodated.

Mr. Speaker, I offer this bill in an attempt to expand the options available to our colleagues in the banking conference. Though they may get the feeling that they are alone in their "splendid misery" of responsibility for what some regard as the most significant bank reform legislation in 40 years, they should be reassured that committee members and the full House are anxious to support their efforts.

When the conferees were selected last year there was a clear mandate that they seek accord with the Senate on matters dealt with by the House at that time—Federal Reserve membership, NOW accounts, share drafts, remote terminals, and automatic transfers. Excepted from this tableau were other issues raised by the Senate passed bill dealing with reg "Q," truth in lending, and others.

Surely it was significant to all parties that the House conferees were restricted to Members expert on the limited agenda items of the House passed legislation. While there can be no doubt that they also have the capacity to deal with a broader agenda, there is also the restraint that an implied message was transmitted that further House committee consideration must be given to other topics if there was to be any action in this Congress.

Having moved swiftly to meet this need to consult and measure committee support and feelings and to assess the regulators and marketplace sentiment as well, the committee can now address in more detailed form the opportunities that the unique circumstance of the conference offers for the timely resolution of long delayed action.

In that spirit, I offer this bill as a base for discussing further the need for a long term satisfaction of interest rate controls for savers and for earnings-impacted institutions. We need to be flexible but we must be persistent in edging toward market rate levels of return. But in doing so we must be careful that institutional stability is not endangered.

This series of actions will finally, once and for all, without any question result not only in the end of regulation "Q" on December 15, 1985 but will see through to a successful conclusion the weaning away of institutions from rate control and interest differentials.

H.R. 6547

A bill to amend the Federal Reserve Act to eliminate the ceiling rates on deposits maintained at federally insured depository institutions, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. This Act may be cited as the "Savings and Financial Equality Act of 1980".

TITLE I—ELIMINATION OF INTEREST CEILINGS

Sec. 101. Section 102 of the Act of December 31, 1975 (P.L. 94–200), is amended by adding at the end thereof the following new subsection:

"(d) There shall be no differential for any category of deposits or accounts authorized or modified subsequent to February 19, 1980, between (1) any bank (other than a savings bank), the deposits of which are insured by the Federal Deposit Insurance Corporation, and (2) any savings and loan, building and loan, or homestead association (including cooperative banks), the deposits or accounts of which are insured by the Federal Savings and Loan Insurance Corporation or any mutual savings bank as defined in sections 3(f) and 3(g) of the Federal Deposit Insurance Act (12 U.S.C. 1813(f) and (g)) unless—

"(A) written notification is given by the Board of Governors of the Federal Reserve System, the Board of Directors of the Federal Deposit Insurance Corporation, or the Federal Home Loan Bank Board to the Congress; and

"(B) the House of Representatives and the Senate approve, by concurrent resolution, the proposed institution of a differential.

For the purposes of this paragraph, a modification of any category of deposits or accounts only includes any change in the terms of a deposit or account authorized prior to December 31, 1975 resulting in an increase or decrease of more than one per cent in the rate payable for such deposit or account.

"(e) There shall be no differential for any category of deposits or accounts between (1) any bank (other than a savings bank), the deposits of which are insured by the Federal Deposit Insurance Corporation, and (2) any savings bank having capital stock, as defined in section 3(g) of the Federal Deposit Insurance Act, affiliated with an insured bank (other than a savings bank).".

Sec. 102. Section 7 of the Act of September 21, 1966 (P.L. 89–597), is amended by striking out "December 15, 1980" and inserting in lieu thereof "December 15, 1985".

Sec. 103. Section 102 of the Act of December 31, 1975 (P.L. 94–200), is amended by adding at the end thereof the following new subsection:

"(e)(1) The Board of Governors of the Federal Reserve System, the Board of Directors of the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board shall raise the interest rate payable on all savings deposits or accounts by one half of one percent not later than one year from the date of enactment of this Act.

"(2) During the period beginning on the date of the enactment of this Act and ending on December 31, 1985, the Board of Governors of the Federal Reserve System, the Board of Directors of the Federal Deposit Insurance Corporation and the Federal Home Loan Bank Board shall establish equitable interest rate ceilings on savings and time deposit accounts taking into consideration then current market interest rates and economic conditions and the effect of any interest rate ceiling change on the economic viability of depository institutions. The exercise of this discretion shall include but not be limited to a consideration of an end to ceilings on various maturity certificates of deposit and of a lowering of the minimum denominations of same.".

SEC. 104. (a)(1) Section 19(j) of the Federal Reserve Act (12 U.S.C. 371(b) is amended to read as follows:

"(j) The Board may from time to time, after consulting with the Board of Directors of the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, and the National Credit Union Administration Board, prescribe rules governing the advertisement of interest on deposits."

(2) Section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended to read as follows:

"(g) The Board of Directors may from time to time, after consulting with the Board of Governors of the Federal Reserve System, the Federal Home Loan Bank Board, and the National Credit Union Administration Board, prescribe rules governing the advertisement of interest on deposits.".

(3) Section 5B(a) of the Federal Home Loan Bank Act (12 U.S.C. 1425b) is amended to read as follows:

"SEC. 5B. (a) The Board may from time to time, after consulting with the Board of Governors of the Federal Reserve System, the Board of Directors of the Federal Deposit Insurance Corporation, and the National Credit Union Administration Board, prescribe rules governing the advertisement of interest of dividends on deposits, shares, and withdrawable accounts.".

(4) The text of section 117 of the Federal Credit Union Act (12 U.S.C. 1763) is amended to read as follows:

"SEC. 117. The Board may from time to time, after consulting with the Board of Governors of the Federal Reserve System, the Board of Directors of the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board, prescribe rules governing the advertisement of dividends on shares and share certificates.".

(b) The amendments made by subsection (a) shall take effect on December 16, 1985.

TITLE II—SAVINGS AND LOAN ASSOCIATION AMENDMENTS

SEC. 201. Section 5(c)(4) of the House Owners' Loan Act of 1933 is amended by adding at the end thereof the following:

"(E) CONSUMER LOANS AND CERTAIN SECURITIES.—An association may make unsecured loans for personal, family, or household purposes, and may invest in, sell, or hold commercial paper, corporate debt securities, and bankers acceptances, as defined and approved by the Board, but the aggregate amount of such loans and investments at any time may not exceed 10 per centum of the assets of the association.".

SEC. 202. Section 5(c) of the Home Owners' Loan Act (12 U.S.C. 1464) is amended by inserting the following new paragraph after paragraph (5) and renumbering subsequent paragraphs accordingly:

"(6) REAL ESTATE LOANS MADE BY NATIONAL BANKS.—Notwithstanding any of the foregoing provisions of this section, an association shall be permitted to invest in, sell, or otherwise deal in loans or investments secured by liens on residential real estate to the same extent and in the same manner and amounts without limitation as national banks pursuant to the provisions of section 24 of the Federal Reserve Act.".

SEC. 203. Section 5(b) of the Home Owners' Loan Act of 1933 is amended by adding at the end thereof the following:

"(3) An association may, if permitted by the Board and subject to such regulations as the Board may prescribe, act as a trustee, executor, administrator, guardian, or in any other fiduciary capacity.".

SEC. 204. Section 5 of the Home Owners' Loan Act of 1933 is amended by adding at the end thereof the following:

"(n) TRUST POWERS.—

"(1) AUTHORITY OF BOARD.—The Board is authorized and empowered to grant by special permit to an association applying therefor, when not in contravention of State and local law, the right to act as trustee, executor, administrator, guardian, or in any other fiduciary capacity in which State banks, trust companies, or other corporations which come into competition with associations are permitted to act under the laws the State in which the association is located.

"(2) GRANT AND EXERCISE OF POWERS DEEMED NOT IN CONTRAVENTION OF STATE OR LOCAL LAW.—Whenever the laws of such State authorize or permit the exercise of any or all of the foregoing powers by State banks, trust companies, or other corporations which compete with associations, the granting to and the exercise of such powers by associations shall not be deemed to be in contravention of State or local law within the meaning of this section.

"(3) SEGREGATION OF FIDUCIARY AND GENERAL ASSETS: SEPARATE BOOKS AND RECORDS; ACCESS OF STATE BANKING AUTHORITIES TO REPORTS OF EXAMINATIONS, BOOKS, RECORDS, AND ASSETS.—Associations exercising any or all of the powers enumerated in this section shall segregate all assets held in any fiduciary capacity from the general assets of the association and shall keep a separate set of books and records showing in proper detail all transactions engaged in under authority of this section. The State banking authorities may have access to reports of examination made by the Board insofar as such reports relate to the trust department of such association but nothing in this section shall be construed as authorizing the State banking authorities to examine the books, records, and assets of such associations.

"(4) PROHIBITED OPERATIONS: SEPARATE INVESTMENT ACCOUNTS; COLLATERAL FOR CERTAIN FUNDS USED IN CONDUCT OF BUSINESS.—No association shall receive in its trust department deposits of current funds subject to check or the deposit of checks, drafts, bills of exchange, or other items for collection or exchange purposes. Funds deposited or held in trust by the association awaiting investment shall be carried in a separate account and shall not be used by the association in the conduct of its business unless it shall first set aside in the trust department United States bonds or other securities approved by the Board.

"(5) LIEN AND CLAIM UPON BANK FAILURE.—In the event of the failure of such association the owners of the funds held in trust for investment shall have a lien on the bonds or other securities so set apart in addition to their claim against the estate of the association.

"(6) DEPOSITS OF SECURITIES FOR PROTECTION OF PRIVATE OR COURT TRUSTS; EXECUTION OF AND EXEMPTION FROM BOND.—Whenever the laws of a State require corporations acting in a fiduciary capacity to deposit securities with the State authorities for the protection of private or court trusts, associations so acting shall be required to make similar deposits and securities so deposited shall be held for the protection of private or court trusts, as provided by the State law. Associations in such cases shall not be required to execute the bond usually required of individuals if State corporations under similar circumstances are exempt from this requirement. Associations shall have power to execute such bond when so required by the laws of the State.

"(7) OFFICIALS' OATH OR AFFIDAVIT.—In any case in which the laws of a State require that a corporation acting as trustee, executor, administrator, or in any capacity specified in this section, shall take an oath or make an affidavit, the president, vice president, cashier, or trust officer of such association may take the necessary oath or execute the necessary affidavit.

"(8) LOANS OF TRUST FUNDS TO OFFICERS AND EMPLOYEES PROHIBITED; PENALTIES.—It shall be unlawful for any association to lend any officer, director, or employee any funds held in trust under the powers conferred by this section. Any officer, director, or employee making such loan, or to whom such loan is made, may be fined not more than $5,000, or imprisoned not more than five years, or may be both fined and imprisoned, in the discretion of the court.

"(9) CONSIDERATIONS DETERMINATIVE OF GRANT OR DENIAL OF APPLICATIONS; MINIMUM CAPITAL AND SURPLUS FOR ISSUANCE OF PERMIT.—In passing upon applications for permission to exercise the powers enumerated in this section, the Board may take into consideration the amount of capital and surplus of the applying association, whether or not such capital and surplus is sufficient under the circumstances of the case, the needs of the community to be served, and any other facts and circumstances that seem to it proper, and may grant or refuse the application accordingly: *Provided*, That no permit shall be issued to any association having a capital and surplus less than the capital and surplus required by State law of State banks, trust companies, and corporations exercising such powers.

"(10) SURRENDER OF AUTHORIZATION; BOARD RESOLUTION; BOARD CERTIFICATION; ACTIVITIES AFFECTED; REGULATIONS.—Any association desiring to surrender its right to exercise the powers granted under this section, in order to relieve itself of the necessity of complying with the requirements of this section, or to have returned to it any securities which it may have deposited with the State authorities for the protection of private or court trusts, or for any other purpose, may file with the Board a certified copy of a resolution of its board of directors signifying such desire. Upon receipt of such resolution, the Board, after satisfying itself that such association has been relieved in accordance with State law of all duties as trustee, executor, administrator, guardian or other fiduciary, under court, private or other appointments previously accepted under authority of this section, may in its discretion, issue to such association a certificate certifying that such association is no longer authorized to exercise the powers granted by this section. Upon the issuance of such a certificate by the Board, such association (A) shall no longer be subject to the provisions of this section or the regulations of the Board made pursuant thereto, (B) shall be entitled to have returned to it any securities which it may have deposited with the State authorities for the protection of private or court trusts, and (C) shall not exercise thereafter any of the powers granted by this section without first applying for and obtaining a new permit to exercise such powers pursuant to the provisions of this section. The Board is authorized and empowered to promulgate such regulations as it may deem necessary to enforce compliance with the provisions of this subsection and the proper exercise of the trust powers granted by this section.".

SEC. 205. Section 5(i) of the Home Owners' Loan Act of 1933 is amended in the first paragraph by inserting after the words "Federal Savings and Loan Association" the following: "and any State stock savings and loan type institution may transfer its charter to a Federal stock charter provided it has never existed in mutual form".

SEC. 206. Section 5A(b) of the Federal Home Loan Bank Act, as amended, is amended to read as follows:

"(b) Any institution which is a member or which is an insured institution as defined in section 401(a) of the National Housing Act shall maintain the aggregate amount of its assets of the following types at not less than such amount as, in the opinion of the Board, is appropriate: (1) cash, (2) to such extent as the Board may approve for the purposes of this section, time and savings deposits in Federal Home Loan Banks and commercial banks, (3) to such extent as the Board may so approve, such obligations, including such special obligations, of the United States, a State, any territory or possession of the United States, or a political subdivision, agency or instrumentality of any one or more of the foregoing, and bankers' acceptances, as the Board may approve, and (4) to such extent as the Board may so approve, shares or certificates of any open-end management investment company which is registered with the Securities and Exchange Commission under the Investment Company Act of 1940 and the portfolio of which is restricted by such investment company's investment policy, changeable only if authorized by shareholder vote, solely to any of the obligations or other investments enumerated in the preceding clauses (1) through (3) of this subsection. The requirement prescribed by the Board pursuant to this subsection (hereinafter in this section referred to as the "liquidity requirements") may not be less than 4 per centum or more than 10 per centum of the obligation of the institution on withdrawable accounts and borrowings payable on demand or with unexpired maturities of one year or less, or in the case of institutions which are insurance companies, such other base or bases as the Board may determine to be comparable. The Board shall prescribe rules and regulations to implement the provisions of this subsection.".

SEC. 207. (a) Section 5(b) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(b)) is amended by adding at the end thereof the following:

"(4) In accordance with rules and regulations issued by the Board, mutual capital certificates may be issued and sold directly to subscribers or through underwriters, and such certificates shall constitute part of the general reserve and net worth of the issuing association. The Board, in its rules and regulations relating to the issuance and sale of mutual capital certificates, shall provide that such certificates—

"(A) shall be subordinate to all savings accounts, savings certificates, and debt obligations;

"(B) shall constitute a claim in liquidation on the general reserves, surplus, and undivided profits of the association remaining after the payment in full of all savings accounts, savings certificates, and debt obligations;

"(C) shall be entitled to the payment of interest prior to the allocation of income to reserve and net worth accounts; and

"(D) may have a fixed or variable rate of interest.

The Board shall provide in its rules and regulations for charging losses to the mutual capital certificate, reserves, and other net worth accounts.".

(b) Section 403(b) of the National Housing Act (12 U.S.C. 1726(b)), is amended by adding at the end thereof the following: "Mutual capital certificates, subordinate to the rights of holders of savings accounts, savings certificates, and the Corporation, shall be deemed to be reserves for the purposes of this subsection in accordance with rules and regulations prescribed by the Corporation. The Corporation shall provide in its rules and regulations for charging losses to the mutual capital certificate, reserves and other net worth accounts. In the event an insured institution fails to maintain the reserves required by this title, no payment of interest on such certificates shall be made except with the approval of the Corporation.".

TITLE III—MUTUAL SAVINGS BANK AMENDMENTS

SEC. 301. (a)(1) Section 5(a) of the Home Owners' Loan Act of 1933 is amended by adding at the end thereof the following: "A Federal mutual savings bank may make loans and investments without regard to any other limitation under Federal or State law, except that—

"(A) not more than 20 per centum of the assets of such a bank may be so loaned or invested; and

"(B) 65 per centum of such loans and investments must be made within the State where the bank is located or within fifty miles of such State.".

(2) Notwithstanding the amendment made by subsection (a), the Federal Home Loan Bank Board shall limit the percentage of assets which a Federal mutual savings bank may loan or invest pursuant to the provisions of such amendment to 5 per centum during the first two years following the date of enactment of this Act, to 10 per centum for the next succeeding two years, to 15 per centum upon the expiration of three years after such date of enactment, except that the Board may lengthen or shorten any such two-year period where necessary or appropriate in the event of a more rapid phaseout of interest rate controls or to avoid economic dislocation.

(b)(1) Section 5(a) of the Home Owners' Loan Act of 1933 is amended by adding at the end thereof the following: "A Federal mutual savings bank may accept demand deposits from any source.".

(2) Notwithstanding the amendment made by subsection (a) of this section, the Federal Home Loan Bank Board shall (A) provide by regulation for a smooth and orderly transition with respect to the implementation of demand account authority; (B) provide for a phase-in of such demand accounts if, in the judgment of the Federal Home Loan Bank Board, after consultation with the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the National Credit Union Administration Board, such a phase-in is necessary in order to assure the stability and soundness of all depository institutions, provided that by January 1, 1990, or at such earlier time when in the judgment of the Federal Home Loan Bank Board Federal interest rate limitations have been effectively eliminated, such phase-in must be completed; and (C) delay the implementation of such demand account authority, but not later than January 1, 1990, or such earlier time when in the judgment of the Federal Home Loan Bank Board Federal interest rate limitations have been effectively eliminated, if the Federal Home Loan Bank Board, after consultation with the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the National Credit Union Administration Board, determines that the granting of such authority would result in a serious impairment of the financial soundness and stability of depository institutions in general. In such event, the Board shall report to the Congress on the reasons for such delay within thirty days of its determination.

(c) This section takes effect upon the enactment of section 107 of this Act.

"(3) shall share in dividend distributions at rates determined by the Board. However, rates on the required capital stock shall be without preference; and";

(4) in section 307(15) by striking out the words ", to the extent or in such amounts as are provided in advance in appropriation Acts"; and

(5) in title III by striking out the word "Administrator" each place it appears and inserting in lieu thereof "Board";

(6) in section 107(5)(A)(vi) of the Federal Credit Union Act (12 U.S.C. 1757), is amended to read as follows: "(vi) the rate of interest (except as may be authorized by the Board for Agent members of the Central Liquidity Facility in carrying out the provisions of title III) not exceed 1 per centum per month on the unpaid balance inclusive of all service charges".

TITLE IV—FEDERAL DEPOSIT INSURANCE AMENDMENTS

SEC. 401. (a)(1) The following provisions of the Federal Deposit Insurance Act are amended by striking out "$40,000" each place it appears therein and inserting in lieu thereof "$60,000".

(A) The first sentence of section 3(m) (12 U.S.C. 1813(m)).

(B) The first sentence of section 7(i) (12 U.S.C. 1817(i)).

(C) The last sentence of section 11(a) (12 U.S.C. 1821(a)).

(D) The fifth sentence of section 11(i) (12 U.S.C. 1821(i)).

(2) The amendments made by this section are not applicable to any claim arising out of the closing of a bank prior to the effective date of this section.

(b)(1) The following provisions of title IV of the National Housing Act are amended by striking out "$40,000" each place it appears therein and inserting in lieu thereof $60,000":

(A) Section 401(b) (12 U.S.C. 1724(b)).

(B) Section 405(a) (12 U.S.C. 1728(a)).

(2) The amendments made by this section are not applicable to any claim arising out of a default, as defined in section 401(d) of the National Housing Act, where the appointment of a conservator, receiver, or other legal custodian as set forth in that section becomes effective prior to the effective date of this section.

(c)(1) The second sentence of section 207(c) of the Federal Credit Union Act (12 U.S.C. 1787(c)) is amended by striking out "$40,000" and inserting in lieu thereof "$60,000".

(2) The amendment made by this section is not applicable to any claim arising out of the closing of a credit union for liquidation on account of bankruptcy or insolvency pursuant to section 207 of the Federal Credit Union Act (12 U.S.C. 1787) prior to the effective date of this section.

(d) The amendments made by this section shall take effect on the thirtieth day beginning after the date of enactment of this Act.

TITLE V—EFFECTIVE DATE

SEC. 501. This Act shall take effect on the date of the enactment of this Act, except as otherwise provided in this Act.●

GENERAL LEAVE

Mr. LELAND. Mr. Speaker, I ask unanimous consent that all Members be permitted to extend their remarks and to include therein extraneous material on the subject of the special order speech today by the gentleman from California (Mr. WAXMAN).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. Campbell (at the request of Mr. Rhodes), for today and the balance of the week, on account of official business.

To Mr. Young of Alaska (at the request of Mr. Rhodes), for February 20 through February 22, 1980, on account of official business.

To Mr. Andrews of North Dakota (at the request of Mr. Rhodes), for today and the balance of the week, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Erdahl) to revise and extend their remarks and include extraneous material:)

Mr. Corcoran, for 30 minutes, today.

Mr. Ritter, for 5 minutes, today.

Mr. Collins of Texas, for 15 minutes, today.

Mr. Conable, for 5 minutes, today.

(The following Members (at the request of Mr. Leland) to revise and extend their remarks and include extraneous material:)

Mr. Waxman, for 5 minutes, today.

Mr. Cavanaugh, for 5 minutes, today.

Mr. Gonzalez, for 15 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Van Deerlin, for 5 minutes, today.

Mr. Zablocki, for 5 minutes, today.

Mr. Leland, for 5 minutes, today.

Mr. Eckhardt, for 5 minutes, today.

Mr. Stratton, for 5 minutes, today.

Mr. Rahall, for 60 minutes, on February 26.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Gore, during general debate on H.R. 3994, Resource Conservation and Recovery Act Amendments of 1979.

Mr. Perkins, to revise and extend, immediately following remarks of Mr. Findley.

(The following Members (at the request of Mr. Erdahl) and to include extraneous matter:)

Mr. Rudd.
Mr. Conte.
Mr. Vander Jagt in two instances.
Mr. Wydler in two instances.
Mr. Moorhead of California.
Mr. Ritter.
Mr. Michel in two instances.
Mr. Green.
Mr. Schulze.
Mr. Symms in four instances.
Mr. Lungren.
Mr. Gilman.
Mr. Hillis.
Mr Kemp in two instances.
Mr. Hopkins.
Mr. Sebelius.
Mr. Thomas.
Mr. Clinger.
Mr. Collins of Texas in two instances.
Mr. Badham.
Mr. Quillen.
Mr. Regula in two instances.
Mr. Kelly.
Mr. Frenzel in three instances.
Mr. Solomon.
Mr. Derwinski in two instances.
Mr. Pursell.
Mr. Daniel B. Crane.
Mr. Dornan in two instances.
Mr. Rhodes.
Mr. Paul in six instances.
Mr. Rousselot.
Mrs. Holt.
Mr. Bob Wilson in two instances.
Mr. Erlenborn.
Mr. Porter.

(The following Members (at the request of Mr. Leland) and to include extraneous matter:)

Mr. Dodd.
Mr. Walgren.
Mr. Stark.
Mr. Alexander.
Mr. Cavanaugh in two instances.
Mr. Stokes.
Mr. Gudger.
Mr. Blanchard in two instances.
Mr. Frost.
Mr. Rodino in four instances.
Mr. McHugh.
Mr. Mathis.
Mr. Clay.
Mr. Bedell.
Mr. Roberts.
Mr. Hamilton.
Mr. St Germain.
Mr. Shannon.
Mr. Florio.
Mr. Rangel.
Mr. Hawkins.
Mr. Guarini.
Mr. Simon.
Mr. McDonald in six instances.
Mr. Rahall.
Mr. Applegate.
Mr. Udall.
Mr. Heftel.
Mr Long of Maryland.
Mr. Wolff.
Mr. Ford of Tennessee.
Mr. Atkinson in two instances.
Mr. Synar.
Mr. Mazzoli.
Mr. Kostmayer.
Mr. Zablocki.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 141. A Joint resolution to establish the policy of the United States with respect to items carried on space flight missions and to express the sense of the Congress that the Attorney General defend any civil action brought with respect to items carried on Apollo missions to the Moon; to the Committee on Science and Technology.

ENROLLED JOINT RESOLUTIONS SIGNED

Mr. THOMPSON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled Joint Resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.J. Res. 469. A joint resolution designating February 19, 1980, as "Iwo Jima Commemoration Day"; and

H.J. Res. 477. A joint resolution to authorize and request the President to issue a proclamation honoring the memory of Walt Disney on the 25th anniversary of his contribution to the American dream.

JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. THOMPSON, from the Committee on House Administration, reported that that committee did on February 19, 1980 present to the President, for his approval, joint resolutions of the House of the following titles:

H.J. Res. 469. A joint resolution designating February 19, 1980, as "Iwo Jima Commemoration Day"; and

H.J. Res. 477. A joint resolution to authorize and request the President to issue a proclamation honoring the memory of Walt Disney on the 25th anniversary of his contribution to the American dream.

ADJOURNMENT

Mr. LELAND. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 4 minutes p.m.), the House adjourned until tomorrow, Thursday, February 21, 1980, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3507. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Health, Education, and Welfare for "Grants to States for Medicaid," for fiscal year 1980, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriations, pursuant to section 3679(c)(2) of the Revised Statutes, as amended; to the Committee on Appropriations.

3508. A letter from the Assistant Secretary of Defense (Comptroller), transmitting notice of the proposed obligation of funds from the Army Stock Fund and the Defense Stock Fund for war reserve stocks, pursuant to section 736 of the Defense Appropriations Act, 1980; to the Committee on Appropriations.

3509. A letter from the Associate Director for Legislative Affairs, Community Services Administration, transmitting a supplement to the agency's first report on the energy crisis assistance program; to the Committee on Appropriations.

3510. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting the base structure annex to the Defense Manpower Requirements report for fiscal year 1981, pursuant to 10 U.S.C. 138(c)(3)(C); to the Committee on Armed Services.

3511. A letter from the Secretary of Labor, transmitting a report on the number of cases reviewed and the number of exemplary rehabilitation certificates issued during calendar year 1979, pursuant to section 6(f) of Public Law 90–83; to the Committee on Armed Services.

3512. A letter from the Deputy Assistant Secretary of the Interior for Indian Affairs, transmitting a proposed final rule on the distribution of supplemental funds under the Johnson-O'Malley Act, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

3513. A letter from the Chairman, Federal Council on the Arts and the Humanities, transmitting a draft of proposed legislation to amend the Arts and Artifacts Indemnity Act (Public Law 94–158); to the Committee on Education and Labor.

3514. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the proposed issuance of a license for the export of certain major defense equipment sold commercially to Saudi Arabia (Transmittal No. MC–10–80), pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3515. A letter from the Director, Community Services Administration, transmitting the transition report of the Inspector General of the Community Services Administration, pursuant to section 5(b) of Public Law 95–452; to the Committee on Government Operations.

3516. A letter from the Director, Community Services Administration, transmitting a report on the Agency's activities under the Freedom of Information Act during calendar year 1979, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3517. A letter from the Acting Assistant Secretary for Administration, Department of Housing and Urban Development, transmitting a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3518. A letter from the Administrator, Panama Canal Commission, transmitting a report on the disposal of foreign excess property by the Panama Canal Company and the Canal Zone Government during fiscal year 1979, pursuant to section 404(d) of the Federal Property and Administrative Services Act of 1949, as amended; to the Committee on Government Operations.

3519. A letter from the Comptroller General of the United States, transmitting a report on savings which are attainable to the Federal Government through improvement of the productivity of Federal payment centers (FGMSD–80–13, February 12, 1980); to the Committee on Government Operations.

3520. A letter from the Comptroller General of the United States, transmitting a report on the financial status of major acquisitions of the U.S. Government, including acquisitions financed solely with Federal funds and those financed jointly with Federal, State, and other funds (PSAD–80–25, February 12, 1980); to the Committee on Government Operations.

3521. A letter from the Secretary of the Interior, transmitting notice of his determination that certain lands in the States of Idaho, Nevada, and Utah are not suitable for disposal under the provisions of the Unintentional Trespass Act, pursuant to section 214 (b) of the Federal Land Policy and Management Act; to the Committee on Interior and Insular Affairs.

3522. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend section 6(e)(1) of the Land and Water Conservation Fund Act of 1965, as amended and for other purposes; to the Committee on Interior and Insular Affairs.

3523. A letter from the Deputy Secretary of Energy transmitting the third annual report on the Strategic Petroleum Reserve pursuant to section 165 of the Energy Policy and Conservation Act of 1975; to the Committee on Interstate and Foreign Commerce.

3524. A letter from the Acting General Counsel, Department of Energy, transmitting notice of two meetings relating to the international energy program to be held on February 25 and 26, 1980 in Paris, France; to the Committee on Interstate and Foreign Commerce.

3525. A letter from the Chairman, National Arthritis Advisory Board, transmitting the third annual report of the Board, pursuant to section 440(j) of the Public Health Service Act; to the Committee on Interstate and Foreign Commerce.

3526. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting a report on the facts in each application for conditional entry of aliens into the United States under section 203(a)(7) of the Immigration and Nationality Act for the 6-month period ending December 31, 1979, pursuant to section 203(f) of the act; to the Committee on the Judiciary.

3527. A letter from the Secretary of Transportation, transmitting a report on the utilization of the authority to make payments to officers of the U.S. Coast Guard holding positions of a critical nature during calendar year 1979, pursuant to 37 U.S.C. 306(f); to the Committee on Merchant Marine and Fisheries.

3528. A letter from the Chairman, Board of Governors, U.S. Postal Service, transmitting the annual report of the Postmaster General for fiscal year 1979, pursuant to 39 U.S.C. 2402; to the Committee on Post Office and Civil Service.

3529. A letter from the Administrator, General Services Administration, transmitting a draft of proposed legislation to amend the Federal Property and Administrative Services Act of 1949, as amended, to authorize the Administrator of General Services to enter into contracts for janitorial, trash removal, and similar building services, and protective service in federally owned and leased properties for periods not to exceed 3 years, and for other purposes; to the Committee on Public Works and Transportation.

3530. A letter from the Under Secretary of State for Management, transmitting a draft of proposed legislation to promote the foreign policy of the United States by strengthening and improving the Foreign Service of the United States, and for other purposes; jointly, to the Committees on Foreign Affairs, and Post Office and Civil Service.

3531. A letter from the Comptroller General of the United States, transmitting a report on the causes and management of first-term enlisted attrition in the military (FPCD–80–10, February 20, 1980); jointly, to the Committees on Government Operations and Armed Services.

3532. A letter from the Secretary of Health, Education, and Welfare, transmitting notice of a delay until July 1, 1980 in the submission of the 1980 End-Stage Renal Disease annual report, required by section 1881(g) of the Social Security Act; jointly, to the Committees on Interstate and Foreign Commerce, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RODINO: Committee on the Judiciary. House Resolution 571. Resolution of inquiry directing the Attorney General of the United States to furnish certain information to the House of Representatives (Adverse Rept. No. 96–778). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BRINKLEY:

H.R. 6539. A bill to amend the Occupational Safety and Health Act of 1970 to concentrate enforcement activities on hazardous workplaces and encourage self-initiative in improving occupational safety and health, and for other purposes; to the Committee on Education and Labor.

By Mr. BRODHEAD:

H.R. 6540. A bill to provide a program of emergency unemployment compensation; to the Committee on Ways and Means.

By Mr. ECKHARDT:

H.R. 6541. A bill to prohibit unfair or deceptive acts and practices of household goods carriers; to provide for the fair, timely, and inexpensive resolution of household goods shipper disputes; and for other purposes; to the Committee on Public Works and Transportation.

By Mr. FINDLEY:

H.R. 6542. A bill to amend the Food and Agriculture Act of 1977 to require the Secretary of Agriculture to establish certain loan levels whenever the export sales of certain agricultural commodities are suspended; to the Committee on Agriculture.

H.R. 6543. A bill to amend the Internal Revenue Code of 1954 to provide a system of capital recovery for investment in plant and equipment, and to encourage economic growth and modernization through increased capital investment and expanded employment opportunities; to the Committee on Ways and Means.

By Mr. FRENZEL:

H.R. 6544. A bill to amend the Internal Revenue Code of 1954 to encourage small business capital formation; to the Committee on Ways and Means.

By Mr. GRASSLEY:

H.R. 6545. A bill to delay proposals for salary increases for Members of Congress and certain other Federal positions by postponing for 4 years the appointment of members of the Commission on Executive, Legislative, and Judicial Salaries; to the Committee on Post Office and Civil Service.

By Mr. GUARINI:

H.R. 6546. A bill to provide Federal financial assistance to States for programs to identify women who received diethylstilbestrol (DES) while pregnant and the children of such women, to establish a voluntary registry of such women and children, to provide screening of such women and children for cancer related to such drug, and to provide information respecting the health hazards of such drug; to the Committee on Interstate and Foreign Commerce.

By Mr. HANLEY:

H.R. 6547. A bill to amend the Federal Reserve Act to eliminate the ceiling rates on deposits maintained at federally insured depository institutions, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HEFNER:

H.R. 6548. A bill to amend title 38, United States Code, to authorize the Administrator of Veterans Affairs to give preference in employment in certain positions in the Veterans Administration to qualified disabled veterans and veterans of the Vietnam era; to the Committee on Veterans' Affairs.

By Mr. KRAMER (for himself and Mr. Sebelius):

H.R. 6549. A bill to provide a credit against income tax for expenditures to upgrade certain railroad property; to the Committee on Ways and Means.

By Mr. LEVITAS (for himself and Mr. Johnson of California) (by request):

H.R. 6550. A bill to amend Public Law 90–553, to authorize the transfer, conveyance, lease and improvement of, and construction on, certain property in the District of Columbia, for use as a headquarters site for an international organization, as sites for governments of foreign countries, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. LONG of Maryland:

H.R. 6551. A bill to amend the Internal Revenue Code of 1954 to eliminate the provision which allows an employer to take into account employer payments of social security taxes in determining whether the employer discriminates against low-paid employees in providing pension benefits; to the Committee on Ways and Means.

By Mr. MARLENEE:

H.R. 6552. A bill to provide for the construction of the Alzada-Ekalaka Highway in Montana; to the Committee on Public Works and Transportation.

By Mr. MOAKLEY:

H.R. 6553. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to include emergency medical vehicle workers among the public safety officers whose survivors are eligible for certain benefits; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 6554. A bill to authorize appropriations for the fiscal years 1981 and 1982 for certain maritime programs of the Department of Commerce, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. RAILSBACK:

H.R. 6555. A bill to amend title 18, United States Code, to permit a Federal court, upon the recommendation of the U.S. prosecutor, to place certain persons charged with Federal crimes in programs of community supervision and services; to the Committee on the Judiciary.

By Mr. TRAXLER:

H.R. 6556. A bill to provide that the National Medal of Science, which is currently awarded for outstanding contributions in the physical, biological, mathematical, and engineering sciences, also be awarded for outstanding contributions in the behavioral and social sciences; to the Committee on Science and Technology.

H.R. 6557. A bill to name the Veterans' Administration hospital located at 1500 Weiss Street, Saginaw, Mich., the Aleda E. Lutz Veterans Hospital; to the Committee on Veterans' Affairs.

By Mr. BOB WILSON:

H.R. 6558. A bill to amend title 37, United States Code, to increase the monthly subsistence allowance for senior Reserve Officer Training Corps Cadets from $100 a month to $150 a month; to the Committee on Armed Services.

By Mr. ZABLOCKI (for himself, Mr. Broomfield, Mr. Fountain, Mr. Fascell, Mr. Hamilton, Mr. Wolff, Mr. Barnes, Mr. Bowen, Mr. Derwinski, Mr. Winn, Mr. Lagomarsino, Mr. Pritchard, Mrs. Fenwick, and Mr. Quayle):

H. Con. Res. 282. Concurrent resolution expressing the sense of the Congress with respect to the recent foreign-inspired attempts to undermine the stability of Tunisia; to the Committee on Foreign Affairs.

By Mr. PATTERSON:

H. Res. 580. Resolution to provide for the expenses of investigations and studies to be conducted by the Select Committee on Committees; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

344. By the SPEAKER: Memorial of the House of Representatives of the State of Rhode Island and Providence Plantations, relative to the appropriation for the Education for all Handicapped Children Act of 1975; to the Committee on Appropriations.

345. Also, memorial of the Legislature of the State of Utah, relative to proposed registration and drafting of women for the selective service; to the Committee on Armed Services.

346. Also, memorial of the Assembly of the State of New York, relative to studying the use of formaldehyde in the construction of mobile homes, and issuance of Federal guidelines for same; to the Committee on Banking, Finance and Urban Affairs.

347. Also, memorial of the Legislature of the State of Arizona, relative to commending Canadian assistance in freeing American diplomats from Iran; to the Committee on Foreign Affairs.

348. Also, memorial of the Legislature of the State of Utah, relative to proposed legislation providing for the cession and conveyance to the States of federally owned unreserved, unappropriated lands; to the Committee on Interior and Insular Affairs.

349. Also, memorial of the Assembly of the State of New York, relative to establishing a national cemetery for veterans in Ulster County; to the Committee on Veterans' Affairs.

350. Also, memorial of the Senate of the State of Washington, relative to social security benefits for the terminally ill; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BUTLER:

H.R. 6559. A bill for the relief of Reverend Carl T. Tinsley and Yvonne P. Tinsley; to the Committee on the Judiciary.

By Mr. CAVANAUGH:

H.R. 6560. A bill for the relief of James G. Reese; to the Committee on the Judiciary.

By Mr. MOTTL:

H.R. 6561. A bill for the relief of Lieutenant Commander Frederick R. Marlin, Junior, U.S. Navy; to the Committee on the Judiciary

By Mr. RAHALL:

H.R. 6562. A bill for the relief of Sarah O. Loot, doctor of medicine, Jesse L. Loot, doctor of medicine, and Brian O. Loot; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 542: Mr. Skelton.

H.R. 809: Mr. Weaver.

H.R. 1028: Mr. Weaver.

H.R. 1041: Mr. Leland.

H.R. 1918: Mr. Carney, Mr. Stack, Mr. Aspin, and Mr. Fuqua.

H.R. 2973: Mr. Harris.

H.R. 3269: Mr. Anderson of California and Mr. Lungren.

H.R. 4253: Mr. Leland.

H.R. 4404: Mr. Lundine.

H.R. 4407: Mr. Lundine and Mr. Tauke.

H.R. 4409: Mr. Lundine.

H.R. 4646: Mr. Beard of Rhode Island, Mr. Dicks, Mr. Johnson of California, and Mr. Jacobs.

H.R. 4647: Mr. Howard.

H.R. 4682: Mr. Moakley, Mr. Mottl, Mr. Hanley, Mr. Vento, Mr. Downey, Mr. Nolan, Mr. Atkinson, and Mr. Edgar.

H.R. 5033: Mr. Porter and Mr. Goldwater.

H.R. 5175: Mr. Stewart, Mr. Conyers, Mr. Gray, Mr. Lehman, Mr. Peyser, Mr. Dellums, Mr. Bonior of Michigan, Mr. Mineta, Mrs. Chisholm, Mr. Clay, Mr. Mitchell of Maryland, Mr. Lederer, and Mr. Wolff.

H.R. 5440: Mr. Corcoran and Mr. Hinson.

H.R. 5477: Mr. Lehman.

H.R. 5535: Mr. Pashayan.

H.R. 5743: Mr. Cavanaugh.

H.R. 5981: Mr. Barnes, Mr. Bedell, Mr. Gray, Mr. Heftel, Mr. Stack, and Mr. Waxman.

H.R. 5987: Mr. Carter, Mr. Derwinski, Mr. Duncan of Tennessee, Mr. Evans of Georgia, Mr. Lehman, Mr. Lowry, Mr. McKay, Mr. Mineta, Mr. Murphy of Pennsylvania, Mr. Neal, Mr. Pashayan, Mr. Paul, Mr. Petri, Mr. Stangeland, Mr. Charles Wilson of Texas, Mr. Harsha, and Mr. Bowen.

H.R. 6008: Mr. Lagomarsino, Mr. Boland, Mr. Corrada, Mr. Murphy of Pennsylvania, Mr. Lederer, Mr. Fish, and Mr. Duncan of Tennessee.

H.R. 6027; Mr. Gray, Mr. Stokes, Mr. Mineta, Mr. Marks, Ms. Oakar, and Mr. Tauke.

H.R. 6070: Mr. Watkins, and Mr. Whitley.

H.R. 6093: Mr. Duncan of Tennessee, Mr. Dougherty, Mr. Forsythe, Mr. Pepper, Mrs. Chisholm, Ms. Oakar, Mr. Roe, Mr. Walgren, Mr. Patten, Mr. Erdahl, and Mr. Fish.

H.R. 6186: Mr. Carter, Mr. Downey, Mr. Hutto, Mr. Neal, and Mr. Charles Wilson of Texas.

H.R. 6203: Mr. Anthony, Mr. Lloyd, Mr. Neal, Mr. Edgar, Mrs. Chisholm, Mr. La Falce, Mr. Fazio, Mr. Shannon, Mr. Mineta, Mr. Downey, Mr. Patten, Mr. Symms, Mr. Oberstar, Mr. Harkin, Ms. Mikulski, Mr. Whittaker, Mr. Cleveland, Mr. Carter, Mr. Moakley, Mr. Yates, Mr. Davis of Michigan, Mr. Evans of Georgia, Mr. Duncan of Tennessee, Mr. Mitchell of Maryland, and Mr. Brown of California.

H.R. 6227: Mr. Robinson and Mr. Slack.

H.R. 6244: Mr. Pashayan, Mr. Waxman, and Mr. Matsui.

H.R. 6314: Mr. Winn, Mr. Bowen, Mr. Moorhead of California, Mr. Spence, Mr. Dan Daniel, Mr. Whittaker, Mr. Won Pat, Mr. Duncan of Tennessee, Mr. McDonald, Mr. Philip M. Crane, Mr. Moore, Mr. Lagomarsino, Mr. Bevill, Mr. Badham, Mr. Robert W. Daniel, Jr., Mr. Edwards of Oklahoma, Mr. Cleveland, Mr. Gingrich, and Mr. Hansen.

H.R. 6377: Mr. Moakley, Mr. McKinney, Mr. Conte, Mr. Johnson of Colorado, Mr. Corman, Mr. Kemp, Mr. Kildee, Mr. Kogovsek, Mr. Studds, Mr. Markey, Mr. Fish, Mr. Edwards of California, Mr. Brodhead, Mr. Frost, Mr. Miller of California, Mr. Mitchell of Maryland, Mr. Philip M. Crane, Mr. Mattox, Mr. Weiss, Mr. Walgren, Mr. Mollohan, Mr. Roth, Mr. Aspin, Mr. Dodd, Mr. Mavroules, Mr. LaFalce, Mr. Panetta, Mr. Bonior of Michigan, Mr. Bailey, Mr. Hollenbeck, Mr. Downey, Mr. Dixon, Mr. Roe, Mr. Sabo, Mr. Vento, Mr. Stokes, Ms. Mikulski, Mr. Barnes, Mr. Ertel, Mr. Wirth, and Mr. Drinan.

H.R. 6428: Mr. Bedell, Mr. Bereuter, and Mr. Cavanaugh.

H.R. 6444: Mr. Whitehurst.

H.R. 6522: Mr. Maguire.

H.J. Res. 69: Mr. Jacobs.

H.J. Res. 145: Mr. Evans of the Virgin Islands, Mr. Sabo, Mr. Watkins, and Mr. Applegate.

H. Con. Res. 122: Mr. Swift, Mr. Wydler, and Mr. Conyers.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

279. By the SPEAKER: Petition of the City Council, New York, N.Y., relative to appropriation of funds for the education of the handicapped; to the Committee on Appropriations.

280. Also, petition of the Permanent Council of the Organization of American States, Washington, D.C., relative to Nicaragua; to the Committee on Foreign Affairs.

281. Also, petition of the City Council, New York, N.Y., relative to making Abraham Lincoln's birthday a national holiday; to the Committee on Post Office and Civil Service.

282. Also, petition of the Council of the Metropolitan Government of Nashville, Tenn., relative to the Airport and Airway Development Act; to the Committee on Public Works and Transportation.

283. Also, petition of the Board of Directors, Southwest Kansas Royalty Owners Association, Hugoton, Kans., relative to the proposed windfall profits tax on domestic crude oil; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

GREEN CITES ANDERSON URBAN POLICY

HON. S. WILLIAM GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. GREEN. Mr. Speaker, earlier this month, our distinguished colleague and Presidential candidate JOHN B. ANDERSON, Republican of Illinois, delivered a major policy address in which he set forth his thoughts on what we should be doing about our cities. Yesterday, I asked that the introduction to that speech be inserted into the RECORD and today I call to the attention of my colleagues four of the substantive approaches detailed in Congressman ANDERSON's address:

EXCERPTS FROM CONGRESSMAN ANDERSON'S ADDRESS

Federal programs should be considered as investments in our cities to break the vicious cycle of declining revenue bases and deteriorating services. Federal programs should be designed to guide communities into a "take-off" pattern of sustained growth in both economic and social terms so that they can begin to meet their own problems and eventually reduce their dependency on the federal government and even their own state government.

As with all investments, there are risks of failure. But, to continue as we are now is to face the certainty of failure. Here are a few first steps that I would take to implement the approaches I have outlined.

1. REVENUE BASE INDEPENDENCE

The growing need for new revenue sources for localities is certain to escalate in the next few years. The specter of deteriorating capital plants coupled with inflationary costs can lead only to greater financial crisis for our cities unless an adequate and continuous source of revenues can be established. The concept of revenue sharing is a good starting point, but it can and should be taken one step further. What is needed is the transfer of certain taxing authority directly to the states or to the localities. In this way we can begin both to eliminate the uncertainties of congressional whim, and to place the source of revenue closer to localities and reduce their dependence on federal revenues. I therefore propose:

That 30 percent of the federal receipts from taxes on alcohol and tobacco be made available to cities and towns starting in fiscal 1981 and that this percentage be increased each year until it reaches 90 percent in 1984.

That this money be allocated among the states and the District of Columbia on the basis of total retail sales of alcohol and tobacco in each state and the District of Columbia.

That the money allocated to each state be passed through to the state by the federal government for a period of five years. If the state makes no provision for the distribution of the money to localities, federal government will retain it. In this way, the combined federal and state impact on the total tax rate on alcohol and tobacco will remain the same in each state as it is now whether or not some states exercise their option. In this way states will have a powerful incentive to exercise their options and a competitive situation between the states will not develop.

That the total monies available from this revenue source in each state be allocated to the state to be passed on directly to localities.

That the states be empowered to distribute this revenue by means of revenue sharing formulae or by grants and other equitable means designed to meet the specific needs of localities. Although the states will have the authority to decide how the money will be allocated to localities, they must bear the entire cost of the distribution so that the funds do not end up being spent for enlarging state bureaucracies. In this way, the entire amount will be passed through directly to the localities.

That in 1987 the federal government would repeal 90 percent of its taxes on alcohol and tobacco, abandoning this field largely to the states and, if the states chose, to the localities. It is reasonable to assume that the patterns of expenditure by the localities will by then be sufficiently well organized and the localities interest in these revenues will be sufficiently well developed, that the revenues will continue to flow to the localities which need them. It is also unlikely that taxes on these commodities would be seriously reduced by states and localities when the taxing authority was turned over to them.

That, however, before abandoning this revenue source largely to the states and localities, the federal government carefully review the allocation schemes designed by the states to ascertain that the revenues are, in fact, reaching areas of genuine needs.

I do not advocate the total abandonment of the two taxes by the federal government because it is necessary to maintain a national basis for the enforcement powers dealing with interstate traffic in these commodities. It is also necessary to fund that enforcement function.

By 1984 this proposal, if enacted, will produce approximately $8 billion of additional annual revenues for cities and towns. Although this is only a modest amount compared to the total needs and requirements of our localities, nevertheless it is more than a symbolic gesture, and it will serve to supplement city budgets during a time of sharply increased costs.

The only long-term solution to city financial problems, however, is to shore up the traditional city revenue bases so that the cities can count on stable indigenous sources of funds. This is one of the major objectives of my proposals on housing and community development that follow.

2. HOUSING

Our national prosperity as well as our ability to spur a comeback within our central cities will depend to a great degree on our success in conserving our existing stock of resources. This conclusion is not merely based on a preservationist ethic, but it is also grounded in practical economic and environmental considerations.

At the Federal level we need a housing policy which emphasizes conservation over new construction. Too long we have persisted in a strategy designed more to stimulate the economy than to improve communities. Continuation of such a bias in Federal housing policy will also encourage further suburban sprawl by forcing builders out onto open land.

In many central cities such as St. Louis, Detroit and New York thousands of potentially usable homes have been lost to abandonment. Entire neighborhoods have been blighted, demoralized and ravaged by crime as abandoned properties have become centers for shooting dope or targets for arsonists.

This housing abandonment has been accelerated by a host of factors—extremely restrictive rent control laws, redlining, a rise in crime, and increased costs of maintenance and utilities.

Federal grant in aid programs have meanwhile maintained a paralled bias in favor of new facilities by cities rather than maintenance and upkeep of the old. This is resulting in a kind of massive abandonment as billions of dollars of essential city facilities are allowed to deteriorate beyond the point at which they can be reclaimed.

The need for increased access to housing is enormous and it is growing steadily. The poor today are increasingly denied adequate housing and the middle class, are increasingly denied home ownership. As a few first steps to address the growing housing crisis in our urban areas; I propose the following measures:

A reorientation of HUD from its present role as formulator and overseer of national policy to the more limited functions of: (1) ensuring access to affordable housing for homeowners and renters; (2) fostering research into means of cutting regulatory and other obstacles to the construction and rehabilitation of affordable housing; and (3) funneling funding for community development to localities.

Amending the authorizing legislation and revising the implementing regulations of federal grant-in-aid programs to cut out any bias in favor of new construction as opposed to rehabilitation and maintenance of existing facilities.

Encouragement and expansion of programs to finance rehabilitation of existing housing (especially the private-local-federal programs of the Neighborhood Reinvestment Corporation), and the encouragement of coordination between federally funded housing rehabilitation and neighborhood revitalization initiatives.

Encouraging local strategies to fight housing abandonment including a streamlining of procedures for public and private acquisition of abandoned property, and the securing of funds to finance rehabilitation of salvageable existing housing.

Accelerating the transfer of federally owned abandoned property to city governments with urban homesteading or "shopsteading" programs.

The encouragement of increased savings and mortgage money by amending the Internal Revenue Code to exempt from taxation the first $500 of interest income for an individual and $1000 for a couple filing a joint tax return.

The amendment of the Internal Revenue Code to permit a couple to place up to $15,000 in a special account earmarked for the down payment on the purchase of a personal residence, with interest on those savings to be tax free. (A similar proposal was made by former Senator Brooke).

Using federal leverage and, if necessary, legislation, to induce the states and cities to replace costly, archaic building codes with modern performance codes so that the cost of new housing may be kept within bounds.

A restoration of the decentralization of decision making to HUD regional and district offices existing prior to the Carter Administration. To the extent that federal officials exercise discretion it is desirable that they be nearer those who are affected by their decisions.

3. BASIC SERVICES

New housing opportunities will not by themselves be sufficient to reverse the decline in the quality of urban life and they will not by themselves provide a boost to the revenue base of urban areas. Nor will new housing alone create a sufficient stimulus for sustained economic growth that can provide a long-run self sufficiency for our cities. It is also necessary to repair or rebuild the basic capital plant of many cities so that a solid service infrastructure can be recreated that will support the projected growth in housing units and will make available improved services to commercial and industrial enterprises. Investment in some services is therefore absolutely necessary to make possible sustained growth leading to ultimate independence of federal support.

Furthermore, investment in basic services benefits all urban dwellers irrespective of income level: all citizens have an interest in properly paved, clean, and safe streets and sidewalks, in pure drinking water, well-managed sewage and sanitary facilities, and effective fire and police protection. These are services that largely cannot be provided through the private sector and are the legitimate province of government.

Although projects that rebuild streets and replace water mains are not as glamorous as projects that build convention centers, hotels, and shopping areas, nevertheless the former should take precedence over the latter in the setting of federal priorities for urban funding programs. Show case projects can be more easily funded by local revenues, by bond issues or with the participation of private investors.

I therefore propose:

That HUD pool together the funding for the Urban Development Action Grant program and other categorical grant programs into block grants for local governments.

That these block grants be largely restricted to: (1) the upgrading and repairing of existing capital plants and capital equipment such as streets, sidewalks, sewers, water mains, street lighting, waste processing localities, police and fire stations, police and fire equipment, pollution control plants and equipment, sanitary equipment and waste-processing equipment.

The replacement or installation of such plant and equipment when current facilities are lacking or when they are beyond repair.

That only a small amount of funds be reserved for show case "categorical grant" purposes which have exceptional merit and which can demonstrably contribute to a dramatic upgrading of the urban environment, such as solid waste service systems which integrate neighborhood-based recycling programs.

That the bias in federal legislation which favors new construction over rehabilitation and maintenance of existing facilities be eliminated in this area as well as in the housing areas.

4. YOUTH UNEMPLOYMENT

Increased access to housing and an improved urban capital base will in the long-run contribute to improved social services for all citizens and to a healthier environment in which many current social problems will be more capable of solution. There is, however, an immediate short-run need to grapple with the unreasonably high levels of urban youth unemployment. Addressing this problem directly will also yield long-term dividends in terms of more stable communities and more stable social bases upon which local governments can build. It is caused by many factors: A declining quality of public education, an often inadequate counseling or job placement service, the shrinking of central city job opportunities due to suburban relocation, and the extension of the minimum wage level past the initial work productivity of some unskilled youth. Furthermore, the perverse nonwork environment of many of the CETA job programs has often contributed to the problems not to the solution. In fact, expenditures have not begun to have an impact that could be reasonably expected from the amount of money committed to the programs. Too often these public service job programs have been pervaded with a debilitating sense of paternalism and have been run essentially as daycare programs for teenagers. Rather than exposing participants to realistic work situations, administrators have too often sought to run a make-shift program. Even when job training and placement programs have been realistic, awkward and inefficient, job validation procedures have frequently caused the loss of placement opportunities.

The crisis of youth unemployment is as great that it demands statesmanship from labor, business, and from government if we are to avoid the creation of a growing and permanent under-class in our cities and in our society as a whole. Organized labor, which showed great statesmanship in spearheading the adoption of the landmark civil rights legislation, must be called upon to play an equally statesmanlike role in addressing the problem of youth unemployment. The same spirit of leadership if matched by equivalent commitments by business and government can help cut our youth unemployment rates. As President, I would seek enactment of a youth opportunity minimum wage to allow employers to hire youths who are entering the job market on a full time basis at 75% or more of the existing national minimum wage. Such an apprenticeship would last up to six months. To prevent abuse by employers, this legislation would have safeguards, including the six-month time limit to prevent the use of the youth minimum wage to lower existing wages or displace existing employees. Such a wage could offer tens of thousands of initial jobs for potentially employable, yet unemployed, unskilled teenagers who would otherwise be frozen out of the job market. Once they were introduced to a realistic job environment, they would acquire some basic skills and attitudes that would contribute meaningfully towards their ability to secure future employment. I would seek a thorough revision of the CETA program and other job legislation to emphasize actual job training. Such programs should focus upon the needs of unskilled youths entering the job environment.

I would seek to increase the proportion of private sector youth job-training programs by adopting CETA programs to the needs of neighborhood-based enterprises, and by streamlining red-tape requirements to maximize job placement. For example, a need exists to orient public service jobs to such necessary tasks as weather-stripping of homes; repairing energy leaks; and performing energy audits. Training in these areas would allow CETA employees to be available to private firms as competent and certified energy conservationists.●

SCIENCE TALENT HONORS—1980

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. STARK. Mr. Speaker, I would like to bring to the attention of my colleagues the work of one truly outstanding individual in my district.

While a student at California High School in San Ramon Valley, 17-year-old Vivek Sharad Kavadi developed a "Model Enzyme Theory on the Analgesic Mechanism of Aspirin," and has since been selected as a recipient of the 1980 Science Talent Search Honor Award.

I would like to congratulate Mr. Kavadi and all of the other young men and women across the Nation who were chosen for this honor. It is encouraging to see that, even at the high school level, there are people helping through engineering and scientific research to solve our Nation's problems. Their efforts are deeply appreciated, and worthy of our recognition.●

MARION GAINES: A REPORTER OF CLASS

HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. MATHIS. Mr. Speaker, Georgia journalism lost a cornerstone of its foundation last week when Marion Gaines of the Albany Herald died.

Marion's career spanned several tumultuous decades. His scoops and hardnosed investigative endeavors uncovered corruption and complancency and won plaudits.

Whether Marion was covering the 1957 high school integration in Little Rock, Ark., or political wrongdoing on his home turf, he did it with top-flight professionalism.

Georgia is a much better place thanks to Marion's tireless journalistic ability.

Bill Shipp, a close friend of Marion and associate editor of the Atlanta Constitution, said it best when he called Marion a reporter of class.

Bill traced Marion's career in a tribute, which appeared on the Constitution's editorial page Tuesday morning, February 19, 1980.

Bill's column follows:

The phone rang at home shortly after 8:30 Saturday morning. It was Jolinda McPherson (nee Gaines) weeping. She told me her father and my dear friend, Marion, had died unexpectedly on Friday night. He was 48.

Marion Gaines, one of the truly remarkable newspapermen I have known, had passed from the scene that he had covered so well. The eyes that had observed so accurately so much of the region's historical upheaval in the '50s, '60s and part of the '70s were closed finally.

When I first arrived for work at The Constitution in 1956, Gaines already was a member of the newspaper's copy desk, a bright-eyed, young man constantly badgering the managing editor to let him become a reporter.

When the boss finally relented, Gaines was almost an immediate success on the pavement. He was quick and tough and thorough. "I picked him out as one who would become a top news executive one day," his former boss said years later. That was never to be.

But Gaines became a reporter nonpareil. In 1957 he covered the National Guard in Little Rock as it forced at bayonet point the integration of Central High School, a clash that marked the beginning of a series of violent confrontations that would continue through most of the following decade. He coordinated The Constitution's coverage of the tragic Paris plane disaster of June 3, 1962, in which 106 Atlantans died.

He covered Martin Luther King Jr. and the civil rights skirmishes that sometimes threatened to turn Atlanta into another Birmingham and Georgia into another Mississippi.

He covered the state Capitol and City Hall. He even worked the sports desk, on Saturday night. He watched and wrote about Atlanta in the 1960s as it flourished as never before. But he also realized that even the city's boom was not all pleasant.

Gaines and another reporter managed to break out the sweetheart terms of the Atlanta Stadium contract that would bring the city's first major league team to town, at considerable expense to the taxpayers. The account was hardly cheered by the centers of power at the time.

He and reporter Jack Nelson wrote a series of articles detailing how Atlanta's liquor store licenses were tightly held privileges granted by the city to only a handful of insiders. The series brought awards to the pair and reform in the city license procedures.

He wrote about police corruption, another subject not especially popular among the so-called "power structure." Once when he authored stories on the failure of law enforcement to deal with the illegal lottery in Atlanta, including a first person account of how easily the lottery may be played, a local lawman admonished him: "You have admitted committing a crime."

"Great," replied Gaines, "if that is the only way you can make a lottery arrest, arrest me." He was not arrested.

The list of important, enterprise news stories by Marion Gaines could go on. But he was more than just a reporter. He was a first-rate rewrite man and editor. As an assistant city editor, he knew not only how to handle a reporter's copy but his or her ego as well.

When a bright young thing bounced in one day to tell Gaines, all full of herself, that he had finally received a degree from a certain SEC university (not Georgia), Gaines quipped, "Oh, yes, I believe that is the only school that will transfer an F from Emory as an A." Gaines was an Emory graduate.

In the early 70s, time came for Gaines to move on. He worked briefly for the Associated Press and then landed as a reporter for the Albany Herald in southwest Georgia.

But he never lost his enthusiasm for going after the tough stories, for disturbing politicians who didn't want to be bothered, for ferreting out corruption in local government.

Using relatively limited resources in Albany, Gaines wrote a series detailing complex swindles and illegal coal mining deals that had international reverberations and involved first a gang of South Georgia good old boys and later bigtime swindler Robert Vesco. Newspapers with larger staffs and more facilities worked on the same stories involving the same massive corruption. But it was Gaines in 1979 who stepped to the podium to receive plaudits for his work.

He phoned me just Thursday to say he was a bit under the weather, but to whet my curiosity by remarking he was on to "something really big." What it was, we may never know. He died Friday night.

Marion Gaines never became the kind of bigtime publisher or editor that he had potential for. In fact, he thought of himself as "just a survivor." But he had a rare and wonderful talent and energy as a reporter. What he wrote had a major impact on the Atlanta region and was a credit to his trade. His death is a loss to all of Georgia journalism.●

WOONSOCKET SENIOR HIGH SCHOOL'S VILLA NOVAN JAMBOREE

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. ST GERMAIN. Mr. Speaker, I take pleasure today in telling my colleagues about a special event which will take place in the city of Woonsocket, R.I., during the week of February 25.

Every year the student council of Woonsocket Senior High School sponsors the Villa Novan Jamboree, a weeklong winter carnival of educational and recreational activities. It has become a tradition that grows in scope and attendance with each year.

Although the event generates a tremendous sense of school spirit among the student body and faculty, it is most noteworthy because it is enjoyed by the entire Woonsocket community. The jamboree is attended not only by individuals involved directly with the school, but is a celebration shared with the city. Through their efforts and resourcefulness the students have taken an important leadership role and have inspired widespread participation.

I am sure you will agree that such enthusiasm and industriousness are worthy of acknowledgment, so as a resident of Woonsocket I take great pride in applauding the work done by the students of Woonsocket Senior High School.●

ENGINEER'S WEEK

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. RITTER. Mr. Speaker, there have been many commemorative weeks honoring various elements of American life, but few are as important and meaningful for a strong America as this week's celebration of "Engineer's Week."

This coming Friday in the Lehigh Valley of Pennsylvania, a special celebration and dinner will be held to mark Engineer's Week. This celebration has a meaning beyond merely the honoring of an important profession. The fact is Mr. Speaker, and I am proud to say it, that engineers and technical professionals of the Lehigh Valley have begun to take a leadership role in recent months toward bringing about a public appreciation and understanding of the contributions engineers can make to America's future. I am deeply proud that Lehigh Valley engineers are offering such leadership.

The Lehigh Valley is a fast growing and dynamic region of a half million people. Its industrial and commercial vitality have always made it a good site for engineering activity. For example, one of the Nation's finest engineering schools, Lehigh University, is located in the Lehigh Valley. Lehigh Valley engineers working for companies such as Bethlehem Steel, Mack Truck, Western Electric, Air Products & Chemicals, Pennsylvania Power & Light, and other highly productive organizations too numerous to mention have, for many years, been a great source of vitality for Pennsylvania and the Nation.

Until recently, Lehigh Valley engineers, like their counterparts throughout the United States, had tended to exercise their expertise primarily within their profession. Now, they are broadening their horizons and sharing their knowledge beyond the bounds of their particular profession. Perhaps the most visible example of this has been the creation, starting in the summer of 1979, of the Lehigh Valley Technical Advisory Council—TAC—which is designed to encourage engineers and other technical professionals to become more active in public affairs and the legislative process. Since last summer the TAC has worked hard to lay the foundation for supplying information to elected officials and to the public on technical and scientific issues. The people of the Lehigh Valley owe a great debt to those individuals who have devoted their time and energy to creating the Technical Advisory Council for the purpose of enriching and broadening the scope of public debate on these questions.

I believe that what Lehigh Valley engineers have done can serve as a model nationwide. This commitment by local engineers to improving the quality of public debate on technical and scientific matters can be duplicated in communities all around the Nation. It can help assure that technical decisions made in the public arena during the 1980's are made as intelligently as possible.

Nowadays, perhaps more so than at any time in American history, the issues facing us are tied to technical and scientific questions. The primary example is energy, where the capabilities, benefits, and problems associated with various energy sources can only be fully understood in the context of the scientific and technological realities. To attempt to make decisions on such questions as nuclear power, alternative energy sources, waste disposal, and so forth, without including the scientific community is a great disservice to the American people. Public issues today, in many cases, involve a balancing of risks, a comparison of risks. Such wise judgments can only occur when decisionmakers and the public have the benefit of all viewpoints, including that of the scientific community.

Too often in the past, members of the technical community, including engineers, have allowed decisionmaking to proceed without them. That can no longer be allowed to happen. Too much is at stake.

Mr. Speaker, 2 years ago I was outside politics, a technical professional, with deep concerns over the challenges facing our Nation. Yet it was only after I decided to do something about my own concerns and seek elective office that I began to realize how silent the engineering profession and the other technical professions had truly been. Now that I am a Member of the House of Representatives, I am aware, particularly through my work on the Science and Technology Committee, how vital it is for decisionmakers to have the benefit of the voices of engineers. The input of professional politicians, most of whom have been trained in advocacy, is not enough by itself. Hopefully, the celebration of Engineer's Week can serve to remind the American people how much their future depends on the advice and contribution of professionally trained engineers in the legislative process.

As I said, I'm deeply proud that today engineers are increasingly willing to translate their skills and knowledge into action in the public forum. And I am especially proud that Lehigh Valley engineers are leading the way in this regard.

Engineers of the Lehigh Valley, I salute you. Most of all, I salute your dedication to a brighter future for the people in your communities, not just through the exercise of your considerable technical skills, but also through your commitment to involvement in the political and legislative process for the benefit of all Americans.●

DEATH OF RANDY TRABOLD

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. CONTE. Mr. Speaker, on February 18, a man who for many years captured the people and places of the Berkshires on film died in Berkshire Medical Center in Pittsfield. Randy Trabold, photographer for the North Adams Transcript and good friend, will be sorely missed by many of the residents of my First Congressional District. Just last September, I was honored to speak at Randy's retirement testimonial in Williamsburg, Mass. In tribute to Randy's memory, and for his loving wife of many years, Ida, I would like to share my remarks of that evening with my colleagues:

TESTIMONIAL FOR RANDY TRABOLD, SEPTEMBER 15, 1979

Ladies and gentlemen, thank you for that reception; and thank you from the bottom of my heart for inviting me here to share this occasion with you.

This is a real pleasure for me, and nothing in the world could have kept me away. A politician is often asked to speak at testimonials, but it is very seldom that we get an opportunity to pay public tribute to a person who is not only fully deserving of honor, but one who happens to be a very close and valued friend. And I am very proud to say, I have always been proud to say, and I always will be proud to say, that Randy Trabold is a friend.

Also, although Randy doesn't like to admit it, he is a relative of mine. Randy is related to me through my wife and her father. I don't know whether it is our kinship or our friendship that has always led to my looking good in Randy's photos of me—but I am grateful just the same.

Before I go any further, I want to make it clear that, in praising Randy, I am also paying tribute to his wife, that lovely Italian gal, Ida. I can remember, as a young lad, seeing and hearing her sing with a local band. She was delightful then, and she is delightful now. I think we all know how much she has contributed over the years to the life and work of the man we are honoring tonight—the man we are all glad to call "friend," Randy Trabold.

Randy has few peers, either as a photographer, or as a human being. And the volume of praise that Randy has received since he announced his retirement demonstrates that I am far from alone in feeling this way.

Randy has, in his own quiet way, risen to the top of his field right here in the Berkshires. I think it is very fitting that there has recently been a show of some of his best photographs at the Clark Art Institute, since Randy's best are truly works of art. He has taken many excellent photographs in far-away Moscow, and right here at home, and they demonstrate an unusual mastery of the camera. I hope Randy is very proud of his achievements as a photographer, because he certainly should be.

Randy has worked with skill and diligence in a trade whose importance is hard to estimate. Newspaper journalism is a business of words. The job of the professional photographer is to flesh out, to bring a new life to the newsprint which tells the story. Often, no matter how skillful the writing of a story might be, it is the photograph that brings the story to life and gives it poignancy and drama.

It is an old cliche, but in the field of newspaper photography, a good picture can truly be worth a thousand words. It is the photographer who gives the reader a look at the identity of the person who makes the news, a feel for the place where the news is made, a glimpse of the event itself (or its aftermath) and, most importantly, a sense of the reality of what has transpired. The reader of a newspaper can remain unmoved by the standard journalistic report of a fire, but he or she is much more likely to comprehend the gravity of the destruction wrought if he sees a picture of the blaze.

Randy did an important job, but one that is filled quite well by any number of photographers. What sets him apart is that he brings a measure of skill, creativity and sensitivity to his work that is anything but common. Randy always takes pictures that are technically excellent; but he often takes pictures that are very artistic. He has a fine eye for taking an ordinary subject and making it into an extraordinary picture. He also has a rare sensitivity to people, and this sensitivity colors all his work.

Randy also has a way of being in the right place with his camera to capture the events as they happen. To the casual observer, this might seem to be luck, but mostly this is the result of long work and hard hours. Of course, one can question whether being on hand to get the pictures of a shoot-out in Downtown North Adams and jeopardizing his life in order to do so, constitutes good luck, a nose for news, unprecedented dedication to one's work, or perhaps being just a shade crazy. Whatever this quality is, Randy has it, and it is in large part responsible for the remarkable success he has had over the years in taking timely, important photographs that have helped bring the news to life for the readers of the North Adams Transcript.

What shines through all of Randy's photographs is his zest for life, and if there is any one quality about him that I have come to enjoy more than the rest, it is his cheerful demeanor every time I see him, rain or shine. Coupled with this is a great sense of humor, and his really selfless devotion to his family, friends and, of course, his work.

I hope Randy enjoys his retirement. He will, I'm sure, be sorely missed at the Transcript. Someone new will no doubt be found who will be a very capable photographer at the Transcript, but in many ways, Randy is completely irreplacable.

Randy can take unusual pride in knowing that he has left a double mark upon those who know him. First, we know him as an unusually skillful and sensitive photographer, whose work is always of high quality, and which on occasion was outstanding, transcending the fine line that separate high quality photography from true artistry.

But, more importantly, we are here tonight to honor a prince of a man, whose good qualities can serve as an example to us all. It is people like Randy Trabold who make me especially proud to serve the First Congressional District of Massachusetts.

Randy, I congratulate you on all you've done in your life, and I wish you a happy and relaxing retirement.

Finally, as a small but heartfelt token of my appreciation for your friendship and the appreciation of this entire area for your contribution to our lives over the past almost five decades, I would like to present you with this Congressional plaque. It reads: "To Randy Trabold—For Outstanding Service—To the Community and Commonwealth."

It is a simple message. But the few words say an awful lot, because they are so true and so well earned.

The message is signed by me as the Congressman from this District because, in this case, I know I am truly representing all of my constituents in extending this tribute.

Thank you!●

TRIBUTE TO JERRY L. BRANNAN

HON. RAY ROBERTS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. ROBERTS. Mr. Speaker, since the end of World War II, the VA medical system has undergone many transformations and experienced phenomenal growth. One of the major contributing factors to this great success has been the quality of the medical and administrative personnel who have given their talents and years of dedicated services to the health care needs of the American veteran.

One such individual is Jerome "Jerry" Brannan, currently medical director of the Veterans' Administration Medical Center in Waco, Tex. After 34 years in service to the VA, Jerry Brannan has announced he will retire at the end of this month. I believe it appropriate to bring to the attention of my colleagues a short description of his career and accomplishments. Such loyal service has made a lasting mark on VA medical facilities and the quality of veterans health care in Texas and throughout the United States.

Jerome "Jerry" L. Brannan, is a native of Wisconsin and attended Columbia College, Dubuque, Iowa, and the University of Wisconsin at Madison. He served 6 years in the Army, World War II, with overseas duty in the European theater of operations and was discharged as a major in May 1946. In 1969, he retired as a full colonel, Air Force Reserves.

Jerry Brannan joined the VA at Mendota, Wis., in October 1946, as a registrar. From June 1960 to 1968 he served as field supervisor, medical administration; executive assistant to regional medical director in Atlanta, Ga.; St. Louis, Mo.; and Washington, D.C. In 1968 he was appointed hospital director, VA hospital, Tomah, Wis. In November 1970, he was appointed hospital director, VA hospital, Waco, Tex.

During his tenure at Waco as the first nonmedical director, a number of improvements were accomplished, including a completely new 6-chair operatory dental service, a 15-bed blind rehabilitation clinic, a day hospital, a speech pathology unit, a nursing education suite, closed circuit television with VA centers in Marlin and Temple, an expanded community residency program and a consolidation laundry service with the Marlin, Waco, and Temple medical facilities. A 17-bed respiratory care unit was completed in 1978. The Waco Medical Center has been completely air-conditioned, the electrical system upgraded, steamlines replaced, new boilers, and recreational facilities added. He worked closely with the State of Texas, McClennan County, city of Waco, and Beverly Hills to gain approval of the new road project which will greatly improve access to the medical center.

He was advanced to fellowship in the American Academy of Medical Administrators in August 1979, and is a member of the Association of Mental Health Administrators and the Texas Hospital Association. He is a preceptor of the administrative residency program, Trinity University Graduate School, San Antonio, Tex. He is a member of the dean's committee, Texas A. & M. Médical School. He has served as coordinator for the Federal agencies in the Combined Federal Campaign and the United Way since 1970 and was president of the United Way in Waco in 1975-76 and carries one of the highest per capita percentages in the United States.

He is a member of the Waco Rotary Club; advisory board, Providence Hospital; honorary director of Waco Chamber of Commerce; Texas Hospital Association; fourth degree Knights of Columbus; American Legion; Disabled American Veterans; and Veterans of Foreign Wars.

Jerry Brannan is a charter member of the Senior Executive Service, effective July 13, 1979. The VA and the veterans of America will miss his strong leadership and his great ability when he retires on February 28, 1980.●

AUTHORITY TO OPERATE NATIONWIDE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. CLAY. Mr. Speaker, on February 5, 1980, after a 12-year struggle, the Interstate Commerce Commission agreed to grant Allstates Transworld Van Lines, of St. Louis, the authority to operate nationwide. Allstates is the first black owned enterprise to obtain a nationwide moving license.

I would like to take this opportunity to notify my colleagues of this significant event and share the following article from the St. Louis Post Dispatch which outlines the Allstates victory:

BLACK WINS LONG FIGHT, GETS MOVING LICENSE

(By Richard H. Weiss)

Timothy Person, a St. Louis mover of household goods, says it took him 12 years and nearly a million dollars to battle racial prejudice, big business and government bureaucracy in the moving industry.

This week he declared victory.

The Interstate Commerce Commission on Tuesday made Person's company, Allstates Transworld Van Lines Inc., the first black-owned enterprise to win a nationwide operating license.

Person says the license will mean millions of dollars in new business for his moving company and more opportunities for blacks in the shipping industry.

But it didn't come easy. To get his license, Person had to take on one of the most tightly regulated—some say protected—industries in the nation. Only 19 household goods carriers hold nationwide licenses, which allow them to contract with local agents to move goods across the country. And The New York Times quotes commission officials as saying they couldn't remember the last time anyone had successfully sought a license. Person's case was opposed by all the nationwide carriers including Allied Van Lines of St. Louis and United Van Lines of Fenton.

To get the license, Person had to demonstrate "a need" for his proposed service and that existing carriers were incapable or unwilling to fulfill it. Person built his case on the grounds that his company could serve urban areas better than the major carriers do. He contended that the big movers have no black drivers and that they sometimes refuse to provide service to inner city residents.

To support that contention, Person said he recorded telephone conversations in which he used a "black voice" to request service. Often, he said, the movers would say they either didn't want to serve him or that they didn't have the equipment available to handle his move. But Person said when he called back with a "white voice," he had no trouble obtaining service.

Until now, Person could move household goods nationwide only by affiliating with a white-owned company that had a nationwide license. He contends that he was unable to affiliate with the major movers because of racial prejudice.

"We have never been able to represent the major carriers for the most part," he said. "They don't consider blacks to be acceptable to the general public. We've been forced to represent companies that were depressed."

The result, Person said, was that he often did not get paid on time or at all. Some of the companies he has affiliated with have gone bankrupt.

Person says he already has 85 black-owned moving companies interested in affiliating with him, along with 200 white-owned movers. "It means we're probably going to go from $1 million in bookings to $8 (million) to $10 million," he said.

It also means Person will be looking for larger facilities than his current location at 5736 Dr. Martin Luther King Drive. He says he's looking at Wellston as a possible location, but adds that he's not sure he wants to keep his business in St. Louis. He is bitter that city officials didn't offer him more assistance in his fight with the Interstate Commerce Commission.

"St. Louis is a backward place," Person said. "St. Louis says it has everything from A to Z. They have an Arch and a Zoo, but nothing in between."

Person said he has been approached by "people in California who are trying to interest us in going there. They have progressive programs for minorities. I would like to stay in St. Louis," he said, "but not to my detriment." ●

AMERICAN CITIZENS ABROAD

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. ALEXANDER. Mr. Speaker, I would like to submit two more issues as defined by the American citizens abroad dealing with problems which confront U.S. citizens working and living abroad.

The material follows:

ISSUE NO. 13

Short Title: Government Aid of U.S. Students Abroad.

Summary of the problem: American students attending foreign higher education institutions are ineligible for almost all Federal Student Aid programs except the Guaranteed Student Loan Program (GSLP). Almost all of the aid programs that are not available to Americans abroad predicate their benefits on the location of the institution where the aid will be used.

With a generally recognized need for more Americans with a foreign language capability, and a better understanding of other countries, the absence of Federal assistance to American students abroad is a great misfortune to all Americans.

ACA's question: What definition of equity requires benefits for students to be denied to those abroad?

The President's reply: "Federal aid for higher education is intended to ensure equal educational opportunity for all students. Under current law, assistance for study at foreign institutions is available only under the GSLP. It has been suggested that Americans studying at foreign institutions should be made eligible for all HEW student financial assistance programs. If this were the case, foreign institutions would have to be willing to assume the responsibilities necessary for the administration of such programs. This appears to be unlikely because many foreign institutions resist performing even the limited functions asked of them under the GSLP. Furthermore, it is clear that it would be difficult to ensure accountability by foreign institutions under the aid programs. The Federal Government would have no power over these institutions to ensure proper administration of program funds. Nevertheless, the matter of assistance for those attending foreign institutions is currently under review by the Department of Health, Education, and Welfare as part of a more general review of all higher education programs in preparation for a proposal for a reauthorization of the Higher Education Act."

Having given a list of possible obstacles that would have to be overcome in giving more equitable treatment to overseas American students, the President did not choose to make any recommendation for an appropriate form of redress.

ACA's renewed question: Why is it equitable to withhold educational assistance from American citizens abroad if the same assistance is available to students in the United States? If given programs prove to be difficult to administer abroad, why cannot new programs of comparable benefit, but more amenable to administration abroad be conceived and carried out?

We hope that the President will address this issue again and give us his recommendation of the most appropriate form of equity for Americans abroad.

ISSUE No. 14

Short Title: CHAMPUS Expiration for Veterans Abroad With No Medicare at Age 65.

Summary of the problem: One of the major benefits that retired military personnel enjoy both in the United States and abroad is a program of civilian health and medical care subsidized by the U.S. Government, called CHAMPUS.

CHAMPUS protects the retired serviceman up to the age of 65. At this time CHAMPUS benefits cease because retired servicemen are automatically eligible for medicare coverage which is similar in nature and scope.

The Congress has chosen not to offer medicare benefits to any Americans living overseas despite the fact that many have contributed to the Social Security system for many years to obtain such benefits. As a result, the retired veteran loses his CHAMPUS benefits and has nothing to replace them abroad at an age when health and medical care protection is most needed.

ACA's question: If a retired serviceman deserves CHAMPUS protection before the age of 65, why is this protection not guaranteed to those over age 65? Why has CHAMPUS not been amended to cover the overseas retiree until such time as medicare benefits become available overseas?

The President's reply: The President chose not to address this issue.

ACA's renewed question: Why are elderly retirees of the Armed Forces being treated this way?●

THE ROAD TO PRODUCTIVITY AND ECONOMIC GROWTH, PART I—THE FRENCH MODEL AND EXPERIENCE

RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. SCHULZE. Mr. Speaker, about 3 weeks ago, I introduced legislation which I feel will have a very positive effect on enhancing badly needed capital formation in the United States.

This legislation is modeled after the now famous Monory Law which has produced very significant results in France. Since the enactment of this law in 1978, equity capital raised by French corporations has risen nearly tenfold with about 1 million French investors having taken advantage of this tax incentive.

Today, I am beginning a series of articles on the American version of the Monory Law, which I have proposed, and would like to announce that support for this measure is mushrooming with 22 of our colleagues having now cosponsored H.R. 6300.

At this point, I would like to enter into the CONGRESSIONAL RECORD an article written by Mark J. Appleman of the Corporate Shareholder which characterizes the remarkable success of the French experience—success which could be available to this country with the passage of this legislation.

THE CORPORATE SHAREHOLDER

(By Mark J. Appleman)

Little more than a year ago, publicly owned companies in France were afflicted with many of the same problems as U.S. corporations—only worse. Equity capital was in short supply for all but the largest companies. The new issue market was thin and weak. And individual Frenchmen, who had never been keen on stocks anyway, had better things to do with their savings.

All that has changed drastically within 12 months. At least a million French individuals have bought corporate securities—with an estimated 50 percent of these buying stock for the first time in their lives. The average stock price on the Paris Bourse has shot up 65 percent. New equity capital, which totaled a mere 500 million francs in 1977—about $120 million—is expected to top 5 billion francs this year, a tenfold increase. The French economy is booming and the outlook is for more of the same or better.

What has brought about the dramatic improvement? A rather simple measure, called the "Loi Monory," or Monory Law, after Finance Minister Rene Monory. Passed in 1978, the law allows individuals who invest in the stocks or bonds of French companies to deduct up to 5,000 francs—roughly $1,200—from their taxable income each year for four consecutive years. Additional income tax deductions may be taken for investments on behalf of children. The only string attached is that the money must remain invested in securities for a minimum period of three years, though not necessarily in the same stocks or bonds.

The results exceed all expectations. Men and women who otherwise would not have thought to buy stocks or bonds dug into their mattresses. In order to diversify 5,000-franc investments, many bought mutual funds especially created by the French banks for the purpose. Many others bought shares directly through brokers. Already there is talk of extending the tax incentive, which is due to expire in five years.

The remarkable success of the Loi Monory is due in no small part to its mass appeal. By attracting the wage-earner and small businessman, who hadn't thought seriously of every owning shares in French industry, the government has not only given business a badly needed shot in the arm, it has treated a Marxist-minded populace to a taste of people's capitalism.

It is a bittersweet irony that a nation which only last year hovered on the brink of Eurocommunism—saved by an election-time split between Socialists and Communists—can now offer the United States useful instruction in how to bolster a capitalist economy and restore faith in the free enterprise system.●

LAKEWOOD AWARD OF VALOR

HON. DAN LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. LUNGREN. Mr. Speaker, the city of Lakewood, one of those communities I am privileged to represent, is served by the men and women of the Los Angeles County Sheriff and Fire Departments.

The residents of Lakewood are grateful to the deputies and firefighters who so courageously put their lives on the line each day.

In order to express that appreciation, city officials have instituted the "Lakewood Award of Valor," the first of which are to be presented to three sheriff's deputies and three firefighters for dedicated service and/or heroic deeds in 1979.

The three sheriff's deputies to receive the award of valor are Deputies Fred Greuner, Michael Kennedy, and John Boyle, all of whom are based at the Lakewood sheriff's station, which serves six cities.

Deputy Gruener saved a young woman's life last May when he pulled her safely away from a suicide attempt; Deputy Boyle pulled an unconscious man from a flaming automobile moments before it exploded; and Deputy Kennedy recently returned to active duty in the department after being ambushed by a group of gunmen and shot in the face with a sawed-off shotgun.

Three firefighters have been nominated by their superiors to receive the award of valor. They are firefighter specialist Robert K. Davis, Jr.; firefighter paramedic James R. Jeffries; and firefighter Leonard N. Julian.

Firefighter specialist Robert K. Davis, Jr. has spent a great deal of his own time working the department's school fire safety program, as well as counseling young people who have been convicted of arson. Firefighter paramedic James Jefferies donates considerable personal time to being a consultant to the paramedic programs in San Francisco and Oakland, as well as Nova Scotia and Australia. Last

September, firefighter Leonard Julian pulled a drowning man out of a swimming pool and, after detecting no pulse from the victim, successfully revived him.

Not forgetting the private citizens of Lakewood who respond to emergency situations with calm and clear thinking and decisive action, a special mayor's award for citizens who assisted either law enforcement or fire agencies has also been instituted.

Residents who will receive the mayor's award for the courageous actions are: Gary Cooper, Lakewood; Linda Ficarra, Lakewood; Mark O'Connor, Lakewood; Donald and Bobbie Rank, Cerritos; DeMaurol Tryon, Lakewood; Robert Kistner, Lakewood; Vickki and Linzi Philips; Stephen, Lyla and David May; and Patrick Foley, all of Lakewood, and Keith Wise, Lakewood.

We often neglect to express our appreciation for the long hours of service, the contribution of free time, and the acts of heroism that our law enforcement officers and firefighters provide our communities.

I would like to congratulate Mayor Paul E. Zeltner and the Lakewood City Council for instituting this award of valor program.

I would also like to congratulate the recipients of the award, for their hours of service, their dedication, and their moments of bravery.●

NUCLEAR ENERGY AND COAL: OUR LAST CHANCE?

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. MICHEL. Mr. Speaker, there are certain occasions which are of such profound significance that they are recognized as being historically important the moment they happen. Such is the case with the release of a 783-page report on energy, 4 years in the making, done by the National Academy of Science. The New York Times which editorially does not wholly agree with the report, quite correctly calls the Academy "the Nation's most prestigious scientific organization." The report's conclusions are that the only choice the United States has to meet its energy demands for the next 30 years is to burn coal and build nuclear powerplants.

This conclusion is in direct contrast to the current propaganda directed against nuclear power. When the most prestigious scientific institute in this Nation, after careful and lengthy deliberation, states that nuclear power and coal are necessary as sources of energy, the debate over nuclear power goes into a new phase.

At this time I insert in the RECORD "Energy Analysis Stresses Use of Coal, Atom Power" from the Washington Post, January 14, 1980, and "Don't Count on the Sun Too Soon," from the New York Times, January 16, 1980.

The articles follow:

[From the Washington Post, Jan. 14, 1980]

ENERGY ANALYSIS STRESSES USE OF COAL, ATOM POWER

(By Thomas O'Toole)

In the most exhaustive study it has done, the National Academy of Sciences has concluded that the only choice the United States has to meet electricity demands for the next 30 years is to burn coal and build nuclear power plants.

The academy also concluded that nuclear electricity may be the nation's only choice for a 20-year period beginning in 1990. The academy said that burning coal to generate electricity may have to be cut back in 1990 because coal will be more valuable as a source of synthetic liquid and gas fuels and because the increased burning of coal may put so much carbon dioxide in the atmosphere that it could trigger a change in the climate.

In a 783-page report for the Energy Department that took four years to compile and was two years late and $2 million over budget, the academy drew another conclusion bound to generate as much controversy as the others: unless the demand for electricity abates unexpectedly, the United States must continue to develop the fast breeder nuclear reactor that President Carter stopped two years ago.

The academy said that use of a breeder would keep the price of electricity low and extend the domestic supply of uranium for hundreds of thousands of years.

"At relative high growth rates in demand for electricity, the attractiveness of a breeder is greatest and at the highest growth rates the breeder can be considered a probable necessity," the academy said. "For this reason, this committee recommends continued development of the liquid metal fast breeder reactor, so that it can be deployed early in the next century if necessary."

The academy held out little hope that solar power and fusion power would make much of a contribution to the nation's energy in the next 30 years but said the country should continue to support their development.

"Because of the higher economic costs, solar technologies will probably not contribute much more than 5 percent to energy supply in this century unless there is massive government intervention to penalize the use of nonrenewable "fuels," the academy said. "The danger of such intervention lies in the possibility that it may lock us into obsolete and expensive technologies with high materials and resource requirements."

On the outlook for fusion, a process that mimics the limitless energy of the sun, the academy was cautiously optimistic—but not for any time in the next 30 years.

"It is not an option that can be counted on within the time frame of the study," the academy said, referring to 1985 to 2010. "Nevertheless, fusion warrants sufficient technical effort to enable a realistic assessment by the early part of the next century of its long-term promise in competition with breeder reactors and solar energy technologies."

The academy identified as the nation's two most serious near-term needs the necessity to conserve energy and develop synthetic fuels to replace the world's dwindling supply of liquid fossil fuels.

"The most critical near-term problem in energy supply for this country is fluid fuels," the academy said. "Next to demand growth reduction, highest priority should be given to the development of a domestic synthetic fuels industry, for both liquids and gas."

Bearing down on what it said was an inevitable worldwide shortage of oil and natural gas in the next decade, the academy said the nation must begin to rely more on coal and nuclear power for its electricty.

"Coal and nuclear power are the only economic alternatives for large-scale application in the remainder of this century," the academy said. "After 1990, coal will be increasingly required for the production of synthetic fuels so the requirements for nuclear capacity depend on the growth rate for electricity demand."

The academy conceded there were serious public risks in generating electricity from coal and uranium. It identified the worst risk from coal as the danger to the miner and the worst risk from uranium as the threat of nuclear weapons spread.

"The problem of nuclear weapons proliferation is real and is probably the most serious potentially catastrophic problem associated with nuclear power," the academy said. "However, there is no technical fix—even the stopping of nuclear power (especially by a single nation)—that averts the nuclear proliferation problem.

"At best, the danger can be delayed while better control institutions are put in place," the academy went on. "There is a wide difference of opinion about which represents the greater threat to peace: the dangers of proliferation associated with the replacement of fossil resources by nuclear energy or the exacerbation of international competition for fossil fuels that could occur in the absence of an adequate worldwide nuclear power program."

The academy said that despite the risk of proliferation, nuclear-generated electricity represents the best option for the next 30 years. It said that nuclear electricity is still the cheapest form, is less sensitive to increases in fuel prices and to changes in environmental standards than coal.

"Nuclear fuel supplies are more readily stockpiled than coal," the academy went on, "and nuclear electricity is thus less subject to interruption by strikes, bad weather, and transportation disruptions."

The academy made a final point favoring nuclear energy over coal. It said that if the effect of carbon dioxide accumulation on climate becomes a major environmental issue in the early years of the 21st century, "it will be aggravated by commitments to the use of coal, because power plants have lives of 30 to 40 years."

[From the New York Times, Jan. 16, 1980]

DON'T COUNT ON THE SUN TOO SOON

It's all very good to talk about switching from dirty or dangerous fossil and nuclear fuels to clean, safe solar energy, but it's not going to happen any time soon . . . Solar technologies will make only a modest contribution over the next three decades—unless they receive subsidies so enormous as to dwarf all previous Government spending to develop energy . . . So coal and nuclear power are the only large-scale replacements for oil and gas for the immediate future . . .

These are the sobering conclusions of the National Academy of Sciences, the nation's most prestigious scientific organization, in perhaps the most comprehensive analysis of American energy needs yet published. Some 350 experts contributed to the massive report just issued by the Academy's Committee on Nuclear and Alternative Energy Systems. If their findings are correct, the claims of most solar enthusiasts are wildly exaggerated and even the Carter Administration's solar energy goals are unrealistic.

Solar energy is not apt to progress very far, in the committee's opinion, without massive Government intervention in the marketplace to penalize other fuels and subsidize the various solar technologies, like solar cells, wind generators and fuels made from plants. President Carter's ambitious goal of 20 percent solar energy in the year 2000 can only be met by requiring buildings and industries to install solar technologies that will not be economic, the committee says. The cost would be astronomic, perhaps two or three times the cost of conventional energy. That would probably require subsidies far higher than all those thus far given for all conventional energy sources.

Would the social benefits of solar energy be worth such immense costs? The academy report does not say. But its chief author, Harvey Brooks of Harvard, believes that President Carter's solar program is so drastic that it simply won't happen short of a very severe energy crisis. We take the report as a warning: adopting solar technologies prematurely may freeze the nation into obsolescent energy systems. The best strategy may be a vigorous research effort to seek reductions in cost, negating the academy's projections.

The academy's pessimism on solar energy is offset by bullishness on nuclear and coal power. The academy acknowledges an array of environmental and practical problems with each, but believes these can be overcome. Coal and nuclear are the only economic alternatives for generating electricity in the near future, the committee says, and if the electricity they produce can replace some oil or gas, they may also ease future shortages of fluid fuel.

But are coal and nuclear energy really the best choices? The academy's conclusion rests on a hidden value judgment that the environmental and social obstacles hindering nuclear and coal power can be surmounted more easily than the technical and cost problems blocking solar energy. That is a plausible judgment but one on which experts may differ.

The academy's conclusions require a detailed response from the Carter Administration. The academy is the nation's leading dispenser of scientific advice, but it is not infallible. Even Professor Brooks acknowledges that the report is slightly prejudiced in favor of nuclear power and against such solar energy sources as plant material and energy farms.

In any case, there is a more important message than recommendations concerning one fuel or another. Neither oil, nor gas, nor nuclear, nor coal, nor solar is the best solution. The National Academy of Sciences is surely right when it says there are great uncertainties in projecting economic ways to meet energy needs. The more energy options that are pursued, the better.●

U.S. CITIZEN WARNS OF COMMUNISM IN CENTRAL AMERICA

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. BAUMAN. Mr. Speaker, as the United States watches apprehensively as the Russian Bear claws its way through the Persian Gulf region, another threat from the same animal has emerged much closer to our shores. In Central America, we are watching the deliberate destabilization and overthrow of freely elected governments by Soviet-supplied, Cuban-backed revolutionaries.

Often we, thousands of miles away from such events, do not fully comprehend what is happening. There are, for instance, no large numbers of Americans in Afghanistan who can convey to us the problems and circumstances of that poor nation. This is not the case in Latin America, where many American citizens have long had intimate contacts and where many have made their home. They provide a harrowing tale of steady and ruthless Communist pressure in the region, and tell of the suffering we are bringing upon our helpless neighbors by our neglect.

One such U.S. citizen recently wrote me about events in Central America, and his letter is particularly timely in light of our upcoming deliberations on an aid package to Nicaragua. I fervently urge all my colleagues to read this moving plea by a fellow American who has seen firsthand the coming storm.

The letter follows:

GUATEMALA CITY, GUATEMALA,
February 12, 1980.

Hon. ROBERT BAUMAN,
U.S. Congress,
Washington, D.C.

DEAR CONGRESSMAN BAUMAN: The entire free world is concerned about the hostage situation in Iran and the Soviet Union aggression in Afghanistan. I share that concern because the security of the United States and the free world is threatened.

There is, however, another area in which communist aggression is blatantly obvious and that area is, comparatively speaking, on the door-step of the United States. Specifically, I refer to Central America.

With reference to political, economic, social and geographic knowledge of this area, I feel qualified to speak with some authority. I have lived in Guatemala for twenty years, but my work has taken me to all countries in Central America and Panama. Hopefully, my experience and knowledge will be of benefit to you.

There are thousands of Americans living in this area who are dedicated, patriotic citizens of the United States. I have had personal contact with many of these good people and can assure you that I express their views in regard to the United States' posture in this part of the world. Except for one small one-syllable word, most of these people would write directly to U.S. Senators and Congressmen. That word is fear! To a member of the greatest deliberative body in the world, this contention may be difficult to understand, but it is true.

In the past, U.S. citizens have complained to the Congress and the State Department about communist activities, and, as a result of good intentioned criticism, found themselves singled out for ridicule and condemnation. On the other hand, they have seen Congress, the State Department and the Administration support, laud and abide by recommendations made by uninformed priests, misguided "do gooders" and, generally speaking, those who support the leftist cause. As a result of misinformation supplied by the misinformed, or those dedicated to an ideology foreign to our Constitutional form of government, this Administration and the Congress of the United States have given the Panama Canal to Omar Torrijos, contributed to the communist success in Nicaragua, and they watch helplessly as the communist forces prepare to capture El Salvador. With such recent historical events in mind, it shouldn't be surprising that countless U.S. citizens in this area are simply afraid to be identified as those who oppose the Soviet Union intrusion in an area formerly protected by the Monroe Doctrine.

Guatemala appears to be the next target of the communists. With the conquest of Nicaragua, the leftists now feel they cannot be stopped. After all, Nicaragua was anti-communist and pro-United States. The logic and perception of the communists are difficult to fault. Guatemala is anti-communist and pro-United States. The Soviet Union and its surrogate, Fidel Castro's Cuba, could not have achieved success in Nicaragua without the support of the United States. To compound error upon error, the U.S. Congress stands ready to contribute $80,000,000 to Nicaragua, and this act of generosity comes after the communist success. Logically, then, the Cuban and Soviet leaders foresee no real U.S. opposition to a takeover in Guatemala. To the contrary, they can expect Ambassador Bowdler, the State Department and the Administration to extend the hand of friendship, and later financial assistance, to the leftists who seek to destroy the Republic of Guatemala.

I wish it were possible for each member of the Congress to make an in-depth visit of Nicaragua today. One point becomes clear, U.S. citizens are hated and can obtain no more than a 30-day visa. All banks have been nationalized. A government permit is required before anything can be imported. The government controls all exports. As of this writing there isn't much to control. The entire educational system has been reorganized in conformance with Cuban educational doctrines. Additionally, Cuban teachers are being imported as rapidly as possible.

In Nicaragua there is no freedom of the press. Castro appears regularly on the government controlled television stations and constantly berates the United States. Cuban military and intelligence operatives are present in all parts of the country. Communist block captains have been designated in each city in Nicaragua. This, of course, follows the Cuban system of citizen control. Recently mass graves have been uncovered in several cities. Thousands of citizens who oppose the communist regime have been slaughtered. This is a proven fact and, strangely enough, the U.S. has failed to utter one protest against the human rights violations. It is as though the United States has one set of standards for those who favor communism and one set for those who oppose this Godless belief. Suffice it to say that Nicaragua is now a communist nation.

For each communist function in Nicaragua, there is an opposite function of freedom in Guatemala. Surely this stands for something. Those who govern in Nicaragua are not friends of the United States. In Guatemala you need not be concerned about making friends. The people of Guatemala are your friends.

In extending financial aid to Nicaragua, you are most assuredly aiding your enemy. If the United States continues to follow its present course, then all of Central America will be lost. In essence, the future of Guatemala and the other Central American nations is in your hands.

With a fervent belief in the United States of America and its unmatched institutions of freedom, I pray that the members of the U.S. Congress share my love of country and recognize the ominous threat which hovers so close to home

Sincerely yours,

BILL BRANUM.●

TRANSFERRING NUCLEAR EXPORT LICENSING FUNCTIONS

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. WYDLER. Mr. Speaker, as the House is well aware, the President will soon submit a reorganization plan for the Nuclear Regulatory Commission to the Government Operations Committee. One of the major issues involved in reorganization of the NRC is the question of its responsibilities to review the exports of atomic reactors and nuclear fuel. Recently, the New York Times had an article on this subject and mentioned the February 6, 1980, letter from the NRC Chairman John F. Ahearne to James T. McIntyre, Jr., Director of the Office of Management and Budget on this question. I believe that it is useful for the Members of the House to see this letter in terms of Mr. Ahearne's basis for transferring nuclear export licensing functions from the NRC to an agency within the executive branch. I have included excerpts on this issue from Mr. Ahearne's letter and I recommend it for consideration by my colleagues:

EXCERPT FROM LETTER TO JAMES T. MCINTYRE, JR.

The plan should provide for the transfer of nuclear export licensing functions from NRC to an agency within the Executive Branch. These functions, which involve a substantial amount of the Commissioners' time, divert agency resources from domestic safety matters. The narrow expertise of NRC with respect to nuclear exports does not justify the large expenditure of Commissioners' time and other agency resources.

Chairman Ahearne notes that with regard to this item: "I would like to point out how much time we actually are devoting to international matters. It is difficult to assess how Commissioners spend their time. How we spend our time will depend in many cases on what are the current high priority issues. For example, over the last several months most of our time has been spent on Three Mile Island related events. However, in the year preceding passage of the Non-Proliferation Act we received 911 official papers for the Commission to handle. Of these, 27 percent were related to international matters, including 14 percent related to exports. In the year following the passage of the Non-Proliferation Act (which year ended prior to Three Mile Island, so these numbers are not affected by the accident) we received 962 papers. Of the total, 38 percent were international, including 23 percent related to exports. Our international papers went from 27 percent of the total to 38 percent. Information papers are a measure of the amount of time that we should spend to keep abreast of staff activity. In the following passage of the NNPA, the international information papers nearly tripled, from 80 to 231. In addition, in both years over one quarter of all Commission action papers—these are ones on which the Commissioners must vote—related to exports, and about 40 percent were on one or another aspect of international matters."[1]

Concerning the proposal that the Executive Branch assume the NRC's responsibilities for nuclear export licensing, Commissioners Bradford and Gilinsky note: "Two years ago Congress examined the issues in great detail and assigned the NRC an independent role in export licensing by a vote of 411 to 0 in the House and 88 to 3 in the Senate. This was a specific and carefully crafted manifestation of Congress' discontent, in the wake of the disclosure of a U.S. role in the India nuclear explosion, and of its consequent insistence on an independent review of nuclear export licensing to ensure consistent and thorough administration of the law. The legislation was introduced by the Administration and was strongly supported by President Carter who described it as 'of overwhelming importance to our nonproliferation policy . . . a major step forward . . . which would put into effect a clarified and an adequate American policy on the use and provision of atomic fuels . . .'"

"The only new wrinkle in the argument made by the other Commissioners is the suggestion that export licensing distracts Commission attention from safety, a concern that was never mentioned during the extensive hearings on the proposed NNPA or in the several NNPA-related hearings held since its enactment. The statement that export licensing involves a 'large expenditure of Commissioners' time and other agency resources' is simply wrong. Under the regular procedures resulting from the NNPA, nonproliferation concerns related to exports have occupied less than 10 percent of the Commissioners' time and less than 1 percent of the agency's resources. Tying domestic reactor safety failings to export regulation is at best misleading. The fact is that the Commission has and has had enough time for safety. The problem in the past was that the Commission took an overly relaxed view of its safety responsibilities."

"The use of Commission paperwork as a guide to Commission time is misleading here. The 'Information Reports' are inflated by a very high percentage of notices regarding routine exports (to say nothing of imports) handled by the staff requiring no Commission time and by international health and safety matters that would remain with the NRC in any case. Most of the 'Action Papers' in the export areas are equally routine. It would be just as incorrect to say that the NRC's agency priorities were heavily slanted toward nuclear medicine because we have issued thousands of licenses in that field and have issued only 70 nuclear power plant operating licenses. A review based on Commission meetings shows that in the 23 months since the NNPA took effect, international matters have taken about 9.3 percent of the Commission's meeting time, with about 7.6 percent devoted to nonproliferation. A better guide to the future may be the last year (post-TMI and also post-the adoption of formal NNPA procedures) when the total is 6.5 percent and the nonproliferation subtotal only 4.1 percent. Even the paperwork percentages devoted to exports would fall off considerably in 1979, if they had been calculated."●

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[1] Remarks by John F. Ahearne, Commissioner, U.S. Nuclear Regulatory Commission, before the American Nuclear Society Executive Conference, New Orleans, Louisiana, September 11, 1979: "Does the Emperor Have Any Clothes?"

IDLEWILD, MICH.—GRAND RESORT OF AN EARLIER ERA

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr VANDER JAGT. Mr. Speaker, a recent interview published in the Grand Rapids Press describes the very important history of a small Michigan community which flourished for several decades as a top resort serving black patrons. Located about 70 miles north of Grand Rapids, the town of Idlewild attracted clientele from hundreds of miles away, and flourished from about 1920 to 1960 as a top-name black entertainment center. Ironically, the resort declined rapidly with the growth of the civil rights movement.

A young historian, Ben Wilson, an assistant professor of black Americana at Western Michigan University, has spent a great deal of time researching the history of Idlewild. Wilson was interviewed by Press reporter Mitch Broder, and the story which appeared in the February 4 Grand Rapids Press provides an interesting account of the evolution of this black resort, which was probably the most significant of any in America.

I have a very special interest in the Idlewild community as it is located in my home county of Lake and, naturally, I am honored to serve Idlewild residents of Michigan's Ninth Congressional District in the Congress. In tribute to the rich history of Idlewild, forming a great foundation for future development and hopes, I am proud to share with my colleagues this excellent story through the interview with historian Ben Wilson. Inasmuch as February is also Black History Month, the story is particularly timely. The story follows:

[From the Grand Rapids Press, Feb. 4, 1980]

GHOST RESORTS SWING—IN THIS GUY'S NOTES

For 40 years, starting about 1920, the small Lake County town of Idlewild flourished as a top-name black entertainment center. Believed the first such resort in the country, the area, 70 miles north of Grand Rapids, attracted clientele from hundreds of miles away.

Its decline came, ironically, with the growth of the civil rights movement. Many blacks, now able to sample other vacation spots, left Idlewild in the dust.

But many people still remember the Idlewild of the past and mourn its loss. Among them is historian Ben Wilson. An assistant professor of black Americana studies at Western Michigan University, Wilson, 32, spends much of his time researching the Idlewild phenomenon with the hope of making a documentary film.

The Kalamazoo resident also finds some time for lecturing. This is Black History Month and Wilson plans a talk on the black resorts for 3 p.m. Sunday at the Grand Rapids Public Library.

Wilson spoke with Press Reporter Mitch Broder about the resorts and other matters of black history.

Question. Where were Michigan's other black resorts, and what made Idlewild the biggest?

Answer. The black resorts of Michigan were at Paradise Lake in Cass County, Eagle Lake, outside of Pawpaw, and Idlewild, which until the late 1950s was known as the black Las Vegas. The clientele of these three different resorts was decidedly different in relation to the economic status of the residents. The very affluent blacks in midwestern America were more in Idlewild. The majority of the people in Eagle Lake in the

'20s were day laborers. Paradise Lake attracted principally people from southwest Michigan and northern Indiana; primarily menial laborers. Because the more affluent people were in Idlewild, they could attract big-name entertainers that would in turn attract other people to Idlewild to see the performers.

Question. Who were some of those performers?

Answer. One was (drummer-singer) Bennie Carew—all of the nightclub-goers in Grand Rapids should know of Bennie Carew. Some of the others would be people like George Kirby, Roy Hamilton, Bobby Lewis, Bill Doggett, a lady by the name of 'Sassy' Sarah Vaughan, and a young blues performer named Blues Boy King, now known as B.B. King. Supposedly a fellow from Saginaw helped launch Della Reese's career there. Joe Lewis, the boxer, used to come up to Idlewild a lot, and so did the Four Tops. The list could go on and on.

Question. Why was Idlewild abandoned?

Answer. In 1964, the death knell sounded for the black resorts because another civil rights act was passed. The affluent blacks realized, "I can go elsewhere, so why go back to Idlewild?" Instead, they went to places like Las Vegas and Miami Beach. There was a good parallel to this in an episode of (the TV series) "Sanford & Son." Fred (a black salvage dealer) went into a dentist's office, and a black dentist came out. Fred looked at him and said, "I don't want you; I want the white guy." Sometimes if you oppress people for too long—whether it's by apartheid in South Africa or Jim Crowism in America—they'll begin to have self-defeating thoughts about themselves and those who look like them. If you tell Johnny he's dumb every day of his life, he begins to think he's dumb.

Q. So the blacks were convinced that white was better.

A. That's how western minds work. The dictionary says black means sad, gloomy, angry, hostile—everything associated with the word 'black' in American culture is sinister. A black lie is worse that a white lie. There's black cat, black death, blackball, blacklist—and black child. Eventually blacks will use these same terms to internalize what the oppressor says. That poor child is going to see 'black' attached to all these other things and think it's dismal. The only example I can think of where black means something good is 'in the black'—but the opposite is 'in the red,' not 'in the white.' Because the 1964 Civil Rights Act opened up new opportunities, blacks said, 'We're going to go to where whites go, because it's better.'

Q. But wasn't it just the opposite thinking that got Idlewild started?

A. In a way. But Idlewild was mainly the result of Jim Crowism. Blacks found that because of social restrictions they couldn't go to, say, Gull Lake in Kalamazoo County or Diamond Lake in Cass County. They said, 'If we can't go there, we can start one of our own.' And once they started it, they were pretty successful.

Q. Who, aside from the performers, was most responsible for that success?

A. The majority of the credit has to go to the senior citizens who, when they were young, experienced Jim Crowism and learned how to deal with it. If I'd been around in the '20s and '30s, I'd have been a mad, frustrated young black fellow. These people were frustrated, but they were ingenious enough to create survival techniques. Even if those techniques meant saying 'Yes, ma'am' and 'No, ma'am' to someone who is 24 years younger than you, or smiling when you're mad because, if you show your true feelings, you might end up a victim of Jim Crowism.

Q. What is Idlewild like today?

A. If we were to go to Idlewild today, we'd find very few young adults. We would find primarily young kids between the ages of 1 and 18 and senior citizens past 55 years old. Some of those senior citizens were the resorters who frequented the resort in the '20s. Once they retired from jobs they had in Cleveland or Detroit, they moved to Idlewild. The seniors up there are trying to revitalize Idlewild. They're doing a heck of a job trying to make it a resort again.

Q. Are they trying to make it what it once was?

A. Yes.

Q. But isn't it impossible to bring back the '20s?

A. Nothing's impossible. The Pointer Sisters have brought back a part of the '20s. Fonzie on "Happy Days" has brought back the '50s. It'll be hard because it's 1980, but it's not impossible. But the reason I'm interested in Idlewild is because I'd like it to be recognized as a historical site in the state of Michigan, with historical markers. It was one of the only black resorts in America, it was the biggest, and it attracted urbanites from all over America. And many are still there.

Q. How many of those people have you spoken to?

A. I've interviewed 79 senior citizens throughout southwestern Michigan, whose ages range from 55 to 106, and I've accumulated about 200 hours of oral tradition.

Q. What other research have you done?

A. Since 1974 I have been gathering data on the black history of Michigan, primarily southwestern Michigan. I've gotten family photos, and I have a collection containing roughly 2,000 slides. From the slides and oral tradition, a team of teachers and I have made an audio-visual package entitled "The Family: A Pictorial History of Blacks in Southwestern Michigan from 1880 to 1930." I'm also working with a man named Ed Reed, who is originally from Idlewild, and who's working on a master's degree in sociology. In October, Ed let me see and use a (28-minute) promotional film made in 1927 on Idlewild. Our documentary film is going to be built around that 1927 film. We're trying to create educational kits that are regional in scope and common-person in approach.

Q. What advantages does that type of material have?

A. For one thing, the audio-visual data available are elitist. If a teacher went to a library and got material on the Roaring '20s, it would be on the Roaring '20s in New York City. But you're teaching in Grand Rapids. You get the impression that Grand Rapids didn't roar in the '20s like New York. Not only are the data elitist, but they're also urban-oriented. When people think of the black experience in Michigan, the first thing they think of is Detroit, because roughly 40 to 50 percent of the state's black population resides in Detroit. But southwestern Michigan has a very, very rich black history. We want to motivate a kid to sit on his grandparent's knee and find out why the grandparent settled in Grand Rapids instead of Detroit.

Q. When did you get so interested in black history?

A. Throughout my high school career, I didn't know anything about black culture in Michigan. I didn't know anything about Africa; I didn't know anything about the south. So I spent my freshman year (at Benedictine College in Kansas) reading anything I could get my hands on. That's all you could do in Kansas—read and drink 3.2 beer. Then I went to Michigan State University with the intention of finding out more about black history. Eventually, I thought, "Why not zero in on black history in Michigan?" But I didn't want to focus on Detroit because it's too big and everyone's written about it. So I focused on southwestern Michigan.

Q. What do you think of Black History Month?

A. Isn't it ironic that for 11 months of the year black folk are invisible, but in February, you're the star of the show? For me Black History Month begins in January and ends in December, because that's my field of interest.

Q. Are blacks really invisible? Hasn't there been a lot of progress in the last 20 years?

A. Yes, black folk have made some progress. But suppose I put a 2-ton lodestone on your back in 1960, and then cut it down to 3,999 pounds in 1970. That's an improvement. But your primary concern is to get the weight off your back completely. Just because there's a brother on TV selling Lifebuoy soap or Scope mouthwash doesn't mean the hill has already been climbed.●

ENERGY CONSERVATION ACHIEVEMENT

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. MOORHEAD of California. Mr. Speaker, I rise to share with my colleagues news of an energy conservation achievement that recently came to my attention. I am referring to a collection of voluntary conservation programs instituted by Southern California Gas Co., which last year helped southern Californians save over 24 billion cubic feet of natural gas. This savings is equal to 173 million gallons of fuel oil, or enough energy to provide the 40,000-plus gas customers in the city of Pasadena with all of their gas needs for about 3 years.

The roots of this program that led to this energy savings extend back to the early 1970's—long before oil shortages and gasoline lines focused national attention on our energy predicament. Today, the company has conservation programs tailored to all sectors of the gas consuming public—residential users, commercial users, and industrial users. These programs involve providing conservation displays and printed material, conducting home energy audits and energy counseling, helping sell insulation and energy conservation devices, and offering engineering services to help large commercial and industrial customers get the most out of each cubic foot of gas used in their plants.

The company sells and installs through existing contractors and, when necessary, arranges convenient monthly financing to residents who insulate their homes. The company also encourages and supports the installation of insulation by independent insulation contractors and dealers. Gas company statistics show that—of the 376,000 southern California homes retrofitted with insulation between 1975 and mid-1979—246,000 were done so in response to the utility's insulation programs.

Voluntary conservation programs such as these can be offered nationwide as positive examples of energy savings that can be accomplished through dedicated efforts of concerned public utilities and consumers.●

RESOLUTION HONORING REVEREND WORMLEY

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. CLAY. Mr. Speaker, recently, the St. Louis community honored one of our city's most outstanding leaders, Rev. Lonnie C. Wormley, pastor of the Wayman AME Church. In recognition of Reverend Wormley's dedicated service to our community, the Missouri State Senate passed a special resolution in his honor. I would like to take this opportunity to share with my colleagues the text of this resolution as it highlights some of the special accomplishments and contributions of the distinguished Rev. Lonnie C. Wormley:

Whereas, it has come to the attention of the Missouri Senate that on Sunday, November 4, 1979, Rev. Lonnie C. Wormley will receive special recognition by the Wayman A.M.E. Church, located at 5010 Cabanne Avenue, St. Louis, Missouri; and

Whereas, Rev. Wormley's leadership has been demonstrated time and time again and his exemplary service to his church includes five years as Pastor of Wayman A.M.E. Church, where his ministry touched and warmed many hearts near and far. Rev. Wormley does not limit his service only to Wayman A.M.E. Church, but volunteers his services whenever and wherever the need arises; and

Whereas, under his direction and careful guidances as Pastor, Wayman A.M.E. Church, has been enhanced and developed beyond any expectation. Rev. Wormley has eminently distinguished himself for under his stewardship the Church retired a $94,000 mortgage, completely renovated the church inside and out, purchased needed land for congregational parking, increased church memberships, conversions and baptismals; and

Whereas, Rev. Wormley is not only active in Wayman A.M.E. Church, but he serves as a General Board Member of the A.M.E. General Body, Member of the Statistics and Finance Commission, Chairman of Legislative Task Force for the Connectional Council, Member of the A.M.E. Church Extension Department, Member of the Worship and Evangelical Commission, Assistant Treasurer of the Missouri Annual Conference, and Treasurer of the Ministerial Alliance; and

Whereas, Rev. Wormley is very active in the civic and charitable affairs of his community, always willing to lend a helping hand. Rev. Wormley is a man whose community spirit uniquely embodies the American efforts to overcome prejudice and bigotry, to cultivate understanding of all people, to work for the rights of the individual and for the values of human dignity, and

Whereas, throughout his long and illustrious career as a public servant Rev. Wormley has demonstrated an outstanding ability to discourage in a most effective astute and compassionate manner, the administrative duties entrusted to him, his love, concern and interest in the Church enabled him to give generously of his time to assist in every endeavor and daily operation of the Ministry, and

Whereas, Rev. Wormley has continually given outstanding service to his Church resulting in him aspiring for the Bishopric to the African Methodist Episcopal Church: Now, therefore, be it

Resolved, That the members of the Missouri Senate, Eightieth General Assembly, extend their heartiest congratulation to Rev. Lonnie C. Wormley for his many accomplishments, and by this resolution pay tribute to a highly esteemed individual, a man dedicated to the highest principles and moral values whose works shall forever stand to all who had the privilege to know him; and be it further

Resolved, That the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for presentation to Rev. Lonnie C. Wormley.●

DEPARTMENT OF ENERGY FISCAL YEAR 1981 AUTHORIZATION—GEOTHERMAL ENERGY, SMALL SCALE HYDROPOWER

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. WYDLER. Mr. Speaker, this morning we are reviewing a program which has been moved in the DOE organization so that full responsibility for geothermal technology development and commercialization is now under research applications. I welcome Dr. Davis and hope that she will have the same success with program development in DOE as she had in the Department of Defense.

I do have two concerns about geothermal energy. When I visted New Zealand this past winter, I saw several of the developed geothermal sites. What struck me at that time was the potentially bothersome environmental impact of geothermal energy in terms of both noise and emissions. I hope these aspects of the technology are being carefully considered by DOE.

Second, as you know, I have directed the staff to look carefully at the question of accountability of DOE programs. One of the most direct ways that we can measure program progress is through the achievement of program milestones under cost and on time. My understanding is that there are a fair number of milestones which were not achieved in the geothermal program in fiscal year 1979 as indicated by the gold book. My staff has also had difficulty in identifying the nature of certain activities which have associated milestones. I presume that research applications takes the gold book preparations seriously. I hope we can reach a better understanding as to whether real progress is being made in geothermal.

Thank you.●

PUBLIC POLICY OR WISHFUL THINKING ON EDUCATION?

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. MICHEL. Mr. Speaker, the administration proposes a $2 billion youth education program which will attempt to teach semiliterate teenagers how to read. This is a very admirable gesture, but it raises questions concerning the $20 billion that have already been spent since 1965 on compensatory education programs. If $20 billion did not help these children when they were young, how can $2 billion help them now? The administration is quite obviously willing to throw another $2 billion into the same kind of programs that have not worked.

The New York Times in a recent story stated:

> The initial controversies over title I have diminished in recent years amid indications that achievement scores in the early elementary grades have improved as a result of remediation.

This is what might be called wishful thinking on the part of the Times. Two years ago I asked the Library of Congress to give me a report on all the major studies that have been done concerning the usefulness of title I programs. The results are not quite as rosy as the Times report would indicate. The very best that could be said about these programs after 10 years and $20 billion is that there is room for cautious optimism and that signs are encouraging. This is hardly the kind of data which suggests the kind of success such money and time would indicate. No major studies have been done in the intervening 2 years to contradict the Library of Congress report.

The fact of the matter is that taxpayers, parents, and children simply have not received their money's worth. The major studies indicate this. Why, then, is this administration proposing a program that will supposedly do for teenagers what could not be done for them when they were both intellectually and socially better able to absorb the kind of reading training necessary?

We can help our children to read. But it will mean not more Federal tax dollars but dependence on family love, individual motivation, teacher preparedness, avoidance of the kind of innovative gimmicks that grab the foundation and Government grants but fail to work and, in general, a realization that learning to read is something that cannot be made to happen by Federal Government policies.

At this point I insert in the RECORD, "Slow-Reading Youths Are Focus of a $2 Billion Education-Jobs Plan," the New York Times, February 18, 1980.

SLOW-READING YOUTHS ARE FOCUS OF A $2 BILLION EDUCATION-JOBS PLAN

(By Gene I. Maeroff)

For hundreds of thousands of teenagers who reach high school with their reading ability frozen at the third-grade or fourth-grade level, the idea of further schooling is a nightmare of frustration, and their prospects of liberating themselves by getting jobs are dim because they have few skills to sell.

Such youths are the target of President Carter's proposed $2 billion youth and education employment program, now being fashioned into legislation to be offered to Congress this month.

The half of the funds earmarked for the schools would be directed to programs aimed at filling the huge gaps in achievement that have left these youngsters unable to handle the studies normally expected of high school students. Money would be distributed through a new program, similar to Title I of the Elementary and Secondary Education Act, which is based on poverty guidelines. The other half of the funds would help pay salaries in employment programs.

Using remedial education to compensate for deficiencies in a student's background is not new, but efforts until now have been concentrated in elementary schools.

EMPHASIS NOW ON YOUNGEST

Contrary to a widespread impression, there is no requirement that Title I funds be focused on elementary education, but school officials have given priority to the youngest children on the theory that early intervention heads off problems.

Title I has provided more than $20 billion for compensatory education since its inception in 1965. Figures from the Federal Government suggest that 95 percent of the money has been spent below the ninth-grade level.

Students who are still lagging when they reach secondary schools usually get little help in overcoming the handicaps of their background, dooming them to fall farther behind each year. Thus, there is much less experience in dealing with the remedial needs of older youngsters and there are fewer projects to which educators can turn for examples of what is most effective.

In an inner-city high school such as Louis D. Brandeis, on Manhattan's polyglot Upper West Side, 68 percent of the 3,500 students are reading two years or more below grade level. Nineteen teachers, paid by Federal and state funds, work exclusively at remedial reading instruction in classes ranging from virtual nonreaders to students labeled "college bound" because they are in striking distance of reaching grade level.

PROBLEM ON SECONDARY LEVEL

One of the obstacles to coping with reading problems in secondary schools is that students move from subject to subject, meeting with teachers whose expertise and interests are in the content of their courses, not in reading instruction.

"The notion of just hiring a reading teacher and drilling students on the same stuff that didn't take earlier, probably won't work," said Robert Schwartz, a member of the planning team.

Authorities in the new Federal Department of Education are now developing proposals that they hope will limit the dispersal of the extra $1 billion in remedial aid to secondary schools that adequately plan for the use of the money, rather than giving a grant to every eligible school.

An experiment likely to be one of the models for the national effort is Reading Power in Content Areas, which has operated in 156 school districts in 39 states in the last three years with support from the Federal Office of Education. Its main purpose is to train secondary teachers, most of whom have had no preparation in the teaching of reading, to incorporate reading instruction into the subjects they teach.

SIMILARITIES ARE SEEN

Teaching students to read, whether they are 6 years old or 16 years old, involves many of the same basic methods. Educators find that many students, after suffering year upon year of crushing failure, may have lost their motivation.

The idea of tying the teaching of basic skills to career awareness, job training and internships is seen as a way of giving young people a goal that will motivate them in their studies.

President Carter's initiatives for dealing with the educational and employment needs of youth are similar to earlier proposals in a sweeping report last fall by the Carnegie Council on Policy Studies in Higher Education. "About one-third of our youth are ill-educated, ill-employed and ill-equipped to make their way in American society," the 332-page report warned. It called for the teaching of basic skills through more programs that link the school and the work place.

When Vice President Mondale was asked by Mr. Carter to head the Task Force on Youth Unemployment, the panel apparently began its work by examining the problems primarily from the employment viewpoint. But the group expanded its purview to include secondary education when it became evident that it was unwise to consider the difficulties of unemployment without regard to schooling.

EMPHASIS ON JOBS

Vocational education experts in the schools have long maintained that a strength of their programs is the ability to combine preparation in reading, writing and mathematics with instruction in a marketable skill. Indications are that the accent on jobs in the new program will be a boon to this philosophy.

Yet, it remains to be seen if a billion-dollar infusion can do in a year or two what the schools have been unable to do for the same youngsters in the previous 8 or 10 years. The initial controversies over Title I have diminished in recent years amid indications that achievement scores in the early elementary grades have improved as a result of remediation. But many children apparently slipped through the net of early intervention and combating their problems at the secondary level is considered a much bigger challenge●

H.R. 5407—PROVIDING FOR LITHUANIA'S CONTINUED REPRESENTATION IN THE UNITED STATES

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. LONG of Maryland. Mr. Speaker, the U.S. Government has never recognized the forcible incorporation of Lithuania and other Baltic republics into the Soviet Union. Our Government has continued to recognize the diplomatic corps established by independent Lithuania. I urge my colleagues to join me in cosponsorship of H.R. 5407, which would provide for Lithuania's continued representation in the United States.

Prompt passage of H.R. 5407 would serve as a testament to the history and heritage of the Republic of Lithuania, which last week commemorated the 62d anniversary of the establishment of the Republic and the 729th anniversary of the formation of the Lithuanian State in 1251. And with Soviet divisions now occupying Afghanistan, it is time to declare with a clear and strong voice our support for the legitimate aspirations of peoples in occupied lands, everywhere.●

PUBLIC OPINION POLL SHOWS SUPPORT FOR HANDGUN CONTROL

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. RODINO. Mr. Speaker, I want to call to the attention of my colleagues a news article which appeared in the Chicago Sunday Sun-Times on February 3, 1980. The story, about a recent Gallup poll, indicated that the American people overwhelmingly support stricter laws controlling the sale of handguns.

Mr. Speaker, I have introduced legislation in this Congress, cosponsored by more than 30 House Members, which would ban the sale of so-called Saturday night specials and other easily concealable handguns. It also would require greater accountability by handgun importers, manufacturers, and dealers. The Gallup poll shows that the public wants a law that will stop the untold violence and bloodshed which continues to rise as a result of easy access to concealable handguns.

I hope that my colleagues take the time to read the article, which I include in the RECORD:

U.S. PUBLIC FAVORS STRICTER LAWS ON HANDGUNS

PRINCETON, N.J.—With much of the current debate about gun legislation focusing on the handgun, public opinion in the United States shapes up as follows:

1. The public is overwhelmingly of the opinion that laws covering the sale of handguns should be made stricter than they are. As early as 1938, Americans favored more stringent controls on handguns.

2. Specific provisions of a gun law in Massachusetts also won public approval. In April, 1975, the Bartley-Fox Act was put on the books in Massachusetts. The law provides that a person who carries a gun outside his home must have a license to do so, and anyone who is convicted of carrying a gun without a license is given a mandatory sentence of one year in jail. Since the law took effect, gun-related armed robberies in Massachusetts declined 35.1 percent, while armed robberies declined 11.7 percent nationally.

3. The desire for stricter curbs, however, falls short of support for an outright ban, with 65 percent of the public voting against a law that would forbid the possession of handguns except by the police and other authorized people.

Almost every other American home (45 percent) now has at least one gun, with the incidence of ownership reaching 53 percent in the South and 70 percent in the smallest communities and rural areas.

Rifles and shotguns are more popular with the public than are pistols and revolves, with three households in 10 having either a shotgun or rifle. About two in every 10 have a pistol or revolver.

The results are based on two nationwide surveys of adults, 18 and older, interviewed in person in more than 300 scientifically-selected localities in the nation. The first survey was conducted Nov. 2-5 and included interviews with 1,541 people. The second survey took place Jan. 4-7, with 1,620 people participating.

The findings:

[In percentages]

	Change laws covering sale of handguns?				Law requiring license?			Mandatory jail sentence?				Outlaw all handguns?		
	More strict	Less strict	Keep same	Don't know	Approve	Disapprove	No opinion	Approve	Disapprove	No opinion	Against licensing	Should	Should not	Don't know
National	59	6	29	6	75	20	5	50	21	4	25	31	65	4
Gun owners	48	7	39	6	65	30	5	38	24	3	35	18	80	2
Nonowners	68	5	21	6	83	12	5	60	18	5	17	42	52	6
Male	52	8	35	5	69	27	4	44	21	4	31	25	71	4
Female	64	5	23	8	81	13	6	56	20	5	19	36	59	5
East	71	5	20	4	85	11	4	65	14	6	15	46	50	4
Midwest	54	7	31	8	72	23	5	49	19	4	28	32	62	6
South	50	8	34	8	69	25	6	39	27	3	31	20	77	3
West	59	5	29	7	73	21	6	46	24	3	27	23	73	4
City Size:														
1,000,000 and over	70	6	19	5	86	10	4	66	15	5	14	46	47	7
500,000–999,999	61	7	27	5	74	18	8	51	18	5	26	35	58	7
50,000–499,999	57	6	30	7	76	20	4	47	24	5	24	37	61	2
2,500–49,999	55	7	31	7	70	25	5	48	19	3	30	22	76	2
Under 2,500, rural	52	6	35	7	68	26	6	40	25	3	32	18	78	4

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MY HEART IS HEAVY

HON. LAMAR GUDGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. GUDGER. Mr. Speaker, my heart is heavy with loss today, for I have lost more than a friend. Superior Court Judge W. K. McLean of Asheville was from time to time my partner in the practice of law for 30 years, but he was far more than a professional colleague. He was more like an older brother. When not practicing law together, we were both discharging our own field of public service. No man worked longer hours or rendered more dedicated service in public office, as he served as district attorney, special superior court judge, and resident superior court judge. He stood tall and his memory will remain tall among those of us who knew him.

His critics may have called him tough, but even they had to concede he was fair to all who came before his bench. He was just as tough on himself.

His most profound concern was for the protection of the human family.

Appointed as special superior court judge by the late Gov. Kerr Scott in 1953, he served in that capacity for 10 years. Thereafter, he was elected to the superior court bench in 1968, retiring in 1975. Earlier, he had served his beloved North Carolina as a State senator and as district attorney. Before beginning his practice of law in 1929, he had taught school and was in private business.

He volunteered, and served in the military with honor, in both World War I and World War II, one of the few persons I know well who answered his country's call in both global conflicts. Duty, integrity, and devotion were meaningful words for him.

I mourn Judge McLean's passing perhaps more than most in western North Carolina, but all of us in my mountain country will miss him. He was, indeed, a man to match our mountains.●

QUESTIONNAIRE RESULTS FROM KENTUCKY

HON. LARRY J. HOPKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. HOPKINS. Mr. Speaker, it is with a great sense of pride that I rise today to share with my distinguished colleagues the results of the second "Hopkins Congressional Questionnaire."

At a time when so many Americans feel that their voices are ignored in Washington, it is encouraging to see literally thousands of completed questionnaires pouring into my office from the people of Kentucky's Sixth District.

Mr. Speaker, the headline "Important Message to Washington" on the outside of the questionnaires was not put there by accident. After all, is there any information that Congress and the executive departments should value more highly than the personal opinions of private citizens on some of the most important issues facing America today? The views expressed by my constituents in this most recent questionnaire have been very helpful to me, and I trust that my colleagues will find the results equally informative.

In my opinion, in order to be truly effective, democracy must be a two-way street. Unfortunately, all too often it seems to the average American like a four-lane expressway going only Government's way. To read the messages Government sends out to the people, you would think they never even received the messages the people have been sending back to their Government. In fact, it is almost as though Washington speaks one language, while 200 million Americans speak another, entirely different, dialect.

I would be less than candid if I did not say one more time that it is a mystery to me why the Members of this body repeatedly turn a deaf ear to the pleas of the American people. After all, the House of Representatives was originally created to be nothing more nor less than the people's voice in Washington. And yet, every national opinion survey I have read tells me that our people believe they have no real impact on the laws of the land. Time and time again, by often overwhelming margins, the American people have asked for one thing, and their Congress has given them something else.

For example, if our national policies were set by the people of Kentucky's Sixth District, the United States would now have a balanced Federal budget, personal income taxes would be cut across the board, and our Nation would finally have a comprehensive and effective energy policy, highlighted by an all-out effort to develop alternative sources of energy for the future.

But our Nation's laws are made in Washington, not in Kentucky. And while I share my constituents' frustration at the unresponsiveness of our Federal Government, I would simply say: Keep it up. Keep sending those important messages to Washington. It will not happen overnight, but together we can turn the tide of big Government, big bureaucracy, and big budgets. If we refuse to give up, we can make our Government once again "of the people, by the people, and for the people."

Mr. Speaker, at this time I would like to share with my colleagues the numerical results of my latest constituent questionnaire, and remind them that we are the people's representatives and, as such, we should pay close attention to the recommendations they send us, several of which follow:

[In percentages]

Hopkins Congressional Questionnaire No. 2	Yes	No
1. Do you favor a constitutional amendment to require a balanced Federal budget except in time of war or national emergency?	86	14
2. Would you favor an across-the-board cut in personal income taxes, even if such a cut would mean less money for many government programs?	77	23
3. Do you think that decontrol of crude oil prices should be coupled with a strong "windfall profits" tax on the oil companies?	77	23
4. Would you support mandatory registration of all privately owned handguns in the United States?	37	63
5. Do you favor a major Government effort to produce heating oil and gasoline from coal and other minerals in this country, even if it means paying higher prices for them?	86	14
6. Do you think we should end all trade with Iran, including our purchases of their oil, and their purchases of our products?	92	8

	More	Less	Same
7. If you were in Congress next year, how would you vote to fund the following programs:			
Defense	72	8	20
Welfare	4	81	15
Senior citizens	54	8	38
Foreign aid	2	88	10
Agriculture	45	15	40
Energy research	87	4	9

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DES SEARCH ASSISTANCE

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. GUARINI. Mr. Speaker, today I am introducing legislation which would provide Federal financial assistance to States which establish programs to identify women who received diethylstilbestrol—DES—while pregnant and the children of these women. In addition, my bill would assist States in establishing voluntary registries of these women and their children, in providing screening for cancer related to DES and information concerning the health hazards of DES.

For approximately 30 years—from 1940 to 1970—DES, a synthetic, estrogen-type hormone, was frequently administered to women threatened with miscarriage.

In recent years, the children of these women have been found to have an abnormally high incidence of rare forms of cancer. We do not know the impact, if any, on the mothers themselves who ingested the drug.

Several States have begun programs to find and advise these women and their children of the risks they may face from DES. In my home State, New Jersey, it is estimated that as many as 75,000 persons were exposed to DES during the years that it was administered to pregnant women. Many of these women and their children are unaware that they are at risk and that they need to be screened and checked for cancer.

The funding for this program would be channeled through the Secretary of Health and Human Services with the Federal Government providing a matching sum to those States with programs on a ratio of 75 percent Federal funds to 25 percent State funds.

I urge my colleagues to join with me in helping our States meet this tragic problem with early passage of my bill.

Thank you.●

THE HAUGHEY INITIATIVE MERITS SERIOUS CONSIDERATION

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. BIAGGI. Mr. Speaker, as chairman of the Ad Hoc Congressional Committee for Irish Affairs which has now increased its membership to 13, I remain deeply concerned about the future prospects for peace and justice in the six counties of Northern Ireland.

I was therefore pleased to learn of a very significant statement made over this past weekend by the new Prime Minister of Ireland Charles Haughey. In an important new initiative, the Premier has called for the convening of an international conference on Ireland and an international commission to end violence in Ulster.

He has specifically called on the United States and the Common Market nations of Europe to participate in this conference. I heartily support this proposal and have urged the administration to give it serious and positive consideration.

I have long maintained that the Irish question is truly an international issue.

The struggle for peace and self-determination as well as an end to the documented human rights violations and to the violence official and civilian which contributes to the stalemate in Ulster are all worthy of international attention. However the most important benefit which an international conference might have would be in terms of commitments by the various governments to provide economic assistance to the ravaged country of Northern Ireland. Such an idea was put forth by President Carter in 1977 when he indicated an interest in having the United States join with other nations in providing economic assistance once peace was established.

An international discussion on Ireland could prove to be the catalyst which will move the peace process off dead center. I maintain that the final solution in Ireland must be determined by the Irish people themselves. Therefore if their head of state feels that an international conference will help achieve that goal, it should be given every consideration.

The ad hoc committee will be watching developments very carefully in the weeks ahead. We only hope that the British Government will embrace the proposal and abandon their own present feeble efforts to negotiate a peace in Northern Ireland without participation with the Irish Government. I insert two articles at this time discussing both the Haughey initiative and the current condition of the peace conference organized by Prime Minister Thatcher:

[From the Washington Post, Feb. 19, 1980]

IRISH PREMIER CALLS FOR INTERNATIONAL SOLUTION FOR ULSTER

(By James Lemoyne)

LONDON.—The Irish Republic's new prime minister, Charles Haughey, has criticized British attempts to find an "internal" solution of the Ulster issue and has called for an international commission to end the violence there.

Speaking to reporters after a conference of the Fianna Fail Party in Dublin yesterday, Haughey said he would invite Britain, as the current ruler of Northern Ireland (Ulster), to an international gathering that should also include the United States and European Common Market countries.

At an address to the party conference, Haughey's first major speech since assuming the premiership two months ago at the resignation of Jack Lynch, the one-time finance minister, brought the delegates cheering to their feet, saying:

"We must face the reality that Northern Ireland, as a political entity, has failed and that a new beginning is needed. The time has surely come for the two sovereign governments [Irish and British] to work together to find a formula and lift the situation on to a new plane that will bring permanent peace and stability to the people of these islands."

Haughey went on to condemn the continuing Ulster terrorism. "All but a tiny minority understand that violence can never bring a solution and that it serves only to perpetuate division and hatred," he said..

But Ulster is "artificial and has been artificially sustained," he said and alluded to an end to British rule. "We look forward to some new free and open arrangement in which Irish men an women, on their own, without a British presence but with active British good will, will manage the affairs of the whole of Ireland in a constructive partnership within the European Community."

By calling for international action and reviewing the problems of Ulster at an Irish level, Haughey dismissed current British efforts to find a solution through talks with Ulster's main Protestant and Catholic parties designed to help end direct British rule imposed in 1972.

Nevertheless, several British observers termed Haughey's address conciliatory. Ireland, overwhelmingly Catholic, has consistently opposed the association of Northern Ireland, which is heavily Protestant, with Britain.

The terrorism is the result of the clandestine Irish Republican Army's efforts to reincorporate Ulster and violent Protestant reaction to those efforts.

"Internal" talks between Ulster's religious based parties—a proposal of British Prime Minister Margaret Thatcher—have continued inconclusively over the last two months in Belfast. Referring to those efforts, Haughey said, "I don't believe the ultimate solution can come from the constitutional conference in Belfast."

British officials said they had been expecting an initiative from Haughey and the international approach was no surprise. His accession to power in December was viewed with alarm in London. As minister of finance in 1970, Haughey was acquitted by an Irish court of a charge of illegally importing weapons for the IRA.

So far, Haughey has had little contact with the British government. Shortly after he took power, Thatcher replied to a journalist who asked her view of the new Irish leader: "I'm far too discreet to answer that."

Besides fulfilling some British expectations Haughey's statements on Ulster appear to be directed at his own party. He was selected as party leader on a surge of support for a united Ireland but has inherited a country with chronic economic problems.

A British diplomat said after Haughey's speech: "His real problems are economic—this speech was carefully thought out for party consumption. He is feeding the faithful but has not yet shown how serious he is about Irish unity."

Haughey has not renewed his party's call made when it was out of power in 1975, for complete British withdrawal from Northern Ireland. He gave no specific timetable for establishing the international commission.

Reaction to the appeal was unsurprising. There has been no official British response yet, but an official at the British office for Northern Ireland said: "The government of Northern Ireland is a matter between the people of Northern Ireland and her majesty's government."

In Ulster, the hard-line Protestant leader, The Rev. Ian Paisley, said "Mr. Haughey should learn quickly that neither Irish bullets nor Irish blarney will make the Ulster people surrender."

The deputy leader of Ulster's Catholic Social Democratic and Labor Party, Seamus Mallon, called Haughey's statement "positive and constructive." British-Irish consultation on Ulster has been a major position of that party in the British-sponsored talks in Belfast.

What the reaction will be of the European countries and the United States remains to be seen but British diplomats say they do not expect the Europeans to be eager to involve themselves in the morass of Northern Ireland.

[From the New York Times]

Belfast Conference Just Ambling Along

GOVERNMENT SAYS IT MEANS TO FIND RESOLUTION TO ULSTER ISSUE BUT OTHERS ARE LESS HOPEFUL

(By William Borders)

Belfast, Northern Ireland, Feb. 13—In a historic old stone Parliament building on a commanding hilltop just outside town, the political leaders of this troubled province are meeting to try to chart its future.

The conference, which has been in session off and on since early last month, was called by the Government of Prime Minister Margaret Thatcher who, her associates say, is determined to find a solution to the political problems that have made Northern Ireland a combat zone for 10 years.

"The Government means business," Humphrey Atkins, Secretary of State for Northern Ireland in Mrs. Thatcher's Conservative Party Cabinet, said last fall when he summoned the conference. "It is the government's firm objective to find an acceptable way to transfer substantial responsibilities back to local hands."

Others in this battle-weary corner of the United Kingdom of Great Britain and Northern Ireland are less hopeful, and in some quarters the feeling is that the Prime Minister expects the conference to fail, after which she could try to impose new kinds or degrees of self-government on the province, now ruled directly from London.

JUST TALKING TO MAGGIE

Even one of the participants in the conference, maintaining that its whole purpose was to set forth various points of view as a basis for unilateral action from London, said, "We're all just talking to Maggie, not to each other." On the other hand a Government source said that although no true agreement had emerged, "at least we've gotten the Protestants and the Roman Catholics to sit down and talk for a matter of weeks, and even that is more than some people expected."

The basic issue is what the Northern Irish call power sharing—how much political power will be given to Roman Catholics, who are a third of the population of 1.5 million. The traditional Protestant position is that "in a democracy the majority rules," in the words of the Rev. Ian Paisley, the leading Protestant at the conference.

The Catholics, who feel they have been discriminated against politically and economically, see in this view no prospect that they will have any significant role in any new government. As a result they are pressing for such guarantees as weighted voting, proportional representation or reserved "Catholic seats" in the provincial cabinet.

Mr. Paisley, familiar for years as a fiery and outspoken exponent of the Protestant cause, is in some ways an unlikely negotiator, though many people say his posture has become more conciliatory in the months since the European Parliament was elected last summer. After a campaign that was run like a personal referendum, Mr. Paisley came in first in the province by a considerable margin and is now a member of the European Parliament as well as of the British Parliament.

His victory lent credence to his claim to be the principal spokesman for Ulster's Protestants, a position further strengthened by the decision of the Unionists, the rival Ulster faction of those loyal to Britain, to boycott the current conference.

UNION WITH IRELAND IS GOAL

Facing Mr. Paisley is John Hume, leader of the Social Democratic and Labor Party, the principal Catholic faction, which is pledged to eventual British withdrawal from Northern Ireland and its reunification with the neighboring Irish Republic. The party originally planned to boycott the conference and is attending only under an agreement in which it is also having so-called "parallel talks" with Mr. Atkins on the question of relations with the Irish Republic. That subject is ruled off the agenda of the main conference in deference to Protestant sensibilities.

The third party to the conference, which is being conducted by Mr. Atkins, is Oliver Napier, head of the Alliance Party, a moderate group of both Catholics and Protestants that received 12 percent of the vote in the British general election last May but won no seats in the Parliament in London.

Although the Government has given the conference no deadline, Prime Minister Thatcher is said to be privately seeking some kind of report in the early spring. Whatever may be decided, the basic weakness of the conference approach was summed up this way by a Belfast resident: "Nobody sitting around that table has any power over the I.R.A. None of them can do anything about the killing and the violence, and that's what Northern Ireland's problem is."

The conference has no authority even to consider the problem of the persistent violence instigated by Catholic and Protestant extremists, which with the presence of British troops, is the central fact of daily life here, or to contemplate any change in the basic constitutional status of the province, such as independence or reunification. Rather, it is concerned only with what the Government calls "a transfer of powers within the United Kingdom."●

RICK NOLAN

HON. CECIL (CEC) HEFTEL

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. HEFTEL. Mr. Speaker, Rick Nolan is one of those rare young men who provide the Congress and the people of America with ethical, dedicated service in the House of Representatives. I consider it a great privilege to have known Rick personally.

Early on my own arrival in Washington, I came to him for assistance on an issue which did not benefit his district, and, in fact, was probably in conflict with the desires of his own constituents. Nonetheless, he was helpful, honest, and provided invaluable assistance and support to me, my colleagues, and the people of Hawaii.

Rick will be missed, and it is perhaps an indictment of our political system that he has elected to retire from the Congress. His only desire is to serve the people well, with no regard for personal ego or gain. For the people of Minnesota and his family, Rick will continue to be a source of great inspiration. I hope that he will continue to serve in activities at the local level and one day return to the national scene.●

VFW VOICE OF DEMOCRACY SCHOLARSHIP ESSAY WINNER

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. HILLIS. Mr. Speaker, I am placing in the Record today an essay written by Jeanette C. Kassebaum of Noblesville, Ind. Ms. Kassebaum is a senior at Hamilton Southeastern High School. Her essay won the 1979-80 VFW Voice of Democracy Scholarship for Indiana.

I believe everyone can benefit from reading Ms. Kassebaum's essay. At a time when the United States is seemingly going through a period of self-evaluation due to events in Iran and the Middle East, Ms. Kassebaum has identified and expressed the spirit which has always set America apart from the rest of the world.

It is truly refreshing to read the thoughts of a high school senior who understands her responsibility as a citizen in a free country. Ms. Kassebaum's ideals set an example which we all should follow.

I commend Ms. Kassebaum for her excellent essay and the VFW for their voice of democracy program.

The essay follows:

When I picked up the Voice of Democracy Speech Contest Pamphlet, I saw the title: "My Role In America's Future." My mind raced frantically, what is my role in America's future? I had always thought that I had been a good patriotic American citizen, but yet I had never stopped to think of my individual role in my country's future. One word kept coming back to me: Involvement. As an American citizen, my primary and most important present and future role is to become actively involved in America. There are many aspects of involvement. Everyday involvement includes activities with my family, so that I can help to strengthen the family unit, our backbone of America.

Involvement in my Church will help to strengthen my Christian beliefs and to spread the word of God. And finally, involvement in my community. Someday I can help in the organization of my community or helping others in that community.

It's not only our everyday participation that is important, but our political involvement as well. Political involvement includes writing to a Senator, voicing my opinion, campaigning, voting in responsible officials, and even running for a public office. I have no right to call myself a good American citizen until I take pride in my country to become a responsible citizen and become involved.

Although involvement is my primary role in America's future, thru this involvement I can help to preserve and protect my great country.

When our forefathers "planted" America, all they started with was one small "seed" and a determined spirit. This "seed" grew and was nourished with high ideals. And as it blossomed into a great country, there were those who fought ugly wars and even those who gave their life to save and defend those ideals. The ideals symbolized by Old Glory: Freedom, Power, Patriotism, and Strength.

I must help to nurture this tree, so that it will not die, but continue to grow in strength. The "tree" of America is beautiful and has many branches, I cannot let others take an axe to its very heart.

I cannot stand by and let others take my precious America from me. But I must educate those who do not believe in our country's high ideals. I must sacrifice to safeguard my freedoms and my right. The sacrifice to stand up for what I believe, even if it means that I will be in the minority.

I love America and I am proud of my country and what it stands for.

No matter how big small, I cannot accomplish my role alone. Every citizen's role is just a small piece in America's puzzle. If one piece is missing, it will not complete America. It takes everyone's role to keep America alive.

As individuals we are all reaching towards many goals, but as a nation, we must work together striving for these goals.

Involvement which leads to preserving and protecting our country:

It is my role,
It is your role,
It is our role in America's future.●

CONSTANTINO BRUMIDI

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. RODINO. Mr. Speaker, February 18 marked the 100th anniversary of the death of Constantino Brumidi—the Italian-born artist whose work decorates our Capitol.

As long as this Capitol building stands, countless visitors and Members of both houses of Congress will continue to admire the work of Constantino Brumidi.

The story of Brumidi's life is similar to that of other immigrants who have come to America, but important, nonetheless. Born on July 26, 1805, of an Italian mother and Greek father, he was one of three artists commissioned to restore the Raphael frescos in Vatican City, Rome.

He also served as captain in the Italian National Guard during the republican revolution in 1849. Because Brumidi believed in democratic principles of government, he refused to use force against the revolutionaries. For this he was imprisoned for 14 months.

After his release, he journeyed to the United States, like so many others who were seeking political and personal freedoms. When he was commissioned to begin work on the Capitol in 1855, he expressed his thoughts on his adopted country:

> I no longer have any desire for fame or fortune. My one ambition and daily prayer is that I may live long enough to make beautiful the Capitol of the one country on Earth in which there is liberty.

Brumidi's faith in America was tested because he had arrived in the United States during a difficult period for immigrants. The so-called know-nothing movement, dedicated to the return of immigrants to their native lands, was a pressing issue which ran strong in the 1856 Presidential campaign.

During the Civil War, Brumidi completed his work in the dome of the Capitol while Confederate troops camped within sight.

Despite these difficulties, Brumidi finished the frescos in the rotunda, the House Chamber, the House committee room, the Senate reception room, the Senate Appropriations Committee room and others.

Brumidi brought to the Capitol the rich heritage of Renaissance art, and for this he is known as the "Michelangelo of the U.S. Capitol." While Americans of Italian heritage are particularly proud of Brumidi's contributions to our country, his life portrays the courage and determination of immigrants of all nationalities.

In the face of prejudice, and at the darkest hour when War Between the States threatened the existence of our Republic, Brumidi continued to believe in political freedom and to work to communicate his beliefs through his art in our Nation's Capitol.

Mr. Speaker, I hope that the anniversary of the passing of this remarkable and gentle man will rekindle faith in the ideals which made our Nation strong. In the words of the late and distinguished Senator Paul Douglas, I hope it "will help to make us all more tolerant, make us all more cooperative and less given to narrow prejudice." ●

THE HANDICAPPED FIGHT TO BE BOSS

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. SIMON. Mr. Speaker, I suppose like a great many of my colleagues I put aside articles I want to read in more detail and then when we have congressional recesses I try to catch up.

One of those items is an article which appeared in Parade magazine titled, "The Handicapped Fight to be Boss" written by April Koral.

I was pleased to note in the article the reference to Bob Sampson, vice president of United Airlines.

Bob Sampson is a tribute to United Airlines and this country and is a great example to use in the article.

The article follows:

THE HANDICAPPED FIGHT TO BE BOSS

DISABLED PEOPLE WHO WANT MANAGERIAL JOBS MUST STILL OVERCOME MAJOR OBSTACLES

Bob Sampson is in many ways a typical corporate vice president—married, father of three children, and tireless worker. But the comparison ends there. Sampson, who was stricken with muscular dystrophy at age 9, is also a quadriplegic.

"Once they put me in that electric wheelchair, I'm hell on wheels," Sampson says, laughing, as he sits in his United Airlines office in Chicago.

It wasn't always so easy. In fact, until he was 13, his family couldn't afford a wheelchair. Later, he worked nights as a hotel switchboard operator and went to college during the day. After passing the Illinois bar exam at 23, he worked as an attorney for the city of Chicago until William Patterson, then president and board chairman of United, asked him to join the company.

"It takes people like Mr. Patterson to give the handicapped a chance," Sampson says. "All my life I had people telling me you can't do this or that. But one day Mayor Richard Daley said after sending me back and forth to New York, 'I keep forgetting you're in a wheelchair.' That was when I knew I had finally arrived."

Comparatively few among the country's seriously handicapped—the blind, deaf or mobility-impaired—can say the same. For them, the path leading up through the ranks of management and on to the executive suite has too often been pitted with obstacles—most of them man-made.

According to Bernard Posner, executive director of the President's Committee on Employment of the Handicapped, approximately 2.5 million Americans have impaired mobility, 1.4 million are totally blind, and 76,500 are totally deaf. No one knows how many have been prevented from pursuing successful business careers, but their overall earnings lag far behind those of the able-bodied. According to 1970 U.S. Census data, 8.4 percent fewer handicapped than non-handicapped had annual earnings above $7,000. Among handicapped men, the figure rose to 16.2 percent. "I don't think there's going to be that much difference in the 1980 Census," Posner predicts.

One reason some disabled people find themselves stymied in their careers is that many able-bodied employers believe the demands of management are too much for the handicapped.

"The stereotypes are that handicapped persons can never be transferred because of the problems involved in arranging their home life; that they are unable to take stress; that they cannot travel; that if they have any sensory problem, they cannot communicate with people; and that they upset anyone they work with," explains Leslie Milk, executive director of Mainstream—a nonprofit organization in Washington, D.C., that counsels companies and handicapped individuals on their legal obligations and rights.

But often it is more than misconceptions that prevents the handicapped from climbing the corporate ladder—especially into positions of high visibility.

"The executive suite is where the company tries to project the best image," says Rami Rabby, director of Citibank's Affirmative Action program. Rabby, who is blind, came to Citibank after working in a management counsulting firm outside Chicago. "I was never allowed to go on sales calls," he remembers.

"You'll find very few of the handicapped in significant positions of responsibility," says Rabby. "A slot has been carved out for them. They make good contributions, but the assumption of non-disabled people is that they'll stay there rather than assume different responsibilities and learn as they go along."

For those who become handicapped when already in high-level jobs, adjusting is the key challenge. Robert Cameron lost his vision at 38, when he was a successful manager at the Rouse Company, a firm based in

Columbia, Md., that owns and runs numerous malls and urban developments around the country. Today, at 53, he is a vice president.

"I make architectural decisions through asking questions and building projects and site plans in my mind," explains Cameron. "I can remember all of the malls we've built. I was very fortunate. It took an imaginative company to take a chance."

Many companies today don't have a choice about whether or not to be "imaginative." Under Section 503 of the Rehabilitation Act of 1973, any contractor or subcontractor doing business with the federal government in excess of $2500 must take positive steps to end discrimination against the handicapped by showing concrete efforts to recruit, hire, promote and make "reasonable" accommodation.

Companies that do reach out for handicapped employees maintain that there isn't much managerial material. According to Ellen LaNicca of Handicapped Employment and Economic Development (HEED), a New York City head-hunting firm for handicapped professionals, too many disabled workers simply do not have marketable corporate experience "By and large, they've had jobs in government, nonprofit organizations and in the rehabilitation system," LaNicca says. "Making that transition into business is a big step."

Many of the handicapped point an accusing finger at the rehabilitation organizations and state-run programs that, they say, do not encourage them to be independent. "The counseling that goes on from the time you're a youngster is anti-business," notes wheelchair-bound Bob Kell, a former assistant dean of New York University's Graduate School of Business and now a manager at Equitable Life Assurance. "I encountered a handicapped student when recruiting for NYU who told me he didn't want to get his MBA degree because being in business would mean he'd have to travel, and his rehab counselor had told him it couldn't be done."

But many handicapped believe not only that it *can* be done, but that sometimes they can do it better. John Gavin, 57, lost his hearing 24 years ago. After returning to school to get his Ph. D., he spent 15 months looking for a job and received 60 rejection letters, many of which candidly stated that they would not hire him because of his deafness. Today he is Director of Allergy Research Affairs for Miles Laboratories in Elkhart, Ind.

"Management needs people who don't panic, who don't just react," Gavin says. "People who are handicapped have more patience. They're not facing adversity for the first time—they've faced it every day of their lives. I know people with every type of disability who've managed to get an education, then can't get a job. It is society that has not caught up with them."●

PETER M. PEREZ

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. UDALL. Mr. Speaker, on my most recent visit home, I was invited to the Copper Hill Post No. 48 of the American Legion in San Manuel, Ariz., where I was presented with a copy of an original poem written by one of the post members, Mr. Peter M. Perez. The poem is entitled "I Am," and is a stirring tribute to veterans, freedom, and our country. I was so impressed by the piece, I am including it in the CONGRESSIONAL RECORD:

I AM

I am the new baby, born free.

I am the father who sees his children growing up in a free country.

I am the husband who provides his wife with plenty because I live in a land of opportunity.

I am the president who leads his people in a free and democratic society.

I am the church who is free to worship God in what ever religion is desired.

I am the soldier willing to take arms to preserve the freedom of this country.

I am the fallen hero who willingly gave up his life for his country.

I am the disabled veteran in hundreds of hospitals.

I am the man who cries when he hears the "Star Spangled Banner" at a football game.

I am the eternal flame of our fallen comrades in battle.

I am the flag waving proudly my stars and stripes.

I was given birth by millions of men and women who believed, and as long as they believe in me, I will never die because I am freedom.

I am the "American Legion".●

REYE'S SYNDROME KIDS NEED OUR HELP

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. VANDER JAGT. Mr. Speaker, during the fall and early winter months of each year, the residents of our Nation experience frequent bouts with one of several strains of influenza. In many cases, contracting the flu results only in a few days of fatigue and minor respiratory difficulties. However, in recent years a very serious complication of the flu, as well as chickenpox and other viral infections, has shown a dramatic, startling increase. That complication is Reye's syndrome—RS—and it can be fatal to children and adolescents between the ages of 1 and 18 if not promptly treated. Nationally, the mortality rate is about 42 percent, but can be as high as 80 percent in patients who have the seizures, flaccidity, and respiratory arrest that often accompany the most serious RS episodes.

Even mild cases of Reye's syndrome bring grave alterations to the bodies of its victims. Intractable vomiting, lethargy, and unusual fatigue, and severe behavioral changes characterized by combativeness, biting, thrashing, shrieking, and exhibitions of extraordinary strength are initial symptoms. These are followed by disorientation, seizures, hyperventilation, and eventually coma.

One of the most starling aspects of the national incidence of Reye's syndrome, which in 1974 was at epidemic proportions according to the Center for Disease Control—CDC—is that the reporting accuracy is only 10 to 50 percent. CDC's 1974 epidemic year, with over 400 cases, will probably be surpassed this year. Already in the State of Ohio 40 cases of RS have been reported since January 1, 1980. In my own State of Michigan, well over 20 cases have occurred. This incidence rate for Michigan and Ohio exceeds that of last year, which were record years with approximately 200 reported cases between them. A growing segment of America's medical profession believes that RS is quickly becoming the most serious childhood/adolescent health problem we face.

Mr. Speaker, Reye's syndrome is a serious national health problem. Its annual incidence is increasing at a far faster pace than the response of the Federal Government. I am working to change that imbalance and today would like to commend the work of Reye's syndrome's two most ardent adversaries, Mr. and Mrs. John Dieckman of Benzonia, Mich. The Dieckmans, after losing their son to RS, founded the National Reye's Syndrome Foundation in 1975 and have since been ceaselessly working to bring about greater public awareness and increased Federal attention to the detection, reporting, cause, and treatment of RS.

A truly justified honor was bestowed upon the Dieckmans on February 1, 1980, by the Traverse City, Mich., Area Chamber of Commerce. They were presented with the distinguished service award for their work toward education and research of Reye's syndrome. For the benefit of my colleagues, many of whom represent congressional districts that experience a high incidence of Reye's syndrome, I would like to share the following news article from the Traverse City Record-Eagle honoring the Dieckmans for their "Reye's Syndrome War"; and another news article announcing the week of February 10 as Reye's Syndrome Week in the State of Michigan.

[From the Traverse City Record-Eagle, Feb. 2, 1980]

BENZIE'S DIECKMAN HONORED FOR REYE'S SYNDROME WAR

TRAVERSE CITY.—John W. Dieckman of Benzonia was presented the Distinguished Service Award by the Traverse City Area Chamber of Commerce Friday night during the Chamber's 64th annual meeting.

A capacity crowd of 900 persons was on hand at the Grand Traverse Hilton as last year's winner, John Anderson, president and general manager of WCCW Radio, presented the award to Dieckman.

Dieckman is a founding trustee of the National Reye's Syndrome Foundation, a movement he started after his young son died of Reye's Syndrome.

Chartered in April, 1976, the foundation has become a nationwide organization with more than 1,000 members, many of them parents who have lost children to Reye's.

Anderson said Dieckman, who has served as president of the foundation for the past four years, has earned the reputation of a persistent and unabashed arm-twister because of his frequent lobbying trips to Washington, D.C.

"Our recipient has declared a very personal kind of war on Reye's Syndrome," Anderson said. "He and his wife, Doris, live by one unbending rule. They will go anywhere, talk to anyone, pull any strings, use any connection if they think it will advance the fight against Reye's Syndrome."

Anderson described Dieckman as a walking encyclopedia of facts and figures about Reye's. "People who deal with him regularly agree that he has been remarkably successful in creating a national lobby for accelerated research into the cause and prevention of Reye's Syndrome."

Dieckman is the past president of the Benzie County School Board and is currently serving his 10th year as a member of the Board. He has been employed by Pet, Inc. for 27 years and was recently awarded first prize in the annual Employee Community Participation Award sponsored nationally by Pet for his efforts on behalf of Reye's Syndrome.

Dieckman is also a former director of the Traverse City Area Chamber of Commerce. In addition to their late son, John, the Dieckmans are the parents of two daughters, Debbie and Diana.

[From the Traverse City Record Eagle, Feb. 12, 1980]

THIS IS REYE'S SYNDROME WEEK

LANSING.—Valentine hearts will have an added significance this year when citizens throughout the state are made aware of Reye's Syndrome through the efforts of the National Reye's Syndrome Foundation and the State Legislature.

A resolution introduced in the Michigan House by State Representative Connie Binsfeld (R-Maple City) commemorating the week of Feb. 10-16 Reye's Syndrome Week was approved by the legislature recently.

"Reye's Syndrome is a catastrophic illness that kills nearly half the children it strikes," Binsfeld said. "It is recognized as one of the top ten killers among all children's diseases, and I hope that our efforts will bring it to the public's attention and aid in the discovery of a cure."

Binsfeld, who is the sponsor of a law making Reye's Syndrome a reportable disease, said the national slogan is, "If you love children, learn about Reye's Syndrome."

"The Foundation is singling out Valentine's day to emphasize this slogan and to correlate valentine hearts with the hearts of those who love children," she said.

The disease was first recognized by medical science in 1963 when an Australian pathologist, Dr. Ralph D. Reye, and two colleagues described it as a specific disease.

"It attacks normally healthy children and usually appears in a child after a common viral illnesses, chicken pox or mononucleosis," Binsfeld said. "In rare cases it may begin with no prior warning, but usually the first serious symptom is vomiting. Within three to five days the child will die if death is to occur.

"I hope that all parents become aware of this terrible disease and make sure their children are tested if Reye's Syndrome is suspected.

"Early detection is imperative to protect your child's life."

The resolution will be sent to the National Reye's Syndrome Foundation in Benzonia as a token of the Michigan Legislature's support of this important effort, Binsfeld said.●

SUPREME COURT AND THE HYDE AMENDMENT

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. APPLEGATE. Mr. Speaker, yesterday, Tuesday, February 19, 1980, the U.S. Supreme Court has moved closer toward authoritative control of this Nation and ordered the Federal Government to resume paying for abortions for women on welfare. This came about as a result of a ruling last month by U.S. District Judge John F. Dooling who proclaims the Hyde amendment, which limits the payment of abortions to cases of pregnancies as a result of rape or incest, or where the life of the mother is endangered, as being unconstitutional. Judge Dooling's ruling was then blocked temporarily at the request of the Departments of Justice and Health, Education, and Welfare. The Court's action now lifted that block, thus putting Judge Dooling's decision in effect immediately.

I rise in strong opposition to the Supreme Court's decision; not based on the decision itself, which I also oppose, but rather, on the fact that the Court has in my opinion overstepped its constitutional authority and has caused definite erosion in the separation of powers of our Government structure. By virtue of this decision, the Supreme Court has given itself the power to legislate, a power expressly reserved for Congress.

Through the Hyde amendment, Congress has spoken as to how we wish the law to read. We have legislated certain conditions necessary for the expenditure of Federal funds to pay for abortions. There is no doubt that it is clearly within the Court's purview to determine the constitutionality of this or any law as passed by Congress, having obtained this right by virtue of the Marbury against Madison decision of 1803. However, the constitutionality of the law was not decided on, as this will not be done until early summer. What the Court has done is simply restructured and reworded the law to permit added expenditures; expenditures I might add, that were not appropriated nor authorized by Congress.

I believe this is a very serious mistake on the part of the Court and only points to the absolute necessity to curtail the Court's authority in some way. While I realize little, if anything, can be done about this particular ruling, serious thought might well be given to a piece of legislation, House Joint Resolution 191, introduced on February 8, 1979, calling for a limitation on the length of service for all Federal judges equaling no more than two 6-year terms and requiring a reconfirmation hearing by the Senate before beginning the second term. Judges are public officials and must answer to someone and I believe Congress is the appropriate body to answer to.

Mr. Speaker, again, let me make it clear that it is not my intention to raise the issue of the Hyde amendment, for that is not the issue at hand. What is involved is the survival of the very foundation of our form of government. I referred to this earlier as an erosion of the separation of powers principle for that is exactly what it is. We cannot, for the good of this country, continue to permit this to happen.●

REDEEMING AMERICA'S PROMISES

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. KEMP. Mr. Speaker, Richard J. Whalen has written a thought-provoking article, on the consequences of continued depreciation of the dollar, which appeared in the March 1980, edition of Harper's magazine.

Whalen argues strongly that, unless the United States acts to make good its outstanding promises to pay, by redeeming dollar obligations, the world monetary system may be vulnerable to collapse. I commend this excellent but disturbing article to my colleagues.

The article follows:

What is money? Paper or gold? And with gold above $800 an ounce, who is the greater fool—the buyer or the seller?

These are philosophical questions. The men who handle money professionally are not philosophers, of course. Bankers are dealers in a commodity who buy dollars wholesale, repackage them, and lend them retail.

Here is an authoritative judgment from Walter B. Wriston, chairman of Citicorp, one of the world's leading money dealers. In a speech last May he said: "As a piece of paper in your pocket, money has no intrinsic value—it is worthless. Its only value consists in what it represents, which is a claim on a share of the world's goods and services."

Mr. Wriston is only half right. True enough, paper currency can seem worthless if anxious holders want to get rid of it because they have lost confidence in the issuing government. The recent frenzy in the gold markets illustrates precisely such a collapse of confidence. Gold which has intrinsic value, is the only transnational currency. It is universally acceptable because it belongs to no nation or goverment. Its value does not depend on the wisdom and honesty of politicians. It is prized partly because it is scarce and basically indestructible. It is everything that paper is not.

Where Mr. Wriston errs, it seems to me, is in depicting paper money as though it were an *economic* instrument. This, of course, is the foundation of error on which the modern profession of economics sits, wearing a permanently puzzled expression. Taken as a group, economists trained in conventional neo-Keynesian dogma seem incapable of understanding the central problem of our time—the source of the ever-rising self-destructive inflation ravaging the industrial democracies. They, too, mis-identify paper money as Mr. Wriston does, treating it as an economic phenomenon and its value as a function of the marketplace.

In truth, paper money is created by politics—it is an instrument in domestic and international politics, and its value is determined by the political process. It is an organized and regularized illusion—fakery on the grandest scale.

Gold, in contrast, is real money. It has the requisite classical characteristics: it is a unit of account, a medium of exchange, and—most important—a dependable store of value that resists the erosion of inflation. Paper money temporarily may be able to perform the first two functions well enough, but it cannot long satisfy the crucial third requirement unless the piece of paper is freely convertible into something scarce and therefore intrinsically valuable, such as gold. Inconvertible paper money represents only a political claim on the marketplace, one that government may or may not validate by its actions. That is why gold enthusiasts contemptuously call paper currency fiat money, its value dictated by the whim of the political authorities.

Over the past two generations we Americans have talked one way and behaved another. While preaching "free enterprise" we have more or less absentmindedly converted our economy from one centered on the private marketplace to one centered on the so-called public sector, on the federal government and its money-printing presses. We have changed the basis of economic activities from the play of market forces to the manipulation of political, legal, and regulatory forces in Washington. As a result, our costs, wages, rents, prices, and profits are now directly and indirectly set by the imposition of political power on the market. And, of course, politics determines the value of the dollar in terms of purchasing power.

The rate at which our money loses value is not set by chance or the wicked extortions of OPEC. Inflation is not a mysterious plague sent into our land by greedy Arabs and foreign speculators or a malign Providence. Always and everywhere, down through history to the present day, inflation is a deliberate political act, committed by the issuer of money against those who are forced to use it. Endless confusion of cause and effect springs from the gross ignorance of politicians and the news media when they confront the economic consequences of the political decision for inflation. Inflation is an act of fraud. It is a crime against creditors on behalf of debtors. In the United States, inflationary fraud is routinely committed by the Federal Reserve System on the behalf of the Treasury in order to float away otherwise unsupportable debt, represented the chronic federal budget deficit. As by far the largest debtor in a mass society of debtors, the U.S. government is engaged in the systematic though unadmitted devaluation of the dollar through inflation as a means of reducing the deflationary burden of potentially crushing private and public debts on the economy as a whole.

Forty-five years ago, when America's fantastic debt spiral was just beginning, we took reassurance from the glib assertion that "we owe it to ourselves." If we kept the official fraud in the family, so to speak, it was deemed not only clever politics but even sound public finance. Now, of course, we owe it not only to ourselves but to the rest of the world as well. Whether at home or overseas, a dollar, after all, is a claim, an IOU against the U.S. government. And these claims have mounted beyond imagining.

How many dollars exist today? No one has the remotest idea. There are some $375 billion in the United States' adjusted domestic monetary base. There are perhaps *twice* as many dollars (no one knows) in circulation within the international banking system outside the United States in the Euromarket. According to a Citibank estimate, the total yearly turnover of dollars in the world's foreign-exchange markets is a mind-boggling $50 trillion. If this estimate is even remotely accurate, the annual trading volume of dollars is about twenty-five times greater than the current market value of total output of U.S. goods and services.

This vast sea of dollar-denominated liquidity is ceaselessly swept by speculative storms and turbulence. Its hyperinflationary potential is so enormous that it quite literally threatens to destroy not only the dollar but every other paper currency as well. This self-destructive potential exists as the direct consequence of America's decision to pursue inflationary fiscal and monetary policies, especially since 1973-74 and the revolutionary emergence of the Organization of Petroleum Exporting Countries as the center of world financial power.

I emphasize that the decision for inflation was deliberate, though unadmitted. In the winter of 1973-74, after OPEC's initial stunning 400 percent price increase, I recall privately asking a high-ranking Treasury official how America and the other oil-consuming nations could possibly pay the seemingly ruinous new prices. He replied with a smile: "We can print dollars faster than the Arabs can pump petroleum." And so we did.

That remark was at once arrogant and, for a time, quite accurate. It summed up the American habit in the postwar era of giving orders and expecting to have them heeded, the corrupting habit of having our way too often, too easily. We assumed our fraud would go unpunished even if it could not go undetected. We assumed too much. If Vietnam marked the end of American military predominance, then the rise of OPEC marked the beginning of the end of American financial, and therefore political, autonomy.

What happened in the late 1970s, quite openly but with little public or government comprehension, was the loss of American control over the fate of the dollar and, potentially, of our economy and our nation. As scores of billions of surplus dollars spilled into the world economy, a new international monetary system based on the Eurodollar markets came into existence. The collaborators in creating this system were the apparently antagonistic but actually complementary members of OPEC, the major oil companies, and the leading multination banks. With its stupendous reserves—greater than those of the United States, West Germany, and Japan combined—the Saudi Arabian Monetary Agency became the world's de facto central bank. It functioned, however, with this reverse twist: *not* as the "lender of last resort," but as the short-term depositor of first instance. The Saudis and other big-surplus members in OPEC gave their money for months, even weeks, to the bankers, who were pleased to lend it for years to oil consumers. As these financial intermediaries "recycled" petrodollars, they built larger and shakier pyramids of debt, an ever-increasing part of which would never be repaid because it could not be.

After scarcely five years of such "recycling," the bankers are still full of self-congratulation based on the ease with which they made these tens of billions of dollars of uncollectible loans to the poor oil-consuming nations. But they are also filled with mounting apprehension, which they insistently share with the rest of us. It is time, they say, for international lending agencies to put up more of the money the desperate developing countries need.

The principal source of the bankers' apprehension lies in these stark figures: in 1980, the oil-consuming nations must pay OPEC some $250 billion, of which about $70 billion will not be spent by OPEC and therefore must be "recycled" or otherwise invested; at least $50 billion will have to be borrowed by the poor oil-consuming nations to finance their payments deficits. Will OPEC's richest-surplus nations, such as Saudi Arabia, Kuwait, and the United Arab Emirates, assume the risky responsibility of financing their hard-up, least credit-worthy customers? Of course not.

But the principal effect of inflating and recycling is not the readily predictable, and perhaps imminent, economic and financial crisis. Rather, it is the generally unforeseen shift in the balance of political power. Now we Americans take orders. Now we are forced to shape our policies to the dictates of others who have too many of our dollars and who demand other, more painful forms of payment. As an influential member of Saudi Arabia's royal family told a reporter for the New York Times: "We no longer think of oil in terms of money alone."

In the language of power, the Saudi prince was saying: "The transfer of dollars alone can no longer purchase Arabian oil in the volumes you require. Your government's bargaining position and credibility are too weak for that. We shall export oil only against payment in the form of the gradual surrender of your political-economic autonomy and acceptance of our desires."

Saudi Arabia has once again extended for a single quarter, though the spring of 1980, its production of an "extra" one million barrels per day, for a total daily output of 9.5 million barrels, on these explicit conditions: the United States must halt strategic stockpiling of oil, support the dollar, and, most important, push Israel toward direct negiotiations with the Palestine Liberation Organization. Thus whatever the dollar price of OPEC oil, the actual price is much higher, and the decisive transactions are made in terms of power. Year by year in the 1980s, the political submission of Europe, Japan, and especially the United States will be the final price of Persian Gulf oil. And if the Soviet Union succeeds in gaining its long-sought dominance over the region, the price will be nothing less than surrender.

Since early 1979 the unprecedented surge in gold prices has reflected growing fears that World War III is coming and, alternatively, that the leaderless West will submit without firing a shot. The root fear is psychological and political. Beyond it lies the realistic economic fear that the dollar and other major currencies will self-destruct. Official Washington has been shocked into at least limited understanding of the linkage behind worldwide inflation: an uncontrollable oil price reflects, and contributes to, a soaring gold price. For many years the price of oil and the price of gold remained in a fairly stable relationship: an ounce of gold was worth about fifteen barrels of oil. Indeed, these commodities have become direct media of exchange in barter deals. Early in 1979, two Arab oil producers, said to be Saudi Arabia and Kuwait, sold large single cargoes of crude oil to the U.S.S.R. and South Africa for gold, reportedly at about twelve barrels an ounce.

According to some calculations, if the price of oil and the price of gold are adjusted for the effects of inflation since 1973, then $250 an ounce seems a more "reasonable" price for gold than $800. But thin bullion markets exposed to primal fears, monopolists' greed, and tidal waves of restless speculative liquidity are inherently unreasonable. Applying the traditional "rule of fifteen" yard stick, the rise of gold almost straight up from $300 an ounce confirms the permanence of oil prices above $30 a barrel and probably above $40 a barrel by 1981, despite the recession.

Official U.S. intervention to support the shaky dollar in foreign-exchange markets is irrelevant in these circumstances. The dollar is weak because the world correctly perceives that Washington is irresolute. The focus of oil producer-consumer relations is shifting from economic and financial to overtly political maneuvers. Europe and Japan are making separate competitive deals with the Persian Gulf producers at the expense of the United States. Meanwhile, the self-defeating American attempt to defend familiar standards of consumption through inflation has been defeated in the gold and foreign-exchange markets, although we do not yet recognize our defeat.

On November 1, 1978, when President Carter took belated but drastic steps to rescue the dollar, the U.S. economy became subject to a new influence that most Americans—even many in high places in Washington—do not yet comprehend. The United States is in virtual receivership. As the Financial Times of London explained after the November, 1978, crisis: "The dollar is now as dependent upon the state of international opinion as any other currency. As a consequence, the economic policies of the U.S. Administration must satisfy foreign, as well as domestic opinion."

A year later, with the dollar again on the brink of collapse, Federal Reserve Chairman Paul Volcker reacted to intense pressure from abroad and took a series of unprecedented steps to restore confidence, bolster the dollar, and reverse the domestic inflationary trend. For the first time, the Fed announced it would attempt to control the expansion of the monetary base, which is the source of money and credit, and would allow short-term interest rates to fluctuate freely. As he privately admitted, Volcker is gambling that these measures, dictated by urgent international considerations, will not be reversed by even more compelling domestic political considerations.

Volcker's gamble may be foredoomed. Americans are bound to resist the necessity to adjust domestic economic policies to international requirements. A fairly broad consensus, including most of the business and financial community, favors inflationary ("expansionary") fiscal and monetary policies. The reason is as plain as the statistical evidence. As a nation of debtors—private, corporate, and public—we greatly prefer cheap money and ample credit in order to keep the leverage game going as long as possible. We fear recession and the prospect of reduced or interrupted cash flow much more than an inflationary blowoff. The organized political interests favoring "moderate" inflation are also vastly more self-aware and politically powerful than those opposing it, because the former, who include pensioners and government workers, are protected by various forms of "indexing."

From Congress to Main Street, Americans still mentally inhabit a securely dollar-oriented world. In his book "The Public and American Foreign Policy 1918-1978", Prof. Ralph B. Levering predicts: "If the next series of international crises centers on economic issues, the American people may be almost as ill-prepared to deal with these crises intelligently as they were to judge the merits of escalating the Vietnam war in 1965."

Essentially, in our form of cash-and-carry democratic society, it is possible not only to want and demand more than we have produced, but also to intimidate craven politicians into appearing to deliver these undeserved rewards through inflation. As Chairman Volcker realizes, the Fed can't fight the "will of the people" head on and preserve its institutional semi-independence against Congressional displeasure.

There is a basic incompatibility between unconstrained democracy and responsible monetary policy, a conflict that in the long run must jeopardize both. For honest self-government is impossible without honest money.

Economic forces alone will not determine the future course of the U.S. political economy, the health of the dollar, or the stability of the international payments system based on it. In the end, this battered system rests on certain assumptions about the character and behavior of the political leadership of the United States. For semantic convenience, these assumptions are commonly bundled together in a single word—*confidence.* If confidence overseas weakens beyond a peril-point that cannot be predicted, but one that may not be far away, the system built on and around the American dollar will continue to be vulnerable to panic, violent shifts of liquidy, and sudden collapse.

The weakness of the dollar reveals increasing doubts abroad not only about the immediate value of our currency and the near-term prospects for the U.S. economy, but also about the long-term validity of the underlying political assumptions. To foreigners the most important assumption is that, at the level of national policy, the United States can be depended on to act from a rational and intelligible estimate of self-interest. In calculating their risks and making decisions that must be translated into buying and selling dollars, foreigners may disagree with Washington's views, but they must be able to *understand* them, to see how they reflect *American* calculations and how they serve *American* objectives. Throughout Jimmy Carter's Presidency this has been impossible.

If we Americans seem to know where we are going and why, foreigners are better able to decide, for their own reasons, what course to pursue. It is an aimless, politically irrational, and morally self-indulgent America that alarms and frightens them. They flee our fool's paper and false promises and take refuge in gold. There is little point in joining the stampede, Unless we somehow redeem our promises, especially those made to ourselves, there soon will be no place to run. America will be entombed in billions upon billions of pieces of paper. And gold will not resurrect it.●

LITHUANIAN INDEPENDENCE DAY

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mr. CORCORAN. Mr. Speaker, I am pleased to join my distinguished colleague from Illinois, FRANK ANNUNZIO, in commemorating Lithuanian Independence Day.

February 16, 1980, marks the 62d anniversary of the Lithuanian Declaration of Independence. A large number of Lithuanian Americans will remember this day as a milestone in their nation's struggle for independence and self-determination. Lithuania's freedom, however, was short lived; in 1940 it was invaded by the Soviet Union and declared a satellite country of the U.S.S.R. However, the United States and other great Western powers have steadfastly maintained a policy of nonrecognition of the forcible annexation of Lithuania.

I truly admire the courage of those Lithuanians who have consistently fought to regain their freedom. For too long, and in too many nations, strong and proud peoples have been subjugated. Sadly, this is a recurring event as we can see with the situation in Afghanistan. Hopefully, it is not too late to prevent annexation by the U.S.S.R. of this country.

Human rights activists Balys Gajauskas, Viktorus Petkus, Jonas Petkevicius, and countless others have courageously expressed Lithuanian desire for democratic freedoms. This continued commitment to individual rights and fundamental freedom reflects the remarkable spirit of the Lithuanian people. I offer my personal and sincere commendation for this commitment, and hope that the desire of all Lithuanians for freedom will soon be fulfilled.●

CURRENT HIGH UNEMPLOYMENT RATES

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. HAWKINS. Mr. Speaker, on February 13, 1980, I introduced a bill to provide an additional method for dealing with current high unemployment rates and the even higher rates which are projected by the administration. This bill, in combination with adequate funding of existing law, will provide at least a modest step toward achieving the goals of full employment to which the Nation committed itself in the enactment of the Full Employment and Balanced Growth Act of 1978.

In 1978, when the comprehensive employment and training amendments were enacted, the Congress and the President decided that we should provide public service employment to a specified percentage of the unemployed. In the 1981 budget, the President recognized that to meet the statutory goal, we would need approximately 900,000 jobs under title VI of CETA based on a projection of unemployment at 7.4 percent. However, the President has requested only enough funds for 200,000 jobs under title VI. The budget message suggests that alternative temporary spending for job creation targeted toward particular sectors of the economy may be necessary.

In order to carry out the employment commitment made by the President and Congress in 1978, but keeping in mind the President's desire to provide such employment through alternative means, I propose the following employment initiative:

First, increase funding for CETA title VI to provide an additional 300,000 jobs, for a total of 500,000 jobs;

Second, increase funding for training and upgrading programs—titles II-B and II-C of CETA—to provide an additional 100,000 opportunities; and

Third, enact a new program of Federal supplemental employment to provide 300,000 new jobs.

The proposed increase in training and upgrading is designed to minimize the impact of the recession on those unskilled or low-skilled workers who are most seriously affected by a cyclical downturn in the economy and to provide an opportunity for such individuals to upgrade their skills so that they may secure more productive employment and thereby increase national productivity as the economy begins to return to normal. In combination, these proposals provide 900,000 jobs that the President recognized that we needed to carry out the goals of the 1978 CETA Amendments.

It should be made clear that this proposal is not a substitute for my proposal currently under consideration to provide an additional 1 million jobs and training opportunities for youth. Those youth opportunities are needed even when unemployment is much below current levels. This proposal is specifically intended to address the increased unemployment projected by the administration and others in the coming months and to give the Congress the means to quickly implement a well balanced countercyclical program.

The first two parts of this proposal can be accomplished through the appropriation process, and I intend to seek support for this action from the Appropriations Committee. The third requires the enactment of the Federal Supplemental Employment Act which I have introduced.

The concept behind this bill is simple. The Federal Government currently provides funds for a multitude of important activities in which more than 25 million people are employed. The bill would provide additional temporary employment opportunities in ongoing activities. It would, therefore, require no new bureaucracies for administration or supervision nor would it require the Federal Government to fund any activities which it is not already supporting. For example, a community health program receiving Federal assistance which presently employs community health workers could hire additional persons to meet the needs of the community and provide employment opportunities for unemployed persons in the community. A preliminary survey of federally assisted health programs indicates that over 20,000 persons are needed and could be hired quickly under the terms of this bill.

The total cost of this proposal to deal with high unemployment would be approximately $7 billion. However, there would be substantial savings in reduced welfare expenditures, unemployment compensation, food stamps, and other transfer programs as well as substantial increases in tax receipts, making the net cost under $4 billion. This is a small sum compared with the $7 billion increase in unemployment insurance costs alone from 1979 to the administration's projected level in 1981. In addition to these savings, the Nation will receive needed services, and we can expect a reduction in inflation pressures through the emphasis on programs to reduce shortages in such areas as energy, housing, transportation, and health care.

An outline of the Federal Supplemental Employment Act follows:

PROGRAM DESCRIPTION

The bill would provide for an expansion of labor on federally assisted activities. The statute governing the activity would determine the administrative requirements and specifics of the activity. Supplemental employment funds would be used only for wages and benefits; 20 percent of the funds are available to the Office of Personnel Management for supplemental employment in Federal agencies with labor intensive programs.

ADMINISTRATION

The Department of Labor would allocate funds among agencies administering Federal assistance programs. Criteria for priority in funding would include labor intensiveness, geographical distribution, severity of unemployment, and relief of shortages contributing to inflation. Participants would be referred to the Federal project through the Employment Service and other appropriate agencies.

WAGES

The wage provisions in the authorizing legislation for the Federal activity would govern, but a ceiling of $10,000 is provided.

ELIGIBILITY

To be hired, a person must have been unemployed for at least 8 weeks and be at least 18 years old or older.

AUTHORIZATION

Such sums as may be necessary. The 300,000 jobs contemplated in the proposal are estimated to cost about $3 billion on an annualized basis.●

RICK NOLAN

HON. DANIEL B. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 1980

● Mr. DANIEL B. CRANE. Mr. Speaker, though RICK NOLAN and I disagree politically and philosophically, I respect his integrity. He arrives at his opinions after honest and sincere thought. It has been a unique experience to be able to vehemently disagree with RICK on the issues and still be able to share his friendship.

RICK has worked hard for the issues in which he believes. He has put his duties and his constituency before his popularity in the House. Because of this he has gained the respect of all who know him.

I would not want to leave the impression that everything RICK NOLAN does he does well. I have known him for over a year and we have played basketball a number of times. I would like to state for the RECORD that he is a lousy basketball player.

I can well appreciate RICK's wish to spend more time with his wife, Margie, and his four children. But I do want him to know that his colleagues in Congress will miss him. I am proud to have had the opportunity to serve in this House with a man of RICK NOLAN's caliber.●

SMALL BUSINESS CAPITAL FORMATION

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. FRENZEL. Mr. Speaker, on January 17, 1980, the over 1,000 delegates to the White House Conference on Small Business made 15 recommendations for changes in the laws governing small business. Of these 15 recommendations, 5 were related to capital formation. I agree with the Small Business Conference delegates that there is a pressing need for immediate changes in our tax laws to encourage capital formation, and have today introduced legislation H. R. 6544 which incorporates the delegates' recommendations.

In order to help small businesses to generate additional capital with which to expand their facilities and increase productivity, my bill makes five changes in the Internal Revenue Code. In addition, the incentives provided in the bill are not only aimed at the small corporation, but are also designed to benefit the small family business.

The first provision of the bill applies to the corporate tax schedule, and would widen the corporate tax brackets from the current rate of 46 percent on earnings of over $200,000 to a rate of 46 percent on earnings of over $300,000. This change will be very beneficial to small businesses in the early stages of the company's development, as it will help the business to retain a greater portion of its initially small earnings.

The second provision of the bill is directed at providing relief to the small family business, whose owners have not gone to the expense, or have not found a need, to incorporate. These individuals are currently faced with a maximum tax of up to 70 percent, a tax which borders on being considered confiscatory. Lowering the maximum tax rate to 50 percent would help to generate more capital for the businessman to use in keeping his young company operating, and would also insure that the Government did not make more money off of the individual's income than did the individual.

The third provision of the bill deals with a major problem which eventually faces all family businesses, that of inheritance or estate taxes. Currently, many individuals are being forced to liquidate their family businesses after the death of the founder, or of the head of the business, as they are not able to pay the often heavy estate tax burden, and they do not meet the qualifications for the extended payment of the taxes and low-interest loans which were provided for in the Tax Reform Act of 1976. My bill would ease the qualifications for eligibility for payment of estate taxes in this manner, by lowering the requirement that the family business comprise 65 percent of the estate to 33 percent, or one-third of the estate. In addition, the current provision in the code has a $1,000,000 ceiling on the eligibility for a low-interest rate of 4 percent on the balance of the unpaid estate taxes. My bill would remove this limitation, so that all deferred estate taxes would be eligible for the 4-percent interest rate. This would make it much easier for many family businesses to pay their estate taxes, while at the same time continuing to operate their family businesses.

The fourth provision of my bill would remove the arbitrary $100,000 limitation on the eligibility of used equipment for the investment tax credit. At today's inflated market, many small businesses cannot afford to buy new equipment, especially when they can purchase used equipment that will do the same job at a much lower price. Unfortunately, the small businessman can only use the first $100,000 of the equipment's purchase price to compute his investment tax credit allowance, even though his actual investment may be considerably higher. Removing this arbitrary and unnecessary distinction between new and used equipment would permit the small businessman to utilize an investment tax credit which more accurately reflects the amount of his investment.

The final provision of the bill would provide a new incentive for individuals to invest in new companies. The bill would provide for a 10-percent tax credit—up to a limit of $750, $1,500 for a joint return—to individuals who invest in a qualified new stock issue in a company whose equity capital is less than $25,000,000 immediately before the unrestricted public offering of such stock. This 10-percent tax credit will provide a necessary incentive for individuals to invest in a new company, an investment which might, under current tax laws, be considered too risky for the possible benefits.

All of the proposals in the bill will be beneficial to small businesses, and all of them have been given a top priority by a conference convened by the President to determine the needs of small businessmen in increasing their productivity, and in helping to assure the business's success. The administration should now support the recommendations of the Small Business Conference that it convened, and either support this proposal, or else transmit a new proposal directed at the capital formation needs of the small business community.●

U.N. PROJECT—AIDED BY UNITED STATES—IN AFGHANISTAN HATCHES STRANGE RESULTS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. McDONALD. Mr. Speaker, winter and a harsh terrain have slowed down the highly mechanized Soviet Army in Afghanistan. However one of the reasons the Soviet Army was able to move so swiftly into Afghanistan and deploy its forces in key cities, crossroads, and intersections was due to a U.N. project called the Asian Highway that was first conceived in 1958. Unfortunately, U.S. Corps of Engineers assistance was provided in this project. These roads could also assist the Soviets in a possible invasion of Pakistan if they chose to do so. The United States built the road from Kabut, through Jalalabad to the Pakistan border at Torkhom as well as the road from Kabul to Kandahar and from Kandahar to Quetta in Pakistan. The United Nations and even the Soviet Union helped build other roads, so that now the T-62 and T-72 Soviet tanks can roll against the Afghan rebels, when spring comes. Even at the time these roads were built, it was obvious that the U.S. efforts to keep Afghanistan in the free world were only minimal and that the Soviet Union dominated the country. A few conservative voices were raised at the time the project was started as to just who was going to benefit, but since it was only American taxpayer money, who cared? It behooves all my colleagues to take a closer look, not only at foreign aid but indeed the United Nations itself. Isn't it time to get the U.N. out of the United States? Couldn't it use the empty buildings that were going to be used for the summer Olympics in Moscow? ●

THE POTENTIAL OF FUSION ENERGY

HON. JAMES J. BLANCHARD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. BLANCHARD. Mr. Speaker, nuclear fusion power is one of our brightest long-term hopes for meeting our energy needs. As the ultimate source of energy which powers the Sun and the stars, fusion is a potentially unlimited source of supply, if only it can be harnessed.

Recently, the gentleman from Washington (Mr. McCORMACK) introduced H.R. 6260, the Fusion Energy Research, Development and Demonstration Act of 1980, the goal of which is to bring a nuclear fusion electric power generating plant online before the end of this century.

The magnitude of this proposal must not be underestimated. Since a fusion plant derives power from materials found in ordinary seawater, its fuel supply is virtually limitless. In effect, men will be creating, within the fusion reactor, miniature suns which can be controlled and made to provide cheap and abundant energy.

Within a few weeks of the introduction of this legislation, some 75 Members of the House of Representatives have agreed to cosponsor it. I have no doubt that more will follow.

On January 13 of this year, the Flint, Mich., Journal published an editorial on the subject of the promise of fusion energy. I commend it to the attention of my colleagues.

The editorial follows:

THE FUSION HOPE

While improved U.S. military capability in the Middle East is vital to protecting our present interest in the oil of that region, it was never more urgent that we break our reliance on that oil.

If the events in Iran and Afghanistan and their implications have awakened Washington to the folly of continuing its unrealistic and inconsistent foreign policy of the past decade, then they should also serve to get America off dead center in pursuing energy self-sufficiency.

We remind those who would argue against using military force in the Middle East that, unlike Vietnam, our national security clearly would be at stake if oil from that region were curtailed or cut off.

If they and indeed all Americans want to minimize the possibility of having to use force, then it's abolutely essential that we undertake a crash program to break our dependence on foreign oil.

The emphasis on coal, synthetic fuels and solar-power development is inadequate, and widespread recognition of that in this country is long overdue.

An energy alternatives program that doesn't include a major commitment to nuclear power is nothing but a sham. We could argue that the risks of nuclear power are certainly far less than the risk to peace posed by a world so reliant on oil, an ever-dwindling resource.

But in the emotionalism surrounding the accident at Three Mile Island and the uproar over nuclear wastes, have we lost faith in our proven technological ability to eliminate such risks? Is overcoming the existing drawbacks to nuclear power any more impossible than achieving manned flight or reaching the moon?

Commercial nuclear power is less than 30 years old. As a technology, it is still in its earliest stages of development. The present nuclear fission reactors—expensive to build and operate, dependent on a limited resource fuel (uranium) and producing considerable amounts of deadly wastes—can be likened to the earliest, cumbersome modes of flight.

In recent years, significant progress has been made toward creating a much more sophisticated reactor model, called the fusion reactor. Potentially, there is no comparison with the fission reactor in terms of efficiency, operating safety and waste, and fusion reactors could operate on elements found in seawater—a virtually limitless source.

The Department of Energy has a 40-year research and development plan for fusion power. A growing number of scientists, and others, say that because of recent achievements in fusion research that timetable can now be cut in half.

Characteristically, the DOE is not about to take the lead in pushing this potential energy source. But there are some people in Washington who are.

The leading fusion advocate in Congress is Rep. Mike McCormack, D-Wash., chairman of the House Subcommittee on Energy Research and Production.

McCormack and other fusion backers are pushing for a demonstration fusion power plant to go on line in the 1990s, about 20 years earlier than the current DOE plan. Last fall he introduced amendments to the DOE authorization bill to speed up design and engineering work. The bill passed the House with the amendments intact, but the Senate has not yet passed its version.

While the politicians are not exactly falling over each other to go on record in support of an accelerated fusion program, there is no strong opposition. Furthermore, what out-front support there is is bipartisan and not unimpressive. For example, there is Republican presidential candidate Sen. Howard Baker, who says: "Taken collectively, the results at major fusion research centers support the conclusion that the time has come to move forward aggressively toward the engineering phase of the magnetic confinement fusion program."

What is needed to really push fusion power into the forefront of energy-alternatives development is a national Apollo-like program in the 1980s. McCormack has been trying to persuade President Carter on the necessity of such an effort and may introduce legislation to that effect later this year.

It's time that the president and the nation climb aboard the fusion power bandwagon. McCormack sums up the reasons this way.

"The success that we have encountered (in fusion research) have literally run away from the program, run away from our funding levels. . . . We must keep up with it.

"When we succeed, and when we demonstrate that fusion works satisfactorily and when we can put it on line, the human race will have taken the second most important step in history, second only to the controlled use of fire. We will be able to provide from that time forward . . . an absolutely unlimited source of energy for all humanity for all time. . . ." ●

PAYING TRIBUTE

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 1980

● Mr. BEDELL. Mr. Speaker, it is with a special sense of fondness and admiration that I join with my colleagues here today in paying tribute to one of the most distinguished Members of the House, Rick Nolan.

Elected to the Congress together in 1974, he from Minnesota and I from Iowa, we shared, over the years, much more than just the common border which separates our two congressional districts. Rick Nolan and I served together for 6 years on both the Committee on Agriculture and the Committee on Small Business. In the course of those 6 years, we faced many of the same challenges to the future of agriculture and the future of small businesses, and share many of the same concerns about the state of the family farm and the small business.

As the chairman of the Agriculture Subcommittee on Family Farms and Rural Development, my friend from Minnesota recognized and addressed the most vital issues threatening the continued viability of the small family farm and rural community. Through his leadership and fine efforts, a heightened visibility was given to many of the problems plaguing the farmer, and his impact on the way that we in the Congress and those in the Department of Agriculture respond to those problems will be felt for a long time to come.

I understand that our colleague is returning to Minnesota to farm and to have more time to spend with his family. I applaud his decision and certainly want to wish him success and happiness in carrying it out. I believe that it is important for us to recognize that his decision—to return to his district and to take up farming—gives evidence to the nature of Rick Nolan's service in the Congress: An unselfish contribution to improve society, and not a means to some other end or an end in itself.

Although I am certain that we will miss Rick Nolan's service as one of the most able and respected Members of the House, I am sure, Mr. Speaker, that my colleagues and myself look forward to his further support and guidance and frequent advice as we continue our work in the Congress. ●

VOICE OF DEMOCRACY

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. RAHALL. Mr. Speaker, during these times of international crisis, I find it very appropriate to congratulate the Veterans of Foreign Wars on their sponsorship of the Voice of Democracy program.

During the past 18 years, the VFW has awarded national scholarships totaling $31,500, each year. The first place winner receives a $14,000 scholarship to the college or university of their choice.

In 1979, more than one-quarter of a million students participated in the program representing 8,000 schools—4,400 VFW posts and 3,600 auxiliaries set up the district and State contests and 2,400 radio and TV stations provided necessary assistance.

Having been a district winner of the Voice of Democracy contest, I am well aware of the hard work and dedication that goes into the entire effort by sponsors and participants, and I am proud that this year's West Virginia State winner is a constituent of mine. His name is Paul S. Johnson.

Paul is the son of Mr. and Mrs. Calvin Johnson of Bluefield, W. Va. Paul attends Bluefield High School and plans to attend Fairmont State College. Upon graduation, Paul intends to pursue a career in radio/TV broadcasting.

Paul's winning speech is inspiring. Following the contest theme of, "My Role in America's Future," he provides us with a great deal of insight into what each American needs to do for his country, and I hope each of my colleagues will take the time to read Paul's speech.

Mr. Speaker, we all can be very proud of the young men and women who will be in Washington next month for the final judging. They represent our Nation's future, and I believe we can feel secure that their directions are sound.

Also, the VFW should be commended. These are men and women who fought so that this Nation may remain free, and now they are building a base for the future.

With organizations like the VFW, and with young people like those who participate in the Voice of Democracy program, we will weather this international storm, and be prepared to meet future challenges.

The speech follows:

MY ROLE IN AMERICA'S FUTURE

(By Paul S. Johnson)

I am a citizen, and to me that is a significant facet of my existence. I am part of what scores of people have believed in for generation—after generation—after generation. People who have banded together to give not only me, but others as well, freedoms they believed belonged to everyone: freedom of speech, press and assembly; the right to worship as one pleases; freedoms resilient, but not rigid.

As a citizen, I feel it is my moral obligation to see and make sure that these rights are not misused or abused from their intended functions. It is my directive to be the beacon of comprehension to the ship lost on the sea of aberration. I must choose and see that others choose leaders capable of guiding the people of this nation. But with this obligation comes the responsibility to see that I do not encroach upon these freedoms that were given to others as well as myself. I must keep an open mind to other people's views because our nation was not formed upon the basis of being closed-minded toward one another's concerns, but by the understanding and appreciation of those common concerns.

I, and others like me, citizens, must take an active role to insure the existence and continuation of the freedoms we have known and grown with, for the benefit of those who will later share in our fortune, and assume the responsibilities that we cherish so highly. They will look back and see that I and others loved this country and the freedoms that were ours. I will stand up for, fight for, and if necessary die for, the survival of the freedoms my forefathers struggled hard to give me.

I must not take a nonchalant attitude, but an exuberant one, to do my part and show the people that united we stand; indeed, we stand and grow ever stronger, but divided we will cease to grow and inevitably fall to indifference. Together we can keep what we have for it is ours and ours alone to preserve. With dedication, self-sacrifice, and self-discipline, we can build a mighty wall founded on freedom, that no opposing force can begin to destroy.

Just as the mighty wave starts out as a little ripple, let me be the ripple that starts the flow of unity into a gigantic wall that comes cascading down the bed of freedom. I am a young citizen, but with the experience and training this country gives, I can become a driving and deciding force in this country's future. To know that I have a voice in the plans and decisions that will affect my future, as well as the future of those who follow me, makes me proud to be a part of this strong body of people.

This country gives a different interpretation to all who look through the pages of its history, but to those that have forefathers that helped to insure the freedoms that we have today, it means something special to them and to me.

I am a citizen, and deep within my soul I believe in the freedoms of this country, and I will do everything in my power to see that all enjoy those freedoms. I am not only willing, I am ever determined, to give whatever support my country needs from me. I want to be a full time citizen—one who is an active, involved, concerned member of this society.

Thomas Paine in *The Crisis* wrote: "Those who expect to reap the blessings of freedom must, like men, undergo the fatigue of supporting it."●

UNITED STATES FACES GREAT THREAT

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. THOMAS. Mr. Speaker, today, the United States faces the greatest threat to its national security since World War II. There is instability in Central and South America. Soviet troops are stationed in Cuba. Communist Vietnam pursues its imperialistic goals in Cambodia and Laos, threatening Thailand, Malaysia, and Singapore. In Africa, Cuban soldiers fight legitimate governments in the name of liberation and they bring with them Soviet advisers, weapons, and ideology.

Throughout the Middle East our embassies are besieged, invaded, sacked or burned. In Iran, our countrymen are held hostage. Some governments with whom we deal fairly provide only token protection for our diplomatic corps or none at all.

In this atmosphere of challenge, what response have we given? We have responded with words and diplomatic gestures. It is no wonder, then, that the Soviets invaded Afghanistan, for they knew they could do it with impunity.

The dangerous truth is that short of a nuclear confrontation the United States cannot respond except with words, gestures, and economic sanctions. We do not have an appropriate military option. The Soviets and all the world know it.

To divine the best course to regain our national security and international creditability, we must examine the mistakes of the past. They were several and they were grievous.

Although the evidence was clear that U.S. Armed Forces were not attracting and retaining the needed manpower as an All-Volunteer Force, the Carter administration delayed taking action to remedy the situation until after the Soviet tanks rolled into Kabul.

Similarly, the Carter administration purposely reduced spending for defense procurement with the result that much of our Military Establishment is facing the problem of using obsolete weapons in the defense of our Nation. The Navy needs more carriers and other vessels. The Army needs to modernize many pieces of combat hardware. The Air Force needs greatly increased transport capability and more weapons across the board, from fighters to bombers. In addition, we lack the equipment and the personnel to mold into a rapid deployment force for use in situations such as the current Middle East crisis.

President Carter's foreign policy has been equally disastrous. He has abandoned friendly governments that have supported our policy aims. He has taken no action to expel Soviet combat troops from Cuba. And, he still holds hopes for SALT II Treaty ratification in the Senate. This treaty, relying on voluntary restraint by the Soviets, would reduce American defense capability in the event of nuclear confrontation.

The Soviets are not naive. They know that President Carter could not take any action to deny them Afghanistan. The prize was theirs for the taking.

This Congress must not be limited by the belated administration proposals to repair our military capability. America must rebuild. We must commission the ships and build the aircraft we need to transport a rapid strike force; we must modernize our conventional land forces and their equipment.

We must altogether cease exporting our advanced technology to Russia. The Soviets will use our knowledge and efficient design techniques to build the implements of war to subjugate their opponents and neighbors just as they did in Afghanistan.

Perhaps the one thing we can do most quickly to demonstrate our resolve is to put in place the machinery to fulfill present and future manpower strength requirements. I believe the Soviets would notice such an action and would give it more credence than a continued war of words.

While I do not favor a selective service draft such as we had during Vietnam, I do support universal registration. At present, our military strength requirements are not being met through an All-Volunteer Force. Accordingly, I believe that we must now design and implement a system of mandatory military service that will be fair in concept and fair in operation. This national service might be civilian or military, depending on the strength requirements of the Armed Forces from time to time, and on the preference of the individuals. We must induct enough personnel to meet the needs of the Armed Forces and meet the challenges to our vital interests.

Following World War II, the United States was the dominant world power, but our monopoly on nuclear arms has been lost. Our resolve has been weakened by Vietnam, and our ability to wage conventional war has been diminished relative to the U.S.S.R. by virtue of the Soviets willingness to build the hardware sufficient to make them the dominant force in the Eurasian land mass.

We can never return to earlier, seemingly simpler days. Therefore, we must make the right decisions with wisdom and dispatch. Our friends as well as our enemies are watching the American response with much greater interest than ever before.

If we want to keep the peace, the world must know that we are prepared for war.●

NATIONAL HERITAGE POLICY ACT

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. SEBELIUS. Mr. Speaker, the National Heritage Policy Act, H.R. 6504, which I am cosponsoring with Congressman PHILLIP BURTON, chairman of the Subcommittee on National Parks and Insular Affairs, Committee on Interior and Insular Affairs, offers a new approach to the recognition of America's natural and historic heritage. Instead of a new Federal initiative, it builds on programs already in operation in most of our States. This bill does not call for any Federal acquisition, but depends heavily on private owners of important natural and historic properties to manage and use them in ways that insure they may be passed on to future generations for their use, enjoyment, and appreciation. The National Heritage Policy Act also recognizes the need for State and local governments to balance natural resources development with the American desire for clean, healthful, inspiring natural surroundings.

This act recognizes and strengthens the historic preservation programs which are now active in all States by extending the life of the Historic Preservation Fund; by establishing in law the historic and cultural activities which all Federal agencies nor perform under Executive order and by giving a legislative base to the vital role of the State historic preservation officer who is essential to the administration of the historic preservation program in every State. The historic preservation programs have been very successful in making all of us more aware of our cultural heritage as

Americans. Countless irreplaceable houses, public buildings, factories, canals, and other sites important to an understanding of our past have been saved from destruction and restored to usefulness as offices, shopping malls, and recreation areas.

Most of this has been accomplished with little more than Federal seed money and tax incentives to encourage action by private citizens and local governments. Buildings or areas which are important to local, State, or National history have been recognized by having the State historic preservation officer nominate them to the National Register of Historic Places. Once recognized, the chance of their being inadvertently harmed is reduced.

H.R. 6504 would create a similar National Register of Natural Areas to recognize outstanding natural areas of State and local or National significance. It would build on the existing National Registry of Natural Landmarks, which since 1963, has encouraged wise stewardship by both public and private landowners of nationally significant geologic and ecological areas. There are currently over 200 designated national natural landmarks in 40 States, including Kansas, owned and managed by private landowners who voluntarily protect their natural values.

Mr. Speaker, the proposed National Register of Natural Areas would be broadened to include areas of State or local significance which States participating in the program wish to nominate to the list. At the same time, the criteria for designation as a national natural landmark would be tightened to insure that only the limited number of areas which are truly important to the Nation as a whole would be so designated.

This program would place no constraints on private owners, but would recognize their efforts to protect America's heritage. The proposal does not call for acquisition, and creates no new funding programs. I believe that this proposal is sound and fiscally responsible, and that it reflects the desire of most Americans today to strengthen local and State approaches to meeting our needs.●

LAETRILE AND CRUEL LAW

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. McDONALD. Mr. Speaker, in the nationwide battle over whether Laetrile helps cancer patients or hurts, nowhere has the battle been sharper than California. California authorities do not even want to debate the matter. Playing the role of modern day witch hunters, California authorities have jailed Dr. James R. Privitera, Jr., for his use of Laetrile. Dr. Privitera is in jail for disagreeing with the prevailing medical opinion that says burning, cutting, or poisoning are the only answers to cancer. However, what these same people cannot show you is how these treatments have been successful in improving our cure rates. It is indeed strange that California, the anything goes State should be so doctrinaire and rigid on this subject, when it leads the Nation on all sorts of other nonconformance. However, be that as it may, columnist James J. Kilpatrick wrote an excellent column on the plight of Dr. Privitera which appeared in the Washington Star on February 14, 1980 and I commend it to the attention of my colleagues:

[From the Washington Star, Feb. 14, 1980]

LAETRILE AND A CRUEL LAW

(By James J. Kilpatrick)

Dr. James R. Privitera Jr., of Covina, Calif., has been convicted of an outrageous crime. He is now in prison. The U.S. Supreme Court has denied his petition for appeal. Gov. Jerry Brown has refused a pardon. But if public opinion in a free society still has influence, surely public opinion should be heard in this incredible affair.

What is the outrageous crime of Dr. Privitera? He has prescribed amygdalin, pharmaceutically known as laetrile, for cancer patients. And under the law of California, this is a criminal offense.

This is precisely the kind of statute one finds in a totalitarian regime, where medical practice is dictated by the State. Under California law, cancer patients are effectively limited to (1) surgery, (2) radiation or (3) chemotherapy. They may be hopelessly, terminally ill. The California medical establishment could not care less. No "unapproved" innovations are permitted. The wishes of an informed, knowledgeable patient are immaterial.

The purpose of California's Health and Safety Code may be laudable. It is to protect the people from quacks, cultists and purveyors of snake oil. Up to a point, laws intended to prevent the people from acting foolishly may be tolerated. Beyond that point, the right of the people to be wrong must constantly be protected. In the matter of laetrile, California has tossed that fundamental principle out the window.

Dr. Privitera is no quack. He is a licensed medical doctor who received his M.D. degree from the Creighton University School of Medicine in Omaha. He interned at Providence Hospital in Seattle and at Presbyterian Hospital in San Francisco. In 1970 he entered private practice in allergy and nutrition.

His practice led him to an interest in the properties of amygdalin, in combination with enzymes and vitamin therapy. He was encouraged by the results he was getting. Then, in October 1974, he was given treatment ordinarily reserved for armed robbers: Police arrested him in the middle of the night, put him in handcuffs and took him to jail on a conspiracy charge—conspiracy to prescribe an unapproved medicine. A Superior Court Judge in San Diego threw that charge out of court, but the harassment continued.

The state brought a second charge against him, and this time got a conviction and a sentence to six months in jail. In the Fourth District Court of Appeals, Judge Robert Staniforth wrote a masterful opinion holding the California statute unconstitutional. The state appealed, and Dr. Privitera lost 5–2 in the state Supreme Court. Chief Justice Rose Elizabeth Bird adopted Staniforth's opinion as her own dissent. Let me quote from that opinion:

"So long as there is no clear evidence that laetrile is unsafe to the user, I believe each individual patient has a right to obtain the substance from a licensed physician who feels it appropriate to prescribe it to him * * *.

"The issue here is human liberty. Can the informed cancer-ridden patient be limited in choice of treatment to 'state sanctioned' alternatives? * * * the right to control one's own body is not restricted to the wise; it includes the 'foolish' refusal of medical treatment * * *. To require the doctor to use only orthodox 'state-sanctioned' methods of the treatment under the threat of criminal penalty for variance is to invite a repetition in California of the Soviet experience with 'Lysenkoism.' The mention of a requirement that licensed doctors must prescribe and treat within 'state-sanctioned' alternatives raises the specter of medical stagnation at best, statism, paternalistic Big Brother at worst * * *.

"The evidence in this case shows without exception that the cancer victims were knowledgeable persons fully aware of the 'state-sanctioned' alternatives. These are not wide-eyed country bumpkins asking to be conned. They felt the imminency of death."

Under these circumstances, said the dissenters, to imprison a doctor who is willing to try an unapproved drug with the consent of his patient reaches "a new depth of inhumanity." I cannot, for the life of me, comprehend the cruelty of the California law.●

THE GROWTH OF GOVERNMENT REGULATIONS—A NEW FORM OF TYRANNY

HON. RICHARD KELLY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. KELLY. Mr. Speaker, the growth in the nature and extent of Government regulations has sapped the vitality of the American free enterprise system and have undermined the fundamental integrity of every individual's freedom. Unquestionably, the growth of Government regulations during the past two decades constitutes an ever-increasing threat to the most basic premises on which rests American political and economic life. The world in which our children were born is fast passing from the scene and a new era is beginning to dawn, an era as unprecedented as it is menacing.

Without question, a dramatic change has taken place in the nature and purpose of regulatory bodies within the last one and a half decades. Until then, the purpose of Federal regulations in the United States was largely limited to the control of abuses in the economy, the ordering of essential public services, and the guaranteeing of competition in the marketplace. Today, that focus has shifted away from the economic sector and has grown to encompass all aspects of the social sector. To an extent unimaginable only 20 years ago, Government regulations have intruded into all areas of human life and most indications point to even greater involvement. Indeed, the overriding tendency seems designed to satisfy a growing secular quest for material perfection by creating a riskless society wherein the ideal working conditions, the perfect matchbook or lawnmower, or an environment untainted by human fallibility and toil can become the norm.

Contrary to earlier times, regulations today tend more and more to serve some vaguely defined Utopian—Socialist—view of human life. More and more a bureaucratically determined system of uniformity is superimposed upon the whole spectrum of American society. The inventiveness, competition, novelty, and risk taking so characteristic of individual freedom and its economic counterpart—the free enterprise system—are being undermined. In their stead is emerging a world wherein everything has an established place and function, a world where there are no surprises or challenges, a world neither hostile nor out of control. It is a world geometrical in nature and universal in scope where all conforms and nothing objects. It is, in fact, the world described nearly one-half century ago by George Orwell in 1984.

In short, we are developing a new form of tyranny unlike any in the past. It is a tyranny enforced not by the will of arms, nor by the demogogic leadership of a noble despot. It is not a tyranny where the many have been coerced against their will. Rather, it is a tyranny imposed by a bureaucratic elite upon a society willing to accept its mandate, a society where the individual is beginning to count for less, a society where personal initiative is becoming subordinated to the new higher social consciousness. It is the tyranny of the bureauracy of which I speak and it is my conviction that, if allowed to continue its present course, it will threaten our survival as a free and independent people for it has the potential to enslave us all.

Trends in the rate of expansion, the amount of paperwork, the growing costs, and the extent to which regulations imposed by this bureaucracy affect our daily lives—regulations which have the force of law—will illustrate the point I am making.

Consider the rate of expansion of Government regulations.

During the past decade the rate of expansion in new regulation has been dramatic. The number of major new economic regulatory agencies has increased 25 percent from 1970 to 1977, with a 452-percent increase in expenditures. Throughout this same period the number of new social regulatory agencies increased 42 percent, with a 405-percent increase in expenditures.

This growth was manifest in the number of pages in the Federal Register and the Code of Federal Regulation—a publication containing only the basic standing rules set down by the bureaucracy. During the 1960's, the Federal Register for 1 year totaled nearly 15,000 pages. In 1970, the annual collection came to 20,036 pages. Only 4 years later, the massive compilation had grown to more than 46,000 pages, including more than 20,000 rules and regulations. By 1977, over 61,000 pages were produced with more than 38,000 separate regulations. In 1978, the Code of Federal Regulations filled nearly a 16-foot shelf with almost 80,000 pages of regulations.

Remember this—each regulation controls to some extent an aspect of American social or economic life and causes a decline in some way of individual freedom.

Consider the increased paperwork caused by Government regulations:

In December 1967, the Federal reporting burden—paperwork—totaled nearly 90 million man-hours. By 1977, that figure had reached 143 million man-hours;

The steel industry is subject to 5,000 separate Federal regulations from 29 agencies administering 57 programs;

Exxon is required to file more than 400 reports to 45 Federal agencies and it devotes 112 man years annually to these reporting requirements at a cost of $3,500,000;

Three copies of a proposal for a $9 million Government contract filled a three-quarter ton truck;

The proposal for supplying nine valves for each F-15 aircraft was 7½ inches thick;

There are 200 statutes, 41,000 regulations, and 110,000 court cases associated with Federal, State, and local control of hamburger.

Consider the increased costs to the American economy resulting from Government imposed regulations:

The aggregate cost of Government regulations is about $102,700,000,000 for fiscal year 1979 of which $4,800,000,000 are direct expenses by the Federal regulatory agencies and $97,900,000,000 are the costs of compliance with Federal regulations;

The price of regulations takes $2,000 out of the pocket of the typical American family per year;

Some 5,000,000 small businesses spend approximately $20,000,000,000 per year to do the paperwork required by Federal regulations at an average cost of roughly $4,000 per business;

It will cost American industry over the next 7 years about $60,000,000,000 for capital improvement and another $12,000,000,000 annually in operating and maintenance costs in order to meet EPA's 1983 water pollution standards;

Government regulation cost General Motors Corp. $1,020,000,000 in 1976, thus adding $557 to the price of every car. The increase in the retail price of automobiles in 1978 due to Federal requirements is $666 per car;

Of the average price of a new home—$80,000—$13,000 goes to Government-mandated fees and compliance with Government regulations;

Hospitals are spending $35.85 a day for each patient just to meet the costs of Government regulations. Health care services in New York State alone are now regulated by 164 different agencies.

Consider the extent to which Government regulations intrude into the daily lives of Americans. Rules have been established—

That specify how much time each of the 7,000 commercial radio stations can devote to commercials, news, and public affairs;

Stating that ketchup, to be considered grade A, must flow no more than 9 centimeters in 30 seconds at 69 F;

Requiring power lawnmowers be redesigned so that a person would not be able to stick his hand or feet into the blade when it was running;

That would prohibit father and son banquets on ground of sexual discrimination. This rule would also apply to all-male or all-female choirs, intramural activities, and gym classes;

That would establish the design of toilet seats;

That would set the type of ice to be used for drinking water;

That would prohibit the advertising of breakfast cereals on children's television programs because sugar contributes to tooth decay;

That would advise farmers how close they could get to cows before getting kicked;

That would prohibit the sale of soda pop, chewing gum, some candy, flavored ice, and other foods that have limited nutritional value, thus taking the right of decision in these matters away from parents.

While some of these regulations have been withdrawn and others remain in effect, it is important to realize that had it not been for adequate public and congressional pressure, these rules would all remain in effect.

It has been just over 200 years since Adam Smith published "The Wealth of Nations" explaining the how and why free men and free markets created the greatest well-being for the greatest number of people. In America, these twin ideals of individual political and economic freedom took root and flourished. Together, they produced a burst of human energy, progress, and achievement such as the world has not seen in any other country or in any other 200-year span of history.

Certainly, adjustments were necessary to accommodate individual political and economic freedom to the increasingly complex realities of the modern world. The world of Adam Smith—a world best suited to small business—was forced to adapt itself to the ever-expanding population of metropolitan areas, the growth of giant corporations, the rise of the labor movement, and the incessant urgings of democratic society for greater commitment to the universal ideals of political and economic equality. The political ideal championed by Thomas Jefferson—individual freedom—while still retaining its vitality, popularity, and unquestioned relevance in our time, has had to accommodate itself to the modern impulse toward social equality

But, despite these adaptations the American system remained essentially intact and it was precisely because of this that it became considerably strengthened. The right of the individual to strive and excel for his own material benefit—and only indirectly for the benefit of his fellow citizens—and the obligation to provide for social justice were both extended. More and more individuals acquired a stake in the system and prosperity flourished as never before in history. The individual quest for freedom and the universal goal of social justice were united in balance and American society exhibited a dynamic and progressive thrust toward even greater realization.

Today, our society is in danger of losing its dynamism because it is in danger of losing its balance. Very powerful groups in our country are no longer content to make adjustments necessary to the strengthening of the American system. The "tyranny of the bureaucracy" of which I speak—and those who lobby effectively to support it—is changing the very perception of what America is and how it shall express itself in the future. Ever so slowly and imperceptibly, America is in danger of a fundamental transformation, a metamorphasis. To prevent this is one of the great challenges we must all face together.●

PERSONAL EXPLANATION

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. CLINGER. Mr. Speaker, on February 13, 1980, I was absent from the floor of the House of Representatives during the latter part of that day. Had I been present, I would have voted in the following fashion:

Rollcall No. 55: House Resolution 578, inquiry into newspaper accounts. The House agreed to order the previous question, "no"; and

Rollcall No. 56. House Resolution 578, inquiry into newspaper accounts. The House agreed to the resolution directing the Committee on Rules to inquire into the accuracy of certain newspaper accounts, "yes."●

AMEND THE GUN CONTROL ACT

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. QUILLEN. Mr. Speaker, I am frankly disturbed by the manner in which the Bureau of Alcohol, Tobacco, and Firearms has abused the powers to seize and forfeit firearms given it by the Gun Control Act of 1968. Section 924(d) of that act provided that:

> Any firearm or ammunition involved in or used or intended to be used in, any violation of the provisions of the chapter, or any rule or regulation * * * shall be subject to seizure and forfeiture * * *

Any seizures were to be handled in a manner generally identical to seizures and forfeitures under the Internal Revenue Code. The provision by itself was broad; the procedures by which it was enforced were often oppressive. A person whose property was seized might find it forfeited, regardless of the value, the insignificance of his alleged offense, or his lack of criminal intent. An offense for which few juries would convict and for which judges would give a minor fine could be the justification for the forfeiture of personal property worth tens of thousands of dollars. If the property seized was worth less than $2,500, the Government did not even have to sue to keep it. Rather, any citizen claiming it must post a bond to guarantee the Government's costs should it win—and this must be done in order for the citizen to have the right to try to reclaim his own property in a court of law.

These provisions were a temptation to open abuse, and the Bureau of Alcohol, Tobacco, and Firearms did not long resist. The body count of guns seized soon became a major administrative project and a means for rating office effectiveness. The Bureau boasted in press releases when it finally topped 10,000 guns confiscated per year. And its agents gladly complied with the attitudes of headquarters. Under the claim that guns were intended to be used in a violation, agents confiscated every single firearm and round of ammunition possessed by any alleged violators, even when the violations were technical and involved one or two firearms already transferred. A dealer whose entire inventory had been confiscated was unable to do business or pay the wholesalers from whom he had purchased them—hence he would be less able to pay legal expenses and more apt to plead guilty. A collector who had just been deprived of a collection in which he had invested his savings was likewise more likely to enter a plea, and the return of the collection could be used as a bargaining tool.

These abuses became so frequent and so aggravated that even prosecutors began protesting. On April 21, 1970, Carl Belcher, Chief of the Justice Department's General Crimes Section, sought and received a memorandum outlining the status of Gun Control Act enforcement. In it, he was informed that:

> On a number of occasions ATFD (Alcohol, Tobacco and Firearms Division, then a division of IRS) agents, acting on their own initiative, have seized licensed dealers' entire stocks of firearms on the basis that the dealers had made a number of illegal sales of firearms and/or improperly maintained their records. It was claimed therefore that the entire stock of the dealers' firearms was forfeitable pursuant to 18 U.S.C. 924(d). Section 924(d), however, makes firearms forfeitable only if they were "involved or used or intended to be used in" a violation . . . In many of the instances in which seizures of dealers' entire stocks of firearms were made, there was insufficient information available at the time of seizure to prove that the dealers intended to use all or even the majority of the firearms in the commission of violation of title I or other Federal criminal laws.
>
> At least one judge in reviewing such a seizure in response to a licensed dealer's motion for return of his entire stock of firearms has stated that the agent's action in seizing the firearms was "unconscionable." Since the judge who must rule on motions for the return of the firearms seized in this manner is usually the same judge before whom the underlying criminal violations must be tried, such precipitous seizures place the underlying violations in a very poor prosecutive posture.

One might think that when even prosecutors complain of abusive law enforcement techniques, an agency would respond. But the agency did not; to this day, a full decade later, it has continued with mass confiscations unjustified by legal authority. To cite a few of the most recent cases:

In November, 1976, BATF agents raided the home of Robert Wampler, a Mechanicsville, Va., personnel consultant and gun collector. They confiscated his 70-firearm collection, 25 of which were antiques, and the bulk of the remainder of which were engraved, gold inlayed, or otherwise obviously expensive collector's items. He was informed that BATF claimed he had been engaged in the business of gun dealing without a license—based on his having sold a total of five guns from his personal collection over a period of time. No criminal charges were ever brought—although the Bureau threatened to bring them if he sued for return of the guns. Only in mid-1979, 2½ years after the seizure, did BATF return his property.

In the same month as the raid on Mr. Wampler, Texas BATF agents raided the home of collector Gus Cargile. They seized a collection which even they valued at $50,000 to $60,000, which contained antiques, engraved and inlaid items, and probably the finest collection of rare variants of the .45 automatic in existence. The guns, which the collector handled only with oiled gloves, were stacked in piles in a damp warehouse. No charges were ever brought against Mr. Cargile. Several months later, he filed suit for the return of the guns. After hearing evidence from both sides, the same magistrate who issued the search warrant quashed it, and ordered that the firearms be returned forthwith. The Bureau did not comply. A motion was made to hold them in contempt; the judge threatened to grant it if the agents did not obey the order, and they finally did so.

In January 1977, agents raided the home of South Carolina collector Patrick Mulcahey. They seized firearms valued at about $15,000, including personal items, the first firearm given him by his father, and so forth, and museum-quality specimens of American arms. BATF charged him with being a dealer without a license based on the fact that one of their informants had asked to buy some guns of his and he had allowed him to buy a total of three over a period of months. In March 1977, a jury acquitted Mr. Mulcahey of all charges. His collection was not returned; instead, 2 weeks later BATF notified him that they were moving to forfeit it. The grounds: BATF claimed that the more than 90 firearms had all been intended to be used in dealing without a license—a claim based on three sales, to which Mulcahey had been acquitted. At this time, 3 years after the confiscation and raid, BATF is still holding onto the firearms.

In early 1978, BATF agents raided the shop of Harrison Phillips, a gun dealer in Parkesley, Va. Mr. Phillips was charged with making three "straw man" sales to agents—allowing one agent, a resident with valid identification, to buy a firearm for another agent, a nonresident. His entire inventory was seized. Prior to trial, a Federal judge ruled that its taking exceeded the scope of the search warrant and ordered its return. Only after the trial—in which Mr. Phillips was acquitted after the judge ruled there was no evidence of any violation—did BATF get around to returning his inventory.

In April 1978, Mr. and Mrs. Paul Hayes, licensed dealers in New Mexico, were raided on "straw man" charges. The agents confiscated their inventory of firearms and ammunition. In January of last year, the Hayes were acquitted of all charges by a jury which had to deliberate only 9 minutes before returning with a unanimous verdict. BATF subsequently attempted to revoke their license, but then abandoned that attempt. At this moment, it has filed an action to forfeit their entire inventory and is offering to abandon its attempt only if the Hayes will release the agents from all claims based on false arrest, unnecessary use of force, illegal search, and so forth.

In short, BATF's abuses of the broad confiscation power have, if anything, increased in the 10 years since Federal prosecutors complained that their acts were so unjustified they were alienating judges. Thus has the agency been able to generate its body count of thousands of guns confiscated per year. One study, published last year, concluded that only 4 percent of the guns confiscated by BATF met their own definition of inexpensive, short-barrelled guns likely to be used in crime. Nearly 60 percent were rifles and shotguns; the bulk of the handguns were expensive, long-barreled models.

The Federal Firearms Law Reform Act will remedy this abuse. Section 104(d) of that act amends section 924(d) of the present law to permit forfeiture of firearms "involved in or used in" violation of law, omitting the vague claim "intended to be used in." It also provides—

> that any dismissal of charges upon which such seizure is based, any verdict of disposition on such charges other than "guilty," or any failure of the United States to prosecute such owner or possessor on such charges within 120 days of such seizure, shall constitute an absolute bar to such forfeiture * * *.

To enforce this, this section adds that:

> In any action or proceeding of this chapter, the court shall allow the prevailing party, other than the United States, a reasonable attorney's fee * * *.

Thus, if the agency chooses to violate this section, or to abuse it as it has abused existing law, it does so at the risk of being held liable for the legal expenses incurred by the citizen whose property it has taken. Where the citizen successfully sues for the return of his own property, illegally taken by the Bureau, there seems no reason that he should bear the thousands of dollars of costs incurred. It is more rational to let the Bureau, which was responsible for the deprivation, bear the risks of its own illegality. Moreover, by removing the financial barrier to seeking return of his property, the act minimizes the risk of abusive use of the confiscation to force unwilling pleas, or waiver of rights to sue against illegally or unjustifiably acting agents.●

INSURANCE MAN OF THE YEAR

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. BADHAM. Mr. Speaker, a constituent of the 40th Congressional District of California, Mr. Earl Clark, will be honored as the Insurance Man of the Year by the Insurance Council of Southern California for the City of Hope on March 19.

Mr. Clark currently serves as the chairman of the executive committee for the Occidental Life Insurance Co. and as vice chairman of Occidental's parent company, Transamerica Corp.

Mr. Clark is widely known for his active participation in the business and civic communities. He is a director of the Central City Association, vice president of the Los Angeles Area Chamber of Commerce, a trustee of the American College, a past president of the San Gabriel Valley Life Underwriters Association, a member of the Pasadena Tournament of Roses Association and a member of the California Club. As for what he does in his spare time, I'm not sure he has any.

I want to take this opportunity to recognize the contributions Mr. Clark has made and congratulate him on being selected Insurance Man of the Year.●

FLYING HIGH WITH UNCLE SAM

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. SOLOMON. Mr. Speaker, as the following article from the February issue of Reader's Digest demonstrates, Federal travel and transportation will cost American taxpayers almost $8 billion this year. A good portion of this appropriation will fund unnecessary junkets by Federal bureaucrats. The best estimates we have are that at any given moment, there are no fewer than 20,000 bureaucrats in the sky at taxpayers' expense. Many of these trips are short on Government business and long on sightseeing and visits to relatives.

Mr. Speaker, the American people are fed up with inflation, high taxes, and continuous economic uncertainty. To see Government bureaucrats systematically waste hard earned tax dollars for their own comfort and pleasure only rubs salt in these wounds. I call upon the Congress to examine Federal travel policies, including its own policies, and to put an end to these outrageous abuses of public money and public trust.

The article follows:

FLYING HIGH WITH UNCLE SAM

(By Nathan M. Adams)

Early last August, the Capitol Hill office of Sen. William Proxmire (D. Wis.) received a curious phone call. A secretary at the Environmental Protection Agency (EPA) had become concerned about the far-flung travel activities of some EPA bureaucrats. Innocently enough, it had all begun with her broken Swiss wristwatch.

"Oh, don't worry about it," an official consoled her. "One of us is always going over to Switzerland. We'll get it fixed."

The surprised secretary's first reaction was to wonder what her EPA superiors found so compelling in Switzerland, and whether all this foreign travel was necessary. Was it indeed, Proxmire speculated, and promptly ordered an investigation to find out.

Senate investigators quickly uncovered a number of questionable trips by other EPA bureaucrats—among them one employe who twice flew to Paris to look into the "management of industrial river basins." These two trips, they found, also underwrote two separate vacations he took courtesy of the U.S. taxpayer.

Another flagrant example involved an EPA traveler who had cleverly parlayed a brief three-hour meeting in California and a weekend conference in Hawaii into a solid five-week vacation under the Pacific sun. The same employe had previously financed his travel costs for a 26-day Rocky Mountain holiday through what was intended to be only a brief West Coast business trip.

Were such holidays isolated events at EPA? Digging deeper, the investigators found that the practice of combining business with pleasure was commonplace throughout the agency.

If EPA employes are taking routine advantage of Uncle Sam's "windfall" travel policies, investigators next learned that top officials are hardly setting a pious example. In one 15-month period, EPA deputy administrator Barbara Blum made no fewer than

11 agency-paid trips to Atlanta. Significantly, Atlanta is Mrs. Blum's home. What's more, each trip "conveniently" spanned the weekend. Another EPA boss was accompanied by his secretary on eight trips across the nation—even through all but one of the trips were made to regional offices where local secretarial assistance was available.

The investigation identified a number of questionable travel practices at the EPA, some of which were clearly in violation of federal regulations while others, at the very least, raised serious questions about the agency's management and regulations governing travel. Alarmed by what the investigation had uncovered at EPA, two Senate appropriations subcommittees began a search for similar wasteful travel practices elsewhere in government. A sampling of what was found:

At the National Aeronautics and Space Administration, top officials invited their wives along on business junkets. Deputy administrator Alan Lovelace, for one, took his wife on official visits to Lisbon, Madrid, London, Geneva and Paris, with the U.S. taxpayer picking up the tab for both.

Officials at the Department of Housing and Urban Development used taxpayer funds to jet to Moscow, Capri, Tokyo and Athens. Farfetched missions even included a two-week tour of Denmark and Greenland to learn about "human settlement in the Arctic." Still another housing expert winged his way to Panama to discuss "issues relating to the Panama Canal Treaty."

In one recent six month period, officials of the Railroad Retirement Board, a federal mini-agency located in Chicago, racked up no fewer than 39 first-class flights in the United States and Canada. (Nearly half of these flights were made by just one board official.) The only explanation for the luxury accommodations was, typically, cryptic: "Use of first class necessary for conduct of mission." As to the mission itself, there was no comment to be found on any of the travel vouchers filed with federal auditors.

Federal travel regulations—revised in 1978—stipulate that first-class travel is justifiable only under clearly specified circumstances such as security requirements, unavailability of coach seating, or physical impairment. One agency boss who has refused to take advantage of loopholes is Max Cleland, head of the Veterans Administration. He forbids his staff to travel first class. He himself sets an example by always flying coach—even though he is a triple amputee and confined to a wheelchair.

What can be done to clip the wings of the federal bureaucracy? Sen. Jim Sasser (D., Tenn.), who estimates that at any given moment there are 20,000 bureaucrats in the sky, has introduced legislation which calls for a $500 million reduction in the $7.9 billion federal travel and transportation appropriation. If passed, Sasser's bill (S. 697) will help lessen the high cost of needless bureaucratic junketing.

The "I'll Fly Now, You Pay Later" plan has become a multi-billion-dollar joke played on long-suffering taxpayers. But what is needed most is an examination of Uncle Sam's travel policies themselves. For example, although federal-travel guidelines currently request that all agencies take advantage of tax-dollar-saving discount fares, they are rarely—if ever—used. Rep. Albert Gore, Jr. (D., Tenn.) suggests that budget-type fares could save taxpayers millions of dollars. He cites an example brought to Congress' attention by a 1978 General Accounting Office (GAO) report. The GAO estimated that nearly a quarter of a million dollars could have been saved if 30,000 reservists from St. Louis had been encouraged to use whatever discount fares were available when they flew on commercial airlines to training sites.

Gore recommends that federal agencies—long accustomed to liberal travel policies—revive the old war-time query "Is This Trip Necessary?" Unless they do, an estimated eight million taxpayer-supported trips—many of them clearly unnecessary—will take place this year.

The Congressman's recommendation deserves our support. After all, it's our money.●

TAXING U.S. CITIZENS

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. FRENZEL. Mr. Speaker, on February 6—page E430—and again on February 19—page H932—I made statements into the CONGRESSIONAL RECORD concerning the inequitable manner in which the United States taxes its citizens living and working abroad on their foreign earnings.

In these statements, I pointed out that the current tax laws are forcing thousands of American workers to return to the United States, leaving their jobs to be filled by foreign nationals whose governments do not tax them on their foreign earnings. I also stated that it has been estimated that a direct result of Americans being taxed out of the foreign job markets has been a reduction of at least 5 percent of our total exports, or a loss of at least $6 billion to $7 billion in overseas sales. However, it now appears that I have grossly underestimated the effects of our current tax treatment of our citizens abroad.

A report in the February 19 issue of the New York Times states that the current tax treatment of Americans abroad is not only jeopardizing billions of dollars of exports, but is also affecting the jobs of hundreds of thousands of U.S. citizens, both at home and abroad.

I have inserted a copy of the article for my colleagues' perusal, and hope that after reading it they will lend their full support toward passage of legislation which removes the inequities from the tax treatment of our citizens abroad.

The article follows:

COSTLY FALL IN EXPATRIATE JOBS

(By Robert D. Hershey, Jr.)

LONDON, February 18.—Tax penalties, a weak dollar and soaring inflation have made it so expensive to employ Americans overseas that large numbers of them are being replaced by other nationalities at what appear to be major economic and political costs to the United States.

American executives say the problem, which has been building for many years, now jeopardizes billions of dollars of exports and hundreds of thousands of jobs at home and abroad.

A recent report issued by the President's Export Council, an advisory group headed by Reginald H. Jones, chairman of the General Electric Company, echoed that view. The council declared that the trend of Americans being taxed out of competing in foreign markets had produced a "sharp" loss of business, contributing to the balance-of-payments deficit, a loss of American jobs and a decline in "presence and prestige" abroad.

Not only are United States and foreign companies increasingly reluctant to subsidize American workers overseas, but the workers themselves are rejecting job offers because of the financial burdens posed by such a move.

The expatriates say that many laws and practices tend to make second-class citizens of the two million of them who live overseas, but income taxes are regarded as the most damaging factor. The United States is the only major country that taxes income earned abroad, a fact that increasingly places Americans and their companies at a competitive disadvantage. Americans overseas often pay foreign income taxes as well, but they receive a credit for such levies when they file their American tax returns.

"What we're seeing is a form of discrimination against Americans by our own Government," said John G. McCarthy Jr., vice president of Russell Reynolds Associates, an executive recruiting company. "It means Americans seeking to work abroad are burdened with cost factors which other nationals do not have."

Mr. McCarthy, who runs the firm's Middle East operation from London, said the company had conducted searches for about 35 Middle East clients last year, all of whom would have preferred an American. In all but three cases, however, the jobs were filled by Britons for reasons of cost. Other American jobs overseas, he said, are being taken by Canadians, who pay no income tax at home so long as the employee is accompanied abroad by his family.

American companies are confronted by the same problem. William Ferguson, a senior manpower manager for General Electric here, said it could cost G.E. $90,000 or more in pay and allowances to maintain an American overseas who is paid only $30,000 at home.

"It's really disturbing," said Mr. Ferguson. "We can hire two fully qualified British nationals and afford to train them in our products for less than we can put one American on the payroll."

He added that five years ago the United States was the leading exporter to Saudi Arabia, but that it had slipped to third or fourth position because of the high cost of doing business there. "We would love to double our sales and marketing operation in the Middle East, but we just can't afford it," he added.

While a British employee can quadruple his after-tax earnings by going overseas, his American counterpart usually fares no better than he would have at home. At times, the American is actually penalized by taxes levied on allowances for what in many cases are astronomic costs for housing and education. In some cases, an American's tax liability may exceed his basic salary before adjustments.

One group of activists, the Geneva-based American Citizens Abroad, has listed 63 ways in which they say the Government discriminates against them. They range from taxes on "phantom" income arising from currency fluctuations and loss of Social Security benefits to the sometime bizarre rules governing the citizenship of children born abroad.

The latest frustration for overseas Americans is the Carter Administration's response late last month to a Congressional demand that it identify and evaluate all the statutes and regulations that treat expatriates differently and that it recommend action to eliminate such discrepancies.

Critics say, however, that the Treasury report fell far short of its mandate. The report found that while taxation of Americans abroad could have adversely affected United States exports, "it is not clear how prevalent this type of situation is or what its impact is." It added that the studies done so far did not permit decisions about what changes, if any, should be made.

The Treasury's report was characterized by Andy Sundberg of American Citizens Abroad as a "red herring that the White House has just dragged across the path that was supposed to lead toward an unambiguous statement of where overseas Americans are supposed to fit into the political, social, economic and ideological life of the United States."

He said that what he called inconclusive findings on the relationship between income taxes and exports were "a silly answer to the wrong question."

A task force of the President's Export Council, headed by Robert Dickey 3d of the Dravo Corporation, recommended that the United States align its tax policy with that of its competitors, none of which now taxes its citizens who meet overseas residency tests.

This would restore to Americans abroad the status enjoyed by most of them until 1962, when income of less than $20,000 was tax-exempt. By the mid-1970's, inflation, the decline of the dollar and rising salaries and benefits put heavy financial pressure on Americans overseas.

Instead of liberalizing the exemptions, Congress decided in 1976 to eliminate them altogether. At the same time, the Internal Revenue Service decided that any goods or services workers received, even housing in the Saudi Arabian desert, had to be declared and taxed at full market value.

"It's not just a matter of dollars and cents," said Mr. McCarthy, the recruiter. "If you don't have American people of some stature on the ground, you're just not going to get across the American point of view. You can project power with aircraft carriers, but you can also spread American influence with businessmen."●

OBSERVING NEGRO HISTORY WEEK

HON. RALPH S. REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. REGULA. Mr. Speaker, as an honorary member of the Alliance Area Negro History Club, I was present last Sunday for the 29th annual observance of Negro History Week at Mount Union College in Alliance, Ohio.

Mr. Curvis F. Rhyne, dean of Alliance, councilmen, founded in the club in 1952 and has been its only president.

According to the Black Caucus of the United States, Mr. Rhyne holds the national record for a black holding an elective office. He currently is serving his 15th consecutive 2-year term in Alliance City Council.

Of the organization he started, Mr. Rhyne says:

> Our club was started to stress to the Negro population, and to everyone else for that matter, what an important contribution blacks were making to the Nation.

I was particularly impressed by the words of the principal speaker at the observance, the Honorable Lucile A. Watts, judge in the common pleas court of Detroit, Mich.

Judge Watts presented an informative review of the history of black people in America and told of the deeds of illustrious black Americans who—like herself—overcame cultural, educational, and racial barriers to obtain important positions in our society.

She gave sound advice and outlined a constructive way for our black citizens to upgrade the quality of their lives and to become equal partners in the structure of our American society.

I insert the text of her address to provide my colleagues the opportunity to hear the message of this eminent black jurist:

ALLIANCE, OHIO, BLACK HISTORY SPEECH

I should like to congratulate the Negro history club for its work in focusing attention on black history in America. History is important to give black youngsters a point of reference. This is especially true in the northern communities where they frequently move in an all-white atmosphere. When I went to school here, I did not have the advantage of a group such as this to help me find my identity. Over the years, you have had many fine speakers, whom, I am sure, chronicled the deeds of illustrious black Americans, and, we shall certainly mention these things; but first, we should like to talk a little bit about alliance.

We think it is important to look at ourselves for a moment and see how far we have come, and a little bit about how we got there. In 1932, we found very few black people in Stark County, but already one of them was elected to the Alliance City Council. He was, of course, William Jackson, who served from 1932 to 1934. A few years later, Limas Starks was elected to the council and in 1951, our own Curvis Ryne, was elected and has served with distinction ever since.

In 1940, a black girl graduating from Alliance High School and going into college had no hope of getting a job here. Yet, in 1949, Gloria Snodgrass Malone and Cissy Parks Rogers began teaching careers here. How did this come about? It came about because some interested people, including Doris Snodgrass and Nellie Terrell, decided to confront the power structure and demand some of the kinds of things that this community was entitled to. Prior to, and during this period, other activities in the community created an atmosphere in which this kind of a demand would be met. Such things as activity in organized labor, with such early participants as J. D. Snodgrass, Marshall King, John Snodgrass, senior, and a host of courageous black steelworkers—all dedicated to job security and the many benefits that go with union organizing. These contributions were no less important because they did not make headlines. I'm thrilled to see a black girl working as a bank teller in a town where I was not allowed to be a five and ten cent store clerk.

To move away from the deeply personal, and look at the larger picture, the history of black folks in America is to many of us, largely a history of legal battles and of securing those rights which white citizens have always taken for granted: access to housing commensurate with your ability to pay, service in places of public accommodation, equal employment opportunity and education comparable to that offered to the majority.

Beginning with the Dred Scott decision in 1857, we shall touch upon a line of Supreme Court cases which have had far-reaching effects upon the lives of America's black citizens. We use the words "black citizens" because the thrust of the Dred Scott case was that the court decided Dred Scott, a Negro, was not a citizen within the meaning of the Constitution, and therefore, had no standing to maintain a Federal action for his freedom. That is to say, blacks were non persons, since they were not citizens of any other country. This was the most far reaching decision of the 19th century and really set the stage for the Civil War.

The next milestone, in what would be our continuing fight for personhood, was *Plessy* versus *Ferguson*. Mr. Plessy was an early protestor. In 1890 Homer Plessy refused to leave his seat in a white-only traincoach and was arrested. Ultimately, his case reached the United States Supreme Court and the court laid down its infamous "separate but equal doctrine". This decision opened the floodgates for segregation. Throughout the South and border states, blacks were separated from whites in every aspect of life. President Wilson, who wished to make the world safe for democracy, approved segregated facilities in all Government agencies. While we were pushed to the back of American life, the equal aspect of the Supreme Court decision was generally ignored. Our situation was everywhere separate and unequal. Despite the hypocrisy of the reasoning in *Plessy* versus *Ferguson*, it was the law of the land and there followed a tortuous legal struggle waged in the courts of the various States and in the Supreme Court, largely carried on by the N.A.A.C.P., to move black folks into the mainstream of American life. The late Charlie Houston and now Supreme Court Justice Thurgood Marshall, carried the legal banner, regaining ground, case by case, but not until May 17th, 1954, did the court face the issue squarely and scrap the separate but equal doctrine. At 1 p.m. on that fateful day, Justice Earl Warren, speaking for the court, in *Brown* versus *The Board of Education of Topeka*, stated, "We conclude—unanimously—that in the field of public education the doctrine of separate by equal has no place. Separate educational facilities are inherently unequal."

Even before the issue was joined in the Brown case, most of the members of the court leaned toward the position that separate, but equal, could not stand in the second half of the 20th century. The problem was how to back away from it gracefully. Justice Frankfurter was the key figure in a divided court. He convinced the other justices to postpone hearing on all of the crucial school desegregation cases and asked all counsel to research the 14th amendment seeking constitutional basis for a decision. Interestingly enough, it was not the research of the constitution which turned the tide, but the death of Chief Justice Fred Vinson, who was viewed as the principal obstacle to reaching a just decision. The news of Vinson's death prompted Justice Frankfurter to remark, "This is the first indication I have ever had that there is a God." The great arbiter, Earl Warren, replaced Vinson, and set out to fashion a consensus on the court. The justices hoped that a change from the segregated school system to an integrated one would be gradual and without much difficulty—this was not to be—today, twenty-six years later, N.A.A.C.P. is still fighting that battle and this time, principally in the urban North.

The importance of the court's decision in Brown went far beyond the schools however. The ruling ended the era of white condensation and transformed the moral and psychological climate in race relations. It also began a far-reaching revolution in America. The sit-ins, the marches, the quiet and not-so-quiet refusals to accept second class status without protest: To our everlasting credit, it was largely a peaceful revolution.

With regard to legal battles, we should like to call your attention to a few which preceeded brown versus the board because they have affected our vital interests. One of the very basic rights of a free people is the right to purchase or rent housing commensurate with the ability to pay. Black people in America are still fighting that battle, both in the north and in the south. For historical reference, we will deal with a couple of these cases. The most striking is probably the Sweet case, arising in Detroit.

In Detroit, between the years 1910 and 1926, the black population rose from 6,000 to 70,000. They came to work in the automobile industry, but no provisions were made for suitable housing. Expansion out of the ghetto, out of necessity, had to be into what was called the "White District". This often led to harassment which forced a negro family to abandon the home it had rented or purchased. The stage is now set for the Sweet case. Dr. Ossian Sweet was a successful gynecologist, who had done cancer research with Madam Currie and was later to study in Vienna. In 1926, the doctor, his wife and 2-year old baby girl, moved into a house on Garland and Charlevoix which was then a lower middle-class white neighborhood on Detroit's east side. The first night, a small crowd gathered outside the Sweet home. The second night, the crowd was much larger, numbering several hundred, according to witnesses. Also, eight police officers were there to "Keep Order". Dr. Sweet had sent his daughter to her grandmother's for safety and had his two brothers and seven friends in the house. We are not quite sure exactly how it happened, but there were shots from the Sweet home and one white man was killed and another wounded. Immediately, all eleven people in the house were arrested and charged with murder. Someone has said, that if the 2-year old girl had been in the house, she would also have been charged with murder. The N.A.A.C.P. was able to persuade the great Clarence Darrow to come to Detroit to head the legal team defending these eleven people. In the first trial, a jury deliberated for 46 hours without reaching a verdict and Judge Murphy declared a mistrial. Five months later, the second trial began, this time against Dr. Sweet's younger brother only. The rest is history. Darrow made a closing argument which lasted for seven hours and the jury returned a verdict of not guilty. For the first time, the system recognized that a black man had a right to protect his home from a mindless mob.

To continue in the area of housing—one of the most effective tools which was used to keep blacks out of suitable housing was a private agreement between property owners that a house could never be sold to any person who was not of the Caucasian race. These private agreements, called restricted covenants which ran with the land, were being enforced in court. Naturally, civil rights lawyers across the country began attacking this very basic deprivation of rights. In due course, two cases reached the Supreme Court. The issue squarely before the Justices was whether the courts of this land could be used to enforce race covenants against America's black citizens. For the benefit of budding lawyers in this audience, the two cases considered by the high court were Shelly versus Kramer, from the supreme court of Missouri, and Sykes versus McGree, out of Michigan, specifically arising in Detroit, and argued by my legal mentor, Willis M. Graves. The chief justice, speaking for the court, said, "The coercive power of government may not be used to deny the enjoyment of property rights on the grounds of race or color." Two subsequent cases fully nullified the effectiveness of these property restrictions. A covenant in the District of Columbia was struck down as violative of the due process clause of the fifth amendment, and in a case called Barrows versus Jackson, it was held that one party to a restricted covenant may not recover damages in a court suit against another party who broke the covenant. Thus, restricted covenants were struck down in 1948 so that today, many of you can live in Shaker Heights or Mount Union, as the case may be. It might be interesting for you legal scholars to read the wording of the race covenants which still exist in your abstracts. They are now simply not enforceable because of the blood, sweat and tears of such men as Charles Mahoney, Willis Graves, Thurgood Marshall and a host of N.A.A.C.P. stalwarts across the land.

How far have we come? Not nearly far enough. Vernon Jordan recently spoke thusly: "Blacks are still adrift in a hostile sea of discrimination, unemployment and poverty. The Black middle class you hear so much about, comes to barely 9 percent of all Black families." That means that there is much work yet to be done. Look about you. The job of improving the qualitative life in Black America is yours. Black youngsters must be motivated and trained. We must deal with the loneliness and deprivation of our senior citizens. Clean up and upgrade our neighborhoods. Take pride in our personhood. Be supportive of each other and don't always look for someone else to solve our problems. We have come of age!

In the words of the legacy of that great lady, Mary McLeod Bethune, "This is my legacy: I leave you love. I leave you hope. I leave you the challenge of developing confidence in one another. I leave you a thirst for education. I leave you faith. I leave you a desire to live harmoniously with your fellowmen. I leave you, finally, a responsibility to our young people."●

HOUSE RESOLUTION 549

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. PATTERSON. Mr. Speaker, next week I expect the Rules Committee to consider my request for a rule on House Resolution 549. Members might wish to testify when the Rules Committee schedules the meeting and present their amendments to House Resolution 549. I intend to ask for an open rule. However, I or my colleagues on the select committee may seek to prohibit certain germane amendments from being made in order. Pursuant to the Democratic Caucus Manual, I hereby serve notice to my colleagues of this intention.●

REPUBLICANS DID NOT NEGLECT DEFENSE

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. SYMMS. Mr. Speaker, I am submitting to the RECORD a letter to the editor written by Brent Scowcroft, the Assistant to the President for National Security Affairs under the Ford administration, which appeared in the January 28 Wall Street Journal. Mr. Scowcroft points out that though the Republicans are being blamed by the current administration for neglecting our defense, it is actually the Carter administration which canceled major defense programs called for by President Ford. And while this administration may be moving ahead with programs such as shipbuilding, they are not building the ships at the level provided for in the Ford program. I think it is time that we begin to examine some of the rhetoric about who is at fault for the state of our Nation's defenses and start presenting the facts on this issue. I want to thank Mr. Scowcroft for setting the record straight:

REPUBLICANS DID NOT NEGLECT DEFENSE

The outrageously inaccurate statement by Zbigniew Brzezinski in his interview with Karen House and Thomas Bray (WSJ, January 15, 1980), that there had been "eight years of sustained Republican neglect for the requirements of defense," impels me to offer a few facts to set the record straight.

A detailed recital of the Nixon administration's battles with a Democratic Congress for a strong defense budget, in the shadow of Vietnam and the Democratic slogan of "reordering national priorities," is beyond the scope of this brief letter. Suffice it to say that virtually without exception the military programs to which the Carter administration is turning in its latter day conversion to a strong defense posture were conceived and developed during those eight years of Republican "neglect."

But let us look in more detail at the Ford years. Contrary to Brzezinski's imaginative claims, the upward trend in real defense expenditures began, not with the Carter administration, but with President Ford. He inaugurated the real growth in budget authority, in fiscal year 1976 and in budget outlays in fiscal year 1977. Moreover, the three defense budgets thus far in the Carter administration have slashed the Ford budget projections for those three years by a total of more than $38 billion. Candidate Carter, indeed, had promised a cut of $5 billion to $7 billion in the defense budget. His administration spokesmen had been proudly proclaiming fulfillment of that promise as a result of cuts made in the Ford budget for fiscal year 1978—until such claims proved no longer fashionable.

The story is the same with respect to specific defense programs. President Carter canceled the B-1 bomber and the neutron bomb and closed the Minuteman missile production line. He delayed or stretched out the programs for the MX missile, for all three versions of the cruise missile and for the Trident submarine. Dr. Brzezinski points with pride to an increase in the naval shipbuilding program to a total of 95 ships over the next five years. That is indeed an improvement over the Carter administration's earlier program of 83 ships, but it is still a far cry from the Ford program of 157 ships over the same period. The list does not end here, but this sample suffices to illustrate the point.

Such disregard for the facts comes with particular ill grace at the very time the administration is seeking bipartisan support in coping with the current crises. Surely even in a presidential election year there ought to be some limits to the manipulation of history for partisan purposes.●

RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES, DEPARTMENT OF ARIZONA, RESOLUTION ON DEFENSE

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. RUDD. Mr. Speaker, the Reserve Officers Association of the United States is holding its annual meeting in Washington this week and members from my State of Arizona are in attendance.

The Department of Arizona Reserve Officers Association has drafted a resolution which is especially timely in view of the current awakening awareness for the need for a strong defense posture for our Nation.

I would like to share the insights of the Department of Arizona Reserve Officers Association as drafted by Col. Budd A. Arnold (USAR) with my colleagues at this point:

RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES, DEPARTMENT OF ARIZONA—RESOLUTION NR 2-80

COMMITMENT OF UNITED STATES ARMED FORCES TO THE FIELD OF COMBAT

Whereas, the policy of the United States government, for the past 32 years and continuing, is that of maximum containment of the battle area which has placed the Armed Forces of the United States of America within a no-win environment, allowing the enemy military advantages preventing their destruction and encouraging their willingness to risk armed combat in geographical areas of the world in furtherance of the national policy of the enemy, and

Whereas, the national fiber of the American people, and in particular our youth, has been eroded to the point where events bordering on civil disobedience and outright, unashamed determination to not support, nor be concerned with the national security of our Country as a result of the no-win policy, and

Whereas, the Reserve Officers Association of the United States Constitution and Bylaws, Article A-2, Object, states that "the object of the Association shall be to support a military policy for the United States that will provide adequate national security and to promote the development and execution thereof."

Now, therefore, be it resolved by the Reserve Officers Association of the United States that military chiefs of the Armed Forces of the United States, the Congress of the United States, and the President of the United States be advised of the intent by the Reserve Officers Association of the United States to support a national security policy prescribing that the United States Armed Forces and our national resources will not be committed to the field of combat without the explicit and expressed objective of allowing our Armed Forces to destroy the enemy and his will to fight wheresoever, the enemy may be.●

MARRIAGE SURVIVES AN ILLNESS

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. PURSELL. Mr. Speaker, in a world where people are reexamining their closest personal relationships—taking a hard-line view of their positions in life—one would think romance is losing its bloom. But, I would like to share with you a story of two handicapped individuals who made, and worked for, a successful marriage with much more to face than the usual give and take required for harmony.

The handicapped are many times viewed as relinquishing normal relationships and marriages. Because of this, perhaps the handicapped challenge is even greater because of the physical limitations facing each day. Yet, the emotional and religious strength often compensates the loss of mobility.

A heartwarming account of my personal friends Jerry and Audrey Harrison of Plymouth, Mich., was transcribed in the Plymouth Observer, February 14, 1980. I would like to reprint this story as an example of an enduring commitment lasting through severe illness and challenge.

The article follows:

MARRIAGE SURVIVES AN ILLNESS

When my husband and I were married nearly 15 years ago few people thought the marriage would succeed. Jerry and I have cerebral palsy.

At the time we were married, it was the common assumption that CP's were doomed to live out their lives as helpless, hopeless cripples, dependent on the goodwill of family, friends and community. But Jerry and I embarked on our venture with faith—faith in ourselves, each other, and in God, trusting that he would enable and guide us.

When we were first married and for approximately two years after that, we both worked at Goodwill Industries in Kalamazoo. Jerry earned $1.25 an hour and I earned 85 cents an hour.

Since then we have moved to Plymouth, bought a condominium, and are gainfully employed. For several years after we moved here, Jerry worked for a local landscaping company where he worked himself up to foreman. For the past eight years he has been the custodian at the First Baptist Church on N. Territorial Road. I have a master's degree in special education and teach for the Northville Public Schools in their institutional special education program.

We have learned through the years that true love is not all hearts and roses, moon, spoon and June. True love is having respect and patience with each other. It is building a relationship day in and day out. It is putting up with each other's weaknesses and faults—keeping in mind that nobody is perfect and that includes me too.

True love sometimes involves sacrifice. For example, when I obtained my first teaching position in the Plymouth area, Jerry gave up an independent janitorial service he had been slowly building up in Kalamazoo after working at Goodwill 10 years so that he could be with me in Plymouth. While I was working on my master's degree at Eastern Michigan University, he faithfully drove me to and from school in the evenings, and waited patiently for hours while I was in class.

I don't want to give the impression that our marriage is perfect. As it is with all relationships that are alive, it has its ups and downs. But with our love for each other, our determination to "make it work," our basic commitment to follow the Biblical principles for human relationships in general and for marriage in particular, and our family and friends who assist us from time to time with things we can't do, we are living a happy and successful love story.●

AN ALTERNATIVE TO THE DRAFT

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. DORNAN. Mr. Speaker, on June 30, 1973, the United States returned to an All-Volunteer Military Force. By returning to an All-Volunteer Military, the Nation was once again returning to its time-honored political and military tradition. It was the view of the Founding Fathers that a large, permanent, conscript military force was inimical to the life of a free society. Before 1947, conscription had only been employed in times of national emergency.

We are now faced with the prospect of compulsory registration and, if registration is to mean anything, mass conscription. The new administration proposals include the compulsory registration of women. I cannot imagine any policy that promises to be more socially divisive and yet promises so little in terms of concrete benefits for a strong, combat-ready fighting force.

When the United States returned to the All-Volunteer Military, Congress recognized the need to provide adequate compensation to new recruits in order to compete with wage scales in the private sector. In other words, Congress recognized the inevitable pressure of the free play of market forces and adjusted military wage scales accordingly. Service retention rates soared. But that original pay adjustment and subsequent adjustments were seemingly immune to changing economic conditions. Congress has failed to compensate our military personnel adequately over the past 7 years. Indeed real compensation has declined at least 7 percent, as a result of inflation and pay gaps.

The All-Volunteer Force—AVF—will not work if we sabotage it by repudiating the very market forces upon which a successful volunteer military is based. I realize that there are numerous problems with the All-Volunteer Force. But that does not mean that we should move toward the drastic measure of scrapping it, and reintroduce compulsory registration and the draft. We now have a golden opportunity to reform the All-Volunteer Force—AVF—making it an attractive alternative which satisfies our military manpower needs and reduces or eliminates outstanding manpower or personnel problems.

THE VOLUNTEER MILITARY INCENTIVE ACT

Mr. Speaker, we must strengthen the All-Volunteer Force by increasing the quantity and the quality of our military manpower. For that reason, I have introduced the Volunteer Military Incentive Act, H.R. 4080. My bill provides for a lifetime tax credit of 5 percent on the taxable income of any person who enlists for a period of 2 years, and 10-percent lifetime tax credit for any person who enlists for a period of 4 years. The credit would only be applicable to persons who have served the full term of their enlistment and who have been honorably discharged from the Armed Forces of the United States.

The lifetime tax credit effectively makes military service a lifetime investment. Those who believe that, for one reason or another, they will achieve an above-average income in their future years will have an even greater incentive to enlist for 2 or 4 years, temporarily bringing their talents to the military rather than the private sector. Market incentives play a dynamic role in decisionmaking in other sectors of our economy, so there is no reason why an increase in military career incentives should not play an equally dynamic role in strengthening our overall armed services manpower.

The economic benefits for the enlisted man or woman are obvious. The benefits for the military go beyond a simple increase in the number of enlistments. The greater incentive for a 4-year enlistment will, in the long run, reduce the high rate of turnover that currently plagues the Army, and will thus reduce related training costs. Training costs, including wear and tear on training equipment, now approximate $12 billion annually.

The military tax incentive plan I have introduced, H.R. 4080, would be a great service to the military. It would encourage an increase in "up front" enlistments, a stabilization of turnover, an easing of training costs, a stimulation of the demand for military service and broadening of quality in the available manpower pool from which the services recruit. Increased demand for service among potential recruits would enable the military to exercise greater selectivity in the induction process.

Mr. Speaker, I would call your attention to a recent column in the February 11, 1980, edition of Newsweek, by Prof. Milton Friedman, Nobel prize-winning economist from the University of Chicago. As Professor Friedman has observed, the absence of a military draft is not the real source of our current military weakness. I would further add that the restoration of a draft will not compensate for the administration's grievious errors in foreign policy. Our military manpower malaise is not incurable. As Professor Friedman observes, with characteristic brilliance, there are a few maladies impervious to the remedies of the market. I ask my colleagues to take the time before they consent to the administration's registration proposals and read Professor Friedman's excellent column.

Professor Friedman's column follows:

DRAFT REGISTRATION

Draft registration is neither necessary nor desirable. It is being proposed to reassure the public at home, not to frighten the Russians. It is not necessary, because our military weakness derives neither from a shortage of manpower nor an inability to increase the number of people under arms by voluntary means. It derives from a failure to build new weapons—one after another canceled by President Carter. Recruitment difficulties with the all-volunteer force reflect primarily the erosion of the inflation-adjusted compensation of first-term enlistees, relative both to their civilian counterparts and longer-service personnel. When the draft was replaced by an all-volunteer force in 1973, the pay scales were adjusted appropriately. Since then, Congress and the Administration have not seen fit to maintain the pay scale for first-termers. If it is desired to increase the size of the armed forces, either in general or for specialized personnel, that can and should be done without a draft.

Bad Arithmetic: It is said that we cannot afford to do so. That is nonsense. Proponents of a draft point out that total personnel costs of the armed forces are more than 50 per cent of total military spending. However, only about 11 per cent of that goes for the pay of first-termers—in 1979, total personnel costs were $58.4 billion but only $6.3 billion of that went to pay people serving fewer than four years. Even a major increase in the pay offered new recruits would involve only a minor increase in the total defense budget. The rest of the total personnel costs is for the pay for longer-term personnel, officers, civilians, and retirement benefits. And only first-termers would be recruited by a draft.

Registration would have a minor effect on the time involved in getting manpower and womanpower if a draft were reinstituted. The time-consuming steps are not registration but selection and training. That was demonstrated in earlier drafts. And even a full-scale draft would not provide personnel rapidly enough for a modern war. That must be fought largely by forces in being.

Draft registration is not desirable because a draft is not desirable. It is a divisive measure completely in conflict with the basic values of a free society. Every emergency has shown that in time of real need there is no shortage of patriotic citizens eager to defend the country. Draft registration simply diverts attention from the real source of our military weakness.

That source is the welfare state. In 1970, spending on defense was 40 per cent of the Federal budget, and 8 per cent of GNP—one and a half times the budget of HEW. In 1979, spending on defense was 23 per cent of the budget and 5 per cent of GNP. The budget of HEW was one and a half times the defense budget. These developments have occurred under Republican and Democratic administrations alike. Carter has simply continued on a well-worn path.

The Real Culprit: Transfer expenditures have absorbed taxable capacity that had supported defense—and much more as well. We cannot undertake a major rebuilding of the military without cutting down the drain that the rest of the budget imposes on the taxpayer—whether directly through explicit taxes or indirectly through inflation and borrowing. There is, after all, a limit to the total taxable capacity of the economy. Look at Britain's decline as a world power, which, as C. Northcote Parkinson somewhere points out, owes much more to the growth of the welfare state than to any other single factor.

No series of symbolic acts, no expressions of bellicose intent will change that brute fact. If we try to follow a policy of guns plus welfare-state transfers, I fear we shall end up with neither.

President Carter has acknowledged the drastic recent change in his opinions about Russia—a courageous admission of almost unbelievable prior naivete.

Is it outside the bounds of possibility that he could acknowledge that past fiscal and military mistakes have made it impossible for us to respond effectively to Russian aggression now or in the immediate future, but that we are going to change course in light of the present danger?

It is time that we desisted from purely symbolic acts designed to reassure the American public and garner votes in November rather than to frighten the Russians. We must do the unthinkable—cut the burden on the economy that comes from picking all of our right pockets to fill all of our left pockets and instead embark on a crash program to strengthen our defenses.●

OFFICIAL SAYS SOVIETS USE U.S. TECHNOLOGY TO BUILD ARMS

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. SYMMS. Mr. Speaker, I wish to include in the RECORD an article which appeared in the Chicago Tribune on November 20, 1979, written by Raymond Coffey. Mr. Coffey discusses some of the ways in which American businessmen have actually aided the Soviets in their weapons building programs by providing them with sophisticated techology. The article cites the Kama River truck plant where IBM installed a very sophisticated computer system. It is now known that the trucks and engines from this plant have been diverted for military uses. Unfortunately, the Commerce Department official who revealed some of this information to the Congress was relieved of his position. I urge my colleagues to read the following article:

"A Commerce Department official accused his superiors Monday of compromising national security through a 'massive and systematic coverup' of the Soviet Union's diversion of United States technology to the Soviet military buildup.

"Lawrence J. Brady, deputy director of Commerce's Office of Export Administration, also charged that he has been the victim of reprisals taken against him by his superiors because of his allegations.

"The issue of whether the Soviet Union uses technology purchased in normal trade with the U.S. for military purposes has been simmering for months.

"Brady's charges of coverup and compromising national security, however, added new sting to the debate. The charges in a 16-page memorandum circulating in Congress were mailed to reporters and then confirmed by Brady, who said he did not personally make the mailing but stood by the charges as 'accurate.'

"Brady on Monday confirmed that he was the author of the memorandum, which disputes Commerce Department assurances that U.S. regulations and practices adequately prevent Soviet diversion of U.S. technology to military purposes.

"Brady's charges related specifically to the use of a computer 'brain' built and installed by International Business Machines Corp. [IBM] in the Soviets' giant Kama River truck foundry.

"The plant, according to Brady, was designed and engineered by American firms and 30 per cent of its equipment is supplied from the U.S.—altogether more than $500 million worth of American technology.

"It is the largest truck foundry in the world, twice as large as Ford Motor Co.'s foundry at Flat Rock, Mich., and, Brady said, the Soviets have been diverting trucks and engines from Kama River to military purposes.

"Brady said there was evidence that Kama River vehicles are being sent to other Warsaw Pact countries in the Soviet Bloc.

"Brady said this is a 'clear violation' of U.S. export control laws.

"Brady, a civil service career official at Commerce, aimed his fire principally at Stanley J. Marcuss, a political appointee who is deputy assistant secretary of Commerce.

"Brady charged that Marcuss and other Commerce Department officials has 'misled' Congress in testifying that U.S. export control laws are effectively preventing the flow of critical technology to the Soviet Union.

"'What is even more disturbing,' he said, 'is the extent to which these officials have gone to distort the law in their refusal to enforce U.S. regulations prohibiting such diversion' for military purposes.

"Brady said Commerce is obliged by law to 'impose sanctions' against the Kama River plant because of the diversions but has refused to do so.

"Brady said his superiors have testified that a certification signed by the Soviets in connection with the licensing agreements on the Kama River plant did not prohibit diversion to military forces or place any limits on the use of U.S. technology at the plant.

"But Brady contends that a document signed by then-Secretary of State Henry Kissinger assured U.S. allies that the Kama River production would be used only for non-military purposes.

"Both Brady and Marcuss testified before a House Armed Services subcommittee on the technology issue last May—and disagreed.

"As a consequence, Brady charged Monday, he became the victim of bureaucratic 'reprisals' which included his removal as acting director of the Office of Export Administration and being left 'with nothing to do for months.'

"He said he expects further reprisals for going public with his protest Monday but said: 'I don't . . . this issue has to be aired .... it is a major issue.'

"Marcuss' office said he was out of the city Monday and not available for comment on Brady's charges.

"Brady, who contends that U.S. export controls on vital technology are a 'total shambles,' got some support for his general argument last week from a leading government intelligence expert.

"Dr. Jack Vorona, assistant vice director for scientific and technical intelligence of the Defense Intelligence Agency [DIA], told a Senate Armed Services subcommittee that some of the Kama River trucks are being used by the Soviet military and some engines produced by the plant may be going into other military vehicles.

"Vorona also testified that IBM 360 and 370 model computers, purchased from the U.S. and illegally diverted by the Soviets, may have been the basis for a computer system that runs Warsaw Pact air defenses."●

SOLZHENITSYN ON COMMUNISM

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. McDONALD. Mr. Speaker, Alexander Solzhenitsyn spoke with chilling clarity in a statement printed in Time magazine on February 18, 1980. His statement on Communism should stand for all time. He described it as a malignant tumor and that is just what it is. No one who has carefully read history since 1917 can doubt how Communists have and always will behave. The blood will never come off their hands for they know no other way. Violence is a basic tenent of Marxism-Leninism. The United States and the free world cannot go on year after year pretending to see signs of change and mellowing when none exist. We cannot perpetuate the myth of détente until Soviet bayonets and tanks are in the streets of Los Angeles. More is needed than rhetoric and a minuscule increase in the defense budget. For the reasons why, I suggest my colleagues read his statement, which follows:

SOLZHENITSYN ON COMMUNISM

The West began its perilous miscalculation of Communism in 1918: from the very beginning the Western Powers failed to see the deadly threat that it represented. In Russia at that time, all previously warring factions—from the government forces to the Constitutional Democrats and the right-wing Socialists—united against Communism. Though the peasants and workers were not formally allied with these groups, and were not coordinated, thousands of peasant revolts and dozens of worker uprisings reflected the masses' opposition to Communism. A Red Army was mobilized by executing tens of thousands of men who tried to evade Bolshevik conscription. But this Russian national resistance to Communism received scant support from the Western powers.

The most fantastically rosy notions about the Communist regime circulated in the West, and so-called progressive public opinion greeted it with joy, in spite of the fact that by 1921, 30 Russian provinces were undergoing a Cambodia-like genocide. (In Lenin's lifetime, no fewer innocent civilians perished than under Hitler, and yet today American schoolchildren, who invariably regard Hitler as the greatest villain in history, look upon Lenin as Russia's benefactor.) The Western powers vied with one another to give economic and diplomatic support to the Soviet regime, which could not have survived without this aid. Europe took no notice of the fact that some 6 million people in the Ukraine and the Kuban River basin had died of hunger.

In 1941, the worth of this much-touted regime became apparent to the world: from the Baltic to the Black Sea the Red Army retreated as if swept away by the wind, in spite of its numerical superiority and its excellent artillery. There was no precedent for such a rout in a thousand years of Russian history and, indeed, in all military history. In the first few months of the war, some 3 million soldiers had fallen into enemy hands! Here was a clear statement of our people's desire to be rid of Communism. The West could not have failed to understand if only it had wanted to see. But in its near-sightedness, the West held that the sole threat to the world resided in Hitler and that his overthrow would end all danger. The West did what it could to help Stalin forcibly harness Russian nationalism for the Communist cause. And so, in World War II, the West defended not freedom in general but merely freedom for itself.

In order to buy Stalin's friendship at the end of the war, the West turned over 1.5 million people who were then in Allied hands and who did not wish to return to Stalin's tyranny. Among them were entire Russian divisions. Tartar and Caucasian battalions, as well as P.O.W.s and forced laborers numbering in the hundreds of thousands, including old men, women and children. Stalin manipulated Roosevelt with ease, effortlessly assuring himself of control over Eastern Europe: Yalta marked the beginning of a 35-year streak of American defeats, only briefly interrupted in Berlin and Korea. (When there was the will to resist, victory followed.) As I have written on earlier occasions [in 1975 in an article entitled "The Big Losers in the Third World War" and in the book *Warning to the West*], the entire period from 1945 to 1975 can be viewed as another world war that was lost by the West without a battle and in which some two dozen countries were abandoned to Communism.

There are two reasons for this string of capitulations. First is the spiritual impotence that comes from living a life of ease; people are unwilling to risk their comforts. Second, and just as important, is the prevailing, total incomprehension of the malevolent and unyielding nature of Communism, which is equally dangerous to *every* country. The West often seeks an explanation for the phenomenon of 20th century Communism in some supposed defects of the Russian nation. This is ultimately a racist view. (How then can China be explained? Viet Nam? Cuba? Ethiopia? Or the likes of Georges Marchais?) Flaws are sought everywhere but in Communism itself. Its aggressiveness is explained by, for example, Averell Harriman, in terms of a national dread of foreign aggression; this is said to account for the building of a vast arsenal and the seizing of new countries.

Western diplomats depend on unsound hypotheses that involve supposed "left" and "right" factions of the Politburo, when, in reality, all of its members are united in seeking world conquest and are undiscriminating in the means they use. Insofar as struggles do occur within the Politburo, they are purely personal; they cannot be used for diplomatic leverage. The average Soviet citizen, deprived though he is of information about the world and of the benefits of Western Kremlinology, understands this perfectly well. Illiterate Afghan herdsmen are equally on target when they burn portraits of Marx and Lenin, instead of accepting the tale that their country was occupied simply because Leonid Brezhnev happened to be ailing.

Try asking a malignant tumor what makes it grow. It simply cannot behave otherwise. The same is true of Communism; driven by a malevolent and irrational instinct for world domination, it cannot help seizing ever more lands. Communism is something new, unprecedented in world history; it is fruitless to seek analogies. All warnings to the West about the pitiless and insatiable nature of Communist regimes have proved to be in vain because the acceptance of such a view would be too terrifying. (Did not the Afghan tragedy in fact take place two years ago? But the West shut its eyes and postponed recognizing the problem—all for the sake of an illusory détente.) For decades it has been standard practice to deny reality by citing "peaceful coexistence," "détente," "the Kremlin leadership's pursuit of peace." Meanwhile Communism envelops country after country and achieves new missile capabilities. Most amazing is that the Communists themselves have for decades loudly proclaimed their goal of destroying the bourgeois world (they have become more circumspect lately), while the West merely smiled at what seemed to be an extravagant joke. Yet destroying a class is a process that has already been demonstrated in the U.S.S.R. So has the method of exiling an entire people into the wilderness in the space of 24 hours.

Communism can implement its "ideals" only by destroying the core and foundation of a nation's life. He who understands this will not for a minute believe that Chinese Communism is more peace-loving than the Soviet variety (it is simply that its teeth have not yet grown), or that Marshal Tito's brand is kindly by nature. The latter was also leavened with blood, and it too consolidated its power by mass killings, but the weak-hearted West preferred not to take any notice in 1943-45. He who understands the nature of Communism will not ask whether the world's aid is reaching the starving Cambodians through the good offices of the Heng Samrin regime. Of course it does not. It is confiscated for the army and government. The people can starve.

Communism needs the whole charade of détente for only one purpose: to gain additional strength with the help of Western financing (those loans will not be repaid) and Western technology before it launches its next large-scale offensive. Communism is stronger and more durable than Nazism, it is far more sophisticated in its propaganda and excels at such charades.

Communism is unregenerate; it will always present a mortal danger to mankind. It is like an infection in the world's organism: it may lie dormant, but it will inevitably attack with a crippling disease. There is no help to be found in the illusion that certain countries possess an immunity to Communism: any country that is free today can be reduced to prostration and complete submission.

Nevertheless, healers frequently turn up to pronounce the following reassuring diagnosis of the acute infection that is Communism: "This malady is not contagious: it is a hereditary Russian disorder." The cure they propose involves avoiding angering the Brezhnev regime at all costs. Instead, it must be supported and equipped. They insist that the enemy to be opposed is any manifestation of the Russian national consciousness, when, in reality, it is the only force that is realistically capable of weakening Soviet Communism from within. The case against the Russian national consciousness is systematically being argued by noted American academics and journalists, who are using irresponsible and tendentious data supplied by some recent émigré from the Soviet Union.

Such propaganda is sheer madness and serves only to disarm the West. After the forces of Russian nationalism were betrayed by the West in the Russian civil war and once again in World War II, here is an open call to repeat this betrayal yet a third time. This would have ruinous consequences for the Russian people and for the other peoples of the U.S.S.R. It would be just as ruinous for the West. Today the Communist leadership with its decrepit ideology once again dreams of saddling and bridling Russian nationalism in pursuit of its imperial goals. The West must not now equip a horseman intent on the West's destruction.

Communism is inimical and destructive of every national entity. The American antiwar movement long nurtured the hope that in North Viet Nam nationalism and Communism were in harmony, that Communism seeks the national self-determination of its beloved people. But the grim flotilla of boats escaping from Viet Nam—even if we count only those that did not sink—may have explained to some less ardent members of the movement where the national consciousness resides and always did reside. The bitter torment of millions of dying Cambodians (to which the world is already growing accustomed) demonstrates this even more vividly. Take Poland: the nation prayed for just a few days with the Pope; only the blind could still fail to distinguish the people from Communism. Consider the Hungarian freedom fighters, the East Germans who keep on dying as they try to cross the Wall, and the Chinese who plunge into shark-infested waters in the hope of reaching Hong Kong. China conceals its secrets best of all; the West hastens to believe that this, at least, is "good, peace-loving" Communism. Yet the same unbridgeable abyss, the same hatred separate the Chinese regime and the Chinese people.

An identical chasm exists between Communism and the Russian national consciousness. It pains us that the West heedlessly confuses the words Russian and Russia with Soviet and U.S.S.R. To apply the former words to the latter concepts is tantamount to acknowledging a murderer's right to the clothes and identification papers of his victim. It is a thoughtless blunder to consider the Russians the "ruling nationality" in the U.S.S.R. The Russians were the recipients, under Lenin, of the first crushing blow. They suffered millions of victims (with the most outstanding killed off selectively) even before the genocidal collectivization of agriculture. At the same time Russian history was reviled. Russia's culture and its church were crushed. Russia's clergy, nobility, merchants and finally its peasantry were destroyed. Though the regime's blows fell next on the other nationalities, the Russian countryside today has the lowest standard of living in the U.S.S.R., and Russian provincial towns have the lowest priority in the distribution of consumer goods. In huge areas of our country, there is nothing to eat, and the purchases of U.S. grain do not improve the people's diet (the grain goes to military stockpiles). The Russians make up the bulk of the slaves of the Soviet state. The Russians are exhausted; their debilitation is becoming hereditary, their national consciousness has been debased and suppressed.

Nothing could now be further from the heart of the Russian people than a militant nationalism; the idea of an empire is repulsive to them. But the Communist regime watches its slaves carefully and takes special pains to suppress their non-Communist consciousness. The result: enormous labor camp terms for the proponents of freedom (Igor Ogurtsov—20 years, Vladimir Osipov—16 years, Yuri Orlov—seven years); the new arrests of priests, the spiritual teachers of the people (Gleb Yakunin and Dmitri Dudko); the destruction of the innocent Christian Committee for the Defense of Believers' Rights; the continuing mass imprisonment of young Christians; the exile of Andrei Sakharov.

In expectation of World War III the West again seeks cover, and finds Communist China as an ally! This is another betrayal, not only of Taiwan, but of the entire oppressed Chinese people. Moreover, it is a mad, suicidal policy; having supplied billion-strong China with American arms, the West will defeat the U.S.S.R., but thereafter no force on earth will restrain Communist China from world conquest.

Communism stops only when it encounters a wall, even if it is only a wall of resolve. The West cannot now avoid erecting such a wall in what is already its hour of extremity. Meanwhile, however, 20 possible allies have fallen to Communism since World War II. Meanwhile, Western technology has helped develop the terrifying military power of the Communist world. The wall will have to be erected with what strength remains. The present generation of Westerners will have to make a stand on the road upon which its predecessors have so thoughtlessly retreated for 60 years.

But there is hope. All oppressed peoples are on the side of the West: the Russians, the various nationalities of the U.S.S.R., the Chinese and the Cubans. Only by relying on this alliance can the West's strategy succeed. Only together with the oppressed will the West constitute the decisive force on earth. This is also a matter of principle, if the West is to uphold freedom everywhere and not merely for itself.

This strategy will obviously entail radical conceptual changes and the rethinking of tactics on the part of Western politicians, diplomats and military men.

Five years ago, all my warnings were ignored by official America. Your leaders are free to ignore my present predictions as well. But they too will come true.●

DETROIT JEWISH HISTORY

HON. JAMES J. BLANCHARD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. BLANCHARD. Mr. Speaker, Mr. Allen A. Warsen, who is honorary president of the Michigan Jewish Historical Society and the book reviewer of the Detroit Jewish News, has sent me an interesting publication. This booklet is entitled, "Addenda to Autobiographical Episodes" and it was put together by Mr. Warsen as a collection of episodes documenting Michigan Jewish history.

I am including in the RECORD an excerpt from Mr. Warsen's publication which discusses the history of Jews living in the Detroit area. I think that students of history will find this excerpt of interest.

The excerpt follows:

THE DISCOVERY OF A SETTLEMENT OF NUMEROUS JEWISH FAMILIES

Students of Detroit and Michigan Jewish history were aware that more Jews lived in Detroit in 1850 and in the years preceding it than the local directories recorded. I, too, realized that a gap existed, but how to fill it was a puzzle. It occurred to me that the United States Decennial Censuses of 1840 and 1850 might be a good source for that "missing link." I also realized the shortcomings of the censuses. Their main weakness being a lack of religious identification of the listed persons. Still I decided to study them; to my great surprise, I did discover the "missing link." I felt as if I had discovered a "hidden scroll" in an "obscure cave." I made the discovery in the fall of 1969.

A description of my discovery follows:

The names of the following individuals appeared for the first time in the United States 1850 Decennial Census. This is the oldest document, as far as we know, to record the presence of these individuals in Detroit.

It is true that the U.S. Census does not record religion, and many errors have been made as regards the Jewishness of certain individuals because of their Jewish sounding names. However, the individuals who are recorded here have been proved Jewish by later documents.

The following examples will prove it. The first Minyan in Detroit, according to Rabbi Leo M. Franklin of Blessed Memory, was conducted at the home of the Cousins. In an obituary letter to the Detroit Free Press on July 11, 1880, the late Magnus Butzel wrote this about Marcus Cohen: "Soon after his settlement in this city he felt prompted to offer his peculiar attainments for the establishment of the first Jewish religious society, which soon ripened into the now flourishing Congregation Beth El . . ." Jacob Lang signed the Articles of Incorporation of Congregation Bethel (original spelling) as recorded on December 21, 1852.

Mark Cohen, age 29, merchant, born in Germany.

Betsy Cohen age 30, born in Germany.

Simon Cohen, age 11, born in Ohio.

Moses Cohen, age 10, born in Ohio.

Hannah Cohen, age 8, born in New York.

David Amberg, age 33, merchant, born in Germany.

Loretta Amberg, age 29, born in Germany.

Henrietta Amberg, age 9, born in Ohio.

Isaac Cousin, age 45, H Doctor, born in Germany.

Sarah Cousin, age 40, born in Germany.

Rebecca Cousin, age 11, born in New York.

Hannah Cousin, age 9, born in New York.

Caroline Cousin, age 7, born in New York.

Rosa Cousin, age 5, born in New York.

Sally Cousin, age 3, born in New York.

Jacob Lang, age 34, blacksmith, born in Germany.

Eliza Lang, age 30, born in Germany.

Joseph Lang, age 1, born in Michigan.

Rachel Pappenheimer, age 35, born in Germany.

Ramhett (male) Pappenheimer, age 8, born New York.

Israel Pappenheimer, age 5, born in New York.

Jacob Pappenheimer, age 3, born in New York.

Jacob Friedman, age 22, merchant, born in Germany.

John Freiedman, age 32, merchant, born in Germany.

Hanah Hersh, age 25, born in Germany.

Matin Hersh, age (?), born in Michigan.

Hannah Bendit, age 22, born in Germany.

Rachel Silverman, age 25, born in Germany.

Sarah Silverman, age 1, born in Michigan.

Hannah Silverman, age 15, born in Germany.

The U.S. Decennial Census of 1850 was also the earliest document on record to show the ages, places of birth and often the given names of these Detroit residents whose last names and businesses do appear in the Detroit Directories prior to the census of 1850 or at the time the census was taken. They are:

Solomon Bendid, age 30, merchant, born in Germany.

Samuel Bendit, age 34, merchant, born in Germany.

Solomon Friedman, age 25, merchant, born in Germany.

Adam Hersh, age 25, cigar maker, born in Germany.

L. Pappenheimer, age 39, merchant, born in Germany.

Jacob Silverman, age 29, cigar maker, born in Germany.●

SILVER STAR MEDAL AWARDED

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. SHANNON. Mr. Speaker, I would like my colleagues to join me today in paying special tribute to Mr. Thomas Kattar of Lawrence, Mass. Mr. Kattar has recently received the Silver Star medal 36 years after his courageous actions during the World War II Normandy invasion.

Born in Lawrence, Mass., in 1914, Mr. Kattar left his hometown at age 26 as one of Lawrence's first World War II draftees. He became a sergeant with the U.S. Army, 120th Infantry Company. Then on the beaches of Normandy, on June 6, 1944, Mr. Kattar was to further distinguish himself by heroically saving the lives of two fellow soldiers, destroying a tank and two machinegun nests. Though granted the Silver Star at the time of his discharge in July of 1945, as a result of a bureaucratic oversight, Mr. Kattar did not receive his Silver Star until just this past January.

Mr. Thomas Kattar is a hero who has had to wait too long for his rightful recognition. His fellow citizens join in thanking him for his service to his country.●

JENNIFER ANNETTE BRIGGS OF ARLINGTON, TEX., WINS STATEWIDE VOICE OF DEMOCRACY COMPETITION

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. FROST. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its ladies auxiliary conduct a voice of democracy contest. This year more than 250,000 secondary school students participated in the contest competing for the five national scholarships which are awarded as the top prizes.

First prize is a $14,000 scholarship, second prize is $7,000, third prize is $4,500, fourth prize is $3,500, and the fifth prize is $2,500. The contest theme this year was "My Role in America's Future."

The winning contestant from each State is brought to Washington, D.C., for the final judging as a guest of the Veterans of Foreign Wars.

I am inserting the winning speech by Jennifer Annette Briggs of Arlington, Tex., who took top honors in statewide voice of democracy competition this year. This young lady is 18 years of age and attends Lamar High School in Arlington, Tex.

Her parents, Mr. and Mrs. Ralph Briggs, her sister Mrs. Jan McDaniel, and all Texans share in the pride of Jennifer's accomplishment.

Jennifer Annette's winning speech follows:

> A lone man wanders down a dirt path. The thoroughfare is well beaten and worn through the passage of the years. This man is surrounded in front by a mass of individuals and approached from behind by another anxious group. The three parties approach a fork in the road. The leading group moves off to the West, leaving the individual to choose. Should he assume the duties of a follower, heading off down to the West fork behind the mob, or should he branch off to the East, becoming the solitary leader of the anxious group behind him? The decision is his, but it is also a decision faced by every American Citizen. It is my decision! That road is America, her past has been beaten and worn by 200 years of wear. As we embark upon our third century as a nation, we look down that pathway to the future. I, as an American youth, am embarking upon adulthood. It is time to choose my role in America's future. However, the path I choose—of leading or following—is not of importance. What matters is that I pursue either path with equal excellence, perfection and innovation. That is my role in America's future.
>
> As followers and leaders we must have confidence in each other for it produces a unified group with confidence in the future. If I should choose the East fork of our imaginary road and be a follower, I must perform my role to the best of my ability. As a follower, I am very much a leader. Oh, I don't have to climb mountains or suddenly invent new sources of energy, I must simply be willing to be led. I must not isolate myself from my America, thinking only of myself. For as U.S. Senator Bill Bradley points out, "Fragmentation and lack of national unity result from a 'me first' idea." I must think about my fellow man. Secondly, I must not be wary of being led. By faith in those who guide me, I must be willing to believe, trust, and follow the leaders of this nation. I must start with myself by wiping away overly cautious cynicism in government. That is the road to perfection as a follower.
>
> On the other hand, let us now travel down the West fork to the future, the avenue of the leaders, for now that I, as a follower, have faith in my leaders, I, as a leader, must maintain the faith of my followers. Today, without an all out crisis or war to produce unity among our nation and leadership for that nation traveling down the West fork. I must be an innovative pacesetter. In the absence of war or all out crisis, the need for U.S. guidance in the future will be to discover new themes of purpose in American life. Those who pilot our nation in the future, must interpret the collective judgement of it's followers. In the absence of war or an all out economic collapse, if I, as a leader, walk upright down that path, America can now face the coming of its brightest age yet. Through instinct, knowledge, persuasion, intelligence, craft, example, patience, inspiration and compromise, this leader in me will share an optimistic and bright American future. Truly, if I choose to be a leader, I must be innovative, leading through new ways and means. As a follower, I must follow with a trusting and unselfish attitude, producing a unified America.

We are standing at the fork in the road which extends into America's future. As we gaze down that pathway, there are many ruts in the road which threaten our stability, threatening to stumble us along the way, possibly painting a very dark picture for America. As we embark upon that path, and as I look at my role in America's future, as a leader and a follower, if I act on either road with equal excellence, perfection, and the innovation which the future will require, that road into America's future will be bright and straight and smooth.●

SHEARITH ISRAEL'S 325TH ANNIVERSARY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. RANGEL. Mr. Speaker, I rise today to acknowledge and honor the Congregation Shearith Israel of New York on its 325th anniversary. It is my privilege to represent Shearith Israel, the oldest Jewish congregation in North America.

Over 300 years ago when they were forced to leave Brazil because of religious intolerance on the part of the Portuguese, a group of 23 Jews landed in New Amsterdam in September of 1654. They carried with them the scars of a tortuous history, but also a tremendous commitment to their religious faith. This group was the first Jewish settlement in the North American mainland. The congregation they founded, Shearith Israel, "the remnant of Israel," well symbolized their feelings at the time. They had arrived in a land where there was no Jewish community to greet them, no synagogue, and no kosher facilities. It was a small group of Jews almost totally separated and isolated from the other Jewish communities of the world.

The early years of Jewish life in this country were not easy. The Jews had to struggle to gain religious as well as civil rights for themselves; struggles to win such basic rights as residency, trade, and travel like other residents of the city.

Aside from winning basic freedoms, these early settlers helped lay the framework for Jewish life in this country. Their synagogue provided them a place for worshipping God as well as serving as a community center. They did their best to provide Jewish education for their young and to provide community services to all Jews in the city. Shearith Israel remained the sole Jewish congregation in New York City from 1654 to 1825. For that entire period, all Jewish life was concentrated in this single congregation.

In the past 325 years, much has changed, of course. That small community of 23 Jews seeking religious freedom here in 1654 has grown to a population of about 6 million today. The Congregation Shearith Israel continues today, as it has in the past, to provide community and spirtual services to its people in the city of New York. Shearith Israel's legacy in providing services to its people over the past 325 years is one which any organization would be proud of and certainly one worthy of recognition.

I wish to take this opportunity to bring to the attention of my colleagues and the Nation the achievements and contributions that Shearith Israel has made to its people, its city, and the country as a whole during its 325 years of dedicated service.●

THE ABSCAM AFFAIR

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. HAMILTON. Mr. Speaker, I insert my Washington report for Wednesday, February 20, 1980, into the Congressional Record:

The Abscam Affair

"Abscam" (short for "Arab scam") is the code name given to a two-year undercover operation in which federal agents posed as Arab sheiks and their American representatives in order to solicit favors from public officials in exchange for hundreds of thousands of dollars in bribes. It is an unhappy tale of old-fashioned political corruption, an extraordinary story that raises troubling questions about Congress, the Federal Bureau of Investigation (FBI), and the news media.

Congress has been jolted by the reports that eight of its members (including three committee chairmen) have been implicated in the Abscam affair. Congressional leaders have expressed shock and sadness, and have said that they will press for a full investigation. House and Senate ethics committees have moved quickly to take up the allegations of wrongdoing.

The basic problem for Congress in pursuing its own investigation is simple: it does not have any hard evidence because the Justice Department possesses all that is known to exist. The Attorney General has refused to turn evidence over to Congress, fearing that such an action would jeopardize criminal trials, permit guilty individuals to go unpunished, and harm the reputations of innocent persons. There is a genuine controversy here because both the Justice Department and Congress have a well defined interest. The Justice Department is responsible for enforcing federal criminal laws, while congressional ethics committees are responsible for enforcing the rules of conduct of the House and Senate.

The stage is set for disagreement between the executive and legislative branches of government over access to the evidence. There will probably not be a clash between the two, but rather a period of hard negotiation to work out an accommodation. It is my view that Congress should move immediately to see that an accommodation is reached. Both the Justice Department and Congress must be careful to avoid doing unjustified damage to the reputations of the implicated lawmakers. Neither institution should do anything that threatens the prosecutions.

After the initial break in the story, many legislators gave vent to their anger at the FBI for its conduct in the Abscam affair. They believe that the FBI first lured the implicated lawmakers into illegal activities and then leaked information to the media even before going to a grand jury. The Justice Department, though it deplores the premature publicity, claims that it can overcome any argument to the effect that members of Congress were victims of entrapment when they accepted bribes. Nonetheless, the leak—or better, the hemorrage—is most disturbing. To my way of thinking, it represents an abuse of the basic principles of due process of law. Alleged violations of federal criminal statutes should be handled in scrupulous accordance with the principles of due process. The accusation should be made by a grand jury, the accused must be notified and charged before the charge is made public, and the prosecutor should speak in court, not in the media.

Because of Watergate and other recent scandals in the government, many people tend to drop the presumption of innocence in cases involving public officials. A note of caution, however, is in order. Everyone involved in the Abscam affair is entitled to absolutely fair treatment, which includes the presumption of innocence. None of the implicated legislators has been indicted for any crime, and no formal allegation has been acted on by the ethics committees. The strength of the FBI's case, by its own admission, varies from individual to individual, and nothing has been proven in court or decided under congressional procedures.

Once again, soon after proven misconduct by several members of Congress in connection with the Korean influence-buying scandal, Congress is being challenged to sweep its own house clean. The task must be undertaken and completed without delay. It will not be easy given the slowness of the criminal justice system and the ethics procedures, but the implicated lawmakers, their colleagues, and the public need to have the whole truth out promptly. The Abscam affair shows just how necessary it is for Congress to create a climate in which official misconduct by members will not be tolerated. If legislators accept bribes for favors, they should be called to account with vigor and impartiality. We simply do not want, and should not have, members of Congress who can be bought. I understand why people doubt that congressional corruption will be attacked. Some progress has been made in recent years, but I would not say that Congress is effective in policing itself.

I am afraid that the revelations to be paraded before the public over the next several months will not be good for Congress, the Justice Department, or the FBI. There will be accusations, and perhaps proof, of payoffs to members of Congress, self-righteous declarations of innocence or ignorance, debate about the fairness and integrity of legal proceedings, concern about leaks, complaints about trial by innuendo, cries for reform of Congress, and attempts to take political advantage of the situation. All of this will leave the public more than a little confused, and even more cynical, about Congress and other institutions of government.●

INTRODUCTORY STATEMENT ON NATIONAL HERITAGE POLICY ACT

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. FLORIO. Mr. Speaker, today I am cosponsoring the administration's National Heritage Policy Act, H.R. 6504, introduced last week by my colleague Phillip Burton, chairman of the House Subcommittee on National

Parks and Insular Affairs. This bill would establish a nationwide system of State, local, and private activities—all working together to identify the most important examples of the country's natural and historic heritage and to distribute information on these heritage resources where it may be most useful in directing future growth and development. This national effort will be centered on State heritage programs which will systematically collect, store, and distribute information on the most significant natural and historic resources of each State, and coordinate the continued protection of these resources.

One of the most important things the National Heritage Policy Act can accomplish is to provide the framework and the impetus for improved coordination between existing State, local, private, and Federal efforts in the area of natural and historic heritage conservation. There are currently hundreds of public and private agencies and organizations at the national, State, and local levels which are involved to some degree with gathering and using information on significant natural and historic resources. In the past there has been no consistent way for these agencies and organizations to conveniently share and compare their findings.

While the national system of State historic preservation programs has provided a central focus within each State for the collection and exchange of cultural resource information, there has been no comparable focal point provided for natural resource information. In addition, communication between cultural and natural resource conservation efforts has not always been as consistent as is necessary in order to make the proper planning decision in a given case. The result is an expensive, redundant, and time-consuming approach to resource conservation; an approach in which duplicative or even contradictory efforts are common and where, all too often, some priceless piece of America's heritage is lost just because one agency didn't tell another agency in time that it was there.

The State of New Jersey began to cope with this problem in 1979 with the initiation of the New Jersey heritage program. This program represents a consolidation of several parallel, ongoing activities within the Department of Environmental Protection—DEP; including such things as the State natural areas program, the State wild and scenic rivers and trails planning programs, the urban and recreational rivers and urban waterfront programs, and the statewide comprehensive outdoor recreation planning—SCORP—process. In addition to coordinating these programs, the heritage program joins other natural and cultural resource conservation efforts managed by the DEP including the State historic preservation program, the coastal zone management program, and the Pinelands preservation program.

Previously these activities operated in various degrees of isolation from one another. Through the common focus of the State heritage program the State is better able to coordinate efforts to inventory natural and historic resources; to organize this information and make it readily available to public planning bodies, private industry, and the concerned public. Improved coordination saves time and money and helps avoid last minute environmental review conflicts. The systematic collection of information through one central point in the State also means that State resource planners and the citizens they represent can make better informed decisions on which are the State's most valuable historic and natural resources and how best to preserve them.

With the National Heritage Policy Act, Federal assistance to the New Jersey heritage program and other State heritage programs will insure that the work being done by each State is in harmony with the efforts of neighboring States and is not contradicted by the activities of the Federal Government.

The States—many of which have already begun to develop such statewide heritage programs—would be assisted in their efforts by the Federal agencies; both in the form of cooperative information exchanges and with grants-in-aid and technical guidance.

We are very proud in New Jersey to be the site of a new experiment in cooperative resource planning and management at the Pinelands, the country's first national reserve. The Pinelands is a living demonstration that the answer to every large-scale resource problem does not always have to be costly large-scale Federal acquisition and that State and local governments, with the assistance and cooperation of the Federal Government, can work to decide their own resource futures. This is the same philosophy expressed by the National Heritage Policy Act and I am pleased to join in cosponsoring it.●

ROTC SUBSISTENCE ALLOWANCE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. BOB WILSON. Mr. Speaker, I am today introducing legislation to increase the Reserve Officer Training Corps subsistence allowance from $100 to $150 per month. This allowance is designed as a recruiting incentive to attract college students to ROTC by defraying room and board costs for those in the advanced course and the ROTC scholarship program. The payment was last increased from $50 to $100 per month in 1971. Since that time, inflation has so eroded the purchasing power of the allowance that it is no longer a significant incentive. After almost a decade, I feel it is time for an update to reflect the impact of inflation.

One of the purposes of the Reserve Officers' Training Corps Vitalization Act of 1964 was to attract and retain a sufficient number of quality applicants through the advanced course or final 2 years in order to meet military service requirements for commissioned officers. With the many problems besetting the all-volunteer force at the present time in both the officer and enlisted ranks, meeting manpower requirements is becoming an increasingly onerous task.

Sufficient tuition and fee scholarships are not available to fulfill all ROTC officer requirements. As a result, the retention of a sufficient number of nonscholarship participants is essential. A modest increase in the authorization for subsistence, such as I am proposing, will assist the services in meeting their officer production goals. Additionally, the subsistence allowance raise will enhance scholarship attractiveness.

The cost estimate for this subsistence increase is approximately $21 million annually over the next 5 fiscal years. While every defense dollar is tight and will become increasingly so, this seems to be a small price to pay in view of the ultimate return and I urge favorable consideration of this proposal.●

HEROES RETURN

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. BOB WILSON. Mr. Speaker, in a few days time about 6,000 young Americans will be returning to California for the Christmas holidays. They would have preferred to have been home in December when their relatives and friends celebrated Christmas, but then so would another group of 50 Americans in Tehran.

The events taking place in Iran, and later in Afghanistan, are of great concern to the United States. The stability of the region is of vital concern to America and to our allies and friends.

And so to show our resolve, these 6,000 dedicated men of the U.S. Navy were sent into the Indian Ocean. Their ships—U.S.S. *Kitty Hawk*, U.S.S. *Jouett*, U.S.S. *Berkeley*, U.S.S. *Stein*, and U.S.S. *Wabash*—served notice to the world that the United States is determined to maintain peace and stability in the region.

Our country has always been a maritime nation, dependent on freedom of the seas for trade security. To maintain that freedom, the U.S. Navy has always been on call—from Tripoli to Manila Bay, from the North Atlantic to the South Pacific. These returning U.S. Navy ships remind everyone that our Nation still maintains a force always ready for rapid deployment.

And so today, we salute, 6,000 brave men as they come home from a long voyage. These Americans expected to be home last December, but their country needed them. American maritime tradition called, and the pride of these men in their work runs deep. They responded.

To the men of the U.S.S. *Kitty Hawk*, U.S.S. *Jouett*, U.S.S. *Berkeley*, U.S.S. *Stein*, and U.S.S. *Wabash*, we say "welcome home" and a belated "Merry Christmas." You are all heroes to us.●

WHAT GOD'S WORD SAYS ABOUT REGISTRATION, DRAFT, AND WAR

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● **Mr. PAUL.** Mr. Speaker, recently the Rev. Robert McCurry of East Point, Ga., published an analysis of registration and the draft in his church's newsletter, Temple Times. I would like to call this article to the attention of my colleagues, for it clearly shows that registration and the draft were voluntary in the Bible, and that the draft was explicitly condemned by God through the prophet Samuel. Perhaps President Carter, who claims to be a born-again Christian, should read chapters 20 of Deuteronomy and 8 of I Samuel. However, since what the Bible says about abortion has no influence on the President's opinion on that subject, it is doubtful that the Bible's statement on the draft will influence the President either.

The article follows:

[From the Temple Times, Feb. 10, 1980]

WHAT GOD'S WORD SAYS ABOUT REGISTRATION, DRAFT AND WAR

(By Robert McCurry)

The nation is being repeatedly told that America is now facing, not only the possibility, but the probability of imminent war. It is a dark hour and only Divine intervention will save us.

President Carter is reported to have expressed "surprise" at the recent activities of the Russians. There is no excuse for him to be. He can't plead ignorance. He has had the facts all along. Be that as it may, he has now allegedly changed his position on the necessity of American superiority in military preparedness—a position that, sadly, our nation has not had for a long time. His response to the crisis is similar to repairing the barn door after the horse is out. Can America now survive a war? Can America now survive as a free nation? How much time do we have? Only God knows. One thing is certain at this point—we must have Divine intervention.

President Carter has proposed reinstating draft registration for young men between the ages of 18-26. And for the first time in American history, young women, too, are being considered for the draft.

The persuasive powers of the news media are being used to convince the American people that one of the first and most important things to do to meet this crisis is reinstate registration for the draft. But registration has only one purpose, to prepare for the draft. And past experience clearly shows us that a draft means war. Are we being deliberately orchestrated for a war?

Should there be a registration? A draft? What kind of war should America be involved in—and refrain from? Will such actions, if implemented, solve America's problems and save the nation? What are the Christian's responsibilities in these matters?

Before these important questions can be properly answered, it is necessary, first, to establish the authority for the answers; second, determine the cause of the problems; third, find and apply the solution.

THE AUTHORITY OF OUR POSITION

The position that we take as Christians on any matter must be determined by the authority of the Scriptures. "Every Scripture is God-breathed—given by His inspiration—and profitable for instruction, for reproof and conviction of sin, for correction of error and discipline in obedience, and for training in righteousness [that is, in holy living, in conformity to God's will in thought, purpose and action]. So that the man of God may be complete and proficient, well-fitted and thoroughly equipped for every good work (II Timothy 3:16,17 ANT).

There you have it. A Christian's life and duty is determined solely by the Scriptures. Therefore, we must "search the Scriptures" to know God's will.

WHY AMERICA FACES THIS TRAGIC HOUR

Before we can determine the proper remedy for our present national crisis, we must first determine why and how we got in this predicament.

It all started when America, as Israel of old, traded God for man (II Samuel 8:7-22). America, too, has rejected and forsaken Jehovah God, and served other gods, refusing to obey the orderly laws and ways of the sovereign God of Heaven.

It can all be summed up in one word—SIN.

"Righteousness exalteth a nation: but sin is a reproach to any people" (Proverbs 14:34). "The wicked shall be turned into hell, and all nations that forget God" (Psalm 9:17).

Be assured that the sovereign and holy Jehovah God of heaven will deal severely in judgment with this nation that has murdered almost 8 *million* babies via abortion since 1973; practices infanticide; plunders the earnings, wealth and property of its citizens via oppressive and unGodly taxation; and rewards evil and punishes the good.

America has sown to the wind and now reaps to the whirlwind. America has sown to the flesh and now reaps corruption. America has ignored God's true prophets and rejected His Son, and now reaping time is here.

God's solemn warnings to Israel of old are His warnings to all nations. Rejection of Him and His way only leads to sorrow, failure and ruin.

One of the results of nation's sin, rebellion, and disobedience is the drafting of both sons and daughters into military service (I Samuel 8:11-13). God's Word and warnings have gone unheeded and unbelieved. This is why America faces this tragic hour, and our sons and daughters are about to be snatched from us to be transported to far-flung places for military purposes.

WHEN WILL WE WAKE UP?

When will America wake up? How much farther will be go down the road of ruin and destruction before we acknowledge and confess our sin, folly, and wickedness, and turn to God in repentance and faith, and live in obedience to His Word and the Lordship of Jesus Christ? There are none so blind as those who *refuse* to see, and there are none so deaf as those who *refuse* to hear, and there are none so foolish as those who *refuse* to believe.

America must repent or perish. "God commands all men everywhere to repent; Because He hath appointed a day, in the which He will judge the world" (Act 17:30, 31). *God may yet be pleased to heal our nation* as we meet Him on the terms of the gospel (II Chronicles 7:14). *"Now* is the accepted time; behold *now* is the day of salvation" (II Corinthians 6:2).

WHAT GOD SAYS ABOUT REGISTRATION AND DRAFT

Military registration in the Scriptures is referred to as "numbering." It means "appointed" or "a mandate." David sinned when he foolishly numbered the men merely as a display of military strength (II Samuel 18:1; 24:10). God, however, honored the numbering of men whenever there was a *legitimate* cause and purpose for war (Joshua 8).

One of the interesting things about the scriptural numbering, or registration, is that it was *not* compulsory. God's law of warfare states: "What man is there that is fearful and fainthearted? let him go and return to his house, lest his brethren's heart faint as well as his own heart" (Deuteronomy 20:8). This was the first principle applied by Gideon in registering an army to fight the Midianites. "Now therefore go to, proclaim in the ears of the people saying, Whoever is fearful and afraid, let him return and depart early from Mount Gilead. And there returned of the people twenty and two thousand; and there remained ten thousand" (Judges 7:1-3).

Registration for war, therefore, is to be *voluntary*. Under such conditions a program of selective service (draft) from among those who *voluntarily* register, will be honorable and blessed of God (Numbers 31:1-6).

SPECIAL EXEMPTIONS

The scriptures also exempted several other classes of men from registration and military service: (1) those who had built a new house and had not yet dedicated nor enjoyed it; (2) those who had planted a vineyard and had not enjoyed its fruit; (3) and those who have "betrothed a wife and hath not taken her" (Deuteronomy 20:5-9). Also exempt from military service (4) were the Levites (Numbers 1:48, 49). The Levites very often fought, but they were exempt from registration and draft.

From these exemptions, it becomes clear that *the family has a priority over warfare.* The young bridegroom cannot serve; the new home must come first. The new farmer similarly gains exemption. As important as defense is, *the continuity of* family life and Godly reconstruction are more important.

WOMEN MUST NOT BE REGISTERED OR DRAFTED

There are no scriptural provisions for registering or drafting women. Only men are to register. The nation that defies this God-ordained principle will suffer serious consequences both at home and in the military ranks. *Beware, America!*

SPECIFIED AGE FOR SOLDIERS

God's Word specifies the age of soldiers. They must be twenty years old and up to be eligible for military service (Numbers 1:2, 3, 18, 20, 45; 26:2, 3). This standard long prevailed and was, for example, the basis of operations in the American War of Independence.

LEGITIMATE WARS

Legitimate wars are those that are fought in terms of a defense of justice and the suppression of evil, and in defense of the homeland against an enemy. Such wars are spoken of in scripture as the wars of the Lord (Numbers 21:14). We have a Godly responsibility to protect our families and neighbors, the helpless and the nation (I Timothy 5:8; Matthew 19:19; James 1:27; Nehemiah 4:8, 9, 13–23; 7:1–4).

If war becomes vital, then we must be sure of our ability to defend ourselves successfully (Luke 14:31), and to have as our goal the total suppression of evil (Numbers 21:14). And as David, we should pray and thank the Lord for showing us how to wage a war victoriously (II Samuel 22:35).

The U.S. Constitution limits the men in government to defending the United States. It was not until World War I that the politicians had the "courage" to draft men and send them to foreign shores to fight.

WARS WE MUST AVOID

We must never again permit our politicians to deceive us into war as in World War II.

We must never again engage in a political no-win war as in Korea and Viet Nam.

We must not permit our politicians to trick us into fighting a religious war in Iran and elsewhere.

Why should we sacrifice the lives of our goodly men and spend billions of dollars to protect *oil wells* in some far-flung place of the world, when bloodshed could be avoided and the money invested in developing our *own sufficient* energy resources right here in America?

Is it reasonable to go thousands of miles around the world under the guise of "repressing Communism" when we fail to take measures to repress a growing hotbed of Communism in Cuba 90 miles off the Florida coast? And what can be said about the failure to repress Communism in *our own* country?

War is to be *waged in a just cause only, and, normally, in defense of the homeland and of justice. One, then, has a moral right and obligation to refuse support to an un-Godly registration, draft and war.*

ONLY GOD'S WAY WILL SUCCEED

"There is a way which seemeth right unto a man, but the end thereof are the ways of death" (Proverbs 14:12). If we are to survive and succeed as a nation, we must honor and believe the sovereign Jehovah God of heaven, and *obey* His will and follow His orderly ways, as revealed in the Scriptures, *in all things—including registration, draft and war.* To do otherwise will be folly, compound our wickedness, and result in the final ruin and collapse of America.

"Blessed—happy, fortunate [to be envied]*—is the nation whose God is the Lord" (Psalm 33:12 ANT).*

THE REAL ISSUE

The real and *only* issue before us is the *sovereignty and Lordship of Christ. Whom* will be obey? *Whom* will be serve? Will it be the false, man-made god of Secular Humanism, or the sovereign Jehovah God of Heaven?

THE CHRISTIAN'S RESPONSIBILITY

The Christian's responsibility in these crises hours is to live daily in obedience to God's Word in the real world, and to make His truth known to *all* men—including those in government—calling all to repentance and faith in, and obedience to, the Lord Jesus Christ.

WE MUST ACT NOW

I have just learned that Admiral Elmo Zumwalt, former Secretary of the Navy, has released a statement that President Carter has told him he is in favor of drafting women. This is no doubt a "trial balloon" to test the reaction of the American people on this sensitive subject.

Time is of the essence. We must act now. Let you voice be heard. Please write a letter or send a telegram to President Carter, your Senators, and your Representative immeidately. We must "cry aloud" to protect our sons and our families and our great nation.

A CLOSING APPEAL

I appeal to every Christian who reads this article to cry to God in earnest prayer for a great spiritual awakening and outpouring of His Spirit in America. Let us pray and believe that our nation will yet come to the Knowledge of the *Truth* and the God will grant repentance and heal our land.●

WORLD FREEDOM DAY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. DERWINSKI. Mr. Speaker, one of the most dramatic expressions of freedom is the annual observances in Taiwan, in commemoration of the courageous decision made by the Chinese prisoners who chose to move to the Republic of China rather than return to Communist China at the close of the Korean war.

Each year, a Member of Congress is invited to attend these rallies in observance of World Freedom Day. This year, our colleague, Robert Daniel, participated in the Republic of China's Committee on Civic Organizations rally in support of the struggle for freedom, on January 23, in Taipei. The rally was held to show support and encouragement for those captive peoples fighting to free themselves from the Communist yoke. I insert Congressman Daniel's very stirring remarks at this point:

I am deeply honored to join the free people of the Republic of China as they celebrate the precious liberty they enjoy.

World Freedom Day marks an important victory against the communist forces of tyranny and oppression. Twenty-five years ago, over 20,000 Korean prisoners of war, including thousands of Chinese, chose to stay with their captors rather than return to a life of oppression under the communist regime. They knew if they did not return that they would miss their family and friends, but the desire for freedom overcame all other emotions.

World Freedom Day is an occasion for joyful celebration here in the Republic of China. However, it is a source of great embarrassment to the mainland communist regime as well as to communist tyrants elsewhere. The prisoners of war who chose to stay in the Republic of China and in South Korea had lived under the communist regime. They realized that they could never find economic, political, or religious opportunity under the communist system.

People who live under the communist regime rarely, if ever, have a chance to express their views. Yet, for one moment twenty-five years ago, a humble group of prisoners of war were able to decide their own fate. 22,000 chose freedom over slavery.

Even today, it is easy to imagine the drama and emotion of the first World Freedom Day. Because I have served in the American armed forces, I know that no soldier wants to be captured by his enemy. If you are captured, your fate is in the hands of the people you were trying to defeat. In spite of their circumstances, the 22,000 decided to live with their captors. Today, the former prisoners are among the millions who enjoy freedom and prosperity in the Republic of China.

We must remember that others will benefit from the decision of the former prisoners to reject the communist regime. Their children, grandchildren, and great-grandchildren will all live, work, and prosper in a free society. To their descendants, the 22,000 have given the greatest gift of all, the gift of freedom.

The former prisoners of war did not return to North Korea and the mainland because they understood life under the communist regime. As a United States congressman, I have visited the mainland as well as the Republic of China. I could see the same contrasts which motivated the 22,000 who did not return to the communists.

Here, in the Republic of China, people are able to work for the goals which they set for themselves and their families. On the mainland, people have no control over their lives or their futures. Instead, the communist regime exercises total control over each person's life. The regime decides where you will live, how much you have to eat, where you will work, and how much you are paid. The regime controls what you may wear, who may be your friends, and what you may say. If they could, I am sure they would control what you think.

The communist regime must exercise total control because communism is a failure as a philosophy, as a system of government, and as a way of life. The most tangible evidence of communist failure is agriculture. The collective farm system has produced little more than shortages in the most basic food items. The Soviet Union, for example, could not feed itself without wheat from Canada and the United States.

By almost any measure, free nations provide better material comforts for their people, as well as the freedom to enjoy those comforts. Wherever communist and free nations are compared, the free nation provides a better standard of living. Look at West Germany and East Germany, South Korea and North Korea, the Republic of China and the communist mainland dictatorship. In each case, the communist rulers must concoct elaborate barriers to keep their people imprisoned. Otherwise, all their subjects would flee to the nations which offer hope and opportunity.

Only through force or subversion will communist regimes achieve victory over free nations. They know, and we know that communist regimes cannot offer a life as good as that found outside their grasp. However, we must stand vigilant, strong, and willing to oppose aggression. World Freedom Day stands as an inspiration to those of us who oppose the oppression of communist dictatorships.

The Republic of China is also an inspiration to people who work against the spread of tyranny. Living in the shadow of the world's largest communist regime, you have refuted the preachings of Marx and Mao with your success. You have shown that a free and energetic people can accomplish economic miracles, even in the face of great adversity.

In recent years, we have seen events which could discourage us. We saw the

United Nations cowardly replace the Republic of China with the communist regime. Athletes from the Republic of China have found themselves the targets of political harassment. Sadly for me, and for millions of other Americans, the President of the United States recognized the mainland at the excessive cost of official relations with you. Furthermore, he took the grave action of severing the Mutual Defense Treaty which has bound our two nations for a generation.

My message today is, however, one of hope, not despair. Although it may seem that the American people and the United States government has forsaken her faithful ally, this is not the case. The American people, and their elected representatives in the United States Congress, know that your fate and the fate of freedom are synonymous.

When President Carter asked Congress to pass legislation implementing relations with the mainland regime, Congress seized the opportunity to protect our ties with you. The House and Senate promptly passed the Taiwan Relations Act which authorized the continuation of commercial, cultural, and other relations between our nations.

In the law, Congress declared that it is American policy to "resist any resort to force" against the Republic of China. Congressmen and Senators had listened carefully when one of the communist leaders visited Washington. That communist leader steadfastly refused to renounce the possible use of force against your nation.

Congress also warned that use of economic coercion to annex your nation would be a matter of grave concern to the United States. In the legislation, Congress reaffirmed the legitimate authority and sovereignty of the Republic of China, including membership in international organizations. Furthermore, Congress guaranteed your right to keep your diplomatic property in the United States. This last provision kept your embassy out of the hands of the communist regime.

It is reported that the Congressional action favoring and protecting your country greatly angered the communist regime. To me, this is proof that the U.S. Congress has acted wisely and effectively on your behalf.

Unlike the Mutual Defense Treaty, Presidents may not suddenly revoke the new law defining and insuring relations between the United States and the Republic of China. We have seen that the U.S. Congress consists of men and women who have deep regard and concern for the Republic of China. They will not foresake you. Although our ties may now lack official diplomatic status, Congress has demanded that our bonds remain strong.

People who are elected to the U.S. House of Representatives and to the U.S. Senate are generally close to American public opinion. Congressional action favoring the Republic of China reflects the friendship and concern of millions of Americans. It is my hope, and my expectation, that the American expression of regard for your nation will include the supply of the military equipment necessary for your self-defense.

Some American Congressmen and Senators have called for even stronger action on your behalf. When President Carter cancelled the Mutual Defense Treaty, I joined a number of U.S. Congressmen and Senators who tried to block the President's action. Led by Senator Barry Goldwater, we asked a U.S. Federal Court to declare that President Carter had exceeded his authority under the U.S. Constitution.

Although our effort did not ultimately succeed, we did focus attention on the plight of the Republic of China and rallied American public opinion in your favor.

I also introduced legislation in the U.S. Congress which would have ended Presidential authority to terminate defense treaties without Congressional approval. Congress has not yet acted on my proposal, but over 50 of my colleagues in the House of Representatives have co-sponsored this legislation.

In the past year since the United States government began to cut its official ties with the Republic of China, your nation has continued to prosper. Trade, travel, and investment involving our two countries is perhaps stronger than ever. For example, trade between the U.S. and the Republic of China reached over $9½ billion last year. That figure represents an increase of Chinese-American trade of almost $2 billion from the previous year, making your country America's eighth largest trading partner.

Some Americans advocated official relations with the communist regime because of the commercial advantages they imagined. Thus far, those supposed advantages have not appeared. U.S. trade with the communist regime will not even reach $2 billion this year. This is an unimpressive figure when compared with the trade between the United States and the Republic of China.

It is my opinion that the future of the Republic of China is bright. With an intelligent and industrious people working and living in a free society, you will stand as a sparkling example to all mankind. I pledge for myself, and many other Americans, that we will contribute our support to a truly great nation.●

AN INJUSTICE CONTINUES AT LAKE PLACID

HON. JIM JEFFRIES

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. JEFFRIES. Mr. Speaker, it is a tragedy of our times that Taiwan, the Republic of China, is being systematically frozen out and excluded from the councils of the world community. It is an even greater tragedy that the United States, a longtime friend of Taiwan and ostensibly the leader of the free world, has been a prime mover in this process.

The most recent example of this shameful policy has been Taiwan's effective exclusion from the winter Olympics. The U.S. State Department, by officially taking the position that Taiwan's participation at Lake Placid would be an embarassment to the United States, played a critical role in insuring that the International Olympic Committee would bar Taiwan's participation here. When Taiwan's athletes came to New York and filed a lawsuit challenging that decision, the State Department again played a critical role by going to court in opposition to the Taiwan suit. U.S. Government arguments that this was a foreign policy question not to be decided by the courts played a major factor in the New York Supreme Court's decision to uphold the IOC decision.

And so Taiwan's athletes must return home, denied entry to the Olympic Village and shunned by the United States and the international sporting community. This occurs even as the People's Republic of China, hardly a bastion of the free world, marches in the Olympic stadium. This is shameful. It shows a lack of commitment to principle on our part, and a lack of commitment to our friends. It shows that whatever Lord Killanin and the IOC may claim about the freedom for the Olympic games from politics, that politics is indeed a major factor in IOC decisions—for some reason the IOC has seen fit to exclude Taiwan from the games, but has no problem in holding a sports festival dedicated to peace in the very capital where the decision to invade Afghanistan was so recently made. It is a gross injustice, for which both this administration and the leadership of the IOC bear direct responsibility. A recent column in the Washington Post of February 11 conveys a sense of the disappointment and defeat not being experienced by Taiwan's athletes. I submit the article to be reprinted in the RECORD, and I strongly recommend it to the attention of the Members:

AN INJUSTICE CONTINUES AT LAKE PLACID—FOR SECOND OLYMPICS, TAIWANESE OUTSIDE

(By Ken Denlinger)

LAKE PLACID, N.Y.—In their sorrow, the Taiwanese still muster an occasional laugh.

"Maybe you can borrow his pass," the biathlon coach said to Shen Li-chien, nodding toward a reporter.

"With your pass, I can bring my rifle and skis inside the (Olympic) village?" Shen asked. "As a journalist?"

"Simply tell them that as a reporter you want some experience in shooting and skiing," the coach, Hsieh Hua-cheng, said. "That's why you bring the gun."

Shen's smile quickly faded into his more familiar expression of late and he said, "Without the pass, you cannot do anything."

In truth, there is a pass waiting inside the Olympic Village, for Shen and Hsieh and the other 16 Taiwanese athletes and two coaches either here or expected Monday. There is one hitch: they must deny their heritage, march in the opening and closing ceremonies behind a flag and to an anthem other than their own.

This is the second Olympics that the Taiwanese find themselves outside the gates. The Olympic boat people, somebody called them. They were screaming and holding firm to a principle deeper than sport long before that suddently became popular in the United States.

Because it suited their purpose before the Montreal Games in '76, U.S. political and athletic officials decided not to support the Taiwanese, or to spank the Canadian government for denying them access unless they changed their name, flag and anthem. All athletes, or none at all, the U.S. could have said—and should have said. This country said nothing.

Soon American athletes may know the depression those such as Shen have known for months and years, that being denied a chance to compete is worse than failure.

For a few hours last week, Shen and the other two biathletes—whose discipline includes shooting and cross-country skiing—the two cross-country skiers, seven bobsledders and lugers and five Alpine skiers dared dream that they might compete here on their own terms, as the Republic of China.

New York State Supreme Court Judge Norman L. Harvey ruled that for the Lake Placid Olympic Organizing Committee to deny that to a Taiwanese cross-country skier, Liang Ran-Guey, would be a violation of his constitutional rights.

"No foreign visitor in the State of New York may be discriminated against because of his national origin by any organization being supported by public funds," Harvey said in his 10-page decision.

"The mere fact that the IOC (International Olympic Committee from which Lake Placid officials draw their authority) considers that because participation in the Games is voluntary, and therefore subject to such rules as it enacts, it does not follow that invitees waive the human rights to which they are entitled."

Hurray. There are two Germanys in the IOC and two Koreas. At last, somebody had the nerve and power to force the IOC to allow two Chinas, it having buckled to mainland China late last year. Celebration was long and hearty in the small hotel the Taiwanese occupy several miles from the Olympic Village.

"We packed and were ready (to follow Liang into the Olympic Village)," Hsieh said.

"We even got dressed in our uniforms," added Shen.

A short time later, another judge, A. Franklin Mahoney in Albany, overruled Harvey. And Taiwanese hearts sank. They unpacked and waited, for another judgment due after yet another hearing Monday morning.

"We are depressed again," Hsieh said.

For Shen, the irony is all too evident and all too disheartening. In the '76 Winter Games at Innsbruck, before Canadian Prime Minister Trudeau and the ICC turned him into an athletic pariah, he competed in biathlon.

It was splendid for him to represent the Republic of China at Innsbruck. As a representative of the Republic of China at Lake Placid, he cannot even practice, cannot prepare properly in case another judge with a mind supports Harvey.

"Without that pass, you go nowhere," Shen said.

While the rest of the world has access to the facilities where the events will be contested, the Taiwanese are reduced to running the Lake Placid streets and nearby countryside. Usually, they run five miles in the morning and three or four in the afternoon.

The law and common sense do not permit Shen and the other biathletes target practice. It was an erring shooting eye that caused Shen much disappointment at Innsbruck.

This is his fifth year of biathlon. He started for fanciful and practical reasons: he loved skiing and had entered the army. Because there is just one mountain worthy of the sport on his homeland, Shen trains much of the time in Europe.

"Some of our people came here from Austria," said the coach. "Some others came from Italy and Germany."

All of them wait anxiously, hopefully.

"The idea of the Olympics is to benefit human beings, not special groups," said Lee Yen, secretary general of the ROC Olympic Committee. "This is not so much in our own interest but also for the future of the Olympic movement."

What if Monday's decision also goes against them? And the next—and final—one?

"I don't know what the others are going to do," Hsieh said. "But I will stay here—and try to make people aware of what's happening to us."

He and Shen and another man who sometimes acted as translator were sitting in the living room of their small, tidy, European-style hotel. Perhaps because they have been in similar situations before, denied the right to compete so often in amateur sport's most intense spotlight, they did not remain totally sad.

Hsieh recalled earlier trips to the United States and one telephone conversation. A polite and precise woman on the other end of the line wanted to be sure of his last name. Would he pronounce it?

He did.

And his first name?

"Hua-Cheng," he said, rushing the words a bit.

To which the woman replied, "God bless you."●

THE INSPECTION AND MAINTENANCE MORATORIUM ACT OF 1980

HON. EUGENE V. ATKINSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. ATKINSON. Mr. Speaker, I am sure that you and many of my colleagues are aware that the Environmental Protection Agency, in accordance with the Clean Air Act Amendments of 1977, is requiring certain States and localities to institute inspection and maintenance plans. These inspection and maintenance plans are designed to increase our air quality by attempting to bring vehicles into compliance which have not been meeting the Federal air quality emissions standards. While I firmly believe in the purpose of the Clean Air Act, I am often appalled by the costliness and the seeming arbitrariness of many of the EPA regulations. I also feel that these State inspection and maintenance plans are an excellent example of an arbitrary enforcement of air quality standards, the cost of which falls fully upon a class of people who are least able to afford it, the American consumer.

In addition to the cost, which in many cases will fall upon the automobile owner who is already overburdened by rising gas prices and runaway inflation, there are many serious questions about this particular program. I refer to the study done by the General Accounting Office on the inspection and maintenance plans. This report points out that the program for prototype certification, which sets the standards for vehicles after manufacture and ordinary use, fails to take into account certain real world driving conditions.

The GAO report also points out the lack of a sufficient warranty. In other words, carowners that currently fail inspection/maintenance tests must correct any defects at their own expense. For late model cars, there is no accurate way of finding out whether the emissions defects are attributable to the owner or the manufacturer. In addition, the report states that entirely too few cars are being tested as they come off of the production line, roughly 1 out of every 300,000. This particular fact is exacerbated by the GAO finding that about one-fourth of those cars so tested are out of compliance with Federal air quality standards. In light of the few number of cars tested and the rather low compliance level, it is quite conceivable that many carowners will be paying for the maintenance of vehicles which were out of compliance at the time of purchase. Add to these findings the fact that the average price of inspection and maintenance will be around $70, and the picture you get is rather appalling.

I have introduced H.R. 6472 to delay the enforcement of the inspection/maintenance plans until such time that the Environmental Protection Agency can institute a system of testing every car as it comes off the production line. This bill, I believe, will remove much of the arbitrariness of the present regulations. It will certainly clear up the question of responsibility for vehicles which do not comply to air quality standards. And it will also require the EPA to act more even handedly by establishing a system of equal treatment for consumer and manufacturer alike.●

A GRANDMOTHER'S PRAYER

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. PAUL. Mr. Speaker, as we consider the imposition of an unconstitutional registration and draft, in pursuit of another no-win, undeclared land war in Asia, I would like to call to my colleagues' attention excerpts from a grandmother's letter that I received:

> DEAR CONGRESSMAN PAUL: I have just read your interview (on the draft). You express my sentiments exactly.
>
> I have just watched the Bob Hope Special showing his trips around the world entertaining our boys, and my heart is crying.
>
> I pray to God to please stop the President from sending our boys off to the slaughter pen again.
>
> I gave up my dear brother, who never harmed a hair on anyone's head. He was 21; his wife was having his baby. That night of his child's birth he had to catch the train to be shipped to Germany. He was marched out to battle, a plane flew over and bombed him.
>
> FDR lied to the people when he said, "Mothers, your boys won't have to fight and die on foreign fields" I can still hear him saying that.
>
> What did we gain? Nothing! Every war just lowers our country's morale and strength.
>
> I have grandchildren (of draft age). I don't think I could stand to see them marched off to slaughter.
>
> We don't need to waste our young people if we keep our own defences strong.
>
> I am hoping and praying that we have enough men up there like you to stop this

draft. May God be with you all in making the right decision. I pray that He will keep our boys from going to war.

Sincerely, Mrs. L. L.●

THE FATEFUL 1980'S

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. PAUL. Mr. Speaker, Dr. Hans F. Sennholz, chairman of Grove City College's economics department and one of the world's premier free market economists, wrote a magnificent article for a recent issue of Private Practice magazine.

Because he outlines so well the issues we face in this decade, I would especially like to call this article to my colleagues' attention.

The article follows:

THE FATEFUL 1980's

(By Hans F. Sennholz, Ph. D.)

By mid-decade, the American people may again appreciate some fundamental economics especially if they choose this election year to make one last effort at affluence and justice through redistribution.

Before looking across the coming decade and seeking guideposts for the road ahead, we first ought to glance back at the winding road we have traveled in the past. From past experiences perhaps we may derive useful lessons that may guide us in the future and give us a sense of direction. Surely, people do not have the knowledge of things to come, and yet they always live for the future. While they live, they hope. They thrive on hope, which itself is happiness, joy and strength. But lest it turn to daydreaming, hope must be built on some knowledge of the past and devotion to the tasks and objects at hand.

Many investors are painfully aware that the United States had joined all other countries on the road of inflation. The federal government paved the way during the 1930s when it seized the people's gold and replaced it with irredeemable paper money. It reaffirmed this direction in World War II when the printing presses were called into service for purposes of war financing. Thereafter, the government learned to rely to an ever increasing extent on the issuance of its own money for the purpose of transfer spending and economic stimulation. During the 1970s, the federal deficits and the rate of currency creation to cover those deficits were reaching record proportions and the U.S. dollar was depreciating at alarming rates. In terms of purchasing power, the 1979 dollar is now worth less than 10 cents of the 1930 dollar and is falling at double-digit rates.

Many investors also suspect by now that dollar-denominated savings and investments are depreciating at the rate of inflation. Old pre-World War II savings have lost nearly 90 percent of their value, and post-war savings at least 50 percent. The savings accounts and savings bonds, life insurance and pension funds, and other dollar investments are shrinking continually. The middle class, which usually invests its savings in such monetary instruments, has lost at least one-half of its financial substance in recent years.

If we continue on the road we are now traveling, the middle class is destined to lose the balance of its savings during the 1980s. I am making this dire prediction because the causes that ushered in this age of inflation continue to be at work. Huge federal deficits that cover transfer spending for health, education, welfare, urban and rural development, and a thousand other social projects, continue to make monetary expansion unavoidable, which, in turn, causes goods prices to rise and the dollar to shrink. On the back burners of the federal government are many more expensive projects, such as the national health insurance program, national energy development, emergency aid to cities and corporations, etc. Morever, the monetary authorities eagerly put on more steam whenever the American economy shows early signs of stagnation and decline. They are ever ready to "stimulate" through currency creation and credit expansion. Therefore, we must reluctantly conclude that the inflation will roar on, and burn to ashes, all monetary assets in its way.

We are facing a political and economic situation this country has never seen before. The old forces of liberalism that shaped governmental policies for half a century are falling into disrepute. They are charged with having brought us economic stagnation, disastrous inflation, and a falling standard of living. To benefit the poor and "underprivileged," they ravished the producers through taxation, impoverished the middle class through inflation, strangled economic life through regulation and divided American society through social conflict and strife.

IF LIBERALISM DRAGS ON

Despite the declining popularity of liberalism, it may yet carry the day at the next presidential election and, with a last hurrah, put a great liberal, like Senator Edward Kennedy, in the White House. When faced with the choice between a candidate who exhorts government frugality and economy and one who urges one last effort toward "affluence" and "justice" through redistribution, the American people may still choose the latter.

The economic scenario of such an outcome of the 1980 election is not difficult to foresee. To stimulate the economy and finance many new government programs, the Federal Reserve will infuse into the economy massive doses of new credit. Bureaucracy will swell considerably as the programs are put into effect. Government control and regulation of individual enterprise will reach new heights. Price controls, price support programs, corporate rescues, credit guarantees and government takeovers will be the rule of the day.

The middle-class investor will face markets that make his head swim. Feverish booms in some industries and chilly depressions in others will swirl his mind. The dollar will flounder and plunge in currency markets. While all currencies will drop in purchasing power, the U.S. dollar will be weaker than most others as it recoils from its overextended position as world currency. The inflation we so long exported through balance of payments deficits will return to our shores in earnest and virtually inundate us. By 1984 gold may well have risen to $2,500 an ounce, silver to $150. Many countries will abandon the dollar standard and return to some form of gold standard. Interest rates will soar and bond prices will fall to incredible levels.

The distribution of essential consumer goods and services will be subject to severe government control: coupons and ration cards will become as important as money. Rigid price controls enforced by harsh penalties will keep important prices at arbitrary levels, creating shortages of all controlled essentials. In the black markets, where people ignore the allocation regulations and price controls, consumer prices will soar at triple-digit rates. The stock market will offer violent roller coaster rides to courageous speculators. In the moments of fever it may take them to the lofty height of 2500 of the Dow-Jones industrial index: in depression and dispair it may dive to 1000. Finally, the real estate investor will be left in the cold as inflation will cripple the mortgage market and put an end to long-term financing. The federal government will surely come to the rescue with occasional subsidies to its favorite voters. But even massive governmental spending cannot replace the fading mortgage market. Most real estate prices will barely keep up with consumer market prices; stringent rent controls will cause apartment house prices to plummet.

In short, extreme liberalism will bear its bitter fruit in a final burst of transfer spending, paralyzing the U.S. dollar, consuming business capital wherever it can be found, eroding all standards of living, and causing the quality of American life to deteriorate substantially. By 1984, many Americans will be fighting mad over the economic fiasco and the social alienation. Conservatives in both parties will gain in stature and power. But can they set right the listing ship? Can government spending be slashed without an outbreak of violence by all those beneficiaries who are deeply convinced of their moral right to redistribution and are accustomed to government largess? Can the market economy be restored without violent protests by the profiteers of price and rent controls? These are some of the questions that will preoccupy the American people later in the 1980s.

IF CONSERVATISM COMES TO POWER

Liberalism, with its sympathies for the poor and "underprivileged" and its open hostility toward business, is falling into disfavor. In fact, it may fall from its position and power as soon as the 1980 election. In this case, the scenario of future economic events and conditions would be quite different.

A new buzz word, "supply-side economics," is pointing to a new trend. After 50 years of government concentration on consumption, a new breed of economists and politicians is emphasizing the importance of production. They advocate "supply side" fiscal policies that would stimulate economic growth and output. They favor "growth-oriented tax reductions" that promise to bring forth more goods and services for everyone; for business as well as for government, investors, workers, pensioners, etc.

To be sure, removal of some of the countless shackles to business and reduction of its oppressive tax burdens would breathe new life into the American economy. As economic activity accelerates, all classes of society benefit. "Growth-oriented tax reductions" for businessmen and investors would usher in a new period of prosperity as it would bring new hope and light, even to stockholders. In an unprecedented catchup move, the stock market would quickly double or triple in price, which would restore some of the purchasing power lost during the last 15 years of liberal icefall.

It is unlikely that a conservative administration would readily halt the inflation, which in the last months of the Carter regime may exceed 20 percent. The political forces that brough us massive deficit spending for income security and social benefits are deeply entrenched. To remove or merely lower social benefits that are anchored in law and resting on notions of equity and justice, is a most difficult educational task. It is an awesome political undertaking, which may explain why the "supply-side" politicians are conspicuously silent about the ill effects of redistribution and the provider state. Even in positions of power they may prefer to live with inflation until the benefit-mania is brought under some control. Inflation itself may be useful in reducing the transfer benefits it these benefits are made to rise at a lesser rate than the inflation rate.

To halt, or merely slow down, the federal printing presses, is to invite the inevitable economic readjustment in the shape of a deep depression. Few politicians are prepared to risk their popularity with policies that would trigger a dreaded depression, for which they undoubtedly would be blamed. The deficit spenders, especially, who set the stage for the depression, would point the finger of blame at the stabilizers now coping with the slump. Moreover, after decades of inflation millions of people have learned to live with inflation. In fact, in anticipation of ever more inflation they have built their economic lives on massive debt, which would crumble to dust through monetary stability. This is why a conservative administration could be expected to continue, although reluctantly, to inflate and depreciate the currency. Therefore, it, too, would face the grave danger of runaway inflation that would cause prices to soar and the U.S. dollar to fail as the reserve currency of the world. It, too, would be tempted to cope with the inflation symptoms by force; that is, impose price and wage controls and other "emergency" restrictions, similar to those imposed by President Nixon and his conservative lieutenants in 1971 to 1974. The consequences would be identical to those described above.

WAR AND RUMORS OF WAR

Of all the evils to our liberty and prosperity during the 1980's, war is the most to be dreaded. It is organized barbarism, a relapse into savagery, and involves all other crimes—violence, organized plunder, and theft. It uses the ordinary virtues, such as public spirit, industry and thrift to swell the disaster by producing ever greater energy in the work of destruction. And yet, the dark clouds of war are gathering over the U.S. because of the ever-growing military might of world communism. While the Soviet Union, during the 1970's, made tremendous strides toward forging a fearsome arsenal of ICBM's, the U.S. Government directed its energy toward economic redistribution for health, education and welfare. It blithely ignored George Washington's warning that one of the most effectual ways of preserving peace is to be prepared for war.

During the 1980s the American position and influence in the world is likely to continue to diminish. The retreat, sooner or later may put in jeopardy the U.S. access to the sources of oil in Asia, Africa and Latin America, and thus threaten our very economic existence.

When Americans finally awaken to the looming dangers of the 1980s, they may rise to the occasion with determination and courage. Facing grave danger to their freedom and independence, they may adjust their system of economic and social organization in order to meet a hostile world. Their reaction may take one of two fundamental forms, or combinations thereof.

Their concern for national survival may prompt them to disband the welfare state with its massive consumption of productive capital and income. To concentrate their undivided strength on national defense, they may restore the system of individual freedom and enterprise that permitted them to become the most prosperous and powerful country on earth. They may reunite as a nation under God with the single-minded resolve to meet the future with courage.

Or, they may establish a *social garrison state* that would add huge defense expenses to those of the welfare state. They may retain the redistribution system that is consuming some 40 to 50 percent of national income and mend their defenses with whatever else can be extracted from the working population. They may apply stringent emergency regulations, many of which are already on the federal books, and radically and fundamentally change their ways of life.

We are hoping and praying that the American reaction will be to want to return to the land of the free and brave. But we are afraid that the present generation, born and raised in the welfare state, will choose the social garrison state. While it takes no special preparation for laboring, tax-paying Americans to return to the ways of freedom, it requires considerable forethought and planning to get ready for life in a garrison state.

We are facing a political and economic world the United States has never seen before. But when the smoke and fog of the '80s finally clears away, the American people will be wiser by the calamities and afflictions they have suffered. They will have learned again, as did their forebears during the 18th century, that government is a dangerous instrument that can be used by one class of people to the disadvantage of another, and that liberty is not a privilege to be conferred by government, but an inalienable right endowed by God. It is the individual freedom to be master of one's own time and actions that are consistent with the laws of God. Tyranny is denial of this right even when it is enacted by majority vote. The American people may even appreciate again some fundamental economics. In particular, they may have learned anew that money is a tool of commerce and industry, not of government deficit financing. Money must be reliable and honest and, therefore, be set free of political control and interference and be made of gold and silver. They may have learned anew an old maxim of government finance; if taxes and debt are oppressive in peacetime, there will be certain fiscal disaster in wartime.●

TAXATION OF SOCIAL SECURITY BENEFITS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. DERWINSKI. Mr. Speaker, attention has recently been drawn to a recommendation of the 1979 Advisory Council on Social Security that one-half of social security benefits be included in taxable income for the purpose of Federal income tax.

While this council is one of several voices offering advice on social security and other pension systems, I think that as a service to elderly social security beneficiaries, we should spike this ill-advised proposal before it gets off the ground.

In 1941, the Internal Revenue Service ruled that social security benefits were not taxable income. That ruling has remained in force over the years and is the basis for the tax treatment of these benefits. The advisory council claims this ruling is wrong and wants the Congress to overturn it by imposing income tax on half of social security benefits.

The Congress would be wise to ignore this recommendation, or, if formally offered, to reject it.

The notion that social security benefit payments are entirely tax free is incorrect. The tax is paid on the intake end instead of on the payout end.

Today a taxpayer pays income tax not only on the money he receives, but also on the money which he does not see, the substantial deduction for social security taxes.

For example, a wage earner who makes $22,900 a year pays $1,404 in social security tax, but his income tax is based on the entire $22,900 income.

Therefore, the recommendation of the advisory council to tax the payout end of social security is simply a form of double taxation. This would place an unjustified burden on social security beneficiaries. Steps must be taken to insure the fiscal soundness of the social security system, but this is a step in the wrong direction.●

SELECTIVE SERVICE SYSTEM

HON. JOHN J. CAVANAUGH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. CAVANAUGH. Mr. Speaker, as the Congress once again prepares to debate the issues of registration and the need for a military draft, I wish to call to the attention of my colleagues the "Presidential Recommendations for Selective Service Reform, a Report to the Congress," prepared pursuant to Public Law 96-107 and submitted on February 11, 1980. I remain deeply concerned about the adequacy of the current military manpower procurement system, but I am even more concerned about the prospect of any proposal to begin registration of the young people of this Nation for a system of conscription which has not been clearly defined and which will most likely offer no meaningful alternatives for service in the civilian segment of our society.

In any retrospective analysis of the Selective Service System as it existed prior to 1973, the inherent unfairness of that System is clear and unmistakable. The elaborate structure of exemptions and deferments resulted in an inordinate share of the burden of providing for our defense needs falling upon those in our society who have been denied full equality of opportunity in the areas of education and employment. Blacks and other minorities bore a markedly disproportionate share of the combat casualties in Vietnam. I do not believe that any of my colleagues would support a return to that system, and I do not believe that President Carter will propose a return to that system. And yet the question remains, for what are we asking our young people to register? The President's plan calls for legislation to authorize a draft to be submitted to the Congress on the same day as that calling for mobilization. Clearly, there would at that point be insufficient time to devise a fair and workable system of conscription to meet our needs.

Included in the President's recommendations to the Congress is an analysis of the concept of national service which I have proposed in H.R. 3603. While the administration has refrained from making a commitment to any concept, the President's report does conclude it is clear that the total cost of the Cavanaugh variation would be less than costs of the three other models and the Cavanaugh alternative is the most promising of the four models in the context of this report.

I wish to include in the RECORD a short article published by the Washington Star on February 17, 1980, outlining the President's report and including my views on the current system:

[From the Washington Star, Feb. 17, 1980]

CIVILIAN SERVICE DRAFT LINK GAINS FRIENDS ON HILL

(By John J. Fialka)

In the wake of President Carter's call for resumption of peacetime registration for the draft, interest is building on Capitol Hill in taking another look at so-called "national service" proposals.

One reason is that the national service approach, which would provide the potential draftee with a civilian alternative to military service, may defuse some of the political problems surrounding the draft, including the dilemma of what to do with the women who would be registered under the president's proposal.

The House Armed Services Committee will begin hearings next month on a variety of national service proposals. Sources on the panel's military personnel subcommittee, however, caution that an acceptable plan may be a long time coming because all of the proposals pose large administrative, budgetary and legal questions.

The interest in the national service concept was given a significant prod last week by the White House. The president's report on ways to reform the Selective Service system states that if a draft proves to be necessary, one type of national service system appears to be "the most promising" and urged that it be given further study.

The proposed system is called the "Compulsory, Lottery-based National Service," and would operate on a random lottery basis, much the way the draft worked until 1973 when the Nixon administration let the president's legal power to draft young men lapse.

The version of the plan found by the White House to be the simplest to administer was introduced last year by Rep. John J. Cavanaugh, D-Neb. His bill would set up a "Public Service System" in place of Selective Service.

It would require men and women to register between their 17th and 18th birthdays and present them with a variety of options:

They could volunteer for military service at any time between the ages of 18 and 26, either joining the military for 18 to 26 months of active duty, or taking a six-month active stretch, followed by a longer period in the reserves.

They could volunteer at any time during the same six-year period for two years of work in an approved public service job.

They could, in effect, roll the dice by picking a six-month period between the ages of 18 and 26 during which they would be eligible for selection by the random lottery.

The number of people picked by the random lottery would be determined by the recruiting shortfalls of the armed services. Once a person is selected by the lottery, under the Cavanaugh plan, he or she would still still be given a choice to select between the various kinds of military and civilian service.

The catch is that if civilian jobs in the program are full, the draftee could find himself or herself assigned to military duty.

The president's report found that one of the merits of the Cavanaugh version is that it "settles the question of who will serve and who will not at age 18, thus making a young person's future much clearer at a relatively early date."

Cavanaugh, an Army draftee himself in 1968, is serving his second term in Congress. He's pleased to be singled out in the president's plan, but he adds: "This Congress is not going to reinstitute a draft. The consensus has not been made in this country."

Cavanugh said he is "frightened" by the present Selective Service plans, spelled out in the president's report, which calls for legislation authorizing a draft to be sent to Congress on the same day that a general mobilization for war is requested.

"He gives Congress one day to decide, which to me means the possibility that Congress will be stampeded into the old, inequitable system we had before," asserts Cavanaugh.

He also worries about the White House report's glowing defense of the All-Volunteer Army, which is having severe difficulty attracting qualified recruits in an era when the number of people in the 18-to-26 category is just beginning what will be a long-term decline.

"He (the president) is not going to be able to hold up the all-volunteer force much longer. The system will collapse," predicts Cavanaugh.

While national polls have repeatedly shown strong support for some kind of national service system, all of the systems that have been proposed contained what one Armed Services Committee aide called a "minefield" of unanswered questions.

One legal question, for example, is whether Congress, using its legal authority to raise an army, could compel a person into non-military service.

Another question is how much such a system would cost. The Cavanaugh proposal would require every federal agency to designate 5 percent of its jobs for persons seeking the non-military option.

To fill the current shortfalls in the military, the White House estimated that the Cavanaugh plan would probably send some 87,000 young people into civilian public service jobs. An exact cost, the report stated, could not be estimated, but the lottery approach was believed to be much cheaper than two other proposed versions of a national service plan.●

SUPREME COURT ERRED SERIOUSLY

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. MAZZOLI. Mr. Speaker, yesterday the Supreme Court took a momentous step in refusing to stay a district court order directing the U.S. Treasury to pay out funds not appropriated by Congress to pay for abortions under the medicaid program.

I believe that the Court erred seriously in taking this step.

By refusing to stay the order, the Court allowed a single U.S. district court judge to set aside 4 consecutive years of debate and action on this question, the so-called Hyde amendment, by both this body and the Senate.

Further the Court's action runs counter to the theme that restraining orders are issued to preserve the legal status quo until a case can be decided on the merits. This order will alter the status quo which forbade the Federal funding of abortions on demand—except under several limited circumstances. Now, anything goes.

Most seriously, though, the Court's action directly attacks the congressional power of the purse.

The Constitution is explicit in article I, section 9 that no funds may be paid from the U.S. Treasury, except as appropriated by Congress. The Court's action ignores this constitutional stricture and, according to figures published in today's Washington Post, has effectively ordered that $88 million in unappropriated funds be paid from the Treasury for medicaid abortions.

In addition to forcing the Congress to reexamine the injunctive power of the courts in this regard, I believe that this Court action squarely puts the question of a human life amendment before the Congress.

For the past 7 years human life amendments to the Constitution have been introduced, and yet never has the House had the opportunity to work its will on the question, or even to debate the issue. By closing off, at least for the time being, further action on the Hyde amendment I believe that the Court's action mandates that we act now on a human life amendment.

I have asked for hearings on this amendment by the Judiciary Committee this year. No hearings have taken place.

Now that the Court has acted in this fashion, I have filed a discharge petition on House Joint Resolution 135, a resolution proposing a constitutional amendment to outlaw abortions except where necessary to save the life of the mother.

I take this step reluctantly, but I believe that the Court's action and the committee's inaction leave me no other choice.

I urge my colleagues to join me in signing this petition.●

FISK JUBILEE SINGERS

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. FORD of Tennessee. Mr. Speaker, over a century ago, Queen Victoria had her servants to coach her from Buckingham Palace to the Seat of the Duke and Duchess of Argill to hear them sing. There, the queen and her court wept as they listened with dignified stillness. In Boston in 1872, an audience of over 40,000 electrified persons were held spellbound as they cheered wildly, throwing hats and handkerchiefs into the air after this group sang the "Battle Hymn of the Republic." Their melodious voices raised over $150,000 for Fisk University in the late 1800's.

Who was this group? Where were they from? What was their purpose? They were none other than the world acclaimed Fisk Jubilee Singers of Fisk University, Nashville, Tenn., who were on tour of the world to raise money for Fisk.

It is with considerable pride and pleasure that I invite my colleagues to take a few steps over to the Gold Room on Monday, March 3 at noon to hear the modern Fisk Jubilee Singers lift spirits with sensuous strains of music fit for a king.

Seldom does such an opportunity present itself. As one who attended college in Nashville and is thoroughly familiar with this group, I cannot begin to express enough praise for this group. From their inception, the Jubilee Singers have taken native songs of the United States of America and transformed them into real artistic forms of our culture. Their music is as much at home before European royalty as it is before the Congress, churches of all denominations and all the peoples of the world in which we live.

The Jubilee Singers tradition has been one of undiluted excellence. Their style has been that of classic beauty which improves with age and is always "in." Their ability as vocal musicians is virtually unmatched on the face of the Earth.

Experience this musical delight for yourself and attend the noonday concert.●

THE UNITED STATES IS NOT "DRILLED OUT"

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. PAUL. Mr. Speaker, Michel T. Halbouty of Houston, one of our country's premier consulting geologists and independent oil producers, is also an accomplished writer.

Last December he wrote a very important article for the Wall Street Journal that I would like to call to my colleagues' attention.

We need not be dependent on OPEC, if we would only deregulate, decontrol, and detax energy. The Michel Halboutys of America would soon produce all the oil and natural gas we need.

The article follows:

THE UNITED STATES IS NOT "DRILLED OUT"

(By Michel T. Halbouty)

There is as much oil yet to be found in the United States—and the world—as has been found to date.

This opinion runs counter to the wails of pessimism emanating from Washington and, in many cases, the offices of oil company executives. Pessimism is a poison in our system, and right now the country is reeling from a fair-sized injection.

Statements that a country, a state or a geological province has passed its peak of oil and gas discoveries have been common practically since "Colonel" Edwin Drake drilled the first well in 1859 near Titusville, Pa.

First, a few facts and figures:

There are approximately 600 prospective petroleum basins in the world. Of these 160 are commercially productive, 240 are partially or moderately explored, and the remaining 200 are essentially unexplored.

Around the globe 3,444,564 wells had been drilled up to 1978. Of this amount, 2,513,000, or 73 percent, were drilled in the United States. Yet the prospective basin areas of this country—on shore and offshore—comprise only 10.7 percent of the world's total. Thus, 89.3 percent of the world's prospective basins saw only 27 percent of the wells drilled.

Indeed, the United States, Canada and Russia drilled 93 percent of the world's wells though only 37 percent of the prospective basins are under their control.

The discovered recoverable reserves of oil in the world are estimated at 1,142 billion barrels. Of this total, 163.8 billion barrels are in the United States, 15.4 billion barrels are in Canada and 121.1 billion barrels are in the U.S.S.R. The total is 300.3 billion barrels. Thus, in these three countries, which comprise 37 percent of the world's prospective basin area, 93 percent of the world's drilled wells found only 26 percent of the world's recoverable oil reserves.

RECOVERABLE RESERVES

In startling contrast, the Middle East prospective basins are relatively small—less than five percent of the world total—yet the Middle East contains 562.1 billion barrels of discovered recoverable reserves. Even more startling is that only 8,200 wells have been drilled in the Middle East. Of these, 800, or less than 10 percent, were considered as wildcats, and only 36 of the wildcats were decisive dry holes.

All this shows that the majority of the world's basins have not been adequately explored or drilled. Even the Middle East still has a great untapped potential.

The unexplored basins are not geologic mysteries, because sufficient work has been done to indicate their dimensions, amounts and types of sediment fill, and their gross structural aspects. The majority of them are in harsh physical environments such as the Arctic, deep water or remote interiors of continents.

Those in moderate areas are particularly significant because they can be drilled and developed at a relatively low cost. Several, such as offshore southern California, Gulf of Venezuela and the western Arabian peninsula, are adjacent to prolific producing areas.

Others, such as the deeper Gulf of Mexico, offshore Vietnam, and the Basin-and-Range Province of the western United States, already have indications of productivity. The United States Atlantic offshore, offshore Argentina and Brazil, and the East China Sea are somewhat removed from currently productive areas, but each appears to have many structures and a thick sedimentary section, and they certainly warrant extensive exploration.

However, before the petroleum can be found in areas where government companies operate and control the acreage, an alliance must be made with the private sector. It is obvious that the decrease in extensive exploration in most of the world's prospective areas is directly related to expropriation and takeover of concessions by government.

Exploration programs by government companies have not been effective, particularly in the OPEC countries. They have some excellent scientists and engineers, but not the depth in these skills necessary for a successful exploration program. The private sector, however, has the tried and tested skills—the so-called "know-how"—backed by 120 years of constantly increasing technology and operational background.

Joint ventures should be established where each party will own a share of the petroleum discovered and produced on some agreed and equitable formula. I think this can be accomplished, the required petroleum found and the probability of world economic chaos averted.

The potential in the U.S. is not only vast but promising—not only for the next 20 years but well into the 21st Century. Up to this point, we have found in the U.S. approximately 450 billion barrels of oil. Of this amount, we have produced approximately 110 billion barrels and have another 40 billion barrels in reserve. The remaining 300 billion barrels are locked in reservoirs awaiting the secondary and tertiary programs which, hopefully, will enable us to produce approximately 30 percent or more of them.

There are 14 major basins in the U.S. and many smaller ones. The current producing provinces are classified from young, such as the North Slope of Alaska, to mature such as the Gulf Coast of Texas and Louisiana. However, in every province—in every basin—more detailed exploration and drilling are required.

Judging from the large number of wells drilled in the U.S., it might appear to the layman that this country is all "drilled out." But most of those 2.5 million wells—perhaps three-quarters of them—were unnecessary and had little to do with exploration. They were drilled to exploit oil fields that had already been discovered; until some legal changes were made in the 1960s, anybody with a piece of land adjacent to an existing oil field had a big incentive to drill all the wells he could in the hopes of cashing in on somebody else's exploration success.

To find the new supplies the nation needs, we must wildcat in the boondocks, in areas virtually untouched by the drill, or in areas not adequately explored or drilled, like the Western states. And we must drill to the deeper horizons of all basins.

The earth scientists' understanding of the subsurface of the U.S. continues to grow. With that growth new geological concepts have been generated. As a result some areas that were considered unfavorable for oil exploration in the past are now considered favorable.

Five years ago if a geologist or geophysicist had recommended that a wildcat be drilled in the western overthrust belt, he would have been considered stupid. Now that belt is the hottest oil and gas domestic producing trend discovered in the past 20 years.

The Appalachian area has now been appraised as having high potential. Recent studies and seismic surveys showed that sedimentary rocks in the Appalachian overthrust belt may extend more than 100 miles farther east than originally thought. This could more than double the present area for oil and gas exploration from Virginia to Alabama.

The Western region, consisting of Western New Mexico, western Colorado, western Utah, Arizona, Nevada, northern California, Idaho, Oregon and Washington, has not been explored adequately. Recent discoveries in Nevada and Oregon prove that more wildcatting is necessary to define the potential of the entire region.

THE "SUBTLE" TRAPS

Finally, we must conduct a purposeful search for stratigraphic, unconformity-oriented and paleogeomorphic traps, known to earth scientists as "subtle" traps. The oil in the great East Texas field accumulated in such a trap. It gave no hint of its presence to geologists and geophysicists. None of the customary geological signs were present. "Dad" Joiner simply liked the "lay of the land," and his drill bit found a bonanza of more than six billion barrels of oil.

Exploration of subtle traps has been virtually neglected by the petroleum industry simply because structures are easier to find with present exploratory methods. But the easier-to-locate structures are becoming fewer and fewer and it is time to concentrate much of our efforts on the subtle reservoir.

I do not discount the probability that many more East Texas fields are awaiting the drill. I think there are more subtle traps in petroleum basins than there are conventional structural traps because subtle traps generally are formed by constantly recurring depositional patterns which usually precede structural movement.

The geophysicists have not yet been able to delineate the subtle trap with their instruments and hardware. They are working on it, and if they can perfect the search, the breakthrough will be greater than when geophysics entered the exploration field.

I believe the oil is out there, waiting for the drill. It is waiting for wildcatters, whether individuals or major and independent oil companies. It is waiting for the daring and resourceful who can hunt it unencumbered by restrictive government regulations administered by pessimists.●

VFW COMMEMORATION OF MISSING IN ACTION

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. WOLFF. Mr. Speaker. I welcome this opportunity to address the subject of our missing in action from the Indochina war. I am very sorry that I am unable to be here personally, but events in Washington D.C., made a trip to New York an impossibility.

Twenty-five hundred Americans are still missing in action from the war in Indochina. I believe it to be an overwhelming statistic when we consider the frustration and anguish suffered by the families of these men. This anguish has lasted close to a decade.

As chairman of the Subcommittee on Asian and Pacific Affairs, who now have responsibility for MIA's, I and my colleagues have worked diligently in an attempt to account for our missing. We have held hearings. We have conducted behind the scenes investigations and even negotiations.

We now have evidence that the Vietnamese may be holding the remains of 400 American MIA's in a Hanoi warehouse. The building was used as a prison for American POW's from 1965 until 1973. Our evidence that the compound now contains 400 remains comes from testimony we received from a Vietnamese mortician who tended the bodies, as well as from other sources. In a recent visit to Hanoi, I presented the Vietnamese with our evidence and requested a visit to the site. We were told that a visit would be impossible because of the distance of the compound from Hanoi. Later, we discovered that the compound was actually on our route to the airport. These evasive actions of the Vietnamese lend further substantiation to the presence of the 400 remains.

We will further our search for the accounting of all American MIA's from Indochina and we will not stop until they have been accounted for.

I commend all of you for this remembrance of America's missing in action, for public pressure and awareness is very important. Specifically, I commend the Nassau County Veterans of Foreign Wars for their continuing efforts to secure knowledge of the MIA's, as well as for their commitment to bringing Americans together in support of our hostages in Iran. We can never forget the hostages. We cannot forget our MIA's.●

SOLZHENITSYN ON COMMUNISM

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. ROUSSELOT. Mr. Speaker, Alexander Solzhenitsyn, the distinguished Russian author, has repeatedly warned the United States and the world of the inherent evil of communism. His views are harsh and his predictions are chilling. Solzhenitsyn, the Russian expatriate who was driven from his homeland by the Communist government, has been unrelenting in his bold expression of dissent. We should listen to his advice about the insidious subordination of individuals under the strict control, terrorism, and coerciveness of the totalitarian regime in the U.S.S.R.

Communism has been viewed, by some people, as simply devious Russian actions—actions which are supported one day and opposed the next. Solzhenitsyn has told us that these people do not want to understand what communism really is: crude ideology to destroy all other societies. This has been the aim of the Communist regime for 125 years—an aim that has never changed, although the methods have varied. Communism is a focus of hatred, a continued repetition of the oath to destroy the Western World.

Alexander Solzhenitsyn understands the nature of communism. In response to the Soviet aggression in Afghanistan, Solzhenitsyn composed an essay for Time magazine arguing that Afghanistan is merely the latest demonstration of the U.S.S.R.'s insatiable desire for world conquest. He states that the only way the West will prevail is to recognize that communism and those that are oppressed by it are not one and the same. Communism is an evil force which presents a mortal danger to humankind wherever it exists.

Let me quote one paragraph from this essay:

> Communism needs the whole charade of deténte for only one purpose: to gain additional strength with the help of Western financing * * * and Western technology before it launches its next large-scale offensive * * * Communism is unregenerate; it will always present a mortal danger to mankind. It is like an infection in the world's organism: it may lie dormant, but it will inevitably attack with a crippling disease. There is no help to be found in the illusion that certain countries possess an immunity to communism; any country that is free today can be reduced to prostration and complete submission * * *

Mr. Speaker, the admonitions of this courageous Russian, a Nobel Prize-winning novelist who is an astute observer of people and political institutions, are worthy of our attention, and I insert the recent, brief essay by Solzhenitsyn in the RECORD.

SOLZHENITSYN ON COMMUNISM

The West began its perilous miscalculation of Communism in 1918: from the very beginning the Western powers failed to see the deadly threat that it represented. In Russia at that time, all previously warring factions—from the government forces to the Constitutional Democrats and the right-wing Socialists—united against Communism. Though the peasants and workers were not formally allied with these groups, and were not coordinated, thousands of peasant revolts and dozens of worker uprisings reflected the masses opposition to Communism. A Red Army was mobilized by executing tens of thousands of men who tried to evade Bolshevik conscription. But this Russian national resistance to Communism received scant support from the Western powers.

The most fantastically rosy notions about the communist regime circulated in the West, and so-called progressive public opinion greeted it with joy, in spite of the fact that by 1921, 30 Russian provinces were undergoing a Cambodia-like genocide. (In Lenin's lifetime, no fewer innocent civilians perished than under Hitler, and yet today American schoolchildren, who invariably regard Hitler as the greatest villain in history, look upon Lenin as Russia's benefactor.) The Western powers vied with one another to give economic and diplomatic support to the Soviet regime, which could not have survived without this aid. Europe took no notice of the fact that some 6 million people in the Ukraine and the Kuban River basin had died of hunger.

In 1941, the worth of this much-touted regime became apparent to the world: from the Baltic to the Black Sea the Red Army retreated as if swept away by the wind, in spite of its numerical superiority and its excellent artillery. There was no precedent for such a rout in a thousand years of Russian history and, indeed, in all military history. In the first few months of the war, some 3 million soldiers had fallen into enemy hands! Here was a clear statement of our people's desire to be rid of Communism. The West could not have failed to understand if only it had wanted to see. But in its nearsightedness, the West held that the sole threat to the world resided in Hitler and that his overthrow would end all danger. The West did what it could to help Stalin forcibly harness Russian nationalism for the Communist cause. And so, in World War II the West defended not freedom in general but merely freedom for itself.

In order to buy Stalin's friendship at the end of the war, the West turned over 1.5 million people who were then in Allied hands and who did not wish to return to Stalin's tyranny. Among them were entire Russian divisions, Tartar and Caucasian battalions, as well as P.O.W.'s and forced laborers numbering in the hundreds of thousands, including old men, women and children. Stalin manipulated Roosevelt with ease, effortlessly assuring himself of control over Eastern Europe: Yalta marked the beginning of a 35-year streak of American defeats, only briefly interrupted in Berlin and Korea. (When there was the will to resist, victory followed.) As I have written on earlier occasions [in 1975 in an article entitled "The Big Losers in the Third World War" and in the book *Warning to the West*], the entire period from 1945 to 1975 can be viewed as another world war that was lost by the West without a battle and in which some two dozen countries were abandoned to Communism.

There are two reasons for this string of capitulations. First is the spiritual impotence that comes from living a life of ease; people are unwilling to risk their comforts. Second, and just as important, is the prevailing, total incomprehension of the malevolent and unyielding nature of Communism, which is equally dangerous to every country. The West often seeks an explanation for the phenomenon of 20th century Communism in some supposed defects of the Russian nation. This is ultimately a racist view. (How then can China be explained? Viet Nam? Cuba? Ethiopia? Or the likes of Georges Marchais?) Flaws are sought everywhere but in Communism itself. Its aggressiveness is explained by, for example, Averell Harriman, in terms of a national dread of foreign aggression; this is said to account for the building of a vast arsenal and the seizing of new countries.

Western diplomats depend on unsound hypotheses that involve supposed "left" and "right" factions of the Politburo, when, in reality, all of its members are united in seeking world conquest and are undiscriminating in the means they use. Insofar as struggles do occur within the Politburo, they are purely personal; they cannot be used for diplomatic leverage. The average Soviet citizen, deprived though he is of information about the world and of the benefits of Western Kremlinology, understands this perfectly well. Illiterate Afghan herdsmen are equally on target when they burn portraits of Marx and Lenin, instead of accepting the tale that their country was occupied simply because Leonid Brezhnev happened to be ailing.

Try asking a malignant tumor what makes it grow. It simply cannot behave otherwise. The same is true of Communism; driven by a malevolent and irrational instinct for world domination, it cannot help seizing ever more lands. Communism is something new, unprecedented in world history; it is fruitless to seek analogies. All warnings to the West about the pitiless and insatiable nature of Communist regimes have proved to be in vain because the acceptance of such a view would be too terrifying. (Did not the Afghan tragedy in fact take place two years ago? But the West shut its eyes and postponed recognizing the problem—all for the sake of an illusory detente.) For decades it has been standard practice to deny reality by citing "peaceful coexistence," "detente," "the Kremlin leadership's pursuit of peace." Meanwhile Communism envelops country after country and achieves new missile capabilities. Most amazing is that the Communists themselves have for decades loudly proclaimed their goal of destroying the bourgeois world (they have become more circumspect lately), while the West merely smiled at what seemed to be an extravagant joke. Yet destroying a class is a process that has already been demonstrated in the U.S.S.R. So has the method of exiling an entire people into the wilderness in the space of 24 hours.

Communism can implement its "ideals" only by destroying the core and foundation of a nation's life. He who understands this will not for a minute believe that Chinese Communism is more peace-loving than the Soviet variety (it is simply that its teeth have not yet grown), or that Marshal Tito's brand is kindly by nature. The latter was also leavened with blood, and it too consolidated its power by mass killings, but the weak-hearted West preferred not to take any notice in 1943–45. He who understands the nature of Communism will not ask whether the world's aid is reaching the starving Cambodians through the good offices of the Heng Samrin regime. Of course it does not. It is confiscated for the army and government. The people can starve.

Communism needs the whole charade of détente for only one purpose: to gain additional strength with the help of Western financing (those loans will not be repaid) and Western technology before it launches its next large-scale offensive. Communism is stronger and more durable than Nazism, it is far more sophisticated in its propaganda and excels at such charades.

Communism is unregenerate; it will always present a mortal danger to mankind. It is like an infection in the world's organism: it may lie dormant, but it will inevitably attack with a crippling disease. There is no help to be found in the illusion that certain countries possess an immunity to Communism: any country that is free today can be reduced to prostration and complete submission.

Nevertheless, healers frequently turn up to pronounce the following reassuring diagnosis of the acute infection that is Communism: "This malady is not contagious; it is a hereditary Russian disorder." The cure they propose involves avoiding angering the Brezhnev regime at all costs. Instead, it must be supported and equipped. They insist that the enemy to be opposed is any manifestation of the Russian national consciousness, when, in reality, it is the only force that is realistically capable of weakening Soviet Communism from within. The case against the Russian national consciousness is systematically being argued by noted American academics and journalists, who are using irresponsible and tendentious data supplied by some recent émigrés from the Soviet Union.

Such propaganda is sheer madness and serves only to disarm the West. After the forces of Russian nationalism were betrayed by the West in the Russian civil war and once again in World War II, here is an open call to repeat this betrayal yet a third time. This would have ruinous consequences for the Russian people and for the other peoples of the U.S.S.R. It would be just as ruinous for the West. Today the Communist leadership with its decrepit ideology once again dreams of saddling and bridling Russian nationalism in pursuit of its imperial goals. The West must now equip a horseman intent on the West's destruction.

Communism is inimical and destructive of *every* national entity. The American antiwar movement long nurtured the hope that in North Viet Nam nationalism and Communism were in harmony, that Communism seeks the national self-determination of its beloved people. But the grim flotilla of boats escaping from Viet Nam—even if we count only those that did not sink—may have explained to some less ardent members of the movement where the national consciousness resides and always did reside. The bitter torment of millions of dying Cambodians (to which the world is already growing accustomed) demonstrates this even more vividly. Take Poland: the nation prayed for just a few days with the Pope; only the blind could still fail to distinguish the people from Communism. Consider the Hungarian freedom fighters, the East Germans who keep on dying as they try to cross the Wall, and the Chinese who plunge into shark-infested waters in the hope of reaching Hong Kong. China conceals its secrets best of all; the West hastens to believe that this, at least, is "good, peace-loving" Communism. Yet the same unbridgeable abyss, the same hatred separate the Chinese regime and the Chinese people.

An identical chasm exists between Communism and the Russian national consciousness. It pains us that the West heedlessly confuses the words Russian and Russia with Soviet and U.S.S.R. To apply the former words to the latter concepts is tantamount to acknowledging a murderer's right to the clothes and identification papers of his victim. It is a thoughtless blunder to consider the Russians the "ruling nationality" in the U.S.S.R. The Russians were the recipients, under Lenin, of the first crushing blow. They suffered millions of victims (with the most outstanding killed off selectively) even before the genocidal collectivization of agriculture. At the same time Russian history was reviled. Russia's culture and its church were crushed. Russia's clergy, nobility, merchants and finally its peasantry were destroyed. Though the regime's blows fell next on the other nationalities, the Russian countryside today has the lowest standard of living in the U.S.S.R., and Russian provincial towns have the lowest priority in the distribution of consumer goods. In huge areas of our country, there is nothing to *eat*, and the purchases of U.S. grain do not improve the people's diet (the grain goes to military stockpiles). The Russians make up the bulk of the slaves of the Soviet state. The Russians are exhausted; their debilitation is becoming hereditary, their national consciousness has been debased and suppressed.

Nothing could now be further from the heart of the Russian people than a militant nationalism; the idea of an empire is repulsive to them. But the Communist regime watches its slaves carefully and takes special pains to suppress their non-Communist consciousness. The result: enormous labor camp terms for the proponents of freedom (Igor Ogurtsov—20 years, Vladimir Osipov—16 years. Yuri Orlov—seven years); the new arrests of priests, the spiritual teachers of the people (Gleb Yakunin and Dmitri Dudko); the destruction of the innocent Christian Committee for the Defense of Believers' Rights; the continuing mass imprisonment of young Christians; the exile of Andrei Sakharov.

In expectation of World War III the West again seeks cover, and finds Communist China as an ally! This is another betrayal, not only of Taiwan, but of the entire oppressed Chinese people. Moreover, it is a mad, suicidal policy: having supplied billion-strong China with American arms, the West will defeat the U.S.S.R., but thereafter no force on earth will restrain Communist China from world conquest.

Communism stops only when it encounters a wall, even if it is only a wall of resolve. The West cannot now avoid erecting such a wall in what is already its hour of extremity. Meanwhile, however, 20 possible allies have fallen to Communism since World War II. Meanwhile, Western technology has helped develop the terrifying military power of the Communist world. The wall will have to be erected with what strength remains. The present generation of Westerners will have to make a stand on the road upon which its predecessors have so thoughtlessly retreated for 60 years.

But there is hope. All oppressed peoples are on the side of the West: the Russians, the various nationalities of the U.S.S.R., the Chinese and the Cubans. Only by relying on *this* alliance can the West's strategy succeed. Only together with the oppressed will the West constitute the decisive force on earth. This is also a matter of principle, if the West is to uphold freedom everywhere and not merely for itself.

This strategy will obviously entail radical conceptual changes and the rethinking of tactics on the part of Western politicians, diplomats and military men.

Five years ago, all my warnings were ignored by official America. Your leaders are free to ignore my present predictions as well. But they too will come true.●

WINDFALL PROFITS BILL

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. MOAKLEY. Mr. Speaker, I am pleased to speak on behalf of my colleague, Mr. D'Amours' motion instructing the House conferees on the windfall profits bill to support residential and business tax credits for energy conservation and alternative energy sources.

As you know, last Thursday, the conferees came very close to finishing the work on the windfall profits bill and, in the process, drastically reduced the package of renewable energy and conservation credits passed by the Senate. The commonly agreed on price tag on the entire package would have amounted to some 10 percent of the expected revenue of the tax.

Mr. Speaker, the windfall profits tax was designed to prohibit oil companies from reaping the harvest of decontrol at the expense of the American consumer. The Senate version of the bill earmarks this percentage of the tax revenue for energy credits which are viewed as an effective method of reducing our Nation's dependence on foreign oil. Every study that I have seen, whether commissioned by a Federal agency or from within the private sector indicates that energy tax credits offer solid potential for recognizable and significant energy savings. Under the Senate version, homeowners and landlords would receive approximately $8.7 billion in credits for investments in solar panels, more efficient furnaces and wood-burning stoves.

I cannot emphasize enough the importance of significant Federal leadership in offering the American consumer the opportunity to reduce his or her fuel consumption through these energy conserving measures while, at the same time, realizing a significant net energy savings on a national level.

It is in the national interest to provide tax credits designed to reduce this Nation's dependence on foreign oil. That fact should be abundantly clear at this point in time. Tax credit measures included in the windfall profits bill are effectively directed at the root cause of the problem.

I urge the conferees to reconsider their decision to exclude the passive solar tax credit for builders, to exclude a variety of residential conservation measures, and to force the business tax credit for solar energy investments.

The D'Amours motion offers the House the chance to go on the record in support of practical, substantive and prudent use of tax credits as a vehicle for realizing great energy savings. I ask you for your support of this motion.

Thank you.●

IOC VOTES TO RETAIN OLYMPIC GAMES IN MOSCOW

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. PORTER. Mr. Speaker, it was 9 days ago that the 1980 Winter Olympics got underway in Lake Placid, N.Y. This has been a truly eventful week and our Nation can take great pride in hosting this marvelous event. But the festive atmosphere permeating throughout the Nation has been dampened by two recent actions of the International Olympic Committee. By a unanimous vote of the 73 members attending the IOC general session, the committee voted to retain the summer Olympics in Moscow. This vote was taken in apparent disregard for the expressed will of 30 different governments to have the Moscow games canceled, postponed, or moved elsewhere.

Throughout the Moscow games controversy, the IOC has maintained that sports should be removed from politics—that it is the "Olympic Ideal" for all nations to lay their political differences aside and join together in friendly, athletic competition. Yet, it was just such political differences that prompted the IOC to issue their second ruling of the week, one barring athletes of the Republic of China from competing in the Lake Placid games. The IOC ruling prohibited these athletes from competing under the flag and the national anthem of the Republic of China, thus virtually assuring their nonparticipation.

Mr. Speaker, athletes from the Republic of China have participated in the Olympic games since 1952. But they have now been shunned by the IOC so that the People's Republic of China can participate in its first Olympics. Not only were the 27 members of the ROC delegation prohibited from marching in Tuesday's parade of athletes, but they have been forbidden from training at the Olympic site or living in the Olympic Village. This disgraceful conduct toward the Republic of China by the IOC deserves universal condemnation, particularly when they hypocritically dress their very political decisions in supposedly nonpolitical clothes. For despite its claims to the contrary, the IOC does indeed play politics with the world. It was Olympic politics that led to the holding of the 1936 Olympic games in Hitler's Germany, an event that later led Joseph Goebbels to remark that the propaganda value accrued from the Berlin games was worth 20 divisions. And it is Olympic politics that turns out the Republic of China and ignores the Soviets standing army in Afghanistan, insisting once again, 44 years later, on playing games in the capital city of another country that is extinguishing human lives and human freedoms of its neighbors.●

GOLD IS NOT A SIDESHOW

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. KEMP. Mr. Speaker, more than a century ago, William G. Sumner said: "It seems there can be no new fallacy to be discovered in regard to paper money. The field is exhausted."

I believe he was right; there are no new ways to mismanage a paper currency like the dollar. Unfortunately, we keep rediscovering and implementing all the old ones, to the great misery of Americans and the world.

Lewis E. Lehrman, president of the Lehrman Institute, is our modern William G. Sumner, I believe. In an excellent article in today's Wall Street Journal, he explains why the dollar price of gold has rocketed, precisely in the period since the Federal Reserve announced a new policy to control the growth of the money supply.

Lehrman explains that the Fed is incapable of controlling the money supply, which is determined by the demand for as well as the creation of dollars. Yet the Federal Reserve has lost control of what it can determine—the growth of Federal Reserve bank credit.

This credit explosion in the past several months—a tangible policy and not some mysterious market psychology—is responsible for the exponential rise of gold, or rather, for the exponential decline in the dollar's value relative to gold.

Ending inflation permanently will require comprehensive monetary reform. But the Federal Reserve does not have to wait until then to reduce inflation significantly with the means at its disposal—above all by ending its hyperactive open market operations.

I commend this important article to the attention of my colleagues:

[From the Wall Street Journal, Feb. 20, 1980]

Gold Is Not a Side Show

(By Lewis E. Lehrman)

Lenin once observed that gold should adorn the floors of latrines. Keynes labeled it a "barbarous relic," and Milton Friedman has recently been saying that for a monetary standard you may as well use pork bellies.

When President Nixon demonetized gold in 1971, Henry Reuss, chairman of the House Banking and Currency Committee, predicted that the price of gold would fall to $6 per ounce. It is true that gold remained below $40 until 1972. But it rose to $200 in 1974 as inflation engulfed the final months of the Nixon administration. After monetary policy was abruptly tightened in 1974, gold gradually declined to a low of $106 in 1976.

President Carter inaugurated his administration in 1977 with the rhetoric of austerity—pledging, among other things, to balance the federal budget. The price of gold promptly rose over $150. Mr. Carter replaced Arthur Burns with William Miller as Chairman of the Federal Reserve Board. By the autumn of 1978 the dollar was collapsing and gold was approaching $250. Then, on November 1, 1978, new policies to control the money supply and defend the dollar were announced by Chairman Miller. Gold fell to $200 within 30 days. But by the middle of 1979, gold was once again rapidly rising to $300.

In July 1979, amid much fanfare, Paul Volcker was summoned to replace Mr. Miller. Gold vaulted to $450 in September. In a crisis atmosphere, Mr. Volcker returned from the International Monetary Fund meeting at Belgrade to announce his new monetary guidelines on Oct. 6, 1979. They stressed a new method of targeting on bank reserves, and focused on the goals of a stable dollar, a slower rate of money and credit growth and an end to excessive commodity speculation in general and gold speculation in particular. Over the next few weeks, the gold price fell to $372.

GOING ITS OWN WAY

Three months later, as the gold price soared over $800, Mr. Volcker observed that gold was going its own way and that its movements had little to do with the success or failure of his Oct. 6 monetary policies. Treasury Secretary Miller allowed that the Treasury would sell no more gold during these "uncertain and uncharacteristic times," evidently meaning that gold is a good sale at prices ranging from $35 to $200 but a strong hold at $800. Fed Governor Wallich said the gold markets were no more than "a side show."

Yet on February 5, 1980, commodity future prices, following the earlier gold lead, closed at a record high, up 26 percent from a year earlier on the Commodity Research Bureau futures index. The market for U.S. government securities has suffered a devastating collapse. Gold closed around $665 on Feb. 15, more than 20 percent below the early January peak but 83 percent above its bottom of October 1979. it has since risen back above $700.

What caused the exponential rise and violent fluctuations of the gold price? The surging gold price, commodity prices and interest rates suggest that the so-called anti-inflationary money policy proclaimed by Paul Volcker on Oct. 6 has intensified rather than quelled speculation. The contradiction between Mr. Volcker's goals and the results achieved requires explanation.

An explanation for the Volcker contradiction—and for that matter the earlier monetary problems of Arthur Burns in 1972-74 and the failure of Mr. Miller in 1978 and 1979—has to start with a determination of what policy the Fed has *actually* pursued, as opposed to its announced goals. The economists have focused our attention on monetary aggregates such as M-1. Laying aside the problem of how to define these numbers—the Fed switched definitions only last week—the fact remains that the Fed does not actually control M-1, however measured. The money stock depends partly on Fed policy and partly on events elsewhere in the economy. Consumers and producers in the market largely determine the demand for money, while the Fed influences its supply.

For any real understanding, we must remember that the Federal Reserve is above all a bank, though a bank with the monopoly powers to issue legal tender currency and to regulate the banking system. It is not a magical government agency, nor should it be confused with the Yale Economics Department or a classroom at the University of Chicago. To study the policies of a bank, you study its balance sheet, to see what its officers are actually doing. The only things its managers control, within limits, are the volume and composition of its assets and liabilities. The Fed's balance sheet will show the amount of credit it is extending to the commercial banking system.

The Fed's credit operations are revealed in the balance sheet item called Total Federal Reserve Bank Credit. FRB credit is the Fed's financial assets—the amount of government securities, acceptances, advanced, float and so on. Changes in FRB credit reflect the net operations of the Fed's open-market desk, foreign-exchange desk and discount window—the various ways the Fed influences the expansion and contraction of credit in the economy.

To achieve its announced Oct. 6 goal of restraining the growth of credit, the Fed would have to restrain the growth of FRB credit. But as the accompanying chart shows, total FRB credit growth *accelerated* between Oct. 6 and year-end. And *so did the price of gold.*

Let us go back to 1977 and look at recent history. Both FRB credit and the gold price were relatively calm in 1977, but in the second half of 1977 FRB credit rose toward $120 billion and gold toward $175. As expected FRB credit peaked seasonally at year-end; the gold price topped out two months later. By October of 1978. FRB credit had expanded above $130 billion, while the gold price rushed to $250.

FRB credit peaked after the Miller monetary changes of Nov. 1, 1978, and so did the price of gold. FRB credit declined and stabilized through the winter of 1978-1979, and so did the price of gold, which remained below $250 through the winter.

Beginning in April of 1979, total FRB credit advanced rapidly from $125 billion, reaching $143.5 billion during the week ending January 2, 1980. During this period FRB credit did stabilize for six weeks, starting with the week of Oct. 3, reflecting the Volcker Oct. 6 moves. But it started to rise again by Nov. 14, about the time of the Iranian deposit freeze. From Nov. 14 to Jan. 2, total FRB credit startled most Fed watchers by rising from $135 billion to nearly $144 billion.

In parallel, the gold price took off from $250 in the spring of 1979, and topped out at $450 with the Oct. 6 Volcker moves. Promptly the gold price declined to under $450 and steadied along with FRB credit, which remained steady in October and early November. Gold then vaulted to $850 on Jan. 15, peaking just two weeks after FRB credit. FRB credit declined from its high of $143.5 billion on Jan. 2 to $134.5 billion during the week ending Feb. 6. By Feb. 15, the gold price fell to $665.

The lagged correlation between the rise and fall of FRB credit and the rise and fall of gold is not perfect, but there is a compelling association between the two. Indeed, even taking into account seasonality, almost every reacceleration of FRB credit between January 1977 and January 1980 tends to be accompanied, after a varying but short lag, with an acceleration in the price of gold.

The relationship is logarithmic; a rise in FRB credit causes an exponential rise in the gold price. This relationship reflects the impact of expectations, well known to classical economists. Market participants are increasingly sensitive to information that suggests the Fed is expanding credit rather than, as the Fed chairman says, contracting or stabilizing credit. In response to each new injection of Fed credit, individuals and businesses move ever more decisively to protect themselves against inflation.

It is essential to point out that the price of gold seems to respond directly to the monetary policies *actually pursued* by real people at the Federal Reserve open market desk. But the gold market does ignore what the Chairman says or others think the Fed will do. In a word the rise of the price of gold is just one more reflection of excessive credit growth, as shown by the Fed's own balance sheet. If war-scares, oil-price hikes and Iranian asset freezes did not exist but the same expansionary credit policies prevailed, Fed apologists would find other plausible political events with which to rationalize the advance in the price of gold.

The Fed managers do not deceive us intentionally. Instead they deceive themselves. They believe they can achieve what is not within their power to achieve—namely, a certain quantity of money. Thus they create uncertainty and disorder in the financial markets.

THE FUNDAMENTAL PROBLEM

The fundamental problem of Federal Reserve monetary policy can be stated quite simply. Because the quantity of money cannot be controlled effectively by the Fed, the goal of the Fed's monetary policy must *not* be to control it. The Fed simply cannot determine *precisely* either the demand for money in the market or its supply. Nor does the Fed possess the information, the operating techniques of the perfect foresight to bring about a certain rate of growth of money and credit, especially through its chosen technique, open-market operations. As history shows, open-market operations succeed only in destabilizing interest rates and the money markets.

It is not the gold price which is unstable. On the contrary, it is the Fed's volatile monetary policies which are unstable. Steady monetary policies would produce different effects. It follows that the price level, like the gold price, can be brought down. The government bond market can be stabilized. But the monetary authorities must actually pursue the stabilizing policy which they proclaim—for more than a few weeks.

Ultimately, achieving the goal of price stability will require comprehensive reform of the monetary system. But for now, in their efforts to sustain a managed currency, Fed policymakers often misunderstand market data and the effects of their own hyperinterventionist open-market operations. They even have difficulty insuring that announced policies of the Fed governors are actually implemented by the staff at the open-market desk. Still, in the absence of comprehensive reform, it would help if the men at the Fed and Treasury stopped belittling the importance of the gold price. Their policies since Oct. 6 would have been better if they had recognized that it is no "side show," but a highly sensitive scoreboard for the main event.●

A SPEECH BY SUSAN LEAVITT

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. RHODES. Mr. Speaker, I would like to call your attention to a speech delivered by Susan Leavitt, a high school senior who lives in my district in Arizona.

Miss Leavitt won the Veterans of Foreign Wars Voice of Democracy speech contest in Arizona, and she is now eligible for the final judging here in Washington.

It is heartening to hear such thoughtful and dynamic words about the United States of America from a young person. I think that all the Members of this House will be inspired by the enthusiastic patriotism in Miss Leavitt's speech.

The speech follows:

I envision that history is written in the stars, and that there is, mapped in the heavens, a brilliant constellation in the shape of the United States of America. The stars represent the people and events that have made this nation the greatest of all nations.

I, as a young American standing ready to cross the threshold between youth and adulthood, am faced with the decision of what my role in America's future will be. The decision is not a difficult one; and because it has been made before, I have merely to look to the stars.

As I view the heavens, my eyes light upon a certain star designated as the first—George Washington. Here is an exemplary life worthy of every America's emulation. At the center of his life burns a motive—the obligation of preserving the liberties he has enjoyed for future generations. To a friend he once wrote: ". . . it seems highly necessary that something should be done to maintain the liberty which we have derived from our ancestors. . . ." He made his decision and stuck to it. He never waivered and he never let his motivation weaken. And so he shines an eternal patriot.

But amidst this constellation there are countless patriots; all worthy of emulation. And at the center of each, the same motive burns. I see now that this motive, this gravitational force that lies in the core of each generation, is what holds the constellation (the nation) together.

I bask daily in a multitude of rights and privileges given free to me by the sweat of someone else's brow. How dare I not adopt this same motive into my life? No, I have decided that my role in America's future must be to follow the example of the Patriots by continuing to preserve and improve the rights and privileges I enjoy for future generations

Having made my decision and being filled with conviction and desire, I am endowed with a new sensitivity that enables me to see that surrounding the motive and the valiant deeds, is a warm glow of influence. I see it on all the stars, surrounding each life.

One retiring American History teacher taught his last lesson about the battle for Iwo Jima. He taught it with unsurpassed zeal and beauty because he had been there. His influence that day was such that afterwards the love that those students had for their country was stronger than it ever had been before.

A young mother noticed one morning on her front sidewalk, two small schoolchildren. They faced her flag, heads erect, hands over hearts, and solemnly and sincerely recited the Pledge of Allegiance, finished, and continued on their way. Their simple example, so touched this young mother that she vowed to instill in her own children, this same enthusiastic patriotism.

That young mother was my mother. I feel very strongly the warmth and influence from her life and that of my father. And I realize that this influence brings with it, another obligation. I must, not only improve and preserve the freedoms of this nation through active participation and support in the government and by honestly performing the many detailed duties of citizenship, but I must also influence others to do the same. I must live a life worthy of emulation. And I must point to the stars so that others can also feel the sensitive warmth that comes from influential American Pride. And if throughout my life I should influence no more than my own children, my life will have been well-lived.

The constellation fades as the star of the future—the Sun—arises. I see I have crossed the threshold into adulthood. My decision has been made; I know what my role will be.

I must now follow George Washington's example and stick to my convictions, and never waiver, but live with the ultimate hope that someday I may earn a place in the constellation of America. And even if that place is but a tiny flicker from a tiny star, at least it will have been a flicker of light and not an empty hole in the black space of the Universe.●

JACK MITCHELL—A COURAGEOUS ACT

HON. EUGENE V. ATKINSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. ATKINSON. Mr. Speaker, in these days of international setback brought on by faltering courage or rampant indecision, I am heartened, as I am sure all Americans are, whenever "the good guys win one." For this purpose I would like to bring to the attention of my colleagues the determined and heroic act of a native Beaver County resident, Jack Mitchell.

You may have had the occasion to hear or read the news reports of the release of the American Peace Corpsman, Richard Starr, by Colombian Guerrillas. After 3 years of captivity, this Peace Corps volunteer was finally able to gain his freedom through the personal efforts of Jack Mitchell, a reporter for syndicated columnist, Jack Anderson.

Mitchell, a dedicated journalist from a family with such a tradition, took up the case of the kidnapped Peace Corps volunteer after official efforts to secure his release proved unsuccessful.

The Peace Corpsman, a 32-year-old botanist from Edmonds, Wash., was kidnapped in February 1977, by Colombian revolutionaries. Although the State Department expressed concern about his capture, they refused to enter into formal negotiations for his return. Public appeals for Starr's release by his mother failed to achieve any results. She turned to two or our colleagues, former Representative Lloyd Meeds and Representative Al Swift, for assistance. But their efforts to bring Starr home were also stymied.

Knowing that Jack Anderson had been able to make contact with the Venezuelan Guerrillas who held William Niehous hostage, Meeds and Swift talked to Anderson to see if his sources could lead to some communication with the Colombian band which held Starr. Anderson put his veteran investigative reportêr, Jack Mitchell on the story.

Mitchell was touched by Mrs. Starr's 3-year quest for her son and he became greatly concerned over young Starr's fate. He questioned the State Department's inactivity. A story was written about the plight of this abandoned American containing an offer to go anywhere to negotiate Starr's release. Mitchell, who had always been on the reporter's end of a story was soon to find himself in the middle of one.

After the story appeared in Anderson's column, the guerrillas made contact with Mitchell. Weeks of negotiations ensued. An initial meeting was set up with representatives of the guerrillas in Mexico City, where Mitchell journeyed to receive the bad news — the guerrillas were demanding $250,000 as ransom for Starr's release.

Anderson was prepared to assume responsibility for the money and set about raising it. It took some doing, but the ransom amount was put together. Mitchell, in turn, set out to determine whether Starr was still alive. A letter containing two questions to which only Starr would know the answers was sent to him by way of the intermediaries. When the return letter arrived in Washington with the responses of "raspberry pie" and "Chicago," Mitchell knew Starr was alive.

A second meeting was planned—this time in Colombia on the guerrillas home turf. Putting aside concerns for his own safety and putting his trust in his finely honed journalistic instincts, Mitchell pursued his story to what he hoped would be a happy ending.

After the State Department arranged for his passage through Colombian customs, Mitchell flew off to Bogotá with a briefcase containing a quarter of a million dollars. Mitchell could not know what to expect—had the guerrillas bargained in good faith? Would he be successful in getting Starr home? or would he find himself a hostage.

Mitchell spent days in his hotel room in Bogotá with no word from the guerrillas. The more prolonged the stay, the greater the chance of failure. Communication could not even be made with his office for fear that it would jeopardize his efforts. Mitchell's fears and second thoughts must have been hard to suppress.

At last a message from an intermediary of the guerrillas. A series of meetings was scheduled and canceled. All this seemed to indicate that the exchange would fall apart. Undaunted, Mitchell remained in Bogota until finally he and Starr were on a plane home.

I urge all of my colleagues to read the accounts of this kidnaping—of an American volunteer's terrifying ordeal, of a mother's spirited perseverance, and of a journalist's intricate maneuverings. With our country being put to the test in Iran, where Americans are entering their 110th day of captivity, the successful outcome of the American Peace Corpsman's nightmare should bring inspiration and encouragement to all of us.

On behalf of my colleagues, I wish to express my commendation to Richard Starr for all that he has endured in service to our country. Our deep regard to Jack Anderson for his fine example of public service, and to Jack Mitchell, we are very proud of you in Beaver County and throughout our Nation for your courageous act to help an American in trouble.

The journalistic profession is well served by this fine example of independence, integrity, and bravery.●

THE ENERGY CRISIS AND THE PLIGHT OF TRAVELING SALES REPRESENTATIVES

HON. CHARLES E. GRASSLEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. GRASSLEY. Mr. Speaker, as a cosponsor of the Sales Representative Protection Act, I have had the opportunity to work closely with individuals, as well as their organizations, whose profession is selling. I have become familiar with their problems, particularly those stemming from the energy crisis. But, I have also come to appreciate their loyalty to our country, their willingness to sacrifice as well as their cooperative spirit during this time of economic crisis in America.

Gasoline rationing will work a hardship on sales representatives if special provisions are not made for them. I have been an opponent of gasoline rationing, but if we ever have a plan, it must be fair to this group. In light of this, I am submitting the following article from the February 4, 1980, Sales Representatives News of the National Association of Men's and Boys' Apparel Clubs, Inc.:

> Washington.—As the Department of Energy (DOE) prepared to write its final draft of a national standby gasoline rationing plan, the Bureau of Wholesale Sales Representatives accelerated its efforts to assure traveling salespeople equitable treatment under that plan.
>
> Early last month in Seattle, Chicago, and Washington, D.C., Bureau members and staff testified at DOE hearings on the rationing program.
>
> Their message to the Nation's energy planners was simple: Sales representatives wholeheartedly support "sensible" rationing that would allow commercial users of gasoline to continue making their vital contribution to the American economy.
>
> Legislation passed by Congress last October authorizes the President to draft a gasoline rationing plan for use in emergency situations.
>
> Last month's DOE hearings are part of the administration's drive to prepare its rationing plan for submission to Congress within the 120-day limit set by the energy bill.
>
> At a January 7 hearing in Washington, D.C., Bureau Washington Counsel Charles Schoeneman told DOE officials that "every individual the Bureau represents is cognizant of the need for a standby gasoline rationing plan.
>
> "However," he continued, "it is not in the public interest to put in place a plan which disproportionately rests the principle burden on one segment of the American economy."
>
> Complimenting DOE on its recognition that commercial users of gasoline must receive allotments based on their historic usage of fuel, Schoeneman criticized a preliminary draft of the standby rationing plan for not spelling out in detail how these allotments would be made.
>
> Failure to establish in advance the mechanism for alloting gasoline to commercial users, Schoeneman said, would give rise to "an initial chaotic period for business" whenever the rationing plan was put into effect.
>
> To assure a smooth transition to a rationing program, Schoeneman urged DOE to add to its plan a section "which states unequivocally that in the event rationing on a per vehicle basis goes into effect, there will be an automatic allotment to the salesmen and others who use their vehicles in business based upon proven historical usage as shown on their federal income tax returns. . ."
>
> At regional hearings held January 3 in Seattle and January 4 in Chicago, Bureau members delivered similar testimony on the need for commercial user allotments based on proven, historical usage of gasoline.
>
> Pacific Northwest Apparel Association President Ryan Montgomery and Jim Holland, president of the Pacific Northwest Men's Apparel Club, attended the Seattle hearing.
>
> Former NAMBAC Vice President-at-Large Hal Copeland, accompanied by Style Exhibitors Government Operations Committee Chairman Gerson Schnierow, testified at the Chicago hearing.●

GOVERNMENT DUPLICATION UNNECESSARY

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. SYNAR. Mr. Speaker, the House of Representatives today adopted an amendment to the Resource Conservation and Recovery Act (H.R. 3994) offered by my colleague from West Virginia, Mr. Staggers. I strongly supported the amendment, I voted for it, and I was glad the House accepted it.

The amendment offered by Mr. Staggers provides for the consolidation of two permits which surface coal mine operators are currently required to obtain. In order to comply with the law, coal mine operators are now required to get a waste disposal permit from the Office of Surface Mining, and a waste disposal permit from the Environmental Protection Agency. This duel-permit process is wasteful and unnecessary, and this is just the type of Government duplication which we can well do without, and which we must continue to cut back.

Mr. Speaker, last November, I sponsored a coal regulation conference in my district in Oklahoma. Attending the conference was the Director of the Regulatory Council's Task Force on Coal. At the meeting, we brought together State regulators, coal mine operators utilities, and many others concerned with the production and use of coal in the State of Oklahoma. The purpose of the conference was to identify specific regulations imposed upon these groups which are inconsistent, duplicative, overlapping, or unnecessary.

It was clear that one of the main problems facing coal mine operators is that so much time and money is spent in duplicative efforts in order to comply with the regulations of different agencies at both the Federal and State level. For instance, the operators must file the same information—in different forms—with different agencies. Or, in the case addressed by the Staggers amendment, they must get permits for the same activities from different agencies. This general duplication is time consuming and expensive, and is an unnecessary regulatory burden on operators.

If we expect the coal industry to produce the amount of coal necessary to help move this Nation away from its dependence on petroleum, the Federal Government must do everything it can to promote—not hinder—those efforts.

To cut out duplication and inconsistencies in regulations won't solve all the coal mine operators problems. But we in the Congress, and in the agencies which regulate mine operations, have an obligation to make their job as easy, as efficient, and as productive as possible. We have an obligation to cut back this unnecessary and wasteful redtape whether or not it will solve all the problems at once. It is a step in the right direction, it is a step which I strongly support, and one which is long overdue.

When the Senate considered this bill last June, an amendment similar to the Staggers amendment was adopted by that body as well. I think the two houses have made a wise decision, and I hope this is only the start of congressional efforts to consolidate regulatory requirements, where possible, and cut back Government redtape.●

VOICE OF DEMOCRACY CONTEST WINNER

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mrs. HOLT. Mr. Speaker, the Veterans of Foreign Wars of United States and its ladies auxiliary conduct a yearly Voice of Democracy contest. In 1980, more than 250,000 secondary school students participated in the contest. The theme for this year's contest was "My Role in America's Future." A constituent of mine Miss Cheryl Theresa Talley of Oxon Hill, Md., who attends the Immaculate Conception Academy in Washington, D.C., entered the contest and became the winner in the District of Columbia. I am really proud of her achievement and would like to share her message with my colleagues:

MY ROLE IN AMERICA'S FUTURE

(By Cheryl Theresa Talley)

America's history is like a tree.

We, today's generation, are the branches, our ancestors the roots.

We are what they used to be.

We will be what they were.

They were fighters, working for our freedom.

They were peacemakers, firing non-violence.

They were people, loving, caring, under God.

They were hopers, wishing us a better life.

Today, as an American citizen, I have some of the things my ancestors fought for. I have the freedom of speech, of religion, of the right to life, liberty and security. By speaking the words of my heart, participating in non-violent marches, and living life to its fullest, I stand as a witness to the freedoms of America. I feel that if we fight for what we believe in, America's future will be one worth looking forward to.

I think more American citizens should begin to participate in the functions that help make America what it is and what it will be. One such function is voting. Too many people are afraid of getting involved. Others are just too lazy to make an effort to get to the polls. The role these citizens take has very slim chance of making any drastic change in our nation's future.

Another such function is obeying laws. I feel that every citizen in America should be very careful and conservative to every law enforcement officer.

I feel that all of America's citizens should want to take an active part in our nation's future. One, we as well as our descendants will benefit from work and effort. Two, we can become better people; and thus we will be a strong, powerful, and happy nation. I feel participation, hard work, and effort are three of the most important ways to achieve success.

America's future is like a play. Every citizen has a role, big or small. We as Americans are the actors and actresses. One actor alone will not make a play. Therefore, we must learn to work together, to combine our roles, to form one family of unity, peace, love, and respect.

Every human being is responsible for the future of America. We should all help each other to handle this responsibility. I feel organization of this type will be greatly needed in future generations.

I know the role I play in America's future is not a vast and important one. But I want to help others to help themselves to become better persons. When we all help each other, we can then, and only then, begin to solve the problems of America, and those of the world as well.●

AN EDUCATION POLICY FOR THE 1980'S

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. ERLENBORN. Mr. Speaker, on Saturday, February 16, 1980, the distinguished minority whip, ROBERT H. MICHEL of Illinois, addressed a meeting of the Illinois Jaycees. At the awards ceremony at which a superintendent of schools was named the outstanding young man, BOB MICHEL spoke of the need for local and State control of public schools. During his remarks he documented what many of us have believed for many years: Federal aid to education, which once promised to be a helping hand, has become a stranglehold on American education.

At this point I wish to insert in the RECORD the text of BOB MICHEL's remarks for I believe they represent the kind of thinking this country needs in order to see to it that our children get the very best education possible:

REMARKS OF REPRESENTATIVE ROBERT H. MICHEL

In one of those odd coincidences, I had picked a subject for my remarks tonight before I knew the name and the profession of your Outstanding Young Man. Would you believe it, the topic I chose was education, its problems and its promises.

You hear a lot of complaints about American education these days. And, if we are to believe the test scores, there is much to complain about.

But then you meet someone like Joe Cipfl and you know that no matter what your troubles may be, the spirit of Jaycees can solve them.

Joe Cipfl saw a problem. He involved parents, he involved the community. And that is exactly what I'd like to talk to you about tonight—that spirit, that attitude.

For openers, I don't happen to be one of those who automatically condemns any program emanating from Washington. On the other hand, I am not one of those who believes that every solution to every problem can be found in Washington. The education problems of Peoria can best be solved by those closest to the problem right here in town. The education problems of Belleville can best be solved by the people of that community, as Superintendent of Schools, Joe Cipfl, so ably demonstrated.

So tonight, as I point out what I think are the problems and the opportunities in today's education, I want to emphasize it is my belief that there are no educational problems so grave that they can't be solved by parents, taxpayers, teachers and administrators working together.

Our basic problem is that during the last twenty years or so, we have tended to look more and more to Washington for our solutions rather than to ourselves.

Show me a federal program that really works, that really delivers what it promises and you'll have my support every time.

But too often federal programs—particularly in education—seem to have a life of their own. They are created and grow and live eternally without any reference to their worth.

If I seem a bit harsh on the results of almost twenty years of increasing federal involvement in education, it is because I believe in the public school system's unique strength: local control, local initiative.

The public school system in this country has no greater supporter than this member of Congress.

That's where I got my start. So did my wife and four children. No one has to tell me what that system can do when it is running the way it should. No one has to tell me how dedicated teachers and administrators can be when they have parental and community support.

I'm not searching for scapegoats. I'm searching for solutions.

Somebody once said that wars are too important to be left to generals.

Our American education system has been built on the concept that our children's education is too important to be left to the educational experts, in Washington or elsewhere. Joe Cipfl and others like him across this state and the nation know this. Education is a full-time job and it begins in the home and in one's local community.

Unfortunately, we have become a nation trying to solve our educational problems from the top down when they can only be solved from the grass roots up.

In a few weeks Mrs. Shirley Hufstedler, the Secretary of the new Department of Education will come before our Appropriations Subcommittee. She will tell us of the brand new plans the administration has in store for education.

She will probably repeat the words we see in the administration's education budget: "This 1981 budget totals $15.5 billion, an increase of $1 billion, or seven percent, above the 1980 level. It represents a 39 percent increase in the federal education budget from 1978 to 1981. . . . The Budget has been guided by the fundamental belief that the very strength of the Nation's educational system is rooted in the primacy of State and local governments, as well as private institutions."

Those words remind me of a song that was popular many years ago: "It seems to me I've heard that song before".

Yes, I've heard the song about federal aid to education before. I've heard the boasts about increased spending. I've heard the lip-service paid to state and local education.

I've heard it, in various forms, from all the Secretarys of HEW who have appeared before our committee during our 20 years of hearings: Ribicoff, Celebreeze, John Gardner, Wilbur Cohen, Robert Finch, Elliot Richardson, Cap Weinberger, David Matthews and Joe Califano. They've all come up to the Hill singing the same ole song, with slightly different lyrics. But the song has the same message, year after year after year:

"If the federal government is allowed to spend just a little more of your tax dollars, education will improve. Trust us."

Well, let's look at the record of the recent past.

From 1966 to 1978 the federal government has spent more than $50 billion on outlays for programs supporting elementary and secondary education. It is the greatest expansion of federal government involvement in education in our nation's history.

During that same period we have seen declining SAT scores, a virtual epidemic of illiteracy in many urban schools, a decline in writing skills, a decline in math skills, violence in many schools, and public discontent with educational quality.

During that same period, the federal government has spent over 26 billion of those education tax dollars for compensatory education programs, the kind that are supposed to help minority children get a head start. These are called Title I programs.

Two years ago I asked the Library of Congress to give me a report on all of the major effectiveness studies that have been done on the Title I program.

A 1976 study pointed out: "Title I has not lived up to the expectations of the optimists of 1965 . . . expectations have been lowered as a relative intractibility of the problem has become apparent."

Another study said there was reason for what it called "cautious optimism" about these programs. Yet another study said that the results over fifteen years are "encouraging".

"Encouraging" and "cautious optimism." What small rewards for over 10 years and $26 billion for Title I. And we simply do not know whether or not even those "encouraging" gains will remain with students as they continue through school.

Let me pause here to say I know there are schools where Title I works. That's great! Let's find out what those schools are doing right before we pour more money into programs of "cautious optimism".

Obviously it is difficult to prove a direct cause-and-effect relationship between increased federal involvement and declining educational quality.

But common sense tells us that at the very least, federal aid to education has not helped as much as its advocates said it would. At best, we are not getting our money's worth; at worst, the influx of federal tax dollars may well have helped to shape educational policies in the wrong direction. Perhaps the worst thing is that without even realizing it, we have placed our faith in the experts and not in the people.

But do we see a call in Washington for a new, hard look at alternatives to our present system?

No, we hear the same old battle cry: "Spending federal tax dollars on education is proof we care."

I want to tell you tonight that increased federal spending on education is not proof of compassion. It is proof of the old saying that there is nothing in this world that is immortal except the human soul and a federal spending program.

Like Ol' Man River, federal spending for education "jes keeps rollin' along".

And I haven't even mentioned such disastrous side-effects as quota systems, forced busing, federal encroachment in certain areas of curriculum and the feeling among some citizens that if the federal government is "taking care of education" there's nothing to worry about.

Well, there's plenty to worry about.

Our national defense system is a victim of our crisis in education. One of the little-known but serious problems we face is that our army is staffed at its lowest levels with men and women who do not have the skills to work in a technologically sophisticated military.

Training manuals in the Army have to be written on a seventh grade reading level.

One out of twenty recruits now coming into the Army is a "functional illiterate". That means the Army has to send them to a six-week remedial reading program.

The Washington Star, noting these trends stated:

"One (reason for this crisis) is that a high school diploma no longer means what it used to and the U.S. public school system no longer teaches people to read well."

Recently the most comprehensive survey ever taken of today's military problems showed that the intelligence level of many of the crew members manning tanks and air defense systems may be too low for them to perform at Army standards.

Is it just a coincidence that these semi-literate eighteen and nineteen year old soldiers are members of the first generation of so-called beneficiaries of massive federal aid to education?

I don't think so. I think that many federal education programs just haven't done the job. And the armed forces are getting the results—and getting them where it hurts.

Oh, I know—the proponents of increased spending, in and out of government will say: Just give us a few more dollars and we'll get the job done.

I don't believe it. I didn't believe it fifteen years ago and I don't believe it now.

I think it's time we stopped patting Washington on the back for spending more and more federal tax dollars on education and started looking at what it all means.

I came across a story a few weeks ago in the Washington Post that shows it isn't elementary and secondary schools alone that have been transformed—and not for the better—by federal money.

The headlines said: "College Lobbyists Flocking Here in Quest of Federal Funds."

The story told of a typical day in Washington. Officials of one State college "prowl in Halls of Congress, the federal agencies and the grantsmanship ghetto" . . . seeking some $63 million in federal aid this one college gets each year. This college is going to buy its own airplane so that the flights between the campus and Washington can be expedited.

One hundred institutions of higher learning have opened offices or hired lobbyists in Washington to represent their interests on Capitol Hill and the agencies.

Is this what we have come to? Is this what we have done to our colleges? Have we made them federal tax junkies, addicted to ever-increasing jolts of tax dollars?

We are in the midst of an almost unnoticed educational revolution. We are witnessing the gradual but inexorable transformation of our entire educational system, from pre-school programs to post-graduate schools. The federal government, which once said it only wanted to offer a "helping hand" is in some cases developing a strangle-hold on education.

Look behind the ritual references to state and local control and you see the steady growth of federal involvement in education at all levels.

And the irony of it all is that we have allowed this to go on because we thought it would help. But it hasn't. It hasn't taught more kids to read. It hasn't helped universities to remain independent. And it hasn't helped the taxpayers or the parents.

Oh, yes some good has come of this expenditure of over $50 billion dollars.

If you gave me fifty billion dollars and I dropped it from an airplane as it flew over the country, I would hope it would do some good, too. But you wouldn't call that policy. You'd call that an exercise in wishful thinking. Wishful thinking disguised as public policy.

I said earlier that with every problem comes an opportunity.

Jaycees and other public-minded citizens have the opportunity to make American education work again. Joe Cipfl has shown it can be done.

It's going to mean cooperation with good teachers who are sick and tired of so-called innovations that don't work. They have been forced to use these innovations because some alleged education geniuses said they were the latest thing. They need your cooperation and your support. It's going to mean getting involved at basic levels in your neighborhood schools, asking questions, yes, perhaps making a pest of yourself—but a pest for quality, a pest for improved reading skills.

It's going to mean increased participation in every aspect of our schools. Whether you do it as a citizen, as taxpayer, a parent, a Jaycee, or in whatever capacity, you owe it to America to help rebuild our public school system.

We have to get back to basics, all right. We have to remember that education begins at home, in the neighborhood, in the family, in the community.

We have to launch a counter-revolution against twenty years of sending messages to Washington for help. We have to send a new message to Washington: Stop increasing the stranglehold and get back to offering the helping hand. Gradually, without hurting those you have made dependent over the years, reverse the trend toward more federal spending. Join with those of us in the States to bring education back to the people.

And so tonight I could ask nothing more than that the spirit of the Jaycees, your spirit of community involvement, of private initiative, of individual concern, be directed toward our educational problems, school by school, classroom by classroom, child by child. That's how this battle is going to be won.

When the American people regain the spirit of the Jaycees, we will have turned around the damaging trends in education.

But that's not going to happen unless you and your friends first show the way.

We have a chance to stop the erosion. We have a chance to build.

I can think of no better or more suitable allies in this battle than you and thousands like you across the state and the nation. You believe as I do that the spirit of volunteerism, the spirit that says "Can do," is going to bring good education back to this country.

So I ask your support for those of us in Congress who want to help American children learn but who are convinced the federal government often hurts as much as it helps. Yes, the federal government can help. But only by its willingness to actually put into practice all those nice words about state and local control.

Jaycees of Illinois, we have a chance to make a difference. Let's do all we can to make certain that difference we make benefits every student in Illinois and across the country! ●

A TRIBUTE TO HON. RICHARD P. FRUTIGER

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. PAUL. Mr. Speaker, the city of Nassau Bay, Tex., is led by a statesman, Hon. Richard P. Frutiger.

Mayor Frutiger led the people of his city in turning down Federal grants and raising their own funds to rectify deficiencies in the city's sewage treatment system.

By turning down Federal money, and the redtape that wraps it, the city will save years of time at very little additional cost to the residents.

I would like to take the opportunity to call this to my colleagues' attention, and congratulate Mayor Frutiger, by inserting in the RECORD a recent letter and attachments he sent me.

If more U.S. cities showed the initiative and good sense of Nassau Bay, we would not have the financial troubles we do.

The letter follows:

City of Nassau Bay,
Houston, Tex., February 6, 1980.

Hon. Dr. Ron Paul,
U.S. House of Representatives, 22d Congressional District of Texas, Washington, D.C.

Dear Dr. Paul: As you know, Nassau Bay residents passed a $1,000,000 bond election on November 14, 1979 to enable expansion and elimination of deficiencies in the existing sewage treatment system. This bond election followed a survey of residents on whether they would prefer the City going it alone or depending on Federal grants. Obviously the guidance we received from the residents was for the City to go it alone.

I am enclosing a copy of the informational sheet that we sent out to the residents. As you will note, there are two very interesting points. First, if the City had relied on Federal grants it would have taken considerably longer (5-10 years versus 1 year). Secondly, when you consider the time value of money, the overall direct cost to the residents is only marginally greater with the City going it alone.

I look forward to seeing you this coming Sunday at the dedication of our Municipal Facility.

Sincerely,

Richard P. Frutiger, *Mayor.*

Enclosures.

Nassau Bay Bond Election

On Saturday, November 17, 1979, a $1,000,000 Bond Election will be held. This money, if approved, is earmarked for financing necessary improvements to the Sewer Treatment Plant and Collection System.

The improvements planned at the sewer treatment plant include addition of a clarifier and dewatering system for removal of solids, expansion of the filter and biotreatment systems, and elevation of electrical equipment and instrumentation to prevent future interruptions from high water. The collection system will be improved by installing a new sewer along the east end of Martinique, a lift station and/or by-pass at the Marina, and replacement of the sewer lines running through the park. Slip-lining sewer laterals throughout the City will continue as a separate effort and on an as-needed-basis.

RESULTS OF SURVEY

The difference in cost between Alternate 1 and 2 is attributed to the added costs involved with complying with Federal "red tape" in obtaining grants and an inflation rate of ten (10) percent per annum for the additional 3 years to complete. Obviously, because of the timing, the most desirable alternate is the for the City to proceed expeditiously on its own. However, before proceeding, we would appreciate your noting below with an "X" in the appropriate box the alternate you would prefer the City follow:

Alternate 1—[30].
Federal—75 percent/city—25 percent.

Alternate 2—[142].
City—100 percent.

Financing the City's costs can be accomplished either through a bond election which would be supported by an increase in ad valorem taxes or through revenue bonds which would be supported by an increase in the monthly sewer rates from $3.50 per month to $7.00. We would appreciate how you would prefer the City's expenses being supported by placing an "X" in the appropriate box below.

Capital bond [85].
Revenue bond [85].

Street flooding—Because of subsidence, street flooding in Nassau Bay has become progressively worse in many areas. To alleviate this problem, it will require the installation of pumps and wet wells at several locations along Upper Bay Road to lift the water over the bulkheads or dikes. Additionally, improved drainage will be required along Vinland to improve the flow of runoff from areas feeding into these storm sewers from San Sebastian and Saxony. The cost of this is estimated to be roughly $500,000 (engineering will be required to confirm this estimate). This would not be an all encompassing project but would alleviate the most serious and most frequently flooded areas. Additional engineering will be needed as other areas become a more serious problem and projects identified to correct them.

We would appreciate your imput on whether or not you support the City taking any action by marking an "X" in the appropriate box below.

Support above project [116].
Do not support above project [56].

Financing the cost of the above improvements can be accomplished either through a bond election which would be supported by an increase in ad valorem taxes or through revenue bonds which would be supported by a 25 percent increase in the water. Again, we would appreciate how you would prefer the project being financed by placing an "X" in the appropriate box below.

Capital bond [80].
Revenue bond [60].

The new facilities will enable the City to treat all sewage before discharging it to Clear Creek, assist in eliminating manholes from overflowing during inclement weather, eliminate extended outage of the plant whenever we have high water, and finally, provide adequate capability for solids removal and disposal.

A decision to hold a Bond Election was made following a recent survey conducted by the City to determine what course the citizens wished Council to follow in pursuing a resolution of the problems with the City's sewage system. In particular, Council requested the guidance of the residents on whether they supported depending on federal grants or the City going it alone financially. The overwhelming desire of those responding was for the City to go it alone. The actual count was 142 to 30.

Repayment of the Bonds will be achieved through an increase in ad valorem taxes. This will amount to about $45.00 per year for property with an assessed value of $60,000 (75 percent of market value).

Mayor and City Council.●

REFORM THE SOCIAL SECURITY SYSTEM

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. PAUL. Mr. Speaker, an eloquent 21-year-old constituent of mine, Mr. Ronald Barker of Alvin, Tex., recently wrote me a letter about my opposition to the horrendous proposals made to "reform" the social security system by taxing benefits, raising the eligibility age, increasing the tax on working people, et cetera.

I would like to share Ronald's words with my colleagues, in the hope that they will listen to what he has to say:

Dear Congressman Paul: I just completed reading your article on whether the government should tax Social Security benefits. I would like to say it is nice someone in that so called Congress thinks. The other day while I was at work (Monsanto in Chocolate Bayou) we received a notice that Social Security taxes were going up. Congressman, would you please convey my sentiments to the floor, because what I have to say is very common among today's working class.

Number one: Inflation will only level off when government spending is tapered off. How can this ever happen when taxes constantly go up? If the dollar were backed up by something substantial, taxes would not have to be raised.

Number two: The average person works forty years of his life to get two-hundred dollars a month at sixty-five. How can Congress justify taxing something a person already paid for?

Number three: To raise the age for eligibility for benefits is so absurd I won't even speak on that.

Number four: Why should Congress care how much a social security recipient earns? Congress will gain the income tax off of this labor. I would like to see any of Congress go from their high paying government jobs to a fixed income and see what the aged are living on. Maybe Congress should try eating T.V. dinners and see how they like it.

Lastly I do not expect Congress (except you, Dr. Paul) to listen to this. They have shut their ears for years now. But to any of them listening, please help us, don't tax us more. We taxpayers still pray for you all, but our patience is wearing thin.

Sincerely,

Ronald Barker.

U.S. SAVINGS BONDS

HON. DAN MARRIOTT

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1980

● Mr. MARRIOTT. Mr. Speaker, ever since the U.S. savings bonds payroll deduction plan was initiated in 1941, when a great war was almost on America's doorstep, our good citizens have been asked to help both the country and themselves into a more secure future by participation. The annual campaign has been undertaken again in Utah, and the kickoff "take stock in America" meeting was chaired in Salt Lake City by its chairman, Larry Frame, of Litton Industries, one of the respected employers in my home State and district.

For that beginning, Frame asked a Litton colleague, Col. Barney Oldfield, USAF (Ret.), to come up from Beverly Hills, Calif., to serve as keynote speaker on January 28, 1980. Colonel Oldfield, who has served in 69 countries both in uniform and as a businessman, has had many opportunities to see how U.S. savings bonds moneys make themselves felt in peace and war. I offer an excerpt from his remarks here in the Record:

> Savings bonds, I know from experience, cause incredible things to happen, whether it be from owning or selling them.
>
> I was with a young man named Sam Magill, who talked 20,000 Germans into surrendering to him and his 24-man platoon. He was isolated some 70 miles in German-held territory, outnumbered, and the only way he could instruct the follow-through actions was by walkie-talkie radio. It was made possible by savings bonds.

When I worked with George Foreman through his Job Corps beginnings, leading to winning the Olympic Gold Medal in 1968 and subsequently to his becoming world champion, the $9,000 he cost the U.S. Government for rescue from a life of crime in the ghetto, that money came in part from savings bonds bought by people who had no idea they were touching a life so enormously.

The B-29 which did the first 100 missions in Korea, flown by a crew of my friends, had a decal inside which they saw every mission day which read: "This aircraft was bought by savings bonds purchased by the people of Freeport, Long Island, New York."

If the sole motivation of an individual is making money, it's hard to talk to him or her about savings bonds. But if the motivation of an individual is making this country go, it's a simple way for everyone to put a helping hand on America's future. America is still the best game around.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of all meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an interim procedure until the computerization of this information becomes operational, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, February 21, 1980, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 22

9:00 a.m.

Commerce, Science, and Transportation
To hold hearings on a proposed amendment to establish standards for developing a cost ratio trigger for burden of proof in rate cases, to S. 1946, to provide railroads with more pricing rate flexibility and contract provisions.
235 Russell Building

9:30 a.m.

Finance
Social Security Subcommittee
To hold oversight hearings on social security financing.
2221 Dirksen Building

Foreign Relations
To continue closed hearings on energy and political security issues in Southwest Asia.
S-116, Capitol

9:45 a.m.

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the National Consumer Cooperative Bank, Office of Consumer Affairs, and Consumer Information Center.
1318 Dirksen Building

10:00 a.m.

Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for programs of the Department of Education.
S-128, Capitol

Banking, Housing, and Urban Affairs
International Finance Subcommittee
To hold oversight hearings on the activities of the Export-Import Bank of the United States.
5302 Dirksen Building

Energy and Natural Resources
Parks, Recreation, and Renewable Resources Subcommittee
To hold oversight hearings to review wilderness and rangeland management programs of the Bureau of Land Management.
3110 Dirksen Building

Environment and Public Works
To review those items in the President's budget for fiscal year 1981 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, receiving testimony from officials of the Environmental Protection Agency.
4200 Dirksen Building

Joint Economic
To hold hearings on the Consumer Price Index figures for January.
5110 Dirksen Building

2:00 p.m.

*Commerce, Science, and Transportation
Merchant Marine and Tourism Subcommittee
To hold hearings on the application which Sea-Land Service has formally filed with the Maritime Administration to trade in eight SL-7 class containerships for allowances of credit for new ship construction.
5110 Dirksen Building

FEBRUARY 25

9:30 a.m.

Environment and Public Works
Resources Protection Subcommittee
Business meeting, to begin mark up of S. 2181, authorizing funds through fiscal year 1982 to assist States in developing fish and wildlife conservation programs.
4200 Dirksen Building

Special on Aging
Business meeting, to discuss the committee's work plan for the 2d session of the 96th Congress.
154 Russell Building

10:00 a.m.

Agriculture, Nutrition, and Forestry
To hold hearings on S. 2199, 2258, and 2264, bills to alleviate the economic effect of the Soviet grain embargo on American farmers.
324 Russell Building

Banking, Housing, and Urban Affairs
To hold oversight hearings on the conduct of monetary policy.
5302 Dirksen Building

Energy and Natural Resources
To hold hearings on S. 1280, proposed Energy Management Partnership Act.
3110 Dirksen Building

Labor and Human Resources
Health and Scientific Research Subcommittee
To resume hearings on S. 1652, proposed Nutrition Labeling and Information Amendments of 1979 to the Federal Food, Drug, and Cosmetic Act.
4232 Dirksen Building

Select on Small Business
To hold hearings on proposed authorizations for fiscal year 1981 for the innovation center of the Small Business Administration.
424 Russell Building

2:00 p.m.

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Water Resources Council, Water and Power Resources Service (formerly the Bureau of Reclamation).
S-126, Capitol

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for Human Development Services.
S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the administration of foreign affairs within the Department of State.
S-146, Capitol

Armed Services
Procurement Policy and Reprograming Subcommittee
To hold hearings on S. 1687 and 2232, bills to repeal certain defense contract requirements regarding the purchase of aircraft and naval vessels.
235 Russell Building

Finance
Social Security Subcommittee
To resume oversight hearings on social security financing.
2221 Dirksen Building

FEBRUARY 26

9:00 a.m.

*Governmental Affairs
Energy, Nuclear Proliferation, and Federal Services Subcommittee
To hold hearings on proposed legislation to increase the authority of the President and Congress in postal operations and to provide a sound financial base for the future of the Postal Service.
3302 Dirksen Building

9:30 a.m.

Commerce, Science, and Transportation
To continue hearings on S. 2245, proposed Motor Carrier Reform Act
235 Russell Building

Environment and Public Works
Resource Protection Subcommittee
Business meeting, to continue mark up of S. 2181, authorizing funds through fiscal year 1982 to assist States in developing fish and wildlife conservation programs.
4200 Dirksen Building

10:00 a.m.

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Department of the Treasury, and the Export-Import Bank of the United States.
1114 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Health Care Financing Administration.
S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for international organizations and conferences within the Department of State.
S-146, Capitol

Banking, Housing, and Urban Affairs
To continue oversight hearings on the conduct of monetary policy.
5302 Dirksen Building

Budget
To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1981 congressional budget.
6202 Dirksen Building

Energy and Natural Resources
To continue hearings on S. 1280, proposed Energy Management Partnership Act.
3110 Dirksen Building

Finance
Business meeting, to consider the committee budget.
2221 Dirksen Building

Labor and Human Resources
To consider those matters and programs which fall within the committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
4232 Dirksen Building

Select on Indian Affairs
To hold hearings on S. 2066, to convey certain land in Colorado to the Ute Mountain Ute Indian Tribe.
5110 Dirksen Building

11:00 a.m.

Veterans' Affairs
To hold hearings to receive legislative recommendations for fiscal year 1981 from Disabled American Veterans.
318 Russell Building

2:00 p.m.

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Tennessee Valley Authority.
S-126, Capitol

*Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for International Commissions of the Department of State.
S-128, Capitol

Budget
To continue closed hearings in preparation for reporting the first concurrent resolution on the fiscal year 1981 congressional budget.
6202 Dirksen Building

Environment and Public Works
To review those items in the President's budget for fiscal year 1981 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, receiving testimony from officials of the Economic Development Administration and the Appalachian Regional Commission.
4200 Dirksen Building

FEBRUARY 27

7:30 a.m.

Judiciary
To hold closed hearings on the nomination of Charles B. Winberry, Jr., to be U.S. District Judge for the Eastern District of North Carolina.
2228 Dirksen Building

9:30 a.m.

Commerce, Science, and Transportation
To continue hearings on S. 2245, proposed Motor Carrier Reform Act.
235 Russell Building

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on S. 2238, authorizing additional funds for fiscal year 1980, and S. 2240, authorizing funds for fiscal year 1981, both for research and development programs of the National Aeronautics and Space Administration.
6226 Dirksen Building

10:00 a.m.

Appropriations
*Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Department of Education.
S-128, Capitol

*Appropriations
State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the International Trade Commission, and the Legal Services Corporation.
S-146, Capitol

Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To hold oversight hearings to examine the scope of rental housing.
5302 Dirksen Building

Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To hold hearings on S. 1934, proposed Municipal Solid Waste to Energy Act.
3110 Dirksen Building

Governmental Affairs
Energy, Nuclear Proliferation, and Federal Services Subcommittee
To continue hearings on proposed legislation to increase the authority of the President and Congress in postal operations and to provide a sound financial base for the future of the Postal Service.
3302 Dirksen Building

Labor and Human Resources
Education, Arts, and the Humanities Subcommittee
Business meeting, to consider S. 1839, authorizing funds through fiscal year 1985 for programs under the Higher Education Act.
4232 Dirksen Building

2:00 p.m.

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Nuclear Regulatory Commission.
S-126, Capitol

FEBRUARY 28

9:00 a.m.

Veterans' Affairs
To hold hearings on S. 1188, to revise the vocational rehabilitation programs administered by the Veterans' Administration.
412 Russell Building

9:30 a.m.

Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Department of Agriculture.
1114 Dirksen Building

Environment and Public Works
To review those items in the President's budget for fiscal year 1981 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, receiving testimony from officials of the Nuclear Regulatory Commission.
4200 Dirksen Building

Governmental Affairs
*Energy, Nuclear Proliferation, and Federal Services Subcommittee
To continue hearings on proposed legislation to increase the authority of the President and Congress in postal operations and to provide a sound financial base for the future of the Postal Service.
3302 Dirksen Building

10:00 a.m.

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Veterans' Administration.
1318 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Community Services Administration, and the Railroad Retirement Board.
S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Board for International Broadcasting, and the Securities and Exchange Commission.
S-146, Capitol

Banking, Housing, and Urban Affairs
Insurance Subcommittee
To hold hearings on proposed authorizations for fiscal year 1981 for the crime and riot-reinsurance program of the Federal Emergency Management Administration.
5302 Dirksen Building

Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To continue hearings on S. 1934, proposed Municipal Solid Waste to Energy Act.
3110 Dirksen Building

Finance
Business meeting, to resume consideration of the committee budget; and S. 350, 351, 748, and 760, bills to encourage and facilitate the availability, through private insurance carriers, of basic health insurance at reasonable premium charges.
2221 Dirksen Building

Labor and Human Resources
Education, Arts, and the Humanities Subcommittee
Business meeting, to continue consideration of S. 1839, authorizing funds through fiscal year 1985 for programs under the Higher Education Act.
4232 Dirksen Building

Select on Indian Affairs
To hold hearings on S. 2223, to allow members of Indian tribes to transfer restricted Indian lands to heirs who are not members of the reservation where the land is located.
457 Russell Building

2:00 p.m.

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the National Commission on Libraries and Information Services, Corporation for Public Broadcasting, Occupational Safety and Health Review Commission, Mine Safety Review Commission, and the Soldiers' and Airmen's Home.
S-128, Capitol

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Joint Economic Committee, Congres-

sional Budget Office, Government Printing Office, Library of Congress and Congressional Research Service.
S-146, Capitol

FEBRUARY 29

9:30 a.m.

Commerce, Science, and Transportation

Science, Technology and Space Subcommittee

To resume hearings on S. 2238, authorizing additional funds for fiscal year 1980, and S. 2240, authorizing funds for fiscal year 1981, both for research and development programs of the National Aeronautics and Space Administration.
235 Russell Building

Finance

Revenue Sharing, Intergovernment Revenue Impact, and Economic Problems Subcommittee

To hold hearings on proposed general revenue sharing extension.
1114 Dirksen Building

Finance

Taxation and Debt Mangement Generally Subcommittee

To hold hearings on miscellaneous tax legislation.
2221 Dirksen Building

Labor and Human Resources

*Employment, Poverty, and Migratory Labor Subcommittee

Business meeting, to consider proposed legislation authorizing funds for fiscal year 1981 for the Legal Services Corporation.
4232 Dirksen Building

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1981 for the Veterans' Administration, and for the American Battle Monuments Commission, and U.S. Army cemeterial expenses.
1318 Dirksen Building

Banking, Housing, and Urban Affairs

Insurance Subcommittee

To continue hearings on proposed authorizations for fiscal year 1981 for the crime and riot-reinsurance program of the Federal Emergency Management Administration
5302 Dirksen Building

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings on S. 2156, proposed Northeast Corridor Completion Act.
457 Russell Building

Energy and Natural Resources

To hold hearings on the recent report entitled "Energy in Transition: 1985-2010" of the Committee on Nuclear and Alternative Energy Systems (CONAES) of the National Academy of Sciences.
3110 Dirksen Building

Environment and Public Works

To review those items in the President's budget for fiscal year 1981 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, receiving testimony from officials of the Army Corps of Engineers, the Water Resources Council and the Office of Water Research and Technology.
4200 Dirksen Building

MARCH 3

9:30 a.m.

Labor and Human Resources

Handicapped Subcommittee

To hold oversight hearings on the implementation of the Education for All Handicapped Children Act (P.L. 94-142).
4200 Dirksen Building

10:00 a.m.

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Social Security Administration.
S-128, Capitol

Appropriations

Military Construction Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.
1318 Dirksen Building

Banking, Housing, and Urban Affairs

To resume hearings on proposed legislation to renew the Home Mortgage Disclosure Act.
5302 Dirksen Building

2:00 p.m.

Appropriations

Labor-HEW Subcommittee

To review those programs administered by the Department of Labor.
S-128, Capitol

Appropriations

Military Construction Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.
1318 Dirksen Building

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.
1224 Dirksen Building

MARCH 4

8:00 a.m.

Veterans' Affairs

To resume hearings on the Federal Government's efforts to assist Vietnam-era veterans in readjusting to society and finding employment and education opportunities.
412 Russell Building

9:30 a.m.

Finance

Taxation and Debt Management Generally Subcommittee

To resume hearings on miscellaneous tax legislation.
2221 Dirksen Building

Small Business

To hold hearings on S. 2224, to provide for an increase in the amount of funding for the solar energy and energy conservation loan program.
424 Russell Building

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for certain programs administered by the Department of State.
1318 Dirksen Building

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Indian Health Service.
1223 Dirksen Building

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for public service jobs, special youth programs, the Job Corps, and jobs for the elderly.
1223 Dirksen Building

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Office of Technology Assessment, and the Copyright Royalty Tribunal.
S-146, Capitol

Appropriations

Transportation Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.
1224 Dirksen Building

Banking, Housing, and Urban Affairs

Housing and Urban Affairs Subcommittee

To hold hearings on proposed legislation authorizing funds through fiscal year 1985 for the Urban Mass Transportation program.
5302 Dirksen Building

Energy and Natural Resources

Business meeting, to consider those matters and programs which fall within the committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget by March 15; and other pending calendar business.
3110 Dirksen Building

11:30 a.m.

Veterans' Affairs

To hold hearings to receive legislative recommendations for fiscal year 1981 from Veterans of Foreign Wars.
318 Russell Building

2:00 p.m.

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for general manpower training programs, private sector initiatives, State employment security agencies.
1114 Dirksen Building

Appropriations

Military Construction Subcommittee

To continue closed hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.
S-146, Capitol

Appropriations

Transportation Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.
1224 Dirksen Building

MARCH 5

9:00 a.m.

Labor and Human Resources

Employment, Poverty, and Migratory Labor Subcommittee

To hold hearings on S. 1129, 2021, and 2218, bills to provide career employment opportunities for disadvantaged youth; and S. 1312, proposed Work and Training Opportunities Act.
4232 Dirksen Building

9:30 a.m.

Environment and Public Works

Business meeting, to mark up S. 2181, authorizing funds through fiscal year 1982 to assist States in developing fish and wildlife conservation programs; S. 1882, to provide for the control of interstate and foreign commerce in fish and wildlife, and to explore the preservation of wildlife on an international level; and to consider those matters and programs which fall within the committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
4200 Dirksen Building

10:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Office of Surface Mining Reclamation and Enforcement.
1223 Dirksen Building

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Labor-Management Services Administration, Pension Benefit Guaranty Corporation, Occupational Safety and Health Administration, and the Mine Safety and Health Administration.
114 Dirksen Building

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the U.S. Trade Representative, and the Federal Trade Commission.
S-146, Capitol

Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To continue hearings on proposed legislation authorizing funds through fiscal year 1985 for the urban mass Transportation program.
5302 Dirksen Building

Commerce, Science, and Transportation
Merchant Marine and Tourism Subcommittee
To hold hearings on S. 2248, authorizing funds for fiscal year 1981 for the U.S. Travel Service.
235 Russell Building

Energy and Natural Resources
Business meeting, to consider those matters and programs which fall within the committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget by March 15; and other pending calendar business.
3110 Dirksen Building

1:00 p.m.
Appropriations
Military Construction Subcommittee
To continue closed hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.
1224 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Employment Standards Administration, Bureau of Labor Statistics, and President's Committee on Employment of Handicapped.
1114 Dirksen Building

Judiciary
Antitrust, Monopoly, and Business Rights Subcommittee
To hold joint hearings with the Select Committee on Small Business on S. 2251, to prohibit restrictions on the use of credit instruments in the purchase of gasohol.
Room to be announced

Small Business
To hold joint hearings with the Judiciary Subcommittee on Antitrust, Monopoly, and Business Rights on the substance of S. 2251, to prohibit restrictions on the use of credit instruments in the purchase of gasohol.
Room to be announced

MARCH 6

8:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on S. 2249, to increase the minimum level of price support on quota peanuts for the 1980 and 1981 crops.
324 Russell Building

9:00 a.m.
Labor and Human Resources
Employment, Poverty, and Migratory Labor Subcommittee
To continue hearings on S. 1312, proposed Work and Training Opportunities Act.
4232 Dirksen Building

9:30 a.m.
Environment and Public Works
Business meeting, to continue consideration of those matters and programs which fall within the committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
4200 Dirksen Building

Veterans' Affairs
Business meeting, to consider those items in the President's budget for fiscal year 1981 which fall within its legislative jurisdiction and to consider recommendations which it will make thereon to the Budget Committee by March 15.
412 Russell Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for certain international security assistance programs of the Department of State.
1114 Dirksen Building

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the National Credit Union Administration, and Neighborhood Reinvestment Corporation.
1318 Dirksen Building

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the National Endowment for the Humanities.
1223 Dirksen Building

Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To continue hearings on proposed legislation authorizing funds through fiscal year 1985 for the urban mass transportation program.
5302 Dirksen Building

Energy and Natural Resources
Business meeting, to consider those matters and programs which fall within the committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget by March 15; and other pending calendar business.
3110 Dirksen Building

Select on Indian Affairs
To hold hearings on S. 1507, to provide for the purchase of certain facilities, lands, and water rights in and around the San Luis Rey River, San Diego, Calif., to be held in trust for, and operated and maintained by certain boards of Mission Indians.
5110 Dirksen Building

MARCH 7

10:00 a.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Department of Health and Human Services.
S-128, Capitol

MARCH 10

9:30 a.m.
Labor and Human Resources
Health and Scientific Research Subcommittee
To hold hearings on S. 2144, proposed Health Professions Educational Assistance and Nurse Training Act.
4232 Dirksen Building

10:00 a.m.
Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.
1224 Dirksen Building

Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To resume hearings on S. 1928, proposed Fair, Financial Information Practices Act, and S. 1929, proposed Privacy of Electronic Fund Transfer Act.
5302 Dirksen Building

2:00 p.m.
Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.
1224 Dirksen Building

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for general administration and legal activities of the Department of Justice.
S-146, Capitol

MARCH 11

8:30 a.m.
Energy and Natural Resources
To resume closed hearings to assess the political, military, economic, and social factors affecting world oil production and consumption over the next decade.
S-407, Capitol

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Selective Service System (Registration).
1318 Dirksen Building

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for certain programs administered by the Secretary of Energy.
1114 Dirksen Building

Appropriations
State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Federal Bureau of Investigation, Department of Justice
S-146, Capitol

Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.
1224 Dirksen Building

Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To continue hearings on S. 1928, proposed Fair, Financial Information Practices Act, and S. 1929, proposed Privacy of Electronic Fund Transfers Act.
5302 Dirksen Building

Governmental Affairs
Energy, Nuclear Proliferation, and Federal Services Subcommittee

To hold hearings on S. 1699, proposed Energy Impact Assistance Act.
3302 Dirksen Building

Labor and Human Resources
Business Meeting, to mark up S. 1076, to improve the regulation of multiemployer pension insurance plans, and to provide sufficient funds to pay benefits.
4232 Dirksen Building

2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Immigration and Naturalization Service, Department of Justice.
S-146, Capitol

Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.
1224 Dirksen Building

MARCH 12

9:00 a.m.
Labor and Human Resources
Employment, Poverty, and Migratory Labor Subcommittee
To resume hearings on S. 1129, 2021, and 2218, bills to provide career employment opportunities for disadvantaged youth.
5110 Dirksen Building

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for the Department of Agriculture.
1318 Dirksen Building

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1981 for the National Bureau of Standards.
235 Russell Building

Labor and Human Resources
*Health and Scientific Research Subcommittee
To resume hearings on S. 2144, proposed Health Professions Educational Assistance and Nurse Training Act.
4232 Dirksen Building

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Office of Indian Education, and the Institute of Museum Services.
1223 Dirksen Building

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Drug Enforcement Administration, Department of Justice.
S-146, Capitol

Banking, Housing, and Urban Affairs
Business meeting, to consider those matters and programs which fall within the committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
5302 Dirksen Building

Governmental Affairs
Energy, Nuclear Proliferation, and Federal Services Subcommittee
To continue hearings on S. 1699, proposed Energy Impact Assistance Act.
3302 Dirksen Building

2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Federal Prison System, and Office of Justice Assistance, Research and Statistics, Department of Justice.
S-146, Capitol

MARCH 13

9:00 a.m.
Labor and Human Resources
Child and Human Development Subcommittee
To hold hearings on proposed legislation to establish Commissions on National Youth Service and Volunteerism.
4232 Dirksen Building

Labor and Human Resources
Employment, Poverty, and Migratory Labor Subcommittee
To continue hearings on S. 1129, 2021, and 2218, bills to provide career employment opportunities for disadvantaged youth.
6226 Dirksen Building

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Agriculture.
1318 Dirksen Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the International Development Cooperation Agency, and certain programs of the Agency for International Development.
1114 Dirksen Building

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Office of the Secretary, and the Office of the Solicitor.
1223 Dirksen Building

Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.
1224 Dirksen Building

2:00 p.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.
1224 Dirksen Building

MARCH 14

8:30 a.m.
Energy and Natural Resources
To resume closed hearings to assess the political, military, economic, and social factors affecting world oil production and consumption over the next decade.
S-407, Capitol

9:00 a.m.
*Veterans' Affairs
To hold hearings on the recruitment and retention of qualified health-care professionals to staff the Veteran's Administration's health-care facilities.
412 Russell Building

10:00 a.m.
*Banking, Housing, and Urban Affairs
International Finance Subcommittee
To resume hearings on S. 864, 1499, 1663, 1744, bills to facilitate the formation of U.S. export trading companies to expand export participation by smaller U.S. companies.
5302 Dirksen Building

MARCH 17

10:00 a.m.
Banking, Housing, and Urban Affairs
International Finance Subcommittee
To hold hearings on S. 2097, proposed Joint Export Marketing Assistance Act, and on the substance of S. 2040, proposed Small Business Export Expansion Act and S. 2104, proposed Small Business Export Development Act.
5302 Dirksen Building

MARCH 18

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for certain programs of the Agency for International Development.
1114 Dirksen Building

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for alternative fuels program of the Department of Energy.
1223 Dirksen Building

Banking, Housing, and Urban Affairs
International Finance Subcommittee
To continue hearings on S. 2097, proposed Joint Export Marketing Assistance Act, and on the substance of S. 2040, proposed Small Business Export Expansion Act and S. 2104, proposed Small Business Export Development Act.
5302 Dirksen Building

Energy and Natural Resources
Energy Resources and Materials Production Subcommittee
To hold oversight hearings on the implementation of the Outer Continental Shelf leasing program.
3110 Dirksen Building

2:00 p.m.
Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.
1224 Dirksen Building

MARCH 19

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for the Department of Agriculture.
1318 Dirksen Building

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Bureau of Indian Affairs.
1224 Dirksen Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

MARCH 20

9:00 a.m.

Veterans' Affairs

Business meeting, to consider S. 1188, to revise the vocational rehabilitation programs administered by the Veterans' Administration.

412 Russell Building

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for certain programs of the Agency for International Development, and for the Peace Corps.

1114 Dirksen Building

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Environmental Protection Agency.

1318 Dirksen Building

Appropriations

Interior and Related Agencies Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1981 for the Bureau of Indian Affairs.

1223 Dirksen Building

Energy and Natural Resources

Energy Resources and Materials Production Subcommittee

To resume oversight hearings on the implementation of the Outer Continental Shelf leasing program.

3110 Dirksen Building

2:00 p.m.

Appropriations

Military Construction Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.

1224 Dirksen Building

Energy and Natural Resources

Energy Research and Development Subcommittee

To hold hearings on proposed authorizations for fiscal year 1981 for the Department of Energy.

3110 Dirksen Building

MARCH 21

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1981 for the Environmental Protection Agency, and for the Council on Environmental Quality.

1318 Dirksen Building

MARCH 24

10:00 a.m.

Banking, Housing, and Urban Affairs

International Finance Subcommittee

To resume hearings on the U.S. embargo of grain and technology exports to the Soviet Union.

5302 Dirksen Building

Energy and Natural Resources

To hold oversight hearings on the activities of the Department of Energy.

3110 Dirksen Building

2:00 p.m.

Appropriations

State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Bureau of Census, general administration, and economic and statistical analysis, Department of Commerce.

S-146, Capitol

MARCH 25

9:30 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1981 for the Department of Agriculture.

S-128, Capitol

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for certain programs of the Agency for International Development; the international narcotics control program of the Department of State; and for the Inter-American Foundation.

1318 Dirksen Building

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for certain programs of the Department of Energy.

1223 Dirksen Building

Appropriations

State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Economic Development Administration, and Regional Planning Commission, Department of Commerce.

S-146, Capitol

Appropriations

Transportation Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.

1224 Dirksen Building

Banking, Housing, and Urban Affairs

Housing and Urban Affairs Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1981 for housing, community development programs and the Urban Development Action Grant of the Department of Housing and Urban Development.

5302 Dirksen Building

Energy and Natural Resources

Parks, Recreation, and Renewable Resources Subcommittee

To hold hearings on S. 2233 to permit the Forest Service to acquire lands outside the boundaries of the Los Padres National Forest in California.

3110 Dirksen Building

2:00 p.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Cost Accounting Standards Board, and the General Accounting Office.

S-128, Capitol

Appropriations

Transportation Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.

1224 Dirksen Building

MARCH 26

9:00 a.m.

Labor and Human Resources

Child and Human Development Subcommittee

Business meeting, to mark up S. 1843 and H.R. 2977, proposed Domestic Violence Prevention and Services Act; and proposed legislation to establish Commissions on National Youth Service and Volunteerism

4232 Dirksen Building

9:30 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Agriculture.

1318 Dirksen Building

10:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Office of Water Research and Technology.

1223 Dirksen Building

Appropriations

State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Industry and Trade Administration, Minority Business Development Agency, and the U.S. Travel Service, Department of Commerce.

S-146, Capitol

Banking, Housing, and Urban Affairs

Housing Urban Affairs Subcommittee

To continue hearings on proposed legislation authorizing funds for fiscal year 1981 for housing, community development programs and the Urban Development Action Grant of the Department of Housing and Urban Development.

5302 Dirksen Building

Energy and Natural Resources

Business meeting, to consider pending calendar business.

3110 Dirksen Building

2:00 p.m.

Appropriations

Military Construction Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.

1224 Dirksen Building

Appropriations

State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the National Oceanic and Atmospheric Administration, Department of Commerce.

S-146, Capitol

MARCH 27

9:30 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Agriculture.

S-128, Capitol

Veterans' Affairs

To hold hearings to receive legislative recommendations for fiscal year 1981 from AMVETS, Paralyzed Veterans, Blinded Veterans, WWI Veterans, and Military Order of the Purple Heart.

1202 Dirksen Building

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the National Science Foundation.

1318 Dirksen Building

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Smithsonian Institution.
1223 Dirksen Building

*Appropriations
State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Patent and Trademark Office, and science and technical research, Department of Commerce.
S-146, Capitol

Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.
1224 Dirksen Building

Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To resume hearings on S. 1928, proposed Fair Financial Information Practices Act, and S. 1929, proposed Privacy of Electronic Fund Transfers Act.
5302 Dirksen Building

Energy and Natural Resources
To hold hearings on S. 1784, to improve the electric generating efficiency of joint Federal-civilian pooling practices in Alaska.
3110 Dirksen Building

11:30 a.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.
1224 Dirksen Building

2:00 p.m.
Appropriations
Military Construction Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.
1318 Dirksen Building

Appropriations
State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the National Telecommunications and Information Administration, and the Maritime Administration, Department of Commerce.
S-146, Capitol

Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.
1224 Dirksen Building

MARCH 28

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the National Science Foundation, and for the Office of Science and Technology Policy.
1318 Dirksen Building

Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To continue hearings on S. 1928, proposed Fair Financial Information Practices Act, and S. 1929, proposed Privacy of Electronic Fund Transfers Act.
5302 Dirksen Building

MARCH 31

2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Chrysler loan guarantee program.
S-146, Capitol

APRIL 1

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for foreign assistance programs.
1318 Dirksen Building

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Office of Territorial Affairs.
1224 Dirksen Building

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Commerce.
S-146, Capitol

Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1981 for housing, community development programs and the Urban Development Action Grant of the Department of Housing and Urban Development.
5302 Dirksen Building

APRIL 2

9:30 a.m.
Veterans' Affairs
To resume hearings on the Federal Government's efforts to assist Vietnam-era veterans in readjusting to society, and the use of excepted appointments for disabled veterans.
412 Russell Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Selective Service System, and the National Commission on Air Quality.
1318 Dirksen Building

Appropriations
Interior and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Office of Territorial Affairs.
1224 Dirksen Building

Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To continue hearings on proposed legislation authorizing funds for fiscal year 1981 for housing, community development programs, and the urban development action grant of the Department of Housing and Urban Development.
5302 Dirksen Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

APRIL 3

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Federal Home Loan Bank Board, and the National Institute of Building Sciences.
1318 Dirksen Building

Appropriations
Interior and Related Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for certain programs of the Department of Energy.
1224 Dirksen Building

Energy and Natural Resources
To hold hearings on the environmental effects of carbon dioxide present in the atmosphere.
3110 Dirksen Building

APRIL 15

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Federal inspector for Alaska pipeline, and the Energy Information Administration, of the Department of Energy.
1223 Dirksen Building

Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.
1224 Dirksen Building

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Department of the Treasury.
1318 Dirksen Building

Banking, Housing, and Urban Affairs
International Finance Subcommittee
To hold hearings on proposed authorizations for fiscal year 1981 for the international affairs programs of the Department of the Treasury; and on proposed legislation to increase the U.S. quota in the International Monetary Fund.
5302 Dirksen Building

APRIL 16

9:30 a.m.
Veterans' Affairs
Business meeting, to consider proposed legislation on the recruitment and retention of qualified health-care professionals to staff the Veterans' Administration health-care facilities, S. 759, to provide for the right of the United States to recover their costs of hospital, nursing home, or outpatient, medical care furnished by the Veterans' Administration to veterans for non-service-connected disabilities to the extent that they have health insurance or similar contracts, and S. 1523 and H.R. 4015, proposed Veterans Senior Citizen Health Care Act.
412 Russell Building

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the National Gallery of Art, and the Commission of Fine Arts.
1223 Dirksen Building

Appropriations
Treasury, Postal Service, and General Government Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of the Treasury.
1318 Dirksen Building

Banking, Housing, and Urban Affairs
International Finance Subcommittee
To continue hearings on proposed authorizations for fiscal year 1981 for the international affairs programs of the Department of the Treasury; and on proposed legislation to increase the U.S. quota in the International Monetary Fund.
5302 Dirksen Building

2:00 p.m.
Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.
1224 Dirksen Building

APRIL 17

9:30 a.m.
*Labor and Human Resources
Child and Human Development Subcommittee
To hold oversight hearings on the development of children who benefit from adoption by facilitating their placement in adoptive homes.
4232 Dirksen Building

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Forest Service, Department of Agriculture.
1223 Dirksen Building

Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.
1224 Dirksen Building

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of the Treasury.
1114 Dirksen Building

2:00 p.m.
Appropriations
Military Construction Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.
1318 Dirksen Building

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of the Treasury.
S-146, Capitol

APRIL 18

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Federal Emergency Management Agency.
1318 Dirksen Building

2:00 p.m.
Appropriations
Military Construction Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.
1223 Dirksen Building

APRIL 22

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Economic Regulatory Administration, Department of Energy.
1223 Dirksen Building

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for the Department of the Treasury, and on the U.S. Postal Service.
1318 Dirksen Building

2:00 p.m.
Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.
1224 Dirksen Building

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of the Treasury.
S-146, Capitol

APRIL 23

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the National Endowment for the Arts.
1223 Dirksen Building

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Executive Office of the President.
1318 Dirksen Building

2:00 p.m.
Appropriations
Military Construction Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.
1224 Dirksen Building

APRIL 24

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the National Aeronautics and Space Administration.
1318 Dirksen Building

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Bureau of Land Management.
1223 Dirksen Building

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Executive Office of the President.
1114 Dirksen Building

2:00 p.m.
Appropriations
Military Construction Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.
1224 Dirksen Building

APRIL 25

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the National Aeronautics and Space Administration.
1318 Dirksen Building

APRIL 29

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Heritage Conservation and Recreation Service.
1224 Dirksen Building

Appropriations
Treasury, Postal Service and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Office of Personnel Management, Merit Systems Protection Board, Federal Labor Relations Authority, U.S. Tax Court, and President's Commission on Pension Policy.
1318 Dirksen Building

2:00 p.m.
Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.
1223 Dirksen Building

APRIL 30

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for conservation programs of the Department of Energy.
1224 Dirksen Building

Appropriations
Treasury, Postal Service and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Federal Elections Commission, Advisory Commission on Intergovernmental Relations, Advisory Committee on Federal Pay, Committee for Purchase from the Blind and Other Severely Handicapped, and the Administrative Conference of the U.S.
1318 Dirksen Building

2:00 p.m.
Appropriations
Military Construction Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.
1223 Dirksen Building

MAY 1

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Department of Housing and Urban Development.
1318 Dirksen Building

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Land and Water Conservation Fund of the Heritage Conservation and Recreation Service.
1224 Dirksen Building

Appropriations
Treasury, Postal Service and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the General Services Administration.
1114 Dirksen Building

*Labor and Human Resources
Child and Human Development Subcommittee
To hold hearings on issues Congress might consider which would affect youth in the coming decade.
6226 Dirksen Building

MAY 2

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Housing and Urban Development.
1318 Dirksen Building

MAY 6

2:00 p.m.
Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.
1223 Dirksen Building

MAY 7

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the U.S. Geological Survey.
1224 Dirksen Building

MAY 13

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the National Park Service.
1224 Dirksen Building

MAY 14

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Department of the Interior.
1223 Dirksen Building

Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.
1224 Dirksen Building

MAY 15

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for the Department of Housing and Urban Development, and Independent Agencies.
1318 Dirksen Building

Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.
1224 Dirksen Building

MAY 16

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Housing and Urban Development, and Independent Agencies.
1318 Dirksen Building

MAY 22

9:30 a.m.
Labor and Human Resources
Child and Human Development Subcommittee
To hold oversight hearings to examine issues affecting infant mortality, and preventable birth defects.
4232 Dirksen Building

MAY 29

9:30 a.m.
*Veterans' Affairs
To hold hearings on proposed legislation to establish a cost-of-living increase for service-connected disability compensation.
412 Russell Building

JUNE 11

9:30 a.m.
*Veterans' Affairs
To hold oversight hearings on the activities of the Inspector General of the Veterans' Administration.
412 Russell Building

CANCELLATIONS

FEBRUARY 22

9:30 a.m.
Labor and Human Resources
To hold joint hearings with the House Committee on Education and Labor on proposed legislation to institute a youth employment program.
2175 Rayburn Building

10:00 a.m.
*Governmental Affairs
Energy, Nuclear Proliferation, and Federal Services Subcommittee
To resume hearings on S. 1938, proposed Federal Radiation Protection Management Act.
3302 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for programs of the Department of Education.
S-128, Capitol

FEBRUARY 27

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Office of Inspector General, Office of Civil Rights, Policy Research, and Departmental Management.
S-128, Capitol

FEBRUARY 29

10:00 a.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for domestic programs of ACTION, National Labor Relations Board, Federal Mediation and Conciliation Service, and the National Mediation Board.
S-128, Capitol

MARCH 19

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1981 for programs under the National Climate Program Act.
235 Russell Building

MARCH 21

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1981 for programs under the National Climate Program Act.
235 Russell Building

SENATE—*Thursday, February 21, 1980*

(Legislative day of Thursday, January 3, 1980)

The Senate met at 2 p.m., on the expiration of the recess, and was called to order by Hon. CLAIBORNE PELL, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Our Father-God, show us day by day that the way to fullness of life is the way of the cross, that only as life is given is life received, that self-fulfillment is by way of self-sacrifice, that crucifixion is the way to resurrection. Kindle in us a new spirit as we walk once more the way the Man of Nazareth walked. By self-denial and hard discipline enable us to partake of that fellowship of suffering which lifts the heavy laden, the oppressed, the victims of terror, the poor, the sick, and the sorrowing. May we worship while we work for the coming of Thy kingdom of justice and truth.

We pray in the name of Him who gave His life for many. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. MAGNUSON).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 21, 1980.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CLAIBORNE PELL, a Senator from the State of Rhode Island, to perform the duties of the Chair.

WARREN G. MAGNUSON,
President pro tempore.

Mr. PELL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the distinguished majority leader is recognized.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I reserve the remainder of my time, temporarily.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the acting minority leader is recognized.

ALICE ROOSEVELT LONGWORTH

Mr. TOWER. Mr. President, I am sure I reflect the sentiments of everyone on my side of the aisle who either knew, knew of, or ever had any opportunity to be associated with, Alice Roosevelt Longworth in expressing a sense of sorrow and personal loss over her passing.

Mrs. Longworth was the daughter of President Theodore Roosevelt and the widow of Nicholas Longworth, Speaker of the House of Representatives from 1925 until 1931. She was noted for both her beauty, her wit, and her great charm. She knew every President from Benjamin Harrison to Jimmy Carter and was particularly friendly with Presidents Kennedy and Nixon. Her wit and outlook can perhaps best be shown by the inscription on a chair pillow in her Washington townhouse. The inscription reads, "If you can't say something good about someone, sit right here by me."

Mrs. Longworth was born in New York on February 12, 1884, and was brought up by her father's sister after her mother died shortly after she was born. Her only daughter, Pauline, died in 1956.

Once when President Johnson told her that her broad-brimmed hat made it hard to kiss her, she replied, "Yes, that's why I wear it." Her charm and wit will truly be missed by all the people of this Nation, and by those of us who were privileged to know her.

For all of her aristocratic background, for all of her cultural achievements, she was a woman possessed of a very great common touch, and reflected something of the spirit of the frontier women with whom we were familiar in my State. I believe we will all miss her very much.

I reserve the remainder of my time.

Mr. ROBERT C. BYRD. Mr. President, I will now use my time under the order.

ROCIO EDMONDSON

Mr. ROBERT C. BYRD. Mr. President, on behalf of Senator KENNEDY, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 214.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 214) entitled "An Act for the relief of Rocio Edmondson", do pass with the following amendment:

Strike out all after the enacting clause, and insert: That, in the administration of the Immigration and Nationality Act, Rocio Edmondson shall be held and considered to be a returning resident alien as defined in section 101(a)(27)(A) of that Act, as of the date of the enactment of this Act.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate concur in the House amendment.

The motion was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a statement by Mr. KENNEDY in explanation of the matter be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR KENNEDY

On April 26, 1979, the Senate passed S. 214, a bill to grant the status of permanent residence in the United States to Rocio Edmondson.

On November 27, 1979, the House of Representatives passed S. 214 with the following amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: That, in the administration of the Immigration and Nationality Act, Rocio Edmondson shall be held and considered to be a returning resident alien as defined in section 101 (a)(27)(A) of that Act, as of the date of the enactment of this Act.

ORDER OF PROCEDURE

Mr. TOWER. Mr. President, I ask unanimous consent that I may be permitted to transfer the special order time allocated to Senator PERCY to the Senator from Maryland (Mr. MATHIAS).

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maryland.

TIME TO QUARANTINE MAD DOGS AND MARAUDING BEARS

Mr. MATHIAS. Mr. President, after World War II, Soviet citizens used to joke in private that Stalin's biggest mistake was to let the Red Army see Europe and to let Europe see the Red Army. Now Soviet President Leonid Brezhnev has made the same kind of mistake.

The brutal Soviet invasion and occu-

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

pation of Afghanistan, preceded by the assassination of an Afghan leader who had fallen out of favor with the Kremlin, has reminded the world that the Soviet Union is capable of any outrage in pursuit of its national strategic objectives. Since World War II such reminders have been plentiful. The use of Red Army troops to put down popular uprisings in Hungary and Czechoslovakia established the pattern.

But armed aggression is not the only weapon in the Soviet strategic arsenal. For many years now the Soviet Union has been steering its international activities along a double track. To its closest European neighbors and, for a time, to the United States, it preached and even practiced some of the virtues of accommodation. Yet simultaneously in Africa, Asia, and Latin America it fueled conflict and impeded reconciliation.

In Europe, a major instrument of Soviet policy has been the 1975 Helsinki Accords, which established a framework for bilateral and multilateral East-West security and cooperation agreements. Elsewhere, however, the Soviet Union pursues its goals through political subversion and armed intervention—by proxy in Africa, by the Red Army in Afghanistan.

The Soviet Union must be served notice that its double track leads only to a dead end. The time to serve that notice is now before Moscow embarks on a full-scale peace offensive at this fall's meeting of the Helsinki signatory States in Madrid.

At that meeting and in the months leading up to it, the Soviet Union will surely again be trumpeting its peaceful intentions in Europe; its desire to sit down with its neighbors under the Helsinki umbrella and talk constructively of arms control. Indeed, Brezhnev has already begun to fulminate against reckless imperialist forces who are destroying the fruits of détente. (TASS, February 4, 1980)

Unfortunately, to some, the Soviet peace offensive will be music to the ears. And the Soviet siren song will not be totally misleading. In Europe, Moscow does believe that it can best advance its interests, for now at least, through measures that could lessen military tension.

I believe that some such measures are desirable as well. But I cannot take a Kremlin peace offensive seriously while Soviet troops bivouac at the head of the Khyber Pass and in the proud and ancient cities of the Afghan people—Herat, Ghazni, Kandahar, Mazar-i-Sharif and Kabul. Nor while Soviet helicopter gunships scourge the mountain valleys of Afghanistan. And I do not think we should let them get away with it in Helsinki or anywhere else.

The Madrid meeting is called for two purposes: To review compliance under the Helsinki accords and to look for new, common activities to advance the goals of security and cooperation. At the first post-Helsinki meeting in Belgrade, the United States took the sensible position that until compliance was measurable—especially in the area of human rights, including the freer flow of people and ideas—new departures were inappropriate. That was a sound stance in Belgrade; it is an essential stance for Madrid.

In Madrid, the U.S. delegation must hold the Soviet Union to account for its continuing, savage disregard of the Helsinki undertakings on individual freedom. The banishment of Andrei Sakharov, which the Congress of the United States unanimously condemned earlier this week, and the arrests in recent months of some 40 human rights activists are only further proof, where ample proof already exists, of the contempt the Kremlin shows for the pledges it has given to respect freedom of conscience and of religion.

Article VII, paragraph 3, of the Helsinki Final Act reads:

> Within this framework the participating states will recognize and respect the freedom of the individual to profess and practice, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience.

The Soviet Union every day violates the letter and the spirit of the Helsinki undertakings. In fact, the Soviet Union defies the Helsinki principles. At Madrid the Soviet record of defiance must be laid bare.

But beyond the well-known Helsinki provisions on human rights are the guarantees Leonid Brezhnev signed to refrain from the threat or use of force, to respect the inviolability of frontiers, to refrain from occupying other nations' territory or interfering in their internal affairs, and to fulfill "in good faith obligations under international law." Most of those pledges are carefully worded to apply within the context of relations among the Helsinki signatories. The promise to respect international law and the United Nations Charter, however, is not confined by geography. And it is that promise—among others—which the Soviet Union violated in Afghanistan.

Article II, paragraph 1, of the Helsinki Final Act is unambiguous on this point. It reads:

> The participating States will refrain in their mutual relations, *as well as in their international relations in general* (emphasis added) from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations and with the present Declaration. No consideration may be invoked to serve to warrant resort to the threat or use of force in contravention of this principle.

Nothing could be clearer. And the Madrid meeting provides an appropriate forum in which that Soviet violation can and must be confronted. It also provides an occasion for making clear to the Soviet Government the terms on which the West can enter into genuine international efforts to promote peace, security, and cooperation.

Those terms are simple: Peace is indivisible; our planet is too small and crowded for any power to succeed at doubledealing in its international relations. And there are too many important global problems begging for solutions to tolerate mad dogs or marauding bears disrupting the proper business of mankind which is to improve the human condition everywhere.

For this reason, I have urged the Secretary of State, in determining U.S. policy for the Madrid meeting, to put the issue of Afghanistan at the top of the Helsinki review agenda.

Geographically, the mountains and valleys of that country are far removed from the capital of Spain. Geopolitically, however, the Soviet invasion of Afghanistan should occupy center stage at the Madrid meeting for it is an act which menaces all of Europe and all the principles the Helsinki accords promulgated.

In relations between Washington and Moscow, we have foresworn business-as-usual in the wake of Afghanistan. In preparing for Madrid, we must drop diplomacy-as-usual and bring Soviet policy—outside as well as inside Europe—to a complete and total reckoning. There can be no higher priority for European security than the security of Southwest Asia. And there can be no higher priority for world peace than that aggressors learn that they must pay for their aggressions against individuals and against nations.

There is no double track to peace. There is only one high road to peace, but it is broad enough to accommodate all those who wish to follow it. I hope one day the Soviet Union will see the wisdom of taking that high road and I believe that, by holding the Soviet Government accountable for its actions in Afghanistan at the world meeting, we will speed that day.

Mr. President, exactly a year ago tomorrow I expressed my grave concern about our lack of a strategic foreign policy at the 16th North American Invitational Model United Nations. In that talk, I assessed the Soviet threat in these terms.

> We must recognize we are dealing with a Soviet Union far more capable militarily than it has been in the past; we are dealing with a Soviet Union that has demonstrated a dangerous propensity of late to project its power far beyond its own shores to fish in troubled waters, and we are dealing with a Soviet Union that is a nuclear superpower.

I charged the Carter administration then with totally failing to provide a coherent response to the challenges and possibilities inherent in our relationship with the Soviet Union and with sending out conflicting signals to the Soviet leadership about our own intentions.

The conclusion I reached then now has the ring of prophecy. My fear as I expressed it at that time was that:

> This situation is dangerous. It leaves the door open to Soviet miscalculations. It invites adventurism.

Afghanistan is the Soviet response to that invitation to adventurism.

If we are to forestall other Soviet adventures, we must make it unmistakably clear to the Soviet Union where we stand and what we will not stand for. Madrid is a suitable forum to examine these questions.

Mr. President, because tomorrow is George Washington's birthday, it seems appropriate to close my remarks by reading a passage from George Washington's Farewell Address. It contains advice that every nation of the world would do well to follow.

George Washington advised his fellow citizens to "observe good faith and justice toward all nations; (to) cultivate peace and harmony with all" and warned them that:

> The nation which indulges toward another with habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur.

Let us comport ourselves as a nation with that advice in mind. Let us deal honestly and justly with all nations and seek honesty and justice from all nations. In the process, we will serve world peace.

Mr. President, I yield back the remainder of my time.

TIME-LIMITATION AGREEMENT—PROTOCOLS AND CONVENTIONS

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask unanimous consent that, on the protocols and the convention and agreement shown on the Executive Calendar as Calendar Order Nos. 1, 2, 3, and 4 on page 2, that the time for debate be 10 minutes, equally divided between Mr. CHURCH and Mr. JAVITS, rather than 30 minutes as agreed to earlier; that the vote occur at the conclusion of the 10 minutes and at the hour of 2 o'clock p.m. on Tuesday; and that the Senate then immediately, upon the disposition of the vote on the four items, with one vote en bloc, return to legislative session and resume consideration at that time of S. 10.

ORDER FOR CONSIDERATION OF S. 10 ON TUESDAY, FEBRUARY 26, 1980

Let me add now to this request, as in legislative session, that the Senate, at 10 o'clock on Tuesday next, after the recognition of the two leaders or their designees and the recognition of any Senators for whom orders have been previously entered, proceed to the consideration of S. 10, Calendar Order No. 446, which had been earlier agreed to, to be taken up on Monday in my conversations with the distinguished acting Republican leader (Mr. STEVENS).

What this would do, Mr. President, would be simply to put over until Tuesday that bill and the vote on it.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS TODAY UNTIL TOMORROW AND ON TOMORROW UNTIL TUESDAY, FEBRUARY 26, 1980, AT 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until tomorrow at 12 o'clock noon, at which time there will be a pro forma session only—no speeches, no business, no introduction of bills, resolutions, petitions, or memorials; the Senate will just come in and go out—and that at the conclusion of the pro forma session on tomorrow, the Senate stand in recess until the hour of 10 o'clock a.m. on Tuesday next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business not to extend beyond 30 minutes and that Senators may speak therein.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION FOR THE PRESIDENT TO PRESENT A GOLD MEDAL TO AMBASSADOR KENNETH TAYLOR

Mr. PROXMIRE. Mr. President, I call up a message from the House on H.R. 6374 and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore laid before the Senate H.R. 6374, an act to authorize the President of the United States to present, on behalf of the Congress, a specially struck gold medal to Ambassador Kenneth Taylor.

The ACTING PRESIDENT pro tempore. Without objection, the bill will be considered to have been read the first and second times and the Senate will proceed to its immediate consideration.

Mr. PROXMIRE. I thank the distinguished occupant of the chair.

CONGRESSIONAL GOLD MEDAL FOR AMBASSADOR TAYLOR

Mr. PROXMIRE. Mr. President, last week the House passed legislation authorizing the presentation of a special gold medallion to Ambassador Kenneth Taylor, of Canada, for his efforts in securing the safe return of six American officials in Tehran. The proposed medal is a fitting tribute to the Ambassador from the people of the United States.

As the world learned recently, these six diplomats escaped from the American Embassy last November when Iranian radicals stormed and captured our Embassy in Tehran; they then remained in secrecy with the Canadians for 3 months, completely dependent on Ambassador Taylor, his staff, and the Canadian Government for their safety and well-being.

Mr. President, by their personal bravery, Ambassador Taylor and his staff have forged an even closer alliance with the United States. We should not forget that in honoring the Ambassador with this medallion, we are conveying our gratitude to his colleagues as well. Let the world know of the special relationship that exists between the United States and Canada.

H.R. 6374 would also authorize the Secretary of the Treasury to strike bronze duplicates for sale to the general public. Moreover, an appropriation of $20,000 would be authorized for manufacturing the gold medallion. In keeping with the Congressional Budget Act of 1974, I am offering a technical amendment to section (a) of the bill authorizing the Treasury to manufacture the medal from already appropriated funds.

Mr. President, awarding a congressional medallion to a non-American is not without precedent. In 1969, the Congress awarded such a medallion to commemorate the dedication of the Winston Churchill Memorial Library at Westminister College in Fulton, Mo. H.R. 6374 was discharged from the House Subcommittee on Consumer Affairs directly to the floor for immediate action, in order that the Congress could promptly express its gratitude to the Ambassador.

I hope that the Senate will pass this legislation.

Mr. President, I am happy to yield to my good friend from Hawaii (Mr. MATSUNAGA).

Mr. MATSUNAGA. Mr. President, I thank the Senator from Wisconsin for yielding.

Mr. President, I commend the Senator in his capacity as chairman of the Banking Housing, and Urban Affairs Committee, for agreeing to take the bill, H.R. 6374, off the President's desk for immediate Senate consideration.

As the Senator from Wisconsin has stated, the measure was passed in the House last week. It was introduced in the House by my good friend and colleague from Hawaii, Congressman DANIEL K. AKAKA, who I must say typifies the spirit which prevails in the islands, that great spirit which we know as "aloha."

It was with that spirit of aloha and mahalo that the bill was introduced by Congressman AKAKA, as a means of expressing the deep sense of gratitude to the Canadians which strongly prevailed in Hawaii, but I must say that it is a spirit which prevails throughout America today among all Americans.

Mr. President, I rise in strong support of H.R. 6374, a bill which authorizes the striking and award of a special gold Congressional Medal to Ambassador Kenneth Taylor of Canada.

The proposed medal would convey a measure of the deep and lasting gratitude which the American people feel for Ambassador Taylor's valiant and successful efforts in rescuing six American Embassy officials from Tehran, Iran.

Ambassador Taylor and three members of the Canadian Embassy staff in Iran risked their own lives in order to provide a sanctuary for the six Americans who escaped through a back door of the American Embassy on the day that our Embassy was seized by a group of lawless Iranian terrorists. From then until the last week, when Ambassador Taylor and the remaining members of his staff left Iran, they hid the Americans in their own homes, keeping their whereabouts secret until an escape plan could be arranged.

Mr. President, the actions of Ambassador Taylor, his staff, his Government, and the people of Canada were above and beyond the call of duty. Indeed, they placed the lives of their six American colleagues in Iran above even the Canadian national interest. We Americans can never fully repay Ambassador Taylor and the Government and people of Canada. Nonetheless, the proposed medal would serve as a tangible symbol of our everlasting gratitude.

I strongly urge the prompt passage of H.R. 6374.

Mr. PROXMIRE. Mr. President, I thank my good friend from Hawaii.

The Senator is absolutely right. He deserves great credit for his initiative in offering this bill.

I think every American is grateful to the Canadians for the magnificent display of gallantry under very difficult circumstances, yet under circumstances where we have so much to be concerned about—ashamed of, for that matter—of what has happened in Iran.

It was one of the very few episodes of heroism and cooperation from an American ally that should make us grateful and proud.

UP AMENDMENT NO. 988

Mr. PROXMIRE. Mr. President, there is an amendment at the desk which I call up at this time.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read as follows:

> The Senator from Wisconsin (Mr. PROXMIRE) proposes an unprinted amendment numbered 988: Strike out the last line of subsection (a) and insert the following:
>
> "There are authorized to be spent from already appropriated funds not to exceed $20,000 to carry out the provisions of this subsection."

Mr. PROXMIRE. Mr. President, the purpose of this amendment is simply to permit the $20,000 to be paid out of already-appropriated funds, which I think is not objected to by anyone.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment (UP No. 988) was agreed to.

The ACTING PRESIDENT pro tempore. If there be no further amendment, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The ACTING PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 6374) was passed.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. PROXMIRE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR SENATE CONCURRENT RESOLUTION 74 TO BE INDEFINITELY POSTPONED

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Calendar No. 609, Senate Concurrent Resolution 74, a concurrent resolution expressing the gratitude of the American people to the people and Government of Canada and her Embassy and Ambassador to Iran, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

WISCONSIN'S REMARKABLE CONTRIBUTION TO WINTER OLYMPICS

Mr. PROXMIRE. Mr. President, every Senator is proud of his State, but as a Senator from Wisconsin I can't resist pointing out the remarkable contribution my State of Wisconsin has made to the U.S. winter Olympic team.

Consider this, Mr. President. First, how many medals has the United States won as of last night? The answer: six.

How many of those medals were won by States in the Union outside of Wisconsin? The answer: none.

How many medals were won by Wisconsinites? The answer; six. Every single one.

That is right. In this Olympics the only medals won by any American have been won by young men and women who live in Wisconsin, or I might say more correctly—one young man and two young women who live in Wisconsin.

Beth Heiden of Wisconsin won a bronze medal in the women's 3,000 meter speed skating event. Leah Poulos Mueller of Wisconsin won two silver medals in speed skating events and Eric Heiden of Wisconsin has already won a remarkable three gold medals in speed skating events.

Except for Wisconsin this country would be shut out of the Olympics so far—Olympics that are being held in our own country. But so far the Heidens of Madison, Wis., and Leah Mueller of Pousman, Wis., have saved the day for this country.

As their Senator I could not be prouder. These young people have developed their remarkable God-given talents magnificently. They have done so for years with the most exhausting and often painful training schedules. All three are remarkably solid, responsible citizens of whom all Americans can be proud.

For example, with his new eminence, Eric Heiden could be quite the big shot. He has become an overnight celebrity—a hot property whose refreshing personality as well as his remarkable talents could win him money and attention. But Heiden has indicated he has no interest in exploiting his Olympic achievements. He has even indicated that he might give up competitive skating after this year because he does not like the attention it has brought him.

Unlike the Russian athletes, Heiden is a true amateur in every respect. He has given endless hours to improving his skating. But skating to him is kept in its place. At 21, Heiden is a pre-med student at the University of Wisconsin.

Beth Heiden and Leah Mueller are similarly solid, sound, and unspoiled young Americans who represent the kind of young Americans who should make all of us proud of this country.

Beth Heiden did have a spirited final press conference in which she did what so many of us in public life fantasize about. She told off the press in blunt, honest, human terms. And what is wrong with that?

Mr. MATSUNAGA. Will the Senator yield?

Mr. TOWER. Will the Senator yield?

Mr. PROXMIRE. I am happy to yield to the Senator from Texas and then to the Senator from Hawaii.

Mr. TOWER. Mr. President, I congratulate the Senator from Wisconsin on having an opportunity to brag about these three young people, these fine young people from his State. I add a Texan's congratulations to them for having reflected credit on our country. I think they deserve the accolades of all Americans.

I am constrained to observe that if we had the kind of rotten weather in the wintertime in Texas that they have in Wisconsin, I am sure we could excel at winter sports as well.

Mr. PROXMIRE. Mr. President, I thank my good friend from Texas for his courageous remarks.

I must say that even Texas has a few good athletes, the Houston Oilers, the Dallas Cowboys, who have their days, but nothing like the Heidens, and Leah Mueller.

Mr. President, I yield to my friend from Hawaii.

Mr. MATSUNAGA. Mr. President, I wish to join the Senator from Wisconsin in congratulating the people of Wisconsin for producing such superior athletes.

What is even more amazing is that both Eric Heiden and Beth Heiden come from the same family, and that the two, brother and sister, won five of the six medals, four gold and one bronze, thus far.

As one who trained at Camp McCoy, Wis., during World War II, with the famed 10th Infantry Battalion, members of which were accorded great unforgettable hospitality by the people of Wisconsin, and as one who considers himself an adopted citizen of Wisconsin, I take great personal pride in the fact that Wisconsin did so well as Lake Placid and held the Olympic torch high for the United States and all Americans.

I congratulate the Senator from Wisconsin and all the people of Wisconsin for having contributed so much to the greatness of America.

Mr. PROXMIRE. I thank my good friend from Hawaii for his fine remarks. I am sure the Heidens and Leah Mueller will be very grateful to him and to the distinguished Senator from Texas for so graciously recognizing this great achievement by young citizens from our State.

SOVIET GRAIN TRADE SUSPENSION

Mr. PROXMIRE. Mr. President, I asked the administration to prepare an estimate of the economic impacts of the Soviet grain trade suspension. There were doubts in some quarters that the suspension would affect the Russians very much and fears about the effects on the U.S. economy. I have received the administration's report, and it should put to rest those doubts and fears.

The report finds that the action will have a significant negative effect on the Soviet agricultural economy, but the impact on the overall performance of the U.S. economy in 1980 will be "inconsequential." The economists who have studied these measures for the administration say there is unlikely to be "any measurable effect on food prices, employment, aggregate demand, or the general price level."

There will be some temporary dislocations in the grain transport system, but they will be modest. The United States will continue to be the world's largest grain exporter by a wide margin, and both farm net income and food prices will be about what they would have been without the suspension.

Budget outlays of the U.S. Government will rise, but only $2 to $3 billion spread over 2 years. And those outlays will boost the U.S. grain reserve providing some protection against the inflationary consequences of future global crop shortfalls, provide more emergency food assistance to poor countries, and provide additional food for hospitals and nursing homes in the United States, while assuring that farmers do not bear all the costs of the suspension of grain sales to Russia.

Mr. President, I ask unanimous consent that the full report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ECONOMIC IMPACTS OF THE SOVIET GRAIN GRAIN TRADE SUSPENSION[1]

On January 4, 1980 the President restricted sales of U.S. agricultural products to the Soviet Union. This action was one of several taken in response to the Soviet invasion of Afghanistan.

The President's decision means that approximately 17 million metric tons (mmt)[2] of corn and wheat, 1 mmt of soybeans and soybean products, small quantities of other grains and some animal products (poultry, tallow, etc.) will not be sold to the USSR this year. Of the total 17 mmt of corn and wheat, only 14 mmt had been contracted for delivery as of January 4.

Plans are to grant export licenses for the shipment of about 3 mmt of corn and wheat in order to meet our commitments under the 1975 US/USSR Grain Trade Agreement. Licenses covering about 0.73 mmt of grain have been issued since January 7, 1980. Certain other agricultural exports are also being allowed if it can be shown that they do not interfere with the intent of the trade restriction.

The action is likely to affect significantly the Soviet agricultural economy. The 1979 Soviet grain crop was 179 mmt—48 mmt below the 1979 plan and 58 mmt less than the record crop of 237 mmt produced in 1978. As a result, FY 1980 imports were expected to total about 35 mmt of wheat and corn and account for about 25 percent of total animal feed use. More that 70 percent of total imports would have come from the United States.

MACROECONOMIC EFFECTS

The impact of the Soviet grain export restriction on the overall performance of the U.S. economy in 1980 will be inconsequential. Grain purchases and other actions taken under Federal government price support programs will mitigate the effects of the restriction on commodity prices, and farm income as noted below. It is unlikely that there will be any measurable effect on food prices, employment, aggregate demand, or the general price level.

The trade restriction will result in less than a $2 billion reduction in agricultural products exports in 1980. Partly as a result of this restriction, the U.S. will probably post a small deficit in its current account in 1980. The trade restriction, however, has occurred in the context of a U.S. current account position which is in approximate balance despite large oil price increases. Most other major oil importing countries are expected to have larger deficits on current account. Thus it is likely that foreign exchange markets will continue to be stable.

Indeed, the complex of factors influencing foreign exchange markets has kept the values of the dollar basically stable since January 4. The exchange value of the dollar against other major currencies weighted by multilateral trade shares actually rose slightly between January 4 and the end of the month.

The impact of the grain trade restriction on the economy in the years beyond 1980 is difficult to assess and depends, in part, on the Soviet response to the action. If, because of a reduction in available animal feeds, the Soviets begin a liquidation of their domestic livestock herd, the total world demand for feed will be reduced somewhat until their herd can be rebuilt. In that case, the pattern and volume of U.S. grain trade over the next several years will probably be altered somewhat, though export volumes should still be at a high level. In any event, the 1980 grain trade suspension will not have a direct measurable effect on the long-term performance of our economy. The U.S. will continue to be the world's largest grain exporter by a wide margin.

THE VALUE OF AGRICULTURAL EXPORTS

Agricultural exports were $32 billion in FY 1979, almost two times the value of all food imports and about 20 percent of all U.S. exports. In November 1979, agricultural exports during fiscal 1980 were forecast by the Department of Agriculture to be $38 billion (see Table attached). Exports of grain (corn, wheat, soybeans, etc.) were expected to account for ⅔ of the total.

Sales to the Soviet Union were expected to total about $4 billion in fiscal 1980—10 percent of all U.S. agricultural exports. The Soviets were expected to purchase 25 mmt of corn and wheat, 1 mmt of soybeans and small quantities of rice, barley and other commodities.

The export value of the 17 mmt of grain now withheld from the USSR is about $2 billion. Reductions in the exports of soybeans and products, other grains and animal products would add another $1 billion to the total export loss.

These estimates however assume that other markets will not be found for any of the grain previously contracted to the Soviet Union. Other sales have already been announced (e.g. to Mexico) and more are anticipated. Latest estimates imply an approximate 10 mmt net reduction in corn and wheat exports during 1980. The net reduction could be even lower. Sales to other nations are now made possible, in part, because some of the previously committed transport capacity has been released. Before the suspension, additional 1980 sales were being constrained by the physical impossibility of moving grain into position for export.

U.S. agricultural exports are now expected to be about $37 billion in fiscal 1980—marginally lower than earlier expected but still a new record. The reduction is primarily a result of lower quantities exported but a slight decline in unit export values is also anticipated.

The agricultural trade surplus will also be lower than earlier anticipated but the reduction will be less than $2 billion. The trade surplus for agriculture is now expected to be about $19 billion, 20 percent higher than in 1979.

GOVERNMENT BUDGET OUTLAYS

The President's decision to cushion the effect of the trade suspension on the agricultural sector implies an increase in government expenditures. The outlays, which are expected to total $2 to $3 billion spread over two fiscal years, are in three forms:

Government Purchases: The Commodity Credit Corporation (CCC) will use its present authorities to isolate some grain and animal products from regular market channels.

Up to 4 mmt of wheat will be purchased by the Government at a cost of about $650 million. However, the purchase of some wheat for a food security reserve had originally been in the President's budget so the additional cost is about $290 million. CCC will also pay about 27¢ per bushel per year to store this wheat.

An unspecified quantity of corn will be purchased from country points in order to relieve congestion caused by the trade suspension and subsequent refusal of longshoremen to load grain destined for the Soviet Union. Bids for 5,000 bushel minimum sales must be received by February 4.

A program to purchase more chicken for donation to hospitals, nursing homes and other institutions has also been announced by the Administration.

The CCC has also offered to assume the contractual obligations associated with the unshipped corn, soybeans and soybean meal and oil. Unless that grain can be resold at prices that do not depress the market, title to the grain will be accepted by the CCC.

Farmer-Owned Reserves: The farmer-owned grain reserve will also be used to isolate corn and wheat from regular market channels. Under the program, farmers receive government loans at a predetermined per bushel rate ($2.10 for corn and $2.50 for wheat), are given a payment to cover storage costs (26.5¢ per bushel), and agree not to sell the grain until prices reach specified levels. Thus, farmers can put grain "in reserve" until market prices rise. To encourage farmers to use this program, the loan rates have been increased, the reserve storage payment has been increased, and interest payments for government loans on the first 13 mmt of corn placed in reserve have been waived. The price level required before grain from the reserve can be resold has also been increased.

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[1] The material in this report is current as of February 4, 1980. Changes in official forecasts will be announced regularly by the U.S. Department of Agriculture.

[2] A metric ton weighs 2025 pounds. There are 39.4 bushels of corn and 36.7 bushels of wheat and soybeans in a metric ton.

The amount of grain that the CCC will need to purchase in order to stabilize prices is reduced as farmers place grain into the reserve program.

Food Aid: Some wheat, corn and soybeans will be used to provide emergency food assistance. The Administration has requested an additional annual appropriation of $100 million for FY 1980 and FY 1981 to increase emergency grants and to support the formation of food reserves in poor countries under P.L. 480.

The President has directed however that the PL 480 programs be designed to avoid displacing commercial exports by the United States or other countries cooperating in the Soviet grain trade restriction. These selective uses will not depress local production of food but rather assist economic development and augment aid to Cambodian, Afghan and Somali refugees.

FARM INCOME

The offset actions announced by the Administration will significantly moderate any adverse effect of the grain trade restriction on commodity prices and farm income. Thus, there should be little effect on food prices.

Farm cash receipts in 1980 could, however, be 1 percent lower even with the offsets announced by the Administration. A change in the value of inventories held by farmers will however offset most of this decline leaving net farm income about unchanged. There was a small impact on average grain prices in January. Mid-month corn and wheat prices, in particular, were lower than before the trade restriction; primarily a consequence of uncertainty and congestion at ports. By the end of the month, cash prices at central markets were actually higher than on January 4.

Attempts to quantify the potential impact of the trade suspension on 1981 commodity prices and farm income are not very meaningful at this point. The actual impact depends importantly on the Soviet decision to begin a liquidation of their livestock herd, and on whether we offer and the Soviets accept the basic 8 mmt provided for in the long-term trade agreement. Further complicating the 1981 picture is the uncertainty about world crop conditions and economic growth in the next two years.

FOOD PRICES

If nothing had been done to offset the effects of the grain trade suspension on grain prices and farm income, there would have been a slight downward effect on the farm value of food prices. But even then the linkage between grain prices and food price inflation is very weak. Wheat prices can change dramatically without having a major effect on food prices. The farm value of wheat in a loaf of bread is less than 10 percent. For corn the linkage to consumer food prices is even more indirect albeit perhaps more significant in the longer-term. Lower corn prices tend to encourage additional meat production which, after a time lag, results in slightly lower retail prices for meat and other animal products than would otherwise be the case.

By offsetting the effects of the trade restriction, we leave conditions about the same as before. To the extent we are not successful in offsetting all the grain price decline, there will be some downward pressure on the farm value of food prices. Most private forecasts have estimated the effect on the consumer price index for food to be less than 0.1 percent. The increase in reserve stocks, however, does provide some protection against the inflationary consequences of future global crop shortfalls.

TRANSPORTATION

The U.S. transportation system was being heavily taxed by the record 1979 crops and associated export shipments. In October 1979, 39.8 million bushels of grain per week were being transported by barge—5 percent more than in October 1978. Rail car loadings were 12 percent higher than in October 1978. Partially reflecting this increase in demand, the October rail freight price index for farm products was 22 percent higher than a year earlier.

The normal effect of winter, particularly on barge traffic, had been anticipated and all-out efforts were being made to move grain into position at Gulf ports. As a result, about one-third of the barge fleet was at Gulf ports loaded with grain in early January. Grain stocks at major terminals were higher than last year.

The grain trade restriction coupled with the Longshoreman's loading embargo has disrupted the grain transport system. Spot market rates for barges fell significantly following the announcement by the President. However, this price decline is very likely temporary. Once the current congestion is cleared, the demand for barge, rail and ocean freight will return to levels characteristic of the period just prior to the trade restriction.

Even so, the total amount of grain moved to ports during 1980 will be slightly less than earlier anticipated. The revenue of barges, railroads, trucks and ocean freighters will decrease as a result. If it is assumed that a net 10 mmt of grain is not moved to export as a result of the trade restriction, the revenue loss to the transportation system could be about $200 million. But even this is a relatively small amount when compared with anticipated pre-suspension revenues from transporting grains to export in excess of $2 billion.

TABLE 1.—U.S. AGRICULTURAL EXPORTS, FISCAL YEAR 1977–80

[Value in billions of dollars; volume in million metric tons]

	1977	1978	1979	Forecast[1] 1980
	Value by commodity			
Grain and feed	10.124	11.711	13.634	18.5
Oilseeds and products	6.403	7.453	8.692	9.1
Cotton, including linters	1.538	1.707	1.910	2.0
Tobacco	1.065	1.132	1.292	1.4
Fruits, nuts, and vegetables	1.649	1.880	2.066	2.5
Sugar and tropical products	.531	.580	.740	.7
Livestock and products	2.191	2.352	3.160	3.3
Dairy products	.171	.159	.120	.1
Poultry products	.301	.332	.368	.4
Total	23.974	27.306	31.983	38.0
	Volume by commodity[2]			
Wheat	23.766	31.813	31.340	37.0
Wheat flour	.957	1.021	.877	1.0
Feed grains (including corn)	50.602	55.545	59.499	71.1
Rice	2.319	2.276	2.397	2.7
Other grain products	.690	.775	.861	1.0
Feeds and fodders	3.990	3.603	4.304	4.0
Soybeans	15.156	19.686	20.194	22.5
Soybean meal	4.117	5.516	5.996	6.4
Other oilcake and meal	.147	.324	.294	.3
Soybean oil	.702	.933	1.059	.9
Other vegetable oils	.449	.541	.460	.5
Sunflower seed	.403	.906	1.342	2.7
Cotton, including linters	1.042	1.378	1.395	1.4
Tobacco	.290	.272	.287	.3
Fruits, nuts, and vegetables	3.219	2.904	2.807	3.1
Beef, pork, and variety meats	.349	.340	.326	.3
Poultry meat	.194	.194	.208	.2
Animal fats	1.379	1.281	1.276	1.1
Other	2.095	2.562	2.574	2.5
Total	111.866	131.870	137.496	159.0

[1] The 1980 forecast was released by USDA on Nov. 5, 1979.

[2] Shown in actual export tonnages not converted to product equivalents. Excludes animal numbers and some commodities reported in cases, places, dozens, liquid measures, etc.

NO EXCUSE FOR DELAY

Mr. PROXMIRE. Mr. President, the legislative burden on the Senate is heavy and the issues are frequently pressing. However, matters of national concern are rarely slighted. Why then, has the Genocide Convention been stymied and stalled in the Senate for so many years?

Has there been insufficient time to evaluate the Convention? After 31 years of voluminous reports and lengthy debate, such an assertion is absurd.

Is opposition to the Convention overwhelming? In fact, few treaties have enjoyed such broad political support.

Does this Convention challenge the essential provisions of our Constitution? We know by now that there is no merit to this claim.

Would ratification of the Convention in anyway threaten the sovereignty of this Nation? The Convention merely seeks to protect human life with the aid of international law.

Is the issue of genocide any longer of contemporary concern? I am afraid that it is.

Earlier this week a delegation of Los Angeles Jewish leaders and Holocaust survivors ventured to Washington to voice their concerns. They are pressing for the ratification of the Convention, but in particular they are touched by the recent spectre of death in Cambodia. In a nation of 8 million, an estimated 3 million have been exterminated by the hand of man and in the course of cruel events. The populace has been terrified, enslaved, and uprooted from the cities. The regime has turned a deaf and callous ear to the starving, wretched plight of these innocents.

These are not the tragedies of recent history. These are the horrible realities of today. There is no excuse for delay on the Genocide Convention.

Mr. President, the opposition to the convention is almost invisible. It is hard to find any group or organization that opposes it. On the other hand, it is supported by every religious group, the bar association and scientific organizations; and it has had the support of every President of the United States since Harry Truman, when the treaty first came down, as well as every Secretary of State.

It seems to me to be most unfortunate that we have not been able to ratify this treaty, and I hope we can do so in the very near future.

(Mr. EXON assumed the chair.)

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. PELL. Mr. President, I support the statement of the Senator from Wisconsin, as I often have done in the past.

I hope, too, that before long we will ratify the Genocide Convention. We have talked about it and have debated it and have discussed it. But we are among the few nations in the world that have not ratified it or taken action on it, and I hope the time will come soon.

I congratulate the Senator from Wisconsin for speaking out in this regard and for his steady pressure in the matter, because it is necessary. I trust that he keeps it up, and I look forward to supporting him.

DEATH OF MRS. ALICE ROOSEVELT LONGWORTH

Mr. PELL. Mr. President, I regret the death of Mrs. Alice Roosevelt Longworth, a remarkable lady, possessed of wit and beauty. She had an acerbic tongue that delighted her friends, although it not always delighted the targets of her sallies.

She came of a background and a society that is well-nigh extinct in today's world. In the years since her birth on February 12, 1884, she witnessed the unfolding of much of our Nation's history and the creation of a world in which the means of destruction and of communication and of travel have increased in an overpowering way.

Yet, Mrs. L.—as she was known to her friends—was always current in her thoughts and viewpoints. She had a wonderful, full life and will be missed by her friends. She particularly will be missed by her granddaughter, Joanna Sturm, to whom I extend the sympathy of my wife and myself.

DR. DONALD GATCH

Mr. HOLLINGS. Mr. President, on February 4, an automobile accident took the life of Dr. Donald Gatch. His is not a widely-known name around the country, to be sure, but few men I have known have done so much to advance the cause of their fellow human beings.

I came to know Donald Gatch over a decade ago, as we were both fighting to eradicate hunger in the United States. Dr. Gatch had come to South Carolina from Nebraska. Confronting the reality of hunger in the Beaufort County area, he immediately understood the terrible toll it took. The evidence was all around him—in the disease-racked bodies of those he diagnosed, in the wasted potential of malnourished mothers and their unborn children, in the vicious cycle of poverty which sprang in large part from the scourge of hunger.

Fighting hunger in Beaufort County in those days was not a part of radical chic. It was laborious, uphill work, and what needed to be done very often clashed with what a lot of people wanted done. The racial barrier made a job of surpassing difficulty almost impossible. But Dr. Gatch cared, and he persevered. He did what he could to enhance the services needed, and he worked to broaden public awareness of a problem which merited an across-the-board onslaught.

His testimony in our State capital about worms and scurvy and starvation opened the eyes of many, but in other eyes he quickly became Public Enemy No. 1, and his life became more and more difficult. "The Hunger Doctor," as he came to be called, was vilified and threatened to such an extent that at times a guard watched over his home at night. At length, Gatch moved back to Jasper County, where he had practiced medicine previously. But he had awakened thousands of people to the reality of the problem, and he had won the enduring affection and gratitude of those on whose behalf he worked so hard and gave so much.

Gatch continued his crusade against hunger until his final day. The accident which took his life occurred in Cambodia, where he had gone as a volunteer to help the wretched refugees seeking food and sanctuary and the dignity of human life.

I will always remember this man whose heart and humanity were dedicated to helping those most desperately in need. Where others saw a mouth to be fed, he saw a brain to be unleashed. Where others computed only the dollars which would have to be spent, he understood that a human being operating at full potential was a good investment as well as a moral imperative. Where others saw only problems, he grasped potential.

Much has been accomplished over the past 10 years in providing food to the needy and eradicating the blight of human hunger. But if the progress made is cause for pride, surely it is not justification for complacency. For the harsh fact is that impure water and shockingly inadequate sanitation are still exacting a terrible cost in areas like Beaufort County. There are still no waterlines to some of the islands, and there are still widespread instances of people consuming their own sewerage. This is where we should be working, and where Dr. Gatch would have us working, now, and no one is entitled to rest on complacency or self-congratulation until this persistent and deadly problem is once and for all eradicated.

Mr. President, for a man like Donald Gatch who works in the vineyards, there is no memorial so fitting as a human memorial, a living memorial. The last honor Dr. Gatch would want would be a piece of granite or a concrete statue. His heart was too warm, his humanity too caring, for that. But down in that part of our State of South Carolina, we have the Beaufort-Jasper Comprehensive Health Center, which we got started as a result of the hunger and disease which came to light. I think it would be a fitting tribute to name this health center—which is doing so much to carry on the work pioneered by Dr. Gatch—in his honor, and I will be working to see this accomplished. With this kind of memorial, we honor not only what Donald Gatch was, but we rededicate ourselves to the cause to which he committed his life. That cause is a living cause and deserves a living memorial.

Mr. President, I thank the Senate for these few moments, and I hope as we remember the work done by Dr. Gatch we will, each one of us, rededicate ourselves to overcoming the challenges and obstacles to human dignity which remain so starkly among us.

MESSAGES FROM THE HOUSE

At 2:02 p.m., a message from the House of Representatives delivered by Mr. Gregory, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the bill (H.R. 3757) to amend the National Parks and Recreation Act of 1978, to establish the Channel Islands National Park, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MUSKIE, from the Committee on the Budget, without amendment:

S. Res. 362. A resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2194.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HART (for himself and Mr. ARMSTRONG):

S. 2324. A bill to designate the Curecanti Storage Unit of the Colorado River Storage Project as the Wayne N. Aspinall Storage Unit; to the Committee on Energy and Natural Resources.

By Mr. HELMS:

S. 2325. A bill to amend the Federal Election Campaign Act with respect to contributions and expenditures by national banks, corporations, and labor organizations; to the Committee on Rules and Administration.

By Mr. DOLE:

S.J. Res. 147. A joint resolution to designate the third week of September as "National Cystic Fibrosis Week"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HART (for himself and Mr. ARMSTRONG):

S. 2324. A bill to designate the Curecanti Storage Unit of the Colorado River storage project as the Wayne N. Aspinall Storage Unit; to the Committee on Energy and Natural Resources.

TRIBUTE TO CONGRESSMAN WAYNE N. ASPINALL

● Mr. HART. Mr. President, today I am introducing, together with my colleague Senator ARMSTRONG, a bill to rename the Curecanti Unit of the Colorado River storage project after former Congressman Wayne N. Aspinall. Representatives RAY KOGOVSEK and JIM JOHNSON are introducing an identical bill in the House of Representatives.

This bill is a most appropriate tribute to this monumental figure in the water resource field. People throughout the Nation owe a debt of gratitude to Congressman Aspinall, for his assistance in helping all regions of the country meet their water needs. We in Colorado are particularly aware of his efforts on behalf of our State and region, but his service to us is just an example of his service to the entire Nation.

Nonetheless, those of us from Colorado uniquely appreciate Congressman Aspinall's contributions. Put simply, Congressman Aspinall has done more than any other person to help Colorado store and use its water. As chairman of the House Interior Committee, Congressman Aspinall brought to Colorado the many Federal water projects which have made possible the life we know and enjoy. He played the key role in establishing the Colorado River storage project. This project implements the "Law of the River"—the various treaties, interstate compacts, and congressional statutes governing the allocation of the water among the several States in the Colorado River basin.

The different dam and reservoir units which make up the project are designed to help each basin State use its full share of the river. While some of those dams and reservoirs are not yet built, many are in operation, serving thousands of people throughout the huge Colorado River Basin.

We should recognize Congressman Aspinall's accomplishments with more than just fleeting words. To do this, we do not need to build a new memorial. The Colorado River storage project is that memorial. We only need to give that memorial the right name.

Therefore, we are proposing this legislation to rename the Curecanti Unit as the Wayne N. Aspinall Unit. As the first unit authorized by the Colorado River Storage Project Act, and the only project unit entirely in his home State of Colorado, the Curecanti Unit is uniquely deserving of the Aspinall name.

Recognizing the fitting nature of this tribute to Congressman Aspinall, Assistant to the President Stuart Eizenstat has written to me, indicating the President's support for this legislation.

I know both Houses of Congress will want to bring expeditiously to this leading American the lasting recognition he unquestionably has earned.●

By Mr. HELMS:

S. 2325. A bill to amend the Federal Election Campaign Act with respect to contributions and expenditures by national banks, corporations, and labor organizations; to the Committee on Rules and Administration.

STOP THE USE OF FORCED UNION DUES FOR POLITICS

● Mr. HELMS. Mr. President, in recent years a deluge of legislation has been introduced to regulate the election process in the United States. Among these various proposals have been efforts to regulate cash contributions from individuals and private organizations of citizens and to require full disclosure of the sources of all campaign money. We have even created a new Federal regulatory bureaucracy to administer the increasingly complex Federal election campaign laws.

In such a climate of campaign regulation, one might conclude that our electoral system is perhaps better protected from the abuses of political power-mongers. But the evidence clearly stands to the contrary. In all of the zeal to "reform" our political processes, the power source driving the biggest political machine of all has been overlooked. I refer to the use of compulsory union dues for politics. Millions of Americans are forced against their will every year to support political candidates and causes which they would individually oppose. Congress has so far failed to address the greatest threat to the political freedom of American voters.

Recently enacted and currently proposed campaign reforms have been based on the fallacious notion that all special interest groups contribute to political candidates in the same way. But while business, trade, and issue-oriented organizations contribute voluntary money through direct cash and reported "in-kind" contributions, the officials of organized labor funnel the bulk of their political efforts into indirect "in-kind" political services spent on behalf of candidates.

These political services, of course, cost money. And the greatest bulk of that money comes from workers—workers who would be fired if they refused to pay their union dues.

Only labor unions, out of all the private organizations in the country, can require that a person pay dues to that organization as a condition of getting and keeping a job. Under this unique grant of special privilege, unions collect nearly $3 billion a year from individuals who have to pay up or be fired.

The Federal Election Campaign Act, as amended in 1976, gives the appearance of restricting the use of compulsory union dues for political purposes. The law prohibits the use of compulsory dues for direct and indirect "in-kind" cash contributions to political candidates.

It does not, however, prohibit the use of forced union dues for a number of other indirect means of supporting union-backed political candidates and causes.

The FECA specifically permits union officials to use money taken from workers as a condition of employment to communicate with union members and their families, to urge their support for a particular candidate, to conduct unquestionably partisan get-out-the-vote drives, and to operate and administer the extensive union PACs.

In short, the law prohibits union officials from giving a worker's dollars directly to a candidate which the worker may oppose—although the often-substantial cost of raising those funds (salaries, parties, raffle prizes, et cetera) are paid with forced dues. However, the law does permit these union officials to use the worker's compulsory dues dollars to support that same candidate through numerous indirect means.

In light of this dichotomy created by Federal legislation, union officials have divided their political expenditures into two categories.

The first is commonly referred to as union "hard money." It consists of money given directly to candidates in the form of cash or "in-kind" contributions, taken from funds given voluntarily by union members.

The second category is referred to as union "soft money," spent by union officials on behalf of—but not contributed directly to—political candidates.

"Soft money" comes directly from compulsory union dues. It finances the operations of union PAC's and provides extensive "in-kind" political services. While it represents the overwhelming bulk of union political expenditures, it is neither documented nor reported to the FEC.

A relatively small portion of the millions of dollars in "soft" compulsory union dues money is used to operate the union PAC's. This portion pays the salaries of numerous full-time union political operatives across the Nation. It provides PAC supplies, finances mass mailings and travel expense accounts, and purchases sophisticated office machinery and computers.

Even voluntary PAC contributions from union members originate with this compulsory dues "soft money." Compulsory dues bankroll the administrative overhead costs of union partisan political fundraisers. And the overhead for the average union political fund totals close to 50 percent of the fund's total expenditures.

Compulsory dues "soft money" used for financing union PAC's runs well into the millions every year. In July 1976, AFL–CIO Public Relations Director, Bernard Albert, admitted that the annual budget of the national COPE alone ran to approximately $2 million.

But in spite of the vast sums of compulsory union dues which finance the operating costs of union PAC's, the bulk of compulsory dues "soft money" goes for unreported, unlimited "in-kind" political expenditures.

An example of those kinds of expenditures is the 1976 controversy involving the AFL–CIO's 60 million piece political mailing. That mailing was paid for with compulsory dues, and at 10 cents a piece, that amounts to $6 million in one shot.

That same year, the Wall Street Journal reported in its October 5 issue that the International Association of Machinists had ordered its entire staff to "drop all other work between now and November 2 and focus on getting members to vote." That effort, too, was financed with compulsory dues dollars, and the IAM's staff salary amounts to some $1.5 million a month.

The July 1979 issue of Steelabor, the official newspaper of the United Steelworkers of America, offered its readers a surprisingly candid and straightforward explanation of "in-kind" political spending. Union dues money, reported the union paper, "can't go for direct political contributions—but it can do a lot: Mailings supporting or opposing political candidates, phone banks, precinct visits, voter registration and get-out-the-vote drives * * *.'

In spite of these admissions, Steelabor's account only tells half of the story. To fill out the picture, several, key expenditures need to be added to the list: Weeks, sometimes months, of the staff time of literally tens of thousands of union employees devoted almost solely to partisan politics; election day workers, paid overtime rates from compulsory dues; millions of political pamphlets and flyers; and paid election-day carpools and babysitters, to name a few.

Once again, these indirect union "in-kind" political expenditures are not subject to any limitations under the FECA. They are paid for with dues money taken from workers as a condition of employment. And without question they represent the overwhelming bulk of union political expenditures. AFL–CIO COPE director, Alexander Barkan, has boasted that "Money is just a minor feature of the support we can give a candidate." No official statistics for total union "in-kind" expenditures are available, because the FECA requires no documentation or reporting of "soft" union "in-kind" political spending of compulsory dues. Labor columnist Victor Riesel, however, has put the 1976 total at $100 million—not including cash donations.

Any meaningful campaign reform must deal with this abusive use of compulsory union dues. The time has come to return to individual workers the right to choose for themselves which political candidates and causes their dollars will be used to support.

In the final analysis, to simply focus on the amount of money spent by union officials would be to miss the point. I do not question the right of union officials to communicate with their members on behalf of a candidate. If we were to refuse to permit unions to operate political phone banks, to mount get-out-the-vote drives or to engage in precinct visits, we would be guilty of gross violations of freedom of speech.

But because of my commitment to freedom of speech for all Americans, I must object strenuously to the widespread practice of using forced union dues for partisan politics. Until we act to put an end to this abuse, millions of American workers will continue to be forced to finance the campaigns of political candidates chosen by union officials—regardless of the worker's own convictions.

Many union members resent having their union dues used for political business and for other activities not related to union business. The average union member wants to vote as he pleases; he wants to support the candidates of his—not the union's leaders—choice. He does not want his political decisions to be dictated to him; he does not want the dues that are extracted from him to be used for political purposes.

Because of the continuing menace of the use of involuntary union dues for political purposes, I am introducing legislation today, the purpose of which is to guarantee that all political expenditures will come from money voluntarily contributed.

The situation which I seek to correct is the result of the exceptions to title II, United States Code, section 41(b) (2) and (4), which appear at first glance merely to insure the full exercise of first amendment rights of communication.

In actuality, these provisions allow corporations and labor organizations to use general treasury moneys for blatantly partisan political activities such as sending partisan communications, conducting registration and get-out-the-vote campaigns, to cover the overhead cost of a political action committee, and to solicit stockholders, executive or administrative personnel, union members, and the families of such individuals. I include registration and get-out-the vote campaigns. Although the statute requires that they be nonpartisan, Federal Election Commission regulations allow the sponsoring corporation, or labor organization, to urge registration with a particular party, or voting for a particular candidate or candidates. Partisan pressure is, therefore, exerted during such drives.

Congress should be neutral in matters of political conscience. We should seek neither to favor nor to elevate certain groups as a result—intended or unintended—of Federal law.

But as I pointed out earlier, labor unions have been favored and elevated because they are the only organizations involved here which can collect money for their treasuries through the use of force.

This will guarantee the voluntary nature of each person's participation in the political process by requiring that all moneys used for political purposes be derived exclusively from voluntary contributions. The amendment will insure that in matters of political conscience, Federal election law will be neutral while voluntary participation will continue to be protected. I respectfully urge my colleagues to give this legislation their fullest consideration.●

By Mr. DOLE:

S.J. Res. 147. A joint resolution to designate the third week of September as "National Cystic Fibrosis Week"; to the Committee on the Judiciary.

● Mr. DOLE. Mr. President, today I introduce a joint resolution in the Senate designating the third week of September as "National Cystic Fibrosis Week." This disease is the No. 1 genetic killer of children in this country, and, for this reason, it is necessary to focus attention on its implications, as well as progress that has been made in research to combat the disease.

POPULATION FACTS CONCERNING CYSTIC FIBROSIS

It is simply a myth to allow ourselves to think that cystic fibrosis is merely a children's disease, when today increasing numbers of patients are surviving into their teens and twenties. Still, about half of the children suffering from cystic fibrosis die before they reach the age of 20, while the remainder of those inflicted with the disease usually succumb before they reach their fifties. Among the Caucasian population, cystic fibrosis is the most common fatal hereditary disorder. An estimated 10 million Americans are asymptomatic carriers of this recessive gene.

The problem which continues to exist is that currently there is no reliable method of identifying carriers. Therefore, because of these parents carrying hidden CF genes, between 1,500 and 2,600 new cases of CF develop per year in the United States. At this time, it is estimated that there are somewhere between 13,000 and 30,000 cases of the disease in this country, with the implication that, as more patients survive for longer periods of time, the number of individuals suffering from the disease will increase substantially.

STIMULATING PUBLIC AWARENESS

Although progress has been made in medical research over the past decade, no cure for cystic fibrosis has yet been discovered. However, it is possible by early detection and treatment to prolong the individual's expected life span. Public understanding of the disease is essential in order to detect the disease in its early stages in a child's life. Once detected, it can be treated, but at most this treatment presents only a feeble hope for prolonging borrowed time. The tragic part of this saga is that there is no definitive cure as yet. It is hoped that stimulating public awareness of the problems of cystic fibrosis throughout the United States will lead to increased concern and interest in promoting research, which will eventually discover a cure for this dreaded disease.

SYMPTOMS OF DISEASE

Although nobody is quite certain, cystic fibrosis is thought to be caused by an inherent genetic disorder of the metabolism, which is accompanied by severe side effects. Its primary symptom is thickened mucous secretions which obstruct the passageways of the lungs, pancreas, liver, intestines and other parts of the body. Because of the condition of the lung tissue, the lungs are extremely susceptible to disease, and repeated episodes of infection in this area slowly destroy the lungs, eventually leading to respiratory failure. This slow, relentless dissolution of the lungs tends to place a serious burden on the heart, thereby increasing the chance of heart failure. A loss of digestive enzymes caused by pancreatic obstruction results in nutritional problems affecting growth and development. Further, heat prostration and stroke can result from excessive loss of perspiration salt. In adult males, a serious side effect is sterility.

The disease can be recognized by the following outward signs: Continual wheezing and coughing; frequent susceptibility to pneumonia; excessive appetite accompanied by poor weight gain; and a salty taste to the skin.

CHANCES OF INHERITING CF

It is estimated that 1 out of every 20 Americans is a carrier of the recessive gene which causes CF. If both parents are carriers, there is a 25-percent chance that their child will have CF. There is a 50-percent chance that the child will be a symptomless carrier of the gene, and a 25-percent chance the child will have neither the gene nor the disease. If only one parent has the gene, the child may be an asymptomatic carrier.

One in fifteen hundred children will be born with cystic fibrosis. Just a few years ago, most CF babies died before even entering school. Victims of this disease die young due to lung damage caused by repeated infection. If a child is diagnosed before the age of 5, there is a 50-percent chance that he or she will live past the age of 18. CF strikes five newborn Americans each day, while three persons die daily from the disease.

TREATMENT AND COST

Treatment usually consists of therapy to help the patient cough up mucus from the lungs and bronchical tubes. Sometimes, aerosols are used to loosen the mucus. In addition to these forms of treatment, children are put on antibiotics and dietary supplements, and may take in as many as 50 pills a day. Patients spend hours in treatment on a daily basis, and this routine continues throughout the extent of their lives.

A CF patient in relatively good health must cope with average annual expenditures of between $10,000 and $20,000. Even during a good year, when a child requires little or no hospitalization, treatment costs $3,000 to $5,000. In the terminal years, some individual costs can rise to somewhere between $50,000 and $100,000 annually.

CURRENT HOPE FOR CF PATIENTS

Although the problems which cystic fibrosis patients face are very grave, their future prospects are somewhat brighter than in the past. Present research brings with it the promise of developing a better understanding of the disease itself and more effective modes of treatment. Current techniques for diagnosis and treatment can be applied more effectively to alleviate the discomforts of the disease and lengthen the life expectancy of the child. However, for any of the above to work, the disease must be diagnosed in its early stages, before irreversible changes take place in the body.

EXISTING SUPPORT OF ORGANIZATIONS

Cystic fibrosis requires an approach which would integrate the efforts of diverse disciplines and organizations. Foremost among these efforts is the work of the Cystic Fibrosis Foundation, which was founded in 1955 by a group of parents. The Foundation runs over 120 CF clinics, and supports research on childhood lung diseases, as well as public education.

In addition to research done by the Cystic Fibrosis Foundation itself, the national Institutes of Health, the Veterans' Administration, the National Foundation/March of Dimes, and other private organizations conduct research activities under their auspices.

The complexities of the research being done is illustrated by NIH's research network. Many different areas of study are necessary to explore this disease in all its implications: Metabolic defects, the secretory process, respiratory disease, digestive and nutritional problems, as well as standardization of tests used in diagnosing and evaluating the disease in patients.

INTENT OF RESOLUTION

Because of the mysterious nature of this terrible disease, so many coordinated efforts are necessary in coping with cystic fibrosis. The disease itself is unfamiliar to most of us, but this does not mean that we should disengage ourselves from the reality that exists within our society. This disease attacks a very vulnerable part of our population—children who may never have an opportunity to grow into adults, who, if they are blessed with an extended life span, must accept it on the basis of borrowed time. It is my hope that this resolution will serve to focus national awareness on this mysterious disease, and thereby generate support for research and patient care.●

ADDITIONAL COSPONSORS

S. 625

At the request of Mr. Wallop, the Senator from North Carolina (Mr. Morgan) and the Senator from New Hampshire (Mr. Durkin) were added as cosponsors of S. 625, a bill to amend the Federal Mine Safety and Health Amendments Act of 1977 to provide that the provisions of such act shall not apply to stone mining operations or to sand and gravel mining operations.

S. 1862

At the request of Mr. McClure, the Senator from Kentucky (Mr. Huddleston) was added as a cosponsor of S. 1862, a bill to improve the administration of Federal firearms laws, and for other purposes.

S. 1984

At the request of Mr. Wallop, the Senator from Mississippi (Mr. Cochran) and the Senator from Indiana (Mr. Lugar) were added as cosponsors of S. 1984, a bill to amend the Internal Revenue Code of 1954 to provide an unlimited material estate and gift tax deduction, to modify provisions relating to special valuation of certain farm and other real property, and for other purposes.

S. 2098

At the request of Mr. Stewart, the Senator from Indiana (Mr. Bayh) was added as a cosponsor of S. 2098, a bill to amend section 431 of the Public Health Service Act to provide funds to the National Institute of Neurological and Communicative Disorders and Stroke for research in the area of regeneration of the spinal cord.

S. 2247

At the request of Mr. McClure, the Senator from New Mexico (Mr. Schmitt) was added as a cosponsor of S. 2247, a bill entitled "Small and Rural Laboratory Protection Act."

SENATE CONCURRENT RESOLUTION 79—SUBMISSION OF A CONCURRENT RESOLUTION URGING A DAY OF PRAYER FOR THE HOSTAGES IN IRAN

Mr. BOSCHWITZ (for himself, Mr. Boren, Mr. Bradley, Mr. Dole, Mr. Durenberger, Mr. Hatfield, Mr. Hatch, Mr. McGovern, Mr. Moynihan, Mr. Pressler, Mr. Riegle, Mr. Roth, and Mr. Simpson) submitted the following concurrent resolution, which was referred to the Committee on the Judiciary:

S. Con. Res. 79

Whereas the plight of the Americans held hostage at the American Embassy in Tehran, Iran, is a deep concern of our entire Nation;

Whereas in response to the unconscionable attack on our diplomatic personnel we as a Nation reaffirm our fundamental commitment to world peace and to the right of all people to enjoy basic human freedoms;

Whereas we as a Nation remain steadfast in our commitment to the safe release of our fellow citizens; and

Whereas we as a Nation stand in constant vigil with our fellow citizens held hostage in Iran: Now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That, if the hostages being held in the American Embassy in Tehran, Iran, are not released by February 25, 1980, then February 26, 1980, shall be considered a national day of prayer, meditation, and unity for our fellow Americans, and the American people are urged to express their support for the hostages with appropriate thoughts and actions on such a day.

● Mr. BOSCHWITZ. Mr. President, today I am submitting a concurrent resolution to declare February 26 as a national day of prayer for our fellow American citizens held hostage in Iran.

All of us, I know, are extremely concerned about the fate and well-being of these Americans. We are committed to their safe return, and support all actions being taken by the administration to secure their release.

This resolution is the initiative of the First Congregational Church of the United Church of Christ in Grand Marais, Minn. The expression of their concern for the hostages reflects what all of us feel throughout this country, and I urge my colleagues to join me in cosponsoring this resolution.●

NOTICES OF HEARINGS

SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS

● Mr. WILLIAMS. Mr. President, the Subcommittee on Housing and Urban Affairs, which I chair, will hold a hearing on Wednesday, February 27, 1980, at 10 a.m. in room 5302, Dirksen Senate Office Building. The hearing will concern the current crisis in rental housing and the administration's proposals to deal with this crisis. The only witness at this hearing will be the Honorable Moon Landrieu, Secretary of the Department of Housing and Urban Affairs.●

SUBCOMMITTEE ON TAXATION AND DEBT MANAGEMENT

● Mr. HARRY F. BYRD, JR. Mr. President, the Subcommittee on Taxation and Debt Management of the Senate Committee on Finance will hold hearings on February 29, and March 4, 1980, on miscellaneous tax bills.

The hearings will begin each day at 9:30 a.m. in room 2221 of the Dirksen Senate Office Building.

The following pieces of legislation of general application, unless otherwise noted, will be considered on February 29, 1980. Revenue estimates will be available at the time of the hearing.

S. 1900, introduced by Senator Heflin and cosponsored by Senators Inouye, Goldwater, Durkin, Lugar, Talmadge, Matsunaga, Robert C. Byrd, Cochran, and Stewart, would permit a casualty loss deduction for the fair market value of property rather than the lesser of fair market value or the basis of the property. The loss may be carried back 10 years or carried forward 4 years. Principal beneficiaries of this bill would be owners of fruit or nut orchards which are destroyed by an act of nature.

S. 1901, introduced by Senator HEFLIN. Same as S. 1900, except as applies to growing timber.

S. 1831, introduced by Senator TALMADGE and cosponsored by Senator NELSON. Since 1976, a real estate investment trust (REIT) is permitted to carry forward net operating losses for 8 years and is prohibited from carrying back losses. This bill would permit a REIT which terminated its REIT status prior to 1976 to carry forward operating losses for each year it was denied a net operating loss carryback because it was a REIT. The maximum years which could be carried would be 8 years. Several REIT's which terminated REIT status prior to 1976 will benefit from this legislation.

S. 2180, introduced by Senator HARRY F. BYRD, JR. Provides an extension of the time within which a taxpayer must purchase and use property as a principal residence for the purpose of deferring the payment of capital gains tax on the sale of the former residence but only under certain circumstances. The principal beneficiary of this bill is Mrs. Jane Cathcart of Virginia.

S. 485, introduced by Senator CANNON and cosponsored by Senator LAXALT. Would eliminate the 2-percent Federal excise tax on wagers and the $500 occupational tax on wagering.

S. 2089, introduced by Senators ROTH and TALMADGE and cosponsored by Senators HELMS, TALMADGE, JEPSEN, and THURMOND. In 1978 the investment tax credit was extended to poultry-growing structures retroactively to 1971. This bill would permit poultry growers to claim the investment tax credit, regardless of the statute of limitations, for all years covered by the 1978 law.

S. 650, introduced by Senator MOYNIHAN. This bill would provide that income earned from mortgaged real estate in a pooled income trust managed by an investment banker would be tax exempt. Such income is currently tax exempt when the trust is managed by banks or insurance companies.

H.R. 5505, the Tax Administrative Provisions Revision Act of 1979. Sections 1 through 8 of this have been reported out by the committee. The following sections remain to be considered:

Section 9, refunds of tread rubber excise tax;

Section 10, recognition of gain on sale of residence for certain members of the Armed Forces;

Section 11, exempt status of auxiliaries of certain fraternal beneficiary societies.

This measure is sponsored by Congressmen COTTER, JAMES JONES, JOHN DUNCAN, and VANDER JAGT.

The following pieces of legislation of general application, unless otherwise noted, will be considered on March 4, 1980. Revenue estimates will be available at the time of the hearing.

S. 1194, introduced by Senator HEFLIN. This bill would provide that it not be required to withhold FUTA taxes on the earnings of shrimp boat workers. The principal beneficiaries are shrimp boat owners, operators, and workers.

S. 464, introduced by Senator INOUYE and cosponsored by Senators MELCHER, MATSUNAGA, ZORINSKY, BAYH, and BAUCUS. This bill would expand the list of groups eligible for the jobs credit under section 51(d) of the Internal Revenue Code to include "displaced homemakers" who are entering the job market.

S. 2201, introduced by Senator BELLMON. This bill would provide that crop rentals may be considered in the formula method of valuing farmland under Internal Revenue Code section 2032 for purposes of the estate tax. Currently only cash rentals may be considered.

S. 1859, introduced by Senators PERCY and DOLE and cosponsored by Senators KASSEBAUM and THURMOND. Substantially the same as S. 2201.

S. 2167, introduced by Senator STONE. This bill would propose to tax condominium association income on the same graduated tax rate as corporations.

S. 2275, introduced by Senator GRAVEL. Would make technical amendments in the provisions relating to general stock ownership corporations.

H.R. 4746, contains various miscellaneous tax proposals. Section 1, simplification of private foundation return and reporting requirements; section 2, treatment of payment or reimbursement by private foundations for expenses of foreign travel of Government officials; section 3, alternative minimum tax on charitable lead trust created by corporations; section 4, extension of withholding to payments of sick pay made by third parties; section 5, treatment of certain repayments of supplemental unemployment compensation benefits; section 6, disclosure of tax returns to State audit agencies; section 7, investment tax credit for certain property used in maritime satellite communications; and section 8, rate of interest on U.S. retirement bonds. This measure is cosponsored by Congressman PICKLE, J. JONES, CONABLE, FRENZEL, and FINDLEY.

H.R. 5973, sections requiring a hearing are: Section 2, rollover treatment for certain distributions from money purchase pension plans; section 4, treatment of certain indebtedness incurred before 1965 for purposes of section 514 of the Internal Revenue Code. This measure is sponsored by Congressmen ARCHER, AuCOIN, and DICKS.

Witnesses who desire to testify at the hearing on February 29, or March 4, 1980, must submit a written request to Michael Stern, staff director, Committee on Finance, room 2227, Dirksen Senate Office Building, Washington, D.C. 20510 by no later than the close of business on February 26, 1980.

For further details, see Finance Committee press releases: No. H–8, No. H–9.●

SELECT COMMITTEE ON INDIAN AFFAIRS

● Mr. MELCHER. Mr. President, I would like to announce for the information of the Senate and the public, the scheduling of 3 days of public hearings before the Select Committee on Indian Affairs.

The hearings are scheduled for March 17, 18, and 19, 1980, beginning at 10 a.m. Testimony each day is invited regarding jurisdiction on Indian reservations. The subject to the hearings include the following: S. 1181, a bill to authorize the States and the Indian tribes to enter into mutual agreements and compacts respecting jurisdiction and governmental operations in Indian country; application of a magistrates concept on Indian reservations; and, S. 1722, part C, amendment relating to Indians, title 25, U.S.C., section 161, to authorize Indian tribes to petition the United States to resassume Federal jurisdiction. The location of the hearings is as follows: March 17, room 457, Russell Senate Office Building; March 18, room 1318, Dirksen Senate Office Building, and March 19, room 457, Russell Senate Office Building.

For further information regarding the hearing you may wish to contact Jo Jo Hunt or Peter Taylor of the committee staff on extension 224–2251. Those wishing to testify or who wish to submit a written statement for the hearing record should write to the Select Committee on Indian Affairs, U.S. Senate, Washington, D.C. 20510.●

SELECT COMMITTEE ON INDIAN AFFAIRS

● Mr. MELCHER. Mr. President, I would like to announce for the information of the Senate and the public, the scheduling of an open business meeting of the Senate Select Committee on Indian Affairs.

The meeting is scheduled for February 28, 1980, beginning at 11 a.m. in room 457, Russell Senate Office Building. The following bills are to be considered for markup: H.R. 3979, an act to repeal and amend certain laws regulating trade between Indians and certain Federal employees; S. 1998, a bill to provide for the United States to hold in trust for the Tule River Indian Tribe certain public domain lands formerly removed from the Tule River Indian Reservation; S. 2055, a bill to establish a reservation for the Confederated Tribes of Siletz Indians of Oregon; S. 1466, a bill to provide for the distribution of certain funds appropriated to pay judgments in favor of the Delaware Tribe of Indians and the absentee Delaware Tribe of Western Oklahoma in Indian Claims Commission dockets 27–A and 241, 289, and 27–B and 338, and for other purposes; S. 2155, a bill to provide for the use and distribution of Delaware Indian judgment funds in dockets 289, 27–A and 241, 27–B and 338, 27–E and 202, and 27, before the Indian Claims Commission, and for other purposes.

For further information regarding the business meeting you may wish to contact Max Richtman of the committee staff on 224–2251.●

ADDITIONAL STATEMENTS

UNITED STATES-CHINA RELATIONS

● Mr. JACKSON. Mr. President, on Saturday, February 9, 1980, I had the privilege of attending a day-long "Symposium on China's Modernization: Problems and Prospects," held in Seattle under sponsorship of the School of International Studies, University of Washington, and the Washington Council on International Trade.

The symposium proved an outstanding event for the Northwest area, bringing together a remarkably representative group of participants from the academic, governmental, business and labor communities, many of whom had been to China on various Washington State missions.

Major addresses were given by Prof. Michel Oksenberg, who recently returned to the University of Michigan after 3 years as the National Security Council's chief China adviser, and by Prof. Dwight Perkins, Harvard University's economics department chairman and professor of Chinese studies. The level of discussion was very high, informed, and competent.

In a dinner address that evening, I had the opportunity to pose basic questions with regard to our future relations with China that need urgent attention by policymakers and scholars.

As my statement may be of interest to my colleagues, I ask that the full text be printed in the RECORD.

The address follows:

THE UNITED STATES, CHINA, AND THE 1980's

(By Senator HENRY M. JACKSON)

I have always been proud of the University of Washington's achievements in Asian and Slavic studies. Washington was a pioneer in this field starting with the founding of a Department of Oriental Subjects under Herbert Gowen at the turn of the century; and continuing to build an international reputation during the quarter century after World War II under the leadership of George Taylor.

The achievements of this University are widely appreciated. Last summer, when we visited the University of Inner Mongolia, the Rector expressed delight at the work that had been done at the University of Washington in Chinese and Mongolian studies. I understand that the new Chinese language program at Beijing University, to be opened this summer for American students, will be directed by Professor Brandauer. I also understand that in the recent competitions for federal support of Asian and Russian studies this University ranked among the top four or five in the country.

To maintain and build excellence in these fields requires a partnership of state, federal and private support. As many of you know, I have taken a personal interest in the development campaign undertaken by the School of International Studies. We are particularly pleased that Eddie Carlson and Harold Shefelman are chairing this effort, ably supported by T. Wilson. Private giving, like the Chester Fritz one-million-dollar endowment for Chinese studies, can provide the extra margin required to sustain a record of distinction. I am delighted that corporations, foundations and individuals are joining in support of this campaign. Our friends here from Harvard and Michigan have comparable drives under way. In particular now, we want the new Center for the Study of Sino-Soviet relations to get a vigorous and productive start.

We meet today at a supremely critical moment in history. The expectation that has animated American policy toward the Soviet Union over the last decade—that an accommodation with the Soviets could be achieved primarily through a series of cooperative agreements—has been swept away by Soviet aggression. National policy can no longer be based on the illusion that the Soviets will forbear from adventurism as a reward for U.S. cooperation and one-sided concessions.

The hard fact is that while we were cooperating, the Soviets were competing; while we were negotiating, the Soviets were doubling their strategic forces and expanding their conventional capability. Moreover, Moscow has not become more accommodating as it has become stronger. On the contrary, it has become bolder, more aggressive, and more determined to satisfy its imperial ambitions.

The invasion of Afghanistan has jolted our nation into asking itself some fundamental questions about what went wrong and where we go from here. It is high time. The longer we wait to arrest and reverse the decline of the 1970's, the more our situation will deteriorate, and the more convulsive will have to be the effort to remedy it.

Even before the Afghan crisis, it was clear that our China policy was entering a new stage. Full normalization of relations is a reality. We have seen the admission of the People's Republic to the United Nations, President Nixon's visit to China and the Shanghai Communiqué, the establishment of Liaison Offices, the lifting of the ban on direct trade with China, cultural and scholarly exchanges, visits by government leaders, the normalization of relations and the exchange of Ambassadors, and the coming into force of the U.S.-China Trade Agreement providing for the extension of most-favored-nation treatment and access to official credits.

The Sino-American relationship has come a long way. Today our relations are fully advanced, inclusive and complex.

On the one hand, China is a developing nation which looks to us as a source of strength in order to counterbalance the strength of the Soviets—now their principal adversary. They want from us technology, capital and expertise to accelerate their modernization. We, on the other hand, are a developed country which looks on China as a counterweight to the Soviet Union, a potentially significant source of stability in Asia, and a likely and alluring market.

No wonder there are difficult choices of policy to be considered in our relations with China. The relatively "easy-to-do" things have been done. Where do we go from here?

We are at a kind of watershed in China policy. Decision makers have run out of the road maps that guided them intellectually over the last decade. It turns out that policy makers in both the Executive Branch and Congress have more questions than answers.

Tonight I want to pose some of these questions. They need ongoing, urgent attention by policy makers and scholars. I thought it would be useful on this occasion to highlight the pressing issues.

First of all, what kind of security relation do we really wish to have with the People's Republic? Do we envision China's strength as supplementary to, or as a substitute for, United States power in the Pacific? What are the implications of the Soviet buildup for U.S. defense posture in the Western Pacific?

These concerns are hard upon us in light of the diversion of United States forces from the Pacific to the Middle East and Indian Ocean area. For the first time in history, there was a period a month ago when the only aircraft carrier in the Western Pacific was Russian. I, for one, do not believe this situation was lost on either our friends or allies in the Pacific.

We need to recognize the benefits our strengths bring to the stability of nations in the Western Pacific. Our presence has been a major factor in the rapprochement of China and Japan. It is important to the stability of South Korea, to the security of all the Pacific islands down through the Philippines, and to the resolve of ASEAN-nations in resisting Soviet pressures.

China has a vital role in the security of the Pacific area. But China's strengths and weaknesses should be clearly understood. We need to explore just what kind of a military relationship makes sense for China and the United States. Whatever the relationship, I believe we must maintain a credible American defense position in the Pacific.

A second group of questions relates to the great power triangle. How do we deal with China in that context? How do we treat the Sino-Soviet dispute with its ramifications on China's northern and southern border? What role can China be expected to play in the Pakistan-India area and in Thailand? How do we handle a closer and improving relationship with China without unnecessarily feeding Soviet anxiety about China? What should be our arms sales policy to China?

As a starter, I suggest we acknowledge once and for all that China and the Soviet Union are fundamentally different countries, with different ambitions and different allies, and different intentions toward us. Our interests with respect to each of them differ, and the way we deal with each of them will be distinctive. I stress this point because the Administration's handling of the Sino-American Trade Agreement was bedeviled from the start by the declared Presidential policy of "even-handed" treatment of Russia and China.

Clearly, we should not allow our relations with China to be held hostage to our relations with Moscow. Obviously, also, we should take into account the consequences of our policies with one upon our relations with the other.

As I see it, it is in the American interest that there be an adequate balance of forces between the Soviet Union and China so the disparity does not constitute a temptation to hostile action. Yet over the last decade, the Soviet Union has dramatically increased its strategic and conventional forces arrayed against China, as well as against Western Europe.

I do not think we should at this time become a direct supplier of arms to China. However, I favor providing as much technology as possible to assist China's economic modernization and to strengthen our own balance of payments position. And we should provide some "dual technology" even though it may have a military application or "spin off" and may contribute to China's military in the long run. Moreover, the United States should not stand in the way of arms sales to China by our European allies.

I object to the notion of the so-called "China card." We should not try to use China in some short-term anti-Soviet tactic that cheapens our new relationship. China is already on the front line in North Asia and South Asia. Her leaders are deeply concerned about Soviet expansionism. They are so concerned that they may not choose to be in the vanguard on some issues.

We must treat China with respect. For example, China and the United States share parallel interests in South Asia, in the defense of Thailand, and in the Afghan-Pakistan situation, including the deterrence of India. There are concerns which we share, and there are opportunities to explore jointly, but there are no quick fixes.

A third set of questions relates to our expanding economic relationship with China. How can we advance our mutual interest in the expansion of China's production and export of oil? How do we lodge our new economic relations among ongoing relations with old friends and trading partners in Asia, including Japan, South Korea, Thailand, Malaysia, Taiwan and Hong Kong?

A key to the success of China's modernization efforts is the pace at which Beijing is able to expand its production and export of oil. Onshore, China will do most of its own exploration, although the way is open to do some work with foreign companies.

Offshore, China is relying heavily on American technology for its exploration efforts, and it is in American as well as Chinese interests that these efforts prosper. Although most of this undertaking will be carried out by private companies, I believe the American government should facilitate these developments where possible. The fact is that future Chinese exports of oil can contribute to easing the worldwide shortage of petroleum. And such exports will help provide China with the foreign exchange it needs to pay for imports of crucial Western technology in other sectors as well.

How do we handle our new ties with China in ways that reinforce our old ties in the area, and do not disrupt them? This question goes to the tempo and fashion in which we should allocate U.S. credits and ExIm credits to China, and give China access to American markets. One option to consider is whether we could introduce flexibility in quota allocations according to how much a given country purchased from us. Also, we have a trade surplus with China. With Japan and others we have a trade deficit. Should that consideration count in the way we deal with China?

Finally, we face questions involved in developing our bilateral relations with China. Where do we go from here in scientific, cultural and scholarly exchanges. and in consultations on world problems? What is important to get done, and what is less important? What help should we expect from the Chinese on matters we consider significant?

We already have in place the framework for a full range of cooperative efforts in economics, science and culture. There are 12 agreed Sino-American protocols or memoranda of understanding that will take many years to translate into reality. We have some good plans on paper. Now we need performance. It is time to establish priorities, focus on the more promising projects, and implement them.

In all this, the essential principle is equality and mutual benefit. The relationship should be genuinely reciprocal, not one-way, and both sides need to recognize that a successful relationship entails mutual obligations.

What should we expect from China in terms of pursuing parallel interests in the maintenance of stability on the Korean peninsula, and in countering Vietnam advances in Southeast Asia?

More generally, shouldn't we expect China to have a growing role in the search for solutions to critical world problems, including the energy shortage? If China becomes more amenable to arrangements by which international oil companies would finance exploration and development of the oil potential of China's offshore, that development could proceed much more rapidly.

I have found that the Chinese welcome frank and straightforward talk. I believe our relations with China are now mature enough for each side to raise tough issues with the other confident that this will not disrupt the relationship.

The Chinese no doubt will often be demanding of us. We must be properly demanding of them too.

The Chinese are heartened by signs of a new found resolve in Washington, D.C. to stand up to the Soviet Union. But in conversations these days the Chinese ask: is it for real, and how long will it last? Will your government's new determination be applied responsibly? Will American rhetoric exceed the capacity or will to deliver?

These are fair questions which we, for our part, must take seriously.

The Kremlin is already trying to rekindle the unfounded optimism of détente and again lull the West into complacency about Moscow's moves. We must have leadership that recognizes the realities of Moscow's intentions and will not be deluded by its now-familiar maneuvers. We must be led without illusions about the nature of the long-term competition with the Soviet Union.

A concluding word:

The challenges of the 1980's are most serious in a policy-making sense. But I see no reason for defeatist doubts about what the American people can do. This is a great country. We are rich in material and human resources. We can do whatever we have to do to seize the opportunities and surmount the problems we are likely to face. In the words of former Secretary of Defense Robert A. Lovett: "All this we can do with one proviso: we must be willing to do our best."●

THE WINDFALL PROFIT TAX

● Mr. WALLOP. Mr. President, it has been nearly a year since the President proposed the deregulation of oil prices and the so-called windfall profit tax. Since that time the public has been exposed to months of hearings, committee deliberations, action on the floor of both houses, and the final windfall profit tax conference between the House and the Senate. No one can say that the extended length of the deliberations has produced a better piece of legislation. In fact, it is the opinion of this Senator that as time has drawn on, Congress has become less interested in the energy questions than it has with the revenues flowing from a domestic crude oil tax.

Whether or not we support the final legislation, it is agreed among all participants in the windfall profit tax debate that this is a complex bill that took a long and confusing path through the congressional process. Many interested citizens are not only confused by the substance of the legislation, but they are also baffled by how the legislative process resulted in different compromises and the final decisions that shaped the bill.

Mr. President, the Heritage Foundation prepared an analysis of the windfall profit tax as the House-Senate conferees prepared to make some crucial decisions on the bill. The Heritage bulletin provides a view of the windfall profit tax as it passed through an important stage in the law-making process, providing a snapshot view of the legislation in transition. Mr. President, many of my constituents are still wondering what happened in Congress that we ended up with this tax on domestically produced oil. Although the Heritage windfall profit tax bulletin provides only part of the answer, it offers some insights as to how Congress worked on the windfall profit tax. Mr. President, I request that the report prepared by the Heritage Foundation on the windfall profit tax be printed in the Record.

The report follows:

THE WINDFALL PROFITS TAX BILL

STATUS

H.R. 3919 (the Windfall Profits Tax bill) has been adopted by both Houses of Congress. It was first enacted by the House of Representatives, which passed the bill on June 28 with a voice vote. The measure adopted in the House was actually an amendment in the form of a substitute offered by Representatives James R. Jones (D-Okla), and W. Henson Moore (R-La.). Their measure replaced a somewhat more stringent one which had been reported by the House Ways and Means Committee, and was adopted by a vote of 236 to 183.

Some three weeks of debate preceded adoption of the Senate version of H.R. 3919. Included in that period was a three-day filibuster led by Senator Dole (R-Kansas). The Senate version was heavily amended on the floor, adding some $40 billion in taxes which were not included in the bill as reported by the Senate Finance Committee. After failing twice to win cloture, the Senate voted to limit debate by a margin of 84 to 14, but this action was anticlimatic in that a compromise had been struck prior to the vote. The compromise led to adoption of the amended version of the Senate Finance Committee bill on December 17 by a vote of 74 to 24.

A conference committee to resolve differences between the two bills first met on December 19. In their first session, the conferees agreed to a revenue target between the targets set by the House and Senate versions of the bill. This figure came to $227.3 billion, or roughly $50 billion more than the Senate's version. There is no agreement yet as to how to raise the added revenue, but it is certain that adustments to the tax rates, and the exemptions, must be made in order to come up with the additional money. Conferees are scheduled to meet again on January 17, but some members would rather put off their deliberations until February.

PROVISION: HOUSE VERSION

The version of the windfall profits tax adopted by the House of Representatives is expected to raise an estimated $277 billion. It is considered to be far stricter than the Senate version, and has virtually no exemptions. The lack of exemptions is the main reason why the House measure will raise some $99 billion more than the Senate bill even though its nominal tax rate is 15 percent less.

Under the House version, Lower Tier oil, or so-called old oil (i.e., that which was in production prior to 1973), would be subject to a tax of 60 percent of all revenues above the current controlled price of around $6 per barrel. The amount of oil categorized in this fashion would be reduced at the rate of 1½ percent per month (the decline rate) and all oil currently being produced would gradually be phased into the Upper Tier of so-called new oil. New oil is essentially that which has been brought into production between 1973 and 1978. This Upper Tier oil would be taxed at the rate of 60 percent on all revenues in excess of approximately $13, the controlled price for this category. All of the oil from the Lower Tier would be phased into the Upper Tier by July of 1984. Between November of 1986, and December of 1990, Upper Tier oil (which by then would include any remnants of Lower Tier oil) would be phased in the third Tier, newly discovered oil.

Newly discovered oil would include all of that oil which is brought into production from now on. This oil would also be subject to a tax, but its tax would come in two stages. The first is on the increment of revenue between $17 per barrel and $26 per barrel. This increment would be taxed at the rate of 50 percent. The next increment is that portion of revenue above $26 per barrel. This increment would be taxed at the rate of 60 percent. All taxes under this measure would terminate after 1990.

The only exemptions allowed in the House bill are for oil produced by state and local governments and oil produced by tax-exempt educational institutions where the revenue goes to tax-exempt purposes. This move was made essentially to satisfy concerns of Members from producing states where the state governments received considerable revenues in this fashion. The House did not even exempt heavy oil from the tax although the Administration indicated that it favored such a move.

PROVISIONS: SENATE VERSION

The Senate version, while including a higher nominal tax rate would raise some $99 billion less than the House version due to a number of exemptions it allows which are not in the House measure. The version which passed, it should be noted, raised the revenue projection by $40 billion from that reported by the Senate Finance Committee. This was largely due to the elimination of many of the exemptions that were in the original version.

Under the measure voted in the Senate, Lower Tier oil would be taxed at the rate of 75 percent. The Finance Committee version of the bill called for a 60 percent tax rate similar to that voted in the House. Upper Tier oil would also be subject to a 60 percent tax. In both instances, the tax applies to that portion of revenue which is in excess of the current controlled price of oil in each category. Newly discovered oil would be exempt from the windfall tax, but would be subject to a minimum tax. The minimum tax on newly discovered oil would be on the portion of revenue above $19.30 per barrel, and would be at the rate of 10 percent. Several other categories of oil are exempt from the windfall profits tax, but are subject to a so-called minimum tax. These include heavy oil, incremental stripper oil (the additional stripper production which will result from decontrol) and incremental additions to supplies brought about through the use of tertiary recovery techniques. In these instances, there will be a 20 percent tax on the amount of revenues above $16.30 per barrel.

The application of a minimum tax to these categories, coupled with the elimination of many of the exemptions included in the original bill reported by the Senate Finance Committee, was one of the key points of controversy in the floor debate. Exemptions for oil produced by federally recognized Indian tribes, and the first 1000 barrels per day of stripper production were eliminated. The only exemptions which remained unmodified were those for oil produced by state and local governments, and by charitable medical or educational institutions. One exemption, for independent producers, was expanded.

Under an amendment offered by Senator Lloyd Bentsen (D-Texas), the first 1,000 barrels per day of production by independent producers would be exempt from tax in any form. The term independent producer is defined as one which qualifies for the percentage depletion allowance under the provisions of the Internal Revenue Code.

Unlike the House bill, the Senate version would not phase out Upper Tier oil. Rather, it would raise the base above which a tax is levied by $3 for the period between November of 1986 and December of 1990. As with the House bill, Lower Tier oil would be phased into Upper Tier by July of 1984. The Senate measure also includes a maximum amount of tax which can be collected. Under an amendment offered by Senator Daniel Moynihan (D-NY), all taxes would begin to be phased out when receipts reach 90 percent of $200 billion. The effect of this amendment would be to limit the revenues collected through these taxes to a maximum of $214 billion.

A number of amendments not related to oil have been tacked on to the Senate bill. Of these, the most important is one which would allow up to $200 in interest and dividends to be exempt from federal income taxes on an individual's return, or up to $400 on a joint return. This popular move was adopted by an overwhelming margin in the Senate, but has caused some dismay among House Members. Many of the Members who support the small saver exemption also oppose the windfall profits bill. They therefore find themselves in the postition of having to vote contrary to their feelings on one issue in order to vote with their beliefs on another.

POINTS OF CONTROVERSY

There are a number of points of controversy which the conference committee will have to address. One of the most significant of these will be the question of the exemption for independent producers. This was not included in the House version, and is strongly opposed by the Administration. At present, the Senate version of the measure would exempt the first 1,000 barrels per day of production by independents from any tax. Whether this exemption will remain in the final bill, or whether a minimum tax will be imposed, is uncertain. A related question is whether the current depletion allowance to which independents are entitled will be retained if they are allowed an exemption. Some House Members would eliminate the depletion allowance even if they are not given the exemption on the first 1,000 barrels of production.

A major difference between the House and Senate versions lies in the phase-out of the tax. The Senate demonstrated considerable sentiment for limiting the absolute amount of taxes collected, whereas the House did not. This difference between the two measures may pose a major stumbling block to agreement, as may the question of the rate of taxation on newly discovered oil. The two approaches to newly discovered oil reflect sharply differing viewpoints as to the need for incentives to spur additional production, and as to the degree to which the discovery of oil is price responsive. Given these differences in philosophies, reaching agreement may be difficult.

A final question is whether severance taxes will be allowed as a deduction from the windfall profits tax. Severance taxes are in effect excise taxes levied by the states on oil production. The House measure would not allow them as a deduction; the Senate bill would. The difference in terms of revenue to producing states would be considerable, and this, therefore, will be a major point of contention. Members representing consuming states would naturally be inclined to limit deductions which were tailored to producing states' revenue bases, as monies going into the federal treasury have a far better chance of finding their way to consuming states. This issue flared up during the floor debate when an attempt was made to tax the oil income of producing states, and Senator RUSSELL LONG (D-La.) threatened to filibuster the bill to death.

The overall attitudes within the two Houses of Congress also signals a potentially acrimonious conference committee. House Speaker Tip O'Neill has indicated less concern with moving the legislation than with coming out with a strong bill. Senator Robert Byrd (D-W.Va.) has indicated a desire to complete legislative action. The Administration has indicated that it hopes to recapture as much of what it has lost in the Senate as possible. None of these conflicting attitudes holds promise for a speedy conclusion of the conference committee's deliberations.

THE QUESTION OF WINDFALL PROFITS

One of the questions which will not be addressed within the context of the conference committee's deliberations is whether the concept of a "windfall profits" tax is valid to begin with, and the extent to which it might hamper the development of domestic oil reserves. A study performed by the Congressional Budget Office, and cited in the Energy Daily, indicated that in all instances the amount of oil produced with a windfall profits tax would be substantially less than the amount which would be produced without it. Further, the same study noted that even without the imposition of a windfall tax, there would still be significant revenues accruing to the federal government as a result of oil decontrol.

For example, were the stricter version of the House bill enacted, total new producer revenues would come to $722.9 billion through 1990. Federal taxes would take $442.8 billion of these revenues, and $99.1 billion would go to the states. Domestic oil production in 1985 would be 7.9 mbd, and in 1990 would be 7.1 mbd. Without the tax, producer revenues for the same period would be $831.8 billion, federal taxes would come to $197.5 billion, and state taxes would come to $115.1 billion. Oil production would be 8.3 mbd in 1985, and 7.9 mbd in 1990. As can be seen from even these conservative estimates, the effect of the tax could be to reduce domestic production by as much as 800,000 b/d by 1990, and to reduce state revenues by more than $16 billion. It should be noted that the CBO study indicated that even without the imposition of a windfall profits tax, there would still be an effective tax rate of 38 percent imposed on the new revenues.

This obviously raises the question of the purpose of the windfall profits tax, and whether or not its underlying assumptions are valid. First and foremost among these assumptions is that the imposition of the tax would not significantly affect production. This argument is seriously undermined by the CBO study. In 1990, 800,000 barrels of oil per day will be between 10 percent and 11 percent of projected domestic production. This is not an insignificant amount. Also, if this oil must be replaced with imported crude at the $30 per barrel prices expected to prevail during the first quarter of 1980, then the annual cost to the balance of payments deficit will be nearly $9 billion, and given the recent history of oil prices, the effect could be much greater.

A second assumption underlying the windfall profits tax is that the profits are for some reason unearned. Whereas no one questions the 1000 percent appreciation some homes have experienced over the past decade, or the 1100 percent increase in the price of gold since 1974, the increase in the price of oil is somehow felt to be different. In actuality, when adjusted for inflation, the increase in the real price of oil has been something less than that for other commodities.

INCREASE IN OIL PRICES IN REAL TERMS

Between 1950 and 1969, the average wellhead price for crude oil produced in the United States remained between $2.50 and $3. Even as recently as 1973, before the Arab oil embargo, the selling price for a barrel of domestically produced crude oil was just $3.89. While this price was on the surface higher than the 1950 selling price, when adjusted for inflation which took place during the ensuing years, it actually represented a 6 percent decline. In real terms, the adjustment in price which occurred in 1974 actually amounted to around $1 more than oil sold for in 1950. Moreover, between 1974 and 1976, the real price of oil again began to decline. The 1978 increase in OPEC prices which was so shocking on the surface was in fact an inflation adjustment. Only the most recent round of increases represents a change in real terms. The unanswered question is, of course, whether any increase is justified, real or merely to keep pace with inflation, and whether such an adjustment should be granted to domestic producers.

One major argument on behalf of allowing U.S. producers to benefit from the increased price of oil is found in the fact that it is a depletable resource which is increasingly scarce. In the past, it was relatively simple to find oil in the U.S., but with the increase in regulations limiting the areas in which the search can be conducted, and the exhaustion of previous finds, the costs associated with adding to our domestic reserves have increased. It can therefore be argued that oil should be priced at its replacement cost, and in fact the Administration has made this very argument on behalf of its windfall profits tax. It is only the question of who should benefit from the revenues resulting from the increased price which is at issue.

WHAT TO DO WITH THE WINDFALL

In the final analysis, the arguments for and against the concept of a windfall profits tax come down to the question of who should benefit from the windfall. If in fact oil is a scarce resource which is rapidly being depleted, then there is little question that it should be priced in accordance with its scarcity. If it is not a scarce resource, but rather has had its price increased through a producers' cartel, then all efforts should be made to increase domestic exploration and development in order to reduce the cartel's influence. Interestingly, it was the decrease in the domestic price of oil which led to the flight of exploration activity overseas, to areas where costs were lower and drilling activities could take place on a profitable basis. Were exploration and development made profitable domestically, the downward trend in domestic exploration and development might be reversed.

Some proponents of the tax contend that it is needed to finance energy resources, especially the synthetic fuels program. This argument has a certain logic on the surface, but on closer examination does not appear to have as much merit. In the advent of a stiff windfall profits tax, significant new revenues will accrue to the federal treasury, possibly as much as $443 billion. This is far more than the estimated $88 billion cost of the synthetic fuel program originally advanced. The question then becomes whether other financing might be available, and, in fact, it is. Merely decontrolling the price of crude oil results in new federal tax revenues of $197.5 billion, almost twice the cost of the synthetic fuel program. This could all be earmarked for alternative energy development if needed and still eliminate the impediment to domestic production which a windfall profits tax would appear to present. Some of this $197.5 billion could also be earmarked to offset the impact of higher oil prices on the poor.

CONCLUSION

On balance, it appears that some sort of windfall profits tax will be forthcoming within the next few months, regardless of its merit or lack thereof. The tax now stands as a symbol of the frustration of the American public over the government's inability to cope with the energy crisis. Political rhetoric aimed more towards garnering votes than towards clarifying the causes of the nation's energy dilemma has convinced the public that the oil companies are to blame, and the public is demanding retribution.

The windfall profits tax is the way politicians see of granting the public its wish. The trouble is that the tax will not produce more energy; in fact, it will inhibit energy production. Nor is it a question of allowing the oil companies to reap huge profits without paying any taxes whatsoever. Rather, it is a question of whether their tax rate should be 38 percent or 60 percent or 75 percent.●

INCREASED SUPPORT FOR WAGE AND PRICE CONTROLS

● Mr. PELL. Mr. President, in October of last year I introduced legislation (S. 1943) that would give the President of the United States standby authority to impose mandatory wage and price controls. I did so because I was increasingly concerned that the voluntary wage and price program and monetary restraints would not be sufficient to stem the very strong inflationary pressures in our economy.

Nothing has occurred in the past 3 months to reduce my concern. Indeed, the outlook for reducing inflation with current programs is gloomier than ever. The full-year 1979 increase in the consumer price index was 13.3 percent, and the President, in his economic report to the Congress, projects a further increase of 10.4 percent in consumer prices during 1980. The new "National Accord" on wage policy will permit wage increases of as much as 9½ percent. The indications are that as consumer prices again outrun wages, the average American will suffer a reduction in real income this year, just as he did last year.

With this outlook, I believe mandatory wage and price controls should be given a very serious consideration. Six months ago few, if any, economists favored mandatory controls. Today economists are beginning to look more favorably on the idea, recognizing that voluntary programs are not working.

Recently the Washington Post reported that Barry P. Bosworth, the economist who administered President Carter's voluntary wage and price control programs from 1977 to 1979, now advocates mandatory controls. Similarly, Otto E. Eckstein, one of our Nation's most respected economists, said in testimony before a committee of the House of Representatives that mandatory controls deserve a serious look.

Mr. President, I believe it is time for the Congress also to give a serious look at the need for mandatory wage and price controls and to give to the President the authority to impose such controls.

I ask that the article from the Washington Post of Thursday, February 7, entitled "Bosworth Urges Mandatory Controls" be printed in the Record.

The article follows:

Bosworth Urges Mandatory Controls

(By Art Pine)

The man who ran President Carter's anti-inflation program from 1977 to 1979 said yesterday that it isn't working and the administration should turn instead to mandatory wage-price controls.

Barry P. Bosworth, now a Brookings Institution economist, said the change is needed because inflation has built up such momentum "that nothing but a major recession or mandatory controls can break it."

The call for controls, in an interview yesterday, marked a departure for Bosworth, who consistently had opposed them during his two-year tenure as director of Carter's Council on Wage and Price Stability.

Separately, Otto E. Eckstein, former Johnson administration economic adviser, told the House Budget Committee the controls idea "deserves a serious look." However, he said mandatory restraints had not worked before.

The combination of statements constituted the first serious suggestion for a controls program by established economists in recent years. Most middle-of-the-road economists have opposed controls as unworkable.

Bosworth also advocated an array of other stiff measures, including gasoline rationing or a gasoline excise tax, a prompt return to a balanced budget, tax cuts to spur productivity and incentives for capital formation.

He said the only alternative to such a package would be for the government to engineer a major recession under which the jobless rate would rise to double-digit levels of 10 percent or higher.

Bosworth's suggestions, similar to those proposed last week by Sen. Edward M. Kennedy (D-Mass.), weren't likely to be embraced by the Carter administration. Carter already has rejected Kennedy's plan. The Brookings Institution economist said he isn't working as a Kennedy adviser nor did he have any part in drafting the senator's economic proposals last week. Kennedy supported a gasoline rationing plan, but opposed a gasoline excise tax.

Bosworth's proposal would impose mandatory controls across every sector of the American economy—including wages, prices, profits and rent—with limits of 5 percent on pay raises and 6 percent on price increases.

The former anti-inflation official said the controllers should be empowered to break existing contracts if needed to force companies and unions to comply with the wage-price limits. He said the program should last two to three years.

He also proposed that the government in effect ration available mortgage money by requiring extremely high down payments for home mortgage loans as a way to dampen demand for housing.

And he suggested that if food prices begin to soar again as they did last year, the government eliminate all restrictions on crop production. He urged keeping government grain reserves high to help stabilize future price surges.

Bosworth said the strong action is necessary because the "gradualism" advocated by Carter isn't working and traditional government policies to dampen inflation by reducing overall demand no longer are effective.

* * * * *

Bosworth also rejected the now-standard contentions that the Nixon administration's much-criticized experiment with wage-price controls in 1971–73 proved that such a program can't work.

"There were a lot of outside factors then that blew the controls out of the water," Bosworth said in the interview. "If they happen again, we'll be blown out of the water again—with or without controls."

The factors Bosworth was referring to included a simultaneous economic boom in all the major industrial countries, overstimulation of the U.S. economy, grain sales to the Soviet Union and devaluation of the dollar.

Bosworth argued that sweeping, across-the-board action is needed because key elements of the nation's economic structure won't accept voluntary restraint programs that involved only their sector.

"Only if you say, 'Here's a whole program' will they accept the parts," he said. "The difference between a voluntary program and a mandatory one is only a matter of degree. But it's an important one."

Eckstein's remarks, delivered in testimony before the House Budget Committee, were based on similar reasoning to those offered by Bosworth, but didn't go nearly as far.

The former Johnson economic adviser, now president of Data Resource Inc., said "we're betting on recession" now to dampen inflation, and the prospects are it won't work. He said the controls idea "deserves a serious look."' ●

NATIONAL INTELLIGENCE ACT

● Mr. DURENBERGER. Mr. President, today, the Select Committee on Intelligence began its hearings on the National Intelligence Act of 1980, S. 2284. This was an important milestone along the road to legislative charters for the U.S. intelligence community. I would like to share with my colleagues some thoughts I had on this occasion.

I ask that this statement be printed in the Record.

The statement follows:

STATEMENT BY SENATOR DAVE DURENBERGER

Drafting an intelligence charter is a little like being the judge in *Kramer* v. *Kramer:* There are legitimate interests on both sides, and everyone's going to cry when you're done.

The American people need assurance that intelligence agencies will not trample on the constitutional rights of our citizens or charge off on foolish missions. But the American people also have no illusions of living in the City of God. They know that the world's troubles call out for a vigorous U.S. foreign policy, based upon a strong and effective intelligence capability.

I do not believe in drafting legislative charters which attempt to regulate every move that an agency makes. Our committee may have intelligence, but it is not omniscient. We cannot tell what new circumstances may arise, or what new technology may be developed, which would make our legislation obsolete. We can predict that change will occur. We can predict that too tight a legislative charter will only produce inflexibility and efforts to worm around its provisions.

A preferable approach is to design a charter which sets forth principles which the Executive Branch should follow in intelligence operations, reasonable and somewhat flexible procedures for the most sensitive activities, and a requirement to provide all the information to the intelligence committees of each house of Congress. These committees are trustworthy; they have handled extremely sensitive information over the years with an exemplary security record. They are representative, and therefore can review intelligence activities with a broader perspective than is found in the Executive Branch. And most importantly, the intelligence committees will change over time, with the times. While legislative language will become out of date, congressional oversight will remain sensitive to the needs of both the intelligence agencies and the American public.

It is a great achievement for the Select Committee on Intelligence to have come this far in its charter efforts. Senators Huddleston and Mathias, in particular, are to be congratulated for their skill and perseverance. But the National Intelligence Act is very complex and still in need of work. It bears the jagged scars of the bloody interagency feuds that attended its birth.

We should approach charters realistically. It is not clear that a thorough charter bill can be passed this year. Only a unanimous Intelligence Committee can get a bill through both houses, and this may be hard to achieve in a session cut short by conventions and electioneering. So at some point the Committee will have to consider the option of a short bill incorporating those provisions on which agreement can readily be obtained.

Whatever our approach, a charter must rest upon one central proposition: that Congress will grant authority to engage in various intelligence activities only in return for complete access to information. Without this, there can be no effective congressional oversight of intelligence and no assurances that the public interest, which intelligence agencies are created to serve, will be respected. And without the assurance of effective oversight, we would be left with a Hobson's choice between crippling inflexibility and dangerous license.●

LITHUANIAN INDEPENDENCE DAY

● Mr. GLENN. Mr. President, I am honored to join my colleagues in marking the 62d anniversary of Lithuanian Independence Day—an anniversary that is being celebrated throughout this Nation by more than one million Lithuanian-Americans.

I am pleased to join many Ohioans of Lithuanian descent who are, at this special time, remembering their homeland and their relatives and friends who still live in this region of the world.

Last September, I had the honor of addressing Cleveland's Lithuanian community at the city's annual One World Day celebration. I wish each of my colleagues could have witnessed the outpouring of heartfelt nationalism shown for Lithuania that afternoon.

The commemoration of Lithuanian Independence Day is especially appropriate at a time when the free world is protesting yet another act of Soviet aggression. The recent invasion of Afghanistan, viewed with Soviet incursions in Africa, the Middle East and Southeast Asia, present a mandate to the free world that Soviet expansionism must be reversed.

Sixty-two years ago, on Feb. 16, 1918, Lithuania broke 120 years of Tsarist domination by declaring its independence. Within 4 years, this nation had a formal constitution, which declared that all Lithuanians had the basic human rights of freedom of speech, religion, and assembly. A government was established, and a president was elected. The new country and its leaders began programs to increase the nation's agricultural and industrial output.

All this progress and development came to an abrupt halt 22 years later when the Soviets forcibly occupied Lithuania in 1940. Since that illegal occupation and eventual annexation, the Soviets have tried desperately to destroy Lithuania's unique heritage, suppress its religion, and harass its citizens.

Twice in recent history the Soviet Union has signed pacts stating that every individual has the right to freedom of thought and religion. Statistics reveal, nonetheless, the tragic success the Soviets are having in suppressing religion in Lithuania.

And yet, the people of Lithuania and their neighbors continue to show immeasurable courage and faith that someday human rights statements will become more than pieces of paper.

As an American, I am proud that our Government has never recognized the Soviet's annexation of the Baltic States and that our country continues to recognize the diplomatic corps established by an independent Lithuania.

However, our Government, and the governments of all free nations, must do more. Late last year, I joined my fellow members on the Senate Foreign Relations Committee in endorsing a resolution urging the President to have the 1980 Conference on Security and Cooperation in Europe increase the world's awareness of the Baltic countries' desire for independence.

Implementation of this resolution will help bring the Baltic countries one step closer to full sovereignty. Indeed, the heartfelt respect and devotion to Lithuania which millions throughout the world are showing at this time is sending a strong message to the Soviet Union.

The Lithuanians' devotion to self-determination, like that of the Afghan insurgents fighting in the hills of their once-sovereign nation, displays the ultimate in courage to the rest of the world. I am confident that the Lithuanians' resolute belief in freedom—and the Afghans'—will be rewarded.●

SHORTAGE OF HARD-ROCK MINERALS

● Mr. BOSCHWITZ. The results of the petroleum shortage in this country have been painful. And, Congress is taking steps to meet that shortage. However, I wish to commend your attention to an article which raises the possibility of another shortage. J. Allen Overton, Jr., makes some good points about what could happen in the area of hard-rock minerals. And, I emphasize the word could. Let us make sure that this possible shortage remains only a possibility and does not become a reality.

I ask that the attached statement be printed in full in the Record.

The statement follows:

A NEW YEAR AND A NEW DECADE: A TIME TO UNMAKE RESOLUTIONS

At this time of the year, especially with the beginning of a new decade, the media will be replete with anonymous editorials and commentaries authored by assorted pundits about what must be done in the 1980s. Advice will be freely and abundantly given to the people, the Congress, the nation and the world.

It is not my desire to join this trend. Certainly there is much that needs to be done, but there is also much that has to be undone. For sure, there are new resolves to take, but there are also past resolutions to unmake. The present political, economic and geostrategic plight of the United States did not suddenly plunge upon us. Rather, our past actions carved an almost inevitable path to our current predicaments, and they have largely charted a course into future perils unless there is a sharp reversal.

The growing dependence of the United States on increasingly volatile parts of the world for energy resources poses the starkest risk for our national security and plays hob with our balance of payments and the vitality of our economy at home. It fetters our foreign policy and feeds the fires of domestic inflation, while too many of our leaders continue to fiddle.

There is mounting danger that the same catastrophic scenario will be duplicated for hard-rock minerals, where the reliance on imports is relentlessly increasing and the deficit in international payments is steadily deepening.

The compelling need in the 1980s is not for a government that does more, but for one that is determined to do less. The problems with which we struggle do not stem from federal inaction, but from an overdose of action that has been ill-conceived and counterproductive.

The massive withdrawals of public lands . . . the emotional tilt to environmental extremes . . . the enormous costs of irrational regulations . . . and the inhibiting effects of shortsighted tax policies have all conspired to deter adequate investment in America's capacity for producing essential minerals and to render this nation less competitive in the marketplaces of the globe.

In regard to these policies of the past, event a "do-nothing" Congress of the type once denounced would now be a relief, because at least it would keep the problems from being compounded. It would not be sufficient relief, however, because laws and regulations already in effect have acquired their own momentum and have an unremitting capacity for creating further mischief.

What is needed, then, is a government in which both the legislative and the executive branches are determined to look ahead by first taking an intelligent glance back. Past errors must be recognized and rectified, before larger hopes can be nourished.

The turn of the calendar may infuse some imaginations with visions of a "brave new world," but first it would behoove our leaders to consider which parts of "the good old days" can be resurrected. In short, we must repair to the past and retrieve the best of its principles.

As Patrick Henry once said, "I have but one lamp by which my feet are guided, and that is the lamp of experience." So today, we can most brightly illuminate our future by recapturing some light from the past.●

COMPUTER CRIME IS ALLEGED AT SOCIAL SECURITY FACILITY

● Mr. RIBICOFF. Mr. President, on March 3, 1978, in remarks in the Senate, I reported on an exercise conducted by the U.S. General Accounting Office in which GAO auditors tested the security procedures at the massive Social Security Administration computer facility in Woodlawn, Md.

Billions of dollars in social security checks are processed at the center, the largest civilian computer complex in the world.

GAO auditors found the security procedures to be lax and occasionally nonexistent. GAO warned that the installation was vulnerable to major computer fraud and terrorist attack.

Now a worker at the facility has been charged with manipulating a computer there in order to pay herself and two accomplices more than $500,000 in disability benefits.

It is important that the Social Security Administration assure that security is adequate at this computer facility. Safeguards must be installed to prevent crime. Equally necessary are protective devices to defend this facility against terrorist attack. A major disruption in the operation of that facility's computers would cause great social difficulties.

The Washington Post reported on the alleged computer crime on February 20, 1980, in an article by Chris Schauble.

Mr. President, I request that the Post article be printed in the RECORD, along with my March 3, 1978, RECORD remarks and accompanying documents.

U.S. AIDE HELD IN $500,000 THEFT BY COMPUTER

(By Chris Schauble)

BALTIMORE, February 19.—A worker at the Social Security Administration headquarters was charged today with manipulating the national computer at the complex in order to pay herself and two accomplices more than $500,000 in disability benefits.

The computer, in the Baltimore suburb of Woodlawn, sends out $1.1 billion in disability checks to 4.8 million workers and their dependents each month.

The Secret Service, which spent 18 months unsuccessfully trying to trace the money stolen through false disability claims, today described the computer theft scheme as "very, very sophisticated."

"If there hadn't been a bank official in Philadelphia alerted to a discrepancy in an account opened there, we'd still be operating in the land of the unknown," said Andrew E. Berger, head of the Secret Service office here.

"This was a very sophisticated scheme and the potential of the misuse [of the computer] and the lack of safeguards at Social Security is alarming. There's a potential [that] we're sitting on the tip of an iceberg with this." He said agents from Washington, Philadelphia and California are continuing the investigation.

John Trollinger, a spokesman for Social Security, said, "There are safeguards in place and we are continuously reviewing and revising our computer system."

The worker is accused of processing disability checks under numerous aliases, using real social security numbers and then erasing all records of payments from the computer before it produced a regular audit of claims and payments, Berger said.

Berger said Janet Elizabeth Bartee Blair, 29, who has worked at the agency since 1973, allegedly operated the computer theft scheme by filling out the paperwork for the computer to send disability checks to various address and post office boxes in Washington and Philadelphia. The two accomplices allegedly picked up the checks, cashed them through savings accounts with several banks, and, a short time later, closed out the accounts, Berger said.

None of the money allegedly obtained from the scheme has been recovered, investigators said.

Blair was arrested at her Baltimore home today after calling in sick to her office. She is still employed at the Social Security Administration, and a spokesman there said Blair was "transferred to a nonsensitive position as a result of the investigation."

She was ordered jailed in lieu of $100,000 bond by a federal magistrate following her indictment on 43 counts of conspiracy to defraud, causing false Treasury checks to be made, and aiding and abetting forgery.

Stella Marie Abrams, 31, of Philadelphia, and Malcolm Blair, 29, Blair's brother-in-law, were charged as accomplices in the indictment returned by a federal grand jury here today. Malcolm Blair is currently serving time at Lewisburg federal penitentiary in Pennsylvania on an unrelated charge of receiving stolen Treasury checks.

Assistant U.S. Attorney David Queen said at the bail hearing for Janet Blair that she was "not acting alone" in the scheme and may have been taking orders from members of a religious sect.

Queen acknowledged that any suspicions about what happened to the half-million dollars allegedly stolen in the computer fraud scheme are just suspicions.

GAO FINDS THAT COMPUTER SECURITY IS POOR AT SOCIAL SECURITY

Mr. RIBICOFF. Mr. President, the Senate Governmental Affairs Committee has been examining computer security in Federal programs for 2 years now. As a result of the committee's investigation, the Office of Management and Budget is working to strengthen computer security procedures in Federal programs. In addition, along with Senator Percy and other Senators, I introduced legislation, S. 1766, to improve the ability of prosecutors to prosecute cases against persons accused of computer fraud.

The U.S. General Accounting Office shares my committee's concern for computer security. GAO auditors have done excellent investigations into the manner in which executive branch agencies secure their computers against theft, penetration, assault, and other forms of compromise.

The GAO has found serious shortcomings in the security procedures within the social security computer systems.

Mr. President, I ask unanimous consent that a February 21, 1978 letter from GAO Associate Director Franklin Curtis to Donald I. Wortman, Acting Commissioner of Social Security, be printed in the RECORD.

Mr. President, I ask unanimous consent that a March 3, 1978 letter from me to HEW Secretary Joseph Califano calling Secretary Califano's attention to the Wortman letter be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, D.C., March 3, 1978.
Hon. JOSEPH CALIFANO,
Secretary, Department of Health, Education, and Welfare, Independence Avenue SW., Washington, D.C.

DEAR JOE: I wanted to call the attached report from the U.S. General Accounting Office to your personal attention.

As you know, the Senate Governmental Affairs Committee has for two years now been working to encourage the federal government, particularly civilian agencies, to improve their security procedures. I have also introduced legislation, S. 1766, which has the support of the Department of Justice, to improve the ability of the government to prosecute persons who violate computer systems.

One of the serious problems that came to light in the Committee's investigation was that the Department of Health, Education and Welfare was not adequately equipped to investigate allegations of computer crime.

The attached letter from GAO Associate Director Franklin A. Curtis to Donald I. Wortman, Acting Commissioner of Social Security, demonstrates to me the potential for computer compromise at Social Security. I urge you to increase your efforts to improve computer security throughout HEW and to take immediate steps to see to it that the shortcomings in security at the Social Security complex in Baltimore be eliminated. Too many of our citizens rely on Social Security—and too much money is involved—for careless security procedures to be allowed.

I am frankly shocked at such lax security at such a major federal installation. HEW spends more than any other federal agency. There must be a greaater concern in seeing to it that the Department's computer security programs are strengthened.

Sincerely,

ABE RIBICOFF.

U.S. GENERAL ACCOUNTING OFFICE,
Washington, D.C., February 21, 1978.
B-164031(4).
Mr. DONALD I. WORTMAN,
Acting Commissioner of Social Security, Department of Health, Education, and Welfare.

DEAR MR. WORTMAN: Although the Social Security Administration has recently spent about $500,000 to install a new security system for its computer operation, the central computer facility is still not secure. Unauthorized personnel have access to the computer room and tape vault. Magnetic tapes, disc packs, and other property can be removed without proper authorization, and blank and valid Social Security and Medicare cards can be taken from the central computer facility without question. Adequate security procedures have not been established, and Social Security has not made an in-depth study of its security needs with respect to the central computer facility.

Acquiring the new security system was a step in the right direction, and with some modifications and the development of adequate procedures, it should prove to be an effective way of preventing unauthorized access to and exits from the central computer facility. However, there is another problem that must be addressed—preventing the fraudulent and malicious acts of persons who work inside the central computer facility. Considering the overall impact Social Security has on millions of Americans, and the results which would occur if its central computer facility's operations were interrupted, we believe that more effective controls and security procedures must be established to protect both Social Security records and property, and the privacy of the American people.

Our observations were made between January 23 and February 3, 1978, as part of our "Review of Internal Controls and Performance of the Supplemental Security Income System." Our findings as well as recommendations for improving the security of your central computer facility were reported to members of your staff on February 10, 1978. A summary of our findings and recommendations are included below.

NEED TO PREVENT UNAUTHORIZED ACCESS TO AND EXIT FROM THE CENTRAL COMPUTER FACILITY

Unauthorized personnel can easily enter and exit the central computer facility in several ways. First of all, the central computer facility's turnstiles allow movement in both directions once they have been activated by a security badge. Thus several people can enter and exit from a single admission authorization. Since the security guards are not always positioned in direct view of the turnstiles, these unauthorized entrances and exits can go undetected. We demonstrated this by admitting two GAO auditors from a single authorization without the awareness of security guards.

A second way to gain access involves the use of temporary badges. Several of these valid badges can be obtained by an authorized individual and distributed to nonauthorized personnel. Personal identifiers such as social security number, name, and organization are obtained when the badge is issued; however, these identifiers are not used by the automated security system to make sure that only one temporary badge is valid for an authorized person at any point in time. During our observations, we admitted a nonauthorized GAO auditor into the central computer facility. Even with permanent authorization badges with employee pictures, security guards seldom match the person with the picture on the badge. Thus nonauthorized admittance to the central computer could be made if an authorized employee permits it.

Once inside the central computer facility, unauthorized exits can be made through the emergency exits without alarming security guards. These emergency exits are wired with electromagnetic connectors which when separated, set off an alarm. By removing the two screws at the bottom of the connectors, the doors can easily be opened without interrupting the circuit. Unauthorized personnel can thus exit and enter the central computer facility once these doors are opened. During our observations, a GAO auditor took Social Security property through one of the opened emergency doors without the security guards' awareness.

RECOMMENDATIONS

To avoid unauthorized access to and exits from the central computer facility, we recommend that:

Security guards be positioned in full view of the turnstiles, and that they be required to verify the pictures on the authorization badge with the person using it.

The security system be modified to allow only one temporary authorization badge to be valid for a person at any given time.

Emergency exit wiring and connectors be secured to prohibit tampering and thus prevent unauthorized entrances and exits by personnel and property.

MORE CONTROL IS NEEDED OVER MAGNETIC TAPES AND DISK PACKS

Magnetic tapes and disk packs can be removed from the central computer facility without proper authorization because effective control procedures have not been established. Currently, before a magnetic tape can be removed from the central computer facility, a tape dispatch pass is supposed to be obtained from Tape Library Control Section personnel and presented to security guards upon exiting. We were able to remove tapes without tape dispatch passes because security guards did not check notebooks, lunch containers, and brief cases for Social Security property. Furthermore, Tape Library Control Section personnel do not control tape dispatch passes in their possession. We were able to remove 10 tape dispatch passes, and take tapes out of the central computer facility using these passes. Finally, neither Tape Library Control Section personnel nor security guards verify the actual number of tapes which are to be removed from the central computer facility with those actually taken out. From an authorization for a single reel of tape, we were able to remove an entire cart of 38 tapes—two segments of the Supplemental Security Income master file—from the central computer facility. Additionally, with respect to magnetic disk packs only certain individuals have authorization to remove them from the central computer facility. However, we were able to remove a magnetic disk pack without security guard action even though we had not been authorized to do so.

RECOMMENDATIONS

To improve controls over magnetic tapes and disk packs, we recommend that:

The use of the tape dispatch pass be discontinued, and in its place a transmittal sheet be established to show authorization for removal of tapes and disks and that both the Tape Library Control Section and security guards be required to reconcile the number of tapes by serial number.

Security guards should be reminded of the need to search notebooks, lunch containers, and briefcases of people entering and leaving the central computer facility.

MORE CONTROL IS NEEDED OVER SOCIAL SECURITY AND MEDICARE CARDS

Blank and valid Social Security and Medicare cards are not controlled within the central computer facility and therefore, can be fraudulently removed. During our observations, we found that blank Social Security and Medicare cards were readily accessible at various locations within the central computer facility. We also found thousands of both types of these cards—with valid names and account numbers—which had been discarded because a few had been misprinted. We were able to remove both blank and valid cards from the central computer facility through both the security gates and emergency exits.

RECOMMENDATIONS

In order to provide more control over these identification cards, we recommend that:

Supplies of blank Social Security and Medicare cards be secured within the central computer facility.

Effective procedures be established to ensure that nonissuable printed cards be properly destroyed.

All identification cards be controlled and accounted for as they are used.

NEED FOR A COMPREHENSIVE APPROACH TO SECURING THE CENTRAL COMPUTER FACILITY

Social Security has not developed a comprehensive approach to securing the central computer facility, and no formal in-depth study detailing securing requirements and ways to meet them has ever been made. In July 1976, at the request of Social Security, the MITRE Corporation made "A Preliminary Evaluation of the Physical Security Requirements of the Social Security Administration Data Processing Center." MITRE pointed out that most of Social Security's physical security measures have been implemented on a piece-meal basis. We agree with this finding and believe that the new automated security system is the latest example of this practice. No in-depth risk-analysis has been performed to determine what security procedures should be established, and furthermore, no overall structured approach has been developed for securing the central computer facility.

Social Security's main approach has been to protect itself from unauthorized personnel having access to the central computer facility. However, it has not addressed another potential problem—preventing fraudulent and malicious acts of persons who work inside the computer room. All of the unauthorized acts which we performed during our observations could have just as easily been performed by persons who normally work in the computer room. Most persons having access to the computer room are not given a background investigation, and some of them are not even employed by Social Security.

RECOMMENDATIONS

To improve Social Security's overall security procedures, we recommend that:

A complete, formal risk-analysis be performed to determine what security procedures need to be established for the central computer facility.

After the risk-analysis, a detailed structured approach be established for security of the central computer facility.

At a minimum, background investigations be performed on all employees who work within the central computer facility, including personnel not employed by Social Security.

Please advise us of the actions you propose to take concerning our recommendations.

Sincerely yours,
Franklin A. Curtis,
Associate Director.●

S. 219—CHARITABLE DEDUCTION BILL

● **Mr. DURENBERGER.** Mr. President, I urge my colleagues to join me in my enthusiastic support of S. 219, the charitable deduction bill. It was my great privilege last year to cosponsor this much-needed measure to preserve the vitality of our Nation's charitable and volunteer community.

During the past decade, private philanthropy, like all other sectors of our society, has suffered from the mounting strains of inflation. Many individuals who would like to contribute to the arts, to their church, or favorite charity can no longer justify their contributions—not when the price of essentials for daily living is steadily and rapidly rising. After paying for food, clothing, and shelter, there is little left for charities. And, I might add, no tax incentives for the millions of taxpayers who do not itemize.

Since 1970, the percentage of taxpayers using the standard deduction has grown from 52 percent to more than 75 percent today. Between 1972 and 1978, the voluntary sector had lost an estimated $5 billion.

The major Government incentive to private giving, the charitable deduction, needs to be revised if we are to continue to have a vigorous, broad-based voluntary sector in the United States. It is my strong belief that S. 219 will help bring about that revitalization and reverse the dramatic decline in private philanthropy.

By allowing taxpayers a deduction on charitable contributions, whether or not they itemize, this legislation will correct a present inequity in the tax code. Under existing law, individuals who take a standard deduction can be taxed on private dollars contributed to nonprofit organizations. This form of taxation certainly poses a philosophical challenge to the rationale that income which goes to charitable activities should not be taxed because it does not enrich the giver.

Harvard University economist Martin Feldstein has found that the nonitemizer who contributes to charity gives up $1 for every dollar that the charitable organization receives. In contrast, an itemizer with a 30-percent marginal tax rate gives up only 70 cents for every dollar that the charitable organization receives. By extending the charitable deduction to the nonitemizers, that is to millions of Americans, S. 219 would lower the "price" of giving and increase the incentive to give to private, nonprofit organizations.

Although the social value of charitable contributions cannot be quantified, it has been evidenced throughout our history. The spirit of public service and voluntarism has been transferred from generation to generation of Americans. It has shaped the patterns and traditions of the American way of life. As Daniel Boorstin once noted:

> Communities existed before governments were there to care for public needs.

Indeed, the practice of attending to community needs with private dollars has created some of America's greatest institutions.

Government cannot and should not provide every social and community service. We in government must support and encourage the work of the private, nonprofit sector, for if we do not, governments at all levels will surely be called upon to fill the gap. The gap will be filled, if history is a good teacher, by programs that become so complex and expansive they eventually cave under their own weight.

Several years ago, Lyndon Johnson addressed the corporate executives on the Mayo Foundation Board and reminded them of the importance of the private giving of money and labor to charitable and nonprofit organizations. After criticizing them for not getting involved in their communities, he concluded by saying:

> Apparently, you think Government can spend your money more wisely than you can.

Mr. President, the message behind LBJ's statement has never been more clear and more appropriate than today. The private, non-profit sector often shows us a better way to fulfill social and community needs. It is there, in the nonprofit organizations with their freedom to explore and innovate, where some of the nation's most creative responses to community needs are born and nurtured.

It is nearly impossible to look around and not find a school, hospital, library, museum, or other similar institution which has not been the beneficiary of private philanthropy. Private giving has enabled progress to be made in every area of human interest. Public broadcasting has been the pioneer in bringing high quality educational and cultural programs to the American public. Private giving has helped preserve our environment through the support of such important organizations as the World Wildlife Fund and the National Audubon Society. These groups, and many more like them have educated the American people about their environment and have involved them in its preservation. Equally successful and effective have been such social service organizations as the United Way.

The list of beneficiaries of private giving is endless. We have all, in some important way, benefited from private philanthropy and the institutions it has created. Unfortunately, however, most of these institutions have been affected by the marked decline in private giving during recent years. In the absence of essential financial incentives for giving, more and more nonprofit organizations will be forced to close their doors.

Mr. President, I do not want to see that happen. S. 219 gives us the opportunity to reinforce the financial underpinning of the voluntary sector. It has my greatest support, and I look forward to working for its passage in the months ahead.●

SUPREME COURT RULING CONCERNING PUBLIC AID TO NONPUBLIC SCHOOLS

● Mr. PELL. Mr. President, I read with great interest yesterday's U.S. Supreme Court ruling concerning public aid to nonpublic schools. The Court now indicates that some forms of direct cash payments by States to nonpublic schools are indeed constitutional.

As chairman of the Senate Subcommittee on Education, Arts, and Humanities, I have long been a supporter of all segments of our educational system, including nonpublic schools. I believe nonpublic schools make a significant contribution to our Nation's educational system, and I have sought to expand Federal programs wherever possible so that children attending these schools can receive the benefits of Federal assistance.

The Court's ruling yesterday appears to support the contention that the costs of some duties imposed by Government on all schools are constitutionally reimbursable in the case of nonpublic schools. I agree with this. I advocated such a position 2 years ago during the reauthorization of the Elementary and Secondary Education Act. At that time, I sponsored legislation that would have provided aid to nonpublic schools for providing services to their students, such as health, testing, and diagnostic services, which were the same kind of services provided to children of public schools.

Although the constitutional issue of direct Federal subsidies to nonpublic schools had never been litigated, my legislation was not adopted by the Congress because of a presumption at that time that such Federal subsidies would be unconstitutional. However, with yesterday's ruling, the Court has pointed out that the issue is not clear cut. Accordingly, it may be time to reopen the discussion and consider my legislation and other forms of direct governmental aid to nonpublic schools.

Yesterday's decision requires that we approach the issue of direct aid to nonpublic schools from a fresh viewpoint. No longer can we rule out such aid by simply declaring that it is unconstitutional. Some types of direct governmental aid to nonpublic schools are indeed constitutional. We now must begin to examine what services can be supported with public funds, what sort of support represents good public policy, and what policy decisions can be arrived at so that nonpublic schools can receive what is constitutionally permissible for them to receive.

I recognize that the Court, in this closely divided case, made it clear that it did not consider the decision to be a definitive guideline for determining which Government payments to nonpublic schools are permissible under the Constitution. Instead, the Court appeared to invite, or at least expect, further probing of this question by both Government bodies and the courts.

In this regard, I look forward to being an active participant in exploring the new territory apparently opened by the Court's decision in this case.●

TAXATION OF AMERICANS WORKING OVERSEAS

● Mr. CHAFEE. Mr. President, I should like to call to the attention of my colleagues an article from the New York Times (February 19, 1980) about the serious consequences of U.S. tax policy toward Americans working overseas.

Written from London by Robert D. Hershey, Jr., "Costly Fall in Expatriate Jobs" highlights the growing inability of American citizens and corporations to compete for jobs and exports abroad. Reports coming in from industry, the media, even governmental agencies indicate that the taxation of Americans overseas is a major cause of the costly decline in our competitive position.

I recently introduced S. 2283 to provide Americans working abroad a $50,000 foreign earned income exclusion. It is agreed by many, including members of the President's Export Council, that this legislation will go far toward putting Americans on equal footing with their foreign counterparts.

Virtually every other industrial nation in the world exempts all income earned abroad by its citizens to encourage more vigorous international trade. By contrast, the changes in our own laws have been devastating to American exports and American jobs.

First, it is becoming too expensive to employ American citizens overseas. U.S. companies must pay higher salaries to Americans to compensate for their tax costs. In some parts of the world it costs a U.S. firm $140,000 a year to keep an employee who would make $40,000 here at home. A significant part of that is attributable to taxes. Consequently, many companies are now filling foreign positions with third-country nationals who pay no tax. During a recent visit to Amman, Jordan, I discovered that the two largest American banks no longer have American managers. One has an Indian, the other a Pakistani.

Second, American companies that prefer to keep U.S. workers on their foreign jobs are beginning to lose a substantial volume of contracts. In the lucrative Middle East construction market, for example, the United States has dropped from first place to twelfth since 1978. One of the reasons is clear: On a $100 million contract it costs 2 to 3 percent more to do a job with American engineers and management than it does to use third-country nationals.

Third, U.S. manufacturers and suppliers are losing export sales. This is a direct result of the declining presence of American managers and foremen abroad who normally order American-made equipment for overseas jobs. They are being replaced by foreigners who naturally prefer to use equipment and materials they are most familiar with from their own countries. The President's Export Council and the GAO have done studies that estimate our laws pertaining to the taxation of Americans abroad may be causing a minimum 5-percent reduction in U.S. exports; $7 billion a year.

Fourth—the bottom line—U.S. workers are losing hundreds of thousands of jobs at home because of lost export sales. A recent report of the President's Export Council estimates this conservatively at 280,000 jobs based on current export levels.

My proposed $50,000 foreign earned income tax exclusion is not an entirely new idea. It is very similar to the $20,000 exclusion enacted by Congress in 1962 as, of all things, an export incentive. Under the guise of tax reform, however, the exclusion was reduced in 1976 and repealed in 1978. Unfortunately, the complex set of deductions which was substituted for the exclusion in 1978 has only contributed to the demise of our export efforts.

A $50,000 exclusion will provide tax relief nearly identical to the $20,000 exclusion calculated in 1962 dollars, since the 1962 dollar is worth only about 40 cents today. In addition, my bill provides an exclusion from tax for housing allowances or housing costs that exceed 20 percent of an individual's earned income. This provision is included because housing is by far the largest expense and the most variable from country to country. In my recent visit to the Middle East, I found it not uncommon for a modest house to rent for as much as $65,000 a year. On the other hand, a similar dwelling in South America might rent for less than it would in the United States. Since the Internal Revenue Service normally considers employer-provided housing to be taxable income to the employee, it is necessary to allow a reasonable exclusion for expenses that exceed the average 20 percent of income most Americans pay for housing.

My proposal, S. 2283, has been drafted with two objectives: One is to put Americans on a more equal tax basis with their foreign counterparts. The other is simplicity; it is currently impossible for Americans abroad to fill out their own returns without the aid of foreign tax specialists, and I believe that is wrong.

I hope reading Mr. Hershey's article will help my colleagues sense the urgency with which this problem must be met, and join me in pushing for enactment of corrective legislation this year. It is time we stop shooting ourselves in the foot. We can take this opportunity to turn things around, to kick off action on a modern, aggressive export policy for the 1980's.

Mr. President, I ask that "Costly Fall in Expatriate Jobs" from the February 19 New York Times be printed in the RECORD.

The article follows:

COSTLY FALL IN EXPATRIATE JOBS

(By Robert D. Hershey, Jr.)

LONDON, February 18.—Tax penalties, a weak dollar and soaring inflation have made it so expensive to employ Americans overseas that large numbers of them are being replaced by other nationalities at what appear to be major economic and political costs to the United States.

American executives say the problem, which has been building for many years, now jeopardizes billions of dollars of exports and hundreds of thousands of jobs at home and abroad.

A recent report issued by the President's Export Council, an advisory group headed by Reginald H. Jones, chairman of the General Electric Company, echoed that view. The council declared that the trend of Americans being taxed out of competing in foreign markets had produced a "sharp" loss of business, contributing to the balance-of-payments deficit, a loss of American jobs and a decline in "presence and prestige" abroad.

Not only are United States and foreign companies increasingly reluctant to subsidize American workers overseas, but the workers themselves are rejecting job offers because of the financial burdens posed by such a move.

The expatriates say that many laws and practices tend to make second-class citizens of the two million of them who live overseas, but income taxes are regarded as the most damaging factor. The United States is the only major country that taxes income earned abroad, a fact that increasingly places Americans and their companies at a competitive disadvantage. Americans overseas often pay foreign income taxes as well, but they receive a credit for such levies when they file their American tax returns.

"What we're seeing is a form of discrimination against Americans by our own Government," said John G. McCarthy, Jr., vice president of Russell Reynolds Associates, an executive recruiting company. "It means Americans seeking to work abroad are burdened with cost factors which other nationals do not have."

Mr. McCarthy, who runs the firm's Middle East operation from London, said the company had conducted searches for about 35 Middle East clients last year, all of whom would have preferred an American. In all but three cases, however, the jobs were filled by Britons for reasons of cost. Other American jobs overseas, he said, are being taken by Canadians, who pay no income tax at home so long as the employee is accompanied abroad by his family.

American companies are confronted by the same problem. William Ferguson, a senior manpower manager for General Electric here, said it could cost G.E. $90,000 or more in pay and allowances to maintain an American overseas who is paid only $30,000 at home.

"It's really disturbing," said Mr. Ferguson. "We can hire two fully qualified British nationals and afford to train them in our products for less than we can put one American on the payroll."

He added that five years ago the United States was the leading exporter to Saudi Arabia, but that it had slipped to third or fourth position because of the high cost of doing business there. "We would love to double our sales and marketing operation in the Middle East, but we just can't afford it," he added.

While a British employee can quadruple his after-tax earnings by going overseas, his American counterpart usually fares no better than he would have at home. At times, the American is actually penalized by taxes levied on allowances for what in many cases are astronomic costs for housing and education. In some cases, an American's tax liability may exceed his basic salary before adjustments.

One group of activists, the Geneva-based American Citizens Abroad, has listed 63 ways in which they say the Government discriminates against them. They range from taxes on "phantom" income arising from currency fluctuations and loss of Social Security benefits to the sometimes bizarre rules governing the citizenship of children born abroad.

The latest frustration for overseas Americans is the Carter Administration's response late last month to a Congressional demand that it identify and evaluate all the statutes and regulations that treat expatriates differently and that it recommend action to eliminate discrepancies.

Critics say, however, that the Treasury report fell far short of its mandate. The report found that while taxation of Americans abroad could have adversely affected United States exports, "it is not clear how prevalent this type of situation is or what its impact is." It added that the studies done so far did not permit decisions about what changes, if any, should be made.

The Treasury's report was characterized by Andy Sundberg of American Citizens Abroad as a "red herring that the White House has just dragged across the path that was supposed to lead toward an unambiguous statement of where overseas Americans are supposed to fit into the political, social, economic and ideological life of the United States."

He said that what he called inconclusive findings on the relationship between income taxes and exports were "a silly answer to the wrong question."

A task force of the President's Export Council, headed by Robert Dickey 3d of the Dravo Corporation, recommended that the United States align its tax policy with that of its competitors, none of which now taxes its citizens who meet overseas residency tests.

This would restore to Americans abroad the status enjoyed by most of them until 1962, when income of less than $20,000 was tax-exempt. By the mid-1970's, inflation, the decline of the dollar and rising salaries and benefits put heavy financial pressure on Americans overseas.

Instead of liberalizing the exemptions, Congress decided in 1976 to eliminate them altogether. At the same time, the Internal Revenue Service decided that any goods or services workers received, even housing in the Saudi Arabian desert, had to be declared and taxed at full market value.

"It's not just a matter of dollars and cents," said Mr. McCarthy, the recruiter. "If you don't have American people of some stature on the ground, you're just not going to get across the American point of view. You can project power with aircraft carriers, but you can also spread American influence with businessmen." ●

MIKE MONRONEY OF OKLAHOMA SERVED HIS COUNTRY WITH VISION AND HONOR

● Mr. RANDOLPH. Mr. President, this past week the Congress lost a longtime friend and the citizens of the United States lost an inspirational leader in the passing of former Senator A. S. Mike Monroney.

Mike Monroney and I shared many common experiences in public service. He was a former reporter who entered the House of Representatives in the New Deal days as did I. We shared an interest in developing legislation to help the then-fledgling aviation industry.

In 1961 he received the Wright Brothers Memorial Trophy, one of the highest honors in aviation and an indication of his achievements.

Both of us entered the Senate during the 1950's, the beginning of an era of social and economic growth unlike any other period in history. As a legislator and as a human being, Mike Monroney served his people with dedication and distinction. He earned commendation for his constructive service from many segments of our society. His vision and foresight contributed to a better and stronger America.

His contributions to international understanding and development has served both humanitarian and economic purpose, and made each of us aware of the interdependent nature of our global efforts.

Mary and I extend condolences to his wife, Mary Ellen, and son, J. Michael, and share their precious memories of a good man and a great American.●

TRIBUTE TO DR. CHARLES FAIRHURST

● Mr. DURENBERGER. Mr. President, I speak today to recognize a little-known, but world reputed Minnesotan who tonight will be given special recognition, not by his own Government, but by the people of Sweden and the Royal Swedish Academy of Engineering Sciences. I knew Dr. Charles Fairhurst first as a next door neighbor, then as the head of the Department of Civil and Mineral Engineering at the University of Minnesota, and for 15 years as a friend. He was born to a coal miner's family in Widnes, England, in 1929 and came to this country the day Nasser seized the Suez Canal in July of 1956.

During the 6 years that we were neighbors, he and his wife Margaret raised their seven children with our four. He provided me an early education in international relations because his home was always the stopping place for geologists from all over the world. During many weeks each year, Margaret raised the kids by herself because Charles Fairhurst was being called upon by nations on every continent to advise them on the most difficult of the Earth's responses to some of their most difficult problems. He helped determine a way to preserve a falling Niagara Falls; he has been a special engineering resource to India, South Africa, the Soviet Union, and around the world with a team of leading scientists searching for a geological solution to the manmade problem of nuclear waste disposal.

Despite his demonstrated skills in the Earth sciences and their application to problems facing governments of many countries, he never considered himself much of an expert on the political system. It was therefore my good fortune to be asked in 1971 to supplement his presumed naivete in public policy formation by bringing together political leaders in Minnesota to listen to his suggestions on the utilization of the underground for transportation, commerce, industry, and residence. I helped him set up the first conference on the underground. It was not until I found myself one of a lonely few at a conference to which hundreds had been invited that I knew what it meant to be a mole—the aphorism bestowed on those of Charles Fairhurst's kind. From that day forward I found the role of mole has expanded substantially.

Its principal followers are those who believed early that the Earth possesses a limited supply of fossil fuel energy sources and that energy conservation was a desperate need of society. The roles of the moles have expanded to include those of us who believe that only greater wisdom in land use decisions will save urban America from the physical and spiritual decay that accompanies shortsightedness.

As a United States Senator, many of the concerns that I articulate in my aboveground role in this body for energy conservation come from those years with Dr. Fairhurst. I find that a lot of my concern for the 1980's as a decade of crises in the wise use of the Earth's resources and the need for wisdom and land use comes from my early association with Dr. Fairhurst. I find from my work on the Energy Subcommittee of Governmental Affairs that the early work of Dr. Fairhurst and his worldwide associates in nuclear waste disposal has brought an imperative to my work on related legislative issues.

The first conference on the underground in Minnesota has grown to be an annual affair which today draws turnaway crowds of latter-day converts. In the State of Minnesota, but particularly in the metropolitan area, the underground and its energy era counterpart—the Earth sheltered facility—are becoming almost commonplace additions to the planning, development and construction of new accommodations for people, their businesses, and their transportation. In the February 9 issue of the Washington Post, Gale Tollin has written a brief but interesting testimony to Dr. Fairhurst's early efforts. Tonight, at the Embassy of Sweden, Dr. Charles Fairhurst will be honored by the Government of Sweden and by many of his friends and associates with an award making him a foreign member of the Royal Swedish Academy of Engineering Sciences. I am pleased to be able to share with my colleagues this glimpse into the future of the country through the eyes, the mind, and the dedication of an adopted Briton, and I will be even more pleased to share in tonight's honor from the Royal Swedish Academy of Engineering Services.

Mr. President, I submit for printing in the RECORD the article from the Washington Post of February 9, entitled "Going Under To Save Energy."

The article follows:

GOING UNDER TO SAVE ENERGY

(By Gale Tollin)

MINNEAPOLIS.—The way to stay on top in the battle against soaring fuel prices and dwindling energy resources is to go back underground, say scientists at the Underground Space Center.

Since early days, living creatures have turned to the earth for protection against climatic extremes.

Now the time has come to reconsider what the earth offers, says Charles Fairhurst, a prime mover in the establishment of the center in the University of Minnesota's Department of Civil and Mineral Engineering.

The British-born department head says much technology for underground and earth-sheltered structures already exists and more is being accumulated steadily. The techniques of underground space use, Fairhurst says, are among the simplest, most cost-effective and readily available means of energy conservation.

Prospects for greater utilization of underground space are excellent, adds Charles Lane, the center's assistant director.

The center's experts assert that the advantages of people using the earth as a blanket are many:

The earth is a natural insulator. Underground buildings attain 50 to 80 percent savings in energy consumption for heating and cooling, Lane says. There is no winter wind chill, and a properly located, earth-sheltered home is shielded in the summer from the direct rays of the sun.

During the summer, when the sun is high, solar collector panels above the roof may be adjusted to shade windows, on the exposed side of an earth-sheltered house. In winters, the lower sun angle provides direct sun warmth through windows.

The environment is nearly silent. Noise pollution, including unwanted sound from airports and freeways, is greatly reduced.

Urban congestion can be significantly lessened, and environmental quality is preserved by the retention of "green space."

Laboratories and testing rooms requiring precision reduce vibrations when they move underground. The danger of fire, radiation and explosions is lessened.

There is protection from hail, tornadoes and windstorms. Snow on the overhead grass adds insulation. The intensity of earthquake vibration is less severe underground than on the surface.

Earth-sheltered homes normally can be built for about the same cost as conventional houses and the total life-cycle cost is much lower because of savings in energy and maintenance. Painting, shingling and similar exterior maintenance is eliminated.

Major obstacles mostly are of the "feelings" type. People have an innate feeling that they "don't want to live like moles." There has not been enough resale experience to build a track record appealing to lending institutions. Architects and builders tend to want their work displayed in the open above ground, for everyone to see and admire.

Fairhurst says a properly oriented earth-covered dwelling has as much sun exposure as an above-ground house. Underground space can be designed to include windows, natural lighting, views of attractive landscape and more room for living on the surface, he says.

Many department stores have increased display space by eliminating windows and Fairhurst says this practice has won acceptance. A psychological study showed no significant drawbacks to building the Abo Elementary School in Artesia, N.M., totally underground and, in some respects, the learning environment was enhanced.

Overwhelming commitment to the "surface" has tended to hold down underground construction. Banks have been concerned with initial costs and resale ability, rather than life-cycle costs. As energy costs increase, life-cycle costs will become more important. Fairhurst expects lending institutions will then become more receptive to making money available for earth-sheltered buildings. "No one likes to be first," he laughs. "Everybody likes to be a fast second."

Fairhurst says achieving acceptance will require vigorous efforts and carefully drawn regulations. If the public is correctly informed, he reasons, social objections to the underground will diminish.

The Underground Space Center was created as a research and information center. The staff of 20 includes civil, mineral and mechanical engineers The center researches, plans and coordinates underground space use, provides a referral service and serves as a focal point for international cooperation.

There were a number of reasons why, in the past five years, Minnesota became the base for U.S. underground studies. "Obviously, climate was one," says Lane. "And Minnesota is totally dependent on outside sources for heating fuel. There is real need here to conserve energy."

Additionally, Fairhurst notes that the Department of Civil and Mineral Engineering had been involved in underground research for longer than 20 years, that close ties existed at the university between civil engineering and architecture, that Minnesota's geology was well suited to underground space use and that the legislature was willing to provide support.

Fairhurst observes, too, the state's traditional ties with Scandinavia, where underground space technology is well advanced.

In Sweden, hydroelectric power stations, heating and sewage plants, oil storage and nuclear waste deposits are underground, sometimes in abandoned mines. Norway has put its national archives below the ground water table, and also has underground swimming pools, athletic facilities and ice cream storage. Oil and gas are stored in 18 caverns in Finland, and Helsinki's Temppelilankio Church is excavated in rock.

In Switzerland, Geneva's largest airport car park is entirely underground. In Canada, Montreal's underground Place Ville-Marie and Place Bonaventure contain attractive shops, restaurants and theaters.

In the United States, large warehouses, cold storage facilities, manufacturing plants, offices and an International Trade Center have been located underground in Kansas City, Mo., and the University of Illinois-Urbana built its new library underground.

The Underground Space Center currently is providing the expertise and administering construction of six earth-sheltered houses in Minnesota, including three residences for state park managers, and a 12-unit townhouse in Minneapolis. All were funded by the Minnesota Housing Finance Agency. Using monitoring equipment, the Underground Space Center will do an analytical study after the dwellings are occupied.

The people involved in the Underground Space Center are looking forward to construction of a proposed earth-sheltered $16.5 million Civil and Engineering Building. When the 150,000-square-foot building is occupied, the Underground Space Center itself will have gone underground.●

AIRLINE DEREGULATION

● Mr. STEWART. Mr. President, I would like to address a matter that came home to roost with me just recently. I am referring to the problems airline deregulation is creating for our smaller cities and rural areas, not only in my State of Alabama, but around the country. Early this week, it was announced that Eastern Airlines will suspend service to Montgomery, Ala., the State capital, on June 1. Shortly thereafter, I was told that Republic Airlines was considering suspending service to Dothan, Ala., the largest metropolitan area in southeast Alabama.

Throughout the debate on airline deregulation, we were told that a certain amount of rerouting by major air carriers would be unavoidable. We were told that the abandoned routes would be filled by smaller commuter air carriers, because those carriers would be better able to take advantage of those markets. In this utopia, there would be almost no disruption of service; in fact, we were promised even better service. In theory, we may have been told the truth. But in fact, we are finding impediments, wastes, and delays that leave our rural areas and smaller cities with poor and decreasing service while the major carriers fight one another for the long coast-to-coast routes.

There seem to be two recurring problems with expanding commuter/smaller carrier service to the affected areas: airport access and fuel availability. Many cities have severely limited airport facilities. When one large air carrier pulls out of an airport, the preferred spaces go to the remaining large carriers, with the smaller carriers receiving what is left. If a major carrier serving a route from a smaller city to a major hub—like the Montgomery to Atlanta run—abandons that route, and a smaller carrier agrees to serve it, there is no guarantee that the smaller carrier will be able to get airport slots at the major hub.

The second problem is fuel availability. The commuter carriers, in many cases, report that they cannot obtain fuel allotments for their increased volume of services in this time of fuel shortages. When the big airline leaves a market, it does not pass along any fuel allocation to the replacement carrier. Thus a smaller carrier may be authorized to serve the market and find a ready passenger demand, but be unable to serve the market properly for lack of an adequate supply of fuel.

These and other problems are seriously affecting our rural air transportation needs. Deregulation was implemented to improve efficiency in the entire national airway system, with resulting benefits to the economy. This is apparently not the case when areas lose air service that they had come to rely on during the period of Government subsidized air carrier expansion.

The economic well-being of nonurban areas in the Nation is dependent upon the ease of access to those areas, especially in today's rapid-paced world. Air transport perfectly fits this need and should be expanding rather than shrinking. If the major airlines cannot assure adequate service for our rural areas on their own, then let them be forewarned that deregulation may not be a permanent situation.

I doubt very seriously that this problem is unique to my home State alone. Certainly, there are numerous smaller urban communities upon whose well-being this situation could have a chilling effect. Mr. President, if Government does venture into an industry—whether to regulate or deregulate—it is to be hoped that it is for the consumers' ultimate benefit. But when the folks in my State suffer as a result, then perhaps we ought to reassess the impact of our activities, not only in Alabama's interest, but in the Nation's interest.●

THE WINDFALL PROFIT TAX

● Mr. DURENBERGER. Mr. President, there is some indication that the House-Senate conference on H.R. 3919, the crude oil windfall profit tax, may complete its work today. If and when it does report a bill, I am sure there are many in the Congress and in the administration who are ready to hail this legislation as a great victory for the American public over the energy problems that have plagued our Nation for so many years.

I wish that I were preparing to join the praise for a legislative miracle. I wish that a quick victory over the shortages, the economic disruption, and the spiraling energy inflation could be won. But, of course, no miracle is possible. Even if we could get a complete and adequate energy policy through this Congress, we would still face many years of OPEC dependence with a weakened economy.

If I cannot praise a miracle, I wish that I could prepare for final passage of the conference report with enthusiasm. Mr. President, as a member of the Senate Finance Committee I supported the windfall profit tax as it was reported to the floor of the Senate on November 1, 1979. I supported the tax because I do not believe that Government policy should allow producers to charge monopoly prices in domestic markets without good reason. I supported the tax because I do not believe that the revenues from decontrol of old oil can be used to produce our way out of the energy crisis. I supported the tax because I believe that some of the revenues from decontrol should be returned to the American public to assist those who cannot afford the high cost of the decontrol policy and to encourage all Americans to use energy more efficiently and to use renewable energy resources whenever possible.

The Finance Committee bill contained a fuel assistance program and a significant package of tax incentives to encourage conservation and the conversion to abundant and renewable energy resources. The Finance Committee bill returned $131.3 billion of the $138 billion raised by the tax directly to the American public. That legislation was more than a simple tax to swell the size of the Federal Treasury. That legislation was a contribution to a complete national energy policy.

Some changes were made on the floor of the Senate. Some of these changes I supported. I voted for the tax on December 17, 1979 because once again I was confident that the revenues from the tax would be used to make America less dependent on foreign oil. As a member of the Finance Committee, I put in 8 months of work on the tax and when it passed the Senate, I felt that my efforts had been worthwhile.

But I must say, Mr. President, that this feeling of accomplishment has not survived the conference. The measures that would protect the elderly and poor from the ravages of energy inflation have been dropped. The tax incentives for conservation have been dropped. In place of legislation that would guarantee public benefit from decontrol and a windfall profit tax, the conference has inserted the promise of a tax cut to protect the privilege of incumbent politicians.

H.R. 3919 was the most controversial piece of legislation taken up during my first year in the Senate. It has prompted more questions and comments from Minnesotans than any other issue over the last 12 months. I have made every effort to fulfill my responsibility to those Minnesotans concerned about the tax by studying the issues closely and sharing my views as widely as possible. When it became apparent that the conference committee would stray far from Senate intent on this legislation, I prepared a new report which highlights what I believe to be the shortcomings of the conference committee's decision to date. I submit this report for printing in the RECORD.

The report follows:

STATEMENT ON THE WINDFALL PROFITS TAX

On April 5, 1979, President Carter announced his decision to decontrol domestic crude oil prices. Price controls had been in effect since 1971, according to a series of Presidential decisions and acts of Congress. The law granted President Carter discretionary authority beginning June 1, 1979, to terminate the price control program and the President took this opportunity to implement a gradual decontrol schedule through September, 1981.

I supported the President's decontrol decision. Crude oil is a nonrenewable resource. In recent years additions to domestic reserves have not kept pace with the rate of production. Growing demand both in the United States and from developing nations has brought world consumption near the level of world productive capacity. Individual oil exporting nations have no incentive to expand production, because through production constraints they can increase the value of oil in the ground at rates more rapid than available returns on capital investment. All of this convinces me that crude oil prices will be much higher in the future. The President's decontrol program provides a gradual transition into this period of higher prices, provides immediate incentives for conservation and the conversion to alternative energy resources and may dampen the growth of U.S. crude oil imports. Decontrol is a necessary foundation of our energy policy.

At the time of his decontrol decision, the President also proposed the windfall profits tax, an excise tax to be paid by domestic oil producers on the revenues resulting from decontrol. It was apparent that the design of a windfall profits tax would be one of the most important issues facing the Senate during my first year. As a member of the Finance Committee, I spent the months of May, June and July in hearings; September and October drafting legislation in the committee; and November and December defending the Finance Committee bill on the floor of the Senate. Over this eight-month period, the twenty members of the Finance Committee became intimately familiar with the economics of the oil industry. I am proud of the committee's work and I believe we were the only members of Congress who took the time to understand the issues before taking a position on the tax.

Although the Senate made several amendments to the Finance Committee bill, I supported the legislation passed on December 17, 1979, because it was a better reflection of my own views than the bill which passed the House on June 28, 1979. Since December a conference committee of House and Senate members has been working to resolve the differences. My position on final passage will not be decided until the Conference makes its final report. To me, the windfall profits tax is not a simple decision on a single dimension, but a series of votes in committee and on the floor. I made every effort to cast each vote according to my understanding of the oil industry and my belief that energy independence should be our first priority as a nation.

Although I have one vote yet to cast, in the following paragraphs I would like to share my thinking on some of the many issues that arose during consideration of this legislation.

A REPUBLICAN BETRAYAL?

Those who oppose the tax have directed their most virulent attacks at six Republican members of the Finance Committee who worked with five Democrats to draft the legislation that was reported to the Senate. The Wall Street Journal has been instrumental in publicizing the views of the opponents and recently carried an editorial by William Simon that referred to each as a "Judas" in Republican clothes. Although I cannot confess to being a constant companion of these "traitors"—for I was sometimes the eleventh member in a majority on the other side—I do recognize a responsibility to report the story of the Finance Committee deliberations.

I would begin by pointing out to Mr. Simon (the original energy czar and a Treasury Secretary for two Presidents—one who began price controls and one who signed a bill to continue them) and other opponents of the tax, that the Finance Committee bill did not stand the test of floor amendments. Both the Senate and the House-Senate Conference have added new features to the legislation which will increase the government's share of decontrol revenues. From the day the President proposed the tax in April, it was widely known that there were sufficient votes in the Senate to impose the tax.

The Republican members of the Finance Committee decided that the best course would be to draft our own bill as a starting point rather than simply oppose selected aspects of the House bill throughout the process. This strategy was successful in working significant improvements on the House bill and many of these improvements survived the test of floor consideration.

FREE ENTERPRISE

The charge of betrayal finds its strongest support among those who believe that without government interference free markets could go a long way toward solving our energy problems. Free markets probably could, but the possibility of establishing free markets for energy resources is, at best, remote. Free markets imply more than a "hands-off" policy by government. They also require independent price and supply decisions by a multitude of competitive producers in markets where consumers are free to choose their supplier and to substitute one product for another. Coal is the only fuel among our primary energy resources where the market normally satisfies these conditions.

The plain fact is that OPEC sets the price of crude oil throughout the world. The price bears no relationship to the cost of production or return on investment. The OPEC cartel controls supply and price by political decisions. It is not necessary for the major oil companies or domestic oil producers to collude and conspire to gain the advantages of monopoly markets. That leverage is achieved by OPEC. If government does not interfere to control the price, domestic producers will charge the OPEC rate. There is no incentive to set a lower price and no possibility of charging more because OPEC controls the marginal barrel of production. Decontrol is not a return to free markets. It is only an admission that low domestic prices forced by government controls encourage consumption and, thus, make us more dependent on OPEC.

During two periods of extreme price instability—and we are in such a period now—world trading in crude oil has approached market conditions with spot prices running well above the official OPEC contract marker. On both of these occasions the source of this instability has been political—the embargo of 1973 and the Iranian Revolution of 1979—and in both cases the market conditions were and are temporary. Oil consuming nations have been replenishing crude stocks over the last ten months and barring further political disruptions, prices will return to the contract system when storage capacity is filled.

These two political events contradict another aspect of the free market argument. Because crude oil is a non-renewable resource, even free markets would show gradual price increases as easily produced reserves are depleted. Under these conditions consumers would gradually respond by using energy more efficiently and substituting alternative energy resources for petroleum. The Wall Street Journal editorialists are particularly fond of referring to this character of a free market economy. But to pretend that petroleum prices have shown this characteristic can only mean that the editorialists have not read the front page recently. In 1973, crude oil prices quadrupled overnight and have tripled again during the last six months. Consumers with large capital investments in energy using products cannot and will not respond to these price signals immediately. Without government incentives for conservation and conversion to alternative energy resources, the price signals of an OPEC controlled petroleum market do not serve us well.

OPEC has the power to cripple or even destroy the economies of the West. To abandon any governmental response in the name of "free markets" that do not exist is to take a great risk for no gain. United States energy policy is moving toward a program of incentives and financial guarantees for conservation and the production of alternative energy resources. These incentives are needed now in anticipation of even higher crude oil prices in the future. Because price increases do not occur gradually and because the sudden, disruptive increases are a serious threat to our economy, the new energy policy uses incentives and financial guarantees to encourage the production of fuels like synthetics and solar that could not otherwise compete in the current market. The success of this policy depends on a massive reinvestment in our energy-consuming and energy-producing capital stock. I believe that this reinvestment program should be funded through a tax on the revenues from decontrol. This policy allows us to take advantage of OPEC's cartel price to achieve energy independence. The high price discourages petroleum consumption today.

The tax revenues are used to anticipate even higher prices in the future.

AN EXCISE TAX

Another of the more emotional arguments against the tax is advanced by those who discover that it is an excise tax on revenues and not a windfall tax on profits. It is an excise tax taken at the wellhead as the percentage of the difference between a base price and the selling price of oil. The base price is generally the price at which oil would sell if price controls were continued. The selling price under decontrol will be the OPEC monopoly price.

Because it is an excise tax, some accuse Congress of continuing price controls under another name and repeating the same mistake made in the early 1970's. Everyone agrees that price controls have made us more dependent on oil imports. Some believe that we are more dependent because price controls have discouraged exploration and drilling. Because the tax reduces revenues to the producer, there is little difference between a high tax and continued controls from the producer's perspective. However, investment in exploration and development quadrupled during the price control period. Total footage drilled in 1979 was double the figure reported in 1971. In 1978, total wells completed was near the all-time record. The decline in the domestic industry occurred in the 1960's when there were no price controls. In fact, during that period we had import quotas which were used to keep imports out and domestic prices high. Price control was a mistake because it encouraged consumption, not because of its impact on production.

Others say that this excise tax is like any sales tax and will be passed along to the consumer raising the price of petroleum products at the pump. Some, including the editorials of the Wall Street Journal, claim that both results—reduced producer revenues and increased consumer costs—will occur. It is not possible for the tax to have both of these effects. In my judgment the tax will be paid by the producer, because the producer cannot sell for more than the OPEC price and will not sell for less. Since the producer would get the OPEC price with or without the tax, the producer will pay the tax from the wellhead revenues.

Finally, some who are concerned about the excise character of the tax raise the issue of plowbacks. Is it not possible, they ask, to structure the tax so that the producer could avoid it, if windfall revenues are reinvested in oil and gas exploration? Although it may be possible, no version of the plowback has even enjoyed wide support in the oil industry. Most plowback designs depend heavily on financial accounting that the oil industry would find burdensome and would discriminate against established producers.

As for my personal view, I did not favor a plowback program in the standard form. As will become clear in later paragraphs of this statement, I do not believe that the oil and gas industry could or should invest all of the decontrol revenue in new exploration and development. The infrastructure of the oil industry is composed of highly complex technology and highly trained technicians. This labor and technology is in limited supply. Forcing oil producers to spend all of the revenues to purchase the services of a limited oil exploration infrastructure might simply raise the cost of oil exploration without substantially increasing the rate of development.

Although I did not support the forced plowback program, I did attempt to amend the bill to provide special incentives for expanded production from existing reserves. Currently, the oil producers recover an average 32.1% of the oil in the ground before a property is abandoned. For every three barrels of oil ever produced there are seven barrels of oil that remain in the ground at the same locations. I sought a plowback amendment that provided for exemptions when recovery exceeded the rate from existing techniques. This amendment received little support from the industry and was, therefore, never brought to a vote.

RETURN ON INVESTMENT

Many argue that the tax is not necessary because there is no windfall in the oil industry. They point out that the return on investment in the petroleum sector has been somewhat below the average for all U.S. manufacturing firms since 1974. They also refer to oil company ads that report a few cents profit on every dollar of sales in 1979. There are two items that should be mentioned in reply.

First, it is not surprising that the oil industry has had a typical profit record over the past decade. Crude oil prices were controlled. But the windfall profits tax does not apply to an old price, it applies to the new price that will result from decontrol. And decontrol is only beginning. A very small portion of domestic oil was sold at the world price in 1979. The average U.S. price for all domestic oil in 1979 was $10.29. Uncontrolled domestic oil now sells for as much as $40 per barrel. The projected rate of return in the oil industry for 1979 is over 20% and decontrol has only begun. Clearly, statistics from the past decade have little to tell us about oil company profits in the future.

Second, the return rates and profit margins of the oil industry most often cited are those for the major integrated companies and thus reflect all aspects of the industry including transportation, refining, and marketing. The windfall profits tax focuses only on the transaction at the wellhead and there the picture is quite different. In 1977 (the most recent available data) the revenues at the wellhead from oil and natural gas production were $40.411 billion. Of this amount $8.074 billion represented production costs—day-to-day operational expenses. The remaining $31.337 billion was available to pay taxes, reward shareholders and reinvest. The oil and gas industry did reinvest $16.911 billion in exploration and development. In that year oil sold for $8.57 a barrel and the rate of return at the wellhead was more than a few cents on every dollar of sales. The decontrolled selling price today is nearly five times greater than the 1977 price and the value of oil in the ground continues to increase at a rapid rate.

TURN THE PRODUCERS LOOSE

During committee markup of the windfall profits tax, we decided several major issues by narrow margins on roll call votes that were generally interpreted as divisions between senators who represented oil producing states and those who represented consuming states. No one can deny that crude oil price decontrol and the windfall profits tax result in significant interstate and interregional transfers of wealth. However, as one senator who voted both for amendments to increase the tax rate and to exempt several categories of oil from the tax, I would say that the legislation we reported reflects a division more fundamental than a producer/consumer dispute over the distribution of oil and gas revenues.

Throughout the debate representatives of the oil industry have maintained that world prices and the revenues from decontrol are necessary elements of a strategy to produce our way out of the energy crisis. Proponents of the tax, including the administration, advocate high energy prices to encourage conservation and conversion to alternative energy resources, but do not believe that additional domestic oil production will play any part in achieving energy independence. It is a difficult question to judge and neither side deserve plaudits for the case they have presented. Advocates of the tax concentrate on the undeserved" character of the profits that result from the OPEC price and make much of the recent nonenergy acquisitions of the major oil companies. Opponents seem to believe that an unlimited amount of money can be invested in exploration and drilling with each new dollar having the same productive result as the last.

On the merger side of the issue, the example which caused me the most concern was the Exxon purchase of Reliance Electric Exxon paid the stockholders of Reliance Electric $1.265 billion to gain control of the company. Shortly after its announcement, I asked Exxon to respond to several questions raised by the Reliance purchase. One of the questions I asked was, "How much additional oil production could be generated by an investment of this magnitude?" In a letter replying to my questions, Exxon stated:

"We are now pursuing all attractive energy investment opportunities available to us. Therefore, we do not believe any additional economical production could be generated by our investing the Reliance acquisition funds in energy resource development."

Exxon paid $72 per share for the common stock of Reliance which had been traded just before the purchase for half of that amount. Although this acquisition may prove advantageous for the Exxon shareholder, I believe the capital wasted in the stock transaction was a poor use of revenues from energy production when viewed from a national perspective. Exxon is now the largest corporation in the world active in oil, gas, coal, nuclear power, solar energy, synthetic fuels and, no doubt, other forms of energy production. When Exxon says it has more than sufficient funds to pursue "all attractive energy investment opportunities" (including those in other nations where oil prices are not controlled and in other energy resources where domestic controls do not exist), I must question the claim that decontrol revenues are necessary to expand our energy supply.

Can we produce our way out of the energy crisis? Despite a rapidly expanding exploration and drilling effort (during a period of price controls, as noted above), additions to domestic reserves have shown a steady decline over the last decade. The data in the following table was taken from a publication of the American Association of Petroleum Geologists. It shows that the amount of money spent on exploration, the number of wells completed and the total footage drilled has increased rapidly over the past decade. But it also shows that the amount of new oil found each year (reserve additions) and the finding rate (barrels per foot of well drilled) has steadily declined. This data was crucial evidence during my deliberations on the tax issue. It reflects the nonrenewable character of crude oil and indicates that we are rapidly reaching the point, at least domestically, when our supply will be exhausted.

Year	Exploration expenditures (billion $)	Wells completed	Drilling feet (million)	Reserve additions (billion b)	Finding rate (b/ft)
1971	3.900	27,300	124.2	2.6	33.1
1972	6.480	28,755	134.6	1.7	24.6
1973	8.140	27,602	136.4	2.4	24.8
1974	12.355	32,893	150.5	2.1	23.8
1975	10.250	39,097	174.4	1.6	18.5
1976	14.510	41,455	181.8	1.2	13.5
1977	16.250	46,479	210.8	1.6	16.5
1978		48,496	226.6	1.5	14.0

Eighty percent of the oil that we currently consume comes from major reserves and only one such reserve—the Alaskan North Slope—has been discovered within U.S. borders in the past two decades. The small additions that come from minor reserves have an important role to play and should be encouraged through price incentives, including an exemption from the tax for new oil production. But it is clear to me, as it was to a majority of the Finance Committee, that the substantial revenues from decontrol of old oil would not be wisely invested, if every dollar is spent in the search for new oil. There simply is not that much additional oil to be found.

Like every other form of investment, crude oil exploration shows a diminishing marginal rate of return. Those who believe that the petroleum industry can and will spend every dollar—no matter the number of dollars—with equal effect to increase our supplies of oil and natural gas are wrong. The industry cannot and it should not be expected or forced to try.

Without ever explicitly stating its judgment, the Finance Committee authored a bill which reflects a decided opinion on the future of domestic oil production in our energy supply. And it is an opinion I share. By voting to exempt new oil and incremental production through tertiary recovery, we concluded that additional domestic production will come only at a very high price. By maintaining high tax rates on lower and upper tier oil, the committee majority acknowledged that the supply response to decontrol will be minimal and does not require the financial support of extraordinary cash flow from existing wells. By diverting oil revenues to conservation and alternative energy tax credits, we recognized that conservation and renewable energy resources will be cheaper than domestic oil at the world price. The judgment that new domestic oil production will not play a significant part in achieving energy independence is more fundamental to the structure of the committee bill than any producer/consumer dispute over income distribution.

OIL CLASSIFICATION

At the time of the President's decontrol decision there were essentially three classifications of oil under the price control program. In 1973, Congress determined that oil already discovered should be kept at prices similar to those which existed at the time it was first produced. This was called "old oil." Old prices were allowed to increase gradually to reflect higher production costs and by April of 1979, the controlled price for old oil was $5.86.

In 1973, Congress also decided that a significant price incentive should be allowed to encourage additional exploration and new production. It created a category called "new oil" which included all petroleum from properties put into production after 1973. In April of 1979, price controlled new oil sold for $12.90. As was noted above, this price incentive for new discoveries did lead to significant expansion in drilling and exploration activity in the 1970's.

In 1975, Congress created a third category in the price control program. After many years of production the output from oil wells begins to decline and eventually reaches a point where the cost of operation exceeds the value of oil produced. At that point the wells are usually closed. To encourage the longest possible life for producing wells, Congress provided an exemption for oil from wells that yield less than ten barrels per day. This was called "stripper oil" and since 1975 it has sold for the world price. The world price in April, 1979, was $14.59.

President Carter's decontrol and windfall profits tax proposals created several new categories of oil. To encourage increased exploration, the President immediately decontrolled the price for all oil discovered after January 1, 1979. This became known as "new, new oil." Output from existing reserves can exceed the average 32.1% recovery rate through the application of very expensive production techniques. To encourage more production from old reserves through these expensive processes, the President also created a category called 'incremental tertiary production" and allowed this type of oil the world price. Some oil comes from very deep wells or is very heavy and hard to bring to the surface. The President also provided special price incentives for the production of "heavy oil" and "oil from marginal wells."

The simple decision to allow higher prices for some oil to encourage exploration and additional production has evolved into a very complex scheme of oil classification. Presumably the oil industry supported each of these decisions because in every case they were allowed higher prices for some oil. The authority for price control expires in September, 1981, and at that time all oil, regardless of classification, will receive the world price. However, the windfall profits tax will perpetuate the existence of this complex classification because the tax rates and base prices are structured along the outlines of the price control program.

Opponents of the tax complain that continuation of this classification scheme will be a heavy burden on oil producers. I would remind those who make this argument that the classification system was designed in every instance to provide higher prices for the producers and until this time has been to their benefit. It would be possible, I suppose, to nullify the original decision allowing price incentives. We could put all oil at a base price of $5.86 (the selling price for old oil in April, 1979) and tax it all the same. I doubt that the industry would support such an approach, however.

OLD OIL

In April, the President proposed a flat tax of 50 percent on the additional revenues that would result from decontrol. Such a proposal requires that a base price be established for each type of oil. The base prices would generally reflect the selling price for each category of oil in April, 1979. The tax rate is then applied to the difference between the base price and the dollars received when a barrel of oil is sold. The House-passed version of the tax was similar in structure to the President's proposal but set a tax of 60 percent.

After three months of hearings it was clear to me and other Republican members of the Finance Committee that this legislation might better serve our goal of energy independence if designed in another way. The world price is a significant incentive to explore for new oil reserves and new reserves may make a contribution to our energy supply. However, paying the world price for oil from existing wells will not increase output substantially and this revenue is not necessary to finance additional exploration. At the conclusion of the hearings we decided to seek a higher tax rate on old oil (from properties in production before 1979) and exemptions for oil from new wells.

The Committee adopted a Republican amendment which I supported that set a tax rate of 75 percent and a base price of $5.86 for oil drawn from properties that were in production before 1973. On the floor of the Senate we authored a second amendment, again successfully, that set a tax rate of 75 percent and a base price of $13 for all oil from properties which began production after 1973 but before 1979. The House-Senate Conference has tentatively agreed that old oil (anything before 1979) will be taxed at 70 percent on a $13 base price.

NEW AND HARD-TO-GET OIL

In the first days of markup the Finance Committee voted exemptions from the tax for new oil (from properties developed after January 1, 1979), for heavy oil and for incremental production through expensive tertiary techniques. I supported each of these exemptions.

The Administration proposed the heavy oil exemption because the United States (particularly California) has known deposits with substantial quantities of heavy oil which cannot be economically produced at today's prices. The exemption provides the price incentive necessary to put these reserves into production.

As noted above, the historic recovery rate from existing reserves is 32.1 percent. For every three barrels ever produced, seven barrels are still in the ground in locations that are known and developed. Some of this oil could be produced through the application of very expensive chemical and thermal recovery techniques. I believe that tertiary production is one of the most promising and resource conserving possibilities in future energy supply. To encourage rapid development of tertiary production technology, I supported an exemption for incremental (that is, production above existing levels) tertiary oil. The tertiary exemption would allow those who produce this resource to receive the world price.

A large part of the opposition to the windfall profits tax is based on the argument that it discourages domestic oil production. It is said to have this effect because it reduces the revenues to oil producers. As I have indicated, I do not believe that there are significant deposits of domestic oil yet to be found. However, this determination cannot be stated with certainty.

We have in the past gone through periods when most were convinced that domestic reserves had been exhausted. In the early 1930's, some of the major oil companies began research on synthetic fuels like coal liquids and oil shale because their search for new reserves of conventional crude oil were largely unsuccessful. In the late 1930's, oil discoveries in East Texas led to development of the largest reserve known at that time. Although I believe that another discovery of this magnitude is highly unlikely within the United States, the development of minor deposits could play an important part in our future oil supply.

To encourage drilling and exploration for new oil, the Finance Committee provided a complete exemption from the tax for properties that enter production after January 1, 1979. I supported this exemption. If additional oil production can make a contribution to energy dependence, that contribution will come from newly developed properties. The OPEC monopoly price is a sufficient incentive to attract all the capital necessary to finance exploration and the development of new wells. If new oil is exempt, the cash flow from existing wells is not needed to support drilling and exploration. The combination of a high tax on old oil and an exemption for new oil is a far better structure for this legislation than the flat tax of 60 percent passed by the House.

The bill as passed by the Finance Committee would have imposed $138 billion of new taxes on the oil industry in the next decade. The House version would have resulted in taxes of $277 billion. There were many senators who argued during the floor debate that the Finance Committee bill did not recover enough of the windfall, that we had been too soft on the oil industry and that the government needed additional revenue to balance the budget and pay for new federal programs. These senators proposed a so-called "minimum tax" of 20 percent on tertiary and heavy oil and 10 percent on new oil. I opposed this amendment. However, it was adopted by the Senate on a vote of 52–38 on December 14.

The House-Senate Conference has tentatively increased the "minimum tax" to 30 percent with a base price of $16.55 for all three categories that were exempt under the Finance Committee bill.

INDEPENDENT PRODUCER'S EXEMPTION

There are approximately 10,000 companies and individuals operating oil and natural gas wells in the United States. Most of these producers are not integrated oil companies.

They do not have refining, transportation and marketing interests. Independent producers do much of the exploration in untested areas and operate many of the wells in the stripper category.

These independent producers sought an exemption from the tax on the theory that cash flow from existing wells was necessary to support their exploration efforts. As an alternative to a complete exemption they sought a partial exemption for stripper oil. I voted against independent exemptions of 3,000 barrels per day in the committee and 1,000 barrels per day on the floor because I was not convinced that the cash flow situation of the independent producer was substantially different than that of the major oil companies. The new oil exemption would provide sufficient incentive to finance exploration.

I did support an amendment that allowed independent producers an exemption of 1,000 barrels per day for stripper production. Keeping existing wells in production should be an important part of our energy policy and the stripper exemption was justifiable on this basis.

The Senate voted a complete exemption for the first 1,000 barrels per day produced by the independent oil companies. In an effort to increase the government's share of decontrol revenues, the House-Senate Conference has restored the tax on independents but at rates lower than those which will apply to major oil companies. The first 1,000 barrels per day of old oil produced by an independent will be taxed at 50 percent. Stripper oil produced by major companies will be taxed at 60 percent while the independents will only pay 30 percent on this category.

STATE AND LOCAL GOVERNMENT

Oil producing companies lease mineral rights from landowners who own the property above the reservoirs. About one-eighth of all domestic oil is used to compensate those who own the mineral rights for producing reserves. In most cases this "royalty oil" will be subject to the tax. However, a special exemption was adopted by the committee and reaffirmed on the floor for royalty interests held by state and local governments. When the revenues from royalty oil are used for a public purpose by a unit of government, no tax will be paid. I opposed this exemption because by its very definition it will not contribute to increased energy production.

Through income taxes, severance taxes and royalty payments, state and local governments in producing regions will gain $128 billion of additional revenue as a result of decontrol. $104 billion of this total will go to four states (Texas, Alaska, Louisiana and California). In many of the producing states oil revenues will pay a substantial portion of the cost of state and local government. Twenty percent of the state budget in Louisiana is currently supported by severance taxes and royalty payments. As decontrol takes effect these percentages will be increased.

The oil producing states will enjoy immense advantages in their efforts to attract new businesses and capital investment. The oil revenues will be used to slash existing taxes and pay for the services that attract new business. These advantages will be funded by consumers in nonproducing states. And these consumers will witness an extraordinary flight of industry and jobs from their states to the oil producing regions of the country.

I opposed the state and local exemption in the committee and cosponsored an amendment on the floor to strike it from the bill. Some Senators threatened to filibuster the Senate forever, if necessary, to prevent enactment of this amendment. Unfortunately, too many senators preferred any tax to a good tax and the amendment to remove the state and local exemption was defeated.

REVENUES TO THE PRODUCERS AND TO THE GOVERNMENT

At the time of the President's decision, no one knew how much additional revenue would flow from consumers to producers as the result of decontrol. In his fact sheet of April 5, the President estimated this amount as approximately $6 billion over a three-year period.

During the months of April, May and June world spot market prices for crude oil increased rapidly and on June 28, OPEC instituted a minimum 40 percent increase in contract prices with surcharges up to $23.50 per barrel. When the House passed its version of the tax in June, the economic impact of decontrol was uncertain, but it was apparent that the Administration's projections greatly underestimated the future price of oil. The June selling price of $23.50 per barrel already exceeded the 1990 projected price used in the administration analysis.

As it began its work amending the House-passed bill, the Finance Committee assumed that decontrolled domestic oil would sell for an average $22 per barrel in 1980 and that future price increases would exceed the rate of inflation by one percent per year over the next ten years. Under these assumptions decontrol would yield additional oil producer revenues of $370 billion by 1990 and the windfall profits tax passed by the House would take $104 billion of this amount.

In late October as the committee was concluding its work, it became evident that earlier price assumptions had been unrealistic. Decontrolled domestic oil was selling for $28.50 per barrel with additional price increases expected at an early date. The Finance Committee revised its projections using $30 per barrel as a 1980 price and assuming inflation plus two percent per year as the rate of increase. Under these assumptions decontrol provides approximately $1 trillion in additional revenues to oil producers, and the House-passed version of the bill imposes additional taxes of $277 billion through 1990. The tax as passed by the Finance Committee would impose a levy of $138 billion under these same assumptions. The following summary of decontrol revenues, income taxes, royalty payments and windfall profits taxes provides a comparison of the House, Finance Committee and Senate bills. Producer revenues from decontrol are variable as a lesser tax provides incentive for additional production.

[Dollar amounts in billions]

	House	Finance	Senate
Gross revenues	$994	$1,025	$1,025
Production costs	80	87	87
Current taxes and royalties	471	496	493
Windfall profits tax	277	138	178
Producer's share	166	314	267

The legislation tentatively adopted by the House-Senate Conference would impose new taxes of $227 billion over the next decade.

CONSERVATION AND ALTERNATIVE ENERGY RESOURCES

The windfall profits tax as reported by the committee and passed by the Senate included a number of new tax credits and other incentives with tax effects to encourage the production of alternative fuels and the conservation of our remaining oil reserves. These items included a 50 percent tax credit for residential solar and wind energy expenditures, an extension of the exemption from highway taxes for gasohol, new financing for small-scale hydro-power investments, a 40 cent per gallon tax credit for the production of alcohol fuels, new incentives for cogeneration and district heating investments and numerous additions to the conservation credits already in the law.

These energy tax incentives put the American public rather than the federal government in charge of our energy policy. Coupled with decontrol of oil and natural gas prices, this broad program of tax credits would allow the individual decisions of energy producers and energy consumers to choose an efficient mix of conservation and new fuel resources in anticipation of higher prices for conventional fuels in the future. Although the marketplace would eventually force conservation and conversion to renewable resources without the credits, the incentives are needed now to diminish the threat of sudden price increases which do so much harm to our economy.

An aggressive energy development program that uses these tax credits and financial instruments to convert our capital structure for efficient energy use and the maximum utilization of renewable resources is a necessary part of the transition to energy independence. Without a tax on decontrol revenues, we could not afford many of these new incentives. Without the incentives the tax would simply swell the federal treasury and make us more dependent on OPEC.

Unfortunately, the House-Senate Conference has decided to drop many of the credits and tax incentives from the bill. With the exception of the solar/wind credit (40 percent for individuals, 15 percent for businesses) the remaining items do little for the American public and much for a few industries and selected special interests. I am particularly disappointed by this failure in the work of the Conference Committee.

FUEL ASSISTANCE

Both the committee bill and the legislation passed by the Senate included two new programs to help the elderly and those with low and moderate incomes deal with the rapid energy inflation which will result from decontrol.

In floor action the Senate attached the Home Energy Assistance Act as an amendment to the windfall profits tax. This bill authorizes $3.025 billion in Fiscal Year 1981 and $4.025 billion in Fiscal Year 1982, for cash payments to low income households to meet energy costs. This assistance legislation also increased eligibility standards significantly. Under current law a family of four with an income up to $8,375 qualifies for federal fuel assistance. The Senate amendment increases the eligibility test for a family of four to approximately $11,000.

The second part of the fuel assistance program contained in the windfall profits tax as passed by the Senate is a tax credit for families of moderate income to offset rising fuel prices. Households with incomes up to $22,000 would qualify for the credit. The amount would vary according to the type and quantity of fuel used with a maximum credit of $200 per household.

Again, the Conference Committee has strayed far from the intentions of the Senate on this issue. They have agreed to drop any specific fuel assistance program from the windfall profits tax and to set aside up to 20 percent of the revenues for energy assistance pending the decisions of a new House-Senate conference. I expected a large portion of the revenues from the tax to be used to assist those of low income who cannot afford the energy inflation caused by decontrol, and I wanted the program specified in the tax bill. The Conference Committee has decided to impose the tax without any specification of the assistance program that it will support. Considering our experience with fuel aid formulas over the past year, that is a troublesome decision.

UNRELATED TAX AMENDMENTS

As happens during Congressional consideration of any major tax bill, various miscellaneous tax amendments unrelated to energy were proposed at each point in the process. Some of these items had merit and I supported them. But others give me great concern.

The Finance Committee bill contained two nonenergy tax amendments—one to repeal carryover basis and the other to offset future social security tax increases. Carryover basis which was added to the the tax code in the Revenue Act of 1978 imposes double taxation on property that is transferred to survivors at the time of a death. Under the existing law a survivor pays an inheritance tax on the value of the property at the time of transfer. If the property is later sold by the survivor, a capital gains tax on any increase in value since the inheritance is also paid. Carryover basis forced the survivor to pay an additional capital gains tax on the increases in value that had occurred before the inheritance. This double taxation was a special hardship on the families of farmers and other small businessmen and was appropriately repealed by the committee. Both the Senate and the House-Senate Conference have supported repeal.

Social security taxes are scheduled to increase sharply in 1981. The Finance Committee created a trust fund of $18.7 billion from the revenues of the windfall profits tax to be used as a partial offset against the scheduled increases. On the floor of the Senate this trust fund was removed from the bill and cannot be restored by the Conference.

The Senate added an important amendment to the committee bill which would encourage new savings and investment by a large percentage of all Americans. I had previously authored similar legislation, myself, and was a cosponsor of this amendment. The Senate bill allows taxpayers to exclude $201 ($400 for couples) of interest or dividend earnings from the gross income used for federal tax purposes. Excluding investment income from taxation for middle-income persons will help break the vicious cycle of inflation that we are now experiencing. It will encourage savings and provide the capital that is necessary to build or expand businesses and create new jobs. Savings are an important part of our attack on inflation, because they are invested in new technologies that improve the productivity of the American workforce. Although no decision has yet been reached, it is my hope that the interest and dividend exclusion will be part of the windfall profits tax legislation reported by the conference.

The Finance Committee bill increased federal tax revenues by $138 billion. It also included carefully designed new programs (most devoted to energy independence or fuel assistance) with a total cost of $131.3 billion. When I voted to report this bill favorably to the Senate, I was confident that the revenues from the tax would be used for important public purposes and would contribute to our national goal of energy independence. I was also able to say that the legislation which resulted from five months of intense and difficult committee work would not discourage new domestic oil production. However, much of that work has been undone by the House-Senate conference over the last few weeks.

I have noted above the ways in which the conference has altered the tax. I oppose many of these changes. Their work on conservation incentives, fuel assistance and other programs has been, if anything, more disappointing. In a meeting on February 7, 1980 the conference tentatively approved energy incentives totaling $5 billion and excluded most Americans from any benefits. The conference dropped any reference to fuel assistance in the legislation. And in place of these important efforts, the conferees decided instead to promise the American public an election year tax cut that is really no tax cut at all. As a member of the Congress who put in long hours designing this legislation, I am insulted by the proposal and can only conclude that my time has been wasted.

The American public is rightfully demanding that the size of the federal government be reduced. And I have sponsored legislation that puts a limit on the amount of federal spending and forces a permanent reduction in the federal tax burden. But the proposal under consideration in the conference does not accomplish these purposes. No tax cut is offered, only a tax increase with the promise that other taxes for unspecified taxpayers may be reduced at a later time. And the amount of the promised tax cut is not sufficient to even offset the growing burden, let alone make real reductions. On top of the social security tax increases of $13 billion scheduled for next year, inflation will increase income taxes on the American public by another $13 billion. The proposal made by the House conferees would only offer $11 billion of relief. This "tax cut" is no more than an election year gimmick designed to preserve the privilege of Congressional incumbents and hide the failures of the conference committee's bill.

SUMMARY

I supported the windfall profits tax for three reasons. First, I do not believe that government policy should allow producers to charge monopoly prices in domestic markets without good reason. Second, I do not believe that the revenues from decontrol of old oil are needed to finance new exploration. Third, I do believe that some of the revenues from decontrol should be returned to the public to assist those who cannot afford the high cost of energy and to encourage all Americans to use energy more efficiently and to use renewable energy resources whenever possible. If the conference continues in its present direction, I will find little reason to support the legislation it reports.●

COMPETITION IN HEALTH CARE

● Mr. DURENBERGER. Mr. President, I invite the attention of my colleagues to the fine article written by Robert Reinhold for the Science Times section of the New York Times on February 12, 1980.

The article summarizes the experience in the State of Washington of patients and medical practitioners with a new form of medical practice called Northwest Healthcare. The plan is another in the wide variety of health care delivery systems that have prospered in our free enterprise economy. In Northwest Healthcare, physicians are given a set fee, about $350 per year, for each insured patient on his rolls. The practitioner then controls all health care for that patient, acting as the central coordinator for whatever consultation, hospitalization or diagnostic testing is indicated.

The article points out that duplicative procedures are eliminated. It also emphasizes that patients have free choice of doctor, and that there is no one clinic or salaried panel of health care professionals. About 16,000 people have chosen this plan through their employers, and two-thirds of the primary care doctors in the area take such patients.

A major source of patients has been the University of Washington, where benefits officer Nedlyn Coffman reports that none of the enrollees has noted inferior care, and that in fact many people are choosing Northwest Healthcare in preference to other forms of medical insurance.

I emphasize that Northwest Healthcare is neither the only form of medical practice available nor the most popular in the State of Washington. But it is one plan which has gained in popularity, and grown in enrollment. It is not a health maintenance organization by the usual definitions.

The Health Incentives Reform Act, S. 1968, sponsored by me with cosponsorship by my colleagues Senator John Heinz and Senator David Boren, would provide the setting in which just such plans as Northwest Healthcare could flourish in a competitive environment. By providing that employers of over 100 employees should offer three or more health plans to their employees, the Health Incentives Reform Act will ensure exposure of such innovative plans to the working public. By requiring that employers make equal contribution to whichever plan is chosen by a given employee, the act will give whichever plan delivers the best care most efficiently an advantage.

It is the purpose of the Health Incentives Reform Act to encourage competition in the delivery of health care by encouraging employees to choose among such plans as Northwest Healthcare, health maintenance organizations and commercial health insurance plans. The experience in the State of Washington, as described in the article submitted, is a fine example of the diverse sorts of plans which could be developed under the influence of the Health Incentives Ieform Act, S. 1968.

The article follows:

DOCTORS CUT COSTS IN SEATTLE PLAN

(By Robert Reinhold)

After 13 years as a general practitioner here, Dr. Robert Ericson has begun to make some subtle but significant changes in the way he practices medicine. Now when a patient comes in with a non-life-threatening complaint, like a rectal infection, he is less likely to send him off to a specialist. Rather, he will try to treat the problem at first in his own office with local antibiotics, and in many a case he says this avoids costly surgery.

This change occurred after Dr. Ericson had signed up with an unusual prepaid health-insurance plan in Seattle that is testing a novel method of holding down the cost of medical care: The doctor actually makes somewhat more money if he does not order laboratory tests, specialist services and hospitalization than if he does.

The plan, also in operation in Spokane and Bellingham in Washington and several small cities in northern California, restores the old-fashioned family doctor to the central role in health care. The theory is that if the patient must go through him for all referrals to specialists, he can control costs. He not only serves as overall medical manager, but also takes responsibility for all medical bills.

ATTRACTING WIDE ATTENTION

Called Northwest Healthcare, the plan is attracting national attention and controversy as one of the more innovative approaches to meeting growing public demand for a halt to rising medical fees without full government control. It may hold lessons for Congress as it debates a wide variety of schemes for national health insurance.

But here as elsewhere plans like it are provoking spirited debate among doctors over questions like these: Will patients get adequate care? Do the incentives to cut costs result in patient neglect? Is medical care being purchased by price rather than quality? Are there too many specialists in big cities? What can be done to hold down costs?

Northwest Healthcare is a variation of an old concept—group medicine—that is enjoying a vogue nationally under the name "health maintenance organization," or H.M.O. Many are trying to cut costs by altering the incentives in the conventional "fee-for-service" system that rewards doctors for giving equal excessive care and by stimulating competition among doctors.

But the Seattle plan differs from most in that it has no clinic, little staff, no salaried physicians or nurses. Most patients just continue to see their own physician. The plan is mainly a bookkeeping operation that tries to make more efficient use of existing patterns of care in the area on the assumption that it is more tasteful to doctors and patients alike.

"There must be some chance of saving the American system from becoming the British or Swedish system," said its 35-year-old medical director, Dr. Stephen Moore, and epidemiologist. "If we can do anything to prevent the government from taking over, that is my mission. The costs are forcing the government to step in. But there is a lot good about the present system."

The plan—sponsored as a business venture by the Safeco Insurance Company of Seattle—works like this: The physician gets about $350 a year for each insured patient on his rolls. That must pay for his own services as well as all tests, surgery, emergency room and hospitalization. He is put "at risk" for 10 percent of his charges if his total account is overdrawn. But he keeps half of any surplus up to 10 percent of his fees, with no limit if he has 200 or more patients. The plan pays for no service unless approved in advance by the physician. This means he has the incentive to refer patients to cheaper surgeons, to keep tabs on tests done by hospitals and specialists, and to prescribe generic drugs.

FINANCIAL INCENTIVES MINIMIZED

But according to Dr. Moore, it is not the financial incentives, which seldom exceed more than a few hundred dollars either way, that are critical. "It is the fact that the family doctor is in charge," he said. "For the first time one person coordinates the whole fragmented system, who knows when a test is being duplicated."

The patient never sees a bill, except for a $2 flat fee for each prescription. About 16,000 patients in the Seattle area participate through their employers, the main one being the state-run University of Washington, with 1,500 in the plan. About 600, or two-thirds, of the "primary-care" doctors (general practitioners, internists and pediatricians) in the area take such patients, though few have more than a handful.

The plan has exacerbated tensions between general practitioners and higher-paid specialists. Dr. Ericson, for one, believes American medicine is over specialized and welcomes being put back in the driver's seat. He said the plan had made him far more aware of medical economics; he found that some patients were seeing as many as four or five doctors.

"It was just amazing," he said. "They were getting care I did not know about. He added that now that he regularly sees specialist bills for the first time he was "just dumbfounded" at the cost to which he put some patients by referring them to specialists.

Many others with no particular sympathy for the plan's philosophy have nevertheless joined to avoid losing patients. But some, notably specialists, are uneasy.

Dr. John H. Dawson, Jr., president of the King County Medical Society and a delegate to the American Medical Association, says he approves of Northwest Healthcare as a "test," but he is worried that "the incentive is there to deliver less care than there ought to be." There is a danger that the family doctor will recommend a cheaper surgeon on the basis of price, not necessarily skill or the patient's needs. "That bothers me," he said.

A harsher view comes from Dr. C. Edward Simon, a urologist who is president-elect of the Seattle Surgical Society. He calls the "badly flawed" plan a "return to the old bugaboo of fee-splitting." He charges that the family doctor must "do the dirty work for the shareholders of Safeco Insurance."

Such criticisms were heightened recently when the plan announced that it was developing a "referral network" of surgeons so that family doctors knew which charged less.

If patients are getting inferior care, they do not seem to notice it. Nedlyn Coffman, a benefits officer at the University of Washington, said that none of the school's employees had switched out of the plan for that reason, and that many were leaving Blue Cross and other plans for its greater coverage.

UNDERTREATMENT CHECKED

Dr. Moore says the plan deters undertreatment by monitoring its physicians. At any rate, said Ros Bond, senior vice president of Safeco Life, the free market prevents abuses. "The doctor still has got to give good care or the patient will leave," he said. Patients can switch plans every month.

Plan physicians say the financial incentives are not great enough to induce doctors to risk malpractice charges. For instance, toward the end of last year Dr. Anna M. Chavelle, who has 114 Northwest Healthcare patients, had a total surplus of $2,318 in her account, of which she would get half, $1,159.

After four years of operation, the plan can point to a hospital-use rate that is less than half the national Blue Cross rate. Some might attribute this to efficiency, others to patient neglect.

If the plan falters it will probably be for financial reasons, not patient dissatisfaction. It still does not make money. Last year Safeco paid out about 95 percent of premiums; it says it must reduce this figure to 86 percent to cover administrative costs and realize an acceptable profit.

Safeco feels it needs more patients who are healthy and seldom use the services. It suspects the plan has an "adverse selection" problem, that by its superior benefits attracts people with chronic illnesses.

For example, Donald B. Kulseth, a university employee, switched from Blue Cross to Northwest Healthcare because he knew that his wife Marilyn needed $10,000 worth of heart surgery. Knowing that Blue Cross would not cover it fully, they waited until they could switch. The Kulseths are delighted with the new plan.●

QUORUM CALL

The PRESIDING OFFICER. Is there further morning business?

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the majority leader.

ORDER FOR RECORD TO REMAIN OPEN UNTIL 5 P.M. TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Senators may have until 5 p.m. today to introduce bills, statements for the RECORD, and resolutions, and that committees may have until that hour to file reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEES TO FILE REPORTS ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that committees may have between the hours of 3 p.m. and 6 p.m. on Monday to file reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR CERTAIN ACTION BY THE SECRETARY OF THE SENATE DURING THE RECESS OF THE SENATE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the period from the conclusion of business today over until 10 a.m. on next Tuesday, the Secretary of the Senate may be authorized to receive messages from the other body and/or from the President of the United States and that they may be appropriately referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR CERTAIN ACTION DURING RECESS OF THE SENATE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during that same period the Vice President of the United States, the President pro tempore of the Senate, and the acting President pro tempore of the Senate may be authorized to sign all duly enrolled bills and joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, are there any orders for the recognition of Senators on Tuesday next?

The PRESIDING OFFICER. There are none as of now.

Mr. ROBERT C. BYRD. Mr. President, as I understand it, under the order which has been entered, the Senate will come in tomorrow at 12 noon for a pro forma session only. There will be no business. It will be a matter of just coming in and going out, in order to conform with the constitutional prohibition against either house recessing for more than 3 days without the approval of the other body. We will go out until 10 a.m. Tuesday next.

After the two leaders or their designees have been recognized under the standing order, the Senate will proceed to the consideration of S. 10.

At 1:50 p.m., the Senate will go into executive session, and there will be 10 minutes of debate, to be equally divided between Mr. JAVITS and Mr. CHURCH, on Calendar Nos. 1, 2, 3, and 4 on the Executive Calendar.

There will be a vote en bloc on the two protocols, the convention, and the agreement, with one rollcall, which already has been ordered, counting for four.

Upon the disposition of the vote, the Senate will return to legislative session and will resume the consideration of S. 10.

I want to be sure that the agreement is carried out as it is intended.

I ask unanimous consent that at the conclusion of the 10 minutes, or 2 p.m., the vote then occur, up or down, on the two protocols, the convention, and the agreement, without any further debate, motion, amendment in any form; that upon the conclusion of that vote and the motion to reconsider and the motion to table and the informing of the President, the Senate return to legislative session; that the reservation which is shown on the calendar, Calendar Order No. 3, which will be in connection with the convention on psychotropic substances, be considered as approved at that time.

The PRESIDING OFFICER. All this has been ordered.

Mr. ROBERT C. BYRD. Not everything has been ordered, not as I have stated it.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, for the purpose of clarification, there will be only one rollcall vote on the two protocols, the convention, and the agreement. That will be a vote en bloc, with the reservation considered at that time as having been adopted by the Senate and without separate vote.

The PRESIDING OFFICER. It will be one for four.

RECESS

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until 12 noon tomorrow.

The motion was agreed to; and at 2:41 p.m. the Senate recessed until Friday, February 22, 1980, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES—*Thursday, February 21, 1980*

The House met at 11 a.m.

The Reverend John Dale, pastor, Bible Baptist Church, Callahan, Fla., offered the following prayer:

Heavenly Father, I thank You for sending Your Son Jesus Christ to die for our sins on the cross, to shed His precious blood, and to thank You for Your word and its power to change the lives of men.

I ask today for Your wisdom to guide this great Nation into the paths of righteousness, and remembering that Your word tells us "that righteousness exalteth a nation, but sin is a reproach to any people."

I thank You for our great country, and for all who have helped to make it great, and for the many freedoms we share in this Nation.

I ask that You bless this day, this House of Representatives, our great land, and our people, and keep us conscious of Romans 13, that those in leadership are ministers of God to do good against evil.

Help us to do our part in spreading the good news of the Gospel of the Lord Jesus Christ so that changed lives will result in a righteous nation, and we thank You and praise You.

In Christ's name I pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. BAUMAN. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BAUMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 365, nays 13, answered "present" 1, not voting 54, as follows:

[Roll No. 62]

YEAS—365

Abdnor
Addabbo
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Annunzio
Anthony
Archer
Ashbrook
Ashley
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Buchanan
Burgener
Burlison
Burton, Phillip
Butler
Byron
Carter
Cavanaugh
Chappell
Cheney
Clay
Cleveland
Clinger
Coelho
Coleman
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Corcoran
Corman
Cotter
Courter
Crane, Daniel
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
de la Garza
Deckard
Dellums
Derrick
Devine
Dickinson
Dicks
Dingell
Dixon
Dodd
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Emery
English
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Florio
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fowler
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Gore
Gradison
Grassley
Green
Grisham
Guarini
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hance
Hanley
Harris
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Holtzman
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutto
Hyde
Jeffords
Jeffries
Jenkins
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kelly
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lederer
Lee
Lehman
Leland
Levitas
Lewis
Livingston
Loeffler
Long, La.
Lott
Lowry
Lujan
Luken
Lundine
Lungren
McCormack
McDade
McDonald
McHugh
McKay
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Mathis
Matsui
Mattox
Mavroules
Mazzoli
Mica
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Ind.
Natcher
Nedzi
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Paul
Pease
Perkins
Petri
Peyser
Pickle
Porter
Preyer
Price
Pritchard
Pursell
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Robinson
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roth
Roybal
Royer
Rudd
Russo
Sabo
Santini
Satterfield
Sawyer
Scheuer
Schulze
Sebelius
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Shuster
Skelton
Slack
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spellman
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Stark
Stewart
Stokes
Stratton
Studds
Stump
Swift
Symms
Synar
Tauke
Taylor
Thompson
Traxler
Trible
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Tex.
Winn
Wolff
Wolpe
Wright
Wydler
Wylie
Yates
Yatron
Young, Mo.
Zablocki
Zeferetti

NAYS—13

Burton, John
Coughlin
Derwinski
Forsythe
Goodling
Harkin
Jacobs
Lloyd
Mitchell, Md.
Schroeder
Walker
Wilson, Bob
Young, Fla.

ANSWERED "PRESENT"—1

Neal

NOT VOTING—54

Anderson, Ill.
Andrews, N. Dak.
Applegate
Bowen
Broyhill
Campbell
Carney
Carr
Chisholm
Clausen
Crane, Philip
Davis, S.C.
Diggs
Erdahl
Flippo
Gramm
Gray
Gudger
Hammerschmidt
Hansen
Harsha
Ichord
Ireland
Kazen
Leach, La.
Lent
Long, Md.
McClory
McCloskey
McEwen
McKinney
Michel
Moffett
Moorhead, Pa.
Murphy, Ill.
Myers, Pa.
Nolan
Pepper
Quayle
Roberts
Rousselot
Runnels
Seiberling
Simon
Steed
Stenholm
Stockman
Thomas
Treen
Udall
Wilson, C. H.
Wirth
Wyatt
Young, Alaska

☐ 1120

So the Journal was approved.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr Sparrow, one of its clerks, announced that the Senate insists upon its amendments to the bill (H.R. 2313) entitled "An act to amend the Federal Trade Commission Act to extend the authorization of appropriations contained in such Act, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. FORD, Mr. CANNON, Mr. MAGNUSON, Mr. HEFLIN, Mr. DANFORTH, Mr. PACKWOOD, and Mr. WARNER to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 2222. An act to extend the time for commencing actions on behalf of an Indian tribe, band, or group, or on behalf of an individual Indian whose land is held in trust or restricted status; and

S.J. Res. 127. Joint resolution to authorize and request the President to proclaim June 27, 1980, as "Helen Keller Day."

THE REVEREND JOHN DALE

(Mr. BENNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENNETT. Mr. Speaker, Rev. John Dale who offered the prayer just now is presently the pastor of Bible Baptist Church of Callahan, Fla., just north of Jacksonville on the old Kings Road near which two Revolutionary War battles occurred, this being the most southerly battlefields of the Revolution on the eastern seaboard. It is just now (in 1979) being paved for the first time.

Reverend Dale attended Tennessee Temple University in Chattanooga, Tenn., and graduated with a THG degree in 1976. There he was chosen for the award of the "Outstanding Ministerial Student," the Eastep Award.

While still in school at Tennessee Temple he served as an assistant pastor and then as a pastor.

Reverend Dale has frequently spoken in revival meetings at Bible conferences, and on a number of college campuses.

Reverend Dale has written several booklets of which the latest is entitled, "What Has Happened To Modesty?" He is currently working on a full length book dealing with issues that America, her citizens, and Christians must face.

Reverend Dale is married to the former Deloris Hammond and they have four children, two daughters and two sons.

It has been an honor for us to have had him with us today and I am sure we are all grateful for his participation here today.

PERMISSION FOR SUBCOMMITTEE ON ACCOUNTS OF COMMITTEE ON HOUSE ADMINISTRATION TO SIT TODAY DURING 5-MINUTE RULE

Mr. MINISH. Mr. Speaker, I ask unanimous consent that the Subcommittee on Accounts may meet today during the 5-minute rule in order to hear funding resolutions of the Committee on the Judiciary, the Committee on Committees, and the House Information Systems.

Mr. Speaker, this will enable the Accounts Subcommittee to complete its hearings on all of the committee funding resolutions.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON SURFACE TRANSPORTATION OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO MEET TODAY WHILE HOUSE IS IN SESSION

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the Subcommittee on Surface Transportation of the Committee on Public Works and Transportation may meet today for the purpose of taking testimony while the House is in session.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey.

There was no objection.

SUPREME COURT RULING ON ABORTION FUNDING CONDEMNED

(Mr. HANLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. HANLEY. Mr. Speaker, I rise to express my extreme dismay at the Supreme Court's February 19 action temporarily upholding a ruling by Judge Dooling of Brooklyn, N.Y. That ruling overturns the antiabortion language of the Hyde amendment which the Congress has struggled over on numerous occasions in the past few years. The Court's action requires the Government to resume paying for abortions through the welfare system for all such requests, deemed medically necessary by a physician.

My dismay is based on two primary factors. First, I have always thought that it was the Congress that was charged under the Constitution with determining what the tax and spending policies of this Nation would be. We have clearly and decisively decided that taxpayers dollars should be used to finance abortions only for the poor under certain limited circumstances: Namely, abortions when the life of the mother would be endangered if the fetus were carried to term, and promptly reported cases of rape and incest. Effectively, the Court has ruled that the Congress cannot exercise that responsibility; at least for the time being.

Second, I find it difficult to believe that the Court would inform us that they will review the constitutionality of the amendment at a later date, while at the same time requiring that the amendment's requirements be put aside until that decision is made.

I firmly believe that the responsibility of the Congress to exercise control over the use of tax dollars is indispensable to effective Government and to the principle of separation of powers. I sincerely hope that the Court will act expeditiously in reaffirming that responsibility.

HOUSE RESOLUTION 549, ESTABLISHING FULL STANDING COMMITTEE ON ENERGY IN THE HOUSE

(Mr. PATTERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PATTERSON. Mr. Speaker, as chairman of the House Select Committee on Committees, our committee has had the assignment of looking into jurisdictions of committees within the House. During the course of 9 months of hearings and deliberations, we have concluded on the select committee that the primary jurisdictional need, certainly the most important one, is the establishment of an Energy Committee in the House of Representatives.

House Resolution 549 would establish a full standing Committee on Energy in the House. My colleague on the minority side, the ranking minority member, the gentleman from New Hampshire (Mr. CLEVELAND) and I yesterday sent out a "Dear Colleague" letter indicating that we were seeking a rule for structured debate of this resolution.

Mr. Speaker, I request that any Member who has a proposed amendment to House Resolution 549 notify the Rules Committee in writing before February 27 or appear on February 27 at 1:30 p.m. before the Rules Committee, at which time they are scheduled to consider this matter.

PERMISSION FOR COMMITTEE ON JUDICIARY TO FILE CONFERENCE REPORT ON S. 643, REFUGEE ACT OF 1979

Ms. HOLTZMAN. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary have until midnight tomorrow to file a conference report on the Senate bill (S. 643) to amend the Immigration and Nationality Act to revise the procedures for the admission of refugees, to amend the Migration and Refugee Assistance Act of 1962 to establish a more uniform basis for the provision of assistance to refugees, and for other purposes.

The SPEAKER. Is there objection to the request of the gentlewoman from New York?

There was no objection.

DRAMATIC INCREASE OF THYROID DISTURBANCES IN THREE MILE ISLAND AREA

(Mr. WEAVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEAVER. Mr. Speaker, today's Washington Post reports that the incidence of thyroid disturbances in newborn children around the Three Mile Island area has increased dramatically since the Three Mile Island accident.

In the hearings before the Interior Committee I was able to get the testimony of an NRC staffer, who said that the meters registering the amount of radioactivity radiation for the Three Mile Island area had reached their maximum, and therefore we really do not know how much radioactivity was released from Three Mile Island. This person was later silenced by the NRC, and I charge a coverup of the worst possible kind in the amount of radioactivity released at Three Mile Island.

☐ 1130

MAINTAINING A MILITARY—IT TAKES MORE THAN HALF-HEARTED PROMISES TO BOLSTER OUR POSTURE

(Mrs. HOLT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. HOLT. Mr. Speaker, the national security of the United States is of paramount importance as we debate the fiscal year 1981 budget. For many years we have failed to demonstrate that we consider freedom a wonderful privilege. We have paid lipservice to maintaining a military in this country, but we have not put an adequate portion of our budget where that lipservice is, and it takes more than half-hearted promises to bolster our posture.

Iran and Afghanistan have rekindled our citizens' resolve to face up to our responsibility. We have been humiliated and frustrated in dealing with bizarre players on the international scene, and we suddenly realize that the only thing that aggressors understand is strength. Mr. Speaker, an essential first step toward upgrading our sagging military posture is to see to it that our women and men in uniform are adequately trained, equipped, paid, fed, and cared for in sickness and in health. We are talking today about the failure of the All-Volunteer Force. We are the ones who are failing to provide for our people. That is why we are unable to retain these dedicated men and women. We in the Congress who are constitutionally charged with the raising of our Armed Forces and who hold the awesome power to declare war owe our service persons and their families that responsibility.

Mr. Speaker, we must recognize that we can no longer deny the military men and women the financial support which they deserve. Military preparedness is not negotiable in spending trade-offs. It demands bipartisan support.

WE MUST REORIENT OUR DEFENSE BUDGET TO THE DEFENSE OF AMERICA AND AMERICANS

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, it is time for a change. For too long, our defenses have deteriorated while we signed SALT treaties and gave away our vital waterways.

We need new people and new ideas, not the same old tired nonsolutions as advocated by the current administration that are leading us toward disaster.

We must spend much more on the defense of the United States, but this does not mean increasing the defense budget, by any amount. The defense of the dollar and our economy does not allow us to increase any part of the Government's budget by 1 cent. The burden of inflation, taxes, and Government borrowing is already far too heavy.

What we must do is reorient our defense budget to the defense of America and Americans. We now spend more than half of the defense budget on protecting other countries. Yet West Germany and Japan are well able to pay for their own armed forces.

Let us change the failed policies of the past, and protect our country with the most sophisticated and strongest defense in the world. And let us do it without adding to the inflation and tax burden on our people.

SECRET SESSION POSTPONEMENT TO NEXT WEEK

(Mr. BAUMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAUMAN. Mr. Speaker, my comments are directed at a vote that we shall probably have to take very shortly in the House. The Committee on Rules yesterday failed to file a report on the Nicaraguan aid bill. Therefore, under the House Rules there will be required a two-thirds vote to bring that matter before us today.

It is my feeling, and that of some of my colleagues who have been intimately interested in this matter, that we could use a few more days to answer some of the questions that have been raised by a classified briefing from the assistant head of the CIA last night that some of us received, as well as to prepare the presentation of information from certain classified documents in a secret session regarding this bill.

I would urge the Members, therefore, to vote against the question of consideration which requires a two-thirds vote so that we can early next week in due course consider this matter, hold a secret session, and have all the facts laid before us. To do otherwise would be, I think, precipitous and hasty, and I hope that that would be the course that the House and the leadership would take.

POSSIBLE AMENDMENTS TO H.R. 6081

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, I associate myself with and endorse the views of the gentleman from Maryland (Mr. BAUMAN). For the reasons he cited, and others, we should have more time with regard to the Nicaragua and bill. For example, we are working on a number of amendments that we need more time to perfect—amendments that would go a long way in taking care of some of the deficiencies of this legislation; amendments with regard to human rights; amendments with regard to giving credit to the United States for the aid that will be given, if it is given; amendments with regard to a requirement for free elections; amendments that would reallocate the funds in this bill for Central America; amendments that would provide that the moneys must be targeted through private financial institutions to make sure that they get to where they should go; amendments with regard to the interest rate that will be charged on this concessional loan to the Nicaraguan Sandinista Government; amendments with regard to the expropriation of American property; amendments with regard to Central American terrorism; amendments with regard to free labor unions.

WHERE IS "REAL GROWTH" IN THE DEFENSE BUDGET?

(Mr. RUDD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUDD. Mr. Speaker, where is the real growth in the President's defense budget?

A full year ago, before the Soviet aggression in Afghanistan, the President sent Congress a 1981 defense plan which called for spending $7.4 billion for 639 new military aircraft, $6.5 billion for 17 new ships, and the purchase of 591 needed additional tanks.

But the actual 1981 budget calls for only 466 new military aircraft—173 less and a cut of $300 million below the plan of a year ago.

The President has also cut $400 million from planned naval shipbuilding and 22 tanks from the earlier projection before the Soviet aggression.

Congress has cut billions of dollars from annual Defense requests over the years—a sad fact well known to the Carter administration.

The only real growth in this defense budget is the political rhetoric that turns less weapons into more.

Congress had better turn the rhetoric into real dollars, if an honest effort is intended to provide for our Nation's real defense needs.

A VOTE ON HOUSE RESOLUTION 581

(Mr. BOLLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOLLING. Mr. Speaker, the Committee on Rules did foul up and did not file a report that had been reported out by a significant majority of the committee. It is our fault that it requires a 2-to-1 vote today. The fact remains that this bill was reported from the Committee on Foreign Affairs on the 18th of December. Its hearing was postponed by the Committee on Rules for a week to allow some extra time. It has been delayed for quite a long time.

I find it inconceivable to believe that Members will vote not to proceed to consider this matter in an orderly fashion. It then turns into a vote on the substance, and it does not make any sense to use a mistake as a method of dealing with substance. It should be debated today. The matter should be debated today, and I hope that a substantial majority will be found, a 2-to-1 majority.

I will not yield; I do not have the time.

PROVIDING FOR CONSIDERATION OF H.R. 6081, CENTRAL AMERICAN ASSISTANCE ACT OF 1979

Mr. BOLLING, from the Committee on Rules, reported the following privileged resolution (H. Res. 581, Rept. No. 96–779), which was referred to the House Calendar and ordered to be printed:

H. RES. 581

A resolution providing for the consideration of the bill (H.R. 6081) to amend the Foreign Assistance Act of 1961 to authorize assistance in support of peaceful and democratic processes of development in Central America

Resolved, That upon the adoption of this resolution it shall be in order to move, section 402(a) of the Congressional Budget Act of 1974 (Public Law 93–344) to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6081) to amend the Foreign Assistance Act of 1961 to authorize assistance in support of peaceful and democratic processes of development in Central America, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

☐ 1140

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 581 and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution.

The SPEAKER. The question is, Will the House now consider House Resolution 581?

The question was taken.

Mr. BAUMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 233, nays 155, not voting 45, as follows:

[Roll No. 63]

YEAS—233

Addabbo
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Annunzio
Anthony
Ashley
Aspin
AuCoin
Bailey
Baldus
Barnard
Barnes
Bedell
Beilenson
Bennett
Bevill
Biaggi
Bingham
Blamdhard
Boggs
Boland
Bolling
Boner
Bonker
Bouquard
Bowen
Brademas
Breaux
Brodhead
Brooks
Brown, Calif.
Buchanan
Burlison
Burton, John
Burton, Phillip
Cavanaugh
Chappell
Clay
Coelho
Collins, Ill.
Conte
Conyers
Corman
Cotter
Daniel, Dan
Danielson
Daschle
de la Garza
Dellums
Derrick
Dicks
Dingell
Dodd
Donnelly
Dougherty
Downey
Drinan
Duncan, Oreg.
Early
Edgar
Edwards, Calif.
English
Ertel
Fary
Fascell
Fazio
Fenwick
Ferraro
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fowler
Frost
Fuqua
Garcia
Gephardt
Giaimo
Gibbons
Glickman
Gonzalez
Gore
Gradison
Gramm
Gray
Guarini
Hall, Ohio
Hamilton
Hance
Hanley
Harkin
Hawkins
Hefner
Heftel
Hightower
Hollenbeck
Holtzman
Horton
Howard
Hubbard
Huckaby
Hughes
Hutto
Ireland
Jenkins
Jenrette
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kildee
Kogovsek
Kostmayer
LaFalce
Lederer
Lehman
Leland
Levitas
Lloyd
Long, La.
Long, Md.
Lowry
Luken
Lundine
McCormack
McDade
McHugh
McKay
Maguire
Markey
Martin
Matsui
Mattox
Mavroules
Mica
Mikulski
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Moakley
Moffett
Mollohan
Murphy, Pa.
Murtha
Neal
Nedzi
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Patterson
Pease
Petri
Peyser
Preyer
Price
Rahall
Rangel
Ratchford
Reuss
Richmond
Ritter
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roybal
Russo
Sabo
Santini
Scheuer
Schroeder
Seiberling
Shannon
Sharp
Shelby
Simon
Skelton
Slack
Smith, Iowa
Solarz
Spellman
St Germain
Stack
Staggers
Stewart
Stokes
Studds
Stump
Swift
Synar
Thompson
Traxler
Udall
Ullman
Van Deerlin
Vento
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
Whitley
Whitten
Williams, Mont.
Wilson, Tex.
Wirth
Wolff
Wolpe
Wright
Wydler
Yates
Yatron
Young, Mo.
Zablocki
Zeferetti

NAYS—155

Abdnor
Applegate
Archer
Ashbrook
Atkinson
Badham
Bafalis
Bauman
Beard, R.I.
Beard, Tenn.
Benjamin
Bereuter
Bethune
Brinkley
Broomfield
Brown, Ohio
Burgener
Butler
Byron
Carter
Cheney
Cleveland
Clinger
Coleman
Collins, Tex.
Conable
Corcoran
Coughlin
Courter
Crane, Daniel
D'Amours
Daniel, R. W.
Dannemeyer
Davis, Mich.
Deckard
Derwinski
Devine
Dickinson
Dornan
Duncan, Tenn.
Edwards, Ala.
Edwards, Okla.
Emery
Erlenborn
Evans, Del.
Evans, Ga.
Evans, Ind.
Findley
Forsythe
Frenzel
Gaydos
Gilman
Gingrich
Ginn
Goldwater
Goodling
Grassley
Green
Grisham
Guyer
Hagedorn
Hall, Tex.
Heckler
Hillis
Hinson
Holland
Holt
Hopkins
Hyde
Ichord
Jacobs
Jeffords
Jeffries
Johnson, Colo.
Kelly
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lee
Lent
Lewis
Livingston
Loeffler
Lott
Lujan
Lungren
McDonald
Madigan
Marks
Marlenee
Marriott
Mathis
Mazzoli
Miller, Ohio
Mitchell, N.Y.
Montgomery
Moore
Moorhead, Calif.
Mottl
Myers, Ind.
Natcher
O'Brien
Pashayan
Patten
Paul
Perkins
Pickle
Porter
Pursell
Quayle
Quillen
Railsback
Regula
Rhodes
Rinaldo
Robinson
Roth
Royer
Rudd
Satterfield
Sawyer
Schulze
Sebelius
Sensenbrenner
Shumway
Shuster
Smith, Nebr.
Snowe
Snyder
Solomon
Spence
Stangeland
Stanton
Steed
Stratton
Symms
Tauke
Taylor
Trible
Vanik
Walker
Wampler
White
Whitehurst
Whittaker
Williams, Ohio
Wilson, Bob
Winn
Wyatt
Wylie
Young, Fla.

NOT VOTING—45

Anderson, Ill.
Andrews, N. Dak.
Bonior
Broyhill
Campbell
Carney
Carr
Chisholm
Clausen
Crane, Philip
Davis, S.C.
Diggs
Dixon
Eckhardt
Erdahl
Gudger
Hammerschmidt
Hansen
Harris
Harsha
Kazen
Leach, La.
McClory
McCloskey
McEwen
McKinney
Michel
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Myers, Pa.
Nolan
Pepper
Pritchard
Roberts
Rousselot
Runnels
Stark
Stenholm
Stockman
Thomas
Treen
Vander Jagt
Wilson, C. H.
Young, Alaska

☐ 1200

The Clerk announced the following pairs:

Mr. Moorhead of Pennsylvania with Mr. Anderson of Illinois.

Mr. Murphy of New York with Mr. Michel.

Mr. Charles H. Wilson of California with Mr. Rousselot.

Mr. Pepper with Mr. Young of Alaska.

Mr. Roberts with Mr. Hammerschmidt.

Mrs. Chisholm with Mr. McClory.

Mr. Diggs with Mr. Harsha.

Mr. Kazen with Mr. Broyhill.

Mr. Myers of Pennsylvania with Mr. Andrews of North Dakota.

Mr. Stark with Mr. Pritchard.

Mr. Nolan with Mr. Clausen.

Mr. Cotter with Mr. Philip M. Crane.

Mr. Harris with Mr. Carney.

Mr. Murphy of Illinois with Mr. McEwen.

Mr. Dixon with Mr. Stockman.

Mr. Runnels with Mr. Treen.

Mr. Bonior of Michigan with Mr. Campbell.

Mr. Eckhardt with Mr. Erdahl.

Mr. Davis of South Carolina with Mr. Hansen.

Mr. Leach of Louisiana with Mr. McCloskey.

Mr. Stenholm with Mr. McKinney.

Mr. Thomas with Mr. Vander Jagt.

Mr. LUJAN changed his vote from "yea" to "nay."

Mr. CHAPPELL and Mrs. BOUQUARD changed their votes from "nay" to "yea."

So (two-thirds not having voted in

favor thereof) the House refused to consider House Resolution 581.

The result of the vote was announced as above recorded.

RESCHEDULING OF CONSIDERATION OF HOUSE RESOLUTION 581

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, I believe that the failure of two-thirds of the Members to follow the recommendation of our Committee on Rules and of the House leadership to take up this bill today is most unfortunate. The failure of two-thirds to show the unity of purpose and our mission in Central America sends a very confusing message.

Lest that message be misinterpreted as a disinclination on the part of the U.S. Congress to lock horns with communism in Latin America, lest it be misinterpreted as our abrogation of any interest in or responsibility for what happens in Latin America, we, unfortunately, by a strange juxtaposition of the rules and a manipulation of those rules by those who wish to take over the leadership of the House and have no sense of responsibility for the message that is given to the world——

Mr. ASHBROOK. Mr. Speaker, will my colleague yield at that point?

Mr. WRIGHT. Mr. Speaker, I am not finished with my statement. I will be happy to yield when I have finished.

Mr. Speaker, my statement is that unless those who wish to take over the leadership of the House and send to Latin America the message that we are through with them and the Communists can have them will prevail, we will take this bill up tomorrow, we hope to pass it tomorrow, and we will show the world that the U.S. Congress is committed to promoting democracy throughout Latin America.

Mr. ASHBROOK. Mr. Speaker, will my colleague yield? The gentleman indicated that he would yield.

Mr. WRIGHT. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Speaker, I thank my colleague for yielding.

The majority leader has a perfect right and an obligation to present the point of view of the leadership, but I want the majority leader to know that I resent very deeply the inference that there was a lack of responsibility on the part of any of us who might look at things differently. When the gentleman spoke of "locking horns with communism," I might say I may have gotten the impression or I am not sure but that in our "locking horns with communism" there is some indication we may be joining them down there or may be embracing them.

I would not have said that except for the strong words the gentleman used. I had hoped the debate today would be on a high plane, and I hope that the gentleman's words would not infer a lack of responsibility on the part of myself or any Members who do not agree with the gentleman on this issue.

Mr. WRIGHT. Mr. Speaker, I thank the gentleman for his comment, and I certainly would not want to be one of those who casts aspersions upon the motives of those who honestly disagree. I think one of the great traditions of this body has been that we can disagree without being disagreeable.

I would not want to imply that those Members of the minority who scuttled our opportunity to consider this bill today, availing themselves adroitly of a technicality, have done so out of impure motives. I do believe they are wrong, and I think the message that might go out to the world is a very dangerous message.

I believe that very strongly, and I, for that reason, think we have no alternative but to turn around tomorrow and reverse that impression and erase any damage that may have been done. What has been achieved has been a 1-day postponement of consideration and perhaps a disruption of plans of various Members. But this is a matter of grave consequence.

Mr. Speaker, Latin America is in ferment. The United States has a responsibility there, and I think it cannot allow technicalities to prevent our doing our duty.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield for one last observation?

Mr. WRIGHT. Yes, I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Speaker, in response to the words of my colleague, the gentleman from Texas, I appreciate his remarks, and I could not take issue with them. I do not think this is the type of thing that needs to be dragged out. I appreciate the gentleman's putting it in that manner, and I thank him for doing it.

Mr. WRIGHT. Mr. Speaker, I thank the gentleman.

This is simply said to advise the Members that it will be the purpose of the leadership to reschedule consideration of this rule again tomorrow.

SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT AMENDMENTS

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 579 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 579

Resolved, That upon the adoption of this resolution it shall be in order to move, section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3789) to amend section 16(b) of the Soil Conservation and Domestic Allotment Act, as amended, providing for a Great Plains conservation program, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Louisiana (Mr. LONG) is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, I yield 30 minutes to the gentleman from Maryland (Mr. BAUMAN), for purposes of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 579 is the rule providing for the consideration of the bill, H.R. 3789, amending the Soil Conservation and Domestic Allotment Act.

This is an open rule granting 1 hour of general debate on the bill. The time is to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Agriculture.

The resolution provides a waiver of section 402a of the Budget Act against section 1 of the bill. This is a technical waiver as the Committee on Agriculture adopted an amendment in markup making the new authorization effective October 1, 1980, thereby curing the Budget Act violation in the original bill. A motion to recommit is in order upon completion of the consideration of the bill.

H.R. 3789 extends the Great Plains conservation program for 10 years through September 30, 1991, and expands the program to cover water as well as wind erosion. It increases the overall limitation on program costs from $300 to $600 million and the annual limitation on program payments from $25 to $50 million.

Mr. Speaker, to my knowledge this is a noncontroversial rule. The committee on Agriculture reported this bill by a unanimous vote. I urge my colleagues to adopt House Resolution 579 so that we may proceed to the consideration of this legislation.

□ 1210

Mr. BAUMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not know of any controversy regarding this rule. The gentleman from Louisiana (Mr. LONG) has adequately described it. It is a 1 hour open rule on a bill that has very little controversy.

(By unanimous consent, Mr. BAUMAN was allowed to speak out of order.)

THE CORRECT FACTS ON DELAY OF THE AID TO NICARAGUA LEGISLATION

Mr. BAUMAN. Mr. Speaker, with permission of the House just granted, I did wish to respond to the remarks of the majority leader as to the supposed irresponsibility of those who oppose bringing the Nicaraguan aid bill up at this point.

The Intelligence Committee of the House met last night at 5 o'clock and agreed by a majority vote to release certain classified documents to be presented in a secret session of the House on whatever day the Nicaraguan aid bill is brought up.

The gentleman from Illinois (Mr. DERWINSKI) intends to communicate to the House in that secret session the substance of a 3-hour briefing received several weeks ago from the CIA regarding the situation in Nicaragua.

The gentleman from Maryland himself was in Nicaragua on Saturday and Sunday and observed first hand some of the developments there. The only reason we asked for the delay was that when the secret session is held—and I understand the majority leadership on the Committee on Foreign Affairs, the gentleman from Wisconsin (Mr. ZABLOCKI), has agreed to that—we will be prepared to present to the House the correct facts as given to these committees by the CIA.

I do not think it is too much to ask that the Members of the House be informed before they cast their ballots on what could be direct aid to an existing Communist government. We have already been through this 20 years ago with Castro in Cuba, and the question which presents itself on the Nicaraguan legislation is whether it is already too late to save this nation. I know there is an honest difference of opinion over that. But I do not count that delay as irresponsible. To go forward without this classified information and proper preparation is irresponsible.

Mr. LONG of Louisiana. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The **SPEAKER** pro tempore (Mr. SABO). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point or order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 384, nays 2, not voting 47, as follows:

[Roll No. 64]

YEAS—384

Abdnor
Addabbo
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Annunzio
Anthony
Applegate
Archer
Ashbrook
Ashley
Aspin
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Buchanan
Burgener
Burlison
Burton, John
Burton, Phillip
Butler
Byron
Carter
Cavanaugh
Chappell
Cheney
Clay
Cleveland
Clinger
Coelho
Coleman
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Corcoran
Corman
Cotter
Coughlin
Courter
Crane, Daniel
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
de la Garza
Dellums
Derrick
Derwinski
Devine
Dickinson
Dicks
Diggs
Dingell
Dixon
Dodd
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Edgar
Edwards, Ala.
Edwards, Okla.
Emery
English
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fowler
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Gingrich
Ginn
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hance
Hanley
Harkin
Harris
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Holtzman
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffries
Jenkins
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla
Jones, Tenn.
Kelly
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lederer
Lee
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
Lungren
McCloskey
McCormack
McDade
McHugh
McKay
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Mathis
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Ind.
Natcher
Neal
Nedzi
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Panetta
Pashayan
Patten
Patterson
Paul
Pease
Perkins
Petri
Peyser
Pickle
Porter
Preyer
Price
Pritchard
Pursell
Quayle
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Robinson
Rodino
Roe
Rose
Rostenkowski
Roth
Roybal
Royer
Rudd
Russo
Sabo
Santini
Satterfield
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Slack
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spellman
St Germain
Stack
Staggers
Stangeland
Stanton
Stark
Steed
Stewart
Stokes
Stratton
Studds
Stump
Swift
Symms
Synar
Tauke
Taylor
Thompson
Traxler
Trible
Udall
Ullman
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Tex.
Winn
Wirth
Wolff
Wolpe
Wright
Wyatt
Wylie
Yates
Yatron
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NAYS—2

McDonald
Wydler

NOT VOTING—47

Anderson, Ill.
Andrews, N. Dak.
Atkinson
Broyhill
Campbell
Carney
Carr
Chisholm
Clausen
Crane, Philip
Davis, S.C.
Deckard
Eckhardt
Edwards, Calif.
Erdahl
Goldwater
Gudger
Hammerschmidt
Hansen
Harsha
Jeffords
Kastenmeier
Kazen
Leach, La.
McClory
McEwen
McKinney
Mitchell, Md.
Moorhead, Pa.
Murphy, Ill.
Myers, Pa.
Nolan
Ottinger
Pepper
Roberts
Rosenthal
Rousselot
Runnels
Spence
Stenholm
Stockman
Thomas
Treen
Vander Jagt
Wilson, Bob
Wilson, C. H.
Young, Alaska

☐ 1220

The Clerk announced the following pairs:

Mr. Mitchell of Maryland with Mr. McEwen.

Mr. Rosenthal with Mr. Broyhill.

Mr. Pepper with Mr. Goldwater.

Mr. Edwards of California with Mr. Harsha.

Mr. Kastenmeier with Mr. McClory.

Mr. Kazen with Mr. Stockman.

Mr. Moorhead of Pennsylvania with Mr. Young of Alaska.

Mr. Myers of Pennsylvania with Mr. Bob Wilson.

Mr. Runnels with Mr. Campbell.

Mrs. Chisholm with Mr. Anderson of Illinois.

Mr. Carr with Mr. Erdahl.

Mr. Atkinson with Mr. Hammerschmidt.

Mr. Davis of South Carolina with Mr. Hansen.

Mr. Murphy of Illinois with Mr. Jeffords.

Mr. Ottinger with Mr. Philip M. Crane.

Mr. Charles H. Wilson of California with Mr. Carney.

Mr. Gudger with Mr. Rousselot.

Mr. Eckhardt with Mr. Spence.

Mr. Nolan with Mr. McKinney.

Mr. Stenholm with Mr. Leach of Louisiana.

Mr. Vander Jagt with Mr. Clausen.

Mr. Treen with Mr. Deckard.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. FOLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3789) to amend section 16(b) of the Soil Conservation and Domestic Allotment Act, as amended, providing for a Great Plains conservation program, as amended.

The **SPEAKER** pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. FOLEY).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3789, with Mr. AMBRO in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Washington (Mr. FOLEY) will be recognized for 30 minutes, and the gentleman from Kansas (Mr. SEBELIUS) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Washington (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 3789, as reported by the Committee on Agriculture, provides for the extension and limited expansion of the Great Plains conservation program.

The program was authorized in 1956 to address the erosion and sedimentation problems existing in the 10 Great Plains States—Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma. South Dakota, Texas, and Wyoming. It now provides technical assistance and cost sharing to farmers and ranchers in 469 counties in these States for the purpose of applying soil and water conservation practices to their land. The Soil Conservation Service, U.S. Department of Agriculture, administers the program.

☐ 1230

This bill was unanimously reported by the Subcommittee on Conservation and Credit and was unanimously reported to the House by the Committee on Agriculture.

Mr. Chairman, I now yield such time as he may consume to the distinguished chairman of the subcommittee, the gentleman from Tennessee (Mr. JONES).

Mr. JONES of Tennessee. Mr. Chairman, I thank the chairman for yielding and yield myself such time as I may consume.

Mr. Chairman, under the program, landowners or operators enter into contracts with USDA based on conservation plans prepared by the participants. The contracts, which may extend over a 3- to 10-year period, provide for installation of needed conservation work. This program constitutes Federal recognition of the unique and critical problems of soil and water conservation in the Great Plains.

Present authority for the program expires on December 31, 1981. The bill would extend the program through September 30, 1991. It would expand the scope of the program to include erosion by water as well as by wind.

Finally, it would increase from $300 million to $600 million the overall limitation on program cost, and increase from $25 million to $50 million the annual limitation on program payments.

Sustained agricultural production in the Great Plains region is vital to all people of America. This vast productive area, with a land mass of 436 million acres, produces 60 percent of the Nation's wheat and 30 percent of the Nation's cattle. While the region has great productive capacity if wisely managed, it has problems peculiar to the environment of the Plains. The area is subject to periodic drought, destructive winds, floods, and other natural disasters which put great stress on the land used for agricultural production.

Under the program, tremendous strides have been made toward the objective of mitigating the natural hazards of farming and ranching in the Great Plains area. Since its inception, permanent conservation measures have been installed on millions of acres of fragile and erodible land in the 10-State region. Improvements carried out under the program include the establishment of permanent vegetative cover on erosion prone rangelands, the construction of terraces and shelterbelts, and the installation of tail water recovery systems to recycle irrigation water. Dust storms which once plagued the Great Plains have been greatly reduced.

However, in spite of substantial Federal assistance over the years through the Great Plains conservation program and other programs, excess soil erosion by wind and water continues to afflict massive areas in the Great Plains. It has been estimated that wind erosion exceeds 5 tons per acre annually on 90 percent of all cotton land in the Plains States. Similarly, 60 percent of all land used to grow sorghum is eroding at rates of over 5 tons per year; 42 percent of all soybean land in the Plains area suffers excess wind erosion. The same holds for 34 percent of all corn land and 31 percent of all wheat land in the Plains States. It is equally disturbing that in the area 92 percent of all irrigated cotton land, 70 percent of all irrigated sorghum land, 67 percent of all irrigated soybean land, and 47 percent of all irrigated corn land are suffering wind erosion rates of over 5 tons per year.

In addition to the excess erosion by wind in the Great Plains States, water erosion is also very much present. On land used to grow soybeans in the Plains States, for example, 46 percent of the total acreage experienced erosion in excess of 5 tons per acre annually in 1977. The same was true of 35 percent of the land used to grow sorghum, 22 percent of the cotton land, and over 11 percent of the wheat land. It is noteworthy that many of the practices that are effective against wind erosion are also effective in combating water erosion.

In the 469 counties now designated for the program, it is estimated that 180 million acres have the potential for coming into the program. About 56,000 contracts have been developed on 105 million acres, leaving 75 million acres still needing initial treatment. Also, some of the acres previously under contract are now eligible for additional treatment as a result of new ownership, land use conversion, and advanced technology. Further, 39 counties in the Plains area have formally requested designation for the program but have not been added by the Soil Conservation Service because funds have not been available to cover such application. Many other counties have informally indicated an interest in being designated for the program. The Soil Conservation Service has on hand more than 5,000 requests for Great Plains conservation program contracts. Lack of funds has been a major contributor to this backlog.

Testimony at hearings held in the Great Plains area by the Subcommittee on Conservation and Credit demonstrated strong support for the program by farmers and ranchers. Support for the program is further illustrated by the fact that this bill was ordered reported by our committee by a unanimous rollcall vote.

In short, there is convincing evidence that the Great Plains conservation program represents an excellent investment not only for farmers and ranchers, but for all consumers who depend upon a reliable and reasonably priced supply of grain and livestock products.

The success of the Great Plains conservation program is apparent, as in the need for its continuation and expansion. The bill addresses that need. It will go far toward retaining and enhancing the productive capacity of an area which contributes mightily to the Nation's food and fiber needs.

I urge each of you to support its passage.

Mr. Chairman, I reserve the balance of my time.

Mr. SEBELIUS. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. WAMPLER), the ranking minority member of the Agriculture Committee.

Mr. WAMPLER. Mr. Chairman, I join my colleagues in support of H.R. 3789, a bill to extend authorization for the Great Plains conservation program. Administered by the Soil Conservation Service of the U.S. Department of Agriculture, the Great Plains conservation program provides technical and financial assistance to farmers and ranchers of the Great Plains area who apply soil and water conservation practices to their land.

The need for this legislation is evident. Although the 436 million-acre Great Plains region produces 60 percent of our Nation's wheat and 30 percent of our cattle, it is extremely susceptible to severe drought conditions, destructive winds, flooding, and other disasters which put great stress on land used for agricultural purposes. As a result of these adverse conditions, sound conservation measures are necessary to protect against a recurrence of the disastrous Dust Bowl problems which afflicted this sensitive region during the 1930's.

The Great Plains conservation program is a major force in providing this protection. Originally adopted in 1956 to address the serious erosion and sedimentation problems of the 10-State Plains area, the program provides technical assistance and cost sharing to farmers and ranchers who implement soil and water conservation practices to their land.

Soil Conservation Service personnel aid program participants in drawing up and following a long-term conservation plan which is designed to meet their own particular needs. In return, participating landowners receive Federal assistance to help pay for the needed conservation practices.

Mr. Chairman, recent agriculture subcommittee testimony affirmed the past success of this program while emphasizing the importance of further conservation measures made possible by continued program authorization. Sound management of appropriate conservation practices is vitally necessary to protect the vast resources of the Great Plains area. H.R. 3789 is an important step in providing that protection.

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Mr. SEBELIUS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, no one is more aware of the need for sound conservation practices than a farmer in America's Great Plains region. Our farmers learned hard lessons during the Dust Bowl days of the 1930's, but they learned them well. From 1953 to 1957, areas of southwest Kansas were as dry for as long a time as they were in the 1930's. We were fortunate at that time, however, and our conservation practices helped avoid another Dust Bowl.

The benefits of this program reach well beyond the region in which our funding and technical assistance are placed. The long-term contracts into which farmers enter with the Federal Government assure that the fragile soil resources of the region are protected from erosion and saved for future use. With growing populations here and abroad, it is safe to say that our productive capacity must be protected if we are to be able to meet future food needs.

While food costs have risen in recent years, the average American spends only about 16 percent of his disposable income on food. In India, people spend 64 percent of their disposable incomes on food; in Brazil, 47 percent; in the Soviet Union, between 35 and 40 percent; and in France, 26 percent. This low percentage of income spent on food is one reason Americans enjoy such affluence. And the key to this affluence is the productivity of the American farmer.

Today, farmers are finding themselves more and more in a cost-price squeeze that is taking the profitability out of American agriculture. Without profits, farmers cannot afford to install and maintain the conservation structures that prevent soil losses. As this soil is lost through erosion, the Nation loses its future productive capacity, and with it, our ability to provide abundant food supplies at reasonable prices. To protect this productive capacity, and our future food supplies and prices, we have seen fit to help our farmers conserve soil resources by providing them with financial and technical assistance under the Great Plains conservation program.

For the farmer, it is a way to protect our national resources and still be able to make ends meet. Increasingly, however, our farmers are finding it more difficult to meet their obligations under the cost-share provisions because production costs are outstripping the prices they receive for their products. I hope Congress can address this problem later this year. For the consumer, this program represents an investment in future food supplies at reasonable prices. If farmers cannot afford to implement sound conservation practices, we will lose the capacity to produce food in quantities sufficient to keep those prices reasonable.

Consumers also benefit from the secondary impact of soil conservation. We reduce the sedimentation that fouls our air and waterways. This program is essential if we are to meet the clean water requirements of Public Law 92-500.

Mr. Chairman, the Great Plains conservation program was created to specifically address the unique climate of the Great Plains. Recurring drought continually places stress on the soil and water resources—and on the economic stability—of the region. Reports from the Agriculture Department indicate that a great deal of work remains to be done to protect those fragile resources. In the last 2 months of 1979, nearly 1.4 milion acres of land in the Great Plains were damaged by wind erosion. Nearly 95 percent of the damage was to cropland. Each year, wind erodes 5.3 tons of soil from each cropland acre in the 10 Great Plains States.

Nothing is more essential to the future food production of our country's breadbasket than the Great Plains conservation program. This program affects 469 counties in 10 States reaching from Canada to Mexico. The 436-million-acre land area under this program produces 60 percent of the Nation's wheat and 30 percent of the Nation's cattle.

Our bill will allow the Secretary of Agriculture to expand the program to other counties within the Great Plains States if those counties are found to qualify for assistance under the program. We extend the program for 10 years, through September 30, 1991. And we increase the funding authorization from $300 to $600 million. In an effort to accelerate conservation work under this program, the committee adopted my amendment to increase the annual funding authorization from $25 million under the current program to $50 million. Actual funding for this program, of course, remains subject to appropriations by Congress. Finally, this bill expands the scope of conservation contracts under the program to include water as well as wind erosion.

Mr. Chairman, this program is essential to the future agricultural productivity of the Great Plains region. It is not a new program. It is a program that has been tested and found to work well; and it is a program under which much important work remains to be done. I urge my colleagues to support passage of this bill. Thank you.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Nebraska (Mrs. SMITH).

Mrs. SMITH of Nebraska. Mr. Chairman, I rise in support of the adoption of H.R. 3789, to amend the Soil Conservation and Domestic Allotment Act and extend the Great Plains conservation program.

As has been pointed out, this valuable conservation program is due to expire on December 31, 1981. I commend the chairman and his Committee on Agriculture for granting priority consideration to the renewal of this program well in advance of its expiration date. I think this speaks volumes for the acknowledged worth of the program and the special benefits the entire Nation reaps by investing in this productive area of the country's breadbasket.

It is a special area with special problems. A constant battle must be waged against wind and water erosion and the extremes of drought and flood. Lack of proper conservation practices in the past saw areas of the Great Plains turned into a giant dust bowl.

The Great Plains conservation program has helped bring the region back to consistently high productivity, and as long as we invest soundly in the protection of our soil and water resources, we will keep all of these States among the Nation's leaders in the production of food and fiber.

I cannot give too much credit to the program. I know firsthand what these long-range conservation practices have meant to Nebraska. Out of the 61 counties in the State eligible for the cost-sharing projects and improvements, 59 are in the district I represent.

Up until the end of the last fiscal year, over 7,000 contracts were entered into between Nebraska landowners and the Department of Agriculture to carry out conservation improvements on almost 10 million acres of land. The Government's investment over the life of the program is between $23 million and $27 million. The landowners have contributed a like share.

This investment has paid rich dividends in helping keep our people among the best fed and healthiest in the universe. These dividends will continue as long as we can sustain this partnership in conservation under the Great Plains program.

I think so highly of it, I sponsored legislation to make it a permanent program. Through the legislation we are voting on today, it is going to be given another 10-year lease on life, and as it continues to prove its worth, the continuity of permanence will be insured.

The results of solid performance are there to judge, I respectfully urge my colleagues to consider its value to the Nation and vote with me to extend it.

Mr. DUNCAN of Tennessee. Mr. Chairman, I yield 6 minutes to my good friend and member of the committee, the gentleman from Texas (Mr. DE LA GARZA). Incidentally, Mr. DE LA GARZA is the author of the bill, and a sponsor.

Mr. DE LA GARZA. Mr. Chairman, first let me commend the chairman of the subcommittee and his staff on both sides of the aisle for the excellent work they have done in preparing for hearings on this legislation, and the expeditious manner in which it has been handled.

Mr. Chairman, in these troubled times we often forget the source from which all things and all blessings have come to us, and from which they flow, and how we must protect and continue them. The land is, if not the most important, one of the most important resources in order for a man as a human being to live in this country of ours, and on this planet. In these days when there are so many complaints about Government involvement in areas above and beyond what people would consider its legitimate area, I think that this is one of the areas where it is a legitimate function of the Government to work with the people for something that is of benefit to all mankind, because from this area of the Great Plains comes a tremendous amount of food and fiber that feeds not only our country, but also the world.

This, again I say, is what I believe to be a legitimate function of the Government. It is a good program; it is a people program; it is voluntary; it is effective. It provides the farmer with technical and financial assistance to accomplish the needed land treatment, and provides the public—all of the public, not necessarily in that area, but beyond that area—with cleaner water, cleaner air, and the guarantee of a permanent productive resource base for food and fiber.

Mr. Chairman, as far as this program is concerned, I would tell you that in the legitimate function of the Government in relation to fiscal matters, over 30 million acres annually are treated for less—and I think this is important—for less than 75 cents per acre. So, these practices and other practices of the Soil Conservation System benefit us by controlling soil erosion by over 240 million tons of dirt a year that does not blow into adjoining countrysides.

I wish that some of my colleagues could see my area of deep south Texas at times when the north winds blow, beginning in Montana and Wyoming and coming down to the Rockies. All one can see from south Texas, 2,000 miles away, is this brown cloud that is coming at us. This is valuable soil which is needed for our food and fiber that is coming from New Mexico, Arizona, Nebraska, all down the Great Plains.

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This is a program to help control that. The program is reducing soil erosion in that area. It is helping to stabilize farm enterprises above and beyond the immediate treatment of the land. I am proud to be the author of this legislation. Hopefully my colleagues will agree—and again if I repeat myself, forgive me—that this is one of the areas where it is a legitimate function of the Government to work with the interested individuals to provide control over some of the things that man can control as far as climatic conditions are concerned in building the windbreaks and lining irrigation ditches, and in building all of the things that are needed to conserve and preserve the soil of this area. I would hope that all of my colleagues would join with us in giving this very important piece of legislation our unanimous support.

Mr. JONES of Tennessee. Mr. Chairman, I yield 3 minutes to a member of the subcommittee, the gentleman from South Dakota (Mr. Daschle).

Mr. DASCHLE. Mr. Chairman, I rise in strong support of H.R. 3789, legislation which extends the Great Plains conservation program.

I, first of all, want to commend the distinguished chairman of the Subcommittee on Conservation and Credit, Mr. Jones, and the ranking minority member, Mr. Madigan, for their endorsement of this very important conservation program. Without their support, the positive accomplishments of the GPCP would be hampered as a result of the December 1981 phaseout date for the program.

Mr. Chairman, the need for this important program is clearly evident. Current projections indicate the year 2000 population at 6 or 7 billion individuals, making the wise utilization of the Nation's soil resources all the more imperative.

Eighty-four percent of the farmers sampled in an eight-State General Accounting Office study realized annual soil losses in excess of 5 tons of soil an acre annually. In order to sustain productivity over any length of time, experts indicated that soil losses can be no more than 1 ton per acre in shallow soil and no more than 5 tons per acre in deep soils.

Finally, Mr. Chairman, a recent research report prepared by Iowa State University indicated that todays farmers are losing an average of 12 tons per acre annually through water erosion, compared to a 1934 erosion level of only 8 tons per acre.

This same report indicated that—

> It would take a train of freight cars about 633,000 miles long to move 4 billion tons of soil (the annual soil erosion loss due to water erosion)—a train long enough to circle the earth 24 times.

Mr. Chairman, the Subcommittee on Conservation and Credit held numerous days of hearings both in Washington and throughout the Nation as well. During one of these field hearings which was held in my home county, Brown County, S. Dak., the subcommittee heard testimony from a long list of individuals involved with the program. We heard from participants in the program who told the effects that the long-term technical assistance planning and the cost sharing payments of the program have had in their conservation efforts.

As previously indicated, Mr. Chairman, this legislation, as passed by the House Agriculture Committee, immediately make eligible for the Great Plains Conservation program every county in the Great Plains region, which includes my home State of South Dakota. It also raises the total program cost to $600 million and the annual program cost to $50 million, as well as extending the program to the year 1991.

Mr. Chairman, we have few governmental programs that can claim the success rate of the Great Plains conservation program. It is because of the commitment that we all share of preserving our Nation's resources for future generations that I rise in strong support of H.R. 3789, the Great Plains conservation program, and urge its adoption.

Mr. JONES of Tennessee. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma (Mr. English), a member of the committee.

Mr. ENGLISH. Mr. Chairman, I rise in support of H.R. 3789. The Great Plains conservation program is one of the most important and successful programs in the Midwest. The purpose of the program is to assist farmers and ranchers in voluntarily establishing soil and water conservation practices which bring about greater stability to their farming and ranching units. In addition, the program promotes the enhancement of fish and wildlife, recreation, and helps to reduce and control agriculturally related pollution.

This program complements and strengthens other programs of USDA. It emphasizes the use of all the needed conservation measures for wise land use in the Great Plains. In Oklahoma, there are 30 western counties eligible for this program, which has been in operation for the past 23 years, and all of these counties are participating.

There is a great need for the extension and expansion of the Great Plains conservation program as provided in this bill. At the end of fiscal year 1979, Oklahoma had approximately 300 applications for new contracts on over 150,000 acres. There is an even greater number of farmers and ranchers in the State who are wanting a contract but realize that because of funding limitations only a relatively small number of contracts are approved each year and therefore, they do not even make an application for a contract. Additional personnel and funds could be well utilized in Oklahoma to speed up this excellent program. GPCP has proven itself a very successful vehicle in preventing soil and water erosion, and thereby adding to the economic stability of the Midwest.

In conclusion, I would like to commend the Soil Conservation Service and those who are active in the local conservation districts for making this a successful program, and I would like to urge my colleagues to join me in supporting its extension.

Mr. JONES of Tennessee. Mr. Chairman, I yield whatever time he may need to the gentleman from Iowa (Mr. Harkin).

Mr. HARKIN. Mr. Chairman, I rise in support of the Great Plains program and the legislation before this committee. I supported it in the subcommittee and the full committee. However, I would like to draw the attention of the Members of the House to a provision in the bill that was stricken. In the bill as originally drafted, the Great Plains conservation program would have been extended to counties in other States designated by the Secretary as susceptible to serious wind or water erosion by reason of their soil types, terrain, climate, et cetera. The fact is, I was very supportive of that, and I am sorry that that provision in the bill was stricken and that it is not part of this legislation. I do, however, understand that the chairman of our subcommittee, the distinguished gentleman from Tennessee (Mr. JONES), has a bill which he will be introducing very shortly which will address the serious problems that we have in the western part of Iowa, for example. In other words, one really cannot tell where the counties that I represent in western Iowa end and the counties in Nebraska begin. They are really the same when it comes to preventing soil erosion. So we have a lot of the same problems, even though we are not in the Great Plains program.

I know the gentleman from Tennessee (Mr. JONES) has a bill which he is introducing which will address those problems that we do have in Iowa, and I would ask that the Members from those Great Plains States support that legislation because we have some very serious conservation problems in that area also. I would hope for their support of that legislation when it comes before the subcommittee, the full committee, and, hopefully, before the floor of the House this year.

I thank the gentleman for yielding, and I would yield back the remainder of the time.

Mr. SEBELIUS. Mr. Chairman, I yield 2 minutes to the gentleman from South Dakota (Mr. ABDNOR).

Mr. ABDNOR. Mr. Chairman, it is with a great deal of pleasure that I rise in wholehearted support of enactment of H.R. 3789, to extend and expand the Great Plains conservation program.

I am proud to be a cosponsor of this measure, and I commend my colleagues on the Agriculture Committee for bringing it to the floor for passage. Scarcely another Federal program can match the record of success of the Great Plains program and our action to extend GPCP will pay great dividends to future generations.

Without our action the program would expire on December 31, 1981, and a gaping hole would result in our national conservation effort. It would be an omission we can least afford.

The Great Plains program for nearly a quarter of a century has targeted conservation cost-sharing assistance toward treating the critical land and water problems which are uniquely severe in water-short areas of our Nation's breadbasket. Congress recognized the special needs of this geographical area in 1956, and the program provides for each State to establish a priority system so that each county can select the applicants to be serviced first. Thus, top priority is given to those with the greatest erosion problems, and the available cost-sharing funds are targeted to where they will do the most good.

At the 33d Annual Convention of the National Association of Conservation Districts, David P. Overholt, Director of Conservation Operations for the Soil Conservation Service, pointed out a number of factors which contribute to the unique conservation problems experienced in the Great Plains:

First, rainfall varies from 12 to 32 inches, with the majority of the Great Plains below 20 inches;

Second, much of the summer rainfall occurs in the form of thunderstorms on 30 to 70 days each year. These sudden storms can be very damaging;

Third, snowfall varies from 2 to 60 inches and more, with most of the 10 states receiving over 24 inches;

Fourth, the Great Plains have more hail storms than other parts of the country. They occur on an average of 2 to 8 days per year;

Fifth, the frost-free period varies from 120 to 240 days. Parts of Texas have over 120 days above 90 degrees each summer, while parts of Montana and North Dakota may have only 20 days;

Sixth, the northern states have 180 days below 32 degrees, while parts of Texas have 30 days or less;

Seventh, temperature variations cause a difference of 120 to 240 days for growing crops;

Eighth, the Great Plains area is constantly bombarded by winds. An average wind velocity of 15 miles per hour in parts of the Great Plains may not seem strong, but it takes a lot of 30 miles per hour and above winds to achieve this average; and

Ninth, drought and wind combine to create cycles of erosion damage.

These are some of the reasons I was disturbed when a couple of years ago the administration proposed to combine GPCP with the agricultural conservation program, which is a national program. At that time I wrote Secretary Bergland as well as the leadership of the Agriculture and Appropriations Committees of the House to voice my concern and to state that it was inconceivable that GPCP would be improved by combining it with ACP, even at the same level of funding, much less the reduced level proposed by the President.

It is, therefore, gratifying to me that the measure before us today will preserve the integrity to the Great Plains program and will double its annual appropriations ceiling to $50 million. Actual appropriations have been about $15 to $20 million in recent years, but we must try to do better.

According to Mr. Overholt, as of a year ago, at least 75 million acres remain to be treated. Many expired contracts need additional treatment as a result of changes in land use. Over 600 contracts worth $6 million were not funded in fiscal year 1978, and 4,900 unserviced applications are pending.

The National Association of Conservation Districts informs me that in my own State of South Dakota alone there are nearly 500 applicants waiting to participate if the program is renewed and funded. Over the years there have been 3,551 total participants in South Dakota, and about 1,600 still have conservation contracts in effect on their land.

These contracts give legal status to the conservation plans developed under GPCP. A conservation plan is a prerequisite for cost-sharing assistance under GPCP, and the plan must cover a complete operating unit. Thus, GPCP leads to a coordinated conservation effort upon the part of a producer; and it gets more bang for the buck than assistance for isolated, individual conservation practices.

That is the essence and the beauty of the Great Plains conservation program, and it is a model the national conservation effort as a whole would do well to follow. As I stated, however, the problems of the Great Plains area are unique and of sufficient magnitude to warrant a distinct program of their own. Combining GPCP into a national program could only confuse the issue and contribute to a lessening of the effectiveness of efforts to deal with the critical conservation needs of the Great Plains.

Again, Mr. Chairman, I want to commend my colleagues on the Agriculture Committee for bringing H.R. 3789 to the floor, and I urge that it be passed by the overwhelming majority it deserves.

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Mr. SEBELIUS. Mr. Chairman, I yield such time as he may consume to the gentleman from Montana (Mr. MARLENEE).

Mr. MARLENEE. Mr. Chairman, I rise in support of H.R. 3789, the Great Plains conservation program. This program is unique in its conception and implementation. First enacted in 1956 to control wind erosion, the program covers 469 counties—436 million acres—in 10 States.

All conservation work is designed around a program which takes into account the entire productive potential of the farm. The landholder works in conjunction with the Soil Conservation Service and the local conservation district personnel. Such coordination provides financial assistance, but more importantly, technical expertise.

It is important to take note of a national survey conducted on behalf of the USDA concerning agricultural issues, including soil and water resources. A majority of Americans believe more soil and water conservation is needed, and private and public partnership is the best way to cut soil loss.

The Great Plains program is a program which works and works well. The acres of productive land that would be lost without this program are incalculable. The Great Plains program has been so successful that other programs have been modeled after it, including the Rural Development Act of 1972.

In field hearings which I attended in Spokane, Wash., on October 20, 1979, all witnesses spoke in favor of the program, but were concerned about the low level of Federal funding. This bill before us today will eliminate much of this concern.

What we are enacting today is continuation of a sensible and successful program which returns to this Nation more in agricultural productivity than the monetary input given the program by the Federal Government. The program owes its success to the role played by the landowner and his commitment to saving productive lands. It is a program this Nation cannot afford to lose.

● Mr. GLICKMAN. Mr. Chairman, I intend to support H.R. 3789, the Great Plains conservation program legislation. It extends the life of a tried and tested program that has effectively met soil and water conservation needs of the Great Plains States for the last 24 years. Although this area of the country has a tremendous agricultural output, it is subject to climatic extremes which demand comprehensive and careful resource management.

The program offers the opportunity of long term costsharing contracts between the Federal Government and farmers to carry on the important work of assuring that our productive agriculture can continue to thrive. The long term nature of the program allows for continuity and a chance to plan for future conservation requirements.

The popularity of the program is illustrated by the sizable backlog of prospective applicants. Increased productive forage acreage for livestock and wildlife in areas served by the program point to its effectiveness.

Of increasing concern across the Great Plains States is the need to wisely use and preserve dwindling water resources. The program recognizes this problem by continuing the policy of allowing cost-sharing contracts only for improvements in existing irrigation systems. Such improvements will, as I understand it, have the net effect of preserving scarce water resources. Further, with no contracts being made for new systems, demand on the underground water supplies would not be increased.

However, while I strongly support this bill—of which I am pleased to be a cosponsor—there is much more that we need to do. All the conservation practices in the world will not be worthwhile unless our farmers get reasonable prices for their products so they can stay in business. All economic signals point to a bearish situation in the agricultural sector. Carryover stocks are high and I have heard reports that fence row to fence row planting is the norm in many areas. Without some set aside program and higher loan rates, I am afraid that we could get into the same situation as we faced in 1977 when farm prices plummeted. In 1977 times were difficult. This time it would be catastrophic. Three years ago the inflation rate was 6.8 percent. In 1979, the rate was nearly twice as much at 13 percent. And prices for many key agricultural inputs have gone up much faster than the general inflation rate. For example, diesel fuel in southern Kansas which sold for 47 cents a gallon just a year ago is now $1, a 112 percent increase over the last 12 months.

The administration has assumed grain export contracts intended for the Soviet Union before the embargo. Granted, that action took care of the short-term situation but did not address in any way the long-term consequences of the embargo. Those longer term effects must be addressed now. Set asides for wheat and feed grains need to be put into effect with a graze-off until May 15 to allow farmers to meet their normal crop acreage requirement for participation in the program. Loan rates must also be increased to assure a reasonable price floor.

The administration has the authority under the 1977 farm bill to take both of those steps. But, if the administration is unwilling to do so, we in the Congress should be ready to pass legislation to mandate those actions. That would only be providing support to the agricultural sector of our economy just as we have supported other parts of the economy during hard times.

In closing, let me reiterate that the bill we have before us today is vital to the long-term productivity of our Nation's breadbasket. In fact, it is the essence of truly preserving our agricultural lands. I urge my colleagues to lend their support to its passage.●

Mr. SEBELIUS. Mr. Chairman, I yield back the balance of my time.

Mr. JONES of Tennessee. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 3789

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 16(b) of the Soil Conservation and Domestic Allotment Act (70 Stat. 1115, as amended; 16 U.S.C. 590p(b)) is amended—

(1) by deleting the third and fourth sentences of paragraph (1) thereof beginning with "Such contracts may be entered into . . ." and inserting in lieu thereof the following: "Such contracts may be entered into during the period ending not later than September 30, 1987 with respect to farms, ranches, and other lands in counties in the Great Plains area of the States of Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming, and in counties in other States, designated by the Secretary as susceptible to serious wind and/or water erosion by reason of their soil types, terrain, and climatic, soil, topographic, flood, saline, other natural hazards, and other factors. The landowner or operator shall furnish to the Secretary a plan of farming operations or land use which incorporates such soil and water conservation practices and principles as may be determined by him to be practicable for maximum mitigation of climatic, soil, topographic, flood, saline, and other natural hazards of the area in which such land is located, and which outlines a schedule of proposed changes in cropping systems or land use and of the conservation measures which are to be carried out on the farm, ranch, or other land during the contract period to protect the farm, ranch, or other land from erosion and deterioration by natural causes."; and

(2) by deleting in the first sentence of paragraph (7) thereof everything following the word "subsection" and inserting in lieu thereof a period.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: Page 2, line 11, strike "1987" and insert in lieu thereof "1991";

Page 2, line 15, strike "and in counties in other States,";

Page 2, line 16, strike "and/";

Page 3, strike lines 7–9, and insert in lieu thereof:

(2) deleting "$300,000,000" and "$25,000,000" in the proviso in paragraph (7) and inserting in lieu thereof "$600,000,000" and "$50,000,000", respectively.;

and

Page 2, insert after section 1 a new section 2 as follows:

"Sec. 2. This Act shall become effective October 1, 1980.".

Mr. JONES of Tennessee (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendments be considered as read, printed in the Record, and considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The CHAIRMAN. The question is on the committee amendments.

The committee amendments were agreed to.

The CHAIRMAN. Are there further amendments?

If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. Rostenkowski) having assumed the chair, Mr. Ambro, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3789) to amend section 16(b) of the Soil Conservation and Domestic Allotment Act, as amended, providing for a Great Plains conservation program, pursuant to House Resolution 579, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, H.R. 3789.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

CONFERENCE REPORT ON H.R. 5235, UNIFORMED SERVICES HEALTH PROFESSIONALS SPECIAL PAY ACT OF 1980

Mr. NICHOLS. Mr. Speaker, I call up the conference report on the bill (H.R.

5235) to amend chapter 5 of title 37, United States Code, to revise the special pay provisions for certain health professionals in the uniformed services.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the provisions of clause 2, rule XXVIII, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of February 13, 1980.)

The SPEAKER pro tempore. The gentleman from Alabama (Mr. Nichols) will be recognized for 30 minutes, and the gentleman from New York (Mr. Mitchell) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Alababma (Mr. Nichols).

Mr. NICHOLS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased today to bring back to the House the conference report on H.R. 5235—a bill to restructure the special pay for uniformed services health professionals.

The House bill and Senate amendment were identical in substance with respect to special pay for dental, optometry, veterinary, and podiatry officers. There were several differences, however, with regard to medical officers.

The House bill and Senate amendment adopted the same structural approach to revising the special pays for physicians. There were three common types of special pay proposed; the differences were in the amounts and conditions for payment. The three common types of special pay are: First, a payment while not in internship or residency training; second, a variable special pay; and third, a payment for board certification in a specialized branch of medicine. In addition, the Senate amendment contained a fourth type of special pay—incentive special pay—not contained in the House bill.

The principal difference between the House and Senate versions of the bill was in the special pay afforded obligated physicians.

The House bill provided the same payments to physicians with the same service and qualifications regardless of their obligated status. The Senate amendment provided lesser amounts to medical officers with service obligations arising from attendance at the Uniformed Services University of the Health Sciences or from participation in the health professions scholarship program (HPSP) or similar programs.

The conference report provides the same payments regardless of the physician's obligated status.

Mr. Speaker, earlier this year the Director of the Office of Management and Budget reported that he does not favor the conference report that we have before us today.

Mr. Speaker, I want to report to you and to the Members of this House that the gentleman from the Office of Management and Budget took time out from his busy schedule on January 30, 1980, to write to the chairmen of the Armed Services Committees of the House and the Senate to report that he does not favor H.R. 5235.

Mr. Speaker, H.R. 5235 was introduced in the House on September 14, 1979. The introduction of that bill culminated a series of extensive formal hearings extending over several months and an exhaustive review and analysis of the problems being experienced in the military health care delivery system. The Department of Defense on April 10, 1979, had submitted a bill that we considered in detail along with a number of other proposals.

From September 14, 1979, when the Subcommittee on Military Compensation reported H.R. 5235 until November 13, 1979, when H.R. 5235 was passed by the House by a vote of 377 to 10, we did not hear a word from the Office of Management and Budget. From November 13, 1979, until December 17, 1979, when H.R. 5235 was reported favorably with amendment by the Senate Armed Services Committee, neither the House nor the Senate received any word from the Office of Management and Budget. On December 20, 1979, the Senate passed H.R. 5235 with the amendments proposed by the Senate Armed Services Committee.

Finally, on January 30, 1980, the Director of the Office of Management and Budget got around to advising the chairmen of the Armed Services Committees of the House and of the Senate he does not favor H.R. 5235, but rather favors the proposal submitted to the Congress in April 1979.

Mr. Speaker, when the conferees met to consider the differences between the House bill and the Senate amendment, we were aware of the letter from the Office of Management and Budget but nonetheless agreed on the compromise before the House today.

With all due respect for the views of the Office of Management and Budget, I know that the bill before the House today will do much more to aid in attracting and retaining those health professionals critically needed to support our armed forces than the bill submitted by the administration to Congress last April.

The Surgeons General of the military departments and the Assistant Secretary of Defense for Health Affairs have all reported to me that they favor H.R. 5235. Similarly, during the course of our hearings and following formal action, we have heard from hundreds of military physicians who have expressed strong support for H.R. 5235 and equally strong opposition to the administration proposal. I do not claim this bill is the panacea for solving all the problems in the military health care delivery system. However, this bill directs the increased pay at those points in the military health professional's career when he is deciding to stay or leave. It provides added pay for those with highly specialized skills whose civilian income alternatives are the greatest.

In short, this bill is designed to aid in solving the problem of attracting and retaining adequate numbers of health professionals with the qualifications required by the Armed Forces now and in the future. This bill is a better bill than that submitted to the Congress last April by the administration.

Mr. Speaker, I strongly urge the Members to support this conference report.

Mr. MITCHELL of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly support the conference report on H.R. 5235. This restructuring of the special pays for uniformed services health professionals will improve the quality of care provided our military population—will result in increased readiness of our wartime medical support—and will help attract and retain health professionals.

In addition to the difference in the treatment of the obligated physicians, the House and Senate version differed on the amount of the payment to physicians when not engaged in internship or residency training.

The House bill provided a $10,000 annual payment to all physicians who are not in internship or initial residency training and who agree to remain on active duty for at least 1 year. The Senate version provided $9,000. We compromised.

The conference report provides the $9,000 payment to physicians with less than 10 years of creditable service and provides the $10,000 payment—the House position—to physicians with 10 or more years of creditable service.

Finally, the Senate version authorized a fourth new type of special pay—an incentive special pay—not provided for in the House version. This Senate provision would have provided up to $8,000 per year to physicians in critically short specialties but limited the total amount of funds that could be used to 10 percent of the total funds used for special pay. We compromised. The conference report provides for this additional incentive special pay but limits the total amount of funds to 6 percent of the total funds used for special pay. In addition, it was agreed that this type of special pay could be used to test the effectiveness of additional increments in addressing problems such as shortages by years of service; in geographic locations or in certain positions, such as chiefs of residency programs.

Mr. Speaker, I believe this is an excellent conference report—in large measure the House position prevailed—it is entirely consistent with the original House-passed bill, and I urge the Members to support this compromise.

GENERAL

The new special pay provisions would replace the current special pay system. None of the payments provided by the bill would be dependent on the obligated status of the health professional; there would be no expiration date for the authority for these payments; and the level of the payments would be specifically delineated in statute and not subject to administrative change.

PHYSICIANS

Four types of special pays are provided for physicians under the bill: A payment while not in internship or initial residency training; a variable special pay; a payment for board certification; and an incentive special pay.

PAYMENT WHILE NOT IN TRAINING

An annual payment of $9,000 per year would be provided to all physicians with less than 10 years of creditable service who are not engaged in internship or initial residency training; this payment would be increased to $10,000 per year for physicians with 10 or more years of creditable service who are not in internship or initial residency training. This payment would be offered as a lump sum at the beginning of a year for which a physician agrees to remain on active duty.

VARIABLE SPECIAL PAY

The second component, variable special pay, would be payable to all military physicians on active duty regardless of status and would range from $5,000 to $10,000 per year depending on years of creditable service—$1,200 per year would be payable when a physician is engaged in internship. Variable special pay was set to achieve the desired shape and level of total physician compensation. It would be paid on a monthly basis. The annual rates of variable special pay are shown below:

Years of creditable service:	*Annual variable special pay*
In internship	$1,200
Less than 6	5,000
6 to 8	10,000
8 to 10	9,500
10 to 12	9,000
12 to 14	8,000
14 to 18	7,000
18 to 22	6,000
Over 22	5,000

Flag officers would receive $1,000 as variable special pay regardless of years of service. They are also eligible for the other components of special pay if they meet the appropriate criteria.

PAYMENT FOR BOARD CERTIFICATION

The third component of special pay would be payable to physicians who have achieved board certification and would depend on years of creditable service. The amount would range from $2,000 to $5,000 per year and would be paid on a monthly basis. The annual rates are shown below:

Years of creditable service:	*Annual payment for board certification*
Less than 10	$2,000
10 to 12	2,500
12 to 14	3,000
14 to 18	4,000
Over 18	5,000

INCENTIVE SPECIAL PAY

The fourth component of special pay would be payable in an amount not to exceed $8,000 per year and is intended to be used to provide additional incentive to physicians in specialties in critical supply. In addition, this component could be used to test the effectiveness of similar forms of additional pay to address other shortages in the physician force. The total incentive special pay for all physicians would be limited to 6 percent of the amount of total special pay expended for physicians in a fiscal year.

CREDITABLE SERVICE

For the purpose of establishing the amount of special pay, creditable service for a military physician is computed by adding all periods spent in medical internship and residency status while not on active duty plus all periods of active service as a military physician.

DENTISTS

Three types of special pays are provided military dentists under the bill: A payment while not in internship or residency training; a variable special pay; and a payment for board qualification.

PAYMENT WHILE NOT IN TRAINING

The payment received while not in internship or residency training increases with years of creditable service and would be paid as a lump sum at the beginning of a year for which the dental officer agrees to remain on active duty. The annual rates are shown below:

Years of creditable service:	*Annual payment*
3 to 12	$6,000
12 to 18	8,000
Over 18	10,000

VARIABLE SPECIAL PAY

The second component, variable special pay, would depend on years of creditable service and would be paid on a monthly basis. The amounts of variable special pay were set to achieve the desired shape and level of total compensation for military dentists. This component of special pay would be paid to all military dentists. The annual rates of variable special pay are shown below:

Years of creditable service:	*Annual rate of variable special pay*
During internship	$1,200
Less than 6	2,000
6 to 8	5,000
8 to 10	7,000
10 to 12	9,000
12 to 14	8,000
14 to 18	7,000
Over 18	5,000

Flag officers would receive $1,000 as variable special pay regardless of years service. They are also eligible for the other components of special pay if they meet the appropriate criteria.

PAYMENT FOR BOARD QUALIFICATION

The third component of special pay for dental officers would be payable to dentists who had achieved board qualification and would depend on years of creditable service. The amount would range from $2,000 to $4,000 per year and would be paid on a monthly basis. The criterion for this payment would be board certification if that criterion were attainable in the private sector. The annual rates are shown below:

Years of creditable service:	*Annual payment for board qualification*
Less than 12	$2,000
12 to 14	3,000
Over 14	4,000

CREDITABLE SERVICE

For the purpose of establishing the amount of special pay, creditable service for military dentists is computed by adding all periods spent in dental internship and residency status while not on active duty plus all periods of active service as a military dentist.

OPTOMETRISTS

Two types of special pay are provided military optometrists under the bill: a payment while not in residency training and variable special pay.

PAYMENT WHILE NOT IN TRAINING

The military optometrist with over 3 years of creditable service would be eligible for an annual lump sum payment of $1,000 in exchange for an agreement to remain on active duty for an additional year. All optometric officers would be eligible for this payment as long as they are not undergoing residency training.

VARIABLE SPECIAL PAY

A variable special pay would be payable to all optometric officers depending on years of service. It would be paid on a monthly basis. The annual rates of variable special pay are shown below:

Years of creditable service:	*Annual rate of variable special pay*
Less than 6	$3,000
6 to 12	2,500
12 to 16	2,000
Over 16	1,000

CREDITABLE SERVICE

For the purpose of establishing the amount of special pay, creditable service for a military optometrist is computed by adding all periods spent in optometric residency training while not on active duty plus all periods of active service as a military optometrist.

PODIATRISTS

Military podiatrists with over 3 years of creditable service would be eligible for a payment of $100 per month. Creditable service would be computed by adding all periods spent in podiatric residency training while not on active duty plus all periods of active service as a military podiatrist.

VETERINARIANS

Although no change was made to the amount of special pay received by a military veterinarian—$100 per month—the expiration date of the authority for this pay was repealed, and the authority was made permanent.

□ 1310

Mr. Speaker, I have no further requests for time. I yield back the balance of my time.

Mr. NICHOLS. Mr. Speaker, I have no further requests for time. I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NICHOLS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. MYERS of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MYERS of Indiana. Mr. Speaker, I have asked for this 1 minute for the purpose of finding out what the program might be for the remainder of today and the rest of the week.

The SPEAKER pro tempore. The program for today, as the Chair recognizes, is concluded and on tomorrow the House will meet at 11 a.m. and will consider the bill, H.R. 6081, the Special Central American Assistance Act.

Mr. MYERS of Indiana. Well, Mr. Speaker, it is my understanding that we have been in session for the entire week collectively less than 8 hours. Does the Chair mean it is necessary to be in on Friday when we have spent less than 1 day in debate on this floor in full consideration of all legislation? What is the urgency of this bill?

The SPEAKER pro tempore. As the gentleman will recognize, this afternoon under previous discussion the motion to consider the rule for the bill H.R. 6081 was not agreed to. Since we were, therefore, unable to consider the rule, we had no opportunity to debate and consider that measure. Therefore, the measure was laid over until tomorrow.

Mr. MYERS of Indiana. This is not the first time a rule has failed. What is the urgency about having to come back tomorrow? Is it the intention of the leadership to finish the debate on that bill and vote on it tomorrow?

The SPEAKER pro tempore. As the Chair understands, it is the intention to consider that legislation tomorrow and hopefully dispose of it tomorrow.

Mr. MYERS of Indiana. Then I guess we can assume that the program as put out last week that we would rise by 3 o'clock on Friday, if there would be a session, will be ignored?

The SPEAKER pro tempore. Under the understanding that the Chair has, the leadership hopes to complete consideration of H.R. 6081 tomorrow.

Mr. MYERS of Indiana. Mr. Speaker, I think it is a shame to keep people on Friday when we have not really done any work yet this week.

TWO OUTSTANDING AMERICANS HONORED BY B'NAI ZION

(Mr. ADDABBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ADDABBO. Mr. Speaker, on February 17, 1980, B'nai Zion held its 72d Annual Award Dinner in which they honored two outstanding Americans, our colleague from the Senate, the Honorable HENRY M. JACKSON of Washington, and our former colleague, the Honorable Hugh Carey, Governor of the State of New York.

Governor Carey was the recipient of the 1980 B'nai Zion America-Israel Friendship Award, which was presented to him by B'nai Zion national vice president, the Honorable Herbert Tenzer, our former colleague who served in this body some years ago with distinction.

In honor of the award given him by this distinguished organization, Governor Carey provided a moving address which I believe will be of interest to all who are concerned with human rights. I believe the contents of this speech should be of interest to the Members of this House and I insert this matter into the RECORD.

REMARKS BY GOVERNOR HUGH L. CAREY

I am deeply honored by this award.

Throughout my public career I have had an enduring commitment to Israel.

But there are many such people in this country—indeed, in this room—who have a like commitment, and I am grateful to be chosen from that distinguished company for this award.

Since its foundation, I have considered Israel and its people as proof of the unquenchable desire of the human spirit for justice and freedom.

Tonight I am proud to be identified with that achievement, to be honored for whatever contribution I have been able to make to Israel's success.

For Israel's story is the story of free men and women everywhere.

Her struggle, their struggle.

Her borders, their borders.

Her peace and security, their concern and their obligation.

I do not mean to dilute the special Jewish character of Israel, nor its central position in Jewish history, nor the long and heroic loyalty of the Jewish people to the Covenant that first brought their nation into existence.

Israel is and must remain the Jewish homeland.

Countless generations suffered persecution and pogrom, bloodshed and exile, rather than abandon that ancient and sacred vision:

> If I forget you, O Jerusalem,
> May my right hand wither;
> May my tongue cleave to my palate
> If I remember you not;
> If I place not Jerusalem
> Before my joy.

I am, as I'm sure you already know, the descendant of another group of people noted for the stubborn love of their homeland and persistent dedication to their faith.

That has, I think, always reinforced my admiration for Israel.

In fact, over the years I had come to think that, perhaps, the similarities were more than coincidental.

Sure enough, it has recently been pointed out to me that an early medieval Irish text, "The Green Book of Irish Saints," explained the particular qualities of the Irish as the result of the settlement of the Lost Tribe of Israel in the County Galway.

I do not intend to question the learning of Irish monks.

I will leave it to the linguists to find Irish folk songs among the Dead Sea Scrolls and to the etymologists to trace how the name Cohen developed into Carey but, in the meantime, I take this opportunity to salute my first cousins, 3,500 removed.

Yet there are far stronger, more immediate ties between us than this.

All of us have come to realize the fragile nature of the Judaeo Christian heritage and the strength of the forces of fanaticism and despotism which threaten it.

The twin horrors of Nazism and Stalinism have shown us that whatever the first instance of attack, the aim of totalitarianism is the destruction of the moral and ethical values of Christianity and Judaism alike.

We are involved, then, in the future of Israel not only because its existence rights a grievous history wrong or its military prowess stands as a bulwark against aggression in the Mid-East—although these reasons are legitimate in themselves.

We are involved, finally, because whether we are Christians or Jews, we recognize Israel's existence as part of the same cloth in which our own existence is woven.

If that thread is unravelled or ripped out, then the very fabric of our civilization will be destroyed.

This organization, the American-Israel Friendship League, is founded on that premise. It has worked with great success to strengthen the cultural, educational and personal ties which bind our two countries together.

It recognizes that Israel, like America, represents a special moment in history where the concepts of human dignity and inalienable rights have been enshrined in practice as well as theory.

Unfortunately, this does not mean there is an easy course ahead of us.

We are faced again with the question Lincoln framed in the midst of our Civil War, "Whether this nation or any nation, so conceived and so dedicated, can long endure;" that is, whether democracy might lack the self-discipline and resolve necessary to meet the problems that would challenge it.

We know, of course, as he knew, that it can endure and it must endure.

In April of 1945, at Nordhausen in Germany, I saw the alternative spelled out in the mute and brutal monuments of watchtowers, barbed-wire, the broken bodies of both the dead and the survivors.

In a grim progression to the East, camp after camp bore the same monuments, the same evil paraphernalia of genocide, only to a greater degree.

There—as in that other hell, the Gulags of the Soviet Union—was spelled out a final warning to those who think human rights are a luxury rather than the basis of a civilized society, who doubt the necessity for resisting aggression.

These are lessons, however, which no other country in the world has learned better than Israel.

It has remained a functioning and flourishing democracy, while on four separate occasions, against overwhelming odds, dazzling the world with its military prowess and tenacity.

Yet when the moment for peace came, a moment which President Carter deserves much credit for, Israel was willing to take the risks necessary to bring it about.

That desire for peace, however, must not be seen as a sign of weakness or encouragement for the PLO.

Israel's existence can *never* be a bargaining point.

Its security is the *sine qua non* of peace in the Mid-East.

The growing Russian presence in the area, extending now from Afganistan to South Yemen and Ethiopia, only serves to underline this.

It would be suicidal for the West to allow a PLO autocracy, with its traditional ties to the Soviet bloc, to be pointed at the heart of Israel.

No one who has ever visited Israel, as I have, who has met its people, tasted their fierce dedication to their land and their freedom, can doubt their collective determination or the strength of their commitment to democracy.

America, of course, shares that commitment, recognizing—as it always must—that Israel is the cornerstone of our policies in the Mid-East.

Yet, in the last analysis, that shared commitment rests on more than economic advantage or military alliance or even a common heritage.

It rests on the sacrifice and suffering of those millions who underwent persecution and death to achieve freedom, who risked their lives, their wealth and their sacred honor that democracy might not perish from this earth.

If we should forget them, forget the tie of blood between Israel and America, then, indeed:

May our right hand wither.
Our tongue cleave to its palate.

THAT 1979 YEARBOOK OF AGRICULTURE

(Mrs. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SMITH of Nebraska. Mr. Speaker, the 1979 edition of the Yearbook of Agriculture has at last become available. We have waited months for it. After seeing the finished product, I am moved to wonder if it has been worth waiting for.

This year's book, "What's To Eat?" is a radical departure from a long line of practical and useful books covering crops, diseases, insects, animals, and resources. The 1979 volume is a book of cartoons, jokes, and games designed to teach 8- and 9-year-olds about food.

I do not quarrel with the book as a juvenile attraction. We spend billions of dollars each year to educate our children—including training about good food. My quarrel is with the change of direction at the Department of Agriculture moving it away from its prime responsibility and making it at the national level, a giant agency of consumer advocacy.

It is true the consumers outnumber the agricultural producers. They always will, but as fewer and fewer people on the farm and ranch are called upon to produce more and more, they will need all the help they can get in meeting rising production demands. They will not be helped by comic strips, joke compendiums, and game books. They cannot laugh and joke all the way to the south forty and get the job done.

As this job of food and fiber production becomes more complicated and subject to more forces beyond the producers' control, manuals and books dealing with subjects on the various aspects of the expanded production and conservation responsibility would be preferable.

How about a yearbook of agriculture on farm economics? Or on bookkeeping? Or farm finances and the cost of production? If food is going to be used as a weapon in the delicate game of international diplomacy, why not a yearbook of agriculture on this aspect of farming?

And if farmers' battles are going to be won or lost at 1600 Pennsylvania Avenue or on Capitol Hill, many of the farmers and ranchers would find a yearbook on political science, or lobbying, useful additions to their libraries.

We have been told that it is now necessary for three out of four families to have part-time or full-time jobs off the farm in order to keep up with inflation and still stay in business on the farm. Farming is a family job, both husband and wife are needed on the farm to do the job. I know—I am a farm wife. How about a yearbook of agriculture to show how to get away from this treadmill or make the dual role more successful?

I do not think we are quite ready for the first paperback-comic-strip-joke-and-game-oriented yearbook of agriculture. There are too many other serious areas that should be addressed first, such as putting food on American tables, and keeping from going broke.

WE ARE FALLING BEHIND

(Mr. DICKINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKINSON. Mr. Speaker, I would like to share with the Members of the House, and the members of the country, for that matter, a statement that I made yesterday in our Subcommittee on Research and Development of the Committee on Armed Services. When I was speaking to Dr. Pierre, who is the Assistant Secretary of the Army for Research, Development, and Acquisition, I said that it is the perception of our military power, not the fact, that is going to govern this country and this House when it comes to military procurement.

The administration has announced that we are going to have a 5-percent-plus real growth in our defense structure. Mr. Speaker, this is not the case as far as the tactical area is concerned. For instance, last year it was said that we would buy 106 A-10 aircraft in fiscal year 1981. In fact, we are buying 60 this year. Last year we said we would buy 60 F-15 aircraft. The fact is we are buying 30 this year. Last year we said we would procure 145 Blackhawk helicopters in fiscal year 1981. The actual number in this year's budget is 80.

As an indication of the cost increases associated with these procurement cutbacks and stretchouts, consider the following examples. The first column of figures is the number of aircraft—or missiles—the administration said it would request in fiscal year 1981 during our fiscal year 1980 hearings. The second column of figures is the actual number of aircraft—or missiles—requested in the fiscal year 1981 budget.

[Fiscal years; dollar amounts in millions/each]

System	1980 estimate	Actually requested in 1981
Army: UH-60 A (Blackhawk)	145@$2.4	80@$3.8
Navy:		
EA-6B	6@$28.5	3@$43.8
P-3C	12@$27.9	8@$29.0
EC-130Q	3@$25.6	1@$45.1
HARM missile	212@$0.4	80@$1.2
Air Force:		
A-10	106@$5.8	60@$8.2
F-15	60@$17.9	30@$24.5
E-3A (AWACS)	3@$100.3	2@$123.6
TR-1	8@$20.8	4@$26.0

The point is whether we are talking about tanks, planes, missiles—most everything with which a conventional war can be waged for a long time. We will generally be buying less this year than we predicted we would buy a year ago. This is contrary to what the administration would have us think when it advertises a 5-percent "real growth" in the defense budget. We are not keeping up with the Soviets; we are continuing to fall further and further behind.

ISRAELI SETTLEMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

● Mr. FINDLEY. Mr. Speaker, there is an active debate within Israel over Israeli policy of placing settlements in territories Israel occupied in the June 1967 war. The debate focuses, in good part, on the relation of the settlements to Israel's security. Aspects of this discussion involve the question of the ultimate disposition of the West Bank and Gaza, Palestinian self-determination, and Israel-Arab relations and the problems and prospects each poses for Israeli security.

The second major focus of the debate involves moral concerns. Can a democracy such as Israel continue to tolerate a situation where the rights of a large segment of the population are abridged and, yet, remain a democracy? This question becomes all the more compelling given the realization that in 20 years, with present population growth rates, there will be 4 million Israelis and 4.5 million Palestinians living within Israel and the occupied territories.

Until recently, Americans have shied away from engaging in a serious debate about the wisdom of the Israeli settlement policy and the implications of the settlements for Israeli security and prosperity and for peace in the Middle East. However, the United States is involved in the concern over settlements by virtue of the fact that it has assumed a major responsibility for promoting a peace settlement in the Middle East including an autonomy agreement on the West Bank and Gaza and also because it directs enormous political, diplomatic, military, and economic resources to helping assure the well-being and security of Israel.

In addition, the United States thought it had Israel's commitment in the Camp David agreement to suspend settlement activity in the West Bank and Gaza during the autonomy negotiations. Tragically, Israel has not kept this commitment, creating doubt about not only Israeli but also American intentions to continue peace efforts and reduce tensions in the Middle East. Today, much more so than a year ago, the West Bank is a volatile place with a young and restive population.

Moreover, the United States is providing Israel with $785 million in economic foreign aid annually—in the form of a check—while Israel is putting a considerable level of funding into building new settlements in the occupied territories. In January, Prime Minister Begin allocated another $35 million for creating three new settlements in the West Bank. The United States is, thus, indirectly subsidizing Israel's settlements which go against the grain of U.S. policy and the interests of peace.

I believe that discussion of the settlements policy within both Israel and the United States is needed. Therefore, the following two editorials are important and worthy of the attention of my colleagues in Congress:

[From the Washington Post, Feb. 12, 1980]

THE PRICE OF WEST BANK SETTLEMENTS

The Israelis seem poised on the brink of a new stage in their policy of settling Jews in the occupied West Bank. From planting settlements mostly in open rural land where few or no Arabs need he displaced, the cabinet is moving toward authorizing colonies in built-up areas where many Arabs live. The cabinet move was taken in the atmosphere of high emotion generated by the murder of a Jewish student in the Arab West Bank city of Hebron. Some 3,000 Jews now live in a Hebron suburb, Kiryat Arba, where a handful of families moved without authorization in 1968; not long ago a handful of families, with Israeli army support, moved in the same manner into central Hebron. The movement of Jews into the West Bank, especially into peopled areas, is the patented formula for further trouble.

Some Israelis still try to treat Jewish settlement in the West Bank as an issue with two sides: so let's argue it out, but meanwhile let's not allow it to get in the way of more important questions. But you have to be pretty stupid to swallow that line. There is no more important question. Jewish settlements are regarded everywhere—and most of all by the settlers themselves—as Israel's way to establish its permanent control, leading eventually to outright annexation. The settlements undercut Israel's pledge to leave open to a negotiation, one: in which the Palestinians who live there would take part, the "final status" of the West Bank. Moves like Sunday's cabinet decision provide further proof, to those who require it, that the government puts domestic imperatives ahead of its international obligations.

True, this is not exactly a "first." Though the Labor government had second thoughts, it began the settlements; the Begin government added its own religious twist. The real question is what the United States proposes to do about it. For it is the United States, so often accused (by Israelis as well as others) of weakness and vacillation in its foreign policy, that is held accountable by most of the world for the march of Israeli settlements—and fairly so. And it is the United States that pays a large part of the price, not simply in its immense aid to Israel but in the diplomatic costs incurred in its dealings with other nations.

Further criticism of Israel on this issue is pointless. So is wrist-slapping. More direct tactics are called for. Why not put a measurable value on the settlements and let Israel decide whether it wants to forfeit that much from its American aid. This approach would precipitate a mighty confrontation between the United States and Israel. The issue is worth it. Time spent sorting out the settlements question would be time well spent. A president seeking to assert the American interest in foreign policy, and to show his own leadership, could do a lot worse.

[From the Washington Star, Feb. 19, 1980]

MR. BEGIN'S "GOOD FAITH"

The Israeli government's recent declaration that there is in principle "no impediment" to Jewish resettlement in Arab Hebron in the West Bank further signals the disturbing ambiguity of Israel's policy in what Mr. Begin sometimes calls "western Eretz Israel."

In Hebron, as elsewhere, the militants of Gush Emunim aspire to colonize Arab lands and cities in a manner calculated to handicap or even halt the "autonomy" negotiations called for by Part II of the Camp David accords and now in progress. By giving sanction to these untimely and possibly illegal aspirations, Mr. Begin and his shaky government raise questions of their good faith. And they set the priorities of domestic politics above Israel's clear interest in a stable negotiated peace.

We are aware that the final disposition of the occupied West Bank raises security problems for Israel which cannot be neglected. It is also far from clear that any part of the West Bank should be forever closed to Jewish residents who wish to live there legally. Indeed the mayor of Hebron, Mr. Fahd Kawasma, does not exclude the right of settlement ultimately and absolutely, although he thinks there should be a reciprocal reopening of Haifa, Lod and Ramla to Arab settlement.

But first things must be dealt with first. The settlement policy pursued by Israel in the sparsely settled West Bank areas, and now theoretically extended to Hebron, does not constructively address the ultimate question of Jewish right to live as citizens in the area. They are instead provocative assertions of rule by force, since they require the continuing protection of Israel's armies and police. On that basis they are not acceptable to President Sadat, or to the United States, or to the Jordanians, or still less to any Palestinian "moderate" whose assent can alone produce a lasting agreement on the West Bank's future.

"If the definition of Palestinian moderation is to be acquiescence in permanent Israeli control of the West Bank and Gaza," writes Mark Heller of Boston University in an extensive discussion of the autonomy question in a recent issue of Foreign Policy, "then there are no moderates anywhere in the Arab world—inside or outside the territories, inside or outside the PLO." On that issue, he writes, President Sadat and King Hussein are as "radical" as Yasir Arafat.

Indeed, the settlements policy, especially as now amended, visibly impedes the "autonomy" discussions by undercutting its basic premise—which is that it must ultimately attract the consent and participation of the West Bank Arabs.

It is the recognition of this plain fact—and Israel's progressive toughening and whittling down of the Camp David autonomy formula—that casts serious doubts today on the good faith of Mr. Begin's government. The autonomy plan itself, initially envisioning "self-rule" by a Palestinian council without territorial sovereignty, and administrative control without legislative power and under the continuing oversight of the Israeli Army, is not the most generous of prospects. When these constricted terms are further clouded by aggressive settlement under military protection, the outlook for their implementation is further undercut.

Thus as the May "target date" for agreement on the autonomy plan approaches, it is time for Mr. Begin and his government to demonstrate that they are bargaining in good faith and not covertly pursuing a policy of what The New York Times calls "creeping annexation."

A revocation of the theoretical license to intrude a few fanatics into Hebron in defiance of the sensibilities of its Arab population—indeed, a halt to all settlement everywhere in the disputed territories—would go far to show that it is genuine self-rule, not annexation, and that Mr. Begin has in mind. Mr. Begin, in Israel's own best interest, should stop settlement now.●

BLACK HISTORY MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. STEWART) is recognized for 15 minutes.

● Mr. STEWART. Mr. Speaker, today I am introducing a resolution to designate the month of February as "Black History Month."

Over the years the contributions and rich heritage of black people have been excluded from American history books. Black people have sufferd through the degradation of slavery and other forms of racial and social strife. However, through it all black people have been able to make valuable contributions to the American way of life. Though many contributions of black people proved to be useful to the American way of life, their contributions were all but ignored by the larger society.

I am sure many of you have heard of the contributions of Grandville T. Woods, Elijah McCoy, Lewis Latimer, W. W. Brown, W. Q. Atwood, Warren Coleman, Daniel Hale Williams, Judson Lyons, and Richard Wright. Or have you? I am sure that you did not read about any of the aforementioned persons in an American history textbook if you have knowledge of them.

Each year the President issues an Executive order to designate February as "Black History Month." My resolution would establish February as "Black History Month."

We must not continue to permit the history and heritage of black people to be ignored. It is essential that the future generations of our Nation's youth be aware of their heritage. If we educate our Nation's youth, black and white, about the heritage of our whole society we may be able to eliminate racial tensions that have existed in the past. I want to see our Nation's youth grow and form the society that we dream of in America. I want our youth, at the same time, to be aware of and respect their different heritages.

This is the same resolution that my predecessor from the First Congressional District of Illinois, the late Ralph H. Metcalfe, Sr., introduced during the 95th Congress. His contributions to society are now part of our Nation's rich heritage.

I urge my colleagues to support my resolution to create a permanent observance for the history of black Americans.●

ESTONIAN INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, 62 years ago on February 24, 1918, the people of Estonia established an independent nation of their own, free of the domination imposed on them for centuries by the Russians. Today, I am privileged to commemorate the 62d anniversary of Estonian Independence Day and to focus attention on the heroism and courage of the Estonian people who continue to struggle, to pray, and to work for the day when Estonia can once again enjoy liberty.

The Estonian American National Council has issued a statement concerning human and national rights in Russian-occupied Estonia, and that statement follows:

STATEMENT BY ESTONIAN AMERICAN NATIONAL COUNCIL

Recently 40 years elapsed from the signing of the notorious Stalin-Hitler pact of August 23rd, 1939, which offered to Nazi-Germany a welcome pretense for starting World War II. In secret protocols of the same pact Hitler agreed to consider parts of Eastern Europe, including the three Baltic Nations—Estonia, Latvia and Lithuania—as belonging to Soviet Russia's so-called "sphere of influence."

Consequently, Stalin received a free hand to forcibly annex these three independent nations, which remain illegally occupied by the USSR to this very day.

Soon after the conclusion of the said pact, Estonia signed, on September 28th, 1939, under military threat and without the possibility of any help from abroad, a Pact of Mutual Assistance with the Soviet Union.

Although this pact was forced upon the Estonian Government, the latter tried painstakingly to fulfill its treaty obligations. The then Estonian foreign minister Professor Ants Piip, in a private letter to one of the Estonian envoys, emphasized that at least two major things were achieved: war was avoided, and the Peace Treaty with Soviet Russia remained in force. He considered the Peace Treaty as the most important international act of Estonia, which legally guaranteed Estonia's position among other independent states.

February 2nd, 1980, marks the 60th anniversary of this Peace Treaty, which was concluded by Estonia after a victorious War of Independence. This war was started by Russian invasion of Estonian territory at the end of the year 1918.

In the above mentioned Peace Treaty Soviet Russia explicitly renounced voluntarily and forever all rights of sovereignty over the Estonian people and territory, and recognized the independence of Estonia.

Estonia had proclaimed itself an independent republic on February 24th, 1918. The decision was based on President Woodrow Wilson's declaration about all peoples' right to self-determination. Even Soviet Russia under its ruler Lenin had claimed to adhere to this principle.

The Allied Powers of World War I were at first somewhat hesitant about recognizing the newly emerged independent country. Their positive reaction was mainly achieved thanks to the fierce and successful fighting of the Estonian Army in the War of Independence. In May 1919, for instance, the Baltic Commission of the Peace Conference in Paris admitted unanimously that "the Estonians had done miracles."

During a period of twenty years of independence the Estonian people demonstrated successfully what a small nation is able to achieve in all fields of life when it enjoys peace and freedom.

In 1940 this came to an abrupt end by the devious acts of a big totalitarian neighbor—Communist Russia. Since then the Estonian people have suffered extremely heavy human and material losses. This situation still persists. Estonia is economically exploited by the governing Moscow regime. Those who dare make any requests for freedom and justice, relying on the stipulations of the Helsinki Final Act, are either confined to mental hospitals or sentenced to prison terms. Needless to say that such sentences are made in conformity with the ill-famed mock trials of the Stalin era.

Nevertheless, again and again bold freedom fighters make their voices heard, one of the last evidences being an appeal on the 40th anniversary of the Stalin-Hitler pact and addressed to the Secretary General of the United Nations. This appeal was signed by 45 representatives of the three Baltic Nations. Unfortunately, such urgent appeals from the countries which once were members of the League of Nations seem to fall on deaf ears.

At the same time the United Nations has opened its doors to a great number of states which rightly have been liberated from the yoke of colonialism. Such colonialism, however, still prevails in vast regions of Eastern Europe, where over one hundred million people are subjugated to an intentional process of Russianization.

One of the more imminent concerns of the Estonian people is the fact that the Yachting Regatta of the Olympic Games of 1980 is to take place in Tallinn, the capital of Soviet-occupied Estonia.

As a free nation, the Estonians would have been delighted to welcome the world's yachtsmen to their country. Now they are looking at this event with mixed feelings. They anxiously expect that the outside world would refrain from any acts which would damage the justified claims for freedom of the Estonian people or the international status of the Republic of Estonia.

The United States has never recognized the forcible annexation of Estonia, Latvia and Lithuania by the Soviet Union, which fact is of great moral support to the people of these nations.

The 62nd anniversary of the proclamation of the independence of the Republic of Estonia is approaching and Estonians over the whole world are commemorating their national holiday on February 24th. They confirm at such occasions their determination to fight for the restoration of the independence of their native Estonia. At the same time they hope that world public opinion will support them in this struggle for freedom and justice.

Mr. Speaker, the determination on the part of the Estonian people has never wavered to resist the Russian colonization of their country, and the savage suppression of their language, their customs, their national traditions, and their religion. A news clipping on this subject from the January 16, 1980, edition of the Christian Science Monitor follows as well as a copy of House Concurrent Resolution 200, which passed the House on November 13, a bill I cosponsored expressing the sense of the Congress with respect to the Baltic States and with respect to Soviet claims of citizenship over certain U.S. citizens:

SOVIETS TRYING TO SQUELCH NATIONALISM IN ESTONIA

(By David K. Willis)

Moscow.—Three new examples of minority restiveness in the Soviet Union have come to light—this time in the Baltic republic of Estonia.

It has just been learned that several hundred Estonians, many of them high school students, staged a rare public demonstration in the university city of Tartu on Christmas Eve. They lit candles, sang Estonian patriotic songs, and called for independence.

A leading Estonian activist, Mart Niklus, says he was fired from his teaching job and now is applying to emigrate to Sweden.

Estonian scientist Jurii Kukk says he has resigned from the Communist Party after being a member for 12 years. He also has been fired from Tartu State University and is thinking of emigrating.

All three examples follow the signing of a "Baltic charter" last August. It called for Baltic independence and public disclosure of reportedly secret clauses in the Soviet-German pact of 1939.

Of 45 signatures, four were Estonian. Sources say all four, including Mr. Niklus, now are being harassed by the authorities.

They include Erik Udam (fired from his engineering job), Enn Tarto (fired from a heating plant), and Endel Ratas (threatened with sacking from his post as an auto mechanic).

The nationalist demonstration followed a Lutheran Christmas Eve service at St. Peter's Church in Tartu, a city of 90,000 people (one in four of them students) about a hundred miles from the capital of Tallinn. Estonia's population today is about 1.5 million.

Sources say at least 400 people from the congregation gathered in the church cemetary to pay homage at the monument of Julius Kuperjanov, an Estonian hero killed in 1919 in the fight for independence against the Russians. That independence lasted until the Russians moved in again in 1940 after the Molotov-Ribbentrop pact of 1939.

Homage is paid every Christmas Eve, usually by only a handful of people. Sources say the latest demonstration was due to word of the "Baltic charter" broadcast of Western shortwave stations, including the Voice of America.

The crowd, watched by a roughly equal number of bystanders, lit candles and placed them on the monument.

In a 10-minute speech a young man called for Estonian independence.

After shouting nationalist slogans, about 40 high school students walked to the Tartu town square, some 1½ miles away. Other students shouted greetings down at them from the windows of hostels en route.

Police did not appear until the students reached the town hall square, and one demonstrator stood on the edge of a fountain to make another brief speech. A busload of police turned up, and four or five students were detained. They were released several hours later. Sources say they know of no arrests.

"Many of the boys found they didn't know the words to our patriotic songs," said one source later. "They made a resolution to learn them by Feb. 24, which is the day we celebrate the independence we won in 1919."

A smaller crowd gathered the same night in the grounds of another church. Some gathered on the grounds on New Year's Eve but sang no songs and shouted no slogans.

Meanwhile, Mr. Niklus says he was fired from the Tartu foreign languages evening school on Nov. 13, 1979. He had worked there 12 years, teaching English, French and German. He said his troubles began when he signed the "Baltic declaration" Aug. 23.

His classes were reduced to the minimum. He offered to teach students for no payment and was dismissed for "systematic violation of work discipline."

He appealed to the Tartu city court for reinstatement. The ruling went against him Nov. 30. He appealed to the Estonian Supreme Court—which on Dec. 28 ordered the lower court to hold another hearing.

He now says he wants to emigrate to Sweden. "I don't want to leave," he said in an interview, "but it's either emigration or another term in prison."

H. CON. RES. 200

Concurrent resolution expressing the sense of the Congress with respect to the Baltic States and with respect to Soviet claims of citizenship over certain United States citizens

Whereas the United States since its inception has been committed to the principle of self-determination; and

Whereas the United States as a member of the United Nations has pledged to uphold the provisions of the United Nations Charter and to take joint and separate action to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion; and

Whereas the United Nations and the United States delegation to the United Nations have consistently upheld the right of self-determination of people of those countries in Asia and Africa that are, or have been, under foreign political rule; and

Whereas the United States, as a signatory to the Final Act of the Conference on Security and Cooperation in Europe, endorsed Principle VIII concerning equal rights and self-determination of peoples; and

Whereas in 1940 the Soviet Union unilaterally and forcibly annexed the Baltic States (Lithuania, Latvia, and Estonia), which were sovereign members of the League of Nations; and

Whereas in 1954 the House of Representatives Select Committee to Investigate Communist Aggression concluded that the Baltic States "were forcibly occupied and illegally annexed by the Union of Soviet Socialist Republics" and that "the continued military and political occupations of Lithuania, Latvia, and Estonia by the Union of Soviet Socialist Republics is a cause of the dangerous world tensions which now beset mankind and therefore constitute a serious threat to the peace"; and

Whereas the desire of the citizens of the Baltic States for national independence remains strong despite efforts by the Soviet Union to destroy the Baltic peoples as distinct cultural, geographical, ethnic, and political entities through dispersions and deportations to Siberia, replacing them with ethnic Russians; and

Whereas the United States has consistently refused to recognize the unlawful Soviet occupation of the Baltic States, and continues to maintain diplomatic relations with representatives of the independent Republics of Lithuania, Latvia, and Estonia; and

Whereas in past years this policy has received strong support in the Congress; and

Whereas, in addition, the United States since its inception has been committed to the protection of its citizens, whether naturalized or native born; and

Whereas the Soviet Union recently promulgated a law designating as a Soviet citizen any person who was born in the Soviet Union, was naturalized as a Soviet citizen, or is the child of parents who were Soviet citizens living in a foreign state irrespective of whether the child was born on Soviet territory; and

Whereas this law which went into effect on July 1, 1979, states that a person who is a Soviet citizen is not recognized as having the citizenship of a foreign state, and thus specifically does not recognize United States citizenship in such cases; and

Whereas this law applies to millions of Americans, including those who, under United States law, are native-born citizens of the United States; and

Whereas this Soviet law intimidates many United States citizens who might otherwise travel to the Soviet Union or come under Soviet authority or control: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That (a) it is the sense of the Congress that the President, in order to assure true and genuine peace in the Baltic region and in Europe in general, should instruct the United States delegation to the 1980 Madrid meeting of the Conference on Security and Cooperation in Europe to seek full implementation of Principle VIII of the Helsinki Final Act concerning equal rights and self-determination of peoples, so that the right of self-determination may be restored to the peoples of the Baltic States through free elections conducted under the auspices of the United Nations following the withdrawal of all Soviet military forces and political, administrative, and police personnel from the Baltic States.

(b) It is further the sense of the Congress that, until the Baltic States become independent, the President should, through such channels as the International Communication Agency and other information agencies of the United States Government, do his utmost to bring the matter of the Baltic States to the attention of all nations by means of special radio programs and publications.

(c) It is further the sense of the Congress that the President should use his good offices to make every effort to gain the support and cooperation of other nations for the realization of the independence of the Baltic States.

SEC. 2. (a) The Congress views with deep concern the action on the part of the Soviet Union making citizenship claims on millions of Americans who were born in the United States or duly naturalized.

(b) It is the sense of the Congress that the President should warn the Soviet Union against taking any action under this new Soviet citizenship law which would be detrimental to the interests of the United States and its individual citizens, and that the Secretary of State should inform United States citizens planning to visit the Soviet Union of the implications of this law.

Since 1917, when the Communists seized power in Russia, they have worked unceasingly to expand Russia's colonial empire, and even worse than the czars, they kill, torture, or imprison all those, Russian and non-Russian alike, who believe in the value and strength of religion. In 1940, Estonia was one of the victims of these brazen attempts to impose the Russian language and Russian Government on non-Russian peoples, just as in 1980 Afghanistan has become the most recent victim in the Communist program of mass murder and slavery of subject peoples. I am honored to join with Americans of Estonian descent in my own 11th District, which I am honored to represent, in the city of Chicago, and all over this country as they share with Estonians everywhere the prayers, the hopes and the determination that the Estonian people will have a free nation once again, and that the American people will remain alert to the ferocious nature of the Communist tyrant.●

CONGRATULATIONS TO 172D TACTICAL AIRLIFT GROUP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 5 minutes.

● Mr. MONTGOMERY. Mr. Speaker, I am proud to rise today to commend the outstanding accomplishments of the 172d Tactical Airlift Group of the Mississippi Air National Guard. Today marks the completion of 100,000 accident-free flying hours for this unit. This significant accomplishment represents over 23 years of safe flying.

Under the Military Airlift Command, only 17 Regular Air Force units and one Reserve unit have reached this level of accomplishment. The 172d stationed at Thompson Field in Jackson, Miss., is the first Air National Guard unit flying transport aircraft to record this event.

Mr. Speaker, to the unit commander, Col. John Little, and to the 800 men and women of the 172d Tactical Airlift Group, I offer my congratulations for this significant achievement and commend these National Guard personnel for their contributions to our national security.●

THE 62D ANNIVERSARY OF LITHUANIAN INDEPENDENCE DAY

(Mr. PRICE asked and was given permission to extend his remarks at this point in the RECORD.)

● Mr. PRICE. Mr. Speaker, I would like to advise my colleagues that Saturday, February 16, marked the 62d anniversary of Lithuanian Independence Day.

Since the 13th century, Lithuania has kept its identity as a sovereign state, despite brutal attempts by many nations to incorporate this freedom-loving people into the boundaries of other countries. Lithuanians, whether living in their homeland or in other nations where they were displaced, have kept alive their memory of freedom and a culture which aided in the advancement of the Western world as we know it.

Sixty-two years is a long time, a lifetime, and many people wonder why Lithuania still proudly fights its battle to regain its freedom. But we who live in this free country should not question this feeling; rather, we should be the first to recognize it and nurture it. Freedom is not stamped out in a lifetime and nations do not die because their leaders are driven out and another government is put in its stead. A nation lives as long as its people live and dream and hope for a better time for future generations. This is the hope of Lithuania.

In the past few weeks we have watched as a similar scenario unfolds in Eastern Europe. We do not know the outcome of this battle and yet I am sure my colleagues join me in hoping that the right will triumph here as it will eventually in Lithuania. Our prayers are with these freedom-loving peoples, and we pledge our continued assistance to them.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. Gudger (at the request of Mr. Wright), for today, on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Hollenbeck) to revise and extend their remarks and include extraneous material:)

Mr. Findley, for 5 minutes, today.

(The following Members (at the request of Mr. Hance) to revise and extend their remarks and include extraneous material:)

Mr. Stewart, for 15 minutes, today.
Mr. Gonzalez, for 15 minutes, today.
Mr. Annunzio, for 5 minutes, today.
Mr. Dingell, for 5 minutes, today.
Mr. Ottinger, for 5 minutes, today.
Mr. Montgomery, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Hollenbeck) and to include extraneous matter:)

Mr. Wydler.
Mr. Lent in two instances.
Mr. Hollenbeck.
Mr. Devine.
Mr. Kemp in three instances.
Mr. Lagomarsino in two instances.
Mr. Rhodes.
Mr. Derwinski.
Mr. Green.
Mr. Ashbrook.
Mr. Rudd.
Mr. Coughlin.

(The following Members (at the request of Mr. Hance) and to include extraneous matter:)

Mr. Jacobs.
Mr. Mattox in two instances.
Mr. Wolff.
Mr. Mazzoli.
Mr. Walgren.
Mr. Edgar in two instances.
Mr. Stokes.
Mr. Donnelly.
Mr. Fary.
Mr. Mathis.
Mr. Bonker.
Mr. Drinan.

SENATE BILL AND JOINT RESOLUTION REFERRED

A bill and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2222. An act to extend the time for commencing actions on behalf of an Indian tribe, band, or group, or on behalf of an individual Indian whose land is held in trust or restricted status; to the Committee on the Judiciary; and

S.J. Res. 127. Joint resolution to authorize and request the President to proclaim June 27, 1980, as "Helen Keller Day"; to the Committee on Post Office and Civil Service.

ADJOURNMENT

Mr. HANCE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Friday, February 22, 1980, at 11 a.m.)

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3533. A letter from the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics), transmitting a report on Selected Reserve recruiting and retention incentives as of December 31, 1979, pursuant to 10 U.S.C. 2134 and section 308b and 308c of title 37, U.S. Code; to the Committee on Armed Services.

3534. A letter from the General Counsel, Department of Energy, transmitting a draft of proposed legislation to authorize appropriations for the Department of Energy for national security programs for fiscal year 1981 and fiscal year 1982, and for other purposes; to the Committee on Armed Services.

3535. A letter from the Director, Council on Wage and Price Stability, Executive Office of the President, transmitting a draft of proposed legislation to increase the authorization for the Council on Wage and Price Stability, to extend the duration of such Council, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

3536. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on political contributions made by Ambassador-designate Rozanne L. Ridgway, and by members of her family, pursuant to section 6 of Public Law 93–126; to the Committee on Foreign Affairs.

3537. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on political contributions made by Ambassador-designate Marvin Weissman, and by members of his family, pursuant to section 6 of Public Law 93–126; to the Committee on Foreign Affairs.

3538. A letter from the Chairman, Advisory Council on Historic Preservation, transmitting the Council's annual report for fiscal year 1979, pursuant to section 202(b) of Public Law 89–665; to the Committee on Interior and Insular Affairs.

3539. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to improve the fairness and equity of the protection provided to railroad employees under title V of the Regional Rail Reorganization Act of 1973 (45 U.S.C. § 701 et seq.); to the Committee on Interstate and Foreign Commerce.

3540. A letter from the Director, National Science Foundation, transmitting the statistical portion of the report on Federal support to universities, colleges, and selected nonprofit institutions during fiscal year 1977, pursuant to section 3(a)(7) of the National Science Foundation Act of 1950, as amended 82 Stat. 360); to the Committee on Science and Technology.

3541. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend title II of the Social Security Act, and related provisions of that act and the Internal Revenue Code of 1954, to improve the program of old-age, survivors, and disability insurance; to the Committee on Ways and Means.

3542. A letter from the Chairman of the Board of Governors, Federal Reserve System, transmitting the Board's monetary policy report, pursuant to section 2A of the Federal Reserve Act, as amended (92 Stat. 1897); jointly, to the Committee on Banking, Finance and Urban Affairs, and Education and Labor.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOLLING: Committee on Rules. House Resolution 581. Providing for the consideration of the bill (H.R. 6081) to amend the Foreign Assistance Act of 1961 to authorize assistance in support of peaceful and democratic processes of development in Central America (Rept. No. 96–779). Referred to the House Calendar.

Mr. WHITTEN: Committee on Appropriations. H.R. 1262. To amend title 5, United States Code, to provide that civilian air traffic controllers of the Department of Defense shall be treated the same as air traffic controllers of the Department of Transportation for purposes of retirement, and for other purposes without amendment (adverse Rept. No. 96–726, Part II). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHITTEN: Committee on Appropriations. Report on allocation of budget totals based on the seccond concurrent resolution on the budget for fiscal year 1980 (Rept. No. 96–780). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DONNELLY:

H.R. 6563. A bill to amend the Internal Revenue Code of 1954 to provide that the $2,000 credit for the purchase of a new principal residence will not be recaptured where the taxpayer replaces it with another principal residence; to the Committee on Ways and Means.

By Mr. HOLLENBECK:

H.R. 6564. A bill to amend title 38, United States Code, to restore the exemption of persons over the age of 72 from the requirement that income and resource reports be filed with the Administrator of Veterans' Affairs in determining eligibility for pension under such title; to the Committee on Veterans' Affairs.

By Mr. KILDEE:

H.R. 6565. A bill to amend title IX of the Elementary and Secondary Education Act by adding a new part F relating to alternative educational systems; to the Committee on Education and Labor.

By Mr. MAGUIRE:

H.R. 6566. A bill to amend title XIX of the Social Security Act to provide for minimum reimbursement levels for physicians' services under the medicaid program; to the Committee on Interstate and Foreign Commerce.

By Mr. MATHIS:

H.R. 6567. A bill to amend the Atomic Energy Act of 1954, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 6568. A bill to provide that registrants under the Military Selective Service Act shall be automatically registered to vote in their local jurisdictions; jointly to the Committees on Armed Services and House Administration.

By Mr. PRICE (for himself and Mr. Bob Wilson) (by request):

H.R. 6569. A bill to amend the Military Selective Service Act to allow the registration of both men and women; to the Committee on Armed Services.

By Mr. WYDLER:

H.R. 6570. A bill to provide Federal assistance, through research and development and otherwise (including the use of Federal grounds by States on a transitional basis), for the development by the States of grounds for the burial of low-level radioactive wastes; jointly, to the Committee on Interior and Insular Affairs, Interstate and Foreign Commerce, and Science and Technology.

By Mr. MATHIS:

H.J. Res. 499. Joint resolution to authorize the Vietnam Veterans Memorial Fund, Inc., to erect a memorial; to the Committee on House Administration.

By Mr. STEWART:

H.J. Res. 500. Joint resolution to designate February 1981 as "Black History Month"; to the Committee on Post Office and Civil Service.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1297: Mr. Porter.

H.R. 3612: Mr. Green.

H.R. 4019: Mr. Ritter.

H.R. 4832: Mr. Mineta.

H.R. 6012: Mrs. Bouquard, Mr. Hubbard, Mrs. Byron, Mr. Tauke, Mr. Brinkley, Mr. Mica, Ms. Oakar, Mr. Zeferetti, Mr. Gingrich, Mr. Matsui, Mr. Dixon, Mr. Devine, Mr. Conyers, Mr. O'Brien, Mr. Guyer, Mr. Myers of Pennsylvania, Mr. Florio, Mr. Dingell, Mr. Addabbo, Mr. Corrada, Mr. Carter, Mr. Beard of Tennessee, Mr. Porter, Mr. Gaydos, Mr. Williams of Montana, Mr. Derrick, Mr. Mitchell of Maryland, Mr. Gore, Mr. Coelho, Mr. Applegate, Mr. Howard, Mr. Charles Wilson of Texas, Mr. Marks, Mr. Stokes, Mr. Russo, Mr. Clinger, Mr. Biaggi, Mr. Brown of Ohio, Mr. Stenholm, Mr. Johnson of California, Mr. Ratchford, and Mr. Richmond.

H.R. 6083: Mr. Fazio and Mr. Russo.

H.R. 6238: Mr. Sebelius, Mr. Stangeland, Mr. Hansen, Mr. Guyer, Mr. Abdnor, Mr. Pashayan, Mr. Lee, Mr. English, Mr. Kogovsek, and Mr. Evans of Georgia.

H.R. 6338: Mr. Barnes, Mrs. Byron, Mr. Dougherty, Mr. Downey, Mr. Erdahl, Mr. Fish, Mr. Kostmayer, Mr. Markey, Mr. Miller of California, Mr. Porter, Mr. Skelton, Mr. Synar, Mr. Wirth, and Mr. Wolpe.

H.J. Res. 414: Mr. Abdnor, Mr. Akaka, Mr. Ambro, Mr. Andrews of North Carolina, Mr. Applegate, Mr. Archer, Mr. Beard of Rhode Island, Mr. Biaggi, Mr. Bingham, Mr. Boner of Tennessee, Mrs. Bouquard, Mr. Brinkley, Mr. Brodhead, Mr. Burgener, Mr. Phillip Burton, Mrs. Byron, Mr. Cavanaugh, Mrs. Chisholm, Mr. Clay, Mr. Clinger, Mr. Coleman, Mrs. Collins of Illinois, Mr. Corman, Mr. Corrada, Mr. Philip M. Crane, Mr. Dannemeyer, Mr. Davis of Michigan, Mr. de la Garza, Mr. Dellums, Mr. Diggs, Mr. Dodd, Mr. Drinan, Mr. Duncan of Oregon, Mr. Duncan of Tennessee, Mr. Edgar, Mr. Evans of Georgia, Mr. Evans of Delaware, Mr. Fary, Mrs. Fenwick, Mr. Fish, Mr. Fisher, Mr. Fountain, Mr. Frenzel, Mr. Gephardt, Mr. Ginn, Mr. Grassley, Mr. Hanley, Mr. Harris, Mr. Harsha, Mr. Hawkins, Mr. Hefner, Mr. Holland, Ms. Holtzman, Mr. Hutto, Mr. Ireland, Mr. Jenrette, Mr. Johnson of California, Mr. Kelly, Mr. Kildee, Mr. Leland, Mr. Luken, Mr. McHugh, Mr. Madigan, Mr. Marriott, Mr. Mazzoli, Mr. Mitchell of New York, Mr. Moakley, Mr. Moffett, Mr. Moorhead of California, Mr. Mottl, Mr. Murphy of Illinois, Mr. Myers of Indiana, Ms. Oakar, Mr. Pashayan, Mr. Patten, Mr. Perkins, Mr. Peyser, Mr. Preyer, Mr. Rangel, Mr. Reuss, Mr. Richmond, Mr. Ritter, Mr. Rodino, Mr. Rousselot, Mr. Satterfield, Mrs. Smith of Nebraska, Mr. Solarz, Mr. Stokes, Mr. Stratton, Mr. Vento, Mr. Walgren, Mr. Weiss, Mr. Williams of Ohio, Mr. Bob Wilson, Mr. Charles H. Wilson of California, Mr. Winn, Mr. Young of Alaska, and Mr. Zablocki.

H. Con. Res. 269: Mr. Kramer, Mr. Ichord, Mr. Fazio, Mr. McDonald, Mr. Oberstar, Mr. Chappell, Mr. Bedell, Mr. Corcoran, Mr. Stack, Mr. Ambro, Mr. Conte, Mr. Porter, Mr. Lott, Mr. Evans of the Virgin Islands, Mr. Davis of Michigan, Mr. Livingston, Mr. Horton, Mr. Waxman, and Mr. Erdahl.

H. Con. Res. 275: Mr. Stump, Mr. Lott, Mrs. Smith of Nebraska, and Mr. Gramm.

EXTENSIONS OF REMARKS

THE IMPACT AND COST OF METRIC CONVERSION

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1980

• Mr. DEVINE. Mr. Speaker, there is a great deal of confusion among the public about our country's policy on the use of the metric system.

Many people have been led to believe by the Federal Government that it is U.S. national policy to convert to metric, and to abandon our U.S. customary system of weights and measures. This is not our national policy, and Federal agencies have been instructed by Congress not to favor the metric system over our American system in any Government activity.

In a recent speech before the board of directors of the National Cowboy Hall of Fame, our colleague ELDON RUDD reviewed the metric issue, including the intent of Congress on this matter as well as the enormous impact and cost should metric conversion ever become national policy.

In my judgment, this speech presented an accurate and realistic assessment of the harm being done by a bureaucratic effort to impose metric upon our people. I include Congressman RUDD's speech at this point in the RECORD:

REMARKS OF CONGRESSMAN ELDON RUDD

At the outset, let me clear up some confusion about this whole metric situation.

I am not in opposition to the metric system for those who wish to use it but I am opposed to the authoritarian imposition of metric on the American people which is not the intent of the Congress.

It is not now, nor has it ever been U.S. national policy to convert to the metric system.

The law which created the U.S. Metric Board in 1975 was originally proposed by metric advocates as a means to change us over to metric.

But their mistaken view that the metric system is better than our own customary American system was repudiated when Congress completely changed the intent of the proposed legislation before enactment of the 1975 law.

Metric conversion as national policy was rejected by Congress.

Instead, the 1975 law continued our century-old policy of voluntary metric usage in conjunction with our own predominant American system.

The Metric Board was established only to help those companies and individual citizens who needed help in their voluntary decision to use metric, for whatever reason.

Congress rejected the proposed policy of national conversion to the metric system because there was no evidence that our people would benefit from such a radical change to metric weights and measures.

To the contrary, there were overwhelming disadvantages to metric, including exorbitant costs to convert, massive public confusion and hardship, and economic dislocations that would interfere with our entire national economy and productivity.

These disadvantages of metric conversion were confirmed by an exhaustive two-year study of the whole metric issue by the General Accounting Office, which resulted in a comprehensive 757-page report to Congress in October, 1978.

Following surveys and interviews of thousands of business and industry leaders in every sector of our economy, the GAO told Congress that no major industry or sector of our economy could see or show any benefits from metric conversion to warrant the massive costs and dislocations associated with changeover.

The cost would be so widespread and high that they could not be totally estimated by the GAO, but were generally stated to be in the many billions of dollars.

In addition, the GAO restated the massive public dislocations, hardships, and other negative results from national changeover to the metric system.

This voluminous GAO report included the following specific findings:

The total cost of metric conversion is indeterminable, but it would be substantial—in the many billions of dollars.

Metric conversion would result in higher consumer prices and reduced U.S. productivity.

U.S. economic activity and world trade have not been hampered or injured by a dual system of American and metric measurement, and there is no evidence that a solely metric system would be any better for our economy.

The purported benefits ascribed by proponents of metric conversion—for example, standardization and rationalization of measurements—have taken place under the American system without metric conversion.

The GAO found that the following sectors of our economy saw or could show no benefits from metric conversion to warrant the exorbitant cost, confusion, and inconvenience of changeover—

Transportation, the metal products industry, U.S. engineering standards, U.S. labor, the aerospace industry, surveying and mapping, the petroleum industry, automobile dealers, the fastener industry—screws, nuts, and bolts—the appliance industry, the paper industry, the rubber industry, government at all levels, and sports.

By the time of the GAO report to Congress, the President had completed all appointments to the 17-member Metric Board, and it was in full operation.

All but one or two of the appointees are hard-line pro-metric advocates.

Despite the intent of the 1975 law that it is not national policy to abandon our American system and convert to metric, the Board immediately set about to achieve this objective bureaucratically, using the power and resources of the Federal Government.

The results of this promotion effort were reported by the General Accounting Office.

The GAO report stated that the American public has the erroneous belief that it is national policy to convert to metric, and that this conversion is inevitable.

The GAO recommended that the Federal Government take actions to inform the public that it is not national policy to convert to metric, and that the metric system is not favored over our customary American system.

Pro-metric Board members showed their open contempt for the GAO findings shortly after its report was released.

At a Board meeting in Washington, similar to the one just held by the Board in Arizona, Board members were asked at a public forum for their view of the GAO study.

Board member Bruce Johnson, who represents U.S. science on the Board, said of the GAO report:

"I think we should let dead dogs lie."

Board member Roger Travis, who represents small business which is overwhelmingly opposed to metric conversion, said of the GAO metric report:

"As far as we're concerned, it'll get dust on it like anything else."

In my judgment, it is a gross public disservice and contemptible for an agency of the Federal Government to show such callous disregard for the well-being and smooth operation of our Nation's institutions—particularly business, industry and workers who are the backbone of our productivity—in order to impose metric conversion.

The Board has snubbed its nose at Congressional directives last year that it not favor metric over our predominant American system, and that the Board cease its pro-metric advocacy activities.

The Board has taken formal action to support the changeover of our Nation's 1.5 million gasoline pumps to sale of gasoline by the liter, instead of the gallon.

This action will force citizens to think in terms of metric and to use metric measurement, regardless of their choice, and to stop thinking in terms of miles-per-gallon.

It ignores the enormous cost imposed on retail service stations, which will have to run dual accounting systems and maintain dual inventories in both metric and customary American measures.

As coordinator of metric policy for the entire Federal Government, the Metric Board has encouraged the Department of Transportation to force the use of metric tire load and pressure ratings on passenger car tires.

The "P-metric tires are not compatible with customary tire gauges and service station air pumps, and are an obvious safety hazard.

The Board has also encouraged the Federal Highway Administration to change interstate highway signs to metric-only distance information.

We have one such Federal project here in Arizona, on Interstate 19 between Tucson and Nogales.

This replacement of American distances on highway signs with kilometers does nothing to improve driving comfort or shorten the travel time between two points.

It is merely an expensive way to force increased metric usage and acceptance on the motoring public, in spite of the unnecessary confusion and inconvenience that it imposes.

The Metric Board's most recent action in defiance of Congress has been the issuance of policy guidelines to all other Federal agencies, encouraging increased metric usage through "appropriate" government action—including the hint of using Federal contracting and procurement as a way to force business and individual contractors to move more quickly to metric.

Obviously the U.S. Metric Board is committed to using the full power of the Federal Government to impose metric conversion. The Board is not in the slightest bit concerned about the enormous cost of such an undertaking, or the fact that business and industry see no benefit from conversion, as reported by the General Accounting Office in its exhaustive report.

The evidence shows that the American people have no real need or desire to convert. Why should they? We only have to consider the startling harmful effects of metrication—the massive unwarranted costs and economic dislocations—to see why the public will suffer from this mysterious metric madness.

Metrication in the United States would affect every American at work, at school, at home, in shopping, and in their leisure activities. Every organization, company, industry, and level of government would feel its impact.

Metric conversion would force our people to abandon all their customary American ways of doing things—their everyday thinking process—in order to think, hear, and see things in metrics.

No longer would we have distance in miles, weight in pounds and tons, length in inches, feet, and yards, and liquid quantity in pints, quarts, and gallons.

These traditional units of measure, which are ingrained in our way of life and have served us well since the days of the wild frontier, would be replaced by foreign, funny-sounding, difficult-to-remember metric terms.

We would be made to think of distance in terms of meters and kilometers, weight in grams, length in meters, and liquid quantity in liters.

We would no longer be able to heat our homes, cook our food, and get the weather report according to Fahrenheit temperature. We would be made to use Celsius.

Metric conversion would mean new sizes for screws and bolts, new distances on maps, new weights on scales, new tools to repair cars and other products.

It would mean new sizes for beverages, food, and clothing, new recipes in the kitchen, and the replacement of all school and library books that have weights and measures in customary American terms.

Consider the enormous high cost, confusion, inconvenience, hardship, and wasted effort from some of the immediate ramifications of metric conversion:

All property will have to be re-surveyed at the owner's expense in order to change millions of legally recorded titles, deeds, tax assessments, and other documents, so that they list property sizes in hectares instead of the traditional acre and foot.

Property owners, lending institutions, and insurance companies will have the additional tremendous burden of changing and ensuring the accuracy of millions of mortgage agreements, insurance policies, and other legal papers so that they reflect the new metric dimensions.

Additional hundreds of thousands of road survey and right-of-way documents will have to be changed to record width and length in meters instead of rods.

Workers who provide their own tools will have to replace them.

Companies will be forced to bear the enormous cost of maintaining dual inventories during the transition period, purchasing new hand tools, modifying machinery, changing product sizes, and familiarizing consumers with metric terms.

Companies will also have to retrain workers, at a tremendous cost. This retraining will result in a substantial drop in productivity, and thousands of workers who cannot be retrained under the new metric system will lose their jobs.

Computer systems and data bases will have to be changed.

All U.S. engineering standards will have to be changed, and engineers will be forced to purchase new books reflecting metric standards.

Congress, State Legislatures, and municipal governments will be forced to change all laws, ordinances, codes, and regulations that have references to weights and measures.

This review and needed action to make changes would alone cost billions of taxpayer dollars, and take attention of elected and appointed government officials away from other pressing government matters.

Why should our people be put through such monstrously unnecessary expense and hardship? Because a small group of pro-metric zealots believe that metric is a "better system" than our American system?

The metric system is decidedly not better than our American system.

Its proponents say that a decimal system is preferable to our system, because you can convert from larger to smaller sizes just by moving a decimal point, and with no fractions.

First of all, our Nation has used decimals for years. Our monetary system is based on decimals. This is part of our customary American system.

But we have fractions, too, which metric does not. This is an advantage to our system, and a very great disadvantage to metric.

We all use fractions more often then we realize. They are a simple, convenient, and easily understood means of describing portions of anything. Fractions are also easily visualized, whether used to divide articles such as an apple, a pie, a bushel of Arizona oranges, or lengths such as inches, feet, or miles.

Which is easier to use and visualize: One-eighth, or its decimal equivalent 0.125; one-fourth, or its decimal equivalent 0.25; one-half, or its decimal equivalent 0.5; five-eighths, or its decimal equivalent 0.625?

In verbal language, our American fractions are indispensable, and metric or decimal units are very impractical. If you're dividing up a pie into eight pieces, it makes sense to call them "eighths," rather than "one hundred twenty-five thousandths." Who calls half a pie "five-tenths"?

There are no halves, quarters, thirds, fifths, and so forth in either the decimal part of the American system or in metric. Both systems are based on the number 10. Decimals are used when a higher degree of accuracy is required. In our normal, everyday activities, fractions are accurate enough for our purposes. In the rare instance when decimals are needed, the decimal equivalent of any fraction can be obtained by dividing the numerator by the denominator.

According to Metric Board Chairman Louis Polk in a recent statement:

"If gasoline prices hit $1 a gallon, the Nation's service stations will have a good chance to change their pumps from gallons to liters. Such a revision would be opportune, because pumps will have to handle prices of $1 or higher."

According to the National Bureau of Standards, one gallon is equal to 3.785306 liters. That is an unwieldly number to have to use. So if we go metric, we probably would be buying gas in even liters—that is, four, eight, twelve liters, and so forth.

To use approximately comparable units today, that would be like buying our gasoline by the quart. Not a very practical idea.

There are various industries that use metric dimensions in some part or parts of their manufacturing process. For example, in the manufacture of optical instruments, all the optics—that is, the glass parts—are given metric dimensions, as are the mating areas of the metal or plastic parts.

The reason for this requires a brief historical explanation. Early in this century, the United States obtained lenses from optical manufacturing companies in Germany, where the metric system was in use. Gradually, we began to produce our own optical elements. The only experienced tradesmen available in this field, however, were immigrants who had formerly worked in optical manufacturing plants in Germany.

Being familiar only with the metric system, they designed optical elements using dimensions in that system. Over the years, large quantities of metric tools and gauges accumulated. Ultimately, it became uneconomical to change from the metric to the U.S. decimal system. Except for that factor, optical elements could be designed and manufactured using the U.S. decimal system.

The only requirement in either system is that the designer use dimensions and tolerances that would provide the accuracy necessary to meet the requirements of the instrument.

Our most common basic units—the inch, foot, yard, rod, mile, ounce, pint, quart, gallon, peck, bushel, acre, and so forth—have been in use for many years.

As we all know, 16 ounces of fluid equal one pint. Two pints equal one quart. Four quarts equal one gallon. Therefore, in measuring fluid up to the gallon unit, unless we wish there is no need to use a number greater than 16. As we go up the ladder in any basic unit a short distance, we step up to another basic unit in the American system.

Under the metric system, one is restricted to decimal units or units between one and 10,000, which is extremely cumbersone even for a person who is expert with numbers.

Using the American system, it is easy to say a quarter pint, or to convert to ounces, to say three-quarters of a bushel, or to convert to pecks, and so forth. None of our basic established values can be converted to simple numbers in the metric system.

For example, one ounce equals 0.0295727 liters or 29.572703 milliliters. One quart of liquid equals 0.9463265 liters or 946.3265 milliliters. Even with the metric values rounded off to the nearest practical equivalent value, we have 29.57 milliliters for one ounce, 0.95 liters for one quart, and 0.91 meters for one yard. Of course, under the metric system, the basic values would be changed to 30 milliliters, one liter, and one meter.

Suppose we want to buy some heavy cream, which, using the present values, would probably be one-half pint? Do we ask for 0.25 liter or 250 milliliters?

If we wanted to talk about a measurement that was approximately a foot long, would we say 0.333 meter or 333.3 millimeters?

It is much more convenient to use the more practical, descriptive fractional values. The idea of saying 30 milliliters instead of one ounce beggars description.

The same is true for describing land areas. It is much easier to describe a farm as having 10 or 75 acres, rather than 4.0469464 or 30.352084 hectares.

The same difficulty under metric exists when you try to describe road right-of-way widths in meters instead of rods, and building lot widths in meters instead of feet.

In most cases, the linear measurements—in meters—could be rounded off to the nearest tenth. Rounding off to the nearest whole number would result in an error of from 2.3 inches for a two rod right-of-way width, to 20.5 inches for a 100-foot lot width.

Therefore, right-of-way widths would be 10.1, 15.1, and 20.1 meters, and lot widths would be 15.2, 22.9, and 30.5 meters.

Rounding off metric numbers to the nearest tenth for existing acreages, however, is unacceptable. In fact, we could not round off hectares to the nearest thousandth place. If one rounds off 2.0234732 hectares—which equals five acres, or 217,800 square feet—to the nearest thousandth, or 2.024 hectares—which equals 217,856.8 square feet—the owner of the five acres would gain 56.8 square feet from somewhere.

It is therefore obvious that the number of hectares in describing property size under the metric system must be carried out to the 10,000th place in order to preserve enough accuracy to prevent an injustice.

Describing the size of a piece of property as 2.0235 hectares instead of five acres is impractical.

It should be apparent that metric numbers are not as easy to use in spoken or written language as corresponding values under our American system.

Going metric, no matter how one looks at it, means higher business costs, more time spent, less convenience, more room for error because of the cumbersome number of digits.

In my judgment, no public benefit is being served by the United States Metric Board, which is using millions of taxpayer dollars each year to try and impose this unwieldy metric system upon the American people. To the contrary, I view the Board's continued existence to be positively detrimental to the public and our country's economic greatness.

Every economic and technological success of the United States in our Nation's history has taken place and been possible under our country's predominant customary system of weights and measures. Why tamper with or destroy that system because some zealous idealists mistakenly believe that "metric is a better system."

Metric is not a better system.

Great Britain recently abolished its Metric Board, and Canada's Prime Minister has started an investigation to determine whether Canada's Metric Board is using bureaucratic tactics similar to our own Board's to impose the metric system in that country.

The U.S. Metric Board has requested $3.8 million for FY 1981, and envisions an annual budget of $7 million to $8 million in the future in order to continue its prometric conversion propaganda activities.

I have introduced legislation to abolish the Metric Board. Putting the Board out of business as they did in Great Britain appears to be the only way to stop the further subversion of our American system of weights and measures by the Federal bureaucracy.

It is my hope to gain wider public knowledge of the serious harmful impact of metric conversion and the U.S. Metric Board's role in attempting to force the metric system upon the American people.

I earnestly solicit the support of the National Cowboy Hall of Fame in this effort to safeguard our superior American measurement system from this unwarranted assault by the Federal bureaucracy.●

A BILL TO AMEND THE TAX REDUCTION ACT OF 1975

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1980

● Mr. DONNELLY. Mr. Speaker, today I have introduced legislation which will correct an unintentioned wrong created by the Tax Reduction Act of 1975, which allowed for a $2,000 tax credit for the purchase of a newly constructed home, which will be the taxpayers principal residence for a period of a least 3 years. My present bill will provide that the $2,000 credit for the purchase of a new residence will not be recaptured where the taxpayer replaces it with another principal residence.

The 94th Congress established section 44(d)(2) of the 1975 act to help stimulate the depressed housing industry. During the course of my research, I discovered: First, the original Senate bill proposed extending the credit to purchases of new and old homes; and second, the original version of the provision required that the proceeds of a sale within 3 years be reinvested in "another principal residence." The reasoning for not allowing these provisions was a fear that it would lead to rank profiteering in the real estate industry. Seeing that the time to take advantage of this situation has passed, I see no reason not to revert to the original intentions of this bill.

The recapture provision of the act has placed a severe burden on young, white-collar families who were forced to relocate due to job transfers, new employment opportunities, or for family reasons. The Treasury Department has estimated that amending this bill would lead to a revenue loss of approximately $10 million. I do not believe that this is too high a price to pay to assist these young families, in these days of economic uncertainty.●

METRIC CONVERSION WILL COST OUR PEOPLE MANY BILLIONS OF DOLLARS

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1980

● Mr. RUDD. Mr. Speaker, the U.S. Metric Board visited Phoenix, Ariz., last week as part of its traveling road show to propagandize U.S. conversion to the metric system.

Even though the Board has a full-time public information director and staff which uses about one-fourth of the Board's entire $2.5 million annual budget, it hired a private marketing and public relations firm to arrange favorable media exposure during the Phoenix visit, including interviews with Board members and appearances on local radio and television talk shows.

The Board's objective in this visit, and visits to other cities around the country, is to promote metric and to get the public, businesses, and State and local governments involved in the Board's planned timetable for abandoning U.S. customary weights and measures in favor of metric.

This is despite instructions from Congress last year that the Board not advocate metric conversion, or favor metric over our customary American system in any of its activities.

Board member Sydney Andrews probably best expressed the prometric bias of the Board's majority when he told news reporters in Phoenix that the United States should switch to metric within 10 years, because he views our American measuring system as "old, cumbersome, antiquated, and complicated."

Quite apart from the factual inaccuracy of Mr. Andrews' statements, this metric advocacy role of the U.S. Metric Board majority in defiance of Congress is very disturbing.

The Board is using taxpayer dollars and the power of the Federal Government to impose metric bureaucratically, when it is not national policy to convert to metric.

Furthermore, in a 2-year study of the impact of metric conversion in the United States, should it take place, the U.S. General Accounting Office found enormous costs and other negative aspects of conversion, with few if any benefits throughout our economy to warrant such a massive disruption of our lives and businesses.

The Metric Board's self-initiated 10-year metric conversion timetable, which has no basis under the law, will cost the American people many billions of dollars in higher consumer prices and taxes—not to speak of enormous confusion and hardship—as books, clothes, grocery products, tools, measuring devices, and anything with reference to weights and measures will have to be replaced or changed.

For example, any worker who provides his own tools will be out of pocket hundreds of thousands of dollars in order to replace them with metric tools.

Businesses forced to replace or modify machinery will suffer enormous costs, which will be passed on to the consumer. A small grocery chain in eastern Canada estimates that it will have to spend $1.2 million just to buy new scales if Canada goes predominantly metric.

The GAO study contains more than 750 pages of information about the high costs and disruptions associated with metric conversion. Just one example is the $1 billion cost to U.S. airlines and private pilots to replace four cockpit instruments, and another $400 to $500 million cost to replace three of these instruments in the U.S. Fleet excluding military aircraft.

The unending list of costs, inconvenience, hardship, and economic disruption associated with metric conversion truly boggles the mind.

I have prepared a brief summary of just some of the more obvious costs and impacts of changing over to the metric system, and how this will affect every citizen.

In consideration of the U.S. Metric Board's one-sided taxpayer funded campaign of propaganda and coercion in behalf of metric conversion, I hope that all my colleagues in the Congress will consider these costs and hardships which will affect all of our people; especially when we take up the Board's $3.85 million budget request for fiscal year 1981:

THE IMPACT AND COST OF METRIC CONVERSION

Required action	Approximate cost	Who pays?	Who's affected?
Resurvey all property	$100 for average residential lot	Landowner	All landowners, municipal recorders.
Resurvey roads and rights-of-way	Indeterminable (millions of dollars)	Local, State, Federal taxpayers	All levels of government.
Replace handtools	Indeterminable (hundreds of dollars for each worker).	Companies, workers who provide tools, consumers, taxpayers.	All companies, government agencies, and individuals who use handtools.
Modify machinery	Indeterminable (thousands of dollars to many companies).	Companies, consumers, taxpayers.	All companies, government agencies, individuals who use machinery.
Change product sizes	Indeterminable (billions of dollars)	Consumers	All manufacturers, retailers, and consumers.
Retrain workers	do	Companies, consumers, taxpayers.	Most workers, companies, government agencies.
Change computer systems and data bases	Indeterminable (millions of dollars)	do	All companies, government agencies, organizations, and individuals who use computers and data bases.
Change all U.S. engineering standards	do	Taxpayers	All engineers, many companies, most government agencies.
Replace all books with references to weights and measures (school books, library books, cookbooks, etc.).	Indeterminable (billions of dollars)	Consumers, taxpayers	All schools, libraries, government agencies, individual bookowners (students, teachers, researchers, etc.).
Change all laws, ordinances, codes and regulations with reference to weights and measures.	do	Taxpayers	All State legislatures, municipal governments, Congress, most government agencies.
Replace all maps	Indeterminable (millions of dollars)	Consumers, taxpayers, companies.	Motorists, pilots, all transportation and tourist companies, government agencies, libraries, schools, et cetera.
Replace all scales and measuring devices (rulers, tapes, size charts, etc.).	do	do	Most companies, stores, government agencies, organizations, and individuals.
Change all thermometers, thermostats, et cetera.	do	Consumers, professionals, taxpayers.	All homeowners, doctors, hospitals, companies, stores, organizations, and individuals who own cars, homes, et cetera.
Replace all highway signs	Indeterminable (billions of dollars)	Taxpayers	All motorists, Federal, State, municipal governments.
Teach and learn metric	do	Consumers, taxpayers, companies.	Everyone.●

THERE IS NO WEST COAST OIL GLUT

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1980

● Mr. BONKER. Mr. Speaker, I wish to draw to the attention of my colleagues an article which appeared this week in the Wall Street Journal, regarding the so-called Alaskan oil surplus on the west coast.

When President Carter designated the northern tier pipeline for expedited Federal approval, it was with the understanding that there would be available supplies of Alaskan crude oil for refineries in the Midwest.

As the following article shows, however, that is not the case. West coast refineries want to buy all the oil they can get. This throws serious doubt on the wisdom of building a 1,500 mile pipeline, when there is some real question about eventual supply from the North Slope. I recommend this article to the attention of my colleagues:

[From the Wall Street Journal, Feb. 19, 1980]

WEST COAST OIL GLUT TURNS INTO A SHORTAGE AS EVERYONE COVETS BARGAIN ALASKA CRUDE

(By Richard D. James)

SAN FRANCISCO.—What a difference a year can make.

In early 1979, the West Coast was awash in crude oil from burgeoning production on Alaska's North Slope. Alaska producers were eager to sell on the West Coast to avoid the cost of shipping the oil through the Panama Canal to Gulf of Mexico refineries. But West Coast users were reluctant to take more than two-thirds of the 1.2 million barrels of crude flowing daily through the Trans-Alaskan pipeline.

Today, those same West Coast refineries want to buy all the Alaskan oil they can get and more. But now Alaska producers aren't the willing sellers they once were. And suddenly, last year's West Coast oil glut has become this year's shortage.

"The list of refineries that want to buy Alaskan oil is as long as the list of refineries," says one oil-industry executive. "Everyone wants it. It's sort of like the ugly duckling that turned into a beautiful swan."

This metamorphosis can be traced to a variety of other industry changes. Some West Coast refineries have modified their facilities to use more of the high-sulphur Alaskan oil. Others, encouraged by the previous surplus, expanded capacity. Oil production in the lower 48 states has continued to decline, and supplies from overseas have become both less reliable and far more expensive.

CHEAP CRUDE

But the price of Alaskan oil is limited by federal controls. As a result, notes one industry observer, "in this kind of crude-short world, you don't find a better bargain than Alaskan oil."

The surge in West Coast demand for Alaskan oil has a number of implications. For one, it imperils plans for a west-to-east pipeline, which was proposed as a way to get surplus West Coast oil to Midwestern markets. The pipeline also would have national-defense value.

Without a surplus, the project is economically questionable and could die for want of financing, some experts say. As it happens, the line, a project of a consortium called Northern Tier Pipeline Co., got presidential approval only a few weeks ago after years of delay.

Some West Coast refinery expansion plans also are being shelved because a supply of crude isn't available. This development could squeeze gasoline supplies, because much of the added capacity was aimed at that market.

SPUR TO EXPLORATION

On the other hand, Alaskan oil's new found popularity provides a strong incentive to develop additional Alaskan reserves. It also should help keep North Slope production high. Recently, North Slope producers raised output to 1.5 million barrels daily from 1.2 million.

This pleases federal energy officials, who want Alaskan production expanded as fast as possible to lessen U.S. dependence on foreign oil. Just a year ago, they were worrying that North Slope producers might hold back their output because the cost of shipping oil through the Panama Canal cut into their profits. It no longer does, thanks to the surge in world oil prices.

It costs Alaska producers about $7 to ship a barrel of their crude to the West Coast but about $9 to ship one all the way to the Gulf Coast. A year ago, the producers could charge only about $14 a barrel for their oil because that was what foreign crude cost. Thus, they either had to produce only what the glutted West Coast could use or had to take a lower profit on some oil, the portion shipped to the Gulf Coast.

But now they can recover their entire transportation cost, whether it is $7 or $9. That is because a barrel of foreign crude delivered to the Gulf Coast costs about $30 these days. Alaska producers can beat that price even if their shipping cost is $9 a barrel, because federal controls limit their well-head price to about $14.

NOT FOR SALE

The Alaska producers now are less inclined to sell that bargain oil, however. With foreign supplies limited, the producers need the Alaska oil for their own refineries on the Gulf Coast and for those in the Midwest that are fed by Gulf pipelines. "In today's tight market it would be less than prudent for us not to hang on to the oil," an official of one producer explains.

At the same time, West Coast refineries have sharply stepped up their use of North Slope crude. A year ago the total was about 800,000 barrels a day. That was thought to be the maximum, because the design of some refineries limited their ability to process oil with as much sulphur as Alaska's has.

But oil companies have made minor refinery modifications and have learned to adjust operations to refine more of the crude into the light petroleum products, such as gasoline, in high demand on the West Coast. Industry sources say the Coast's use of Alaskan oil has risen to about one million barrels a day.

The biggest West Coast user, the Chevron USA unit of standard Oil Co. of California, now processes about 330,000 barrels of Alaskan oil a day. A year ago it used roughly 100,000 barrels a day less.

BELOW CAPACITY

But many companies can't get all the Alaskan oil they want, Shell Oil Co., which has stepped up West Coast usage to about

60,000 barrels a day from 40,000 a year ago, is one. Its refinery near San Francisco operates at about 20,000 barrels below capacity, and the company doesn't expect to be able to get more Alaskan crude.

Other companies worry about losing the Alaskan supplies they have. Last fall Fletcher Oil & Refining Co. was threatened with a cutoff of the 10,000 barrels a day it was buying from Exxon for its Los Angeles refinery. Fletcher has managed to negotiate an extension until July, but after that "we have no prospects," says John Armstrong, vice president for supply.

Just a year ago, Fletcher expanded its refinery and modified it to run solely on higher-sulphur crude such as Alaska's. Now the plant is operating at about 25 percent below capacity. Meantime, some 500,000 barrels of Alaskan oil float by each day on their way to the Panama Canal and the Gulf Coast.

REFINERY EXPANSION

Things aren't likely to get better soon. Industry officials estimate that an additional 150,000 to 200,000 barrels a day of Alaskan crude could be used on the West Coast right now.

And many companies have refinery expansion plans that are too far along to interrupt. Champlin Petroleum Co., for instance, is doubling the capacity of its Los Angeles refinery to 60,000 barrels of crude daily. A recent survey by the Senate Energy Committee shows that, as a result of such projects, West Coast usage of Alaskan oil could grow by an additional 361,000 barrels a day by 1981 if the oil were available.

Because it isn't, some companies have canceled or suspended their expansion plans. After getting all the needed permits, Golden Eagle Refining Co. has shelved plans for a 40,000-barrel-a-day unit at its Carson refinery in Southern California.

The facility would have produced about 1.3 million gallons of gasoline a day for sale to some 50 independent retailers from Seattle to Los Angeles. But, says Craig Colley, senior vice president of Golden Eagle, "to get financing, the banks want us to have a crude-supply contract. Except now we can't get any North Slope crude."●

THE 62D ANNIVERSARY OF ESTONIAN INDEPENDENCE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1980

● Mr. DERWINSKI. Mr. Speaker, Estonia, the smallest of the Baltic countries, declared its independence on February 24, 1918, as a democratic republic. In that same year, Soviet Russia attacked Estonia with the aim of conquering that country. However, during this war of independence, Estonia repulsed the Red armies and in 1920 concluded a peace treaty with the Soviet Union.

However, the signing of the notorious Stalin-Hitler pact of August 23, 1939, which offered to Nazi Germany a welcome pretense for starting World War II and allowed parts of Eastern Europe, including the three Baltic nations—Estonia, Latvia, and Lithuania—to become part of Soviet Russia's so-called sphere of influence. Consequently, Stalin received a free hand to forcibly annex these three independent Baltic nations, which remain illegally occupied by the U.S.S.R. to this very day. Soon after the conclusion of this pact, Estonia signed, on September 28, 1939, under military threat and without the possibility of any help from abroad, a pact of mutual assistance with the Soviet Union.

During the period of 20 years which the Estonian people enjoyed their independence, they demonstrated what a small nation is able to achieve in all fields while enjoying a democratic way of life. They achieved an exceptionally high educational level. The history of Estonian literature was documented by the publication of the first book in the Estonian language in 1935. The Estonian people may also be particulary proud of their agricultural accomplishments and great industrial achievements during this time, but also for their folklore which continues to win recognition for its originality, colorful variety, and great artistic value.

As a result of the Soviet invasion, in 1940, this prosperous life came to an abrupt end by the devious acts of their big totalitarian neighbor. Since then the Estonian people have suffered extremely heavy human and material losses. This situation still persists. Estonia is economically exploited by the governing Moscow regime. Those who dare make any requests for freedom and justice, relying on the stipulations of the Helsinki Final Act, are either confined to mental hospitals or sentenced to prison terms. Such sentences are made in conformity with the ill-famed mock trials of the Stalin era.

Nevertheless, again and again bold freedom fighters make their voices heard. One of the last evidences being an appeal on the 40th anniversary of the Stalin-Hitler pact and addressed to the Secretary General of the United Nations. This appeal was signed by 45 representatives of the three Baltic nations. Unfortunately, such urgent appeals from these countries which were once members of the League of Nations, seem to fall on deaf ears.

At the same time, the United Nations has opened its doors to a great number of states which rightly have been liberated from the yoke of colonialism. Such colonialism, however, still prevails in vast regions of Eastern Europe, where over 100 million people are subjugated to an international process of Russification.

One of the more imminent concerns of the Estonian people is the fact that the yachting regatta of the Olympic games of 1980 is to take place in Tallinn, the capital of Soviet-occupied Estonia.

As a free nation, the Estonians would have been delighted to welcome the world's yachtsmen to their country. Now they are looking at this event with mixed feelings. They anxiously expect that the outside world would refrain from any acts which would damage the justified claims for freedom of the Estonian people or the international status of the Republic of Estonia.

The United States has never recognized the forcible annexation of Estonia, Latvia, and Lithuania by the Soviet Union, which fact is of great moral support to the people of these nations. I believe it is especially important for the United States to continue its full and uncompromising support for the basic concept of the sovereign rights of a people to the free and independent choice of the form of government under which they wish to live.

Therefore, if the Communists continue their expansionism as exhibited recently in the invasion of Afghanistan, it is imperative that the democratic countries of the world assert their opposition to this form of political tyranny and reinforce Estonians and others held captive by Soviet domination.

The 62d anniversary of the proclamation of the independence of the Republic of Estonia is at hand. Estonians in the United States and throughout the free world will commemorate their national holiday on February 24. They confirm at such occasions their determination to fight for the restoration of the independence of their native Estonia. At the same time, they hope that world public opinion will support them in this struggle for freedom and justice. We join with them in expressing our determination to see that the aspirations of Estonian people for national independence and cultural freedom once more be restored.●

NICARAGUA-STYLE "1984"

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1980

● Mr. ASHBROOK. Mr. Speaker, the closure of El Pueblo, one of Managua's leading newspapers, and the subsequent arrest and sentencing of its staff is just one of a growing number of incidents that point to widespread abrogation of freedoms under the Sandinista dictatorship. I am constantly amazed at how such important events are overlooked by the U.S. news media and by the State Department. Since we are about to consider shipping off $75 million of our taxpayer's hard earned money to support this Marxist regime I think my colleagues might like to know more about the closure of El Pueblo and the type of government this Chamber is about to go on record subsidizing.

In early February of this year Sandista troops occupied the offices of El Pueblo in Managua and confiscated the printing equipment for the newspaper. A few days later Dr. Melvin Wallace Simpson, the director of the paper, and seven other members of the El Pueblo staff were arrested and held by the government for having publicized expressions, proclamations, or manifestos harmful to the interests of the people and the conquests of the people. In other words, they were critical of the way the Sandinistas were running Nicaragua.

On Febrary 11, Sandinista Radio reported that Dr. Simpson and three other staff members had been tried and sentenced to 2 years in prison for their crimes against the people. The others were acquitted and released. When queried in an interview as to why military action and military courts were used in the El Pueblo case instead of civilian justice Commander Arce of the FSLN National Directorate stated:

> The primary source of law here is the revolution itself. This must be clear. In fact, it is a universal principle. The revolution is a source of law.

Another comment on the El Pueblo closing and arrests was heard from the Marxist Union of Journalists in Managua. They said:

> Freedom of expression does not mean the right to broadcast anything by anyone. . . . The right to inform and be informed is not a birthright.

In the wake of the arrests and other actions being taken to censor the news media Oscar Leonardo Montalvan, the director of "noticieros mil" and considered the "man of mil"—the leading newscast of Nicaragua—fled the country. After 25 years in journalism in his homeland Montalvan is now in Costa Rica. His comment on so-called freedom in Nicaragua was there is no absolute freedom. In Nicaragua, we have freedom of speech for the revolution. In reaction to these comments the Union of Journalists denounced Montalvan for harmful and irresponsible exercise of freedom of expression.

George Orwell's vision of totalitarianism in 1984 could not come up with better lines for rationalizing oppression. Nicaragua is fast becoming a prodigious newcomer to the realm of dictatorship. The ruling junta outstrips any in Latin America, save for Castro in Cuba, as a leader in eliminating internal criticism and dissent. Even under the regime of Somoza, El Pueblo was able to publish and Mr. Montalvan was able to build a long and respectable career in journalism. These facts have yet to surface in the discussion of aid to the Sandinista junta. I hope that my colleagues ponder these omissions during floor consideration of the Nicaragua bailout bill. If we are to salvage any integrity from the last 3 years of Jimmy Carter's bizarre foreign policy we must begin to open our eyes and look beyond the self-serving puff pieces being emitted from Foggy Bottom and assess for ourselves the true story of the decline and fall of freedom in Nicaragua.●

COMPREHENSIVE AMENDMENTS

HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1980

● Mr. MATHIS. Mr. Speaker, on January 31, Mr. UDALL, my distinguished colleague from Arizona, introduced H.R. 6390, comprehensive amendments to the Atomic Energy Act of 1954. The bill grew out of a series of hearings held last fall before Mr. UDALL's Subcommittee on Energy and Environment of the Interior and Insular Affairs Committee, on which I am privileged to serve.

I want to compliment Chairman UDALL for the initiative he took in introducing this bill to improve the safety and efficiency of the nuclear power licensing process. The bill contains several constructive provisions which, if enacted, would result in material improvement in the process.

Mr. Speaker, last March I introduced H.R. 3302, the Nuclear Power Facility Siting and Licensing Act of 1979. H.R. 3302 includes many features similar to those contained in Chairman UDALL's bill, such as streamlining of the public hearing process, authorization for separate site approval and delegation of certain responsibilities to State and regional bodies. I look forward to working with Chairman UDALL to see if we can achieve some consensus in the subcommittee on these and the other provisions contained in the two bills.

I also want to call my colleagues' attention to the licensing amendments contained in S. 685, sponsored by Senators JOHNSTON, JACKSON, and CHURCH, and now pending before the Senate Energy Committee. The provisions originally in this bill dealing with the waste disposal issue have already been reported in a clean bill, S. 2189, which is now awaiting Senate floor action. The licensing provisions in S. 685 cover many of the same issues included in our two bills.

As Chairman UDALL indicated in his remarks in introducing H.R. 6390, the time has come for a full-blown debate of the nuclear issue and for Congress to state clearly the direction and scope of the Nation's nuclear policy. I agree with his sentiments entirely. Because the three pending licensing bills cover most of the issues which need to be resolved in sometimes similar and sometimes different fashions, I believe that they provide a good starting point for our subcommittee's deliberations.

Because no bill identical to S. 685 is now pending before the House I am taking the liberty of today introducing a bill in which contains the licensing provisions set out in title V of that bill. I hope that this bill will also be referred to our subcommittee and that along with H.R. 6390 and H.R. 3302 it will be noticed for hearings at an early date. The value of such hearing will certainly be enhanced by making It possible for witnesses before the subcommittee to address all three relevant bills in their testimony.●

DRAFT REGISTRATION: CONGRESS NEEDS ALL THE FACTS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1980

● Mr. MAZZOLI. Mr. Speaker, last year during consideration of the Department of Defense authorization bill, the House voted against reinstating the Selective Service System in line with the administration's wishes.

The House did request that the administration study and report back on 10 military initiatives, including draft registration, which could produce the persons needed in the event of a national mobilization.

The report is complete, but is being withheld from the Congress.

I join with my House colleagues in calling upon the White House to release the completed report. Information in the report is essential if Congress is to make a reasoned and thoughtful decision on whether to initiate a draft registration system which the administration now supports despite its earlier opposition.

If the intervening events in Iran and Afghanistan require that the groundwork be laid for a mobilization effort—and that is arguable—the report might suggest that it could be accomplished without reinstating draft registration.

Following is a New York Times article summarizing the events and controversies surrounding the withholding of the report from Congress.

[From the New York Times, Feb. 18, 1980]

DRAFT REGISTRATION REPORTED OPPOSED

WASHINGTON, February 17.—President Carter's decision to resume draft registration went against the initial recommendation of a panel of military experts, a member of the House Armed Services Committee said today.

Representative Patricia Schroeder, Democrat of Colorado, said the panel which included representatives from the Departments of Defense, Labor, and Health, Education and Welfare, had written a report opposing registration when Mr. Carter made his announcement in his State of the Union Address.

On Feb. 9, the President sent a report to Congress outlining his registration plans and formally requesting funds to revive the Selective Service System. This report was a rewritten version of the work done by the committee, although Mrs. Schroeder said the full committee did not meet again to reconsider the registration question. An administration official who asked not to be identified said that various members of the panel did meet again to revise the report.

REGISTRATION REPORT MANDATED

Representative Schroeder, Representative Les Aspin, Democrat of Wisconsin, and the American Civil Liberties Union have called for public disclosure of the original document and both Congressmen have said they may file Freedom of Information requests to obtain it.

A rider to the 1979 Department of Defense authorization bill written by Representative Schroeder required the Carter Administration to report on the feasibility of 10 military initiatives, including a renewal of draft registration. A committee headed by John P. White, the Deputy Director of the Office of Management and Budget, was promptly formed.

On Jan. 21, with rumors about resumption of the draft circulating on Capitol Hill, Representative Schroeder said she called Mr. White to ask whether Mr. Carter planned to begin registration. "He said this was all just media hype," and that "the report said registration is not the way to go," said Mrs. Schroeder.

That evening Mr. Carter announced that the Administration planned to resume draft registration. Mr. White could not be reached for comment.

Today Representative Aspin, who also serves on the Armed Services Committee, said that "every member of Congress ought to have a right to see just what the specialists who have been working on this for months think is needed to be able to mobilize fighting power should we ever find ourselves in a major war again."

Robert E. Shuck, who was acting Director of the Selective Service System when the committee began meeting, acknowledged that the agency had drawn up several mobilization plans in the past few years that did not call for peacetime registration. Since 1977, he said, the Department of Defense has maintained that this country should have the capability to call up 100,000 recruits within 60 days with some recruits reporting for duty within a month.●

GOING PUBLIC FOR PRIVATE ENTERPRISE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1980

● Mr. KEMP. Mr. Speaker, Willard C. Butcher is going public for private enterprise, and we should all listen, because he has some very important things to say. In his years at Chase Manhattan Bank, Bill Butcher has rightly gained fame as a forceful and articulate advocate of the American enterprise system. And this ardent defender of free enterprise has just accepted the challenging position of chief executive officer for Chase Manhattan Bank. Productivity, capital formation, excessive government regulation—these are just a few of the subjects Mr. Butcher has become expert on, and he shares his expertise and keen insight in the eloquent defense of private enterprise which follows. I commend his fine speech, "Going Public for the Private Enterprise System," to all my colleagues in the House and Senate.

The speech follows:

Dick Leavitt is quite a persuasive fellow. A few months ago he called and told me about this wonderful forum here in Des Moines. "Bill," he said, "you're a staunch advocate of our system—right?"

I said, "Right."

He said, "You like to share your thoughts with others—right?"

I said, "Right."

He said, "And you believe strongly in free speech—don't you?"

I said, "Yes Dick, I do."

He said, "Good. How about coming out here and giving one!"

And here I am.

It is a pleasure to be in Des Moines amid the most efficient and productive agricultural land of the world, and among the many thriving business and financial institutions of Mid-America.

I would like to share with you today a major marketing opportunity. If diligently pursued and professionally implemented, it will raise your productivity . . . supply your energy needs . . . and boost your profits. What's even more important, it will help secure jobs, economic growth and prosperity for all Americans.

I recognize that's a mighty impressive claim. But I am talking about something far more powerful and profound than any chemical or machine. I am suggesting we market an idea—specifically, the idea of private enterprise.

Any successful marketing effort requires good timing and I believe the best time to promote free enterprise is now.

Record levels of inflation and negligible real economic growth have caused many Americans to question the statist and socialist concepts that have been a near-global orthodoxy over the past 50 years.

True, American capitalism is still on trial. But I believe the time is right for a fair trial. We're no longer being lynched, as we were in the 60's and early 70's. But if we fail to argue our case effectively, economic erosion in the U.S. will continue and public confidence and faith in America's future will decline.

It is the challenge of the business community to help channel growing public discontent with U.S. economic performance into constructive action—proposals for greater capital investment, improved productivity and a return to stable growth . . . concrete measures that will restore confidence in our system of private enterprise. To succeed we must obtain greater public understanding and active public support. Thus far, our efforts to rally the public have been less than adequate. The challenge to correct this deficiency is critical . . . the need urgent . . . and the task formidable. Witness the stakes involved:

Investment capital, the seed corn of economic growth and our future prosperity, has been generated in the U.S. at the lowest level in a decade.

For the past 10 years, the United States has had the lowest rate of productivity growth of any modern industrialized nation.

Contributing to our productivity lag, government regulation is costing business over $100 billion annually.

Our record $34 billion balance of trade deficit in 1978 and a $28 billion deficit this year are tangible signs of our growing dependence on imported energy and the declining competitiveness of U.S. goods in domestic as well as foreign markets.

Meanwhile, rampaging inflation, which will reach a 13% annual rate in 1979, has battered our currency, shattered the retirement hopes of countless thousands of Americans and seriously undermined the confidence of Americans in their future, as well as having eroded the capital saved by our parents and grandparents.

For two centuries, economic expansion and growth provided increasing numbers of Americans with a better life. Yet, today we hear from a number of different sources that economic growth is unattainable or even undesirable. In essence, many Americans have lost faith in the institutions . . . the system . . . and the process that have generated our prosperity.

It is disturbing to see a sizable American movement that advocates surrender and retreat from the major challenges of our day. Instead of seeking new oil we're told we need to rigidly allocate what oil we already have. Instead of working toward even safer nuclear power we're told we must abandon nuclear power altogether. Instead of eliminating the disincentives that make it difficult for the small entrepreneur to thrive, we are asked to hobble our most efficient and competitive large companies.

"Small is beautiful" has become the rallying cry for those who tell us to reduce our expectations and learn to live with a static or declining standard of living.

Yet, I don't really believe that you, or I, or for that matter the vast majority of Americans, are prepared to deny our children tomorrow, the privileges that we enjoy, today.

How can we, the business community, counteract the sentiment against private enterprise and reverse government initiatives that impede economic growth, profit and incentive?

What can we do to foster the awareness and support necessary to revitalize and refurbish the system and institutions that generated our nation's 200-year economic ascendancy?

I believe we have one critical task: To go public. We must take our message directly into American homes . . . to the people . . . to the ultimate deciders of our society's fate. We need nothing less than a major and sustained effort in the marketplace of ideas. As Judge Learned Hand noted, "Words are not only the keys to persuasion but the triggers of action."

I believe this is a top management concern. Speaking out is a constitutional right under the First Amendment and a duty in our representative democracy. The framers of our Constitution created a system where citizens, responsibly, yet aggressively, pursuing their self-interest are what determine the public interest.

We've been hearing a lot lately about "special" interests. This tag has been used to suggest that some of us have less of a mandate to speak out and exercise our rights than others. The truth is that social workers as well as bankers . . . Common Cause as well as the Chamber of Commerce . . . and, yes, even Ralph Nader, all represent "special" interests.

DeTocqueville and other students of our democracy have marveled at how private, voluntary associations formed by citizens to advance their interests are a bulwark of our freedom, a fortress against oppression.

Interestingly, some of the friends of private enterprise as well as our critics, have cautioned the business community against active participation in the public policy process.

Both our proponents and our opponents tell us we shouldn't speak out because, in point of fact, they fear we will be effective.

Many of our friends tell us we shouldn't speak out because we lack credibility. Yet, only by speaking out will we achieve credibility.

I would agree that we are not effective when our efforts are defensive, apologetic or half-hearted. Reactive or lukewarm marketing measures are ineffective. It doesn't matter whether your're marketing an ideology or a product or service.

In that context, I think business has done a superior job over time in marketing its products. But we have done an inferior one in marketing ideas. And today we can't afford not to be involved in this "idea marketplace."

Business must have more than a casual commitment to the idea marketplace. Indeed, it seems to me that as individual companies and industries, we have succeeded in carving out our own deserved piece of the "economic pie." What we must now address collectively is preserving the pie itself.

We must apply the same sophistication, discipline, resource commitment and courage in the marketing of ideas as we apply in the marketing of products. This implies an obligation to use all the opinion avenues open to us in our democracy:

Meetings with the media, customers and suppliers,

Issue advertising,

Congressional testimony, trips to campuses and meetings with community groups,

Participation in associations such as the Chamber of Commerce, the American Enterprise Institute, and the National Association of Manufacturers.

In short, participation in the idea marketplace should be a living, breathing part of everything we do in our everyday business lives.

In the past year or two, many large corporations have begun to take a more active and visible role in communicating the private enterprise perspective on a variety of critical public issues. This welcome activity has included a number of issue advertising campaigns that have generated wide exposure and some controversy. I believe the public was surprised and generally pleased to see business step forward to defend, report and explain its activities and positions. These efforts, although useful, are only a toe in the water. We will need wider and more sustained efforts.

Small business may not command the same resources as a Chase or Mobil, but it plays an equal, or perhaps even more critical, role in the public arena. The individual entrepreneur enjoys personal contact with his customers, employees, elected officials and fellow citizens in his community. This one-to-one exposure is far more difficult for an executive in a far-flung global corporation to achieve. Opinion polls have shown that despite the battering business in general has received, the public holds small business in higher esteem than nearly any other American institution. The independent businessman is the embodiment of the competitive and entrepeneurial spirit of our country. Reflecting the esteem in which he is held, the small business executive has proven to be highly effective in the halls of Congress, particularly in concert with organizations such as the National Federation of Independent Businessmen. Excellent examples were the successful efforts of the N.F.I.B. to defeat the consumer agency and their continuing efforts to promote tax reform that would encourage capital formation.

By lending support to the N.F.I.B., the Chamber, the American Productivity Center and other private enterprise groups, we not only enhance our lobbying efforts but we help provide platforms for some of the outstanding advocates of private enterprise—individuals such as former Fed Chief Arthur Burns, scholar Irving Kristol and academician Jack Grayson who, when accorded the necessary exposure, are every bit as effective as our most articulate critics.

Also the media are important for promoting public understanding and support of private enterprise.

The media have a major role in reporting and explaining the dynamics of our economy to their audience. This is not a matter of serving as a mouthpiece or even an advocate of business. I recognize that one purpose of a newpaper is to "comfort the afflicted and afflict the comfortable." Yet, the outstanding newspapers of our nation have always served as communicators, interpreters and educators as well as advocates and watchdogs.

One of the founders of the highly-respected, Pulitzer-prize winning Des Moines Register, Harvey Ingham has said, "Two avenues of popularity are open to newspapers. The first is to yield, to flatter, to cajole. The second is to stand for the right things unflinchingly and win respect."

I must say that the press has not always been as accurate or fair as it might be. For example, when the Commerce Department earlier this year announced sizable percentage hikes in corporate profits, these increases were emblazoned in large and provocative headlines. Yet, too often, the underlying stories failed to mention the recession-level troughs from which profits had recovered or the importance of profits for growth and productivity.

But is every misguided story the fault of the media?

Clearly not. The fact is business has not done all that it can to keep the media informed and accurate. We have been, in many instances, less than forthcoming with needed information. And the result, most often, has worked to our detriment.

How can we reverse this fact? I believe by accepting, as former AT&T Chairman John DeButts once put it, "A sufficient openness to public inquiry—and a sufficient readiness to respond to public challenges." Stated another way, in the public arena—we must be bold not bland, forceful not fearful, courageous not cowardly. And proactive not reactive.

When I travel on business throughout the U.S., I make an effort to meet with business and financial writers and editors of the local press. I've found from these visits that the majority of the business press is conscientious and responsible. But they do need information and that's where you and I can play a role.

In the same spirit, we can't withdraw and whine over biased reporting. We have a right and obligation to hit back. We must effectively rebut inaccurate or distorted media coverage through letters to the editor, advertisments and other communications. This encourages dialogue, and causes reporters to think twice before they commit another distortion. In recent years, the media have taken a good deal of interest in themselves and often an effective rebuttal to poor journalism generates wider coverage than a stand-alone business communication.

Communicating the case for private enterprise in the electronic media is a far more difficult task. However, I think it's a healthy sign that all three major networks have added bona fide business reporters to their staffs.

It's difficult though to articulate the complex workings of our economic system within the brief flashes of TV and radio newscasts. At the same time, glib and glamorous spokespeople for the left have often succeeded in capturing the greatest share of attention while most business executives haven't yet mastered the necessary techniques.

But I think we must find new and better ways to use radio and TV to communicate our position. Effectively communicating in the electronic media requires preparation, experience and agreement over fair ground rules. It is not easy going before a camera and not all of us may be well-suited to it. But it must be done, professionally and on a regular basis.

Earlier this year, Cliff Garvin, the Chairman of Exxon appeared on both the Today Show and the Phil Donahue show to discuss the energy situation. Cliff was concise, effective and above all, he reached a large audience of people who may only casually read newspapers.

I believe the networks recognize the difficulty in providing accurate and fair coverage of a wide range of viewpoints. Yet it is unfortunate that, in the guise of fairness, the public has been shielded from serious discussion on many important issues.

How can the networks, who have a primary responsibility to courageously probe key public issues, deny Kaiser Aluminum the right to use TV advertising to discuss issues such as energy, bureaucracy and free enterprise? The networks cited the FCC's fairness doctrine, which requires that all responsible viewpoints on a controversial issue be represented, as the reason. Ads for political candidates are seasonal fare on TV. Why not permit issue ads? The absence of dialogue is as dangerous as blatantly biased media. An informed public will be able to ferret out fact from opinion and reach its own conclusions. But if spirited debate on important issues is excluded from the media, we encourage ignorance which is the greatest enemy of the democratic process. I would hope, as a matter of public policy, this issue would be reexamined.

Oliver Wendell Holmes, Jr. once said, "The best test of truth is the power of the thought to get itself accepted in the competition of the market." We must bring the public into the forefront of the idea marketplace. We must openly and vigorously debate with our opponents the critical issues of our day. We must stand for freedom of the press but insist on a responsible and fair press. We must speak out for the system that we believe safeguards our freedom . . . generates our prosperity . . . and provides for the greatest common good. We owe it to ourselves and the enterprises we represent. But far more importantly, we owe it to our children.●

COWBOYS, COPS, AND KIDS

JIM MATTOX

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1980

● Mr. MATTOX. Mr. Speaker, there's no question that fear of crime is one of the main worries of our older citizens. Even the younger and stronger of us are not immune to being attacked in the street, or to having our homes burglarized. A Gallup poll in November reported that 1 in 5 households in the country had been affected by crime in the past year, either through robbery or the assault of a family member. The Gallup poll also revealed that 4 out of 10 Americans are afraid to walk alone at night in their neighborhoods.

The percentage of this crime that is committed by juveniles is alarming. But the news is not all bad. In my area the police and the Kiwanis clubs have joined to create a very positive program designed to prevent juvenile crime, and I think it's worth sharing. As a former assistant district attorney and criminal prosecutor in Dallas, I'm a strong supporter of the officer on the beat. He's underpaid, but he tries to do a good job. Often he finds himself in a position not unlike many officeholders whose reputations for honesty and integrity have been tarnished by a few who have abused the public trust. The officers on the beat that I know are honest, sincere individuals who are dedicated to public service—to a greater extent than they are often given credit for.

The program that the police and the Kiwanis have instituted is described in the excerpts from the Dallas Police News that follow. As you will see, it is an excellent way to build a trusting relationship between youngsters and the police. The policeman is seen as a friend, not someone to fear, through the simple human contact encouraged by the program. Those who started it and who are carrying it out deserve our compliments. I'm proud of what they've accomplished and pleased to share this with you:

The Dallas Police Department has a new and exciting plan for making friends with children, and passing along crime prevention and safety tips at the same time.

"Cowboys, Cops and Kids" is the result of months of work by members of the Community Services Division's Crime Prevention Section, the Dallas Cowboy Weekly Magazine and Kiwanis Clubs in North Texas, all for the purpose of developing positive relationships between children and officers.

Uniformed officers this week began passing out Dallas Cowboy player cards to children 6-13 years old, featuring pictures of Dallas Cowboy football team members on one side, and an NFL football rule and corresponding crime prevention tip or safety tip on the back.

Responsible for distributing more than one million cards to law enforcement agencies in the North Texas area, including DPD, are Officers Dave Hooten and Ted Garner of the Crime Prevention Section.

"After we learned how successful a similar program had been in Portland, Ore., with the Trailblazers basketball team, we decided to implement the idea in the Dallas area," Hooten said.

Portland's program and a similar plan in Seattle with the Super Sonics have brought police officers in contact with thousands of children in a more positive way than had ever been reported in either city. About 24,000 cards were distributed in one day alone at a Super Sonics victory parade in Seattle.

Garland Officer Larry Rollins learned of the success of the Portland and Seattle plans and sold Kiwanis officials on a local program using Cowboy players.

"Leaders from Dallas-area Kiwanis clubs approached the Cowboys, who really liked the concept, and who were very interested in police and kids developing a better relationship," Hooten said.

"With the endorsement of the Cowboys, the Kiwanis had the green light to go on with their fund-raising to finance the first printing of the cards," Garner said.

"The success of the Portland program—the tremendous and continuing demand for the cards from uniformed officers—has shown that a positive relationship between police and children can develop," Hooten said. "We are aiming for the same success here in Dallas."

Under "Cowboys, Cops and Kids" guidelines established for both officers and other participating agencies, only those in uniform will carry cards. Children must ask officers for cards.

Only one card per child, per contact, will be distributed. "This way, kids will have a reason to contact the officers again and again to complete a set," Garner said.

Cards will be available at all division stations, for easy disbursement to Dallas officers and for participating agencies running low on cards.

"Each officer will carry the card of only one player at a time. When he has passed out all the cards of that one player, he can either choose another player or pick up more cards of the same player. We won't try to tell an officer how many cards he can carry. Only he will know how many kids he comes in contact with," Hooten said.

Cards are not to be distributed to adults.

Normally, only uniformed police officers will distribute cards, but during the Cowboy's season—Coach Tom Landry and several members of the team have expressed an interest in distributing cards at public appearances where large numbers of children are present.

"The Kiwanis are in the process of setting up a 'Cowboys, Cops and Kids' non-profit organization to be headed by Coach Landry. The organization will coordinate and control the distribution of cards throughout Texas and Oklahoma, should interest continue to spread," Garner said.

"The Southland Corporation has asked to be allowed to display posters in area 7-Eleven stores, picturing officers passing out cards to kids," Garner added. "They are also considering printing the same crime prevention and safety tips on milk cartons."

Two months after kickoff of the trading card program, Garner says the demand is as great as ever.

"We're into our third-million printing," Garner said. "and orders are still coming in. We have orders for 105,000 cards we can't fill until the next million comes from the printer."

Printing costs for the program are reimbursed by local Kiwanis clubs, in cities where police agencies are participating, to North Texas Kiwanians.

"We've been extremely lucky to have received free shipping for all out-of-town orders," he continued. "Central Freight Lines, Mistletoe and Merchants Fast Freight have shipped cards all over Texas and Oklahoma free of charge."

"Cowboys, Cops and Kids' is about the best way we've ever heard of for police officers and children to meet each other . . . for kids to see that police officers can really be their friends. And the crime prevention tip on the back of each card with the NFL football rule adds to the lasting importance of the cards," Garner said.

The trading card program may soon spread to other areas of the country, thanks to the recent conference in Dallas of the International Association of Chiefs of Police. Community Services personnel have received a flood of inquiries from IACP delegates asking how similar programs may be started in their cities.●

BRUTAL MISTREATMENT OF SOVIET PRISONERS OF CONSCIENCE

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1980

● Mr. WOLFF. Mr. Speaker, I was appalled to learn of several instances of brutal mistreatment of Soviet prisoners of conscience presently detained in forced labor camps. The gruesome and horrifying story was related to me by the Long Island Committee for Soviet Jewry, a group which has done admirable work on behalf of the oppressed thousands of Soviet Jews.

I was told that the incidents took place in Prison Camp Utch Zhkh in Sosnovka, Mordovia Soviet Socialist Republic. Yuri Fedorov, one of several prosecuted in the infamous Leningrad trials, has suffered from an acute kidney condition. Anyone who has suffered from a similar malady knows that the kidney is a very delicate and sensitive organ, and that even the slightest malfunction causes severe pain; only the regular use of heavy anesthetics would permit one to retain one's sanity. Yet the inmate Fedorov was refused any medical care, and was not granted leave from the grueling prison routine. The pain was so great that Fedorov grew desperate; in an effort to gain entree to the hospital, he sliced off his finger. He was admitted to a facility shortly after, despite the reluctance of prison officials.

Fedorov's hospital stay was a short one. His receipt of a package of personal items sent by his mother so incensed the hospital authorities that he was not permitted time to recuperate, and was immediately sent back to work at the camp. It is not known whether Fedorov was able to survive the new ordeal.

Aleksei Tichi, a devoted member of the Helsinki monitoring group, is a fellow inmate of Fedorov's. He has long suffered from a very painful ulcer; like Fedorov, he was denied treatment. In one instance, while the entire population of the prison looked on in disbelief, Tichi was forced to perform strenuous calisthenics while reeling in pain. Unable to continue, the delirious man collapsed; the guards continued to beat him while he lay senseless on the ground.

Perhaps most unnerving of all is the case of an unnamed inmate who could tolerate the routine of punishment no longer. Eager to gain some sort of freedom, he doused himself with gasoline and set himself ablaze; the camp guards were more than willing to let him have his way, as they permitted the flame to slowly extinguish itself.

Has humanity not learned the lesson of the past? How can we persist in paying mere lipservice to the cries of the inmates of Sosnovka and similar camps throughout the Soviet Union? Anyone professing a sense of morality should be outraged to the point of action. The courage of those mentioned is unmatched; life for them is a perpetual and unrelenting struggle against insurmountable odds for the values which they hold dear. We as Americans share those values: The ideals of free expression, free exercise of political prerogative, freedom from arbitrary harassment. I appeal to my colleagues in Congress and to the American people not to soften their encouragement of the dissident movement. In light of the revelations which I present to you today, we have no alternative but to continue our impassioned outcry to the Government which sees fit to condone atrocities in our time; the Soviets must know that their policies will be continuously condemned by the powerful and omnipresent voice of humanity.●

ENERGY TAX CREDITS

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1980

● Mr. EDGAR. Mr. Speaker, I would like to include in the Record a study done by the Northeast-Midwest Congressional Coalition on the importance of including residential and commercial energy tax credit provisions in the windfall profits tax legislation. This analysis is especially timely in light of today's debate on a motion to instruct the House conferees on the windfall profits tax bill to accept Senate amendments providing these credits. The analysis follows:

ISSUE

Representative Norm D'Amours (D-N.H.) is planning to offer a motion to instruct House conferees on the Windfall Profits Tax Bill (H.R. 3919) today to recede and concur in Senate amendments providing residential and business tax credits for energy conservation and alternative energy sources. The resolution would instruct House conferees to support the proposed credits without requiring them to approve every tax credit in the Senate version.

BACKGROUND

The Windfall Profits Tax was designed to prevent oil companies from reaping the benefits of decontrol at the expense of consumers, who have no control over the world price of the oil they buy. The Senate version of the Windfall Profts Tax earmarks part of the revenues for energy credits which are viewed as an effective way to reduce consumption and ease a transition to proven alternative energy technologies. The Senate has recognized that tax incentives encourage conservation and promote the use of renewable resources. Under the Senate version, homeowners and landlords would receive approximately $8.7 billion in credits for investments in solar panels, more efficient furnaces, wood-burning stoves, windmills, and the like. Business energy conservation and alternative energy investments would be provided an estimated $17 billion in credits. Credits would be expanded for solar, wind, geothermal, ocean thermal, and biomass energy equipment. Certain cogeneration equipment, heat pumps, and small-scale hydropower as well as biomass technologies would be eligible. (For a complete listing of tax credits see attached sheet.)

ANALYSIS

It is in the national interest to provide tax credits designed to reduce America's dependence on foreign oil. Tax credit measures included in the Windfall Profits Tax bill are effectively directed to the source of the problem. The savings for energy conserved or replaced from a renewable resource will rise with increasing costs of deregulated oil, thus providing real relief to the energy consumer.

For this reason, these tax credits are of particular interest to Northeastern and Midwestern states, which are characterized by a combination of colder weather and concentrated population.

Energy consumption in these states is particularly high (56 percent of total U.S. residential usage and 52 percent of total commercial usage) and per-unit energy prices are higher, on average, than in Western and Southern states. The region pays for example, an average price of $2,901 per trillion Btu for industrial energy, compared to $2,266 in the South and $2,497 in the West. Given the overall slower growth rate of employment and other indications of economic distress in the region, these energy patterns contribute to a serious and growing regional imbalance. Accordingly, it is in the interest of the Northeast-Midwest region to insure that government incentives for energy conservation and production from renewable energy resources are funded from revenues generated by the Windfall Profits Tax.

It should be noted that the transportation trust fund was eliminated from the Windfall Profits Tax on the Senate floor. This represented a serious loss to the region, where the potential for reduction in gasoline usage through improved public transportation is substantial. It is crucial that the residential and business tax credits are not substantially reduced in conference.

SUMMARY

Without strong tax incentives for conservation and the use of renewable energy resources, Windfall Profits Tax revenues will not ease the burden of oil decontrol on cold-weather states. Current estimates show that conservation could reduce consumption by 30 to 40 percent, the equivalent of all imported oil. Solar and other renewable resources could provide up to 20 percent of our nation's energy needs by the year 2000.

The Northeast-Midwest region has begun to pay and will continue to pay the price of decontrol through increased oil costs. Twelve million of the estimated 16 million households heating with fuel oil are in the region. The agricultural areas of the region which produce 53 percent of the nation's agricultural residuals, 61 percent of the grains, and 27 percent of the wood, face rapidly increasing costs of pesticides, herbicides, fertilizers, and fuel. If tax credits designed to smooth this nation's transition from dependence on foreign oil to domestic production are substantially cut, the nation and our region will lose an effective tool to achieve national goals.

For further information on the use of revenues from the Windfall Profits Tax, see the Northeast-Midwest Institute's "Regional Analysis of the Windfall Profits Tax Bill, Regional Energy Impact Brief No. 8," and "Synthetic Fuel and Alternative Energy Production (S. 932), Regional Energy Impact Brief No. 9."

A summary of the Senate energy tax provisions follows:

Windfall Profits Tax (H.R. 3919)—Residential and Business Tax Credits

RESIDENTIAL ENERGY CREDITS

Present law allows credits for such items as storm doors and windows, weatherstripping, insulation. Additional items allowed under the Senate bill include heat pumps, more efficient replacement oil furnaces and gas furnaces, air-tight wood-burning stoves, coal furnaces and wood-burning furnaces. These items are allowed a 15 percent credit, except the coal furnace, which is allowed a 25 percent credit. These credits are allowed to landlords, and also for second homes or vacation homes.

Under the Senate bill, renewable energy equipment, such as solar heating systems, would be allowed a 50 percent credit for the first $10,000 invested, with a $5,000 maximum credit. Also available for this credit is equipment which generates electricity from solar, wind and geothermal energy sources. Existing law only allowed a maximum credit of $2,200. Homebuilders would also be allowed up to a maximum credit of $2,000 for building houses with passive solar systems.

Because of higher per-unit fuel prices and because of higher rates of heating fuel use, the Northeast and Midwest regions stand to gain more than other regions from capital investments in conservation. All of the credits summarized above have great potential benefit for the Northeast and Midwest. The technologies for these systems have been proven, and allowing them a tax credit will serve to boost the usage of these types of equipment. These credits will provide greater incentive for those who otherwise would not consider solar housing, or other renewables.

BUSINESS TAX CREDITS

The Senate bill provides many new and increased business tax credits for energy-conserving equipment, and also for alternative energy production. The bill would increase from 10 percent to 20 percent the credits for solar, wind, geothermal, ocean thermal, and biomass energy equipment. It provides a 10 percent credit for small-scale hydropower equiment, certain congeneration equipment, heat pumps, and equipment which uses coke or pitch as a fuel. Also given a 10 percent credit under the Senate's version would be wind deflectors for trucks, new electric vehicles, some intercity buses, and vans which would be used for carpooling purposes. The 10 percent credit for synthetic fuels produced from wood biomass, steam from agricultural by-products, oil from shale and tar sands, and other hard to produce oil. The Senate bill also allows many of these facilities to be financed by tax-exempt bonds.

Any incentive which encourages conservation is to the region's benefit, as it stands to gain substantially more than other regions by decreased fuel usage. The credits for alternative fuels, such as solar, biomass and geothermal, are also a boost to the Northeast and Midwest, which depend more heavily upon oil and other conventional energy sources. Solar and biomass, in particular, are of great interest to the region. Current estimates show that conservation could reduce energy consumption by 30 to 40 percent. Solar could produce 20 percent of our nation's energy needs by the year 2000. The tax credits would provide a great push toward that goal.●

GREEN CITES ANDERSON URBAN POLICY

HON. S. WILLIAM GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1980

● Mr. GREEN. Mr. Speaker, for the last 2 days I have inserted into the Record portions of a speech recently given by our colleague and Presidential candidate John B. Anderson, Republican of Illinois. The address outlined Congressman Anderson's urban policy and stands as one of the most significant discussions of public policy yet to emerge from the current campaign. Today, I would ask that the final proposal contained in the position paper and its conclusion be placed in the Record so that all of our colleagues may benefit from John Anderson's thoughts.

Excerpts From Congressman Anderson's Address

NEIGHBORHOOD REVITALIZATION

The future reality of communities ultimately running themselves and being freed from the now-necessary life-support systems of the federal government is the central objective of my urban policy. Not only must we create predictably growing revenue bases and improved service delivery systems, we must also create the possibility for renewed citizen interest in their cities and neighborhoods so that a renewed sense of civic pride will release some creative energies on the local level to confront local problems. As examples of measures that the federal government can take to further this objective, I propose four approaches to neighborhood revitalization: (1) Neighborhood empowerment; (2) small business revitalization; (3) environmental improvements; and, (4) enterprise zones.

Neighborhood empowerment: An anomaly that has existed since Great Society days is the federally funded neighborhood or community development organization. Some of these groups have made exemplary use of their funding, have spurred housing rehabilitation, have generated numerous jobs, and have created a sense of momentum in disadvantaged communities. Yet other groups have been able merely to use their federal funding to create local minigovernment monopolies, jealous of their own sovereignty, which spend much of their effort warding off perceived threats of competing organizations to usurp their access to federal funding.

To some degree it is also inevitable that the focus of federally funded neighborhood improvement groups will shift to satisfying the source of federal funds rather than the neighborhood residents themselves. Recipient organizations, dependent not on the contributions of their own members, but rather on open-ended funding from the federal treasury, are likely to acquire top heavy bureaucracies with their own momentum and agenda, that are not responsive to local needs and that represent a very ineffective expenditure of money.

Moreover, the enormous discretion which federal administrators have in-parceling out funds to only a few neighborhood groups of the thousands which desire such funding is an open invitation to abuse by both administrators and politicians alike. Also, neighborhood improvement and other development groups in economically disadvantaged communities may be particularly susceptible to political manipulation in support of an incumbent President.

To deal with these problems and to provide a significant new impetus to neighborhood of self-renewal, and empowerment, I propose:

The institution of a neighborhood improvement tax credit. A taxpayer would be provided with an eighty percent tax credit on the first fifty dollars of his contribution to a neighborhood improvement group. This proposal (along the lines of one proposed by Representative Joel Pritchard of Washington State) would provide significant infusions of resources into potentially thousands of neighborhood improvement groups. These organizations would ultimately be accountable to their constituencies because they could not expect to reap contributions if they failed to serve the needs of neighborhoods.

The provision of federal matching money to local neighborhood improvement groups in designated poverty areas (where a tax credit might prove to be less of an inducement than in middle income areas). In some circumstances the federal government would match on a basis of up to 4 for 1 funds raised at the local level either directly from citizens or from private charitable and civic organizations.

A much greater emphasis on the "seed money" approach for any new federally funded community development programs. Increasingly such programs would be expected to have a five-year funding cycle to get established and to find local sources of support during their five-year trial period. This provision, as with the review provisions proposed above, would depend on the enactment of the tax credit and matching funds proposals so that local revenues would actually be available.

This set of proposals would continue the federal commitment to neighborhood community development; it would give local residents increased leverage with the administrators of the programs, and it would gradually change the role of the federal government from the sustainer of a small number of increasingly bureaucratized and centrally controlled programs into an investor in a much larger number of self-help efforts controlled on the local level and sustained through increased local participation. As this process unfolded, however, I would be very careful to ensure that ongoing programs serving a useful local need and genuinely desired by local communities would not be arbitrarily terminated. Some programs in this category might well have to remain federally funded for a protracted period should local funds not develop as expected. The purpose of these proposals is not to malign programs but gradually to shift their funding and control basis to the local level while encouraging new self-help initiatives to be developed.

Small business development: A thriving small business sector can have a rejuvenating effect upon an entire community. Local entrepreneurs are likely to have much closer roots in the community than are the officials of large absentee-owned corporations. Small businesses make a significant economic contribution to the health of a neighborhood and to a city's tax base. The small businessman can also provide leadership for a whole range of civic and neighborhood improvement activities. Small businesses, however, have generally been severely squeezed by inflation because they cannot pass cost increases along to their customers as readily as large corporations can which have a powerful market position. Business financing has also become prohibitively expensive or unavailable in many areas. Small businesses can also become victims of "red-lining." I propose:

To amend the Internal Revenue Code to permit under certain circumstances the deferral of taxes on capital gains when the proceeds are invested in a small or medium-sized business.

The vigorous enforcement of Public Law 95-507 requiring that major federal contractors include small businesses and minority businesses in their subcontracting.

Streamlining federal contract payment schedules to small businesses providing goods or services to the Federal government.

Refashioning SBA business assistance programs to better focus assistance to promising neighborhood commercial revitalization initiatives.

Depoliticizing and opening entry into the SBA's 8(a) minority procurement program.

Environmental Improvements. Our cities will never achieve greater independence as long as they continue to export massive expenditures—up to 85 cents on every dollar spent—on energy costs. The first goal of an energy-efficient policy, then, is to encourage communities to take measures to retain those dollars in their community.

Concerted efforts by all levels of government to make better use of our housing resources and our existing municipal physical plant can also be matched by more ingenious efforts at energy conservation. Local communities may choose, as many New England towns and cities already have done, to adopt mandatory source separation ordinances. Relatively small efforts by individuals to separate trash early in the recycling process can reduce dramatically the costs of mixed solid waste disposal, saving both energy and tax dollars. Federal tax incentives may also further accelerate efforts to weatherize homes to reduce energy conservation.

At the federal level I propose a revision of Energy Urban Waste technology research programs to develop research into the means of waste recycling that can involve broad participation by city dwellers, local merchants, and inclusion of private enterprise recycling under the energy entitlements program.

A revision of EPA technical assistance programs to include participation of professionally skilled community-based and private enterprise recyclers who have contributed to the practical development of materials recycling over the past decade.

Enterprise zones: The concept of Enterprise Zones was advanced in 1978 by Sir Geoffrey Howe, Britain's present Chancellor of the Exchequer. Under this concept certain very depressed areas, such as the South Bronx, can be given a special status under which businesses located within their boundaries are exempt from a wide range of laws and regulations.

In the American context I propose enterprise zones on an experimental basis. Such zones would not be exempt from our basic safety laws, civil rights laws or our environmental laws. Nevertheless, a wide range of potential exemptions could still be extended, for example, exemptions from business reporting requirements, from some aspects of wage laws and from certain licensing laws.

Under such a concept a locality could designate a given area, such as the South Bronx, as a potential enterprise zone and set within the framework of the federal authorizing legislation certain conditions for exemption from federal or municipal restrictions. Then voters within the affected area would vote by referendum. If sixty percent of the voters approved, then the enterprise zone would be instituted for a period of perhaps five years subject to review by the voters shortly before the expiration date.

The enterprise zone proposal would encounter numerous problems in formulation and application, but it has a real potential to extend to depressed areas of the United States some of the benefits that free zones have had in spurring severely depressed economies in such areas as Hong Kong. I suggest New Yorkers consider such a proposal as one means of addressing the severe problems of the South Bronx.

CONCLUSION

This paper does not pretend to be exhaustive, as there are many other vital aspects to a program to encourage the self-renewal of our cities such as improved mass transit, better educational finance mechanisms, and a job creation and employment strategy, themselves the subjects of other position papers. There are also many creative initiatives which will be the function of state and local action, rather than of Presidential leadership.

The proposals in this paper do, however, provide an indication of the sharp break from the dogmas of the past that I believe are needed if American city dwellers are to become masters of their own destiny. The course will not be easy but neither will our future if we fail to face the need for change.●

UPPER MERION CITIZEN SETS ENVIABLE RECORD IN SERVING COMMUNITY

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1980

● Mr. COUGHLIN. Mr. Speaker, at a time when personal concerns seem overwhelming to so many citizens, I am pleased to bring to my colleagues attention the record of outstanding community service compiled by a resident of my congressional district.

Wilfred "Ooky" Horrocks, of Upper Merion Township, Pa., will be honored this Friday evening at a testimonial dinner dance. This tribute by his fellow citizens comes as no surprise to those who know what Ooky Horrocks has done in the fields of civic, governmental, and political endeavor. He already has been honored by the Pennsylvania House of Representatives, has received the Kiwanis International Award for Achievement, and has been commended by the Upper Merion Township Board of Supervisors.

Born in Bridgeport, adjoining Upper Merion, on Columbus Day in 1909, Ooky Horrocks and his family moved to Upper Merion Township 4 years later. For 57 years, he has been an active and dedicated citizen in every sense of those words.

Ooky Horrocks organized the Upper Merion student loan fund in 1953 and served as its chairman for 8 years. He is an organizer of the Lafayette ambulance squad, and is serving his 19th year as president and fundraising chairman. For 14 years, he has helped man the ambulance on hundreds of missions.

While working at the Montgomery County Courthouse, Ooky Horrocks organized first aid teams and directed training sessions. He is past chairman of the Upper Merion cancer drive and holds a 25-year perfect attendance record with the local Kiwanis club where he has served in a number of official postions. Ooky Horrocks has been chairman of the Kiwanis holiday basketball tournament and chairman of the Kiwanis annual football banquet, both high school events. He also served on the hospital study commission in Upper Merion.

Ooky Horrocks worked for the county government for 21 years, 10 in the recorder of deeds office and 11 as a tax assessor. He served also as township auditor. He helped organize the Republican Party in Upper Merion in 1958, was its chairman and has been a committeeman for 20 years.

An accomplished musician, Ooky Horrocks played in and managed a band, he directed local theatrical productions and acted in many of them.

While there are more accomplishments and affiliations, I believe those cited here attest to the civic mindedness, commitment and energy of Ooky Horrocks. He is married to the former Ethel Williams of Norristown, Pa., is the father of two, and the grandfather of three. I am sure his family is proud of Ooky Horrocks many contributions to and work for the community he loves.

I extend my congratulations to him for living so rich and rewarding a life, for being a warm and dedicated family man, and for sharing with the people of his community his many talents and devoted labor.●

NONPROFIT PRIVATE SECTOR

HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1980

● Mr. FISHER. Mr. Speaker, I have long maintained an interest in the viability of the nonprofit private sector of our economy. As part of this effort, I, along with Congressman CONABLE, have introduced H.R. 1785, which would increase the tax incentives for support of this sector through voluntary contributions.

In conjunction with this legislative effort, I believe that it is important to emphasize the need for congressional action. The following excerpts from "The Endangered Sector," by Waldemar A. Nielsen, do this in a concise and expert manner. I commend my colleagues attention to his remarks:

SELECTED EXCERPTS FROM THE ENDANGERED SECTOR

(By Waldemar A. Nielsen)

THE SECTOR IN QUESTION

It consists of that vast array of institutions and associations—colleges, the churches, voluntary hospitals, philanthropic foundations, symphony societies, scientific research centers, and multitudes of other entities, both permanent and transitory—whose common characteristics are that they are private, do not operate for profit, and are devoted to serving the general welfare—not simply the welfare of their members or supporters. For this huge element in our national life, there is not even an acceptable name. It is an anonymous realm. For want of some better term I shall call it the Third Sector.

THE ROLE OF THE NONPROFITS

They operate in that large sphere of life which does not center on power and authority or on the production and acquisition of material goods and money. They embody the countervalues and complementary beliefs of our competitive, capitalistic, materialistic, secular, egalitarian culture.

THEIR ERODING SOLVENCY

The most apparent and immediate problem is financial insolvency . . . Nonprofit institutions go into the last two decades of the century with mostly aging and often mislocated facilities, their financial reserves are seriously depleted, their costs are rapidly going up, and their income from private sources is declining. . . . But word of what is happening to them rarely breaks into the media or enters the mainstream of political discussion. So this great calamity proceeds, so far at least, unrecognized and in silence.

THE ONSLAUGHT OF GOVERNMENT

The influence of government upon private nonprofit institutions has become immeasurably greater than ever before. It now sets the priorities for the nation's scientific laboratories, as it determines the extent of access to medical care, as it controls, through the power of its purse, that part of the income of educational and welfare institutions which decisively shapes their growth and character. . . . The heart of the difficulty is that there is a fundamental imbalance in the position of the two parties. Individual private organizations on the whole are more dependent upon government than government is upon them. They tend as a result to be outgunned in specific negotiations, overpowered in closed-door policy disputes, and generally smothered in the governmental mass.

THE SITUATION OF PRIVATE HIGHER EDUCATION

American higher education with massive government assistance was a major growth industry in the 1950's and 1960's. That period has left it bigger and fairer than ever before; but it has also left it far more dependent on Washington than ever before, more subject to its direction, more entangled in its procedures. The system has become more exploited in the sense that it is now increasingly employed as an instrumentality for the achievement of various noneducational purposes—economic, environmental, military, and social; more centralized in its decision-making, particularly at the state level; and more governmentalized in the sense that the public sector has become preponderant. . . . If higher education is not able to deal with the task of managing the decline coming in the 1980's and 1990's with greater skill and forehandedness than it handled the growth problems of recent decades, one of the momentous consequences may well be the devitalization and possibly the liquidation of a good part of private higher education and thereby the duality of the American system.

THE SITUATION OF BASIC SCIENCE

Although the Federal government is now overwhelmingly the major source of funding of basic scientific research in this country, its authority over the scientific community is less than the arithmetic might suggest; its support is essential to the scientists, but their willing collaboration is indispensable to the government. The relationship, depending on one's preference in simile, is like two lovers in a hammock . . . or two scorpions in a bottle.

CULTURE AND THE ARTS

The National Endowment for the Arts has in its first years been an agency run not only well but with flair. Its program is eclectic, diverse and one for which almost everyone has some enthusiasm and some criticism. The elitists are pleased that it has made a brave effort to hold to standards of quality in its grant-making, but they fear the growing attention given the amateurs and the "artsy-craftsy" advocates. The offbeat and avant-garde elements of the cultural community suspect the Endowment's heart is still with the old Establishment, but they are satisfied that they have been able to win at least a piece of the action . . . But this happy situation must almost inevitably erode. Programs in the arts confront any bureaucracy with a maximum of the kinds of decisions for which it has the maximum distaste, namely those which require discriminating choices to be made on the basis of nonobjective, nonquantifiable criteria . . . For arts organizations the most threatening and immediate danger they feel they face is financial; but as the volume of government funding increases, as it almost certainly will in the years to come, economic concerns may rapidly be displaced by political ones.

THE HEALTH SYSTEM

If the most urgent problem of higher education is now the "management of decline", that of medicine and health services is the control of excess-excessive hospitalization, excessive resort to drugs and surgery, and especially excessive increase in costs . . . For a crucial quarter century between the two world wars, nonevolution was its most prominent and troubling characteristic; but for most of the past 40 years, it has been in the process of extraordinarily rapid and fundamental change. The great issue of the earlier part of the century, namely whether government should be allowed a major role, has been resolved, decisively and irreversibly. But the massive entrance of public funds has now thrown the system into a new crisis which turns on the question, once government intervention is accepted, of how it should best intervene to achieve efficiency as well as equity and to ensure freedom as well as access.

THE SOCIAL ACTION MOVEMENTS

Social action movements by definition are gadflies on the rump of the great beast of the Establishment. It is not to be expected therefore that they would be embraced and assisted by those governmental and private institutions whose objectives, procedures, and behavior they seek to change. Nor have they been . . . . That they have flourished in recent years is a remarkable tribute to their esprit and dedication, for they have generally had great difficulty in raising funds; and the more activist and controversial the group, the more severe its funding problems have been . . . . On the whole, they obtain little or nothing from the great established elements of the economic system, nor from the major mechanisms for raising charitable contributions. Corporations and their philanthropic foundations, with few exceptions, exclude the social-action movements from their grant-making. The trade unions, with the exception of the United Automobile Workers and one or two others, have been almost as unhelpful. Likewise, the United Funds across the country distribute the vast sums they collect almost exclusively to service institutions of various kinds, not to activist groups . . . Equally serious, the tax system as a whole is of no assistance in enabling them to be self-supporting through the contributions of their own members. Rather, it condemns them to dependence on baronial benefactors. But, to make the Catch 22 complete, the barons with few exceptions, are indifferent.

NECESSARY CHANGES IN PUBLIC POLICY

Government is a large part of the problem of the Third Sector; it can also be a large part of the solution. It is the biggest operating factor in fields of interest to private nonprofit organizations. It lays down the rules and regulations within which they operate. It is also a major source of their funding. Their future, therefore, to a great extent lies in its hands. The attitudes of government toward the Third Sector, the structures and procedures of government for dealing with (or ignoring) it, and the policies of government affecting it are of central importance. Unfortunately, those policies as of now are a poisonous mixture of benign indifference and impulsive intrusion . . . This whole pattern of unmindfulness toward the Third Sector must be drastically changed. If its great potentialities for contribution to the national welfare are to be realized, the sector must begin to receive continuous and considerable government attention. It must become the object of active protection and affirmative reinforcement by government. It is a fragile and vital national resource, and unless there is such a far-reaching change in the attitude of government toward it, it will increasingly be deformed and damaged.

PROBLEM OF GOVERNMENT INTRUSION AND HARASSMENT

A considerable body of unhappy national experience suggests that if and when another period of internal social tension and concern about external military threats recurs—as it very possibly might—all the powerful pressures for governmental lawlessness and the suppression of dissent will again be unleashed . . . For the Third Sector, this is a vitally important concern, for private nonprofit agencies, including universities, scientific research centers, and social-action movements, tend to be precisely the focus of such governmental acts of intrusion and intimidation.

PROSPECTS

The parallel existence of great hope in—and hopelessness about—government is the central political fact of American democracy today . . . If we are now to move from criticism to construction—to the development of a modified and more satisfactory successor to the present form of the welfare state—three of its central dilemmas must be resolved: First, the dilemma of unlimited demands and limited resources; second, the dilemma of the need to improve the efficiency and effectiveness of government programs and at the same time to reduce governmental oppressiveness; third, the dilemma of pursuing egalitarian democratic objectives without at the same time producing a condition of civic abjectness and inertia . . . The Third Sector does not offer a substitute for the social and humanitarian programs of the modern welfare state. But it does offer a means of supplementing and stimulating them and of lessening some of the most dangerous fiscal, psychological, and political side-effects of excessive bureaucratization, centralization, and depersonalization of governmentally administered programs.●

SOLZHENITSYN ON COMMUNISM

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1980

● Mr. LAGOMARSINO. Mr. Speaker, I wish to call to the attention of my colleagues the commentary by Alexander Solzhenitsyn which appeared in Time magazine February 18, 1980.

He paints a harsh picture of communism, which should alert us to the dangers of the Marxist-Leninist system that too many people seem to think can be moderated to accommodate Western ideals and goals. The evidence, according to Solzhenitsyn, clearly points out that the invasion of Afghanistan is merely the most recent example of the Soviets desire for world domination.

The commentary follows:

SOLZHENITSYN ON COMMUNISM

The West began its perilous miscalculation of Communism in 1918: from the very beginning the Western powers failed to see the deadly threat that it represented. In Russia at that time, all previously warring factions—from the government forces to the Constitutional Democrats and the right-wing Socialists—united against Communism. Though the peasants and workers were not formally allied with these groups, and were not coordinated, thousands of peasant revolts and dozens of worker uprisings reflected the masses' opposition to Communism. A Red Army was mobilized by executing tens of thousands of men who tried to evade Bolshevik conscription. But this Russian national resistance to Communism received scant support from the Western powers.

The most fantastically rosy notions about the Communist regime circulated in the West, and so-called progressive public opinion greeted it with joy, in spite of the fact that by 1921, 30 Russian provinces were undergoing a Cambodia-like genocide. (In Lenin's lifetime, no fewer innocent civilians perished than under Hitler, and yet today American schoolchildren who invariably regard Hitler as the greatest villain in history, look upon Lenin as Russia's benefactor.) The Western powers vied with one another to give economic and diplomatic support to the Soviet regime, which could not have survived without this aid. Europe took no notice of the fact that some 6 million people in the Ukraine and the Kuban River basin had died of hunger.

In 1941, the worth of this much-touted regime became apparent to the world: from the Baltic to the Black Sea the Red Army retreated as if swept away by the wind, in spite of its numerical superiority and its excellent artillery. There was no precedent for such a rout in a thousand years of Russian history and, indeed, in all military history. In the first few months of the war, some 3 million soldiers had fallen into enemy hands! Here was a clear statement of our people's desire to be rid of Communism. The West could not have failed to understand if only it had wanted to see. But in its nearsightedness, the West held that the sole threat to the world resided in Hitler and that his overthrow would end all danger. The West did what it could to help Stalin forcibly harness Russian nationalism for the Communist cause. And so, in World War II, the West defended not freedom in general but merely freedom for itself.

In order to buy Stalin's friendship at the end of the war, the West turned over 1.5 million people who were then in Allied hands and who did not wish to return to Stalin's tyranny. Among them were entire Russian divisions, Tartar and Caucasian battalions, as well as P.O.W.s and forced laborers numbering in the hundreds of thousands, including old men, women and children. Stalin manipulated Roosevelt with ease, effortlessly assuring himself of control over Eastern Europe: Yalta marked the beginning of a 35-year streak of American defeats, only briefly interrupted in Berlin and Korea. (When there was the will to resist, victory followed.) As I have written on earlier occasions [in 1975 in an article entitled "The Big Losers in the Third World War" and in the book *Warning to the West*], the entire period from 1945 to 1975 can be viewed as another world war that was lost by the West without a battle and in which some two dozen countries were abandoned to Communism.

There are two reasons for this string of capitulations. First is the spiritual impotence that comes from living a life of ease; people are unwilling to risk their comforts. Second, and just as important, is the prevailing, total incomprehension of the malevolent and unyielding nature of Communism, which is equally dangerous to *every* country. The West often seeks an explanation for the phenomenon of 20th century Communism in some supposed defects of the Russian nation. This is ultimately a racist view. (How then can China be explained? Viet Nam? Cuba? Ethiopia? Or the likes of Georges Marchais?) Flaws are sought everywhere but in Communism itself. Its aggressiveness is explained by, for example, Averell Harriman, in terms of a national dread of foreign aggression; this is said to account for the building of a vast arsenal and the seizing of new countries.

Western diplomats depend on unsound hypotheses that involve supposed "left" and "right" factions of the Politburo, when, in reality, all of its members are united in seeking world conquest and are undiscriminating in the means they use. Insofar as struggles do occur within the Politburo, they are purely personal; they cannot be used for diplomatic leverage. The average Soviet citizen, deprived though he is of information about the world and of the benefits of Western Kremlinology, understands this perfectly well. Illiterate Afghan herdsmen are equally on target when they burn portraits of Marx and Lenin, instead of accepting the tale that their country was occupied simply because Leonid Brezhnev happened to be ailing.

Try asking a malignant tumor what makes it grow. It simply cannot behave otherwise. The same is true of Communism; driven by a malevolent and irrational instinct for world domination, it cannot help seizing ever more lands. Communism is something new, unprecedented in world history; it is fruitless to seek analogies. All warnings to the West about the pitiless and insatiable nature of Communist regimes have proved to be in vain because the acceptance of such a view would be too terrifying. (Did not the Afghan tragedy in fact take place two years ago? But the West shut its eyes and postponed recognizing the problem—all for the sake of an illusory détente.) For decades it has been standard practice to deny reality by citing "peaceful coexistence," "détente," "the Kremlin leadership's pursuit of peace." Meanwhile Communism envelops country after country and achieves new missile capabilities. Most amazing is that the Communists themselves have for decades loudly proclaimed their goal of destroying the bourgeois world (they have become more circumspect lately), while the West merely smiled at what seemed to be an extravagant joke. Yet destroying a class is a process that has already been demonstrated in the U.S.S.R. So has the method of exiling an entire people into the wilderness in the space of 24 hours.

Communism can implement its "ideals" only by destroying the core and foundation of a nation's life. He who understands this will not for a minute believe that Chinese Communism is more peace-loving than the Soviet variety (it is simply that its teeth have not yet grown), or that Marshal Tito's brand is kindly by nature. The latter was also leavened with blood, and it too consolidated its power by mass killings, but the weak-hearted West preferred not to take any notice in 1943-45. He who understands the nature of Communism will not ask whether the world's aid is reaching the starving Cambodians through the good offices of the Heng Samrin regime. Of course it does not. It is confiscated for the army and government. The people can starve.

Communism needs the whole charade of détente for only one purpose: to gain additional strength with the help of Western financing (those loans will not be repaid) and Western technology before it launches its next large-scale offensive. Communism is stronger and more durable than Nazism, it is far more sophisticated in its propaganda and excels at such charades.

Communism is unregenerate; it will always present a mortal danger to mankind. It is like an infection in the world's organism: it may lie dormant, but it will inevitably attack with a crippling disease. There is no help to be found in the illusion that certain countries possess an immunity to Communism: any country that is free today can be reduced to prostration and complete submission.

Nevertheless, healers frequently turn up to pronounce the following reassuring diagnosis of the acute infection that is Communism: "This malady is not contagious; it is a hereditary Russian disorder." The cure they propose involves avoiding angering the Brezhnev regime at all costs. Instead, it must be supported and equipped. They insist that the enemy to be opposed is any manifestation of the Russian national consciousness, when, in reality, it is the only force that is realistically capable of weakening Soviet Communism from within. The case against the Russian national consciousness is systematically being argued by noted American academics and journalists, who are using irresponsible and tendentious data supplied by some recent émigrés from the Soviet Union.

Such propaganda is sheer madness and serves only to disarm the West. After the forces of Russian nationalism were betrayed by the West in the Russian civil war and once again in World War II, here is an open call to repeat this betrayal yet a third time. This would have ruinous consequences for the Russian people and for the other peoples of the U.S.S.R. It would be just as ruinous for the West. Today the Communist leadership with its decrepit ideology once again dreams of saddling and bridling Russian nationalism in pursuit of its imperial goals. The West must not now equip a horseman intent on the West's destruction.

Communism is inimical and destructive of every national entity. The American antiwar movement long nurtured the hope that in North Viet Nam nationalism and Communism were in harmony, that Communism seeks the national self-determination of its beloved people. But the grim flotilla of boats escaping from Viet Nam—even if we count only those that did not sink—may have explained to some less ardent members of the movement where the national consciousness resides and always did reside. The bitter torment of millions of dying Cambodians (to which the world is already growing accustomed) demonstrates this even more vividly. Take Poland: the nation prayed for just a few days with the Pope; only the blind could still fail to distinguish the people from Communism. Consider the Hungarian freedom fighters, the East Germans who keep on dying as they try to cross the Wall, and the Chinese who plunge into shark-infested waters in the hope of reaching Hong Kong. China conceals its secrets best of all; the West hastens to believe that this, at least, is "good, peace-loving" Communism. Yet the same unbridgeable abyss, the same hatred separate the Chinese regime and the Chinese people.

An identical chasm exists between Communism and the Russian national consciousness. It pains us that the West heedlessly confuses the words Russian and Russia with Soviet and U.S.S.R. To apply the former words to the latter concepts is tantamount to acknowledging a murderer's right to the clothes and identification papers of his victim. It is a thoughtless blunder to consider the Russians the "ruling nationality" in the U.S.S.R. The Russians were the recipients, under Lenin, of the first crushing blow. They suffered millions of victims (with the most outstanding killed off selectively) even before the genocidal collectivization of agriculture. At the same time Russian history was reviled. Russia's culture and its church were crushed. Russia's clergy, nobility, merchants and finally its peasantry were destroyed. Though the regime's blows fell next on the other nationalities, the Russian countryside today has the lowest standard of living in the U.S.S.R., and Russian provincial towns have the lowest priority in the distribution of consumer goods. In huge areas of our country, there is nothing to eat, and the purchasers of U.S. grain do not improve the people's diet (the grain goes to military stockpiles). The Russians make up the bulk of the slaves of the Soviet state. The Russians are exhausted; their debilitation is becoming hereditary, their national consciousness has been debased and suppressed.

Nothing could now be further from the heart of the Russian people than a militant nationalism; the idea of an empire is repulsive to them. But the Communist regime watches its slaves carefully and takes special pains to suppress their non-Communist consciousness. The result: enormous labor camp terms for the proponents of freedom (Igor Ogurtsov—20 years, Vladimir Osipov—16 years, Yuri Orlov—seven years); the new arrests of priests, the spiritual teachers of the people (Gleb Yakunin and Dmitri Dudko); the destruction of the innocent Christian Committee for the Defense for Believers' Rights; the continuing mass imprisonment of young Christians; the exile of Andrei Sakharov.

In expectation of World War III the West again seeks cover, and finds Communist China as an ally! This is another betrayal, not only of Taiwan, but of the entire oppressed Chinese people. Moreover, it is a mad, suicidal policy: having supplied billion-strong China with American arms, the West will defeat the U.S.S.R., but thereafter no force on earth will restrain Communist China from world conquest.

Communism stops only when it encounters a wall, even if it is only a wall of resolve. The West cannot now avoid erecting such a wall in what is already its hour of extremity. Meanwhile, however, 20 possible allies have fallen to Communism since World War II. Meanwhile, Western technology has helped develop the terrifying military power of the Communist world. The wall will have to be erected with what strength remains. The present generation of Westerners will have to make a stand on the road upon which its predecessors have so thoughtlessly retreated for 60 years.

But there is hope. All oppressed peoples are on the side of the West: the Russians, the various nationalities of the U.S.S.R., the Chinese and the Cubans. Only by relying on this alliance can the West's strategy succeed. Only together with the oppressed will the West constitute the decisive force on earth. This is also a matter of principle, if the West is to uphold freedom everywhere and not merely for itself.

This strategy will obviously entail radical conceptual changes and the rethinking of tactic on the part of Western politicians, diplomats and military men.

Five years ago, all my warnings were ignored by official America. Your leaders are free to ignore my present predictions as well. But they too will come true.●

VOICE OF DEMOCRACY WINNER

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1980

● Mr. DONNELLY. Mr. Speaker, I would like to call to the attention of my colleagues the following speech presented by one of my constituents, Elizabeth Marie Zullas of the distinguished city of Brockton. Miss Zullas is the Massachusetts winner of the Veterans of Foreign Wars, Voice of Democracy contest. The optimistic attitude expressed in this speech offers us all encouragement as we pursue our daily tasks.

The speech follows:

MY ROLE IN AMERICA'S FUTURE

In my attempt to discover my role in America's future, I find that I must first look into the past of this great nation.

America has become known throughout the world as a nation concerned with the plight of those less fortunate. America has always given unselfishly of herself in the interest of human rights and world peace with dignity. She has in the past given her own beloved sons and daughters that other countries may live free of the fears of despotism. Since her birth, a short two hundred and four years ago, America has been a shining beacon beckoning ships in despair out of the cold night and into the safety of her vast harbor. Though in her youth, America has already established a tradition of giving to underprivileged peoples, as well as those who have taken arms against her.

Americans are proud of this tradition, and grateful for having a nation so powerful but with such humanitarian intentions. I think it is important that I assume this role, that I show a concern for those around me; for, to me, being an American means living by her principles and the ideals she has set for herself. Therefore, I must become involved in many ways and not be discouraged by the thought that I am only one person trying to do the work of a thousand.

America faces many trials in this day and age, but to me the most haunting spectre in her midst has been the blanket of apathy covering too many of her people. Many are disheartened by a state of affairs which they do not consider ideal, but they have made no move to change them. A dangerous atmosphere of indifference has been developing, bringing a me-first, individualistic attitude in its wake. I feel that it is my duty to try to dispell this unhealthy climate by becoming well informed and intelligently making the decisions which America has left in my hands. I must make use of the privilege soon to be granted to me, the vote, and do so wisely.

America was founded on the principle that the people are the most important voice in the government, but some of those people themselves are nullifying that voice by refusing to make it heard. It is beyond my comprehension that anyone could underestimate the significance of their vote, their liberty to choose who will represent them in government. Hundreds and thousands have fought and died to preserve that freedom for us. It is much more than a lofty ideal. Our freedom to choose how we will be governed and by whom is a reality, and I feel it is up to me to exercise that privilege to the very best of my ability. To me, that does not mean randomly casting a ballot on election day if I should happen to remember, it means studying the issues, the problems, and the solutions offered. It means actively participating in a campaign for a candidate that I believe in, and, if I feel there is need for a change, it means working with, not protesting against, those who may bring about that change.

As I look to America's future, I am optimistic, for I see a reverence for principles that was absent for a time. I see a generation of youth that is not afraid to know the problems that we face and to take a stand, to stand behind America. We are again reaching out across the globe, and we are again learning to join hands and work together, especially in times of crisis. The Americans of the eighties are dispersing that annoying cloud of apathy and standing up to defend what they feel is right. I am excited to be a part of this new energy and concern, searching for new answers while respecting ageless traditions. Today's youth is feeling respect and gratitude toward those who fought and died to preserve their many freedoms.

America has given me what I can find nowhere else in the world: The freedom of choice. I may choose how I shall be educated, and to what extent. I may choose what I will read and what I will believe, what side of an issue I will support and what I will say to anyone, from the man in the street to the highest government official. I may choose how I wish to be governed and by whom. And all this nation asks—not demands but asks of me, is that I exercise my freedom of choice. In the future, it is my duty as an American to make these choices knowledgeably and wisely, and to try to encourage others to do so, in the best interest of us all.●

HIRSCH PANEL REPORT ON FUSION

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1980

● Mr. RHODES. Mr. Speaker, while an energy-anxious world nervously contemplates division of finite sources from natural deposits—research has been moving ahead steadily on fusion—an energy source that could liberate us from overdependency on dwindling supplies.

We are accustomed to expectations of what we call breakthroughs—momentous turning points that open vast vistas and solve heretofore insoluble problems. A recent report by the Fusion Advisory Panel of the House Research and Technology Subcommittee on Energy Research and Production indicates that we are ready to turn a significant corner in our quest for fusion energy. It represents a quiet breakthrough—with vast implications for our economy.

Dr. Robert L. Hirsch chairs this 12-man panel of distinguished leaders in commercial and academic energy utilization research. In its second report to the subcommittee—Dr. Hirsch has called for a stepped-up fusion development program.

Although fusion has become a household word only relatively recently, its potential has intrigued scientists for three decades. Since 1958 there has been a worldwide interchange of ideas on how to develop fusion—which essentially is domesticating Sun power—duplicating on a small scale the process used by the Sun to generate immense and intense heat. Fusion research is no sudden thing. It has been going on for 30 years—and now is nearing the results stage. Fusion reactions have been created in the laboratory—so the process is known.

The time has come—Dr. Hirsch avers—to switch emphasis from basic physics research to an intense program of engineering—to devise a way to move fusion power from the laboratory to the practical powerplant. This is a significant step, and indicates that the fusion program has made substantial progress.

The advisory panel cites the potential reward of a speedup in the fusion program. It currently is scheduled to stretch out to the year 2010. Dr. Hirsch estimates that a demonstration power reactor could be built by the year 1990 and, by 1995, commercially feasible fusion power could be available. This would knock nearly 15 years off the present schedule. This switch in emphasis from basic research to engineering is not the thunderclap kind of breakthrough that many have been looking for. It is, however, an indication that we are on the way toward utilizing the potential of fusion power.

The panel notes that fusion power will not come cheaply. It also acknowledges that there are many monumental engineering problems to be solved. When dealing with temperatures up to 100 million degrees, new ways to contain that enormous energy must be found. The panel recommends that the Tokamak program of magnetic containment be emphasized as the route to cutting years off the fusion timetable.

The cost factor to develop fusion power must necessarily escalate as research turns from pure science to practical application. Considering the potential, the panel believes that an accelerated investment now and over the next decade or two would, in actuality, cut costs by producing fusion electric power on an economically feasible basis much sooner. The stretched-out program would entail greater total costs than a successful stepped-up effort to put fusion power on the line by the turn of the century.

The panel calls for a $1 billion reactor demonstration project. This is no pig in a poke. It is a distinctly reachable goal by 1995 Measured against the almost limitless potential of fusion power, a larger investment by our Government in fusion seems a wise course. Put simply, practical fusion power would make our lakes and oceans vast reservoirs of energy.

The advisory panel emphatically urges that the demonstration powerplant not be an end in itself—but be designed and engineered as a prototype pragmatical commercially adaptable plant to produce electric power.

One of the advantages of fusion is its minute production of radioactive waste and its safety. Only a tiny supply of fuel would be on hand at any given time, only about a second's worth of reacting fuel. The panel acknowledges that any massive production of energy involves environmental challenges—and recommends that solutions to these problems be worked out as an integral part of the fusion development plan.

The panel's report—as summarized by Dr. Hirsch—poses the prospect that fusion is much nearer a reality than ever. It suggests that it is time to turn from emphasis on physics to perfection of the engineering technology needed to harness fusion energy. It believes that an adequate investment of public funds in the near future would slash development time—and be, in the long run, more economical—by bringing the benefits of fusion power to our Nation a decade or so sooner than present plans expect.

The potential is there. Now it is up to the Congress and the American people to get behind this program—to bring magnetic fusion into our future. As the panel report concludes: "What is needed to capture this opportunity is a national commitment to pursue it."

Fusion represents the very real possibility of energy independence—production of immense amounts of electrical power from an unlimited fuel source—if we are willing to make fusion a national purpose. We are at the stage that increased funding has become a key factor. An infusion of funds now can bring fusion power to fruition in this century. That is a great potential. We should not fumble it by haggling—or hesitancy.●

TRANSPORTATION SYSTEM MANAGEMENT

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1980

● Mr. EDGAR. Mr. Speaker, I had the opportunity yesterday to sit in on a hearing conducted by the Oversight and Review Subcommittee of the Public Works and Transportation Committee. The purpose of the hearing was to examine Federal transporation programs to see if they are meeting present and future mobility and energy needs. Mr. C. Kenneth Orski, vice president of the German Marshall Fund, and former associate administrator for policy of the Urban Mass Transportation Administration, testified on Transportation System Management, an evolving concept in transportation policy. I include Mr. Orski's testimony in the CONGRESSIONAL RECORD for the benefit of my colleagues:

PREPARED TESTIMONY OF C. KENNETH ORSKI, VICE PRESIDENT OF THE GERMAN MARSHALL FUND OF THE UNITED STATES

My name is C. Kenneth Orski. I am currently Vice President of the German Marshall Fund of the United States, a private U.S. foundation located in Washington D.C. The aim of the Fund is to promote cooperation between the United States and Europe on problems of common concern to Western society. In this sense, our foundation is similar in goals and in spirit to the Marshall Plan which it is meant to commemorate.

Prior to joining the Fund in May 1978 I served for four years in an appointive position as Associate Administrator for Policy of the Urban Mass Transportation Administration, a tenure, I might add, that spanned three UMTA Administrators and three Secretaries of Transportation. In that capacity I participated in the formulation of many of the policies that today govern the UMTA program.

I am very pleased to have been invited to appear before this committee and to testify broadly about the future of urban mobility in an era of growing financial, environmental and energy constraints. One of the consolations of private life is the ability to offer provocative advice without fear of having to act upon it. While the temptation to pontificate is always strong, I am mindful that your Committee, in the exercise of its oversight responsibilities, is not interested in abstract philosophy or pie-in-the-sky proposals, but in practical advice. It is in this spirit that I propose to share my thoughts with you.

TRANSPORTATION SYSTEM MANAGEMENT (TSM): A CONCEPT IN TUNE WITH ITS TIMES

Let me begin with a rather bold statement: We are, I believe, on the threshold of a fundamental change in our approach to transportation. For over a century the dominant goal of our transportation policy was to build new facilities—first turnpikes and canals, then railroads and streetcar lines, and in recent years superhighways, airports and—to a limited extent—rapid transit systems. Today, for the first time since the middle of the nineteenth century, fiscal constraints are forcing us to lower our sights and moderate our infatuation with brick and mortar. We are coming to realize that the transportation infrastructure which we have already put in place represents an enormous and often vastly underutilized resource which, if managed effectively, could accommodate our growing transportation needs for many years to come.

Out of this new awareness evolved the concept of Transportation System Management (TSM)—a principle which argues for a re-orientation of local and national policies away from a preoccupation with large-scale public works, and toward policies that encourage better management and more efficient utilization of existing investment. In short, TSM argues for the proposition that transportation capacity and urban mobility can be effectively increased without a massive expenditure of money, if only sufficient imagination and creativity are exercised in managing the system we already have.

In September 1975 this philosophy received official recognition and blessing by being made part of the Joint FHWA/UMTA Planning Regulations. Today, five years later, TSM constitutes an integral part of Federal transportation policy, is being vigorously promoted by the Department of Transportation, and is widely—though still unevenly—practiced at the local level.

As one who was intimately involved in the development, promulgation and early implementation of federal TSM policy, I naturally find its rapid diffusion and acceptance highly gratifying. Let me hasten to add, however, that I do not intend these words to imply that the TSM requirement has ceased to be controversial or that the policy has been enthusiastically embraced by local officials everywhere. It has not. I merely mean to say that the TSM concept has entered the mainstream of transportation thinking. The rationale for TSM has by now become well understood and accepted—as have most of its techniques. What is more, the term itself seems to have become a permanent part of the transportation planner's and engineer's vocabulary. Most importantly, we are beginning to see some significant—though still spotty—results of TSM implementation.

What accounts for this rapid acceptance of the TSM concept? The cynic would say that once TSM became the object of a federal regulation, local authorities had no choice but to comply. This, I think, is too facile an explanation. The Federal Register is replete with rules and regulations (those of OSHA are a good example) which have been given only token compliance. The explanation for TSM's acceptance lies, I believe, elsewhere. At the risk of sounding ponderous, I believe that TSM has been embraced by local officials because it was an idea whose time had come. I mean by this, that TSM came to reflect a set of values and concerns which independently gained wide currency in contemporary America. These values include the environmental consciousness, the emerging ethic of "urban conservation," the growing climate of fiscal restraint in the public sector, and a newly-found awareness that the age of cheap, plentiful oil is over. TSM happened to become at once an expression of these new values and an instrument of their realization. It is, in other words, a policy fundamentally in tune with the times; a concept which, I daresay, would have to be invented if it did not already exist.

TSM: A TENTATIVE VERDICT AND SOME RECOMMENDATIONS FOR THE FUTURE

So much for the genesis of TSM and its philosophic underpinnings. Let me turn now to a more practical question: How effective has the policy, in fact, been? Has TSM fulfilled its promise as an instrument of fiscal, environmental and energy conservation? To answer these questions I find it useful to group TSM actions in five categories:

(1) Actions aimed at increasing the people-carrying capacity of existing roadways through preferential treatment of buses and other high-occupancy vehicles (HOVs), traffic flow improvements, electronic highway aids, etc.;

(2) Actions aimed at making more efficient use of automobiles and other small passenger vehicles through various forms of ridesharing;

(3) Actions aimed at reducing non-essential auto traffic through parking management, traffic diversion, auto pricing strategies, auto-restricted zones, etc.;

(4) Actions aimed at influencing the distribution of trip making over time in order to ease pressure on overcrowded transportation facilities (e.g. staggered work hours, flextime, lower off-peak transit fares, etc.);

(5) Actions aimed at modifying the modal split (i.e. increasing transit usage at the expense of the automobile) through provision of improved public transportation service, transit marketing, etc.

My own judgment is that we are making important strides in implementing the first two types of actions, but have been largely unsuccessful in regard to the last three types. Why? You will note that all three involve some form of management of transportation demand, while the first two involve the management of transportation supply. While demand management constitutes in many ways the most innovative and original aspects of TSM, it also happens to be politically the most controversial, involving as it does a form of manipulation of travel behavior—something that has been traditionally repugnant to our libertarian spirit.

What can be done to increase the future effectiveness of TSM policy? Let me offer two suggestions:

First, I would suggest that we stop viewing TSM as a planning requirement and begin to treat it for what it really is, i.e. a management function. Making the TSM requirement part of the planning regulation (rather than part of the Transportation Improvement Program (TIP) requirement) proved in retrospect to have been a serious error. For in so doing we placed the responsibility for TSM in the Metropolitan Planning Organizations—agencies which have no political clout and no powers of implementation. Not surprisingly, TSM in many jurisdictions languished.

I do not wish to denigrate the importance of the MPOs. Long-range, strategic "top-down" planning is important in providing localities with a blueprint for the distant future. But long-range planning has nothing to do with the management of an existing transportation system. The type of actions that TSM calls for—small-scale, low-cost, incremental improvements in the existing system, improvements whose impact and beneficiaries are often confined to the scale of a community or even a neighborhood—seem more appropriate to local rather than regional initiative. Planning institutions at the regional level are too far removed—temperamentally as well as geographically—to be able to build an effective political consensus for TSM improvements. Introducing a residential parking permit program or organizing a neighborhood transit system—and garnering the necessary political support for it—are not the kind of activities at which the staffs of regional planning agencies typically excel—or, for that matter, for which they have been trained. And so, I would offer as my first suggestion the thought that we take the TSM responsibility out of the hands of regional planning agencies and place it squarely where it belongs—in the agencies that manage the urban transportation system: the city and county transportation departments, municipal traffic and parking authorities, and transit agencies. Admittedly, this evokes a vastly different construct of the world of urban transportation than the one that is conjured up in the planning schools. It is a world involving many actors, each of whom holds an effective power of veto over TSM implementation. It is a world in which success is achieved through cooperation, through shared power and shared responsibilities, and through negotiated compromises rather than planning dictates imposed from above. It may be, however, the only world in which TSM has any chance to succeed.

My second suggestion would be to take a greater account of the potential contribution of the private sector in TSM implementation. Many TSM initiatives—flexible work hours, vanpooling, off-street parking, pedestrian malls, and many others—depend importantly on the initiative, support and good will of the private sector. It makes good sense, therefore, to welcome private enterprise as a partner in the TSM coalition. From what can be seen happening around the country, private sector involvement in transportation is growing any way. Some 300 companies today support vanpool programs, while many other are experimenting with flextime and other transportation-related innovations. We need to recognize and reaffirm the value of these private efforts and encourage them further.

THE CHANGING NATURE OF PUBLIC TRANSPORTATION: FROM MASS TO COLLECTIVE TRANSPORTATION

This leads me directly to my next topic—the changing nature of public transportation under the influence of our changing attitudes toward the public sector.

In recent years our old faith in the virtue of government monopoly in provision of public services has given way to a feeling that competition and the involvement of private enterprise with its more consumer-oriented approach, may in fact improve the efficiency and quality of public services as well as reduce their cost. Similarly, our earlier belief that public services function best and most efficiently when they are directed from the top, is being challenged by the demonstrated effectiveness of decentralized, locally-operated service delivery systems.

In the transportation sector, these sentiments have stimulated a variety of innovative services which bear little resemblance to the conventional mass transit services. The new breed of services include cooperatively-run commuter buses offered on a subscription basis; employer-organized vanpools; door-to-door transportation services for senior citizens and handicapped persons operated by social service organizations and church groups; and various kinds of decentralized, neighborhood-oriented transit services.

My favorite model of a decentralized public transportation system is the "Ride-On" service in Maryland's Montgomery County. The system consists of a fleet of minibuses providing feeder services in suburban neighborhoods to the regional Metrobus and Metrorail systems, as well as local circulation service during the day within the suburban centers. Although its routes are closely integrated with the regional transit system, Ride-On is an independently run body, responsible to and supported exclusively by the citizens of Montgomery County. Similar locally-sponsored systems, often operated under contract by local taxi companies, are sprouting in suburban communities all over the country.

Some officials regard these trends with considerable apprehension, viewing them as a first step toward a subversion of the carefully nurtured principle of regional integration. But there is no virtue, I submit, in maintaining the principle of centralized management for its own sake, if such an approach fails to provide a more effective, more responsive and less costly service. It is now becoming clear that large, region-wide public transportation systems are not necessarily more efficient. On the contrary, they may suffer from important diseconomies of scale, saddled as they are with large overheads and large fleets of expensive equipment.

Thus, instead of viewing the recent proliferation of private and community-level transportation systems as a threat to the established metropolitan-wide transit operations—as many transit officials reflexively do—a wiser, more forward-looking attitude might be to acknowledge them as legitimate complements to line-haul services, and welcome them as partners in the efforts to increase productivity and reduce operating costs—and thus broaden public support for transit.

The future, I believe, will see a rapid growth of these privately-operated, decentralized public—a more accurate term would be "collective"—transportation services. Unencumbered by many of the rigidities besetting conventional mass transit systems, this new breed of services will be more adept at responding flexibility—and more rapidly—to new demands created by increasing fiscal and energy constraints. For example, employer-provided transportation to work—long a standard provision of labor agreements in Europe—may in time become an eagerly sought-after fringe benefit in our own collective bargaining sessions. Similarly, the day may come when shopping centers, amusement parks, resorts and other places not located within easy reach of public transportation, will begin to offer collective transportation services in an effort to retain their increasingly cost-conscious public. The day may even come when suburban developers will offer collective transportation services in an attempt to lure the public into buying homes in distant, auto-dependent suburbs.

NURTURING PRIVATE SECTOR INVOLVEMENT

What can the Congress and DOT do to foster the growth of these innovative services? First, I would suggest that DOT embark on a sustained program of wooing the private sector to become more involved in the provision of collective transportation services. A good example of a constructive gesture has been the constitution of the National Task Force on Ridesharing—a group of influential local government and private sector leaders pledged to the promotion of shared transportation. Employer-provided shared transportation programs not only have a potential to contribute importantly to the nation's energy conservation efforts, but also—unlike conventional mass transit—are not a direct burden on the local taxpayers.

The same spirit of public/private partnership does not pervade, I regret to say, the transit sector. Attempts by private operators, e.g. taxi companies, to assume a more prominent role in the provision of public transportation, have generally been greeted with ill-disguised antipathy if not with downright hostility on the part of many mass transit operators. While Sections 3(e) and 4(a) of the Urban Mass Tranportation Act specifically encourage private enterprise to participate "to the maximum extent feasible" in local mass transportation programs, this provision of the law is too often given only lipservice by UMTA officials who seem more interested in protecting the mass transit industry from competition than in ensuring the consumer's right to an adequate choice of services.

One example of UMTA's reluctance to welcome private sector participation in its program is its celebrated vacillation about the issuance of a "paratransit policy." Published as a proposed rule more than two years ago, and announced several times since then as "imminent," the policy has yet to see the light of day. Although the lack of a published policy does not seem to have stymied the growth of paratransit, its failure to appear remains a vivid reminder of UMTA's ambivalence toward a private sector role in public transportation. My second suggestion, therefore, would be to send a strong signal to UMTA about the Congressional intent in regard to private enterprise involvement, perhaps by amending and strengthening the language in Sections 3(e) and 4(a) of the UMT Act.

There remains one other topic which I was asked to address, namely the future of the automobile. However, since I suspect I have more than used up my share of the allotted time, I will not attempt to dwell on this subject at this time. Instead, with your permission, Mr. Chairman, I would like to submit for the record my remarks before a NASA symposium, entitled "Urban Transportation: A Profile of the Future" in which I offer some speculations about the auto of the future. These remarks elaborate on a column I contributed to The Washington Post, entitled "Cars of the Future," a copy of which I likewise offer for the record.

This concludes my prepared statement. I want to thank you once again for the privilege of appearing before the Committee. And now I will be glad to answer any questions that you and your colleagues may wish to pose.●

GERD HAHN IS MAN OF THE YEAR

HON. HAROLD C. HOLLENBECK

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1980

● Mr. HOLLENBECK. Mr Speaker, on March 15, 1980, the commander and members of the Cpl. Charles M. Wallach Post No. 773, Jewish War Veterans of the U.S.A., are honoring Mr. Gerd Hahn of New Milford as "Man of the Year."

I wish to join Mr. Hahn's family, and friends, and fellow veterans in extending my congratulations on this appropriate tribute and my appreciation for the many contributions he has made to his country and his community.

Born in Frankfurt, Germany, Gerd Hahn, age 14, and his brother, Larry, age 6, were among 10 children rescued from the Nazis by Quakers who brought them to the United States in December of 1939. Since then, he has displayed a fervent love for our country and has devoted himself to a lifetime of service to the Nation and to the community.

The story of Gerd and his wife Peggy, who also managed to escape the Nazi holocaust as a child, could be the basis of a dramatic movie scenario—but it is all fact rather than fiction.

At the age of 13, he was witness to the infamous "kristal nacht" on November 10, 1938, when organized bands of Nazis destroyed his school, synagogue, and home, and the Gestapo carried his father away to the Buchenwald concentration camp. It was a night when Jewish homes and synagogues were destroyed, set afire and vandalized throughout Germany with members of families arrested and thrown into concentration camps—some never to be seen again.

"My father was more fortunate than others," explains Hahn, whose many relatives were brutally murdered in Nazi concentration camps. "In those early years of the holocaust, my father was released from Buchenwald when it was learned that he received the Iron Cross and other distinguished awards for heroic service with the German Army in World War I. At a later date, nothing could have saved my father or any other Jew who served in the German Armed Forces in World War I." Hahn's parents managed to escape to the United States and were reunited with him and his brother a year later.

After attending George Washington High School and Samuel Gompers Vocation High School in New York, Hahn volunteered to be drafted in World War II at his 18th birthday. Because he was not yet a citizen, he was unable to enlist for service in our Armed Forces, but by being drafted, he became a citizen at Fort McClellan, Ala. He was in the Army for 2½ years—2 of which was serving with the infantry and port battalion in Italy.

A sales representative for Innovative Graphics International, a New York City based typography firm, Hahn and his family have been residents of New Milford for the past 21 years. Since moving to New Milford, he has become totally involved in the community giving freely of his time, money, energy, talents, and service to others. This reflects only partially his gratitude and love for our country which gave him refuge and helped him enjoy a new life in freedom and democracy.

Joining the New Milford Auxiliary Police 21 years ago, Hahn now holds the rank of captain. Like his associate volunteers on the force, Gerd has given many hours to the community, assisting the regular police department at parades, fires, accidents, public events, crowd control, and in other assignments. Some years ago when the regular police force was smaller, he, as well as others, did volunteer duty with the regular police, including car patrols. He inaugurated a seatbelt publicity campaign as a safety factor for motorists, long before the belts became standard safety equipment in cars.

The first fund-raising program for a volunteer police auxiliary in New Jersey was also the results of Hahn's efforts. He was also instrumental in obtaining modern radio communications for the New Milford Auxiliary Police, prior to CB's becoming popular. Active in the New Milford Police Auxiliary turkey shoots fund-raising program each year, he was one of the pioneers of the successful paper collection campaigns for the New Milford Boy Scouts still conduct. This was originally started with the police auxiliary. Gerd had likewise been active in the borough's early blood drives for those in need.

Gerd and his wife Peggy, who was born in Hanover, Germany, were married in June 1949. At 12 years of age, she fled from the Nazis to Holland. When the Nazis started to invade Holland, she escaped on the last boat that was permitted to leave the country to England. The boat floated in the English Channel for 10 days, before being permitted to dock and give refuge to its passengers. During World War II, Peggy lived in England and Scotland where she worked on farms. Her father, too, miraculously escaped Hitler's ovens and gas chambers. He was one of 300 survivors of the infamous S.S. *St. Louis*, which no country would permit to land and was eventually turned back to Germany. He fled to England, and eventually arrived in the United States by way of Canada.

A past president of the New Milford Jewish Center where he has also served on its board of directors and board of governors for many years. Hahn has been the synagogue's volunteer choir director and leader for the past 12 years. A layman, he has been serving for many years as a substitute rabbi and cantor, serving the congregation on a volunteer basis in their absence. Talented in woodworking, he has built the Jewish center's succa annually for 18 years, a framed hut adorned with fruits and vegetables and other greenery reminiscent of harvest times in ancient Israel. Jews throughout the world rebuild these replicas each year, to commemorate the holiday of Succoth.

Hahn is a member of the Lt. Louis Faller Post No. 4290 of the Veterans of Foreign Wars and the Cpl. Charles M. Wallach, Post No. 773 of the Jewish War Veterans of the United States. While many native Americans unfortunately take their rich heritage of freedom and the benefits of living in a democracy for granted, the Hahns are living examples of those who actively show their love for our country. They continuously sacrifice themselves for their fellow Americans and are dedicated to working to preserve our Nation's ideals.

The Hahns are the parents of two daughters, Mrs. Ellen Berkowitz of Hillsdale and Linda, at home. Their grandchild, Adam, is 5½ years old.

I am sure that my colleagues will agree that the selection of Mr. Gerd Hahn as "Man of the Year" is a fitting recognition to his long devotion to the ideals upon which our Nation was founded.●

NICARAGUA AFTER SOMOZA

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1980

● Mr. DRINAN. Mr. Speaker, the Special Central American and Caribbean Security Assistance Act is now scheduled for floor consideration on Friday, November 22, 1980. Because of the tremendous significance of this legislation—not only for Nicaragua, but also for the rest of the Third World—I believe it is necessary to fully understand the implications of the House action on the bill.

During the early part of January 1980, I traveled to Nicaragua to speak with members of the Government, the church, and others, to gain a first-hand perspective of the new Government's problems and accomplishments.

America magazine, the national Catholic weekly edited by Jesuits, recently published an article which I wrote upon my return to the United States. I believe that Members may be interested in the findings of the fact-finding mission, and the conclusions that I, and those who accompanied me, have reached.

The article which appeared in the February 9, 1980, issue of America magazine follows:

NICARAGUA AFTER SOMOZA

Can the revolutionary Government that took over Nicaragua after the July 1979 coup against the hated President Anastasio Somoza bring forth a stable and democratic state? That was the question I investigated as a member of a study group, financed by the Unitarian-Univeralist Service Committee, that visited Nicaragua in early January 1980.

My answer is optimistic and hopeful. The junta that followed 43 years of Somoza dictatorship and a sanguinary 18-month revolution enjoys almost incredibly widespread support. It is open and searching; it candidly acknowledges its debt to Cuba and the presence in Nicaragua of hundreds of Cuban teachers. it asserts, sometimes ambiguously, that it is neither another Cuba nor another capitalist Central American country to be exploited by American corporations.

The revolution in Nicaragua is unique in that it appears to be a truly populist revolt inspired to a surprising degree by the

Catholic social activists. Some persons in Managua claim that the new Government in their country is the first fruit of Medellin and the cry of Latin America's 300 bishops for a just economic order. Priests and nuns in Nicaragua even suggested that their revolution might become the model for Latin America. Four priests hold cabinet or high positions in the new Government: One of them is foreign minister, Father Miguel D'Escoto, a Maryknoll priest trained in the United States.

Everything converged happily in Nicaragua to bring about the fall of President Somoza. He had so little constituency toward the end of his rule that his Government and even the army fell before a people's crusade organized around the sayings of Augusto Cesar Sandino, a guerrilla leader of the 1920's who was assassinated by a previous Somoza government. The murder of the renowned journalist Pedro Joaquin Chamorro in January 1978 seems to have been the final event needed to solidify the revolution that had been forming for at least a generation.

Added to all of these elements was the presence of a united Catholic hierarchy of seven bishops and a few hundred priests and nuns, mostly from outside of Nicaragua. Working along parallel lines, Catholic social activists and Cuban publicists united the people in their desire to rid themselves of a tyrannical and corrupt government.

In my talks with bishops, priests and nuns, I was regularly surprised but encouraged at their universal feeling that finally a Latin American nation had achieved a government capable of avoiding that violence and polarization that seems so endemic to societies in South America. One priest told me that Catholic teachers in Nicaragua had fulfilled precisely the February 1979 Puebla mandate of the Latin American bishops: "We ask all Christians to collaborate in the changing of unjust structures. . . ." At a Mass on Epiphany, which I concelebrated, the pastor, in his homily, compared the revolutionaries of Nicaragua with the Magi because both, he said, searched for and found the truth.

The bishops of Nicaragua have issued two pastorals since the change of government in July. Both letters are carefully nuanced in their qualified endorsement of Christian socialism. Both messages condemn Communism and the abuses of capitalism. Both of the widely discussed statements make it clear that Catholic should support the new Government and not undermine it by any unreasonable fear of Communist influences.

But the buoyancy in Nicaragua over the new Government is restrained by the knowledge of its enormous problems. Up to 50,000 of Nicaragua's most educated citizens may have left the country, its external debt is gigantic, its agricultural produce is sharply off as a result of the civil war, and other nations are hesitant about investing in a country whose government is still on probation.

The U.S. Congress will have to decide in the near future whether it desires to give Nicaragua the $75 million in economic assistance strongly recommended by the Carter Administration. The vote will clearly be a referendum on whether the Congress thinks that Nicaragua will be another Cuba. The invasion of Afghanistan is logically unconnected with the merits of the $75-million grant to Nicaragua, but it may nonetheless dominate the debate. I informed the highest leaders of Nicaragua of this and urged them to join the overwhelming majority of nations that have condemned the Soviet invasion of Afghanistan. They bristled sharply at the perceived condition of American aid. But they had to admit that if they were silent, this would be seen as an implicit condition of their receiving aid from Cuba and the socialist nations of Eastern Europe.

On Jan. 14, 1980, Nicaragua was one of 18 nations in the General Assembly of the United Nations that abstained from condemning the Soviet Union for invading Afghanistan. That vote will not help Nicaragua with the U.S. Congress.

One of the impressive developments in the new Nicaragua is the vibrant campaign to overcome the illiteracy that affects 840,000 persons over the age of 10, or 53 percent of the adult population. The director of this program, Rev. Fernando Cardenal, S.J., asserts that the structures of the Somoza regime institutionalized illiteracy as a method of preventing participation by the people in their government. There can be no economic or human development without literacy, Father Cardenal insisted to my group. Indeed, he asserted, the entire future of Nicaragua as a democracy depends on the elimination of illiteracy.

Despite the undeniably broad support for the new Government of Nicaragua, its future is clouded. In El Salvador and Guatemala, I heard leaders almost tremble in fear as they referred to the new "Communist nation" of Nicaragua next door. An invasion of Nicaragua by rightwing elements of Guatemala and El Salvador is not an impossibility. This would become more possible if Nicaragua moves to the left in land reform and in the nationalization of industry. The near-paranoid fear of Communism that pervades the mentality of those in power in Latin America seems sometimes to be so powerful that it could erupt in counterrevolutionary measures against the Sandinistas in Nicaragua.

The future of the post-Somoza Government will depend in important ways on the attitude of Americans. If the Congress votes down the $75 million, a deep-seated resentment against America present everywhere in Central America will surge. The people of Nicaragua feel that the Somoza regime could never have survived for more than 40 years without substantial U.S. support. In their more bitter moments, the people of Nicaragua demand restitution; in their more realistic moods, they want a continuation of that aid which, after the 1976 earthquake, the Congress gave somewhat generously. A reversal of that policy, brought about possibly by the antidétente mood following the invasion of Afghanistan, would surely be looked upon as unjust.

The priests and nuns of Nicaragua expressed to me in several ways their desire for solidarity and support from American Catholics. They are proud of the liberation they helped to bring to Nicaragua. They want the new Government to flourish. But this is simply not possible without the good will of the United States. The Catholic leaders of Nicaragua want the American Catholic community to educate the country and to lobby the Congress about the urgent needs of Nicaragua. They made a direct, simple and prayerful plea. America's response may well have an enormous impact on the future of Christian democracy and social justice in Latin America.●

A MOVING MUSICAL EXPERIENCE

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1980

● **Mr. STOKES.** Mr. Speaker, it gives me great pleasure to announce that the world renown Fisk University Jubilee Singers will perform in the Gold Room of the Rayburn House Office Building on Monday, March 3, 1980, at 12 noon. I would like to take this opportunity to invite my colleagues in the House of Representatives to attend what will be a memorable musical experience.

For over a century, the Fisk University Jubilee Singers have delighted audiences with their moving renditions of Negro spirituals. Largely because of their performances, the singers popularized such songs as, "Swing Low, Sweet Chariot," "Deep River," "Go Down Moses," "De Gospel Train," "Little David, Play On Your Harp," "Ezekiel Saw the Wheel," "Standing In De Need of Prayer," and "Nobody Knows De Troubles I've Seen."

Heralded by music critics all over the world, the Fisk University Jubilee Singers have established Negro spiritual music as an integral part of the American music culture. They have added spiritual music to the repertoire of music familiar to all people throughout the world.

Just as they have influenced the musical scene, the singers also have been important to the development of Fisk University in Nashville, Tenn. As you know, Fisk is one of the 103 historically black colleges in this country.

In 1871, 5 years after Fisk University opened its doors, the singers began their long tradition of musical excellence. Initially, the funds and contributions they received as a result of concerts went directly toward keeping the institution open. Once the university was firmly established as an institution of higher education, the money the singers acquired was used to expand the university's academic curriculum. Accordingly, Fisk University has a proud tradition of musical and academic excellence.

The Fisk Jubilee Singers impact has been felt literally all over the world. Starting initially with a performance in Oberlin, Ohio, the group through the years has performed in many different countries.

In recent concert tours, the singers have appeared in Nassau Bahamas under the patronage of His Excellency the Governor and the American Consul General. Additionally, the singers have given a command performance for Her Royal Highness, Princess Irene of Greece during her visit to the United States. Because of their widespread notoriety, they are often referred to as the "Ambassadors of Fisk University."

There have been many students who have been members of the Fisk Jubilee Singers through the years. However, they all have a common bond. They always have performed with unquestionable quality and have carried forth the legacy of Fisk University and Negro spirituals.

Perhaps Rev. George White, the organizer of the singers, best put their story into perspective in the special anthem he wrote for them:

To the Jubilee Singers, who went forth with weeping, bearing the precious seed of touching songs wrung by ages of oppression from the hearts of an imaginative race, and who now return with joy bringing their sheaves with them.

Again, Mr. Speaker, I invite all of my colleagues to the concert on Monday, March 3, 1980. In addition to the singers, the president of Fisk University, Dr. Walter Leonard will be present. I am confident that the concert will be both an enlightening and memorable experience.●

WOMEN IN THE MILITARY

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1980

● Mr. LAGOMARSINO. Mr. Speaker, the debate over registration of women for the draft seems to overlook the fact that women in the military are the exception in the world. That Israel and Romania are perhaps the only nations in the world that draft women does not make a very convincing argument in its behalf. And those nations do not allow them to serve in combat.

I wish to call to the attention of my colleagues the following article which appeared in the Washington Post, February 17, 1980. It reports on the role of Israeli women in the army:

[From the Washington Post, Feb. 17, 1980]

ISRAELI WOMEN FILL KEY ROLES IN ARMY

(By William Claiborne)

TEL AVIV.—When the Israeli Army's 55th paratroop brigade fought its way into Jerusalem's walled Old City on June 7, 1967, and captured the ancient Temple Mount, Lt. Karni Kav jumped on a jeep and joined the stream of other soldiers who were risking sporadic Jordanian Army sniper fire for their first look at the Wailing Wall, the holiest of shrines to Jews around the world.

With a rifle in hand, Kav blended into the landscape of combat-weary soldiers mopping up the last enemy resistance that day, almost indistinguishable from a distance but unmistakably a woman from close up.

"We met the men near the Mosque of Omar. They were very moved when they saw some women come in. It was like reaching out and touching the warmth of home again," said Kav, now a lieutenant colonel attached to an army unit that is overseeing construction of new air bases in the Negev desert.

As personally moving as it was, however, Kav's experience was an anomaly, and the image of women's role in Israeli's Army as seen from afar is as misleading as was her appearance that warm June day from across the broad Omar Square.

It is the image of a shapely, miniskirted Israeli woman soldier, a snub-nosed Uzi submachine gun slung casually over her shoulder, hitchhiking on the Tel Aviv-to-Jerusalem road on her way from furlough back to her tank corps in the Sinai.

The image is real enough. Thousands of women soldiers hitchhike with their submachine guns, and, if asked, some of them say they are headed to jobs as medics and nurses' aides, secretaries, parachute folders, instructors, radio operators and accountants.

But the Israeli Army, while light years ahead of the U.S. armed forces in integrating women into the business of war preparedness, has yet to live up to one of the most publicized but least understood aspects of its image—women in combat.

Out of sheer necessity, women did fight—and die—in the Haganah, the pre-statehood Jewish army, in the 1948 war of independence. But that was in spite of the admonition of Yigael Allon, commander of the Palmach strike force, that women should be excluded from any assignment that could "affect the ability of motherhood."

That decree still causes shudders among Israel's feminists, but it still holds in principle. Women are not allowed to serve in combat, even though they train for it, and they are required to evacuate areas in imminent danger of becoming combat zones.

But Israeli women do practically everything else in the defense of their country, and they do it in numbers unparalleled anywhere else in the world. Five wars and the constant threat of hostilities along all its borders have led Israel to institutionalize a women's military force that is so essential to defense that the army would be hard-pressed to get along without it.

CHEN, an acronym for women's corps that also means "charm" in Hebrew, conscripts 60 percent of Israel's women of draftable age and would take almost all the remainder except that 27 percent are exempted because they claim they cannot serve because of religious convictions and a desire to remain apart from secular life.

A small number are excluded because they marry before age 18, or for health or social problems, and some are deferred for schooling.

The army considers the number of persons serving in the armed forces to be classified security information but published reports of the International Institute for Strategic Studies put the total armed forces at about 160,000, of which 120,000 are draftees and the rest the standing army.

Sources outside Israel say that women comprise between a fourth and a third of the total armed forces. By law, women are required to serve in active reserve units until they reach 34, but in practice most are phased out of the reserves at 25 to 26 years of age, except those with critical skills. Men are required to serve in active reserves until they reach 54.

The institute reports that Israel can mobilize 400,000 troops in 72 hours because of its large reserve force.

Elsewhere in the world, female conscription is practically unheard of even in the Soviet Union, where thousands of women were thrown into battle against the advancing Nazi army in World War II.

Israel and Romania are believed to be the only nations that draft women, although many countries have women volunteers in their armed forces.

Under Israel's draft law, every man and woman reaching 17 years is identified from birth or immigration records as a potential draftee and is called in for preliminary testing and classification.

Practically no Israeli man avoids the draft because all are graded on a scale from zero to 97 for what duties they are physically and mentally capable of performing.

Those at the higher end of the scale are deemed suitable for combat, those in the middle for mildly demanding support duties and those at the bottom for some form of untaxing service. Deferments for university study are rare, and are limited to highly specialized fields needed by the army.

Upon reaching 18 or finishing high school, the draft registrant is automatically drafted, women for two years and men for three. Draft evasion is almost unheard of, largely because of the stigma attached to not serving in the military.

"It's become a stain in Israel if you don't serve. If you go to apply for a job, the interviewer will invariably say, 'Where did you serve,' There's a big investigation. You are automatically suspect," said Kav.

In fact, the identity cards all Israelis are required to carry contain a coded explanation of service or cause of deferment.

In Israel, the idea of military service is ingrained at an early age. Between 14 and 18, most youths serve in the Ganda youth battalions, a paramilitary organization roughly comparable to scout programs elsewhere.

Once a week and at summer camps, boys and girls in the Ganda are taught such basic military skills as marching, use of a rifle, map reading, hiking, topography and military history.

When they are drafted, women in the Israeli army receive a six-week basic training course not unlike that in the men's army, including basic combat training. But the prohibition against actually serving in combat remains firm.

"If a woman is in a field unit, at the front, and the front shifts suddenly, the policy is to remove the women. It's a tough order to give, because these girls have become emotionally attached to their units and are reluctant to leave," said Kav.

But there is not always time to carry out that policy. During the 1973 war, when an Egyptian commando unit and Egyptian planes suddenly attacked and overran the Refidim Air Base in the Sinai, there were several casualties among Israeli women stationed there.

As a result of the no-combat policy, women usually perform support jobs in the regular army units, whether in the field or on base. Traditionally, their most common jobs have been in meteorology, education, logistics, medicine, secretarial work, communications, traffic policing and such support fields, although recently there has been an increase in the number of women driving trucks, teaching courses in tank driving and gunnery, aircraft mechanics and artillery instruction.

Many women also serve in quasi-military national service jobs, such as teaching in the Ganda or performing social work at kibbutzim and development towns, particularly those with new immigrants.

Israel's small but vocal women's liberation movement has been increasingly persistent in pressing the army to train women as pilots and infantry combat officers, but so far has made little headway in changing the no-combat law adopted by Israel's parliament.

A sarcastic Hebrew expression among feminists here says, "The best men as pilots and the best girls for the pilots."

But careerists like Kav think the criticism is unjustified, they contend that given the demanding conditions of desert warfare in the Middle East and the intensity of battle in the nation's five wars, women are not suited for frontline combat jobs.

"In Israel, women's liberation is not that developed," Kav said. "Maybe we don't need it, or maybe we don't want it. But in any case, we are still far ahead of every other country, including the United States."

And, she added, "Who is to say we are not performing an essential combat service if we are doing jobs that free more men who are so desperately needed at the front line?"●

NICARAGUA: CASTROISM COMES TO THE MAINLAND

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1980

● Mr. ASHBROOK. Mr. Speaker, as the time for decision draws nearer on whether the Congress will go on record supporting the bailout of the Sandinista dictatorship, I am concerned that fact and fiction will once again be muddled in the name of easing passage of this bill. The State Department began its barrage 2 weeks ago with its glowing report on how things are just peachy in Nicaragua now that mean old Somoza is gone. The human rights report issued by Pat Darien and company does its best to downplay the murders and the political arrests that have ushered in with the Marxist regime. It goes on to omit reports of local units organizing around Nicaragua as block committees to assure patriotic sentiment. They overlook how Castro used similar committees to systematically murder political opponents to consolidate his dictatorship. The U.S. news media is also playing the "isn't the Sandinista regime wonderful" game by taking the propaganda releases at face value and not probing the closure of newspapers or the fleeing of respected journalists. They are also burying reports of the Sandinistas exporting their violence to other nations in Central America. When such a report is made it is used as a space filler in some out of the way nook or cranny of the back sections.

These trends disturb me because they are so similar to the actions taken during 1958 and 1959 when Castro came to power in Cuba. In that case a government was undermined and finally cast aside by the media and the State Department and a new leader was bolstered into a position of supreme power only to swear allegiance to Moscow the moment the opportunity presented itself. Today I feel a sense of deja vu as I have watched Somoza undermined, deprived of military and foreign aid, cut off from Washington, and finally asked to leave the country by the State Department. I have seen moderate forces that may have eventually evolved Nicaragua into a pro-West democracy outmaneuvered by the Sandinistas and finally given only worthless titles in the new government. I have watched as Cuban advisers and teachers have poured into Nicaragua and how the Sandinistas have become leaders in denouncing the United States to the Third World. This has all happened while the State Department and the media have given America assurances that looks can be deceiving. The Foggy Bottom spokesmen state that we should not view the blatant links to Cuba with alarm or be critical of the Sandinista anti-American statements. They say that the Nicaraguan abstention on the Afghanistan issue is more complex than it seems and therefore we should not hold it against them. At every turn when facts are brought into the Nicaraguan debate the answer is "trust us, we know what is really happening."

I beg to differ with the Carter administration and its apologists in the news media. Whether it is the Soviets, or Castro, or the Sandinistas I have found that history tends to support the contention that the Communists do exactly what they intend to do in the open and it is only the warped view of the so-called policy experts that delays this realization. Moscow moved into the Afghanistan border region months before the invasion, and we were told as much by most observers. We were told Castro was really a loyal Marxist months before he pledged allegiance to Moscow. We are now being told that the Sandinistas are Marxists with close ties to Cuba. We see the Cubans in Nicaragua, we hear Cuban radio refer to Nicaragua as our sister country. We see the steady erosion of freedoms and the consolidation of a totalitarian state. For once in these last few decades we should look and understand that what we are seeing is reality. There is no mistaking that Castroism has come to the mainland of Central America and we better plan accordingly. The last thing we should do is discount this reality and vote to subsidize this beachhead of oppression.

In an effort to balance out the picture that is being formed on the Nicaraguan question prior to floor consideration I call my colleagues' attention to an excellent article by Robert S. Strother of the Reader's Digest. Mr. Strother's article underscores how serious a mistake it would be if the Congress went on record supporting what is happening in Nicaragua:

THE NEW BOYS IN THE BUNKER

(By Robert S. Strother)

The Marxist revolutionaries now occupying the bunker of ousted President Anastasio Somoza in Nicaragua are not given to mirth; but when they pause in their authoritarian work they must, like Stalin looking up from a satisfactory death list, allow themselves a faint sardonic smile.

As guerrillas flying a bogus banner of human rights, they succeeded, with the support of one of the world's most impressive dictators, in bringing an elected government friendly to the United States crashing down in a storm of fire and a torrent of blood. Better yet, some of their prospective future targets had eagerly helped them win. All very amusing indeed, from the viewpoint of the victors.

Some of the leaders of this socialist revolution had feared that non-Communist countries might recognize and oppose a replay of the well-thumbed script used by Fidel Castro to conquer Cuba almost 21 years ago; but their fears proved groundless, and the plan is running like clockwork. The Free World is rushing to supply money for reconstruction and for new weapons, along with diplomatic recognition and an honored place in that great forum for peace and justice, the United Nations. All in all, a positive riot of laughs for Moscow.

Far from objecting, most Western nations were sympathetic to the Sandinista Front of National Liberation (FSLN)—especially the government and press of the United States. Although the Carter Administration deplored the appalling toll of death, injury, property damage, and financial ruin caused by the fighting, it cooperated with the FSLN by cutting off aid to the defenders early in the fighting and by ignoring the flow of weapons via Panama for the attackers. That massive airlift, organized by Panamanian dictator Omar Torrijos, delivered tons of arms, ammunition, and troop replacements to the Sandinista at their staging points within Costa Rica. (Two months after the guerrilla victory, the Sandinista were still occupying Costa Rican territory between their base in the town of Liberia and the Nicaraguan border, and their good friend, President Rodrigo Carazo Odio of Costa Rica, was nervously insisting that they really should leave.)

Most of the Western press, while assisting enthusiastically in the campaign of vilification organized against Somoza by the world-spanning Communist propaganda apparatus, also helped to suppress news of the illegal airlift and to minimize—or, like President Carter, to deny—Cuban complicity in the war to capture Nicaragua. They depicted the rebels as selfless crusaders for the rights of the downtrodden and Somoza as a tropical Hitler.

All efforts to incite a popular uprising or a military coup having failed, the rebels began to fear that Somoza's government might survive after all, as it had earlier attempts at revolution. Fortunately, at that point the U.S. State Department mobilized the hemispheric diplomatic pressures that finally brought it down. The State Department had been following the old Castro script all along, and in 1979, as in late 1958, sent an envoy to order a beleaguered president to abandon his country to Communist assailants. The parallel was complete, even to the pretense that the guerrillas were not really Communists.

That pretense quickly collapsed when the new rulers took charge in mid-July. Dictatorial power was concentrated in a nine-man Sandinista Directorate which Fidel Castro himself appointed last May. The Directorate, reliably Marxist throughout, is headed by Tomás Borge, a veteran Cuban-trained revolutionary terrorist and a close friend of Castro. Although the Directors, for window-dressing, placed two non-Communists* on the subordinate five-member Revolutionary Junta for Reconstruction and selected several non-Communists to head ministries of government, they kept all the key places for themselves. They said—like Castro at a similar point in his revolution—that they had no intention of installing a Marxist regime, but their actions said that was precisely what they were doing. For example, the Sandinista:

Abolished the old army and police forces and established a new "popular revolutionary army" and police forces commanded by Marxists. (Leaving a pre-revolutionary army in existence led to the overthrow of Marxist regimes in Guatemala in 1954 and Chile in 1973.)

Installed Borge as Minister of the Interior in charge of the police and as one of the triumvirate in charge of the army. (Borge was one of 83 prisoners released by Somoza in 1978 when Sandinista terrorists led by Eden Pastora—Comandante Zero—captured the Nicaraguan legislature and held it hostage for $500,000 and the prisoners.)

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*One of them is Violeta Chamorro, widow of the editor of the opposition newspaper under Somoza (Chamorro's assassination touched off the insurrection). She insists that "there will not be a Communist government in Nicaragua or anything like that," and is widely regarded in Latin America as a *"tonta util"* (useful fool).

Seized all the banks and confiscated the currency. Citizens were given 24 hours to exchange currency in their possession for six-month government notes bearing 8 per cent interest. Money in private hands after the deadline was declared void.

Fired judges and magistrates all over Nicaragua and replaced them with comrades prepared to dispense revolutionary justice to the three thousand "Somocistas and criminals" now held in jails.

Abolished freedom of the press—which had existed under the Somoza regime—and allowed only one general newspaper, one radio station, and one television channel to report the "news." "We support freedom of the press," says Bayardo Arce, a member of the Directorate, "but of course the freedom of the press we support will be freedom to support the revolution." (The bishops of Nicaragua were astonished to be hit by the press ban. Borge brusquely halted their effort to publish a proclamation calling for amity and moderation.)

Banned elections and announced that their rule by decree would prevail indefinitely.

Welcomed an influx of jubilant guerrilla leaders, terrorists, and Communist intellectuals from all over Latin America and Europe.

Confiscated property owned by people they chose to brand "Somocistas."

Formed agricultural communes or collectives on the seized land.

Set up "block committees" to provide political orientation, decide who should and who should not have ration tickets, and spy on the neighbors—just as in Cuba.

Seized at arbitrary prices cars and homes from people who had more than one of either.

Fired "unreliable" Nicaraguan school teachers and, with Soviet aid, imported one thousand Cubans to replace them. UPI correspondent William F. Gentile put it nicely in his August 21 dispatch from Managua: "One-half million Nicaraguan youths began attending special indoctrination classes designed to erase their nightmares of the recent civil war and to teach them what liberty and freedom are all about." Yes indeed.

Sent six hundred Nicaraguan youths to Cuba for socialist leadership training.

Set up a special radio station to beam revolutionary propaganda to neighboring El Salvador where accelerated violence led to a successful coup that ousted President Romero.

Made Nicaragua a member of the Soviet bloc in the so-called non-aligned nations at their recent meeting under Castro's direction in Havana.

Lost no chance to denounce U.S. "imperialism" and to brand as niggardly U.S. emergency aid in the form of food, clothing, and shelter. (The U.S. sent far more aid than any other country.)

Watching this ominous sequence of events, sensible people followed the principle that a fowl which waddles, quacks, swims, and looks like a duck is more likely than not to be a duck. The State Department and some press experts were almost alone in having doubts about the orientation of the new government in Nicaragua. The "liberation" of Nicaragua mirrored the Cuban liberation all over again in every main feature but one: there was no immediate general massacre of the vanquished.

The delay in dispensing revolutionary justice was tactical. Castro ordered the Sandinista first to get all possible money and aid from the United States and the international lending agencies. Time enough for the firing squads when the flow of grants and soft loans began to dry up.

Although El Salvador—where the army has now taken over—seems to be next on the Sandinista hit list, Nicaragua is too devastated and its 2.5 million citizens too close to starvation to allow its new leaders to engage just now in direct military action abroad. Meanwhile, however, terrorist campaigns to weaken the governments of El Salvador, Honduras, and Guatemala are flourishing, openly supported by both Cuba and its Central American protégés. Rivalry between guerrilla leaders is a problem, and the delay may enable Castro—"el lider supremo"—to unify them, as he did the previously divided Nicaraguan insurgents.

All three target countries are extremely vulnerable. They suffer, like most Latin American countries, from tyranny, corruption, high unemployment, inflated living costs, low wages, rural desperation, urban squalor, and the maldistribution of too little wealth. Opposition to government is broadly based, with university students—almost all of them well indoctrinated in Marxism by their national universities—and bishops as well as priests prominent in the struggle.

El Salvador looks especially shaky. It is the most densely populated country in Latin America (4.5 million), and economic gains from its considerable industrial and agricultural development are lost in the population explosion: A sharp business recession has recently heightened its vulnerability. The Marxist revolutionaries' prolonged campaign of murdering business executives or kidnaping them for gigantic ransoms has driven many of the survivors—British, Dutch, Japanese, and American—to close down their enterprises and flee the country.

One of the six guerrilla groups operating in El Salvador has extorted an estimated $80 million in ransoms in the last few months—in some cases, after killing its hostages—and now has a larger war chest than the government. On an average 12 policemen or national guardsmen are assassinated weekly, and strikes, bombings, and extortions enforced by sabotage or death threats are daily occurrences.

The calculated results is that the cops and soldiers have become jittery and trigger-happy. One huge demonstration was broken up by gunfire; 24 people were killed. The government is forced to meet violence with violence, and so brings down upon itself new storms of criticism. The same well-contrived no-win situation confronts all of the many non-Communist governments in the world now under ideological siege by leftist extremists.

The three Central American countries now in jeopardy are urgently requesting additional U.S. military aid as the only way to prevent their fall and the consequent expansion of Cuban/Soviet hegemony in the region. They believe that the Panama Canal to the south and the rich Mexican oil fields to the north are the ultimate targets of the Soviet geopoliticians, and that time is fast running out.

"Not many of us are naïve enough to believe that Castro and his Soviet bosses built up the Cuban army, which is now the most powerful in Latin America, just for use in Africa," a Salvadorean diplomat said. "They intend to put it to profitable use much nearer home."

He suggested that the Soviet purpose in stationing its recently discovered combat brigade in Cuba was to provide Castro with the internal security he needs if he is to undertake new military adventures on the American mainland.

Viron "Pete" Vaky, Under Secretary of State for Latin American Affairs, recently told a congressional committee that it may already be too late to save El Salvador. The Pentagon and U.S. intelligence agencies disagree, and they want to rush aid to all three threatened countries; the State Department, however, is dragging its feet. A Washington Post report tells why:

"Although some State Department officials are known to advocate a more hardline approach, the Department's basic position is that such a move would undermine the effort to gain the confidence of the Sandinista in Nicaragua, create suspicion and hostility among democratic governments in Latin America, and provoke fierce new opposition from congressional liberals."

And that, Human Events said in a tart editorial, reveals "just how bankrupt American policy has become, because it amounts to total appeasement of the Communists in this hemisphere."

Perhaps the most startling aspect of the deteriorating situation in Central America is the calm with which it has been received, not only by the State Department, but by the American press and public. Neither Congress nor the media seem much concerned by the prospect of Soviet control over a part of the continent once considered vital to U.S. interests. Significantly, the fall of Nicaragua and the simultaneous Marxist capture, by ballot, of three Caribbean islands—Grenada, Dominica, and St. Lucia—coincided with the bland announcement by the U.S ambassador to Panama that the domino theory is absolutely false.

The official pleasure that some neighboring or nearby countries took in the Sandinista victory—Mexico, Costa Rica, Panama, and Venezuela are examples—is nothing less than ludicrous. The pace of Marxist expansion in the area seems likely to accelerate rapidly in the near future, and nobody in office today can be sure that he or his country is immune.

Newsweek recently sent two writers to interview Tomás Borge, Nicaragua's new Interior Minister, apparently with the purpose of removing roadblocks to socialist revolution in Central America. The chat ended on a charming note:

Question. "Why is it that at times you sound more like a poet than a revolutionary?"

Answer. "All true revolutionaries are poets."

The hairy gunmen in the bunker must have laughed aloud at that one.●

A TRIBUTE TO ALBERT SCHOLLAERT

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1980

● Mr. WALGREN. Mr. Speaker, there are few people who have dedicated more of their lives to helping people who are less fortunate than Albert Schollaert.

Mr. Schollaert began his career in April 1938 with the State of Pennsylvania as a caseworker with the department of public assistance. He was employed, with the exception of the war years, 1941–45, by the department of public assistance until January 1947 when he transferred to the bureau of vocational rehabilitation. Mr. Schollaert served as a rehabilitation counselor for 15 years until he was promoted to supervisor in 1962.

For the next 10 years his job as a rehabilitation supervisor consisted of training and overseeing vocational rehabilitation counselors and insuring that physically and mentally disabled received all necessary services to make them productive citizens. In 1972 he was promoted to assistant administrator of the Pittsburgh district office. In this capacity Mr. Schollaert was instrumental in the creation of a larger counseling staff to meet the needs of the physically and mentally disabled of Allegheny County.

The Pittsburgh Bureau of Vocational Rehabilitation Office is the largest vocational rehabilitation office in Pennsylvania and serves the largest number of disabled people. It accounts for one-quarter the total rehabilitation services in the State of Pennsylvania. In 1979, the Pittsburgh office provided rehabilitation services to over 4,000 persons, more than most States recorded for the year 1979.

In 1976, Mr. Schollaert was promoted to district administrator, and is presently responsible for the administration of a staff of 200 people, 98 of which are professional rehabilitation counselors. Because of his hard work and dedication, thousands of people in Allegheny County have benefited from BVR services and are now considered contributors to society rather than recipients. Mr. Schollaert will retire on March 24, 1980. The people that he has worked for and with these past 42 years want to express their appreciation to him.

Mr. Schollaert served the disabled and handicapped at a time when great strides were made in rehabilitation. His contribution is irreplaceable and he will be missed.●

THE 125TH ANNIVERSARY OF THE CZECHOSLOVAK SOCIETY OF AMERICA

HON. JOHN G. FARY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1980

● Mr. FARY. Mr. Speaker, I rise today to pay tribute to the Czechoslovak Society of America in recognition of their 125th anniversary. The CSA, a fraternal organization which writes insurance policies and mortgages for the Czech community, also works to preserve the unique cultural tradition imported by generations of Czech immigrants.

At its home office in Berwyn, Ill., the Czechoslovak Society of America houses a unique heritage museum and library which contains traditional hand painted Easter eggs, life size manikins dressed in authentic Czechoslovakian folk costumes, a collection of rare early 19th century books, Czech language newspapers and magazines published in Chicago since 1866, and many other artifacts that originated both in Czechoslovakia and in the Czech community in this country, as well as mementos of the beginnings of the CSA.

According to a press release issued by the Czechoslovak Society of America on the occasion of this 125th anniversary, it is interesting to note that the Czechoslovak heritage has roots that go as far back in time as 500 B.C. This was the time of the iron age when a primitive group of people who called themselves the Boii were sent out by King Ambigat of Gaul—later France, to found a new nation. Their leaders were Boleslav and Sigoves, sons of the king. Sigoves went east until he came to what is now the province of Bohemia. Finding the land to their liking, they settled and called the new land after themselves—Bojohemum (Bohmem) or Bohemia.

The Boii were a Celtic tribe—shepherds, miners, hunters, and craftsmen. They dressed in fur and knew how to make utensils and tools out of copper and iron. As time went on, the Celtic nation was overpowered by various other nations such as the Markomanns. This was a German nation, powerful during the time of the Roman Emperor Caesar Augustus. This brings in the Greek nation and consequently, Greek roots. Then later, a crude nation from Asia, led by Attila the Hun, invaded and left its mark in the Bohemian roots. In the year 451 A.D. a branch of Slavic peoples from eastern Europe came up the mountain "Rip" under the leadership of Father Cech. This group settled and called their new surroundings Cechy after their leader. For about the next 50 years Slavic tribes migrated into Cechy. Therefore, beginning with the year 500 B.C. through the year 451 A.D. the land of Bohemia or Cechy included these various nations: The Boii tribe from Gaul—later France, the Markomann tribe from Germany, Greeks from the time of the Holy Roman Empire, Avars led by Attila the Hun from Asia, and then with Father Cech, a Slavic tribe from Eastern Europe.

The Czechoslovak nation has an ancient history and many Czechs have had a hand in forming the history of our Nation. In an article published recently in the Chicago Tribune magazine, Cheryl Lavin describes some of the contributions of Czech immigrants:

> The Czech migration to America is a continuing process that began 300 years ago (one of the signers of the Declaration of Independence, William Paca, was Czech) and still goes on. Famous American Czechs include watchmaker Joseph Bulova; Mutt and Jeff cartoonist Bud Fisher; Josef Svak, architect of St. Patrick's Cathedral in New York; Stan Musial; George Blanda; George Halas; Stan Mikita; Rudolph Serkin; astronauts James Lovell and Eugene Cernan; Kim Novak; Ray Kroc; and former Chicago mayor Anton Cermak, one of the founders of the Democratic machine.
>
> The first large influx of immigrants came in 1848—the '48ers, they were called. In Europe, the Austro-Hungarian Empire was crumbling, including the Kingdom of Bohemia, which would become the Republic of Czechoslavakia in 1918. It was made up of Bohemia, Moravia, and Slovakia. "Czech" or "Bohemian" is an umbrella name used for all three peoples. The republic lasted only 20 years. The country was first occupied by the Nazis in 1938 and then taken over by a communist regime in 1948.
>
> Thousands of Czechs and Slovaks made their way to America and Chicago in 1848. . . . Immigration continued throughout the century. At Ellis Island, the Czechs held two records: Of all the people of the old Austro-Hungarian Empire, they had the lowest percentage of illiteracy and the highest percentage of skilled labor.

Today, there is a revival of interest in the many ethnic cultures that were brought to this country and the Bohemian or Czech heritage is no exception. New Czech refugees arrive in the United States all the time and many of them come to Chicago where organizations like the Czechoslovak Society of America work to help them get established. Czechs are known around Chicago to be hard workers who are glad to get jobs and start making a contribution to the society they have transplanted into soon after they arrive. The Czechoslovak Society of America is evidence of Czechs continuing investment in America and their willingness to help their fellow country men and women arriving more recently. I commend this great organization for 125 years of service to the Czech community and for their part in the building of our great United States.●

SCIENTISTS MADE PLEA TO MOVE NUCLEAR LICENSING

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1980

● Mr. WYDLER. Mr. Speaker, recently, interested scientists wrote Mr. James F. Ahearne, the Acting Chairman of the Nuclear Regulatory Commission, to suggest that the NRC resume the licensing process as the President had promised on December 8. Dr. Frederick Seitz, a distinguished physicist and president of Rockefeller University is chairman of the Scientists and Engineers for Secure Energy, Inc., and they made a very reasonable case for getting nuclear powerplants online. Dr. Seitz and his executive secretary Dr. Todovorich point out the need to move ahead now that a more encouraging atmosphere for nuclear energy exists in the Congress based on the rejection of nuclear moratorium amendments. The scientists also attached a copy of the telegram sent to President Carter by six scientists, including two Nobel laureates.

It is clear that men who understand technology and its comparative risks are taking a strong stand in favor of the nuclear option. I recommend both of these documents to my colleagues.

SCIENTISTS AND ENGINEERS FOR
SECURE ENERGY, INC.,
New York, N.Y., January 17, 1980.

JOHN F. AHEARNE,
U.S. Nuclear Regulatory Commission,
Washington, D.C.

DEAR MR. AHEARNE: Scientists and Engineers for Secure Energy (SE2) supports President Carter's view, of December 8, 1979, that "we must resume the licensing process promptly so that new (nuclear) plants, which we need to reduce our dependence on foreign oil, can be built and operated.

SE2 also urges that the Nuclear Regulatory Commission proceed without delay with the licensing of those plants which have already been built and are ready for fueling. We do so for several reasons:

1. All of the various committees and study groups that have investigated Three Mile Island have found that its shortcomings were related predominantly to human factors, such as operator performance, regulatory framework, governmental response, and general attitudes of the mind. Equipment problems (valve operation, panel arrangement, etc.), which cause or contributed to the malfunction, were of secondary importance. Most of the suggested improvements are in the areas of governmental preparedness, emergency response, operator training, and regulatory procedures—all of which are general in nature and not specific to the operation of particular plants.

We see no reason why the licensing process should be delayed while the Commission sorts out shortcomings which are other than technological. We therefore submit that the licensing of the individual, completed nuclear power units should proceed simultaneously with the efforts of the NRC to improve its overall safety posture.

2. It is our judgment that the necessary safety improvements can be developed and implemented safely without delaying the growth of our nuclear power production. Nuclear hardware is designed and constructed with a degree of forethought and caution unparalleled in technological history. According to the conclusion of the President's Commission on TMI, though the accident at Three Mile Island was serious, the current state of nuclear technology proved sufficient to insure the physical safety of the surrounding population. As the report indicates, the results of the event were neither catastrophic nor near-catastrophic. We are confident that nuclear power, having accumulated an excellent safety record, can be made even more reliable and secure without our having to interrupt its current expansion programs. We favor the orderly introduction of new facilities with the continuing improvement of existing units.

3. We are facing events which may lead to a sudden drying-up of some major sources of crude oil. The potential consequences of this for the economics of the United States and the West may be disastrous unless we promptly put to use every other available source of energy. Viewed in this context, the potential risks of using and expanding nuclear power truly are miniscule when compared with the real risks that face us if we do not continue to develop our nuclear option.

As the President, himself, has pointed out, the nuclear plants which remain idle despite their completion could save the country 200,000 barrels of oil per day. The finishing of plants under construction would further reduce our dependence on foreign oil, and contribute to easing our chronic foreign-trade imbalance.

Last fall, the Commission expressed readiness to resume its licensing of nuclear plants. More recently, however, it seems to have moved in the opposite direction, and has mentioned delays of possibly up to two years. Surely this vacillation by the Commission is not justifiable by scientific fact; nor does such a performance by a regulatory agency enhance its credibility with the public. It appears to some that the Commission has succumbed to its own perception of the political climate in nuclear matters.

SE2, however, reads a more encouraging atmosphere for nuclear energy: the Congress, for example, has repeatedly refused to initiate nuclear power-related moratoria, and has agreed with the need for putting the completed plants into operation; states are increasingly urging the Federal Government to take leadership in the advancement of nuclear power. For example, New York's Governor Carey has recently requested the government to "act quickly to give this nation a sense of confidence in nuclear energy."

A heavy and singular burden lies on the shoulders of the NRC. The current licensing inaction of your Commission may preclude the availability of future critical options for the United States. Thus, the de facto responsibility of the NRC at this time greatly transcends the narrow confines of its statutory obligations. We, of SE2, feel that the Nuclear Regulatory Commission should act with conviction on the basis of its understanding of scientific fact, and proceed to discharge with alacrity its legally mandated duty—the licensing of power plants within an established, regulatory framework—while incorporating simultaneously into the process the new insights from the TMI experience.

Attached is a telegram, recently sent to the President, and signed by six academic scientists, which comments on the subject matter raised in this communication.

Sincerely,

FREDERICK SEITZ,
Chairman.
MIRO M. TODOROVICH,
Executive Secretary.

[Telegram]

PRESIDENT OF THE UNITED STATES: The Iranian crisis will cause a severe oil shortage in the coming year. The consequences of this could be alleviated by putting into operation the six nuclear plants which are completed and ready for use. There is no reasonable doubt that they can be operated safely. Their energy output will replace 200,000 barrels of oil per day—a substantial part of the oil previously imported from Iran. We urge you to do all in your power to have these plants operating as soon as possible.

Nuclear plants now under construction, when operating, will replace several times the amount of oil imported from Iran during 1978. These plants should be completed and in operation as soon as possible.

HANS BETHE,
TOM PIGFORD,
FRED SEITZ,
EDWARD TELLER,
ALVIN WEINBERG,
EUGENE WIGNER.●

NICARAGUA'S CONTEMPT FOR THE WORLD COMMUNITY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1980

● Mr. ASHBROOK. Mr. Speaker, the Sandinista dictators who now rule Nicaragua have once again proven their contempt for decency by aggressively moving to claim a number of islands in the Caribbean as their own. In the process they have unilaterally abrogated a 50-year-old treaty, caused a break in diplomatic relations with Colombia, and snubbed the World Court at The Hague. In addition, there are reports of Cuban mercenaries moving into the islands and there is open speculation of a pro-Castro separatist movement arising in this area of the Caribbean. I find this turn of events further proof that the Sandinistas have more in mind for Central America than just the reforming of their own nation. At a time when this Congress is considering shipping $75 million to this regime, I find it amazing that news of these dramatic actions have not been reported in the United States, although they are common knowledge throughout Latin America and Europe. It just goes to show that there is always something the State Department and the news media just cannot find room for come press time.

The islands in question are located approximately 140 miles off the coast of Nicaragua and stretch to the waters near Jamaica. These islands, known as San Andres, Providencia, Roncador, Quitasueno, and Serrana, have been in dispute between the United States, Nicaragua, and Colombia for years. On March 24, 1928, the United States oversaw the conclusion of talks between Nicaragua and Colombia over jurisdiction for these islands and other maritime matters in this area of the Caribbean. On March 6, 1930, the Nicaraguan Government ratified the treaty which gave the islands to Colombia.

The Barcenas Meneses-Esguerra Treaty, as it is called, has been in effect for close to 50 years. On February 5, 1980, the Sandinistas renounced the treaty and claimed the islands as "one more response by the popular Sandinista revolution to the heroic and militant Nicaraguan people." Radio Sandino reported that the original treaty was invalid because it was a surrender of Nicaragua's resources perpetrated by "malformed creatures spawned by the White House." Colombia immediately recalled its Ambassador and broke off diplomatic relations with Nicaragua. The president of the Foreign Relations Committee in the Colombian House of Representatives stated that any concern the Sandinistas have over the islands could be brought before the World Court at The Hague. The Sandinistas reported that the retaking of the islands was to regain the sovereignty lost in the dispoilment of Nicaragua by Colombia and the United States. The issue has escalated since the initial flareup of hostility. On February 11 a broadcast from Madrid reported that the newspaper El Siglo wrote of the presence of Cuban mercenaries on the islands of San Andres and Providencia. There were rumors of the Cubans aiding the move to create an independent republic of the two islands.

These islands are strategically located on the approaches to the Panama

Canal. A Cuban presence or any unfriendly presence would serve to further weaken American capabilities in the region.

As we have seen elsewhere in the world, the aggressive forces of communism are willing to exploit any loophole, and any dispute, no matter how insignificant, to gain an air of legitimacy for their conquests. What is happening in the small islands under dispute between Colombia and Nicaragua is that the Sandinistas are not waiting for Latin America to catch its breath from the fall of Somoza. The Sandinistas are on the march wherever they can find room to expand. They are willing to forsake relations with Colombia and are willing to become international renegades by usurping The Hague and international law in order to post gains. It is obvious that the stakes are growing ever higher in the Caribbean. The sooner the Congress awakens to this accelerating evolution of events the more likely it is that we can stop the Sandinistas and their Cuban allies before it is too late. Certainly we must not commit ourselves to aiding and abetting their policies until their aggression ends.●

CONOR CRUISE O'BRIEN: STILL DESTABILIZING PRO-WESTERN AFRICAN GOVERNMENTS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1980

● Mr. McDONALD. Mr. Speaker, last month the London Sunday newspaper, the Observer, published articles containing the incoherent ramblings of a defecting junior clerk from the South African intelligence service. As a result of the Observer's series, the successful penetration by a young South African intelligence officer of an international organization in Geneva, Switzerland, that has been providing financial and logistical support to the tune of some $2.5 million a year to Marxist terrorist movements in South and South West Africa, was exposed and his life placed in danger. The organization supported the full range of revolutionary and terrorist movements in South Africa, ranging from the Angola-based South West Africa People's Organization (SWAPO) led by Sam Nujoma and the equally Soviet-dominated African National Congress (ANC) through the Peking-alined Pan-Africanist Congress (PAC) to the eclectic "Black Consciousness" groups spawned by Steve Biko.

The editor of the Observer, responsible for these revelations, is Conor Cruise O'Brien, who in his 69 years has amassed an unenviable record for destabilizing pro-Western African governments and for supporting Communist revolutionary regimes in the Congo, Ghana, North Vietnam, and Cuba.

At my direction, my office prepared the following documentation of the public career of Conor Cruise O'Brien, which establishes a pattern of behavior consistent with his latest actions in support of Marxism-Leninism:

CONOR CRUISE O'BRIEN

Subject Conor Cruise O'Brien is a citizen of the Republic of Ireland (Eire), born in Dublin on November 3, 1911, the son of a newspaper journalist. His mother, nee Sheehy, was from a family prominent in Irish politica. Elementary education was at a Quaker school in Dublin, followed by the study of modern literature and history at Trinity College, Dublin. O'Brien entered the Irish Republic's civil service in 1943, age 32.

The publication "World", January 13, 1961, page 3, reported O'Brien was known as a "member of the extreme-leftist Irish Civil Liberties Union" and was an "active supporter of the International Brigades," controlled by the Soviet Union, during the Spanish Civil War.

As a member of the Irish diplomatic service, O'Brien served in several Dublin and Western European posts. When Eire joined the United Nations in 1955, subject organized and headed the new United Nations section of the Irish Foreign Office. Subject reportedly speaks French, Spanish and Russian, and while he served in Eire's Paris Embassy, the occasions for which he learned Spanish and Russian are not known.

O'Brien was a member of the Irish delegation to the United Nations and became an aide to Secretary-General Dag Hammarskjold. In 1961, O'Brien was sent to the former Belgian Congo's Katanga Province, then attempting to become an independent country, as the Personal Representative of the U.N. Secretary-General and Chief Representative of the United Nations Organization in the Congo.

Subject was the highest ranking United Nations official in the Congo. O'Brien admitted in an article reprinted in Report of the Senate Internal Security Subcommittee, "Visa Procedures of Department of State," August 6, 1962, pages 28-29, that he and a handful of other U.N. officials were responsible for drawing up and implementing the plan to use U.N. troops to forcibly crush the Katanga independence movement.

According to this document by O'Brien, those responsible for the formation and execution of Operation Morthor in August 1961, included Mahmoud Khiary, a Tunisian who was the Head of U.N. Civilian Operations in the Congo and who was outranked by O'Brien; and O'Brien's own deputy, a French Communist named Michel Tombelaine. O'Brien admitted that the plan was put into operation at a meeting of these and a few other U.N. officials held in his own residence.

The violence of U.N. troops against Katangese civilians provoked an international outcry. It is noted that Operation Morthor used the Hindu word meaning "smash" which is cognate to the English word "murder." In his 1963 book, "To Katanga and Back" (Simon & Schuster, New York), O'Brien sharply attacked U.N. Secretary-General Hammarskjold and his successor, U Thant, not for condoning the use of violence by U.N. military forces against the Katangese, but for bowing to world public opinion and not going far enough with military force to conquer Katanga so as to forcibly reunite it with the Congo.

According to O'Brien, the U.N. Secretary-General compromised the arrangement agreed to with the U.N.'s Third World members which was that the pro-Western Katanga independence movement should be crushed, that Katanga should forcibly be reunited with the Congo, and that the Congo government be "neutralized."

In an interview published in the Dublin Sunday Press on July 12, 1964, from Ghana, O'Brien heatedly denounced the selection of former Katanga independence leader Moise Tshombe as Prime Minister of the Congo. O'Brien termed Tshombe "the tool of outside interests" and said that the Congo "is now a colossal example of neo-colonialism."

The Sunday Press report said that O'Brien attacked those "outside forces" for having "caused the assassination of the young but dynamic, nationalist leader Lumumba;" and that O'Brien suggested that "the country could be settled only when a genuine nationalist government, such as the one headed by Lumumba, returned to power."

O'Brien had no criticisms of Patrice Lumumba's overt espousal of Marxism-Leninism, of his political reliance for direction on his close friend, the Ghanian Marxist dictator Kwane Nkrumah, or on his alignment with Nkrumah's supporter, the Soviet Union. At the time, O'Brien was vice-chancellor of the University of Ghana under the Nkrumah regime.

The international controversy over O'Brien's role in directing the U.N. military attack on Katanga, carried out, according to international press reports, with extreme brutality, caused him to be removed from his U.N. post in December 1961. On the next day, he was forced to resign also from the Irish Foreign Service. O'Brien did not return to Eire, where it was reported, he was "unwelcome" by his own government.

In January 1962, O'Brien divorced his first wife, the former Christine Foster of Belfast, by whom he had two daughters and a son, and on January 9, 1962, married Marie MacEntee, daughter of Irish Deputy Prime Minister Sean MacEntee, in a religious ceremony. In March 1962, O'Brien accepted the post of vice-chancellor of the University of Ghana in Accra that was offered by the Soviet-aligned Marxist dictator Kwame Nkrumah.

Shirley Graham, a member of the Communist Party, U.S.A. (CPUSA) who had married the aged U.S. black nationalist W.E.B. DuBois and converted him to communism at the age of 91, provided an article on Ghana's "socialist experiment" for Political Affairs, the theoretical journal of the Communist Party, U.S.A., published in the May 1962, issue. Shirley Graham and W.E.B. DuBois had moved to Ghana in 1961, to become part of the transformation of Ghana into a full Communist dictatorship. In that article, Graham wrote the following of the role of the University of Ghana under Nkrumah and Conor Cruise O'Brien:

"Change, legislation, control are necessary today to bring about the 'socialist transformation of Ghana.' But a wise government knows that only education of its youth will assure the stability of the new state. * * *

"Dr. Alan Nunn May, former member of the British Government Atomic Research Department, is head of the Department of Physics. [Nunn May, after confessing to providing atomic secrets to the Soviet Union, served a ten-year prison term]. The newly appointed administrator of the university is Dr. Conor Cruise O'Brien, who exposed the crimes which imperialistic powers were committing in the Congo. After Dr. O'Brien resigned from the United Nations post and was thrown out of his job in his own country (Ireland), President Nkrumah invited him to 'come to Ghana and help us.' Dr. O'Brien accepted. The University of Ghana now intends to turn out young men and women ready to come to grips with the social and economic changes taking place in the world * * * and to render loyal service towards building the new Ghana."

Among the administrative actions of the University of Ghana under Conor Cruise O'Brien, according to the New York Times of May 17, 1962, was the offering of a lecturer's post to Paul Robeson, whose decades-long association with the Communist Party, U.S.A. in which his son, Paul Robeson, Jr., held an appointed office, is a matter of public record.

O'Brien remained at his post in the University of Ghana until March 1965. In light of his later assertions of supporting academic freedom, it is noted that in February, 1964, Nkrumah decided to expel non-communist American professors teaching at the University. To accomplish this and provide a pretext for the expulsion of the American academics, some 2,000 members of Nkrumah's Convention People's Party, the only legal political party in Ghana, were assembled. The mob invaded the university campus demanding the expulsion of the Americans and other Western instructors, charging they were all "CIA agents." Nkrumah immediately complied with the staged "demands" of his party. There was no reported word of protest from O'Brien.

In March 1965, O'Brien announced his resignation from the University of Ghana, allegedly over issues of academic freedom. In June 1965, his appointment to the Albert Schweitzer Chair in Humanities at New York University was announced.

O'Brien's association with the revolutionary Marxist left continued in the United States. The March 1965, issue of Monthly Review, an allegedly "independent" Marxist intellectual journal that had only praise for "Third World" communist regimes in North Korea, Cuba and North Vietnam, contained memorial tributes to the magazine's late associate, a Marxist economics professor at Stanford University, Paul Baran. A tribute from Conor Cruise O'Brien was joined with others from Communist Party, U.S.A. theoretician Herbert Aptheker; from Cuban terrorist Ernesto "Che" Guevara; and from Kwame Nkrumah.

In his 1965 book, "Writers and Politics" (Pantheon, New York) O'Brien wrote that while his commitment to "socialism" such as the variety being built in Ghana by Nkrumah remained unimpaired, he was "more profoundly attached to the liberal concepts of freedom * * * than I was to the idea of a disciplined party mobilizing all the forces of society for the creation of a society guaranteeing more real freedom for all instead of just for a few."

The fact that the system in which a "disciplined party" mobilizes "all the forces of society" is Marxism-Leninism or Communism appears to somehow have escaped O'Brien who appears also to approve of the self-proclaimed aims of the Marxists—"creation of a society guaranteeing more real freedom for all instead of just for a few" while being oblivious to the systematic totalitarianism which is the inescapable main characteristic of such a system.

In no case can that system supported by O'Brien intellectually, though admitting his "bourgeois" preference for "liberal concepts of freedom," be mistaken even for social democracy.

Furthermore, liberal commentator Irving Kristol provided an incisive review of O'Brien's "Writers and Politics" in the June 20, 1965, issue of book Week in which he observed:

"If any single theme can be said to unite (these essays), it is a virulent anti-Americanism: the United States is the new Ascendancy, its intellectuals are hypocritical priests of capitalism, its masses are bigoted and servile, and for the free, progressive spirit, it is The Enemy incarnate."

Upon his moving to New York University, O'Brien became an important "resource person" for the revolutionary, violence-oriented Students for a Democratic Society (SDS).

The New York Times of October 15, 1965, reported that O'Brien spoke at a rally organized by the New York University Ad Hoc Committee to End the War in Vietnam which was formed primarily of SDS activists. At the rally, O'Brien said "that only military leaders and large corporation heads had an interest in continuing the United States' policy in South Vietnam." The Times quoted O'Brien as saying that the U.S. had shown "nothing but a commitment to war itself and to the manufacture of puppets" in South Vietnam.

The New York Times of November 16, 1965, reported on O'Brien's participation in another SDS "teach-in" at New York University. O'Brien and his associate on a panel on academic freedom, self-admitted Marxist Eugene Genovese, who was expelled from the Communist Party, U.S.A. in 1950, were roundly criticized by Dr. Ernest van den Haag, a member of the philosophy faculty of the New School. Dr. van den Haag pointed out that O'Brien continued to serve at the University of Ghana for more than a year after Nkrumah's mob invaded the school and the American professors were expelled from Ghana. Nor had O'Brien resigned after Nkrumah removed other professors he believed to be critical of his regime.

O'Brien replied that as far as he was concerned, academic freedom meant "freedom of the teacher and the student in the privacy of the classroom." O'Brien gave no indication that academic freedom might also include the right of a teacher to publish any critical analysis of a socialist or communist government, its programs or policies.

According to the National Guardian of August 20, 1966, Conor Cruise O'Brien was a speaker at the Second Annual Socialist Scholars Conference. These meetings of the pro-Moscow "Old Left" associated with the Communist Party, U.S.A. with younger Castroite and "New Left" Marxist academics, have been financed in part by the Rabinowitz Foundation, controlled by Victor Rabinowitz, an attorney identified in Senate testimony as a member of the Communist Party, U.S.A. and who has been the paid agent of the Cuban Communist Government since 1961. It is noted that the National Guardian was characterized by the House Committee on Un-American Activities as having "manifested itself from the beginning as a virtual official propaganda arm of Soviet Russia." (Report. "Trial by Treason: The National Committee to Secure Justice for the Rosenbergs and Morton Sobell," August 25, 1956, p. 12).

On December 5, 1967, O'Brien and his wife, Maire MacEntee O'Brien, were arrested during an anti-draft riot on Whitehall Street in lower Manhattan. The organizers of the demonstration included the Students for a Democratic Society, the Free University of New York, and the Fifth Avenue Peace Parade Committee, a coalition of overtly revolutionary and "peace" groups.

According to the New York Times of March 6, 1968, O'Brien pleaded not guilty to disorderly conduct. On March 18, 1968, the disorderly conduct charges against O'Brien were dismissed by New York Criminal Court Judge Walter Gladwin who said that there was a reasonable doubt in his mind that O'Brien had broken the law.

However, the Times (March 19, 1968, p. 51) quoted O'Brien as saying that disorderly conduct is supposed to involve "inconveniencing, annoying or alarming someone. I was not attempting to inconvenience or alarm anyone except the Government of this country in Vietnam."

An article in the December 30, 1967, issue of the National Guardian by Lionel Martin, a resident of Havana who also writes for the official Cuban news agency Prensa Latina, advertised the upcoming January 1968 International Cultural Congress in Havana, Cuba. Martin wrote: "Those who to date have expressed their intention to participate in the Congress from the U.S. are antiwar activist Dave Dellinger; Tom Hayden, community organizer in Newark, N.J.; and Conor Cruise O'Brien, professor of humanities at New York University." The International Cultural Congress was characterized by the counsel of the House Committee on Un-American Activities in 1968 as "a gathering of Communists and other revolutionaries whose aim is to destroy the non-Communist governments of the world." (Hearings, "Subversive Involvement in Disruption of 1968 Democratic Party National Convention," Part 2, pp. 2554, 2584, December 2 and 3, 1968.)

In 1968, Conor Cruise O'Brien was a member of the Committee to Defend the Conspiracy, a support group for Tom Hayden, Jerry Rubin, Abbie Hoffman, Rennie Davis, John Froines, Lee Weiner and Bobby Seale, charged with conspiring to disrupt the 1968 Democratic National Convention in Chicago. Other members of "The Conspiracy," as the organization was known, included Noam Chomsky, Howard Zinn, Sidney Lens, Herbert Magidson, Michael Harrington and I. F. Stone.

O'Brien activities with Students for a Democratic Society were even more mischievous when as a result of a conversation with Columbia University SDS leader Mark Rudd, the latter was able to report, "As far as we know from Conor Cruise O'Brien in an article in The New York Review of Books, Cordier was a CIA agent responsible for the assassination of Patrice Lumumba." (New York Times, August 24, 1968).

Since at that time Dr. Andrew W. Cordier had been named to be president of Columbia, the Rudd statement was obviously harmful. Dr. Cordier promptly denied Rudd's charges, and O'Brien "categorically denied ever having made the accusation." However, two months later in a letter to the New York Times dated 10/10/68, while still maintaining his denial of responsibility, O'Brien subverted it by writing, "Dr. Cordier * * * played a highly significant part in the political downfall of Patrice Lumumba. Due to conditions in the Congo, his political downfall led to his murder." And as for Andrew Cordier, he left no doubt as to the source of the smear, telling the times, "It really started with Conor Cruise O'Brien. He has hinted at it. He started the chain of thinking that was picked up by these (S.D.S.) boys up here."

In 1969, O'Brien returned to Dublin and was elected to the Irish Parliament. According to the New York Times of April 22, 1969, O'Brien attributed his election success to a general "swing to the left" by Irish voters. In the Fine Gael/Labour Party coalition government elected in 1973, O'Brien was named Minister of Posts and Telegraph. In July 1975, he was one of a delegation formed by the Socialist or Second International to visit jailed Indian revolutionary leader Jaya Prakash Narayan barred from India by Prime Minister Indira Gandhi. (New York Times, July 21, 1975, p. 8)

In the June 1977 Irish elections, O'Brien was one of three ministers in the coalition government defeated in the parliamentary elections. However in August 1977, O'Brien was elected to the Irish Senate. Losing his seat in the November 1979, Irish elections, O'Brien is now editor of the London Observer, a weekly newspaper owned by the Atlantic Richfield Oil Company. On November 4, 1979, the Observer editorialized that "Europe's influence should be used to promote a reconciliation between Russia and China" because their quarrel is "dangerous for the whole world."

It should be noted that in Ireland, O'Brien has been quite critical of the Provisional Wing of the Irish Republican Army, but not of the Soviet-dominated Official Wing of the IRA which has ceased overt terrorist activities and with the Irish Communist Party has been promoting the "peace movement" and political organizing in Northern, British-controlled, predominantly Protestant Ireland.●

HOUSE OF REPRESENTATIVES—*Friday, February 22, 1980*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Finally, be strong in the Lord and in the strength of His might.—Ephesians 6: 10.

O God, we offer to You our hearts full of thanksgiving for Your love that You express day by day. Though we strive to do Your will, we miss the mark and fall short of Your glory, though we long for Your kingdom and seek the fulfillment of Your promises, we are still weak and uncertain. Grant to us, O Lord, Your heavenly power in our lives, that we will be strong in our faith and obedient to Your word. Enable all Your people to sense the joy that we can know when sustained by Your presence and blessed by Your peace. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. DERWINSKI. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DERWINSKI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 282, nays 10, answered "present" 2, not voting 139, as follows:

[Roll No. 65]

YEAS—282

Akaka
Albosta
Alexander
Anderson, Calif.
Andrews, N.C.
Annunzio
Anthony
Applegate
Archer
Ashbrook
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Bingham
Boggs
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Brinkley
Brooks
Broomfield
Buchanan
Burgener
Burlison
Burton, John
Burton, Phillip
Butler
Byron
Campbell
Carter
Cavanaugh
Cheney
Clay
Clinger
Coleman
Collins, Tex.
Conable
Conte
Conyers
Corcoran
Coughlin
Courter
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
de la Garza
Deckard
Dicks
Dougherty
Downey
Drinan
Duncan, Tenn.
Early
Edgar
Edwards, Calif.
Emery
English
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Findley
Fish
Fisher
Fithian
Florio
Foley
Ford, Tenn.
Fowler
Fuqua
Garcia
Gaydos
Gephardt
Gibbons
Gilman
Ginn
Glickman
Goldwater
Gonzalez
Gore
Gradison
Gramm
Gray
Green
Grisham
Guyer
Hall, Tex.
Hamilton
Hance
Harris
Hawkins
Hefner
Heftel
Hightower
Hillis
Hinson
Holt
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hyde
Ichord
Ireland
Jeffries
Jenrette
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kelly
Kildee
Kindness
Kostmayer
Kramer
LaFalce
Lagomarsino
Leach, Iowa
Leath, Tex.
Lederer
Lee
Lehman
Lent
Levitas
Livingston
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
McDade
McDonald
McHugh
McKay
Madigan
Markey
Marks
Marriott
Martin
Matsui
Mavroules
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, N.Y.
Mollohan
Montgomery
Mottl
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Ind.
Natcher
Nedzi
Nichols
Nowak
O'Brien
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Paul
Pease
Perkins
Petri
Peyser
Porter
Preyer
Price
Pritchard
Rahall
Railsback
Ratchford
Regula
Rhodes
Rinaldo
Ritter
Roberts
Robinson
Roe
Rosenthal
Roth
Roybal
Royer
Rudd
Russo
Sabo
Santini
Sawyer
Scheuer
Schulze
Sebelius
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Slack
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spence
St Germain
Stack
Stanton
Stark
Steed
Stokes
Stratton
Studds
Swift
Synar
Tauke
Taylor
Thompson
Traxler
Trible
Udall
Ullman
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Wampler
Watkins
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Wilson, C. H.
Wilson, Tex.
Wolpe
Wright
Wyatt
Wylie
Yates
Yatron
Young, Fla.
Young, Mo.
Zablocki

NAYS—10

Derwinski
Dickinson
Forsythe
Goodling
Jacobs
Lloyd
Mitchell, Md.
Schroeder
Walker
Wilson, Bob

ANSWERED "PRESENT"—2

Gingrich
Neal

NOT VOTING—139

Abdnor
Addabbo
Ambro
Anderson, Ill.
Andrews, N. Dak.
Ashley
Barnard
Biaggi
Blanchard
Boland
Breaux
Brodhead
Brown, Calif.
Brown, Ohio
Broyhill
Carney
Carr
Chappell
Chisholm
Clausen
Cleveland
Coelho
Collins, Ill.
Corman
Cotter
Crane, Daniel
Crane, Philip
Davis, Mich.
Davis, S.C.
Dellums
Derrick
Devine
Diggs
Dingell
Dixon
Dodd
Donnelly
Dornan
Duncan, Oreg.
Eckhardt
Edwards, Ala.
Edwards, Okla.
Erdahl
Ferraro
Flippo
Ford, Mich.
Fountain
Frenzel
Frost
Giaimo
Grassley
Guarini
Gudger
Hagedorn
Hall, Ohio
Hammerschmidt
Hanley
Hansen
Harkin
Harsha
Heckler
Holland
Hollenbeck
Holtzman
Hutto
Jeffords
Jenkins
Johnson, Calif.
Johnson, Colo.
Jones, Okla.
Kazen
Kemp
Kogovsek
Latta
Leach, La.
Leland
Lewis
Lungren
McClory
McCloskey
McCormack
McEwen
McKinney
Maguire
Marlenee
Mathis
Mattox
Mazzoli
Moakley
Moffett
Moore
Moorhead, Calif.
Moorhead, Pa.
Murphy, Ill.
Myers, Pa.
Nelson
Nolan
Oakar
Pashayan
Pepper
Pickle
Pursell
Quayle
Quillen
Rangel
Reuss
Richmond
Rodino
Rose
Rostenkowski
Rousselot
Runnels
Satterfield
Seiberling
Shuster
Simon
Skelton
Spellman
Staggers
Stangeland
Stenholm
Stewart
Stockman
Stump
Symms
Thomas
Treen
Vander Jagt
Waxman
Weaver
Weiss
White
Williams, Ohio
Winn
Wirth
Wolff
Wydler
Young, Alaska
Zeferetti

□ 1110

So the Journal was approved.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 6374. An act to authorize the President of the United States to present on behalf of the Congress a specially struck gold medal to Ambassador Kenneth Taylor.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 214. An act for the relief of Rocio Edmondson.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1390. An act to promote highway safety, to reduce highway fatalities and injuries, to minimize property damage by encouraging the safe operation and maintenance of commercial motor vehicles, to minimize dangers to the health of operators when operating commercial motor vehicles, and for other purposes.

THE LATE HONORABLE WILLIAM M. McCULLOCH

(Mr. GUYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUYER. Mr. Speaker, I learned with a great deal of sadness that our esteemed friend and former colleague, William McCulloch, passed away this morning. Many of the Members served with Bill. He was my predecessor from the Fourth District of Ohio. After a long and distinguished career as the speaker of the house back in Ohio, he served here 25 years. He was the ranking minority member of the Committee on the Judiciary, but mostly he will be remembered as a champion of civil rights at a very crucial time in this Nation's history.

Funeral arrangements are incomplete, but I want to ask all of the Members to be thoughtful of Bill's family, his wife Mabel, his daughters Nancy and Anne and the others in their hour of sorrow. I hope that we can all appropriately pay respects, and tributes at a later time to this great American.

Mr. Speaker, I thank the Members for sharing with me this moment of condolence and respect for Congressman Bill McCulloch, who was truly a rose on the grave of Abraham Lincoln.

Mr. RHODES. Mr. Speaker, will the gentleman yield?

Mr. GUYER. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Speaker, I want to join my colleague, the gentleman from Ohio (Mr. Guyer), in expressing my deepest regret and sympathy to Bill McCulloch's family. I served with Bill for many years in the House of Representatives. He was a distinguished Member of the House, a very valuable member of the Committee on the Judiciary, and we have missed him since he left. We certainly wish the best of everything to his widow, and she has our sympathy.

Mr. GUYER. We will convey that to the family.

Mr. RAILSBACK. Mr. Speaker, will the gentleman yield?

Mr. GUYER. I yield to the gentleman from Illinois.

□ 1120

Mr. RAILSBACK. Mr. Speaker, I had the pleasure of serving, the great pleasure of serving under Bil McCulloch as the ranking minority member of the House Judiciary Committee when I was a freshman Member. I really do not know of any minority Member that had more to do with the furtherance of civil rights. I would say that if Clarence Mitchell, the head of the NAACP, were here today, he would tell my colleagues that of all of the Members of Congress, of all of the members of the House Judiciary Committee, Bill McCulloch, working very closely with Emanuel Celler, did more for the cause of civil rights than any other legislator in the House.

Mr. BOLLING. Mr. Speaker, will the gentleman yield?

Mr. GUYER. I yield to the gentleman from Missouri.

Mr. BOLLING. Mr. Speaker, I would like to second the statement just made. That is precisely true. In my opinion—and I worked on every civil rights bill that ever passed the House of Representatives—if it had not been for Bill McCulloch, there would not have been any civil rights legislation. He and another distinguished Member from Ohio, being on the Republican side, the elder Clarence Brown, were absolutely key in the passage of all that legislation starting with the first bill that passed the House in 1956, and going on to the act of 1957 and the major bills down the line.

This country will always owe a major debt to Bill McCulloch.

Mr. FISH. Mr. Speaker, will the gentleman yield?

Mr. GUYER. I yield to the gentleman from New York.

Mr. FISH. Mr. Speaker, I thank the gentleman for yielding.

I certainly agree with everything that has been said. After I was elected to this body in 1968 I came to Washington, as all Congressmen-elect do and Bill McCulloch was the first Republican Member that I called on as the ranking member of the Committee on the Judiciary. This is the committee I wanted to serve on, because of the reputation it had in such fields as civil rights. The example that he set, an example of statesmanship in working with the committee chairman, Emanuel Celler, in vital matters concerning civil rights legislation was a fine lesson for the rest of us who had the honor to serve under him. I wish to convey my deepest sympathy to his family.

Mr. GUYER. And we will do that.

Mr. JACOBS. Mr. Speaker, will the gentleman yield?

Mr. GUYER. I yield to the gentleman from Indiana.

Mr. JACOBS. Mr. Speaker, I would like to join in expressing not only my profound respect, but my affection for Bill McCulloch. For those who did not serve here at the time, I would like the record to show that Bill McCulloch was a very courtly, very dapper Member of the House. No more civilized, more classically educated man or woman ever served in the House of Representatives. His loss is a profound one, not only to the House of Representatives, but to humanity, which, according to poetry, he was very much involved with and was very much a complete part of.

Mr. KINDNESS. Mr. Speaker, will the gentleman yield?

Mr. GUYER. I yield to the gentleman from Ohio.

Mr. KINDNESS. Mr. Speaker, I thank the gentleman for yielding.

Bill McCulloch was, indeed, a beloved public servant and a beloved man. Wherever I go in that part of the Eighth Congressional District of Ohio, formerly represented by him, people ask about him constantly. They will ask about him long beyond today. He will be well remembered and well respected and well loved for all be did for the people of the United States and the people of our State of Ohio.

Mrs. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GUYER. I yield to the gentlewoman from Louisiana.

Mrs. BOGGS. Mr. Speaker, I thank the gentleman for yielding. I would like to say that the expressions here, speaking of Clarence Brown, of Clarence Brown, Jr., the expressions by the gentleman from New York (Mr. Fish), the expressions by the gentleman from Indiana (Mr. Jacobs), are what I was going to say about Bill McCulloch. These are all congressional children who have been referred to and who have been speaking. Truly the McCullochs were great Members of the House of Representatives. The whole family respected the institution of the House. All of them served the people equally well as good congressional families always do.

Though Bill's son is not in this House his daughter has been a great force in the civic, political, and philanthropic life of this city and of her native State.

It is a real sadness to me to miss an old friend, and I love his widow and his family and extend to them my deepest sympathy.

Mr. GUYER. Mr. Speaker, I personally will convey these sentiments to the family, and later an appropriate way will be found for all of us to honor him. I just want to say in closing that he truly is a rose on the grave of Abraham Lincoln, that great American.

REPUBLICANS DENY DUE PROCESS TO CONGRESSMAN RICHARD KELLY

(Mr. MITCHELL of Maryland asked and was given permission to revise and extend his remarks.)

Mr. MITCHELL of Maryland. Mr. Speaker, Congressman Richard Kelly and I are a thousand light years apart. His definition of the role of government is almost absolutely opposite to my definition of the role of government. We have not been particular friends.

But what occurred yesterday with reference to his membership in the party I think is of signal danger to every Member of this House. There is something called due process and this House, in its component parts, ought to be the zealous guardians of due process.

What occurred to the Congressman from Florida (Mr. Kelly) yesterday was violative of due process. We do not know anything about the acts that he is alleged to have committed except what we have read in the papers. There has been no indictment. There has been no trial. There has been no finding of guilt.

Had there been a finding of guilt, he has not exhausted his legal remedies.

I think, what the Republican Party did, and the Republican Members did, is a clear and present danger to all of us in this House and to the Nation.

BOB KELLER OF GAO ANNOUNCES RETIREMENT

(Mr. WHITTEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITTEN. Mr. Speaker, I take this time to note that on yesterday, Bob Keller, the Deputy Comptroller General of the United States, announced his retirement after 45 years of dedicated service.

Bob has been well and favorably known to the members of the Committee on Appropriations over the years, especially during his service as the General Counsel of GAO beginning in 1958 and from the time he was appointed Deputy Comptroller General in 1969. He is a man of remarkable personal courage and has been a pillar of strength and stability in the financial management community.

Bob has degrees in both law and accounting. He has distinguished himself throughout his career and has been the recipient of the Rockefeller Public Service Award, the National Civil Service League Award and other commendations. Incredibly, he has served under all five Comptrollers General since the General Accounting Office was established by the Budget and Accounting Act of 1921.

The Appropriations Committee has sought Bob Keller's judgment and counsel on innumerable occasions. We will all miss Bob and in behalf of the committee I wish Bob and his wife, Benton, great happiness in their well-deserved retirement.

CONGRESSMAN KELLY'S CASE IS LYNCH MOB JUSTICE

(Mr. KOSTMAYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOSTMAYER. Mr. Speaker, some traditional American values like due process, innocent until proven guilty, and a fair trial apparently have no place in the congressional wing of the Republican Party.

The expulsion of Representative Richard Kelly from the Republican Conference before charges have been brought against him violates every tenet of American jurisprudence.

Great Republicans of the past, men like Borah, LaFollette and Theodore Roosevelt must be turning over in their graves.

How sad it is to see a party born in the struggle for individual liberty and human rights yielding to the forces of reaction and political expediency.

The Republicans may have helped themselves in the short run of this election year.

But in the long run they have done themselves and the House a terrible disservice.

History will record this, whatever the eventual disposition of Mr. Kelly's case, as lynch mob justice.

TIA LUISA

(Mr. de la GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. de la GARZA. Mr. Speaker, on February 17 a remarkable woman turned 100 years old. Her name is Luisa Champion Personius—affectionately called "Tia Luisa" by her family and friends. She is my great, great, great aunt.

I have been a very fortunate man, but the real rewards of my life have been in the treasured relationships that have come from knowing and loving people like Tia Luisa. The simple inescapable fact is that she cares and that it shows.

A poem for the occasion was written by Teresa C. Alamia which I would like to share with my colleagues:

"Tia Luisa"—A Champion of Champions

In 1846 the spirit of war was still alive,
When at Brazos Santiago the Champions arrived.

From far-away Italy they came seeking success
Alberto, Pedro, Nicolas, Jorge, and one named José

With ambition, religion, and very litte gear
They readily joined forces with Texas pioneers

Boat-builders, merchants, fishermen they became,
Nothing deterred them, winning was part of the game.
As they all married we find Pedro and Felicitas Solís
Raising a large family, taking pride in their breed

Luisa, the 12th child was destined to shine
For she had sparkle, charisma all in her smile

Incarnate Word Convent's First Graduating Class
Found Luisa, Gold Medal Winner, proud of her task

In 1917 a blessing that came from above,
Her marriage to Clarence, this was true love

God gave them no Children this was His plan
She scattered her love to the whole Champion Clan

One hundred years of devoted working and praying
Can be proclaimed by simply saying . . . .

Luisa spent a life time of fathering
Mothering, sistering and brothering . . . .

Filling the physical and spiritual needs
of young and old . . . . she planted these seeds

Happy Birthday Tia Luisa, as you celebrate
The 100th year of your Historic Birthdate
1880–1980

ENOUGH PATIENCE—WE NEED ACTION FOR RELEASE OF AMERICAN HOSTAGES

(Mr. HYDE asked and was given permission to address the House for 1 minute.)

Mr. HYDE. Mr. Speaker, I just think it appropriate that the Republican Party take care of its disciplinary problems and the majority party take care of its own.

Mr. Speaker, I have supported our administration's course of patience in dealing with Iran's barbaric kidnaping of our diplomats—but 111 days of captivity is enough.

Patience is indeed a virtue, but excessive patience becomes paralysis.

The public pronouncements concerning the purpose and probable results from the Waldheim Commission's work are totally unacceptable—a further guilt trip for America and adding to our store of national humiliation.

We must stop rewarding the outlaws and start penalizing them.

Perhaps something is going on secretly that we do not know about—but recalling Jimmy Carter's campaign pledges against secret diplomacy I doubt it.

Mr. Carter, you told the world you would turn the screw on Iran a little tighter every day—but the only cries of pain we hear are from our hostages.

Mr. President, please put down the press releases and pick up the screwdriver—enough is enough.

WE ARE RIDING AN INFLATION MERRY-GO-ROUND

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, recently we have heard some of the most distressing economic news. Rampaging inflation has hit a new peak. An editorial in our Wisconsin newspaper stated:

> We're riding an inflation merry-go-round. And there's a good question whether the Fed or any other governmental body can really stop the carnival.

The pessimistic news from Washington seems to be crushing the will of the American people to fight back, to find solutions to our problems. The editorial went on to say that, "continued deficit spending of Government" is the basic cause of inflation.

I think we all realize that the decisions made here contribute to our unbearable inflation. We cannot survive as a nation with annualized inflation of 19.2 percent. We will financially wipe out our middle class, our senior citizens, and people on fixed incomes.

It is not Government's function to run the lives of its people, but just the opposite. Fewer programs are required, not more. That will reduce spending and stem the tide of inflation.

IS IT AN "ECONOMIC CRIME" TO SELL FOR PROFIT?

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, in the Soviet Union, you can be jailed or executed for committing an "economic crime." Under this heading come such antisocial offenses as selling a good or service to a willing buyer for profit.

Considering the tyranny in Iran, I was not surprised to see a photo in the papers recently of a small businessman being lashed in Tehran by revolutionary guardsmen. His crime was "profiteering." He made the mistake that Chrysler avoided—making a profit by serving the consumer.

The economic climate in the United States, created by the laws written by Congress in principle, may not be much different. A young service station owner in Boston was arrested by the Federal energy police for selling gasoline to customers at a price higher than the DOE allows. Customers were glad to pay the price, because this station owner stayed open nights and weekends in a tough neighborhood, but this cut no ice with DOE bureaucrats. They would rather have no gasoline offered for sale, than a market price set voluntarily in transactions between willing buyer and seller.

This service station owner, Mr. Glenn Heller, was just sentenced to 30 days in jail and $9,450 fine. Can we, as Representatives in a free country, be proud of this example of justice? Is this part of the American dream? I certainly hope not.

THE ACTION OF THE REPUBLICAN CONFERENCE

(Mrs. FENWICK asked and was given permission to address the House for 1 minute.)

Mrs. FENWICK. Mr. Speaker, we have heard some very interesting remarks from the other side of the aisle this morning. One of them was that the concern of the Republican Party is somehow politically motivated, and that this will somehow benefit one party rather than another in the election.

What is being said when we hear these words? It is that the American people understand better than some Members of this House how a tragedy such as that which has fallen on this House must be regarded. They know what we are trying to do, even if you do not. We are trying to express that this House is the temple of the people, as is written on the doorways downstairs. "We have no oracle but our Constitution; no temple but our Capitol"—that is inscribed over our doors.

Standards must be on a higher level here than those we have all had to accept from time to time. Nobody can cast stones, and nobody is judging guilt or innocence. That is not our object; we are not judging guilt or innocence.

Ethical conduct is what must be judged, and that is what one tries to do. It should not be considered otherwise. The motives here are not political. This has nothing to do with politics. We must get that out of our thinking. The people are asking for something more.

THE ACTION OF THE REPUBLICAN CONFERENCE

(Mr. FINDLEY asked and was given permission to address the House for 1 minute.)

Mr. FINDLEY. Mr. Speaker, the reports of the activities of the House Republican Conference yesterday were very sketchy. It was a closed conference, and I am certainly under no burden to try to explain the rationale behind the deliberations of the conference, or what resulted in the form of action by our friend from Florida (Mr. KELLY).

I can speak only for myself in seconding the sentiments voiced by Mrs. FENWICK, and in explaining why I encouraged Congressman KELLY to act as he did and why I would have supported a resolution to suspend his party privileges had he not taken that step.

It was not to find guilt or innocence at all. It was rather to establish a precedent which has applied to policemen, school teachers, and others, a course which I think is pretty well throughout the country. If a policeman or a school teacher is put under a heavy cloud of allegation, he or she is suspended from their responsibilities. They are not suspended from pay, but suspended from responsibilties until such time as the allegations are satisfactorily disposed of. I think this is a proper responsibility of party leadership.

THE ACTION OF THE REPUBLICAN CONFERENCE

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. I was surprised, Mr. Speaker, when I heard two of my Democratic colleagues this morning make reference to an act of the Republican Conference on yesterday relating to Mr. KELLY, because I am not sure they read what was the issue. The action of the conference proposed that Mr. KELLY be suspended, not that he be expelled.

There is a significant philosophical difference between these two approaches. We have not judged anybody's guilt. We have just established a new procedure, a precedent for the House, by saying that criminal charges will be adjudicated in a court with respect to guilt or innocence, entailing due process of law at every stage of the proceedings. But, separate and apart from the issue of criminality, there is an ethical standard which the American people have a right to expect from people who are privileged to serve in this House. This ethical issue is separate and apart from anything having to do with the criminal charge. When it is alleged on good evidence that a Member of the House is involved in criminal activity, that Member should voluntarily suspend himself from the conference pending the adjudication of whether or not the charges are correct. The Republican Party has taken this action as a reflection of this ethical standard and it is entirely appropriate to suggest to the leadership of the Democratic Party in the House that they can demonstrate that they too recognize the existence of this ethical standard.

Policeman, bank tellers, and teachers are routinely suspended pending the adjudication of criminal proceedings. It is not unreasonable that House Members be subject to the same standard.

□ 1140

THE REPUBLICAN PARTY DOES NOT JUDGE PEOPLE FOR THEIR IDEAS BUT IT DOES FOR THEIR CONDUCT

(Mr. ASHBROOK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ASHBROOK. Mr. Speaker, I, too, am inclined to respond a little bit to what was said on the other side. I think the American people, since you have injected politics, got a pretty good example of the politics of this body.

I look upon myself—I do not say it favorably—as probably considered one of the worst renegades in the Republican Party. I say what I think. I criticize my party. I have not been proud of my party many times, or even people in the White House. As yet, in 22 years, I have not had any Republican leader tell me to shut up or that what I was saying was wrong and that I should not say it. The Republican Party does not move on people who have ideas and express them. We do when it comes to conduct.

What happened on the other side of the aisle? I sat here when two of my friends, Albert Watson and John Bell Williams were stripped of their seniority, not for a crime, not for their conduct, but for what they thought philosopically in the opposition they had to the Democratic Party of a candidate for their party, to weed out their differences.

We do not judge people for their ideas, but we do for their conduct. On the other side I am inclined to think they quite often judge them for their ideas, but not their conduct.

Mr. Speaker, I yield back the remainder of my time.

SPECIAL CENTRAL AMERICAN ASSISTANCE ACT OF 1979

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 581 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 581

Resolved, That upon the adoption of this resolution it shall be in order to move, section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6081) to amend the Foreign Assistance Act of 1961 to authorize assistance in support of peaceful and democratic processes of development in Central America, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. BOLLING) will be recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Maryland (Mr. BAUMAN) for debate.

Mr. Speaker, I do not believe there is any need to debate this resolution. It makes in order the bill that deals with aid to Nicaragua and some other countries. I think everybody knows what is in it. It is an open rule. It provides for normal debate. All it does besides that is to waive a point of order under the Budget Act which I do not believe is in controversy.

I have a couple of speakers who want to speak on the question of the secret session, and I will put them on at the appropriate point. In the meantime, I reserve the remainder of my time.

Mr. BAUMAN. Mr. Speaker, I yield myself such time as I may require, and I may require some time. I have a number of requests for speakers on this side, so for Members who are trying to plan their morning, we will probably take the entire time on the rule. We will probably have a vote on the rule. We will probably have a vote on going into the committee. We will probably have a lot of discussion here, so if anyone wants to leave and not listen to me, they might as well leave and go to their offices and get their work done, because I am going to speak. I will say to the gentleman from Missouri (Mr. BOLLING) he may leave too, and I will be glad to protect his interests while he is gone.

Mr. Speaker, no debate on the issue of aid to Nicaragua would be complete without an examination of precisely what has been said by the leaders of that country since the Sandinista guerrillas took over on July 19. I have repeatedly and consistently heard the apologists for the Government of Nicaragua in this House and elsewhere ask us not to look at what they are saying but what they have done and to ignore our preconceived notions about the new leaders of that government and their rhetoric before we vote to provide aid to that nation. That is sound advice and we ought to take that direction. That is what I intend to do.

Mr. Speaker, I am such a brilliant orator and I am so able to persuade the Members of the House that I would request that there be a modicum of order so that my pearls of wisdom are not lost.

The SPEAKER pro tempore. The House is not in order. The gentleman from Maryland is entitled to the attention of the House. Will those Members desiring to converse please leave the Chamber.

The Chair recognizes the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. Mr. Speaker, as a member of the Panama Canal Subcommittee, and the ranking member of that subcommittee, I have for the last 2 years had a keen interest in the affairs of Central America because of the bearing of events in that area on the jurisdiction of my subcommittee and the operation of the canal. Concomitant with that interest I have made it a habit to read each day the State Department summaries and publications of all of the major news events in Central America, particularly as they pertain to Nicaragua.

Some of you will recall that at the time we debated the implementation legislation that carried out the terms of the Panama Canal Treaty, we discussed in a secret session, and to some degree openly, the involvement of Panama and Cuba at that time in overthrowing the existing Government of Anastasio Somoza. In reading those dispatches from the controlled media in Nicaragua, from that time until the present I think that we can find undeniable proof that any aid or money that we give to the current Government of Nicaragua in an effort to keep them from turning communistic will fail because they already have a Communist government and they are dominated by Communists trained in Cuba.

First, I think the House ought to know a little bit about the system that exists in that Government at this time since we are going to have to vote on whether to finance this Government's operation and the so-called private sector that remains in that unfortunate country.

There is a five-man junta that serves at the pleasure of the Sandinista National Liberation Front. The true power lies with a Sandinista directorate that actually controls the Government. This Sandinista National Liberation Front is composed of Cuban-trained guerrillas and self-styled Marxists. It has full representation throughout all the agencies of the Government; the ministers and members of that military directorate hold key positions in every ministry. The powerless junta itself is composed of some private sector figures, also members from the Sandinista directorate, including Daniel Ortega, who is a leader of the Sandinista guerrilla forces; Moises Hassan Morales, a Marxist university professor who also participated in the guerrilla war; Sergio Ramirez Mercado, a leftist lawyer; and Violeta Barrios de Chamorro, the widow of a noted newspaper owner and opponent to Somoza who was killed last year and whose death was probably one of the ultimate factors in the eventual overthrow of Somoza.

Lastly, the fifth member of the junta is Alfonso Robelo Callejas whom I had the honor to meet last weekend when I was in Managua, an industrialist who began political activity shortly after newspaperman Chamorro's death—and, I might say, an interesting gentleman who, quite obviously wields little power in the Government. He and Senora Chamorro, in fact are figureheads so that the Government can have a somewhat moderate face.

The real power, the people with the guns, are the Sandinistas. Their actions since July 19 show that they have pushed this country hard to the left into the Soviet orbit, into the Cuban orbit under Fidel Castro and they have taken Castro and Cuba as their role model.

I wish the Members of the House could have joined me last Saturday night when I sat for an hour with my aide who speaks fluent Spanish because he is a refugee from Cuba, and talked to the five Sandinista guards who were assigned to me. It is a little bit difficult for a Member of the House of Representatives to become used to having five guards wherever he goes in and out of buildings in public places, with loaded guns held out as they walk in front of him and behind him in order to protect him.

Mr. Speaker, they told me through my aide that they had been given strict instructions that nothing was to happen to an American Congressman while he was in Nicaragua. As I understand other Members who have been there last November, and since, had similar protection.

We talked for over an hour with these young people, one of them 23 and a law student, and they made it very plain that they view the United States as their enemy and some would say they have perhaps good cause to feel that way because of some past policies regarding the previous head of government. They made it plain that they admire Cuba and Fidel Castro. They made it plain that they feel the United States owes them money as retribution for our past policies. They made it plain that they are in fact in almost every way dedicated Marxists willing to renew the revolution at any time in order to carry out what they believe is best for their country.

Mr. Speaker, I gave some detailed description of that experience because quite frankly I think the House should know. These young men admitted to me openly that they were trained by Cubans in police work, intelligence, and military activities. Hundreds of Cuban trainers are there. They are very proud of the fact that they are the government. On every street corner similar young people armed and ready to fire guns are to be seen and they control the situation in Nicaragua.

Mr. Speaker, it is a bit alarming for a Member of the House to be awakened by the crow of a rooster outside the International Hotel in Managua followed by several rounds of gunfire as I was on Sunday morning. Eight months after the revolution Nicaragua still is a very dangerous place particularly for those who oppose the government in any respect because they might very well find themselves on the receiving end of one of the guns I have described.

Mr. Speaker, during the war against Somoza we repeatedly saw the evidence of that Cuban involvement that I mentioned. They trained, they armed, they equipped and they assisted and they fought with the Sandinistas in overthrowing the government. Today, as far as I can tell from published sources publicly known, Cuba is still assisting that government and they are fomenting revolution in other surrounding countries.

The influence of Cuba on Nicaragua is very deep. It is increasing every day. They have taken over with Cuban advisers the indoctrination of the Nicaraguan youths, they have adopted Cuba's model of work/study education. On March 15 they will send any number of Cubans and others, men and women, out into the countryside to educate the peasants in a literacy campaign called Alfabetizacion, which is very much like the first efforts by Castro in Cuba to take over the indoctrination of young people there.

Mr. Speaker, there are 1,200 Cuban teachers, there are 500 Cuban medical personnel, 200 so-called roadbuilders, there is Cuban military there training and assisting the government. They have sent large numbers of Nicaraguan children to Cuba to be trained. Literally the Cuban presence is everywhere.

Mr. Speaker, such intense activity by Cuba has not gone unnoticed by the countries surrounding Nicaragua and there is some concern about the direction this has all taken. At the same time Nicaragua has firmly cemented itself to the Communist nations in Eastern Europe including the Soviet Union and their satellites. They have recognized Vietnam. East Germany has given them $20 to $30 million I was told by the head of the central bank. They have received aid from Russia, Yugoslavia, Hungary, and Bulgaria. They are already establishing relations with all of those countries as well as Mongolia, Iraq, Poland, and all of the Communist bloc countries. It goes without saying that the Soviets who have established a mission there already have hailed publicly what is happening there. They have praised them continually for this activity.

Mr. Speaker, I think we ought to recognize the revolution in Nicaragua for what it really is. In September in Mexico City the Communist Parties of Latin American nations endorsed the Nicaraguan Government, proclaimed their solidarity with the revolution and in fact we only have to look to the words of those who are in control of the government as to what they really believe. Not all of Nicaragua's officials are hesistant at all in what they say. For instance, Humberto Ortega, who is the commander in chief of the Nicaraguan Army, made it plain a few months ago that the Nicaraguans and the Sandinistas would strike against perceived enemies any time, anywhere even beyond its national borders and the Sandinistas have lived up to that promise. Nicaragua's neighbors Honduras, Guatemala, El Salvador have taken in refugees who have fled from the Sandinistas and each country reports kidnapings and murders by the Sandinista hit squads that are sent into those countries, such as the infamous murder of the Commander Bravo who was one of Somoza's military leaders. He was hunted and assassinated in December by Nicaraguans who had orders to kill him.

Mr. Speaker, similar hit squads have been sent out by the Sandinistas to other countries. Honduras has seemed to have borne the brunt of these attacks but quite frankly they have occurred in many parts of Central America.

Those who have stayed behind in Nicaragua and have not fled are under constant heavy pressure to support the new regime—or else. Schools have been taken over completely. As I mentioned, there is the campaign of so-called literacy; the national university has fired any professors who had the slightest disagreement with the regime. Marxism and Leninism are now taught as regular political courses. They formed a children's association so there will be "good cadres of the revolution," as they put it.

They have controlled the press. La Barricada is their newspaper. La Prensa is the only free paper but it too has been warned to watch its step or it will not be publishing very long.

Mr. Speaker, most interesting is that in every block in the city of Managua, in all parts of the countryside they have established so-called Sandinista Defense Committees. These defense committees are precisely the same kind of committees set up in Cuba and still to this day exist in Cuba where the local Sandinista representatives control the people, watch the people, report back to the government, spy on the people and at one point even controlled whether they would have license plates for their cars and how much food would be distributed to them.

Quite frankly, Mr. Speaker, the revolution has been highly successful. It has been organized in a very efficient manner so that freedoms are diminished and that the Communist government has maximum control.

Mr. LOTT. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Mississippi.

Mr. LOTT. I would like to ask the gentleman just a couple of questions dealing first with the rule.

During the meeting of the Committee on Rules, the gentleman raised some very serious questions to which the gentleman said he did not have answers, based on his recent trip to Nicaragua and asked for at least a 1-week postponement of the granting of this rule. Obviously that request was not honored by the Committee on Rules.

Mr. Speaker, has the gentleman been able to pursue these additional questions that he had in mind when he brought them up in the Committee on Rules?

Mr. BAUMAN. The gentleman from Maryland has had the benefit of reading four documents in the possession of the Select Committee on Intelligence which, under the rules of the House, cannot be discussed in open session. I have been told these documents were available to any Member of the House but yesterday when the gentleman from California (Mr. LAGOMARSINO) and myself went to the select committee we had to obtain individual permission, by a vote of the committee members polled by telephone, in order to see those documents.

Mr. Speaker, I believe it is the intention of the gentleman from Illinois (Mr. DERWINSKI) at an appropriate time next week—as this matter, I understand will be carried over—to move for a secret session so that the entire House can be made aware of the facts contained in those memoranda from our intelligence agencies. They do indeed answer some of the questions I have had and to which the gentleman from Mississippi refers. I think it is very important that we do have that session at an appropriate time to let the Members know the character of the Government of Nicaragua and its activities before we vote.

Mr. LOTT. Again, Mr. Speaker, addressing just the rule, I think it is important that the Members know how this rule was reported out. Has the gentleman discussed that in his comments so far?

Mr. BAUMAN. I have not. The minority members on the Committee on Rules did request a week's delay and moved to delay the rule until next Tuesday so that some of this information could be obtained and put in a form to be presented to the House. That motion was voted down. The Committee on Rules, lacking a quorum because the minority members declined to participate further and left, had to wait some minutes until they were able to round up a quorum and they then reported the rule. Unfortunately for the majority members of the Committee on Rules, someone on the staff did not file the rule and that led to the situation in which we find ourselves today.

Mr. LOTT. In the gentleman's visit did he find any reason to suspect there was any inclination to move toward a more democratic government in Nicaragua or a more pro-American government, in any way?

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Mr. BAUMAN. I cannot honestly say in the 2 days that I was there, and it was a limited time, that I saw any disposition toward democracy. They have refused to establish a date for elections. The political activities of groups in opposition are severely curtailed. The press is curtailed. There is talk of nationalizing all the private schools. Most major businesses have been nationalized. Quite frankly, they are following the Cuban model almost to the nth degree, step by step.

Mr. LOTT. Mr. Speaker, I thank the gentleman.

Mr. ASHBROOK. Mr. Speaker, will my colleague yield?

Mr. BAUMAN. Yes, I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Speaker, I thank my colleague for yielding and the very fine presentation the gentleman is making should be listened to very carefully by the Members.

I would just like to make one point. I have over the years been very interested in communism, the Communist Party and their ideological struggles. I probably have talked to a hundred or more FBI–CIA personnel who have dealt with Communists, who have tried to get them to come over to our side. There is one caveat that I would throw out in which I think we make a mistake. I have yet to ever talk to an FBI or a CIA agent who said that money was ever a reason for bringing an agent from the other side to this side. As a matter of fact, it is the first thing that turns them off. The very first thing that makes a Communist repel is the thought of any money. You can win them on ideology. You can win them on strength. You can win them on the idea that your side is going to win, but you never win them, you never get them to defect because of money.

Yet, as a nation, our State Department seems to think that the way we can get these people to move away from a Communist line position to ours is to engage in some kind of a contest with them on the dollar sign.

I think it is doomed from the very beginning. It has been doomed in the past and I think in Nicaragua we will see another classic example of failure based on something that just does not work when you are dealing with the Communist mentality.

Mr. BAUMAN. I would say to the gentleman, it is indeed ironic when the President is telling us we must oppose communism in Afghanistan and the Middle East to protect our best interests that we are being asked today to vote for legislation that will aid communism very directly and very specifically in a country that needs not approval of communism, but removal of communism from its borders.

Mr. BOLLING. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. ALEXANDER).

Mr. ALEXANDER. Mr. Speaker, I rise in support of this rule and in support of this bill. I will not take much time except to say that the trouble has just begun for our Latin American brothers and sisters near the equator. With underdevelopment, overpopulation, failing economies and Cuban resurgents, all of which stirs violence and revolution among the islands adjacent to Central America in the Caribbean as well as in Central America.

The March 1 edition of the Saturday Review publishes a disturbing article that reveals some facts about the Caribbean. I commend that information as mandatory reading for every Member of Congress.

Mr. Speaker, the article is as follows:

CARIBBEAN IN CONFLICT: STORM CLOUDS OVER PARADISE

(By Horace Sutton)

At first glance, Key West, the southernmost part of the United States, seems a frivolous island. Where else would the postman arrive in standard government uniform wearing a green stone in his pierced ear? Where else might a cobbler's shop called Shoe Fly sell boots made of python at $175 a pair? Where else would the premier department store be called Fast Buck Freddie's, or the bookstore display in its front window The Complete Travel Guide to Cuba?

On the surface Key West is the Capital of Camp, yet only a few blocks from the swirl of shops and bars, at a disused corner of an obsolete naval base, in a building called the Truman Annex, Rear Admiral Thomas Replogle commands the no-nonsense staff of 70 officers and men of the Caribbean Contingency Joint Task Force. They are there because hurricanes of conflict are roiling the Caribbean Sea, stirring violence, revolution, and terrorism on islands that are strung out from the American keys clear to South America, as well as in the Central American republics that form the southwestern curve of the Caribbean basin. It is an area that the United States has written off as an American playland. But while Washington has been preoccupied with the problems of Europe, the Middle East, and Asia, an ominous change has taken place agitated by underdevelopment, overpopulation, failing economics, and Cuban resurgence.

Replogle's prime function, therefore, is to keep binoculars trained on Cuba, 90 miles away and the home of a Soviet brigade. His mission: to call, if necessary, upon airborne troops, naval strike units, the marines, or whatever forces are deemed necessary by him and confirmed by the Joint Chiefs of Staff to contain the Caribbean. The job is a critical one, for the United States has vital interests in the area—in order of their importance, oil, aluminum, and access to the Panama Canal. Fifty-two percent of all oil imported by the U.S. flows through the Caribbean Sea. Tankers sail through the deep-water channel alongside the island of Grenada, where the Cubans are building an airfield, on their way to refineries in Houston and New Orleans. There are no other deep-water ports in the south or on the eastern coast of the United States capable of taking supertankers that displace 100,000 tons and have a draft of 90 feet, larger than an aicrcaft carrier. The closest harbor is Portland, Maine, which can handle a tanker of 70,000 deadweight tons.

Tankers from the Persian Gulf, Nigeria, Venezuela, and other petroleum exporters deliver oil to refineries in the Bahamas, Trinidad, Aruba, and Curacao. But even after the oil is transshipped to smaller tankers on those Caribbean islands, it must pass through this newly charged area en route to the East Coast of the United States. And if Moscow's aggression in Afghanistan "is a steppingstone to possible control over much of the world's oil supplies," as President Carter stated in his speech of January 4, the Soviet-Cuban posture in the West Indies is fraught with even more significance. In addition, the United States is dependent upon Caribbean aluminum, the metal of the space age, half of which is provided by Jamaica, an island considered the ripest of those that could fall in the Communist basket. Finally, there is our access to the Panama Canal in case of war, which is no longer assured under the new treaty.

So far the Cuban-Soviet alliance has been content to push American patience as far as it will go, and at the same time to stir sensitive areas. Objectives are not lacking. In the outer rim tensions run high. Guatemala seethes with political murder. A dozen years ago, John G. Mein became the first United States ambassador ever to be assassinated, killed by Cuban-style rural guerrillas. Two years ago, a new terrorist group kidnaped the Guatemalan foreign minister and four weeks later murdered the Nicaraguan ambassador. President Kjell Laugerud claimed the terrorists got their support and their instructions from Cuba, an allegation that the CIA corroborates. In El Salvador, one weekend last September, 11 people were killed in skirmishes between left and right. Earlier that week leftists had killed the brother of President Carlos Humberto Romero. A banner of the Sandinistas was among the flags left beside the corpse.

Five months after the summer revolution, which at last disposed of the 45-year despotic rule of Anastasio Somoza Debayle, the political flavor of the Nicaraguan junta is still hard to define. Of the top nine Sandinista guerrillas, all young, some well-born, four and perhaps six were primed in Cuba, one in Moscow. Another chose exile in Chile during the reign of Salvador Allende, the late Marxist president. The only Sandinista on the executive junta that governs the nation is Daniel Ortega, a 33-year-old tough-talking revolutionary who spouts anti-imperialist rhetoric. Communes have sprouted on the expropriated Somoza land. "Counterrevolutionary" has become a pejorative label, and certification that one is clear of such taint comes from neighborhood committees that were the underground cells during the revolution. Some of these groups are fiercely militant.

A handbill distributed in one district not long ago urged the formation of "strict vigilance committees" whose duty it would be to "watch who enters and leaves the houses of your friends." It urged such suspicious people to be followed, for "they may be counterrevolutionaries." Although no caudillo, no strongman has appeared—Ortega is one candidate—and there is no clear determination of the political complexion of what will emerge in Nicaragua, one junta member has said, "We are clearly headed toward some kind of socialist system."

Whatever Castro's hand in Nicaragua may have been or may still be, it is at least equally involved in Puerto Rico, the American commonwealth that leans now toward statehood. Although the State Department denied that any deal was struck, Castro had publicly stated that he would free the last four American prisoners held on political charges in Cuban jails if the United States would free the four Puerto Rican nationalists who had been convicted of violent terrorist activity in the U.S. Three had gained access to the spectator's gallery of the House of Representatives in 1954 and, opening fire, had wounded five congressmen. One had tried to assassinate President Truman at Blair House in 1950. They were released on September 10 last year, and a week later Castro commuted the sentences of his American prisoners.

Even though the New Progressive party, advocating statehood and led by San Juan Mayor Hernan Padilla and Governor Carlos Romero Barceló, polled 49 percent of the vote in 1976 (while the Independistas, Marxists included, polled 6 percent), the released nationalist terrorists were unrepentant and vowed to keep up the fight. "We are stronger than ever, more committed than ever," said newly freed Lolita Lebron. "I hate bombs, but we might have to use them," she declared.

Less than three months later, terrorists in Puerto Rico ambushed a bus filled with navy men and women, killing two and wounding 10. "We are in a state of war," roared the head of the Communist party. "The war" broke out when a group of independence advocates, seeking to create an incident, trespassed on posted federal land on the island of Vieques, east of Puerto Rico, where the U.S. Navy was holding maneuvers. Arrested, the demonstrators refused bail and were arraigned before a federal judge, a Puerto Rican. He offered them dismissal of sentence in return for a promise not to demonstrate again on Vieques. The offer was spurned, and Angel Rodriguez Cristobal was enjoined by the other demonstrators not to offer a defense. Instead the band challenged the jurisdiction of the federal courts to operate in Puerto Rico. They were given six months in jail, fined $1,000, and remanded to a federal penitentiary. Since there are none on the island they were flown to mainland prisons. Rodriguez landed in the Federal Correctional Institution at Tallahassee. There, he was a recalcitrant prisoner and tried repeatedly to wound himself by cracking his head against the bars of his cell. Placed in solitary, he hung himself. Whether this tragic turn was an act of martyrdom to incite further unrest, whether it came as the result of instability of the inmate, or whether he had met with foul play became an immediate subject of wild speculation in Puerto Rico among all classes.

The Independentista movement, backed by Marxist elements and possessed of a bottomless treasury, went on the radio crying "assassination." The message was repeated over and over until it was believed in circles not at all in sympathy with the movement. As sophisticated a Puerto Rican as Ricardo Alegria, long the head of the Puerto Rican Institute of Culture and responsible for the island's magnificent plan for colonial restoration, told me quite soberly that Angel Rodriguez Cristobal had been sent off the island, which meant double punishment, and that when the prison guards cut him down he had a large gash on his face. There was no doubt in Alegria's mind that he had been killed by sinister forces. A mild-mannered middle executive for an American company who lives in Ponce and is not given to polemics told me matter-of-factly that it was the work of the CIA. To what end, to serve what means, he didn't seem to know. He had heard the radio say "assassination" enough times to believe it.

Yet records of Angel Rodriguez Cristobal show he was separated from government military service for 100 percent neuropsychiatric disability. He had been undergoing treatment as an out-patient for a condition diagnosed as schizophrenia of the undifferentiated type. His medical history shows he had previously tried to destroy himself. With that background he could have had the charges dropped for mental instability, but was otherwise persuaded. Rodriguez's disordered mental condition was vaguely hinted at when the news of his hanging first broke, but although detailed information was offered to El Mundo, the oldest San Juan daily, the full story was never printed and the accusation of foul play continues to be widely believed to this day.

So determined is the leftist block to thwart full Puerto Rican entry into the United States that Cuba and Iraq pushed a proposal through the United Nations calling for hearings on the internal matter of the independence of Puerto Rico.

Down the island chain, Prime Minister Eric Gairy, the dictatorial leader of Grenada, was deposed last March and replaced by Maurice Bishop, an opposition leader. A new airport is being built by the Cubans. And the Torchlight, which supported Bishop when he was in opposition to Gairy, and which now questioned Bishop's new-found friendship with Cubans and Russians, was shut down.

When Prime Minister Milton Cato of St. Vincent won a landslide victory over Marxists and other opponents in December, armed terrorists seized the five-square-mile island of Union midway between St. Vincent and Grenada. Cato had promised to help stem the tide of leftist government sweeping the Caribbean. This seemed to be Grenada's response—democratic process challenged by terrorist revolt.

The most enigmatic character in the Caribbean, and prime minister of Jamaica, the sea's most questionable country, is Michael Manley, the light-skinned charismatic leader who is the son of an English actress and of Norman Manley, the island's first prime minister, still highly esteemed.

In 1978 Jamaica received $22 million in U.S. aid. It exports bauxite and bananas, and before its recent travail, fraught not only with hostile politics but outrageous crime, had been a tourist favorite for Hilton- and Inter-Continental-style holiday seekers, as well as for wealthy Americans and Britons, many of whom maintained winter villas there. Since 1972 when he first took office (and soon declared American ambassador Vincent de Roulet persona non grata), Manley has swung his government closer and closer to Cuba. His son studies in Havana. Cubans by the hundreds are in Jamaica for the avowed purpose of working in schools and hospitals. The Jamaican police force, which is larger than the Jamaican army, is Cuban trained. Those constables who found Castro's control personally unacceptable have, like many of Jamaica's professional people, emigrated to the United States.

Traveling in the Jamaican boondocks, Manley affects Jamaica pidgin. But for a speech in Miami at the Conference on Caribbean Trade Investment and Development, last November, he was all Western businessman.

It had been alleged, he said, that the government of Jamaica is anti-West and anti-American. "This is absolutely untrue," he offered in rebuttal. "I have the profoundest admiration for both the people and the achievements of the great Western democracies. The gifts to civilization of this group of nations beggar description in terms of technology, material standards, artistic and cultural accomplishments, respect for personal liberties, and evolution of highly advanced and sophisticated political systems and processes."

While Manley was effectively blowing smoke in the hall in Miami, Jamaicans violently opposed to the direction in which he is leading the country were demonstrating noisily across the street, They shouted imprecations through bullhorns, carried signs reading "Manley Does What Fidel Says" and "Manley Is a Communist Dictator," all in loud objection to his presence and his policies. Manley has been in a running battle with the *Gleaner*, a 145-year-old independently owned daily newspaper published in Kingston. Though he once called it "truly a great newspaper," he has, since it has scored him for his clubby relationship with the Cuban ambassador, taken to calling it "the North St. whorehouse."

The *Gleaner* claimed that the envoy, Ulises Estrada-Lescalles, had issued threatening statements and it asked for him to be withdrawn. Indeed, Western intelligence identifies Estrada-Lescalles as an agent of DGI, the Cuban intelligence apparatus. Manley has vaguely threatened the *Gleaner* with extinction. To turn the screw, government ministers accused members of the *Gleaner's* board of lying, breaking the law, and publishing partisan articles.

Manley's speech at the Miami Conference, where he sought international trade, investment, and development, was in marked contrast to a lengthy peroration he delivered only two months earlier at the Non-Aligned Nations Conference in Havana. There he was the perfect parrot for the Kremlin line. Seventeen times, as he threaded his way along the party pathway, he referred to Fidel Castro as "Comrade President." Manley ran through a litany of leaders whom he called "catalyst and rock." Among them: Marcus Garvey, the Harlem black who advocated a back-to-Africa movement; Kwame Nkrumah of Ghana; Lenin; and of course, Castro himself. He wrung his hands over "the forces of progress extinguished in Guatemala and snuffed out, like a candle in the Dominican Republic." As for Cuba, he said of a nation that is supported by $2 billion in Soviet grants, buys its oil from Moscow at $14 a barrel, gets 95 percent of its steel and all of its sheet metal from Russia, and accepts military equipment for its overseas adventures and its home defense, "We are absolutely satisfied that Cuba is a nonaligned country." He condemned "those who malign you and your country as a surrogate acting on foreign orders." Manley lauded Grenada's turn to the left, rejoiced in the Sandinista success, called for the "support of those who struggle for Puerto Rican independence regardless of whether they are in the minority at this time." He demanded the return of Guantanamo Bay, asked for the recognition of the PLO as the "sole representative of the Palestine peoples."

That speech set off warning bells in the State Department whose measured assistant secretaries don't flap easily. Taken together with the Cuban specter to the north, the threats seemed very real indeed to the Pentagon and especially to NATO far across another sea. The presence in Cuba of the 3,000-man Soviet brigade and untold MIG–23s was one thing. The Soviets' agile deployment of troops—as evidenced by the fast action in the Afghanistan invasion (compared with the seemingly sluggish movement of U.S. Marines in an excursion to bolster Guantanamo last fall)—was sobering. Far more chilling is the potential use of Cienfuegos, on the southern coast of Cuba, dead north of Grand Cayman, as a Soviet submarine base in time of war. Work has been proceeding at the base all through the Seventies, and as of now it will accommodate two submarines as well as their tenders and crews. Cuba operates one submarine of the Foxtrot class given them by the Soviet navy, but this month a second one, also donated by Moscow, is being towed across the Atlantic, doubling the Cuban undersea capability. The recently retired commander of NATO's Atlantic forces, Admiral Isaac Kidd, has said that any increased Moscow presence or Moscow-allied presence in West Indian waters could, in case of war, severely harry an American supply line reinforcing Europe.

According to the naval scenario, the northern route to Europe by way of Greenland, Iceland, and on to the British Isles would be threatend by Soviet submarines and by Backfire bombers, both based in Murmansk. Were the Russians to move forward to airfields in Norway, the Soviet bombers could attack ships in the south Atlantic, forming an effective pincers with submarines operating from Cienfuegos.

American diplomatic sources familiar with the island nations see no real Cuban-Soviet master plan for domination of the Caribbean. "Everything is going well for them," one official says, "they can sit back and choose targets of opportunity." Ambassador Lawrence Pezullo, the American envoy in Managua, thinks the concept of a red star shining over the Caribbean is "too dramatic." Yet if our geopolitical generals and admirals are writing "what-if" scenarios, it is not an extreme stretch of the imagination to assume that Kremlin war-room planners are making their own sketches, too. Had the Pearl Harbor attack been proposed as a possibility in 1940 it would have been dismissed as fanciful and dramatic.

The Heritage Foundation, a Washington-based think-tank generally viewed as conservative, recently published a carefully documented paper in which it concluded that the Sandinista victory is part of a long term, carefully planned campaign to reduce the influence of the United States in Latin America. The report termed the outbreaks of violence and revolt around the Caribbean rim far more than merely "indigenous protests or spontaneous rebellions against oppressive regimes." Rather, the report says, "They are part of an internationally orchestrated campaign of subversion and terrorism. Almost every significant Latin American terrorist group of left-wing orientation has had or has today links with Cuba or the Soviet Union or both."

The Soviets have effectively controlled the Cuban DGI (Direccion General de Intelligencial) since 1970. Largely responsible for Cuban support of Latin American terrorists, DGI has been under the direct control of the KGB for almost all of Castro's years. All anti-Soviet personnel were removed from the DGI by Raul Castro in 1970. Supervising the DGI in Havana is Vassily Petrovich Semenov, a KGB general who resides with his staff in the Cuban capital.

An escalation of terrorism and guerrilla warfare in Latin America, with U.S. businessmen and diplomats its targets, is part of the grim prediction for the future. Concomitantly, the Soviets and the Cubans will attempt to destabilize and overthrow pro-American governments to reduce further U.S. political and economic influence in Latin America.

Warships of the Soviet fleet are frequently deployed in the Caribbean and cruise on sea lanes that are vital to the United States. Reconnaissance aircraft fly the ocean. Soviet intelligence-gathering vessels run along the East Coast. The Kremlin presence in Cuba now numbers between 4,000–6,000 civilian advisers, and 2,000 permanently assigned military personnel, in addition to the 3,000-man brigade. This challenge to the southern security of the United States will be augmented when Cuban troops, some 37,000 of them, return home from their global adventures in Angola, Ethiopia, Mozambique, Guinea, Libya, and elsewhere and begin to look for something to do.

How did we get in such a fix in the Caribbean that most Americans have thought of only as a balmy retreat for winter pleasure? Very possibly, says one State Department analyst, because we thought of this benevolent sea in the cushy terms of Sunday-supplement travel sections. We have failed to see the needs and the suffering of those who live there. The million-dollar villas built by Americans in Jamaica are in shocking contrast to the pathetic street signs chalked on Kingston walls that say, "The poor can't take no more."

As Oliver Serephine, prime minister of tiny Dominica pointed out at the recent Miami Conference on Caribbean Trade Investment and Development, the per capita GNP in 1977 ranged from $230 in Haiti to $2,380 in Trinidad and Tobago. The average per capita GNP of the least-developed Caribbean comon market nations was $600 compared to a per capita GNP in the United States in 1977 of $8,520. "The deep deprivation of our people in the basic necessities of life—food, clothing, housing, education, and medicare," Serephine said, "is heightened by our proximity and constant exposure to North American living standards."

He called for a major attack on Caribbean poverty, to be implemented by investments and joint ventures in agro-industries, fruit processing, furniture manufacturing, production of building materials using indigenous raw materials, garment manufacture, and tourism. Raw materials, "vast pools of labor," and a "determination to develop industrially" are what island nations have to offer the larger nations.

Both Prime Minister Serephine and Jacobo Majluta, vice president of the Dominican Republic, have scored protective tariffs which invoke "competitive need criteria" that keep Caribbean goods out of the United States market. Serephine acknowledged that pressure groups in the U.S. would fight for limited market access, but it must be realized that "developing countries will quickly spend their exports receipts on imports of manufactured goods and services that developed countries supply."

A trenchant political note was added to those basic economics by Vice President Majluta. "It is utterly incompatible with leading nations, supporters of a democratic style of life, to exercise such restrictive policies over the free enterprise only to protect inefficient areas of their economies, in detriment to those small nations whom they call their allies with whom they share noble ideals of justice, liberty, and progress." The Miami hall, filled with delegates, stood up at that and awarded the Dominican delegate an ovation.

Young Caribbean leaders turn to the Cuban role model because it appears to offer instant results. And they need an instant turn-around to hold their constituency, one of the youngest in the world. The Caribbean median age is 16 compared to 29 in the United States. But the employment index varies between 15 and 35 percent, compared to 5.9 percent in the U.S. For the new, young leaders Castro is a romantic figure who, in the words of one State Department official, "kicked Uncle Sam in the pants for years and got away with it."

The alternatives of emulating the economic and political patterns of European democracies from which they have only recently been freed, or those of the United States, which has neglected them and/or used them, emerge as unattractive. Says Ambassador Pezullo, "When they talk about a democratic or capitalistic model, it has been implemented so badly and so oppressively and so corruptly that it doesn't show well, and part of that is what brings about radical change. Bad businessmen and corrupt leaders are not good examples of either capitalism or democracy."

The other winter's night, with balmy winds blowing across the Condado lagoon in San Juan, I stood with hundreds of Puerto Ricans on the ramparts of a colonial fort that helped repel an invasion led by Sir Francis Drake in 1595. Huge bursts of fireworks exploded in the sky above the Caribe Hilton in celebration of that hotel's 30th anniversary. It was also the anniversary of Operation Bootstrap, designed by Puerto Ricans and financed by mainland Americans to lift that island out of the economic pits. Two years before that, in 1947, on my first visit to the island, I had viewed shanty towns with open sewers that in their squalor were worse than any I had ever encountered.

Now Puerto Rico, despite a food-stamp program larger than any of the 50 states, has the highest standard of living south of the Rio Grande. It has pulled itself up with the help of jobs and investment provided by such American companies as General Electric, Westinghouse, Star-Kist Tuna, Union Carbide, Pfizer, Eli Lilly, and Searle. Operation Bootstrap is one of the most successful economic schemes in the world.

"We are bullish on Puerto Rico where we have had a presence for 25 years because the track record there has been good for decades," says Charles Ramos, a vice-president of Merrill Lynch. "When Puerto Rico wishes to sell its bonds it clears them through a management group that includes First National Bank of Boston, Solomon Brothers, Blyth, Banco Popular, Weidman, and Merrill Lynch. We sold a $100 million bond issue for the Puerto Rico Electric Power Authority. It was oversubscribed. We had orders for $148 million. The demand was staggering. It proved the faith of mainland U.S. institutions in Puerto Rico even though the island sits in the center of the Caribbean."

Governor Carlos Romero Barceló says flatly, "We haven't had an effective Latin American or Caribbean policy, so what can be expected of these countries? Who is there to listen to them and to lead them? Has there been a commitment from government to support a Caribbean policy? Has someone been specifically designated? If someone has been given that responsibility, who knows about it? Is he visible?"

Although Puerto Rico should stand as effective a role model for Caribbean governments in extremis as does Cuba, it seems difficult for us, Romero says, "to export our success the way Cubans export revolution, socialism, and communism."

Romero is never consulted on Caribbean matters. A Washington diplomat deeply involved with the Caribbean waves off Puerto Rico as an area outside his responsibility because it is an American territory. Says Romero, "I haven't even been asked about decisions on the Caribbean even though I have a feeling for this region that perhaps transcends the knowledge of those who have studied the islands more than I."

In arguing the case against Cuban influence and for democratic advancement and free enterprise in the Caribbean, Ambassador Philip Habib, President Carter's special representative for Latin America, says plainly, "We oppose Cuba's adventurism in this hemisphere as elsewhere and we will continue to do so. One-quarter of Cuba's gross national product is accounted for by its relationship to the Soviet Union, yet Cuba still has not escaped economic underdevelopment. In fact, Cuba is trapped in a new and unprecedented dependency. . . . No other country votes as systematically with the Soviet Union in the United Nations. . . . No Caribbean nation need barter its independence for security. Our companies do not seek to dictate national policies, concludes Habib.

But more than rhetoric is needed. Comprehensive aid visibly stamped "Urgent" will be a basic requirement to return stability to the Caribbean and restore it to democratic process. As Dominica's Serephine put it, "When Hurricane David devastated my country a few months ago, the response from your government was quick and substantial. The world responds to crisis brought about by natural disaster with sympathy and immediate action. The economics of the Caribbean states is in grave crisis as we move into the 1980s. It is my fervent hope that the same spirit of cooperation for development will influence the response of your country to the needs of the region in this crisis." The hurricane has hit. The time for rescue is now. Poverty is the scourge and humanitarianism the motive. To fail is not only to be callous, is not only to be immoral, it is also to court a real threat to the veritable security of the nation and ultimately its commitment to its allies abroad.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. Peyser).

Mr. PEYSER. Mr. Speaker, the real issue to me this morning is going to be a far more critical one that we are going to vote on than anything that has been discussed up to now.

It is my understanding, Mr. Speaker, that there is going to be a motion offered to move this House into secret session.

Mr. Speaker, from May 27, 1830, until June 20, 1979, this House never went into secret session. We added over 26 States to the Union. We had Presidents assassinated. We have had world wars. We have had Vietnams. We have had impeachment procedures and we have gone through the worst crises imaginable and yet during that period of time we never had to go into a secret session.

Mr. Speaker, I think the greatest blow we strike at democracy in this country today and the clearest indication to the rest of the world that the democratic process does not work is when we start having motions successfully passed saying that we are going into secret session.

What that means, incidentally, and I am sure the Members all realize it, that all those sitting in the galleries are going to be asked to leave. The press is going to be asked to leave. The television cameras are going to be turned off. We are going to put policemen at all the doors.

Are we in the House of Representatives when that happens? I do not believe it. When this happened, Mr. Speaker, on June 20 of 1979 during the Panama Canal debate when we went through this, it shocked most of the Members. No one even knew it was coming. When that happened, we closed it up. I felt like I was sitting perhaps in the Politburo or some place in the Soviet Union and not in the House of Representatives in Washington, D.C.

I said at that time if we ever move this again, I am going to do whatever I can to stop that kind of a motion. It is not debatable, though, Mr. Speaker. When that motion is made there is no debate on it and this is the only opportunity to debate it. I believe when we have reached that point that we cannot speak in this body, in this Chamber freely, we have a major problem, because to my experience if I wanted to know anything, whether it was a CIA budget, whether it was intelligence information, I could go to the committees and I could get it. I may have to sign a document, as I have on some occasions, stating that I would not reveal that information, but at least I would know.

Mr. STRATTON. Mr. Speaker, will the gentleman yield?

Mr. PEYSER. I will be glad to yield to the gentleman.

Mr. STRATTON. Mr. Speaker, I thank the gentleman for yielding to me.

I was just a little upset when the gentleman talked about the Politburo, because although it is somewhat rare for the House of Representatives to go into secret session, the fact of the matter is that the other body has gone into secret session in innumerable cases when the Defense budget was being discussed.

I think there is no more reason why we should not go into executive session when there are classified matters than should the other body. Certainly, this is a rare occasion, but I do not think the gentleman is quite right in suggesting that if we want to protect our secrets we are somehow aping the Soviet Union.

Mr. PEYSER. Not at all, and I thank the gentleman.

This Chamber is known as the people's House, the people's Chamber. What the other body does is their business; but in this House, I believe it ought to be open and the public should hear whatever has to be said, and a perfect example was the Panama Canal debate, when nothing was introduced that had any relevance or any real effect on that issue; yet we went into that kind of a secret session.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. PEYSER. I will be glad to yield to the gentleman.

Mr. FASCELL. Mr. Speaker, I rise because I want to join the gentleman in his observations and his comment about going into secret session.

I am going to go into secret session and vote to do that only because I do not want to leave any inference that there is something that somebody is trying to hide.

I want to state right now that as far as I am concerned the documents the gentleman refers to that require a secret session ought to be put on the public record, and if it was not for the fact that it would compromise perhaps one of our own agencies, that would be the only reason they should not be put on the record. I would want everything that is said in those documents in verbatim and in toto to go in the record if it would not compromise the Agency, and that is the only reason I would vote to go into secret session.

☐ 1210

The SPEAKER pro tempore (Mr. FOLEY). The time of the gentleman from New York (Mr. PEYSER) has expired.

Mr. BOLLING. Mr. Speaker, I yield 2 additional minutes to the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. Mr. Speaker, I thank the gentleman from Florida (Mr. FASCELL) for his comment, because we have to have, it seems to me, in our system in this Congress a confidence, both in our committees and in our intelligence people, and a confidence in the process of public debate in a public forum for legislative action.

We should consider that now, twice in 8 months, after 149 years of not doing it, we are starting to go into secret sessions again, which I hope we will not do. Because what is going to happen next?

I can think of a dozen different issues where we can begin to say we need a secret session. On the Committee on Armed Services, where issues may be brought up, there are certain things that are discussed that are not brought to the floor. "Well, now," we may say, "maybe we ought to have a secret session on them."

Then, Mr. Speaker, pretty soon we can forget the gallery because people are going to say, "We don't want to come to the Congress because we don't know whether they are going to be open or closed."

Mr. HARKIN. Mr. Speaker, will the gentleman yield?

Mr. PEYSER. I am glad to yield to the gentleman from Iowa.

Mr. HARKIN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to concur in the remarks of the gentleman in the well and also in the remarks made by the gentleman from Florida (Mr. FASCELL).

It seems to me that secret intelligence must be evaluated by those in the intelligence community, with other factors taken into account and with the proper analytical tools which they possess.

On the other hand, the House is not so equipped, and I do not think in the heat of debate is the proper place to bring up certain factors of intelligence. I can tell the Members for certain that the documents that will be brought up on the floor of the House in secret session are only a small part of the total amount of intelligence that has come forward about Nicaragua.

Mr. PEYSER. Mr. Speaker, I thank the gentleman from Iowa (Mr. HARKIN).

Mr. Speaker, I only have a fraction of a minute left, and I do want to say one more thing. I hope that all the Members understand that under the rules of the House, when we are in secret session, the Members themselves are not sworn to secrecy. The Members are not sworn to secrecy in a secret session, and we can walk out of this place and say anything we want to say.

Now, Mr. Speaker, I think this is an outrageous procedure, and I am hopeful that this House today will vote against any secret session.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR of Michigan. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, at the outset I should probably state that I understand this is the rule we are debating, but I think it is necessary to put into some proper balance the remarks of the gentleman from Maryland (Mr. BAUMAN) in terms of the makeup of the Government in Nicaragua.

I also have just returned from Nicaragua and from Panama and, like the gentleman from Maryland (Mr. BAUMAN), have expressed an interest in Latin American affairs, having served on the Subcommittee on the Panama Canal.

The point I want to make to my colleagues is that the picture that has been given to us here this afternoon about Nicaragua being a complete leftist state is not accurate. It is not accurate, and there are organizations that recognize that. The VFW would not be supporting this rule and this bill if that was the case. The Council of the Americas, a private investment group, would not be supporting this rule and this bill if that was the case. The U.S. Catholic Conference and leading Protestant denomination groups are supporting it. I could go on and on and cite organizations and groups that recognize we have a vital interest and role to play in Latin America and, particularly, in Nicaragua.

There have been suggestions that the media or the education system of the press as a whole in Nicaragua is leftist. I want to tell the Members that the only move that was made in Nicaragua against the press that I have been able to ascertain has been against the far leftist press. There has been no move made against the democratic press.

One of the main means of communication in Nicaragua is television because of the high illiteracy rate. Let me see if I can for just a second give the Members an example of the leftist television programing in Nicaragua. They have such leftist shows, if you will, as Baretta and Petricelli and such lovely leftist family shows as "Class of '65." They have shows like Popeye and Clutch Cargo. I could go on and on and on and cite those.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. BONIOR of Michigan. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Speaker, may I ask the gentleman, do they have Archie Bunker?

Mr. BONIOR of Michigan. Yes, they have Archie Bunker. They have Heidi.

These are the types of shows and the media that is getting through to the Nicaraguan people, and I suggest that if we had such a dominant Cuban role in Nicaragua today as has been suggested, we would not be seeing this type of action on the television programing in Nicaragua.

Mr. HARKIN. Mr. Speaker, will the gentleman yield?

Mr. BONIOR of Michigan. I yield to the gentleman from Iowa.

Mr. HARKIN. Mr. Speaker, I thank the gentleman for yielding.

Does the gentleman mean to say that on national television in Nicaragua they are presenting such shows as Porky and His Friends and Petricelli and Baretta and Archie Bunker? Is that what the gentleman is saying?

Mr. BONIOR of Michigan. I am suggesting that is what they are doing.

Mr. HARKIN. Mr. Speaker, I was supporting this legislation because I wanted to see this assistance get through to Nicaragua.

If they are going to be showing that same kind of junk down there that they are showing up here, maybe I will change my mind on this whole bill.

Mr. BONIOR of Michigan. Mr. Speaker, I only have 5 minutes, so let me go on to a few more points. I do not want to make light of the institution.

I just want to point out to the Members of the House that, indeed, there is a difference of opinion and ideology in Nicaragua today.

Let us take the church for example. The church has a tremendous influence, as we can imagine, in all of Latin America and Central America. They have a particular interest in Nicaragua, and Archbishop Obando is working closely with the revolutionary government in Nicaragua. There are members of the Cabinet in Nicaragua working with priests and ministers, and leftists they may be, but they still have a good influence and affiliation and affection for the church. Unlike Cuba and unlike Mexico after their revolution, the church has been accepted and embraced in Nicaragua.

Mr. Speaker, I would like to read to the Members an article published in the New York Times about the "Christian message" that was adopted during the Christmas period in Nicaragua. The message was given by Interior Minister Borge, who was one of the leading members of the junta in Nicaragua. He said: "Two thousand years ago, a woman gave birth to a child"—and he gave this message at a Christmas party for poor children—"and that child's message was, 'let us love one another.' "

That message is the revolutionary message. That is the message of the Sandinista revolutionists.

Similarly, the Feast of the Immaculate Conception was celebrated in all government offices while Christmas parties were organized by the Sandinista Defense Foundation. I could go on and on and cite the connection and the deep religious feeling the Sandinistas have for the Catholic Church and for their religion.

The gentleman from Maryland (Mr. BAUMAN) stated that he was under armed guard. I guess that is the fundamental difference between our ideological makeups. I did not have an armed guard, and I did not feel unsafe as I walked through the streets of Managua.

The SPEAKER pro tempore. The time of the gentleman from Michigan (Mr. BONIOR) has expired.

Mr. BOLLING. Mr. Speaker, I yield 1 additional minute to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR of Michigan. Mr. Speaker, I thank the committee chairman for yielding me the extra time.

Mr. Speaker, I met with the chamber of commerce in Nicaragua. I met with a gentleman from Coca-Cola, I met with the Bank of America, and I met with coffee producers, who desperately think that we can have an influential role to play in Nicaragua. I met with Nicaraguans, the junta, the directorate, and the church, and they are begging this country to show the feeling and the compassion of the United States and provide this aid—60 percent of the aid, which, by the way, will go to the private sector, and the 40 percent of the aid, to developing the infrastructure, the sewers, and the roads.

Mr. Speaker, let me finish by citing to the Members a point that happens to have come up at the end of my trip when I was in Panama. The Panamanians admitted to me, almost to a person, that the reason they were willing to accept the Shah was to show the gratitude and friendship of the Panamanian people toward this country for the role we played in the treaty and implemented by legislation. I would suggest to the Members that we have the same opportunity in Nicaragua, and if we use our diplomacy and use our compassion, we can be friends with the Nicaraguan people.

Mr. BAUMAN. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Speaker, I have noticed in the last few weeks that there has been a certain temperament developing in the House that I do not like to see. There are touchy feelings that Members have toward each other, and there has been an overdose of political rhetoric that bothers me.

So to try to correct that, I would first direct my attention to our beloved Speaker and express my great commendation to him, not necessarily for his actions as Speaker but for the successful record this year of the Boston Celtics and the Boston Bruins. If the Speaker would just concentrate on that good record instead of listening to the barbs of some of my political colleagues, his disposition would be better, I assume.

I commend the gentleman from Missouri (Mr. BOLLING) for presenting us with an open rule so we can discuss this matter in such a liberal fashion.

I would like to point out to the Members the $75 million in this bill is not the only money we are providing Nicaragua. We have already provided Nicaragua with $71 million since July of 1979. That was done by Executive action, including $33 million that was held from the previous government and then released to the new Sandinista government.

Then in fiscal 1981 we have over $50 million in the budget request, including $5.5 million for military assistance.

I would just point out to the Members that we ought to think twice before we vote for military assistance to a government whose police are being trained by the East Germans. I will elaborate on that further next week.

I would also like to commend the gentleman from New York (Mr. PEYSER) and the gentleman from Florida (Mr. FASCELL) for their discussion of the information that might be forthcoming during a possible closed session of the House. It is true that most of the material that is contained in so-called classified information is not particularly startling.

□ 1220

But it does shed a practical light, much more than rhetoric from the State Department, on what conditions really exist. I think its delicate purpose is not to have our State Department or any other entities of Government embarrassed or not to upset the people in Nicaragua or other governments with the kind of information we have available. The information itself is not particularly earth-shaking, I reemphasize.

Last but not least, my good friend, the gentleman from Michigan, was lecturing us on the influence of the church. I cannot cover Latin American church history in 30 seconds. I would like to point out to the House that there is a great deal of difference between the titular relationship of the church and the real deep roots that it has in some other countries. Historically, in Latin countries, the depth of church strength has not been as strong compared, for example, to Ireland, Poland, Lithuania, or some of the other countries where the church has been a bulwark against communism. You have only to look at the situation in Cuba to see that the church was not able to stand up against Mr. Castro.

Mr. BAUMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. I thank the gentleman for yielding me this time.

Mr. Speaker, during the earlier debate, some of our colleagues had a very humorous approach to this matter of Communist influence in Nicaragua, and it was good for a couple of laughs. That is OK with me.

I do not want everyone in the world to have to wring their hands about the threat of communism despite the fact that it is very real. I am willing to be more concerned about it for those who are not quite so concerned. But their humorous approach and their attempt to ridicule this attempt that is being made today to bring all of the facts to the attention of the Members of the House on the subject of the Communist involvement in Nicaragua becomes very, very important.

The discussion of whether the Communist threat is serious or not reminds me of the speech, the very major foreign policy speech, the President of the United States made not too many months ago when he accused many in America of having an inordinate fear of communism. Well, he is entitled to that opinion. I understand now, though, that since Russia invaded Afghanistan 2 days after Christmas that he has all of a sudden, after 3 years of wearing blindfolds, after 3 years, he now has admitted that he recognizes the Soviet Communist threat for what it really is.

Now, that is not something to make light of, that is not something to make fun of. The Communist threat is real. And if you do not believe it, you can look at Africa, look at Angola, look at Mozambique, you can look at Ethiopia, look at South Yemen, look at the influence they are now beginning to assert in North Yemen, a country that once was friendly to us, look at how our friends in Egypt and Israel are being surrounded by the ever expanding Communist threat in the world and you see that our interest and the interest of our friends is being threatened, and it is nothing to make light of.

The other point, Mr. Speaker, is the question of the need for an executive session, a closed session. I do not like to see this House go into closed session unless it is absolutely necessary.

I pay close attention to my good friend, the gentleman from New York (Mr. PEYSER), with whom I agree on many, many issues; but I would like to say this: The House has voted too many times in the dark, without knowing the truth, and I can only recall to the Members that very important vote on the so-called Gulf of Tonkin resolution, when the Members of the Congress voted in the dark. When the vote was taken on the Gulf of Tonkin resolution, the Members voted in the dark, based on their own account. After the Vietnam war got bogged down, many of them came to the floor of the House saying that they had not had all the facts when casting that vote.

What we are trying to do today, Mr. Speaker, is to allow the Members to vote on a matter that we think affects the Communist movement in the world, but we do not want the Members to vote in the dark any more. We want them to vote knowing the truth. The way this bill was pushed, the request for delay so that Members have an opportunity to find out for themselves through the various committee files was denied. The Members need to have this information and it can only be done through a closed session, because it is important, as the gentleman from Florida (Mr. FASCELL) said, that this secrecy be protected, to protect lives of people involved in the operation.

CALL OF THE HOUSE

Mr. BOLLING. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 66]

Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Annunzio
Anthony
Applegate
Ashbrook
Atkinson
Badham
Bafalis
Bailey
Baldus
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Bingham
Blanchard
Boggs
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Brinkley
Brodhead
Brooks
Broomfield
Buchanan
Burgener
Burlison
Burton, John
Burton, Phillip
Butler
Byron
Campbell
Carter
Cavanaugh
Cheney
Clay
Clinger
Coleman
Collins, Tex.
Conable
Conte
Conyers
Corcoran
Corman
Coughlin
Courter
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
de la Garza
Deckard
Derwinski
Dickinson
Dicks
Dodd
Donnelly
Dougherty
Downey
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Calif.
Emery
English
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Findley
Fish
Fisher
Fithian
Florio
Foley
Ford, Tenn.
Forsythe
Fountain
Fowler
Fuqua
Gaydos
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Gore
Gradison
Gramm
Gray
Green
Grisham
Guyer
Hall, Ohio
Hall, Tex.
Hamilton
Hance
Harkin
Harris
Hawkins
Hefner
Heftel
Hightower
Hillis
Hinson
Holt
Hopkins
Howard
Hubbard
Huckaby
Hughes
Hyde
Ireland
Jacobs
Jeffries
Jenkins
Jenrette
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kelly
Kildee
Kindness
Kostmayer
Kramer
LaFalce
Lagomarsino
Leach, Iowa
Leath, Tex.
Lederer
Lee
Lehman
Lent
Levitas
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
McDade
McKay
Madigan
Markey
Marks
Marriott
Matsui
Mavroules
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moffett
Mollohan
Mottl
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Ind.
Natcher
Nedzi
Nichols
Nowak
O'Brien
Oberstar
Obey
Panetta
Patten
Patterson
Paul
Pease
Perkins
Petri
Peyser
Porter
Preyer
Price
Pritchard
Rahall
Railsback
Ratchford
Regula
Reuss
Rhodes
Rinaldo
Ritter
Roberts
Robinson
Roe
Rosenthal
Roth
Roybal
Royer
Rudd
Russo
Sabo
Sawyer
Schroeder
Schulze
Sebelius
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Skelton
Slack
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spellman
Spence
St Germain
Stack
Stanton
Stark
Steed
Stokes
Stratton
Studds
Swift
Synar
Tauke
Taylor
Thompson
Traxler
Trible
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Weaver
Weiss
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Wolpe
Wright
Wyatt
Wylie
Yates
Yatron
Young, Fla.
Young, Mo.
Zablocki

☐ 1240

The SPEAKER pro tempore. On this rollcall, 295 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

SPECIAL CENTRAL AMERICAN ASSISTANCE ACT OF 1979

Mr. BOLLING. Mr. Speaker, I yield 10 minutes to the gentleman from Missouri (Mr. BURLISON).

Mr. BURLISON. Mr. Speaker, I rise to voice my objection to the action expected to be taken when the bill made in order by this rule is considered. I refer to a motion that the House go into secret session for the purpose of discussing classified information.

My friend from New York (Mr. PEYSER) has made a speech in opposition to that motion, on philosophical grounds. They are sound. I agree with them.

Mr. Speaker, my arguments against the motion are more technical and practical in nature.

I am a member of the Intelligence Committee and participated in the debate concerning release of this information for floor consideration. I voted against such release in the committee but my position did not prevail. I want to present my reasons for objecting.

My concern stems from the fact that no session on the floor can be truly secret. To say so is not to insult the integrity of any Member of Congress or of any staff person. It is not a question of integrity, but one of technical fact. It has been known for many hours that this secret session is likely to occur. When it does, the Chamber will simply be cleared of those not authorized to be present. An enterprising reporter, much less a foreign intelligence agent, can easily leave behind a tiny recorder for later recovery or a transmitting device with a receiver outside of the Capitol. No quick search or sweep is likely to uncover such equipment and there is no risk to the individual if it is found—he just loses it. Such a loss would hardly be severe. The equipment could cost as little as $25 and no more than a few hundred. We are almost defenseless against such methods and as a member of the Intelligence Committee, I can assure you that the technology available is incredible.

I am also concerned for the security of the written documents to be brought here. It may not be hard to maintain custody of the written documents but they will be read into the record along with the accompanying debate. Now, I have complete faith in the recorders and clerks of the House, but they have no facilities for properly handling the classified information recorded. They have no training in its handling and the House has no procedures for adequate handling of this information. We will disserve ourselves and the employees of the House if we ask them to handle materials without the procedures and facilities they need.

Often, the specific classified information is relatively innocuous but its revelation could reveal and endanger its source, either directly or indirectly. Without considerable appreciation of the particular way in which specific intelligence is sensitive, it would be easy for a Member to err disastrously without ever knowing he has done so until the damage is done. In a sense, we put the Member himself at risk. This concern may or may not be valid for the information to be discussed today but it will be true as this procedure is repeated—as it surely will be. Recall that in June 1979 the House went into secret session for the first time in nearly 150 years. Now only 8 months later, we may do so again. Will such sessions become monthly events? Moreover, such sessions will inevitably consider ever more sensitive materials moving from today's secret material to top secret, specially compartmented intelligence of greater sensitivity.

Mr. Speaker, there is an alternative to bringing intelligence information to the floor. The Intelligence Committee has office space nearby. It is adequate for reasonably large groups; and they are secure spaces. The committee spaces are alarmed and under 24-hour guard by the Capitol Police. The committee staff itself employs three full-time security officers at an annual cost of about $75,000. Materials are kept in safes contained within a vault. In the situation we have here, the committee and its secure areas could serve the House well. The committee could provide materials for members to read and, better than that, could arrange briefings by CIA officials or other, and by its own staff, about the intelligence which is of interest.

This could be done for several days in advance of a floor meeting. The specific information which can be discussed on the floor openly would have been determined and would be carefully explained to Members, thus avoiding risk to valuable sources of intelligence and to people's lives. Members could be carefully advised of the reasons that the information being presented is sensitive. Exactly this procedure is followed each year when the intelligence authorization bill and later the Defense appropriation bill is brought up for consideration. In the case of the authorization bill, over the past 2 years 29 Members have reviewed the Intelligence Committee's voluminous and highly sensitive reports and nothing has been leaked. If this method were to be employed here, Members could be at more leisure to explore all aspects of the subject with more thoroughness, and with greater security. We thus avoid the cumbersome and inadequate procedure of a secret session on the floor.

☐ 1250

Mr. Speaker, one additional point: I am prepared to make a parliamentary inquiry as to whether rule XXIX or rule XLVIII governs in the release by the House of classified information at issue. I might say that the House Committee on Intelligence sent this material here under rule XLVIII, which sets up a highly structured and detailed procedure for our committee in releasing classified information. It includes giving notice to the President. If we hear nothing from the President in 5 days, we can release it. If the President objects, then it must be reconsidered by the committee, and before it can be released subsequent to that, of course, affirmative action must be taken after the committee makes its recommendation to the floor.

In contrast to that highly structured procedure, Mr. Speaker, is rule XXIX, which merely says that the House at any time may release by vote of the House classified information. It is my understanding that the Speaker is leaning toward the ruling that rule XXIX applies. I am firmly convinced, Mr. Speaker, that had our Intelligence Committee known that there was a chance that the Speaker would so rule, the committee would never have considered releasing this information.

Now, I might say to my colleagues that if the Speaker does so rule, it will satisfy my concerns and my problem, because I know that thereafter the Committee on Intelligence will never release information to be brought to the floor.

Mr. Speaker, we set a bad precedent if we approve the motion when it is offered. I hope that the House will refuse to enter secret session and hear the intelligence material, and I hope that we will thus reject the motion to go into secret session.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. BURLISON. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Speaker, I am impressed by the argument the gentleman makes, and I would like to go along with a vote against going into secret session. I have already said that I would do it because I did not want anybody to think that there is anything to hide. I am willing to bring the information before the people themselves to make their own decisions.

But I do not want to compromise the intelligence sources or the agencies. So I am perfectly prepared, as a practical matter, to yield to the gentleman's effort to go into secret session.

Why cannot the gentleman's committee meet again and undo the agreement it has just agreed to? Then, we would not have this problem.

Mr. BURLISON. One of the problems is the precedent that is set of sending classified information to the floor.

Mr. FASCELL. I agree. Why could not the gentleman's committee meet right away and undo what it just did? That would eliminate the problem.

Mr. BURLISON. We do not know whether the time is available. I might say to the gentleman that my voice was a voice crying in the wilderness in the committee. But, I do assure the gentleman that the committee will not again take similar action if the Speaker should rule that rule XXIX prevails.

Mr. BAUMAN. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, in response to the gentleman from Missouri let me say this: It is very difficult to respond to his arguments because the Members of the House, and the gentleman from Maryland included, labor under the disability of being unable to discuss the contents of the classified memorandums to which we are referring. But, I think it is permissible under the rules to say to the House—and I think those who have read these memorandums would have to concede—the contents are directly at variance with the statements being made by a number of people in this debate. The only means which I could see that these memorandums could be brought up and discussed and debated would be in a closed session—just reading these memorandums is not enough. Reading them and fully debating their contents, as to their meaning, is necessary because good people will differ in their interpretation.

So, at the appropriate time, when the gentleman from Illinois (Mr. DERWINSKI) will make the motion—and I understand from discussion with the Speaker and with the gentleman from Wisconsin (Mr. ZABLOCKI) that that will be done next Monday when we continue consideration of the bill—not today—we should support a motion for a secret session and allow a reasonable debate on the content of these documents. I think these documents will aid the individual Members' decisions as to their votes on the amendments to be offered, and whether to vote for the bill.

I do not see how else the House could be properly informed. The Intelligence Committee by majority vote yesterday released these documents and allowed the gentleman from Florida (Mr. YOUNG) to bring them to the House under the secret session rule.

I would also point out that the last time we had such a secret session the Speaker ruled that any Member who violates the secrecy of that session and discloses what is said could be censured, reprimanded, or other action taken by the House. I agree there is a risk of the classified information being released, but we cannot vote intelligently, in my view, unless this information is laid before the House and allowed to be debated at least for the hour which the rule permits.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding. This is a serious matter. No one is taking it lightly.

The SPEAKER pro tempore. The time of the gentleman from Maryland has expired.

Mr. BAUMAN. Mr. Speaker, I yield myself 1 additional minute, and yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, this is a serious matter. No one is taking it lightly. When I made the request of the Intelligence Committee to allow me to bring certain documents to the floor, it was done after a great deal of consideration of the possible effect. Now, the last time this House had a closed session was at the request of the gentleman from Maryland (Mr. BAUMAN), and the uproar of criticism about what he presented in that closed session was that there was nothing specific, that he did not have any positive, detailed facts.

Well, that is the reason that I decided to bring the Members some positive, detailed facts. We wanted the Members to know that there is a very hard school of thought on the subject that we would like to present during this debate. Now, the question of presenting it to a closed session——

Mr. BURLISON. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Missouri.

Mr. BURLISON. The gentleman agrees that this information is being brought to the floor under rule XLVIII of the House?

The SPEAKER pro tempore. The time of the gentleman from Maryland has expired.

The gentleman from Missouri (Mr. BOLLING) has 5 minutes remaining, and the gentleman from Maryland (Mr. BAUMAN) has 1 minute remaining.

Mr. BAUMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. LAGOMARSINO).

Mr. LAGOMARSINO. Mr. Speaker, the time is simply not appropriate to be considering the economic assistance in this bill for a regime that continues to give every indication it is establishing a Marxist totalitarian state in Central America.

I need only point to one recent example where a respected journalist is leaving Nicaragua because he is no longer able to freely express his opinions.

Oscar Montalvan worked in journalism in Nicaragua for 25 years. For the last 3 years, he directed a popular radio news program, but on February 2 he announced he can no longer work as a newsman or professor, that he must leave Nicaragua to work in the field of journalism somewhere else.

The official Nicaraguan response is that in Nicaragua there is "moderate freedom of speech; there is no absolute freedom." There is "freedom of speech for the revolution."

To believe that is the atmosphere for promoting pluralism and the principles of democracy is naive. All the signs in Nicaragua are pointing to one end: The establishment of a totalitarian state.

Incidentally, the TV stations in Nicaragua are owned and operated by the Government.

There should be no consideration of economic assistance until there are positive signals that the Sandinista regime clearly intends to promote democratic principles and to permit the survival of the private sector. It would be irresponsible to support the use of American taxpayers money on the vague hope it would be used to promote democracy when there is no legitimate proof that would happen. Moreover, more than $60 million in economic assistance has already gone to the Sandinista regime with no indication that there has been any moderating influence on the regime.

Another $50 million is being requested in the 1981 fiscal year budget, including $5½ million in military aid.

Until we can be more certain of the intentions of the Sandinista regime, it makes no sense for this body to pass this bill at this time. There is time to consider this aid when we take up the 1981 fiscal year aid bill.

I urge my colleagues to reject consideration of aid for Nicaragua.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BAUMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 251, nays 60, not voting 122, as follows:

[Roll No. 67]

YEAS—251

Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Annunzio
Anthony
Applegate
Aspin
Atkinson
AuCoin
Bailey
Baldus
Barnes
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Bingham
Blanchard
Boggs
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Brodhead
Brooks
Buchanan
Burlison
Burton, John
Burton, Phillip
Butler
Byron
Carter
Cavanaugh
Cheney
Clay
Clinger
Conte
Conyers
Corcoran
Corman
Coughlin
Courter
D'Amours
Daniel, Dan
Danielson
Daschle
de la Garza
Dicks
Dingell
Dodd
Donnelly
Dougherty
Downey
Drinan
Duncan, Oreg.
Early
Eckhardt
Edgar
Edwards, Calif.
Emery
English
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Findley
Fish
Fisher
Fithian
Florio
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fowler
Fuqua
Garcia
Gaydos
Gephardt
Gibbons
Gilman
Ginn
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Gray
Green
Grisham
Guyer
Hall, Ohio
Hall, Tex.
Hamilton
Hance
Harkin
Harris
Hawkins
Hefner
Heftel
Hightower
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hyde
Ireland
Jacobs
Jenkins
Jenrette
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kildee
Kostmayer
LaFalce
Leach, Iowa
Leath, Tex.
Lederer
Lehman
Lent
Levitas
Lloyd
Long, La.
Long, Md.
Lowry
Lujan
Luken
Lundine
McDade
McHugh
McKay
Markey
Marks
Matsui
Mavroules
Mica
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Moffett
Mollohan
Murphy, Pa.
Murtha
Natcher
Neal
Nedzi
Nichols
Nowak
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pease
Perkins
Peyser
Porter
Preyer
Price
Pritchard
Rahall
Railsback
Ratchford
Regula
Reuss
Rhodes
Rinaldo
Ritter
Roberts
Roe
Rosenthal
Roybal
Royer
Russo
Sabo
Santini
Sawyer
Scheuer
Schroeder
Sebelius
Seiberling
Shannon
Sharp
Shelby
Skelton
Slack
Smith, Iowa
Smith, Nebr.
Snowe
Solarz
Spellman
St Germain
Stack
Stanton
Stark
Stokes
Studds
Swift
Synar
Tauke
Thompson
Traxler
Trible
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Waxman
Weaver
Weiss
Whitley
Whittaker
Williams, Mont.
Wilson, C. H.
Wilson, Tex.
Wolpe
Wright
Wyatt
Wylie
Yates
Yatron
Young, Mo.
Zablocki

NAYS—60

Archer
Ashbrook
Badham
Bafalis
Bauman
Brinkley
Broomfield
Burgener
Campbell
Coleman
Collins, Tex.
Daniel, R. W.
Dannemeyer
Deckard
Derwinski
Dickinson
Duncan, Tenn.
Forsythe
Gingrich
Goldwater
Hinson
Holt
Ichord
Jeffries
Kelly
Kindness
Kramer
Lagomarsino
Lee
Livingston
Loeffler
Lott
McDonald
Madigan
Marriott
Michel
Mitchell, N.Y.
Montgomery
Mottl
Murphy, N.Y.
Myers, Ind.
Paul
Petri
Robinson
Roth
Rudd
Schulze
Sensenbrenner
Shumway
Snyder
Solomon
Spence
Stratton
Taylor
Walker
Wampler
Whitehurst
Whitten
Wilson, Bob
Young, Fla.

NOT VOTING—122

Abdnor
Addabbo
Anderson, Ill.
Andrews, N. Dak.
Ashley
Barnard
Biaggi
Boland
Breaux
Brown, Calif.
Brown, Ohio
Broyhill
Carney
Carr
Chappell
Chisholm
Clausen
Cleveland
Coelho
Collins, Ill.
Conable
Cotter
Crane, Daniel
Crane, Philip
Davis, Mich.
Davis, S.C.
Dellums
Derrick
Devine
Diggs
Dixon
Dornan
Edwards, Ala.
Edwards, Okla.
Erdahl
Ferraro
Flippo
Frenzel
Frost
Giaimo
Grassley
Guarini
Gudger
Hagedorn
Hammerschmidt
Hanley
Hansen
Harsha
Heckler
Hillis
Holland
Hollenbeck
Holtzman
Hutto
Jeffords
Johnson, Calif.
Johnson, Colo.
Jones, Okla.
Kazen
Kemp
Kogovsek
Latta
Leach, La.
Leland
Lewis
Lungren
McClory
McCloskey
McCormack
McEwen
McKinney
Maguire
Marlenee
Martin
Mathis
Mattox
Mazzoli
Moakley
Moore
Moorhead, Calif.
Moorhead, Pa.

Murphy, Ill.
Myers, Pa.
Nelson
Nolan
O'Brien
Oakar
Pashayan
Pepper
Pickle
Pursell
Quayle
Quillen
Rangel
Richmond
Rodino
Rose
Rostenkowski
Rousselot
Runnels
Satterfield
Shuster
Simon
Staggers
Stangeland
Steed
Stenholm
Stewart
Stockman
Stump
Symms
Thomas
Treen
Watkins
White
Williams, Ohio
Winn
Wirth
Wolff
Wydler
Young, Alaska
Zeferetti

☐ 1310

The Clerk announced the following pairs:

Mr. Addabbo with Mr. Abdnor.
Mr. Hanley with Mr. Gudger.
Mr. Chappell with Mr. Nelson.
Mr. Zeferetti with Mr. Pursell.
Mr. Rodino with Mr. Quillen.
Mr. Breaux with Mr. Rousselot.
Mr. Leland with Mr. Stangeland.
Mr. Wolff with Mr. Stockman.
Mr. Boland with Mr. Symms.
Mr. Pepper with Mr. Winn.
Mr. Hutto with Mr. Young of Alaska.
Mr. Biaggi with Mr. Brown of California.
Mrs. Chisholm with Mr. Andrews of North Dakota.
Mrs. Collins of Illinois with Mr. Harsha.
Ms. Ferraro with Mrs. Heckler.
Mr. Giaimo with Mr. Broyhill.
Mr. Staggers with Mr. Clausen.
Mr. Rostenkowski with Mr. Cleveland.
Mr. Rangel with Mr. Kemp.
Mr. Rose with Mr. Leach of Louisiana.
Mr. Myers of Pennsylvania with Mr. Lungren.
Mr. Moorhead of Pennsylvania with Mr. Marlenee.
Mr. Moakley with Mr. McClory.
Mr. McCormack with Mr. Edwards of Alabama.
Mr. Flippo with Mr. Devine.
Mr. Diggs with Mr. Philip M. Crane.
Mr. Davis of South Carolina with Mr. Davis of Michigan.
Mr. Cotter with Mr. Conable.
Mr. Carr with Mr. Carney.
Mr. Ashley with Mr. Brown of Ohio.
Mr. Guarini with Mr. Anderson of Illinois.
Mr. Johnson of California with Mr. Hansen.
Mr. Kazen with Mr. Hagedorn.
Mr. Mazzoli with Mr. O'Brien.
Mr. Murphy of Illinois with Mr. Pashayan.
Mr. Wirth with Mr. Quayle.
Mr. Barnard with Mr. Daniel B. Crane.
Mr. Coelho with Mr. Dixon.
Mr. Dellums with Mr. Dornan.
Mr. Derrick with Mr. Edwards of Oklahoma.
Mr. Kogovsek with McCloskey.
Mr. Jones of Oklahoma with Mr. Latta.
Ms. Holtzman with Mr. Erdahl.
Ms. Oakar with Mr. Frenzel.
Mr. Nolan with Mr. Treen.
Mr. Pickle with Mr. Thomas.
Mr. Richmond with Mr. Wydler.
Mr. Runnels with Mr. Frost.
Mr. Holland with Mr. Grassley.
Mr. Maguire with Mr. Hammerschmidt.
Mr. Satterfield with Mr. Hillis.
Mr. Steed with Mr. Hollenbeck.
Mr. Stump with Mr. Jeffords.
Mr. Stenholm with Mr. Lewis.
Mr. White with Mr. Martin.
Mr. Mathis with Mr. McEwen.
Mr. Mattox with Mr. Moore.
Mr. Watkins with Mr. McKinney.
Mr. Simon with Mr. Moorhead of California.
Mr. Shuster with Mr. Stewart.
Mr. Johnson of Colorado with Mr. Williams of Ohio.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. ZABLOCKI. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6081) to amend the Foreign Assistance Act of 1961 to authorize assistance in support of peaceful and democratic processes of development in Central America.

The SPEAKER pro tempore (Mr. RATCHFORD). The question is on the motion offered by the gentleman from Wisconsin (Mr. ZABLOCKI).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 257, nays 42, not voting 134, as follows:

[Roll No. 68]

YEAS—257

Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Annunzio
Anthony
Applegate
Aspin
Atkinson
AuCoin
Badham
Bailey
Baldus
Barnes
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bethune
Bevill
Bingham
Blanchard
Boggs
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Brinkley
Brodhead
Brooks
Broomfield
Buchanan
Burlison
Burton, John
Burton, Phillip
Butler
Byron
Campbell
Carter
Cavanaugh
Cheney
Clinger
Conyers
Corcoran
Corman
Coughlin
Courter
D'Amours
Daniel, Dan
Danielson
Dannemeyer
Daschle
de la Garza
Deckard
Dicks
Dingell
Dixon
Dodd
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Calif.
Emery
English
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Findley
Fish
Fisher
Fithian
Florio
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fowler
Garcia
Gaydos
Gephardt
Gibbons
Gilman
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gray
Green
Grisham
Guyer
Hall, Ohio
Hall, Tex.
Hamilton
Hance
Harkin
Harris
Hawkins
Hefner
Heftel
Hightower
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hyde
Ichord
Ireland
Jacobs
Jenkins
Jenrette
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kildee
Kostmayer
LaFalce
Leath, Tex.
Lederer
Lehman
Levitas
Lloyd
Long, La.
Long, Md.
Lowry
Lujan
Luken
Lundine
McDade
McHugh
McKay
Markey
Marks
Matsui
Mavroules
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Moffett
Mollohan
Montgomery
Mottl
Murphy, Pa.
Murtha
Natcher
Neal
Nedzi
Nichols
Nowak
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pease
Perkins
Petri
Peyser
Porter
Preyer
Rahall
Railsback
Rangel
Ratchford
Reuss
Rhodes
Rinaldo
Ritter
Roberts
Roe
Rosenthal
Roth
Roybal
Royer
Russo
Sabo
Santini
Sawyer
Scheuer
Schroeder
Sebelius
Seiberling
Shannon
Sharp
Shelby
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Solarz
Spellman
St Germain
Stack
Stanton
Stark
Stokes
Studds
Swift
Synar
Tauke
Taylor
Thompson
Traxler
Trible
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Wampler
Waxman
Weaver
Weiss
Whitehurst
Whitley
Whitten
Williams, Mont.
Wilson, Tex.
Wolpe
Wright
Wyatt
Wylie
Yates
Yatron
Young, Fla.
Young, Mo.
Zablocki

NAYS—42

Archer
Ashbrook
Bafalis
Bauman
Burgener
Coleman
Daniel, R. W.
Derwinski
Dickinson
Forsythe
Gingrich
Hinson
Holt
Jeffries
Kelly
Kindness
Kramer
Lagomarsino
Lee
Lent
Livingston
Loeffler
Lott
McDonald
Madigan
Marriott
Mitchell, N.Y.
Murphy, N.Y.
Myers, Ind.
Paul
Robinson
Rudd
Schulze
Sensenbrenner
Shumway
Snyder
Solomon
Spence
Stratton
Walker
Whittaker
Wilson, Bob

NOT VOTING—134

Abdnor
Addabbo
Anderson, Ill.
Andrews, N. Dak.
Ashley
Barnard
Bereuter
Biaggi
Boland
Breaux
Brown, Calif.
Brown, Ohio
Broyhill
Carney
Carr
Chappell
Chisholm
Clausen
Clay
Cleveland
Coelho
Collins, Ill.
Collins, Tex.
Conable
Conte
Cotter
Crane, Daniel
Crane, Philip
Davis, Mich.
Davis, S.C.
Dellums
Derrick
Devine
Diggs
Donnelly
Dornan
Edwards, Ala.
Edwards, Okla.
Erdahl
Ferraro
Flippo
Frenzel
Frost
Fuqua
Giaimo
Ginn
Gramm
Grassley
Guarini
Gudger
Hagedorn
Hammerschmidt
Hanley
Hansen
Harsha
Heckler
Hillis
Holland
Hollenbeck
Holtzman
Hutto
Jeffords
Johnson, Calif.
Johnson, Colo.
Jones, Okla.
Kazen
Kemp
Kogovsek
Latta
Leach, Iowa
Leach, La.
Leland
Lewis
Lungren
McClory
McCloskey
McCormack
McEwen
McKinney
Maguire
Marlenee
Martin
Mathis
Mattox
Mazzoli
Moakley
Moore
Moorhead, Calif.
Moorhead, Pa.
Murphy, Ill.
Myers, Pa.
Nelson
Nolan
O'Brien
Oakar
Pashayan
Pepper
Pickle
Price
Pritchard
Pursell
Quayle
Quillen
Regula
Richmond
Rodino
Rose
Rostenkowski
Rousselot
Runnels
Satterfield
Shuster
Simon
Slack
Staggers
Stangeland
Steed
Stenholm
Stewart
Stockman
Stump
Symms
Thomas
Treen
Watkins
White
Williams, Ohio
Wilson, C. H.
Winn
Wirth
Wolff
Wydler
Young, Alaska
Zeferetti

☐ 1330

So the motion was agreed to.

The result of the vote was announced as above recorded.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 6081, with Mr. FOLEY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Wisconsin (Mr. ZABLOCKI) will be recognized for 30 minutes, and the gentleman from Michigan (Mr. BROOMFIELD) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, at the very outset let me say to my colleagues that we intend to complete general debate on the bill, H.R. 6081, today.

Then on Monday next the bill will be considered for amendments. It is my understanding that prior to the consideration of amendments a request will be made for the House to go into a closed session. I make this announcement in order that the Members will clearly know that indeed on Monday next we intend to finish this bill.

I would also like to advise our colleagues, Mr. Chairman, that at the desk here, we have a rather succinct but very informative paper as to why there should be aid to Nicaragua, and I would invite those who wish to be further informed on the bill, H.R. 6081, to avail themselves of this paper.

Mr. Chairman, H.R. 6081, the Special Central American Assistance Act of 1979, would provide $75 million in assistance to Nicaragua, and $5 million to Honduras.

The need for this emergency assistance to Nicaragua was created as a result of the devastation from 18 months of civil war which ended in July of last year. The toll in human suffering and economic destruction includes 35,000 people dead and over $1 billion in physical damage. There has been a 25-percent decline in the gross national product of Nicaragua as a result of the civil war. The unemployment rate is 33 percent. In the first few weeks after the end of the fighting, the U.S. Government provided some $27 million in emergency relief to meet immediate food and health needs.

The bill before us today, Mr. Chairman, would provide interim rehabilitation assistance. Over half of the assistance will be used to get the private sector back on its feet. Of the $70 million loan, 60 percent, some $42 million, is earmarked to aid the private sector so the local economy can once again meet the needs of the country and provide employment.

The continuation of the existing economic conditions in Nicaragua will only foment further instability and violence. We cannot permit this to happen.

In addition to this economic purpose of the assistance there also is a political purpose. Nicaragua is in the early stages of postwar development. There are both totalitarian and democratic forces at work in the country. The political process is in a state of flux.

□ 1340

Within the governing councils, there is considerable Cuban influence, and there are anti-U.S. elements. We admit this readily. There are Communist elements that would like to take over Nicaragua to dominate it. But there are also prodemocratic forces, including the church, the private sector, and certain important government leaders who will resist Communist domination.

The issue before us today is, are we going to just write off Nicaragua and permit the antidemocratic forces, the elements in Nicaragua that are trying to destabilize the country, to take control and establish a Marxist government which is unfriendly to the United States?

The question is, Are we going to take a gamble to prevent that from happening? Are we going to take a chance so that the people of Nicaragua may have an opportunity to establish an independent, democratic government?

In addition to authorizing assistance for Nicaragua the bill also provides $5 million for Honduras, where antigovernment forces are also at work. The objective of this program is to give a timely demonstration of encouragement to the Government of Honduras for its improved commitment to equitable economic and political development.

Mr. Chairman, let me warn Members about the likely tenor of the debate during the consideration of this legislation. We have already heard mention of the arguments those who are opposing this assistance will use, and the nature of their allegations.

We will hear charges that Nicaragua has already or is about to go Communist. Indeed, some call it a Communist country now.

We also hear allegations that Cuba and Soviet supporters dominate the government and that the Sandinistas are trying to foment revolution in El Salvador and Honduras.

It is true that there are Marxists in the government but there are also businessmen, priests, and others, who believe in democracy. Furthermore, the conclusion of most observers, including most Members of Congress who have visited Nicaragua, is that Nicaragua is not about to go Communist, although it could in the long run if the United States does not join the other free-world countries who are providing assistance and trying to influence the direction in which the country moves.

We heard today that Nicaragua has been assisted by Communist countries, but we were not told that some 30 other countries have provided some $270 million in loans and grants, and that in addition to Cuba and the U.S.S.R. the donors include Argentina, Brazil, Canada, Chile, Costa Rica, Cyprus, Denmark, the Dominican Republic, Ecuador, El Salvador, Finland, France, Guatemala, Haiti, Honduras, Italy, Mexico, the Netherlands, Norway, Panama, Peru, Spain, Sweden, Switzerland, the United Kingdom, Venezuela, the Federal Republic of Germany, and others, all non-Communist countries.

Mr. Chairman, we must recognize that there are other countries that are just as anxious as we, the United States, to insure that Nicaragua moves in the direction of a free independent and democratic government. Indeed, we all hope that some day Cuba will also move in such a direction.

True, there is Cuban influence within Government circles. Cuba did provide the Sandinistas with training and arms during their struggles and there are Cuban advisors in the country. However, the Cubans are not the only influence. It is the best judgment of our observers that even some of the far leftists in the Government are not seeking to replicate the Cuban model and are looking for other examples and experiences to follow, independent of Cuba, independent of the Soviet Union, and yes, independent of the United States.

We must be there to help the democratic elements succeed.

Finally, many of the allegations which we will hear discussed are basd on information from persons of unknown reliability. Therefore, perhaps it is proper that we have a secret session so we can discuss these allegations in detail.

Mr. Chairman, let me leave the committee with some recollections of two countries. I recall when I came to Congress some 31 years ago, one of my most difficult votes was to support assistance to Yugoslavia. There was no question that Tito was a Marxist. There were those at that time who said that Yugoslavia was gone; it would be just a matter of time and it would be part of the Warsaw Pact; and that our assistance to a Communist regime was liking to pouring money down a rathole.

Well, what has happened? Sure, Tito was a Marxist, albeit not the typical Communist, and he has led Yugoslavia along a path in which there is some political and economic freedom and some freedom of expression and total freedom of religion. Most important of all, Yugoslavia has proved to be independent from the Soviet Union and more supportive of the United States foreign policy objectives than it has been of the Soviet Union.

A more recent case, Mr. Chairman, is the situation which existed in Portugal in 1974 when that country was considered by some to be lost to communism. Marxists appeared to be in the driver's seat. And where is Portugal now, after assistance from the United States and Western Europe? Portugal today is a democratic country.

We can provide no assurance—I must underline this, Mr. Chairman—that the $75 million, or even more, will make Nicaraugua a democratic government that is friendly to the United States. I agree that dollars do not buy friends. But the assistance that we are giving is not dollars alone. It is goods and services. When we give $42 million to the private sector, the material will come from the United States.

As I said we cannot provide assurance that this assistance will turn the tide toward the democratic forces. But of this I am sure; not to provide assistance would be to walk away and concede victory to the Cubans and Soviet surrogates.

Therefore, Mr. Chairman, I would hope that this legislation on Monday will have overwhelming support.

Let me close by sharing with my colleagues and you, Mr. Chairman, a letter that was received from the national commander in chief of the

Veterans of Foreign Wars, Howard E. Vander Clute, who recently visited Nicaragua.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
February 20, 1980.

Hon. CLEMENT J. ZABLOCKI,
Chairman, Foreign Affairs Committee, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Recently, I visited Nicaragua and, based upon this visit and my trust in the judgment and patriotism of the U.S. Country Team in that damaged and volatile country, I hereby recommend that your Committee recommend approval of $75 million in reconstruction aid for Nicaragua.

We cannot "run the film backwards." Perhaps there was, at some point, an alternative to Somoza rule, other than the Sandinistas, that might have been practical earlier. But if there was a lost choice then, I see no choice today.

The young junta may follow the Cuban model; I don't know. But I *do* know we must offer them a real policy choice.

The devastation left in the wake of the revolution is sickening. This I saw with my own eyes and, as a Christian, I can do no less than to urge swift and compassionate American assistance.

I urge prompt passage of the $75 million aid package for Nicaragua.

Please advise me of your intended course of action.

Most sincerely,
HOWARD E. VANDER CLUTE,
National Commander in Chief.

☐ 1350

Mr. Chairman, I reserve the balance of my time.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. Mr. Chairman, I yield myself 1 additional minute and yield to the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. I thank the gentleman for yielding. I want to compliment him on making a very good case in a very difficult situation, because I think it is hard to make a good case. The gentleman has presented the best face that he could on his proposition.

But I also enjoyed his historic analogies, references to Yugoslavia and other countries where we have had a chance, and I think if we had occasion to go back and read the CONGRESSIONAL RECORD when Fidel Castro came to power in Cuba, the gentleman's speech was probably made many, many times at that time.

Mr. ZABLOCKI. I certainly appreciate the gentleman's compliment. I would wonder what follows. He has been more generous than I had expected and I thank him for his commendation.

Mr. BROOMFIELD. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from California (Mr. LAGOMARSINO).

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Chairman, I oppose this legislation as it is seeking to provide substance for the continuance of oppression of an unwilling people. Now that the Carter administration has let the Marxist horse out of the barn in Nicaragua, Congress is being asked to vote a $75-million lock for the door.

The administration used its human rights policy selectively against its friends in Nicaragua and the Somoza regime there was an early casualty. Now, State Department policymakers are arguing that the United States should send $75 million in aid to protect democracy there.

If I had any hope that the Sandinista radicals who control Nicaragua would promote democracy, I would be the first to want to help. But the evidence is overwhelming that democracy is the last thing on Sandinista minds.

The Sandinistas have made blatant power plays to control key elements of Nicaraguan life. They have created government unions, calling AFL–CIO associated unions CIA puppets, despite the long record of those unions of opposition to Somoza. Using a $560,000 grant from East Germany, the Sandanista labor front has used armed guards to intimidate workers and take over two-thirds of Nicaragua's unions.

Freedom of the press is in danger. Human rights have been ignored, while Sandinistas conducted some 500 to 1,000 illegal executions and imprisoned 7,000 people for political reasons.

National elections have been labeled unnecessary and too expensive. The government wants to wait until illiteracy has been eliminated and the population is "properly educated" before allowing a popular vote.

The Sandinistas have nationalized banks, mines, insurance companies, fishing, timber and grain production. Private schools, including religious ones, face seizure by the government.

A network of neighborhood committees has been established to provide political education, organization, surveillance and military training.

Meanwhile, Cuba has sent some 1,200 teachers and 500 doctors to Nicaragua, along with technical and military advisers.

The Sandanista government has adopted a Cuban-style education reform program, based on removal of all parental influence and encouraging political indoctrination of all citizens from the age of six onward.

Does this sound like an emerging democracy? I am afraid not. The Sandinistas have joined the Soviet/Cuban bloc in support of terrorists in Zimbabwe-Rhodesia, Namibia and the Western Sahara, and they are trying to export their brand of revolution to other countries in Central America.

The Carter administration is deluding itself and the American people by thinking that we can buy friendship. This $75 million aid program will do the opposite—it will brand the United States a "patsy" in the eyes of the world.

So far, the Sandinistas have not managed to maintain the Nicaraguan economy, nor have they kept the country running. They need this money to make their revolution work. Instead of trying to buy them off, we should be saying, "If you think your system works, let's see it work—without American dollars."

Instead of supporting an obviously leftist government in Nicaragua, we should be helping democratic regimes in Guatemala, El Salvador and Costa Rica. Congress is not being asked to send any aid to these countries, and only $5 million would go to Honduras.

The administration chose to ignore congressional concern in its dealings with the Somoza regime. I am completely opposed to buying a $75-million lock to close the door now that the horse has run away to join the Communists.

I urge my colleagues to defeat this bill.

Mr. LAGOMARSINO. Mr. Chairman, I rise in strong opposition to this aid request for the Sandinista regime in Nicaragua; certainly at least in its present form but more important than that is my very strong belief that every Member of the House should be completely advised so that an informed and intelligent decision can be made.

I and five of my colleagues went to Nicaragua during the Thanksgiving recess to look at what was going on in that country. We were able to talk to practically all of the members of the government there. It is very plain to me, and they made little pretense about it, that many of them, if not most are dedicated Marxists.

There is nothing that has occurred since November to change my very clear impression that the Nicaraguan Government is controlled by the Sandinista National Directorate and not the supposed bipartisan five-member junta.

For example, Thomas Borge, a member of the directorate, the minister of the interior, who is in charge of security and the prisons, is a Marxist and a close friend of Castro. Borge spent a great deal of time in Cuba. In addition, more than 1,200 Cuban teachers are in Nicaragua and 600 Nicaraguan students are being educated on the Isle of Pines, now called the Isle of Youth, in Cuba. These actions can only be interpreted as methods used for political indoctrination, since the government openly advocates political education for all Nicaraguan youth between the ages of 6 and 14.

Speaking of culture, you might be interested in an article that appeared yesterday in the Los Angeles Times:

> In a unanimous decision, the state's nine-member Board of Prison Terms has rejected a petition by a Nicaraguan convicted of murder asking that his parole date be advanced so that he could be deported to Nicaragua as requested by that country's government. Robert Zelaya, also known as Pancho Aguila, the name under which he has had five books of poetry published while in prison was sentenced to life in prison for the 1969 slaying of a security guard during the robbery of a San Francisco store. Nicaragua's ruling Sandinista junta has indicated that if Zelaya is returned, he would be asked to join the junta as a member of the Ministry of Culture. Zelaya, 34, is scheduled for release in 1989.

While in Nicaragua we also learned that the regime nationalized or expropriated all lands that belonged to Somoza, which in itself should not be too surprising. However, the Sandinistas did not stop there. They have nationalized banks, insurance companies, mining, fishing and forestry industries, foreign marketing of agriculture as well as lands and properties of former Somoza supporters. There are even reports of properties of anti-Somoza supporters being confiscated.

We heard reports that violations of human rights are, some say, as bad as they were under Somoza, and these are by people who had been opposed by Somoza, not friends of his, saying that. The regime also acknowledges there are more than 7,000 political prisoners in Nicaragua, and reports of torture and abuse have been documented. The president of the Nicaraguan permanent human rights commission Jose Esteean Gonzales alleges that there have been at least 500 and might be as high as 1,000 executions in the first 4½ months after the end of the revolution. This commission was very active in opposing Somoza.

Reports continue to come in that the Sandinistas are aiding guerrilla movements in El Salvador and Guatemala. It would be unrealistic to assume that the Sandinistas would turn their backs on those same groups who supported them in their struggle to take over Nicaragua. In the international arena, the Nicaraguan regime solidly supports the Soviet/Cuban lead in the Third World movement and in the United Nations. Their statements voice support for the PLO and emphasize the "people's struggle against imperialism, colonialism, neocolonialism, apartheid, racism—including Zionism—and all forms of oppression." The Sandinistas call for the return of Guantanamo Naval Base, end to the Cuban embargo and express support for the Puerto Rican terrorists as the "authentic representatives" of Puerto Rico in their call for independence. They oppose the Camp David accords and express their solidarity with the PLO, stating that "our common enemy is American imperialism and we must always be united to fight it." Nicaragua abstained on the vote condemning the Soviets for their invasion of Afghanistan, attacking the United States for having a fleet in the Indian Ocean, among other things.

The Nicaraguan regime is not regarded by all Latin nations as a model of progressive government either. The Colombian Ambassador to Venezuela last week charged that human rights are being violated in Nicaragua. The closing of the newspaper El Pueblo resulted in trials of the editorial staff and prison sentences of 2 years. Incidentally El Pueblo operated freely under the Somoza regime, even though it was violently anti-Somoza. The only other nongovernment-owned newspaper, La Prensa, has also been warned. Commander Bayardo Arle, a member of the Sandinista directorate and official in charge of communications said:

> Therefore a measure has been taken against an organ of the counterrevolution. The counterrevolution consists not only of military attacks on the revolutionary process; it also involves political attacks, the type of underhanded attack that was being carried out by El Pueblo, as is being done by other media which, unless they change their attitude, will have to receive the same medicine.

There are charges that trials are held without competent judges, and with no right of appeal. Colombia, itself, has virtually severed diplomatic relations with Nicaragua over long-disputed Caribbean islands. Colombian officials charge that Cuba is interfering as well in the maritime problem between Colombia and Nicaragua as part of Castro's plan to expand further into Central America.

There are also reports from Nicaragua that negotiations will begin soon with the United States to arrange for the extradition of Somoza followers who fled to the United States following the Sandinista triumph. The Attorney General is reported as saying:

> All Somoza followers now abroad who committed crimes, assassinations and thefts will be brought before common courts to be tried and sentenced for the crimes they committed. No Somoza criminal will escape revolutionary justice for the many crimes and the genocide against the Nicaragua people.

Turning once again to the question of aid for this regime, all the arguments in favor of this request that carry any weight say that it should be done to promote pluralism in Nicaragua. Yet, in Nicaragua some view the aid as a "means to pressure the government to give the bourgeoisie and the oligarchy a prominent place in the Nicaraguan Government."

> From the economic viewpoint, the interventionist aspirations of the imperialist banks have not changed in essence, only in form. The aim is to perpetuate their political influence with the support, this time, of reformist groups in Latin America and international reactionaries. In view of the fact that they have retained their traditional policy—openly admitting their intention to manipulate the economic aid by interfering with national politics to protect their interests and those of their local puppets throughout Central America—the imperialists are clearly demonstrating their intention to maintain neo-colonialist domination in a more subtle and thus more dangerous manner. Of course, it will be very difficult for them to intervene successfully in today's Nicaragua, but it is important to know what kind of aid we can expect from the U.S. Government: usurious loans with interventionist intentions. To believe otherwise is to daydream.

That last sentence sums up perfectly the delusion of offering aid to a Marxist regime. This economic assistance will not promote democratic principles in Nicaragua. "To believe otherwise is to daydream." Interestingly, an official of the Nicaraguan Government criticized as interventionist a statement by Assistant Secretary of State for Inter-American Affairs William Bowdler, that he hoped for a pluralistic society.

It is absurd to think that democratic institutions and free enterprise can be promoted in Nicaragua when the Sandinista regime has effectively taken control of all aspects of society.

Moreover, the message we are sending to our remaining friends in the region is that reward goes to a Marxist-dominated regime that has come to power through revolution. That means you cannot count on the United States to help fight Cuban-supported terrorists.

Based on the terrorist history of the ruling Sandinista elite, there is little reason to be encouraged by their lack of respect for democracy, human rights and freedom. By taking this gamble, the likelihood is that we won't be promoting democracy, freedom, and human rights but rather simply solidifying the control of the Sandinistas. We have no reason to contribute aid to make Marxism work in Nicaragua.

I urge my colleagues to oppose aid for Nicaragua unless severe restrictions and conditions are placed on this measure to establish the principles of freedom and democracy in Nicaragua.

☐ 1400

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Chairman, my gut instincts tell me that the gentleman speaking in the well is eminently correct in his observation, and that those who would have us vote for this bill are indulging in extremely wishful thinking. I come to that conclusion because our intelligence, as is usually the case in these days, and has been the case since Watergate, is woefully inadequate.

I have not been able to get the type of hard information that I want to really pass intelligently upon this bill. Has the gentleman received any intelligence briefings in his committee on regard to the situation, the political situation that does prevail in Nicaragua at the present time?

Mr. LAGOMARSINO. Yes, we have, although I am obviously not able to comment.

Mr. ICHORD. Were they able to tell the gentleman how many people have been executed by those in power, and the circumstances of the executions?

Mr. LAGOMARSINO. Well, unfortunately the briefings were executive session. That was confidential, classified, so I cannot answer the gentleman's question.

Mr. ICHORD. Well, were they able to tell the gentleman, I would ask the gentleman in the well, as to how much property had been expropriated by those ruling now in Nicaragua, and whose property that was that was expropriated?

Mr. LAGOMARSINO. Well, again I do not know how I can answer that without violating the rules of the House. I have heard that information from others, and the figures vary a great deal. The Sandinistas give one figure, and I have forgotten exactly what it is. Others down there give other figures.

Mr. ICHORD. Let me ask the gentleman, what would the basis be, was it ELINT or UMINT or COMINT? I think I have felt that since I have been in the House, by reason of the committee I have served on, dealt with more intelligence matters or as much intelligence matters as any Member of this body. Now, I think that can be told, what has been the intelligence sources of the gentleman's committee; whether ELINT, COMINT, or UMINT. Let us be honest with the American people and with the Members of this House. What kind of intelligence did the gentleman receive? Was it credible?

Mr. LAGOMARSINO. I can answer that question. I think it was credible, certainly.

Mr. ICHORD. It was credible?

Mr. LAGOMARSINO. It was credible to me.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. There are no executions in Nicaragua. There is no death penalty. Second——

Mr. ICHORD. I beg the gentlewoman's pardon. I did not understand that.

Mrs. FENWICK. There is no death penalty in Nicaragua.

Mr. ICHORD. Is the gentlewoman telling us that no one has been executed in Nicaragua after the revolution?

Mrs. FENWICK. We know of no governmental activity that has resulted in executions.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Maryland.

Mr. BAUMAN. Let me say to the gentleman from Missouri that we have admissions from the Nicaraguan Government officials themselves. They admit that 700 to 1,000 people have been executed, most of them summarily, and the excuses that were given were that these murders are caused by overzealous Sandinistas.

Mrs. FENWICK. All I said was, no government executions.

Mr. LAGOMARSINO. I am going to reclaim my time, but I am going to repeat the statement I made. The president of the Permanent Human Rights Commission, who opposes Somoza, says that at least 500 have been executed, and he thinks as many as a thousand.

Mrs. FENWICK. But that is guerrillas.

Mr. LAGOMARSINO. No, government action.

Mr. ZABLOCKI. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. McHugh).

Mr. McHUGH. Mr. Chairman, I rise in support of H.R. 6081. As you know, similar legislation has already been passed by the Senate. I hope that the House will follow suit this afternoon by approving this modest request, thereby authorizing our participation in the important task of helping to reconstruct Nicaragua.

Mr. Chairman, there are three basic points that I would like to make on this bill.

First, regardless of our own personal preferences, a basic and fundamental change has taken place in Nicaragua. One can label it a change for the better or for the worse depending upon the ideological preferences one brings to the issue. However, nothing that we do today will alter the fact that a change has taken place. Thus, what we are called upon to decide this afternoon is how the United States will respond to change.

Second, as a people and as a government, we are faced with very few choices at this point. One alternative is to do nothing, and, if that is what the Members want to do, they should vote this proposal down. That approach may appear to be the safest one politically because none of us can be sure how the Nicaraguan revolution will turn out. However, in my judgment that would not be the wise course, or one which would serve our own interests.

For us to do nothing would send a very clear signal to the Nicaraguan people that they must look elsewhere to meet the very serious and pressing problems they face. And we should have no doubt about the gravity of those problems.

For example, in human terms, the civil war left between 35,000 and 40,000 people dead, 100,000 wounded, 40,000 orphaned, 250,000 homeless, and almost 1 million people in need of food and medical assistance. In economic terms, the costs of the war are estimated at approximately $2 billion. The national debt is estimated to be approximately $1.5 billion, with some $660 million of that amount due this year. Since virtually no money was left in the national treasury when the former government fled power, it is clear that progress will not be possible without substantial foreign assistance.

In short, doing nothing will force the Nicaraguan people and the Nicaraguan Government to turn elsewhere for help. In the face of these grave human and economic problems, the United States would be turning its back. In addition to not offering this modest aid, we would also be foresaking any chance to constructively influence the future. I do not believe that is in our interest.

My final point, Mr. Chairman, is that we can respond to these circumstances on the basis of either our hopes or our fears. Since none of us can be certain about the ultimate political outcome in Nicaragua, our votes this afternoon will tell as much about us as it does about the future of Nicaragua. In our effort to simplify a complex situation, it will be easy for us to apply labels to the people and Government of Nicaragua. But the fact is that every shade of opinion is represented in the Nicaraguan revolution. There are leftists represented, and some of them have made statements that are offensive to us. Yet, there are other elements represented in that revolution as well, moderate elements that can be found in the church, in the private sector, in the communications media, and in the Government itself.

At this point, there is no way of knowing whether the moderates or the radicals will prevail. As a result, our own hopes and fears, insofar as they are reflected in our votes, take on an especially crucial role.

I urge the Members to decide the issue today on the basis of hope, not fear. Only with our help and the help of others can the forces of pluralism and moderation prevail in Nicaragua. There are no guarantees that can be given about Nicaragua. The future outcome is cloudy. What is clear, however, is that if we decide this issue on the basis of our fear about what might happen, it almost surely will. That would not serve the people of Nicaragua, nor the interests of the United States.

Mr. LAGOMARSINO. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona (Mr. Rudd).

☐ 1410

Mr. RUDD. Mr. Chairman, I rise in strenuous opposition to this legislation if history should teach us anything about foreign aid, it is that you cannot "buy" friendship. The motion that providing the pro-Marxist Sandinista regime of Nicaragua with $75 million in hopes that such aid will gain us influence with that government is sheer folly.

Yet this is precisely what the Carter administration would have us believe. Indeed, the committee report summarizes and accepts this motivation behind the aid proposal.

It is sheer naivete to think that the Nicaraguan Sandinistas are susceptible to United States or free world influence. On the contrary, U.S. financial support of the present regime would only serve to bolster the unpopular leftist government and further entrench its authoritarian control. We U.S. citizens should not be required to prop up this oppressive, socialist government through our tax dollars.

Such a proposition is neither in the best interest of the United States nor our neighbors in this hemisphere, including, I should emphasize, the people of Nicaragua.

In a sense, Mr. Chairman, the President is asking the Congress and the American people to buy a "pig in a poke." He is seeking rapid, and I believe premature, approval of this grant before a comprehensive analysis can be made of the situation in Nicaragua. Initial indications of that government's commitment to democratic principles, however, are not encouraging.

In my view, Congress should not consider such an aid request before free and open elections have been held—a minimum condition which must be a prerequisite for resumption of U.S. support.

Instead, we are told by the State Department to trust the vague assurances of the Sandinistas, while the Carter administration insists we should ignore the overt pro-Marxist statements and actions of the new government.

President Carter has stated that this $75 million aid package for Nicaragua will "demonstrate that the United States can be relied upon to support democratic aspirations, the rebuilding of broken economies, and the security of our friends in the nearbby region." A closer examination of the situation, however, reveals that passage of this bill would contribute toward precisely the opposite result.

The Government currently in control in Managua is an unelected totalitarian Government created out of chaos.

Power in the country lies with a self-appointed directorate—nine men from three Sandinista guerrilla factions, some with histories of violent terrorist activity and recipients of training, weapons, and sanctuary in Cuba. This directorate subsequently named the five-man ruling junta.

The overwhelming majority of Nicaraguan's are opposed to communism, and the United States should be encouraging these truly democratic factions to unite to bring reason out of chaos in opposing the bloody pro-Communist regime. Thus far, they have no role in the Sandinista government.

The State Department apparently has never considered this course of action, but rather dawdled while the Communists consolidated their position within Nicaragua and then meekly recommended accepting the Sandinistas as being the only government available.

The Carter administration now recommends this amount of money with the misplaced hope that we can entice the Sandinistas to implement democratic principles and prevent them from "going Communist." The State Department and President Carter fail to recognize, however, that the governing body in Nicaragua has already gone Communist. The remaining question confronting the United States is whether we will help finance their Castro-Cuban form of government.

From the early and vociferous anti-American, pro-Communist statements of the new government it should be obvious that there is no way, by any amount of money, that the United States can win the true friendship or support of this self-appointed Government in Nicaragua. The Marxists in control are inherently opposed to the individual freedom and free enterprise economy for which our Nation stands.

The Sandinistas will simply use us to further their own ends and discredit the United States, as is the objective of communism worldwide. This is the course upon which they have already embarked, as should be readily apparent from the initial actions and statements of the junta.

It should be obvious that Fidel Castro is the primary force behind the Nicaraguan revolution. He has consistently supplied the terrorists throughout Central America with advisers, guns, money, and also put them in contact with international Communists from Moscow, Marxists and PLO supporters in such diverse places as Libya and Panama.

In October 1979, Sandinista Deputy Foreign Minister Ramirez affirmed that—

> The Government of Nicaragua is on the side of Cuba, the Soviet Union . . . and is in favor of the policy of the Ayatollah Khomeni of Iran.

On November 20, the Managua barricada reported Ramirez as stating—

> The date on which the Bolshevik revolution occurred is known historically as the date of the decree of peace, which maintains peaceful co-existence among socialist nations and responds to the people's best interests.

The nature of the Sandinista government becomes even more obvious when we examine those with whom they associate.

Soviet boss Brezhnev forwarded his hearty congratulations in October to the new pro-Soviet ally:

> We congratulate the Nicaraguan people for their historic victory against the dictatorial Somoza regime.

The message went on to note that the Soviets highly respected the Nicaraguan people for their—

> . . . Important contribution in the history of the struggle for independence and national liberation.

The Sandinistas were quick to reciprocate these felicitations in kind. News services noted—

> The Sandinista workers central and the Socialist and Communist parties . . . commemorated the Russian revolution on its 62d anniversary.

On December 11, Acan-Panama reported that another pro-Marxist revolutionary, Yasir Arafat, had sent his congratulations. The same report noted that Nicaraguan leaders met with Libyan delegates to discuss ways in which that pro-Marxist country could aid in the Nicaraguan reconstruction.

Most recently, the Nicaraguan delegations abstained on the U.N. resolution condemning the Soviet invasion of Afghanistan, unmistakenly an anti-American/anti-free world vote.

There should be increasingly less doubt about the pro-Soviet, pro-Cuba nature of the Sandinistas as pro-Communist actions further reveal their true character.

Yet the State Department continues to hope that Nicaragua's leftist tendencies can be moderated by U.S. aid. Rather, those policies will continue, now with U.S. financial support, if the House approves this authorization.

The CHAIRMAN. The time of the gentleman from Arizona (Mr. RUDD) has expired.

The Chair recognizes the gentleman from California (Mr. LAGOMARSINO).

Mr. LAGOMARSINO. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Chairman, as the ranking minority member of the Subcommittee on Inter-American Affairs, I have been closely following the events now taking place in Central America.

Throughout the region, social, and political unrest resulting from population growth, pressing economic conditions, and restrictive authoritarianism combined with Cuban inspired terrorist violence, has threatened to ignite the entire area in revolution. In Nicaragua, the revolution has come and gone, leaving thousands of its citizens dead and inflicting tremendous damage to its economy. El Salvador, a moderate government seeks to bring about needed reforms in an atmosphere overshadowed by political violence of the extremes, inspired by the revolution in Nicaragua. Guatemala and Honduras are also experiencing the effects of growing unrest and concern about the mounting strength of radical forces and the instability that they bring.

In this regard, I have grave reservations about our Nation's current policy responses to this challenge. The arguments concerning our need to continue supporting those elements of the private sector in Nicaragua who share our views and ideas on democracy, human rights, and the need for a pluralistic society certainly merit our consideration. I am concerned, however, about the lack of evenhandedness in our support for those groups in Nicaragua where at the same time we fail to provide equal support for those elements in the neighboring Central American nations where we have a more favorable opportunity to help bring about change without violence.

The amount of U.S. aid provided to the new Government in Nicaragua since it came to power in July of 1979 totals some $71.8 million. If we add to that the $75 million in the bill now before the House and the fiscal year 1981 request of $50.4 million, the administration's package for the new Sandinista government totals some $197.2 million, including military aid.

On the other hand, in the three neighboring States of El Salvador, Honduras, and Guatemala, who face the most critical challenges stemming from the Nicaraguan revolution, the administration has failed to respond in like manner in its assistance efforts. In El Salvador, the comparable fiscal year 1980 and fiscal year 1981 aid levels total $71.1 million. In Honduras that total is $84.4 million. In Guatemala it is only $23.8 million.

My concern is that in Nicaragua where the Marxist-dominated Sandinista have already seized power, we are asked to approve some $197.2 million to help that nation revive its economy and to help prevent it from becoming another Cuba. On the other hand, to its three most seriously threatened neighbors in Central America the administration proposes only a combined assistance of $184.3 million, or $12 million less than the total for Nicaragua alone.

I urge my colleagues to seriously consider this imbalance in our proposed Central American response. It makes little sense to concentrate so much effort in trying to close the barn door in Nicaragua after the horse is gone while at the same time we neglect to adequately respond to the internal threats to its neighbors where our chances of success in bringing about a peaceful moderate change are far less of a gamble.

The legislation before the House presents us with an opportunity to correct this imbalance and to truly provide significant assistance for the peaceful and democratic processes in all of the critical regions of Central America.

Mr. FASCELL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. YATRON).

Mr. YATRON. Mr. Chairman, I rise in support of H.R. 6081.

Last November, as chairman of the House Foreign Affairs Subcommittee on Inter-American Affairs, I had the honor of being a member of a delegation which visited Nicaragua to ascertain to what extent the country's economy had been devasted by a recent civil war. While in Nicaragua, the delegation had the opportunity to discuss the problems facing this country in detail with key officials of the junta, members of the directorate, leaders of the private sector, and Archbishop Obando Y. Bravo of Managua.

It was clear from our talks that the need for U.S. aid to Nicaragua is essential to alleviate the widespread suffering of the populace, and to insure the future of Nicaragua itself, through needed funds to help rebuild this war-torn country.

I feel that it is important that we join the worldwide response of assistance to Nicaragua.

In the past two decades, Nicaragua has been one of the fastest growing countries in Central America. If given the opportunity offered by this aid package, I believe, in light of their past productivity, that their economy would improve greatly over the next few years.

I recently had the privilege to speak with the Presidents of Venezuela and Costa Rica. During our discussions they impressed upon me their strong support, for aid to Nicaragua.

It was their position that aid would not only benefit the people of Nicaragua, but that in assisting this country, we would also be preventing any possible hardships to the economies of Nicaragua's neighbors, by keeping the borders open for vital trade.

Another key factor in granting aid to Nicaragua, is that the United States certainly has a strong interest in strengthening Nicaragua's ties to the West in order to offset Communist influence. Support for moderate forces is vital to this objective.

We have to encourage the influential voices of freedom and moderation in Nicaragua to help preserve a degree of political openness and freedom of the press. Free enterprise still is predominant in their economy. The failure of the United States to try to strengthen the forces of democratic development at this time, I feel would be to abandon the field to possibly dangerous outside influences.

If we are to achieve stability in Central America, we must pledge our support to Nicaragua. I feel it is in the U.S. interests, to do so.

For these reasons, I strongly urge the adoption of H.R. 6081 by the House of Representatives.

□ 1425

Mr. LAGOMARSINO. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. Mr. Chairman, I would like to read a few excerpts which I think the committee might find interesting:

> This is not a Communist revolution in any sense of the word and there are no Communists in positions of control.

The CHAIRMAN. Is the gentleman reading from an executive session of the Committee on Intelligence?

Mr. BAUMAN. The gentleman is reading from the New York Times.

The CHAIRMAN. The gentleman may proceed.

Mr. BAUMAN. I will continue.

> This is not a Communist revolution in any sense of the word and there are no Communists in position of control. This is the overwhelming concensus among Cubans in the best position to know and this writer subscribes to that opinion after searching inquiries and talks with Cubans in all walks of life and with many Americans * * *
>
> There seem to be very few in Cuba—and one need have no hesitation in saying this—who believe Fidel Castro is a Communist, is under Communist influence or is a dupe of Communism. The problem of Communism, which aroused little interest in Cuba until Americans picked it up, can be easily summarized. The point of view among the most experienced and knowledgeable Cubans is as follows:
>
> There are no Reds in the Cabinet and none in positions in the Government or in the army or in the sense of being able to control either governmental or defense policies. The only power worth considering in Cuba is in the hands of Premier Castro, who is not only not Communist but decidedly anti-Communist, even though he does not consider it desirable in the present circumstances to attack or destroy the Reds—as he is in a position to do if he wants.
>
> There are some Communists in secondary positions in such fields as motion pictures and culture and a few in the army, although not in key positions. In addition there is the much less clearly defined zone of fellow-travelers, Communist sympathizers and those who are tolerant * * *
>
> This is a revolt of youth, and youth proverbially has its fling, and learns only by trial and error. Young men who should be spending years learning by guidance and experience how to run a department have been forced suddenly to take control of ministries, to wield great authority and to handle many millions in public funds.

I am reading from an article by Herbert L. Matthews in the New York Times, Thursday, July 16, 1959, only a short time after Fidel Castro first came to power. In fact it is probably why Castro was once quoted apocryphally saying, "I got my job through the New York Times." History does repeat itself and the parallel to what we are hearing today is striking.

Mr. FASCELL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Indiana (Mr. HAMILTON).

Mr. HAMILTON. Mr. Chairman, I speak in support of H.R. 6081, the Special Central American Assistance Act. As we know, the bill would provide emergency economic and humanitarian aid of $75 million for Nicaragua and $5 million for Honduras. It is an integral part of a larger effort to boost our assistance programs for several troubled nations in Central America and the Caribbean.

SPECIAL FEATURES OF THE BILL

Before I discuss the background of and reasons for this proposed legislation, I want to mention a number of its especially worthy features. We should keep these features in mind as the bill is debated.

First, 60 percent of the loans authorized by the bill would go to Nicaragua's private sector, as would the local currency generated by the loans. This provision is in line with our desire to strengthen prodemocratic elements on the contemporary Nicaraguan scene.

Second, the President, as he furnished assistance to Nicaragua, would be directed to take into account the extent to which independent labor unions, human rights, the free press, and the open practice of religion were respected by the Nicaraguan Government. The President would also be ordered to encourage the Nicaraguan Government to exhibit such respect. A semiannual report to Congress would keep Members apprised of the actions of both the President and Nicaragua's leaders. These provisions clearly indicate the importance we attach to the fundamental freedoms of the Nicaraguan people.

Third, the President must terminate assistance to Nicaragua if he determined that Nicaragua was—

Helping or harboring international terrorists; or

Aiding or supporting acts of violence in other countries.

This provision makes it unmistakably clear that we will not accept Nicaragua as an instigator of turmoil in Central America.

Fourth, the President would be required to terminate assistance to Nicaragua if he determined that foreign combat forces were stationed in that country and threatened the national security of the United States. This provision states our firm resolve that Nicaragua will not be a platform for foreign military adventures in the region.

Last, Congress would express its sense that traditionally faithful allies who were responsible members of the Organization of American States should have our support against external subversion. This provision shows a steadfast commitment to the proposition that all peace-loving nations in the hemisphere must be permitted to conduct their own affairs free from outside interference.

BACKGROUND OF THE BILL

The principal recipient of the funds authorized by the bill, Nicaragua, has suffered through a devastating civil war and is now attempting to pick up the pieces. Just how those pieces will be put back together—just what kind of society will eventually emerge from the ongoing process of reconstruction—is the matter at issue.

Some colleagues believe that Nicaragua's revolution is carrying that nation toward totalitarianism. Others think that the Nicaraguan political landscape will remain uncertain months from now. Still others express a cautious optimism that an open society in Nicaragua is possible. Who is right? That is the question we must try to answer.

A review of the present situation in Nicaragua gives us part of the answer we seek. There are negative and positive factors to be discerned and acknowledged.

NEGATIVE FACTORS

We would be foolish to turn a blind eye to unsettling events and circumstances known to all of us:

The dominant political organization in Nicaragua, the Sandinista National Liberation Front, is a left-leaning body some of whose members are avowed Marxists.

Cuba actively backed the Sandinistas during the civil war and has continued to provide technical assistance in such areas as education, health, and agriculture.

A few government leaders in Nicaragua have made strident, anti-American statements, at times going to almost comical lengths to paint a bad portrait of us.

A number of businesses, such as banking and mining, have been nationalized, and some properties have been confiscated as well.

Nicaragua has moved away from us on international affairs with its recent abstention on the Afghanistan resolution at the United Nations.

There is little reason for us to gloss over such events and circumstances, nor is there reason for us to make apologies. Our wish that things had turned out differently should not tempt us to distort the nature of the challenge we face.

POSITIVE FACTORS

At the same time, we would be foolish to paper over encouraging facts also known to all of us:

There are influential voices of pluralism and moderation, among them businessmen, professionals, and priests, at the very apex of the Nicaraguan Government.

Democratic nations from all around the world have given Nicaragua generous amounts of aid, far more generous in fact than the amounts of aid given by the Communist bloc.

Many government leaders and prominent citizens in Nicaragua have stated their preference for close, friendly relations with the United States.

In spite of its deep difficulties, Nicaragua is a remarkably diverse society: There is a free press, a highly capable private sector, and a strong church, not to mention a number of independent labor unions, professional associations, and political parties.

Nicaragua has shown every intention, whether through international pact or public dialog, of living in peace with its neighbors.

The force and significance of the facts just cited should not be overstated. These facts are not set in concrete, but they do represent a great potential that can be developed. Whether we help in the development of that potential is up to us.

We can choose to compete or we can choose to withdraw. If we choose to compete we stand a chance of exerting influence in virtually every aspect of Nicaraguan life. We can channel events to better endings, always, of course, with respect for Nicaraguan sovereignty.

If we choose withdrawal, we forfeit our right to lead, and our protests on behalf of freedom will ring very hollow indeed.

REASONS FOR THE BILL

Mr. Chairman, I want to argue briefly for the passage of H.R. 6081 by discussing four major reasons why the bill is in the national interest of the United States. I may have referred obliquely to these reasons already, but it can do no harm to amplify them here.

First, the bill will bolster the prodemocratic elements of Nicaragua—the independently owned press, the business community, the Roman Catholic Church, the free trade unions, the various professional societies, and the small but vital political parties have all played a role in the Nicaraguan revolution, yet these elements favor democracy and they are striving to assume the place that should be theirs in the nation's life. We must not let them down.

Leading representatives of each of these groups has called on Congress to pass H.R. 6081. The leaders know that the counterweight of support from the United States will help keep the scales of power from tipping too far in favor of those who have something other than freedom in mind for the beleaguered Nicaraguan people.

Cuba always casts itself as the friend and benefactor of the people. In turn, it casts us as a decadent power that will fight only to protect vested interests and preserve the status quo. Cuba is wrong about itself and about us. The passage of this bill will show to the Nicaraguan people and the people of Central America that the United States wants them to have human rights, democracy, and a better life for the ordinary man and woman.

Second, failure to pass this bill would have critically important effects.

It will make more likely—perhaps even assure—a return to totalitarian rule and suppression of the Nicaraguan people.

In Central America, the failure to pass this bill would increase the threat of subversion in the hemisphere. Agents of violent change throughout the isthmus would be prompted to redouble their efforts.

A striking paradox appears when we survey our posture in the world today. Communist aggression materializes 10,000 miles from our shores, and we react so vigorously that our staunchest allies have trouble following suit. A major treaty is shelved, a grain embargo is ordered, troops, ships, and aircraft are rushed to the scene, and our participation in a significant international event is called off. But let a situation that may eventually become just as serious materialize in our own backyard, and we are reluctant to address it by spending less than 20 percent of what the grain embargo alone will cost—this after our allies have committed enough funds to put us to shame.

Failure to pass this bill would:

Delight the Cubans by showing them our lack of will,

Signal our Latin American friends that we no longer chose to exercise leadership in this hemisphere, and that we do not support economic and social development, and

Tell Nicaraguans that we really do not care about their plight or their future.

Third, the bill would alleviate abject human misery.

The recitation of statistics seldom sensitizes us to the suffering that always follows civil war, but in cases like the current one the statistics are all we have. Permit me to highlight them by giving comparable figures for the United States had we fought a civil war of similiar ferocity:

In the aftermath of the Nicaraguan civil war there were 40,000 dead. In the United States there would have been 4 million dead.

In Nicaragua there were 100,000 wounded. We would have sustained 10 million nonlethal casualties.

In Nicaragua there were 40,000 orphans. Here, 4 million children would have been left without parents.

In Nicaragua there were 200,000 homeless. In the United States there would have been 20 million without shelter.

In Nicaragua the gross national produce fell 25 percent during the belligerency. Americans would have been hit with a $500 billion loss of purchasing power.

In Nicaragua 55 percent of the work force was left idle. Here, more than 50 million people would have been without work.

The idea that Nicaragua is a shattered nation was not concocted by Nicaraguans so that they could get some credit on easy terms. When we try to understand their suffering by expressing it in terms appropriate to our larger land, we cannot even conceive of the conditions they face.

Humanitarian concern, a quality that Americans have always manifested, compels us to consider H.R. 6081 positively. Also, we should bear in mind that the results of our concern will not be like dust in the wind. The Nicaraguan people will know and remember who helped them in their time of need.

Fourth, and finally, this bill will be a watershed in our relations within Latin America, a region of increasing importance to us.

Issues such as immigration, trade, energy, and regional security, among others, will turn our eyes slowly to the south over the next several years. We must begin to deal with them. Nicaragua raises sharp questions of national sovereignty, social change, economic development, and political stability in the heart of a region we have too long taken for granted.

This bill in particular, and Nicaragua in general, are acid tests of our ability to cope with these questions in a context that is at once familiar and foreign:

Familiar because we share the Western values and modern orientation of our Latin American neighbors.

Foreign because the region has rankled too long under the weight of our neglect.

How we vote on H.R. 6081 will cast lines far beyond the borders of the small country whose fate we ponder. It will establish a precedent, set a tone, and severe a notice concerning our overall will and intention in Central America and beyond.

The question this bill poses for the United States is: Do we want involvement, competition, and leadership, or will the United States choose to disregard, to withdraw, to capitulate?

I earnestly hope that a majority of my colleagues will choose with me by supporting the Special Central American Assistance Act.

Mr. LAGOMARSINO. I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I take part in this debate today for one very specific reason. When the honorable gentleman from Maryland (Mr. LONG) and I, the chairman and ranking member of the Appropriations Subcommittee on Foreign Operations, bring the appropriations bill to the floor and try to make changes in the appropriations versus the authorizations we are often told: "We have made a commitment. You have to stick by the commitment."

Today is the day we make the commitment on the authorization bill. That is why I feel no unease in being involved in this debate on the commitment stage as well as the appropriations stage.

Mr. Chairman, I would like to read from a document if there is no objection. The document is entitled "The Special Central American Assistance Act of 1979." It is a report of the Committee on Foreign Affairs, together with dissenting and additional views.

Mr. Chairman, the more I look at this bill and the more I look at the map of Central America, I realize that $75 million of the $80 million in this bill is going to Nicaragua. If we are sending a message to Central America, certainly those who are not in this bill are going to get a big message that those countries who have been friendly to us and who have in the past supported us and who are not anti-American, are getting nothing in this bill. The message is that Nicaragua is getting 75 million of the $80 million.

Mr. Chairman, I do not intend to pursue that point today.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I would be happy to yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. I am sure the gentleman would not want to leave the impression that the United States is not giving assistance to the other countries in the region. It is not included in this bill, but the gentleman must know that the executive plans, in conjunction with this bill, $55 million for Honduras, $11.4 million for Guatemala, and $49.8 million for El Salvador, partly through reprograming.

Mr. YOUNG of Florida. Mr. Chairman, I would respond to the gentleman by saying that the title of this report is "A Special Central American Assistance Act."

As this gentleman is well aware and the gentleman from Wisconsin is well aware there are many dollars that are going to be included for Nicaragua and other countries in other bills.

☐ 1430

Today it was my understanding that we were just debating the one bill.

Now, while the gentleman is at his lectern, I would like to ask the gentleman a question, if the gentleman would respond.

Mr. ZABLOCKI. Well, the gentleman has the time. Ask me the question and I will be delighted to answer.

Mr. YOUNG of Florida. If the gentleman would respond to my question,

On page 4 of the report, it says:

> The $75 million in U.S. assistance is to be composed of a $70 million program loan and a $5 million grant.

Could the gentleman explain to us the terms of the loan?

Mr. ZABLOCKI. Yes. The loans will be under typical aid terms regarding length of repayment and the interest.

Mr. YOUNG of Florida. That is the point. What is the rate of interest that will be supposedly repaid on this?

Mr. ZABLOCKI. The interest will be 2 to 3 percent. The number of years would be negotiated.

Mr. YOUNG of Florida. The years are to be negotiated; the gentleman is saying the years are to be negotiated? That still has not been settled yet?

Mr. ZABLOCKI. My understanding is that it would probably be a 40-year loan.

Mr. YOUNG of Florida. Will there be a grace period?

Mr. ZABLOCKI. Probably.

Mr. YOUNG of Florida. Ten years?

Mr. ZABLOCKI. Five to 10 years.

Mr. YOUNG of Florida. Five to 10 years. Well, I thank the gentleman for his comment.

In effect, we have what is commonly known as a concessional loan with really hardly enough interest being charged to administer the loan.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield further in order that I can also respond?

Mr. YOUNG of Florida. Certainly.

Mr. ZABLOCKI. As the gentleman is so very anxious that we give assistance to all the Central American countries, he is aware that our aid and loans to other Central American countries are under the same terms?

Mr. YOUNG of Florida. I understand that, but I just wanted to establish for the record what those terms were. We make a lot of loans that are concessional all over the world, not only directly, but through the World Bank; but I just wanted to establish that once again.

But out of the $75 million now, $70 million of it is for that program loan. Now, in effect, that is going to be a cash transfer.

My understanding when the gentleman from Indiana spoke was that this was to deal with abject poverty and, of course, when we talk about foreign aid bills, we are always talking about abject poverty and we are always talking about feeding the poorest of the poor or we are talking about sending food or helping them to develop their economy.

In this case, we are, in fact, making a cash transfer to the Government of Nicaragua; is that not correct?

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. Yes, certainly.

Mr. ZABLOCKI. Mr. Chairman, I thank the gentleman for yielding.

The gentleman from Florida presumably is referring to the 60 percent of the $75 million, which is approximately $42 million, which would be made available to the private sector. That is not a cash transfer. The money will be made available through the Central Bank of Nicaragua, by being deposited in a U.S. bank in New York, under a contract for the specific purpose of private enterprise's making purchases of equipment or services from the United States. Every project is specific and there will be review and audit by U.S. personnel. It is not a cash transfer to the Central Bank for whatever purpose the bank in Nicaragua chooses.

The money is to be made available for transfer for purchases in the United States.

Mr. YOUNG of Florida. That is the point I was making. The cash is transferred to the nationalized bank in Nicaragua and then the bank will disperse the funds under whatever agreements there are, if there are any agreements existing today.

Mr. ZABLOCKI. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Chairman, I must say that I have a certain sympathy with the minority representative who spoke about these concessional loans. Any time prime interest is at 15¾ percent and we make 2 percent loans for 40 years, I think we ought to call a spade a spade and call it a grant. That does not mean that it is not justified as a grant. But I do not think we ought to kid ourselves and kid the receipient countries by calling this kind of assistance loans.

As to the comment of the gentleman from Maryland about Herbert Matthews, yes, Herbert Mathews was taken in. He wrote four articles at that time from the Sierra Maestra Mountains before Castro finally was successful in his effort to take over the leadership of that country. He not only was taken in himself, but he also took in a young liberal Democrat from New York who held a fund raiser for Castro in 1959 on the basis of those four articles representing Castro as a liberal agrarian reformer.

My sense of mortification, guilt, and embarrassment prevent me from identifying the chap who held the fund raiser for Castro in 1959.

Let me say about this bill that we have several choices. They are not all sure bets. They all involve risk. The one choice that involves no risk is to say no, to turn our backs on Nicaragua and the rest of Central America and send out a message loud and clear that we are only going to make grants and loans and only provide foreign aid when there is a clear political advantage for us and when we can do some arm twisting and muscling.

Now, that has not been our tradition. The fact is we have been pretty doggone successful in our foreign aid program without the mean spirited toughness and duress that has frequently characterized Russian foreign aid efforts. If you look at Africa and Asia, you will not see that the Russians or the Chinese have outdone us. If you travel across the length and breadth of Africa as I have done, if you had had lunch, as I did with the gentleman from Texas, Mr. JIM WRIGHT, about 2 weeks ago in Abidjan in the Ivory Coast with a half dozen members of our Peace Corps there, you would have burst with pride to see these marvelous young ambassadors at work generating in their wake enormous good will for the United States.

You would have been convinced of the value of our foreign aid, even though it was not transcendentally clear that we were producing X, Y, and Z political results.

The reason that we create all that good will and the reason that we should support this bill is because it is true to us and the very essence of our heritage. It is true to what America is all about. We have given away several hundred billion dollars in the last generation since World

War II, in the most extraordinary continuous systematic program of human compassion and decency in the history of civilization.

The CHAIRMAN. The time of the gentleman from New York (Mr. Scheuer) has expired.

Mr. ZABLOCKI. Mr. Chairman, I yield 1 additional minute to the gentleman from New York.

Mr. SCHEUER. Mr. Chairman, I am proud of that record.

I do not say that we have not made a few mistakes, and maybe the aid contemplated in this bill will turn out to be a mistake. Unfortunately, it is impossible at this time to tell what kind of government will emerge in Nicaragua. Most of these leaders are young kids in their 20's. They are impressionable. They are malleable. They are going to respond to the people. Events in post revolutionary periods have a way of being very fluid and unpredictable.

I hope that the aid will be in the form of human services, rather than in the form of capital investments. I hope that our aid will be in the form of sending some Peace Corps people out there to help with education, with literacy, with family planning, with various methods of developing better food raising techniques, with systems of elementary health care delivery.

I hope we will be showing them something about appropriate technology, about how to produce jobs with the least amount of capital. How do you produce investments that are labor intensive in the rural areas that give jobs to the poor in the rural areas where most people in the developing world live. For too long we have piled up all the manure in one small corner of the field and there has not been enough left for the rest. By that I mean that most of our foreign aid has been of the capital intensive, high technology variety, owned by the elites of the recipient country, who manufacture a product, generally with imported materials, sell it in international trade, and bank the profits in numbered accounts in Switzerland.

Far too little of our foreign aid, and far too little of the aid programs financed by the World Bank, and the regional development banks—have really helped the rural poor where most of the world's poor live—with literacy, family planning, preventative health, food and sanitation and above all job training and employment programs. This is what the developing world needs—not a continuing obsessive preoccupation with capital intensive high technology programs. The essence of the developing world's problems is that, with current projected developing world population growth rates, the developing world will have to produce almost a billion additional jobs by the year 2000—far more than the entire currently employed population of the developed world. I hope this aid contemplated in this bill will address these horrendous problems looming up ahead.

I hope that we spend our funds down there primarily in human services, for health care, education, food production and intermediate technology, in cottage industries for poor people in rural areas. I am very, very confident that if we do that, that we will produce an enormous fallout of good will for the United States, not only in Nicaragua, but in the entire world, because the world is watching. And can prove that we have been true to the Judeo-Christian ethic that has motivated us for 300 years and that has proven to be pragmatically successful in Asia, in Africa, and Latin America, as well as moral, decent and right.

We have nothing to apologize for and if you examine our record of success in our third world development efforts vis-a-vis the Russians and the Chinese, it will be perfectly clear that when we act like Americans and when we act in the spirit of what America is all about, the political benefits seem to flow as naturally as day follows night.

● Mr. BONIOR of Michigan. Mr. Chairman, in the last few days Members of the House have received several "Dear Colleague" letters concerning H.R. 6081, which would provide $75 million in emergency economic assistance for Nicaragua. Some of the letters opposing the bill are from members who have visited Nicaragua, but who cling to their belief that the country has become or is becoming a totalitarian Cuban satellite even in the face of the most convincing evidence to the contrary: namely, that during their visits to Nicaragua, these members, known opponents of the present Nicaraguan regime, were nevertheless allowed to travel freely through the country and to question whomever they wished.

These letters argue that "we need the facts" before we vote. Unfortunately, their letters do little to further their plea, relying as they do less on facts than on half-truths and unsubstantiated allegations. Members of Congress for Peace through Law has recently prepared a rebuttal to the misstatements and allegations that have been flying about; I commend their sober, careful analysis of the Nicaraguan situation to the attention of all my colleagues:

Nicaragua: Allegations versus Facts

Allegation: Our aid money will be routed through the Sandinista-run Central Bank, with no guarantee of how it will be distributed. Soviet advisers are working in the Central Bank.

Fact: The aid money will be disbursed through a series of government-to-government contractual agreements, with the United States having the right of audit and of inspection. Both governments have agreed that 60% of the money will go to the private sector. There is no evidence of Soviet advisers in the Central Bank. The president of the bank, Sr. Arturo Cruz, is hardly a wild-eyed Sandinista: he has worked for many years in international financial institutions, including the Inter-American Development Bank in Washington.

Allegation: The Sandinistas have started a Cuban-style "literacy campaign." The instructor's manual is laced with references to the "Yanqui aggressor" and to the need to develop an "anti-imperialist conscience of national liberation."

Fact: There is indeed a literacy campaign; not surprisingly, it is based upon the Cuban model, since one of the few good things the Castro government has accomplished is to eradicate illiteracy. In the 126 page student's textbook, there is exactly one reference to imperialism, one to the "Yankee enemy," one to Che Guevara, and none to Cuba. The bulk of the textbook consists of the kinds of reading and writing exercises familiar to all of us from grammar school.

Allegation: A Spanish-speaking House aide could not find one person in a housing development rebuilt with U.S. assistance who knew of our aid. The bill proposes that "plaques" identify U.S.-financial projects, but these can serve no purpose, since 60% of all Nicaraguans are illiterate.

Fact: How many persons did this aide question? One? Two? Twenty? And why should this matter be so important? Our aid is intended to bolster the private sector, not to induce a flood of thank-you notes. If certain House members are suspicious of the worth of plaques in a country with much illiteracy, they might wish to reconsider the value of that literacy campaign which so excites their ire.

Allegation: The Sandinistas have "already" nationalized all banks, mines, insurance companies, fishing, timber, and grain production and they plan to take over all private and religious schools.

Fact: The word "already" is the red herring here. Upon assuming power, the Sandinistas carried out their earlier promise to nationalize banks (national, not foreign), mines, and insurance companies, along with property belonging to Somoza and his associates. no nationalizations are planned for the future. In December the government, admitting that there had been abuses, rescinded the decree authorizing the nationalization of Somoza's properties. Only grain export—NOT grain production—has been nationalized. Some fishing and timber industries have been taken over: for these the government has promised compensation at book value, with 6½% interest over 6 years, and a one year grace period. The Minister of Education announced last week that there are no plans to take over private or religious schools in Nicaragua.

Allegation: None of this money goes to the beleaguered governments of El Salvador and Guatemala. By aiding Nicaragua, we will be encouraging Marxist revolutionaries in those countries.

Fact: El Salvador, Honduras, and Guatemala all receive U.S. aid, and plans are afoot to provide some of these countries with more. The Administration is now preparing a $50 million emergency aid package for El Salvador; Honduras will receive $55 million for economic aid in FY 1980; Guatemala will receive $11 million during the same period, plus $50 million now in the pipeline. All these economically troubled countries thought a stable Nicaragua important enough to provide the new government with substantial aid, including more than $100 million for export credits.●

● Mr. GRASSLEY. Mr. Chairman, the arguments of those who favor this bill containing $75 million in aid to the revolutionary pro-Marxist Government of Nicaragua have a certain amount of surface appeal. But closer review of what Nicaraguan aid advocates are saying, no matter how cleverly they attempt to mask or disguise the import of their words, reveals a reliance on now discredited and shopworn notions of how this Nation should conduct its foreign policy.

We are told that we must give them $70 million in loans—which, incidentally, will probably never be repaid—and $5 million in direct grants to keep Nicaragua from moving further into the Soviet-Cuban sphere of influence. We can buy the friendship and goodwill of Nicaragua. It seems to me that we have heard this siren song of liberalism before; recent events throughout the world have demonstrated that it is not true.

Do proponents of the aid package really believe that we are going to win friends or influence people by throwing millions of dollars in the general direction of Nicaragua? The Nicaraguan Ambassador to the United States, Rafael Soils, has already downplayed the significance or impact of U.S. assistance. Writing in the January 1980, issue of the Nicaragua Newsletter, Ambassador Solis states, and I quote:

> But finally, let me observe that our needs are so great that even $75 million loan from the United States will do little to help us rebuild our country."

Advocates of aid to Nicaragua downplay or conveniently overlook the fact that Nicaragua abstained from voting on a United Nations resolution demanding the withdrawal of Soviet troops from Afghanistan. They are more concerned with finding fault with the foreign policy of the United States. Indeed, in their January 1980 Nicaragua Newsletter, the Nicaraguan Government criticizes U.S. naval maneuvers in the Indian Ocean, potential U.S. aid to Pakistan, and the failure of the U.S. Senate to approve the SALT II treaties. The Government of Nicaragua concludes by observing that, and I quote:

> The partiality of the spirit of the (Afghanistan) Resolution is not conducive to a solution.

Now I would like to know why we should export American tax dollars to a government that will not even condemn the Soviet invasion of Afghanistan. Their abstention from voting demonstrates a tolerance for Communist aggression.

Our Nation's foreign policy and foreign aid programs ought to reflect our intention to reward friends of the United States and punish, or at least penalize, our enemies. We ought to pursue our own enlightened self-interest.

Let me conclude by saying that I hold no brief for the ousted Somoza government. That is past history and no constructive purpose would be served by recriminations or fixing the blame. Opposition to this aid package is neither consistent nor inconsistent with the question of approving this foreign aid to Nicaragua.

It seems to me that the evidence at hand suggests it requires congressional disapproval of the President's efforts to reallocate and make possible aid to Nicaragua.●

● Mrs. COLLINS of Illinois. Mr. Chairman, today the House is considering H.R. 6081, the Special Central American and Caribbean Security Assistance Act. As you know, this bill will authorize $80 million in assistance to Central America and the Caribbean; $75 million of which is earmarked for relief and reconstruction in Nicaragua, $5 million which is allotted for grants for agricultural, technical, and educational assistance. I am aware that some of my colleagues have expressed opposition to aid for Nicaragua because they feel the United States will be supporting or rewarding a "Marxist" dominated government.

I can only counter by saying such comments are overreactive and a definite danger to the Nicaraguan's constructive course of implementing a new and creative development strategy and pursuit of a new independent foreign policy. It remains my firm belief that nations of the Third World should be aided by the United States and other technologically developed countries in their search for economic, social, and political stability.

While I do not believe that we or any of the developed countries should attempt to dictate the political, economic, and social systems of the Third World, I believe that we can encourage the growth of democratic institutions and policies in these countries by contribution to their economic progress, the factor that I consider to be most crucial to the evolution of stable political orders. We can only add to the threat to world peace—and by so doing imperil humanity—if we choose to ignore the pressing development needs of the Third World countries.

I stand for a foreign policy posture and international commitments which to me, and many of my consitituents, seem most likely to result in a lasting peace and a world where resources are shared, human rights respected, and no basic human needs are neglected.

I strongly urge all of my colleagues to support the aid package to Nicaragua and accordingly would like to share the following remarks of the Nicaraguan Ambassador, Rafael Solis, to President Carter.

The remarks follow:

REMARKS OF AMBASSADOR RAFAEL SOLIS CERDA UPON THE OCCASION OF THE PRESENTATION OF HIS LETTER OF CREDENCE

Mr. President: On behalf of the Junta of the Government of National Reconstruction of the Republic of Nicaragua, which I represent to the government that you head, allow me to take this opportunity to extend a cordial greeting to you on this historic occasion on which, for the first time after 45 years of dictatorship under Somoza, the Nicaraguan people, exercising their full sovereignty and independence, have the opportunity to address the people of the United States through you, their distinguished President.

In order to understand the historic significance of this moment, it is necessary to recall that, throughout history, relations between the heroic Nicaraguan people and the United States Government have never been as happy and friendly as relations should be between two peoples whose traditions include a love of freedom.

For us, the Sandinistas, the legitimate heirs of our immortal General of Free Men, Augusto César Sandino, and the legitimate representatives of our people, it has been very difficult during our 18-year struggle to make a distinction between the United States Government and Somoza regime since, until recently, the United States Government established, protected, and strengthened the dictatorship.

After 1977, when you became President of the United States of America and implemented your human rights policy, relations between the United States Government and the dictatorship underwent a change that was favorable to the interest of our people. This change occurred when your government publicly condemned the constant violations of human rights in Nicaragua and suspended, first, military aid, and then economic aid to Somoza's genocidal government in an effective implementation of your human rights policy.

Although it is true that the struggle to overthrow the dictatorship was successful principally because of the tremendous sacrifice made by our people and their vanguard, the *Frente Sandinista de Liberación Nacional* (Sandinista National Liberation Front), it is important to note that, in addition to the valuable assistance from friendly countries, the position maintained by your administration towards Somoza's Government also helped to a certain extent to isolate him and it seriously weakened one of his three pillars of support, the United States Government.

Our government certainly recognizes this fact and it is grateful not only to you, Mr. President, but also to all the people in your administration, in Congress, in the churches, in the universities, and in all other sectors of the United States who contributed in one way or another to the overthrow of the Somoza dictatorship by weakening this basic pillar of support.

Today, Mr. President, our government sincerely wishes to initiate and maintain a new type of relations with your government based on the principle of respect for the sovereignty, self-determination, and integrity of our countries and on a frank and cordial friendship between many peoples and governments. It must be remembered that Nicaragua is a small country that Somoza's regime left completely bankrupt, burdened with an enormous foreign debt, and to a large extent, destroyed. Our country has many needs that will certainly require assistance from all the friendly peoples and governments in the world. In this regard, we feel that the United States has an important role to play.

Prompted by the desire of further strengthening, if possible, the frank and friendly relations that fortunately exist between our two countries, and inspired by a clear concept of hemispheric solidarity, I hope that in performing my lofty mission I will be able to achieve and maintain the President's esteem and regard. Relying on this, I request that you give entire faith and credence to any information I communicate to you in the name of the Republic of Nicaragua and its government, especially when I express my warmest wishes for the personal well-being of the President, to whom I am honored to present the letters of credence that accredit me as Ambassador Extraordinary and Plenipotentiary of the Republic of Nicaragua.●

● Mrs. CHISHOLM. Mr. Chairman, there is much talk these days about the United States providing aid only to those countries that support basic human rights and that have made the commitments of insuring the protection of the social and economic rights of its citizens.

With this in mind, we cannot afford to ignore the current plight of Nicaragua and the special provisions of H.R. 6081 the Special Central American Assistance Act.

Since the Somoza regime ended last year, more than a quarter of this country's GNP has been wiped out. In the closing days of the Somoza dictatorship, banks, businesses, and the national treasury were looted. Many businesses have fled the country and those remaining are in dire straits.

The new regime that succeeded the

Somoza regime has nationalized some industries, but there are private sector industries that remain. H.R. 6081, the Special Central American Assistance Act, insures the survival of economic pluralism in both the private and public sector economy by earmarking 60 percent of the $75 million for use by the private sector.

The new leaders of Nicaragua have already expressed an interest in establishing good relationships with the United States and have called for an immediate release of the hostages in Iran.

Now is our opportunity to foster good relationships with these countries rather than waiting until they have come under the hegemony of other nations.

We are protected from supporting a country inimical to our standards on human rights by the specific provisions of H.R. 6081 which directed the President to grant these funds only on the condition that human rights are protected and which require the Secretary of State to make twice yearly reports on the status of human rights in these Central American countries. Approving support for these countries now may be our only chance.●

● Mr. DRINAN. Mr. Chairman, I rise in strong support of H.R. 6081, the Special Central American Assistance Act of 1979. The $75 million in aid to Nicaragua is part of the international response to help rebuild the torn and shattered Nicaraguan economy in a way that will enable the people of Nicaragua to begin to resume their normal, productive lives. The simple fact of the matter is that because of the revolution, the economy has been severely disrupted, and the new government has had the difficult task of rebuilding the nation almost from scratch. As a result, Nicaragua will face an expected $300 to $400 million gap between essential imports and central bank reserves. An international aid effort is now underway, with contributions pledged from several West European nations including Sweden and West Germany. In all, $275 million has been offered in bilateral aid, with another $300 million pledged by the international financial institutions. The $75 million contained in this bill for Nicaragua will fulfill the U.S. contribution to this effort.

On a fact-finding mission to Nicaragua early last month, I asked if the revolutionary government that took over last July could bring forth a stable and democratic state. My answer, after extensive discussions with members of the Government, the Church, and others, is optimistic and hopeful.

The revolution that followed 43 years of Somoza dictatorship enjoys incredibly widespread support. It is open and searching, and unique in that it appears to have been a truly populist revolt. In my talks, particularly with bishops, priests, and nuns, I was regularly surprised and encouraged at their universal feeling that finally a Latin American nation had achieved a government capable of avoiding that violence and polarization that seems so endemic to societies in Latin America.

Today, Mr. Chairman, we must decide whether to give Nicaragua $75 million in economic assistance. The future of the post-Somoza Government is dependent, in important ways, on the attitude of the American Government, as determined by our actions today.

The first, and perhaps the most compelling justification for supporting this legislation is that the economic aid is desperately needed to bolster the private sector and provide necessary jobs and services for the Nicaraguan people. We cannot ignore the human suffering that resulted from the long months of fighting.

Second, while it cannot be denied that there are Cubans today in Nicaragua, the people of Nicaragua represented by their Government, very much want the United States friendship, and desperately need our economic aid. It is misleading to suggest that because Cuban teachers and Cuban medical technicians are working in the countryside that the Sandinista revolution is pro-Soviet or pro-Cuban. It is, at this point at least, a nationalistic, pro-Nicaraguan revolution, which is desperately in need of assistance from the more wealthy nations of the world.

Beyond the compelling humanitarian reasons for assisting this ravished nation lies the hard, cold fact that our withholding of aid would leave the Nicaraguan Government with no alternative but turn to the Soviet bloc. Those here today who argue against the granting of this aid, because they contend we would be assisting a Communist or pro-Soviet state, are engaging in the clearest form of self-fulfilling prophesy.

This tiny Central American nation, torn by civil war, plundered by decades of corrupt, dictatorial rule, is today fighting for its economic existence. I cannot stand here today and tell anyone that the granting of this aid package will absolutely assure that Nicaragua will become a model democracy and will shun the role of a Soviet puppet. But I can virtually assure you that, if we do not help Nicaragua in its moment of great need, the new government will be forced to look to the Soviets for aid, and to pay the price for that aid.

The Third World is watching this vote very carefully, especially in view of the Soviet's recent brutal invasion of Afghanistan. In Latin America, in the Caribbean, in Africa and in Asia, nations are watching and waiting to see whether the United States has abandoned its heavyhanded "big brother" attitude toward developing nations. This is our chance to practice what we preach, and to foster the growth of democracy and social justice in our hemisphere.

Both morally and politically, it is the only logical path for us to follow.

Mr. Chairman, I ask for unanimous consent to revise and extend my remarks and add extraneous material in the RECORD at this point.

NICARAGUA AFTER SOMOZA

(By ROBERT F. DRINAN)

Can the revolutionary Government that took over Nicaragua after the July 1979 coup against the hated President Anastasio Somoza bring forth a stable and democratic state? That was the question I investigated as a member of a study group, financed by the Unitarian-Universalist Service Committee, that visited Nicaragua in early January 1980.

My answer is optimistic and hopeful. The junta that followed 43 years of Somoza dictatorship and a sanguinary 18-month revolution enjoys almost incredibly widespread support. It is open and searching; it candidly acknowledges its debt to Cuba and the presence in Nicaragua of hundreds of Cuban teachers. It asserts, sometimes ambiguously, that it is neither another Cuba nor another capitalist Central American country to be exploited by American corporations.

The revolution in Nicaragua is unique in that it appears to be a truly populist revolt inspired to a surprising degree by the Catholic social activists. Some persons in Managua claim that the new Government in their country is the first fruit of Medillin and the cry of Latin America's 300 bishops for a just economic order. Priests and nuns in Nicaragua even suggested that their revolution might become the model for Latin America. Four priests hold cabinet or high positions in the new Government: One of them is foreign minister, Father Miguel D'Escoto, a Maryknoll priest trained in the United States.

Everything converged happily in Nicaragua to bring about the fall of President Somoza. He had so little constituency toward the end of his rule that his Government and even the army fell before a people's crusade organized around the sayings of Augusto César Sandino, a guerrilla leader of the 1920's who was assassinated by a previous Somoza government. The murder of the renowned journalist Pedro Joaquin Chamorro in January 1978 seems to have been the final event needed to solidify the revolution that had been forming for at least a generation.

Added to all of these elements was the presence of a united Catholic hierarchy of seven bishops and a few hundred priests and nuns, mostly from outside of Nicaragua. Working along parallel lines, Catholic social activists and Cuban publicists united the people in their desire to rid themselves of a tyrannical and corrupt government.

In my talks with bishops, priests and nuns, I was regularly surprised but encouraged at their universal feeling that finally a Latin American nation had achieved a government capable of avoiding that violence and polarization that seems so endemic to societies in South America. One priest told me that Catholic teachers in Nicaragua had fulfilled precisely the February 1979 Puebla mandate of the Latin American bishops: "We ask all Christians to collaborate in the changing of unjust structures. . . ." At a Mass on Epiphany, which I concelebrated, the pastor, in his homily, compared the revolutionaries of Nicaragua with the Magi because both, he said, searched for and found the truth.

The bishops of Nicaragua have issued two pastorals since the change of government in July. Both letters are carefully nuanced in their qualified endorsement of Christian socialism. Both messages condemn Communism and the abuses of capitalism. Both of the widely discussed statements make it clear that Catholics should support the new Government and not undermine it by any unreasonable fear of Communist influences.

But the buoyancy in Nicaragua over the new Government is restrained by the knowledge of its enormous problems. Up to 50,000 of Nicaragua's most educated citizens may have left the country, its external debt is gigantic, its agricultural produce is sharply off as a result of the civil war, and other nations are hesitant about investing in a country whose government is still on probation.

The U.S. Congress will have to decide in the near future whether it desires to give

Nicaragua the $75 million in economic assistance strongly recommended by the Carter Administration. The vote will clearly be a referendum on whether the Congress thinks that Nicaragua will be another Cuba. The invasion of Afghanistan is logically unconnected with the merits of the $75-million grant to Nicaragua, but it may nonetheless dominate the debate. I informed the highest leaders of Nicaragua of this and urged them to join the overwhelming majority of nations that have condemned the Soviet invasion of Afghanistan. They bristled sharply at the perceived condition of American aid. But they had to admit that if they were silent, this would be seen as an implicit condition of their receiving aid from Cuba and the socialist nations of Eastern Europe.

On Jan. 14, 1980, Nicaragua was one of 18 nations in the General Assembly of the United Nations that abstained from condemning the Soviet Union for invading Afghanistan. That vote will not help Nicaragua with the U.S. Congress.

One of the impressive developments in the new Nicaragua is the vibrant campaign to overcome the illiteracy that affects 840,000 persons over the age of 10, or 53 percent of the adult population. The director of this program, Rev. Fernando Cardenal, S.J., asserts that the structures of the Somoza regime institutionalized illiteracy as a method of preventing participation by the people in their government. There can be no economic or human development without literacy, Father Cardenal insisted to my group. Indeed, he asserted, the entire future of Nicaragua as a democracy depends upon the elimination of illiteracy.

Despite the undeniably broad support for the new Government of Nicaragua, its future is clouded. In El Salvador and Guatemala, I heard leaders almost tremble in fear as they referred to the new "Communist nation" of Nicaragua next door. An invasion of Nicaragua by rightwing elements of Guatemala and El Salvador is not an impossibility. This would become more possible if Nicaragua moves to the left in land reform and in the nationalization of industry. The near-paranoid fear of Communism that pervades the mentality of those in power in Latin America seems sometimes to be so powerful that it could erupt in counterrevolutionary measures against the Sandinistas in Nicaragua.

The future of the post-Somoza Government will depend in important ways on the attitudes of Americans. If the Congress votes down the $75 million, a deep-seated resentment against America present everywhere in Central America will surge. The people of Nicaragua feel that the Somoza regime could never have survived for more than 40 years without substantial U.S. support. In their more bitter moments, the people of Nicaragua demand restitution; in their more realistic moods, they want a continuation of that aid which, after the 1976 earthquake, the Congress gave somewhat generously. A reversal of that policy, brought about possibly by the antidétente mood following the invasion of Afghanistan, would surely be looked upon as unjust.

The priests and nuns of Nicaragua expressed to me in several ways their desire for solidarity and support from American Catholics. They are proud of the liberation they helped to bring to Nicaragua. They want the new Government to flourish. But this is simply not possible without the good will of the United States. The Catholic leaders of Nicaragua want the American Catholic community to educate the country and to lobby the Congress about the urgent needs of Nicaragua. They made a direct, simple and prayerful plea. America's response may well have an enormous impact on the future of Christian democracy and social justice in Latin America.●

□ 1440

Mr. ZABLOCKI. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. Fascell), chairman of the Subcommittee on International Operations, to close debate.

Mr. FASCELL. Mr. Chairman, at a time when our concern for events overseas has been riveted on the Middle East and Southwest Asia, it is well to remember that we face serious challenges, perhaps no less threatening, closer to home. The Caribbean and especially Central America have become a potential powder keg. Nicaragua has gone through a civil war; El Salvador may be on the brink of another; and other countries of the region are troubled by mounting turmoil and violence.

The $80 million authorized by this bill obviously cannot attack all our problems in this vital region. But these funds are essential if we are going to take serious action to protect our interests in our own back yard.

Nicaragua now presents our country with a unique challenge. It emerged from its long civil war against the Somoza dynasty devastated, with more than a quarter of the country's gross national product wiped out, and the treasury and the banks looted by the departing regime. A new revolutionary government has taken power, deeply committed to eradicating the injustices of the past. Some say the government is Marxist.

To see the situation in Nicaragua firsthand, I and several other members of the House visited there last November. We met with a broad range of government leaders, industrialists, small businessmen, the press, the Archbishop of Managua, and many others.

We found that Nicaragua is definitely not a Marxist country now. There is free press; human rights have been respected more than in most revolutions; and the Nicaraguan private sector is alive and struggling to get back on its feet after the destruction of the civil war. The Catholic Church is a strong, independent force, supporting the objectives of the revolution while encouraging respect for human rights and pluralistic values. The Nicaraguan Revolution, in short, was truly national, supported by all sectors of Nicaraguan society apart from the Somoza machine itself.

Some of the leaders of the new government are Marxist in their ideology; there seems no question about that. But equally important, many others are not. There are a great many Nicaraguans, including the overwhelming majority of the middle class, who joined the struggle against the Somoza regime but who are just as determined to fight against any threat of Nicaragua becoming a totalitarian dictatorship of the left.

This bill is specifically aimed at helping our friends in Nicaragua, the non-Marxist elements and, in particular, the middle class. The Nicaraguan private sector, the heart of the middle class, is under great pressure. Without our help and support, it may not survive. And if the middle class does not survive, democracy will have little chance in Nicaragua.

Some have expressed concern for Nicaragua's abstention on the U.N. resolution to condemn the Soviet intervention in Afghanistan. To me that vote, while far from satisfactory, showed only that Nicaragua is neither in our camp nor in the Soviets'.

Nicaragua is clearly going to follow its own path. That is what the revolution last year was all about. We cannot expect it to move in lockstep with our own thinking, on either its domestic or foreign policies.

Things have changed in Nicaragua, and will never return to what they were. We can either adjust to that change and attempt to make the best of it to protect our national interests in Central America, or we can stand by with folded arms and allow the radicals in Nicaragua to gain the upper hand.

Too often in the past our foreign aid has gone to support unpopular dictatorships, with the result that the United States has become identified with the military and authoritarian governments of the world rather than with the aspirations of the people in those countries. Too often we have found ourselves rushing to an area after a country has fallen under Marxist domination in an attempt to limit the damage by shoring up neighboring countries.

Many of us are, with good reason, concerned for the Marxist threat in the Caribbean and Central America. But this threat cannot be countered by simple rhetoric to the effect that the new government in Nicaragua does not meet our standards. We can combat the threat only if we pitch in there and fight with a significant assistance program to help save the middle class and other forces for democracy in Nicaragua. This bill will do just that.

Therefore, I urge adoption of this legislation.

The CHAIRMAN. The time of the gentleman from Florida (Mr. Fascell) has expired.

Mr. HARKIN. Mr. Chairman, I ask unanimous consent that the gentleman in the well be given an additional 3 minutes.

The CHAIRMAN. The Chair will state that all time has expired under the rule. The Committee of the Whole cannot change the rule adopted by the House.

The Chair recognizes the gentleman from Wisconsin (Mr. Zablocki).

Mr. ZABLOCKI. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Foley, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6081) to amend the Foreign Assistance Act of 1961 to authorize assistance in support of peaceful and democratic processes of development in Central America, had come to no resolution thereon.

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on general debate on H.R. 6081, the bill just under consideration.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. RHODES asked and was given permission to address the House for 1 minute.)

Mr. RHODES. Mr. Speaker, I take this time to inquire of the acting majority leader as to the schedule of the House of Representatives for next week.

Mr. FOLEY. Mr. Speaker, will the distinguished minority leader yield to me?

Mr. RHODES. I yield to the acting majority leader.

Mr. FOLEY. Mr. Speaker, the program for the House for the week of February 25, 1980, is as follows:

On Monday, the House will meet at noon. Monday is District Day; no bills are anticipated.

There will be considered one suspension bill, H.R. 4996, the Paiute Indians of Utah Restoration Act, and the vote will be taken by the yeas and nays on that suspension on Monday, if ordered.

Then we will take up H.R. 6081, the Special American Assistance Act. We will continue consideration, and completion of the consideration of this bill is anticipated.

On Tuesday, February 26, the House will meet at noon. There will be one suspension considered on which a vote will be taken, if ordered. That suspension is House Concurrent Resolution 274, United Nations presence in Indochinese refugee camps.

We will then take up H.R. 3829, international development banks authorizations, under an open rule, with 1 hour of general debate. The rule and general debate only will be completed on Tuesday.

On Wednesday, February 27, the House will meet at 3 p.m. to consider a series of House committee funding resolutions.

On Thursday and Friday, February 28 and February 29, the House will meet at 11 a.m. and consider the following legislation:

Conference report on S. 643, the Refugee Act of 1979;

Conference report on H.R. 3398, the Agriculture Adjustment Act of 1979; and

H.R. 3829, international development banks authorizations, complete consideration.

The House will adjourn by 3 p.m. on Friday and by 5:30 p.m. on all other days except Wednesday.

Mr. Speaker, this program is, as stated before, subject to the usual consideration that conference reports may be brought up at any time, and any further program will be announced later.

Mr. RHODES. Mr. Speaker, I think it might be well if I were to inform the acting majority leader that I have been told by some of the Members on my side that on Wednesday, when there is a series of House committee funding resolutions scheduled, there probably will be a number of record votes requested.

Mr. FOLEY. Mr. Speaker, I thank the minority leader for that information.

☐ 1450

Mr. RHODES. Since it is the plan to meet at 3, I am wondering if it might be well to either move up the time of meeting on Wednesday or, in the alternative, to provide for clustering those votes for the purpose of expediting the business of the House.

Mr. FOLEY. I will convey the distinguished gentleman's suggestion to the leadership on our side, and there will be time earlier in the week to make a decision on those suggestions. But I thank the gentleman for his comments.

Mr. RHODES. I thank the gentleman from Washington, and I yield back the balance of my time.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO FILE REPORT ON H.R. 6291, AMENDING THE EMERGENCY AGRICULTURAL CREDIT ADJUSTMENT ACT OF 1978 AND THE COMMODITY CREDIT CORPORATION CHARTER ACT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight tonight, February 22, 1980, to file a report on the bill (H.R. 6291) to amend the Emergency Agricultural Credit Adjustment Act of 1978 and the Commodity Credit Corporation Charter Act to extend and increase certain agricultural loan programs, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

ADJOURNMENT TO MONDAY, FEBRUARY 25, 1980

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

☐ 1130

STOP COMMITTEE GROWTH

(Mr. COLLINS of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLLINS of Texas. Mr. Speaker, subcommitee staff growth must be cut back by the 96th Congress. These nonelected, bureaucratic staffers have obtained far too much power and influence over our country's legislative process.

Let us look at the recent history of the Interstate and Foreign Commerce Committee for a classic example of this debilitating growth of subcommittees. As the following chart shows, Commerce Committee expenditures have skyrocketed since the 90th Congress while the number of laws passed has remained comparatively stable. The 90th Congress spent $566,705 to pass 38 laws, the 91st spent $1,018,000 on 60 laws, the 92d spent $1,453,000 on 43 laws. But the staff explosion occurred between the 93d and 94th Congresses. In 1975, rules were established directing each committee with over 20 members to create four subcommittees, including one on oversight. The upshot was that the Interstate and Foreign Commerce Committee spent $1,638,180 to pass 52 bills in the 93d Congress and $6,006,000 to pass 48 bills in the 94th. That is a 366-percent increase in cost with less legislation.

With such a record how can Congress claim to be fiscally responsible? Overall congressional spending mushroomed from $271,067,000,000 in 1974 to $334,239,000,000 in 1975.

The present committee budget being considered for the second session also includes almost $100,000 for "House Information Systems" which are word and data processing services that are already provided for all Members of Congress.

These committee employees are not selected under civil service. There are no standard qualifications to be met; they have only to be approved by the chairman of the committee. But there is no tenure.

The legislative process is further hampered by the fact the majority party has a disproportionate share of subcommittee employees. Look at the makeup of the six subcommittees of the Interstate and Foreign Commerce Committee of the 96th Congress: The majority to minority ratio is 107 to 14—which is nearly 8 to 1. To insure all viewpoints are well discussed, this proportion must be trimmed and the majority must join in this action.

Subcommittees initiate new expanding bureaucracies of government. This country today has more government than we need, we have more government than the people want and the government requires more taxes than people can afford to pay. Less government can be achieved when we have less subcommittee staff.

EXPENDITURES OF INTERSTATE AND FOREIGN COMMERCE COMMITTEE (FULL)

	Expenditures	Laws passed
90th Congress	$566,705	38
91st Congress	1,018,000	60
92d Congress	1,453,000	43
93d Congress	1,638,180	52
94th Congress	6,006,000	48
95th Congress	8,099,687	38
96th Congress	(?)	(?)

INTERSTATE AND FOREIGN COMMERCE COMMITTEE, 96TH CONGRESS: SUBCOMMITTEE BREAKDOWN—MAJORITY/MINORITY

	Majority	Minority
Communications	10	1
Consumer protection and finance	15	2
Energy and power	25	3
Health and environment	16	3
Oversight and investigations	26	3
Transportation and commerce	15	2
Total	107	14

ADMINISTRATION SLEIGHT OF HAND ON DEFENSE EXPENDITURES

(Mr. DICKINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKINSON. Mr. Speaker, I pointed out yesterday, that the administration is playing sleight of hand with the American people on the defense budget. I would like to comment again on the defense budget.

Our intelligence community reveals that over the past 10 years the Soviets have outspent the United States on defense hardware procurement and military construction, by over $104 billion and on research and development over the past 5 years by $40 billion. Now, to say that we have a 5 percent real growth in defense spending this year is completely misleading, because we are not buying more; we are buying less. We are not closing the gap, but the gap is widening.

I would hope that the American people would not be deluded into thinking that the increase of 5 percent—which in fact is 3.3 percent in outlays—is closing the gap. We are falling further behind, and the administration is not meeting the needs of the American people for defense.

I have been sitting through CIA and DIA briefings as well as the DOD budget hearings during recent weeks. While I cannot go into an awful lot of detail on either the intelligence assessments or the budget, I would like to take a minute and offer my perspective on both the current United States/Soviet balance of power and with the illusion of the 5-percent budget increase.

Five percent is not enough. We need more. We need to accelerate our pace, and we need to maintain this accelerated pace over the next few years if we are to avoid falling even further behind our adversaries.

Over the last 5 years the Soviets have outspent the United States by the astonishing amount of $104 billion, or an average of almost $21 billion per year on hardware and military construction.

To put this in perspective, if this $104 billion had been available to the U.S. military, we could have purchased the entire fleet of 244 B–1 bombers, the baseline MX program (missiles and shelters); all of the currently programed Trident submarines and missiles; the roughly 7,000 XM–1 tanks we plan to acquire, together with a matching number of infantry fighting vehicles and the once-planned buy of AMST transport aircraft for intratheater mobility; and still had enough left over to buy all of the F–14's, F–15's, F–16's, F–18's, and A–10's now planned for Air Force and Navy tactical air modernization. This amount would have, therefore, sufficed to modernize all three legs of the triad, strengthen our ground combat capability, and fully modernize our Air Force and Navy tactical airpower.

Even more troubling is the fact that over the last 5 years the Soviets have outspent us by a total of $40 billion on research and development—an average of $8 billion per year.

This huge expenditure on hardware and technology has allowed the Soviets to outproduce us over the last 5 years by 10,000 to 3,600 in tanks, 1,000 to 280 in intercontinental ballistic missiles, 50 to 12 in submarines and 3,000 to 1,400 in tactical aircraft, to name but a few examples.

This aggressive Soviet modernization program includes virtually every category of weapon system including those in which our lead was undisputed only a few years ago. Of particular concern to me and the Research and Development Subcommittee on which I serve as ranking Republican member, are recent Soviet advancements in such high technology areas as the development of: First, a highly accurate ICBM guidance system; second, a look-down/shoot-down interceptor aircraft; third, a killer satellite; fourth, an advanced submarine; and fifth, a new family of high-speed computers.

Based on this very significant difference in spending, together with what we have all seen happen in the world recently, it is very clear in my mind that a 5-percent increase in defense spending is not adequate to address this imbalance that has developed between the United States and Soviet military capability. Rather than saying the 5 percent will help us to catch up, I think it might be better characterized as keeping us from falling behind as quickly. That will not cut it. We need to do much more.

ILLINOIS COAL

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI) is recognized for 10 minutes.

• Mr. ROSTENKOWSKI. Mr. Speaker, on February 4 the Illinois congressional delegation was briefed on "The State of the Illinois Coal Industry," by Mr. Michael E. Walsh, president of Ziegler Coal Co., Des Plaines, Ill.

I felt this was a very worthwhile presentation, and accordingly, recommend it to my colleagues for their review:

STATE OF THE ILLINOIS COAL INDUSTRY

(Address presented by Michael E. Walsh)

Good afternoon ladies and gentlemen. My name is Michael E. Walsh. I am president of Yiegler Coal Company, a subsidiary of Houston Natural Gas Corporation. Our office is located in Des Plaines, Illinois and I reside in Palatine, Illinois. Ziegler, at the present, has five active producing coal mines in Illinois and our proven coal reserves in the State are in excess of one billion tons. All of Zeigler's mines are underground operations. We have been entirely underground oriented since our founding over 75 years ago. Our annual Illinois production is approximately 4 million tons.

I certainly appreciate the opportunity to discuss with you this afternoon some of the problems of the Illinois Coal Industry. In the past, problems existing in the Illinois Coal Industry were primarily of concern only to the southern part of our State. Today, the Illinois coal industry's problem should be of concern to all sections of our State and the entire Nation.

In 1970 Illinois produced approximately 64.8 million tons of coal. Early estimates of 1979 production indicate somewhere between 59.1 and 59.6 million tons. The highest production we have achieved in 6 years, and yet the State's total production for 1979 was still approximately 5 million tons less than we produced 10 years ago.

During this same period, the demand growth of the United States Electrical Power Industry grew 7% per year for the years 1970 through 1974. It dropped to 2.5% in 1975, increased to 5.5% in 1976 and then has been about 3.5% for the years subsequent.

While this prime market—the Electrical Utilities—has been growing, Illinois coal production has been steadily decreasing. Nuclear power has not been totally responsible for this replacement, because approximately 68% of the electric power generated in the State of Illinois is generated by coal-burning facilites. The Illinois Coal Industry needs help now. The synfuels programs that are being discussed and initiated for the increased use of coal will not affect the Illinois Coal Industry in the immediate future. Undoubtedly, these processes will create a tremendous demand for our State's vast coal reserves at some point in time, but presently our problem is really one of survival. We need help now to keep our producing organizations intact and viable.

One of the major concerns many studies have indicated as being a hindrance to producing the quantities of coal this Nation will need by the late 1980's is the lack of an adequate trained labor force. It will be impossible to furnish trained, qualified miners for this predicted coal boom unless the present producing organizations are kept intact and expanded. The unemployed miners in Illinois and other coal mining areas will leave the coal miners' ranks by necessity and they will not be easily replaced when we need them. The Illinois coal mining workforce must be kept intact in order to have the trained men that will be called for at some future date.

About 85% of the coal produced in Illinois goes to Electric Utilities. Traditionally, a large amount of the coal mined in Illinois has been used within the State. During the past several years, however, the precentage of Illinois coal shipped out of the State has increased while the percentage of Illinois coal burned in the State has fallen. In part, this trend can be attributed to the Illinois antipollution regulations, which greatly restrict the burning of its native coal. In 1970, 33.9 million tons of Illinois coal were burned within the State, which was over 80% of the State's total burn. In 1978, only 19.5 million tons of Illinois coal was burned within the State, or only 50% of the State's total burn. 1979 figures are not available at this time, but I am certain they will be even more devastating than 1978's 50%.

The impact of clean air regulations have had and will continue to have a dramatic economic impact on our State's economy, as well as the entire Nation.

The Illinois Coal Industry is the fifth largest of all industries in our State and is second in the State in nonmanufacturing industries; only agriculture generates more revenue.

The use of western coal in place of our native production has cost our State billions of dollars in lost revenue in the last decade. The use of this western coal to comply with these regulations needlessly causes our State and the neighboring coal producing States loss of revenue and unnecessary costs to the consumer.

The regulations on sulfur dioxide were arbitrarily set without application and use of scientific data to determine a safe level of emissions. Because of these overly stringent regulations, many utilities were compelled to replace our midwest coals with western coal. The unduly restrictive sulfur dioxide emissions limitations should be reexamined and relaxed to the level which would not jeopardize the Federal ambient air standard for sulfur dioxide.

A reasonable Clean Air Act would be welcomed as an important tool in assuring a healthy environment while allowing sustained economic growth. But the law we now have, tightened and made more strict by amendments passed in 1977, threatens to push the cost of coal-generated power so high that the advantage it does have over alternative forms of generation is dwindling. The present environmental restrictions are extremely costly to the ultimate consumer in addition to extreme economic effects of unemployment in some of the traditional coal mining states. The coal mining areas of Illinois have been severely hit by unemployment directly related to the marketing problems of Illinois coal.

Zeigler Coal Company has over 500 less people employed today than we did 18 months ago. This reduction was more than 30% of our workforce, and is a direct result of the environmental restrictions confronting all midwest coals. This trend of dwindling markets for our State's coal will cause additional unemployment in the mines and the other industries dependent on the mines, and will continue unless a more reasonable approach is taken regarding our State's vast coal reserves.

The bringing of western coal into Illinois, with its dramatic economic consequences on our residents, should be weighed very heavily against the environmental restraints imposed on Illinois coal.

Western coal, on the average, has a much lower heating value than Illinois coals. Generally, it takes over 5 tons of western coal to furnish the same Btu equivalent of 4 tons of Illinois coal. Illinois coal is far cheaper on a cost-per-million Btu delivered basis. About ⅔ of the cost of western coal delivered to the midwest is attributable to transportation. Thus western coal is far more vulnerable to the escalating transportation costs than our local coals. That is a certainty!

The amount of diesel fuel used to transport these unit trains from the west is startling. To move 10,000 tons of Wyoming coal to the Chicago area (1,200 miles) takes somewhere between 36,000 gallons to 48,000 gallons of diesel fuel per round trip, depending on the size of the power units. That is 3.6 gallons to 4.8 gallons per ton. On that basis, to move 16 million tons annually from Wyoming to the Chicago area would total approximately between 56 million gallons (1,330,000 barrels) to 76 million gallons (1,810,000 barrels) of diesel fuel.

In addition, in some instances anywhere from 2 to 3 additional gallons of residual oil is added to allay the dust. We can safely say that moving 16 million tons of Wyoming coal to northern Illinois consumes somewhere between 1,400,000 barrels to 2,800,000 barrels per year. Thus, while we become more dependent on foreign oil, scarce natural resources are not being utilized efficiently and the Illinois consumer pays the price.

Studies performed in the past several years show that transportation is the major contributor to our air pollution. It accounts for approximately 60% of the total. All other industries such as petroleum refineries, chemical plants, paper mills, cement manufacturers, etc. contribute 20% of the air pollution produced. Electric power generation, burning both coal and oil in the boilers is responsible for about 10% of our air pollution emissions. From this, it would appear that the major thrust of the EPA has been at that segment of the industry that causes the least percentage of pollutants.

There has been much debate once again over mandatory conversion to coal plants. Mandatory conversion will not have any short term benefits to our State's energy problems. Utilities will drag their feet until they have no other alternative. And with the use of the courts and the environmentalists, that could be a considerably long time.

Voluntary conversions would be far more expeditious if the utilities were given some attractive economic incentives to burn coal instead of oil; and to burn locally produced coal instead of coal produced 1,000 miles to 1,500 miles away. Rate adjustment put-throughs for the conversion, rapid depreciation and/or other economic incentives will get the job accomplished far more effectively than additional mandatory regulations.

Our energy problems today are more critical than ever before in our Nation's history and, yet, the Illinois Coal Industry is unable to market anywhere near its capacity during this critical period.

The Illinois Coal Industry needs revitalizing, and this can be accomplished without further polluting our air, damaging the environment, or impairing the health of our citizens.

We need help now, so that we can make an appreciable contribution in the future.●

PENSION FOR WORLD WAR I VETERANS

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 15 minutes.

Mr. GONZALEZ. Mr. Speaker, none of us serving in the House today was in Congress on July 28, 1932. This is the infamous day when President Hoover ordered and Gen. Douglas MacArthur supervised the harsh eviction of the bonus expeditionary force from the Mall and across the Anacostia River, where they had set up camp.

The BEF consisted of some 25,000 vets and their families who were penniless in these early depression days and had come to Washington in hopes of receiving a bonus from the Government for their former military service.

According to reports, however, General MacArthur did not believe them to be veterans and had already made it plain that he would not tolerate agitators posing as veterans. As a later Veterans' Administration survey showed, 94 percent of the bonus marchers had Army or Navy records, well over half had served overseas and almost 25 percent were disabled, but MacArthur refused to believe it.

Mr. Speaker, I bring up this incident in history because there are a number of these veterans still alive and many are, in economic terms, as financially strapped as they were in that summer of 1932.

I do not believe we can forget these men and the sacrifices that they made for our Nation in the early part of this century, and Mr. Speaker, I am introducing a bill today to give all World War I veterans the bonus the Government refused them almost 50 years ago.

They have waited a long time to receive a gesture of thanks from their Government and the bill I am proposing would provide each World War I veteran who served from April 6, 1917, to November 11, 1918, with a bonus of $10,000 which amounts to around $208 per year for each year since 1918.

I do not believe that this amount is too much to give to those who went to war in 1917 to make the world safe for democracy. After the war was over democracy indeed came to Western Europe as the aristocrats and kings that had run this part of the world were gone.

Those veterans of World War I whose average age is 84, and are dying daily in numbers, were willing to fight to protect the ideals that our Nation was founded on. They felt they had an obligation to our country and I believe our Nation now has an obligation to them.

Great advancements have been made in many areas in the 80 years of this century, but none of this could have been accomplished if the efforts of World War I veterans to make the world safe for democracy had been in vain.

Mr. Speaker, the young people of today need to be aware of the role these elderly of our society have played in making our Nation what it is today, and I cannot think of a better way than honoring our World War I veterans through this financial bonus. It certainly will not make them rich, but it will enable them to enjoy some of the pleasures that we all now enjoy because of their willingness to defend the ideals of our Founding Fathers.

MONETARY MORASS NO. 3

The SPEAKER. Under a previous order of the House, the gentleman from Nebraska (Mr. CAVANAUGH) is recognized for 5 minutes.

● Mr. CAVANAUGH. Mr. Speaker, I have previously included in the RECORD recent articles dealing with the deteriorating international economic order. On February 2, 1980, the Wall Street Journal printed an important story on the perilous debt situations of Brazil and the growing potential damage to the creditor banks who have provided the financing of the $50 million of external debt which now burdens that nation. The article follows:

BIG BORROWER: BRAZIL COUNTS ON BANKS TO LEND MORE BILLIONS AS TOUGH YEAR LOOMS—HIGH PRICE OF OIL IS HURTING LAND INTENT ON GROWTH; WILL FUNDS COME EASILY?—MIRACLE WORKER TRIES AGAIN

(By Everett G. Martin)

SAO PAULO, BRAZIL.—Celso Ming, an economics analyst here, ponders Brazil's outlook for 1980 and concludes, "We are facing the worst situation in 20 years." Businessman Luiz Suplicy Hafers believes that Mr. Ming is unduly optimistic. "This will be the toughest year in our history," he says.

Why such gloom? Run Brazil's problems through your pocket calculator and you'll see. Exports in 1980 could reach $20 billion at most. From that, subtract $11.5 billion to import oil at $30 a barrel. Then take away another $10 billion to import essentials like food, raw materials and machinery.

Finally, having already gone past zero, subtract $14 billion more to make payments due on foreign debt. At about $50 billion, Brazil's external debt is the largest in the Third World.

Government economists can think of only one solution to all this: Borrow another $15 billion from banks around the world. Will the bankers go along? In the Brazilian view, they have little choice. Mr. Ming says:

"If I owe a million dollars, then I am lost, but if I owe $50 billion, the bankers are lost."

DOUBTS ARE VOICED

Others aren't so sure that the new loans will come easily. Bankers often mention Brazil and the Philippines as heavily indebted countries that may have trouble borrowing more. "The private supply of funds isn't going to grow," says Robert Slighton, chief international economist of Chase Manhattan Bank. "It may not fall much, but at the same time funding needs are going to grow significantly."

They will grow because Brazil's problems are increasingly shared by a host of Third World nations. Amid worsening world economic conditions, these nations desperately seek not only to survive but also to sustain economic growth to satisfy their people. High interest rates notwithstanding, they still consider borrowing the only way out.

As long as a country continues to grow rapidly, Mr. Slighton says, "rollovers of loans aren't necessarily bad for a bank, even though it isn't something you would prefer to do." But for this year at least, rapid growth isn't likely anywhere. "The outlook for the world economy in 1980," Mr. Slighton says, "can only be characterized as bleak."

If any big gap develops between what Brazil wants and what it gets from the bankers, international lending agencies can't be expected to make up all the difference. For one thing, these agencies now are focusing on countries poorer than Brazil. Also, if Brazil borrowed many billions from, say, the International Monetary Fund, the organization would soon run out of ready cash and it has more than a hundred other countries to worry about.

LAST RESORT

Anyway, Brazil wouldn't turn to the IMF except as a last resort because IMF policy is to require economic policy change—usually unpleasant ones, such as budget slashes and tax increases—as a condition for granting large loans. The idea is to solve the problems necessitating the borrowing. Brazil wouldn't relish such strong medicine, especially since it feels, as Mr. Ming puts it, that it is "the victim of a world situation out of its control."

Mr. Ming notes that Brazil, like many other Third World countries, is victimized by the price increases both of the oil-exporting nations and of the industrialized countires that are compensating for their own higher fuel bills. Brazil is even hurt, he says, by actions that seem far removed, such as the Federal Reserve Board's Oct. 6 credit-tightening moves that raised U.S. interest rates. That cost Brazil $1 billion more in interest payments because up to three-quarters of its debt is in Eurodollars—dollars on deposit outside the U.S.—and interest rates on Eurodollar loans move up and down in line with domestic U.S. interest rates because of supply-and-demand factors.

Brazil isn't even considering going hat-in-hand to its creditors—mainly U.S. European and Japanese bankers—to ask for relief on its debt payments. Karlos Rischbieter, who recently resigned as finance minister, of Brazil's military-run government, argues that all oil-importing Third World countries are in debt "to such an absurd degree that it is starting to create banking problems; if oil reaches $35 a barrel, it isn't Brazil that will take the initiative to renegotiate the debt—the whole world will have to sit down" and tackle the problems.

A SHOWDOWN SOON?

With service charges on foreign debt chewing up more than half of many countries' export earnings, analyst Ming believes that such a showdown is coming soon. "It's a world-wide situation, and it is so bad that the whole world will have to adjust," he says. "Only then can Brazil adjust to the new situation."

Meanwhile, President Joao Baptista Figueiredo has tightened Brazil's fiscal policies—indicating, however, that there isn't much more that Brazil can do. "Our problem," he said in a December speech, "is creating conditions to sustain the flow of resources (loans) that will finance our deficit."

A representative, of a U.S. bank here complains that President Figueiredo "talked, as if continuing to borrow were only a Brazilian decision, but their loans are so big that the big banks can't roll them over alone." This source says that many major U.S. banks are already approaching their legal limit on loans to Brazil—no more than 10% of a bank's capital may be lent to any one borrower.

"We have to get the participation of second-tier banks that aren't already committed to Brazil," he says, "and there isn't any reason why they must participate."

Japan has already warned its bankers against extending more credit to financially strapped Third World countries. But European bankers told Gazeta Mercantil, Brazil's most influential business daily, that Brazil can probably get the $15 billion it needs if it is willing to accept shorter payment terms and higher interest rates.

Since the 1960s, Brazil has made up for a lack of local capital by taking in foreign funds, in the form of capital investment and loans. The economic planners basically used two methods to keep the debt load from becoming a burden: They carefully programmed the repayments, and they pushed dollar-producing exports of manufactured goods by giving subsidies and tax breaks to local companies.

Through the early 1970s, this program produced year after year of rapid economic growth that came to be called "the Brazilian miracle." The quadrupling of world oil prices brought an end to the miracle in 1974.

Brazil, which has to import 80% of its oil needs, saw its oil-import bill climb from less than $2 billion in 1973 to nearly $7 billion last year. The effects were masked at first by the record prices that Brazil was getting for its exports of sugar, soybeans and coffee. The planners were lulled, too, by the ease with which they could borrow the so-called petrodollars that the newly affluent oil-exporting countries were recycling through the major banks. The government of former President Ernesto Geisel, says the economist of a U.S. bank's Rio de Janeiro branch, "made the monumental error of thinking that Brazil was going to be an island of tranquility in a sea of turmoil."

GROWTH STILL STRESSED

Pressured by a population growing at nearly 3 percent a year (to 124 million last year), which creates a need for 1.2 million new jobs a year, policy remained locked on growth. No one was particularly concerned when the debt reached $35 billion by 1978. Businessmen—who owe about 40 percent of Brazil's foreign debt—were even encouraged by tax incentives to borrow as many Eurodollars as they could.

"They (the government) focused on big projects in all areas when they should have aimed at priority in energy substitution and building railroads to replace trucks," says Claudio Haddad, economist for a Rio investment firm. "They simply wouldn't recognize the need or they thought we could do everything at once."

The hard facts finally made themselves clear after President Figueiredo took office last year. At the outset of his administration, his economists said they would cut inflation back from 40 percent; instead, it surged to 80 percent. They would hold the increase in the money supply to 30 percent; it swelled by more than 60 percent. They would reduce foreign borrowing; they had to increase it.

Rising oil prices and weather-caused short-falls in critical crops helped trip the planners up, but it was also apparent that no one was in control of the vast federal structure.

Huge government companies in banking, oil, power, nuclear energy and steel operate practically without supervision and subject to none of the restraints on importing and borrowing that limit private firms.

The budget defies analysis and is shot through with hidden deficits. They are caused mainly by a ponderous bureaucracy that administers a bewildering maze of permits and subsidies to business. The main subsidy is low-cost loans.

Originally intended to stimulate investment in government-targeted areas, the system has become the principal engine of inflation: 80 percent of all domestic credit is granted with some kind of subsidized interest rate far below regular bank rates, and the government creates money to make the loans.

After seeing his 1979 economic policy fail, President Figueiredo ousted the head of his economic team in August and replaced him with Antonio Delfim Netto. It was Mr. Delfim who, as finance minister in the early 1970s, got credit for engineering the late Brazilian miracle. He also created the tangled web of costly subsidies that he now is supposed to untangle.

"Delfim is a power politician," says a longtime friend. "He will cut off guys who get in the way, and he's willing to take chances." In characteristic style, Mr. Delfim has promised to reduce bureaucracy, put controls on the state companies, end the subsidies, cut inflation (to 52% this year) and expand imports while he keeps the economy growing without a recession.

These measures, first outlined over nationwide television by President Figueiredo in December, are being phased in over at least two years. But also wrapped up in the bright-sounding package was an immediate 30% devaluation of the cruzeiro. As a result, the cruzeiro was worth 2.4 cents at the end of 1979, compared with 4.9 cents a year earlier.

The announced aims of devaluation are to lower the price of Brazil's manufactured exports so that they can undersell foreign competitors without getting government subsidies, and to slow imports by making them more expensive in local currency. But the immediate impact was to vastly increase the debt of the hundreds of companies with Eurodollar loans; suddenly it took many more cruzeiros to obtain the dollars to make repayments with.

"We were seduced by the government into taking the loans, and now we are betrayed," charges the head of the industry association of the southern city of Porto Alegre. Mr. Delfim promises that the government will aid companies seriously hurt by the devaluation.

Economists like Mr. Haddad don't think Mr. Delfim has enough up his sleeve to work any kind of miracle this year. Mr. Haddad forecasts another round of inflation followed by recession. He expects unemployment to rise as firms cut back on manpower to help absorb the devaluation blow and the economy fails to produce enough new jobs to keep up with unchecked population growth.●

AN "F" FOR COMMON CAUSE?

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. Reuss) is recognized for 5 minutes.

● Mr. REUSS. Mr. Speaker, Common Cause, one of the most respected public interest organizations, has just published an intriguing booklet entitled "The Government Subsidy Squeeze." It criticizes what it calls the "special interest state, where public policy is dominated by those with direct and narrow economic interests." It attempts to document specific instances where Congress and the President have caved in to special interests seeking Federal subsidies and other favors. And it even issues an overall report card, in which it gives the House of Representatives an "F" for its work on the budget.

I was reading that booklet the other day—even nodding agreement with many of its criticisms and its recommendations. Then I got to page 64, which describes what it calls a "striking example" of how the House subverted its own budget process by voting in May 1979, "to end the revenue sharing program" and, the very next month, failing "to even decrease funding for revenue sharing when the appropriations bill came before them." In its accompanying press release, Common Cause denounced the House "for its hypocritical voting and game-playing with the budget process when it considered revenue sharing."

Intrigued, I turned to appendix III, page 100, to find out just who those reprobates were. And there I was, listed among the 90 Members condemned for "playing games with the budget process."

Well, I have done a few minutes homework—more, apparently, than Common Cause did—and I have to tell my friends there that they are not quite ready to go to the head of the class.

The first vote, on May 7, 1979, was on an amendment to the first budgest resolution. It would have added to the budget $2.3 billion, for revenue-sharing payments made only to State governments. Many of us have criticized those State payments—in contrast to payments to local governments—since we here are trying to balance the Federal budget while many State governments are luxuriating in budget surpluses. I, with the majority, voted "no."

The second vote, on June 27, was a different matter altogether; it would have reduced appropriations for revenue-sharing payments to States by $228 million, and reduced revenue-sharing payments to local governments by $457 million. That is very different. As every property taxpayer knows, local governments are hard-pressed for cash, and Congressman Ed Boland, chairman of the Appropriations Subcommittee which had reported that part of the bill, pointed out that difference several times in the course of the June 27 debate. He also pointed out that it would take a change in the revenue-sharing formula to eliminate revenue-sharing allocations to State governments while safeguarding payments to local governments; that change may well come in the authorization bill the House will consider this year. So the June 27 amendment was overwhelmingly defeated; I, with the majority, voted "no."

Inconsistent to vote "no" on both amendments? Not at all. Playing games with the budget process? Hardly.

Will Common Cause award itself an F? ●

TRIGGER-HAPPY FEC

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. Van Deerlin) is recognized for 5 minutes.

● Mr. VAN DEERLIN. Mr. Speaker, it is with deep regret that I call attention to a recent regulatory decision that threatens to choke robust debate between two candidates for the Presidential nomination.

Ronald Reagan and George Bush will probably lock horns once more before next week's New Hampshire primary—despite the best efforts of a Washington bureaucracy to squelch a public debate.

I find it to be not only ironic, but deeply distressing that a democratic government has created laws and agencies which seem to be intent on capping democracy's life blood: The freedom to cast an informed vote.

And yet the Federal Election Commission seems to be determined to do just that. This week, the FEC ruled that a Nashua, N.H., newspaper would violate FEC rules if it did indeed sponsor a debate between Reagan and Bush. According to the FEC, a two-candidate debate is a partisan debate; and, under proposed FEC rules, news organizations may sponsor only nonpartisan debates—that is, forum open to all candidates for an office.

As a result of these rules, Ronald Reagan is financing the debate himself. More important, the FEC has appropriated for itself the authority to determine which candidates the public will hear—or if they will hear any candidates at all.

Once upon a time, we could expect only one Government agency to claim such power. The Federal Communications Commission, by virtue of its authority over broadcasters, could dictate the conditions under which the public airwaves would be used for the public and candidates to "meet." But times change and bureaucracies grow. This week, the FEC is flexing its muscles. Next week, the FCC could rule that any broadcaster carrrying the Reagan-Bush debate violated the equal-time provisions of the 1934 Communications Act. And the following week, the FTC might jump in the act, claiming that since Reagan paid for the debate and broadcasters carried it, the debate was really a commercial, subject to the full panoply of FTC rules governing advertisements.

The scenario may be far-fetched, but it is not impossible in these days of creeping bureaucracy.

Excessive rules and regulations waste taxpayers' money. But when they also threaten the public's access to information about Presidential candidates, Congress must act. Democracy itself is threatened.

The record shows that this body never contemplated giving the FEC the power it exercised this week in the New Hampshire decision.

Congress has an obligation to clarify its intentions regarding the Federal Election Commission.

Congress also has an opportunity to pass some new legislation which would insure robust, wide-open debate. I have introduced a bill which would remove the present "equal-time" restraints for broadcast coverage of Presidential and Vice Presidential candidates. H.R. 6103 is limited to the Presidential race, but most important it would give our broadcast news operations full freedom to produce debates, documentaries, special interviews or any other kind of news programing that will give the public a chance to see the candidates and the candidates a chance to reach the public.

A recent poll showed that most Americans do not even know what the first amendment is. Are America's leaders just as ignorant?

I cannot believe they are. This Congress has an obligation to protect the first amendment rights of all Americans—whether our fellow countrymen are aware of those rights or not.

I deplore the FEC's recent decision and urge the Members of this Congress to act quickly and responsibly. Clarify the FEC's power and strike those provisions in the Communications Act that restrain the public's access to the Presidential candidates in an election year.●

TO AMEND THE COLORADO RIVER BASIN PROJECT ACT

The SPEAKER. Under a previous order of the House, the gentleman from Oregon (Mr. Duncan) is recognized for 5 minutes.

● Mr. DUNCAN of Oregon. Mr. Speaker, today I am introducing legislation to amend the Colorado River Basin Project Act extending, governmentwide, the current prohibition which bans the Secretary of the Interior from engaging in any study of alternatives for diverting water into the Colorado River Basin from the Pacific Northwest. Senator Church has recently introduced a similar measure in the Senate, and I am pleased to join with him in this effort.

This amendment to the Colorado River Basin Project Act is totally consistent with the intent which Congress expressed 2 years ago in enacting the 10-year moratorium currently prohibiting the Secretary of the Interior from studying such interbasin water transfers. At that time we felt it was extremely unwise to study alternatives for diverting water away from our region when we were, at the same time, facing critical problems allocating water among competing uses within our region. The Congress agreed with that argument.

It has now become apparent that limiting the moratorium to studies only undertaken by the Department of the Interior will not serve the basic intent of the act—which is to prohibit such interbasin transfer studies, period. I am now advised that the Environmental Protection Agency has issued a draft study examining the potential for diverting water from the Columbia River Basin to the Colorado River Basin.

In addition, we hear from time to time of possible water diversion studies being undertaken for the purposes of the Department of Energy or the Department of Defense. I believe this would be most unwise and I urge my colleagues to make this current law applicable to other Federal agencies as it is to the Department of the Interior.

Our water problems, if anything, have only grown more critical in the Northwest since the passage of the moratorium. The Pacific Northwest currently stands on the brink of a regional energy war because the Columbia River system is no longer able to provide sufficient hydroelectric power to heat our homes, and run our businesses and factories. Our multimillion-dollar anadromous fishery resource has been seriously jeopardized by critically low streamflows, and our continued ability to provide water for irrigation, which has nurtured the desert into productive croplands, has been cast into doubt.

We must come to grips with these problems within our region before we begin examining ways to export this critical resource outside the region, and I believe every agency in our Government must recognize this problem.●

DOROTHY L. STARBUCK

The SPEAKER. Under a previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 15 minutes.

● Mr. MONTGOMERY. Mr. Speaker, the Chief Benefits Director of the Veterans' Administration, the very able Dorothy L. Starbuck, was recently presented the President's Award for Distinguished Federal Civilian Service, the highest award that can be granted to Federal civilian employees. The citation accompanying the award praised Ms. Starbuck for being "an able administrator and inspiring leader in the Department of Veterans Benefits, who has shown dedication to and compassion for the welfare of all veterans and their families."

Mr. Speaker, I want to join the President and others in recognizing the outstanding work of Dorothy Starbuck. She is a career employee of the Veterans' Administration which confirms her commitment for the well-being of our Nation's veterans. She became head of the Department of Veterans Benefits in May 1977. She heads a department whose annual appropriation is more than $14 billion and accounts for about two-thirds of the Veterans' Administration's yearly expenditures. Throughout her career Dorothy Starbuck has been honored by awards and citations from public service organizations and the private sector as well. They are too numerous to mention.

Mr. Speaker, Dorothy Starbuck enjoys her work with the Veterans' Administration. She started her career with the Agency as a clerk in the Chicago regional office, the same year she left the Army. She served 2 years in France and Germany during World War II and was separated in 1946 with the rank of captain. She has devoted her entire life to the defense of our Nation and its veterans. She is highly respected by members of the Committee on Veterans' Affairs. She takes great pride in her work.

Mr. Speaker, I am proud the President has recognized Dorothy Starbuck for her great work and I join her many friends who wish her continued success as she administers programs so vital to our Nation's veterans and their dependents.●

GENERAL LEAVE

Mr. EVANS of the Virgin Islands. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include therein extraneous matter on the life, character, and public service of the late William McCulloch, the subject of the 1-minute speech today of the gentleman from Ohio (Mr. GUYER).

The SPEAKER. Is there objection to the request of the gentleman from the Virgin Islands?

There was no objection.

CONFERENCE REPORT ON S. 643

Mr. RODINO submitted the following conference report and statement on the bill (S. 643) to amend the Immigration and Nationality Act to revise the procedures for the admission of refugees, to amend the Migration and Refugee Assistance Act of 1962 to establish a more uniform basis for the provision of assistance to refugees, and for other purposes.

CONFERENCE REPORT (H. REPT. NO. 96–781)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 643) to amend the Immigration and Nationality Act to revise the procedures for the admission of refugees, to amend the Migration and Refugee Assistance Act of 1962 to establish a more uniform basis for the provision of assistance to refugees, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

That this Act may be cited as the "Refugee Act of 1980".

TITLE I—PURPOSE

SEC. 101. (a) The Congress declares that it is the historic policy of the United States to respond to the urgent needs of persons subject to persecution in their homelands, including, where appropriate, humanitarian assistance for their care and maintenance in asylum areas, efforts to promote opportunities for resettlement or voluntary repatriation, aid for necessary transportation and processing, admission to this country of refugees of special humanitarian concern to the United States, and transitional assistance to refugees in the United States. The Congress further declares that it is the policy of the United States to encourage all nations to provide assistance and resettlement opportunities to refugees to the fullest extent possible.

(b) The objectives of this Act are to provide a permanent and systematic procedure for the admission to this country of refugees of special humanitarian concern to the United States, and to provide comprehensive and uniform provisions for the effective resettlement and absorption of those refugees who are admitted.

TITLE II—ADMISSION OF REFUGEES

SEC. 201. (a) Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)) is amended by adding after paragraph (41) the following new paragraph:

"(42) The term 'refugee' means (A) any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, or (B) in such special circumstances as the President after appropriate consultation (as defined in section 207(e) of this Act) may specify, any person who is within the country of such person's nationality or, in the case of a person having no nationality, within the country in which such person is habitually residing, and who is persecuted or who has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. The term 'refugee' does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.".

(b) Chapter 1 of title II of such Act is amended by adding after section 206 (8 U.S.C. 1156) the following new sections:

"ANNUAL ADMISSION OF REFUGEES AND ADMISSION OF EMERGENCY SITUATION REFUGEES

"SEC. 207. (a) (1) Except as provided in subsection (b), the number of refugees who may be admitted under this section in fiscal year 1980, 1981, or 1982, may not exceed fifty thousand unless the President determines, before the beginning of the fiscal year and after appropriate consultation (as defined in subsection (e)), that admission of a specific number of refugees in excess of such number is justified by humanitarian concerns or is otherwise in the national interest.

"(2) Except as provided in subsection (b), the number of refugees who may be admitted under this section in any fiscal year after fiscal year 1982 shall be such number as the President determines, before the beginning of the fiscal year and after appropriate consultation, is justified by humanitarian concerns or is otherwise in the national interest.

"(3) Admissions under this subsection shall be allocated among refugees of special humanitarian concern to the United States in accordance with a determination made by the President after appropriate consultation.

"(b) If the President determines, after appropriate consultation, that (1) an unforeseen emergency refugee situation exists, (2) the admission of certain refugees in response to the emergency refugee situation is justified by grave humanitarian concerns or is otherwise in the national interest, and (3) the admission to the United States of these refugees cannot be accomplished under subsection (a), the President may fix a number of refugees to be admitted to the United States during the succeeding period (not to exceed twelve months) in response to the emergency refugee situation and such admissions shall be allocated among refugees of special humanitarian concern to the United States in accordance with a determination made by the President after the appropriate consultation provided under this subsection.

"(c)(1) Subject to the numerical limitations established pursuant to subsections (a) and (b), the Attorney General may, in the Attorney General's discretion and pursuant to such regulations as the Attorney General may prescribe, admit any refugee who is not firmly resettled in any foreign country, is determined to be of special humanitarian concern to the United States, and is admissible (except as otherwise provided under paragraph (3)) as an immigrant under this Act.

"(2) A spouse or child (as defined in section 101(b)(1)(A), (B), (C), (D), or (E)) of any refugee who qualifies for admission under paragraph (1) shall, if not otherwise entitled to admission under paragraph (1) and if not a person described in the second sentence of section 101(a)(42), be entitled to the same admission status as such refugee if accompanying, or following to join, such refugee and if the spouse or child is admissible (except as otherwise provided under paragraph (3)) as an immigrant under this Act. Upon the spouse's or child's admission to the United States, such admission shall be charged against the numerical limitation established in accordance with the appropriate subsection under which the refugee's admission is charged.

"(3) The provisions of paragraphs (14), (15), (20), (21), (25), and (32) of section 212(a) shall not be applicable to any alien seeking admission to the United States under this subsection, and the Attorney General may waive any other provision of such section (other than paragraph (27), (29), or (33) and other than so much of paragraph (23) as relates to trafficking in narcotics) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. Any such waiver by the Attorney General shall be in writing and shall be granted only on an individual basis following an investigation. The Attorney General shall provide for the annual reporting to Congress of the number of waivers granted under this paragraph in the previous fiscal year and a summary of the reasons for granting such waivers.

"(4) The refugee status of any alien (and of the spouse or child of the alien) may be terminated by the Attorney General pursuant to such regulations as the Attorney General may prescribe if the Attorney General determines that the alien was not in fact a refugee within the meaning of section 101(a)(42) at the time of the alien's admission.

"(d)(1) Before the start of each fiscal year the President shall report to the Committees on the Judiciary of the House of Representatives and of the Senate regarding the foreseeable number of refugees who will be in need of resettlement during the fiscal year and the anticipated allocation of refugee admissions during the fiscal year. The President shall provide for periodic discussions between designated representatives of the President and members of such committees regarding changes in the worldwide refugee situation, the progress of refugee admissions, and the possible need for adjustments in the allocation of admissions among refugees.

"(2) As soon as possible after representatives of the President initiate appropriate consultation with respect to the number of refugee admissions under subsection (a) or with respect to the admission of refugees in response to an emergency refugee situation under subsection (b), the Committees on the Judiciary of the House of Representatives and of the Senate shall cause to have printed in the Congressional Record the substance of such consultation.

"(3)(A) After the President initiates appropriate consultation prior to making a determination under subsection (a), a hearing to review the proposed determination shall be held unless public disclosure of the details of the proposal would jeopardize the lives or safety of individuals.

"(B) After the President initiates appropriate consultation prior to making a determination, under subsection (b), that the number of refugee admissions should be increased because of an unforeseen emergency refugee situation, to the extent that time and the nature of the emergency refugee situation permit, a hearing to review the proposal to increase refugee admissions shall be held unless public disclosure of the details of the proposal would jeopardize the lives or safety of individuals.

"(e) For purposes of this section, the term 'appropriate consultation' means, with respect to the admission of refugees and allocation of refugee admissions, discussions in person by designated Cabinet-level representatives of the President with members of the Committees on the Judiciary of the Senate and of the House of Representatives to review the refugee situation or emergency refugee situation, to project the extent of possible participation of the United States therein, to discuss the reasons for believing that the proposed admission of refugees is justified by humanitarian concerns or grave humanitarian concerns or is otherwise in the national interest, and to provide such members with the following information:

"(1) A description of the nature of the refugee situation.

"(2) A description of the number and allocation of the refugees to be admitted and an analysis of conditions within the countries from which they came.

"(3) A description of the proposed plans for their movement and resettlement and the estimated cost of their movement and resettlement.

"(4) An analysis of the anticipated social, economic, and demographic impact of their admission to the United States.

"(5) A description of the extent to which other countries will admit and assist in the resettlement of such refugees.

"(6) An analysis of the impact of the participation of the United States in the resettlement of such refugees on the foreign policy interests of the United States.

"(7) Such additional information as may be appropriate or requested by such members.

To the extent possible, information described in this subsection shall be provided at least two weeks in advance of discussions in person by designated representatives of the President with such members.

"ASYLUM PROCEDURE

"SEC. 208. (a) The Attorney General shall establish a procedure for an alien physically present in the United States or at a land border or port of entry, irrespective of such alien's status, to apply for asylum, and the alien may be granted asylum in the discretion of the Attorney General if the Attorney General determines that such alien is a refugee within the meaning of section 101(a)(42)(A).

"(b) Asylum granted under subsection (a) may be terminated if the Attorney General, pursuant to such regulations as the Attorney General may prescribe, determines that the alien is no longer a refugee within the meaning of section 101(a)(42)(A) owing to a change in circumstances in the alien's country of nationality or, in the case of an alien having no nationality, in the country in which the alien last habitually resided.

"(c) A spouse or child (as defined in section 101(b)(1)(A), (B), (C), (D), or (E)) of an alien who is granted asylum under subsection (a) may, if not otherwise eligible for asylum under such subsection, be granted the same status as the alien if accompanying, or following to join, such alien.

"ADJUSTMENT OF STATUS OF REFUGEES

"SEC. 209. (a)(1) Any alien who has been admitted to the United States under section 207—

"(A) whose admission has not been terminated by the Attorney General pursuant to such regulations as the Attorney General may prescribe,

"(B) who has been physically present in the United States for at least one year, and

"(C) who has not acquired permanent resident status,

shall, at the end of such year period, return or be returned to the custody of the Service for inspection and examination for admission to the United States as an immigrant in accordance with the provisions of sections 235, 236, and 237.

"(2) Any alien who is found upon inspection and examination by an immigration officer pursuant to paragraph (1) or after a hearing before a special inquiry officer to be admissible (except as otherwise provided under subsection (c)) as an immigrant under this Act at the time of the alien's inspection and examination shall, notwithstanding any numerical limitation specified in this Act, be regarded as lawfully admitted to the United States for permanent residence as of the date of such alien's arrival into the United States.

"(b) Not more than five thousand of the refugee admissions authorized under section 207(a) in any fiscal year may be made available by the Attorney General, in the Attorney General's discretion and under such regulations as the Attorney General may prescribe, to adjust to the status of an alien lawfully admitted for permanent residence the status of any alien granted asylum who—

"(1) applies for such adjustment,

"(2) has been physically present in the United States for at least one year after being granted asylum.

"(3) continues to be a refugee within the meaning of section 101(a)(42)(A) or a spouse or child of such a refugee,

"(4) is not firmly resettled in any foreign country, and

"(5) is admissible (except as otherwise provided under subsection (c)) as an immigrant under this Act at the time of examination for adjustment of such alien.

Upon approval of an application under this subsection, the Attorney General shall establish a record of the alien's admission for lawful permanent residence as of the date one year before the date of the approval of the application.

"(c) The provisions of paragraphs (14), (15), (20), (21), (25), and (32) of section 212(a) shall not be applicable to any alien seeking adjustment of status under this section, and the Attorney General may waive any other provision of such section (other than paragraph (27), (29), or (33) and other than so much of paragraph (23) as relates to trafficking in narcotics) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.".

(c) The table of contents of such Act is amended by inserting after the item relating to section 206 the following new items:

"Sec. 207. Annual admission of refugees and admission of emergency situation refugees.
"Sec. 208. Asylum procedure.
"Sec. 209. Adjustment of status of refugees.".

SEC. 202. Section 211 of the Immigration and Nationality Act (8 U.S.C. 1181) is amended—

(1) by inserting "and subsection (c)" in subsection (a) after "Except as provided in subsection (b)"; and

(2) by adding at the end thereof the following new subsection:

"(c) The provisions of subsection (a) shall not apply to an alien whom the Attorney General admits to the United States under section 207.".

SEC. 203. (a) Subsection (a) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended to read as follows:

"(a) Exclusive of special immigrants defined in section 101(a)(27), immediate relatives specified in subsection (b) of this section, and aliens who are admitted or granted asylum under section 207 or 208, the number of aliens born in any foreign state or dependent area who may be issued immigrant visas or who may otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence, shall not in any of the first three quarters of any fiscal year exceed a total of seventy-two thousand and shall not in any fiscal year exceed two hundred and seventy thousand.".

(b) Section 202 of such Act (8 U.S.C. 1152) is amended—

(1) by striking out "and the number of conditional entries" in subsection (a);

(2) by striking out "(8)" in subsection (a) and inserting in lieu thereof "(7)";

(3) by striking out "or conditional entries" and "and conditional entries" in subsection (e);

(4) by striking out "20 per centum" in subsection (e)(2) and inserting in lieu thereof "26 per centum";

(5) by striking out paragraph (7) of subsection (e);

(6) by striking out "(7)" in paragraph (8) of subsection (e) and inserting in lieu thereof "(6)"; and

(7) by redesignating paragraph (8) of subsection (e) as paragraph (7).

(c) Section 203 of such Act (8 U.S.C. 1153) is amended—

(1) by striking out "or their conditional entry authorized, as the case may be," in subsection (a);

(2) by striking out "20 per centum" in subsection (a)(2) and inserting in lieu thereof "26 per centum";

(3) by striking out paragraph (7) of subsection (a);

(4) by striking out "and less the number of conditional entries and visas available pursuant to paragraph (7)" in subsection (a)(8);

(5) by striking out "or to conditional entry under paragraphs (1) through (8)" in subsection (a)(9) and inserting in lieu thereof "under paragraphs (1) through (7)";

(6) by redesignating paragraphs (8) and (9) of subsection (a) as paragraphs (7) and (8), respectively;

(7) by striking out "(7)" in subsection (d) and inserting in lieu thereof "(6)"; and

(8) by striking out subsections (f), (g), and (h).

(d) Sections 212(a)(14), 212(a)(32), and 244(d) of such Act (8 U.S.C. 1182(a)(14), 1182(a)(32), 1254(d)) are each amended by striking out "section 203(a)(8)" and inserting in lieu thereof "section 203(a)(7)".

(e) Subsection (h) of section 243 of such Act (8 U.S.C. 1253) is amended to read as follows:

"(h)(1) The Attorney General shall not deport or return any alien (other than an alien described in section 241(a)(19)) to a country if the Attorney General determines that such alien's life or freedom would be threatened in such country on account of race, religion, nationality, membership in a particular social group, or political opinion.

"(2) Paragraph (1) shall not apply to any alien if the Attorney General determines that—

"(A) the alien ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;

"(B) the alien, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of the United States;

"(C) there are serious reasons for considering that the alien has committed a serious nonpolitical crime outside the United States prior to the arrival of the alien in the United States; or

"(D) there are reasonable grounds for regarding the alien as a danger to the security of the United States.".

(f) Section 212(d)(5) of such Act (8 U.S.C. 1182(d)(5)) is amended—

(1) by inserting "(A)" after "(5)";

(2 by inserting ", except as provided in subparagraph (B)," after "Attorney General may"; and

(3) by adding at the end thereof the following new subparagraph:

"(B) The Attorney General may not parole into the United States an alien who is a refugee unless the Attorney General determines that compelling reasons in the public interest with respect to that particular alien require that the alien be paroled into the United States rather than be admitted as a refugee under section 207.".

(g) Section 5 of Public Law 95-412 (8 U.S.C. 1182 note) is amended by striking out "September 30, 1980" and inserting in lieu thereof "April 1, 1980".

(h) Any reference in any law (other than the Immigration and Nationality Act or this Act) in effect on April 1, 1980, to section 203(a)(7) of the Immigration and Nationality Act shall be deemed to be a reference to such section as in effect before such date to sections 207 and 208 of the Immigration and Nationality Act.

(i) Section 203(g) of such Act (8 U.S.C. 1153(g)), section 101(a)(3) of Public Law 95-145, and the first section of Public Law 89-732 are each amended by striking out "two years" and inserting in lieu thereof "one year".

SEC. 204. (a) Except as provided in subsections (b) and (c), this title and the amendments made by this title shall take effect on the date of the enactment of this Act, and shall apply to fiscal years beginning with the fiscal year beginning October 1, 1979.

(b)(1)(A) Section 207(c) of the Immigration and Nationality Act (as added by section 201(b) of this Act) and the amendments made by subsections (b), (c), and (d) of section 203 of this Act shall take effect on April 1, 1980.

(B) The amendments made by section 203(f) shall apply to aliens paroled into the United States on or after the sixtieth day after the date of the enactment of this Act.

(C) The amendments made by section 203 (i) shall take effect immediately before April 1, 1980.

(2) Notwithstanding sections 207(a) and 209(b) of the Immigration and Nationality Act (as added by section 201(b) of this Act), the fifty thousand and five thousand numerical limitations specified in such respective sections shall, for fiscal year 1980, be equal to 25,000 and 2,500, respectively.

(3) Notwithstanding any other provisions of law, for fiscal year 1980—

(A) the fiscal year numerical limitation specified in section 201(a) of the Immigration and Nationality Act shall be equal to 280,000, and

(B) for the purpose of determining the number of immigrant visas and adjustments of status which may be made available under sections 203(a)(2) and 202(e)(2) of such Act, the granting of a conditional entry or adjustment of status under section 203(a)(7) or 202(e)(7) of such Act after September 30, 1979, and before April 1, 1980, shall be considered to be the granting of an immigrant visa under section 203 (a)(2) or 202(e)(2), respectively, of such Act during such period.

(c)(1) The repeal of subsections (g) and (h) of section 203 of the Immigration and Nationality Act, made by section 203(c)(8) of this title, shall not apply with respect to any individual who before April 1, 1980, was granted a conditional entry under section 203(a)(7) of the Immigration and Nationality Act (and under section 202(e)(7) of such Act, if applicable), as in effect immediately before such date, and it shall not apply to any alien paroled into the United States before April 1, 1980, who is eligible for the benefits of section 5 of Public Law 95-412.

(2) An alien who, before April 1, 1980, established a date of registration at an immigration office in a foreign country on the basis of entitlement to a conditional entrant status under section 203(a)(7) of the Immigration and Nationality Act (as in effect before such date), shall be deemed to be entitled to refugee status under section 207 of such Act (as added by section 201(b) of this title) and shall be accorded the date of registration previously established by that alien. Nothing in this paragraph shall be construed to preclude the acquisition by such an alien of a preference status under section 203(a) of such Act.

(3) The provisions of paragraphs (14), (15), (20), (21), (25), and (32) of section 212 (a) of the Immigration and Nationality Act shall not be applicable to any alien who has entered the United States before April 1, 1980, pursuant to section 203(a)(7) of such Act or who has been paroled as a refugee into the United States under section 212(d)(5) of such Act, and who is seeking adjustment of status, and the Attorney General may waive any other provision of section 212(a) of such Act (other than paragraph (27), (29), or (33) and other than so much of paragraph (23) as relates to trafficking in narcotics) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

(d)(1) Notwithstanding section 207(a) of the Immigration and Nationality Act (as added by section 201(b) of this title), the President may make the determination described in the first sentence of such section not later than forty-five days after the date of the enactment of this Act for fiscal year 1980.

(2) The Attorney General shall establish the asylum procedure referred to in section 208(a) of the Immigration and Nationality Act (as added by section 201(b) of this title) not later than June 1, 1980.

(e) Any reference in this Act or in chapter 2 of title IV of the Immigration and Nationality Act to the Secretary of Education or the Secretary of Health and Human Services or to the Department of Health and Human Services shall be deemed, before the effective date of the Department of Education Organization Act, to be a reference to the Secretary of Health, Education, and Welfare or to the Department of Health, Education, and Welfare respectively.

TITLE III—UNITED STATES COORDINATOR FOR REFUGEE AFFAIRS AND ASSISTANCE FOR EFFECTIVE RESETTLEMENT OF REFUGEES IN THE UNITED STATES

PART A—UNITED STATES COORDINATOR FOR REFUGEE AFFAIRS

SEC. 301. (a) The President shall appoint, by and with the advice and consent of the Senate, a United States Coordinator for Refugee Affairs (hereinafter in this part referred to as the "Coordinator"). The Coordinator shall have the rank of Ambassador-at-Large.

(b) The Coordinator shall be responsible to the President for—

(1) the development of overall United States refugee admission and resettlement policy;

(2) the coordination of all United States domestic and international refugee admission and resettlement programs in a manner that assures that policy objectives are met in a timely fashion;

(3) the design of an overall budget strategy to provide individual agencies with policy guidance on refugee matters in the preparation of their budget requests, and to provide the Office of Management and Budget with an overview of all refugee-related budget requests;

(4) the presentation to the Congress of the Administration's overall refugee policy and the relationship of individual agency refugee budgets to that overall policy;

(5) advising the President, Secretary of State, Attorney General, and the Secretary of Health and Human Services on the relationship of overall United States refugee policy to the admission of refugees to, and the resettlement of refugees in, the United States;

(6) under the direction of the Secretary of State, representation and negotiation on behalf of the United States with foreign governments and international organizations in discussions on refugee matters and, when appropriate, submitting refugee issues for inclusion in other international negotiations;

(7) development of an effective and responsive liaison between the Federal Government and voluntary organizations, Governors and mayors, and others involved in refugee relief and resettlement work to reflect overall United States Government policy;

(8) making recommendations to the President and to the Congress with respect to policies for, objectives of, and establishment of priorities for, Federal functions relating to refugee admission and resettlement in the United States; and

(9) reviewing the regulations, guidelines, requirements, criteria and procedures of Federal departments and agencies applicable to the performance of functions relating to refugee admission and resettlement in the United States.

(c) (1) In the conduct of the Coordinator's duties, the Coordinator shall consult regularly with States, localities, and private nonprofit voluntary agencies concerning the sponsorship process and the intended distribution of refugees.

(2) The Secretary of Labor and the Secretary of Education shall provide the Coordinator with regular reports describing the efforts of their respective departments to increase refugee access to programs within their jurisdiction, and the Coordinator shall include information on such programs in reports submitted under section 413(a) (1) of the Immigration and Nationality Act.

PART B—ASSISTANCE FOR EFFECTIVE RESETTLEMENT OF REFUGEES IN THE UNITED STATES

SEC. 311. (a) Title IV of the Immigration and Nationality Act is amended—

(1) by striking out the title heading and inserting in lieu thereof the following:

"TITLE IV—MISCELLANEOUS AND REFUGEE ASSISTANCE

"CHAPTER 1—MISCELLANEOUS"; and by adding at the end thereof the following new chapter:

"CHAPTER 2—REFUGEE ASSISTANCE

"OFFICE OF REFUGEE RESETTLEMENT

"SEC. 411. (a) There is established, within the Department of Health and Human Services, an office to be known as the Office of Refugee Resettlement (hereinafter in this chapter refererred to as the 'Office'). The head of the Office shall be a Director (hereinafter in this chapter referred to as the 'Director'), to be appointed by the Secretary of Health and Human Services (hereinafter in this chapter referred to as the 'Secretary').

"(b) The function of the Office and its Director is to fund and administer (directly or through arrangements with other Federal agencies), in consultation with and under the general policy guidance of the United States Coordinator for Refugee Affairs (hereinafter in this chapter referred to as the 'Coordinator'), programs of the Federal Government under this chapter.

"AUTHORIZATIONS FOR PROGRAMS FOR DOMESTIC RESETTLEMENT OF AND ASSISTANCE TO REFUGEES

"SEC. 412. (a) CONDITIONS AND CONSIDERATIONS.—(1) In providing assistance under this section, the Director shall, to the extent of available appropriations, (A) make available sufficient resources for employment training and placement in order to achieve economic self-sufficiency among refugees as quickly as possible, (B) provide refugees with the opportunity to acquire sufficient English language training to enable them to become effectively resettled as quickly as possible, (C) insure that cash assistance is made available to refugees in such a manner as not to discourage their economic self-sufficiency, in accordance with subsection (e)(2), and (D) insure that women have the same opportunities as men to participate in training and instruction.

"(2) The Director, together with the Coordinator, shall consult regularly with State and local governments and private nonprofit voluntary agencies concerning the sponsorship process and the intended distribution of refugees among the States and localities.

"(3) In the provision of domestic assistance under this section, the Director shall make a periodic assessment, based on refugee population and other relevant factors, of the relative needs of refugees for assistance and services under this chapter and the resources available to meet such needs. In allocating resources, the Director shall avoid duplication of services and provide for maximum coordination between agencies providing related services.

"(4) No grant or contract may be awarded under this section unless an appropriate proposal and application (including a description of the agency's ability to perform the services specified in the proposal) are submitted to, and approved by, the appropriate administering official. Grants and contracts under this section shall be made to those agencies which the appropriate administering official determines can best perform the services. Payments may be made for activities authorized under this chapter in advance or by way of reimbursement. In carrying out this section, the Director, the Secretary of State, and any such other appropriate administering official are authorized—

"(A) to make loans, and

"(B) to accept and use money, funds, property, and services of any kind made available by gift, devise, bequest, grant, or otherwise for the purpose of carrying out this section.

"(5) Assistance and services funded under this section shall be provided to refugees without regard to race, religion, nationality, sex, or political opinion.

"(6) As a condition for receiving assistance under this section, a State must—

"(A) submit to the Director a plan which provides—

"(i) a description of how the State intends to encourage effective refugee resettlement and to promote economic self-sufficiency as quickly as possible,

"(ii) a description of how the State will insure that language training and employment services are made available to refugees receiving cash assistance,

"(iii) for the designation of an individual, employed by the State, who will be responsible for insuring coordination of public and private resources in refugee resettlement,

"(iv) for the care and supervision of and legal responsibility for unaccompanied refugee children in the State, and

"(v) for the identification of refugees who at the time of resettlement in the State are determined to have medical conditions requiring, or medical histories indicating a need for, treatment or observation and such monitoring of such treatment or observation as may be necessary;

"(B) meet standards, goals, and priorities, developed by the Director, which assure the effective resettlement of refugees and which promote their economic self-sufficiency as quickly as possible and the efficient provision of services; and

"(C) submit to the Director, within a reasonable period of time after the end of each fiscal year, a report on the uses of funds provided under this chapter which the State is responsible for administering.

"(7) The Secretary, together with the Secretary of State with respect to assistance provided by the Secretary of State under subsection (b), shall develop a system of monitoring the assistance provided under this section. This system shall include—

"(A) evaluations of the effectiveness of the programs funded under this section and the performance of States, grantees, and contractors;

"(B) financial auditing and other appropriate monitoring to detect any fraud, abuse, or mismanagement in the operation of such programs; and

"(C) data collection on the services provided and the results achieved.

"(8) The Attorney General shall provide the Director with information supplied by refugees in conjunction with their applications to the Attorney General for adjustment of status, and the Director shall compile, summarize, and evaluate such information.

"(9) The Secretary and the Secretary of State may issue such regulations as each deems appropriate to carry out this chapter.

"(10) For purposes of this chapter, the term 'refuge' includes any alien described in section 207(c) (2).

"(b) PROGRAM OF INITIAL RESETTLEMENT.—(1)(A) For—

"(i) fiscal years 1980 and 1981, the Secretary of State is authorized, and

"(ii) fiscal year 1982 and succeeding fiscal years, the Director (except as provided in subparagraph (B)) is authorized,

to make grants to, and contracts with, public or private nonprofit agencies for initial resettlement (including initial reception and placement with sponsors) of refugees in the United States. Grants to, or contracts with, private nonprofit voluntary agencies under this paragraph shall be made consistent with the objectives of this chapter, taking into account the different resettlement approaches and practices of such agencies. Resettlement assistance under this paragraph shall be provided in coordination with the Director's provision of other assistance under this chapter. The Secretary of State and the Director shall jointly monitor the assistance provided during fiscal years 1980 and 1981 under this paragraph.

"(B) The President shall provide for a study of which agency is best able to administer the program under this paragraph and shall report, not later than March 1, 1981, to the Congress on such study. If the President determines after such study that the Director should not administer the program under this paragraph, the authority of the Director under the first sentence of subparagraph (A) shall be exercised by such officer as the President shall from time to time specify.

"(2) The Director is authorized to develop programs for such orientation, instruction in English, and job training for refugees, and such other education and training of refugees, as facilitates their resettlement in the United States. The Director is authorized to implement such programs, in accordance with the provisions of this section, with respect to refugees in the United States. The Secretary of State is authorized to implement such programs with respect to refugees awaiting entry into the United States.

"(3) The Secretary is authorized, in consultation with the Coordinator, to make arrangements (including cooperative arrangements with other Federal agencies) for the temporary care of refugees in the United States in emergency circumstances, including the establishment of processing centers, if necessary, without regard to such provisions of law (other than the Renegotiation Act of 1951 and section 414(b) of this chapter) regulating the making, performance, amendment, or modification of contracts and the expenditure of funds of the United States Government as the Secretary may specify.

"(4) The Secretary, in consultation with the Coordinator, shall—

"(A) assure that an adequate number of trained staff are available at the location at which the refugees enter the United States to assure that all necessary medical records are available and in proper order;

"(B) provide for the identification of refugees who have been determined to have medical conditions affecting the public health and requiring treatment;

"(C) assure that State or local health officials at the resettlement destination within the United States of each refugee are promptly notified of the refugee's arrival and provided with all applicable medical records; and

"(D) provide for such monitoring of refugees identified under subparagraph (B) as will insure that they receive appropriate and timely treatment.

The Secretary shall develop and implement methods for monitoring and assessing the quality of medical screening and related health services provided to refugees awaiting resettlement in the United States.

"(c) PROJECT GRANTS AND CONTRACTS FOR SERVICES FOR REFUGEES.—The Director is authorized to make grants to, and enter into contracts with, public or private nonprofit agencies for projects specifically designed—

"(1) to assist refugees in obtaining the skills which are necessary for economic self-sufficiency, including projects for job training, employment services, day care, professional refresher training, and other recertification services;

"(2) to provide training in English where necessary (regardless of whether the refugees are employed or receiving cash or other assistance); and

"(3) to provide where specific needs have been shown and recognized by the Director, health (including mental health) services, social services, educational and other services.

"(d) ASSISTANCE FOR REFUGEE CHILDREN.—(1) The Director is authorized to make grants, and enter into contracts, for payments for projects to provide special educational services (including English language training) to refugee children in elementary and secondary schools where a demonstrated need has been shown.

"(2) (A) The Director is authorized to provide assistance, reimbursement to States, and grants to and contracts with public and private nonprofit agencies, for the provision of child welfare services, including foster care maintenance payments and services and health care, furnished to any refugee child (except as provided in subparagraph (B)) during the thirty-six month period beginning with the first month in which such refugee child is in the United States.

"(B) (i) In the case of a refugee child who is unaccompanied by a parent or other close adult relative (as defined by the Director), the services described in subparagraph (A) may be furnished until the month after the child attains eighteen years of age (or such higher age as the State's child welfare services plan under part B of title IV of the Social Security Act prescribes for the availability of such services to any other child in that State).

"(ii) The Director shall attempt to arrange for the placement under the laws of the States of such unaccompanied refugee children, who have been accepted for admission to the United States, before (or as soon as possible after) their arrival in the United States. During any interim period while such a child is in the United States or in transit to the United States but before the child is so placed, the Director shall assume legal responsibility (including financial responsibility) for the child, if necessary, and is authorized to make necessary decisions to provide for the child's immediate care.

"(iii) In carrying out the Director's responsibilities under clause (ii), the Director is authorized to enter into contracts with appropriate public or private nonprofit agencies under such conditions as the Director determines to be appropriate.

"(iv) The Director shall prepare and maintain a list of (I) all such unaccompanied children who have entered the United States after April 1, 1975, (II) the names and last known residences of their parents (if living) at the time of arrival, and (III) the children's location, status, and progress.

"(e) CASH ASSISTANCE AND MEDICAL ASSISTANCE TO REFUGEES.—(1) The Director is authorized to provide assistance, reimbursement to States, and grants to, and contracts with, public or private nonprofit agencies for up to 100 per centum of the cash assistance and medical assistance provided to any refugee during the thirty-six month period beginning with the first month in which such refugee has entered the United States and for the identifiable and reasonable administrative costs of providing this assistance.

"(2) Cash assistance provided under this subsection to an employable refugee is conditioned, except for good cause shown—

"(A) on the refugee's registration with an appropriate agency providing employment services described in subsection (c)(1), or, if there is no such agency available, with an appropriate State or local employment service; and

"(B) on the refugee's acceptance of appropriate offers of employment;

except that subparagraph (A) does not apply during the first sixty days after the date of the refugee's entry.

"(3) The Director shall develop plans to provide English training and other appropriate services and training to refugees receiving cash assistance.

"(4) If a refugee is eligible for aid or assistance under a State plan approved under part A of title IV or under title XIX of the Social Security Act, or for supplemental security income benefits (including State supplementary payments) under the program established under title XVI of that Act, funds authorized under this subsection shall only be used for the non-Federal share of such aid or assistance, or for such supplementary payments, with respect to cash and medical assistance provided with respect to such refugee under this paragraph.

"(5) The Director is authorized to allow for the provision of medical assistance under paragraph (1) to any refugee, during the one-year period after entry, who does not qualify for assistance under a State plan approved under title XIX of the Social Security Act on account of any resources or income requirement of such plan, but only if the Director determines that—

"(A) this will (i) encourage economic self-sufficiency, or (ii) avoid a significant burden on State and local governments; and

"(B) the refugee meets such alternative financial resources and income requirements as the Director shall establish.

"CONGRESSIONAL REPORTS

"SEC. 413. (a)(1) The Secretary, in consultation with the Coordinator, shall submit a report on activities under this chapter to the Committees on the Judiciary of the House of Representatives and of the Senate not later than the January 31 following the end of each fiscal year, beginning with fiscal year 1980.

"(2) Each such report shall contain—

"(A) an updated profile of the employment and labor force statistics for refugees who have entered under this Act since May 1975, as well as a description of the extent to which refugees received the forms of assistance or services under this chapter during that period;

"(B) a description of the geographic location of refugees;

"(C) a summary of the results of the monitoring and evaluation conducted under section 412(a)(7) during the period for which the report is submitted;

"(D) a description of (i) the activities, expenditures, and policies of the Office under this chapter and of the activities of States, voluntary agencies, and sponsors, and (ii) the Director's plans for improvement of refugee resettlement;

"(E) evaluations of the extent to which (i) the services provided under this chapter are assisting refugees in achieving economic self-sufficiency, achieving ability in English, and achieving employment commensurate with their skills and abilities, and (ii) any fraud, abuse, or mismanagement has been reported in the provisions of services or assistance;

"(F) a description of any assistance provided by the Director pursuant to section 412(e)(5);

"(G) a summary of the location and status of unaccompanied refugee children admitted to the United States; and

"(H) a summary of the information compiled and evaluation made under section 412 (a)(8).

"(b) The Secretary, in consultation with the Coordinator, shall conduct and report to Congress, not later than one year after the date of the enactment of this chapter, an analysis of—

"(1) resettlement systems used by other countries and the applicability of such systems to the United States;

"(2) the desirability of using a system other than the current welfare system for the provision of cash assistance, medical assistance, or both, to refugees; and

"(3) alternative resettlement strategies.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 414. (a)(1) There are hereby authorized to be appropriated for fiscal year 1980 and for each of the two succeeding fiscal years, such sums as may be necessary for the purpose of providing initial resettlement assistance, cash and medical assistance, and child welfare services under subsections (b)(1), (b)(3), (b)(4), (d)(2), and (e) of section 412.

"(2) There are hereby authorized to be appropriated for fiscal year 1980 and for each of the two succeeding fiscal years $200,000,000, for the purpose of carrying out the provisions (other than those described in paragraph (1)) of this chapter.

"(b) The authority to enter into contracts under this chapter shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts.".

SEC. 312. (a) The table of contents of the Immigration and Nationality Act is amended—

(1) by striking out the item relating to title IV and insert in lieu thereof the following:

"TITLE IV—MISCELLANEOUS AND REFUGEE ASSISTANCE

"CHAPTER 1—MISCELLANEOUS";

and

(2) by adding at the end the following new items:

"CHAPTER 2—REFUGEE ASSISTANCE

"Sec. 411. Office of Refugee Resettlement.
"Sec. 412. Authorization for programs for domestic resettlement of and assistance to refugees.
"Sec. 413. Congressional reports.
"Sec. 414. Authorization of appropriations.".

(b)(1) Subsection (b) of section 2 of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601) is amended by striking out paragraphs (1) through (6) and inserting in lieu thereof the following:

"(1) for contributions to the activities of the United Nations High Commissioner for Refugees for assistance to refugees under his mandate or persons on behalf of whom he is exercising his good offices, and for contributions to the Intergovernmental Committee for European Migration, the International Committee of the Red Cross, and to other relevant international organizations; and

"(2) for assistance to or on behalf of refugees who are outside the United States designated by the President (by class, group, or designation of their respective countries of origin or areas of residence) when the President determines that such assistance will contribute to the foreign policy interests of the United States.".

(2) Subsection (c)(2) of such section is amended by striking out "$25,000,000" and inserting in lieu there of "$50,000,000".

(c) The Indochina Migration and Refugee Assistance Act of 1975 (Public Law 94-23) is repealed.

SEC. 313. (a) Except as otherwise provided in this section, the amendments made by this part shall apply to fiscal years beginning on or after October 1, 1979.

(b) Subject to subsection (c), the limitations contained in sections 412(d)(2)(A) and 412(e)(1) of the Immigration and Nationality Act on the duration of the period for which child welfare services and cash and medical assistance may be provided to particular refugees shall not apply to such services and assistance provided before April 1, 1981.

(c) Notwithstanding section 412(e)(1) of the Immigration and Nationality Act and in lieu of any assistance which may otherwise be provided under such section with respect to Cuban refugees who entered the United States and were receiving assistance under section 2(b) of the Migration and Refugee Assistance Act of 1962 before October 1, 1978, the Director of the Office of Refugee Resettlement is authorized—

(1) to provide reimbursement—

(A) in fiscal year 1980, for 75 percent,

(B) in fiscal year 1981, for 60 percent,

(C) in fiscal year 1982, for 45 percent, and

(D) in fiscal year 1983, for 25 percent,

of the non-Federal costs of providing cash and medical assistance (other than assistance described in paragraph (2)) to such refugees, and

(2) to provide reimbursement in any fiscal year for 100 percent of the non-Federal costs associated with such Cuban refugees with respect to whom supplemental security income payments were being paid as of September 30, 1978, under title XVI of the Social Security Act.

(d) The requirements of section 412(a)(6)(A) of the Immigration and Nationality Act shall apply to assistance furnished under chapter 2 of title IV of such Act after October 1, 1980, or such earlier date as the Director of the Office of Refugee Resettlement may establish.

TITLE IV—SOCIAL SERVICES FOR CERTAIN APPLICANTS FOR ASYLUM

SEC. 401. (a) The Director of the Office of Refugee Resettlement is authorized to use funds appropriated under paragraphs (1) and (2) of section 414(a) of the Immigration and Nationality Act to reimburse State and local public agencies for expenses which those agencies incurred, at any time, in providing aliens described in subsection (c) of this section with social services of the types for which reimbursements were made with respect to refugees under paragraphs (3) through (6) of section 2(b) of the Migration and Refugee Assistance Act of 1962 (as in effect prior to the enactment of this Act) or under any other Federal law.

(b) The Attorney General is authorized to grant to an alien described in subsection (c) of this section permission to engage in employment in the United States and to provide to that alien an "employment authorized" endorsement or other appropriate work permit.

(c) This section applies with respect to any alien in the United States (1) who has applied before November 1, 1979, for asylum in the United States, (2) who has not been granted asylum, and (3) with respect to whom a final, nonappealable, and legally enforceable order of deportation or exclusion has not been entered.

And the House agrees to the same.

PETER W. RODINO, Jr.,
ELIZABETH HOLTZMAN,
GEORGE E. DANIELSON,
SAM B. HALL, Jr.,
HERBERT E. HARRIS II,
MICHAEL D. BARNES,
CLEMENT J. ZABLOCKI,
DANTE B. FASCELL,
HAMILTON FISH, Jr.,
JOHN BUCHANAN,
Managers on the Part of the House.

EDWARD M. KENNEDY,
BIRCH BAYH,
DENNIS DECONCINI,
STROM THURMOND,
AL SIMPSON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 643) to amend the Immigration and Nationality Act to revise the procedures for the admission of refugees, to amend the Migration and Refugee Assistance Act of 1962 to establish a more uniform basis for the provision of assistance to refugees, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

DEFINITION OF "REFUGEE"

The Senate bill incorporated the internationally-accepted definition of refugee contained in the U.N. Convention and Protocol Relating to the Status of Refugees. It also covered persons who are in their own country displaced by military or civil disturbances or who are uprooted by arbitrary detention and unable to return to their usual place of abode.

The House amendment incorporated the U.N. definition, as well as Presidentially-specified persons within their own country who are being persecuted or who fear persecution. The House amendment specifically excluded from the definition persons who themselves have engaged in persecution.

The Conference substitute adopts the House provision. It is the expectation of the Conferees that a determination of whether a refugee is "firmly resettled" under the statutory definition should be governed by regulations promulgated by the Attorney General in consultation with the Secretary of State. The Conferees also direct the Attorney General to submit periodic reports detailing the numbers, country of origin, and factual circumstances concerning those refugees who are denied admission under the "firmly resettled" criteria or who are admitted to the United States after having travelled to another country for resettlement.

NUMERICAL LIMITATION ON NORMAL FLOW

The Senate bill provided for an annual flow of refugees of 50,000 for fiscal years 1980, 1981 and 1982, with a limitation thereafter to be determined as the result of consultation with the Congress.

The House amendment provided for an annual flow of refugees of 50,000 for fiscal years 1980, 1981 and 1982, with an annual limit of 17,400 thereafter.

The Conference substitute adopts the Senate provision. It is the intent of the conferees that prior to fiscal year 1983, Congress will review the 50,000 annual numerical limitation and take appropriate action to retain or adjust this figure.

COMMITTEE/CONGRESSIONAL PROCEDURES ON ADMISSIONS OF REFUGEES

The Senate bill required a hearing and report by the Judiciary Committees within thirty days of a continuous session of Congress on proposals to increase refugee admission beyond the 50,000 normal flow.

The Houe amendment requires the substance of consultations between the Attorney General and the Judiciary Committees on proposals to increase the normal flow, as well as in emergency situations, to be printed in the Congressional Record. The House amendment also requires a hearing on proposals to increase the normal flow, and, if possible, in emergency situations, and provided for a one-house veto of a Presidential determination to increase the normal flow of refugees beyond 50,000.

The Conference substitute adopts the House provision concerning the printing of the substance of consultations and the conduct of hearings, but deletes the one-house veto procedure.

ASYLUM AND WITHHOLDING OF DEPORTATION

The Senate bill provided for withholding deportation of aliens to countries where they would face persecution, unless their deportation would be permitted under the U.N. Convention and Protocol Relating to the Status of Refugees.

The House amendment provided a similar withholding procedure unless any of four specific conditions (those set forth in the aforementioned international agreements) were met.

The Conference substitute adopts the House provision with the understanding that it is based directly upon the language of the Protocol and it is intended that the provision be construed consistent with the Protocol. The Conferees direct the Attorney General to establish a new uniform asylum procedure under the provisions of this legislation.

LIMITATION ON PAROLE

The House amendment limited the use of parole to individual refugees and required that in utilizing parole, the Attorney General must determine that "compelling reasons in the public interest . . . require that the alien be paroled into the United States rather than be admitted as a refugee."

The Senate bill had no comparable provision.

The Conference substitute adopts the House version and provides for a sixty day delayed effective date on the parole limitation. The Conferees, in accepting the House limitation on the parole of refugees, recognize that it does not affect the Attorney General's authority under section 212(d)(5) of the Immigration and Nationality Act to parole aliens who are not deemed to be refugees. In adopting the delayed effective date, the Conferees wish to make it clear that existing refugee parole programs will continue until a consultation on future refugee admission programs is held under the terms of this legislation.

ADMISSION STATUS OF REFUGEES

The Senate bill provided that refugees entering the United States under normal flow or additions to normal flow procedures would be admitted as lawful permanent residents. Those entering in emergency situations would be admitted conditionally or as lawful permanent residents in the discretion of the Attorney General.

The House amendment provided that all refugees entering the United States be admitted conditionally as "refugees" with retroactive adjustment of status to lawful permanent residents after two years.

The Conference substitute adopts the House version with adjustment of status permitted after a period of one year. It is the intent of the Conferees, in creating this new "refugee" status, that such individuals not be subjected to employment discrimination as a result of state or local licensing laws and that for purposes of such laws, they should be viewed as having the status of permanent resident aliens.

U.S. COORDINATOR FOR REFUGEE AFFAIRS

The House amendment provided for the establishment of a statutory Office of Refugee Policy in the Executive office of the President responsible for the development and coordination of U. S. refugee policy.

The Senate bill had no comparable position and would have permitted the status quo. (At the current time, under Presidential directive, the Office of the U. S. Coordinator for Refugee Affairs, headed by an Ambassador at Large, is located within the Department of State.)

The conference substitute provides for a statutory U. S. Coordinator for Refugee Affairs with the rank of Ambassador at Large, to be appointed by the President, by and with the advice and consent of the Senate. Given the various agencies involved in refugee assistance, both foreign and domestic, the conferees request that the President review the question of the location of the office of the U. S. Coordinator for Refugee Affairs, and advise the Congress within one year of date of enactment of this legislation of his decision concerning the appropriate location for such office.

HEW OFFICE OF REFUGEE RESETTLEMENT

The House bill established an Office of Refugee Resettlement within the Department of HEW (Health and Human Services).

The Senate had no comparable provision and would have permitted the President under existing law to designate which agency should be responsible for refugee resettlement activities.

The Conference substitute follows the House provision, but does not require that the Director report directly to the Secretary. However, it is the intention of the conferees that the Director should, unless and until a reorganization of the Department occurs, report directly to the Secretary; the conferees desire to maintain some flexibility in the statute for future administrative changes justified by experience. The conferees have provided that the function of the Office and its director are to be carried out in consultation with and under the general policy guidance of the U.S. Coordinator for Refugee Affairs.

PROGRAM OF INITIAL RESETTLEMENT

The Senate bill retained contracting authority for reception and placement grants in the Department of State.

The House amendment transferred the authority for resettlement and placement grants from the Department of State to the Department of HEW (Health and Human Services) in FY 1982. During FY 1980 and FY 1981 the House required coordination between the Department of State and the Department of HEW.

The Conference substitute adopts the House amendment with the following addition: The President is required to provide for a study of which agency is best able to administer the resettlement grant program and to report, not later than March 1, 1981, to the Congress on such study. If the President determines after such study that the Director should not administer the program he is authorized to designate the appropriate agency and/or official to carry out this responsibility.

SUPPORTIVE SERVICES

The Senate bill authorized necessary funds for projects and programs designed to assist refugees in becoming self-reliant (including English language and other training, and social and employment services.) The Senate bill also allocated $40 million annually for special projects.

The House amendment authorized $200 million over two fiscal years to fund refugee services, such as English language training, employment and social service training, health, social, and educational services.

The Conference substitute authorizes $200 million annually for supportive services to be funded through discretionary grants and contracts. The Conferees intend that, wherever appropriate, the Director may expend certain of these funds through special projects which provide essential, coordinated, and effective resettlement services. It is the intent of the Conferees that the term "public or private non profit agencies" shall include state and local government agencies, private voluntary agencies, post-secondary educational institutions, as well as other qualified private non profit agencies.

CASH AND MEDICAL ASSISTANCE

The Senate bill authorized federal reimbursement for cash and medical assistance provided to refugees for two years after the refugee's arrival. The two year limitation did not apply during fiscal year 1980.

The House amendment authorized similar reimbursement for a four year period after the refugee's arrival and the limitation did not apply during fiscal years 1980 and 1981.

The Conference substitute adopts a reimbursement period of three years following the refugee's arrival and the three year limitation does not apply for fiscal year 1980 and the first six months of fiscal year 1981.

The Conferees intend to provide the Director sufficient flexibility, in providing cash and medical assistance and other assistance, to respond to the different problems and needs of the various refugee groups and to utilize proven resettlement techniques such as the current resettlement program for Soviet Jews.

CUBAN REFUGEE PROGRAM

The Senate bill provided for the continued phase down of the Cuban refugee program through fiscal year 1983.

The House amendment had no comparable provision.

The Conference substitute adopts the Senate provision.

AUTHORIZATION PERIOD

The Senate bill provided for an open-ended authorization of funds for domestic resettlement activities.

The House amendment provided for a two year authorization of funds for domestic resettlement activities.

The Conference substitute adopts a three year authorization period.

SOCIAL SERVICES FOR CERTAIN ASYLUM APPLICANTS

The House amendment authorized reimbursement of State and local public agencies for assistance provided to aliens who applied for asylum before November 1, 1979 and who are awaiting determination of their claims. The House amendment also authorized the Attorney General to grant permission to engage in employment to these individuals pending determination of their claims.

The Senate bill had no comparable provision.

The Conference substitute adopts the House provision.

Peter W. Rodino, Jr.,
Elizabeth Holtzman,
George E. Danielson,
Sam B. Hall, Jr.,
Herbert E. Harris II,
Michael D. Barnes,
Clement J. Zablocki,
Dante B. Fascell,
Hamilton Fish, Jr.,
John Buchanan,
Managers on the Part of the House.

Edward M. Kennedy,
Birch Bayh,
Dennis DeConcini,
Strom Thurmond,
Al Simpson,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Thompson, for February 25, on account of official business.

Mr. Rodino (at the request of Mr. Wright), for today, on account of illness in the family.

Mr. Wolff (at the request of Mr. Wright), for today, on account of illness.

Mr. Nelson (at the request of Mr. Wright), for today, on account of official business.

Mr. Gudger (at the request of Mr. Wright), for today, on account of official business.

Ms. Ferraro (at the request of Mr. Wright), for today, on account of official business.

Mr. Chappell (at the request of Mr. Bennett), on account of official business in district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Evans of the Virgin Islands), to revise and extend their remarks, and to include extraneous mater:)

Mr. Hammerschmidt, for 60 minutes, on Thursday, February 28.

(The following Members (at the request of Mr. Gonzalez) to revise and extend their remarks and include extraneous material:)

Mr. Rostenkowski, for 10 minutes, today.

Mr. Gonzalez, for 15 minutse, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Cavanaugh, for 5 minutes, today.

Mr. Ottinger, for 5 minutes, today.

Mr. Reuss, for 5 minutes, today.

Mr. Van Deerlin, for 5 minutes, today.

Mr. Duncan of Oregon, for 5 minutes, today.

Mr. Montgomery, for 15 minutes, today.

Mr. Jones of Oklahoma, for 60 minutes, February 26, 1980.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Evans of the Virgin Islands) and to include extraneous matter:)

Mr. Collins of Texas in two instances.
Mr. Paul.
Mr. Kemp in two instances.
Mr. Solomon.
Mr. Courter.
Mr. Dickinson.
Mr. Sawyer.
Mr. Dougherty.
Mr. Green.
Mr. Pritchard.
Mr. Gilman.
Mr. Butler.
Mr. Wampler.
Mr. Porter.
Mr. Corcoran.
Mr. Lee.

(The following Members (at the request of Mr. Gonzalez) and to include extraneous matter:)

Mr. Cavanaugh.
Mr. Stokes in two instances.
Mr. Conyers in two instances.
Mr. Alexander in two instances.
Mr. Bolling.
Mr. Guarini in two instances.
Mr. Hamilton.
Mr. Foley.
Mr. Harkin.
Mr. Howard.
Mr. Waxman.
Mr. Eckhardt.
Mr. Downey.
Mr. Gaydos.
Mr. Mazzoli.
Mr. Mitchell of Maryland.
Mr. Studds.
Mr. Peyser.
Mr. Skelton.
Mr. Florio.
Mr. Rangel.
Mr. Rahall.
Mr. Fary.
Mr. Patterson.
Mr. Levitas.
Mr. Ottinger.
Mr. Aspin.
Mr. Jacobs.
Mr. Fascell.
Mr. Brademas.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1390. An act to promote highway safety, to reduce highway fatalities and injuries, to minimize property damage by encouraging the safe operation and maintenance of commercial motor vehicles, to minimize dangers to the health of operators when operating commercial motor vehicles, and for other purposes; to the Committee on Public Works and Transportation.

ENROLLED BILL SIGNED

Mr. THOMPSON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3757. An act to establish the Channel Islands National Park, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 214. An act for the relief of Rocio Edmondson.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 55 minutes p.m.), under its previous order, the House adjourned until Monday, February 25, 1980, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3543. A letter from the Secretary of Commerce, transmitting a report on the restrictions being imposed on the export of fertilizer to the Soviet Union in response to the Soviet invasion of Afghanistan, pursuant to section 6(e) of Public Law 96–72; to the Committee on Foreign Affairs.

3544. A letter from the Deputy Assistant Secretary of Defense (Comptroller-Administration), transmitting a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3545. A letter from the Assistant Attorney General for Legislative Affairs, transmitting a draft of proposed legislation to amend section 113 of title 28, United States Code, to place the Federal Correctional Institution at Butner, N.C., entirely within the eastern district of North Carolina; to the Committee on the Judiciary.

3546. A letter from the Comptroller General of the United States, transmitting a report and recommendation concerning the claim of James A. Schultz, for relief from liability for a valid debt owed to the United States which resulted from his receipt of an erroneous overpayment of travel and relocation expenses, pursuant to the act of April 10, 1928 (45 Stat. 413, 31 U.S.C. 236); to the Committee on the Judiciary.

3547. A letter from the Administrator, Small Business Administration, transmitting a draft of proposed legislation to amend the Small Business Act and the Small Business Investment Act of 1958 and for other purposes; to the Committee on Small Business.

3548. A letter from the Chairman, U.S. Nuclear Regulatory Commission, transmitting a draft of proposed legislation to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes; Committees on Interior and Insular Affairs, and Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RODINO: Committee of conference. Conference report on S. 643 (with amendment, Rept. No. 96–781). Ordered to be printed.

Mr. FOLEY: Committee on Agriculture. H.R. 6291. A bill to amend the Emergency Agricultural Credit Adjustment Act of 1978 and the Commodity Credit Corporation Charter Act to extend and increase certain agricultural loan programs, and for other purposes; with an amendment (Rept. No. 96–782). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BREAUX:

H.R. 6571. A bill to amend the Tariff Act of 1930 to temporarily continue the present duty-free status of the cost of fish net and netting purchased and repaired in Panama; to the Committee on Ways and Means.

By Mr. DUNCAN of Oregon (for himself and Mr. Ullman):

H.R. 6572. A bill to amend the Colorado River Basin Project Act; to the Committee on Interior and Insular Affairs.

By Mr. GONZALEZ:

H.R. 6573. A bill to provide a bonus payment of $10,000 for each veteran of World War I; to the Committee on Veterans' Affairs.

By Mr. GUARINI:

H.R. 6574. A bill to amend title II of the Social Security Act to eliminate the offset against social security benefits which is presently imposed in the case of spouses and surviving spouses receiving certain Government pensions; to the Committee on Ways and Means.

By Mr. HEFNER:

H.R. 6575. A bill to amend title 18, United States Code, to prohibit certain practices in administering and using polygraph examinations for purposes of hiring, demoting, promoting, disciplining, and dismissing employees; to the Committee on the Judiciary.

By Mr. HORTON:

H.R. 6576. A bill to amend title II of the Social Security Act to increase from $255 to $750 the lump sum death payment which will be made in the case of an insured individual who dies leaving a relatively small estate; to the Committee on Ways and Means.

By Mr. JEFFORDS:

H.R. 6577. A bill requiring the Secretary of Commerce, in each decennial census, to specify the number of aliens in each State, and providing that illegal aliens shall not be counted for purposes of the apportionment of Representatives in Congress; jointly, to the Committees on Post Office and Civil Service and the Judiciary.

By Mr. KEMP:

H.R. 6578. A bill to amend the Internal Revenue Code of 1954 to provide a Federal income tax credit for tuition; to the Committee on Ways and Means.

By Mr. RAILSBACK:

H.R. 6579. A bill to amend title 18, United States Code, to prohibit certain practices in administering and using polygraph examinations for purposes of hiring, demoting, promoting, disciplining, and dismissing employees; to the Committee on the Judiciary.

By Mr. STAGGERS (for himself and Mr. Broyhill) (by request):

H.R. 6580. A bill to amend the Securities Act of 1933 to authorize small issuers to sell securities to accredited investors without filing a registration statement under such act, and to grant an exemption from section 5 of such act for resale of such securities by accredited investors to other accredited investors; to the Committee on Interstate and Foreign Commerce.

By Mr. WAMPLER (for himself, Mr. Sebelius, Mr. Symms, Mr. Madigan, Mr. Grassley, Mr. Hagedorn, Mr. Hopkins, and Mr. Thomas):

H.R. 6581. A bill to protect agricultural producers from the adverse effects of the embargo on the export of agricultural commodities to the Soviet Union and to authorize the Secretary of Agriculture to purchase and distribute food as needed to assist other nations to meet urgent humanitarian and other food needs, and for other purposes; jointly, to the Committees on Agriculture, and Foreign Affairs.

By Mr. WEAVER:

H.R. 6582. A bill to provide for the conveyance of certain real property in Lane County, Oreg., to certain persons who purchased and held such land in good faith reliance on an inaccurate surveyor's map; to the Committee on Interior and Insular Affairs.

By Mr. RAHALL:

H.J. Res. 501. Joint resolution authorizing the President to proclaim September 8 of each year as "National Cancer Day"; to the Committee on Post Office and Civil Service.

By Mr. THOMPSON:

H. Con. Res. 283. Concurrent resolution authorizing the printing of Federal Election Campaign Laws relating to the United States House of Representatives; to the Committee on House Administration.

MEMORIALS

Under clause 4 of title XXII, a memorial was presented and referred, as follows:

351. By the SPEAKER: A memorial of the House of Representatives of the State of Oklahoma, relative to proposed registration or drafting of women in the selective service; to the Committee on Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. BOGGS:

H.R. 6583. A bill for the relief of Guadaloupe Socorro Carrillo Gibbs; to the Committee on the Judiciary.

By Mr. PRICE:

H.R. 6584. A bill for the relief of Christina A. Macon; to the Committee on the Judiciary.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2707: Mr. Duncan of Oregon.
H.R. 3493: Mr. Howard.
H.R. 4169: Mr. Lewis.
H.R. 4170: Mr. Lewis.
H.R. 4171. Mr. Lewis.
H.R. 4782. Mr. Kastenmeier.
H.R. 5134. Mr. Mitchell of Maryland.

H.R. 5407. Mr. Blanchard, Mr. Hammerschmidt, Mr. Solomon, Mr. McDade, Mr. Porter, Mr. Hyde, Mr. Rinaldo, Ms. Oakar, Mr. Guarini, Mr. Frost, Mrs. Chisholm, and Mr. Corcoran.

H.R. 5509. Mr. Lehman, Mr. McHugh, Mr. Ashley, Mr. Winn, and Mr. Mineta.

H.R. 5989. Mr. Hinson and Mr. Porter.

H.R. 6016. Mrs. Chisholm, Mr. Mitchell of Maryland, Mr. Rangel, Mr. Rodino, Mr. Mattox, Mr. Addabbo, Mr. Corrada, Mr. Diggs, Mr. Murphy of Illinois, Mr. Bingham, and Mr. Rosenthal.

H.R. 6065. Mr. Wolpe and Mr. Harris.

H.R. 6239. Mr. Traxler, Mr. Kogovsek, Mr. Evans of Georgia, and Mr. Whitley.

H.R. 6380. Mr. Ashley, Mr. Beilenson, Mr. Cleveland, Mr. Coelho, Mr. Cotter, Mr. Danielson, Mr. Fazio, Mr. Gradison, Mr. Gray, Mr. Hall of Texas, Mr. Ichord, Mr. Leach of Louisiana, Mr. Lehman, Mr. Lott, Mr. Madigan, Mr. McKinney, Mr. Mitchell of New York, Mr. Mitchell of Maryland, Mr. Oberstar, Mr. Ottinger, Mr. Patten, Mr. Patterson, Mr. Preyer, Mr. Rinaldo, Mr. Roe, Mr. Shumway, Mr. Charles Wilson of Texas, and Mr. Yates.

H.R. 6461. Mr. Winn, Mr. Lagomarsino, Mr. Pepper, Mr. Kelly, Mr. Porter, Mr. Sebelius, Mr. Robert W. Daniel, Jr., Mr. Jeffords, Mr. Leach of Louisiana, Mr. Quillen, Mr. Symms, Mr. Hinson, and Mr. Guyer.

H.R. 6494. Mr. Lagomarsino, Mr. Cleveland, Mr. Dan Daniel, and Mr. Gray.

H.R. 6549. Mr. Winn.

H.J. Res. 145. Mr. Akaka, Mr. Yatron, Mr. Johnson of California, Mr. Montgomery, Mr. Markey, Mr. Steed, and Mr. Mavroules.

H.J. Res. 220. Mr. Preyer, Mr. Guyer, Mr. Dan Daniel, Mr. Barnard, Mrs. Snowe, and Mr. Walgren.

H.J. Res. 263. Mr. Blanchard.

H.J. Res. 372. Mr. Mica, Mr. Winn, Mr. Dixon, Mr. Mathis, Mr. Young of Florida, Mr. Evans of Delaware, Mr. Jacobs, Mr. Cotter, Mr. Shumway, Mr. Loeffler, Mr. Conte, Ms. Mikulski, Mr. Myers of Pennsylvania, Mr. Anderson of California, Mr. Young of Missouri, Mr. Cleveland, Mr. Maguire, Mr. Guyer, and Mr. Edwards of Oklahoma.

H.J. Res. 445. Mr. Mathis, Mr. Volkmer, Mr. Kramer, Mr. Grisham, Mr. Jacobs, Mr. Latta, Mr. Heftel, Mr. Stanton, Mr. Benjamin, Mr. Oberstar, Mr. Carr, Mr. Sawyer, Mr. Bethune, Mr. Cavanaugh, Mr. Akaka, Mr. Evans of Georgia, Mr. Nolan, Mr. Kostmayer, Mr. Erdahl, Mr. Archer, Mr. Hammerschmidt, Mr. Daschle, Mr. Hagedorn, and Mr. Maguire.

H. Con. Res. 282. Mr. Goodling, Mr. Gray, Mr. Gilman, and Mr. Dodd.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 6081

By Mr. LENT:

—Page 5, immediately after line 8 insert the following new subsection:

"(k)(1) Within thirty days after the date of enactment of this provision, the President shall refer to the Foreign Claims Settlement Commission of the United States any claims submitted to him, before the expiration of that thirty-day period, arising from any actions described in subparagraphs (A) through (C) of Section 620(e)(1) of the Foreign Assistance Act of 1961, as amended, taken by the Government of Nicaragua, or its agencies or instrumentalities.

(2) Within ninety days after the date of referral of such claims, the Commission shall render an advisory report to the President regarding the validity and value of such claims.

If the Government of Nicaragua has not discharged its obligations under international law to compensate such claimants or otherwise provide appropriate relief within ninety days after the Commission renders its advisory report to the President, the outstanding balance of any loans to the Government of Nicaragua, or any of its agencies or instrumentalities, of funds authorized to be appropriated under this chapter shall become immediately due and payable.

The provisions of this subsection shall not be waived with respect to Nicaragua unless the President determines and certifies that such a waiver is important to the national interests of the United States. Such certification shall be reported immediately to Congress."

SENATE—*Friday, February 22, 1980*

(Legislative day of Thursday, January 3, 1980)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by Hon. DENNIS DECONCINI, a Senator from the State of Arizona.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. MAGNUSON).

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 22, 1980.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DENNIS DECONCINI, a Senator from the State of Arizona, to perform the duties of the Chair.

WARREN G. MAGNUSON,
President pro tempore.

Mr. DECONCINI thereupon assumed the chair as Acting President pro tempore.

RECESS TO TUESDAY, FEBRUARY 26, 1980

The ACTING PRESIDENT pro tempore. Pursuant to the previous order, the Senate will now stand in recess until Tuesday, February 26, 1980, at 10 a.m.

Thereupon, at 12:01 p.m., the Senate recessed, under the order of Thursday, February 21, 1980, until Tuesday, February 26, 1980, at 10 a.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

EXTENSIONS OF REMARKS

ADDRESS OF CONGRESSMAN JOHN BRADEMAS, ANNUAL CONVENTION, AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. BRADEMAS. Mr. Speaker, earlier this week, on February 18, 1980, I had the privilege of delivering an address at the 10th Annual Federal Relations Breakfast of the American Association of School Administrators during the annual meeting of that organization which was this year held in Anaheim, Calif.

I insert the text of my remarks on this occasion at this point in the RECORD:

ADDRESS OF CONGRESSMAN JOHN BRADEMAS, ANNUAL CONVENTION, AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS

I am delighted to have been invited to speak at the Tenth Annual Federal Relations Breakfast of the American Association of School Administrators.

I am glad to be here for several reasons, but among them are three:

First, I have an opportunity to pay tribute to a good friend and constituent and the new president of AASA, Richard Miller of Elkhart, Indiana.

Dick Miller has served with distinction for 7 years as the superintendent of the schools at Elkhart. My home Congressional District and the State of Indiana are honored by your selection of Dick to be your new president, and I know he will give splendid leadership in this national responsibility as he has done in Indiana.

So, too, I am pleased that Jim Scamman, Superintendent of Schools of my home town of South Bend, is here. In the short time he has held that position, Jim has effectively demonstrated his outstanding talents. It is in large part because of his leadership that this month you were able to read that South Bend's is the first school system in the North to integrate its schools by consent agreement without disruption and without the need for court involvement.

ALBERT QUIE GOLDEN KEY RECIPIENT

Finally, I rejoice to renew a friendship of over twenty-one years with one of the ablest persons with whom I have ever served in Congress, Albert Quie, now the Governor of Minnesota.

Al and I worked closely together for over two decades on legislation for education, libraries, the arts and humanities, the elderly and the handicapped. We miss his constructive and reasonable, albeit Republican, voice in the House of Representatives. I am delighted that the AASA has awarded Al your coveted Golden Key this year.

Although I am by vocation a politician, I feel completely at home with a group of educators. My late grandfather was for many years a high school principal and superintendent and college teacher in Indiana. For nearly half a century, my mother taught music and art to third- and fourth-graders in the schools of Indiana and Michigan. For a time, between elections, I was a professor of political science at St. Mary's College in my home community.

But perhaps more to the point, I have for over twenty-one years, served on the Committee of the U.S. House of Representatives with chief responsibility for education legislation.

My service on the Committee on Education and Labor was not accidental.

One of the most important of all decisions to a newly elected Congressman is his committee assignment. Having first won election to the House in 1958, the year the National Defense Education Act became law, I felt strongly that the time had come for the Federal government to provide greater support for education in the United States. This was the year after the Soviets launched the first Sputnik and thereby shocked Americans into a reevaluation of the state of education in our country.

I had concluded that the best way to play a part in a burgeoning Federal role in education was to become a member of the Education and Labor Committee.

ON MEETING SPEAKER RAYBURN

Shortly after the election of 1958, I telephoned then Speaker of the House Sam Rayburn of Texas, who lived in the little town of Bonham, up near the Oklahoma border. I flew to Dallas, rented a car, and drove to Bonham to call on the Speaker, who lived in a white frame house just off the side of the road. After lunch, sitting in a rocker in his living room, Speaker Rayburn said to me with blunt friendliness, "I s'pose you want to talk about your Committee?"

"Yes, sir," I told him, "Mr. Speaker, I'd like to be on the Education and Labor Committee."

"Hot potato committee, hot potato committee!" the Speaker said.

I said I knew that but I felt it was an important assignment nonetheless because the issues the Committee would be considering would have a major impact on the people I represented in Northern Indiana and, moreover, I believed the Federal Government would be giving much more attention to education in the years ahead.

Speaker Rayburn was not in the habit of giving guarantees to freshmen Congressmen—and there were fifty Democrats elected that year—but I can tell you that when committee assignments were finally made, I drew Education and Labor and have remained on that Committee for over twenty years. As a consequence, I have had the privilege over the past two decades of helping to write nearly every major piece of legislation aimed at aiding schools, colleges, universities, and other institutions of learning and culture in our country. I was with Al Quie, chief sponsor of the law creating the National Institute of Education, the principal Federal agency supporting educational research in our country; again with Al, of the Education for All Handicapped Children Act; and with him and Senator Pell of Rhode Island, of the legislation that authorizes the National Arts and Humanities Endowments; and of several acts to provide financial aid to college students as well as to colleges and universities.

So years later I have come to appreciate how worthwhile my expedition to Bonham, Texas, was.

For all these reasons, then, I feel at home with you.

SUPPORT FOR PUBLIC EDUCATION

"Not only is there an art in knowing a thing," Cicero wrote more than 2,000 years ago, "but also a certain art in teaching it."

And, I would add, there is yet another art in making possible, as you administrators do, both the teaching and the learning of which Cicero wrote.

What is the state of the arts—and, I suppose we should add, sciences—of teaching and learning today?

This is, I believe, a particularly appropriate moment to put such a question. We observe AASA's tenth annual breakfast this morning—a milestone of sorts.

And there are other milestones: the start of a new decade; the fifteenth anniversary of the Elementary and Secondary Education Act, probably the single most important piece of legislation ever enacted in support of education; the creation of a Cabinet-level Department of Education; and the submission of a new education budget for the coming fiscal year.

So how are we doing?

In several ways, I think we are much better off than we were in, say, 1965. Clearly there has been an increased commitment on the part of all levels of government to support public education. On the Federal level alone, education funding has grown from $4.3 billion in fiscal year 1966 to $15.4 billion in fiscal year 1980—and President Carter has proposed adding $1.1 billion more for fiscal year 1981.

Nor has it simply been a matter of throwing money at our schools and colleges. We have also made great progess in the past fifteen years in distributing the benefits of that support, providing equal educational opportunities for all our school-age children, regardless of race, language, or handicapping condition. We have also been able to ensure that all qualified students, regardless of their economic condition, can now find adequate financial support for a college education.

This effort continues, and there is much yet to do. Still, we can, I think, be proud of all we have accomplished thus far.

Having said this, however, I am obliged to paint the other half of the picture; and that half, sad to say, is not nearly as bright.

ON ENTERING THE 1980'S

Here are just some of the problems, the difficulties, that shape the climate of Education in America as we enter the 1980's:

1. The spiraling cost of energy, which has placed an unexpected squeeze on school and university budgets;

2. The leveling off of Federal spending for education and other human resource programs;

3. The growing tensions between the United States and the Soviet Union, and the increased pressure for military, rather than domestic spending that results;

4. Rising resistance, at the state and local level, to bond issues and new school taxes—the so-called balanced budget movement;

5. Sharp criticism of federal rules and regulations;

6. Declining enrollments, as the baby boom peaks and the children of the boom defer their own child-bearing;

7. Limited job opportunities for teachers, as the drop in numbers of students compels

the closing of some schools and the consolidation of others;

8. An aging faculty, as turnover nearly disappears—and disappearing, too, will be an entire generation of new, young teachers.

9. More and more families who have no children of school age and minimal interest in seeing their tax dollars support education;

10. Increasing numbers of minority students, who bring with them to the schools an array of difficult cultural, economic and language problems; and

11. A growing underclass of the unemployed (some say unemployable), disproportionately young and black and Hispanic, whose inability to take part in society is like a time bomb ever closer to detonation.

STATUS OF SCHOOL ENROLLMENTS

Let me take a moment here to underscore one of the factors I have cited, because it is at the root of so many of the others—the decline in enrollments.

According to the United States Census Bureau, elementary school enrollment peaked in 1969 at 36.8 million students and is expected to continue falling to 30.2 million in 1984, when a slow rise will begin.

The number of secondary school students reached 15.8 million in 1976, but has already dropped to 15.2 million and will continue to fall at least through 1988, when the figure will be 12.7 million.

The practical effect of these changing numbers is enormous.

The median age of Americans is rising two years every decade.

In 1900, there were ten youths under age 18 for every person 65 and over; by 1977, the ratio had fallen to three to one.

During the next decade, the number of 18-year-olds will decline by 20 percent.

Meanwhile, our elderly population will rise dramatically in the years ahead, from only 10.7 percent of all Americans to as much as 22 percent in the year 2030.

As Dr. Samuel H. Halperin, the Director of George Washington University's Institute for Educational Leadership, points out, "from the viewpoint of public expenditures, this aging population is an expensive one: roughly three times as expensive as per capita public expenditures for youth."

"Moreover," Halperin notes, "the expense is not borne proportionately by the different levels of government. Education, we know, is primarily financed by the states and localities while most public spending for the elderly is Federally funded. Already, Federal funds for the elderly account for a quarter of Washington's total budget. If continued, by 2025, expenditures for senior citizens could amount to 40 percent of a proportionally larger Federal budget."

Halperin concludes this way: "The implications of these facts, among many, for vastly larger Federal spending for education seem obvious, if not incontrovertible."

FIRST STRATEGY IS REALISM

As I said earlier; The picture is not a bright one.

How are we to respond, those of you who administer our schools, and those of us who help set Federal policy in support of those schools to the conditions I have outlined for you? The answer is clearly not by throwing up our hands and leaving the field to others less inclined to fight for education. There is far too much at stake.

On the other hand, these conditions require new ground rules and so, if we hope to accomplish our objectives, new strategies.

Let me suggest, from my perspective as a practicing politican, several of these strategies, and bear in mind here that I shall try to be instructive rather than exhaustive.

The first strategy is realism. Even as we recognize the message contained in the birth of past years, we must recognize the message of vote tallies and military budgets. This is not the time to be writing major new programs in support of education, or for many other programs either, for that matter. We are in a time of cutback and trim and must attempt to ride the various cross-currents of politics and policy both in Washington and in your local communities.

In a similar vein, it would be most unrealistic, even for those who strongly supported the creation of a Cabinet-level Department of Education, to expect rapid changes in the way Federal education policy is carried out. The Department will at last count be overseeing 152 programs that were formerly handled by six different Federal agencies. It will take time to shake down so large a ship and make it truly seaworthy. So a little patience will be in order there.

As one who has only recently become acquainted with Shirley Hufstedler, the first Secretary of Education, I must tell you what those of you who know her distinguished record as a judge here in California already know that Shirley Hufstedler is a person of broad vision, keen intelligence and unquestioned dedication to a vigorous and vital place for education in American life. I commend President Carter for a wise choice for this significant responsibility.

THE STRATEGY OF ADVOCACY

Having extolled the virtues of pragmatism and lowered expectations, I may surprise you with my second suggested strategy, and that is advocacy. You should be more active than ever before in fighting for support of education, and you should press your fight at all levels of government—local, state and Federal.

I have several points in mind here.

I am frank to tell you, first of all, of my distress at the behavior of many officials with respect to the balanced budget movement. I am all for eliminating wasteful or unnecessary spending and for insuring that America's tax dollars are used for the purposes for which they are intended. In fact, these last several weeks, in my capacity as Chairman of the House Subcommittee with jurisdiction over the budget of the Committees of the House, I have been asking tough questions of Committee Chairmen; and in most cases, our Subcommittee has been cutting budgets.

Let me, however, make this observation. For state officials with surpluses in their state treasuries to demand increased Federal funds for the states while attacking Congress as profligate and free spending is really irresponsible. Such charges are all the more irresponsible. I would suggest, when officials in some states prove unwilling to provide sufficient support for education from state tax dollars. You the education leaders, must be active in resisting this illogical and, to repeat, irresponsible position.

Similarly, you must contend with efforts on many fronts to limit so-called "non-essential" government spending for education. In the conflict between heightened consciousness and tightened pocketbooks, there are no clear winners. But I believe the "cutback and trim" and "back to basics" forces often, in seeking to slash education benefits misdirect their energies. Nothing could be more basic than that our schools help develop complete human beings, children who can read and write, think and feel.

We need people with a sense of both the universe outside the classroom and the universe inside each student. I would ask you then to protect programs like arts education and education about foreign cultures and issues in international affairs. These are not frills but part of the core of education.

NATIONAL INSTITUTE OF EDUCATION

My third strategy is one with which you should be right at home, and it is this: more and better teaching and learning about the processes of teaching and learning. There is simply too much about education that we do not know, and I here include school administrators and Members of Congress as well as the general public.

We must learn more about how people teach and learn. One of my legislative accomplishments in which I take greatest pride—and I know Al Quie does too—is the creation of the National Institute of Education, the Federal agency with principal responsibility for research and development in education.

Our national interest in an effective and sound educational system requires that state, local and Federal investments in education be made with the greatest possible understanding of the education process. NIE helps us achieve that understanding. I cite three examples:

NIE's studies of model programs for actual and potential school dropouts as well as of organizational factors associated with successful schools contributed to President Carter's recently proposed Youth Unemployment Initiative.

NIE's studies of competency testing, test construction and cultural and linguistic biases will lead to more meaningful measurements of what children learn.

Finally, NIE's work in language acquisition and development have led to new initiatives with respect to student illiteracy, the education of bilingual children and the needs of youngsters speaking Black English.

Beyond these activities of NIE are others, equally valuable, dealing with school finance, the teaching of mathematics, teacher improvement, technology in education, and non-school learning, to name several.

The results of NIE's efforts can be immensely helpful to local, state and Federal officials, school administrators, teachers and parents—and ultimately, of course, to our students. The National Institute of Education is an organization deserving of your strongest support.

When I spoke a moment ago about the need for more learning and teaching, however, NIE was not all I had in mind. President Carter has just proposed a new $3,000,000 program to establish a variety of training programs for school administrators.

The Administration hopes through this program to provide school administrators management expertise better to enable them "to respond to political and social changes affecting the school environment, tighter budgets, legislative mandates" and better to manage Federal, state and locally funded education programs.

In undertaking this effort, surely it is clear that you as school administrators must do more to educate the public about education.

You need in particular to educate policymakers, and not only about your activities and your problems, but also about your accomplishments. As Sam Halperin said to me the other day, "Lots of people are learning in this country." He is right, and the country needs to hear more about these success stories. First, successes can often be replicated. Second, people who see a return on their investment are more likely to want to continue to invest.

Finally, I think we need a more thoughtful discussion about the burdens and benefits of the Federal role in education. I am well aware of the discontent and resentment that administrators feel as they wade through one more set of Federal regulations they believe hamstring a well-intentioned Federal program.

I must warn you that I believe there are important and essential decisions of policy in many of those regulations. Still, it is in our common interest to modify or eliminate those requirements which are unduly burdensome or which have long since outlived their raison d'etre if, indeed, they ever had one.

What we need, in short, is a more systematic effort to find out where the shoe pinches. Conferences such as this one can go a long way toward advancing that effort, but the process should be an ongoing one. For example, I would like to see a series of dialogues between and among all those concerned with the implementation of the Education of Handicapped Children Act—the parents, the teachers, state and local administrators, representatives of the handicapped children, governors and state legislators, and Federal education officials. After all, our common objective is to educate the millions of America's children who are handicapped. Let us ask how well we are doing and how we can do better.

My fourth and final strategy suggestion is this one: Creative politics. Those of you who support education these days face a country whose citizens, statistically speaking, have less direct interest in education than ever before. You face a country deeply distrustful of the educational establishment, distrustful, too, of a Department of Education that many viewed, rightly or wrongly, as the plaything of one portion of that establishment.

NEW COALITIONS FOR EDUCATION

How do you deal with this situation? For starters, you must do all you can to forge new alliances, to forge new coalitions in support of education.

You must convince people who no longer have children of school age, or may not have them for some time to come, that education serves the needs of all of society.

You must convince business leaders that closer cooperation in designing and implementing vocational training programs is in their best interest.

You must convince cultural organizations of all types to make common purpose with you in support of expanded curricula in the arts.

You must convince local officials that unemployed teenagers and those who soon will be can be salvaged—for their good and for the good of their community.

You must involve state officials, who in many states provide an increasing share of education funds and at any rate have much to do with the distribution of Federal funds, more deeply in the policy-making process. For all my criticism of some state officials several moments ago, they are still by and large people who want to do the best job they can to meet human needs.

And finally, to make policy-makers aware of the importance you assign to education, you must mobilize. It would be a great mistake for public officials at any level to underestimate the degree of public support that does exist for education and for its indispensable role in providing social cohesion in an increasingly fragmented period in our national life. Surely it is the responsibility of the advocates of education to articulate that conviction to their representatives in government.

These, then, are only some suggestions I would offer as we enter a troubling but exciting decade. Much of what I have said may appear to be political in nature, but I have not attempted to be partisan. The future of education is in large measure a question of public policy and so will require the building of coalitions and the mobilization of constituencies.

I do not, however, despair over the state of education, and I do not believe you do either. Otherwise none of us would be here today. As a young Congressman, I remember still the words of a young President, John F. Kennedy, nearly twenty years ago. "Education," he said, "is the keystone in the arch of freedom and progress."

I believed that then, I believe it still, and I know that you do, too.

Thank you.●

SUPPORT FOR H.R. 6380

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. BOLLING. Mr. Speaker, once again I bring to the attention of my colleagues the tremendous support Members have expressed for my bill H.R. 6380, to establish a Commission on More Effective Government. On February 12 I listed an initial 61 cosponsors for the bill which I introduced on January 31. Today I am adding an additional 28 Members as cosponsors. I am very pleased that so many Members agree that we must undertake a comprehensive review of the structure of our Government and that we must make some rational decisions on how to make Government work for all people.

A LIST OF THE NEW COSPONSORS

Thomas L. Ashley; Anthony C. Beilenson; James C. Cleveland; Tony Coelho; William R. Cotter; George E. Danielson; Vic Fazio; Willis D. Gradison, Jr.; William H. Gray III; Sam B. Hall, Jr.; Richard H. Ichord; Claude (Buddy) Leach (LA); William Lehman; Trent Lott; Edward R. Madigan; Stewart B. McKinney; Donald J. Mitchell (NY); Parren J. Mitchell (MD); James L. Oberstar; Richard L. Ottinger; Edward J. Patten; Jerry M. Patterson; Richardson Preyer; Matthew J. Rinaldo; Robert A. Roe; Norman D. Shumway; Charles Wilson (TX); and Sidney R. Yates.●

OSHA AND INDUSTRIAL ACCIDENTS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. GAYDOS. Mr. Speaker, over the past couple of months many of our fellow citizens were enjoying the holiday season. Unfortunately, during this period, many workplaces were plagued with serious industrial accidents resulting in a number of serious injuries and fatalities. These tragic accidents resulted from explosions, exposure to dangerous chemicals, and mechanical defects in operating equipment. In many cases, the accidents might have been avoided by effective monitoring of hazardous areas or preventive maintenance. However, one conclusion is apparent. Workplaces are still plagued by serious occupational safety and health problems which continue to occur at any given time or place.

Since 1970, the Occupational Safety and Health Administration has been attempting to reduce the number of occupational safety and health problems affecting the workplace. While there has been progress in this effort, there still remains a strong and continuing need for effective regulation of the workplace. As these examples indicate, too many employers just will not make the effort to rid their workplaces of occupational safety and health problems.

As chairman of the Subcommittee on Health and Safety, I have been monitoring the occurrence of serious accidents in the workplace. I now provide for the RECORD information on recent serious accidents in the workplace.

On December 3, 1979, an explosion ripped through a manufacturing plant in Tulare County, Calif., critically injuring one man.

On December 13, 1979, a 21-year-old worker spraying herbicide in a northern California forest became partially paralyzed because of exposure to the chemical 2-4-D.

On December 19, 1979, a pipe carrying highly flammable hydrogen ruptured and escaping gas ignited, killing a 41-year-old employee and seriously burning a 32-year-old worker at an oil refinery in Tulsa, Okla.

On December 28, 1979, 6 employees were killed and 12 others injured after a carbon monoxide leak at a steel plant in East Chicago, Ind. The carbon monoxide leaked into an area around a blast furnace when a fan became inoperative.

The accidents mentioned above are just a few select examples and are intended to demonstrate that serious accidents continue to occur at any time and in different types of workplaces. Hazardous workplaces can be controlled by employers who conscientiously monitor hazardous conditions and engage in preventive maintenance. However, there remains a continual need for effective enforcement of the Occupational Safety and Health Act of 1970. This law, with its inspection and penalty mechanisms, serves as a key device for compelling employers to regularly examine their workplaces for hazardous conditions and correcting such situations. As these examples and others that I have previously put into the RECORD indicate, too many employers have just not made an effective effort to assure a safe and healthful workplace for their employees.●

NICARAGUA AFTER SOMOZA

HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. HARKIN. Mr. Speaker, my esteemed colleague, the gentleman from Massachusetts, Mr. ROBERT DRINAN, recently visited Central America, including Nicaragua, El Salvador, and Guatemala. His thoughtful analysis of the prospects for social justice and democracy in Nicaragua are particularly pertinent in light of our consideration of reconstruction aid for that war-devastated country. I submit his views on this important matter for the edification of my colleagues in the Congress.

The analysis follows:

NICARAGUA AFTER SOMOZA

Can the revolutionary Government that took over Nicaragua after the July 1979 coup against the hated President Anastasio Somoza bring forth a stable and democratic state? That was the question I investigated as a member of a study group, financed by the Unitarian-Universalist Service Committee, that visited Nicaragua in early January 1980.

My answer is optimistic and hopeful. The junta that followed 43 years of Somoza dictatorship and a sanguinary 18-month revolution enjoys almost incredibly widespread support. It is open and searching; it candidly acknowledges its debt to Cuba and the presence in Nicaragua of hundreds of Cuban teachers. It asserts, sometimes ambiguously, that it is neither another Cuba nor another capitalist Central American country to be exploited by American corporations.

The revolution in Nicaragua is unique in that it appears to be a truly populist revolt inspired to a surprising degree by the Catholic social activists. Some persons in Managua claim that the new Government in their country is the first fruit of Medellin and the cry of Latin America's 300 bishops for a just economic order. Priests and nuns in Nicaragua even suggested that their revolution might become the model for Latin America. Four priests hold cabinet or high positions in the new Government: One of them is foreign minister, Father Miguel D'Escoto, a Maryknoll priest trained in the United States.

Everything converged happily in Nicaragua to bring about the fall of President Somoza. He had so little constituency toward the end of his rule that his Government and even the army fell before a people's crusade organized around the sayings of Augusto César Sandino, a guerrilla leader of the 1920's who was assassinated by a previous Somoza government. The murder of the renowned journalist Pedro Joaquin Chamorro in January 1978 seems to have been the final event needed to solidify the revolution that has been forming for at least a generation.

Added to all of these elements was the presence of a united Catholic hierarchy of seven bishops and a few hundred priests and nuns, mostly from outside of Nicaragua. Working along parallel lines, Catholic social activists and Cuban publicists united the people in their desire to rid themselves of a tyrannical and corrupt government.

In my talks with bishops, priests and nuns, I was regularly surprised but encouraged at their universal feeling that finally a Latin American nation had achieved a government capable of avoiding that violence and polarization that seems so endemic to societies in South America. One priest told me that Catholic teachers in Nicaragua had fulfilled precisely the February 1979 Puebla mandate of the Latin American bishops: "We ask all Christians to collaborate in the changing of unjust structures. . . ." At a Mass on Epiphany, which I concelebrated, the pastor, in his homily, compared the revolutionaries of Nicaragua with the Magi because both, he said, searched for and found the truth.

The bishops of Nicaragua have issued two pastorals since the change of government in July. Both letters are carefully nuanced in their qualified endorsement of Christian socialism. Both messages condemn Communism and the abuses of capitalism. Both of the widely discussed statements make it clear that Catholics should support the new Government and not undermine it by any unreasonable fear of Communist influences.

But the buoyancy in Nicaragua over the new Government is restrained by the knowledge of its enormous problems. Up to 50,000 of Nicaragua's most educated citizens may have left the country, it external debt is gigantic, its agricultural produce is sharply off as a result of the civil war, and other nations are hesitant about investing in a country whose government is still on probation.

The U.S. Congress will have to decide in the near future whether it desires to give Nicaragua the $75 million in economic assistance strongly recommended by the Carter Administration. The vote will clearly be a referendum on whether the Congress thinks that Nicaragua will be another Cuba. The invasion of Afghanistan is logically unconnected with the merits of the $75-million grant to Nicaragua, but it may nonetheless dominate the debate. I informed the highest leaders of Nicaragua of this and urged them to join the overwhelming majority of nations that have condemned the Soviet invasion of Afghanistan. They bristled sharply at the perceived condition of American aid. But they had to admit that if they were silent, this would be seen as an implicit condition of their receiving aid from Cuba and the socialist nations of Eastern Europe.

On Jan. 14, 1980, Nicaragua was one of 18 nations in the General Assembly of the United Nations that abstained from condemning the Soviet Union for invading Afghanistan. That vote will not help Nicaragua with the U.S. Congress.

One of the impressive developments in the new Nicaragua is the vibrant campaign to overcome the illiteracy that affects 840,000 persons over the age of 10, or 53 percent of the adult population. The director of this program, Rev. Fernando Cardenal, S.J., asserts that the structures of the Somoza regime institutionalized illiteracy as a method of preventing participation by the people in their government. There can be no economic or human development without literacy, Father Cardenal insisted to my group. Indeed, he asserted, the entire future of Nicaragua as a democracy depends upon the elimination of illiteracy.

Despite the undeniably broad support for the new Government of Nicaragua, its future is clouded. In El Salvador and Guatemala, I heard leaders almost tremble in fear as they referred to the new "Communist nation" of Nicaragua next door. An invasion of Nicaragua by rightwing elements of Guatemala and El Salvador is not an impossibility. This would become more possible if Nicaragua moves to the left in land reform and in the nationalization of industry. The near-paranoid fear of Communism that pervades the mentality of those in power in Latin America seems sometimes to be so powerful that it could erupt in counterrevolutionary measures against the Sandinistas in Nicaragua.

The future of the post-Somoza Government will depend in important ways on the attitude of Americans. If the Congress votes down the $75 million, a deep-seated resentment against America present everywhere in Central America will surge. The people of Nicaragua feel that the Somoza regime could never have survived for more than 40 years without substantial U.S. support. In their more bitter moments, the people of Nicaragua demand restitution; in their more realistic moods, they want a continuation of that aid which, after the 1976 earthquake, the Congress gave somewhat generously. A reversal of that policy, brought about possibly by the antidétente mood following the invasion of Afghanistan, would surely be looked upon as unjust.

The priests and nuns of Nicaragua expressed to me in several ways their desire for solidarity and support from American Catholics. They are proud of the liberation they helped to bring to Nicaragua. They want the new Government to flourish. But this is simply not possible without the good will of the United States. The Catholic leaders of Nicaragua want the American Catholic community to educate the country and to lobby the Congress about the urgent needs of Nicaragua. They made a direct, simple and prayerful plea. America's response may well have an enormous impact on the future of Christian democracy and social justice in Latin America.●

FHA/HERO WEEK

HON. DONALD JOSEPH ALBOSTA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. ALBOSTA. Mr. Speaker, this past week commemorated National FHA/HERO Week, and I am proud to say that these organizations are viable, active, and productive in my home State of Michigan. There are 150 chapters in Michigan's high schools with a total membership of over 4,000 young men and women. Nationwide, FHA/HERO represents over 450,000 young people working in areas of personal growth, family life, vocational preparation, and community involvement.

The Future Homemakers of America organization was founded in 1945, and has since teamed up with HERO (Home Economics Related Occupations) to help young people recognize a commitment to family life, consumer education, child development, and careers in home economics.

At the Michigan State FHA/HERO leadership conference each year 14 State officers compose the executive council which is the governing body for the organization. Together with the local chapter presidents, they lead this group by example toward the goals of the organization.

The purposes of FHA/HERO are:

First, to provide opportunities for self-development and preparation for family and community living and for employment.

Second, to strengthen the function of the family as a basic unit of society.

Third, to encourage democracy through cooperative action in the home and community.

Fourth, to encourage individual and group involvement in helping achieve worldwide brotherhood.

Fifth, to institute programs promoting greater understanding between youth and adults.

Sixth, to provide opportunities for decisionmaking and for assuming responsibility.

Seventh, to become aware of the multiple roles of men and women in today's society.

Eighth, to develop interest in home economics, home economics careers, and related occupations.

I am convinced that FHA/HERO is accomplishing its above goals, and I am hopeful that this week of recognition by the people of the United States will serve as a catalyst for future achievement.●

REFINERIES—NEW ENGLAND

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. COLLINS of Texas. Mr. Speaker, we have been fighting the energy battle. Six years ago we imported $3 billion in oil. This year the United States will import $90 billion of OPEC oil. We need to be producing oil here in the United States and also building refineries.

During years of price control on oil, it was frequently a losing proposition to build more refining capacity. Now that prices have inevitably risen, we bring in a windfall profits tax which can only sharply curtail capital formation. Remember the windfall tax is 70 percent on American oil companies and zero percent on OPEC oil companies. This will again be an obstacle to building refinery capacity.

Between price control environment regulations and heavy taxes, we have become our own worst enemy in the battle for energy. But that is not all. I have lately received a summary of the major nonnuclear energy facility projects that have been terminated. The summary was compiled from documents published by the Department of Energy and Federal agencies and from research by the American Gas Association, the American Petroleum Industry, the National Petroleum Refiners Association, the Edison Electric Institute, and others.

It shows that 18 oil refineries, 8 coal gasification projects, 3 liquefied natural gas import projects, 1 coal liquefaction project, 2 oil terminals and pipelines, and 7 nonnuclear electric power generating plants have been terminated, canceled, or abandoned after substantial funds were expended to try to put them into effect.

These projects were aborted because of litigation, Federal and State regulatory and permit delays, and economic, market, and environment problems. The Chamber of Commerce of the United States points out that the high rate of cancellations for these causes in the decade of the 1970's has forced many responsible and prudent energy company managers to seek diversification, alternative projects, and offshore opportunities as better investments of their shareholders' money. The many millions of dollars fruitlessly spent on these lost projects is no doubt dwarfed by the larger funds never committed when it became so obvious that the mood of all levels of government as well as of pressure groups is to stall energy projects.

The 18 refineries that never happened had a potential capacity of 3.36 million barrels of crude oil per day. That is more than Iran or Kuwait produced last year and is equal to the combined production of Algeria and Nigeria. The coal gasification projects that had to be terminated had a capacity equivalent to 300,000 barrels of crude oil per day, more than is produced in Ecuador.

I cite these figures to illustrate the great loss to our refining capacity, to the technical upgrading of our oil facilities, to the efficiency, competitiveness, and employment of a major American industry.

But the loss of capacity brings us back to the restriction of supply of crucial products such as heating oil and gasoline at times of peak demand. This raises a puzzling question as to why 9 of the 18 lost refineries should have been canceled by New England. Every State in the region except Vermont canceled at least one refinery. Do we not regularly hear complaints from New England that it does not get its fair share of gasoline and home heating oil? Whether this is true or not, the lost refineries' capacity for New England was 1.81 million barrels of crude oil per day. This is beyond question a tremendous factor for New England, whose total demand for residual, distillate, other oils, and gasoline was, according to figures I have seen for the year 1976, approximately 1.17 million barrels per day.

Is New England pragmatic or how long must it continue to deprive itself of abundant, flexible, modern, locally controlled refining capacity? ●

TRIBUTE TO RICK NOLAN

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 1980

● Mr. FOLEY. Mr. Speaker, I rise to salute the gentleman from Minnesota, my friend and colleague, Rick Nolan. By his decision to retire from the Congress, farmers, rural Americans, and the hungry peoples of the world lose an articulate, dedicated, and passionate champion here in the Congress.

Rick Nolan will be warmly remembered by many people for many accomplishments.

Farmers will recall that it was he who consistently advocated parity prices for farmers, not because he believed they could be achieved but because he believed it was right. He called attention to large corporate farmownership because he believed it posed a threat to the family farm. He first started hearings on the status of the family farm, which helped to bring about a nationwide debate on the structure of agriculture.

A wider audience will remember Rick Nolan's call for a comprehensive Federal policy for rural America. It was he who helped draw the attention of Congress to foreign ownership of land and the loss of prime agricultural land.

They will recall his leadership role in convincing Congress and the administration to convene a Presidential Commission on World Hunger.

Finally, his colleagues here in the House will remember him in his many roles, as a member of the Congressional Family Farm Task Force, as a leader of the Congressional Rural Caucus, and as chairman of the Subcommittee on Family Farms and Rural Development. Rick Nolan has earned the respect and admiration of his colleagues, particularly those of us on the Agriculture Committee.

While we can appreciate his own important personal reasons for retiring from this House, Mr. Speaker, I join with others who have expressed regret at his decision; and I urge Rick Nolan to continue in the future to play the role of public leadership that has so distinguished him in the past.●

WEAPONS GAP

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. PAUL. Mr. Speaker, the noted conservative writer and nationally syndicated columnist, John Chamberlain, recently wrote an important article on the relevance of the draft to our military situation. In it he quotes Phyllis Schlafly.

As Mr. Chamberlain and Mrs. Schlafly note, the draft is not needed and will—with the presence of women—prove militarily and socially destructive; and the courts will not allow Congress to exclude women.

I would like to call the remarks of these two great Americans to my colleagues' attention:

[From the Richmond Times-Dispatch, Feb. 16, 1980]

WEAPONS GAP MORE SIGNIFICANT THAN DRAFT

Registration and the draft are going to be profoundly divisive influences in the primaries from here on in, and not only because of draft-opponent Gov. Jerry Brown's respectable third-place showing in Maine. The chief harbinger of trouble is that registration of women has gotten mixed up in the draft revival business now confronting Congress.

Listen to Rep. Ron Paul of Texas. He points out, correctly, that if women aren't included in the draft there will be court action. Even without the Equal Rights Amendment the Constitution says the privileges and immunities of the citizens (male and female) are equal. But Congress just isn't going to call for including women in registration. That would be suicidal in too many congressional districts. That may not stop a male registration bill from passing, but there will be a big uproar about the inequality involved in it. And the spillover in the states is bound to affect the election campaigns.

Phyllis Schlafly, the woman who, almost singlehandedly, stopped the Equal Rights Amendment from passing in enough states to become law in the originally specified time, made a blockbuster of a speech on the women's draft at the midwinter Conservative Political Action Conference in Washington last week. The drafting of women, she said, has been tried in history. It has always failed. The Russians gave up on it. The Israelis, lacking manpower, have had to fall back on it, but the results were never good. As for Joan of Arc, she was a volunteer.

Mrs. Schlafly went right to the fundamentals. The record shows, she said, that when women are mixed with men in the military, the result is a 15 percent pregnancy rate. There are also the rape statistics, usually suppressed. An army including women poses a unique problem: Some way has to be found to protect women soldiers against the males in their own battalions before they ever come up against the dreadful possibility of being captured—and, of course—raped by the enemy.

This was lurid stuff as Mrs. Schlafly spelled it out. but she carried her audience with her. She is a tremendous speaker, and what she has to say will be heard on Capitol Hill. It is her conviction that no presidential candidate supporting the draft of women can be elected. With Phyllis Schlafly getting into the campaign, this could be a self-fulfilling prophecy.

It could be argued against Phyllis Schlafly that women might be registered and drafted to do rear-echelon jobs in the military, thus making men available for more onerous and dangerous front-line duty. But this would involve an unequal treatment of supposedly equal citizens. It would be sure to get into the courts.

Why Jimmy Carter has chosen to stir up the animals on the subject of male and female registration is beyond me. The Pentagon argument is that a male draft is needed in order to meet a sudden emergency.

The 13th Amendment prohibits involuntary servitude, but compulsory army service in a time of total war has always been accepted. This is not to say that the draft is needed now.

Our present problem in taking on the defense of the Middle East is one of confronting logistical difficulties that can't be handled until we have ships and a whole array of weapons that Congress hasn't even talked about providing. We lack a merchant marine. We need nuclear carriers to sustain any ongoing war in the Indian Ocean and still have enough plane- and missile-carrying ships to prevent the Russians from seizing the Mediterranean and menacing Japan. We need the B1 bomber, or at least a modification of the B1 that could deliver cruise missiles at crucial targets. Wars are fought with men, but of what use are men who can't be ferried to critical points and supplied for long periods of struggle?

What the United States needs above all is a foreign policy pitched to the one big end of depriving Soviet Russia of the support it gets from its so-called allies. The quickest way of defending the oil fields of Saudi Arabia would be to cut the connection between Castro's Cuba and the Castro minions in Africa and in South Yemen at the tip of the Arabian peninsula. Without Cubans and East Germans, Soviet policy in Angola on the Atlantic side of Africa would collapse.

We need time to build ships and cruise missiles. Our debates should center on a policy designed to give us this time. Arguments about military manpower—and military woman power—must come, but they are bound to be distracting if they take priority over the industrial mobilization that is a first consideration.●

RED CROSS AWARD TO ELVA CIPPERLY

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. SOLOMON. Mr. Speaker, I want to call the attention of my colleagues to a noteworthy act of mercy undertaken by one of my constituents, Elva Cipperly, of Hoosick Falls, N.Y.

On May 8, 1979, a fellow student in Elva's school began to choke on some food. After determining that the victim could not breathe, Elva employed her Red Cross first aid training by bending the victim at the waist and administering a series of maneuvers which eventually relieved the obstruction of the victim's airway. Without a doubt, Elva Cipperly's actions saved the student's life.

Elva has been named to receive the Red Cross Certificate of Merit and accompanying pin for exemplifying the highest ideals of one human being's concern for another in distress. The example provided by Elva reinforces the conviction that the Red Cross training program indeed saves lives.

I would like to share with all of my colleagues my respect for this young woman's humanitarianism. She certainly is to be congratulated both for her foresight in undergoing the training necessary to prepare her for emergencies and for her courage and skill when confronted with this potential disaster. Our country is made great by people of her caliber.●

RESPECT AMERICA WEEK

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. DICKINSON. Mr. Speaker, during the week of December 10 to 16, 1979, a number of organizations sponsored and participated in "Respect America Week." The groups joined together as part of the National Committee for Responsible Patriotism.

News conferences were held regarding this special week on December 6 and 7 in Washington, D.C., Newark, N.J., and Scranton, Pa. In Washington, D.C., the press conference was held at Ketchum Hall of the Veterans of Foreign Wars (VFW) and the speaker was Col. Phelps Jones of the VFW. About 20 veterans' organizations, numerous labor organizations, patriotic and fraternal organizations, and the National Conference of American Ethnic Groups (NCAEG) participated, and the event was well attended by the Washington press corps. Dr. Z. Michael Szaz, executive vice president of the NCAEG represented the organization there.

In Newark, N.J., at the Gateway Hilton Hotel the National Committee for Responsible Patriotism under the chairmanship of Mr. Charles Wiley was ably assisted by the vice president of NCAEG, Mr. Joseph Plonski who is also commander of the Polish Legion of American Veterans. Ms. June A. Nordahl, vice chairman of the National Assembly of Representatives of NCAEG officially represented our group. In her remarks she emphasized that NCAEG will do everything in its power to secure congressional support in Washington, D.C., for Respect America Week.

In Scranton, Pa., Col. Albert Soma, chairman of the Resolution Committee of NCAEG, sponsored the event on Friday, December 7, 1979, with the participation of university officials, ministers, prelates, and rabbis and, of course, with the highest representatives of the local veterans organizations. Soma also published a press release endorsing the Respect American Week principles and suggestions. Dr. Karol H. Sitko, vice president of NCAEG also participated in the observance.

The major recommendations of the Respect America Week organizers were:

First, flying the American flag 24 hours a day, and spotlighting the flag at night;

Second, public acts of community support for the hostages in Iran;

Third, prayer services in churches and synagogues for the hostages;

Fourth, on Sunday, December 16, singing of the National Anthem at football and basketball games to be dedicated to the hostages of Iran.

NCAEG organizations in the various cities contributed greatly to the successful implementation of the recommendations of Respect America Week.

The following is a statement made by Col. Phelps Jones, USA, retired, of the VFW on December 6, 1979:

> My colleagues from veterans', fraternal, trade unions, and patriotic organizations, and members of the press:
>
> My name is Phelps Jones. My job is to serve the members of the Veterans of Foreign Wars of the United States as their Director of National Security and Foreign Affairs.
>
> My boss, Howard E. Vander Clute, Jr., our National Commander-in-Chief, currently on a fact-finding visit to selected Central American nations and U.S. Naval bases in the Caribbean, has asked me to meet with you this morning. We appreciate your attendance.
>
> My purpose is to outline what "Respect America Week, 10-16 December, 1979" is all about.
>
> If the sickening events in Teheran, and to a degree, elsewhere in the Moslem world, have had any helpful—if unintended-result, it has been in the explosion of popular patriotism in every section of this country and among all age groups.
>
> American students, like the rest of us, are angry and frustrated. There is no "generation gap" about the events in Teheran. We are as one nation.
>
> We Americans, while united in patriotic frustration, have reacted, however understandably, in negative terms; burning Ira-

nian flags; shouting down non-studying Iranian "students," etc.

What "Respect America Week" offers is to move away from these spasmodic and frustrated acts of negativism—again understandable—to a nation-wide pattern of positive and responsible patriotism.

The idea for this week, I am told, was born in the New Jersey Council of Veterans' Organizations, representing some twenty-plus veterans' and patriotic organizations in that state. Press conferences today in New York and New Jersey will parallel this effort. The Longshoremen and the International Association of Firefighters, along with other trade unions, are supporting this effort.

Specific actions suggested for "Respect America Week" are limited only by the imaginations of our citizens, but could, illustratively, include:

Flying the American flag 24 hours per day, spot-lighting the flag at night;

Displaying the flag on vehicle radio antennas;

Wearing white arm bands depicting support for our hostages in Teheran;

Ringing of church bells or carillions;

Public acts of community support for nearby active duty and reserve military, naval and air bases;

On Sunday, December 16, dedicate the singing of the National Anthem at professional football and basketball games to the hostages in Iran; and

To culminate "Respect America Week," on the weekend of December 15-16, turn on vehicle head-lights during daylight hours.

This observance is non-political and implies neither support for, nor criticism of, American foreign policy.

Surely, we all must support the President in his tactical, day-to-day handling of the hostage situation in Iran.

Attached, for your information, is an earlier V.F.W. Press Release on this observance, "V.F.W. Leader Hails 'Respect America Week,'" and a list of the national organizational representatives who accepted invitations for this meeting.

I will now call upon these representatives to identify themselves and the organization they are here to represent.

Following these introductions, we will answer such questions as you may raise.

Thank you.●

ON THE 20TH ANNIVERSARY OF THE MARTYRDOM OF CARDINAL ALOYSIUS STEPINAC

HON. JAMES A. COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. COURTER. Mr. Speaker, for many of his 91 years, Cardinal Stepinac was a man who devoted his life to humanity through religion and compassion.

As a religious and national hero, he fearlessly withstood Communist attempts to silence him and destroy the unity of the Croatian people. Because of his lifelong struggle against Communist tyranny as well as religious and national persecution, I hope that His Holiness, Pope John Paul II, will take steps necessary to cannonize Cardinal Stepinac.

For the sake of the thousands of Croatian political prisoners in Yugoslav prisons as well as the Croatian people in their homeland, the good works and memory of Cardinal Stepinac must never be forgotten. The designation of 41st Street west of 10th Avenue as Cardinal Stepinac Place, is a fitting tribute to one who was so dedicated to the freedom and well-being of his people.●

MONETARY MORASS NO. 2

HON. JOHN J. CAVANAUGH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. CAVANAUGH. Mr. Speaker, the recently completed United Nation's report on the Independent Commission on International Development Issues under the chairmanship of Willy Brandt is beginning to attract increasing attention and commentary. As the determination of the international economic order continues it becomes increasingly urgent for the United States to provide vigorous and imaginative new leadership in constructing a new system of economic relationships more appropriate to the post-1973-74 realities of our world. The Brandt Commission report provides a most comprehensive analysis of current international economic conditions as well as the most complete digest of the policy options available. On February 21, 1980, a column by Colman McCarthy appeared in the Washington Post in which the essence of the Brandt report is cogently summarized. Mr. McCarthy observes:

> What is required is intellectual reorientation, serious steps toward structural change, increased practical cooperation. Historians tell us that no nation has ever willingly altered its style of living for the benefit of another. What is eerie about the wealthy nations of 1980 is their apparent unwillingness to change—by imposing ethical values on their economic strategies—even when it means benefiting themselves.

Mr. Speaker, the entire article follows:

MORE THAN A TRICKLE

A few years ago, Michael Harrington—the socialist leader whose ideas are as valuable to America as were those of earlier socialists like Eugene Debs and Norman Thomas—prepared for a trip to India.

He worried about being another Westerner going to "the human Calvary of Calcutta" as "a tourist of misery." But his moral anguish centered less on the cosmic than the trival. While packing, he was nagged by the question of whether or not to take his tennis racket. He was an avid player, as they say of tennis addicts, and his itinerary included Gopalpur-by-the-Sea, an Indian resort where he would take part in a Fulbright seminar. It would surely have a court on which the scholars and academics could take a break from their heavy thinking.

Harrington left his racket at home: "I could not see myself boarding a plane, carrying a tennis racket, on my way to what could be for me the heart of darkness, the horror." He would have felt like a hypocrite, he said.

In the end, though, in what Harrington called the "most blatant evasion possible," he did pack his tennis shorts and shoes. At the courts in India, he could borrow a racket.

I thought back to this small incident in Harrington's life—which he tells about in "The Vast Majority: A Journey to the World's Poor"—when I read last week the report of the Brandt Commission. Under the direction of Willy Brandt, the former chancellor of West Germany, the members of the commission describe the death, disease and poverty that afflict hundreds of millions in the Third World.

Not surprisingly, the report is heavy with shoulds and musts. "Priority must be given to the needs of the poorest countries and regions." "The commercial banking system should continue to lend to the developing world." "The world must aim to abolish hunger and malnutrition by the end of the century." And all of these exchanges between the rich and the poor must be done as a matter of "mutual survival." All nations will be stronger as a result.

These are the unarguable calls for social justice—based on the soundest impulses of Western liberalism—that others have long stressed, from leaders like Pope Paul VI to Wassily Leontiev in "The Future of the World Economy."

But what about the tennis racket? Who among the comfortable and secure is willing to make a political act out of putting aside his games and facing the reality that 800 million human beings live in absolute poverty? Many are willing to get involved as a matter of charity. But trickle-down benevolence is an act of mercy, whereas what the Brandt report calls for is sterner: "The world requires a new system of economic relationships." A new order of "world economics" is mandatory. Self-interest is also involved. The industrialized countries are learning that their own survival depends on world stability.

A redistribution of the world's wealth is a tolerable necessity if left in the vague "out there" of global problems. The moral fog lifts when it becomes personal. The Post reported last week on the reaction of some 1,000 citizens in Potomac, Md., one of the country's wealthiest communities, to a proposal for 60 units of public housing in their midst. No, said the rich at a town meeting: the land is needed for soccer fields, not housing for the poor.

If I lived in Potomac, I might have voted for the soccer fields also or, better yet, a golf course or jogging track. Besides, how would the poor feel living among Potomac's $300,000 homes? They would be lonesome for their own kind.

These are the common rationalizations, and in part they can be defended. Who knows, perhaps the person who was loudest in support of the soccer field is someone who volunteers two nights a week to teach reading to the illiterate—in the same way that when earthquakes devastate some Third World country, it is the United States that sends in the money and food.

Unsettlingly, this crumbs-from-the-table generosity isn't what the Brandt report or the several others like it are talking about. "What is required," Brandt writes, "is intellectual reorientation, serious steps toward structrual change, increased practical cooperation."

Historians tell us that no nation has ever willingly altered its style of living for the benefit of another. What is eerie about the wealthy nations of 1980 is their apparent unwillingness to change—by imposing ethical values on their economic strategies—even when it means benefiting themselves.●

LET US NOT NEGLECT NONPUBLIC EDUCATION

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. KEMP. Mr. Speaker, the Supreme Court on Wednesday struck an important blow for private and parochial schools in my State of New York and in the Nation. By upholding a New York State law that allows States to reimburse private schools for certain expenses, the Court reaffirmed its support for certain forms of aid to these schools.

I believe it is time, then, that we stop obfuscating the tuition tax credit issue. Our Constitution does not, as Wednesday's decision indicates, forbid all State relief for private and parochial schools. So my purpose today is to talk openly and honestly about the tuition tax credit proposal on its own merits.

The coexistence of public and private schools has always been an important element in America's diversity and freedom of choice. In his poem "I hear American Singing," Walt Whitman heard in America a chorus of "varied carols." Ours has always been a nation of many voices. And it is to our credit that we have allowed—indeed encouraged—them to be heard.

In this regard, Americans have been free to choose different schools and educational programs which reflect their own values. Most of us choose public schools, and I applaud the fine efforts of our public educators. But we made our decisions knowing that we had alternatives—alternatives which, in fact, helped discipline our public schools, and kept them responsive to the communities they served.

Today, for many Americans, this choice in education is disappearing. Low- and middle-income families in particular can now only dream of affording even the modest tuition costs of nonpublic education. After all, parents who send their children to private and parochial schools not only pay tuition; they must also pay today's rising tax rates that finance the public school system. Furthermore, as inflation eats into their real income, families are forced into higher tax brackets. This further erodes their financial base, and makes it more difficult for them to afford private and parochial schools.

For these, and other reasons, we are today seeing a crisis in nonpublic education; private primary and secondary schools are dropping like flies. In my own city of Buffalo, 43 parochial schools have been forced to shut their doors in the last decade. Catholic school enrollment alone is down 40 percent. And these figures are repeated across the State of New York and the Nation as well. Today New York State Catholic school enrollment is down 40 percent; nationwide it is down 34 percent.

But I am talking not just about Catholic schools. Christian schools and Jewish schools and independent schools and experimental schools—all are hard hit by inflation, declining family incomes, and rising costs.

The same is true at the college level. Fewer and fewer families can meet the skyrocketing costs of private and even public higher education. Middle-income families are especially hard hit, as they are often too poor to afford college, but too well off to receive Government aid. Many parents must go deeply into debt to provide higher education for their children.

I think it is time that Congess act to protect educational diversity and freedom of choice in education. We have a real crisis before us in many areas of private education. But we also have a tool at hand to deal with the problem. Tuition tax credits would provide a simple, direct, and effective means of financial relief to the American family which supports private education. Educational tax credits would also encourage competition within our educational system—competition which can only improve the quality of public education. And perhaps most important, tuition tax credits would help restore the freedom of educational choice to lower and middle income families.

This is why I am today reintroducing a tuition tax credit bill, which would permit taxpayers to subtract half of the tuition they pay, up to $500 maximum for postsecondary students, from their income taxes. The credit would be available for tuition paid to an elementary or secondary school, a college or university, a vocational or technical school, and an accredited business or trade school.

But today I am not so much concerned about arguing the specific details of my proposal as I am in reopening the debate. I want to see Congress once again concentrate on the importance of educational diversity and freedom of choice in education.

As a sponsor of a tuition tax credit plan 2 years ago, I said in this chamber that tax credits—

> Would help us honor our tradition of plurality and freedom of choice in directing the education of our children.

Shortly thereafter the Carter administration and some Members of the Senate killed a tuition tax credit bill—which had been passed by the House—I heard it said that this was an anti-Catholic sentiment. I think it was more than that. I call it an antifamily sentiment as well, because every American family, no matter what race or religion, will lose out if we allow the option of participating in the richness of private and parochial education to fall by the wayside.

In my own State of New York, where 20 percent of all elementary and secondary students attend private and parochial schools, families have already been losing out in the 2 years since this proposal was killed. And our Nation has been losing out as well. As Senator DANIEL PATRICK MOYNIHAN—a witty and forceful defender of tuition tax credits—has pointed out, the vote against tuition tax credits was—

> A loss to pluralism, and yet another instance of the conquest of the private sector by the public sector.

We are quickly losing our freedom to choose. And it is a loss we can ill afford.

At this time I would like to introduce a bill to provide credits for private education.●

THE 62D ANNIVERSARY OF THE DECLARATION OF INDEPENDENCE OF THE REPUBLIC OF ESTONIA

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. LENT. Mr. Speaker, I wish to call to the attention of my colleagues a most important anniversary which will be observed on February 24, 1980. That date will mark the 62d anniversary of the Declaration of Independence of the Republic of Estonia, an event which climaxed years of struggle for freedom on the part of the Estonian people. The struggle has continued without surcease since then, save for an all-too brief period of just 20 years. From 1920 to 1940, the Republic of Estonia flourished and the Estonian people demonstrated with tremendous success what a small nation can achieve in all fields of life and culture when it enjoys peace and freedom.

Estonia's peace and freedom were destroyed with brutal force in 1940 when, as it has done so often, Communist Russia violated its own solemn treaties and invaded and conquered Estonia, and Estonia's Baltic neighbors Latvia and Lithuania.

Since that terrible act of aggression, Soviet Russia has persecuted and oppressed the Estonian people, denying them the basic human rights stipulated in the Helsinki Final Act, signed with so much ceremony by the Soviet Union nearly 5 years ago.

But the courageous Estonians continue their heroic struggle against the brutal Soviet regime. An Estonian scientist, Jurii Kukk last month made public two documents signed by 30 Estonians, Latvians, and Lithuanians. One, addressed to Leonid Brezhnev, Chairman of the Presidium of the Supreme Soviet and to the United Nations Secretary-General Kurt Waldheim condemned the Soviet invasion of Afghanistan and noted the tragic parallel between that act of aggression and the Soviet military invasion of the Baltic States. The latest Russian intervention brutally shattered a 1933 Soviet-Afghan friendship agreement, just as the Soviets violated nonaggression treaties with Estonia, Latvia, and Lithuania in 1940. "That's why Estonian, Latvian and Lithuanian people know the aims and results of such actions," the document declared.

The second document is an appeal to the International Olympic Committee and to the national Olympic committees of a number of nations, including the United States, asking that the 1980 summer Olympic games be moved outside the Soviet Union. That document, Mr. Speaker, cites a most compelling reason for moving the games, in addition to the Soviet invasion of Afghanistan. The document points out that the Olympic regatta has been scheduled for Tallinn, the capital of Soviet-occupied Estonia. To hold a world sports event in a city occupied by an invading foreign government "tramples on the principles of the Olympic games," as the document states.

Mr. Speaker, I call upon our President to continue to exert every effort to move the summer Olympic games out of the Soviet Union. The President already has called on the American Olympic Committee to boycott the summer games if they cannot be moved. The American committee must follow the President's request. To do otherwise would be to provide a de facto recognition of Russia's forcible annexation of Estonia, Latvia, and Lithuania, an annexation which the United States has never recognized.

Mr. Speaker, as we observe the 62d anniversary of the proclamation of the independence of the Republic of Estonia on February 24, let each one of us in the U.S. Congress reaffirm our support for the tremendous struggle for freedom being waged by the heroic Estonian people. Let us encourage the continuation of their efforts to gain success in that struggle for their basic human rights and the independence of their proud nation. We salute the great courage and determination of those Estonians who risk their lives by challenging the power of the Kremlin rulers, but who, nevertheless, continue their brave battle for freedom.●

MY ROLE IN AMERICA'S FUTURE

HON. M. CALDWELL BUTLER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. BUTLER. Mr. Speaker, as you know, each year the Veterans of Foreign Wars of the United States and its ladies auxiliary conducts a Voice of Democracy contest. The contest theme this year was "My Role in America's Future."

I am very pleased that the 1980 winning contestant from Virginia, Miss Lisa Foley of Mount Sidney, Va., resides in my congressional district. I call to your attention her award winning speech which follows:

Lisa Foley, Virginia Winner, 1979-80 VFW Voice of Democracy Scholarship Program

America: my country, my home, my responsibility. Immigrants, who have come to live in our country, have a better idea of how special our government is than those of use who were born here, but all of us need to be much more aware of how privileged our way of life is and what a shame it would be if we lost it because of inactivity and lack of concern. We are guaranteed religious, political, and individual freedom. It is not freedom to do as we wish or to sit back while others determine our futures for us; instead, it is freedom to take an active role in shaping America's growth.

Our founding fathers, along with thousands of men after them, fought for our right to live in a country where people are equal and government is fair. Like those men, we, too, need to pledge our cooperation, our concern, and our lives to our country's defense.

Voting, considered one of the privileges of Americans, is actually the duty of every American who has and enjoys our standard of living. I will vote in the next presidential election because my vote represents my belief and ideas. Democracy is a government of the people and for the people; it cannot function if its citizens are too apathetic to go to the polls and support their leaders. If we fail to voice our political opinions, democracy will fade and it will be replaced by monarchy.

The occupation I choose will help determine my role in America's future. If I choose to be a scientist, I will help America's technology. If I choose to be a farmer, I will feed America's people. If I choose to be a laborer, I will help to maintain America's strength in industry. If I choose to be a mother, I will shape America's future adults. Regardless of what career I choose, there will be a place for me to improve my country. America needs each one of its citizen's contributions to remain strong and prosperous.

The biggest problem facing American today is the energy shortage, a problem we all have to face. The President has asked us to conserve and we must in order to have fuel for years to come. We all ask: "What can I do?" Well, I will turn down my thermostat to sixty-eight degrees, and I'll still be comfortable. I will plan my errands carefully so that I use less gas for my car. I will support all programs devised for saving our resources and creating new ones.

However, in conserving and creating fuel sources, we must not risk our wildlife, air and water. America is not only its people but also its wildlife and land. I will always be conscious of my actions to see that I don't mar the beauty of our country.

Above all, I need to be a patriot. I can vote, do my job well, conserve energy, and protect the environment, but if I don't love my country, I will be of little help. Extreme nationalism has been the underlying cause for many wars; however, without rational nationalism a country cannot exist. Americans have a history of patriots (George Washington, Patrick Henry, Thomas Jefferson, Abraham Lincoln, Franklin D. Roosevelt); we must also have a future of patriots.

It is time Americans begin to work together to promote the rights, privileges, and freedoms we share. I, as well as every other citizen, will play an active part in America's future because we are America.●

PUBLIC LAW 480 PROGRAM IN EGYPT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 22, 1980

● Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues some correspondence Chairman ZABLOCKI of the Committee on Foreign Affairs and I had with the Department of Agriculture regarding the size of the Public Law 480 program in Egypt and the implementation of the self-help provisions contained in the United States-Egyptian Public Law 480 agreement.

Egypt is a major recipient of American foreign aid and Public Law 480 assistance. It has received between one-quarter and one-third of the entire Public Law 480, title I assistance over each of the last few years. Given the size of the program and congressional interest in the implementation of the self-help provisions, the committee will continue its careful oversight of this program.

Following is a copy of the self-help provisions of the fiscal year 1980 United States-Egyptian Public Law 480 agreement and our correspondence with the Department of Agriculture. These self-help provisions are identical to those in previous agreements but the target dates for completion of the actions and studies contemplated have been considerably extended.

House of Representatives,
Committee on Foreign Affairs,
Washington, D.C., October 30, 1979.

Hon. Bob Bergland,
Secretary, Department of Agriculture,
Washington, D.C.

Dear Mr. Secretary: Two communications recently received from your Department raise some serious questions concerning the Food-for-Peace program in Egypt.

One involves the initial allocations for Public Law 480 Title I (concessional sales) for fiscal year 1980. The allocations include 1.6 million tons of wheat and flour equivalent for Egypt, an increase of 100,000 tons above the amount in the fiscal year 1980 Congressional Presentation originally given to the Foreign Affairs Committee.

The allocation for Egypt this fiscal year thus amounts to more than one third of all Public Law 480 Title I food assistance provided worldwide, which is many times the amount of Title I food aid the United States sends to any other country. Furthermore, as you know, Egypt already has a higher nutritional intake per capita than many developing countries, and there are a number of requests from such countries for food assistance in excess of the amounts available under the fiscal 1980 ceiling for Title I.

This allocation for Egypt raises several questions:

Why is the Public Law 480 Title I aid to Egypt being increased?

If the assistance is being provided for foreign policy reasons, rather than relative nutritional need as compared with other claimants on Public Law 480, why does the United States not provide the aid through funding rather than through food for which there appears to be greater need elsewhere?

If the large amounts of funding already voted for Egypt by Congress are insufficient, why does the Executive branch not request more funds or reprogram from other accounts rather than using food drawing on the limited amounts available?

Second, the material which has been submitted to this Committee concerning the new Public Law 480 Title I agreement with Egypt indicates that little emphasis is being applied to the self-help provisions of Title I aid to Egypt. A number of the provisions in the fiscal year 1980 agreement are similar to those in last year's agreement and provide for measures which the Egyptian government should be undertaking, and presumably would be undertaking, whether or not it receives 1.6 million tons of Public Law 480.

Additionally, several provisions in the new agreement appear to be identical to those in last year's agreement under which the Egyptian government agreed to have certain reviews, planning, and analyses completed this year, but whose completion dates are now scheduled for next year. Meanwhile the level of Public Law 480 aid to Egypt is continued at a high level and, indeed, increased.

We ask, would a more effective use of this large Public Law 480 program be to relate it in a meaningful way to self-help measures by Egypt, possibly including a linkage between the level of Title I assistance and Egypt's performance under the agreement?

We strongly support U.S. aid to Egypt and the contribution of President Sadat toward a lasting peace in the Middle East. By the same token, we believe it to be both in the interest of the United States and of Egypt to help ensure that Egypt move as rapidly as possible to a position of economic independence and self-sustaining growth.

We are asking these questions of you, Mr. Secretary, because the communications which gave rise to them came from your Department. If, however, you believe the responses should come to us from elsewhere in the Executive branch, please indicate where and we shall be glad to submit our inquiry there.

With best wishes, we remain

Sincerely yours,

CLEMENT J. ZABLOCKI,
Chairman.

LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., February 11, 1980.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN HAMILTON: I apologize for the delay in this further response to your joint letter with Chairman Zablocki of October 30 concerning the Public Law 480 Food for Peace program in Egypt.

The high level of Public Law 480 assistance in fiscal year 1980 is an integral component of the overall U.S. economic assistance package being provided to Egypt. This economic assistance level is viewed as necessary support for President Sadat's peace initiatives for a comprehensive Middle East peace settlement. It is our belief that President Sadat's efforts will be enhanced by an Egyptian economy which continues to experience substantial rates of growth and increasingly provides greater opportunities and benefits to all Egyptians so they can achieve a better standard of living.

Over the past two years the Egyptian Government has maintained a high level of domestic investment activities, stabilized their balance of payments situation and continued to experience a significant rate of economic growth. However, Egypt's consumption requirements for food and agricultural commodities continue to increase substantially due to population increases and a limited arable land base. Although a stable balance of payments situation has been restored from the worsening trend of earlier years, Egypt's current account deficit is expected to remain very large in 1980—about $1.8 to $1.9 billion. Thus, Egypt currently is not in a postion to finance essential food imports and maintain a high level of domestic investment activities without the present level of concessional financing from the United States and other donors, which includes food aid.

In your letter you raised the question about insufficient funds for Public Law 480 programming and initial allocations under Title I. The initial allocation table transmitted to Congress was based on a fiscal year 1980 budget amendment which would have provided $102.8 million in additional funding for Title I programs. The additional allocation for Egypt was considered appropriate in light of this requested increase. However, only $58.7 million of the additional funds were actually appropriated. Although some of the initially requested increase in Title I funds was subsequently needed to provide for unanticipated emergency needs under Title II, a supplemental request for $24.1 million for Title I is still pending and additional funds will be sought as a result of the Soviet grain shipment suspension and to meet food and development program needs in all the countries benefiting from Public Law 480 assistance.

In response to your questions about the Government of Egypt's self help measures in the fiscal year 1979 Title I agreement, the U.S. Embassy in Cairo advised that the annual report, which will detail progress realized against each measure, is expected in February. Based upon our own preliminary assessment, however, we believe the government's overall performance to be generally satisfactory.

Of the nine measures included in the fiscal year 1979 Title I agreement, our judgment is that progress has been sufficient in all but one and in this latter instance (analysis of the family planning program) administrative changes in the Ministry of Health have caused a delay in implementation. Additional work with the Ministry will be required this year. In the case of two measures (storage and irrigation), we believe the government's programs are fully adequate and, therefore, are not incorporated in the fiscal year 1980 agreement in order to encourage more work be concentrated on the analytical base measures. In several instances, e.g. in the case of the input-output study and statistical analysis measures, AID projects were to have been important vehicles for implementation of studies. However, these projects were not developed as rapidly as anticipated last year and consequently the measures were carried over for further implementation this year. In short, while additional self-help efforts will be required on most of the fiscal year 1979 measures, important progress has been realized.

Sincerely,

BOB BERGLAND.

Enclosure.

SELF-HELP MEASURES

A. In implementing these self-help measures specific emphasis will be placed on contributing directly to development progress in poor rural areas and enabling the poor to participate actively in increasing agricultural production through small farm agriculture.

B. The Government of Egypt agrees to undertake the following programs and to provide adequate financial, technical and managerial resources for their implementation:

1. To encourage establishment of self sufficient private sector agriculture cooperatives and to encourage the use of improved technologies through the cooperative system. Emphasis should initially be placed on training that includes an operational orientation towards the management and planning of cooperative activities;

2. To improve further the management and efficient use of water by rehabilitation of lands that are affected by salinity problems and by encouraging good water management practices. These efforts should include the training of farmers and agricultural technicians in basic water management skills;

3. To have completed by September 30, 1980, a review and analysis of pricing policies for agricultural inputs, e.g., fertilizer, and for agricultural outputs that provides a basis for possible changes in the system of output incentives and in systems for the allocation and the use of inputs.

4. To develop firm plans by June 30, 1980, for improving the GOE's capacity within the agricultural sector for data collection, analyses and the use of results in planning developmental programs and in determining production, pricing and marketing policies.

5. Within the framework of the five-year plan to have completed for use in the 1980 budget process, a reassessment of agricultural sector investment levels with particular focus on investment level targets for improvement of existing agricultural lands as well as development of marginal lands. This includes, as part of this process, the study of alternative options for land use in those lands presently under cultivation such as use of improved seeds, fertilizers or a change in the cropping patterns, at the same time encouraging pilot projects in marginal lands not yet under cultivation.

6. Utilizing the results of the agricultural mechanization feasibility study, and other relevant information that may be available, to undertake the formulation of a national agricultural mechanization policy which would encourage the development and application of appropriate technology and small farm machinery including tractors. This effort should include the training of mechanics and drivers and the establishment of a maintenance and spare parts system.

7. To undertake a comprehensive review of subsidies on food items with a view toward developing a plan by September 30, 1980, for gradual rationalization of subsidies that will protect lower-income groups from harmful price increases on basic food items.

8. To undertake an analysis of the present public and private family planning program with the aim of identifying key bottlenecks and developing a strategy for overcoming these by September 30, 1980.●

NATIONAL CANCER DAY

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. RAHALL. Mr. Speaker, today I have introduced a resolution designating September 8 as National Cancer Day. The purpose of this proposed commemorative day is to increase public awareness of the problems created by cancer and to stimulate interest which I hope might ultimately lead to increased research and, eventually, a cure.

I urge your support for this cancer prevention measure and vitally needed piece of legislation since cancer will strike 750,000 this year and by the year 2000, deaths from cancer may number 8 million annually as reported by the World Health Organization.

National Cancer Day is proposed as a unique and high energy motivating factor to sensitize the public mind for an early cancer checkup. This resolution would set aside 1 day each year to motivate the public consciousness for an early cancer checkup and to disperse cancer related material.

I urge all of my colleagues to join with me in supporting this most significant and worthwhile day.●

VOICE OF DEMOCRACY CONTEST

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. SKELTON. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its ladies auxiliary conduct a Voice of Democracy contest. This year more than 250,000 secondary school students participated in the contest, and a winning contestant from each State has been selected to compete in the final judging here in Washington.

The contest theme this year was "My Role in America's Future," and it is with great pride that I am able to share the winning speech from the State of Missouri with my colleagues. The author, Miss Anne Elizabeth Gagnon, is a constituent of mine from Independence, Mo., and is presently a junior at St. Mary's High School. Miss Gagnon's theme clearly displays her understanding of and her willingness to accept her role in America's future. I commend Miss Gagnon on this fine piece, and I submit her essay here today in the hopes that it will serve all of us as a reminder of our duties and responsibilities as American citizens.

Miss Gagnon's theme reads as follows:

ANNE ELIZABETH GAGNON, MISSOURI WINNER, 1979-80 VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

My role in America's future, whether it be President of the United States, housewife, athlete, plumber or your local radio station's disc jockey, affects myself, my family and my country. My role in America's future as an individual is very important. My role or my job shouldn't be one that is taken lightly. I shouldn't play it or take it as a job that's at the office and when I go home it stays at the office; or something I can put on the shelf in the closet and when I want, open the door and take it out and put it on. No I should believe my role, live it, be it and show it.

My role in America's future consists of my morals, values, beliefs, trustworthiness, loyalty and participation in the government. My morals, values and beliefs are what I perceive to be right or wrong; and if they are used correctly, they won't decide whether my child will watch some show that will be harmful to his or her intellect, but they will decide whether that harmful show will be on the TV to tempt my child to watch it. They will decide things beyond our imagination. Because we're talking about the future, we don't know what's in store for us, but if we keep our morals in tune, if we always understand the difference between right and wrong, we'll be alright.

My role in America's future isn't only what I'll benefit from it, but also what I put into it. "Every nation gets the government it deserves"!, so my trust and loyalty to my Country is a necessity. In the future I will be putting people into office; people who will represent my Country, the people in it, what we stand for, what we believe in and in what direction we're heading. So it's not only my duty to elect these people and put them into office, but it's also my duty to stand behind them; not tear them down but build them up.

The key to making my role a success is to participate. Participation is the key element of my role. Participation will throw open the doors of the future. It will introduce new thoughts and ideas. It will bring new successes. Participation ties together what I believe and what I stand for. I myself will always know my morals, values, beliefs and know that I am trustworthy and loyal, but participation gives me the chance to share with others my own viewpoints and feelings.

Participation is Democracy! Our government was formed by our forefathers. The Constitution was drawn up by some of the best and most famous leaders we have ever had. Leaders such as Thomas Jefferson, Benjamin Franklin, George Washington and James Madison who was known as the Father of the Constitution. This was all done so I could have the opportunity to express how I feel; so I could have a voice in democracy; so I could participate. My role is to participate, to let people know I care, to stand up and state what I think is right and where I stand.

Our Country is run by the people through the government. Our laws are of the People, by the People and for the People; and I am one of these People! I will help decide whether America will rise to the heights, or fall to the depths. It's up to me to give my all, to have faith and believe in my Country.

In the future there will be mountains to climb and skyscrapers to build, and I will be there to help pull that rope and lay that brick. Now you are laying the path for tomorrow, the tomorrow I will live in. And then it will be my turn to lay the future for my children. It's my responsibility to set an example for them to follow; something they can latch onto and learn from. My role in America's future might very well be that of President or housewife, but it's not so much my occupation as it is how I live my everyday life; what I give my Country. I want America to go far! And it is for us as Americans to be dedicated to the great task of assuring that "this Nation, under God, shall have a new birth of freedom, and that the government of the people, by the people and for the people shall not perish from this earth." My role is to help this dream come true; to exercise my freedom of speech, and to participate. In the future, I hope my fellow Americans will do the same! "America is a chorus, it must be sung together."●

REPEAL SOCIAL SECURITY OFFSET

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. GUARINI. Mr. Speaker, today I am introducing legislation to eliminate the offset against social security benefits which is presently imposed in the case of spouses and surviving spouses receiving certain Government pensions.

As you know, the public pension offset was included in the Social Security Amendments of 1977. In general, the law now requires the reduction of a social security spouse's or surviving spouse's benefits if a beneficiary receives a public pension based on his or her own work in Government employment that is not covered under social security.

While the concept was well-intentioned, to help shore up the financially shaky social security system, it was structured in such a way that it can only work a hardship against significant numbers of women, particularly widows in their late fifties, who are either drawing pensions or who will be eligible for retirement in the next few years. It will be impossible for these women to change their life strategy at this late date, yet they have been preparing for retirement based on the assumption that they would be eligible for a full wife's or widow's share under social security. In addition, if they are displaced homemakers and did not work outside the home until the death of their husbands, they often have not sufficient work credits on their own account to yield a decent benefit under social security.

Divorced women and men, married 10 years but not 20 years, and eligible for benefits in January 1979 or later, are immediately affected by this change in the law. All others have until 1982 before the offset takes effect.

It is understandable that Congress wished to provide some relief for the financially ailing social security system when it enacted the Social Security Amendments of 1977, but it is also clear that in practice. the law will work a harsh and clearly unintended effect upon thousands of working men and women. Caught in the crunch caused by this change in the law, they look to Congress to remedy the unfortunate and unforeseen consequence of that legislation.

I would urge my colleagues to join with me in eliminating the offset. Certainly, there must be a way to protect the financial integrity of the social security system without jeopardizing the retirement plans of so many working men and women.

Thank you.●

YEAR OF THE COAST—1980

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. STUDDS. Mr. Speaker, one of the major issues in "The Year of the Coast" is the conflict between public access to and private ownership of our coastal beaches. Excessive use, including the opening of beaches to vehicular traffic, has destroyed much of our shoreline in recent years. This deterioration has been intensified by the overdevelopment of our coastal regions, and as a result, many of our shorelines have been irreparably damaged.

Therefore, I would like to submit, for my colleagues' information, another article in a series by Jack Thomas of the Boston Globe. The article discusses the battle between public and private use of beaches in the States of Texas, Oregon, and California, as well as some of the efforts which have been made to protect our coastal environment in these areas. The principal focus of our efforts on the Subcommittee on Oceanography during 1980—"The Year of the Coast"—will be the continuation and improvement of these kinds of protections.

A copy of the article follows:

A West Coast Tug-of-War—"Access to Beach" a California Battle Cry

(By Jack Thomas, Globe staff)

It's a clear, sunny day here on Drakes Beach, just north of Santa Barbara, Calif., and the view of the Pacific Ocean is stunning.

The water is warm, too, but there's no one swimming. Nobody's fishing, either, or surfing or walking along the beach or lying in the sun, and there are no children playing in the tidal pools or making sand castles. There's nobody in sight for miles in either direction.

Where is everybody?

With 22 million people living in California, and 18.5 million of them crowded into a 30-mile strip along the coast, how is it possible that on a sunny summer day, one of the more beautiful beaches on the West Coast is deserted?

The answer is that Drakes Beach is part of Hollister Ranch, owned by a powerful consortium of wealthy landowners who have paid up to half a million dollars each for 100-acre lots around Drakes Beach, and who have shut off public access to an 8.5 mile stretch of the Pacific Ocean.

It's a problem in every coastal state. Americans have trouble these days finding a path to the sea.

"Even more important than who owns the coastline is who has access to it," says Roger Revelle, former director of the Scripps Institution for Oceanography in La Jolla.

The actions of the Hollister Ranch Assn. are illegal, according to the California Coastal Commission, because they violate the state constitution, which guarantees public ownership and public access to the California shoreline from Mexico to Oregon.

Who really owns the nation's 88,633-mile coastline, anyway?

The coast of the United States is made up of some of the more beautiful real estate in the country, but, obviously, there's only a limited amount of it.

Should the shoreline, therefore, be considered public property, as the California constitution says, with access for everybody?

Or should it be available only to those who can afford to own it—as in Maine, where 97 percent of the coastline is privately owned, and inaccessible to the public?

As the population has increased and as the value of real estate has climbed steadily since World War II, so, too, has the nation's coastline become an enclave for the rich and privileged.

And as the beaches become more crowded and more restricted, those who cannot get to the shoreline are becoming increasingly resentful of those who own and close off the beaches. It is an issue marked by the bitterness customarily associated with any class struggle.

"In the United States," explains Revelle, "the concept of private property is very strong. Americans say, 'No one's going to tell me what to do with my land.' But the coastline is a limited resource, even more limited than oil, and in that sense, perhaps more of it should be made available to more people."

Sue Nelson, of Los Angeles, head of an environmental group called Friends of Santa Monica Mountains, put it even more strongly. "You're damn right we think every beach should be public."

A favorite example is Malibu, a community popular among movie stars, the home of Cary Grant, Linda Ronstadt, and Olivia Newton-John, where the wealthy have bought most of the coastline and where the Pacific Ocean has been virtually walled off for long stretches by means of guards in gatehouses, electronically sensitive doors, tall bushes, and taller walls. Indeed, one can drive for miles along Route 101 in Malibu without realizing the shore is a few feet from the highway.

The problem is not unique to California.

Nationally, an estimated 90 percent of the shoreline is owned privately, and 3 percent by the military, according to studies by the Army Corps of Engineers, leaving less than 7 percent available for public recreation.

In Massachusetts, along the exclusive North Shore, large stretches of shoreline are not even visible to the public. Of South Carolina's 3,063-mile coast, only 3 percent is set aside for public recreation. In Florida, with the exception of Everglades National Park, less than 1 percent of the shore is devoted to public parks.

The issue is complex.

On one side is the notion that the public ought to be able to use the nation's seashore for recreation, that the oceans belong to everybody.

On the other is the traditional American belief that private property ought to be just that—private, and suggestions to the contrary are considered seditious and socialistic.

Public access to the beach is least agreeable to the man who owns the beach.

How, for example, do you explain to the family that has invested its life savings in a summer cottage on the shoreline that now it must open its beach to sunseekers, swimmers, fishermen, surfers, skindivers, sailors, photographers, ballplayers, frisbee enthusiasts, power boaters, picnickers, and dune buggy drivers?

"It's just not as easy as it sounds," says William Painter, director of the Coast Alliance in Washington. "You can't just advocate a national open beach law around the nation. If you tried it in New England, where the concept of private property runs deep, you'd get exactly nowhere."

The fight for public access to America's beaches has been led by three states: Texas, Oregon, and California.

In the late 50's, Texas passed an Open Beaches Law that said the wet sand was publicly owned, that the public had a presumed right to pass through public property to get to the beach, and even a right to drive automobiles on the sand.

The law is enforced, too.

Two years ago, according to Richard Lowerre, of the Texas Attorney General's office, the state went to court to force the owner of a motel to move his building because it obstructed the public right of way to the beach.

On weekends, traffic on Galveston beaches is bumper to bumper, just the way it is in Houston on weekdays, and environmentalists now want to ban automobiles from the beach, saying they pack sand, pollute water, kill dune grasses, endanger the dunes and threaten wildlife.

Since most Texas beaches are surrounded by marshes and therefore, accessible only by automobile, the move to ban vehicles is seen, in effect, as a repeal of the Open Beaches Law, and a return of the beaches to private property owners.

"There was a fear here in Texas," said Michael McElroy, of Austin, Tex., a legislative aide, "that property in Galveston and Padre Islands was being bought up too fast, that people were putting up 'No Trespassing' signs, and that eventually, there'd be no place for the public to go. People were worried we'd end up looking like Miami Beach, so we passed a law saying all beaches in Texas are public, and shoreline owners must provide access. As far as we're concerned, it's working just fine."

Oregon followed in 1969, when the legislature voted to formalize a tradition that the State's 1410 miles of shore from California to Washington belonged to the public.

"We're selfish with our coast," said Carol Tremblay, 50, a waitress who works in a Garibaldi, Ore., restaurant across the street from the Pacific Ocean. "Don't tell people how nice it is here."

Her attitude is not unusual. No State is more protective of her coastline than Oregon.

"There's a very definite statewide determination that Oregon is not going to make the same mistakes that California did," said J. W. Forrester, president of a publishing company in coastal Astoria.

"People here place a very high value on the environment, and that's why the developers have never gotten in here to ravage our coast the way they did California. And as far as public access goes, people here in Oregon don't have to be reminded that we own the beaches. We know we own them."

Federal figures on the amount of shoreline available to the public are misleading.

"A lot of so-called public land is not usable by the public," says William Lienesch, of the National Parks and Conservation Assoc. in Washington.

"Some coastal towns restrict their beaches to residents," he said. "About 3 percent of the federal land is owned by the military, and a lot of public beaches, particularly in the cities, are closed because of urban pollution.

In many States, the rights of way to beaches are based as much on hearsay and memory as they are on deeds. Rhode Island, worried that colonial rights of way to the beach would be lost through misuse, has undertaken a four-year, $100,000 study to trace the authority for the State's 165 rights of way.

But no State has been more bold than California in demanding access to the beach for her citizens.

"California is built on her coastline," says John Clark of the Conservation Foundation in Washington, "and when you talk about access in California, at least in the southern part of the state, you're talking about land that sells for $400,000 an acre, so private owners will be very, very slow in yielding."

Even before the federal government took its first small step in 1974 to protect the nation's coastline, California already had recognized the deterioration, and in 1972, by referendum, voters declared the California coast to be a "distinct and valuable resource belonging to all the people, its permanent protection a permanent concern to be protected for the enjoyment of the current and succeeding generations."

The new California Coastal Commission assumed responsibility for a 3427-mile coast whose condition was chaotic because it had been regulated to some extent by 53 coastal communities, 42 state organizations, 70 federal agencies and dozens of state sanctioned special districts set up to promote limited purposes such as development of ports.

Coastlines, for a variety of reasons, are more vulnerable ecologically than other environments, and California's shore had been badly bruised by the millions who moved West after World War II in one of the great human migrations in history.

The pressures continue today. San Jose, for example, is reeling from a decade of growth. The median price of a house is $97,000, and last summer, a study committee recommended severe restrictions on industrial expansion until services, man-made and environmental, can catch up.

Anyone who has visited the California coast knows its allure. A few weeks ago, for example, Margaret Bennett, a social worker from New York, was walking San Simeon beach at twilight, gathering driftwood. "This is my second trip to the California coast," she said, "and I've decided to move out here. I don't know why I shouldn't surround myself with this beauty."

The growth took its toll on the coast. Already, the 381,000 square miles of wetlands necessary to support hundreds of varieties of mammals, fish, reptiles and birds, has been reduced to 125,000 square miles.

With the establishment of the Coastal Commission, though, California, which had seemed hell-bent on destroying its coast, suddenly became determined as hell to preserve it.

The procedure is simple. Within the coastal zone, the primary goal is conservation, and approval by the commission is required for all construction, for homes, hotels, motels and condos, everything from seawalls to supertanker ports.

In Monterey, permission for construction was granted only after assurances there'd be special protection for the Monterey Cypress.

In Santa Cruz County, construction permits have hinged on the safety of the long toed salamander of Valencia Lagoon.

In Santa Cruz, Marina del Rey, Santa Barbara and Monterey, projects were rejected because they overcommercialized the shoreline.

At Solano Beach, residents of Surfsong, a condominium of 72 units ranging in value to $750,000, were embittered that they had to provide a one-acre lot and access to the beach.

"This was legal blackmail," said William Gabriel, representing Surfsong. "Why should we have to maintain a lot, pay taxes and insure it in the public interest? It's ridiculous."

In its effort to make the coastline available to more people, the coastal commission in many cases will not approve construction of housing developments, apartment buildings, and even motels unless 20 percent of the facilities are reserved at lower cost for low and moderate income families.

Looking out the window of his San Francisco office, director Michael Fischer nods in agreement. "Yes, I guess we're pretty unpopular."

Indeed, he and his commission have been denounced as blackmailers by builders and coastline residents.

"(They) elevate extortion tactics to a level of public policy," says Joseph Mastroianni. "The surrender of property or property rights as a condition of granting permits is extortion, no matter how noble the intent of the extortion.

Nevertheless, polls show the voters support the commission, and with the muscle provided by the legislature, Fischer is confident that even the Hollister Ranch Assoc. eventually will open up Drakes Beach.

"Public access," he says, "is the biggest battle in our state."

And the commission seems to be winning. Last year, more than 125 access easements were won along the coast, more than a dozen of them in exclusive Malibu.

"The law hasn't stopped development," said Fischer. "Hell, we grant more than 97 percent of the applications. What the law has done is change the character of development along our coast. Our big contribution is preventive. If somebody's got 100 acres in Big Sur and he wants to chop it up into little lots, he won't even bother applying. He knows he would have a snowball's chance in hell of getting us to approve it."

The Hollister Ranch Assn., however, remains a conspicuous holdout. Last summer, the coastal commission notified the association and its 130 members that it would authorize no more development within the ranch until the association grants the public access to the beach, including permission for shuttle buses and pedestrian paths along the bluff and beach.

Charles Eckberg, manager of the ranch, sits at a picnic table, sounding very much like a man who knows the fight has been lost.

"This was never a question of elitism," he said. "But this is one of the most fragile environments on the coast, and we're obliged to protect it."

"But what do you think will happen to all this when they start running shuttle buses through here, and 400 people a day, and the litter and noise and the danger of fire?"

Eventually, when the 68 coastal communities have adopted their own coastal programs, the responsibility for issuing permits will revert from the state back to the communities, but environmentalists worry that local officials will not have the fortitude shown by the state in rejecting developers.

"It's possible," says Fischer, "that this thing will get screwed up when it returns to the local level. It's easier for us to say 'no' than it is for local officials.

"But we're hoping to leave a legacy of access to our beaches. That will be a substantial contribution, don't you think? Do you realize that if our program succeeds, there'd be no such thing in California as a private beach?"●

ESTONIAN INDEPENDENCE DAY

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. PEYSER. Mr. Speaker, this Sunday, February 24, marks the 62d anniversary of the proclamation of the independence of the Baltic Republic of Estonia. This anniversary is particularly significant in light of the recent Soviet invasion of Afghanistan. As in the case of Estonia, one sees the same pattern emerging in Afghanistan of invasion and the establishment of a subservient puppet regime there.

As in the case of Afghanistan, Estonia was once a free country, having signed a 1918 peace treaty with the Russians in which the latter explicitly renounced all rights of sovereignty over the Estonian people and territory and recognized the independence of Estonia. The Baltic State's independence lasted for some 20 years during which time the social, cultural, and economic life of this small nation flourished, successfully demonstrating what can be achieved under peace and freedom. This situation changed abruptly in 1940 following the notorious Stalin-Hitler pact of August 23, 1939, in which Hitler agreed to consider parts of Eastern Europe—including Estonia—as belonging to Soviet Russia's so-called sphere of influence. Still officially recognized as an independent country by the United States, Estonia was forcibly annexed by the Soviet Union in 1940 and has remained under her domination and control since that time.

Despite nearly 40 years of occupation, Estonia has demonstrated a remarkable resilience in its struggle for freedom and justice. A recent indication of this nationalistic feeling is illustrated by the publication of two documents of public criticism of the Kremlin on extremely sensitive issues by Estonian scientist Jurii Kukk. One, an open letter to Soviet Premier Leonid Brehznev and to United Nation's Secretary-General Kurt Waldheim, condemned the Soviet invasion of Afghanistan. It drew a parallel with the Soviet troops that marched into the Baltic States in 1940. It was signed by 5 Estonians and 25 Lithuanians and Latvians.

The second document was an appeal to the International Olympic Committee and the National Olympic Committees of several states including the United States, asking that the summer games be moved outside the Soviet Union. In commemoration of their anniversary and of our support of the Estonian people's struggle for freedom, we can say that the American people, the Congress, and the President wish to comply with this position and will refuse to participate in the summer Olympic games in Moscow.

With the 62d anniversary of independence approaching, we wish to commemorate with Estonians throughout the United States their national holiday on February 24. With them we support Estonia's quest for freedom, justice, and independence.●

ENVIRONMENTAL AWARENESS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. FLORIO. Mr. Speaker, I am pleased to place in the RECORD today an editorial which explains the fine example of a corporation which has taken substantial steps to live up to its public responsibility to conduct its operations in an environmentally safe manner.

The editorial explains the important programs which Allied Chemical Co.

has initiated to insure worker safety and to control the risks associated with the hazardous substances it produces.

Allied is to be congratulated for its farsighted approach, and I am pleased that many other companies as well are recognizing their obligations in this area. The level of environmental awareness among corporations is improving and this should have positive effects upon governmental efforts to develop a program to insure the safe disposal of hazardous waste in the future, and to clean up and contain old inactive and abandoned dump sites which presently threaten the public health and pollute our environmental resources.

Legislation is urgently needed to provide the authority to respond to those sites which are presenting a serious danger to the public and funds are needed to clean up and contain these sites. Many corporations involved in the production of hazardous waste have recognized the need for such remedial legislation and I invite and welcome their support as we move forward with this legislation.

The article follows:

[From the New York Times, Jan. 28, 1980]

PRAISE FOR AN EX-POLLUTER

Only a few years ago, Allied Chemical Company was an industrial polluter of the public-be-damned type. One of its satellite companies that manufactured the pesticide Kepone turned out to have been unbelievably careless. It let workers become coated with hazardous dust that sickened them. Allied itself despoiled the Virginia country side by illegally dumping the toxic chemical into a tributary of the James River. That forced health officials to ban fishing; dangerous residues may remain for decades, Ultimately, Allied was hit with one of the stiffest pollution fines ever levied. It has already paid out more than $15 million in fines, donations and claim payments, and a major class-action suit is still pending. The damage to Allied's reputation was also serious.

But sinners can repent and old dogs learn new tricks: it is a pleasure to report that Allied seems to have been converted into an environmental good guy. As reported in The Times's business pages the other day, Allied has overhauled its safety and environmental programs. A high corporate officer is now in charge. Plant managers are rewarded for good safety records and replaced if they can't handle their new responsibilities. A committee of experts assesses the potential hazards of everything Allied produces; several risky products have abandoned or delayed.

Federal regulators are delighted. The Environmental Protection Agency praises the caliber of Allied's new safety managers and the company's cooperative spirit. The agency even touts Allied's committee for risk assessment as a model for other companies. Allied's once dismal record of injury and illness is now far better than the industry average.

No one can guarantee that there won't be another major mishap. But Allied Chemical deserves recognition for an impressive corporate turnabout.●

UNAVOIDABLY ABSENT

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. MAZZOLI. Mr. Speaker, I was unavoidably absent from the House of Representatives on Wednesday, February 13, 1980. Had I been present, I would have voted: "aye" on Roll No. 52, House Joint Resolution 469, designating February 19, 1980, as Iwo Jima Commemoration Day; "no" on Roll No. 53, on an amendment in the nature of a substitute to H.R. 4119, Federal crop insurance, seeking to present certain disaster payments programs for the 1980 and 1981 crop years; "aye" on Roll No. 54, final passage of H.R. 4119, to expand and improve the Federal crop insurance program; "no" on Roll No. 55 to order the previous question on House Joint Resolution 578, directing the Committee on Rules to inquire into the accuracy of certain newspaper accounts; "aye" on Roll No. 56, final passage of House Joint Resolution 578.●

HELP FOR NICARAGUA'S MODERATES

HON. JOEL PRITCHARD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. PRITCHARD. Mr. Speaker, a recent Wall Street Journal article highlights the importance of the upcoming House vote on aid to Nicaragua. Since 60 percent of the aid package will go to Nicaragua's private sector, H.R. 6081 will encourage businessmen who have been reluctant to invest in Nicaragua's economy to do so. In financial terms, of course, the $75 million will contribute only modestly to the rebuilding of Nicaragua's devastated economy. But the bill's psychological impact is crucial. Rejection would strike a blow at those in Nicaragua who seek gradual political and economic change. For Members who have not read this telling editorial, I place it in the RECORD:

CENTRAL AMERICAN CHANCE

Seven months ago, Sandinist rebels overthrew the Nicaraguan regime of Anastasio Somoza. At the time there were two competing views here in the U.S. about what it was all going to mean. One was that nothing was going on except a justifiable rebellion by indigenous freedom fighters against Somoza's U.S.-supported corruption. The other was that Nicaragua had had a Cuban-sponsored revolution and was on its inexorable way to Cuban-style Communism. Events still haven't provided a judgment on which version was correct. But soon we're going to have to make some decisions about our policy towards Nicaragua anyway.

Right now there's an administration-sponsored bill in the Congress to lend the Nicaraguans $70 million and give them another $5 million in grants. The aid is meant to enable the country, especially its still-substantial private sector, to restore an economy ravaged by the civil war. The authorization bill has passed the Senate but is in some trouble in the House: A number of Representatives are gloomily contending that the money can't stop Nicaragua from becoming a totalitarian state and America's enemy. They point to the Sandinists' recent abstention in the UN vote on the Soviet invasion of Afghanistan, and the anti-American rhetoric that the Nicaraguans delivered along with their expression of neutrality.

Those in favor of the aid package answer that Nicaragua isn't Castroite now, but it may well become so if we don't help out with the economic crisis. It's nice to see that for once both sides in the debate are admitting the existence of Communist designs and the possibility of a Communist triumph. But so far the evidence is still mixed.

On the one hand, even apart from the anti-U.S. language there are some disturbingly familiar signs: substantial expropriations of businesses and personal wealth, a steady exodus by the middle classes, the presence of Cuban "reading teachers," continued postponement of elections, and the appearance of powerful Sandinist Defense Committees, a network of neighborhood "cells" on the Cuban model that dispense supplies and propaganda and enforce mandatory attendance. On the other, the government has avoided massively vindictive revolutionary justice. It continues to express respect for the role of the Church and the private sector, and hasn't really clamped down on freedom of expression. And it hasn't gone into the business of subverting its neighbors.

In short, the future is resolutely uncertain; and, that being the case, there are reasons to go ahead with the aid. For one thing, Nicaragua still has some objective characteristics—its middle class, for instance—that make its prospects brighter than those of other Central American nations. For another, the rising level of conflict in nearby countries like Guatemala and El Salvador make this a specially poor time to cut our ties to the region.

And finally, there is a judgment we have to make about the attitude this country is going to take towards the uncertain course of history in this region—whether we are going to act on the assumption that we have been defeated or whether we will take some chances, even relative long shots, to try and avoid the debacle.●

ESTONIAN INDEPENDENCE DAY

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. HOWARD. Mr. Speaker, February 24 marks the 62d anniversary of the independence of the Republic of Estonia. Estonians over the entire globe will be commemorating their national holiday on the 24th. They will be confirming their determination to fight for the restoration of the independence of their native Estonia. At the same time, they hope world public opinion will support them in their struggle for liberty and freedom.

Sixty-two years ago, Estonia proclaimed her independence, thereby establishing the basis for the free and independent Republic of Estonia.

However, Estonian independence was short-lived. Twenty years after declaring its independence, Estonia was again invaded by Soviet troops. Public assembly was banned, censorship imposed, and the Estonian Government was dissolved. The new government took its orders from Moscow. In August 1940, Estonia was incorporated into the Soviet Union. After two decades of self rule, Estonia was once again forced to relinquish its national sovereignty.

The people of Estonia have suffered many human and material losses since the start of the Soviet occupation. Tens of thousands of Estonians from all walks of life have been deported to remote areas of the Soviet Union. In the past, it has been reported, Estonians simply disappeared, or were liquidated by secret execution squads.

At this time, there is a growing air of nationalism in Estonia, as the Estonians are becoming increasingly restless with the present situation. They justly feel they should be set free from the hands of their Soviet captors. There have been many demonstrations in recent months revealing these attitudes.

I ask my colleagues to join me in extending best wishes to the Estonian nation and to all Estonians in our country in their pursuit of individual freedom and personal justice.●

CURRENT STATUS OF THE NATIONAL SICKLE CELL DISEASE PROGRAM IN THE UNITED STATES

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. MITCHELL of Maryland. Mr. Speaker, I am pleased to share the following article, entitled "Reflections of the Current Status of the National Sickle Cell Disease Program in the United States," with my colleagues. This timely and informative article was written by Dr. Roland B. Scott, professor of pediatrics and child health, and director of the Center for Sickle Cell Disease, Howard University College of Medicine, Washington, D.C. It provides an appropriate and much needed assessment of current activities which relate to sickle cell anemia research efforts, patient care programs, Federal legislative initiatives and funding. The contents will be of great importance to those of us who are concerned about adequate health care for all citizens:

REFLECTIONS ON THE CURRENT STATUS OF THE NATIONAL SICKLE CELL DISEASE PROGRAM IN THE UNITED STATES

(By Roland B. Scott, M.D.)

Some clouds of concern now appear on the horizon for the national sickle cell disease program. There is flagging general attention by the black population and a dilution of interest in and visibility of the sickle cell problem brought about by political maneuvering to bring the program under the legislative umbrella of many other genetic diseases (which occur predominantly in Caucasians). In addition, the federal program has recently phased-out six comprehensive sickle cell centers and imposed budgetary cutbacks in the remaining centers. The victims of this disease, the black population in general, and the researchers and investigators who seek ways to bring this disease under control need reassurance from the current national administration that the sickle cell program will not be permitted to die a slow death from financial attrition, attenuation of interest, and skillful neglect leading to the phasing-out of another "minority project." The national sickle cell program, in the relatively short span of six years, has made significant and notable progress not only in research endeavor but also in improved patient care and community-wide education. In this context, certainly, the positive aspects of the national sickle cell disease program continue to far outweigh any negative ones.[1]

The first slave ships bearing black Africans arrived in the United States in 1619, however, the first recorded case of sickle cell anemia was not described until 1910 by Herrick.[2] Following Herrick's report, the disease was widely described in many clinical, pathological, and hematological medical papers. However, the first major scientific breakthrough did not occur until 1949, when Pauling discovered that the sickling phenomenon was dependent upon the presence of an abnormal hemoglobin which had reproducible electrophoretic properties.[3] Another notable advance occurred in the same year when Neel[4] and Beet[5] independently reported that the disease is transmitted genetically by heterozygous carriers as a Mendelian recessive. Despite these and other stimulating biomedical contributions, the disease suffered from relative neglect by the scientific community and was regarded as an unimportant condition occurring predominantly in Black people.

A PRESIDENT RECOGNIZES THE DISEASE

The low profile of scientific and biomedical interest continued until February 1971, when President Nixon, in his message to Congress, indicated that greater attention and support for sickle cell disease should be made available at the national level. Shortly thereafter, in May 1972, Congress passed the National Sickle Cell Anemia Control Act with the resultant formation of a Sickle Cell Disease Branch in the Heart, Lung, and Blood Institute of the National Institutes of Health (NIH). Under the auspices and funding of the Sickle Cell Disease Branch, ten comprehensive centers* were established in existing medical schools with a mandate to develop programs of research, education, improved patient care, screening, counseling, and community involvement. In addition to mission-oriented research, the federal government supported other projects through the media of contracts, investigator-initiated studies, the development of screening and education clinics, and the inauguration of a hemoglobinopathy detection laboratory in the Center for Disease Control in Atlanta. This federal program stimulated basic and clinical investigation in abnormal hemoglobins and generated more than 200 papers that were presented at the first National Symposium on Sickle Cell Disease held in Washington, DC, June 1974, under the auspices of NIH. The news media responded to this biomedical reawakening of interest in sickle cell disease by an outpouring of reports. At long last, interest in the disease had indeed reached a stage of high visibility!

RESEARCH ACCOMPLISHMENTS

Potassium cyanate[6] and urea[7] were heralded in early and preliminary reports as potential antisickling agents that could prevent or control painful sickle cell crises, however, subsequent studies demonstrated the occurrence of toxicity and other untoward effects that essentially eliminated these agents from further consideration.[8] The search continues for safer and less toxic compounds for use in the treatment of this disease. It is possible that some of the agents such as cyanate and alkylating compounds (nitrogen mustard), which are too toxic for direct administration to the human, may be employed through the use of an extracorporeal approach. This involves the in vitro mixing of red blood cells from patients who have sickle cell disease with an agent like cyanate and then reintroducing the washed, chemically treated cells to the same donor. This technique may avoid or bypass the toxicity effects but it has the disadvantage of being cumbersome, time consuming, and expensive.[9] It is currently available as an experimental procedure in only a few medical centers.

New methods are being devised for the detection of sickle and other abnormal hemoglobins. It is now possible to diagnose sickle cell disease in the fetus [10-13] and in the newborn infant.[14] The prenatal diagnostic procedures gives parents at risk an option to have offspring who have normal hemoglobins or the trait, but to avoid the birth of sick children with sickle cell disease. In addition to electrophoresis, other methods such as microcolumn chromatography and immunochemical techniques[15] have been developed to diagnose sickle cell disease in the newborn infant. Detection of the disease in early life, before clinical symptoms appear, permits early education and medical surveillance which are helpful in the control of life threatening infection—a chief cause of death in infants and young children.[16] Early diagnosis is particularly important in order to identify those children who can benefit from the new vaccine for prophylaxis against pneumococcal infections.[17]

An animal model has been developed which makes it possible to evaluate the effectiveness of therapeutic agents such as anti-sickling chemical compounds without significant risk to the human subject.[18] This involves pretreatment of an animal such as a rat with biologicals so that the rodent is able to accept and tolerate for a limited time transfused sickled cells from human subjects. Then, the living human sickle cells in the rat's circulatory system can be "treated" with various anti-sickling agents as a test of their therapeutic efficacy.

Newer and different methods of genetic counseling for persons of varied educational and environmental backgrounds are being explored and evaluated in the Medical Genetics Division at Howard University and elsewhere in an effort to improve the effectiveness of this procedure (Murray, R. F., Personal communication, January 1, 1979).

A project involving a cooperative study of the natural history or clinical course of patients of all ages with sickle cell disease is now in progress at Howard University and 23 other medical institutions, under the auspices of the Sickle Cell Disease Branch at the National Institutes of Health. The project should prove to be beneficial to researchers and patients. The study results will be helpful in making long-range plans for treatment and management. In addition, it will provide information that can serve as a basis for the evaluation of present and future therapeutic regimens.

EDUCATION

In addition to research accomplishments, there has been the development of an ongoing program for education directed toward both professional and lay groups. The National Institutes of Health and the federally sponsored Sickle Cell Centers and Clinics have all contributed to this program.[19] As an example, the Center for Sickle Cell Disease of Howard University has presented seven postgraduate conferences dealing with various aspects of this disease. More than 2,000 physicians and allied health workers have attended these meetings.[20] Moreover, the federally sponsored Sickle Cell Centers and Clinics have produced other educational media such as motion pictures, tapes, exhibits, booklets, pamphlets, and scientific publications.

PATIENT CARE

In addition to participation in research and education, a significant responsibility of the NIH-affiliated sickle cell disease centers is to provide and coordinate comprehensive care for victims of this malady. This includes medical care and supportive services such as social work, psychological evaluation, rehabilitation, and vocational counseling. The Center at Howard University may be used as a prototype. This Center currently provides care for 200 children and 100 adult patients with sickle cell disease and integrates hospital and ambulatory services as well as facilities for accurate screening and counseling for persons with abnormal hemoglobins. A consultative laboratory diagnostic service is also available to physicians in the community. A screening laboratory is located in the Center building and is available to residents of the greater Washington, DC area.

The Howard University Center maintains an active Community Outreach Program which is designed to provide current information and professional services to citizens of the metropolitan area of the District of Columbia and adjacent regions of Maryland and Virginia. The program is implemented through the utilization of a mobile health unit, which was specifically designed and customized to provide, under one roof, compartments for laboratory testing for sickle hemoglobin, iron deficiency (nutritional) anemia, blood pressure determination, audiovisual education, counseling, and referral services. The staff of this unit consists of two laboratory technicians, a counselor, a driver/security officer, and a community aide. This group works under the direct supervision of a community coordinator. To date, the mobile health unit has traveled over 5,000 miles and has given service to over 10,000 persons. This unit was donated to Howard University by the United Black Fund of Washington, DC.

CONCERNS AND UNMET NEEDS

Funding

The total federal budget for the Comprehensive Sickle Cell Program was only $6.9 million for Fiscal Year 1973 and has not exceeded $20 million in subsequent years. In 1973, the ten existing centers were increased to 15; however, in 1977, six centers were phased out. Subsequently an additional facility was funded thus leaving ten viable centers at present. Two of the discontinued centers were in the state of New York, which has a large black and Hispanic population. The money problem became more acute in 1977, when the budgets of the ten remaining centers were suddenly reduced across the board by 10 to 14 percent of the total awards. Some, if not all, of the centers are finding it necessary to seek supplementary financial support from other sources. For example, the Howard University Center is almost totally dependent upon grants, donations, and community contributions for its existence and since it is situated in the District of Columbia, there is no source of state supplementation.

Legislation

The initial National Sickle Cell Anemia Control Act (Public Law 92-924) was signed by the President in May 1972 and expired June 30, 1975. This act authorized designated funds to be appropriated for the three year duration of the Act, however, the appropriations were never actually implemented, thereby leaving the funding level of the national sickle cell program to the discretion of the HEW and NIH administrations. The consequences of weak legislation threaten the security of a "minority program" such as that for sickle cell which has to compete for funds with other programs in the Heart, Lung, and Blood Institute.

With the expiration of the initial National Sickle Cell Anemia Control Act in 1975, Senator Javits of New York proposed the incorporation of the sickle cell program under the umbrella of an omnibus genetics bill. During the hearing for the new legislation, many of the black researchers and center directors testified in favor of a bill that would maintain the integrity of the program under a specific sickle cell control act. This fight was lost and after the hearings and imposed compromise, the sickle cell program became incorporated with other genetic diseases in a new bill (Public Law 94-278), which included Title IV cited as the National Sickle Cell Anemia, Cooley's Anemia, Tay-Sachs, and Genetic Diseases Act.[*] This bill expired June 30, 1978 and further legislation is pending.

Research

There is need for continuous support for research. There is still no cure for this painful, crippling disease which, in the United States, affects predominantly black persons. Research efforts carried out in the USA could also eventually benefit millions of victims of this disease who live in Africa and elsewhere.

Patient care

While we await the coming of a "magic bullet" which hopefully will bring a cure, there is need to seek better ways to utilize existing facilities for the comprehensive care of these patients. There is need for more effective analgesics for the control of pain without the hazards of iatrogenic drug addiction. There is need in many areas of the United States for a more effective team approach composed of physicians and other health professionals such as nurses, health educators, clinical psychologists, etc., in order to give greater support to these patients whose quality of life is jeopardized not only by a chronic illness, but also by large medical bills, incomplete insurance coverage, interruption of school attendance by children, and lack of full employment opportunities for adults.

International consideration

This disease has a worldwide distribution and its victims, no doubt, number in the millions. Throughout the world many people who have this disease receive inadequate health care and die prematurely. An International Association for Sickle Cell Disease is now home-based in the Howard University Center. The main goal of this organization is to diminish morbidity and mortality and to improve the well being of the patients wherever they may be found. Achievement of this goal will depend in large measure upon improved communications, education, research, adoption of uniform procedures for treatment, laboratory technique, drug trials, and better financial support. The effectiveness of the program of this Association is contingent upon the availability of financial support which is solicited from all available sources.[21]

FOOTNOTES

[*] This title established a national program to provide for basic and applied research, training, testing, counseling, information and education programs with respect to genetic diseases including sickle cell anemia, Cooley's anemia, Tay Sachs disease, cystic fibrosis, dysautonomia, hemophilia, retinitis pigmentosa, Huntington's chorea, and muscular dystrophy.

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THE 62D ANNIVERSARY OF ESTONIAN INDEPENDENCE DAY

HON. CHARLES F. DOUGHERTY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. DOUGHERTY. Mr. Speaker, on Sunday, February 24, Estonians all over the world will commemorate the anniversary of the proclamation of their independence 62 years ago. The story of the small, proud Baltic nation of Estonia is a tragically familiar one. For 20 short years Estonia knew peace and freedom before falling prey to Soviet domination.

When President Woodrow Wilson declared that all nations have the right to self-determination, Estonia declared herself to be a free and independent nation. Her achievements in all fields of life were miraculous and earned the small new country the respect and admiration of all free nations throughout the world.

A massive invasion by Soviet Russia in 1940 brought a sudden end to Estonian freedom and prosperity, and the people of Estonia have suffered economic exploitation and extreme persecution at the hands of the Soviet Union ever since. Brave champions of freedom and justice inside Estonia who dare to speak out against violations of human rights in their nation are imprisoned or confined to mental hospitals. In spite of the Soviet Union's claims of adherence to the Helsinki agreements, human rights violations in Estonia are commonplace, as they are in other nations under Soviet domination and inside the Soviet Union itself.

The United States has consistently refused to recognize the unlawful Soviet occupation of Estonia. The Estonian American National Council states that this continuing recognition by America of the legal independence of Estonia provides moral support for Estonians throughout the world who continue to hope for the triumph of freedom in their native land. These brave people rely on public opinion to support them in their continuing struggle.

Mr. Speaker, to give moral support to the freedom-loving people of Estonia is the very least we can do and to express our continuing indignation at Soviet aggression in Estonia and other parts of the world is something we must do. On Estonia's National Independence Day we pay special tribute to Estonian people throughout the world who continue to hope, work, and pray for freedom for their homeland.●

STING OPERATIONS ARE EFFECTIVE TOOLS OF LAW ENFORCEMENT

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. SAWYER. Mr. Speaker, this week the House Judiciary Committee, by a unanimous vote of 27 to 0, went on record as strongly opposing any effort by the Congress to intrude upon the pending investigation by the Justice Department in connection with the Abscam operation.

Next week when the full House considers this important matter, I urge my colleagues to resist the temptation to get in the way of the Justice Department and allow the Department to proceed with its case.

Concern has been expressed over the Federal Bureau of Investigation's use of sting operations. As a former prosecutor, I am very familiar with the use of sting operations. In my view, properly used, it is one of the most effective tools of law enforcement for crimes in American society that have previously gone unpunished.

A recent editorial from the Grand Rapids (Mich.) Press addressed this issue of FBI tactics in a manner which I believe is very well taken. I commend it to the attention of my colleagues as the House considers the Peyser resolution:

WHY IS THE FBI NOW THE BAD GUY?

Bess Truman was 95 years old last Wednesday, and strangely enough reflections on the dear lady's White House years bring to mind circumstances that led to the FBI's Abscam operations.

Mrs. Truman and husband Harry left Washington on inauguration day 1953. They went home to Independence, Mo., by train. When they arrived at their white frame house just a few tree-shaded blocks down the street from the Truman Museum, reporters asked the former president what was next on his agenda.

"Carry the bags upstairs," said Harry. And he did just that, unaided.

Mrs. Truman celebrated her birthday Wednesday, still in the family home.

What brings the subject of the Trumans around to Abscam is—money. Mr. Truman was the last president to retire from office who did not give much thought to eventually converting his presidency into personal wealth. His four successors, aside from the assassinated John Kennedy, pursued and accumulated substantial income and the trappings that go with it.

The point is not that wealth per se is bad, or that ex-presidents are exclusively and inevitably greedy or venal. On the contrary the poor are no less corruptible than the rich, and it is becoming increasingly apparent that political jobs on all levels are being seen by officeholders as mere footpaths to a steady if not substantial income. The citizen lawmaker has become the professional politician, thus increasing by many times the opportunities to wield power and influence well beyond the norm.

Which brings us to Abscam. Altogether too much scandal and criticism that ought to be directed against those who played the FBI's game are being deflected against the FBI itself. The agency is accused of "manufacturing" crime, of slandering Arabs, of broaching the sacred legislative-executive boundaries.

The cries of entrapment should be ignored. That's a highly technical issue for the courts to decide. And besides, not one of the alleged bribe takers has yet to deny that he visited a strange house in Washington where large sums of money were discussed.

Would those in Congress so outraged by FBI activities be equally distraught if similar tactics had been used to snare car strippers or major drug peddlers? Why do members of Congress, who routinely accept large sums of campaign money from clearly identified influence peddlers, register such surprise that some of their colleagues lack the will to resist obviously tainted cash when it is thrust upon them? Is it too much to ask of those who take the oath of public office to tell questionable characters to "have a nice day"—and split?

If judgment in a situation like this is open to debate, what, pray tell, are the chances of Congress acting responsibly and scrupulously on far graver matters?

Regardless of the outcome of the legal processes resulting from Abscam, it is obvious that the FBI, in its new war against corruption and white collar crime, will be striking hitherto untouched raw nerves. And the dismay of those in Congress will be but a forerunner of greater pressure the FBI will be experiencing.

The stakes are high. The FBI under J. Edgar Hoover squandered its resources on highly visible crimes like spectacular kidnappings, statistically impressive ones like car theft and politically expedient ones like Communist-inspired subversion. Now it is finally coming around to the core of national lawlessness.

FBI Director William Webster said last week that the agency has 85 undercover operations under way, of which 51 are sophisticated and long-term. He noted that of the $3 million appropriated by Congress for undercover activities last year, more than $300 million in misused funds have been recovered "plus over a billion dollars in economic losses." He also said—surprise!—that few organized crime enterprises can exist without accompanying public corruption.

And that's just in cases involving a federal interest. Few doubt that sweetheart deals, friendly "arrangements" and outright corruption on state and local levels of government far exceed anything being done in Washington. The smaller the governmental unit, the less likely is the risk of skilled press and public scrutiny.

By zeroing in on members of Congress as a target of opportunity, the FBI has dramatically announced that those who participate in public corruption and other white collar crime are doing so at greatly increased risk. If there are reasons the FBI should not be doing that, then let the critics say so outright.●

UKRAINIAN WRITER AND HISTORIAN FACES OPPRESSION

HON. S. WILLIAM GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. GREEN. Mr. Speaker, oppression behind the Iron Curtain is a daily occurrence that we cannot forget. The present troubles facing Ukrainian author Zinovij Mikhailovich Krasiwski show that political prisoners in Soviet-dominated countries face government harassment and scrutiny even after they are released from prison.

Krasiwski has courageously courted government anger by joining the Helsinki Monitoring Group which provides the world with valuable information on human rights. I would like to share at this point a letter a constituent of mine sent to the State Department in behalf of this courageous man.

Mr. JOHN GREENWALD,
Department of State,
Washington, D.C.

DEAR MR. GREENWALD: As a member of Amnesty International, I am writing on behalf of Zinovij Mikhailovich Krasiwski, the Ukrainian writer, historian, and former political prisoner, who was released from a psychiatric hospital in July 1978. He now lives in Morshyn near Lwow. Recently he became a member of the Helsinki Monitoring Group. For this reason, his name appears on the Sakharov list of persons in danger of arrest.

Zinovij Krasiwski is 50 years old. His long and difficult confinements have caused serious damage to his health. He is categorized as insane by the authorities. Therefore, his freedom and privileges are severely restricted. He is under constant surveillance. Effectively, he is a prisoner, though not behind bars.

From my own correspondence with him, and from several first hand accounts, I am convinced that Zinovij Krasiwski is an extremely intelligent, coherent, normal and personable individual.

Zinovij Krasiwski and his family have received invitations from Israel. Using these invitations, they have applied for permission to emigrate. This, to date has not been granted. In fact, they have only met with delays and harassment. They have also received written invitations from the United States, copies of which I am enclosing.

I would like to ask you to inquire of the United States Embassy in Moscow whether they could obtain any information about the status of the Krasiwski family's application to emigrate.

I urge you to look into this matter at your earliest convenience because Zinovij Krasiwski is in grave danger of being rearrested at any time. For him, another imprisonment is likely to be fatal.

Sincerely,

IRIS AKAHOSHI.●

AMEND THE GUN CONTROL ACT OF 1968

HON. DONALD JOSEPH ALBOSTA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. ALBOSTA. Mr. Speaker, I have joined with many of our colleagues in sponsoring H.R. 5225, to amend the Gun Control Act of 1968 so as to eliminate inconsistencies in the law and prevent enforcement abuses. There have been numerous complaints about the enforcement tactics of the Bureau of Alcohol, Tobacco and Firearms. Many of these are based on Bureau policy alone; others are founded in a combination of bad law and bad enforcement.

One of the major areas of complaint has involved arrests of licensed firearms dealers under a tactic the Bureau created, known as the strawman case. Bureau policies here are reprehensible.

The Gun Control Act, and the enforcement regulations issued by the Treasury Department, clearly require the purchaser of a firearm from a licensed dealer to complete a form containing certain information about the purchaser. BATF, acting on its own and without publishing any notice of its decision, decided that in some instances the person who filled out the required forms was not in fact the purchaser of the firearm.

The basis of the Bureau decision, and the source of the name of the doctrine, revolved around the question of who was the purchaser when one person purchased a gun for another. This distinction arose out of the fact that under the Gun Control Act, some classes of persons, such as juveniles and out-of-State residents, were prohibited from purchasing—but not possessing—a firearm.

BATF evolved a legal doctrine, kept secret from all persons expected to comply with it, that a purchase by a lawful buyer for one prohibited from purchasing but not possessing was lawful; a purchase by a lawful buyer for one prohibited both from purchasing and possessing was a felony. Moreover, in the former case the dealer should list the name of the initial purchaser in his records; in the latter case he should list the name of the person for whose benefit the purchaser was buying. There distinctions are not drawn in the Gun Control Act nor in any published regulations, nor otherwise disclosed to the dealers. Yet BATF would prosecute on felony charges, anyone who violated this secret doctrine or failed to fill in the paperwork in accordance with it.

The sole guidance offered by BATF in this area was a statement in its instruction book for dealers that a parent might legally purchase a firearm for a juvenile, and that the parent should be recorded as the purchaser even if the dealer clearly knew the firearm was for the juvenile. Having offered this single instruction for the area of sales in which one person might be buying for another, BATF then proceeded to arrest dealers under the following circumstances:

A BATF undercover agent, from out of State, would approach a dealer and indicate that he wanted to purchase a firearm. The dealer would request identification from the agent, who would offer his out-of-State drivers license. The dealer would reject this and refuse the sale, since the Gun Control Act prohibited sales to nonresident's of a dealers' State except under certain limited circumstances. The agent would leave.

He would return some time later with another undercover officer, who would have correct local identification. Inquiry would then be made as to whether the local resident could purchase the gun, to which the dealer, correctly, would reply in the affirmative. The local agent would then fill out the forms required of the purchaser, but the nonresident would pick up the gun after it was paid for. This might be repeated once or twice over a period of several weeks, and BATF would then raid the dealer, arrest him, and announce to the world that a "supplier of guns to the criminal underworld" has been arrested.

The charges would be sales to a nonresident and keeping false records—on the contention that the sale had in fact been to the out-of-State agent.

This setting up of the dealer would proceed despite the fact that the dealer had summarily refused a direct sale to the nonresident. One might have expected that the Bureau would have abandoned its enforcement actions once the dealer refused to make an illegal sale, and gone looking for persons who were selling to criminals. Unfortunately, such was not the case.

If this was all there was to the matter, we would still have a serious problem of a Federal law enforcement agency arresting persons on vague grounds, when the person in question has every reason to believe he was complying with the law. This would be compounded by allegations, which have yet to be proven or disproven, that the Bureau engaged in a random solicitation of dealers to see who might make such sales; rather than pursuing those whom they had reason to believe were in fact supplying criminals.

Unfortunately, that is not all there is to this sorry story. The Bureau's actions in this area amount to the creation of a body of secret administrative law, in defiance of the Congress and in direct violation of the Freedom of Information Act.

The BATF doctrine of strawman has been in existence since at least early 1975. During March and April BATF approached over 30 dealers in South Carolina in this manner. All made the straw sales and were arrested. In one trial in August of that year, BATF agents testified that the term "strawman sale" had a clearly understood meaning within the Bureau. From South Carolina, strawman arrests spread throughout the country.

Yet in hearings before the Senate Subcommittee on Juvenile Delinquency, also in the spring of 1975, the head of BATF gave testimony quite different than that given by his agent in the Carolina Federal court. Responding to questions from Senator BAYH, the substance of which was that could a prohibited person not have someone else purchase a gun for him without violating the law? The response of the then-Director of BATF was: "Yes, sir, there is no question that this represents a gap in the law."

A month later, former Assistant Secretary of the Treasury McDonald informed the House Subcommittee on Crime that he was proposing amendments to the Gun Control Act "aimed at the 'straw purchases' by which many criminals obtain handguns."

Similarly, as the South Carolina trials progressed, the Federal district judge trying many of the cases became convinced that most dealers did not understand that their conduct was considered to be illegal. He therefore notified the U.S. attorney that he would hear no more cases unless all dealers in the State received a written warning of the standards to which they were expected to adhere in making sales. BATF sent such a warning to dealers in South Carolina, although not enthusiastically. Such arrests had apparently become an easy means of reporting significant activity to Washington.

Durwood Russell, the special agent in charge in Columbia, S.C. wrote to another agent:

> We realize that this may jeopardize your buy, but Judge Chapman feels that a dealer should receive ample warning. . . .

Once the warning was distributed, straw man cases disappeared from South Carolina. Judge Chapman noted, in an opinion setting aside one of the straw man convictions 3 years later:

> The beneficial effect of this (warning) letter is quite apparent, since no additional indictments have been returned under section 922(b)(3) in more than 3 years.

One might have thought that a Federal agency interested in protecting the rights of citizens would have responded to this judicial suggestion nationwide. BATF did not, and straw man arrests became even more common outside of South Carolina after the judge's action.

In June 1977, a BATF agent made a formal suggestion that the agency place a warning against straw sales on the form 4473 that all dealers must fill out for each sale. He suggested the form as the obvious location for the warning. He noted that "the addition of this warning would help the honest of unsuspecting citizen from—sic—violating the law."

BATF agreed, but decided to place the warning on the back of the form, in the midst of the other instructions for completing it. Normally, a dealer who had filled out several forms would have no cause to refer back to the instructions on subsequent purchases, inasmuch as it is a simple, self-explanatory form. No notice was given to dealers that the instructions had been revised, and the revised forms themselves were only furnished to dealers who contacted BATF for additional copies as their supplies ran out.

Thus, although BATF had technically warned dealers, there was no reason to believe any dealer—other than perhaps one newly entered into the business—would have any reason to become aware of the warning. Arrests continued unabated.

It is even doubtful if a dealer attempting to secure information on the topic would have been able to receive an answer. A request was made under the Freedom of Information Act in January 1979. The request was for "any rules, statements of policy or interpretations—any final opinions—or instructions to staff, and any internal reports, memorandums, or research, relating to what has become known as the straw man case." The request then supplied a lengthy description of such a case.

On March 1, 1979, BATF responded that a search had uncovered no records dealing with straw man, other than a draft of an industry circular on the topic which was still under preparation and thus not releasable.

At this point, BATF had been arresting dealers under this doctrine for 4 years; it had engaged in extensive correspondence prior to issuing the 1976 South Carolina warning and had issued the warning; it had conducted the necessary internal procedures to revise the back of form 4473; and had issued numerous final opinions revoking dealer licenses for violation of this doctrine.

A nationwide warning to dealers was finally issued last summer, after the agency was severely criticized in Senate hearings on this issue.

The conduct of BATF throughout this period is inexcusable. I frankly question if it would have been permitted had it been directed against any group other than firearms dealers; one can only imagine the outcry that would arise if police were randomly soliciting citizens in minority neighborhoods to see if anyone would buy drugs, on the grounds that there was a substantial illegal drug trade in the neighborhood and this tactic would uncover violators. Here BATF was not even randomly testing citizens with offenses its own agents created. It was testing them for noncompliance with a doctrine it had kept secret from them, and had in fact encouraged in its one publication on the subject.

First, they were using an interpretation which may be contrary to congressional intent. When the Congress passed the Gun Control Act, it was clearly creating a system which made dealers responsible for initial purchases only. All attempts at registration, which would have involved keeping track of subsequent private transfers, were defeated.

Subsequent requests for legislation to impose further requirements of this nature on dealers, or to codify straw man language, were not enacted. Yet BATF, as they did in 1978 with their proposed firearms regulations, went ahead without congressional action.

Second, they were using an interpretation of law which is not obvious to anyone expected to comply with it. The law and regulations clearly provide that the person filling out the form 4473 is the purchaser of the firearm. There is nothing in law or regulation that would place any responsibility on a dealer for subsequent actions by the purchaser, nor was there any notice that the legally defined purchaser might on occasion not be considered the purchaser by the Government. The only guidance in the entire area was a statement that some persons—parents—could legally purchase a firearm for someone prohibited from purchasing it himself—a juvenile. There would be no reason for a dealer not to assume that so long as a qualified person signed the proper form the sale was legal.

This is further borne out by the findings of Judge Chapman in South Carolina that dealers did not understand the law, and by the numerous cases in which judges dismissed straw man charges against dealers on the grounds that, since a qualified person had signed the form, no crime had been committed.

Third, by operating on an interpretation of the law that was not published, BATF violated the spirit and intent of the Freedom of Information Act. This law clearly requires all such policy decisions to be made public. Indeed, it is contrary to our entire system of justice for a person to be liable for arrest for an offense the nature of which was only known to the arresting officers. BATF's theory seemed to be that they would arrest people and see if individual courts would uphold the arrest.

Fourth, they clearly violated the Freedom of Information Act by denying the existence of any policy or documents relating to strawman cases. In view of the extensive materials which were subsequently uncovered, there is certainly some doubt as to whether their denial was a result of an inept search.

Only a change in the law can prevent future abuses of this nature. Although the straw man case itself may be eliminated by the warning BATF has finally issued, there is nothing to prevent them from reinterpreting some other section of the law in the future should they again desire a large number of arrests to demonstrate agent productivity.

H.R. 5225 would remove this possibility for good. Section 104(a) would amend the Gun Control Act by inserting the term willfully into the penalty section. This would require the Government to show criminal intent, rather than confusion, before they could convict a citizen under the law.●

PERSONAL EXPLANATION

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. OTTINGER. Mr. Speaker, I was absent from the floor of the House of Representatives yesterday as I was chairing a hearing of the Subcommittee of Energy Development and Applications. Had I been present I would have voted in the following fashion:

Rollcall No. 64, House Resolution 579, the rule providing for the consideration of the bill, H.R. 3789, "yea."●

SAVE YOUR VISION WEEK

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. WAXMAN. Mr. Speaker, I would like to direct my colleagues' attention to a Presidential proclamation declaring March 2 to 9 as "Save Your Vision Week."

The 96th Congress should encourage preventive health care initiatives of this kind to slow the accelerated rate of inflation in our health care system. Persuading Americans to take more responsibility for their fitness and well-being by getting regular checkups, eating a balanced and moderate diet and exercising regularly may be one of the best "brakes" we can apply to our spiraling health costs.

"Save Your Vision Week" is just such an initiative. It reminds us of the importance of regularly scheduled eye examinations to diagnose and arrest potentially disabling eye conditions before they become difficult and expensive to treat.

Vision care in this country has come a long way since the 18th century when people selected eyewear from a barrel of spectacles. Today it includes a battery of diagnostic tests of many vision skills, a thorough internal and external eye examination to determine the absence or presence of symptoms of eye disease, and when needed, individualized treatment with precise lenses, vision training or both. Vision skills for seeing at close ranges, for using the two eyes together as a team, for perception, for recognizing colors and for seeing to the side without turning can now be tested.

Each year 140,000 workers suffer eye injuries. In addition, many of the 2.3 million disabling injuries workers suffer on the job could be the result of vision problems that cause workers to miss seeing something they should have spotted—a machine's warning light or a step or hole, or other danger.

Vision changes constantly and the changes are usually gradual and subtle. As a result regular vision examinations are important to every person—child, adult, or senior citizen. Yet millions of Americans do not realize they are not seeing as well as they should.

Commonsense tells us that preventive health initiatives such as "Save Your Vision Week" are a sensible way to deal with holding down health care costs. For too long our cost reimbursement hospital-oriented health care system has emphasized treatment of conditions which could have been prevented. We must do whatever we can to reverse this extravagant pattern which has resulted in excessive national expenditures for health care. These expenditures form an ever-increasing share of the gross national product, rising from 6.5 percent in 1968 to roughly 9 percent today.

I conclude my remarks by having reprinted in the CONGRESSIONAL RECORD President Carter's proclamation on "Save Your Vision Week."

PROCLAMATION 4718—SAVE YOUR VISION WEEK, 1980

Good vision, like good health generally, contributes much to the enjoyment of life. Our ability to see affects how we learn, how we work and play, how we relate to others, and how well we are able to function in an increasingly complex society. Yet most people take good eyesight for granted. Just as we have come to recognize the need to take a more active role in maintaining the health of our bodies through diet and exercise, we should also take time to consider what can be done to take care of our eyes and to protect our vision. With proper care and attention, many of the serious eye problems that affect both young and old can be prevented.

Prevention of eye disease begins even before birth with adequate nutrition and prenatal care for the mother. During early childhood and later in life, periodic eye examinations can reveal certain potentially blinding eye conditions early enough to permit successful treatment. This is particularly true in families where there is a history of glaucoma or in people who have diabetes. With professional eye care, it is even possible to restore sight to some people who are already blind or to help those with partial sight make the most of their remaining vision.

In addition to obtaining professional eye care when needed, each of us must take responsibility for protecting our eyes from injury. Protective eyeglasses or safety goggles should be worn in hazardous situations at work and while participating in many recreational activities. In the home, precautions should be taken to avoid injury to the eyes from household products, appliances, and cosmetics.

To increase awareness of the importance of good vision and of the ways in which we can help to preserve our eyesight, the Congress, by joint resolution approved December 30, 1963 (77 Stat. 629, 36 U.S.C. 169a), has requested the President to proclaim the first week of March of each year as Save Your Vision Week.

Now, therefore, I, Jimmy Carter, President of the United States of America, do hereby designate the week beginning March 2, 1980, as Save Your Vision Week. I urge all Americans to participate in the observance of this period by pausing to consider what they can do to take care of their eyes. I invite vision care professionals, the communications media, educators, and all public and private organizations that support sight conservation to participate in activities that will teach Americans about eye care and encourage them to take steps to preserve and make the most of their vision.

In witness whereof, I have hereunto set my hand this twenty-eighth day of January, in the year of our Lord nineteen hundred eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER.●

IN THE COUNTRY'S BEST INTERESTS . . .

HON. ELLIOTT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. LEVITAS. Mr. Speaker, I recently received a letter from a constituent who took the time to express his appreciation for a vote I had cast on a particular bill which he, as an individual and as a member of a professional group, has viewed as being favorable to his interests. While the overwhelming amount of mail which we, as Members of Congress, receive about legislation is to ask us to vote for or against a particular measure, it is not unheard of—although it is rare—for us to receive a letter expressing appreciation for the way we voted after the vote is over.

However, that was not the interesting part about my constituent's letter.

The interesting thing was that my constituent, a physician from De Kalb County, Ga., named Wytch Stubbs, Jr., went on to say that he did not expect me to agree with him, or with the interests of his profession on all occasions, and that when the time came, he expected me to vote for what was good for the country as I understood it.

I think his words are important and instructive. Dr. Stubbs says as follows:

> There will be times when I am sure you feel that legislation in the best interest of the country will not necessarily be for the best interest of organized medicine. I am counting on your voting for the interest of the country in those situations as well.

At a time when we see far too much single-interest and self-interest emphasis, I think Dr. Stubb's words should be counted as an example of the type of intelligent and concerned attitude that good citizenship should inspire in everyone. This is a recognition that there are times when the national American interest may be perceived by a Congressman as being different from the personal or special interest of a constituent or group, and that the national interest should prevail. I hope that more and more Americans will adopt this attitude because I think it will help the Congress and the Nation deal with the difficult decisions that lie ahead.

That is patriotism in its finest sense.●

THE AGRICULTURE PROTECTION ACT OF 1980

HON. WILLIAM C. WAMPLER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. WAMPLER. Mr. Speaker, on January 4, 1980, the President announced an embargo of all grain exports to the Soviet Union in excess of the 8 million metric tons the United States is obligated to supply under the U.S.-U.S.S.R. grain agreement. This embargo was imposed for national security and foreign policy reasons in response to the Soviet Union's invasion of Afghanistan. At the time of the embargo the President announced that the Government would take whatever steps were necessary to neutralize the effect of the embargo on American agriculture and that the quantities of grain that would have been shipped to the Soviet Union would be isolated from the market.

Although the administration has taken a number of actions to alleviate the impact of the embargo on farmers, I and many of my colleagues are concerned that the actions announced so far may be insufficient. For example, farm prices for the major grains are still below the levels immediately prior to the suspension, many economists forecast continued low prices without further action, and farmers are facing the largest feed-grain carryover since 1963.

In view of this, I am pleased to introduce—and to be joined by several of my colleagues in introducing—legislation which will help the administration live up to its commitment to farmers. I ask unanimous consent to include at the conclusion of my remarks a short summary of this legislation. While I am not wedded to the exact provisions of the bill, I believe it is an important response to the crisis facing farmers.

The major provisions of the bill include authority for the Secretary to use up to $500,000,000 to purchase wheat for donation for urgent humanitarian relief and to assist developing countries to meet their food requirements, require CCC to purchase all the embargoed grain which would have been shipped to the Soviet Union with staggered release of 10 percent per year if carryover is less than the average carryover for the preceding 3 years, and a paid diversion for wheat and feed grains. The bill would also allow corn producers who did not participate in the 1979 feed grain program to obtain price-support loans up to $100,000.

Next week the Livestock and Grains Subcommittee of the House Committee on Agriculture begins a series of hearings to consider the 1980 wheat and feed grains programs. We will be hearing various farm groups, as well as farmers tell us what they believe should be done to alleviate the impact of the embargo on the agricultural sector of our economy. I encourage the subcommittee to act quickly on legislation and recommend the bill we are introducing for their favorable consideration.

The material follows:

SHORT SUMMARY OF THE AGRICULTURE PROTECTION ACT OF 1980

Section 1 provides that the Act may be cited as the Agriculture Protection Act of 1980.

Section 2 contains findings and declarations.

Title I would authorize the Secretary of Agriculture to acquire wheat on the open market or through voluntary sales of wheat held in the producer storage reserve. This wheat could be used only for donation (1) to provide urgent humanitarian relief in a foreign country suffering a major disaster where the need of the country cannot be satisfied under Public Law 480; (2) to assist developing countries to meet their food requirements when domestic supplies of wheat in the United States are so limited that quantities cannot be made available under the criteria of section 401(a) of Public Law 480; and (3) to fulfill lawful international obligations. Up to $500,000,000 would be authorized to be utilized by the Secretary to carry out this title.

Title II provides for isolation of embargoed grains.

Section 201 would require the Commodity Credit Corporation to purchase and take title to and possession of all grain the export of which to the Soviet Union was blocked by the President's embargo. The CCC could not sell or dispose of any such grain at a price less than the parity price for such commodity except that authority would be provided for a staggered release of up to 10 percent per year (and an additional 10 percent under some circumstances) if carryover for the particular commodity at the end of a marketing year is less than the carryover average for the preceding three years and release would not unduly depress market prices.

Section 202 would write into the statute authorizing the farmer reserve the current release and call levels for feed grains (125 percent and 145 percent of the loan level, respectively). This section would also provide that when a farmer reserve is in effect for wheat and feed grains CCC may not sell any of its stocks of those commodities at less than 10 percent above the call level or 150 percent of the loan level, whichever is higher.

Title III relates to land diversion programs.

Section 301 would require the Secretary to establish a land diversion payment program for the 1980 crop of feed grains designed to divert from production 12 million metric tons of feed grains. Producers would be eligible for payments of not less than 10 percent of their acreage, computed by multiplying the farm program payment yield, by the total acreage diverted, by not less than $1.00 per bushel in the case of corn. The Secretary would set a comparable payment rate for other feed grains.

Section 302 would require the Secretary to establish a land diversion payment program for the 1980 crop of wheat which would be designed to divert from production 4 million metric tons of wheat. Producers would be eligible for a payment of not less than 10 percent of their acreage. The payment would be computed by multiplying not less than $1.25 per bushel, by the farm program payment yield, by the acreage diverted. This section would also amend the wheat hay and graze-out provision to provide that the minimum payment shall be not less than 50 cents per bushel.

Title IV contains miscellaneous provisions.

Section 401 would make corn producers who did not participate in the 1979 feed grain program eligible for loans, not to exceed a total of $100,000, on their 1979 crop of corn.

Section 402 would authorize the Secretary to sell CCC stocks of corn at the prevailing market price for use in the production of alcohol for motor fuel to facilities that began operation after January 4, 1980.

Section 403 would amend Section 1002 of the Food and Agriculture Act of 1977 to require the Secretary to establish loan rates at 90 percent of parity if there were an embargo of agricultural commodities for any purpose. However, if the embargo were based on national security or foreign policy, the loan level could be set at not less than the average market price for the particular commodity during the 30 days immediately prior to the embargo.

Section 404 would increase the minimum level of donations of U.S. commodities to needy people throughout the world under title II of Public Law 480.●

SAVING FOR A RAINY DAY

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● **Mr. DOWNEY.** Mr. Speaker, in the old days in this country, we believed strongly in saving for a rainy day.

Nowadays, the weather has not changed, but our feelings about saving certainly have. It is not the saver's fault. Federal law simply places so many disincentives on saving that people stop doing it. Because of the inflation rate, savings makes no economic sense. An inflation rate of 13 percent makes a 5- or 6-percent return on savings worthless.

Yesterday, however, the House and Senate conferees on windfall profits agreed to remove one of the major barriers to saving, and incorporated into the conference report, a tax exemption of $200 per individual on interest earned in a savings account—$400 for a joint return. Because the action will have no individual vote in the committee and on the floor, I wanted to make my support of this provision clear.

I am happy that the small saver will be getting some new encouragement to save. Perhaps now, we as a nation, will not continue to show the lowest savings level of any industrialized country at only 4.1 percent of our earnings. The Japanese put approximately 22 percent of their take home pay into savings accounts, and the Germans save 15 percent. I do not think it is mere coincidence that the inflation rates in these two countries are far lower than ours.

History illustrates how well we in the United States have used the principle of hard work and prudent saving to build a strong nation. Today, however, it appears as if working hard for a living is becoming a waste of time. There is no money for housing, and rising energy costs are making it impossible for families to enjoy the extras which help raise our quality of life.

This tax break for small savers is one way we can stop penalizing people for saving and investing. Hopefully, since this exclusion includes both interest and dividend income, certificates of deposit and security and bond markets will again be available to the smaller investor.

This is tax season and we all hear every day from our constituents about the seriousness of the Federal bite out of their earnings. I am happy that we will be able to take the news of this new exemption home to them.●

THE POLISH NATIONAL ALLIANCE CELEBRATES 100 YEARS OF ACHIEVEMENT

HON. JOHN G. FARY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. FARY. Mr. Speaker, distinguished colleagues, during this past weekend, the largest organization of Polish Americans and the largest fraternal organization in the United States, the Polish National Alliance, celebrated its 100th anniversary. Although the alliance is now based in Chicago, the centennial birthday celebrations took place in Philadelphia where the Polish National Alliance was founded on February 15, 1880.

At the time of its founding, the principal aims of the alliance and its member organizations were threefold: First, to help more recent immigrants from Poland to establish themselves in this country; second, to maintain the unique culture and traditions brought over from Poland; and, third, to work for the reemergence of a free, independent Polish state. It must be remembered that, at the time, Poland did not appear on maps of Europe because Prussia, Russia, and Austria, the three superpowers on her borders, had divided Poland among themselves. However, they could not deprive the Poles of their spirit, and suppression only strengthened Polish nationalism.

In this context, the founding of the Polish National Alliance was an important event affirming unity among Poles all over America, providing a helping hand to countrymen and women, many of whom fled to the United States to escape oppression, and showing the world that Poles consider themselves a distinct nation with a right to autonomy that was being denied. We all know that this is still true today and the alliance continues to perform the very important function of reminding the world that Poland is a captive nation although no one can imprison the spirit of her people.

The anniversary celebrations in Philadelphia began last Friday, the 15th of February which is the precise date, 100 years ago, of the founding of the Polish National Alliance. The festivities included the dedication of Thaddeus Kosciuszko and Kazimierz Pulaski's portraits which the PNA presented to the American Nation in 1894, Polish folk dancing by young members of the alliance, a banquet, a mass of thanksgiving celebrated by John Cardinal Krol, and a mass for all members who have passed away. This weekend marked the beginning of a yearlong commemoration of the PNA's first year of existence when the various stages of actual organization took place. In September, we will observe the 100th anniversary of the First Polish National Alliance Convention in Chicago.

Now, at the beginning of this year of celebrations, I want to commend the Polish National Alliance, its leaders, the organizers of various activities, and every member of every lodge because they all contribute to the valuable achievements of the PNA. With Aloysius Mazewski at its head, the Polish National Alliance is indeed reaching the goals set for it by the founders 100 years ago. This organization has helped numerous refugees from Communist oppression over the years, it has made a significant contribution to the quality of American life by keeping the ideals of liberty and justice for all men alive, it has added to the richness of our American way of life by preserving Polish culture here in the United States. I am proud to be able to say that I have been a member of the Polish National Alliance for many years and I hope that the next 100 years are as successful and productive as the last have been. Sto Lat.●

A TRIBUTE TO VINCENT G. BRETT

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. LENT. Mr. Speaker, our great country has become the most admired Nation in history through the individual efforts and sacrifices of millions of American citizens who, from the founding of the Republic more than two centuries ago, have helped to develop and strengthen it. Unfortunately history seldom records the individual accomplishments and achievements of those whose collective efforts have contributed so much to the growth of our Nation.

With that in mind, Mr. Speaker, I wish to direct the attention of my colleagues to an event honoring one of those individual builders of our country, a most respected businessman and community leader in my Fourth Congressional District, Mr. Vincent G. Brett. His accomplishments, both in the business world and in civic leadership, typify the best in American citizenship.

On March 20, 1980, Mr. Brett's many friends will gather to pay tribute to him on the 25th anniversary of the founding of his business, Mid-Island Collision, Inc., an auto repair facility, of Rockville Centre, N.Y.

Like the great majority of small businessmen, Mr. Brett began his career in the most humble fashion. He had no vast financial resources. But he did possess in great abundance the far more important resources of intelligence, ability, and a strong desire to serve his community. In the 25 years since Mr. Brett inaugurated his auto repair business he has not only achieved the impressive business success of which he dreamed, but he has won the greatest respect and admiration throughout the Long Island area he serves for his extensive activities in community affairs. And in so doing he has made a substantial contribution to our country.

Mr. Brett began his business with the credo "We Care," and that has been the governing credo of his life. In fact, Mr. Speaker, Mr. Brett is incorporating that credo in his 25th anniversary celebration. During the first week in March, Mr. Brett is donating 5 percent of all receipts from his collision-repair business to the Cambodian Relief Fund of the Rockville Centre Roman Catholic Diocese, and to the U.S. Mission-UNICEF Cambodian Relief Fund.

As Mr. Brett himself explains:

> Donating to Cambodian relief is just a humble way of saying thanks to our friends in the community for making possible the growth of Mid-Island into an institution among auto-body repair shops.

With such a humanitarian philosophy, Mr. Speaker, is it any wonder that hundreds of Vinny Brett's friends will gather to honor him at this milestone in his life?

I am proud to call Vinny Brett my friend, and I join with all of his friends in congratulating him or his tremendous spirit of public service, and for his unceasing efforts toward the betterment of his business and of his community. Vinny Brett's life and his business career are in the finest tradition of service to his community and to our country. We wish him continued success in the years to come.●

THE ISSUE OF THE DRAFT

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. DANNEMEYER. Mr. Speaker, I would like to take this opportunity to express myself regarding registration and the draft. This is a matter of great importance to the American people and it deserves the full and complete consideration of the Congress.

In the last session of Congress, I voted for an amendment to H.R. 4040, the defense authorization bill, which would have provided for mandatory registration because I believe registration during peacetime would facilitate combat readiness in case of a national emergency. Although this particular measure did not pass, it will surely come up again in this session of Congress.

The American people do not covet the territory of any nation of the world. We want to engage in international trade and favor free trade as much as possible. Historically, we are the product of a revolution in which we won our political freedom. This fact, coupled with abundant natural resources and a capitalistic economic system, has made us the envy of the world. Our foreign policy is designed to encourage other people to evolve as we have. In a nutshell, Americans do not want any part of a war or preparation for war unless we perceive that our system is seriously threatened.

The Russian people and the Chinese people are, in reality, no different from the American people on what they want out of life. The difference is in the form of government which exists in the Soviet Union and China. Communist governments in both countries have as a stated objective the triumph of communism over capitalism. Chinese leaders still stick to the old Stalinist school of thought which is that war between the United States and the U.S.S.R. is inevitable. Russian leaders are split. Some believe as the Chinese leaders do and others believe that the triumph of communism will come as a result of wars of national liberation—North Vietnam attacking South Vietnam—or Eurocommunism, that is Italy and France—specifically, voters will vote in Communist governments. The recent invasion of Afghanistan seems to indicate that the proponents of an ultimate confrontation are winning the battle for domination in the Soviet Union.

My reading of history causes me to conclude that people who are unwilling to defend their freedom will ultimately lose it. At this point you ask, what freedom of the United States is involved in the Middle East? The answer is, the functioning of our economic system, specifically oil. If the Russians take over the oil of the Middle East it is predictable they will not continue to sell it to the United States. We currently import about 47 percent of our daily consumption of oil, some 7½ billion barrels a day, most of which comes from the Middle East. If this quantity of oil is denied to our economic system, our economy would literally collapse. Our economic freedom would be destroyed and with it, our political freedom. The two are inseparable. The world would be plunged into a depression of major proportions.

For these reasons I have concluded that we Americans must understand that our economic and political freedom is seriously threatened by the Communist governments of the world. Leaders of Communist countries respect one element: force. We must maintain an ability to defend our interest, and in my judgment, the Volunteer Army is not doing the job that needs doing. Our Reserves are seriously depleted.

At this time I favor registration of our manpower. I want no part of the draft which existed during the Vietnam war era. It was riddled with too many loopholes. Service to our country should be a part of the tradition of being an American so long as we are confronted with Communist governments which seek to destroy our economic and political freedom. This may well entail 6 months of active duty training for all able-bodied males and then service in the Reserve for a period of 4 to 5 years. Serious consideration should be given to the development of incentives which will make this 6-month active duty and service in the Reserves far more financially attractive than it is now. Every consideration should be given to permit this function to be served by volunteers rather than conscripts. We should still permit men and women to enlist for longer periods of time as the present law permits.

I do not favor registering or drafting women at this time. In the event of an all-out war, this may become a necessity but I do not believe the present circumstances require it.

It is relevant to ask some additional questions at this point on the issue of why the Soviet Union has chosen this particular point in history to engage in outright military aggression in the Middle East. When Jimmy Carter assumed the Presidency in January 1977, programs were in place to procure 244 B-1 bombers by 1986. Plans were underway to develop an MX missile system with deployment scheduled for 1983. The cruise missile was in an advanced state of development and was scheduled for deployment in 1978. An air-launched cruise missile was to be deployed. One and a half Trident submarines per year were to be built beginning in 1977. Jimmy Carter canceled the B-1 bomber and delayed the other hardware systems which were then being developed. Richard Perle, a foreign policy expert on the staff of Senator JACKSON, Democrat, Washington, wrote on October 7, 1979:

> Having come to office with virtually no expertise in foreign affairs, President-elect Carter drew around him a small circle of close officials whose faith in the efficiency of arms control is exceeded by their abhorrence of military power and their dread of confrontation with the Soviet Union.

Is it a wonder that the leaders of the Soviet Union felt that they could get away with military aggression in the Middle East based on their perceptions of the intentions of the occupant of the White House? In my judgment, the policy decisions made by Jimmy Carter as President and the decisions made by the U.S. Congress, since he has become President, of expanding social programs to the detriment of defense programs has proximately led to the crisis in which we are now involved. We, in effect, have encouraged Soviet adventurism by our preoccupation with domestic programs which have come at the expense of defense.

Another equally significant and serious question is, Why is this Nation so dependent on imported oil for such a high percentage of its energy supplies? The foundation for this dependence was laid in 1973 when Congress passed a law which guaranteed we would have a shortage of domestically produced oil. In 1973, the Congress passed a law which placed a maximum price for domestically produced oil which was below the world market price. The inevitable happened, namely, domestic exploration declined and domestic production has declined since that time. The most constructive step we could take at this time is to completely deregulate oil, natural gas, and gasoline and scrap the gasoline allocation system. The Heritage Foundation in a recent study estimated that if we pursued these policy alternatives we could increase domestic production by 6 to 7 million barrels a day by 1985. The Congress refuses to follow this policy alternative and in my judgment, it is one of the main reasons why the dependence on foreign oil continues.

In summary, I join with every other Member of Congress in my fervent hope that this Nation never again has need to shed American blood in defense of freedom. But, should that need again arise, we must be prepared, for in war there is no substitute for victory. Registration will permit us to maintain this needed level of preparation.●

ESTONIAN INDEPENDENCE DAY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. ANDERSON of California. Mr. Speaker, this Sunday will mark the 62d anniversary of the Republic of Estonia. Unfortunately, its citizens will be unable to celebrate their independence freely. For many years they have suffered under the yoke of Soviet oppression, and as human beings, we must remember their suffering today as well as their joy when independence was achieved in years past.

The Estonian people won their independence as the result of a valiantly fought, drawnout struggle against the Soviet Union. A peace treaty was signed in 1920 where the Russians both recognized Estonia's independence and vowed territorial sovereignty for the Estonian people.

That sovereignty was recognized by many countries of the world in both de facto and de jure status. And for the first 20 years of independence, Estonia was able to show the world what a small country can do when allowed to come into its own. Estonia's constitution was extremely sensitive to the human rights of man, and was especially careful in protecting the legal and ethical rights of minority groups.

Devoted to the causes of democracy and liberty, Estonia joined the League of Nations, and, while championing peace, was also a spokesman for the small, democratic states. Just as significant was Estonia's willingness to aid other countries. It exported its well-educated citizens to help other less fortunate nations, as the Estonian Government was well run, and fortunate enough to have a surplus of dedicated, trained public servants.

Mr. Speaker, this tiny nation, so committed to freedom and justice, was cruelly sacrificed to Russian domination by Nazi Germany in 1939. Forced into signing a mutual assistance treaty with the Soviet Union, Estonia found itself overrun by the Soviet military and its Government thoroughly infiltrated by spies. For all its protestations, Estonia forcibly became part and parcel of the Soviet Union, an act which we, as Americans, cannot and will not recognize.

The Estonian people have suffered dearly at the hands of many over the years. But let us commend their spirit, so strong in the determination to be free. Their steadfastness over the years is a beacon for others. Let us, here in America, realize how fortunate we really are. We all hope that the anniversaries to come can be true celebrations of joy within Estonia proper, and not only reaffirmations of national and cultural heritage from abroad.●

AMERICAN CITIZENS ABROAD

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. ALEXANDER. Mr. Speaker, today I would like to submit two more issues which American citizens abroad must deal with, in an attempt to do business abroad for the United States.

The material follows:

ISSUE No. 15

Short Title: VHA Benefits for Veterans Abroad.

Summary of the problem: Veterans living in the United States have a significant benefit, that of a veteran home loan to assist in acquiring a residence, which is denied to those living abroad.

ACA's question: Why are VHA benefits denied to Veterans abroad?

The President's reply: The President listed a number of problems that would be encountered in trying to extend this benefit to Veterans living overseas. Cost is one problem. Complicated administrative burdens is another difficulty.

The President mentioned that using the overseas branches of U.S. banks had been suggested but this would still leave great difficulties such as finding banks willing to underwrite loans abroad because of political risks, lending restrictions, fluctuating exchange rates and incompatible maturity limits.

ACA's renewed question: No one suggested that giving the VHA benefit abroad would be as easy as giving the same benefit in the United States. The President rightly identified the major obstacles involved. But, he did not address the basic question that still remains: Should Veterans abroad be denied one of their most basic benefits?

We do not feel that the difficulties that have been enumerated are in any way insurmountable. Indeed similar difficulties confront the U.S. Government in trade and foreign investment areas. And difficulty with fluctuating exchange rates and placing valuations on foreign transactions has never impeded the zeal of the U.S. Government in extracting taxes from U.S. Veterans abroad.

The question remains, why discriminate against the veteran abroad? VHA loans surely could be given, despite the extra difficulties of the overseas environment. The President must first answer the really fundamental question: should they be given? An even better question is: what definition of equitable treatment justifies denying overseas Veterans this benefit?

It is perhaps worth mentioning also that many veterans serve overseas, and many were wounded overseas. Why is there the reticence to give them benefits overseas?

ISSUE No. 16

Short title: Vocational Rehabilitation Benefits for Veterans Abroad.

Summary of the problem: Disabled veterans, many of whom have been disabled abroad, cannot receive vocational rehabilitation benefits abroad. VA regulations limit the availability of such training in a foreign country, other than the Philippines, by specifying that such training may be authorized only if adequate training for the selected objective is not available in the United States or its possessions and, if training is pursued under the direct supervision of a representative of the VA.

ACA's question: Why are these restrictions being applied to the rehabilitation training of Veterans?

The President's reply: The President indicated that there was some improvement pending on this issue. Said the President: "The Veterans Administration has recently proposed legislation which will remove the restrictions noted above and give the Administrator greater flexibility in meeting the veteran's legitimate rehabilitation needs. In those cases where vocational rehabilitation is provided outside the United States, the VA will make arrangements through contract or otherwise for necessary training assistance and supervision."

ACA's response: ACA applauds the President and the Veterans' Administration for proposing this needed change. We hope that the Administration will work forcefully to see that this legislation is enacted.●

TRIBUTE TO CONSTANTINO BRUMIDI

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. BIAGGI. Mr. Speaker, as an American of Italian heritage, I take special pride in acknowledging the 100th anniversary of the death of Constantino Brumidi—the "Michelangelo of the U.S. Capitol."

The life of this great ethnic American should serve as an inspiration to us all.

He was born in Rome, Italy, on July 26, 1805, and before he was exiled to America because of political activities in 1852, he had established himself as a renowned artist. However, it was not until he had been in the United States about 3 years that he began the artistic endeavors that would reserve himself a formidable place in art history.

In 1855, Brumidi was hired by the Superintendent of the Capitol to decorate the Agriculture Committee room, and in so doing provided the first example of fresco in America. It was at that time Brumidi was quoted as saying:

> I no longer have any desire for fame or fortune. My one ambition and my daily prayer is that I may live long enough to make beautiful the Capitol of the one country on earth in which there is liberty.

Shortly thereafter, in 1857, Brumidi achieved a long sought goal when he obtained his U.S. citizenship. The remainder of his life was spent serving his adopted home with artistic dedication.

For 25 years, he shared his extraordinary artistic talents with our Nation, and the Capitol was his canvass. His work included the Senate reception room, Senate Appropriations Committee room, the President's room in the Senate extension, the Senate floor corridors, the House of Representatives Chamber, the House of Representatives committee room, and his magnificent display in the Capitol rotunda.

On February 19, 1880, this great artist died after a tragic fall from the dome of the Capitol rotunda, where he was engaged in what he considered to be the greatest work of his life. According to Senator Daniel Voorhees of Indiana, who provided a eulogy to Brumidi at the time of his death:

> He was unfolding with the magic of genius in the dome of the Capitol the scroll of American history, from the landing of Columbus to the present day. He earnestly desired to live long enough to complete this vast conception. But he has left an empty chair, and his great design unfinished, as others have done and will continue to do in other places.

Unfortunately, it would be another 70 years before Brumidi would again obtain even the simplest form of recognition—a bronze marker for his grave. Led by the persistence of Dr. Myrtle Cheney Murdock, wife of the then Congressman John Murdock of Arizona, Congress in 1950 authorized a bronze marker for Brumidi's previously unmarked grave in Washington's Glenwood Cemetery.

Another long overdue tribute was paid this great Italo-American on April 30, 1968, when ceremonies were held in the Capitol Rotunda to dedicate a bust of Brumidi. Earlier this week, similar words of praise were bestowed upon Brumidi during ceremonies in the rotunda.

Mr. Speaker, the walls of the Capitol serve as a constant reminder of Constantino Brumidi's greatness. Truly, he was an inspired man, who deeply loved his adopted home. It was with pride that he signed his work as "C. Brumidi, artist, citizen of the United States." It is with pride that I honor him today.●

TAKING POLITICS OUT OF THE OLYMPICS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. PORTER. Mr. Speaker, in Wednesday's edition of the CONGRESSIONAL RECORD, I criticized the International Olympic Committee for their actions in continuing the 1980 summer games in Moscow, while prohibiting the Republic of China from participation in both the Lake Placid and

Moscow games. Despite its self-serving claims of separating politics from sports, the IOC is clearly playing politics with the world. One need only to examine the intensive and sophisticated athlete training programs of Eastern European countries to understand the political significance attached to successful Olympic performances.

I would like to direct the attention of the House to the following editorial which appeared in the Chicago Tribune. A colleague in the Senate and former Olympic athlete, Senator BILL BRADLEY, suggests some interesting means for depoliticizing the Olympics:

TO SAVE THE OLYMPICS

One man who is not surprised by the turmoil surrounding the 1980 Olympics is Sen. Bill Bradley [D., N.J.], who saw it coming four years ago. Sen. Bradley, then a star player for the New York Knicks professional basketball team and a former Olympic gold medalist, predicted in a 1976 New York Times article that the U.S. would boycott the 1980 games. He also predicted that "a few aristocrats on the International Olympic Committee" would issue pious statements about fair play.

He was right on both counts. And he may prove right on another of his 1976 predictions—that the Soviet-American dispute will mean the end of the Olympic games as we have known them since the end of World War II.

But Sen. Bradley offered solutions along with his remarkably accurate predictions. He called for denationalizing the games and removing, or at least minimizing, the political pressures that have done so much harm to them. In 1976, his ideas seemed extreme. But in the chaos of 1980 they begin to look like beacons for a floundering Olympic movement. They bear reconsideration.

First, he called for abolishing the distinction between amateurs and professionals, opening the competition to any athlete able to demonstrate the necessary skill to compete effectively. Differing national interpretations of amateurism have made it impossible to make the distinction—the best answer is to stop trying.

Second, Sen. Bradley called for elimination of team sports from the games because they "too easily simulate war games." Athletes would compete as individuals rather than as national teams. If organizers of team sports wish to have world championship competitions, they could be held outside the Olympics.

Third, he would have all competitors in the games receive identical "participant" medals, with gold medals going only to those who break records. Thus, the athletes would be competing against a standard rather than against each other.

Fourth, he suggested that the games be given a permanent home in Greece, the land of their origin, with all nations that participate in the movement underwriting the cost. By eliminating the competitive grandiosity of the present system, in which host countries see the games as a chance to show off, Sen. Bradley hopes they will become a "focus on the oneness of the world."

Fifth, he urged that the games concentrate on individual participants. They should be lengthened to about two months to slow the pace and give athletes opportunities to get acquainted. The additional time might be used to broaden the Olympic experience to include artistic expression, thus recognizing "the value of the whole person."

Sen. Bradley's proposals aren't the only—or necessarily the best—possible solutions to the Olympic dilemma. There are those who advocate spreading the games around the world rather than concentrating them in Greece—with various countries or regions hosting single events or sporting categories. In these days of instant television communications there is no need to hold all the games in the same spot at the same time.

Others would be content with more modest denationalization than Sen. Bradley proposes. Doing away with flags, anthems, and national uniforms might be enough to minimize the "war games" atmosphere. Housing teams in the Olympic village according to sport rather than nationality would improve international understanding.

Whatever the solution—Sen. Bradley's sweeping proposals or other more modest ones—the aging aristocrats and communist bureaucrats who dominate the International Olympic Committee must do something to stop the political rot. It is absurd for them sanctimoniously to denounce the move to boycott the Moscow games while at the same time they maneuver to prevent one member country, Taiwan, from participating under the same conditions as other Olympic members. If they can't save the Olympics themselves, they should step aside for others who can.●

DECISION TO RETIRE

HON. GARY A. LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. LEE. Mr. Speaker, colleagues, I was surprised this morning to learn of our colleague and friend, JIM HANLEY's decision to retire from service in the U.S. Congress at the close of this term of office.

Congressman HANLEY has served the Syracuse and central New York area with distinction during these past 15 years. He has earned both the respect and the friendship of his constituents, leaders throughout the State of New York, and national leaders here in Washington, as well as those of us who serve with him in the House. JIM HANLEY has helped me during my first term in Congress to better understand, and become effective, in this legislative system. His generous assistance has aided me in effectively serving our mutual constituency.

I join today with JIM's numerous friends both here in Washington and in New York State who wish him the greatest success in his retirement. Both he and his lovely wife, Rita, have earned the best for a prosperous, relaxing, and enjoyable future with their central New York neighbors.

The quality of public service which JIM brought to Washington with his devotion and dedication to the national interest during those 15 years has enhanced this House. Our thanks for his contributions is offered today.●

A SALUTE TO RUSSELL FOLISE, HELEN CERMELY, HOWARD REID, ESTHER PATCH, AND THOMAS DAY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. STOKES. Mr. Speaker, I would like to take this opportunity to join my colleagues in the Cuyahoga County Bar Association in honoring Mr. Russell J. Folise, Ms. Helen Cermely, Mr. Howard Reid, Ms. Esther Patch, and Mr. Thomas E. Day. These individuals have served the local court system in Cleveland for over a total of 170 years.

Employees of this caliber and dedication are hard to find in any sector of the working population. It is particularly commendable that these individuals dedicated so many years to public service.

The Cuyahoga County Bar Association will honor the aforementioned employees at their 34th Annual Merit Awards Luncheon on February 27, 1980. At this time, I am entering some information about the honorees in the RECORD so that my colleagues in the U.S. House of Representatives can join me in saluting them.

The information follows:

HOWARD J. REID

Starting as a Clerk in the Court of Common Pleas Arraignment Room in 1949, Howard J. Reid handled many varied and complex assignments until he was advanced to the Chief Clerk's position in the Criminal Division of the County Clerk's office in 1954. For sixteen years he served in that capacity until he was selected by Chief Judge Leo M. Spellacy, Administrative Judge of the Common Pleas Court, in 1970, to become its Deputy Administrator.

Reid attended Holy Name, Cleveland College and John Carroll University. With his wife, Mary Margaret, daughter Susan and son Charles, the Reids live at 4043 Princeton Blvd., South Euclid. They are also the parents of Nancy Reid Knupp of Elyria.

ESTHER WOODWORTH PATCH

Esther Woodworth Patch was born in DeGraffe, Ohio, educated in Loudonville, Seville and Perry, Ohio schools before receiving her AB degree from Denison Univ. at Granville, Ohio in 1931. For eleven years following her graduation she worked at the May Co., climaxing her department store career as its assistant buyer in the art needlework division. From 1942 to 1949, she served as a research assistant in the thermal laboratory of the Cleveland Graphite Bronze Company.

In April 1950, she started as a secretary in the Welfare Department in East Cleveland and transferred to its Municipal Court in 1951. In 1956, she was promoted to Clerk of its Police Court. When the Court was finally established in its present form in 1958 she was appointed as its Clerk.

Mrs. Patch plans to retire on April 30, 1980 but admits that she will miss the small Court where she got to know the people of East Cleveland so well. She has been listed in "Who's Who of American Women" because of her numerous accomplishments in Court administration, in Y.W.C.A. work, in college alumni activities and in the Eastern Star.

RUSSELL J. FOLISE

Russell J. Folise began his career in public service in 1933 with various part-time jobs in County and State offices, such as Highway and Board of Elections while working his way through Western Reserve College and Law School. In 1940, upon admission to the Ohio Bar, he began his practice in law with Cleveland Traffic Referee John E. Garmone, a 1973 honoree of the Association. From 1942 to 1946, Folise served in the U.S. Navy. Following this military service, he acted as a government trial attorney with the Office of Price Administration and its successor agencies, from 1946 to 1954. After two years in private practice with James McNamara, he returned to public service as head of County Auditor John Carney's Inheritance Tax Unit. In 1963, Folise joined Probate Court's Psychiatric Department, in which he is now Chief Referee.

Folise has been an active Democrat since 1928, when as a youth of 13 he organized support for presidential candidate Alfred E. Smith in Cleveland's Little Italy District. Since 1936, he has been an elected Precinct Committeeman. From 1952, he has been a member of the Dems' County Executive Committee, Ward Leader, Maple Heights (1955-65) and is presently Ward Leader for Gates Mills, Hunting Valley, Pepper Pike and Woodmere. He has also acted as Ward Leader of Moreland Hills and Orange Village. He is married to Rosalie (nee Cangelosi) and is the father of Margaret Ann, a graduate of Bulter University and now in ballet, and Michael Joseph, 20, a Junior at Case Western Reserve University.

HELEN F. CERMELY

Working with pre-school age children since 1942 after graduating from Wooster High School, in 1939, and after enrolling in classes directly related to child care at Fenn College and Western Reserve University, Helen F. Cermely found her niche at the County Juvenile Detention Home. For 38 years, she has continuously worked with school age dependent boys and pre-school age youngsters.

Besides being a den mother for Boy Scouts, Helen has participated in many health Tax Levy Campaigns. Collecting cookbooks, gardening, needlework and travelling are among her hobbies.

THOMAS E. DAY, SR.

There will always be a Day in Court, proudly proclaims Thomas E. Day, Sr., the Chief Deputy Bailiff of the Cleveland's Municipal Court. He was married to Jo Ann Mulhall on May 5, 1951, thus assuring the perpetuation of the Mulhall-Day dynasty in that Court.

Frank "Pick" Mulhall, Day's father-in-law, had more than 40 years of service with the Court before he retired. The honoree's oldest son, Thomas, Jr., is already employed by the Court, and when considering that the Day family has seven more prospects in Michael, Mary, Patrick, Timothy, Kathleen, Kevin and Brian, Mr. Day's boast that there will always be a Day in Court can be readily accepted.

Tom Day started working for the City of Cleveland as an accountant in 1951, but by April 1952 he knew his heart had to be in the Court system where the Mulhall clan was already established.

Day attended the University of Detroit and John Carroll University majoring in business administration and engineering. He is past president of the Holy Name High School Dad's Club and is the district representative of the Ohio Bailiff's Association.

The committee arranging the Merit Awards luncheon consists of Franklin A. Polk, Chairman, Hon. Harry Auslander, Secretary, Harold Sieman, Co-ordinator, Hon. Perry B. Jackson, Ranelle, A. Gamble, Allan A. Kacenjar, Martin Lentz, Fred H. Mandel, Irvin M. Milner, Nelson N. Moss, Janis J. Nash and Bernard J. Nosan.●

ON RECENT EVENTS IN LITHUANIA

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. FASCELL. Mr. Speaker, I would like to turn the attention of my colleagues to some recent events in Lithuania and to the reaction of some members of the Lithuanian community in Miami. The world has seen that the Kremlin will not hesitate to use brutal tactics to subjugate independent countries: Today, Afghanistan; in 1940 it was the three independent countries of Lithuania, Latvia, and Estonia.

Last summer, we were reminded that the Baltic Republics still thirst for genuine national self-determination. Forty-five representatives of Lithuanian, Latvian, and Estonian public opinion wrote a declaration on August 23, 1979, denouncing the secret provisions of the 1939 Molotoff-Ribbentrop pact in which the Baltic Republics came under the Soviet sphere of influence. Soon there were house searches and interrogations. Next, the arrests began: On November 1, 1979, Antanas Terleckas and later that month, 21-year-old Yulius Sasnauskas.

Such repressions, however, did not daunt the brave Balts. On January 28, 1980, 30 Lithuanians, Estonians, and Latvians wrote two more protests: One document, drawing a parallel to what the Soviets had done to their own countries in 1940, attacks the Soviet invasion of Afghanistan; the second document calls on the International Olympic Committee to move the games outside the U.S.S.R. These 30 Baltic representatives declared that no nation at war should take part in the Olympics and, further, that nations which do not recognize the Soviet annexation of the Baltic countries should not agree to hold the Olympic regatta in Tallin, the capital of Estonia.

At this point, I would like to call attention to the significant role played by the Lithuanians in the movement for civil and religious rights which has arisen in the U.S.S.R. in the last decade. Lithuanians have long been an important force in the struggle for the rights of religious believers—as seen in the recent formation of the Catholic Committee for the Defense of the Rights of Believers. Despite all the efforts of the KGB to destroy it, the "Chronicle of the Lithuanian Catholic Church" has appeared since 1972. Lithuanians such as Nijole Sadunaite, Petras Plumpa, and Vitautas Skuodas have been imprisoned for their involvement with samizdat.

Lithuanians have also been active in the Soviet Helsinki movement, as witnessed in the activity of the Lithuanian Helsinki Group which is concerned with such issues as russification, emigration, and the plight of Lithuanian political prisoners, for example, Algiras Zhipre and Petras Paulaitis. In revenge, the KGB has imprisoned for 15 years Viktoras Petkus and Balys Gajauskas who are associated with the Lithuanian Helsinki Group.

I would now like to insert in the RECORD the following resolution which was adopted unanimously on February 17, 1980, by the American Lithuanian Council of the Florida East Coast.

The resolution follows:

AMERICAN LITHUANIAN COUNCIL OF FLORIDA EAST COAST

We Lithuanian-Americans of the Florida East Coast convened at the Lithuanian American Citizens Club, 3655 N.W. 34th Street, Miami, this 17th of February, 1980, to Commemorate the sixty-second Anniversary of Lithuanians' Independence and establishment of the Democratic Republic of Lithuania, which, unfortunately, has been forcefully and illegally annexed by the Soviet Union in 1940, unanimously adopted this resolution.

It is great honor and pleasure to accept the compliments and the wishes from the Honorable Bob Graham Governor of Florida, expressed in his proclamation.

In the presence of distinguished guests: The Honorable Dante B. Fascell, U.S. Congressman and Delegates of Czechoslovakia, Estonia, Hungary, Latvia, Poland, Ukraina, and White Russia, we solemnly pledge our lives and our work to a free, democratic strong United States and we declare our determination to make every sacrifice to restore freedom and independence to all Captive Nations.

Today, we are looking back on the glorious seven hundred years of Lithuania's history and the gallant fight of the Lithuanian people to preserve freedom, independence, and national heritage. After the short-lived period of independence (1918-1940) which followed a century of oppression by Imperial Russia, suddenly in 1940 She and two other Baltic States, Estonia and Latvia, were invaded and occupied by the Soviet armed forces. We deeply sympathize with Afganistan People. Forty years ago Lithuania was victim of Soviet occupation and still is.

For a free nation, the disadvantage of being incorporated into the Soviet Union is the unconditional surrender of its natural and human resources to the mercy of a totalitarian Russian communism. Lithuania today is nothing but a colony of imperialist Russia. Contrary to the Soviet constitution and despite the Declaration of Human Rights, the Declaraton of Principles in the Final Act of the Conference on Security and Cooperation in Europe, signed in Helsinki, the Soviet Union not only denies freedom and self-determination to the Baltic people, but also through programs of resettlement, intensive Russification, flagrant denial of human rights and political persecutions, continues to change the ethnic character of Baltic States.

We express our respect to President Jimmy Carter, the Government and the Congress for their just interpretation of the political status of the Baltic States. We trust that the United States' policy of nonrecognition of annexation by the Soviet Union is firm and activate the principle of nonrecognition of annexation by proposing at every opportunity the decolonization and restoration of independence to the Baltic nations as the only just and sensible solution to the problem.

We demand the Soviet Union to cease colonization and national genocide in Lithuania and other Baltic States; immediately release all Lithuanians presently imprisoned or deported to Siberia for political reasons; stop harassment of religious believers and dissidents; restore freedom and independence to the Lithuanian people.

The resolution has been adopted unanimously.

A. J. VARNAS,
President.●

LITHUANIA AND ESTONIA CELEBRATE INDEPENDENCE DAY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. BIAGGI. Mr. Speaker, over the years I have joined my colleagues in commemorating the anniversary of the declaration of independence for the Baltic States. Two of the Baltic States, Lithuania and Estonia, celebrate their 62d anniversary this month. This year's tribute to the millions of freedom-loving people in these two captive nations is especially significant.

On February 16 and 24, 1918, Lithuania and Estonia, respectively, declared their independence from foreign rule. Tragically, that freedom was to be shortlived. In 1940, the Soviet Army, in a willful breach of international law, invaded and regained control of Lithuania and Estonia, as well as the third Baltic State, Latvia.

Since that time, the proud people of the Baltic States have been forced to endure severe repression. Families have been disbanded and deported, an unknown number have been executed, and the industrial wealth of the nations has been exploited.

Yet, despite their great suffering and hardship, the spirit of the freedom fighters in those captive nations has not been subdued and their courage has not faltered. Instead, they continue to rebel against Soviet repression, demanding that their basic human rights be acknowledged, including the right of self-determination.

Today, another nation has joined in the fight against Soviet expansionism and repression—Afghanistan. Soviet tanks have invaded that country, just as they did in 1940 in the Baltic States, and 1956 in Hungary, and 1968 in Czechoslovakia.

The Soviet Union, with their recent invasion of Afghanistan, has once again revealed its true nature; namely, an unreliable partner in world peace and cooperation bent on expanding their influence whenever they feel a nation may be vulnerable. While their aggression against Afghanistan is no more severe than that against the Baltic States 40 years ago, it has resulted in a number of strong measures of protest against the Soviets that were long overdue

President Carter has dealt with the Soviet invasion of Afghanistan in very strict terms. His actions have included a suspension of agricultural trade with the U.S.S.R., and a request that the United States not participate in the Moscow summer Olympics—a decision that has gained vast support throughout the world. I fully support the President's policies, and am hopeful they will ultimately lead to a renewed independence for not only Afghanistan, but the Baltic States and all others under Communist domination.

The combination of the resistance they have encountered in Afghanistan and the condemnation they have received from the world community has clearly shaken the Russians to the point where there has been internal questioning of the wisdom of their actions. Clearly, this is a necessary first step if the Soviet Union is to improve their relations with the rest of the world.

Earlier this Congress, I was proud to join the overwhelming majority of my colleagues in passing a measure, House Concurrent Resolution 200, calling on the President to instruct the U.S. delegation to the 1980 Madrid meeting of the Conference on Security and Cooperation in Europe to seek the right of self-determination for the people of Estonia, Lithuania, and Lativa through free elections and through the withdrawal of all Soviet personnel from those nations. To help realize these objectives, House Concurrent Resolution 200 also calls on the President to gain the support and cooperation of other nations.

Mr. Speaker, certainly the passage of House Concurrent Resolution 200 is an effective and necessary step toward obtaining self-determination for the captive nations, and preventing the spread of Soviet influence. I am hopeful that this action, combined with the other strong measures of protest against Soviet expansionism, will help us finally achieve the ultimate goal of basic human rights and self-determination for all people.●

CHICAGO'S LAKESHORE RAIL COMMUTER SERVICE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. ASPIN. Mr. Speaker, all through the 1970's the people of the communities along the Lake Michigan shoreline in my district have been without rail passenger service.

Back in 1971, we witnessed what we thought would be the end of an era for Wisconsin: The elimination of the Lakeshore rail commuter service from Milwaukee to Chicago.

Replaced by the oft-tardy Amtrak, commuter service in southeastern Wisconsin became the victim of cheap energy, our love for the automobile and deteriorating track conditions. Little did we anticipate back then that the price of gasoline would skyrocket to $1.50 a gallon.

We now have a real chance to restore that commuter service, save gasoline, and forge a viable transportation network in this part of the State. The cost of the new service will be irresistably inexpensive, too. As the table shows the Racine-Chicago trip will run about one-third the cost by bus or Amtrak and one-quarter the cost by car.

The restoration of rail service has been one of my major projects since my election to Congress in 1970. I am proud to say that the attainment of that goal is now in sight.

Several years ago, I talked with then Secretary of Transportation Brock Adams about moving Amtrak service from the Milwaukee Road tracks—which run west of the city—to the Chicago & North Western tracks—which run through downtown Racine and Kenosha.

This would open up commuter service to a whole new group of travelers and turn the Chicago-Milwaukee Amtrak run into a profitable one. My efforts were supported by almost everyone—except Amtrak. The agency that is supposed to provide efficient mass transit dredged up every excuse in the books for doing nothing.

When it became clear that it would take a lot to move Amtrak, I looked in other directions.

With the help of the Urban Mass Transit Administration—the Federal agency that oversees mass transit—and the regional transit authority in Chicago, another alternative opened up. We have reached an agreement that, if approved by local and State government, will bring commuter service back to Racine this summer and, I hope, full service to Milwaukee soon afterward.

Right now, the C. & N.W. runs a commuter service from Chicago to Kenosha nine times a day. Under the agreement, several of these runs will now continue up to Racine for a demonstration period of 2 years.

During that period, we would conduct rider and market surveys and lay the groundwork for extending the service all the way up to Milwaukee.

Right now, we expect that there will be three trains going down to Chicago in the mornings: Two in the early morning and one in the midmorning.

There will also be two trains returning in the late afternoon and every evening.

The demonstration program will allow us to experiment with the schedule to see what times draw the heaviest ridership.

To bring service to Racine, we need funds for two purposes: track rehabilitation and operating subsidies. There are different standards for tracks carrying freight and those carrying passengers. So work has to be done to bring the track between Racine and Kenosha up to passenger standards. We also need operating funds to pay for the base cost of the demonstration program.

The funding plan—which is supported by UMTA, the railroad and the regional transit authority—calls for the following division of responsibilities:

Track rehabilitation costs: $800,000 from UMTA; $200,000 from the State of Wisconsin.

Operating costs: 2 years—$750,000 from UMTA; $300,000 from Racine; $150,000 from Kenosha.

The total cost of this project is $2.2 million. Already, the Urban Mass Transit Administration and the city of Kenosha have committed themselves to their part of the funding.

The city and county of Racine are presently completing action on their shares, and the State of Wisconsin will follow suit soon, I hope.

The basic question is whether enough people will use the new trains. If surveys mean anything, then the answer is a resounding yes.

The Racine Journal-Times has surveyed the public and four business organizations in Racine and Kenosha have surveyed their memberships. They found a big market for Chicago-to-Milwaukee commuter service.

They also found that lakeshore service between Racine and Chicago would draw far more passengers than the present Amtrak service from Sturtevant. The accompanying table shows the results of the Journal-Times survey. It indicates that ridership to Chicago could climb 2½ times above Amtrak's current ridership.

Restoring rail service to Racine is the last step before we can regain the full Milwaukee-to-Chicago commuter service.

Of course, the benefit we get from the service must at least be worth as much as the money we invest in it. I believe the benefits will exceed the cost.

We are now at a turning point in energy conservation. Either we take constructive action to reduce our consumption of gasoline, or we will forever be at the mercy of those nations who control our gas pumps.

Restoration of service can also bring more people to Racine, create more jobs and lower the cost of travel for business people and long distance commuters. And with the upgrading and improvement of the Racine train depot, that part of the city will undoubtedly improve economically and socially.

The material follows:

TABLE I.—COMPARISON OF COSTS AND FARES FOR RAIL, CAR, AND BUS TRAVEL BETWEEN RACINE AND CHICAGO

[Figures provided by the Regional Transit Authority in Chicago]

	Round trip		
	Racine to Chicago	Racine to Kenosha	Kenosha to Chicago
Miles	136	22	114
By car at 17 cents per mile	$23.12	$3.74	$19.38
Bus fare*	15.50	2.00	13.90
Projected rail fare	6.20	2.00	5.60
Amtrak	15.00		

*Wisconsin Coach Lines.

RACINE JOURNAL-TIMES SURVEY

1. Do you use the present Chicago & North Western service between Kenosha and Chicago?

Yes: 61—29 percent.

No: 147—71 percent.

2a. Do you use the present Amtrak service to Chicago?

Yes: 60—30 percent.

No: 143—70 percent.

2b. To Milwaukee?

Yes: 26—15 percent.

No: 150—85 percent.

3a. Would you use commuter service from Racine to Milwaukee?

Yes: 154—72 percent.

No: 59—28 percent.

3b. From Kenosha to Milwaukee?

Yes: 33—19 percent.

No: 141—81 percent.

4a. Would you use commuter service from Racine to Chicago?

Yes: 172—81 percent.

No: 41—19 percent.

4b. From Kenosha to Chicago?

Yes: 42—25 percent.

No: 128—75 percent.

5. Would you use commuter service from Racine to Kenosha?

Yes: 119—60 percent.

No: 79—40 percent.

6. Would you like to see train stops at locations other than the Racine and Kenosha train depots?

Yes: 70—40 percent.

No: 103—60 percent.

7. Do you feel the two-year pilot program is worth the expenditure of $2.2 million in public funds, including $300,000 from the Racine area?

Yes: 174—81 percent.

No: 40—19 percent.●

ENERGY INDEPENDENCE

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. JACOBS. Mr. Speaker, Robert P. Atkinson, a consulting engineer in Indianapolis, Ind., has written the following interesting paper which I herewith bring to the attention of the House membership:

ROBERT P. ATKINSON, P.E.,
Indianapolis, Ind., February 12, 1980.

Hon. ANDY JACOBS, JR.,
U.S. House of Representatives,
Washington, D.C.

DEAR SIR: I am enclosing my comments on a proposed action for "Energy Independence." We have allowed this problem to reach the stage of a national emergency and I am confident that with such action we can reach a solution.

Your comments would be appreciated and I would be glad to discuss this when you return to Indiana.

Sincerely,

ROBERT P. ATKINSON.

ENERGY INDEPENDENCE

Recent efforts to replace petroleum usage with alcohol are admirable, since this will help us with some of our most important national problems, such as, energy * and inflation. We are blessed with large quantities of coal, just as some parts of the world are blessed with oil. We therefore have no choice for a successful approach to the achievement of a short-term solution to our problem of energy independence.

For many years the manufacture and use of alcohol, as a fuel, has been well known, so it can play an important part in our solution to the problem; at least until the technologies can be perfected for such long-term programs as solar energy. (Ref: Forbes, Aug. 6, 1979, p. 27, "The Methanol Age Is Dawning," see exhibit A.)

TWO KINDS OF ALCOHOL TO CONSIDER

Aside from the large usage in electric power generation, the transportation industry is one of the largest users of energy, so this application must be given early consideration because of its unique problems.

ETHYL ALCOHOL (THE DRINKING TYPE)

This is made from grain and can replace up to 10 percent of the gasoline for passenger cars.

METHYL ALCOHOL

This is called "wood alcohol" and can be made from coal. It can replace nearly 100 percent of the gasoline for cars.

Since the alcohols are lower in energy than gasoline, more fuel weight must be carried; therefore the fuels for such vehicles as aircraft and trucking, should be petroleum type. If we must consider a farm problem of grain usage, it may be possible to mix a small portion of ethyl alcohol.

CHANGES REQUIRED FOR AUTO USAGE

If new car production were to be changed within the next few years, to use such a fuel, a significant reduction in petroleum imports would be effected.

Such a change may also lead to better solutions to our automotive air pollution problems.

This time period would be required to implement such a program since automotive development is required and alcohol production facilities must be constructed. This change is therefore an intermediate-term solution only, and must be augmented with a short-term plan.

SHORT-TERM PLAN USES OLD TECHNOLOGIES

Presently we are sacrificing the economy and energy supply of our country in pursuit of an all-out clean air program based on technologies that are yet to be developed. We must immediately compromise this program and put it in proper perspective with our other more serious problems. With such a change it will be feasible to change cars in production as well as in service to make a reduction in our petroleum requirements in the order of 15 percent to 25 percent. Two basic changes can be made to accomplish this.

FUEL CHANGE

It should be mandatory to add a small amount of lead to all gasoline. (about 1 cubic centimeter to each gallon) This fuel will have a double gain: it permits the engine to be tuned to obtain better fuel economy and also permits an oil refining process that will yield 10 percent to 15 percent more gallons of fuel from each barrel of crude oil.

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* Energy is one of four of our major causes of inflation.

TUNE ENGINES FOR IMPROVED ECONOMY

It has been demonstrated that substantial improvements in economy can be made by simple changes in carburetion and ignition. These can be made in cars in production with no increase in cost. It is also feasible to change cars in service at a modest cost with a small increase in exhaust pollution.

Such a short-term program could reduce the petroleum requirements for passenger cars in the order of 15 percent to 25 percent at an early date.

In summary there is a solution to our energy problem. This will also improve our balance of payments and our national prestige.

GOVERNMENT ACTION REQUIRED

1. Rewrite the Clean Acts to properly orient the priorities consistent with other present-day problems.

2. Encourage the free enterprise system, since this has been proven to be the most effective method for making rapid progress, by changing the necessary laws to provide:

One year tax write-off on research, new facilities, etc. as done successfully in some other countries, and

Partial tax-exemptions on profits gained from efforts which increase our capabilities of increasing our energy supplies.

In conclusion—if we are to succeed we have no choice but to promptly initiate a program of this type.

ROBERT P. ATKINSON.

[Exhibit A]

THE METHANOL AGE IS DAWNING

(By James Flanigan)

The most specific demand in President Carter's July 15 address to the nation was that electric utilities cut their use of fuel oil by 50 percent in the next decade and switch to coal. That would mean a significant reduction in imports—850,000 barrels a day, 10 percent of total U.S. imports.

But immediately after the speech, questioners appeared on television screens asking how the utilities could burn coal. A whole army of professional environmentalists and their groupies would take to the courts to block it. And they would have the law on their side.

But the utilities could burn methanol, and alcohol made from gasifying coal. Methanol, more commonly called wood alcohol, has the advantage of providing a relatively quick fix to at least one part of the energy problem. "Technically, we could turn dirt this afternoon," says Jimmie R. Bowden, president of Conoco Coal Development Co., speaking of his company's ability to produce methanol. "It's ready to go," adds John J. Wise, vice president of research and engineering at Mobil Corp.

In its Report of the Alcohol Fuels Policy Review, the Department of Energy conceded that gasohol, not methanol, would be the quickest available synthetic, a solution of 90 percent gasoline and 10 percent ethanol made from grain.

But gasohol has its sharp limits. It is very popular in the grain belt states but it could, said DOE, displace only 40,000 barrels a day—0.4 percent—of oil imports by 1985. Before it reaches 3.5 percent it would conflict with U.S. food needs.

Which brings us back to methanol as a fuel for electricity generation, replacing imported crude oil. Methanol can be produced in significant quantities as early as the mid-1980s. "We see methanol from coal as one of the dominant fuels that would be made in a synthetic fuels program," says Edward H. Blum, director of policy in DOE's office of technical programs. Conoco's Bowden says he could commit Conoco to a $1 billion methanol plant right now if he could get government help with the capital costs through a special investment tax credit and accelerated depreciation. Given such help, the company can produce methanol competitively with number-2 fuel oil to power utility turbines, and will soon be competitive with low-sulfur residual oil.

Electricity generation consumes 1.7 million barrels a day of oil at present—fully 20 percent of the nation's imports. If methanol can substitute for a substantial part of this, the U.S. could stay within President Carter's strict import limits and still have plenty of oil available for home heating and for transportation.

Nobody wants to go back to the bad old days of smog and smoke-filled skies around the coal-burning power plants. Stack scrubbers to remove the sulfur from coal is one way out. Converting the coal to a cleaner-burning substance—methanol—is a possibly better solution.

There are no technological mysteries in producing methanol, only stiff capital needs. For instance: To produce sufficient methanol to replace half the fuel oil used by utilities would demand just over $50 billion for some 17 plants. The capital costs of coal gasification comprise three-quarters of that amount. But savings in oil imports would run over $6 billion a year at current OPEC prices.

One reason there is no mystery in methanol is that the U.S. used it as a chemical feedstock years ago when coal was our basic fuel. But coal research stopped when natural gas and oil replaced coal. Now, in our new efforts to gasify coal, we depend on the 43-year-old German Lurgi process, and a lot of research being done by U.S. companies.

The Lurgi process can work only on western coal or lignite, has poor energy efficiency and difficult operating characteristics—it requires a lot of expensive maintenance. As new coal gasification processes (notably a Texaco method that is far along) complete their development, these operating costs, although probably not the capital costs, should diminish.

Otherwise, methanol presents itself as a practical alternative fuel. The stuff can be burned even in the Los Angeles Basin. Methanol's familiarity promises no unforeseen problems in handling or use. It is, for example, used as a motor fuel every Memorial Day at Indianapolis Speedway to power the sleek racing cars.

Today's automobile engines would need modifications to run on pure methanol, says General Motors. Rubber and plastic materials subject to corrosion would have to be changed; carburetors, distributors, spark plugs and fuel systems modified. The fuel tank would have to be twice as large or trips to the "gas" station twice as frequent.

But the U.S. may never have to go to the extreme of alcoholic auto engines. Mobil has developed a way to turn methanol into high octane gasoline at $1.20 a gallon, or roughly double today's wholesale price for the conventional product. The company is proceeding with a $28 million pilot project in West Germany, funded by DOE, the West German government and Mobil.

As the world's oil-importing nations search for substitutes, each uses what it has in abundance. Brazil is developing alcohol fuels from sugar cane, Germany has always used its low-grade coals, New Zealand wants to convert its natural gas to a liquid—methanol. The U.S. abundant resource is coal.●

PERSONAL EXPLANATION

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. CORCORAN. Mr. Speaker, due to a previous commitment in Illinois on February 12, I was unable to be present and voting on several issues during the latter part of the day's proceedings. If I had been present, I would have voted in the following way:

On an amendment, as amended, to H.R. 3995, Noise Control Act authorization, which would have provided a 1-year authorization for the EPA to carry out provisions of the Noise Control Act in lieu of the 2-year authorization pending before the House, "yea."

On an amendment to H.R. 3995 which would have allowed a one-House veto of EPA rules under the Noise Control Act, "yea."

On final passage of H.R. 3995 which authorized appropriations of $15 million in each of fiscal 1980 and 1981 for the EPA to carry out the provisions of the Notice Control Act and for other purposes, "yea."

On adoption of the rule providing for consideration of H.R. 4119, Federal crop insurance legislation, "yea."●

ELEVEN MORE MEMBERS ANNOUNCE THEIR SUPPORT FOR H.R. 5769

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. PATTERSON. Mr. Speaker, last October I introduced H.R. 5769, a bill to reinstate and validate certain oil and gas leases in the Santa Barbara Channel. Since that time, many of our colleagues, wishing to demonstrate their support for this equitable remedy to a long-standing dispute between the holders of certain offshore oil leases in the Santa Barbara Channel and the U.S. Government, have asked me to include them amongst the ever-growing list of supporters of this legislation.

Today, Mr. Speaker, I am very pleased to inform the House that the following Congressmen have announced their support for the enactment of H.R. 5769: Mr. MINETA, Mr. ROUSSELOT, Mr. MOORHEAD of California, Mr. DIXON, Mr. BURGENER, Mr. BADHAM, Mr. MCCLOSKEY, Mr. MATSUI, Mr. YOUNG of Alaska, Mr. LUNGREN, and Mr. WHITTAKER. Again I want to thank these Members for their show of support.

Mr. Speaker, due to the increasing amount of interest that has been generated by this bill, I would like to share with my colleagues the chain of events that surround this 11-year-old dispute, therefore, I submit the following chronology:

CHRONOLOGY

1967: Pauley Group is created as a joint venture by seven independent oil companies to bid on OCS tracts in the Santa Barbara Channel, California. The Group is composed of Pauley Petroleum, Los Angeles, as operator; Mesa Petroleum; Husky Oil Company; Colorado Interstate Gas Company; and three other independents.

March 1, 1968: Pauley Group, having successfully bid $74 million on two tracts, signs leases. Leases are in water as deep as 600 feet.

March 24, 1968–January 24, 1969: Pauley Group drills eight wells (plus one redrill) on tracts and begins preparations for ninth well.

January 28, 1969: Blowout on Union Oil Company tract up Channel from Pauley Group tracts.

February 7, 1969: Secretary of Interior shuts down all Channel operations.

February 17, 1969: Secretary of Interior issues new standard of liability for Santa Barbara drilling operations which holds oil companies strictly liable for any damage whatsoever regardless of fault.

February 19, 1969: State of California announces it will sue Union Oil, the Federal Government and three other oil companies for $1.06 billion for damage caused by oil spill.

February 21, 1969: New standard of liability published in the Federal Register.

March 12, 1969: Pauley Group meets; all members state that "they would not participate in the drilling of another well . . . as long as the absolute liability rule was in effect . . .". (Findings of Fact, 79.(a).)

March 21, 1969: Secretary Hickel states that oil companies are absolutely liable for pollution if it occurs in the future, regardless of whether or not they are at fault.

April 9, 1969: Petition filed by Pauley Group in Court of Claims for breach of contract.

1969: Majors, with self-insuring capabilities, resume drilling. Pauley Group, being composed of non-majors, cannot resume operations because of limited financial resources.

March 30, 1973: Department of Interior unitizes all 1968 leases surrounding Pauley tracts but excludes Pauley from units. (Units formed were Pitas Point, Santa Clara, and Oak Ridge.) Unitization of leases, all of which were held by majors, prevents lease terms from expiring.

November 27, 1973: Ninth Circuit Court of Appeals affirms District Court judgment in *Gulf Oil* v. *Morton* which directed Secretary of Interior to set aside operating suspension orders, grant all pending drilling permits and extend the term of the leases for 32 months.

February 24, 1975: Ninth Circuit dismisses Union Oil Company's challenge of the Department of Interior's order prohibiting installation of drilling platform. *Union Oil Co.* v. *Morton.* However, Court remanded for further proceedings.

March 19, 1976: Trial Judge files report in the case.

1977: Pauley Group attempts to settle litigation by ending lawsuit in exchange for right to continue drilling.

January 30, 1978: Solicitor responds, stating that Interior has decided that it has "no legal authority to reinstate" the leases, but recognized that "a settlement may have utility in this case." Further, Solicitor raises prospect of resale—bidding credit—refund proposal.

March 31, 1978: Pauley Group submits new settlement offer in connection with Solicitor's letter.

September 18, 1978: The Outer Continental Shelf Lands Act Amendments of 1978 (P.L. 95-372) is signed into law, establishing a fund to pay for oil spill cleanup costs and damage liabilities to private third parties. This law also directs the President to review the availability of oil pollution insurance offered by private insurance companies.

September 28, 1978: Justice Department rejects the Pauley Group's March 31st proposal.

January 25, 1979: Court of Claims issues judgment; rejects "breach of contract claim" holding that: "As a court of law, we cannot give plaintiffs any relief because they had no legal rights, vindicable here, when they brought suit, and have not acquired any in the course of the litigation."

The Court states, however, that: "Perhaps the Legislative or Executive branches could, as a matter of grace or policy, extend their lease-terms to permit them to drill further (if they still wish to) in the effort to discover oil in commercial quantities, but of course we cannot take that step."

October 31, 1979: Representative Jerry Patterson (D-Cal.) introduces H.R. 5769, a bill to reinstate the leases.●

HOUSE OF REPRESENTATIVES—*Monday, February 25, 1980*

The House met at 12 o'clock noon.

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

O Lord, protector of all who trust in You, bless our Nation this day and cause us all to be mindful of Your providence to us. We thank You for the gift of life and the opportunity for growth, for knowledge and the claim to wisdom and for the gift of communication and understanding. May the powers of Your Spirit encourage us to serve this Nation with integrity for the right and enthusiasm for devoted service. We give thanks for all citizens of our land who, through word or deed, have by their actions brought credit to themselves and to this great land. Bless us all and continue Your favor to us always. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

U.S. HOCKEY TEAM HAS MADE AMERICA PROUD

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, while attending the U.S. Reserve Officers Association dinner Friday evening, it was announced that the American hockey team had just defeated the Russian hockey team in the winter Olympics. The standing ovation was deafening.

The U.S. team has made all America proud, defeating the Russian hockey team and later defeating Finland, to receive the gold medal. It was a proud moment for the 20 American team members, and, Mr. Speaker, it was a proud moment for all America.

Their come-from-behind, determined victories are a reflection of the great undefinable spirit that is found in the collective heart of America, the spirit that says: "It can be done, and we can do it."

We congratulate the 20 members of the U.S. hockey team. They made all of us in America quite proud.

THE MIRACULOUS PERFORMANCE OF THE U.S. HOCKEY TEAM

(Mr. DOWNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOWNEY. Mr. Speaker, very little that we can say or do here will add to the accomplishments of the American athletes at Lake Placid, but I think it is important to take note of what the U.S. Olympic hockey team did.

I do not think since Charles Lindbergh crossed the Atlantic back in 1927 has there been a bigger miracle for this country. I am especially proud of them because they managed to knock off a team that had beaten the Rangers and Islanders three times. It is delightful to get even. But even more importantly they exhibited the character and courage our people have known for more than 200 years. It was a special time.

TRIBUTE TO ERIC HEIDEN AND OLYMPIC PARTICIPANTS

(Mr. ZABLOCKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZABLOCKI. Mr. Speaker, I am introducing today with my colleagues from the State of Wisconsin and invite our colleagues to join us in a resolution congratulating Eric Heiden and other U.S. Olympic participants for their success in the 1980 winter Olympics.

Our U.S. participants in the 1980 winter Olympics soared to the highest levels in several events at Lake Placid in the last 2 weeks. Our athletes captured 12 medals, 6 of which were gold, the highest total in winter medals since 1932.

Contributing vastly to this record was speed skater Eric Heiden, who I am proud to say is from my home State of Wisconsin, a constituent of our colleague the gentleman from the Second District of Wisconsin, Mr. ROBERT KASTENMEIER and who trained at the Olympic rink in the city of West Allis, which is in my congressional district.

Mr. Speaker, Eric Heiden's record has already been entered in history. He is the first person in the history of the Olympics, summer or winter, to win five individual gold medals. He won all five speed skating races from the shortest to the longest, and surpassed the world record for the 10,000-meter race by more than 6 seconds.

Mr. Speaker, in press coverage Heiden was sometimes referred to as a "racing machine." In some respects, the description is valid. A machine, if it is kept up and working properly, can be counted on for a certain amount of output, its maximum level.

But an athlete, striving for perfection, can surpass the maximum. The human traits—the drive and motivation, the self-discipline, the perseverance and ambition make surpassing the maximum possible. Those factors which enable the athlete to push him or herself past the brink of the ultimate are more than machine-like traits, they are human factors—which lead to perfection.

Mr. Speaker, Eric Heiden unabashedly broke all records. The human traits drove him to develop a machine-like precision in speed skating and then enabled him to push beyond a seemingly maximum output.

Eric Heiden well represented citizens of his home State of Wisconsin including the cities of Madison, where he lived, and West Allis, where he trained. He is a hero to athletes and nonathletes everywhere and an outstanding tribute to the United States of America.

Mr. Speaker, I would like to take this opportunity to extend my personal and sincere congratulations to Eric Heiden, to the American hockey team and to all participants from the United States in the 13th winter Olympics. Their success will be recorded in history.

PRIDE AND ADMIRATION FOR OLYMPIC HOCKEY TEAM

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, it is with a sense of great pride and admiration that I join my other colleagues in the Congress today in congratulating our U.S. Olympic hockey team and coaching staff upon their capturing the gold medal at Lake Placid and, more importantly, capturing the spirit and hearts of Americans.

Yes, this group of young men played their hearts out and certainly put on a show that will be long remembered by all of us in the Congress and across the United States.

Mr. Speaker, I regret to admit that I have not been in the past an avid hockey fan. I seldom watch hockey games, but this past week at Lake Placid, watching the American team win the gold medal and the competition there, has turned me into an avid hockey enthusiast. I am very proud of these Americans who won that Olympic championship. We all congratulate them.

PURE JOY FOR U.S. HOCKEY TEAM

(Mr. HAGEDORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HAGEDORN. Mr. Speaker, pure joy. That is the only way to describe the feeling when the U.S. hockey team stunned the athletic world yesterday by capturing the gold medal in the XIII winter Olympics. I rise with all other Americans to salute these talented young men, who exhibited great determination and spirit in their quest for the gold.

Please excuse me for temporarily discarding whatever degree of modesty I may possess with respect to my home State, but I proudly note that 12 of the 20 team members and Coach Herb Brooks hail from the great State of Minnesota, where ice skating and hockey are a way of life for our young men.

From the moment Billy Baker of Grand Rapids, Minn., scored the tying goal in the closing minutes of the opening game against the Swedes, we all had the feeling that this was a team of des-

☐ This symbol represents the time of day during the House Proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

tiny. Their victory over the Soviets proved that hard work, a strong spirit, and an unrelenting belief in one's self can overcome the skill of a group of professionals who have worked and played together for years and, as recently as last year, defeated an NHL all-star team.

But as great as Friday's victory over the Soviets was, yesterday's win over Finland was the ultimate triumph. By capturing the gold medal, the U.S. hockey team demonstrated a determination of purpose, an eagerness and ability to get the job done, that is rarely seen in sports of any other realm of life. These young men are to be saluted for this by all Americans, not just sports enthusiasts.

I certainly hope that this spirit is contagious because they have provided us with a delightful reprieve from our daily problems and a feeling that will remain for years to come. On behalf of the State of Minnesota, that bastion of hockey talent, I congratulate the U.S. Olympic hockey team and wish each of them the best of luck as they pursue their careers. Each is a champion and each will succeed.

FORMER CONGRESSMAN CHARLES H. GRIFFIN ACCEPTS APPOINTMENT AS NEW SECRETARY OF MISSISSIPPI STATE SENATE

(Mr. HINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HINSON. Mr. Speaker, the Members of the House will be interested to learn that our former colleague from Mississippi, Charles H. Griffin, has accepted an appointment as the new secretary of the Mississippi State Senate. Griffin was appointed by Mississippi's new Lieutenant Governor, Brad Dye. As the Members of the House already know, Charlie Griffin had a distinguished career in Washington, first as administrative assistant to Congressman, and later Governor of Mississippi, John Bell Williams, then as a Member of this body in his own right for 2½ terms.

Mr. Speaker, Charlie Griffin is an outstanding public servant and he will take to this new post the same administrative skills, legislative acumen, and good humor that characterized his Washington career.

Charlie Griffin is a good personal friend as well as one of my predecessors in this office. I know all the Members of this House join me in expressing sincere congratulations to Charlie Griffin in this important appointment. It is good to have him back in harness.

TRIBUTE TO ERIC HEIDEN AND U.S. HOCKEY TEAM

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, I am very proud today to join my colleagues from Wisconsin in paying tribute to Eric Heiden and the U.S. hockey team. They are true champions.

The performance of Heiden and the U.S. hockey team is an example to all of us of the rewards of hard work and dedication to a dream.

The success at the Olympics by these amateur athletes is a tribute to the courage and sacrifice not only of the athletes but of their parents and supporters.

Wisconsin's participants in the Olympic games, Eric and Beth Heiden, and hockey players, Mark Johnson and Bob Suter, made a special contribution to the American effort and we are grateful to them. Their courage has reinforced our support of amateur athletics.

U.S. OLYMPIC HOCKEY TEAM HAS UNIFIED AND INSPIRED THE ENTIRE NATION

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, who could have ever imagined that a sometime called rag-tag collection of young American amateur hockey players would achieve in a weekend what Presidents and politicians have failed to achieve for many years. With their upset victory over the Russians and their gold medal win yesterday, the U.S. Olympic hockey team has unified and inspired the entire Nation.

They prevailed against all odds through sheer determination and unabashed patriotism. Yesterday, in Lake Placid, I witnessed scenes that I have not seen in a long time. I saw Americans, young and old, unified, standing side by side, cheering for their country and their team.

As a people, Americans have been made all too conscious of the differences between them in recent years. Thanks to our young hockey team, we were treated to a long-awaited opportunity to demonstrate just how much we have in common. I am sure that all Americans will join me in expressing our pride and gratitude to our first real heroes of the 1980's; the members of the U.S. hockey team. God bless them and God bless America.

□ 1220

CONGRESS SHOULD PASS THIRD RESOLUTION

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, if rising prices were an Olympic event, the Democratic leadership would be winning a gold medal. First, the wholesale price index rose at 20 percent. Now the consumer price index is rising at 16.8 percent.

Last night the President called his advisers to an extraordinary Sunday evening session. The Washington Post this morning finally recognized that the real cause of inflation is excess Federal spending.

The House should now take up a third budget resolution to cut spending and cut taxes in the current budget and to lay the groundwork to fight inflation in the next budget.

CONGRATULATIONS TO U.S. OLYMPIC ATHLETES

Mr. COURTER. Mr. Speaker, I would like to join my colleagues today in honoring all of our Olympic athletes who took part in the just concluded winter Olympiad.

I would like to take special note of the outstanding individual achievements of Mr. Eric Heiden in winning five gold medals in various skating events and in the gracious manner he accepted his victories.

However, we are all aware of the amazing, exciting, and uplifting victory that was achieved by our ice hockey team. For over a week we witnessed this young team, which was put together only 6 months ago, defeat the two finest hockey teams in the world; the Czechs and the Soviets.

The victory over the Soviets was the first time we have beaten them at their national sport for an Olympic gold medal in 20 years. In one way or another we all felt good about beating the Soviets at something that would affect their pride and ego. Our team was an underdog from the outset, but by its victories demonstrated to the world that young Americans can overcome all obstacles, represent their country proudly and live up to the highest traditions of the Olympic ideal.

I would like to give credit especially to their coach, Herb Brooks and team captain Mike Eruzione for the confidence and spirit instilled in our team. We are proud of them all.

TRIBUTE TO LESTER YONKERS AND RONALD FRYLING

(Mr. SAWYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAWYER. Mr. Speaker, I turned down a luncheon invitation from the President to join him with the U.S. Olympic team so that I could address this House. I want to take this time to say that I was equally as enthralled as all Americans were with our Olympic hockey team with palm sweating and whatnot through those games. But I think, with all due respect and regard and admiration of our young athletes, we have to recognize we have some other heroes in this country.

This was recently brought home in my district within the last day or two in the case of Lester Yonkers and Ronald Fryling of the city of Wyoming. These two men who were dedicated firefighters, lost their lives in protecting our lives and property. All over the United States we have equally dedicated people who, without the fanfare, the gold medals, get out and risk and even spend their lives as law enforcement officers or firemen for our protection and the protection of the lives of people all over the country. I would like to extend to both Mr. Yonkers and Mr. Fryling's bereaved and saddened families the heartfelt thanks of this House and of this Nation.

REPUBLICANS UNABLE TO KEEP THEIR COOL IN NEW HAMPSHIRE

(Ms. FERRARO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FERRARO. Mr. Speaker, this weekend was one full of laughs and tears. The tears were ones of joy shed in pride, as we watched the U.S. Olympic hockey team skate to a remarkable victory in Lake Placid. The laughs were provided by a team which was not as well coordinated as the hockey players. I speak of the team of Republican Presidential hopefuls.

I have noted with interest that this year's Presidential campaign centers around the age-old issue of leadership, as just brought out by the gentleman from Georgia, of the type and breed of authority and influence that will be brought to the White House. As the Republican candidates scrambled for microphones, stood on the podium, and elbowed each other, they displayed the type of leadership which makes their victory in 1980 an impossibility. I note with some glee that those who promise new solutions, new leaders, and new approaches, were unable to keep their cool and handle a high school debate. Is this the leadership which Americans want in the White House, the Congress, I think not. Though I believe we all owe the GOP gratitude for making this weekend as much fun as it was.

THE "90-DAY WONDER" DIET—HOW TO TRIM $167.3 MILLION OF UGLY FAT FROM THE BLOATED FEDERAL BUDGET

(Mr. ROUSSELOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROUSSELOT. Mr. Speaker, I would like to draw the attention of the House to an incredible boondoggle that is currently costing the taxpayers millions of dollars.

Military personnel are no longer required to complete their initial enlistments—a service person's contractual obligation is virtually terminable at will in today's Army. As a result, thousands of military recruits are dropping out of the service—sometimes after as little as 90 days—to collect unemployment compensation.

A recent GAO study revealed that more than 444,000 persons entering the services in a recent 4-year period never completed their initial enlistments. The present attrition rate for the Army alone is a whopping 40 percent per year. The cost of these dropouts to the taxpayer is startling—a staggering $5.2 billion, including service-related benefits. Of that sum, approximately $167.3 million went to pay the unemployment compensation for those who had left the service before their obligation was completed.

These service dropouts are the beneficiaries of laws passed after the Korean war, when large numbers of career military were being released from the Armed Forces. These laws provided for ex-service personnel to draw unemployment compensation, even if they had completed only 90 days of their service obligation.

I urge my colleagues to support legislation to lift the burden of these "90-day wonders" from the backs of the American taxpayer.

□ 1230

MAGNIFICENT VICTORY OF OLYMPIC MEDAL WINNERS SHOULD NOT BE TIED TO POLITICS

(Mr. BAUMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAUMAN. Mr. Speaker, I am sorry that one of our colleagues chose to tie together the magnificent victory of our Olympic medal winners, our U.S. hockey team, at Lake Placid with politics, comparing them in some way to Republican candidates for the Presidency. I think this places an unfortunate tarnish on that gold medal.

If that is the political design of the majority party and some of its members, we can make some comparisons, too. I have no doubt that if President Carter and the majority were playing on our U.S. hockey team, they would have lost every game to the Soviet Union. Instead of having a game the other night with the Finns, the entire team would probably be held hostage in Helsinki, and no game would have been played.

Mr. ASHBROOK. Mr. Speaker, will my colleague yield?

Mr. BAUMAN. I yield to the gentleman from Ohio.

Mr. ASHBROOK. I thank the gentleman for yielding. Furthermore, the State Department would probably have advised them that toughness and any confrontation with the Soviet Union would be debilitating, counterproductive, and probably an act of aggression.

Mr. BAUMAN. I have no doubt of that.

CONSIDERABLE CONFUSION ABOUT HOW TOUGH THIS ADMINISTRATION IS ON THE RUSSIANS

(Mr. JACOBS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JACOBS. Mr. Speaker, there seems to be considerable confusion about how tough this administration is on the Russians. A moment ago I heard that they were soft and did not believe in being tough. Over the weekend the Soviet leaders said that all the trouble they are having in their Vietnam (Afghanistan) is a consequence of American military intrigue there. My conclusion is that the Russians respect our military power and strategy even if some Americans do not.

Mr. Speaker, I yield back the remainder of my time.

TEACHER DAY, UNITED STATES OF AMERICA

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 267), to provide for designation of the first Friday of March as "Teacher Day, United States of America," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. SHARP). Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 267

Whereas teachers, through education of the young, provide both the foundation of modern civilization and the means for enhancing the lives of all members of society; and

Whereas the personal inspiration and enrichment which students receive from their teachers extend far beyond the few years spent in the classroom to exert a valuable lifelong influence on the young people of this Nation, and through them, on all of our citizens; and

Whereas teachers richly deserve individual recognition, honor, and encouragement for their dedication and excellence in the pursuit of their profession; and such recognition, honor, and encouragement should be bestowed each year on a nationwide basis; and

Whereas students, parents, school administrators, and all other citizens of the United States should be encouraged to personally communicate by word and deed to their present and former teachers, the special appreciation and recognition that teachers so richly deserve: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the first Friday of March as "Teacher Day, United States of America", and inviting the people of the United States to observe the period with appropriate activities.

● Mr. SEBELIUS. Mr. Speaker, I appreciate the effort made by Mr. GARCIA, chairman of the Census and Population Subcommittee in getting this bill before the House of Representatives today.

"Teacher Day, U.S.A." is a resolution honoring and recognizing the excellent job done by the individual classroom teacher. All too often, we fail to pay tribute even in a small way to those individual teachers who had a special influence on our lives. This resolution will encourage students past and present to honor that individual teacher whose dedication and hard work enriched their lives in some way.

The Teacher Day, U.S.A. project was initiated by the Kansas Teachers Hall of Fame of Dodge City, Kans., and has grown to a nationwide effort supported by the National Education Association, the Retired Teachers Organization, and the State Conventions to the PTA. Thus, I urge my colleagues to support this resolution recognizing the efforts of teachers throughout our Nation on the first Friday of March.●

AMENDMENT OFFERED BY MR. GARCIA

Mr. GARCIA. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GARCIA: Page 2, line 4, strike out "the first Friday of March" and insert in lieu thereof "Friday, March 7, 1980,".

The amendment was agreed to.

TITLE AMENDMENT OFFERED BY MR. GARCIA

Mr. GARCIA. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. GARCIA: Amend the title so as to read: "Joint resolution to provide for designation of Friday, March 7, 1980, as 'Teacher Day, United States of America'."

The title amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

AMERICAN ENTERPRISE DAY

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 109) to authorize the President to proclaim November 16, 1979, as "American Enterprise Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. LOTT. Reserving the right to object, Mr. Speaker, it is a privilege for me to rise today in support of passage of Senate Joint Resolution 109, authorizing the President to proclaim "American Enterprise Day," with the date amended as suggested by the distinguished chairman, Mr. Garcia. I introduced the companion measure to this one, House Joint Resolution 436, and it enjoys substantial support from my colleagues in the House of Representatives.

America's free enterprise system is a cornerstone of our society. It has produced the highest standard of living in the world because it depends on and rewards individual initiative and innovation. The resulting productivity of our great Nation has been vital to the world's economy for decades and must be encouraged to continue. To this end, we must educate our young Americans concerning the merits and responsibilities of the free enterprise system. I think it is appropriate, therefore, to set aside this day to direct our thoughts toward these matters pertaining to American enterprise.

I know that there are people in my home State of Mississippi who intend to schedule activities on October 3, 1980, to highlight the achievements of the United States of America under the free enterprise system, and I have learned from the U.S. Chamber of Commerce that there are many others who want to do the same throughout the United States. Therefore, I encourage my colleagues to pass Senate Joint Resolution 109, as amended.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 109

Whereas America's enterprise system is a cornerstone in our society; and

Whereas that system has produced the highest standard of living in the world; and

Whereas that system depends on and rewards individual initiative and innovation; and

Whereas American productivity is vital to the world's economy and must be encouraged; and

Whereas the continuance and growth of our enterprise system depends in large part on the education of America's young men and women concerning that system: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation designating November 16, 1979, as "American Enterprise Day" and encouraging appropriate Government agencies to foster the recognition of the significance of America's enterprise system on that day.

AMENDMENT OFFERED BY MR. GARCIA

Mr. GARCIA. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GARCIA: Page 2, line 4, strike out "November 16, 1979,' and insert in lieu thereof "October 3, 1980,".

The amendment was agreed to.

TITLE AMENDMENT OFFERED BY MR. GARCIA

Mr. GARCIA. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered my Mr. GRACIA: Amend the title so as to read: "Joint resolution to provide for the designation of October 3, 1980, as "Amercan Enterprise Day".

The title amendment was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

NATIONAL ATHLETIC BOOSTERS WEEK

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 442) designating the week beginning June 22, 1980, as "National Athletic Boosters Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 442

Whereas athletic programs are a vital means of keeping youth in good physical shape, in teaching good sportsmanship, and in learning cooperation;

Whereas athletic development begins at an early age, commonly through school and community sponsored activities;

Whereas school athletic and physical education programs throughout America are facing serious financial difficulties as the result of many problems including inflation and the reorientation of programs to equalize programs for boys and girls;

Whereas to offset this growing crisis, school and community organizations across the Nation have been formed and have been extremely effective in boosting and encouraging athletic programs;

Whereas thousands of volunteer members learn how to work effectively in supporting athletic programs; and

Whereas there is a rising movement across the Nation to undertake support of these programs: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning June 22, 1980, is designated as "National Athletic Boosters Week" and the President is requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

● Mr. MICA. Mr. Speaker, thank you for giving me the opportunity to express my support for House Joint Resolution 442 and my appreciation to my colleagues who have cosponsored this legislation.

School athletics have been a tradition of this country since its foundation. They greatly contribute to the physical fitness of our youth, as well as teach cooperation, good sportsmanship, discipline, and responsibility. The training which our youth learn from sports programs is an important function of the educational process and provides our youth with the necessary tools to lead an active, satisfying life.

Interscholastic sports programs are being threatened because of local budgetary pressures. To combat the shrinkage of funds for athletic programs, local volunteer athletic boosters clubs have sprung up at the grassroots levels around the Nation. Currently, there are thousands of boosters clubs in every State that have formed together for the sole purpose of saving our hard-pressed American school sports programs. These clubs have become an effective way of raising money for athletic programs and deserve all the support they can get.

This resolution seeks no new appropriation or increased funding for a particular program. It merely recognizes those who have devoted their time and talents to further the existence of amateur sports and acknowledges their efforts with a declaration from the Congress of the United States.

I urge my colleagues to recognize the important contribution of those who have worked diligently to preserve interscholastic athletics by supporting this resolution.

Thank you, Mr. Speaker.●

The joint resolution was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

NATIONAL ENERGY EDUCATION DAY

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 43) to proclaim March 21, 1980, "National Energy Education Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. SOLOMON. Reserving the right to object, Mr. Speaker, and I apologize for being hoarse, having just returned from the greatest hockey game I ever saw in upstate New York just next to my district, I rise in support of Senate Joint Resolution 43 to designate March 21, 1980, as "National Energy Education Day." This resolution was approved in the other body on August 2, 1979, and is identical to House Joint Resolution 220 sponsored by me and 245 of our House cosponsors.

This resolution authorizes the President to issue a proclamation calling upon the general public and educational institutions of the United States to observe this day and direct appropriate Federal agencies to participate in the celebration of "National Energy Education Day." The past decade has wrought major changes in the national and international energy situation, and our young people must be equipped to deal with these changes and to meet the challenges of the future. Ultimately, it will be the young people who are currently in our educational system who will be solving the energy problems of the future, and I am convinced that by creating in our young people an awareness of our energy problems and the exciting challenges that lie ahead, our future will be in the best of hands.

I want to take this opportunity to express my appreciation to my colleagues on both sides of the aisle, and particularly the gentleman from Arizona (Mr. UDALL) who have done so much to get this legislation to the floor.

I would also like to thank the American Federation of Teachers, the National Association of Student Councils, the National Association of School Principals, the National Association of School Administrators, the National Education Association, the National Association of School Boards, the AFL-CIO, the Edison Electric Institute, the Associated Industries of New York State and the many other State and national energy, education, business, and labor organizations which have supported this program.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 43

Whereas inexpensive and abundant energy permitted our great Nation to rise to a position of preeminence in the world community of nations; and

Whereas events of recent years have shown that traditional energy resources are in potentially short supply and these massive changes in the world energy production and distribution system have made this subject a focal point of domestic and foreign policy; and

Whereas the development of new energy technologies, including solar energy and other renewable resources, promise to reduce our dependence on insecure and hostile foreign cartels; and

Whereas these fundamental changes require the update of our educational system at all grade levels to prepare our youth to meet the new demands which are being created; and

Whereas a National Energy Education Day (NEED) will bring together teachers, school officials, parent groups, to help the Nation's children understand the international energy crisis; and

Whereas NEED must be a total educational effort, the start of an ongoing process which can demonstrate that to ignore the plight of an energy shortfall and to fail to seek sound remedies would be in error: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 21, 1980, is proclaimed "National Energy Education Day" to commence an ongoing program of energy education in schools, both public and private, at all grade levels, and the President is authorized and requested to issue (A) a proclamation calling upon the general public and education institutions of the United States to observe this day with appropriate activities and ceremonies, and (B) to direct all appropriate Federal agencies to cooperate with and participate in, the celebration of "National Energy Education Day".

The Senate joint resolution was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

AUTHORIZING THE PRESIDENT TO PRESENT ON BEHALF OF CONGRESS A GOLD MEDAL TO AMBASSADOR KENNETH TAYLOR

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 6374) to authorize the President of the United States to present on behalf of the Congress a specially struck gold medal to Ambassador Kenneth Taylor, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Part 2, lines 1 and 2, strike out "There are authorized to be appropriated not to exceed $20,000 to carry out the provisions of this subsection." and insert "There are authorized to be spent from already appropriated funds not to exceed $20,000 to carry out the provisions of this subsection.".

□ 1240

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois (Mr. ANNUNZIO)?

Mr. LEACH of Iowa. Mr. Speaker, I reserve the right to object.

The SPEAKER pro tempore. The gentleman from Iowa reserves the right to object.

Mr. LEACH of Iowa. Could the gentleman from Illinois (Mr. ANNUNZIO) explain precisely the difference between the House passed bill and the Senate amendment?

Mr. ANNUNZIO. The Senate bill has a technical amendment which I accepted in compliance with the Budget Act.

Mr. LEACH of Iowa. This means there will be no new obligation of funds?

Mr. ANNUNZIO. No new obligation. None whatsoever.

Mr. LEACH of Iowa. Let me tell the gentleman from Illinois that the minority side fully supports this effort.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois (Mr. ANNUNZIO)?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PAIUTE INDIANS OF UTAH RESTORATION ACT

Mr. MILLER of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4996) to restore the Shivwits, Kanosh, Koosharem, and Indian Peaks Bands of Paiute Indians of Utah as a federally recognized sovereign Indian tribe, to restore to the Cedar City, Shivwits, Kanosh, Koosharem, and Indian Peaks Bands of Paiute Indians of Utah and its members those Federal services and benefits furnished to federally recognized American Indian tribes and their members, and for other purposes, as amended.

The Clerk read the bill as follows:

H.R. 4996

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Paiute Indian Tribe of Utah Restoration Act".

SEC. 2. For the purposes of this Act—

(1) the term "tribe" means the Cedar City, Shivwits, Kanosh, Koosharem, and Indian Peaks Bands of Paiute Indians of Utah;

(2) the term "Secretary" means the Secretary of the Interior or his authorized representative;

(3) the term "Interim Council" means the council elected pursuant to section 5;

(4) the term "member", when used with respect to the tribe, means a person enrolled on the membership roll of the tribe, as provided in section 4 of this Act; and

(5) the term "final membership roll" means the final membership roll of the tribe published on April 15, 1955, on pages 2499 through 2503 of volume 20 of the Federal Register and on April 14, 1956, on pages 2453 through 2456 of volume 21 of the Federal Register.

SEC. 3. (a) The Federal trust relationship is hereby restored to the Shivwits, Kanosh, Koosharem, and Indian Peaks Bands of Paiute Indians of Utah and restored or confirmed with respect to the Cedar City Band of Paiute Indians of Utah, and the provisions of the Act of June 18, 1934 (48 Stat. 984) as amended, except as inconsistent with specific provisions of this Act, are made applicable to the tribe and the members of the tribe. The tribe and the members of the tribe shall be eligible for all Federal services and benefits furnished to federally recognized Indian tribes. Notwithstanding any provision to the contrary in any law establishing such services or benefits, eligibility of the tribe and its members for such Federal services and benefits shall become effective upon enactment of this Act without regard to the existence of a reservation for the tribe or the residence of members of the tribe on a reservation. For the purpose of provision of Federal services and benefits, the service area shall be Iron, Millard, Sevier, and Washington Counties, Utah.

(b) Except as provided in subsection (c), all rights and privileges of the tribe and of members of the tribe under any Federal treaty, Executive order, agreement, or statute, or under any other authority, which were diminished or lost under the Act of September 1, 1954 (68 Stat. 1099), are hereby restored, and such Act shall be inapplicable to the tribe and to members of the tribe after the date of enactment of this Act.

(c) This Act shall not grant or restore any hunting, fishing, or trapping right of any nature, including any indirect or procedural right or advantage, to the tribe or any member of the tribe, nor shall it be construed as granting, establishing, or restoring a reservation for the tribe.

(d) Except as specifically provided in this Act, nothing in this Act shall alter any property right or obligation, any contractual right or obligations, or any obligation for taxes already levied.

SEC. 4. (a) The final membership roll is declared open. The Secretary, the Interim Council, and tribal officials under the tribal constitution and bylaws shall take such measures as will insure the continuing accuracy of the membership roll.

(b)(1) Until after the initial election of tribal officers under the tribal constitution and bylaws, a person shall be a member of the tribe and his name shall be placed on the membership roll if he is living and if—

(A) his name is listed on the final membership roll;

(B) he was entitled on September 1, 1954, to be on the final membership roll but his name was not listed on that roll; or

(C) he is a descendant of a person specified in subparagraph (A) or (B) and possesses at least one-fourth degree of blood of members of the tribe or their Paiute Indian ancestors.

(2) After the initial election of tribal officials under the tribal constitution and bylaws, the provisions of the tribal constitution and bylaws shall govern membership in the tribe.

(c)(1) Before election of the Interim Council, verification of descendancy, age, and blood shall be made upon oath before the Secretary and his determination thereon shall be final.

(2) After election of the Interim Council and before the initial election of the tribal officials, verification of descendancy, age, and blood shall be made upon oath before the Interim Council, or its authorized representative. A member of the tribe, with respect to the inclusion of any name, and any person, with respect to the exclusion of his name, may appeal to the Secretary, who shall make a final determination of each such appeal within ninety days after an appeal has been filed with him. The determination of the Secretary with respect to an appeal under this paragraph shall be final.

(3) After the initial election of tribal officials, the provisions of the tribal constitution and bylaws shall govern the verification of any requirements for membership in the tribe, and the Secretary and the Interim Council shall deliver their records and files, and other material relating to enrollment matters, to the tribal governing body.

(d) For purposes of sections 5 and 6, a member who is eighteen years of age or older is entitled and eligible to be given notice of, attend, participate in, and vote at, general council meetings and to nominate candidates for, to run for any office in, and to vote in, elections of members to the Interim Council and to other tribal councils.

SEC. 5. (a) Within forty-five days after the date of the enactment of this Act, the Secretary shall announce the date of a general council meeting of the tribe to nominate candidates for election to the Interim Council. Such general council meeting shall be held within sixty days after the date of the enactment of this Act. Within forty-five days after such general council meeting the Secretary shall hold an election by secret ballot, absentee balloting to be permitted, to elect six members of the tribe to the Interim Council from among the nominees submitted to him from such general council meeting. The Secretary shall assure that notice of the time, place, and purpose of such meeting and election shall be provided to members described in section 4(d) at least fifteen days before such general meeting and election. The ballot shall provide for write-in votes. The Secretary shall approve the Interim Council elected pursuant to this section if he is satisfied that the requirements of this section relating to the nominating and election process have been met. If he is not so satisfied, he shall hold another election under this section, with the general council meeting to nominate candidates for election to the Interim Council to be held within sixty days after such election.

(b) The Interim Council shall represent the tribe and its members in the implementation of this Act and shall be the acting tribal governing body until tribal officials are elected pursuant to section 6(c) and shall have no powers other than those given to it in accordance with this Act. The Interim Council shall have full authority and capacity to receive grants from and to make contracts with the Secretary and the Secretary of Health, Education, and Welfare with respect to Federal services and benefits for the tribe and its members and to bind the tribal governing body as the successor in interest to the Interim Council for a period extending not more than six months after the date on which the tribal governing body takes office. Except as provided in the preceding sentence, the Interim Council shall have no power or authority after the time when the duly-elected tribal governing body takes office: *Provided*, That no authority to make payments under this Act shall be effective except to such extent or in such amounts as are provided in advance in appropriation Acts.

(c) Within thirty days after receiving notice of a vacancy on the Interim Council, the Interim Council shall hold a general council meeting for the purpose of electing a person to fill such vacancy. The Interim Council shall provide notice of the time, place, and purpose of such meeting and election to members described in section 4(d) at least ten days before such general meeting and election. The person nominated to fill such vacancy at the general council meeting who received the highest number of votes in the election shall fill such vacancy.

SEC. 6. (a) Upon the written request of the Interim Council, the Secretary shall conduct an election by secret ballot, pursuant to the provisions of section 16 of the Act of June 18, 1934 (48 Stat. 987), for the purpose of adopting a constitution and bylaws for the tribes. The election shall be held within sixty days after the Secretary has—

(1) reviewed and updated the final membership roll for accuracy, in accordance with sections 4(a), 4(b)(1), and 4(c)(1),

(2) made a final determination of all appeals filed under section 4(c)(2), and

(3) published in the Federal Register a certified copy of the membership roll of the tribe.

(b) The Interim Council shall draft and distribute to each member in section 4(d), no later than thirty days before the election under subsection (a), a copy of the proposed constitution and bylaws of the tribe, as drafted by the Interim Council, along with a brief, impartial description of the proposed constitution and bylaws. The members of the Interim Council may freely consult with members of the tribe concerning the text and description of the constitution and bylaws, except that such consultation may not be carried on within fifty feet of the polling places on the date of the election.

(c) In any election held pursuant to subsection (a), a vote of a majority of those actually voting shall be necessary and sufficient for the adoption of a tribal constitution and bylaws.

(d) Not later than one hundred and twenty days after the tribe adopts a constitution and bylaws, the Interim Council shall conduct an election by secret ballot for the purpose of electing the individuals who will serve as tribal officials as provided in the tribal constitution and bylaws. For the purpose of this election and notwithstanding any provision in the tribal constitution and bylaws to the contrary, absentee balloting shall be permitted.

SEC. 7. The Secretary shall accept the real property of members of the tribe or bands, or real property held for the benefit of members of the tribe or bands, but only if transferred to him by the Paiute owner or owners or the owners of the land which is held for the benefit of the bands. Such property shall be subject to all valid existing rights including, but not limited to, liens, outstanding taxes (local and State), and mortgages. The land transferred to the Secretary pursuant to this subsection shall be subject to foreclosure or sale pursuant to the terms of any valid existing obligation in accordance with the laws of the State of Utah. Subject to the conditions imposed by this subsection, the land transferred shall be taken in the name of the United States in trust for the tribe or bands to be held as Indian lands are held, and shall be part of their reservation. The transfer of real property authorized by this section shall be exempt from all local, State, and Federal taxation. All real property transferred under this section shall, as of the date of transfer, be exempt from all local, State, and Federal taxation.

SEC. 8. The Secretary may make such rules and regulations as are necessary to carry out the purposes of the Act.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California (Mr. MILLER) will be recognized for 20 minutes, and the gentleman from Utah (Mr. MARRIOTT) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4996 provides for the restoration of Federal recognition to four bands of Paiute Indians in the State of Utah. These four bands had their Federal recognition terminated by an act of Congress in 1954.

That act was passed during the so-called termination era when it was congressional policy to end the special relationship between the United States and Indian tribes as quickly as possible and to terminate the special Federal programs and benefits for Indians.

That policy, as an answer to the many problems of the Indian people, proved to be a disaster. The termination policy was supposed to result in a generally improved economic and social condition for the terminated Indians.

The exact opposite was the result. The Indian community is at the bottom of our economic and social ladder and the terminated Indians are generally the most deprived of the Indian community.

In 1973, Congress directly repudiated the termination policy of the 1950's by enacting legislation restoring the Menominee Tribe of Wisconsin. Since then, we have also restored the Siletz Indians of Oregon and four tribes in Oklahoma.

H.R. 4996 would do the same for the four bands of Paiutes in Utah.

Mr. Speaker, I urge the passage of the bill, as amended.

Mr. MARRIOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of this bill, H.R. 4996, which I strongly endorse as its sponsor, is to restore Federal recognition and eligibility for Federal services to the Kanosh, Koosharem, Cedar City, Indian Peaks, and Shivwits bands of Paiute Indians in southwestern Utah.

There are approximately 545 Indians in those bands. The bands Federal status and eligibility for services were terminated by an act of Congress in 1954 to force assimilation and mainstream the Indians into our society.

From 1954 to 1962, about 12,000 Indians were terminated. In 1970 President Nixon declared a new policy of "determination without termination." Since then, six tribes have been restored to Federal status, and the courts have invalidated several other terminations. In establishing the criteria necessary for reinstatement, under which the Paiutes easily qualify, six conditions had to be met:

First. There must exist an ongoing identifiable tribe;

Second. They are located in the vicinity of the former reservation;

Third. They have some form of self-government;

Fourth. They have a common language;

Fifth. Their social structure has significantly deteriorated; and

Sixth. And their conditions in general have deteriorated as a result of termination.

The Paiutes meet all of these conditions. When they were originally terminated, there were four criteria used to determine if they were ready: First, degree of tribal aculturation; second, tribal economic conditions; and third, potential willingness of the tribe to dispense with Federal aids, and fourth, the willingness of the State to assume responsibility.

At that time a few families were self-sufficient. Their reservation land was very poor. Only 30 percent of the Indians were employed. Most of them were on welfare or church assistance. They were so poor they could not even afford to send a representative to Washington to testify at their hearing.

They consented to termination on promises made by then-Senator Watkins and others that their taxes would be taken care of and that they would benefit greatly from such a deal.

The facts are that nothing was taken care of, and they did not benefit one iota. In fact, their conditions have worsened. At the present time their average per capita income in 1979 was $1,968, compared to $7,004 for the average person in Utah. Only 40 percent of the adults have completed high school. The unemployment rate is between 30 and 60 percent. Many still live without running water or indoor plumbing. Housing is substandard. Only recently has electricity been introduced, and some homes still heat with wood or coal.

In 1954 the bands possessed a total of 42,839 acres of trust land. All except that now owned by the Shivwits band—some 26,688 acres, which is held in trust by a local bank—was lost or sold due to nonpayment of property taxes.

Therefore, this bill which I have introduced would do the following: It would extend Federal recognition to the tribe. It would restore all the rights and privileges that were lost in 1954 when they were wrongfully terminated. It would restore their dignity and identity, and it would qualify them to participate in certain BIA programs, the Johnson-O'Malley aid for elementary and secondary students in public schools, BIA scholarships for postsecondary education, health programs and benefits through Indian health services, certain BIA loans to the tribes, the right to contract to administer certain programs which would help their employment problem.

The bill would not restore any hunting, fishing, or grazing rights. It would not restore the reservation. It would not alter any property rights, contractual rights, or any obligation for taxes levied. And it would require that criminal and civil jurisdiction remain with the State.

The cost of this bill is very low: $540,000 in the first year and declining each year thereafter to about $409,000 in the fifth year. This is a very small price to pay when one considers that for over 26 years these Indians have been denied benefits.

I urge all of my thoughtful colleagues to vote for this bill, because it is the right thing to do to make right the wrongful termination of 1954.

Mr. Speaker, I yield back the balance of my time.

Mr. MILLER of California. Mr. Speaker, I want to commend both the chairman of our committee, the gentleman from Arizona (Mr. UDALL) and the gentleman from Utah (Mr. MARRIOTT) for the work and the diligence shown and the patience in sorting out the problems relating to institution of the rights of these four bands of Paiute Indians and commend them for their efforts.

I have no further requests for time, and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. MILLER) that the House suspend the rules and pass the bill, H.R. 4996, as amended.

The question was taken.

Mr. LAGOMARSINO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 321, nays 12, not voting 100, as follows:

[Roll No. 69]

YEAS—321

Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Applegate
Archer
Ashbrook
Ashley
Aspin
Atkinson
AuCoin
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Bennett
Bereuter
Bethune
Bevill
Bingham
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burlison
Burton, John
Burton, Phillip
Butler
Byron
Carney
Carter
Chappell
Cheney
Clausen
Clay
Clinger
Coelho
Coleman
Collins, Ill.
Collins, Tex.
Conable
Conte
Corcoran
Corman
Cotter
Coughlin
Courter
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Daschle
Davis, Mich.
Deckard
Dellums
Derrick
Derwinski
Dickinson
Dicks
Diggs
Dixon
Dodd
Donnelly
Dougherty
Downey
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Emery
English
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fisher
Flippo
Florio
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fowler
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hamilton
Hammerschmidt
Hance

Hansen
Harkin
Harsha
Hawkins
Hefner
Hightower
Hillis
Hinson
Hopkins
Howard
Hubbard
Huckaby
Hutto
Ireland
Jacobs
Jeffries
Jenkins
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kelly
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Lehman
Leland
Lent
Levitas
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lujan
Luken
Lundine
McClory
McDade
McHugh
Madigan
Maguire
Marks
Marriott
Martin
Matsui
Mattox
Mavroules
Mazzoli
Mica
Mikulski

Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Murphy, Pa.
Murtha
Myers, Ind.
Natcher
Neal
Nedzi
Nelson
Nichols
Nowak
O'Brien
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Paul
Pease
Perkins
Petri
Peyser
Pickle
Preyer
Price
Pritchard
Quayle
Quillen
Rahall
Rangel
Regula
Reuss
Rhodes
Rinaldo
Ritter
Roberts
Robinson
Roe
Rosenthal
Rostenkowski
Roth
Rousselot
Roybal
Royer
Rudd
Runnels
Sabo
Satterfield
Sawyer
Scheuer
Schroeder

Schulze
Sebelius
Sensenbrenner
Shannon
Sharp
Shelby
Shuster
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spence
Stack
Stangeland
Stanton
Stark
Stenholm
Stockman
Stokes
Studds
Swift
Symms
Tauke
Taylor
Thomas
Traxler
Trible
Ullman
Van Deerlin
Vander Jagt
Vanik
Volkmer
Walgren
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitley
Whittaker
Whitten
Wilson, C. H.
Winn
Wirth
Wolff
Wolpe
Wright
Wyatt
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Zablocki

NAYS—12

Benjamin
Dingell
Evans, Ind.
Fithian

Ichord
Lee
McDonald
Marlenee

Mottl
Stratton
Stump
Williams, Mont.

NOT VOTING—100

Abdnor
Addabbo
Anderson, Ill.
Anthony
Badham
Biaggi
Blanchard
Boggs
Brooks
Burgener
Campbell
Carr
Cavanaugh
Chisholm
Cleveland
Conyers
Crane, Daniel
Crane, Philip
Dannemeyer
Davis, S.C.
de la Garza
Devine
Dornan
Drinan
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Erdahl
Fish
Foley
Gephardt
Giaimo
Goodling

Hall, Tex.
Hanley
Harris
Heckler
Heftel
Holland
Hollenbeck
Holt
Holtzman
Horton
Hughes
Hyde
Jeffords
Jenrette
Johnson, Colo.
Kastenmeier
Kazen
Lewis
Lowry
Lungren
McCloskey
McCormack
McEwen
McKay
McKinney
Markey
Mathis
Michel
Moffett
Moore
Murphy, Ill.
Murphy, N.Y.
Myers, Pa.
Nolan

Oakar
Oberstar
Pepper
Porter
Pursell
Railsback
Ratchford
Richmond
Rodino
Rose
Russo
Santini
Seiberling
Shumway
Slack
Spellman
St Germain
Staggers
Steed
Stewart
Synar
Thompson
Treen
Udall
Vento
Walker
Whitehurst
Williams, Ohio
Wilson, Bob
Wilson, Tex.
Wydler
Zeferetti

☐ 1300

The Clerk announced the following pairs:

Mr. Addabbo with Mr. Goodling.

Mr. Kastenmeier with Mr. Campbell.

Mr. Biaggi with Mr. Devine.

Mr. Santini with Mr. Edwards of Alabama.

Mr. Thompson with Mr. McCloskey.

Mr. Hanley with Mr. Michel.

Mr. Pepper with Mr. Wydler.

Mr. Richmond with Mr. Walker.

Mr. Rodino with Mr. Railsback.

Mr. Vento with Mr. Pursell.

Mr. Staggers with Mr. Hyde.

Mrs. Spellman with Mr. Lewis.

Mr. Davis of South Carolina with Mr. McEwen.

Mrs. Chisholm with Mr. Moore.

Mr. Brooks with Mr. Abdnor.

Mr. Giaimo with Mrs. Heckler.

Mr. Foley with Mr. Anderson of Illinois.

Mr. McCormack with Mr. Hollenbeck.

Mr. Murphy of New York with Mr. Porter.

Mr. Myers of Pennsylvania with Mr. Shumway.

Mr. Oberstar with Mr. Treen.

Mr. Kazen with Mr. Whitehurst.

Mr. Hughes with Mrs. Holt.

Mr. St Germain with Mr. Horton.

Mr. Russo with Mr. Jeffords.

Mr. Rose with Mr. Cleveland.

Mr. Steed with Mr. Dannemeyer.

Mr. Udall with Mr. Dornan.

Mr. Carr with Mr. Edwards of Oklahoma.

Mrs. Boggs with Mr. Erdahl.

Mr. Blanchard with Mr. Philip M. Crane.

Mr. Anthony with Mr. Burgener.

Mr. Cavanaugh with Mr. Fish.

Mr. Conyers with Mr. Lungren.

Mr. de la Garza with Mr. McKinney.

Mr. Slack with Mr. Daniel B. Crane.

Mr. Drinan with Mr. Badham.

Mr. Edwards of California with Mr. Johnson of Colorado.

Ms. Holtzman with Mr. Williams of Ohio.

Ms. Oakar with Mr. Bob Wilson.

Mr. Gephardt with Mr. Hall of Texas.

Mr. Edgar with Mr. Moffett.

Mr. Mathis with Mr. McKay.

Mr. Murphy of Illinois with Mr. Nolan.

Mr. Ratchford with Mr. Markey.

Mr. Lowry with Mr. Jenrette.

Mr. Harris with Mr. Holland.

Mr. Stewart with Mr. Synar.

Mr. Charles Wilson of Texas with Mr. Heftel.

Mr. Zeferetti with Mr. Seiberling.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to restore to the Shivwits, Kanosh, Koosharem, and Indian Peaks Bands of Paiute Indians of Utah, and with respect to the Cedar City Band of Paiute Indians of Utah to restore or confirm, the Federal trust relationship and to restore to members of such bands those Federal services and benefits furnished to American Indian tribes by reason of such trust relationship, and for other purposes.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. WRIGHT). Is there objection to the request of the gentleman from California?

There was no objection.

URGING AN "AYE" VOTE ON SECRET SESSION FOR NICARAGUAN AID BILL AND A "NO" VOTE ON MOTION TO TABLE

Mr. BAUMAN. Mr. Speaker, I ask unanimous consent that I may be permitted to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Without objection, the gentleman from Maryland (Mr. BAUMAN) is recognized.

There was no objection.

Mr. BAUMAN. Mr. Speaker, I understand that shortly a motion will be made by an appropriate Member of the House under the rules to ask for a secret session to present certain classified documents regarding the Nicaraguan aid bill. I also understand that a point of order will be made against that motion which I am fairly sure will be overruled, but that a motion to table the motion for a secret session may also be made.

If a motion to table is made, it is not debatable, as there is no debate allowed on a motion for a secret session. But I would urge a no vote on the motion to table and an aye vote for the motion for a secret session, simply on the grounds that the House ought to be fully informed as to all the facts available to us before we vote on this very important legislation.

So, Mr. Speaker, I urge a "no" vote on the motion to table and an "aye" vote for the secret session.

TRIBUTE TO WILLIAM M. McCULLOCH

(Mr. LATTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LATTA. Mr. Speaker, in the passing of former Congressman William M. McCulloch of the Fourth District of Ohio, the State of Ohio and the Nation has lost one of its outstanding servants.

Bill McCulloch, during his quarter century of service in this House, ranked as one of the truly distinguished members of the Judiciary Committee where he earned the title of ranking member for 6 years, a position he held at the time of his retirement in 1972.

His legislative skills and success as Member of the House of Representatives were preceded by his dedicated service in the Ohio State Legislature for 10 years, 4 of which he served as Speaker of the House.

Bill was the founding general chairman of the Committee for the Development of Vocational Education and received the Governor's Award for the Advancement of the Prestige of Ohio in 1971.

Among his other achievements, Bill was named "Republican of the Year" by the Harvard University Young Republican Club, and he also received the annual "Watchdog of the Treasury Award" from the National Associated Businessmen, Inc. ever since that organization's inception.

He was a member of the Commission on Government Security under President Eisenhower, a member of President Johnson's Advisory Commission on Civil Disorders and a member of the Commission on Causes and Prevention of Violence.

But, he probably will be remembered best for his staunch support of the civil rights legislation enacted in the 1960's—a lasting monument that earned him the admiration of the country and certainly that of his native Ohio.

I doubt that words can really capture the spirit of Bill McCulloch, his vitality or his compassion. For me, personally to have worked closely with him for my first 14 years in this House and particularly to have served as his colleague during those years, was truly an experience I shall always remember.

His legacy of honesty and integrity in government brought lasting honor to the people of Ohio and advanced the public interest for all Americans.

I have lost a good friend. I extend my heartfelt sympathies to his wife, Mabel, his daughters, Nancy and Ann, and their respective families.

MOTION THAT THE HOUSE RESOLVE ITSELF INTO SECRET SESSION

Mr. DERWINSKI. Mr. Speaker, I move that, pursuant to rule XXIX, the House resolve itself into secret session, that the galleries of the House Chambers be cleared of all persons and that the House Chamber be cleared of all persons except the Members of the House and those officers and employees specified by the Speaker whose attendance on the floor is essential to the functioning of the House and who subscribe to the notarized oath of confidentiality.

□ 1310

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

> Mr. Derwinski moves that, pursuant to rule XXIX, the House resolve itself into secret session, that the galleries of the House Chambers be cleared of all persons and that the House Chamber be cleared of all persons except the members of the House and those officers and employees specified by the Speaker whose attendance on the floor is essential to the functioning of the House and who subscribe to the notarized oath of confidentiality.

PARLIAMENTARY INQUIRY

Mr. BURLISON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BURLISON. Mr. Speaker, with respect to the secret session motion, at the time of the secret session of the House on June 20 of last year, a Member inquired of the Chair the manner in which confidential material heard in secret session under the provisions of rule XXIX might be released publicly.

The Chair responded, and I quote:

> Following the presentation of that material considered secret or confidential or of such nature that it ought to be heard in secret session, the House may at that time on its own motion in secret session decide that there is no reason to observe further secrecy with respect to the material involved.

Mr. Speaker, would not such procedure if employed here be in violation of clause 7(b) of rule XLVIII of the House, which provides for disclosure of intelligence information in the possession of the Select Committee on Intelligence under very specific procedures, including recommendations by the committee, notification of the President and procedures for further action by the House?

And I might add, Mr. Speaker, that the information that we are considering did get here pursuant to rule XLVIII of the House Permanent Select Committee on Intelligence.

The SPEAKER pro tempore (Mr. Wright). The gentleman from Missouri (Mr. Burlison) has inquired whether any action of the House to release publicly the transcript of the secret session would violate clause 7(b) of rule XLVIII, since classified materials within the possession of the Select Committee on Intelligence may have been discussed, and since that rule requires certain procedures to be followed by the Permanent Select Committee on Intelligence relative to the public disclosure of such materials. Rule XLVIII places restrictions on the Select Committee on Intelligence and only with respect to the public disclosure of classified information in the possession of that committee, and it does not prevent the House from determining to release any matter properly presented to it in secret session pursuant to rule XXIX.

Clause 7(c)(2) acknowledges the existence of other House procedures for release of information, since prohibiting any Member gaining access to classified materials within the Select Committee's control from disclosing such information, except in a secret session of the House. The Chair would further point out that the Select Committee on Intelligence, by a proper vote, with a quorum present, determined to allow executive session materials of the committee to be used in the secret session.

The Chair does not feel, however, that if the motion is agreed to it would be appropriate for the House at this time to remove the injunction of secrecy from these proceedings until the Permanent Select Committee on Intelligence and the Committee on Foreign Affairs has had the opportunity to review the transcript and make appropriate recommendations as to which, if any, of the materials presented should be released. It would be within the spirit of rule XLVIII for prior consultation with the executive branch to take place before any House decision on public release.

Mr. BURLISON. I thank the Speaker for his remarks.

POINT OF ORDER

Mr. HARKIN. Mr. Speaker, I raise a point of order.

The SPEAKER pro tempore. The gentleman from Iowa (Mr. Harkin) will state his point of order.

Mr. HARKIN. Mr. Speaker, I raise a point of order against the motion by the gentleman from Illinois that the House resolve itself into secret session. I base my point of order on the reading of rule XXIX and subsequent interpretations thereof. The rule clearly states that—

> Whenever the Speaker or any Member shall inform the House that he has communications which he believes ought to be kept secret for the present, the House shall be cleared of all persons, except the officers and Members thereof, and so continue during the reading of such communications, the debates and proceedings thereof, unless otherwise ordered by the House.

A correct reading of this rule clearly indicates that the Member making the motion for a secret session must inform the House that "he has communications" and that this means that the Member shall assert that he has certain material which he believes ought to be kept secret.

On June 6, 1978, the Speaker pro tem, in response to a question raised by a Member in the House, declared:

> A Member seeking to offer the motion that the House resolve itself into secret session must qualify, as provided by the rule, by asserting that he himself has a secret communication to make to the House.

Clearly, the gentleman from Illinois making the motion now put to the Chair does not in fact have such communications, but is in fact asserting that such communications are held by a duly authorized committee of the House of Representatives. Last year when a similar motion was made that the House resolve itself into secret session, a point of order would not have lain against the maker of the motion because at that time the maker of the motion asserted that he did in fact have communications in his possession of a secret nature which he decided to communicate to the House. No such assertion is now being made by the gentleman from Illinois who is making the present motion. In this case, the appropriate body to make such a request would be a motion from the Permanent Select Committee on Intelligence of the House of Representatives which does in fact have such communications, and not the gentleman from Illinois.

Mr. Speaker, I do not make this point of order lightly. I feel the fact that this is the second time within a year that the House has been presented with such a motion is indicative of a trend which I feel the House ought to guard against. Secret communications, whether from the Defense Department or the CIA, cannot be properly evaluated in the heat of general debate on the floor of the House of Representatives, whether in secret session or in open session.

Mr. BAUMAN. Mr. Speaker, regular order.

The SPEAKER pro tempore. The Chair will observe that regular order is being observed.

Mr. BAUMAN. Mr. Speaker, the point of order is what is at issue here and not the opinions of the gentleman from Iowa.

The SPEAKER pro tempore. The gentleman from Iowa is stating his point of order and is being heard on his point of order.

Mr. BAUMAN. Mr. Speaker, the gentleman is arguing his issues and not stating a point of order.

The SPEAKER pro tempore. The Chair is inclined to be lenient on the question of the argument being made by the gentleman from Iowa. The Chair is entertaining the point of order offered by the gentleman from Iowa and has recognized the gentleman from Iowa in support of his point of order. The Chair will request that the gentleman from Iowa confine his remarks to the point of order, but the Chair believes in general that the gentleman from Iowa has done that.

Mr. HARKIN. Mr. Speaker, I was, in making my point of order, pointing out that the gentleman from Illinois does not meet the requirements of rule XXIX and subsequent interpretations thereof.

In further support of my point of order, I was pointing out that under this rule, under rule XXIX, which clearly states that the Member must in fact assert that he has those communications, it is clear that the reasons therefor are because the House is not as equipped to deal with these types of secret documents as are the proper intelligence communities of the Government or the duly authorized committees of the House of Representatives.

Secret intelligence must be evaluated by those in the intelligence community, with other factors taken into account, and with the proper analytical tools which they uniquely process. On the other hand, the House is not so equipped. Future debates on foreign aid, on military preparedness, or on a host of other matters could be jeopardized if this motion is carried or deemed worthy of a secret session, so that one factor of intelligence favoring one point of view or another could be brought to the floor.

Mr. Speaker, I request that my point of order be sustained.

□ 1320

The SPEAKER pro tempore. Does the gentleman from Illinois (Mr. DERWINSKI) desire to be heard on the point of order?

Mr. DERWINSKI. Yes, Mr. Speaker.

I would point out most respectfully that the objection of the gentleman from Iowa went far beyond interpretation of the rules and did involve well-intended, but I think far-from-the-point rhetoric.

However, I would point out to the Speaker that the information contained that would be presented to the House in the appropriate documents is held by the two gentlemen on either side of me, have been cleared, it is my understanding, by the appropriate committee.

I myself sat through a session of the House Committee on Foreign Affairs, which the same basic information was provided to that committee.

I have subsequently studied the secret documents to verify my recollection of the practicality of that information and the need for further secrecy.

Therefore, it is from that practical point of view in spirit that I made the motion.

The SPEAKER pro tempore (Mr. WRIGHT). The Chair is prepared to rule.

The gentleman from Iowa makes a point of order against the motion on the ground that any Member moving to resolve the House into a secret session must needs qualify as provided by the rule by asserting that he has a secret communication to make to the House.

Now, the Chair is in receipt of a letter signed by the gentleman from Illinois (Mr. DERWINSKI), and in addition, the gentleman from California (Mr. LAGOMARSINO); the gentleman from Florida (Mr. YOUNG); and the gentleman from Maryland (Mr. BAUMAN); all asserting that they have communications to make to the House which they believe ought to be kept secret for the present.

Now, the gentleman therefore qualifies, and particularly with regard to the statement he has just made to the Chair and to the House to make a motion for a secret session under rule XXIX.

The Chair is not in a position to evaluate the accuracy of the information which the gentleman seeks to communicate, but the Chair will rely; and I think this is a central, unwritten but nevertheless cardinally important rule stated from time to time by Speakers, at least beginning with Speaker Rayburn and probably before, on the integrity of any Member and his or her verbal or written assurances.

As the Speaker, Mr. Rayburn, once said on an occasion when a Member's integrity was questioned, the Chair always takes the word of a Member.

PARLIAMENTARY INQUIRY

Mr. HARKIN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. HARKIN. I am not talking about anybody's motivations or the integrity, but rather a misinterpretation of the rule by those who now seek to move into secret session, and that parliamentary inquiry, further, Mr. Speaker, would it be appropriate for the Speaker to inquire of the maker whether or not such communications are now held by the person moving that we now resolve into secret session?

The SPEAKER pro tempore (Mr. WRIGHT). The Chair would respond to the gentleman from Iowa that the gentleman from Illinois (Mr. DERWINSKI) has in writing and just now and very publicly given those assurances to the Speaker.

The Chair does not feel that it is necessary under the rule for the gentleman to carry in his possession at the moment copies of secret documents in order to qualify.

The Chair is also aware in this instance that the Permanent Select Committee on Intelligence has determined that confidential materials within its control may be considered during a secret session, if indeed such a session were to be ordered by the House.

Under all those circumstances, the Chair believes that the gentleman from Illinois qualifies to make the motion which he has made, and overrules the point of order by the gentleman from Iowa.

PARLIAMENTARY INQUIRY

Mr. WEISS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WEISS. Is the Speaker stating that even though the confidential communication is a communication which is in the possession of the Committee on Intelligence of this House that that qualifies as a confidential communication personally held by the Member making the motion?

The SPEAKER pro tempore. The Chair will respond that the gentleman from Illinois, along with other Members already has asserted that he possesses knowledge of what is contained in those documents and perhaps additional knowledge independent of those specific documents which he considers of such a nature that it should be heard in secret by the House.

Now, the House is not legally obliged to adopt the motion offered by the gentleman from Illinois, but the Chair believes under all the precedents that exist, and admittedly they are rare, that the gentleman from Illinois fully qualifies to make the motion that he has made, and the Chair will entertain the motion.

Mr. WEISS. Mr. Speaker, a further parliamentary inquiry.

I am still somewhat confused. I will state the question, the inquiry, in a hypothetical setting.

If I, having no personal, confidential communication of secret matter, go to the Committee on Intelligence of the House and receive one of their secret classified documents, may I then present that to this body and write a letter to the Speaker that on the basis of my possession of their document, which had been authorized and released to me, that I can make the kind of motion the gentleman from Illinois has made?

The SPEAKER pro tempore. The gentleman from New York has presented a hypothetical instance on which the Chair does not have to rule, save and except with an understanding of all the ingredients of fact therein involved.

The Chair will respond to the gentleman from New York by saying that if the gentleman from New York were to state to the Chair that he was properly in possession of secret information, which he thought should be shared with the House in a secret session, the Chair would respect the gentleman's integrity and would entertain the motion to resolve into a secret session if made by the gentleman from New York under those circumstances.

Mr. WEISS. Mr. Speaker, I have a further parliamentary inquiry.

If it then turned out, upon further presentation, that the only document or information that I had was nothing independently gained or transmitted, but simply the document which I had received from the Committee on Intelligence, would I have violated the requirements of rule XXIX?

The SPEAKER pro tempore. The Chair is not going to rule on that hypothetical question at this time.

The Chair would simply observe that

under the rules any Member of the House who asserts that he is properly in possession of such information and desires to share it with the House in a secret session, believing that it may have a direct bearing upon legislation pending in the House, would have the right to offer that motion.

Mr. WEISS. Mr. Speaker, we will have no end of secret sessions.

Mr. PEYSER. Mr. Speaker, I move to table the motion offered by the gentleman from Illinois (Mr. DERWINSKI).

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from New York (Mr. PEYSER).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. PEYSER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 42, nays 322, not voting 69, as follows:

[Roll No. 70]

YEAS—42

Alexander
Anderson, Calif.
Bedell
Bennett
Brodhead
Brown, Calif.
Burton, Phillip
Cavanaugh
Clay
Collins, Ill.
Conyers
Dellums
Downey
Edwards, Calif.
Garcia
Gray
Hall, Ohio
Harkin
Kastenmeier
Lehman
Leland
Mitchell, Md.
Moffett
Obey
Ottinger
Pease
Peyser
Rosenthal
Roybal
Scheuer
Schroeder
Seiberling
Simon
Slack
Solarz
Stokes
Walgren
Weaver
Weiss
Wolff
Wolpe
Yates

NAYS—322

Abdnor
Akaka
Albosta
Ambro
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Applegate
Archer
Ashbrook
Ashley
Aspin
Atkinson
AuCoin
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Beilenson
Benjamin
Bereuter
Bethune
Bevill
Bingham
Blanchard
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brooks
Broomfield
Broyhill
Buchanan
Burlison
Burton, John
Butler
Byron
Campbell
Carney
Carter
Chappell
Cheney
Chisholm
Clausen
Clinger
Coelho
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Corman
Cotter
Coughlin
Courter
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Daschle
Davis, Mich.
de la Garza
Deckard
Derrick
Derwinski
Dickinson
Dicks
Dingell
Dixon
Dodd
Donnelly
Dougherty
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Edwards, Ala.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fowler
Frenzel
Frost
Fuqua
Gaydos
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gramm
Grassley
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Harris
Harsha
Hawkins
Heckler
Hefner
Hightower
Hillis
Hinson
Holland
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ichord
Ireland
Jeffries
Jenkins
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kelly
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Lee
Lent
Levitas
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
McClory
McDade
McDonald
McHugh
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Mottl
Murphy, Pa.
Murtha
Myers, Ind.
Natcher
Neal
Nedzi
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Panetta
Pashayan
Patten
Patterson
Paul
Perkins
Petri
Pickle
Preyer
Price
Pritchard
Quayle
Quillen
Railsback
Rangel
Regula
Reuss
Rhodes
Rinaldo
Ritter
Roberts
Robinson
Roe
Rostenkowski
Roth
Rousselot
Royer
Rudd
Runnels
Russo
Sabo
Satterfield
Sawyer
Schulze
Sebelius
Sensenbrenner
Shannon
Sharp
Shelby
Shuster
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solomon
Spellman
Spence
Stack
Stangeland
Stanton
Stark
Stenholm
Stockman
Stratton
Studds
Stump
Swift
Symms
Synar
Tauke
Taylor
Thomas
Traxler
Trible
Udall
Ullman
Van Deerlin
Vander Jagt
Vento
Volkmer
Wampler
Watkins
Waxman
White
Whitley
Whittaker
Whitten
Williams, Mont.
Winn
Wirth
Wright
Wyatt
Wylie
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Zablocki

NOT VOTING—69

Addabbo
Anderson, Ill.
Anthony
Badham
Biaggi
Boggs
Brown, Ohio
Burgener
Carr
Cleveland
Crane, Daniel
Crane, Philip
Dannemeyer
Davis, S.C.
Devine
Diggs
Dornan
Eckhardt
Edgar
Edwards, Okla.
Gephardt
Giaimo
Heftel
Hollenbeck
Holt
Holtzman
Jacobs
Jeffords
Jenrette
Johnson, Colo.
Kazen
Lewis
Lungren
McCloskey
McCormack
McEwen
McKay
McKinney
Mathis
Moore
Murphy, Ill.
Murphy, N.Y.
Myers, Pa.
Nolan
Pepper
Porter
Pursell
Rahall
Ratchford
Richmond
Rodino
Rose
Santini
Shumway
St Germain
Staggers
Steed
Stewart
Thompson
Treen
Vanik
Walker
Whitehurst
Williams, Ohio
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Wydler
Zeferetti

□ 1340

Mr. WEISS and Mr. WALGREN changed their votes from "nay" to "yea."

Mr. GARCIA changed his vote from "nay" to "yea."

So the motion to table was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the motion that the House resolve itself into secret session offered by the gentleman from Illinois (Mr. DERWINSKI).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BURLISON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 290, nays 74, not voting 69, as follows:

[Roll No. 71]

YEAS—290

Abdnor
Akaka
Albosta
Ambro
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Applegate
Archer
Ashbrook
Ashley
Aspin
Atkinson
AuCoin
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bereuter
Bethune
Bevill
Bingham
Blanchard
Boland
Boner
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brooks
Broomfield
Brown, Ohio
Broyhill
Buchanan
Byron
Campbell
Carney
Carter
Chappell
Cheney
Clinger
Coelho
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Cotter
Coughlin
Courter
D'Amours
Daniel, R. W.
Danielson
Daschle
Davis, Mich.
de la Garza
Deckard
Derrick
Derwinski
Dickinson
Dicks
Dingell
Dixon
Dodd
Donnelly
Dougherty
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Edwards, Ala.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fowler
Frenzel
Frost
Fuqua
Gaydos
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gramm
Grassley
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Harsha
Heckler
Hefner
Hightower
Hillis
Hinson
Holland
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ichord
Ireland
Jeffries
Jenkins
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kelly
Kemp
Kindness
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Lee
Lent
Levitas
Livingston
Lloyd
Loeffler
Long, Md.
Lott
Lujan
Luken
McClory
McDade
McDonald
McHugh
Maguire
Marks
Marlenee
Marriott
Martin
Mattox
Mazzoli
Mica
Michel
Miller, Calif.
Miller, Ohio
Minish
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Mottl
Murtha
Myers, Ind.
Natcher
Neal
Nedzi
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Panetta
Pashayan
Patten
Patterson
Paul
Perkins
Petri
Pickle
Preyer
Pritchard
Quayle
Quillen
Railsback
Rangel
Regula
Rhodes
Rinaldo
Ritter
Roberts
Robinson
Roe
Rostenkowski
Roth
Rousselot
Roybal
Royer
Rudd
Runnels
Russo
Sabo
Satterfield
Sawyer
Schulze
Sebelius
Sensenbrenner
Shannon
Sharp
Shelby
Shuster
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder

Spellman
Spence
Stack
Stangeland
Stanton
Stark
Stenholm
Stockman
Stratton
Studds
Stump
Swift
Symms
Synar
Tauke
Taylor
Thomas
Traxler
Trible
Udall
Ullman
Vander Jagt
Volkmer
Wampler
Watkins
Waxman
White
Whitley
Whittaker
Whitten
Winn
Wirth
Wright
Wyatt
Wylie
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Zablocki

NAYS—74

Alexander
Anderson, Calif.
Bedell
Beilenson
Benjamin
Bennett
Bolling
Bonior
Brodhead
Brown, Calif.
Burlison
Burton, John
Burton, Phillip
Butler
Carr
Cavanaugh
Chisholm
Clay
Collins, Ill.
Conyers
Corman
Daniel, Dan
Dellums
Downey
Eckhardt
Edwards, Calif.
Florio
Garcia
Gray
Hall, Ohio
Hall, Tex.
Harkin
Harris
Hawkins
Jacobs
Kastenmeier
Kildee
Kogovsek
Kostmayer
Leland
Long, La.
Lowry
Lundine
Markey
Matsui
Mavroules
Mikulski
Mineta
Mitchell, Md.
Moffett
Murphy, Pa.
Obey
Ottinger
Pease
Peyser
Price
Rosenthal
Scheuer
Schroeder
Seiberling
Simon
Slack
Solarz
Stokes
Van Deerlin
Vanik
Vento
Walgren
Weaver
Weiss
Williams, Mont.
Wolff
Wolpe
Yates

NOT VOTING—69

Addabbo
Anderson, Ill.
Anthony
Badham
Biaggi
Boggs
Burgener
Clausen
Cleveland
Crane, Daniel
Crane, Philip
Dannemeyer
Davis, S.C.
Devine
Diggs
Dornan
Edgar
Edwards, Okla.
Gephardt
Giaimo
Heftel
Hollenbeck
Holt
Holtzman
Jeffords
Jenrette
Johnson, Colo.
Kazen
Lehman
Lewis
Lungren
McCloskey
McCormack
McEwen
McKay
McKinney
Madigan
Mathis
Moore
Murphy, Ill.
Murphy, N.Y.
Myers, Pa.
Nolan
Pepper
Porter
Pursell
Rahall
Ratchford
Reuss
Richmond
Rodino
Rose
Santini
Shumway
Solomon
St Germain
Staggers
Steed
Stewart
Thompson
Treen
Walker
Whitehurst
Williams, Ohio
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Wydler
Zeferetti

☐ 1400

So the motion was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make a statement.

The Chair desires to read to the Members the contents of rule XXIX of the Rules of the House of Representatives. Rule XXIX reads as follows:

> Whenever confidential communications are received from the President of the United States, or whenever the Speaker or any Member shall inform the House that he has communications which he believes ought to be kept secret for the present, the House shall be cleared of all persons except the Members and officers thereof, and so continue during the reading of such communications, the debates, and proceedings thereon, unless otherwise ordered by the House.

According to the rule of the House, the Chair is going to order that the galleries and the House Chamber shall be cleared of all persons except the Members of the House and those officers and employees specified by the Speaker whose attendance on the floor is essential to the functioning of the secret session of the House.

Every employee and officer present in the Chamber during the secret session, pursuant to the Speaker's order, will sign an oath of secrecy which is at the page's desk to the Chair's right.

All proceedings in the House during such consideration shall be kept secret until otherwise ordered by the House.

Very presently the Chair is going to declare a recess long enough for this order to be carried out. The Chair will observe at this time that on the last occasion when this procedure was followed the recess consumed approximately 15 minutes. Bells will ring declaring the recess. No bells will ring in announcing the resumption, and the Chair would advise the Members that it probably will be approximately 15 minutes after the recess.

PARLIAMENTARY INQUIRIES

Mr. ICHORD. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. ICHORD. Would the Chair advise the membership as to how his ruling will affect the television cameras? Will the television cameras remain on in secret session or not?

The SPEAKER pro tempore. As was the case on the last occasion when this procedure was followed, the television cameras will be turned off.

Mr. BAUMAN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. BAUMAN. Mr. Speaker, at the last occasion when a secret session was voted by the House, the chair issued a similar admonition to the Members regarding the secrecy of the proceedings. In this case, there are very specific documents to be read, names mentioned in those documents.

The gentleman from Maryland recalls that certain Members of the House went outside of the last secret session and very specifically referred to information that was covered in the session and characterized that information in a number of different ways.

Mr. Speaker, what censure or other action would be available against a Member who revealed the contents of the session without permission of the House?

The SPEAKER pro tempore. The Chair would just have to respond that any Member violating the rule would be subject to the discipline of the House. The Chair cannot anticipate what might occur.

The Chair believes that the Members rather faithfully observed the strictures on the last occasion and was not aware of the instances to which the gentleman from Maryland has just referred.

The Chair would clearly admonish all Members of the House that the House might order Members to abide by a rule of strict secrecy with respect to any of the classified or confidential materials that will be presented to the body during this secret session.

The Chair has confidence in the integrity of the Members to abide by that.

☐ 1410

Mr. FASCELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FASCELL. Mr. Speaker, would it be correct to say that if the information which is published or made available in the secret session has heretofore been made public and is in the public domain, that that would have some bearing on what the restrictions of the House might be against the Member who speaks on that information?

The SPEAKER pro tempore. The Chair would just have to respond that that question would be up to the House to determine at the appropriate time.

PERSONAL EXPLANATION

Mr. PORTER. Mr. Speaker, when I left for Washington this morning to come here to the session, I was delayed by an airplane that had mechanical problems. We had to change over to another airplane, and the weather added further to that delay. Unfortunately, I was unable to reach Washington and the floor of the House in time to cast votes on three rollcalls.

Had I been present, I would have voted "aye" on rollcall No. 69, on H.R. 4996.

I would have voted "nay" on rollcall No. 70, the motion to table the motion to have a secret session.

I would have voted "aye" on the motion to have a secret session, rollcall No. 71.

I ask unanimous consent that these remarks be added to the RECORD immediately following each of those rollcalls.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

RECESS

The SPEAKER pro tempore. The Chair will declare a recess.

Accordingly (at 2 o'clock and 10 minutes p.m.) the House stood in recess subject to the call of the Chair.

The secret session began at 2 o'clock and 36 minutes p.m.

The secret session was dissolved at 4 o'clock and 12 minutes p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BRADEMAS) at 4 o'clock and 12 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BRADEMAS). The Chair will make the following statement:

The Chair would remind the Members that the House has not at this point voted to remove the injunction of secrecy and that Members are bound not to release or to make public any of the transcript of the closed session until further order of the House.

To enable the House to evaluate the transcript of the secret session, the House has referred the transcript to the Permanent Select Committee on Intelligence and to the Committee on Foreign Affairs for their report thereon as soon as possible. The committees' report will remain executive session record of those committees for examination by the Members and ultimate disposition by the House.

PARLIAMENTARY INQUIRY

Mr. WEISS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WEISS. Earlier today there was some indication or an objection to a characterization of the kind of testimony and presentation that was made today. Does the injunction apply to characterizations as distinguished from a report of what the substance was of the matter presented here today?

The SPEAKER pro tempore. The Chair will advise the gentleman from New York (Mr. WEISS) that the question as put to the Chair is a judgment which each Member of the House must make.

Mr. WEISS. I appreciate the response of the Speaker, and I thank him.

SPECIAL CENTRAL AMERICAN ASSISTANCE ACT OF 1979

Mr. ZABLOCKI. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 6081) to amend the Foreign Assistance Act of 1961 to authorize assistance in support of peaceful and democratic processes of development in Central America.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. ZABLOCKI).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DERWINSKI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 357, nays 7, not voting 69, as follows:

[Roll No. 72]

YEAS—357

Abdnor
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Applegate
Archer
Ashley
Aspin
Atkinson
AuCoin
Bafalis
Bailey
Baldus
Barnard
Barnes
Beard, R.I.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Bingham
Blanchard
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Ohio
Broyhill
Buchanan
Burlison
Burton, John
Burton, Phillip
Butler
Byron
Campbell
Carney
Carr
Carter
Cavanaugh
Chappell
Cheney
Clausen
Clay
Clinger
Coelho
Coleman
Collins, Ill.
Conable
Conte
Conyers
Corcoran
Corman
Cotter
Coughlin
Courter
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Daschle
Davis, Mich.
de la Garza
Derrick
Derwinski
Dicks
Dingell
Donnelly
Dougherty
Downey
Drinan
Duncan, Tenn.
Early
Eckhardt
Edwards, Ala.
Edwards, Calif.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fowler
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmitt
Hance
Hanley
Hansen
Harkin
Harris
Harsha
Hawkins
Heckler
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Hopkins
Horton
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffries
Jenkins
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kelly
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Lee
Lehman
Leland
Lent
Levitas
Livingston
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
McClory
McDade
McHugh
McKinney
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Mottl
Murphy, Pa.
Murtha
Myers, Ind.
Natcher
Neal
Nedzi
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Paul
Pease
Perkins
Petri
Peyser
Pickle
Porter
Preyer
Price
Pritchard
Pursell
Quayle
Quillen
Railsback
Rangel
Regula
Reuss
Rhodes
Rinaldo
Ritter
Roberts
Robinson
Roe
Rosenthal
Rostenkowski
Roth
Rousselot
Roybal
Royer
Rudd
Runnels
Russo
Sabo
Satterfield
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shuster
Simon
Skelton
Slack
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spellman
Spence
St Germain
Stack
Stangeland
Stanton
Stark
Steed
Stenholm
Stockman
Studds
Stump
Swift
Symms
Synar
Tauke
Taylor
Thomas
Traxler
Trible
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff
Wolpe
Wright
Wyatt
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Zablocki

NAYS—7

Bauman
Collins, Tex.
Dickinson
Lloyd
McDonald
Mitchell, Md.
Stratton

NOT VOTING—69

Addabbo
Anderson, Ill.
Anthony
Ashbrook
Badham
Beard, Tenn.
Biaggi
Boggs
Brown, Calif.
Burgener
Chisholm
Cleveland
Crane, Daniel
Crane, Philip
Dannemeyer
Davis, S.C.
Deckard
Dellums
Devine
Diggs
Dixon
Dodd
Dornan
Duncan, Oreg.
Edgar
Edwards, Okla.
Evans, Del.
Giaimo
Goodling
Hefner
Heftel
Holtzman
Howard
Jeffords
Jenrette
Johnson, Colo.
Kazen
Lewis
Lungren
McCloskey
McCormack
McEwen
McKay
Martin
Mathis
Moffett
Moore
Murphy, Ill.
Murphy, N.Y.
Myers, Pa.
Nolan
Pepper
Rahall
Ratchford
Richmond
Rodino
Rose
Santini
Shumway
Staggers
Stewart
Stokes
Thompson
Treen
Walker
Williams, Ohio
Wilson, Bob
Wydler
Zeferetti

☐ 1630

Mr. STRATTON changed his vote from "yea" to "nay."

Mr. SATTERFIELD changed his vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 6081, with Mr. FOLEY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Friday, February 22, 1980, all time for general debate had expired.

The Clerk will read.

The Clerk read as follows:

H.R. 6081

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Special Central American Assistance Act of 1979".

SEC. 2. Chapter 4 of part II of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 536. CENTRAL AMERICAN ECONOMIC SUPPORT.—(a) The Congress finds that peaceful and democratic development in Central America is in the interest of the United States and of the community of American States generally, that the recent civil strife in Nicaragua has caused great human suffering and disruption to the economy of that country, and that substantial external assistance to Nicaragua is necessary to help alleviate that suffering and to promote economic recovery within a peaceful and democratic process. The Congress further finds that peaceful and democratic development in certain other Central American countries will be significantly assisted by additional economic support at this time.

"(b) There are authorized to be appropriated to the President for use in carrying out section 531 for the purposes set forth in subsection (a) of this section, in addition to funds otherwise available for such purposes, $80,000,000 for the fiscal year 1980, which are authorized to remain available until expended.

"(c) In furnishing assistance under this chapter to the Government of Nicaragua, the

President shall take into account the extent to which that Government has engaged in violations of the right to organize and operate labor unions free from political oppression, has engaged in or permitted violations of human rights, has engaged in violations of the right to freedom of the press, or has engaged in violations of the right to freedom of religion.

"(d) The President shall encourage the Government of Nicaragua to respect the right to freedom of the press, the right to organize and operate free labor unions, the right to freedom of religion, as well as all other fundamental human rights.

"(e) The Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a report for each six-month period in which funds are expended for Nicaragua under the authorization contained in subsection (b) of this section. Each such report shall discuss fully and completely the status of respect in Nicaragua for human rights, political pluralism, freedom of the press and assembly, freedom of religion, and freedom of labor to organize and bargain collectively.

"(f) The President shall terminate assistance to the Government of Nicaragua under this chapter if he determines that the Government of Nicaragua cooperates with or harbors any international terrorist organization or is aiding, abetting, or supporting acts of violence or terrorism in other countries. In the event of such a determination, the outstanding balance of any loan to the Government of Nicaragua, or any of its agencies or instrumentalities, with funds authorized to be appropriated by this chapter shall become immediately due and payable.

"(g) It is the sense of the Congress that the United States should support those traditionally faithful allies of the United States which are responsible members of the Organization of American States against external subversion.

"(h) Funds made available under this chapter for the National School of Agriculture in Nicaragua shall be used under an understanding with the Autonomous National University of Nicaragua that the National School of Agriculture will cooperate in programs with United States institutions of higher education.

"(i) Any agreement between the United States and the Government of Nicaragua regarding the use of funds authorized to be appropriated under this chapter, which are to be made available in the form of loans, shall specifically require that at least 60 per centum of such loan funds, and any local currency generated in conjunction therewith, shall be used for assistance to the private sector.

"(j) The President shall terminate assistance to the Government of Nicaragua under this chapter if he determines and reports to the Congress that Soviet, Cuban, or other foreign combat military forces are stationed or situated within the borders of Nicaragua and that the presence of such forces constitutes a threat to the national security of the United States or to any Latin American ally of the United States.".

Mr. ZABLOCKI (during the reading). Mr. Chairman, I ask unanimous consent that the bill, H.R. 6081, be considered as read, printed in the RECORD, and open to amendment at any point.

I do so, Mr. Chairman, in the interest that we may finish the bill today.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

Mr. BAUMAN. Mr. Chairman, reserving the right to object, did I understand the gentleman from Wisconsin (Mr. ZABLOCKI) to say that his intention is to finish the bill today?

Mr. ZABLOCKI. That is right. Mr. Chairman, if the gentleman will yield, I will say to the gentleman that the bill is only 4½ pages long, and all the Members know what is in it. I understand there will be about four or five serious amendments which we will consider, and there will be other amendments, I presume, that would be best not offered, but we will nevertheless have to hear them.

So we could finish, with some reasonable cooperation on the part of all parties concerned.

Mr. BAUMAN. Mr. Chairman, further reserving the right to object, I would only say to the gentleman from Wisconsin (Mr. ZABLOCKI) that the gentleman from Maryland knows of 13 different amendments that have been drafted to this bill. I have just discovered in the last few minutes that there are other Members who have amendments.

The House is supposed to rise on Monday at 5:30; that is the announced time. There are events this evening such as the AHEPA banquet, I understand, and there are other gatherings scheduled. So I think it would be well for the House to know now what the true intentions of the leadership are.

If we are going to work late, we will probably be here until 9, 10, or 11 o'clock. If we are going to quit at 5:30, we should know that also.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. Yes, of course I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Chairman, even with the 14 or 15 amendments, if there would be no dilatory tactics employed, we could finish by 7 o'clock.

Mr. BAUMAN. Mr. Chairman, if each Member offered an amendment already drafted and we used 5 minutes for and against, we are talking about 4 hours or more right there. Undoubtedly there are going to be votes on some of these amendments, and there will be extended debate on some of the amendments.

Mr. ZABLOCKI. Mr. Chairman, I will ask the gentleman to yield further.

Mr. BAUMAN. Mr. Chairman, it just seems unreasonable. If we are going to stay here and debate the bill, let us read the bill now.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

Mr. BAUMAN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard. The Clerk will read.

The Clerk continued the reading of the bill.

Mr. SYMMS (during the reading). Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The Chair will inform the gentleman that the Clerk has not yet finished reading the bill.

Mr. JOHN L. BURTON. Mr. Chairman, I renew the unanimous-consent request of the gentleman from Wisconsin (Mr. ZABLOCKI) that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. BAUMAN. Mr. Chairman, reserving the right to object, I will ask, has the gentleman from California (Mr. JOHN L. BURTON) assumed the leadership on the majority side, and is he able to say that we are going to quit at 5:30?

Mr. JOHN L. BURTON. Mr. Chairman, I have been so informed by reliable sources. I have an unreliable source who said, "No," and a reliable source who said, "Yes."

Mr. BAUMAN. Mr. Chairman, the gentleman is like most of the leadership on his side.

Mr. JOHN L. BURTON. No. Let me tell the gentleman that if I were calling the shots, we would be leaving at 5:30. I would be happy to yield to the gentleman from Wisconsin (Mr. ZABLOCKI), and maybe he could shed some light on it.

The CHAIRMAN. The Chair will state that the gentleman from Maryland (Mr. BAUMAN) has the time.

Mr. JOHN L. BURTON. If the gentleman has got the time, I have got the place.

Mr. BAUMAN. I emphatically decline to accept that offer.

Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Chairman, I thank the gentleman for yielding.

Let me say to the gentleman that I got the message. It appears that we have Members who have commitments for very important dinners tonight. There will probably be turkey on the menu. So we shall proceed to go on no later than 6 o'clock.

Mr. BAUMAN. Mr. Chairman, further reserving the right to object, do I understand we are going to rise at 6 o'clock, then, wherever we are in the deliberations?

Mr. ZABLOCKI. Yes.

Mr. BAUMAN. Mr. Chairman, further reserving the right to object, I hope the gentleman understands he probably enhances his reputation for leaning toward turkeys by presenting this bill. This bill is a prime example.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California (Mr. JOHN L. BURTON)?

Mr. DERWINSKI. Mr. Chairman, reserving the right to object, I will not object, but I wish to state that as I interpret this entire development, as far as the leadership role of the gentleman from California (Mr. JOHN L. BURTON) is concerned, I know who the de facto majority leader is.

Mr. JOHN L. BURTON. Mr. Chairman, I thank the gentleman.

Mr. DERWINSKI. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT OFFERED BY MR. LAGOMARSINO

Mr. LAGOMARSINO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LAGOMARSINO: Page 5, immediately after line 8, insert the following new subsection:

"(k) The President shall terminate assistance under this chapter if he determines that the Government of Nicaragua has engaged in violations of the right to organize and operate labor unions free from political oppression. In the event of such violations, the outstanding balance of any loans of funds authorized to be appropriated by this chapter to the Government of Nicaragua, or any of its agencies or instrumentalities, shall become immediately due and payable."

□ 1640

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Chairman, I rise in support of the amendment offered by the gentleman from California (Mr. LAGOMARSINO).

Mr. Chairman, one of the most disturbing aspects of the changing events in Nicaragua has been the effort of the new government to centralize control of that nation through the various arms of the Sandinista movement. In almost every aspect of life, Sandinista organizations have emerged to implement party doctrine and absorb adversary groups. The result of this action has been to reduce competing influences and strengthen central control of the country under the Sandinista directorate.

A major part of this effort has been directed at the free labor movement, where the Sandinistas have attempted to create a single united labor front under their complete control. Through the use of strong-arm tactics and a $560,000 grant from East Germany, the government has overseen the takeover of more than two-thirds of all unions by its Sandinista Confederation of Labor (CTS).

One of the free trade unions that has received much of the Sandinista's attention is an associated union with the AFL-CIO who had earned an impressive record in opposition to Somoza. Through their American Institute for Free Labor Development, the AFL-CIO has continued to provide support for the development of free unions and to protect their right to organize and operate in Nicaragua and throughout Latin America. Because of their belief that a government's attitude toward free unionism has historically been a test of its attitude toward democratic institutions and human rights in general, the AFL-CIO has endorsed the Lagomarsino amendment.

I too support the development of free unionism to encourage broad sector participation in the democratic process and urge my colleagues to support the amendment.

Mr. LAGOMARSINO. Mr. Chairman, the purpose of this amendment is to reflect the growing concern about the actions of the Sandinista regime in restricting the free labor movement in Nicaragua and seeking to impose a Sandinista-controlled union monopoly.

The Sandinistas have branded AFL-CIO associated unions as CIA counterrevolutionary puppets and imperialists, despite their long record in opposition to Somoza. The Government-sponsored Sandinista Confederation of Labor (CST) has used armed guards to intimidate workers and forcibly eject freely chosen non-Sandinista union representatives. Those strong-arm tactics, supported by a $560,000 grant from East Germany, have already resulted in the takeover of two-thirds of all unions by the CST.

Even before their takeover in Nicaragua, the Sandinistas used the labor movement as a tool to gain control of the country. The official Sandinista newspaper Barricada (FBIS September 14, 1979) reports that the Sandinista Workers Central (CST) in Chinandega was secretly organized long ago, not to form a union but to wage war. Now, brigade members and militiamen are in charge of the unions in the factories.

The independent trade unions have denounced a number of cases of missing persons, or imprisonment and of threats against their leaders. They have expressed concern over their leaders. They have expressed concern over the military's hostility toward non-Sandinista union leaders. They have rejected what they believe to be "the manipulation of the working class and the Sandinista Workers Central's (CST) efforts to impose a monopoly."

On the occasion of the 62d anniversary of the Bolshevik revolution, the Sandinista Workers Central joined with the Communist Party of Nicaragua and the Sandinista National Liberation Front, the political arm of the Sandanista movement to pay homage to the Soviet revolution. The Nicaraguan Deputy Foreign Minister, Alvaro Ramirez Gonzales, boldly called for the integration of all labor unions for the defense of the revolution. He stated that the solidification of socialism in Nicaragua based upon the principles of Marx and Engels was needed to put an end to the exploitation of man by man and declared that the triumph of the Bolshevik revolution "marked the first defeat of capitalism at the hands of the working and peasant classes."

After the news of the strong-arm tactic of the Sandinista unions began to spread throughout Nicaragua and abroad, the new government felt it was necessary to take steps to improve their image. In hand-delivered statements from their Embassy here in Washington, dated December 17, 1979, the Sandinistas sought to reassure our Government and the AFL-CIO of their full intent to protect the rights of unions to organize and operate. Yet on January 29, 1980, Junta Member Daniel Ortega stated (FBIS, January 31, 1980), that those independent unions who had raised their concern were "engaged in counterrevolutionary actions." He continued that—

> They are not interested in uniting the labor movement but in dividing it * * * they identify with the enemies of the working class and would like to create conditions that would make it possible for the imperialists * * * to intervene.

If the Sandinistas are truly interested in democracy and in working men and women having a voice through a democratic free labor movement, there should be no objection to this amendment. It merely recognizes the rights of all workers to organize, free of political oppression, and that the United States will support those nations that protect the principle.

In closing, I wish to draw your attention to a letter from the AFL-CIO to the Members of the House concerning this legislation. In that letter, dated Februray 20, 1980, although they support the bill, they express their support for this amendment and state that:

> In supporting this Amendment, the AFL-CIO not only expresses its commitment to encouraging free trade unionism throughout the world, but recognizes that a government's attitude toward free unionism has historically been a test of its attitude toward democratic institutions and human rights generally. The amendment would provide added incentive to the Nicaraguan government to pass that test.

I urge you to join me in support of this amendment and in support of free trade unionism.

The full text of the letter referred to is as follows:

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, D.C., February 20, 1980.

DEAR REPRESENTATIVE: The AFL-CIO supports enactment of the Special Central American Assistance Act of 1979, (H.R. 6081), which would provide $80 million in supplemental Fiscal Year 1980 economic assistance on an urgent basis for countries in Central America, with the aim of encouraging peaceful and democratic processes of development in that region. The bulk of the funds—$75 million—is earmarked for Nicaragua.

In keeping with the fundamental purpose of this legislation, however, we support an amendment which will be offered on the floor by Mr. Lagomarsino:

"The President shall terminate assistance under this chapter if he determines that the Government of Nicaragua has engaged in violations of the right to organize and operate labor unions free from political oppression. In the event of such violations, the outstanding balance of any loans to the Government of Nicaragua, or any of its agencies or instrumentalities, of funds authorized to be appropriated by this chapter shall become immediately due and payable."

In supporting this amendment, the AFL-CIO not only expresses its commitment to encouraging free trade unionism throughout the world, but recognizes that a government's attitude toward free unionism has historically been a test of its attitude toward democratic institutions and human rights generally. The amendment would provide added incentive to the Nicaraguan government to pass that test.

Sincerely,

RAY DENISON,
Director.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the distinguished chairman of the Committee on Foreign Affairs.

Mr. ZABLOCKI. I thank the gentleman for yielding.

Mr. Chairman, at the very outset I wish to commend the gentleman from California (Mr. LAGOMARSINO) for offering this amendment. I had advised the gentleman, after studying the amendment, that I would accept the amendment in principle. I would propose a friendly suggestion to the gentleman.

I do find a problem with the last sentence of the gentleman's amendment. I am sure the gentleman from California will agree that the aim of his amendment is to stop aid when free unionism is violated. That could be accomplished by just adopting the first sentence of the amendment. I believe the second half is unworkable, and I would hope that the gentleman would accept my suggestion. If the gentleman will drop the second sentence, we will accept the amendment.

The CHAIRMAN. The time of the gentleman from California (Mr. LAGOMARSINO) has expired.

(By unanimous consent, Mr. LAGOMARSINO was allowed to proceed for 2 additional minutes.)

Mr. LAGOMARSINO. Mr. Chairman, the problem with the chairman's suggestion is that it takes all of the teeth out of the amendment. We already have language in the bill, pursuant to an amendment that was adopted in the committee, that more or less does what the first sentence does. The second sentence, in my opinion, is the one that is necessary to carry out the intentions and to put teeth into this provision.

Mr. ZABLOCKI. If the gentleman will yield further. I would point out that the second half of the gentleman's amendment appears to be unworkable from a practical standpoint. For example it provides that if the President determines that there is no free labor movement, any outstanding loans to the Nicaraguan Government or any of its agencies or instrumentalities would be immediately due and payable. It would be difficult to institute and practice such a procedure. The amount of paperwork and legal work would be, I submit, just too much. I think it is a practical suggestion that the gentleman from Wisconsin is making regarding the amendment offered by the gentleman from California. I would like to support the gentleman's amendment but I will have to oppose it in its present form.

Mr. LAGOMARSINO. I thank the gentleman.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Illinois.

Mr. DERWINSKI. Mr. Chairman, is it not true that the gentleman's amendment, as he offered it, has the full endorsement of the AFL–CIO?

Mr. LAGOMARSINO. That is correct It has the full endorsement of the AFL–CIO just as it is printed in the RECORD.

AMENDMENT OFFERED BY MR. ZABLOCKI AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. LAGOMARSINO

Mr. ZABLOCKI. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. ZABLOCKI as a substitute for the amendment offered by Mr. LAGOMARSINO: Page 5, line 8, strike out the closing quotation marks and the second period; and immediately after line 8 insert the following:

"(k) The President shall terminate assistance to Nicaragua under this section if he determines that the Government of Nicaragua has engaged in a consistent pattern of violations of the right to organize and operate labor unions free from political oppression."

Mr. ZABLOCKI. Mr. Chairman, I propose this substitute because I am in basic agreement with the gentleman from California that we should support free labor unions. The substitute I propose will certainly encourage that type of development in Nicaragua. However, the second half of the gentleman's amendment, as I stated earlier, is unworkable and, therefore, I would hope that the Committee would adopt my substitute.

Mr. DERWINSKI. Mr. Chairman, I rise in support of the amendment offered by the gentleman from California (Mr. LAGOMARSINO).

Mr. Chairman, I will be very brief. I would like to point out that in dealing with a government such as now exists in Nicaragua—some of us having doubts about its legitimate interest in working with the United States—it would not hurt a bit to have the teeth contained in the second part of that amendment. I think the gentleman's amendment, if restricted in this fashion, would become meaningless, because the $75 million is to be authorized to be appropriated in fiscal year 1980. Unless we adopt the language of the gentleman from California in full, we will not have any practical way of utilizing pressure on the Government of Nicaragua to see that a free-trade labor movement is maintained. I think the amendment as drawn is the way the House should adopt it.

Mr. FASCELL. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the substitute and against the original amendment.

Mr. Chairman, I would like to examine the argument just made by the gentleman from Illinois for just 1 minute, if you will.

□ 1650

It is clear that the obvious intent of the principal amendment that is pending is to get the money back, and that is the enforcement power, terminate the amount; but the second sentence which the gentleman from California did not want taken out was the enforecment. It was the teeth. That is what he said.

What he wants to do is to make the loan due and payable immediately and get the money back in order to force the "government" to do something about free labor unions.

Let us examine how that is.

The money under this bill is going to try to help the private enterprise sector, 60 percent of it. If it goes the way it is supposed to go in this bill, and I am convinced that it will, the money will wind up as a loan to a local businessman.

Under the amendment of the gentleman from California, he would immediately make that loan due and payable. He would destroy everything that we are trying to do under the bill, put absolutely no pressure on the Government and would not help the labor unions either.

I think the only sensible thing to do is to vote for the substitute.

Mr. BAUMAN. Mr. Chairman, I rise in support of the Lagomarsino amendment.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Illinois.

Mr. DERWINSKI. I thank the gentleman for yielding.

While the brilliant debating tactics of the gentleman from Florida are still on my mind, I would like to commend the gentleman, because representing as he does the State where Disneyworld is located, he uses the same imagination as they do in developing their exhibits. The facts are that this loan is a loan to the Government of Nicaragua. They remain indebted to us.

In turn, if they pass it out to their citizens, that is a secondary factor, but the Lagomarsino amendment would not interfere with the funds as held by individuals if they ever reach there. They would, however, be the necessary discipline by which we will protect the free labor union movement.

I am sure of all of the things the Members in this House want to do is to protect the sanctity of the labor union movement in Nicaragua.

Mr. BAUMAN. Mr. Chairman, I am quite sure that is why the AFL–CIO in a letter addressed to all of us, dated February 20, endorsed not the gentleman from Wisconsin's belated amendment, but the amendment of the gentleman from California.

I think we have to understand what is happening here. It is an old tactic in this House, a time-honored one and perfectly honorable; whenever we have a proposition that is of some political appeal and importance, the opposition will try to water it down so that the amendment will not have any real impact, and we can still say we are voting for the principle involved.

The principle involved in the amendment of the gentleman from California is the right of the people of Nicaragua, whom we are supposed to be helping, I have to remind myself, under this bill, to organize free and independent unions away from political pressure from the Government. He attached to that a perfectly reasonable requirement that if, in fact, they interfere with the right to organize unions, the loan will mature and have to be paid back.

Otherwise, under the amendment of the gentleman from Wisconsin, they keep the money even if they are in violation. The President terminates what? There is nothing to terminate. The money has already been given.

Let me also refer to one other point. The history in the 7 months of the Sandinista control of Nicaragua is the destruction of free labor unions. It is admitted by our State Department that two-thirds of the existing free labor unions have been taken over and brought under the control of a Sandinista Central Labor Union.

I talked with Joe Bermudas, one of the officials of an international labor foundation from Washington, who works in Latin America. I spent an hour with him. He admitted that armed Sandinistas came in and ousted elected union officials and took over the locals. The figure given by our Government is that two-thirds of all of the union activity is now controlled by the Central Government, just as in the Cuban model.

I have some question under either of the two amendments proposed whether or not the Government in Nicaragua is already in violation, but the least we can do is force the President to address the question of whether free unions can and do exist in Nicaragua. If we adopt the Zablocki amendment, nothing will be done. The President need not determine anything, and nothing happens if he makes a determination.

I appeal, if we have any real support, for the free labor movement in this country and freedom in general, to support the Lagomarsino amendment and to oppose the substitute.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from California.

Mr. LAGOMARSINO. I thank the gentleman for yielding.

I think one thing we have to keep in mind with this whole bill is it is a rather unique bill. This loan is made all at one time. A check for $75 million is written. We lose control at that point. So the only way that we really can keep a string on the government, the Nicaraguan Government, with regard to the treatment of labor unions or anybody else or any other cause that we feel is worthy of this kind of attention is by some kind of a repayment provision.

As the gentleman from Illinois pointed out, then if we do recall the thing and the money is due and payable and if they pay it, then that is another question as to how they treat loans they have in turn made.

One other thing, too: The chairman of the committee said he wanted to remove the second phase of my amendment, the second sentence. However, he made a change in the first sentence as well, too.

He refers to a consistent violation of the right to organize and operate unions, whereas ours only talked about a violation of the right to organize and operate labor unions, so I would hope that the House would vote down the substitute and vote for my amendment.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Illinois.

Mr. HYDE. I thank the gentleman for yielding.

It would seem to me if this amendment is adopted, all the objections to the entire legislation would fall, because if free labor unions can exist down there, you have the greatest antithesis to a Communist police state, and so if this amendment is adopted, I wonder whether the gentleman would vote for the legislation.

Mr. BAUMAN. I cannot speak for the gentleman, but I can speak for myself. I do not think that free unions exist there now, so I think the amendment is somewhat academic, but at least it would force the President to make the determination so that presumably all the world would know the truth.

Mr. PEASE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I commend my colleague from California, Congressman LAGOMARSINO, for this amendment which underscores the importance of safeguards for free and independent trade unions in any free and open society. I wholeheartedly agree that the trade union movements in America and in many other nations do play a critical role in promoting economic justice.

At the same time, I wonder if the same standard that we would apply to Nicaragua through this amendment should be applied generally to countries that receive U.S. aid. For example, in recent months I have become very familiar with well-documented reports by reputable organizations including the Interfaith Center for Corporate Responsibility, Amnesty International, and the International Commission of Jurists pertaining to very serious allegations of egregious labor abuses in the operations of a Coca-Cola bottler in Guatemala.

I am in possession of substantial documentation bearing out that for more than 4 years the workers at the Coca-Cola Embottelladora Guatemalteca franchise have been subjected to a ruthless campaign of intimidation and terror orchestrated evidently by the plant management and its American owner, John Clinton Trotter. It is no secret that Trotter has refused to negotiate in good faith with local union officials. Union officials have been assassinated and their successors have been constantly harassed with death threats against themselves and their families. Fear has swept through the ranks of the workers as Guatemalan troops and military police have been deployed within the plant itself. Trotter allegedly has been so brazen as to hire Guatemalan army lieutenants as personnel supervisors to command armed guards who patrol the premises.

I have written to President Carter and to the executives of the Coca-Cola Co. in hopes of persuading them to initiate a serious, objective investigation of the deplorable human rights violations and labor abuses occurring at the Coca-Cola franchise in Guatemala. My efforts have fallen largely on deaf ears as the violence and repression at the Coca-Cola franchise have continued. To bear this out, I would like to insert in the RECORD at this point a copy of the letter I sent to Coke executives and the reply I recently received.

The point I am making is that the Lagomarsino amendment is a worthwhile initiative. But we dare not be hypocritical in its application. This is not the bill, but I hope my colleagues and this House will support constructive attempts in the future to broaden the focus of this amendment to fight repression against trade unions in many other countries like Guatemala which are recipients of U.S. aid.

HOUSE OF REPRESENTATIVES,
Washington, D.C., January 2, 1980.

Mr. J. P. AUSTIN,
Chairman of the Board,
Coca Cola Co.,
Atlanta, Ga.

DEAR MR. AUSTIN: Last September I wrote to President Carter underscoring my concern over disturbing reports and allegations of egregious labor abuses and the operations of a Coca Cola franchise bottler in Guatemala, which is owned and managed by an American named John Clinton Trotter. Since that time, I have had further correspondence with President Carter (copies enclosed) on the situation at the Coca Cola Embottelladora Guatemalteca Franchise. My purpose in writing you is to seek clarification and further explanation of information in the last response I received from the White House.

I, and many other Americans, interested in encouraging respect for basic human rights at home and abroad, are heartened by the willingness of the Coca Cola Company to look into conditions and labor-management relations at the Embottelladora Guatemalteca Franchise. In order to better understand the current situation, I am seeking more detailed, candid answers to the following questions:

(1) The December 5th letter from the White House states that the State Department last June and July was in contact "with the highest levels of Coca Cola headquarters in Atlanta to express concern about the violence at the Coca Cola franchise in Guatemala". Can you tell me who at the State Department initiated these contacts and with whom they discussed the matter in corporate offices in Atlanta?

(2) Is it true, that in the course of conducting your own inquiry into the deaths of two local union leaders and allegations of other violence and labor abuses at the Embottelladora Guatemalteca Franchise, that your company's investigators did not interview or talk with John Clinton Trotter, the owner of the bottler and one of the principal parties involved? Nor did your company's investigators interview or talk with church investors associated with the Inter-Faith Center for Corporate Responsibility, who are among the most knowledgeable, primary sources of information about what has happened at the bottler in recent months and years? If not, why not?

(3) The December 5th letter from the White House goes on to state, "that the Atlanta office of Coca Cola recently ordered the local firm there to sell its franchise". What exactly is meant by this statement?

(4) The statement cited in question No. 3 suggests that the Coca Cola company does have the right and power to take direct, decisive action to stop the violence at the franchise bottler, to curtail the labor abuses that have allegedly been occurring for some time, and to even compel change in the ownership and/or management of the franchise bottler. Is this the case? And, has the Coca Cola Company taken any action along these lines?

(5) The December 5th reply from the White House reports that "the Guatemalan government seems intent on moving against the franchiser" and that, "the government is about to appoint an official supervisor to oversee factory operations on behalf of the government". Do you have any knowledge that would shed some light on these statements and that would more fully explain their meaning as to what actions the Guatemalan government has taken or may be considering pursuing against the Coca Cola Company in Guatemala and/or the franchise bottler in question?

(6) Finally, is there any truth to reports that the management of the Embottelladora Guatemalteca Franchise Bottler through its operatives issued death threats against the executive council of the union as late as December 13, 1979?

Your company is to be commended for showing increased interest in getting to the bottom of what is happening at the Coca Cola Embottelladora Guatemalteca Franchise. I look forward to receiving your responses to the questions I have posed. Hopefully, you can provide additional information that will offer greater assurances of positive movement toward the resolution of this important human rights problem of growing concern to many Americans and Guatemalans.

Sincerely yours,

DON J. PEASE,
Member of Congress.

THE COCA-COLA CO.,
Atlanta, Ga., February 5, 1980.

Hon. DON J. PEASE,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN PEASE: Paul Austin has asked me to respond to your letter of January 2, 1980 regarding Guatemala.

Before answering the specific questions that you have raised, I think it is important to put this whole matter in context so that you understand the nature of The Coca-Cola Company's interests and responsibilities.

FRANCHISING AGREEMENTS

Let me first clearly place one very important fact on the record: none of the workers in Guatemala are employed by The Coca-Cola Company. They are, instead, employed by an independent franchisee of The Coca-Cola Company, Embottelladora Guatemalteca SA, which is a Guatemalan corporation.

The Guatemalan corporation is one of 800 independent franchises in more than 135 countries around the world. In doing substantial business overseas, The Coca-Cola Company, like many other American corporations, has chosen to use the franchising mechanism. The Coca-Cola Company provides the independent franchisers with, among other things, the Coca-Cola concentrate, the trademark, and technical advice on such matters as marketing and quality control. The independent franchisee customarily provides capital, local management, and local labor in converting the syrup into soft drinks and then selling the bottled product.

The choice of the independent franchise as the dominant method of doing business overseas is based on sound economic and social policy. From the Company's perspective, it allows the marketing of basic Coca-Cola products in highly diverse business environments. Precisely because responsibility for operations in foreign nations is in a locally incorporated and independently-owned business entity, the franchise arrangement creates a substantial degree of stability and flexibility in overseas operations. From the perspective of the foreign country and the foreign-based bottler, the independent franchise stimulates foreign economies, helps create local managerial talent and generates local capital and profits.

Under its franchise contracts, The Coca-Cola Company seeks to ensure that the franchisee is following certain requirements that relate to the trademark, product quality, and marketing of the product. Virtually all other aspects of the franchisee's business are governed by the laws of the particular country. It is the responsibility of the franchisee to conduct business under those laws, including statutes regulating labor relations. It is the long-standing practice of The Coca-Cola Company based on years of its own international experience and the international experience of other American companies, to let independent foreign management and local labor work out their arrangements under the laws of the particular nation, rather than seeking to impose a uniform labor relations policy on extraordinarily diverse foreign settings.

With respect to workers who have a direct employment relationship with The Coca-Cola Company itself, i.e., those who work in our Divisions or for wholly-owned subsidiaries, the Company recognizes the right of employees to bargain collectively under the applicable laws.

THE INVESTIGATION

The Coca-Cola Company has been informed—by the Sisters of Providence and by others—of violence directed at union members of Embottelladora Guatemalteca. There is no question that there has been violence. However, the person or persons responsible for the violence are unknown.

It is important to understand that the duly constituted legal authorities in Guatemala have neither brought charges nor obtained conviction with respect to the acts of violence.

Nonetheless, The Coca-Cola Company has been deeply concerned about allegations that the independent franchisee, or its agents, were responsible for the violence. If true, such actions would, of course, be an entirely different matter than the normal give and take of labor relations in overseas operations conducted by independent franchisees. Following a discussion of these allegations at the annual Stockholders Meeting held on May 7, 1979, Mr. Austin directed that The Coca-Cola Company conduct an investigation into the violence.

This voluntary investigation was limited by obvious constraints: The Coca-Cola Company is not an official law enforcement agency and it cannot compel testimony under oath or gather evidence pursuant to subpoena power.

The result of the investigation was that The Coca-Cola Company could not establish, according to reasonable standards of proof, that the allegations were correct. Those who were the subject of the allegations, in essence, denied the charges, and no facts were brought forward by individuals that would establish the truth of the allegations. We will continue to monitor the situation.

ISSUES IN THE LETTER OF JANUARY 2, 1980

With these thoughts as background, let me now turn to the specific issues that you have raised.

(1) *State Department Contracts:* In June, 1979, Mr. Richard Booth, Regional Labor Advisor for Latin America in the Bureau of International American Affairs, Department of State, contacted The Coca-Cola Company about violent incidents affecting workers employed by the independent franchisee in Guatemala City. Mr. Booth was referred to Mr. Leo Conroy, Vice President and Director of Corporate Security, with whom he discussed the matter. Mr. Booth again talked with Mr. Conroy in July, 1979, regarding The Coca-Cola Company's Guatemalan investigation.

(2) *Scope of the Company's Inquiry:* As part of its investigation in four countries, The Coca-Cola Company did, in fact, interview church investors associated with the Interfaith Center for Corporate Responsibility. Among those who have been active in the Center's work and who were interviewed were: Father Charles Dahm, Sister Dorothy Gartland, Sister Ann Ozog, Father Ray Jackson and Mr. Richard Ullrich. Others interviewed included: Mr. Israel Marquez, a former union leader at Embottelladora Guatemalteca, and Mr. Jorge Torres, a former union lawyer in Guatemala. Mr. Trotter was not interviewed by Leo Conroy of his staff. However, other Company officials have spoken to Mr. Trotter on numerous occasions and he has denied responsibility for the violence surrounding Embottelladora Guatemalteca.

(3) *State of the Franchise Agreement:* We do not know the source of the referenced statement respecting "an order" to sell the franchise. However, you may be interested to know that the Company has stated that it will not renew its franchise contract with Embottelladora Guatemalteca when that agreement expires in September, 1981.

(4) *Remedies Under the Franchise Agreement:* As discussed above, labor-management relations are to be determined by the independent franchisee, the workers employed by the franchise and the laws of Guatemala, and they are not part of the franchise agreement between The Coca-Cola Company and the franchisee.

Obviously, with respect to acts of violence directed at workers at Embottelladora Guatemalteca that would violate Guatemala's criminal code, the responsibility for "taking direct, decisive action" to stop the violence must rest with duly constituted law enforcement officials. The Coca-Cola Company has publicly expressed its deep concern about the violence and directly to the management of Embottelladora Guatemalteca. As noted, the Company's own investigation has proof, that the independent franchisee or its agents is connected with that violence.

(5) *Actions of the Guatemalan Government:* We are not aware of any actions by the Guatemalan government arising from the violent incidents, that involve "moving against" the franchisee or appointing an "official supervisor to oversee factory operations on behalf of the government." We are aware of a local tax dispute between the Guatemalan government and Embottelladora Guatemalteca. So far as we know, that dispute is in no way related to the event which prompted your letter.

(6) *Other Incidents:* As of this writing, we are not aware of death threats made in December, 1979, against the Executive Council of the union at Embottelladora Guatemalteca. This allegation has been denied.

We share your profound concern about the violence directed at union workers in Guatemala.

Sincerely,

GARTH HAMBY.

□ 1700

Mr. HARKIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I was looking for the chairman of the committee to ask the gentleman to yield for a question.

I am wondering if the proponent of the initial amendment, the gentleman from California, would yield for a question, perhaps.

Mr. Chairman, could the gentleman from California tell me what other countries to whom we give aid have these provisions apply to them, by either economic aid or military aid.

Mr. LAGOMARSINO. Probably none at all and I think it might be a good idea to start putting this in, especially when we for the first time that I am aware of are asked to give aid to a Communist country.

Mr. HARKIN. So the gentleman from California then being consistent, that if this amendment would apply to every other country to which we give aid, either economic or military, that the gentleman from California would support it?

Mr. LAGOMARSINO. I think it would depend on each situation.

Mr. HARKIN. Well, no, now, wait a minute. Using the gentleman's exact same language, would the gentleman support this aid to any other country?

Mr. LAGOMARSINO. I would certainly require or vote for an amendment that would require this in any case where we are asked to give aid to a Communist country.

Mr. HARKIN. But not to any other country, if it was a rightwing dictatorship that was suppressing free labor unions, the gentleman would not support this amendment; is that correct?

Mr. LAGOMARSINO. I might or I might not. I might apply the same double standard that the gentleman applies.

Mr. HARKIN. I see. I understand what it is all about now. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. ZABLOCKI) as a substitute for the amendment offered by the gentleman from California (Mr. LAGOMARSINO).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LAGOMARSINO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 202, noes 164, not voting 67, as follows:

[Roll No. 73]

AYES—202

Akaka
Albosta
Ambro
Anderson, Calif.
Andrews, N.C.
Annunzio
Applegate
Ashley
Aspin
Bailey
Baldus
Barnes
Beard, R.I.
Bedell
Beilenson
Bevill
Bingham
Blanchard
Boland
Bolling
Bonior
Bonker
Bowen
Brademas
Brooks
Buchanan
Burlison
Burton, John
Burton, Phillip
Byron
Carr
Cavanaugh
Coelho
Collins, Ill.
Conyers
Corman
Cotter
D'Amours
Danielson
Daschle
de la Garza
Dellums
Derrick
Dicks
Diggs
Dixon
Donnelly
Downey
Drinan
Eckhardt
Edwards, Calif.
English
Ertel
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Fowler
Frost
Fuqua
Garcia
Gaydos
Gephardt
Gibbons
Ginn
Glickman
Gonzalez
Gore
Gray
Green
Guarini
Hall, Ohio
Hamilton
Hance
Hanley
Harkin
Harris
Hawkins
Heckler
Hightower
Hollenbeck
Howard
Hubbard
Hughes
Ireland
Johnson, Calif.
Jones, Okla.
Kastenmeier
Kildee
Kogovsek
Kostmayer
LaFalce
Leach, Iowa
Lederer
Lehman
Leland
Levitas
Lloyd
Long, La.
Lowry
Luken
Lundine
McHugh
Maguire
Markey
Marks
Matsui
Mattox
Mavroules
Mazzoli
Mica
Mikulski
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Moakley
Moorhead, Pa.
Murphy, Pa.
Murtha
Natcher
Neal
Nedzi
Nelson
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pease
Perkins
Petri
Peyser
Pickle
Preyer
Price
Pritchard
Quayle
Rangel
Reuss
Rinaldo
Roberts
Roe
Rosenthal
Rostenkowski
Roybal
Russo
Sabo
Scheuer
Schroeder
Seiberling
Shannon
Sharp
Simon
Skelton
Slack
Smith, Iowa
Solarz
Spellman
St Germain
Stack
Stark
Steed
Stokes
Studds
Swift
Synar
Traxler
Udall
Ullman
Van Deerlin
Vento
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
Williams, Mont.
Wilson, C. H.
Wilson, Tex.
Wirth
Wolff
Wolpe
Wright
Yates
Yatron
Young, Mo.
Zablocki

NOES—164

Abdnor
Andrews, N. Dak.
Archer
Atkinson
AuCoin
Bafalis
Barnard
Bauman
Benjamin
Bennett
Bereuter
Bethune
Boner
Bouquard
Breaux
Brinkley
Broomfield
Brown, Ohio
Broyhill
Butler
Campbell
Carney
Carter
Chappell
Cheney
Clausen
Clay
Clinger
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Coughlin
Courter
Daniel, Dan
Daniel, R. W.
Davis, Mich.
Derwinski
Dickinson
Duncan, Tenn.
Early
Edwards, Ala.
Emery
Erdahl
Erlenborn
Evans, Del.
Findley
Fish
Forsythe
Fountain
Frenzel
Gilman
Gingrich
Goldwater
Gradison
Gramm
Grassley
Grisham
Gudger
Guyer
Hagedorn
Hall, Tex.
Hammerschmidt
Hansen
Harsha
Hefner
Hillis
Hinson
Holland
Holt
Hopkins
Horton
Huckaby
Hutto
Hyde
Ichord
Jacobs
Jeffries
Jenkins
Jenrette
Jones, N.C.
Jones, Tenn.
Kelly
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leach, La.
Leath, Tex.
Lee
Lent
Livingston
Loeffler
Long, Md.
Lott
Lujan
McClory
McDade
McDonald
McKinney
Madigan
Marlenee
Marriott
Michel
Miller, Ohio
Mitchell, N.Y.
Montgomery
Moorhead, Calif.
Mottl
Myers, Ind.
Nichols
O'Brien
Pashayan
Paul
Porter
Pursell
Quillen
Railsback
Regula
Rhodes
Ritter
Robinson
Roth
Rousselot
Royer
Rudd
Runnels
Satterfield
Sawyer
Schulze
Sebelius
Sensenbrenner
Shelby
Shuster
Smith, Nebr.
Snowe
Snyder
Solomon
Spence
Stangeland
Stanton
Stenholm
Stockman
Stratton
Stump
Symms
Tauke
Taylor
Thomas
Trible
Vander Jagt
Wampler
White
Whitehurst
Whitley
Whittaker
Whitten
Winn
Wyatt
Wylie
Young, Alaska
Young, Fla.

NOT VOTING—67

Addabbo
Alexander
Anderson, Ill.
Anthony
Ashbrook
Badham
Beard, Tenn.
Biaggi
Boggs
Brodhead
Brown, Calif.
Burgener
Chisholm
Cleveland
Crane, Daniel
Crane, Philip
Dannemeyer
Davis, S.C.
Deckard
Devine
Dingell
Dodd
Dornan
Dougherty
Duncan, Oreg.
Edgar
Edwards, Okla.
Giaimo
Goodling
Heftel
Holtzman
Jeffords
Johnson, Colo.
Kazen
Lewis
Lungren
McCloskey
McCormack
McEwen
McKay
Martin
Mathis
Moffett
Mollohan
Moore
Murphy, Ill.
Murphy, N.Y.
Myers, Pa.
Nolan
Pepper
Rahall
Ratchford
Richmond
Rodino
Rose
Santini
Shumway
Staggers
Stewart
Thompson
Treen
Vanik
Walker
Williams, Ohio
Wilson, Bob
Wydler
Zeferetti

□ 1710

The Clerk announced the following pairs:

On this vote:

Mr. Anthony for, with Mr. Deckard against.

Mr. Rahall for, with Mr. Ashbrook against.

Mr. Pepper for, with Mr. Daniel B. Crane against.

Mr. Rodino for, with Mr. Philip M. Crane against.

Mr. Staggers for, with Mr. Wydler against.

Mr. Myers of Pennsylvania for, with Mr. Dannemeyer against.

Mrs. Boggs for, with Mr. Burgener against.

Mr. Addabbo for, with Mr. Beard of Tennessee against.

Mr. McCormack for, with Mr. Badham against.

Mr. HORTON and Mr. HUTTO changed their votes from "aye" to "no."

Mr. ENGLISH and Mr. MARKS changed their votes from "no" to "aye."

So the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BAUMAN

Mr. BAUMAN. Mr. Chairman, I offer a perfecting amendment.

The CHAIRMAN. Is the perfecting amendment to the original amendment?

Mr. BAUMAN. It is to the amendment as substituted by the gentleman from Wisconsin. I understood the gentleman offered a substitute.

The CHAIRMAN. The substitute has been adopted and is no longer amendable.

Mr. BAUMAN. Are perfecting amendments no longer in order to the amendment?

The CHAIRMAN. Not after the substitute has been ordered, the Chair will advise the gentleman.

Mr. BAUMAN. The gentleman was under the impression that a perfecting amendment could still be offered.

□ 1720

The CHAIRMAN. The Chair will have to examine the gentleman's amendment.

Is the gentleman's amendment a perfecting amendment to the original amendment?

Mr. BAUMAN. Yes, it is, Mr. Chairman.

The CHAIRMAN. The substitute has been agreed to and, consequently, perfecting amendments to the original amendment are not now in order.

Mr. BAUMAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

Mr. BAUMAN. Would the permission of the House be required for that——

The CHAIRMAN. The chair does not generally recognize Members to strike the last word between the voting on the substitute——

Mr. BAUMAN. The gentleman withdraws his request in that case.

The question is on the amendment offered by the gentleman from California (Mr. LAGOMARSINO), as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BAUMAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 353, noes 12, not voting 68, as follows:

[Roll No. 74]

AYES—353

Akaka
Albosta
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Applegate
Archer
Ashley
Aspin
Atkinson
AuCoin
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman

Beard, R.I.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Bingham
Blanchard
Boland
Bolling
Boner
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Ohio
Broyhill
Buchanan
Burlison
Burton, John
Burton, Phillip
Butler
Byron
Campbell
Carney
Carr
Carter
Chappell
Cheney
Clausen
Clay
Clinger
Coelho
Coleman
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Corcoran
Corman
Cotter
Coughlin
Courter
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Daschle
Davis, Mich.
de la Garza
Deckard
Dellums
Derrick
Derwinski
Dickinson
Dicks
Diggs
Dingell
Dixon
Donnelly
Downey
Drinan
Duncan, Tenn.
Early
Eckhardt
Edwards, Ala.
Edwards, Calif.
Emery
English
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Forsythe
Fountain
Fowler
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hansen
Harkin
Harris
Harsha
Hawkins
Heckler
Hefner
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ichord
Ireland
Jacobs
Jenkins
Jenrette
Johnson, Calif.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kelly
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lederer
Lee
Lehman
Leland
Lent
Levitas
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lujan
Luken
Lundine
McClory
McDade
McDonald
McHugh
McKinney
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Mottl
Murphy, Pa.
Murtha
Myers, Ind.
Natcher
Neal
Nedzi
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Panetta
Pashayan
Patten
Patterson
Paul
Pease
Perkins
Petri
Peyser
Pickle
Porter
Preyer
Price
Pritchard
Pursell
Quayle
Quillen
Railsback
Rangel
Regula
Reuss
Rhodes
Rinaldo
Ritter
Roberts
Robinson
Roe
Rosenthal
Rostenkowski
Roth
Rousselot
Roybal
Royer
Rudd
Runnels
Russo
Sabo
Satterfield
Sawyer
Scheuer
Schroeder
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shuster
Simon
Skelton
Slack
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solomon
Spellman
Spence
St Germain
Stack
Stark
Steed
Stenholm
Stockman
Stokes
Stratton
Stump
Swift
Symms
Synar
Tauke
Taylor
Thomas
Traxler
Trible
Udall
Ullman
Van Deerlin
Vander Jagt
Vento
Volkmer
Walgren
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont
Wilson, C. H.
Wilson, Tex
Winn
Wirth
Wolff
Wolpe
Wright
Wyatt
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Zablocki

NOES—12

Abdnor
Bonior
Cavanaugh
Jeffries
Leach, La.
Lowry
Ottinger
Schulze
Solarz
Stangeland
Stanton
Studds

NOT VOTING—68

Addabbo
Alexander
Anderson, Ill.
Anthony
Ashbrook
Badham
Beard, Tenn.
Biaggi
Boggs
Brown, Calif.
Burgener
Chisholm
Cleveland
Crane, Daniel
Crane, Philip
Dannemeyer
Davis, S.C.
Devine
Dodd
Dornan
Dougherty
Duncan, Oreg
Edgar
Edwards, Okla.
Erdahl
Ford, Tenn.
Giaimo
Goodling
Hanley
Heftel
Holtzman
Jeffords
Johnson, Colo.
Jones, Okla.
Kazen
Lewis
Lungren
McCloskey
McCormack
McEwen
McKay
Martin
Mathis
Moffett
Moore
Murphy, Ill
Murphy, N.Y.
Myers, Pa.
Nolan
Pepper
Rahall
Ratchford
Richmond
Rodino
Rose
Santini
Sebelius
Shumway
Staggers
Stewart
Thompson
Treen
Vanik
Walker
Williams, Ohio
Wilson, Bob
Wydler
Zeferetti

□ 1730

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

Mr. DERWINSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have a very devastating critique of this bill, and in view of the patience the Members have shown today I will ask unanimous consent to revise and extend my remarks. I will put this great masterpiece in the RECORD. The Members can read it tomorrow and then follow my leadership the rest of tomorrow afternoon.

Mr. Chairman, the announced purpose of this legislation is to neutralize the anti-American attitudes of the Nicaraguan Government leadership. Nicaragua has always generated plenty of private capital and credit. Now the United States is being asked to provide the credit that the Sandinistas cannot get due to their Marxist ideology.

Let us call this bill what it really is—a political "donation" by the largest political action committee in this country, the Department of State, to a Marxist "Junta" it is trying to appease.

Members should be alert to the fact that in the recent vote before the United Nations, "demanding the withdrawal of foreign forces" from Afghanistan, Nicaragua abstained. Although the resolution neglected to name the country whose forces should be withdrawn, the Nicaraguan Government explained its abstention by saying that "the partiality of the resolution is not conducive to a solution," whatever that means.

The seven "conditions" which Nicaragua cited as jeopardizing world peace included the Iranian conflict, U.S. naval maneuvers in the area, the danger of possible increases in arms shipments to Pakistan, and the postponement of the signing (ratification) of the SALT II treaty. Three of the barbs were thus aimed at the United States—these "conditions," after all, were U.S. responses to the Soviet invasion. Under its previous administration, Nicaragua voted with us in the United Nations.

Is it likely that the Nicaraguan Marxists will side with the democracy for $75 million from us when it was the Cuban Communist dictatorship which helped them win their revolution and without whom they would not have won?

Nicaragua is the first domino in Central America. Other dominos, of course, are El Salvador and Guatemala. Honduras could then be next. We have only to read the recent worried words of the President of Costa Rica to realize that that country, with whose help the Sandinistas and Cubans seized Nicaragua, is itself threatened by the currents of Cuban revolutionary subversion. Panama and Mexico are ultimately threatened.

Does it make sense to invest billions in Southwest Asia, the Indian Ocean, and the Persian Gulf area in response to the Soviet invasion of Afghanistan and turn around and support the Government of Nicaragua which is rapidly becoming a Soviet state? We will be voting money for Pakistan and Oman, Kenya and Somalia for base rights, and there will be an increase in the overall military budget to resist Soviet expansion. In the face of these efforts, does it make sense to finance a Cuban-supported Nicaraguan government which may be targeted against El Salvador, Honduras, and Guatemala?

● Mr. DANNEMEYER. Mr. Chairman, it is with a sense of déjà vu that I feel compelled to question the wisdom of providing some $75 million in economic assistance to Sandinista Nicaragua with so few strings, or conditions, attached. Have we not forgotten our experience with Fidelismo in Cuba, our treatment at the hands of the revolutionaries in Iran, and the recent Soviet invasion of Afghanistan? Or is it that we have paid insufficient attention to the history of the Sandinista movement in Nicaragua, the political leanings of the people running the Government there, or the fact that many of the leaders of the junta have been trained in Cuba and owe Castro, the Communist movement, and the Soviet Union far more than a bit of economic aid could ever hope to offset? When will we ever learn that it takes two sides to cement a commitment to human rights and that money alone is not a sufficient adhesive. At best, trying to buy the cooperation of those who have longstanding political and/or ideological ties to the Communist world will be viewed with bemusement; at worst, it will be used to promote objectives very much at odds with our own.

I cannot help but remember that, when Castro came to power in Cuba, a lot of people thought, if we were just nice to him, he would not only promote freedom and democracy in Cuba but would be friendly to us as well. Instead, he expropriated our property, imposed a regime far more repressive than that of Fulgencio Batista, and soon began exporting revolution to the rest of the hemisphere. Castro is still in the business of exporting revolution; the only difference in recent years is that he has expanded his theater of operations.

The same sort of thing happened in Iran. As with Castro, many Americans—and it would appear the administration—came to believe that, if we treated him nicely (by encouraging the Shah to leave), Khomeini would not only end the human rights abuses of the Shah but would be favorable to us as well. But, just like Castro, Khomeini's revolutionary councils began lining people up against the wall and shooting them, to say nothing of permitting our Embassy personnel to be taken hostage by so-called students. Like it or not, nothing is likely to overcome, in the ayatollah's mind, the memory of 1953 or his 15 years of exile, any more than Castro was likely to forget the Moncada Barracks or the Sandinistas are likely to forget either their historical roots or their longstanding fight with the Somoza family.

In this context, it should be remembered that Augusto Sandino fought the U.S. Marines for 6 years in Nicaragua in the late 1920's and early 1930's. As a result, those who claim to follow in his footsteps, or look to his memory for guidance, are not likely to be any more predisposed to go along with the United States than they were to cooperate with Somoza, whom they abhorred. With our past support of Somoza, it is unlikely that anything we could do now will eradicate those feelings. The only question really is—are the Sandinistas sufficiently in control of the new Nicaraguan Government, or are enough other people involved, people who might be amenable to a good working relationship with the United States, that our aid might be reciprocated, or at least used for some purpose not at odds with our hopes for a free and friendly Central America?

One hopes that there are enough independent thinking anti-Marxist people in the new Government to keep Nicaragua from going the way of Cuba, but the makeup of the Government announced in December does not give those hopes much support. Of the 18 ministers announced at that time, at least four had been trained in Cuba and those four are in positions—interior, defense, planning, and agrarian development—which will enable them to exert a great deal of control over the country. Realistically speaking, if it comes down to push and shove, the Sandinistas have the levers of power that will enable them to do the pushing and shoving and we must recognize that.

Accordingly, I would urge Members to reject this aid to Nicaragua altogether. At the very least, the amount of aid should be scaled down, it should be conditioned on the holding of free elections and it should be channeled to the private sector and to the people, not to the Sandinistas who will take credit for it and use it to build up their own position—and perhaps that of similar movements in El Salvador and elsewhere. To do any less than that would not only be a disservice to the taxpayer but would be inimical to the best interests of the United States.●

● Mr. CONYERS. Mr. Chairman, H.R. 6081, special assistance to Central American and Caribbean nations, including aid to Nicaragua, is a subject of extreme significance. At this very time the nations of the world are embarking on a headlong plunge into defense mobilization and military spending. A major brake on the arms race—the Salt II treaty—is stalled and may never recover. Just a week ago, the Willy Brandt International Commission on North-South issues concluded that the greatest danger to the world is the vast inequalities among nations, and the turmoil and convulsions that are taking place in societies struggling for their very survival. It is in this context and also in the shadow of the current militarization of world politics that I urge my colleagues to support the supplemental assistance.

The subject before us, however, is rooted in an alternative world view, one of hope, rather than despair, peace rather than war, people-to-people assistance rather than the gathering storm of global armed conflict. The 18-month-long popular revolution against the Somoza dictatorship left Nicaragua devastated—I have seen estimates of 200,000 families left homeless, 100,000 persons wounded, one-third of the population dependent on emergency food. Total damage to its economy reach a staggering $1.8 billion. The new Government is struggling against great odds to rebuild the country, educate a largely illiterate population, and provide jobs to a ravaged people.

Approval of economic and humanitarian assistance to the people of Nicaragua would be a hopeful, constructive step in aiding the country in its time of great need. It would also signal the world that America stands for international development, the building of strong social and economic foundations in less-developed nations, without which peace and freedom cannot exist.●

● Mr. WEISS. Mr. Chairman, I firmly support the Special Central American Assistance Act of 1979 which would provide Nicaragua with $75 million in aid and Honduras with $5 million and, in the process, help to achieve political and economic stability in those countries and in the entire Latin American community.

The United States has been involved with Nicaragua since the beginning of this century. Some of our unhappier contributions to Nicaragua have been our training in 1927 of a military force which was the predecessor of the infamous National Guard under General Somoza; our financial assistance of more than $30 million since 1950, which was used predominantly for military expansion; and a vast assortment of fairly sophisticated air and arms supplies which were manufactured in the United States, delivered to Nicaragua during the last 5 years and used to maintain General Somoza's repressive regime.

Internal strife within Nicaragua culminated in an 18-month civil war that devastated this small country's industrial and agricultural production. I believe that, given the tainted history of U.S. support of a Nicaraguan Government rife with human rights violations, we are today morally obligated to make a significant contribution to strengthening the new Nicaraguan Government.

U.S. financial support, and the political and psychological support that are symbolized by our actual monetary contribution, can play a significant, if not pivotal, role in the evolution of a democratic government. Sixty percent of the $75 million we are seeking to appropriate will be used to aid the country's private farmers, businessmen, private associations and organizations, and other institutions and individuals. A portion of the funds will be used to purchase products from the United States.

But more than that, our financial support would demonstrate our commitment to the future of the Nicaraguan Government, which, though it is politically and philosophically leftist, is nevertheless composed of rightist, moderate, and leftist elements. Furthermore, the Government has broadbased popular support of the Catholic Church and the business community. About 80 percent of industry and 90 percent of agriculture remain in private hands. Foreign investments are actively welcome. Freedom of religion and of the press continue.

The matter of Cuban influence in Nicaragua deserves our attention as well. Though there is a distinct Cuban presence now in Nicaragua, that should not deter us from aiding the country for fear of complete Cuban domination. Rather, we should be encouraged to support Nicaragua in order to allow it to maintain its independence from Cuba or any other country.

The benefits of U.S. aid to Nicaragua will be felt throughout Latin America. Our support will demonstrate our commitment to democratic Latin American countries. It will stand as tangible proof of this commitment. It will help to achieve that stability and moderation in Nicaragua which are central to the peace of the entire region.

The $75 million sum we are considering is a relatively small price to pay for helping to achieve the security and survival of a country that has just recently waged a long, bitter battle for its independence. In the interests of the peace, progress, and stability of Nicaragua, I urge support of the measure before us.

I also want to take this opportunity to express my alarm at the decision of the House to go into secret session on this matter. The Chamber of the House remained open to the public for 149 years until last June 20 when we considered legislation regarding the Panama Canal. Now, for the second time in less than a year, we have closed our doors and excluded the public and the press from observing our deliberations. Continuing down this path will, of necessity, subvert our democratic system of government. Operating in secrecy is as unjustified as it is reckless of the ultimate consequences to open, representative government which is the very heart and soul of our Nation.●

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Mr. ZABLOCKI. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BRADEMAS) having assumed the chair, Mr. FOLEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6081) to amend the Foreign Assistance Act of 1961 to authorize assistance in support of peaceful and democratic processes of development in Central America, had come to no resolution thereon.

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 6081, just under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

REPORT ON RESOLUTION DISMISSING ELECTION CONTEST AGAINST ANTHONY CLAUDE LEACH, JR.

Mr. NEDZI, from the Committee on House Administration, submitted a privileged report (Rept. No. 96–784) on the resolution (H. Res. 575) dismissing the election contest against ANTHONY CLAUDE LEACH, JR., which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION DISMISSING ELECTION CONTEST AGAINST THOMAS DASCHLE

Mr. NEDZI, from the Committee on House Administration, submitted a privileged report (H. Rept. No. 96–785) on the resolution (H. Res. 576) dismissing the election contest against THOMAS DASCHLE, which was referred to the House Calendar and ordered to be printed.

AUTHORIZING APPROPRIATIONS FOR CERTAIN INSULAR AREAS OF THE UNITED STATES

Mr. PHILLIP BURTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 3756) to authorize appropriations for certain insular areas of the United States, with a Senate amendment thereto, and concur in the Senate amendment with amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause, and insert:

TITLE I—TRUST TERRITORY OF THE PACIFIC ISLANDS

SEC. 101. Section 2 of the Act of June 30, 1954 (68 Stat. 330), is amended by inserting after "for fiscal year 1980, $112,000,000;" the following: "for fiscal years after fiscal year 1980, such sums as may be necessary, including, but not limited to, sums needed for completion of the capital improvement program, for a basic communications system, and for a feasibility study and construction of a hydroelectric project on Ponape;".

SEC. 102. The Act entitled "An Act to authorize certain appropriations for the territories of the United States, to amend certain Acts relating thereto, and for other purposes" (91 Stat. 1159; Public Law 95–134) is amended by inserting after section 105, the following new section:

"SEC. 106. (a) In addition to any other payments or benefits provided by law to compensate inhabitants of the atolls of Bikini, Enewetak, Rongelap, and Utirik, in the Marshall Islands, for radiation exposure or other losses sustained by them as a result of the United States nuclear weapons testing program at or near their atolls during the period 1946 to 1958, the Secretary of the Interior (hereinafter in this section referred to as the 'Secretary') shall provide for the people of the atolls of Bikini, Enewetak, Rongelap, and Utirik and for the people of such other atolls as may be found to be or to have been exposed to radiation from the nuclear weapons testing program, a program of medical care and treatment and environmental research and monitoring for any injury, illness, or condition which may be the result directly or indirectly of such nuclear weapons testing program. The program shall be implemented according to a plan developed by the Secretary in consultation with the Secretaries of Defense, Energy, and Health, Education, and Welfare and with the direct involvement of representatives from the people of each of the affected atolls and from the government of the Marshall Islands. The plan shall set forth, as appropriate to the situation, condition, and needs of the individual atoll peoples:

"(1) an integrated, comprehensive health care program including primary, secondary, and tertiary care with special emphasis upon the biological effects of ionizing radiation;

"(2) a schedule for the periodic comprehensive survey and analysis of the radiological status of the atolls to and at appropriate intervals, but not less frequently than once every five years, the development of an updated radiation dose assessment, together with an estimate of the risks associated with the predicted human exposure for each such atoll; and

"(3) an education and information program to enable the people of such atolls to more fully understand nuclear radiation and its effects;

"(b)(1) The Secretary shall submit the plan to the Congress no later than January 1, 1981, together with his recommendations, if any, for further legislation. The plan shall set forth the specific agencies responsible for implementing the various elements of the plan. With respect to general health care the Secretary shall consider, and shall include in his recommendations, the feasibility of using the Public Health Service. After consultation with the Chairman of the National Academy of Sciences, the Secretary of Energy, the Secretary of Defense, and the Secretary of Health, Education, and Welfare, the Secretary shall establish a scientific advisory committee to review and evaluate the implementation of the plan and to make such recommendations for its improvement as such committee deems advisable.

"(2) At the request of the Secretary, any Federal agency shall provide such information, personnel, facilities, logistical support, or other assistance as the Secretary deems necessary to carry out the functions of this program; the costs of all such assistance shall be reimbursed to the provider thereof out of the sums appropriated pursuant to this section.

"(3) All costs associated with the development and implementation of the plan shall be assumed by the Secretary of Energy and effective October 1, 1980, there are authorized to be appropriated to the Secretary of Energy such sums as may be necessary to achieve the purposes of this section.

"(c) The Secretary shall report to the appropriate committees of the Congress, and to the people of the affected atolls annually, or more frequently if neccessary, on the implementation of the plan. Each such report shall include a description of the health status of the individuals examined and treated under the plan, an evaluation by the scientific advisory committee, and any recommendations for improvement of the plan. The first such report shall be submitted not later than January 1, 1982.".

SEC. 103. Paragraph 104(a)(3) of Public Law 95–134 (91 Stat. 1159) is hereby amended by deleting all after the word "cause" and inserting in lieu thereof the following words, ", even if such an individual has been compensated under paragraph (1) of this section.".

TITLE II—NORTHERN MARIANA ISLANDS

SEC. 201. (a) The salary and expenses of the government comptroller for the Northern Mariana Islands shall be paid from funds appropriated to the Department of the Interior.

(b) Section 4 of the Act of June 30, 1954, as amended by section 2 of Public Law 93–111 (87 Stat. 354) is further amended as follows:

(1) strike the words "government of the Trust Territory of the Pacific Islands" wherever they appear and insert in lieu thereof the words "government of the Trust Territory of the Pacific Islands or the Northern Mariana Islands,";

(2) after the words "High Commissioner of the Trust Territory of the Pacific Islands" insert the words "or Governor of the Northern Mariana Islands, as the case may be,";

(3) wherever the words "High Commissioner" appear and are not followed by the words "of the Trust Territory of the Pacific Islands" insert the words "or Governor, as the case may be,"; and

(4) after the words "District Court of Guam" insert the words "or District Court of the Northern Mariana Islands, as the case may be".

SEC. 202. Effective October 1, 1980, there are hereby authorized to be appropriated to the Secretary of the Interior $24,400,000 plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs from October 1979 price levels as indicated by engineering cost indexes applicable to the types of construction involved, for a grant to the Commonwealth of the Northern Mariana Islands to provide for health care services. No grant may be made by the Secretary of the Interior pursuant to this section without the prior approval of the Secretary of Health, Education, and Welfare.

SEC. 203. Subsection (g) of section 5 of the Act entitled "An Act to authorize appropriations for certain insular areas of the United States, and for other purposes", approved August 18, 1978 (92 Stat. 492), is amended by changing "not to exceed $3,000,000" to "such sums as may be necessary, but not to exceed $3,000,000 for development,".

TITLE III—GUAM

SEC. 301. Subsection (c) of section 204 of Public Law 95–134 (91 Stat. 1159, 1162) is amended by deleting the second sentence of said subsection.

SEC. 302. The Act of November 4, 1963 (77 Stat. 302), to provide for the rehabilitation of Guam, and for other purposes, is hereby amended as follows:

(1) in the first sentence of section 3, delete the comma after "United States" and delete the words "with interest as set forth below," and

(2) after paragraph (c) of section 3, delete the last paragraph before section 4 and insert in lieu thereof:

"All amounts heretofore withheld from sums collected pursuant to section 30 of the said Organic Act as interest on the amounts made available to the government of Guam pursuant to this Act shall be credited as reimbursement payments by Guam on the principal amount advanced by the United States under this Act.".

SEC. 303. Section 11 of the Organic Act of Guam (64 Stat. 387; 48 U.S.C. 1423a), as amended, is hereby amended by deleting all after the words "December 31, 1980.", and substituting the following language:

"The Secretary, upon determining that the Guam Power Authority is unable to refinance on reasonable terms the obligations purchased by the Federal Financing Bank under the fifth sentence of this section by December 31, 1980, may, with the concurrence of the Secretary of the Treasury, guarantee for purchase by the Federal Financing Bank; and such bank is authorized to purchase, obligations of the Guam Power Authority issued to refinance the principal amount of the obligations guaranteed under the fifth sentence of this section. The obligations that refinance such principal amount shall mature not later than December 31, 1990, and shall bear interest at a rate determined in accordance with section 6 of the Federal Financing Bank Act (12 U.S.C. 2285). Should the Guam Power Authority fail to pay in full any installment of interest or principal when due on the bonds or other obligations guaranteed under this section, the Secretary of the Treasury, upon notice from the Secretary, shall deduct and pay to the Federal Financing Bank or the Secretary, according to their respective interests, such unpaid amounts from sums collected and payable pursuant to section 30 of this Act (48 U.S.C. 1421h). Notwithstanding any other provision of law, Acts making appropriations may provide for the withholding of any payments from the United States to the government of Guam which may be or may become due pursuant to any law and offset the amount of such withheld payments against any claim the United States may have against the government of Guam or the Guam Power Authority pursuant to this guarantee. For the purpose of this Act, under section 3466 of the Revised Statutes (31 U.S.C. 191) the term 'person' includes the government of Guam and the Guam Power Authority. The Secretary may place such stipulations as he deems appropriate on the bonds or other obligations he guarantees.".

TITLE IV—VIRGIN ISLANDS

SEC. 401. (a) Subsection (b) of section 31 of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1545(b)), as amended, is further amended by numbering the existing paragraph "(1)" and by the addition thereto of the following new paragraph:

"(2) Subject to valid existing rights, title to all property in the Virgin Islands which may have been acquired by the United States from Denmark under the Convention entered into August 16, 1916, not reserved or retained by the United States in accordance with the provisions of Public Law 93-435 (88 Stat. 1210) is hereby transferred to the Virgin Islands government.".

(b) The General Services Administration shall release from the mortgage dated January 26, 1972, given by the government of the Virgin Islands to the Administrator of the General Services Administration, approximately ten acres of such mortgaged land for construction of the proposed Saint Croix armory upon payment by the government of the Virgin Islands of the outstanding principal due on such ten acres.

SEC. 402. No extension, renewal, or renegotiation of the lease of real property on Water Island in the Virgin Islands to which the United States is a party may be entered into before 1992 unless such extension, renewal, or renegotiation is specifically approved by Act of Congress.

SEC. 403. (a) Subsection 28(a) of the Revised Organic Act of the Virgin Islands, as amended by subsection 4(c)(3) of the Act of August 18, 1978 (92 Stat. 487, 491) is amended by inserting after the phrase "and naturalization fees collected in the Virgin Islands," the phrase "less the cost of collecting, except any costs for preclearance operations which shall not be deducted, of all of said duties, taxes, and fees from August 18, 1978, until January 1, 1982,".

(b) Section 4(c)(2) of the Act of August 18, 1978, is amended by inserting the phrase "less the cost of collecting all of said duties, taxes, and fees, occurring before January 1, 1982," after the phrase "the amount of duties, taxes, and fees" wherever the latter phrase appears.

SEC. 404. Subsection (d) of section 4 of Public Law 95-348 (92 Stat. 487, 491) is hereby repealed.

TITLE V—AMERICAN SAMOA

SEC. 501. The salary and expenses of the government comptroller for American Samoa shall be paid from funds appropriated to the Department of the Interior.

SEC. 502. The Secretary of the Treasury shall, upon the request of the Governor of American Samoa, administer and enforce the collection of all customs duties derived from American Samoa, without cost to the government of American Samoa. The Secretary of the Treasury, in consultation with the Governor of American Samoa, shall make every effort to employ and train the residents of American Samoa to carry out the provisions of this section. The administration and enforcement of this section shall commence October 1, 1980.

TITLE VI—MISCELLANEOUS

SEC. 601. Title V of the Act entitled "An Act to authorize certain appropriations for the territories of the United States, to amend certain Acts relating thereto, and for other purposes" (91 Stat. 1160) shall be applied with respect to the Department of the Interior by substituting "shall" for "may" in the last sentence of subsection (d).

SEC. 602. (a) Any amount authorized to be appropriated for a fiscal year by this Act or an amendment made by this Act but not appropriated for such fiscal year is authorized to be appropriated in succeeding fiscal years.

(b) Any amount appropriated pursuant to this Act or an amendment made by this Act for a fiscal year but not expended during such fiscal year shall remain available for expenditure in succeeding fiscal years.

SEC. 603. To the extent practicable, services, facilities, and equipment of agencies and instrumentalities of the United States Government may be made available, on a reimbursable basis, to the governments of the territories and possessions of the United States and the Trust Territory of the Pacific Islands. Reimbursements may be credited to the appropriation or fund of the agency or instrumentality through which the services, facilities, and equipment are provided. If otherwise authorized by law, such services, facilities, and equipment may be made available without reimbursement.

SEC. 604. Any new borrowing authority provided in this Act or authority to make payments under this Act shall be effective only to the extent or in such amounts as are provided in advance in appropriation Acts.

SEC. 605. (a) Prior to the granting of any license, permit, or other authorization or permission by any agency or instrumentality of the United States to any person for the transportation of spent nuclear fuel or high-level radioactive waste for interim, long-term, or permanent storage to or for the storage of such fuel or waste on any territory or possession of the United States, the Secretary of the Interior is directed to transmit to the Congress a detailed report on the proposed transportation or storage plan, and no such license, permit, or other authorization or permission may be granted nor may any such transportation or storage occur unless the proposed transportation or store plan has been specifically authorized by Act of Congress: *Provided*, That the provisions of this section shall not apply to the cleanup and rehabilitation of Bikini and Enewetak Atolls.

(b) For the purpose of this section the words "territory or possession" include the Trust Territory of the Pacific Islands and any area not within the boundaries of the several States over which the United States claims or exercises sovereignty.

SEC. 606. (a) Section 8 of the Act of March 2, 1917 ("Jones Act"), as amended (48 U.S.C. 749), is amended by adding the following after the last sentence thereof: "Notwithstanding any other provision of law, as used in this section (1) 'submerged lands underlying navigable bodies of water' include lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide, all lands underlying the navigable bodies of water in and around the island of Puerto Rico and the adjacent islands, and all artificially made, filled in, or reclaimed lands which formerly were lands beneath navigable bodies of water; (2) 'navigable bodies of water and submerged lands underlying the same in and around the island of Puerto Rico and the adjacent islands and waters' extend from the coastline of the island of Puerto Rico and the adjacent islands as heretofore or hereafter modified by accretion, erosion, or reliction, seaward to a distance of three marine leagues; (3) 'control' includes all right, title, and interest in and to and jurisdiction and authority over the submerged lands underlying the harbor areas and navigable streams and bodies of water in and around the island of Puerto Rico and the adjacent islands and waters, and the natural resources underlying such submerged lands and waters, and includes proprietary rights of ownership, and the rights of management, administration, leasing, use, and development of such natural resources and submerged lands beneath such waters.".

(b) Section 7 of the Act of March 2, 1917 ("Jones Act"), as amended (48 U.S.C. 747), is amended by adding the following after the last sentence thereof: "Notwithstanding any other provision of law, as used in this section 'control' includes all right, title, and interest in and to and jurisdiction and authority over the aforesaid property and includes proprietary rights of ownership, and the rights of management, administration, leasing, use, and development of such property.".

Mr. PHILLIP BURTON (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. LAGOMARSINO. Mr. Speaker, reserving the right to object, I do so in order to ask the chairman of the subcommittee if he would explain to the body what is being done here and what amendments are being proposed to the Senate amendments.

Mr. PHILLIP BURTON. Mr. Speaker, if the gentleman will yield, this is the bill that we sent to the Senate on May 7, 1979 without dissent. The Senate carefully examined our proposals and accepted most of our proposals. They deleted, however, language that we had dealing with the collection of taxes in the insular areas.

One of our amendments that we sent back to the Senate authorizes within a 2-year period the disposal of what was formerly a small one- or two-story office building in the Virgin Islands to the Virgin Islands since there has been a new Federal building built in the past few years.

Mr. Speaker, I am really not aware of any contention here in the House with reference to the subject matter before us in our amendments, and I urge their adoption.

Mr. Speaker, before us today is H.R. 3756, which is an authorization bill for insular areas of the United States. These include American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands. Additionally, the bill covers the Trust Territory of the Pacific Islands for which we assumed responsibility in 1947 under a U.N. trusteeship charter.

The House version of the bill passed the House of Representatives on May 7, 1979, without any dissenting votes. The Senate, on February 7, 1980, passed its version of the same bill. What we are taking up today is the House bill as amended by the Senate and with certain amendments thereto. What follows here is a breakdown of the major differences between the original House bill and what we have before us today:

First of all, title I, which deals with the trust territory (TT). The current authorization expires at the end of this fiscal year. Status negotiations between the United States and the TT are continuing. However, it is impossible to ascertain at this time when it is that these negotiations will be successfully concluded with each of the three political entities. When negotiations eventually cease, a referendum on any compact approved by the negotiators will have to be conducted in the TT. If the people approve the compact it will then have to come before Congress for congressional perusal and approval and finally, it will be submitted to the U.N. Trusteeship Council.

Both the House and Senate have approved language that would extend the current authorization to make certain that the trust territory and the successor entities are funded for an indefinite number of years. Additionally, the Senate has spelled out—both in the committee report and in section 101 of H.R. 3756—certain items that must be funded under this open-ended authorization.

In February of 1976 a memorandum of agreement, between the Departments of the Navy and Interior, and the High Commissioner of the Trust Territory of the Pacific Islands (TTPI), set forth a 5-year capital improvement program (CIP) for fiscal years 1976 through 1980 for the purpose of completing a basic infrastructure for the TTPI. Included in this plan were primary roads, utilities, airfields, shipping facilities, and marine resources facilities.

Because funding dropped below the originally planned level per year, the plan fell behind schedule, and costs rose because of inflation. It is this development program that the Senate Energy Committee specifically cites as one for which money to complete it is included in this authorization.

The other specifics named by the Senate are a basic communications system in the trust territory and both a feasibility study and construction of a hydroelectric project on Ponape, which is the capital of the Federated States of Micronesia. We agree with the Senate that the above items must be funded under this authorization.

This authorization would also cover any additional funding needed in future for any of the victims of the U.S. nuclear testing in the Northern Marshall Islands. These include the people of Bikini, Enewetak, Rongelap, and Utirik and those from any other atolls in the Marshalls who may in the future be found to have been exposed to nuclear fallout.

Also, in conjunction with this authorization provision, it should be noted here that the Marshall Islands was declared a disaster area last December as a result of two separate storms that struck Majuro, the government center of the Marshalls. The business district was heavily damaged and virtually all housing was destroyed, leaving some 5,500 people homeless. The housing and other structures destroyed by the storms were inadequate at best. But under current law, FEMA, the Federal Emergency Management Agency, in working to rebuild this community, can only replace what was destroyed; it cannot improve upon it. This, to us, would be unsatisfactory and we urge the administration and the appropriation committees to take advantage of this open ended authorization to approve money to supplement that being expended by FEMA to produce for the people of Majuro a decent and adequate and more storm resistant community.

Additionally, we understand there is a second level capital improvements program that the Micronesians would find of great benefit in the years ahead. What this means is that areas outside of the district centers of the TTPI have remained largely undeveloped even though most of the people live on these outer islands. There are many projects that might be funded in order to help them, particularly with their education and health, and their economic development. We expect that the Interior Department and the Appropriations Committees would take a look at the lists of potential secondary CIP projects. It seems reasonable to us to fund some of these projects.

Other items that might be funded under section 101 include operations costs for the FSM central government, capital relocation for the 3 entities and fuel oil costs. The latter is a very serious problem because of the soaring price of diesel fuel and gasoline.

All the generators in the TTPI are run with one or the other type of fuel so all of their operations are affected out there. Of course, while helping them to meet their increased oil prices, we must also pursue alternative energy sources so that the three governments will not be totally, if at all, dependent on oil in the years to come.

So, as you can see, there is no dearth of worthy projects authorized to be funded under section 101 of H.R. 3756.

In section 102 of the House version, the House once again attempted to edge the United States closer to completing payments to Micronesians for claims owed from World War II by authorizing the United States to pay at least 50 percent of the $24 million still owed these people under title I of the Micronesian Claims Act.

The Senate, however, disagreed with our provisions and it was stricken from the bill. Although we were unsuccessful in attempting to restore this provision, it does not mean that we are any less committed to paying these people this compensation long overdue. For the time being we are thwarted, but we will continue to make every effort and pursue every avenue that could bring this matter to a successful conclusion.

Section 103 of the House bill contained the comprehensive medical program for the people of the atolls of Bikini, Enewetak, Rongelap, and Utirik of the Northern Marshalls, the people who were victims of U.S. nuclear testing. While the Senate made a few changes in the language, in substance they agreed with the House version.

This section takes the program authorized by section 104(a)(4) of Public Law 95-134 and extends it to include the people of the atolls of Bikini and Enewetak who are known to have been affected by the nuclear testing program, and to the people of any other atolls in the Marshall Islands who may in the future be found to have been exposed to nuclear fall-out. All of these people and their descendants will henceforth be covered by the program.

This provision also requires the combining into a single, integrated program, the various activities which have been carried on in an uncoordinated, even haphazard way in the past. The Department of Interior has been responsible for general health care of the Micronesians. Through the Brookhaven National Laboratory-Associated Universities, Inc., the Department of Energy has supported a medical research program which has periodically examined and treated the people of Rongelap and Uterik over the past 25 years.

Through the Lawrence Livermore Laboratory, the Department of Energy has conducted radiological surveys and made radiation dose assessments at the atolls of Bikini and Enewetak. Through the University of Hawaii Institute of Marine Biology, the Department of Energy has maintained a modest program of basic research at Enewetak atoll since the late 1940's. No one of these activities has been integrated or coordinated with any of the others so as to produce the maximum possible benefit for the affected peoples.

Additionally, this section requires the Secretary of the Interior to take the lead in planning and implementing an integrated program which combines all of these important functions. The Secretary is expressly authorized to develop a plan for the program in consultation with the Secretary of Defense, the Secretary of Energy, and the Secretary of Health, Education, and Welfare, the three agencies which, in addition to Interior, have had the greatest involvement in Micronesia and have some special expertise and interest. The Secretary is also expressly required to involve representatives of the people of each of the atolls intended to benefit from the program. The committee wishes to give special emphasis to this latter requirement. Without the full and meaningful participation and cooperation of the people affected, both in the planning and in the implementation of the program, it will have little chance of success. The committee takes note of the dissatisfaction expressed by some of the people at Rongelap and Uterik in the past. It is this kind of dissatisfaction which can be avoided by the maximum feasible participation of the people served by the program.

In the interest of commencing implementation of the program at the earliest practicable time, a deadline of January 1, 1981, for submission of the plan to the Congress has been included, but the committee encourages the Secretary to commence development of the plan as soon as possible and to complete it earlier than the deadline. While this program is intended to be one of long-term benefit, there are immediate needs to be met, especially at Bikini atoll. The committee also notes that the people of Enewetak are scheduled to resettle their atoll in July 1980. It is the intention of the committee that once the program authorized by this section is implemented, it will absorb or replace the current activities referred to previously.

The committee firmly believes that the necessity for this kind of program arises from the U.S. nuclear weapons testing program and, hence, should be accounted for as a charge to the budget of the Department of Energy. Accordingly, while planning and implementation of the program is the responsibility of the Secretary of the Interior, funds for the program are authorized to be appropriated to the Secretary of Energy. The committee expects the two secretaries to coordinate their efforts so that this dual responsibility will not hamper planning and implementation of the program in any way.

Finally, the committee considers this provision to be an important and valuable contribution to the general well-being of the people who were adversely affected by the nuclear weapons testing program which was conducted at or near their islands between 1946 and 1958. The committee is mindful of the social, economic, and health problems which resulted from the dislocation of people, the contamination of their environment with radionuclides and the exposure of some of the people to ionizing radiation. It is also true that some of the people of these atolls will be living in an environment which contains low levels of ionizing radiation for some years to come. It is the intent of the committee that this program should contribute measurably to the health, peace of mind, and general well-being of the people in a way which monetary payments would not.

To be more specific, this section of the bill amends Public Law 95-134 by adding a new section to it, section 106. Paragraph (4) of Public Law 95-135 required the Secretary of the Interior to provide a program of medical care to the people of Rongelap and Utirik only.

Section 106(a) contains the basic charter for the radiological program for the people of the atolls of Bikini, Enewetak, Rongelap, and Utirik, and for any other people who are later discovered to have been exposed to radioactive fallout from nuclear testing programs.

Primary responsibility for planning the program rests with the Secretary of the Interior, but it is essential that he consult with the Secretaries of Defense, Energy, Health and Welfare, and with representatives of the people of the affected atolls. He is also required to consult with the government of the Marshall Islands.

It is the intent of the committee that the Secretary of the Interior will bring together representatives of each of these agencies and groups at the earliest practicable time to commence development of the plan. All costs of planning, including travel and other expenses, are to be chargeable to the budget of the radiological program, but in the interest of expediting the program, the Secretary is encouraged to use other departmental funds for later reimbursement out of the appropriation.

Planning of the program must take into account the varying needs of individuals, groups and each of the islands and atolls. The needs and problems of the people of Enewetak are different from those at Bikini and the people of Rongelap have problems which those at Enewetak do not have. The committee is mindful of the fact that a program of this kind can cause more anxiety than cure, if it is not properly designed and executed.

Paragraphs (1), (2), and (3) of subsection 106(a), are the three principal elements of an integrated program to meet the needs of the various people affected. Each element of the program, however, will have to be carefully planned for each island.

Paragraph (1) of subsection (a) requires the provision of a comprehensive health care program for the members of the affected groups. Special emphasis is to be placed upon the biological effects of ionizing radiation, but since health effects associated with radiation exposure, such as thyroid anomalies, malignant tumors, and genetic defects are indistinguishable from the spontaneous occurrence of the same disorders, the only way to assure that the radiation-related problems are dealt with is to deal with all of the health problems of the affected peoples. This approach is also dictated by the Hippocratic oath which forbids a doctor to treat a patient for cancer and ignore the patient's malnutrition, appendicitis, or broken leg, for example.

Paragraph (2) of subsection (a) requires the performance of periodic surveys to determine the radiological status of the affected atolls. For all of the areas of concern to this program, there are varying amounts of radionuclides in the ecosystem which constitute a hazard of some degree to the human beings, principally through the food chain. Once this information is obtained, however, it is of no practical use until a radiation dose assessment is calculated, together with an estimate of the health risks associated with the projected human exposure.

Paragraph (3) of subsection (a) requires the development and implementation of a program of education which should include basic information regarding the sources of ionizing radiation, its movement in the environment and its effects upon human beings. It will be necessary to draw heavily upon the advice and assistance of people from each of the affected islands and from other Marshallese people, to develop and implement this educational program.

It is the intent of the committee that successful operation of this program over the long term will require both basic research and the application of scientific knowledge for the direct benefit of the people. Accordingly, basic research may be undertaken and supported as part of this program so long as it bears some reasonable relation to the objectives of the overall program.

Paragraph (1) of subsection (b) requires the Secretary to submit the plan for the program to the Congress not later than January 1, 1981. The committee expects a comprehensive program design, together with cost estimates, which will achieve the intended objectives of the program. The committee also encourages the Secretary to complete the planning as early as practicable.

At the present time general health care is provided in Micronesia through the Department of the Interior. For this program, the Secretary is expressly required to consider the feasibility of having the United States Public Health Service of the Department of Health and Welfare provide medical services in this program.

The scientific advisory committee is intended to insure the maintenance of the highest professional standards for both basic research and applied science.

Paragraph (2) of subsection (b) empowers the Secretary of the Interior to call upon any other Federal agency for assistance, on a reimbursable basis, either in the planning or the implementation of the program. The Department of Defense has the best logistical support in the area, with facilities at Kwajalein missile range. It also has the best means of communication between the United States and Kwajalein. The Department of Energy will have at its disposal many of the people knowledgeable in the relevant disciplines and it also has access to important laboratory and other facilities. Through the Lawrence Livermore Laboratory and the Brookhaven National Laboratory, work of this kind has been done for many years and it may be wise to continue or expand those programs, as part of this one. On the other hand, it is the intention of the committee that the Secretary will have discretion to designate new or different agencies, public or private, to carry out these functions.

Paragraph (3) of subsection (b) requires that the entire cost of the program be included in the budget for the Department of Energy. This includes all costs necessary and incidental to the planning, development and implementation of the program. It is the view of the committee that the cost of this entire program is properly attributable to the nuclear weapons testing and should not be reflected in the Federal budget as a charge against the budget for the Trust Territory of the Pacific Islands or its successor governments.

Subsection (c) requires the Secretary to prepare and distribute an annual report both to the Congress and to the people of the affected atolls. A description of the health status of the individuals examined and treated under the plan is to be included, but the format of that information must protect the confidentiality of the doctor/patient relationship. It must also include a review by the scientific advisory committee and any recommendations which the committee has for improvement of the program. The first report is due on January 1, 1982.

We repeat what we said when H.R. 3756 was before the House last May: We believe we have a special moral obligation to these people and it is our intent that this provision be interpreted to provide the most possible protection to them. We also emphatically reiterate congressional intent that this provision and others affecting the TT in this bill shall remain valid and subsisting even after the termination of the trusteeship. Self evidently, the foregoing is subject to congressional action changing the law. However, it is intended to forewarn that any negotiations that disregard this determination will bear the full burden of that judgment when congressional approval is sought for the approval of such actions.

The Senate, at the request of the Interior Department, has added language amending Public Law 95-134 to allow additional compensation for certain nuclear victims in need of further assistance. We concur in this amendment.

The House-passed bill contained a section, section 104, that stated that Federal programs that applied to the trust territory would not cease to apply, either before or after the termination of the trusteeship, without the express consent of the Congress. Our concerns for the needs of the Micronesians, particularly in the fields of health and education, were aroused because of the attitude of some in the executive branch toward this policy.

The administration's previously announced policy was to end by the termination of the trusteeship all Federal programs for which the Micronesians currently qualify, without benefit of any studies to determine what was needed or not needed, without benefit of consultation with the Micronesian people, without benefit of congressional input, and most fundamentally, without the recognition of the congressional role relative to the territories as expressed in the Constitution.

The Senate Energy Committee deleted this section and in its place, put very strong language into its Senate report on H.R. 3756 (S. Report 96-1467). This language stressed the continuing responsibility of the United States to provide for the general well-being of the inhabitants of these islands and stated that the committee agreed with the House intent, but deleted the provision since it felt it only restated existing law regarding eligibility and did not get at the heart of the problem affecting participation in these programs. While we were pleased that the Senate agreed with our position and were encouraged that they included such clearly supportive language in their committee report, we felt it incumbent on us to include particularly (and doubly) clear and specific language within the statute itself insofar as health and education are concerned. Consequently, we revised the House language to cover all Federal programs in the fields of education and health—the major areas of concern for all of us responsible for the future of Micronesians.

Our revised section provides that notwithstanding any other provision of law, Micronesians shall continue to be eligible and particpate in Federal health and education programs as provided for by the Congress. Our language makes it clear, we believe, that the executive branch has absolutely no authority now or in the future to deny, decrease, or end such authorized programs until or unless Congress alters or repeals such authorizations.

In the second title of the bill, which deals with the Northern Mariana Islands, the first section provides that the salary and expenses of the government comptroller for the Mariana Islands shall be paid from funds appropriated to the Interior Department. This is simply writing into law a practice that has been followed by Interior. While the Senate language for this section is different from the House-passed language, the intent is exactly the same and we concur with the approach they took to drafting this section. It should be noted here, in speaking of the Federal comptroller, that it was never and is not now our intention to give the comptroller any authority regarding the expenditure of covenant funds by the NMI government. That, we believe, is a responsibility that solely rests with the NMI government. The covenant funds were agreed to as a result of an agreement between the sovereign peoples' own government of the Northern Mariana Islands and the U.S. Government.

Section 202 in the Senate bill is identical to the House-passed bill, with the exception of the October 1, 1980, effective date that the Senate was required to add at the request of the Senate Budget Committee. It authorizes $24.4 million for health care services for the Northern Marianas. The NMI is greatly in need of a new and modern hospital and we urge that some funding be provided as soon as it is feasible.

We might note here that if the Senate report language on H.R. 3756 that suggests that the medical center of the Marianas, which is located in Guam, might be used to meet the needs of the people of the Northern Marianas means anything more than perhaps considering that hospital as a medical referral hospital for certain types of patients, we would disagree with it. The distance between Guam and Saipan is a 20-minute flight by jet and the cost via commercial transportation today is approximately $90 round trip. This is not something that could be afforded by some 85 percent of the Northern Marianas people, so any attempt to coordinate medical services must be very carefully studied. The Northern Marianas is in need of its own modern hospital. Over and above that, if something can be carefully worked out between Guam and Saipan regarding medical referrals at Government expense, then this is something that should be considered.

Section 203 in the Senate bill is identical to that contained in the House bill.

We have added several new sections to this Northern Marianas title. They deal with taxes in the Marianas. In 1978 Public Law 95-348 was enacted. In it, we provided that the IRS could go in to collect taxes if the government requested IRS to do so. The Northern Marianas government did request such service of IRS last June. Unfortunately, the request sent to IRS was part of a resolution rather than a public law and IRS, saying it did not have the appropriate request according to the law, has yet to comply with the request of the Northern Marianas government. Therefore, to help their fledging government for which so much of this is brand new, we have added language to the bill to cover the NMI government's original resolution. We might note here that this authority to request the IRS to go into the Northern Marianas to administer and enforce tax laws is a totally separate and distinct process from that which allows the NMI to request the Secretary of the Treasury to discontinue the administration and enforcement of such taxes. This latter process, as spelled out in Public Law 95-348, is in no way affected by this amendment.

Additionally, this section amends section 3(d) of Public Law 95-348. It provides that the Secretary of the Treasury or his designee may enter into a contract with the Commonwealth of the Northern Marianas Islands to perform such duties and responsibilities, in whole or in part, as required by section 3(d). Presently, section 3(d) authorizes and directs the Secretary, upon request by the Governor acting pursuant to legislation, to administer and enforce taxes imposed or which may be imposed pursuant to sections 601, 603, 604 of Public Law 94-241. Additionally, the Secretary of the Treasury is authorized and directed to administer and enforce the collection of taxes imposed pursuant to section 602 of Public Law 94-241. Costs of the contract shall be fully borne by the Secretary of the Treasury without reimbursement or other costs to the government of the Commonwealth of the Northern Marianas Islands. This section further provides that the Secretary of the Treasury is obligated to train Northern Marianas citizens, as defined in article III of Public Law 94-241, to assume ultimately the administration and enforcement duties required of the Secretary or his designee for purposes of carrying out the provisions of sections 601, 602, 603, and 604 of

Public Law 94-241. Further, notwithstanding any other provision of law, the Secretary of the Treasury or his designee is authorized to the maximum extent feasible, effective until the end of the third full fiscal year following the date of enactment, to employ and train Northern Marianas citizens without regard to U.S. civil service or classification laws or other employment ceilings imposed upon the Secretary of the Treasury. Lastly, the Secretary of the Treasury or his designee shall take such steps as are necessary to insure that the proceeds of taxes collected under provisions of sections 601, 602, 603, and 604 of Public Law 94-241 are covered directly, upon collection, into the Treasury of the Commonwealth of the Northern Marianas Islands, and do not leave the islands.

The other new tax section for the NMI provides that a person, as defined by section 7701(a)(1) of the Internal Revenue Code, who resides in the Commonwealth of the Northern Marianas Islands and who is required to comply with the provisions of section 601 of 94-241, shall be exempted from the requirement of payment of the territorial income tax on income derived from sources within the Commonwealth of the Northern Marianas Islands for the taxable years beginning after December 31, 1978, and before January 1, 1981. The section further provides that nothing in the section shall be construed so as to relieve such persons from the requirement of paying the territorial income tax on income derived from sources outside of the Commonwealth of the Northern Marianas Islands.

The second part of this section (b) provides that a person, as defined by section 7701(a)(1) of the Internal Revenue Code, who resides in the Commonwealth of the Northern Marianas Islands and who is required to comply with the provisions of section 601 of Public Law 94-241 shall be exempted from the requirement of payment of the territorial income tax for the taxable year beginning after December 31, 1980, and before January 1, 1982, provided that the Secretary of the Treasury or his authorized designee is notified not later than September 30, 1980, in writing by the Governor of the Northern Marianas Islands, acting pursuant to legislation enacted in accordance with sections 5 and 7 or article II of the Constitution of the Northern Marianas Islands, has repealed sections 1, 2, 3, 4, and 5 of chapter 2 of Public Law 1-30 of the Commonwealth of the Northern Marianas Islands, or its successor, in its entirety, effective December 31, 1981.

The last part of this new section (c) clarifies the intent of the U.S. Congress when it used the term "rebate" in section 602 of Public Law 94-241 by providing that the term "rebate" does not permit the abatement of taxes. The intent of Congress in the legislative history of section 602 of Public Law 94-241 specifically provides that taxes must be collected by the government of the Northern Marianas Islands prior to any rebate to taxpayers. Further, it should be noted that the government of the Northern Marianas Islands has explicit authority to rebate any taxes received by it so it can rebate taxes which are collected by the Federal Government but transferred to the government of the Northern Marianas Islands pursuant to section 703(b) of Public Law 94-241. Such rebate, if utilized, should be in the form of a line item indicating the taxpaying person receiving the rebate and the amount of said rebate.

In title III of H.R. 3756, we have a number of items affecting Guam.

The Senate, in its section 301, amended the 1977 law which set up the procedures whereby Guamanians with land claims could file for compensation. At the urging of our respected and distinguished colleague, Tony Won Pat (the author of H.R. 3395, which the Senate incorporated into H.R. 3756), the sentence in (c) of section 204 which prohibited any interest from being paid on legitimate claims has been repealed. I support Congressman Won Pat in deleting the prohibition against awarding interest. His remarks today on the subject will become an important part of the legislative history of the Guam land claims program.

The conference report on the 1977 omnibus territories bill clearly stated that the purpose of section 204 was to provide redress for past inequities caused by our Government where, as a result of either first, duress, unfair influence, or other unconscionable actions; or second, unfair, unjust, and inequitable actions of the United States, less than fair market value had been paid to private landowners for the acquisition of property.

The conference report to that bill clearly indicated that the inclusion of the term "unconscionable actions" and the addition of the terms "unfair, unjust, and inequitable actions of the United States" was to avoid the imposition of unreasonable burdens upon claimants to prove their claims and to reflect our desire that those claims be viewed with sympathy and sensitivity, as well as reflecting the climate of the time.

In the section of that statute which defined the term "fair compensation," the statute provided a definition of this term only in those instances which had resulted from "duress, unfair influence, or other unconscionable actions" and in reference to such claims prohibited the allowance of interest from the time of acquisition to the date of the award on such additional amounts as may be awarded pursuant to this section.

This provision prohibiting the inclusion of compensatory interest frustrated the purpose of providing complete redress to the victims of these inequities. The provision denied the right to the court to include interest to compensate claimants for the years during which they had been deprived of the use and enjoyment of the additional amounts which rightfully should previously have been paid. This provision contradicted the stated purpose of the act to provide land owners at long last with just compensation.

The present amendment, section 301 in H.R. 3756 (incorporating Representative Won Pat's H.R. 1546), strikes the sentence containing the provision prohibiting compensatory interest and thus removes this contradiction. It allows the Guam District Court, upon finding that less than fair market value was paid as a result, either of duress, unfair influence, or other unconscionable actions, or as a result of unfair, unjust, and inequitable actions of the United States, to first determine the additional amount necessary to bring the original payment into line with the fair market value at the time of acquisition and to add to this amount reasonable compensatory interest to determine the amount of the court's judgment. It is our intention that the inclusion of such compensatory interest will bring the results of this statute into conformity with generally accepted standards of U.S. law in determining just compensation for governmental taking of private property.

As amended, the statute affords the basis to completely compensate a claimant, not only for the original loss, but for the years the claimant has been deprived of full compensation. This result is in line with elemental concepts of fairness and justice and at last will fill the purpose of the statute to truly redress the inequities of the past.

We note here our disagreement with some language under section 301, page 12 of the Senate Report 96-467. In the last paragraph on that page, it says:

> At the urging of Congressman Won Pat, the Committee has reconsidered the prohibition in light of the requirement that the plaintiff prove actual fraud or duress on the part of the United States.

For the record, the statute (Public Law 95-134), in which the Guam land claims program is set forth, does not require that the plaintiff prove actual fraud. In fact, the statute never mentions fraud.

Since the 1977 act failed to include language to provide a specific statute of limitations for cases filed under the Guam claims program, we have added such language to section 301. All this means is that everyone who has a claim must file it by April 1, 1982, the date cited in the amendment.

Beyond April 1, 1982, however, should the failure of a person to file his or her claim in a timely manner produce a result that "shocks the conscience" we would hope and anticipate that a future Congress would show compassion for any such individuals and provide compensation for them through private relief bills or some other method.

Furthermore, it is our understanding and intent that by providing this specific statute of limitations, the Justice Department will not raise any equitable defenses to the filing of claims within the limitation period based upon the dilatoriness of the filing of the claim.

The House version of H.R. 3756 contained language extending for 30 years the loan guarantee provision for the Guam Power Authority (GPA) and made other changes affecting the GPA. The Senate, at the request of GPA, has revised the section to authorize only a 10-year extension and made some other changes and we concur with these.

In 1974 a bill to place certain submerged lands within the jurisdiction of Guam, the Virgin Islands and American

Samoa was enacted into law. A list of certain lands—11 in all—was excepted from the transfer of title. Included in the exceptions were deposits of oil, gas and other minerals in the submerged lands.

At the insistence of TONY WON PAT, we have agreed to add language to H.R. 3756 (incorporating the essence of his H.R. 4670) that would allow title to these oil, gas and other mineral deposits to be transferred from the U.S. Government to the government of Guam. And along with Guam, we have included the Virgin Islands (at the request of MELVIN EVANS) and American Samoa.

The Senate, in its version, confirms the jurisdiction of Puerto Rico over its submerged lands to 3 marine leagues. The House has been convinced of the equity of this proposal for several years and at the request of our colleague, Mr. CORRADA, we have concurred with the Senate on this matter.

In title IV, which affects the Virgin Islands, a number of changes have been made by the Senate.

First of all, the Senate modified the House's language in section 401. The Senate retained the language that transferred to the Virgin Islands property acquired from Denmark by the United States and which was not reserved or retained by the United States under Public Law 93-435. It revised, however, the rest of the section so that what it now does is to release from a mortgage covering 230 acres held by GSA 10 acres needed by the Virgin Islands government in order to build an armory. The release will take place when the $125,000 owed for the 10 acres is paid. We have reluctantly accepted this change.

Because of Justice Department concerns, the Senate changed the House language on Water Island to prohibit any modification of the existing lease on Water Island before 1992 without express congressional approval. We agree wholeheartedly with this change.

In 1978, the Congress enacted legislation which included a provision eliminating a deduction of the costs of collecting duties, taxes, and fees from funds which would otherwise have been paid directly to the Treasury of the Virgin Islands.

The purpose of the provision was to make some additional funds available to the Virgin Islands government to use for public purposes. After the legislation was enacted, it was learned that an existing contract relating to petroleum imports would significantly frustrate this objective. Consequently, we are told, the monies have been withheld under the terms of Public Law 96-38.

The language presented in the amendment is designed to accomplish the purpose of the 1978 act, without becoming entangled in the contractual commitment made by the Virgin Islands government. The amendment provides that the United States shall retain the funds attributable to the cost of collecting customs, duties, and fees on petroleum imports between August 18, 1978 and January 1, 1982. After January 1, 1982, there will be no deduction for these costs. In the meantime, from August 1, 1978 on, all other deductions withheld are to be remitted as intended under the act of that date.

The amendment also repeals a provision in Public Law 96-38 which was developed despite the fact that we were working at the time with the U.S. Customs people to modify our 1978 language. Our 1978 language was effectively repealed in an appropriations bill without Treasury having the courtesy to notify us before, during or after such action.

This action by the Treasury Department is but another in a series of their refusals to cooperate with this subcommittee. Their earlier refusal to provide necessary technical expertise on tax collection to the Northern Mariana Islands is one example of this. Another is their resistance to complying with the intent of the Congress as it relates to excise taxes in the Virgin Islands, a view which was upheld by a Federal district court, and is what I believe to be a not too subtle effort by Treasury to "squeeze" the Virgin Islands by dragging that government through a long and costly appellate process.

At some point our subcommittee intends to examine this pattern of indifference, if not outright antagonism, toward insular areas.

At the request of the Virgin Island government, the Senate added language that would allow any excise taxes levied by the Virgin Island legislature to be collected when imported goods are brought into the Virgin Islands, rather than 30 days after the end of the month in which they arrive. We have no objection to this, and therefore have retained this section.

The Senate, much to our regret, repealed that section in the House bill that authorized $60 million ($20 million a year for 3 years) to enable the Virgin Islands to offset any anticipated deficits they might have. We reluctantly have concluded, given the amount of controversy generated in this Congress by the 3-year authorization, to give way to the Senate in the matter. In the long run, we believe the Virgin Islands people will be better served by removing this highly controversial provision and redoubling our efforts to get full funding for other Virgin Island projects already authorized.

We have restored the section extending the guaranteed borrowing authority granted to the Virgin Islands in Public Law 94-392. The Senate had objected to the proposed 10-year extension. We have now modified our original language to provide for a 5-year extension of the law and have added a reverter clause, that is, our language now would require that all funds borrowed, but not obligated by the expiration date in 1984, will be returned to the lending institution from which they were borrowed. We urge the Senate to accept this version.

To the Senate bill, at Representative MELVIN EVANS' request, we have attached a new section which would convey title from the U.S. Government, without any cost, to the Virgin Islands government within 2 years from the date of enactment of this bill the property known as the former District Court Building located on Norre Gade. We understand that there is a great need for office space in the Virgin Islands and we would hope the acquisition of this building would solve this problem to everyone's satisfaction. Should the Government Services Administration, sometime in the next 2 years, decide it needs this building for somewhat longer than the time frame set forth in this section, it can come to Congress and present its case to the authorizing committees.

And lastly, at Representative MELVIN EVANS' request, the Virgin Islands is included in our new section authorizing the conveyance of title from the U.S. Government to the Virgin Islands government for oil, gas and mineral deposits in the submerged lands.

The Senate modified our section dealing with title V of Public Law 95-134, which is the title that authorizes all departments and agencies to consolidate grants and waive wherever possible matching funds for insular area governments. What they ended up with is language that requires the Department of Interior to waive matching requirements on Federal grant programs to the territories. We agree with them on this and have retained this section. Additionally, we have added a section that will require the waiving of all matching requirements, including inkind, under $100,000 that any departments or agencies may otherwise require of the governments of American Samoa and the Northern Marianas Islands.

Additionally, for American Samoa, the Senate has agreed with our language to authorize the Secretary of the Treasury to administer and enforce the collection of customs duties in American Samoa if the Governor requests this of the Secretary. We have also provided language to enable the Secretary to train residents of this insular area to carry out these responsibilities. In doing this, we urge the Secretary to make every effort to be as flexible as possible in meeting this responsibility.

Like Guam and the Virgin Islands, the mineral rights to their submerged lands are transferred within this bill to the American Samoa government. The persuasiveness of Mr. Eni Hunkin, our staff counsel and of Governor Coleman convinced us to act on this matter.

The Senate struck all sections requiring the IRS to collect customs and taxes in the Virgin Islands and Guam. We reluctantly accept (at Mr. WON PAT's instance, as it affects Guam) this decision at this time, with the understanding that much needed full discussion and debate on this subject will take place this year when the Senate committee considers Senator JOHNSTON's approach to this complex matter.

The Senate added to the House-passed version of H.R. 3756 the Matsunaga amendment, otherwise known as S. 1119, a bill that on its own had passed the Senate earlier in 1979. This new section 605 is designed to see that the Congress is kept informed regarding any plans by the U.S. Government to transport to or store spent nuclear fuel or high-level radioactive waste in any of the territories. We agree with the Senate that this language is necessary to make absolutely certain that before any such proposals are approved by the executive branch, there is full public disclosure of the proposed site, congressional hearings are held to hear all sides of the matter; and in short, that full debate is assured before any decision is made.

One of the amendments we offer here today as section 608 is only a technical amendment. What it does is update some references in three earlier laws (the Historic Preservation Act of 1966, the Archeological Data Act of 1960, and the National Outdoor Recreation Act of 1963) and extend these three acts to include any of these insular areas that had inadvertently been left out to date.

And that, we believe, covers any changes to date between the House and Senate versions. With the amendments we offer today, we think we have a very good bill in H.R. 3756, one that addresses in as broad a manner as possible the variety of problems and needs facing these insular areas today and in the foreseeable future.

We urge our colleagues in the House and in the Senate to support passage of this piece of legislation as quickly as possible so that it can be sent on without delay to the President for his signature so that implementation of the provisions therein can begin.

Mr. LAGOMARSINO. Mr. Speaker, I rise in support of H.R. 3756, as amended. On May 7, 1979 the House passed the territorial omnibus bill. Since then, it has been under deliberation by the other body. In general, I am pleased with the product; however, additional amendments and considerations are required in order to meet the current situation in America's insular areas.

Section 101 provides authorization for continuance of the government of the Trust Territory of the Pacific Islands. In extending this authorization beyond 1981—the administration's target date for termination of the U.N. Trusteeship—we demonstrate our misgivings in the current trend of Micronesia's future political status negotiations and provide the administration with more flexibility in reaching a settlement, equitable to both America and the Micronesian States.

For example, in the Trust Territory of the Pacific Islands, high waves and tidal action smashed into the Island of Majuro in the Marshall Islands on November 27 and again on December 3, 1979. In this disaster, 5,500 people—more than half of the community—were rendered temporarily homeless with near total damage to public facilities, such as water, sewer, power, and communication systems. Thanks to the gallant efforts of Defense Department personnel and the American Red Cross, there were no fatalities in spite of the tremendous property damage.

Although the President declared the island a major disaster area and reconstruction assistance is either in place or on its way, the problem of rebuilding will be with us for years to come. The situation is similar to that in Guam a few years ago when that island was hit by a devastating typhoon. Under the Federal Emergency Management Administration, only sufficient Federal funds can be allocated to restore facilities to their original condition. But therein lies the problem.

Majuro must be rebuilt in order to withstand the onslaught of future wave and tidal action. The flimsy construction that existed previously on the island explains, in part, the tremendous damage that we witness today. Therefore, I call upon the Secretary of the Interior in conjunction with the Federal Emergency Management Administration to coordinate their reconstruction efforts. Some of the Federal funds authorized to the Trust Territory of the Pacific Islands by this legislation should be matched with FEMA funds in order that a new Majuro can arise from the ruins, capable of withstanding the most severe weather conditions.

Nowhere is the energy crisis more severe than in America's offshore areas. Island people are totally dependent upon adequate transportation and communication systems for their livelihood. Unfortunately, the infrastructure, which the U.S. Government has sponsored in the off-shore areas, is totally dependent upon petroleum products for energy—gasoline to power the vehicles and outboard motors; diesel to run the electric generators and keep the fishing boats in operation; jet fuel to maintain contact with the outside world; butane to keep the family stoves lit. Consequently, the impact of the energy shortage—both the rising cost and the limited supply—has created significantly more problems than on the mainland. What I am calling for is a comprehensive survey to identify and put to use alternative sources of energy. Some of the possibilities in a tropical island environment include: hydroelectric generation, wind power, solar power, tidal action, biomass, ocean thermal energy conversion (OTEC), and the distillation of industrial alcohol from vegetable matter.

What needs to be done is to exploit these resources. In conjunction with the Department of Energy and the National Center for Appropriate Technology—an exceptionally capable agency with territorial experience—the Secretary of the Interior should survey all potentials and initiate, with no further delays, energy projects using off-the-shelf items, whenever available, to alleviate the plight of the offshore areas.

Future political status negotiations between the Americans and the Micronesians have reached a critical stage wherein today's decisions are apt to be tomorrow's law. In the January round of negotiations, the U.S. negotiating team conceded that Federal programs and services, as mutually agreed upon, in the fields of education and health will continue during the posttrusteeship period. Although this is a major concession on the part of the administration, the role of Congress in mandating Federal programs is only implicit. Accordingly, H.R. 3756 is amended to establish without question congressional authority in these areas. If Federal educational health care programs are to be altered or terminated in Micronesia, explicit congressional consent must first be acquired.

The Commonwealth of the Northern Mariana Islands is the newest addition to the American political family. Like any youngster, although eager to accommodate, this new government lacks experience, especially in administering complex legal codes such as the Internal Revenue System. Consequently, H.R. 3756 is amended to assist in income tax administration and collection in the Northern Marianas. In this regard, I would like to point out that in fairness, residents of the Northern Marianas will not be held liable for inadvertent tax irregularities preceding implemention of this legislation.

Under the terms of the Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States, residents of the Northern Marianas must abide by the Internal Revenue Code in paying their territorial income tax. This amendment delays implementation of this provision until January 1, 1982, providing preparation time for the Commonwealth to become familiar with the complex nature of the IRC. In the interim, the local tax code of the Northern Marianas will continue in effect. In this regard, it is not our intent to create a tax haven in the Northern Marianas. Therefore, we once again, direct the attention of the Secretary of the Treasury to this situation and request his close surveillance of future investment patterns in the Marianas.

As for the Virgin Islands, it is unfortunate that the other body failed to recognize the dire financial situation of the territorial government. For the most part, this fiscal crisis has been caused by adherence to inappropriate federal laws and regulations and is only temporary in nature. If either the tax incentives for stimulating new industry in the islands are favorably renegotiated or if the pending Federal suit finds that petroleum excise taxes must be returned to the Virgin Islands Treasury, territorial fiscal problems would dematerialize. Consequently, in deauthorizing Federal funds to bridge the gap, the other body has reduced the Virgin Islands' negotiating position to one of weakness. We, in the House, deplore this shortsightedness and shall continue to support the Virgin Islands' government as it seeks to restore its financial self-respect.

Lastly, I wish to draw your attention to an absurb situation in American Samoa and the Northern Marianas. Because both governments are new and the economies are still underdeveloped, a good deal of financial support stems from the Federal Government. Now, both territories are also eligible for Federal programs, many of which stipulate a matching component. As a result, American Samoa and the Northern Marianas are expending Federal funds to meet a Federal matching requirement. Accordingly, H.R. 3756 is amended to eliminate this absurditv with the waiving of all matching requirements less than $100,000.

Therefore, Mr. Speaker, as amended H.R. 3756 ameliorates many difficulties confronted by Americans living in the insular areas. Therefore, I urge its unanimous passage.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the proposed House amendments to the Senate amendment.

The Clerk read the House amendments to the Senate amendment, as follows:

In title I, after section 103, insert the following new section:

"Sec. 104. Notwithstanding any other provision of law, except in cases in which the Federal program is terminated with respect to all recipients under the program, Federal programs in the fields of education and health care shall not cease to apply to the Trust Territory of the Pacific Islands or any successor government or governments, nor shall participation in any applicable Federal programs in the fields of education and health care by the Trust Territory of the Pacific Islands or any successor government or governments be denied, decreased or ended, either before or after the termination of the trusteeship, without the express approval of the U.S. Congress."

In title II, after section 203, insert the following new sections:

"Sec. 204(a) Section 3(d) of the Act entitled 'An Act to authorize appropriations for certain insular areas of the United States, and for other purposes' (Public Law 95-348; 92 Stat. 487) is amended by inserting '(1)' after '(d)' and by inserting 'or upon receipt of a resolution adopted by both houses of the legislature of the Northern Mariana Islands accompanied by a letter of request from either the Governor or the Lieutenant Governor of the Northern Mariana Islands,' after 'Constitution of the Northern Mariana Islands,' the first place it appears, and by adding at the end of '(d)' the following new paragraphs:

"(2) For purposes of carrying out any administration and enforcement required by this subsection, the Secretary of the Treasury (hereinafter in this subsection referred to as the 'Secretary'), or his delegate, at no cost to the Northern Marianas government, may (A) employ citizens of the Northern Mariana Islands (as defined by Article III of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States (approved, Public Law 94-241; 90 Stat. 265)), or (B) use the services of employees of the government of the Northern Mariana Islands, upon agreement to pay such government for the use of such services. In addition, the Secretary, or his delegate, shall make every effort to assure that citizens of the Northern Mariana Islands (as so defined) are trained to ultimately assume the administration and enforcement duties required of the Secretary or his delegate under this section. Notwithstanding any other provision of law, the Secretary or his delegate is authorized to the maximum extent feasible in administering and enforcing the requested sections of the Covenant, to employ and train Northern Mariana Islands' citizens without regard to U.S. Civil Service hiring or job classification laws or any employment ceilings imposed upon the Secretary. The preceding sentence shall not exempt such Northern Mariana Islands' citizens so hired from any other laws affecting Federal or IRS employees and shall remain in effect until the end of the third full fiscal year following the date of enactment.

"(3) As part of the administration of taxes required by this subsection, the Secretary or his delegate shall establish, at no cost to the Northern Marianas government, a taxpayers information service to provide such information and assistance to citizens of the Northern Mariana Islands (as so defined) as may be necessary for the filing of returns and the payment of such taxes."

"(b) The Secretary shall take such steps as are necessary to ensure that the proceeds of taxes collected under the provisions of sections 601, 602, 603, and 604 of the Covenant (P.L. 94-241) are covered directly upon collection into the treasury of the Commonwealth of the Northern Mariana Islands.

"Sec. 205. (a) Except as provided in subsection (c), any person, including an individual, trust, estate, partnership, association, company or corporation, which is a resident of or which is organized under the laws of the Commonwealth of the Northern Mariana Islands and which is subject to the provisions of section 601 of the Covenant to Establish the Commonwealth of the Northern Mariana Islands in Political Union with the United States (P.L. 94-241), shall be exempted from the requirements of such section with respect to income derived from sources within the Commonwealth of the Northern Mariana Islands for taxable years beginning after December 31, 1978 and before January 1, 1981. Nothing in this section shall be construed as relieving such person from the obligation to comply with the requirements of section 601 with respect to income derived from sources outside of the Commonwealth of the Northern Mariana Islands.

"(b) Except as provided in subsection (c), any person, including an individual, trust, estate, partnership, association, company or corporation, which is a resident of or which is organized under the laws of the Commonwealth of the Northern Mariana Islands and which is subject to the provisions of section 601 of the Covenant to Establish the Commonwealth of the Northern Mariana Islands (Public Law 94-341), shall be exempt from the requirements of such section with respect to income from sources within the Northern Mariana Islands for its taxable year beginning after December 31, 1980, and before January 1, 1982, provided that, the Secretary receives written notice from the Governor of the Northern Mariana Islands not later than September 30, 1980, that Sections 1, 2, 3, 4 and 5 of chapter 2 of Public Law 1-30 of the Commonwealth of the Northern Mariana Islands or its successor, have been repealed in their entirety, effective December 31, 1981.

"(c) It is the sense of Congress that the term 'rebate' as used in section 602 of Public Law 94-241 does not permit the abatement of taxes.".

In title III, change "Sec. 301." to "Sec. 301. (a)" and add the following new subsection:

"(b) Any civil action under section 204 of the Omnibus Territories Act of 1977 (91 Stat. 1162) shall be barred unless it is commenced not later than April 1, 1982."

In title IV, (a) delete all of section 403 and insert in lieu thereof the following:

"Sec. 403. (a) Subsection 28(a) of the Revised Organic Act of the Virgin Islands is amended by inserting after the words 'and naturalization fees collected in the Virgin Islands,' the following:

'(less the cost of collecting such duties, taxes and fees as may be directly attributable (as certified by the Comptroller of the Virgin Islands) to the importation of petroleum products until January 1, 1982: *Provided*, That any other retained costs not heretofore remitted pursuant to the Act of August 18, 1978, shall be immediately remitted to the Treasury of the Virgin Islands notwithstanding any other provision of law).'

(b) The paragraph entitled 'U.S. Customs Service' involving the collection of customs duties in the Virgin Islands in the Act of July 25, 1979, is hereby repealed."

(b) After section 404, insert the following new sections:

"Sec. 405. Any excise taxes levied by the Legislature of the Virgin Islands may be levied and collected as the Legislature of the Virgin Islands may direct as soon as the articles, goods, merchandise and commodities subject to said tax are brought into the Virgin Islands.

"Sec. 406. Not later than two years after the date of enactment of this Act, the Administrator of the General Services Administration shall convey, without consideration, all right, title and interest of the United States in and to the property known as the former District Court Building (including the parcel of land upon which said building is located), 48 B Norre Gade, St. Thomas, Virgin Islands, to the Government of the Virgin Islands.

"Sec. 407. Subsection (f) of section 2 of the Act entitled 'An Act to authorize the government of the Virgin Islands to issue bonds in anticipation of revenue receipts and to authorize the guarantee of such bonds by the United States under specified conditions, and for other purposes' (90 Stat. 1193; Public Law 94-392; 48 U.S.C. 1574b) is amended by striking out the last sentence and inserting in lieu thereof the following language:

'No commitment to guarantee may be issued by the Secretary, and no guaranteed but unobligated funds may be obligated by the government of the Virgin Islands after October 1, 1984. After October 1, 1984, any unobligated proceeds of bonds or other obligations issued by the government of the Virgin Islands pursuant to this section shall be repaid immediately by the government of the Virgin Islands to the lenders with the agreed upon interest. Should there be any delay in the government of the Virgin Islands' making such repayment, the Secretary shall deduct the requisite amounts from moneys under his control that would otherwise be paid to the government of the Virgin Islands under section 28(b) of the Revised Organic Act of the Virgin Islands.'."

In title VI, (a) amend section 601 to read as follows:

"Sec. 601. Title V of the Act of Oct. 15, 1977, entitled 'An Act to authorize certain appropriations for the territories of the United States, to amend certain Acts relating thereto, and for other purposes (91 Stat. 1159) shall be applied with respect to the Department of the Interior by substituting 'shall' for 'may' in the last sentence of subsection (d), and adding the following sentence at the end of subsection (d):

'Notwithstanding any other provision of law, in the case of American Samoa and the Northern Mariana Islands any department or agency shall waive any requirement for local matching funds under $100,000 (including in-kind contributions) required by law to be provided by American Samoa or the Northern Mariana Islands.'."

(b) after section 606, add the following new sections:

"Sec. 607. (a) The first section of the Act entitled 'An Act to place certain submerged lands within the jurisdiction of the governments of Guam, the Virgin Islands, and American Samoa, and for other purposes', approved October 5, 1974 (48 U.S.C. 1705), is amended by adding at the end thereof the following new subsection:

'(d) (1) The Secretary of the Interior shall, not later than sixty days after the date of enactment of this subsection, convey to the governments of Guam, the Virgian Islands, and American Samoa, as the case may be, all right, title, and interests of the United States in deposits of oil, gas, and other minerals in the submerged lands conveyed to the government of such territory by subsection (a) of this section.

'(2) The conveyance of mineral deposits under paragraph (1) of this subsection shall be subject to any existing lease, permit, or other interest granted by the United States prior to the date of such conveyance. All rentals, royalties, or fees which accrue after such date of conveyance in connection with any such lease, permit, or other interest shall be payable to the government of the territory to which much mineral deposits are conveyed.'.

"(b) Subsection (c) of the first section of such Act (48 U.S.C. 1705(c)) is amended by inserting 'subsection (a) or (b) of' after 'pursuant to'.

"SEC. 608. The following Acts are hereby amended as follows:

(a) in the Act of October 15, 1966 (80 Stat. 915), as amended (16 U.S.C. 470a-t):

(1) amend subsection 101(a) in paragraph (2) by deleting 'and' at the end thereof and, in paragraph (3) by deleting 'trust.' and inserting in lieu thereof 'Trust; and'.

(2) amend subsection 101(b) by deleting and after 'American Samoa,' and by changing the period at the end of the paragraph to a comma and inserting 'and the Commonwealth of the Northern Mariana Islands.'.

(3) amend subsection 212(b) by changing 'Senate Committee on Interior and Insular Affairs.' to 'Senate Committee on Energy and Natural Resources.'.

(b) in the Act of June 27, 1960 (74 Stat. 220), as amended (16 U.S.C. 469):

(1) amend subsection 5(c) by deleting 'Interior and Insular Affairs Committee of the United States Congress' and by inserting in lieu thereof 'Committee on Interior and Insular Affairs of the House of Representatives and Committee on Energy and Natural Resources of the Senate'.

(2) after section 7, add the following new section:

'SEC. 8. As used in this Act, the term "State" includes the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.'.

(c) in the Act of May 28, 1963 (77 Stat. 49; 16 U.S.C. 460 1–3) amend section 4 by deleting 'and American Samoa.' and by inserting in lieu thereof 'American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.'."

Mr. PHILLIP BURTON (during the reading). Mr. Speaker, I ask unanimous consent that the House amendments to the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, would the gentleman give us a further explanation?

I am sure there are lots of good reasons why we are rushing through this so rapidly. Is there a crisis involved here?

Mr. PHILLIP BURTON. None at all.

Mr. Speaker, if the gentleman will yield, we have had this bill before us for over 2 weeks. Our distinguished colleagues, the gentleman from California (Mr. LAGOMARSINO) and the gentleman from California (Mr. CLAUSEN), and I have conferred at inordinate length, and our bill is now in shape.

Mr. ROUSSELOT. The gentleman says the bill is in shape. How much does it cost?

Mr. PHILLIP BURTON. Not all that much.

Mr. ROUSSELOT. Mr. Speaker, could the gentleman give us a general idea?

Mr. PHILLIP BURTON. It is a little less than the cost, I believe, when we sent it over from the House last May.

Mr. ROUSSELOT. Mr. Speaker, I ask the question so we will know. I understand that sometimes we have problems with that.

Mr. PHILLIP BURTON. Mr. Speaker, we authorize the continued administration of the trust territory because the authorization is expiring. We provide—and the Senate has concurred in it—some $24 million for hospital care in the Northern Marianas.

Mr. ROUSSELOT. So the gentleman is asking for what, $23 or $25 million?

Mr. PHILLIP BURTON. Mr. Speaker, I suspect the authorization for the trust territory will be no more than what we had this current year. At least that is what the budget of the administration has provided, and this is an authorization that is needed in order to qualify for the October 1, 1980, appropriation.

Mr. ROUSSELOT. Mr. Speaker, further reserving the right to object, is the fact that we just do not know what the dollar value is?

I am sure my two colleagues, the gentleman from California (Mr. LAGOMARSINO) and the gentleman from California (Mr. CLAUSEN), have given this very careful consideration, but just for the record, I would like to know, what is it?

Mr. LAGOMARSINO. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I yield to my colleague, the gentleman from California, who I know is very familiar with the bill.

Mr. LAGOMARSINO. Mr. Speaker, I will be glad to respond.

Section 202 authorizes $24 million for health care services for the Northern Mariana Islands.

Mr. ROUSSELOT. Mr. Speaker, the gentleman mentioned health care. That is $24 million?

Mr. LAGOMARSINO. That is $24.4 million.

Mr. ROUSSELOT. Let us go through the "laundry list" here.

Mr. LAGOMARSINO. If the gentleman wants me to do that, I will.

Mr. ROUSSELOT. I thought that somebody could tell us.

Mr. PHILLIP BURTON. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I will yield to either one of my colleagues who can answer my inquiry.

Mr. PHILLIP BURTON. Mr. Speaker, we clarify that the Comptroller services, as under current practice, for the Northern Marianas and American Samoa shall be provided by the Secretary of the Interior.

Mr. ROUSSELOT. How much did it cost last year?

Mr. PHILLIP BURTON. For the Comptrollers?

Mr. ROUSSELOT. For the whole package.

Mr. PHILLIP BURTON. Of the trust territory?

Mr. ROUSSELOT. Yes, if that is what this is.

Mr. PHILLIP BURTON. I would estimate $100 million plus or minus.

Mr. ROUSSELOT. All right. It is about $100 million plus or minus?

Mr. PHILLIP BURTON. That is about what the basic trust territory authorization or appropriation was last year. I do not believe we will have an appropriated amount in excess of what the amount was that was appropriated during this current fiscal year.

□ 1750

Mr. ROUSSELOT. My colleague is confident that whatever is being authorized in this bill is less than last year?

Mr. PHILLIP BURTON. No. I do not think there will be an appropriation for the trust territory that is any more than was appropriated in this current year. That is my estimate.

Mr. ROUSSELOT. Does my colleague, the gentleman from California (Mr. LAGOMARSINO), have a better estimate?

Mr. LAGOMARSINO. No. I think the gentleman from California (Mr. PHILLIP BURTON) has explained it correctly. The appropriation for fiscal year 1980 as it left the House was $112 million.

Mr. ROUSSELOT. $112 million.

Mr. LAGOMARSINO. And last year it was $122,700,000.

Mr. ROUSSELOT. That was for 1981 or for 1980?

Mr. LAGOMARSINO. That was for 1979.

Mr. ROUSSELOT. 1979.

Mr. LAGOMARSINO. And the figure I just gave was $112 million for fiscal year 1980.

Mr. ROUSSELOT. For 1980. And is this an authorization for fiscal year 1981 or what?

Mr. LAGOMARSINO. The budget request for fiscal year 1981 for the trust territory is about $30 million less than that.

Mr. ROUSSELOT. $30 million less than $112 million?

Mr. LAGOMARSINO. Yes.

Mr. ROUSSELOT. That is certainly progress in the right direction.

Mr. BAUMAN. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Speaker, in defense of my colleague, the gentleman from California, I just wanted to say that the reason they are having trouble with this is that this is what is known as an open-ended authorization.

Mr. ROUSSELOT. Oh.

Mr. BAUMAN. There are very few amounts in the bill, and the Appropriations Committee later on will fill in the blanks. So that is why they are having a hard time answering the gentleman's questions. It could be $2 billion, but more than likely it will be less.

Mr. ROUSSELOT. Mr. Speaker, that clarifies that.

Further reserving the right to object, Mr. Speaker, I yield to my colleague, the gentleman from California (Mr. CLAUSEN). The gentleman's name has been mentioned here as having approved of this, so I am sure the gentleman is right up to speed on what this costs.

Mr. CLAUSEN. I think that the figure as presented was $112 million for fiscal year 1980 for the trust territory.

Mr. ROUSSELOT. $112 million for 1981?

Mr. CLAUSEN. For fiscal year 1980.

Mr. ROUSSELOT. The gentleman is confident that it might even be less?

Mr. CLAUSEN. Our experience has been that when it goes through the Appropriations Committee, particularly on the Senate side, it is probably less.

Mr. ROUSSELOT. Further reserving the right to object, can I ask my colleague this question: Is there any new ground being plowed of significance in this authorization?

Mr. PHILLIP BURTON. No. We lost $60 million worth of authorizations, as a matter of fact, because the Senate in effect repealed a law we passed a couple years ago.

Mr. ROUSSELOT. I appreciate my colleague has had great difficulty with the other body, as I stated when I started out asking these questions. I just thought that, for the record, that we ought to understand. I just hate to see us do too much by unanimous consent, but I realize that it is always convenient for Members at this late hour to do things by unanimous consent.

Do either of my other colleagues from California have anything to add that might be new about this bill that we have not had before, or something that is being imposed upon us by the other body? Are we trying to fight the battle to keep constraints?

Mr. LAGOMARSINO. If the gentleman will yield, as a matter of fact, the other body took out things that this House had passed unanimously. As I understand it, some of the amendments the gentleman is concerned about offering to the Senate amendments are to partially restore some of the things that were already passed by the House.

Mr. ROUSSELOT. They were already approved by the House?

Mr. LAGOMARSINO. Yes.

Mr. ROUSSELOT. I appreciate the explanation of my colleagues from California. It certainly sounds like a spiffy piece of legislation.

Mr. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I yield to my colleague, the gentleman from California.

Mr. CLAUSEN. Mr. Speaker, I wonder if I will have an opportunity to make my statement after this is finished.

Mr. ROUSSELOT. I will be glad to yield to the gentleman for that consent. I am sure the gentleman will get it because I know the Speaker is anxious to make sure that everybody who knows anything about this has a chance to revise and extend their remarks, including the chairman of the subcommittee.

Mr. Speaker, I am satisfied that my three colleagues from California are extremely well informed on this subject and are working in the best interest of our territories, so I will withdraw my reservation of objection because I certainly do not want to hold up progress.

Mr. CLAUSEN. Mr. Speaker, I rise in support of H.R. 3756 as amended. Of particular concern to me—having been in from the start in the formulation of the Northern Mariana Commonwealth—is the difficult tax situation confronting the newest members of the American political family. By terms of the covenant (Public Law 94–241) the territorial income tax of the Northern Marianas is required by law to conform with that of Guam—or in other words "A mirror image" of the Internal Revenue Code. Considering the complexities of implementing the IRC and under the provisions of Public Law 95–348, the Governor of the Northern Marianas, in concert with the Legislature, has requested the Treasury Department to implement the territorial income tax for them.

In the interim, however, much delay and misunderstanding has been encountered. And to date, the IRS still is not collecting taxes in the Commonwealth. H.R. 3756, as amended by the House, eliminates further delay and establishes a schedule, wherein the citizens of the Northern Marianas can implement, without penalty or hardship, the territorial income tax system as specified by the covenant. I cannot overly emphasize the importance of these provisions—the foundation of good government rests upon a stable tax system.

Another aspect of interest to me is the current Micronesian political status negotiations. U.S. negotiators have been attempting to reach an agreement wherein the Micronesians will relinquish most of the congressionally mandated programs for which they are now eligible. I have no doubt that some programs should be eliminated, but that is not the point. For example, health care and education programs have been authorized by Congress and therefore can only be altered or terminated by Congress. We will not permit the bureaucracy to make that decision for us; and the House amended version of H.R. 3756 makes this point perfectly clear.

Mr. Speaker, this is good legislation; legislation which is urgently needed, especially in the case of the Northern Marianas. Accordingly, I urge all Members to lend their support.

● Mr. WON PAT. Mr. Speaker, after months of hard work, I am pleased to support H.R. 3756, as amended by the House.

This bill, portions of which I am proud to have cosponsored, accomplishes several major goals of the people of Guam and offers many benefits to other residents of American territories.

As usual, legislation of this magnitude represents the efforts of many persons. My colleagues on the House Interior and Insular Affairs Committee are especially deserving of my appreciation in arriving at the present form of H.R. 3756. Of particular support was Representative PHILLIP BURTON, who, as chairman of the House Subcommittee on National Parks and Insular Affairs, has stood steadfastly in support of my efforts to bring increased Federal assistance to Guam.

Further, he has been a constant innovator on behalf of the territories. Without his counsel and support, we would not be voting today on this measure. Accolades are also overdue to Representatives MORRIS UDALL, chairman of the Interior Committee, BOB LAGOMARSINO, and DON CLAUSEN for their friendship and interest in the territories. We on Guam are most fortunate to have men of such high caliber extend to us their friendship and concern for our well-being. No words of appreciation would be complete without my thanks also to the staff of the Interior Committee who labored long and hard with me to arrive at the present version of H.R. 3756.

In the Senate, I extend my appreciation to Senator J. BENNETT JOHNSTON and his able staff member, Jim Beirne, for their commitment to fairness and democracy. America can hold its head high when we have men such as those I mentioned serving in the Nation's highest legislative body.

Of much interest is the provision granting Guam submerged land rights. I requested the inclusion of this for Guam because of my commitment to seeing that we receive the same treatment as it accorded the various coastal States. In 1973, when Congress adopted my bill to turn over to Guam all submerged land rights, unfortunately, mineral rights were excluded from that measure. Now, we are completing the process I started several years ago that places Guam on the level of control over its offshore areas as is enjoyed in the States. My only reservation is the limitation placed on Guam of a 3-mile limit. It is my judgment that Guam should be granted submerged mineral rights to the 3-league limit, as was the custom in the days when Spain ruled the island. I intend to pursue this issue at a later date to assure complete equity for Guam.

I am equally proud that the Senate agreed to adopt my call for interest payments to World War II landowners. This is a crucial and most sensitive issue in the island where many have waited over 30 years to obtain adequate compensation from the Federal Government for lands taken unfairly by U.S. military forces. It is only fair and just that they be granted interest payments since anything less would result in claimants who now are pursuing their claims before the U.S. district courts being paid in 1946 dollars. Obviously, that would be unthinkable and the payment of interest is in the best interest of this country.

Section 301 of title III of H.R. 3756, which is an act to authorize appropriations for certain insular areas of the United States and for other purposes, proposes to amend subsection (C) of section 204 of Public Law 95–134, the Guam Omnibus Act, by deleting the second sentence of the subsection. The effect of this change is to provide for the payment of interest on awards made under the act.

The existing law grants authority to the District Court of Guam to review claims of persons, their heirs, or legatees, from whom interests in land on Guam were acquired by the United States between July 21, 1944 and August 23, 1963, where the property was acquired by the United States other than through adjudication following contested judicial condemnation proceedings in the District Court of Guam.

Under these circumstances, where it is determined that less than fair market value was paid as a result of: First, duress, unfair influence, or other unconscionable actions, or second, unfair, unjust, and inequitable actions of the United States, fair compensation can be now provided to the former landowners.

In other words, an award can be made in such amount as will insure that the former landowners will receive fair compensation for their properties. Land acquisitions which were effected through judicial condemnation proceedings in which the issue of compensation was adjudicated in a contested trial in the District Court of Guam, remained res judicata and are not subject to review under the present law.

The existing statute provides that fair compensation to the former landowners will be those additional amounts which are necessary to effect payment of fair market value at the time of acquisition. In other words, this is a remedial statute which provides relief for former landowners in Guam whose property was taken by unfair means or under unfair circumstances. The nature of this unfairness must be proven in court in order to authorize the award. The proposed amendment would merely permit these landowners to obtain interest on such additional compensation, from the date of its acquisition by the United States to the date of the payment of the new award. This is no more than fair because the Government has used the land over the intervening period without having paid full value for it.

I would like to emphasize that, with the exception of now allowing interest on the new awards, no changes are made in the existing statute by section 301 of H.R. 3756. On the contrary, the same tests as are now set forth in the statute will continue to apply without change. These are: Did the United States acquire property in Guam between July 21, 1944 and August 23, 1963 for less than fair market value because of: First, duress, unfair influence or other unconscionable actions; or second, unfair, unjust, and inequitable action by the United States? There is no necessity that fraud be proven, and where duress is one of the grounds for providing additional compensation, there are others such as "unfair influence or other unconscionable actions," and "unfair, unjust and inequitable actions of the United States."

Finally, I deeply regret the circumstances which led to the deletion of my proposed amendment which would have excluded Guam from several provisions of the Clean Air Act. Up to the present time I remain unconvinced that the inclusion of Guam in the Clean Air Act has any practical clean air benefits. It is with great reservation and reluctance that I acceded to the request of GPA to delete the proposed amendment. It is my sincere hope, however, that the U.S. Environmental Protection Agency will not subordinate the legitimate interests of Guam to its concern over amending the Clean Air Act. Above all else, we must think first about the economic problems facing Guam and I hope EPA will understand my desire to save my constituents millions of dollars that should not be spent to meet the Clean Air Act standards that are not relevant to Guam.

In the original language of H.R. 3756, I asked for a 30-year extension of GPA's loan guarantee. Anything less, I reasoned in my statements, would impose an unbearable financial obligation on Guam's hard-pressed power users who pay what may be one of the world's highest rates for electricity.

At the Senate hearings on H.R. 3756, GPA testified strongly in favor of a reduction of the payback period from 30 years to only 10 years. As a result the Senate deferred to GPA's request.

My concerns have been expressed to the Senate and I want to make it clear that throughout my support of GPA in their fiscal problems, my major concern has always been to seek ways to reduce power rates on Guam in any manner that is practical and consistent with prudent fiscal management.

Thank you.●

● Mr. EVANS of the Virgin Islands. Mr. Speaker, I rise in support of HR. 3756, as amended, the 1979 omnibus territories bill. Even though the amendments do not fully satisfy my expectations, and while there is yet a great deal more ground to be covered, this bill represents a significant step forward in meeting the problems of the U.S. territories. Therefore, I urge the support of my colleagues for this important piece of legislation.

H.R. 3756 represents a tremendous amount of hard and dedicated work of several House and Senate Members and staff. It is a good example of what can be accomplished by the bipartisan cooperation which is so typical of the committee in its dealings with the territories.

The chairman of the House Subcommittee on National Parks and Insular Affairs, Representative PHILLIP BURTON, deserves special praise for his continued efforts on behalf of the territories, and especially the U.S. Virgin Islands.

I was quite pleased to be a cosponsor of H.R. 3756, which Representative BURTON sponsored. Congressmen DON CLAUSEN and ROBERT J. LAGOMARSINO also deserve much praise and credit in reporting this bill to the House floor. The continuing support and assistance of these three Congressmen have been of immense value to the U.S. Virgin Islands over the years.

Senators HENRY JACKSON, J. BENNETT JOHNSTON, and TED STEVENS have given a great amount of their time to insuring the passage of H.R. 3756, and I wish to thank them again for their efforts.

H.R. 3756 contains very beneficial provisions for the people of my district, the U.S. Virgin Islands. At my request, 10 acres have been released from the GSA mortgage covering 247 acres. After payment of the mortgage portion of the 10 acres, title will be clear so as to permit the construction of a new Virgin Islands armory on the island of St. Croix. In addition to this, several real estate properties acquired from Denmark by the U.S. Government years ago will now be transferred at no cost to the Virgin Islands. Furthermore, title to property known as the former District Court Building, located on Norre Gade in St. Thomas, will be transferred to the jurisdiction of the Virgin Islands within 2 years.

As to Water Island, the modification of any provision affecting the existing Water Island lease cannot be accomplished before 1992 without express congressional approval. I look forward to the day in the future when the entire Water Island property will be transferred to the jurisdiction and enjoyment of the people of the Virgin Islands.

I am also pleased that title to all rights of oil, gas, and mineral deposits within one marine league has been transferred to the Virgin Islands. I join my House colleague, Representative TONY WON PAT in seeking an extension to three marine leagues for the Virgin Islands and Guam in the not too distant future.

There is also language in H.R. 3756 which allows for the collection of any excise taxes levied by the Virgin Islands Legislature upon the date of importation of the goods into the Virgin Islands rather than at a later date. I am pleased that this authorization should meet the provisions of bill No. 13–0362 as passed by the Virgin Islands Legislature in September 1979, to close existing excise tax loopholes.

Language is also included in H.R. 3756 which provides that funds attributable to the cost of collecting customs duties and fees on petroleum import products between August 18, 1978, and January 1, 1982, shall be retained by the Federal Government. After this later date, these costs will no longer be deductible.

Of much importance is language in H.R. 3756 which requires that the Department of the Interior waive matching requirements on Federal grant programs available to the territories. I have been a consistent proponent of this form of territorial assistance.

Of prime importance was the extension of the bonding authority provision to 5 years to the Virgin Islands government which had originally been completely deleted in Senate committee action. This provision will provide the Virgin Islands with significantly needed lending authority to continue its capital improvement program.

This bill represents a significant step forward in meeting the problems of the territories, which for so long have been either ignored or misunderstood. There is yet a great deal more ground to be covered, but it does provide a major step forward and should be supported if the residents of these territories, true and loyal Americans all, are to be recognized as such.

Thank you.●

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California (Mr. PHILLIP BURTON) that the House amendments to the Senate amendment be considered as read and printed in the RECORD?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from California (Mr. PHILLIP BURTON)?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PHILLIP BURTON. I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the legislation just considered.

The SPEAKER pro tempore. Is there

objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING CONVEYANCE OF LANDS IN THE CITY OF HOT SPRINGS, ARK.

Mr. PHILLIP BURTON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 1850) to authorize the conveyance of lands in the city of Hot Springs, Ark.

The Clerk read the title of the Senate bill.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1850

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any provisions of the Act of May 8, 1922 (42 Stat. 506), the Leo N. Levi Memorial Hospital Association is authorized to assign or convey all or any portion of or interests in and to lots one and two, in block 114 in the city of Hot Springs, Arkansas, to a nonprofit corporation organized under the laws of the State of Arkansas, its successors or assigns, for the purpose of erecting and maintaining thereon a housing facility for the elderly. Execution of such assignment or conveyance by the Leo N. Levi Memorial Hospital Association and execution of mortgages by said nonprofit corporation or its successors or assigns, in connection with the housing facility, shall not constitute a forfeiture of any rights granted to the Leo N. Levi Memorial Hospital Association by said Act of May 8, 1922. If at any time after lots one or two of block 114 are assigned or conveyed to said nonprofit corporation the property is used or permitted to be used for purposes other than housing facilities for the elderly or the purposes provided for in the Act of May 8, 1922, all the rights, privileges, and powers in such property authorized by this Act or by said Act of May 8, 1922, shall be forfeited to the United States.

Mr. PHILLIP BURTON. Mr. Speaker, the Committee on Interior and Insular Affairs amended S. 1850 to add two provisions which have previously been approved by the House this Congress.

Section 2 of the revised bill amends the Land and Water Conservation Fund Act of 1965 to permit additional acquisition funds of up to the greater of either a million dollars or 10 percent of a legislative ceiling to be appropriated in a given fiscal year, in the case of limitations enacted for national recreation areas prior to the 96th Congress. This is an extension of similar authority which already exists for all similar ceilings enacted prior to the 95th Congress. The House earlier passed an extension of this authority for all national park system and related areas. This latest version, however, would apply only to those national recreation areas whose authorizations were fixed during the 95th Congress. In the case of the Santa Monica Mountains National Recreation Area statute, which contains authorizations spaced over a period of years, I would expect this ability to seek further appropriations to apply to the total of the yearly authorizations when combined.

The section also amends authority permitting minor boundary adjustments to be made in national park system unit boundaries established after January 1, 1965, rather than over a 10-year period following the establishment of area boundaries. This change is intended to simplify administration of this existing authority.

The authority for the 10-percent ceiling increase applies to the authorization level and the areas included as a result of action in the 95th Congress.

Section 3 authorizes the Secretary of the Interior to acquire a collection of whaling artifacts and memorabilia for display at the National Maritime Museum. Appropriations to acquire the collection may be made from the amounts previously authorized for development purposes at Golden Gate National Recreation Area. The House previously passed language directing the Secretary to acquire such a collection. This current version would simply authorize the acquisition, thus permitting the Secretary more flexibility in negotiating for a suitable collection.

● **Mr. SEIBERLING.** Mr. Speaker, I rise in support of the bill (S. 1850) to authorize the conveyance of land in the city of Hot Springs, Ark., and for other purposes, as reported with amendments by the Committee on Interior and Insular Affairs.

As passed by the Senate on December 18, 1979, this bill would authorize the Levi Memorial Hospital Association to assign or convey its interests in two lots in the city of Hot Springs, Ark., to a nonprofit corporation (Levi Towers, Inc.) for the purpose of erecting a housing project for the elderly.

In 1922, Congress enacted legislation (the act of May 8, 1922) granting exclusive rights to the Leo N. Levi Memorial Hospital Association to use two lots in the city of Hot Springs, Ark., for the purpose of erecting and maintaining an addition to its hospital building located on adjoining lots. These rights and privileges were to continue as long as the property was used for these purposes, subject to a reverter to the United States.

Under the 1922 act, additional construction was completed on the hospital in 1928. In 1964, a nursing home was constructed on portions of the lots and was subsequently removed to construct a parking lot for the hospital.

At the present time, Levi Towers, Inc., a nonprofit corporation, created by the board of directors of the Leo N. Levi Memorial Hospital Association, wants to build a housing project for the elderly on these lots.

Legislation is necessary, in order to permit this change in use of the lots without a forfeiture to the United States of the rights granted to the association in the Act of May 8, 1922.

The proposed change in use—from hospital uses to housing for the elderly—would continue the public purpose use of the land. Therefore, the administration has endorsed the legislation.

In connection with this bill, Mr. Speaker, both the Committee on Interior and Insular Affairs and the committee which reported this bill to the other body took note of the fact that the Department of the Interior is concerned that improper development of the lots in question could adversely affect adjacent National Park Service lands. The committees were informed that the Department has received assurances that this will not be permitted to occur, both committees have stressed that it is their intent that the association work closely with the National Park Service in the formulation of development plans and that any adverse impact on the national park lands be avoided.

Mr. Speaker, during its consideration of S. 1850, the Committee on Interior and Insular Affairs amended the bill by the addition of two new sections.

Section 2 would extend the provisions of the Land and Water Conservation Fund Act as they currently apply to units of the National Park System so that, in the case of national recreation areas such areas would qualify for acquisition funding up to 10 percent over their statutory ceiling established prior to the convening of the 96th Congress. The section would also strike the 10-year limitation on the Secretary of the Interior's authority to make minor boundary adjustments, while further limiting the Secretary's authority to those boundaries established after January 1, 1965.

Section 3 would authorize the Secretary of the Interior to acquire, by donation or by purchase with donated or appropriated funds, a collection of whaling artifacts and associated items for preservation and display at the National Maritime Museum at the Golden Gate national recreation area in California; it also authorizes the appropriation of necessary funds for such acqusition, but not to exceed $3 million.

Mr. Speaker, both of the committee's amendments to this bill were earlier passed by the House when it passed the bill H.R. 3757, to establish the Channel Islands National Park and for other purposes. However, these provisions were omitted from the version of that bill which was passed by the other body and then by the House on February 20, 1980.●

COMMITTEE AMENDMENT

The **SPEAKER** pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, after line 13, insert:

SEC. 2. The Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended (16 U.S.C. 4601–4 et seq.), is further amended as follows:

(1) In subsection 7(a), within the paragraph numbered (3), after the phrase "Ninety-fifth Congress", insert the phrase "or, in the case of national recreation areas, prior to the convening of the Ninety-sixth Congress"; and

(2) In subsection 7(c), change "expire ten years from the date of enactment of the authorizing legislation establishing such boundaries;" to "apply only to those boundaries established subsequent to January 1, 1965;".

SEC. 3. The Secretary of Interior is authorized to acquire by donation, or by purchase with donated or appropriated funds, a suitable collection of whaling artifacts and associated items for preservation and display at the National Maritime Museum located at the Golden Gate National Recreation Area. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, but not to exceed $3,000,000 for the purchase of said collection, which sums may be appropriated from the amounts previously authorized for development purposes at said recreation area.

Mr. PHILLIP BURTON (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PHILLIP BURTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ESTONIAN AMERICAN NATIONAL COUNCIL

(Mr. LEDERER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEDERER. Mr. Speaker, I am pleased to stand before my colleagues today to ask them to join with me in celebrating the 62d anniversary of the proclamation of the independence of the Republic of Estonia.

Estonia proclaimed itself an independent republic on February 24, 1918. The decision was based on President Woodrow Wilson's declaration about all peoples' right to self-determination.

Not long after its proclamation of independence, Soviet Russia invaded Estonia. This war of independence was successfully concluded by the Estonians in February 1920.

The Allied Powers of World War I were at first somewhat hesitant about recognizing the newly emerged independent country. Their positive reaction was mainly achieved thanks to the fierce and successful fighting of the Estonian Army in the War of Independence. In May 1919, for instance, the Baltic Commission of the Peace Conference in Paris admitted unanimously that "the Estonians had done miracles."

During a period of 20 years of independence, the Estonian people demonstrated successfully what a small nation is able to achieve in all fields of life when it enjoys peace and freedom.

In 1940 this came to an abrupt end with domination by Russia. Since then the Estonian people have suffered extremely heavy human and material losses. This situation still persists. Estonia is economically exploited by the governing Moscow regime. Those who dare make any requests for freedom and justice, relying on the stipulations of the Helsinki Final Act, are either confined to mental hospitals or sentenced to prison terms. Needless to say that such sentences are made in conformity with the ill-famed mock trials of the Stalin era.

Nevertheless, again and again bold freedom fighters make their voices heard, one of the last evidences being an appeal on the 40th anniversary of the Stalin-Hitler pact and addressed to the Secretary General of the United Nations. This appeal was signed by 45 representatives of the three Baltic nations.

The United States has never recognized the forcible annexation of Estonia, Latvia, and Lithuania by the Soviet Union, which fact is of a great moral support to the people of these nations.

The 62d anniversary of the Proclamation of the Independence of the Republic of Estonia is approaching and Estonians over the whole world are commemorating their national holiday on February 24, yesterday. They reaffirmed on such occasions their determination to fight for the restoration of the independence of their native Estonia.

I ask that all Americans join with world public opinion and support them in their struggle for freedom and justice.

☐ 1210

HON. SAM STRATTON, RECIPIENT OF "MINUTEMAN OF THE YEAR" AWARD

(Mr. NICHOLS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. NICHOLS. Mr. Speaker, on Friday night of last week our distinguished colleague from New York, the Honorable SAM STRATTON, was honored by the Reserve Officers Association in being named as their recipient of the "Minuteman of the Year" award.

This is an annual award presented by the Reserve Officers Association at their annual spring meeting to the individual who has done the most toward strengthening the defense posture of this Nation and most certainly our colleague, Mr. STRATTON, is deserving of this prestigious recognition.

Mr. Speaker, this Nation is going to be faced with a determined adversary willing to pay the terrible price of achieving its military and political goals. Recent events in Afghanistan should leave no doubt in anyone's mind as to the aims and intentions of the Soviet Union. I share Congressman STRATTON's justifiable concern over this Nation's defense posture and I am placing his remarks in today's RECORD commending them to the reading of each Member of this body:

REMARKS OF CONGRESSMAN SAMUEL S. STRATTON

Mr. President, distinguished guests, my fellow members of the ROA.

You have done me a signal honor tonight in designating me as your Minuteman for 1980—not only because of the generous sentiments it conveys; but, even more, because, judging from the signs around, 1980 bids fair to become the Year of the Minuteman!

The year, that is—when America finally puts aside the self-guilt and self-flagellation of the post-Viet Nam period and goes to work—not just to talk about this country as the strongest country on earth—but to make it that in actual fact!

And the surest way for us to do just that is to remember that American strength and will reside ultimately not in the Pentagon but in the understanding, support, and contribution of every single American citizen.

In that spirit I accept your honor with pride and with profound thanks.

This evening has a special personal significance for me. Like a few of us here tonight, I grew up in the comfortable, easy years before Pearl Harbor. As college undergraduates in those days we figured it was fashionable to be against defense. We held peace rallies. And some of us even joined the Veterans of Future Wars. We thought we were pretty smart, pretty sophisticated—until that Sunday morning in December 1941, when the Japanese struck at Pearl Harbor.

A university education is a great thing. But there's nothing that can focus a man's mind more sharply on the fundamental realities of life than falling bombs—even when they're falling 6,000 miles away!

I joined the reserve on Monday morning. And, like most of the rest of you, I stayed on in the reserve after the war and joined the ROA—determined to do my bit to see that America didn't ever repeat those costly mistakes the democracies made before Pearl Harbor.

We've had our downs as well as our ups in the 35 years since then. But thank God, we have had organizations like the ROA, the veterans groups, the Coalition for Peace through Strength, speaking out repeatedly to urge America to keep its powder dry, keep its weapons in working order, and keep its able-bodied men and women prepared do to their duty.

I found out just how effectively the ROA had been carrying on that battle when I first came to Congress in 1959 and joined the House Armed Services Committee under Chairman Carl Vinson.

Incidentally, if ever there was a place to do something to prevent this nation from facing a hostile world again—as we did in 1941—with wooden guns and cardboard tanks—the House Armed Services Commit-has been that place.

Today we face a new challenge, which the President has rightly called the gravest challenge to world peace since Hitler's panzers began their drive across the plains of Europe.

Over the past 10 years our country has been going through a period of military decline, retrenchment from world-wide involvement, and open hostility to military affairs—hauntingly reminiscent of what went on in the years leading up to Pearl Harbor. The Viet Nam syndrome.

But suddenly now, because of the hostages in Iran and the Soviet drive into Afghanistan, a profound change has come over America. It's fashionable to be patriotic again. And the House and Senate are arguing now, not about who can cut the most out of Harold Brown's defense budget, but who can add the most to it.

We have been challenged—rudely and brutally—by another super power. A power that, somehow without realizing it, we have allowed to get ahead of us in raw military power. A power that, in our honest quest for peace, contentment, and the ennobling virtues of human progress, we have permitted to gain the clear impression that America is weak and has lost its courage.

It would be easy for us in ROA to say "we told you so." Many observers have been consistently warning of the grave implications of our continuing military decline, our unilateral abandonment of new high technology weaponry, and our failure to make credible responses to threatening developments in Angola, Cuba, and elsewhere.

But this is no time for recrimination. It is a time to look ahead, and to rally 'round the flag, as Americans traditionally have done in times of trouble.

The Commander-in-Chief has recognized the gravity of this challenge, and ordered a 180 degree course change. What better task than to join hands with these new converts and make sure that America moves as rapidly as possible to correct the shortages and weaknesses of the past?

That is precisely what the House Armed Services Committee intends to do with the President's defense budget in the weeks ahead. But we need the help of every member of the ROA, and of every other defense-minded group.

Because even though the Carter Administration has made a 180 degree turn, many of the traditional opponents of defense are still around, some in positions of influence—apologizing for Afghanistan, attacking our support for the Shah, and deploring spending extra money for defense instead of handing it over to the leftist government of Nicaragua.

This is not the time or place to run through any detailed shopping list of what we need in terms of weapons and strategies to achieve a convincing deterrent posture in the Persian Gulf.

But there is one area of military preparedness which is of special interest to the Reserve Officers Association, and which is absolutely essential to restoring the credibility of America's revived defense establishment.

I am talking about military manpower, and in particular the key role that must be played by the citizen soldier, sailor, and airman—the traditional American Minuteman.

Five months ago the House Armed Services Committee brought its annual defense authorization bill to the House floor for final consideration. Incorporated in that bill was a section providing for the revival of selective service registration. That section was strongly supported by the Joint Chiefs of Staff, and by a large majority of the committee. According to the opinion polls it was also supported by a majority of the American people.

Yet registration was opposed at that time by the civilian heads of the Defense Department and by the White House. When the final vote was taken it went down to defeat by over 100 votes.

Now President Carter has come back to Congress to ask for that authority which he turned down just last fall. I believe we should give him that authority, and do it by an overwhelming vote.

Nothing, in my judgment, could demonstrate more convincingly, to our allies and to our adversaries, that America has indeed changed course, that we do mean business, and that we do intend to defend our basic national interests.

Clearly, a country whose citizens are openly hesitant about making themselves available for military service is hardly likely to offer any convincing deterrent to a determined foe.

Judging from what I have heard in Congress lately, however, there is a chance that a decisive vote in favor of draft registration may be sidetracked.

As you know, the President has proposed we register women as well as men. A large majority of the committee and of the House oppose registering women. Quite properly so, in my view, since women are barred by law from combat.

But if registration is limited to men, then no additional legislation is needed, since the President already has that authority.

So, it has been argued, since drafting women is controversial, why report out any bill at all? Just let the President do it by executive order, and then we can avoid a hassle in the House and a filibuster in the Senate.

I believe that would be a serious mistake. What we need desperately today is a clear-cut public manifestation of the fact that Congress and the President—5 months after that last negative vote—are united on taking the first significant step toward providing the military manpower we need to deter further Soviet aggression in the Persian Gulf!

We need a Congressional vote for registration. We need it by a big margin. And we need it soon. I urge the membership of ROA to join in pushing for just such a vote.

While we're on the subject of registration let me mention a second matter. I spoke the other day with the commander of the New York State National Guard. We were up at the Winter Olympics in Lake Placid. We had a lot of time to chat. We were waiting for a bus!

The commander said he hoped Congress wouldn't stop with registration. He suggested we take the next step and go ahead with examination and classification. In other words, we should not only get a list of the eligible young men, but find out which ones are physically fit for service. Under the President's proposal, New York would be registering about 212,000 young men, aged 19 and 20. If those 212,000 were classified—1-A, 4-F, or whatever the case may be—the General figured that at least 4,000 of that 212,000 would end up volunteering for the National Guard. That, he said, would fill all the current vacancies in the guard.

I was surprised at first. But the answer, of course, is—as it was in Viet Nam—that if a young man knows he's 1-A, and is thus likely to be called at the first emergency, he'd might well opt for the Guard or the reserve now, rather than wait for the regulars later on.

This is an interesting thought. We do need to fill up the Guard and the reserve. I think we should move on to classification.

Finally, let me mention one other point. Many of those pushing hardest for registration today are also telling us they have no intention of going to an actual draft. All they want registration for, they say, is for "symbolism."

But if registration symbolizes anything it symbolizes America's willingness to generate not only the weapons of defense but also the personnel needed to operate and maintain those weapons.

Pretending that registration has no possible relation to the draft may be good politics. But this is a poor time to be kidding the American people. Registration—except to the the extent my Olympics friend suggested—doesn't put a single man into uniform. Yet our most critical shortage today is manpower. How can we present a believable deterrent without manpower? We send 1,800 Marines to the Persian Gulf to confront 90,000 Soviet troops. Does anybody think the Russians can't count?

And what good is it to have a list of names and addresses of eligible men unless the men on that list also know how to do the job they will have to do in an emergency?

Maybe we should take a lesson from our European friends. In Switzerland, for instance, every able-bodied young man is called up for military training at the age of 20, stays in for 5 months, and then returns home, taking his rifle with him. For the next 12 years he reports annually for 3 weeks of summer training.

If we were to do the same on even a more limited basis, over the next few years it would give us, without too much disruption in personal lives, a substantial pool of capable, trained military manpower in the Individual Ready Reserve.

In my judgment we have gone as far as we can go in trying to attract more men and women to volunteer for military service on the basis of money alone.

The ROA Minuteman, on the other hand, symbolizes an individual who volunteers for service not for money but out of a feeling of obligation to serve his country.

For all too long our defense leaders have neglected our reserves, sought each year to cut their numbers, relegated them in inferior status and to neglect.

It is time to put an end to that. If we are to end our weakness in manpower, it can best be done with reservists, not career professionals.

The time is long overdue for the Defense Department to upgrade those civilian officials, in both the Department of Defense and in the individual services, who are in charge of reserve activities. And it is time too to pay a lot more attention to Chairman Price's Total Force bill, H.R. 6076.

The steps I have outlined here tonight are not of course the only steps that we need to take to turn this country around. But they are steps which can be taken now. It will take seven years to get another carrier built for the Indian Ocean. It will be another 4 or 5 years before the Rapid Deployment Force will be ready for action. But we can restructure our military manpower by restoring our reserves to their proper position almost overnight.

Robert Kennedy used to remind us that "All that is needed for evil to triumph is for good men to do nothing."

Well, I believe here is a program to which this great organization can give a uniquely effective push.

And let us not forget that time is not on our side. As Winston Churchill put it so eloquently as England faced the Battle of Britain:

> "Come, then, let us to the battle, to the toil, and to the task.
> Each in his own way; each at his own station.
> Let this great nation move forward together.
> There is not a day, not an hour, not a moment to be lost."

ARIZONA NEEDS ORME DAM

(Mr. RUDD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RUDD. Mr. Speaker, for the fourth time in 2 years the Phoenix area and its population of over 1.5 million has been hit with devastating floods that could have been prevented by a dam at the confluence of the Salt and Verde Rivers 14 miles east of Phoenix.

Orme Dam was authorized by Congress as part of the central Arizona project in 1968.

It immediately became the target of environmentalists, who had failed to make their case against the dam during legislative action on the CAP.

At the last minute, President Carter demanded elimination of Orme Dam from the CAP 3 years ago as the price for removing the entire CAP from his water projects "hit list."

Since that action, Arizonans have suffered many deaths, suffering, and more than $300 million in property damage in the Phoenix area alone from four massive floods.

Members of Congress from the Phoenix area have been solidly on record for

Orme Dam all along, and now our Governor has just announced his support for prompt construction of an Orme facility.

The President and Secretary Andrus should bow to the will of our people and join in supporting prompt construction of this vitally needed flood control and water storage project in Arizona.

Enclosed is a factsheet on Orme Dam:

THE CASE FOR ORME DAM

Orme Dam, to be located at the confluence of the Salt and Verde Rivers 14 miles east of Phoenix, was authorized by Congress as a unit of the Central Arizona Project under Public Law 90–537, enacted on Sept. 30, 1968. However, owing to opposition from environmental and other interests, Orme Dam has not been built.

Had Orme Dam been given the priority it should have received since CAP construction began in 1971, its flood control capability would have prevented more than $300 million of property damage in the greater Phoenix area from four major floods in the past two years.

As planned, the 195-foot high dam to be built by the U.S. Bureau of Reclamation (now the Water and Power Resources Service) would have been completed in 4 to 5 years. The cost of Orme Dam and all related work was initially estimated at $95.8 million. The dam's total reservoir capacity would be 1,650,000 acre-feet, greater than the capacity of Roosevelt Dam, with flood control capacity of 950,000 acre-feet. The reservoir would be operated to control a standard project flood peak discharge of 290,000 cubic feet per second down to 50,000 cubic feet per second at the Orme site.

As the following facts demonstrate, Orme Dam's ability to control the flow of water from a standard project flood down to 50,000 cubic feet per second—a flow that Phoenix bridges and street crossings are more than adequate to withstand—would have prevented the devastation of the past four floods since March, 1978:

Flood date	Peak discharge (c.f.s.)		Estimated cost of property damages
	Granite Reef [1]	Tempe Bridge [2]	
March 1978	96,000	122,000	$66,000,000
December 1978 to January 1979	110,000	140,000	63,000,000–80,000,000
	75,900	88,000	
March to April 1979	51,300	67,800	70,000,000
February 1980	180,000	180,000	90,000,000

[1] Granite Reef is 1 mi downstream from the Orme site at the confluence of the Salt and Verde Rivers.

[2] Gauged by U.S. Geological Survey at Jointhead Dam, between 48th St. and Tempe Bridge. Additional water flow into the Salt River below Granite Reef, from rain and other sources, accounts for the higher rate of discharge at Tempe Bridge.

CONGRESSMAN MELVIN PRICE OUTLINES AMERICA'S DEFENSE REQUIREMENTS

(Mr. CHARLES H. WILSON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CHARLES H. WILSON of California. Mr. Speaker, last Friday I had the opportunity to listen to Mr. MELVIN PRICE, chairman of the House Armed Services Committee, as he outlined the needs and the future of America's defense requirements. No one person has contributed more to insure the readiness of our defense capabilities than Chairman PRICE, and no one person has been more instrumental in alerting Congress and the American people to the need for a strong defense and balancing that need with other demanding priorities.

I commend the chairman on his speech and insert it in the RECORD for each Member to study.

REMARKS OF THE HONORABLE MELVIN PRICE

I would like to speak briefly today about some matters concerning national defense.

I want to talk about the manner in which we approach defense planning this year.

Let me begin by quoting something for you:

"Our priorities are sometimes dictated by developments beyond our control. For example, developments which we could not control have forced us to give a much higher priority to national energy resources than we could have predicted a decade ago.

Similarly, our national defense requirements are dictated by external developments, potential external threats, beyond our control. The vast increase in Soviet military might is real. I don't know any responsible official who denies it. We have to take it into account in determining our defense requirements."

That statement was made three years ago.

It was made in this very room.

It was made by me.

At the time, I was trying to make the point to the members of the House, including members of my own party, that defense levels should not be determined according to someone's plan for domestic spending or according to someone's favorite theories of economic stimulation.

Now, let me quote something else:

"In the overall judgment of this committee, based on extensive hearings and study, our military posture over the past several years has been on the decline relative to Soviet advances in both technology and military capability. The present trends, which are clearly in favor of the Soviet Union, must be reversed if the United States intends to continue to maintain its ability to preserve freedom and deter aggression."

This statement was made about a month after the earlier quote—in April, 1977. It was contained in the report of the Armed Services Committee on the defense authorization bill for fiscal year 1978.

I could quote from other reports of the committee during the decade of the 70's that carried the same warning. And invariably, in making that warning we pointed out that the trend that had developed in favor of the Soviet Union could not be quickly reversed. The combination of the long development time required for new weapons systems and the long period during which we neither replaced our major strategic systems nor sufficiently modernized our conventional forces means that it will be the latter half of the 1980's before the trend lines recross in our favor. And that is true under the best of circumstances.

The whole purpose of those warnings was to get across the message that our military capability must be such that it can defend our interest at times and in places not of our own choosing.

One of the tragedies of Vietnam is that it created a national mind-set that defense levels were something arbitrary. We would not undertake any more "adventures" like Vietnam so we could reduce the defense budget and put the money elsewhere.

Essentially, we did that.

We did not reduce the amount of our resources going to public purposes. Government takes 22.3 percent of Gross National Product today. The figure averaged 19.5 percent in the 1960's.

But we reduced the amount going for defense. Defense spending last year was 4.6 percent of GNP. During the Nixon-Ford years of the post-Vietnam period, 1973–77, it was 5.4 percent. During President Kennedy's term of office it averaged over 9 percent.

So there is no question that we can afford to spend more on national security.

But those of us who warned that we might not be ready in a crisis were ignored like Cassandra.

So now a crisis has come. And suddenly the whole country is aware that we are not ready.

For most of the decade of the 70's our committee warned that the planning for the Navy was not realistic in terms of potential worldwide commitments and that failure to build major combatant ships with nuclear power would limit our naval combat capability.

The present crises in Iran and Afghanistan have reminded us, as such crises invariably do, how very much we are a maritime power. Throughout the period of the 70's various civilian experts, most of whom have never been to sea, had been redefining the role of the Navy and telling us that we do not need ships for the power projection mission. When the crisis developed in the Middle East, our first response, as it always is, was to send a naval task force into the Indian Ocean—led by a nuclear aircraft carrier. Somehow, all of those sophisticated studies seem to have dropped from sight.

The longer one waits to start reversing a trend, the longer it will take to do so. And the more it will cost. If the effort to modernize our forces had begun in the 70's, it could have been started at a time when the inflation rate was 5 or 6 percent. Today the inflation rate is over 13 percent. So the effort to catch up will cost more. And it must be remembered that the Soviets have not slackened their own efforts and that in many areas, their quantitative production capacity far exceeds our own.

What is needed is the resolve for a sustained effort over time. It will require steady real growth in the defense budget during the decade of the 80's, discipline on the part of all of us to make realistic budget decisions, and the wisdom to choose our defense priorities carefully.

I am concerned that the present attitude in Washington could lead to wasted efforts to try to correct all our defense shortcomings in a hurry and fail to build the resolve we need for the long haul.

The climate has changed radically on Capitol Hill.

It wasn't so many years ago that it was very hard to find a Hawk around here. But I haven't seen a Dove fly past in several months now.

What we need in facing our defense requirements for the 1980's is neither the attitude of the Dove nor the attitude of the Hawk, but rather the staying power of the Golden Plover. The Golden Plover flies the longest sustained flight of any known bird, from Massachusetts to South Africa, a distance of 8,000 miles, without ever stopping.

It seems clear already that, to provide even the growth projected in the President's plans, the budget is going to have to be higher than requested. Two reasons alone can be cited: (1) the increased cost of energy above what is provided in the budget—in the case of the Defense Department probably approaching $5 to $7 billion in fiscal 1981; and (2) the budget presumes legislative savings which have been rejected by the Congress in the past and are unlikely to be realized in the present year.

So even without new programs, the defense budget is going to need more funds.

There are some people who call for a reduction in taxes, a balancing of the federal budget, and a huge increase in defense spending all at the same time.

They are called Republicans.

They are not called realists.

There just simply are not a lot of extra dollars available to spend on all the lower priority programs some of us would like to have or to invest in systems which will not be available for many years.

I think the hardest thing we have to do is choose our priorities correctly. And, in my view, the items of highest priority are neither the most glamorous nor have the most powerful constituencies. In some cases, they might be said to have no constituency at all.

I think our first priority is improved readiness of our present forces in the short term. This involves providing for additional budget authority in the operation and maintenance area so that our forces have the adequate and realistic training they require to be truly ready. It means increased procurement of spares and repair parts so that fewer of our ships, planes and guns will be in the lower readiness categories. It means adequate financing for flying hours for our military pilots and steaming hours for our naval ships, and for ship overhauls, aircraft engine rework and depot maintenance.

It means procurement of missiles and ammunition at a rate sufficient to get our inventory levels up to what is required and provisions for our troops to be able to have sufficient armament to train realistically with their weapons.

As important as anything, improved readiness means increasing the readiness, the retention, and the morale of the men and women of our armed forces, active and reserve.

We are going to have to consider improved pay for our armed forces. The so-called cost of living raises have failed to keep pace with either cost of living or private industry pay. We are going to have to make a major effort to rectify shortcomings in those benefit areas which have a substantial impact on the morale and the retention of our armed forces—such as medical care and housing.

Lastly, we are going to have to provide a condition which shows that we are truly prepared to mobilize forces in an emergency and are prepared to take such steps as necessary to see that we have adequate manpower in our armed forces. We are entering what may be the last few critical years in determining whether the all-volunteer force is a viable concept for our nation.

Regardless of whether or not additional efforts will make the all-volunteer force work, we must return to registration as a precondition for improved mobilization. It is sometimes forgotten that the efforts to create an all-volunteer force in the early 70's never assumed that the force would be sufficient in all war-time scenarios; rather it was always assumed that mobilization would be required if war came.

Last year our committee proposed registration only and stated clearly that going to registration now to improve mobilization capability did not mean induction. The Administration opposed that proposal at the time and it was defeated on the House floor. In two separate roll calls, it lost by 89 votes and 104 votes.

The President has now proposed registration and again I support it.

The President can register young males under present law. That is, he needs no new legislative authority for the registration of men. He needs approximately $12 million in additional appropriation for the Selective Service System and such is now being considered by the Appropriations Committee.

The President has also proposed registering women.

For this, new legislation would be required.

The proposed bill to register women has been submitted and is being considered by the subcommittee chaired by Mr. White of Texas.

I anticipate that the proposal to register women will have substantial opposition both in the committee and in the House. Because of the size of the eligible male population, there is no absolute military necessity to have women register. It is my hope that the registration of men will go forward regardless of how the House votes on registering women.

The question inevitably arises as to the possibility of conscription in the future. In my opinion, avoiding a return to induction would require substantial additional investment of our resources in some form in an effort to attract additional qualified manpower.

It is my own view that such an effort should take the form of substantial additional educational assistance for new recruits. This is a kind of incentive which provides long term benefits to society as a whole (such as the G.I. bill did after World War II) and attracts individuals from all segments of society who are capable of performing well in the military and who are well motivated.

In summary, I invite you to join a new constituency in behalf of readiness and steadfastness.

Let us make sure that our armed services are ready now. Let us put our first efforts into the need of our present forces and the well-being of our military personnel.

And let us commit ourselves to the long, sustained, measured effort to make sure that in the future we are going to be second to none. Let us show discipline in judging priorities.

And let us make it clear that the Democratic Party gives first priority to a strong national defense.

THE FEDERAL ELEMENTARY AND SECONDARY EDUCATION ASSISTANCE ACT

(Mr. OTTINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, I am introducing today the Federal Elementary and Secondary Education Assistance Act of 1980 to provide desperately needed funds to revive the school systems of our country. As proposition 13 fever sweeps through the country, increasingly school budgets are being cut, depriving children of enrichment courses, increasing the size of classes, and jeopardizing the quality of our educational system. Increasingly, the Federal Government is going to have to fill this vacuum if the quality of education is to be maintained.

The Federal Elementary and Secondary Education Assistance Act authorizes basic grants directly to the local educational agencies in an amount equal to $100 for every child in that school district. This grant program would provide approximately $4.2 billion in new Federal assistance. The grants would be increased to $150 per student in fiscal year 1982, and $200 per student in fiscal year 1983. The administration is simple, the paperwork minimal. These grants could be used for those needs which the local educational agency determines are most pressing. For example, the school district could hire needed teachers, eliminate architectual barriers to the handicapped, reduce class size, or do many other things for which assistance is not presently available. This act will provide financial assistance without weakening State and local control over education.

While the primary responsibility for providing elementary and secondary education rests at the local level, I believe the Federal Government should become a partner with the States and localities in assuring the availability of a high quality education to all children in this country. Increased Federal assistance to the local educational agencies will not only supplement the local school budgets, it will relieve the pressure on local property taxes.

The heavy use of property taxes for financing education places an enormous burden on homeowners and creates many inequities. We must eliminate situations such as homeowners being forced to sell their homes because they cannot pay their property tax bills. Some property tax relief is available presently but it is not sufficient. In addition, as the birth rate drops, we can expect reduced economies of scale in the operation of our public schools and a consequent rise in the cost of running them.

In 1977–78, State and local governments contributed 92 percent of public elementary and secondary school budgets nationally. The Federal Government's share was only 8 percent. In New York, the Federal share is only 5 percent, with the State support approximately 40 percent and the localities' share 55 percent. Localities simply cannot afford higher property taxes to pay for education. Federal assistance is warranted and overdue.

With the passage of the Elementary and Secondary Education Act in 1965, the Federal Government assumed a new, stronger role in education. The ESEA provided categorical assistance designed to meet specific educational needs—compensatory, vocational and bilingual education, for example—and other programs that supported national goals.

After the passage of ESEA, Federal aid for elementary and secondary education doubled. Unfortunately, since 1965, the level of Federal funding has remained relatively constant at 8 percent of school revenues. This is in spite of the recent Federal registration requiring school districts to provide an appropriate education to all handicapped children. This new mandate was accompanied by a promise of Federal assistance. While I support the goals of this act, I am deeply disturbed by the Federal Government's failure to live up to its responsibility to help pay for this program. I will continue to work with my colleagues in Congress to push for substantial increases in funding for this program in the future.

The new U.S. Department of Education was established as an indication of the importance of education to this Nation. Passage of the Federal Elementary and Secondary Education Assistance Act would be an appropriate measure to follow. This bill will not resolve the long and complex controversy over education funding or the equality of education resources, but I think it is important that more of the cost of education be shifted from regressive property and sales taxes to the more progressive Federal income tax. It is my firm belief that the American taxpayer would agree that Federal revenues used for education are dollars well spent, for education of our youth is our most critical investment in America's future.

The text of the Federal Elementary and Secondary Education Assistance Act follows:

H.R. 6598

A bill to establish a system of unrestricted grants to local educational agencies

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Elementary and Secondary Education Assistance Act of 1980".

SEC. 2. The Congress finds—

(1) that the heavy use of property taxes for financing education places a tremendous financial burden on taxpayers; and

(2) that it is in the national interest for the Federal Government to assist the State and local governments in making available to all children an education of high quality in the public school system.

SEC. 3. (a) The Secretary shall, from the funds appropriated under section 6 for a fiscal year, make a payment to each local educational agency in an amount equal to—

(1) $100 multiplied by the number of children determined under section 4 with respect to such agency for fiscal year 1981;

(2) $150 multiplied by the number of children determined under section 4 with respect to such agency for fiscal year 1982; and

(3) $200 multiplied by the number of children determined under section 4 with respect to such agency for fiscal year 1983.

(b) If for any fiscal year the amount appropriated under section is not sufficient to pay in full the sum of the amounts which all local educational agencies are eligible to receive under this section, the amount paid to such agencies shall be ratably reduced to the extent necessary to bring such payments within the limits of the amount so appropriated. If additional funds become available for making payments under this section for any such year, such reduced amounts shall be increased on the same basis that they were reduced.

SEC. 4. For purposes of section 3, the Secretary shall determine the number of children aged five through seventeen, inclusive, in the school district of each local educational agency on the basis of the most recent satisfactory data available from the Department of Commerce for such agencies (or, if such data is not available for such agencies, for counties).

SEC. 5. Funds provided to local educational agencies under this Act shall be expended by such agencies only in accordance with the laws and procedures applicable to the expenditure of its own funds.

SEC. 6. There are authorized to be appropriated such sums as may be necessary to pay in full the sum of the amounts which all local educational agencies are eligible to receive under section 3(a) for fiscal years 1981, 1982, and 1983.

SEC. 7. For purposes of this Act—

(1) the term "Secretary" means the Secretary of Education; and

(2) the term "local educational agency" has the meaning set forth in section 198(a)(10) of the Elementary and Secondary Education Act of 1965.

MORE GOLD MEDALS FOR HEIDEN, U.S. HOCKEY TEAM

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, I am today introducing legislation that will provide for the striking of congressional gold medals for Olympic speed skating hero Eric Heiden and the U.S. ice hockey team.

The gold medals will be designed by the Mint and presented by the President. Bronze duplicates of the gold medals will be sold to the public. Any profits for the bronze medals will go to the U.S. Olympic Committee.

At a time when our Nation is searching for heroes, we had to look no further than Lake Placid to find a perhaps overlooked hero and a group of undiscovered heroes.

The accomplishments of Eric Heiden may well rank as one of the greatest athletic performances of all time but because we are a nation more in tune to sports such as football, basketball, and baseball we may not realize the magnitude of his performance. It ranks with Babe Ruth's 60 home runs, Joe DiMaggio's 56-game hitting streak, Wilt Chamberlain's 100-point game, and the ground gaining records of O. J. Simpson and Jim Brown. In fact it ranks with every accomplishment in sports.

Not only has no athlete ever won five gold medals in a winter Olympics, but only one other has even entered five events. And Heiden's victories were not flukes. He broke Olympic records in every race and in the 10,000-meter race he broke the world record.

Mr. Speaker, it has been suggested that Eric Heiden is perhaps better known and better appreciated in Europe than he is in his own country. I do not know if that is true. But by presenting him with a congressional gold medal we certainly will be showing him our Nation's recognition and appreciation.

The victory of the hockey team in the Olympic tournament is being called one of the greatest upsets in sports. Seeded seventh in the Olympics and a 10–3 loser to the Soviet Union only a few days before the Olympics began, the U.S. team would have shocked the experts by winning even a bronze medal. But the team won the gold and in the next to last game defeated the Russians 4–3. This is the same Russian team that until yesterday had been called the best in the world and had defeated many professional hockey teams. But the Russians are no longer the best—that title and the gold medal belongs to the U.S. team. It is a team that has captured the imagination of every American. In every game except one, the Americans had to come from behind to win and in the final game against Finland the team had to overcome three last period penalties to preserve the victory.

Mr. Speaker, I feel that the performance of the American team during those last period penalties when it was forced to skate one man short, typifies the spirit of the team. Instead of falling back and waiting the Americans attacked and at times looked as if they had the man advantage.

I do not see how anyone who saw the U.S. hockey team can ever forget its performance and certainly the gold medal and bronze duplicates will make the memory even more vivid.

I invite every Member of the House to join me in cosponsoring the bill. I have cosponsor sheets with me now or you can add your name to the list by calling Curtis Prins, the staff director of the Consumer Affairs Subcommittee, at extension 5-9181.

Eric Heiden leaves this week for the World Speed Skating Championships in Holland. As soon as he returns it is my intention as chairman of the subcommittee having jurisdiction over medals bills, to begin hearings.

TRIBUTE TO THE LATE HONORABLE WILLIAM M. McCULLOCH

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BROWN of Ohio. Mr. Speaker, I was in Ohio meeting speaking commitments Friday when I learned of the death of Bill McCulloch; so I join today with Members of the Ohio delegation and other Members of the House in paying my respects to the memory of the honorabe William M. McCulloch of Ohio and in extending my condolences to his family.

Bill McCulloch will undoubtedly rank as one of the most outstanding Members of the U.S. House of Representatives. As his fellow Ohioan, and as a Republican, I take pride in the part he played as ranking member of the Judiciary Committee in moving civil rights legislation through the House in the 1960's. He led his colleagues in the civil rights movement when he was under no pressure to do so from his constituency, because it was simply a matter of conscience with him that all Americans should have the opportunity to exercise their constitutional rights.

I am also proud of the fact that another Ohioan, my late father and predecessor, wholeheartedly supported Bill McCulloch in his belief that "something had to be done" and cooperated with the gentleman from Missouri, Mr. DICK BOLLING, in getting the civil rights legislation out of the Committee on Rules and on to the floor of the House.

Mr. Speaker, over the weekend I received a mailgram from that great American who was for years the lobbyist for the NAACP, Clarence Mitchell, Jr., in which he said the following:

Congressman CLARENCE BROWN, Jr.,
House of Representatives:

The following is text of message I have sent to Mrs. McCulloch, please share it with other Members and the Ohio delegation.

Just received the sad news that my honored friend and a great humanitarian, former Congressman William McCulloch has passed on. I shall always remember him for his patient and dedicated handling of legislation that did so much to fulfill the promises of our national constitution. The country as a whole is indebted to him for his public service. Please accept my sympathy to you and the members of your family.

CLARENCE M. MITCHELL, Jr.

Mr. Speaker, on a more personal note, throughout the years, both in Ohio and in Washington, the McCulloch and Brown families have shared a long and cherished friendship. While Joyce and I are saddened at their loss and share in the bereavement of Mrs. McCulloch, Nancy and Ann, and the grandchildren, we know they are comforted in the knowledge that Bill McCulloch was a good husband and father and that he led a long and productive life. More than any of us, they can be proud of the legacy he has left them through his many accomplishments in public service and through his service to his fellow man.

REDUCTION IN COMMITTEE STAFF

(Mr. COLLINS of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLLINS of Texas. Mr. Speaker, the big talk in my hometown is about Carter's 18-percent inflation. They know Congress caused this inflation by spending too much and issuing paper money to cover the deficit. Folks want to know what Congress is going to do about it.

We have an outstanding opportunity this week to restore public confidence by reducing a needless expense. The funding resolutions for congressional committee staffs come to the floor. These people have no tenure as they are doing temporary work so no one is hurt.

My own Commerce Committee could lead the way. From the 90th Congress to this 95th, its budget has gone up from $566,705 to $8,099,000 last session. Now let us be pragmatic with this 96th session, and let us eliminate excessive staff.

The big boost in Commerce was from 93d to 94th when it zoomed from $1.64 million to $6 million. With big staffs, total budget for the Nation went from $271 billion in 1974 to $334 billion in 1975.

This present funding request sees House Administration asking for $1,744,500 which is 47 percent higher than last year's funding of $813,900.

Check the entire list. How many committees will set a progressive example for the Nation and cut their staffs in half?

Do we need $9,881,000 in an information system? Most of these facts are also available from other sources.

We had some total figures furnished showing how fast the salaries have jumped in the seventies. Rules Committee between 1973 and 1979 went up 656 percent. Between 1973 and 1979, we saw Agriculture jump from $375,027 to $1,996,218. We saw Merchant Marine have a gross boost from $442,409 to $2,597,945.

Let us review each committee and weigh it on its own merits. I would favor the Standard of Official Conduct increase. Only one committee, which is the efficient Veterans' Administration, requests a smaller amount.

Let us hope that the leadership will provide for open amendments so the will of the House can best evaluate the reductions.

In 2 days we will have before us 21 funding resolutions on committee staff. There will be celebrations in the streets over all America if we could report that these big staffs have been cut in half. America will then know that Congress is dead serious about cutting spending.

Today in America, we have more government than we need, more regulations than we can carry, and more taxes than the people can afford to pay. Less staff will lead to less government.

NATIONAL INTELLIGENCE ACT OF 1980

(Mr. BOLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOLAND. Mr. Speaker, today I introduce a bill entitled the "National Intelligence Act of 1980."

This bill was recently introduced in the other body as S. 2284, sponsored by Senators HUDDLESTON, MATHIAS, BAYH, and GOLDWATER.

It represents 2 years of hard work by the Senate Intelligence Committee and the President at drafting an omnibus charter for the U.S. intelligence community.

Like other, less comprehensive measures, the bill addresses important issues affecting the intelligence community—a task last undertaken in 1947.

All these proposals deserve the full attention of the House, because they pose, once again, the issue of how to provide for an effective intelligence system, responsive to the needs of the President, yet safeguard the rights of Americans.

Further, they côme before us at a time when many are urging that the CIA and other intelligence agencies be "unshackled."

Upon examination of existing law, I can find no legislative restraints on the lawful activities of our intelligence agencies.

To be sure, certain activities of the CIA now must be reported to too many congressional committees and the CIA has asked for amendments to the Freedom of Information Act, but leaks on covert operations are more a problem in the executive branch than in Congress and the CIA does not claim that the FOIA has jeopardized secret information, only that others believe that it does.

When Congress has legislated in the national security area, it has done so with great deliberation and care.

The Foreign Intelligence Surveillance Act and the annual intelligence authorization acts are examples of this record.

The National Intelligence Act also comes before us at a time when few legislative days remain in the 96th Congress.

The House must, however, legislate with care on the issues affecting intelligence.

We must, as Senator BIDEN said the other day, resist those who urge a return to the "good 'ole days" when few in Congress or the executive branch knew what the intelligence community was up to.

Congress must exercise continued oversight of intelligence activities, not only for the protection of the civil liberties of our citizens, but to insure that the national security is served as well.

The quality of intelligence analysis should be our concern as much as questions of accountability.

Senator GARN remarked at the first hearings on the National Intelligence Act that the intelligence community had received a bad image from the press—both during the congressional investigations of the seventies and in the period since.

I feel that the agencies are coming out of the low point in morale that marked those years.

Legislation which responds to their documented needs will further boost that morale.

I and all the members of the Permanent Select Committee on Intelligence will work very hard on the legislation before the committee to produce intelligence legislation which is needed, which will help the Nation—all of it—and which will restore the intelligence community to a position of trust and responsibility.

The bill I introduce today was not drafted by the Permanent Select Committee in Intelligence.

The committee is just beginning its examination of it.

Although there are provisions in the National Intelligence Act about which every Member—myself included—has reservations, we will consider it and all the other charter proposals before deciding which course to recommend to the House.

The committee will begin its hearings on intelligence charter bills on March 18.

XIII WINTER GAMES

(Mr. BOLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOLAND. Mr. Speaker, I want to join with my colleagues in paying tribute to all the members of the U.S. winter Olympic team.

The XIII winter games, which ended on Sunday, provided examples of speed, strength, grace, coordination and endurance in quantities unmatched in other forms of athletic competition. All of the athletes who participated in the games earned the admiration of the people of the world for the years of effort which culminated in their performances in Lake Placid. The athletes who represented the United States are deserving of our special praise and admiration for the effort that they put forth. In whatever event they were entered, and regardless of whether they were in contention or not, the members of the American team gave an account of themselves which amply justified the judgment of those who selected them to represent our country.

In particular, Mr. Speaker, I would like to congratulate those American athletes whose performances earned them medals. The achievement of Eric Heiden, in winning five individual gold medals, will long be remembered. By shattering Olympic and world records in some of the most demanding events imaginable, he set a mark of excellence that may never be broken. The other individual medal winners, Beth Heiden and Leah Mueller in speed skating, Charlie Tickner and Linda Fratianne in figure skating, and Phil Mahre in Alpine skiing are similarly deserving of praise for their accomplishments.

For many Americans, however, the exploits of the U.S. Olympic hockey team were the highlights of the games. In many respects, the achievements of the hockey team are among the most significant and the most thrilling in American sports history. The defeat of the Soviet Union on Friday ended a 20-year dominance by the Russians of international hockey competition. The victory over Finland on Sunday provided the United States with only its second gold medal in hockey in the history of the winter Olympics. These are accomplishments of which the members of the team can be justifiably proud. The gold medal represents for these young athletes a tangible reward for the hours, weeks and months of effort necessary to even participate in the Olympics.

The gold medal also represents what can be achieved by a group of skilled young people who believe in themselves, who believe in the values of hard work, discipline and determination, and who know that success for a team comes through cooperation and selflessness. Lightly regarded by many before the tournament began, they refused to doubt their abilities. Behind in the final period of several games, they refused to give up. Faced with the prospect of playing the older, more experienced, state-supported teams of the Soviet Union and Czechoslovakia, they refused to be awed. They were a joy to watch, both for their technical excellence and for the unabashed enthusiasm which they brought to their play. Rarely has an athletic event so completely captured the attention of a nation, rarely has any group of athletes so completed captured the hearts of their countrymen. They have given us something to cheer about at a time when it is desperately needed.

Mr. Speaker, those of us from Massachusetts should be indulged as we note with pride that four members of the team, Mike Eruzione, Jim Craig, Jack O'Callahan and Dave Silk, are from the Commonwealth. I salute them and their teammates: Bill Baker, Neal Broten, Dave Christian, Steve Christoff, John Harrington, Steve Janaszak, Mark Johnson, Ken Morrow, Rob McClanahan, Mark Pavelich, Mike Ramsey, Buzz Schneider, Eric Strobel, Bob Suter, Phil Verchota and Mark Wells. They, their coach Herb Brooks and their trainers, are a credit to the ideals which are supposed to be embodied in the Olympic games.

THE U.S. HOCKEY TEAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. HAGEDORN) is recognized for 5 minutes.

● Mr. HAGEDORN. Mr. Speaker, the entire Nation is proud of the fantastic gold medal performance of our Olympic hockey team and the manner in which all of the U.S. athletes represented our country at the Lake Placid games.

Those of us from Minnesota are especially proud of Coach Herb Brooks of the University of Minnesota and the many team members who come from our home State and attend the university.

I cannot remember a time when our country has had a collective uplift to compare with the come-from-behind string of victories the hockey team compiled in Olympic competition. The hockey team has done what none of us in the political world have been able to do—they have got the whole country smiling again—and for that we are all deeply grateful.

You do not have to be a hockey fan to share in the joy of the team's Olympic achievement, but you would have to be quite a cynic not to feel the good old-fashioned American spirit that resulted from those thrilling wins. The determination, talent, and enthusiasm the U.S. hockey team demonstrated on the ice has made us all feel good about being Americans.●

MADISON'S OLYMPIANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 5 minutes.

● Mr. KASTENMEIER. Mr. Speaker, now that the flame for the XIII Winter Olympics has been extinguished, I would like to share with my colleagues the pride I have in the accomplishments of a group of my constituents. Seven athletes and one coach—all from Madison, Wis.—participated in the winter games at Lake Placid. Collectively, they performed very well. Thanks to the superhuman efforts of Eric Heiden and Mark Johnson, as well as Beth Heiden and Bob Suter, six gold medals and one bronze will be returning to Madison. For those who did not win medals—Mary and Sarah Doctor, and Dan Imerfall—I am also very proud of their achievements.

As individuals, all of these athletes gave 100 percent of their physical ability and mental prowess to their respective events. They performed spectacularly under the difficult pressure of international competition. I would like to express to all of them my admiration for their performances. I also would like to share the respect I have for the many hours of practice and training they committed in order to prepare for the Olympic games.

The Olympians from Madison, in alphabetical order, were the following:

Mary Doctor, speed skater: Mary performed extremely well in the women's distance events, finishing 12th in the 1.500 meters and 6th in the 3,000 meters.

Sarah Doctor, speed skater: Sarah, having skated in every women's speed skating race, showed great versatility in a sport that has many specialists. She finished 13th in the 1,500 meters, 23d in the 500 meters, 14th in the 1,000 meters, and 10th in the 3,000 meters.

Beth Heiden, speed skater: Competing with an injured ankle, Beth also skated in all four women's events. Considering her finishes in these competitions—seventh in the 500 meters, fifth in the 1,000 meters, fifth in the 1,500 meters, and third in the 3,000 meters—Beth ranks as one of best all-around women skaters in the Olympic games. She deserves our congratulations for her bronze medal, and for her courage and fortitude.

Eric Heiden, speed skater: Eric's exploits will be talked about for years. He did what no athlete in the history of the Olympic games has ever accomplished; he won five gold medals. His victories came in the 500 meters, the 1,000 meters, the 1,500 meters, the 5,000 meters, and the 10,000 meters. Eric broke the existing Olympic records in every event, and he shattered the world record in the 10,000 meters.

Dan Immerfall, speed skater: A bronze medalist in the 1976 winter Olympics in Innsbruck, Austraia, Dan finished a strong fifth in his specialty, the 500 meters.

Mark Johnson, hockey player: Performed brilliantly for the U.S. hockey team, having scored five goals—two against the Soviet Union and one against Finland—and numerous key assists. Gold medalist.

Bob Suter, hockey player: Played consistent and excellent defense for the cinderella U.S. hockey team. Gold medalist.

Dianne Holum, speed skating coach: Dianne is the coach for the entire Madison speed skating contingent. In addition to being a great coach, she is a former gold and silver medalist in speed skating. In 1972, in Sapporo, Japan, she won the gold in the 1,500 meters and the silver in the 3,000 meters.

Without question, Americans thrive on competition. We closely identify with the joy of winning and the pain and disappointment of defeat. In so doing, we sometimes mistakenly mold athletes into much larger symbols than they might prefer to become. This, although almost unavoidable in an age of modern telecommunications, is unfortunate for both the spectators and the athletes.

Most importantly, it clouds the basic philosophy behind events like the Olympic games: that is, the most important factor is not to win but to participate. Let us ponder on the Olympic aims for a moment:

> To promote the development of those physical and moral qualities which are the basis of sport.
>
> To educate young people through sport in a spirit of better understanding between each other and of friendship, thereby helping to build a better and more peaceful world.
>
> To spread the Olympic principles throughout the world, thereby creating international goodwill.

It is these ideals, lofty as they may seem to be, that make the games worthwhile. They are worth striving for. And they are what must make the Olympics a memorable and fulfilling experience for any young person who possesses the skills to compete.

It is in this context, that I am most proud of the Madison contingent. They competed as athletes with citizens from many different nations. They made friendships, fostered international goodwill, and set a foundation for a more peaceful world. They also set a high standard for the rest of us. Despite the fact that today many countries have great differences and serious disagreements with each other, the athletes showed us that individuals from the world community can live together, can compete together on a fair and equal basis, and can work toward a better future together. The fact that the athletes succeeded at this should be an inspiration to all of us. Let those of us in the U.S. Congress learn from it, build upon it, and use it to create a better and more peaceful world.●

□ 1800

CONTINUED EFFORTS MADE TO SOLVE MURDER OF JUDGE JOHN WOOD

The SPEAKER pro tempore (Mr. BRADEMAS). Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 15 minutes.

Mr. GONZALEZ. Mr. Speaker, I rise again to continue in the effort to bring about at least a break, if not an actual resolution in the case of the murder of Federal District Judge John Wood and the attempted murder of the Federal assistant district attorney, James Kerr.

Now, this endeavor is one that, as my colleagues know, I have rendered an accounting to the House practically on a weekly basis since the murder and even before—after the attempted assassination of James Kerr and immediately after the convening of the Congress at the beginning of this Congress, because the assault on James Kerr took place in November of 1978.

Now, two things happened over the weekend that drew the headlines in the local San Antonio area. They both reported the disturbing fact that the bodies of two men were recovered a week apart, the last one this last Saturday, from the upper reaches or the origin of what is known as the San Antonio River. Both bodies obviously had been dumped there, and the first was only identified exactly last Thursday or thereabouts, though his body was found the week before.

The last individual, whose body was discovered Saturday, is in the process of being identified, but they are both apparently the same type of citizen as the two who triggered off my concern in 1978, in August and September, where you had the same kind of finding, except in the southern part of the county, and which aroused my attention locally at the time, but which led to my predicting that it was obvious that what was happening was turmoil in the remnants of that part of the drug traffickers in the international drug rings that had to do with—San Antonio was a way station—but which actually had to do with the infighting that was molding the remnants of what was known as the Fred Carasco game.

The Members will recall that Fred Carasco became nationally notorious in his attempt to escape from the State penitentiary in Texas and in the course took hostages and ended up with the death of three of those, as well as his own death.

Now, going back somewhat in history, I was the first to voice my concern in 1970 again under very similar circumstances. A couple of people were found shot to death, gangster fashion. Police were puzzled, like they are this week. The police indicated they had no idea as to motivation, no idea as to what the crimes were all about.

I maintain that these are manifestations of some of the eddys and side currents in this vast mainstream of the formidable organized crime spawned and supported and administered international drug traffic, which as I have pointed out repeatedly has reached the multibillion-dollar proportion.

Now, this to me represents the fact that the continued inability to obtain a break in Judge Wood's case as well as in Kerr's case, is a continuing challenge to organized society in America.

It is already obviously a direct challenge and has been over the course of the last decade to our duly constituted law enforcement agencies.

As I have said, sadly and tragically, we do not have the means of even ascertaining the extent and the identity of the organized crime syndicate and its side corollaries all organized practically on corporate methods.

We simply have not evolved, or if we ever did, have not retained the ability of our law enforcement or our affirmative social and societal structured forces to even measure the dimensions, much less even begin to control this nefarious traffic.

Now, as was said recently by a high official in the Justice Department, explaining the motivation behind the recent much-publicized Justice Department sting operation, it is very difficult to hit at this form of crime where it is linked not only with business, otherwise honorable business enterprises, but also with the political or the governmental.

I have been saying for a little better than 10 years that organized crime has penetrated the highest reaches of our governments.

It has long ago penetrated otherwise honorable business. Of course, this means that we have an unprecedented problem confronting America.

This is why I constantly refer to this problem as King Crime. This is why I keep referring to it as the No. 1 issue confronting the United States of America today.

I have even said, and I did not mean it as a flamboyant exaggeration, that it exceeds any present issue confronting us—communism, Iran, or what have you.

This is really the "it" priority issue that I think, at our loss, if we do not, we must address ourselves and overcome and master.

Now, in my effort to bring a sense of priority and really marshal all of the forces obtainable on the solution of the Judge Wood case as well as the James Kerr case, I have had reason to communicate all the way from the White House down through the various departments and levels, the Justice Department, even the Agriculture Department, and all of the bureaus within these departments, such as the Drug Enforcement Agency, such as the Customs and Border Patrol, Immigration and Naturalization.

We are still far from achieving even minimal coordination of effort on this front, this very hot war front.

What I do not want to happen at any price is that this case would go down the way of the Jimmy Hoffa case, where years later, not only has Jimmy Hoffa's body not even been found, there has not even been the beginning of a break as to just what happened to Jimmy Hoffa.

□ 1810

Yet there is no question that it is intimately involved with this highly organized successful machine or syndicate, we call it, crime syndicate.

Last week I received a reply to further inquiries I had raised weeks ago with the Justice Department. I am very happy with one of the replies I received.

In answer to the question I had given rise to about the linkage between such other mysterious cases as the Sante Barrio case, and you will recall this was a case of the Chief of the Drug Enforcement Agency Office in Mexico City who was arrested in San Antonio on the charge he had been bribed by the top level informer, who himself is one of the most sophisticated criminals in the world, a sort of double or even a triple agent, and on his word alone.

Then shortly after he was incarcerated, Sante Barrio choked up allegedly while eating a peanut butter and jelly sandwich.

The oxygen was shut off from his brain. He lapsed into a coma. He never came out of it and he died about 6 months later. In fact, he died just days after the murder of Judge Wood.

Now, I raised the issue of a connection between these cases because I happen to know and had information and good reason to know that Sante Barrio had come across very, very definite information concerning this drug traffic, particularly what we call the Las Vegas-El Paso connection and would be connected with those activities that I am convinced were being engaged in by the perpetrators of both crimes, the murder of Judge Wood and the attempted murder of James Kerr; so the answer I received last week is that at least my request was not dismissed summarily as others have been, but the Justice Department has asked formally the Drug Enforcement Agency not to close out the Sante Barrio case, as I had requested, but to go into it and, if possible, keep it alive and reopen it to get to the bottom of what they played forth in the case of Sante Barrio. I am convinced if that is done and if it is carried out efficiently and finally, that we will begin to see the beginning of a break in the murder of Judge Wood. The murder of Judge Wood is unprecedented. It is a direct assault on our third branch of government. It has resulted in the intimidation of the judiciary, at least in the western district. Every one of the judges, assistants and whatnot, is under continuous U.S. marshal custody, as well as the prosecutor and the assistant prosecutors. This is intolerable. It is intolerable that our agents, the forces of good, the people that we charge with enforcing the law and administering justice should be hiding around under the custody of marshals, while the criminals who have successfully intimidated them walk the streets holding their heads high and without any fear of apprehension or that the murderer will have to render an accounting, at least not up to now.

LEGISLATION AMENDING POSTAL SERVICE'S DISPARATE TREATMENT OF STATE CONSERVATION PUBLICATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. Ford) is recognized for 5 minutes.

● Mr. FORD of Michigan. Mr. Speaker, today, together with my colleague from Michigan (Mr. Albosta) I have introduced a bill to rectify the Postal Service's disparate treatment of State conservation publications around the Nation. Since 1976, when the President signed Public Law 94–421, the Postal Reorganization Act Amendments of 1976, the Postal Service has allowed a number of State conservation publications to mail their subscription renewal and other billing notices at nonprofit, third-class rates. Naturally, those publications and the State governments that sponsor them have come to expect and rely upon the continued use of these reduced rates.

However, last fall, the Postal Service reexamined Public Law 94–421, determined that the award-winning South Carolina conservation publication. South Carolina Wildlife, was not entitled to use the special third-class rate, and revoked its authorization. Consequently, every other State conservation magazine that presently mails at the reduced rate is in jeopardy of a sudden and unexpected cost increase.

The sums involved in providing nonprofit, third-class rates to these publications are very small. The revenue foregone from South Carolina Wildlife, which has the largest circulation, would be only $53,000. Clearly, however, the impact of such new costs is astronomically greater on the conservation magazines than it is on the $17 billion per year Postal Service budget.

In fact, the total new cost to the Postal Service of providing third-class, nonprofit rates to these worthy publications would be less than $150,000. And certainly, examination of South Carolina Wildlife, Michigan Outdoors, or New York's the Conservationist, should convince every Member of this body that these conservation publications provide such an important educational service, and do so much to inform the public about natural history and important issues of resource management, that the small subsidy called for by this amendment is insignificant by comparison.

I hope that every friend of conservation and an educated public will support this bill, as well as every Member who feels, as I do, that it would be unfair for the Postal Service to suddenly raise the rates charged to these magazines.

The text of the bill follows:

H.R. 6594

A bill to amend title 39 of the United States Code to apply to one conservation publication mailed in bulk by each State the lower third class rate applicable to matter mailed in bulk by qualified nonprofit organizations, and for other purposes

Be is enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3626(c) of title 39, United States Code, is amended to read as follows:

"(c) In the administration of this section, one conservation publication published by an agency of a State which is responsible for management and conservation of the fish and wildlife resources of that State shall be considered—

"(1) a publication of a qualified nonprofit organization which qualifies for rates of postage under former section 4358(d) of this title; and

"(2) when mailed in bulk under subsection (e) of former section 4452 of this title, matter mailed in bulk under that subsection (e) by a qualified nonprofit organization under subsection (b) of that former section 4452."●

EXPORT OF HAZARDOUS PRODUCTS

The SPEAKER. Under a previous order of the House, the gentleman from Maryland (Mr. Barnes) is recognized for 5 minutes.

● Mr. BARNES. Mr. Speaker, I am today introducing legislation to regulate the export of products whose sale is restricted in the United States because of hazards to public health or the environment.

I trust my colleagues were as shocked as I was by the front page story in today's Washington Post headlined, "Firms Exporting Products Banned as Risks in U.S." Unfortunately, the story is true. U.S. companies systematically "dump" products abroad that have been banned for sale in the United States, or whose sale is strictly regulated here. I have been working for some time on a bill to control this practice.

It is absolutely scandalous that this country has no policy against selling to the less developed countries products such as pesticides, toxic substances, contaminated foods, contraceptive devices, known carcinogens, and other products that we have determined are hazardous to the health of our own people. This cannot be allowed to continue.

I have asked for and received the cooperation of the gentleman from New York (Mr. Bingham), chairman of the Foreign Affairs Subcommittee on International Economic Policy and Trade on which I serve, in scheduling early hearings on this bill.

The export of hazardous products is currenty regulated under numerous laws applying to individual product categories. The provisions of these laws are not uniform. At most, they require only a notification to the importing country of the hazardous nature of the product 30 days prior to shipment. An Executive order which would reportedly make this notification requirement uniform is now under consideration in the White House.

Mr. Speaker, such a notification procedure is not sufficient. Notification is not control. What we need is a mechanism for controlling these exports—for saying that, as a matter of public policy, they will not be permitted except under limited circumstances. My bill would accomplish this by requiring that producers of hazardous products obtain export licenses from the Government as a condition of exporting the product.

The essential provisions of the bill are as follows:

No product the sale of which is regulated under any of a set of laws set forth in the bill may be exported unless the sale of that product in the United States is permitted under that law. Also, no product may be exported if the sale of that product in the United States is subject to registration, licensing, or use requirements or similar restrictions imposed under any of a set of laws set forth in the bill. The Secretary of Commerce may provide limited exceptions to these provisions, as noted below.

The Secretary of Commerce may issue an export license permtting the export of a product covered by the bill if the Secretary and the head of the agency regulating the sale of that product in the United States concur that: First, the government of the importing country has requested the product; second, the applicant has fully informed that government and the consignee of U.S. restrictions on the sale of the product and of the hazards posed by the product; and third, the potential benefits of the intended use of the product outweigh the possible hazards. In the case of a product whose sale in the United States is permitted only under restrictions, those two officials would have to concur that its sale in the importing country would be subject to similar restrictions.

The product would not be exportable if it did not adhere to U.S. labeling requirements, or if the Secretary determined that the labeling requirements would be ineffective in protecting the public health of the importing country because of language barriers, illiteracy, or marketing practices in that country.

The bill would also make it illegal to export an ingredient of a banned product for the purpose of manufacturing the banned product in another country.

I look forward to early hearings on the bill in the Subcommittee on International Economic Policy and Trade, and I hope for the support of my colleagues for this necessary piece of legislation when it reaches the House floor.

The text of my bill follows:

H.R. 6587

A bill to amend the Export Administration Act of 1979 to restrict the export of goods which have been found to be hazardous to the public health

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that—

(1) certain goods, the sale of which has been prohibited or restricted under the laws of the United States for reasons relating to the public health and safety or the health and safety of the individual consumer, have been exported for sale or distribution in foreign countries where such goods have not been subject to prohibition or restriction;

(2) certain goods, which might be subjected to prohibition or restriction under the laws of the United States, but because of such expectation have not been submitted for licensing or approval, have been exported for sale or distribution in foreign countries;

(3) the sale or distribution of such goods in foreign countries has often resulted in injury to the public health and safety, or the health and safety of individual consumers; and

(4) except in such cases as the use of such goods may outweigh the risks and damages to the health and safety of the general public or individual consumers, the export of such goods from the United States is injurious to the foreign policy of the United States

and to the reputation and credibility of the United States as a responsible and moral partner in the community of nations.

Sec. 2. Section 6 of the Export Administration Act of 1979 (P.L. 96–72; 50 U.S.C. 2405) is amended by adding at the end thereof the following new subsection:

"(1) Export of hazardous goods.—(1) Unless the conditions set forth in paragraph (3) are met, no good the sale of which is regulated under any of the laws set forth in paragraph (6) may be exported unless the sale of that good in the United States is permitted under that law.

"(2) Unless the conditions set forth in paragraph (3) are met, no good may be exported if the sale of that good in the United States is subject to registration, licensing, or use requirements or similar restrictions which are imposed under any of the laws set forth in paragraph (6).

"(3) The Secretary may issue a validated license or a qualified general license permitting an export prohibited by paragraph (1) or (2) to a country if, in addition to any other requirements for the export of such good imposed under any other provision of law, the Secretary and the head of the agency regulating the sale of such good in the United States under any of the laws set forth in paragraph (6) concur, on the basis of documentation submitted by the applicant for such license and any other appropriate factors—

"(A) (i) that the government of such country has requested that such good be exported,

"(ii) that the applicant has fully informed such government and the consignee of any restrictions on the sale of such good in the United States and of the possible hazards posed by the good to the public health (or safety) or to the environment, and

"(iii) that the potential benefits of the intended use of the good outweigh those possible hazards; or

"(B) in the case of a good described in paragraph (2), that the sale of the good in that country would be subject to requirements or restrictions comparable to those referred to in paragraph (2).

"(4) Notwithstanding the provisions of paragraph (3), no good may be exported which does not contain all warnings, instructions for use, or any other information required under any of the laws set forth in paragraph (6) to be included in the packaging of such good for sale or with respect to which the Secretary determines that such warnings, instructions, or other information is likely to be ineffective in the country to which the good would be exported on account of a lack of adequate translation or illustration or any marketing or distribution practice in that country.

"(5) No good may be exported for the purpose of using that good in the manufacture of another good the export of which is prohibited by this subsection.

"(6) The laws referred to in paragraphs (1), (2), and (4) are the Toxic Substances Control Act, the Federal Food, Drug, and Cosmetic Act, the Federal Hazardous Substances Act, the Fair Packaging and Labeling Act, the Flammable Fabrics Act, the Consumer Product Safety Act, the Federal Caustic Poison Act, the Federal Insecticide, Fungicide, and Rodenticide Act, the Controlled Substances Act, the Lead-Based Paint Poisoning Prevention Act, and any other law designated by the Secretary, the major purpose of which is to protect public health and safety from the hazards of drugs, medicines, medical devices, including contraceptives; pesticides; carcinogens; toxic substances; contaminated foods; and similar hazards to health and safety.

"(7) No law enacted after the date of the enactment of this subsection shall supersede this subsection unless it does so in specific terms, referring to this Act and declaring that the new law supersedes the provisions of this subsection.".●

HEARINGS ON EXPORT OF DANGEROUS SUBSTANCES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Bingham) is recognized for 15 minutes.

● Mr. BINGHAM. Mr. Speaker, I was disturbed to read in this morning's Washington Post, Margot Hornblower's article concerning the export to less developed countries of dangerous products that have been banned or restricted in the United States.

The problem posed by the export of dangerous products is a sensitive and emotional one. Countries purchasing dangerous American goods may resent us telling them what they should or should not import based upon our own standards. At the same time, they may blame us for damage done by our products.

The Subcommittee on International Economic Policy and Trade, which I have the honor to chair, has been acutely aware of this problem for some time, and has been working on potential solutions. I am pleased to note today that our colleague from Maryland (Mr. Barnes), a member of the subcommittee, has introduced comprehensive legislation that would deal more vigorously than we now are able to do with this problem.

The administration has had under consideration for some time new regulations which would require formal notification of foreign governments concerned when certain dangerous U.S. products are to be exported. Numerous statutes already require U.S. Government review and, in some cases, notification to foreign governments of proposed exports of dangerous substances. The administration's new regulations would appear to make this notification mechanism more uniform.

What all the existing laws and regulations lack, however, is a mechanism for actually controlling the export of these substances—of stopping export in some instances. That requires that such goods be subject to export licensing, which they are not at present. The Barnes bill proposes to do just that. It is a proposal which deserves serious study, and I intend to begin subcommittee hearings on the Barnes bill and the status of the administration's long-awaited regulations in the very near future.

The Washington Post article to which I referred, entitled "Firms Exporting Products Banned as Risks in U.S.," follows:

Firms Exporting Products Banned as Risks in U.S.

(By Margot Hornblower)

In the poverty-stricken countryside of Guatemala, mothers' milk is contaminated with DDT. Much of the pesticide comes from the United States, which each year exports millions of pounds of chemicals banned from domestic use because they are too hazardous.

In 1978, the Consumer Product Safety Commission banned pacifiers that could cause infants to choke to death. Last year, Reliance Products of Rhode Island exported to Australia 120,000 pacifiers that did not meet U.S. regulations.

The export of hazardous products and industries is becoming a major controversy here and abroad. While many Third World nations are willing customers, others complain of being used as dumping grounds by U.S. companies.

"The export trade in death is flourishing as never before," says Herman Rebhan, head of the 14-million-member International Metalworkers Federation. Rep. George Miller (D.-Calif.) accuses the United States of "environmental imperialism."

Now the White House is considering an executive order imposing more stringent controls over a wide variety of dangerous products. In some instances, it would require written approval of foreign governments before the first shipment. In the case of severe hazards, an export ban could be imposed.

The proposal, in its fourth draft after a year of interagency conflict, raises delicate issues of foreign policy. The State Department, which in the past argued that the United States should not interfere in human rights abroad, has resisted passing judgment on the environmental decisions of other nations.

"Perhaps we have an ethical responsibility not to dump on unsuspecting nations products that we won't use here," said Edward Cohen of the White House consumer affairs office. "On the other hand, we can't be the world's nanny."

Last year, however, President Carter set an important precedent with an executive order requiring environmental assessments for federal actions that could cause major pollution abroad.

The move to limit the export of pollution and hazardous products to under developed countries comes at a time when many Third World nations are questioning the time-honored goal of unfettered industrialization.

The president of Sierra Leone this month rejected an offer of $25 million from a Colorado firm wanting to export toxic wastes from U.S. factories. Mexico recently shut down several DBCP factories; production of the pesticide had moved south of the border after it was found to cause sterility in workers.

"It will not be long before the people of the Third World revolt against being treated as the garbage can of the advanced industrial world," said Rebhan at a recent New York conference on the export of hazardous industry.

There are economic reasons for controlling sales of unsafe products abroad. If these sales are not controlled, Cohen says, they will "undermine foreign confidence in American products. The label 'Made in U.S.A.' could become feared, rather than respected."

American industry, however, is wary.

"It used to be you could ship to Zambia and no one would know anything about it except the shipper and the receiver," says J. William Haun, vice president of General Mills Inc. "Now we're faced with a government that wants to know about everything that leaves its shores. That could tie up world trade in an endless red tape of paperwork."

Businessmen argue that what the United States won't export, West Germany and other countries will. This is the same problem that the United States faces in trying to curb nuclear proliferation.

However, the sale of pesticides to developing countries—40 percent of the $2.6 billion a year in U.S. production of these chemicals is for export markets—has had a boomerang effect. Nerve-damaging kepone, for example, manufactured in Virginia for export only, was sprayed on Guatemalan bananas destined for U.S. consumption.

Aldrin, dieldrin, heptachlor, and chlordane—banned here but made for export from Ecuador, coffee from Costa Rica, sugar and tea from India.

"A large portion of food imported into the United States may in fact contain unsafe pesticide residues," the General Accounting Office concluded last year. "In some foreign countries pesticides known or suspected of causing cancer, birth defects and gene mutations are carelessly or excessively used."

There is no proof that these residues actually have hurt American consumers, but among pesticide factory workers here and farmers and peasants abroad the suffering has been acute. The World Health Organization estimates that 500,000 persons are poisoned by pesticides each year, and 5,000 die from it. But an accurate count is difficult, because the effects of exposure often are cancers that appear 10 or 20 years later.

Leptophos (Phosvel), which was manufactured here for export by Velsicol Chemical Corp., caused the deaths of several Egyptian farmers and severe convulsions and speech impairments in others. American workers became partly paralyzed from exposure, and traces of the nerve-attacking pesticide were found on tomatoes here imported from Mexico.

Even pesticides approved for use here can be dangerous when exported and used by illiterate farmhands. In 1976, at least five Pakistanis died and 2,900 became ill from the common pesticide malathion. Sprayers had mixed it with their bare hands, washed the spraying equipment in local water supplies and spilled the pesticide—which can be absorbed through the skin—in areas where barefoot children played.

Regulations in developing countries "are not good enough," says Humberto Romero Alvarez, Mexico's under secretary for environmental improvement. "And the companies sell pesticides in an indiscriminate way—they recommend it for everything. Agriculture abuses, rather than uses it."

However, Romero adds: "Poor countries depend on pesticides for survival. You cannot get good results in tropical agriculture without pesticides." Thanks to DDT, he said, Mexico has almost entirely eradicated malaria-bearing mosquitoes.

But evidence is growing that the reliance on chemicals is backfiring. The United Nations' Food and Agriculture Organization lists 364 agricultural insects that have become resistant to important pesticides. Strains of "superpests" have emerged, requiring ever-deadlier chemicals to eradicate. Mosquitoes have become resistant to DDT and other insecticides in 62 countries.

In their "State of the World Environment" report last year, U.N. officials told of the small village of Comarapa in subtropical Bolivia. Persuaded by "an avalanche of salesmen," farmers there began to use pesticides on their tomato crops in 1965. They abandoned centuries-old methods of rotating crops and changing irrigation sequences.

After three years, a strange new moth appeared, reproducing itself at a terrifying rate. The salesmen recommended more pesticides: methyl parathion, benzene hexachloride. New strains of resistant moths appeared and emigrated to other parts of the country.

Some of the peasants have reverted to the old methods; others have given up hope. The suicide rate has increased dramatically in the village, the United Nations reported.

Anisar Aguilar, one of the farmers, was quoted as saying: "They think they are the killers of "Pachama'—Mother Earth. Now they are committing suicide . . . by drinking the pesticides that caused all their problems."

The marketing of drugs, birth control devices and infant formulas abroad also has been the subject of widespread protest in Third World countries. The Upjohn Co., forbidden to sell Depo-Provera, an injectable birth control drug, in the United States, now exports it from a Belgian subsidiary. The Food and Drug Administration banned Depo-Provera because it is suspected of causing cancer and birth defects.

While some countries, including Ghana, have said they are willing to assume the risk of cancer because of their population explosions, others are worried. Dr. Zafrullah Chowdhury, who runs a rural clinic in Bangladesh, found that Depo-Provera suppresses lactation—a serious problem in a country where children's main nutrition is mothers' milk.

Drugs often are misleadingly advertised and promoted by unscrupulous salesmen, critics charge. For example, Winstrol, a synthetic male hormone that was found to stunt the growth of children, reportedly was sold in Brazil as an appetite stimulant for children.

Chowdhury said he is especially outraged at the number of useless drugs being sold at high prices, and at the fact that infant formula is being promoted by Western companies as a substitute for more nourishing breast milk.

"People have to be aware of how helpless we are," he said.

The executive order under consideration at the White House would not affect overseas operations of U.S. subsidiaries, but would impose more uniformity on exports of dangerous products. At present, untested pesticides can be exported, but new untested drugs can't. Red Dye No. 2 and cyclamates, both suspected carcinogens, can be sold abroad, while banned consumer products require permission from the importing nations.

Under the new policy, companies would be required to report all hazardous exports to responsible government agencies.

Meanwhile, pesticide use is expected to more than double in developing countries by 1984, and exports of other hazardous products are likely to increase.

"If the United States does not exercise special vigilance over (such) exports . . . citizens and governments of foreign countries may develop increasingly hostile attitudes toward this country and its products," the draft White House report warned.●

THE SPIRIT OF AMERICA GIVEN A NEW BIRTH BY U.S. OLYMPIC TEAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. OBERSTAR) is recognized for 30 minutes.

Mr. OBERSTAR. Mr. Speaker, we are proud and exhilarated people today. During the past 2 weeks the members of the U.S. Olympic team in the 13th winter Olympic games have inspired the Nation. The extraordinary achievements of those young athletes have offered us a spectacular view of pride, excellence, determination, dedication and team effort. The athletes have personified in their performance and in their character the ideals of decency and sportsmanship which Americans have always held up as goals for our youth.

Eric Heiden's five gold medal performance surely was the most stunning individual achievement in the history of the Olympic games, worthy of the name Olympic itself. The U.S. ice hockey team galvanized the Nation.

Among those contributing to the thrills and excitement of Team U.S.A. were some 29 Minnesotans, a contingent so impressive we might well call it "Team Minnesota."

I have taken this special order to pay well-deserved tribute to our fellow Minnesotans. Fifteen Minnesotans are members of the exciting come-from-behind U.S. ice hockey team alone; six are natives of the Eighth Congressional District which I have the honor to represent. In all, 12 members of the whole U.S. Olympic team come from the district. Eveleth, Minn., the home of the hockey player Mike Pavelich, is also appropriately the home of the U.S. Hockey Hall of Fame where this entire gold medal hockey team ought to be enshrined.

At this point, Mr. Speaker, I want to commend by name each of those Minnesota members of the U.S. winter Olympic team.

Speed Skating: Kent Thometz, Cindv Seikkula, Kim Kostron, John Dorff, William Kushman (Manager).

Skiing: John Denney, Jim Maki, James Grahek.

Ski Jumping: John Broman, Jeff Denney, Jim Denney.

Cross-Country Skiing: Todd Kempainen.

Alpine Skiing—Women's Team: Cindy Nelson.

Ice Hockey: Phil Verchota, Buzz Schneider, Eric Strobel, Mike Ramsey, Mark Pavelich, Rob McClanahan, Steve Janaszak, Bruce Horsch, John Harrington, Steve Christoff, Dave Delich, Les Auge, Bill Baker, Neil Broten, Dave Christian.

Biathlon: Thomas McElroy, Peter Hoag.

To these Olympic athletes, I say, "You thrilled and excited the people of your hometowns of our State and, indeed, of the entire Nation as no other achievement has done in recent memory. America owes you and all of our Olympic athletes a deep debt of gratitude. With a sense of respect and appreciation more than we can adequately express, we say thank you and Godspeed."

At this point I yield to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, I thank the gentleman for yielding. I want to commend the gentleman, first of all, for calling attention of the House by establishing a special order today. I know that the Olympians who did participate were very much appreciated.

Mr. Speaker, I want to speak today in praise of the Americans who participated in the XIII winter Olympic games at Lake Placid. Their participation represents an inspiration, first to our Nation's young people as a symbol of where hard work and dedication can lead, and moreover, to the American people as a whole for their wholehearted commitment to represent their country's highest ideals in this truly international festival of sport and goodwill.

There is something special about the Olympic games with which each one of us can identify. Unlike individual games and sporting events which attract fans with similar interests and backgrounds, the Olympics go further and bring people from all over the world together in a celebration of athletics itself.

The athletes themselves must be commended. All those who participated, whether they won or lost, did so in a spirit that represented the enthusiasm, dedication, and sense of fairplay for which Americans are internationally renowned. And beyond the athletes themselves, I think the athletes' families and communities deserve great respect because, in the end, each athlete has received a tremendous amount of support without which their participation, much less some of their truly outstanding performances, would not have been possible. I refer here to the endless hours of practice time, disrupted meal schedules and other difficult sacrifices each Olympic family has endured season-in and season-out for many years as the athletes followed the long road that leads to Olympic participation. I also refer to the support and dedication our schools, communities, and clubs have shown in teaching, coaching, and encouraging our athletes through high quality, volunteer-staffed programs. I think that the sense of participation felt by each Olympian transcends the personal and is felt by his family, community and, above all, his fellow countrymen. America is proud of her athletes for they are she.

Though our athletes participated in the Olympic games first and foremost as representatves of the United States, I think their victories are ultimately their own and these young men and women deserve special commendations for their supreme achievement. Our medal winners are a very diverse group, as are the individual sports in which they participate. Yet I am sure each of their medal-winning performances was equally thrilling. Leah Poulos-Mueller, Beth Heiden, and Eric Heiden in speed skating; Linda Fratianne and Charles Tickner in figure skating; Phil Mahre in alpine skiing; and the victorious U.S. hockey team have all captured the hearts of the American people and will not be forgotten.

Mr. Speaker, I wish to conclude my tribute to America's Olympic athletes on a more personal note by expressing the tremendous pride that the people of Minnesota feel for the 21 Minnesota athletes who participated in the Lake Placid games. Minnesota was represented by Cindy Nelson in alpine skiing, Doug Peterson in cross country skiing, ski jumpers Jim Denney, John Broman, Jim Maki, and Jim Grahek, speed skaters Kim Kostron and Kent Thornetz, biathlete Peter Hoag and, of course, Coach Herb Brooks, Bill Baker, Neal Broten, Dave Christian, Steve Christoff, John Harrington, Steve Janaszak, Rob McClanahan, Mark Pavelich, Mike Ramsey, Buzz Schneider, Eric Strobel, and Phil Verchota of the gold-medal-winning U.S. hockey team.

The reports I have heard of the celebrations that broke out in my district including St. Paul, following the U.S. hockey victories over the Soviet Union and Finland, are unbelievable. I know that each community in Minnesota and our Nation has special praise for their participants. Certainly St. Paul's eastside is thrilled by Coach Herb Brooks, a personal friend, an outstanding Johnson High School and University of Minnesota hockey player.

To all Minnesota Olympians, we are proud of you and your tremendous achievements.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for his comments. The gentleman has said it very well—the team literally "blew the lid off," the lid of excitement and enthusiasm.

Mr. Speaker, I yield to the gentlewoman from Massachusetts (Mrs. Heckler).

Mrs. HECKLER. Mr. Speaker, I thank my distinguished colleague from Minnesota for yielding. I want to commend him for offering this special order on behalf of the Olympic hockey team.

I want to say that even though I understand the pride of Minnesota, but I know that Minnesota will understand the pride Massachusetts is feeling today.

Mr. OBERSTAR. We do.

Mrs. HECKLER. We share what is really a genuine American pride. It so happens that Jim Craig, the granite goalie whose role was so pivotal throughout the Olympic competition, is a constituent of mine from eastern Massachusetts. He and his family exemplify what is best in American values. This team, of which there were four Massachusetts players, Jim Craig of Easton, Mike Eruzione of Winthrop, Jack O'Callahan of Charlestown and Dave Silk of Scituate, really united America, that we were united in sharing the climax of their victory, perhaps united as we almost shared a tear of joy because they had so far surpassed any of our thoughts or expectations.

Mr. Speaker, to call the roll of the team—Craig, Baker, Broten, Christoff, Eruzione, O'Callahan, Strobel, Verchota—evokes, and rightly so, our melting pot heritage.

☐ 1820

I think at this time when America is in some quarters besieged by self-doubt, the symbolism and the reality of this victory and excellence which these fine athletes have set for the world should allay the fears at least about the quality and caliber of the younger generations of Americans. They are the heroes of the 1980's and I commend them for their own accomplishments and certainly for the record that they have set for all Americans, for the joy and pride they have stirred in our hearts, and for being themselves, and for the families from which they have all come. I had intended to offer a concurrent resolution today which would have called for a Presidential Proclamation. I withhold that action because of some of the other ideas which are germinating about the best way to honor these wonderful young men. But I think the language of my resolution embodies the feelings of our countrymen today so it is certainly appropriate to read it into the Record.

Whereas, the XIII International Winter Olympic Games at Lake Placid, New York, have concluded; and,

Whereas, the athletes from the host nation, the United States of America, have brought great credit and honor to our nation by winning a total of 12 medals; six gold, four silver, two bronze; and

Whereas, the XIII games have been distinguished by the impossible dream victory of the United States Olympic Hockey team which made olympic history by winning the first United States gold medal in hockey in 20 years, and

Whereas, the United States Olympic hockey team has defeated what was the most awesome, professional hockey team in the world, that of the Soviet Union, and went on to a decisive victory against the Finnish team;

Whereas, the United States Olympic hockey team in its persevering performance represents the best that is America, the American competitive spirit and drive to succeed; Now therefore be it

Resolved by the House of Representatives (the Senate concurring), That the President is authorized and requested to issue a proclamation congratulating the United States Hockey Team on their gold medal victory and calling upon the people of the United States to salute such team with appropriate displays of appreciation.

Mr. OBERSTAR. I thank the gentlewoman for her comments which certainly summarize the feelings that some of us in this House and some Americans throughout this land felt and harbored as we watched the performance of the Olympics. Seeing those young people today at the reception which the President held at the White House on behalf of all Americans to pay tribute to this team, I think, must say that all of us must have an awful lot of confidence in the future of this country if it is going to be in the hands of such splendid young people.

● Mr. SABO. Mr. Speaker, I rise today to acknowledge the tremendous performance of the U.S. Olympic hockey team at the Lake Placid winter Olympic games. The concerted, dedicated effort and winning spirit which the team displayed during the rigorous Olympic playoff schedule has made Americans across the Nation proud of their gold medal achievement.

Although the U.S. hockey team is a national team in the true sense of the word, as a Minnesotan, I am particularly proud of Coach Herb Brooks and the many Minnesota hockey players who participated on the U.S. Olympic team.

I believe that my colleagues in Congress will agree that the 1980 U.S. Olympic hockey team has captured the hearts and imagination of Americans everywhere and sports fans around the globe.●

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore (Mr. Gonzalez). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

EXPORT TASK FORCE ARTICLE NO. 16: THE PRESIDENT'S EXPORT COUNCIL AND AMERICAN CITIZENS ABROAD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. Alexander) is recognized for 30 minutes.

Mr. ALEXANDER. Mr. Speaker, as chairman of the House Export Task

Force and as a member of the President's Export Council, I have been involved with the tax problems of American citizens living and working abroad.

I have learned just what this group of people can accomplish in overseas markets. For the most part, they speak the language of the nation where they reside, they have personal friends and connections with leaders of business and industry in these nations and perhaps most importantly, they are willing to actively promote American goods and services. However, these citizens must labor and live under sections 911 and 913 of the U.S. Tax Code and this places them at a substantial disadvantage.

The President's Export Council has decided to act to try and alleviate some of this inequity. I would like to share with my colleagues a recent memorandum circulated to members of the PEC asking for support in this venture. I know many of my colleagues are interested in this problem also and in the next few days I will request a special order so that we might have a dialog on the problems facing Americans living and working abroad. I enclose the PEC memorandum:

THE PRESIDENT'S EXPORT COUNCIL,
Washington, D.C., February 13, 1980.

DEAR : (Sent to all members of the PEC).

As a result of an Executive Committee decision in December, I sent the President a letter and the Task Force report concerning the adverse effects on exports of the present rules (Section 911 and 913) concerning taxation of foreign earned income of Americans living overseas. At that time, these documents were mailed to you by my staff.

As preparation for the upcoming March 3 meeting of the President's Export Council, I wanted to bring you up to date on activities and plans related to this issue. The present tax regulations on foreign income earned by Americans working overseas seek to maintain equity with taxes borne by Americans working in the U.S. These rules, however, ignore the fact that the tax policies of other nations often provide incentives for their citizens to work abroad (see Attachment A). The result of this discrepancy is to penalize firms which employ Americans abroad, as these firms must, in the end, pay the extra taxes imposed by present U.S. tax law above the norm for American citizens.

There is no doubt that while most of the export community (and the Council) feels that some steps towards equity in this area are necessary to help improve America's export competitiveness, others in government and the private sector do not accept this linkage. This is a fair challenge. It is necessary for us to accept this challenge and state, in as clear and convincing a manner as possible, the extent to which such tax relief would be a worthwhile aspect of an export promotion program. Accordingly, we are working with labor and industry, government and the private sector, to prepare a program that will make this case while meeting, insofar as possible, the special concerns of all.

Presently, there is extensive interest in Congress in introducing new legislation which could provide the tax relief needed by the export sector. At a December 12 meeting with the Senate Export Caucus, I provided the attached legislative suggestions for their consideration (Attachment B). Recently Senator Chafee, who is a member of the Senate Export Caucus, introduced a bill (S. 2283) to repeal the current law and substitute the following:

$50,000 exclusion, ($65,000 after three years of foreign residence).

An exemption for housing costs or housing allowances which exceed 20% of earned income.

Previously, Representative Frenzel had introduced a bill (H.R. 5211) which would repeal present law and substitute unlimited exclusion.

Other legislation is sure to be offered, but more than debating merits of differing legislation, I think it important to make our case, in more detail, for the need of such legislation.

I plan to meet at a later date with the Administration to obtain their support on this issue. Before doing so, I hope to hear from you and other Council members who are interested in this issue.

I look forward to meeting with you on March 3, when we can discuss further this issue and our plans.

Best wishes,

REGINALD H. JONES,
Chairman.

ATTACHMENT A

COMPARISON TO TAX POLICIES FOR OVERSEAS EMPLOYEES

Country	Tax on salary	Tax on incentives/ bonuses	Tax on benefits (retirement, health, insurance, etc.)	Tax on cost of living allowances	Tax on additional income earned out of home country	Government subsidies (to individual)
United States	Yes [1]	Yes	Yes	Yes [2]	Yes	No.
Japan	No	No	No	No	No [3]	Yes.
Italy	No [4]	No	No	No [5]	Complex formulas to discourage foreign investments.	Government owned companies.
France	No [6] [7]	No	No	No	Complex formulas	Do.
Korea [8]	No	No	No	No	No	Yes.
Germany	No [9]	No [10]	No	No [11]	Some limitations. Generally liberal	Few.
Canada	No [12]	No	No	No	No	No.
Sweden [13]	No	No	No	No	No	Few.
United Kingdom	No	No [14]	No [15]	No	Complex requirements	Few.

[1] 20,000 exclusion under sec. 911 for those in qualified camps.

[2] Certain deductions permitted under complex sec. 913 tests.

[3] Rental, interest, etc., on off-shore investments totally exempt from taxation during nonresidence status only.

[4] Complex nonresidency requirements.

[5] Limitation placed on daily expenses for home leave and R. & R.

[6] Assumes accompanied tour/rules for dual residency—unaccompanied—very complex.

[7] Recent government policy aimed to encourage more French engineers to accept overseas work.

[8] Most liberal policies with respect to individuals—Korea committed to exports of domestic unemployment.

[9] Complex nonresidency requirements aimed at tours of less than 6 mo.

[10] Complex definitions.

[11] Some limitations designed to reduce excesses.

[12] Accompanied tour only. If family of head of household remains in Canada all worldwide earnings subject to full taxation.

[13] Recently liberalized tax policies in order to encourage acceptance of overseas assignments.

[14] United Kingdom recently liberalized tax policies in order to encourage.

[15] Some limitations.

Source: Compiled from data, provided in "Worldwide Projects" and Business International S.A./Consultex S.A., a multiclient study, "The Expatriate Employee," 1979.

TAXATION OF AMERICANS WORKING ABROAD

Under present Federal income tax law, Americans working abroad are on a significantly less favorable tax footing than citizens from competing industrial nations. These countries generaly do not tax their nonresident citizens at all on income earned outside their country of citizenship, whereas the United States system, which is solidly based on citizenship, provides only limited deductions which leave substantial amounts of this income subject to tax for most U.S. citizens working overseas.

Legislative actions which can substantially eliminate this differential without inviting abuses of the tax system include:

Reinstate a broad-based exclusion under § 911 as an elective alternative to the § 913 deductions.

$50,000/$65,000 maximum limit instead of $20,000/$25,000 allowed prior to 1978.

Provide that the amount of the limit will be subject to specific Congressional advance review every two years.

A substantially higher exclusion would exempt from tax the foreign earnings of a great majority of Americans working overseas, yet it would not permit the abuses which prior Congresses sought to correct by limiting the exclusion. Periodic Congressional review could maintain the exclusion in an appropriate relationship to changing levels of salaries and wages.

For individuals living in camps in hardship areas, broaden the present elective income exclusion from $20,000 to $50,000/$65,000 and retain the related provisions which permit such individuals to exclude employer-furnished meals and lodging. In addition, the definition of "camp" should be revised so as not to exclude those:

Located in areas that are not "remote."

Located in the vicinity of camps of other employers.

Containing fewer than 10 employees.

Present provisions defining "camp" rule out many group housing arrangements which would be commonly understood as constituting a camp maintained for the convenience of the employer. The recommended definitional change would conform the law more closely to actual practice.

Amend the housing deduction provisions under § 913 to reflect more closely the stated intent of Congress to permit deduction of housing expenses in excess of "the cost of housing which the taxpayer would typically incur if he were residing in the United States." This would be accomplished by excluding post allowances, location premiums and similar allowances paid as inducements to work abroad from the base on which the normal housing cost is calculated. It is unrealistic to assume that these allowances cause employees to raise their overseas housing standards to levels higher than those to which they were accustomed in the U.S.

The cost-of-living deduction under § 913 represents the excess of cost of living in the foreign location over the highest for any metropolitan area in the continental United States excluding Alaska (based on the excess for a GS–14 step 1 Federal employee with a family of the same size). Excluded from the cost-of-living deduction and not covered by other § 913 deductions are such important items as automobiles, household goods, and services which often cost considerably more overseas. Legislation should provide more realistic cost-of-living deductions under § 913 by requiring the Internal Revenue Service to:

Include price data on automobiles, household furniture, kitchen appliances and other similar items (excess of foreign price over U.S. list price would be amortized over expected useful life).

Include services (domestic servants, security guards, etc.) in locations where the use of such services is customary for Americans.

Include foreign sales taxes, value added taxes, and other non-income taxes.

Use pricing data based on surveys made quarterly or more frequently and currency exchange data which reflect monthly or more frequent fluctuations.

These changes should bring the cost-of-living deduction more nearly into line with cost-of-living allowances being paid by American employers.●

STATEMENT SUPPORTING SUNSET H.R. 2

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Weiss) is recognized for 5 minutes.

● Mr. WEISS. Mr. Speaker, I wish to add my voice in support of H.R. 2, the sunset legislation introduced by Mr. Blanchard, a bill designed to insure that Congress keep a careful watch over the spending of tax dollars.

In recent years there has been growing public dissatisfaction with the efficiency, responsiveness, and skyrocketing expense of our Federal Government. In response, the Congress has been asked to consider a number of bills mandating periodic review of Government operations and programs. In so doing, we will find those programs which have outlived their usefulness, and discontinue them.

There are currently several laws and rules in effect which are designed to encourage effective program review. It seems clear that they are simply not doing the job, and that the time has come for a bill which includes specific enforcement mechanisms.

I believe that H.R. 2, the Sunset Act of 1979, would accomplish this by terminating spending authority for those programs which have not been reviewed. However, there are provisions to prevent the unintentional termination of a program by extended debate on reauthorization.

Opponents of sunset legislation usually base their argument on the question of feasibility. I believe this bill will insure systematic and meaningful oversight by establishing detailed procedures for committees to conduct extensive and comprehensive examinations of programs. This includes much-needed procedures for review and reauthorization of tax expenditures. It also requires programs of a related nature to be reviewed at the same time and in relation to each other. Significantly, the bill exempts from the review process those programs into which citizens have paid in expectation of a later return, such as social security and pension funds.

In addition, Government accountability is insured by a requirement that the President submit management reports assessing the effectiveness of programs, along with a ranking of them relative to other programs. He must also submit periodic evaluations of all regulatory agencies, along with plans for their reorganization and improvement.

I believe it is imperative that we enact a sunset bill that is action-producing, including the specific enforcement mechanisms outlined in H.R. 2. I urge the support of all my colleagues for the swift passage of this legislation.●

MILITARY PERSONNEL SUBCOMMITTEE TO HOLD HEARINGS ON PRESIDENT'S PROPOSAL TO REGISTER WOMEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. White) is recognized for 5 minutes.

● Mr. WHITE. Mr. Speaker, there has been a great deal of interest in the President's proposal to permit women to be registered with the Selective Service System. That proposal is now H.R. 6569.

In conjunction with the whole issue of registration, there has also been further interest in proposals for national service.

I wish to announce that the Military Personnel Subcommittee of the Committee on Armed Services will hold hearings on these two issues the first week of March. The subcommittee will receive testimony from Members of Congress who have introduced legislation on national service on March 4. On March 5 the subcommittee will conduct a hearing to receive testimony from Members of Congress and outside organizations who wish to testify on the President's proposal to register women. Members of Congress or outside organizations desiring to present testimony on these issues should contact the subcommittee staff at 225–6703, or 225–7560.●

UNITED STATES SHOULD STAND READY TO ASSIST IN PRESERVING TUNISIA'S INDEPENDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Zablocki) is recognized for 5 minutes.

● Mr. ZABLOCKI. Mr. Speaker, the recent threat to Tunisia's internal stability is a troubling event which poses a serious challenge to U.S. national security interests in the Middle East and North Africa. In response to that threat the United States should formulate a firm foreign policy position and should stand ready to assist in preserving Tunisia's independence.

In an effort to encourage such a response, on Wednesday, February 20 I introduced, with 16 cosponsors, House Concurrent Resolution 282, expressing the sense of Congress with respect to the recent foreign-inspired attempts to undermine the stability of Tunisia.

House Concurrent Resolution 282 cites Tunisia's close and friendly relations with the United States, its impressive progress toward self-sustaining economic growth, and its need for the support of its friends and allies in facing the threat to its independence and territorial integrity.

The concurrent resolution states the sense of Congress that recent foreign-inspired attempts to undermine the stability of Tunisia constitute a serious threat to international peace and security and that the United States should take steps to help Tunisia meet this unprovoked threat to its freedom and security by furnishing appropriate levels of economic and security assistance.

Mr. Speaker, a long-standing friendly country committed to regional security and the furtherance of its own economic development has become the victim of foreign interference by an unpredictable neighbor bent on destabilizing the Mediterranean area. Because House Concurrent Resolution 282 provides a strong congressional message of support for Tunisia, I hope it will receive the widespread support of my colleagues in the House and Senate.●

CREDIT UNION SAVERS RELIEF ACT OF 1980

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. St Germain) is recognized for 5 minutes.

● Mr. ST GERMAIN. Mr. Speaker, today, I join with the chairman of the Committee on Banking, Finance and Urban Affairs, Henry S. Reuss, to introduce the Credit Union Savers Relief Act of 1980.

This legislation, which has been recommended by a unanimous vote of the National Credit Union Administration Board and a product of many months of research and reporting by the Board to this committee, will provide credit union savers an opportunity to receive a fair and equitable return on their deposits and guarantee that credit unions will continue to extend, subject to the conditions of the financial marketplace, credit at a reasonable rate to many of the 40 million members of our Nation's credit unions.

Credit unions have historically paid higher rates of return than other financial institutions to depositors; however, recently this tradition has been eroded by their inability to achieve sufficient return on dollars lent to members. In effect, credit union savers have been substantially subsidizing credit union borrowers. For too long, credit unions and other depository institutions have placed too great an emphasis on ways and means to provide loans to their members and too less an emphasis on developing their depositor-members savings base and the provision of financial counseling. This trend must be reversed and the saver must return to his or her paramount position in our Nation's credit unions.

The legislation we are proposing will result in the following changes to the existing Federal credit union loan-rate ceiling:

First. The traditional 12-percent ceiling would remain in effect unless an individual credit union, through a special procedure to be established by NCUA, elects to establish a higher ceiling up to a maximum of 15 percent per year. This would permit measures to be taken, on a credit union by credit union basis, to address the economic conditions of their individual credit union. We would expect NCUA to promptly adopt minimum requirements of: A timely notice requirement to all members of the applicant credit union detailing the principal reasons for the proposed rate increase; a vote of the board of directors of the applicant credit union, notifying NCUA of its intention to increase its loan-rate ceiling, such a vote requiring a two-thirds vote of the board of directors in support of rate relief, and a presentation at the next annual meeting of the applicant credit union as to the reasons for rate relief. Obviously, the annual meeting presentation can take place after the NCUA approval of the rate increase if the credit union's annual meeting has taken place prior to the request for rate relief. We believe such minimum requirements will insure credit union members are provided an opportunity, through its democratic process, to address the significant change in the operation of their respective credit unions.

Second. If interest rate circumstances continue to worsen and significant numbers of credit unions again experience pressures against the new higher ceilings, the NCUA Board, under certain circumstances and after consultation with the appropriate congressional committees and other financial regulators, could raise the loan-rate maximum for a period not to exceed 18 months. If this authority were exercised, and if the circumstances continued requiring further rate relief, the NCUA Board would transmit this information to the Congress for consideration of appropriate legislative action.

Third. The "1 per centum per month on the unpaid balance inclusive of all service charges" would be changed to read "12 percent per year on the unpaid balance inclusive of all finance charges." By changing to an annual rate, credit unions would have the flexibility to manage long-term real estate loans whose rates do not easily adjust to monthly calculations. Further, by using the term "finance charge"—instead of "service charge"—this legislation would take a significant step towards easing unnecessary regulatory burdens on Federal credit unions, inasmuch as they would have to make only one computation at the time a loan is made, to meet both the disclosure requirements and assure compliance with the usury ceiling.

Mr. Speaker, this legislation does not provide a basis for windfall profits for credit unions. Credit unions as cooperatives have not and should not be allowed to maintain large sums of surplus funds at the entity level. Obviously, the National Credit Union Administration in its examination process and the Internal Revenue Service in reviewing the tax-exempt status of credit unions will carefully monitor the amount of funds held at the entity level which are not distributed in the true cooperative spirit to the members of the cooperative. In those instances, when at the end of a dividend period, credit unions find that they have accumulated unexpected net income in excess of their projected and proper operational, reserve, and dividend expenses, then, in the true credit union spirit, these surpluses should be returned to their members by the payment of interest refunds to their borrowers or bonus dividends to their depositors.

No credit union or its officials should believe that this legislation is being considered or sponsored because such credit unions have had to reduce their loan volume or, more premeditatedly, to consider allocating the reduced funds they have available for lending. Credit unions boards of directors must realize that it is their responsibility to make the tough decisions as to how the funds available for lending are distributed. In general during these very difficult times for all financial institutions, credit unions have allocated available funds based upon a policy of protecting the small borrower first, and the borrower seeking funds for mortgages, second mortgages, vacation homes, and other luxury and nontraditional loans secondly. This allocation of credit has been difficult but certainly consistent with the credit union tradition.

Credit unions must remember that the generous expansion of new powers they have received in the past few years has placed them in the mainstream of financial services and therefore subjects credit unions to the same economic phenomenon with which other financial institutions are confronted. During these periods of high interest rates, disintermediation, and credit contractions, credit unions who will benefit from this legislation, in addition to the assistance that will be provided by the Central Liquidity Facility, will be able to maintain reasonable flows of credit to their members. The additional funds which will flow to credit unions as a result of borrowing from the Central Liquidity Facility and/or as a result of the increase in the statutory ceiling from 12 percent to 15 percent, must be used carefully and properly allocated to members of their credit unions. Credit unions today are no longer isolated from cyclical phenomenon or monetary policy promulgated by the Federal Reserve Board or the national administration in general. Those of us who sponsor this legislation do so with the admonition to all credit union officials that any additional funds provided by this legislation to credit unions will be used properly and equitably and will at the same time provide the understanding to such officials that they can no longer consider themselves immune to monetary and fiscal actions taken by the Federal Government.

Mr. Speaker, we are well aware of the difficulty with which our colleagues will be confronted in the consideration of legislation raising the credit union loan interest rate ceiling that has been in existence since 1934. Chairman REUSS and I share this concern. However, based upon our knowledge of the changed nature of savings instruments and other skyrocketing costs which are a result of the prevailing rate of inflation, we believe those credit unions, who so desire, deserve the opportunity to move to the 15-percent loan ceiling. If past practice remains true, then as in the case of the present 12-percent ceiling, most credit unions will not automatically move to the maximum rate allowable under law.

The statistics presented to this committee by the National Credit Union Administration pertaining to the preliminary year-end data on credit unions, has convinced us that we must consider loan-rate ceiling relief. We believe this legislation provides adequate relief and protects individual credit union members by requiring appropriate democratic procedures by the applicant credit unions.

This legislation has been recommended by the National Credit Union Administration Board and is supported by the National Association of Federal Credit Unions and the Credit Union National Association. We urge our colleagues to join us in addressing this very serious problem facing our Nation's credit unions.●

MICHIGAN'S SEVENTH DISTRICT IS HOME OF MEMBER OF U.S. OLYMPIC HOCKEY TEAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. KILDEE) is recognized for 5 minutes.

● Mr. KILDEE. Mr. Speaker, it is with great pride that I bring to the attention of the Congress the fact that one of the stars of the victorious U.S. Olympic hockey team, Ken Morrow, is a native of Michigan's Seventh Congressional District. The happiness and joy that I have in my heart for his individual accomplishments, and for the contributions he made to the team effort, are shared by all of the Congress and the American people. I would like to share a feature story that ran on Ken Morrow in the Flint Journal last Thursday, February 21, before the team's outstanding victories over the Soviet Union and Finland. I believe the story depicts how a young boy in America uses his spirit, training and determination to become a gold medal winner in the Olympics. Ken Morrow stands as an example to all of our young people who aspire to great accomplishments, inside sports or outside.

KEN MORROW—FROM BACKYARD HOCKEY IN FLINT TO 1980 OLYMPICS

(By Larry Edsall)

LAKE PLACID, N.Y.—When Ken Morrow was a kid growing up in Flint, his dad built him a backyard ice hockey rink.

The neighbors back on Kellar St. may not have appreciated the pucks slamming into their aluminum siding, but they can take pride in the fact that they knew Morrow "back when."

Morrow has grown from playing on that backyard rink with his friends from the neighborhood to playing on the rink in the Olympic Arena with his friends from the U.S. hockey team.

They return to the ice Wednesday night for and score a vital 4–2 victory over West Germany.

Morrow was the tall, bearded player wearing uniform No. 3.

The victory over West Germany moved the United States wins to the medal round of the Winter Olympic tournament and closer to an anticipated showdown with the Soviets for the Olympic gold medal.

"We know all the contingencies," said American coach Herb Brooks before Wednesday night's game.

Morrow said his goal was to make the final four, and he had tried to avoid looking ahead to the medal round.

"But," he admitted with a smile that makes him seem much more gentle than you'd expect of someone who is 6-foot-4, weighs 210 pounds and has a stick in his hands, "you find yourselves thinking ahead anyway."

The Russians, of course, are considered to be the best hockey team in the world, amateur or professional.

But you can't convince the people who've come to Lake Placid for the 1980 Winter Olympics. The young American team is literally the talk of the town.

"I think it's super," Morrow said. "We need all the support we can get. The crowd got us going against the Czechs and it just snowballed."

Snowballed, that is, much like Morrow's career.

He began skating at the age of six in a youth hockey program in Flint. Morrow and his father, Don, who had been a shortstop in the Detroit Tigers' organization, soon had a rink in the backyard.

It began with them going outside and trampling down the snow in the form of a rink. "We'd run a hose out the basement window and flood it," said Morrow. "Eventually we had four-feet boards around it and flood lights."

Morrow played his way up through various youth travel teams in Flint. After graduating from Davison High School, he joined the famed Junior Red Wings and helped them win the 1975 national Junior A championship.

After such a successful season with the Junior Wings, he enrolled at Bowling Green State University of Ohio, where his coach was Ron Mason, who is in the mist of his first season at Michigan State.

Morrow, a defenseman, so impressed the New York Islanders that they drafted him at the end of his freshman season.

But he stayed in school and led Bowling Green into the NCAA tournament in 1978.

Bowling Green was the first team from outside the Western and Eastern collegiate leagues to qualify for the national finals and Morrow played so well he was selected for the American team in the 1978 World championships.

Morrow was named Central Collegiate Hockey Association player-of-the-year in 1979 and became Bowling Green's first All-America hockey player.

"College was real good to me," said Morrow, who added that it was Mason who taught him much of what he knows about playing defense.

"I really enjoyed college, and the timing was right," Morrow continued. "I graduated last spring and the Olympic team started in the summer."

But Morrow also talked about how good his father was to him, too.

Morrow's father worked at Fisher Body in Flint, and often would get off work and drive his son to Detroit for Junior Wings' practices and games.

They often wouldn't get home until 11 p.m. or later.

And it cost Morrow's father not only time, but money to keep his son skating.

Morrow's father died of cancer four years ago, but Morrow's mother, Loretta, and his wife, Barb, are here to watch him play.

"It's hard to concentrate on hockey with all the entertainment out at the Olympic Village and with family and friends here," Morrow said.

"We've missed a few things but you don't want to tire yourself out running all around town."

Morrow noted that Brooks often reminded the American team that "we don't have the talent to do it on our own."

But Brooks also has reminded them that they still can win in "the Olympic environment" by working hard and working together.

Brooks was a psychology major in college and has said that the hardest thing about coaching today isn't teaching skills, but dealing with the psychological makeup of the athlete.

"It's easy to get lazy" Morrow admits. "But Herb is a great tactician. He'll yell at you when you're playing good and he'll tell you you did OK when you think you've had a bad period.

"And he will use things about your future, tell you that it's money for you."

Morrow and many of his teammates soon may be collecting that money after they sign National Hockey League contracts.

In fact, some are surprised Morrow hasn't turned pro already.

Morrow grew a beard during his senior season at Bowling Green. Brooks is known for his clean-cut discipline and was asked why he let Morrow keep his beard.

"Because if I didn't," he replied, "he might be skating for the Islanders instead of for me."

"Kenny is more of a defensive-type defenseman," Brooks said, contrasting Morrow's style with that of the other defenseman on the U.S. roster.

"But he's the steadying influence on our defensive club," the coach added.

Morrow said Brooks' system is "more offensive minded" than what Morrow had been used to.

Yet Morrow was known as an attacking defenseman who scored 52 points in his final season at Bowling Green.

And while he generally serves as something of an out-of-the-net goalie for the American Olympic team, Morrow has three points with a goal and two assists.

"It's really a surprise. I try to think more of defense," Morrow said.

Try to think of defense, that is, and of only the next game on the Olympic schedule.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. Nelson) is recognized for 5 minutes.

● Mr. NELSON. Mr. Speaker, due to official business in my district I was not recorded on three votes on Friday, February 22. If I had been present, I would have voted "yes" on rollcall No. 65, to approve the Journal; "yes" on rollcall No. 67, to approve House Resolution 581, the rule for consideration of H.R. 6081, to provide Central American assistance; and "yes" on resolving the House into the Committee of the Whole for consid-

PERSONAL EXPLANATION

(Mr. GUDGER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GUDGER. Mr. Speaker, I want to thank you and my colleagues in the House for granting me a leave of absence for February 21 and 22 on the unanimous-consent request of Majority Leader Wright and for the reasons therein stated. Had I been present on the aforementioned days, I would have voted in the following manner:

"Yea" on approving the Journal of Wednesday, February 20, 1980 (rollcall No. 62).

"Yea" on considering House Resolution 581, providing for the consideration of H.R. 6081, to amend the Foreign Assistance Act of 1961 to authorize assistance in support of peaceful and democratic processes of development in Central America (rollcall No. 63).

"Yea" on House Resolution 570, the rule under which H.R. 3789, to amend section 16(b) of the Soil Conservation and Domestic Allotment Act, as amended, providing for a Great Plains conservation program, was considered (rollcall No. 64).

"Yea" on approving the Journal of Thursday, February 21, 1980 (rollcall No. 65).

"Yea" on resolving the House into the Committee of the Whole (rollcall No. 68).

"Yea" on House Resolution 581 (rollcall No. 67).

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Guyer (at the request of Mr. Rhodes), for tomorrow, on account of attending funeral of former Member of Congress.

Mr. Williams of Ohio (at the request of Mr. Rhodes), for today, on account of official business.

Mr. Vento (at the request of Mr. Wright), for todav until 1 p.m., on account of official business.

Mr. Rose (at the request of Mr. Wright), for today, on account of attending a funeral.

Mr. Rodino (at the request of Mr. Wright), for today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. Grisham) to revise and extend their remarks and include extraneous material:)

Mr. Hagedorn, for 5 minutes, today.

(The following Members (at the request of Mr. Gonzales) to revise and extend their remarks and include extraneous material:)

Mr. Kastenmeier, for 5 minutes, today.

Mr. Gonzalez, for 15 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Ford of Michigan, for 5 minutes today.

Mr. Vanik, for 10 minutes, today.

Mr. Barnes, for 5 minutes, today.

Mr. Bingham, for 15 minutes, today.

Mr. Oberstar, for 30 minutes, today.

Mr. Alexander, for 30 minutes, today.

Mr. Conyers, for 15 minutes, today.

Mr. Weiss, for 5 minutes, today.

Mr. White, for 5 minutes, today.

Mr. Zablocki, for 5 minutes, today.

Mr. St Germain, for 5 minutes, today.

Mr. Kildee, for 5 minutes, today.

Mr. Nelson, for 5 minutes, today.

Mr. Weiss, for 60 minutes, on February 27.

Mr. Mottl, for 60 minutes, on February 27.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Grisham) and to include extraneous matter:)

Mr. Dannemeyer in two instances.

Mr. Lent in two instances.

Mr. Michel in five instances.

Mr. Hinson.

Mr. Quillen.

Mr. Vander Jagt.

Mr. Young of Alaska.

Mr. Lagomarsino.

Mr. Andrews of North Dakota.

Mr. Green.

Mr. Regula in two instances.

Mr. Collins of Texas in two instances.

Mr. Wampler.

Mr. Derwinski in three instances.

Mr. Carter in three instances.

Mr. Rhodes.

Mr. Ashbrook in two instances.

Mr. Marlenee in two instances.

Mr. Kemp.

Mr. Findley.

Mr. Dickinson.

Mr. Broyhill.

Mr. McClory.

Mr. Pursell.

Mr. Goldwater.

Mr. Leach of Iowa.

(The following Members (at the request of Mr. Gonzalez) and to include extraneous matter:)

Mr. Pepper.

Mr. Brodhead in two instances.

Mr. Anderson of California in 10 instances.

Mr. Gonzalez in 10 instances.

Mr. Brown of California in 10 instances.

Mr. Annunzio in six instances.

Ms. Holtzman in 10 instances.

Mr. Jones of Tennessee in 10 instances.

Mr. Boner of Tennessee in five instances.

Mr. Blanchard in two instances.

Mr. Bingham in 10 instances.

Mr. Bailey.

Mr. Alexander.

Mr. Richmond.

Mr. Boland.

Mr. Skelton in two instances.

Mr. Kildee.

Mr. Conyers.

Mr. Simon.

Mr. Weiss.

Mr. Ottinger.

Mr. Patten.

Mr. Beard of Rhode Island.

Mr. Russo.

Mr. Edwards of California.

Mr. Mazzoli in two instances.

Mr. Drinan.

Mrs. Chisholm.

Mr. Pickle in 10 instances.

Mr. Cavanaugh.

Mr. Long of Louisiana.

Mr. Rinaldo.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMPSON, from the Committee on House Administration, reported that that committee did on February 22, 1980, present to the President, for his approval, a bill of the House of the following title:

H.R. 3757. To establish the Channel Islands National Park, and for other purposes.

ADJOURNMENT

Mr. OBERSTAR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 24 minutes p.m.) the House adjourned until tomorrow, Tuesday, February 26, 1980, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3549. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Army's proposed sale of certain military equipment to the United Kingdom (Transmittal No. 80–46), pursuant to section 813 of Public Law 94–106, as amended; to the Committee on Armed Services.

3550. A letter from the General Counsel, Department of Energy, transmitting a draft of proposed legislation to authorize appropriations for conservation, exploration, development, and use of naval petroleum reserves and naval oil shale reserves, for fiscal year 1981 and for fiscal year 1982, and for other purposes; to the Committee on Armed Services.

3551. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the intention of the Department of State to approve the request of the Government of Egypt for permission to produce U.S. origin defense articles outside the United States, pursuant to section 42(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3552. A letter from the Assistant Secretary of State for Congressional Relations, transmitting copies of various agreements to which the American Institute in Taiwan is a party, pursuant to section 12(a) of Public Law 96–8; to the Committee on Foreign Affairs.

3553. A letter from the Assistant Secretary of the Treasury for Legislative Affairs; transmitting various project performance audit reports prepared by the International Bank for Reconstruction and Development and special studies prepared by the External Review and Evaluation Office of the Inter-American Development Bank, and project performance or completion reports prepared by the Asian Development Bank, pursuant to section 301(e)(3) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

3554. A letter from the Acting Director, Defense Secretary Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense equipment and services to the United Kingdom (Transmittal No. 80–46), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3555. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense equipment and services to Jordan (Transmittal No. 80–45), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3556. A letter from the Assistant Attorney General for Administration, transmitting a revision to a previously submitted notice of a proposed new system of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3557. A letter from the Director of Information, Occupational Safety and Health Review Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during calendar year 1979, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3558. A letter from the Clerk, U.S. House of Representatives, transmitting his quarterly report of receipts and expenditures for the period October 31 through December 31, 1979, pursuant to section 105(a) of Public Law 88–454, as amended (H. Doc. No. 96–271); to the Committee on House Administration and ordered to be printed.

3559. A letter from the Secretary of the Interior, transmitting a report on appropriate Federal actions to mitigate the economic impacts of expansion of the Redwood National Park, and the annual report on the management of additions to the park, pursuant to sections 102(a) and 104(a), respectively, of Public Law 95–250; to the Committee on Interior and Insular Affairs.

3560. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting, reports for the month of November 1979, on changes in market shares of refined petroleum products and of retail gasoline, pursuant to section 4(C)(2)(A) of the Emergency Petroleum Allocation Act of 1973; to the Committee on Interstate and Foreign Commerce.

3561. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

3562. A letter from the Deputy General Counsel for Military and Civil Affairs, Department of the Army, transmitting a report on the investigation of allegations of mismanagement at the Navigation Division of the Army Engineer District in Portland, Oreg., pursuant to 5 U.S.C. 1206(b)(5)(A); to the Committee on Post Office and Civil Service.

3563. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend title 49, United States Code, to provide additional criminal penalties for safety violations; to increase civil penalty limits; and for other purposes; to the Committee on Public Works and Transportation.

3564. A letter from the General Counsel, Department of Energy, transmitting a draft of proposed legislation to authorize appropriations to the Department of Energy for civilian programs for fiscal year 1981 and fiscal year 1982, and for other purposes; jointly, to the Committees on Foreign Affairs, Interior and Insular Affairs, Interstate and

Foreign Commerce, and Science and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. S. 1850. A bill to authorize the conveyance of lands in the city of Hot Springs, Arkansas; with an amendment (Report No. 96–783). Referred to the Committee of the Whole House on the state of the Union.

Mr. THOMPSON: Committee on House Administration. H. Res. 575. Resolution dismissing the election contest against Anthony Claude Leach, Junior; without amendment (Report No. 96–784). Referred to the House Calendar.

Mr. THOMPSON: Committee on House Administration. H. Res. 576. Resolution dismissing the election contest against Thomas Daschle; without amendment (Report No. 96–785). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROOKS:

H.R. 6585. A bill to extend the reorganization authority of the President under chapter 9 of title 5; to the Committee on Government Operations.

By Mr. ANNUNZIO:

H.R. 6586. A bill to authorize the President of the United States to present on behalf of Congress specially struck gold medals to Eric Heiden and the United States Olympic Ice Hockey Team; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BARNES:

H.R. 6587. A bill to amend the Export Administration Act of 1979 to restrict the export of goods which have been found to be hazardous to the public health; to the Committee on Foreign Affairs.

By Mr. BOLAND:

H.R. 6588. A bill to authorize the intelligence system of the United States by the establishment of a statutory basis for the national intelligence activities of the United States, and for other purposes; to the Permanent Select Committee on Intelligence.

By Mr. BROYHILL:

H.R. 6589. A bill to amend the Federal Trade Commission Act to provide for more effective and equitable enforcement of the laws administered by the Federal Trade Commission; to the Committee on Interstate and Foreign Commerce.

By Mr. CARTER:

H.R. 6590. A bill to amend the Federal Food, Drug, and Cosmetic Act to strengthen the authority under that act to assure the safety and nutrition of infant formulas; to the Committee on Interstate and Foreign Commerce.

By Mr. DERRICK:

H.R. 6591. A bill to amend title 18, United States Code, to prohibit certain practices in administering and using polygraph examinations for purposes of hiring, demoting, promoting, disciplining, and dismissing employees; to the Committee on the Judiciary.

By Mr. EVANS of Georgia:

H.R. 6592. A bill to amend title 18, United States Code, to prohibit certain practices in administering and using polygraph examinations for purposes of hiring, demoting, promoting, disciplining, and dismissing employees; to the Committee on the Judiciary.

By Mr. FINDLEY (for himself and Mr. Madigan):

H.R. 6593. A bill to regulate the feeding of garbage to swine; to the Committee on Agriculture.

By Mr. FORD of Michigan (for himself and Mr. Albosta):

H.R. 6594. A bill to amend title 39 of the United States Code to apply to one conservation publication mailed in bulk by each State the lower third-class rate applicable to matter mailed in bulk by qualified nonprofit organizations, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. LEACH of Iowa (for himself, Mr. Stanton, and Mr. AuCoin):

H.R. 6595. A bill to amend the act of July 1, 1968, with respect to export financing; to the Committee on Banking, Finance and Urban Affairs.

H.R. 6596. A bill to amend the Export-Import Bank Act of 1945 to authorize the Bank to engage in the use of extraordinary measures of export finance to counter and ultimately discourage the use of such measures by other major trading countries; to the Committee on Banking, Finance and Urban Affairs.

By Mr. McCLORY:

H.R. 6597. A bill to amend title 28 of the United States Code to require the Chief Justice of the United States to give an annual address to the Congress on the state of the Judiciary; jointly to the Committees on the Judiciary and Rules.

By Mr. OTTINGER:

H.R. 6598. A bill to establish a system of unrestricted grants to local educational agencies; to the Committee on Education and Labor.

By Mr. PATTERSON:

H.R. 6599. A bill to amend title I of the Housing and Community Development Act of 1974 for the purpose of including mobile home residents and other lower income residents in local housing assistance plans, and to amend section 8 of the United States Housing Act of 1937 for the purpose of requiring proportionality for mobile home residents in the award of rental assistance in certain circumstances; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PRICE (for himself and Mr. Bob Wilson) (by request):

H.R. 6600. A bill to amend title 10, United States Code, to permit persons from foreign countries to receive instruction at the U.S. Military Academy, the U.S. Naval Academy, and the U.S. Air Force Academy, and for other purposes; to the Committee on Armed Services.

By Mr. ST GERMAIN (for himself and Mr. Reuss):

H.R. 6601. A bill to amend the Federal Credit Union Act to enable Federal credit unions to continue to promote thrift among their members and be a source of credit for provident or productive purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. VANDER JAGT:

H.R. 6602. A bill to amend the Internal Revenue Code of 1954 to increase the amount of the deduction allowable for certain moving expenses; to the Committee on Ways and Means.

By Mr. VENTO:

H.R. 6603. A bill to authorize the President of the United States to present on behalf of the Congress a specially struck gold medal to the Smithsonian Institution in recognition of the efforts of those amateur athletes who have prepared for the 1980 summer Olympics and who will sacrifice their personal goals for the furtherance of the foreign policy of the United States; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GRAMM (for himself and Mr. Broyhill):

H. Res. 582. A resolution amending the Rules of the House of Representatives to establish a standing Committee on Energy; to the Committee on Rules.

By Mr. STAGGERS:

H. Res. 583. A resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Interstate and Foreign Commerce; to the Committee on House Administration.

By Mr. ZABLOCKI (for himself, Mr. Kastenmeier, Mr. Aspin, Mr. Baldus, Mr. Obey, Mr. Petri, Mr. Roth, Mr. Sensenbrenner, and Mr. Reuss):

H. Res. 584. A resolution congratulating Eric Heiden and the other members of the U.S. Olympic Team on their success in the XIII Winter Olympic Games (1980); to the Committee on Post Office and Civil Service.

By Mr. VENTO (for himself, Mrs. Spellman, Mr. AuCoin, Mr. Ratchford, Mr. Barnes, and Mr. Mitchell of Maryland):

H. Con. Res. 284. A concurrent resolution to expand the U.N. peacekeeping force in Lebanon; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

352. The SPEAKER presented a memorial of the Legislature of the State of Iowa, relative to the development of a Federal rail policy; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MATSUI:

H.R. 6604. A bill for the relief of Guadelupe Ortega-Garza; to the Committee on the Judiciary.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. Anthony.

H.R. 135: Mr. Loeffler, Mr. Mathis, and Mr. Bedell.

H.R. 763: Mr. Dixon.

H.R. 801: Mr. Paul and Mr. Howard.

H.R. 1290: Mr. Frenzel.

H.R. 1603: Mr. Brinkley, Mr. Coleman, and Mr. Mathis.

H.R. 2410: Mr. Moffett.

H.R. 3574: Mr. Lagomarsino.

H.R. 4489: Mr. Fazio.

H.R. 4990: Mr. Bolling, Mr. Evans of Georgia, Ms. Mikulski, Mr. Ottinger, and Mr. Derwinski.

H.R. 5004: Mr. Murphy of Illinois.

H.R. 5225: Mrs. Snowe.

H.R. 5839: Mr. Grisham.

H.R. 5862: Mr. Frenzel, Mr. Marriott, Mr. Devine, Mr. Cleveland, Mr. Rousselot, Mr. Ashbrook, Mr. Wampler, Mr. McDonald, Mr. Daniel B. Crane, and Mr. Williams of Ohio.

H.R. 6008: Mr. Donnelly, Mr. Murphy of Illinois, Mr. Fithian, Mr. Patten, and Mr. Akaka.

H.R. 6034: Mr. Bedell, Mr. Conte, Mr. Drinan, Mrs. Fenwick, Mr. Miller of California, Mr. Mineta, Mr. Mitchell of Maryland, Mr. Patten, Mr. Richmond, Mr. Rosenthal, Mr. Seiberling, Mr. Stark, Mr. Stewart, Mr. Weaver, Mr. Weiss, Mr. Williams of Ohio, and Mr. Gray.

H.R. 6065: Mr. Fisher.

H.R. 6152: Mr. Shelby, Mr. Lee, Mr. Stockman, Mr. Lent, Mr. Petri, Mr. Rinaldo, Mr. Carter, and Mr. Gore.

H.R. 6231: Mr. Gudger, Mr. Holland, Mr. Sensenbrenner, Mr. Rousselot, Mr. Coelho, Mr. Evans of Georgia, Mr. AuCoin, Mr. Preyer, Mr. Broyhill, Mr. Neal, Mr. Frenzel, Mr. Buchanan, and Mr. Tauke.

H.R. 6316: Mr. Michel, Mr. Coughlin, Mr. Leach of Iowa, Mr. Mollohan, Mr. Mitchell of New York, Mr. Dan Daniel, Mr. Guyer, and Mr. Chappell.

H.R. 6473: Mr. Forsythe, Mr. Mazzoli, Mr. Lagomarsino, Mr. Frenzel, Mr. Neal, Mr. Frost, Mr. Lungren, Mr. Kildee, Mr. Walgren, Mr. Fazio, Mr. Loeffler, Mr. Robinson, Mr. Kramer, Mr. Cleveland, and Mr. Miller of California.

H.R. 6488: Mr. Murphy of Pennsylvania, Mr. Horton, Mr. Young of Missouri, Mr. Young of Alaska, Mr. Dougherty, Mr. Won Pat, Mr. Corcoran, Mr. Charles Wilson of Texas, Mr. Coelho, Mr. Price, Mr. Anthony, Mr. Winn, and Mr. Kramer.

H.R. 6503: Mr. Mattox, Mr. Bereuter, Mr. Green, Mr. Bowen, Mr. Hinson, Mr. Charles Wilson of Texas, and Mr. Lott.

H.J. Res. 69: Mr. Ritter.

H. Con. Res. 225: Mr. Ambro, Mr. Nolan, Mr. Coughlin, Mr. Blanchard, Mr. Evans of Georgia, Mr. Leach of Louisiana, Mr. Mavroules, Mr. Bowen, Mr. Gray, Mr. Mitchell of New York, Mr. Bedell, Mr. Guyer, and Mr. Edwards of Oklahoma.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

284. By the SPEAKER: Petition of the Legislative Council of the Arkansas General Assembly, relative to the allocation of funds derived from the proposed windfall profits tax on domestic oil; to the Committee on Ways and Means.

285. By the SPEAKER: Petition of the Joint Budget Committee and the Legislative Council of the Arkansas General Assembly, relative to funding for day care services; to the Committee on Ways and Means.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H. Res. 549

By Mr. FRENZEL:

—Page 2, strike out the sentence beginning in line 19.

Page 3, after line 13, insert the following new paragraph (and redesignate the succeeding paragraphs accordingly):

(2) by striking out subparagraph (17);

Page 3, lines 14 and 16, strike out "(17)" and "(18)" and insert in lieu thereof "(16)" and "(17)", respectively.

—Page 2, line 7, strike out "except on the public lands,".

—Page 2, after line 18, insert the following new subparagraph:

"(5) All measures relating to energy resources on the Outer Continental Shelf.

Page 3, after line 9, insert the following new paragraph (and redesignate the succeeding paragraphs accordingly):

(1)(A) by inserting ", other than energy resources on the Outer Continental Shelf" after "public lands" in subparagraph (10);

(B) by inserting ", other than on the Outer Continental Shelf," after "public lands" in subparagraph (13); and

(C) by inserting "(but not including energy resources on the Outer Continental Shelf)" after "thereon" in subparagraph (15);

—Page 4, after line 7, insert the following new subsection (and redesignate the succeeding subsections accordingly):

(c) Clause 1(o) of rule X of such Rules (as so redesignated) is amended by inserting "(but not including energy resources on the Outer Continental Shelf)" before the period at the end of subparagraph (2).

By Mr. GRAMM:

(Amendment in the nature of a substitute.)

—strike out all after the resolving clause and insert in lieu thereof the following:

That (a) clause 1 of rule X of the Rules of the House of Representatives, relating to committees and their jurisdiction, is amended—

(1) by redesignating paragraphs (h) through (v) as paragraphs (i) through (w), respectively; and

(2) by inserting after paragraph (g) the following new paragraph:

"(h) Committee on Energy.

"(1)(A) National energy policy generally.

"(B) Interstate and foreign commerce relating to energy resources, including the promotion of commercial applications of energy technology.

"(C) Measures relating to the exploration, development, production, storage, supply, marketing, pricing, and regulation of energy resources, whether or not on or from the public lands (including the Outer Continental Shelf), and including all fossil fuels, nonmilitary nuclear energy, solar energy, and other unconventional or renewable energy resources.

"(D) Measures relating to the conservation of energy resources.

"(E) Regulation of the domestic nuclear energy industry, including regulation of research and development reactors, nuclear regulatory research, and measures relating to the temporary and long-term storage of spent fuel and nonmilitary nuclear wastes.

"(F) All energy research, development, and demonstrations.

"(G) All federally owned or operated nonmilitary energy laboratories.

"(H) Measures relating to energy information generally.

"(I) Measures relating to the reliability, generation, interstate transmission, marketing of, and ratemaking for, all power, including rural electrification and the energy functions of federally-chartered or Federal regional power marketing authorities and the siting of generation facilities.

"(J) Interstate energy compacts.

"(K) Tariffs, quotas, and other fees or limitations on the importation of energy resources.

"(L) Measures relating to the management of the Department of Energy, and the management and all functions of the Federal Energy Regulatory Commission.

"(2) Except with respect to special oversight functions provided for in clause 3(h), the committee shall not have jurisdiction over any of the following:

"(A) Military applications of nuclear energy.

"(B) Nonproliferation of nuclear technology and nuclear hardware.

"(C) Any matter relating to irrigation or reclamation in connection with federally-chartered or Federal regional power marketing authorities.

"(D) Revenues measures, except as provided in subparagraph (2)(K).".

(b) Clause 1(k) of rule X of such Rules (as redesignated by subsection (a) of this section), relating to the Committee on House Administration, is amended by striking out "clause 1(p)(4)" in subparagraphs (4) and (5) and inserting in lieu thereof "paragraph (q)(4) of this clause".

Sec. 2. (a) Clause 1(a) of rule X of the Rules of the House of Representatives, relating to the Committee on Agriculture, is amended—

(1) in subparagraph (7), by inserting after "production and marketing" the following: "(other than with respect to products and commodities used as energy resources)"; and

(2) by striking out subparagraph (17) and redesignating subparagraphs (18) and (19) as subparagraphs (17) and (18), respectively.

(b) Clause 1(c) of rule X of such Rules, relating to the Committee on Armed Services, is amended by striking out subparagraph (4) and redesignating subparagraphs (5) through (11) as subparagraphs (4) through (10), respectively.

(c) Clause 1(d) of rule X of such Rules, relating to the Committee on Banking, Finance, and Urban Affairs, is amended—

(1) by striking out subparagraph (5) and inserting in lieu thereof the following:

"(5) Defense production and control of the price of commodities, rents, and services, except energy resources, and economic stabilization and renegotiation."; and

(2) in subparagraph (7), by inserting "or energy" after "other than transportation".

(d) Clause 1(1) of rule X of such Rules (as redesignated by subsection (a) of the first section of this resolution), relating to the Committee on Interior and Insular Affairs, is amended—

(1) in subparagraph (5), by inserting before the period at the end thereof ", but not including measures relating to the transmission or marketing of electrical energy";

(2) by striking out subparagraphs (9), (10), and (11), redesignating subparagraphs (12) through (16) as subparagraphs (10) through (14), respectively, and inserting after subparagraph (3) the following:

"(9) Mineral land laws and claims and entries thereunder, mineral resources of the public lands, and mining interests generally, but not including matters relating to energy resources.";

(3) in subparagraph (11) (as redesignated by paragraph (2)) by striking out "Petroleum conservation on the public lands and conservation of the radium" and inserting in lieu thereof "Conservation of the radium";

(4) by striking out subparagraph (17); and

(5) in the last sentence, by striking out "and nonmilitary nuclear energy and research and development including the disposal of nuclear waste".

(e) Clause 1(m) of rule X of such Rules (as redesignated by subsection (a) of the first section of this resolution), relating to the Committee on Interstate and Foreign Commerce, is amended—

(1) by striking out subparagraphs (3) and (6), and redesignating subparagraphs (4), (5), and (7) through (12) as subparagraphs (3) through (10), respectively; and

(2) by striking out the last two sentences.

(f) Clause 1(n) of rule X of such Rules (as so redesignated), relating to the Committee on the Judiciary, is amended by inserting before the period at the end of subparagraph (8) the following: ", except interstate energy compacts".

(g) Clause 1(q) of rule X of such Rules (as so redesignated), relating to the Committee on Public Works and Transportation, is amended by inserting before the period at the end of subparagraph (9) the following: ", except for the transmission and marketing of electrical energy".

(h) Clause 1(s) of rule X of such Rules (as so redesignated), relating to the Committee on Science and Technology, is amended—

(1) by inserting before the period at the end of subparagraph (8) the following: ", other than energy research and development"; and

(2) by striking out subparagraph (11) and redesignating subparagraph (12) as subparagraph (11).

Sec. 3. (a) Clause 3(e) of rule X of the Rules of the House of Representatives, relating to special oversight functions, is amended by striking out "and nonmilitary nuclear energy and research and development including the disposal of nuclear waste".

(b) Clause 3(h) of rule X such Rules relating to special oversight functions, is amended by striking out "Committee on Interstate and Foreign Commerce" and inserting in lieu thereof "Committee on Energy" and by striking out "nuclear".

SEC. 4. Clause 5 of rule X of the Rules of the House of Representatives, relating to referrals, is amended by striking out paragraph (e).

SEC. 5. The the amendments made by this resolution shall take effect immediately prior to noon on January 3, 1981.

H.R. 6081

By Mr. KRAMER:

—Page 5, immediately after line 8, insert the following:

"(k) The President shall terminate assistance under this chapter if he determines that the Government of Nicaragua requires licensing or union membership to practice a mass media profession or generally engages in systematic violations of free speech and press."

By Mr. LAGOMARSINO:

—Page 3, in line 9, immediately after "(d)" insert "(1)"; and immediately after line 13 insert the following new paragraph:

"(2) The President shall terminate assistance under this chapter if he determines, or if either House of Congress by a vote of two-thirds of those present and voting determines, that the Government of Nicaragua has engaged in a consistent pattern of violations of human rights. In the event of such a determination, the outstanding balance of any loans to the Government of Nicaragua, or any of its agencies or instrumentalities, of funds authorized to be appropriated by this chapter shall become immediately due and payable."

EXTENSIONS OF REMARKS

VOICE OF AMERICA CONTEST WINNER

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. QUILLEN. Mr. Speaker, each year the Veterans of Foreign Wars of the United States conduct a scholarship contest called the Voice of Democracy competition.

This year's winner for the State of Tennessee is an intelligent, articulate, talented young lady from Seymour, Tenn., in my district. Her name is Sherri Leigh Goodman, and she is one of the best examples I know of leadership potential for her generation.

Her speech, which will be entered along with other State winners' efforts in next month's national competition, sums up for all of us the responsibilities and privileges of citizenship in this great Nation.

As a senior at Seymour High School in Sevier County, Tenn., Sherri Goodman has set an example by following the principles set out in her speech. She has taken leadership roles in academics, music, forensics, and journalism, and has been recognized by her peers for these excellent leadership qualities.

Mr. Speaker, may I commend to you and to the Members of this House the following speech, "My Role in America's Future," as seen by a young lady who is well on her way to becoming a leader for the decade of the 1980's:

MY ROLE IN AMERICA'S FUTURE

I can see the capitol building of our country standing out in majesty on yonder hill. In the background to my right is the towering monument erected in honor of the founder, George Washington. At the other end of the reflecting pool is the beautiful and stately memorial to its savior, Abraham Lincoln. Through the foliage of this Virginia hill I can see the old homestead of General Robert E. Lee, commander of the confederate armies. Nearby, the historic Potomac flows by our national cemetery, where there lies the grave of one who in life personified the spirit of America, the unknown soldier, honored with the highest decorations of the nations of the earth. The panorama displayed here, reminding us of great moments in the history of human progress, serves to remind me of my role of patriotism in America's future.

This scene makes me aware of the great American heritage with which we have all been endowed—a heritage that represents the decade upon decades of never ending battles that have been fought for liberty and justice for all. We must not let this national tradition fade away into history.

The call to every citizen today is to enlist—to enlist under the banner of freedom in defense of our Constitution. We must allow no one to fail in the duties of citizenship by refusing to take part in public affairs. The level of a democratic government rises no higher than the people under it. Those who fail to vote at election time are merely abandoning the principles upon which this nation was founded. To abuse or abandon these rights and privileges that our forefathers worked so hard to obtain is an injustice to society. We cannot be oblivious to a government that is with us every day. Because of this, all Americans must recognize and execute their role in America's future. I feel that this role is the same for everyone, yet different for each individual. The key word is patriotism. Whether it is demonstrated in actions, words, or thoughts, patriotism is the vital spark of the nation's honor, the shield of the nation's safety. It has created nations, gave the Declaration of Independence to the world, guided us through the tragic days of the Revolution, maintained the Union intact, and elevated us to a splendid civilization. This one small word has had more effect on American History than has any particular historical event.

My role in America's future is to continue that genuine spirit of citizenship and Americanism that has brought our nation honor for over two centuries. I want to make sure that this small word, patriotism, has a big meaning in the hearts of every American. I want myself and my children and their children to be able to say, "America, you are my country; the land that I love."●

THE ENERGY CRISIS AND ITS IMPACT ON THE POOR

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. MITCHELL of Maryland. Mr. Speaker, I am proud to share the recent remarks of Delegate Larry Young, Democrat, 38th District, Maryland, president of the Center for Urban Environmental Studies, before the Human Development Corporation Energy Conference, held in St. Louis, Mo. Since most of my colleagues here in the Congress have a genuine concern about this vital subject, I believe that it is quite appropriate to introduce into the CONGRESSIONAL RECORD, Delegate Young's remarks on the "Energy Crisis and Its Impact on the Poor":

ENERGY CRISIS AND ITS IMPACT ON THE POOR

(By Larry Young)

Good morning.

It is both a privilege and a pleasure to address this assembly of those who have been and are now on the front-lines of the struggle for human dignity and equal opportunity for all Americans. You, who daily identify the problems and serve the needs of low-income communities, know that when crises hit the nation as a whole, they batter down and trample on the poor. If it's getting chilly in Westchester, it's already freezing in Harlem. When they're buying less meat in suburban supermarkets, they're skipping whole meals in the inner city—and elderly people are eating food made for cats and dogs. When the middle class can no longer afford those quarter acre lots and homes, you know that the poor are being condo-converted onto the streets, "displaced" with nowhere to go. And so it will be no surprise to you when I say that the continuing national energy dilemma, an irritation and inconvenience for most Americans, is breaking the backs of the poor.

Those at the bottom rung of this country's economic ladder are being bumped off the ladder altogether. The average cost of home heating oil went up 8 percent from 1975 to 1976, by another 9 percent in 1977, an additional 12 percent in 1978, and now the crushing blow comes, a 62½ percent increase from 1978 to 1979. A projected increase to around $1.00 a gallon by the end of winter will bring the price level of oil to 271 percent of its 1975 level.

You all know the old saying about the rich getting richer and the poor getting poorer. Well, it's true. Between 1973 and 1976, the consumer price index rose about 30 percent. Average Aid For Dependent Children (AFDC) benefits and Supplemental Security Income (SSI) rose only about 19 percent. Major income maintenance programs did not maintain the real purchasing power of those receiving aid, real purchasing power actually dropped around 8 percent in those three years.

The staggeringly high inflation rate, we are experiencing now, led by inflation in the basic necessities and skyrocketing energy prices, makes all consumers feel the pinch, but it is the poor and the elderly who feel the bite. The Washington Post columnist Colman McCarthy brings this issue home to the human level in his description of an elderly St. Louis woman—

"She worked in a factory for 25 years, but the firm went out of business and she was laid off without a pension. Her husband died 10 years ago. She lives alone on a small Social Security check.

"She took pride in having made it this far. But now, for the first time in her life, she was frightened. She survived being poor and Black and old. But now, on top of it all, you can't depend on the money. She kicked her grocery bag: 'I pay double the prices and get half as much.' This winter, she said, she would have no money for fuel."

One of our responsibilities as planners and activists in low-income communities is to develop the compelling data that will convince everyone that energy is a basic necessity of life. Leaders in government and industry must be constantly reminded that our energy problems involve more than international politics; more than the economics of supply and demand, more than turning off lights and carpooling. Our energy problems involve the suffering of real people, those who comprise the most vulnerable segments of our society. For example, the Community Action Agency in Forest Park, Georgia kept track of the household expenditures of twenty elderly households over the five month heating season this past winter in order to see how expenditures changed in response to higher fuel and utility bills. In forty-two percent of the cases, expenditures for food went down as energy costs rose; in thirty-seven percent of the cases, expenditures for prescription medicines dropped as energy costs rose; and in twenty-one percent of the cases higher energy costs meant no regular visit to the doctor that month.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

These twenty households, with ages between 63 and 79, had average monthly incomes of $212.00, almost fifty percent of which went to utilities, fuel and water. In one case the percentage was as high as sixty-five percent. What I have described is a continuing and worsening crisis which exists for all poor and near poor households, and for the elderly among them most severely. It is a crisis which is not triggered by exceptionally bad weather or a family emergency; but which has become a part of the normal condition of life for the elderly and the poor. Bad weather and family emergencies just make matters that much worse.

Compounding the impact of inflation are structural factors in the energy economy which further disadvantage the poor and substantially restrain this population from conserving energy. First among these factors is the energy pricing structure which continues to utilize inverted pricing schedules with declining rates at higher usage levels. In all fairness, this pricing structure originated in an era of inexpensive energy when industry was expanding rapidly. It appears fair that large volume energy consumers should receive a discount rate until you consider the social outcome—the poor pay more per unit of energy than do the middle and upper classes. In 1979, with energy conservation a national priority, inverted pricing schedules and declining block rates reward consumption while widening the gap between the rich and the poor in this nation. Furthermore, utilities and heating oil dealers alike restrict credit and budget plans for the poor, demanding instead "cash on delivery." Consequently, the seasonal impact on the cash flow of low-income households is devastating. Robert Pugh, President of the Texas Senior Citizens Association tells of meeting an elderly woman who had just paid her utility bill by adding 67 cents to her Social Security check. She paid that bill, but had nothing for food, rent, medicine or other necessities. She was an asthmatic and a victim of emphysema and had to use a window air-conditioner in order to live.

Energy conservation, widely promoted but largely ignored by the public-at-large, is not a practical answer to the energy dilemma for the poor, at least not in the short-term. For economic reasons, the disadvantaged long ago made energy conservation a way of life. Per capita 1975 figures show the poor using 50 percent less electricity and 24 percent less gas than the well-to-do and their usage has dropped since that time. Yet the energy the poor do use is likely to do them less good, as conditions of low-income homes, appliances and automobiles owned by the poor are less efficient than the national average. Many houses occupied by the disadvantaged need substantial rehabilitation to even begin to retain heat. Yet even modest investments in weatherstripping and caulking are beyond the limited budgets of many poor families.

Government recognition and response to the special energy hardships of the elderly and the poor can be characterized simply—too little, too late. Crisis intervention programs of the Community Services Administration intended to deal with winter energy emergencies have been implemented in the spring or summertime, well past program target dates. My home town newspaper, the Baltimore Sun reported on September 19th, that the Department of Energy was just then channeling $200 million to the states for weatherization in fiscal year 1979, which ended Sunday, September 30th! Only half of the 90 million dollars provided in the previous two years was spent because of various problems with the program.

In regards to weatherization. I would like to call your attention to senate bill 1725, introduced by Senator Gaylord Nelson of Wisconsin, and which is now under consideration. S. 1725 would expand and improve national weatherization efforts, link them with energy conservation counseling, and crisis intervention, while restoring weatherization management to the community services administration. This is the kind of substantial program which would have positive impacts in areas of employment, housing, small business development—as well as energy. I urge you to promote weatherization on federal, state, and local levels—and despite all the problems that have hampered weatherization in the past, use whatever resources you have been given or can get to make weatherization a success.

As regards energy emergencies, I am deeply concerned that this nation still isn't ready for the colder, darker winter that is descending upon us, and the tragedies it will surely bring. We will be hearing from the President and the Congress from now until election day about how they provided over a billion dollars in energy assistance to the poor. What we will not hear enough of is the fact that this large-sounding sum spreads out to roughly $200 per low-income household and that the need is at least three times as much. What we are unlikely to hear is that Congress considered other proposals, like that of Senator Jacob Javits, which would have provided greater assistance, more nearly approaching the true needs of the poor. Therefore, we must look to state, local, and private resources to fill the large gaps left by Uncle Sam.

In the city of Baltimore, we have put together an emergency fuel fund for the poor and elderly. The Baltimore Fuel Fund has a commitment from the gas and electric company to match up to $200,000 in private donations. Our local department of social services will distribute these monies when government sources run dry. Every community and every utility in this nation should be preparing for this winter as Baltimore is doing. Community action agencies can be the catalysts for organizing similar energy emergency programs.

As key individuals in community action to address the paradox of poverty and wealth in America, I encourage you to examine the energy situation with an open mind. Do not dismiss it simply as an oil-company rip-off, a government-industry conspiracy, or as international gamesmanship. Whatever the causes might be for the crisis we call energy, the problems and their impacts are painfully real. But the opportunities for energy-related community action are also real. Tap any and every source you can to meet the needs of the people through programs and projects which also contribute to the national goal of energy independence. Some community action agencies are building solar greenhouses with funds from the National Center for Appropriate Technology. A sweat-equity tenant group in the South Bronx, NYC generates power from solar panels and a windmill atop their building. In Atlanta and Denver, community action agencies helped develop energy education materials especially designed for Black and Hispanic communities. Minority oil dealers and small businesses, middlemen caught in the energy/inflation squeeze, are banding together in Connecticut and elsewhere, they need your help. In New Hampshire, CSA funds helped identify hypothermia as an energy-related health danger for 13 million older Americans; the special energy hardships of the elderly population deserve your attention and creative action. Consumer information and protection in the energy field is needed. Renters are a special group, not covered by most national energy strategies, their energy problems must be addressed at state, local, and community levels. Government agencies and public service commissions hear too much from companies and corporations, not enough from consumers, and very little from low-income communities. Community action agencies should take a lead in making the voice of the poor heard among energy policy- and decision-makers.

The bottom line here is that we have a great deal to do in the coming months and years. We need not hide in the trenches and dugouts waiting for the bombs of the energy war that sure as rain will fall. We cannot afford to wait for rescue operations that always come too little and much too late. Instead we must arm ourselves with information, ideas, cooperation and action to go on the offense in this energy war. We must aggressively pursue every opportunity to take advantage of energy strategies and programs. For if we don't, the names of the people we serve and represent will be listed as casualties.

Thank you for your attention to these remarks. If you desire more information on energy problems and programs for the poor, please contact the Center for Urban Environmental Studies (CUES), 1012 Fourteenth Street, NW, Suite 706, Washington, D.C. 20005. CUES is the nationally recognized leader in energy issues as they relate to minority and low-income groups. Our toll free energy information telephone number is 1-800-424-9591.

From the bottom we are in trouble this winter, and I don't have an idea of what's going on at the top.

Thank you and God Bless you.●

PRAGMATIC CONTROLS

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. COLLINS of Texas. Mr. Speaker, energy creates many critical decisions for Congress for the 1980's. The biggest decision is choice of alternatives. We must face up to strong alternative availabilities as our country is becoming too dependent on Middle East oil. Six years ago when we began a Government controlled energy program, the United States imported $3 billion in oil. This year the United States will import $90 billion in oil.

One of our biggest problems is the strong desire to have complete environmental control achieved during the 1980's. We will be 90 percent successful in 1980. But to push for 100 percent at this time can be counterproductive.

At the recent Republican planning conference, PETE MCCLOSKEY made a most interesting point. He is a great advocate of peace. He pointed out that we are becoming too dependent on Middle East oil. This creates dangerous prospects of a Middle East war, which raises the question, Is it more appropriate to develop other alternate energy sources, even though we have to trade off maximum security on nuclear or on air emissions stands?

This subject was summed up very well in the December 29 issue of the Economist. This London newspaper is well written and has an excellent objective perspective of our country.

The Real Energy Crisis

AMERICA'S PRICE AND ENVIRONMENTAL CONTROLS COULD BLOW UP THE WORLD

To understand the present real energy crisis for the 1980s, do not look at Opec. Look at the prospects before America's electric utility companies.

President Carter has told them, "as a matter of law", that they must use only half as much oil in the late 1980s as they are using now. This means they must use more nuclear and coal-fired energy, but environmentalists then stop these from being used. Regulatory lag in price controls during high inflation has put all the companies' share prices below their asset values, so no sensible company is inclined to dilute its equity further to finance the building of power stations it might not be allowed to use. There is therefore not going to be enough electricity in the United States in the 1980s.

In South Korea it now takes less than five years to build a nuclear power plant. In the United States, because of environmental objections, the latest nuclear plant took 16 years from first mooting to readiness to be included in this winter's temporary ban from being used.

Because of quick construction the cost of nuclear energy in Korea is now under a half the cost of electricity from oil. Before this year's Opec rises, the figures were 12.4 won per kilowatt hour from nuclear versus 23.6 won per kilowatt hour from oil-fired. As nuclear techniques advance and Korean environmentalism does not, Korea is likely to become a cheaper energy country than the United States in the 1980s as well as being temporarily a lower-wage one. All the other advancing countries of east Asia are therefore likely to want to go much more nuclear too.●

VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. YOUNG of Alaska. Mr. Speaker, the Veterans of Foreign Wars Voice of Democracy scholarship program began 33 years ago through the joint cooperation of several concerned associations and in 1962 was absorbed totally by the Veterans of Foreign Wars. The veterans initiated the scholarships by sponsoring an aid package for $1,500. Over the past 18 years the scholarship program has grown to a total of five scholarships worth $31,500. In the 1979-80 competition one-quarter million students and 8,000 schools participated and over the past 18 years over 4½ million students have competed.

The theme of this year's contest was "My Role in America's Future." The winning essay from my State of Alaska was written by Miss Jennifer Lynn Gomez. Jennifer lives in Sitka and attends Sitka High School. She holds the State record in the girls 200-meter medley relay and placed second in diving during the Southeast Region II Championships. Jennifer has been in the Letterman's Club for swimming for 3 years. She has had poems published in Teen magazine and is a member of the Sitka Chapter of the National Honor Society. The following is the essay written by Miss Gomez:

My Role In America's Future

A woman in our society can, nowadays, be and do practically anything she wants! But what can be more worthwhile or as rewarding as being a homemaker?

I will fulfill my role in America's future as a homemaker for the simple reason that this is one of the most rewarding roles that I can name! Of course if other women want to go out and compete, in what's still considered to be a man's world, that's fine, but I feel my future lies in the home.

In our country, women have a very special privilege that in many countries even today, is unheard of. We have the choice to pick what kind of career we want for ourselves. I think it's terrific that we have the complete choice regarding our futures, but this is why the role that I've chosen seems to cause so many problems!

Many women feel that the role of the homemaker in these modern times has been devalued so much that even if some women do admit to being a homemaker they become quite defensive about it. This is bunk! The role of the homemaker has not been devalued except in the minds of those women who think it is something to be ashamed of. Which it definitely is not! What can be more fulfilling than watching your children grow up, helping them learn and always being there when they need you? Or give as much satisfaction as knowing that your husband is returning home from work to a clean home in which he can relax, with a warm meal ready for him, and someone to whom he can not only talk with, but who can understand and contribute ideas? I really don't think anything can compete with these things and this is why I especially want to be a homemaker.

Another thing that I know troubles women is when they tell people a homemaker is what they want to be, people often assume this means they have no ambition or any wish to get involved in things at all! This is just not true! Being a homemaker can be one of the most active roles there is and there is no way if a woman is a truly concerned and caring person that her role is ever going to be passive! A woman who truly wants to make her home a happy one is going to find herself so very much involved in the day to day existence of her family that there is no possible way of her being bored or dissatisfied with her role!

And as for not being ambitious, bunk! What can be more ambitious than wanting your children to grow up with the right set of ideas and values so that they in turn can become solid American citizens and lead full productive lives! A woman as a homemaker has the responsibility of steering her children in the right direction and seeing that they have a home to come back to after school and not just a place where they can sleep and eat! What can be more ambitious than that?

Also something that especially angers me is that often times people confuse the term homemaker with that of housekeeper. But there is really no similarity between the two. A housekeeper is concerned with keeping the home neat and tidy, while a homemaker although concerned with the appearance of the home, is more concerned with the entire atmosphere of the home, that of keeping it a happy and loving one.

Let me give this example as an analogy as to why I've chosen my future role.

Say there is a man who builds rocking chairs and he has always painted them blue because that was the only color that had been available to him, now he finds that he has at his disposal every color of the rainbow, but even though he now has a choice he still prefers the blue!

This is the way that I feel. I have an opportunity to try many new and interesting careers but I'm going to stick with the most traditional one, that of being a homemaker!

Indeed the balance of the women's role in society can include almost anything, but involvement is important, no matter what you get involved in, be it the PTA, a church group, or your son's scout troop. No one can expect a woman to completely cut herself off from the outside world, so involvement is important! However, a woman should not be so involved in things that she has no time to herself as everyone does need time to be alone and think. A woman in our society need not be constricted by the home, but neither should she have to feel the need to go out and get a job just because everyone else is! The role of being a wife and mother can be just as fulfilling and I especially feel it can be twice as rewarding as holding down a job!

As homemakers have been vital to America's past so will I, and others like me be important in America's future!●

HOMETOWN DOES NOT FORGET ROBERT ODE—HOSTAGE IN IRAN

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. VANDER JAGT. Mr. Speaker, we are all anxiously watching the efforts of the United Nations with hope and anticipation that the Americans held hostage in Iran will soon be freed. Recent developments have given us the greatest hope yet that our fellow countrymen held in the American Embassy in Tehran will safely return to the United States.

The past 15 weeks since our Embassy was taken by militant Iranians has been a very trying and frustrating period for us all. But as difficult as this period has been for us as Members of Congress and leaders of our Government, it has been far more trying for the relatives and friends of the individuals held in Iran. They have painfully watched glimmers of hope come and then fleet away, and are the most frustrated over the impotency of the U.S. Government to secure the release of the men and women who have been victimized by an act which violates the most basic standards of civilized international relations.

Mr. Speaker, I would like to highlight the touching memories that one community, located in the Ninth Congressional District that I am honored to represent, has for a native son who is among our hostages held at the Embassy. Mr. Robert Ode, believed to be the oldest of the hostages, grew up in Manistee, Mich., and graduated from Manistee High School in 1933. Many of his relatives, classmates, and friends remain in the Manistee area, and have sincerely expressed their concern for his safety. Two recent stories in the Manistee News-Advocate poignantly describe the concern of the community for his safety, the memories they have of him, and their continued faith that he will weather this ordeal, the greatest in his 29 years in the Foreign Service.

I want to share with my colleagues the two articles from the Manistee News-Advocate which were written by Diane Conners. The first describes the reaction of older friends and relatives who have known Mr. Ode, and the second reports on the letters written by students at Manistee High School, who do not personally know him but are, nevertheless, interested in and concerned over his situation.

The stories follow:

[From the Manistee News-Advocate, Feb. 5, 1980]

AREA RESIDENTS RECALL ROBERT ODE

(By Diane Conners)

CHRISTMAS, 1978.

DEAR FRIENDS: This has been an eventful year. The State Department asked Bob to accept a temporary assignment to the American Embassy, Kingston, Jamaica from February 13 to May 20 * * * tropical Jamaica was a pleasant place to spend the winter! * * * Being in the Foreign Service again was an enjoyable interlude for Bob who hopes to be called again for a similar assignment."

Rita and Bob Ode sent the above letter to friends—including several in Manistee—as a Christmas message in 1978.

One year later, Ode was spending Christmas in Iran, against his will. He celebrated his 65th birthday there as well.

Ode had again been called out of retirement by the State Department for a six-week assignment to relieve a man in charge of the visa section who had come down with heart ailments. Ode was to have been home in Falls Church, Va. by Thanksgiving. Instead, he was taken hostage with at least 59 others Nov. 4 by the Iranians demanding the return of their former Shah, then in the United States.

According to his only sister, Majorie Keon, 69, of St. Louis, Mich., Ode lived in Manistee from the time he was five until he graduated from Manistee High School in 1933.

Their father was employed as chief engineer by the R and R Salt Co. until Morton's closed its plant in Ludington and bought the Manistee plant, Mrs. Keon said, bringing with it the Ludington workers. It was then, in 1933, that Ode's father, described as thin and kind, moved his family taking a job with Olivet College. By 1937, Mrs. Keon said, they were living in St. Louis, where Robert Ode worked until he joined the Navy.

He served for five years, she said, and then in 1947, applied for a job in the Foreign Service. He was immediately accepted she said, eventually working his way up to the office of consul and providing 29 years of service before retiring at the age of 60.

He left fond memories with those who knew him here including Reidar Rohrstaff, 505 Seventh St., who shared Robert and Rita Ode's 1978 Christmas letter. Ode served as best man at Rohrstaff's wedding.

Rohrstaff and Lawrence Solberg, 340 Fifth Ave., remember singing in the choir and in a quartet with Ode in the old Scandinavian Methodist Church on Fifth and Walnut Streets.

"He loved to sing," Solberg remembered.

Indeed, one of Ode's two brothers, Howard, 67, of Midland, said when the ministers who went to Iran over Christmas began the music portion of the service, "You could hear his baritone coming through," on television.

Rohrstaff said he and Ode also used to enjoy overnight canoe trips together.

Cara Vincent Miller, 3160 Red Apple Road, who often dated Ode during their junior and senior years, remembers he called his canoe "Mariposa," Spanish for "butterfly."

All of Ode's friends contacted in Manistee remember him as an intelligent, studious young man.

Don Olson, 506 Fourth St., three years younger than Ode, remembers living across the street from him on Second St. Ode was pals then with his brother, Dick, Olson said, and they were two of a kind.

While everyone else contemplated who would be first and second batters in the street baseball games after school, Olson remembered, Dick Olson and Ode would be thinking of chemistry experiments to try.

"I remember when I wanted to do something and I'd say 'everybody else is doing it,' Dick would razz me and say, 'Is Bob doing it?' to show that not everybody else was doing it." Olsen said.

But Ode was not your quiet, shy, studious type. Rohrstaff remembers Ode as being much like his heavy, jolly mother: "He liked to talk, but not just idle chatter."

In the junior year Hall of Fame he was cited as the best arguer, the wittiest and most original student by his peers. Ode was vice president of his freshman class and served on the junior high student council. In 1932 he was treasurer of the Thalian Society, the drama club, and was male lead in the comedy "Peg O' My Heart."

He was a member of the speech club and a reporter on the Chippewa Herald. He was a member of the Hi-Y Club whose purpose was to "maintain and extend throughout school and community high standards of Christian character." And, along with Cara Vincent, he co-chaired the Junior-Senior Banquet in 1932.

Now married to John Miller, Cara Vincent Miller remembers Ode's love of the theatre. She remembers rushing down after school to the Lyric Theatre, now the Salvation Army for the 15-cent Tuesday matinees. The movies she and Ode saw featured Jeanette MacDonald and Nelson Eddy and Greta Garbo.

Mrs. Miller also remembers that Ode loved to dance and often took her to the weekly dances at the pavillion at First Street Beach.

Vina Jankowski, 1105 21st St., said she was just getting to know Ode during his senior year and her sophomore year. But, a contest-winning dancer herself, she also remembers vividly that Ode "was an excellent dancer, one of the best dancers in school." They danced to the big band sounds of Glenn Miller, Sammy Kaye and Benny Goodman, she recalled.

But perhaps the most revealing thing those close to Robert Ode during his life in Manistee, remember is his love of travel.

Rohrstaff remembers Ode reading and dreaming of adventure.

"The books he read were the biggest influence on his life," he said. "Bob loved to read travel books, adventure books to unusual places. His lifestyle then kind of paralleled his lifestyle later in life."

Another strong influence in this direction was remembered by Mrs. Miller who recalled that Winogene Ramsdell Scott taught French and Spanish to the high school students, including Ode who "loved languages." Mrs. Scott often told fascinating stories about her son who was a member of the foreign service. Mrs. Miller said, planting the seed in Robert Ode's mind.

Ode's brother Howard agreed that "Mrs. Scott was probably the one who first inspired him." And Mrs. Keon, upon hearing Mrs. Scott's name, sucked in her breath at the memory, saying, "Oh, yes. Winogene Ramsdell Scott. Bob loved her. He wanted to see the world."

And see it he did, from his first assignment to Warsaw, Poland, to a later assignment in Sicily where he met his future bride, Rita, also an employee of the State Department. Howard Ode said his brother was transferred to Montreal, Canada after meeting her, while she was transferred to Bangkok, Thailand. Later, when she was transferred to Ottawa, Canada, Howard said, she and Robert renewed their friendship, and married soon thereafter when he was 40 years old.

Finally, Robert Ode's well-travelled life has carried him to strife-ridden Iran and an unsure future. Believed to be the oldest of the hostages, Ode's old friends, his sister and his brother Howard believe his calm nature and wry sense of humor will keep him and the other hostages sane through this ordeal.

Mrs. Keon said that Rev. Kaufmann, one of the ministers who visited the hostages, commented on Ode's calming strength. She said that in a letter to her Ode said he was walking a room 600 to 900 times a day for exercise and was reading all of the books in the embassy library, including the Bible, to relieve the frustration and boredom he said he was experiencing.

Howard Ode said that in a letter to him his brother poked fun at his hair which has grown long in the back, but remains bald in the front and his scraggly beard which "of course has a reddish tint."

And those close to him see a wry humor in a quite serious message by him as well: In urging Howard to write the President, Secretary of State, senators and representatives to demand action, Robert Ode said, "It is good that people have us in their prayers, but we need action, not prayers."

"If anyone can make it through it," Howard Ode said of his brother, "it will be him."

[The Manistee News-Advocate, Feb. 11, 1980]

MHS STUDENTS SEND LETTERS OF SUPPORT TO ROBERT ODE

(By Diane Conners)

DEAR MR. ODE: We are students at MHS and have read and heard about the hostages in Iran. We understand you are a graduate of MHS and have lived and visited in Manistee. Our school hopes your release will be soon.

There is no way we can realize the pain and terror you are experiencing; but by our letters we hope to give you the confidence and strength to pull thru this situation. Somehow our country will figure out a solution to this, one of our major problems. We hope that this letter has lifted your spirits and you realize we care. We hope and pray your release comes soon and we would extend an invitation to you to visit us at MHS.

The above letter is one of many written by students in Neil Brennan's senior high government, U.S. history and current world affairs classes and Dave Hendricks' eleventh grade English class.

Brennan explained that his students discuss the news every morning, and have paid particularly close attention to the news about Iran and former Manistee resident Robert Ode, one of the hostages there.

Brennan's classes divided into groups, with each group composing a letter. And while the group who wrote the letter above told Ode they cannot realize what he is experiencing, they have been privy to some special insight.

Their teacher was a prisoner of war during World War II, for about 18 months in Krems, Austria, about 40 miles from Vienna.

Some of the things Brennan remembers about his incarceration were feelings that Robert Ode, in his letters, expressed: loneliness, monotony, little exercise and an improper diet. He said it was eight months before he saw a letter from his parents.

Ode said everyone who is incarcerated experiences some fear, and that perhaps the hostages in Iran feel even more fear than he did because he was trained to expect that he might become a prisoner.

"You don't know what is going to happen, or when it is going to happen," Brennan said, describing the fear. "In a situation where you are isolated everyone has feeling that he might not make it."

In the beginning of the Iranian ordeal, it was expressed by some that perhaps time would be on the side of the hostages. The Iranians guarding them would get to know them as people and thus it would be harder to harm them, it was said.

Brennan said he found this to be true in Austria. He said guards were changed every six months to stop this from happening, but that towards the end, when all the young men were needed for fighting, older men became their guards. Brennan said the prisoners got to know these men quite well.

Still, even with Brennan's insight, his students recognize that in a situation this intense, you often have to experience it to understand it. And the events as they are reported seem confusing to them.

"It seems like there's no sense to it," Kim Mlejnek, one of Brennan's students said. "They're innocent and the shah isn't even here anymore."

Another student, Christine Chick, said the news in Iran has made her frightened to travel, once one of her goals.

"It's made me scared of what's going on in the world," she explained. "You don't know if you can go places (and be safe)."

But the the students are making an effort to relieve the hostages from some of their fear, primarily the fear of abandonment.

Hendricks' students are writing the letters for extra credit, he said with the intent of teaching them the value of making their own initiative to form letters.

Not only are they receiving extra credit for writing Ode, they are also getting credit for learning a very important political tool: writing their congressmen and the president. Hendricks' students were given a list of facts about Ode, about the situation in Iran and about what polled U.S. citizens feel about the situation there.

The English students were urged to express their continuing feelings about all of these aspects. 'Continuing' is the important word here, because Hendricks said he wants the letter writing to be an ongoing project:

"We must be continually aware of this problem, " he explained, "not just at Christmas."

Here are some more examples of the MHS students' letters.

DEAR MR. ODE: We are students from Manistee High School. Since you have been held hostage along with your fellow workers we have been with you in every way. Everyday we think of you and wish for your safe return as soon as possible. We are writing our congressmen and senators, asking them to use every means possible to provide for your release as soon as possible.

We want you to know we are with you all the way. We ask of you to keep up your spirits and to realize all Americans are behind you and proud of you. Don't give up hope and don't lose faith in your government and God.

When you come back maybe you would come and visit with us if your schedule permits.

DEAR MR. ODE: We are students at Manistee High School, your alma mater. We have read and discussed the hostage situation in many of our classes.

We are thinking about you and the other hostages. It is our hope that you and the other hostages will be released soon. We hope that you are in good health and high spirits, in spite of your situation.

We are proud of you as an American and are behind you all the way. We hope and pray your release will come soon. Please inform the other hostages of our concern for their return and their welfare and well being.

Please accept our invitation to visit Manistee High School upon your return to the United States. We are also writing our Representatives in concern of your welfare and safety.

DEAR MR. ODE: We students of Manistee High School would like to write to show our concern for your unfortunate situation.

We wish we could help, but we really don't know how. We can't image how you feel or what your thoughts are. All we can do is express our sympathy for you and all the other hostages. We really don't know what to say, but we want you to know that we are thinking of you. We would like you to keep up your spirits because sooner or later you are going to be free.

We read about you in the News-Advocate paper and have read about you being a student of Manistee High School. They printed a picture of you and your wife on vacation in this area.

We discuss daily, in U.S. history, your plight and try to come up with a solution. Our thoughts vary, but one thing is the same, we have genuine concern for you and your fellow prisoners' conditions.

We hope that this burden will be lifted from your shoulders very soon.

This letter was written by Debbie Cybert to President Jimmy Carter.

DEAR MR. PRESIDENT: I am writing you in concern about the hostages. My feelings about it are that I think this country is more concerned about their oil than about the hostages.

I am hoping you will take further action in getting the hostages free. I think there is too much worry about the Soviets in Iran. I can remember a few times when two other countries were fighting and the United States has sent troops in.

I hope you will give some thought in what I have said.●

AMERICAN ENTERPRISE DAY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. DERWINSKI. Mr. Speaker, recently there has been widespread concern about declining productivity and innovation in our country, and numerous legislative proposals have been made for Federal programs to reverse this trend.

Before these programs can truly be effective, however, we need to insure that the public is aware of the opportunities that still exist for individual initiative. That is what this would do in proclaiming October 3, 1980, as American Enterprise Day. The focus of such a day will be on our schools. Local business and labor organizations will be encouraged to participate in school programs to emphasize the opportunities available for those who have ideas and are willing to work to carry them out. This is the American way.●

PRODUCTIVITY

HON. RALPH S. REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. REGULA. Mr. Speaker, last week the Budget Committee held a hearing on the important issue of productivity. As you know, productivity in this country has been in a serious decline, and unless this trend is reversed, our country faces serious—even grave—economic problems in the 1980's.

Too often, outstanding and thought-provoking testimony is taken at hearings, but only to the benefit of those members present; the testimony becomes buried in the tomes of the hearings. Because last week's testimony was of this caliber, I want to share with my colleagues what I consider to be the salient points, along with my own perspective.

Everyone seems to agree that productivity, like motherhood and apple pie, is good and desirable. But why? In his testimony last week, Thomas A. Vanderslice, who is president of G.T. & E. and who now serves as Chairman of the Subcommittee on Technology Policy in the United States for the Committee for Economic Development (CED), noted five of the most important reasons:

> Lack of productivity growth makes it difficult to control inflation.
>
> Lack of productivity growth and inflation combine to lower the real income of Americans.
>
> Lack of productivity makes it difficult to create the job opportunities for our expanding labor force.
>
> Lack of productivity makes it difficult to maintain a favorable balance of trade and protect U.S. jobs from foreign competition.
>
> Without greater productivity in the eighties it will be impossible to meet the projected cost of social programs in the future.

Being a member of the Budget Committee, I was particularly struck by the fifth point. Because our population is getting older, greater burdens will be placed on a relatively smaller working population for the myriad of existing social welfare programs. To quote Mr. Vanderslice's testimony:

> Failure to start raising productivity now will harm the next generation of workers as well as the next generation of the elderly. Without greater productivity, the general quality of living for most Americans will decline.

I was also struck by the statistics Mr. Vanderslice presented. Obviously, investment decisions depend on the expected rate of return. But in times of inflation, rate of return is overstated, because the computation is based on the historical cost of new plants and equipment instead of on replacement cost. Using replacement cost to compute rates of return results in dramatically lower rates of return:

> In 1965, the real rate of return for U.S. nonfinancial corporations averaged about 10 percent while the reported rate was about 15 percent. By 1978, the reported rate of return had risen to over 16 percent but the real rate of return had declined to a little over 5 percent.

I agree with Mr. Vanderslice that the fundamental and most urgent need now is for more equitable capital cost recovery. This is not the only thing that can and should be done to stimulate investment, but it is a necessary step.

Let me now turn to the testimony of Prof. Lester C. Thurow of MIT. I am not in agreement with all of what Dr. Thurow told us. For example, I am at odds with his rather cavalier glossover of inflation vis-a-vis productivity policy options. Likewise, I'm not enamored by his call for a progressive value added tax, nor for integration of corporate and individual income taxes as basic policy tools. He sees lower consumption—or conversely, as I would prefer, increased savings—as the most important factor needed for improving productivity. Nevertheless, I do agree that if investment is to be stimulated in order to increase productivity, consumption must be restrained, in favor of increased saving. Because savings are translated into investment, it follows that savings must be increased if investment is to increase; put another way consumption must decrease.

While there is much confusion among the experts as to the causes of the productivity decline in this country, there is also considerable understanding. Professor Thurow notes, for example, that about 40 percent of the decline is explained by normal shifts in our country's industrial mix, for example, from manufacturing to services. There is no reason to be alarmed at such changes; they represent changing societal tastes, preferences, and perceived needs. Productivity declines here are really of a statistical nuance. In this vein, I think it is important to interpret carefully differences in productivity and investment rates between nations. For example, Japan invests—saves—20 percent of its GNP in plant and equipment whereas we invest but 10 percent. But saving is, by definition, sacrifice, and the Japanese have paid a high price in terms of what we would certainly call affluence and lifestyle for so high an investment rate. To the extent that two countries are culturally or politically different—different productivity rates may be expected.

This does not mean that comparisons are useless or even unnecessary. There are several bases for valid comparison in the area of macroeconomic policy between countries. For example, Japan and Germany are able to invest and save more, in part, because they pay—invest—less for defense than we do. Another basis concerns protection policies and their focus. Japan, in particular, overtly encourages productivity by helping sunrise industries whereas we do just the opposite. To quote from Dr. Thurow's testimony:

> Economic progress is always envisioned as bright new products and processes, but every new product replaces some old product and every new process makes someone's skills obsolete. Economic construction is based on economic destruction. And in the process of destroying old products and processes some Americans will suffer in their incomes. Losers naturally want to eliminate their losses, but this can only be done by stopping the economic progress that threatens to cause their losses.
>
> As long as Congress insists on protecting every American industry that falls behind, American (sic) can only fall behind. Protection creates an ossified society that is incapable of solving its old problems or taking advantage of its new opportunities.
>
> Why should textiles, TV manufacturers, steel, autos, or any other industry take the hard painful steps to compete with the higher productivity of foreign manufacturers when they know that they can depend upon you gentlemen to guarantee their profitable survival and shield them from the rigors of international competition?
>
> The Japanese have a conscious national economic policy of getting out of sunset industries and into sunrise industries. If you look economic policies over the past decade this country has adopted exactly the opposite strategy. Our recent history is one of using tariffs, quotas, informal marketing agreements, subsidies, and a host of other policies to protect our sunset industries.
>
> Protection is a policy that has got to be reversed. But this also means much better policies for directing workers and capital into new sunrise industries. Without the promise of new industries and new jobs no country is able to close down its old obsolete industries.

Another area where our macroeconomic policies work in a counterproductive way is tax policy. I share Thurow's concerns about the 10-5-3 capital cost recovery proposal, though with less disdain; 10-5-3 is a rigid, arbitrary approach. A policy that provided for depreciation based on actual useful life would be fairer and easier. I personally favor a first-year recovery plan wherein the entire discounted—present—value of the investment is taken in the year of purchase. However, given both the overwhelming need for a more equitable capital cost recovery policy and political realities, we will probably enact 10-5-3, and it will have my support.

Thurow believes that 25 to 30 percent of our decline in productivity is attributable to economic policy. I suspect most business people and many of my colleagues think that estimate low. Increased governmental regulations, which cause incredible paperwork burdens on business and force major nonproductive investments, come immediately to mind.

Mr. Speaker, what is needed is a comprehensive multiyear fiscal strategy—focusing not just on productivity, but on inflation, Government size, tax policy, and unemployment—that makes the difficult tradeoffs, and that moves toward clearly defined goals. We simply cannot afford to continue the piecemeal, stop and go jerky policies of the past 3 years.●

THIS IS THE TIME TO EXPAND AMERICA'S STRATEGIC PARTNERSHIP WITH ISRAEL

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. LENT. Mr. Speaker, I rise to express my great concern over President Carter's recent decision seeking to strengthen the U.S. presence in the Persian Gulf area.

I am sure we will all agree, Mr. Speaker, that President Carter's warning to the Soviet Union against further aggression in the Persian Gulf area will be totally ineffective unless there is a quick reversal of the drastic strategic decline the United States has suffered there.

But the President has chosen a questionable course in deciding to use Oman, Kenya, and Somalia as locations for the major bases needed to rebuild the U.S. presence in the Persian Gulf. We learned recently that agreements have been reached with these three African nations for U.S. use of air base and port facilities for U.S. planes and naval vessels. Saudi Arabia is being asked to construct several air bases which would be stocked with U.S. weapons and fuel and would be available for American planes and troops in an emergency.

In all of these negotiations, Mr. Speaker, there is not one mention of our strongest and most reliable ally in the area—Israel. Israel has offered the United States use of its military facilities. These include some of the most modern air bases and deep water ports in the world. They do not require the expensive upgrading which will be needed to make the less adequate facilities in Oman, Kenya, and Somalia usable for U.S. planes and ships. Right now, Israeli bases and ports are capable of handling nearly any tactical plane or fighting ship in the U.S. inventory. There is no doubt that these are the best bases and ports available to the United States in the area.

Why, then, Mr. Speaker, do the President and his foreign policy advisers ignore Israel?

It is no secret. The President and his advisers are concerned about the so-called political problem involved. The President seems to fear that most of the other pro-Western nations in the area regard Israel as an enemy. The President and his advisers worry that these nations might oppose an American military operation originating from

Israeli bases, even one designed to protect them from Russian aggression.

What a short sighted view. What a blow to our vital strategic interests in the Persian Gulf. What a grim new role for the United States: Ignoring Israel because of possible Arab objections. I find this particularly ironic because the U.S. Government itself has condemned such an attitude when adopted by some U.S. businesses.

Mr. Speaker, the most dangerous part of the President's mistaken belief is that it ignores the most decisive factor in seeking allies to aid us in rebuilding U.S. strength in the area. That precious factor is reliability. The air base and port facilities in the Persian Gulf area must be available for American use under any circumstances.

With that fact in mind, recent history offers some valuable guidelines. Remember the sudden crisis just 1 year ago when the United States sought to refuel some F-15 fighter planes it was trying to get to Saudi Arabia? European and North African nations refused permission for refueling. But Israel stood ready to offer refueling, even though Israel was well aware that the F-15's were destined for Saudia Arabia, which continues to support the Palestine Liberation Organization's terrorist campaign against Israel. That is definite reliability.

Recent history also demonstrated the vital need for stability of government establishing reliability as an ally. Look to Iran. We lost billions upon billions of dollars worth of military equipment, electronic monitoring facilities and other military facilities we desperately needed, after the revolution swept the Shah from power.

Instability seems to be endemic in Arab States. The Moslem religious ferment brewed in Iran seems to be spreading to almost every Arab nation in the Middle East. Especially is this true of Saudi Arabia and Kuwait.

African states have been marked chiefly by the instability of their governments. There is no way to predict with any degree of assurance the future of the current regimes nor of their attitude toward world affairs.

But we can safely predict where Israel will be, whatever the turbulence and turmoil in the Middle East. As she has for the past three decades, Israel will be there, solid as the Rock of Gibraltar, offering stability, safety, and protection for American interests.

Israel's ties with the United States and its willingness to act on America's behalf are not dependent upon one man or on one small autocratic ruling group. Israel's democratic institutions insure that the ballot, not the bullet, control Israel's Government. The United States has one true, strong, utterly dependable friend in the Middle East. That friend is Israel. That has been the situation for 30 years. The President should appreciate that fact.

We need a clear demonstration to the entire world that the United States is determined to resist further Soviet aggression in the Persian Gulf area. There is only one stable, reliable, secure state in the entire area where the United States can establish safe permanent monitoring facilities, air base facilities and fleet refueling and maintenance stations. That state is Israel.

The strategic interest of the United States in the Middle East is best served by a close political and military alinement with Israel. An expansion of the American strategic partnership with Israel would enhance United States influence in the region and would promote America's goals of peace and security throughout the world.

Mr. Speaker, I urge the President and his foreign policy advisers to recognize this vital truth and to act upon it by accepting Israel's generous offer of the use of its military facilities. To do so would further America's best interests worldwide.●

THOUGHTFUL OBSERVATIONS

HON. RALPH S. REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. REGULA. Mr. Speaker, I am submitting for the RECORD the editorial written by Marvin Stone for this week's edition of U.S. News & World Report.

Mr. Stone's thoughtful observations are a succinct blueprint of challenge and hope for the 1980's.

I wish every concerned American could have an opportunity to reflect on the appraisal of where we are as outlined in this editorial.

The article follows:

WHAT HOPE FOR THE 1980s?

This is a good time to take stock, before we move much further along into the new decade.

The road just ahead runs straight uphill. It doesn't take occult powers to realize that. But to predict the more distant future requires a combination of statistical drudgery, intuition and faith. The most important of these is faith—in ourselves and in our country—because either the presence or the absence of it can be self-fulfilling.

America will come out all right. But this will not happen automatically, through some mysterious and inborn quality of deserving, as many of us have come to imagine. The Founding Fathers did not, with a stroke of the pen, establish us for all time as a superior society. What they did do was make it possible for the United States and its people to drive ahead with determination, enterprise and readiness for change.

The next moves will not be easy. We have been shoved into a devils's stew of faltering industries, inflation, energy shortages, pollution, rising crime, the nerve-racking pace of modern life and a frustrating sense that the United States is being pushed around.

Central to the struggles of industry, the persistent deficits in the balance of payments, the unceasing price spiral and the deprivations faced by individual Americans—obviously—is dependence on foreign oil. Over the long run, this can be alleviated. But it is useless to cry and point a finger at the robber barons of OPEC. They can be expected to continue selling their product for all the market will bear. The solution will have to come through our own efforts. Use less oil; find more substitutes.

The time to institute such a program was after the Arab oil embargo of 1973. Three successive Presidents pushed for action. But Congress, for its own inscrutable reasons, balked. Despite a Gallup Poll last year in which a majority indicated a qualified acceptance, the legislators have rejected every method of effective rationing. They crippled President Carter's plan to stimulate coversion to coal. Congress stalled through 1979 on a major project to make synthetic fuel.

Synfuel deserves a special mention, because in some mysterious way it has been misunderstood, referred to as "pie in the sky." Ted Kennedy called it a "fad," and an element in Congress attacked it as untried technology. In reality, oil from coal was proven feasible in the United States 40 years ago, and South Africa in even now enlarging production to take care of about half of its needs for gasoline—under direction of an American engineering firm. Progress has been made toward coping with pollution. The technology is being made available to U.S companies.

Synfuel conceivably could serve the U.S. as did the synthetic-rubber process that saved American transportation during World War II and went on to become a mainstay. If pursued with enterprise and with faith in American technical ability, synfuel and—in the longer future—solar power may prove out as major industries and job providers, replacing others that now languish. Such new industries are urgently needed.

There are bright spots. Foreign capital, damaging as the idea may be to American pride, is giving a lift to ailing businesses just as U.S. investment aided Europe in earlier years. Japanese-owned TV factories and German auto plants, for instance, are bringing employment and prosperity to U.S. communities.

New systems of ownership and management are being tried. For the long pull, the encouraging sign is that we are coming to grips with our problems. In particular, the old concept of business, labor and government as mutual enemies is fading, and a new era of partnership is beginning.

In the White House and Congress there are signs of a drive to free industry from the smothering load of paper work. There is recognition, moreover, throughout the government, that regulations are hampering U.S. exports. Foreign companies are snatching contracts by means of cartel methods and by inducements of types forbidden to American firms. What can be done to restore fair competition is not entirely clear, but, as a start, the Justice Department hopes to offer an advance review of planned steps by business so that U.S. firms may at least put out the maximum effort allowed them by law.

So government is trying. But the real effort has to come elsewhere. In every discussion of America's industrial decline, the decay of plants and equipment comes to the fore. Unimaginative salesmanship is often criticized.

These handicaps can be overcome, as the textile industry is demonstrating. Textile manufacturers have poured increased investment into equipment and technology, surveyed foreign preferences in style and color and sent out a new wave of interested salesmen. Thus, in a single year they cut the U.S. deficit in textile trade from 5 billion dollars to 4 billion, and they are driving ahead. The goal is a dominant position among the world's 100 textile-producing nations.

It's not only the economic slippage that has afflicted the mood of Americans. They are bewildered also to find that their country, the good and beneficient country, suddenly has become an object of scorn in some parts of the world. And, too, Americans suffer humiliation over the contempt that is visited on their military power.

These griefs will pass, but not quickly. In trying to preserve the stability all nations need to live and grow, and to stay the advance of a ruthlessly hostile rival, the United States entered into a number of relationships that, to say the least, are not working out desirably. Some painful readjustments have been under way, and others may be inevitable.

In the same period when American leadership was undertaking commitments around the globe, the strength to fulfill those commitments was allowed to run down. Now beginning is an effort to rebuild the kinds of military forces needed. The effort deserves support from all. But everyone would be wise, too, to resolve that the country must not blunder into a position where such forces have to be used in contradiction of American principles of freedom and justice. The way to insure this is to put faith in leaders who respect those principles and will adhere to them. And we would do well to consider that the world will not again be an American preserve, as it was or could have been in the '40s and '50s.

What about the people who will have to cope with this new world? Students of population see cheerful signs. With the birth rate down, the turbulent millions of the baby boom are passing through toward middle age. Their annual contribution to unemployment will slack off, and new jobs will have a chance to catch up with job seekers. The labor force, over all, will be more experienced, more stable. Smaller families will mean more money for saving and thus for investment in expansion of business. Moreover, a decline is predicted in problems of delinquency and teen-age crime.

Real hardships are coming for some. Those at the bottom of the heap will be cold and hungry. There is realization that the poor and old must not be made the victims of a national misfunction, and, as one demonstration, a mountain of dollars is going out this winter to help the poor with their heating bills.

Surveys of the great middle class show no panic. Complaints are on the level of the lack of an extra car or the high cost of a European vacation. For most, America is still a country, the first in history, where a big problem is that most of us have too much to eat.

There is a nagging question to be addressed: Is this still the country that survived the bloody snows of Valley Forge, a Civil War, the collapse of 1929—the country that carried the banner of freedom for 200 years, and gave its own prosperity generously to much of the world?

It is if we believe it is. We have lost our innocence. We have been through a lot, and will have to endure a lot more. Adversity brought us together, where affluence could not. Believers are not lacking. J. W. Marriott, Jr., for example, who runs his hotel empire by making the right predictions, put it pretty well: "We have learned much. . . . We will enjoy a better tomorrow because of our national resolve in dealing with these tough problems."

We should have no illusions about the difficulty of making a comeback in the 1980s. It can happen, if we want badly enough to make it happen.●

SERIOUS ENERGY CHALLENGE

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. RHODES. Mr. Speaker, our Nation still has no comprehensive energy policy. In the February 13 Wall Street Journal, David Hale has written a recommended solution to our energy problems. This tongue-in-cheek panacea is an eloquent satire on the failure of this Congress and the Carter administration to really do anything about our increasingly serious energy challenge. I recommend that my colleagues read this article, which behind its humorous detailing of Federal folderol, states the plain truth about our regulating ourselves into energy paralysis.

The text of Mr. Hale's article is as follows:

TAX THE WINDFALL PROFITS ON FIREWOOD

(By David Hale)

There is an urgent need for the federal government to impose price controls and a windfall profits tax on New England firewood.

Congress has done its best to protect the northeastern states from greedy oil and gas companies, but so far it has ignored the economic injustices being inflicted upon the region by the profit hungry woodlot barons of northern New England.

The price of firewood has practically tripled since 1973. The cord of Vermont wood which once fetched $30 now sells for $80-$90 locally and almost twice as much in Manhattan. The forest lords of New England are making obscene profits at the expense of both fireplace lovers in the big cities and their own village neighbors.

One-half of all homes in Vermont, New Hampshire, and Maine now have wood burning stoves or furnaces, but only a small number of homeowners have their own private woodlots. Most are totally at the mercy of local lumber men who charge whatever the market will bear for firewood. In some cases they also insist upon bargaining only in French.

Despite their courageous attacks on the oil industry, northern New England Congressmen have refused to speak out against the firewood price gouging. The political and financial power of the woodlot barons is so great that they have intimidated local politicians into complete silence. In fact, a few Congressmen have become nothing more than mouthpieces for the firewood lobby. But as the price of firewood today testifies, there is a strong argument for federal intervention in the industry as soon as the New Hampshire primary is out of the way.

First, Congress needs to establish a Department of Renewable Resources to regulate the growing, harvesting and marketing of firewood in New England and other regions where it is now commonly used. The present Department of Energy has only about 20,000 employes and is too busy regulating the oil industry to be saddled with responsibility for managing firewood supplies. It will take at least five hundred federal foresters to police the woods of Vermont and New Hampshire, alone, plus a support staff of several thousand lawyers, accountants, and public relations experts to interpret and administer the government's new firewood laws on a nationwide basis.

Secondly, Congress needs to draft a price control code for firewood. It could use several different formulas to determine firewood prices, but federal oil legislation probably provides the best model for how to proceed. The price of firewood should be a function of a tree's age.

Firewood from trees which started growing before 1973 should be priced at the lowest possible level in order to prevent New England woodlot barons from taking advantage of the 12-fold increase in oil prices since that time. Most New Englanders with old trees did not foresee the current scarcity of energy, so they should not be allowed to charge a high price for their wood today. A maximum retail price of $35 per cord plus some modest inflation adjustments would be perfectly reasonable.

Firewood from trees planted after 1973 should be priced according to a sliding scale. The younger the tree, the higher the allowed price for its firewood. There should be no price controls at all on trees planted after 1980 in order to encourage woodlot owners to plant new ones.

Because of transportation problems, the federal government also will have to develop a flexible pricing code for wood from remote locations. The new Department of Renewable Resources should create geographic sub-classifications such as mountain wood, ledge wood, swamp wood or wood stunted by acid rain.

The federal government permits the petroleum industry to charge a high price for Alaskan oil. Congress might officially designate Maine's Indian reservations as new Alaskas for purposes of firewood price control.

Whatever the exact particulars of the new price control code, though, Congress should not spend more than one session writing it. Federal auditors will want to begin marking New England trees with spray paint for price control compliance by this summer.

History shows that price controls usually create shortages, so Congress will want to back up the price controls program with severe penalties for violators. The government should punish first time offenders by making them keep a federal auditor on their payroll, imprison second time offenders, and burn down the trees of third time offenders.

The best way to punish greedy forest owners and people willing to pay firewood prices above officially proscribed levels is by reducing the amount of wood available to everyone. As many forward-thinking Massachusetts politicians have noted in past debates about federal oil policy, the smaller the supply of wood or any other form of energy in the nation, the easier it will be for the government to regulate it.

If this policy causes wood shortages to become a serious political problem in New England—say people freeze to death—the federal government can import wood from Quebec and finance it with a windfall profits tax on firewood from trees planted after 1980.

Like the proposed windfall tax on oil, this levy should not actually be a tax on firewood profits. It should be an excise tax on firewood sales. Such a tax will guarantee the government some revenues even if inflationary cost pressures and federal price control put most woodlot harvesting operations out of business.

The United States government can't prevent Arabs and French Canadians from taking advantage of the fact that energy is now a scarce commodity, but we certainly don't want any New Englanders who are not on the federal payroll to look for solutions to the problem. Such efforts might lead to private profiteering, arouse strong public resentment, and reduce the ability of our political leaders to control energy supplies.

The energy policies which are good enough for the nation's oil industry are more than generous enough for New England's firewood barons.●

ANOTHER KIND OF "SPORT"

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. MICHEL. Mr. Speaker, a wire service story reports that two East Germans, using rope and grappling hooks, climbed over the broken-glass and barbed wire-topped Berlin wall. They had to saw through bars installed in windows in a building near the wall, wait for 36 hours, and then flee across a no man's land illuminated with spotlights.

I find it ironic that the world's attention is concentrated on the Olympics while such an escape takes place. No athletic feat performed in the games can match this incredible escape. Two men against the might of the most security-minded nation in the world—and the two men won.

Since 1948, over 1½ million East Germans have fled to the West. That flood was reduced to a trickle after the erection of the wall in 1961. Yet, still they come, amazing us with their skill, their ingenuity, their courage, and their defiance.

Perhaps the Russians, deprived of their chance for worldwide propaganda at a Moscow Olympics, will admit that their tyranny has created one of the most difficult yet rewarding athletic contests in human history. Millions of human beings have run, jumped, skipped, hopped, leaped, and otherwise made their way from Soviet tyranny since 1945. When the Soviets changed the rules of the game in 1961, that just made some East Germans all the more ready to challenge them. They are still coming. They will continue to come.

At this point, I wish to insert in the Record "Two Dash Safely Over Top of Berlin Wall," from the Chicago Sun-Times, February 19, 1980:

TWO DASH SAFELY OVER TOP OF BERLIN WALL

Berlin.—Two East Germans, using rope and grappling hooks, climbed over the broken-glass and barbed-wire topped Berlin Wall in a daring dash to freedom, police said Monday.

Newspaper reports said the men waited for a change of guard before sprinting from a hiding place across a spotlighted no-man's-land to make their escape.

A police spokesman said the Sunday escape was "pretty amazing" considering heavy East Germany security along the wall, erected in August, 1961.

The two men, 26 and 27 years old, entered their hideout, an office building near the famed Checkpoint Charlie, after closing time Friday and waited for the favorable moment for some 36 hours, the reports said.

They then sawed through the bars in a window in their hideout, dashed across the light-flooded border strip to the wall and threw ropes with grappling irons over the top and climbed to freedom.

Not a single shot was fired during the escape, police said.

The men were in custody Monday for debriefing by Allied security specialists.

The West Berlin newspaper reports said the men decided to move when there was a change of guard and an East German machinegun tower apparently was left unmanned.

Most buildings facing the wall in East Berlin are off limits and patrolled by security guards with dogs. Windows in used houses are blocked by iron bars.

More than 1.5 million East Germans fled to the West via Berlin after 1948. After the wall was built in 1961, escapes have been rare.●

CONGRESSMAN DON BONKER PRAISED FOR WORK ON BEHALF OF THE ELDERLY

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. PEPPER. Mr. Speaker, last month the Daily Olympian of Olympia, Wash., praised the work of Congressman Don Bonker, a senior and respected member of the House Select Committee on Aging, of which I am chairman. The Daily Olympian commends Mr. Bonker for exposing shortcomings in medicare and for uncovering a variety of abuses in the health care field.

In his August 1979 hearings in Longview, Wash., Congressman Bonker brought out the fact that virtually every hospital in his State has been forced to keep senior citizens longer than necessary because of the lack of suitable medicare nursing home beds. Mr. Bonker pointed to evidence in New York and California proving that this is a national problem. He says that the HEW policy to cut back on reimbursement to medicare nursing homes has had the undesirable effect of keeping patients in the hospital at four times the cost of more appropriate placement in a nursing home. Mr. Bonker estimates that the cost to the Nation of such unnecessary hospital utilization is about $1.5 billion a year.

At these same Longview hearings, Congressman Bonker exposed abuses in the sale of health insurance to the elderly. He documented the fact that insurance companies were routinely selling one or several policies to the elderly on the basis of false representations that the policies would pay for all health care costs for which medicare will not pay. In fact, in the usual case the policies covered only medicare's copayments and deductibles and would not pay any costs for bills medicare would not cover.

Last November, Mr. Bonker conducted a hearing on behalf of the committee in San Diego, Calif. The hearing was held in conjunction with the California Assembly Committee on Aging. The hearing was held at the Town and Country Motel at the same time as the Regional Conference of the American Assocation of Retired Persons—National Retired Teachers Association. The witnesses included dozens of senior citizens and representatives of minority groups who were given an opportunity to tell the committee of their concerns. Those who did not have the opportunity to testify were allowed to submit their comments in writing for the hearing record.

The primary concern expressed by most senior citizens at the San Diego hearing was the crisis in health care. It is no secret that medicare is paying less and less of the average senior citizen's health care bill and that it is costing seniors more every year in premiums and deductibles to participate in the program. In fact, medicare now covers less than 40 percent of the average senior's health bill. Congressman Bonker has addressed this problem with an imaginative proposal, H.R. 4168, to broaden the scope of medicare so that it provides comprehensive coverage. Since Congressman Bonker has wide experience in this field, having worked as a staff member on the Senate Committee on Aging in 1964 and 1965, and played a major role in pushing the medicare bill through the Senate, his views deserve careful consideration.

Mr. Speaker, I am proud to have Mr. Bonker as an active member of our committee. I would like to have printed in the Record at this point, the excellent January 11, 1980, editorial by the Daily Olympian which commends Mr. Bonker and his work on behalf of the elderly:

[From the Daily Olympian, Jan. 11, 1980]

ELDERLY HEALTH CARE NEEDS CORRECTION

Congressman Don Bonker last summer acted as chairman of a House Select Committee on Aging held in Longview. The hearing was in response to complaints from constituents that nursing homes were not accepting Medicare patients. Those who were entitled to Medicare coverage were not getting it because there was no place to go.

During the hearing, Bonker says congressmen uncovered a variety of abuses in the health care field.

Medicare was not providing the coverage originally intended, paying less than half of an individual's health care costs.

Nursing homes are not participating in the Medicare program even though the reimbursement rate is higher than Medicaid.

Patients are being kept in hospitals longer than necessary, at triple the cost, because nursing homes and convalescent centers are not accepting them.

Due to lack of Medicare beds, senior citizens are losing their rights to 100 days of benefits in a nursing home.

The elderly complained that Medicare amounts to a fraud by offering false promises of health care coverage.

Added to the troubles with Medicare were the operations of unscrupulous health insurance firms, which sell "supplemental health insurance." The Select Committee on Aging estimates that 23 million elderly citizens purchase $4 billion of insurance that is downright fraudulent or minimal in coverage.

With these problems in health care of the elderly, it is quite obvious that something is wrong. Finding a cure is something else.

Bonker has introduced a bill which would provide full health care for the elderly. He says it is a compromise between the health care plans proposed by President Carter and by Senator Edward Kennedy.

In an intensive mailing to the voters of the Third District, Bonker outlined the problems listed above and and included a "comparison" of his health bill with the Carter and Kennedy proposals. He says his measure will provide no limitation on number of home health visits, covers routine dental care, routine eye care, foot care, hearing care and full coverage for prescription drugs.

He says the plan will insure coverage of the elderly and at the same time discourage fraudulent insurance companies.

Says Bonker, "Senior citizens fall through the cracks. Most people are currently covered through existing health insurance programs where they work; low-income persons are covered under Medicaid."

But wasn't that what Medicare was supposed to do in the first place—provide health care for the elderly?

If Medicare is a failure in its purpose, wouldn't it be better to revise it rather than establish a new program?

Bonker estimates his plan would cost $19 billion, as compared to Carter's catastrophic coverage plan at $26 billion and Kennedy's "full coverage" at $80 billion. Bonker would fund coverage for the elderly from general revenue rather than Social Security.

Practically speaking, Bonker's bill is not likely to get much of a hearing in a Congress not disposed to listen to either the Carter or Kennedy health plans. His "Report To The People" then, reflects little more than a concern for his elderly constituents.

The problems he points out, however, are real enough, and Congress needs to address them promptly, perhaps not through new legislation, but by putting pressure on the Dept. of Health and Human Services to straighten out Medicare.●

A TRIBUTE TO RICHARD "DICK" EDWARD INGSTAD

HON. MARK ANDREWS

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. ANDREWS of North Dakota. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its ladies auxiliary conduct a Voice of Democracy contest. The Voice of Democracy contest allows students in each of our 50 States to compete for scholarships sponsored by the Veterans of Foreign Wars. During this past year over one-quarter of a million students in 8,000 schools participated in this event.

In my State of North Dakota, our 1979-80 VFW Voice of Democracy scholarship program winner was Richard "Dick" Edward Ingstad, son of Keith and LaVerne Ingstad, of Jamestown, N. Dak. Dick's speech focuses on the importance of good communication in a democracy. Dick has practiced what he speaks of through his work at his local radio station, as well as his involvement in drama, speech and his high school newspaper.

Mr. Speaker, I am pleased to submit Dick's winning speech for printing in the RECORD. His ideas help us to understand the hope we can have for tomorrow because of the dreams of today's youth. These youth will soon be our leaders and with young people like Dick in the driver's seat we can look forward to a very bright future.

The winning speech follows:

America's future lies in the hands of its citizens. The role that they play in their everyday lives is very important to our country's development. Our citizens need to be aware of events, not only in our nation, our states, and our cities, but also throughout the entire world. And that's where my plans enter into the picture. I plan to go into communications and broadcasting and I feel that it is vitally important for our citizens to be aware of current events, to know all that they can about government officials (whether it be on the national, state, or local level). Our citizens must realize what is happening, in our country as well as countries abroad. To realize that for we as individuals, to prosper and grow, we must first prosper and grow as a nation. One of the best ways to do this is by having broad knowledge of current events. Good communication is a vital cog in this complex machine . . . the United States. Radio, television, newspapers, magazines. They are all a part of mass communications. I personally hope to be a part of the radio and television industries as a broadcaster. I have been very fortunate to have had an opportunity to work with my chosen profession earlier than most, having worked at a radio station during these high school years. During this time I have found how important it is for the news to get out to the general public. I have found the desperate need for weather information to be passed along, especially where the weather can be very dangerous and many lives may depend on this information. And I have also found that more and more people want to be well informed. And to be well informed, the first amendment, freedom of speech, must be used to its fullest capacity. News must meet the public's eye.

History tells us that the minute there is a communication breakdown between countries, the possibility of war exists. Many young men have given their lives in wars, wars that were preconceived to be that one war to end all wars. The sad fact is there never have been that one war. There have been many wars, with many lives lost. I think the finest tribute we could give these men who have given their lives, would be our strongest effort to upgrade and improve communications with other peoples and other countries. There is not a home in America that doesn't have a newspaper or magazine delivered each day. There is not a person in this world who doesn't in some way communicate with others. There is not a country on earth that doesn't, in some way, deal with another country.

I want to be a part of that vast medium that passes news on to others. I want to be a part of the improvement in communication, between other people and between other countries.

My understanding of the trade of communication and philosophies of communication, will allow me to pursue a profession, to be of service to my community, and maybe, just maybe a help to my nation and my world.●

ESTONIAN INDEPENDENCE—62D ANNIVERSARY OF PROCLAMATION

HON. S. WILLIAM GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. GREEN. Mr. Speaker, February 24 was the 62d anniversary of the Proclamation of Independence of the Republic of Estonia. As we all know, Estonia is presently under the domination of the Soviet Union, and this underscores the need to remember and celebrate the Estonian Declaration of Independence.

We cannot let the people of Estonia feel that they or their cause is forgotten. In that vein, I want to remind my colleagues that the summer 1980 Olympics will not only take place in Moscow, but the Olympic regatta is scheduled to take place in Tallinn, the capital of Soviet-occupied Estonia. The United States is boycotting the Olympics, and this includes the regatta.

I would like to insert into the RECORD at this point an eloquent statement on this subject by the Estonian American National Council:

OLYMPIC GAMES 1980

It should be noted that the Russians themselves have declared that "sport is not separable from politics" (AP Moscow, New York Daily News, July 16, 1979). This blunt statement is quite in keeping with Hitler's aims in connection with the Olympic Games of 1936 in Berlin. The outside world was made to believe that the Nazi regime desired only friendship and cultural exchange with other nations. It had no intentions to annex neighboring countries or make preparations for war.

Dictatorships are in need of outside support for their lawless regimes, and here the Olympic Games offer a ready-made opportunity to serve their political objectives.

Against the background of recent events, the free world has to consider whether by participating in the Games it would not lend a hand to the Soviets in covering up their various international and internal crimes during the entire existence of their ruthless rule.

The Estonian community in the free world is particularly concerned because the Olympic Regatta is scheduled to take place in Tallinn, the capital of the Republic of Estonia occupied by Soviet Russia.

The occupation of Estonia as well as Latvia and Lithuania was the result of the notorious pact between Stalin and Hitler of August 23, 1939. The Soviet rule has brought innumerable sufferings to these nations and the hardships of foreign subjugation are continuing to present day.

Most countries of the free world have never recognized the forcible annexation of the three Baltic States. It is, therefore, of great importance to the Estonian people that the Yachting Regatta on their territory should not be interpreted as tacit acceptance of the incorporation of their country into the Soviet Union, thereby damaging their justified claims for freedom and international status of the Republic of Estonia.

In case the Olympic Games should be removed from the Soviet Union, there may be some disappointment among the athletes who have trained for their respective competitions. At the same time the conscience and noble attitude of all men and women of the sportsdom should guide them in understanding the feelings and the dilemma of the captive people living under Soviet rule.

As a commendable example of understanding of the Estonian problem, we quote in translation the following passage of an article in the Norwegian yachting magazine "Seilsport" (No. 2-1977):

"Should or ought Norwegian yachtsmen or those from the free countries take part in a sporting contest with the Russians on occupied Estonian territory in 1980? If Germany had won the last war, what would the Norwegians have said and thought when German-arranged winter Olympics had been held in Oslo? Would not a participation in Tallinn be a mockery against a freedom-loving people over the whole world, and especially against the occupied Estonian?" Should not the Norwegian yachtsmen and organizations show a straightforward adherence to leading principles of life among free people and abstain from participating in Tallinn, and preferably take the initiative in promoting a similar attitude among yachtmen of other countries?"

If, however, the 1980 Olympic Games should be carried out as scheduled, then we can only hope that the olympic officials of all nations as well as the athletes and spectators should have enough common sense to see through the political aims of the Russian dictatorship and not make any miscalculations that occurred, in too great a number, in connection with Hitler's display in 1936 in Berlin.●

SELECTIVE INDIGNATION OF LEFTWINGERS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. MICHEL. Mr. Speaker, these American critics of the U.S. involvement in the Vietnamese war had a special vocabulary of abuse which they reserved solely for acts committed by their own countrymen. This vocabulary included such words as "atrocity," "genocide," "barbaric" and other such descriptions. Needless to say, the conduct of the Communists, ranging from numerous cases of burial alive to wholesale massacres of innocent civilians was ignored or explained away by these leftwing types as temporary and isolated acts.

We now are learning that in April 1979, in a small town called Kerala in Afghanistan, somewhere between 640 and 1,000 Afghan males, from age 7 upward, were massacred, many buried alive. Those responsible for this atrocity are said to be Afghan troops of the central government. There is reason to believe, however, that Soviet advisers, who even then dominated military affairs in that country, may well have taken part, disguised in Afghan uniforms.

Needless to say, we hear no outcry about this massacre from the Ramsey Clarks, Jane Fondas, and Sam Browns and other leftists who were so eager to condemn their own country. We hear no weeping and gnashing of teeth from people of this sort whose indignation is always highly selective: Condemn the West, ignore the Communists.

The Afghan people are being massacred and made victims of poison gas—but supposedly antiwar leftist critics are silent. When will we hear from people like this, when will they condemn the Communists? Don't hold your breath.

At this point, I insert in the RECORD, "Massacre Described by Afghan Refugees," from the New York Times, February 17, 1980:

MASSACRE DESCRIBED BY AFGHAN REFUGEES

THEY TELL OF SURVIVING ARMY ATTACK IN SPRING THAT RAZED A VILLAGE BECAUSE IT AIDED REBELS

BAROGAI, AFGHANISTAN.—Viewed through binoculars from atop a nearby mountain, the town of Kerala, where 640 men and boys reportedly were put to death in April 1979, has the appearance of a ghost community.

Its rice fields and large public garden were once the pride of its 5,000 residents. Apparently no one tends them now, but the story of what happened there, in the valley east of Kabul between the converging Asmar and Pech Rivers, continues to command attention.

Tales told in recent days by Afghans who said they had survived the killings at Kerala differ from accounts published earlier in American publications. Those earlier accounts drew angry comment from Tass, the Soviet press agency, which said Western news organizations had shattered all records in anti-Soviet propaganda by reporting that Soviet and Afghan troops had killed more than 1,000 men and boys at Kerala.

The Afghans, who were interviewed in refugee camps in Pakistan and during a hike to the tiny rebel-held village of Barogai, did not say that Soviet troops had taken part in the killings. There were far fewer Soviet advisers in Afghanistan in the spring of 1979 than there are Soviet soldiers now, but a former Afghan officer who defected to the rebel side last year said that the Soviet military men then wore Afghan army uniforms and would have been hard to distinguish.

SURVIVORS TELL OF ROUNDUP

Those questioned said they accepted the Afghan Government's count of 640 dead at Kerala last year as forces of the late President Hafizullah Amin swept in to counter an expected insurgent offensive. The survivors said Afghan troops had marched into Kerala, rounded up males over the age of 7 and shot them on charges of having helped Moslem insurgents battle the Marxist Government.

"We call it the war of Kerala," said the widow of Mullah Abdul Hakim, one of three resident Moslem clergymen reportedly shot by Government soldiers.

She was interviewed on a rebel-held road in Afghanistan near the village of Chinar, half way between the Pakistani border and Kerala. Others interviewed said that some survivors had escaped by dressing in the long chadors of the Moslem women. Others told of soldiers who had spotted them hiding but did not give them away.

Four Afghan rebels encountered in camps in Pakistan led the hike into insurgent-held territory. The mountaintop overlooking Kerala was the closest the party could get because of the continuing guerrilla warfare against the Soviet-backed Government.

REBELS TAKE REFUGE

One of the four, an opium-poppy farmer named Mirza Ali, told how 32 rebels out of a band of 110 entered Kerala in the early morning of April 20, 1979, and took refuge in a walled compound. After sunrise, he said, fierce fighting broke out between rebels and Government troops, and "four of us survived."

He said more Government troops poured in and began a house-to-house search at 10 A.M. for what they termed "troublemakers." About 400 troops were said to have participated in the search.

Abdul Rauf, a radio repairman who was another of the guides to Barogai, said that he had been warned by soldiers who were "good moslems" to hide or he would be killed. He said he had watched some of the killings from the roof of his house.

Among the dead, it was said, were Wazir Mohammad, a local Communist official who was the principal of the girls' school at nearby Chigha Sarai, and Mohammad Yashteen, also a staunch party member, who taught at the local primary school.

"WE WERE ABOUT TO BE KILLED"

Sixteen-year-old Mohammad Ashoq, who was first interviewed in a refugee camp in Pakistan, said he, his father and younger brother were taken to a field near the Pech River bridge, all realizing that "we were about to be killed."

"My father told me to get up and run," he said. "But a soldier stopped me. Again my father told me to run away, and I ran to the mosque. Behind me I heard the sound of gunfire.

"From the mosque, I saw soldiers take more men to another field and shoot them after an Afghan officer shouted, 'Fire!' "

The youth, who joined the hike to Barogai after the interview, recalled having watched a bulldozer moving into the field and pushing the dead and wounded into a pile. He said: "You could hear the wounded cry out: 'We are alive! Don't bury us!' But all were buried by the bulldozer."

The youth said that officers marched into the Kuz Juma mosque and ordered the women out. Among the women were men disguised in the traditional veils.

RUMOR OF RUSSIANS COMING

"There was a rumor that Russians were coming to take the women away in buses," said Mohammad Ashoq, who had also put on a chador. "But there were no Russians."

He said that later the Governor of Kunar Province in the east, Maj. Shah Nawaz, and some members of the Khalq, or Communist party, has come to apologize for the raid by the soldiers. The youth reported that the Governor had tried and said that he had not wanted the killings to happen but that he could not intervene because "troublemakers had come" to Kerala.

Now, according to Mr. Ashoq, only 20 or 30 persons remain in Kerala, and only three of them men. Noting that he had found part-time work in Pakistan, he said: "The town has nothing for me now, and there is no food."●

PAUL BROWN WINS VFW CONTEST

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of my colleagues a speech given by my constituent, Paul Curtis Brown, a student at Dos Pueblos High in Goleta Calif., as part of the Voice of Democracy contest sponsored by the Veterans of Foreign Wars. I wish to congratulate Paul on delivering the winning speech in the State of California and wish him luck in the upcoming competition here in Washington.

In discussing the theme, "My Role in America's Future," Paul raises some extremely interesting points regarding decisionmaking, leadership, and service. I am indeed proud to have such a fine young person representing California in the competition. I also want to commend the Veterans of Foreign Wars for sponsoring this contest and for encouraging our young people to consider what their role should be in shaping the future of America.

The speech follows:

MY ROLE IN AMERICA'S FUTURE

(By Paul C. Brown)

He had been running since dawn. It was then he had taken upon himself the mission to carry the news to his countrymen: news that guaranteed the Great Experiment would be given a chance to survive. By now, the heat of the day was so intense, and his mouth so dry, he couldn't swallow. Mile after punishing mile, every muscle rebelled against what he commanded it to do. Only dedication to his task could drive him onward. He could, at last, see the city in the distance. He struggled to reach it, and with his dying breath, Pheidippides proclaimed to the Athenians that Greece had won the Battle at Marathon. The first Marathon Run had been completed, but the future of democracy had just begun.

We Americans are the heirs of that infant democracy born in Greece so long ago, and with it, we have inherited the challenge of a New Marathon Run. This New Marathon is a symbol for the tremendous challenges America will face in her future. This marathon, like the original, will be a test of personal will. It will require the same strength, the same courage, and the same dedication from each of us as it did of Pheidippides.

My role in America's future begins with my call to all Americans to join with me to run as a team in this New Marathon Effort. Everyone must contribute his or her unique talents to this venture. As a team, we must realize that this is a race we have to win. Our country's future depends on it.

I have selected the concept of a team marathon to define my role in America's future because the training, the strategy, and the team pride of a marathon, correspond to three personal objectives around which I will build my future. These personal objectives: decision-making, leadership, and service, comprise my role in America's future. Let me show you how training, strategy, and team pride, relate to decision-making, leadership, and service.

Just as the team marathoner knows that to win he must train day after day, I know that my success in the future depends upon responsible, day by day decision-making. This process will involve defining problems, will involve listening to the opinions and possible solutions proposed by others, and will require from me the strength to make, and live by, my final decisions.

Our marathon team cannot reach its greatest potential, however, without experienced coaching to develop the talents of each participant, and incorporate them into a strategy which specifies how the race can be won. Without strategy, even the most talented team will not win. That is why I've chosen leadership as the second part of my role in America's future. America needs leaders who will determine creative plans of action for our country. I want to be the kind of leader who sets goals for himself, and is disciplined enough to achieve them; the kind of leader with the objectivity to assess and evaluate the strengths and weaknesses of his teammates; and the kind of leader who inspires and encourages those around him by his example.

Team pride is as vital to winning the marathon as training and strategy, because when training is over, and after strategy has been employed, team pride is what remains to get us through. Team pride can only be established when each member brings to the team self-respect and respect for others. Then the team can operate on a new plane: one in which the team members are more concerned with the success of the team than they are with personal glory. This corresponds to my interpretation of service, and service is the third component of my role in America's future. Service is to be my lifestyle, in which I will attempt to repay our country for the many freedoms and privileges granted me through the sacrifices made by previous generations. I hope my example will inspire others to adopt a similar lifestyle, because our country needs people committed to serving it.

Decision-making, leadership, and service: values that motivated Pheidippides to complete his mission, motivate me now to begin mine. I am proud of my American heritage; I am eager to assume my role in America's future; and I am honored to be running with you as a member of our New Marathon Team.●

DANGEROUS GAPS IN AGRICULTURAL RESEARCH AND DEVELOPMENT BUDGETS

HON. WILLIAM C. WAMPLER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. WAMPLER. Mr. Speaker, the National Council of Farmer Cooperatives and a coalition of farm groups issued a press release and accompanying letters on Friday, February 22, calling upon the House and Senate Committees on Appropriations, Agriculture, and Budget for stronger congressional support for agricultural research and development.

As the ranking minority member of the House Committee on Agriculture, and a staunch advocate of increased agricultural research and extension, I wish to call this communication to the attention of my colleagues by printing this release in the RECORD. The press release follows:

FARM GROUPS WARN AGAINST DANGEROUS GAPS IN AGRICULTURAL R. & D. BUDGETS

WASHINGTON, February 22.—The National Council of Farmer Cooperatives and a coalition of farm groups are urging stronger congressional support for agricultural R&D, with a minimum 13 percent increase for the 1981 USDA research budget.

Increasing farm and food production and marketing efficiency, they stressed, is crucial in dealing with our most urgent national problems such as security, inflation, and international trade deficits.

In a letter to members of the House and Senate Committees on Appropriations, Agriculture, and Budget, the farm groups noted their request is equivalent to the 13 percent increase for all government-sponsored research and development recommended by the Carter Administration.

The coalition pointed out that the Administration has recommended a 1981 agricultural R&D budget increase which is less than half the average increase proposed for all types of research.

The farm groups said that agriculture is being treated inequitably when compared to budget requests calling for an 18 percent increase for the National Science Foundation, a 38 percent increase for labor R&D, and a 17 percent average increase for 17 smaller federal agencies.

One of the critical problems facing agriculture, according to the coalition, is a drop in productivity growth after outdistancing other segments of the economy for many years. "During the last decade, we have seen a 40 percent drop in the rate of increase in agricultural productivity," said NCFC President Kenneth D. Naden. "This trend must be reversed."

Naden said that basic agricultural research and related extension and teaching activities by USDA and state land-grant institutions have been major contributors to the tremendous success of American agriculture during the past century. "However," he added, "federal funding for these programs hasn't kept pace with inflation or needs in recent years. It's vital that we act to correct this alarming decline."

The farm groups said that increased agricultural research and development should be high on the agenda of national priorities because: (1) An increasingly efficient food production and distribution system is critical to U.S. security and to our fight against inflation; (2) One of every five jobs in the U.S. is involved in the food and fiber industries; and (3) Exports of more than $30 billion in farm products are the largest single positive contribution to our U.S. international balance of payments.

Naden pointed out that research efforts in such prominent areas as alternate energy sources, photosynthesis, conservation tillage, distribution efficiency, integrated pest management and nitrogen fixation are widely recognized as being among our most urgent national needs.

Noting that the nation's vital interests are at stake, the coalition concluded with a strong plea for long-term strengthening of federal support for agricultural research. It is the only way, said the coalition, to help agriculture keep its edge and halt the decline in growth of productivity in our food and fiber industry.

Farm groups signing the letter were: National Council of Farmer Cooperatives, National Grange, American Soybean Association, The Fertilizer Institute, National Broiler Council, National Cattlemens Association, National Cotton Council, National Milk Producers Federation, National Assocation of Wheat Growers, Poultry & Egg Institute of America, Rice Millers Association, and United Fresh Fruit & Vegetable Association.●

CALIFORNIA COMMUNITY COLLEGE WEEK

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. DANNEMEYER. Mr. Speaker, I would like to draw attention to a significant occasion in the State of California. This week—February 16-23, 1980—has been designated "California Community College Week." Set aside to reflect on their unique contribution to our higher education system, this observance merits our support.

Education is the foundation on which society is built; a commitment to quality education for all distinguishes a truly great society. The challenge facing our democracy is not so much educating new leaders but educating the people. For our system cannot serve the people unless they know how to govern it.

Community colleges provide a vital cog in our educational system. Their programs prepare students for 4-year colleges, provide vocational training, and offer continuing education for personal growth. By stressing community needs they reach the broadest spectrum in society.

Areas of special concern which community colleges address include such diverse groups as the handicapped, senior citizens, ethnic minorities, and reentering adults.

Yet California's community colleges remain tuition free; spread through 107 independent localities they demonstrate cost-effective quality educational opportunities can be provided for all without massive government bureaucracies.

As such they are truly California's community colleges. By the people. For the people. I salute these achievements and urge support of this week as "California Community College Week."●

MOBILE HOME HOUSING ASSISTANCE AMENDMENTS OF 1980

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. PATTERSON. Mr. Speaker, today I have introduced the Mobile Home Housing Assistance Amendments of 1980. These amendments are designed to incorporate lower income households who reside in mobile homes within the Department of Housing and Urban Development's (HUD) section 8 and community development block grant (CDBG) programs.

Section 2 of this act would direct units of local government which apply for funding under title I (CDBG) of the Housing and Community Development Act of 1974 to include lower income mobile home residents in their housing assistance plans (HAP's) whenever these households constitute a significant percentage of the community's lower income population. In turn, this improvement to the survey and planning process should bring into focus the often unique but unmet housing assistance needs of the mobile home community.

As conventional forms of homeownership slip further beyond the reach of more and more Americans, mobile homes remain perhaps the only mode of housing affordable to low- and moderate-income groups. To ignore that potential and the corresponding needs of those in the community who have chosen that lifestyle clearly works to the impediment of our national housing goal.

In my view, local units of government already possess many of the tools needed to ease the burden of their lower income mobile home residents. Local control over zoning, subdivision, and building can influence the ultimate cost of a mobile home lot as much as any other factor in housing economics. Such power will be brought into play as a result of this new requirement.

Involuntary dislocations, due to conversions of mobile home parks, pose a serious threat to this housing lifestyle. It is one which accrues from the ever-increasing value of the underlying land when zoned for commercial or other more profitable uses. But this is a good example of the kind of problem which can be resolved with the assistance of title I funds, if local officials were adequately prepared from a planning standpoint. Section 2 of this bill will accomplish this by illuminating these threats in advance in the community's HAP.

Section 3 of this bill amends section 8(j) of the U.S. Housing Act of 1937, which I sponsored in the Housing and Community Development Amendments of 1978, passed by the 95th Congress. The purpose of the section of the 1978 act was to extend the "Section 8 Existing" rental subsidy program to lower income owners of mobile homes who rent their lots. Disappointingly, that amendment has not borne the fruit that was hoped for—that is, eligible mobile homeowners are not being adequately served.

Although eligible, mobile homeowners must now compete with other renters for the scarce number of section 8 certificates available in their jurisdiction. As Johnny-come-latelies to the program, mobile home applicants frequently wind up at the bottom of the section 8 waiting list.

The 1978 amendments to the section 8 program did not provide a special set-aside for mobile home residents. It was my belief in authoring this legislation, that an enlargement of the Federal section 8 appropriation for this purpose would not best serve the interest of fiscal restraint over the program. Furthermore, the option of earmarking a specified percentage of the allocated budget authority for mobile homeowners might have proven unduly restrictive.

Since the effective date of the 1978 amendment, the number of mobile homeowners that have been placed on these subsidies in the jurisdiction of the four public housing authorities in my district has been negligible. It also appears that, nationally, assistance to mobile homeowners has not risen anywhere near the levels expected.

Section 3 of this bill would amend the U.S. Housing Act of 1937 to require proportional distribution of section 8 certificates for mobile homeowners.

It is my objective, in sponsoring the Mobile Home Housing Assistance Amendments of 1980, just as I believe it was the objective of Congress in adopting the mobile home provisions of the Housing and Community Development Amendments of 1978, to gain parity in the delivery of section 8 subsidies for the thousands of heretofore excluded lower income mobile home residents in need of rental assistance.

I ask that this Congress readily approve this legislation so that its previous commitment to mobile homeowners will be implemented.●

MISGIVINGS ABOUT FLAT TIME SENTENCING

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. CONYERS. Mr. Speaker, drafts for revision of the Federal criminal code are presently working their way through both Houses of Congress. Literally thousands of sections have been analyzed and the results can be seen in S. 1722 and H.R. 6233, both works of monumental effort and importance. A major portion of each bill concerns the area of sentencing reform.

Both versions, in an attempt to reduce sentencing disparity, would create a sentencing commission which would fix permissible ranges of sentences of imprisonment. The Senate bill eliminates parole and the House bill does away with good time early release. Indeterminate sentences are replaced by flat time sentences. Moreover, under the Senate bill, the prosecution, in certain circumstances, may appeal the defendant's sentence if the prosecution feels that it is too lenient. Although disparity may be reduced, the excessive reliance and use of incarceration may increase.

Both draft versions of sentencing reform have become the source of a great deal of controversy. There is a wide range of opinion about the purposes of sentencing, reliance on imprisonment rather than initially considering less restrictive alternatives, and flat time.

Against this background, I would like to share with my colleagues an article which appeared in the New York Times on February 4, 1980, entitled "On Jailing and Freeing" by Alexander B. Smith and Harriet Pollack, professors at the John Jay College of Criminal Justice. They examined some of the conflicting policies to be considered in reforming sentencing and concluded that—

> Some reform of sentencing procedure is in order, but is the imposition of flat sentences and abolition of parole the answer? * * * Before wholesale changes are made in sentencing practice, pilot projects and preimpact studies are in order, particularly in those jurisdictions where plea bargaining is crucial to the functioning of the courts.●

UNICO'S MAN OF THE YEAR "BUBBIE" KOBY OF UNION, N.J.

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. RINALDO. Mr. Speaker, the Union, N.J., chapter of UNICO is honoring Chester "Bubbie" Koby as its man of the year for his many acts of generosity and community service over a period of several years, "Bubbie," as he likes to be called, has unselfishly supported the victims of heart attack, cancer, mental illness, and other disabling illnesses that force many families into poverty and despair.

Bubbie Koby is one of those splendid American success stories that occur from time to time and raise the hopes of new generations of Americans that the future holds great promise if they are willing to endure.

Bubbie Koby was born into a family of 13 children. He was the son of hardworking parents, the late Mr. and Mrs. Stanley Kobylakiewicz. When his father died, Bubbie Koby went to work while still in high school. The arduous task of studying for school and working at night made him appreciate the meaning of initiative and the value of hard work. It also gave him an understanding of people that cannot be learned in college. His success came out of the college of hard knocks, as Al Smith used to say about himself.

Born in Linden, N.J., Bubbie Koby studied in high school there, and worked in a plastics factory after school and nights. When he was only 17 years old, he opened a diner with his brother. Their hard-working mother made home cooked meals, and their reputation grew. Like other enterprising Americans, they had enough faith in themselves to gamble on the future by opening another restaurant. By the time they opened the Town and Campus in Union, their reputation had preceded them. In later years, their successful restaurant and catering business grew into three Town and Campus sites in Union, Elizabeth, and West Orange.

Bubbie Koby has entertained Presidents Jimmy Carter and Jerry Ford, and Vice Presidents WALTER MONDALE and Nelson Rockefeller. Governors, Congressmen, heads of state from other nations and leaders in business, finance, the arts, and many other fields have been hosted by Bubbie Koby.

When one of his restaurants in Union burned, he achieved a remarkable feat of having it reconstructed in only a few months, while carrying out his obligations to couples being married, children being confirmed and bar mitzvahed, and parents celebrating anniversaries.

The pursuit of happiness is the cornerstone of our Nation. The founders of America declared it in unmistakable terms in the Declaration of Independence. As an American who has labored hard for his family, his community and his country, Bubbie Koby has sought to fulfill that goal of the Declaration of Independence—the pursuit of happiness. He has never ceased to pursue happiness wherever he goes and in whatever he does.

He is a proud and loyal American who served in our Nation's Army in Germany and who has stood by his country in good times and bad times; through economic recession and periods of international anxiety when the word of America was in doubt. But he never doubted his country. Instead, he has given others opportunities to work and to succeed in America. His generosity has given hope to the crippled and the ill. His kindness and decency have pervaded his family life—his wonderful wife, the former Rosemary Comunale and their children, Sandy, Robert, Linda, Joyce, and Cindy.

Mr. Speaker, Bubbie Koby adds another chapter in the American success story of poor, hardworking citizens who meet adversity with courage and determination, and succeed in bringing progress and opportunities to others in an unselfish desire to repay their country for having been given the freedom to succeed. We need to remind ourselves of these personal triumphs at a time when some Americans despair about the future and lose faith in the past. It is evident from the experience of Bubbie Koby that success is there for anyone in our great country willing to take the gamble and do the hard work that is required.

The Union, N.J. chapter of UNICO should be congratulated on its choice of Bubbie Koby as man of the year. He is a true humanitarian, a genuine family man, and a real American.●

ESTONIAN INDEPENDENCE DAY

HON. JAMES J. BLANCHARD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. BLANCHARD. Mr. Speaker, yesterday, February 24, was the 62d anniversary of the independence of the Republic of Estonia. Tragically, however, the Estonians have not been allowed to enjoy peace and freedom for most of those 62 years—instead, they and the other Baltic Nations were forcibly annexed by the Soviet Union and have been subjected to continuous attempts at Russianization.

For the past 40 years, the Estonian people have given the world a moving example of the strength that lies in a people's desire for freedom. The Estonians have bravely resisted Soviet domination, and their recent actions give inspiration to the free world.

Last fall, on the 40th anniversary of the Stalin-Hitler pact which secretly signed away the Baltic States freedom, representatives of the three Baltic countries of Estonia, Latvia, and Lithuania appealed to the United Nations to restore their independence. Last month, Baltic nationalists addressed an open letter to Soviet President Brezhnev and to U.N. Secretary-General Waldheim condemning the Soviet invasion of Afghanistan.

Also last month, Baltic dissidents appealed to the International Olympic Committee to move the 1980 summer games outside the Soviet Union. They objected to holding the Olympic regatta in Tallinn, the capital of Estonia, because it puts in doubt "the right to self-determination" by Estonians and "tramples on the principles of the Olympic games."

Mr. Speaker, I applaud the Estonians fight for freedom, and I believe we can do no less than the Estonians in standing up to international aggression. On the anniversary of Estonian independence, I would like to call my colleagues' attention to a statement by the Estonian American National Council:

STATEMENT OF THE ESTONIAN AMERICAN NATIONAL COUNCIL

Recently 40 years elapsed from the signing of the notorious Stalin-Hitler pact of August 23rd, 1939, which offered to Nazi-Germany a welcome pretense for starting World War II. In secret protocols of the same pact Hitler agreed to consider parts of Eastern Europe, including the three Baltic Nations—Estonia, Latvia and Lithuania—as belonging to Soviet Russia's so-called "sphere of influence."

Consequently, Stalin received a free hand to forcibly annex these three independent nations, which remain illegally occupied by the USSR to this very day.

Soon after the conclusion of the said pact, Estonia signed, on September 28th, 1939, under military threat and without the possibility of any help from abroad, a Pact of Mutual Assistance with the Soviet Union.

Although this pact was forced upon the Estonian Government, the latter tried painstakingly to fulfill its treaty obligations. The then Estonian foreign minister Professor Ants Piip, in a private letter to one of the Estonian envoys, emphasized that at least two major things were achieved: war was avoided, and the Peace Treaty with Soviet Russia remained in force. He considered the Peace Treaty as the most important international act of Estonia, which legally guaranteed Estonia's position among other independent states.

February 2nd, 1980, marks the 60th anniversary of this Peace Treaty, which was concluded by Estonia after a victorious War of Independence. This war was started by Russian invasion of Estonian territory at the end of the year 1918.

In the above mentioned Peace Treaty Soviet Russia explicitly renounced voluntarily and forever all rights of sovereignty over the Estonian people and territory, and recognized the independence of Estonia.

Estonia had proclaimed itself an independent republic on February 24th, 1918. The decision was based on President Woodrow Wilson's declaration about all peoples' right to self-determination. Even Soviet Russia under its ruler Lenin had claimed to adhere to this principle.

The Allied Powers of World War I were at first somewhat hesitant about recognizing the newly emerged independent country. Their postive reaction was mainly achieved thanks to the fierce and successful fighting of the Estonian Army in the War of Independence. In May 1919, for instance, the Baltic Commission of the Peace Conference in Paris admitted unanimously that "the Estonians had done miracles."

During a period of twenty years of independence the Estonian people demonstrated what a small nation is able to achieve in all fields of life when it enjoys peace and freedom.

In 1940 this came to an abrupt end by the devious acts of a big totalitarian neighbor—Communist Russia. Since then the Estonian people have suffered extremely heavy human and material losses. This situation still persists. Estonia is economically exploited by the governing Moscow regime. Those who dare make any requests for freedom and justice, relying on the stipulations of the Helsinki Final Act, are either confined to mental hospitals or sentenced to prison terms. Needless to say that such sentences are made in conformity with the ill-famed mock trials of the Stalin era.

Nevertheless, again and again bold freedom fighters make their voices heard, one of the last evidences being an appeal on the 40th anniversary of the Stalin-Hitler pact and addressed to the Secretary General of the United Nations. This appeal was signed by 45 representatives of the three Baltic Nations. Unfortunately, such urgent appeals from the countries which once were members of the League of Nations seem to fall on deaf ears.

At the same time the United Nations has opened its doors to a great number of states which rightly have been liberated from the yoke of colonialism. Such colonialism, however, still prevails in vast regions of Eastern Europe, where over one hundred million people are subjugated to an intentional process of Russianization.

One of the more imminent concerns of the Estonian people is the fact that the Yachting Regatta of the Olympic Games of 1980 is to take place in Tallinn, the capital of Soviet-occupied Estonia.

As a free nation, the Estonians would have been delighted to welcome the world's yachtsmen to their country. Now they are looking at this event with mixed feelings. They anxiously expect that the outside world would refrain from any acts which would damage the justified claims for freedom of the Estonian people or the international status of the Republic of Estonia.

The United States has never recognized the forcible annexation of Estonia, Latvia and Lithuania by the Soviet Union, which fact is of great moral support to the people of these nations.

The 62nd anniversary of the proclamation of the independence of the Republic of Estonia is approaching and Estonians over the whole world are commemorating their national holiday on February 24th. They confirm at such occasions their determination to fight for the restoration of the independence of their native Estonia. At the same time they hope that world public opinion will support them in this struggle for freedom and justice.●

CIVIL LIBERTIES ALERT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. CONYERS. Mr. Speaker, H.R. 6233, the House version of the criminal code reform bill, is presently being considered by the House Subcommittee on Criminal Justice of which I am a member. It is the subject of years of deliberation and debate. S. 1722 is the Senate version of the criminal code reform, and the Senate Judiciary Committee reported it out on December 4, 1979. Although there are some noticeable differences in the two drafts, many of the sections in the Senate version are also contained in the House proposals.

The American Civil Liberties Union makes it a practice to issue "Civil Liberties Alerts" on issues which it feels present serious threats to civil liberties. Such an alert has been issued on the new criminal code, and I wish to call my colleagues' attention to it:

CRIMINAL CODE, DEATH PENALTY MOVE TO SENATE FLOOR

On December 4, 1979 the Senate Judiciary Committee reported a Criminal Code Reform Act which, overall, is a serious blow to civil liberties. The vote was 13-1 in favor of the bill, S. 1722. Immediately thereafter it reported a federal death penalty bill, S. 114, which would reinstate an extremely broad death penalty. The vote was 7-4.

DEATH PENALTY

The Senate Judiciary Committee's surprise vote on S. 114, the federal death penalty bill, circumvented all standard legislative procedures. There have been no hearings on the bill during the 96th Congress. There was no Subcommittee consideration of the provisions of the bill. Indeed, at the time the Committee vote there was no bill before it, only the verbal representations of Sen. Strom Thurmond's (R-SC) staff as to the contents of the proposal. The Committee's precipitous action has now cleared the way for early Senate floor consideration of the death penalty either separately or as a floor amendment to the Criminal Code bill.

The bill reenacts the death penalty for murder and for kidnapping, rape, bank robbery, airplane hijacking, and explosive offenses where death results during the commission of the offense. Moreover, S. 114 authorizes the death penalty for two crimes, espionage and treason in peacetime, even when they do not involve the death of a victim—an apparent contravention of current Supreme Court law on the death penalty.

The ACLU is opposed to the death penalty as per se unconstitutional. It violates the Eighth Amendment's prohibition on cruel and unusual punishment. It is racially discriminatory and violates the Fifth Amendment guarantee of due process and equal protection.

Adoption of the death penalty by the Congress would mean a national policy in favor of the death penalty, a dangerous and unconscionable precedent for civil liberties.

CRIMINAL CODE

Although a number of improvements were made in S. 1722 during Judiciary Committee consideration this year, the bill was made worse in several respects and no corrective action was taken in major problem areas. S. 1722 would have an adverse impact upon civil liberties and the ACLU continues to oppose its enactment.

Sentencing: In the crucial area of sentencing, improvements offered by Sen. Joseph Biden (D-DE) and adopted by the Committee do not outweigh the continuing flaws in the proposed new sentencing system. The effective date of the sentencing provisions has been delayed so that the sentencing guidelines may be reviewed before the new system goes into effect. The composition of the Sentencing Commission is more balanced. Rehabilitation is eliminated as a purpose of imprisonment.

Notwithstanding these improvements, the sentencing provisions of S. 1722 still pose major problems for civil liberties. First, the Government is permitted to appeal sentences. This violates the Double Jeopardy Clause of the Fifth Amendment and gives prosecutors a potent new weapon to coerce defendants not to pursue their own appellate remedies. Second, the parole system is eliminated. While the current sentencing system, including parole release, will remain in effect while the guidelines are being promulgated, parole release is necessary for a transitional period after the guidelines are implemented to serve as a safety valve if the guidelines prove unworkable.

Third, S. 1722 emphasizes the sanction of imprisonment and does not give serious treatment to alternative sanctions. The Bill requires substantial terms of imprisonment in a whole range of cases. The statutory maximums are too long in most cases, and in some cases are longer than existing law. Moreover, the bill omits a major reform urged by many experts, including the American Bar Association—a requirement that judges consider alternatives prior to a sentence of imprisonment.

Preventive Detention Inserted: In a substantial setback for civil liberties, the Committee inserted in S. 1722 pretrial release provisions commonly known as preventive detention. These new provisions of law would vest judges with broad discretionary power to set a variety of restrictions upon a defendant's liberty, including incarceration, even though there has been no determination of guilt or innocence and there is no evidence that the defendant will not appear at trial. The preventive detention provisions of S. 1722 violate the spirit of the Fifth and Eighth Amendments and undermine a fundamental tenet of our criminal jurisprudence—the presumption of innocence until proven guilty.

Substantive Law Expansions: In the substantive law area, the Judiciary Committee again improved S. 1722. However, a number of provisions expand existing law at the expense of civil liberties.

In the inchoate crimes sections, the new comprehensive attempt section was improved by eliminating certain offenses from its scope. Nevertheless, numerous offenses still covered by this section are not covered under current law. The new offense of solicitation was narrowed by an amendment sponsored by Sen. Birch Bayh (D-IN) which limited its application to certain specific serious offenses. On the other hand, the conspiracy section which expands current law remains a problem.

No changes were made in the expanded crime of obstruction of government functions by fraud (§ 1301); and § 1302, obstruction of a government function by physical interference, was only slightly narrowed. These two offenses vest government officials with broad powers to interfere with the exercise of First Amendment rights. They also would make criminal a variety of trivial activities such as evading FBI surveillance by a trick or ripping a wiretap off a phone. Similarly, no significant changes were made in the perjury and false statement sections. Although a corroborative requirement was added, false unsworn oral statements to law enforcement officials would be punished, contrary to the recommendations of the Brown Commission and the ABA.

The Committee has added a new jurisdictional basis for arson, aggravated property destruction and criminal entry prosecutions. There will be federal jurisdiction for these crimes if the facility involved is used for the production or distribution of energy. This provision will focus federal law enforcement efforts on various organizations concerned with energy issues, particularly anti-nuclear power groups. Since the inchoate crimes of attempt, conspiracy and solicitation will apply, law enforcement officials will have broad authority to monitor such organizations.

The Committee did not address numerous other sections which raise civil liberties problems, some of which are problems in current law and others of which are new provisions. These included co-conspirator liability; treason; espionage; sabotage; obstructing military recruitment or induction; inciting or aiding mutiny, insubordination or desertion; demonstrating to influence a judicial proceeding; obstructing a proceeding by disorderly conduct; electronic surveillance and eavesdropping; and drug offenses. S. 1722 still contains a broad new federal obscenity offense based on local community standards. The Committee also doubled the penalties for trafficking in marijuana, contrary to the nationwide trend to decriminalize marijuana.

On the other hand, the government process crimes of contempt and hindering law enforcement were improved. In a major reform amendment, sponsored by Sen. Max Baucus (D-MT), the constitutional defense to contempt was broadened to include all First Amendment activity and the penalties for contempt were lowered. The affirmative conduct requirement of hindering law enforcement was strengthened, giving some protection to reporters who refuse to disclose confidential news sources.

Whistle-blowers were given new protections from criminal prosecution for disclosure of government information. Further, the current law intent requirements of federal riot offenses were reinstated by another amendment sponsored by Sen. Baucus.

Unacceptable Risks: In the judgment of the ACLU, these improvements do not balance the unacceptable risks to civil liberties presented by S. 1722. Past experience has shown that the bill could worsen on the Senate floor. Moreover, the ACLU objections have been greatly amplified by the Judiciary Committee's adoption of a preventive detention provision and death penalty bill.

Aside from the civil liberties aspects of the bill, it is important to note that the sections of S. 1722 which would have significantly strengthened white collar crime laws were either eliminated or substantially weakened by the Judiciary Committee. Proponents of the bill in the past have sought to balance these sections against the sections which would adversely affect civil liberties.

Other than a few sections of the bill, S. 1722 now does little to reform the criminal law from a civil liberties point of view. In 1978 the Senate overwhelmingly adopted the prior version of the bill, S. 1437. Although it will be difficult to stop S. 1722, opposition may be able to slow down the bill. In light of the Senate Judiciary Committee's action, it is now clear that the criminal code reform effort by the House should be halted. As recent experience has demonstrated the dangers to civil liberties are too great. (Information on criminal code action in the House is provided in the November 1979 *Alert.*)●

QUALITY OF INFANT FORMULAS

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. CARTER. Mr. Speaker, today I am introducing a bill which would help to insure the quality of infant formulas. I believe that the provisions in this bill are necessary to safeguard early growth and development of the millions of our Nation's youngsters who receive synthetic formulas as the sole or primary source of nutrition in their important early months.

My concern with the adequacy of infant formulas grows out of an incident last year when more than 100 babies who were being fed formulas deficient in chloride developed symptoms of metabolic alkalosis. The situation is all the more alarming in that months after the manufacturer initiated a recall of the deficient formulas, they were found on the shelves of stores around the country. The Oversight and Investigation Subcommittee of the Commerce Committee held hearings on this situation in November and provided a sound basis for legislative action.

My bill would provide the Food and Drug Administration with more authority to regulate the manufacture of infant formulas and would go a long way toward assuring that infant formulas are adequately tested, meet accepted nutritional standards, and that good manufacturing practices are followed in their production. This bill would also help to expedite thorough recalls of deficient or adulterated formulas by establishing a framework for a package coding system and allowing access to certain manufacturers' records.

My distinguished colleagues, Mr. GORE and Mr. MOTTL, have also introduced legislation to deal with infant formulas, and I look forward to working with them and members of our subcommittee on this issue.

The bill follows:

H.R. 6590

A bill to amend the Federal Food, Drug, and Cosmetic Act to strengthen the authority under that Act to assure the safety and nutrition of infant formulas

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter IV of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end the following new section:

"INFANT FORMULAS

"SEC. 412. (a)(1) An infant formula shall be deemed to be adulterated if (A) it does not provide nutrients in accordance with the following table:

Nutrient	Minimum [1]	Maximum [1]
Protein (gm)	2.2 [2]	4.5 [2].
Fat:		
Gm	3.3	6.0.
Percent cal.	30.0	54.0.
Essential fatty acids (linoleate):		
Percent cal.	3.0	
Mg	300.0	
Vitamins:		
A (IU)	250.0 (75 μg)[3]	750.0 (225 μg)[3].
D (IU)	60.0	100.0.
K (μg)	4.0	
E (IU)	0.7 (at least 0.7 IU/gm linoleic acid).	
C (ascorbic acid) (mg)	8.0	
B_1 (thiamine) (μg)	40.0	
B_2 (riboflavin) (μg)	60.0	
B_6 (pyridoxine) (μg)	35.0 (at least 15 μg/gm of protein in formula).	
B_{12} (μg)	0.15	
Niacin (equivalent) (mg)	1.0	
Folic acid (μg)	4.0	
Pantothenic acid (μg)	300.0	
Biotin (μg)	1.5 [4]	
Choline (mg)	7.0 [4]	
Inositol (mg)	4.0 [4]	
Minerals:		
Calcium (mg)	50.0 [5]	
Phosphorus (mg)	25.0 [5]	
Magnesium (mg)	6.0	
Iron (mg)	0.15	2.0.
Iodine (μg)	5.0	50.0.
Zinc (mg)	0.5	
Copper (μg)	60.0	
Manganese (μg)	5.0	
Sodium (mg)	20.0 (6 mEq)[6]	60.0 (17 mEq).
Potassium (mg)	80.0 (14 mEq)[6]	150.0 (26 mEq).
Chloride (mg)	55.0 (11 mEq)[6]	115.0 (22 mEq).

[1] Stated per 100 kilocalorie.

[2] Casein equivalent. If protein efficiency ratio is greater than 100 percent that of casein, minimum protein can be decreased proportionally.

[3] Retinol equivalents.

[4] To be included in this amount in formulas which are not milk-based.

[5] Calcium to phosphorus ratio is to be no less than 1.0 or more than 2.0.

[6] Milliequivalent for 670 kcal/liter of formula.

(B) it does not provide nutrients in accordance with a revision of such table made under paragraph (3), (C) it does not meet the requirements prescribed under paragraph (3)(C), or (D) it is not manufactured in accordance with procedures prescribed under paragraph (3)(D).

"(2) The Secretary shall by regulation establish the minimum nutrient level per 100 kilocalories for fluoride, chromium, selenium, and molybdenum in infant formulas.

"(3) The Secretary may by regulation—

"(A) revise the list of nutrients in the table in paragraph (1)(A),

"(B) revise the nutrient levels for any nutrient listed in such table,

"(C) establish the requirements for bioavailability of and other quality factors for nutrients required by paragraph (1)(A), and

"(D) establish such procedures—

"(i) for the application of the requirements of this subsection, and

"(ii) to assure compliance with the requirements (including procedures for reports and test results to be submitted under subsection (b) and for good manufacturing practices),

as the Secretary determines necessary.

"(4) The Secretary may by regulation exempt from the requirements of this subsection any infant formula (A) which is to be used by any infant diagnosed by a physician or other appropriate health professional as having certain inborn errors of metabolism, or (B) which, as determined by the Secretary, is to be used by infants having unusual medical or dietary problems.

"(b)(1) Not later than 180 days after the date of the enactment of this section and annually after such date, each processor of an infant formula shall submit to the Secretary reports or test results which satisfactorily show that the formula meets the requirements of subsection (a).

"(2) Not later than 90 days before the first processing for commercial purposes of an infant formula, the processor shall submit to the Secretary reports or test results which satisfactorily show that the formula meets the requirements of subsection (a). For purposes of this paragraph, the first processing for commercial purposes of an infant formula includes the first processing of an infant formula after a change in its formulation or processing.

"(c)(1) If a processor—

"(A) acquires information indicating that any infant formula which he has processed and which has left an establishment subject to his control may be adulterated (within the meaning of section 402(a) or 402(b) or subsection (a) of this section) or misbranded and has not promptly determined, after a reasonable opportunity to investigate the information, that such information is incorrect, he shall promptly notify the Secretary, in such form and manner as may be prescribed by the Secretary, of such information; or

"(B) institutes a recall of an infant formula which he has processed and which has left an establishment subject to his control and institutes such recall because he has reason to believe the infant formula may be adulterated or misbranded, he shall immediately notify the Secretary, in such form and manner as may be prescribed by the Secretary, of such recall.

"(2) Information required to be contained in a notification filed by any person with the Secretary pursuant to paragraph (1) may not be introduced as evidence in any proceeding against such person under section 303 for a violation of section 301.

"(d)(1)(A) Except as provided in subparagraph (B), each processor of an infant formula shall in accordance with regulations promulgated under paragraph (3)—

"(i) establish and implement a food coding system to effect and monitor recalls of such formula, and

"(ii) notify the Secretary of the establishment of such system and of any substantive revisions in it.

"(B) The Secretary may by regulation exempt any processor from the requirements of subparagraph (A) if the Secretary determines that such processor is subject to comparable requirements.

"(C) If the Secretary determines that a food coding system identified in a notice submitted in accordance with subparagraph (A) is inadequate to effect and monitor a recall of the infant formula with respect to which the system was established, the Secretary shall notify the processor who submitted such notice of such determination, shall provide him with a written statement of the reasons for such determination, may, upon request, provide technical assistance to revise such system to make it adequate to effect and monitor a recall of such formula, and shall prescribe the time within which such processor shall submit a notice of the revised system.

"(2)(A) Except as provided under subparagraph (B), a food coding system required to be established by paragraph (1) shall consist of symbols (designated by the person establishing the system) to identify the following information:

"(i) The name of the processor and, if different, the packer of the infant formula contained in the packages or other containers to be marked with such symbols.

"(ii) The facility at which such formula was processed or packed if such formula is processed or packed at more than one facility.

"(iii) The name of the formula.

"(iv) The lot or batch number, if any, of the formula.

"(v) The date on which the formula was packed.

"(B) The Secretary shall by regulation provide that if information required to be identified by any symbol of a food coding system is otherwise on a package or other container, such package or other container shall not be required to be marked with such symbol.

"(3)(A) The Secretary shall promulgate regulations—

"(i) to define the processors subject to the requirements of paragraph (1),

"(ii) prescribing the form of the notice required to be submitted under paragraph (1)(A)(ii) and the food coding information to be included in such notice,

"(iii) prescribing the packages or other containers which are to be marked with the symbols of food coding systems established under paragraph (1) and the manner in which such packages or other containers are to be so marked, and

"(iv) prescribing such other matters as may be required for the implementation of the requirements of this subsection.

"(B) Regulations first promulgated under subparagraph (A) shall take effect as prescribed by the Secretary but not sooner than 180 days after the date of such promulgation. Within 90 days of the effective date of the first regulations promulgated under subparagraph (A), each processor who is engaged in the processing of infant formula shall, as required by such regulations, submit the notice required by paragraph (1)(A)(ii). Such regulations shall apply with respect to packages or other containers in which infant formulas are packed after 180 days after such effective date.

"(e)(1) Each processor of an infant formula shall—

"(A) make and retain such records respecting the distribution of the infant formula through any establishment owned or operated by such processor for the processing of infant formulas as may be necessary to effect and monitor recalls of the formula and to otherwise trace the distribution of the formula, and

"(B) make such records available to the Secretary (or to a duly authorized representative of the Secretary) for examination and copying on or off the premises of such processor.

No processor shall be required under this subsection to retain any record respecting the distribution of an infant formula for a period of longer than two years from the date the record was made.

"(2) To the extent that the Secretary determines that records are not being maintained in accordance with paragraph (1), the Secretary may promulgate such regulations prescribing the records required to be made and retained under paragraph (1), the form and manner in which such records shall be made and retained, and such other requirements as may be necessary for the implementation of such paragraph. Such regulations shall take effect on such date as the Secretary prescribes but not sooner than 180 days after the date of their promulgation, and they shall apply only with respect to distributions of infant formulas made after their effective date.

"(f) Each manufacturer of an infant formula shall maintain such records respecting the manufacturing of the infant formula and shall make such reports as the Secretary may reasonably require to assure compliance with the requirements of subsection (a).

"(g) For purposes of this section, the term 'infant formula' means a food which purports to be or is represented for special dietary use solely as a food for infants by reason of its simulation of human milk or its suitability as a complete or partial substitute for human milk.".

Sec. 2. Section 704(a) of the Federal Food, Drug, and Cosmetic Act is amended—

(1) in the first sentence by inserting "(1)" before "For purposes" and by redesignating clauses (1) and (2) as clauses (A) and (B), respectively;

(2) in the third sentence (A) by striking out "The provisions of the second sentence of this subsection" and inserting in lieu thereof the following:

"(2) The provisions of the second sentence of paragraph (1)", and (B) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (C), respectively; and

(3) by adding at the end the following:

"(3) An officer or employee making an inspection under paragraph (1) for purposes of enforcing the requirements of section 412 applicable to infant formulas shall be permitted, at all reasonable times, to have access to and to copy and verify any records (other than records of financial data, sales data other than shipment data, pricing data, and personnel data other than information as to the qualifications and responsibilities of technical, professional, and supervisory personnel performing functions relating to infant formulas subject to section 412)—

"(A) bearing on whether the infant formula processed or held in the facility inspected meets the requirements of section 412(a), or

"(B) required to be maintained under section 412(e) or 412(f).".

Sec. 3. (a) Section 301 of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end the following new paragraph:

"(s) The failure to submit reports or tests results in accordance with section 412(b), the failure to make any notification required by section 412(c), the failure to submit a notice in accordance with section 412(d), the failure to revise a food coding system in accordance with the requirements of that section, and the failure to make or retain records or make reports in accordance with section 412(e) or 412(f).".

(b) Section 301(e) of such Act is amended (1) by striking out "section 703" and inserting in lieu thereof "section 412(e) or 703", and (2) by striking out "section 505" and inserting in lieu thereof "section 412(e), 412(f), 505".

(c) Section 403 of such Act is amended by adding at the end the following new paragraph:

"(q) If an infant formula (as defined in section 412(g)) in a package or other container, unless the package or other container is marked in accordance with section 412(c).".

Sec. 4. Subsection (a) of section 412 of the Federal Food, Drug, and Cosmetic Act (added by the first section) shall apply with respect to infant formulas introduced or delivered for introduction into interstate commerce on or after 90 days after the date of the enactment of this Act.●

MSGR. HARRY BYRNE: THINKING ABOUT CRIME AND FEAR

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. KEMP. Mr. Speaker, in the past two decades crime has increased in direct proportion to the growing permissiveness of our courts and lawmakers, who are lavishing more concern on the welfare of the hardened criminal than on the safety of his defenseless victim. Only a fraction of lawbreakers are punished. Thousands escape trial through legal loopholes or technical violations in the original arrest.

It is time we began holding criminals accountable for their actions—as the actions of rational human beings who willfully violate the rights of decent citizens to live free of fear anywhere in America. And I believe that the best way to stop the rampage of violent crime is to impose a severe deterrent upon criminals. How else can we discourage them from committing the crime in the first place? And how else can we keep them from repeating the same crimes time and again?

In the February 24 edition of Parade, Msgr. Harry J. Byrne gave a poignant account of his experiences as a priest and a citizen caring for the victims of crime. They are the old, the poor, the handicapped. It is they whom crime condemns to a life of loneliness behind locked doors, to a life of fear and unhappiness. I commend to you his moving plea that we enable them to "follow after the things that are of peace."

The article follows:

CRIME AND FEAR: HOW INEVITABLE?

(By Msgr. Harry J. Byrne)

Sunday morning masses over, I bicycled west on New York's East 87th St. then north on Fifth and into Central Park at 90th St. The park drive, closed to cars on weekends, was alive with bikes, joggers, roller skaters, and further south with horse-drawn hansom cabs. A Cub Scout pack trooped behind its flag, all smiles. What a variety of people on the benches and along the walks—kids, families, lovers of various sexual persuasions, book readers, old and young conversationalists.

But New York, like most cities, is somewhat schizophrenic. A little distance away, shifty-eyed characters watch cautiously, nervously. The drug merchants. On the handsome Bethesda Fountain obscene graffiti expresses the anger and disorder of the spray-can and magic-marker wielders. They are contemporary editions of the barbarians of other ages who would decapitate a statue by Praxiteles or tumble the vestal virgins in their Roman temple.

But their target in my neighborhood and in my parish is flesh and blood—and ours is not a high crime area. What have these barbarians within the walls done recently? A young woman killed in her apartment at 89th St. and 2nd Ave., an elderly lady slain in the nearby Isaacs housing project, a nurse's aide murdered in her apartment on East 91st St. Our borough president, Andrew Stein, at knifepoint lost his wallet and overcoat to two muggers, one black, one white—an equal-opportunity team. In Central Park and in Carl Schurz Park at the east end of my street, homosexuals are attacked and beaten by young marauding drunks.

We parish priests bury the dead and talk to the survivors. Their religious faith and devotion help hold them together. The son of our church custodian is a Transit Authority police officer. Attacked in the subway, he's now in the hospital. Sandra, a Hispanic medical secretary, came in to discuss her acute depression. She had a bout with cancer (now, happily, in remission) and lost a parent. But a man with a gun robbed her in her apartment last month. It was her breaking point.

John D. stopped me after mass on a recent Sunday. "The doctors can't do any more, Monsignor. The sight in that eye is completely gone." He'd been mugged. The mugger took some small change—and John's left eye. Margaret M., aged 82, was in church too. She was raped a few months ago by a burglar she surprised in her apartment. Have you ever talked to an 82-year-old woman who has had this happen?

Maureen S., a 26-year-old blind girl who teaches blind children, was a lector in our church. She read the Scripture lessons at Sunday mass from her Braille bible. She's not with us now. She was beaten and robbed in the elevator of her housing project. We were able to get her into an institution with a security guard at the door.

What's going on in society? This violence is shrugged off the way pilfering is in a department store. It's just part of the cost of doing business! That's what's going on, and it has to stop. We have to start distinguishing between property and lives; between the criminals who threaten only property and those who menace life. Do we really understand what happens when an elderly person is mugged to death? A life brutally ended? Can we accept this or the threat of it with calmness?

We must listen to the experts who tell us that most crimes are committed by persistent offenders. And when a persistent violent offender is convicted, he must be contained like nuclear waste, so that his lethal influence will stop. Our society needs swift and certain justice for violent criminals and their prompt and perduring containment. Now the criminal gets a lottery ticket in the justice casino; and the odds, according to statistics, are all in his favor. Our society needs a terrifying sentence incumbent on the possession of a gun or a knife in the commission of a crime. For deterrence, yes; but more to contain the violent criminal and protect others against his repeated violence. Too strong? Too expensive to build the prisons? Talk to the man who lost an eye, the blind girl tearfully seeking a safe residence. See the bodies of the elderly who have been slain. Sense the fear of people on the streets and in the elevators.

As a priest and a citizen, I am totally opposed to capital punishment. I'm not that much concerned about punishment. But I am concerned that people who kill and maim, who destroy eyes and hearts, should be safely contained away from society.

What is the answer? Troops on the street? More police? No. The remedy is elsewhere. Our age has seen the Ten Commandments relativized and made subjective to the point of vanishing. At the same time, procedural rules and mechanisms of law have been made into absolutes. Some commandments should be absolutized, like "Thou shalt not kill." And some legal mechanisms should be less absolute.

Look at the exclusionary rule of evidence. A police officer does not have the necessary warrant, but his evidence points without any doubt whatever to the guilty party. The evidence is excluded and the criminal goes free to shoot again. Is there not some other way of discouraging abuse of police power? Must society surrender its duty to contain the violent persistent offender and so protect others from his assault? If a police officer without the necessary warrant found radioactive waste, would the courts require that it be left to continue its deadly work?

Look at bail procedures: many crimes are committed by criminals out on bail. If caught and found guilty of both crimes, they generally receive two sentences to run concurrently. So if you're out on bail, commit another crime. There's no additional penalty. You have another free crack at a senior citizen. Mandatory consecutive sentences are needed for crimes committed on bail.

Look at the double jeopardy rule. In New York a judge declared a mistrial in the case of a man who pushed a woman in front of a subway train. He kicked her down again when she tried to climb back. A second trial resulted in a clear-cut conviction. On appeal, the higher court censured the judge for declaring the mistrial to facilitate vacation plans and ordered the criminal freed because he had faced double jeopardy! Must the rule on double jeopardy always be an absolute? Are there no ways of protecting against judicial abuse other than freeing the convicted felon? Must society be put in double jeopardy?

The Bill of Rights needs protection for the accused and for the potential victims. The real meaning of the Bill of Rights is not only in the actions restricted but in the things protected: "The right of the people to be secure in their persons, houses, papers and effects"; "There shall be no prohibition of the free exercise (of religion) or the right of the people peaceably to assemble."

Our first civil liberty is the security of our persons and our lives. The elderly are triple-locked in their apartments at night. Maureen the blind girl is in another part of the city, away from her friends and her parish, with a security guard at the entrance to her building. The criminal justice system has the whole thing backwards. Maureen should be free to ride in the elevator and walk the street to St. Joseph's, to assemble peaceably with us here on Sundays, to be secure in her person, to be able to run her finger over the Braille page and read to our congregation the words of St. Paul: "For you have not received the spirit of bondage again to fear; but you have received the Spirit of adoption of sons. . . . Therefore let us follow after the things that are of peace . . . ."●

AMERICAN CITIZENS ABROAD

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. ALEXANDER. Mr. Speaker, I would like to insert today two more issues as compiled by the American citizens abroad on the problems of U.S. nationals living and working abroad.

The material follows:

ISSUE NO. 17

Short title: DOD Overseas Hiring Practices.

Summary of the problem: Over the last several decades the United States Government has made a series of agreements with foreign governments which control access to civilian jobs associated with the U.S. Government as an employer abroad.

Some of these agreements provide for the preferential hiring of foreign workers. Some provide for such foreign labor to be selected by foreign governments.

The net result is that the U.S. Government is not an equal opportunity employer abroad. To further exacerbate the difficulties faced by some Americans seeking to work for the U.S. Government abroad, there have been several laws enacted by the United States during the last few years, (Public Law 95-105 and Public Law 95-426) which have authorized the preferential hiring of dependents of U.S. Government employees for certain positions abroad.

ACA's Question: Why is the U.S. Government not an equal opportunity employer abroad?

The President's reply: The President cited a number of different types of agreements entered into by the U.S. Government abroad either under bilateral Status of Forces conditions, or in the more general NATO SOFA context. These agreements explain how the discrimination has come about, but do not explain why we accept this discrimination against the employment opportunities of our own citizens.

The President further justified discrimination against the employment opportunities of some U.S. citizens abroad as follows: "The State Department and, to some extent, the Department of Defense are encountering increasing employee resistance to overseas assignments, because spouses of Federal employees are finding it difficult to find employment abroad. Job opportunities for foreigners in many countries abroad are limited and work permits are often hard to obtain."

ACA's renewed question: We sympathize with the dependents of U.S. Government employees abroad in terms of their desiring to be able to work when they accompany their spouses abroad. We doubt the wisdom of creating preferential job hirings for these people as the most appropriate answer. And we doubt that anyone would want to maintain that such discriminatory hiring is in any way an equitable manner of treating other Americans living overseas who might also wish to compete for the same employment.

Recruitment for overseas assignments is a major problem. But should the answer lie in creating classes of overseas American citizenship, one with special privileges and one without?

ACA would like to ask that the Congress and the President take a consistent stand on equity and work to insure that the United States Government becomes and remains an equal opportunity employer as much abroad as at home, at least as far as U.S. citizen job applicants are concerned.

ISSUE NO. 18

Short title: DOD Outside Employment Rules.

Summary of the problem: The Department of Defense has issued a number of regulations which control the opportunity of DOD personnel to earn outside income. DOD has also issued regulations which control the opportunities of non-DOD personnel to sell life insurance to DOD personnel abroad.

ACA's question: Why has the DOD restricted the rights of its own personnel to seek outside supplementary income, and why has it set barriers to the ability of retired servicemen to be able to sell life insurance to servicemen on duty abroad.

The President's reply: The President indicated that outside supplementary income opportunities for service personnel are controlled by several regulations to insure that such outside employment does not conflict with the serviceman's job or with the needs to keep information obtained in the line of duty secure from unauthorized release. Said the President: "This regulation does not prohibit all outside employment. It applies to all employees whether paid from appropriations or from non-appropriated funds and whether the employee resides abroad or in the United States. As such it sets a reasonable policy that seeks equitably to protect the interests of the United States Government."

This policy statement sounds reasonable. That was never brought into question. But, what was asked by ACA in its first report was the more important question of why the interpretation of this policy has been so draconian as to preclude much of the available outside employment opportunities that occur abroad, for example all employment with civilian firms dealing with U.S. military personnel abroad.

With regard to the standards set for the sale of life insurance to military personnel abroad, we wonder why the U.S. Government has here again taken such a draconian stand. A number of U.S. military personnel choose to retire abroad, especially those with a foreign spouse. The present U.S. DOD rules preclude such retirees from ever being able to sell U.S. life insurance to DOD personnel abroad unless the retiree goes back to the United States for a significant period of time.

This life insurance policy seems, again, to be a rather draconian one designed more for the tranquility of the DOD than for equitable treatment of Americans abroad.

ACA's renewed questions: ACA would like to ask the DOD to once again examine its policies on the outside employment of DOD personnel to see if the severity in the interpretation of benign sounding regulations is really necessary. ACA believes that a softening of some of this interpretation would still protect DOD yet give greater supplementary income opportunities to DOD personnel assigned abroad.

ACA also wonders why retirees abroad cannot acquire the needed training to sell life insurance to DOD personnel abroad without having to spend time in the USA. Why is no apprenticeship program or correspondence course qualification accepted?

The meagre fare meted out to many of our service people abroad today, both active duty and retired, impels us to be as indulgent as possible in allowing for supplementary income to be earned abroad.

We appeal to the DOD to ease up and give the overseas service personnel a better chance to economically survive abroad.●

EXPORT EXPANSION LEGISLATION

HON. JIM LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. LEACH of Iowa. Mr. Speaker, despite the fact that the multilateral trade talks have resulted in a series of trade liberalizing measures, despite the fact that administration trade reorganization plans and new trade policies have been adopted, and despite the fact that there have been recent improvements in the U.S. balance of payments picture, U.S. exporters are still often forced to compete abroad with "one arm tied behind their back." U.S. policymakers have come to realize the importance of exports to maintaining our economic vitality, but our policies still do not fully reflect that realization. Nowhere is this gap between perception and policy more apparent than in the area of Government export finance.

The U.S. Export-Import Bank is the arm of the Government which provides financing to U.S. exporters for sales abroad. The shortage of private sources of export finance requires some Government involvement. Every other major trading country employs similar mechanisms to insure that exports do not languish for lack of financing. Unfortunately, in recent years some of our major competitors have learned that they can capture new export markets by offering subsidized financing, lowering costs to the buyer, and making exports which are costlier or inferior fully competitive.

A few years ago many trading countries concluded that competition in export financing was self-defeating. Partially in response to congressional pressure, negotiations were begun to set standards and limit the subsidy levels of official export credit. The resulting document known as the gentlemen's agreement set minimum permissible interest charges and down payments but was silent on the issue of "mixed credits." Mixed credits are a blend of foreign aid funds and export credits and are used to lower the cost of the export to the consuming country.

The French and other countries which use mixed credits like to consider it to be foreign aid. But the statistics show that it is often the middle- and high-income developing countries who have been the recipients of the mixed credits. The fact that mixed credits have been used most often in conjunction with uncompetitive export shows clearly that they are used as a mechanism for unfairly subsidizing exports, in the hope of winning new export markets.

The best efforts of this administration and the last and of the U.S. Export-Import Bank have not succeeded in negotiating an end to mixed credits. President Carter reported to Congress last March that the negotiations had ended in failure.

Today I am offering together with my colleagues, Mr. STANTON and Mr. AUCOIN, a bill designed to force other countries to begin negotiations anew to end mixed credits and other predatory financing mechanisms. This bill is a refined version of the legislation which I offered last May (H.R. 3848) and is being offered today in both Houses of Congress. Our bill will provide Eximbank with clear authority to meet predatory financing offered by our foreign competitors. It is not our intention to put Eximbank in the position of subsidizing exports. Rather we desire to send our foreign competitors a clear signal that we are serious in our desire to see an end to predatory financing practices. The bill calls upon the Eximbank to establish new programs of export financing that are comparable to those offered by our major competitors. Such programs are to end once an international agreement is completed that limits these practices. A 6-month delay after enactment is built into the measure to give the administration time to complete negotiations. It is our fervent hope that this authority will never be actually used and that our competitors will come to realize that Congress will not permit our export markets to be stolen.

The second bill we introduced today makes changes in Eximbank's export expansion facility. In 1968 the Congress enacted legislation designed to permit Eximbank to lend to countries where greater than normal credit risks existed. The act provided for a $500 million set-aside from Exim's lending authority to finance riskier exports where a "sufficient likelihood of repayment existed."

Because Congress failed to provide Eximbank with specific criteria for use of the export expansion facility, Eximbank has made little use of it. As a result, Eximbank has closed its doors to certain risky foreign markets even though foreign export credit agencies have continued lending to these countries.

Our bill is designed to enable Eximbank to make greater use of the export expansion facility. The size of the set-aside is doubled from $500 million to $1 billion and Eximbank is asked to establish a special reserve account funded out of its profits to meet any losses. In addition, we provide a set of four criteria to guide Eximbank's Board of Directors in the use of the facility. The bill provides that lending under the facility should be made to countries which:

First, do not currently have sufficient access to international credit facilities to finance additional imports from the United States;

Second, are demonstrating reasonable progress toward economic stabilization and development;

Third, offer adequate formal assurances of repayment or foreign exchange availability through Government or other official trade or monetary authorities; and

Fourth, could make a significant contribution to the long-term interests of the United States through increased trade.

It is our hope that these amendments to the export expansion facility will enable U.S. exporters to develop new markets in countries they have traditionally been forced to avoid for lack of financing.

It is important to note that neither bill requires new appropriations. The goals of these bills can be achieved within the existing borrowing authority sanctioned by Congress.

We believe these two bills will go a long way toward reducing some of the competitive disadvantages faced by our exporters in foreign competition. We do not seek to subsidize U.S. exports or to provide an unfair advantage to our exporters, but to restore to them equality with their foreign counterparts.●

THE ARTS AND SOCIETY

HON. FREDERICK W. RICHMOND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. RICHMOND. Mr. Speaker, the arts play a vital role in America's society. Not only in the cultural community, but also the economic, educational, national, and international communities, to name but a few.

For every dollar spent on the arts, at least 3 additional dollars are spent on auxiliary services. The arts have proven themselves to be invaluable in helping students learn and understand mathematics, the sciences, reading, and writing. The arts may be our best goodwill ambassadors—at home and abroad.

Yet every time a fiscal crisis arises, the arts are among the first to be cut. It seems strange when you consider that over 50 million Americans in some way participate in the arts—according to a Louis Harris poll. It is evident that the arts can and do give so much to our society. Nonetheless we continue to abuse them by not providing sufficient funding and passing tax laws which discriminate against and in some way hurt the artist.

In Saturday's New York Times an editorial appeared entitled "The Business of the Arts." The editorial recognized that changes in Federal priorities may threaten New York's share of Federal arts funding. New York, as a regional and national center of arts and creativity, has a special claim to being a national cultural resource.

But more importantly, I recommend the editorial to my colleagues because it stresses the great importance of the arts to the very fabric of our society. Whether in an urban center or rural community, the arts can and do have an important impact and a vital role.

The following is the editorial from the New York Times:

[From the New York Times, Feb. 23, 1980]

THE BUSINESS OF THE ARTS

The arts produce not only prestige for New York. They are a business, sustaining the city—and, in very special ways, all of America. Locally, the culture industry yields each year an estimated $3 billion in direct revenues, taxes, service spinoffs and real estate values. Nationally, it enriches an entire people. In the words of the City Opera's Beverly Sills, that's "meat and potatoes." Yet the arts are still treated like mere frosting on the economic cake.

New York's budgets for the arts are the first to be cut in times of financial crisis, and they are cut deeper than others, even though relatively small subsidies are involved. It is not easy, in days of tough priorities, to argue for culture over cops, but the price of such cuts should be recognized as disproportionately high. If the reduced funds that remain are not used to support the most essential cultural activities—rather than those that are politically popular—the New York art business can be badly hurt.

In short, New York needs to make some hard cultural decisions. The Department of Cultural Affairs came close to being killed; it has survived with a minimum capacity to function. The priorities that it now needs to set are bound to be controversial. Providing public concerts and other visible entertainments, for example, is far less important than sustaining the city's major institutions for the arts; displaying fashionable art is not as necessary as underwriting unfashionable borough arts councils. Festivals in Central Park are less vital to the city's cultural life than ethnic and community activities in underserviced areas.

The choices should be weighed on a scale of social and economic values—and against alternatives. A recent study by the nonprofit Cultural Assistance Committee concludes that New York has not been doing enough to capitalize on its cultural resources. Programs scattered around city agencies have been poorly coordinated. Some of the subsidized city institutions do not know about, or do not apply for, grants from other sources.

The one place to which New Yorkers should be able to turn is the Federal arts program, which has requested an 8.8 percent increase in its fiscal 1981 National Endowment budget. But changes in Federal priorities are threatening New York's fair share. False arguments of populism versus elitism have been used to achieve a more palatable geographical spread of Federal funds. That yields too much to politics and neglects artistic values. The stress now is on grass roots grants to small institutions with poor esthetic credentials, including zoos and nature museums. These may recognize community values but distort the meaning of the arts and the national purpose in subsidizing them.

The Government should be helping to strengthen the country's best creative effort, according to quality and need, not equality and location. In most of the arts, New York is a testing ground for the highest critical standards, a unique concentration of innovative and artistic power. It feeds regional effort in so many ways that New York really has a special claim to being a national cultural resource. The city needs to get its cultural act together, set the priorities it can afford and make its voice heard in Washington.●

SOVIET INCREASE IMPORTS OF STRATEGIC MATERIALS

HON. JAMES J. BLANCHARD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. BLANCHARD. Mr. Speaker, I am concerned about the Soviet Union's large-scale purchase of strategic materials, which Congressman SANTINI recently brought to public attention in a February 6 New York Times article. This is particularly disturbing because the Soviets are already self-sufficient in most of these minerals.

Soviet actions call attention to our own vulnerability concerning access to strategic materials. In light of planned increases in military spending, it is crucial that we take inventory of strategic materials which the United States is lacking. The Pentagon cannot afford to assume that U.S. industry can provide the needed strategic minerals for defense weapons.

What is the Soviet motivation for suddenly increasing their imports? The Soviet Union is already virtually self-sufficient in strategic materials, while the United States must import most of its requirements. Are the Soviets attempting to prevent the United States from purchasing materials for defense production?

Whatever the explanation, the situation requires that we keep close watch on U.S. strategic supplies. For example, the United States must pay particularly close attention to political developments in southern Africa. As the Times article points out, political instability in this area of the world could threaten vital strategic materials such as chromium and cobalt.

I would like to commend Congressman SANTINI for attempting to publicize this important issue. I am submitting for the consideration of my colleagues the text of the New York Times article:

SOVIET, THOUGH SELF-SUFFICIENT, IS REPORTED BUYING SOME STRATEGIC METALS

(By Drew Middleton)

A Congressman who specializes in minerals said yesterday that the Soviet Union had begun large-scale purchases abroad of strategic materials such as lead, copper, zinc, aluminum and molybdenum. The Soviet

Union is already self-sufficient in these minerals.

The purchases, which began last year, were preceded in 1978 by Soviet entry as a buyer into the cobalt market. Cobalt, essential to the manufacture of jet planes, is produced by the Soviet Union at an estimated rate of over 5,000 tons annually.

The Congressman, Representative Jim Santini, a Nevada Democrat who sits on the House Committee on Interior and Insular Affairs, noted that in 1976 the Soviet Union curtailed the publication of trade figures for some of these minerals. Their production figures have always been secret, and must be estimated.

Government officials confirmed that strategic materials in which the Russians were self-sufficient were being bought by the Soviet Union, but they could not provide a conclusive explanation.

EFFORT TO LIMIT THE U.S. IS SEEN

One explanation was that the Russians hoped their purchases would limit the United States' procurement of materials for its own arms production. Military analysts suggested that the Russians were starting the production of a new generation of weapons, including a swing-wing bomber resembling the abandoned American B-1, and fast nuclear submarines, wanted to stockpile materials for their expanded production.

Economist said world prices for these materials had been rising rapidly and the Soviet Union might be buying them as a hedge against future price increases. Aluminum, for example, has risen in price by 300 percent since Jan. 1, 1974, and there have been price rises in copper, lead, tin and nickel, though not in zinc.

The reported Soviet actions have focused the attention of some politicians and leaders of the minerals industry on American weaknesses in strategic minerals. The Soviet Union depends on imports for only six of its strategic minerals and the imports of only two of these approach 50 percent of the total required. The United States, according to industry figures, is dependent on foreign sources for over 50 percent of 24 of the 32 minerals essential to industrial production. Cobalt and manganese are two of them.

STRATEGIC MATERIALS IDENTIFIED

Mr. Santini named 10 minerals on which he said national defense depended: manganese, cobalt, copper, chromium, titanium, silver, tin, lead, zinc and aluminum.

Copper is one mineral in which the United States is virtually self-sufficient. Over the last 10 years, copper imports have averaged less than 10 percent of consumption.

In an interview Mr. Santini emphasized the vulnerability of American access to cobalt and chromium. Zaire, which supplies most of the cobalt needs, was the target of insurgency in 1978 and could be again. At the worst it is close to Angola, where 20,000 Cuban troops are available to carry out Soviet policies. Even without outside intervention, Mr. Santini said, "two well-placed hand grenades could hold up production for months."

America's chromium, used in stainless steel, comes from Rhodesia and South Africa. The results of the coming elections in Rhodesia are therefore regarded as significant for the United States.

CONCERN OVER A VICTORY BY MUGABE

A victory by Robert Mugabe, one of the guerrilla leaders, may result in a cutoff of Rhodesian chrome exports to the United States, Mr. Santini said. Mr. Mugabe, a Marxist, has promised to nationalize industry and to reallocate exports.

Soviet behavior on titanium is a reason for the American suspicion that Soviet purchases are linked to defense programs. Titanium, which is as strong as steel but 45 percent lighter, became scarce last year when the Soviet Union, the largest supplier of titanium, stopped signing export contracts. The Russians, some analysts believe, may have diverted their normal exports to military construction.

Mr. Santini and industry figures said they found it difficult to impress government departments with the gravity of the situation. They said an unidentified high official of the Defense Department, for example, did not know how much cobalt or titanium would be required for the MX missile program.

"Defense has been accustomed to say to industry, 'This is what we need, build it,'" Mr. Santini said, "and until now industry has always had the materials to produce."●

PERSONAL EXPLANATION

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. MAZZOLI. Mr. Speaker, I was unavoidably absent from the House of Representatives on February 22, 1980. Had I been present, I would have voted: "Aye" on Roll No. 65, approval of the Journal for Thursday, February 21; "aye" on Roll No. 67, the rule for H.R. 6081, to amend the Foreign Assistance Act of 1961; "aye" on Roll No. 68, to resolve into the Committee of the Whole.●

MONITOR CALLS FOR SPECIAL PROSECUTOR IN MILLER CASE

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

Mr. DRINAN. Mr. Speaker, on February 13 I joined my colleagues, Representative ELIZABETH HOLTZMAN of New York and Representative JOHN CONYERS of Michigan in calling upon Attorney General Benjamin Civiletti to appoint a special prosecutor to investigate Treasury Secretary G. William Miller's possible involvement in violations of Federal criminal law.

The Securities and Exchange Commission, in a complaint and consent decree, has alleged that between 1971 and 1978, when Secretary Miller was first president and then chairman of Textron Inc., his company expended at least $5.4 million in bribes and kickbacks overseas.

During Senate confirmation hearings, Mr. Miller asserted "My company did not bribe anybody." This raises questions of possible perjury.

The special prosecutor legislation requires the appointment of a special prosecutor in cases involving a member of the Cabinet accused of committing a Federal crime other than a petty misdemeanor unless the matter is so unsubstantiated that no further investigation or prosecution is warranted.

Secretary Miller is clearly a member of the Cabinet. The crimes involved are not petty misdemeanors, nor are they so unsubstantiated as to not warrant investigation. Therefore, a special prosecutor must be appointed.

The Christian Science Monitor, in an editorial on February 22, 1980, concurs with that opinion.

I hope that my colleagues will read this important article:

[From the Christian Science Monitor, Feb. 22, 1980]

THE MILLER CASE NEEDS A SPECIAL PROSECUTOR

Two years ago G. William Miller appeared for Senate confirmation as chairman of the Federal Reserve Board with a reputation for long public opposition to business bribery in his own country or abroad. As chairman of the distinguished Conference Board he had supported research and other efforts to check corruption in business. As head of the Textron conglomerate he appeared to exemplify the kind of moral and social concern needed to offset the stereotype of ruthless business executives. It is hard to believe that he would deliberately lie to the Senate Banking Committee.

Yet the chairman of that committee, Senator Proxmire, has written to Attorney General Civiletti that "there is every good objective reason to believe that Mr. Miller knew his testimony before this commitee in 1978 was false and misleading." Mr. Proxmire calls for a special prosecutor. Mr. Civiletti ought to reconsider his previous decision not to ask for court appointment of such a prosecutor. Reportedly the Justice Department has not yet done the kind of questioning of Textron officials that could help shed light on whether a special prosecutor is demanded.

On the face of it, a special prosecutor seems necessary to clear the air both for Mr. Miller and the public—not to mention the Carter administration, which has high regard for Mr. Miller in his present post as Treasury Secretary but cannot afford another "Bert, I'm proud of you" episode as in the Bert Lance affair. Republicans in Congress and on the campaign trail are beginning to notice a new target of opportunity.

According to sources close to the situation since 1978, much of the turmoil could have been avoided if Textron had complied with regulations to report to the Securities and Exchange Commission the questionable payments abroad which are now again in the spotlight. Other companies did comply, reporting even larger payments, and they have gone about their business. Instead, Mr. Miller was left telling the senators that "my company didn't bribe anyone." Now that the bribery has been exposed in an SEC lawsuit against Textron—which the company settled without denying or admitting culpability—the question is whether he knew or should have known what was going on. Mr. Proxmire describes a key situation, involving alleged bribery in Ghana:

"One day after Miller first appeared before this Committee and was requested to inquire into the Ghana matter, Textron destroyed a document which revealed that a bribe was paid to a Ghanaian government official. Senior officials of Textron knew that the Ghanaian bribe had been paid. Miller discussed the Ghana transactions with those officials in connection with his testimony to this committee on the Ghana transaction. I believe Miller had reasons to know that a bribe was paid by Textron in Ghana."

With questions like that to be resolved, the Attorney General would have to make a formidable case to remain opposed to a special prosecutor.●

LITHUANIAN INDEPENDENCE

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mrs. CHISHOLM. Mr. Speaker, on February 16, Americans of Lithuanian descent celebrate two significant events in Lithuanian history: The 62d anniversary of the reestablishment of Lithuanian independence and the 729th anniversary of the founding of the state of Lithuania. The celebration of both these events are commitments to the ideals that these two events commemorate. The ideals of freedom and liberty which guided the founders of Lithuania are the very same ideals and principles on which our own country was founded.

However, it is ironic that these events are being celebrated at a time when the situation in Lithuania is a far cry from the independence which these anniversaries signify. These events are overshadowed by the Soviet Union's attempt to abridge human rights by continuously oppressive acts against the people of Lithuania and Soviet presence in this state. Lithuanian citizens who face daily oppression are arrested, imprisoned, exiled, and harassed for supposed crimes against the Soviet Union.

This is the background against which Lithuanians are celebrating the greatest events in their country's history.

Our own Government, here, has never fully recognized the occupation of the Baltic States of Lithuania and Latvia. While the current conditions in Lithuania are less pronounced than the repression under the czars during the 18th and 19th centuries or that during the Stalin era, repression and acts of violence continue to be a reality for the citizens of Lithuania. The Helsinki Final Act in 1975 supposedly ended Soviet influence in these states and forced assimilation. Yet, these things continue. World recognition of how human rights have been eroded in the states of Latvia and Lithuania is needed to restore full human rights and dignity to the citizens of these states.●

ANNUAL STATE OF THE JUDICIARY MESSAGES SHOULD BE PRESENTED AT JOINT SESSIONS

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. McCLORY. Mr. Speaker, today I am introducing legislation that would direct the Chief Justice of the U.S. Supreme Court to address on an annual basis a joint session of Congress on the "state of the judiciary."

An address by the Chief Justice would not eliminate the necessity for congressional hearings on the state of our Nation's judiciary. But in a similar way that a prehearing conference can eliminate some issues and narrow others, an address by the Chief Justice would tend to focus attention on priority items and provide an impetus for congressional action.

An annual address by the Chief Justice each year would be proper and meaningful from a number of standpoints:

It would be a dignified approach from the head of one coordinate branch of Government to the branch responsible for both legislation and appropriations.

It would inform the public of problems in an area now largely hidden from public view, thereby serving as an impetus for appropriate remedies.

It would force judges to face the failings of their system and to advance solutions.

It would provide an opportunity to demonstrate the necessity for strengthening our Federal courts and their crucial role of maintaining an independent judiciary and in protecting society and human rights.

Mr. Speaker, the intent and purpose of this legislaton is not simply to demand that the Chief Justice appear before the Congress annually, but to require the head of our judicial branch of Government to inform the Congress and the Nation on the state of our judicial system. Such information is of paramount importance and should be delivered at the highest level in an appropriate forum.

This legislation, which has the support of the American Bar Association, is not entirely new. It was first suggested in 1953 by our former Secretary of State and Attorney General, William P. Rogers.

Mr. Speaker, as the ranking member of the Judiciary Committee, it is my contention that constructive suggestions from the Chief Justice should be delivered to the Congress firsthand.

Mr. Speaker, I am inserting the yearend report, December 31, 1979, of the Chief Justice of the United States on the state of the judiciary with the hope that all of my colleagues will take the time to read it. I feel that this is a duty of Congress to obtain information vital to its constitutional mandate. It is my hope that future reports on the state of the judiciary will be delivered personally to the Congress sitting in joint session.

The report follows:

YEAREND REPORT ON THE JUDICIARY

(By Chief Justice Warren E. Burger)

The purpose of any legal system and the responsibility of those that operate it is to produce the best quality of justice, with minimum delay, at the lowest possible cost for those who use it. The judiciary and the legal profession are responsible for the performance of the system, but to function well it must be assisted by the legislatures, the organized Bar—and the public. There have been a number of developments in the past year, steps toward our ultimate objective. But much more needs to be done. The judiciary, the legal profession and the legislatures must be energetic and imaginative in seeking new methods, practices and procedures, if we are to fulfill our obligation to serve the consumers of justice. It is not surprising that the public is not very well informed about courts and their problems, since the proposals for improvement and change have little "news" appeal.

1979 DEVELOPMENTS: LITIGATION COSTS AND CONTROL

One of the most encouraging developments in 1979 was a program flowing from the 1976 "Pound Revisited Conference." The American Bar Association formally initiated a five-year program aimed at improving consumer access to speedy and effective justice. It comes as no surprise, but it should be a matter of regret, that many litigants may well be denied access to our legal system because costs of litigation make all but large claims uneconomical to process. Exceptions to this serious problem are found only when claims are covered by insurance, or if the services are subsidized in some way. The American Bar Association created the Action Commission to Reduce Court Costs and Delay to determine the feasibility of simplifying procedures for certain kinds of cases, to consider proposals to lessen abuses in pre-trial discovery, to render the discovery process more effective and to improve case management in the criminal justice area.

PRETRIAL DISCOVERY

The use of sanctions continues to be a potential instrument for reducing abuses in the litigation process. The Federal Judicial Center has undertaken numerous empirical research projects analyzing federal civil litigation. One of the conclusions of this research is that important contributions can be made in reducing delay by each trial judge exercising strong management control over the cases before him.

JUDICIAL WORKLOAD AND PRODUCTIVITY

The Omnibus Judgeship Act of 1978 created 117 new federal District Judges and 35 Circuit Judgeships for the Courts of Appeals, the largest single increase in the size of the federal court system in American history. When completely effected, this Act will have increased the total number of federal judges by approximately 25 percent. Meanwhile, about 25 vacancies occur each year by death and retirement and these vacancies must be filled. A lag of many months frequently occurs in filling vacancies.

DISTRICT COURTS

During 1979, 78 federal District Judges and 29 Court of Appeals Judges were nominated by the President and confirmed[1] by the Senate. While this infusion of new judges operates to reduce the annual statistical caseload of each federal District Judge—the first such decline since 1970—new civil case filings continue to increase at record rates. New filings are now 77.1 percent greater than in 1970 and 160.9 percent greater than in 1960. They have increased by an average of 8 percent per year over the past twenty years. Thus, the pending civil caseload is at a new high even though there has been an increase in the number of judges and a 14 percent improvement over last year in the percentage of civil cases closed.

COURTS OF APPEALS

The situation may be even more serious in the Courts of Appeals. The marked increase in the number of cases *closed*—a 6.9 percent increase from last year—has been more than offset by the increase *in new cases filed,* resulting in a 7.8 percent overall increase in

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Footnotes at end of article.

pending cases last year. Thus, in spite of immense efforts by judges and the increase in the number of federal judges, the Courts of Appeals, like the District Courts, continue to be overwhelmed with cases. This underscores the need for continued study of ways to improve efficiency, as well as the necessity of exploring alternatives to litigation in both the federal and state courts.

MINOR DISPUTE RESOLUTION ARBITRATION

Innovative programs which provide the consumers of justice with experimental alternative approaches to traditional litigation continued to expand at both the federal and state levels in 1979. As a "spin-off" of the 1976 "Pound Revisited Conference," pilot programs in three federal judicial districts providing for court-annexed arbitration of certain civil cases have been closely monitored and evaluated during the past three years. The Federal Judicial Center, in cooperation with the Department of Justice, is engaged in a two-year evaluation of these experiments. Lessons in the states suggest that court-annexed arbitration may reduce substantially the time and costs of resolving certain types of civil disputes.

NEIGHBORHOOD JUSTICE CENTERS

At the state and local level, the "Pound Revisited Conference" stimulated the creation of three Neighborhood Justice Centers by the Department of Justice. Griffin Bell chaired the American Bar Association Pound Follow-Up Committee before he became Attorney General, and these programs became administration projects when he took office. The 1979 reports on these programs in Atlanta, Kansas City, and Los Angeles are encouraging. These centers provide citizens with effective alternatives to courtroom dispute resolution. They have received wide-spread support from judges, attorneys, and—more important—the consumers of justice. A variety of conflicts—landlord-tenant arguments, shopkeeper-customer quarrels, neighbor conflicts, and other domestic disputes—are being resolved out-of-court in an expedient manner, at little cost by trained mediators and dedicated volunteers. In the Atlanta Neighborhood Justice Center, 60 percent to 70 percent of the cases are referred by the local courts. Vigorous efforts by Congressmen Kastenmeier and Railsback resulted in House approval of the "Dispute Resolution Bill" in December. That legislation will extend and strengthen this program on a nationwide and experimental basis.

PROTRACTED LITIGATION

Over the past decade there has been a substantial increase in the number of long civil trials. From July 1, 1978 to June 30, 1979, there were thirty-one such jury trials averaging 35 days in length in the federal courts. This causes problems—justice is delayed, costs mount. Although these lengthy cases are relatively few, they disrupt the scheduling of all other cases in their district(s). They also present serious problems for the jurors. In some lengthy cases, the treatment of the jurors can border on cruelty. They are kept from their families and business for five or even six-day weeks, sometimes for months at a time, and then they may sit for hours or even days as a judge explains the law to be applied to the complicated facts of the case.[2]

The Federal Judicial Center and the National Center for State Courts are studying the problem and searching for solutions to meet the needs both of litigants and of the public. The Conference of State Chief Justices appointed a Committee in August to deal with the problem. The Judicial Conference of the United States this past September authorized creation of a special panel of senior judges of demonstrated experience who can be assigned to help where needed.

The Judicial Conference has established a subcommittee which, it is anticipated, will join the committee appointed by the State Chief Justices in a common study of the problem.[3]

OPERATION OF THE JURY SYSTEM

Those who have been called to serve on juries know how often their time is wasted as they wait for assignments. The Federal Judicial Center and the National Center for State Courts have both undertaken projects on the operation of the jury system. There is now good reason to hope that the use of computers in selecting, managing, and paying jurors will help to overcome the wastes of the past.

AUTOMATION AT THE COURTS' SERVICE

The world of judges and lawyers traditionally looks backwards to precedents, but in our busy, growing nation, we must look forward also, taking advantage of all the gains our innovative technology can provide. An example of the numerous benefits of automation can be seen in the COURTRAN program, a comprehensive case-flow management system for criminal and civil dockets developed by the Federal Judicial Center. COURTRAN has many specific components, a number of which are already in service.

SPEEDY TRIAL MANAGEMENT

The Speedy Trial Accounting and Reporting System (STARS) or the Criminal Case-Flow Management System have been made available to about half of the federal districts (which have almost 80 percent of the total of the federal criminal cases) in order to provide automated assistance in monitoring compliance with the Speedy Trial Act. Only with such methods can the stringent requirements of the Speedy Trial Act be met.

INDEX

Another use now being made of automation techniques is in the District Court Index System and the Court Appellate Index System (CAIS). These automated information systems replace the cumbersome manually-prepared card indexes on which courts traditionally stored caseload information.

COURTRAN

STARS and the new Indexes are the result of the work of the Federal Judicial Center. The Center has not only studied the adaptation of new technology to day-to-day operation of the courts, but has also engaged in experimentation as well as pilot projects which have helped keep court costs from escalating and improved the ability of the courts to serve citizens.

Once in full operation, all courts employing COURTRAN services would be able to store caseload data in a centralized computer, which would provide an instant docket monitoring capability and a centrally located data base for planning and research.

WORD PROCESSING

Experiments in the Supreme Court of the United States and at the Court of Appeals level have demonstrated the value of new word-processing machinery for achieving speedier, less costly justice.

After two years' experimentation with word-processing equipment in several of the Justices' chambers in the Supreme Court, the equipment has proved to be cost effective. As a result, with Congressional approval, the Supreme Court has begun to implement a sophisticated word-processing and publication system in which the initial development, the editing, and printing of Supreme Court opinions would be expedited. This will provide substantial savings of time and money.

A pilot program in the United States Court of Appeals for the Third Circuit (New Jersey, Pennsylvania, Delaware, and the Virgin Islands) has made a similar showing. The Federal Judicial Center monitored the test in the Third Circuit and found a 25 percent saving in time required in the preparation of signed opinions, and a 52 percent saving in the case of per curiam opinions. Secretaries saved 50 percent of their time; their productivity rose 200 to 300 percent.

CONTINUING JUDICIAL EDUCATION

The United States, unlike systems of justice on the Continent, has never made the judicial function the subject of lengthy training. For most of the history of this country, one day a man or woman is a practicing attorney, the next day a judge. This has changed. As Professor A. Leo Levin, Director of the Federal Judicial Center said recently:

"Of all the changes in judicial administration in the recent decades, perhaps the most dramatic has been the programs of education for judges and for supporting personnel. The quantum of education available has increased dramatically, and, perhaps, even more striking has been the increased receptivity of judges and others to these programs.

This has been true at both the state and the federal level. These programs have grown out of pilot projects instituted by Warren Olney when he was Director of the Administrative Office of the United States Courts prior to the creation of the Federal Judicial Center.

For any system, especially the judiciary, which is composed of professionals, to absorb in a short time a 25% increase in its top professional forces serious problems arise. The logistics alone create problems as to space for new courtrooms and judges' chambers. Some logistical problems may only be resolved through systematic change, such as devising a method for determining judgeship needs. However, the judiciary has responded to the challenge of training newly appointed judges by expanding its programs so that newly appointed judges may counsel with experienced judges in the practical matter of transferring traditional lawyer skills into daily judicial work.

In 1979, the Federal Judicial Center offered a total of 131 workshops, conferences and seminars reaching some 5,000 participants, or nearly half of all federal court personnel. These programs included orientation seminars for 69 newly appointed District Judges. The orientation seminars provide the judges with an extensive series of lectures and materials on federal rules and procedures. Information on case management is provided and the sessions are a useful forum for sharing ideas, not only with their new colleagues, but with some of the most able sitting federal judges. The Center will offer seminars for more of the newly appointed federal District Judges and for the newly appointed Court of Appeals Judges in 1980. Pursuant to the *Bankruptcy Reform Act of 1978*, the Center has also created a series of special seminars to assist bankruptcy judges and clerks in exercising responsibilities enlarged by the Act.

The National Judicial College at the University of Nevada, now sixteen years old, has achieved another significant milestone. It has awarded its 10,000th certificate of completion of its training program. Attendance at the College reflects the awareness among state judges of the importance of training at the time of selection and of continuing education. As many judges attended the National Judicial College in the last four years as in the first twelve years. Many judges are returning to the College every three to five years for continuing education.

The University of Virginia School of Law, assisted through grants from LEAA and the Charles E. Culpepper Foundation, is about to commence an experimental two-year Master of Laws program in judicial process for appellate judges. The program is headed by Professor Daniel J. Meador, former Assistant Attorney General in charge of the Office for Improvements in the Administration of Justice. He is a Professor of Law at the University of Virginia.

IMPROVEMENT OF TRIAL ADVOCACY

What has been happening with the problem of the inadequate representation of litigants at trial? After some initial protests by those who disagreed about the seriousness of the problem, the Lawpoll of the American Bar Association Journal and surveys sponsored by the academic profession confirmed that this is a major problem. A poll of federal trial judges showed 41 percent of them believed there was "a serious problem" of inadequacy. Studies since then indicated this was a conservative evaluation.

A committee of trial lawyers, trial judges and law professors came to the same general conclusion. In September 1979, the Judicial Conference of the United States unanimously approved the final recommendations of the Committee to Consider Standards for Admission to Practice in the Federal Courts (the Devitt Committee). Three years of study and hearings throughout the nation produced proposals to be implemented by the following standards, on a pilot basis, in selected federal District Courts:

1. Four supervised trial experiences, at least two of which involve actual trials, in state or federal courts as a condition to practice in the federal trial courts;
2. A written examination on the Federal Rules of Civil, Criminal, and Appellate Procedure and the Federal Rules of Evidence; federal jurisdiction, and the Code of Professional Responsibility;
3. A peer review procedure established to assist federal bar practitioners who have exhibited marginal trial abilities.

The Report also recommends that the ABA consider amending its law school accreditation standards to require that all schools provide basic courses in trial advocacy, including student participation in actual or simulated trials taught by lawyers having litigation experience.

The decision of the Judicial Conference reflects the consensus that has emerged among lawyers, judges, and law school faculties that action is necessary to insure that every consumer of justice receives an adequate quality of representation in trial courts.

HARVARD-NORTHEASTERN JOINT ADVOCACY PROGRAM

As a result of the work of the "Devitt Committee," it is now clear that we must have a great expansion of training programs in trial advocacy, both for law students and for attorneys. Many law schools have recognized the drastic need for integrating clinical education programs into their traditional curriculums. A $2½ million joint advocacy program between the Harvard and Northeastern Law Schools is now in operation. Cornell, Southwestern, Georgetown, Antioch, and William Mitchell College of Law are among others with expanded programs. A consensus has also emerged that experienced trial attorneys and trial judges must work directly with the law schools to upgrade the level of "clinical" training. Law schools must heed the conclusions of the Devitt Committee Report, and of the Cramton Report of the ABA Task Force on Lawyer Competency, and offer courses in advocacy to all students who would desire them. Law schools must take account of the pledge of cooperation in this matter by the American College of Trial Lawyers.

The Devitt Committee report emphasizes as well the need for participating pilot courts to support continuing legal education programs on trial advocacy and federal practice subjects, and to encourage members of the federal bar to attend these courses.

All members of bench and bar and all law school faculties ought to cooperate to insure that consumers of justice receive adequate representation at trial.

BROOKINGS' CONFERENCES ON THE ADMINISTRATION OF JUSTICE

During 1979 the Judiciary benefited again from enlarged cooperation among the three branches on matters affecting the administration of justice. The annual Williamsburg Conferences on the Administration of Justice began in 1978, held under the auspices of the Brookings Institution. For two years these conferences have provided a unique forum for representatives of the three branches of government—the House and Senate Committees on the Judiciary as well as representatives of the Department of Justice and the Judicial Conference of the United States—to sit down with each other and explore some of the major problems connected with the operation of our courts. These conferences, which have been attended by Senator Kennedy and Representative Rodino, have proven to be an extremely useful vehicle facilitating interbranch cooperation. The third such conference will take place early in 1980.

FEDERAL COURT IMPROVEMENT ACT

During 1979 there were a number of legislative developments of interest. The United States Senate passed the *Federal Court Improvement Act of 1979*, which makes changes in the structure and administration of the federal courts. One of the major changes required by the Act would be the merger of the U. S. Court of Claims and the U. S. Court of Customs and Patent Appeals into a new court, named the U. S. Court of Appeals for the Federal Circuit. The bill has not been improved by an amendment added on the Senate floor which could potentially increase the workload of the federal courts by altering the existing standards of judicial review of agency rules or regulations.

JUDICIAL IMPACT STATEMENTS

That amendment should again remind us of the need for closer legislative focus on the potential effect of legislation upon the courts. The need for judicial impact statements, which I proposed some years ago, to accompany all new legislation affecting the courts has been discussed at the Williamsburg Conferences. The National Academy of Sciences, working through its National Research Council, created a panel on Legislative Impact on the Courts during 1977. Congress has in the past few years requested several such statements from the Office for Improvements in the Administration of Justice. The Subcommittee on Jurisprudence and Governmental Relations of the Senate Committee on the Judiciary, under the chairmanship of Senator Howell Heflin (former Chief Justice of Alabama), has commenced a series of hearings on the subject of judicial impact statements.

MAGISTRATES

The Federal Magistrates Act of 1979 (P.L. 96-82), signed into law October 10, will substantially help to reduce federal court caseloads by clarifying and expanding both the civil and criminal jurisdictions of U.S. Magistrates.

CRIMINAL CODE

The Senate has passed the massive revision of the Federal Criminal Code, which is also receiving the careful attention of the House Committee on the Judiciary.

RELIEF FOR THE SUPREME COURT

There is more to be done. Congress should begin to examine ways to relieve the Supreme Court of the United States from its overwhelming burden of cases. Several years ago a committee of distinguished practitioners and scholars (chaired by Professor Paul Freund), all intimately familiar with the work of the Supreme Court, concluded that the growth in volume and the changing complexion of the workload of the Court required a remedy. They proposed the creation of a new national intermediate appellate court to afford review of cases which the Supreme Court could no longer effectively review, with certiorari review open to the Supreme Court. Subsequently, a Commission appointed by the President, the Chief Justice, and Congress, and chaired by Senator Roman L. Hruska, recommended the creation of a new national court of appeals, "designed to increase the capacity of the federal judicial system for definitive adjudication of issues of national law, subject always to Supreme Court review."

Two types of relief must be considered. First, Congress should immediately end the present mandatory jurisdiction of the Supreme Court, providing that the review of all cases be by the route of certiorari. There is no opposition to this change, which is consonant with the purpose of the Judiciary Act of 1925. The Senate last April passed S. 450, *The Supreme Court Jurisdiction Act of 1979*, which would limit this mandatory appellate jurisdiction.

Second, serious study must be given to major structural changes to aid the Court's work. In these studies, various proposals for a National Court of Appeals ought to be considered, along with other ideas which have been put forward by a variety of qualified and serious observers. Adequate study of the problems and the action that ultimately will be effected will take a number of years. But against the background of previous studies now is the time to begin. Let us hope that this effort to relieve an overburdened Supreme Court will not take the century that creation of the Courts of Appeals did.

SUMMARY

The most pressing problems of the judicial systems are procedural. American law is basically sound. In spite of enormous recent improvements, we still lack effective mechanisms which would not affect how a case would come out, but would expedite its disposition.

The creation of the position of Circuit Executive in 1970 provided a "business manager" aide to the Chief Judge and Circuit Council of each Circuit. We are again asking Congess to provide similar aides for each of the Metropolitan Districts which have 15 or more judges.

The computer programs (COURTRAN) have substantially improved judicial performance. Control of cases by the trial judge before the trial itself has helped. The juror utilization programs have saved on costs, saved time and reduced juror hostilities over wasted days of attendance. Collectively, these programs—and the industry and dedication of judges and staffers—account for the 36 percent increased output of District Courts—a record unparalleled anywhere else in government.

The task of beginning any lawsuit, large or small, is more complex than is generally realized. A judge, the lawyers, the jurors, the court reporter, witness(es), and others must be at the same place at the appropriate time. The more complex the case, the more difficult is the solution to the problems. When any one component of this "cast of characters" is late or absent, the entire process is jeopardized and made more expensive. Far from dehumanizing courts, making them responsive to peoples' needs is the essence of making them perform their mission.

To perform their mission is what I and my colleagues are dedicated to, and we will spare no appropriate effort to this end.

FOOTNOTES

[1] These figures represent confirmations as of December 17, 1979. Additionally, 18 vacancies in District Court Judgeships and 14 vacancies in the Courts of Appeals have been filled as of December 17.

[2] See, for example, *United States* v. *United States Gypsum Co.*, 438 U.S. 422 (1978).

[3] Committee on Juries and Protracted Civil Cases Appointed by the Conference of State Chief Justices:

Chief Justice Edward F. Hennessey, Massachusetts, Chairman.
Chief Justice Albert W. Barney, Jr., Vermont.
Chief Justice Bruce F. Beilfuss, Wisconsin.
Chief Justice Frank D. Celebrezze, Ohio.
Chief Justice John P. Cotter, Connecticut.
Chief Judge Robert C. Murphy, Maryland.
Chief Justice H. E. Nichols, Georgia.
Chief Justice John F. Raper, Wyoming.
Chief Justice Robert N. Wilentz, New Jersey.

Judicial Conference Subcommittee to Examine Possible Alternatives to Jury Trials in Protracted Complex Cases:

Judge Alvin B. Rubin, U.S. Court of Appeals for the Fifth Circuit, Chairman.
Judge John D. Butzner, Jr., U.S. Court of Appeals for the Fourth Circuit.
Chief Judge Ray McNichols, U.S. District Court for Idaho.
Judge Earl E. O'Conner, U.S. District Court for Kansas.
Judge Milton Pollack, U.S. District Court for the Southern District of New York.●

TRIBUTE TO BEN JEFFERS

HON. GILLIS W. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. LONG of Louisiana. Mr. Speaker, one of Louisiana's most able leaders has recently been appointed to a position of prominence and responsibility. I take special pride in the accomplishments of my fellow Louisianian and long-time friend, Ben Jeffers.

HEW Secretary Patricia Roberts Harris has asked Ben to serve as chief HEW officer for the States of Louisiana, Texas, New Mexico, Arkansas, and Oklahoma.

Ben is an outstanding choice for this responsible and demanding position. His experience with State health and human services has prepared him well for serving in a comparable Federal department, and has made him especially sensitive to the concerns of those people he will serve. He will be responsible for the coordination and administration of all HEW activities in the entire region. He will also serve as liaison for the public, for interest groups, and for State and local officials.

This past year, Ben Jeffers was the first black candidate for a major statewide office in Louisiana. He waged an energetic, hard-fought campaign against very tough odds and constantly displayed his ability, integrity, and courage.

Ben has always been devoted to serving the public. After graduating from Southern University with a degree in business management and serving in the U.S. Marines, he held several important positions in Louisiana State government. He was the director of the division of human resources and the director of the division of social and rehabilitative services in the Louisiana Department of Health and Human Resources. Most recently, Ben served as chairman of the Governor's Conference on Aging. He also had his own management and marketing consulting firm in Baton Rouge. It is truly remarkable that Ben has accomplished all this by the age of 35.

I am happy that Ben Jeffers will be able to continue his service to the public. Not only is he well qualified, he also has the special qualities of dedication, integrity, and compassion that will make him invaluable to both HEW and the people of the five-State region he will serve. I wish my friend Ben Jeffers well in his new position.●

ALL-VOLUNTEER ARMED FORCES

HON. JOHN J. CAVANAUGH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. CAVANAUGH. Mr. Speaker, as increasing scrutiny is being brought to bear upon All-Volunteer Armed Forces, it becomes ever more clear that the concept, in effect for the past 7 years, has been a dismal failure in many respects. In addition to the aspect of fairness which I have repeatedly emphasized and which I still consider to be the most serious shortcoming of the All-Volunteer Force, there remain grave doubts in the minds of many, if not most, of the leading military manpower analysts in this country as to the effectiveness of an Army that is made up of almost 50 percent blacks and other minorities who, through no fault of their own, lack the requisite skills to operate the ultrasophisticated weaponry upon which the defense of this country so heavily depends. Beyond the question of ability lies the more subtle issue of motivation. How can we expect those individuals to whom society has given the least opportunity to expose themselves to the greatest risk in order to protect the more fortunate members of that society in the event of any armed conflict? And the bottom line in this analysis remains that of the inherent unfairness of this system of racial and economic conscription which has preyed upon the economically and educationally disadvantaged and which has worked to relieve our middle and upper middle class young people from any sense of obligation to contribute to the protection and improvement of the society. This development has been the direct and inevitable result of the All-Volunteer Force and now demands the attention of the Congress.

Over a year ago, I first voiced my criticism of the existing system and proposed legislation calling for the creation of a Public Service System whereby the youth of the Nation would be called upon to contribute of their time and effort to preserve, protect and improve their society—H.R. 3603. I believe that now is the time for the Congress to focus its attention on the need for a new system which will serve to meet the needs of the Nation, both civilian and military, in the fairest possible way and at the least cost in the years ahead. However, before the Congress can move to fashion a remedy for the problem, a consensus must exist as to what the problem really is.

The Carter administration has proposed a return to registration for a strictly military draft in response to the recent Soviet invasion of Afghanistan, an action which I consider to be an ineffective response to the wrong question. The basic issues involved here are the fairness and adequacy of our current system of military manpower procurement and the effectiveness of the Armed Forces which that system produces. Even as President Carter steadfastly defends the All-Volunteer Force, an increasing number of defense experts are giving voice to the many weaknesses which I have pointed out. In an effort to further elucidate the problems in the AVF, I will periodically insert into the RECORD articles which substantiate the crisis which has resulted from the AVF. The first of these articles appeared in the February 10 edition of the Washington Post, and follows:

[From the Washington Post, Feb. 10, 1980]

THIS IS THE ARMY?

(By Fred Reed)

I see that Clifford Alexander, secretary of the Army, is treading the long grey road toward new and better Afghanistans. More precisely, he asserts that the Volunteer Army works well. Alexander, a political appointee, is playing the game of let's-pretend that got us into our present dangerous position—saying what suits the political needs of the administration rather than what suits the military needs of the Army

I have seen the Volunteer Army; for several years I have written for the magazine of the Army Times papers—an odd occupation for a Washington reporter, requiring one to spend time with troops in the field. I suggest to Alexander that the All-Vol is a grim joke.

Last summer I followed an infantry outfit from an average division through jungle training in the Canal Zone. The level of intelligence was far lower than it was when I was a Marine in 1967. I saw radio operators who could barely operate their radios, men who couldn't read, soldiers who couldn't comprehend a simple lecture on jungle survival. The Pentagon says that the percentage of high school graduates is high. Perhaps it is, given the quality of the schools. Nonetheless, those troops were, on the average, very slow. Almost as bad, they lack the leavening of conscripted intelligence to run complicated weaponry.

Further, racial antagonism is serious. Because it is desperate for manpower, the Army recruits anybody it can get: white country kids who don't much like blacks, black street kids who don't like whites at all, Chicanos who aren't enthusiastic about either. Tight discipline can hold such an explosive mix together, but discipline isn't the All-Vol's strong suit.

An instructor in the jungle echoed what I've heard throughout the military: "You can't discipline the blacks because they yell racism, and the officers are scared of being called racists so they won't back you up. If you can't discipline the blacks, you can't discipline the whites. That's where we are. It ought to be equal discipline for everybody, but it isn't. It's no discipline for anybody."

The best men leave. They leave because they are military men and the Army isn't very military now. The problem is serious; folklore to the contrary, brains and leadership are critical in the middle enlisted ranks.

The instructors at the jungle operations school, among the best NCOs I've met, were openly contemptuous of the Volunteer Army. To quote one, "I'm getting out. There's nothing in the Army for me anymore. That's a real problem for the Army. The best NCOs are getting out, and the ones coming up aren't any good. The Army runs on its NCOs. Someday it's going to need them, and they won't be there."

Further, the Volunteer Army has miserable equipment. At Fort Hood, I rode tanks so old and beaten-up that despite heroic maintenance they barely worked. Only one tank in the company had a functioning heater. We spent 11 hours in those steel boxes, in 28° weather and a sleet storm—a lousy, unhealthy, morale-breaking day. An Army that can't provide its troops with a kerosene heater is in trouble.

In Panama, soldiers used antique radios that worked when the mood struck them, or when their operators kicked them. The Special Forces scuba team at Fort Gulick used outmoded double-hose regulators because of lack of money. A good single-hose regulator costs $100.

Training costs money, and the Army doesn't have money, so the Army doesn't train—not as it should. The Army can't afford many helicopter hours, so the troops can't practice helicopter operations. Using armored personnel carriers costs money, so the Army doesn't use them often enough. Tanks cost a lot to run, so they spend a lot of time in the barn. Ammunition costs money, so tank gunners don't do much live firing. Any faint hope of survival against overwhelmingly superior Soviet forces will require superior gunnery. No practice, no superiority.

I recommend to Secretary Alexander the following, from a very savvy sergeant (who, incidentally, is getting out): "It's like a percentage. You can improve a lot of mistakes when the crunch comes, but not all of them. The Army's got more mistakes than it's going to be able to correct in a hurry. I'm glad I'm not going to be in combat with what we got now."●

ANTITRUST LAWS

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. BROYHILL. Mr. Speaker, today I am introducing legislation, the enactment of which will result in more efficient administration of this country's antitrust laws. At the present time, both the Federal Trade Commission and the Department of Justice are charged with enforcing the antitrust laws. The Department of Justice carries out its statutory responsibility by bringing antitrust cases in the Federal district courts. The enforcement scheme of the Federal Trade Commission, on the other hand, is substantially different, even though both agencies are essentially enforcing the same statutes. The FTC antitrust cases are tried by the FTC staff in front of an FTC administrative law judge with the five Federal Trade Commissioners acting as the final judge in determining whether a violation of the antitrust laws has indeed taken place. Any appeal from this FTC decision then goes into the Federal court system.

The legislation which I am introducing today would establish for the Federal Trade Commission the same kind of enforcement scheme which the Department of Justice now uses—that is, transfer of the FTC antitrust adjudication powers to the Federal district courts.

The main argument in favor of such legislation is efficiency. Although the Federal district courts have, over the years, demonstrated an ability to handle the complex nature of antitrust litigation, such is not true with respect to the Federal Trade Commission, where prosecution of antitrust cases is often characterized by delay and controversy.

Further, the Commission's role as both prosecuting attorney and judge does raise questions of fundamental fairness. Under the legislation which I am introducing today, the FTC would retain its ability to investigate antitrust violations and issue complaints; however, its role as ultimate judge of the merits of the issues raised in those complaints would be transferred to the courts.●

MISSOURI WINS BIG 8 TITLE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. SKELTON. Mr. Speaker, last week the University of Missouri basketball team culminated a brilliant regular season campaign by winning the 1979-80 Big 8 Conference basketball championship. The Tigers finished with a record of 11 and 3 in the conference, three games ahead of their nearest competitor. This record was not achieved easily. The Tigers were 4 and 3, and two games behind the league leader, at the midpoint in conference play. Their seven straight victories locked up the conference race, and left them with a sparkling overall record of 22 and 4.

Without a doubt, Mr. Speaker, the man most responsible for this impressive record is head coach Norm Stewart, now in his 13th season at Missouri. During his tenure, Coach Stewart has taken Missouri basketball to unprecedented heights of success. His lifetime winning percentage at the Tiger helm exceeds 60 percent, and this season is the fifth 20-victory season for Coach Stewart at Missouri. Prior to his arrival, no Tiger team had accomplished this feat. This year's Big 8 title was his second, and will certainly result in his third trip to the NCAA tournament. Taking a team that was 13 and 15 last season, Coach Stewart skillfully blended returning veterans and talented newcomers into a winning unit.

The record achieved by this year's Tiger basketball team was primarily the result of teamwork, dedication, and unselfishness. With no individual among the Big 8's top five scorers, the Tigers nonetheless lead the conference in team scoring and average margin of victory. They also lead in rebound percentage and rank second in team defense. Five different players have taken game scoring honors during the season. The Tigers lead the Nation in field goal percentage, as a result of the players' willingness to pass up a good shot in favor of a teammate with a better scoring opportunity. If they maintain their present pace throughout postseason play, they will set a new national record in this category.

Mr. Speaker, I know all of my colleagues in the House will want to join me in extending heartiest congratulations, and best wishes for the future, to head coach Norm Stewart, assistant coaches Gene Jones, Gary Garner, George Scholz, and Bob Sundvold, trainer Bud Epps, and the following members of the 1979-80 Big 8 Conference champion Missouri Tigers:

MEMBERS OF THE CHAMPION MISSOURI TIGERS

SENIORS

Larry Drew, Kansas City, Kansas.
Tom Dore, Franklin Park, Illinois.
Al Hightower, Peoria, Illinois.

JUNIORS

Curtis Berry, Selma, Alabama.
Mike Foster, Palmyra, Missouri.
Carl Amos, Annapolis, Maryland.

SOPHOMORES

Mark Dressler, Creve Coeur, Missouri.
Ricky Frazier, Charleston, Missouri.

FRESHMEN

Steve Stipanovich, St. Louis, Missouri.
Jon Sundvold, Blue Springs, Missouri.●

UNDERUTILIZATION

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. DERWINSKI. Mr. Speaker, I would like to direct the attention of the Members to a column by Cord Meyer which appeared in the February 23 Washington Star. In my opinion, Mr. Meyer very accurately presents the underutilization of Radio Free Europe-Radio Liberty broadcasts by the administration. The column follows:

EXPLOITING RUSSIA'S CREDIBILITY GAP

The Soviets have on their hands a yawning credibility gap as wide as the Grand Canyon in trying to explain to their own people what their army is doing in Afghanistan. Russian soldiers in Kabul are bewildered by the absence of the Chinese and American aggressors they had been told they would face.

On Dec. 13, President Carter approved a National Security Council recommendation to strengthen the Radio Free Europe-Radio Liberty broadcasts in the Turkic languages to the 40 million Moslem people of Soviet Central Asia. But two months later, not even the Afghan invasion has yet persuaded Carter's Office of Management and Budget to obtain release from Congress the $2 million needed to exploit the Russian credibility gap.

Bogged down in technical arguments over how much of the money should come from this fiscal year's budget, OMB Director James McIntyre has in effect exercised a suspensive veto over a unanimous NSC vote, and President Carter has not intervened to enforce his own decision.

White House aides argue among themselves as to what motivates the OMB in its refusal to assign to the RFE-Radio Liberty broadcasting to Russia and Eastern Europe the priority they think it deserves. A business-as-usual approach that stresses fiscal austerity as the highest priority is one explanation while others suspect that OMB staffers simply do not understand the importance of reaching the population behind the Iron Curtain with accurate coverage of events that have been wildly distorted by the Soviet media.

Whatever the explanation, it is clear on the record that recent OMB budget restrictions have kept RFE-Radio Liberty on too tight a rein for maximum effectiveness. Fulfilling a campaign promise, Carter as one of his first acts in office authorized 11 new transmitters for the radios but since then their budgets have not kept pace with dollar devaluation and inflation.

When the chairman of the House Foreign Affairs Committee, Clement Zablocki, D-Wis., recently complained to McIntyre about the crippling effect of this financial stringency, McIntyre replied with a bland letter citing the new transmitters and the increased overall budget as evidence of Carter administration support. He failed to mention that inflationary costs have forced these radios to leave many key staff positions unfilled and to cut by 30 percent the amount they spend on freelance scripts.

If Carter's budgeteers do not grasp the importance of breaking the monopoly control the Soviets try to exercise over information reaching their own people, the Soviet leaders are fully aware of their own vulnerability. When the Soviets made the decision to lift the jamming against Voice of America broadcasting some years ago, the full weight of the Russian jamming apparatus, consisting of more than 3,000 transmitters, was thrown against RFE-Radio Liberty broadcasts that concentrate on internal developments and vulnerabilities.

The estimated cost of this jamming operation to the Soviets is $300 million per year, three times the size of the RFE-Radio Liberty budget and even then the jamming is not effective outside of the major towns.

Carter's failure to follow through on his decision to strengthen RFE-Radio Liberty broadcasts is only one small but dramatic example of the difficulty his administration is having in adjusting to the post-Afghanistan world. At the top, there is no doubt that Carter has made a basic shift toward a firm policy of containing the further expansion of Soviet power.

No one is more aware of this change than national security adviser Zbigniew Brzezinski, who spent the first 2½ years of this administration isolated as the inhouse hawk except for the moral support of Mrs. Carter. Now with his judgment vindicated by events, Brzezinski finds himself on most key issues supported by a solid majority of White House advisers.

Secretary of Defense Harold Brown, encouraged by his deputy, Graham Claytor, has moved from a position of equivocal ambiguity toward firm support of increased defense spending and of strengthening ties to Peking. Hamilton Jordan and Hedley Donovan are consistently in Brzezinski's corner.

Only Secretary of State Cyrus Vance and White House Counsel Lloyd Cutler appear to believe that the shattered structure of detente can be rebuilt in any near future. But Carter himself has been quick to correct premature moves in this direction. When Cutler recently implied in a public statement that a token withdrawal from Afghanistan might be enough to delay the Olympic boycott, Carter administered one of his rare private tongue-lashings to Cutler for getting out of line.

However, Carter's conversion to a policy of containment is one thing and the ability to translate decisions into sustained programs of coherent action is quite another. Whether the Carter administration can discover the orgranizational discipline and managerial competence required to handle a whole new set of priorities will weigh heavily with thoughtful voters in November.●

ENERGY CONSERVATION

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mrs. BYRON. Mr. Speaker, as you know, a portion of the National Energy Act of 1978 included tax credits for individuals and businesses that make energy conserving improvements, such as installing insulation and storm windows and doors. This law was designed to stimulate greater interest and participation in efforts to conserve energy. Energy conservation is, of course, one of the most effective ways to reduce our dependence on imported oil from OPEC countries.

I am pleased to report one development that is taking place this week that is evidence of the increased efforts of the public to conserve energy in their homes and businesses. Later this week Universal Insulation will move into a new 5,000-square foot, two-story office and warehouse facility in Woodbine, Md., which is located in the Sixth Congressional District. This expanded facility was necessitated by the fact that Universal Insulation has experienced a 33-percent growth in sales and employment during the past 3 years.

In addition to providing a wide range of services related to the sale and installation of insulation and storm doors and windows, this facility will contain a conference room for civic meetings, including public speakers on energy conservation. Mr. Speaker, I am sure that other firms involved in energy conservation are also experiencing growth and I think it is commendable that the public and our free enterprise system have responded to the important goal of energy conservation in this way.●

TRIBUTE TO ST. FRANCIS HOSPITAL

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. RUSSO. Mr. Speaker, back in 1904—just a few short years after Blue Island, Ill., was incorporated as a city—the Sisters of St. Mary, Third Order of St. Francis, missioned five of their number to Blue Island to set up a much-needed hospital. They came at the urging of residents and physicians in the area who felt a modern health care facility was greatly needed.

After almost a year of planning, and renovation, the Sisters formally opened and dedicated St. Francis Hospital on March 25, 1905 and next month, on March 5, the Sisters of St. Mary, St. Francis Hospital, will be celebrating the hospital's 75th anniversary of service to the community of Blue Island and the surrounding areas. Today I want to take a moment not only to commend the Sisters and all those associated with the hospital for their fine work, but also to share with you some history and facts about this outstanding health care facility.

That first hospital was a two-story, white frame residence with a bed capacity for 10 to 12 people. The townsfolk and doctors gained confidence in the small facility and the patient load increased with beds and cots crammed into every available space. In 1915 the facility was expanded to provide for 76 patients. This was to be the first of some five expansions needed through the years and which brought the hospital to its present 394-bed size. The growth of the not-for-profit hospital has been staggering and today there is a convent, a tri-level parking ramp, laundry, laboratory, dining room, and other areas, providing full services to the St. Francis patients. Right now the hospital is in the midst of yet another remodeling program designed to streamline efficiency and care. Additional parking structures, a new emergency room, additional intensive care beds and a host of other improvements in services will all become a part of St. Francis.

It might be difficult today to picture those early times in the little white house, of the tough times in 1917 of fighting the ravages of the Spanish influenza pandemic in 1917. The Sisters proved more valuable than ever to the community, sacrificing their own lives to save others. This dedication garnered St. Francis approval of the American College of Surgeons in 1921, an accolade met by only 13 percent of all existing hospitals in the country.

In 1937, the medical staff was reorganized with rules and by-laws. In 1939, the ladies auxiliary was formed, an organization that continues to donate time and talents to helping the hospital in its work. In 1947, a convent was added to become a "home of their own" for the Sisters of Saint Mary.

The growth has never stopped for St. Francis hospital, and its progress has meant a booming community hospital for Blue Island, a proud and prestigious friend for the area. Open heart surgery, neurodiagnostics, intensive care nursery, cardiac rehabilitation, and other programs rival the finest facilities in the Chicago area.

Social events, including the annual Carnation Cotillion, a tribute to volunteers for their hard work and dedication to the hospital, and the Charity Invitational, the hospital's annual fundraiser—which has been copied and modeled after because of its huge successes each succeeding year—continue to highlight the area's social calendar.

And long before the voluntary effort and cost containment became a popular notion, St. Francis instituted a number of cost-saving methods for its patients, including preadmission testing, ambulatory surgery, utilization review, clinical engineering and good general fiscal management.

St. Francis will continue to lead the health care industry and to meet the needs of the people it serves. I know my colleagues join with me in commending and congratulating St. Francis hospital on the occasion of this momentous 75th anniversary.●

ESTONIAN INDEPENDENCE DAY

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. PURSELL. Mr. Speaker, February 24 marks the 62d anniversary of the proclamation of the independence of Estonia. It was on this day, in 1918, that Estonian nationalists removed the yoke of Soviet colonialism by declaring Estonia an independent, sovereign nation. This action was based on President Woodrow Wilson's declaration that all peoples have the right to self-determination. For 2 years the Estonian Army valiantly and successfully deterred Soviet efforts to reacquire Estonia's territory. The defiant spirit that characterized the Estonian people during their war of independence finally won them worldwide recognition as a people with little tolerance for violations of the basic human right to self-determination.

By the late 1930's, however, Estonia found itself in a desperate situation. Sandwiched between the two ominous powers of Nazi Germany and the Soviet Union, Estonia had no choice but to allow these two superpowers to successively occupy its terrority. In the final months of World War II, the Soviet Union forceably annexed Estonia along with the other Baltic States of Lithuania and Latvia, thus effectively ending a 20-year period of freedom and liberty in the Republic of Estonia.

The spirit of Estonian independence and a hope that Estonia will eventually be liberated from Soviet oppression is shared by Estonians throughout the world. Through the efforts of organizations such as the Estonian American National Council, Estonian immigrants in the United States have preserved their language, customs, and most of all their determination to fight for the restoration of the independence of their native Estonia.

The United States has never recognized the Russian annexation of Estonia, nor that of the other Baltic States. This is of great moral support to the natives of these nations. I urge all Americans to remember, however, that colonialsim still thrives in much of Eastern Europe depriving over 1 million people of the right to determine their own form of government. We must not forget the great injustices that the Estonian people have suffered at the hands of their totalitarian neighbor.

I sincerely hope that Americans will join with the Estonian people in celebrating their independence day and in reaffirming their dedication to the Estonian struggle for freedom and justice.●

SPYING ON OURSELVES

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. EDWARDS of California. Mr. Speaker, I want to bring to the attention of my colleagues the very thoughtful editorial which appeared in the San Jose Mercury recently. The comments and observations go right to the heart of the debate on the subject of intelligence gathering practices of our Government. The concerns expressed will be paramount in the minds of many Members if legislation is considered this year.

The article follows:

SPYING ON OURSELVES

We are concerned about the civil liberties implications of pending proposals to strengthen the Central Intelligence Agency, the Federal Bureau of Investigation, and other American intelligence-gathering agencies.

We don't question the need to conduct effective intelligence operations aimed at potential enemies abroad, and there's evidence that U.S. efforts in that area need to be stronger than they have been in the recent past. What happened in Iran is only too painful an example.

But when the powers of our own intelligence agencies can be turned against American citizens at home, national security has to be balanced against the rights of individuals. That balance is a delicate one, and our concern is that it is not being struck carefully enough in some pending proposals.

For example, President Carter has proposed that U.S. intelligence agents, with the authorization of a secret court, be allowed to burglarize the homes and offices and open the mail of Americans suspected of spying.

We worry about that, and about a bill sponsored by Sen. Daniel Moynihan, D-N.Y., that would exempt the CIA from the Freedom of Information Act and make it a crime to reveal the identity of intelligence agents or sources. Moynihan's bill would extend criminal sanctions to private persons and the press in some instances, and apparently would have made it illegal for the Washington Post to have reported that King Hussein of Jordan was taking money from the CIA.

Proposals for intelligence charter reforms have been pending for the past four years, ever since congressional investigators documented Watergate-era abuses by the CIA and other intelligence agencies. So far, while there has been a lot of rhetoric, there has been little reform. And now the impulse toward intelligence agency reforms seems to be withering.

The confrontations in Iran and Afghanistan have prompted a revival of Cold War emotions, and the Washington mood has shifted from restraining our intelligence agencies to making them stronger. That's fine—but again, only if the revisions are kept in balance. The proposals should prevent abuses by intelligence-gathering agencies, but also give them some of the authority they seek.

At issue are two lengthy charters, one for the FBI and the other covering the CIA, and both replete with multiple amendments. Most of the provisions conform to present regulations for the intelligence agencies, and others would subject some FBI activities to specific regulations and court review for the first time. We think it's important—and good—that the CIA charter does not substantially affect the CIA's ability to gather intelligence overseas.

But we do question some of the proposals.

For example, the proposed FBI charter would give that agency the power to:

Secure with an FBI "investigative demand" information about an individual from his bank or insurance company. A search warrant would not be needed, and the bank would be required to turn over the information. The individual would not have to be notified of the demand for 60 days.

Search a person's trash cans without a warrant.

Require the U.S. Post Office to turn over unopened mail of an individual to see if the FBI can determine who the sender is.

One congressman told us, "A few of us on the Hill are scared to death about these proposals."

The CIA charter would give that agency broad authority to collect information at home, as well as abroad.

For example, under present law, if the CIA wanted to search the home of an American suspected of spying, the agency would have to go to a judge, describe what item is being sought, where it may be found, get a search warrant, and notify the owner when the premises are searched.

Under the proposed new charter, the intelligence agency would be able to go to a secret court in Washington, D.C., get a search warrant, and then enter the premises without the knowledge of the owner.

The secret court is a special seven-member body created in 1978 and appointed by the chief justice of the U.S. Supreme Court. The court now reviews FBI and other intelligence agencies' requests for permission to use wiretaps or other electronic surveillance in foreign intelligence cases. All proceedings are secret, and even written decisions are classified information.

The proposed CIA charter would expand the power of the court to include cases where permission is needed to burglarize the home of an American or open his mail.

To allow a secret court to have such expanded power contradicts our concept of the American judicial system.

Current law allows break-ins and mail openings against any American only when there is specific evidence of criminal conduct. The proposed legislation would allow these intrusions if an American is believed to be acting as a foreign agent.

That's an important difference.

The specific-evidence requirement that a crime has been or will be committed falls in line with present Fourth Amendment protections. It's the same standard required for the warrants police use in everyday searches for stolen property, drugs or the like.

One only has to recall some of the searches of civil rights and anti-Vietnam war groups that occurred during J. Edgar Hoover's reign to realize how many Americans could be affected if intelligence agents are given a domestic fishing license.

Supporters of these charters and various amendments say that if they are adopted, there will be an unleashing of these agencies so that more intelligence information can be collected. But critics claim that while there has been a lot of talk, the agencies never were leashed in the first place, and the proposed charters award them more power than ever. These critics include the American Civil Liberties Union, which is launching a nationwide campaign to defeat some of the new proposals.

We think the ACLU campaign will serve a useful purpose if it prompts more debate about what should and should not be included in the new intelligence charters.

Few issues are more important to all Americans than the way we balance our national security and the individual rights of our citizens.●

PROTECT U.S. SWINE

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. FINDLEY. Mr. Speaker, African swine fever, a deadly infectious disease of pigs, threatens to invade the United States unless effective precautionary measures are taken to protect American swine producers. My colleague, Mr. MADIGAN, and I, today are introducing the Swine Health Protection Act, legislation designed to keep this deadly and costly disease out of our country.

African swine fever is the most deadly of all foreign diseases of hogs. The acute form kills almost all of the hogs that become infected. Outbreaks of this disease cause widespread death losses in swine—from the disease itself and the slaughter of exposed animals required for eradication of the disease.

New outbreaks—which spread so fast they almost seem to explode—have been advancing toward the United States in recent months and have now reached Cuba. The disease was discovered in the Dominican Republic, Haiti, and Brazil in 1978–79. This is the second time that African swine fever has penetrated the Western Hemisphere. The first time was in 1971 in Cuba, when over one-third of the island's swine either died or were destroyed to wipe out the disease. The Food and Agriculture Organization of the United Nations estimates that there are only one-third as many live pigs in the Dominican Republic now as there were before ASF infected the country.

No effective vaccine has been developed to combat this disease and no treatment is known. At present, slaughter of exposed animals is the only eradication technique. The effects of this dread disease if it were to invade the United States almost defy imagination. Swine in the United States have no resistance to this disease, thus mass death and slaughter would result from outbreaks, causing a severe economic crisis for swine producers and the pork industry. Resulting shortages of pork and pork products would cause higher consumer food prices.

While African swine fever does not affect human beings, the economic devastation this disease can bring warrants the serious consideration of this Congress at the earliest possible time.

The proposed Swine Health Protection Act goes to the heart of the problem area. African swine fever is spread primarily through infected pork scraps in raw or improperly cooked garbage fed to swine. The virus can live for long periods of time in pork from infected hogs and can pass through the food chain without affecting other animals or human beings. But once the infected garbage is fed to swine, an outbreak of ASF is almost a certainty.

The proposed legislation would regulate the processing of garbage to be fed to swine and, except when prohibited by State law, provide that garbage may be fed to swine only if treated to kill disease organisms in accordance with regulations issued by the U.S. Department of Agriculture.

While officials of the U.S. Customs Service and USDA's Animal and Plant Health Inspection Service are cooperating in inspecting pork-related products entering the United States, it is recognized that complete surveillance is impossible considering the tremendous volume of traffic among the Caribbean islands and the United States. The one sure way of protecting American swine is to require treatment to kill all disease-causing organisms in garbage fed to swine. That is the intent of the Swine Health Protection Act legislation introduced today by Mr. MADIGAN and myself.

The seriousness of the situation, with the disease prevalent in islands off the shores of the United States, was underlined recently by F. J. Mulhern, Administrator of USDA's Animal and Plant Health Inspection Service, who said:

> If an outbreak should occur in the United States, it is probable that this highly contagious disease would spread rapidly to all sections of the country.

It is my hope that this important legislation can be enacted as expeditiously as possible so that America's swine producers, the pork industry, and consumers can be protected from any possible invasion of African swine fever.●

HUMANITARIANS AT PEPPERDINE

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. GOLDWATER. Mr. Speaker, the recent flooding disaster in my 20th Congressional District and surrounding areas in southern California has also brought out the best humanitarian instincts in many people, and notably, in the student body at Pepperdine University. There are untold heartwarming stories of selfless individuals who voluntarily and under difficult personal conditions assisted others in need. Many of these individuals who have helped have been Pepperdine students.

For weeks, these students in Malibu, who hail from every corner of this great Nation, have cleaned flooded homes, cleared mud and debris laden yards, and constructed sandbag walls for people who were strangers to them until the rain began a few weeks ago.

It would be impossible to tally the monetary value of these efforts. It is also impossible to reckon the gift of spirit and kindness these students have given their neighbors. The school's founder, George Pepperdine, always strived to instill the ideals of compassion and generosity in the goals of the university; he would be proud of the students there now.

It is truly satisfying to know there are students such as those at Pepperdine in our midst. They help to remind us of the true meaning of friendship, and of the real meaning of the word humanitarian. I salute them.●

REGISTRATION AND INCREASE IN MILITARY BUDGET

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. WEISS. Mr. Speaker, I would like to submit for the record these two news articles, one from the February 14 New York Times and the other from the February 23 Washington Post. These articles should caution us from speaking of and acting on military escalation with the ardor and ease that has characterized the recent calls for registration and increase in the military budget.

The articles follow:

[From the New York Times, Feb. 14, 1980]

THINKING ABOUT THE UNTHINKABLE

(By Anthony Lewis)

WASHINGTON, D.C.—George Bush was drawn from his rather sheltered position as a candidate last month in an interview by Robert Scheer of The Los Angeles Times. It was a revealing interview in general, but particularly in these exchanges:

Question. Don't we reach a point with these strategic weapons where we can wipe each other out so many times that it really doesn't matter whether we're 10 percent or 2 percent lower or higher?

Answer. Yes, if you believe there is no such thing as a winner in a nuclear exchange, that argument makes a little sense. I don't believe that.

Q. How do you win in a nuclear exchange?

A. You have a survivability of command in control, survivability of industrial potential, protection of a percentage of your citizens, and you have a capability that inflicts more damage on the opposition than it can inflict upon you. That's the way you can have a winner, and the Soviets' planning is based on the ugly concept of a winner in a nuclear exchange.

Q. Do you mean like 5 percent would survive? Two percent?

A. More than that—if everybody fired everything he had, you'd have more than that survive.

Bush's comments were a dramatic example of a phenomenon that has developed in this country in the weeks since the Soviet occupation of Afghanistan. As part of a general surge of hawkishness, of strident talk about war, there is a new tendency to talk in a matter-of-fact way about the use of nuclear weapons.

It is apparently necessary to remind people what nuclear war would mean, not in the abstractions of politics but in human reality. Exactly that was done a few days ago in Cambridge, Mass., at an extraordinary two-day symposium on the medical consequencies of nuclear weapons. The symposium was organized by Physicians for Social Responsibility and sponsored by the Harvard and Tufts medical schools. There was a large, heavily scientific audience.

Dr. Howard H. Hiatt, dean of the Harvard School of Public Health, spoke in measured medical terms about the effects of a single nuclear weapon on the Boston area. He drew on a respected study published in 1962 by the New England Journal of Medicine. It assumed a bomb equivalent to 20 million tons of TNT—a thousand times as powerful as the Hiroshima atom bomb but by no means the largest now in the armories.

That one weapon would destroy everything within four miles. The bomb crater itself would be half a mile in diameter and several hundred feet deep. Beyond the four-mile radius of total destruction a pressure wave, followed by winds over 1,000 miles an hour, would build an enormous fire storm. Forty miles away, people looking in the direction of the explosion would be blinded by retinal burns.

Of the 3 million people living in the Boston metropolitan area, 2.2 million would be killed at once by the blast or fire storm. Of the survivors, Dr. Hiatt said, many "are badly burned, blinded and otherwise seriously wounded. Many are disoriented. These are the short-term effects; the problem of radiation sickness will grow."

Most of Boston's great hospitals would have been destroyed. Of the 6,560 doctors in the area, almost 5,000 would be dead and only 900 in physical condition to work. If doctors spent an average of 15 minutes with each injured person and worked 16 hours a day, it would take about three weeks for each casualty to be seen once.

"One of the most serious post-attack public health problems," Dr. Hiatt said, "is disposal of the dead. The presence of more than 2.2 million bodies will pose a continuing and serious hazard to the health of the survivors."

Dr. Hiatt said all this in a quiet voice, and the audience listened in dead silence. Then he said:

"The preparation of these remarks was for me a stressful experience. What purpose, I wondered initially, to describe such almost unthinkable conditions. But the conditions are not unthinkable. Rather, they are infrequently thought about."

Americans have reason for concern about the Soviet occupation of Afghanistan, and reason to act against the potential threat to the Persian Gulf. But the action should be related to the threat. Demonstrations of a commitment in the Gulf, refusals to carry on business as usual with the Soviets and, most important, action to reduce our dependence on oil from the region: These are the kinds of steps that make sense.

What does not make sense—what will indeed drain our economic and psychological strength—is undifferentiated militarism. Nor do I believe that the American public will write a blank check. The United States response to Afghanistan will be effective, and convincing, the better it meets the test of relevance in public scrutiny. Hysteria is not effective. And least justifiable of all is easy talk about "survivability" in a nuclear war.

[From the Washington Post, Feb. 23, 1980]

SELECTIVE SERVICE TOLD CARTER

(By George C. Wilson, Staff Writer)

President Carter's plan for registering young men and women for the draft was termed "redundant and unnecessary" by the Selective Service before he adopted it according to an internal report obtained yesterday.

In his 29-page study sent to the White House, Selective Service Director Bernard D. Rostker said his agency could carry out the war plans without resorting to registering people in advance of a national emergency.

Carter ignored this advice. His call for registering this year all men and women born in 1960 and 1961, has touched off a national controversy.

Critics of Carter's registration decision are demanding that the administration release the report, which was obtained by The Washington Post. The American Civil Liberties Union and Rep. Patricia Schroeder (D-Colo.) have gone so far as to file papers under the Freedom of Information Act to get the document.

The study, dated Jan. 16 and stamped "draft" copy on its cover, makes these points, which are sure to fuel the national debate over registration:

Registering people after a national emergency is called, rather than ahead of time as Carter has decided upon, "is preferable" and "should substantially exceed defense requirements, employs the fewest number of full-time personnel and costs the least."

While costs and staffing should not be the determining factor, the reduced delivery time provided by other options is redundant and unnecessary.

"The post-mobilization option" [registering people after a national emergency is called], subject to field testing later this year and the international situation at any time, is recommended as the basis for an effective standby Selective Service."

Requiring people to register at their local post offices before an emergency occurs—the Carter plan—would save only seven days over Selective Service's recommendation.

Under the Carter plan, the first draftees would be inducted within 10 days after an emergency was declared. Selective Service's wait-until-afterward option would take 17 days. War plans call for getting the first people inducted within 30 days of mobilization.

The same seven-day difference between the Carter and Selective Service plans would apply to the induction of the first 100,000 people—26 days versus 33 days after mobilization. The Pentagon wants the first 100,000 within 60 days.

Similarly, Carter's plan would save only seven days—117 versus 124—in getting the first 650,000 people to training camps. Pentagon war plans call for getting this number into uniform within 180 days, leaving a comfortable margin, as Selective Service sees it.

"We believe that we now have a capability to respond in an emergency" without resorting to advance registration. The word "now" is underlined in the report.

Selective Service said it had improved its ability to act by streamlining procedures and working out arrangements with the U.S. Postal Service to rush into registration if an emergency occurs.

"The post-mobilization option is by far the most cost effective, and least intrusive, and is the option chosen by Selective Service."

John White, White House manpower chief, confirmed last night that Selective Service's Jan. 16 draft report came to him as he was preparing for Carter an interagency report on registration. But the text of the report was not sent in that form to the president, White said.

"The problem" with the Selective Service's recommendation, White said, was that it assumed that "the system is up and running and all working well."

"The world has changed," he continued. White said that by calling for registration, the president "is indicating to the world our resolve."

Also, White said, "Carter wanted to be sure the [Selective Service] system would respond. The key element is registration."

A spokesman, for Rostker said last night that the study included the caveat that changed world conditions might require exercising some option other than post-emergency registration.

Carter called for draft registration in his State of the Union address on Jan. 23, declaring that "we must be prepared for [the] possibility" of returning to the draft.

In subsequent elaborations, Carter said he intends to register women, as well as men. It will take congressional legislation to register women, but Carter can order the registration of men by issuing an executive order.

Congress seems certain to reject legislation to draft women, leaving it up to Carter to order the registration of men in an election year. Selective Service has not set a date for beginning registration, saying only that it would start in the spring.

The next formal congressional examination of the issue is scheduled for Tuesday, when a House Appropriations subcommittee will conduct a hearing on the president's request for money to gear up Selective Service for registration.

The administration is requesting an extra $21.9 million for fiscal 1980 and $35.5 million for fiscal 1981.●

ED BEARD SALUTES OLYMPIANS

HON. EDWARD P. BEARD

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. BEARD of Rhode Island. Mr. Speaker, I am proud of the magnificent contributions of our Olympic athletes to their Nation. Their exemplary conduct, team spirit, and remarkable skills were of inspiration to a world audience.

Grit, stamina, and strength were the imprimatur for the U.S. competitors. The unprecedented five gold medals of Eric Heiden and the excellence of our hockey team sparkle at the very pinnacle of a litany of splendid sports achievements.

I salute our participants and thank them for their indelible imprint on our memory. The realization of their dream reserves for them a unique place in history which will be forever cherished as one of the greatest American Olympic achievements. For the joy they brought us I congratulate them.●

VOICE OF DEMOCRACY

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. MARLENEE. Mr. Speaker, the Veterans of Foreign Wars of the United States annually holds a Voice of Democracy contest throughout our country. Each State winner is brought to the Nation's Capital to present their award winning essay and to compete for five national scholarships.

This year the contest theme was "My Role in America's Future." I am pleased to be able to share with my colleagues the very fine winning essay from Montana written by Lori Jean Hoffman of Glendive:

My Role in America's Future

(By Lori Jean Hoffman)

I am an American . . . therefore I have a responsibility in preserving and developing the land, the freedoms and the heritage that comes with being a citizen.

One of the chief responsibilities I feel is to live and speak this love of country. Perhaps it sounds like a trite concern, but more and more, there seems to me to be creeping across the land, a feeling of being "2nd best", "2nd class", or "being a helpless, wasteful giant". I see in my role as an American—now and in the future—a duty to speak up, and to put it bluntly, brag about America and her good, generous and strong character. This is not to deny there are weaknesses, for a country is her people and therefore subject to human faults. But I feel my first role is to build up and maintain a tranquil and steady dedication to America—to put country ahead of self and to maintain this dedication for a lifetime.

I believe, to a degree, the times make the man—but I further believe the man makes the times. Pathetic, tragic examples of this age going on in different parts of the world at present. It is essential to have a fundamental belief that our individual role is valuable to preserve the freedoms we enjoy as citizens.

If I feel a sense of mission to my country I will contribute to her present and her future. It is not enough to have an idea, it must be interpreted—it must be acted upon. For if flag flying and patriotic music, although good, distract us from action on meaningful issues we are not meeting our responsibilities as citizens and there may be no future.

My sense of mission must involve action—positive, intelligent action—from being law-abiding to being vocal and if possible or appropriate, actively involved in the governing.

An active role is what brings about change and if I and others with the same beliefs don't take part—if I am disinterested and lazy—then those enemies of my beliefs will take action. If I ever let my will to continue building a great America go dormant, the freedoms fought for in the past will have been in vain.

For as earlier Americans built and preserved this country for me, it is necessary that I now endeavor to help maintain a free, strong and independent country for my children and future generations.

I have as much responsibility to be informed, to obey laws, to question what is happening in Congress or city hall, and to vote when the time comes, as the President of the United States or any other elected politician—because I am no less a citizen and no less affected by what happens to my country.

I see my role, then in America's future as already happening and it is this:

To get an education and stay informed on all meaningful issues.

To obey the law but be willing to work for change in laws that are not good.

To vote intelligently when the time comes.

To express my opinions when I feel there is a need for this.

To act on beliefs and ideas that I think are for our country's good.

To be proud of what we have accomplished for ourselves and the rest of the world.

To work for change where needed.

To be outraged at injustice that endangers the dignity, equality and safety of all men.

To sacrifice when sacrifice is called for, knowing that the good of the nation is more important than individual wants.

To enjoy this country . . . her culture, her beauty, her music and entertainment, and even her hamburgers, and finally.

To keep and spread a steadfast faith, hope and trust in the good of America.

This is my role—for I am an American.●

ESTONIAN INDEPENDENCE DAY

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. PATTEN. Mr. Speaker, Sunday, February 24, 1980, marked the 62d anniversary of the proclamation of the independence of the Republic of Estonia. After a victorious war for independence, which was initiated by the aggression of the Soviet Union, Estonia proclaimed herself an independent republic on February 24, 1918. Finally, after years of German rule and Russian aggression, a democratic system of government was established. They exemplified success as a small nation exulting freedom and justice.

However, it was only for a short period that the Estonians were able to exercise their rights to self-determination. The Soviet Union entered the republic again in 1940. Since then, the Estonians have suffered the loss of their freedom. Their right to self-determination has been annihilated.

Mr. Speaker, I wish to focus attention on the human and national rights in Russian-occupied Estonia. This past Sunday, Estonians throughout the world have reaffirmed their determination to fight for the restoration of independence for their homeland and to insure peace and justice within their nation.

The United States has never recognized the forcible annexation of Estonia or the other Baltic States of Latvia and Lithuania by the Soviet Union. Let the United States reiterate its respect and concern for the Estonian people and offer once again our moral support.●

CONGRATULATIONS TO GARY STUART BELKIN, NEW YORK STATE WINNER IN VETERANS OF FOREIGN WARS "VOICE OF DEMOCRACY CONTEST"

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. LENT. Mr. Speaker, it is with great pride that I rise to inform my colleagues that the winner of the New York State "Voice of Democracy" scholarship contest, sponsored by the Veterans of Foreign Wars, is a young man from my Fourth Congressional District, Gary Stuart Belkin, son of Dr. and Mrs. Myron Belkin of Merrick, N.Y.

I congratulate Gary on this outstanding achievement, which is only the latest accomplishment in a number of honors won by this talented young man. He is an Eagle Scout, and was named Outstanding Medical Explorer Scout in Nassau County by the American Medical Association. Gary is the editor-in-chief of his school yearbook at the J. F. Kennedy High School in Bellmore, N.Y. He is a member of the National Honor Society, and vice president of the school's debate team, where he has been named an outstanding debater. Gary has won the DAR Good Citizenship Award, the Long Island Science Congress Award for Meritorious Work on Independent Research, and a National Science Foundation grant for a research project.

Gary's Voice of Democracy entry, "My Role in America's Future," demonstrates a remarkable depth of thought and appreciation of American principles and their promise for the future, and deserves the highest commendation. Gary Belkin's vision and his commitment to carry forward the principles of democracy, justice, and freedom give us great assurance for the future of our country.

Mr. Speaker, I ask that the full text of Gary Belkin's speech, "My Role in America's Future," be entered in the RECORD at this point so that my colleagues may have the benefit of this young man's thought-provoking remarks:

MY ROLE IN AMERICA'S FUTURE

(By Gary Stuart Belkin)

What is my role in America's future? The answer is simple. My role is no different from the role of generations of Americans before me. My role is no different from those who have sacrificed their lives for our nation. My role is to preserve a way of life that is envied all over the world. It is to keep the world safe for democracy.

I am the product of our cherished American ideals, of her successes and of her failures. My country's goals are mine. I share her aspirations and I share her dreams. I am a link to those who have molded her history. Yes, I am America and my future is hers.

Just as I am a reflection of her history and ideals, so will I reflect the greater glory that is to come, the history that is yet to be written. Just as I am the patriot, starving and shivering through the cold winter at Valley Forge, so will I be the keeper of the peace in the years ahead. Just as I am the farmer in Kansas feeding our Nation and the businessman in New York helping to build the economy, so will I be the scientists and technicians creating new sources of energy to keep the torch of democracy burning. Just as I carry the heritage of George Washington, Benjamin Franklin, and Thomas Jefferson, so will I be among the legislators and statesmen working to keep this country strong. Just as I have fought on the battlefields with men who gave their life for this country in times of war, so shall I share the laurels which will come to those who bring peace.

I will go to wherever liberty is threatened, wherever people cry out for democracy. Just as I traveled in the hold of an overloaded ship bringing immigrants from Europe, so will I be with the new immigrants—Those escaping the bonds of tyranny and poverty. I will be with them all. The rich, poor, young, and old. I shall be with the farmer in Iowa, the steelworker in Pittsburgh, the executive in New York and the rancher in Texas. For they are the true spirit of America, and this spirit is mine.

In the past, freedom has been threatened both here and abroad, both in peacetime and wartime. As I carry the heritage of the minutemen, the doughboys and the G.I.s, as I carry the heritage of the statesmen, diplomats, and ambassadors, I will be present when our country faces problems in the future. For as much as I am America's past and her present, I am, above all, America's future. I am a future that will defend the oppressed and rise up against the oppressors. I am a future that will break the bonds of poverty and ease the pain of misfortune. I am a strong and confident future, bringing with me the ideals and values of the past, values we must all carry with us as this country faces the future. For we are America. And we are America's future.●

ESTONIAN DAY OF INDEPENDENCE

HON. WILLIAM M. BRODHEAD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. BRODHEAD. Mr. Speaker, February 24, 1980, marked the 62d anniversary of the Estonian Declaration of Independence. After achieving independence in 1918, Estonia enjoyed national sovereignty and self-determination for 21 years, only to have it brutally swept away in 1939 when the Soviet Union coerced the independence-loving Estonian Government into signing a defense treaty. The Estonian leaders signed the treaty in fear of a Soviet invasion. Their fears were well justified. Within a year of the signing of the treaty, the Soviet Union tyrannized the Baltic States: Estonia, Lithuania, and Latvia. The invasion was part of a Stalin-Hitler plot to divide Eastern Europe. As Germany lost the war, its occupied territories were liberated. The Soviet Union's were not. Thus Estonia, Lithuania, and Latvia have all suffered the torment of totalitarian rule.

Despite the Soviet oppression, the Baltic people continue a valiant struggle against their tormentors. Their most recent effort was an appeal on the 40th anniversary of the Stalin-Hitler pact addressed to the Secretary General of the United Nations. The appeal was signed by 45 representatives of the three Baltic nations. They fear, however, that the appeal has fallen on deaf ears.

One of the Estonian peoples' greatest dilemmas today is whether or not to welcome the Olympics. The yachting regatta of the Olympic games is to take place in Tallinn, the capital of Soviet-occupied Estonia. On the one hand, the Estonians welcome the international athletic competition. However, they fear that this event on their soil would legitimize Soviet occupation. Our Estonian friends yearn for the day when Olympic games will be played on free Estonian soil. But for now, they stand opposed, for they could not justify any symbol of Soviet legitimacy in their great nation.

On the occasion of the 62d anniversary of the Estonian Declaration of Independence, I join with my Estonian friends in issuing my stongest protest to the Soviet Government for its oppression and denial of human rights, and my sincerest hope that one day the great nation of Estonia will once again be free.●

ELECTRIFYING THE UPPER HARLEM DIVISION

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. OTTINGER. Mr. Speaker, I have addressed this body many times concerning the need to adequately fund commuter rail improvements, using as an example the incredibly poor condition of one dilapidated diesel line in Westchester County, N.Y.—the upper portions of the Harlem line owned by the Metropolitan Transportation Authority and run by ConRail. Despite truly unsafe and unhealthy conditions, 6,000 Westchester commuters have continued to use this line daily, thereby relieving the county's parkways of an estimated 3,500 cars per day.

Earlier this month, an agreement was reached between local, State, and Federal officials to perform the long overdue and necessary electrification of the Upper Harlem commuter line. The impetus behind the drive for electrification has been the Upper Harlem Line Commuter Council under the able leadership of Mr. Frank Gorham, the former chairman.

Mr. Gorham wrote the following article on electrifying the Upper Harlem division which appeared in the November issue of Westchester Illustrated. It is the first in a series of accounts on the issue. Mr. Gorham's observations of the problems which plague the commuter rail system in Westchester County are also applicable to many rail mass transit systems throughout the country. I commend Mr. Gorham's article to the attention of my colleagues:

COMMUTING—ELECTRIFYING THE UPPER HARLEM DIVISION

The commuter rail system of Westchester County affects all of us. Shortage of trains, standing room only, and lack of air conditioning are only some of the problems that have plagued the electrified Harlem, Hudson, and New Haven lines since this summer, the results of additional riders and deferred maintenance. Less apparent to the majority of commuters are the grave troubles of the non-electrified upper lines, whose diesel-electric engines and trailer coaches are desperately ill. The Upper Harlem, Upper Hudson, and some New Haven service must pool equipment, and enroute breakdowns in electrified territory often delay the modern equipment on the same tracks. The damaged engines and lower top speeds of the diesels cannot compete with the performance capabilities of the newer, modern trains.

The on-going energy crisis has brought many driving commuters back to the trains. On the upper lines they have found crowded conditions in the ancient and often filthy coaches, and delays of more than an hour are common. They have also suffered uncouplings enroute, engines on fire, unlighted cars, filthy or inoperative toilets, leaking windows and roofs, broken doors and torn or broken seats.

Some commuters have returned to their cars, driving to the electrified lines to ride in modern equipment, following other regular commuters who have already abandoned the diesels. Both are now adding to the crowding on the lower lines.

The truth is that age and lack of proper maintenance have brought the trains to the brink of extinction. The Upper Harlem is at the greatest risk, since it is an appendage to the system, lacking in mainline freight and passenger service. Conrail, MTA, NY State DOT, Westchester County and the Upper Harlem Commuter Council all agree that much of the present equipment cannot continue in service beyond the very near future. This, combined with uncertain sources of funding for replacements, leads many to fear the eventual total demise of service.

The effects of the declining service are already being felt in the pocketbook. The real estate market finds prospective buyers avoiding the area. Corporations take the commute into account in office location decisions. Unnecessary gasoline is being consumed by those driving to work or to the lower lines. Business appointments are being missed and sales are being lost. Families of commuters are being affected by aggravated and exhausted spouses.

If the Upper Harlem dies, its 6,000 daily commuters would require two additional lanes of traffic on Westchester's parkways to drive to New York City. Obviously, most would opt for the adjacent or lower rail lines, thereby completely clogging parking lots and jamming the electrified lines with additional standees.

Management and money are two sources of the illness. MTA allocates its money on a crisis basis to those wheels which squeak the loudest. The relatively small number of Upper Harlem commuters have historically been unable to get their fair share of the resources, and without electrification they cannot utilize the more modern equipment purchased for the lower riders who outnumber them ten to one. With the highly specialized FL-9 diesels and new trailer coaches no longer available from any U.S. manufacturer, commuters now face a continuing cycle of rebuilt engines and refurbished former electric coaches.

Governor Carey has made a firm commitment to use 1979 "Energy Conservation Through Improved Transportation Bond Act" funds to electrify the Upper Harlem line, but only if the Act is passed in the November referendum, and requested federal funds are not forthcoming by the end of this year. But, it is up to all of the residents of Westchester County to insist that the commitment be fulfilled. Real benefits will flow to the entire county, and particularly to the other lines' commuters when the Upper Harlem is improved. Without broad support from the county's residents, a perpetuation of the present disgraceful decay will result in the death of the service. We have the ability to prevent that.

THE FIVE WORST TRAINS OF THE UPPER HARLEM LINE

(By Harry Dyer)

During recent months, there have been numerous incidents of late, terminated and cancelled inbound trains. Following is a list of the five worst trains in terms of numbers of delays and total time in transit (over a recent 30-day period). Note: trains delayed or cancelled because of tropical storm David are not included.

Train No. 983, Lv GCT 6:27 (pm), 3 times, 4½ hrs. total.

Train No. 944, Due CGT 9:31 (am), 9 times, 3 hrs., 10 min. total.

Train No. 942, Due GCT 9:10 (am), 9 times, 3 hrs. total.

Train No. 963, Lv GCT 5:17 (pm), 6 times, 87 min. total.

Train No. 908, Due GCT 7:14 (am), 6 times, 82 min. total.●

BOROUGHS ASSOCIATION COMPLETES 30TH YEAR OF SERVICE

HON. DON BAILEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. BAILEY. Mr. Speaker, governments—local, State, and Federal—working together is a fundamental concept that has greatly contributed to the success of our democratic process. No one can deny it. No one can destroy it. No one person can tear what so many have built.

But it—the interaction between governments—can be strengthened. It can and does grow. One of the finest examples of this type of progression can be seen in the Westmoreland County Boroughs Association, now celebrating its 30th anniversary. An organization that got its beginning when a group of Westmoreland County representatives banded together at a meeting of the State Association of Boroughs, has steadily progressed and has established its effectiveness in aiding its members. At the Borough Association's inception in 1948, 15 boroughs were represented. Today, its membership includes 37 boroughs and the possibility for growth is apparent.

By working in conjunction with the Pennsylvania State Association of Boroughs, the Westmoreland Association has accomplished countless achievements to better local communities. Those achievements include the creation and adoption of borough legislation, increased efficiency of the local governments, procurement of Federal and State assistance to maintain and construct projects, and generation of revenues to support and expand essential services.

However, most importantly, we must remember that none of these efforts would have been possible without the sincere dedication of the Westmoreland Association's membership. These fine people have given their time, talent, knowledge, and leadership abilities to heed the organization's success and progress.

It is the outstanding efforts of these individuals that I bring to your attention and the attention of our colleagues. I congratulate them and wish them success in their future endeavors. May they always work for the betterment of our local governments and thus the success of our democratic process.●

REQUEST TO CHRISTIANS AROUND THE WORLD

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. DICKINSON. Mr. Speaker, as Members should recall, seven members of two Russian Pentecostal Christian families have been staying in the U.S. Embassy in Moscow since June 27, 1978, 21 months ago, when they broke through Soviet police lines to gain entrance to our Embassy in hopes of escaping religious persecution by emigrating to the United States. The Soviets still have not gotten smart enough to realize it would be in their own best self-interest to let these and other religious people who desire to do so, to leave. Apparently they have not realized that as yet.

In the meantime, the seven members of the Vashchenko and Chmykhlov families are making the best of it in their small embassy quarters—with a minimum of outside contacts. Recently, one of my constituents, Mrs. Babette Wampold of Montgomery, Ala., who is active in the fight to free the religious persecuted from the Soviet Union, received a letter from Lidia Vashchenko, one of the seven. She wrote about the plight of Andrei Sakharov, the Russian human rights leader who has been sent into internal exile to eliminate him from the human rights struggle. Mrs. Vashchenko also pleads for us not to forget those who are existing under religious and political persecution, such as Sakharov. Her letter, addressed: Request to Christians Around the World, follows:

REQUEST TO CHRISTIANS AROUND THE WORLD

You shall not follow a multitude to do evil; nor shall you bear witness in a suit, turning aside after multitude, so as to prevent justice.—Exodus 23-2.

With these words from the Bible I would like to characterize A. D. Sakharov.

He does not forsake the truth, although there are so few who maintain it in my country and the oppression is difficult for them to bear.

He does not know of God as we Christians know Him, but he has been trying to gain protection for Christians in the USSR because God is able to work his will even through those who do not recognize Him.

His influence has been a means of protection for Christians from the tyranny of the KGB. He has been a fighter for the rights of the suffering people of this country and he does not deserve any punishment by the Soviets government.

We saw him twice when we were in the reception room of the Consulate Section. The first time he came up to us and found out what was happening and why we were here? (None of the leaders of AUCECB—the "Russian Baptist Church" came to talk with us about our situation during the time that we have been here, but A. D. Sakharov has truly been a good Samaritan).

We told him about our situation but he was not able to advise us because he could not forsee a possible solution to our problems. Many others would like to see us freed but they also can offer little advice because public opinion in the West is the only tool which we have against Soviet tyranny and we ourselves have no control over that.

We asked him to intercede on our behalf before the Soviets and he promised to write a letter to Brezhnev. Also he warned us that he would not receive an answer for this letter from Brezhnev because he never received answers for any of his other letters.

His next visit to the Embassy (we still were sitting on the divans in the reception room of the Consulate) we found out that he wrote the letter and that he did not receive any response.

Now I feel that it is our obligation to come forward and speak out for the protection of such a fine person who had so many times protected others.

When Christ's help was needed by the centurion who did not believe in God the people went to his defense and said to Christ, "He is worthy to have you do this for him, for he loves our nation." Luke 7, 4-5. Therefore we are turning to all the Christians around the World—he is worthy that you raise your voices for his protection and also for the protection of many of the other suffering Christians such as Dmitrii Dudko and the many many others.

They wait for your help! Listen to them at last! You who have remained silent so long and please, help those who already been hearing and helping.

With the disappearance of such people the world has lost very good and honest people from its ranks and it becomes harder and harder to live when justice and good people are flouted and because of acts of violence they are no longer present on this planet.

And those who are acquainted with the friendly embraces of the KGB, know that they watch the reaction however big or small and then they wait for the convenient moment to smother.

Therefore be courageous, look truth in the eyes, and understand the menacing reality of the situation.

May God help you!

LIDIA VASHCHENKO,
Embassy of the United States.

January 27, 1980.●

HOBART ROWEN AGAIN WARNS OF ECONOMIC DRIFT DANGERS

HON. PAUL C. SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. SIMON. Mr. Speaker, the columnist who has again and again pointed out the ineffectiveness of the present administration's economic policies is Hobart Rowen of the Washington Post.

The evening before his column appeared I wrote my weekly column for the newspapers in my district and said somewhat the same thing as his column of February 21 said, only my writing said it less eloquently.

The time for drift is past. The time for action is now.

I am taking the liberty of inserting the Hobart Rowen column and my column in the RECORD for my colleagues, in case any missed reading his column, and in the remote event that any of my colleagues might be interested in my comments on the same subject:

CARTER'S TWO ECONOMIC OPTIONS

(By Hobart Rowen)

Quietly—although officials won't admit anything publicly—the Carter administration is reexamining its anti-inflation posture to see where it might be made more credible within the next 30 to 60 days or so. In part, this is a response to presidential candidate Ted Kennedy's blistering attack on Carter's economics and the senator's call for wage and price controls.

But it is also a response to the reality of a deteriorating situation in which inflation is getting worse, instead of subsiding as Carter had promised.

A high official who would not risk being quoted by name admits: "We obviously can't go on this way much longer. The [administration] policy just isn't adequate."

In his Economic Report and Budget Messages just three weeks ago, the president had predicted a decline in the consumer inflation rate from 13.3 percent in 1979 to 10.6 percent his year. But the producer (wholesale) price index increased at an annual rate of 20.7 percent in January, foreshadowing further pressure on consumer prices.

There is little wonder, therefore, that the idea of wage and price controls, as part of a comprehensive program, is gaining new respectability from private persons with authentic "establishment" credentials. This would not be the case if the administration could point to a meaningful anti-inflation policy of its own.

The "policy" has been to let things drift—relying on the Fed's tight-money measures to produce a mild recession that would slow down the pace of inflation. That, coupled with a prayer that OPEC will not raise prices as precipitously this year as in 1979, is all that the Carter's administration has had to offer.

Clearly, President Carter would not relish the need to confess, in the middle of a political campaign—and with the ink on the paper hardly dry—that his January analysis of the economy needs to be junked. But a policy reversal can conveniently be blamed either on the need for more defense spending to counter the Russians, or on the next OPEC price increase, when it comes.

There are really only two options open to Carter, according to insiders. The first, more bold and less likely because Kennedy has embraced controls, would be to adopt the rationale offered him by economist Barry Bosworth, Brookings President Bruce MacLaury, New York banker Felix Rohatyn and others: massive inflation has been caused by a series of "shocks," and its momentum can be broken only by a new shock. But a political consensus for controls is not yet established—merely gaining strength.

The second approach would be to try to make the existing "voluntary guidelines" stronger. One possibility under discussion is to require "pre-notification" of proposed wage and price increases. Whether this would do much to restore any faith in a guidelines system that now will permit an April steel-industry wage settlement running over 11.5 percent (including a cost-of-living adjustment) is doubtful.

There is also talk in Carter's Economic Policy Group, led by Treasury Secretary G. William Miller, of trying to make fiscal policy tougher. A principal and legitimate complaint about the Carter budget is that it is much looser than was portrayed by the administration last month.

Without any real tightness on the fiscal side, all of the burden, of course, has fallen on the Federal Reserve, which last Friday raised the discount rate to 13 percent, a new record. That was done with no real conviction that the higher interest rates thus generated throughout the economy will do anything to slow down the rate of inflation. "We simply had to do something," a Fed official said half-apologetically, half-helplessly.

But even in the policy vacuum created by Carter, the Fed has options other than an ever-higher interest rate that will plunge the nation into deep recession.

For example, despite Chairman Paul Volcker's opposition, the Fed should consider direct allocation of credit, as suggested by a wide range of people running from Rohatyn to Democratic presidential candidate Jerry Brown of California. Even at present high interest rates, there is nothing to discourage borrowing for speculation and less-productive investments that help feed the inflationary cycle.

So far, the Carter administration's public posture has been to try to muddle through, promising that things will get better. But there is no objective reason to believe that story any more. In an economy out of control, as this one is, there is a greater risk in avoiding drastic steps than in taking them.

INFLATION CZAR NEEDS CLOUT

(By PAUL SIMON)

The news that the Producer Price Index jumped more in January than in any month since 1975 is not good. It means more and higher inflation.

I have no sense that we are doing anything much about it. Many believe that inflation is like the weather, there is nothing you can do about it. In fact, inflation is 99% created by human beings and can be corrected by human beings.

I have periodically outlined steps which can be taken to fight inflation.

I could once again outline steps the President—who must lead in this battle, but so far has declined—must take to conquer inflation. I don't sense those steps, which are not any secret, have much appeal, particularly in an election year.

But one thing he could do that he should see the necessity of doing, and which the American people could understand: give some power to Dr. Alfred Kahn, the so-called "inflation czar."

Dr. Kahn is an able economist who knows what needs to be done. He is given the title of inflation czar, but no muscle. For example, he issues statements about the errors of the Bureau of Labor Statistics and why that agency's actions spur inflation, but as far as I can see no one in that branch of government—also under presidential control—pays any attention.

He is an articulate showpiece who looks great holding the anti-inflation flag, but his base of support is limited and regularly eroded.

What Dr. Kahn says is heard by the President, but so are the voices of William Miller, Secretary of the Treasury, and Charles Schultze, Chairman of the Council of Economic Advisors, and others.

And the President, who appears ill at ease entering discussions on economic issues, listens to them all and I sense—perhaps inaccurately—does not know whose advice to follow, what to do, so he tries to find some middle ground in all of the advice, and then acts with hesitancy and without confidence.

The President's actions are not likely to change unless he really recognizes the horrors of this inflation and the damage it will do to the country—and then puts someone in charge to do something about it. As far as I am concerned, Dr. Kahn would be an excellent choice. But if he does not have confidence in him, name someone else.

I am not supporting President Carter for the Democratic nomination, in part because of the drift I sense on this issue.

But he is likely to be the nominee of my party as things stand now, and unless he tackles inflation, he will be a weak candidate.

But far more important than that, unless he gets hold of this—and Congress and the people back him up—the nation will be weakened.

And so I wish him well in this fight.

He must first recognize that he really can do something about inflation. I am not sure he understands that.

Second, he must realize that so long as he does not provide leadership, the Federal Reserve Board has no choice but to provide leadership in the only way they can: tight money and higher interest rates.

Third, because Jimmy Carter is mortal and cannot be on top of everything (though he does a remarkable job in keeping on top of government details), one of his areas of weakness is economics. Knowing that, he had better hand that problem to someone he trusts and then really back up that person.

We will all be better off if—and when—that happens.●

AMERICAN RED CROSS AWARD OF RECOGNITION

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. SKELTON. Mr. Speaker, on Sunday, March 2, 1980, I will have the distinct honor of presenting the American National Red Cross Award of Recognition to three young men in my district. Doug Hawley, Greg Sprigg, and Kyle Naylor are being recognized and honored by the American Red Cross for their extraordinary personal actions in saving the life of their football coach, Cecil Naylor.

Through their quick actions these young men were able to move Coach Naylor from the site of a tractor accident and get him to a hospital for treatment. Medical authorities indicated that the quick action saved Coach Naylor from jeopardy of a much more serious condition.

It is fitting and proper that these young men be recognized by the American Red Cross with its highest award. I am proud to join that organization in extending my congratulations to Doug Hawley, Gregg Sprigg, and Kyle Naylor.●

DEFINING THE AMERICAN FAMILY OUT OF EXISTENCE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1980

● Mr. ASHBROOK. Mr. Speaker, there is a movement underway to declare that any two or more people who choose to live together constitute a "family." Under this so-called Family of Choice fraud, any group of people who live together would be as legitimate in the eyes of Government as people who are joined by marriage, by adoption, or by blood relation. A home consisting of parents and their born or adopted children would be the same as a homosexual couple or a commune, from a legal standpoint, if their radical ideas prevail.

According to Carol Kleinman in the January 20 Chicago Tribune, everyone—whether nuclear, single parent, brother and sister, or homosexual couple—said the same thing: "We are family." Under the "Family of Choice" approach, we would stop concerning ourselves with marriage, having or adopting children, and kinship as special, basic, vital foundations of our society. Anybody who said "We are family" would be family. I would like to serve notice that I, for one, will fight this diseased distortion of our most sacred institution until we are rid of it.

Whatever the motives of the "Family of Choice" advocates, their definition would include Jim Jones' "family" and Charlie Manson's "family." Both of these groups constituted a group of people living together voluntarily. Manson's and Jones' followers always said "we are family." While I neither understand nor condone their actions. I do not propose to persecute or harass homosexuals who live together, but I believe that a society which gives a homosexual household the same legal standing as a true, traditional family is committing suicide.

The Government is already doing all it can to destroy the family. We are making it economically impossible for a large number of our young people to have and raise families decently by crushing taxation, by breaking up of neighborhoods by busing, by anti-family biases in textbooks, by Federal harassment of independent religious schools, by encouraging abortion, by taxing married couples more than singles living together outside of wedlock, by borrowing all the money that should be building homes to finance the Federal deficit, and by driving religion out of our public life. Now the "Family of Choice" advocates seem to want to complete the destruction by simply defining the nuclear family out of existence. If President Carter's upcoming White House conference refuses to give official sanction to this warped definition, it will only be because of the efforts of grassroots pro-family activists who so far have had to fight Mr. Carter's appointees every step of the way.

I do not pretend to know what motivates "Family of Choice" advocates. Frankly, I don't care what motivates them. To destroy the family is to destroy America. We must fight this mentality, and all the powers behind it, just as we fight any other disease, or any other enemy.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of all meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an interim procedure until the computerization of this information becomes operational, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, February 26, 1980, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 27

8:00 a.m.

Judiciary

To hold hearings on the nomination of Charles B. Winberry, Jr., to be U.S. district judge for the Eastern District of North Carolina.

2228 Dirksen Building

9:00 a.m.

Appropriations

Interior Subcommittee

To receive testimony from public witnesses on programs administered by the Bureau of Indian Affairs, Department of the Interior, and the Indian Health Service, Department of HEW.

1224 Dirksen Building

9:30 a.m.

Agriculture, Nutrition, and Forestry

To continue hearings on S. 2199, 2258, 2264, 2277, and 2315, bills to alleviate the economic impact of the Soviet grain embargo on American farmers.

324 Russell Building

Commerce, Science, and Transportation

To continue hearings on S. 2245, proposed Motor Carrier Reform Act.

235 Russell Building

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To resume hearings on S. 2238, authorizing additional funds for fiscal year 1980, and S. 2240, authorizing funds for fiscal year 1981, both for research and development programs of the National Aeronautics and Space Administration.

6226 Dirksen Building

10:00 a.m.

Appropriations

*Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Department of Education.

S-128, Capitol

*Appropriations

State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the International Trade Commission, and the Legal Services Corporation.

S-146, Capitol

Armed Services
To continue open and closed hearings on S. 2294, authorizing funds for fiscal year 1981 for the Department of Defense.
212 Russell Building

Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To hold oversight hearings to examine the scope of rental housing.
5302 Dirksen Building

Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1981 Congressional budget.
6202 Dirksen Building

Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To hold hearings on S. 1934, proposed Municipal Solid Waste to Energy Act.
3110 Dirksen Building

Foreign Relations
To hold hearings on Southwest Asia: The U.S.-Soviet Context.
4221 Dirksen Building

Governmental Affairs
Energy, Nuclear Proliferation, and Federal Services Subcommittee
To continue hearings on proposed legislation to increase the authority of the President and Congress in postal operations and to provide a sound financial base for the future of the Postal Service.
3302 Dirksen Building

Labor and Human Resources
Education, Arts, and the Humanities Subcommittee
Business meeting, to consider S. 1839, authorizing funds through fiscal year 1985 for programs under the Higher Education Act.
4232 Dirksen Building

1:00 p.m.
Select on Intelligence
Budget Authorizations Subcommittee
To hold a closed meeting to discuss proposed budget estimates for the intelligence activities of the United States.
S-407, Capitol

2:00 p.m.
Appropiations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Nuclear Regulatory Commission.
S-126, Capitol

Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1981 Congressional budget.
6202 Dirksen Building

2:30 p.m.
Foreign Relations
To hear and consider the nominations of Marvin Weisman, of Maryland, to be Ambassador to Bolivia; Guy F. Erb, of California, to be Deputy Director, U.S. International Development Cooperation Agency; and David Bronheim, of Connecticut, to be Associate Director for Policy and Budget, U.S. International Development Cooperation Agency.
S-116, Capitol

FEBRUARY 28

9:00 a.m.
Appropriations
Interior Subcommittee
To continue to receive testimony from public witnesses on programs administered by the Bureau of Indian Affairs, Department of the Interior, and the Indian Health Service, Department of HEW.
1224 Dirksen Building

Veterans' Affairs
To hold hearings on S. 1188, to revise the vocational rehabilitation programs administered by the Veterans' Administration.
412 Russell Building

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Department of Agriculture.
1114 Dirksen Building

Environment and Public Works
To review those items in the President's budget for fiscal year 1981 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, receiving testimony from officials of the Nuclear Regulatory Commission.
4200 Dirksen Building

Governmental Affairs
*Energy, Nuclear Proliferation, and Federal Services Subcommittee
To continue hearings on proposed legislation to increase the authority of the President and Congress in postal operations and to provide a sound financial base for the future of the Postal Service.
3302 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Veterans' Administration.
1318 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Community Services Administration, and the Railroad Retirement Board.
S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Board for International Broadcasting, and the Securities and Exchange Commission.
S-146, Capitol

Armed Services
To continue open and closed hearings on S. 2294, authorizing funds for fiscal year 1981 for the Department of Defense.
212 Russell Building

Banking, Housing, and Urban Affairs
Insurance Subcommittee
To hold hearings on proposed authorizations for fiscal year 1981 for the flood insurance program and the crime and riot-reinsurance program of the Federal Emergency Management Administration.
5302 Dirksen Building

Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1981 Congressional budget.
6202 Dirksen Building

Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To continue hearings on S. 1934, proposed Municipal Solid Waste to Energy Act.
3110 Dirksen Building

Finance
Business meeting, to resume consideration of the committee budget; and S. 350, 351, 748, and 760, bills to encourage and facilitate the availability, through private insurance carriers, of basic health insurance at reasonable premium charges.
2221 Dirksen Building

Foreign Relations
To hold closed hearings on U.S. military capabilities and requirements in Southwest Asia.
4221 Dirksen Building

Judiciary
Criminal Justice Subcommittee
To hold hearings on S. 240, proposed Federal Computer Systems Protection Act.
6226 Dirksen Building

Labor and Human Resources
Education, Arts, and the Humanities Subcommittee
Business meeting, to continue consideration of S. 1839, authorizing funds through fiscal year 1985 for programs under the Higher Education Act.
4232 Dirksen Building

Select on Indian Affairs
To hold hearings on S. 2223, to allow members of Indian tribes to transfer restricted Indian lands to heirs who are not member of the reservation where the land is located.
457 Russell Building

11:00 a.m.
Select on Indian Affairs
Business meeting, to resume consideration of H.R. 3979, to modify and ease certain Federal laws restricting commercial transactions between Indians and Federal employees; and to begin markup of S. 1998, to provide for certain public lands to be held in trust by the U.S. for the Tule River Indian Tribe; S. 2055, to establish a reservation for the Confederated Tribes of Siletz Indians of Oregon; S. 1466 and 2155, bills to provide for the payment of judgment funds to the Delaware Tribe of Indians.
457 Russell Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the National Commission on Libraries and Information Services, Corporation for Public Broadcasting, Occupational Safety and Health Review Commission, Mine Safety Review Commission, and the Soldiers' and Airmen's Home.
S-128, Capitol

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Joint Economic Committee, Congressional Budget Office, Government Printing Office, Library of Congress and Congressional Research Service.
S-146, Capitol

2:00 p.m.
Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1981 Congressional budget.
6202 Dirksen Building

Select on Intelligence
To resume hearings on S. 2284, proposed

legislative charter governing the intelligence activities of the United States.

5110 Dirksen Building

2:30 p.m.

Foreign Relations

International Economic Policy Subcommittee

To hold hearings on international monetary issues including the International Monetary Fund's quota increase.

4221 Dirksen Building

3:00 p.m.

Environment and Public Works

To hold hearings on the Audit Report of the Inspector General of the General Services Administration on lease prospectuses for certain public buildings.

4200 Dirksen Building

FEBRUARY 29

9:30 a.m.

Commerce, Science, and Transportation

Science, Technology and Space Subcommittee

To resume hearings on S. 2238, authorizing additional funds for fiscal year 1980, and S. 2240, authorizing funds for fiscal year 1981, both for research and development programs of the National Aeronautics and Space Administration.

235 Russell Building

Finance

Revenue Sharing, Intergovernment Revenue Impact, and Economic Problems Subcommittee

To hold hearings on proposed general revenue sharing extension.

1114 Dirksen Building

Finance

Taxation and Debt Management Generally Subcommittee

To hold hearings on miscellaneous tax legislation.

2221 Dirksen Building

Labor and Human Resources

*Employment, Poverty, and Migratory Labor Subcommittee

Business meeting, to consider proposed legislation authorizing funds for fiscal year 1981 for the Legal Services Corporation.

4232 Dirksen Building

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1981 for the Veterans' Administration, and for the American Battle Monuments Commission, and U.S. Army cemeterial expenses.

1318 Dirksen Building

Budget

To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1981 Congressional budget.

6202 Dirksen Building

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings on S. 2156, proposed Northeast Corridor Completion Act.

457 Russell Building

Energy and Natural Resources

To hold hearings on the recent report entitled "Energy in Transition: 1985-2010" of the Committee on Nuclear and Alternative Energy Systems (CONAES) of the National Academy of Sciences.

3110 Dirksen Building

Environment and Public Works

To review those items in the President's budget for fiscal year 1981 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, receiving testimony from officials of the Army Corps of Engineers, the Water Resources Council and the Office of Water Research and Technology.

4200 Dirksen Building

Foreign Relations

East Asian and Pacific Affairs Subcommittee

To hold closed hearings on proposed future arms sales to Taiwan.

S-116, Capitol

MARCH 3

9:30 a.m.

Labor and Human Resources

Handicapped Subcommittee

To hold oversight hearings on the implementation of the Education for All Handicapped Children Act (P.L. 94-142).

4200 Dirksen Building

10:00 a.m.

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Social Security Administration.

S-128, Capitol

Appropriations

Military Construction Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.

1318 Dirksen Building

Banking, Housing, and Urban Affairs

To hold hearings on S. 2290 and S. 2291, bills to extend and improve the regulations implementing the Home Mortgage Disclosure Act, which was designed to provide information to determine whether depository institutions are fulfilling their obligation to serve housing needs of their communities.

5302 Dirksen Building

Labor and Human Resources

Health and Scientific Research Subcommittee

To resume hearings on S. 568, to promote the advancement of women in scientific, professional, and technical careers.

2228 Dirksen Building

2:00 p.m.

Appropriations

Labor-HEW Subcommittee

To review those programs administered by the Department of Labor.

S-128, Capitol

Appropriations

Military Construction Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.

1318 Dirksen Building

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.

1224 Dirksen Building

MARCH 4

8:00 a.m.

Veterans' Affairs

To resume hearings on the Federal Government's efforts to assist Vietnam-era veterans in readjusting to society and finding employment and education opportunities.

412 Russell Building

9:30 a.m.

Environment and Public Works

Environmental Pollution and Resource Protection Subcommittees

To resume joint markup of S. 1480, to provide for the adequate and safe treatment of hazardous substances released into the environment.

4200 Dirksen Building

Finance

Taxation and Debt Management Generally Subcommittee

To resume hearings on miscellaneous tax legislation.

2221 Dirksen Building

Small Business

To hold hearings on S. 2224, to provide for an increase in the amount of funding for the solar energy and energy conservation loan program.

424 Russell Building

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for certain programs administered by the Department of State.

1318 Dirksen Building

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Indian Health Service.

1223 Dirksen Building

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for public service jobs, special youth programs, the Job Corps, and jobs for the elderly.

1223 Dirksen Building

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Office of Technology Assessment, and the Copyright Royalty Tribunal.

S-146, Capitol

Appropriations

Transportation Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.

1224 Dirksen Building

Energy and Natural Resources

Business meeting, to consider those matters and programs which fall within the committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget by March 15; and other pending calendar business.

3110 Dirksen Building

11:30 a.m.

Veterans' Affairs

To hold hearings to receive legislative recommendations for fiscal year 1981 from Veterans of Foreign Wars.

318 Russell Building

2:00 p.m.

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for general manpower training programs, private sector initiatives, State employment security agencies.

1114 Dirksen Building

Appropriations

Military Construction Subcommittee

To continue closed hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.

S-146, Capitol

Appropriations

Transportation Subcommittee

To continue hearings on proposed

budget estimates for fiscal year 1981 for the Department of Transportation.
1224 Dirksen Building

MARCH 5

9:00 a.m.
Labor and Human Resources
Employment, Poverty, and Migratory Labor Subcommittee
To hold hearings on S. 1129, 2021, and 2218, bills to provide career employment opportunities for disadvantaged youth; and S. 1312, proposed Work and Training Opportunities Act.
4232 Dirksen Building

9:30 a.m.
Environment and Public Works
Business meeting, to mark up S. 2181, authorizing funds through fiscal year 1982 to assist States in developing fish and wildlife conservation programs; S. 1882, to provide for the control of interstate and foreign commerce in fish and wildlife, and to explore the preservation of wildlife on an international level; and to consider those matters and programs which fall within the committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
4200 Dirksen Building

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Office of Surface Mining Reclamation and Enforcement.
1223 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Labor-Management Services Administration, Pension Benefit Guaranty Corporation, Occupational Safety and Health Administration, and the Mine Safety and Health Administration.
114 Dirksen Building

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the U.S. Trade Representative, and the Federal Trade Commission.
S-146, Capitol

Commerce, Science, and Transportation
Merchant Marine and Tourism Subcommittee
To hold hearings on S. 2248, authorizing funds for fiscal year 1981 for the U.S. Travel Service.
235 Russell Building

Energy and Natural Resources
Business meeting, to consider those matters and programs which fall within the committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget by March 15; and other pending calendar business.
3110 Dirksen Building

1:00 p.m.
Appropriations
Military Construction Subcommittee
To continue closed hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.
1224 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Employment Standards Administration, Bureau of Labor Statistics, and President's Committee on Employment of Handicapped.
1114 Dirksen Building

Judiciary
Antitrust, Monopoly, and Business Rights Subcommittee
To hold joint hearings with the Select Committee on Small Business on S. 2251, to prohibit restrictions on the use of credit instruments in the purchase of gasohol.
Room to be announced

Small Business
To hold joint hearings with the Judiciary Subcommittee on Antitrust, Monopoly, and Business Rights on the substance of S. 2251, to prohibit restrictions on the use of credit instruments in the purchase of gasohol.
Room to be announced

MARCH 6

8:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on S. 2249, to increase the minimum level of price support on quota peanuts for the 1980 and 1981 crops.
324 Russell Building

9:00 a.m.
Labor and Human Resources
Employment, Poverty, and Migratory Labor Subcommittee
To continue hearings on S. 1312, proposed Work and Training Opportunities Act.
4232 Dirksen Building

9:30 a.m.
Environment and Public Works
Business meeting, to continue consideration of those matters and programs which fall within the committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
4200 Dirksen Building

Veterans' Affairs
Business meeting, to consider those items in the President's budget for fiscal year 1981 which fall within its legislative jurisdiction and to consider recommendations which it will make thereon to the Budget Committee by March 15.
412 Russell Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for certain international security assistance programs of the Department of State.
1114 Dirksen Building

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the National Credit Union Administration and Neighborhood Reinvestment Corporation.
1318 Dirksen Building

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the National Endowment for the Humanities.
1223 Dirksen Building

Banking, Housing, and Urban Affairs
*Housing and Urban Affairs Subcommittee
To hold hearings on proposed legislation authorizing funds through fiscal year 1985 for the urban mass transportation program.
5302 Dirksen Building

Energy and Natural Resources
Business meeting, to consider those matters and programs which fall within the committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget by March 15; and other pending calendar business.
3110 Dirksen Building

Select on Indian Affairs
To hold hearings on S. 1507, to provide for the purchase of certain facilities, lands, and water rights in and around the San Luis Rey River, San Diego, Calif., to be held in trust for, and operated and maintained by certain boards of Mission Indians.
5110 Dirksen Building

MARCH 7

10:00 a.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Department of Health and Human Services.
S-128, Capitol

10:00 a.m.
*Banking, Housing, and Urban Affairs
International Finance Subcommittee
To resume hearings on S. 864, 1499, 1663, 1744, bills to facilitate the formation of U.S. export trading companies to expand export participation by smaller U.S. companies.
5302 Dirksen Building

MARCH 10

9:30 a.m.
Labor and Human Resources
Health and Scientific Research Subcommittee
To hold hearings on S. 2144, proposed Health Professions Educational Assistance and Nurse Training Act.
4232 Dirksen Building

10:00 a.m.
Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.
1224 Dirksen Building

Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To resume hearings on S. 1928, proposed Fair, Financial Information Practices Act, and S. 1929, proposed Privacy of Electronic Fund Transfer Act.
5302 Dirksen Building

2:00 p.m.
Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.
1224 Dirksen Building

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for general administration and legal activities of the Department of Justice.
S-146, Capitol

MARCH 11

9:30 a.m.
Energy and Natural Resources
To resume closed hearings to assess the political, military, economic, and social

factors affecting world oil production and consumption over the next decade.
S-407, Capitol

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Selective Service System (Registration).
1318 Dirksen Building

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for certain programs administered by the Secretary of Energy.
1114 Dirksen Building

Appropriations
State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Federal Bureau of Investigation, Department of Justice.
S-146, Capitol

Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.
1224 Dirksen Building

Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To continue hearings on S. 1928, proposed Fair, Financial Information Practices Act, and S. 1929, proposed Privacy of Electronic Fund Transfers Act.
5302 Dirksen Building

Governmental Affairs
Energy, Nuclear Proliferation, and Federal Services Subcommittee
To hold hearings on S. 1699, proposed Energy Impact Assistance Act.
3302 Dirksen Building

Labor and Human Resources
Business Meeting, to mark up S. 1076, to improve the regulation of multiemployer pension insurance plans, and to provide sufficient funds to pay benefits.
4232 Dirksen Building

2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Immigration and Naturalization Service, Department of Justice.
S-146, Capitol

Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.
1224 Dirksen Building

MARCH 12

9:00 a.m.
Labor and Human Resources
Employment, Poverty, and Migratory Labor Subcommittee
To resume hearings on S. 1129, 2021, and 2218, bills to provide career employment opportunities for disadvantaged youth.
5110 Dirksen Building

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for the Department of Agriculture.
1318 Dirksen Building

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1981 for the National Bureau of Standards.
235 Russell Building

Labor and Human Resources
*Health and Scientific Research Subcommittee
To resume hearings on S. 2144, proposed health Professions Educational Assistance and Nurse Training Act.
4232 Dirksen Building

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Office of Indian Education, and the Institute of Museum Services.
1223 Dirksen Building

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Drug Enforcement Administration, Department of Justice.
S-146, Capitol

Banking, Housing, and Urban Affairs
Business meeting, to consider those matters and programs which fall within the committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
5302 Dirksen Building

Governmental Affairs
Energy, Nuclear Proliferation, and Federal Services Subcommittee
To continue hearings on S. 1699, proposed Energy Impact Assistance Act.
3302 Dirksen Building

2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Federal Prison System, and Office of Justice Assistance, Research and Statistics, Department of Justice.
S-146, Capitol

MARCH 13

9:00 a.m.
Labor and Human Resources
Child and Human Development Subcommittee
To hold hearings on proposed legislation to establish Commissions on National Youth Service and Volunteerism.
4232 Dirksen Building

Labor and Human Resources
Employment, Poverty, and Migratory Labor Subcommittee
To continue hearings on S. 1129, 2021, and 2218, bills to provide career employment opportunities for disadvantaged youth.
6226 Dirksen Building

9:30 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Agriculture.
1318 Dirksen Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the International Development Cooperation Agency, and certain programs of the Agency for International Development.
1114 Dirksen Building

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Office of the Secretary, and the Office of the Solicitor.
1223 Dirksen Building

Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.
1224 Dirksen Building

2:00 p.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.
1224 Dirksen Building

MARCH 14

8:30 a.m.
Energy and Natural Resources
To resume closed hearings to assess the political, military, economic, and social factors affecting world oil production and consumption over the next decade.
S-407, Capitol

9:00 a.m.
*Veterans' Affairs
To hold hearings on the recruitment and retention of qualified health-care professionals to staff the Veterans' Administration's health-care facilities.
412 Russell Building

10:00 a.m.
Labor and Human Resources
Education, Arts, and the Humanities Subcommittee
Business meeting, to resume markup of S. 1839, authorizing funds through fiscal year 1985 for programs under the Higher Education Act.
4232 Dirksen Building

MARCH 17

10:00 a.m.
Banking, Housing, and Urban Affairs
International Finance Subcommittee
To hold hearings on S. 2097, proposed Joint Export Marketing Assistance Act, and on the substance of S. 2040, proposed Small Business Export Expansion Act and S. 2104, proposed Small Business Export Development Act.
5302 Dirksen Building

Commerce, Science, and Transportation
To hold hearings on S. 2322, authorizing funds for fiscal year 1981 for certain maritime programs of the Department of Commerce.
235 Russell Building

Select on Indian Affairs
To hold hearings on S. 1181, proposed Tribal-State Compact Act; and on the substance of Part C—Amendment Relating to Indians, Title 25, U.S.C., Sec. 161, to authorize Indian tribes to petition the U.S. to reassume Federal jurisdiction of S. 1722, to codify, revise, and reform the criminal code.
457 Russell Building

MARCH 18

10:00 a.m.

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for certain programs of the Agency for International Development.
1114 Dirksen Building

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for alternative fuels program of the Department of Energy.
1223 Dirksen Building

Banking, Housing, and Urban Affairs
International Finance Subcommittee
To continue hearings on S. 2097, proposed Joint Export Marketing Assistance Act, and on the substance of S. 2040, proposed Small Business Export Expansion Act and S. 2104, proposed Small Business Export Development Act.
5302 Dirksen Building

Energy and Natural Resources
Energy Resources and Materials Production Subcommittee
To hold oversight hearings on the implementation of the Outer Continental Shelf leasing program.
3110 Dirksen Building

Select on Indian Affairs
To continue hearings on S. 1181, proposed Tribal-State Compact Act; and on the substance of Part C—Amendment Relating to Indians, Title 25, U.S.C., Sec. 161, to authorize Indian tribes to petition the United States to reassume Federal jurisdiction, of S. 1722, to codify, revise, and reform the criminal code.
1318 Dirksen Building

2:00 p.m.

Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.
1224 Dirksen Building

2:30 p.m.

Finance
Health Subcommittee
To hold hearings on S. 1968, proposed Health Incentives Reform Act.
2221 Dirksen Building

MARCH 19

9:30 a.m.

Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for the Department of Agriculture.
1318 Dirksen Building

10:00 a.m.

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Bureau of Indian Affairs
1224 Dirksen Building

Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To resume hearings on proposed legislation authorizing funds through fiscal year 1985 for the urban mass transportation program.
5302 Dirksen Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Select on Indian Affairs
To continue hearings on S. 1181, proposed Tribal-State Compact Act; and on the substance of Part C—Amendment Relating to Indians, Title 25, U.S.C., Sec. 161, to authorize Indian tribes to petition the United States to reassume Federal jurisdiction, of S. 1722, to codify, revise, and reform the criminal code.
457 Russell Building

2:30 p.m.

Finance
Health Subcommittee
To continue hearings on S. 1968, proposed Health Incentives Reform Act.
2221 Dirksen Building

MARCH 20

9:00 a.m.

Veterans' Affairs
Business meeting, to consider S. 1188, to revise the vocational rehabilitation programs administered by the Veterans' Administration
412 Russell Building

10:00 a.m.

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for certain programs of the Agency for International Development. and for the Peace Corps.
1114 Dirksen Building

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Environmental Protection Agency.
1318 Dirksen Building

Appropriations
Interior and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Bureau of Indian Affairs
1223 Dirksen Building

Energy and Natural Resources
Energy Resources and Materials Production Subcommittee
To resume oversight hearings on the implementation of the Outer Continental Shelf leasing program.
3110 Dirksen Building

2:00 p.m.

Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.
1224 Dirksen Building

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on proposed authorizations for fiscal year 1981 for the Department of Energy.
3110 Dirksen Building

MARCH 21

10:00 a.m.

Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Environmental Protection Agency, and for the Council on Environmental Quality.
3118 Dirksen Building

MARCH 24

10:00 a.m.

Banking, Housing, and Urban Affairs
International Finance Subcommittee
To resume hearings on the U.S. embargo of grain and technology exports to the Soviet Union.
5302 Dirksen Building

Energy and Natural Resources
To hold oversight hearings on the activities of the Department of Energy.
3110 Dirksen Building

2:00 p.m.

Appropriations
State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Bureau of Census, general administration, and economic and statistical analysis, Department of Commerce.
S-146, Capitol

MARCH 25

9:30 a.m.

Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for the Department of Agriculture.
S-128, Capitol

10:00 a.m.

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for certain programs of the Agency for International Development; the international narcotics control program of the Department of State; and for the Inter-American Foundation.
1318 Dirksen Building

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for certain programs of the Department of Energy.
1223 Dirksen Building

Appropriations
State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Economic Development Administration, and Regional Planning Commission, Department of Commerce.
S-146, Capitol

Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.
1224 Dirksen Building

Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1981 for housing, community development programs and the Urban Development Action Grant of the Department of Housing and Urban Development.
5302 Dirksen Building

Energy and Natural Resources
Parks, Recreation and Renewable Resources Subcommittee
To hold hearings on S. 2233 to permit the Forest Service to acquire lands outside the boundaries of the Los Padres National Forest in California.
3110 Dirksen Building.

2:00 p.m.

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Cost Accounting Standards Board, and the General Accounting Office.
S-128, Capitol

Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.
1224 Dirksen Building

MARCH 26

9:00 a.m.
Labor and Human Resources
Child and Human Development Subcommittee
Business meeting, to mark up S. 1843 and H.R. 2977, proposed Domestic Violence Prevention and Services Act; and proposed legislation to establish Commissions on National Youth Service and Volunteerism
4232 Dirksen Building

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Agriculture.
1318 Dirksen Building

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Office of Water Research and Technology.
1223 Dirksen Building

Appropriations
State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Industry and Trade Administration, Minority Business Development Agency, and the U.S. Travel Service, Department of Commerce.
S-146, Capitol

Banking, Housing, and Urban Affairs
Housing Urban Affairs Subcommittee
To continue hearings on proposed legislation authorizing funds for fiscal year 1981 for housing, community development programs and the Urban Development Action Grant of the Department of Housing and Urban Development.
5302 Dirksen Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

2:00 p.m.
Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.
1224 Dirksen Building

Appropriations
State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the National Oceanic and Atmospheric Administration, Department of Commerce.
S-146, Capitol

MARCH 27

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Agriculture.
S-128, Capitol

Veterans' Affairs
To hold hearings to receive legislative recommendations for fiscal year 1981 from AMVETS, Paralyzed Veterans, Blinded Veterans, WWI Veterans, and Military Orders of the Purple Heart.
1202 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the National Science Foundation
1318 Dirksen Building

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Smithsonian Institution.
1223 Dirksen Building

*Appropriations
State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Patent and Trademark Office, and science and technical research, Department of Commerce.
S-146, Capitol

Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.
1224 Dirksen Building

Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To resume hearings on S. 1928, proposed Fair Financial Information Practices Act, and S. 1929, proposed Privacy of Electronic Fund Transfers Act.
5302 Dirksen Building

Energy and Natural Resources
To hold hearings on S. 1784, to improve the electric generating efficiency of joint Federal-civilian pooling practices in Alaska.
3110 Dirksen Building

11:30 a.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.
1224 Dirksen Building

2:00 p.m.
Appropriations
Military Construction Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.
1318 Dirksen Building

Appropriations
State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the National Telecommunications and Information Administration, and the Maritime Administration, Department of Commerce.
S-146, Capitol

Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.
1224 Dirksen Building

MARCH 28

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the National Science Foundation, and for the Office of Science and Technology Policy.
1318 Dirksen Building

Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To continue hearings on S. 1928, proposed Fair Financial Information Practices Act, and S. 1929, proposed Privacy of Electronic Fund Transfers Act.
5302 Dirksen Building

MARCH 31

2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Chrysler loan guarantee program.
S-146, Capitol

APRIL 1

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for foreign assistance programs.
1318 Dirksen Building

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Office of Territorial Affairs.
1224 Dirksen Building

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Commerce.
S-146, Capitol

Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1981 for housing, community development programs and the Urban Development Action Grant of the Department of Housing and Urban Development.
5302 Dirksen Building

APRIL 2

9:30 a.m.
Veterans' Affairs
To resume hearings on the Federal Government's efforts to assist Vietnam-era veterans in readjusting to society, and the use of excepted appointments for disabled veterans.
412 Russell Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Selective Service System,, and the National Commission on Air Quality.
1318 Dirksen Building

Appropriations
Interior and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Office of Territorial Affairs.
1224 Dirksen Building

Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee

To continue hearings on proposed legislation authorizing funds for fiscal year 1981 for housing, community development programs, and the urban development action grant of the Department of Housing and Urban Development.
5302 Dirksen Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

APRIL 3

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Federal Home Loan Bank Board, and the National Institute of Building Sciences.
1318 Dirksen Building

Appropriations
Interior and Related Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for certain programs of the Department of Energy
1224 Dirksen Building

Energy and Natural Resources
To hold hearings on the environmental effects of carbon dioxide present in the atmosphere.
3110 Dirksen Building

APRIL 15

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Federal inspector for Alaska pipeline, and the Energy Information Administration, of the Department of Energy.
1223 Dirksen Building

Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.
1224 Dirksen Building

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Department of the Treasury.
1318 Dirksen Building

Banking, Housing, and Urban Affairs
International Finance Subcommittee
To hold hearings on proposed authorizations for fiscal year 1981 for the international affairs programs of the Department of the Treasury; and on proposed legislation to increase the U.S. quota in the International Monetary Fund.
5302 Dirksen Building

APRIL 16

9:30 a.m.
Veterans' Affairs
Business meeting, to consider proposed legislation on the recruitment and retention of qualified health-care professionals to staff the Veterans' Administration health-care facilities, S. 759, to provide for the right of the United States to recover their costs of hospital, nursing home, or outpatient, medical care furnished by the Veterans' Administration to veterans for non-service-connected disabilities to the extent that they have health insurance or similar contracts, and S. 1523 and H.R. 4015, proposed Veterans Senior Citizen Health Care Act.
412 Russell Building

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the National Gallery of Art, and the Commission of Fine Arts.
1223 Dirksen Building

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of the Treasury.
1318 Dirksen Building

Banking, Housing, and Urban Affairs
International Finance Subcommittee
To continue hearings on proposed authorizations for fiscal year 1981 for the international affairs programs of the Department of the Treasury; and on proposed legislation to increase the U.S. quota in the International Monetary Fund.
5302 Dirksen Building

2:00 p.m.
Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.
1224 Dirksen Building

APRIL 17

9:30 a.m.
*Labor and Human Resources
Child and Human Development Subcommittee
To hold oversight hearings on the development of children who benefit from adoption by facilitating their placement in adoptive homes.
4232 Dirksen Building

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Forest Service, Department of Agriculture.
1223 Dirksen Building

Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.
1224 Dirksen Building

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of the Treasury.
1114 Dirksen Building

2:00 p.m.
Appropriations
Military Construction Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.
1318 Dirksen Building

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of the Treasury.
S-146, Capitol

APRIL 18

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Federal Emergency Management Agency.
1318 Dirksen Building

2:00 p.m.
Appropriations
Military Construction Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.
1223 Dirksen Building

APRIL 22

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Economic Regulatory Administration, Department of Energy.
1223 Dirksen Building

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for the Department of the Treasury, and on the U.S. Postal Service.
1318 Dirksen Building

2:00 p.m.
Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.
1224 Dirksen Building

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of the Treasury.
S-146, Capitol

APRIL 23

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the National Endowment for the Arts.
1223 Dirksen Building

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Executive Office of the President.
1318 Dirksen Building

2:00 p.m.
Appropriations
Military Construction Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.
1224 Dirksen Building

APRIL 24

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the National Aeronautics and Space Administration.
1318 Dirksen Building

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Bureau of Land Management.
1223 Dirksen Building

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Executive Office of the President.
1114 Dirksen Building

2:00 p.m.
Appropriations
Military Construction Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.
1224 Dirksen Building

APRIL 25

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the National Aeronautics and Space Administration.
1318 Dirksen Building

APRIL 29

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Heritage Conservation and Recreation Service.
1224 Dirksen Building

Appropriations
Treasury, Postal Service and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Office of Personnel Management, Merit Systems Protection Board, Federal Labor Relations Authority, U.S. Tax Court, and President's Commission on Pension Policy.
1318 Dirksen Building

2:00 p.m.
Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.
1223 Dirksen Building

APRIL 30

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for conservation programs of the Department of Energy.
1224 Dirksen Building

Appropriations
Treasury, Postal Service and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Federal Elections Commission, Advisory Commission on Intergovernmental Relations, Advisory Committee on Federal Pay, Committee for Purchase From the Blind and Other Severely Handicapped, and the Administrative Conference of the U.S.
1318 Dirksen Building

2:00 p.m.
Appropriations
Military Construction Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.
1223 Dirksen Building

MAY 1

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Department of Housing and Urban Development
1318 Dirksen Building

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Land and Water Conservation Fund of the Heritage Conservation and Recreation Service.
1224 Dirksen Building

Appropriations
Treasury, Postal Service and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the General Services Administration.
1114 Dirksen Building

*Labor and Human Resources
Child and Human Development Subcommittee
To hold hearings on issues Congress might consider which would affect youth in the coming decade.
6226 Dirksen Building

MAY 2

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Housing and Urban Development.
1318 Dirksen Building

MAY 6

2:00 p.m.
Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.
1223 Dirksen Building

MAY 7

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the U.S. Geological Survey.
1224 Dirksen Building

MAY 13

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the National Park Service.
1224 Dirksen Building

MAY 14

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Department of the Interior.
1223 Dirksen Building

Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.
1224 Dirksen Building

MAY 15

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for the Department of Housing and Urban Development, and Independent Agencies.
1318 Dirksen Building

Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.
1224 Dirksen Building

MAY 16

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Housing and Urban Development, and Independent Agencies.
1318 Dirksen Building

MAY 22

9:30 a.m.
Labor and Human Resources
Child and Human Development Subcommittee
To hold oversight hearings to examine issues affecting infant mortality, and preventable birth defects.
4232 Dirksen Building

MAY 29

9:30 a.m.
*Veterans' Affairs
To hold hearings on proposed legislation to establish a cost-of-living increase for service-connected disability compensation.
412 Russell Building

JUNE 11

9:30 a.m.
*Veterans' Affairs
To hold oversight hearings on the activities of the Inspector General of the Veterans' Administration.
412 Russell Building

CANCELLATIONS

FEBRUARY 27

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Office of Inspector General, Office of Civil Rights, Policy Research, and Departmental Management.
S-128, Capitol

FEBRUARY 29

10:00 a.m.

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for domestic programs of ACTION, National Labor Relations Board, Federal Mediation and Conciliation Service, and the National Mediation Board.

S-128, Capitol

Banking, Housing, and Urban Affairs

Insurance Subcommittee

To continue hearings on proposed authorizations for fiscal year 1981 for the crime and riot-reinsurance program of the Federal Emergency Management Administration.

5302 Dirksen Building

MARCH 19

9:30 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1981 for programs under the National Climate Program Act.

235 Russell Building

MARCH 21

9:30 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To resume hearings on proposed legislation authorizing funds for fiscal year 1981 for programs under the National Climate Program Act.

235 Russell Building

SENATE—*Tuesday, February 26, 1980*

(Legislative day of Thursday, January 3, 1980)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by Hon. DAVID L. BOREN, a Senator from the State of Oklahoma.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Our Father-God, before we enter upon the duties and tasks of this day, we pause to pray that our first thoughts and our meditations throughout the day may be of Thee and of Thy kingdom. Keep our hearts open to Thy love and our minds ready for Thy guidance. Fix our vision upon the mountain peaks of spiritual experience when we were certain of Thy nearness and power and the whole world was luminous with Thy presence. If we must walk for a season in the valley of frustration and defeat keep us erect and strong with our vision upon the imperishable and the eternal. Strengthen those who have special need of Thee, the hostages, the President, Members of Congress, and all workers in the Government.

Grant us something of the grace and beauty of the Master for Thy name's sake. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. MAGNUSON).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 26, 1980.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DAVID L. BOREN, a Senator from the State of Oklahoma, to perform the duties of the Chair.

WARREN G. MAGNUSON,
President pro tempore.

Mr. BOREN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader of the Senate, the Senator from West Virginia (Mr. ROBERT C. BYRD), is recognized.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I have no request for my time, and I will be glad to yield to the distinguished acting minority leader, the leader on the other side.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. The acting minority leader is recognized.

Mr. STEVENS. I thank the Chair.

THE ALASKA LANDS BILL

Mr. STEVENS. Mr. President, I am grateful to the majority leader for yielding this time to me.

I was disturbed when I returned from Alaska late Sunday night to read the article in the Sunday Washington Post entitled "The Price of Progress: Alaska, Thy Name is Victim," by Colman McCarthy.

I really cannot express on the floor of the Senate a criticism of this article the way I would if I had the freedom of speaking at home, because this article is strictly a diatribe. It is the kind of article that demonstrates the shallow incapacity of the person who wrote it. Mr. McCarthy is talking about the Alaska lands bill as reported by the Senate. He apparently does not know that the Senate committee bill would double the acreage in the national park system; more than double the acreage in the wildlife refuge system, and increase the wilderness of this country by 350 percent. Yet all of the acreage involved is in one State, my State of Alaska.

He apparently does not know that I am the first U.S. Senator to ever agree that one-third of a State be set aside for national interest lands. He apparently does not realize that if passed the Senate committee bill would be the largest single bill in terms of the conservation systems of the United States in history.

If it passes, 8 of the 10 largest national parks would be in Alaska; 80 percent of all the refuges of the United States would be in Alaska; and 70 percent of the wilderness areas of the United States would be in Alaska.

His arguments about Appalachia and comparing Alaska to Appalachia are ludicrous. But, most importantly, it is time to set the record straight concerning the time agreement that Mr. McCarthy addresses.

The Senate entered into a time agreement here on the floor which was not the time agreement I sought. My good friend, the majority leader, carrying out his responsibilities, repeatedly sought to obtain the clearance to call up the Alaska lands bill. The Senator from Washington and I understood that and were working with him to get one.

I sought an agreement which would get us into conference quickly, and on two occasions at least tried to get a consent so we would have an immediate up-or-down vote on the substitute offered by Senator TSONGAS, the Senator from Massachusetts, and then a vote on the bill itself if that substitute was not adopted.

My colleague did not see fit to agree to that, and then negotiated the agreement that is in effect now. That is the agreement by which the Senator from Massachusetts may offer five amendments, the Senator from Washington, the Senator from Alaska, my colleague, and I each have the right to offer three amendments, and then the Senator from Massachusetts may offer his substitute. The possibility of the Alaska lands bill under that time scenario getting to conference is a great deal less than under my proposed scenario of up-or-down vote on the Tsongas substitute and then a conference on Senate and House versions of the Alaska lands bill if we defeated the Tsongas substitute.

I, for one, believe in the conference process. I think we improved the Alaska lands bill in 1978 in the conference. But the problem is that editorialists and various writers, such as this person who wrote this article, seem to think there was a conspiracy between my colleague and me to postpone the debate on that bill until it would be impossible to pass the bill. That is not true.

I made it very plain on the floor of the Senate, when the agreement was reached, and it certainly is very plain to the members of the committee, that I want a bill passed to settle the Alaska lands problems this year. Seventeen of eighteen of the Energy Committee members agreed with me that S. 9 was a bill we could take to conference and on which we could hold the Senate position. Only one member disagreed, and that was Senator TSONGAS, as is his right, and he has sought to offer his amendments and his substitute on the floor, as is his right.

But to have an article published in a newspaper that is looked upon by so many as being the Nation's leading newspaper, in which the object of the article is taking cheap shots at the Indian and Eskimo people of my State, I just do not understand that.

We want to get a bill passed. Of all people who want to get the bill passed the most concerned are the Indian and

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Eskimo people of Alaska. This bill contains 37 amendments that I have put in there at the request of the Alaska Native people. They are amendments that they must have in order to secure their full entitlements under the Alaska Native Land Claims Settlement Act.

Mr. President, it does no good to anyone to have msinformation such as this set forth in the Washington Post.

I am led to believe that some people think Mr. McCarthy is friendly to the Alaska Eskimos. If that is the case, I wonder where he was when we fought the battle to preserve their right to hunt for subsistence purposes the bowhead whales? Where was he when we fought to settle the Alaska Native land claims?

I really cannot tell the Senate just how much that article affected me on Sunday night after I had flown back from my State—a flight that takes from 7 a.m. in Anchorage until 10:30 p.m. in Washington.

When I got here, I found this article in the Sunday paper. It is an article that I hope the editors of the Post will read again and that they will either apologize to the Native people of my State and to me or that they will ask Mr. McCarthy to do that.

Mr. President, I ask unanimous consent that the article by Mr. McCarthy be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

THE PRICE OF PROGRESS: ALASKA, THY NAME IS VICTIM

(By Colman McCarthy)

Ten years ago, when corporate exploiters began going after the wealth of Alaska in earnest, the public was told not to worry. It was only a few caribou that would be disturbed.

Today the price of progress is still small, according to this thinking. Now it's only a few drunken Eskimos.

A University of Pennsylvania report last month on the sudden effects of energy development in Alaska's North Slope on fields found that alcoholism and violence have become major social problems among the Inupiat natives. In one town of 2,000, the alcoholism rate is 72 percent. Homicide and suicide have increased markedly. One of the sociologists said, "Offshore development is expected to peak in 2010 or 2015. We don't see the Eskimos surviving until then."

What probably will survive is the spirit of exploitation that was on view the other evening when the Senate again debated the Alaska land preservation bill. With most of their colleagues having left for the main festivities of the evening—a congressional kickoff dinner (as against a payoff dinner)—Alaskan Sens. Mike Gravel and Ted Stevens maneuvered an agreement that would postpone debate of the bill until next July.

The chances are now increased that no bill at all will emerge from Congress this session, just as none was passed during the last session because of the chaos of the last-minute rush. The Alaska lands bill had been called the major environmental issue of the 1970s. But with one decade's worth of debate already frittered away, it appears as if a running start is under way to delay a final settlement for another decade.

The Carter administration, which favors immediate and strong protections, responded to the Stevens-Gravel stall by using the emergency provisions of another law to set aside 40 million acres of land as wilderness. That was a useful move, except it isn't the way the process is meant to work.

But nothing seems to be working in this seemingly doomed effort to protect the country's last unspoiled area from rape-and-run land abuse.

In the aggression against Alaska, the energy, timber and mining corporations and their couriers to Washington, Stevens and Gravel, have been able to make much of the country forget that these are publicly owned lands they are hot to drill, mine, pave, blast or level. The corporate entity is thus able to do what no individual would ever be allowed to get away with: treat public land as private property.

More audacious: through heavy investments in lobbying and media "public education" campaigns, they have kept the public's representatives—the politicians—from enacting a law to protect what the public already owns. The second Alaskan Land Rush includes the constant rushing around Capitol Hill to ensure that the use of government land be kept a matter of exploitation, not ethics.

The companies currently coveting Alaska are driven, like geologic forces, by the same compulsions that led other companies to run over the land—Appalachia, the Great Plains, the agricultural valleys—as if natural objects had no rights. In the environmental classic "Should Trees Have Standing?" Christopher argued persuasively that, "if the law regards the American corporation as a legal entity, with rights and responsibilities quite apart from those of its officers, employes or shareholders, is it so unthinkable to grant similar rights to a stream, forest, a mountain range?"

For thousands of years, the natives of Alaska, from the Inupiats in the north to the Tlingits in the southeast, have had cultures that respected those rights. The threat of sacrificing those cultures should have been a major reason to turn back the energy companies before they were allowed to attack the North Slope and other areas. It was a moment, to paraphrase E. F. Schumacher, for exploration as if people mattered. Environmental impact statements offer at least a few minor assurances against the worst of kind of assault against the land. But what of human impact statements?

In Alaska, the pattern of victimization keeps on: Only after the worst has happened to families are the psychiatrists and sociologists brought in, and then not to prevent the destruction, but to measure it.

SENATOR JAVITS WILL SEEK REELECTION

Mr. STEVENS. Mr. President, in recent weeks I have spoken on several occasions to publicly urge my good friend and distinguished colleague, the senior Senator from New York (Mr. Javits) to seek reelection to a fifth consecutive term in the U.S. Senate.

A few days ago it was rumored that he would not seek reelection, the Senate will remember that I took the floor to state that I personally hoped that those rumors were ill-founded reports of the outcome of Senator Javits' decision.

Privately, many of us on both sides of the aisle made our cases and yesterday we were not disappointed. Senator Javits announced to a home crowd of supporters that he would continue to serve the Empire State, but all eyes and ears were directed to that area in anticipation and hope, not just those of native New Yorkers. It was great news to learn that the Senator had decided to continue to serve in the able manner to which New York and the Nation have grown accustomed.

Personally, I have known Senator Javits for many years. He is a Senator who gives 110 percent of his efforts to ably do his job and I know of no better, all-round Senator than Senator Javits. The New York Times, over the weekend, contained an excellent article by James Reston regarding the career of Senator Javits and I believe it serves as an accurate summation of all our feelings with respect to this great statesman.

For me, today is a happy day, not only for the State of New York, the Nation, and the U.S. Senate, but a happy day for the Republican Party, now that Senator Javits has made the decision to stay and continue his service in the Senate.

Mr. President, I ask unanimous consent that the article by Mr. Reston be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Feb. 22, 1980]

SAY IT AIN'T SO, JACK

(By James Reston)

Washington, February 21—For the last year, Jack Javits of New York has been trying to decide whether to seek a fifth six-year term in the United States Senate. This has become not only an important political question but also an intensely human story among the politicians here and in New York.

Mr. Javits has served in the Senate for almost 24 years—longer than any other person from his state. He will be 76 next May 18, and until the last nine months was not only the most energetic member of the Congress but a defensive tennis player of formidable and even awesome talents.

Last spring, however, he apparently became concerned about his health and was finally persuaded by a number of friends to stop talking about it and go to Massachusetts General Hospital for a complete medical checkup. A report from a platoon of doctors evidently removed the worst of his fears, but he takes the six-year commitment seriously and was still saying this week that he wouldn't make up his mind until next Monday.

For some senators, this is not such a hard question. Abe Ribicoff of Connecticuit, for example, is getting out this year at 69 with all flags flying. Senator Adlai Stevenson 3d of Illinois is quitting at 49, Henry Bellmon of Oklahoma at 58, and Richard Schweiker of Pennsylvania at 53.

In fact, the retirement rate in both the House and the Senate has been unusually high in recent years because, unlike Javits in his middle 70's, many others seem to be losing their zest for the battle in middle age.

The trouble with Javits is that he is addicted to politics, and even Massachusetts General has no cure for that. He contracted the disease when he was a director of the Citizens Committee for Fiorello LaGuardia in 1941 and has been hooked ever since.

In his case, the symptoms take the form of an obsession for work. His problem is not, as with so many senior senators, that he "can't go home again," but that he really has no home. He has lived most of his life at the office and on the Eastern shuttle between here and New York. He is a New Yorker born and bred, and in a way, he never really moved here. He just worked here, and had he been paid but the minimum wage all these years, he would be a very wealthy man today.

On the political side there is another dilemma. He is now the ranking Republican on the Foreign Relations Committee, at a critical time in the nation's foreign affairs. This means, at least to him, more responsibility and therefore even more work than usual.

It does not occur to him, apparently, that one of his most distinguished predecessors in that job, Arthur Vandenberg of Michigan, made his greatest contribution to this country at the end of the last war and near the end of his life when he had a serious heart ailment and had to take medicine every hour or so on the Senate floor.

Frank Church of Idaho, present committee chairman, has been pointing out to Javits that despite three conservative Republicans added after the last election, the Republicans and Democrats have cooperated so well that they have not been reversed on a single major decision since the committee was reconstituted.

Senators Percy of Illinois and Mathias of Maryland have been trying to persuade Javits that it is lonely enough for liberal Republicans in the Senate without losing him, and even the most conservative of Senators, Barry Goldwater of Arizona, who considered retiring and then switched, has been urging Javits to do the same.

Senator Pat Moynihan took a poll in New York State recently to see how he stood with the voters and also in comparison with Javits. The poll showed that Javits, if nominated, would run ahead of anybody else in either party. But that question of "nomination" could be a little awkward.

Mr. Javits has talked to so many people here and in New York about the pros and cons of running that this has actually given potential opponents time to organize, and has certainly assured that his age and health would be issues he would have to discuss.

When he ran for the Senate the first time in 1956, it was on the urging of a few party leaders who had the power to select him without a primary election. That, of course, is no longer true and he would therefore have to fight for the nomination and then fight again for re-election in the autumn.

Javits is being told that even if he took it easier in the campaign and in a fifth term, he'd still be better than anybody else working 24 hours a day; but while modesty is not his outstanding characteristic, he simply doesn't know how to take anything easy.

Senators are funny that way. They say nobody's indispensable, but usually they mean nobody else. Javits, however, is no common symbol of the rest. He is an exceptionally good lawyer, a fierce debater, and a superb parliamentarian, who knows all the rules and all the cards in the deck.

Mr. Ribicoff will slip comfortably into private life, but public life for Mr. Javits is life, and that's his dilemma. All work and no play didn't make Jack Javits a dull boy, but they didn't make retirement very easy either.

ORDER OF BUSINESS

Mr. STEVENS. Mr. President, with the understanding of my good friend from West Virginia that the Senator from Connecticut may speak out of order—I had intended to yield him the remainder of my time—I will yield back the remainder of my time and the Senator from Connecticut can speak out of order during the consideration of the next bill.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished acting Republican leader.

CIVIL RIGHTS OF THE INSTITUTIONALIZED

Mr. ROBERT C. BYRD. Mr. President, I ask that the Chair lay before the Senate the business for the remainder of the day.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of S. 10, which the clerk will state by title.

The legislative clerk read as follows:

A bill (S. 10) to authorize actions for redress in cases involving deprivations of rights of institutionalized persons secured or protected by the Constitution or laws of the United States.

The Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary with an amendment to strike all after the enacting clause and insert the following:

SECTION 1. Whenever the Attorney General has reasonable cause to believe that any State or political subdivision, official, employee, or agent thereof, or other person acting on behalf of a State or political subdivision of a State is subjecting persons residing in an institution, as defined in section 8, to egregious or flagrant conditions (conditions which are wilful or wanton or conditions of gross neglect) which deprive such persons of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States causing such persons to suffer grievous harm, and that such deprivation is pursuant to a pattern or practice of resistance to the full enjoyment of such rights, privileges, or immunities, the Attorney General, for or in the name of the United States may institute a civil action in any appropriate United States district court against such party for such equitable relief as may be appropriate to insure the minimum corrective measures necessary to insure the full enjoyment of such rights, privileges, or immunities, except that such equitable relief shall be available under this Act to persons residing in an institution as defined in section 8(a) (2) (B) only insofar as such persons are subjected to conditions which deprive them of rights, privileges, or immunities secured or protected by the Constitution of the United States. In any action commenced under this section, the court may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs. The Attorney General shall personally sign the complaint in such action.

SEC. 2. (a) At the time of the commencement of an action under section 1, the Attorney General shall certify to the court—

(1) that at least fifty-six days previously he has notified in writing the Governor or chief executive officer and attorney general or chief legal officer of the appropriate State or political subdivision and the director of the institution of—

(A) the alleged conditions which deprive rights, privileges, or immunities secured or protected by the Constitution or laws of the United States and the alleged pattern or practice of resistance to the full enjoyment of such rights, privileges, or immunities;

(B) the supporting facts giving rise to the alleged conditions and the alleged pattern or practice, including the dates and time period during which the alleged conditions and pattern or practice of resistance occurred, the identity of all persons reasonably suspected of being involved in causing the alleged conditions and pattern or practice at the time of the certification, and the date(s) on which the alleged conditions and pattern or practice were first brought to the attention of the Attorney General;

(C) the minimum measures which he believes may remedy the alleged conditions and the alleged pattern or practice of resistance;

(2) that he has notified in writing the Governor or chief executive officer and attorney general or chief legal officer of the appropriate State or political subdivision and the director of the institution of his intention to commence an investigation of said institution(s) and that from the time such notice—

(A) he or his designee has made a reasonable good faith effort to consult with the Governor or chief executive officer and attorney general or chief legal officer of the appropriate State or political subdivision and the director of the institution, or their designees, regarding financial, technical, or other assistance which may be available from the United States and which he believes may assist in the correction of such conditions and pattern or practice of resistance;

(B) he has endeavored to eliminate the alleged conditions and pattern or practice of resistance by informal methods of conference, conciliation, and persuasion, including discussion with the appropriate State officials of the possible costs and fiscal impacts of the alternative minimum remedial measures, and it is his opinion that all efforts at voluntary compliance have failed; and

(C) he is satisfied that the appropriate officials have had a reasonable time to take appropriate action to correct such conditions and pattern or practice, taking into consideration the time required to remodel or make necessary changes in physical facilities or relocate residents, reasonable legal or procedural requirements, and any other extenuating circumstances involved in correcting such conditions;

(3) that he believes that such an action by the United States is of general public importance and will materially further the vindication of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States.

(b) Any certification made by the Attorney General pursuant to this section shall be personally signed by him.

SEC. 3. (a) Whenever an action has been commenced in any court of the United States seeking relief from conditions which deprive persons residing in institutions of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States causing them to suffer grevious harm and the Attorney General has reasonable cause to believe that such deprivation is pursuant to a pattern or practice of resistance to the full enjoyment of such rights, privileges, or immunities, the Attorney General, for or in the name of the United States, may intervene in such action upon motion by the Attorney General in accordance with the Federal Rules of Civil Procedures.

(b) (1) The Attorney General shall certify to the court in the motion to intervene filed under subsection (a)—

(A) that he has notified in writing, at least fifteen days previously, the Governor or chief executive officer, attorney general or chief legal officer of the appropriate State or political subdivision, and the director of the institution of—

(i) the alleged conditions which deprive rights, privileges, or immunities secured or protected by the Constitution or laws of the United States and the alleged pattern or practice of resistance to the full enjoyment of such rights, privileges, or immunities;

(ii) the supporting facts giving rise to the alleged conditions, including the dates and time period during which the alleged conditions and pattern or practice of resistance occurred; and

(iii) the minimum measures which he believes may remedy the alleged conditions and the alleged pattern or practice of resistance; and

(B) that he believes that such intervention by the United States is of general public importance and will materially further the vindication of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States.

(2) Any certificate made by the Attorney General pursuant to this subsection shall be personally signed by him.

(c) Any motion to intervene made by the Attorney General pursuant to this section shall be personally signed by him.

(d) In any action in which the United States joins as an intervenor under this section, the court may allow the prevailing party other than the United States a reasonable attorney's fee against the United States as part of the costs: Provided, That nothing in this subsection precludes the award of attorney's fees available under any other provisions under the United States Code.

SEC. 4. No person reporting conditions which may constitute a violation under this Act shall be subjected to retaliation in any manner for so reporting.

SEC. 5. (a) (1) Subject to the provisions of paragraph (2), in any action brought pursuant to section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) by an adult convicted of a crime confined in any jail, prison, or other correctional facility, or pretrial detention facility, the court may, if the court believes that such a requirement would be appropriate and in the interests of justice, continue such case for a period of not to exceed ninety days in order to require exhaustion of such plain, speedy, and effective administrative remedies as are available.

(2) The exhaustion of administrative remedies under paragraph (1) may not be required unless the Attorney General has certified or the court has determined that such administrative remedies are in substantial compliance with the minimum acceptable standards promulgated under subsection (b).

(b) (1) No later than one hundred and eighty days after the date of enactment of this Act, the Attorney General shall, after consultation with persons, State and local agencies, and organizations with background and expertise in the area of corrections, promulgate minimum standards for the development and implementation of a plain, speedy, and effective system for the resolution of grievances of adults confined in any jail, prison, or other correctional facility, or pretrial detention facility. Such standards shall take effect thirty legislative days after publication unless, within such period, either House of Congress adopts a resolution of disapproval of such standards.

(2) The minimum standards shall provide—

(A) for an advisory role for employees and inmates of any jail, prison, or other correctional institution, or pretrial detention facility (at the most decentralized level as is reasonably possible) in the formulation, implementation, and operation of the system;

(B) specific maximum time limits for written replies to grievances with reasons thereto at each decision level within the system;

(C) for priority processing of grievances which are of an emergency nature, including matters in which delay would subject the grievant to substantial risk of personal injury or other damages;

(D) for safeguards to avoid reprisals against any grievant or participant in the resolution of a grievance; and

(E) for independent review of the disposition of grievances, including alleged reprisals, by a person or other entity not under the direct supervision or direct control of the institution.

(c) (1) The Attorney General shall develop a procedure for the prompt review and certification of systems for the resolution of grievances of adults confined in any jail, prison, or other correctional facility, or pretrial detention facility, to determine if such systems, as voluntarily submitted by the various States and political subdivisions, are in substantial compliance with the minimum standards promulgated under subsection (b).

(2) The Attorney General may suspend or withdraw the certification under paragraph (1) at any time that he has reasonable cause to believe that the grievance procedure is no longer in substantial compliance with the minimum standards promulgated under subsection (b).

(d) Noncompliance by an institution with the minimum standards promulgated under subsection (b) shall not constitute the deprivation of rights, privileges, or immunities secured or protected by the Constitution.

SEC. 6. The Attorney General shall include in his report to Congress on the business of the Department of Justice prepared pursuant to section 522 of title 28, United States Code: (a) a statement of the number, variety, and outcome of all actions instituted pursuant to this Act including the history of, precise reasons for, and procedures followed in initiation or intervention in each case in which action was commenced; (b) a detailed explanation of the procedures by which the Department has received, reviewed, and evaluated petitions or complaints regarding conditions in institutions; (c) an analysis of the impact of actions instituted pursuant to this Act, including an estimate of the costs incurred by States and other political subdivisions; (d) a statement of the financial, technical, or other assistance which has been made available from the United States to the State in order to assist in the correction of the conditions which are alleged to have deprived a person of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States; and (e) the progress made in each Federal institution toward meeting existing promulgated standards for such institutions or constitutionally guaranteed minima.

SEC. 7. The Comptroller General of the United States shall evaluate the adequacy of programs of financial, technical, or other assistance which are currently available to the States from the United States to assist in the correction of the conditions which are alleged to deprive a person of the rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, including but not limited to the application procedures used, the coordination between different Federal agencies, and the level of funding.

SEC. 8. As used in this Act—

(a) The term "institution" means any facility or institution—

(1) which is owned, operated, or managed by, or provides services on behalf of any State or political subdivision of a State; and

(2) which is—

(A) for persons who are mentally ill, disabled, or retarded;

(B) a jail, prison, or other correctional facility;

(C) a pretrial detention facility;

(D) for juveniles—

(i) held awaiting trial;

(ii) residing in such facility or institution for purposes of receiving care or treatment; or

(iii) residing in such facility or institution for any State purpose, other than a facility or institution for juveniles who have not been adjudicated delinquents or are not neglected juveniles or are not mentally ill, disabled, or retarded who are residing in such facility or institution for the sole purpose of receiving elementary or secondary educational training or services; or

(E) for the chronically ill or handicapped, including any State-supported intermediate or long-term care or custodial care facilities.

(b) Privately owned and operated facilities shall not be deemed "institutions" under this Act if—

(1) the licensing of such facility by the State constitutes the sole nexus between such facility and such State; or

(2) the receipt by such facility, on behalf of persons residing in such facility, of payments under tite XVI, XVIII, or under a State plan approved under title XIX, of the Social Security Act, constitutes the sole nexus between such facility and such State; or

(3) the licensing of such facility by the State, and the receipt by such facility, on behalf of persons residing in such facility, of payments under title XVI, XVIII, or under a State plan approved under title XIX, of the Social Security Act, constitutes the sole nexus between such facility and such State.

(c) "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any of the territories and possessions of the United States.

SEC. 9(a). It is the desire and intent of Congress that deplorable conditions in institutions covered by this law amounting to constitutional deprivations be corrected and eliminated, not only by litigation, as contemplated herein, but by the volunteer good faith efforts of the State and local governments. It is the sense of the Congress that where Federal programs contain purposes and provisions for funds which are designated or designed to assist a given State in improving or upgrading institutions against which the Attorney General has commenced or intervened in litigation under the provisions of this Act or related treatment or rehabilitation programs, then priority should be given to the correction or elemination of such unconstitutional conditions from that portion of such Federal programs so designated or designed. It is not the intent of this provision to cause the redirection of funds for one program to another or from one State to another.

(b) When the Attorney General is contemplating actions under section 1 or 3 of this Act, he shall notify any Federal department, agency, or entity with an interest in such institution, of the alleged unconstitutional conditions.

SEC. 10. Provisions of this Act shall not authorize promulgation of regulations defining standards of care.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WEICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WEICKER. Mr. President, I ask unanimous consent that I might speak for 1 minute out of order at this time.

The ACTING PRESIDENT pro tempore. That request has been granted.

SENATOR JACOB K. JAVITS

Mr. WEICKER. Mr. President, I rise with great joy in my heart, having learned of the decision of my colleague and good friend, Senator JAVITS, to run for another term.

I do not think there is anyone on this floor who would deny that he has one of the most able minds of any Senator in this Chamber. Indeed, his wisdom is not equaled by any one of us. Maybe 99 might do the job of a JACK JAVITS but not one of us is up to his vision, knowledge, and eloquence.

Politically, JACK JAVITS has been a voice of moderation in the Republican Party; a voice I wish were heeded even more now.

He established the fact that a Republican could win in an urban State. A few of us have emulated him, but he is the pioneer. The bottom line, as far as JACK JAVITS is concerned, has been that he wins elections. I know he is going to win the 1980 one.

It is not supposed to be political protocol to make one's feelings known prior to the primary process, but I will state here and now my support of JACK JAVITS. I will do everything possible to see that he prevails both within his party and in the general election.

I note he has admitted to some muscular disorder which slows down his tennis a bit. But even slowed down, he's a better doubles partner than 99 percent of my colleagues.

JACK is a fine gentleman, possessed of a very brilliant mind. He is the resident visionary within the Republican Party.

I think yesterday's announcement by JACK JAVITS is nothing but good news, and that in a party which has not had much good news during the past decade.

I look forward to hitting the campaign trail with him and know that he will be back here for another 6 years.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

POSTPONEMENT OF VOTE ON PROTOCOLS AND CONVENTIONS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, as in executive session, that the vote that was scheduled for today on the two protocols, the convention, and the agreement be postponed to a later date, which will be announced as soon as I can do some further checking.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

CIVIL RIGHTS OF THE INSTITUTIONALIZED

The Senate continued with the consideration of the bill.

Mr. BAYH. Mr. President, I ask unanimous consent that Mr. Stanley Hilton, Mr. Stephen Markman, Brian Fitzgerald, Christie Johnson, Linda Rogers Kingsbury, Marcia Atcheson, and Mary Jolly be granted access to the floor during debate and vote on S. 10. I understand that Mr. Kevin Faley has already been granted that access.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAYH. Mr. President, I rise today to discuss the bill S. 10, commonly called the civil rights of the institutionalized bill. This bill would give the U.S. Attorney General standing to sue State and local institutions in the presence of a pervasive "pattern or practice" of deprivation of constitutional rights.

I should like to emphasize the criteria which it is designed to prevent—namely, a pervasive pattern or practice of deprivation of constitutional rights.

I first introduced similar legislation on March of 1977. This bill has passed the House twice, the last time by a vote of 342 to 62 on May 23 of last year. It has been reported favorably by the Judiciary Committee twice, this time by a vote of 12 to 4 on November 2. I am hopeful that the Senate will act favorably on this legislation now that we have the opportunity to debate it fully and to vote.

The time has come to pass this matter and to get about the business of protecting the United States constitutional rights of many of our citizens, who do not have the capacity to protect themselves.

For the opportunity to reach this stage of the legislative process, the Senate owes a deep debt of gratitude to, and I should like to thank, the distinguished majority leader, the distinguished minority leader, the acting minority leader, our distinguished colleague from Alaska, and those on both sides of the aisle who have, in the spirit of cooperation, agreed to let this legislation come before our colleagues for their consideration.

There are a number of our colleagues who have serious reservations about this measure, primarily because of experiences they have had while serving in other capacities before coming to the Senate. The distinguished Presiding Officer at this moment is one of those who have had reservations. I hope that, in the process of considering this bill, we shall be able to accommodate most of the concerns expressed by our distinguished colleague from Oklahoma and others.

During the last 3½ years, we have held 8 days of hearings on this legislation, creating a 1,640 page record. As I listened to the testimony of the 56 witnesses who came before us, I became more and more convinced that what we are trying to accomplish today is necessary, in fact, vitally important. Like most of my colleagues, certainly like my colleague from Utah (Mr. HATCH), whose support has been so important to the progress of this legislation, I am extremely concerned about the role of the Federal Government and the role of the State government in issues such as this one. I do not and I never have believed in wholesale interference in the State's business by the Federal Government.

In fact, it seems to me the rule to be applied is the least Federal interference is the best course, provided the rights of individual citizens, who are U.S. citizens as well as State citizens, can be adequately protected.

So, when my colleagues have argued that this legislation provided an opportunity for unwarranted intrusion into the business of the States by the Justice Department, I have listened. Through the committee process, we have, in the last 3 years, continually added safeguards to protect the States from such unwarranted intrusion. I ask unanimous consent that I be permitted to have printed in the RECORD a listing of some of those safeguards at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROVISIONS IN S. 10 WHICH AFFORD THE STATES NOTICE AND OPPORTUNITY TO REDRESS PROBLEMS ON THEIR OWN BEFORE THE JUSTICE DEPARTMENT INTERVENES

SECTION 2

1. Section 2(a)(2) calls for written notification to the appropriate state officials at the time of the commencement of an investigation.

2. Section 2(a)(2)(A) provides that the Attorney General certifies that he had made a good faith effort to consult with the appropriate state officials about financial, technical or other assistance available from the U.S.

3. Section 2(a)(2)(B) provides that the Attorney General certifies that he has endeavored to eliminate the conditions by informal methods of conference, conciliation,

and persuasion which include discussion about fiscal impacts on the state.

4. Section 2(a)(2)(B) also provides that the Attorney General must certify to the court that he believes that all efforts at voluntary compliance have failed.
5. Section 2(a)(2)(C) provides that the Attorney General must certify that appropriate officials have had a "reasonable time" to take appropriate action to correct the conditions taking into consideration the kinds of variables likely to occur.
6. Section 2(a)(1) provides that the Attorney General certify that after all of the preceding has taken place and at least 56 days prior to the commencement of an action the Attorney General has notified, in writing, the appropriate state officials of the alleged conditions, supporting facts including dates and time period during which the conditions occurred, the identity of all persons reasonably suspected of being involved in causing the conditions and the minimum measures necessary to correct the alleged conditions.
7. Section 3(b) provides that at least fifteen days prior to the filing of a motion to intervene the Attorney General has notified the appropriate state officials in writing of all of the specifics outlined in Section 2(a)(1) of the legislation as stated previously.
8. Section 7 provides that the Comptroller General of the United States shall evaluate the adequacy of programs of financial, technical or other assistance which are currently available to the States from the U.S. to assist in the correction of such conditions which could be the basis for suit under the provisions of S. 10 and provide a report on his findings.

Mr. BAYH. Mr. President, I think it is fair to say that, in an effort to reach accommodation with some who are adamantly opposed or deeply concerned about this legislation, we have, in the process of give and take which is traditional to the Senate, reached a point where we have a bill which can accomplish most of the purposes that we set out to accomplish.

I feel, for myself and others, that there are aspects about this bill which could be improved. However, in order to get the measure moving, all of us have had to make certain accommodations in an effort to get a bill which could get through the Senate, or could, at least, get by the parliamentary hurdles which have kept it from even being voted on prior to this time. Some of these points which have been included in the bill, points which are designed to protect the States' rights, are as follows:

First. The Attorney General must engage in consultation with the State to attempt to correct the conditions through "informal methods of conference and conciliation."

Second. The Attorney General must present written notification to the appropriate State officials at the commencement of an investigation, not just the filing of a motion but of investigation.

Third. The Attorney General must certify to the court that he has filed this motion only after he believes that the States have had a reasonable time to make the necessary changes to correct the conditions.

Fourth. In our report, the legislative history of this bill, we urge the judge to consider, when there is more than one possible method for correcting conditions, any of which would be satisfactory, that the court choose the method preferred by the State.

Fifth. Finally, the conditions themselves must be egregious and flagrant conditions pursuant to a pattern or practice of deprivation of constitutional rights causing the residents or inmates grievous harm.

Egregious or flagrant conditions are precisely what the Justice Department has found when they have intervened or entered cases as amicus. I invite any of my colleagues who are interested to read, as I have, the decisions, the testimony, the pre- and post-trial briefs on the cases which the Justice Department has entered. It is clear that Federal actions were taken to improve conditions which would not be tolerated by ours or any other civilized society.

That is what we have been about, prior to the introduction of this bill by the Justice Department, and that is what we are trying to accomplish now.

I have heard witnesses tell me that they watched children choke to death on their food because of the need to feed mentally retarded children their meals in under 3 minutes, 3 minutes to feed children who had motor impairment, who could hardly chew or swallow, who had little or no use of their hands or arms. This practice was necessary because of lack of staff. The parents were told their children died of natural causes. I have seen Justice Department exhibits which included pictures of children tied spread eagled to their cribs, where they were forced to lie like that for hours, sometimes days, covered with burlap with only an opening for their eyes. I have read about gang homosexual rape of paraplegic prisoners. In our hearings I heard about juveniles who were sent to segregated homosexual dormitories as punishment for infraction of the rules of their institution, and of children who were sutured without the use of anesthesia who had their teeth pulled without the use of novocaine in mental retardation institutions. The doctors and dentists in question said they believed the mentally retarded could not feel pain. The nurses and aides who testified at the trials said it sometimes took two or three people to hold those children down as they screamed.

That is the kind of flagrant abuse of human rights that this bill is designed to prohibit.

We are not saying that States and State administrators of institutions are sadistic, are trying to hurt their charges, most are not. What those of us who are supporters of this legislation are saying is that frequently this particular group of people, the institutionalized, are thought of last. They have been locked away not only from our society but also from our thoughts and considerations. If this leads to neglect, to the State permitting widespread systemic abuse of people's rights, abuse that causes them bodily injury and sometimes even death, abuse that leaves the teachable mentally retarded child a vegetable and causes the elderly to live their last years in despair, then it is necessary for someone to come forward and we are suggesting that it is fitting and proper that the Attorney General under these circumstances be that someone.

There are those who will be telling you during this debate that private litigants can come forward on their own. To some extent this is true and many have come forward.

In several instances the Justice Department has joined in those suits that have already been initiated.

However, we should be very aware that the expense of a prolonged trial, the difficulties of discovery in such a circumstance and the very real fear of retribution is such that many do not come forward. Usually they do not in the very worst cases because that is the circumstance under which it is going to cost the most money, take the most time and is the most likely to lead to retribution.

It is those who are presently kept in our institutions for the mentally retarded for whom I have the greatest sympathy.

We had evidence before us of several cases of mentally retarded children, prior to our investigation and public disclosure, being subject to the brutal tactics of handcuffing, chaining, being tied to their beds. Since that practice has received such bad publicity, it has stopped in most instances in our institutions.

However, it has been replaced by a more subtle way of debilitating and shackling those mentally retarded children. In several instances, there was ample evidence that drugs were used to sedate the children until they were the same as unconscious day after day after day.

This, it seems to me, constituted the use of mental handcuffs to replace the metal ones which had been used earlier. The resulting impact on the children involved was disastrous, to say the least.

We have developed sophisticated ways of reclaiming lost lives of children who are mentally retarded. Our mental health organizations, our doctors, nurses, and institutions, new kinds of therapy, have truly worked miracles. However, case history after case history discloses that children, who otherwise could be retrained and their lives reclaimed and recaptured to live relatively normal lives, are instead subjected to prolonged doses of drugs that, indeed, cause them to regress to the place that it is impossible for them to be retrained, indeed, to the place where they cannot care for their own bodily functions.

In fact, tragic as it may sound, they become little more than a heap of flesh and bones, a living vegetable, instead of a live, vibrant child that still has the capacity to live and enjoy a relatively normal life.

We feel very strongly that such cases are of "general public importance," that such cases go to the very heart of what our society is trying to do. The protection of the constitutional rights of all of our citizens is the province of the Justice Department and is the concern of all Americans. Not one of us is exempt from growing old, from bearing a mentally or physically handicapped child, or from many of the other circumstances that lead to institutionalization. That is why we have offered this legislation. We offer it not just because the Justice Department has asked us to do it, but because the National Association for Retarded Citizens, the Mental Health Association, the American Psychological Association and many others have told us the people they represent need and want the Attorney General to have this power.

One organization that has been particularly active in the pursuit of the protection of the rights of the individuals involved here has been the American Civil Liberties Union.

We are conferring no new rights. We leave it to the courts to decide what the rights of these people are based on the Constitution of the United States and other legislation we have passed which is now the law of the land. We are simply saying that under a very specific set of circumstances the Attorney General should be able to sue for redress of deprivation of federally guaranteed constitutional and statutory rights. There can certainly be little real argument that this is a proper role for the Federal Government and is not inconsistent with the exercise of States rights.

There are those who will stand up and say that the Justice Department came into their State under rule 24 of the Federal Rules of Civil Procedure and that the State was doing an adequate job of taking care of the problem.

That may well be the sincere belief of those who make that statement during the debate.

But I have reviewed every case in which the Justice Department has intervened, and the committee has looked carefully at them, and in most of them, the primary plaintiffs were in court for at least 1 year, sometimes 2 or 3—not weeks or months, or days—but years before the Justice Department came in. Yet when Justice entered the case they were still able during their discovery to find incredible abuse in the institution in question. If the State has been fighting a case in court for 3 years it seems to me to be inconsistent that they then claim that they did not know that there was a problem in the institution. How, more importantly, can they justify not correcting those egregious wrongs?

There will be those who will say that the Justice Department was heavy handed in these efforts. This type of approach is inexcusable and should not be tolerated and I am prepared to believe that we cannot control everyone who might be in the Justice Department. Indeed, there may have been some heavy-handed response by the Justice Department to wrongs that were perceived.

Because I want to prevent Federal abuse, during the last 3 years I have accepted more than 35 amendments to this bill to try to solve that problem. Even the Justice Department's power to intervene now has some restraints placed upon it through our bill. In doing that we attempted to walk a fine line between protecting the prerogatives of the States and protecting the rights of those people who were brave enough to come forward and sue in the first place or were unable to bring suits in their own behalf. The Senator from Kansas came up with what I believe to be a fine solution. That amendment was offered during full committee consideration and was supported by both Senator HATCH and myself and by 11 other members of the committee.

The Senator from Missouri presented us with a problem that caused me great concern. He said the Justice Department had not told him precisely what their purpose was in coming to Missouri when he was that State's attorney general. This should not be. Therefore, section 2(a)(2) of the legislation now contains a provision which requires the Attorney General to notify the State in writing at the time of the commencement of an investigation, hopefully cleaning up any potential problem in this area.

One State attorney general in our hearings said that he could not get information from the Justice Department as to exactly what the abuses were for which his institution was being sued. While I have good reason to suspect that he did know what the problem was, since he had access to 60 pages of medicaid certification violations and the superintendent of the institution himself was telling the local press that if they did not straighten out their problems in that institution there was going to be a suit, nonetheless, we tightened up the provisions in our bill that deal with what shall be included in the notification to the State given 56 days before suit can be filed.

No other civil rights bill of this kind contains as rigorous a certification process as this one does.

I ask unanimous consent to have printed in the RECORD a comparison of such provisions in this and previous legislation giving the Attorney General the right to initiate suit for abuse of civil and constitutional rights.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

	H.R. 10/S. 10	Title IV, 1964 act	Title VIII, 1968 act	Title VII, (1972 amendments)
Notice required	Yes	Yes	Yes	Yes.
Minimum time	30 days	No	No	No.
Time for corrective action	Yes "reasonable"	Yes "reasonable"	30 days or "reasonable promptness."	Only if requested.
Consultation and advice	Yes	No	No	No.

Mr. BAYH. Mr. President, to my colleagues who say that this is a State's rights issue pure and simple, my only response can be that while I understand their viewpoint—and I feel strongly about States rights, also—I must say that I believe this is a human rights issue, a human being issue, a U.S. citizen issue. One of my colleagues was heard to say at one point during consideration of this bill that he hoped we would get down to what this bill was all about, which to him meant State's rights. I cannot help but believe that this bill is all about something much different and much greater. This bill is about those people I talked of earlier. This bill is about the unspeakable terror of living every day of your life wondering, moment to moment, whether someone is going to hit you for reasons you cannot comprehend—in fact, for no reason at all. This bill is about children who will never know love or caring, about adults who have lived their whole lives in institutions in which they were never permitted to learn, to have any possessions of their own or any of the comforts we take for granted every day.

In fact, this bill is about some adults who were brought to the attention of our committee who were incarcerated in institutions for the mentally ill and who should never have been put there in the first place. Yet, because of the temporary condition in which they found themselves, they did not have the capacity to get out in order to even have their case heard. How can we permit that kind of condition to exist in the United States of America?

This bill is about the elderly being forced to die spiritually long before they die physically. This bill is about the uncomprehensible misery of living and dying like that and never knowing anything else and never having any hope of knowing anything else.

I do not believe that S. 10 will solve the entire problem of abuse in our institutions. It is not intended to do that. We all know that one of the problems that exists in those institutions is the desperate need for resources, and we know of the great competition that exists for limited resources at the State and local levels.

This legislation is a small step toward handling the worst cases of abuse that no other method, not the tireless efforts of public interest groups or efforts at negotiation have solved. It is one tool in what I hope will become an arsenal developed by all concerned. I hope that my colleageus will agree to take this small step and will vote favorably on this legislation so that we can at least join our colleagues in the House in sending out a message that we do care about these people who for whatever reason have been put into institutions, and that we will not tolerate unconscionable and unconstitutional treatment for any of our citizens whatever their circumstances.

Mr. HATCH. Mr. President, I rise in strong support of S. 10, civil rights of the institutionalized. I am pleased to be cosponsor of this measure with the distinguished chairman of the Judiciary Subcommittee on the Constitution, Senator BAYH. It has been a privilege to have worked on this bill with him for more than 2 years.

I feel very deeply about this proposed legislation. I believe it is overdue, and something that those of us who are conservatives should stand up for.

S. 10 would authorize the Attorney General of the United States to initiate and to intervene in actions brought to redress the violation of constitutional and Federal statutory rights of individuals residing in State institutions. These institutions are defined to include facilities for the mentally ill, the disabled, and the retarded, juvenile homes, nursing homes for the chronically ill or handicapped, and correctional facilities. A broad range of protections are afforded the States to insure that the Federal Government acts only with respect to the most abusive circumstances, and only as a last resort.

S. 10 represents an effort by Congress to secure the rights and dignity of a class of persons unique in their inability to assert these claims for themselves. They are a class of persons that have in common a physical isolation from the world around them, an isolation that makes it difficult for them to communicate injustices that they bear, and an isolation that makes it easy for the rest of the world to ignore them.

This is compounded by the fact that many of these people also have in common an isolation extending far beyond mere physical isolation. The burdens borne by many of them are of a far more enduring and irremedial nature.

Although I am reluctant to urge the support of this or any other legislation on the basis of what may be isolated horror stories, I must nevertheless say that I was shocked by some of the incidents that have come to the attention of the Constitution Subcommittee during the 8 days of hearings that have been conducted on this legislation. We have heard about the wounds of mentally retarded persons being sutured in the absence of anesthesia; we have heard about mental patients being confined in straitjackets for such extended periods of time that permanent circulatory damage has been done; we have heard about juveniles being punished by confinement in segregated homosexual dormitories; we have heard about the use of cattle prods for discipline, beatings, and tortures and continued neglect.

These incidents must be put in perspective, of course. They are not common occurrences. Most State institutions are administered and staffed by individuals who are competent and compassionate. We must not lose sight of the fact that S. 10 is directed only at that small handful of institutions and individuals who fall significantly short of these standards.

Since 1971, the Attorney General has been involved in a series of civil actions as an amicus curiae seeking to redress widespread deprivations of constitutional and Federal statutory rights. In some instances, this participation has been requested by the courts; in others, the Attorney General has petitioned to intervene. In nearly a decade, the Attorney General has participated in this manner in no more than 30 cases.

This limited role, however, has been threatened by two recent court decisions, *United States* v. *Solomon* 419 F. Supp. 358 (D. Md. 1976); *United States* v. *Mattson*, C.A. No. 74–138–Bu (D. Mont. 1976); affirmed on appeal *United States* v. *Solomon* C.A. No. 76–2184 (4th Cir. 1977); *United States* v. *Mattson* 600 F.2d 1295 (9th Cir. 1979). In each, the court ruled that, absent express statutory authority, the Attorney General lacked appropriate standing to challenge conditions in State institutions. While similar authority has been vested in the Attorney General in the context of other legislation, it has never expressly been conferred for the purpose of enforcing the rights of institutionalized persons. S. 10 seeks to fill that void.

There is no doubt in my mind that S. 10 is an appropriate exercise of statutory authority by Congress. I would like to make some points in this regard that seem to me to have been overlooked by some who are concerned about an intrusive Justice Department impinging upon the rights of the States. I am as concerned as any Senator about trends in recent years by the Federal judiciary to elevate issues to a constitutional dimension. *Wyatt* v. *Stickney* 325 F. Supp. 781 (1971) in some respects illustrates that sort of case in my opinion. While there were unquestionably unconscionable abuses occurring in that case that did rise to a constitutional level—tying retarded persons to their beds at night, for example—other aspects of the Alabama situation with respect to mentally retarded persons, such as patient-staff ratios, or numbers of bathrooms per one hundred institutionalized persons, do not seem to me to be of a constitutional magnitude. Too much of this sort of judicial reinterpretation of the Constitution has occurred in recent years.

Given, however, that the courts have identified some State action as violative of a constitutional right, or violative of some right conferred by a statute that the Federal Government is authorized to enact, I am hard-pressed to assert that the Attorney General lacks authority to effectively enforce these rights. While each of us may have our disagreements with judicial interpretations of the precise scope of these rights, that is a distinct issue from how they are to be enforced. No State institution has the right to deny citizens of the United States those rights which are of constitutional dimensions or of Federal statutory derivation. With respect to violations of the 14th amendment, upon which most civil rights of institutionalized persons have been grounded, section 5 of that amendment expressly confers such enforcement authority in Congress.

Further, while I have great respect and reverence for the 10th amendment of the Constitution, and believe it to have been a grossly neglected amendment, I do not find it convincing as a basis of constitutional objection to S. 10. That amendment provides that powers not delegated to the United States by the constitution nor prohibited by it to the States, are reserved to the States, respectively, or to the people. Quite simply, the prohibitions upon the States enforced by S. 10 are prohibitions that, in the view of the courts, have been imposed upon them by the Constitution. The authority in Congress to remedy their violation is an authority that has been delegated to Congress by the Constitution.

S. 10 attempts not to create an adversary relationship between the Federal Government and the States. It requires, prior to the Attorney General bringing suit, that he comply with a rigorous procedure aimed at securing voluntary and informal solutions to perceived problems. Before the Attorney General can involve himself in S. 10 actions, he must make the following findings:

First, he must ascertain the existence of conditions within a covered institution that are egregious and flagrant. Such conditions must be the result of gross neglect, or of a willful or wanton character.

Second, he must ascertain that such conditions deprive institutionalized persons of rights, immunities, or privileges secured or protected by the Constitution, or by Federal statute. In the case of persons in correctional facilities, there must be a violation of the Constitution.

Third, he must ascertain that institutionalized persons are suffering grievous harm as a result of the conditions.

Fourth, he must ascertain that such conditions are pursuant to a pattern and practice of resistance by the State or by the institution. Mere isolated violations, or one-time occurrences will not suffice to trigger Justice Department involvement.

In addition to such findings, the Attorney General must take the following actions prior to initiation of a civil action under S. 10:

First, he must certify that he has notified in writing, at least 56 days previous, the Governor, Attorney General, and institution director, of the alleged conditions which deprive the institutionalized persons of their rights, as well as of the alleged pattern and practice of resistance to the exercise of their rights.

Second, he must fully communicate to these officials the supporting facts giving rise to his allegations, including precise dates and time periods.

Third, he must notify these officials of the "minimum" measures that he believes will remedy the alleged conditions. Once an institution has raised its standards above the minimum required by S. 10, it is no longer vulnerable to suit by the Justice Department under S. 10. S. 10 does not, and is not intended to, impose "good" or "desirable" or "comfortable" conditions upon state institutions. It is intended only to ensure that constitutional and Federal statutory violations of a continuing character are not occurring.

Fourth, the suggested remedies of the Attorney General are to be as precise and as explicit as possible without removing from the States the necessary flexibility to fashion appropriate remedies for their own institutions. Where alternative remedies exist, either of which would secure minimum standards for state institutions, that remedy is to be preferred which is preferred by the State itself.

Fifth, the attorney general must make a reasonable effort to notify State officials of any technical and financial assistance that may be available to them from the Federal Government.

Sixth, he must discuss with State officials the costs and overall fiscal impact of alternative minimum remedial measures.

Seventh, he must attempt to correct alleged conditions through informal and voluntary methods.

Eighth, he must insure that State officials have had a "reasonable" time, in light of all the circumstances, to take appropriate corrective measures on their own.

Ninth, he must certify that he believes an action by the United States is of "general public importance" and will "materially" further the vindication of constitutional or Federal statutory rights.

Tenth, the Attorney General must personally certify both the complaint and the certification of facts.

Thus, S. 10 seeks to insure that the Attorney General be authorized to initiate civil actions against State institutions only under the most exceptional circumstances, and only following compliance with a number of provisions designed to protect the States from arbitrary litigation.

Many of these same procedures required by section 2 prior to initiation are also required under section 3 prior to intervention by the Attorney General. It is my hope that, to the extent practicable, they will all be respected. It is not the intent of the authors of this legislation that the Attorney General be allowed to circumvent the preconditions of section 2 suits through the artifice of intervention. An element of flexibility, however, is required in section 3 in order to insure that the rights of the principal litigants are not prejudiced.

Section 6, requiring the Attorney General to file an annual report to Congress on actions taken pursuant to S. 10, is designed to allow Congress the effective opportunity to review the nature of actions taken by the Department. The Attorney General must report on the number, variety, and outcome of all actions instituted, including a history of, the precise reasons for, and the procedures followed, in each case of initiation and intervention. He must also submit a detailed explanation of the procedures followed by the Department in receiving, reviewing, and evaluating petitions or complaints, as well as an analysis of the impact of all of the Department's decisions, including an estimate of the costs incurred by States and individual institutions.

In addition, there are a number of other provisions designed to limit the discretion of the Department:

First. The Attorney General is absolutely prohibited from promulgating rules or regulations defining standards of care.

Second. The Attorney General is empowered to seek only equitable relief, not money damages. While no equitable remedies are absolutely barred, the report clearly states that it is the intention of the committee that courts prefer the injunctive remedy to other equitable remedies, such as restitution.

Third. In actions relating to alleged violations of the constitutional rights of prisoners, such persons may be required to exhaust internal grievance procedures before the Attorney General can become involved pursuant to S. 10. These grievance procedures must be certified by the Attorney General before their resort can be required. Failure by a State institution to comply with Justice Department grievance standards is not, however, evidence of any substantive violation of this act itself. Compliance is purely voluntary.

Fourth. Prevailing State or institutional defendants are authorized to receive attorneys' fees by the court.

I am particularly pleased that S. 10, more clearly than it has perhaps in the past, is limited in scope to truly public institutions. It is not the intent of S. 10 to cover genuinely private institutions. Indeed, there would be serious constitutional difficulties, in my opinion, if it sought to do that. Institutions, in order to be within the purview of S. 10, must partake in some significant respect of the qualities of a State or public institution.

It is not the intent of S. 10 that an essentially private institution be covered simply because it is licensed in some respect by the State. It is not the intent of S. 10 that an essentially private institution be covered simply because persons residing there are recipients of funds under titles XVI, XVIII, or XIX of the Social Security Act. It is not the intent of S. 10 that an essentially private institution be covered simply because there are a "De Minimus" number of persons residing there as a result of some form of State action, such as referral procedures. And it is not the intent of S. 10 that an essentially private institution be covered simply because each of these factors is in existence.

Whatever novel interpretations may eventually be accorded the concept of "State action" as used in the 14th amendment, such interpretations merely define the permissible outer bounds of legislation such as S. 10. They do not compel Congress to exercise this authority in a plenary manner.

Mr. President, S. 10 is a responsible legislative effort. It respects the legitimate rights of the States, while promoting the equally legitimate rights of those individuals who, for generally unfortunate reasons, find themselves in the care of the States. There is no right in either the Federal Government or in the States to abuse these persons or to subject them to degrading and inhumane conditions. There is no prohibition upon the right of the Federal Government to see that its citizens are being provided with basic constitutional rights.

Mr. President, one of the reasons for my support for this legislation have been my experiences in having worked with a number of people who have themselves been in institutionalized situations or with the families of institutionalized people. I have observed and heard about various kinds of abuses, abuses that are both institutional in nature, and those arising from the nature of the lives of these people.

The thing that bothers me most about these people in these institutions is that they are without recourse. It is difficult if not impossible for them to protect themselves, particularly persons with mental emotional disturbances. They are in an almost impossible situation if they happen to be subjected to some of the inhumane conditions that we have heard discussed in the committee.

It is time that we recognize this, and use whatever resources are properly available to correct these conditions.

S. 10 does not denigrate the States; the vast majority of them are doing a competent and good job. My own State of Utah, I believe, is one of these. Where abuses have come to its attention, the State has moved quickly to remedy them.

I hope that this will be the response in most situations. I hope that litigation will seldom, if ever, be necessary. I hope that this is the way S. 10 will work.

But, if there are States that are recalcitrant, if the leadership of the State wrongfully refuses to correct instances of inhumane treatment of institutionalized people, then there must be legal recourse.

I urge all of my colleagues to give sincere consideration to this particular bill as I know they will. I urge their support for S. 10. In my opinion, it is both restrained and compassionate and balances proper consideration for State's rights and the rights of the institutionalized.

I commend the sponsor of this bill for his work on it, for his abilities, and for his reasonableness in compromising on various issues that have arisen during its consideration. As always, since I have served as ranking member on the Judiciary Subcommittee on the Constitution, he has been courteous, considerate, and helpful to all Members on both sides of the aisle.

I have a great deal of respect for Senator BAYH, and I want that to be noted particularly with regard to this bill.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. HATCH. I would be delighted to yield.

The PRESIDING OFFICER (Mr. FORD). The Senator from Indiana.

Mr. BAYH. Mr. President, I appreciate the thoughtful remarks of my friend and colleague from Utah, and I want to express to him my appreciation for the patience he has exhibited in joining in the study and in the search for a solution to this problem.

I understand it has not been an easy question for him to deal with in many ways, but he has remained steadfast and true, and a loyal ally in pursuit of protecting the rights of those who are really in a position where they are not able to protect themselves.

I think he has made a significant contribution in our effort to reach out and try to find that delicate balance, on the one side, where we protect the rights of individuals and, on the other side, where we recognize the rights of States.

I just want to say the Senate is in his debt, and I want to say that I am in the Senator's debt for the thoughtful contribution he has made in this effort.

Mr. HATCH. I think my colleague from Indiana. I feel the same way toward him and greatly respect his patience, his diligent efforts, and very decent and courteous manner in which he has gone about getting this important bill to the floor.

I also thank Senator THURMOND for allowing me to make this statement before his during this morning's proceedings.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, today we are considering S. 10. This bill is entitled "Rights of Institutionalized Persons," but this is misleading. I hope that all of my colleagues and their staffs will take time to really study this bill. S. 10 will make the Justice Department a superpoliceman, constantly trying to intrude into the affairs of State health and penal institutions.

When this bill was in committee, I saw the strategy of some supporters of this bill plan to use. They will run out some of the goriest horror stories that they can think of in an attempt to cloud the real problems with the legislation. Those horror stories are not representative of the way States are responding to the needs of their citizens. Many of these tales of horror are many years old. Any recent stories like this are isolated incidents. They are not a true representation of how the States now view, and fulfill their responsibilities to their citizens who need assistance.

This legislation may be disguised as civil rights legislation, but let us call it what it really is. It is another attempt to more deeply entrench another Federal bureaucracy. The true beneficiary of this bill is the Justice Department. It is difficult for me to believe that the American people really want more Federal bureaucratic intrusion in every sphere of their lives. What makes this legislation even more unacceptable is the fact that not only would this new power be nonproductive, but it would be counterproductive. Money spent in protracted, devisive litigation is money which cannot be spent to help those people who really need assistance. When I talk about unnecessary and wasteful litigation, I am not talking about what might happen or what could happen. I am talking about what has happened and what is happening today.

Take my State as an example. South Carolina has made a firm commitment to the care of its mentally-ill citizens. During the 1960's and 1970's, South Carolina made the human and financial commitment necessary to achieve the kind of care its citizens needed. Now I know that some people may think that I would naturally praise my State for its efforts, and although I am proud of my State's response in this area, the objective evaluation by outsiders confirms my statements. One of the foremost judicial leaders on care for the disabled is Judge Frank Johnson, whose opinion in Wyatt against Stickney has become the cornerstone for mental health care for the institutionalized in this country. I would like to share with you Judge Johnsons comments on the South Carolina programs for the disabled. I might say that Judge Johnson is not a judge from my State.

On February 21, 1978, South Carolina dedicated the newest hospital, the G. Werber Bryan Psychiatric Hospital near Columbia, S.C. This is a regional hospital for acute and intensive care, and one of four planned in South Carolina for intensive, short-term, psychiatric treatment. The dedication speaker at that event was Federal Judge Frank J. Johnson.

I would like for all of my colleagues to hear this. Those who are not present in the Chamber at this time, I hope they are listening over the loudspeaker system and hear these remarks by Judge Johnson as to what he said on that occasion.

His closing remarks were, speaking of South Carolina:

> This State has taken seriously its constitutional obligations to the mentally ill. When in the late sixties and early seventies the plight of those in our mental institutions was brought to the national attention. South Carolina did not turn its back. . . . A "new direction" was plotted. Bold and innovative programs were developed. A financial commitment was made on the part of State government to insure that these programs could become a reality.
>
> Today we are assembled to celebrate the fruits of this courageous and human effort—the opening of the G. Werber Bryan Psychiatric Hospital. This hospital truly is as Commissioner Hall has remarked, a brick and mortar definition of the principles of *Wyatt* v. *Stickney*. With the concern which you in South Carolina have demonstrated for the problems of the mentally ill, and for the great achievement which the G. Werber Bryan Psychiatric Hospital represents. I applaud you.

Here, in the words of the man whose legal thinking had plotted the course for institutional care, was the highest praise for South Carolina and its commitment. Surely this was one State, if there ever was one, that the Federal Government would look to as an example of what a State could and should do. Surely, South Carolina was to be applauded by the Federl Government for its efforts and surely South Carolina would be assisted by the Federal Government in a truly cooperative spirit as it moved even further along the road to meet new demands placed on its system. Did this happen? No, just the opposite did.

In 1972, the Justice Department intervened in a suit brought by some inmates concerning the South Carolina commitment laws. I hasten to add that this intervention came after South Carolina has already changed those challenged commitment laws, but apparently that made no difference to the Justice Department. Before we talk about the effects of the Justice Department's intervention, I would like to describe how the Justice Department intervened.

They did so in a very unusual and, according to Federal Judge Robert Hemphill, a very unethical manner. I repeat, according to Judge Hemphill, the Justice Department intervened in a very unethical manner. Having the full knowledge and understanding that the case had been in litigation for some 2 years and that the South Carolina Department of Mental Health was represented by the State attorney general's office, the Justice Department, without notice to the South Carolina Department of Mental Health or its attorneys, sent the FBI directly to the South Carolina State Hospital and demanded access to all patient records and the right to photocopy those records.

Later, when they made a formal motion to intervene, Judge Hemphill said this as to the conduct of the Justice Department:

> This action was taken without prior notice to defendants' attorneys and this Court hastens to condemn such conduct by the Department of Justice as highly improper and patently unethical.

If there could be a more complete indictment of behavior of the Justice Department, I do not know what it would be.

Once the Justice Department was involved, they launched a war of attrition against the State of South Carolina. Over the next 4 years, they were making increasing and unreasonable demands on the South Carolina Department of Mental Health with respect to answering numerous interrogatories and providing voluminous copies of records and documents.

In order to answer their first set of interrogatories, it was necessary for the South Carolina Department of Mental Health to expend more than $56,000 in employee time, including extensive overtime and other costs, in researching and compiling the requested information—the information the Justice Department demanded. Because of the short deadline allowed in providing this information, it was necessary that the majority of the employees of the South Carolina Department of Mental Health devote their primary attention to the answering of these interrogatories—the result was inevitable. In his testimony before the Judiciary Committee, Dr. William Hall, director of the South Carolina Department of Mental Health told us about these results in unequivocal terms. He stated:

> As a result of these unavoidable demands, the care and treatment of patients suffered greatly—I underscore that—the care and treatment of the patients suffered greatly.
>
> During this 4-year period from 1974 until 1978 we experienced what can only be described as harassment and intimidation of employees, both past and present, and even going to the patient's homes and talking with them, the FBI, and as a result, the normal administrative function of the State Hospital was diverted from its primary duty of providing for patients to one of providing for the Justice Department.

Dr. Hall was noticeably disturbed at the tactics of the Justice Department and the lack of consultation and cooperation between the various Federal agencies which all deal with State institutions for the disabled. Dr. Hall told the committee:

> I think it should be noted here, and this is very important in my book, I think it should be noted here that at no point, at no point during the entire 2 years, did the Justice Department ask specifically to see the records of the five individuals who initiated the private litigation, and at no point did they direct specific attention toward the five who had complained. Instead, they took a shotgun approach and required us to review and answer interrogatories concerning all patients admitted or committed

> to the State hospital over the previous 5 years.
>
> In our attempts to determine what standards we must meet to insure adequate treatment, the Justice Department had no answers. The Justice Department refused to recognize those standards established by HEW for medicaid and medicare as a guideline by which to determine the adequacy of care and treatment. Therefore, it would seem that the Justice Department while ignoring the guidelines and expertise of the Federal Government's health agency, had no standards or requirements of their own in determining whether intervention against the South Carolina Department of Mental Health was warranted, but intended to develop such standards by the trial and error method of litigation.

Mr. President, those are the words of Dr. Hall, the head of the mental institutions in South Carolina. He made the statements in answer to questions in his testimony before the committee.

It is impossible to estimate in dollars how much the Department of Mental Health expended from its operating funds in litigating this action with the Justice Department. However, any estimate less than $100,000 would be grossly conservative, and it has been at least twice that amount. There is really no way to estimate even the direct costs, let alone the indirect costs of this litigation to the Department of Mental Health and its patients. Costs to the Justice Department and the FBI exceeded the costs expended by the Department of Mental Health.

During this period of time in which the Justice Department was involved in this litigation, the morale of State employees was at an all-time low. Key employees left, and recruiting efforts for new and qualified professionals were seriously compromised. It has to be an uncomfortable feeling to be under the attack of your own government when you are trying to do a job, and to feel the power and pressure of the powerful Justice Department and the Federal Bureau of Investigation.

Dr. Hall called this feeling "intimidation." As a sad footnote to the South Carolina experience, I note that the suit was eventually dismissed. This is the kind of action we are asked to condone and then expand—I repeat, expand—under S. 10.

Of course, I am especially concerned about what happens in South Carolina, but I hasten to add that this is not just an isolated incident. If that were the case, maybe we could discount the actions of the Justice Department in this case, but the South Carolina experience is really not an unusual one. Other States have had similar experiences in the past. The Justice Department has intruded into Missouri and Nebraska, and I hope that my colleagues from those States will be able to share their experiences with you as the discussion on S. 10 continues.

In light of the Justice Department's actions in the area, I think we should take a long, hard look at S. 10. What will S. 10 accomplish? While proponents of S. 10 may claim it will help the disabled of this country and while the evidence indicates that just the opposite is true, because litigation drains resources which could be used for health-care services, we can all agree on one point. S. 10 will certainly give more power to the Justice Department. While proponents of S. 10 points to the cases in which Justice Department intervention was beneficial, I note that all of those interventions were carried out without the broad power granted by S. 10. Under current law, the Justice Department can assist now wherever there is a genuine public need. While there is some feeble argument that S. 10 would allow the Justice Department to select and initiate its cases, this benefit is hardly worth a grant of broad new intrusive power to a Federal agency to instigate litigation against a State. As one studies this legislation it becomes all too obvious that it just further entrenches the vast Federal bureaucracy. The bureaucracy may win, but the American people will lose.

Mr. President, I suggest the absence of a quorum without losing my right to the floor and without it being counted as a second speech when I resume.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THIRTY-MINUTE RECESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 30 minutes.

There being no objection, the Senate, at 12 noon, recessed until 12:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BAYH).

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. Mr. President, as chairman of the Subcommittee on Child and Human Development of the Committee on Labor and Human Resources, I want to express my strong support for S. 10, the pending legislation to protect the civil rights of institutionalized persons. I am an original cosponsor of this legislation which was introduced by my colleague from Indiana (Mr. BAYH) on January 15, 1979.

S. 10 would authorize the Attorney General of the United States to initiate or intervene in actions on behalf of certain institutionalized individuals whose constitutional or Federal statutory rights may be being violated. I support this bill because of its great potential for helping protect the basic civil—and human—rights of institutionalized children, elderly, and physically and mentally handicapped persons, as well as incarcerated persons.

ABUSE OF CHILDREN IN INSTITUTIONS

Mr. President, last year, I chaired 3 days of hearings of the Child and Human Development Subcommittee to investigate the problem of abuse and neglect of children residing in institutions and to consider viable mechanisms for dealing with this problem. Those hearings brought home to me in a very real and dramatic way the scope and the seriousness of the problem of abuse and neglect of children in institutions throughout the country.

During those hearings, the subcommittee heard testimony about the tragic plight of many of these children—often supported in institutional care by Federal funds—from representatives of HEW and the Justice Department, State officials, public and private social services agencies, and representatives of groups such as the Children's Defense Fund, the National Coalition for Children's Justice, the National Center for Action for Institutions and Alternatives, the National Organization of Child Care Workers, and the National Center for Youth Law, as well as parents of institutionalized children and individuals who had themselves suffered abuse and neglect in institutional care. One of our most articulate witnesses was a 17-year-old boy who spent most of his life in an orphanage where children were handcuffed to their beds, tied to chairs, denied medical attention and food, and subjected to beatings and other physical abuse.

Mr. President, the witnesses who testified before our subcommittee stressed the seriousness of the problem of abuse of children in institutions throughout the country. Many of them testified as to the importance of continuing the authority of the Attorney General of the United States to engage in litigation to protect the rights of the more than 400,000 children in this country estimated to be living in institutions.

As I will discuss in more detail in a few moments, the Attorney General has, since 1971, been involved in litigation to protect institutionalized children from abuse and neglect. Some of the most important cases in this area have been successful because of the participation of the Justice Department. This legislation is essential to assure the continuation of that authority, which is presently being questioned in some Federal courts.

Mr. President, I want to share with my colleagues for a few moments some examples of the types of abuses which our hearings uncovered. The subcommittee heard testimony about runaway children being put in leg irons and handcuffed, tear-gassed in their cells, and placed, as punishment, in dormitories with older inmates who sexually abused them. One of our witnesses from northern California described her 3-year effort to close down a foster-care institution for retarded children where these children were placed in iron cages for punishment. The facility was eventually closed by a court order which found that the evidence was overwhelming that corporal punishment was inflicted upon the young residents by the staff, that various restraints were used, completely without medical authorization or direction, that children would be tied to chairs or tied to their beds for lengthy periods of time, and that children would be forced to sit in their own feces or urine for long periods of time. Another witness described a facility where electric cattle prods and other physical devices were used to punish children. A Massachusetts State senator described for the subcommittee a juvenile facility in his State where children were tied up by their arms and legs and hung in cages. This happened in 1978—not 1878.

Mr. President, the General Accounting Office in 1977 issued a report documenting the problems facing foster children in institutional care. In 7 of the 18 facilities GAO investigators visited, they found serious problems, such as children sleeping on mattresses on the floor in cramped and dingy rooms, and generally unsanitary sleeping, living, and eating conditions, as well as problems like inadequate controls over use of prescription drugs on children. Other private and public agencies conducted similar investigations and reached similar conclusions. Our hearing record, and these other studies, documented conditions existing today in institutions for children which are more akin to a Charles Dickens novel about the horrors of street urchins in 19th century London slums. What is perhaps most troubling about this problem is the very limited resources which are available to effectuate change. In this regard, the Justice Department's role has been extremely important in efforts to protect these children.

ROLE OF JUSTICE DEPARTMENT IN CASES INVOLVING INSTITUTIONAL ABUSE OF CHILDREN

Mr. President, several of the witnesses who testified before our subcommittee specifically stressed the important role the Justice Department has played to date in bringing a halt to the abuse of institutionalized children. Peter Sandmann, an attorney with the National Center for Youth Law, told our subcommittee:

> That office (the office of special litigation in the Department of Justice) has assisted, not only our office, but a number of other lawyers in litigation regarding not only State training schools but also mental hospitals and State schools for the retarded as well. . . . Without the assistance of that office of special litigation, I can say that many of these cases would not have been as successful as they have been and many of these abuses would not have been disclosed as they have been.

The Children's Defense Fund in its testimony described the assistance of the Department of Justice as "invaluable" in helping to challenge successfully the use of the federally funded AFDC foster care program to send hundreds of children away from their families and home communities to residential facilities operating under what that organization called "atrocious conditions." The Justice Department attorneys in that case, Gary W. and United States against Stewart, uncovered evidence revealing that foster children had been physically abused, handcuffed, chained, tied up, kept in cages, and overdrugged with psychotropic medication.

Mr. President, as a result of this litigation, the affected foster children were ordered to be returned to their home States and placed in foster homes, group homes, or with families near their homes. An attorney from the children's defense fund, in testimony before the Senate Constitutional Rights Subcommittee, stated: "It is because of the Justice Department's involvement in this case that we were able to accomplish this result."

Since 1971, the Justice Department has successfully been involved in a number of cases involving institutional abuse of children. The Justice Department participated in a Texas suit, United States against Solomon, which resulted in a district court determination that the staff of the State's juvenile detention facilities were engaged in the widespread practice of beating, slapping, kicking, and otherwise physically abusing juveniles in their care. The court found that brutality was a regular occurrence encouraged by those in authority at these institutions. The Justice Department also participated in another Texas case, Morales against Turman, involving the conditions of confinement of minors in Texas juvenile reform schools. The court in that case concluded that the conditions minors were subjected to violated the prohibitions against cruel and unusual punishment contained in the eighth amendment to the Constitution of the United States.

The Justice Department has also participated in several cases involving institutional treatment of retarded children, including children at New York's Willowbrook State School for the Mentally Retarded and Pennhurst State School and Hospital in Pennsylvania. In these cases, abuses found to have existed by the Federal district courts were legion. Children were straitjacketed, and subjected to physical abuse, beatings, and excessive medication, and use of psychotropic drugs. The court records in both cases are replete with examples of children suffering loss of teeth, eyes, and ears, fractured limbs and massive lacerations and bruises. Sanitary and hygienic standards were found to be abysmal; in the Willowbrook case, these unsanitary conditions led to 100 percent of the residents contracting hepatitis within 6 months of their admission to the facility. The district court characterized the conditions at the institutions as "shocking," "inhumane," and "hazardous to the health, safety, and sanity of the residents."

When the Justice Department representatives testified before our subcommittee, they were then involved in 12 other cases involving similar conditions in 11 States.

The Justice Department has played a critical national role in dealing with the problem of abuse of institutionalized children. They have provided the technical expertise, resources, and investigatory skills that have exposed and brought to an end some of the most flagrant kinds of abuse of children in institutions. It would be a serious mistake to allow the authority of the Attorney General to continue this important work to be jeopardized. Passage of S. 10 will secure the authority of the United States to take necessary steps to protect these children and other vulnerable institutionalized groups from deprivation of their Federal constitutional and statutory rights.

IMPACT UPON ELDERLY, HANDICAPPED, AND OTHER VULNERABLE INDIVIDUALS

Mr. President, although I have expressed my support for this legislation in terms of its effects on protecting the rights of institutionalized children, S. 10 would also provide substantial protections to other vulnerable groups, in particular elderly and physically and mentally handicapped persons residing in institutions. Many organizations representing handicapped and elderly persons who are institutionalized have gone on record in supporting S. 10. Those groups include the Epilepsy Foundation of America, the National Society for Autistic Children, the Mental Health Association, the National Citizens Coalition for Nursing Home Reform and the National Association for Retarded Citizens.

David H. Marlin, director of legal research and services for the elderly, which is sponsored by the National Council of Senior Citizens, an organization consisting of about 3.8 million older persons throughout the country, in testimony to the House Subcommittee on Courts, Civil Liberties, and the Administration of Justice of the House Judiciary Committee on the companion bill to S. 10, H.R. 10, expressed the strong support of the senior citizen groups he represented for this legislation. Mr. Marlin described in vivid detail some of the problems facing institutionalized elderly individuals and the lack of private advocacy resources to provide adequate protection for elderly individuals residing in institutions.

Mr. President, in August of 1978 the Special Committee on Aging of the U.S. Senate held hearings in Chicago, Ill. on the Federal-State effort in long-term care for older Americans: nursing homes and "alternatives." During that hearing, chaired by Senator PERCY of Illinois, a substantial record regarding the abuse of elderly individuals by their institutional caretakers was gathered. One witness who had conducted a 4-month investigation of the nursing home industry in Illinois told of witnessing an 80-year-old woman being beaten and gagged by laughing nurses' aides, residents going hungry while aides ate their food, and administrators paying themselves more in salary than they spent to feed their residents.

Witnesses also told of residents left in their beds all day and all night and lying in their own waste; improper food preparation; inadequate control of drugs; and fraud in the charting of services not rendered.

This Chicago hearing is only one among many other types of investigations and documentations of horrifying conditions in nursing homes and institutional abuse of elderly persons.

Mr. President, institutionalized individuals are uniquely unable to protect their constitutional and Federal statutory rights. The Senate report on S. 10 outlines four factors that explain the deep-rootedness of their dependence on outside assistance—and thus the need for S. 10—to redress their grievances.

First, because many institutionalized individuals are intellectually and emotionally impaired, they are wholly unaware of their rights. Many are conditioned to accept their institutional environments, many are unable to articulate their concerns, and still others are deemed, by law, to lack the capacity to sue.

Second, the lack of information and inability to articulate rights is worsened by the fact that most institutionalized persons are physically isolated from friends, relatives, lawyers, and others who might champion their cause.

Third, most persons residing in institutions are poor or indigent. It is commonly known that the costs of litigation are high. Thus, it is rare that an institutionalized individual possesses the resources necessary to finance litigation. In fact, as I pointed out earlier, were it not for the resources which have been provided through Department of Justice intervention, many actions which have successfully challenged abusive practices in institutions would never have been brought.

Finally, institutionalized persons are usually completely dependent upon their institutional environments, and are afraid to assert their rights. They are particularly susceptible to intimidation and reprisal for voicing their grievances.

The strong outcry against abuses is an oft-repeated refrain. However, for several reasons, including the vulnerability to threats and reprisals of the victims, it has been difficult for individuals to independently bring about change.

One would think that—at least in instances where the problem of institutional abuse arises in the context of State-operated and controlled institutions—State attorneys general should be able to protect adequately the rights of institutionalized individuals who are left in the State's care. In the hearings I chaired on abuse and neglect of institutionalized children, I learned that there is a unique need for assistance from the Federal Government in this type of situation. A State senator from Massachusetts who testified at these hearings noted the conflict of interest which necessarily arises in these cases. He pointed out that the State attorney general's prime role is to defend the State government. Thus, in our adversary process, the State attorney general would be placed in the impossible position of, on the one hand, being charged with the protection of children who are being abused, and on the other hand, being mandated to protect those State employees who are causing the abuse of children.

In addition to groups specifically focusing on the needs of elderly and handicapped individuals, S. 10 has been supported by groups with longstanding commitments to the well-being of those less fortunate among us, groups such as the U.S. Catholic Conference, the Lutheran Council in the United States, as well as legal organizations, such as the American Bar Association, and the American Civil Liberties Union.

Mr. President, the depth and breadth of support for S. 10 from groups concerned with rights of children, elderly, and handicapped individuals and with protecting those citizens who are most vulnerable is reflective of the importance of this legislation to protecting the rights of institutionalized individuals.

OUTLINE OF LEGISLATION

Mr. President, I have focused upon the importance of this legislation in terms of the populations—institutionalized persons—it is designed to protect. I do want to comment briefly on exactly what safeguards have been built into S. 10 and how these safeguards are designed to create a balance between the role of the Federal Government, in protecting the constitutional and Federal statutory rights of its citizens, and the responsibilities of State agencies in the same areas.

First of all, Mr. President, let me point out that S. 10 does not create any new substantive rights. It simply clarifies the authority of the Attorney General of the United States to seek to enforce existing constitutional and Federal statutory rights of institutionalized persons.

Second, the Attorney General's authority to litigate is limited to situations where he has reasonable cause to suspect that there is a "pattern and practice" of institutional abuse in violation of the Constitution or Federal laws exist. This authority is similar to "pattern and practice" authority to litigate under other statutory authorities, such as title VI of the Civil Rights Act of 1960 (voting discrimination), titles II and VII of the Civil Rights Act of 1964 (public accommodations and employment discrimination), title III of the Civil Rights Act of 1964 (segregation in jails), title VIII of the Civil Rights Act of 1968 (housing discrimination), and section 122(c) of the State and Local Fiscal Assistance Act of 1972 (discrimination in programs receiving Federal assistance). This legislation does not invest the Attorney General with authority to litigate in cases of isolated instances of abuse.

The bill further limits the authority of the Attorney General to cases where persons residing in an institution are subjected to "egregious or flagrant conditions * * * causing them to suffer grievous harm." As the Judiciary Committee's report states, the "Attorney General's authority is limited to cases where unconstitutional or illegal practices are widespread, pervasive and systematic, and adversely affect significant numbers of institutionalized individuals."

Third, Mr. President, S. 10 provides for notification to the chief executive officer and the attorney general of the appropriate State, as well as the director of the institution involved, of specific information regarding the alleged conditions which deprive rights, privileges or immunities secured or protected by the Constitution or laws of the United States and the alleged pattern or practice of abuse. This notification must also detail the supporting facts giving rise to the alleged conditions and the alleged pattern or practice, the dates and time period during which the alleged conditions and pattern or practice occurred, the identity of all persons suspected of being involved in causing the alleged conditions and pattern or practice, and the dates on which these conditions were first brought to the attention of the Attorney General.

The Attorney General must also notify these individuals as to the minimum measures which he believes may remedy the alleged conditions and alleged pattern or practice of abuse. The Attorney General must also advise the Governor or chief executive officer, the attorney general of the affected State, and the director of the institution involved of his intention to commence an investigation of said institution and must make reasonable good faith efforts to resolve the situation through negotiations and voluntary compliance before institution of legal action. S. 10 as reported also requires the Attorney General to advise the affected State and institution of the availability of financial, technical, or other assistance which may be available from the United States and must certify before commencing any litigation that the appropriate officials have had reasonable time to take appropriate action to correct the alleged conditions and practices.

Mr. President, S. 10 as reported requires the Attorney General personally to sign the complaint and certify that the above conditions have been met before commencing an action. The Attorney General must also certify that such action by the United States is of general public importance and will materially further the vindication of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States.

Mr. President, I believe these safeguards and limitations upon commencement of action by the United States amply protect the prerogatives of the State and institutions involved. Only after full notification and consultation has taken place—without positive results—is the United States authorized to initiate litigation. This provides an appropriate balance, I believe, between the need to protect the rights of institutionalized persons and the need to protect the States from unnecessary intrusions by the Federal Government.

LIMITATIONS WITH RESPECT TO LITIGATION ON BEHALF OF INCARCERATED PERSONS

Mr. President, I do want to note that S. 10 as reported provides for more limited authority of the Attorney General to initiate actions involving criminally convicted persons than it does in the case of other institutionalized persons, such as children, or physically or mentally handicapped persons. Section 1 provides in the case of persons residing in a jail, prison, or other correctional facility, that relief shall be available only insofar as such persons are subjected to conditions which deprive them of rights, privileges, or immunities secured or protected by the Constitution of the United States. The Attorney General thus is not authorized in such cases to seek relief for violation of statutory rights or privileges.

The committee bill also provides in section 5 for the exhaustion of correctional grievance procedures prior to consideration of a prisoner suit. This provision is designed to encourage the development of internal grievance procedures—already developed in many States and localities—for the resolution of prisoner complaints.

APPLICATION OF S. 10 TO PRIVATE INSTITUTIONS

Mr. President, with the exception of private institutions receiving funds under sections XVI, XVIII, and XIX of the Social Security Act as specified in section 8(b) of S. 10 as reported it is clear that private institutions receiving Federal funds are covered by this legislation. Thus, for example, foster children placed by State officials in private institutions receiving funds under title IV or title XX of the Social Security Act would clearly be covered by the protections afforded under S. 10.

Mr. President, I must note here that I do not approve of the provisions of S. 10 as reported which specify that receipt of Federal funds under titles XVI, XVIII, and XIX of the Social Security Act shall not be sufficient, alone, to cause an institution to fall within the purview of S. 10.

Mr. President, these provisions were obviously designed to insulate certain private facilities which receive Federal funds for the care of medically needy elderly persons from litigation by the United States. I do not believe that limiting the coverage of S. 10 for a special class of needy citizens is justifiable. I do note, however, that H.R. 10, the legislation passed by the House last year, does not contain such an exclusion, and I am hopeful that, when the members of the conference committee meet to resolve the differences between the two measures, special attention will be paid to the inequities that may arise as a result of this provision.

In the same regard, I want to make clear that while these provisions may restrict the Attorney General of the United States from initiating litigation against a private facility which is a recipient of Federal funds under titles XVI XVIII or XIX of the Social Security Act where the receipt of such funds and licensure by the State are the only nexus between such a facility and the State, it does not in any way limit the right of any private party to initiate such litigation against such an institution, under either 42 U.S.C. 1983 or to enforce private rights under other such statutes.

NOTIFICATION TO OTHER FEDERAL AGENCIES OF LITIGATION

Mr. President, there is one provision of S. 10 which I think should also be highlighted. Section 9(b) of the bill provides that when the Attorney General is contemplating initiating or intervening in cases involving institutional abuse, that he shall notify any Federal department, agency, or entity with an interest in such institution, of the alleged unconstitutional conditions.

When the Departments of Justice and HEW testified before the Child and Human Development Subcommittee last year, it was readily apparent that little, if any, communication was taking place between these two Federal agencies with respect to the problems of institutional abuse. It appeared that in some instances, HEW was funding the very institutions that the Justice Department was challenging in litigation. I asked the subcabinet representatives of each department who testified before our subcommittee to make a commitment to establishing an on-going interdepartmental task force to focus upon coordination and cooperation between the two agencies. I am pleased to report that as a result of this request, a Department of Justice and HEW interagency task force was established last year which has been developing a task force plan of action. I have been advised by Manuel Carballo, the Acting Assistant Secretary for Human Development Services within HEW that this plan will be completed in the very near future and will provide for an on-going relationship between the two agencies in this area.

Mr. President, I do want to note the excellent testimony and dedication shown by Assistant Attorney General Drew S. Days III in his testimony before my subcommittee and in his forceful representation of the needs of institutionalized persons.

I think that the Federal Government must act consistently and in a fully coordinated fashion with respect to this problem, and the establishment of this interagency task force, along with the provision in section 9(b) of S. 10, will make a major contribution to achieving this effort.

CONCLUSION

Mr. President, I strongly support S. 10 and urge its passage. The problem of abuse and neglect of institutionalized citizens is a serious and widespread problem. Although litigation alone cannot solve this problem, it has played a critical role both in exposing abuses and initiating the kinds of change which are necessary.

The United States has a special responsibility to be concerned about protecting the rights of institutionalized individuals who, as a class, are especially vulnerable to the abuse which can arise in an institutional setting and uniquely unable to protect their constitutional and Federal statutory rights without outside assistance. This legislation would assure that this special responsibility can be fulfilled.

Mr. THURMOND. Mr. President, I ask unanimous consent that Marie Earl and Kenneth Ackerman, of the Governmental Affairs Committee staff, be granted the privileges of the floor during the debate and all votes on S. 10.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, the problems of the S. 10 approach are best illustrated by those who have had to deal with the Justice Department in this type of litigation. South Carolina is such an example as I have noted earlier.

Judicial intervention into the mental health system is intended to improve the quality of patient care. A closer look at the impact of this intervention on the mental health system does not necessarily lead to the conclusion that there have been positive improvements. Rather than creating a cooperative and constructive atmosphere, litigation creates defensiveness and resistance. It casts a negative image upon the institutions involved, making the recruitment of quality staff difficult, if not impossible. Judicial intervention is also demoralizing to a staff who already receives few visible rewards for their efforts. As a result, it is difficult to retain quality staff during periods of litigation and judicial surveillance.

Extraordinary amounts of time and money are spent in preparing for suits. This is time that could be better devoted to administrative duties and patient care and treatment. Also, this is money spent in defending and preparing for suits that could better be put to use for improved patient care and treatment, an area in which there is already a scarcity of funds.

Consequently, one must conclude that those who suffer most from litigation and judicial intervention are the institutionalized mentally ill themselves.

The remarks I have just made can best be illustrated by an example which occurred in my own State of South Carolina. Prior to the late sixties and early seventies, a vacuum had existed in the area of mental health law. However, in the late sixties and early seventies, the courts began to consider and define the rights of the mentally ill. These decisions were readily accepted in South Carolina and a concerted effort was made to insure that we measured up to the expectations of the courts and of our citizenry.

However, there was no comprehensive decision pertaining to this area until Judge Frank M. Johnson's 1971 landmark decision in the Wyatt against Stickney case. Based on that case and others, the South Carolina Department of Mental Health was able to secure additional funding from our legislature and began moving toward an overall improvement in the quality of care and treatment provided to the mentally ill in South Carolina. Also, a complete overhaul of our mental health commitment laws was begun to meet the constitutional requirements being established in those cases.

However, in February of 1972, five patients at South Carolina State Hospital instituted an action against the South Carolina Department of Mental Health, alleging that the commitment laws in effect at that time were unconstitutional and denied them due process of law and equal protection. That suit also raised issues as to the adequacy of care. Frankly, this private litigation and the other Federal court decisions I have referred to gave additional impetus to finalize the revision of our commitment laws and to secure all available additional resources to improve hospital conditions and the treatment of our patients.

Dr. Charles Barnett, South Carolina Commissioner of the Department of Mental Retardation made these further comments on the situation in South Carolina:

> State program administrators who have suffered through litigation with the Justice Department have related experiences indicating that the Department is apparently more interested in supervising programs at the targeted institution, rather than securing the clients' rights. The expense of liti-

gating and implementing court decrees arising out of Justice Department intervention has been extremely costly and time-consuming. Monies previously channeled for direct client services find their way into paying for the expenses of attorneys' fees, countless depositions, reproduction of documents, and testimony of experts and professionals. Understandably, morale and motivation drop and fractures occur between staff, clients, the legislature, and various public interest groups. To add a further indignation, the mass media tends to capitalize on extreme conditions, avoiding the many good and productive programs available.

Consideration should be given to whether the Justice Department is the proper agency for the formulation of social and health policies. Based on my knowledge of its organization and function, the Justice Department is grossly inadequate to develop standards and coordinate their implementation at the local level. Too often, the Justice Department has lost the concept of constitutional rights of clients and has involved itself in a continuing process of development and management of a targeted institution, i.e., *Wyatt* v. *Stickney*, 325 F. Supp. 781 (Mid. Ala. 1971) and *New York State Association for Retarded Children, Inc.* v. *Carey*, 393 F. Supp. 715 (E. D. N.Y. 1975).

Recent test cases have been most successful in situations conducive to clear legal interpretation in situations of shocking or gross abuse. But, as we advance to the so-called "second generation" issues, legal doctrine becomes entwined with administrative, financial and social realities. At issue is the extent to which the courts, rather than the professionals and specialists, should be responsible for defining and measuring the adequacy of services for the mentally retarded. Quite frankly, many professionals are alarmed by the trend of lawyers and judges substituting their judgment for that of the professionals. Past experiences in other states where the Justice Department has intervened reveal a definite trend by the Department to dictate various treatment and habilitation modalities. To decide "what is best" for retarded people is, therefore, a question that is, in my opinion, beyond the practicalities of the courts.

The situation created by the Justice Department in South Carolina was tragic, but even more tragic is the fact that it was not an isolated occurrence. Other States have experienced these confrontational tactics, and some still do. The State of New Hampshire is currently involved in similar litigation and the comments of New Hampshire Attorney General Thomas Rath are informative on how the Justice Department carries out its involvement:

On August 29, 1978 the Department of Justice filed a motion for leave to file a complaint in intervention in litigation involving Laconia State School and Training Center pending in the United States District Court for the District of New Hampshire.

Laconia State School and Training Center is the only state institution for the retarded in New Hampshire. It has approximately 600 residents, most of whom are severely and profoundly retarded. In the past few years, six of the twelve residential units at the institution have obtained HEW certification as intermediate care facilities for the mentally retarded so that the residents living in those units may receive federal Medicaid funding.

As early as January of 1978, my office had been in contact with the Office of the United States Attorney for the District of New Hampshire concerning Laconia State School. I was informed by the United States Attorney that several parents had complaints about conditions at the School, but no specification of charges was ever given to this office, with exceptions I will discuss in a moment.

In January or February of 1978, FBI agents interviewed employees at Laconia State School and, to the best of my knowledge, made a report to the United States Attorney concerning their findings. In an effort to resolve the problems raised by the parents and investigated by the FBI, an Assistant Attorney General in my office contacted an Assistant United States Attorney and arranged a tour of the facility for the United States Attorney's office. My Assistant then accompanied the Assistant United States Attorney on a tour of the facility and arranged a meeting with the Superintendent of the institution, Dr. Jack Melton, to discuss any concerns about the institution.

Sometime in March or April of 1978, my Assistant met with the Assistant United States Attorney to discuss the findings of that office's investigations. As the chief law enforcement officer for the State of New Hampshire, I obviously desired to be apprised of any criminal violations that might be occurring at the institution, that persons responsible for those violations would be prosecuted or have their employment terminated. Only one isolated incident of wrongdoing on the part of a former state employee was presented to my office. Following this initial meeting, my office indicated a willingness to meet with members of the United States Attorney's Office at any time to discuss the situation at Laconia, and offered to make the prosecutorial services of my office available if it proved necessary.

At approximately the same time that my office was contacted about complaints by the United States Attcrney's Office, we also received complaints from other attorneys representing the parents of residents at the School, which complaints concerned use of medication at the institution. After those complaints were made, representatives from my office met with representatives of the parents on several occasions and made available to those representatives substantial amounts of information concerning medication prescribed and administered at the institution. Based on our conversations with those representatives, the medical procedures at the institution were substantially revised and partially at their suggestion, a unit-dose system of administering medication was implemented.

On April 12, 1978, a group of six individual residents at the institution and the New Hampshire Association for Retarded Citizens filed suit against the Governor of the state and several other state officials. The broad allegations in the complaint challenge the living conditions and services provided at the institution, as well as the services provided in the community. Although it contained specific factual allegations of conditions in the institution, the complaint did not specify any of the proposed relief sought by the Plaintiffs for either the institution or in the community, except to state that the Plaintiffs seek a "normalized environment" for each resident of the institution and the community. Subsequent to the date of the filing of the complaint, my office was informed by counsel for the Plaintiffs that the Plaintiffs would seek to close the institution in its entirety and to require the state to provide services for the developmentally disabled only in community settings.

Prior to the filing of the litigation, my office had sought to discuss the problems of the institution with counsel for the Plaintiffs, but had been unsuccessful in our attempts in that regard. From the outset of the litigation, we have taken the position that there are violations of law occurring at the institution and in the availability of community services, and that the Division of Mental Health would devote its energy to the formulation of a deinstitutionalization plan. In fact, formulation of that plan was under way at the time the suit was filed. Efforts to convince counsel for the Plaintiffs to begin settlement negotiations were being made at the time that the United States filed its complaint in intervention in August. Subsequent to that filing, counsel for the Plaintiffs stated that they would not agree to begin negotiations unless, as a precondition to those negotiations, the Defendants would agree to close the institution.

In late August of 1978, I received a telephone call from the United States Attorney informing me that the United States was about to bring suit against the state within a few days following our conversation. On August 29, the proposed complaint for intervention was filed with the Court. On August 30, 1978, one day after the filing of the proposed complaint in intervention, I received a letter from United States Assistant Attorney Drew S. Days, III. In its entirety, that letter stated as follows:

"Dear Mr. Rath:

"I am writing to advise you that the United States will shortly file a Motion For Leave To File Complaint In Intervention in the above captioned case.

"We hope that our participation will assist the parties and the court in resolving the issues raised by this litigation.

"Sincerely,

Drew S. Days, III."

Mr. Rath is the attorney general for New Hampshire; continuing:

While it would be difficult to disagree with the reasons for intervention stated in Mr. Days' letter, those reasons must be contrasted to the allegations in the Complaint in Intervention and to the allegations later made in oral argument before the United States District Court. The United States' Complaint in Intervention simply restated, although in less precise form, the allegations of the Plaintiffs, charging the state Defendants with widespread and systematic abuses of constitutional rights of the Laconia State School. The Complaint also alleged that the United States had "an interest in halting widespread and systematic deprivations of the constitutional rights of its citizens as is evidenced by 18 U.S.C. 241 and 242," the criminal civil rights statutes. At the hearing for the motion to intervene, a Justice Department attorney raised a number of specific allegations never before made available to the Defendants, and stated that because the Defendants had denied various allegations in their answer to the complaint, "the state Defendants have officially taken the position that the abuses do not exist."

With the exception of their discussions with the Plaintiffs, I must assume that the allegations made by the United States are based on their inspection of the School, including the inspection by the FBI. I must make assumptions in this regard because, in spite of the fact that I have continually requested access to any reports concerning conditions at the institution, I have never been given a copy of any such report and at least, on one occasion, the United States has answered an interrogatory by stating that the information gathered by FBI constitutes the work product of the United States and is therefore not subject to disclosure.

On September 22, 1978, in an effort to obtain specification of the concerns of the United States, I wrote to Assistant Attorney General Days suggesting that the motion for intervention be withdrawn until such time as representatives of our respective offices could discuss those concerns and the possibility of their resolution. Since our office was anxious to settle the litigation but had been unable to even begin settlement negotiations with the Plaintiffs, I believed that the United States might in fact be able to assist us in achieving settlement by providing the Defendants with the expertise available to the

United States, including assistance in the formulation of a deinstitutionalization plan. I believed at that time, and I continue to believe today, that the United States could have substantially assisted the parties in this litigation without becoming a litigant itself.

On October 16, after the arguments before the Court on intervention had been completed, I received a reply from Mr. Days. Mr. Days stated that he remained committed to seek intervention, and that he did not see why intervention by the United States would pose any obstacle to negotiations. With respect to my request for pre-filing negotiations, he stated that he did not think those negotiations would be appropriate since the United States could not negotiate a resolution of the lawsuit before it became involved.

On October 24, 1978, I again wrote to Mr. Days and requested an opportunity to discuss the concerns and complaints of the United States. With respect to his concerns about pre-filing negotiations, I pointed out that my office was not trying to obtain a settlement of the suit between the Plaintiffs and the state, but was attempting to negotiate and perhaps settle the concerns of the United States with respect to the state Defendants. Referring to the provisions of S. 1393 which required pre-intervention notification and which I understood to state the policy of the Department of Justice, I requested notice of the facts on which the Justice Department based its complaint concerning conditions at the institution and the proposed solution to those conditions. In short, I simply took the position that, if only as a matter of courtesy, the state was entitled to know the basis of the United States' complaints.

Mr. Days has never answered my letter.

On November 29, 1978, the United States District Court granted the United States' requested intervention. Since the date of the United States' intervention, the Defendants have been subjected to extensive discovery by the Plaintiffs and by the United States as a Plaintiff-Intervenor.

During the same period of time that the United States was seeking intervention in this case, important developments occurred in the State of New Hampshire.

In November of 1978, the Honorable Hugh J. Gallen was elected Governor of the state and became the primary Defendant in the lawsuit. Prior to his election, Governor Gallen made the issue of services provided at Laconia State School a major focus of his campaign. Since the time of his election, the Governor has taken dramatic steps to improve conditions at the institution as well as in the community. Although the Governor has generally attempted to restrict spending in other areas of the state budget, he has recommended an increase of 35 percent in the budget for the developmentally disabled. The Governor's proposed budget calls for the expenditure of some $8,000,000 in the next biennium, approximately $4,000,000 of which will be spent on the School and $4,000,000 of which will be used to improve community services.

It is anticipated that these expenditures will ensure that within the next two years every individual residing at the institution will have an individual habilitation plan and be receiving services in accordance with ICF/MR standards. In addition, the Governor's proposed budget anticipates that 100 residents will be deinstitutionalized within the next two years and that, based on experience of those individuals and the expenditure of additional sums for community services, many, if not all, of the remaining residents at the School will be deinstitutionalized.

Shortly after Governor Gallen took office, he requested an opportunity to have his Executive Assistant for Policy Development and his legal counsel meet with the attorneys for the Plaintiffs and for the United States. The meeting between those parties and representatives of my office was held on January 23, 1979. At that meeting, the state representatives outlined the Governor's proposed plans and suggested that the litigation be stayed for short periods of time so that the parties might work together to develop a plan for improvement of services during the current legislative session. Although the Justice Department attorney responsible for the litigation and the United States Attorney agreed to listen to whatever proposals were suggested, they stated that they could not agree to any stay of discovery or of litigation, nor were they prepared to tell the state what relief they would be seeking.

Since the date on which the United States sought an intervention on the case, my office has consistently requested that the United States inform us what relief they will be seeking in the case. The United States has not yet indicated the nature of that relief. Indeed, at subsequent meetings between myself and the Governor's legal counsel, my office has been informed by counsel for the United States that the United States will not be able to tell the Defendants what improvements it wishes to see made in the institution or to specify its concerns about conditions at the School or in the community until it has conducted discovery.

Further evidence of the inability of the United States to specify the factual bases for its intervention is found in answers to interrogatories propounded by the Defendants and answered in January of this year. In its answers to these interrogatories, the United States indicated that with respect to the allegations in its complaint of "widespread and systematic deprivations" of constitutional rights "evidenced by 18 U.S.C. 241 and 242," it had not alleged a violation of either of those criminal statutes. As for the "substantive deprivations" of constitutional rights alleged to be occurring at the School, the United States said that "[d]iscovery will be in process shortly, and more detailed information concerning these deprivations will be available to Defendants as it becomes known to the United States." Even more pertinent in this regard is the fact that the United States answered interrogatories requesting information on investigations conducted by the United States into services provided by the Defendants or the State of New Hampshire to developmentally disabled persons by stating that it was not aware of any such investigations with the exception of two routine audit investigations and the FBI investigation to which I have referred to above.

I believe it to be apparent from the inability to specify the nature of the relief it is seeking and from its inability or unwillingness to discuss specific concerns in any detail that the United States could not possibly have complied with the pre-intervention notification requirements of S. 1393. In stark contrast to the cautious approach to litigation which the Department of Justice assured this Committee it would pursue, the United States sought to intervene in this suit without any advance notice and without any attempt to provide the state with assistance. In view of these facts, I submit that it is necessary to place limitations on the discretion of the Department of Justice to initiate or enter suits against the state.

In its report on S. 1393 (which was the predecessor of S. 10), the Senate Judiciary Committee stated as follows:

"The committee does not intend that the Attorney General shall initiate litigation against a State or local government which is fully aware of the challenged conditions or practices in its institutions, concedes their unconstitutionality, and is presently engaged in active remedial measures which eliminate the need for litigation by the Attorney General." S. Rep. No. 95–1056 at 29.

While the State of New Hampshire is not, at this time, willing to stipulate that the conditions at Laconia State School are unconstitutional, the Defendants have been willing to admit to violations of law and are presently engaged in attempts to obtain legislative approval of a budget which will support a plan to improve conditions at the institution and the community. In spite of those efforts, the State of New Hampshire has never been given any notice of any technical or financial assistance which might be available to the state to resolve problems at Laconia State School. In the meantime, while this litigation progresses, the staff of Laconia State School has spent more than 2,000 hours in the past year on matters directly related to this lawsuit at the expense of providing services to residents at the School. Federal Experts who might otherwise be of assistance to the School have instead been used to gather facts for the purpose of litigating against the State. In Summary, although the participation of the United States has not necessarily prevented settlement in this case, it has done nothing to enhance those prospects and/or the prospects to improve services provided to residents of the School.

As is, I believe, evident from the above, S. 10 in its present form raises more questions and causes more problems than it resolves. Arming the Justice Department with the authorization contemplated by this bill, in light of the demonstrated practices of that department, can only result in lengthier and more counterproductive litigation.

Mr. President, I wish to discuss the fact that the Justice Department now has abundant opportunity to become involved in this type of litigation which affects the rights of the institutionalized. Some people may feel that efforts for institutional reform begin and end with S. 10. This is not true. Besides the tremendous gains produced by State efforts, there is no shortage of cases which allow the opportunity for judicial oversight. I note that all of the cases cited by proponents of S. 10 were cases initiated by private groups. It is a myth to believe that State officials have the advantage in the current system of litigation. Currently, the Justice Department can participate in suits which are filed.

The Department of Justice has at present assumed a variety of roles in approximately 40 cases, seeking to protect the rights of the institutionalized. The roles include: plaintiff, plaintiff-intervenor, amicus curiae, and litigating amicus. In the last two categories, the Department has often been specifically asked by the court to be an amicus, and in some cases the status has been changed by the court during the litigation to plaintiff-intervenor status.

The term "amicus curiae" is well understood as a "friend of the court" whose advice is sought by the court. In that role, the United States, represented by the Department, does not assume the rights or liabilities of a party, and has a very restricted role. It cannot offer evidence, but can merely brief the issues. The term "litigating amicus" role allows the United States to conduct discovery proceedings, to make arguments, and to present briefs.

One of the roles which the Department of Justice has used in many cases is that of plaintiff-intervenor. Under rules

24 (a) and (b) of the Federal Rules of Civil Procedure, the United States may in timely fashion apply to the court to intervene as of right or permissively. The procedures for intervention are set out in the rules, and the court may limit the scope of intervention, depending on the circumstances of the request. Unlike the plaintiff, a plaintiff-intervenor does not have a clear right of appeal nor the ultimate control of the case. However, a plaintiff-intervenor, like a plaintiff, would be a party to the action and would be bound by a decision under the doctrine of res judicata.

However, we must be concerned about maintaining balance in our adversarial system. We need to carefully examine the "David vs. Goliath" image which usually surrounds suits filed by a small, underfunded, understaffed, public interest law firm against a powerful sovereign State. An examination of the record in many of the past right-to-treatment cases belies this popular image. The Justice Department, with all of the resources at the Government's disposal, can often tip the balance of justice significantly in favor of the plaintiffs.

It is not simply a case of the relative numbers of attorneys assigned to a case: it is also a matter of experience in trying similar suits. The typical assistant State attorney general has had no training or experience with right-to-treatment cases and the emerging body of law surrounding this new area of litigation.

In addition, he or she rarely has the luxury of devoting full time to the case. It is not unusual to find a State attorney simultaneously involved in several other major cases while working on a right-to-treatment case. By comparison, attorneys for the plaintiffs can call upon the most experienced lawyers in the country in the area of mental health law and also have access to legal back-up centers to help in developing their cases.

If one of the hallmarks of the American system of justice is a reasonably balanced adversarial relationship, then we believe there is cause for concern about the drift of events in recent institutional rights cases. We believe that Congress must consider the above facts in determining how the resources of the Justice Department should be deployed. Any objective assessment of the current picture will convince Congress that the scope of litigative activities has expanded sharply over the past few years, in most instances with only peripheral Justice Department involvement. For example, in 1976, when the Justice Department's authority to file such suits was called into question by Federal district court decisions in the Solomon and Mattson cases, only a handful of States faced class-action suits brought on behalf of residents in public mental retardation institutions. Today, such suits have been filed in over half the States. Perhaps, more importantly, the scope and complexity of such cases has grown geometrically in the intervening years.

There appears to be no shortage of interested parties prepared to file such suits. On the contrary, it has become the "in" thing for advocacy groups to do these days. Indeed, one State mental retardation director currently is the named defendant in 23 pending cases—a number of them major class-action suits. These facts appear to refute the argument that current litigative efforts will flounder and fail unless the Justice Department is granted the authority provided for in S. 10.

Further, the subcommittee should not overlook the fact that the Department of Health, Education, and Welfare and the Legal Services Corporation are currently expending several million dollars annually to support litigation on behalf of patients in mental institutions. For example, as a result of 1975 amendments to the Developmental Disabilities Act, each State is required to establish a statewide protection and advocacy system for developmentally disabled persons—including the mentally retarded. One major function of these protection and advocacy agencies, which in fiscal year 1979 received a total of $3 million in Federal support, is to pursue legal remedies to safeguard the rights of disabled persons—in both institutional and noninstitutional settings.

All of these factors indicate another problem with S. 10. By granting the Justice Department the right to initiate suits, S. 10 threatens to even further tip the adversarial balance. Dr. Alan Stone, who is both a professor of law and a professor of medicine at Harvard University, has discussed this harmful impact. He stated:

> As one studies the litigation that has resulted, it becomes clear that the development of constitutional rights of persons confined in state institutions has not been the result of balanced adversaries. At least that is this observer's opinion. The activists and reformers have produced careful scholarly argument, and this is particularly reflected in appellate briefs. The states have not matched that performance by a wide margin. This has not been the typical situation of much public interest law where the public interest lawyer faces powerful legal adversaries subsidized by vested interests with enormous wealth at their disposal. In many states mental health litigation is handed over to the newest Assistant Attorney General with little legal back-up and with little motivation. It is easy to understand why a young lawyer would have little interest in defending (some of the) conditions in institutions. . . . However, without balanced adversarial presentations to the court, the emerging law is apt to be short-sighted, particularly when it addresses the problems of implementation of new health policy.
>
> When S. 10 throws the Justice Department in on the side of the plaintiffs, it does nothing to remedy this profound problem of adversarial imbalance. In at least two states, one where the Justice Department is involved and one where they are not, the doctor-defendants have considered attempts to raise funds to hire private attorneys rather than depend on the efforts of the state Attorney General's office. This response is precipitated both for selfish and unselfish reasons. Many of the suits brought on behalf of patients in the area of developing constitutional rights have demanded monetary damages under § 1983. Thus, physician-defendants have been concerned about the possibility of personal financial hardship that, since it is brought under a civil rights action, may not be compensable through malpractice insurance. The unselfish considerations are that the effort of the federal courts to develop the constitutional rights of citizens confined in institutions without adequate adversarial consideration has resulted in temporary restraining orders, judicial decrees, and consent decrees that have seriously compromised the ongoing treatment efforts in many institutions. In Massachusetts, for example, a temporary restraining order giving patients in a state mental institution the right to refuse medication, and setting limits on the use of restraints and seclusion, has led to chaos with a proliferation of physical and sexual assaults, injury to staff and patients, and a rather serious and profound disruption of the morale of the treatment staff. This situation inevitably disrupts and even destroys the possibility of treatment of all the patients in that facility, including those desirous of treatment.
>
> What all of this suggests is that serious consideration should be given to the resources and capacity of the states to deal with litigation initiated in the Justice Department, particularly if that litigation is, as I have indicated in my first point, an effort to develop new constitutional rights rather than enforce constitutional rights recognized by the Supreme Court. All of us would agree, I assume, that the development of new constitutional law ought to be the product of good legal argument on both sides.

In considering S. 10, we must also scrutinize its claim of constitutionality. I share the sentiments expressed by Robert Hansen, attorney general for the State of Utah, when he addressed the Judiciary Committee:

> As United States Senators you have taken an oath to support and uphold the Constitution of the United States to the same extent as have Federal judges. While this question is a matter of law and not of fact, many of you have had distinguishing careers in the legal profession before becoming senators, and even those who have not have acquired a practical expertise in legal and constitutional matters. In addition, this particular question is far less technical than most since it involves a basic conceptual issue as to whether there is an inherent power in the Federal Government to take such action as it deems necessary to protect Federal constitutional statutory rights of certain citizens detained for various reasons within the several States. The Justice Department does not contend that there is any express authority in the Constitution for them to take action which this bill presumably confirms, at least Drew S. Days, III, the Assistant Attorney General in charge of the Civil Rights Division of the Justice Department, failed to cite any in his statement on April 29, 1977, before the House Judiciary Subcommittee, which held hearings on H.R. 2439, a nearly identical bill.
>
> Inasmuch as there is no express power granted to the Federal Government in this area, I respectfully submit that the tenth amendment to the U.S. Constitution is controlling. It states: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." To enact this statute in the face of that constitutional provision is a clear violation of the Constitution itself.
>
> If this bill is constitutional, can any bill be unconstitutional which enables the Justice Department to initiate suit against a private corporation or individual who violates any provision of the Constitution (which are numerous) or any provision of any Federal law (which are nearly numberless)? Then why not any Federal regulation (which are even more astronomical in number and in scope)? If you do not hold the line where the framers of the Constitution did, at the expressly granted powers, where can you draw it, short of total and absolute Federal dominance?

Mr. President, I want to read that last sentence again. It is so important today that this body remember that. If you do not hold the line where the framers of the Constitution did, at the expressly granted powers where can you draw it short of total and absolute Federal dominance?

> The Constitution aimed most of all to create a limited government. Is this Congress to do the ultimate violence to that concept? Is such a radical departure from fundamental constitutional principles consistent with your oath to uphold the Constitution?
>
> Ultimately all questions of constitutional law must be resolved by the U.S. Supreme Court. However, every enactment of the Congress of the United States is presumed to be constitutional and it is my opinion that the Congress, itself, ought to be satisfied that there is a substantial possibility, if not probability, that the Court would uphold such an enactment. Otherwise, two injuries are done. First, the courts are burdened with cases working themselves up from many of, if not most of, the 93 district courts through the 11 courts of appeal, and finally adding to an already overburdened case load of the U.S. Supreme Court. The second damage is the expenditure that both the Department of Justice and the respective attorneys general must make to litigate these cases until a decision of the United States Supreme Court is rendered, which may be several years after the statute is enacted. During that period, the relations between the Justice Department and the States' attorneys general will be strained considerably, as noted in the second and third objections below.
>
> Regardless of how commendable the underlying social policy may be in support of this proposed law, it is the duty of this committee to reject it if it is unconstitutional. I submit that it is.

Mr. President, I remind the Senate that the statement I have just presented was made by the Honorable Robert Hansen, the attorney general for the State of Utah, when he addressed the Judiciary Committee.

There is no question of the damage that S. 10 will inflict on State-Federal relations. In fact, this constitutional concept was the basis for the decision in United States against Solomon which disallowed the Justice Department's attempt to initiate litigation in this area. The opinion states:

> The proper habilitation of mentally retarded citizens is a matter of acute concern to this court, as indeed it should be to all decent and civilized persons. This court has no doubt that the instant lawsuit stems from a benevolent desire on the part of officials of the Department of Justice to improve the lot of the mentally retarded. Important and compelling as a charitable aspiration for helping the mentally retarded achieve a meaningful existence may be, however, it must not be allowed to impel a procedural result which by implication, if not by direct effect, would threaten the delicate balance of power which the Constitution conceives among the various branches of the Federal Government and between the Federal and State Governments * * * This, then, is not in any sense a decision about the rights and needs of the mentally retarded. It is a decision about the proper limitation of the power of the executive branch of the U.S. Government.

Mr. President, there are various aspects of this bill, S. 10, that I have been discussing and will continue to discuss. I now would like to take up a discussion of the costs, the true costs, of S. 10.

While the cost of S. 10 to the Justice Department is estimated to be minimal, that is not the true price tag on this legislation. The true cost is what this litigation will mean in the number of taxpayers' dollars which will be spent. We can get a better idea of these exorbitant costs by looking at what has happened so far.

Thomas Coughlin III, the New York State Commissioner for the Office of Mental Retardation and Developmental Disabilities had these comments:

> The extremely costly demands placed on state administrative and legal resources in defending such suits is also hard to defend. Valuable resources often must be diverted to defend complicated litigation and to achieve compliance with various orders of the Court.
>
> In order to comply with the reporting requirements of the Decree, the State of New York hired professional staff to gather information concerning its compliance with the Decree and to report such information to the Court and the Willowbrook Review Panel. These units, specifically the Technical Assistance Unit and the Willowbrook Task Force, provided no administrative or programmatic services. Just the cost of administering and monitoring compliance with the Decree and subsequent court order is over $1,000,000 per year.
>
> I am referring not just to the additional auditing staff and administrative staff but also to our strong feeling that the judicially imposed measures can be much too static. Courts have concerned themselves with such programmatic issues as: What is the appropriate number of placements per month, how many hours of physical therapy, occupational therapy and vocational rehabilitation are required by each client, and how many staff persons must be hired to assist an advisory body in carrying out its duties. These objective hard and fast criteria cannot always adequately reflect the dynamics of change or permit even minimal clinical and administrative flexibility necessary in the day to day operation and delivery of service in a complex service system. Our human service technology is simply not ready for the quantification of service delivery indices that courts demand and become cast in stone.
>
> Even more distressing, the threat of seeking a judicial remedy for social change can be used for political leverage. For example, in the three month period immediately preceding the November, 1978 gubernatorial election, some four class action lawsuits were initiated compared to one action during the preceding three years.
>
> In addition, the solutions imposed by the Courts are insensitive to tremendous costs associated with strict adherence to all of the court imposed requirements. New York State has spent more than $400 million dollars complying with the Willowbrook Consent Judgment. This expenditure has occurred during a time when the State and city of New York were sheparded through a period of potential fiscal collapse by Governor Hugh Carey. A local newspaper, the Staten Island Advance, has reported that Willowbrook is the most expensive class action in history. In any event, too much time and energy has been expended to satisfy static criteria or performance to which the court has consistently clung.
>
> One of the consequences of such litigation is the need to hire a battery of lawyers in order to defend ourselves—as individuals—against such suits. New York State is obligated to pay not only for our lawyers but is now litigating a claim of up to $4,000,000 for plaintiffs' past legal fees in the Willowbrook litigations.

As I noted earlier, the price tag for the first set of interrogatories in South Carolina was $56,000 and total legal expenses for the State certainly exceeded $100,000. In Jacksonville, Fla., where a Federal court took over the Duvall County Jail, the jail's annual budget doubled to $4 million.

All of this leads to the inevitable question of "how will these increased costs be met?" Who will pay for this? James H. Joy, the executive director to the American Civil Liberties Union of Colorado, has addressed this question in a recent article:

> Nearly every state legislature in America will face major appropriations for capital investments into penal institutions during the current sessions. For most, there will be no choice but to spend millions of dollars of taxpayers' money—possibly more money than they have ever considered spending for such a program.
>
> Each state must determine how to house, secure, treat and protect the thousands of citizens currently incarcerated in state institutions. To meet these needs, the states are building approximately 600 new facilities costing more than $3.5 billion dollars.
>
> This startling demand upon the taxpayer is for capital expenditures in corrections. It does not include the breathtaking increase in the cost of maintaining these facilities nor the expense of programs and basic needs. In 1978 it was estimated that the cost of crime, enforcement, administration of justice and corrections totaled a very conservative 4 percent of our national income. This figure may well be exceeded dramatically in future years as a result of greater investments in both enforcement and correction.
>
> How have we come to the decision that, in a climate of growing frugality, dramatic increases in corrections budgets are called for? The decision generally has not been made by elected officials but by the courts. Eleven major jurisdictions have existing federal court orders to upgrade all their prisons. These include Arkansas, Alabama, District of Columbia, Florida, Louisiana, Mississippi, Rhode Island, Oklahoma, Arizona, the Virgin Islands and Puerto Rico. These state and districts . . . were forced by court order to meet an amazing variety of minimum standards in treating their incarcerated citizens.
>
> . . . Even the most modern prisons are not exempt from suit. The Metropolitan Correction Center in New York was opened in 1975. It has no bars but has air conditioning, carpeting, color TV, couches, telephones and exercise areas. Its administration was sued because of its reliance upon strip searches, the use of mail restrictions, the limited commissary privileges, and overcrowding. The Legal Aid Society of New York won this litigation in behalf of the inmates.
>
> The judiciary is clearly looking for standards it might reasonably apply once it has entered into the business of reforming the prisons. Many groups have stepped forward with guidelines that can be used by both the legislative and the judicial branches of government. The most influential guidelines are the Federal Standard for Corrections, written in draft form by the Department of Justice. These are particularly important because, although they are currently voluntary, they may eventually be tied to the receipt of federal funding for corrections and possibly law enforcement.
>
> The judicial enforcement of these stand-

ards promises to be remarkably expensive. Corrections officials in Alabama feel that bringing their system up to constitutionally acceptable conditions will cost $200 million for 9,000 prisoners by 1980. In Mississippi the cost of maintaining their system rose from $2 million in 1974 to $13.4 million in 1977 in spite of a recent 7 percent drop in the total number of prisoners. Building costs alone are running from $24,000 to $100,000 per bed.

Many states have argued that the cost is too high. They simply cannot afford to bring their facilities and programs into compliance. However, the court in the Alabama case states that inadequate funding and lack of resources are not answers for unconstitutional conditions. In Mississippi the court insisted to the defendant:

> "Constitutional treatment of human beings confined to penal institutions is not dependent upon the willingness or the financial ability of the state to provide decent penitentiaries."

Are we approaching a time when states must either improve penal conditions or let their prisoners free?

If we are talking about forcing some $3.5 billion costs on the States, it might be of value to look at what the Attorney General is doing in the Federal prison system. After all, the Attorney General is responsible for the Federal prison system, and before we grant him what amounts to supervisory powers over State institutions, we should scrutinize his efforts where he now has the power. The facts are an indictment. Federal prisons are 20 percent over capacity, State institutions are only half of that. The Federal example at St. Elizabeths Hospital is indicative of how the Federal Government fails to fulfill its current obligations.

St. Elizabeths, which is, in effect, the "State hospital" for the District of Columbia, is almost totally supported by Federal appropriations. It is unaccredited and operating under a court order. It has so many problems in connection with the court order that the total money the Congress and the District will give it this year is $176 million, or $270 for each resident of the District of Columbia. I note that while St. Elizabeths is unaccredited, 64 percent of all State psychiatric hospitals are accredited.

If the Federal Government were willing to assist the State government mental health programs at the same level it assists the one "State hospital" in the District of Columbia, it would mean that Congress would appropriate, for example, to the State of Illinois mental health programs $3 billion each year.

Let us look at the lawsuit pending against St. Elizabeths. To settle this suit, the District of Columbia and the Federal Government have recently submitted a plan to spend $29.5 million to provide appropriate services to the 2,000 residents of St. Elizabeths. This is an expenditure of $14,750 per patient. If the States were to apply this same per capita figure to all nonaccredited beds in State psychiatric facilities, to upgrade their quality equally, it would cost $1.3 billion.

The Federal Government assists the States in many health and welfare programs, and the average rate of Federal financial participation in State medicaid programs is 55 percent. To upgrade State psychiatric hospitals using this formula, the Federal Government's share would be $740 million.

Mr. President, I do not believe that the sponsors of this bill realize the tremendous cost that will grow out of this particular piece of legislation.

Mr. President, I ask unanimous consent that I may yield to the able Senator from North Carolina (Mr. MORGAN) in order that he may make a statement and that upon resuming it will not be counted as a second speech by me in this legislative day.

The PRESIDING OFFICER (Mr. MELCHER). Without objection, it is so ordered.

Mr. THURMOND. I yield to the distinguished Senator from North Carolina.

Mr. MORGAN. Mr. President, I oppose S. 10, a bill to give the U.S. Attorney General the power to bring suit against State governments on behalf of people living in State institutions.

As this is going to be a rather lengthy statement, I will start by briefly summarizing my position. S. 10 represents a major expansion of the coercive powers of the Justice Department which does serious violence to the principles behind our Federal-State system of government. S. 10 will lead to serious encroachments into the powers of the States by allowing bureaucrats in the Justice Department to become involved in programmatic and managerial decisions affecting every aspect of State institutions and to try to reorder the budget priorities of State legislatures.

In addition, it is inappropriate for the Federal Government to try to bring about changes in the policies followed by State governments through litigation in the courts, except in extremely rare and limited circumstances. Litigation is a coercive, rather than cooperative, approach which, as the Judiciary Committee report on this bill points out, is "costly, time consuming, and disruptive of the operation of State and local governments."

Litigation is also a poor context in which to try to solve highly complex questions of social policy. If passed, S. 10 will further encourage judicial activism and judicial lawmaking, thereby damaging our political system and institutions.

Finally, the Justice Department lawyers who have been handling these types of cases have repeatedly and deliberately abused such powers as they already possess. Judges, State and local officials, and others have testified that the Justice Department has been heavy-handed, insensitive, and publicity seeking. The most glaring recent example, though by no means the only one, occurred recently in Philadelphia. There, Federal District Court Judge Ditter, in throwing out a suit brought against the mayor and other Philadelphia officials, wrote an eight page indictment of Justice Department's attorneys which concluded with the following:

> Suffice it to say that what occurred in this case is a most regrettable example of the abuse that might result if the Attorney General were empowered to bring lawsuits of this kind.

We ought to think twice before granting these same officials any additional powers of any kind.

S. 10 has been considerably amended, and is now a better bill than when originally introduced, and certainly better than its predecessor in the 95th Congress. But, I remain to be convinced that the changes in the bill will deal with the concerns I have expressed in any meaningful or fundamental way.

It is for this reason that I continue to oppose S. 10. However, the changes that have been made in the bill are better than nothing and, in the event the bill is passed, they ought to be retained by the conference committee. It would be regrettable if we should have to go round and round with the conference report as we have been doing with the bill for almost 2 years.

In analyzing S. 10, it is helpful to look at why this legislative proposal even exists. S. 10 results from the coming together of two forces for change. On the one hand, as knowledge of the problems of institutionalized people, both before and after institutionalization, and possible methods of dealing with these problems has increased, an understandable and proper movement for the reform of our institutions developed. To see this, one need only contrast the prevalent attitudes of 20 years ago, essentially to lock the people up and forget about them, with the prevailing attitudes today.

In this light, for the committee report on S. 10 to quote one mental health expert as saying "100 years of bad institutional practices is long enough to wait for the States to have sorted out the problems themselves" is rather misleading. As little as 20 years ago few saw much of a problem, not even Washington-based lobbyists and bureaucrats.

The second major force for change was the civil rights movement. The controversy over race discrimination in the post-World War II years spawned an interest in the rights of individual Americans generally. Civil rights activists, many of them imaginative lawyers, have continued to move into new fields, first sex discrimination, then the rights of the poor, and most recently the rights of the handicapped and the institutionalized.

Civil rights activists tend to have a strong disposition to pursue their goals through litigation and by expanding the powers of the Federal Government. This is an understandable bias which results from the inability to deal with racial discrimination through the State and local political processes, but it is a bias that leads to some incorrect and even dangerous policy conclusions.

In essence then, S. 10 is the result of an alliance between civil rights activists and advocates for the mentally ill, the mentally retarded, and criminals who are using strategies developed for a completely different situation, that of racial discrimination. And, they are impatient with the rate of change in public policies with regard to State institutions, even though there has been a virtual revolution in the last two decades.

The Justice Department was involved in litigation on behalf of the institutionalized from 1971 to 1976 either as amicus curiae or plaintiff-intervenor. Then, in 1976, they decided to initiate two suits, one in Maryland and one in Montana, against those States' institutions for the mentally retarded. Both Federal judges promptly threw the cases out for lack of standing, decisions that were upheld by the appellate courts and not reviewed by the Supreme Court.

Although the Justice Department still believes they have the inherent authority to initiate suits on behalf of the institutionalized, they have been forced to come to Congress to try get those court decisions overturned. And so we have S. 10.

The arguments for S. 10 are essentially as follows:

First. Conditions in State and local institutions are terrible, and litigation is an effective and appropriate method of bringing about changes.

Second. Only the Justice Department has the necessary resources and expertise to engage in such lawsuits.

Third. Their existing right to engage in such lawsuits as amicus curiae or plaintiff-intervenor, roles which can only be filled with the concurrence of the Federal courts—which provides some sort of check on them—is insufficient since it does not allow enough flexibility in their case selection.

I believe this line of reasoning is simplistic and ignores a host of other considerations.

State, local, and Federal institutions do have serious problems today—and I emphasize the Federal institutions as well as State and local—but these problems are different from the ones that existed even less than 20 years ago, when they arose from lack of concern and lack of knowledge. For example, even 7 years ago, there were no Federal standards for mental retardation facilities even though they were receiving funds through the medicaid program.

The basic problem with institutions today is that they do not get sufficient funds from their legislative bodies, whether it be the State legislatures or, in the case of Federal facilities, Congress.

Unlike at any time in the past, one finds concern among the public that institutions provide an acceptable living environment. At least in the case of the mentally ill and mentally retarded, there is general agreement that their confinement should be the least restrictive possible, that habilitative services be provided, and so forth.

In terms of the pace at which our political process moves, this general consensus is relatively new, and States are moving as rapidly as possible, consistent with their other duties and concerns, to reach those goals. That these goals have not been reached today is due to lack of time and lack of money.

If one accepts that the States are acting in good faith in trying to improve their institutions, as I do, then one must seriously question the wisdom of enacting S. 10.

S. 10 would be, to borrow a phrase President Kennedy used on another subject, "a blow to States rights of major proportions." Throughout the late 1950's and early 1960's, Congress debated the question of whether the Justice Department should have broadly based authority to sue States for alleged violations of constitutional rights. This authority was rejected by Congress three separate times. In 1964, then Attorney General Robert Kennedy testified before the House Judiciary Committee in opposition to such proposals. He said:

> Obviously, the proposal injects the federal executive authority into some areas which are not its legitimate concern and vests the Attorney General with broad discretion in matters of great political and social concern.

In making this statement, Robert Kennedy listed several examples of the alleged constitutional violations he had in mind, and one of them was "the propriety of incarceration in a mental hospital," which, interestingly enough, is covered by this bill.

So, Mr. President, I am not alone in my concern about intrusion of the Federal Government into areas that have historically belonged to the States.

In effect, S. 10 would grant the Justice Department the right to try and force States to adopt certain programmatic and managerial practices with regard to its institutions and to reorder the State's budget priorities, as deemed necessary.

It is important to remember that a case that starts out by trying to force an institution to cease physical maltreatment and to provide medical care to residents inevitably turns into long discussions concerning appropriate patient-staff ratios, the number of hours of recreation to be provided weekly, and appropriate treatment philosophies.

Almost every State is required to operate on a balanced budget, and every dollar extra that is spent on an institution has to come from somewhere, whether it be the public schools, health care, or rural development. Only the States can decide properly how State taxes should be distributed, whether it is more important to hire new teachers, rebuild a vital bridge, or halve the patient-staff ratio at a mental hospital.

It is an unfortunate fact of life that budgets are limited, and neither Congress nor State legislatures can fund all things properly. Legislators have a tendency to try to get the most out of each dollar. And, because of the high cost of quality institutional care, legislators have been spreading the improvements they are making in institutions out over a number of years.

This is just as true in Congress as it is at the State level. I have seen no willingness on the part of Congress to provide the billions of dollars necessary to fix up Federal penitentiaries. And, when St. Elizabeths Hospital, which used to be federally owned and operated, lost their accreditation some years back and was faced with a massive lawsuit, the first reaction of Congress and HEW was to get rid of it, to turn it over to the District of Columbia. Yet, the pending bill would force the States to do exactly what Congress itself has been unwilling to do.

Every expansion of the powers of the Federal Government implies a concurrent reduction in the powers and responsibilities of the States. As legislation of this nature gets enacted we take vital discretionary authority away from the States.

As an example of how this can happen, I will quote a brief passage from the testimony of former Maryland Attorney General Francis Burch with regard to the suit the Justice Department brought against Rosewood State Hospital for the mentally retarded:

> When Rosewood was designed, the ideal treatment facility was thought to be a large hospital in a rural setting with an opportunity for residents to perform useful farm work. Rosewood was based on that model. Present treatment philosophies are oriented towards small community-based facilities. One of the Justice Department's aims (in the lawsuit) has been to reduce Rosewood to a community-based facility.

We heard testimony concerning this very matter from one of our distinguished colleagues who I am sure will be speaking on this later as to how do we draw the line between the Justice Department's actions in seeking to enjoin violations of constitutional and civil rights when they seek to impose their own philosophies of the best kind of medical care and treatment.

In the case of the testimony before the committee, which I am sure we will hear recited here in the Chamber, it was indicated that the Justice Department in that particular lawsuit was unwilling to accept or listen to the recommendations of the Department of Health, Education, and Welfare, the Department that is charged primarily with dealing with health affairs.

Rather, this Justice Department sought to impose their own particular treatment philosophy.

Based on the legal theory that confined mentally retarded individuals are entitled to appropriate treatment, and because treatment philosophies have changed, the Justice Department was trying to alter programmatic decisions made by the State of Maryland. I find it hard to believe that the Federal Government should have the authority to force States to adopt to whatever the prevailing beliefs are, at any given time, within academic circles.

Closely related to the States rights problem inherent in this legislation is the question of whether these issues are an appropriate subject of litigation and judicial decisionmaking. Nathan Glazer, in a 1978 article which appeared in the Public Interest, made an interesting point:

> Judicial intervention has moved from greater rights to smaller rights; from greater wrongs to lesser wrongs; and from rights to policies with no relation to rights.

He further stated:

> Judicial decisions, remedies, and interventions are beginnng to shape the entire structure of social policy. They are determining which of the factions disputing policies

> and their implementation are to be strengthened, and which weakened. They are determining which professional groups active in social policy are to be favored, and which neglected. They are significantly determining how resources within any given branch of social policy are to be distributed, and how they are to be distributed among the several branches of social policy. Yet questions about the larger impact of a decision rarely come up in court. . . . The judge will be bound by the case before him and will be unable to take into account the effect of his order on other state services.

A good example of how this happens was provided by Otto Estes, assistant secretary for mental retardation for Louisiana, in his testimony on S. 10:

> All increased funding voted by the Nebraska Legislature in recent years have been earmarked for carrying out the deinstitutionalization goals set forth in the consent decree in the case of Horacek and the United States against Exon. As a result, no inroads have been made in transferring retarded nursing home residents to more appropriate residential settings—despite the fact that . . . the general awareness is that the placement priority of some of these persons is higher than residents in the state institution.

The Federal courts have always made decisons with grave political and social repercussions, and this is not my concern. What is new is the type of court order that is increasingly being handed down.

The more standard type of court decision sets a standard and public officials are simply expected to adhere to it. But, and again I am quoting Nathan Glazer:

> There are now increasing numbers of judicial decisions that involve fairly elaborate provisions for supervision and administration, specify in detail how (public officials) are to operate, and almost inevitably provide for continued oversight for an indeterminate period by the court.

In short, the courts have been usurping the powers reserved for the legislative and executive branches by determining how public funds are to be spent.

Can a court really decide how much overcrowding in a prison represents a violation of constitutional rights? In the Alabama prison case some years back, Judge Johnson complained that 3,500 prisoners resided in facilities designed for 2,300. Without getting into the specifics of that case, I would simply note that it seems difficult to believe that a judge can or should decide whether a reduction in the prison population of 500, 600, 800, or 1,200 represents a sufficient reduction in the prison population for there no longer to be a rights violation.

These are not questions with clear or universally acknowledged answers. While the conditions in an institution may be so shocking as to clearly violate constitutional rights, when the judge tries to make a ruling he is dealing with highly complex issues, with matters of policy that need to be left to the elected officials who represent the people.

But Federal courts are increasingly making just these kinds of decisions, admittedly not entirely by choice, and I suspect the problem is going to become a good deal worse as Federal and State budgets get tighter and more and more budget cuts are made.

This is an alarming problem, and I have no ready solution. But I strongly believe that Congress has no business exacerbating the problem by passing legislation that will lead to lawsuits that force these decisions on the courts.

My final concern with S. 10 is that it expands the power of a division in the Justice Department that, in recent years, has repeatedly shown a willingness to abuse their powers.

Judge Ditter, who presided over the case in Philadelphia, I mentioned earlier, concluded:

> The Justice Department attorneys publicly vilified the individual defendants, accusing them of outrageous, conscience-shocking misconduct, while simultaneously planning a schedule for the lawsuit that would prevent these same defendants from ever answering the charges.

He further said, while the Justice Department was making pitches to the press about their excellent case,

> * * * no testimony under oath had been taken, no documents had been copied, and that witnesses had not been located, interviewed, and prepared for court.

In South Carolina, the Justice Department brought suit to overturn a law which had already been repealed by the legislature; it was just that the new law had not yet gone into effect.

Judge George Carr in Tampa, Fla., in denying a Justice Department petition to intervene in a lawsuit, wrote:

> The government has known about the case since its inception, yet it has waited until approximately 25 days prior to trial to request leave of the court to participate. * * * To permit the government to participate in the manner requested would burden the other parties.

Senators EXON and DANFORTH made a point of testifying about irresponsible actions by the Justice Department within their States, as did attorneys general from all over the country.

Regardless of the merits of S. 10, it seems to be that the repeated misbehavior of the Justice Department in these matters should be thoroughly investigated, and they should be forced to stop this pattern and practice of abuse of power before any consideration is given to adding to their authority.

For all that I am opposed to any bill granting the Justice Deptartment the authority to sue States, the version now pending before the Senate is the best I have seen in that it provides the most protection for the States.

Under S. 10, as approved by the Judiciary Committee, the Justice Department has substantial notification and negotiation requirements that have to be met before it can bring a lawsuit. These requirements will force the Justice Department to specify the rights' violations and the pattern and practice of resistance the State is alleged to have engaged in, as well as provide specific supporting evidence. Justice Department officials will have to provide State officials with suggested minimum remedial measures, information as to available Federal support, and make a serious attempt to resolve any disputes through informal methods. When in litigation, U.S. attorneys may only seek and the court may only order the minimum measures necessary to correct the problem.

State officials can get their legal costs reimbursed by the Federal Government if the court so orders.

Another important change in the bill is section 6, which requires the Justice Department to prepare a detailed report on every action brought under this statute. If the Department's lawyers cannot justify themselves to the Congress, they may find funding for the lawsuit cut off on the next relevant appropriations bill. Although I almost always oppose riders to appropriations bills, believing that substantive law should not be overridden in the appropriations process, the stakes for our Federal system of government are too high in this case.

Finally, the definition of "institution" has been refined so as to clearly limit S. 10 to those owned or operated by the State. Private institutions that are licensed by the States or that receive funds through the Social Security Act are clearly not covered.

There are some issues relating to the implementation of this bill that have not been covered by binding language, but which I believe the Senate is in general agreement on.

First, the relief that can be sought was not limited to "minimum corrective measures" by accident, and the Justice Department does not have a license to dream up ways to reform the institution in question. The only reason relief was not limited to that mentioned in the Attorney General's certification was to cover the possibility of new information coming to light.

Second, the authority provided by S. 10 is to be used only in the extreme worst cases, and not to correct every problem that can be found in institutions around the country. Similarly, the Justice Department does not have a license to try and create new statutory or constitutional rights; rather it should limit its efforts to those already in existence. Only a few actions should be necessary under this authority.

Third, this bill deals with the conditions of confinement, and not State court decisions confining people, especially not decisions in criminal cases.

Fourth, the certification requirements for interventions are less than those for initiating an action because the Judiciary Committee was concerned about the rights of the primary plaintiff. It is not a loophole that should be used to avoid the requirements for initiating a suit.

(Mr. STEVENSON assumed the chair.)

Mr. MORGAN. Fifth, Justice Department attorneys are expected to be sensitive to the problems facing State officials, and especially to the fact that most State legislatures have limited sessions. State legislatures should be given a chance to meet, if at all possible, before a lawsuit is initiated.

Mr. President, I wish to thank Senator BAYH and the members of the Judiciary Committee for their courtesy and willingness to consider opposing viewpoints and to try to work out difficult areas as much as possible.

Should this bill pass this week, I am

confident that the Senate's position will be held to in conference and that there will be no need to reopen old battles during consideration of the conference report.

Mr. President, I have outlined, in some detail, my concerns in specific about this bill, as well as having tried to point out some very decided improvements that have been made in the bill since the 95th Congress. No one who has ever served in this Congress is more concerned over the plight of the mentally ill than the Senator from North Carolina.

I was 24 years of age and was judge of the probate court in my county about 30 years ago. The first mentally ill patient that I ever saw in my life came before me in my position as judge of that court. And, because there was inadequate room in the mental hospitals in my State, I was compelled to sign an order confining that mentally ill patient to the common jail of my county. That person was confined to the common jail of that county at a time when he was acutely ill and critically needed medical care.

Such actions were not at all unusual in those days, not only in my State but all across the Nation, because too many people in our society followed a philosophy of "out of mind, out of sight." And, also, medical science was not able to make the progress with the mentally ill that it now is able to make.

Some 4 years later, after I left the position as judge of the probate court, I served my first term in the North Carolina State Senate. The first matter of debate that I became involved in on the floor of the State senate concerned the care of the mentally ill in North Carolina.

For 10 years in the North Carolina State Senate, I continuously fought to improve the conditions of our mental hospitals, our facilities for the mentally handicapped, the retarded, and the physically handicapped. I place my record working for these unfortunate Americans alongside anyone else's.

I am proud of the record of my home State. Some years ago, we had improved the medical care and treatment of the mentally ill in my State to such an extent that the vast majority of our mentally ill patients were returned home from the hospitals to their communities within a period of 90 days. And we are still making progress.

As attorney general in my State, time and time again I ruled that the mentally ill were entitled to adequate and sufficient care. I issued a ruling with regard to the educable retarded long before any laws were passed requiring it, saying that when the constitution of North Carolina provided for free public school education, it did not limit that requirement to average children or to exceptional children, but to all children; and that my State was required, under its own constitution, to afford to every child within its borders the opportunity to receive as much education as he or she was capable of and bring out all that was within them. My State has gone a long way in that area.

There is absolutely no excuse anywhere in this great Nation of ours for these people to be neglected. These people are unfortunate. They cannot provide and care for themselves. And it is not only the States, we in Congress are inclined to neglect them also.

I think it is almost criminal that in many of the States in this Union most of the doctors practicing in our mental institutions are foreign-trained with special licenses to practice only in those institutions and not engage in general practice.

In effect, we are saying that it is all right for these unfortunate people, who have no freedom of choice, to be treated by people trained in foreign lands. There may be nothing wrong with that, but it seems to me that those who are suffering from mental illnesses need, more than anyone else, someone that they can communicate with freely and easily and without a language barrier.

But that is a problem that exists in our country today and yet we find, time and time again, resistance to training additional medical personnel, additional medical doctors in this country.

So I have great concern for the people that we are talking about. But I think the greater harm can come by this Congress or by the Federal Government seeking to control everything from the center of power here in Washington.

The founders of this Nation saw this danger. Thomas Jefferson, who, as we all know, wrote the Declaration of Independence, though he was not present at Philadelphia when the Constitution was written, time and time again wrote of the need of keeping Government closer to the people. He expressed his concerns about a strong central or national government. James Madison, who drafted most of the Constitution, spoke of it quite often.

So what I am really saying, like the Founding Fathers of our country, is I believe that, though everything may not be done in the States that ought to be done, in the long run, we incur greater risks by seeking to concentrate or to interfere with the rights of our States in those areas which have been historically exactly as Attorney General Robert Kennedy pointed out to Congress with the States, in his testimony in 1964.

I close by saying again, Mr. President, that the bill is a far better bill than it was in the 95th Congress. I think the proponents and the opponents of this bill together, who worked long and hard in the Judiciary Committee to make it a better bill, are to be commended. And I want to express my personal appreciation to them for working closely with my staff assistant, Mr. Tom Polgar. Through him, many of my concerns have been expressed to that committee and I think many of my concerns have been taken care of. But it is still a question of fundamental principles with me.

Mr. President, I yield the floor, under the terms and conditions that Senator THURMOND yielded it to me.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, I compliment the Senator from North Carolina on the remarks he has just made. I, too, am compelled to rise in opposition to S. 10 as it appears before us today.

In truth, I may find it impossible to support this bill in any form—although it is my intent to offer some amendments whose passage may make the pill a little easier to swallow.

I look over the list of cosponsors of the bill and am at a loss to explain the length of the list or the breadth of the political philosophies it embraces.

This bill represents a naked incursion into the rights and responsibilities of State and local governments.

Why, Mr. President, would these friends and colleagues want to join hands over another step in the demise of State control of State interests?

I prefer to think that my colleagues see an injustice done and, as is so characteristic of each of them, they have set out to slay the dragon and right the wrong.

They have the humanitarian concern for those unable to care for themselves, a concern which I share. They are told of gross deprivations of the civil rights of institutionalized persons all across this country, Mr. President, and the pictures that are painted and the facts verified are almost beyond civilized understanding.

It is from that deep feeling of compassion that my colleagues have come forth today. I must say, Mr. President, that we are as one in that feeling.

My colleagues and I agree that all persons are entitled to their human rights—my colleagues and I agree that those who would deny any person his individual rights must be halted and dealt with swiftly and surely—my colleagues and I agree that it is our sworn duty to uphold the constitutional rights of all.

Our single difference, Mr. President, is how that sworn duty can best be discharged.

To believe as my colleagues do, I would have to accept—as they must accept—the basic theory that the State and local governments in this country are, at worst, unwilling and, at best, unable to protect the rights of the unfortunate citizens placed in their care and that only the Federal Government can play that role.

I do not believe that to be true.

In the absence of that belief, I cannot condone another blow at the foundation of our governmental system, another unwarranted intrusion into the lives of our people, another opportunity for expansion of Federal bureaucratic authority and ultimately, another reduction in the ability of State and local government to exercise flexibility in setting and meeting the priorities demanded of it by the people they serve.

S. 10 will allow all of these things and more to happen. The committee report is not a report—it is an indictment.

On page 28:

> In the back wards of State mental hospitals and the crowded cells of state prisons and county jails, the constitutionally guaranteed right to a decent and human en-

> vironment has yet to be given practical effect.

Throughout the report there are three actors in this drama—the victims in institutions—and the hero in Washington, the Justice Department—panting to be unleashed.

On page 27 of the report, we find the victim described thusly:

> Poor, isolated, usually inarticulate, frequently incompetent and wholly dependent upon their institutional environments, they lack both the knowledge of their legal rights and the means to enforce them.

Having defined the problem the report searches for a solution and discards all save one.

> Legal services and public interest attorneys lack the financial resources and personnel needed to sustain the protracted litigation required to redress systemwide abuse. In the absence of other available assistance, the only realistic source of hope for the institutionalized lies with the U.S. Attorney General.

The State, Mr. President, the local officials, Mr. President, are found in two phrases in the scene—"systemwide abuse" and "in the absence of other available assistance." That is the indictment.

The minority views of Senators THURMOND, LAXALT, COCHRAN, and SIMPSON find the same faulty premise in that committee report—that the States are unwilling and incapable of protecting their institutionalized citizens and that the Attorney General is in the best position to protect these citizens.

Their conclusions echo my own. "Both assumptions are incorrect."

My colleagues go on to say that such assumptions were directly contradicted by various officials' testimony before the committee and the assumptions are a "patent example of the arrogance which has all too often been reflected in the actions" of the Federal Government.

It is an arrogance, Mr. President, with which I am personally familiar.

I was particularly interested in the testimony of my longtime friend and distinguished Senator from Nebraska, Senator JIM EXON.

Senator EXON told the committee:

> Before we expand the authority of the Justice Department litigation bureaucracy, let's determine what the bureaucracy is doing now and ask whether their activity is proper and consistent with the goals to be achieved.

Senator EXON then went on to recount for the committee the experience he had as Governor of the State of Nebraska in dealing with a Justice Department lawsuit regarding the comprehensive mental retardation program in his State.

Many of the experiences recounted by Senator EXON in dealing with the Justice Department in that case paralleled my own experiences with that same Justice Department in a lawsuit regarding the prison system in the State of Oklahoma.

In particular, I noted Senator EXON's outline of Nebraska's commitment to a quality and comprehensive mental retardation program which featured total funding over the last 9 years for Nebraska's basic mental retardation program increasing from $6.7 million for fiscal year 1970 to $35 million for fiscal year 1979.

Senator EXON pointed out that this increase in funding of almost threefold was accompanied by a decrease in population from 1,170 to 700 during that same 9-year period.

Senator EXON was thus describing the good faith effort the State of Nebraska was putting forth in order to meet what they recognized as a difficult and pressing problem.

That is exactly the situation which existed in my own State of Oklahoma when I as Governor committed the resources of the State to a good faith effort to rectify less-than-ideal conditions existing at the Oklahoma State Prison in McAlester and other prison units throughout the State.

It is a matter about which I will speak in more detail at the time I offer an amendment later in the consideration of this measure.

I mention briefly that in Oklahoma, during the 4 years when I served as Governor, we invested well over $100 million in our correctional system. This was roughly as much as the State spent in the entire period from statehood in 1907 to 1974. It was clear that the State was doing all that it could within the bounds of its financial resources. We wanted to solve our own problem. No one is stronger for prison reform than I am. I made reform of our corrections system in Oklahoma a top priority. I did so not because a Federal Judge or the Justice Department told me to do so; I did it because it was right.

Yet, when the Federal Government begins to dictate to the States and localities in one area, Federal bureaucrats, in essence, set the budgets for State functions in all areas. Since the State had a finite amount of money, when more was spent for prisons under order of the Federal courts, less was spent for mental hospitals and institutions for the retarded, less was available for education of all children, less was available to protect the environment.

In essence, because of Federal action, prisons were given a higher priority than handicapped children or the mentally ill.

The truth is that officials at the State and local level are closest to the people and are in the best position to determine local priorities and to write budgets to reflect them. The needs and rightful priorities vary State by State and decisions about them should be made by local officials, who are accountable to the local people at the ballot box.

I strongly believe that the elected leadership of the people of our respective States should maintain control over State programs and make the final policy and administrative decisions affecting their respective States' institutional systems.

Even during the committee hearings on S. 10, there was no evidence which could show that the unfortunate and unacceptable incidents of abuse of conduct constituted "willful and wanton conditions, or conditions of gross neglect pursuant to a pattern or practice of resistance."

In closing, Mr. President, I want to refer once again to the excellent minority views filed by Senators THURMOND, LAXALT, COCHRAN, and SIMPSON in which they said:

> At a time when most Americans feel that the Federal bureaucracy is already too powerful it is difficult to believe that the Congress would increase the power of one of the Federal bureaucracy, to interfere with States' efforts in this area.

It stretches one's imagination past the breaking point to believe the contention contained in page 37 of the committee report assessing the cost estimate of this proposed legislation. The report says that the committee estimates there will be no "appreciable increase in the existing administrative costs of the Justice Department in order to administer this act."

Having just said that there were no resources available elsewhere to take care of the problem, it then says that no additional resources are going to be applied by the Federal Government, as they intervene in more and more of the affairs of the State and local governments. This conclusion, as I have said, simply defies belief.

Mr. President, one does not have to look far down the road to see the Justice Department returning to the Congress next year, certainly by the year after, saying the authority granted to us in S. 10 is needed but we simply cannot exercise legislative intent on our present budget and at the present staff levels. If ever there was a blueprint to expanded bureaucracy, that blueprint is contained in S. 10.

That abuses exist, I acknowledge. That those abuses must be stopped, I also acknowledge. That individual civil rights of institutionalized persons must be protected, I acknowledge. But let us not achieve those ends by creating an even greater abuse—the abuse of the Federal Government intruding on the rights of State and local governments.

(Mr. BAUCUS assumed the chair.)

Mr. EXON. Mr. President, I rise to support those who are opposed to S. 10. I thank my colleague from Oklahoma, who, like me, came from the Governor's chair to this body. I recognize that there are many Members of the U.S. Senate who once served their States as Governor, but only those of us who have been there recently—recently, I emphasize—probably fully understand the continued movement of the Federal Government, like an octopus, into every fiber of everything that happens in State and local governments.

Certainly, S. 10, as reported out by the Committee on the Judiciary, is one of the most serious attempts at violation of not only the rights but the responsibilities of State and local governments that we have seen in a long, long time.

First, Mr. President, I should like to state that I am sure that all of these individuals who were the original introducers of S. 10 are very well-meaning, so the remarks that I am making here should be construed as an attempt to alert the U.S. Senate as to what really is going on behind the mask of what most would agree is a well-intentioned bill.

Mr. Bayh, Mr. Hatch, Mr. Baucus, Mr. Bentsen, Mr. Chafee, Mr. Cranston, Mr. Dole, Mr. Gravel, Mr. Hatfield, Mr. Inouye, Mr. Kennedy, Mr. Lugar, Mr. Mathias, Mr. Matsunaga, Mr. McGovern, Mr. Metzenbaum, Mr. Proxmire, Mr. Randolph, Mr. Ribicoff, Mr. Riegle, Mr. Stone, Mr. Williams, Mr. Levin, Mr. Magnuson, Mr. Weicker, Mr. Nelson, Mr. DeConcini, and Mr. Stafford, I am sure, are tremendously well intentioned. Who could not be well intentioned, when you look at S. 10 and you see, immediately below that figure in bold terms:

> To authorize actions for redress in cases involving deprivations of rights of institutionalized persons secured or protected by the Constitution or laws of the United States.

Mr. President, I suggest that anyone, until he understands what is behind S. 10, would rush to the opportunity of joining as a cosponsor in this legislation.

I hope that my distinguished colleague from Montana, who is in the chair at this time, who is one of the cosponsors, will read this legislation, look at it very carefully, and look behind what the legislation will do, not at just the well-meaning phrases that are so obviously well intentioned.

My colleague from Oklahoma and my colleague from North Carolina and others who have been on the floor on this matter today have summed it all up, Mr. President, quite well. But I suspect that, before we come to a vote on this measure, if we do come to a vote on it, there is going to have to be a lot of understanding. There are going to have to be a lot of statements made by those of us who see behind and have had experience with the bureaucracy that is part and parcel of the Justice Department.

I would think that the U.S. Senate would recognize that from a fairly recent action in which the Department of Justice was involved, upon which I have heard several of my colleagues say, "I wonder if the Justice Department went about this in the right manner." They had better understand that the Justice Department is not an infallible bureaucracy, because it is a bureaucracy. It is one of the largest and most powerful bureaucracies in the Federal Government. We have had personal experience with that in Nebraska.

Therefore, I urge all of my colleagues, those who are cosponsors of S. 10 and introducers of S. 10, to listen and heed well those of us who have had personal experience with the bureaucracy of the Justice Department.

I hope that I will not be in a position of revealing any confidences in the statements I am about to make. But, indeed, the State of Nebraska, in my opinion, was so abused and misused by agents of the Justice Department that we complained to more than one Attorney General. More than one Attorney General said to the State of Nebraska, "Will you understand we have a large bureaucracy here and sometimes things get out of control?"

Mr. President, I suggest that things are going to get out of control if we pass S. 10 or its counterversion in the House of Representatives.

Yes, I have heard, Mr. President, of the overwhelming vote in the House of Representatives on their companion measure to S. 10 over there. I suggest, Mr. President, that those who cast those votes over there did not fully understand or appreciate what potential for wrongdoing, what inordinate power they are giving to the Justice Department if we pass this kind of legislation.

I suggest, Mr. President, rather, that Members of the House of Representatives, like many of the well-intentioned Members of U.S. Senate, who rushed to cosponsor, those who voted in the House of Representatives for a similar measure, were taken aback, and said, "What is wrong with passing a piece of legislation that simply says to authorize action for redress in cases involving deprivation of rights of the institutionalized persons, secured or protected by the Constitution or laws of the United States?"

Mr. President, that is a well-sounding phrase, and it is something we are all for. But I suggest that if S. 10, or anything like it, becomes law without restrictive amendments, that would not give the Justice Department unlimited power that this bill does, that we will find in the next year, or the year after that, or the year after that, appeals coming from those who feel that the Justice Department, one of the largest of our bureaucracies, one of the best financed of all of our bureaucracies, is once again overstepping its bounds.

It is not just the Attorney General of the United States. The Justice Department is such a large bureaucracy today that I suggest that frequently the Attorney General of the United States himself does not understand all that is going on and all the litigation that is taking place under and over his signature and, supposedly, with his authority.

Mr. President, I will be saying more on S. 10 as we go along. These opening comments of mine have been simply to join my colleagues in standing up on the floor of the U.S. Senate and having the courage to say that despite the fact that this bill is to authorize for redress in cases involving deprivation of rights of institutionalized persons secured and protected by the Constitution and laws of the United States, that, despite that well-meaning phrase, this is a piece of legislation that should be rejected outright or substantially amended before it is passed.

Mr. President, I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I take this opportunity to commend the able Senator from Oklahoma (Mr. Boren) for his fine statement on this subject.

He was Governor of his great State. He understands the importance of the people of the State operating their own institutions. He is knowledgeable on State matters. He perceives this situation in the right manner and he understands that the people in these States are just more interested in protecting the inmates of institutions than the bureaucrats are here in Washington.

He made a great Governor of that State, and I am sure his statement here today will have great influence on the Members of this body.

Mr. President, I also commend the able Senator from Nebraska for the excellent statement he made on this subject.

He, too, was an able Governor of a sovereign State. He understands the division of powers between the States and the Federal Government.

Mr. President, I want to know the authority, from anyone who can answer, for the Federal Government to pass a bill of this kind that can give the Federal Government the right to go in the States and investigate purely local State institutions. I would like to know where the authority is for that.

Mr. President, I realize that there is some deficiency on the part of some States. But I suggest the Federal Government should clean up their own backyard before they tell the States how to do it.

There have been complaints about Federal institutions. They are not perfect. Why, then, does the Federal Government want to assume the obligation of running every mental institution in this land, every penal institution in this land, and every nursing home institution in this land? They have more than they can handle now in running Federal institutions.

This is just another attempt by the Federal Government to inject itself into the lives of the people of this country. They have gone into almost every facet now of people's lives. The people tell us back home now, "Get the Federal Government off our back."

What does S. 10 do? This legislation puts the Federal Government on their backs, more than ever.

The people of this country are sick and tired of having the bureaucrats issue regulations and issue orders, taking steps here to try to control the lives of the people and dictating to the States what they can do.

Now is the time for this Senate, in considering this bill, to listen to the people of this country. This bill should be stopped in its tracks. The people of this country do not want any more Federal regulation. They want less Federal regulation.

Any Senator here can go back home and ask his Governor, ask his attorney general, ask the head of his nursing homes, ask the head of his mental institutions, ask the head of his penal institutions, how they stand. Do they want this bill passed? This bill gives the Federal Government the right to initiate the suits, to start suits against the States.

If the Federal Government is concerned they can come in as amicus curiae. They can do under present law. Allowing the Federal Government to initiate suits creates a bad feeling between the Federal Government and the States.

It creates exceedingly bad feeling when State officials are sued and the institutions in the States are sued by the Federal Government in Washington.

I think we need to create more confidence in the Federal Government, but it is not going to be done by passing a bill which would allow the Federal Government to sue the States. What you are doing is suing the people of the States.

I want Senators to understand that when they vote for this bill, they are voting for the Federal Government to sue the taxpayers of their States. They might as well realize it. That is exactly what they are voting for.

It is said, "Oh, well, who is going to look after these people down there? Who is going to look after the citizens if the Federal Government does not?"

I say this: The people of the State of Montana or the State of Oklahoma or the State of Nebraska are just as interested in the inmates in their institutions—and more so—than are the unelected bureaucrats in Washington who would be charged with the enforcement of this law.

Let the States handle their own matters. Let the Federal Government take care of its own matters.

Mr. President, I will have more to say about this matter later.

I commend the able former Governor of Oklahoma and the able former Governor of Nebraska. They know the situation. They have been Governors. They know the division of powers under the Constitution. They have had to deal with it.

Under no condition, should this bill be passed. There is no excuse for it.

Certainly, somebody is going to complain. I am sure there have been some injustices, and there will be again, but that is no excuse to violate the Constitution and pass this bill. There is no excuse to give to the Federal Government this great power to sue our States and the officials of our States and the taxpayers of our State. That is what this bill does.

Mr. BOREN. Mr. President, I commend the Senator from South Carolina on the statement he has just made. He has expressed very ably the frustrations I feel in hearing this bill described and the frustrations I felt as a Governor, in trying to deal with edicts of the Federal Government.

One phrase struck me very forcefully, and that was the phrase used by the Senator from South Carolina when he said that this is an authorization to the Federal Government on its own, on its own initiative, without the complaint of any citizens, to sue the taxpayers of this country, to sue the citizens of individual States. That is exactly what it is.

I think we might even go further. It is an authorization to give Federal bureaucrats the power to take away from the citizens of the country and the taxpayers of the country the right to decide for themselves how their own taxes will be expended to solve the problems in our society.

As I tried to explain earlier, what really happens when you have the Federal Government issuing edicts is that you take out of the hands of the people themselves and their locally elected officials the right to set the budgetary priorities for the locality or for the State. When you take away the right of the people in State government, the people themselves and their elected officials in State government, to set the priorities in the State budget, you might as well wipe out the boundaries between the States altogether and absolutely do away with the State governments, because you are cutting the heart and the soul out of the Federal system.

When I became Governor of Oklahoma, we were spending on our prison system approximately $7 million a year. It was a terrible system. It was a disgraceful system. I went up and down the roads and the pathways of the State of Oklahoma, when I was running for Governor, talking about what needed to be done to improve that system. It needed to be changed: It needed to be reformed. I set out to do it.

In the fourth year of my term, we were no longer spending $6 million or $7 million a year on the prison system. We spent $44 million. We spent more in 4 years than we had spent in the previous 66 years. We did everything we could.

Then along came the Federal Government. Even though we were building new institutions, even though we had them under contract, even though construction was moving ahead, even though we were starting all sorts of other programs that did not involve brick and mortar, even though the bulldozers were moving as fast as they could, they said it was not good enough; and they began to issue orders which threatened the premature release of dangerous individuals from our penal institutions back on the streets.

Because, in part, of the detailed instructions we received from the Justice Department and from the Federal judge, so detailed that we were told how to design the buildings, how much to spend on the water systems, how to design the electrical systems, we began, in effect, to have the whole priority of our State budget set not by the people elected to do so, not by the State legislature, which is set up in committees, with appropriations committees, to listen to the needs of all the State agencies. No, they did not set the budgetary priorities of the State, because we had to begin with the lists submitted to us by the Federal Government: "Here are the projects which you will fund. Here are the projects which you will finance." This was without regard to the needs of any other agency in State government.

Our priorities were handed down from on high by the Federal Government—handed down on the recommendations of Federal bureaucrats, not elected by or responsible or accountable to anyone.

So, as I labored over the State budget, as I worked to pass the appropriations bills through the State legislature, I recall on one occasion passing one of the key appropriations bills by only 1 vote, after long and intensive effort. I appealed to the Federal officials: "We don't have the money to do it this year. How can I do what you told me? How am I going to come up with the money and the resources?" I was told, "That is your problem. We just told you what has to be done."

How does a Governor and how does a State legislature, faced with limited financial resources, comply with Federal edicts of this kind? This is how: When the director of mental health came to see me and said, "We have great needs for our institutions of mental health," I had to say to him, "We only have so many dollars this year, and the Federal Government says we are going to spend so much on these very specific items on the present program. Therefore, you will just have to wait. We cannot meet the very pressing needs—perhaps, in some cases, even greater needs than we have in our prison system—we cannot take care of the needs in our mental institutions, because the Federal Government has told us what we have to spend the money on this year. Not the elected officials but the Federal Government has told us."

When the director of institutions came to me and talked about the needs of the institutions for our mentally retarded children, I had to say, "Not this year. That cannot be a budgetary priority this year, because we have already been told by Federal officials that we will fund this project or that project in the corrections system."

When they came to talk to me about the needs of the handicapped or they came to talk to me about the needs of children who should be receiving more in terms of special education, I had to say, "No. They will have to take a back seat, along with the people in the mental institutions and along with the mentally retarded and others, because we have been told by the Federal Government that the most pressing problem we have in our State, and the place we are going to spend this amount of dollars, is in the corrections system."

So a priority was set, that the needs of those who were incarcerated in the State had to take priority over the needs of the children, had to take priority over the needs of the mentally ill, and many others.

I am not saying that this priority was totally misplaced. As I said in the beginning, one of the goals I had, and one of the things about which I felt most deeply, was the reform of our correctional system. When you have a six- and seven-fold increase, within 4 years, in the amount you are spending each year on the corrections program, I think it demonstrates a commitment by locally elected officials to that problem.

What I am saying is that if we could turn the Federal Government loose and allow them to go around initiating actions and suits against State governments and local governments do not fool ourselves. We are turning them loose with the power to set the budgetary priorities of State government. We are allowing them, not elected by anyone, not responsive to anyone, to decide which problems will be met first with limited financial resources.

When we do that we are taking away the essential right of the people to solve their own problems at the State and local level.

The Senator from South Carolina is exactly right when he says that people all across this country are bitter and frustrated because they feel like they are losing the right to govern themselves. They feel like they are losing the right to decide in their communities and in their States what needs they want to address first, how they want to address them, how they want their tax dollars spent, and whether they are going to put priority on the needs of the mentally retarded or the mentally ill or the needs of the handicapped children or the needs of the prisoners in the institutions. They should set that priority, not the Federal bureaucracy. Yet this piece of legislation would again strike at the heart of the very Federal system and try to tear away from the States and the local governments and the people themselves some of the few last remaining shreds of the right of self-government at the local level that they have remaining. It should not be passed.

I feel as strongly about the rights of the unfortunate institutionalized people as anyone else who belongs to this body. But in conscience I urge even those who have cosponsored this legislation, to look at it again. It is well intentioned. It has good goals. But look at it again and consider what they are doing as a practical matter, what they are doing to the people of this country and to our Federal system, and in many cases what they may even be doing to some of the people whom they set out to help because, for example, there is not a doubt in my mind that in our State at least when the courts and Federal Government began to set out and dictate we put prisons first on the list they substantially subtracted from funds from other functions of government as the Mental Health Department and others, for example, that also were very much in need of them.

They actually took funds from functions that others might feel would be more important at that time.

So I congratulate the Senator from South Carolina. I hope that the warning which he has issued will be heeded. Those who are supporting this bill I know are very sincerely motivated, and I have an enormous amount of respect for them, but I hope they will reconsider this action and I hope that they will decide to lay this bill aside or to reject this piece of legislation and to prove that this is a deliberative body which looks at all aspects of what we are considering.

Mr. BAYH, Mr. EXON, and Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BAYH. Mr. President, I yield to the Senator from South Carolina without losing my right to the floor.

Mr. THURMOND. Mr. President, I was going to say that when I talked I asked unanimous consent that I be allowed to resume, but I am willing to step aside and let the Senator from Indiana talk now and then continue to talk.

Mr. BAYH. If the Senator from South Carolina will be kind enough to let the Senator from Indiana have 5 or 10 minutes to at least bring this debate closer to a close, he will appreciate it.

Mr. THURMOND. Mr. President, I am glad to yield to the distinguished Senator from Indiana and I ask unanimous consent that I yield to him without losing my rights to the floor and that I be allowed to continue and it count as one speech on this legislative day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, I appreciate the Senator from South Carolina yielding.

Mr. EXON. Mr. President, will the Senator yield a minute?

Mr. BAYH. I yield.

Mr. EXON. Mr. President, I ask unanimous consent that I be allowed to continue my remarks at some time later on during this legislative day.

The PRESIDING OFFICER. Is the Senator requesting that the resumption of his remarks not constitute a second speech?

Mr. EXON. The Chair is correct.

The PRESIDING OFFICER. With that understanding, without objection, it is so ordered.

Mr. EXON. I thank the Chair.

Mr. BAYH. Mr. President, I rise at this time to suggest to my colleagues that the debate has proceeded along the line that causes the Senator from Indiana who is the principal sponsor—but only one of many sponsors of this legislation, S. 10—to wonder if we are not debating about some other problem.

The kind of grievous hardships that this bill is going to place on the States of this country escape the Senator from Indiana.

I thought perhaps to insert in the record at this time some response to those concerns expressed by my good friends and colleagues on the other side of this issue might help in the deliberative process of those here in the Chamber and those who might be in their offices listening to this debate.

The concerns expressed by our very sincere colleagues, who have had State roles and thus approach this problem from a little different perspective than some of us who have not had those specific State roles, are understandable. I think it is possible to meet the concerns expressed by the two distinguished former Governors. In fact, the Senator from South Carolina was also a Governor. So we had three distinguished Governors and the Senator from North Carolina, a distinguished attorney general. I think it is possible, indeed I think it is imperative to be able to meet the concerns expressed by these distinguished colleagues about the rights of State governments in our constitutional structure and to meet those rights in a way which we do not deprive the citizens of those States from their right as citizens of the United States.

I simply wish to point out that, despite the hue and cry that S. 10 is supplying rights which are unconstitutional and violations of States' rights, the arguments used and the specific examples used by our colleagues go to actions and rights that are already available which have already been upheld by the Supreme Court of the United States.

We are not conveying any new rights to intervene in cases that have already been brought by a plaintiff against a State. In the specific cases in question in North Carolina, Nebraska, and Oklahoma, as to the right of the Attorney General and the Justice Department to intervene, there is no question about that. The Supreme Court has said that that right is there.

I say to anyone who would care to examine the language and the specifics of S. 10 we have tended to moderate that right and to provide more protections to the State before the Justice Department can intervene.

But let none of us suffer any illusion or any delusions about the right of the Justice Department to intervene against State action which is depriving State citizens of their constitutional rights as citizens of the United States. That right is there now.

We are attempting under the provisions of S. 10 to insure that the Justice Department has the right to initiate suits. The question about that right is up in the air and there have been mixed decisions in this regard.

It is felt that if the Justice Department has the right to initiate suits, they can initiate suits where the harm and the problem are the greatest and where the need is the greatest. In those suits the Government's case could be pursued as quickly as possible with the least inconvenience to the State to prove the point in question.

The way the law stands now, the Justice Department must wait for someone else to bring a case, and then they can intervene. That may not always be the best approach, and it may lead to a great deal of animosity, without proving a major point.

As the Senator from Indiana pointed out in his opening remarks, ofttimes the most serious cases involve people who are mentally ill, who almost by definition do not have the capacity to bring a case to defend themselves, and what we are suggesting is that in that particular instance the Justice Department should be given the right to initiate the cases.

Now, there has been a good deal of discussion here about the role that Frank Johnson, the distinguished jurist in the Fifth Circuit, played in reference to the institutional systems in South Carolina. But if one would look at what Judge Johnson said in the landmark case of Wyatt against Stickney, which the Senator from South Carolina referred to, Frank Johnson invited the Department of Justice to come into the case, and was laudatory about the contribution the Justice Department made. He said that without the contribution of the Justice Department, without their investigatory capability he, as a judge, could not have made what is beyond all question of a doubt the most significant court decision as far as addressing grievous harms that are now petrated on citizens of a State who are confined to certain institutions.

So I do not think it is really very advantageous to use Frank Johnson as a foil against this bill when Frank Johnson, more than anyone I have seen so far, has pointed out the importance of permitting the Justice Department to be a plaintiff of last resort.

There are several civil rights acts which give authority to the Justice Department to bring suit against the States. I bring to my colleagues' attention title VI of the Civil Rights Act of 1960; titles II, III, and VII of the Civil Rights Act of 1964; title VIII of the Civil Rights Act of 1968; and section 122(c) of the State and Local Fiscal Assistance Act of 1972.

I would also point out that because of the concerns expressed by several of our colleagues, some of whom have spoken here and others who have not, about the heavyhanded treatment by the Justice Department in past cases, the Senator from Indiana and others of us who are supporting this legislation have accepted some 35 amendments to make sure that there are safeguards, there are limitations placed on the Justice Department's ability to intervene and to initiate suits that have not been provided in any other of the acts the Senator from Indiana just mentioned.

Now, I just find myself, as one who strongly supports this legislation, in a very difficult position. I do not feel the Federal Government should get involved in telling a State what to do if there is any way to avoid it. The States do have specific rights under the Constitution, rights which are reserved under the Constitution.

But I ask my colleagues to consider the plight in which we find ourselves, the plight at which we are directing this legislation. What do we do when citizens of a State are institutionalized, when the State refuses to act, and when significant harm is being done and the U.S. constitutional rights of those States' citizens, who are also U.S. citizens, are being violated, rights being taken away?

Can I, as a Senator, ignore the responsibility of this body to deal with a question of a 3-year old child being tied spread-eagled to its bed 24 hours a day? Can I ignore adults being kept in straitjackets for days at a time, in one particular instance where an individual was kept in a straitjacket for 9 years? Can I ignore the fact that mental inmates themselves were put in custody of other mental inmates and, as a result, scalding hot water was applied to certain parts of individuals' anatomies resulting in their being killed?

Can I ignore the fact that teeth are pulled without novocaine, sutures are applied without any kind of anesthesia? We are not talking about inconveniences. We are talking about serious bodily damage and death, of infants being choked to death by having food crammed down their mouths and not having the motor capacity to swallow as fast as the master feeds them.

That is the kind of thing we are talking about. That is what I mean. We are not talking about a little dust in the corner, wrong color toilet paper, not having the right kind of linen or bedsheets We are talking about the basic deprivation of constitutional rights.

Feeling as strongly as I do about this, that I would not want the record to suggest that I believe any of my colleagues who are on the other side of this issue support the existence of these kinds of conditions. I feel that they find these conditions just as abhorrent as I do. But I guess the Senator from Indiana is, perhaps, willing to do something about it, and to use not only the right but the responsibility of the Federal Government to protect the basic constitutional rights.

I am going to read the original complaint directed at one of the suits that was referred to by one of our colleagues. I do not want to cause any embarrassment, so I am not going to mention the name of the institution or the State involved. But it is interesting enough to me that we were told that without notice of the conditions, the Justice Department descended in the dark of night and imposed the National Government on the will of the State in question.

The fact of the matter is that this complaint had existed for 3 years, made by the private complainant, and nothing was being done, and then the Federal Government got involved. So it is hard for the Senator from Indiana to believe that somebody in the State government did not know what was going on.

We had another reference that I made earlier in my speech where, I think it was the State of New Hampshire, we had the director of the institution in question tell us, and show us newspaper clippings where he was saying to the press—

> If something isn't done, we are going to be sued by the Federal Government. The situations are bad. State legislature, get off the dime and do something or Uncle Sam is going to come into the State.

They did not do anything, and Uncle Sam came into the State. The officials then came and said, "We didn't have notice." How can they say they did not have notice when the fellow running the institution in that State was telling the press they had problems?

So I think we need to look at some of the facts. Here is a young lady aged 13 who resided in the State home. She was moderately to severely retarded. Twenty-four other children of similar age and similar conditions resided in that ward. In addition, this particular complainant was hyperactive.

This particular ward is described as a life-sustaining unit. There are no dressers, no private toys; clothes kept in separate rooms under lock and key are inaccessible to the residents. Lighting is by ceiling fixtures only. No cooling system for the hot weather. No partition between toilet stools. No seats on toilet stools. No toilet paper. The young lady's parents visited, noticed unexplained scratches and sores on her arms.

Prior to admittance to this school, she was toilet trained, was beginning to talk, having a vocabulary of a dozen sounds or so. She was feeding herself with a spoon and a fork; was able to dress herself.

After she was admitted to that institution, her self-help skills had diminished, her speech had regressed, her toilet training had diminished and when at home for visits she would not be able to control herself.

Several times her parents noticed that she had sore toes because of the removal of two toenails. This was never explained. She never had any foot trouble like this before she went in the institution.

On one visit, she acquired a blackened eye. That was never explained. And so it goes.

There was another child here who I should point out. Forty-five young boys slept in one large room, placed side by side. The ward was kept locked all the time. The toilet stools had no partitions; no toilet paper; no soap; no washrags; no towels.

I mean, we are talking about the most primitive conditions. But, more specifically, we are talking about outright physical abuse. We are talking about children who are sedated, retarded children who are sedated who are regressed to the point that they never can be trained, never can provide for themselves and, thus, they become a heap of flesh and bones, a vegetable instead of a living human being. That is the kind of thing we are talking about.

Now, how do we get to that? We get to it by the Federal Government saying to the State in question: "If you won't do it, then we will."

Let me just point out to my colleagues the current concern that the Senator from Indiana has in our effort to try to see that the States are protected. As I pointed out a moment ago, we have a number of civil rights bills that permit the intervention of the Justice Department. None of these bills have the safeguards protecting the States which go as far as the protection in this bill.

I point out that the conditions must be egregious or flagrant, conditions which are willful or wanton or conditions of gross neglect.

We are not talking about inconvenience. We are talking about major problems—conditions which deprive such persons of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States causing such persons to suffer grievous harm.

And I point out that we are trying to protect against isolated instances of abuse. Here is the language: "That such deprivation is pursuant to a pattern or practice of resistance to the full enjoyment of such rights, privileges, or immunities."

We have provided that before the Attorney General can initiate a suit, he must have at least 56 days previously notified the Governor in writing. He must specify the alleged conditions. He must provide supporting facts giving rise to the allegd conditions. He must identify all persons reasonably suspected of being involved in causing the alleged conditions. He must specify the minimum measures which be believes may remedy the alleged conditions and the alleged pattern or practice of resistance.

There must be advance notice, so you

do not have Uncle Sam and the FBI agents descending in the dark of night without adequate notice.

We also wrote in the provision that the Governor must be notified even before there is any investigation. The previous notice that I referred to was before the initiation of a suit. But, to be completely fair, we have provided that the Governor must be notified before the investigatory force comes into the State.

He must also point out that a reasonable good faith effort to consult with the Governor or the attorney general or chief legal officer has been made. In other words, "Let's try to work it out, fellows, before we go to court." That is required right here in the law.

He must also point out that he has endeavored to eliminate the alleged conditions and the pattern or practice of resistance by informal methods—here, again, not only has the Governor been notified, but there has been a period of negotiations to try to solve the problems without going to court. And he must also specify that all efforts of voluntary compliance have failed. That is right in the law, right in the proposed act, S. 10, to protect the States.

He must also be satisfied that the appropriate officials have had a reasonable time to take appropriate action, to take the steps necessary, and that they have not taken such steps in a reasonable time. He must also point out that he believes the action of the United States is in the general public interest and will materially further the vindication of rights and privileges. In other words, there is a reasonable chance that this is the only way to do it and that this will help alleviate the problem.

And to get around the possibility that some flunky down at the Justice Department makes this decision and comes whipping into Lincoln or Oklahoma City or Charleston, or someplace, in the dark of night, the Attorney General himself must specifically, personally sign this complaint. So that the decision is made at the top level of the Justice Department.

Also we write in the report language, in the event there are several different ways of solving this problem and relieving the conditions which are the cause of the suit, that we urge the judge in question to take that alternative which is preferred by the State, not by the Justice Department.

So, Mr. President, I do not know how we could have gone further to try to protect the States. The Justice Department is not going to act until there has been ample notice and the specific charges are made. Under no conditions will any of this follow unless there are serious grievous harms being done to the citizens of the State, who happen to be citizens of the United States.

I must say I have given a lot of thought to this, because I guess if I were a Governor confronted with this kind of thing I would feel a good deal like my colleagues who have expressed their disapproval with the way the Justice Department has sometimes acted in the past. However, as I pointed out earlier, the right to intervene is a right the Justice Department already has and is not being conveyed by this particular statute. In fact, the right to intervene is being limited in this bill and the States are being protected in regard to intervention.

But I think if we have citizens of this country who are also citizens of a State and the State authority in question refuses to stop the serious bodily harm, the examples of physical, sexual, sometimes fatal attacks, then I do not know how this body can ignore that and not permit the only recourse available, and that is to have the Justice Department come in and say:

> This shall not be done. You may be a citizen State-wise, but you are also a citizen of the United States of America and you have certain basic inalienable constitutional rights.

This law is designed to protect those rights with the least amount of imposition and with the greatest kind of cooperation possible with the States in question.

I appreciate the Senator from South Carolina permitting me to express points of view contrary to those which have been expressed by himself and some of his colleagues.

I reiterate that I do not want anything that I have said to be interpreted to suggest that my colleagues on the other side of this issue are supportive of or insensitive to the kind of conditions that this bill is designed to relieve or to eliminate.

However, it seems to me that we have a responsibility to be more than sensitive to the problem, but to try to do something about it. And in the case of last resort—and what we are talking about here is a case of last resort—you advise the Governor that there is going to be an investigation. You advise the Governor of the outcome of that investigation. You advise the Governor that there is going to be a suit in so many days. And before you even do that, you have to sit down and counsel with him and you try to negotiate with him.

At every place you have been confronted with a roadblock, a stone wall, and people are still being injured, killed, maimed, seriously retarded, at that stage of the game, S. 10 says the Justice Department can come in as a court of last resort.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I ask unanimous consent that I may yield to the able Senator from Mississippi (Mr. COCHRAN), with the understanding that I will not lose my right to the floor and, upon resuming, it will not be considered a second speech during this legislative day.

The PRESIDING OFFICER (Mr. PRYOR). Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from South Carolina for yielding to me.

This is a very troublesome piece of legislation, in my opinion, Mr. President. We are confronted with a hard choice, one that could lead you to assume that if you oppose this bill, you are taking a position against the interests and rights of people who are confined in State institutions for the mentally retarded and those who are in prison. I believe that is not at all the intention of those of us on the Judiciary Committee who decided we could not support the bill.

The fact of the matter is that there are some basic principles of federalism of Federal-State relations, and the appropriate responsibilities which each has for the protection of the rights of the citizens of the several States, at issue here.

This bill frankly suggests that the existing law has been inadequate to permit the assertion of fundamental, basic constitutional rights in the courts by those who are institutionalized and who are somehow deprived by State or local authorities of their constitutional rights.

I suggest, Mr. President, that the record does not bear out that current law is inadequate to protect those rights.

In 1978, for example, prisoners filed 9,730 suits under the provision of 42 U.S.C. 1983 to assert claims of deprivations of constitutional rights.

What really comes to the Senate in this legislation is the question of whether the additional litigation authority that this bill gives to the Departmeint of Justice, beyond the power the Department already has, will measurably enhance the protection of the rights of institutionalized persons.

After a great deal of careful consideration, and some degree of anguish, I might add, Mr. President, I have decided that the bill just does not measure up to that test.

There are some negative aspects of it, I believe, which should be considered by the Senate before we vote on it.

We know, as a practical matter, Mr. President, that it is very hard in this day and age to get folks at the local level to support bond issues increasing, voluntarily, taxes at the local level, to use those funds to improve, to add on, to build any public facilities of any kind. This is whether you are talking about a school, hospital, or a new jail facility. Any kind of public construction project is very hard to get passed in a public vote in a bond issue situation.

Now what we are doing, if this legislation passes, is making the Justice Department really select from among all the States and localities throughout this great country of ours those places where it is going to threaten to bring, and actually bring, suits to force construction of public facilities, or changes in the management of public facilities, which are necessarily going to require the imposition of new taxes, the raising of new revenues, and the allocation of public resources in a way that local officials right now are not prepared to do, or that local citizens right now are not prepared to support.

We are substituting the judgment, in other words, of the Department of Justice about the allocation of public resources for that of those officials who are elected by the people at the local and State levels.

There is no question that under the law and the decisions which have been made in the last several years about the rights of institutionalized persons that it is well recognized that the basic, fundamental constitutional rights are protected, and that State and local authorities realize this. Many States have now had the experience of dealing with the Justice Department, either through threats of litigation or through actual court decisions, which resulted in changes to provide admittedly better protection for institutionalized persons. But that has already been established, and that is the point here. This legislation is not needed to establish that point. It is not needed to establish that it is the sense of the Congress that that is the law. There is no question about that being the law.

The question is whether local officials, State officials, or Federal officials now have the power to make the decision as to where the allocation of resources will take place.

I submit in opposing this legislation, Mr. President, that that is properly the domain of local and State officials.

I am worried about another aspect of the bill, too, Mr. President. That is the fact that we have strained relationships in many areas now between Federal and State interests and Federal and local interests. We all would like to have a harmonious and good working relationship, a partnership, if you will, between and among all aspects of government, Federal, State, and local, to make sure that the legitimate interests and rights of citizens are protected, and that the quality of life of all of our citizens is enhanced.

Given that goal, is it in the best interests of that goal and that ambition, which I think we all share, for us to give the Department of Justice the right to decide if they will go into a small town, a community, a county, or a State and begin investigating whether or not all of the criteria decided upon by the Justice Department here in Washington which ought to be met by an institution is being met, and then impose the will of the Federal Government through litigation, if they want to, unrestrained by Congress, unrestrained by any other power on that local institution?

I am afraid that most local officials, being confronted with that kind of possible imposition of Federal power, rather than going out to the people of that town or county and trying to sell them on voting for a bond issue to do something that ought to be done with a local institution, improving the conditions in a local institution—rather than putting their own political neck on the line—might be tempted to say, "We will just sit here and wait and let the Department of Justice officials come down here and take the heat for this. If they do not come down and impose the power of the Federal Government through litigation on us, we just will not have to take those political risks."

I think as a practical matter, Mr. President, we are going to see a hardening of attitudes at the local level with this new power bestowed upon the Department of Justice, that there will be more of a reluctance to do the things that need to be done voluntarily with this legislation than if we did not have it on the books.

That worries me considerably, Mr. President. We are at a point now where I think throughout this country there is a renewed sense of responsibility and dedication being reflected in local elected officials—I know it is true in my State and I think it is true in all States—to do what is right, to make sure that the provisions of the Constitution are carried out not only in the letter but in the spirit as well, to go the extra mile to be sure that all the citizens are given a fair shake, that the rights of people in institutions are truly recognized.

But here the Congress rises up in holy indignation and self-righteousness and says, "Whatever is being done out there is not really enough. We are going to give the big Department of Justice up here, with unlimited resources of the Federal Government, the power to go into every town, county, and State and impose on them their unrestrained will, almost arbitrarily, under this legislation."

There is nothing that seeks to define the powers that we are giving the Department of Justice under this bill, Mr. President. But I would like to say in closing, after outlining our hope and the reasons I cannot support the bill, that the committee did, at my request, adopt an amendment which I hope will be protected in the legislation and will be in the final form, assuming the bill does pass.

Looking around the Senate, I can add up what I expect to be the final votes and I assume the bill is going to pass. I hope it does not. It is kind of like a friend of mine down in a Southern State, who was a Republican member of the State legislature, and he ran for Congress, Mr. President. When he ran for Congress, he ran as a Democrat, and he was elected.

When he got to Washington, I was then over in the House. I asked him one day, "Why in the world did you switch parties to come up here when we need some Republicans?"

He said, "Frankly, I have learned how to count."

PROVISION REQUIRING EXHAUSTION OF GRIEVANCE PROCEDURES

I have learned how to count, too, Mr. President, and it does not look as if we have the votes to defeat the bill. But I hope Members will carefully look at it and, in particular, recognize the limitation of authority that is written into the legislation in the section that relates to the exhaustion of grievance procedures. It is written in as an amendment in section 5 of the bill. It basically provides, in certain cases, for exhaustion of correctional grievance procedures prior to consideration of a prisoner's suit in Federal court-filed cases under 42 U.S.C. section 1983. The exhaustion of grievance procedures will be required in those cases where the State or local agencies have voluntarily adopted systems which are in substantial compliance with model minimum standards established by the Attorney General. The bill directs the Attorney General to develop a procedure to review the correctional grievance resolution systems of the various State and local agencies in order to certify as acceptable those systems which are in substantial compliance with the model minimum standards.

I want to make clear, Mr. President, that my intent in offering that amendment and, as reflected in the discussion of the amendment in committee, it was the intent of the committee not to require State and local agencies to seek such certification and to submit the certification under minimum standards to the Attorney General. It is entirely voluntary. I would not have offered the amendment if I thought it would ever be interpreted as a basis for mandatory Federal rules for State prisons or other institutions.

This provision in section 5 will give recognition to the many States and localities which have developed high quality grievance resolution systems. While adoption of minimum standards is entirely voluntary, in States which do meet those conditions, it will encourage resolution of problems by the persons involved in prison administration. This should help to develop a sensitivity that may have been otherwise lacking.

In addition, Mr. President, this provision will make an important contribution toward reducing court backlog in many districts. The almost 10,000 prisoner suits brought to court in 1978 are swamping our judges. Many of these complaints are pro se and often poorly drafted in terms of presenting the problem in a legal context. Requiring the exhaustion of in-prison grievances should resolve some cases thereby reducing the total number and help frame the issues in the remaining cases so as to make them ready for expeditious court consideration.

I cannot emphasize strongly enough that subsection (d) was added by the committee to stress the voluntary aspect of the decision by a State or local agency to adopt a grievance procedure in substantial compliance with the model minimum standards. That decision will only affect whether the prisoners in that facility are required to exhaust the procedure prior to filing a section 1983 suit. If a State or local agency does not seek to adopt a grievance procedure in accordance with the model standards, that choice will not be considered evidence of a "deprivation of rights, privileges, or immunities secured or protected by the constitution."

Mr. President, in spite of the brilliance reflected in the wording of that amendment which was adopted by the committee, I still feel that the deficiencies, the negative aspects, reflected by the bill itself far outweigh the arguments made in support of its passage. So I most sincerely urge my colleagues in the Senate to take a very hard and careful look at this bill and, if they can, to vote against it, Mr. President.

Mr. President, I thank the distinguished Senator from South Carolina very much for yielding to me.

Mr. THURMOND. Mr. President, I want to take this opportunity to commend the able Senator from Mississippi for the splendid remarks that he just delivered. I wish more of our Members of the Senate were in this Chamber to hear the kind of remarks that we just heard from the distinguished Senator from Mississippi. He is an able lawyer and his philosophy, I am sure, is that the Constitution says what it means and it means what it says.

The Constitution, in the division of powers, definitely differentiates between the powers at the State level and those at the national level. Mr. President, when the Constitutional Convention met in 1787, the 13 colonies, or the 13 States, as they were called in the treaty ending the war between England and the colonies—they were called States in that treaty—had all the power.

Every State, in fact, was a separate nation during that period. From 1783 to 1787, South Carolina had two presidents. Each State was a separate entity, a separate government, a separate nation, and they had all governmental powers.

When representatives of the States met in Washington to write the Constitution, they only delegated certain powers, certain specific powers to the Union, and all other powers they reserved to the States. The States have not delegated, not then or since then, any powers to the Federal Government that would give it the right to go down and control the State institutions in any State of this Nation.

I commend the able Senator from Mississippi upon his splendid remarks.

Mr. METZENBAUM. Mr. President, would the Senator be willing to yield to the Senator from Ohio for about 10 minutes without losing his right to the floor?

Mr. THURMOND. Mr. President, as an accommodation to the able Senator from Ohio, I ask unanimous consent that I may yield to him without losing my right to the floor and with the understanding that when I resume, it will not constitute a second address in this legislative day on this subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio.

Mr. METZENBAUM. I thank the distinguished Senator from South Carolina for yielding under the restrictions as indicated.

Mr. President, as an original cosponsor of this legislation, I strongly support the distinguished Senator from Indiana (Mr. BAYH) chairman of the Subcommittee on the Constitution. Senator BAYH has provided great and able leadership in the handling of this matter. He has had extensive hearings on it and has addressed an issue of major concern, not only to this Congress but to the people of the country. That is understandable, because he has always been an able and consistent advocate for civil and human rights and he deserves particularly great credit for his leadership on this issue.

S. 10 protects the rights of institutionalized persons by authorizing the Attorney General to initiate civil actions on their behalf. The Justice Department has a superb record in this area. Many times in the past, the Department has successfully challenged unconstitutional practices and illegal conditions which existed in mental hospitals, prisons, juvenile facilities, nursing homes, and other institutions. However, recent court decisions have threatened the continued viability of this kind of litigation and, therefore, made the introduction of this legislation necessary.

This measure passed the House by the overwhelming vote of 342 to 62. It obviously has the endorsement of a wide-based bipartisan coalition. A long list of concerned citizens and civic groups have worked persistently for passage of this bill. Some of the organizations advocating S. 10 include the Mental Health Association, National Association for Retarded Citizens, the American Bar Association, the National Association for the Advancement of Colored People, the American Civil Liberties Union, and the American Psychological Association. Many others from the religious community, and the health and legal professions have recognized the importance of this bill.

As a member of the Committee on the Judiciary, I am particularly concerned that access to the Federal courts not be unduly restricted. When the Attorney General of the United States is denied the right to participate in litigation to secure the fundamental guarantees of our Constitution merely because of technical and procedural restrictions, then it's time for these barriers to be removed.

Mr. President, we in Congress have a continuing obligation to insure access to justice. Especially when the dispute involves basic civil and human rights. S. 10 may not be the answer to all of the problems facing institutionalized persons, but it is certainly an appropriate and much-needed response to some unenlightened judicial opinions.

What could be a more appropriate time for us to be considering this measure than when we are all aware of the need for the Department of Justice to provide special action, special attention, and special rights to litigate, if necessary, in prison cases, particularly in view of the Santa Fe tragedy, in which 36 persons lost their lives. It is a well-accepted fact that that loss of life, that entire situation, resulted directly from the terrible conditions existing in that prison.

Mr. President, I ask unanimous consent that a very well-written editorial from the Washington Post, appearing last February 24, be reprinted at the conclusion of my remarks. Its message is even more timely and more appropriate today.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PROTECTING THE RIGHTS OF CITIZENS

It is understandable that the government of the United States has difficulty protecting the rights of its citizens in faraway places like Iran and Afghanistan. They are beyond American control—and occasionally beyond their own. It is not so easy to understand why the same government has difficulty protecting the constitutional rights of certain groups of citizens in places like Maryland and Montana. But it does—if those citizens happen to be inmates of state institutions. Even if the Department of Justice knows those inmates are being systematically abused, it can't do anything about it.

Legislation to change that situation has been fully debated on Capital Hill in the last two years. It would give the Department of Justice authority to file lawsuits in federal court on behalf of such inmates. Once the cases are in the courts, judges can enter whatever orders are needed to protect the rights of prisoners in jails or patients in mental hospitals or juveniles in detention facilities. As the law stands now, those cases can reach court only if the inmates bring the lawsuits themselves. The problems of that situation are obvious; mental patients may not know, for example, that they are being deprived of their rights and, even if they do know it, their ability to initiate a lawsuit is limited.

The House of Representatives passed this legislation overwhelmingly last summer, but it died in the Senate after it was vigorously opposed by the National Association of State Attorneys General. A majority of its members regard the bill as an attack on states rights. They are right in the sense that the federal government should not have to compel state institutions to do what the Constitution requires them to do. But the evidence is overwhelming that some of those institutions do not give their inmates the rights to which they are entitled—and will not do so unless a federal court forces them to change their ways.

The legislation has been reintroduced this winter and is now pending before the Senate Judiciary Committee. It ought to be speeded on its way to passage. The federal government has enough problems protecting the rights of citizens abroad without being denied—on so small a technicality—the ability to protect them at home.

Mr. METZENBAUM. Mr. President, I yield back my time and thank the Senator from South Carolina.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, the Senate today is considering legislation, S. 10, that has subject matter that goes to the rights of those who are held in institutions in our country.

I think the measure is of vital importance. I am hopeful that there are a majority of colleagues within the Senate who will support this measure, as I do.

As chairman of the Subcommittee on the Handicapped, I am acutely aware of the often times grave situations in which many of our handicapped citizens who are confined and forgotten in our institutions so helplessly find themselves. The House and Senate reports and hearing records on this legislation are replete with substantiated examples of the widespread abuse and neglect of these persons, so I feel no need to elaborate on those now. I will say that these instances would shock the conscience of any person with a reasonable and rational mind. They must not be allowed to be continued in the future.

One may ask, why give to the Attorney General the authority to protect these persons' most basic rights? I respond in turn, why create constitutional and statutory rights unless we are truly committed to insuring those rights? A right created is a hollow right unless there is a remedy available when that guarantee is threatened or violated. The Attorney General is the only realistic available alternative who can assure that the constitutional and statutory rights of institutionalized persons are protected.

Institutionalized persons themselves are uniquely unable to assert their own rights. Many institutionalized persons are wholly unaware of their rights because of intellectual and emotional handicaps. Others accept their existing environment without question because this is all they have ever known. To compound these problems, these individuals are often physically isolated from those who might best aid them in protecting their rights: They all lack even the minimal resources required, and many times, those who may desire to speak out live in fear of retaliation should they voice their complaints.

Legal services and privately funded public interest groups are unable to adequately represent the needs of the Nation's institutionalized citizens. Shortages of manpower, expertise, continuity, and money in these groups are too large a hurdle to clear. Thus, they are prevented from effectively participating in oftentimes costly and protracted cases, as the majority of these cases are as a rule.

The past record of the Attorney General in these types of cases speaks highly of the effectiveness of the efforts of the Department of Justice in advocating the rights of the institutionalized. In virtually every suit in which the Attorney General has participated, as either amicus or plaintiff-intervenor, the trial and appellate courts have upheld the plaintiff's claims and ordered the appropriate relief. Litigation has been resorted to by the Attorney General only as a last resort and only after all efforts at compliance and settlement have failed. Nearly half of all cases in which the Attorney General has been involved have been resolved appropriately without the need for trial. In all cases, settlement, compliance or trial, conditions have been improved significantly because of the Attorney General's efforts.

In light of the past record of the Attorney General and the numerous safeguards this bill provides for protecting the States' interests, I strongly urge my colleagues to support this much needed legislation.

I yield to the Senator from Indiana.

Mr. BAYH. Mr. President, the Senator from West Virginia very thoughtfully yielded to the Senator from Indiana.

I compliment him for his very perceptive analytical discussion of the reasons behind this legislation and particularly would like to emphasize the point which he just brought up.

A large number of these cases have been settled on a voluntary basis up until now, and they involved the present right of the Justice Department to intervene. The Senator from West Virginia emphasized the fact that the legislation before us would require that before a suit could be brought, the Attorney General must by affidavit point out that he had done everything possible through counseling, advising, and negotiating to try to deal with this case and only as a last resort could he pursue the matter through the courts.

So it seems to me that the point the Senator from West Virginia has raised would be even more the case once this bill is passed, that the burden would be on the Attorney General to show that he has done everything he could, that it was only when the State refused to undertake to resolve these constitutional grievances that the Justice Department would intervene and would also be able to have a chance to bring the case.

I simply wish to compliment my friend and colleague from West Virginia for his contribution.

Mr. RANDOLPH. Mr. President, I am very appreciative of the comment of the Senator from Indiana who is in charge of this legislation.

I only wish to add that in all cases, the settlement, the compliance, or the trial, I think conditions have been improved significantly because of the efforts of the Attorney General.

So when we think of the past record of the Attorney General, and the numerous safeguards—that this measure provides for protecting the interests of the States, I hope thoughtfully and in a well-reasoned manner our colleagues will support this legislation which is valid in its intent and can be successfully carried forward if it becomes law.

Mr. THURMOND. Mr. President, will the able Senator from West Virginia yield?

Mr. RANDOLPH. I yield.

Mr. THURMOND. Mr. President, I have great respect for the distinguished Senator from West Virginia. He has been here a long time, and he has many friends and admirers.

I am just wondering if it would suit the able Senator from West Virginia just as well if there is a complaint on the part of someone without giving the Justice Department the power to initiate a suit. In other words, if there is a complaint, a family could bring it or a guardian could bring it or someone else could bring a complaint rather than allow the Justice Department to initiate, but under this bill the Justice Department can initiate the suit. They can begin the suit. If no one down there complains enough to want to bring the suit, why should the Justice Department initiate this suit? Why should not the matter be handled by the local authorities?

I am deeply concerned that the more power we give to the Justice Department or any branch of the Federal Government to intervene in local institutions of our State that we are really bringing more centralization of power to Washington. I am deeply concerned when we pass a bill that is going to say to the people of West Virginia or any other State: "We are going to support a bill that is going to sue your State. We are going to support a bill that is going to sue the officials of your State. We are going to support a bill here that will sue the taxpayers of your State," because the taxpayers of your State and my State or whatever State is sued are going to have to bear the costs of this bill.

One might say, "Well, if it is just, it is needed." Well, why could it not be handled by the local people? Do you not think the people of West Virginia or South Carolina are just as interested in the inmates of their institutions as some bureaucrat is here in Washington?

Mr. RANDOLPH. The Attorney General is not a bureaucrat.

Mr. THURMOND. Well, the ones who will work under him then. He is not elected by the people like you are. He is appointed. He is in an appointive position. Do you feel you would rather trust the people elected by your State or the people running the institutions of your State to control these matters rather than bring in somebody from the Federal Government who tries to force these things on your people?

Mr. RANDOLPH. Mr. President, I have a very high personal and official regard for my colleague from South Carolina, and I did not mean to be abrupt by saying I do not think the Attorney General can be classified as a bureaucrat. I repeat that. I am not saying that a Senator is other than a Senator, and the Attorney General is other than the Attorney General.

To toss the word "bureaucrat" into the debate because one is a Senator or a Representative or an Attorney General or whatever the position is that he holds, I think perhaps, in a sense, begs the question.

But I think the Senator raised a good point, and because the Senator raised a good point I reply that the Attorney General does not move into the States until all the other opportunities for settlement have transpired and negotiations have failed. Is that not right, Senator BAYH?

Mr. BAYH. The Senator from West Virginia is absolutely right. The Attorney General could not enter into the case until he had notified the Governor, was able to swear to the court that he had tried voluntary means, had tried negotiation, only then is he given the right to intervene.

I would like to point out to our good friend from South Carolina that it was one of his favorite judges, indeed, a pillar of the judicial community, Frank Johnson, who first ordered the Attorney General to appear as amicus curiae in a case like that.

As he pointed out, ofttimes the court itself is not able to get a balanced case. Even when the case is brought by an individual litigant, he is often of relatively insignificant means, and you have against him the whole array of the State which has a vested interest to hide some of the grievances. By getting the Justice Department to disclose some of the relevant information, the court is then better able to make an honest and an accurate assessment of what the facts are.

I think we are overlooking the fact—I know my friend from South Carolina feels very strongly about this, but we are overlooking the fact—that you do not have the Attorney General making the decision about a case. It is a court making the decision, a judge making the decision. The Attorney General is able to provide evidence, and this bill is designed to try to equal the scales of justice as far as access to evidence is concerned.

Mr. THURMOND. Mr. President, in response to that I would like to say this: Why bring the Attorney General of the United States into it at all? Why not the attorney general of West Virginia? Why not the Governor of West Virginia? Why not the mental authorities, the penal authorities of West Virginia? Do we not have full trust in them? I am sure we do. Why can they not handle these matters? Why do we have to have the Federal Government interfering here, bringing suits against our States and our officials and our taxpayers? That is what we are doing.

Mr. RANDOLPH. I do not accept the argument of the Senator from South Carolina, although I certainly respect his conviction as he has expressed it in this matter.

I do not know what the thinking of the Senate as a body will be. I just want to ask a question or two myself.

Is there an effort, I say to the Senator from South Carolina—and I hope this is not an inappropriate question—being made to keep the Senate from coming to grips with a decision, a process of voting on this measure?

Mr. THURMOND. Not on my part. I have agreed to vote at 2 o'clock on Thursday, allowing today and tomorrow for discussion and debate.

I think on our side we have agreed to that, so I think it is up to your side now as to whether agreement can be reached.

Mr. RANDOLPH. Yes; I am not in charge of our side and I am not speaking as to anyone who particularly is in charge of your side, although I know you are certainly, and properly so, a leader of the opposition in reference to this question.

Mr. THURMOND. Mr. President, the Senator has been here a long time. He is such a fine man, a fine Christian man.

Mr. RANDOLPH. The Senator came to West Virginia to support the entire ticket of his party during a time when I was a candidate.

Mr. THURMOND. When was that?

Mr. RANDOLPH. I remember when the Senator was in Greenbrier County. That was a good visit the Senator had there, a beautiful part of our State.

Mr. THURMOND. I was working in a Presidential race and the Senator probably got in the way of a shuffle there. I was not down there to campaign against the Senator.

Mr. RANDOLPH. It was a very pleasant visit the Senator had, and I understand perfectly well——

Mr. THURMOND. I was campaigning for a Presidential race there.

At any rate I hope the able Senator will think about this thing because really we have to stop the Federal Government from going into fields of activity which the States and the local people ought to handle.

Why should the Federal Government control your mental institutions, your penal institutions? Those are matters for your local people and your State people. If we do not do it, the Federal Government is going to go into every facet of people's lives, and the very thing that I get more complaints on now than anything else is:

> Get the Federal Government off my back. I am tired of the Federal Government telling me everything I have to do. If it is not one thing, it is another thing; regulation by this agency or that agency.

If you pass this, you are going to have bureaucratic redtape, more Federal control, and this could end up with the Federal Government exerting much more control than this bill may indicate.

Mr. BAYH. Mr. President, will the Senator from South Carolina permit me—I mean the Senator from West Virginia.

Mr. RANDOLPH. I will yield the floor.

The PRESIDING OFFICER (Mr. TSONGAS). Does the Senator from Indiana yield?

Mr. RANDOLPH. I turn aside, and I am glad to have the record indicate, that in the Chamber at this time—he would not want me to say this—is my colleague HARLEY STAGGERS, chairman, House Committee on Interstate and Foreign Commerce who has represented the Second District of West Virginia, a district that I represented for 14 years. He has announced his retirement, and I can say to you, and I want the record to indicate, it is not because he would lose in November of this year, but for reasons that are well known to him, and reasons which are valid.

I know that he and other Members of the Congress would be concerned if we had said we are going to stop this and that because the Federal Government had an interest. Frankly, we would never have the docks in the Ohio River, we would never have the facilities there to take care on the bosom of that river, of the glass that moves on the river, the steel that moves on the river, the sand that moves on the river, the coal that moves on the river because someone would have said, "Well, you know, that is a river and when it is flowing in West Virginia, why, West Virginia will take care of that."

I know the Senator from South Carolina believes in the Federal aid highway program because the States could never have constructed the road program of this country if you left it to a State to do the job. It never could have done it. It was from the Federal Government, not a bureaucracy, that brought this creative thing into being. It was a Congress responsive to the needs or the movement of the products of the factories, the mines, and the fields to the marketplace, and also to give the opportunity for the mobility of our people as a whole.

So today the Federal funding for the roads that benefit South Carolina in the interstate system, 90 percent of that money comes from the Federal Government; not, however, in appropriations but in a trust fund because of the taxes at the Federal level on gasoline, oil, tires, and so forth.

We could run down a long list of programs that were, frankly, opposed. The Bureau of Public Roads, I remember, opposed the Federal Interstate Highway System. I remember that very, very well. I could go over these cases one by one.

I am not saying they are analogous with this situation. I have a very genuine respect for the Senator from South Carolina and sometimes our differences, of course, later can be our strengths. Because perhaps we can have some consensus that takes a little of his thinking, a little of Senator BAYH's thinking, a little of some other Senator's thinking, and we reach a consensus.

Mr. THURMOND. Mr. President, in response to the Senator, I would say he is correct. I strongly favored the building of the Interstate Highway System. I was on the subcommittee that wrote the bill, the public works bill. I believe the Senator was on that committee back then also. If not, he became chairman later.

That is a fine piece of legislation. It is doing this country a lot of good. That is an interstate matter; an interstate matter. We had constitutional jurisdiction to do it. I was strongly in favor of it. And I would favor going forward today to build more of those highways.

However, when you go down into a State, to State institutions, that is a different matter. Under the Constitution, the States have never delegated to the Federal Government the authority to do those things. This would give the Federal Government considerable control over these institutions. In fact, they would have the right to investigate and they would have the right to bring suit against the State and the taxpayers of a State. I do not think that the highway program is an analogous situation.

There are many worthwhile Federal programs. We have enough authority in the Constitution and the amendments that have been adopted to do a lot of good things—foreign affairs, interstate commerce, national defense, interstate roads, and things of that kind.

But when you go into a State and give authority to the Federal Attorney General to regulate, or at least to help control institutions in your State—because he will do that, that is a different situation. The Attorney General will say to the States that "you have to do so and so or we are going to bring suit."

Well, he has his hands full at the national level. Why should he be interfering in West Virginia's penal institutions and mental institutions and nursing homes? He has enough to do at the Federal level. Here is a report that shows that he cannot keep up with his responsibility for the Federal prisons.

This is a report by the Committee on Governmental Affairs, Senate Permanent Subcommittee on Investigations, by Senator NUNN and Senator PERCY. It is a staff study of the U.S. penitentiary, in Atlanta, Ga.

> In response to information from multiple sources, the Permanent Subcommittee on Investigations conducted a year long investigation into the U.S. Penitentiary at Atlanta, Ga. The inquiry found that the Atlanta Penitentiary has become the setting for violent inmate murders, extensive narcotics trafficking, and various other criminal activities.

That is what this report says, that is Senator NUNN's State. Continuing:

> After a preliminary investigation, the subcommitee conducted hearings in Atlanta on September 29 and October 2, 1978. This staff study summarizes the testimony received at these hearings and a subsequent staff inquiry.

> The Atlanta Penitentiary has an inmate population of 1,300 adults, is a maximum security prison, and houses the largest prison industry in the United States. Both inmates and employees of this institution testified at the hearings in Atlanta. In addition, the staff interviewed a cross section of witnesses, drawn from the subcommittee investigation and suggestions from the Director of the Bureau of Prisons.

I want the Senator to listen to this. Here is what this report says:

> Atlanta Penitentiary inmates testified to the availability of narcotics, alcohol, and weapons in the prison. Knives could be readily produced in the prison industry and could be hidden throughout the prison due to lax security measures. Violence and narcotics trafficking were common events. Many inmates testified that involvement in such activities was virtually impossible to avoid. The Atlanta facility was described by some inmates as a "country club" or like "being on the outside."
>
> The major drug of abuse within the facility is marijuana. Prison inmates testified that the primary source of this drug was through the prison employees. The employees would make "connections" within the prison and bring the marijuana in from the outside. Heroin and cocaine were generally smuggled in by friends and relatives at visiting times.
>
> Prison employees testified to the lack of security within the Atlanta Penitentiary. One witness candidly presented how he had been corrupted by prison inmates and served as a messenger and banker for them. He resigned from the institution after his public testimony to the subcommittee. One employee indicated that the prison administration encouraged employees to overlook illegal activities among inmates in order to keep the prison population under control. Others expressed fear for their safety if they were to "crack down" on the inmates.

Mr. President, I say that the Attorney General has his hands full looking after his own house. He had better clean his own house before he comes down to West Virginia and to South Carolina and tells us to clean our houses.

Mr. RANDOLPH. Mr. President, will the Senator yield to me?

Mr. THURMOND. Mr. President, I am pleased to yield to the Senator.

Mr. RANDOLPH. Mr. President, those conditions, which are deplorable, are they not deplorable in the jails at the State level? Was that a Federal prison in——

Mr. THURMOND. That is a Federal prison in Atlanta, Ga.

Mr. RANDOLPH. Just a moment. I say, was that not a State prison in New Mexico which recently had a very serious and fatal uprising.

Mr. THURMOND. That is New Mexico's problem. I am telling the Senator that the Attorney General has not cleaned up the Federal prisons. Why does he want to take on all the State prisons?

Mr. RANDOLPH. I do not think he would, under this legislation. I can speak about city, county, and State jails that have difficulties; these problems are not confined only to Federal prisons.

Mr. BAYH addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BAYH. Mr. President, I would like to point out that there is a provision in the bill giving strict orders to the Justice Department, Bureau of Prisons, to give the kind of attention to the Federal prison system that it should have received. A good deal of work has gone into the efforts to try to upgrade our Federal Bureau of Prisons. We are anticipating, sometime within the next month or two, the publication of new standards and new criteria which will rectify most, if not all, of the problems alluded to by the Senator from South Carolina.

I might ask the Senator from South Carolina if he believes that the State has an absolute and total right to abuse its citizens and to make them participate in some kinds of activities just because it is a State government?

If I had a child in one of those institutions and that child was being beaten every day, or if I had a child in one of those institutions and he was being tied to his bed 24 hours a day, or if my father was in one of those mental institutions and was kept in a straitjacket for 2 or 3 months at a time without ever getting out of it, is the Senator telling me that our system of a free society has no recourse to that kind of State action?

Mr. THURMOND. No, I am not saying that. I am saying it can be handled without having the Attorney General come in.

If you had a child like that, I am sure you would take quick action. You would bring suit immediately or bring a complaint, and you would get an injunction to protect that child and you would do whatever is necessary.

Why can you not handle it in your State? Why do you have to come up here and have the Attorney General of the United States get involved?

Let the State do it. The State people are interested. You would be interested, as a member of the family. Citizens would be interested. I would be interested in anything in my community like that and I am sure the Senator would, also. But why bring in the Federal Government?

Mr. BAYH. The Federal Government is brought in, under our bill, I point out to my friend from South Carolina, only if all else fails.

Mr. THURMOND. All else cannot fail. It cannot fail because you can bring suits.

Mr. BAYH. It has failed right here.

Mr. THURMOND. Well, you can bring suits.

Mr. BAYH. We were talking about a case that had been discussed here earlier, where one of our colleagues said there was no notice and that case had been in the court system for 3 years and nobody in the State paid any attention to it.

We have written in here, I think, at the insistence of some of our colleagues—and I think it has improved our legislation—where we have said the Attorney General has to confer with the Governor; the Attorney General has to try to negotiate a settlement.

He has to try to deal with it in a voluntary manner.

But, by golly, if we have this kind of thinking going on and the Governor will not yield, if he will not correct the situation where they have mental inmates serving as wardens and custodians of other mental inmates, if there are people being put in homosexual dormitories as punishment, we have to stop that kind of thing. If it cannot be done on a voluntary basis, then, as a last resort, the Attorney General of the United States comes in. That is where we are. It is as a last resort, if all else fails.

Mr. THURMOND. Mr. President, I am confident if it goes to the head of the mental department or the corrections department, if they do not get results, they can go to the Attorney General. If they do not get results, they can go to the Governor. If they do not get results, I am sure the newspapers in the area would focus on the situation and play it up. Public opinion would be so strong they would have to do something about it. If the State officials did not do something about it, I am sure concerned persons could go into the courts for relief. We need not bring the Federal Government in on this.

We have 50 sovereign States in this country. We have a Federal Government of 50 States. I say let the States handle their own problems. It may not be perfect in every case. Things are not perfect with the Federal Government. As I have just shown the Senator, narcotics, marihuana, drugs, violence, all of these things are commonplace in the Atlanta, Ga., Federal penitentiary, according to Senator NUNN and Senator PERCY. So the Federal Government is in no better shape to handle these problems than are the States.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. MATHIAS. Will the Senator yield?

Mr. EXON. Yes.

Mr. MATHIAS. I thank the distinguished Senator from Nebraska.

Mr. President, I would like to voice my support for S. 10, which would give the Department of Justice standing to sue on behalf of institutionalized persons who have been deprived of their fundamental rights. This important legislation is designed to address "egregious or flagrant conditions (conditions which are willful or wanton or conditions of gross neglect)" which deprive institutionalized persons of the rights guaranteed them by the Constitution and the laws of the United States.

No one who is confined in a State institution, be it a psychiatric hospital, a school for the mentally retarded, a prison or any other facility, should be subjected to inhumane conditions or practices. Unfortunately, experience has shown us that such conditions and practices occasionally exist; and those affected are frequently incapable of speaking out against the State which allows them to continue.

States, of course, have the primary responsibility for the conditions of their institutions; but the horror stories recounted during hearings before the Subcommittee on the Constitution in the 95th and 96th Congresses make one point abundantly clear: where there is widespread deprivation of constitutional and Federal statutory rights, the Department of Justice is the appropriate body to seek redress.

In the past, the Department has become involved in a number of suits challenging the conditions in State institutions, as a friend of the court, a plaintiff-intervenor, or at their own initiation. The constitutional bases of these suits have varied, depending on the circumstances, but courts have recognized an express "right to treatment" under the 14th amendment, and a right to "protection from harm" under the eighth amendment prohibition against cruel and unusual punishment. As the result of a number of these cases, it is now recognized that the Federal Constitution guarantees institutionalized citizens a decent and humane living environment.

The Department's efforts in this area have been stymied, however, by recent court decisions holding that absent congressional authorization, the Department does not have legal standing to sue on behalf of institutionalized persons. In my view, past experience indicates that Federal intervention may at times be the only means of assuring institutionalized citizens a safe and decent environment; for this reason, it is urgent that we pass S. 10 so that suits brought by the Department of Justice will not be dismissed due to lack of standing.

I think it is important at this point to note what S. 10 does not do. It does not give the Federal Government unfettered discretion to regulate state institutions. On the contrary, the bill contains detailed procedural requirements as to notice and negotiation designed to make litigation by the Justice Department a last resort, after all efforts at securing voluntary compliance have failed. And, S. 10 does not authorize the Department of Justice to institute a suit on the behalf of a single individual who alleges his rights were violated in a state institution. Instead, the Department is given this authority under the bill only where the abuse of fundamental rights is a prevailing practice in the institution.

We can take pride in the fact that, in general, our institutionalized citizens are not closeted away; a great deal has been done in recent years to improve the care which they receive. I hope that we will follow the House of Representatives in taking another step in this direction, and pass S. 10 by an overwhelming vote.

Mr. BAYH. Mr. President, I should like to point out the kind of situation which we are addressing here. It has been suggested that, surely, a problem would be resolved by the State. Surely, if the matter were brought to the State's attention, it would not be necessary for us to bring the forces of the Federal Government into this picture.

Mr. President, I just wish that were the case. If that were the case, the Senator from Indiana would not be bothering the Senate with this measure. The Senator from Indiana would not have been working on this for 3 years.

We have tightened the language. We have required notification prior to investigation. We have required notification after the investigation is completed. Almost 2 months prior to bringing a complaint, the Governor must be notified. He must be notified of the conditions of the complaint, the specifics of the complaint, the individuals involved, the recommended solutions that would relieve the burden of the complaint.

All of these things, I think, have tightened up the bill and have greatly eased the burden of the State or, perhaps I should say, increased the burden of the Federal Government before it can get involved.

Mr. President, here is a specific case in point. Our distinguished colleague from South Carolina was talking about New Hampshire. Others have been talking about New Hampshire. We had those folks before us involving this Garrity case, a little girl by the name of Garrity who is mentally retarded, who was being beaten, cut, toenails smashed. She had been subjected to physical restraints, isolation, ice water baths. Untrained people were administering medicine that was not properly cleared. This little girl had regressed to the place where, after a passage of time, she was not as capable of talking, of caring for her own needs, as she was when she was first put in there, ostensibly for treatment.

What I would like to emphasize is that the superintendent of that institution not only was aware of this, but he had said publicly, he had urged the Governor and the State legislature and had said publicly, in a press conference, that these conditions existed and if the State did not clean up its own act, the Federal Government was going to get involved; they were going to be sued.

Well, the State did not clean up its own act—not because it did not know about it. It just arbitrarily decided it was not going to clean up its own act. Given that situation, the Federal Government did intervene.

That is the kind of thing we are talking about. How do you address a violation of individual constitutional rights if the State refuses to do so? And, as a forum of last resort, I suggest very strongly that the Federal Government not only has a right to intervene, but has a responsibility to do so under those circumstances.

Mr. EXON. Mr. President, I have listened for some time to the debate on S. 10, and I wish to draw attention once again, if I can, to what I hope will not be a misinterpretation of what this bill would do.

I am sure that the statements of those who support S. 10 are not intended to be misleading. But unless we keep reminding them of what the situation is and what S. 10 does, I am afraid that some of my colleagues may be misled, as I suspect some of them already may have been misled in cosponsoring this measure.

I say again that this is one of those "do gooder" bills, and the easiest thing would be to just go along with it. Who can object to a bill that "authorizes actions for redress in cases involving deprivations of rights of institutionalized persons secured or protected by the Constitution or laws of the United States"?

That is the title. They do not say it over and over, but that is what they are trying to get across in some of their statements.

Mr. President, the question has been asked here several times, "But what do we do for these people who are deprived of their rights, who are handcuffed, who are chained, and who are beaten?" I suppose it is thought that Governors of States do not care. Well, I think that Governors and State legislators and people who run our institutions do care.

Nevertheless, I would be the first to admit that there undoubtedly have been some abuses from time to time, and those abuses should be brought to light. I just do not believe that those of us who happen to serve in the U.S. Senate are any more compassionate or care more than people who serve at the State level and who have the direct responsibility to run the institutions under the State's control.

It has been pointed out very ably by Senator THURMOND that here we are, at the Federal level, trying to interpose more of what the States do in this area while we have not even cleaned up our act with regard to the Federal prisons.

Mr. President, what this bill actually does is to give a free, federally financed hunting license to any lawyer who is hired by the Justice Department and places in the hands of that lawyer a czar, if you will, to check into anything he wishes, in any state of the Union, simply because the U.S. Senate said it would be proper for him to do that.

As my friend from South Carolina ably stated earlier this afternoon, what we really are doing is saying that an appointed member of the Federal bureaucracy—in this particular case, the head of the Justice Department—has a right to affix taxation without representation on all the taxpayers in all the States.

The question has been asked here, What do you do about those people who are abused? I believe the State of New Hampshire was mentioned, and I am not intimately familiar with that case, but I do understand that that case is now under review by the courts. Indeed, the Justice Department is in that case. It is possible that they should be in that case. But the case in point here is the fact that the Justice Department is in that case now which is proof positive that the Justice Department has the right to go into cases involving civil rights when they are properly brought.

We had a case in Nebraska. We had a case in Oklahoma. We have had cases involving other States, including New Hampshire and Maryland and undoubtedly others.

The point is that when civil rights are violated a court action can and should be brought, and they are brought.

It is at that point that the Justice Department of the United States has a right to come into that case, if they feel it is critically important and if they really believe that those constitutional rights of that individual in any institution have been violated.

My point is that there is presently a proper and fair means for the Justice Department to become involved in civil rights cases anywhere in the United States but only after an action is brought through the courts as is proper under the law at the present time.

Therefore, the claim that we hear that we must pass this legislation which I think once again is a further invasion of States' rights, that we have to do this to protect the people who are being abused in institutions run by the States, is a false claim.

The procedure is presently in place for them to do that without going so far as S. 10 goes, which again is a free, federally financed hunting license to anyone who wants to become a czar or interfere in any of the State institutions.

Again, let me emphasize my position: The Justice Department bureaucracy has misused and abused its existing authority to intervene in lawsuits against States and local governments, and the Congress should not reward this abuse by expanding the Justice Department's authority.

An excellent and current example of this abuse of authority involves the recent lawsuit by the Justice Department against the mayor and other officials of the city of Philadelphia seeking relief against allegedly unconstitutional practices and policies of the Philadelphia Police Department. I certainly cannot and do not make any judgments regarding the practices of the Philadelphia Police Department because I simply do not have the information or evidence upon which to make such a judgment. But it is obvious from a review of the Federal District Court's opinion dismissing the lawsuit, that the Justice Department did not have sufficient evidence upon which to act either.

You may recall that in the middle of August 1979, the Civil Rights Division of the Justice Department held a massive news conference at which they announced the filing of a comprehensive lawsuit against the mayor and city officials of Philadelphia to correct alleged abuses of he Philadelphia Police Department. The Federal District Court Judge, Judge Ditter, on October 29, 1979, dismissed the lawsuit on the grounds that the Attorney General and the Justice Department had no authority to bring this type of lawsuit against city officials. But, as can be seen from a review of his opinion, Judge Ditter went on to outline the shocking, heavy-handed tactics used by the Justice Department and concluded that "what occurred in this case is a most regrettable example of the abuse that might result if the Attorney General were empowered to bring lawsuits of this kind."

It is clear from reading the judge's opinion that the tactics of the Justice Department, in this case, were designed to prevent the city officials named in the lawsuit from defending themselves by delaying the trial on the issues presented in their complaint to a time when a new mayor would be in office, at which point an attempt would be made to "settle" the case without ever having to prove the charges in the complaint. As the judge pointed out in his decision:

> The Justice Department attorneys publicly vilified the individual defendants, accusing them of outrageous, conscience-shocking misconduct, while simultaneously planning a schedule for the lawsuit that would prevent these same defendants from ever answering the charges.

We all remember the headlines and the strong assertive statements which the Justice Department attorneys made when they publicly announced the filing of the lawsuit. The court itself quoted such statements as "The suit is the result of an 8-month investigation," "months of investigation were needed to gather evidence," "attorneys combed the files of the police department," and they were "prepared to produce evidence supporting the allegations" to highlight the grandstanding engaged in by Justice Department bureaucracy during the press conference announcing the lawsuit.

The court further reminded us that the deputy Attorney General in charge of the Civil Rights Division was quoted as saying:

> We have found widespread abuse of federal law, and that's why we are bringing this lawsuit . . . We think we have ample evidence of intimidation of people by Philadelphia policemen and the coverup of this intimidation by their superiors.

Similarly, this same official stated that:

> We have a well-thought-out and well-documented lawsuit.

But what happened to this "well-thought-out and well-documented lawsuit" when the judge met with the Justice Department attorneys and attorneys for the defendant 8 days after the lawsuit? At that meeting, the judge suggested a pretrial schedule which would have established a trial date of October 15, 1979, 2 months after the filing of this "well-thought-out and well-documented lawsuit." What was the judge told?

> I was immediately told by government counsel that my schedule was not reasonable, that *no testimony under oath had been taken*, that *no documents had been copied*, and that *an unknown number of witnesses would have to be located, interviewed, and prepared for court.*" (emphasis added).

Shocking, to say the least; but this is exactly the type of tactics and strategy used by the Federal Justice Department which the Senate will be endorsing by the passage of S. 10. This is so because it is clear from the record of the States who have been involved in litigation of this type with the Justice Department that the Philadelphia example is the rule rather than the exception.

It is any wonder that Judge Ditter concluded that:

> What occurred in this case is a most regrettable example of the abuse that might result if the Attorney General were empowered to bring lawsuits of this kind?

I strongly urge the Senate to heed these words of warning and not expand the authority of the Justice Department to initiate suits against States and local governments.

I ask unanimous consent that this excerpt taken from the judge's opinion of October 29, 1979, be printed in the RECORD so that my colleagues can get a full appreciation of the bitterness that results from these types of heavy-handed activities used by the Justice Department against the States. It is then, much easier to understand the concerns which have been expressed by the State attorneys general and Governors of our Nation.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXCERPT FROM OPINION OF JUDGE DITTER, U.S. DISTRICT COURT FOR THE EASTERN DISTRICT

VI. ABUSE OF POWER IN THIS LAWSUIT

In the preceding sections, I have discussed the reasons why I believe that the power to maintain this lawsuit does not and should not rest with the Attorney General of the United States. The ways in which such a power might be abused have been demonstrated at length. Nevertheless, one more example of this abuse should be examined. Indeed, this example warrants special consideration, because it is to be found in the very facts and circumstances of the present lawsuit.

The complaint in this case was filed on August 13, 1979. As discussed earlier, it charges the individual defendants, including Mayor Rizzo and Police Commissioner O'Neill, with personal wrong-doing in devising and perpetuating polices which result in police brutality. Since November of 1978, however, it has been well-known that the present administration will leave office on January 6, 1980.

From its inception, this lawsuit has been attended by a carefuly cultivated public image. Repeatedy, plaintiff's counsel made sensational public statements which created the clear impression that the investigation was completed, the evidence was all in, and the defendants' guilt had been established beyond doubt. Thus, the public has been enlightened with the knowledge that "[t]he suit is the result of an eight month investigation," and that "months of investigation were needed to gather evidence." With plaintiff's senior counsel cited as the source, it has been reported that plaintiff's "attorneys combed the files of the police department," and are "prepared to produce evidence supporting the allegations." As early as August 14, 1979, the Deputy Attorney General in charge of the Civil Rights Division of the Justice Department was quoted as saying: "We have found widespread abuse of federal law and that's why we are bringing this lawsuit. . . . We think we have ample evidence of intimidation of people by Philadelphia policemen and the coverup of this intimidation by their superiors." Similarly, this same official stated that "we have a well-thought-out and well-documented lawsuit." The public was further told that "[t]o underline the importance of the suit, Attorney General Griffin B. Bell personally signed the complaint Friday in one of his last major acts before retiring." An attorney general rarely signs individual complaints. Not to be left out is the present Attorney General, Benjamin R. Civiletti, who said that the Justice Department had been careful in preparing its police abuse suit against Philadelphia officials. He went on to describe the case as a "rather simple suit to obtain systemic relief from the top down in the [police] department." In a summary if his remarks at a press conference, Mr. Civiletti was said to have stated flatly that "some officers on the city's police force repeatedly violate the civil rights of individuals, but that the city has done very little to remedy the situation. Police officers are seldom given adequate training or subjected to proper discipline for their abuses he said. There has been a near 'total failure' to deal effectively with allegations of brutality, the Attorney General stressed." 26 Crim. L. Rep. 2065 (BNA) (October 1979).

Thus, the Justice Department adopted a public posture of complete readiness to prove what it had alleged. The government's counsel publicly treated their charges as established facts, and created a distinct impression that the necessary supporting evidence was already prepared. Eight days after the complaint was filed, however, I met with counsel and suggested a pre-trial schedule which would have brought this matter to trial on October 15. I was immediately told by government counsel that my schedule was not reasonable, that no testimony under oath had been taken, that no documents had been copied, and that an unknown number of witnesses would have to be located, interviewed, and prepared for court. These protests were raised despite the much-heralded "eight month investigation" and the "ample evidence" it had produced. Since the government objected so vigorously to the timetable I had announced, I asked each side to submit a proposed pre-trial schedule. The plaintiff's response stated that the earliest possible date by which it could complete discovery was December 9, 1979. This date, of course, was only an optimum deadline, and it did not allow for delays of any type or duration. Moreover, the schedule was qualified by the statement that "[p]laintiff anticipates further discovery will be necessary concerning the actions of individual officers. . . ." Thereafter, the plaintiff vigorously opposed a motion by defendants to expedite discovery and list the case for trial before November 20, 1979. The stated ground for this opposition was that a November trial date would still not give the plaintiff enough time to satisfy its discovery needs.

It is quite clear, therefore, that at the same time the plaintiff's lawyers were making their pitches to the press, they knew they would be unprepared to bring the case to trial while the Rizzo administration remained in office. In other words, it was the plaintiff's plan from the beginning that the principal, individual defendants would never be afforded the opportunity to defend themselves in the courtroom against the serious charges made in the complaint. The obvious injustice of this situation neither stayed the lawsuit nor tempered the outpourings to the the media.

Indeed, plaintiff's counsel have steadfastly maintained that the impending change in city administration is of no significance to this case at all. Repeatedly, plaintiff has offered the cavalier suggestion that when the new mayor and his associates take office, they can simply be substituted for the present defendants "as provided in the Federal Rules of Civil Procedure." Plaintiff's Memorandum in Opposition to Defendant's Motion to Set Trial Date, at 2. See also Pre-Trial Conference No. 1, N.T. at 21; United States Memorandum Concerning Standing, Mootness, and the Proposed Future Course of this Litigation, at 38.

The plaintiff refers here to Fed. R. Civ. P. 25(d)(1) which provides in relevant part that "[w]hen a public officer is a party to an action in his official capacity and during its pendency dies, resigns, or otherwise ceases to hold office, the action does not abate and his successor is automatically substituted as a party." Plaintiff has made much of its "deliberate decision to name no one in their personal capacity." Rather, each of the individual defendants "are named only in their official capacity." Pre-Trial Conference No. 1, N.T. at 21. Thus, as plaintiff sees it, the substitution procedure of Rule 25 can be invoked in this case as a matter of mere routine.

It is not difficult to see why plaintiff's position disturbs the defendants. By its terms, Rule 25(d)(1) appears applicable in the technical sense, as Mayor Rizzo will obviously be succeeded in office. Nevertheless, it is clear that neither the Mayor, nor the Commissioner, nor any of their subordinates, are named in this case as nominal defendants.

Rather, this complaint charges, as indeed it must, that they are personally responsible for initiating and carrying out policies which are calculated to brutalize the population of Philadelphia. Yet, these people will never have an opportunity to defend themselves against the complaint's accusations if new defendants are substituted when the Rizzo administration leaves office.

Thus, while Frank Rizzo and Joseph O'Neill are charged with willfully orchestrating a campaign of brutality and lawlessness, the government's timing precludes Rizzo and O'Neill from presenting a defense.

The government's deliberate plan was that by the time the case was ready for trial, the principal defendants, the present mayor and police commissioner, would have been removed from that suit, and their successors in office would have been substituted in their place. While the new mayor might be capable of defending the City of Philadelphia, he would have no interest in clearing Frank Rizzo's name. Similarly, the new police commissioner would not be likely to champion the personal interests of Joseph O'Neill. Obviously, there would also be a change of counsel when the new defendants are substituted, thus further ensuring that those accused of wrongdoing would have no representation at the time of trial.

In fact, it does not take much imagination to realize that it might well serve the political interests of the new administration to simply blame everything on its predecessors. It is entirely possible that the new mayor and his appointees would have no reason to proceed with the trial at all. The obvious course for them would be to settle this case, agreeing to change certain operating procedures in the police department and publicly accepting the principle that police brutality is wrong. The new mayor could thereby share the credit for ending the systematic police abuse which the Justice Department says exists. At the same time, the Justice Department would have avoided the responsibility of proving that this abuse existed at all.

To put it bluntly, the government's timetable, in combination with its press releases, amounted to a stacked deck, the effect of which was to deny the individual defendants their day in court. Certainly, I do not question the plaintiff's right to engage in pre-trial discovery. The Federal Rules of Civil Procedure do not discriminate against the Justice Department in securing that right. At the same time, I do not deny plaintiff's lawyers the right to talk to the press. The media has an important duty to inform the people, and it is incumbent upon government officials to cooperate in the discharge of that duty. Nevertheless, the combination of these two rights in this case illustrates how power may be misused.

The Justice Department attorneys publicly vilified the individual defendants, accusing them of outrageous, conscience-shocking misconduct, while simultaneously planning a schedule for the lawsuit that would prevent these same defendants from ever answering the charges. Through some of its highest ranking officials, the Justice Department created the public impression that the defendants' guilt was already documented and established. Yet, when the individual defendants demanded a speedy trial, as the only means by which they would have the chance to prove their innocence, the government objected on the ground that it needed a minimum of three to four months to discover evidence and prepare its case.

Whether the motivation here was righteous indignation or something less noble is not important. Suffice it to say that what occurred in this case is a most regrettable example of the abuse that might result if the Attorney General were empowered to bring lawsuits of this kind.

VII. CONCLUSION

For the reasons expressed at length above, I shall dismiss this complaint in its entirety, except for the limitation discussed in Part II, supra.

Mr. EXON. Mr. President, I shall have more to say about this bill on tomorrow. I intend to talk about this some more on tomorrow, including bringing up several other instances of where the Justice Department has improperly if not illegally involved themselves in cases and have indeed misused the press in some of those cases that I will cite in some detail tomorrow.

I just want to knock down, if I can, what keeps coming up here in debate, that anyone who is not for S. 10 is not for proper redress of individuals who are held in any of the State institutions. That certainly is not the case, and when we vote on these matters on Thursday I hope every Member of the Senate is informed as to exactly what the situation is and will not be caught up in the emotionalism that I suspect will eventually surround the final vote on the amendments and on this bill itself.

I yield the floor.

Mr. THURMOND. Mr. President, will the distinguished Senator yield?

Mr. EXON. I have yielded the floor.

Mr. THURMOND. Mr. President, I wish to ask the Senator a question here if he does not mind.

Mr. EXON. Excuse me.

Mr. THURMOND. Mr. President, I compliment again the able Senator from Nebraska for the statement he just made and ask him this question: Is the real question here not one of humanitarianism? Do we not all believe in humanitarianism? Do we not all want to do what we can to help people in these various institutions? But is not the real question here one of whether we are going to pass a law here that will provide for more Federal interference in the rights of the States and the rights of the people in the States?

Mr. EXON. I agree completely with my friend from South Carolina, and once again he has summarized it very well.

The situation is further intrusion and involvement by Big Daddy in Washington who knows best and wants to look over the shoulder of legitimately elected officials who have the primary responsibility in the States, and I emphasize once again to my friend from South Carolina that if the duly elected officials in the States and the ones who are working under their control in running the institution do not the job fairly, do not protect the constitutional rights of those people incarcerated in our penal institutions or receiving treatment in our mental institutions, or those receiving advance treatment in our mentally retarded institutions, there are means for them to be properly protected and there are means now for the Justice Department to come in when and if it is necessary.

Mr. THURMOND. Does it not stand to reason that the local people and the people in the States would be more interested in the local inmates than are people in bureaucratic positions hundreds and hundreds of miles away?

Mr. EXON. I am sure that the Senator is right. He was Governor of his great State as I was Governor of my great State. We know that the friends, relatives, and loved ones of those people right there at home are a much better guardian of their rights than someone sitting in an appointed office in Washington, D.C. with unlimited financing at the expense of the Federal taxpayer.

Mr. THURMOND. Is it not true that if this bill passes with the tremendous cost that could result from passage of such a bill, it is going to incur tremendous expense not only on the part of State officials who will be dictated to as to what has to be done but also on the part of the Federal Government which will have to probably hire swarms and swarms of investigators and people to enforce this law?

Mr. EXON. I go a little bit further. Not only would they likely have to hire but I predict if S. 10 passes they will hire and use this supposed mandate by Congress to get the job done and even more important, I say to my friend from South Carolina, in my opinion, even more important than the invasion of the States' rights, even more important than all of that, is the fact that what we would be doing once again is saying to the people back home, in this instance, the Attorney General of the United States, through the courts, would be operating these institutions at the State level, yet they would not have any responsibility whatsoever for seeing that the money was raised to do that or that the proper care was being received.

It would become a legal matter through the courts rather than the local people on the local scene working with the local people to get the job done that obviously has to be done for all of these people about whom I am sure we are all very much concerned.

Mr. THURMOND. We hear so much today about getting the Federal Government off the backs of the people and the backs of the State officials and other officials. The Federal Government is now trying to run every school district in South Carolina and I am sure in the Senator's State and every health department in the various States of the Nation. It has gone down and delved itself and injected itself into all of these facets of government and in the lives of the people. Instead of trying to relieve the people and relieve the States of this Federal usurpation and Federal control, does this bill not come around and add more Federal control and more Federal dictation upon the States and the people of the Nation?

(Mr. BOREN assumed the chair as Acting President pro tempore.)

Mr. EXON. I would agree completely once again with my friend from South Carolina. If we could just get that message across to 51 Members of the U.S. Senate then this measure will not pass. I hope we can do it.

Mr. THURMOND. I wish to thank the able Senator.

The PRESIDING OFFICER (Mr. EXON). The Senator from Oklahoma.

Mr. BOREN. Mr. President, I want to again compliment the Senator from South Carolina and the Senator from Nebraska for their remarks.

The issue is whether or not we are going to have confidence in the people, through their elected representatives, to solve the problems we face in this country or whether we are going to abdicate any kind of democratic process in this country and hand over the power to set priorities and budgets and make policies to those who are not elected and not accountable to anyone.

There is a growing frustration with the political process in this country, and I think it is frustration born of the feeling that the people themselves are being squeezed out.

I heard the able senior Senator from West Virginia (Mr. RANDOLPH) speaking a minute ago about encouraging young people to become involved in the political process, to vote, to take a part in their government through the ballot.

Yet every day we see the force, the power, and the influence of that ballot, that participation in the electoral process, watered down by handing over more and more power over our daily lives to those who are not elected by anybody.

We tell them, "Participate; vote in elections when you are electing a Governor of your State. Vote in the elections when you are electing your State legislature. Weigh carefully the choices so that you will pick the kinds of men and women who will address the problems of the day, who will decide how the dollars taken from the taxpayers shall be spent; what improvements shall be made in your roads or your educational systems or your prisons or your institutions for the mentally retarded or the mental hospitals or all the rest."

Then when we tell them to very carefully select those, by casting their votes, who will make these policies, we turn around and say, "We do not allow those people who have been elected, those elected officials, to have any say over the policy decisions, the vital policy decisions, which are being made."

It is no wonder that the people are becoming frustrated. It is the action of the Federal Government over the years, taking more and more power out of the hands of people at the local level and handing it over not even to the Congress itself, not to the elected representatives of the people in Washington, but to those who are appointed, some of them who are there for life, for all practical purposes, who will never have to report or account back to the people in any manner whatsoever for their actions.

It will be a sad day, Mr. President, when this Senate decides to just cast one more stone at the democratic process of government, if it just decides to nail one more nail into the coffin of a viable Federal system which was meant by the framers of this Constitution to leave certain powers in the hands of local governments and in the hands of the people themselves.

The people of my State did not send me here to participate in this kind of decision which would take even more power from them. They gave me the clear message when they sent me here with their votes that they wanted governmental power returned to them, that they wanted to have a handle on the levers of policymaking in this country once again.

I can say that, as one Member of the Senate, I certainly cannot and do not intend to vote for this piece of legislation which would remove again from the people the right to control their own destiny. I do so not because I am not sympathetic to the plight of those who have suffered in any kind of State or local institution or, indeed, Federal institution in this country. But I am convinced, Mr. President, as the Senator from South Carolina has so ably said, that the people themselves, through their elected representatives, are the best protectors of those who are suffering, and that the decisions about what should be done should be left in their hands.

I do that because I have faith in our system of representative democracy, which is a system which I think we should keep, and keep viable, in our country.

So I compliment the able Senator from South Carolina, I compliment the able Senator from Nebraska. I know that when they served as Governors of their States, they were the kind of people who were concerned about the welfare of all their citizens, including those who might happen to be institutionalized.

I think it is a shame and a disgrace that we, in essence, pass judgment on the motivation, the sincerity, and the devotion to basic human rights of all State and local officials in this country by rushing to pass legislation of this kind.

● Mr. CULVER. Mr. President, I want to express my strong and enthusiastic support of S. 10, civil rights of the institutionalized, and urge the Senate to adopt this important measure.

S. 10 is both a limited bill and balanced approach which assures the protection of important constitutional rights of our citizens while respecting the principal role of the States for the management of their various institutions. It is limited in scope because the bill creates no new substantive rights. It establishes no new programs. It calls for no major outlays of tax money.

S. 10 merely grants the U.S. Attorney General legal standing to challenge pervasive, systematic patterns of gross abuse and neglect of persons confined to State institutions which violate constitutional or Federal rights.

The bill is not designed to allow the Federal Government to interfere with the legitimate activities of States through the filing of frivolous lawsuits. On the contrary, before the Justice Department may file suit under the provisions of S. 10, the Attorney General must pursue and exhaust every conceivable remedy short of litigation. Then, only if the pattern of abuse or neglect is so severe that it is depriving persons of the minimal levels of decent and humane treatment guaranteed by the Constitution and Federal laws, may the Justice Department seek formal, court imposed remedial action.

S. 10 is clearly a modest, limited bill. It has been carefully crafted after 8 days of hearings and many hours of Judiciary Committee consideration over the past 3 years. Senator Bayh has included more limitations and safeguards in S. 10 than in any other civil rights enforcement statute enacted by Congress into law.

Despite this limited scope and effect, S. 10 is vitally important legislation of profound significance. As the former chairman of the Senate Subcommittee on Juvenile Delinquency, I am deeply concerned about the abuse of children in correctional institutions and in those for the mentally ill and retarded. Unfortunately, hearings before that subcommittee and Senator Bayh's Subcommittee on the Constitution have documented numerous instances of serious institutional abuse.

During my work in this area, I have been strongly impressed by the fact that juveniles, the elderly, the mentally ill, the disabled, and others confined to State institutions are often unable to assert their own rights to minimally decent living conditions and treatment. Many institutionalized are unaware of their rights because of intellectual or emotional impairments and the lack of education. These barriers are compounded by physical isolation, lack of money and the fear of retaliation.

Unfortunately, the resources of the legal services and privately funded public interest bars are woefully inadequate to represent the needs of all of the Nation's institutionalized population. Limitations of resources, manpower, and continuity among these groups mean that institutionalized persons must look elsewhere for legal representation.

Mr. President, the Justice Department is the appropriate place for such persons to turn for vindication of their fundamental rights. In the past Congress has not hesitated to give such authority to the Attorney General where evidence has shown a widespread denial of such rights. In the context of discrimination in voting, education, employment, housing, and public services, Congress has enacted legislation similar to S. 10, authorizing the Attorney General to redress "patterns or practices" of widespread abuse. The authority proposed in S. 10, therefore, is neither novel in concept nor unprecedented in application.

Mr. President, it is also clear that the arguments against this measure are neither novel nor compelling. The Congress has heard the appeal to States rights many times in the past during the great debates over civil rights bills in the 1960's and 1970's, and the Congress rejected them. Because of the high threshold for Federal involvement under this legislation and the appropriate role which is awarded to the States, I do not believe those arguments are valid here. I sincerely hope we will reject them now.

I cannot believe it is within the authority of the States, through abuse or gross neglect, to deprive citizens of this Nation housed in State institutions of the minimal necessities of life and remain free from legal challenge by the Federal Government. I cannot believe it is right for persons in institutions to be denied access to the expertise and resources of the Justice Department for gross violations of their rights merely because they happen to reside in a State operated institution.

Mr. President, S. 10 will remedy this inequity by allowing the Justice Department access to the Federal courts in the worst cases of systematic abuse. At the same time, the bill contains very strong notice and consultation requirements which will promote voluntary cooperation and settlement of disputes without resort to court litigation.

Mr. President, I strongly urge my colleagues to give their prompt approval to this important bill.●

● Mr. DANFORTH. Mr. President, during the consideration of S. 10, I intend to offer an amendment in the nature of a substitute to the bill. The text of that amendment is currently being finalized by legislative counsel. In the interim, I ask that a "Dear Colleague" letter describing the measure be printed in the Record for the benefit of my colleagues.

The letter follows:

February 25, 1980.

Dear Colleague: During the consideration of S. 10 I will offer a substitute for the bill which would establish a Presidential Commission empowered to investigate the adequacy of care being provided to persons residing in federal, state, and local institutions, and, following such investigations, to report findings and recommendations to the President, the Congress and state and local legislative bodies, for such remedial action as may be appropriate.

S. 10, as you know, would give the Justice Department authority to initiate lawsuits against state and local governments on behalf of persons residing in state and local institutions—and to intervene in lawsuits brought against state and local governments by or on behalf of institutionalized persons. In my view this approach to the problem of securing adequate care for institutionalized persons is, simply stated, wrong. It is wrong because it is inherently destructive of the fabric of federalism, and it is wrong because it calls upon the courts to make decisions respecting the care of institutionalized persons which rightfully should be made by state legislatures.

Education Secretary Shirley Hufstedler, when a Judge of the Ninth Circuit Court of Appeals, observed that "many public institutions are dismal by reason of impoverishment." "Litigation", she added, "doesn't make them any richer. It is time to come up with some better ideas for ways in which to address many of these problems directly rather than litigiously and, if possible, by using techniques built on cooperative rather than adversary models." It is with this purpose in mind that I offer my substitute bill.

Under the terms of my proposal, a National Commission on Institutions would be created. It would consist of three members, appointed by the President; one member representing the federal government; one representing state government, and one representing local government. It would be empowered to investigate federal, state, and local institutions to determine the adequacy of care being provided to persons residing in those institutions, to hold hearings in furtherance of those investigations, and to issue reports stating the findings of the Commission, together with recommendations for remedial action.

Unlike S. 10, under my proposal the responsibility for addressing the problem of inadequate care in federal, state, and local institutions would not be delegated to the courts but would instead be placed, where it belongs, squarely at the feet of Congress and the legislatures. Unlike S. 10, which proposes to resolve through confrontation the serious and sensitive questions attendant to the care of institutionalized persons, under my proposal these questions would be considered without threat of litigation, by a cooperative body drawing on the expertise of state, local and federal government personnel, addressing themselves to the task of identifying problems and suggesting means to resolve those problems.

I hope that you will support me in this effort. If you have any questions, please talk with me, or have a member of your staff contact Chris Brewster, my Legislative Assistant at No. 46154.

Sincerely,

John C. Danforth.●

● Mr. STONE. Mr. President, I am a cosponsor of this bill, S. 10, legislation to protect the civil rights of institutionalized persons, and I want to congratulate the distinguished floor managers, Senator Bayh and Senator Hatch, who, after several years of hard work, have brought the bill to fruition.

The U.S. Constitution and its interpretation by our courts make it clear that a first responsibility of Government is to protect the human rights of citizens. The 14th amendment protects a citizen's right to due process, and the 8th amendment protects against the infliction of cruel and unusual punishment. Government has a responsibility to do its utmost to see that citizens enjoy the full protection of these rights. As a minimum we should be able to insure these rights for Americans who are most vulnerable: The elderly in State-run nursing homes, the institutionalized mentally ill, the developmentally disabled, and the mentally retarded. These citizens are least able to pursue the protections of constitutional guarantees.

Few would disagree that their constitutional rights ought to be protected. The main issue is how do we protect them without, at the same time, unduly interfering with States rights.

I think that this bill resolves that potential conflict very well. In the first instance there will be no Justice Department intervention unless there is a pattern and practice of egregious and flagrant abuse of institutionalized citizens. Hearings on this bill establish the kind of conditions or behavior that may trigger Federal involvement. We are talking about conditions or behavior similar to suturing the wounds of mentally retarded persons without anesthesia, confining mental patients in straight jackets for so long a time that permanent circulatory damage is done, and punishing juveniles by confining them in homosexual dormitories.

Then, prior to taking any action, the U.S. Attorney General must notify institution directors and State officials 56 days before filing suit of specific violations. Next, the bill includes notification of minimum conditions that would cause the institution not to be in violation, discussion of the financial impact involved in improving conditions, notification of Federal assistance programs, and granting a reasonable time for the institution to correct violating circumstances.

In pursuance of court actions the Attorney General must personally certify the complaint. He must also certify that negotiations have taken place, and must state that the proposed action by the United States is of general public importance, and will materially further the vindication of specific constitutional or statutory rights.

The Attorney General is empowered only to seek equitable relief, he is prohibited from promulgating regulations defining standards of care, and he must report annually to Congress on the specific actions taken under the authority of this legislation. Before he could involve himself in cases involving the constitutional rights of persons in correctional facilities, such persons would have had to exhaust all available administrative remedies at the State level.

I am, therefore, satisfied that ample steps have been written into the bill to avoid trampling on any legitimate rights of the States. I ask my colleagues to join me in voting for this important legislation. If the Federal Government does not have a primary responsibility to require State and local governments to protect basic, fundamental, constitutional rights then what are our responsibilities as guardians of the heritage of the Bill of Rights.

UP AMENDMENT NO. 989

(Subsequently numbered amendment 1672)

(Purpose: To insure that relief granted by the court is consistent with Justice Department certification of legal deprivations)

Mr. BOREN. Mr. President, at this time I send an unprinted amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma (Mr. BOREN) proposes an unprinted amendment numbered 989:

On page 10, following line 12, add a new subsection "(c)", "The court shall grant only such relief as will specifically remedy the conditions certified to by the Attorney General pursuant to section 2(a) hereof."

Mr. BOREN. Mr. President, I ask unanimous consent that debate and time on this amendment not commence until tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME-LIMITATION AGREEMENT— S. 10

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that with respect to the present bill before the Senate, there be a time agreement thereon as follows: That there be 2 hours for debate on tomorrow, to be equally divided between Mr. BAYH and Mr. THURMOND; that there be 1 hour for debate on the bill on Thursday, to be equally divided between Mr. BAYH and Mr. THURMOND; that no rollcall votes occur on amendments or motions in relation to the bill on tomorrow; that on Thursday, at 10 a.m. votes begin on amendments on which rollcall votes have been ordered, with the first rollcall vote to consume 15 minutes and the other rollcall votes being back to back to consume 10 minutes each; provided further, that no amendments be in order on Thursday; that Mr. BOREN lay down his amendment today prior to the close of business; that there be 1 hour equally divided on Mr. BOREN's amendment that he lays down today; that Mr. BOREN be recognized to call up a second amendment upon the disposition of the first amendment that he lays down; that there be 1 hour on the second amendment to be equally divided; that Mr. DANFORTH then be recognized to call up a substitute amendment on which there will be a 2-hour time limitation to be equally divided in accordance with the usual form; that Mr. EXON be recognized to call up his amendment following the expiration of time on the amendment by Mr. DANFORTH, and that there be a time limitation on the amendment by Mr. EXON of 2 hours, to be equally divided; that there be a time limitation on any amendment to an amendment of 30 minutes; that there be a time limitation on a motion to recommit of 10 minutes, to be equally divided, and that the motion to recommit would occur upon the expiration of the votes on amendments and just prior to the vote——

Mr. STEVENS. Senator THURMOND would request 10 minutes to each side.

Mr. ROBERT C. BYRD. Twenty minutes on the motion to recommit.

That the motion to recommit follow on the votes on amendments on Thursday; that immediately following the motion to recommit, if it fails, the Senate proceed without further debate or amendment or motion immediately to a vote on final passage of the bill, with paragraph 3 of rule XII being waived.

Mr. STEVENS. Reserving the right to object, Mr. President, and I shall not object, it is my understanding there would be no votes on any amendments today; that there would be a provision for any amendments any other Members wish to raise, other than have been enumerated here, and that such amendments would have to be raised tomorrow.

Mr. ROBERT C. BYRD. Following the running of the time on the amendments which have been enumerated.

Mr. STEVENS. And on those amendments, what will be the time limit?

Mr. ROBERT C. BYRD. That there be a time limitation on any such amendment of 30 minutes to be equally divided; that no amendment not germane would be in order, and that a final vote on the bill occur no later than 2 p.m.

Mr. STEVENS. Reserving the right to object again, Mr. President, it is my understanding that both the Danforth and Exon amendments have a technical question about germaneness. I would like to see that they are qualified with regard to the germaneness rule.

Mr. ROBERT C. BYRD. We have that understanding. They are qualified.

Mr. STEVENS. Those are technical amendments and not amendments to the text, as I understand. They are substitutes.

Mr. ROBERT C. BYRD. And provided further that the vote on final passage occur not later than 12:30. That gives us 2½ hours.

Mr. STEVENS. I might state to the majority leader I know of no other amendments that are definitely to be presented. Does this meet with the understanding of the manager on our side, from the negotiations he has had?

Mr. THURMOND. Mr. President, I just want to be sure that the time starts soon enough so we can get through the debate on these amendments in order for the final vote to come no later than 2 o'clock, in any event.

Mr. STEVENS. It is my understanding, I will say to the Senator from South Carolina, that all debate on any amendments must be completed tomorrow. There are 2 hours reserved on the bill tomorrow for those Members who wish to speak without offering amendments, and 1 hour reserved for those Members who wish to speak on Thursday morning. There will be no debate on any amendment on Thursday. There will be 20 minutes on the Senator's motion to recommit, should he desire to make it, prior to the final vote, which will not occur prior to 12:30, unless there are a lot of amendments I do not know about.

Mr. ROBERT C. BYRD. May I add a further proviso or modification, that the final vote occur no later than 12 o'clock.

Mr. THURMOND. I have no objection.

Mr. ROBERT C. BYRD. That would allow us 2 hours. We could move the first vote up earlier than 10, if the Senator would agree.

Mr. STEVENS. I might say, if I may, that we have cleared this on the basis that voting would not start before 10 o'clock, but that those votes would run back to back, and with 15 minutes on the first one and 10 minutes on the others, starting at 10 o'clock, we have 150 minutes. It will take a lot of amendments to get us to 12:30.

Mr. BAYH. Reserving the right to object, could I ask the leader for a point of information? Does the unanimous-consent request cover the need, after third reading, to move to call up the House bill, to move to strike everything and insert the Senate bill?

Mr. ROBERT C. BYRD. Mr. President, I am glad the distinguished Senator raised that question. What is the House bill number? H.R. 10.

Mr. President, I include in the proviso that, at no later than 12 o'clock p.m. on Thursday, or upon the disposition of the vote on the motion to recommit, if that motion fails, the bill, S. 10, then proceed without further amendment, motion, or debate, to third reading, at which time, without further debate or motion, the Senate will immediately proceed to the consideration of H.R. 10; that it be considered as having been read the second time and that all after the enacting clause be stricken; that the text of S. 10 as amended, if amended, be inserted in lieu thereof; that without further debate or motion or amendment, the bill, H.R. 10, then advanced to third reading, then immediately, the vote on passage of that bill occur, with paragraph 3 of rule XII waived and without further debate or motion or point of order or appeal;

and that the vote immediately occur on passage of H.R. 10.

Mr. STEVENS. Reserving the right to object, and I shall not object if I understand that——

Mr. ROBERT C. BYRD (continuing). And that any motion to reconsider the passage of that bill be voted on immediately, without debate.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Reserving the right to object, I shall not object.

It is my understanding that this has the effect of substituting the House bill for the Senate bill and when it reaches third reading, it is no longer subject to amendment. Is that correct?

Mr. THURMOND. Mr. President——

Mr. STEVENS. Mr. President, if the Senator can withhold, may I get a ruling on that?

The PRESIDING OFFICER. It would be the substitution of the Senate language on the House number.

Mr. STEVENS. That the Senate language go into the House bill after the Senate bill has proceeded to third reading?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. And after the time when any amendment would be in order.

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. It is my understanding that the agreement is clear that no amendment may be offered after the conclusion of business on Wednesday. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. That includes perfecting amendments or any amendment of any type. All amendments must be offered tomorrow in order to be voted on under this agreement.

The PRESIDING OFFICER. The Senator is correct.

Is there objection to the request?

Mr. THURMOND. Mr. President, reserving the right to object, as I understand, if the Senate bill passes, then the House bill will be substituted as the machinery for carrying the Senate wording and Senate content, so to speak.

Mr. ROBERT C. BYRD. The House bill would be——

Mr. THURMOND. Because under no condition do we agree to the House bill.

Mr. ROBERT C. BYRD. No, no, the House bill number would be the vehicle that would be finally disposed of; but it would contain the Senate text.

Mr. THURMOND. Of course, we do not expect it to get that far but, at the same time, I want that understanding.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Reserving the right to object, again, I want to make sure this is agreeable to my good friend, the manager of the bill, that the total agreement does meet his concerns.

Mr. THURMOND. I think so, with that understanding that, in no event, would the Senate be voting here on the House bill as it came to us from the House.

Mr. ROBERT C. BYRD. No, Mr. President, it would be on the House bill as amended by the Senate bill, which would be a complete substitution.

The PRESIDING OFFICER. Is there objection? If not, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished manager of the bill (Mr. BAYH), the distinguished Republican manager (Mr. THURMOND), the distinguished acting minority leader (Mr. STEVENS), Mr. EXON, Mr. BOREN, Mr. BIDEN, and all others who have made it possible to reach this agreement.

Mr. BAYH. Mr. President, I should like to thank the leader for his extremely persistent and delicate and fair negotiation, which has led to where we are right now. I know there are a number of our colleagues who feel very strongly about this. I understand their feelings and the deft touch of our distinguished leader has prevailed again and we are in his debt.

AUTHORITY TO ORDER YEAS AND NAYS ON HOUSE BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order at any time to order the yeas and nays on passage of the House bill as amended, if amended, and if the Senate bill is not recommitted.

The PRESIDING OFFICER. Is there objection? If not, it is so ordered.

(Later the following occurred:)

Mr. ROBERT C. BYRD. Mr. President, would the Chair recognize the Senator from Nebraska and then would he yield to me?

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I yield to the distinguished majority leader.

Mr. ROBERT C. BYRD. I thank the distinguished Senator.

Mr. President, I failed to include in the agreement a little while ago that the agreement with respect to the pending business be in the usual form. I did get the provision in, which provided against nongermane amendments, but I failed to get the "usual form" phraseology which provides for the division and control of the time. I should like to add that to the request.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, so that Senators may understand now what the agreement includes, it is as follows:

Mr. BOREN will lay down an amendment to the pending bill today at the close of business. For the remaining time today on debate, there will be no control of such time. The time agreement itself does not begin running until tomorrow.

On tomorrow, there will be 2 hours for debate that will be equally divided between the managers of the bill.

Mr. BOREN's amendment will be pending before the Senate when the Senate resumes action on the business tomorrow. There is 1 hour on the Boren amendment.

On the expiration of that hour, or upon its being yielded back, Mr. BOREN will then be privileged to call up a second amendment on which there will be a 1-hour time limitation; after which Mr. DANFORTH will be recognized to call up his substitute amendment on which there is a 2-hour limitation; after which Mr. EXON will be recognized to call up his amendment on which there is a 2-hour time limitation; after which other Senators may call up amendments or may debate the bill.

Amendments in the second degree will be covered by a 30-minute time limitation.

The amendments to the bill in the first and second degree must be called up tomorrow. No amendments will be in order on Thursday.

On Thursday, immediately after the two leaders or their designees have been recognized under the standing order, or at circa 5 or 6 minutes after 9 a.m., the Senate will resume its consideration of the pending business. There will be not to exceed 1 hour of debate on Thursday morning.

At 10 a.m. on Thursday morning, the Senate will proceed by rollcall vote to vote on the amendments that have been debated and on which the time has expired and on which rollcall votes have been ordered.

The first rollcall vote will consume 15 minutes. The remaining rollcall votes on amendments will be 10-minute rollcalls.

At the conclusion of the rollcall votes on the amendments that have been ordered, Mr. THURMOND will be recognized to move to recommit the bill. There will be 20 minutes for debate on that motion to recommit.

After the motion to recommit has been disposed of, should it fail, the Senate then will proceed to third reading on the Senate bill, S. 10; after which the House bill, H.R. 10, will be called up without further debate, proceed to second reading, and the Senate bill, as amended, if amended, will be substituted for the text of the House bill and without further debate or motion the Senate will proceed to vote on final passage of the House bill, and any motion to reconsider that bill will have to be voted on immediately.

So that there will be several rollcalls on Thursday; and with the final proviso that the final vote on the House bill, as amended by the Senate bill, if the Senate bill has not been recommitted, will occur no later than 12 o'clock noon.

Other business that may come up will be called up after the disposition of the House bill.

Mr. President, is there any problem with the statement I have made?

The PRESIDING OFFICER. Is there objection to the restatement of the agreement?

Mr. ROBERT C. BYRD. No. The statement is not subjected for consent. I am merely stating my understanding of the agreement that has already been entered.

The PRESIDING OFFICER. Is there comment on the restatement?

Mr. MATHIAS. Except I am astounded by the majority leader's power of recall and statement.

Mr. ROBERT C. BYRD. I thank the Senator.

The PRESIDING OFFICER. The comments are positive.

The agreement is agreed to.

Mr. ROBERT C. BYRD. Mr. President, was the final vote to occur on the House bill at no later than 12 noon?

The PRESIDING OFFICER. The Senator is correct.

Is the Chair correct that the time specified for amendments other than those specified was one-half hour, other than second-degree amendments?

Mr. ROBERT C. BYRD. I did not understand the Chair.

The PRESIDING OFFICER. The Chair inquires as to the time agreement for amendments not specified in the agreement.

Mr. ROBERT C. BYRD. Yes.

The PRESIDING OFFICER. All other amendments, were they to include a half-hour time agreement?

Mr. ROBERT C. BYRD. I am glad the Chair reminded me. The Chair is correct, and I left that out of my statement.

I am embarrassed, following the encomium the distinguished Senator from Maryland just expressed.

I did fail to mention that all other amendments, including second degree amendments, would be limited to 30 minutes.

The PRESIDING OFFICER. First and second degree amendments?

Mr. ROBERT C. BYRD. Yes. All other amendments, first and second degree amendments, would be limited to 30 minutes.

Now, did we get a final clarification of the vote on final passage? Is it 12 or 12:30?

The PRESIDING OFFICER. The agreement was 12 noon.

Mr. ROBERT C. BYRD. 12 noon.

I thank the Chair.

I thank the distinguished Senator from Nebraska for yielding.

(Later the following occurred:)

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, with respect to the time agreement that was entered into on S. 10 and H.R. 10—under that agreement, Mr. DANFORTH's amendment was to come during the sequence just before the amendment by Mr. EXON. I ask unanimous consent that that order be reversed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time for debate on Thursday morning be reduced from the 1 hour previously agreed to to the time between the prayer and the hour of 10 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that debate on any motion, any debatable motion, appeals, or points of order, if such are submitted to the Senate by the Chair, be limited to 10 minutes, to be equally divided in accordance with the usual form.

Mr. STEVENS. Reserving the right to object, that does not apply to the time already reserved for the motion to recommit?

Mr. ROBERT C. BYRD. It does not.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, one final understanding that will deal with any motion to reconsider the vote on passage of H.R. 10. Under the agreement, there is no time for debate on such motion to reconsider. It should also be understood that a motion to table the motion to reconsider would be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the agreement follows:

Ordered, That on Wednesday, February 27, 1980, when the Senate resumes consideration of S. 10 (Order No. 446), concerning the rights of institutionalized persons, debate on the bill shall be limited to two hours, to be equally divided and controlled by the Senator from Indiana (Mr. BAYH) and the Senator from South Carolina (Mr. THURMOND), and that no rollcall votes in relation to the bill occur. Debate on any amendment (except two amendments to be offered by the Senator from Oklahoma (Mr. BOREN) on each of which there shall be one hour; an amendment to be offered by the Senator from Nebraska (Mr. EXON) upon the disposition of the Boren amendments, and upon its disposition, an amendment to be offered by the Senator from Missouri (Mr. DANFORTH) on each of which there shall be two hours) shall be limited to 30 minutes. Debate on any debatable motion, appeal, point of order which is submitted or on which the Chair entertains debate shall be limited to 10 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: *Provided*, That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or his designee: *Provided further*, That no amendment that is not germane to the provisions of said bill shall be received.

Ordered further, That no amendments be in order after Wednesday, February 27; and that on Thursday, February 28, debate on the bill between the prayer and 10 a.m. shall be equally divided and controlled by the aforementioned Senators from Indiana and South Carolina. *Provided further*, That at 10 a.m. a 15 minute rollcall vote shall occur on the first amendment on which a roll call vote shall have been ordered, to be followed immediately by back to back 10 minute rollcall votes on the remaining pending amendments.

Ordered further, That upon the disposition of all amendments, the Senator from South Carolina (Mr. Thurmond) shall be recognized to offer a motion to recommit, on which there shall be 20 minutes equally divided and controlled by the Senators from Indiana and South Carolina. Provided that if that motion fails, the Senate proceed without any intervening action to third reading of the bill; after which the Senate shall proceed immediately to the consideration of H.R. 10, and that that bill be considered as read the second time, and that without any intervening action all after the enacting clause be stricken and the text of S. 10 as amended be inserted in lieu thereof; and that the Senate shall proceed immediately without any intervening action no later than 12 o'clock noon on Thursday, February 28, to vote on the passage of H.R. 10. *Provided further*, That a motion to reconsider the vote on passage of H.R. 10 shall be disposed of immediately.

JAMES R. THORNWELL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 628.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1615) for the relief of James R. Thornwell.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. STEVENS. Mr. President, reserving the right to object—and I shall not object—it is my understanding that this matter, under a unanimous-consent procedure, will be disposed of.

Mr. ROBERT C. BYRD. Yes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment on page 1, line 5, strike "$1,700,000" and insert "$1,000,000", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, $1,000,000 to James R. Thornwell, originally of South Carolina and now of Oakland, California. Such sum shall be in full satisfaction for the severe physical, psychological, and economic damage, including pain, suffering, emotional distress, trauma, and permanent injuries, inflicted upon James R. Thornwell as a result of the administration by Army personnel of LSD to him in 1961 without his knowledge or consent after subjecting him for six preceding weeks to extreme physical and emotional stress, as part of an Army drug testing program in which he was the only American subject, and as a result of the concealment by the Army of the use of LSD from James R. Thornwell for seventeen years thereafter, during which time he suffered from severe psychological disorientation, and of the Army's failure to provide him any followup care. The payment of such sum shall be in full satisfaction of all claims of James R. Thornwell, his heirs, executors, personal representatives, or assigns, of any nature whatsoever against the United States and its agencies, or against any past or present employee, agent, officer, or person of or associated with the United States, in connection with the circumstances of his injuries compensated hereunder, including injuries incurred subsequent to his discharge from the Armed Forces, and such payment shall be in lieu of any further compensation or award for such injuries.

SEC. 2. No part of the amount appropriated by this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, any contract to the contrary notwithstanding. Violation of the provisions of this section is a misdemeanor punishable by a fine not to exceed $1,000.

Mr. HOLLINGS. Mr. President, the minority and the majority on both sides have agreed to this. This is a bill reported unanimously by the Committee on the Judiciary relative to private relief for James R. Thornwell.

Mr. President, as I have stated, Private Thornwell did not know that he was given LSD at the time. It wrecked his life. I did not know about the matter and never heard of it until I happened to see the "60 Minutes" program on it.

Since that time, we have worked diligently with the U.S. Army and the U.S.

Department of Justice, and I can say that the Army and Justice Department have cooperated to the fullest. Both strongly support this award. However, it really does not amount to an award. It will be, generally speaking, some kind of custodial care for him for the rest of his life. It is contemplated that a trust fund will be established to manage this money and insure Mr. Thornwell has the care and treatment he will need over the remainder of his life.

We tried our level best to see if any other individuals were involved in a similar way. The best we can determine is that perhaps others were involved, but they were not American nationals. I have been unable to find anybody else in a similar situation who would be eligible for this kind of action by Congress. U.S. Army records confirm this.

With that, I will be glad to answer any questions, and I yield to my distinguished senior colleague, Senator Thurmond.

Mr. THURMOND. Mr. President, when this case came before the Judiciary Committee I felt that it was one of great compassion. The claim was filed for $1.7 million. The Army went along and recommended the amount of the full claim.

I have a feeling the Army recommended the full amount because they felt a sense of guilt, and they were guilty because they had given the LSD to this soldier without his knowledge, without his approval, without his consent, and they were wrong. They should not have done it.

On the other hand, I felt the claim was excessive, and it is my feeling that $750,000, which is the most the Judiciary Committee has paid, even in death cases, is adequate or would have been reasonable.

However, there was back and forth negotiation, consideration, and so forth; and I finally agreed to go along with $1 million.

The man happens to be from my State. Whether he is from my State or not, I certainly want to see a person in the service treated properly, and I think the Army was completely wrong here. They never should have done this without his consent, but they did it. He has been seriously damaged, and I believe they claim it will take this amount of money to take care of him for the remainder of his life.

I understand he is improving. I hope he will continue to improve. I explain the background here because I still feel the amount should be limited to $750,000, but I am not going to offer any amendment. I agreed to go along with it in the committee. But I think we are setting dangerous precedents when we go above $750,000 for the injury or death to an individual.

I simply wished to make that statement and in view of the fact that I agreed to go along with it in the committee to reach a compromise of $1 million I approve this bill now here and am willing to go along with its passage.

Mr. HOLLINGS. Mr. President, again quite briefly with respect to the character of Mr. Thornwell's legal claim itself, U.S. District Judge Charles Richey found "that plaintiff [Thornwell] has stated a valid cause of action with respect to the injuries allegedly incurred after his discharge. However for those injuries received while on active duty *Feres* v. *United States*, 340 U.S. 35 (1950) bars all recovery."

So it is a most appropriate measure for Congress to consider. The Justice Department, the Army and all parties to the matter after careful deliberation and documentation fixed the appropriate sum at $1.7 million. I negotiated this at length. I know there have been substantially larger recoveries on injury cases of a similar nature. In many ways this injury is worse than death, it is a sort of a living death. And yet while my colleague thought the sum should not exceed $750,000, I thought it should be at least that, and was well satisfied that the $1.7 million figure was well substantiated and backed by evidence from expert witnesses. So I am also not offering an amendment to restore the $1.7 million. I am willing to compromise at this particular point because we do not want to delay further this man getting some kind of relief. He has suffered for far too long. It is time to close the door on this sad state of affairs. There is general agreement that this is a deserving measure and I urge its passage.

I thank the distinguished Senator from West Virginia, the majority leader, and the Senator from Indiana yielding at this particular point so that we could get expedited action and consideration of this particular measure.

I ask unanimous consent, Mr. President, that my prepared remarks be printed in the Record at this point.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT

The Senate today considers S. 1615, legislation I introduced for the relief of Mr. James R. Thornwell. Joining me as cosponsors are Senators Thurmond, Cranston, Hayakawa and Levin. This bill directs the Secretary of the Treasury to pay Mr. Thornwell the sum of $1,000,000 in full and complete satisfaction of certain claims he has against the United States. Such claims stem from the circumstance of his injuries which were a direct result of the U.S. Army surreptitiously administering LSD to him in June, 1961 and the Army's subsequent failure to advise him he had been given this drug, and to provide him appropriate care and treatment for the serious side effects he experienced.

The Thornwell case, Mr. President, has been subjected to careful analysis and scrutiny by the Senate Judiciary Committee. Also much attention has been given the case by the media, including a very fine investigative report shown on the television program "60 Minutes." It is not necessary, therefore, to repeat this comprehensive and well documented case study here, but for the purpose of providing a useful and reflective record of our actions today relative to S. 1615, there are several matters regarding the case I would like to emphasize.

At the outset, Mr. President, let me note that the U.S. Army and the Department of Justice strongly support this legislation as the appropriate method of compensation for Mr. Thornwell. Both have been helpful in our attempt to conclude this matter.

In June, 1961, James Thornwell, then a United States Army private, was administered LSD without his knowledge or consent as part of a covert drug testing program conducted by the Army. For sixteen years thereafter, the Army deliberately concealed from Thornwell the fact his exposure to this highly potent and hazardous drug, and, despite knowledge of the severe psychological and physical effects of this experience until October, 1977, and then only by chance and as the result of his own initiative in requesting Army records under the Freedom of Information Act, that Thornwell learned of his surreptitious subjection to LSD.

As documented in these Army records, Thornwell was the only American subject of "Operation Third Chance," a series of Army experiments performed in 1961 in Europe to test LSD as a "truth serum" in intelligence interrogations of individuals placed under extreme physical and mental stress. Thornwell was stationed in France at this time, assigned to an Army message center in Orleans.

Army records show that for six weeks immediately prior to his LSD drugging, Thornwell was almost continuously brutalized by agents of the Army Counter Intelligence Corps. During this period, Thornwell was solitarily confined in a small chamber with covered windows and deprived of food, drink, sleep, and the use of toilet facilities. His isolation was broken only by periods of intense interrogation about the disappearance of classified documents from the Orleans message center. During the interrogations, Thornwell was beaten, threatened, verbally degraded, injected with sodium pentothol and hypnotized by Army agents.

Climaxing these weeks of sustained brutality and deprivation, Thornwell was taken in June of 1961 to an abandoned mill outside of Orleans and given LSD. Before the LSD interrogation began on June 8th, Thornwell's diet was restricted to field combat rations and on June 7 and 8 he was allowed very little, if any sleep. He was subjected to extended periods of intensified conventional interrogation and was fed thirst producing solids at the same time that consumption of liquids was reduced. A carefully constructed drama was enacted to make Thornwell, who was handcuffed and blindfolded at the time, believe that he was being kidnapped at gunpoint by the French police and that his life was in serious danger. This entire scenario transpired in the darkness, cold, and rain along a lonely country road in France. Thornwell was then "rescued" by the American agents and taken to the isolated mill where the LSD interrogation took place. The purpose of this entire plan was to ensure that Thornwell was under substantial mental stress when he first received the LSD.

The LSD was administered surreptitiously in a glass of water provided Thornwell. According to a report prepared by the Army team conducting the LSD experiment, Thornwell, already disoriented and weakened by the preceding weeks of stress, had an "Extreme paranoic reaction" to the drug, the effects of which were "highly sustained and almost incapacitating." Thornwell, the Army team stated, experienced the "[m]ost profound behavioral effects of all subject[s] of Operation Third Chance."

While under these effects, Thornwell was again interrogated by inhumane methods including threats to extend his drug-induced state to a permanent condition of insanity. At no time, however, did the Army or any other investigating agency produce credible evidence of Thornwell's involvement in the disappearance of the classified documents, and all charges of misconduct by Thornwell were dismissed.

Prior to the months of physical and psychological anguish inflicted on him by the Army in 1961, Thornwell was a healthy, highly motivated and hard-working individual. He had no history of psychiatric disorders. Examinations of Thornwell by Army doctors before the LSD experiment confirmed that he was mentally sound and neither psychotic nor depressed. Thornwell's performance in secondary school in Spartanburg County, South Carolina was superior, earning him a college scholarship awarded to the most outstanding black student in his high school class. He completed one year of college before joining the Army, and had scholarship funds available for return to school after completion of his military service. Thornwell also had an active and successful social life.

The Army's LSD experiment on Thornwell, and its sixteen-year failure to treat his consequent illness or even to inform him of its cause, have left him a chronic social and emotional cripple. In marked contrast to his pre-1961 accomplishments and patterns of behavior, Thornwell has, since his discharge from the Army in 1961, been unable to maintain gainful employment except for short periods, and unable to sustain satisfying relationships with family or friends. Competent, objective examiners have diagnosed him as suffering from serious psychiatric disorders attributable to his drugging, and the circumstances leading up to it, by the Army in 1961 and the Army's subsequent neglect of his condition. A medical specialist retained by the Army itself in 1978 confirmed the casual link between Thornwell's present impaired state and the extraordinary trauma he experienced in the 1961 LSD experiment.

In October, 1978, Thornwell brought suit in the United States District Court for the District of Columbia to obtain relief for the severe and permanent damage he suffered as a result of this experiment. The Army maintained that Thornwell's lawsuit must fail because the United States and its officers are absolutely immune from any liability for injuries inflicted on a serviceman during his term of duty (Feres Doctrine). The U.S. Justice Department took a similar position, but both the Army and Justice Department acknowledged the facts outlined above and announced their strong support for private relief legislation as the appropriate method of compensating Thornwell for the damages suffered. In his Memorandum Opinion, dated May 30, 1979, U.S. District Judge Charles Richey found "that plaintiff [Thornwell] has stated a valid cause of action with respect to the injuries allegedly incurred after his discharge. However for those injuries received while on active duty *Feres* v. *United States*, 340 U.S. 35 (1950) bars all recovery."

Thornwell's case, therefore Mr. President, is uniquely appropriate for private relief legislation. He is the only American whose rights were violated in this fashion by the Army in the course of its LSD experiments; Army records reflect that no other United States citizen was the subject of the "Operation Third Chance" LSD experiments or of any comparable Army LSD testing program using human subjects without their knowledge or consent. Thornwell has already suffered grave emotional and economic damage from admitted governmental abuse, and protracted legal proceedings would exacerbate the existing psychological and financial strains. Furthermore, the significant obstacles to recovery in court make private legislation desirable to avoid additional injustice to Thornwell. Of course, any payment of money to Thornwell provided by S. 1615 is made contingent upon his relinquishment of all his claims against the United States and its officers and agents. Because of his condition, I am advised by his attorneys that any money provided Thornwell will be placed in a trust for his benefit.

Mr. President, I urge my colleagues to join with me in voting for the passage of S. 1615. This is a meritorious claim. It will not totally compensate James Thornwell for the years of despair he has withstood but it will insure that he is cared for and receives any treatment available that might improve his condition and restore his life to as much normalcy as possible.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 1615) was passed.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. THURMOND. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNIFORMED SERVICES HEALTH PROFESSIONALS SPECIAL PAY ACT—CONFERENCE REPORT

Mr. NUNN. Mr. President, I submit a report of the committee of conference on H.R. 5235 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5235) to amend chapter 5 of title 37, United States Code, to revise the special pay provisions for certain health professionals in the uniformed services, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the Record of February 13, 1980.)

Mr. NUNN. I urge my colleagues to support the conference report on H.R. 5235, the Uniformed Services Health Professionals Special Pay Act of 1980.

Both the House and the Senate had adopted identical bonus provisions for health professionals other than physicians:

For dentists, the bonus payment would increase to a maximum of $16,000 between 12 and 14 years of service for a general practitioner and to a maximum of $19,000 beginning at 12 years for a board-certified dental officer. This is an increase of up to $6,700 from the current bonus level.

Optometrists would receive a bonus of $2,000 to $4,000 compared to the current bonus of $1,200 per year.

For podiatrists, H.R. 5235 provides a bonus of $1,200 per year. There is no special pay for podiatrists under current law.

For veterinarians, H.R. 5235 continues the current $1,200 bonus level.

PHYSICIAN'S PAY

OBLIGATED STATUS

There were several differences between the House and the Senate bills with regard to pay for military physicians. The Senate bill provided lower bonus amounts to military physicians who were serving in a period of obligated service arising from attendance at the Uniformed Services University of the Health Sciences or from participation in the health profession scholarship program or similar programs. The conferees agreed to provide the same payments regardless of a physician's obligated status.

BONUS LEVELS

Both House and Senate bills provide for variable special pay of up to $10,000 and payment for board certification of up to $5,000 in addition to payment while not in training. The Senate bill provided an annual payment of $9,000 per year to all active duty physicians not engaged in internship or initial residency training. The House bill provided an annual payment of $10,000 per year. The conferees agreed to provide the $9,000 payment to physicians with less than 10 years of creditable service and to provide the $10,000 payment to physicians with 10 or more years of creditable service.

INCENTIVE SPECIAL PAY

The Senate bill authorized an additional incentive special pay of up to $8,000 annually, which could be awarded under regulations prescribed by the Secretary of Defense to meet requirements for specialty trained physicians in critical specialties in short supply. The Senate bill limited the total amount of incentive special pay for all physicians in any fiscal year to not more than 10 percent the total amount paid for all physicians bonuses. The House bill authorized a $3 million appropriation to test the effectiveness of providing incentive special pay. The conferees agreed to keep the Senate provision but to limit the amount that could be expended for incentive special pay to 6 percent of the total pays for physicians.

COST

After considering offsetting savings that will occur as a result of less use of the civilian health and medical program of the uniformed services (CHAMPUS) and in training, H.R. 5235 will add about $60 million in fiscal year 1981.

Mr. President, this is a substantial amount of money to be added for special pays for health professionals but the problems in military medical care are indeed critical.

The failure of the all-volunteer force to attract enough doctors for active and reserve components means we will have a serious deficit in the event of mobilization. Testimony indicates that the current shortage of doctors would result in unnecessary deaths and disabilities in the event of an emergency. The shortage of doctors has also resulted in reduced medical care available to active duty and retired personnel and their dependents.

The additional special pays provided in

H.R. 5235 are carefully designed to have the largest effect at points where doctors are deciding whether or not to stay in the service, especially doctors in specialties where there are critical shortages.

I express my appreciation to the other Senate conferees, Senators BYRD of Virginia, CULVER, MORGAN, EXON, JEPSEN, WARNER, and COHEN. I also express particular appreciation to Senator HART and Senator THURMOND who sponsored physician's pay bills and worked hard in the committee on these matters.

Mr. President, I urge that the conference report be adopted.

Mr. President, I understand that this matter has been cleared by all parties.

The ranking minority member of the subcommittee, the Senator from Iowa (Mr. JEPSEN), is in the Chamber. I appreciate his support in this matter.

Mr. THURMOND. Mr. President, I commend the able Senator from Georgia (Mr. NUNN) and the able Senator from Iowa (Mr. JEPSEN) for their work on this bill.

The question of medical service in the armed services is very critical, and it is essential that this bill pass.

I am glad that they have worked out this arrangement. It is not just what was wanted all the way through, but it is a compromise, and I feel that it will meet the situation under the present circumstances.

Mr. NUNN. I thank the Senator from South Carolina. This bill originated with the bill introduced by the Senator from South Carolina and the Senator from Colorado (Mr. HART), so they are due credit for taking this initiative. I thank my colleague for his remarks and for his initiative in this respect.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

CONSIDERATION OF CERTAIN MEASURES ON THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the following Calendar Orders Nos. 534, 614, 616, 617, 619, 620, 623, 626, 627, and 629.

The PRESIDING OFFICER. Without objection, it is so ordered.

TECHNICAL CORRECTIONS ACT OF 1979

The Senate proceeded to consider the bill (H.R. 2797) to make technical corrections related to the Revenue Act of 1978, which had been reported from the Committee on Finance with amendments as follows:

On page 3, line 17, after "(d)" insert "(1)";

On page 3, line 23, strike "income."" and insert "income.";

On page 3, beginning with line 24, insert the following:

"(2) In any case in which such advance payments for a taxable year made by all employers to an individual under section 3507 of such Code exceed the amount of such individual's earned income credit allowable under section 43 of such Code for such year, so that such individual is liable under section 43(g) of such Code for a tax equal to such excess, such individual's benefit amount must be appropriately adjusted so as to provide payment to such individual of an amount equal to the amount of the benefit lost by such individual on account of such excess advance payments."

On page 4, beginning with line 22, insert the following:

(C) TREATMENT OF EXCESS PAYMENTS UNDER SSI.—Section 1631(b) of the Social Security Act is amended by inserting "(1)" after "(b)" and by adding at the end thereof the following new paragraph:

"(2) In any case in which advance payments for a taxable year made by all employers to an individual under section 3507 of the Internal Revenue Code of 1954 (relating to advance payment of earned income credit) exceed the amount of such individual's earned income credit allowable under section 43 of such Code for such year, so that such individual is liable under section 43(g) of such Code for a tax equal to such excess, the Secretary shall provide for an appropriate adjustment of such individual's benefit amount under this title so as to provide payment to such individual of an amount equal to the amount of such benefits lost by such individual on account of such excess advance payments."

On page 5, line 15, strike "(C)" and insert "(D)";

On page 5, line 22, strike "(D)" and insert "(E)";

On page 5, beginning with line 23 insert the following:

(5) AMENDMENTS RELATED TO SECTION 133 OF THE ACT.—Subsection (c) of section 133 of the Revenue Act of 1978 (relating to effective date for clarification of deductibility of payments of deferred compensation, etc., to independent contractors) is amended to read as follows:

"(c) EFFECTIVE DATES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to deductions for taxable years beginning after December 31, 1978.

"(2) SPECIAL RULE FOR CERTAIN TITLE INSURANCE COMPANIES.—

"(A) IN GENERAL.—In the case of a qualified title insurance company plan, the amendment made by subsection (a) shall apply to deductions for taxable years beginning after December 31, 1979.

"(B) QUALIFIED TITLE INSURANCE COMPANY PLAN.—For purposes of subparagraph (A), the term 'qualified title insurance company plan' means a plan of a qualified title insurance company—

"(i) which defers the payment of amounts credited by such company to separate accounts for members of such company in consideration of their issuance of policies of title insurance, and

"(ii) under which no part of such amounts is payable to or withdrawable by the members until after the period for the adverse possession of real property under applicable State law.

"(C) QUALIFIED TITLE INSURANCE COMPANY.—For purposes of subparagraph (B), the term 'qualified title insurance company' means an unincorporated title insurance company organized as a business trust—

"(i) which is engaged in the business of providing title insurance coverage on interests in and liens upon real property obtained by clients of the members of such company, and

"(ii) which is subject to tax under section 831 of the Internal Revenue Code of 1954."

On page 8, line 19, strike "(5)" and insert "(6)";

On page 9, line 7, strike "(6)" and insert "(7)";

On page 9, line 20, strike "an ESOP" and insert "a tax credit employee stock ownership plan";

On page 10, line 3, strike "ESOPS" and insert "TAX CREDIT EMPLOYEE STOCK OWNERSHIP PLANS";

On page 10, line 12, strike "December 31, 1977' for 'December 31, 1978'" and insert "December 21, 1977' for 'December 31, 1978'; except that in the case of a plan in existence before December 31, 1978, any such election shall not affect the required allocation of employer securities attributable to qualified investment for taxable years beginning before January 1, 1979";

On page 11, beginning with line 9, strike through and including line 18;

On page 11, line 19, strike "(6)" and insert "(5)";

On page 11, line 22, strike "(7)" and insert "(6)";

On page 12, line 6, strike "LESOPS" and insert "SECTION 4975 EMPLOYEE STOCK OWNERSHIP PLANS";

On page 12, line 16, strike "1979" and insert "1978";

On page 12, line 19, strike "LEVERAGED";

On page 13, line 2, strike "ESOP" and insert "TAX CREDIT EMPLOYEE STOCK OWNERSHIP PLAN";

On page 13, line 8, strike "ESOP" and insert "TAX CREDIT EMPLOYEE STOCK OWNERSHIP PLAN";

On page 13, line 11, strike "ESOP" and insert "a tax credit employee stock ownership plan";

On page 13, line 15, strike "LESOPS" and insert "SECTION 4975 EMPLOYEE STOCK OWNERSHIP PLANS";

On page 14, beginning with line 4, insert the following:

(G) LIMITATION ON REQUIRED TRANSFERS FOR MATCHING EMPLOYEES PLAN PERCENTAGE.—Clause (i) of section 48(n)(1)(B) (relating to matching percentage) is amended to read as follows:

"(i) to make transfers of employer securities to a tax credit employee stock ownership plan maintained by the employer having an aggregate value equal to the lesser of—

"(I) the sum of the qualified matching employee contributions made to such plan for the taxable year, or

"(II) one-half of 1 percent of the amount of the qualified investment (as determined under subsections (c) and (d) of section 46) for the taxable year, and".

(H) TIME FOR MAKING TRANSFERS ATTRIBUTABLE TO QUALIFIED MATCHING EMPLOYEE CONTRIBUTIONS.—The last sentence of section 48(n)(1)(C) (relating to times for making transfers) is amended by inserting before the period at the end thereof the following: "(including where such excess is attributable to qualified matching employee contributions made after the close of the taxable year)".

(I) DATE FOR ESTABLISHMENT PLAN.—(i) Paragraph (1) of section 409A(f) (relating to plan must be established before employer's due date) is amended to read as follows:

"(1) IN GENERAL.—A plan meets the requirements of this subsection only if it is established on or before the due date (including any extension of such date) for the filing of the employer's tax return for the first taxable year of the employer for which an employee plan credit is claimed by the employer with respect to the plan."

(ii) Paragraph (2) of section 409A(f) is amended by inserting before the period at the end thereof the following: "with respect to the plan".

(J) DEFINITION OF EMPLOYER SECURITIES.—

(i) Subparagraph (B) of section 409A(l)(2) (relating to special rule where there is no readily tradable common stock) is amended by striking out "class of stock" and inserting in lieu thereof "class of common stock".

(ii) Paragraph (3) of section 409A(l) is amended to read as follows:

"(3) PREFERRED STOCK MAY BE ISSUED IN CERTAIN CASES.—Noncallable preferred stock shall be treated as employer securities if such stock is convertible at any time into stock which meets the requirements of paragraph (1) or (2) (whichever is applicable) and if such conversion is at a conversion price which (as of the date of the acquisition by the ESOP) is reasonable. For purposes of the preceding sentence, under regulations prescribed by the Secretary, preferred stock shall be treated as noncallable if after the call there will be a reasonable opportunity for a conversion which meets the requirements of the preceding sentence."

(K) Voting rights requirements.—Paragraph (7) of section 4975(e) (defining leveraged employee stock ownership plan) is amended by striking out the last sentence and inserting in lieu thereof the following: "A plan shall not be treated as an employee stock ownership plan unless it meets the requirements of section 409A(h) and, if the employer has a registration-type class of securities (as defined in section 409A(e)(4)), it meets the requirements of section 409A(e)."

(L) Name changes.—

(i) The following provisions are each amended by striking out "an ESOP" each place it appears (other than in any heading) and inserting in lieu thereof "a tax credit employee stock ownership plan":

(I) Section 48(n)(1)(A)(i).

(II) Section 48(n)(2).

(III) Section 48(n)(2)(A).

(IV) Section 48(n)(5).

(V) Section 401(a)(21).

(VI) Section 409A(m).

(VII) Section 415(c)(6)(B)(i).

(VIII) The last sentence of section 1504(a).

(ii) The following provisions are each amended by striking out "ESOP" each place it appears and inserting in lieu thereof "tax credit employee stock ownership plan":

(I) Section 409A (other than in the subsection heading).

(II) Section 409A(l)(3).

(III) Section 49(n)(1)(B)(i) (as amended by clause (i)).

(IV) Section 48(n)(2).

(V) Section 48(n)(3).

(VI) Section 48(n)(4)(A).

(iii) The following provisions are each amended by striking out "ESOP" each place it appears (other than in any heading) and inserting in lieu thereof "employee plan":

(I) Section 46(a)(2).

(II) Section 48(n) (as amended by clauses (i) and (ii)).

(III) Section 48(o).

(IV) Section 56(c).

(V) Section 409A (as amended by subparagraph (I) and clauses (i) and (ii)).

(VI) Section 6699.

(iv) The following provisions are each amended by striking out "leveraged employee" each place it appears and inserting in lieu thereof "employee":

(I) Section 415(c)(6)(B)(i).

(II) The last sentence of section 1504(a).

(III) Section 4975(e)(7) (other than in the paragraph heading).

(v)(I) The heading of subparagraph (E) of section 46(a)(2) is amended by striking out "ESOP" and inserting in lieu thereof "EMPLOYEE PLAN".

(II) The subsection heading for section 48(n) is amended by striking out "ESOP" and inserting in lieu thereof "EMPLOYEE PLAN".

(III) The subparagraph headings for subparagraphs (A) and (B) of section 48(n)(1) are each amended by striking out "ESOP" and inserting in lieu thereof "EMPLOYEE PLAN".

(IV) The paragraph headings for paragraph (4) of section 48(n) and paragraphs (4), (5), (6), and (7) of section 48(o) are each amended by striking out "ESOP" and inserting in lieu thereof "EMPLOYEE PLAN".

(V) The paragraph heading for section 48(o)(3) is amended by striking out "ESOP" and inserting in lieu thereof "EMPLOYEE PLAN".

(VI) The subsection heading for subsection (a) of section 409A is amended by striking out "ESOP" and inserting in lieu thereof "TAX CREDIT EMPLOYEE STOCK OWNERSHIP PLAN".

(VII) The section heading for section 409A is amended by striking out "ESOPS" and inserting in lieu thereof "TAX CREDIT EMPLOYEE STOCK OWNERSHIP PLANS".

(VIII) The table of sections for subpart A of part I of subchapter D of chapter 1 is amended by striking out "ESOPS" in the item relating to section 409A and inserting in lieu thereof "tax credit employee stock ownership plans."

(IX) The section heading of section 6699 is amended by striking out "ESOP" and inserting in lieu thereof "TAX CREDIT EMPLOYEE STOCK OWNERSHIP PLAN."

(X) The table of sections for subchapter B of chapter 68 is amended by striking out "ESOP" in the item relating to section 6699 and inserting in lieu thereof "tax credit employee stock ownership plan".

(XI) The paragraph heading for paragraph (7) of section 4975(e) is amended by striking out "LEVERAGED EMPLOYEE" and inserting in lieu thereof "EMPLOYEE".

On page 21, line 10, strike "(G)" and insert "(M)";

On page 21, beginning with line 19, strike through and including page 22, line 7, and insert in lieu thereof the following:

(iii) Paragraph (5) of section 48(o) (as amended by subparagraph (L)) is amended by inserting "percentage" after "attributable to the matching employee plan".

(8) Amendments related to section 142 of the act.—

(A) Subsection (c) of section 691 (relating to deduction for estate tax) is amended by adding at the end thereof the following new paragraph:

"(5) Coordination with section 402(e).—For purposes of section 402(e) (other than paragraph (1)(D) thereof), the total taxable amount of any lump sum distribution shall be reduced by the amount of the deduction allowable under paragraph (1) of this subsection which is attributable to the total taxable amount (determined without regard to this paragraph)."

(B) Paragraph (2) of section 2039(f) (relating to lump sum distributions) is amended by striking out "without the application of paragraph (2) thereof" and inserting in lieu thereof "(without the application of paragraph (2) thereof), except to the extent that section 402(e)(4)(J) applies to such distribution."

On page 23, line 8, strike "(8)" and insert "(9)";

On page 23, line 12, strike "(9)" and insert "(10)";

On page 23, line 17, strike "pension" and insert "pensions";

On page 28, beginning with line 6, insert the following:

(G) Employer may not maintain integrated plan.—

(i) The second sentence of section 408(k)(3)(D) (relating to treatment of certain contributions and taxes) is amended by striking out "Taxes paid" and inserting in lieu thereof "If the employer does not maintain an integrated plan at any time during the taxable year, taxes paid".

(ii) Paragraph (3) of section 408(k) is amended by adding at the end thereof the following new subparagraph:

"(E) Integrated plan defined.—For purposes of subparagraph (D), the term 'integrated plan' means a plan which meets the requirements of section 401(a), 403(a), or 405(a) but would not meet such requirements if contributions or benefits under chapter 2 (relating to tax on self-employment income), chapter 21 (relating to Federal Insurance Contributions Act), title II of the Social Security Act, or any other Federal or State law were not taken into account."

(H) Penalty for failure to file reports.—Subsection (a) of section 6693 (relating to failure to provide reports on individual retirement accounts or annuities) is amended—

(i) by striking out "section 408(i)" the first place it appears and inserting in lieu thereof "subsection (i) or (l) of section 408"; and

(ii) by striking out "section 408(i)" the second place it appears and inserting in lieu thereof "such subsection".

(I) Application with section 415.—Paragraph (5) of section 415(e) is amended—

(i) by striking out "any simplified employee pension" in the first sentence, and

(ii) by inserting after the first sentence the following new sentence: "For purposes of this section, any contribution by an employer to a simplified employee pension for an individual for a taxable year shall be treated as an employer contribution to a defined contribution plan for such individual for such year."

On page 30, line 1, strike "(G)" and insert "(J)";

On page 30, line 16, strike "(10)" and insert "(11)";

On page 31, line 13, strike "(11)" and insert "(12)";

On page 31, line 17, strike "(12)" and insert "(13)";

On page 32, line 13, strike "(13)" and insert "(14)";

On page 34, beginning with line 10, insert the following:

(iii) Paragraph (20) of section 401(a)(1) is amended by striking out "makes a payment or distribution described in section 402(a)(5)(i) or 403(a)(4)(i)" and inserting in lieu thereof "makes a qualifying rollover distribution (determined as if section 402(a)(5)(D)(i) did not contain subclause (II) thereof) described in section 402(a)(5)(A)(i) or 403(a)(4)(A)(i)".

On page 35, line 13, strike "(a)(9)" and insert "(a)(10)";

On page 35, beginning with line 16, insert the following:

(F) Penalty for failure to furnish reports.—The amendment made by subparagraph (I) of subsection (a)(10) shall apply with respect to failures occurring after the date of the enactment of this Act.

(G) Coordination with section 415.—The amendment made by subparagraph (I) of subsection (a)(10) shall apply to taxable years beginning after the date of the enactment of this Act.

On page 40, line 24, strike "contractural" and insert "contractual";

On page 42, beginning with line 21, insert the following:

(C) Amendment of section 761.—Subsection (a) of section 761 (defining partnership) is amended by striking out "or" at the end of paragraph (1), by inserting "or" at the end of paragraph (2), and by inserting after paragraph (2) the following new paragraph:

"(3) by dealers in securities for a short period for the purpose of underwriting, selling, or distributing a particular issue of securities,".

On page 43, beginning with line 9, insert the following:

(1) Amendment related to section 301 of the act.—Subparagraph (A) of section 857(b)(4) (relating to imposition of tax on income from foreclosure property) is amended to read as follows:

"(A) Imposition of tax.—A tax is hereby imposed for each taxable year on the net income from foreclosure property of every real estate investment trust. Such tax shall be computed by multiplying the net income from foreclosure property by the highest rate of tax specified in section 11(b)."

On page 43, line 20, strike "(1)" and insert "(2)";

On page 45, line 4, strike "(2)" and insert "(3)";

On page 45, line 11, strike "(3)" and insert "(4)";

On page 46, line 1, strike "(4)" and insert "(5)";

On page 46, line 2, after "52(f)" insert "(and the predecessor of section 52(f), section 52(h)";

On page 46, line 6, strike "(5)" and insert "(6)";

On page 48, beginning with line 12, insert the following:

(F) Age requirement for qualified cooperative education programs.—Clause (i) of section 51(d) (8) (A) (defining youth participating in a qualified cooperative education program) is amended by striking out "19" and inserting in lieu thereof "20".

On page 48, line 18, strike "(R)" and insert "(G)";

On page 51, line 1, strike "(6)" and insert "(7)";

On page 52, beginning with line 4, insert the following:

(C) Federal welfare recipient employment incentive expenses.—Effective with respect to wages paid or incurred after September 30, 1978, and before January 1, 1979, subparagraph (B) of section 50B(a) (2) (relating to work incentive program expenses), as in effect before the amendment made by section 322 of the Revenue Act of 1978, is amended by striking out "October 1, 1978" and inserting in lieu thereof "January 1, 1979".

On page 52, line 14, strike "(C)" and insert "(D)";

On page 52, line 18, after "and" insert "and";

On page 53, line 9, strike "(7) (A)" and insert the following:

(8) Amendment related to section 337 of the act.—Subsection (a) of section 337 of the Revenue Act of 1978 (relating to disposition of amounts generated by advance refunding of certain governmental obligations) is amended by striking out "or a refund profit" and inserting in lieu thereof "of a refund profit".

On page 53, line 16, strike "(7)" and insert "(9)";

On page 54, line 9, strike "(8)" and insert "(10)";

On page 54,

(C) Subsection (e) of section 274 (relating to specific exceptions to application of disallowance of certain entertainment, etc., expenses) is amended by adding at the end thereof the following new paragraph:

"(10) Expenses includible in income of persons who are not employees.—Expenses for goods, services, and facilities, to the extent that the expenses are includible in the gross income of the recipient of the entertainment, amusement, or recreation, as compensation for services rendered or as a prize or award under section 74. The preceding sentence shall not apply if such expenses are required to be included in any information return filed by the taxpayer under part III of subchapter A of chapter 61 and are not so included."

On page 55, line 14, strike "(9)" and insert "(11)";

On page 56, line 5, strike "(10) (A)" and insert the following:

(12) Amendment related to section 365 of the act.—Subparagraph (A) of section 357 (c) (3) relating to liabilities in excess of basis) is amended to read as follows:

"(A) In general.—If a taxpayer transfers, in an exchange to which section 351 applies, a liability the payment of which either—

"(i) would give rise to a deduction, or

"(ii) would be described in section 736(a), then, for purposes of paragraph (1), the amount of such liability shall be excluded in determining the amount of liabilities assumed or to which the property transferred is subject."

On page 56, line 19, strike "(10)" and insert"(13)";

On page 57, beginning with line 4, strike through and including line 10, and insert the following: 1978 and inserting in lieu thereof a semicolon.

(iii) by redesignating the paragraph (18) added by section 164(b) (1) of the Revenue Act of 1978 as paragraph (19),

(iv) by striking out "section 124." in paragraph (19) (as so redesignated) and inserting in lieu thereof "section 127; or", and

(v) by adding at the end thereof the following new paragraph:

"(20) for any medical care reimbursement made to or for the benefit of an employee under a self-insured medical reimbursement plan (within the meaning of section 105(h) (6))."

On page 58, line 22, after the period, insert the following: For purposes of applying such amendment, there shall not be taken into account any amount reimbursed before January 1, 1980."

On page 59, line 1, strike "(11)" and insert "(14)";

On page 59, line 8, strike "(12)" and insert "(15)";

On page 59, line 15, strike "(13)" and insert "(16)";

On page 59, beginning with line 21, insert the following:

(b) Effective Dates.—

(1) Special effective date.—The amendment made by subsection (a) (5) (F) shall apply to wages paid or incurred on or after November 27, 1979, in taxable years ending on or after such date.

(2) General effective date.—

For general effective date, see section 201.

On page 69, line 9, strike "(ii)" and insert "(iii)";

On page 74, beginning with line 8, strike through and including line 15, and insert in lieu thereof the following:

(4) Amendments related to section 514 of the act.—

(A) The first sentence of paragraph (3) of section 2055(e) is amended—

(i) by striking out "subparagraph (a) or (B)" and inserting in lieu thereof "subparagraph (A) or (B)", and

(ii) by striking out "so that interest" and inserting in lieu thereof "so that the interest".

(B) Section 514 of the Revenue Act of 1978 is amended by adding at the end thereof the following new subsection:

"(c) Effective Dates.—

On page 75, at the beginning of line 5, insert "(1) FOR SUBSECTION (a).—";

On page 75, line 8, after "SUBSECTION" insert "(b)";

On page 77, beginning with line 15, insert the following:

(B) Subparagraph (D) of section 216(b) (6) (as redesignated by subparagraph (A) of this paragraph) is amended by adding at the end thereof the following new sentence: "The estate of an original seller shall succeed to, and take into account, the tax treatment of the original seller under this paragraph."

On page 80, beginning with line 16, insert the following:

(E) Paragraph (10) of section 126(a) (relating to certain cost-sharing payments) is amended by striking out "Any State program" and inserting in lieu thereof "Any program of a State, possession of the United States, a political subdivision of any of the foregoing, or the District of Columbia".

On page 83, beginning with line 17, insert the following:

(C) Allocation of items of preference in the case of estates and trusts.—Paragraph (1) of section 58(c) (relating to estates and trusts) is amended by striking out "on the basis of the income of the estate or trust allocable to each" and inserting in lieu thereof "in accordance with regulations prescribed by the Secretary".

(D) Amendment of section 1250.—The last sentence of section 1250(a) (1) (B) (relating to gain from disposition of certain depreciable property) is amended by inserting before the period at the end thereof the following: "which was allowed under section 167(k)".

On page 84, line 7, strike "(C)" and insert "(E)";

On page 84, beginning with line 20, strike through and including line 23, and insert in lieu thereof the following:

(B) (i) Clause (i) of section 2613(e) (2) (A) is amended by inserting "(other than as a potential appointee under a power of appointment held by another)" after "the trust".

(ii) Subparagraph (B) of section 2613(e) (2) is amended—

(I) by inserting after clause (ii) the following new clause:

"(iii) an employee of the grantor or of any beneficiary,",

(II) by striking out clause (vi), by redesignating clauses (iii), (vi), and (v) as clauses (iv), (v), and (vi), respectively, and

(III) by inserting "or" at the end of clause (vi) (as so redesignated).

On page 96, beginning with line 9, strike through and including line 12, and insert in lieu thereof the following:

(3) Clerical amendments.—

(A) Paragraph (1) of section 3(c) of the Black Lung Benefits Revenue Act of 1977 is amended by striking out "subsection (a) (4)" and inserting in lieu thereof "subsection (a) (5)".

(B) Subsection (b) of section 7454 is amended by striking out "section 502(c) (21)" and inserting in lieu thereof "section 501(c) (21)".

On page 97, beginning with line 10, strike through and including line 20;

On page 97, line 21, strike "(3)" and insert "(2)";

On page 99, line 5, strike "(4)" and insert "(3)";

On page 99, line 21, strike "(5)" and insert "(4)";

On page 100, beginning with line 9, insert the following:

(5) Section 4221(e) (6) (relating to bus parts and accessories) is amended to read as follows:

"(6) Bus parts and accessories.—Under regulations prescribed by the Secretary, the tax imposed by section 4061(b) shall not apply to any part or accessory which is sold for use by the purchaser on or in connection with an automobile bus, or is to be resold by the purchaser or a second purchaser for such use."

On page 100, line 17, strike "(6)" and insert "(7)";

On page 100, line 20, strike "(7)" and insert "(8)";

On page 100, line 23, after "relates" insert a semicolon and "except that the amendment made by paragraph (6) shall take effect on the first day of the first calendar month which begins more than 10 days after the date of the enactment of this Act";

On page 101, beginning with line 3, insert the following:

(d) Amendments Related to Public Law 95-472.—Subsection (c) of section 6324B (relating to special lien for additional estate tax attributable to farm, etc., valuation) is amended to read as follows:

"(c) Certain Rules and Definitions Made Applicable.—

"(1) In general.—The rule set forth in paragraphs (1), (3), and (4) of section 6324A(d) shall apply with respect to the lien imposed by this section as if it were a lien imposed by section 6324A.

"(2) QUALIFIED REAL PROPERTY.—For purposes of this section, the term 'qualified real property' includes qualified replacement property (within the meaning of section 2032A(h)(3)(B))."

CLARIFICATION OF SECTION 51(D) OF THE INTERNAL REVENUE CODE

● Mr. MATSUNAGA. Mr. President, it has come to my attention that the provision on targeted job tax credit for youths participating in a qualified cooperative education program may be interpreted by the Internal Revenue Service to require the educational experience to match the job training. Under this interpretation, the credit would not apply to an auto mechanic student working in a nonauto mechanic job.

As a member of the conference committee which drafted the conference report on the Revenue Act of 1978 and as a member of the Senate Finance Committee which drafted the Technical Corrections Act of 1979, I am unaware of the intention to narrow the credit to job training matching the educational experience. Neither the conference committee nor the Senate Finance Committee in the Technical Corrections Act of 1979 intended to impose a matching requirement. Nor does the statutory language reflect any such intention.

The congressional intent was to give the provision wide application to work-study students. The provision would apply to students in work-study, distributive education, work experience, cooperative education, vocational education, industrial education, career exploration, apprenticeships, or any similar work-education program.

The Congress enacted this provision to encourage the employment of students who would participate in a planned, supervised program that alternates school and work in any occupational field. The work experience goes well beyond the specific task performed. The work and education experience imposes a needed sense of discipline, responsibility, cooperation, and confidence, necessary in any job. These are essential elements in anyone's preparation for employment.

Again, there was no intention on the part of the conferees to limit the credit to job training matching the educational experience.●

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ACQUISITION OF LANDS FOR THE MILLE LACS INDIANS

The Senate proceeded to consider the bill (S. 1464) to direct the Secretary of the Interior to acquire certain lands for the benefit of the Mille Lacs Band of the Minnesota Chippewa Indians, which had been reported from the Select Committee on Indian Affairs with amendments as follows:

On page 2, line 6, beginning with "lands" strike through and including line 16, and insert in lieu thereof the following:

described lands: Government lot 4, section 28, township 43 north, range 27 west, fourth principal meridian, Mille Lacs County, Minnesota.

On page 2, beginning with line 20, strike through and including line 22, and insert in lieu thereof the following:

(b) Section 2 of such Act is amended by striking out the last sentence thereof and inserting in lieu thereof the following: "The purchase price of such lands shall be an amount which provides just compensation to the owner thereof for his or her interest in such lands.".

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1(a) of the Act entitled "An Act to authorize and direct the Secretary of the Interior to acquire certain lands for the benefit of the Mille Lacs Band of the Minnesota Chippewa Indians", approved November 2, 1978 (92 Stat. 2452), is amended to read as follows:

"(a) The Secretary of the Interior is authorized and directed, if the Secretary finds legal title to such lands to be in private ownership, to acquire by purchase the following described lands: Government lot 4, section 28, township 43 north, range 27 west, fourth principal meridian, Mille Lacs County, Minnesota.

(b) Section 2 of such Act is amended by striking out the last sentence thereof and inserting in lieu thereof the following: "The purchase price of such lands shall be an amount which provides just compensation to the owner thereof for his or her interest in such lands.".

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 96–574), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of S. 1464 is to direct the Secretary of the Interior to acquire certain lands for the benefit of the Mille Lacs Band of the Minnesota Chippewa Indians.

BACKGROUND AND NEED

A parcel of land, located on the shores of Mille Lacs Lake in Mille Lacs County, Minn., and containing some 25 acres, was patented to the State of Minnesota in 1871. The property, generally known as Government lot 4, was later deeded to a railroad company and has changed hands several times since then. The current owner is Mr. Sherman Holbert. On May 27, 1898, Congress passed Joint Resolution 40 which perpetually reserved lot 4 as a burial place for the Mille Lacs Indians, with the right to remove and reinter there the bodies of those buried on other portions of their former reservations. The Congress reserved property as an Indian burial ground which it did not own.

Sherman Holbert began development of the land and in the course of these development efforts, the Mille Lacs Chippewa community discovered Joint Resolution 40. Until that time, no one in the area knew of the existence of the resolution.

Legislation was introduced and passed, without hearings, in the 95th Congress to authorize the Secretary of the Interior to acquire lot 4 to be taken into trust for the benefit and use of the Mille Lacs Band of the Minnesota Chippewa Indians. That act, Public Law 95-571 (92 Stat. 2452), authorizes the Secretary to acquire the property and sets the purchase price at an amount equal to the fair market value of the land; however, the act does not direct the Secretary to acquire the land.

Some problems have arisen with respect to the purchase and the Secretary has not heretofore been able to resolve them. An appraisal was conducted and an offer of $146,000 was made to Mr. Holbert on January 29, 1979. Mr. Holbert has indicated that this amount is so far from a fair price that it is not even an amount from which negotiations could begin. Amounts have been spent on the proposed development of Government lot 4 and contractual agreements for sale of some of the property are still pending.

The Department, until the fall of 1979, took the position that the legislation passed in the 95th Congress authorized purchase of the land for fair market value and no more and that purchase was the only means of acquisition authorized. However, the attorney for the owner was advised in mid-October of 1979 that the Bureau of Indian Affairs had requested the Justice Department to initiate condemnation proceedings. He was further advised that Justice had indicated that it required the appointment of a third appraiser, further negotiations, and only then if compromise and settlement could not be reached would it initiate condemnation.

The efforts toward acquisition of the property are now at a standstill. Mr. Holbert indicated to the committee at the hearing that condemnation proceedings are not objectionable to him because he would have access to the courts to determine a fair price.

S. 1464 provides for amending Public Law 95–571 to direct the Secretary to purchase the land. It further amends the previous legislation by providing for two additional parcels to be purchased. These additional parcels are in the same tract with lot 4 and constitute an additional 80 acres of land. The bill provides that no lands may be purchased unless the Secretary acquires all of the lands described—Government lot 4 and the additional acres.

LEGISLATIVE HISTORY

H.R. 3497, a bill identical to S. 1464, was introduced by Congressman Nolan in the House of Representatives on April 5, 1979. The bill was referred to the Committee on Interior and Insular Affairs, but there has been no action taken to date.

S. 1464 was introduced in the Senate by Senator Boschwitz on July 9, 1979. The Senate Select Committee on Indian Affairs held a hearing on December 10, 1979. The committee began markup of the bill on December 19, 1979, and completed its consideration on February 7, 1980, at which time the bill was reported favorably, with amendments.

TEACHER DAY, UNITED STATES OF AMERICA

The Senate proceeded to consider the joint resolution (S.J. Res. 135) to provide for designation of the first Friday of March as "Teacher Day, United States of America," which had been reported from the Committee on the Judiciary with an amendment on page

2, line 4, strike "the first Friday of March" and insert "March 7, 1980."

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

Whereas teachers, through education of the young, provide both the foundation of modern civilization and the means for enhancing the lives of all members of society; and

Whereas the personal inspiration and enrichment which students receive from their teachers extend far beyond the few years spent in the classroom to exert a valuable lifelong influence on the young people of this Nation, and through them, on all of our citizens; and

Whereas teachers richly deserve individual recognition, honor, and encouragement for their dedication and excellence in the pursuit of their profession; and such recognition, honor, and encouragement should be bestowed each year on a nationwide basis; and

Whereas students, parents, school administrators, and all other citizens of the United States should be encouraged to personally communicate by word and deed to their present and former teachers, the special appreciation and recognition that teachers so richly deserve: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating March 7, 1980, as "Teacher Day, United States of America", and inviting the people of the United States to observe the period with appropriate activities.

The title was amended so as to read:

A joint resolution to provide for designation of March 7, 1980, as "Teacher Day, United States of America".

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 96-576), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the joint resolution is to authorize the President to proclaim March 7, 1980, as Teacher Day, United States of America.

STATEMENT

This resolution will bring to the attention of the American people the important role teachers play in our educational system. It will stimulate the interest of the national media, thereby serving an important public function of focusing attention on the vital work teachers have performed and will continue to perform for our Nation.

NATIONAL PATRIOTISM WEEK

The joint resolution (S.J. Res. 82) to designate the week commencing with the third Monday in February of each year as "National Patriotism Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

Whereas the freedom known in this country was won through great sacrifice and long tribulation; and

Whereas similar sacrifices have been made by the citizenry of the United States to extend liberty and well-being to other nations of the world; and

Whereas it is altogether fitting and proper to recognize such great freedoms, and to honor so great a nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week commencing with the third Monday in February of each year is hereby designated as "National Patriotism Week".

SEC. 2. The President is authorized and requested to issue annually a proclamation—

(1) calling upon the people of the United States to commemorate National Patriotism Week with appropriate celebrations and observances;

(2) encouraging primary and secondary schools to adopt an appropriate curriculum for that week including such elements as the study of the Pledge of Allegiance and the national anthem, national symbols, seals, and mottos, and national monuments, heroes, and accomplishments; and

(3) requesting each Federal agency to recognize such week by taking such action as it may deem appropriate.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 96-577), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of this joint resolution is to authorize the President to proclaim the third Monday in February of each year as "National Patriotism Week."

STATEMENT

This resolution will give Americans an opportunity to express pride in their Nation and their freedoms.

The freedom known in this country was won through great sacrifice and long tribulation. Similar sacrifices have been made by the citizenry of the United States to extend liberty and well-being to other nations of the world. Consequently, it is altogether fitting and proper to recognize such great freedoms, and to honor so great a nation.

ISAAC N. HULVER

The bill (S. 442) for the relief of Isaac N. Hulver of Kansas City, Mo., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Isaac N. Hulver, of Kansas City, Missouri—

(a) the sum of $202,298.12, in full settlement of all claims of the said Isaac N. Hulver against the United States arising out of permanent personal injuries, pain and suffering, medical expenses, and future loss of earnings sustained by the said Isaac N. Hulver as the result of an operation on his left leg which was performed without his permission and in a negligent manner by a surgeon at a Veterans' Administration hospital; and

(b) the sum of $6,702.51, in full settlement of all claims of the said Isaac N. Hulver for costs incurred for legal representation rendered in connection with his claim.

SEC. 2. No part of the amount appropriated by the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on acccount of services rendered in connection with this claim, any contract to the contrary notwithstanding. Violation of the provisions of this section is a misdemeanor punishable by a fine not to exceed $1,000.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 96-579), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of the bill is to provide for the payment of $202,298.12 by the United States to Isaac N. Hulver for injuries he incurred as the result of negligent and wrongful surgical treatment at a Veterans Administration hospital, and the sum of $6,702.51, in full settlement of all claims of the said Isaac N. Hulver for costs incurred for legal representation rendered in connection with his claim.

NICK MASONICH

The bill (S. 803) for the relief of Nick Masonich, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, (a) notwithstanding any other provision of law, the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $30,000 to Nick Masonich, of Milwaukee, Wisconsin, in full satisfaction of all his claims against the United States for compensation for the total loss of use of his eyes which he sustained as a result of personal injuries received by him in an explosion occurring on August 17, 1921, while he was performing duties as a member of a station gang employed by the Alaskan Engineering Commission in connection with the construction of the United States Railway in Alaska, the said Nick Masonich never having received satisfaction in full from the United States for total blindness and total permanent disability.

(b) Notwithstanding any contract to the contrary, it shall be unlawful to pay or deliver to any agent or attorney, or for any agent or attorney to receive on account of services rendered in connection with this claim, any amount exceeding 10 per centum of the amount appropriated in this Act. A violation of this subsection is a misdemeanor punishable by a fine in amount not to exceed $1,000.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 96–580), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of the bill is to provide for the payment of $30,000 to Nick Masonich as final and full settlement of all of his claims against the United States arising from an accident that occurred in 1921 in which he lost his sight.

MARIA CORAZON SAMTOY

The bill (H.R. 948) for the relief of Maria Corazon Samtoy, was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 96–583), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of this bill is to facilitate the admission into the United States of the adopted child of United States citizens.

The beneficiary is a 5-year-old native and citizen of the Philippines who has resided in the home of her grandmother and an aunt in the Philippines since infancy. She was adopted in that country in January of 1976 by another aunt and uncle, United States citizens, who have no natural children. The beneficiary's natural parents and four siblings also reside in the Philippines.

PEDRO GAUYAN NELSON

The bill (H.R. 3139), for the relief of Pedro Gauyan Nelson, was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 96–586), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of this bill is to facilitate the admission into the United States of the adopted son of citizens of the United States. The bill has been amended by the House of Representatives in accordance with established precedents.

The beneficiary of this bill is a 16-year-old native and citizen of the Philippines who resides in that country. He was adopted in that country on August 10, 1977 by his aunt and uncle, citizens of the United States. The beneficiary was under fourteen years of age at the time of his adoption but the petition was not filed until after he reached that age and consequently no administrative remedy is available. The beneficiary is an orphan and is coming to reside with his adoptive parents in California where his adoptive father is serving in the United States Navy.

JAN KUTINA

The bill (H.R. 3873), for the relief of Jan Kutina, was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 96–587), explaining the purpose of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of this bill is to expedite the naturalization as a citizen of the United States of Jan Kutina.

The beneficiary of this bill is a 55-year-old native and citizen of Czechoslovakia who has been admitted to the United States on numerous occasions sponsored by leading universities in the United States and United States corporations. He is an outstanding metallogenist and is one of the world's leading authorities in the field of global tectonics.

BUDGET ACT WAIVER

The resolution (S. Res. 362) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2194, was considered and agreed to, as follows:

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, provisions of section 402(a) of such Act are waived with respect to the consideration of S. 2194, a bill to authorize assistance for the Azores earthquake relief and reconstruction effort.

Such waiver is necessary to allow the authorization of $10,000,000 in additional budget authority for fiscal year 1980 to provide for disaster relief and reconstruction in the Azores to assist in alleviating the human suffering caused by a recent earthquake.

Compliance with section 402(a) of the Congressional Budget Act of 1974 was not possible by the May 15, 1979, deadline because the earthquake occurred on January 1, 1980.

The effect of defeating consideration of this supplemental authorization will be to limit the ability of the President to provide disaster relief and reconstruction assistance to the estimated three thousand families left homeless by the earthquake.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REFUGEE ACT OF 1980—CONFERENCE REPORT

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. KENNEDY, I submit a report of the committee of conference on S. 643 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 643) to amend the Immigration and Nationality Act to revise the procedures for the admission of refugees, to amend the Migration and Refugee Assistance Act of 1962 to establish a more uniform basis for the provision of assistance to refugees, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of February 22, 1980.)

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a statement of Mr. KENNEDY be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR KENNEDY

As the chief sponsor of S. 643, The Refugee Act of 1980, and as one of the Conferees on the bill, I want to express my strong support to the Senate for this Conference Report.

This report combines the best features of both the Senate and House versions of this bill. As reported, I believe S. 643 represents the single most significant reform of our Nation's immigration statute in 15 years—since the major amendments in 1965.

This Act gives statutory meaning to our national commitment to human rights and humanitarian concerns—which are not now reflected in our immigration law. It reforms our law governing the admission and resettlement of refugees—a fundamental human rights issue.

This legislation will also insure greater equity in our treatment of all refugees. It will rationalize and write into the statute how we respond to refugee emergencies. And it will make our law conform to the United Nations Convention and Protocol Relating to the Status of Refugees, which we signed in 1969.

Over the years America has responded generously to the needs of the homeless. We have a proud record of accomplishment in offering a helping hand to refugees. This Act—which has the strong support of the voluntary agencies and church groups, as well as many other organizations and groups—will help us to do this job better, and to resettle refugees more humanely with greater planning and at reduced costs.

For too long our Nation's policy and programs for refugees have been worked out on an ad hoc basis, without any overall statutory authority of programatic guidelines. Recognizing this need for a national refugee policy, I initiated consultations in late 1978 with the Executive Branch and the voluntary agencies and others concerned over refugee reform, in an effort to develop a consensus over what needed to be done.

Using the text of an earlier refugee bill I had introduced, I wrote on September 11, 1978 to the Secretary of State, the Attorney General, the Secretary of Health, Education and Welfare, and to the Chairman of the American Council of Voluntary Agencies' Committee on Migration and Refugees, the following letter:

I believe there is an urgent need for the United States to begin to take the steps necessary to establish a long range refugee policy—a policy which will treat all refugees fairly and assist all refugees equally. Such a national refugee policy is now clearly lacking, and there is too little coordination between the various branches of Government involved with refugee programs, and with the voluntary resettlement agencies.

"Given the Senate calendar, there probably will not be the opportunity to act this year on S. 2751 [95th Congress], or on refugee legislation generally. However, it is my firm intention early in the next session of Congress to pursue in an orderly and thoughtful way the growing problems our country faces in meeting the resettlement needs of refugees around the world. With this goal in mind, I would like to begin now to work with you and others in the Executive Branch to shape proposals that will help lay the basis for early legislative action on a national refugee policy.

"The refugees of tomorrow, like the refugees of today, will continue to look to the United States for safe haven and resettlement opportunities—and our Government will continue to be called upon to help. Yet all agree that present law and practice is inadequate, and that the piecemeal aproach of our Government in reacting to individual refugee crises as they occur is no longer tolerable. We must learn from our recent experience with the Indochinese refugee program, and explore new methods for meeting the growing demands for refugee resettlement in the United States.

"I believe the provisions of my bill, S. 2751, go a long way in helping to establish a national policy of welcome to refugees. However, this basic reform of the immigration law deals with only half the problem—the admission of refugees to the United States. We must also consider the problems involved in their resettlement in communities across our land, and what the Federal responsibility is to help in that resettlement process."

Working closely with the House Judiciary Committee, this began a process of consultations between the Congress and the Executive Branch that led to the introduction of S. 643 and to the Conference Report we have before us today.

Mr. President, with this background on the evolution of this bill, and as a Conferee on it, I would like to comment, for the Record, on several specific provisions of this important legislation, and on the reforms of current law and practice it will change.

DEFINITION OF A REFUGEE

First, Mr. President, one of the most important achievements of this Act is the change in the definition of a refugee. It repeals the cold war definition of a refugee, which has been in the law since 1952. The new definition makes our law conform to the United Nations Convention and Protocol Relating to the Status of Refugees, and provides as well for "displaced persons" within their own country. This is to provide for situations such as Saigon in 1975, where refugees of special humanitarian concern to the United States were directly evacuated from their country.

In addition, it is the clear legislative history behind this bill, as expressed in both the House and Senate reports on it, that the definition in the Act also applies to people in detention who may be permitted to leave their country if accepted by other governments—such as the "state of siege" detainees in Argentina or the Cuban prisoner release program in Havana today.

ADMISSION OF REFUGEES

For the first time in nearly three decades, Mr. President, this legislation establishes realistic provisions governing the admission of refugees—both "normal flow" refugees and those admitted under emergency situations. Until fiscal year 1983 the normal flow will be 50,000. But this number can be increased by the President prior to the beginning of the fiscal year following consultations with Congress. Contrary to current law, the consultation process is now specifically outlined in the statute, ending the current parole process which is merely governed by custom and practice.

During an emergency situation, the President may also admit additional refugees following consultations with Congress.

ADMISSION STATUS OF REFUGEES

S. 643 as it passed the Senate would have ended years of admitting refugees as "conditional entrants" or "parolees," and treat all refugees as we treat all other immigrants by admitting them as permanent resident aliens. However, the Conferees concluded a one-year "conditional entry" status as a "refugee" would be useful until the new system and procedures under the new Act were fully implemented.

Hence, the Conferees compromised on the House version and established a new "refugee" admission status—different from either the present "conditional entry" or "parolee" status. This new status will end after only one year—rather than two years—after which the refugee can adjust to permanent resident status. This one year "refugee" status would also be counted towards the five-year period required for naturalization.

More importantly, the provisions of S. 643 will not require an officer of the Immigration and Naturalization Service to process all "refugee" applications. Both consular officers in the United States Embassies overseas, as well as officers of the Immigration and Naturalization Service, are authorized to process refugee applications.

It would be my strong view that arrangements between the Attorney-General and Secretary of State should be immediately concluded to carry out this provision, so as to avoid unnecessary duplication of work between INS and Department of State personnel—such as in Bangkok, Thailand today, where Embassy officials now complete all the interviewing and screening of Indochinese refugee applicants, but INS officers must nonetheless fly in, on expensive temporary duty, to simply bless the exhaustive paperwork and processing already done by Department of State personnel. There is no need for INS personnel to duplicate or second guess what consular officers have done.

Also, in individual refugee cases, in the many areas of the world where no INS offices are located, it only makes sense to permit consular officers to process refugee applications.

ASYLUM PROVISIONS

For the first time, Mr. President, this Act establishes a clearly defined asylum provision in United States immigration law. It provides that up to 5,000 of the "normal flow" numbers can be used to grant asylum to persons within the United States, or to persons reaching our shores, who can claim to be refugees. This provision also conforms to our international treaty obligations under the United Nations Convention and Protocol Relating to the Status of Refugees.

It is the intention of the Conferees that the Attorney General should immediately create a uniform procedure for the treatment of asylum claims filed in the United States or at our ports of entry. Present regulations and procedures now used by the Immigration Service simply do not conform to either the spirit or to the new provisions of this Act.

Also, relative to the suspension of deportation, under Section 243(h) of the Immigration and Nationality Act, it is the intention of the Conferees that the new provisions of this Act shall be implemented consistent with the relevant provisions of the United Nations Convention and Protocol.

Regarding the application of Section 245(c) on asylum claims, it is the intention of the Conferees that Section 245(c), on its face, only applies to adjustments of status under that section alone—and not under the new provisions added by this Act. Thus, refugees, such as some Ethiopians who have come to my attention in Boston, who have been granted asylum in the United States but who have been unable to adjust their status under section 203(a)(7) in current law, because of the limitations of Section 245(c), can now apply for adjustment of status under the new Section 209(b) of this Act. This is also intended to apply to those granted asylum before the enactment of this Act.

LIMITATION ON PAROLE

The Conferees agreed to write into the new law the clear legislative intent of both Houses that the parole authority in Section 212(d)(5) should no longer be used to admit groups of refugees—since the new provisions of this Act should provide ample flexibility and authority in dealing with foreseen or unforeseen refugee situations.

However, Section 212(d)(5) of the I & N Act remains intact, and while the Conferees accepted the limitation in the House bill we clearly recognize that they do not limit the Attorney General's parole authority to admit individuals or groups of aliens who are not deemed to be refugees under the terms of this Act.

It is also the clear intention of the Conferees that existing parole programs will continue until the consultation process under this Act is completed, and that such parole programs as the Western Hemisphere Parole Program should go forward until reviewed by Congress under the provisions of this legislation.

DOMESTIC RESETTLEMENT ASSISTANCE

Mr. President, a crucial part of this Act, is Title III, which authorizes federal assistance in support of resettling refugees in the United States. Because the admission of refugees is outside our normal immigration procedures and is the result of a national policy decision, obviously the federal government has a direct responsibility to assist State and local communities in resettling such refugees—assisting them until they are self-supporting and contributing members of their adopted communities.

The issues before the Conferees was how long should this federal responsibility be reasonably extended. In adopting the compromise language in the Conference Report on Title III reimbursements, the Conferees were mindful of the deep concern of many State and local agencies that federal assistance must be long enough to assure that local communities will not be taxed for programs they did not initiate. Yet, the Conferees were also concerned that we must not have an open-ended authorization.

As the bill was originally submitted by the Administration, there was a two-year limitation on most resettlement programs authorized in Title III. Both Committees, in considering the bill, felt that this two-year limitation across the board was too restrictive, and was inadequate to meet the resettlement, needs of refugees. In the Senate we amended the bill to lift all limitations on social service and training programs and on special projects. And on the floor we provided for a one-year transition period, and then a two-year limitation only on the reimbursement for cash and medical payments. The House bill had a two-year transition period, and thereafter a four-year limitation.

The Conferees compromised on a 1½ year transition—since we are so far into the current fiscal year—and a three-year limitation on federal reimbursements after that date to all refugees. I believe this compromise, and the other authorities in Title III which have no time limitation, more than adequately fulfills the federal responsibility in helping to resettle refugees.

This Act also authorizes $200 million annually for discretionary grants and contracts for special projects, programs, and services for refugees. It is the intent of the Conferees that the term "public and private nonprofit agenices" who shall be eligible to receive and program these funds include: "State and local government agencies, private voluntary agencies, post-secondary educational institutions, as well as other qualified private nonprofit agencies."

U.S. COORDINATOR FOR REFUGEE AFFAIRS AND OFFICE OF REFUGEE RESETTLEMENT IN HEW

Recognizing that the administrative structure in the Executive Branch has been inadequate to fully support the refugee resettlement effort, both Congress and the Executive Branch have moved in recent months to strengthen governmental structures in this area. The Conferees, building upon these initiatives, took the essential elements of the House version of the bill, which give statutory authority to two offices recently created by the President or by administrative regulation.

The Act establishes a United States Coordinator for Refugee Affairs, to be appointed by the President, with the advice and consent of the Senate. The President has the discretionary authority to place the Coordinator wherever he feels this office is most appropriate over time. However, it is the current view of most of the Conferees that the President should move the Coordinator to the Executive Office, to give the Coordinator the government-wide authority the office needs.

The Conference substitute also establishes an Office of Refugee Resettlement in the Department of Health and Human Services. It is the intention of the Conferees that this Office function "in consultation with and under the general policy guidance of the U.S. Coordinator for Refugee Affairs."

INITIAL RESETTLEMENT GRANTS

In resolving the different approaches of the Senate and House versions of the bill towards the administration of initial resettlement grants, the Conferees were very sensitive to the concerns of the voluntary agencies, who carry the initial responsibility in helping refugees resettle in the United States. The Conferees share their view that the new legislation should not freeze into the statute the arbitrary decision that HEW will administer these resettlement grants in two years, until it has proven its ability to do so, and until it is clearly in the best interest of the resettlement program. Therefore, the Conferees require the President to undertake a study on which agency and/or official in government is best able to administer the initial resettlement grants and to report to Congress no later than March 1, 1981 on his findings. If the President, over the following fiscal year, decides that the Office of Refugee Resettlement in H.E.W. should not administer these grants, he may determine by Presidential order where they should be administered.

CONCLUDING COMMENT

Mr. President, S. 643 deals with one of the oldest and most important themes in our Nation's history—welcoming homeless refugees to our shores. It relates to our country's ability to respond to the resettlement needs of refugees around the world, which touches at the heart of America's foreign policy. It reflects the humanitarian tradition of the American People. For all these reasons and more, I strongly urge the adoption of this Conference Report by the Senate.

Mr. THURMOND. Mr. President, I rise today with mixed feelings about the legislation we are now considering. On the one hand, this legislation represents an effort to clarify and streamline the current law with regard to the admission of refugees into the United States. I think such reforms are needed.

On the other hand, however, I do not believe the Congress in processing this legislation has reflected the true will of the American people. The American people have a spirit of humanitarianism and goodwill toward their fellow men in times of trouble and crisis. The United States has historically been ready to open its arms to those unfortunate people who must seek refuge in this country. I share that concern, especially for those who are fleeing from communism and other oppressive governments. Resettlement is, and should be, our response to the needs of these people.

But, Mr. President, resettlement has ceased to be a temporary program for meeting the needs of refugees who come to the United States as our guests. Look at the Cuban refugee program. In 1962, we began a modest resettlement program for Cuban refugees, which 18 years later we are still supporting with Federal funds. In fiscal year 1980, nearly $53.3 million will be expended for this program, and in fiscal year 1981, there is a projected cost of $44.8 million. This program has become a welfare program, and not just one of resettlement.

Mr. President, fortunately this legislation provides for a phasedown of the Cuban program over the next 3 years. But with regard to the Indochinese refugees, we cannot support these people forever. The volunteer agencies who work closely with these refugees agree with this philosophy completely. When these people arrive in this country, the transition and resettlement is a difficult one. Temporary cash and medical assistance is obviously helpful in getting the refugees relocated. But too much assistance over too long a period can make them welfare dependent and turn them into permanent wards of the Government. Mr. President, the refugees do not want that, the volunteer agencies who work with the refugees do not want that, and I believe the American people do not want that.

Unfortunately, Mr. President, this legislation encourages welfare dependence. When S. 643 was reported by the Senate Judiciary Committee, the provisions for cash and medical assistance were limited to fiscal years 1980 and 1981. On the floor, as the Republican manager of the bill, I agreed to accept an amendment to extend the program 1 more year.

I agreed to that amendment, offered by the distingiushed majority whip, Mr. CRANSTON of California, because it was obvious that a good portion of the 1980 fiscal year was going to be gone before this legislation could be acted upon. I also agreed to accept the amendment in spite of the fact that if a vote had been taken, I am confident it would have been defeated. The bill was passed with a provision extending assistance for the balance of fiscal year 1980 and for 2 more years. I accepted that as a more than fair response to this problem.

Mr. President, the House bill then went further and extended this program to 4 years instead of the 2 in the Senate bill. In conference, over my objections and vigorous protests, a compromise of 3 years was reached. I think that is unfortunate, and when the American people find out about it they will be once more convinced that Congress has no interest in reducing Federal spending.

We cannot continue to support these people forever. Two years is enough time to teach English and employment skills as well as provide basic housing and medical assistance. The Federal Government should not be put in the position of providing welfare services to resettle refugees beyond 2 years.

Mr. President, another provision of this legislation that I supported, but was rejected by the conferees, was a one-House veto provision. I note that the entire House adopted this provision, as it has in the past on other legislation, but it was subsequently rejected by the House conferees. I regret that, because I support a more active role for the Congress in refugee matters. A one-House veto provision directed at refugee numbers and costs would have been extremely beneficial.

The conferees also agreed to provisions that would create a new Office of Refugee Coordinator, to be placed in the Department of Health and Welfare within 2 years, unless the President acts to locate such an office elsewhere in the executive branch. I do not believe another Government office is necessary to deal with refugee matters. It is important that Government efforts be coordinated, but an additional, separate office is simply a waste of the taxpayer's money.

Mr. President, as my colleagues may have noticed, I am not particularly pleased with the course this legislation has taken. I signed the conference report reluctantly. Legislation that started out to deal with the problem of the emergency flow of refugees and increase limits on normal flow refugees has become a vehicle for encouraging refugees to delay in seeking private employment. One of the few saving provisions of the bill is the consultation provision which requires the executive branch to consult with the Congress. I sincerely hope Congress exercises its responsibilities under this provision and keeps a close watch on the executive branch's actions with regard to refugees.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

DAY OF PRAYER AND MEDITATION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Senate Concurrent Resolution 79 be discharged from further consideration by the Committee on the Judiciary and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection? Without objection, the resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Con. Res. 79) expressing the sense of the Congress that the people of the United States should observe February 26, 1980, as a national day of prayer and meditation for the hostages in Iran.

The Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, I ask unanimous consent that a statement by Mr. BOSCHWITZ be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR BOSCHWITZ

I am sure this resolution expresses the sentiments of all in this body concerning the Iranian hostages. It seems to me that, amidst all the rumors of the pending or not-so-pending release of the hostages, this is an appropriate time to direct our thoughts and prayers towards these Americans being held captive in a foreign land.

This resolution serves to remind us of the ordeal the hostages are undergoing and perhaps, by directing our prayers towards them, we can help share that burden. The members of the First Congregational Church of the United Church of Christ in Grand Marais, Minnesota, at whose initiative I originally introduced this resolution, are to be commended for their concern and support of the hostages.

Although this resolution sets Feb. 26th as the date for this resolution, I recognize that the House has not acted in time for final passage. Therefore, I will support a House amendment to change the date to March 4th.

I am sure all of our thoughts will be with the hostages on that day.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

CONCURRENT RESOLUTION

Expressing the sense of the Congress that the people of the United States should observe February 26, 1980, as a national day of prayer and meditation for the hostages in Iran.

Whereas the plight of the Americans held hostage at the American Embassy in Tehran, Iran, is a deep concern of our entire Nation;

Whereas in response to the unconscionable attack on our diplomatic personnel we as a Nation reaffirm our fundamental commitment to world peace and to the right of all people to enjoy basic human freedoms;

Whereas we as a Nation remain steadfast in our commitment to the safe release of our fellow citizens; and

Whereas we as a Nation stand in constant vigil with our fellow citizens held hostage in Iran: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That, if the hostages being held in the American Embassy in Tehran, Iran, are not released by February 25, 1980, then February 26, 1980, shall be considered a national day of prayer, meditation, and unity for our fellow Americans, and the American people are urged to express their support for the hostages with appropriate thoughts and actions on such a day.

CONVEYANCE OF LANDS IN HOT SPRINGS, ARK.

Mr. ROBERT C. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1850.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1850) "An Act to authorize the conveyance of lands in the city of Hot Springs, Arkansas", do pass with the following amendment:

Page 2, after line 13, insert the following:

SEC. 2. The Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended (16 U.S.C. 4601–4 et seq.), is further amended as follows:

(1) in subsection 7(a), within the paragraph numbered (3), after the phrase "Ninety-fifth Congress", insert the phrase "or, in the case of national recreation areas, prior to the convening of the Ninety-sixth Congress"; and

(2) in subsection 7(c), change "expire ten years from the date of enactment of the authorizing legislation establishing such boundaries;" to "apply only to those boundaries established subsequent to January 1, 1965;".

SEC. 3. The Secretary of the Interior is authorized to acquire by donation, or by purchase with donated or appropriated funds, a suitable collection of whaling artifacts and associated items for preservation and display at the National Maritime Museum located at the Golden Gate National Recreation Area. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, but not to exceed $3,000,000 for the purchase of said collection, which sums may be appropriated from the amounts previously authorized for development purposes at said recreation area.

Mr. ROBERT C. BYRD. Mr. President, S. 1850 as passed the Senate on December 18, 1979, would permit the Leo N. Levi Memorial Hospital Association to convey two lots in the city of Hot Springs, Ark. to a nonprofit corporation for the purpose of erecting a housing facility for the elderly. The House amendment is identical to the Senate version with regard to this land conveyance.

However, the House amendment adds a new section 2 to S. 1850 not included in the Senate passed bill. The House amendment would make two changes in the Land and Water Conservation Fund Act of 1965 and would authorize the Secretary of the Interior to purchase a whaling artifacts collection for preservation and display at the Maritime Museum located at the Golden Gate National Recreation Area.

Mr. President, these amendments have been cleared on both sides and I move that the Senate concur in the amendment of the House.

Mr. President, I ask unanimous consent a statement by Mr. BUMPERS be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR BUMPERS

I am very pleased that the Senate is acting on this matter today. Enactment of this measure—S. 1850—will greatly facilitate the construction of a new housing facility for the elderly in Hot Springs, Arkansas.

I introduced this bill on October 1, 1979, and it passed the Senate on December 18, 1979. The House passed the bill, with amendments, on February 25, 1980. Given the importance of this project to the local community, the bill's expeditious consideration by both bodies is certainly warranted.

Mr. President, the bill authorizes the Levi Memorial Hospital Association to convey its interests in certain lands located in Hot Springs to Levi Towers, Inc., a non-profit corporation. The lands will be used for the construction of a housing facility for the elderly by Levi Towers, Inc.

Legislation is required because the property involved originally belonged to the Federal Government. In 1922, Congress granted the Hospital Association exclusive rights to use the property for hospital purposes. However, under the terms of the grant, these rights are to be forfeited to the Federal Government if the property is used for any other purpose.

S. 1850 permits a change in use from hospital purposes to housing for the elderly without a forfeiture to the United States. The property would continue to be used for a public purpose.

Mr. President, passage of this bill is necessary to help ensure final approval by the Department of Housing and Urban Development of this project and I urge my colleagues to join me in support of S. 1850.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate concur in the House amendments.

The motion was agreed to.

AMERICAN ENTERPRISE DAY

Mr. ROBERT C. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on Senate Joint Resolution 109.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the resolution from the Senate (S.J. Res. 109) entitled "Joint resolution to authorize the President to proclaim November 16, 1979, as 'American Enterprise Day' ", do pass with the following amendments:

Page 2, lines 4 and 5, strike out "November 16, 1979," and insert: October 3, 1980.

Amend the title so as to read: "Joint resolution to provide for the designation of October 3, 1980, as 'American Enterprise Day.' ".

Mr. ROBERT C. BYRD. Mr. President, I move the Senate concur in the House amendments.

Mr. STEVENS. There is no objection.

The PRESIDING OFFICER. Without objection, the motion is agreed to.

FOREIGN CLAIMS SETTLEMENT COMMISSION

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. RIBICOFF, I make the following unanimous-consent request: On December 20, the Senate passed by unanimous consent S. 1419, an act to provide for the transfer of the Foreign Claims Settlement Commission of the United States to the U.S. Department of Justice, and for other purposes. In order that the House may proceed to consider this measure, it is necessary that the Senate act on the House-passed companion bill, H.R. 4337. It is my understanding that it is likely that the House would accept the bill and the Senate's amendments thereto without requesting a conference. Accordingly, I make the following request:

Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be discharged from further consideration of H.R. 4337, that the Senate proceed to its immediate consideration; that all language after the enacting clause be stricken; that the text of S. 1419, as amended, be inserted in lieu thereof; that the bill be considered as having been read a third time and passed; and that the motion to reconsider be laid on the table.

Mr. STEVENS. There is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT REFERRAL OF A BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that H.R. 5036, to authorize the Secretary of the Interior to convey a parcel of land located in Colorado to the Ute Mountain Ute Tribe and to pay an amount to such tribe for economic development, which had been referred to the Select Committee on Indian Affairs be jointly referred to that committee and to the Committee on Energy and Natural Resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

HARRY B. LITTELL—SENATE RESOLUTION 376

Mr. ROBERT C. BYRD. Mr. President, on behalf of myself, Mr. BAKER, Mr. STEVENS, and Mr. MAGNUSON, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read as follows:

A resolution (S. Res. 376) commending Harry B. Littell, the legislative counsel of the Senate, for his service to this Senate.

Whereas, Harry B. Littell, the Legislative Counsel of the Senate, is retiring after having served for more than thirty-three years either as head of or as an attorney on the staff of the Office of the Legislative Counsel of the Senate; and

Whereas, during this long period of service Harry B. Littell has performed his duties for the Senate with skill and distinction: Now, therefore, be it

Resolved, That the Senate of the United States extends its appreciation and gratitude to Harry B. Littell for his long and faithful service in the Office of the Legislative Counsel of the Senate.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Harry B. Littell.

The resolution was agreed to.

The preamble was agreed to.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. EXON). The Chair, on behalf of the Vice President, appoints the following Senators as congressional advisers to the ninth session of the Third United Nations Conference on the Law of the Sea, to be held in New York City, February 27 to April 3, 1980: The Senator from Washington (Mr. MAGNUSON), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from Connecticut (Mr. RIBICOFF), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Alaska (Mr. GRAVEL), the Senator from New York (Mr. JAVITS), the Senator from Texas (Mr. TOWER), the Senator from Oregon (Mr. PACKWOOD), the Senator from Alaska (Mr. STEVENS), the Senator from Kansas (Mr. DOLE), and the Senator from Maine (Mr. COHEN).

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business for not to exceed 15 minutes, with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANNOUNCEMENT BY SENATOR JAVITS TO SEEK REELECTION

Mr. HATFIELD. Mr. President, I have read the morning press and discovered that the decision that had been pending for quite some time, as to whether or not the senior Senator from the State of New York (Mr. JAVITS) was to seek reelection, has now been made, and that decision has been made in the affirmative.

I speak now merely to state my pleasure and delight in the fact that Senator JAVITS has decided to seek another term in the U.S. Senate, representing the State of New York.

I am sure that colleagues on both sides of the aisle would admit readily that Senator JAVITS is one of the outstanding constitutional lawyers, if not the outstanding constitutional lawyer, in the Senate, a man who has great intellectual capacity, great analytical ability, particularly in the field of foreign affairs and in the field of social legislation on the domestic front.

I have known Senator JAVITS for many years and have always looked upon him as truly one of the outstanding men in the U.S. Senate. I think it would have been a great loss to the Senate if he had decided to retire.

I am sure that much of his decisionmaking was on the basis of his age—chronologically speaking, only—but I think most of us realize that there are those who are young at 75, as in the case of Senator JAVITS, and there are those we have known who are old at 40.

I think that one should judge any person on more than chronological years. One should judge his capabilities, his intellectual capacity, his vigor, his vision, his mental outlook. In all these things, Senator JAVITS ranks as one of the youngest men in the Senate.

I hope the people of New York will see fit to reelect Senator JAVITS and that he will continue to render this outstanding service, not only to the constituents of his State but to the entire Nation as well. It certainly is going to enhance the stature of the State of New York to continue his service. It is going to build the status of the Republican Party to have a man of his great leadership ability. It is going to render great benefit to the Nation and to the entire world, for that matter, for the continuation of this man's perspective, his insight, his ability to deal with these great and monumental issues.

As Members of the Senate know, Senator JAVITS is the ranking minority member of the Committee on Foreign Relations. Over the years he has served on that committee and prior to the time he became the ranking minority member of the Foreign Relations Committee, he was the ranking minority member of the Committee on Labor and Public Welfare which is now the Senate Committee on Human Resources.

Probably as much as any other person in the Senate, his imprimatur has been on the social legislation, the progressive legislation, of the Senate.

His analysis and his analytical insights have been part of the whole decisionmaking as it relates to foreign policy and great events that confront the Senate in the field of international relations generally.

So I just wanted to go on record as one individual, not speaking purely as a partisan Republican—though I am proud to do so—but speaking, first of all and most important, as an American citizen. I think this Nation will be stronger and will be the beneficiary of the decision made by the very distinguished and outstanding Senator from the State of New York (Mr. JAVITS) to seek reelection to another term in this body.

Mr. THURMOND. Mr. President, I associate myself with the remarks made by the distinguished Senator from Oregon concerning Senator JAVITS.

Every Member on the Republican side signed a letter to Senator JAVITS urging him to seek reelection, and we are very pleased that he has complied with that letter and will seek reelection to the U.S. Senate.

DEATH OF WILLIAM MOORE McCULLOCH

Mr. MATHIAS. Mr. President, I am sure every Member of the Senate was deeply saddened to hear the news of the death of our colleague, the former Representative from Ohio, William Moore McCulloch, for many years the ranking Republican member of the Judiciary Committee of the House of Representatives.

I was much honored and very touched to be asked by Representative McCulloch's family to say a few words at the memorial service held for him today at the Georgetown Presbyterian Congregation.

With the thought that many Members of the Senate might share the feelings that I tried to express on that occasion, I ask unanimous consent to have my remarks printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

WILLIAM MOORE McCULLOCH

"Life, like every other blessing", said Samuel Johnson, "derives its value from its use alone".

And William Moore McCulloch used his life so as to make it valuable to himself, to his family and to his country.

He was true to himself and to his origins:

To the Scots heritage that he often mentioned

To the good soil of Ohio from which he sprung.

It was natural, therefore, that his life should be characterized by the qualities of honesty, industry and simplicity.

Clearly his pride—and he had very obvious pride—was in his family.

When some little embellishment or creature comfort appeared in his office he would take satisfaction and pleasure in saying with a twinkle and a smile, "Mabel did that" or "That was my wife's thoughtfulness".

It is noteworthy that when Bill retired from Congress, all the tributes to him included independent recognition of Mrs. McCulloch's share in his life's work.

And with equal pride he would report on the activities of his daughters, Ann and Nancy—or on their views of current issues—as representative of their generation.

Ohio was always a special place for him and never lost its appeal to his deepest loyalty. At his invitation I went to his district with him and seeing him surrounded by his friends and constituents, I could better understand how he could live by the famous rule laid down for legislators by Edmund Burke.

Bill was a great admirer of Edmund Burke, and took seriously Burke's Speech to the Electors of Bristol on the duties of an elected representative to his constituents. Those words—more than 200-years-old—ring as true and clear as bell brass to this day:

"It ought to be the happiness and glory of a representative to live in the strictest union, the closest correspondence, and the most unreserved communication with his constituents. Their wishes ought to have great weight with him; their opinion great respect; their business unremitted attention. It is his duty to sacrifice his repose, his pleasures, his satisfaction, to theirs; and above all, ever, and in all cases, to prefer their interests to his own. . . .

"Your representative owes you, not his industry only, but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion."

The Congress was Bill's vocation as surely as any human being has ever had one. It was his vocation because of this rare combination of personality and intellect.

Emerson considered "a friend the masterpiece of nature". Bill McCulloch proves his point.

Edmund Burke said "a disposition to preserve, and an ability to improve, taken together, would be my standard of a statesman". Bill McCulloch met that standard.

We are gathered here today to pay our last respects to a rare human being—Bill McCulloch—statesman and friend.

The Congress was not for Bill a source of aggandizement or personal ambition. He was a lawyer who agreed with Blackstone that "Law is the principle and most perfect branch of ethics". He knew that the Congress bore the responsibility for meeting Blackstone's standard.

And so it is natural that when Bill McCulloch contemplated the condition of millions of Americans in the years before the great civil rights crusade of the sixties, he knew that the law, as it then was, needed amendment in order to reflect the ethics of America after World War II.

To a new generation that has grown up since the Civil Rights Act of 1964 became the law of the land, the dimensions of this achievement may be hard to measure. For them, I'd like to read just a paragraph from the testimony of a black man about the public accommodations section of that bill.

"Where you travel through what he might call hostile territory, you take your chances. You drive and you drive and you drive. Yon don't stop where there is a vacancy sign out at a motel at 4 o'clock in the afternoon and rest yourself; you keep on driving until the next city or the next town where you know somebody or they know somebody who knows somebody who can take care of you."

In the 1960 presidential election it was frequently promised that the first bill introduced in the 87th Congress would be a comprehensive civil rights bill. But the 87th Congress came and went with no such bill introduced, let alone enacted. So in January 1963 in the opening days of the 88th Congress, it was three Republicans, Bill McCulloch, John Lindsay and one other, who joined together to introduce a civil rights bill that started the great crusade that changed America. About a month later a bill was introduced on behalf of the Kennedy Administration and the Judiciary Committee began hearings. But the first—the decisive—step had already been taken by William McCulloch of Ohio.

But that step was only the beginning of this great struggle for Bill McCulloch. Again and again on the floor of the House and in Committee his great voice was raised in support of the Civil Rights Bill of 1964 in that historic battle for human rights.

"I want to say this to the members of this House," he said during the floor debate:

"I do not think we can measure the cost of a million dollars or $2 million or $10 million when human rights and liberties are at stake. I am one—Scot that I am, conservative as I am—one who insists on a balanced budget at every opportunity, who is willing to commit the necessary dollars to see that the people have guaranteed to them the liberties that are so clearly set forth under our Constitution. . . ."

In an appearance before the Rules Committee, Bill spoke in these characteristic terms:

"Not force or fear . . . but belief in the inherent quality of man induces me to support this legislation.

"I believe in the right of each individual to have guaranteed his constitutional rights and to shoulder the burdens of citizenship. But I also believe in the obligation society owes to each citizen to afford him equality of opportunity.

"I believe in the right and duty of State and local authority to be primarily responsible for the conduct of all but limited areas of governmental activities which it cannot do alone.

"But I also believe in the obligation society owes to each citizen to afford him equality of opportunity."

Bill's success as a legislator rested, as it must in a parliamentary body, in the esteem and affection of his colleagues. When he retired from the House of Representatives, there was no mistaking the sense of loss. Let me quote from just a few of the tributes to Bill on that occasion.

Bill McCulloch has over and over again proven himself to be a man of the highest courage, unbreakable in spirit, devoted to his country and the well-being of his fellow men. . . .

(H)e was a defender of the Constitution. His probities are beyond question, his contributions are already part of history and his leadership tested and never found wanting.—Emanuel Celler.

Bill McCulloch's record in the field of civil right legislation is unparalleled. . . . He did many, many other things in a constructive and visionary way. . . .

We have not agreed on every issue, but his willingness to understand my viewpoint endeared him to me even more perhaps than if we had always agreed.—Gerald Ford.

It was he, along with the Chairman of our Judiciary Committee, who led the fight for the landmark civil rights legislation in the 1960's.

A compassionate and sensitive individual, Mr. McCulloch stood always firm in his insistence that the basic rights of all men, guaranteed in the Constitution, be denied to no one. And, through all my years of association with him as a member of the Judiciary Committee, I found this great depth of understanding for the needs and rights of his fellow man to remain uppermost in his mind and to serve as the motivating factor in his legislative endeavor.—Peter Rodino.

Bill McCulloch's leadership in the field of civil rights marks him as one of the greatest statesmen in the Republican Party and in the Nation. Civil Rights bills in 1964, 1965, 1968 and 1970 might well have failed passage had it not been for Bill McCulloch's persuasive, determined efforts. School desegregation, public accommodation, voting rights, and employment safeguards were included in these bills and represented major progressive steps.—Gilbert Gude.

Bill McCulloch was one of the real giants of this or any other Congress. He has truly written for himself, and I think more importantly for the entire country the kind of imperishable record of public service, and most particularly in his devotion to the cause of civil rights, a record that will be difficult for any Member of this Body or any Member of a future Congress to surpass. Only very rarely does our nation owe such a debt of gratitude to one man as they do to Bill McCulloch. Without his steadfast leadership we would not have passed some of the truly landmark civil rights legislation during that turbulent and difficult decade of the 1960's. Without rancor and with cool, calm reason he stood like a prophet of old in the well of this House on many occasions and reminded us of our solemn duty and responsibility under the Constitution. . . .

We will miss you Bill McCulloch. We will miss the wise counsel, the wisdom, conviction, courage, and capacity that you have brought to this House. . . .

Beneath a calm and unruffled exterior there is a warm heart that beats with compassion and concern for the cause of equal rights in our nation.—John Anderson.

Bill McCulloch has brought to this chamber one of the most active and brilliant legal minds of the century. His personal success and presidential accolades do not stop with civil rights legislation.

As principal author of most of the crime legislation which came out of the 91st Congress, Bill singularly was responsible for the adoption of the Organized Crime Act of 1970.—Tip O'Neill.

The tributes to Bill McCulloch by his colleagues read like a rollcall of the leadership of the nation. But I would like to end with a few words of my own.

Bill's friendship illuminated the early days of my service in the Congress, when exhilaration and enthusiasm ought to be supplemented by the confidence and steadiness of a friend worthy of trust. Bill was that friend. Bill gave me an example of the serious purpose and the real fulfillment of service in the Congress. That example translates across the centuries the counsel of David, written in the 90th Psalm:

So teach us to number our days that we may apply our hearts unto wisdom.

OLYMPICS

Mr. DURENBERGER. Mr. President, during the critical round of medal competition games, U.S. Olympic Hockey Coach Herb Brooks told his team, "You were born to be a player. You are meant to be here. This moment is yours."

Coach Brooks' words were meant for every athlete who took part in the Olympic games. For 13 days, the moments were theirs. For 13 days, the Lake Placid games belonged to the athletes: To a young speed skater who put together one incredible performance after another; to his sister who reminded the world that the thrill of competition is in doing your best; to a skier who refused to let adversity stand in the way of winning a medal; to a figure skater and her grace and beauty; and, to all the athletes who worked so hard for the moment that was theirs.

Most of all, the 13 days of the Winter Olympics belonged to a group of talented and determined young men and their coach. Every 48 hours, for almost 2 weeks, the U.S. hockey team gave the country a shot of adrenalin. For an entire weekend, the hockey team captured the spirit and enthusiasm of our Nation.

On Sunday, the athletes gave up their ownership of the Olympics; today, every American shares the dreams, the thrills, the spirit and the memories of an incredible 2 weeks.

Every person in America owns a share of stock in the accomplishments of the athletes. Minnesota can take special pride in knowing that so many of the athletes and coaches were from our State.

But, in a very real sense the victories, the excitement and the pure joy of it all belong to the Nation. Mike Eruzione, captain of the hockey team, summed it up for his team and for all the Olympic athletes:

> We're 20 guys from different backgrounds and different ethnic beliefs who jelled into a team. Right now, nobody here is from Boston or from Minnesota. We're all living together, a family.

Even Tass, the official news agency of the Soviet Union, recognized this family:

> The dash and selflessness characteristic of the U.S. players doubtless played their roles. They succeeded.

For one moment, the Nation is a family. This moment is ours.

ARNOLD PALMER'S CONCERNS

Mr. HELMS. Mr. President, 3 weeks ago, the Senate was in the midst of debate concerning the Federal Trade Commission's rulemaking authority relating to standards and certification. On Thursday, February 7, there was a significant rollcall vote on that specific question.

On that day, Mr. President, a telegram was sent to me by a citizen of whom we are very proud in North Carolina. His name is Arnold Palmer. Years ago, Arnold and I attended the same college—Wake Forest College, it was then. Wake Forest is now a university, and it has been moved to Winston-Salem.

Mr. President, there was some sort of mixup in transmission of Arnold Palmers telegram. For whatever reason, it arrived several days late. Otherwise, I would have incorporated it in my remarks at the time on the Senate floor.

Nevertheless, what he had to say yet deserves to become a part of the RECORD, because Arnold Palmer is deeply concerned, and rightly so, about the adverse effect the FTC's proposed standards rule could have on sports.

Incidentally, Mr. President, I have been informed that the FTC's staff report on standards and certification did not even consider the effect of the rule on sports. But if those FTC rules should be adopted, the standards for sports equipment—indeed, the very rules that govern how sports events are played—would be subjected to FTC scrutiny. That makes no sense at all, Mr. President, and I doubt very seriously that anyone has imagined that the day would ever come when a Federal bureaucracy would presume to set standards for sports. There is no limit to a Federal bureaucracy's estimation of its own competence.

So, Mr. President, just for the record, I want Arnold Palmer's comments, conveyed to me by telegram on February 7, to be printed at this point in the RECORD. I ask unanimous consent that this be done.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

[Telegram]

YOUNGSTOWN, PA.,
February 7, 1980.

Senator JESSE HELMS,
Washington, D.C.

DEAR JESSE: I know you understand that the FTC's proposed rule on standards and certification would affect the United States Golf Association Rules of Golf on golf balls and clubs and, ultimately, how the game itself is played. It would also affect standards for athletic equipment set by other amateur sports rule making bodies, please support keeping section 8 in the Senate bill 1991 and oppose efforts under way to remove it from the bill.

Sincerely,

ARNOLD PALMER.

RIGHT TO WORK A FUNDAMENTAL RIGHT? THE IRS CLAIMS IT IS NOT

Mr. HELMS. Mr. President, some of the best comments of our time, about the events of our time, is offered regularly by my longtime friend, Jack Kilpatrick, whose syndicated columns appear in hundreds of newspapers from coast to coast.

Two or three weeks back, Jack Kilpatrick took note of what he correctly described as a vendetta by the Internal Revenue Service against the National Right To Work Foundation. This particular Kilpatrick column, which appeared in the Washington Star on February 9, merits the thoughtful consideration of every Member of Congress, both House and Senate.

In 1977, the Internal Revenue Service revoked the tax-exempt status of the National Right To Work Legal Foundation. The theory of the IRS in so doing was that the right to work is not a human or civil right secured by the law.

The foundation naturally took the IRS to court in an effort to preserve its tax-exempt status.

The case was heard in the U.S. District Court for the Eastern District of North Carolina. The presiding judge, the Honorable Franklin Dupree, ruled that a man's right to work is "liberty's cornerstone," and thus upheld the tax-exempt status of the foundation.

This case, fortunately, had a happy ending. But the IRS position raises serious questions: What could have provoked the IRS to revoke the tax-exempt status of the foundation in the first place? And where did the IRS come up with the notion that the right to work is not a fundamental human right?

So that Senators and others may have the benefit of Mr. Kilpatrick's thoughts on these important questions, I ask unanimous consent that his column be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Star, Feb. 7, 1980]

A VENDETTA BY THE IRS

(By James J. Kilpatrick)

In a free society, where theoretically the people are masters and government is their servant, agencies of government ought not to engage in vendettas. But the Internal Revenue Service has been waging one, and thereby hangs this tale.

Twelve years ago a group of men and women, deeply concerned at the abuse of an individual worker's rights by the excess of trade unionism, created the *National Right to Work Legal Foundation.* Thanks to aggressive leadership and a popular cause, the foundation soon gained a reputation as a redoubtable defender of the little guy—the worker who get ground down by the union shop.

The foundation went to court in behalf of a teacher in Michigan, a telephone worker in Maryland. It fought legal battles for airline employees in California and college professors in Michigan. Its clients came to include truck drivers, electricians and construction workers. These were people whose elementary right to work was imperiled by the brute power of Big Unionism. And little by little, the foundation racked up an impressive string of victories.

As you can imagine, these successive gnat-stings eventually began to penetrate the elephant hide of the AFL–CIO. The foundation operates on a total budget of $3.6 million a year; it has only 14 full-time staff attorneys. There is no way even to estimate the combined resources of the great unions, but we are dealing here with a very small David and a very large Goliath. And Goliath began to get mad.

So it came to pass that the giants of organized labor waxed wroth, and being wroth, they conveyed their displeasure to the Internal Revenue Service. The giants of labor complained that they were being impertinently trod upon by this pesky outfit, and they demanded that the IRS put an end to it. Specifically, they demanded that the IRS revoke the foundation's certificate of tax exemption.

In the field of private philanthropy, such a certificate is more precious than diamonds. It is the absolutely essential condition for survival. Without an exemption under Section 501(c)(3) of the Tax Code, contributions swiftly diminished from a flood to a trickle.

In 1977, out of the clear sky, the IRS suddenly, inexplicably revoked the foundation's certificate—a certificate that had been effective since 1968. The IRS said the original exemption had been granted in "error." In the government's view, little David never had been entitled to exemption in the first place.

Why was this? Under IRS regulations, a foundation is entitled to exemption if it promotes social welfare by defending "human and civil rights secured by the law." The IRS astonishingly took the view that a right to work is not a human or civil right secured by law. Yes, admitted the IRS, the individual worker may have certain statutory rights, but he has no "fundamental" right that might be deemed essential to the orderly pursuit of happiness by free men. Therefore, exemption denied.

The foundation challenged this tyrannical decree in court and on Dec. 21 won a resounding victory. A text of the opinion by U.S. District Judge F. T. Dupree Jr. of North Carolina has just come to hand. He ruled in the foundation's favor on every essential point. A man's right to work, said Judge Dupree, is "liberty's cornerstone." Indeed, "the courts have rarely articulated a fundamental right with more sweeping eloquence and affection than they have the right to work." And the right is most certainly a right "secured by law."

The IRS has not decided whether to appeal the Dupree decision. The probabilities are strong that the decree will be left to stand. But we still ought to inquire what motive of vendetta led the IRS to undertake this costly harassment, and we ought to reflect anew upon a dictum from John Marshall. It provides a moral to this tale: The power to tax involves the power to destroy. This is what the IRS set out to do to the Right to Work Legal Foundation. Little fellows across the land may be grateful that the effort failed.

DEDICATED YOUTH FROM 22 STATES AND THE DISTRICT OF COLUMBIA, PLEDGE 100 PERCENT VOTING RECORD in 1980

Mr. RANDOLPH. Mr. President, recently, in our capital city, the fifth annual session of Convention II was held. Approximately 180 delegates from the high schools of 22 States and the District of Columbia, participated from February 13 through February 16.

The Founders Committee of Convention II, of which I am a member, is a program based on the premise that the U.S. Constitution is one of the greatest documents in history. The threefold purpose of Convention II is to help focus attention on the Constitution, to intensify America's understanding of and appreciation for the Constitution, and to teach America's youth of the strength of the rule of law and the rights of man and women.

Convention II is the earliest ongoing national privately sponsored program designed to commemorate the Bicentennial of the Constitution in 1987. Convention II is presently 40 percent toward the goal of having every State represented at the annual session before 1987. I invite colleagues to join with me in this exciting effort.

This past Friday, I had the opportunity to address the young men and women and set forth the responsibilities of citizenship. We met in room 1 of the Senate Dirksen Building. Those youth present voted 100 percent to vote this coming November. They publicly affirmed their commitment to cast the ballot in 1980 and subsequent elections. My hope for the near future, is that 80 percent of all eligible citizens, fulfill that responsibility.

Mr. President, I ask unanimous consent that the keynote address to the Fifth Annual Convention II, at the opening session on February 13, by Peter Feinman, an advisor to Convention II, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

KEYNOTE ADDRESS

Fellow Americans, welcome to the fifth annual mock constitutional convention.

We call this assembly a "Mock" convention because the amendments you pass have no legal standing. No police department will arrest, no judiciary will try any violators, and the American people, yearning for leadership, will not rally behind your dreams.

Not yet.

But the amendments you pass may one day become the law of the land. The dreams, hopes, goals, desires, and ambitions which you bring to this convention can be brought to the political process of other assemblies. We meet here today not in idle gesture of meaningless debate but in bold affirmation of the potential of America, the willingness of America to see the future and to change to make it a better future.

The Founding Fathers conceived of the Constitution as a living document, one not bounded by time or space to a rigid set of circumstances. They recognized that the details of life, of power, and political decision making would change—that no ironclad set of rules could work at all times under all conditions. They knew the folly of thinking that life could be frozen in time or that the particulars of the moment could be enbronzed as eternal truth.

With wisdom and insight and genius the Founding Fathers created a standard for freedom, a document that allowed for change. Built in to the constitution itself are the means to change. Not thru violence or revolt, but thru peaceful assembly of involved citizens.

To close one's mind to change is to close it to one's constitutional obligations and responsibilities.

Look around the world.

See how the Dictatorial societies mouth the words of Freedom and Change while denying Change and suppressing Freedom. See how they violate the very principles and rights they pretend to uphold, how they draw down the iron curtain on those who seek to monitor compliance with international treaties on human rights.

Then look homeward.

The American way of life is strong. It embraces Freedom instead of fearing it. It expects Change instead of resisting it. Its Constitution was created as an evolving document able to cope with tremendous changes that have occurred in the centuries of our Nationhood:

Where once America was confined to a narrow strip of land along the Atlantic, it now transcends a continent.

Where once the majority of the people worked the land now a small percentage can feed the hungry of the world.

Where once journeys across the ocean to America were test of courage and stamina we now walk the moon and prepare for flights in space.

In technology, economy, societal relations, and racial mix, America has been a land of change.

And still the Constitution rules.

Not eroded with the passage of time.

Not like an ancient relic cast in stone.

But strong and alive. A vibrant document constantly renewed by the people it serves.

But let us clearly recognize what kinds of changes should be considered. We have already changed the means of electing Senators, we have lowered the voting age, we have extended the vote to women . . . and in none of these have we attacked or rejected the American way of life.

What is this American way of life which proposed amendments should not attack or reject? What is this way of life which has persisted thru 200 years of political, social, economic, and technological change?

The answer comes clearly from the time of the birth of our country, America was born with the idea of the inalienable right of a person to life, liberty, and the opportunity to pursue happiness and fulfillment. So strong is this dream that even though some amongst us no longer believe it, people from other countries come here to seek it, and Americans who feel excluded from it continue to hope and seek and strive for it. The Amendments already passed bring the dream closer:

So if the definition of "person" is changed from white male to include all colors, 18 year olds, and females, then the American way of life is not rejected but extended.

If the means of power which can be used to restrict liberty grow and new checks and balances are created then the American way of life is not attacked but renewed.

If changes in social and economic conditions curtail opportunities available to individuals and new outlooks are needed then the American way of life is not abandoned but perfected.

The responsibility to keep the American dream alive rests with all of us.

The Founding Fathers were crystal clear on our obligations as Americans.

That duty is upon "we the people."

And now it is your turn.

Your turn to abandon obsolete roads, to clear and repair damaged roads, to build new roads. To bring your perspectives and insights to the goal of making America a better place in which to live.

We know that some people have given up; that some are overwhelmed by the world around them; that political apathy grows; that some feel totally removed from their representative government.

Out of these negatives comes your challenge:

How do we define the American dream in todays life?

How do we adjust the frontier spirit to the urban metropolitan way of life?

How do we redefine individualism in a time of interdependence?

How do we provide opportunity when there are no more territories to settle and working the land is no longer the primary way of life?

How do we define a full life when people live longer and in better health than ever before?

How do we define a full life when people consequence of an act may not be known for generations?

How do we define humanity when we have the power to create and destroy life?

Delegates of Convention II, as you accept the duty put upon you by the Founding Fathers, we say welcome, welcome to democracy, welcome to a lifetime of sweat and hard work to create a better way of life. The opportunity is enormous. Your ability great. We build on the glory of the past and know that the best is yet to come. We can meet any challenge. Succeed at any goal.

Fellow Americans, I salute you and the future ahead of us.

JEWISH LEADERSHIP PRESSES FOR RATIFICATION

Mr. PROXMIRE. Mr. President, the horrors and excesses of the holocaust overwhelmed nations of the world with the need to act. Thus, the United Nations adopted the Genocide Convention, a convention which we have yet to ratify. We cannot permit the flow of years to soothe our repulsion and sedate our moral outrage. Earlier this week a task force of Jewish leaders and holocaust survivors visited Washington to voice their concern. They represented the Simon Wiesenthal Center for Holocaust Studies and the Jewish Federation Council of Greater Los Angeles.

Their plea is simple. They ask that we keep the sins of the past etched in our conscience; they implore that we keep our eyes focused on the present; and they demand that we remain aware of the possibilities of the future.

Their immediate attention focuses on the beleagured people of Indochina. Since last year when the desparate problems of these people began to come to the public's attention, they have fought for action on their behalf. They dealt with the displaced boat people in a direct and tangible measures. Through a coalition of Jewish groups they provided food, clothing and housing to nearly 300 boat people. Their program which makes a commitment to resettle these uprooted people has served as a model for similar community action across the Nation. In addition, the Jewish Federation recently made a special allocation of $10,000 for Cambodian relief. Finally, the Wiesenthal Center in an effort to increase public awareness has designed an outreach program dealing with the imminent dangers of the Cambodian situation.

Their mission is intended to serve as a rallying point for the community at large and for this Senate in particular. Their mission is a statement to all that they, as a people who survived the holocaust, will not stand idly by while another people are subjected to an assault upon their lives and dignity.

The Jewish task force is not composed of retrospective men and women. They acknowledge that the past is buried and cannot be undone. However, they do wish to tame the cruelty of present events and to project their vision of a more just future. As one small step toward those ends, let us ratify the Genocide Convention.

Mr. President, I ask that by unanimous consent a list of the task force membership be printed in the RECORD.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

TASK FORCE MEMBERSHIP

MISSION SPOKESMEN

Rabbi Marvin Hier, Dean, Yeshiva University of L.A., Simon Wiesenthal Center for Holocaust Studies; Member Advisory Board President's Commission on the Holocaust.

Osias Goren, Vice-President, Jewish Federation Council, Western Region Chairman, United Jewish Appeal.

MISSION MEMBERS

Roland E. Arnall, President REA Companies; Co-Chairman of the Board of Trustees, Simon Wiesenthal Center For Holocaust Studies.

William Belzberg, Chairman of the Board, Far West Finance Corp.; Member, Board of Trustees Simon Wiesenthal Center For Holocaust Studies.

Alan I. Casden, Chief Operation Officer Mayer Group, Inc.; Member of Board of Trustees Simon Wiesenthal Center For Holocaust Studies.

Mrs. Esther Cohen, Chairwoman Simon Wiesenthal Center For Holocaust Studies; Member of Board of Trustees Simon Wiesenthal Center.

Rabbi Abraham Cooper, Assistant to the Dean, Simon Wiesenthal Center.

Alex Fahn, Executive Board of Sacramento Jewish Federation; past Chairman Sacramento Jewish Community Relations Committee.

Roberta Fahn-Reisman, Staff, Jewish Community Relations Council.

Mrs. Shirley Fahn, Member of National Council of Jewish Women and Hadassah.

Eliot Feldman, Attorney.

Renee Firestone, Survivor, Volunteer Wiesenthal Outreach Program.

Ira Handelman, Young Israel.

Jana Kohl, Simon Wiesenthal Center for Holocaust Studies.

Mr. Gerald Neiter, Attorney; Chairman of the Boat People Committee of Temple Valley Beth Shalom.

Neil Reisner, Public Relations, Jewish Federation Council.

Mr. Howard Smith, Corporation Council of United Way; Chairman of the Community Relations Council's Outreach Committee; Vice-Chairman of American Jewish Committee.

Mrs. Kate Stern, Commissioner Los Angeles County's Human Relations Commission, past Vice-Chairman of the Los Angeles Community Relations Council.

Daryl Temkin, Simon Wiesenthal Outreach Assistant.

Mrs. Barbi Weinberg, Vice-Chairwoman of the L.A. Community Relations Council; Member of the Executive Committee of the Joint Distribution Committee.

MESSAGES FROM THE PRESIDENT RECEIVED DURING THE RECESS

Under authority of the order of the Senate of February 21, 1980, the Secretary of the Senate, on February 22, 1980, received messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received on February 22, 1980, are printed at the end of the Senate proceedings.)

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES—MESSAGES FROM THE PRESIDENT—PM 173

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report, which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

I herewith transmit the 1979 Annual Report of the National Institute of Building Sciences as required by section 809 of the Housing and Community Development Act of 1974.

JIMMY CARTER.

THE WHITE HOUSE, *February 26, 1980.*

PRESIDENTIAL APPROVALS

A message from the President of the United States reported that he had approved and signed the following act and joint resolution:

On February 21, 1980:

S.J. Res. 108: Joint resolution to validate the effectiveness of certain plans for the use or distribution of funds appropriated to pay judgments awarded to Indian tribes or groups.

On February 25, 1980:

S. 1452. An act to extend the provisions of title XII of the Merchant Marine Act, 1936, relating to war risk insurance.

MESSAGE FROM THE HOUSE RECEIVED DURING THE RECESS

Under authority of the order of the Senate of February 21, 1980, the Secretary of the Senate, on February 22, 1980, received a message from the House of Representatives which reported that the House has passed the bill (S. 1156) to amend and reauthorize the Solid Waste Disposal Act, with amendments in which it requests the concurrence of the Senate.

The message also reported that the House has passed the bill (H.R. 3789) to amend section 16(b) of the Soil Conservation and Domestic Allotment Act, as amended, providing for a Great Plains conservation program, in which it requests the concurrence of the Senate.

The message further reported that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5235) to amend chapter 5 of title 37, United States Code, to revise the special pay provisions for certain health professionals in the uniformed services.

ENROLLED BILLS SIGNED

The message also reported that the Speaker has signed the following enrolled bills:

S. 214. An act for the relief of Rocio Edmondson; and

H.R. 3757. An act to establish the Channel Islands National Park, and for other purposes.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. DECONCINI).

MESSAGES FROM THE HOUSE

At 10:03 a.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the House has passed, without amendment, the joint resolution (S.J. Res. 43) to proclaim March 21, 1980, "National Energy Education Day."

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 6374) to authorize the President of the United States to present on behalf of the Congress a specially struck gold medal to Ambassador Kenneth Taylor.

At 10:54 a.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that the House has passed the joint resolution (H.J. Res. 442) designating the week beginning June 22, 1980, as 'National Athletic Boosters Week," in which it requests the concurrence of the Senate.

At 2:46 p.m., a message from the House of Representatives, delivered by Mr. Berry, announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 72. Concurrent resolution expressing the sense of the Congress that the President should request the United Nations to establish an international presence in the refugee encampments on the border between Thailand and Kampuchea, and for other purposes.

The message also announced that the House has passed the bill (S. 1950) to authorize the conveyance of lands in the city of Hot Springs, Ark., with an amendment in which it requests the concurrence of the Senate.

The message further announced that the House has passed the joint resolution (S.J. Res. 109) to authorize the President to proclaim November 16, 1979, as "American Enterprise Day," with amendments in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 3996. An act to restore to the Shivwits, Kanosh, Koodsharem, and Indian Peaks Bands of Paiute Indians of Utah, and with respect to the Cedar City Band of Paiute Indians of Utah to restore or confirm, the Federal trust relationship and to restore to members of such bands those Federal services and benefits furnished to American Indian tribes by reason of such trust relationship, and for other purposes; and

H.J. Res. 267. Joint resolution to provide for designation of Friday, March 7, 1980, as "Teacher Day, United States of America."

HOUSE BILL AND JOINT RESOLUTION REFERRED

The following bill and joint resolution were read twice by their titles and referred as indicated:

H.R. 3789. An act to amend section 16(b) of the Soil Conservation and Domestic Allotment Act, as amended, providing for a Great Plains conservation program; to the Committee on Agriculture, Nutrition, and Forestry.

H.J. Res. 442. A joint resolution designating the week beginning June 22, 1980, as "National Athletic Boosters Week"; to the Committee on the Judiciary.

HOUSE BILL AND JOINT RESOLUTION PLACED ON CALENDAR

The following bill and joint resolution were read twice by their titles and ordered placed on the calendar:

H.R. 4996. An act to restore to the Shivwits, Kanosh, Koosharem, and Indian Peaks Bands of Paiute Indians of Utah, and with respect to the Cedar City Band of Paiute Indians of Utah to restore or confirm, the Federal trust relationship and to restore to members of such bands those Federal services and benefits furnished to American Indian tribes by reason of such trust relationship, and for other purposes; and

H.J. Res. 267. A joint resolution to provide for designation of Friday, March 7, 1980, as "Teacher Day, United States of America".

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on February 22, 1980, he presented to the President of the United States the following enrolled bill:

S. 214. An act for the relief of Rocio Edmondson.

REPORTS OF COMMITTEES SUBMITTED DURING THE RECESS

Under authority of the order of the Senate of February 21, 1980, the following reports were submitted on February 25, 1980:

By Mr. KENNEDY, from the committee of conference, submitted a report on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 643) to amend the Immigration and Nationality Act to revise the procedures for the admission of refugees, to amend the Migration and Refugee Assistance Act of 1962 to establish a more uniform basis for the provision of assistance to refugees, and for other purposes (Rept. No. 96–590).

By Mr. TALMADGE, from the Committee on Agriculture, Nutrition, and Forestry, with an amendment and an amendment to the title:

S. 2269. A bill to extend the Emergency Agricultural Credit Adjustment Act of 1978 (Rept. No. 96–591).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. EXON, from the Committee on Armed Services: Robert Harry Spiro, Jr., of Florida, to be Under Secretary of the Army.

(The above nomination from the Committee on Armed Services was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. EXON. Mr. President, as in executive session, from the Committee on Armed Services, I report favorably the following nominations: Maj. Gen. Maurice Hall, U.S. Army (age 56), to be lieutenant general as commanding general, 6th United States Army; Lt. Gen. Sidney Bryan Berry, U.S. Army (age 53), to be placed on the retired list in that grade. Maj. Gen. Willard Warren Scott, U.S. Army (age 53), to be lieutenant general, as commanding general, V Corps, United States Army Europe; in the Regular Army, there are 32 appointments (25 to the grade of major general; and 7 to the grade of brigadier general) (list beginning with Robert J. Lunn); in the U.S. Navy, there are 37 temporary promotions to the grade of rear admiral (list beginning with John C. McArthur); in the Marine Corps, there are 5 temporary appointments to the grade of major general (list beginning with James L. Day). I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. The nominations will be placed on the Executive Calendar.

Mr. EXON. In addition, Mr. President, there are 359 appointments in the Regular Army to the grade of major and below (list beginning with Michael H. Adkinson); in the Navy, there are 863 temporary promotions to the grade of lieutenant commander (list beginning with Thomas J. Allred), and 162 temporary and permanent promotions to the grade of commander and below (list beginning with Larry Abramowitz); and in the Regular Air Force, there are 1,734 temporary and permanent promotions to the grade of lieutenant colonel (list beginning with Darwin G. Abby). Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk appeared in the RECORD of January 30 and February 18, 1980, at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DECONCINI (for himself, Mr. MORGAN, and Mr. HELMS):

S. 2326. A bill to amend section 113 of title 28, United States Code, to place the Federal Correctional Institution at Butner, North Carolina entirely within the Eastern District of North Carolina; to the Committee on the Judiciary.

By Mr. RIBICOFF (by request):

S. 2327. A bill to provide that certain employees of the Drug Enforcement Administration be entitled to pay and benefits similar to pay and benefits granted to members of the Senior Executive Service under the Civil Service Reform Act of 1978; to the Committee on Governmental Affairs.

S. 2328. A bill to amend the Federal Property and Administrative Services Act of 1949, as amended, to authorize the Administrator of General Services to enter into contracts for janitorial, trash removal, and similar building services, and protective service in federally owned and leased properties for periods not to exceed three years, and for other purposes; to the Committee on Governmental Affairs.

By Mr. HART (for himself and Mr. THURMOND) (by request):

S. 2329. A bill to authorize appropriations for conservation, exploration, development, and use of naval petroleum reserves and naval oil shale reserves, for fiscal year 1981 and for fiscal year 1982, and for other purposes; to the Committee on Armed Services.

By Mr. TALMADGE (for himself and Mr. INOUYE):

S. 2330. A bill to amend title 38 of the United States Code to provide for confidential treatment of medical peer review and quality assurance documents; to the Committee on Veterans' Affairs.

By Mr. MORGAN:

S. 2331. A bill to amend title 10, United States Code, to eliminate certain limitations imposed on excess profits arising from any contract with any military department of the United States for the construction or manufacture of all or part of any complete aircraft or any contract with the Secretary of the Navy for the construction or manufacture of all or part of any complete naval vessel, and for other purposes; to the Committee on Armed Services.

By Mr. JACKSON (by request):

S. 2332. A bill to authorize appropriations to the Department of Energy for civilian programs for fiscal year 1981 and fiscal year 1982, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HART (for himself and Mr. THURMOND) (by request):

S. 2333. A bill to authorize certain construction at military installations, and for other purposes; to the Committee on Armed Services.

By Mr. DOLE:

S. 2334. A bill to amend title 28 of the United States Code to provide that the clerk of each United States district court and United States bankruptcy court shall reside in the district for which he is appointed, or within 20 miles of his official station; to the Committee on the Judiciary.

By Mr. BOREN:

S. 2335. A bill to amend the Powerplant and Industrial Fuel Use Act to provide extend provisions relating to natural gas; to the Committee on Energy and Natural Resources.

S. 2336. A bill to amend title V of the Powerplant and Industrial Fuel Use Act relating to electric utility compliance options; to the Committee on Energy and Natural Resources.

By Mr. NELSON (for himself, Mr. Javits, Mr. Cranston, Mr. Williams, Mr. Stafford, Mr. Randolph, Mr. Riegle, Mr. Kennedy, Mr. Pell, and Mr. Metzenbaum):

S. 2337. A bill to extend for three additional fiscal years the authorization of the Legal Services Corporation; to the Committee on Labor and Human Resources.

By Mr. STEVENSON:

S. 2338. A bill to amend the Tariff Schedules of the United States to provide for the duty-free entry of certain disposable glass hypodermic syringes; to the Committee on Finance.

By Mr. STEVENSON (for himself, Mr. Heinz, Mr. Bentsen, Mr. Javits, Mr. Tsongas, Mr. Garn, Mr. Inouye, and Mr. Cranston):

S. 2339. A bill to amend the Export-Import Bank Act of 1945 to authorize the Bank to engage in the use of extraordinary measures of export finance to counter and ultimately discourage the use of such measures by other major trading countries; to the Committee on Banking, Housing, and Urban Affairs.

S. 2340. A bill to amend the Act of July 1, 1968, with respect to export financing; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. JACKSON (for himself and Mr. Cohen) (by request):

S. 2341. A bill to authorize appropriations for the Department of Energy for national security programs for fiscal year 1981 and fiscal year 1982, and for other purposes; to the Committee on Armed Services.

By Mr. JACKSON (by request):

S. 2342. A bill to amend the Wild and Scenic Rivers Act by designating the Dolores River, Colorado, as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

S. 2343. A bill to amend the Wild and Scenic Rivers Act by designating the Gunnison River, Colorado, as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

S. 2344. A bill to amend the Wild and Scenic Rivers Act by designating the Encampment River, Colorado, as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

S. 2345. A bill to amend the Wild and Scenic Rivers Act by designating the Bruneau River, Idaho, as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

S. 2346. A bill to amend the Wild and Scenic Rivers Act by designating the Priest River, Idaho, as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

S. 2347. A bill to amend the Wild and Scenic Rivers Act by designating the Owyhee River, Idaho and Oregon, as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

S. 2348. A bill to amend the Wild and Scenic Rivers Act by designating the Toulumne River, California, as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

S. 2349. A bill to amend the Wild and Scenic Rivers Act by designating the North Umpqua River, Colorado, as a study river for potential inclusion in the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

S. 2350. A bill to amend the National Trails Systems Act by designating the Natchez Trace Trail located in the States of Tennessee, Alabama, and Mississippi as a component of the National Trails System; to the Committee on Energy and Natural Resources.

S. 2351. A bill to amend the National Trails Systems Act by designating the Potomac Heritage Trail located in the States of Virginia, Maryland, West Virginia, and the District of Columbia as a component of the National Trails System; to the Committee on Energy and Natural Resources.

By Mr. PROXMIRE (by request):

S. 2352. A bill to increase the authorization for the Council on Wage and Price Stability, to extend the duration of such Council, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MATHIAS:

S.J. Res. 148. Joint resolution to authorize and request the President to proclaim March 1, 1981, through March 7, 1981, as "National Weights and Measures Week"; to the Committee on the Judiciary.

By Mr. NUNN (for himself, Mr. Stennis, Mr. Jackson, Mr. Cannon, Mr. Tower, Mr. Thurmond, Mr. Levin, Mr. Cohen, Mr. Hart, Mr. Harry F. Byrd, Jr., Mr. Warner, Mr. Culver, Mr. Humphrey, Mr. Goldwater, Mr. Jepsen, Mr. Exon, and Mr. Morgan):

S.J. Res. 149. Joint resolution to recognize the Honorable Carl Vinson on the occasion of the christening of the U.S.S. Carl Vinson, March 15, 1980; to the Committee on Armed Services.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DeCONCINI (for himself, Mr. Morgan, and Mr. Helms):

S. 2326. A bill to amend section 113 of title 28, United States Code, to place the Federal Correctional Institution at Butner, N.C., entirely within the eastern district of North Carolina; to the Committee on the Judiciary.

● Mr. DeCONCINI. Mr. President, I am introducing today a bill to amend section 113 of title 28, United States Code, to place the Federal Correctional Institution at Butner, N.C., entirely within the eastern district of North Carolina.

Title 28, United States Code, section 113 sets out the jurisdictional boundaries for the middle and eastern judicial districts of North Carolina. Durham County falls within the middle district (28 U.S.C. 113(b)); Granville County falls within the eastern district (28 U.S.C. 113(a)). The line dividing Durham and Granville Counties—and, therefore, the middle and eastern districts—also divides the Federal Correctional Institution at Butner, N.C., into two segments. As a result, approximately one-half of the institution is located, for jurisdictional purposes, within the middle district; the remaining one-half lies within the eastern district.

Such a jurisdictional division raises potentially serious problems particularly with respect to criminal prosecutions and habeas corpus actions. For example, the site of a criminal violation may be hard to determine and challenges may be raised to the court's jurisdiction depending on the reliability of the surveyor's line or a few feet disagreement as to where events occurred. Prisoner suits concerning conditions may shift from district to district, as an inmate moves about within the institution. Finally, conflicting rulings about running the institution may issue from the two courts.

The legislative proposal transmitted herewith would resolve this problem by amending 28 U.S.C. 113 to include the Butner facility in its entirety within the eastern district of North Carolina and exclude it from the middle district.

I am also pleased to accept the support and cosponsorship of the two distinguished Senators from North Carolina, Senators Morgan and Helms. The administration also supports the bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2326

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 113(a) of title 28, United States Code, is amended by adding at the end thereof the following new paragraph:

"The Eastern District also includes that portion of Durham County encompassing the federal property of the Federal Correctional Institution, Butner, North Carolina."

Sec. 2. Section 113(b) of title 28, United States Code, is amended by adding, after the word "Durham", the following: "(excluding that portion of Durham County encompassing the Federal Correctional Institution, Butner, North Carolina)".●

By Mr. RIBICOFF (by request):

S. 2328. A bill to amend the Federal Property and Administrative Services Act of 1949, as amended, to authorize the Administrator of General Services to enter into contracts for janitorial, trash removal, and similar building services, and protective service in federally owned and leased properties for periods not to exceed 3 years, and for other purposes; to the Committee on Governmental Affairs.

● Mr. RIBICOFF. Mr. President, at the request of the Administrator of General Services, I am introducing legislation which would amend the Federal Property and Administrative Services Act of 1949, as amended, to authorize the Administrator of General Services to enter into contracts for janitorial, trash removal, and similar building services, and protective service in federally owned and leased properties for periods not to exceed 3 years.

Under present law, GSA is limited to 1-year contracting authority for these types of services, and thus is limited from obtaining the potential benefits and savings from multiyear service contracts. The proposal would limit the contract period for 3 years.

The GSA Administrator advises that the General Accounting Office, in a 1978 report, stated that the Congress should enact legislation authorizing general multiyear contracting authority for Federal agencies. This authority would increase productivity through continuity of contractors and also reduce administrative costs by limiting the repetition of awarding contracts from annually to once every 3 years.

I ask unanimous consent that the text of the bill, and the accompanying letter of explanation, be printed in the Record.

There being no objection, the bill and letter were ordered to be printed in the Record, as follows:

S. 2328

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 210(a)(14) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(a)(14)), is further amended as follows: (1) by striking out the words "in such buildings which are federally owned;" in subsection (14) and inserting the following in lieu thereof; ", for janitorial, trash removal, and similar services, and for protective services in federally owned and leased properties: *Provided*, That the wage rates and fringe benefits applicable to contracts for such services shall be subject to revision annually in accordance with regulations and procedures of the Department of Labor."

General Services Administration,
Washington, D.C., February 20, 1980.

Hon. Walter F. Mondale,
President of the Senate,
Washington, D.C.

Dear Mr. President: Transmitted herewith for referral to the appropriate committee is a draft bill prepared by the General Services Administration (GSA) "To amend the Federal Property and Administrative Services Act of 1949, as amended, to authorize the Administrator of General Services to enter into contracts for janitorial, trash removal, and similar building services, and protective service in federally owned and leased properties for periods not to exceed three years, and for other purposes."

Under present law, GSA is limited to one-year contracting authority for janitorial, trash removal, and similar building services, and protective service. The similar services include, but are not limited to, insect and rodent extermination, window washing, refuse collection and disposal, and other sanitation services. This limitation precludes GSA from obtaining maximum potential benefits and savings from multiyear service contracts. This proposal would extend the contract period to three years. GSA currently has approximately 1,500 janitorial, trash removal, and similar building service contracts and 186 protective service contracts with an annual expenditure of $70 million in building service contracts and $40 million in protective service contracts. This proposal will save the Federal Government money in two primary ways.

First, it will reduce the administrative costs now incurred in the award of janitorial, trash removal, and similar building services, and protective service contracts. Under the present statute, the procedure for preparing solicitations, advertising costs, evaluating bids or offers, and awarding contracts must be repeated annually. Simply by limiting the repetition of this procedure to once every three years, the Government will save an estimated $1.2 million per year, for these building and protective services. This represents a saving of $1,003,448 in salaries and fringe benefits, $121,400 in printing and mailing costs and $15,000 in equipment costs.

Second, one-year contracts frequently involve a new start of operations each year by a different contractor. The need to recruit a labor force and establish an effective organization results in less productiivty for the first few weeks of the contract period. A three-year contract would enable the contractor to intensify the training of employees in specialized fields, and to amortize the cost of training, and also the cost of necessary equipment and supplies, over a longer period. The assurance of a longer period of employment would attract more responsible employees, who could be better trained and more familiar with the equipment used. This would benefit both GSA, through better performance under the contract, and the welfare and morale of the employees, most of whom are in a low-income classification. All of these considerations would be reflected in lower bid prices to GSA. Although GSA has had no direct experience with a standard three-year contract period from which to collect supporting data on the direct savings to be realized, both individual contractors and contractors' associations have indicated the Government should realize as much as 10 percent lower bids. We feel that 10 percent is probably somewhat excessive for building service type contracts. However, we do feel a total savings in this area of $4 million per annum could be realized. This estimate is based on a 3 percent savings on only those contracts which would lend themselves to multiyear contracting.

It is important to note that this bill will neither increase or decrease the number of contract guards or cleaners, etc., involved in maintaining Federal facilities. This bill will give all Federal agencies the option of reducing the costs of providing guard, janitorial and other services where it has been determined that dollar savings can be achieved. We should strive to do whatever is necessary to reduce the cost of Government without impairing the quality of services provided.

It is believed that longer periods will yield lower costs and that significant savings would result by the enactment of this proposal. Our projection is that these savings will amount to $5.2 million annually or a total of $15.6 million over the three-year period.

Additionally, the proposed bill will eliminate the requirement presently included in section 210(a)(14) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(a)(14)), restricting use of three-year contracts for the inspection, maintenance, and repair of fixed equipment in buildings to those which are federally owned. A substantial portion of all space under GSA's control is leased for terms up to twenty years. In many cases, the lease provides that maintenance, repair, and other services be performed by the Government. We know of no basis for distinguishing between Government-owned-and-leased facilities with respect to multiyear building service contracts and extension of the authority for such services to leased buildings will result in additional savings to the Government.

The Commission on Government Procurement reported in 1971 that the advantages of multiyear procurement exceeded its disadvantages. This was endorsed by the Comptroller General of the United States in his Report to Congress (PSAD–73–54) dated January 10, 1978, entitled "Federal Agencies Should Be Given Multiyear Contracting Authority For Supplies And Services." Specifically, the Comptroller General stated that the Congress should enact legislation authorizing general multiyear contracting authority for Federal agencies and provided for the Office of Federal Procurement Policy to develop appropriate criteria to guide the agencies in its use.

For reasons stated above, prompt and favorable consideration of the enclosed draft bill is recommended.

The Office of Management and Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of this proposed legislation to the Congress.

Sincerely,

R. G. Freeman III,
Administrator.●

By Mr. RIBICOFF (by request):

S. 2327. A bill to provide that certain employees of the Drug Enforcement Administration be entitled to pay and benefits similar to pay and benefits granted to members of the Senior Executive Service under the Civil Service Reform Act of 1978; to the Committee on Governmental Affairs.

● Mr. RIBICOFF. Mr. President, at the request of the Department of Justice I am introducing a bill which would provide Senior Executive Service benefits to employees of the Drug Enforcement Administration. The Civil Service Reform Act excluded DEA employees whose positions are excluded from the competitive service under section 201(a)(1) of the Crime Control Act of 1976 (Public Law 94–503).

I ask unanimous consent that the letter of transmittal from Alan A. Parker, Assistant Attorney General for Legislative Affairs of the Department of Justice, and the bill be printed in the Record at this point.

There being no objection, the bill and letter were ordered to be printed in the Record, as follows:

S. 2327

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in accordance with regulations prescribed by the Administrator of the Drug Enforcement Administration, an employee serving in a position which would be a Senior Executive Service position but for the provisions of section 3132(a)(2)(ii) of title 5, United States Code, shall be entitled to receive rates of pay and benefits provided under the following provisions of such title:

(1) section 3396(c), relating to sabbatical leave;

(2) section 4507, relating to the awarding of ranks;

(3) subchapter VIII of chapter 53, relating to pay for the Senior Executive Service;

(4) sections 5723 and 5752, relating to travel and transportation expenses;

(5) section 6304(f), relating to accrual of annual leave; and

(6) section 8336(h), relating to immediate retirement.

(b) Regulations prescribed by the Administrator under subsection (a) shall conform to the extent practicable to regulations prescribed by the Office of Personnel Management with respect to the application of such provisions to positions in the Senior Executive Service.

U.S. Department of Justice,
Washington, D.C., September 13, 1979.

The Vice President,
U. S. Senate,
Washington, D.C.

Dear Mr. Vice President: Transmitted herewith is a draft bill, "To provide Drug Enforcement Administration executive personnel the same compensation and benefit entitlements now extended to like positions covered by the Senior Executive Service."

As a result of exclusions contained in the Civil Service Reform Act of 1978, Drug Enforcement Administration employees occupying 16, 17 and 18 levels of the General Schedule or its equivalent are precluded from receiving compensation and benefits afforded similar positions in the Federal service which are now covered by the provisions of the Senior Executive Service (SES) as defined in title IV of Public Law 95–454. In addition, provisions of Public Law 94–503, Section 201(a)(1) place these DEA positions in the excepted service and authorize the Administrator to appoint and remove employees in these positions. These combined exclusions and provisions result in an unfair impact on this category of DEA positions in that they are excluded from the pay and benefit provisions provided under title

IV of Public Law 95-454 while at the same time being included under the uncertainty of tenure provisions of Public Law 94-503.

To provide for consistency between the above existing legislation and equity with respect to compensation and benefit entitlements of DEA executive personnel, the proposed legislation conveys to the Administrator, DEA, the necessary authority to establish and fill essential executive positions within DEA consistent with the provisions of Public Law 94-503, Section 201(a)(1), and affords these positions the same compensation and benefit entitlements now extended to like positions covered by the Senior Executive Service. The draft bill would require DEA to administer SES-type pay rates and benefits in conformance with applicable SES regulations and guidance issued by the Office of Personnel Management.

I respectfully urge that this proposal receive prompt consideration.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the submission of this legislation to the Congress.

Sincerely,

Alan A. Parker,
Assistant Attorney General.●

By Mr. HART (for himself and Mr. Thurmond) (by request):

S. 2329. A bill to authorize appropriations for conservation, exploration, development, and use of naval petroleum reserves and naval oil shale reserves, for fiscal year 1981 and for fiscal year 1982, and for other purposes; to the Committee on Armed Services.

● Mr. HART. Mr. President, by request, for myself and the senior Senator from South Carolina (Mr. Thurmond), I introduce for appropriate reference, a bill to authorize appropriations for conservation, exploration, development, and use of naval petroleum reserves and naval oil shale reserves for fiscal year 1981 and fiscal year 1982, and for other purposes. With the understanding that we are in no way bound by the programs or funding levels appearing in this bill, we are privileged to introduce it at this time.

I ask unanimous consent that a letter of transmittal requesting consideration of the legislation explaining its purpose and a letter of transmittal amending the original request be printed in the Record together with the text of the bill.

There being no objection, the bill and letter were ordered to be printed in the Record, as follows:

S. 2329

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated to the Department of Energy for fiscal year 1981 for conservation, exploration, development, and use of the naval petroleum reserves and the naval oil shale reserves under chapter 641 of title 10, United States Code, the sum of $149,274,000, of which—

(1) $145,374,000 shall be available for the naval petroleum reserves; and

(2) $3,900.000 shall be available for the naval oil shale reserves.

Sec. 2. There is authorized to be appropriated to the Department of Energy to be available no earlier than October 1, 1981, such sums as may be necessary for fiscal year 1982 for the naval petroleum reserves and naval oil shale reserves.

Department of Energy,
Washington, D.C., February 19, 1980.

Hon. Walter F. Mondale,
President of the Senate,
Washington, D.C.

Dear Mr. President: Enclosed is proposed legislation "to authorize appropriations for conservation, exploration, development, and use of naval petroleum reserves and naval oil shale reserves for fiscal year 1981 and fiscal year 1982" in accordance with section 660 of the Department of Energy Organization Act. Section 1 of the bill would authorize $149,274,000 for FY 1981 of which $145,374,000 would be for the naval petroleum reserves and $3,900,000 would be for the naval oil shale reserves. Section 2 requests authorization of those appropriations which might be necessary for FY 1982.

The Office of Management and Budget has advised that this legislative proposal is in accord with the program of the President.

Sincerely,

Lynn R. Coleman,
General Counsel.●

By Mr. TALMADGE (for himself and Mr. Inouye):

S. 2330. A bill to amend title 38 of the United States Code to provide for confidential treatment of medical peer review and quality assurance documents; to the Committee on Veterans' Affairs.

ENHANCING PROFESSIONAL REVIEW IN VETERANS HOSPITALITY BY PROTECTING CONFIDENTIALITY

● Mr. TALMADGE. Mr. President, I am proud, as I know all of us are, of the continuing progress being made in improving the quality of health care services being provided to the sick and wounded veterans of our Nation's wars.

In particular, during the past several years, the VA hospitals have made great strides toward establishing continuing professional review programs designed to continually monitor the quality and necessity of the care and services provided to hospitalized veterans.

The effect of this review process is substantial improvement in timely identification and correction of problems in the treatment of our veterans.

Essential to this review process is open, free and candid discussion by those involved.

This type of vitally needed review, as long as it is confidential, has led to the frankest of peer criticism and, in many cases, appropriate modifications in medical practice.

Now we come to a suit filed against a VA hospital under the Freedom of Information Act, which seeks to make public much of the specifics and nature of that candid professional review.

The effect of disclosure would clearly be to "chill" and constrain physicians from necessary criticism of their peers.

The alternative to washing dirty linen in public would be to close the laundry.

There would be a further crippling effect. Realistically, both the VA and our armed services experience difficulty in attracting necessary medical staff.

It would be understandable for a doctor to say—

> Why should I go to work for the V.A. or the Department of Defense where everything I do is made public, when I can work in a private hospital and have it kept confidential?

There is no question in my mind that the VA and the armed services would be further handicapped in recruiting medical staff if the work of practitioners in the VA and the armed services were routinely subjected to public disclosure.

Effective peer review requires confidentiality. I do not want to see the progress we have made in conducting professional review in the past 5 or 6 years in the VA hospitals go down the drain because of a blanket desire by some that everything done be routinely exposed to public purview.

The effect of what these people want would not be achieved in any case.

What they would wind up seeing would be almost blank records.

No one would do anything—no one would criticize anyone—if they knew that the results of that effort and criticism would be routinely disclosed to one and all.

To avoid turning back the clock, Mr. President, and in the interest of continuing improvement in the care of those who have served this Nation, I am introducing today, on behalf of Senator Inouye and myself, an amendment designed to protect appropriately the review process in our VA hospitals.

The amendment includes provisions providing for disclosure under appropriate circumstances to appropriate agencies.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2330

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans Administration Medical Quality Assurance Records Confidentiality Act".

Sec. 2(a) Subchapter I of chapter 57 is amended by adding at the end thereof the following new section:

"§ 3305. Confidentiality of Medical Quality Assurance Documents

"(a) All records and documents which are part of any Veterans Administration medical quality assurance program shall be confidential and privileged and shall not be disclosed to any person except as provided in subsection (b) of this section.

"(b) Records and documents created as part of programs described in subsection (a) of this section may be disclosed in the following circumstances, except that, all identifiers of individual patients or Veterans Administration employees contained in those records and documents shall be deleted if disclosure of the identifiers would constitute a clearly unwarranted invasion of personal privacy.

"(1) To congressional committees as needed to perform oversight functions related to the provision of health care by the Veterans Administration.

"(2) To Government agencies or private organizations as needed to perform licensing and accreditation functions related to Veterans Administration health care facilities;

"(3) To Federal executive agencies as required (A) for statutoritly mandated monitoring of health care activities, and, (B) as requiring for participation in health care programs with such agencies;

"(4) To any criminal or civil law enforcement Governmental agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such agency or instrumentality has made a written request that such records and documents be provided for a purpose authorized by law;

"(5) To alleviate emergency circumstances affecting the health or safety of any person.

"(c) Medical quality assurance programs include all Veterans Administration systematic health care review activities carried out by Veterans Administration health care committees or professionals for the purpose of improving the quality of patient medical care and treatment and improving the utilization of health care resources in Veterans Administration health care facilities.

"(d) It shall be unlawful for any person to disclose any records or documents described in subsection (a) for any purpose other than those provided for in subsection (b), and any person violating the provisions of this section shall, upon conviction, be fined not more than $1000, and imprisoned for not more than six months, or both, and shall be required to pay the costs of prosecution."

SEC. 2(b) The table of sections at the beginning of chapter 57 is amended by adding the following after section 3304:

"§ 3305. Confidentiality of Medical Quality Assurance Documents.".●

By Mr. MORGAN:

S. 2331. A bill to amend title 10, United States Code, to eliminate certain limitations imposed on excess profits arising from any contract with any military department of the United States for the construction or manufacture of all or part of any complete aircraft or any contract with the Secretary of the Navy for the construction or manufacture of all or part of any complete naval vessel, and for other purposes; to the Committee on Armed Services.

● Mr. MORGAN. Mr. President, I am introducing a bill identical to H.R. 5433 already introduced in the House by Congressman PATTERSON.

This bill is an attempt to address a problem presented by the resurrection of the Vinson-Trammell Act. This act, as amended, was passed in 1934 and relates to profit limitations on defense contracting. There is universal recognition that the act is obsolete and should at least be changed. The act was not a problem until recently when the demise of the Renegotiation Board resurrected the act.

As chairman of the Subcommittee on Procurement Policy and Reprograming of the Committee on Armed Services, I held a hearing on Monday, February 25, of this year, on two bills that have been introduced to address this problem. S. 1687, introduced by Senator CRANSTON and LUGAR, and S. 2232, introduced by Senator PELL, have been referred to our subcommittee.

So that we can examine all viable alternatives to the Vinson-Trammell Act, I am introducing a bill identical to H.R. 5433. I am confident that by an examination of the proposed solutions to this problem, illuminated by testimony, we will be able to resolve what could be an onerous and unworkable situation in defense contracting.●

By Mr. HART (for himself and Mr. THURMOND) (by request):

S. 2333. A bill to authorize certain construction at military installations, and for other purposes; to the Committee on Armed Services.

MILITARY CONSTRUCTION AUTHORIZATIONS, 1981

● Mr. HART. Mr. President, by request, for myself and the senior Senator from South Carolina (Mr. THURMOND), I introduce for appropriate reference, a bill to authorize construction at military installations, and for other purposes. With the understanding that we are in no way bound by the programs or funding levels appearing in this bill, we are privileged to introduce it at this time.

I ask unanimous consent that a letter of transmittal requesting consideration of the legislation explaining its purpose and a letter of transmittal amending the original request be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, D.C., February 6, 1980.

Hon. WALTER F. MONDALE,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is forwarded herewith a draft of legislation "To authorize certain construction at military installations and for other purposes."

This proposal is a part of the Department of Defense legislative program for FY 1981. The Office of Management and Budget has advised that its enactment would be in accord with the program of the President.

Appropriations in support of Titles I through IX of this legislation are discussed in the Budget of the United States Government for the FY 1981.

Titles I, II, III, IV and V of this proposal would authorize $3,007,280,000 in new construction for requirements of the Active Forces, of which $895,620,000 are for the Department of the Army; $898,110,000 for the Department of the Navy; $619,690,000 for the Department of the Air Force; $293,860,000 for the Defense Agencies; and $300,000,000 for the United States' share of the NATO Infrastructure Program.

Title VI contains legislative recommendations considered necessary to implement the Department of Defense family housing program and authorizes $2,098,456,000 for the cost of this program for FY 1981.

Title VII contains Authorization of Appropriations and Administrative Provisions generally applicable to the Military Construction Program. Title IX contains nonrecurring general provisions applicable to the Military Construction Program.

Title VIII totaling $188,337,000 would authorize construction for the Guard and Reserve Forces, of which $27,141,000 is for the Army National Guard; $39,721,000 for the Army Reserve; $22,250,000 for the Naval and Marine Corps Reserves; $80,500,000 for the Air National Guard; and $18,725,000 for the Air Force Reserve. These authorizations are in lump sum amounts and will be utilized in accordance with the requirements of chapter 133, title 10, United States Code.

Title X provides authorization as may be necessary beginning for FY 1982 and meets the basic requirements of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93–344).

Additionally, included in Title I, pursuant to section 138 of title 10, United States Code, as amended, is authorization for construction of production base support at Army Ammunition Facilities, for which appropriations are being requested.

The projects that would be authorized by this proposal have been reviewed to determine if environmental impact statements are required in accordance with Public Law 91–190. Required environmental statements will be submitted to the Congress by the Military Departments.

Sincerely,

TOGO D. WEST, Jr.,
General Counsel.

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, D.C., February 13, 1980.

Hon. WALTER F. MONDALE,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: On February 6, 1980, the Department of Defense forwarded its draft legislation, "To authorize certain construction at military installations and for other purposes".

Since submission of our draft legislation, we have determined that an additional general provision is required. This provision is required to permit a Department of Defense contribution of $350,000 toward the capital expenditures of the International Institute for Strategic Studies in connection with the Institute's acquisition of its new headquarters building in London. The Department of Defense has a continuing interest in a viable and independent International Institute of Strategic Studies. Attached is draft language for the proposed general provision.

The Office of Management and Budget advises that inclusion of this general provision in the draft bill would be in accord with the program of the Presdent.

Sincerely,

TOGO D. WEST, Jr. ●

By Mr. BOREN:

S. 2335. A bill to amend the Powerplant and Industrial Fuel Use Act to Provide extended provisions relating to natural gas; to the Committee on Energy and Natural Resources.

S. 2336. A bill to amend title V of the Powerplant and Industrial Fuel Use Act relating to electric utility compliance options; to the Committee on Energy and Natural Resources.

Mr. BOREN. Mr. President, today I am introducing two pieces of legislation to protect consumers from huge utility bill increases due to enactment of the Power Plant and Fuel Use Act of 1978, commonly called the Fuel Use Act. Such an amendment would correct a gross inequity imposed by the act when it was adopted in 1978. The act basically prohibits burning natural gas to generate electricity after 1990. If conversions are not made, such plants would have to be shut down. Temporary and permanent exemptions are provided in the law, but many States such as my own do not believe they can take advantage of these due to location of present generating facilities and unfavorable regulatory interpretations by the Department of Energy.

Conversion for many of the oil-fired generating plants merely requires the addition of coal moving and storage equipment, since many of these plants were originally coal burning plants that were converted to oil when the price of oil was lower. Both oil and coal facilities usually contain some pollution control devices already. Conversion for natural gas utilities like most of those in the Southwest, requires actual replacement of the plant.

It is technically and economically unreasonable to convert natural gas-fired generating units to coal. The entire boiler of a gas-fired plant would have to be replaced, rail lines, additional real estates and extremely expensive environmental safeguards such as scrubbers would be required to be added to the unit before it could burn coal. The cost to "convert" a natural-gas fired unit to coal would exceed the cost to build a new and more efficient coal fired plant with a longer life.

Let us look at the example of Oklahoma. Oklahoma's electrical capacity is close to 100 percent fired by natural gas. Thus, each and every one of those natural gas plants would have to be replaced by coal-burning facilities. It will cost Oklahoma utilities around $5 billion to replace existing generating capacity, most of which is less than 20 years old in 1980. The entire capital structure of the utilities only stands at $3.6 billion. Our State corporation commission (which regulates utilities) has estimated that this would require an annual increase for Oklahoma utilities of $6 million just to replace the existing plants. This would mean that an annual increase in rates of $1,200 to $2,000 per year for every ratepayer. The waste of these natural gas-fired plants and the resulting costs to comply with the Fuel Use Act would necessarily be passed on to the customer. Thus, coal "conversion" would not come cheaply to the Southwest.

There are approximately 250 totally, natural gas fired electrical generating units in the United States with a remaining useful life after 1990. These generating units are located in 9 Southwestern States, but the majority are found in only three: Texas, Louisiana, and Oklahoma. The approximate capacity of these 250 generating facilities equals 54,000 mw. These natural gas fired plants are located in a region of the country where natural gas is plentiful and easy to obtain. Thus, many electrical suppliers in this region are committed to long-term and often exclusive contracts with natural gas producers and pipelines on a take or pay basis. They will, therefore, be required to convert to coal as the same time they are sitting on a cheap, clean and guaranteed source of fuel.

The legislation that I have introduced will reduce the requirement under the Fuel Use Act that all plants be converted from using gas by 1990. It would only require that 50 percent of the plants in gas-producing regions be converted by 1995, which would greatly reduce the burden of conversion on natural gas utilities, if they choose to convert under the system compliance option contained in the Fuel Use Act. In addition, it would push back the date under which a letter of intent must be filed to use the system compliance option 6 months to December 31, 1980.

Right now most natural gas conversions, when the old facilities are ready to be replaced, are done with coal. All Oklahoma conversions have been to coal. By only requiring 50 percent conversions, only older, less efficient plants due to be modernized anyway would have to be converted. New generating facilities would be able to phase out and new coal-fired facilities could be built as their "useful life" ends. Thus the cost to the rate-payer would be spread out over a number of years, not just 10.

Legislation is due to be introduced soon by the administration which would have the Federal Government foot the bill to convert utilities in the Northeast where they use oil, but would do very little for those consumers of energy in the Southwest where they use natural gas. The administration is helping to solve the most inexpensive problem—that of oil conversion—while ignoring the much more costly dilemma of rebuilding natural gas-fired generating facilities into coal-fired ones. I have no quarrel with helping to ease the impact upon consumers in the northeastern part of the United States. They deserve help. I do however, believe that equity demands that consumers in the Southwest also be helped with the burden which they are being asked to bear.

A study done on behalf of the Southern Growth Policies Board has estimated that the Southwest United States will face a 43-percent increase in utility bills entirely due to the passage of the Fuel Use Act. The rest of the United States will only be looking at an increase in rates of about three percent.

If the DOE bill is not changed before it is introduced, I will offer an amendment to provide equal funding for the conversion of gas-fired plants.

I urge the support of my colleagues for my bill to ease the unfair impact of the Fuel Use Act on Oklahomans and citizens of the Southwest. It is absolutely time for our leadership in the nation to give equal treatment to all regions of the country in terms of the burden of Federal energy policy.

Passage of my bill will be a step toward equalizing the impact on all regions of the Nation and make this law fairer across the board for all Americans.

By Mr. NELSON (for himself, Mr. Javits, Mr. Cranston, Mr. Williams, Mr. Stafford, Mr. Randolph, Mr. Riegle, Mr. Kennedy, Mr. Pell, and Mr. Metzenbaum):

S. 2337. A bill to extend for 3 additional fiscal years the authorization of the Legal Services Corporation; to the Committee on Labor and Human Resources.

LEGAL SERVICES CORPORATION REAUTHORIZATION

● Mr. NELSON. Mr. President, today I am introducing a bill to reauthorize legal services provided under the Legal Services Corporation Act for 3 additional fiscal years—through fiscal year 1983. Senators Javits, Cranston, Williams, Stafford, Randolph, Riegle, Kennedy, Pell, and Metzenbaum are cosponsoring this legislation with me. The 10 Senators introducing this bill today comprise a majority of the membership of the Labor and Human Resources Committee—the Senate committee with legislative jurisdiction over the Legal Services Corporation.

The purpose of this bill is very simple—to extend for 3 years, without change, the federally-supported program to provide free legal assistance in civil matters to low-income persons.

The bill would extend the current authorization of "such sums as may be necessary" for each of the next 3 years. For fiscal 1980, the corporation received an appropriation of $300 million. In fiscal 1981, the President has requested a total of $321 million for the corporation's activities. As chairman of the authorizing subcommittee, I intend to support the President's request.

The legal services program is administered by the independent Legal Services Corporation, which Congress created in 1974. Thought its appropriation, the corporation supports 319 private nonprofit legal services programs around the country. Each of these legal services programs is governed by its own independent board of directors that is controlled by local lawyers and includes one-third membership of eligible clients.

Legal services programs are authorized to serve clients with incomes up to 125 percent of the poverty line—now $8,375 for a family of four. Legal representation is provided by these programs on a full range of civil legal problems that affect the poor. Current figures from the corporation show that one-third of the issues handled by legal services involve family law; 18 percent housing, 13 percent income maintenance including social security, and 12 percent consumer. The remainder are in areas that include employment, health, juvenile matters, individual rights, education, and other legal problems affecting the poor.

The overwhelming number of these legal issues are handled through advice, negotiation, and other approaches short of actual litigation. About 19 percent result in court or administrative appearances. Congress has authorized representation before legislative bodies in carefully defined situations—this work amounts to about 1 percent of the total legal services effort.

The financial resources available through the corporation to support legal services programs fall far short of the actual need for legal assistance among the poor. Recognizing this unfortunate reality, the Legal Services Corporation Act and the Corporation's regulations require that each legal services program set its own priorities based on an assessment of clients needs and available resources in the local community. Reliance on locally determined policies, rather than nationally set priorities, has been a major reason for the success of this program.

CONGRESSIONAL OVERSIGHT

More than 3 years of work went into the development of the statute that created the Legal Services Corporation in 1974. After detailed review of the first 3 years of the corporation's operation, the Congress extended the program for an additional 3 year period. Since then, congressional oversight has continued with oversight hearings held in the Senate in April of 1979 and February of 1980.

The General Accounting Office, on its own initiative and in response to congressional requests, has also conducted several detailed inquiries into the activities of the corporation and the programs it funds. These examinations did not reveal any substantial problems, but GAO did make constructive recommendations regarding needed program improvements. The corporation has moved expeditiously to implement the GAO recommendations. A Subcommittee on Employment, Poverty and Migratory Labor staff report on the corporation's response to the GAO recommendations has been prepared and is available from the subcommittee.

As chairman of the subcommittee with jurisdiction over the Legal Services Corporation, I have found the corporation to be very responsive to the interests and concerns of both the Congress and the public. Part of this responsiveness is related to the unique nature of the corporation as a private nonprofit organization independent of the executive branch of Government. This structure was developed to keep the legal services program free of the partisan political pressures that had undermined the program in the early seventies. As many of my colleagues know, the Legal Services Corporation is governed by a board of directors composed of Democrats, Republicans, and political independents. Nine of the members are private attorneys, the other two are client representatives. The corporation deals directly with the Congress, in a nonpartisan manner, and takes its accountability responsibilities very seriously.

The continued examination of this program that the Congress has done over the past 6 years convinces me that the statute that was developed in 1974 has and is working well. Some recommendations for change have been heard—particularly with respect to the restrictions which limit the types of work that legal services attorneys can do on behalf of eligible clients. On the whole, however, the statute is an effective compromise between those who would prefer no restrictions and those who would like even more.

PROGRAM DEVELOPMENTS SINCE 1977

It may be helpful to my colleagues to report briefly on the most significant developments in the legal services program since the Senate last considered the legislation in 1977.

First, and most significantly, this year the corporation will complete its 5-year effort to expand legal services programs to every area of the country. When it came into existence, there were large parts of the Nation—in the South, the Southwest, and the Midwest particularly—where there were no publicly supported legal services available for the poor. By the time the current authorization expires at the end of 1980, this will no longer be the case. Geographic coverage—at a minimal level of two lawyers per 10,000 poor persons—will exist everywhere.

Second, the corporation has continued as a model of administrative efficiency. It may be the only organization in Washington that, in spite of inflation, has kept its central management and administration costs to a declining portion of its total budget. In 1977, these costs represented 2.9 percent; in 1978, 2.4 percent, and in 1979, 2.3 percent. In 1980, these costs will represent 2.1 percent of the total budget, and in 1981 at the corporation's full budget request, only 1.9 percent.

Third, continuous efforts are made to stretch dollars available for client service as far as they will go. Legal services programs in every State are completing plans for statewide coordination and representation to avoid repetitive litigation of common client problems. Training of attorneys and paralegals, previously concentrated in national sessions, is being localized with per trainee costs cut in half. Steps are being taken to apply practical computer technology to local program operation to free staff from routine tasks and increase the number of clients they can see.

Fourth, the Corporation has completed the study, mandated by the Congress in 1977, of the difficulties of access and the special legal problems of five identified groups of eligible clients—veterans, migrant and seasonal farmworkers, Native Americans, persons with limited English-speaking abilities, and persons living in sparsely populated areas. At this time, a report on these five groups has been written with specific recommendations for action, and the subcommittee has received information that indicates that the corporation already has begun to implement the recommendations which were made to it. On its own initiative, the corporation has undertaken similar review of its treatment of the elderly and the handicapped populations. The results of this study will be available in the near future.

Fifth, the demonstration projects conducted under the mandated delivery systems study have been completed. The corporation's board of directors will review the results of that study and make specific policy decisions at its next meeting in May. One of the purposes of the study was to examine various approaches to using members of the private bar as alternatives and supplements to the basic staff-attorney program. Even though the final report on the study has not been filed, the corporation has taken positive steps to increase private bar participation in legal services to the poor. For instance, a delivery system which includes both staff-attorney and judicare programs is in place in Wisconsin.

During the past 3 years, the Corporation has shown flexibility in developing innovative delivery systems, including increased use of judicare where it best suits the needs of the local area. The corporation has also made a number of other efforts to increase the amount of pro bono contribution to the poor. Given the extensive amount of unmet need for legal help, there is a great deal that private attorneys can and must do to supplement the corporation's efforts.

The legal services program continues to provide essential high quality legal representation for the poor, at a level of cost-effectiveness few other programs can match. In my judgment, the statute authorizing appropriations for this program should be extended for 3 years without change. This bill proposes to do just that.

The Subcommittee on Employment, Poverty, and Migratory Labor will hold an executive session on this bill on February 29, to recommend the bill's approval by the full Labor and Human Resources Committee and by the full Senate.●

● Mr. JAVITS. Mr. President, I am pleased today to join with Senator NELSON, the chairman of the Subcommittee on Employment, Poverty and Migratory Labor of the Labor and Human Resources Committee, in cosponsoring S. 2337. This measure would reauthorize the existing Legal Services Corporation for another 3 years, allowing the Corporation to continue the progress it has achieved in carrying out the provisions of the 1977 legal services amendments.

The Legal Services Corporation has made great strides since its establishment as an independent nonprofit corporation in 1974 in insuring the availability of legal representation to all who cannot afford private counsel. It is now within reach of achieving the goal of providing minimum access to legal services for all of the Nation's poor, defined as the availability of two lawyers for every 10,000 eligible persons. This achievement will be instrumental in making the principle of equal justice under law a reality for millions of low-income persons.

In my judgment, the legal services program has been perhaps the single most successful program to emerge from the war on poverty, and has demonstrated that the poor want dignity most and that the judicial system can indeed work to the benefit of all segments of our society, if there is equal access to the system.

The Subcommittee on Employment, Poverty and Migratory Labor has conducted thorough oversight hearings on the operation of the Corporation, focused both upon the Corporation's activities in Washington and upon the experiences of various grantees across the country. The subcommittee has benefited from a series of GAO reports, and from the responses of the Corporation to the GAO recommendations. Thus the bill we introduce today is based upon a full review of the functioning of the Corporation and the problems it may face over the coming years.

Mr. President, the Legal Services Corporation is an example of how Government can act effectively to meet congressionally determined high public policy goals. S. 2337 will permit this progress to continue under a stable congressional mandate for another 3 years, and I urge my colleagues to support it.●

● Mr. CRANSTON. Mr. President, I am pleased to join, with my friend from Wisconsin (Mr. NELSON) and others in cosponsoring this legislation to extend for 3 additional years the authorization of appropriations for the Legal Services Corporation.

Mr. President, I was deeply involved in the establishment of the Legal Services Corporation during the 93d Congress and in the development and passage of the 1977 Legal Services Corporation Act Amendments, and have actively followed the progress of this program from its inception. The Legal Services Corporation created by the 1974 act has now been operating for over 5 years. The corporation has, in my view, been a resounding success. Approximately 5,000 dedicated legal services attorneys in over 300 projects throughout the United States are providing high quality legal assistance to individuals who would otherwise be unable to afford adequate legal counsel.

In 1978, local programs funded through the corporation handled more than 1.4 million legal matters. Appropriations for the program have grown from $71.5 million in fiscal year 1975 to $300 million in 1980. Much of these increases have gone toward completion of the corporation's minimum access plan—a plan to provide resources for legal services at a level equivalent to two lawyers per 10,000 poor people nationwide. When the corporation began operation in 1975, less than 6 percent of the Nation's poor people lived in areas served by legal services programs supported at this level. By the end of 1979, more than 90 percent of all poor persons lived in areas served by programs funded at the minimum access level.

Not only has the corporation grown over the past 5 years in the provision of legal services to poor people, it has become more and more responsive to the communities it is designed to serve. As a result of the 1977 amendments, eligible clients now serve on the board of directors in every local program and on the national board. The corporation has provided training and technical assistance to its local grantees to develop efficient and cost-effective methods of providing legal services to its clients. Even more remarkable has been the ability of the corporation to keep its own administrative and management costs to a minimum. In fiscal year 1979, only 2.4 percent of the corporation's budget went for central management and administration. The combined budgets of all the corporation's support programs totaled only 7.2 percent of the fiscal year 1979 budget. The vast bulk of funds appropriated for the Legal Services Corporation went directly to local programs for the provision of legal assistance. Very few other Federal programs can boast of such low overhead and administrative costs.

Mr. President, the Legal Services Corporation has proven itself to be an important and effective vehicle for providing legal services to low-income Americans. I am pleased to be an original cosponsor of this legislation to continue this fine program which is of such great importance to our national commitment to equal access to our judicial system for all of our citizens, regardless of income.●

By Mr. STEVENSON (for himself, Mr. HEINZ, Mr. BENTSEN, Mr. JAVITS, Mr. TSONGAS, Mr. GARN, Mr. INOUYE, and Mr. CRANSTON):

S. 2339. A bill to amend the Export-Import Bank Act of 1945 to authorize the Bank to engage in the use of extraordinary measures of export finance to counter and ultimately discourage the use of such measures by other major trading countries; to the Committee on Banking, Housing, and Urban Affairs.

COMPETITIVE EXPORT FINANCING ACT OF 1980

● Mr. STEVENSON. Mr. President, the importance of exports to our national economic security is no longer a matter for debate. American business and agriculture must vigorously pursue new export opportunities abroad. Success depends upon a strong national export policy and fair international trading rules.

The multilateral trade agreements concluded last year will increase opportunities for U.S. exporters by, among other things, setting rules of the game which define and limit unfair trade competition.

One major arena of competition—officially subsidized export credits—is not covered by the trade agreements. There is a gentlemen's agreement, or international arrangement on officially supported export credits, but it does not effectively limit predatory export financing practices. The minimum interest rates called for in the arrangement are ludicrously low by comparison with current market rates. The arrangement does not cover aircraft engines and airframes, the sector which presently absorbs one-half of all new Eximbank loans. Nor does the arrangement cover the fastest growing, most pernicious area of export credit competition: so-called mixed credits, which purport to mix export credit and foreign aid, but are in fact a guise under which the French and a few others extend long-term export credits at interest rates below the minimum rates prescribed by the gentlemen's agreement. The recipients of so-called mixed credits are generally the advanced developing countries, not the poorest countries. Normal rates could be paid, and would, were it not for the readiness of some foreign governments to filch export business by using mixed credits.

The United States has sought repeatedly to negotiate an end to this costly and unfair trade practice. Other nations, France in particular, have refused to reach an agreement. It appears our competitors have made a cold calculation that the United States will not match their credit offers. Recently on a selective basis the Eximbank has begun to match mixed credit offers by foreign competitors. But the policy is expensive, and foreign competitors do not yet believe the U.S. Government has the determination, nor the Export-Import Bank the resources, to match mixed credits on a continuing basis.

The bill I introduce today together with Senators HEINZ, BENTSEN, JAVITS, TSONGAS, GARN, INOUYE, and CRANSTON will provide Eximbank with resources to meet the predatory export credit subsidies of our foreign competitors. It authorizes appropriations to the Bank of $1 billion for the purpose of meeting such competition. Enactment of this legislation will remove any lingering doubts abroad about the seriousness with which the United States views this matter.

I know I speak for all my colleagues when I say we would prefer to see a firm, effective international agreement to limit mixed credits as well as other official export credit subsidies. U.S. negotiators are ready to resume talks at any time. This bill encourages renewal of negotiations; its provisions would not take effect for 6 months after adoption, and the effective date could be postponed another 6 months if the President determines an effective international agreement is near conclusion.

I hope the authority provided in the bill will never be needed. The United States seeks only equality of opportunity to compete for exports on the basis of quality and free market price. There is no reason for governments to waste resources by subsidizing export credits. An international agreement strictly limiting official export credits is a necessary supplement to the successful conclusion of the MTN negotiations. Without it the United States has no alternative; we can no longer tolerate poaching on existing or potential U.S. export markets through unfair trade practices.

Mr. President, I ask unanimous consent that the bill and section-by-section analysis be printed in the RECORD.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 2339

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Competitive Export Financing Act of 1980".

SEC. 2. (a) The Congress hereby finds that—

(1) there is a growing tendency by the major trading partners of the United States to resort to the use of predatory financing arrangements to gain competitive advantage for their exporters;

(2) other major trading countries have been unwilling to negotiate an end to such practices and have rejected a series of United States proposals to strengthen provisions of the International Arrangements on Export Credits; and

(3) since the President concluded in March, 1979 that further international negotiations would not be productive at that time, and negotiations have not resumed, measures to strengthen programs of the Export-Import Bank of the United States are required to insure continued United States export competitiveness.

(b) It is the purpose of this Act to provide the authority for the Export-Import Bank of the United States to engage in the use of extraordinary measures of export finance to counter and ultimately discourage the use of such measures by other major trading countries.

SEC. 3. Section 2 (b) (1) (A) of the Export-Import Bank Act of 1945 is amended by inserting after the third sentence thereof the following: "The Bank shall provide programs of export finance which are comparable in structure to those extraordinary official export credit measures offered by the principal countries whose exporters compete with United States exporters. Pursuant to such programs, the Bank shall offer export credit on rates, terms, and conditions competitive with those offered by other major trading countries. The Bank, at its discretion, shall use such programs to meet foreign official export credit competition until such time as the use of extraordinary measures of official export credit financing is proscribed in international agreements to which the United States is a party. For the purpose of this subsection, the term 'extraordinary measures of official export credit financing' shall include, but not necessarily be limited to, programs of highly concessional mixed credits, local cost financing, foreign currency financing, and lines of credit arrangements.".

SEC. 4. (a) There are authorized to be appropriated, without fiscal year limitation, not to exceed $1,000,000,000 to achieve the purposes of the amendment made by section 3 of this Act.

(b) Within 60 days after section 3 of this Act becomes effective, and annually thereafter, the Export-Import Bank of the United States shall report to the Congress as to whether any additional appropriations or increases in overall commitment authority or annual ceiling levels are necessary to achieve the purposes of the Act.

SEC. 5. Section 3 shall take effect six months after the date of enactment of this Act. The President may defer the effective date of section 3 for an additional period of not to exceed six months if (1) he determines that international agreements have or will be concluded which put United States and foreign exporters in a substantially equal competitive position with respect to official export finance, and (2) he reports to Congress prior to and following such deferral period as to progress achieved in negotiating an end to predatory export financing.

SEC. 6. This Act expires on September 30, 1983, and on such date, section 2 (b) (1) (A) of the Export-Import Bank Act of 1945 is amended to read as it would without the amendment made by section 3 of this Act.

SECTION-BY-SECTION ANALYSIS

Section 1 provides that the legislation may be cited as the Competitive Export Financing Act of 1980.

Section 2 contains Congressional findings concerning the use by foreign governments of predatory financing practices, the failure of negotiations to limit such practices, and the need to strengthen the programs of the Export-Import Bank to insure continued U.S. export competitiveness. Section 2 further states the purpose of the Act to be to authorize the Bank to use extraordinary export finance measures to counter and ultimately to discourage the use of such measures by other countries.

Section 3 would amend the Export-Import Bank Act to require the Bank to provide export finance programs comparable in structure and competitive in other respects to the extraordinary official export credit measures offered by foreign competitor countries. The Bank would be authorized, at its discretion, to use such programs to meet extraordinary measures of official export credit financing, including, but not limited to, programs of highly concessional mixed credits, local cost financing, foreign currency financing and lines of credit, until the use of such financing is proscribed in international agreements to which the United States is a party.

Section 4 would authorize an appropriation of $1 billion to the Bank to achieve the purposes of section 3, and would require the Bank to report annually to Congress on the need for appropriations or increases in authority in order to achieve the purposes of the Act.

Section 5 provides that section 3 would take effect 6 months after enactment of this Act unless the President deferred the effective date an additional 6 months by determining that international agreements have or will be concluded which put U.S. and foreign exporters in a substantially equal competitive position with respect to official export finance, and reporting to Congress prior to and following such deferral period as to progress achieved in negotiating an end to predatory export financing.

Section 6 provides that the Act will expire September 30, 1983.●

● Mr. HEINZ. Mr. President, I rise to join my distinguished colleague, Senator STEVENSON, in introducing a bill of critical importance to our Nation's trade competitiveness.

The problem of uncontrolled officially subsidized export credit competition is a particularly distressing one. The recently concluded multilateral trade negotiations did nothing to curb this cutrate and cutthroat competition in credit rates. It is foolish. It is destructive of trust and amity among trading partners. There is really no good reason or justification for it. Yet it persists. And even more distressingly, it seems to be a growing practice.

I have attempted to call my colleagues and ultimately the administration's attention to this problem on several occasions, most recently with my introduction of Senate Concurrent Resolution 38, calling on the administration to negotiate an agreement with our counterparts in the Steel Committee of the Organization for Economic Cooperation and Development to end subsidized financing of the construction of additional steel capacity in the developing world. This bill is but another move in that direction. But the great advantage of this legislation is that it provides the administration with ammunition for the assault on predatory financing.

The $1 billion authorized by this bill is a dramatic signal to our export competitors that we are dead serious when we say that we want to end predatory financing once and for all. I join with Senator STEVENSON in the sincere hope that this money will never have to be appropriated, that our allies will see the logic and advantage of reaching a firm, workable agreement to end wasteful export credit subsidies. But I firmly believe that the best way to convince them of our seriousness is not with more rhetoric but by threatening to put subsidy money into our own export credit program if no agreement is reached. In other words, the best way to bring peace to the export credit arena is by posing an export credit war as the alternative to an agreement.

It must be unmistakably demonstrated that this Nation—which is still the leading trading nation in the world—is determined to defend its legitimate interests in the international trade arena, that we are prepared to sit down and work out a mutually beneficial agreement to end predatory credit competition, but that there is a definite limit to our patience.●

● Mr. GARN. Mr. President, I join my distinguished colleagues, Senators STEVENSON and HEINZ, in introducing the Competitive Export Financing Act of 1980 because I believe that it is important that we demonstrate our willingness and ability to act to protect our interests in international trade. This bill provides the administration with the resources to meet the subsidized export credit financing of other major trading countries.

Like my colleagues from Illinois and Pennsylvania, I am hopeful that the $1 billion authorized by this bill will never have to be used. It is my hope that it will cause our competitors to realize that they no longer have anything to gain from subsidizing the financing of their export sales, that they will resume negotiations on the international arrangements on export credit and will agree to discontinue anticompetitive and predatory export credit financing.

Exports are very important to the economy of our country and I believe that we must do all we can to assure that anticompetitive actions of our trading partners do not exclude us from our fair share of this rich market. The multilateral trade agreements concluded last year were a step in this direction, but they did not cover officially subsidized export credits. The existing international arrangement on this subject is generally agreed to be useless as a limit to predatory credit practices.

We must do more than merely to say that we will compete with our major industrial trading partners, especially in light of the difficulties experienced in getting foreign governments to agree to limit government-support of export financing. In March 1979, the President reported that the negotiations to strengthen the international arrangement on guidelines for officially supported export credits collapsed. One could surmise that this is because our major trade competitors believe that the United States will not meet their subsidized financing packages to any significant degree, thus allowing them to garner new export markets at U.S. expense.

Dramatic action is required to prove to other countries that we will not sit idly by while our markets and contracts worth billions of dollars are stolen. As much as I dislike proposing actions which distort the free market, I believe that we must demonstrate that we are willing and able to subsidize our businesses to the same degree as other countries, to assure that our exports are competitive with those of similar quality, price, and availability. I believe such action will revitalize our attempts to negotiate fairer trade practices on the part of other countries.●

By Mr. STEVENSON (for himself, Mr. HEINZ, Mr. BENTSEN, Mr. JAVITS, Mr. TSONGAS, Mr. GARN, Mr. INOUYE, and Mr. CRANSTON):

S. 2340. A bill to amend the act of July 1, 1968, with respect to export financing; to the Committee on Banking, Housing, and Urban Affairs.

EXPORT EXPANSION FACILITY AMENDMENTS OF 1980

● Mr. STEVENSON. Mr. President, I introduce on behalf of Senators HEINZ, BENTSEN, JAVITS, TSONGAS, GARN, INOUYE, CRANSTON, and myself a bill to amend Public Law 90–390, adopted in 1968 to facilitate U.S. exports to developing countries. The amendments would double the authorized usage of the export expansion facility of the Export-Import Bank from $500 million to $1 billion and provide for the accumulation of a special capital reserve to meet losses.

The purpose of the export expansion facility is to support U.S. exports to countries which present greater than normal credit risks but nonetheless offer sufficient likelihood of repayment of Bank support. The present act provides no criteria to guide the Export-Import Bank's use of the facility. Consequently, usage of the facility has been erratic and no clear distinction has been made between countries eligible for exports supported by regular Bank programs and those eligible for exports supported from the export expansion facility.

Exporters note that the facility has not been used to assist exports to many poorer countries, even when the foreign equivalents of Eximbank were aggressively supporting exports to such countries. Examples cited at various times include: Sudan, Turkey, Egypt.

Mr. President, greater use of the export expansion facility would increase opportunities for U.S. exporters in countries where commercial export credit is inadequate. Greater use of the facility would assist the development efforts of some of the world's poorer nations. Greater use of the facility would not increase the subsidy element in Eximbank programs nor require an appropriation by Congress.

The amendments would direct the Bank to use the facility to support U.S. exports, particularly when foreign Eximbanks are already present, to countries, which in the judgment of the Bank's Board of Directors:

First, do not currently have sufficient access to international credit facilities to finance additional imports from the United States;

Second, are demonstrating reasonable progress toward economic stabilization and development;

Third, offer adequate formal assurances of repayment or foreign exchange availability through government of other official trade or monetary authorities; and

Fourth, could make a significant contribution to the long-term interests of the United States through increased trade.

Use of the export expansion facility is presently limited to not more than $500 million in total outstanding commitments. The act provides that in the case of losses, the first $100 million is to be covered from Eximbank resources, the second $100 million from the Department of the Treasury—to which an appropriation was made for the purpose—and any additional losses are to be borne by the Bank. Eximbank maintains capital and reserves of over $3 billion against all risks. Each year the Bank allocates a portion of its profits to increased reserves and the remainder is paid to Treasury as a "dividend."

This bill would authorize the Bank to have outstanding not more than $1 billion in commitments through the facility, and to retain in a special reserve account a portion of the amount which would otherwise be remitted to Treasury. The purpose of the special reserve is to provide sufficient reserves to cover the higher risk lending the export expansion facility is intended to support and to do so without reducing other Bank programs.

Mr. President, this legislation can help U.S. exporters enter foreign markets they otherwise could not enter. The legislation is necessary to meet foreign subsidized export credit competition. Prompt enactment of this measure is especially desirable in view of the continuing U.S. trade deficit.

Mr. President, I ask unanimous consent that the bill and a section-by-section analysis of it be printed in the RECORD.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 2340

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Export Expansion Facility Amendments of 1980".

SEC. 2. Section 1(a) of Public Law 90–390 (12 U.S.C. 635j(a)) is amended to read as follows:

"(a) It is the policy of the Congress that the Export-Import Bank of the United States (hereinafter referred to as the 'Bank') should, particularly in the presence of foreign officially supported export credit competition, facilitate through loans, guarantees, and insurance (including coinsurance and reinsurance) exports to countries which, in the judgment of the Board of Directors of the Bank—

"(1) do not currently have sufficient access to international credit facilities to finance additional imports from the United States;

"(2) are demonstrating reasonable progress toward economic stabilization and development;

"(3) offer adequate formal assurances of repayment or foreign exchange availability through government or other official trade or monetary authorities; and

"(4) could make a significant contribution to the long-term interests of the United States through increased trade.".

SEC. 3. Section 1(b) of Public Law 90–390 (12 U.S.C. 635j(b)) is amended by striking out "$500,000,000" and inserting in lieu thereof "$1,000,000,000".

SEC. 4. Section 1 of Public Law 90–390 (12 U.S.C. 635j) is amended by adding at the end thereof the following:

"(d) The activities authorized by this Act shall be carried out through a facility designated as the 'Export Expansion Facility', and all loans, guarantees, and insurance made under the authority of this Act shall be assigned to the Export Expansion Facility.".

SEC. 5. Public Law 90–390 is amended by adding at the end thereof the following:

"SEC. 6. The Export Expansion Facility shall be capitalized during the first year after the date of enactment of this section in the amount of $25,000,000 which shall be set aside from the Bank's accumulated earnings. To ensure the continuing availability of funds thereafter, the Board of Directors of the Bank shall determine annually that portion of the Bank's earnings needed to be retained for general purposes, and shall specify that portion needed to capitalize the Export Expansion Facility. In any event, for each year thereafter through 1985, not less than 30 per centum of the net income of the Bank or $20,000,000, whichever is less, shall be set aside each year for the Export Expansion Facility.".

SECTION-BY-SECTION ANALYSIS

Section 1 provides that the legislation may be cited as the Export Expansion Facility Amendments of 1980.

Section 2 would amend P.L. 90–390 to provide criteria for the use of the Export Expansion Facility by the Export-Import Bank.

Section 3 would increase from $500,000,000 to $1,000,000,000 the amount of commitments the Bank could have outstanding through the Facility at any one time.

Section 4 would officially designate the Facility as the Export-Expansion Facility, as it has been informally known.

Section 5 would provide for capitalization of the Facility by requiring $25,000,000 to be set aside from the Bank's earnings the first year following enactment, and such additional amounts in subsequent years as the Bank's Board of Directors determine are needed (after allocating a portion of Bank earnings to the general reserve), but through 1985 not less than the lesser of 30 percent of the Bank's net income or $20,000,000, annually.●

● Mr. HEINZ. Mr. President, I am pleased to join with my distinguished colleague, the Senator from Illinois, in introducing the "Export Expansion Facility Amendments of 1980." Senator STEVENSON, as chairman of the Subcommittee on International Finance, has taken a leadership role in introducing legislation designed to expand America's export markets, and this bill is another significant step in that direction.

This bill will serve to strengthen the capacity of Eximbank to service loans to the rich and expanding third world market. For too long now, the Eximbank has avoided involvement in such loans and consequently our principal trade competitors have been handed many of these markets almost by default. The time has long past when we can afford to take such a cavalier attitude toward foreign markets.

It is my hope that the additional $500 million which will now become available to the Export Expansion Facility—not a penny of which will require additional appropriations—will enable Eximbank to aggressively compete for contracts in the developing world. Fully one-third of our exports are now sold in this market, and I am confident that our market share can be increased if we become more competitive in the area of official credit. In this time of chronic trade deficits and mounting unemployment, this bill serves a vital purpose. I urge my colleagues to study it carefully and join with me in urging its passage.●

● Mr. GARN. Mr. President, I am very pleased to join my distinguished colleagues from Illinois and Pennsylvania in introducing the "Export Expansion Facility Amendments of 1980." Exporters have criticized the implementation efforts by Eximbank of the "Export Expansion Facility" as not accomplishing its purpose. The Facility was established to provide financial support for U.S. exports to countries which present greater than normal credit risks and yet offer sufficient likelihood of repayment of the Bank support. This bill clarifies that purpose and increases the authorization from $500 million to $1 billion and provides for the accumulation of a special capital reserve to meet losses.

This bill therefore will increase the capacity and hopefully the inclination of Eximbank to service loans to the rapidly expanding third world market. Given their limited authorization, Eximbank has been understandably conservative in providing financing support in these riskier markets even though Congress initially created the Export Expansion Facility for support in these riskier markets.

The action of passing this bill will also serve as an additional signal to our major trading partners that we are serious about protecting our interests in international trade.●

Mr. CRANSTON. Mr. President, I am pleased to join today with my distinguished colleagues Senator STEVENSON and Senator HEINZ to introduce two important measures which can help improve the position of U.S. exporters in world markets. I believe these two measures, the Competitive Export Financing Act of 1980 and the Export Expansion Facility Amendments of 1980, can play a significant role in our ongoing export expansion efforts.

The greatest economic challenge before America today is the need to strengthen our dollar. Export expansion programs which help reduce our balance of trade deficit and which increase U.S. employment can help us to meet this challenge.

We have seen some encouraging signs recently in the improvement of our trade balance. And we have made progress in adopting a trade reorganization plan which strengthens executive branch supervision of trade promotion efforts.

But if the United States is to continue making progress in export expansion, we need to become more aggressive in meeting foreign competition. Every major industrialized country enjoys government support for exporters—most usually in the form of concessionary government financing offered to importing nations. Through the Export-Import Bank, the U.S. Government makes similar credit offers. The Ex-Im Bank has struggled to remain competitive with foreign competitors and the United States has sought relentlessly to bring some order to the competition among lending nations.

There has been some success in these efforts. We now have a limited gentlemen's agreement among lendor nations not to go below a basement interest rate of 7¼ percent. But U.S. efforts to formalize this agreement, to raise this rate closer to the cost of money, to include the key field of aircraft sales or to cover the offers of mixed credits within the framework of this skeleton agreement have thus far met with frustration. Competitor nations—especially the French and the Japanese—have been making offers of direct aid mixed with credits and concessionary rates which completely undermine the spirit of the gentlemen's agreement and which unfairly diminish the role of U.S. exporters in world markets.

The first measure which I am cosponsoring today, the Competitive Export Financing Act of 1980, speaks to the heart of these problems. This bill establishes a standby fund with which the Ex-Im Bank can meet any offers made by foreign governments so as to insure that U.S. firms receive our fair share of world trade. It is our hope that agreement among industrialized nations on a more comprehensive set of export credit guidelines will make any expenditures out of this standby fund unnecessary.

And we have delayed the start-up of this fund and made provision for its orderly termination in the hope that such an agreement will be reached. But if we are to achieve such an agreement, we must demonstrate our commitment to meet all foreign competition and thereby insure that other industrialized nations have nothing to gain by continuing their predatory credit financing practices.

The second measure which we are introducing today amends the Export Expansion Facility Act of 1968 to increase the ceiling on Ex-Im loans to countries which present greater-than-normal credit risks. These amendments increase the opportunities available to U.S. firms which wish to sell to countries where sufficient commercial credit is unavailable. These include such nations as Egypt, Sudan, and Turkey.

Mr. President, I will continue to work aggressively in support of U.S. export expansion efforts. Last Friday in a statement delivered in hearings with Export-Import Bank officials before the Senate Banking Committee, I reiterated my concern that administration requests for Ex-Im fiscal year 1980 and 1981 funding are inadequate. I am pleased to learn that the administration yesterday acceded to the Senate's request to include at least another $900 million of credit authority for Ex-Im in fiscal year 1980. The total of $5 billion for Ex-Im has now been agreed to by House-Senate conferees on the Foreign Assistance Appropriations bill.

But I am still concerned that the administration's fiscal year 1981 request is so low. At $4.3 billion—as compared to their $4.1 billion request for 1980—it does not even keep pace with inflation. A real reduction in funding request for export credits is not the way to demonstrate our commitment to export expansion. Therefore, I look forward to working with my Senate colleagues to increase the fiscal year 1981 authorization above the now agreed-upon $5 billion figure for 1980.

Before closing, I wish to note again my concern that the administration has moved too slowly to expand our trade with the People's Republic of China. I was appalled to learn that the request for Ex-Im direct loan authority in fiscal year 1981—like the request for 1980—makes no provision whatsoever for credits for United States-China trade. I believe it is time for us to begin making good on the administration's pledge—made in Peking last August by Vice President MONDALE—to make available at least $2 billion in credits over the next 5 years for the expansion of United States-China trade.

The United States should be prepared to compete aggressively with other nations in offering credit facilities to the Chinese. Ex-Im Bank should use its statutory authority to match the offers of foreign competitors and should approach the question of interest rates and lines of credit for the Chinese with greater flexibility.

By Mr. JACKSON (for himself and Mr. COHEN) (by request):

S. 2341. A bill to authorize appropriations for the Department of Energy for national security programs for fiscal year 1981 and fiscal year 1982, and for other purposes; to the Committee on Armed Services.

DEPARTMENT OF ENERGY NATIONAL SECURITY AND MILITARY APPLICATIONS OF NUCLEAR ENERGY AUTHORIZATIONS, 1981

● Mr. JACKSON. Mr. President, by request, for myself and the Senator from Maine (Mr. COHEN), I introduce for appropriate reference, a bill to authorize appropriations for the Department of Energy for national security programs for fiscal year 1981 and fiscal year 1982, and for other purposes.

I ask unanimous consent that a letter of transmittal requesting consideration of the legislation explaining its purpose be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF ENERGY,
Washington, D.C., February 19, 1980.

Hon. WALTER F. MONDALE,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is proposed legislation "to authorize appropriations for the Department of Energy for national security programs for fiscal year 1981 and fiscal year 1982" in accordance with section 660 of the Department of Energy Organization Act. The bill (Enclosure I) would authorize specific appropriations for FY 1981 and those appropriations which might be necessary for FY 1982. The total amount proposed for FY 1981 is $3,674,978,000. A section-by-section analysis of the proposed legislation is also enclosed (Enclosure 2).

The Office of Management and Budget has advised that this legislative proposal is in accord with the program of the President.

Sincerely,

LYNN R. COLEMAN,
General Counsel.●

By Mr. JACKSON (by request):

S. 2342. A bill to amend the Wild and Scenic Rivers Act by designating the Dolores River, Colo., as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

S. 2343. A bill to amend the Wild and Scenic Rivers Act by designating the Gunnison River, Colo., as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

S. 2344. A bill to amend the Wild and Scenic Rivers Act by designating the Encampment River, Colo., as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

S. 2345. A bill to amend the Wild and Scenic Rivers Act by designating the Bruneau River, Idaho, as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

S. 2346. A bill to amend the Wild and Scenic Rivers Act by designating the Priest River, Idaho, as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

S. 2347. A bill to amend the Wild and Scenic Rivers Act by designating the Owyhee River, Idaho and Oreg., as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

S. 2348. A bill to amend the Wild and Scenic Rivers Act by designating the Tuolumne River, Calif., as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

S. 2349. A bill to amend the Wild and Scenic Rivers Act by designating the North Umpqua River, Colo., as a study river for potential inclusion in the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

S. 2350. A bill to amend the National Trails Systems Act by designating the Natchez Trace Trail located in the States of Tennessee, Alabama, and Mississippi as a component of the National Trails System; to the Committee on Energy and Natural Resources.

S. 2351. A bill to amend the National Trails Systems Act by designating the Potomac Heritage Trail located in the States of Virginia, Maryland, West Virginia, and the District of Columbia as a component of the National Trails System; to the Committee on Energy and Natural Resources.

● Mr. JACKSON. Mr. President, today I am introducing, by request, seven bills to amend the Wild and Scenic Rivers Act by designating segments of seven rivers as components of the Wild and Scenic Rivers System. The seven rivers, recommended by the administration during either the 96th or the 95th Congress are: the Dolores, Gunnison, and Encampment Rivers in Colorado; the Bruneau and Priest Rivers in Idaho; the Owyhee River in Idaho and Oregon; and the Tuolumne River in California.

I am also introducing, by request, a bill to amend the Wild and Scenic Rivers Act by designating a segment of the North Umpqua River in Oregon and its tributary Steamboat Creek for a study as a potential addition to the National Wild and Scenic Rivers System.

Additionally, I am introducing, by request, two bills to amend the National Trails Systems Act by designating two trails as components of the National Trails System. The first trail recommended by the administration is the Potomac Heritage Trail with trail segments located in the States of Virginia, Maryland, West Virginia, and Pennsylvania, and the District of Columbia. The second trail recommended by the administration is the Natchez Trace Trail with trail segments located in the States of Tennessee, Alabama, and Mississippi.

I ask unanimous consent that the text of all these bills, together with the accompanying transmittal letters, be printed in the Record.

There being no objection, the bills and material were ordered to be printed in the Record, as follows:

S. 2342

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Wild and Scenic Rivers Act (82 Stat. 906 as amended; 16 U.S.C. 1274 et. seq.) is further amended as follows:

In Section 3(a) after paragraph (23), insert the following new paragraphs:

"( ) Dolores, Colorado. The segment of the mainstem from 1.3 miles below the McPhee Damsite downstream, 105 miles to a point 1.0 river miles above the Colorado Highway 90 bridge near the community of Bedrock; to be administered by the agencies of the Department of Agriculture and the Department of the Interior, as agreed upon by the Secretaries of said Departments or as directed by the President; and the West Dolores from its source to its confluence with the mainstem; to be administered by the Secretary of Agriculture: *Provided,* that after consultation with the State and local governments and the interested public, the Secretaries shall take such action as is provided for under subsection (b) of this section within one year from the date of enactment of this paragraph: *Provided further,* that for the purpose of this river there are authorized to be appropriated not more than $404,000 for the acquisition of lands or interests in lands."

Sec. 2. The provisions of section 9(a) (iii) of the Wild and Scenic Rivers Act shall apply to the river segments designated as components of the National Wild and Scenic Rivers System pursuant to section 1 of this Act: *Provided, however,* that boundaries of the area withdrawn from appropriation under the mining laws and from operation of the mineral leasing laws may be modified as part of the management plan developed pursuant to section 3(b) of the Wild and Scenic Rivers Act. In no case shall the area withdrawn exceed an average distance of one-quarter mile from the river bank.

Sec. 3. Nothing contained in this Act shall be construed to limit reasonable access to the headwaters area for future minerals exploration and development.

Department of Agriculture,
Office of the Secretary,
Washington, D.C., June 26, 1978.

Hon. Walter F. Mondale,
President of the Senate,
Washington, D.C.

Dear Mr. President: On behalf of the President, I take pleasure in transmitting to the Congress draft legislation that would designate the Dolores and West Dolores Rivers in Colorado as additions to the National Wild and Scenic Rivers System.

The Dolores River was one of several recommended to the Congress by the President in his Environmental Message of May 23, 1977, and draft legislation for the Dolores River was sent to the Congress at that time. Subsequently, the Governor of Colorado and others urged that the West Dolores River be added to the proposal.

The original joint Federal-State study of the Dolores River had found that the West Dolores met the criteria for inclusion in the System. The West Dolores was not recommended for inclusion, however, because of our concern for the possible administrative, management, and social impacts associated with such inclusion. Upon the urging of the Governor, the study report and environmental data were reexamined and it was subsequently determined that the possible adverse impacts and costs would not be of sufficient magnitude to preclude the West Dolores from further consideration. Hence, we recommend that both the Dolores River and the 35 miles of the free-flowing, West Dolores River, from its source to its confluence with the mainstream, be designated for inclusion in the National Wild and Scenic Rivers System.

The costs associated with inclusion of the Dolores and West, Dolores Rivers in the System are estimated to be as follows:

COSTS

River	Land acquisition	Development	Annual maintenance operation and administration
Dolores	$275,000	$453,000	$90,000
West Dolores	129,000	327,000	65,000
Total	404,000	780,000	155,000

It is anticipated that the land acquisition costs would be funded through the Land and Water Conservation Fund.

A draft of legislation which would implement this proposal is enclosed. Although our previous proposal for only the Dolores River was introduced, by request, in the Senate (S. 2654) no further action has been taken. Therefore, we recommend for your consideration the enclosed draft bill pertaining to both the Dolores and West Dolores Rivers.

The Office of Management and Budget advises that there is no objection to the presentation of this report and that enactment of the proposed legislation would be in accord with the President's program.

Sincerely,

Dale Hathaway,
Acting Secretary.

S. 2343

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Wild and Scenic Rivers Act (82 Stat. 906 as amended; 16 U.S.C. 1274 et seq.) is further amended as follows:

In Section 3(a) after paragraph (23), insert the following new paragraph:

"( ) Gunnison, Colorado.—The 26-mile segment from the upstream (southern) boundary of the Black Canyon of the Gunnison National Monument to a point approximately 1 mile below the confluence with the Smith Fork River to be administered by the Secretary of the Interior as a wild river: *Provided,* That the Secretary of the Interior shall take such action as is provided for under subsection (b) of this section within 2 years from the date of enactment of this paragraph:

Department of the Interior,
Office of the Secretary,
Washington, D.C., June 22, 1979.

The President,
The White House,
Washington, D.C.

Dear Mr. President: It is with pleasure that I recommend the designation of a segment of the Gunnison River, Colorado, as a component of the National Wild and Scenic Rivers System.

This recommendation stems from this Department's responsibility under the Act of October 2, 1968 (82 Stat. 906; 16 U.S.C. 1271 et seq.), which established a National Wild and Scenic Rivers System, designated 8 rivers as initial components of the National System, and prescribed methods and standards for the addition of other rivers to the National System. The 1968 Act also designated 27 rivers for study by the Secretary of the Interior and/or Secretary of Agriculture as potential additions to the National System. Amendments to the act have designated an additional 48 rivers including the Gunnison for study as potential additions to the National System.

The Department and the State of Colorado organized a Federal-State study task force to undertake the study and prepare a report and recommendations. The enclosed draft bill implements the recommendations presented in the enclosed copy of the Department's study report.

Our draft bill would further amend section 3(a) (16 U.S.C. 1274(a)) of the Wild and Scenic Rivers Act, as amended, by adding a 26-mile segment of the Gunnison River, Colorado, to the National Wild and Scenic Rivers System, under the administration of the Secretary of the Interior. The proposed area is public land administered by the Bureau of Land Management and the National Park Service. Accordingly, management responsibility for the area would be delegated to those agencies.

The Secretary would establish boundaries, classification, and a development plan for the Gunnison component, in accordance with section 3(b) of the Wild and Scenic Rivers Act, within 2 years after the date of enactment of the enclosed draft bill. Contrary to the provisions of the act, the visual corridor which will be established to protect the river values will average 491 acres per mile as identified in the report.

Since all of the lands within the corridor are federally owned, there are no acquisition costs associated with the proposal. The present management plans of the National Park Service and Bureau of Land Management provide for facility development outside of the wild river management zone. These developments are independent of the river being included in the National System. Therefore, there are no development costs for the proposal.

Sincerely,

Cecil D. Andrus,
Secretary.

S. 2344

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Wild and Scenic Rivers Act (82 Stat. 906 as amended; 16 U.S.C. 1274 et. seq.) is further amended as follows:

In section 3(a) after paragraph (23), insert the following new paragraph:

"( ) Encampment, Colorado.—The segment of 19.5 miles within the State of Colorado including the Main Fork and the West Fork to their headwaters as generally depicted on a map entitled "Proposed Encampment Wild and Scenic River" which is on file and available for public inspection in the office of the Chief, Forest Service, United States Department of Agriculture, and is also part of a document entitled "Encampment River Wild and Scenic Rivers Environmental Statement and Study Report"; to be administered by the Secretary of Agriculture: *Provided,* That after consultation with the State and local governments and the interest and public, the Secretary shall take such action as is provided for in subsection (b) of this section within one year from the date of enactment of this paragraph."

Department of Agriculture,
Office of the Secretary,
Washington, D.C., August 15, 1979.

The President,
The White House,
Washington, D.C.

Dear Mr. President: I am pleased to recommend for inclusion in your Environmental Message to the 96th Congress, the designation of portions of the Priest River, Idaho, and the Encampment River, Colorado, as components of the National Wild and Scenic Rivers System.

This recommendation is based on the studies and reports for each river, as directed by the Wild and Scenic Rivers Act (82 Stat. 906 as amended; 16 U.S.C. 1271–1287). The Final Environmental Statement and Study Report for each of the rivers are enclosed. Both documents have gone through the 90-day review required by section 4(b) of the Wild and Scenic Rivers Act and through the public review required by section 102 of the National Environmental Policy Act (83 Stat. 852 as amended; 42 U.S.C. 4321, 4331–35, 4341–47). No major, adverse comments were received. The comments received are appended to the reports.

The proposals for designation of the Priest River and Encampment River appear to be viable. There are no known or apparent conflicts with the programs of other Federal agencies. The lands involved are primarily in Federal ownership and are administered by the Forest Service. The State of Colorado strongly supports our recommendation for the Encampment River. The State of Idaho participated in the study of the Priest River and supports the study findings.

The Priest River study found that the river segment from the Canada-United States border downstream 18.5 miles to Upper Priest Lake and about 5,732 acres of adjacent lands are suitable for inclusion in the National Wild and Scenic Rivers System and for administration as a wild river area. Administration would be by the Forest Service, Department of Agriculture, except for administration of 140 acres of State land by the State of Idaho. The 360 acres of private land within the proposed area are owned by the Burlington Northern Inc., which has indicated its willingness to exchange the lands for National Forest System lands elsewhere. The cost of completing such exchange is estimated to be about $7,500.

The proposed Priest River area possesses no known hydroelectric power sites or mineral values. The proposed river designation would reduce the potential, but currently unrealized, annual timber yield by 45 percent from the present estimated level of 2,172 thousand board feet per year to about 1,210 thousand board feet per year within the river area.

The Encampment River study found that 19.5 miles of the Colorado segments of the Main Fork and the West Fork of the river to the headwaters, and about 6,240 acres of adjacent lands qualify for inclusion in the National Wild and Scenic Rivers System as a wild river area. All lands are within the Routt National Forest, hence, administration by the Forest Service would continue.

Recreation is the primary current use of the proposed Encampment River area. The area contains no known water storage or hydropower sites or potentials. There are no known concentrations of minerals. The proposed river designation would reduce the potential, but currently unrealized, annual timber yield by 44 percent from the present estimated level of 430 thousand board feet per year to 230 thousand board feet per year within the river area.

The natural and scenic values of the Priest River and Encampment River are unique and irreplaceable resources. I believe the best use of both rivers would be served by designation as components of the National Wild and Scenic Rivers System. Proposed legislation to accomplish this is enclosed.

Sincerely,

Bob Bergland,
Secretary.

S. 2345

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Wild and Scenic Rivers Act (82 Stat. 906 as amended; 16 U.S.C. 1274 et seq.) is further amended as follows:

In Section 3(a) after paragraph (23), insert the following new paragraphs:

"( ) Bruneau, Idaho.—The segment from Blackrock Crossing to Hot Creek; the Jarbridge River downstream from the junction of its East and West Fork tributaries to its confluence with the Bruneau; and Sheep Creek downstream from Mary's Creek to its confluence with the Bruneau; to be administered by the Secretary of the Interior: *Provided,* That the Secretary of the Interior shall take such action as is provided for under subsection (b) of this section within two years from the date of enactment of paragraph (16): *Provided further,* That the provisions of Section 6(a) of this act providing lands owned by a State may be acquired only by donation shall not apply to the river designated by this subsection. Lands owned by the State which cannot be transferred by donation because of prohibitions contained in State statutes may be acquired by exchange when they are required to facilitate management of the river.

Provided further, That for the purposes of this river, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not to exceed $425,000 for the acquisition of lands and not to exceed $535,000 for development."

Department of the Interior,
Office of the Secretary,
Washington, D.C.

Hon. Carl B. Albert,
Speaker of the House of Representatives,
Washington, D.C.

Dear Mr. Speaker: Enclosed is a draft bill, "To amend the Wild and Scenic Rivers Act by designating a segment of the Bruneau River, Idaho, as a component of the National Wild and Scenic Rivers System, and for other purposes."

We recommend that the bill be referred to the appropriate Committee for consideration and that it be enacted.

The Act of October 2, 1968 (82 Stat. 906; 16 U.S.C. 1271 *et seq.*), in establishing a National Wild and Scenic Rivers System, designated eight rivers as initial components of the System, and prescribed methods and standards for the addition of other rivers to the System. The 1968 Act also designated 27 rivers for study by the Secretary of the Interior and/or Secretary of Agriculture as potential additions to the System. The Bruneau River in Idaho was among those designated for study by section 5(a) of the Act.

The Bureau of Outdoor Recreation was designated by the Secretary of Interior as the lead agency to make the study. The Bureau and the State organized a joint Federal-State study task force to undertake the study and prepare a report and recommendations. The draft bill implements the recommendations presented in the enclosed copy of the Department's study report.

Our draft bill would further amend section 3(a) (16 U.S.C. 1274(a)) of the Wild and Scenic Rivers Act, as amended, by adding segments of the Bruneau River, Idaho, and its tributaries, Jarbidge River and Sheep Creek—a total of 121 miles—to the National Wild and Scenic Rivers System, under the administration of the Secretary of the Interior. Because approximately 80 percent of the proposed area is public land administered by the Bureau of Land Management, management responsibility for the area would be delegated to that agency.

The Secretary would establish boundaries, classification, and a development plan for the Bruneau component, in accordance with section 3(b) of the Wild and Scenic Rivers Act, within two years after the date of enactment of the enclosed bill. Our proposed legislation would authorize the appropriation of the funds necessary to carry out its provisions, but not to exceed $350,000 for the acquisition of lands and interests in lands, and not to exceed $440,000 for development.

The bill provides that 121 miles of the Bruneau River, Jarbidge River and Sheep

Creek be included in the National Wild and Scenic Rivers System. The Department's study report recommends that the proposed river areas be classified as follows: Bruneau River downstream from Blackrock Crossing through the old Triguero homestead, 11 miles, scenic; Bruneau River downstream from the old Triguero homestead to Hot Creek, 60 miles, wild; Jarbidge River downstream from the junction of its East and West Fork tributaries to its confluence with the Bruneau, 29 miles, wild; and Sheep Creek downstream from Mary's Creek to its confluence with the Bruneau, 21 miles, wild.

The Office of Management and Budget has advised that this legislative proposal is in accord with the program of the President.

[Note: Legislative authorization in the proposed amendment reflects 1979 dollars.]

Sincerely yours,

Cecil D. Andrus,
Secretary.

S. 2346

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Wild and Scenic Rivers Act (82 Stat. 906 as amended; 16 U.S.C. 1274 et seq.) is further amended as follows:

In Section 3(a) after paragraph (23), insert the following new paragraph:

"( ) Priest, Idaho.—The segment from the Canada-United States border downstream 18.5 miles to Upper Priest Lake as generally depicted on a map entitled "Upper Priest River", which is on file and available for public inspection in the office of the Chief, Forest Service, United States Department of Agriculture, and is also part of a document entitled "Priest River, Wild and Scenic Rivers Environmental Statement and Study Report"; To be administered by the Secretary of Agriculture: *Provided,* that after consultation with the State and local governments and the interested public, the Secretary shall take such action as is provided for under subsection (b) of this section within one year from the date of enactment of this paragraph.

S. 2347

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Wild and Scenic Rivers Act (82 Stat. 906 as amended; 16 U.S.C. 1274 et seq.) is further amended as follows:

In Section 3(a) after paragraph (23), insert the following new paragraphs:

"( ) Owyhee, Idaho and Oregon.—The East Fork Owyhee downstream from the Duck Valley Indian Reservation to its confluence with the South Fork; the South Fork downstream to Three Forks; the Owyhee River downstream to China Gulch, and the Owyhee River downstream from Crooked Creek to the Owyhee Reservoir, to be administered by the Secretary of the Interior as a wild river: *Provided,* That the Secretary of the Interior shall take such actions as is provided for under subsection (b) of this section within 2 years from the date of enactment of this paragraph:

Provided further, That notwithstanding the provisions of Section 6(a) of this Act, lands owned by the State for school purposes which cannot be transferred by donation, because of prohibitions contained in State statutes, may be acquired by exchange for public lands when the State lands are required to facilitate management of the component. The values of the lands or interests therein so exchanged either shall be equal, or if they are not equal, the values shall be equalized by the payment of money to the grantor or to the Secretary as the circumstances require, so long as payment does not exceed 25 per centum of the total value of the lands or interests transferred out of Federal ownership. *Provided further,* That for the purposes of this river, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not to exceed $400,000 for the acquisition of lands and not to exceed $535,000 for development."

Department of the Interior,
Office of the Secretary,
Washington, D.C., October 1, 1979.

The President,
The White House,
Washington, D.C.

Dear Mr. President: I am pleased to forward the enclosed report recommending the designation of a portion of the Owyhee River in Idaho and Oregon as a component of the National Wild and Scenic Rivers System.

This recommendation stems from the Department of the Interior's responsibility under the Act of October 2, 1968 (82 Stat. 906; 16 U.S.C. 1271, se seq.), which established the National Wild and Scenic Rivers System, designated the initial components of the System, and presented methods and standards for the addition of other rivers to the System. Section 5(a) of the Act, as amended, designates 75 rivers for study by the Secretary of the Interior and/or Secretary of Agriculture as potential additions to the System including the "Owyhee, South Fork, Oregon: the main stem from the Oregon-Idaho border downstream to the Owyhee Reservoir." The segment of the river from Duck Valley Indian Reservation in Idaho to the Idaho-Oregon border was added to the study at my request as the Governor of Idaho. The study leading to the recommendation was a cooperative Federal/State effort under the leadership of this Department.

The entire 192-mile study segment was found to meet the prescribed criteria for judging whether addition to the National Wild and Scenic Rivers System is merited. The Owyhee Canyon is in a virtually unspoiled wilderness condition and offers outstanding opportunities for boating, camping, fishing, hunting, and related pursuits. Deeply entrenched along most of the distance, the canyon contains spectacular scenery and interesting plant and animal associations.

Enclosed is a draft bill which would implement the recommendations contained in the study report. The draft bill would amend Section 3(a) (16 U.S.C. 1274(c)) of the Wild and Scenic Rivers Act by adding two segments of the Owyhee River totaling 178 miles to the National System. Because more than 90 percent of the lands adjoining the river in these segments are administered by the Bureau of Land Management, management responsibility for the area would be delegated to that agency.

The first of the two segments begins at the west boundary of the Duck Valley Indian Reservation and extends downstream along the East Fork Owyhee to the South Fork, down the South Fork to its confluence with the North and Middle Forks at Three Forks to form the main stem, and then down the Owyhee River to China Gulch, a distance of 128 miles. The second segment begins 14 miles downstream at Crooked Creek and extends to slack water of the Owyhee Reservoir, a distance of 50 miles. Both of these segments would be classified as Wild.

The specific boundaries of the river area and a management plan for the two segments will be developed in accordance with Section 3(b) of the Wild and Scenic Rivers Act, within 2 years after the date of enactment of the enclosed bill. While the estimated Federal costs in the report were developed using 1976 dollar values, the Federal costs in the bill have been indexed to reflect current costs. Thus, the bill would authorize not to exceed $400,000 for the acquisition of lands and interest in lands, and not to exceed $535,000 for development.

The intermediate 14 miles between China Gulch and Crooked Gulch is recommended for administration by the State of Oregon under its Scenic Waterways Program. The study report invites the Governor of Oregon to apply to have that portion added to the National System under provisions of Section 2(a)(ii) of the Wild and Scenic Rivers Act at such time as the State feels such action appropriate.

I fully endorse the report and recommend that it be referred to the Congress for appropriate action.

Sincerely,

Cecil D. Andrus,
Secretary.

S. 2348

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Wild and Scenic Rivers Act (82 Stat. 906 as amended; 16 U.S.C. 1274 et seq.) is further amended as follows:

In Section 3(a) after paragraph (23), insert the following new paragraph:

"( ) Tuolumne River, California.—The main river from its source on Mount Dana and Mount Lyell in Yosemite National Park to the backwaters of Hetch Hetchy Reservoir and the main river from O'Shaughnessy Dam to Don Pedro Reservoir except for the 1 mile area around Early Intake Diversion Dam to be administered by the Secretaries of the Interior and Agriculture: *Provided,* That the Secretaries shall take such actions as are provided for under subsection (b) of this section within 2 years from the date of enactment of paragraph ( ): *Provided further,* That for the purposes of this river, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act."

Department of the Interior,
Office of the Secretary,
Washington, D.C., January 15, 1980.

Hon. Walter F. Mondale,
President of the U.S. Senate,
Washington, D.C.

Dear Mr. President: On October 2, the President transmitted to you the draft report and legislative proposal recommending the designation of 83 miles of the Tuolumne River in California as a component of the National Wild and Scenic Rivers System. At that time, he indicated that the study of the river would be finalized and transmitted to you later. He further indicated that should information become available calling for a different recommendation, a revised proposal would be furnished.

Accordingly, I am pleased to forward to you a copy of the final environmental impact statement and study report. This document reflects the assessment by the Departments of Agriculture and Interior of the comments received during the review and public involvement process and new data which became available during the review period.

As a result of this further review, the Administration continues to support designation of the Tuolumne River as a component of the National Wild and Scenic Rivers System as presented in the President's October 2 transmittal.

The Office of Management and Budget has advised that this legislative program is in accord with the program of the President.

Sincerely,

Davis Hales,
Acting Assistant Secretary.

S. 2349

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Wild and Scenic Rivers Act (82 Stat. 906 as amended; 16 U.S.C. 1274 et seq.) is further amended as follows:

In Section 5(a) insert at the end thereof the following:

"( ) NORTH UMPQUA, OREGON: the segment from Soda Springs Dam downstream to Rock Creek and its Steamboat Creek tributary.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., September 26, 1979.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In response to your August 2 Environmental Message, I am pleased to forward the enclosed draft bill, "To amend Section 5(a) of the Wild and Scenic Rivers Act by designating a segment of the North Umpqua River in Oregon and its tributary Steamboat Creek for study as potential additions to the National Wild and Scenic Rivers System."

The North Umpqua is the main tributary to the Umpqua River, one of two major rivers, the Rogue being the other, flowing west into the Pacific Ocean from Oregon's Cascade Mountains. The North Umpqua and its Steamboat Creek tributary are world famous for the quality of steelhead fishing. Native runs of steelhead migrate up the rivers to spawn summer and winter. The river canyons are noteworthy also because of the beauty of the rivers and the rugged forest scenery they offer. A road up the North Umpqua is a popular access route to Crater Lake National Park. Archeological sites representing thousands of years of Indian use are present. Whitewater boating is growing in popularity.

The river segments proposed total about 50 miles in length, of which all but about 14 miles are on federally owned lands in the Umpqua National Forest. We estimate that of the 14 miles of river outside the national forest boundary less than 2 miles are on privately owned lands. The remainder being Bureau of Land Management and county administered lands.

We recommend, therefore, that the study be conducted by the Department of Agriculture with assistance in appropriate areas by the Department of the Interior.

Sincerely,

BOB HERBST,
Assistant Secretary.

S. 2350

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Trails System Act (82 Stat. 919; 16 U.S.C. 1241, as amended) is further amended as follows:

In section 5(a) after paragraph (7), insert the following new paragraph:

"( ) The Natchez Trace National Scenic Trail, a trail system totaling approximately 694 miles extending from Nashville, Tennessee, to Natchez, Missisippi, as depicted on the map entitled "Concept Plan, Natchez Trace Trails Study," dated June 1979, which shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The trail shall be administered by the Secretary of the Interior."

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C. May 13, 1977.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: It is with pleasure that I recommend the designation of the Potomac Heritage Trail located in portions of Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia, as a component of the National Trails System.

The recommendation stems from this Department's responsibility under the Act of October 2, 1968, which established a National Trails System; designated the Appalachian and Pacific Crest Trails as National Scenic Trails; and listed 14 additional routes, including the Potomac Heritage Trail, for study as potential National Scenic Trails. The Act also established procedures for establishing additional National Scenic Trails, National Recreation Trails and connecting and side trails in the National Trails System.

The enclosed draft bill implements the recommendations resulting from the Department's study of the Potomac Heritage Trail route. We have concluded that the trail, as studied and presented in the report, meets the criteria for addition to the National Trails System as a National Scenic Trail of approximately 874 miles in length. A copy of the study report is enclosed.

The draft bill would add the Potomac Heritage Trail to the National System as a National Scenic Trail. Overall administration would be assigned to the Department of the Interior, which will consult with the heads of other Federal agencies where lands administered by them are involved, and with State, county and local agencies or private trail organizations.

Under section 2 of the draft bill, only those components of the trail, 323 miles in total length, located within exterior boundaries of federally administered areas (including the District of Columbia) are designated initially. The Secretary would designate lands outside such boundaries as components of the Potomac Heritage National Scenic Trail upon application from the States (including the District of Columbia) or local governmental agencies involved if such components meet established criteria and are administered by such agencies without expense to the United States. Guidelines for the development, management and maintenance of the trail would be prepared by the Secretary in consultation with appropriate public agencies and private organizations within three years after the trail is designated.

The draft bill amends the National Trails System Act to render inapplicable to this proposal the authority of the Secretary regarding the establishment of the trail right-of-way outside the exterior boundaries of federally administered areas, since these components would be administered without expense to the United States. Funds to establish initial sections of trail designated under the draft bill would be provided by the Federal administering agencies involved under existing authorities. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of the legislation including mapping the trail, publication of the trail route, guidelines and other requirements.

The trail route as recommended in the study report runs from Point Lookout, Maryland, and Smith Point, Virginia, generally following the Potomac to the Washington-Arlington metropolitan area; it runs westward from Georgetown to Cumberland, Maryland, on the towpath of the Chesapeake and Ohio Canal; from Arlington to Harpers Ferry, West Virginia, it runs along the south bank of the Potomac. At Oldtown, Maryland, the main trail divides, one branch running south to dual termini at Spruce Knob-Seneca Rocks National Recreation Area and at Blackwater Falls State Park, both in West Virginia. A second, or northern branch, continues from Cumberland, Maryland, to the Youghiogheny River and then north to Braddock's Road, west to Fort Necessity National Battlefield and Ohiopyle State Park, and north along the Laurel Ridge highlands to Conemaugh Gorge near Johnstown, Pennsylvania.

Inasmuch as the Potomac Heritage Trail qualifies for inclusion in the National Trails System as a National Scenic Trail, we urge that the enclosed draft bill be transmitted to the Congress with a recommendation that it be enacted.

Sincerely,

BOB HERBST,
Assistant Secretary.

S. 2351

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That the National Trails System Act (82 Stat. 919; 16 U.S.C. 1241, as amended) is further amended as follows:

(a) In section 5(a) insert a new paragraph as follows:

"( ) The Potomac Heritage National Scenic Trail, a corridor of approximately eight hundred and seventy-four miles, extending from the mouth of the Potomac River to its source (except for one segment extending into Pennsylvania) following the route as generally depicted on the map, identified as "National Trails System, Proposed Potomac Heritage Trail" which shall be on file and available for public inspection in the Office of the Director of the National Park Service: *Provided,* (i) That only those segments of the corridor located within exterior boundaries of federally administered areas are designated as the Potomac Heritage National Scenic Trail by this Act; and (ii) That the Secretary of the Interior may designate lands outside of federally administered areas as segments of the Potomac Heritage National Scenic Trail upon application from the States (including the District of Columbia) or local governmental agencies involved if such segments meet the criteria established in this Act and are administered by such agencies without expense to the United States. The segments of the Potomac Heritage National Scenic Trail designated by this Act shall be administered by the Secretary of the Interior, in consultation with the heads of other Federal agencies where lands administered by them are involved.

(b) In Section 5(e) after "Continental Divide National Scenic Trail" insert "and the Potomac Heritage National Scenic Trail,"

(c) In Section 5(f) after "Continental Divide National Scenic Trail" insert "and the Potomac Heritage National Scenic Trail," and

(d) In Section 10(c) delete "and (7)" and insert in lieu thereof "(7), (8), and (9)."

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 2, 1979.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: It is with pleasure that I recommend the designation of the Natchez Trace in Tennessee, Alabama, and Mississippi as a component of the National Trails System.

The recommendation stems from this Department's responsibilities under the Act of October 2, 1968 (82 Stat. 919; 16 U.S.C. 1241), which established the National Trails System and identified 14 additional routes including the Natchez Trace for study as potential National Scenic Trails.

The enclosed draft bill implements the recommendations in the Department's study of the Natchez Trace. A copy of the study report is also enclosed.

The Natchez Trace, as discussed in the study report, covers some 450 miles from Nashville, Tennessee, to Natchez, Mississippi. Its designation would afford present day hikers, cyclists, and horseback riders a trail opportunity in a setting reminiscent of that through which the old Trace passed.

Since most of the trail would parallel the existing Natchez Trace Parkway or pass through national forest lands, only about 2,000 acres of land would be required to provide for the trail route. These lands would permit inclusion in the trail of some additional remnants of the old Trace, thus enhancing the interpretation of the trail and protecting additional remnants.

As proposed, the Natchez Trace Trails System would consist of two separate trails within a general trail corridor. One would be a hard surface route for bicyclists, the other would be a soft tread for hiking, incorporating provisions for horseback riding in four areas. It is proposed that the 182 miles of bicycle and 512 miles of hiking/horseback trail be developed over a period of years in accordance with the priorities established in the report.

Acquisition costs associated with the proposal are $2,500,000 based on study costs indexed to January 1979. Development costs are estimated at $16,500,000. Development of the trail on the ground would be phased over an extended period of years based on the priorities identified in the report and as the demand for trail opportunities develops along the route.

The Natchez Trace offers significant quality trail recreation opportunities in an area where a real need for such opportunities exists.

Sincerely,

Cecil D. Andrus,
Secretary.●

By Mr. PROXMIRE (by request):

S. 2352. A bill to increase the authorization for the Council on Wage and Price Stability, to extend the duration of such Council, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

EXTENSION OF THE COUNCIL ON WAGE AND PRICE STABILITY

Mr. PROXMIRE. Mr. President, I am introducing, by request of the administration, legislation to extend the life of the Council on Wage and Price Stability for 1 additional year beyond its current expiration date of September 30, 1980, and to increase the Council's authorization for fiscal year 1980.

The Banking Committee will consider this legislation in early March in conjunction with oversight hearings on the administration's anti-inflation programs and consideration of recent proposals for mandatory wage and price controls.

I ask unanimous consent that the text of the legislation and a section-by-section analysis of the legislation be printed in the Record.

There being no objection, the bill and analysis were ordered to be printed in the Record, as follows:

S. 2352

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Council on Wage and Price Stability Act is amended by striking out "on a quarterly basis and not later than thirty days after the close of each calendar quarter" and by inserting "on an annual basis."

Sec. 2. Section 6 of such Act is amended by striking out "(1) $6,952,000 for the fiscal year ending September 30, 1979; and (2) $8,483,000 for the fiscal year ending September 30, 1980." and by inserting "(1) $9,463,000 for the fiscal year ending September 30, 1980; and (2) $9,770,000 for the fiscal year ending September 30, 1981."

Sec. 3. Section 7 of such Act is amended by striking out "1980" and inserting in lieu thereof "1981."

Sectional Analysis of a Bill

Section 1. Section 1 would require that the Council on Wage and Price Stability file an annual, rather than a quarterly, report to the President and, through him, to the Congress.

Section 2. Section 2 would increase the authorization for the Council on Wage and Price Stability from (1) $6,952,000 to $9,463,000 for fiscal year 1980; and (2) $8,483,000 to $9,770,000 for fiscal year 1981.

Section 3. Section 3 would extend the authority of the Council on Wage and Price Stability through fiscal year 1981.

By Mr. NUNN (for himself, Mr. Stennis, Mr. Jackson, Mr. Cannon, Mr. Tower, Mr. Thurmond, Mr. Levin, Mr. Cohen, Mr. Hart, Mr. Harry F. Byrd, Jr., Mr. Warner, Mr. Culver, Mr. Humphrey, Mr. Goldwater, Mr. Jepsen, Mr. Exon, and Mr. Morgan):

S.J. Res. 149. A joint resolution to recognize the Honorable Carl Vinson on the occasion of the christening of the U.S.S. *Carl Vinson,* March 15, 1980; to the Committee on Armed Services.

U.S.S. "CARL VINSON"

● Mr. NUNN. Mr. President, on behalf of myself and Senators Stennis, Jackson, Cannon, Tower, Thurmond, Levin, Cohen, Hart, Byrd of Virginia, Warner, Culver, Humphrey, Jepsen, Goldwater, Morgan, and Exon, I rise to introduce a joint resolution to recognize the Honorable Carl Vinson on the occasion of the christening of the U.S.S. *Carl Vinson,* which is scheduled to take place on March 15, 1980, at Newport News, Va.

This ship is a nuclear powered aircraft carrier and is named after my great-uncle, Carl Vinson, who was 96 this past November. It is the first Navy warship to be named after a living American. Mr. Vinson is planning to attend the ceremony and I believe it would be fitting for the Congress of the United States to join in paying tribute to a man that did so much for the national security of this Nation as a Member of the Congress.

I would welcome any additional cosponsors and would urge any Member of the Senate that can to plan to attend the historic event when this great ship is christened and launched in Mr. Vinson's presence on March 15, 1980.●

ADDITIONAL COSPONSORS

S. 105

At the request of Mr. Wallop, the Senator from New Hampshire (Mr. Durkin) was added as a cosponsor of S. 105, the Parental Kidnaping Prevention Act.

S. 414

At the request of Mr. Bayh, the Senator from Minnesota (Mr. Durenberger), the Senator from North Carolina (Mr. Helms) and the Senator from Virginia (Mr. Warner) were added as cosponsors of S. 414, the Patent Procedures Act.

S. 414

At the request of Mr. Dole, the Senator from Michigan (Mr. Riegle) was added as a cosponsor of S. 414, the University and Small Business Patent Procedures Act.

S. 681

At the request of Mr. Dole, the Senator from Massachusetts (Mr. Kennedy) was added as a cosponsor of S. 681, a bill to provide for reciprocal agreements for services covered outside of the United States.

S. 938

At the request of Mr. Mathias, the Senator from California (Mr. Cranston) was added as a cosponsor of S. 938, the Unfair Foreign Competition Act of 1979.

S. 1200

At the request of Mr. Bayh, the Senator from Virginia (Mr. Warner) was added as a cosponsor of S. 1200, the Alcohol Fuels Regulatory Simplification Act.

S. 1327

At the request of Mr. Hart, the Senator from Minnesota (Mr. Boschwitz) was added as a cosponsor of S. 1327, a bill to amend the Fair Labor Standards Act of 1938 to exempt full-time students serving as resident assistants and resident counselors in private nonprofit institutions of higher education from that act, and for other purposes.

S. 1825

At the request of Mr. Nelson, the Senator from Iowa (Mr. Jepsen) was added as a cosponsor of S. 1825, a bill to amend the Internal Revenue Code of 1954 to adjust the unified credit against estate and gift taxes to take into account the rate of inflation.

S. 1858

At the request of Mr. Bayh, the Senator from South Carolina (Mr. Hollings), the Senator from Montana (Mr. Melcher), and the Senator from Kentucky (Mr. Ford) were added as cosponsors of S. 1858, the National Guard Tort Claims Act.

S. 1942

At the request of Mr. McGovern, the Senator from Idaho (Mr. Church) and the Senator from New Mexico (Mr. Domenici) were added as cosponsors of S. 1942, a bill to provide for a resource conservation and development program in the Department of Agriculture.

S. 1984

At the request of Mr. Wallop, the Senator from Minnesota (Mr. Durenberger) and the Senator from New Mexico (Mr. Schmitt) were added as cosponsors of S. 1984, a bill to amend the Internal Revenue Code of 1954 to provide an unlimited marital estate and gift tax deduction, to modify provisions relating to special use valuation of certain farm and other real property, and for other purposes.

S. 2147

At the request of Mr. Culver, the Senator from Texas (Mr. Tower) was added as a cosponsor of S. 2147, the Regulatory Flexibility and Administrative Reform Act of 1979.

S. 2152

At the request of Mr. Nelson, the Senator from Maryland (Mr. Mathias) was added as a cosponsor of S. 2152, a bill to amend the Internal Revenue Code of 1954 to provide a doubling of investment tax credit for used section 38 property by raising the $100,000 limitation on such property to $200,000.

S. 2195

At the request of Mr. Tower, the Senator from Utah (Mr. Hatch) was added as a cosponsor of S. 2195, a bill to require the Secretary of the Interior, in cooperation with the Secretary of Agriculture, to implement certain requirements relating to animal damage control.

S. 2221

At the request of Mr. Weicker, the Senator from New Mexico (Mr. Schmitt) was added as a cosponsor of S. 2221, a bill to increase from 60 percent to 80 percent the deduction allowed to individuals with respect to net capital gains from investment in small businesses.

S. 2246

At the request of Mr. Dole, the Senator from Arkansas (Mr. Bumpers) was added as a cosponsor of S. 2246, a bill to extend directed service on the Rock Island Railroad for an additional 90 days.

S. 2269

At the request of Mr. Zorinsky, the Senator from Kentucky (Mr. Huddleston), the Senator from Idaho (Mr. Church), the Senator from Tennessee (Mr. Sasser), the Senator from North Carolina (Mr. Helms), the Senator from North Dakota (Mr. Young), the Senator from Minnesota (Mr. Boschwitz), and the Senator from Iowa (Mr. Jepsen) were added as cosponsors of S. 2269, a bill to extend the Emergency Agricultural Credit Adjustment Act of 1978.

S. 2277

At the request of Mr. McGovern, the Senator from North Dakota (Mr. Burdick), the Senator from North Dakota (Mr. Young), and the Senator from Montana (Mr. Melcher) were added as cosponsors of S. 2277, the Agriculture Emergency Act of 1980.

SENATE CONCURRENT RESOLUTION 60

At the request of Mr. Jepsen, the Senator from New York (Mr. Moynihan) was added as a cosponsor of Senate Concurrent Resolution 60, a concurrent resolution expressing the sense of the Congress with respect to the treatment of Christians by the Soviet Socialist Republics, and for other purposes.

SENATE CONCURRENT RESOLUTION 61

At the request of Mr. Jepsen, the Senator from New York (Mr. Moynihan) was added as a cosponsor of Senate Concurrent Resolution 61, a concurrent resolution expressing the sense of the Congress with respect to the treatment of Christians by the Union of Soviet Socialist Republics, and for other purposes.

SENATE CONCURRENT RESOLUTION 67

At the request of Mr. Nelson, the Senator from Kentucky (Mr. Huddleston) was added as a cosponsor of Senate Concurrent Resolution 67, a concurrent resolution expressing the sense of the Congress with respect to taxing social security benefits.

SENATE RESOLUTION 373—SUBMISSION OF A RESOLUTION RELATING TO EMBARGO OF U.S. EXPORT SALES TO THE SOVIET UNION

Mr. PRESSLER submitted the following resolution, which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. Res. 373

Resolved, That it is the sense of the Senate that a total embargo on United States export sales to the Soviet Union should be imposed whenever any embargo on United States grain export sales to the Soviet Union is in effect.

Sec. 2. The Secretary of the Senate shall transmit copies of this resolution to the President and to the Secretary of Commerce.

Mr. PRESSLER. Mr. President, I submit today a resolution expressing the sense of the Senate that a total embargo on U.S. export sales to the Soviet Union should be imposed whenever any embargo on grain export sales to that country is in effect. It is inconsistent to embargo grain sales while continuing large sales of farm machinery, seeds, and many manufactured items designed to simultaneously help the Soviets expand their grain production.

Mr. President, in principle I do not like trade embargoes. As a member of the Senate Export Caucus and the Commerce, Science, and Transportation Committee, I share with a great many of our colleagues and friends a desire to make the United States more competitive in international trade and to reduce the U.S. deficit in merchandise trade. I am convinced, too, that trade conditions must be fair and that more dynamic diplomacy must be pursued to obtain elimination of other nations' trade limiting practices, especially in agricultural commodities trade.

The grain embargo will have only marginal impact on the Soviet Union: First Argentina and other nations are supplying or will supply a significant portion of the 17 million metric tons that the President has foreclosed from sale to the Soviets; second the Soviets will make substitutions to offset another portion of their grain imports shortfall; third the resulting net loss in available Soviet grain stocks, after allowance for substitutions and offsetting third-nation exports, represents a small and easily manageable cost in the authoritarian Soviet society.

On the other hand, the lost U.S. grain exports will result in a multibillion dollar expense to U.S. farmers and taxpayers and a major blow to the congressional commitment to eliminate Federal deficit spending. On the latter basis alone, the grain embargo is ill-advised. I am skeptical that the administration can manage the additional U.S. grain stocks in such a way that there are no major price-depressing effects on U.S. grain markets. The Congress should not have enlarged unilateral Presidential export embargo imposition authority last summer in adopting the Export Administration Act. Congress should always be consulted formally before the drastic step is made to impose major selective embargoes on nonstrategic goods.

There are other producers and exporters besides agricultural producers and exporters who are affected by restrictions on exports to the Soviet Union. This group includes many small- and medium-sized enterprises, some of which rely heavily on export market opportunities. It is curious that no administration plan or policy has been put forth yet to ameliorate the losses which the current embargo imposes on these people.

For the vast majority of industrial or manufacturing enterprises, however, the export sales embargo does not exist. The embargo either should not exist for all of our producers or should exist for all producers and exporters. We need to be fair and impartial in these matters. In fact, since grain comprises the largest dollar value portion of export sales to the Soviets, it should be much easier for companies which now do not labor under trade restrictions to absorb the costs of an enlarged embargo than it is for farmers and taxpayers to absorb the tremendous costs associated with the grain embargo.

It is ironic that trade adjustment assistance programs exist for many manufacturing workers and companies who could be seriously injured by imports, but no such protection is afforded unincorporated farm operators. It is only in theory that trade adjustment assistance applies to any farmers; in practice, such benefits do not exist for them. This point is mentioned in the export embargo context to stress the fact that farmers often do not receive equitable treatment in U.S. trade decisions and policies. And I will only mention here in passing that, for all of its favorable contribution to the U.S. trade balance, U.S. agriculture still faces more trade barriers overseas than virtually all other sectors of our economy.

Mr. President, for the record I am submitting three lists of current examples of goods which now either may be sold to the Soviets with no other limitation than the simple filing of a shipper's export declaration, or for which applications for validated export licenses may be submitted with some possibility of approval, or which are currently effectively embargoed.

Mr. President, I ask that these lists of examples be included in the Record immediately following my remarks.

You will note that the item phosphates (fertilizers) has now been added to the embargo list. This occurred only yesterday after an outcry from Senators and Representatives including myself.

In closing, Mr. President, it is important that we recognize the great sacrifice which our summer Olympic athletes are being asked to make this year because of the U.S. boycott of the Moscow games. These courageous and hardworking young men and women will sacrifice just as our farmers and some other producers and exporters will sacrifice because of the embargo. In fact, the Olympic boycott is an embargo under another name. So we should stress that these athletes also deserve to know that their Government does not expect just them and our farmers and a very few others to make all the sacrifices. This resolution, then, may make the Olympic boycott more acceptable to some of our athletes and can help to boost the morale of all those who had planned to compete in the 1980 Olympic games.

There being no objection, the bill lists were ordered to be printed in the RECORD, as follows:

LIST

NO TRADE RESTRICTIONS (2-22-1980)

1. There are thousands of manufactured products, the sale of which to the Soviet Union is not now restricted, including most farm machinery (e.g., tractor engines and planting machines).
2. Live plants.
3. Plant seeds (excludes cereal grains).
4. All vegetables (excludes oil-bearing vegetables).
5. All fruits.
6. Sugar.
7. Cocoa.
8. Syrups.
9. Molasses.
10. Coffee and its substitutes.
11. Tea.
12. Spices.
13. Non-alcoholic beverages.
14. Fermented alcoholic beverages.
15. Spirits.
16. Alcoholic beverage preparations.
17. Tobacco.
18. Tobacco products.
19. Feathers and down.
20. Bristles and hair.
21. Shellac and gums.
22. Resins, rosin and turpentine.
23. Wood.
24. Wood products.
25. Wool.
26. Cotton.
27. Silk.
28. All other textile fibers, yarns, threads, and wastes.
29. Nuts (except peanuts).
30. Furskins.

ITEMS EFFECTIVELY EMBARGOED (2-22-1980)

1. Meats.
2. Dairy products.
3. Cereal grains, milled grain products, malts, starches.
4. Peanuts.
5. Oilbearing vegetable matter.
6. Animal oils, fats, greases (except tallow).
7. Animal feed.
8. Certain computer equipment (and parts).
9. Oil and gas exploration, development, and production equipment and machinery.
10. Other high-technology manufactured items on the Commodity Control List of the Export Control Administration (items with potential military or strategic significance).
11. Phosphates (added 2-25-1980).

ITEMS NOT USUALLY BEING APPROVED, BUT COULD BE APPROVED (2-22-1980)

1. Live animals.
2. Fish and shellfish.
3. Crude and refined vegetable oil.
4. Tallow.
5. Hardened oils, fats and greases.
6. Bull semen.

SENATE RESOLUTION 374—SUBMISSION OF A RESOLUTION REGARDING AGE DISCRIMINATION POLICY IN FEDERAL JUDICIAL NOMINATIONS

Mr. DECONCINI (for himself, Mr. KENNEDY, and Mr. THURMOND) submitted the following resolution, which was referred to the Committee on the Judiciary:

S. RES. 374

Whereas, the Standing Committee on Federal Judiciary of the American Bar Association does not recommend an individual 60 years of age or older for an initial appointment to a lifetime Federal judgeship unless in excellent health and evaluated as "Well Qualified" or "Exceptionally Well Qualified";

Whereas, the Standing Committee on Federal Judiciary of the American Bar Association does not recommend an individual over 64 years of age for initial appointment to a lifetime Federal judgeship;

Whereas, the Standing Committee on Federal Judiciary of the American Bar Association employs stricter criteria for considering district judges over 60 years of age for appointment to the courts of appeals;

Whereas, the Attorney General of the United States is in general agreement with the policy of the Standing Committee on Federal Judiciary of the American Bar Association;

Whereas, the policy of the Standing Committee on Federal Judiciary of the American Bar Association, as followed by the Attorney General of the United States, contradicts the spirit of the Age Discrimination in Employment Act Amendments of 1978 (29 U.S.C. 621 et seq.), and contradicts the spirit of the merit selection guidelines set forth in Executive Order 12059, pertaining to the selection of circuit judges, and Executive Order 12097, pertaining to the selection of district judges; and

Whereas, the effect of the policy of the Standing Committee on Federal Judiciary of the American Bar Association, and the general concurrence with that policy by the Attorney General of the United States is to discriminate against qualified individuals solely on the basis of age: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Standing Committee on Federal Judiciary of the American Bar Association and the Attorney General of the United States immediately take all measures necessary to end discrimination against potential lifetime Federal judges who do not qualify solely as a result of arbitrary age barriers.

• Mr. DECONCINI. Mr. President, the Senate has repeatedly gone on record against age discrimination. Regardless of the context in which this practice occurs, its effects are insidious. Its negative impact is both personal and public. In the act of telling individuals they are too old, we deprive them of their self-respect and, in many cases, of their will. But, at the same time, we deprive society of their skills, their judgment and, most especially, of their wisdom. The net effect of age discrimination is disastrous to the individual and harmful to society.

Even with this clear record of opposition to age discrimination by the Congress, the practice continues. Oddly enough, it continues in an area where it appears most absurd—in the approval and appointment of Federal judges. In theory, at least, a judge is supposed to represent the wisdom and maturity of judgment that only long years of experience can bring. Generally, elevation to the bench has been regarded as the fitting cap to a long and distinguished career before the bar.

What is most distressing is that age discrimination is practiced by groups of great prestige which, frankly, should know better and for which such a practice is particularly undignified. I am speaking, Mr. President, of the American Bar Association and the Department of Justice. As a matter of policy, the American Bar Association refuses to recommend any individual over the age of 60 as a Federal judge. With what must be viewed as perhaps the most cynical kind of hypocrisy, the same Government charged with protecting the American people against age discrimination concurs with and implements the anachronistic policy of the ABA.

As the Chairman of the Subcommittee on Improvements in Judicial Machinery, I am thoroughly distressed by the policies and actions of both the American Bar Association and the Department of Justice. While my staff and I consider other, more stringent remedies, I believe that it is important for the Senate to go on record yet again to demonstrate its disapproval of this pernicious practice. Consequently, I am introducing today a resolution to that effect. I am particularly pleased that both the chairman of the Judiciary Committee, Senator KENNEDY, and the ranking minority member, Senator THURMOND, have joined me in sponsoring this resolution.

The American Bar Association's standing committee on Federal judiciary holds that "An individual 60 years of age or older is not recommended for an initial appointment to a lifetime Federal judgeship unless in excellent health and evaluated as 'well qualified' or 'exceptionally well qualified'. In no event are persons over 64 recommended for initial appointment."

The Department of Justice adheres to this criterion. Most recently this was confirmed by Attorney General Civiletti when he stated that he finds the American Bar Association's guidelines, which have been in constant use since the early 1950's, to be generally wise and in the public interest.

The resolution I submit today will make the American Bar Association and the Attorney General aware of our disagreement and displeasure with this policy.

I am of the opinion, and I am sure that many Members share the opinion, that there are no simple dividing lines in the life cycle. Can anyone remember the exact date he reached middle age, or pick the birthday he crossed the line between young and old? Age is relative. It varies from individual to individual, and chronology is an inaccurate measure of how old one is.

The human mind does not shrink or deteriorate with age, but rather it expands with knowledge and experience. Benjamin Franklin, writer, scientist, inventor and statesman, was active in affairs of state in his seventies and eighties. At 70 he helped draft the Declaration of Independence. At 75 he brought about the peace with Great Britain. And at 81 he negotiated the compromise which brought our Constitution into existence. Would anyone think of denying Michelangelo a commission to design St. Peter's in Rome simply because he was 77, or inform Pablo Picasso that he could no longer paint since he was 90? It would be absurd.

We possess a wealth of resources in the growing population of people over 60. Approximately 2 weeks ago I testified before the House Select Committee on Aging, chaired by one of our distinguished colleagues, Senator Claude Pepper. Prior to my appearance, I was most fortunate to have the opportunity to listen to one very able and ambitious member of our judiciary. Not to have granted Sarah Hughes, a practicing 83-year-old Federal judge, a seat on the Federal bench for the northern district of Texas when she was 65, would have indeed been a waste. Judge Hughes is an excellent example of why we should not leave years of experience, years of accumulated knowledge untapped. The resolution before you would clarify the Congress commitment to end such a needless dissipation of one of our most valuable resources.

I would like to state that during our committee's oversight hearings regarding the selection and confirmation process of Federal judges, the American Bar Association outlined the various ratings employed, several of which I have just mentioned. Further, it is our understanding that this policy has recently been reexamined and reaffirmed by the American Bar Association. I would like to emphasize that the Senate Committee on the Judiciary has not followed the American Bar Association's strict age limit policy. Rather, the committee has made its decisions on a case-by-case basis after thorough review of the background and qualifications of each nominee. I might add that the Senate Judiciary Committee requires a questionnaire of each nominee and, where necessary, a comprehensive investigation may result. It is the position of the Committee on the Judiciary that a qualified individual over the age of 60 should not be barred from serving as a Federal judge solely because of his or her age.

Congress recognized that age should not be a factor for granting employment when it passed the Federal employment law which prohibits discrimination on the basis of age. Likewise President Carter, in his Executive orders pertaining to the selection of circuit and district judges, stated that recommendations for nominations should be made on the basis of character, experience, ability, and commitment to equal justice under law. Nowhere does President Carter make any qualification based on age.

The President's Executive orders, the Congress, and the Senate Committee on the Judiciary are able to see beyond an arbitrary chronological categorization. Why then do others remain so nearsighted? A qualified individual over the age of 60 should not be barred from serving as a Federal judge solely because of his or her age. Any other policy may deprive the Nation of services of many highly respected men and women who are qualified to serve on the Federal bench. The resolution I propose today coincides with the spirit of both President Carter's Executive orders and Congress Federal employment law; age should not be the basis for employment.

I recently obtained some data regarding the age of our active district and circuit court judges. According to figures prepared by the Administrative Office of the United States Courts, 237 (or 31 percent) of 562 district and circuit active judgeships are held by jurists who are 60 years of age or older. Of these, 122 (or slightly more than half) are 65 or older. These individuals perform a significant amount of the existing workload of the Federal court system. I believe that the quality of justice performed by the Federal judiciary is very high and that efforts should not be established which will tend to prohibit qualified individuals from serving when an arbitrary age barrier has been set.

I was personally involved in a situation of "ageism" in Arizona, concerning the appointment of Mr. Nicholas Udall of Phoenix, Ariz., to the Federal bench.

I mailed a questionnaire to the 5,000 attorneys in the State of Arizona asking them to rate 92 individuals who were interested in becoming Federal district judges. I received responses from 2,000 attorneys; Nick Udall received an extremely high ranking. Therefore, I recommended Nick Udall to the Attorney General for appointment to the Federal district bench, pursuant to the President's guidelines on appointment of Federal district judges.

Nick Udall had a complete physical examination and his doctors advised him that he was in excellent health. The American Bar Association and Judge Bell, the former Attorney General, both advised me that Nick Udall had excellent credentials professionally and was highly thought of by his peers.

However, I was advised by the Justice Department that Nick Udall would not be recommended for appointment as a Federal judge because he was over the age of 65 and the administration's policy is not to nominate anyone over the age of 65 for appointment as a Federal district judge. The facts concerning Nick Udall present a classic case. He had all the necessary credentials for appointment except that he was over the age of 65.

It was truly inappropriate to discriminate against Nick Udall and perhaps other nominees merely on the basis of age. As can be seen by judges who are over the age of 60 and in regular active status, they are more than capable of serving effectively and efficiently.

We should not endorse this policy of age discrimination. This resolution expresses the sense of the Senate that such an odious case of discrimination should not be tolerated. This resolution expresses our dismay at the loss of experience, wisdom, judgment, and prudence resulting from the American Bar Association and the Department of Justice's policy. Let us hope that through this resolution we will be able to enlighten the American Bar Association and the Justice Department so that they, too, will be able to pierce the arbitrary age barrier and view each nominee's qualifications on a case-by-case basis.

Mr. President, I ask unanimous consent that relevant correspondence be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

U.S. Senate,
Committee on the Judiciary,
Washington, D.C., November 7, 1979.

Hon. Claude Pepper,
Chairman, Select Committee on Aging, U.S. House of Representatives, Washington, D.C.

Dear Mr. Chairman: I would like to call to your attention the situation in Arizona concerning the appointment to the Federal bench of Mr. Nicholas Udall of Phoenix, Arizona.

I mailed a questionnaire to the 5,000 attorneys in the State of Arizona asking them to rate 92 individuals who were interested in becoming Federal District Judges. I received responses from 2,000 attorneys; Nick Udall received an extremely high ranking. Therefore, I recommended Nick Udall to the Attorney General for appointment to the Federal District bench, pursuant to the President's guidelines on appointment of Federal District Judges.

Nick Udall has recently had a complete physical examination and his doctors have advised him that he is in excellent health. The American Bar Association and Judge Bell, the former Attorney General, have both advised me that Nick Udall has excellent credentials professionally and is highly thought of by his peers. Nick Udall also has an excellent reputation in Arizona.

However, I have been advised by the Justice Department that Nick Udall will not be recommended for appointment as a Federal Judge because he is over the age of 65 and the Administration's policy is not to nominate anyone over the age of 65 for appointment as a Federal District Judge. The facts concerning Nick Udall present a classic case. He has all the necessary credentials for appointment except that he is over the age of 65.

I am enclosing Mr. Udall's resume for your convenience, and I have asked my Administrative Assistant, Gene Karp, to set up an appointment with you for Mr. Udall on Tuesday, November 13.

Thank you for your consideration.

Very truly yours,

Dennis DeConcini,
U.S. Senator.

U.S. House of Representatives,
Select Committee on Aging,
Washington, D.C., December 19, 1979.

Hon. Benjamin Civiletti,
Office of the Attorney General, Department of Justice, Washington, D.C.

Dear Mr. Civiletti: Your assistance in a matter of great concern to me as Chairman of the House Select Committee on Aging would be deeply appreciated.

Throughout my many years in Congress, one of my prime concerns has been eradicating the last vestiges of age discrimination from our society. Most recently, this effort culminated in the enactment of the Age Discrimination in Employment Act amendments of 1977 which barred the federal government from practicing age discrimination in most employment matters.

One area which concerns me greatly is the selection criterion for federal judges. The American Bar Association's Standing Committee on the Federal Judiciary holds that "An individual 60 years of age or older is not recommended for an initial appointment to a lifetime federal judgeship unless in excellent health and evaluated as "Well Qualified" or "Exceptionally Well Qualified." In no event are persons over 64 recommended for initial appointment." It is my understanding that the Department of Justice adheres to this criterion.

I would like to know what the Department's position is on this issue of utilizing age as the sole criterion for judging a person's ability to perform a job: in this case the job of federal judge. Could you please inform me as to whether or not the Department of Justice follows the American Bar Association's position that no persons over 64 are qualified because of age. In addition I would appreciate knowing how long this has been the position of the Department, whether different Administrations have held different positions on the matter and whether or not the policy has been formally written or announced in any Department publications, guidelines or regulations. Finally, I would be grateful if you could provide a list of persons over age 64 who have been nominated for initial appointment to a federal judgeship both by this administration and within the past 10 years.

Your prompt response on this matter will greatly increase our Committee's understanding of this important issue.

With warmest regards, and

Believe me,

Always sincerely,

Claude Pepper,
Chairman, House Select Committee on Aging.

Office of the Attorney General,
Washington, D.C., January 17, 1980.
Hon. Claude Pepper,
U.S. Congress,
Washington, D.C.

Dear Congressman Pepper: Thank you for your recent letter which I received January 8, 1980 concerning age as a factor in the consideration of candidates for the federal bench.

The Department of Justice has consistently since the end of the Truman Administration looked at a candidate's age as one of the major areas of concern. President Carter has not appointed anyone who has reached his or her 64th birthday at time of appointment. Since federal judges receive lifetime appointments, one of our objectives is to appoint individuals who will reasonably be expected to perform effectively for 10 to 15 years in a very difficult post. The retirement system for judges is based on a minimum service of 10 years at age 70 and 15 years service at age 65.

I find the American Bar Association's guidelines have been in constant use since the early 1950's. I feel they are generally wise and in the public interest. They are not, however, an automatic disqualification for a candidate.

Concerning your request for a list of individuals over the age of 64 nominated for initial appointment during this Administration and within the past ten years, there are none. Enclosed is a copy of the most recent guidelines for circuit and district nominating commissions.

Thank you for your concern. Best personal regards.

Sincerely,

Benjamin R. Civiletti,
Attorney General.

U.S. Senate,
Committee on the Judiciary,
Washington, D.C., January 29, 1980.
Hon. Claude Pepper,
Chairman, Select Committee on Aging, U.S. House of Representatives, Washington, D.C.

Dear Mr. Chairman: The Senate Committee on the Judiciary has been notified that the Select Committee on Aging will soon be holding hearings on the age requirements imposed by the American Bar Association for federal judges. We ask that this letter be considered during these hearings and included in the record.

During the Administration's consideration of judicial nominees, the ABA Standing Committee on Federal Judiciary conducts investigations into the nominees' qualifications, focusing on professional competence, temperament, and integrity. Once a nomination has been received by our Committee, we solicit these views from the ABA Committee.

During our Committee's initial oversight hearings regarding the selection and confirmation process of federal judges, Mr. Robert Raven, Chairman of the ABA Standing Committee on Federal Judiciary, outlined various ratings employed by his committee. Specifically, in regard to the age criteria, he stated:

"Not qualified by reason of age applies to persons who, but for their age, might otherwise be found qualified. An individual 60 years of age or older is not recommended for an initial appointment to a lifetime federal judgeship unless in excellent health and evaluated as well qualified or exceptionally well qualified. In no event are persons over 64 recommended for initial appointment. The committee also employs stricter criteria in considering District Judges over 60 for possible elevation to the Court of Appeals."

In addition, it is our understanding that this policy has recently been reexamined by the ABA Committee. That Committee has reaffirmed its support of this age criteria.

To date, the Senate Committee on the Judiciary has not followed the ABA's strict age limit policy. Rather, the Committee has made its decision on a case by case basis after thorough review of the background and qualifications of each nominee. This Congress, there has been one instance in which the ABA found an individual not qualified by reason of age. The Committee voted to approve that nomination, based on the nominee's experience and demonstrated talents.

It is the position of the Senate Committee on the Judiciary that a qualified individual over the age of 60 should not be barred from serving as a federal judge solely because of his or her age. We believe this position coincides with the policy reflected in federal employment law which prohibits discrimination on the basis of age. We fear that any other policy would deprive the nation of the services of many highly respected men and women who are well qualified to serve on the federal bench.

We hope that these views will be of benefit to your committee as you consider this issue.

Sincerely,

Edward M. Kennedy,
Chairman.
Strom Thurmond,
Ranking Minority Member.●

● Mr. KENNEDY. Mr. President, I join my colleagues from Arizona and South Carolina in introducing this resolution which calls for an end to age discrimination against nominees for the Federal bench.

Two years ago, I was among those in the Senate who proposed revising the Age Discrimination in Employment Act to offer greater protection to older Americans.

At that time, we added to the existing protections by saying "No" to discrimination against older surgeons. We said "No" to discrimination against older technicians who keep our military equipment in working order. We put a time limit on discrimination against our most learned faculty members.

Now is the time to say "No" to discrimination against older nominees to the Federal judiciary.

The American Bar Association continues to rate judicial nominees as "not qualified by reason of age." It places a hurdle in the path of those over 60; it absolutely bars the door to those over 64.

I, together with Senator Thurmond, recently sent a letter to the House Select Committee on Aging which unequivocally stated our view on this matter:

> It is the position of the Senate Committee on the Judiciary that a qualified individual over the age of 60 should not be barred from serving as a Federal judge solely because of his or her age. . . . We fear that any other policy would deprive the nation of the services of many highly respected men and women who are well qualified to serve on the Federal bench.

Mr. President, nowhere is age discrimination less appropriate than it is on the bench. A judge requires the breadth of experience, the knowledge of life, the humanity and compassion that is brought by the tempering of the years. Let us not forget that some of our greatest scholars have assumed the bench after age 60. Oliver Wendell Holmes was appointed at 61 and served for 30 years. Benjamin Cardozo was appointed at 61. Six of the last seven Chief Justices were first appointed after the age of 60—White, Taft, Hughes, Stone, Warren, and Burger. And we would be denied the talents as well of two of our sitting associate justices—Blackmun and Powell—if judges could not be appointed after the age of 60.

Think of what our judiciary would have been like if many of these men had not served it so well. This country cannot afford to turn away from the resources offered by our older citizens.

I am disappointed that the administration has not taken a stand against age discrimination against Federal judicial nominees. And I am disappointed that President Carter, even though his own selection guidelines did not mention age, refused to accept the Presidential screening panel's choice of Archibald Cox for a circuit court appointment, because Professor Cox was too old.

"Too old" is an expression which denies too much to America today. It is particularly inappropriate in judicial selection. The ABA policy, reinforced by the selections of the administration, should be forcefully rejected by the U.S. Senate. I urge that my colleagues support us in this resolution.●

SENATE RESOLUTION 375—SUBMISSION OF A RESOLUTION TO COMMEND THE BALTIMORE BRAILLE ASSOCIATION

Mr. MATHIAS submitted the following resolution, which was referred to the

Committee on Labor and Human Resources:

S. RES. 375

Whereas the Baltimore Braille Association is a non-profit organization that produces material for the blind, physically handicapped, mentally retarded and special students, as well as for orphanages, homes for the aged, veterans homes, and other similar organizations;

Whereas the Association works for the Library of Congress Division for the Blind and Physically Handicapped, and various religious and business organizations to provide services and materials; and

Whereas the Association was founded by inmates of the Maryland Penitentiary and is operated by those men along with a Board of Directors: Now, therefore, be it

Resolved, That the Senate commends the Baltimore Braille Association for their dedicated work in providing services and materials to the blind and handicapped.

● Mr. MATHIAS. Mr. President, I send to the desk a resolution extending the congratulations of the Senate to the Baltimore Braille Association in recognition of their efforts to provide materials for handicapped citizens.

The organization was founded by inmates of the Maryland Penitentiary and is operated by them, in coordination with a board of directors consisting of representatives from the community, legislative leaders, judges, members of the Screen Actors Guild, and law enforcement agencies from across the Nation.

Their contribution is invaluable. The association produces material for the blind and physically handicapped, mentally retarded, and other special groups on a need basis. The association goes a long way toward improving the quality of life for citizens who are all too often neglected. I salute the Baltimore Braille Association and wish them continued success in this vital endeavor.●

SENATE RESOLUTION 377—SUBMISSION OF A RESOLUTION OF CONGRATULATIONS TO AMERICANS WHO PARTICIPATED IN THE XIII WINTER OLYMPIC GAMES

Mr. STEVENS submitted the following resolution:

Whereas, the XIII winter Olympic Games in Lake Placid, New York, have been successfully completed; and

Whereas, Dozens of amateur athletes from all over the United States and the world took part in those Games in the best tradition of the Olympics and of good sportsmanship; and

Whereas, American athletes as a result of extensive training and sacrifice won more medals than any United States Winter Olympic team in nearly 50 years; and

Whereas, the Games accomplished the fundamental principles of the Olympic movement, including the aim to "educate young people through sport in a spirit of better understanding between each other, and of friendship, thereby helping to build a better and more peaceful world"; Now, therefore, be it

Resolved, That it is the sense of the Senate that it extend its hearty congratulations to the members of the 1980 United States Winter Olympic team, its coaches and officials for a job well done; and recognizes the International Olympic Committee, the United States Olympic Committee, the Lake Placid Olympic Organizing Committee and the people of the Lake Placid area for their successful efforts in organizing and producing the XIII Winter Olympic Games.

Mr. STEVENS. Mr. President, last Sunday the 13th winter Olympic games came to a close in Lake Placid, N.Y., ending 12 days of sport that many Americans will not soon forget.

I do not think I would find much disagreement if I noted that the Lake Placid games were very successful.

We are all proud of our medal winners. Eric Heiden's speed skating feats may never be duplicated. Our hockey team's spirit and skill inspired and delighted all of us. Even those that know very little of how the game is played were thrilled at our young team's performance. But while we are giving these and our other medal winners Phil Mahre, Leah Polus-Mueller, Beth Heiden, Linda Fratianne, and Charles Tickner the applause they so richly deserve, we should not forget that all of our athletes, coaches, and officials worked hard for years and years preparing for those Olympics and they too gave their all at Lake Placid. I know that I am especially proud that four Alaskans were on that team. They also deserve our applause. They are a bunch of tigers, these American athletes, and the other athletes from all over the world deserve our recognition for having taken part as well.

I am submitting a resolution today that, thanks to the majority leader, we can act quickly upon tomorrow. It seeks to honor those Americans who participated in the games either as athletes, coaches, or organizers. I would hope that my colleagues will join me in support of this resolution of commendation, and that we may act on it tomorrow.

Mr. President, I send the resolution to the desk.

The PRESIDING OFFICER. Does the Senator submit it for printing?

Mr. STEVENS. I ask that it be printed and held at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS subsequently said: Mr. President, I modify my previous request concerning the resolution on the winter Olympics. I ask that it not be printed but that it be held at the desk until tomorrow, so that we may add cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 80—SUBMISSION OF A CONCURRENT RESOLUTION TO PROCLAIM "NATIONAL SNOWMOBILING MONTH"

Mr. LEAHY submitted the following concurrent resolution, which was referred to the Committee on the Judiciary:

S. CON. RES. 80

Whereas, snowmobiling is a popular form of recreation for millions of Americans;

Whereas, snowmobiling has contributed significantly to the quality of life of snowbelt residents;

Whereas, snowmobile clubs and many individual snowmobilers have often volunteered their skills and services in emergency situations, performing rescue operations for accident victims, lost hunters, hikers, and skiers, in wildlife and range animal assistance programs, and for charitable and fund-raising efforts;

Whereas, snowmobile clubs and many individual snowmobilers have fostered an understanding of and appreciation for our environment and natural resources by working with forestry officials in marking and managing trails, through developing and conducting winter nature tours and environment awareness programs;

Whereas, snowmobiling permits, in many cases for the very first time, many handicapped persons to actively participate in outdoor recreation, along side their relatives, friends and neighbors;

Whereas, Federal, State and local governments and programs should foster and encourage cooperation in providing adequate opportunities for winter activities, such as snowmobiling and cross country skiing, which contribute to the quality of life of the snowbelt residents and visitors: Now, therefore be it

Resolved by the Senate (with the House of Representatives concurring), That the President of the United States is hereby authorized and requested to issue a proclamation designating the month of February as "National Snowmobiling Month."

Mr. LEAHY. Mr. President, today I am submitting a concurrent resolution requesting the President to proclaim the month of February as "National Snowmobiling Month."

Only a few years ago, winter was a time of hibernation. As the snow got deeper, people bundled up indoors, huddled around their woodstoves rather than brave the snow drifts. However, all that is changing with the perfection and availability of the modern snowmobile.

Snowmobiling has opened the eyes of many Americans to the beauty of winter. Many areas that had been inaccessible during winter are now open for recreation. The snowmobile has greatly expanded the winter recreation opportunities for some 20 million Americans. More importantly, the snowmobile has become a primary means of transportation in our rural areas, often providing the necessary link to neighbors and work, and in times of emergency, to essential food, fuel, and medical supplies for snowbound families.

For too long, however, snowmobilers have been ignored, or worse, called a public menace. Their recreational needs have been overlooked in national energy and public lands policies. Very little has been said about the positive aspects of snowmobiling or about the good things that snowmobilers have done over the years.

Mr. President, I believe it is time that we recognize snowmobilers, not just as fun-loving winter sports enthusiasts, but as the concerned, caring citizens that they are.

In Vermont and virtually every other State in the snowbelt, snowmobiling has contributed significantly to the quality of life of the area's residents. Snowmobiling now represents a large segment of winter tourism opportunities. In fact, the tremendous impact of snowmobile tourism has quite literally rejuvenated the economies of many small communities across the country. Consider the experiences of just a few areas that have cultivated snowmobile tourism.

In Old Forge, N.Y., wintertime unemployment has been reduced by 10 percent. More than 50 lodges now stay open during the winter months when before only a handful were open.

The town of West Yellowstone, Mont., at the gateway of Yellowstone National Park, no longer hibernates in winter. Instead, it draws snowmobiling tourists from 49 States and a dozen countries.

A recent study of Wisconsin recreation stated:

> Until the 1960's Wisconsin was primarily a summer recreation area. Winters were considered the "off-season" for most recreation businesses. With the impetus from the snowmobile boom this State has emerged as a noted winter destination area in less than 20 years.

And in my own State of Vermont, with thousands of marked snowmobile trails, almost $30 million are generated each year through snow machine sales and related jobs.

Vermonters are very much aware of the positive side of snowmobiling. Because many Vermonters cannot afford downhill skiing—the lift tickets and equipment—snowmobiling is one of the most popular winter recreational activities. Through the statewide organization, Vermont Association of Snow Travellers, Vermont's snowmobilers have performed invaluable services for the State and region. VAST's members raise thousands of dollars each year for charities devoted to better health care, medical research, therapy, and patient care in Vermont.

Each year well organized and caring snowmobilers also help save lives. From plane crash victims in the Colorado Rockies, or hikers and cross-country skiers lost in Vermont's Green Mountains, to highway travelers trapped on interstates by blizzard conditions, the snowmobile is credited with saving the lives of thousands of people throughout Canada and the United States each winter.

As a general rule, snowmobilers have a deep appreciation for and sincere commitment to protecting our environment and natural resources. Out West, ranchers use snowmobiles to bring hay to cattle and horses and to check on the condition of their often snowbound livestock. Forest and park rangers have teamed up with volunteers to develop winter nature tours and snow trail management. The snowmobilers in Vermont have been one of the largest groups participating in Vermont's "Green-Up" program and they have established a statewide system of snow trails, in cooperation with the State agency of transportation.

I share the concern of snowmobilers and conservationists about protecting our environment and natural resources. I know that in Vermont, as in other snowbelt States, this goal is not inconsistent with the careful and thoughtful use of snowmobiles. Nor is the snowmobiler's use of winter trails inconsistent with other recreational activities, such as cross-country skiing. An alliance of partnership and cooperation has emerged among winter recreation groups to help all those who enjoy the winter outdoors find the quality of recreation experience they seek.

Mr. President, what better time to recognize the important role, services, and contributions of snowmobilers. For these reasons, I am proud to introduce this resolution and to urge my colleagues to join me in this effort to proclaim February as "National Snowmobiling Month."

AMENDMENTS SUBMITTED FOR PRINTING

TRANSPORTATION ENERGY EFFICIENCY ACT OF 1979—S. 2015

AMENDMENTS NOS. 1662 AND 1663

(Ordered to be printed and referred to the Committee on Environment and Public Works, the Committee on Commerce, Science, and Transportation, and the Committee on Banking, Housing, and Urban Affairs, jointly.)

Mr. JACKSON (for himself, Mr. MAGNUSON, Mr. TSONGAS, Mr. BUMPERS, Mr. MATSUNAGA, Mr. BRADLEY, Mr. METZENBAUM, Mr. WILLIAMS, Mr. PROXMIRE, Mr. NELSON, Mr. HART, Mr. HATFIELD, Mr. JAVITS, and Mr. RIBICOFF) submitted two amendments intended to be proposed by them, jointly, to S. 2015, a bill to amend the Urban Mass Transportation Act of 1964, and title 23, United States Code, to provide for authorizations, and for other purposes.

Mr. JACKSON. Mr. President, as we examine our energy supply situation in this country, two points are paramount. First, the short-term energy picture is the bleakest. This is especially evident to my colleagues who have been working on the synthetic fuels legislation. The significant payout there is long-term, in fact, perhaps two decades off.

Second, transportation fuel is by far our greatest problem, particularly fuels for automobiles and light trucks which account for 45 percent of all the petroleum consumed in this country. We hear much about improvements in fuel economy of new automobiles, but the fact is, Mr. President, our existing fleet of passenger automobiles was getting 14.1 miles per gallon in 1978, the latest year for which this data is available. That is only 0.2 mile per gallon better than the average fuel economy of our automobile fleet in 1967. While the fuel economy of the existing automobile fleet is creeping up due to the inclusion of more efficient new cars, the pace is agonizingly slow. In July 1978 there were still 5 million 1968 model year automobiles on the road. Any improvements in the fuel economy of existing cars, even if the percentages improvements are small, will have substantial effects on total gasoline demand, much more so than a similar percentage improvement in new cars alone.

Mr. President, I am introducing legislation today in the form of two proposed amendments to S. 2015, the Transportation Energy Efficiency Act of 1979, that can make a significant improvement in the average fuel economy of all our existing automobiles and trucks. And these improvements could begin within the next 2 years. The total reduction in consumption could be well over one-half million barrels per day of fuel by 1983.

This legislation provides for development of test procedures and labeling of motor oils and tires so that when the consumer changes his oil or replaces his tires he will have the information available to choose those that result in the best fuel economy. As will be explained later in my remarks, the widespread use of fuel efficient motor oils would save at least 2 percent and very possibly 5 percent of all our automobile and truck fuel consumption. That's between 165,000 and 400,000 barrels per day. The lower figure alone is equivalent to the gasoline consumed by all our State, county, and municipal vehicles.

With tires, the potential fuel savings is equally dramatic, as much as 400,000 barrels per day by 1983.

The potential savings for the combination of improved tires and more fuel efficient motor oils is about 565,000 barrels per day. How important is that savings? If one compares how much fuel will be saved by increasing the Federal motor vehicle fuel economy standards from 19 miles per gallon in 1979 to 27.5 miles per gallon in 1985, I am told that the savings attributable to this increment in the standards do not exceed 565,000 barrels per day until 1985.

Do we really need legislation, do we really need Federal test procedures and labeling requirements for the American people to take advantage of these new technological developments? Let me explain why I think we not only need this limited Federal involvement, but it is a classic case of how a small governmental intrusion in the marketplace to generate reliable information can help the forces of competition to promote fuel economy.

Consider the case of automobile tires. My later remarks contain excerpts of a remarkable statement filed on January 12, 1980 with the Environmental Protection Agency by the Rubber Manufacturers Association who represent the tire industry. Their comments explain that automobile manufacturers have data on the fuel economy achieved by specific tires. Therefore, the tires of new cars tend to incorporate the latest in fuel economy technology. On the other hand, the tires produced for the replacement market, which is over two-thirds of all tires manufactured, cannot measure up to original equipment (OE) tires in terms of fuel economy. The trade association candidly admitted:

> The majority of tires sold in the replacement market—including not only bias and belted bias tires, but also snow tires, retreads, specialty tires, and some radial tires—have somewhat higher rolling resistance than current-type OE radial tires.

The difference is that the consumer does not have any reliable information with which he can compare the fuel efficiency of various tires. The manufacturers do have this information from their own engineers. Furthermore, as my later remarks will explain, the consumer cannot compare the fuel economy of various motor oils or tires on the basis of his own experience.

The result is predictable. Competition

is fierce among original equipment tire makers for more fuel efficient tires, but not in the tire replacement market. With motor oils the consumer can only rely on the oil companies advertising claims, which I address in the balance of my remarks. Even if they are 100 percent accurate, these ads still do not form a basis for comparative shopping.

Mr. President, I believe that if the consumer today is aware of the more fuel efficient products and if they are available, he will tend to choose them, even if he has to pay a premium price to get them.

This has certainly happened with automobiles. The consumer preference is way ahead of the federally mandated fuel economy standards—the rise in imported car sales is unfortunate evidence of this.

I believe that this legislation will spur a new parameter of competition in the motor oil and tire industry and the results will be substantial.

Mr. President, I believe that this Nation has no choice but to exploit every opportunity to reduce the petroleum demand of our automobiles and trucks over the next decade. This proposed legislation is but one part of that task.

TITLE V. FUEL ECONOMY OF MOTOR OILS

PURPOSE OF TITLE V

The proposed amendment (title V) requires the Secretary of Energy to develop within 1 year standardized test procedures for comparing the ability of different kinds of motor oil to improve the fuel economy of the automobiles and trucks in which they are used.

Once test procedures are prescribed then the oil companies would have to label the can or container of motor oil so as to indicate the relative fuel economy attributable to the use of that motor oil in a standardized test. The information on the can or container would probably be a figure or merit or index of fuel economy enhancement, so that the consumer could comparison shop between different brands.

WHY IS TITLE V NEEDED?

Refiners of motor oil are beginning to offer oils which claim to improve automobile fuel economy. The fact is, there are conventional motor oils with friction modifiers and synthetic motor oils that offer significant improvements in fuel economy.

However, as will be explained, consumers and even mechanics currently have no reasonable way to select the most fuel-efficient motor oils. While there have been private efforts to develop test procedures for motor oil fuel efficiency, these efforts have been hampered by a shortage of funds and necessary reliance on voluntary labeling compliance by the oil companies.

Government-sponsored test procedures and labeling requirements would enable the mechanic and consumer to select confidently those brands of motor oil that really do improve fuel economy without sacrifice in the quality of the oil. Such a labeling requirement would lead to the motor oil's effect on fuel economy becoming a basis for competition between the oil companies in formulating their products.

POTENTIAL ENERGY SAVINGS FROM FUEL-EFFICIENT OILS

The new fuel-efficient motor oils fall into either of two categories. First, there are the conventional motor oils which contain friction modifying additives or which may have reduced viscosity. Examples in this category are Exxon's "Uniflow" and Atlantic Richfield's "Arco Graphite," each of which contain entirely different additives to reduce friction.

The second category includes the synthetic motor oils which may or may not be petroleum-based, but which are a blend of synthesized chemicals. The most advertised example is Mobil Oil Co.'s "Mobil 1."

Laboratory tests have confirmed that fuel-efficient motor oils, because of their ability to reduce friction in the engine, can improve gasoline fuel economy by as much as 5 percent, although there apparently is considerable variation among different brands.

The most important aspect of this fuel savings is that use of these oils would improve fuel economy over the entire fleet of existing cars and light trucks. After all, motorists change their oil about every 7,000 miles, and in old cars even more often. In contrast, most technological advances in automotive design affect only new automobiles which constitute only about a tenth of the existing motor fleet in a given year. Therefore, encouraging the use of fuel-efficient motor oils is a way to achieve rapid increases in automobile fuel economy.

There are numerous engineering studies indicating the potential energy savings. For example, a technical paper presented to the Society of Automotive Engineers in June 1978 by four Exxon experts concluded:

> In a controlled fuel economy fleet test, 18 out of 19 cars showed a fuel economy improvement with the fuel-efficient oil. The average benefit was 4.6% compared with a base line reference oil and several other typical 10W–40 multi-grade oils.—("Improved Fuel Economy Via Engine Oils": Waddey, Shaub, Pecoraro, and Carley, Passenger Car Meeting, SAE, June 5–9, 1978.)

In February 1979, a consultant to the Coordinating Research Council of the National Highway Traffic Safety Administration published a survey made of all available industry data on the magnitude of the fuel economy improvement from friction-modified automotive lubricants. He concluded:

> The opinions solicited from the knowledgeable experts suggested that the average customer using an improved off-gear lube would obtain a 3 to 3.5 percent advantage with the current state of the art, with an added 1.0 to 1.5 percent available by 1982–85. No detrimental effects on engine cleanliness, emissions, octane requirement, oil consumption, engine wear, etc., were noted with any of the carefully designed new products; nor would there appear to be any major problems to produce the upgraded oils.—Development and Testing Friction Reduced Lubricants to Improve Fuel Economy; E. E. Marshall, Consultant, Coordinating Research Council, National Highway Traffic Safety Administration; Conference on Basic Research Directions for Advanced Automotive Technology; Volume II, April 1979, Conference Proceedings; DOT, page 146.)

Even the study conducted by Chase Manhattan Bank which concluded that Congress had been overly optimistic in assessing the fuel economy potential of future automotive technology and that "the current fuel economy standard for passenger cars should be lowered," nevertheless agreed that improved lubricants offered a potential fuel economy improvement of 2 percent (best estimate).—(A Cost-Benefit Analysis of the 1979 to 1985 Fuel Economy Standards, Chase Manhattan Bank, December 1978, page 16 of Summary Report.)

In its third annual report to the Congress on the automotive fuel economy program, the Department of Transportation noted that improved lubricants in the crankcase offered a 2-percent percentage improvement in fuel economy and another 1 percent if the viscosity of the oil in the rear axle is reduced.

Finally, an EPA staff paper by Karl Hellman entitled, "Should the Use of Fuel-Efficient Oils Be Expanded," ascribed a 2-percent potential for fuel economy improvement. Hellman is in the Ann Arbor, Mich., division of EPA where automobile fuel economy is monitored.

Assuming a conservative figure for fuel economy improvement of 2 percent, annual automobile and truck fuel savings would be about 165,000 barrels per day, which is greater than all the gasoline consumed by State, county, and municipal vehicles. If the actual potential is on the order of 5 percent, as the reports cited suggest, then the potential gasoline savings could be 400,000 barrels per day.

THE CONSUMER HAS NO BASIS FOR COMPARING FUEL ECONOMY CLAIMS OF MOTOR OILS

A recent Texaco advertisement (Newsweek, July 23, 1979) announced:

> Now Havoline is Supreme. Unbeaten Mileage—Havoline Supreme is Texaco's 10W–40 motor oil with a special friction fighter that has been proven in fuel economy tests.
>
> Extensive tests showed that 2 of the leading 10W–40 motor oils advertising extra gasoline mileage couldn't beat Havoline Supreme.

The ad did not say what other brands were tested, under what conditions, or what "couldn't beat" means. Other oil companies make claims as to extra "miles per tank" but the size of the fuel tank is not given. Oil company advertising regarding their fuel efficient motor oils offers little basis for selection of specific brands.

Furthermore, the motorist cannot select fuel efficient motor oils on a trial-and-error basis. Automotive fuel economy is a function of many variables including speed, acceleration, ambient temperature, wind, engine wear, flatness of terrain, et cetera. A motorist cannot control these variables sufficiently to discern a variation in fuel economy of a few percent. While a 2 to 5-percent improvement in fuel economy may well occur, it will be masked by changes in other variables. In a controlled laboratory environment the fuel economy attributable to a specific motor oil would be discernible in a standardized test procedure.

The American Society of Testing Materials in cooperation with the Society of Automotive Engineers is developing a standardized test for measuring fuel economy attributable to specific motor oils. However, progress on the testing procedure has been stymied by a lack of funds. Only about $600,000 was needed, incredible as it may seem. There appears to be no doubt as to the feasibility of a test procedure and labeling program for motor oils. The proposed title V directs the Secretary of Energy to work in close consultation with the ASTM and SAE in developing the test procedures.

It should be noted that motor oil containers already bear information as to the viscosity of the oil and the SAE rating describing its engine service (type of engine for which it is suitable and ability to endure wear). Adding an index figure as to relative fuel economy of the oil should not pose a labeling burden on the oil company.

Mr. President, I ask unanimous consent that a section-by-section analysis of the two amendments be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

AMENDMENT NO. 1662

Title V. Fuel Economy of Motor Oils.

Title V amends title IV of the National Energy Conservation Policy Act of 1978 by adding a new part 5 entitled "Fuel Economy of Motor Oils".

Sec. 501. Definitions. The intent of this section is clear.

Sec. 502. Test Procedures. This section requires the Secretary of Energy to establish within one year of enactment of this title test procedures for motor oils to determine how their use affects the fuel economy achieved in a standard reference motor oil test. The test procedures are to be developed in close consultation with the American Society of Testing Materials and the Society of Automotive Engineers. Categories of motors will be established so that comparisons of oils within a category will relate to the same or similar end-use.

Sec. 503. Labeling. This section directs the Secretary of Energy to prescribe labeling rules for the manufacturers of motor oil to which test procedures apply. No labeling rule is applicable to a motor oil where the Secretary determines that such labeling is not technologically or economically feasible or is not likely to assist purchasers of that category of motor oil.

This section also describes the requirements of the labeling rule itself, certain disclosure requirements on the motor oil manufacturer, and the exemption afforded to quantities of motor oil manufactured prior to the date of effectiveness of the labeling rule.

Sec. 504. Requirements of Manufacturers. This section requires each manufacturer of motor oil to label his motor oil as required by the applicable labeling rules.

Manufacturers are required to retain the data on which the information on the label is based and to disclose it to the Secretary of Energy upon request. Provision is made for corroborative laboratory tests of the motor oil at Government expense.

Sec. 505. Rules. The Secretary of Energy is granted rulemaking authority to carry out this part.

Sec. 506. Prohibited Acts. This section prohibits manufacturers or private labelers from distributing in commerce any new motor oil without the applicable label. It also prohibits certain persons from removing or rendering illegible the label. Other prohibited acts relate to disclosure of information.

Sec. 507. Enforcement. This section provides for a civil penalty of no more than $100 for each violation.

Sec. 508. Injunctive Enforcement. This section provides for injunctive enforcement brought by the Secretary of Energy in federal district court.

Sec. 509. Administrative Procedure and Judicial Review. Except to the extent explicitly provided otherwise, Title V of the DOE organization Act applies to this part.

Sec. 510. Authorization of Appropriations. $2 million in FY 1981 is authorized to be appropriated to the Secretary of Energy.

TITLE VI. FUEL ECONOMY OF AUTOMOBILE TIRES

Purpose of title VI

This proposed amendment (Title VI) accomplishes the same objectives with respect to automobile tires, as title V does with respect to motor oils. The Secretary of Energy is required to develop within one year standardized test procedures for comparing the rolling resistance of specific tire models and thereby relate those results to relative fuel economy achieved by the tires. Upon prescription of test procedures, tire makers would be required to label their tires with an indication of how that particular tire model affects fuel economy relative to other tire models of similar size and type.

Why is title VI needed?

According to the Rubber Manufacturers Association, a trade association of some 200 companies engaged in the production of tires and other rubber goods, over two-thirds of all tires manufactured are sold in the tire replacement market, as opposed to the original equipment (OE) market. When a motorist decides to replace his car's tires, he has no way of gauging which brands will provide the greatest fuel economy. Not even tire dealers have such data.

Information stamped on the tire discloses the brand, type of construction, load rating and proper inflation pressure, but not any reliable indication of relative rolling resistance or fuel economy attributable to use of that tire. (While it is true that radial tires as a class are generally more fuel efficient than bias-belted tires and bias ply tires, GM tire data indicates that this is not true with all tires.)

Moreover, comments submitted by the Rubber Manufacturers Association to EPA (Jan. 12, 1980, Docket No. EN-79-8) indicate that the tires sold in the replacement market are generally less fuel efficient than the tires on new automobiles, known as original equipment (OE) tires. The reason is explained by RMA:

"Vehicle manufacturers have largely availed themselves of the benefits of the radial tire's fundamentally lower rolling resistance for recent model vehicles, to reduce fuel consumption. For that reason, OE radial tires generally incorporate the latest improvements designed to reduce rolling resistance . . . The majority of tires sold in the replacement market—including not only bias and belted-bias tires, but also snow tires, retreads, specialty tires and some radial tires—have somewhat higher rolling resistance than current-type OE radial tires, and could not meet the 'equivalency' test."

In its comments RMA also explains that the automobile manufacturer knows what the rolling resistance is of the tires it supplies with its new cars. A General Motors special publication on current product engineering (Frederick Hill and Richard C. Moore, Tire Rolling Resistance Reduction, prepared for the Akron Rubber Group, Inc., Oct, 27, 1978) noted that in 1978, GM was setting rolling resistance performance goals that the tires GM buys for new cars must meet. GM is concerned about the fuel efficiency of these tires because as this report states:

"Based on past experience and forecasts for the future, General Motors estimates it costs about a billion dollars to achieve a half mile per gallon improvement in the corporation's fleet average fuel economy." (page 3).

In short, because of the access to data on tire performance, the rolling resistance or fuel economy achieved with tires used on new cars is a matter of intense competition for the original equipment market. Such is not the case in the much larger tire replacement market, simply because the consumer is not given information on the relative fuel economy of various tires.

And the consumer can hardly be expected to select tires by experience as the life of the tire and its cost make that impractical. Moreover, as with motor oils, the motorist cannot discern fuel economy improvements of several per cent due to tires as the other variables in fuel economy will mask the effect of the tires. If the consumer is given the information with which he can compare the fuel efficiency of tires, then competition will result in the sale of more fuel-efficient tires and manufacturers can be expected to design the replacement market tire giving greater weight to fuel efficiency as a design parameter.

Potential energy savings from fuel efficient tires

As with motor oils, any technological improvements in automobile tires that lend to increases in fuel economy will be magnified by the fact that the entire existing motor fleet can take advantage of these improvements. Bias-pay tires need replacement after about 18,000 miles, at about 25,000 miles for bias-belted tires, and around 33,000 miles for radials. An average automobile has a lifetime on the order of 100,000 miles.

It should be noted at the outset that the rolling resistance of tires is the single largest load on the automobile engine up to about 40 miles per hour, so reductions in rolling resistance through improved tire design are very important. A report published by GM and cited earlier (Hill and Moore) indicates that fuel economy of an automobile is proportionally related to its tires' rolling resistance. In fact, between 12 percent and 19 percent of the total fuel consumed in an automobile is tire-related. A reduction in rolling resistance of about 5–6 percent translates into a 1 percent economy savings or about 1 billion gallons of gasoline per year if the improvement extends to all cars.

Tire data obtained from an automobile company indicates that rolling resistance of various types of tires can vary by 50 percent. The variation is likely to increase as new technological advances appear.

The Chevrolet Citation is equipped with a tire that GM claims has a 3–4 percent improvement in fuel economy over current technology radial tires. An SAE report published in 1979 by Uniroyal engineers entitled, "A Fuel Saving Passenger Tire", noted, "A reduction of more than 20 percent in the rolling resistance of the subject tires . . . was achieved within stated design parameters, while performance properties were maintained." Again, these percentage improvements are with respect to current radial tires.

A recent EPA staff paper entitled, "Low Rolling Resistance Tires—A Technological Solution to Energy (Gasoline) Conservation", which was prepared by Charles Gray of the Ann Arbor, Michigan, division of EPA, stated:

If replacement tires for passenger cars and personal light-duty trucks were of the new-technology low rolling resistance type, a fuel savings of 100,000 barrels per day could be achieved by the end of 1980 with savings increasing up to 400,000 barrels per day by the end of 1983. If the now-developing advanced-technological tires become commercially available by 1983 and were then used as replacement tires an additional 200,000 to 400,000 barrels per day of fuel could be saved by the end of 1986.

This paper implies a potential fuel savings of 800,000 barrels per day in 1986.

Finally, the Department of Transportation stated the following in its Third Annual Report to the Congress on the Automotive Fuel Economy Program, January, 1979, (page 55);

"By the early eighties, the NHTSA projects that tire rolling resistance can be reduced by 35 percent over today's radial tire, resulting in a 5 percent improvement in the fuel economy of passenger automobiles."

It should be noted that the DOT figure of 5 percent is an improvement over radial tires on new cars in 1978. The tires on the existing auto fleet are significantly less fuel efficient than new car radials in 1978.

Another DOT publication, "Report on Requests by General Motors and Ford to Reduce Fuel Economy Standards for MY 1981–85 Passenger Automobiles," stated in June, 1979:

"NHTSA has considerable research data on current and prototype tires which demonstrate that a 5 percent improvement is possible. GM agrees with the 5 percent improvement and has stated this publicly." (page 39).

A 5 percent improvement would net nearly 400,000 B/D of gasoline for passenger automobiles.

It is not at all unrealistic then to project a potential savings of 400,000 B/D as a result of title VI. The EPA staff paper implies that the savings might be twice that by the end of 1986.

SECTION-BY-SECTION ANALYSIS

AMENDMENT NO. 1663

Title VI. Fuel Economy of Automobile Tires.

Title VI amends title IV of the National Energy Conservation Policy Act of 1978 by adding a new Part 6 entitled "Fuel Economy of Automobile Tires".

Sec. 601. Definitions. "Tire" is limited to those sold for use on an automobile.

Sec. 602. Test Procedure. This section requires the Secretary of Energy to establish within one year of enactment of this title test procedures for tires to determine how their use affects fuel economy of automobiles as determined by a standard reference test. The Secretary is to develop the test procedures in close consultation with the EPA Administrator and the Society of Automotive Engineers. Procedures for proposal and prescription of test procedures are addressed. Specific categories of tires will be established so that comparisons of tires will occur within a category, so as to compare tires for the same or similar application.

Sec. 603. Labeling. This section directs the Secretary of Energy to prescribe labeling rules for manufacturers of tires to which test procedures apply. Labeling rules do not apply where the Secretary determines that the labeling is not technologically nor economically feasible or is not likely to assist purchasers.

This section describes the requirements of the labeling rule itself, certain disclosure requirements on the tire manufacturer and an exemption for those tires manufactured prior to the date of enactment of the labeling rule.

Sec. 604. Requirements of Manufacturers. This section requires each manufacturer of tires to which a labeling rule applies to label the tires as required by the rule.

Manufacturers are required to retain the data on which the information on the label is based and to disclose it to the Secretary of Energy upon request. There is provision for corroborative laboratory tests of tires at Government expense.

Sec. 605. Rules. The Secretary of Energy is granted rulemaking authority to carry out this part.

Sec. 606. Prohibited Acts. This section prohibits manufacturers or private labelers from distributing in commerce any new tire without the applicable label. It also prohibits certain persons from removing or rendering illegible the label. Other prohibited acts relate to disclosure of information.

Failure to comply with any requirement of section 604 is also a prohibited act.

Sec. 607. Enforcement. This section provides for a civil penalty of no more than $100 for each violation.

Sec. 608. Injunctive Enforcement. This section provides for injunctive enforcement brought by the Secretary of Energy in federal district court.

Sec. 609. Administrative Procedure and Judicial Review. The provisions of Title V of the Department of Energy Organization Act shall apply to this part except to the extent explicitly provided otherwise.

Sec. 610. Authorization of Appropriations. There are authorized to the Secretary of Energy $2 million in FY 1981.

AMENDMENTS NOS. 1664 AND 1665

(Ordered to be printed and referred to the Committee on Environment and Public Works, the Committee on Commerce, Science, and Transportation, and the Committee on Banking, Housing, and Urban Affairs, jointly.)

Mr. JACKSON (for himself, Mr. Magnuson, Mr. Tsongas, Mr. Bumpers, Mr. Matsunaga, Mr. Bradley, Mr. Metzenbaum, Mr. Williams, Mr. Proxmire, Mr. Nelson, Mr. Hart, Mr. Hatfield, and Mr. Ribicoff) submitted an amendment intended to be proposed by them, jointly, to S. 2015, supra.

Mr. JACKSON (for himself, Mr. Magnuson, Mr. Tsongas, Mr. Bumpers, Mr. Matsunaga, Mr. Bradley, Mr. Metzenbaum, Mr. Williams, Mr. Proxmire, Mr. Nelson, Mr. Hart, and Mr. Hatfield) submitted an amendment intended to be proposed by them, jointly, to S. 2015, supra.

Mr. JACKSON. Mr. President, the third and fourth amendments to S. 2015 are intended to focus attention on the Federal automobile fuel economy standards.

The third amendment to S. 2015 (title VII) establishes a corporate average fuel economy standard of 40 miles per gallon by 1995. The Secretary of Transportation will set the standard from 1986–1994. He may also reduce the 1995 standard to as low as 35 miles per gallon. In addition, the amendment provides for review and modification of EPA's automobile test procedures. It changes the criteria that guide the Secretary of Transportation in setting interim standards. And finally, it contains a carry-forward provision to allow the automaker who exceeds the mandated fuel economy standard in any year to credit that excess against a deficit in fuel economy in any of the next 3 consecutive years.

The fourth amendment to S. 2015 (title VIII) is a tax measure that provides accelerated depreciation to auto companies for facilities or equipment used in producing automobiles that achieve at least 5 miles per gallon in excess of the applicable fuel economy standard.

The purpose of the legislative amendments I am offering today is not to change the fundamental requirements imposed on Detroit in the middle of their fuel economy effort. To the contrary, my concern is that if we do not initiate now an examination of what the fuel economy standards should be beyond 1985, then events in the world oil market will surely press Congress into setting post-1985 standards without affording Detroit sufficient lead time to meet them. Current law established a schedule of increasing fuel economy standards reaching 27.5 miles per gallon in model year 1985. For the automobile manufacturer, that final target is in sight. Yet the congressional debate over what succeeding standards should be will not be brief.

I am somewhat concerned that the administration and others believe that this Nation can comfortably take a breather before addressing the formulation of a second generation of auto fuel economy standards commencing in 1986.

For example, the bill for which I am proposing amendments, S. 2015, is the administration's Transportation Energy Efficiency Act of 1979.

Title III of S. 2015 would provide $800 million over a 10-year period for basic automotive research, which is clearly aimed at automobiles produced well into the 1990's.

Title IV of the administration's bill would provide $200 million for the next 9 fiscal years—fiscal years 1980–89—to assess existing technology "to determine what fuel economy improvements are commercially achievable beyond 1985."

We, of course, cannot wait 9 years to determine what the standards for 1986 and beyond will be. While that research should be ongoing, I think the standards for post-1985 should be laid down in the near future. I hope that is the administration's intention in S. 2015.

The Congress established the existing average fuel economy standards in more halcyon days than the present. Since December 1975 when Congress established those standards, the cost of world crude oil has more than double. The cost of gasoline was 58 cents per gallon then; today, it is about $1.20 per gallon.

Our annual petroleum import bill then was $25 billion. This year it will be between $75 and $100 billion. It is evident that these efficiency standards were predicated on a different situation than exists today. Our oil supply picture was uncertain in 1985 but not nearly as uncertain as today.

The need to reduce oil imports was important then, it is absolutely necessary today. In 1975, we were still, perhaps naively, contemplating a declaration of energy independence for the Nation. Today, after considerable experience with synthetic fuels legislation, it is clear that synthetic fuels will not flow in abundance until well into the 1990's.

We must also consider what has happened to auto imports since the EPCA standards were enacted by Congress. Over 26 percent (a record) of the cars sold in America in January 1980 were sold by foreign companies. Volkswagen is projected to sell more cars in the United States in 1980 than will all of American Motors. In 2 short model years the Volkswagen assembly plant in Westmoreland, Pa., has reached a production level equivalent to that of all American Motors plants combined. In January 1980, the Japanese imported cars taken as a whole exceeded the domestic automobile sales of the Ford Motor Co. by a substantial margin. Some projections show that in 1980 Japan will surpass the United States as the world's largest producer of automobiles, trucks, and buses.

I need not mention Chrysler's problems and their dependence on Mitsubishi for small cars.

Mr. President, there are three reasons why I believe that we must begin the difficult but necessary task of establishing a second generation of automobile fuel economy standards.

First of all, 27.5 miles per gallon, the 1985 fuel economy standard, just isn't good enough for the second half of this decade. The Department of Transportation's third annual report to the Congress on the automotive fuel economy program pointed out:

> Beyond 1985, even a one-mile-per-gallon improvement in fuel economy per year for new cars probably will not be sufficient to offset increases in total demand for motor fuel.

We must cut gasoline demand, not hold it steady, in this decade.

Second, the fuel economy actually achieved on the road is substantially less than that measured in the EPA test procedures. What is worse, that disparity is growing. A Department of Energy report entitled, "Comparison of EPA and Inuse Fuel Economy of 1974–78 Automobiles" (by McNutt, McAdams, and Dalla) concluded:

> A projection of shortfall based on present trends indicates that in 1985 a car with an EPA rating of 27.5 mpg will achieve 19.2 mpg on the road. Future technologies may alter these trends. . . .
>
> The impact of the increasing trend in shortfall is to raise fuel consumption in 1985 about 1.2 million barrels per day over the case with no increase in shortfall.

Congress expressed its concern over this shortfall in fuel economy and in section 404 of the National Energy Policy and Conservation Act of 1978 directed the EPA Administrator to report to Congress by May 9, 1979 with recommendations for addressing this problem.

Mr. President, that report has yet to be submitted to Congress. One of the amendments I am proposing today would direct EPA to review its test procedures and to modify them so as to reduce this disparity between measured and actual fuel economy.

The third reason why I favor raising the fuel economy standards is that 27.5 miles per gallon is not going to stem the growing flow of imports.

General Motors said it best in a remarkably candid advertisement:

> Today we believe the marketplace is demanding cars which, based on a fleet average, will be even more fuel efficient than those required by government. . . .
>
> Just meeting government mileage standards for the 1980's won't be enough to keep us in business.

It should be noted that the imported cars taken as a whole achieved an average, sales weighted, fleet fuel economy—composite—of 27.7 miles per gallon in January 1978. That is, the imported cars were beating the 1985 standard at least 2 years ago. (Source: Monthly MPG and Market Share (3 ms) Data System: Greene, Haese, and Chem; Oak Ridge National Laboratory; November 12, 1979.)

In short, Mr. President, our national security, our energy supply situation, the growing disparity between actual and measured fuel economy, and the future of our auto industry all require that Detroit achieves significantly more than 27.5 miles per gallon beyond 1985.

In the current atmosphere against Government regulation, some will say, Detroit has gotten the message, they are rapidly moving toward production of small cars, why not leave them alone now? My answer is simply this.

In any event the Government must continue to measure, monitor, and publish the fuel economy of each model of automobile, so consumers in the marketplace will have reliable information with which they can comparison shop for fuel economy. The only real issue is whether penalties will apply to any auto manufacturer who fails to improve its average fleet fuel economy beyond 27.5 miles per gallon to the highest level deemed to be technologically and economically feasible.

Personally, I do not think this country can afford to risk leaving the magnitude of our future gasoline demand to a handful of corporate decisionmakers, who have had a less than sterling record in anticipating the need for fuel-efficient automobiles.

We need a reliable backstop if we are to be able to plan for our future energy needs. In return, I think that the Federal Government should provide assistance to the auto companies so they can meet the future mandated standards.

I would support additional funds for automotive research, such as S. 2015 provides now. I would also provide tax incentives to Detroit. My amendment contains a provision that would grant accelerated depreciation to auto companies for equipment used to produce cars exceeding the mandated fuel economy by at least 5 miles per gallon.

This is, of course, a matter within the jurisdiction of the Finance Committee, but I am including it in these amendments to stimulate discussion and serious consideration of this approach.

What is the potential fuel economy for future automobiles in the 1990's? Perhaps the place to start is with what foreign companies are planning. In a conference sponsored a year ago by the Department of Transportation on basic research directors for advanced automotive technology, Dr. Peter Hofbauer of Volkswagen told the conference:

> On a composite town and highway basis we have reached 60 miles per gallon in a subcompact car for 5 passengers. That is what we have achieved today. What do we have lined up for the future? . . . By the end of the '80s such engines will have to compete with a vastly improved diesel engine which, in our subcompacts, will hold the trump card—a gas mileage of 80 miles to the gallon.

It should be noted that Volkswagen is using a turbocharged diesel engine in the above examples. If a gasoline engine is used in the 80 miles per gallon design instead of a diesel engine, then gas mileage would drop to about 60 miles per gallon (EPA composite).

In its third annual report to the Congress in January 1979 on the automotive fuel economy program, the Department of Transportation stated (page 70):

> If it were possible to develop the light weight designs, and the health effects of controlled diesel engine exhausts were found to be acceptable, fuel economy values in the range of 50 mpg for the passenger automobile fleet and 30 mpg for the light truck fleet would be technologically achievable.

On May 11, 1978 Dr. Richard Strombotne, chief and acting director, Office of Automotive Fuel Economy Standards, told the Mitre Seminar on Automobile Fuel Efficiency:

> Given the situation as I've just described it, it would not be surprising to me to find numbers in the range of 36 to 44 miles per gallon coming out of the more technical analysis for the early 1990's.

The legislation I am introducing today would raise the fleet average fuel economy standard to 40 miles per gallon by 1995 with discretion granted to the Secretary of Transportation to lower it to 35 miles per gallon, if necessary. This range of 35 to 40 miles per gallon is selected only as a reasonable starting point for discussion of the issue. While this starting point is probably conservative in light of the many technical projections as to fuel economy in the future, it would nevertheless offer as much as a 45 percent increase in fuel economy over the 1985 standard.

For those who will claim that 35 to 40 miles per gallon is not technically feasible in 1995, I offer the following:

There are 10 different automobile model types for 1980, sold in the United States by four different companies, that are rated by EPA at or in excess of 40 miles per gallon (composite). There are in addition 21 different automobile model types for 1980, sold in the United States by five different companies, that are rated by EPA between 35 and 40 miles per gallon (composite). None of these fuel efficient cars are manufactured within the United States.

The real challenge will be to use the best technology and the next 15 years to design such fuel-efficient cars to match the future preferences of the American consumer as to roominess, safety, and accessories.

Mr. President, I ask unanimous consent that a section-by-section analysis on these amendments be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

AMENDMENT NO. 1664

Title VII. Automobile Fuel Economy Improvements:

Sec. 701. Findings.

Sec. 702. Extension of Automobile Fuel Economy Standards. Subsection (a) adds a second schedule of fuel economy standards to those in existing law, so that by model year 1995 the corporate average fuel economy must be at least 40 miles per gallon for each manufacturer. Under subsection (b) the Secretary of Transportation will by July 1, 1982, determine the standards for each of model years 1986–1994 at a level that is the maximum feasible average fuel economy level and which will result in steady progress toward meeting the average fuel economy standard for 1995.

Subsection (c) permits the Secretary of Transportation to reduce the standard by rule for 1995 or subsequent years to a level as low as 35 miles per gallon. Any decrease in that standard to a level below 35 miles per gallon or any increase in the standard to a level above 40 miles per gallon must be submitted to Congressional review under the procedures of Section 551 of EPCA.

Sec. 703. Change in Criteria. This section retains the existing criteria which the Secretary of Transportation follows in establishing the fleet average fuel economy standards through model year 1985. For model years subsequent to 1985, five new criteria are added to the existing ones. The first additional criterion reiterates the importance of reducing the Nation's dependence on foreign oil. The second criterion goes to the disparity between the EPA-measured fuel economy estimates and actual fuel economy achieved on the road. An increasing disparity in these figures would therefore justify higher standards.

The third new criterion is the availability of diesel engines for automobiles. Diesel engines are inherently more fuel efficient than gasoline engines. If the Secretary finds that diesel engines are not available for incorporation into new designs, for example, because of EPA emission restrictions, then this criterion would weigh toward a reduction in the standard. Conversely, if the diesel engine is available for application in the automobile, then this criterion would tend to support a higher fuel economy standard.

The fourth criterion is the effect on fuel economy of any changes in the testing and calculation procedures for measuring fuel economy under section 503(d)(1)(B). A change in the testing procedure that resulted in reduced measured fuel economy would be factored in here so as to reduce the fuel economy standard, and so as to compensate for the change in test procedure.

Finally, the last criterion is the average consumer's willingness to shift from large automobiles to smaller ones. The Secretary then would take into account consumer willingness to accepte a "mix shift" toward smaller cars.

Sec. 704. Review of Test Procedures. This section directs the EPA Administator to periodically review the procedures for measuring and calculating automobile fuel economy to determine the need to modify these procedures so as to reduce the disparity between the fuel economy resulting from these procedures and the fuel economy that the public actually experiences. The Administrator is authorized to amend the procedures after consultation with the auto industry, but the date of effectiveness may not be less than 2 years after issuance of the rule. Section 103(d) includes a new criterion for establishing automobile fuel economy standards that would account for any such changes in the procedures under section 104.

Sec. 705. Carry-Forward Provision. This section permits a manufacturer who exceeds the applicable minimum fleet average standard in a model year to credit the amount he exceeded the standard in any of the next three consecutive years so as to make up for a failure to achieve the fuel economy standard in any of those later years. Currently, this credit can be used only in the year in which it accrues.

SECTION-BY-SECTION ANALYSIS

AMENDMENT NO. 1665

Title VIII. Tax Incentives for Production of Fuel Efficient Automobiles.

Sec. 801 amends Part VI of Subchapter B of Chapter 1 of the Internal Revenue Code by providing accelerated depreciation for certain automobile manufacturing equipment. The qualifying equipment is that used for production of automobiles or parts of automobiles which exceed by at least 5 miles per gallon the average fuel economy standard for the model year within that taxable year. With respect to production of parts, no more than 20 percent of the production of parts from qualifying equipment may be for automobiles that do not exceed the minimum average fuel economy standard by at least 5 miles per gallon.

Sec. 802 makes the provisions of this title effective with respect to taxable years beginning after December 31, 1980.

SUMMARY OF SENATOR JACKSON'S AND SENATOR MAGNUSON'S FOUR AMENDMENTS TO S. 2015—THE TRANSPORTATION ENERGY EFFICIENCY ACT OF 1979 (ADMINISTRATION BILL)

Cosponsors: Senators Tsongas, Bumpers, Matsunaga, Bradley, Metzenbaum, Williams, Proxmire, Nelson, Hart and Hatfield (Senator Javits: first two amendments only).

First Amendment (Motor Oil): Test Procedures and Mandatory Labeling of Motor Oils to Inform Consumers as to Relative Fuel Economy.

Potential Improvement in Fuel Economy: 2 to 5 percent for entire existing motor fleet of 120 million vehicles, or 165,000 to 400,000 B/D.

Second Amendment (Tires): Test Procedures and Mandatory Labeling of Automobile Tires to Inform Consumers as to Relative Fuel Economy.

Potential Improvement in Fuel Economy: 5 percent for entire existing motor fleet of 120 million vehicles, or 400,000 B/D.

Note that Rubber Manufacturers Association admit that replacement tires are less fuel efficient generally than original equipment tires.

Third Amendment (Fuel Economy Standards):

(a) Increases Automobile Fuel Economy Standards for 1986–1995 so that standard in 1995 is 40 mpg, with discretion for Secretary of Transportation to lower it to 35 mpg, if necessary. Secretary of Transportation to set standards from 1986 to 1994 based on enumerated criteria.

(b) Directs EPA to review and modify test procedures so as to reduce disparity between measured and actual fuel economy.

Current trend: A car rated at 27.5 mpg in 1985 will actually achieve 19.2 mpg.

(c) Gives automakers a "carry-forward" provision so that exceeding the required standard can be credited against shortfall in fuel economy as much as 3 years later.

Import Statistics:

Imports are now 26 percent of market. VW sells more than American Motors in U.S. Japanese imports exceed sales by Ford Motor Company in U.S.

Chrysler dependent on Mitsubishi for small cars. Japan may become world's largest producer of automobiles in 1980. GM ad admits that meeting 1985 standards is not enough to stay in business in 1980's.

Fuel Economy Statistics:

Sales-weighted average of imports shows they beat the 1985 standard (27.5 mpg) at least two years ago.

VW has built a 65-mpg 5-passenger car. Planning an 80 mpg subcompact for late 1980's.

DOT says using lightweight design and some diesel, then a 50 mpg standard is feasible.

Four foreign companies build 1980 model cars for U.S. market that get 40 mpg or better today.

Five foreign companies build 1980 model cars for U.S. market that get 35–40 mpg today.

Fourth Amendment (Tax Incentive): Automakers eligible for accelerated depreciation for facilities and equipment used to produce cars achieving at least 5 mpg above the applicable standard.

Additionally, S. 2015, as introduced, would provide $800 million over a ten-year period for basic auto research.

Mr. HATFIELD. Mr. President, I join with the distinguished chairman of the Committee on Energy and Natural Resources, Senator JACKSON, and with the distinguished chairman of the Committee on Appropriations, Senator MAGNUSON, in introducing four amendments to the President's proposed Transportation Energy Efficiency Act of 1979. These amendments can accomplish so much with so little investment of the taxpayers' money or additional governmental intrusion into the energy market that I believe their acceptance will be very broad in the Senate.

While one might lament the fact that Government action in motor oils and tires, the subjects of the first two amendments, is necessary at all, one cannot escape noticing that it remains impossible today for energy-conscious consumers to shop for the oils and tires which would most enhance the fuel efficiency of the consumer's automobile.

Yet it is clear that the oil and the rubber industries have already developed useful comparisons. Texaco, for example, advertises that their Havoline motor oil is "proven in fuel economy tests"—that "two of the leading 10W–40 motor oils advertising extra mileage could not beat Havoline Supreme."

Without knowing which brands were beaten and under what conditions, the ad is as useless as those claiming a certain number of extra "miles per tank" of gasoline without giving the size of the tank. Left to his own devices, the motorist could attempt trial-and-error comparisons using his car, but the number of other variables affecting fuel efficiency at any given moment, such as terrain, temperature, and wind, can far outweigh the use of a particular oil or set of tires and effectively mask the real impact of using better oil or tires.

Since tires and oil can make a combined 5- to 10-percent difference in fuel efficiency, they are well worth paying attention to. I believe that if standards for laboratory testing can be established, and test results are included on the manufacturer's label, the consumer will make the right choice—even paying a premium for oil or tires that are going to save energy which is becoming more expensive every day.

Mr. President, all that is required of the industries in the first two amendments is that they come forward with their suggestions for the standardized testing of oil and tires for fuel efficiency impacts, and thereafter that they adopt such labeling requirements as the Secretary of Energy shall prescribe for these measurements.

Mr. President, the third and fourth amendments relate to the existing efforts of the auto industry to achieve greater fuel efficiencies. Present law does not require advancement beyond the 1985 fleet average standard of 27.5 miles per gallon. Yet today there are already 25 different 1980 automobile model types made by five different companies (none in the United States) that exceed 35 miles per gallon for the EPA composite. The third amendment would extend the auto mileage program from 1985 to 1990, without changing any of the existing pre-1985 standards, and would set the 1990 standard at 40 miles per gallon.

It would also mandate a reduction in the discrepancy between EPA test data and actual road performance, which is a source of some confusion now among energy-conscious auto shoppers, and would provide the auto industry with "carry-forward" credits for exceeding mileage standards in any given year.

The fourth amendment provides the auto industry with a tax incentive to excel in the fuel efficiency competition. It would accelerate the allowable rate of depreciation of equipment used for the manufacture of autos which exceed the applicable mileage standard of that particular year by 5 percent or more.

Mr. President, the oil savings attributable to the first two amendments will be somewhere in the range of 465,000 to 1,200,000 barrels per day by 1986. The next 6 years is exactly the period of America's greatest vulnerability to international oil supply disruptions. And beyond this period it will still be at least another decade before synthetic fuels in any appreciable supply are brought on stream, which argues for more attention in the area of the third and fourth amendments—the manufacture of automobiles in this country that will be much more fuel efficient. Must Volkswagen, Toyota, Nissan, and others, whose exports to the United States now account for 26 percent of auto sales in this country, continue to be the only manufacturers capable of meeting the mileage challenge? Chrysler's downfall was apparent in the fact that the only model they sold to compete in the fuel economy market was not theirs at all, but a Mitsubishi.

I urge the support of my colleagues for these amendments and for early passage of S. 2015, the Transportation Energy Efficiency Act. Fully one-half the oil America uses is burned in the transportation sector, and therefore this is one of our greatest conservation opportunities.

CONSTITUTIONAL RIGHTS OF INSTITUTIONALIZED PERSONS—S. 10

AMENDMENT NO. 1666

(Ordered to be printed and to lie on the table.)

Mr. BOREN submitted an amendment intended to be proposed by him to S. 10, a bill to authorize actions for redress in cases involving deprivations of rights of institutionalized persons secured or protected by the Constitution or laws of the United States.

AMENDMENT NO. 1667

(Ordered to be printed and to lie on the table.)

Mr. EXON submitted an amendment intended to be proposed by him to S. 10, supra.

AMENDMENTS NOS. 1668 THROUGH 1671

(Ordered to be printed and to lie on the table.)

Mr. DANFORTH submitted four amendments intended to be proposed by him to S. 10, supra.

AMENDMENT NO. 1672

(Ordered to be printed.)

Mr. BOREN proposed an amendment to S. 10, supra.

AMENDMENT NO. 1673

(Ordered to be printed and to lie on the table.)

Mr. DANFORTH submitted an amendment intended to be proposed by him to S. 10, supra.

EXPORT TRADE ASSOCIATION ACT—S. 864

AMENDMENT NO. 1674

(Ordered to be printed in the Record and referred to the Committee on Banking, Housing, and Urban Affairs.)

Mr. DANFORTH (for himself, Mr. Bentsen, Mr. Chafee, Mr. Heinz, Mr. Javits, and Mr. Mathias) submitted an amendment intended to be proposed by them to S. 864, a bill to establish within the Department of Commerce an office to promote and encourage the formation and utilization of export trade associations, and for other purposes.

● Mr. DANFORTH. Mr. President, last April, along with Senator Bentsen, Senator Chafee, Senator Javits, and Senator Mathias, and later joined by Senator Heinz, I introduced S. 864, the Export Trade Association Act. S. 864 would modify the 1918 Webb-Pomerene Act in a way that would permit many more American firms to make use of it to promote exports.

When introducing the bill, I spoke of the need for the Congress to seek aggressive measures to reverse the mushrooming balance of trade deficits that this Nation has registered since 1970. The purpose of S. 864 is to encourage more American firms to market their goods and services abroad and enable them to compete more effectively with their foreign counterparts which are increasingly becoming foreign government owned and subsidized commercial entities.

The amendment which my colleagues and I are submitting today addresses some relatively minor concerns raised by witnesses during the hearings held on S. 864 on September 17 and 18, 1979. Overall, I am pleased that the concepts embodied in S. 864 received support during those hearings from both business and administration witnesses.

The amendment we introduce today does not alter the basic purposes for which S. 864 was introduced. I look forward to an early markup and Senate passage of this much needed legislation.●

DOMESTIC VIOLENCE PREVENTION AND SERVICES ACT—S. 1843

AMENDMENT NO. 1675

(Ordered to be printed and referred to the Committee on Labor and Human Resources.)

Mr. TSONGAS submitted an amendment intended to be proposed by him to S. 1843, a bill to provide for Federal support and stimulation of State, local, and community activities to prevent domestic violence and provide immediate shelter and other assistance for victims of domestic violence, for coordination of Federal programs and activities pertaining to domestic violence, and for other purposes.

● Mr. TSONGAS. Mr. President, I rise to submit an amendment to S. 1843, which would establish a Presidential Commission on National Service. My colleagues have heard me speak before on the merits of such a Presidential Commission before, there is no need to reiterate those reasons. I would, however, like to share with you the results taken from a questionnaire I distributed to the participants of a statewide conference in Massachusetts on February 2, 1980, at Brandeis University. The conference was jointly sponsored by myself and the Massachusetts Department of Education. High school and college students from throughout the State were in attendance, as well as repersentatives from many of the Nation's voluntary organizations and other groups interested in the concept of national service.

Of the 195 responses we received, 164 were in favor of a national service system and 26 were opposed; 142 participants supported a voluntary system of national service, while 25 supported a mandatory program. On the question of whether both sexes should be included 179 said they should, while a grand total of zero were opposed.

Many other interesting statistics were derived from the questionnaire, but the important point that should be made is that the participants were supportive of the idea of establishing a national service program in this country and generally believed that the issue requires further study before a comprehensive program is adopted.

I would be happy to share the complete results of the questionnaire with my colleagues or their staffs and would encourage them to support my proposal for establishing a Presidential Commission on National Service.●

NOTICES OF HEARINGS

SUBCOMMITTEE ON ENERGY REGULATION

● Mr. JOHNSTON. Mr. President, on Tuesday, April 15, and Thursday, April 17, the Subcommittee on Energy Regulation of the Committee on Energy and Natural Resources will hold hearings on the President's budget requests for fiscal year 1981 for the energy regulatory and information gathering functions of the Department of Energy.

On April 15 the proposed authorizations for the Federal Energy Regulatory

Commission and for the Energy Information Administration will be reviewed. This hearing will commence at 10 a.m. in room 6226 of the Dirksen Senate Office Building.

On April 17 the subcommittee will receive testimony on the proposed authorization for the Economic Regulatory Administration and the Office of Hearings and Appeals. This hearing will begin at 10 a.m. in room 5110 of the Dirksen Senate Office Building.

Questions about these hearings should be directed to Benjamin S. Cooper or James T. Bruce of the subcommittee staff at 224-9894.●

SUBCOMMITTEE ON ENVIRONMENT, SOIL CONSERVATION, AND FORESTRY

● Mr. MELCHER. Mr. President, I rise to announce that the Subcommittee on Environment, Soil Conservation, and Forestry of the Committee on Agriculture, Nutrition, and Forestry will hold a hearing at 9:30 a.m., Monday, March 3, in room 5110 of the Dirksen Senate Office Building.

The subject of the hearing will be the proposed fiscal 1981 budgets of the Forest Service, the Soil Conservation Service, and the conservation programs of the Agricultural Stabilization and Conservation Service.

Appropriate administration witnesses will testify.●

COMMITTEE ON THE BUDGET

● Mr. MUSKIE. Mr. President, I wish to announce that the Budget Committee will hold hearings on the first concurrent resolution on the budget for fiscal year 1981 on February 26, 27, 28, and 29, and on March 3, 4, 5, 6, 11, and 12, in room 6202 of the Dirksen Senate Office Building.

Today, February 26, at 10 a.m., the committee will hear testimony regarding U.S./Soviet relations and Soviet objectives from Prof. George Kennan of the Institute for Advanced Study and Prof. Richard Pipes of the Russian Research Center. At 2 p.m. the committee will hear further testimony regarding the Soviet threat in a closed and classified hearing from Adm. Stansfield Turner, Director of the CIA.

On Wednesday, February 27, Secretary of Defense Harold Brown will testify at 10 a.m. regarding the U.S. defense program. At 2 p.m. a panel comprised of Barry Bosworth of the Brookings Institution, Robert J. Myers, former Chief Actuary of the Social Security Administration, and Robert J. Dorian, senior economist for group IV, will testify regarding the effects of indexation under certain Federal programs.

On Thursday, February 28, at 10 a.m., Reginald Bartholomew, Director of the Bureau of Politico-Military Affairs at the Department of State, and Robert W. Komer, Under Secretary of Defense for Policy at the Pentagon, will testify regarding the relationship between U.S. foreign policy and U.S. defense needs. At 2 p.m., Robert Legvold of the Council on Foreign Relations and Dr. Edward Luttwak will testify on Soviet Third-World activities.

On Friday, February 29, a panel comprised of Robert Ball of the National Academy of Sciences, Dr. Michael Boskin of Stanford University, Dr. William Hsiao of the Harvard School of Public Health, and William Driver, Commissioner of the Social Security Administration will testify at 10 a.m. regarding social security financing.

On Monday, March 3, at 10 a.m., a panel of outside experts will critique U.S. foreign policy and at 2 p.m., a panel of witnesses will testify regarding fiscal, economic and manpower issues in defense spending.

On Tuesday, March 4, at 10 a.m., Dr. Herbert Stein of the American Enterprise Institute, Dr. Albert T. Sommers, vice president and chief economist of the Conference Board, and Prof. James Tobin of Yale University, will testify on the economic outlook.

On Wednesday, March 5, Alice Rivlin, Director of the Congressional Budget Office, will testify at 10 a.m., regarding fiscal policy options and the economic outlook for fiscal year 1981.

On Thursday, March 6, at 10 a.m., Paul Volcker, Chairman of the Federal Reserve, will testify regarding economic and monetary policy.

On Tuesday, March 11, at 10 a.m., representatives from the National Conference of Mayors, the National Governors' Association, the National Conferece of State Legislators, the League of Cities, and NACO will form two panels to testify regarding State and local issues. At 2 p.m., representatives from the city of Baltimore, the Oakland, Calif., public schools system, Harvard University, and the Rand Corp. will testify regarding youth unemployment.

On Wednesday, March 12, at 10 a.m., two panels will testify regarding proposals to limit State and local government spending. The first panel will be composed of Leo McCarthy, speaker of the house, California State Legislature, Pete Wilson, mayor of San Diego, and George Peterson of the Urban Institute. The second panel is made up of Brendan Byrne, Governor of New Jersey and John Shannon of the Advisory Council of Intergovernmental Relations.●

SUBCOMMITTEE ON PARKS, RECREATION, AND RENEWABLE RESOURCES

● Mr. JACKSON. Mr. President, I would like to announce for the information of the Senate and the public, the scheduling of a public hearing before the Subcommittee on Parks, Recreation, and Renewable Resources.

The hearing is scheduled for March 3, 1980, beginning at 10 a.m., in room 3110 of the Dirksen Senate Office Building. Testimony is invited regarding S. 1495, a bill to acquire certain lands so as to assure the preservation and protection of the Potomac River shoreline.

For further information regarding the hearing, you may wish to contact Thomas Williams at 224-7146.

Those wishing to testify or who wish to submit a written statement for the record should write to the Subcommittee on Parks, Recreation, and Renewable Resources, room 3106, Dirksen Senate Office Building, Washington, D.C. 20510.●

SUBCOMMITTEE ON PARKS, RECREATION, AND RENEWABLE RESOURCES

● Mr. JACKSON. Mr. President, I would like to announce for the information of the Senate and the public, the scheduling of a public hearing before the Subcommittee on Parks, Recreation, and Renewable Resources.

The hearing is scheduled for March 7, 1980 beginning at 10 a.m., in room 3110 of the Dirksen Senate Office Building. Testimony is invited regarding S. 2123, a bill to designate certain national forest lands in the State of Colorado as units of the National Wilderness Preservation System.

Witnesses who have been invited to testify are: Gov. Richard D. Lamm, Colorado; David G. Rice, Jr., Colorado Cattlemen's Association; Lloyd Stahl, Federal Timber Purchasers; David Stevens, Freeport Exploration Co.; Walter Jessell, Colorado Mountain Club; Tom Easley, Colorado Open Space Council; Jerry Mallett, United Sportsmen's Council; Harry Bows, Colorado Counties, Inc.; and David W. Delcour, Amax, Inc.

For further information regarding the hearing, you may wish to contact Thomas Williams at 224-7146.

Those who wish to submit a written statement for the record should write to the Subcommittee on Parks, Recreation, and Renewable Resources, room 3106, Dirksen Senate Office Building, Washington, D.C. 20510.●

SUBCOMMITTEE ON PARKS, RECREATION, AND RENEWABLE RESOURCES

● Mr. JACKSON. Mr. President, I would like to announce for the information of the Senate and the public, the continuation of the February 22 oversight hearing on Bureau of Land Management wilderness review and rangeland management programs before the Subcommittee on Parks, Recreation, and Renewable Resources.

The hearing is scheduled for March 11, 1980 beginning at 2 p.m., in room 3110 of the Dirksen Senate Office Building.

Testimony will be received from Frank Gregg, Director, Bureau of Land Management.

For further information regarding the hearing, you may wish to contact Deborah Merrick at 224-7150.●

SUBCOMMITTEE ON PARKS, RECREATION, AND RENEWABLE RESOURCES

● Mr. JACKSON. Mr. President, I would like to announce for the information of the Senate and the public, the scheduling of a public hearing before the Subcommittee on Parks, Recreation, and Renewable Resources.

The hearing is scheduled for March 12, 1980 beginning at 10 a.m., in room 3110 of the Dirksen Senate Office Building. Testimony is invited regarding several park proposals:

H.R. 5926 and S. 2025, bills to establish the Biscayne National Park in the State of Florida;

S. 2299, a bill to add lands to Valley Forge National Historical Park;

S. 1431 and Senate Joint Resolution

119, bills relating to the establishment of a Vietnam Veterans' Memorial; and

S. 1924, a bill to designate the Salinas National Monument in the State of New Mexico.

For further information regarding the hearing, you may wish to contact Thomas Williams at 224–7146.

Those wishing to testify or who wish to submit a written statement for the record should write to the Subcommittee on Parks, Recreation, and Renewable Resources, room 3106, Dirksen Senate Office Building, Washington, D.C. 20510.●

SUBCOMMITTEE ON PARKS, RECREATION, AND RENEWABLE RESOURCES

● Mr. JACKSON. Mr. President, I would like to notify my colleagues and the public of a change in the scheduling of a hearing before the Parks, Recreation, Renewable Subcommittee.

The subject matter of the subcommittee hearing originally scheduled for March 25, has been changed. Instead of the Los Padres National Forest expansion bill, S. 2233, the subcommittee will receive testimony, from administration witnesses only, on several land conveyance and other measures affecting the Forest Service and the Bureau of Land Management. Testimony will be received on the following measures:

S. 1506/H.R. 1762 (Domenici)—To convey all interests of the United States in certain real property in Sandoval County, New Mexico, to Walter Hernandez.

S. 2261 (Domenici)—To quiet title of property in Albert and Eulia Rodriguez.

S. 1923/H.R. 3928 (Domenici)—To amend the Act of November 8, 1978 (92 Stat. 3095), to designate certain Cibola National Forest lands as additions to the Sandia Mountain Wilderness, New Mexico.

S. 1972 (Schmitt)—To authorize the Secretary of the Interior to reimburse certain purchasers of subleases from the Sangre de Cristo Development Corporation.

S. 1985 (DeConcini)—To authorize the Secretary of Agriculture to convey certain lands in the State of Arizona, and for other purposes.

S. 1997/H.R. 1967 (Hart)—To expand the White River National Forest in Colorado.

S. 2209 (Jackson)—To amend the Federal Land Policy and Management Act (to provide citation authority to BLM).

H.R. 920 (Johnson of California)—To authorize the Secretary of the Interior to convey certain lands in Placer County, California to Mrs. Edna C. Marshall.

S. 1910 (McClure)—To authorize the Secretary of the Interior to convey lands to the City of American Falls, Idaho, for city park purposes.

S. 1715 (Stevens)—For the relief of Jerry L. Crow.

S. 2307 (Cranston)—To provide that certain lands in Imperial County, California, that became Federal property by the process of accretion be sold to the persons who would be the current owners of such lands but for such accretion.●

SELECT COMMITTEE ON SMALL BUSINESS

● Mr. NELSON. Mr. President, I wish to announce that the Senate Small Business Committee will be resuming its hearings on capital formation to review the capital formation recommendations of the White House Conference on Small Business. The committee will meet on March 3, at 10:30 a.m. and March 5 at 9:30 a.m. at the Senate Small Business Committee chambers, 424 Russell Senate Office Building, Washington, D.C. 20510.

These sessions are a continuation of the hearings which have been underway since February of 1978 and will be conducted jointly with the Subcommittee on Financial Institutions of the Senate Banking Committee. Persons desiring further information may contact the committee offices at (202) 224–5175.●

SUBCOMMITTEE ON FOREIGN AGRICULTURAL POLICY

● Mr. STONE. Mr. President, I have grown increasingly concerned in recent months over the inadequacy of the administration's food aid response to the numerous international refugee and disaster problems. The current situation on the Pakistan/Afghanistan border is just one of a series of disruptions where the United States could have responded swiftly and effectively with food aid, but we were slow to act.

At the same time, our Government has been looking for ways to buttress the agricultural economy and use the commodities displaced by the Soviet grain embargo. We have an effective instrument in the Public Law 480 food for peace program, but we need to give it greater priority and funding.

To examine this problem, I have set up a March 6 hearing of the Foreign Agricultural Policy Subcommittee of the Committee on Agriculture, Nutrition, and Forestry. The hearing will be held at 9:30 a.m. in room 324 RSOB, and the Department of State, the Agency for International Development, the Office of Management and Budget, and the Department of Agriculture have been invited to testify. For further information, contact Nancy Foster (224–3041) of my staff or Nelson Denlinger (224–2035) of the committee staff.●

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, February 28, 1980, beginning at 3 p.m. to hold a hearing on GSA lease proposals.

The PRESIDING OFFICER. Without objection, so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate today beginning at 2 p.m. to hold a hearing on budget requests on Economic Development Administration and the Appalachian Regional Commission.

The PRESIDING OFFICER. Without objection, so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the sessions of the Senate today and tomorrow, February 26 and 27, to hold hearings on legislation to ease the grain embargo impact on the American farmer.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the sessions of the Senate today and tomorrow, February 26 and 27, to hold hearings on S. 2245, the Motor Carrier Reform Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

S. 1953—HONORING LOUIS L'AMOUR

● Mr. YOUNG. Mr. President, on October 30 of last year I introduced Senate bill 1953—cosponsored by Senators Wallop, Burdick, Kassebaum, Thurmond, Stevens, Laxalt, Armstrong, and Garn—to authorize a specially struck gold medal for the distinguished American author, Louis L'Amour. I am very pleased with the strong support by Senate colleagues have given this bill and with the overwhelming support demonstrated by the millions of people who read his novels. This is most encouraging. I hope the Banking Committee will hold hearings on this bill soon and report it favorably to the Senate.

Mr. President, Jack Evans is the former editor of the Jamestown Sun published at Jamestown, N. Dak., which is where Louis L'Amour spent the first years of his life. Recently, Jack wrote an excellent article outlining some of the more important reasons why Louis L'Amour deserves this high honor. I ask that a portion of the article by this prominent North Dakota journalist be printed in the Record.

The article follows:

MEDAL FOR L'AMOUR

(By Jack Evans)

I like Louis L'Amour stories concerning early Pioneer America and the Old West. I enjoy reading his books, but I also enjoy his craftsmanship as a writer.

I like his novels for the action, interesting plotting and excitement, but I also appreciate the authenticity of his chronology and description of locales.

One of the great things about his stories is that although they do have strong man-woman content they may be read by anyone upward from 10 years of age and are—and nothing in them violates decent standards of upbringing.

I have been coordinating—with the enthusiastic aid of many others around the country—an effort to secure for Louis L'Amour a Congressional Medallion, also known as a National Gold Medal, in recognition of his now-immense literature on our early frontiers from coast to coast.

Although Louis is one of the all-time best-selling authors of North America's hardback and softcover book publishing industry (his books in print this year are most assuredly going to reach 100 million), this is only a relative and certainly not a major cause L'Amour is being recognized and honored by this special act of Congress. Here are some of the more pertinent reasons:

1. His books—each and every one of them—have portrayed the tenacious and courageous spirit of the men and women and their children who settled this country from the late 1700's through the early 1900's.

2. These hang-in-there characterizations of our frontier people have caught on with readers—not just in the U.S., Canada, the United Kingdom, New Zealand and Australia—but everywhere in the entire English-reading world. That's a wide, wide world these days.

3. Additionally, Louis L'Amour's U.S. frontier writings have broken through the translation barrier, a feat not accomplished by all literature, regardless of its success in the language in which it was originally written. As a result, 20 special printings in 19 foreign languages telling L'Amour's tales of the Great American Adventure are now being read and passed along almost everywhere outside the Iron Curtain. And—(who knows?) perhaps a few have gone inside it and are being read on the sly out behind Communist barns.

4. Finally, many motion pictures and some TV specials have been based on Louis L'Amour's stories of American pioneer frontiersmen and their families. So still more millions of people—who are not necessarily book-readers—have been exposed to his historical fiction telling of free people winning, step by struggling step, a nation for themselves.

What Louis L'Amour is being honored for then—over and above his commercial best-selling success—is the way he has made friends worldwide for those who settled our country.

In these days when we need all the friends we can get anywhere, Louis L'Amour has been a tremendously effective literary ambassador.●

NEED FOR REDUCING THE COST OF FEDERAL TELEPHONE SERVICES

● Mr. SASSER. Mr. President, the 1981 President's Budget includes a request of $7.5 billion for communications, utilities, and other rent. This is an increase of $700 million over the $6.8 billion estimated for the current fiscal year. Is this entire requested increase justified? I think not.

The enormity of the numbers makes them almost incomprehensible. Consequently, I will explore with my colleagues just one small segment of this enormous expenditure for communications, utility, and rent.

Frankly, there is no doubt in my mind, Mr. President, that more effort needs to be exerted to contain the rising cost of communications in Government.

I call to the attention of my colleagues a recent report entitled "Economic and Operational Benefits in Local Telephone Services Can Be Achieved Through Government Wide Coordination." Therein, the Comptroller General of the United States, Mr. Elmer Staats, pointed out that significant savings could be achieved by consolidating the Government's local telephone services.

The General Accounting Office surveyed 12 Federal agencies and found that they were spending at least $219 million annually for local telephone service acquired through commercial business lines and local telephone systems. This does not include the FTS (Federal Telecommunications System) and other special services. It only includes the type of service that you and I or a business firm would have installed in our homes and businesses by a local telephone company. Unfortunately, in all too many cases, local Federal agencies are not coordinating the purchase of telephone services, and, as a result, the services are costing the taxpayers additional and unnecessary resources.

SAN ANTONIO, EXAMPLE

In one example, in the San Antonio, Tex., area, the Federal Government is serviced by one telephone company that provides over 17,000 Government telephones to various Federal agencies. After some study, the GAO developed a plan that would allow an annual operating cost savings of $837,000. The one-time cost of converting to the more efficient system would be $806,000. In other words, the $806,000 one-time investment could be paid off in savings before 1 year elapsed. The more efficient system, in addition to costing less, would provide operational benefits not now available to the users of the 17,000 Government telephones.

The proposed consolidated system envisioned by GAO in San Antonio would also avoid a planned expenditure of $7.7 million for uncoordinated modernizations at two nearby Air Force bases.

ST. LOUIS EXAMPLE

In another example, in the St. Louis, Mo., area, the Federal Government is serviced by a telephone company that provides 7,700 Government telephones to Federal agencies. The GAO proposes that all the existing Government telephone services be consolidated into a single system at a one-time cost of $653,000. This investment would save $442,000 in annual operating costs which could pay off the one-time investment in about 1½ years while providing operational benefits not available in the existing system.

LEAVENWORTH, KANS., EXAMPLE

A third example that shows promise of cost savings relates to the Leavenworth, Kans., area, where the Federal Government is serviced by a telephone company that provides 1,950 telephones to several Government agencies. In this particular case, Mr. President, the potential cost savings are spectacular. For a one-time conversion cost of $13,000, the Federal Government could realize an annual savings of $143,000. In other words, the required investment of $13,000 could be paid back in little over a month of operating savings.

In addition, the GAO suggested consolidation would also avoid a planned expenditure of $1.4 million for uncoordinated modernization at a local military base.

SUMMARY

Mr. President, the three examples cited by the General Accounting Office in their report would require a one-time investment of $1,472,000.

For this one-time investment, the Federal Government would save $1,442,000 a year, every year.

In addition, the Federal agencies involved could save $9.1 million in planned, but unnecessary, modernization costs.

CONCLUSION

Mr. President, I am hopeful that the administration and the affected agencies will take note of the potential savings and economics outlined in the GAO report and respond positively.

An annual savings of $1,422,000 a year, every year, may not appear significant to some who deal in billions of dollars. Nor would the avoidance of $9.1 million in apparently unnecessary modernization costs.

However, to the average, hard-working, hard-pressed Tennessee family, an annual savings of $1,422,000 amounts to the total annual tax bill of 700 Tennessee families every year.

That one-time cost of $9.1 million that could be saved represents the annual taxes paid by 4,500 Tennessee families.

I know that they would find it hard to understand if their Government were to squander the tax money for which they worked so hard.

At a time when we are finding it necessary to rebuild U.S. defense forces, the Defense Department should be making every effort to avoid the $9.1 million in planned but apparently unnecessary expenditures for telephone services outlined in the GAO report. I believe that it is just this type of unnecessary expenditure that infuriates the taxpayers and makes them less supportive of necessary and priority programs.●

THE 1979 DEPARTMENT OF AGRICULTURE YEARBOOK

Mr. GOLDWATER. Mr. President, the latest in the continual procession of official U.S. Government publications has just arrived at my desk. At first glance, I thought it was a comic book, but then I examined it further and discovered it was the latest Department of Agriculture Yearbook.

This year's edition was written for an audience of young people, 9- to 12-year-olds, and when you stop to consider that most Government reading material is written at the eighth grade reading level, you will find that this is not too much of a comedown.

Mr. President, the original purpose of the Agriculture Yearbook was to provide a technical volume for farmers. That is what Congress had in mind when it authorized publication of these books.

But the 1979 Yearbook is just as far away from that original purpose as it can be. The Nation and the economy are going through some pretty serious times right now, and I am disappointed that the Department of Agriculture has taken such a light approach to what should have been a working tool for the American farmer.

Moreover, I am surprised that the Department would produce another book about food when it already has so many similar publications aimed specifically at the family and its food and nutrition needs. There are at least a dozen publications which the Department of Agriculture currently has available for free distribution on this subject and, what is more, there are 48 other general food and diet listings available from the Department to the general public.

In fact, the Department of Agriculture has published four other yearbooks in just the last 14 years, which deal with food and nutrition on a more serious vein than the 1979 volume does.

And, to top it all off, the Federal Government's Consumer Information Center also has its own popular titles on the same subject for mass distribution. At least 25 of these titles are food publications.

Perhaps the 1979 Yearbook could stand on its own if it were produced and sold by some advocacy group linked to the consumerism movement. But for the Department of Agriculture to pay for this publication at the taxpayer's expense is, at the best, a wasteful duplication of information already available from the Government and, at the worst, a travesty of the original design by Congress of the purpose which the yearbook was supposed to serve.

Mr. President, I do not like to criticize the Department of Agriculture and rarely do so. I believe some of the finest spokesmen for American ideas and interests are found in the Department, including its Foreign Agricultural Service. This is particularly true when you contrast the Department of Agriculture with the Department of State, which all too often seems to represent the wishes of foreign governments more than it does the commonsense of the American public.

In this one instance, however, I could not remain silent, and I hope the Department will not repeat this rare lapse into bureaucratic tomfoolery.●

ROBERT STRAUSS

● Mr. RIBICOFF. Mr. President, Robert Strauss is a remarkable man. He is an original. His character and ability is set out with great clarity in an excellent article by Terence Smith in the New York Times Magazine, February 24, 1980. I ask that it be printed in the RECORD.

The article follows:

(By Terrence Smith)

They gather in the evening, amid the early Americana of the family quarters on the second floor of the White House, after Jimmy Carter has finished his public schedule for the day—the President and his political lieutenants. These are the men who helped him score his improbable victory in 1976 and intend to repeat the performance this year: Hamilton Jordan, the White House chief of staff, is usually there, along with Jody Powell, the press secretary; Timothy E. Kraft, the campaign field coordinator; Gerald M. Rafshoon, the Atlanta advertising executive who is handling the media.

The language spoken is Georgian, and shorthand Georgian at that. They have worked together for so long, they know one another so well, that nothing has to be explained. The talk is of polls and debates, telephone banks and field workers, endorsements and defections: the nitty-gritty of a Presidential campaign. It's a tight group, but it includes one voice that was not there in the days of "Jimmy Who?"—the raspy, Texas drawl of Bob Strauss, national chairman of the Carter-Mondale Presidential Committee.

At 61 years of ago, Robert Schwarz Strauss is finally playing the role in life he has, in one way or another, been preparing for since he first distributed political brochures on behalf of a young Congressional candidate named Lyndon Baines Johnson 43 years ago. After spending his 30's and 40's practicing law and making millions in Dallas, his 50's raising money for the Democratic National Committee and the last three years as Mr. Fixit for the Carter Administration, he has become the campaign's principal spokesman, fundraiser, link to old-line Democrats and snake-oil salesman.

Mr. Strauss has never been happier or more in his element. He has great expectations—and not, simply, that a victory in November might bring him a Cabinet post, perhaps Treasury or Commerce. He's already held two Cabinet-level jobs in the Carter Administration. What he really hankers for in November is universal recognition as America's best political operator, a latter-day Jim Farley. For if there is one thing Bob Strauss wants to be, it's the best.

In corporate parlance, Hamilton Jordan is the chief executive officer of the Carter campaign. Tim Kraft is the day-to-day manager, dispatching the field workers, keeping track of the delegate selection. Patrick Caddell runs the polling operation, just as he did four years ago. Bob Strauss is the chairman of the board, the visible head of the campaign—the "gray hair," as he puts it, at the top of the structure.

At 8:45 o'clock on the morning of Jan. 8, the chairman settles into a first-class seat for the Dulles-to-Los-Angeles flight, start of a three-day California tour. As he does each morning, Mr. Strauss reads his way through The Washington Post, The Wall Street Journal, The New York Times and The Los Angeles Times. When the flight arrives, he is met by the electronic media: two radio reporters with tape recorders are waiting at the gate. Although he's already late for his first appointment, Mr. Strauss stops to answer their questions. He rarely, if ever, walks past an open mike.

That first appointment is a luncheon at the plush Beverly Wilshire Hotel, where some 15 members of the organizing committee for an upcoming $1,000-a-plate fund-raising dinner have gathered for a pep talk known in the trade as a "pre-sell." Mayor Tom Bradley introduces Mr. Strauss as "the Carter Administration's No. 1 salesman" and then the chairman is on his feet and into his stock speech for the party faithful, combining some unabashed praise for President Carter and a genuinely felt pitch for more public involvement in the political process with a hard sell for campaign money. As he talks, he leans his elbows on the lectern, a heavyset man with an olive complexion and hazel eyes that stare out from beneath dark, bushy eyebrows. His thinning, silver hair is combed back in waves.

A surprise visitor at the luncheon is John V. Tunney, the former California Senator, who has been actively campaigning and raising money for his old law-school roommate, Senator Edward M. Kennedy. Political antennae go up all over the room as he takes a seat. A defection? "I'm here to pay my respects to my old friend, Bob Strauss," Mr. Tunney explains to those around him, "not mine for gold." A transplanted New Yorker at a nearby table mutters, "Like hell he is. He's hedging his bet." Meanwhile, his formal speech over, Mr. Strauss is still at the lectern, "gossiping" with the audience, as he calls it. His tone is intimate and conversational, seeking out the links between himself and his audience, and finding them.

A private meeting with the editorial board of The Los Angeles Times is next on the agenda. On the theory that Macy's doesn't shop at Gimbels, I stay away, but participants tell me later that he disarmed the board with a mixture of self-deprecating humor and tough political talk. When asked, for example, if he thought Ted Kennedy was as smart as his brothers, the Carter chairman let the sharp edge of his tongue show. "Rose didn't have no triplets," he said.

President Carter's campaign was in bad repair when the formal announcement of the Strauss appointment was made last Nov. 6. The election committee had been in business since March and had already gone through two campaign chairmen. Evan S. Dobelle, Mr. Carter's chief of protocol and a former Mayor of Pittsfield, Mass., had run it in genteel obscurity for the first six months, gamely attempting to raise funds as the President's approval rating sank in the opinion polls. Tim Kraft took on the post in September. He proceeded to strengthen the field operations and he gave the committee a much-needed direct line of communication to the White House. But the campaign's most conspicuous need in those days was for a spokesman, a media-wise, articulate, recognizable leader who could call a press conference and hope to have some impact. Mr. Kraft, with his shaggy mustache and dark curly hair, looks more like a Mexican revolutionary than a campaign chairman, and he is acutely uncomfortable and tongue-tied before a microphone or camera.

By the end of October, with his standing in the polls at rock bottom and Ted Kennedy preparing to enter the race formally, Jimmy Carter realized that he was in the race of his life and—instinctively, it seems—he reached out for Bob Strauss.

On the face of it, the Strauss record in the Administration had been at best mixed. He had won high marks as the special trade representative responsible for negotiating the immensely complicated "Tokyo Round" of tariff reductions with 98 other nations and guiding the resulting legislation through Congress. But his next role was a flop: for six hapless months, he was the Administration's designated inflation-fighter, charged with the responsibility of alerting business and labor and the general public to the need to arrest the rising cost of living through voluntary measures. He had no impact.

Mr. Strauss was in his sixth month as the President's special envoy to the Middle East when he was tapped for the campaign job. In that time he had managed to establish considerable rapport with Egyptian President Anwar el-Sadat, but Israeli Prime Minister Menachem Begin judged his salty Texas humor boorish, and the striped-pants set at the State Department clearly resented his intrusion into what they regard as their private preserve. (He actually had trouble getting routine cables delivered to his White House office.)

From a political point of view, his appointment as campaign chairman could hardly have been better timed. It came just two days after the start of the Iranian crisis, when the President's approval rating had reached its nadir. Eleven weeks later, Jimmy Carter had galloped to a 2-to-1 victory in Iowa and Ted Kennedy was on the ropes.

Last month, Mr. Strauss publicly offered this scenario: "Carter is going to surprise people with his showing in New England. He'll hold the South, win the Illinois primary on March 18 and split the New York vote the next week. Then we'll have it." Privately, he was even more optimistic, but he didn't want Carter campaign workers to get overconfident. It had been a back-and-forth kind of campaign, and he commented, "Overnight is a lifetime in politics."

In fact, Senator Kennedy has been picking up momentum since the Jan. 28 Georgetown speech in which he defined a rationale for a campaign and found his natural constituency in the liberal wing of the party, and his strong second-place run in the Democratic caucuses in Maine two weeks ago confirmed that trend. It also represented an upturn in the fortunes of Governor Brown. For all three candidates and their campaign staffs, the New Hampshire primary on Tuesday now seems more important than ever. (The Kennedy effort is led by Stephen E. Smith, the Senator's brother-in-law, and Tom Quinn, an environmentalist and longtime friend, heads the election committee of California Gov. Edmund G. Brown Jr.)

Bob Strauss knows all too well that the Ayatollah Khomeini and the Soviet intervention in Afghanistan have done more for the President's campaign than he did. But if he could get away with it, he would cheerfully claim full credit. The chairman has one of the great, overweening egoes in a town full of exaggerated self-estimates, and he has never been one to hide his light under any kind of covering.

Nonetheless, most of the officials at the Carter-Mondale committee considered him a godsend when he arrived at campaign headquarters. "We needed a presence in the campaign," one of them observed later. "Strauss gave us that, plus instant credibility with the media and access to a national network of contacts that includes every politician of substance in the country."

That's extravagant praise, but it is a fact that in his career in Texas and at the Democratic National Committee, where he served as treasurer, and then chairman from 1970 to 1977, Bob Strauss developed an extraordinary range of contacts and friends. He knows county chairmen, Congressmen, governors, ambassadors. He knows the cave dwellers of the Washington establishment, board chairmen and the Brahmins of Wall Street. He even knows a few people in sports and show business, like jockey Willie Shoemaker and actor Walter Matthau, two of his poker-playing buddies. And this easy-going cameraderie with the powerful in politics and business around the country is something special for the Georgians around Jimmy Carter. They got to the top too quickly to make the kind of friends along the way that Bob Strauss has been cultivating all his life.

After 30 minutes of creeping through late afternoon Los Angeles traffic on the first day of his California swing, the chairman arrives at the Union Bank Building and takes an elevator to the 22d floor. The doors open, and he steps into a world of soft lights, deep carpeting, English antiques.

This is the exclusive Los Angeles Club, and 15 top executives of major West Coast corporations have gathered at the invitation of Walter B. Gerken, chairman of the Pacific Mutual Life Insurance Company. The guest list includes, among others, Roy A. Anderson of Lockheed, Arthur F. Kelly of Western Airlines and Charles B. (Tex) Thornton of Litton Industries. At least half are Republicans curious to meet Bob Strauss.

He moves among them easily, a peer, reaching out instinctively to shake a hand or squeeze a forearm. He greets a few old friends like Mr. Thornton, who grew up in a small Texas town about 10 miles from his own hometown of Stamford. "Tex and I used to knock around together," he says, then adds jokingly, "but now that he's got some money he doesn't really like to be seen with cheap political types like me any more."

Mr. Gerken coughs for attention and then Mr. Strauss, a vodka martini in his hand and seated on a red velvet bench, launches into a modulated, extremely low-key version of his pitch for Jimmy Carter. Given the Republicans in the room, his emphasis is on the importance of the two-party system and the need for good candidates in both.

He volunteers that he didn't think much of the President's first year in the job, that neither Mr. Carter nor the people around him had the experience they needed, but that since 1977 Jimmy Carter has evolved into a "superb President, much tougher and much smarter than people think he is." He establishes a link with his audience. "His values are very similar to your own. Your good friend and mine, Reggie Jones [Reginald H. Jones, chairman of General Electric], was in the White House the other day. He took me aside and said that even through he is a Republican, he's going to help the President get renominated so that the American people can have the best possible choice to pick from in November." Several of the executives, who have already made it clear that they regard both Ted Kennedy and Jerry Brown as raving socialists, murmur their approval.

With the hook thus set, Mr. Strauss slides smoothly into his financial pitch: "Gentlemen, I'm out here for coldblooded political reasons. We have a fund-raising dinner coming up here at $1,000 per plate. Under the new election laws limiting political contributions, you can give $1,000 and your wife can give $1,000. That's it. And that's not much when you are raising $18 million for a campaign. But you can give of your influence. You can take a few hours of your time in the coming weeks to call a few of your friends and get them to buy a ticket or two."

There is a round of polite applause and Walter Gerken, in his role as host, concludes: "Gentlemen, I think we all get the message, and I think we all agree that it is vital that President Carter be the Democratic nominee next November, considering the alternatives."

Less than an hour later, a burgundy limousine rolls up the steep, winding driveway, past the guardhouse and into the circular parking area in front of the Beverly Hills mansion of Lew R. Wasserman, the chairman of the Music Corporation of America and a leading Democratic fund-raiser. In the suede-upholstered back seat with Mr. Strauss is Charles T. Manatt, a Los Angeles attorney who is also national finance chairman of the Democratic National Committee. A few years ago, the two were rivals for the chairmanship of the committee, but today they enjoy a close, joshing relationship. They have come to the Wasserman home to meet with 25 prominent members of the California Jewish community.

As the car comes to a halt at the front door, Mr. Manatt is happily telling chairman Strauss what a rough group he's about to meet. "They ate Kennedy up," he says. "Even Mondale had trouble with them a few months ago. I can't wait to let 'em at you." His competitive juices stirring, Mr. Strauss says, "O.K. I have $10 that says I do twice as well as you expect me to. I'll let you be the judge and jury."

Inside the vast, luxurious house, with the lights of Los Angeles twinkling beyond the swimming pool, the chairman fields questions for an hour from a group whose attitude toward Jimmy Carter in his first term has ranged from skepticism to downright hostility. Why had the President allowed the dismissal of Ambassador Andrew Young to be blamed on the Jewish community? Why was Bella Abzug treated so shabbily? Why isn't the President more articulate in his support for Israel? What's the truth about the allegations of illegal cocaine used by Hamilton Jordan?

Strauss answers them one by one, acknowledging that the President has made mistakes but defending his record as a whole. He concedes, for example, that the Young resignation was handled badly. But is there anyone in the room, he demands sharply, who would want the last four years of his life, or his whole relationship with his wife or his children, to be graded on one unfortunate incident? That brings a pause. The questions soften a bit, and soon it is apparent that Mr. Strauss has won the day. It is a virtuoso performance, and when it's over, he digs happily into a bowl of his favorite chili, catered by Chasen's.

Later, as the burgundy limousine pulls away from the mansion, Mr. Strauss holds out his palm, and without a word Mr. Manatt hands over $10. Bob Strauss smiles. He likes to win.

The relationship between Jimmy Carter and his campaign chairman seems genuinely warm and trusting today; the Texan is one of the few people around the White House who can kid the President in front of others and get away with it. A standard routine has Mr. Strauss, who favors $450 Hickey-Freeman suits and custom shirts, complaining bitterly about having to dress down to the President. The two men are clearly opposites who attract: where Mr. Carter is tightly controlled, disciplined and personally devout, the chairman is open, spontaneous, disorganized and continually irreverent. (Mr. Strauss is a nonobservant Jew who somewhat envies the President his devoutness.)

One thing they have in common is age. Mr. Strauss is just six years older, one of the President's few contemporaries around the White House. They share a time frame. The Jody Powells and Hamilton Jordans are all very close to Mr. Carter, but they are young enough to be his sons.

The two first met in the early 1970's, when Mr. Strauss was party chairman and Mr. Carter was a Governor of Georgia with his eye on bigger things. Like many Democrats, Mr. Strauss paid little attention until the Georgian had all but captured the 1976 Presidential nomination.

Tradition calls for the winning candidate to select a new party chairman after the convention, but Mr. Carter overruled some of his Georgia counselors and decided to keep Mr. Strauss in the job. Genuinely gratified by that vote of confidence, the chairman worked hard for Mr. Carter during the general election, and the Strauss-Carter relationship was on its way.

The new man soon demonstrated his loyalty and his ability to provide a service the new Administration needed. Mr. Strauss showed no hesitation about calling in political chits. His contacts on Capitol Hill, for example, were important in getting the Panama Canal treaties approved. And such men as Speaker of the House Thomas P. (Tip) O'Neill or Teamster president Frank E. Fitzsimmons were much happier dealing with the likes of Robert Strauss than with the Georgians.

By virtue of his personal relationship, Mr. Strauss enjoys that most treasured of Washington commodities, ready access to the President, but he tries not to abuse it. "People think I talk to Jimmy Carter every hour on the hour," he says, "but that's not so. I see him maybe once or twice a week and usually talk with him on the phone every other day or so."

His influence with the President, Mr. Strauss says, has also been exaggerated: "He takes my advice on some things, rejects it on others. When he has got a decision to make, he likes to sip from several different cups. My flavor is a little different from some of the other people around him, and he likes that."

The embargo on grain sales to the Soviet Union, following the Russian invasion of Afghanistan, was a case in point. Strauss discussed it with Carter prior to his decision and pointed out the potential political damage among Iowa farmers. He did not, however, presume to tell the President what to do. And once the decision had been taken, Mr. Strauss became its public spokesman. He explained the rationale behind the move in phone calls to the leaders of farm groups, agribusiness interests and Iowa Democratic officials, appealing to their patriotism despite the damage to their pocketbooks.

Another example: Early in January, Mr. Carter overruled Mr. Strauss and his other political advisers when he decided not to participate in a formal debate with Senator Kennedy and Governor Brown sponsored by The Des Moines Register and Tribune. Mr. Strauss had argued vehemently that it would be a mistake to back out, that Mr. Carter would be seen as running from the opposition and hiding in the White House. But the President insisted that it was in the best interests of the hostages in Teheran for him to maintain a nonpartisan stance, and later, Mr. Strauss conceded that it had been good politics as well.

The working out of his relationships with the Georgians around Mr. Carter was a gradual process. He is, for example, close to Hamilton Jordan, the 35-year-old White House chief of staff, though Mr. Jordan is unmistakably in charge. Says Mr. Strauss: "I really like that man. He's a brilliant strategist in a campaign and a complete disaster when it comes to detail and organization. I'm not much good at either, so we get along fine. But remember—he's the age of my children. He even calls me 'sir' half the time."

Not surprisingly, the relationship with Tim Kraft was strained in the weeks after the chairmanship of the campaign committee shifted from one to the other. But Mr. Strauss moved quickly to patch up their differences. Now the two are able to joke about it. "I talked to Tim about it just the other day," Mr. Strauss said. "I told him, 'Tim, we're going to win this thing. You're going to do all the work, and I'm going to get all the credit. That's just the way I like it.' "

There are those in Washington, however, who would take that joke very seriously. The view of Bob Strauss as political miracle worker is by no means universally held. For example, Mark Shields, a political consultant and analyst, believes that Mr. Strauss is "a great wholesale politician" but has little understanding of the kind of retail, voter-by voter campaigning that is required in small primary states like New Hampshire.

Alan Baron, editor and publisher of the political newsletter Baron Report, thinks that the chairman's reputation as a unifier in the party is "carefully cultivated and only partly accurate. He's vastly overrated, thanks largely to the aura he creates around himself." Yet both Mr. Shields and Mr. Baron say that Mr. Strauss is a net asset to the Carter campaign team.

There are liberals in the Democratic Party who view Mr. Strauss with suspicion because he has had a long association with fellow-Texan John Connally. There are others who are put off by his wheeler-dealer style. A former colleague on the Democratic National Committee says, "You don't ever want to get on the wrong side of him. He'll cut you up if he can, and if he can't, he'll wait and do it later. He has a very long memory."

Nor is Mr. Strauss inclined to pull his verbal punches. When the Carter forces need a sharp voice, his can be it. Last month, after reading complaints by Governor Carey (in his State of the State address) and by Senator Daniel Patrick Moynihan (in an article he wrote for this Magazine) about the level of aid given New York City by the President, Mr. Strauss proceeded to tell a group of editors and reporters for The New York Post that the critical remarks were an "outrage" and "a disservice" to the city, the state, the Administration and the elected officials, themselves. The chairman said later that he hadn't known he was speaking on the record, but there was no effort to soften his words; the Carter people are impatient with both Governor and Senator who, as of this writing, were still sitting on the fence, endorsing neither Jimmy Carter nor Ted Kennedy.

Bob Strauss grew up as the son of a cultivated but impoverished drygoods merchant, a man with a passion for music. They were the only Jewish family in the tiny "Last Picture Show" town in the western flats of the state, and young Bob's earliest ambition was to escape. He made it by way of the University of Texas law school and four years with the Federal Bureau of Investigation.

After World War II, Mr. Strauss began building the law firm that today is Akin, Gump, Strauss, Hauer & Feld, one of the nation's most prosperous with 150 lawyers in Dallas and Washington. He also started buying radio stations when they were cheap and profitable and invested in real estate and banks, as well. By the time he was 45 years old, he was a millionaire many times over. Meanwhile, he was becoming a political force in the state as a close friend and ally of John Connally. They had met in college and Mr. Strauss was a major fundraiser for Connally's first gubernatorial campaign in 1962. Six years later, Mr. Connally saw to his friend's appointment to the Democratic National Committee.

Mr. Strauss loves being rich and relishes the freedom it gives him. The freedom, for example, to take no salary as campaign chairman and still keep a driver and several assistants on his private payroll. It means he can operate on the job in the style to which he has become accustomed without complaints from carping Government accountants.

In addition to their home in Dallas, where the chairman and his wife of 39 years, the former Helen Jacobs, stay about one weekend a month, they keep an elegantly appointed penthouse in the Watergate in Washington, and recently they purchased an apartment in Bal Harbour, Fla., with an eye toward future winter vacations. Each August for years they have rented the same seaside house in Del Mar, Calif., where Mr. Strauss divides his time between his twin passions, the race track and the poker table.

The one toy he has denied himself in his present role, for the sake of appearances, is a full-time private jet. "That's my idea of real luxury," he mused recently. "Actually, I could make it pay for itself easily by squeezing two or three extra fund-raisers into a travel day. But I'd catch hell for it. Dammit."

The Strausses have three grown children and seem an extraordinarily close family. Mrs. Strauss is a small, dark-haired woman who has been her husband's most influential adviser on all matters since they first met when he was in law school. The one time he considered running for public office, for example, it was she who talked him out of it. The year was 1971, and Texas Democrats were looking for someone to challenge Republican Senator John Tower the next year. "When I came home with that idea," he recalled, "Helen just looked at me and shook her head. 'You'd love the campaign,' she said, 'but you'd be bored with the job.' "

Elections have come and gone since then, but Bob Strauss has never stopped campaigning. People are his business, and he works hard at keeping his personal network intact.

That kind of thing comes in handy. For example, Mr. Strauss has been providing the President with the names of politically active people in the primary states, people Jimmy and Rosalynn Carter can call personally in the evening to enlist their support and endorsement. These calls, averaging 20 to 30 per night, have become the staple of the President's "Rose Garden strategy," his most effective substitute for personal campaigning.

Bob Strauss has a Christmas card list with 4,000 names on it. He makes it a point to remember anniversaries and to stay in touch by phone. He carries a small leather notebook in his vest pocket that contains, among other things, the telephone numbers of 150 of his most intimate friends, and when he gets a few chance minutes in an airport waiting area, he'll pull out the book and phone as many as he can.

One afternoon just before Christmas I spent two hours watching and listening to Mr. Strauss perform on his instrument of choice, a 10-button telephone in the headquarters of the Carter-Mondale Presidential Committee in Washington. (The warrenlike offices are upstairs from a restaurant advertising "Topless and Bottomless Dancers.") Even at the telephone, he radiates a kind of nervous energy. He is given to tearing small strips off a newspaper or whatever paper is handy and rolling them between thumb and forefinger into tiny balls that he then scatters about him. Among those he spoke with this day:

California Congressman James Corman, who had just endorsed the President for reelection. Detroit Mayor Coleman Young, another Carter backer, whom Mr. Strauss asked to do a little missionary work among the United Auto Workers. Meade Esposito, the Brooklyn Democratic leader, and Harold Fisher, the chairman of New York's Metropolitan Transport Association, both of whom were helping assemble the necessary petition signatures to get Mr. Carter on the ballot in New York. A former lieutenant governor in a Middle Western state whom Mr. Strauss hoped to persuade to head the Carter delegate slate. A Western governor who was reluctant to endorse the President until he got some assurances about his pet water projects. Gerald Rafshoon, about some themes in an upcoming Carter campaign brochure.

For Eleanor Connors, Hamilton Jordan's secretary, the chairman had a special message: "Darling, you tell Hamilton that I just reviewed the guest list for the Margaret Thatcher state dinner and there wasn't one person from Iowa, New Hampshire or Florida there. Now you remind Hamilton that before he had that big fat office of his he used to know where those states were. I'm not saying that everyone we invite should be political, but let's have a few friends in there as well as our enemies. You people are great, but you've got to get a hold on that process over there and make it work. O.K.?"

Putting the phone down, Mr. Strauss explained to his visitor: "I don't mean to be critical, but someone has got to look out for the political end of things."

In most of the calls, the chairman made full use of his stock rhetorical device, the outrageous insult. With Meade Esposito, for example: "Meade, I just want you to know that I'm a decent, moral man who'll be spending the holidays with his family instead of hanging around bars with cheap political types like you."

Off the line again, Mr. Strauss asked his visitor, "Now, who else in America can speak to Meade Esposito that way? That's one of my functions around here. I'm the bridge between the Carter folks and the old-line, traditional Democrats like Meade. He'll take it from me, where he wouldn't from the others."

The chairman took a call from a politician he'd helped to get a Federal job. The appointee had just heard the news, and he was disappointed. He had hoped for something better.

"The power of appointment is vastly overrated," Mr. Strauss observed. "You fill a job and you have one damned ingrate who feels you didn't do enough for him and 49 others who are angry because you passed them by." Notwithstanding which, the chairman has been busily using his prestige and connections over the last three years to place key people throughout the Administration. The Strauss network is not static. It includes the likes of Alonzo L. McDonald Jr., White House staff director; Robert C. Kreuger, Ambassador at Large for Mexican Affairs; Arnold Miller, personnel director of the White House; Lloyd N. Cutler, Presidential counsel; Anne L. Wexler, assistant to the President. Two other old friends are Philip M. Klutznik, recently named Secretary of Commerce, and Reubin O. Askew, former Governor of Florida, who took Mr. Strauss's post as special trade representative.

At 9:30 P.M., California time, having returned from the session at Lew Wasserman's place and addressed two more meetings with supporters at the Beverly Wilshire, Chairman Strauss is visibly tiring. It is 12:30 A.M. in Washington, where he arose at 5:30 o'clock the morning before. "I've had it," he says. "I've got to hit the sack."

He starts for the elevator but then allows himself to be sidetracked to a corner table in the bar by Charles Manatt and a few others. Mr. Strauss orders a Smirnoff on the rocks, a glass of milk and a grilled cheese sandwich. After 15 minutes—during which time a stream of Southern California politicians stop by the table and Mr. Strauss manages only two sips of the vodka, half the milk and a bite of the sandwich—he rises from the table. His voice is hoarse, his face pale, his eyes bleary with fatigue. "I give up," he says. "I'm getting too old for this."

The next morning, though, he's up as usual at dawn and looking remarkably refreshed. He takes advantage of the time difference for a few calls to Washington. He speaks first to Vera Murray, the laconic, superbly efficient executive assistant who has been with him since the Democratic National Committee days and has become an influential Washington figure in her own right. She reports that the chairman received between 65 and 70 phone calls the day before (fairly standard) and she gives him about a dozen he should answer immediately. Among them: several Congressmen, a foreign ambassador and Liz Carpenter, the former press secretary to Lady Bird Johnson, who has offered to help the Carter campaign. (A few days later Mrs. Carpenter is on the campaign trail in Iowa.)

The chairman's second and third days in California are much like his first. With the aid of a Lear jet (rented), he travels about the state on a tight, relentless schedule, giving a total of 13 speeches, holding three press conferences and meeting with key Democrats, fund-raisers, potential contributors and fence-straddling supporters.

At each stop he talks with groups of delegates to an upcoming state Democratic Party convention scheduled for Jan. 20, the day the Los Angeles Rams are to play the Pittsburgh Steelers in the Super Bowl in Pasadena. Concerned that many of the 1,900 delegates will choose to go to the game rather than to the convention in San Francisco, Mr. Strauss urges the local Carter organizers to gather as many proxy votes as possible for use in a scheduled Presidential straw poll. (With the help of the proxies, Mr. Carter will win 43 percent, twice what the polls had predicted, although still trailing Senator Kennedy by a few points. But, as Mr. Strauss had hoped, the local media will put the emphasis on the President's surprisingly strong showing rather than the Senator's statistical victory.)

Flying east on the third day, the chairman ruminates aloud about his job. He seems to regard it as one of the happy coincidences of his life that he and Jimmy Carter have crossed paths and are now allied in what is likely to be the last national campaign for both of them. "I'm good at this job," he says. "I know where the pieces fit. I know who the players are, how to get from A to B. I don't have to do any homework for this job, the way I did with the Middle East and the trade job. This comes naturally."

He has some thoughts, as well, about his exertions on the Coast. "It was a good trip, about a B-plus," he says. "God knows we have more work to do in California, but if we manage this thing properly, we'll have the nomination wrapped up long before the California primary."

For a moment, the chairman's face takes on a serious expression. "I kid a lot," he says, "but I don't kid myself. I know how easy it could be to lose this thing, if not to Kennedy then to a strong Republican candidate if they're smart enough to nominate one. I also know what that would do to me and my reputation. The shelf life of a boy wonder in this business is about the same as fresh green grapes. That's why I want to win it. Then I can devote the rest of my life to getting even at the race track."●

THE FUTURE OF AMERICAN AGRICULTURAL RESEARCH

● **Mr. DOMENICI.** Mr. President, I am concerned that the investment portion of our Federal budget, necessary to sustain productivity and improve the quality of life for our people, may be seriously eroding. One of the most valuable investments of the U.S. Government has been in agricultural research. I am interested in developing the best possible system of advice for determining the long-term goals and establishing priorities for our national agricultural research effort to meet new and critical problems of the two decades ahead in this century. America must continue to provide food for the hungry of the world, but we must provide farmers with new crops, such as guayule, suited for marginal lands; with more energy-efficient farming systems; with alternative end products, such as ethanol, from conventional and nonconventional crops; and with better ways to conserve the water and soil for future generations. These concerns for the future of agricultural research in our country have been well described by Mr. Paul Van Slambrouck in an article in the Christian Science Monitor of February 20, 1979. I ask that this article be printed in the RECORD.

The article follows:

U.S.—"FAT, HAPPY"—CUTS FARM RESEARCH

(By Paul Van Slambrouck)

HOUSTON.—The United States boasts the world's most efficient food production system. But the scientific research that begat it is lagging, and farmers will be less able to hold down food prices or meet growing world demand for American farm products in the years ahead unless the trend is reversed, a number of agricultural experts warn.

Federal funding for agricultural research has not kept pace with inflation in recent years, and increases at the state level and in the private sector have been insufficient to provide net real growth, farm analysts point out.

"We've become fat and happy. We take for granted our abundant food supply," said Dr. Jarvis E. Miller, president of Texas A&M University and a recognized agricultural authority, in a recent telephone interview.

Budget analyst William Gardner of the US Department of Agriculture (USDA) agrees that farm research funding in general has suffered from complacency. But he says the Carter administration's 1981 proposed budget is a substantial improvement. It calls for a 6 percent boost in USDA in-house research and a 7 percent jump in cooperative research with the states. The increases are greater than the previous year but still below the inflation rate projected for this year by the Carter administration.

It takes at least 10 years for new agricultural technology to graduate from the research stage to application, and meager research efforts through much of the 1970s already have set the stage for slower growth in US farm efficiency this decade, says Prof. Robert E. Evenson of Yale University.

Meanwhile, over the next 20 years, Professor Evenson sees growing world demand for American-produced food. The US already exports about one-third of its agricultural products.

"Research is the best way to expand US production at the lowest cost" with scientific and technological advances in plant breeding and farming practices, he says. "Research should begin growing in real [greater than inflation] terms" to prepare for higher demand through the 1990s, he argues.

Do consumers benefit from the use of tax dollars for agricultural research? Academic studies indicate that money spent on improving the efficiency and yield of the American farm sector pays for itself many times over in lower food prices, according to Professor Evenson. He says the average annual return on investment for public research in Agriculture is 50 percent. In other words, investment $1 returns the equivalent of 50 cents annually, over many years.

"Agricultural research has been very productive in terms of yielding more than most other public investments," declares Dr. Evenson.

The Yale economist figures about one-fourth of the growth in U.S. farm productivity can be attributed to research activities. From 1930 to mid-1965, American farming increased its productivity—food output in relation to the amount of land, labor, and energy utilized—by 3 to 3.5 percent annually. After slumping to a slower 1 percent yearly growth in the late 1960s and early 1970s, productivity in the last five years has recovered somewhat to a 2 percent yearly rate of growth, Dr. Evenson estimates.

The growing problems of water shortages, soil erosion, and sharply higher energy costs require some new thrusts in agricultural research, Dr. Miller maintains.

Farm energy costs are rising rapidly, and federal studies have found that the agricultural sector could potentially reduce its energy consumption by 20 percent with effective conservation. Farmers also could become greater producers of energy. They could convert more crops to alcohol, for example.

New research could provide answers on how to use less fertilizer, which is energy-intensive, and how to utilize water more efficiently. Water consumption is of concern not only because supplies are diminishing in parts of the arid Southwest and West, but also because of the substantial amounts of energy it takes to operate irrigation systems.

Also, research leading to better tillage practices could cut down the use of tractors and heavy farm equipment and diesel fuel consumption.

"Energy is a pervasive concern to farmers. We need more work on new sources of energy and ways to reduce consumption," Dr. Miller asserts.

Generally, farmers need new information on how to improve resource conservation at the local level, according to Lyle Bauer, a Kansas wheat farmer and president of the National Association of Conservation Districts (NACD).

"When we look at the entire range of USDA programs designed to help private land-users solve soil- and water-conservation problems, we find that the federal government has steadily reduced its funding . . . over the last 10 years," he said in a recent speech at the NACD conference in Houston.

A recent USDA appraisal found that soil erosion alone could reduce farm productivity by 20 percent over the next 50 years if current farm practices continue.●

THE IXTOC OIL SPILL

● Mr. ZORINSKY. Mr. President, earlier this year during the Senate's consideration of the supplemental aid legislation for Central America, Senator WEICKER took the opportunity to raise the matter of the Ixtoc I oil spill in the Gulf of Mexico.

Members will recall that there was considerable discussion about the issue at that time and as a result of it I agreed, along with Senator LUGAR, to write a letter to Secretary of State Vance about several aspects of the oil spill which have been of particular concern to the Senator from Connecticut.

About a week after the floor discussion, Senator WEICKER's office provided a draft letter which was slightly modified and then sent the following day to the Secretary of State.

The Department has now responded to this inquiry and, as I earlier promised the Senator from Connecticut, I ask that a copy of the letter to the Secretary of State and the reply be printed in the RECORD.

The letter follows:

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C., February 6, 1980.
Hon. CYRUS R. VANCE,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: Last week during the Senate's consideration of the supplemental aid package for Central America and the Caribbean, there was, as you may know, considerable discussion of the Ixtoc I oil well spill and the controversy surrounding it.

The discussion which took place was prompted by the fact that the Ixtoc I spill is over seven months old and it is, for the second time, threatening further damage to U.S. coastal areas. Moreover, it is our understanding that recent testimony during joint hearings held by the Committees on Energy and Natural Resources, and Commerce, Science and Transportation, revealed conflicting information regarding the extent of the spill and Mexico's ability to stop it. Indeed, we are advised that some of the testimony ran counter to official statements made by Mexico and our own Department of State.

In view of the floor discussion and the concerns that were expressed about the Ixtoc I spill, we agreed on behalf of the Subcommittee to raise the matter with the Department of State and to seek the following specific information: (1) the present status of the Ixtoc I well; (2) the actions being taken to control the spill; (3) the rate of flow of the spill and the specific basis for calculating it; (4) the claim that the well has been intersected and the basis for such claim; (5) the clean-up operations by Mexico regarding the spill; (6) the actions which might be taken by the United States to be of assistance to Mexico in controlling the Ixtoc I oil spill; and (7) the measures that have been taken or will be taken to prevent an incident similar to Ixtoc I.

We greatly appreciate your consideration of the above and would hope, pursuant to the floor discussion, to receive a response by February 18. For your information we are enclosing the pertinent portions from the Congressional Record of January 29.

Sincerely,

RICHARD G. LUGAR,
Ranking Member.
EDWARD ZORINSKY,
Chairman, Subcommittee on Western Hemisphere Affairs.

DEPARTMENT OF STATE,
Washington, D.C., February 21, 1980.
Hon. EDWARD ZORINSKY,
Chairman, Subcommittee on Western Hemisphere Affairs, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: The letter regarding the Ixtoc I oil spill which you and Senator Lugar sent to the Secretary on February 6 has been referred to me for reply.

In your letter, you requested information from the Department on specific aspects of the Ixtoc I spill. There follows a summary of the information currently available to the Department relating to these specific aspects.

The efforts being undertaken by Mexican authorities to cap the Ixtoc I well have not been completed as of this writing. Two relief wells have been drilled, designed to bring the Ixtoc I well under control, and according to reports from Mexico, both have now intersected the Ixtoc I formation. A mixture of mud and water is being pumped through the relief wells to enable capping of Ixtoc I to be achieved. It is our understanding that trace materials contained in the mud/oil mixture have been used to confirm the successful intersection of the relief wells.

Mexican authorities have expressed the hope that the relief well operations will permit capping of the Ixtoc I in the very near future. They indicated that these procedures have reduced the rate of discharge from Ixtoc I to approximately 2,000 barrels a day. We do not know the specific basis for making this flow calculation. We understand that it is quite difficult to determine the exact rate of discharge in a situation such as this. Recent overflights by U.S. aircraft do indicate significant reduction in oil coverage of surface waters in the vicinity of the well site.

We do not have exhaustive information on the cleanup operations which have been undertaken by the Government of Mexico in response to the Ixtoc I spill. Large scale efforts have been made to disperse oil at the well site using chemical agents. Recent observations indicate that vessels deploying such dispersants remain on location at the well site.

The U.S. has maintained continuing contact with the Government of Mexico since the outset of this unfortunate incident. At Mexican Government request, our Coast Guard has provided direct clean-up assistance at the well site and we have provided information on private companies which undertake such anti-pollution activities. There is no U.S. Government clean-up activity taking place at the well site at this time. The U.S. has made clear its readiness to assist in any possible way since the beginning of the incident and remains prepared to do so. The Government of Mexico is aware of this readiness.

The Department is not in a position to address the technical aspects of how an incident similar to the Ixtoc I well blowout could be prevented in the future. We are, however, pursuing negotiations with the Mexicans on a joint marine pollution contingency plan, patterned on such a plan which exists between U.S. and Canada, which would provide for coordinated responses by our two governments for any such incidents in the future. We are also participating, along with other interested agencies of the Federal Government, in the study of other initiatives that might be taken in the international sphere to reduce the possibility of harmful pollution from offshore drilling.

I hope this information will be of use to the subcommittee.

Sincerely yours,

J. BRIAN ATWOOD, Jr.,
Assistant Secretary for Congressional Relations.●

APPEASEMENT IN TEHRAN

● Mr. DECONCINI. Mr. President, in the event that any of my colleagues failed to read the excellent column by George Will this morning on the evolving situation of the American hostages, I ask to have it printed in the RECORD.

While each of us is anxious to have the hostages released, there are certain actions that even the administration has ruled out. We are, it seems to me, in danger of denuding ourselves of our most important asset, our reputation. If we buckle under to the political blackmail emanating from Iran, we jeopardize the future well-being of every man, woman, or child traveling abroad with an American passport, Government official, or private citizen.

Before the administration concedes too much in the current negotiations, I believe it is imperative that they put this process in the perspective of America's overall position in the world, and that they carefully assess the implications of their actions on the future. The goal of getting the hostages home must not blind us to the repercussions that could follow if the manner of accomplishing that goal is appeasement to political terrorists.

The article follows:

WHAT NEXT ON THE AGENDA OF APPEASEMENT?

The day the United Nations announced the "commission of inquiry," the world press carried an interesting photograph from Iran. A shopkeeper "accused" of "profiteering" was strapped by the ankles to a horizontal bar, with his shoulders on the pavement, while some dispensers of "revolutionary justice" lashed his feet. Perhaps if the commission has some spare time, it will want to inquire about jurisprudence and penology in Bani-Sadr's Iran.

It is, the United Nations stresses, a "commission of inquiry," not a "tribunal." It is concerned with "findings," not "judgments." But Americans should not take comfort from such scholasticisms. The United States said it would neither negotiate with nor reward terrorists. Now it is negotiating the reward. And Americans have approved, overwhelmingly, the conduct that led to this.

While talking about "tightening the screws" and making Iran pay "an increasingly higher price" each day, the United States avoided virtually all measures that might punish Iran, and even abandoned the sanctions it made such a show of seeking. Now it is paying political ransom to political kidnappers.

The forming of the commission may be only the first of many payments, and it may have bought nothing. A Washington Post headline of Feb. 19 says: "Bani-Sadr Fails to Set Release Date for Hostages." The verb "fails" implies that Bani-Sadr tried. Maybe he did. American diplomats say he is a "moderate."

But remember Stalin, as described by such American diplomats as Cordell Hull (Stalin is "a wily politician who could well grace a seat in our U.S. Senate") and Averell Harriman (Stalin is "a strong party political boss who could run a Tammany machine like Mayor Hague"). I am not suggesting that Bani-Sadr is a Stalin. I am suggesting that America's proclivity for wishful thinking should be remembered when "moderation" is ascribed to Iran's new president, who says of Iran's terrorists, "They are brothers and we love them well."

It is periodically said that the United States must be conciliatory toward the Soviet Union lest Kremlin hawks devour Kremlin doves. Now it is said that the United States must make concessions to "strengthen Bani-Sadr's hand" in dealing with "extremists." Already the United States has retreated from its pledge that it would not even discuss an investigatory commission until the hostages were released. (In November, Bani-Sadr called for an investigation, but President Carter said that "only after the hostages are released will we be willing to address Iran's concerns.") Next, the United States retreated from the position that the hostages would have to be released before the commission began meeting.

What good has the retreating done? As recently as last weekend, Bani-Sadr endorsed the hostage seizure. He said it was deplorable from "humanitarian" and "legal" standpoints, but not "from the political point of view" and that "today the political aspect of the problem is predominant." As this is written, Bani-Sadr is demanding that the hostages be held until the commission completes its work and the United States condemns itself. His only promise is that when all this is done, "We shall see what we shall do."

When Carter recently was asked about his willingness to discuss (and, by implication, to judge and condemn) past U.S. policy toward Iran, he said it would not be appropriate "right now," not "at this sensitive moment." But the moment for that, too, may come. The New York Times reports; "Although the State Department has ruled out any declaration of guilt, officials indicated that it might be possible to find language to finesse the point." The payment of political ransom probably will prompt demands for another form of ransom: "reparations." Already, the administration has hinted that aid might be part of Iran's reward for releasing the hostages.

Arguably, the United States is so weak, militarily, and so isolated, diplomatically, that it never had any choice but to devise an agenda of appeasement. But such agendas never stop lengthening. So if, when the commission is finished, Iran still "fails" to release the hostages, and instead raises the price, the United States will have to pay. And Americans who have vigorously applauded U.S. "restraint" have forfeited their right to complain.

Since Nov. 4, Americans' applause for their government has been another echo of September 1938. When Edouard Daladier, the French premier, returned to Paris from Munich, he hoped to avoid encountering crowds. When he encountered some, he exclaimed, disgustedly: "They do not understand what we have done!" The crowds were applauding.●

NORTH AMERICAN ECONOMIC INTERDEPENDENCE

● Mr. DOMENICI. Mr. President, the United States, Mexico, and Canada have for many years expressed similar interest; interests that are rooted in history and marked by the basic beliefs they and other democratic nations share. This common interest is perhaps best exhibited by the high degree of economic interdependence that exists between the three North American countries. Current interaction between the United States and the other two countries is substantial. The United States is the principal trading partner for both Canada and Mexico. In recent years the United States has accounted for as much as 60 percent of the exports shipped from both her northern and southern neighbor. On the other hand, her neighbors are among the most important of United States foreign markets; Canada is the largest export market for United States goods and Mexico is the fifth largest.

However, to mention only trade would not adequately describe the extent of this interdependence. Any discussion of the economic interdependence of North America would be incomplete without a discussion of the lenders and borrowers of capital; foreign direct investment; migration; and transfers of technology and scientific know-how. This issue, North American economic interdependence, was the subject of several hearings in 1979 conducted by the Finance Subcommittee on International Trade. Chairing those hearings was Senator Baucus who like myself has taken a strong interest in the subject and has been instrumental in advancing the concept.

Last April I had an opportunity to visit Mexico and many of her Government officials with whom I maintain close contact. I have also been fortunate in being able to visit Canada and confer with some of her leaders. These visits, in addition to last year's hearings and the conversations with and briefings by those versed in the topic, have convinced me that a strengthening of the economic interdependence of North America would be beneficial and in the best interest of the three countries. It has become increasingly important that means be found, bilaterally and trilaterally, to address the relevant issues pragmatically, and in a way which will be mutually beneficial for all involved.

More than ever before, the challenges being faced by Mexico, Canada, and the United States as individual countries are similar in content and degree. Unemployment, spiraling inflation, decreasing productivity, energy conservation and development, and trade deficits are problems not unique to any of the three in particular. But rather than addressing these problems uniformly, the approach has been rather "hodgepodge." The potential for cooperation remains largely untapped. Relations have for the most part been bilateral, and then at best usually unsynchronized.

Several resolutions introduced by myself and others on the subject of North American economic interdependence, and the recent hearings, represent the growing awareness in Congress of the need to study trilateral agreements. Nor is the renewed scrutiny particular to Washington. Privately commissioned studies, the work of the Atlantic Council, efforts by the National Governors Association and in particular those of Governor Busbee, and seminars and conferences conducted nationwide are but a few examples of the interest and commitment which the subject now employs. Nevertheless, increasing North American economic interdependence will not be an easy task.

In both Mexico and Canada, the U.S. proposal for North American economic interdependence is often interpreted as an attempt to gain greater economic domination of the area. And in the United States there are many who believe that greater interdependence will restrain rather than further the countries' interests. Thus, one must first ask whether the three countries would benefit equally from the concept of interdependence. Should the answer be yes; trilateralism will no longer be an objective that is merely desirable, but rather one to be implemented immediately. Should the aim of mutual and equal benefit be presented as an unlikely event, there would seem no compelling reason left to further integrate North American trade. In any event, it is my opinion that the potential benefits are more than sufficient to warrant a thorough and complete analysis of the concept.

A mutual knowledge and understanding of each other's government and people and of the aspirations and expectations of their respective societies is necessary before consideration of methods or proposals of cooperation to address the relevant issues is undertaken. Thus, it is important that parties representing the interests of Mexico and Canada are included at the outset in any discussion of North American economic interdependence. This requirement is all the more important in light of past relations between United States and Canada, and the United States and Mexico. I will not take the time here to delineate fully on the nature of the current relationships except to point out that while for the most part, friendly and cordial there have been periods of strain. This is particularly true of the relationship between United States and Mexico. American perceptions of Mexico have tended to be simplistic, naive and paternalistic. As a result, Mexicans historically have had grave suspicions about the good faith and intentions of American interest in their country.

All considered, interdependence between the three countries is acute and growing. It thus becomes increasingly important that a framework be devised to provide direction for the further integration and management of trade in North America. In an attempt to further that end, Senator Baucus and I are tentatively planning a meeting with those business, academic and Government leaders most interested and qualified to determine the best avenue toward construction of that framework. We shall keep our colleagues apprised of our progress and hopefully look forward to their cooperation and participation in this important undertaking.●

SHERMAN HILL: PRESERVING A DES MOINES LANDMARK

● Mr. CULVER. Mr. President, with today's increased construction and energy costs it is even more important that we encourage the preservation and rehabilitation of existing buildings, both residential and commercial. For this reason I have long been a supporter of historic preservation. Economically, it makes good sense to preserve the structures that are now standing. It costs less to save a house than build an entirely new one and it is more energy-efficient.

An equally important virtue of preservation is the aesthetic value of preserving the visible reminders of our country's history. The historic character of many of our country's older communities is viably preserved through careful and thoughtful restoration efforts. The Sherman Hill area of Des Moines, Iowa is a good example of the results that can be realized when such a preservation program is begun. In the last decade many individuals have restored homes in this victorian neighborhood of Des Moines which dates back to the 1870's. The entire effort received an important boost when the neighborhood was added to the National Register of Historic Places in 1979.

The current issue of Iowa Architect magazine includes an account of the Sherman Hill program. Mr. President, I ask that this article be included in the RECORD.

The article follows:

SHERMAN HILL: A NEIGHBORHOOD IN TRANSITION

(By Jack Porter)

In the 1870's Major Hoyt Sherman built a small Victorian mansion on a bluff overlooking a small but prosperous village called West Des Moines. By the 1880's, several prominent families had built homes to the north and west of Moyt Sherman Place, and by the early years of the twentieth century, a major suburb had formed on the "Hill." Victorian, Queen Anne, and Classic style houses graced the area. Built by influential leaders of Des Moines, these homes were characteristic of the era and represented the highest in quality of design and craftsmanship.

Construction of single family housing remained the pattern from the turn of the century until World War I. At that time, technological and economic developments formed the basis for a new period on the hill. Multistory apartments became common, but they, too, were eminent in their design and craftsmanship. Retaining many of the features of the surrounding elegant mansions, the apartments also incorporated new inventions such as elevators, central vacuum cleaner systems, fire proof construction and electric lighting.

Until World War II, this standard of elegance and quality continued to be a prominent feature of the homes and apartments built on the hill. However, World War II brought in its aftermath not only the advent of the Great Society, but also the demise of the hill. The great mansions were turned into boarding homes, and once spacious apartments were subdivided into sleeping rooms. The demand for inexpensive multi-unit housing for an expanding population overtook that for large, often costly one-family homes. This growing demand, when coupled with economic greed and a lack of concern for the design and quality of the older structures, soon turned the "hill" into a ghetto. By the 1960's, the rampant destruction of most homes was complete. Neglected and overused, little remained to distinguish the once prestigious neighborhood. Fine woodwork, expansive windows, ornate hardware and fixtures were covered or removed, thrown away or sold. Crime and vandalism accompanied the increased density of the area. Sweeping governmental renewal programs and stringently applied building codes also took their toll in efforts to "clean up" the area.

The 1970's, however, brought a new era to the hill. The families who bought the homes in the neighborhood, now at its low, were proclaimed "urban pioneers." But most of these families were either just plain tired of suburbia or desired to own and enjoy the special qualities of an older home. They removed the layers of paint on the cherry, mahogany, oak and yellow pine woodwork, cleaned the brass, and patched plaster. Many replaced "modern improvements" like simulated wood paneling and vinyl tile with period wallpaper and refurbished original oak floors. Frequently features of the original structure were found hidden in attics or used in other rooms and were put back where they were originally located. Windows and doors were restored, or when necessary replaced with materials from the same era. As a result, some of the quality and distinctiveness of the elegant homes and apartments grew more visible. Moreover, a new feeling about the hill was born. Neighborhood families and sympathetic apartment owners and their tenants gradually realized that a common purpose could be served by combining preservation and rebuilding efforts. With this in mind, a neighborhood association was formed and the area given a name, "Sherman Hill."

The Sherman Hill Association has been responsible for getting the neighborhood on the National Register of Historic Districts. But one of its most important accomplishments has been the increased awareness and sensitivity it has been able to create for the various architectural styles and history of one of Des Moines' finest neighborhoods. Business and government leaders recognize the important economic benefits of a stable and unique neighborhood close to downtown. They have actively supported the Association, and the results of their support are evident in its continued success. As more "pioneers" have moved into the neighborhood, crime and vandalism have continued to decline. As more and more properties are restored, the greater the interest becomes in the neighborhood. Community groups and schools give regular tours of the neighborhood to explain its history and architecture. Several homes are open on a regular basis to let people see the quality craftsmanship and design.

The 1980's are seen as years of greater commitment by the citizens of Des Moines. Plans are being formulated that will address the total environment, plans that will put greater emphasis on the special qualities of the Sherman Hill area. At the same time, conceptions are meant to insure that the neighborhood will not become an "exclusive community." One of the hill's greatest assets remains its diversity. The Association is committed to ensure that a complex but harmonious mixture of people and architecture is retained.

The architect has played a mixed role in the development of Sherman Hill. Doubtlessly some of the original structures were designed by Iowa's early architects. It must also be recognized, however, that many of the more recent 'intrusions' were the product of architects' involvement. Knowing that future building efforts will often be directed by architects, we are hopeful these structures will be added with sensitivity and awareness for the history and existing architecture on the "hill." In environments such as Sherman Hill the architect is faced with a singular challenge to enhance our important historical references, yet respond to current functional needs and standards of construction. Perhaps this challenge is not the most difficult the architect must resolve, but in a pivotal neighborhood such as Sherman Hill it could very well be the most important.●

U.S. SCIENTISTS ACT TO AID ANDREI SAKHAROV

● Mr. CHURCH. Mr. President, a week ago, on February 19, the Senate adopted a resolution urging the immediate release of Andrei Sakharov from internal exile in the Soviet Union. That resolution had already been approved by the House of Representatives by a vote of 401 to 0. The Senate endorsed it 91 to 0. I was heartened by those unanimous expressions of concern for Andrei Sakharov, as I was by the statement President Carter issued the following day condemning the reported physical abuse of Dr. Sakharov and his wife in a police station in Gorki.

But I know how relatively easy it is for the Congress to voice even unanimous sentiments on such matters as the Sakharov case and how difficult it is for those who share our sentiment but fear the consequences of expressing it. One such community is that of American scientists, many of whom have pursued fruitful cooperation with their Soviet colleagues for years and have hoped to see their contacts bear political as well as scientific fruit. Therefore, I am very much impressed by the action taken over the weekend by the Council of the National Academy of Sciences in suspending for 6 months all its official, bilateral contracts with the Soviet Academy of Sciences.

That step is unprecedented in the 21-year history of the Academy's relations with its Soviet counterpart. Its immediate consequence is the cancellation of four meetings of American and Soviet scientists including one next month on laser theories. Its immediate purpose, as the Council informed the head of the Soviet Academy, is the expression of a "profound hope that the safety and freedom of movement of Academician Andrei D. Sakharov and his family will be protected."

Also, the American Academy's action is a response to a question raised by an exiled Soviet scientist and former associate of Andrei Sakharov's in a letter printed in the New York Times, February 15, 1980. In that letter, Valery Chalidze wrote:

> Are American scientists worthy of their traditional role as a moral authority for society?
>
> I have always spoken against a boycott of scientific contacts, but with one reservation: a boycott is justified when a scientist's ethical code requires such action. Now is the moment when their sense of morality should prompt scientists to break off all contacts with the representatives of a government that is brazenly destroying a truly exceptional member of the world scientific community.

Properly, the American Academy's decision leaves to individual members the decision as to continuing or breaking off visits to and contacts with their Soviet colleagues. The resolution notes that those are "matters properly left to the consciences of the individuals" participating in such exchanges as is attendance at conferences in the Soviet Union. I would hope, however, that Americans will have no trouble in making their individual choices in such matters. The

Academy has set a reasonable standard for them as well as for itself.

Finally, the Academy decision has put the Soviets on notice of the widespread concern for Dr. Sakharov among U.S. scientists. That concern will only increase if the Soviet Academy acts against him at its meeting March 4 when, according to reports from Moscow, there may be an effort to expel him. Such a move would make it almost certain that the 6-month suspension of official inter-Academy contacts would become an enduring freeze.

Mr. President, I submit for the RECORD the following relevant material:

First. The text of the Academy Council's resolution and of its telegram to the Soviet Academy head, A. P. Aleksandrov;

Second. A Washington Post report on the activities of the U.S. delegation at the Scientific Forum, where U.S. Academy President Philip Handler has been among those raising the Sakharov issue with the Soviet delegation; and

Third. A Washington Post editorial of February 17, "Soviet Science Scam," on the Sakharov case and U.S. policy at the Scientific Forum.

The material follows:

STATEMENT ON POLICY WITH RESPECT TO THE INTER-ACADEMY EXCHANGE PROGRAM

Twenty-one years ago, the National Academy of Sciences, with the support of the U.S. government, undertook an Inter-Academy Exchange Program with the Academy of Sciences of the U.S.S.R. We believe that it has served our mutual scientific and national interests well. Furthermore, it has generally been marked by friendship and goodwill on both sides.

For two decades, the exchange program successfully survived shifting political tides. However, recently, it has been imperiled by several incidents. These incidents can be viewed from different perspectives which bear profoundly on the pursuit of science, political freedom, human rights, and, most importantly, the perservation of world peace.

The cornerstone of Academy policy with respect to scientific exchange has been reliance on the sensitivity and voluntary decisions of individual U.S. scientists. This policy will remain, but its execution will reflect our deep concerns with recent events, in particular, actions by the Soviet government with respect to our Foreign Associate, Academician Andrei D. Sakharov. These actions represent, from our perspective, an intrusion upon the human rights and scientific activities of an eminent scientist. The consequences of such actions have been emphasized by President Handler in his 1973 and 1980 statements on these matters.

We believe that there is no long-term national benefit in modifying scientific exchanges in response to every political action and reaction, and we have so indicated to the U.S. government. But we are keenly aware of the reaction of American scientists and the American public to the actions of the Soviet government. In response to repeated requests from our members for guidance in these regards, and taking note of the expressed reluctance of many American scientists to receive Soviet scientists into their laboratories at this time, the Council of the Academy:

(1) Believes that decisions concerning individual scientific visits to the Soviet scientists in the United States within the Inter-Academy Exchange Program are matters properly left to the consciences of the participating individuals.

(2) Believes that participation of U.S. scientists in international meetings to be convened in the Soviet Union should also be a matter of individual choice.

(3) Considers that decision concerning organized bilateral meetings are the responsibility of the organizing institutions. Recognizing that responsibility, the Council hereby suspends for a period of six months National Academy of Sciences-Academy of Sciences of the U.S.S.R. bilateral symposia, seminars, workshops and new initiatives.

(4) Will review these guidelines no later than August 1980.

(5) Wishes to express to its Soviet colleagues a deep conviction that both Academies must work toward peace, detente and disarmament.

FEBRUARY 24, 1980.

DEAR ACADEMICIAN ALEKSANDROV:

The attached statement of policy was adopted by the Council of the National Academy of Scienecs at its regularly scheduled meeting of 24 February 1980. The policy statement and this letter of transmittal were prepared in consultation with President Handler who fully concurs in this action.

While this policy reflects the strongly held views of many scientists in the United States, our Council hopes that the circumstances that have led to the adoption of that policy will soon change so as to permit restoration of the full exchange program which we have, until recently, viewed with great satisfaction.

The Council of this Academy asks that the Presidium of your Academy convey to the appropriate authorities of the Government of the U.S.S.R. our profound hope that the safety and freedom of movement of Academician Andrei D. Sakharov and his family will be protected.

Very truly yours,

SAUNDERS MAC LANE,
Vice President and Acting Chairman of the NAS Council.

[From the Washington Post, Feb. 24, 1980]

SOVIET, U.S. SCIENTISTS TALK, BUT THEY DON'T COMMUNICATE

(By Bradley Graham)

HAMBURG, WEST GERMANY, February 23.—The senior Soviet scientist meets the senior American scientist at a hotel here. They talk, but they don't communicate.

The Soviet, dismissing the invasion of Afghanistan and the exile of Nobel physicist Andrei Sakharov, speaks of renewed friendship and cooperation as though nothing has happened. "I have many good friends in your country and I want to continue to have friendly connections," says Nikolai Blokhim, president of the Soviet Union's Academy of Medical Sciences.

The American is not interested in further contact. He is profoundly upset at the Soviets and his anger is only deepened by their refusal to even discuss human rights issues with him.

"I don't want to see my Soviet friends anymore," says Nobel chemist Chris Anfinson, adding, "it's like when you have a friend and then discover he's a wife beater. I feel like saying about the Russians, there go my former friends, the wife beaters."

These remarks made in separate interviews, reflect the souring of personal relations in the world scientific community in the context of an over-all spoiling of East-West contacts. A forum of about 300 scientists from 35 countries convened here last week for a round of discussions of whether any of the wide array of scientific exchanges between East and West built up over a decade of detente could be salvaged.

Organized within the framework of the 1975 Helsinki accords, the conference was originally intended to promote scientific cooperation, but it has turned into a political joust.

Facing criticism in some quarters back home for even agreeing to participate in the forum, the U.S. delegation has taken every opportunity to protest the treatment of Sakharov and other leading Soviet scientists such as Anatoly Scharansky and Yuri Orlov. Joined by other Western nations, including such normally neutral countries as Switzerland and Sweden, American scientists have urged their Soviet counterparts to pressure the Kremlin to rehabilitate these colleagues and relax curbs on scientific exchanges or else suffer a boycott on cooperation from the West.

But the East-bloc delegations have answered these pleas with a mix of indifferent shrugs, bemused laughs and a steady recitation of the official Soviet exxplanation on the penalties for dissident scientists. The Soviets also maintain they came to the conference to discuss science not politics.

"I can't get two inches with them," said Anfinson, echoing the mounting frustration voiced by Western scientists here.

Midway through the two-week conference, Western delegations are expressing doubt that a consensus will be reached with the East on any meaningful final communique.

U.S. scientists say they will not accept any document which does not include a strong reassertion of human rights. Too strong a statement, however, risks a veto from the Soviets who would prefer the forum to conclude with a simple catalog of East-West programs undertaken so far, together with a pledge by all to continue to expand these exchanges.

Despite these divergent views, there are several factors working for a compromise. One is an abiding European interest in sustaining existing scientific contacts and avoiding a new Cold War. Another is the obvious urgency of the scientific problems that have been outlined here—specifically cancer and heart diseases, new energy sources, environmental pollution and urban development.

Moreover, the outcome of this forum will help set the stage, for better or worse, for a full hearing on human rights still scheduled for the autumn in Madrid by the Conference on Security and Cooperation in Europe.

[From the Washington Post, Feb. 17, 1980]

SOVIET SCIENCE SCAM

Weeks before the Soviet invasion of Afghanistan and the internal exiling of physicist and Nobel Peace Price winner Andrei Sakharov, Valentin Turchin, an exiled Russian dissident who is now a professor of computer science in New York proposed that the United States boycott the Scientific Forum that opens Monday in Hamburg, West Germany.

This is a meeting of scientific delegations representing the signatory nations of the Helsinki Accords, primarily for the purpose of discussing ways and means to promote scientific exchange and cooperation under the agreement. Dr. Turchin's argument was that it should be "morally impossible" for this country to participate when so many prominent Soviet scientists—Yuri Orlov, Anatoly Scharansky and others—are imprisoned for the crime of trying to monitor how their country is living up to the commitments made in the accords: to observe basic human rights, to allow free movement within and across borders and to foster the free flow of ideas. His argument was compelling then and is even more so now.

The semi-official U.S. delegation to Hamburg will be led by Dr. Philip Handler, president of the National Academy of Sciences. Despite having "precious little hope that what we have to say will be acknowledged by those who have so long demonstrated their unwillingness to listen," Dr. Handler believes that the forum offers a rare and valuable opportunity for scientists to express their concerns with Soviet policy in "face-to-face confrontation." In a recent debate between the two men on the "MacNeil/Lehrer Report," Dr. Turchin responded: "The only way to get it through to the Soviets is to make something practical . . . one more expression of concern, one more protest doesn't make any difference."

What seems to be at the core of Dr. Handler's position, and that of many of his colleagues, is a deeply held and treasured feeling among scientists that science is a uniquely *international* activity and one that should be held as far as possible "above" politics. He concedes that "knowledge is nonpolitical . . . only as long as we make it so," and he knows—none better—that scientific cooperation between this country and the Soviet Union is an intensely political activity in which scientists regularly put up with behavior (withholding data, censoring journals, sending party hacks to international conferences in place of distinguished invited scientists) that is anathema to them as scientists. Nevertheless, he argues that "it is in our national interest and the interest of humanity to adhere to the convention that science is international. I cannot believe there is any long-term benefit to reducing scientific behavior to simplistic political action and reaction."

There is a confusion here between science and politics, and the Hamburg meeting is, as Dr. Handler has admitted, really about politics—the science is only incidental. In Dr. Turchin's words: "I think if the Olympic Games happened to be in Montreal nobody would think of it as sort of a vindicaton or justification or legitimization of their political system. But for the Soviet Union it is so, and what is applicable and is applied to Olympic boycotts is exactly applicable to the scientific forum in Hamburg."

It is too late now to make Dr. Turchin's point or to use the Hamburg meeting as a lever to force the release from prison of dissidents Orlov and Scharansky, both of whom are reported to be seriously ill. If the meeting is to take place, then the U.S. delegation should approach it for what it is, and strive to forcefully make a few important moral points: that persecution of scientists for their political beliefs is unacceptable, that censoring journals is unacceptable, that forbidding all but a few of their scientists to attend international meetings is unacceptable. It is the very least they can do.●

HERBERT LIEBENSON SUCCEEDING JOHN LEWIS AT NATIONAL SMALL BUSINESS ASSOCIATION

● Mr. NELSON. Mr. President, we understand that Mr. Herbert Liebenson of Washington, D.C., has become chief executive officer of the Small Business Legislative Council and is in the process of being designated as chief executive officer of the National Small Business Association. He replaces Mr. John Lewis whose death as a victim of an automobile accident was previously noted in the RECORD.

Mr. Liebenson is well known to Members of the Senate on both sides of the political aisle as a senior statesman of the small business movement.

By way of background, Mr. Liebenson has been with the National Small Business Association since 1958. Previous to that, he served with both the U.S. Chamber of Commerce, representing the wider business community, and also the United Mine Workers' Retirement Fund, a labor-related organization.

In his frequent appearances before the Senate Small Business Committee, Mr. Liebenson consistently reflected this experience in carefully prepared, well balanced, and thoughtful testimony.

As long as I have been chairman and member of the committee, he has been a consistent source of help and strength in advancing legislation which would serve the needs of the Nation's small business community. Mr. Liebenson has been a major factor in the accomplishments of the NSBA during the past decade, including their organization of the Small Business Legislative Council, their substantial support for the White House Conference on Small Business, and the tax reductions and other legislative progress which has been made.

Mr. Liebenson is therefore a worthy successor to John Lewis, and the members of the Senate Small Business Committee look forward to working with him and his organization in making the 1980's a decade of small business.●

THE UNITED STATES AND ISRAEL

● Mr. HART. Mr. President, events in the Middle East have led me to review our historic friendship with Israel. For more than 30 years, the United States and Israel have been unconditional allies. Israel has a proven record of support for the United States, and successive Presidents have reaffirmed our national commitment to the security of Israel. They have been unhesitatingly backed by Congress, and support today for Israel is as strong as it has ever been. It will remain unshakable.

Israel is a natural ally. Its alinement with the United States and with the West is a reflection not of circumstance but of a permanent orientation based on a shared heritage and shared common values. Israel is a genuine democracy—the only one in the Middle East and one of less than 40 in the world.

Israel and the United States potentially have strong common military interests. Israel has benefited from a close military association with the United States in many ways, including receiving access to advanced military equipment and the protection of the American strategic umbrella. Israel also has much to offer the United States militarily, including highly capable equipment of Israeli design and instruction in the very effective "maneuver" style of warfare. These common military interests should broaden as Israel joins with some of her neighbors in active support of peace and stability in the Middle East.

Both countries look to innovation, new technology and development for a better life for all of their people. A key to the success of both nations has been adaptability to change, and confidence that progress is worth the inevitable adjustments. In an area of the world where rapid change has resulted in so much instability, this shared value is important—and one that can be crucial in relations with other countries in the region.

I believe that the U.S. approach to the Middle East must not only assure the right of Israel to exist in peace with her neighbors, but also bring the unique expertise and energy of Israel to bear on the problems of the region, to replace a history of confrontation with a future based on cooperation. For this reason I am convinced that our most important joint undertaking with Israel is the pursuit of peace.

The Camp David process is a unique opportunity to find a formula for peace. Israel has demonstrated its good faith by its unprecedented withdrawal from the Sinai, abandoning oil resources, bases, and strategic position to insure normalization with its principal neighbor.

The United States has been a full partner in the peace process, and has lent its good offices in the negotiations and assistance and support. As a formula for meeting the aspirations of the Palestinian people emerge, we must be prepared to stand with Israel steadfastly behind it in the United Nations and the world community, and to insure that no solution fails for want of resources to make it work.

A strategy of peace is as important for the United States as it is for Israel because it is the only approach that allows us to pursue all of our policy objectives in the area at once. Seeking better relations with moderate Arabs has been hampered by a perception that it is at odds with our support of Israel. I reject that idea. Peace, real peace, is critical for all of the people of this strife-torn area. And it will allow us to establish sound relationships with the nations of the region on a new, firmer basis.●

FREEDOM CAN BE COSTLY

● Mr. MORGAN. Mr. President, back in the early and middle 1950's, a Senator named Joseph McCarthy was looking for what he said were Communists in the State Department, the Army, and other Government agencies.

His methods were simple. If you could not prove that you were not a Communist or a Communist sympathizer, then you were suspected of what he accused you of. This was a complete departure from the principle that a man is innocent until he is proven guilty.

For awhile, McCarthyism, which was the name given his tactics and a word that has worked its way into the English language, was almost a way of life in the country and people in public life were afraid that they would be the next victim of the McCarthy witch hunt.

To give you an idea of how paranoid people became in the 1950's, a petition was circulated by a large newspaper and people were asked to sign it. Most people refused. The petition they were asked to sign was a copy of the Declaration of Independence.

But sanity prevailed, and McCarthism ran its course and so did the Senator who brought its principles to the Capitol and to the country.

Senator Margaret Chase Smith of Maine, the only woman in the Senate at that time, issued what she called a "Declaration of Conscience." She said the country was in the grip of what she called the Four Horsemen of Calumny—fear, ignorance, bigotry, and smear. She also pointed to, and I quote, "The reckless abandon in which unproved charges have been hurled."

I never want this country to revert to that age of frustration and fear. And yet recent events have made some thinking people worry about the directions we are taking.

Just a few days ago, an informant in a dope smuggling case admitted that he lied out of whole cloth when he charged several months ago that he had paid a bribe to a U.S. attorney. The story somehow got into the newspapers at the time the charge was made and for months the attorney and his family had to suffer the suspicion that he had done something wrong, although the facts were that he was completely innocent of any legal or moral mistake.

Other people in private business, as well as those in public office have had their reputations sullied by "reckless abandon in which unproved charges have been hurled" which Senator Smith so eloquently described back in 1950.

We have seen charges made by convicted criminals which have appeared in the news media to the detriment of the reputation of the person charged with the offense. No proof existed, but until the matter could be cleared up, the target of the charges stood accused in the public's mind.

You cannot blame the media for this—they have a job to do and we have a free press in this country, for which we should all be thankful.

Still, there should be a better way.

A person should be presumed innocent until he is adjudged guilty. And guilt should not be determined by whether he can prove his innocence, which may be impossible.

I do not want us to return to the 1950's when people were being punished because some official was making charges against them—unproved charges hurled with reckless abandon.

The attorney I spoke of earlier would likely never have been able to establish his innocence, because how do you prove that you did not take a bribe?

Happily for him his accuser admitted he lied and the Government attorney and his family can take comfort because his good name is completely cleared.

But many other people who have been charged without proof have had their reputations smeared and have had no such admission by the people who made the charges.

It may be that this is a price we have to pay for the open society which we enjoy.

But in the case of an innocent man charged without proof the price can be very high.

I realize there is no simple, easy answer to this problem.

There will always be people who will be smeared by false accusations. It was a little frightening to hear an Assistant Attorney General tell the Ethics Committee the other day that the Justice Department constantly gets accusations against Members of Congress and other public figures—accusations which most of the time are devoid of any substance.

If less were leaked to the media until some proof is offered, it would help. But there will always be leaks and you cannot blame the media representatives from seeking them out.

The most dangerous attitude that we can assume is to require a man to prove his innocence, rather than placing the burden on his accusers to prove his guilt.

If we ever adopt an attitude that a man must prove that he is innocent, rather than the other way around, then we will be in the same trouble that we were in the McCarthy era.●

ROCK ISLAND RAILROAD DIRECTED SERVICE EXTENSION

● Mr. CULVER. Mr. President, I want to indicate my support for the recent action of the Interstate Commerce Commission to extend directed service over the Rock Island Railroad system until March 23, 1980. This service extension is supremely important to farmers, shippers, and manufacturers across Iowa and the Nation.

While there is no need to recount the many difficulties that have plagued the Rock Island over the last several years, the response of other railroads to acquiring portions of Rock Island track after its pending liquidation is encouraging. Approximately 85 percent of the system in Iowa has been the object of purchase bids, and this raises the strong prospects that most essential services will be retained in my State.

Given the fact that the acquisition process is so far along, it would have been "pennywise and poundfoolish" for the ICC to allow the entire Rock Island system to grind to a halt on March 2. This shutdown would have occurred exactly at the time at which important fertilizer shipments begin running into Iowa and the Midwest. A 30- or 60-day service suspension would have resulted in fertilizer shortages that would not have been felt until next fall's harvest. Fortunately, the extension of service until March 23 makes the chances of this occurring more remote.

However, we must continue to take such actions as may be needed to assure that service along the Rock Island system continues until new carriers are "in place" and capable of providing permanent service. The ICC has stated that the new extension exhausts all of the $80 million originally appropriated for directed service. Any additional resources that may be needed to keep the line running beyond March 23 must come from Congress.

I strongly hope that all remaining negotiations can be completed during the next 3 weeks so that new carriers can be given trackage rights to assume operations along the Rock Island line. Should additional time be needed, however, I will continue to support legislation to guarantee funds to keep services going along those sections of track that will change ownership in the near future. This will assure shippers of continued service, while also assuring that scarce Federal resources will only be spent on those portions of the Rock Island system that have a future.

Mr. President, revitalizing the Midwestern grain transportation system will be one of the major domestic needs of this decade. Congress must make the necessary short-term commitment to guarantee that Rock Island service does not prematurely stop until new carriers are in place. This action is in the best interests of the Nation, and the necessary first step in rebuilding a strong and effective freight railroad system.

Thank you, Mr. President.●

THE CAMPECHE OIL SPILL

● Mr. CANNON. Mr. President, on December 5, 1979, the Senate Committee on Commerce, Science, and Transportation held a joint hearing with the Committee on Energy and Natural Resources to investigate the circumstances surrounding the oil spill from the Ixtoc I well in the Bay of Campeche and the implications of that spill on further OCS development.

The committees heard testimony from the Government agencies involved in responding to the spill, officials from the State of Texas, and various scientists. Of particular concern at those hearings was the ability of the United States to respond to such a spill if it should occur in our waters, especially as we move toward accelerated oil and gas leasing on the Outer Continental Shelf.

The committee questioned the Coast Guard as to the adequacy of resources to handle major spills of this sort in terms of personnel, funding and equipment. The funding for cleanup and containment of oil spills comes from section 311k of the Federal Water Pollution Control Act.

This fund is currently set at $10 million, over $7.5 million of which was spent on operations in Texas. Those expenditures are normally reimbursable by the discharger. This will not be the case with respect to Mexico, thus the Coast Guard has submitted a supplemental budget request of $21.3 million to the Congress in order to bring the 311k fund up to an appropriate level. Equipment for the work appears to be adequate, at least in the Gulf area.

This may not be the case in other parts of the country. The effectiveness of this equipment is limited by the deployment time required and by sea conditions. Containment booms operating on the high seas are effective only at wave heights of about 5 to 6 feet, and less in breaking wave conditions. However, equipment can be deployed so as to protect vulnerable resources.

For example, booms were utilized to protect entrances to lagoons along the Texas coast from the Campeche oil spill. When deployed in quieter, nearshore waters, the effectiveness of containment and cleanup equipment is increased. There is no experience with conventional containment and cleanup equipment in ice conditions, and much of the conventional equipment would not be applicable under ice conditions.

There was also concern about the effects of such spills on the marine resources such as our Nation's vital fisheries. The latter issue becomes significant in light of the recent lease sales on the Georges Bank off of the coasts of New England and the potential for leasing in the Beaufort Sea. The Commerce Committee will again be joining forces with the Energy and Natural Resources Committee, and the Select Committee on Small Business to further investigate the problem with a joint hearing in Boston, Mass., on February 29 of this year.

A problem brought out in the December hearing was the lack of information available to us from the site of the spill. For a period of about 3 months there was no U.S. presence at the well itself nor any official report from the Government of Mexico. At the hearing the State Department was requested to make arrangements for representatives from the Coast Guard and NOAA to be allowed to visit the well. I later sent a letter to Secretary Vance requesting that the committee be kept up to date on all developments with respect to the oil spill. A response to that request was received last week indicating that work to cap the well is underway with completion anticipated soon. The State Department states further that unless the well is plugged soon, there is a good chance that the oil slick will impact U.S. waters in late February or early April.

Environmental Protection Agency and Coast Guard teams, including representatives of the Regional Response Team and the National Strike Force have just returned from a week long trip to Mexico. They visited the well site and reported that the discharge was down to 10 to 20 percent of the original. The accompanying fire was down from a radius of 20 feet to about 4 feet. They further report that PEMEX anticipates a massive, two barge effort at plugging the well within 2 weeks, if not delayed by inclement weather. Meanwhile, both the Coast Guard and NOAA are preparing for the oil to return.

The well originally blew out on June 3 and has been spewing oil onto the Gulf of Mexico for almost 9 months, making it the largest oil spill in history. The entire situation threatens the abundant fish and wildlife throughout the Gulf area, and has been damaging the recreational and fishing industries, along with the associated businesses.

The response necessitated by this catastrophic event required the work of several Federal agencies, led by the Coast Guard for the operational activities and NOAA for the scientific studies. Both agencies should be commended for their efforts. Another step remains to be done. There must be an assessment of the damages from this spill. A detailed damage assessment program has been prepared incorporating the talents of NOAA, the Department of Interior, various agencies from Texas and others. That work will be coordinated by NOAA. As a result of our hearings in December we are aware that it will be impossible for those groups to respond appropriately to the crisis within the confines of the fiscal year 1980 budget. A supplemental funding request has been prepared to cover that damage assessment work. I would urge the Department of Commerce and the Office of Management and Budget to expedite the supplemental so that Congress can act upon it at the earliest time especially in light of the threat of returning oil.

The Commerce Committee will continue to be concerned with this spill and further implications of offshore production on fisheries and marine resources.●

NATIONAL ORGANIZATIONS SUPPORTING S. 1725

Mr. **NELSON**. Mr. President, several national organizations have written letters to the Senate indicating their support of S. 1725. This bill revises the existing authority in the Economic Opportunity Act for the Community Services Administration to conduct a low-income weatherization program and other energy conservation services.

Included among the organizations that have written urging that the Senate adopt S. 1725 are: Common Cause, the Consumer Energy Council of America, the National Community Action Agency Executive Directors Association, the National Association of Farmworker Organizations, and the National Congress for Community Economic Development.

In addition, the organizations that presented testimony in support of S. 1725 at the Committee on Labor and Human Resources' hearings on weatherization and energy conservation were:

The National Governors Association.

Rural America.

The National Consumer Law Center.

The National Low-Income Housing Coalition.

The Center for Urban Environmental Studies.

The AFL–CIO.

The American Federation of State, County and Municipal Employees.

Mr. President, in order to bring these letters to the attention of the Senate, I ask that the letters referred to be printed in the RECORD.

The letters follow:

COMMON CAUSE,
Washington, D.C., February 19, 1980.

DEAR SENATOR: The Senate is scheduled to begin debate this week on S. 1725, the Economic Opportunity Amendments of 1979. This measure, sponsored by Senators Nelson, Kennedy, Riegle, Stafford, Melcher, Durkin, and Sarbanes, would establish a comprehensive energy conservation and home weatherization program for low-income Americans. Common Cause strongly urges you to support S. 1725.

In the last decade, energy prices have increased at a rate far greater than inflation. From 1972 to 1979, the Consumer Price Index rose 76 percent, while electricity costs increased 92 percent, natural gas prices rose 155 percent, and fuel oil costs soared by 293 percent. These increases in home heating and cooling costs have had a particularly damaging effect on low-income Americans. While the average household spent approximately 4.7 percent of its 1978 annual income on energy for household purposes, the average low-income household spent over 18 percent of its income on energy, with even higher percentages in particular regions of the country.

In response to these escalating prices, the Congress last year enacted a one-time $1.2 billion emergency assistance program to help low-income families pay sharply increased energy bills. To avoid a never-ending series of annual and ever-increasing energy assistance programs, however, Common Cause believes that the federal government must provide a permanent solution to the pressing need for comprehensive energy conservation for low-income Americans.

Increased weatherization of low-income houses is the critical component of a permanent solution. Surveys conducted by the Community Services Administration reveal that almost half of the homes occupied by low-income households have no insulation and most have no storm doors or windows. A comprehensive, effective federal program is needed to weatherize these homes, thereby reducing the energy consumption and costs for low-income households on a permanent basis and conserving our nation's scarce energy resources.

Common Cause believes that S. 1725 represents an important step in the development of a significant low-income weatherization program. The bill authorizes the expenditure of $2.2 billion over three fiscal years. Ninety-five percent of the funds would go to the states, which in turn would allocate money to community-based organizations. The overall responsibility for the administration of the program would be given to the Community Services Administration—the federal agency which has both an on-going relationship with community action agencies and other local groups and a demonstrated record of success in weatherization efforts.

Common Cause believes that conservation can be this nation's most valuable energy resource if fully developed. We also believe that the federal government must make a special commitment to meet the energy needs of low-income citizens. We urge you to support S. 1725.

Sincerely,

DAVID COHEN,
President.

CONSUMER ENERGY
COUNCIL OF AMERICA,
Washington, D.C., February 11, 1980.

Re S. 1725, the Economic Opportunity Amendments of 1979.

DEAR SENATOR: The Consumer Energy Council of America, a broad-based coalition of consumer, labor, farm, public power, rural electric cooperative, senior citizen, and urban organizations, urges you to support S. 1725, the Economic Opportunity Amendments of 1979, when it reaches the Senate floor next week. This legislation, establishing a low income weatherization program, will provide much-needed relief to millions of low income energy consumers.

The burden of runaway energy price increases bears heavily on all Americans, but the weight that low income consumers must shoulder is particularly acute, as it frequently results in the tragic choice between heating and eating. Low income families spend on the average one-third of their incomes on energy, and in some regions, energy costs eat up more than one-half of their incomes.

The huge bite that energy costs have taken out of the low income family's budget has forced low income consumers already to cut back on consumption as much as they can. Generally, the poor quality of low income precludes further conservation: low income residences tend to be older, in poorer repair, and less insulated than housing occupied by higher income individuals.

Further investment is needed if low income consumers are to achieve additional energy conservation. Widespread weatherization of poorly-insulated low income housing would both provide low income energy consumers with relief from unaffordable energy costs and significantly reduce the nation's energy consumption, thus reducing the dependence on foreign oil producers which threatens our national security.

S. 1725 addresses the problem of energy and the poor in a rational and responsible fashion. The expansion of the existing low income weatherization aid program is vital to relieving the poor of their exorbitant energy burden. With adequately weatherized homes, the need for emergency low income energy assistance may be diminished, as increased energy efficiency will reduce energy costs. Without such a weatherization program, low income Americans will remain in dire straits year after year, forced to make the tragic choice between food and heat.

The Consumer Energy Council of America urges you to support S. 1725 when it comes before the Senate next week.

Sincerely,

Ellen Berman,
Executive Director.

National Community Action
Agency, Executive Directors
Association,
Washington, D.C., February 8, 1980.

Dear Senator: The National Community Action Agency Executive Directors Association is the professional membership association for the nearly one thousand community action agencies in this country. It is our strong and concerted opinion that the passage of S. 1725, the Economic Opportunity Amendments of 1979, introduced by Senator Nelson, should be passed. We encourage your support of this legislation.

The comprehensive nature of this bill, which clarifies the existing authority of the Community Services Administration to operate energy conservation programs, unifies weatherization, energy education and outreach, crisis intervention, and research designed to enable poor families to move toward energy self-sufficiency.

The provisions of the bill correct the program deficiencies we are currently experiencing with the DOE weatherization program, particularly with regard to obtaining labor when CETA crews are not available. The language of the bill has the support of the labor movement, the National Governors Association, and the National Association of Counties.

S. 1725 also corrects a major inequity in current program authority, by providing for direct funding of Indian and migrant and seasonal farmworker groups.

The extensive provisions of S. 1725 give Congress a much greater voice in design of the weatherization program than has heretofore been the case; the Community Action Agencies have had considerable discussion over the program design in this bill and support it.

Thank you for your support.

Sincerely,

Dolores Da Lomba.

National Association of
Farmworker Organizations,
Washington. D.C., February 11, 1980.

Senator Dale Bumpers,
Senate Office Building,
Washington, D.C.

Dear Senator Bumpers: The National Association of Farmworker Organizations (NAFO), representing over 100 farmworker organizations in forty-five states, supports S. 1725, the Economic Opportunity Amendments of 1979 introduced by Senator Nelson. We strongly encourage your support when this measure reaches the senate floor early next week.

Over the past three years, farmworker programs have efficiently and effectively operated weatherization programs. However, since DOE has been charged with exclusive operation of the low-income program, farmworker organizations have been excluded from participating. Several discrimination complaints have been lodged already against DOE by farmworker organizations nationwide. This is resulting in the inaccessibility of these services to migrant and seasonal farmworkers and amounts to a tremendous waste of government investment in these organizations' preparation and experience in providing these services in the past.

We join the labor movement, Community Action Agencies, and other state and local associations in urging your support for this bill.

Sincerely,

F. Thomas Jones,
National Representative.

National Congress
For Community
Economic Development,
Washington, D.C., February 19, 1980.

Hon. Henry Jackson,
U.S. Senate,
Washington, D.C.

Dear Senator Jackson: The National Congress for Community Economic Development, (NCCED) a membership association for Community Development Corporations (CDCs) would like to inform you of our support for S. 1725, the Comprehensive Energy Conservation Services as Title XI of the Economic Opportunity Act of 1964. The NCCED Board of Directors unanimously approved the support for S. 1725 at the NCCED Mid-Year Meeting in Boston, MA on November 14th.

We have several major reasons for supporting S. 1725. First, S. 1725 will create a comprehensive energy delivery and development system for low-income individuals and organizations. Currently, the weatherization programs do not emphasize the need to tie weatherization into both conservation and the development of renewable energy sources, such as solar, which will reduce the energy dependency of low-income individuals in the long run. Secondly, S. 1725 will transfer weatherization programs from the Department of Energy to the Community Services Administration. When CSA had the weatherization program in FY 1974, 1975, and 1976 they weatherized 372,911 homes. In a similar time period (FY 1977, 1978, and 1979) and with more money, DOE only weatherized 185,255 housing units. Last October, DOE had over $240 million in unexpended weatherization funds. Congress surely did not intend to have weatherization monies collecting dust, while low-income people were faced with prohibitive energy bills.

We hope that the Senate will consider our comments in the deliberation of S. 1725.

Very truly yours,

Robert Zdenek,
Acting President.●

MARYLAND DAR CELEBRATES 75TH ANNIVERSARY

● Mr. MATHIAS. Mr. President, the Maryland Society of the Daughters of the American Revolution will celebrate its 75th anniversary the weekend of March 13 in Baltimore. Formed just 10 years after the national DAR, the State society has shown a continuing dedication to fulfilling the promises of the organization's triennial nationwide themes. "A Tapestry of Service" is the current theme, as the national unity of the DAR is symbolized by the many threads of a tapestry woven together to make a complete picture.

The Maryland Society of the DAR is a most significant thread in that picture. Over 3,100 members in the State's 53 chapters are active in both community and national DAR programs. The Maryland society's projects have included placing historical markers around the State at important but sometimes forgotten sites. For example, on Independence Day, 1978, the State DAR marked the grave of Thomas Stone, one of the four Maryland signers of the Declaration of Independence. Original markings on his grave, located on the family estate in Habre-de-Venture in Charles County, had washed away. DAR contributions completely financed the new landmark.

History and preservation are watchwords for the DAR. The Maryland society recently contributed $10,000 to restore and furnish, with original antique pieces, a pre-Revolutionary house on Fells Point in Baltimore. Here in Washington, the State society decorated the Maryland room in the DAR museum in the period of 1830 and before. The furnishings are authentic and certified—even the wallpaper dates back to the early 19th century. In addition, the State society purchased the signatures of Stone and the three other Marylanders who signed the Declaration of Independence, Charles Carroll, of Carrollton, Thomas Paca, and Samuel Chase. Those original signatures are now on display in the Americana room of the DAR national headquarters here.

But perhaps the greatest commitment of the Maryland DAR is to education. The State society makes frequent contributions to the two national DAR-owned schools in Tamassee, S.C., and Grant, Ala. Last year, 12-year-old Beth

Harris, the granddaughter of Mrs. E. Donald Dietrich, the Maryland DAR State Regent, and a very active member of the Children of the American Revolution, was killed in an accident. In her honor, the Maryland society established the Beth Harris Memorial Musical Scholarships. Contributions have mounted to $3,500, which will provide private musical instruction for two Tamassee students beginning in the fall.

I congratulate the Maryland society, which, for 75 years, has exemplified the dedication of the National Daughters of the American Revolution, an organization with a tapestry of service that weaves its way throughout our land. Perhaps the original act of incorporation, from December 2, 1895, states the DAR's purpose the best, and reminds us of some objectives we all share as Americans:

> To perpetuate the memory and spirit of the men and women who achieved American Independence; by the acquisition and protection of historical spots and the erection of monuments; by the encouragement of historical research in relation to the American Revolution and the publication of its results; by the preservation of documents and relics, and of the records of the individual services of Revolutionary soldiers and patriots; and by the promotion of celebrations of all patriotic anniversaries;
>
> To carry out the injunction of Washington in his farewell address to the American people, "to promote, as an object of primary importance, institutions for the general diffusion of knowledge," thus developing an enlightened public opinion, and affording to young and old such advantages as shall develop in them the largest capacity for performing the duties of American Citizens;
>
> To cherish, maintain and extend the institutions of American freedom, to foster true patriotism and love of country, and to aid in securing for mankind all the blessings of liberty.●

THE CEQ ANNUAL REPORT

● Mr. MOYNIHAN. Mr. President, I join my colleague from New Mexico (Mr. DOMENICI) in calling attention to the conclusions about our Nation's water resources drawn by the Council on Environmental Quality in its annual report to Congress.

The report singled out inadequate surface water supply, overdraft of groundwater, pollution of surface and groundwater, flooding, and erosion and sedimentation as the most serious water resource problems. Yet, in our current arrangement for authorizing water projects, it is a matter of chance if these needs receive the Federal funding commensurate with their seriousness. We have no method for setting national priorities. Furthermore, most of these problems are regional and intimately related with one another. It follows that for those problems within the bounds of a single State, a State should plan its own strategy and set its own priorities.

In both S. 1241 and amendment No. 1660 to S. 703, Senator DOMENICI and I propose a block allocation system of authorizing water projects which we believe provides the structure and incentive to address national water needs according to their priorities. The CEQ report's emphasis on water supply and the problems associated with urbanization and development supports our unrevokable conclusion that it is time for our Nation's water policy to catch up with our Nation's needs.●

CELEBRATING THE INDEPENDENCE OF LITHUANIA

● Mr. DOLE. Mr. President, sustaining their hope for self-determination, Lithuanians throughout the world continue to mark the anniversary of their independence from czarist Russia each year, on February 16.

That independence was shortlived, lasting from 1920, when the U.S.S.R. recognized the Baltic States as independent nations, to June 1940, when these same nations were conquered by the Soviet Army. Thus, the freedom born following World War I was brutally shattered. For those too young to remember the actual events, the recent invasion of Afghanistan offers a realistic parallel to what happened then and a reminder of the consistency of Soviet foreign policy.

Seized by the tremors of the emerging Second World War, political leaders in 1940 failed to realize the extent of Soviet aggression in the Baltic States, just as they had failed to perceive the degree of Nazi threat in Czechoslovakia in 1938.

The continuing occupation of Lithuania by the Soviets is in clear violation of the Helsinki accords which they signed in 1975, calling for "respect of the territorial integrity of each of the participating states." Ruthless attempts at the Russification of Lithuania persist, oblivious to the historic facts that point to the failure of such efforts by Peter the Great toward other ethnic entities within 18th century Russia.

Lack of a vigorous response to these continuing violations has resulted in the escalation of audacity on the part of the Soviets, as can be seen by the recent exile of Professor Sakharov and the invasion of Afghanistan. Whether the victims of Soviet aggression and persecution are individuals or an entire nation does not change the fact that an important principle has been mocked and trampled.

Professor Sakharov belongs to a brotherhood of men whose names have become synonymous with courage, men who tenaciously cling to their hope for freedom and justice and refuse to give up their struggle against powerful oppressors. The celebration of Lithuanian independence would be incomplete without mention being made of two names: Viktoras Petkus, who has dedicated his life to the cause of self-determination of his country, and Balys Gajauskas who has already spent 25 years in prison. These men are representatives of a group that numbers scores of others like them.

The recent action by the National Academy of Science, who has just canceled all workshops, seminars and symposia with the Soviet Union, for at least 6 months, as a protest against the forced exile of Professor Sakharov, is a long overdue move, but one that should nevertheless be applauded in light of the lack of progress that is seemingly being achieved, in regards to human rights, at the Scientific Forum now under way in Hamburg, Germany.●

RAILROAD POLICY ACT OF 1979

● Mr. McGOVERN. Mr. President, in a few weeks the Senate will consider S. 1946, the Railroad Policy Act of 1979.

This legislation represents a solid effort to come to grips with the continued deterioration of this country's freight railroad system. Many of the provisions of this act are directed at providing the rail industry with sufficient economic freedom in order that they may adequately compete with other transportation modes and among themselves, while establishing a strong degree of protection for captive shippers.

The revitalization and restructuring of the railroad industry is key to our Nation's future energy security. The rails are three to four times more energy efficient than trucks. Although railroads transport more than 34 percent of the Nation's intercity freight, they consume only 3.6 percent of the fuel consumed in all intercity freight movements.

More importantly, railroads transport the majority of all coal moved in this country. The administration has made a major commitment to increased utilization of coal, which I support. Increased coal utilization is a critical step toward reducing our tremendous dependence on OPEC oil. Without a viable rail network, however, our country's energy future is jeopardized.

Recent increases in coal transportation rates have generated a degree of controversy as to whether such rate increases are inhibiting our ability to rely on coal as a major energy source. As a result of this debate, an amendment may be proposed to the Railroad Policy Act that would have the effect of establishing a cap on such rates.

Unfortunately, the establishment of such a cap may well have the opposite effect desired by its sponsors by further slowing coal utilization and creating the need for additional Federal subsidies for the rail industry.

Coal has become, in a very short time, a major commodity hauled by several railroads. The initial movements of coal began as an effort to utilize unused rail capacity in moving western coal to the lake states of Illinois and Minnesota. The OPEC oil embargo, and the establishment of environmental standards making low-sulfur, western coal more desirable, resulted in an overwhelming demand for Powder River Basin low-sulfur coal in a period less than 10 years.

This tremendous increase in coal tonnage has required equally tremendous capital investments in the rail industry to develop and maintain a rail system capable of moving this commodity. Prior to this demand many of the coal hauling railroads were primarily granger railroads—hauling agricultural commodities on light density track.

Mr. President, while I share the concern of the sponsors of the proposed amendment as well as the utilities who are bearing the brunt of the recent coal rate increases, I cannot emphasize enough the fact that their amendment will not have the effect they desire. I am deeply concerned that this amendment will further hamper our country's ability to utilize coal.

Mr. President, I ask that testimony on this subject given by Mr. William Johnston, Assistant Secretary of the Department of Transportation, be printed in the RECORD.

The testimony follows:

STATEMENT OF WILLIAM B. JOHNSTON

Mr. Chairman and Members of the Committee:

I appreciate the opportunity to be here today to discuss railroad regulatory policy as it applies to ratemaking. Your actions in this area will have important implications for our long-term inflation prospects, the energy situation and the health of our rail industry. You have specifically asked us to comment on the Long amendment.

The maintenance of an adequate railroad transportation system is essential to this country's continued move toward a rational energy policy which would free us from dependence on foreign energy sources. The railroads serve this goal in two ways—they provide transportation that is three to four times more energy efficient than the trucks against which they compete, and they are a major method of bringing coal to the utilities that produce electricity for American households and industry. Unless the rail system is built up to the levels needed for reliable heavy-duty hauling, and then maintained in good repair, we will all pay more, not only for our energy but also for other consumer goods. The railroads are a critical link in the President's plan to convert utilities to coal use nationally, and they must be financially self-sufficient to carry out their responsibility.

At present, the industry does not earn enough revenue even to maintain the system. Last year the railroads in the aggregate earned only a 2.5 percent rate of return on investment and the roads in bankruptcy or generally regarded as "marginal" outnumbered those earning an adequate rate of return. This 2.5 percent rate of return can be compared with the average for all manufacturing industries of 10.6 percent and the average for electric and gas utilities, which in 1978 was more than 11 percent.

The Administration and Congress have been working on reform of railroad regulation for many years. In this process, we have both been giving attention to the need for sufficient rate protection for shippers. At the same time, we must not lose sight of the legitimate revenue needs of the rail industry. Shippers of all commodities in all parts of the country are suffering the consequences of the railroads long term decline in financial health. The purpose of the regulatory reform effort is to get away from unnecessary regulations, to eliminate extra layers of authority, and return decisions as much as possible to the private marketplace. Any legislation should not prevent the railroads from adjusting rates and service to the demands of their shippers. Railroads require flexibility in pricing, as do all competitive firms. The Department of Transportation continues to believe that it is inapropriate to use revenue-to-cost ratios as a final test of the reasonableness of rail rates. Such ratios can be used to provide threshold tests of whether rates are compensatory. Beyond that they are but one of a number of measures of the level a particular rate should be.

To put the Department's position in perspective, I want to discuss briefly some of the economics of railroad ratemaking and railroad coal rates in particular. No matter how rates are set, they must, in the aggregate, cover all of a railroad's costs including a fair rate of return. If railroads do not earn enough to maintain their operations, either service will deteriorate and ultimately cease, or the government will be asked to make up the deficit through subsidies. Such subsidies represent a cost to society just as much as higher rates. In fact, administering a government subsidy program is almost certain to be less efficient and more costly than permitting the railroads to earn the necessary revenue directly from the shippers using rail service. The ratemaking framework which the Congress establishes, therefore, will determine not only whether the railroads can earn enough to survive as private sector entities, but also whether shippers will be able to obtain reliable, efficient rail transportation service.

A number of rate structures have been suggested to produce an adequate overall level of revenues for the railroads. The Department of Transportation supports a system of railroad ratemaking sensitive to the needs and demands of the variety of shippers, which we term "limited demand-responsive pricing." That is the pricing framework we see in the rest of the economy, and the framework that permits the fullest and most efficient use of the rail system.

Under this ratemaking framework, rates on all traffic should cover at least variable or incremental cost. Beyond that rates should be set so as to recover as much fixed or nontraceable costs as market conditions permit, up to limits which are determined by the ICC to be reasonable on a case by case basis and in light of overall carrier revenue needs. Because of differing competitive conditions, some traffic is able to recover more of those costs than other traffic. Generally, shippers for whom alternative transportation or markets are easily available will not pay a large share of non-traceable costs, and the rest must be recovered from the remaining traffic.

Setting all rates equal to fully allocated cost has often been suggested as an alternative to demand-responsive pricing. In this ratemaking system, each shipper pays the variable cost of service plus a pro rata share of the remaining costs. In theory, such a rate structure assures that all costs are covered. But it also causes many shippers operating in a highly competitive transportation market to divert their traffic to other modes because each shipper must either make the same contribution to nontraceable cost per unit of service as every other or not ship by rail.

The overhead costs of the rail system do not decline significantly when traffic is diverted. As a result, this diversion raises the cost of providing service to the remaining shippers. The evidence suggests that many shippers who have access to alternative transportation services, if asked to pay rates based on fully allocated cost, will stop shipping by rail. Commodities such as sand, aggregate, manufactured products, wood chips and pulp, some grain products and lumber will, we believe, be diverted to other modes of transportation or cease to move altogether. We would see more traffic on our already strained highways and waterways, with a consequent increase in capital and maintenance costs for these systems and a loss in the contribution of such traffic to covering overall railroad costs. Fuel consumption would be likely to rise as well as rail rates on remaining rail traffic.

To illustrate this point, let us assume that a railroad ships only two commodities, for example, grain and coal. Let us assume that the variable cost of shipping the two commodities is $100 for each. These two commodities must also cover all of the railroad's overhead, which, let us assume, totals $100. Overall, then, the railroad must have $300 of income to sustain itself. Ideally, both coal and grain would pay $150 for rail service. Let us assume, however, that, because of competitive circumstances, grain will shift to a truck-barge route if its rate goes above $140. If this happened, coal would have to be charged $200 to sustain the railroad, since it would have to bear the overhead costs not borne by grain. To prevent this from happening, it is necessary for the railroad to price grain at $140 and coal at $160.

In this case, which is reflected in the real world every day in hundreds of rail pricing situations, the railroad has more revenue, and both shippers have lower rates than would prevail if a fully allocated cost system were used. Everyone benefits because demand-responsive pricing results in a more intensive and efficient use of the rail system.

The Interstate Commerce Commission has permitted demand-responsive pricing to a limited extent. The Department of Transportation and many shippers have also recognized that such a ratemaking standard is necessary and to some extent desirable.

In a time in which we are pursuing a national policy of converting to coal, the limits to be imposed on demand-responsive rail pricing, particularly for coal, are critically important. While coal rates are not at the high end of the spectrum in terms of rate-to-variable cost ratios, the ICC has recently approved a number of coal rates that are somewhat above the fully allocated cost level, on the principle we have just reviewed that not all rates can be set at fully allocated costs if the railroads are to be efficiently used and adequately compensated. The Commission has said that, on average, all commodity movements should yield approximately 150 percent of variable costs to cover fully allocated costs, including a reasonable return on investment. In recent decisions, the Commission has followed a general policy of limiting coal rates to 7 percent above the fully allocated cost level. As the attached table shows, several coal rates the ICC has recently approved show rate-to-variable cost ratios that are generally close to 150 percent. (These ratios incorporate adjustments to system average costs to reflect actual movement costs.) We do not think the rates shown are exorbitant. I should note that DOT has never urged the Interstate Commerce Commission to set high rates on coal movements. Instead, we have urged the Commission in coal rate investigations to consider the particular circumstances in each case and to balance the railroad's need to cover costs against both the shipper's interests and the general competitive conditions faced by shippers and railroads.

ICC COAL RATE DECISIONS

	Decision date	Rate per ton	Ratio of rate to ICC estimate of variable cost at revenue need level (percent)
Incentive rate on coal—Cordero, Wyo., to Smithers Lake, Tex. (Houston Power & Light).	Nov. 28, 1977	$15.60	146
Incentive rate on coal—Hayden, Colo., to Kings Mill, Tex. (Celanese)	Nov. 7, 1978	10.56	151
Annual volume rates on coal—Wyoming to Flint Creek, Ark. (SWEPCO)	May 21, 1979	10.24	142
City of San Antonio, Tex., v. Burlington, Northern, Inc., et al. ("San Antonio III")	June 1, 1979	17.23	141
United Train rates on coal—Burlington Northern, Inc.	July 13, 1979		139
To Council Bluffs		7.25	
To Sergeant Bluffs		8.32	
Bituminous coal, Hiawatha, Utah, to Moapa, Nev	July 31, 1979	7.91	130
Incentive rates on coal—Axial, Colo., to Coleto Creek, Tex. (Central Power & Light)	Jan. 15, 1980	20.85	140

The proposed Long amendment has been described as setting a "presumptive cap" on maximum rates for coal. However, as written, it would also apply to all other commodities. Such an amendment would concern us for several reasons, most importantly because it would interfere with the modest amount of rate freedom allowed by S. 1946.

We are also concerned that a "presumptive cap" on rates would discourage shippers and carriers from entering into contracts, as S. 1946 is intended to permit. Contracts offer a real opportunity to make railroad service as reliable and responsible as is required by the utilities and other shippers who depend on railroad shipments. A cap could also exacerbate the joint rate issue. If a joint rate on a through route is at or above the presumptive cap it might prove difficult to obtain a rate increase—even if one of the carriers is failing to cover its variable costs.

Most fundamentally, the proposed "cap" would ultimately harm our ability to meet our energy needs because it would lead to deteriorating rail service. Efficient and reliable rail service is essential to carrying coal from mine to utility, where it can benefit the consumer. The health of the railroads is inextricably linked to our ability to utilize coal to meet our domestic energy needs. Although the railroads should not be allowed to charge unreasonably high prices for coal transport, we do not believe the Long amendment provides an appropriate solution to the problem.

In summary, the Department of Transportation opposes any further amendments to S. 1946 that narrow the range of pricing options and prevent rates that suit the transportation market, thus reducing efficient use of the rail system and impairing a carrier's ability to provide service. Specifically, for the reasons cited above, the Department opposes the Long amendment.

This completes my testimony. I would be pleased to respond to your questions.●

SENATOR MIKE MONRONEY'S DEATH

● **Mr. STEVENSON.** Mr. President, Senator Mike Monroney's recent death was a sad event for his family and friends, including many Members of this body. But it was also an occasion for remembering with pleasure this kindly, genial friend and splendid public servant.

It has been 12 years since Mike left the Senate, but he is still remembered for his love of the institution and his enjoyment of the battles. His contributions ranged from the LaFollette-Monroney Legislative Reorganization Act of 1946, the major aviation bills of the 1950's and 1960's, and the resolution leading to creation of the International Development Association, to his active support for the United Nations, the Marshall Plan, the Bretton Woods institutions, and a nuclear test ban agreement.

Mike served his State and nation with courage and devotion. He would fight when he thought duty demanded it, but he was always gracious and forgiving afterward.

I first knew Senator Monroney as a friend and supporter of my father during the campaign of 1952. Mike campaigned enthusiastically for my father again in 1956, and in 1960 he tried hard to persuade the Democrats to nominate him once more. Their friendship continued through the years. I remember Mike best as a "happy warrior" of the campaigns and a dear friend in private life.

Mr. President, I ask that an article on Mike Monroney from the New York Times of February 14 be included at this point in the RECORD.

The article follows:

[From the New York Times, Feb. 14, 1980]

A. S. MIKE MONRONEY DEAD AT 77; SPEARHEADED REFORMS IN CONGRESS

(By Marjorie Hunter)

WASHINGTON, February 13.—A. S. Mike Monroney, a former Democratic Senator from Oklahoma who spearheaded Congressional reform, died early this morning in nearby Rockville, Md., after a long illness. He was 77 years old.

Mr. Monroney, a onetime newspaperman and businessman in Oklahoma, served 30 years in the House and Senate. He lost his bid for a fourth term in the Senate in 1968, when he was defeated by Henry Bellmon, a Republican. Mr. Monroney and his wife continued to live in the Washington area after he left Congress.

He had been in failing health for three years. When he suffered a stroke last month he was admitted to Suburban Hospital in Bethesda, Md., and was moved to a nursing home 10 days ago.

Mr. Monroney, a tall, folksy Oklahoman, was an early supporter of Adlai E. Stevenson for the Democratic Presidential nomination in 1952 and reportedly was Mr. Stevenson's first choice as a running mate. However, in an effort to win Southern support, Mr. Stevenson chose Senator John J. Sparkman of Alabama.

AVID SUPPORTER OF AVIATION

An avid supporter of military and commercial aviation during his years in Congress, Mr. Monroney served as a consultant and advisor for various aviation companies after he left Congress.

Gov. George Nigh of Oklahoma praised Mr. Monroney today as a "great Senator" and ordered all state flags flown at half-staff.

Almer Stillwell Mike Monroney was born on March 2, 1902, in Oklahoma City. He received a bachelor of arts degree in 1924 from the University of Oklahoma, where he was a Phi Beta Kappa and a member of Sigma Delta Chi, the professional journalism society.

From 1924 through 1928 he was a political writer for The Oklahoma News in Oklahoma City. His interest in aviation was whetted in 1927 when he interviewed Charles A. Lindbergh, who had just made his pioneering trans-Atlantic flight.

CO-SPONSORED REORGANIZATION ACT

Mr. Monroney began his Congressional career in 1939, serving in the House until 1950. He and Senator Robert M. La Follette Jr., Republican of Wisconsin, cosponsored the Legislative Reorganization Act of 1946, the only major Congressional overhaul in half a century. The act served to simplify some legislative functions and to reduce the number of Congressional committees.

In 1950, after serving six terms in the House, Mr. Monroney entered the Senate primary election and defeated Elmer Thomas, a veteran Democratic incumbent, in a runoff, then defeated his Republican opponent in the general election. He was re-elected in 1956 and 1962.

In 1956 Mr. Monroney introduced legislation that led to the establishment of the Federal Aviation Agency. A few years ago a major F.A.A. training center in Oklahoma City was named the Mike Monroney Aeronautic Center.

He actively supported most programs advanced by Democratic Presidents, including Federal aid to education, civil rights bills, foreign aid and most of President Johnson's antipoverty legislation.

SHARP CRITIC OF M'CARTHY

When roused to anger Mr. Monroney was capable of blistering attacks. In the early 1950's he frequently clashed with Senator Joseph R. McCarthy over the Wisconsin Republican's investigative techniques, and in July 1953 made one of the angriest criticisms of McCarthy ever heard on the Senate floor.

In his final years in the Senate Mr. Monroney served as chairman of the Post Office and Civil Service Committee.

He is survived by his wife, the former Mary Ellen Mellon; a son, Michael, of Bethesda, and five grandchildren.

A memorial service will be held at 11 A.M. Saturday in Bethlehem Chapel of the National Cathedral here. The body will be cremated and part of the ashes placed in the Cathedral crypt. The rest of the ashes will be flown to Oklahoma City and scattered on the grounds of the F.A.A. center that bears his name.

The family has asked that expressions of sympathy be made in contributions to the Mike Monroney Memorial Fund at the National Cathedral.

WELCOME FOR VISITING DELEGATION OF SENATORS FROM THE FEDERAL REPUBLIC OF NIGERIA

● **Mr. McGOVERN.** Mr. President, we are honored to have with us today, a distinguished delegation of Members of the Senate of the Federal Republic of Nigeria.

In recent years, we have come to know the economic importance of Nigeria.

That nation is one of our largest trading partners and is the second largest supplier of oil to the United States. We have also come to appreciate the international leadership of Africa's most populous nation. Now, Mr. President, we should recognize one more Nigerian achievement: on October 1, 1979, the Federal Republic of Nigeria became the world's fourth largest democracy. On that day, Nigeria completed the carefully planned process of transition from military to civilian government.

Mr. President, Nigeria is not only a democracy, but its new system of government very closely resembles our own. Its President, Alhaji Shehu Shagari, was elected to a 4-year term of office and may be elected a succeeding 4-year term. The national assembly is composed of a Senate with 95 members elected from Nigeria's 19 states and a House of Representatives of 449 members elected from districts based on population. Furthermore, our governments share many common procedures; for example, appointments to the cabinet, the Supreme Court, and ambassadorial posts require Senate confirmation.

Mr. President, we are pleased that our distinguished visitors have come to observe the Congress, its committees and its Members in action. We hope that they will be able to learn from our experience and we look forward to the time when we can learn from theirs.

Mr. President, I join with other Members of the Senate in welcoming the following members of the delegation from the Federal Republic of Nigeria:

NIGERIAN SENATORIAL DELEGATION

Dr. Joseph Wayas, President of the Senate, Chairman of Delegation, Dr. O. A. Saraki, Chief J. A. O. Odebiyi, Chief B. C. Okwu, Alhaji Idrisa Kadi, Alhaji Sabo Bakin Zuwo, Dr. Jaja A. Wachukwu, D. O. Oke, (Col. Rt.) A. A. Ali, Alhaji Jibrin Salihu, Musa Ojukwu, Dagogo Princevill, and E. Utande.●

ORDER FOR RECOGNITION OF SENATOR EAGLETON TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders or their designees have been recognized under the standing order, Mr. EAGLETON be recognized for not to exceed 15 minutes, after which the Senate will resume its consideration of the pending business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER FOR RECESS TODAY UNTIL 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in recess until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS FROM TOMORROW TO 9:30 A.M. ON THURSDAY AND TO RESUME THE PENDING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in recess until the hour of 9:30 a.m. on Thursday morning; and that immediately following the prayer and the recognition of the two leaders or their designees for not to exceed 2 minutes each, the Senate then resume its consideration of the pending business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF S. 1725 ON THURSDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, upon the disposition of the pending business on Thursday, the Senate then proceed to the consideration of Calendar Order No. 462, S. 1725.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 10 o'clock tomorrow morning.

The motion was agreed to; and at 6:59 p.m. the Senate recessed until tomorrow, February 27, 1980, at 10 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate February 22, 1980, under authority of the order of the Senate of February 21, 1980:

DEPARTMENT OF STATE

Robert C. F. Gordon, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mauritius.

DEPARTMENT OF JUSTCE

Thomas Edward Delahanty, II, of Maine, to be U.S. Attorney for the District of Maine for the term of 4 years, vice George J. Mitchell, elevated.

OFFICE OF FEDERAL PROCUREMENT POLICY

Karen Hastie Williams, of the District of Columbia, to be Administrator for Federal Procurement Policy, vice Lester A. Fettig, resigned.

DEPARTMENT OF STATE

The following-named person for appointment as a Foreign Service information officer of class 3, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America:

Michael Joseph Gould, of Pennsylvania.

For appointment as Foreign Service officers of class 4, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

Francine L. Bowman, of New Jersey.
Franklin D. English, of Illinois.

For promotion from a Foreign Service Officer of class 6 to class 5:

W. Robert Pearson, of California.

For reappointment in the Foreign Service as a Foreign Service officer of class 5, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America:

Claretta K. Scott, of Virginia.

For appointment as a Foreign Service officer of class 5, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America:

John G. Cook, of Texas.

For promotion from Foreign Service officers of class 7 to class 6:

John Charles Boehm, Jr., of Texas.
Lawrence James Goodrich, of Michigan.
Laurie A. Johnston, of Virginia.
Christopher William Murray, of New York.

For appointment as Foreign Service officers of class 6, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

John Albert Collins, Jr., of South Carolina.
Mary Ann Kekich, of Michigan.
Louis A. McCall, of Ohio.
Joseph Bernard Nowell, of Michigan.
Earle St. Aubin Scarlett, of California.

For appointment as Foreign Service information officers of class 6, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

David Kurakane, of California.
Yolanda Maria Martinez Robinson, of California.

For appointment as Foreign Service information officers of class 7, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

David R. Andresen, of Texas.
Donald M. Bishop, of New Jersey.
Robert J. Callahan, of Illinois.
David Ettinger, of New Jersey.
Thomas F. X. Haran, Jr., of Massachusetts.
Hugh Isidro Kottler, of California.
Laura L. Livingston, of Florida.
Paul Malamud, of New York.
John D. Roney, of Missouri.
Louis Segesvary, of California.
Michael W. Seidenstricker, of Pennsylvania.

For appointment as Foreign Service information officers of class 8, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

John F. Burgess, of Virginia.
William C. Graves, of California.
Gregory Lagana, of Indiana.
Jeffrey C. Murray, of Maryland.
Edward H. Platte, of the District of Columbia.

Foreign Service reserve officer to be a Consular Officer of the United States of America:

William L. Day, of Florida.

Foreign Service reserve officers to be Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

Nicholas Banks of Virginia.
Cynthia J. Burgstaller, of New Hampshire.
Clayton L. Cowart, of Virginia.
Don C. Eller, of Virginia.
William E. McCarthy, of Virginia.
Walter J. McIntosh, of Nevada.
Terry V. McIntyre, of Virginia.
Susan E. McKenzie, of Florida.
Alfreda E. Meyers, of Arizona.
Stephen W. Moore, of Virginia.
James J. Porter, of Virginia.
Susan Prindeville, of Maryland.
Frank A. Sieverts, of Wisconsin.
John Tingle, Jr., of Virginia.

Foreign Service reserve officers who are candidates for appointment as junior Foreign Service officers to be Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

Grant Douglas Aldonas, of Minnesota.
Bernadette Mary Allen, of Maryland.

Sharon E. Armour, of New Jersey.

Vivienne Zoë Ascher, of New York.

John Kenneth Bauman, of Virginia.

Brent Edward Blaschke, of Texas.

Jonathan P. Brecht, of New York.

Patricia A. Butenis, of the District of Columbia.

Robert Andrew Callard, of West Virginia.

Peter H. Chase, of Washington.

Francis Sargent Cheever, Jr., of Virginia.

Harlan K. Cohen, of New York.

Maurice M. Cook, of Illinois.

Philip Stanhope Covington, of South Carolina.

Daniel David Darrach, of Oklahoma.

James D. Earl, of Connecticut.

Eric Steven Edelman, of New Jorsey.

Laura Patricia Faux, of the District of Columbia.

Peter H. Flournoy, of California.

Alfred F. Fonteneau, of Texas.

Gerard M. Gallucci, of Pennsylvania.

Cassie Louise Ghee, of New York.

Gerald Hanisch, of South Dakota.

William N. Harlow, of Rhode Island.

Joan Leslie Harrell, of Florida.

N. Nicholas Hendershot, of New Jersey.

Cassius Clay Johnson, of California.

Daniel F. Keller, of Minnesota.

Mary Jean Kelly, of Virginia.

J. Christian Kennedy, of Indiana.

Ronald James Kramer, of Virginia.

Jerry W. Leach, of Virginia.

Joseph Evan LeBaron, of Oregon.

John W. Lowe, Jr., of Delaware.

William E. Lucas, of North Carolina.

Katharine S. Mitchell, of Colorado.

Kenneth Morgan Peoples, of Louisiana.

Ross Petras, of New Jersey.

Gregory V. Powell, of Maryland.

Jo Ellen Powell, of Kentucky.

Jon R. Purnell, of Massachusetts.

Eunice S. Reddick, of New York.

J. Royal Roseberry III, of South Carolina.

Gregory W. Sandford, of California.

E. Webb Spradley, of Texas.

Jacques Stanitz III, of Ohio.

Eleanor Bly Sutter, of New York.

John C. Tucker, of New Jersey.

David Randall Van Valkenburg, of Illinois.

John Raymond Walser, of North Carolina.

Karen Ann Widess, of California.

Mark S. Woerner, of Illinois.

Alejandro Daniel Wolff, of California.

Foreign Service reserve officers to be Secretaries in the Diplomatic Service of the United States of America:

John Charles Jamieson, of California.

Daniel P. Serwer, of New York.

Jonathan D. Stoddart, of Virginia.

Foreign Service staff officers to be Consular Officers of the United States of America.

Alma Frances Engel, of California.

Albert P. Ishkanian, of California.

William E. Kohlenbush, Jr., of New Jersey.

Helen M. Lynch, of Florida.

Helene F. O'Shaughnessy, of Illinois.

Garrett Courtney Burke, of Washington, for reappointment as a Foreign Service Officer of Class two, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America, effective March 22, 1979.

IN THE ARMY

The following-named officers for temporary appointment in the Army of the United States to the grade indicated under the provisions of title 10, United States Code, sections 3442 and 3447:

To be major general

Brig. Gen. Charles J. Fiala [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Donald R. Lasher, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. John A. Hemphill, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Harry L. Dukes, Jr., [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Edward A. Dinges, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Max W. Noah [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. David W. Einsel, Jr., [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Edward M. Browne, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Joseph L. Fant, III, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. James P. Maloney, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Neal Creighton, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Henry H. Harper, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. James A. Williams, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Howard G. Crowell, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Roderick D. Renick, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Duane H. Stubbs [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert A. Sullivan, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Vincent M. Russo, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. John D. Granger [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. James E. Freeze [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Benjamin F. Register, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. James H. Johnson [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Henry Doctor, Jr. [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Daniel W. French, [redacted], Army of the United States (colonel, U.S. Army).

The following-named officers for appointment in the Regular Army of the United States to the grade indicated under the provisions of title 10, United States Code, sections 3284 and 3306:

To be brigadier general

Brig. Gen. Roderick D. Renick, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. James H. Johnson, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Daniel W. French, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. David W. Einsel, Jr., [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. John A. Hemphill, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Joseph L. Fant III [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Duane H. Stubbs [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Harry L. Dukes, Jr., [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Edward M. Browne, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Donald R. Lasher, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert A. Sullivan, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Vincent M. Russo, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. James E. Freeze [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles J. Fiala [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Max W. Noah [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Neal Creighton, [redacted], Army of the United States (coonel, U.S. Army).

Brig. Gen. Edward A. Dinges, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. James A. Williams, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. James P. Maloney, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. John D. Granger [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Henry Doctor, Jr. [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Howard G. Crowell, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. Robert L. Bergquist, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Benjamin F. Register, Jr., [redacted] Army of the United States (colonel, U.S. Army).

The Army National Guard of the United States officer named herein for appointment as a Reserve Commissioned Officer of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3385:

To be brigadier general of the line

Brig. Gen. Cornelius Ottway Baker, Adjutant General's Corps, [redacted].

IN THE NAVY

The following-named lieutenants (junior grade) of the U.S. Navy for temporary promotion to the grade of lieutenant in the line, pursuant to title 10, United States Code, sections 5769 and 5791, subject to qualification therefor as provided by law:

Abbott, Philip M.
Abbott, Thomas M.
Abraham, Robert R.
Achorn, Ted G.
Ackerson, David S.
Adamo, William R.
Adams, Gregory D.
Adams, William R.
Addison, Rufus
Affolter, Ronald D.
Agor, Michael P.
Aidikoff, Brant
Aker, Winfred G.
Alberg, Chris L.
Alderman, Robert B.
Aldrich David A.
Alexander, George M.
Alexander, James H., Jr.
Allan, David M. III
Allen, Craig L.
Allen, Michael H.
Allen, Robert L., Jr.
Altobelli, Robert A.
Amabile, Thomas
Amacker, Keith F.
Ambrosetti, Anthony A.
Ames, Christopher C.
Anawalt, Williams K.
Anders, Richard L.
Anderson, Charles W.
Anderson, James D.
Anderson, James R.
Anderson, John D., Jr.
Anderson, Keith R.
Anderson, Kenneth S.
Anderson, Kristian W.
Anderson, Michael L.
Anderson, Richard T.
Anderson, Thomas R.
Anderson, William B.
Andres, Eric R.
Andrist, Daniel A.
Andrusisian, Stephen G.
Angelloz, Mark S.
Aniba, Robert W.

Anthony, Mark H.
Applebee, Harold J.
Applegate, David J.
Aragon, Salvador A., Jr.
Arms, David H.
Armstrong, Peter A.
Arnold, Gary S.
Arthur, George R., Jr.
Arumae, Eric
Asbury, Virgil W.
Aschwald, Howard B., Jr.
Asher, Gerald D.
Ashley, David I.
August, Randal J.
Avery, Donald L.
Azzarello, Jon J.
Bacon, Martin E.
Badsgard, Richard A.
Baggot, Rick A.
Baker, Michael A.
Bakke, Thomas Q.
Balaconis, Roy J.
Baldwin, Carlton M., IV
Balint, Michael K.
Ball, John E.
Ball, John W., Sr.
Ballard, Gregg M.
Ballard, Michael A.
Ballard, Robert C.
Balsley, Jon B.
Baltar, Henry E., Jr.
Bane, James S.
Barbee, Melvin N., Jr.
Barclay, David R.
Barker, Jeffrey, L.
Barker, William C.
Barnes, Gary C.
Barnett, James A., Jr.
Barnett, James R.
Barnette, David J., Jr.
Barngrover, Lyle L.
Barrett, David B.
Barrett, John H., III
Barrett, Richard O.
Barrett, Ronald J.
Barry, Joseph T.
Barstow, John T.
Bartlett, Bradley G.
Bashore, Timothy C.
Bates, Kenneth M., Jr.
Bath, Daniel A.
Bathel, Albert E.
Bauer, Frederick V.
Bauer, Thomas G.
Baumstark, Robert P.
Beach, Frank A.
Beacham, Joseph J.
Beale, Gordon W.
Bealer, David E.
Beary, Daniel A.
Beaton, Scott A.
Beckett, Garth R.
Beebe, Michael K.
Beeks, Kenneth D.
Beeson, Richard R.
Beeson, William H., Jr.
Behrens, Paul A.
Belcher, Charles G.
Bell, John C.
Bell, Lawrence D., Jr.
Belling, Robert D.
Belt, Dennis V.
Bender, John P.
Benedict, Tod D.
Benish, Roger W.
Benn, Anthony J.
Bennett, Thomas C.
Benson, Jay H.
Benson, Mark M.
Bent, Rex A.
Bentrup, Paul E.
Benz, Leroy S.
Benzie, John F.
Bergherr, Mark C.
Berke, Robert A.
Berkman, Richard L.
Bernat, Joseph M.
Bernicken, James F.
Bernstein, Howard F.
Bernstein, Lou
Bersak, Craig, D. J.
Betrinet, Paul A.
Besnoff, Stuart L.
Betz, Charles H.
Bevard, Bruce B.
Bevil, William J., Jr.
Bickings, John C.
Bigham, William J.
Bird, Douglas L.
Bischoff, James C.
Bishop, Emory L.
Bitter, David B.
Bitter, Steven D.
Blackford, Paul E.
Blackiston, Slator C., III
Blacky, Albert R.
Blair, Lindell G.
Blair, Michael J.
Blake, Joel C.
Blanco, Anthony L.
Blankenship, John D.
Blasko, John E., II
Blinka, Harold S.
Blomshield, Richard J
Bloomfield, Patrick M.
Bloxom, Elliott L.
Blythe, James T.
Boardman, Keith A.
Boch, David C.
Boddy, William G.
Boeckman, Dale A.
Boenker, Matthew C.
Boger, Jeffrey R.
Boggan, Willie, Jr.
Bohannan, Samuel P.
Bohll, James L.
Bohon, James G.
Boisseau, Guy M.
Bolger, Ralph B., Jr.
Bolon, James J.
Boma, James R.
Boncek, Edward B.
Bonner, Thomas J.
Bonser, Alan P.
Booker, Gordon W., Jr.
Boone, James D., Jr.
Borden, David S.
Borris, Mark J.
Bortmes, Leroy T.
Bosch, Stephen M.
Boska, John P.
Bosse, Thomas E.
Bosworth, Michael L.
Bouchard, Joseph F.
Boulden, John S., III
Bowden, Herbert H., Jr.
Bowen, Edward C.
Bowers, Charles S., III
Bowles, Michael E.
Bowling, James B., Jr.
Bowman, Bruce E.
Boyce, Gary L.
Boyce, Richard A.
Boyd, Patrick L.
Boykin, Jerry W.
Boyter, Henry G., III
Bozeman, Dudley M.
Bracken, William A.
Bradford, Gary L.
Bradley, Cecil D.
Brady, Jeffrey D.
Brady, Patrick A.
Brady, Robert E., Jr.
Bratton, George A., IV
Bray, Alvis E., Jr.
Bremm, Robert D.
Brennan, Thomas J.
Brenny, Michael K.
Bridgeman, John B.
Briggs, Terry G.
Bringle, Donald G.
Brink, John A.
Britnell, Richard N.
Brittingham, Martin W.
Britton, Scott G.
Broadbent, Steven W.
Brock, Jerry L.
Bross, Stephen P.
Brothers, Michael H.
Brotherton, Robert J.
Brown, Carlton A.
Brown, Charles G.
Brown, George G., Jr.
Brown, Gordon R.
Brown, James D.
Brown, John M.
Brown, Peter G.
Brown, Terence H.
Brownell, John M.
Brownley, Trenholm L., Jr.
Brubaker, Russell, J.
Bruce, Jay D.
Bruce, Richard C.
Bruder, Mark A.
Brueck, David L.
Brummitt, Richard L.
Brunell, Lee H.
Brunner, Brian L.
Brunngraber, Rodric F.
Brunson, Steven J.
Bruyer, Douglas A.
Bryan, James J.
Bryant, Dennis M.
Bryant, Ermond R., Jr.
Bryant, Gregory R.
Bryant, Russell E., Jr.
Bryant, Stephen R.
Bryson, Henry M.
Buck, Jerome A.
Buck, Scott F.
Buell, Timothy R.
Buflod, Melvin R.
Buike, Kim S.
Bukovsky, David E.
Bullock, Dennis E.
Burchard, Steven N.
Burgess, Alywin L.
Burgess, Frederick W.
Burghgrave, Brian P.
Burke, Daryl S.
Burke, Jeffrey D.
Burkholder, Earl F.
Burns, Douglas E.
Burns, Robert J., Jr.
Burns, William S.
Burrell, Richard B.
Burrious, James A.
Burt, David M.
Bush, Charles A.
Bush, Charles T.
Bush, Hershell D.
Bush, Robert W.
Bushak, Andrij S.
Busse, George K.
Butherus, Robert J.
Butler, Christopher T.
Butler, Hoyt C.
Butler, James G.
Butt, Robert A.
Buyske, James M.
Byron, Robert G.
Byus, Fred
Cahill, Thomas A.
Cain, Patrick M.
Calahorrano, Jose G.
Caldwell, Thomas E.
Callahan, Jerry E.
Camardella, Raymond, Jr.
Campbell, Charles I., II
Campbell, Cromwell B., II
Campbell, Dugald B.
Campbell, Thomas J.
Candy, Gregory T.
Cannady, George G.
Cantu, Joseph E.
Capalbo, Joseph J.
Caples, Jon V.
Capron, Nicholas J.
Carey, John E.
Carita, Leonard S., Jr.
Carlson, David L.
Carlton, Dennis A.
Carnes, Charles B., Jr.
Carnot, Russell S.
Carper, Ricky L.
Carr, William F., Jr.
Carson, Joseph P.
Carstens, Richard C.
Carter, Brant M.
Carter, Gary E.
Carter, Harold T., Jr.
Carter, Harry F.
Carter, John M.
Carwile, John J.
Cascione, Michael
Case, Paul H.
Casey, Michael P.
Casey, William E.
Cashman, William E.
Cass, James L.
Cassani, Paul C.
Castellanos, Fidel L.
Caulk, Robert F., II
Causey, Ronald E.
Cava, George L.
Cayse, James F.
Cebelius, Peter W.
Cebulski, David M.
Cech, James V.
Celano, Joseph
Cepak, Timothy J.
Cernohorsky, Richard L.
Chadbourne, Bruce C.
Chamberlain, William T.
Chambers, Felix C.
Chambers, James D.
Chambers, Keith V.
Champlin, Stephen M.
Chapman, Robert S.
Charis, Thomas S.
Charleston, William R.
Chassot, Charles H., Jr.
Cheatham, Kevin M.
Cheesebrough, Kevin R.
Chenault, Alanson T., IV
Cheney, Daniel R.
Chenoweth, Emory L.
Cherry, David F.
Childers, Clarence L., Jr.
Chiquelin, David B.
Chmiel, Larry A.
Chorey, John R.
Christian, Wellner L., Jr.
Christianson, John M.
Christman, John M.
Chrjapin, Victor
Ciariante, Vincent
Cissell, Michael J.
Clark, Alfred W.
Clark, Horace R., Jr.
Clark, Lanny D.
Clark, Mark A.
Clark, Michael A.
Clark, Ransey C.
Clark, Robert L.
Clarke, Matthew S.
Claudy, Michael B.
Clausen, Paul K., Jr.
Clay, Scott D.
Clements, Mark H.
Cleveland, Charles R.
Clifford, Nolan D.
Clinesmith, Clay T.
Clink, Robert E.
Clipp, Ronald B.
Cobble, Alex Y.
Cochenour, Thomas L.
Cochran, Donnie L.
Cochran, William L.
Cochrun, David W.
Coe, Douglas H.
Coggan, David E.
Colburn, Dwight W.
Cole, Charles D.
Coleman, Arthur D.
Coleman, David W.
Coleman, James S.
Collins, Elmo E.
Collins, Gerald A.
Collyer, Robert C.
Colville, John E.
Combest, Phillip J.
Combs, Samuel C.
Comfort, Thomas G.
Compton, Byron P.
Comstock, William J.
Concannon, Timothy J.
Conklin, Donald D.
Connelly, Robert J.
Conner, John W.
Conner, Thomas L.
Conners, Donald P.
Conners, Edwin J., Jr.
Conniff, Frederick R.
Converse, Vincent W.
Cook, Anthony L.
Cook, James R.
Cook, Joseph B.
Cook, Michael L.
Cook, Phillip L.
Cook, Philip R., III.
Cook, Robert T.
Cook, William A.
Cooper, Douglas G.
Copley, David C.
Corini, Gene J.
Corliss, Walter F., II.
Cornell, Peter A.
Cornwell, William J.
Correll, Steve A.
Corrigan, Sean G.
Corsi, Joseph A., Jr.
Corsmo, Timothy J.
Cosper, James H., II
Cote, Thomas A.
Cottom, Melvin R.
Cotton, Lawrence S., Jr.
Couch, William S.
Coumes, Thomas M.
Countis, James T.
Couvillion, Albert L.
Coverick, John M.
Covic, Craig A.
Covney, Edward M.
Cox, Robert E.
Coyle, Robert F.
Craft, Frederick G.
Craig, Lewis J.
Craig, Travis S.
Craighill, William S.
Crain, Kenneth A.
Crandall, Woodruff M.
Crapps, Clayton O.
Cregge, Michael J.
Creighton, Clarence W.
Crime, Steven E.
Crisalli, David E.
Criss, Robert G.
Crochet, John M.
Crocker, Michael D.
Crone, Gary P.
Crosby, William R.
Cross, Bruce J.
Crouch, Thomas H.
Crouch, William E.
Crouthamel, Harry R., IV.
Cryer, John P., III
Culen, Matthew F.
Cuninghame, Craig T.
Cunningham, David T.
Cunningham, John M.
Cupo, Douglas E.
Curley, Kevin N.
Curran, John T.
Currin, Steven R.
Curry, Philip E., Jr.
Curry, Thomas W.
Curtis, Derwood C.
Curtis, Jan
Cutsforth, Thomas W.
Dachille, Francis C.
Dacosta, Gregorio A.
Dailey, Michael F.
Daily, Robert L.
Dale, William L., Jr.
Darden, Richard B.
Daspit, Peter R.
Datson, Dick.
Daugherty, Michael A.
Daughety, Steven F.
Davenport, Frederick, Jr.
Davenport, Donny T.
Davey, Mark A.
Davidson, Lyal B.
Davidson, Willard S.
Davis, Kirk E.
Davis, Larry H.
Davis, Norman, Jr.
Davis, Ricky A.
Davis, Russell J.
Davis, Thomas P.
Davis, Thomas W.
Davison, William S.
Daze, William R.
Deal, Wiley R., Jr.
Decker, Craig M.
Decker, John C.
Deem, Douglas C.
Defibaugh, Ronald A.
Deford, David F.
Degeus, Dennis C.
Deitchman, Charles G
Delaney, Brian F.
Delaney, Charles J.
Delgado, Anibal L.
Delorme, John M.
Deneale, John W.
Dengler, Michael N.
Denman, Keith J.
Dennard, Edwin W.
Deppe, Paul R.
Derks, Paul S.
Desilva, David M.
Destael, James F.
Destajo, Juanito M. Jr.
Devane, Brian B.
Devereux, Francis A.
Deverill, Dirk P.
Dew, Dwight D.
Dew, Lyndol L.
Dewey, Edward C., II
Dial, Michael S.
Dickerson, Larry G.
Dillon, David M.
Dillon, David R.
Dirks, Carl E.
Divis, Conrad B.
Dixon, Jeffrey E.
Dixon, Robert H.
Dlugolecki, Thomas M.
Dlugos, Stephen M.
Dobson, Gary S.
Doelp, Francis X
Doernhoefer, Mark A.
Doherty, James C. Jr.
Doherty, Martin F.
Dohse, John R.
Dolan, Bryan J.
Dolan, William D.
Dolenti, John E.
Dollard, Thomas S.
Dombart, Kenneth G.
Donadio, Giuseppe
Donnelly, John T.
Donohue, Thomas
Donovan, Barry M.
Dooley, Thomas G.
Dooling, Franklin J.
Doong, Lawrence K. C.
Dorfler, Gary E.
Dorin, Paul R.
Dorsey, Gordon O.

Doud, James A.
Dougherty, James A.
Dove, Henry F., Jr.
Dowell, Thomas A.
Dowling, Kevin P.
Drake, Christopher B.
Drake, Robert D.
Drennan, Frank M.
Driscoll, William T.
Driver, Perry D.
Drucker, Carl J.
Ducom, Eugene M.
Duff, John, III
Duffala, Wayne D.
Duffield, John P.
Duffy, Michael J.
Dugan, Michael
Duke, Douglas B.
Duke, Paul R., Jr.
Dullea, James P.
Dumville, Frank, Jr.
Duncil, Bruce R.
Dunn, James P., Jr.
Dunnavan, George M.
Duplessis, Donald L.
Dupuis, Frank B.
Durant, Robert S.
Durick, Richard J.
Dvorak, Daniel D.
Dvorsky, Michael L.
Dye, Mark H.
Eagle, Kevin D.
Earl, Christopher R.
Easter, David P.
Easton, Roger C., Jr.
Ebersole, Kenneth A.
Eckenrode, Raymond L.
Edington, Charles B.
Edmonds, Michael D.
Edwards, Michael V.
Edwins, James H.
Eek, Robert E.
Ehrler, Steven M.
Einarsson, Dewitt P. G.
Eisenmann, Charles R.
Elders, Garron L.
Elgart, Richard D.
Elgo, Candido R., Jr.
Elliott, James A.
Elliott, Lawrence A.
Elliott, Robert W.
Elliott, Roger M.
Ellis, James P.
Ellis, Stephen L.
Ellsaesser, Charles W.
Emerson, Mark T.
Emmett, Thomas W.
Engels, James D.
Engh, Byron R.
Epps, James B.
Equels, Timothy K.
Erdman, Lee E.
Erickson, Todd A.
Erwin, John W.
Estabrooks, Haddon B.
Etheridge, Michael S.
Etter, Randy L.
Eustis, Conrad B.
Evancoe, Paul R.
Evans, Gary W.
Evans, Mark L.
Evering, Edwin L.
Ewell, Stephen A.
Fail, Robert W.
Fair, Welch C., Jr.
Fairchild, David R.
Fajnor, Craig R.
Fankell, Douglas S.
Farawell, William R.
Farley, Danny G.
Farmer, Craig J.
Farrell, Timothy J.
Fasoli, James S., Jr.
Faust, David P.
Feckler, Richard A.
Fedele, Alan R.
Fegan, David P.
Feldhaus, Fredric F.
Feldman, Donald S.
Felte, Calvin J.
Fennell, David W.
Fenner, Ronald A.
Ferguson, Douglas A.
Ferguson, Thomas E.
Ferris, Scott M.
Fette, Byron R.
Fichte, Siegfried
Fields, Wayne C.
Fife, Ralph D., Jr.
Filler, Robert J.
Fischer, David L.
Fischer, Paul K., Jr.
Fitzgerald, James E., III
Flacco, Nicholas L.
Flank, Bernard L.
Fleischman, David R., Jr.
Flentje, Michael R.
Fletcher, John C.
Fletcher, Owen R., Jr.
Fletcher, Richard A.
Florow, Lloyd A.
Flowers, Donald H.
Flynn, Arthur B., Jr.
Ford, Eugene, Jr.
Ford, Neil S.
Forkel, Daniel A.
Forkel, Frank K.
Forsha, Michael D.
Forshay, Bruce E.
Foster, Gary W.
Foster, George T.
Foust, Charles L., Jr.
Fox, Ronald G.
Fowler, Douglas E.
Fowles, Christopher A
Fox, Jonathan J.
Foy, Joseph A.
Frainier, Richard J., Jr.
France, Bruce E.
Franciose, Randall J.
Francis, Curtis J.
Francis, James L.
Franklin, Dennis W.
Frantz, Stephen G.
Frasier, Don A., Jr.
Frasier, George D.
Frech, Robert W.
Frederick, Theodore D
Freeman, Gary M.
Freeman, Michael D.
Freemyers, Michael C.
Fretz, Desmond W.
Freund, William M.
Friend, John R.
Fritch, Kevin W.
Frodesen, Fred O.
Froehlich, Carl T.
Frost, Peter F.
Fukada, Edward M.
Fuller, Jeffrey D.
Furdon, William F., Jr.
Fusselman, Milton J., Jr.
Gaddy, John D.
Gagnon, Maurice R.
Galatioto, David W.
Galecki, Leon V.
Galik, Daniel
Gallagher, Maurice J.
Gallagher, Richard K.
Gallagher, Russell C.
Gallati, Paul H.
Galloway, Michael B.
Gamble, William V. H
Gandy, Harold W.
Gant, Larry M.
Garbow, Kurt D.
Gardiner, Jay V.
Gardner, Dennis P.
Gardner, Eric S.
Gardner, Mark W.
Gardner, Thomas A., Jr.
Gargus, Thomas B.
Gariano, Patrick, Jr.
Garrett, John S.
Garrett, Robert P.
Garrison, Francis M.
Garvey, James E.
Garvey, William J. P.
Gasperik, Robert D.
Gaston, Charles W., III
Gaut, John E.
Gedeon, Stephen R.
Gehl, Barry G.
Gehring, Thomas S.
Gelenter, David A.
Geltz, James R.
Geoffrion, David G.
Gerdelman, John W.
Gerhart, William C.
Gerrard, Wade J.
Gertsch, Alfred J., Jr.
Gertz, Earl R., Jr.
Gesn, John M.
Giancatarino, Patrick J.
Gibbs, Neil F.
Gibson, James A.
Gilbert, David S.
Gill, Thomas G.
Gillingham, David R.
Gilmore, Edward J.
Ginader, Kenneth L.
Giorgis, Steven K.
Glass, William O., Jr.
Gleason, Dennis J.
Gleason, John P.
Glenn, Thomas E.
Glenney, William G., IV
Glye, David W.
Glynn, John C., Jr
Glynn., William J.
Godlewski, John S.
Goff, Randall E.
Golden Michael P.
Goldworthy, Richard J.
Golfo, Alberto D.
Gontkovic, Mark S.
Gonzales, Paul E.
Goodloe, Wallace C.
Goodman, William L.
Goodson, Scott W.
Gordon, Graham H.
Gore, Gregory L.
Gorman, John P.
Gorsuch, Thomas E.
Gosselin, Charles L., Jr.
Goudelock, David L., Jr.
Gouldsmith, Giles G., II
Graham, Allen W., Jr.
Graham, James M.
Grahlman, Richard B.
Grames, Michael F.
Grant, Peter M., III
Graves, Richard H.
Graves, Scott F.
Gray, David R., III
Gray, John R.
Gray, Michael R.
Gray, Paul C. III
Gray, Steven A.
Gray, William E., Jr.
Graybill, David R.
Grayson, James E.
Grazel, Christopher P.
Green, Elmer F., Jr.
Green, James E., Jr.
Green, Johnny B.
Green, Johnny W.
Greene, Thomas R.
Greer, Bernard
Greig, N. Andrew
Greinke, Henry G.
Grey, Elmer K., Jr.
Grey, Stephen M.
Griffin, David H.
Griffin, John L., Jr.
Griffith, David W., Jr.
Grigg, Bryan L.
Grischy, Michael C.
Grissom, James M.
Gritte, Brian R.
Grom, Rudolph J.
Grossman, Thomas W., Jr.
Grosz, Gary D.
Groves, Allen W.
Grubbs, Frank L.
Grube, Steven P.
Gruenler, Carl H.
Guild, Robert B.
Guthe, Douglas B.
Guzy, Steven J.
Gwyn, James R.
Gygax, Gene
Haas, Bernard C., Jr.
Haben, Michael R.
Haertling, Robert A.
Hagan, Ralph K.
Hagen, Gary D.
Hagen, Timothy M.
Haggerty, Joseph P., III
Haines, David M.
Halko, Stephen J.
Hall, Garry E.
Hall, Gary N.
Hall, Joseph A., Jr.
Hall, Marshall A.
Halloran, John
Halquist, Harry D.
Halsall, Archibald C.
Halton, Ernest S.
Hambrick, Michael J.
Hambrock, Paul E.
Hamilton, Dennis W.
Hamm, Bernard A., Jr.
Hammerer, John J., Jr.
Hancock, Herman H.
Hancock, Mark Y.
Handley, Chris M.
Haney, Ralph E.
Hann, James D.
Hanrahan, Sean K.
Hansell, Michael P.
Hansen, Allen C.
Hanson, Christopher I.
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Hanson, Larry T.
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Hanson, Steven L.
Hardee, Robert G.
Harden, David A.
Harding, Michael D.
Hardman, Keith E.
Harelson, Ted J.
Harlan, Gilbert R.
Harmatuk, Peter J. Jr.
Harmon, James E.
Harmon, Randall G.
Harmon, William C.
Harnett, James D.
Harper, Michael C.
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Harrell, Gary D.
Harrington, Clifford M.
Harris, David J.
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Harris, Rodney A.
Harris, William J.
Harrison, David C.
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Hart, Douglas W.
Hart, James M.
Hart, Jefferson L.
Hart, Julian L.
Hart, William E.
Hartmeyer, James R.
Hartwell, Daniel N.
Harvey, Craig T.
Hast, Robert G.
Hatch, Duane B.
Hathaway, Gary W.
Hauck, Frank W.
Hauenstein, Bruce R.
Haug, Clifford M.
Hauge, Samuel A.
Hawkins, Darrell B.
Hawn, William O.
Hayman, Robert S.
Heacock, Jerry D.
Heazlitt, Michael S.
Hedlund, John W.
Hegeman, John G.
Heide, John S.
Heidgerken, Ricky A.
Heilstedt, Martin, R.
Hein, Vance P.
Henicke, Robert S.
Heinz, Karl R.
Heise, Herman M.
Heise, Otto E.
Helms, Douglas F.
Helvy, Darvin S.
Henderson, Jerry
Henderson, William D
Hendrich, Gordon E.
Hendrickson, Don C.
Hennessey, Thomas J.
Hensel, Gerald R.
Henty, Robert C.
Hentz, Gary T.
Hepburn, Richard D.
Herb, Michael C.
Herbert, Edward W., III
Herbert Larry E.
Herbert, Robert A.
Hernandez Bonifacio G., Jr.
Heron, Paul J.
Herriott, Richard C.
Hertel, William R.
Hertig, George T.
Hertsgaard, Barry C.
Hessenauer, Gary J.
Hesterberg, Michael J.
Hettema, Charles D.
Hevlow, John E.
Hibbs, David A.
Hibler, Dennis R.
Hicks, Alan B.
Hicks, George R., Jr.
Hicks, James D.
Hickson, Dewey W.
Higginbotham, Kent R.
Higgins, Richard J.
Higgins, William G.
High, Richard D.
Hilder, David S.
Hill, Alex S., Jr.
Hill, Carl C.
Hinck, Peter J.
Hindersinn, Kenneth R.
Hinds, Francis C., III
Hine, Roger C.
Hinkley, Bruce E.
Hinrichs, Philip W.
Hinrichs Stuart C.
Hitchcock, Jeffrey W.
Hixenbaugh, Paul N.
Hlywiak, Michael G.
Hoch, Walter T.
Hodge, Sidney T., Jr.
Hodgins, Matthew M.
Hoefel, John S.
Hoekstra, Mark B.
Hoffert, Craig A.
Hoffman, Charles K., II
Hoffman, John S.
Holbrook, Larry E.
Holibonich, Steven
Holland, Robert D.
Hollen, Dale S.
Hollinger, Frederick R.
Holloway, Richard T.
Holm, Chris L.
Holmes, Everett I.
Holmes, Gary L.
Holmes, Kenneth R.
Holmes, Lawrence G.
Honaker, Warren C.
Hope, John E.
Hopkins, Charles K.
Hoppes, David W.
Horne, Fred B.
Hougesen, Bruce A.
Houghton, Frank B., Jr.
Howard, Ronald
Howell, Harold A.
Hoy, Jeffrey C.
Hoyser, Edward M.
Hromadka, Daniel H.
Hubbard, Mark T.
Huber, Craig M.
Huber, Frederick F., Jr.
Hudgen, Earther L.
Hudson, Charles W.
Hudson, Richard F.
Huete, Michael C.
Huffman, James M.
Hughes, Earl C.
Hughes, Frederick P.
Hughes, Roger D.
Hughes, Ronald D.
Huie, John E., Jr.
Hummel, Robert W., Jr.
Humphrey, John D.
Hunn, James M.
Hunt, David L.
Hunt, John H., Jr.
Hunt, Michael L.
Hunt, Richard W.
Hunter, Kenneth W.
Hunter, Kirk R.
Hurlburt, Timothy L.
Huston, Kim A.
Hutchins, George R.
Hutchison, Frank E.
Hutson, Arthur W.
Hutson, David V.
Hutton, James F., Jr.
Ihlenburg, John C.
Immel, Dale R.
Ingebrigtsen, Nils M.
Ingersoll, John D.
Ingham, Bruce W.
Ingram, Charles E.
Ingram, John T. A.
Inzirillo, Frank A.
Irish, Peter F.
Irwin, Henry C., Jr.
Isosarri, Robert M.
Iverson, Byron Q.
Ives, Christopher L.
Jacks, James H.
Jackson, Bruce M.
Jackson, Larry S.
Jackson, Robert C.
Jacobs, Carl L.
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Jacobs, Patrick A.
Jakubowski, Wayne M.
Jamiel, James A.
Jamison, Richard L.
Janiec, Christopher A.
Janosek, James J.
Jans, James E.
Jarvi, Reed K.
Jendro, Lawrence M., Jr.
Jenkins, Gregory
Jenkins, Martin E., II
Jenkins, Scott M.
Jenks, Kirk H.
Jennings, Carlton R.
Jennings, Jay R., II
Jens, Jeffrey P.
Jensen, Nathan J.
Jensen, Neil O.
Jensen, Paul A.
Jensen, Richard M.
Jewett, Carlton B.
Jezierski, William E.
Joachim, Christopher M.
John, Michael W.
Johns, Jeffrey P.
Johnson, Bernie W.
Johnson, Frederick G.
Johnson, George R.

Johnson, Michael A.
Johnson, Michael W.
Johnson, Paul G.
Johnson, Phillip E.
Johnson, Robert H., II
Johnson, Samuel D.
Johnson, Stuart M.
Johnson, Valdemar K.
Johnston, David H.
Johnston, Richard M.
Johnston, William S.
Jolicoeur, John R.
Jones, Brian D.
Jones, Charles A.
Jones, Cleveland L.
Jones, Dennis W.
Jones, Donald R., Jr.
Jones, John P., III
Jones, Kenneth W.
Jones, Kenneth W., Jr.
Jones, Lawrence M., Jr.
Jones, Ronald D.,
Jones, Steven E.
Jordal, Jacob
Jordan, Austin T.
Jourdan, David W.
Julias, Joseph W.
Junker, Dwayne N.
Jurek, Timothy P.
Jurey, Steven N.
Justus, Randal M.
Kaczmarski, Joe M.
Kahnk, George D.
Kalb, Karl H.
Kalili, Daniel K.
Karangelen, Nicholas E.
Kast, Georg R.
Kates, Robert L.
Kauchak, Martin P.
Kauderer, Howard T.
Kaufman, David L.
Kaulbach, Kenneth G.
Kavanagh, Coleman A.
Kazunas, Richard L.
Keene, Donald W.
Keeton, Roy G.
Keilty, John P., Jr.
Kelleigh, Douglas L.
Keller, Gregory J.
Kelley, Alfred G., III
Kelley, John D.
Kelley, John W.
Kelly, Keith V., Jr.
Kendrick, Joseph L., II
Kennedy, David M.
Kennedy, James V.
Kennedy, Peter A.
Kennedy, Richard J., Jr.
Kennedy, Thomas S.
Kenny, Robert L.
Kenyon, Mark E.
Kerbusch, William J.
Kerr, Gregory
Kersey, Jerry K.
Kershner, Paul A.
Kettering, Marvin B.
Kidd, Lee A.
Kierum, Michael D.
Kilbourn, Edward P.
Kilman, Terrence M.
Kimball, Kevin D.
Kimball, Mark I.
Kimura, Eric Y.
King, James C.
King, Patrick J.
King, Robert L.
Kinsey, Douglas S.
Kirk, Lewis M.
Kirkland, William C., Jr.
Kirven, Glenn T.
Kish, Gordon P.
Kitchen, Edward J.
Kitchens, Jessie K.
Kitchin, Doyle R.
Kleefisch, Joseph G.
Kleen, Franklin E.
Klein, Peter F., Jr.
Klein, Steven A.
Klesk, Keith
Klimas, Richard J.
Klimowski, Robert R.
Kline, Robert S.
Knaebel, Michael L.
Kneller, William H.
Knight, James R.
Knight, Samuel B.
Knight, William L., Jr.
Knize, Donald J.
Knouse, Stephen T.
Koch, Theodore J.
Kochmeier, Kent H.
Koehler, Dean W.
Koenig, Daniel J.
Kohler, John T.
Kolakowski, Ronald G.
Kolbeck, John B.
Kolek, Stephen J.
Koogle, Grayson L.
Kopang, Chris W.
Koreisha, Nicholas A.
Kosack, Kurt O.
Kovalchik, Paul J.
Kraller, Jeffrey A.
Kranyak, Dennis A.
Krause, Peter J.
Krauss, Craig E.
Kruetner, Steve M.
Kriel, Charles W.
Kriewaldt, Edward J.
Krikorian, Haig F.
Kruse, Lance M.
Kubat, Michael J.
Kulhanek, Darrell L.
Kulsicavage, Joseph M.
Kundrat, Steven M.
Kunz, Michael G.
Kuper, Daniel T.
Kurdziel, Edward G., Jr.
Kuriluk, David J.
Ladouceur, Kevin P.
Laflam, Dennis J.
Laidlaw, Scott R.
Lall, Wade H., III
Laine, Patrick C.
Lamar, Clarence L.
Lamb, Harold M., Jr.
Lambert, Jeffrey S.
Lampas, John E.
Lanahan, Joseph A.
Lancaster, Donald R.
Lane, David B.
Lane, John H., III
Langford, Calvin P.
Langness, Olaf P.
Lanier, Patrick R.
Lanier, Phillip L.
Large, Cyrus R.
Large, Ralph B.
Larsen, Richard M.
Larson, Keith W.
Larson, Stephen E.
Larson, William C.
Larson, William J.
Laser, Keith S.
Lashbrook, James E.
Laskoski, David P.
Lastinger, Roc A.
Laszcz, Peter J.
Lauder, John J.
Lawrence, Ronald J.
Laws, Norman G., Jr.
Lawson, John M.
Leboeuf, Andrew W.
Leduc, Gene A.
Leen, Thomas M.
Lefever, Michael A.
Lehr, Mark C.
Leidiger, Ernest G.
Leighton, Timothy D.
Leininger, Robert B.
Lenhart, David S.
Leonard, Bruce P.
Lett, Russell G.
Levanduski, Stanley J.
Leveskas, Michael J.
Lewallen, Beasley K., Jr.
Lewis Dewey T., Jr.
Lewis, Jeffrey N.
Lewis, Ronald A.
Leytem, Brent A.
Licciardi, Dominick, Jr.
Lightfoot, Bernard, Sr.
Liguori, Joseph A.
Lincoln, Horatio A.
Lindberg, Peter L.
Lindquist, Glenn M.
Lindquist, Lawrence A., Jr.
Lindsey, Keith A.
Lisle, Homer L., Jr.
Little, Bradley J.
Little, Jimmy L.
Littleton, Edward L.
Littrell, James L.
Litz, Charles H.
Lively, Kenneth A.
Livers, Allan F., Jr.
Livingston, Michael E.
Lloyd, Bruce A.
Lockbaum, George J.
Locks, John T.
Loebig, Mark R.
Loeffler, William P.
Lofquist, Eric A.
Lofton, Clifton, C.
Logan, John W.
Logar, Michael F.
Loge, Curtis A.
Logsdon, David L.
Lomax, Harold L. Jr.
Lombart, Kenneth G.
Long, James L.
Long, Joseph F.
Long, Woodrow, W., Jr.
Looney, Robert W.
Lorentson, Adrian D.
Lorenzo Thomas Jr.
Lovasz, John L.
Love, Donald S.
Love, James M.
Love, Robert A.
Lovitt, Roger A.
Lowe, Robert E.
Lowe, Robert S.
Lowenberg, Danny L.
Lowens, David C.
Lowenthal, Roy M.
Lowery, Donald R.
Loye, John F., III.
Luallin, Lloyd E.
Lucas, William T. Jr.
Lucero, Daniel R.
Luhta, David P.
Luigart, Craig B.
Lund, Rodney G.
Lundquist, Edward H.
Luster, Harry C.
Lustig, Scott E.
Luz, James T.
Lyle, Dale E.
Lyon, David C.
Mac Beth, John M.
Mac Dougall, Robert B.
Machak, Thomas M.
Machinski, Robert R.
Maciejczyk, John M.
Macklin, Theodore O., Jr.
Mackowski, James A.
Magid, Ira K.
Magill, Marvin D.
Mahon, Martin J.
Mahoney John G.
Mahoney, Peter A.
Maitland, Steven A.
Major, Frederick J., Jr.
Makowski, Frederick G
Malagonfajar, Manual A.
Malcomb, Alvin D.
Males, Charles G., Jr.
Malins, Chester J.
Mallory, Allyn F.
Malone, Lawrence P.
Maloney, Daniel D.
Maloney, David L.
Maloney, Peter M., II.
Mamzic, Charles L., Jr.
Maney, Timothy J.
Manko, Dennis
Mansfield, Gregory F.
Mansfield, Robert A.
Manzi, Alfred A.
Manzi, Antonio E.
Maples, Gene D.
Marburger, Randy V.
Marcketta, Nicholas P.
Mariani, Stephen R.
Mark, Joseph F., Jr.
Markham, David G.
Markovic, Paul J.
Maroney, Andrew J., III
Marquez, Edward J.
Marschilok, John
Marsh, Ernest F., Jr.
Marsh, William D.
Marshall, Joseph B., Jr
Marske, Larry K.
Martin, David B., Jr.
Martin, Edgar D.
Martin, James H.
Martin, John C.
Martin, Kent B.
Martin, Lester P., III
Martin, Richard W., Jr.
Martinka, Joseph J.
Martz, Paul R.
Martz, Ronald B.
Mason, Bradley J.
Mason, Gerald A.
Massey, Richard D.
Matherly, David C., Jr.
Matoush, Lynn A.
Matzelevic, William W.
Mauer, Gerard M., Jr.
Maufroy, Robert B.
Mauldin, Richard J.
Mayberry, Robert T.
Maydosz, Jeffrey
Mayers, John W., Jr.
Mays, Luther M.
McAliley, Joseph P.
McAllister, R. William
McAllister, Robert A.
McAteer, Christopher E.
McBride, David T.
McBride, Robert L.
McBride, William P.
McCafferty, Douglas L.
McCaffrey, Thomas M.
McCarraher, John R.
McCarthy, John R.
McCarthy, Joseph E., Jr.
McCarthy, Robert M.
McCarthy, William J.
McCarthy, Larry J.
McCarty, Scott E.
McClain, John K.
McClimon, Donald E.
McClung, Gilbert R.
McClure, James M., Jr.
McCormick, Mark D.
McCue, Michael J.
McCully, Timothy V.
McDaniel, Eldon L., Jr.
McDavid, Elijah L., Jr.
McDevitt, Michael E.
McDonald, Craig O.
McDonald, Daniel W.
McDonald, Douglas D.
McElroy, Elliott A.
McFee, Richard A.
McGee, Allen C.
McGory, Randy J.
McGowan, Joseph C.
McGraw, Michael J.
McGregor, Daniel B.
McHarg, Richard O.
McHenry, David T.
McHugh, Richard A.
McIntyre, Thomas J.
McIntyre, William T.
McKee, James H., III
McKendry, Wallace J.
McKenny, Michael E.
McKernan, John F.
McKillips, Lester T.
McKim, Patrick R.
McKinley, Mark B.
McKinney, David W.
McKinney, Gary R.
McKinney, Jerome L.
McLean, Geoffrey M.
McLoughlin, Peter D.
McMack, Jonathan P.
McMinn, William E.
McNamara, Kevin P.
McNeil, Lee C.
McNulty, Douglas W.
McPherson, Terry R.
McQuoid, Bryan K.
McWey, Robert J.
McWilliams, Johnny L.
Mead, Steven J.
Meadows, John R.
Meadows, Thomas R., Jr.
Meanor, Denis H.
Melick, Donald R.
Melnyk, Gregory P.
Memminger, Lucien D.
Menard, Robert M.
Mencke, Theodore L.
Merchlewitz, Blaise L.
Meritt, James W.
Merrick, Steven R.
Messenger, Dennis P.
Messmer, Edward P.
Metcalf, Lee J.
Metcalf, Mark L.
Mette, Dennis W.
Meyer, Dale G.
Meyering, David P.
Middlebrook, Curtis E.
Midgette, William K.
Mihalko, Charles A.
Miles, Christian T.
Miller, David E.
Miller, Kenneth W.
Miller, Peter G.
Miller, Posey E.
Miller, Robert L.
Miller, Ronald J.
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Mills, Barry L.
Mills, Danny H.
Mills, Max E.
Miline, Marion K.
Milster, Percy F.
Milton, Dale A.
Mirabelli, John T.
Miranda, Anthony G.
Mishkel, Lloyd S.
Miskell, Patrick J.
Mitchell, Dale C.
Mitchell, Gregory D.
Mitchell, Rodney I.
Mitiska, Roger A.
Mittleider, Michael R.
Mobley, Jerry M.
Moccia, Ricky W.
Modeen, David J.
Moe, Gary L.
Moir, Van E.
Moll, Robert J.
Moman, James D., Jr.
Monroe, Robert A.
Montgomery, A. B., Jr.
Montoya, David E.
Moon, Michael J.
Moore, Clifton W., Jr.
Moore, David C.
Moore, Georgie
Moore, Gregory L.
Moore, James L.
Moore, John S.
Moore, Mark R.
Moore, Peter A.
Moore, Robert C.
Moore, Wade C.
Moore, William M.
Moore, William R.
Moran, Wayne A.
Moret, Douglas H.
Morgan, Benjamin W.
Morgan, Mark L.
Morgan, Robert, Jr.
Moriarity, James L.
Morin, James R.
Moro, John J.
Morris, Carl A.
Morris, Charles J.
Morris, James R.
Morris, Robert W.
Morrison, Comer C.
Morrison, James E.
Morrissey, Richard L.
Morrow, John J.
Morton, Robert E.
Moss, Lee O.
Moyer, John W.
Mozo, Robert E., Jr.
Muczynski, Lawrence M.
Mueller, John H.
Mueller, Paul E.
Mueller, Stephen F.
Mueller, William H., Jr.
Muhlenberg, Barry V. K.
Muir, Jonathan P.
Mula, Mark A.
Muller, Leon A.
Mulliner, Jeffrey L.
Mulvaney, Brian E.
Munger, Daniel V.
Munn, Gary L.
Murakami, Alan K.
Murphy, Craig R.
Murphy, Curtis O.
Murphy, Daniel R., Jr
Murphy, Frank M.
Murphy, Larry J.
Murphy, Michael A.
Murphy, Timothy A.
Murray, Don F.
Murray, Scott M.
Murtagh, Michael K.
Mysliwy, Allie R.
Nacchio, Neil N.
Nace, Harry R., Jr.
Naeger, Henri W., Jr.
Nagle, Samuel M.
Nakaguma, Spencer T.
Nangle, Charles E.
Napora, Casimir
Nash, Gerard R.
Nash, John A.
Nasman, Ronald E.
Nathanson, Richard F.
Naville, Timothy J.
Neboshynsky, Walter
Neidlinger, Eric C.
Neighbors, Charles W.
Neily, David C.
Nelson, Bruce K.
Nelson, Eric E.
Nelson, Leslie S.
Nerheim, Steven W.
Nesbitt, Roger A.
Nesrsta, James J., Jr.
Nesselrode, Mark C.
Nesteroff, Joseph S.
Neumeister, John W.
Neumeyer, Michael J.
Neves, Victor M.
Nevitt, Patrick O.
Newberry, Garry D.
Newman, Charles R.
Newton, Claude R.
Nicely, Kip W.
Nichelson, Gerald L.
Nichols, Samuel H., III
Nichols, William J.
Nickerson, Joseph S.
Nicklaw, Christopher J.
Nimitz, Stephen C.

Nimmich, Drury C., Jr.
Nitzel, Donald L.
Nolan, Clifford J.
Noll, Michael A.
Noll, William G., Jr.
Norcross, Richard J.
Norgart, Timothy S.
Norseen, John D.
Northridge, Bruce W.
Norton, Richard J.
Novacek, Forrest E.
Nunn, Finley E.
Nunn, Nick H., III
Nunnink, Leo A.
Nuss, Terry D.
Oakes, Dale R.
Oakes, Robert P.
Oakey, Daniel B.
O'Briant, James E.
O'Brien, Daniel E.
O'Brien, Robert
O'Brien, Steven M.
O'Connell, James M.
O'Connell, John M.
O'Connor, Stanley R.
O'Dell, Craig L.
O'Deneal, James N.
O'Donnell, Michael
Oftedal, Richard T.
O'Hanlon, Richard J.
O'Hara, Joseph P., III
O'Hare, Mark S.
Ohlemacher, Glen D.
Oiler, Larry L.
O'Keefe, Patrick B.
Olberding, David
Olenick, Michael A.
Oliphant, Lee L.
Oliver, Dennis L.
Oliver, Michael R.
Oliver, Russell T.
Oliver, William F.
Olivieri, Peter
Olney, David L.
O'Loughlin, Michael C.
Olsberg, Mark A., Jr.
Olson, Peter W.
Olson, Roland K.
O'Meally, Alfred F.
O'Moore, Michael J.
O'Neil, Sean P.
Orbell, Charles A., III
Orchard, Curtis L.
O'Rourke, Shawn T.
Ortloff, Fredrick P.
Osborn, William C.
Oslund, Steven R.
Ostendorff, William C.
Oster, Stephen B.
Ostrander, Richard J., Jr.
Ostrich, James T.
Oswald, Gary E.
Overton, Robert W., Jr.
Owens, Isaiah H., Jr.
Owens, James E.
Owens, Michael J.
Pace, James D.
Pacetti, Donald N.
Paddack, Allan L.
Pagan, John R.
Pagano, Peter J.
Paine, Jon
Paley, Anton N.
Palmer, Glenn P.
Palmer, James A. T.
Palmer, Richard A.
Panik, Thomas J.
Paquette, Joseph L.
Parcher, Donald S.
Parish, Herman S., III
Parker, Donald S.
Parker, Gary B.
Parker, Jerry L.
Parker, Kenyon B.
Parker, Thomas A.
Parker, William M.
Parks, George R., Jr.
Parks, Kenneth P.
Parr, James E.
Parrett, John B.
Parsons, Samuel J.
Paskey, Paul B.
Pate, David A.
Paterson, Daniel J.
Patrick, Kenneth R.
Patterson, James R. T.
Patterson, Torkel L.
Paul, Stuart L.
Pavic, Kenneth C.
Payne, Gary P.
Payne, William H.
Payton, Luster, Jr.
Pearsall, Morgan B.
Pearson, Craig F.
Peck, Michael A.
Peebles, Gerald C.
Pellin, August F., III
Pendleton, David E.
Peranich, Robert J.
Pereira, James F.
Perkins, Donn E.
Perkins, Jay D.
Perry, Harry M.
Perry, Will H., III
Peterman, Robert C.
Peters, Jeffrey R.
Peters, Wayne D.
Petersen, James A.
Petersen, Stuart E.
Petershagen, George F.
Peterson, Peter E.
Petke, David C.
Petroka, Robert P.
Pettit, Jeffrey E.
Petzinger, Mark M.
Pfenninger, Charles R.
Phegley, Larry D.
Phelps, Edwin A., III
Phillips, Donald E., Jr.
Phillips, Frankie L.
Phillips, Rammsden T.
Pickering, James W.
Pickett, Dennis P.
Pierson, Robert C., III
Pinion, Douglas M.
Pinkowitz, Barry M.
Pitts, Andrew J.
Pizarro, Jorge T.
Platz, Kelley D.
Plebani, Daniel J.
Plehal, John V.
Pletcher, Donald E.
Poe, James S.
Poe, Richard R.
Poelker, George F., II
Poirier, Phillip L., Jr.
Pokorny, William A. Jr.
Polehn, Richard A.
Polensky, Warren D.
Pollard, William J.
Pontius, John C.
Poole, James L., Jr.
Poole, Joseph W.
Poole, Patrick K.
Pope, Russell J.
Poritzky, Frederick L.
Porlier, Bradley
Porter, David L.
Pottle, James R., Sr.
Poulos, Andrew N.
Poulos, Dennis D.
Powell, Bobby K.
Powell, Joseph L., Jr.
Praet, Jonathan W.
Pratt, Lawrence R.
Pratt, Richard M.
Prendergast, Richard W.
Preston, David E.
Price, Dean A.
Price, Floyd W.
Price, Thomas H.
Prins, Orville
Pritulsky, Philip S.
Proctor, James R.
Puddington, George D.
Pugh, Kenneth S.
Pugh, Michael L.
Pugh, Ray E.
Pumphrey, Thomas F.
Pupillo, Dale A.
Purdy, Thomas E.
Putnam, Bruce C., Jr.
Putnam, Randall B.
Putt, Raymond P., Jr.
Qualls, Phillip M.
Quartararo, Joseph P.
Queen, Gregory A.
Quilici, Leo J., II
Quinn, Christopher F.
Quinn, Patrick J.
Rabaioli, John R.
Rader, Charles L.
Raffels, John F., Jr.
Ragole, Michael P.
Ragonetti, Ronald R.
Rainey, Barry E.
Raithel, Albert L.
Raley, Frederick V.
Rammel, Patrick F.
Ramsay, Bryan J.
Ramsay, Steven A.
Ramsey, Harman F.
Randall, William D.
Randolph, Michael J.
Ratliff, Ruben M.
Rauch, Henry T.
Rauch, John A.
Ravold, John F.
Ray, Tony
Reddix, Mason C., Jr.
Redman, David B.
Reese, Robert A.
Reeves, Richard D.
Reid, Daniel L.
Reiley, John D.
Reilly, Thomas J.
Reinhardt, Russell Q.
Renaud, David G.
Renner, Charles E.
Rennie, Frank F. IV
Reuter, William C., Jr.
Reynolds, Scott C.
Rhoades, Mark A.
Rhyne, Richard T.
Rice, Ernest J.
Rice, Ray H., III
Rich, Donald
Richard, Thomas R., Jr.
Richardson, Philip W., Jr.
Rickard, Michael S.
Rickman, David M.
Rieck, Dale C., Jr.
Rief, John S.
Riehl, Edward P.
Ringel, Emanuel I.
Ringle, Dennis J.
Rippinger, Daniel J.
Ritter, Kevin K.
Ritz, Steven A.
Rivard, Ronald D.
Rivers, Timothy C.
Robberson, William M.
Robbins, Douglas L.
Roberts, Richard H.
Roberts, Robert L., Jr.
Roberts, Stephen J.
Robertson, Carl D.
Robertson, Lyn T.
Robertson, Robert C., III
Robinson, James P.
Rodrick, Francis J., Jr.
Roe, James R.
Roecker, Harold G.
Roelant, James G.
Roemmich, Gary L.
Roesener, Stephen J.
Roeske, Ernest J.
Rogers, David A.
Rogers, Rick
Rogers, Stephen A.
Rogers, Wayne L.
Rohrssen, Steven W.
Roig, William A.
Rollins, Peter E.
Romano, Leslie F.
Romero, Michael N.
Romine, Duane L.
Ross, Anthony V.
Rossetti, David J.
Rossi, Michael A.
Roth, Andrew J., Jr.
Roum, Christopher J.
Routh, Ronald R.
Rowe, Edward L.
Rowe, Robert B.
Rowley, John L.
Rubino, James F.
Rudiger, Stephen K.
Ruesch, Rehe E.
Rupprecht, Mark S.
Rushing Timothy J.
Rushton, Paul D.
Rushton, Richard T.
Rusinko, Jeffrey D.
Rutsch, Arno H.
Ruttar, Joseph A.
Ryan, Robert J.
Ryan, Thomas G., Jr.
Ryder, Christopher M.
Saari, Eugene E.
Saenz, Ernesto G.
Safford, David R.
Saia, Stephen M.
Saint, William K., Jr.
Saladen, Philip D.
Salazar, Richard J.
Salgado, Roberto T.
Salyards, Larry E.
Sample, John D.
Sancic, David W.
Sander, Dennis R.
Sander, Jeffrey R.
Sanders, Michael L.
Sanders, Paul R.
Sanford, James A.
Santoro, Francis J.
Sarao, John F.
Satterwhite, Lonnie G., Jr.
Saunders, Steven B.
Savage, Robert W.
Sawyer, William T.
Scanlon, William M.
Scarborough, Robert D.
Schaefer, Alan E.
Schaefer, John A.
Schaus, Douglas R.
Scheffler, John W.
Scheir, Martin I.
Scherini, Ralph O.
Scheumann, Edward G.
Schilling, Andrew J.
Schlumbrecht, Emmett P., Jr.
Schmidt, Albert W.
Schmidt, Stanley L.
Schmitt, Randall K.
Schnabel, Albert O., Jr.
Schneider, Keith J.
Schniedwind, Robert F., Jr.
Scholes, Robert J.
Schreiber, Thomas T.
Schuh, Steven P.
Schuller, Ronald C.
Schultz, Lee K.
Schultz, Mark E.
Schumacher, John A.
Schumacher, John D.
Schumacher, Wayne
Schwenk, Richard N.
Scoppa, Christopher J.
Scott, Benjamin H., II
Scott, Craig C.
Scott, Gary D.
Scott, George V.
Scott, Jeffrey J.
Scott, Michael R.
Scout, John B.
Scukanec, Daniel
Seago, Mark E.
Searl, Floyd C., Jr.
Sears, Michael S.
Sears, Richard F.
Seawright, Marshall C.
Seedorf, Roger W.
Seelenbinder, Mark A.
Seidl, Joseph M.
Seifert, Alfred R.
Seifert, Michael L.
Seizert, Ronald D.
Selecman, David A.
Serafin, Martin E.
Setterlund, Charles E.
Shaffer, Roderick O.
Shanahan, James N.
Shanahan, Michael D.
Shartle, Charles E.
Shattuck, Christopher T.
Shaw, Gary S.
Shaw, William L., Jr.
Shearon, Storm
Shears, Michael K.
Shepard, Kim R.
Sheppard, William J.
Sherbo, Paul S.
Sherlock, Robert S.
Sherman, John A.
Shields, Woodrow R.
Shimabukuro, Norman K.
Shimp, David K.
Shoaf, Charles W.
Shultheis, Charles F.
Shuster, Charles P.
Shutt, Donald J.
Shuttlesworth, Jack L.
Sichau, Kenneth E.
Sidie, Wayne T.
Sikora, Keith A.
Simmons, Jon A.
Simons, Richard L.
Simpkins, William E.
Simpson, Carl T.
Simpson, William J., Jr.
Sims, Lea V., Jr.
Sinclair, Randolph K.
Singleton, Gary W.
Singleton, Steven O.
Sisemore, Marion R.
Siwek, Peter B.
Skiba, Edward J.
Skirm, Harry E.
Skudin, Kemp L.
Skurdal, Norman L.
Slade, George W.
Slaton, Don E.
Slezak, Michael A.
Sloan, James A., Jr.
Sloane, Martin J.
Slone, Richard E.
Sluys, Kenneth A.
Small, Douglas A.
Smith, Alfred M.
Smith, Bert L., III
Smith, Brian M.
Smith, Bruce A.
Smith, Carl H.
Smith, Darrel W.
Smith, David E.
Smith, Donald J.
Smith, Frank J.
Smith, Frederick M.
Smith, George J., Jr.
Smith, Henry B.
Smith, James C.
Smith, Kevin R.
Smith, Lee, III
Smith, Marlin B.
Smith, Michael L.
Smith, Randell C., Jr.
Smith, Richard P.
Smith, Robert M.
Smith, Ronnie B.
Smith, Theoren P., III
Smith, Thomas J.
Smith, Thomas M.
Snader, John A.
Sneed, Charles L.
Snodgrass, John R.
Snow, Richard L.
Snowdon, Jay S.
Snyder, John R.
Snyder, Jonathan W.
Snyder, Robert E.
Snyder, Robert G.
Soderholm, Carlton E., Jr.
Solliday, David P.
Solomon, Brian H.
Solvie, Michael A.
Somers, Robert M.
Sondergaard, Garry L.
Sonntag, William B.
Soules, Stephen M.
Soulsby, Thomas H.
Sowinski, Stanley A.
Sparks, Larry O.
Sparks, Timothy L.
Sparks, Walter R.
Sparr, Leroy M.
Spaulding, Kenneth F.
Spears, William J.
Speer, Bradford A.
Spence, Timothy M.
Spencer, James H.
Spillers, Jerry W.
Spivey, David A.
Spraitzar, Gerald
Sprowls, Timothy J.
Squier, David W.
Sroka, Edwin H.
Stack, Edward J., Jr.
Stack, Larry J.
Stahura, John W.
Stamos, John M.
Standridge, George R.
Stankiewicz, Felix J., Jr.
Stark, David A.
Stark, Gary L.
Starnes, George K.
Staubin, George P.
Stavridis, James G.
Steadley, Joel F.
Steele, Kerry D.
Stefansky, Stanley G.
Steinhauer, Ralph E.
Sten, Gregory D.
Stephenson, Neal B.
Stepleton, John M.
Sterling, Garl V., Jr.
Steuber, Lawrence J., Jr.
Steudler, Douglas C.
Stevens, Mark K.
Stevenson, James W., Jr.
Stevenson, Richard T.
Stewart, Donald H., Jr.
Stewart, John P.
Stewart, Joseph D.
Stewart, Thomas N.
Stewart, William B.
Stichter, Blake L.
Stieffel, Ray H., III
Stivers, John V.
Stocks, Carl W.
Stockwell, Dennis J.
Stockwell, Kenneth J.
Stoeberl, Paul
Stoessel, Timothy F.
Stoll, Gerald A.
Stolle, Robert C.
Stone, Albert H.
Stone, Kevin F.
Stone, Maurice C.
Stoneking, Robert H.
Storey, Brian J.
Stowell, Thomas L.
Strain, Scott A.
Strange, Joe C.
Strickland, Richard F., Jr.,
Stroebel, Stephen
Strong, Arthur I, III
Stroyeck, Kevin R.
Struble, Daniel H.
Strunk, Michael P.
Struth, Robert G., Jr.
Strutner, Richard E.
Stuller, James C.
Stussie, Gary P.
Stutsman, Bruce E. S.
Suehs, Derrick J.

Sullivan, George T.
Sullivan, Kevin W.
Sullivan, Stephen M.
Sullivan, Terry H.
Summers, Steven J.
Sundquist, John C.
Sutherland, Grant D., Jr.
Sutton, James A.
Svoboda, Robert C.
Swaney, Mark J.
Swanlund, Donald F.
Swanson, Joel C.
Swaykos, Joseph W.
Swecker, Joseph B., Jr.
Sweede, David E.
Sweeney, David J.
Swensen, Charles C., Jr.
Swierski, Felix S., III
Swift, Gary B.
Swift, Harvey G.
Swingle, David A.
Swirmicky, Mark E.
Swystun, Andrey P.
Sykes, John F.
Sykes, Kenneth B.
Syrovatka, Vladimir
Tahler, James W.
Talley, Douglas G.
Tamimie, Hekmat D.
Tandy, Jon S.
Tanner, Richard F.
Taplett, James H.
Tastsides, Robert G.
Tate, Robert P.
Taylor, David W.
Taylor, Dennis H.
Taylor, Ernest N., Jr.
Taylor, Larry J.
Taylor, Wesley P.
Taylor, William N., Jr.
Tearpock, Thomas V.
Teehan, Paul A., Jr.
Temple, James M., Jr.
Tenaglia, Joseph A.
Terpe, Arthur S.
Testa, Ronald P.
Therriault, John W.
Theurer, Timothy L.
Thieman, David H.
Thigpen, Tommy L., Jr.
Thim, Robert H.
Thomas, Craig H.
Thomas, John R.
Thompson, Edward K.
Thompson, James H.
Thompson, Jay M.
Thompson, Jimmy
Thompson, Larry R.
Thompson, Lewis D.
Thompson, Robert M.
Thompson, Earl J., III
Thornton, Cameron M.
Thorpe, Mark S.
Thorson, Robert C.
Threlkeld, David B.
Thurwanger, Michael L.
Tibbetts, David K.
Tielking, Terrance A.
Tilden, Thomas J.
Tillery, Michael R.
Titsworth, John G.
Tjepkema, Russell P.
Tomaselli, John J.
Tomaski, Julius W.
Toombs, Dennis A.
Topp, Allan R.
Topscher, Stephen J.
Tornow, Scot L.
Tosi, Gino M.
Tosso, Emile E., III
Touchon, Andrew
Town, James S.
Townsend, George N. S.
Tracy, Patrick A.
Tramel, William P., Jr.
Traynor, Lawrence G., Jr.
Treitz, Robert G.
Trenor, Mark M.
Treon, William J.
Tribout, David R.
Trombitas, John R.
Trude, Charles R.
Trump, Donald E.
Trzeciak, Robert J.
Tsioutsias, Drake D.
Tucker, James M.
Tucker, William C.
Tucker, William R.
Tupuola, Malu Jr.
Turbanic, Charles R.
Turcotte, Stephen A.
Turner, Edward R.
Turner, Gary R.
Turner, Lee O.
Turner, Phillip A.
Turpen, Charles R.
Tuttell, Robert J.
Tyler, Hansford D., III
Tyndall, Brian R.
Tyson, Glenn R.
Uhle, Robert S.
Unron, Mark A.
Ulbricht, Randall J.
Ullom, William S.
Unger, Randy L.
Upton, Dana L.
Usbeck, James P.
Vanderschaaf, Arthur J.
Vanderwaal, Joel K.
Vanosdall, Bernard E.
Vanwert, Robert W. Jr
Vargo, Charles J.
Varsanyi, Peter S.
Vaughn, Charles M.
Vaughn, Charles R.
Vaughn, Eugene C., III
Vaughn, Gregory M.
Venlet, David J.
Vermillion, George M.
Vining, Charles M.
Viola, Michael E. II.
Violante, Anthony F.
Virden, John D.
Virgallito, Larry D.
Visintainer, Ferdinand G.
Vondolen, Steven C.
Vonnegut, Thomas A.
Waddell, William O.
Waddell, William T.
Wade, Clifford L. J.
Wade, David G.
Wade, Jonathan R.
Wagner, Richard S.
Wagoner, Fritz B.
Wahle, Daniel C.
Waldrip, Randall W.
Waldrop, Michael D.
Waldruff, Stanley C.
Wales, Carl A.
Walker, George D.
Walker, Kraig A.
Walker, Marvin W.
Walker, Roland E.
Wallace, Myron A.
Wallace, Richard J.
Wallis, Lars A.
Walls, David B.
Walsh, David L.
Walsh, James L.
Walsh, John J.
Walsh, Sean P.
Walstrom, Terry L.
Waltemyer, Clyde L., Jr.
Walter, Charles E.
Walter, James R.
Walters, Wayne A.
Waltrip, Melvin D.
Ward, Daniel T.
Ward, John I.
Ward, Michael N.
Warmath, Stephen S.
Warner, Charles J.
Warner, Robert S.
Warren, Bruce C.
Warren, Donald C., Jr.
Washington, Henry E., III
Waterfield, James L.
Waterman, Danny L.
Walters, Rory C.
Waters, Steven T.
Watkins, Harry, III
Watkins, Jon J.
Watson, Edmond D.
Watson, Jeffrey C.
Watson, Marvin J.
Watson, Phillip W.
Watson, Walter F.
Watt, James R.
Watters, Robert J.
Weaver, Frank H.
Weaver, Keith T., II
Webb, John A.
Webb, John S.
Webb, Stephen M.
Weber, Craig T.
Weber, Ewald W.
Webster, Bryan D.
Weeks, Robert L., Jr.
Weir, Robert C.
Weisert, Roy E.
Weiss, Charles J.
Weiss, Eric H.
Weiss, Robert F., Jr.
Welch, Claire H.
Welch, David M.
Welch, Jeffrey W.
Weldon Frederick P.
Wells, Cary A.
Wells, Walter C.
Welsh, William P., Jr.
Welty, Christopher J.
Welzel, Lewis A., Jr.
Wendel, Lennart, Jr.
Wendel, Bertrum W. J.
Wendt, Michael P.
Wendt, Roger W.
Weppler, Jeffrey F.
Werner, Gary L.
Werner, John M.
Wessing, Lawrence A., III
West, Mark L.
West, Michael B.
Westerwick, Gregory H.
Wetherbee, James D.
Wetmore, Ronald W.
Wetzel, Steven L.
Weyrick, Richard
Whalen, Daniel M.
Whalen, Harold R., III
Whalon, Edward M.
Wheeler, Mark M.
Wheeler, Russell P., Jr.
Wheeler, William T., Jr.
Whitby, Peter K.
White, Gerald A.
White, Stephen C.
White, Stephen M.
White, William L., Jr.
White, William R.
Whiting, Daniel E.
Whitman, Charles E.
Whitney, Daniel R.
Whitney, Peter B.
Whitney, Robert T.
Whitney, Thomas H.
Whitsett, James C.
Wick, Harvey C.
Wickham, Larry R.
Wiedeman, Sheldon C.
Wieringa, Jeffrey A.
Wietlisbac, Paul H.
Wilckens, John H.
Wiley, Stephen N.
Wilhelm, Phillip J.
Wilkinson, John P.
Willett, Gerard J.
Williams, Charles S.
Williams, Conrad S., III
Williams, Craig M.
Williams, David M.
Williams, Dock D., Jr.
Williams, Leversia
Williams, Michael D.
Williams, Peter J.
Williams, Warren W.
Williamson, Charles F., III
Willis, Hugh A.
Willis, John R.
Willson, Richard D.
Willson, Thomas D.
Willy, James M.
Wilson, David K.
Wilson, Edmond G.
Wilson, James O.
Wilson, Scott E.
Wilson, William T.
Wiltraut, Frank E. III
Winkler, Robert J.
Winn, Duane T.
Winters, David D.
Wirt, David L.
Wisniewski, Mark E.
Witherspoon, John S.
Witkowski, Darrell S.
Witt, Michael A.
Witte, Edward W.
Wittman, Ray T., Jr.
Woelfel, John R.
Wojciechowski, James T.
Wojdyla, Ronald
Wolf, John M., Jr.
Wolfe, Robert R.
Wolff, John C.
Wolfrum, Garry A.
Wolters, William A.
Wood, George L., III
Wood, Thomas P., Jr.
Woodbury, John B.
Woods, Benjamin F., Jr.
Woodward, Curtis B.
Woodward, George R.
Woody, William S., III
Woolridge, Edmund T. III
Wooley, Randolph D.
Woolsey, Ronald T.
Woolston, Paul F.
Wornick, William D.
Woumnm, Ellis D.
Wright, Dennis E.
Wright, Frank X.
Wright, Lohn F.
Wright, Wardell G., Sr.
Wright, William E.
Wrigley, Paul R.
Wroolie, Brad L.
Wrotnowski, Gary F.
Wynn, Guy N., III
Wynne, Stephen A.
Yarger, Frederick D.
Yoder, James A.
York, Guillermo A.
Yoshida, William R.
Young, Gary L.
Young, Liston C.
Youngborg, Eric D.
Zacharzuk, Joseph, Jr.
Zamorski, James S.
Zawisza, Jack L.
Zelibor, Thomas E.
Zellman, Harry W., II
Zerafa, Paul J.
Ziebell, David M.
Zimmerman, Harold J.
Zinn, Roger L.
Zivovic, Sreten
Zobel, William C.
Zumwalt, Eric R.
Zwierlein, Victor A.

The following-named women lieutenants (junior grade) of the U.S. Navy for permanent promotion to the grade of lieutenant in the line, pursuant to title 10, United States Code, sections 5771 and 5791, subject to qualification therefor as provided by law:

Adams, Jan M.
Armstrong, Diane L.
Baird, Portia A.
Baldy, Mary B.
Ballard, Vivian H.
Bergren, Gayla J.
Bess, Linda J.
Black, Nancy E.
Bradfield, Wendy L.
Cackowski, Jean M.
Capansky, Polly M.
Carte, Constance J.
Code, Rebecca A.
Conilogue, Cheri L.
Cowan, Christina M.
Craig, Janet E.
Donahue, Jill P.
Duff, Mary A.
Earle, Margaret R.
Ellingwood, Judith D.
Elrod, Suzanne M.
Farrer, Linda F. W.
Fininencrandall, Veronica
Fowler, Sara A.
Griffin, Rachel
Gross, Debra A.
Haughney, Kathryn M.
Hazlett, Holly
Hill, Joyce A.
Hoch, Rita A.
Husmann, Donna M.
Jeremiah, Renee L.
Joganic, Joann
Johnson, Dianne H.
Johnson, Jill J.
Johnson, Tandra L.
Jones, Debra S.
Kanuck, Ann F.
Krupski, Sherryl N.
Lai, Janice
Lang, Leslie J. P.
Lastinger, Linda B.
Lauer, Linda D.
Libera, Janet R.
Loflin, Joanne R.
Loo, Alexis S.
Lyman, Kathleen M.
Maddox, Agnes V.
Mc Kinney, Julia F.
McKnight, Kathleen A.
McSpadden, Dian
Mosig, Joanne M. F.
Nichols, Karen
Orner, Joyce L.
Perry, Marcia L.
Plott, Suzanne
Ranes, Sharon E.
Rathbun, Patricia M.
Rice, Andrea E.
Seawright, Lori A.
Selby, Brenda F.
Sommers, Blanche I.
Suhr, Judith M.
Surratt, Margaret A.
Talcott, Mary N.
Taunton, Collen A. O.
Tellis, Xzana M.
Thornton, Karen I.
Tryon, Gail R.
Turner, Pamela L.
Waid, Frances E.
Walizer, Dorothy E.
Walker, Jan M.
Wargo, Linda E.
Wilson, Deborah A.
Wood, Deborah J.
Woodall, Deborah G.
Woodcock, Kathy K.
Young, Lucy B.
Young, Patti A.

Executive nominations received by the Senate February 26, 1980:

IN THE COAST GUARD

The following graduates of the Coast Guard Academy to be permanent commissioned officers in the Coast Guard in the grade of ensign:

Robert Eugene Acker
Michael Orville Aholt
Franklin Ronald Albero
Tracy Scott Allen
George Alyosius Asseng
Dean Terry Baldus
Robert Andrew Ball, Jr.
Jeffery Harold Barker
Patrick William Barnes
William Dale Baumgartner
William Scott Benton
Jonathon Paul Benvenuto
Brian Francis Binney
Michael James Brown
Luke Brown
Joseph William Brubaker
Jeff Robert Brown
Jay James Brown
Randy Browne
Richard Blake Burt
Jean Marie Butler
Austin Francis Callwood
Raymond Hjalmar Carlson, Jr.
Steven Wade Carman
Kevin James Cavanaugh
Kerry Dennis Christopher
John Gilbert Cline
Daniel John Conty
Jeremiam James Andrew Cronin
James Francis Culver
Robert William Danahy
Robert Eugene Day, Jr.
Jeffery Alan Derischebourg
Lawrence Edward Dinkler
Susan Kathleen Donner
Jack Nicholas Dujmovic
Mary Jane East
Robert Bruce Edrington
Matthew Derek Edwards

Richard Allen Farrell, Jr.
John Michael Fidaleo
Timothy Lee Fields
Michael Scott Fljalka
Michele Fitzpatrick
David Edward Flesher
Kenneth George Forstmeier
Clark Davis Fowler
Jeffrey Ronald Freeman
Theodore Francis Gandy
Michael Claude Ghizzoni
Stephen Brian Glynn
David Francis Gosselin
Ian Grunther
John Kevin Gunther
Kathy Anne Hamblett
Steven Clay Hargis
Harry Edgar Haynes, III
George Harold Heintz
David Steven Hill
Robert Michael Hilpert
Steven Porter How
Michael David Hudson
Michael Dean Inman
LeRoy Anthony Jacobs, Jr.
Mark Allan Jackson
Linda Johansen
Robert John Jones
George Kevin Kerr
Bryan Stanley Kogut
Craig Mark Juckniess
Andrew Douglas Kukura
Victor Kent Kelley
Russell Dean Krull
Keith Bernard Letourneau
Joseph Charles Lichamer
Michael Raynor Linzey
Christopher Kevin Lockwood
Ronald Joseph Lokites
Karl Gordon Long
James David Maes
Robert Francis McCaffrey
Joanne McCaffrey
James Albert McEwen
Bret Kevin McGough
William Roy Marhoffer
Stephen Eugene Mehling
Jay D. Melott
Christopher Dalton Mills
Gregory Andrew Mitchell
Louis Richard Montello, Jr.
Matthew Kenneth Mumford
Richard Michael Naccara
James Leroy Nelson, Jr.
Michael Patrick Nerino
Michael Alfred Neussl
Jeffrey Thomas Noblet
Julian Pinckney O'Brien
Robert James Ogg
Stanley James O'Loughlin II
Christopher Paul Otto
Douglas Roger Patterson
Frederick Daniel Pendleton
Ralph Andrew Petereit
Timothy Patrick Powers
James Calvin Preisig
Christine Janet Quedens
Michael Eugene Raber
William Walter Ramos
David John Regan
Paul Joseph Reid
William Henry Ejner Reynolds
George John Rezendes, Jr.
Daniel Norbert Riehm
Baird Stuart Ritter
Joseph Francis Rodriguez
Tamera Denise Rose
Bert Allen Roseberry
Thomas Lee Rydell
Amancio Sirate Sanchez
James Arthur Sartucci
Gregory Lee Shelton
Joseph J. Sikora
Hale Bradford Simonds
Gary Matthew Smialek
Monyee Tami Smith
Mary Louise Southwood
Kenneth Spiegel
Dave Stalters
Damon Scot Starring
Mark Richard Steinhilber
Curtis Alan Stock
Dale Gerard Streyle
Michael Anthony Suire
Michael Noel Sullivan
James Michael Sylvester
Douglas Samuel Taylor
Kenneth John Thorkildsen
Jody Beth Turner
Karen Jean Tweed
Steven Marvin Veit
Richard Walter Von Krumreig
Brandy Reed Weaver
Robert Conrad Weil
Michael Harold Wenning
Larry Richard White
Paul Michael White
Edward Joseph Wieliczkiewicz
David Randall Wilkins
Sharon Marie Willis
Kenneth Wayne Wilson
Robert John Wilson IV
Darren Bracken Wolter
Raymond Bahr Wrabley, Jr.
Michael Raymond Wroblewski
Daniel Leslie Wright
Richard Daniel Wright
John Joseph Wrynn, Jr.
Mark Joseph Yost
William Landsman Zack
Robert Philip Zwissler

IN THE ARMY

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, U.S.C., sections 3383 and 3370:

ARMY PROMOTION LIST

To be colonel

Aberethy, Fred C., [redacted].
Aepli, Emmett C., [redacted].
Agee, James D., [redacted].
Allen, Jearald D., [redacted].
Altendorf, James J., [redacted].
Alvarez, Roy R., [redacted].
Anderson, Gerald E., [redacted].
Anderson, John F., [redacted].
Anson, Ylo, [redacted].
Appleby, Robert H., [redacted].
Arnold, Joseph R., [redacted].
Arntson, Peter A., [redacted].
Arrington, Billy J., [redacted].
Arzaga, Angel E., [redacted].
Atkeson, John C., [redacted].
Babiak, Paul L., [redacted].
Backlund, Gerald R., [redacted].
Badger, Bill D., [redacted].
Balough, Bernard B., [redacted].
Banchefsky, Howard, [redacted].
Barbee, Paul B., [redacted].
Barlow, Claude T., [redacted].
Barnard, Joe G., [redacted].
Barney, James A., [redacted].
Barros, Antonio P., [redacted].
Bart, Edward D., [redacted].
Bartlow, Rex H., [redacted].
Bauman, Robert D., [redacted].
Baumgartner, Edward, [redacted].
Bazan, Henry J., [redacted].
Bean, Willard L., [redacted].
Beasley, James W., [redacted].
Becker, John B., [redacted].
Behnke, Ervin F., [redacted].
Belden, Frederick L., [redacted].
Belus, Paul J., [redacted].
Bendix, Richard C., [redacted].
Bennett, Basil O., [redacted].
Bercovitz, George E., [redacted].
Berg, Everett W., [redacted].
Berthold, Julius L., [redacted].
Beruvides, Esteban, [redacted].
Bice, Jack G., [redacted].
Biediger, Paul N. Jr., [redacted].
Bishop, Louis F., [redacted].
Black, Joseph L., [redacted].
Blankenbeker, R., [redacted].
Blocker, Richard D., [redacted].
Blodget, David P., [redacted].
Bobst, Jack E., [redacted].
Bonnet, Harry M., [redacted].
Bonthuis, Robert E., [redacted].
Boone, Don W., [redacted].
Booth, Richard R., [redacted].
Borders, William A., [redacted].
Borelli, Raymond F., [redacted].
Bouchie, Cyril, [redacted].
Bowden, Byron C., [redacted].
Brackeen, Charlie D., [redacted].
Bradie, Michael, [redacted].
Breed, Derald C., [redacted].
Brewer, Tom., [redacted].
Brittin, Robert W., [redacted].
Bronson, William F., [redacted].
Brooks, Colleen L., [redacted].
Brower, Madison Z., [redacted].
Brown, Dale B., [redacted].
Brown, Gerald R., [redacted].
Brown, William C., [redacted].
Brunett, Louis E., [redacted].
Bryan, Curtis H., Jr., [redacted].
Buchanan, Vernon C., [redacted].
Buck, Robert H., [redacted].
Buckles, Barton B., [redacted].
Buggy, James R., [redacted].
Bunnell, Charles R., [redacted].
Burke, Harold L., [redacted].
Burkett, Charles E., [redacted].
Burkett, William E., [redacted].
Burks, Archie R., [redacted].
Burnstedt, Gary A., [redacted].
Busch, James L., [redacted].
Byrn, James H., [redacted].
Caldwell, Allen C., [redacted].
Cantrell, Charles E., [redacted].
Caputo, Sonny A., [redacted].
Carbone, Gaetano A., [redacted].
Carleton, Hendrik D., [redacted].
Carne, Robert G., [redacted].
Carp, Milton J., [redacted].
Carpenter, Roy E., [redacted].
Carroll, Joseph R., [redacted].
Carroll, Robert D., [redacted].
Carter Fred M., [redacted].
Case, Caleb B., [redacted].
Case, Richard S., [redacted].
Catalano, Daniel J., [redacted].
Cates, Edward L., [redacted].
Cherpinsky, Richard, [redacted].
Cherry, Calvin W., [redacted].
Chinn, Darrell D., [redacted].
Clark, Rhea K., [redacted].
Cleland, William H., [redacted].
Clement, John P. III., [redacted].
Close, Ralph J., [redacted].
Cockett, Irwin K., Jr., [redacted].
Coffey, Ronald E., [redacted].
Cole, John A., [redacted].
Coleman, William F., [redacted].
Coley, Arthur G., [redacted].
Connery, Joseph W., [redacted].
Connett, Walter T., [redacted].
Cook, Boyd M., [redacted].
Cook, Reuben D., [redacted].
Cooper, William R., [redacted].
Costa, David W., [redacted].
Cowins, John P., [redacted].
Cox, Donald D., [redacted].
Coyle, Fred W., [redacted].
Crawford, Leonard L., [redacted].
Creel, Mike C., [redacted].
Crowder, Paul J., [redacted].
Cullum, David A., [redacted].
Custead, Jerry R., [redacted].
Cutshaw, Theodore R., [redacted].
Cutter, John R., [redacted].
Dale, Clifford, [redacted].
Dale, Harold L., Jr., [redacted].
Damico, George O., [redacted].
Damon, Donald N., [redacted].
Daniel, Don O., [redacted].
Daniel, Leroy C., [redacted].
Dankert, Derald T., [redacted].
Darden, Louis H., [redacted].
Dasilva, Edward J., [redacted].
Davis, Charles R., [redacted].
Davis, Robert E., [redacted].
Davis, Thomas P., [redacted].
Dawson, Robert W., [redacted].
Dean, Wilson P., [redacted].
Dearden, Sheldon W., [redacted].

Debano, Jimmie G., [redacted].
Debner, Donald W., [redacted].
Decatur, James A., [redacted].
DeFazio, Frank A., [redacted].
Degraw, Thomas J., [redacted].
Deguttadauro, Angel, [redacted].
DeJesus, Felix V., [redacted].
Delchiaro, Marvin J., [redacted].
Deltoro, Ubaldo Jr., [redacted].
Deruve, Arthur, [redacted].
Devine, James F., [redacted].
Dilts, Robert L., [redacted].
Dimick, David L., [redacted].
Disheroon, Fred R., [redacted].
Ditzler, Francis W., [redacted].
Dixon, Donald B., [redacted].
Dodson, Roy D., [redacted].
Dollard, Robert L., [redacted]..
Dominik, Joseph W., [redacted].
Donahue, Richard A., [redacted].
Dorsch, Donald A., [redacted].
Doster, Marvin B., [redacted].
Dougherty, Edward T., [redacted]..
Douglas, Walter E., [redacted].
Doyle, John R., [redacted].
Drew, George F., [redacted].
Duennenberg, Harvey, [redacted].
Duncan, Verne A., [redacted].
Durham, William H., [redacted].
Durso, Stephen J., [redacted].
Dwyer, Eugene M., [redacted].
Eagan, James R., [redacted].
Easler, Oliver F., [redacted].
Easter, Loy D., [redacted].
Eckman, Raphael G., [redacted].
Edson, Ronald A., [redacted].
Edwards, Donald E., [redacted].
Ehresman, Norman D., [redacted].
Eichelberger, John, [redacted].
Ellis, Larry G., [redacted].
Emmerich, Charles R., [redacted].
Endema, Jerry G., [redacted].
English, William J., [redacted].
Enos, Warren B., [redacted].
Epperson, Theo S., [redacted].
Etzel, Ernest J., [redacted].
Eusey, Donn O., [redacted].
Evans, Richard, [redacted].
Ewald, James C., [redacted].
Fantini, Joseph C., [redacted].
Farmer, Thomas D., [redacted].
Feiner, Paul A., [redacted].
Feisley, James L., [redacted].
Ferrermena, Ramon J., [redacted].
Ferretti, Frank J., [redacted].
Fink, Paul H., [redacted].
Finklea, Hugh C., [redacted].
Finnerty, Albert T., [redacted].
Fisher, Gordon L., [redacted].
Fitzgerald, Robert, [redacted].
Fleming, David F., [redacted].
Fleming, David M., [redacted].
Flynn, Vernon M., [redacted].
Ford, Robert H., [redacted].
Formick, Joseph D., [redacted].
Fosler, Robert K., [redacted].
Fowler, Donald L., [redacted].
Fox, James E., [redacted].
Franklin, Roosevelt, [redacted].
Fraser, Donald S., Jr., [redacted].
Friese, Roland, [redacted].
Fritz, George E., [redacted].
Gaddini, Louis D., [redacted].
Gardner, John D., [redacted].
Garner, James H., [redacted].
Garrity, Richard A., [redacted].
Gase, Louis J., [redacted].
Gatlin, Clifford I., [redacted].
Gawel, Edwin S., [redacted].
Gedeon, Ernest R., [redacted].
Geleerd, W. L., Jr., [redacted].
George, John W., [redacted].
Geraci, Joseph T., [redacted].
Gereski, John T., [redacted].
Getchell, Charles, [redacted].
Gibson, Murray W., [redacted].
Gilstad, Clarence A., [redacted].
Ginn, Hal G., [redacted].
Glennon, Cletus W., [redacted].
Gleue, Merlin W., [redacted].
Goldstein, Sanford, [redacted].
Gomez, Raymond Jr., [redacted].
Gonzales, Richard E., [redacted].
Gonzalez, Jose, [redacted].
Good, John J., [redacted].
Goodfellow, Richard, [redacted].
Goodger, Charles J., [redacted].
Gordon, Arnold B., [redacted].
Gorski, Chester E., [redacted].
Graham, Henry N., [redacted].
Graves, Walter H., [redacted].
Green, William R., [redacted].
Greene, Charles H., [redacted].
Gresham, Paul G., [redacted].
Grey, James W., [redacted].
Grieb, Kenneth G., [redacted].
Griffing, John A., Jr., [redacted].
Griggs, Ulysses S., [redacted].
Grigsby, Gaynael R., [redacted].
Grimes, Charles W., [redacted].
Gross, Matthew, [redacted].
Grunfeld, Frederic, [redacted].
Gwilt, Ivan W., [redacted].
Haas, Wolfgang, [redacted].
Haight, John O., Jr. [redacted].
Hale, Ronald E., [redacted].
Hall, Leon H., [redacted].
Hall, Roscoe M., [redacted].
Hall, William H., Jr., [redacted].
Halladay, John W., [redacted].
Handorf, William A., [redacted].
Hanson, Merle A., [redacted].
Hara, Henry S., [redacted].
Harden, Richard W., [redacted].
Hardy, Donald C., [redacted].
Harootunian, Harry, [redacted].
Harrell, Adam, [redacted].
Hart, John N., [redacted].
Harvey, James E., [redacted].
Hass, John C., [redacted].
Hathaway, Arthur C., [redacted].
Hawk, Mervin C., [redacted].
Hawke, Wilmer M., [redacted].
Hawkins, Averill E., [redacted].
Hawkins, Eugene D., [redacted].
Henderson, Howard G., [redacted].
Henderson, Lee A., [redacted].
Henderson, Leo M., [redacted].
Henke, William D., [redacted].
Hennelly, W. P., [redacted].
Hernandez, Daniel J., [redacted].
Herndon, George B., [redacted].
Hershbarger, Robert, [redacted].
Higgins, Charles W., [redacted].
Hill, Robert R., [redacted].
Hilyer, William A., [redacted].
Hodgins, Walter J., [redacted].
Holland, Hoyt L., [redacted].
Hollstein, Elmer J., [redacted].
Holterman, Ralph J., [redacted].
Hubbell, Robert D., [redacted].
Huestis, Charles D., [redacted].
Hughes, Francis A., [redacted].
Hughes, James N., [redacted].
Humphrey, Bernard L., [redacted].
Hunsaker, Collin I., [redacted].
Hunt, Keith J., [redacted].
Hunter, James H., [redacted].
Hunter, Stewart M., [redacted].
Hyde, Jerry L., [redacted].
Ince, Henry W., [redacted].
Innes, Douglas D., [redacted].
Ivey, Marvin L., [redacted].
Ivory, Royce S., [redacted].
Jackson, Donald, [redacted].
Jackson, Ray L., [redacted].
James, Jack T., [redacted].
Jamieson, W. M., [redacted].
Jasinski, Edmund S., [redacted].
Jensen, Donald G., [redacted].
Jenson, Richard M., [redacted].
Jent, William P., [redacted].
Johnson, Adley E., [redacted].
Johnson, E. Richard, [redacted].
Johnson, Harold W., [redacted].
Johnson, Homer A., [redacted].
Johnson, Joseph H., [redacted].
Johnson, Mark A., [redacted].
Johnson, Richard D., [redacted].
Johnston, Dale E., [redacted].
Johnston, Milton W., [redacted].
Jones, Carlton C., [redacted].
Jones, Charles S., Jr., [redacted].
Jones, Hayden E., [redacted].
Jones, John L., [redacted].
Jones, Royce W., [redacted].
Jones, Vernon R., [redacted].
Joy, John F., [redacted].
Junk, Paul E., [redacted].
Kaczmarczyk, T., [redacted].
Kaiser, Clarence J., [redacted].
Kaiser, James B., [redacted].
Kalitka, Peter F., [redacted].
Kane, George R., [redacted].
Kaufman, Richard C., [redacted].
Kauskas, Donald, [redacted].
Keefer, Clarence D., [redacted].
Kelley, Clarence D., [redacted].
Kelley, Glen E., [redacted].
Kelly, Gary L., [redacted].
Kenna, Roswell E., [redacted].
Kennedy, John R., [redacted].
Kennedy, Luther V., [redacted].
Kenney, George H., [redacted].
Kerr, Keith H., [redacted].
Kerr, Robert B., [redacted].
Kirkpatrick, Joseph, [redacted].
Kish, Andrew W., [redacted].
Knies, John B., [redacted].
Knopf, Arthur E., [redacted].
Kotcho, John L., [redacted].
Krawczyk, Leonard C., [redacted].
Kreegar, William E., [redacted].
Kresge, Roger L., [redacted].
Kreutzer, Robert H., [redacted].
Kruger, Donald G., [redacted].
Kruse, John B., [redacted].
Kuba, William F., [redacted].
Kubala, Lowell M., [redacted].
Kubena, Robert A., [redacted].
Kuwahara, Harold Y., [redacted].
Lacerte, Richard C., [redacted].
Lamm, Arthur E., Jr., [redacted].
Lampman Audis E., [redacted].
Lang John A., [redacted].
Larsgaard, William, [redacted].
Larson, Robert D., [redacted].
Laskoskie, L., [redacted].
Lassiter, N. L., [redacted].
Lau, Daniel K. M., [redacted].
Lavimoniere, Donald, [redacted].
Lay, John L., [redacted].
Layman, Jackie J., [redacted].
Leavitt, Joseph L., [redacted].
Lechner, Charles D., [redacted].
Lee, Robert E., [redacted].
Leek, William A., [redacted].
Lennon, James F., [redacted].
Leon, Gloria M., [redacted].
Leonard, Gordon R., [redacted].
Leong, Richard W. Y., [redacted].
Lesica, John P., [redacted].
Lett, Thomas E., [redacted].
Levi, John T., [redacted].
Lewis, Kenneth E., [redacted].
Lewis, Robert O., [redacted].
Libby, Fred W., [redacted].
Liberg, Ray W., [redacted].
Lidberg, Carl W., [redacted].
Liddle, Keith D., [redacted].
Lindsay, Charles R., [redacted].
Lingo, Robert A., [redacted].
Linton, Daniel A., Jr., [redacted].
Little, John H., [redacted].
Logan, Edwin G., [redacted].
Lombardo, Anthony H., [redacted].
Long, William C., [redacted].
Longerbeam, James L., [redacted].
Looney, Milton A., [redacted].
Loush, Mark A., [redacted].
Loy, Harold O., [redacted].
Lueck, David H., [redacted].
Lundgren, George H., [redacted].
Lussier, Clifford C., [redacted].
Lyle, Millard D., [redacted].
Mabry, Emory S., [redacted].
Maceri, Anthony J., [redacted].
Mackay, Raymond, Jr., [redacted].
Malcom, Otis C., Jr., [redacted].
Malmer, Charles D., [redacted].
Maness, James, [redacted].

Mangham, John H., [redacted].
Mangskau, Dale N., [redacted].
Manley, Willis L., [redacted].
Manning, James A., [redacted].
Manthe, Roland D., [redacted].
Marholz, Duane J., [redacted].
Marks, Lewis M., [redacted].
Marquardt, Melvin H., [redacted].
Marshall, Alfred H., [redacted].
Martin, Joseph G., [redacted].
Martinez, Samuel A., [redacted].
Martis, Joseph A., [redacted].
Masnyk, Ihor J., [redacted].
Masoero, Arthur R., [redacted].
Mason, Theodore B., [redacted].
Masson, Roger, [redacted].
Matsui, Richard Y., [redacted].
May, Lavern, [redacted].
Mayo, Ollie K., Jr., [redacted].
McArthur, Alvin D., [redacted].
McCargo, James D., [redacted].
McCloskey, Robert L., [redacted].
McColl, Alexander M., [redacted].
McCoy, James L., Jr., [redacted].
McCoy, Robert A., [redacted].
McDonald, Harold L., [redacted].
McDonald, Ted P., [redacted].
McDowell, James R., [redacted].
McGee, Melvin E., [redacted].
McGillen, William D., [redacted].
McKay, Jack G., [redacted].
McKillip, M. R., [redacted].
McKinney, Harold B., [redacted].
McKinney, T. R., Jr., [redacted].
McLean, Robert L., [redacted].
McLeod, Harold M., [redacted].
McMeekin, James L., [redacted].
McNett, John F., [redacted].
McPherson, Hubert L., [redacted].
McWaters, John R., [redacted].
Meegan, Frank R., [redacted].
Melanson, Armand O., [redacted].
Messer, Rhoda M., [redacted].
Millard, William J., [redacted].
Miller, Howard J., [redacted].
Miller, James S., [redacted].
Miller, Robert M., [redacted].
Miller, Stephen W., [redacted].
Millhollon, Joe B., [redacted].
Mills, Richard H., [redacted].
Mirolla, John, Jr., [redacted].
Mitchell, James L., [redacted].
Mitchem, Francis J., [redacted].
Mojica, Gilberto E., [redacted].
Molitor, Leo T., Jr., [redacted].
Montgomery, Robert, [redacted].
Moody, Ellis R., [redacted].
Moody, James H., [redacted].
Moore, Earl H., [redacted].
Morgan, Jackie T., [redacted].
Morrison, James H., [redacted].
Moseley, George H., [redacted].
Moseley, Paul L., [redacted].
Muckenfuss, Adam E., [redacted].
Mularcik, Albert A., [redacted].
Mulkey, Dick E., [redacted].
Mullaly, Robert G., [redacted].
Munger, Edward E., [redacted].
Munro, John T., [redacted].
Murdock, Robert B., [redacted].
Murray, Stanley A., [redacted].
Myers, Fred E., [redacted].
Myers, Ronald R., [redacted].
Nalley, Wayland J., [redacted].
Neal, Harry K., [redacted].
Neel, Billy W., [redacted].
Neil, Charles S., [redacted].
Nevins, Kenneth E., [redacted].
Newman, Richard E., [redacted].
Nicholson, James E., [redacted].
Nitsos, James G., [redacted].
Nix, James E., [redacted].
O'Connor, Douglas J., [redacted].
O'Hayer, Thomas J., [redacted].
Olivieri-Reyes. R., [redacted].
Olynyk, Stephen D., [redacted].
Oppler, Edward P., [redacted].
Orbell, Raymond J., [redacted].
Palmer, Bobby G., [redacted].
Palmieri, Henry J. R., [redacted].
Panchuk, Stephen L., [redacted].
Panko, Norbert J., [redacted].
Parker, Charles D., [redacted].
Patanella, Charles, [redacted].
Patrick, William S., [redacted].
Paul, James H., [redacted].
Penn, Donor D., [redacted].
Pennington, Doris V., [redacted].
Perez, George L., [redacted].
Peters, Jack D., [redacted].
Petersen, Frederick, [redacted].
Pfleghardt, Robert, [redacted].
Phillips, Benjamin, [redacted].
Phillips, Roy L. Jr., [redacted].
Pierce, Martin E., [redacted].
Pierce, Robert B., [redacted].
Pieszak, Franklin B., [redacted].
Plante, Fernand L., [redacted].
Pleasant, Ernest H., [redacted].
Pogue, J. E., [redacted].
Pollack, John P., [redacted].
Pollard, Guy S., [redacted].
Poplin, Earl S., [redacted].
Porter, Kenneth B., [redacted].
Prichard, Johnnie R., [redacted].
Pritchett, Daniel M., [redacted].
Prone, Joseph G., [redacted].
Prough, James K., [redacted].
Proulx, John F., [redacted].
Pugsley, Wallace E., [redacted].
Pulda, Joseph A., [redacted].
Pyle, Langston, [redacted].
Queally, Justin M., [redacted].
Rabin, Jack, [redacted].
Rainer, John R., [redacted].
Rainville, Raymond, [redacted].
Ramos-Rodriguez, S., [redacted].
Randich, Philip G., [redacted].
Raudenbush, Joseph, [redacted].
Reasoner, Robert R., [redacted].
Reck, Russell, [redacted].
Redman, Philemon A., [redacted].
Reed, Paul M., [redacted].
Reese, Robert L., [redacted].
Reiff, William H., [redacted].
Reinartz, David F., [redacted].
Reynolds, Edward A., [redacted].
Rhoads, Robert C., [redacted].
Rice, William J., [redacted].
Richey, Robert R., [redacted].
Riddle, James M., [redacted].
Ridgeway, Herbert L., [redacted].
Riley, Donald A., [redacted].
Robinson, Fred E., [redacted].
Rodgers, John B., [redacted].
Rome, Lloyd, [redacted].
Roob, Gerald L., [redacted].
Ross, David G., [redacted].
Royal, Gerald C., [redacted].
Rubenacker, C., [redacted].
Russel, Tom S., [redacted].
Rutledge, Howard L., [redacted].
Ryan, Herbert F., [redacted].
Sachs, Arthur, [redacted].
Salcedo, Frank S., [redacted].
Sanchez, Joe L., [redacted].
Sanford, Robert A., [redacted].
Sant, Donald R., [redacted].
Sarantos, George N., [redacted].
Scales, David J., [redacted].
Scent, Richard K., [redacted].
Scharine, Charles F., [redacted].
Scherer, Loyd H., [redacted].
Schladensky, George, [redacted].
Schloemer, James F., [redacted].
Schmidt, Gordon W., [redacted].
Schramm, Harold A., [redacted].
Schule, Ronald L., [redacted].
Schurer, Arthur K., [redacted].
Scott, Charles E., [redacted].
Scott, Jack H., [redacted].
Scraba, Stanley A., [redacted].
Sellick, Jay P., [redacted].
Sesler, John B., [redacted].
Sheffield, David T., [redacted].
Sherman, Gordon M., [redacted].
Shields, Claude W., [redacted].
Sica, Carl G., [redacted].
Sigmund, Robert O., [redacted].
Sills, Donal J., [redacted].
Simonsen, Clifford, [redacted].
Simpson, James A., [redacted].
Sims, Ernest T., [redacted].
Singleton, William, [redacted].
Siu, Lawrence W., [redacted].
Skelton, Russell M., [redacted].
Skrivanos, George C., [redacted].
Sloan, William D., [redacted].
Smith, David H., [redacted].
Smith, James A., [redacted].
Smith, Robert E., [redacted].
Smith, Robert H., [redacted].
Smith, William M., [redacted].
Snyder, Russell A., [redacted].
Soha, Charles R., [redacted].
Spillers, Roger R., [redacted].
Springer, Bobby J., [redacted].
Stacy, Terry L., [redacted].
Stanberry, Jim D., [redacted].
Starr, Luther J., [redacted].
Stearney, R. E., [redacted].
Stein, Harry E., [redacted].
Steiner, John W., [redacted].
Stemley, Gary A., [redacted].
Stewart, Leonard J., Jr., [redacted].
Stewart, William H., [redacted].
Strahan, Lyle E., [redacted].
Sudholz, Louis H., [redacted].
Sullivan, Clifford, [redacted].
Sullivan, John F., [redacted].
Sundin, Gene L., [redacted].
Swingle, Robert W., [redacted].
Takahasi, Morio, [redacted].
Talbow, William T., [redacted].
Tarrant, Joseph W., [redacted].
Taylor, Clovis O., [redacted].
Taylor, Frank D., [redacted].
Taylor, Robert W., [redacted].
Tenhoff, Clair A., [redacted].
Tenney, Mark W., [redacted].
Thomas, Jackie L., [redacted].
Thomas, Richard J., [redacted].
Thompson, Earl N., [redacted].
Thompson, Frederick, [redacted].
Thorn, Bernard H., [redacted].
Thrash, Melvin C., [redacted].
Thrasher, Robert C., [redacted].
Thurman, John C., Jr., [redacted].
Tignor, Forrest D., [redacted].
Tilley, Bobby L., [redacted].
Torno, Harry C., [redacted].
Tosi, Peter D., [redacted].
Trail, James A., [redacted].
Traxler, David L., [redacted].
Turnage, Albert J., [redacted].
Turnipseed, Ned L., [redacted].
Tyra, Thomas O., [redacted].
Vaccarino, Isadore, [redacted].
Vagelos, Thucydides, [redacted].
Viner, Myron P., [redacted].
Virden, George L., [redacted].
Vos, Francis W., [redacted].
Vozzella, Anthony P., [redacted].
Waite, John R., [redacted].
Waldron, Robert C., [redacted].
Walker, Hasten E., [redacted].
Wallace, Willard L., [redacted].
Waller, George A., [redacted].
Wallis, Joel D., [redacted].
Walsh, Burton K., [redacted].
Wampler, Ralph L., [redacted].
Ward, Donald E., [redacted].
Warlick, Thomas W., [redacted].
Watanabe, Orlando, [redacted].
Watling, Robert C., [redacted].
Webb, John W., [redacted].
Weber, Louis L., [redacted].
Weckstein, Donald T., [redacted].
Weinberg, Richard G., [redacted].
Wellman, Barclay O., [redacted].
Wells, William P., [redacted].
Wertman, Gerald A., [redacted].
West, Samuel A., Jr., [redacted].
Wetherholt, Thomas, [redacted].
Whitcomb, Ernest W., [redacted].
White, Donald L., [redacted].
Whitney, Charles W., [redacted].
Whittington, R. A., [redacted].
Wigington, John H., [redacted].
Wiley, Arthur G., Jr., [redacted].
Wilkes, Earl C., [redacted].
Wilkie, Richard L., [redacted].
Williams, Carl E., [redacted].

Williams, James R., [redacted].
Williams, Louis C., [redacted].
Williams, Shirley W., [redacted].
Willis, Clinton V., [redacted].
Wilson, Tyson Jr., [redacted].
Wilson, Carroll C., [redacted].
Wilson, Donald E., [redacted].
Wilson, Johnny M., [redacted].
Wilson, Robert O., [redacted].
Wilson, William C., [redacted].
Winchester, Kenneth, [redacted].
Winn, John H., [redacted].
Winslett, Ronald D., [redacted].
Wong, Genson L., [redacted].
Woodley, John C., Jr., [redacted].
Woolsey, Herbert L., [redacted].
Worrell, Arthur R., [redacted].
Wurschmidt, George, [redacted].
Wylie, Thomas W., [redacted].
Younker, John O., [redacted].
Yurich, John R., [redacted].
Zachos, John K., [redacted].
Zachritz, Roger N., [redacted].
Zimmer, Dennis N., [redacted].

CHAPLAIN

To be colonel

Adcock, Kenneth E., [redacted].
Bagnal, William K., [redacted].
Bonner, William P., [redacted].
Bracy, Russell E., [redacted].
Brereton, Thomas F., [redacted].
Butler, Francis T., [redacted].
Byrne, Caby E. Jr., [redacted].
Curtiss, John B., [redacted].
Daniels, Barnabas P., [redacted].
Drazin, Israel, [redacted].
Dunn, Roger T., [redacted].
Evangelisto, Louis, [redacted].
Fagan, Walter G., [redacted].
Farriester, C., [redacted].
Greene, Everett H., [redacted].
Hess, Robert S., [redacted].
Hughes, William J., [redacted].
Hynek, James H., [redacted].
Jalbert, Armand N., [redacted].
Keefe, Francis L., [redacted].
Kennedy, James M., [redacted].
Komschlies, Charles G., [redacted].
Loftus, Conrad W., [redacted].
Logue, Charles D., [redacted].
Lucas, Adlai L., [redacted].
Lukaszewski, L., [redacted].
Mills, Harvey J., [redacted].
Petcovic, William L., [redacted].
Pusey, Paul M., [redacted].
Raisner, Donald E., [redacted].
Rakestraw, John A., [redacted].
Schkade, Raymond C., [redacted].
Smith, Billy T., [redacted].
Torer, Roland R., [redacted].
Tucker, Randall R., [redacted].
Uyehara, Lawrence S., [redacted].
Wood, Clyde J., [redacted].

MEDICAL CORPS

To be colonel

Burney, Spencer W., [redacted].
Fossum, Dale R., [redacted].
Jordan, Francis R., [redacted].

MEDICAL SERVICE CORPS

To be colonel

Hawkins, Conner W., [redacted].

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, U.S.C., sections 3383 and 3370:

ARMY PROMOTION LIST

To be lieutenant colonel

Albrecht, Jerald N., [redacted].
Andersen, Robert D., [redacted].
Anderson, Jerry R., [redacted].
Arico, Eugene F., [redacted].
Aubrey, John E., [redacted].
Balderson, Jack V., [redacted].
Belveal, Charles E., [redacted].
Bishop, Martin R., [redacted].
Brick, Samuel T., Jr., [redacted].
Briggs, Arnold B., [redacted].
Brown, John R., [redacted].
Bruner, Thomas J., [redacted].
Buggs, Charles T., [redacted].
Campbell, James A. B., [redacted].
Carberry, James A., [redacted].
Clark, William N., [redacted].
Clarke, Richard R., [redacted].
Colon-Osorio, Pedro, [redacted].
Cowden, Ronald R., [redacted].
Crawford, Boyce R., [redacted].
Cruz-Ibara, Orlando, [redacted].
Dean, William J., [redacted].
Demartino, Thomas M., [redacted].
Derdeyn, Conrad, [redacted].
Devine, Robert H., [redacted].
Draper, Lloyd F., [redacted].
Droms, Frank A., [redacted].
Duff, James L., [redacted].
Ewens, Michael A., [redacted].
Eyler, Claude A., [redacted].
Fultz, Benjamin S., [redacted].
Garner, John L., [redacted].
Gilbert, Othan O., Jr., [redacted].
Gorder, Leroy V., [redacted].
Grindell, Chelsey V., [redacted].
Hall, Gaines B., [redacted].
Hawkins, Lawrence W., [redacted].
Hay, Tommy E., [redacted].
Hendee, Allen R., [redacted].
Henderson, Russell L., [redacted].
Hillhouse, Kent H., [redacted].
Hillhouse, Ronald T., [redacted].
Hollenbeck, Park A., [redacted].
Hubbard, Clifford, [redacted].
Hymovitz, Allen, [redacted].
Jackson, Michael G., [redacted].
Jim, Clayden F., [redacted].
Kapelka, Stephen R., [redacted].
Kilfoil, John J., [redacted].
King, Edward A., [redacted].
Knapp, Gerald K., [redacted].
Koger, Herbert, Jr., [redacted].
Kohn, Francis H., [redacted].
Kos, Michael R., [redacted].
Krummenacker, George G., [redacted].
Kubilins, Kenneth C., [redacted].
Larosa, Robert S., [redacted].
Larson, Paul W., [redacted].
Lattan, Hubert M., [redacted].
Lebder, Carmen A., [redacted].
Liebl, Hans, [redacted].
Maccaroni, Warren I., [redacted].
McCann, Stanford R., [redacted].
Miller, Roland W., [redacted].
Mitchell, Richard L., [redacted].
Mooney, Howard T., [redacted].
Oji, Jess H., [redacted].
Olives, Leonard R., [redacted].
Pasco, Leo P., [redacted].
Peters, Bruce A., [redacted].
Phillips, Herschel H., Jr., [redacted].
Phillips, John C., Jr., [redacted].
Plewes, Thomas J., [redacted].
Poole, James L., [redacted].
Pousardien, Stephen F., [redacted].
Prescott, David L., [redacted].
Radvilas, Arthur A., [redacted].
Ready, Peggy E., [redacted].
Ring, Dennis M., [redacted].
Roman, Michael T., [redacted].
Rude, Carl E., Jr., [redacted].
Ruth, Robert L., [redacted].
Ryall, William F., [redacted].
Salerno, Raymond F., [redacted].
Sande, Ralph C., [redacted].
Short, Robert A., [redacted].
Smith, Dennis B., [redacted].
Smith, James A., [redacted].
Smith, James J., [redacted].
Soldan, Carl A., [redacted].
Spunzo, Raymond A., [redacted].
Steiner, George J., [redacted].
Stoneman, Philip N. III, [redacted].
Subkow, Jerome J., [redacted].
Summers, Patrick L., [redacted].
Thieme, Phillip R., [redacted].
Vaughan, Milton C., [redacted].
Vockert, Karl P., [redacted].
Walker, Donald L., [redacted].
Walter, Herbert A., [redacted].
Welsh, John L., [redacted].
Wolton, John B., Jr., [redacted].

CHAPLAIN

To be lieutenant colonel

Anderson, Robert, [redacted].
Corlew, Jerry F., [redacted].

ARMY NURSE CORPS

To be lieutenant colonel

Howard, John H., [redacted].
Shields, Elizabeth A., [redacted].

DENTAL CORPS

To be lieutenant colonel

Goldman, Barry M., [redacted].

MEDICAL CORPS

To be lieutenant colonel

Smith, Donald W., [redacted].

MEDICAL SERVICE CORPS

To be lieutenant colonel

Baum, John E., [redacted].
Miller, Ronald J., [redacted].

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, U.S.C., sections 591, 592 and 594:

DENTAL CORPS

To be colonel

Reddin, James B., [redacted].

MEDICAL CORPS

To be colonel

Fishbeck, Malcom E., [redacted].
McDonnell, Dennis E., [redacted].
Nelson, James S., [redacted].
Slaughter, William G., [redacted].
Sokol, Robert J., [redacted].
Strickland, Alva L., [redacted].

ARMY PROMOTION LIST

To be lieutenant colonel

Kopcsak, George, [redacted].

CHAPLAIN

To be lieutenant colonel

Saucer, Bobby J., [redacted].

DENTAL CORPS

To be lieutenant colonel

Baggs, Gary A., [redacted].
Flynn, Dennis D., [redacted].
Galitis, George C., [redacted].
High, Roy S., [redacted].
Munger, Donald B., [redacted].
Pommert, Charles J., [redacted].
Salvato, Edward T. Jr., [redacted].

MEDICAL CORPS

To be lieutenant colonel

Bosse, George, [redacted].
Buehler, John A., [redacted].
Cheong, In Tai, [redacted].
DePriest, Oscar S., III, [redacted].
Dewitt, James E., [redacted].
Dougherty, Michael J., [redacted].
Everhart, Francis J., [redacted].
Farhoody, Ahmad, [redacted].
Fox, James M., [redacted].
Hall, William A., [redacted].
Hastings, John R., [redacted].
Heinitsh, Harry E., [redacted].
Kelley, James L., [redacted].
Kilby, Ralph, [redacted].
Lubin, Gerald I., [redacted].
Marcure, Richard W., [redacted].
Marin, Gerald A., [redacted].
Massey, John B., [redacted].
Padgett, James E., Jr., [redacted].
Palazzo, Doris J., [redacted].
Peralta, Josefa B., [redacted].
Pruet, Charles W., [redacted].
Rodriguez, Ana, [redacted].
Sandri, William N., [redacted].
Shaw, Robert W., [redacted].
Sizemore, Hiram Jr., [redacted].
Smith, Jay D., [redacted].
Sobul, Alan H., [redacted].
Weitzman, Leonard, [redacted].

The following-named Army National Guard officers for appointment in the Reserve of the Army of the United States, under the provisions of title 10, U.S.C., section 3385:

ARMY PROMOTION LIST

To be colonel

Amsler, Edward F. Jr., [redacted].
Behnke, Ervin F., [redacted].
Bowman, Harrison F., [redacted].
Bundy, Richard L., [redacted].
Burns, James H., [redacted].
Carroll, Robert D., [redacted].
Carter, Fred M., [redacted].
Cook, Boyd M., [redacted].
Culpepper, Marvin W., [redacted].
Dehne, Duane A., [redacted].
Earnshaw, David G., [redacted].
Haas, Lloyd E., [redacted].
Haransky, Stanley J., [redacted].
Jobe, Waylen E., [redacted].
Kelly, Billy B., [redacted].
Knight, Ken G., [redacted].
Kruger, Donald G., [redacted].
Marinaro, Ralph C., [redacted].
Marshall, Alfred H. II, [redacted].
Miller, Harold A., [redacted].
Nanartowich, Richard H., [redacted].
Pettit, Robert S., [redacted].
Porter, George W., [redacted].
Roberts, Richard C., [redacted].
Roob, Gerald L., [redacted].
Shaw, Kenneth A., [redacted].
Smith, Robert E., [redacted].
Wilk, Stanley J., [redacted].
Williams, Carl C., [redacted].

CHAPLAIN

To be colonel

Hendricks, Ralph R., [redacted].

MEDICAL CORPS

To be colonel

Colom Alemany, S., [redacted].

ARMY PROMOTION LIST

To be lieutenant colonel

Argo, Ulon C., [redacted].
Aycock, David P., [redacted].
Baca, Edward D., [redacted].
Bowen, Crayton M., [redacted].
Brown, Richard H., [redacted].
Buchanan, Gale A., [redacted].
Calagaz, Frank J., Jr., [redacted].
Cameron, John E., Jr., [redacted].
Carr, Samuel M., [redacted].
Carter, Billie C., [redacted].
Chase, Neil W., [redacted].
Clifton, Charles, [redacted].
Couture, Roy A., [redacted].
Cromwell, John L., [redacted].
Crouch, Hobert L., [redacted].
Daniels, Glen E., [redacted].
Denton, Frank M., [redacted].
Dickinson, James E., [redacted].
Dixon, Gary R., [redacted].
Faircloth, Joseph S., [redacted].
Frazer, Thomas M., [redacted].
Garnjobst, James L., [redacted].
Goodrich, Roger L., Jr., [redacted].
Goodwin, Ray C., [redacted].
Grundy, Charles R., [redacted].
Hamilton, William G., [redacted].
Harrington, James C., [redacted].
Harris, William T., III, [redacted].
Heng, Stanley M., [redacted].
Hill, Andrew R., [redacted].
Hillard, Charles E., [redacted].
Ishii, Herbert T., [redacted].
Jackson, Ray L., [redacted].
Jones, Ward S., [redacted].
Kifer, Allen L., [redacted].
Lane, Edgar E., [redacted].
Laprise, William A., [redacted].
Layton, Donald, [redacted].
Lindsay, Roscoe, Jr., [redacted].
Lunsford, Harold D., [redacted].
Majors, Wayne C., [redacted].
Massion, Barry W., [redacted].
Mattison, James B., [redacted].
Mayhue, Don W., [redacted].
McBee, Lawrence F., [redacted].
McLawhorn, Herman H., [redacted].
Morrison, Fred K., [redacted].
Murphy, James L., [redacted].
O'Connor, Donald L., [redacted].
Odling, Jerald E., [redacted].
Parker, Terrell E., [redacted].
Pitzer, Jack T., [redacted].
Quinones, Justo M., [redacted].
Riefkohl, Otto J., [redacted].
Scearcy, Douglas P., [redacted].
Secrist, Clarence R., [redacted].
Shiles, Richard L., [redacted].
Staheli, Franklin H., [redacted].
Stultz, Stuart G., [redacted].
Terragna, Onofrio P., Jr., [redacted].
Waldner, Donald J., [redacted].
Warren, Duane D., [redacted].
Wilhoite, Gerald J., [redacted].
Williams, Richard J., [redacted].
Winchester, Jerry R., [redacted].

CHAPLAIN

To be lieutenant colonel

Coulter, David C., [redacted].
Turney, Franklin D., [redacted].

ARMY NURSE CORPS

To be lieutenant colonel

Shields, Pinkie L., [redacted].

MEDICAL CORPS

To be lieutenant colonel

Balch, James I., [redacted].
Collins, Francis C., [redacted].
Figarola, Tulio R., [redacted].
Folk, Frank S., [redacted].
Gurkow, Helen J., [redacted].
Gurley, Jerry N., [redacted].
Haller, James G., [redacted].
Henry, John P., [redacted].
Leonida, Domingo D., [redacted].
Preston, Edmund H., [redacted].
Sabio, Andres R., [redacted].
Scott, Jack, [redacted].
Shipman, Harold L., [redacted].
Swillinger, Richard R., [redacted].
White, Robert H., [redacted].
Williams, William A., Jr., [redacted].

MEDICAL SERVICE CORPS

To be lieutenant colonel

Dutton, Clyde W., [redacted].
Hardtke, William R., [redacted].
Letsinger, Joe E., [redacted].
Wallace, John M., [redacted].

IN THE MARINE CORPS

Maj. John R. Bourgeois, U.S. Marine Corps, for appointment to the grade of lieutenant colonel, pursuant to title 10, United States Code, section 6222.

The following-named Naval Reserve Officers Training Corps graduates for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10, United States Code, section 2107, subject to the qualification therefor as provided by law:

Arnold, Chester A., Jr.
Conway, William S.
Gross, Michael R.
Hastings, Calvin E.
Leslie, Idenne M.
Purvis, David A.
Richardson, Elizabeth
Ryan, Terry M.
Sanders, Bernard C.
Sugimoto, Lee M.

The following-named Marine Corps enlisted commissioning education program graduates for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10, United States Code, section 5583, subject to the qualifications therefor as provided by law:

Allen, Kathryn A.
Baynard, Frank C., Jr.
George, Michael D.
Giusto, Stephen V.
Guidry, Richard W.
Hester, Clifford D.
Hinckley, George W.
Horr, James E.
Koferow, Donald W.
McGrath, Steven J.
Noblick, Robert M.
Oehninger, Daniel S.
Pechon, Michael A.
Pepe, Michael J.
Sherman, Jeffrey R.
Slater, Michael P.

The following-named Navy enlisted scientific education program graduates for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10, United States Code, section 5583, subject to the qualifications therefor as provided by law:

Ashley, Bruce T.
Haddock, Joey R.
Holowecki, William P.
Martin, Billy D.

HOUSE OF REPRESENTATIVES—*Tuesday, February 26, 1980*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
February 25, 1980.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Tuesday, February 26, 1980.

THOMAS P. O'NEILL, JR.,
Speaker of the House of Representatives.

PRAYER

The Reverend Priit Rebane, pastor, Trinity Lutheran Church and the Estonian Lutheran Congregation of Florida, Fort Lauderdale, Fla., offered the following prayer:

Dear Father of all nations:

We are grateful for the manifold blessings You have showered on our people and Nation, and we thank You for the feeling of national pride which our people experienced through recent victories on Olympic ice.

Challenge, we pray, our Nation to continue its moral and spiritual leadership in the world. May that raised torch of liberty continue to be the hope of all captives—whether they be Americans in their embassy in a foreign country, a nation of Estonian people behind the Iron Curtain, or countries that are denied their basic human rights of self-determination and freedom.

Be the strength of individuals in lands where they cannot speak their convictions and are imprisoned or mercilessly hounded for them.

Guide the Members of this House so that Your will be accomplished through them.

In Jesus' name I pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Chirdon, one of his secretaries.

THE REVEREND PRIIT REBANE

(Mr. YOUNG of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YOUNG of Florida. Mr. Speaker, it is my pleasure to introduce our guest chaplain for today, the Reverend Priit Rebane, my constituent who is the pastor of the Trinity Lutheran Church in St. Petersburg, Fla., and the chaplain for the Estonian community in St. Petersburg and the central Florida area.

Reverend Rebane is here today in honor of the 62d anniversary of the proclamation of the independence of the Republic of Estonia, which unfortunately is now under Soviet rule. This is the 13th consecutive year that an Estonian-American clergyman has given the opening prayer in the House of Representatives in recognition of the anniversary, but it is the first time a Floridian has had the honor of representing the Estonian community before the House.

Reverend Rebane was born in Pilistvere, Estonia, on August 24, 1937. He was forced to flee to Germany with his family when Communist armies invaded Estonia in 1944. He lived in displaced persons camps for the next 6 years with his mother Maie, father Hans, and his brother Henn. Reverend Rebane and his family emigrated to the United States on June 10, 1950. The Trinity Lutheran Church of St. Petersburg, the church Reverend Rebane now serves, was the same church that sponsored the Rebane family as refugees in 1950.

Reverend Rebane attended public high school in Philadelphia and college in Allentown, Pa., before returning to Philadelphia to enter the seminary. Following his graduation, he became an assistant pastor in Nazareth, Pa., then he organized the King Glory Lutheran Church in Fort Worth, Tex., and New Port Richey, Fla.

Reverend Rebane married the former Judith Petree in 1961, and has two sons, Michael and Scott.

While the Rebane family made it out of Estonia, there are many who did not and remain there under Soviet rule. We should take a moment to memorialize the plight of the Baltic people who have been overcome by the ruthless tyranny of the Soviet Union.

I pay tribute to Reverend Rebane and hope that his presence here will lend moral encouragement to those Estonian people still suffering under Soviet rule.

Mr. Speaker, I am very happy to welcome Reverend Rebane here to the House of Representatives.

REQUEST FOR PERMISSION TO FILE CONFERENCE REPORT ON H.R. 4473, FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS, 1980

Mr. LONG of Maryland. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 4473) making appropriations for foreign assistance and related programs for the fiscal year ending September 30, 1980, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. YOUNG of Florida. Mr. Speaker, reserving the right to object, I would inquire of the gentleman from Maryland when he would plan to bring the conference report to the floor if he receives unanimous consent today.

Mr. LONG of Maryland. As soon as possible under the rules.

Mr. YOUNG of Florida. Meaning by Friday?

Mr. LONG of Maryland. I have explored this with the leadership and if Friday is the first day we can bring it up under the rules, it should be Friday. If we can bring it up earlier than that that will be fine. I would like to get it adopted as soon as possible.

Mr. YOUNG of Florida. Mr. Speaker, I share the gentleman's thought but because of the timing I have not had an opportunity to discuss this with the gentleman and I feel I must object.

The SPEAKER pro tempore. If the gentleman would withdraw his objection, let the Chair assure the gentleman the leadership would very much appreciate the opportunity for the bill to be filed in order that we might expedite an opportunity to consider it. The bill has been held over since last year as the gentleman from Florida no doubt is aware of. The conferees have been meeting and have finally reached what appears to be an agreement, as the gentleman from Maryland rightly advises.

Mr. YOUNG of Florida. Mr. Speaker, further reserving the right to object, I am very reluctant to do this but we have had no discussion on this matter. There are a number of amendments in disagreement. I do not believe that between now and Friday the House will have ample time to prepare for a discussion and debate on this conference report.

Further reserving the right to object I might say we were in conference back on the 1st day of November. We went from the 1st day of November until just yesterday before we even had another conference so evidently the time concern was not evident at that point.

Mr. Speaker, as reluctant as I am, I must object.

□ This symbol represents the time of day during the House Proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

The SPEAKER pro tempore. Objection is heard.

THE IRRELEVANT PRESIDENCY OF JIMMY CARTER

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, a recent Newsweek poll shows that only 39 percent of Americans feel the President is very responsible for the economy today.

Sixty-four percent feel that our current problems with Iran would have happened regardless of President Carter's policies.

These figures demonstrate what I have long suspected, the American people have ceased to believe that what President Carter does or says is relevant to our problems. He is seen as a nice man who sits quietly in the White House, appears on television now and then and smiles a lot.

The inflation rate is now at an annual rate of 18 percent, the prime lending rate has gone through the roof, our defenses are at their weakest point in years, the economy is in turmoil, and we have no energy policy. Yet President Carter is higher in the popularity polls than he has ever been.

This irrelevant President has caused disaster after disaster, only to see them turn into political success.

The medieval alchemists were looking for ways to turn lead into gold. They should have known Jimmy Carter's secret.

WHERE IS THIS COUNTRY HEADING?

(Mr. PASHAYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASHAYAN. Mr. Speaker, the signal is out. Economists are now assessing the current rate of inflation and state of the economy as the worst since World War II. Where is this country heading?

During the past 25 years our Nation has sustained Federal deficits for all but 4 of those years and has amassed a national debt climbing to a trillion dollars. We are now being told that our lack of fiscal constraint is leading to an inflation rate in 1980 of over 18 percent. Where is this country heading?

We are destroying capital formation and potential jobs for our unemployed, we are rapidly depleting the buying power of the dollar for our social and defense programs, and we are continuing to spend billions of dollars on the interest generated from past years of deficit spending.

Where is our country heading, Mr. Speaker? The time has long come for a balanced budget. We must mark that change now.

WE SHOULD NOT BOYCOTT 1980 SUMMER OLYMPICS

(Mr. GOLDWATER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOLDWATER. Mr. Speaker, the 1980 winter Olympics are now history, but the memories—the poignant memories of the coming together of the world's young people in peaceful competition gave me, for the first time in a couple of months, a feeling about what is worthwhile in this world.

Mr. Speaker, I was one of 13 Members who voted against the boycott of the 1980 summer Olympics, and if I had it to do over again, I would still do it. There are thousands of young people around the world who are the heartwarming stories of the 1980 summer Olympics. What a tragedy that those stories will probably never reach fruition because their efforts have become a pawn for politicians, and their attainments will become a sacrifice to symbolism, that will produce no concrete results.

Mr. Speaker, let Americans train, participate, and win in the 1980 summer Olympics as they did at Lake Placid. I believe that the U.S. participation at Lake Placid did more to refute the propaganda efforts of communism than any boycott will ever do.

GOVERNOR TREEN ADDRESSES HOUSE FOR LAST TIME

(Mr. TREEN asked for and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TREEN. Mr. Speaker, although my resignation from this House, occasioned by my election to the Governorship of Louisiana, will not be effective until March 10, this is the last day that I will be in this Chamber. While I look forward very much to the new challenge and responsibility I will take up on March 10, it is with a great deal of regret that I take my departure from the House of Representatives.

I am going to miss tremendously the daily contacts, associations, and relationships that I have built up in the little more than 7 years I have been here. It is, of course, a rare privilege to serve in the House of Representatives, a privilege for which I will forever be grateful to the people of the Third Congressional District of Louisiana.

I want to take this opportunity to thank the Speaker, the officers of the House, and the employees, for their many, many courtesies extended to me over these past 7 years, and to say to all of my colleagues on both sides of the aisle that I appreciate the cooperation, the guidance, the help, and most of all, the friendship that has been afforded me so graciously and so generously over these years.

Mr. CHARLES H. WILSON of California. Mr. Speaker, will the gentleman yield?

Mr. TREEN. I will be pleased to yield to the gentleman from California.

Mr. CHARLES H. WILSON of California. Mr. Speaker, I have had the privilege of serving with the gentleman on the Armed Services Committee, and I want to say, as one Member on the other side of the aisle, that the gentleman has been one of the most intelligent and hard-working members of our committee. Until the time came for him to start campaigning in Louisiana, he has been one of the most hard-working members of that committee, one of the most dutiful members we have had.

Mr. Speaker, I wish the gentleman the best of everything in his new responsibilities.

Mr. TREEN. I thank the gentleman. It has been a tremendous privilege to serve with him on the Armed Services Committee, under the leadership of our chairman, MEL PRICE, the ranking minority member, the gentleman from California (Mr. BOB WILSON). I am going to miss those associations very much.

Mr. PRITCHARD. Mr. Chairman, will the gentleman yield?

Mr. TREEN. I yield to the gentleman from Washington.

Mr. PRITCHARD. Mr. Speaker, I want to compliment the gentleman for his service here and say how lucky the State of Louisiana is in having him as its new Governor. Many times we say that the Federal Government rarely sends anything down to the States but trouble. I think, in this case, we are sending down a solution. I think the State is lucky, and I repeat how proud we are, those of us who came into Congress in the gentleman's class, that he has moved on to be Governor of Louisiana. We compliment him.

Mr. TREEN. I thank the gentleman. I am pleased to have served with him on the Merchant Marine and Fisheries Committee, and I have enjoyed that association very much.

RESIGNATION AS MEMBER OF COMMITTEE ON ARMED SERVICES AND COMMITTEE ON HOUSE ADMINISTRATION

The SPEAKER pro tempore (Mr. BOLAND) laid before the House the following resignation as a member of the Committee on Armed Services and the Committee on House Administration:

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 26, 1980.

Hon. THOMAS P. O'NEILL,
Speaker, U.S. House of Representatives, the Capitol, Washington, D.C.

DEAR MR. SPEAKER: Due to my election to the House Appropriations Committee by the Democratic Caucus, effective today, February 26, 1980, I am resigning my membership on the Committee on Armed Services and the Committee on House Administration.

Sincerely yours,

VIC FAZIO,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION AS MEMBER OF COMMITTEE ON APPROPRIATIONS

Mr. FOLEY. Mr. Speaker, as chairman of the Democratic Caucus and by the authority and direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 585) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 585

Resolved, That the following-named Member be, and is hereby, elected to the following standing committee of the House of Representatives:

Committee on Appropriations: Vic Fazio, California.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE 1979 ANNUAL REPORT OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Banking, Finance and Urban Affairs.

(For message, see proceedings of the Senate of today, February 26, 1980.)

UNITED NATIONS PRESENCE IN INDOCHINESE REFUGEE CAMPS

Mr. ZABLOCKI. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 72) expressing the sense of the Congress that the President should request the United Nations to establish an international presence in the refugee encampments on the border between Thailand and Kampuchea, and for other purposes.

The Clerk read as follows:

S. Con. Res. 72

Whereas the Government of the Kingdom of Thailand has demonstrated to the world its humanitarian convictions by opening its borders and providing asylum and assistance to the Khmer people who have been victims af war, famine, and oppression in Kampuchea;

Whereas the international community owes a great debt of gratitude to the Government of the Kingdom of Thailand for its compassionate actions on behalf of the Khmer people;

Whereas hundreds of thousands of Khmer have fled their homes in Kampuchea seeking security, food, and medical assistance;

Whereas many of these refugees have settled temporarily in encampments along the border between Thailand and Kampuchea where food, water, and medical care have been made available to them;

Whereas the security of the refugees in these encampments is continually threatened because of the unrest and the lack of an international presence in that border area;

Whereas armed conflict within these encampments has forced many refugees, often in fragile physical condition, to flee in fear for their physical safety;

Whereas food which is being provided by international organizations for humanitarian relief to refugees in these encampments may not be reaching those with the greatest need because of a lack of supervision of its distribution;

Whereas the Government of the Kingdom of Thailand has requested the United Nations to provide international observers in the area of the border between Thailand and Kampuchea, but no action has been taken; and

Whereas the international community, acting through the United Nations, has an obligation to provide such assistance to the Government of the Kingdom of Thailand as may be necessary in support of its efforts on behalf of the Khmer people: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President, acting through the Permanent Representative of the United States to the United Nations, should request the United Nations to establish under its auspices an international presence in the encampments of Khmer refugees along the border between the Kingdom of Thailand and Kampuchea for the purposes of—

(1) promoting security and stability for the refugees in encampments along the border between Thailand and Kampuchea;

(2) overseeing the distribution of food and water to insure that they are equitably distributed to those refugees for whom they are intended;

(3) demonstrating that the assistance which is being provided to refugees in such encampments by the United Nations and other international agencies is solely for humanitarian purposes; and

(4) encouraging all nations in the region to respect the use of the border area between Thailand and Kampuchea as a sanctuary for those Khmer who are in need of humanitarian assistance.

Sec. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Wisconsin (Mr. Zablocki) will be recognized for 20 minutes, and the gentleman from Washington (Mr. Pritchard) will be recognized for 20 minutes.

The Chair now recognizes the gentleman from Wisconsin (Mr. Zablocki).

Mr. ZABLOCKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of Senate Concurrent Resolution 72, expressing the sense of the Congress that the President should request the United Nations to establish an international presence in the refugee encampments on the border between Thailand and Kampuchea, and for other purposes.

Senate Concurrent Resolution 72, which is identical to House Concurrent Resolution 274, was passed by the Senate by a voice vote on February 19, 1980. House Concurrent Resolution 274 was ordered favorably reported by unanimous voice vote in the Committee on Foreign Affairs, on February 12.

At the outset I want to commend the distinguished chairman of the Subcommittee on Asian and Pacific Affairs, Mr. Wolff, and the subcommittee's ranking minority member, Mr. Guyer, for their efforts to bring this timely resolution to the floor of the House. I also want to commend the other cosponsors of the resolution: Mr. Broomfield, Mr. Fascell, Mr. Solarz, Mr. Buchanan, Ms. Holtzman, Mrs. Boggs, Ms. Schroeder, Ms. Mikulski, Mrs. Heckler, Mrs. Fenwick, Mrs. Snowe, and Mr. Oberstar for their support and continuing interest in this matter.

Last month, the gentleman from Wisconsin, along with the ranking minority members of the Committee on Foreign Affairs, and the chairmen and the ranking minority members of the Subcommittees on International Operations and Asian and Pacific Affairs, wrote a letter to Mr. Poul Hartling, U.N. High Commissioner for Refugees. In that letter we stated our conviction that a bona fide international presence must be established in the Khmer refugee encampments along the Thailand-Kampuchea border in order to prevent a disaster. The refugee encampments in that area have already experienced intramural fighting among armed contingents opposed to the Phnom Penh government as well as clashes between those groups and the Thai security forces in the area.

As a result of these incidents, the international relief effort on the border which has been extremely successful in feeding the refugees has undergone several unfortunate suspensions. Now there are ominous indications that the 50,000 Vietnamese combat troops deployed near the border area may be on the verge of military operations to disperse the refugee population in the border encampments. Just this past weekend, fighting between Vietnamese-supported Phnom Penh forces and Khmer Rouge remnants has been reported near the area in question. Such an action would create more refugees, both Khmer and Thai, severely hamper the ongoing border relief program, and further destabilize the area.

Senate Concurrent Resolution 72, and the House companion resolution (House Concurrent Resolution 274), call on the President to request the U.N. to establish an international presence in those encampments in order to promote security and stability in the encampments and to improve the distribution of the food and medical assistance being delivered there.

Mr. Speaker, I urge the adoption of Senate Concurrent Resolution 72 and yield to the gentleman from New York (Mr. Wolff), the distinguished chairman of the Subcommittee on Asian and Pacific Affairs, for his comments and to be the manager of the consideration of Senate Concurrent Resolution 72.

Mr. WOLFF. Mr. Speaker, I am sure the Chair will allow me to say at the outset that we are deeply indebted to the chairman of the Committee on Foreign Affairs for the speed with which he helped to bring this resolution to the floor.

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution offered by the Committee on Foreign Affairs reflects the thinking as well of the Subcommittee on Asian and Pacific Affairs, and underscores the concerns of many of us for the past several years.

We have felt and we continue to feel that the humanitarian concerns raised by the plight of the Cambodian refugees along the Thai-Kampuchea border far outweigh any political issues which might arise.

However, we recognize that a grave military threat exists in the area, not only to the refugees, but particularly to Thailand, because of the large numbers of well-armed contending forces.

Thus, we feel that a United Nations presence could help defuse a very dangerous situation to large numbers of people, as well as to a nation of vital strategic importance to the United States.

At the least, this resolution could help many hundred of thousands of refugees now crowded into camps along the border. At best, it might help set in process a method of eventual resolution of the tragedy of Kampuchea.

Perhaps best of all for the moment, this amendment will not cost the taxpayers any money. Briefly, the resolution is designed to accomplish the following:

As Chairman ZABLOCKI has stated, the resolution calls for an international presence, under United Nations auspices, in Khmer refugee camps along the Thailand-Kampuchea border.

It is our intent that the resolution:

Frist, promote security and stability for the refugees in the camps along the border.

Second, oversee the distribution of food and water to insure that they are equitably distributed to those refugees for whom they are intended.

Third, demonstrate that the assistance which is being provided to refugees in the encampments by the U.N. and other international donors is solely for humanitarian purposes.

Fourth, encourage all nations in the regions to respect the use of the border area between Thailand and Kampuchea as a sanctuary for those refugees who are in need of humanitarian assistance.

BACKGROUND/POSSIBLE QUESTIONS

There are presently nearly 300,000 people in the border camps. Problems have arisen because at least two of the major camps are "controlled" by factions opposed to the Vietnamese, and somewhat to each other. Thus, food and medical relief is not necessarily being fairly distributed in the camps, and allegations of bribes, black markets, et cetera, have been raised and substantiated.

While it is true that the U.N. probably could not get permission from the Heng Samrin government in Phnom Penh to set up in camps actually in Kampuchea—because the U.N. does not recognize that regime—there are still major camps and areas within Thailand which would benefit from the U.N. presence, and, of course, the precedent would be set—possibilities for Kampuchea would be opened, in other words.

Finally, and importantly, the U.N. presence would hopefully help clear up some of the administrative problems—inherent in the black market problems—which make the border operation so difficult, despite all the international money, and good will.

This bill does not address the situation in Kampuchea proper.

Mr. PRITCHARD. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. LAGOMARSINO).

Mr. LAGOMARSINO. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in strong support of this resolution.

Critical shortages of food and the threat of continued fighting between Vietnamese forces and Khmer Rouge forces loyal to the ousted Communist government of Pol Pot have sent massive numbers of Cambodian refugees into or near neighboring Thailand. Estimates go as high as 1 million in that area on both sides of the border, but mostly in Thailand. The problems posed by this human tide are both humanitarian and political in nature. As my friend (Mr. WOLFE), the chairman of the subcommittee, has pointed out, what we are really concerned with here today is the humanitarian aspect of this problem.

For the moment, the most pressing aspect of the humanitarian problem, the need for adequate food and medical assistance, is still present, although perhaps the great crisis we had awhile back has passed to at least some extent. The political problem promises to be more long term and for the time being seems to be almost insoluble.

However, I think it is very important that an independent presence be established in the refugee encampments in Cambodia and on the border between Thailand and Cambodia.

So, Mr. Speaker, I urge my colleagues to support the resolution.

Mr. PRITCHARD. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the legislation of the distinguished chairman of the Subcommittee of Asian and Pacific Affairs, the gentleman from New York (Mr. WOLFF).

I believe that an international presence, a United Nations presence, in the refugee encampments in Thailand and Kampuchea is particularly important at this time. Those refugee centers are endangered by continued hostility, hostility from the Vietnamese, hostility from the opposing Military Forces in Kampuchea and hostility within the encampments.

During our committee's recent visit to Thailand, we had an opportunity to discuss the issue with the Prime Minister. He expressed concern about the safety of the Kampuchean refugees in the border encampments. I do not believe that the responsibility for protecting these hundreds of thousands of refugees on the borders between Thailand and Kampuchea should be the responsibility of any one nation. It is extremely important, if we truly have a humanitarian concern for the safety of these refugees, that there be an international presence, a United Nations presence, in these camps.

Since 1975 the situation in Cambodia has produced a series of horror stories. We can only guess at the tragedy visited upon the Khmer people by the Pol Pot and Heng Samrin governments. We believe that over 2 million people have died as a result of that ongoing tragedy. We know that upwards of a million more are now on the frontier between Kampuchea and Thailand, seeking desperately to avoid being caught either by or between the Pol Pot and Heng Samrin forces.

How can those people be cared for? There have been tremendous outpourings of humanitarian food and medical relief. The international community, the people of many countries, have provided good support for the Khmer refugees. Yet only a small percentage, perhaps a third, of those huddled along that unfortunate frontier are in organized camps. The rest are virtually nomads who roam back and forth across the line to obtain food and refuge. And among them are of course those who still resist the forces of Heng Samrin, and others who resist both Pol Pot and Heng Samrin, the Khmer Serei. All of this makes systematic care very difficult, especially when the United Nations personnel who would normally bring some order to the situation are only there part time—rarely overnight.

We have to put more people on the ground in the Thai-Kampuchean frontier, in order to make it more difficult for the exploiters of human suffering—the black marketeers and the like—to take advantage. We must also head off any possible Vietnamese attack which could result from fire fights spilling into the refugee areas, with grave human and international results.

Accordingly, Mr. Speaker, I urge my colleagues to support this worthy resolution.

Mr. PRITCHARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise on behalf of S. 72, which is identical to the measure reported by the Foreign Affairs Committee, House Concurrent Resolution 274. There are clear and compelling reasons for the action called for in this bill. There needs to be an international presence in the Khmer refugee areas on the frontier between Thailand and Kampuchea.

The numbers of Khmers who have found sanctuary from the Vietnamese invasion, or from remnants of the Pol Pot forces in Thailand have now reached somewhere close to a million people. They are being fed and assisted by the international community. Yet these locations are not by any means the well-organized, relatively comfortable camps which have been in place for 4 or 5 years now elsewhere in Thailand. These Khmer locations are huge centers which have grown hurriedly under the impetus of war in Kampuchea.

In assessing the impact of these huge numbers, we need to remember that the Government of Thailand had extreme political difficulty accommodating the

250,000 Lao and Hmong refugees. That experience has not rendered Thailand somehow immune to the effects of the Khmer human wave. For the government led by Prime Minister Kriangsak to open its frontiers to the Khmers, as it has done, was an act of political courage considered purely in domestic Thai political terms.

The international implications for Thailand are even more grave, perhaps. The presence of the Khmers on their frontier opens the way for conflict between the Thais and the Vietnamese forces in Kampuchea. Vietnamese under the Hanoi puppet Heng Samrin could very well, in pursuit of either Khmer Rouge or Khmer Serei, invade Thai territory. Some of the resistance camps are surrounded by if not located in Khmer refugee concentrations.

Thus there should be a permanent United Nations presence on the Kampuchean frontier, in order to make it more difficult for the Vietnamese to strike, and to make it less convenient for Khmer of any political color to use refugee areas as staging centers for their activities back into Kampuchea.

This action has been requested directly of the United Nations High Commissioner for Refugees. The Thai Government has asked the UNHCR to do this, and Members of the U.S. Congress have done so also. So far no such action has been taken. So the risks remain high of border conflict. And the absence of a round-the-clock presence by some international agency in the critical regions gives rise to the spectre of government by night which is quite different than government by day. Black marketing and profiteering will be worsened, and the orderly operation of the sites in question will be virtually impossible.

Therefore, for the protection of the Khmers in question, and to ease the Thai security situation, I urge the House to join the other body in seeking the appropriate steps called for in this resolution.

● Ms. **MIKULSKI**. Mr. Speaker, I rise in support of Senate Concurrent Resolution 72, legislation which would encourage the United Nations to establish an official presence in the refugee camps along the Thai-Kampuchean border. In my view, the presence of the U.N. in these camps where so many thousands of refugees are now languishing would be an important step in improving their plight. It would promote security and stability in the camps as well as improve the basic living standards for those refugees now living in them.

In the past 4 years, approximately 4 million Kampucheans have died as a result of the strife and famine in that nation. More Kampucheans will probably die unless action is taken to protect the survivors. Last fall, I had the opportunity as part of the Congresswomen's delegation to visit both Thailand and Kampuchea. The horror which I viewed there is almost beyond human comprehension. I will never be able to forget the sights of starving and dying people—men, women, and most tragically, children.

Currently, several hundred thousand Kampucheans are living in these camps. The number of new refugees continues to multiply daily. One of my most serious concerns is that the Vietnamese army might attack the camps, resulting in the mass slaughter of a larger number of inhabitants. I believe that a U.N. presence would be a valuable deterrent to such an attack. A second grave concern of mine is that the food and medical supplies provided by international relief agencies are not always being distributed to the refugees for whom they were intended.

Frequent allegations have been made that a large percentage of the supplies are being confiscated by armed factions within the camps and being distributed only to soldiers fighting for those factions. In my view, a U.N. presence at the camps would help to insure that the refugees are receiving the aid in an equitable manner.

Mr. Speaker, I believe that our Government has an obligation to help put an end to the nightmare which has befallen the Kampuchean people. We must insure that adequate relief supplies are being sent to these refugees. We must continue to permit a reasonable number of refugees to enter the United States for permanent resettlement. Finally, we must work actively in the international forum for various actions which will protect the refugees from further tragedy. I believe that a U.N. presence in the camps would accomplish this last goal, and I urge my colleagues to support Senate Concurrent Resolution 72.●

● Mr. **DERWINSKI**. Mr. Chairman, I rise in support of House Concurrent Resolution 274, an effort to save lives in an area of the world where so many have already perished. This is a measure toward rationalization of the attempts of the international community to provide for nearly a million miserable, tortured souls. There must be a more formal, more permanent, more effective international presence in the area to reinforce and surprise the humanitarian effort and stabilize the political situation along the Thai-Kampuchean border.

The threats—of all kinds—hunger, disease, human predators—which face those tortured peoples who have already endured so much, are real and insidious.

There is a hope that a regularized international humanitarian presence can save lives and ease the misery of many of the refugees in this area. The government of Thailand has requested the U.N. High Commissioner for Refugees to take this step. He has not yet done so. He should. If lives can be saved, they must. If misery can be eased, it must. In an almost literal sense this area offers some respite from the Kampuchean hell. Let us do what we can to ease the misery which is the daily currency of the people in that hell.●

□ 1230

The SPEAKER pro tempore (Mr. BURLISON). The question is on the motion offered by the gentleman from Wisconsin (Mr. ZABLOCKI) that the House suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 72).

The question was taken.

Mr. **CHARLES H. WILSON** of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 388, nays 1, not voting 44, as follows:

[Roll No. 75]

YEAS—388

Abdnor
Addabbo
Akaka
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Anthony
Applegate
Ashbrook
Ashley
Aspin
Atkinson
AuCoin
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Bingham
Blanchard
Boggs
Boland
Bolling
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Broyhill
Buchanan
Burgener
Burlison
Burton, John
Burton, Phillip
Butler
Byron
Campbell
Carney
Carr
Carter
Cavanaugh
Chappell
Clausen
Clay
Clinger
Coelho
Coleman
Collins, Ill.
Collins, Tex.
Conable
Conte
Corcoran
Corman
Cotter
Coughlin
Courter
Crane, Daniel
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
de la Garza
Deckard
Dellums
Derwinski
Dickinson
Dicks
Dingell
Dodd
Donnelly
Dougherty
Downey
Drinan
Duncan, Tenn.
Early
Edgar
Edwards, Calif.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fowler
Frenzel
Fuqua
Garcia
Gaydos
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Harkin
Harris
Harsha
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Holtzman
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kelly
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Lee
Lehman
Leland
Lent
Levitas
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McCormack
McDade
McEwen
McHugh
McKay
McKinney
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Mottl
Murphy, N.Y.
Murphy, Pa.
Murtha

Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Paul
Pease
Perkins
Petri
Peyser
Pickle
Porter
Preyer
Price
Pritchard
Pursell
Quayle
Quillen
Rahall
Railsback
Rangel
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Roberts
Robinson
Roe
Rose
Rosenthal
Rostenkowski
Roth
Roybal
Royer
Rudd
Runnels
Russo
Sabo
Satterfield
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Slack
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spellman
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Swift
Symms
Synar
Tauke
Taylor
Thomas
Thompson
Traxler
Treen
Trible
Udall
Ullman
Van Deerlin
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff
Wolpe
Wright
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NAYS—1

McDonald

NOT VOTING—44

Albosta
Anderson, Ill.
Archer
Badham
Biaggi
Boner
Brown, Ohio
Cheney
Chisholm
Cleveland
Conyers
Crane, Philip
Davis, Mich.
Davis, S.C.
Derrick
Devine
Diggs
Dixon
Dornan
Duncan, Oreg.
Eckhardt
Edwards, Ala.
Edwards, Okla.
Frost
Giaimo
Guyer
Kazen
Lewis
McCloskey
Mathis
Miller, Calif.
Moore
Murphy, Ill.
Nolan
Pepper
Ratchford
Rodino
Rousselot
Santini
Steed
Stewart
Stockman
Vander Jagt
Vanik

☐ 1240

The Clerk announced the following pairs:

Mr. Biaggi with Mr. Harsha.

Mrs. Chisholm with Mr. Devine.

Mr. Giaimo with Mr. Moore.

Mr. Miller of California with Mr. Rousselot.

Mr. Pepper with Mr. Anderson of Illinois.

Mr. Rodino with Mr. Philip M. Crane.

Mr. Santini with Mr. Cleveland.

Mr. Steed with Mr. Edwards of Alabama.

Mr. Vanik with Mr. Stockman.

Mr. Mathis with Mr. Vander Jagt.

Mr. Kazen with Mr. Badham.

Mr. Duncan of Oregon with Mr. Brown of Ohio.

Mr. Diggs with Mr. Cheney.

Mr. Conyers with Mr. Davis of Michigan.

Mr. Davis of South Carolina with Mr. Dornan.

Mr. Murphy of Illinois with Mr. Derrick.

Mr. Nolan with Mr. Frost.

Mr. Boner of Tennessee with Mr. Albosta.

Mr. Dixon with Mr. Eckhardt.

Mr. Lewis with Mr. McCloskey.

Mr. Stewart with Mr. Guyer.

Mr. Ratchford with Mr. Edwards of Oklahoma.

Mr. LUJAN changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 1250

GENERAL LEAVE

Mr. WOLFF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate concurrent resolution just agreed to.

The SPEAKER pro tempore (Mr. SWIFT). Is there objection to the request of the gentleman from New York?

There was no objection.

SPECIAL CENTRAL AMERICAN ASSISTANCE ACT OF 1979

Mr. ZABLOCKI. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 6081) to amend the Foreign Assistance Act of 1961 to authorize assistance in support of peaceful and democratic processes of development in Central America.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. ZABLOCKI).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 6081, with Mr. FOLEY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Monday, February 25, the bill had been considered as read and open to amendment at any point.

Mr. PEASE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we stand at an important crossroads in our ties with the Nicaraguan people and millions more throughout Central America. Let me express a few personal observations as to how things came to pass in Nicaragua and where we might go from here.

First, our earnest desire to prevent the spread of communism in Latin America continues to be too often construed as callous opposition to legitimate popular rebellions against injustice and oppression simply because the targets of such popular rebellions, like Anastasio Somoza, say they are Communist-inspired or Communist-directed, or even because some self-professed Communists take part in them. This recurring misperception on our part has tragically resulted in our Nation being put in the position of perpetuating undemocratic regimes that do not even enjoy the support of the people they govern.

Second, it is very presumptuous for any Member of this House to predict what course the new government and Nicaraguan society will take in the months and years ahead. Who, in 1865, could have foreseen that it would take nearly 100 years after the conclusion of our own civil war before the Congress would enact laws guaranteeing for all Americans equal access to public facilities and the right to vote?

As for the threat of communism in Nicaragua, Somoza and his supporters are to blame every bit as much as the Sandinistas, if not more so. Just as Batista set the stage for Castro's revolution, Somoza with his greed, corruption, and dictatorial rule sowed the seeds for violent civil war in Nicaragua and the advent of the Sandinistas.

Third, looking to the future, the surest way to frustrate the Cuban ideologues and their Nicaraguaran sympathizers is to preempt their appeal. The same holds true for the cadres of Marxists inside El Salvador and Guatemala. Rather than decrying the presence of 500 Cuban doctors in Nicaragua and threatening to withhold aid, we ought to be offering to help train 1,000 Nicaraguans or more in American medical schools and offering to help train thousands of Nicaraguan teachers, engineers, and farmers at the same time.

Fourth, it is by pressing long-overdue social reforms and not with guns that we can most effectively fight totalitarian extremists of the left or right in Central America and elsewhere. If we continue to allow communism to carry the banner of reform, then the downtrodden and the dispossessed, the exploited and the neglected, will turn to it as the only way out of their misery. Our task is to find constructive ways in which to associate our Nation with the forces of change.

Now is the time to challenge the political and economic oligarchies such as the Somoza dynasty which dominated Nicaragua for nearly 40 years—and those regimes which persist in El Salvador and Guatemala and elsewhere—to commit themselves to real egalitarian and economic reforms. For example, we can seize the moment to press for meaningful land reform. At the time of his downfall, Anastasio Somoza was widely reputed to own 60 percent of all the arable land in Nicaragua. In El Salvador, 57 percent of the land is owned by only 1.9 percent of the population. And in Guatemala, 66 percent of the land is owned by 2.6 percent of the population.

Land reform is the essence of human dignity and democracy in Central America. To give land to the man who works it is to give him, for the first time, a degree of security—something more than subsistence living, a place to stand for his rights as a citizen, a share and a stake in the society of which he is a part. Recall for a moment what Daniel Webster said on this point in 1820:

> The freest government, if it could exist, would not be long acceptable, if the tendency of the laws was to create a rapid accumulation of property in few hands, and to render the great mass of the population dependent and penniless. Universal suffrage, for example, could not long exist in a community where there was great inequality of property.

It is too early to draw any conclusions about what the Sandanistas intend in the way of land reform. The simple truth of the matter is that if we had been concerned about land reform earlier, the

Sandanistas might not be where they are today.

The CHAIRMAN pro tempore (Mr. Richmond). The time of the gentleman from Ohio (Mr. Pease) has expired.

(By unanimous consent, Mr. Pease was allowed to proceed for 2 additional minutes.)

Mr. PEASE. Mr. Chairman, in the early 1960's, the Alliance for Progress was born out of a pledge of nonviolent revolutionary change. It proposed an end to the closed society, a society which reserves all wealth and power and privilege for the same classes and the same families which have possessed that wealth and power for centuries. If we had not strayed from that purpose, we would not be confronting such difficult choices in Nicaragua today.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. PEASE. I would be happy to yield to my colleague, the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, could the gentleman advise the committee how much of the land that has been expropriated by the Sandinista government has been distributed to peasants?

Mr. PEASE. I do not have those figures in my hand.

Mr. LAGOMARSINO. Well, that is understandable, because we have been advised by the Minister for Agrarian Reform that none has and that there is no intention of doing so in the near future.

Mr. PEASE. I appreciate the gentleman's contribution. I would just point out again as I did in my remarks that it took the Congress nearly a hundred years to fulfill some of the civil rights that we thought we had guaranteed in the civil war. It may take the Sandinistas a little longer, too.

The CHAIRMAN pro tempore. The time of the gentleman from Ohio (Mr. Pease) has again expired.

(At the request of Mr. Zablocki, and by unanimous consent, Mr. Pease was allowed to proceed for 2 additional minutes.)

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. PEASE. I am happy to yield to my chairman.

Mr. ZABLOCKI. Mr. Chairman, I thank the gentleman for yielding.

In response to the question of the gentleman from California it is my understanding that they are now in the process of creating a land reform policy.

As a matter of fact, I might say to the gentleman from California, a team of land tenure experts from the University of Wisconsin has been in Nicaragua and will return to Nicaragua to study the problems involved in land reform. This will insure a U.S. input into the land reform process.

□ 1300

This is a further example of why it is necessary that we pass this legislation to make it possible for other United States teams of experts to go to Nicaragua. I thank the gentleman for yielding.

Mr. PEASE. I thank the gentleman and yield back the balance of my time.

AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Young of Florida: On page 3, strike lines 23 through 25, and on page 4, strike lines 1 through 7 and insert in lieu thereof:

"(f) The President shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, certification prior to releasing any assistance to the Government of Nicaragua under this chapter, that the Government of Nicaragua has not cooperated with or harbors any international terrorist organization or is aiding, abetting, or supporting acts of violence or terrorism in other countries. In the event that the President transmits such a certification, but at a later date he determines that the Government of Nicaragua cooperates with or harbors any international terrorist organization or is aiding, abetting, or supporting acts of violence or terrorism in other countries, the President shall terminate assistance to the Government of Nicaragua under this chapter and the outstanding balance of any loan to the Government of Nicaragua, or any of its agencies or instrumentalities, with funds authorized to be appropriated by this chapter shall become immediately due and payable."

Mr. YOUNG of Florida. Mr. Chairman, I have thought long and hard about this issue of aid to Nicaragua. I would like to say to my friend from Wisconsin and all of the House that I have decided that I am willing to spend $75 million if we can be assured that this will stop the spread of communism in the Caribbean area and the Central American area through Nicaragua by Cuba or by anyone else. And in order to assure myself that is not going to happen, that we are not going to be, in fact, helping to finance the spread of communism through Nicaragua to El Salvador, for example, I offer this amendment.

The way the bill reads, the President would be required to terminate any assistance to Nicaragua if that Government cooperates with, or harbors any international terrorist organization, or is aiding, abetting, or supporting acts of violence or terrorism in other countries.

Now, my amendment would change it around just slightly to say that prior to the time that the President would release those funds he would certify to Congress and the respective committees in the House and Senate that the Government of Nicaragua has not cooperated with or harbors any international terrorist organization, or is aiding, abetting, or supporting acts of violence or terrorism in other countries. It is a very simple amendment. Have the President certify to the Congress that Nicaragua is not doing these things, and then he can go ahead and release the money. Then I think we could be somewhat assured that our taxpayers' dollars are not going to be used in exporting communism from Cuba or from any place else through Nicaragua to El Salvador or some other part of the Central American part of the world.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I would ask the Chairman how much time I have left.

The CHAIRMAN. The gentleman from Florida has 3 minutes left.

Mr. YOUNG of Florida. I thank the Chair and I will be happy to yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. I thank the gentleman for yielding.

As I read the gentleman's amendment, it is identical to the language that is already contained in the bill on page 3, subparagraph (f), except for a report on the part of the President to the Congress; is that not correct?

Mr. YOUNG of Florida. Not exactly, no. The language in the bill says the President shall terminate assistance, and my language says that the President will not release the funds until he has made that certification that Nicaragua is not involved in the exporting of this violence or these other activities as mentioned in the bill. The language is the same except mine is a prior notification and the bill requires a termination if he decides that is what is happening.

Mr. ZABLOCKI. Will the gentleman yield further?

(By unanimous consent Mr. Young of Florida was allowed to proceed for 3 additional minutes.)

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. If the gentleman will yield briefly, if the gentleman's interpretation is accurate, we on this side see no problem with accepting the gentleman's amendment.

Mr. YOUNG of Florida. Mr. Chairman, I am very happy with the words of the gentleman from Wisconsin, and yield back the balance of my time.

Mr. BAUMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am pleasantly surprised at the momentary support this amendment has from the majority side of the aisle. I say momentary because quite often amendments are accepted in the House, and when they go to conference they are lost. I am sure that an overwhelming expression of support for this amendment dealing with possible terrorism in Nicaragua being exported to other countries, I am sure an expression of strong support for this amendment of the House would prevent it from being taken out in the conference.

I think it is absolutely essential that this legislation guarantee that American taxpayers' dollars, $75 million in this instance, will not be spent to allow the Government of Nicaragua, as this amendment says, to cooperate with or harbor any international terrorist organization, or to permit them, to aid, abet, or support acts of violence or terrorism in other countries. The amendment the gentleman from Florida has offered requires the President to certify before $1 of this aid goes into Nicaragua that this is not happening now.

Now, I happen to believe, based on the knowledge that I have, press reports and my own discussions with a number of people in recent weeks, that the Government of Nicaragua is, in fact, engaged at this time in assisting terrorists operations. I think they are presently engaged directly in attempting to overthrow the Government of El Salvador in which they seem to have the complicity and support of the State Department of the United States, in view of a statement of Ambassador White to El Salvador and others. I happen to believe they are intimately cooperating with the Cuban Government and this is all part of a larger plan to subvert Latin America that has been on record publicly for some years, a plan that was first announced in 1959 by Fidel Castro when he took power in Cuba.

Only a few days ago in the Washington Star Henry Bradsher wrote a lengthy article quoting unnamed U.S. specialists who deal with the Latin American region. In that article he interestingly enough laid out precisely what I have just described, how after Somoza left and the Sandinistas took over, that Cuba, in partnership with the Sandinists, would be looking toward other targets. Their immediate target is El Salvador and, after that, Guatemala, and Honduras. I think it is very significant that this question has been raised and now even the majority is willing to address it in the form of this amendment. We hope that we will give them the chance to vote in favor of this amendment that will allow us to place proper restrictions on the aid, because I do not think any Member of this House would want American money going to aid terrorism. I think it is particularly apt we should apply such a restriction, and I applaud the chairman of the committee.

Mr. HARKIN. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Iowa.

Mr. HARKIN. I would say to the gentleman these kinds of amendments sound all right and everything, and I know the gentleman from Maryland prides himself on being consistent, and I am just wondering if the gentleman from Maryland, when further aid bills come up in the House later on this spring for aid to, let us say, some of the Arab countries, if perhaps we might not have the same kind of amendment applied to them, because a lot of those countries do, in fact, harbor PLO international terrorists. Perhaps we should have this kind of amendment for that and for Arab countries, too. I wonder if the gentleman would support that?

Mr. BAUMAN. I subscribe to the same cardinal principle the gentleman from Iowa seems to subscribe to, and that is I am always consistent when it is convenient. I will reserve my judgment on each one of the countries as they come up.

But I will say if the gentleman is concerned about Arab terrorism and the PLO, he certainly should be for this amendment, because the government of Nicaragua has embraced the PLO, has endorsed the PLO, and has issued statements saying they are in communion and union with the Palestine Liberation Organization, and I am opposed to such terrorism.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from California.

Mr. LAGOMARSINO. I thank the gentleman for yielding. I want to add my very strong support to this amendment and I am pleased the majority has seen fit to endorse it as well. I think it is very important this House go on record in support of this amendment so it will be plain to the Members of the other body that we feel very strongly about it.

☐ 1310

I for one fail to see, however, how the President is going to be able to make certification. If he can make it that will be fine.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Florida (Mr. YOUNG.)

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. BAUMAN. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 76]

Abdnor
Addabbo
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N. Dak.
Annunzio
Anthony
Applegate
Ashbrook
Ashley
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Bingham
Boland
Bolling
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brooks
Broomfield
Brown, Calif.
Broyhill
Buchanan
Burgener
Burlison
Burton, John
Burton, Phillip
Butler
Byron
Campbell
Carney
Carr
Carter
Cavanaugh
Cheney
Chisholm
Clausen
Clay
Clinger
Coleman
Collins, Ill.
Collins, Tex.
Conable
Conte
Corcoran
Corman
Cotter
Coughlin
Courter
Crane, Daniel
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
de la Garza
Deckard
Dellums
Derrick
Derwinski
Dickinson
Dicks
Dodd
Donnelly
Dougherty
Downey
Drinan
Duncan, Tenn.
Early
Edgar
Edwards, Calif.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fowler
Frenzel
Fuqua
Garcia
Gaydos
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Harkin
Harris
Heckler
Hefner
Heftel
Hightower
Hinson
Holland
Hollenbeck
Holt
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kemp
Kildee
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Lee
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McCormack
McDade
McDonald
McEwen
McHugh
McKay
McKinney
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Mathis
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Mottl
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Paul
Pease
Perkins
Petri
Peyser
Pickle
Porter
Preyer
Price
Pritchard
Pursell
Quayle
Quillen
Rahall
Railsback
Rangel
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roth
Roybal
Royer
Rudd
Runnels
Russo
Sabo
Sawyer
Schroeder
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Shuster
Skelton
Slack
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spence
St Germain
Stack
Stangeland
Stanton
Stark
Steed
Stenholm
Stewart
Stokes
Stratton
Studds
Stump
Swift
Symms
Synar
Tauke
Taylor
Thomas
Thompson
Traxler
Trible
Udall
Ullman
Van Deerlin
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weaver
Weiss
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Bob
Wilson, Tex.
Winn
Wirth
Wolff
Wolpe
Wright
Wyatt
Wydler
Yates
Yatron
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

☐ 1320

The CHAIRMAN. Three hundred and seventy-five Members have answered to their name, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The pending business is the demand of the gentleman from Maryland (Mr. BAUMAN) for a recorded vote. Five minutes will be allowed for the vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 392, noes 3, not voting 38, as follows:

[Roll No. 77]

AYES—392

Abdnor
Addabbo
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Anthony
Applegate
Archer
Ashbrook
Ashley
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman

Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Bingham
Blanchard
Boggs
Boland
Bolling
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Broyhill
Buchanan
Burgener
Burlison
Burton, John
Burton, Phillip
Butler
Byron
Campbell
Carney
Carr
Carter
Cavanaugh
Chappell
Cheney
Chisholm
Clausen
Clay
Clinger
Coelho
Coleman
Collins, Ill.
Collins, Tex.
Conable
Conte
Corcoran
Corman
Cotter
Coughlin
Courter
Crane, Daniel
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
de la Garza
Deckard
Dellums
Derrick
Derwinski
Dickinson
Dicks
Dingell
Dodd
Donnelly
Dougherty
Downey
Drinan
Duncan, Tenn.
Early
Edgar
Edwards, Calif.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fowler
Frenzel
Fuqua
Garcia
Gaydos
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Harkin
Harris
Harsha
Hawkins
Heckler
Hefner
Heftel
Hightower
Hinson
Holland
Hollenbeck
Holt
Holtzman
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Lee
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McCormack
McDade
McDonald
McEwen
McHugh
McKay
McKinney
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Mathis
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Mottl
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Paul
Pease
Perkins
Petri
Peyser
Pickle
Porter
Preyer
Price
Pritchard
Pursell
Quayle
Quillen
Rahall
Railsback
Rangel
Regula
Rhodes
Richmond
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roth
Roybal
Royer
Rudd
Runnels
Russo
Sabo
Satterfield
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Shuster
Skelton
Slack
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spellman
Spence
St Germain
Stack
Stangeland
Stanton
Stark
Steed
Stenholm
Stewart
Stokes
Stratton
Studds
Stump
Swift
Symms
Synar
Tauke
Taylor
Thomas
Thompson
Traxler
Trible
Udall
Ullman
Van Deerlin
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Bob
Wilson, Tex.
Winn
Wirth
Wolff
Wolpe
Wright
Wyatt
Wydler
Yates
Yatron
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NOES—3

Brown, Calif.
Reuss
Seiberling

NOT VOTING—38

Anderson, Ill.
Biaggi
Boner
Brown, Ohio
Cleveland
Conyers
Crane, Philip
Davis, S.C.
Devine
Diggs
Dixon
Dornan
Duncan, Oreg.
Eckhardt
Edwards, Ala.
Edwards, Okla.
Frost
Giaimo
Hillis
Ichord
McCloskey
Moffett
Moore
Murphy, Ill.
Nolan
Pepper
Ratchford
Rousselot
Santini
Simon
Staggers
Stockman
Treen
Vander Jagt
Vanik
Wilson, C. H.
Wylie
Young, Alaska

☐ 1330

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DERWINSKI

Mr. DERWINSKI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DERWINSKI: page 4, in line 10, immediately after "States" insert ", including Guatemala, El Salvador, Costa Rica, and Honduras,"; and

In line 11, immediately after "against" insert "terrorism and".

Mr. DERWINSKI. Mr. Chairman, President Carter, in his October 1 speech on Soviet troops in Cuba, said:

> We will increase our economic assistance to alleviate the unmet economic and human needs in the Caribbean region and further to ensure the ability of troubled peoples to resist social turmoil and possible Communist domination.

Our efforts should be directed toward reinforcing the President's stated objective of supporting our allies in Central America; we should be offering them aid instead of setting the example of giving aid to a "Marxist-dominated" regime in Nicaragua; if we are not going to offer aid in this package, the least we can do is express the sense of the Congress that the United States supports our traditional allies.

If we do not at least make some statement to that effect, we will be sending the wrong signal to our allies; that is, in order to get aid, you have to have a radical overthrow of the government and make ominous, anti-American speeches.

Mr. Chairman, let me read the entire paragraph as it would be amended by my amendment:

> It is the sense of the Congress that the United States should support those traditionally faithful allies of the United States, including Guatemala, El Salvador, Costa Rica, and Honduras, which are responsible members of the Organization of American States against terrorism and external subversion.

Mr. Chairman, I do not want anybody to think that this amendment is the product of my fertile imagination. This amendment was inspired by the words of President Carter in his October 1 speech to the Nation when he discussed the crisis created by the presence of a Soviet armed brigade in Cuba, and I quote the President now:

> We will increase our economic assistance to alleviate the unmet economic and human needs in the Caribbean region and further to ensure the ability of troubled peoples to resist social turmoil and possible Communist domination.

Recognizing the strength of the President's commitment, recognizing that the basic language in this bill had administration support, I am perfecting it by specifically mentioning the four countries in Central America which I feel could be threatened by the developments in that region, namely, Guatemala, El Salvador, Costa Rica, and Honduras.

Mr. Chairman, this is a simple, practical, direct-to-the-point amendment, and I hope that my utilization of the President's language in support of it will lend some strength to it on the floor.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, I rise in support of the gentleman's amendment. It is very similar to the amendment I offered in the Committee on Foreign Affairs. That amendment was turned down in favor of the more general watered-down language that appears in the bill, the language that the gentleman from Illinois (Mr. DERWINSKI) just read.

☐ 1340

I think we all know what we are talking about here. The statements of the President, and others, have been about concern in the Central American area. Let us say so. Let us say what we mean. Let us let those in Nicaragua who are running that government know that we are concerned about those governments, that we do intend to do what we can to see that they survive and are able to have democratic institutions in an orderly manner brought about, and that we expect that the Nicaraguan Government will take no part in intervening with those governments.

I think if we do not make some statement to that effect, especially considering that the title of this bill is a Special Central American Assistance Act, that we are going to be sending the wrong signals to the countries that the gentleman mentioned; that is, that in order to get aid, you have to have a radical overthrow of the government and make ominous anti-American speeches.

Mr. Chairman, I hope the committee adopts the gentleman's amendment.

Mr. DERWINSKI. Mr. Chairman, the gentleman knows, as a member of the committee, that we do send many messages all over the world via our legislative language. But in this case the basic paragraph already refers to traditionally faithful allies. Certainly no one would argue that Guatemala, El Salvador, Costa Rica, and Honduras are not faithful allies. They consistently support us at the United Nations. I think this merely clarifies the intent of the Congress at this point.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Chairman, I do not see anything wrong with what the gentleman proposes to do, but I wonder if the gentleman would accept the inclusion, while enumerating those friendly countries in Central America, also of Nicaragua and Panama.

Mr. DERWINSKI. Sure. That is no problem. Actually, you could add Mexico, you could go up and down the line if you want to in the area.

Mr. WRIGHT. If the gentleman would consent to a consideration of an amendment to his amendment, I would like to add Nicaragua and Panama to the list. Then I think every Member could probably support the gentleman's amendment.

Mr. DERWINSKI. Mr. Chairman, I would not only accept the amendment; I would be flattered that the majority leader would pay so much attention to my little perfecting language.

Mr. WRIGHT. Mr. Chairman, I ask unanimous consent that the amendment offered by the gentleman from Illinois (Mr. DERWINSKI) may be amended to include, where he enumerates Central American countries, also the names of Panama and Nicaragua.

The CHAIRMAN. The Clerk will report the modification, and then the Chair will put the unanimous consent request.

The Clerk read as follows:

Page 4, in line 10, immediately after "States" insert ", including Guatemala, El Salvador, Costa Rica, Nicaragua, Panama, and Honduras."

The CHAIRMAN. Is there objection to the unanimous-consent request that the amendment be modified as reported by the Clerk?

There was no objection.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Chairman, just to make sure, the majority leader did not mention Belize. Did the gentleman mean by "Honduras" British Honduras, better known now as Belize? We just want to make sure we do not miss any friends. We have so few.

Mr. WRIGHT. I think it is included.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. DERWINSKI), as modified.

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. MURPHY OF NEW YORK

Mr. MURPHY of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MURPHY of New York: Page 5, add the following after line 8:

"(k)(1) In furnishing assistance under this chapter to the Government of Nicaragua, the President shall take into account the right of the people of Nicaragua to self-determination through the democratic process, such right to be exercised in free national elections.

"(2) The President shall terminate assistance to the Government of Nicaragua under this chapter if he determines that a free national election has not been held in Nicaragua by December 31, 1981, under the following conditions:

"(A) The election is conducted at traditional polling and registration places.

"(B) The election is conducted without civil, military, or private interference with voting in the election.

"(C) All candidates and proponents of issues significant in the election have equal access to the broadcast media.".

Page 5, line 8, strike out the closed quotation marks and second period.

Mr. MURPHY of New York. Mr. Chairman, I offer an amendment to H.R. 6081, a bill "To amend the Foreign Assistance Act of 1961 to authorize assistance in support of peaceful and democratic processes of development in Central America." The measure is aimed more specifically at what for 40 years had been our friendly neighbor to the South, Nicaragua, to enable it to recover in a democratic fashion from what the bill describes as its "recent civil strife."

My amendment supports and enhances that noble purpose. My amendment would give the people of Nicaragua free, open, and democratic elections and would tend to guarantee the dream they thought they were harboring during their recent conflict—the dream of an open, democratic society. My proposal calls for open elections supervised by international organizations before the end of 1981—the same kind of requirments imposed of the last regime by our own Government just a year ago.

My correspondence with President Carter and Secretary Vance on that point follows:

WASHINGTON, D.C., *January 22, 1979.*

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: This is to thank you for the gracious hospitality you afforded Kathy and I last Friday. We both enjoyed the opportunity to discuss with you some areas in which we are deeply interested.

Since that time I have had further information come to my attention concerning the current situation in Nicaragua. This occurred during a visit to my office on Friday afternoon by Luis Pallais, the Vice President of the Nicaraguan Congress. He and I discussed the various proposals and counter-proposals to settle the current crisis in Nicaragua made by the Organization of of American States negotiating team from the Dominican Republic/Guatemala/United States and the government of Nicaragua. Over the week-end, I have studied the documents of December-January outlining the various conditions which have been proffered in the ebb and flow of the negotiations and discussed them with Mr. Pallais.

I must confess that the proposal made by the Liberal Nationalist Party of December 26, 1978, is, in my judgment, an extraordinary document in that it represents an overly concessional approach by the Nicaraguan government to achieve a peaceful solution by giving up what are basic rights of a sovereign nation. For example, President Somoza will restrict the bulk of the National Guard, which does not vote, to its quarters for three days prior to and during the election; he will place the State Radio system under the supervision of a National Plebiscite Authority to afford equal time to the opposition to campaign; he will prohibit the use of any State resources in favor of either the PLN or the FAO; and, he will guarantee that "no civil, military or private authority will interfere with the access of citizens to the registration and voting precincts." All of the above concessions will be guaranteed by a force of international and internal supervisors. In short, the above, along with the other guarantees agreed to in the proposal of December 26, would meet the highest requirements of most reasonable men for a fair and valid plebiscite. However, the OAS team wants more in the form of five conditions which are totally unacceptable to the Government of Nicaragua. And I am sure if you consider them fully, you will agree they totally lack any of the principles of fair play.

First, the OAS negotiators demand that the registration of voters be consummated on the day the vote takes place. For anyone familiar with the situation in Nicaragua, this is absurd on its face. The average Nicaraguan does not have a social security number, or driver's license or some other ready means of identification as, for example, a United States citizen. The delays and difficulties that would result from this condition could lead to chaos. The argument that same day registration might lead to intimidation of voters is equally absurd. Such prior registration would still be under international supervision and the actual vote is a secret vote in any event.

Second, the OAS team demands that the voting ballot should constitute a simple question of yes or no on whether or not President Somoza remains in power. If the popular vote is unfavorable to the President under such conditions, the country would be, in effect, turned over to "an ad hoc political group, lacking stability and in the process of disintegation." While the latter are the words of spokesmen for the Liberal Party, I find myself in complete accord with that assessment. In my view, it would further the cause of a peaceful solution to this question if, in the event that a popular vote of the Nicaraguan people should turn out to be unfavorable to the Constitutionally defined period of the Somoza presidency, the question of presidential succession would be determined by the process provided for in the Nicaraguan constitution through the convening of a Constituent Assembly.

Third, the OAS triumvirate has demanded that President Somoza and his family leave the country weeks ahead of the election. The lack of fundamental fairness of this demand stretches credulity. How can he campaign among his people for his own re-election if he isn't in the country? (Or perhaps this is the reason his opponents want him to leave.) In any event, as a staunch supporter of human rights, Mr. President, and as one who commended President Somoza on his attempt to improve human rights in his own country, you must agree that to force President Somoza to leave his country before a vote on his stewardship of his homeland is a violation of his human rights.

Fourth, the OAS negotiators have insisted that Nicaraguans living abroad should be allowed—for the first time in Nicaraguan history—to vote. This would be supervised by persons outside of Nicaragua, without the requirement of registration which might guarantee the bona fides of such voters (and outside of the confines of the Constitution of that country). Where is the equity here?

To compare such a procedure to "absentee voting" as provided for in the United States is a total non-sequitur. Anyone familiar with the history and reasons for nationality groups living in areas other than their country of origin must recognize the inequity of such a demand. Have we—or anyone else for that matter—ever demanded that nationality groups who chose to leave the country of their origin and become citizens or expatriates in another, be given the right to vote in absentia?

And fifth, the OAS team for some obscure reason has decided to arbitrarily change the present method of the demarcation of election districts. There would appear to be no reason to change such precinct delineations which are based on population standards. However, the farmers and the "little people" of Nicaragua have known the location of the voting places for years and they might be denied an opportunity to vote if these locations are changed. And these are the people who support President Somoza. Perhaps that is the reasons Somoza's opponents want them changed. Mr. President, the democratic process will not be enhanced by this oblique attempt to disenfranchise large numbers of perhaps less sophisticated voters in Nicaragua. This OAS version of the "gerrymander" should not be forced on the people of Nicaragua.

In sum, Mr. President, we are very close to a respectable solution to the current problem in Nicaragua. The United States is in a position to restore peace and total normal economic activity to this beleaguered country which has been a strong ally of ours. When some of the above arguments were presented to Mr. William Bowdler last Friday afternoon by Luis Pallais, Mr. Bowdler is reported to have said that he wished he had been aware of them prior to the 21st of December before he committed the United States to these conditions. Is it impossible for the United States to admit a mistake and change its position? Is unfairness irrevocable? If we have made a mistake based on misinformation, is it impossible for us to change? Are we that timid that we cannot convince the opposition of the unfairness of the proposals I have just outlined—and change them?

I think the answer to all of these questions is no.

I sincerely hope that you agree with me.

I stand ready to discuss these issues at any time with you, Mr. President.

Sincerely,

John M. Murphy,
Member of Congress.

The Secretary of State,
Washington, D.C., February 10, 1979.

Hon. John M. Murphy,
House of Representatives,
Washington, D.C.

Dear John: The President has asked me to reply to your letter of January 22, 1979 on the Nicaraguan situation. I have read it with special interest given my close involvement in the effort to help find a peaceful, democratic solution to that country's political crisis.

In considering the role of the international mediation group, it is important to recall that its mandate was to find a formula that the ruling Liberal Party (PLN) and the opposition groups could agree upon to resolve the Nicaraguan crisis. With this mandate, the negotiators first asked the two sides to present their views on how the difficulties might be resolved. At the same time they undertook extensive consultations with a broad cross section of Nicaraguan society of an effort to obtain more information on the nature of the crisis and what the elements of a compromise might be.

From the presentations of the PLN and the Broad Opposition Front (FAO), as well as from private consultations with individuals and groups, the mediators found two fundamental problems which had to be addressed in the search for a solution:

A deep and generalized feeling among important sectors of Nicaraguan public opinion that the central issue in the existing crisis was whether President Somoza should continue in power; and

A profound distrust by these sectors in the established electoral procedures of the country as implemented over many years.

The proposal presented to the two sides by the mediators on December 20 sought to deal fairly with these problems. Their plan called for agreement between the PLN and the opposition, as well as for consultation with the National Guard, so that all three key groups would have been involved in the settlement. The plan, which spanned the period from the start of the plebiscite to the holding of general elections in 1981, followed constitutional procedures and required concessions from both sides. The FAO found it possible to accept the proposal; the Nicaraguan Government did not.

With respect to the conditions you mention in your letter, I would like to make these observations. In phrasing the plebiscite question, the mediators sought to deal evenhandedly and clearly with the central issue of whether President Somoza should remain in power. They discouraged efforts to elaborate the question in order not to risk confusing broad sectors of the electorate. In view of the distrust in the electoral process, the mediators made suggestions concerning registration, voting districts, officials at the polls, and a supervisory role for an international authority. At the PLN's suggestion, the mediators amended the proposal to include a national plebiscite authority. All of these features were designed to demonstrate to the voters that this election warranted their participation in the confidence that the voting would be free, secret, and fairly tabulated.

I would note that the consequences of the vote were to have been spelled out in a document which the PLN, FAO and the National Guard would have approved in advance. Should President Somoza have lost, the transitional government was to include the PLN; the National Guard was to be retained as an institution; and the proposed reform of the judicial and electoral powers was to be carried out jointly by the FAO and the PLN. Thus, while the plebiscite could have led to substantial changes, the mediators' proposal provided for orderly change with wide participation.

It is not accurate to say that the mediators proposed that President Somoza and his family leave the country weeks ahead of the election. The opposition advanced this condition, but the mediators did not accept it. What they did suggest in their December 20 proposal was that there be changes in the the National Guard prior to the plebiscite and that these include giving President Somoza's brother and son assignments abroad. No suggestion was made that any other relatives of President Somoza leave Nicaragua. With respect to the President, the mediators proposed that, in the event he lost the plebiscite, he should absent himself from the country until after the 1981 general elections, a reasonable request given the historical context. There was no suggestion that he leave prior to the plebiscite.

Your letter also comments on Ambassador Bowdler's recent conversation with Mr. Luis Pallais. In that conversation Ambassador Bowdler noted the contrast between the attitude of the government negotiators during the PLN-FAO direct talks last December and the flexibility which Mr. Pallais now indicated existed in the government's position. Ambassador Bowdler went on to observe that it was to be regretted that this flexibility had not been demonstrated during those December conversations when all these issues were under discussion.

I appreciate your taking the time to write on this important matter affecting the peace and welfare of Nicaragua. I believe that the mediators have advanced a fair and workable solution that allows each side to compete on even terms in the plebiscite and that makes provision for continuity in government, thereby avoiding a dangerous political vacuum. We continue to hope that it will provide the foundation for a peaceful solution.

Sincerely,

Cy.

I should point out, Mr. Chairman, that my amendment is completely consistent with the other sections of H.R. 6081, as approved by the committee, in that it is designed to promote the development of democratic processes in that republic. The "findings" section of H.R. 6081, section 536(a) states:

> The Congress finds that peaceful and democratic development in Central America is in the interest of the United States and of the community of American States generally, that the recent civil strife in Nicaragua has caused great human suffering and disruption to the economy of that country, and that substantial external assistance to Nicaragua is necessary to help alleviate that suffering and to promote economic recovery within a peaceful and democratic process.

I would like to see these things happen at once—elections in 1981—as they had been planned under the previous constitutional government. However, there is little to be encouraged about on that point. The promises of the Sandinist revolutionaries for a democratic society disappeared almost as rapidly as the rattle of their automatic weapons—all too many of them supplied by the United States. As the State Department has noted in its annual human rights report, the new regime has decided to postpone convening a council of state that would draft a new electoral law, and possibly a constitution. The Sandinista love of freedom and democracy burned off like a morning fog. Nicaragua's ruling junta has determined that the people are illiterate and that they are not yet ready to participate in a democracy. The junta, 9 out of 10 of them trained and educated behind the Iron Curtain, has decided that these freedom-loving native Nicaraguans are not yet ready for their own personal freedom—that it will take years before they are educated in the new ways and can be trusted to exercise their human right to self determination.

To that end, the new regime has set off on a program of education it would have the world believe is broad, all inclusive and aimed at teaching the three "R's" to the general population—the electorate. With the junta's blessing there is currently in progress in the United States a fund drive whose goal is to raise $20 million to finance this literacy campaign—of which some $4 million has already been raised.

So how do they start this crash "literacy campaign"? First, the junta fired some 5,000 certified teachers in the Nicaraguan school system, allegedly because they lean toward Somoza, though the world was given no reason for believing so. The principal sin of the teachers, and the real reason for their expropriation from the Nicaraguan educational community, is that they were not educated in a Communist land, with Communist ideals and Communist aims. They were replaced by 1,200 teachers from Cuba who do have those qualifications. As those 1,200 teachers were dispatched to Nicaragua by Fidel Castro, he told them their mission was to represent "the homeland, the revolution, and socialism * * * the seed you sow in the fertile land of the revolution will be extraordinarily fruitful," Castro said. In Nicaragua, the literacy campaign is directed from the top by a Marxist-dominated junta. As it stands now, the millions being raised in America—and much of it through American corporations—will be used to finance the spread of "revolution and socialism."

The problem is that none of this "education" will in any way hasten the day of free democratic elections if those elections are dependent upon wiping out the illiteracy of the electorate, because all of this "education" is aimed at that part of the population still in school—the part of the population that is not old enough to vote in the first instance. The whole thing is a sham. Congress should not have a hand in this subterfuge on the Nicaraguan people by putting its stamp of approval on an aid bill that does not provide for timely and free democratic elections in that nation.

I, personally, want to see the Nicaraguan people get all the aid and support we can give them—support of any kind. I believe that those people treasure their freedom, and much like the Afghanistanis, they resent domination from the outside. They abhor foreign, alien philosophies. I also believe that this new politburo-type government that see Nicaragua being run by block captains and informers is aware of the resentment of the people toward the government which is denying them the right to self-determination.

To that end I believe there is more than a little truth in the comments I have heard made to the effect that if an election were held in Nicaragua today the Sandinistas would be thrown out. That is probably the best reason why no elections are scheduled, nor will they be in the near future without help from the international community. We here in Congress must do what we can to see that free and fair elections are forthcoming.

There is reason for this discontent we here about in the new Nicaragua, and the source of that discontent is the outrage of the ordinary people at what they see going on, the dreams they see being dashed. It may be that I should have raised these questions earlier, so I will raise them now. Since early last fall I have been told time and again—by people who normally travel in and out of Nicaragua—of strange goings on in the countryside. Cattle and food supplies disappearing, along with equipment, seeds, machinery, tools, fertilizers—all the things needed to rebuild a land devastated by revolution.

These are the things the Sandinistas claim are in critically short supply, the raw materials with which to build a nation. And it occurred to me that little or no accounting has been given of the vast amount of supplies that have been given—in one way or another—by nations around the world to this new republic to help it get back on its feet. I have not heard much rejoicing, and less thanks for the foodstuffs and other supplies sent to the people of Nicaragua since the summer. Little credit was given where credit was due—to this or any of the other nations which came to the aid of the new government in Nicaragua—except Cuba.

And so, I have honestly wondered whether or not the aid being sent the people of Nicaragua was actually getting to the people of Nicaragua. Now, I wonder even more in view of the stories I have heard of the shuttle that is going on between Nicaragua and Cuba. If I can believe the businessmen and others who normally travel in that country, I can easily conclude that the new Nicaragua is being systematically picked clean by its new rulers who send the food, equipment, and capital goods—sometimes directly without unpacking—to Cuba. Cuba, in return, ships to Nicaragua sugar cane, rum, educational material, and arms. Guns for butter. In view of the professed need for food and equipment, I found the information hard to believe. However, this is the way recent testimony concluded with a person who travels extensively in Nicaragua.

> Q. Now tell me again. What is Cuba shipping to Nicaragua, and why?
>
> A. They are shipping sugar and sugar cane, some tobacco, books and stuff for school, and weapons. The sugar will eventually be sold in the U.S., and maybe some tobacco. Someone will pay for the books. . . .
>
> Q. And what is Nicaragua shipping to Cuba, and why?
>
> A. Cattle and breeding stock, grains and seeds, cars, buses, trucks, private airplanes, fertilizer, young tobacco plants and children. They are taking our best children to educate in Cuba. They seem to be short on everything there.

I found that hard to believe, but a few weeks later from an intelligence source I learned that the famous tobacco fields of Cuba have been depleted over the last 20 years through lack of fertilizer, and their tobacco production is threatened by a deadly blight. Nicaragua is being robbed of its means of production.

In the absence of any contradictory information, I have no reason to believe these things are not true. Our own Government has provided Congress with no guidance on the distribution of the goods we have supplied the new government of Nicaragua. And, I understand, Spain registered a complaint with Nicaragua when some of its relief supplies showed up in Cuba—still in the original crates.

Mr. Chairman, I suggest that if we have been less than vigilant with other aid and supplies we have given to Nicaragua since the revolution, we should not do the same thing again. If, as our legislation finds here today, it is in our interest to promote the development of democratic processes in that republic, then my amendment could provide this Congress with what it has in mind.

There are a number of other provisions of H.R. 6081 which should be spoken to since the revolutionary government in Nicaragua—government by fiat—is still denying its citizens the rudimentary access to government normally accorded those in an organized society. Human rights are being ignored, as is freedom of the press as we understand it. The freedom of labor to organize and bargain collectively, the rights to political pluralism, the right to assembly and other basic human rights to date have been generally ignored. They are being treated just as high-handedly as is the freedom to a non-Communist education.

Section 536(f) of this bill says the President shall "terminate assistance to the Government of Nicaragua under this chapter if he determines that the Government of Nicaragua cooperates with or harbors any international organization or is aiding, abetting, or supporting acts of violence or terrorism in other countries," unless we are to presume this type of activity is going to stop the moment we take a vote here today. I suspect the President will be called upon immediately to suspend the aid. Sandinista night fighters regularly cross into Honduras and raid Nicaraguan refugee camps along the borders, killing women and children and attempting to capture what they believe to be former members of the Nicaraguan National Guard. It has caused repeated international incidents, both with Honduras and Guatemala. There is sound reason to believe that Nicaraguan-trained guerrillas have been causing mischief in both Costa Rica and El Salvador. These camps by the way house 8,000 refugees.

Lest my colleagues forget, it was not long ago that the Sandinistas, in effect, thumbed its collective nose at Congress by taking the life of one of the most renowned leaders in the Nicaraguan Army—Commandant Bravo. He was educated and received his military training in U.S. Army camps. He appeared here in Congress after the revolution to warn of the terror overtaking his country. Through a congressional effort, some 30 tons of food and medical supplies were gathered to ease the pain and suffering of Nicaraguan refugees who had fled to neighboring countries.

When other means were not available to deliver the supplies, Commandant Bravo volunteered to take the supplies to the border camps in Honduras and distribute them. Two days after he landed in Honduras he was kidnaped, tortured, multilated, and killed by Sandinista assassins. And they bragged about it.

These are some of the realities this legislation will have to deal with. These are just some of the facts we are confronted with here today. I believe that the first best step Congress can take is to do what we can to guarantee free elections in Nicaragua at the earliest practical date. In doing so, we will be saving ourselves and our Latin American allies a mountain of grief.

I include at this point in the RECORD a series of documents related to the liquidation of former national guard officers and their families by the Nicaraguan Marxists and evidence of their strong ties to Communist Cuba:

STATEMENT OF THE HONORABLE JOHN M. MURPHY AT A PRESS CONFERENCE ON NICARAGUA, AUGUST 1, 1979

Ladies and gentlemen: As we proceed here today I will inevitably be asked to explain the purpose of this press conference. Therefore, I will answer that question first.

Since the surrender of the Nicaraguan National Guard it appears that the Marxist-led Sandinistas have embarked on a program to systematically execute thousands of members of the Nicaraguan National Guard. The witnesses here today estimate that upwards of 3,000 of the guard have been liquidated with the killing proceeding on a daily basis.

This is being done despite promises by officials of the U.S. Government to the guard leadership that this would not happen and that their troops would be treated under the rules of the Geneva Convention.

The Red Cross, which offered its compounds as havens of asylum, have in at least one instance, had these compounds turned into death camps. At best, the guardsmen and their families who were promised protection were the victims of a cruel joke. Instead of safe havens, these compounds have turned into collection centers for the Sandinistas to more easily round up their prey.

It seems like an uneven bargain we have struck. The United States was instrumental in turning over Nicaragua to a handful of Marxist-led, Cuban trained insurgents—many of them foreigners—for a few concessions to human rights for the beleaguered members of the duly elected government. Simple things like safe passage, freedom from persecution and observance of the Geneva Convention's rules of warfare. But after the exchange was made, the Sandinistas in the classic pattern of Communist takeovers have forgotten their part of the bargain.

To much of the world it is a comic scene, if it weren't so sad, reminiscent of the tiny mahout in India riding on the back of a giant elephant and ordering him about at will. America, the elephant, is being jerked about by a handful of revolutionaries like the mahout digging at the ear of the elephant with his little hook.

The point of affording the people in this room an opportunity to speak to the Congress and the American press today is to provide them a forum to call upon the American Government—as an interested party—to conduct an immediate investigation of war crimes now being committed in Nicaragua. If this so-called people's revolution is typical of past Communist takeovers, then we do not want another Katyn Forest, Cuba, Cambodia or South Vietnam.

What war crimes? You have some of them detailed here today, in large part by eyewitnesses. In addition to apparent planned executions, allegations of widespread acts of wanton brutality and needless violence are also detailed in the affidavits which have been placed on the press table. The wives and relatives of national guardsmen and others have provided these statements for this press conference and the actual notarized, sworn documents in Spanish are also available on the table.

You can read first-hand accounts of the F.S.L.N. torture of Lieutenant Juan Ocon who was subsequently shot. Then, while still alive, he was decapitated. Unable to find his head, the family interred his remains with a plaster head in place.

There is the story of Alvaro Sanches who was taken out of his home and shot in the presence of his mother and his children. This affidavit was submitted by Maria Antonio Guido, whose "only fault" along with her husband, was that they were members of the liberal party and they owned two radio stations that transmitted liberal party news.

And the story of Pedro Pablo Espinoza, newspaperman, writer, and member of the Liberal party, who was captured at El Dorado, tortured, and then had his eyes pulled out before he was shot and buried in the town park with 20 other executed persons.

You can read case after case of innocent people including children being dragged from their homes, doused with gasoline and burned to death before the eyes of their families.

At the stadium in Leon the F.S.L.N. summarily executed 13 soldiers who had surrendered. There are other tales of whole families of members of the national guard being murdered in their homes. For more than a year it has been the policy of the Sandinista terrorists to assassinate all families of guardia troops, including infant children. Thus, according to the affidavit of Gladys de Ruiz, while Lieutenant Rene Silva from Matagalpa was at the battle front, "the Sandinistas went to his house and killed his wife and his two children, 4 and 2 years old."

Ms. Ruiz, the widow of a guard captain, has sworn that the general director of customs, Dr. Rafael Saavedra, was burned alive by the Sandinistas and his two sons murdered.

Within the last 48 hours, thousands of former national guard troops have been taken from their families in Red Cross centers and marched to special camps for reasons that can only be imagined, since the radio, television and press have been taken over by the new government and reports from the country are either non-existent or heavily censored. News of these things reaching the outside world is of no value to the Sandinistas at this point. It serves no useful purpose to have the world know of Red Robin Hood's war crimes. And so this forum is the next best thing available to inform the American public and this Government of the truth until the curtain that has been drawn around that former republic is pulled aside.

What the Sandinistas have done was against Nicaraguan law.

It would be against United States law were it to happen here.

It is against international law and it is certainly against God's law.

I believe the American people, and the people of the free world, have a right to know the truth of what is happening in Nicaragua, even as we speak. And I believe that the high standards of human rights that this administration has applied to our friends in the world should certainly apply to the Communists.

[From the Washington Post, Aug. 1, 1979]

LATIN DOMINOES

(By Rowland Evans and Robert Novak)

A few hours before President Carter declared over prime-time television July 24 that "I do not attribute at all the change in Nicaragua to Cuba," teletype wires into the Pentagon clattered out another link in the chain of evidence to the contrary.

The pilot of a U.S. Air Force C130 in Managua that day transmitted to Washington this most interesting travel note: Members of the Sandinista junta governing Nicaragua were seen piling into a Cubana Airlines plane enroute to Havana.

A few days earlier, a U.S. intelligence report teletyped into Washington reported an even more fascinating detail. A ranking official of DGI—the Cuban secret police—played a key role in masterminding the Sandinista takeover. Julian Lopez, DGI's chief of covert operations for Costa Rica, was present in the Sandinista command bunker (located over the border in Costa Rica) during the height of Nicaraguan fighting.

This buttressed a detailed CIA report of May 2 on Cuban military aid to the Sandinistas. It also fits another piece of intelligence that the Carter administration has not publicized: Command elements of a Soviet brigade have been introduced into Cuba. In addition, some 2,000 Soviet military personnel—brigade-sized, though there is no information that they are formed into an organic military unit—are in Cuba.

While intensification of Soviet-Cuban interests in the Caribbean is either ignored or overlooked by Jimmy Carter, its meaning is well understood by his own professional analysts in national security and intelligence: Central America is going red. Only the time, not the eventual outcome, is in question, unless there is a reversal of U.S. policy.

Specifically, the president's most sophisticated advisers do not doubt that, sooner or later, the Sandinista regime will be overtly communist. Present cordiality from Managua is, like Fidel Castro's smiles in 1959, an effort to shake down Uncle Sam before the true colors are shown.

Nor is there any doubt about what's next on the agenda: extension of the Soviet-Cuban thrust into El Salvador, Guatemala and Honduras over an undefined but probably protracted period. However slowly, Central American dominoes are falling.

Havana's aims were described July 20 by Ramon Sanchez, Cuba's top envoy to Washington in an exposition of chilling candor that has received too little attention. He told a breakfast sponsored by Foreign Policy magazine that Cuba will send aid "of all sorts"—including weapons—to guerrillas in El Salvador, Guatemala and Honduras just as it had in Nicaragua.

Sanchez issued no denials about Soviet military reinforcements in Cuba. Ties between Moscow and Havana, Castro's man in Washington proclaimed, "will continue to increase in all fields, including military collaboration."

Tomas Borges, interior minister and Marxist strongman of the Nicaraguan junta, has been similarly candid, in leaflets that appeared in Honduras immediately after the Sandinista victory, Borges promised to join forces "with the revolutionary organizations of Latin America" and hailed "development of the Central American revolution." On the leaflet's first page, a photo shows Borges in Havana with Castro.

Panicky leaders in the targeted Central American countries fix U.S. visitors with one question: Will you help us? One indirect reply came from Carter July 24 when he said, "We worked as closely as we could without intervening in the internal affairs of Nicaraguans" to let them decide "what form of government they should have."

In that, Carter administration policy was decidedly interventicnist against Anastasio Somoza's regime and for the Sandinistas. U.S. pressure stopped military aid for Somoza's National Guard from Israel and Guatemala. U.S. officials refused to supply weapons to the National Guard even in return for Somoza's resignation. The National Guard ultimately gave up, not for a lack of will but for a lack of arms.

The rationale for Carter's policy is the view, long cherished by revisionists, that Castro, Ho Chi Minh,, Mao Tse-tung and maybe even Lenin would have been found friends of the United States had not Washington rebuffed them. The theory is now being put to the test in Nicaragua.

To a worried segment of U.S. officials, including some in senior positions, this is madness. They believe the United States should have braved the propaganda barrage from the left at home and abroad, held its nose and supported the unsavory Somoza. Nicaragua is gone, but there will be further demands for tough-mindedness in Washington as the Central American dominoes slowly fall.

[From the Washington Post, Aug. 7, 1979]

NICARAGUA UNMOVED BY U.S. OVERTURES

(By Charles A. Krause)

MANAGUA, NICARAGUA, August 6.—Despite U.S. efforts to cultivate Nicaragua's new revolutionary government, the guerrilla-backed administration has continued to denounce "Yankee imperialism" as the root of all Third World evil and to display strong anti-U.S. sentiment.

Recent statements by leaders of the civilian junta, the Sandinista National Liberation Front and the government press reflect the antagonism toward Washington that has developed during more than 40 years of authoritarian rule by the U.S.-supported Somoza family.

While the United States maintains it is attempting to start the new relationship off on a different footing, Nicaragua's new leaders have found it difficult, or at least inexpedient, to accept any change publicly.

Barricada, the Sandinista newspaper that is currently the only one published here, has shown an increasing tendency to portray the success of the Nicaraguan revolution as a defeat for "U.S. imperialism."

In a recent commentary on the revolution's impact on the world and especially Latin America, the paper referred to the Organization of American States as the "Department of State's Ministry of Colonies." It noted that there have been "important changes" in Central America "in which those who resist imperialist aggression have not been exterminated."

The only foreign news printed in Barricada is based on Prensa Latina, the Cuban wire service that freely interchanges references to the United States with synonyms such as "the imperialists" or "the reactionary forces."

At a press conference Saturday night, junta member Alfonso Robelo appeared to blame the Carter administration for a shortfall in international food aid to Nicaragua, despite the fact that the United States has provided more emergency relief than any other nation.

[The State Department, responding to the charges of insufficient American assistance, said today that 150 tons of food a day will be made available to Nicaragua over the next few weeks.

[A statement said 1,000 tons of food will arrive by sea in Nicaragua on Wednesday as part of a substantial aid increase planned for this week. It said future aid levels will be much higher than over the past few weeks, when sea arrivals were not possible and some planes had mechanical difficulties.

[Last month the department said that U.S. emergency relief for Nicaragua between June 15 and July 25 totaled $2.97 million.]

Robelo charged that Washington had not lived up to its promises to provide substantial quantities of emergency food and said, "I cannot help but think this is due to political considerations."

When told by reporters that, according to the Nicaraguan Red Cross, the United States has provided Nicaragua with more food and medicine than any other country in the world, Robelo said he was not aware of the Red Cross figures.

Barricada, which has promptly reported shipments of food and medical teams from Cuba, Mexico, Chile, West Germany and other countries, waited a week before mentioning that U.S. Ambassador Lawrence Pezzullo had returned to Nicaragua with a plane-load of emergency supplies sent as a gift from President Carter.

In an interview last week, Lea Guido de Lopez, the revolutionary government's minister of social welfare, failed to mention the United States among the donors of emergency aid. When reminded of Carter's symbolic planeload, which included a large shipment of needed cooking oil, she replied: "Oh, yes. But we have nothing to cook in the oil."

Although the new government has largely tried to calm U.S. fears that it would actively support other revolutions in Central America, Interior Minister and Sandinista leader Tomas Borge said last week that the junta "probably would not" stop volunteer Nicaraguans from fighting with guerrilla groups active in Guatemala and El Salvador.

Borge added, however, that Nicaragua wanted good relations with its Central American neighbors. His comments came the night before he welcomed Sen. Edward Zorinsky (D-Neb.), chairman of the Senate Foreign Relations Committee, who arrived over the weekend for a short factfinding trip.

The feeling of distrust expressed by Nicaraguan officials toward the United States appears to be mutual in the case of some officials in Washington.

A Western diplomat arriving in Managua over the weekend after discussions with State Department officials quoted one of them as saying that "we're just waiting for the Sandinistas to lift their masks."

U.S. diplomats here are known to be concerned about the anti-American statements by government officials and the press. If the criticism of U.S. aid efforts continues, one official said over the weekend, "they're going to put us out of business."

So far, U.S. emergency assistance is continuing at ever higher levels. Chartered planes fly in every day from the United States. Land convoys are arrivng from neighboring Costa Rica and Honduras, and a ship loaded with 1,000 tons of food and medicine sent by Washington is scheduled to arrive Tuesday.

Still, the attacks continue, sometimes apparently based on a conscious or unconscious lack of understanding.

House of Representatives,
Washington, D.C., July 31, 1979.

Dear Colleague: I am writing to invite you to a press conference to be held at 11:30 a.m., Wednesday, August 1st, in Room 2168–A, Rayburn House Office Building, at which time former members of the Nicaraguan National Guard will present statements alleging atrocites by the F.S.L.N., the Sandinista Liberation Front.

Since the surrender of the Nicaraguan National Guard it would appear that the Marxist-led Sandinistas have embarked on a program to systematically execute thousands of members of the Nicaraguan National Guard. This is being done despite promises by the United States to the Gaurd leadership that they would not be in harms way. In addition to apparent planned executions, allegations of widespread acts of wanton brutality and violence will also be detailed.

Appearing at the press conference will be seven high ranking officers of the National Guard including "Commandant Bravo" who has been in Washington for the past week (despite press reports that he is in Miami raising an army to invade Nicaragua).

The seven officers and their former positions are:

Rank, branch, name, and code name

Colonel, Infantry, Alberto Smith, Bravo Charlie.

Major, Infantry, Pablo Emilio Salazar, Bravo (Commandant).

Captain, Infantry, Justiniano Perez, India 2.

Captain, Infantry, Roger Gomez, Mercenario.

Captain, Infantry, Juan Wong, Johnny Walker.

Lieutenant, Air Force, Noel A. Ortiz, Desconocido.

Sargeant, Infantry, Roland Torres, 92.

Accompanying the Guardia officers will be wives and other relatives of Guardia officers and one non-Guardia civilian who was married to a member of the Liberal party. These individuals will have sworn affidavits attesting to atrocities they have witnessed during the days of the Nicaraguan War and subsequent to the Sandinista takeover. (Samples of these affidavits are attached to this letter.)

The above group is accompanied by Mr. William Fio Rito, who flew hundreds of these people out of Nicaragua at the request of President Somoza. The Nicaraguan president feared for the lives of the Guard and their families.

The point of affording these people an opportunity to speak to the American press is to provide them a forum to call upon the American government to conduct an immediate investigation of these war crimes. If this so-called people's revolution is typical of past communist takeovers, then we do not want another Katyn Forest, Cuba, Cambodia or South Vietnam.

I urge you to attend and participate in this meeting.

Sincerely,

John M. Murphy,
Member of Congress.

Attached herewith are the sworn statements of 19 individuals who attest to the fact that genocide was being carried out on a massive scale when they fled Nicaragua after the Sandinistas established their government.

Declaration of Sgt. Rolando Torres, Serial No. 20648

This is my third time in the United States.

On June 13th, while I was doing undercover work in civilian clothes on Barrio "La Fuente," I saw a person being pulled by a car. People were saying it was 2d Lt. Gutierrez, from the police force, but recognized it was actually Lieutenant Gutierrez's son, from the Police Third Company. He was captured at the Barrio Urbina, dragged all over the area and later on assassinated.

Knowing all this and other cases, like the ones in El Dorado, where the main command of the Sandinistas was, there were more than 25 executions that I know of. There is the case of the Poeta Carpintero, the two police students, one of them four months pregnant. They opened her belly and pulled the fetus out. This was done by the group of Commander Clifford Scott, a basketball player from the UCA, while he was drunk and celebrating. I, after knowing all this, decided to take my family out of Nicaragua on a blue plane that was flying daily out of Managua. I took my family to the airport on July 17th, with the intention of staying myself in Nicaragua. When I was at the airport I saw everybody leaving, and decided to put my family on the first plane out, and in a moment of excitement, I jumped in the plane to Guatemala.

On a telephone conversation with Managua, I learned that Lt. Gutierrez, whom I had seen at the Military Hospital as he was wounded, was taken out of the hospital and assassinated.

I heard over Radio Sandino of this new assassination on July 26th, but I know in the United States the people do not know these things. So I tell the people at home to stop this. I am sorry for my English, and hope you understand.

Declaration of Mrs. Francisa Morales De Torres, Wife of Lieutenant Orlando Torres Orozco and Mother of 4 Children, Age 14, 12, 10 and 5

I lived in a Military Residence, and I did not have peace as every day we were threatened by members of the F.S.L.N. One night we decided to escape and look for refuge in a Red Cross camp, abandoning all of our belongings, leaving my mother, one brother and a nephew as prisoners of the F.S.L.N., as all the families of members of the Armed Forces had to do. My sister and her son is married with Sargeant Benito Bravo and up to this date have no news from them. I fear because as an example I have the case of my husband's friends, Lieutenant Bermudez, who was assassinated with all his family and we saw that the sandinistas were inexorables and their threats of death were true, and when they sentence someone, they do it, without respect of women, children and old men. When we saw this, we decided to escape and it is for this reason we find ourselves here, and request refuge for our family.

I would like to mention the specific case of Lieutenant Juan Ocon, who was made prisoner by the F.S.L.N., tortured, shot and still alive cut his head off, we went to his wake, and we saw that as the family could not find his head a plaster head was buried with him. These are cases which I believe the Human Rights should know and investigate, and we believe these cases should be known to them, and not only the cases which the F.S.L.N. presents. On leaving Nicaragua, we have left behind our country, our families, and because we feel our lives threatened we look for refuge and help from the United States.

July 29, 1979.

Declaration of Mrs. Janet Arguello de Aguilar

I am 30 years old, married. My husband is Captain Hugo Aguilar (F.A.) and I became involved in the war, as my husband is a pilot. A square of the F.S.L.N. of around 100 men came to my house. The square was called Panama and was formed of foreigners. This people entered my home and I was persecuted, and for this reason I had to hide in a neighbors house, staying for 15 hours under a bed. The sandinistas were looking for me to execute my son and me. Our home was burned with all my belongings, including my car, cloth, etc. Afterward I had to look refuge in a house of friends at the militaries residence, where they also came with terror and death. This can be proven in the Central American newspapers, where a specific case is shown in a photograph where Lieutenant Tomas Felipe Briones Barreto is assassinated, this was shown in a Guatemalan newspaper. During the time we were as refugees and hidden from the F.S.L.N. they did not cease in their search to assassinate us, and for this reason we were forced to immigrate to this country through the Red Cross. We hope the United States will bring us help as our children have suffered hunger and a painful war, as Nicaragua suffered an international war, I escaped and find myself here after 14 years of work and sacrifice, because my husband was not only an Air Force Pilot, but also a crop duster and a farmer. I worked hard, and now our family is in the street, waiting for help and protection, which we hope to find in the government of the United States. I was also forced to come as a refugee and to request protection to the Red Cross, as I have 3 minors, and in Radio Sandino and Radio Reloj from Costa Rica announced we were wanted in Managua to be executed. This was heard by me and by other friends that visited us in the places where we were refugees and asked us to leave the country or we would be assassinated.

Declaration of Captain (INF.) Roger Gomez Sandino

On September 1978 I was stationed temporarily in the city of Masaya, when this city was attacked by members of the F.S.L.N.

About 6 kms. from the Command we had a detachment of around 20 men and Major (INF.) Domingo Gutierrez as a Commander in charge. This detachment was attacked by the F.S.L.N. that same night. When the situation was normal, after 4 days of combat, I was sent by the Commander of Masaya to investigate the whereabouts of Major Gutierrez and his soldiers. After several inquiries, an old lady called me and told me that Major Gutierrez and six soldiers were buried behind Magdalena church, so I went to that place and started digging, and found seven corpses completely burnt and beyond recognition. We were told by witnesses that they were captured and were thrown into the hole alive, sprayed with gasoline and burnt.

In other places we found five more corpses of enlisted, who were also burnt.

On June 1979, while I was stationed on the South Zone, under Commander Bravo, and while in the company of Captain Wilfredo Gutierrez, we heard through the radio and television that the father and brother of Captain Gutierrez was executed.

On July 14, while I was as a Commander of an infantry troop at the South Zone fighting against members of the F.S.L.N. set out from Costa Rica, I captured a Panamanian who was wounded in a leg. After giving him medical attention and giving him food I questioned him, and he told me he was recruited in a city in Panama where there was an office recruiting Panamanians who wanted to go fight in Nicaragua. They were promised 500 U.S. dollars a month, a house in Nicaragua when the war was over, and 10,000 U.S. dollars in case of death, which would be sent to their families. According to him, payment was never received by any of them. He also informed me that the Boss of the Panamanians was Hugo Espadafora, who was in Sapoa, Nicaragua; also, he said that 600 Panamanians were fighting in Nicaragua, 50 women from Cuba, and that all artillery (mortars 120, 81, 82 and rifles S/R 75mm) were commanded by Cubans.

I sent the prisoner to the Command on July 15 on a helicopter. On July 18 I retreated with my troops as we were out of ammunition, reaching the highway on July 19th, at 07:30 a.m.

With three more officials I headed to San Juan del Sur (Port), to look for trucks to transfer the troop, but when arriving at the port, I was captured with the other 3 officers by the F.S.L.N., who wanted to execute us, but the townspeople and the priest asked them to keep us alive. Then the priest took us to the church, where we were left as prisoners, and the F.S.L.N. took our arms away. Around 1:00 p.m. I was set free as our troops had the city surrounded so I could go to where our troops were to tell them to surrender, or otherwise we would be executed. I went with the priest to talk to my troops, leaving the other three officers as hostages. I told the priest we did not want to fight with the F.S.L.N. troops, as we were superior in number and innocent people would die, so an agreement was made (a pact) as he checked that what I told him was true. The pact was that we would enter in San Juan del Sur to take over the lighters (rafts) to travel to San Salvador and that neither one of the troops would start shooting. We all did this, leaving towards San Salvador and leaving the city to the Sandinistas. After 26 hours or navigation the lighter where I was ran out of disel, so we decided to anchor, staying there all night and part of the next day.

In the lighter we had women and children, so I decided to swim ashore, to look for water, food and diesel. I reached the coast at 6:00 p.m., improvising a raft and next day at 5:00 a.m. headed to the lighter, carrying only water. I could not take the water to the lighter because an airplane with the F.S.L.N. initials was flying over and the sharks were lurking. Lieutenant Roman and myself decided to try again to reach the coast, which we did at 4:00 p.m. Then we headed to a place called La Punta del Rosario, where we found a lady, who was going to Mianguera, El Salvador, on a small boat. She took us to that place, where we learned that all the people of the lighter had been rescued, with the exception of twelve soldiers who surrendered to the F.S.L.N. when they were threatened by two nurses who came to the lighter in a small boat to give them water, that if they did not do it, they would sink the lighter. The twelve soldiers were taken to the port of Potosi, The small boat came back to pick up more people, which was boarded by some officers, women and children. On the way, the officers forced with arms to change course and to head towards El Salvador, instead of Potosi. Once in El Salvador, the officers sent two boats to rescue the rest of the troop, which was done before the lighter was sunk by an airplane commander by the F.S.L.N.

Afterwards, when inquiring on the whereabouts of the twelve soldiers, I was told they were executed in Potosi by the F.S.L.N.

July 23, 1979. After arriving in San Salvador and meeting with Bravo, he told me that the Panamanian soldier that I had sent to his Command was let free with a sign that read: We are not assassins GN.

The sandinistas, afterwards, broadcasted on their radio station that this panamanian prisoner had escaped by chance, because they left him surrounded by boobie traps, which was not true.

Afterwards, over a telephone call with Managua, I learned that Captain Wilfredo Gutierrez had been executed in Managua on July 26, 1979.

Declaration of Frank Espino Salgado

My name is Frank Espino Salgado, son of Lieutenant Eduardo Espino, who is prisoner in Managua, with my mother Teresa de Espino. As far as I know they are prisoners in what the sandinistas called Prisoners Camp, at the Zona Franca Industrial, near Las Mercedes Airport. I am 18 years old.

My case is the following: On January 31, 1979, my father and I were ambushed by the sandinistas, and escaped, saving our lives. We were attacked with firearms. I was badly wounded on my right lung, losing also two fingers of my right hand. I was in the hospital one month and one week.

The sandinistas pillaged our home, and all I have left is the cloth I have on.

I had to leave my home, and wherever I go the sandinistas look for me, as they want to kill me. I know of sons of other members of the Armed Forces to whom the sandinistas have captured and have killed. Such is the case of the Marin family, who lived at the Colonia Zogaib and all the family was killed.

Mr. Alvaro Sanchez was taken out of his home, was shot in front of his home in the presence of his children and his mother. For the above mentioned, I know that if I come back to Nicaragua I will be assassinated, and it is for this reason that I request asylum in this country as I thank God I could be evacuated by the Red Cross.

July 29, 1979.

Declaration of Maria Antonieta Guido

I am a civil, just like my husband, we owned two radio stations Radio Linder and La Voz de la Victoria, however, both were members of the Liberal Party, and like such, transmitted the news in the national broadcasting, of the Liberal Party. When the sandinistas took over Santa Rosa, they knocked at the door, hitting also with their firearms, screaming: Come out, come out, that we are going to execute you. My husband and I answered that we were sick and that could not come out and they replied that if we did not open they would force the door open. We knew that if we opened the door we would be killed, so we escaped through the back door. Our only fault was to be members of the Liberal Party, as we cannot even say we were sympathizers of Somoza, my husband was just a Liberal that loved his party.

When we escaped through the back door, we left with our sons under fire of weapons. We left to look for refuge at the Red Cross. We have been condemned to death, and they call us "sapos". We know of the case of Pedro Pablo Espinoza (Poeta Carpintero) who was a newspaper man and a writer, who was captured at El Dorado, tortured, pulling his eyes out when he was still alive, killing afterwards.

It is for all the things explained above, that we wish to find refuge in this country, as we know their threats are not a joke.

Declaration of Mrs. Isabel Lopez de Chamorro, Wife of Lt. Manuel Hernandez

I am mother of five children, ages 14, 13, 12, 11 y 8 anos. We lived at Colonia 5 de Diciembre in Managua, Nicaragua. I was forced to escape looking for a safe place to Monsensor Lezcano, at my mother's house, when the sandinistas took over where we lived. The sandinistas were searching for us to execute us, and also for other families whose members were militaries at the Guardia Nacional. Afterwards, they came look for us at my mother's house, where we were forced to escape again, to Los Altos de Masaya. From there I tried to come back to Managua with my family, and on the way my oldest son was captured and tried to force him to fight with them, but I intervened, telling them he was a minor and then they decided to let him go free taking prisoner my nephew who was 19 years old. They also wanted to force him to fight against the Guardia Nacional, and when he told them he was not doing so, was executed immediately in front of our home, burning his body with gasoline. During all this time I had no news from my husband, who was at the Bunker. Finally, we decided to find refuge at the Red Cross, as that was like a human hunt. My father, mother and my son 19 years old still in Nicaragua.

Declaration of Jorge Alberto Pineda

Name: Jorge Alberto Pineda.

Age: 25 years.

Married, name of his wife: Luisa Garcia Rodriguez.

On June 6 the sandinistas occupied Leon. They attacked Aeropuerto Godoy until completely overtook the city.

Since then to this date the city of Leon is under absolute control of a communist socialism, where they operate as follows:

(1) Rationing and expenditure of food and medicine upon presentation of identification cards, extended only to allies of the system.

(2) Expropriation of all private property.

(3) Total exclusion of persons whom they call burgess, who do not receive food or medical assistance.

(4) Restriction of movement within the city: Confiscation of vehicles belonging to the civil population. Permission needed to be able to go from one part of the city to the other, and to leave the city.

(5) Installation of Commanders on each block and parts of the city.

(6) Obligatory military service to all young men, who receive military training and arms. Summary executions to militaries and their families. Specifically the public execution of 13 soldiers who had surrendered at the Stadium in Leon.

(7) Up to this date, Leon is under this type of operation and refuses to follow directions of the new constituted government in Managua.

July 29, 1979.

Declaration of Guillermo Miranda

My name is Guillermo Miranda, auxiliary member of the Guardia Nacional, on service at the Escuela de Entrenamiento Basico de Infanteria (EEBI).

I want to mention the case of Pedro Pablo Espinoza, better known as Poeta Carpintero, reporter, member of the Liberal party in Nicaragua, and anti-communist, who was made prisoner during the last days of the month of June, 1979, when the sandinistas took El Dorado and Don Bosco. He was prisoner for 4 days and was judged several times, on one occasion they granted permission to his son to visit him, and the son asked the sandinistar to be exchanged by his father, as his father was over 50 years old. At the end, after being prisoner in the most inhumane conditions he was shot in the Park of El Dorado, and was buried with other 20 persons at the Park.

The same day that Pedro Pablo Espinoza was assassinated, Sargeant Edwin R. Ordonez, of service at the Escuela de Entrenamiento Basico de Infantria (EEBI), was burned alive in the same Park of Residencial El Dorado.

My name has been mentioned in Channel 4 Televison, WQBA La Cubanisima as wanted by the sandinistas, this was on Wednesday July 19, 1979. I know I am sentenced to death, as all of the ones that have been members of the Armed Forces of Nicaragua, including all members of the family. It is for the above mentioned that I request asylum in this country, which I entered on a Red Cross flight that took food and medicine to my country.

July 29, 1979.

Declaration of Gioconda Arguella (Divorced), Daughter of Major Jaime Arguello

My father is a prisoner in Nicaragua. I am with my mother, Adela de Arguello, my sister Jackeline Arguello and my daughter Gioconda Espinoza Arguello.

Because my father was a military we were constantly threatened to death; a contact bomb was thrown into our home, causing only material losses. Afterwards, we were called over the telephone and were told that if we did not leave our home, we would not see the sun next day. We feel we cannot come back to Nicaragua, as our neighbors, the Marin family, who lived next to us and had in their family members of the Guardia Nacional, were assassinated, so we decided to find refuge at the Red Cross.

Our watch man, told us that he witnessed this assassination. For all these reasons above mentioned, we request refuge, as we feel our lives threatened in Nicaragua.

Declaration de la Sra. Gladys de Ruiz

My name is Gladys de Ruiz, I am a widow of Captain Miguel Angel Ruiz. I lived in Monsenor Lezcano in Managua, Nicaragua, and mother of four children, one of them, Cesar Augusto Ruiz, is a Lieutenant of the Guardia Nacional de Nicaragua and is 29 years old.

My children names are: Miguel Angel Ruiz, 30 years; Vidal Ernesto Ruiz, 22; Gloria Lu cila Ruiz, 26; and Lieutenant Cesar Augusto Ruiz, 29 years.

Since the sandinista movement started in Nicaragua we have felt threatened not only my children and I, but also the rest of the family.

Our family and I have been persecuted and had to leave our homes, to find a safer place; they go from place to place asking neighbors if they know where we are, and the ones that have been found, they kill, and look not only for the Lieutenant, but also for my other three children, that have no relation whatsoever with the Guardia Nacional, only the fact that their father and brother are connected with the Guardia Nacional.

On June 8th, 1979, the sandinistas attacked 3rd Police Station, which was located next to our home, killing all military; they were forced out of Police Station with bombs, and the ones that were captured alive were taken to the streets and shot in front of the civil population. The sandinistas put fire to our house with gasoline, and the only thing left of all our belongings was the clothes we had on. We have to hide wherever we go, and wherever we go the sandinistas ask neighbors if they know where we are, with the intentions of killing us.

I also know of the case of Lieutenant Rene Silva, from Matagalpa, who was in the battle front, the sandinistas went to his house and killed his wife and two children, 4 and 2 years old.

I also know the case of the General Director of Customs, Dr. Rafael Saavedra, who left his house to find a safest place at Don Bosco, where the sandinistas found him, killing his two sons, and burning him alive. This occurred during the first week of July, 1979. For the reasons above mentioned, I was forced to evacuate in a Red Cross airplane, and request asylum in this country, as I am certain that if I come back to Nicaragua, my sons and I will be killed.

July 29, 1979.

Declaration of Mrs. Maria Antonieta Bustos

I am the wife of Major Alejandro Bustos (Inf.), we have seven children, that are with us, ages 18, 17, 16, 15, 14, 13, 10.

I left my country because I was persecuted with my children only because I am the wife of a member of the Guardia Nacional. I could not leave my children, or they would have been captured or forced to enroll into the F.S.L.N. During our last days of our stay in Nicaragua an armed group of the F.S.L.N. came to our home at Colonia Independencia, and threatened all families of officers of the Guardia Nacional to leave our homes within the next 24 hours, and to leave all of our belongings. We were threatened with firearms in our chest, so I decided to abandon our home to find refuge at the Red Cross, where we were evacuated.

I beg the government and authorities of this country of the United States, to grant us refuge, to give us a chance to live again, to start a new life.

Statement of Lt. Col. Albert Smith

During my last two years of military service in the Nicaraguan National Guard, I served as military observer to the Organization of American States. I was in Honduras for a period of thirteen months. After this assignment I was assigned as Commander of a combat battalion based in Managua. In this position all my missions consisted of fighting Sandinista guerrillas throughout the country. Most of the time the battalion was assigned to missions in the countryside. It has been my experience that wherever we went there was always information and stories from the people as well as from civil authorities of the atrocities and inhuman acts committed by the Sandinistas. Many times I had the sad task to be a witness to the criminal results of their actions. With these types of experiences I lived intensively during the last eight months of the war.

During the final weeks of the conflict I had the function as quasi operations officer for the Army. I knew the general situation throughout the country and had constant communication with 'the different commands.' I came to the conclusion that we needed a great deal of outside support in order to continue fighting and to contain or bring the war to an end. Meanwhile there were political conversations being carried on at another level, between the U.S. Ambassador Pezzullo and other higher authorities: we were ignored in helping in the resolutions that were being formulated there.

During the final days, the U.S. Military Attache, Colonel James McCoy, requested to have private conversations with me and

I agreed to such talks. In the course of our conversation the first question he asked me was in regard to my personal opinion of what would happen in the event of a sudden departure of our President and all of our higher ranking officers. I told him that as a career officer I belonged in the army and that such political maneuvers were not my concern, since, based on our constitution, the army functioned as a separate body; but, I made it clear that a continued struggle between the Sandinistas and the Guard needed urgent support in order for the Guard to obtain a military victory. To this he replied that it was his feeling that it was very possible that once Somoza was out, the countries that had given active support to the Sandinistas, such as Panama, Costa Rica, Venezuela, and the other South American Nations members of the Andine Pact, would immediately stop military support to the guerrillas and try to work out a peaceful settlement and would provide for a provisional coalition government.

Nevertheless, the main reason for his private conversations with me was based on the fact that he was fearful that the army, with the departure of Somoza, would loose its unity and effectiveness; it looked to me that he wanted it both ways. I made it clear that given the proper support from the democratic countries of the world, (the U.S. at the head), the Nicaraguan army would maintain its unity since we were a professional institution of the nation and not a private army.

The armed struggle in Nicaragua continued even after the departure of President Somoza. More than 24 hours went by without receiving any indications of aid or intervention from anybody for the National Guard. There was no change in the attitudes of the other nations in regards to their ceasing help to the Sandinistas.

At this time the casualty rate of our troops was increasing due to the lack of support from our artillery (for lack of ammunition) and our Air Force who was not able to support their part because of the lack of ordinance and fuel. I decided to call Colonel McCoy and ask him what was happening with reference to our past conversations and what the terms of the agreement were that led to the departure of President Somoza. His answer to this question was that there was nothing that could be done any more and that for any further information I should call Ambassador Pezzullo, giving me his telephone number. It seemed strange to me to call the Ambassador. However, I called the Ambassador and asked the same question. He replied that the newly delegated President Urguyo and the newly appointed army staff were wasting their time by asking him to come up with impossible solutions. Instead, they should accept the direct proposals that were being asked by the Sandinistas which demanded the immediate surrender and dissolution of the Nicaraguan army. I explained to the Ambassador that it was ridiculous to accept such conditions from the Sandinistas when no guarantees and assurances existed for the personal integrity and safety of our troops. Also, it meant the end of a loyal institution that had existed for fifty years, serving with pride and respect, and that as such, it was inconceivable to end it at the request of the Sandinistas.

His simple and tragic answer was, "He was very sorry about it."

I only hope that Ambassador Pezzullo and Colonel James McCoy are forced by this Congress to escort an international investigative group to identify the slaughtered bodies of our once proud Guard, who were not given a fighting chance to live. Then let them say to the world, "We are sorry about it."

RÉSUMÉ

Name: Alberto Smith Delgado.

Born: Bluefields, Nicaragua, November 10, 1936.

Studies: Graduated from the Nicaraguan Military Academy, class of 1955–59.

1959, Jungle Warfare: Fort Shermann, Canal Zone.

1965, Basic Airborne: Fort Shermann, Canal Zone.

1965, Jump Master: Fort Shermann, Canal Zone.

1960, Basic Infantry: Fort Benning, Georgia.

1967, Advanced Infantry: Fort Benning, Georgia.

1967, Ranger: Fort Benning, Georgia.

1976, Pathfinder: Fort Benning, Georgia.

1977, Command and General Staff College (Class of '77), Fort Leavenworth, Kansas.

Declaration of Auxiliadora and Esperanza Silva, Sisters of Lt. Rene Silva, Age 17 and 15

We were forced to leave Matagalpa city, as we witnessed the assassination of the family of a military. We left Matagalpa afoot to Managua, where we went to look for refuge at the Red Cross. The family's name was Buitrago, and a member of their family was member of the Guardia Nacional. It is for this reason and because we are also family of another member of the Guardia Nacional, that we feel our lives threatened in our own country, that we were forced to leave and look for refuge in this country.

July 29, 1979.

Declaration of Mrs. Amelia Vda. de Flores

(Wife of Captain Victor Flores, who died in combat)

I was constantly threatened over the telephone that we were going to be killed, lately the sandinistas gave us 48 hours to leave our home, only because my husband was a military. My oldest son, age 16, was also wanted by the F.S.L.N., to be executed, and I was forced to escape with my five children with only what we had on, without shoes and money. We looked for refuge at the Red Cross, where afterwards were evacuated to this country.

I need help, and request help to the government of the United States, as a widow I am in helplessness with 5 minor children that need to go to school.

July 29, 1979.

Declaration of Mrs. Nora Altamirano

I am the wife of Cnel Altamirano (Sub-Director of Inmigration), I am here with four of our sons, of 21, 19, 18 and 2 years of age. In Managua still are my two oldest daughters, 22 and 20 years old.

The sandinistas came to my home, destroying everything we owned. They also went to a small farm we had, where the house was burned. When we found ourselves without food and clothing, we look for refuge at the Red Cross, from where we were brought to this country, where we would like to find refuge, as we feel our lives are threatened. My two daughters are in Nicaragua, one in Masaya, and the other one in Chinandega.

July 29, 1979.

Declaration of Captain Justiniano Perez

I am a 1967 graduate of the Nicaraguan Military Academy. There were leftists movements by that time already in my country, and they were totally supported (training, weapons, economics), by the Cuban Regime. Our officers and NCO's underwent training programs at the Canal Zone (School of the Americas and IAAFA), most of them oriented to the neutralization and control of guerrilla movements and, quoting reports of the School of the Americas, the U.S. Army had trained a total of 4500 officers and troops of the Nicaraguan Army by the summer of 1977. In the same way, personnel were trained at Ft. Benning, Georgia, and Lackland Air Force Base, Texas, and several other bases and training camps around the United States.

In the last years of the 60's and in the beginning of the 70's, the National Guard counted over 80 percent of our trained officers and NCO's were trained by officers and NCO's of the U.S. Armed Forces. In May 1977 I was promoted to the rank of Captain, and in July 1977 named executive officer of the Basic Infantry School, which assigned mission was to train recruits for the National Guard.

A short time later the United States cut all military aid to Nicaragua stating that we were Human Right violators. After this happening, the leftist guerrilla movement augmented their activities and started to move into the cities. The international propaganda was well directed by the communists, in a way that they changed the National Guard image to the eyes of the world, to the point where the Sandinista atrocities were considered freedom acts, and the National Guard actions, violations to the Human Rights. Without the U.S. military aid, our school took over the responsibility of training all the National Guard personnel and the terrorists began an elimination campaign against our personnel. The students were eliminated while on leave. Our intelligence service captured complete Sandinista lists of the entire personnel of the school, detailing address, number of relatives and even the political affiliation of everyone of the members of the family, and information so complete that it included elimination date.

During the final stage of the war, the training was suspended and all the students sent to front duties in the different sectors of the country. Most of them were sent to the South front, where the National Guard were confronting international brigades, mainly of Cubans, Panamanians, Venezuelans, Costa Ricans, and Columbians, who were departing from sanctuaries located in Costa Rica attacking the different defensive positions of the National Guard in the Nicaraguan territory.

In Managua the fight was house to house, until we recovered the city. At the end, our hospital was full of wounded personnel and we were short of cambatants. We had only 200 men.

July 16th, 1979. There was a general staff restructure and I was appointed CO of the Basic Infantry School and that same day we had a meeting with the President. We were introduced to the new general staff and to the President designate. The President said also, that he had to leave office and the country as a pre-condition to obtain aid from the United States.

At that moment our troops were running out of ammunition and gasoline. What happened after that, everybody knows . . . The military aid from the U.S. never got there; the President designate fled to Guatemala. The new Chief of Staff began negotiations with the F.S.L.N. about the rendition terms, and trying to save the lives of the National Guard men. But everything fell when the Sandinistas stated that the only thing left was unconditional surrender.

While they were negotiating, the guerrilla columns were approaching Managua, and the Chief of Staff ordered the Field Commanders to look out for themselves and to save the lives of their troops. The first thing I did was to send all the wounded personnel to the Military Hospital, which already was under Red Cross attendance and was declared a safe area by Sandinistas. I found later on that most of these personnel have been killed at the hands of the Sandinistas.

July 19th, 1979. In the morning I led the rest of my troops to the International Airport, where we awaited an aircraft that never arrived. At or—about 11:00 a.m. the Sandinistas started to arrive at the area, so I ordered my troops to change clothes (to civilians), and to disperse from the spot and to head to secure places. Some went South, and I never heard of them again; others went East, and found refuge at La Zona Franca, which was under Red Cross attendance, and I now know at this moment all were transferred to the Carcel Modelo (jail), under F.S.L.N. domains not the Red Cross. Right before I left the Airport I saw a summary execution of two soldiers who were saying to the Sandinistas to respect human rights. I had the chance to see some captives who were guided to an unknown destination. I made it all the way to the Guatemalan Embassy, and there I found out the guardsmen at the Zona Franca were being executed by the Sandinistas. Everybody people were arriving at the Embassy, crying for help because their relatives had been killed at the hands of the Sandinistas. I managed to get out of both the Embassy and the country, but the butchery has continued by the guerrilla and no one has said anything regarding the human rights of guardsmen and their families.

As a conclusion I state:

The Nicaraguan National Guard was an organized Army, trained solely by the U.S., and left to the hands of the Sandinistas by the United States.

The Nicaraguan National Guard was accused of violations of Human Rights in a vicious false way, while Sandinistas killed and executed civilians and nobody says a word about it.

The Nicaraguan National Guard has not been defeated as an Institution or in the battle field, but are victims of an international conspiracy and all are marked for extermination.

I firmly believe that the Nicaraguan case is the second warning to the free world about what the communism is, and you must consider the rest of the Central American nations (El Salvador, Honduras and Guatemala) in serious danger, and so the whole American continent.

It is indeed unfortunate that most of my countrymen do not speak English nor you Spanish but I hope for the sake of humanity you have understood what has been said today.

CURRICULUM

Name: Justiniano Perez Salas.

Age: 33.

Rank: Captain.

School: NMA Graduate, Class '67.

Officer Basic Course, School of the Americas 1966.

Counter guerrilla operations, School of the Americas 1967.

Officer Basic Course, Ft. Benning, Ga. 1969.

Paratrooper School, Ft. Benning, Ga., 1969.

Ranger School, Ft. Benning, Ga., 1969.

Special Forces School, Ft. Bragg, N.C. 1970.

Advance Infantry School, Ft. Benning, Ga. 1971–72.

DECLARATION OF MAJ. PABLO E. SALAZAR

This statement pursues a sole objective, to let the world know through the U.S. Congress, what the real truth is concerning the case of Nicaragua.

Right after the triumph of the Cuban Revolution that paved the way to power for Fidel Castro, this character began to export revolutions around the world, especially to Africa and Latin America, as everybody knows.

His main objective was the control of territory and exercise of political power over the Central American nations. The primary threat to gaining this objective was Nicaragua, due to personal avertion to the Nicaraguan and well known anti-communist leader Gral. Anastasio Somoza D., and his well known friendship with the "Imperialistic U.S.".

After reaching power, and for the next 18 years, the communist regime of Cuba, indoctrinated, trained, supplied (materially and economically), and has led, revolutionaries for the F.S.L.N. which since its birth and to this very moment has iron bound ties with the ultra-left wing of communism (marxist-leninist). Through two decades, the Castro Dictatorship, has been technically backing up, supporting combat actions and supplying sophisticated weapons, to leftist movements fighting the constitutional governments of the Central American area. And in our case the regional communist wing in Nicaragua. Guerrillas were neutralized, due to the governments that were legally constituted and of democratic origin.

When Mr. Jimmy Carter was elected President of the U.S., and instituted his policy of "respect of Human Rights"—the sandinistas quickly moved their fight to reach power—masquerading themselves as freedom fighters for human rights—the Cuban regime along with the international socialists, and the leftist movements of the continent along with the complicity of the governments of Carlos Andres Perez from Venezuela, Rodrigo Carazo, from Coasta Rica, and Omar Torrijos from Panama, supported the so-called revolutionary war that has given pass to so much bloodshed and destruction in Nicaragua, physically, economically and spiritually. These three governments were friends of the Somoza government for years, but due to the covert intervention of Cuba in these countries, they were induced to, support first, organize later, and in the end train and supply troops and weapons to the international brigades of communist affiliation, while at the same time permitted their territories and facilities to be used by these brigades as training camps, supply routes and sanctuaries. For the first time in the contemporary history of America as a Continent, there were no valid international treaties or respect of international law, not even the bilateral treaties between Nicaragua and Costa Rica stood.

Initially, the governments of Cuba, Venezuela, Panama and Costa Rica, and later supported by the countries of the Andean pact were part of the mediation commission that promoted and sent a very dangerous precedent in the American history as a continent. At this moment no member of the OAS can feel secure from open communist aggression, when their allies act on behalf of international communism, embracing the promulgated principles of the communist manifest of Carlos Marx, which seeks a rise to power over the entire world by using the method of total destruction of the existing establishment to gain its goal.

In the last decade the Occidental world has lost to the communism, Indochina, most of Africa, and in the past two years the first continental nation of America—for the first time in history communism has a continental base (Nicaragua), not an isolated island (Cuba). Nicaragua is a base of strategic importance due to its natural position, the very center of America. The communists have effectively split North and South America, and in less than a day can separate the Atlantic from the Pacific by taking Panama, all without saying all the facilities can now be used as training camps and sanctuaries to launch revolutions to the North and South, first to El Salvador, Honduras and even the democratic Costa Rica, (later will be Guatemala), all of which have open leftist movements seeking forward the actual overthrow of their respective governments. To a degree greater than Nicaragua two years ago, all this in the disguise of Human Rights. The consolidation of Central America, the allegiance of the parties in power in Mexico and Venezuela, will give to international communism a definite influence and access to the rich oil fields of the continent. If you do not take action to neutralize this error in policy immediately, you will be fighting a war in your own territory in no more than five years.

What has changed in Nicaragua?

After forty years you said that the Somoza government was corrupted, that it did not respect human rights, that there were hundreds of missing persons, that there was a black list and all would go with Somoza. I ask why at this moment do you allow in Nicaragua:

Real black lists.

Real concentration camps.

Abolishment of the commission for Human Rights.

Abolishment of the right to free expression.

Abolishment of the right to circulate freely.

At this moment there is a butchery, persecution of Guardsmen, summary executions of Guardsmen as well as their relatives and families, of pro-Somoza particulars, all of them loyal to Constitutional government to the bitter end, and what about the promises of the revolutionaries? Where is your standard of Human Rights that you measured us by?

A number of people have escaped to freedom, now we have trouble to reestablish ourselves in work and to resume normal lives, we want the chance to live and work, and to integrate ourselves into your American Society, for we are Americans already. Most, if not all of us were trained directly or indirectly by the U.S. Armed Forces, our noble military friends have not turned their backs to us, we defended our government with the same high ideals of duty, honor, country, taught by our American trainers, all of us here today feel betrayed, not by our American comrades, but by Jimmy Carter policy.

We are not asking for compassion, but an opportunity to help you understand that destruction of our democracy is on the hands of the Siberian bear dressed in colorful Latin clothes.

CURRICULUM

Name: Pablo Emilio Salazar Paiz.

Age: 37.

Primary School and High School: Colegio Salesiano, Granada, Nicaragua.

Military Courses: Graduated from the Nicaraguan Military Academy as Infantry Officer, 1959–1963.

Counter Guerrila Course, Fort Gulick, Canal Zone, 1964.

Airborne Basic Course, Fort Gulick, Canal Zone, 1965.

Jump Master, Fort Gulick, Canal Zone, 1965.

Ranger, Fort Benning, Georgia, 1966.

Application School of Warfare, Turin, Italy, 1967–1970.

Infantry and Cavalry School, Cezano, Rome, Italy, 1967–1970.

Infantry Officer Advance Course, Fort Benning, Ga., 1972.

Designated Commander of Operations South Zone, Batallion plus Reinforce Commander, 1979.

STATEMENT MADE BY CAPT. JUAN WONG, JR.

"Only fools do not learn from the errors and trials of the past." And it is the responsibility of statesmen and leaders of the world to inform themselves and assess the current events that influence our lives and the future.

My statement does not pretend to shed upon this honorable body new enlightenments or revelations; it is only aimed to relate actual facts and modus operandi to which I was a witness in Nicaragua during the past fourteen years.

The political downfall and total devastation of the established systems and foundations of what was once "a peaceful and prosperous" nation did not come about as a violent result of armed revolution by a small group of "patriotic muchachos" (as the U.S. press has labeled them). On the other hand, these modern and sinister Robin Hoods were only part of a well orchestrated international conspiracy that evolved through the persistent work and fanatical political efforts of a small group of international communist revolutionaries.

Gentlemen, in synthesis I am referring to an intelligent conspiracy planned and directed from outside our frontiers, tried and proven in the past and one that is accelerating in process today in other nations of our hemisphere, now that Nicaragua is lost. I am talking about a well oiled machine that is undermining and making a mockery of human rights and destroying the democratic foundations of our world.

The strategy and tactical evolution that I witnessed can be divided into the following steps:

(1) The Creation of a hard core group of individuals with definite goals and international revolutionary ideals in mind. This was carried out in 1961 in Nicaragua when the original Frente Sandinista was created by Carlos Fonseca Amador, German Pomares, Tomas Borge, and others. Borge is now the Minister of the Interior of the new government of Nicaragua.

(2) A religious, spiritual and moral brainwashing of the middle and upper middle class that mascarades as a social awakenment to institutionalized injustices? In Nicaragua this was carried about by communists and radical infiltrated religious groups and individuals such as Father Sanguinez, Parrales, Quintanilla, Cardenal and other self-acknowledged Marxist socialists, who established social Catholic movements with the purpose of installing in the people a guilty feeling and prepare the school age children with a frame of mind of social revolution.

(3) All throughout this period of time they maintained a continual terrorist armed struggle against the established authorities, led by fanatical hard core international revolutionaries and adventure seeking youth, transformed into picturesque guerrilleros while alive and/or martyrs of the revolution when killed in combat. This policy was well carried out in Nicaragua.

(4) The dramatization of staged actions and events to attract the attention and support of the international community and its press: which provides sensational headlines and stories that "entertain" readers and viewers rather than inform them.

(5) With their goals achieved and a military victory obtained, now comes the systematic anihilation of all the surviving individuals that were directly or remotely connected to the previous system now destroyed. We have come here today to appeal to this honored body and to the conscience of the free world that it represents. All my fellow officers that will appear before you today have been trained in the United States of America and we all embrace and uphold the ideals of the American fighting man, so respected throughout the world. We shall present to you today, documented statements that have been made numerous times over the past years all of which are well known by all of the intelligence services of the U.S.A. but were never revealed to this body.

Our comrades in arms, our families and friends that remain behind in Nicaragua are presently in stage five of the revolutionary process, and as such they are being liquidated today . . . at this very moment. Gentlemen, if this is not stopped by the powers of the free world; tomorrow it will be El Salvador, Guatemala, Honduras, Mexico . . . and before you realize it, "patriotic muchachos" will be crossing the Rio Grande.

RÉSUMÉ

Name: Juan Wong, Jr.

Born: Leon, Nicaragua, November 3, 1943.

Studies: Grammar School: Instituto Pedagogico (Nicaraguan school run by Christian Brothers (LaSalle)—1950–55); Jr. high school and high school: St. Mary's College High School, Berkeley, California (run by Christian Brothers (LaSalle)—1956–61.); College: University of San Francisco, California. Major in marketing and industrial relations (run by Jesuits—1961–65); Advanced courses in business administration from INCAE (Central American Institute for Advanced Business Administration—run by Harvard University in Nicaragua).

Work: Business Administrator in Managua; Assistant to Major General Jose R. Somoza; Entered the Nicaraguan National Guard as a Lieutenant in May 27, 1974. Promoted to Captain on May 27, 1979.

STATEMENT OF LT. COL. ALBERT SMITH

During my last two years of military service in the Nicaraguan National Guard, I served as military observer to the Organization of American States. I was in Honduras for a period of thirteen months. After this assignment I was assigned as Commander of a combat battalion based in Managua. In this position all my missions consisted of fighting Sandinista guerrillas throughout the country. Most of the time the battalion was assigned to missions in the countryside. It has been my experience that wherever we went there was always information and stories from the people as well as from civil authorities of the atrocities and inhuman acts committed by the Sandinistas. Many times I had the sad task to be a witness to the criminal results of their actions. With these types of experiences I lived intensively during the last eight months of the war.

During the final weeks of the conflict I had the functions as quasi operations officer for the Army. I knew the general situation throughout the country and had constant communication with "the different commands." I came to the conclusion that we needed a great deal of outside support in order to continue fighting and to contain or bring the war to an end. Meanwhile there were political conversations being carried on at another level, between the U.S. Ambassador Pezzullo and other higher authorities: we were ignored in helping in the resolutions that were being formulated there. During the final days, the U.S. Military Attache, Colonel James McCoy, requested to have private conversations with me and I agreed to such talks. In the course of our conversation the first question he asked me was in regard to my personal opinion of what would happen in the event of a sudden departure of our President and all of our higher ranking officers. I told him that as a career officer I belonged in the army and that such political maneuvers were not my concern, since, based on our constitution, the army functioned as a separate body; but, I made it clear that a continued struggle between the Sandinistas and the Guard needed urgent support in order for the Guard to obtain a military victory. To this he replied that it was his feeling that it was very possible that once Somoza was out, the countries that had given active support to the Sandinistas, such as Panama, Costa Rica, Venezuela, and the other South American Nations members of the Andine Pact, would immediately stop military support to the guerrillas and to try to work out a peaceful settlement and would provide for a provisional coalition government.

Nevertheless, the main reason for his private conversations with me was based on the fact that he was fearful that the army, with the departure of Somoza, would loose its unity and effectiveness; it looked to me that he wanted it both ways. I made it clear that given the proper support from the democratic countries of the world, (the U.S. at the head), the Nicaraguan army would maintain its unity since we were a professional institution of the nation and not a private army.

The armed struggle in Nicaragua continued even after the departure of President Somoza. More than 24 hours went by without receiving any indications of aid or intervention from anybody for the National Guard. There was no change in the attitudes of the other nations in regards to their ceasing help to the Sandinistas.

At this time the casualty rate of our troops was increasing due to the lack of support from our artillery (for lack of ammunition) and our Air Force who was not able to support their part because of the lack of ordinance and fuel. I decided to call Colonel McCoy and ask him what was happening with reference to our past conversations and what the terms of the agreement were that led to the departure of President Somoza. His answer to this question was that there was nothing that could be done any more and that for any further information I should call Ambassador Pezzullo, giving me his telephone number. It seemed strange to me to call the Ambassador. However, I called the Ambassador and asked the same question. He replied that the newly delegated President Urguyo and the newly appointed army staff were wasting their time by asking him to come up with impossible solutions. Instead, they should accept the direct proposals that were being asked by the Sandinistas which demanded the immediate surrender and dissolution of the Nicaraguan army. I explained to the Ambassador that it was ridiculous to accept such conditions from the Sandinistas when no guarantees and assurances existed for the personal integrity and safety of our troops. Also, it meant the end of a loyal institution that had existed for fifty years, serving with pride and respect, and that as such, it was inconceivable to end it at the request of the Sandinistas.

His simple and tragic answer was, 'He was very sorry about it'.

I only hope that Ambassador Pezzullo and Colonel James McCoy are forced by this Congress to escort an international investigative group to identify the slaughtered bodies of our once proud Guard, who were not given a fighting chance to live. Then let them say to the world, 'We are sorry about it'.

RÉSUMÉ

Name: Alberto Smith Delgado.

Born: Bluefields, Nicaragua—November 10, 1936.

Studies: Graduated from the Nicaraguan Military Academy, class of 1955–59.

1959—Jungle Warfare: Fort Shermann, Canal Zone.

1965—Basic Airborne: Fort Shermann, Canal Zone.

1965—Jump Master: Fort Shermann, Canal Zone.

1960—Basic Infantry: Fort Benning, Georgia.

1967—Advanced Infantry: Fort Benning, Georgia.

1967—Ranger: Fort Benning, Georgia.

1976—Pathfinder: Fort Benning, Georgia.

1977—Command and General Staff College (Class of '77), Fort Leavenworth, Kansas.

Some Members who attended a press conference I held on August 1, 1979, may recall that Pablo Emilio Salazar popularly known as Commandante Bravo sat by my side to warn the U.S. Government that we were supporting a regime that was conducting systematic "revenge murders" not only in Nicaragua but through hit teams sent to other Central American countries. The U.S. Government through the voice of the State Department scoffed at these charges when they were made in August. I would remind Members that Comandante Bravo is the same officer whose murder I have just described.

I would also remind Members today that Salazar's death can be laid directly at the doorstep of America's misdirected Latin American policies. I would repeat to members Major Salazar's words of warning of August 1 when he said:

> Most, if not all of us, were trained directly or indirectly by the U.S. Armed Forces. Our noble military friends have now turned their backs on us. We defended our government with the same high ideals of duty, honor, and country taught by our American trainers. All of us here today feel betrayed, not by our American comrades, but by Jimmy Carter's policy.

Salazar concluded his August 1 testimony:

> We are not asking for compassion, but an opportunity to help you understand that destruction of our democracy is in the hands of the Siberian Bear dressed in colorful Latin clothes.

I would remind Members that it was the U.S. policy to insist on free elections in 1979.

The urgency was so great this Government could not wait for the promised supervised elections in 1981—just 16 months away.

The urgency for free elections was so great that this Government could be construed as assisting in the destruction of 40,000 human beings in Nicaragua. Free elections being the theoretical basis for the revolution.

We must all wonder what happened to that sense of urgency that existed in the State Department and the administration in mid-1979 that cost the lives of so many people.

I urge Members of this body to assure the same sense of urgency and insist on the free elections which would be guaranteed by this amendment.

☐ 1350

We know who is running Nicaragua today. I place in the RECORD with this colloquy the background, the training, and of course the motivation of those persons. I also include the remarks of the Anti-Communist World League of the Nicaraguans in Exile expressing the sentiments on conditions existing in Nicaragua today.

Mr. Chairman, as I said, I hope that the committee will sustain this amendment.

NATIONAL DIRECTORATE OF FSLN BIOGRAPHICAL INFORMATION ON THE SANDINISTA GOVERNMENT LEADERS

TOMAS BORGE MARTINEZ, 50 YEARS OF AGE

Trained in Cuba.

Last surviving founding member of the Sandinista movement (FSLN).

Co-leader of the Marxist Prolonged Popular War faction of the Sandinistas.

Minister of Interior in the new Sandinista government. Key position giving him control over the police and internal security.

Adjutant Chief of the Popular Sandinista Army.

Self-confessed murderer. Convicted in February 1977 to 30 years for shooting to death 2nd. Lt. Rodolfo Sequeira Connolly on February 4, 1976. At his trial Borge stated that "from a legal standpoint there was no justification for this shooting."

Borge also admitted to joint responsibility for the murders of Narciso Zepeda, Gustavo Andino and other fellow-terrorists in the FSLN and "executed" in the Chinandega area on orders of the regional heads of the FSLN.

In his trial testimony Borge stated he had spent several months in Cuba in 1960 receiving military training at the hands of the Cuban army, together with a number of fellow FSLN terrorists.

He gave details of the FSLN involvement in a series of terrorist campaigns between 1960 and 1976 to subvert the constitutional authority in Nicaragua.

In 1964, the FSLN attempted for a short time to work within the existing political system in coalition with the Nicaraguan Socialist Party. A schism developed and the FSLN decided to return to armed opposition.

Following defeat with heavy losses at the hands of the Nicaraguan National Guard on January 22, 1967 at Pancasán, Borge returned to Cuba with more than 15 fellow terrorists for additional military training.

From Cuba, the group dispersed returning to Central America via Czechoslovakia and other eastern bloc countries. Borge with Henry Ruiz suffered a series of arrests between 1969 and 1971 in Costa Rica and Colombia.

In Colombia, the Communist Party provided Borge and Henry Ruiz with passports and funds received from Mexico "which had been provided by Havana."

In 1974, Borge assisted in the planning of the assault on the private home of Dr. J. M. Castillo Quant, killed together with a servant and a guard.

On February 4, 1976, on being confronted by a military patrol, he shot and killed 2nd. Lt. Rodolfo Sequeira Connolly as the officer approached him for questioning. He made his escape, but on running into a second military patrol, he discarded his gun, threw up his hands and cried out, "I am Tomas Borge, don't shoot me." He was arrested alive, convicted and imprisoned on February 25, 1977.

At his trial Borge said "while we were in Cuba, Comandante Ché Guevara offered to help us."

Asked by the court if the Sandinistas had received training in Cuba, Borge said yes.

During his court testimony, Borge revealed that the Sandinistas had received support and were in communication with other terrorist organizations including the FAR (Guatemala), Tupamaros (Uruguay), Montoneros (Argentina) and the Al-Fatah.

Borge admitted to numerous "acts of economic recovery" i.e. bank hold-ups, kidnappings etc. Between 1961 and 1975, at least 29 robberies of banks and businesses were carried out by the Sandinistas.

The Sandinistas carried out over 61 summary executions of "jueces de mesta" (peasant leader given certain official authority in civil matters.)

Tomas Borge Martinez, founding member of the FSLN and self-confessed murderer and terrorist

On being captured, Borge declared himself to be a revolutionary without any fixed address. He admitted to having been involved in subversive activities for 14 years and his testimony in open court provided the most comprehensive insight that there had been into the FSLN organization and operations.

1. Borge was convicted to 30 years for shooting to death 2nd. Lt. Rodolfo Sequeira Connolly on February 4, 1976, as the officer approached him for questioning. At his trial Borge stated that "from a legal standpoint there was no justification for this shooting."

2. Borge also admitted to joint responsibility for the murders of Narciso Zepeda, Gustavo Andino and other fellow-terrorists in the FSLN, "executed" in the Chinandega area on orders of the regional heads of the FSLN.

3. In his testimony, Borge stated he had spent several months in Cuba in 1960 receiving military training at the hands of the Cuban army, together with a number of fellow FSLN terrorists.

4. He gave details of the FSLN involvement in a series of terrorist campaigns between 1960 and 1976 to subvert the constitutional authority in Nicaragua.

5. In 1964, the FSLN attempted, for a short time, to work within the existing political system in coalition with the Nicaraguan Socialist Party. A schism developed and the FSLN decided to return to armed opposition.

6. Following defeat with heavy losses at the hands of the Nicaraguan Guardia Nacional on January 22, 1967 at Pancasan, Borge returned to Cuba with more than 15 fellow terrorists for additional military training.

7. Between 1969 and 1971, he and a companion suffered a series of arrests in Costa Rica and Colombia and sought and received the help of Communists and the party in these and other countries (e.g. Peru) in Latin America.

8. In Colombia, the Communist Party provided him and his companion with passports and funds received from Mexico "which had been provided by Havana".

9. In 1974, Borge assisted in the planning of the assault on the private home of Dr. J. M. Castillo Quant. He did not take part in the actual assault and remained in hiding in Nicaragua after the action.

10. On February 4, 1976, on being confronted by a military patrol, he shot and killed 2nd. Lt. Rodolfo Sequeira Connolly as the officer approached him for questioning. He made his escape, but on running into a second military patrol, he discarded his gun, threw up his hands and cried out, "I am Tomas Borge, don't shoot me." He was arrested and is alive and well in a Nicaraguan prison, following his conviction on February 25, 1977.

11. At his trial Borge said "while we were in Cuba, Cmdte. Ernesto Guevara (Che) offered to help us in Nicaragua. Twice I spoke to him and each time he said he would like to participate."

12. Asked by the Court who had financed the stay of the Nicaraguans in Cuba, Borge said "We received the hospitality of the people and government of Cuba." Asked if the hospitality included training, Borge replied "Yes".

13. During his court testimony, Borge revealed sources of support and communications with other terrorists and political organizations in Latin America. Said Borge "we had contact with all the well-known groups including FAR (Guatemala), Tupamaros (Uruguay) and the Montoneros (Argentina)."

14. Questioned on the types of arms on which members of the FSLN had trained, Borge mentioned the Garand semi-automatic, Browning machine gun, M-3 Thompson sub-machine gun, Raising*, Siuser*, Maining*, Alfal (Belgium), Alka (Soviet Union), bazooka (American), 60 mm mortar, 120 mm mortar (Czech), light and heavy 30 caliber machine guns. Following clashes with the Nicaraguan Guardia Nacional, substantial numbers of weapons and materiel were found.

15. To finance their operations Borge

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* It is assumed that he meant Reising, Hispano-Suiza and Miniman.

stated they engaged in what he called "acts of economic recovery". He spoke of the hold-up of the Banco de America in Managua. According to Nicaraguan government sources, between 1961 and 1975, at least 29 robberies of banks and businesses, kidnappings (including one American citizen) and attempted extortions were carried out by the terrorists.

16. The FSLN, after failing to win the support of the peasantry, stormed and pillaged villages in their attempt to retaliate against those villagers who they suspected of reporting their whereabouts and activities to the authorities.

17. The FSLN carried out over 61 summary executions of "Jueces de Mesta" (usually peasants assigned to act as the "local" authority in a village or given area). As a member of the top Council of the FSLN, Borge acknowledged these acts and deaths as "acts of war" and "summary executions" and accepted "collective" responsibility for them.

Feb. 1977: Tomás Borge is sentenced to 30 years in prison by a Nicaraguan military court, the maximum sentence permitted under law.

Aug. 24, 1978: Tomás Borge is released from prison as part of the negotiated demands of the FSLN following the assault on the National Palace in Managua. Together with 58 fellow Sandinista terrorists, Borge is flown to safe haven in Panama.

Sept. 26, 1978: EFE reports the arrival in Havana, Cuba of Tomás Borge. He is received by representative of the Central Committee of the Communist Party in Cuba.

Sept. 27, 198: Fidel Castro receives Tomás Borge who briefs the Cuban leader on operations in Nicaragua.

July 15, 1979: Washington Post reports that Tomás Borge is appointed Minister of Interior in the cabinet announced by the Sandinista junta in Costa Rica. As Interior Minister, Borge, last surviving founding member of the FSLN and Marxist ideologue, would control the police and internal security forces of the country.

FIDEL AND SANDINISTA LEADER TOMÁS BORGE MEET

Commander in Chief Fidel Castro, first secretary of the Central Committee of the Communist Party of Cuba, met with Tomás Borge, founding member of the leadership body of the Sandinista National Liberation Front (FSLN).

In the fraternal meeting between the two revolutionaries, Borge briefed Fidel on the most recent events in Nicaragua and the heroic resistance put up by the people and their vanguard, the FSLN, in the face of the atrocities committed by Somoza's National Guard. He also referred to the outlook for the struggle and drew attention to the need for greater international solidarity.

Borge also spoke of the joint effort being made by the anti-Somoza forces to overthrow the tyrannical regime and establish a democratic and popular government of national unity.

The meeting was also attended by Manuel Pifieiro, member of the Central Committee of the Party and head of the Central Committee's American Department, and Ulises Estrada, deputy chief of the department.

VICTOR TIRADO LOPEZ, 39 YEARS OF AGE

Trained in Cuba.

Mexican national.

Joined the Mexican Communist Party in 1968.

A leader of the Tercerista faction of the Sandinistas.

Co-signed Sandinista communique published in Mexico's daily newspaper "Excelsior" (Oct. 1978) bragging of having summarily executed "dozens and dozens" of Somoza supporters in 10 of the 16 departments of Nicaragua.

HUMBERTO ORTEGA SAAVEDRA, 30 YEARS OLD

Trained in Cuba.

Younger brother of Daniel Ortega.

Chief of the Popular Sandinista Army.

Member of the Sandinistas since 18 years of age.

Former leader of Communist student group at the National Autonomous University of Nicaragua.

Co-signed Sandinista communique published in Mexico (Oct. 1978) bragging of having summarily executed "dozens and dozens" of Somoza supporters in 10 of the 16 departments of Nicaragua (Sept. 1978).

A letter by Humberto Ortega was found on the body of Francisco Rivera, Sandinista leader killed in the fighting in the Nicaraguan north eastern town of Esteli in April 1979. Ortega writes of the Sandinista cause as being founded on "Marxist-Leninist ideology." Also the need to downplay the Sandinista Marxist objectives and to establish temporary tactical and political alliances with the bourgeoisie until the right moment to grab the real reins of power.

"Humberto took guerrilla warfare instruction in Cuba and once reportedly traveled to Prague, a haven for left-wing terrorists." (Newsweek, July 23, 1979).

HENRY RUIZ, 38 YEARS OLD

Trained in Cuba and the Soviet Union.

One of three leaders of the Marxist Prolonged Popular War (GPP) faction of the Sandinistas.

Military strategist for the Sandinista rebels.

Member Executive Committee of the National Sandinista Directorate (NSD).

Member Military Committee of the National Sandinista Directorate (NSD).

BAYARDO ARCE CASTANO, 34 YEARS OLD

Trained in Cuba.

Member of the Prolonged Popular War (GPP) Faction of the Sandinistas.

Press spokesman for the Sandinistas.

Member of the Executive Committee of the National Sandinista Directorate (NSD).

Former reporter for opposition newspaper "La Prensa," Managua.

Quotes:

"We support freedom of the press, but of course the freedom of the press we support will be a freedom of the press that supports the revolution." (Washington Post, August 1, 1979)

JAIME WHEELOCK ROMAN, 35 YEARS OLD

Trained in Cuba.

Member of the State Committee of the National Sandinista Directorate.

Currently Minister of Sandinista Ministry of Agrarian Reform.

Former law professor—University of Nicaragua.

Author of two books on a Marxist theme published in Mexico in 1975 and 1976.

Killed National Guard officer in 1972 and sought asylum in the Chilean Embassy.

Studied Agriculture while in exile in Chile during the presidency of Marxist Salvador Allende.

With the overthrow of Allende in Chile returned to Nicaragua clandestinely and went underground.

Quotes:

". . . in the future there would be additional changes in the government attitude toward private entrepreneurs that could produce friction (New York Times, August 5, 1979).

(New York Times, August 5, 1979) "Wheelock said he planned cooperative farms of 300 to 400 acres where each farmer would owe a part of his production to the group."

CARLOS NUÑEZ

Trained in Cuba.

Chief of Staff of Marxist Proletarian Faction of the Sandinistas.

Member of the Executive Committee of the National Sandinista Directorate.

Worked with Catholic Action in the rural areas.

Twice imprisoned in Nicaragua for subversive activities.

Appeared in Cuba after he was freed.

Reappeared in Nicaragua in 1978.

LUIS CARRION CRUZ, 32 YEARS OLD

Trained in Cuba.

A leader of Marxist Proletarian Faction of the Sandinisitas.

Deputy Chief of the Popular Sandinista Army.

Formerly very active in student movements.

DANIEL ORTEGA SAAVEDRA, 35 YEARS OLD

Trained in Cuba.

Member of Sandinista Junta.

Member State Committee of the National Sandinista Directorate.

Co-Signed Sandinista Communique published in Mexico (Oct. 1978) bragging of having summarily executed "dozens and dozens" of Somoza supporters in 10 of 16 Departments in Nicaragua (Sept. 1978).

Served seven years in prison for bank hold-ups and terrorism.

Released in 1974, went to Cuba.

Quotes:

(Daniel Ortega) "He detailed for the first time Nicaragua's new foreign policy, notably by offering support for liberation movements around the world." (New York Times, Sept 7, 1979).

"The Sandinistas are in favor of 'freedom of expression that does not go against the interests of the people'." (Christian Science Monitor, August 20, 1979).

"Ortega warned that those who disagreed with the decisions made by the Junta and the Sandinistas might fall into the category of traitors." (Washington Post, August 1, 1979).

Daniel Ortega identified as a "pragmatic Marxist" by James Nelson Goodsell. (The Christian Science Monitor, July 16, 1979).

MIGUEL D'ESCOTO, FOREIGN MINISTER OF GOVERNMENT OF NATIONAL RECONSTRUCTION

Nicaraguan. Maryknoll priest, formerly resident in New York.

Sandinista Minister of Foreign Affairs.

Active militant in church and activist causes in U.S.

As publisher of the Maryknoll Orbis Books (publishing) commissioned "Guardians of the Dynasty" by Richard Millet, a historical account of the Somoza family and Nicaraguan National Guard.

In the introduction, D'Escoto advocates "a new, non-capitalist system," which will require "relinquishing possessions and privileges." An advocate of violence as a solution to social problems and the "theory of liberation."

Came out openly for the Sandinista subversive movement in October 1977 after a failed terrorist attempt which left scores of innocent people and National Guardsmen dead in unprovoked attacks.

Engaged in anti-government political activities as a member of the so-called "Group of Twelve."

Active in Non-Intervention in Nicaragua (NIN), a political activist group in the U.S. operating with the close support of the Marxist North American Congress on Latin America (NACLA).

Chairman of the board of FUNDECI, a closed corporation set up by members of his immediate family in Leon, Nicaragua, to administrate low-cost housing project made possible by U.S., $7 million in private U.S. contributions.

Congressman JOHN MURPHY,
Rayburn House Office Building,
Washington, D.C.

The anti-Communist World League of the Nicaraguans in exile, deeply concerned with 75 million dollars loan to the Communist Sandinista government of Nicaragua that will be considered by the House of Representatives next week, respectfully requests the House members to vote against this loan that would strengthen and solidify a Communist regime in the Central American vital strategic area and would encourage the monstrous systematic violations of human rights by the Sandinista Government only parallel to that of Cuba.

1. The undeniable Communist dominated structure of the Sandinista Government is evidenced by the following points:

(A) 3 members of the 5 member of Junta are Communists.

(B) The 9 main senior commanders that form the security and military backbone of the Sandinistra army are Communists.

(C) The 45 junior commanders who form the second line of military command of the Sandinista army are Communists.

2. The undeniable character of semi-colony of the Soviet empire of Nicaragua as the second so called "free land of America" (Cuba was the first one) and whose policies both in the internal as well as in the international sphere are dictated from Moscow via Havana:

(A) Through a huge Cuban embassy disproportionately large for a country the size of Nicaragua.

(B) The presence of 3 thousand Cuban troops disguised as teachers, so called "doctors" (they work only on the para-medic level) and technicians in different areas. (It is a well known fact that all Cubans over 17 fall under compulsory military service). All these Cuban soldiers in disguise or without it constitute the real military strength of the Sandinista Communist government.

(C) The security Sandinista secret police is fully directed and really commanded by Cuban officers and so called Cuban and Chilean Communist advisers.

(D) The immigration office is now directed and totally supervised by Cuban security officers.

(E) The Communist style police-state established in Nicaragua, is only second to that of Cuba, with a security and spy net organized in the cities by small sections and block by block control and systematic denunciation of the activities and movements of each citizen.

(f) The virtual control of all the ministries and government offices through the presence of Cuban and Chilean communist "advisers" who really dictate the government policy towards the "communization" of the country.

(g) The client state character of the Nicaraguan government towards the Soviet Union's foreign policy as evidenced (1) in the alignment of Nicaragua to the communist bloc in the general statements of foreign policy; (2) in the pro-communist votes cast by Nicaragua in international organizations and international conferences; (3) the pro-communist stand taken by Nicaragua in opposing the vote against the resolution condemning the Soviet invasion of Afghanistan; (4) the insolent and anti-diplomatic insults in official notes and public statements of the Nicaraguan Foreign Ministry and other public officials against the government of the United States; (5) the open opposition of the Sandinista Government against the American boycott of the Olympic games in Moscow through the organization of pro-Olympic Committee in support of the Moscow Olympic games presided by a member of the National Government Sandinista Junta.

3. The systematic violation of human rights by the communists Sandinista government is only second to that of the communist government of Cuba. The volume of human rights violations in Nicaragua through massive private executions and outright assassinations of anti-communists, the collective imprisonment of thousands of citizens, the refined system of communist tortures carried out by foreign communist security advisors, make the situation of Nicaragua the most degrading political scandal at the international level.

The Department of State has already reported officially that at least 400 anti-communists have been summarily executed by the Sandinista communists and more than 8,000 anti-communists are imprisoned for political reasons in Nicaragua.

People are being subjected to ad-hoc trials under application of ex-post facto laws in the largest negation of the systematic violation of all legal existing principles.

In view of this tragic situation for Nicaragua and the western hemisphere we respectfully request the House of Representatives of the United States to vote against and reject the loan of 75 million dollars for the communist Sandinista government of Nicaragua. This money would be used to enslave the Nicaraguan people even more and to spread communist domination in the rest of Central America. In a well-known university of the State of New York, Communist Sandinista Commander Jorge Wheelock, Minister of the Agrarian reform made the most graphic statement about the use of the 75 million dollars by the Sandinista government. He said: "We are going to use the capitalist money of the American imperialists to finance communist revolution."

To grant this 75 million dollars to the Communist Sandinista government would constitute a contradictory mini-political detente in the vital strategic area of Central America and the Caribbean.

If this unfortunate mini-political detente were engineered with dangerous unforeseeable consequences and the subsequent blackmail of 75 million dollars to be paid by the American taxpayers to the Sandinista government, if the House of Representatives approves this loan, it should do so only with the express condition that all the 8000 political prisoners should be released from the Sandinista jails and a general amnesty should be required to be decreed by the Sandinista government in order to grant diplomatic safe-conduct to the hundreds of citizens who are asyled in different Latin American Embassies for more than 8 months. The safe conducts have been delayed by the Sandinista government in open violation of Inter-American International law.

Very respectfully,

ULISES FONSECA TALAVERA,
President of the Anti-Communist World League of Nicaraguans in Exile.
CRISTOBAL MENDOZA, *Secretary.*
SANDRA TABLADA,
Womens' Representative.

The CHAIRMAN. The time of the gentleman from New York (Mr. MURPHY) has expired.

(At the request of Mr. LAGOMARSINO and by unanimous consent. Mr. MURPHY of New York was allowed to proceed for 2 additional minutes.)

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. MURPHY of New York. I yield to the gentleman from California.

Mr. LAGOMARSINO. I thank the gentleman for yielding.

When a number of us visited Nicaragua at Thanksgiving recess time, we asked the members of the national directorate of the Sandinista front what their plans were with regard to elections. They gave two rather interesting replies. One was that they saw no need for an election because they would obviously win.

The other response was something along this line, that we have to reeducate the population before they can vote.

I would like to ask the gentleman in the well, is it not true in our request of the Somoza regime for free elections that we had no such condition of any kind of reeducation?

Mr. MURPHY of New York. The gentleman is correct. If I could expand on the question, there already has been one election held in one municipality in Nicaragua. Perhaps this was a test election. Maybe it is familiar to some of the Members who study elections in Communist countries.

There was one candidate. There was one candidate. And it was a question of voting "yes" or "no."

Mr. LAGOMARSINO. If the gentleman will yield further, I understand that it was not only a question of one candidate and whether the people would vote "yes" or "no," but I understand the candidate stood before the population, and they were asked, "Do you support this candidate or not?"

Mr. MURPHY of New York. We have seen a similar type of election in Iran in the very recent past where there were two different colored ballots. You went into that voting place and you voted with a colored ballot. You did not vote "yes" or "no." That vote was almost unanimous because you know what would have happened and I know what would have happened had the wrong color gone in that box by the voter. That is the type of election we can look forward to in Nicaragua if the United States does not exercise a degree of control.

The CHAIRMAN. The time of the gentleman from New York (Mr. MURPHY) has again expired.

(At the request of Mr. HARKIN and by unanimous consent, Mr. MURPHY of New York was allowed to proceed for 2 additional minutes.)

Mr. HARKIN. Mr. Chairman, will the gentleman yield?

Mr. MURPHY of New York. I yield to the gentleman from Iowa.

Mr. HARKIN. I thank the gentleman for yielding.

Certainly it is no secret to Members of this House of the gentleman from New York's long support of the Anastasio Somoza government in Nicaragua, and certainly it comes as no surprise to this Member that the gentleman in the well is proposing this type of amendment.

I just wonder if we might not want to perfect the gentleman's amendment a little bit by adding a new paragraph D under section 2, which would read as follows: Paragraph D: Anastasio Somoza wins.

Mr. MURPHY of New York. In response to that question, I point out that President Somoza is not in Nicaragua. He is in permanent exile. He is not in the United States either. I think the gentleman is trying to be facetious. In any event I would not accept the amendment because I do not think it would be germane to the bill or to the amendment in question.

AMENDMENT OFFERED BY MR. ZABLOCKI AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. MURPHY OF NEW YORK

Mr. ZABLOCKI. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. ZABOCKI as a substitute for the amendment offered by Mr. MURPHY of New York:

Page 5, line 8, strike out the closing quotation marks and the second period; and immediately after line 8 insert the following:

"(k) The President shall encourage the holding of free, open elections in Nicaragua within a reasonable period of time and shall, in providing any additional assistance to Nicaragua, take into consideration the progress which is being made toward holding such elections.".

Mr. ZABLOCKI. Mr. Chairman, I do not think there is a member in this committee who does not desire that there be free democratic elections in Nicaragua under the conditions spelled out in the amendment of the gentleman from New York. Yet, I submit, we cannot require such conditions by legislation. I cannot think of more than 10 countries throughout the world where we give assistance, friendly countries at that, that could meet these conditions.

We do want a freely elected democratic Government in Nicaragua. Therefore I have offered my substitute stating that the President shall encourage the holding of free and open elections in Nicaragua within a reasonable time—within a reasonable time.

Mr. Chairman, while the Sandinistas had promised early elections, one problem they have run into is the absence of a system of voter registration. With the mass destruction and disruption that has taken place, it is likely that they will have to undertake a nationwide census before reliable voter records can be created. Making assistance contingent on holding elections is unprecedented. We have placed that requirement on no other aid recipient. So why should we do it for Nicaragua now?

The gentleman from New York stated that such a requirement was made of the prior Nicaraguan Government. In 40 years of supporting Somoza, we never required him to hold elections, although in the last year we did urge him to do so. But we did not require him to do so by legislation as a condition for assistance.

Now the gentleman from New York would set a deadline for a new government to move into elections even though they cannot yet meet the requirements of registration. There is a need for a census. What type of election do you want in a hurry?

It is also the gentleman from Wisconsin's understanding that if the Sandinistas type of election or even a free election had been held shortly after the takeover, after the revolution, they would have won. The Sandinistas would have won.

What we are trying to do here is to build support, in the private sector, in the religious community, and elsewhere, for the people to be able to select a government of their own.

I agree that we should be using our influence to move the government in that direction, but we should not make that mandatory by U.S. legislation.

Mr. MURPHY of New York. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from New York.

Mr. MURPHY of New York. I thank the gentleman for yielding.

I am happy that my colleague has yielded, and he knows there is no Member of this body who I hold in higher esteem.

Would he tell me what he considers a reasonable period of time?

Mr. ZABLOCKI. Well, it is really a judgment and anyone can select a particular day. The gentleman selected December 31, 1981, but I would submit that if there were to be a census, it would take a couple of years to organize an election.

The gentleman knows that the process of a nationwide Presidential election in this country takes more than a year. We have conventions. We have selection of delegates.

It is impossible to set a particular date. The gentleman from Wisconsin is in no position to select a date, even though the gentleman from New York has suggested his own date. It may or may not be a valid judgment. I would submit that a reasonable time could be 6 months, it could be 1 year, or it could be 3 years—we just do not know.

Mr. MURPHY of New York. In response to my colleague, I might say this: A reasonable time for elections as we see throughout all of the parliamentary democracies of this world that when a parliamentary government does not receive a vote of confidence, there is a reasonable period of time to permit the government to place the issue before its people. Elections are conducted normally within 90 days.

□ 1400

The **CHAIRMAN** pro tempore (Mr. PANETTA). The time of the gentleman from Wisconsin (Mr. ZABLOCKI) has expired.

(At the request of Mr. MURPHY of New York, and by unanimous consent, Mr. ZABLOCKI was allowed to proceed for 5 additional minutes.)

Mr. MURPHY of New York. Mr. Chairman, if the gentleman will yield further, that reasonable period of time is usually 3 to 5 months. That takes place in country after country.

Now, we go back to the specific case in point. The reason why 1981 or for almost 2½ years since the Sandinistas took power is not a long enough period of time for this regime in Nicaragua to have elections, and I will precede my reasons with this statement:

Elections in Nicaragua took place for the last 40 years according to a constitution and according to the date specified in those constitutions.

I attended two of those elections, observed the election process, the voting and the ballot counting. The gentleman from Illinois from the other side and the gentleman from Texas on this side went to Nicaragua with me while we reviewed that election process. The problem with that election process was that it was patterned after U.S. elections.

Now, the imposition the United States wanted on the Somoza regime was to move their elections up in time, a condition that had been agreed to. They also wanted the question on the ballot to be, should the President go or stay? That was going to be the simple ballot process.

We are not asking for those restrictions. We are not asking for the restriction of no registration. All we are asking for in this amendment is to have the voting places at the traditional voting places where all the Nicaraguans have been voting for the last 40 years in the towns and in the cities at what they call the mesas, the voting tables.

We do not even ask for international supervision of the elections. We presume that the United States will be looking, that the Organization of American States that intruded in this process and made recommendations will be observing. We do not even call for that. All we say is 2 years and if 2 years is not a reasonable period of time, I do not know what is; but I think I know the reason why the gentleman is trying to get away from this question of free elections. There will not be free elections in Nicaragua on the part of the Sandinistas. There will not be free elections under this Sandinista government because they cannot win a free election.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Chairman, I thank the gentleman for yielding.

I just want to point out that what the gentleman from New York wants to do with his amendment is to write into U.S. legislation what is to be done in another country.

To say what is a reasonable time is a matter of judgment; but we all know from actual fact that in other countries in Latin America where the revolutions have been less extreme, they have had to take a lot more time than 2 or 2½ years in order to get around to either a constitutional process or a free election process. And these were countries not ravaged like this one.

What we need to do is to support the concept which has been proposed in the substitute amendment offered by the gentleman from Wisconsin and eliminate the mandatory features of the amendment proposed by the gentleman from New York.

Mr. ZABLOCKI. Mr. Chairman, I thank the gentleman from Florida for his observations and contributions.

I must point out, too, that in established countries where it would take less time to hold an election than would be required to hold an election in Nicaragua, the devastation has not been subjected to the same destruction as has happened in Nicaragua. There are problems, but I am hopeful that we will have an election in Nicaragua, a free election within a reasonable time.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to my colleague, the gentleman from Illinois (Mr. Hyde).

Mr. HYDE. Mr. Chairman, I thank my friend for yielding.

I would suggest that the Sandinistas send some observers to Rhodesia, which also is a country that has been devastated and has run one election and will run another one very shortly; but more than that, the gentleman's party has always been innovative in finding ways to register people. We can recall the program offered here for instant registration where people could walk up and register and vote.

Then there is postcard registration. I am sure that the gentleman could come up with some way to register these people to vote which is certainly better than no elections at all.

Mr. ZABLOCKI. Mr. Chairman, I thank the gentleman for his contribution; but I would like to say, I have heard that there are some communities in the United States that are even more adept than the Federal Government in registering voters.

Mr. RUDD. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I will be glad to yield to the gentleman from Arizona.

Mr. RUDD. Mr. Chairman, I thank the gentleman for yielding.

I have a question for my colleague, the gentleman from New York.

The CHAIRMAN pro tempore. The time of the gentleman from Wisconsin (Mr. Zablocki) has again expired.

(At the request of Mr. Rudd, and by unanimous consent, Mr. Zablocki was allowed to proceed for 4 additional minutes.)

Mr. RUDD. Mr. Chairman, if the gentleman will yield further, the election process under the constitution which even the Sandinistas, even they have not repudiated yet, indicated that the elections will be held on March 1, 1981, and that the government elected will be seated on May 1, 1981.

It seems to me these processes are already in order. I only ask why the gentleman thinks they cannot be complied with, when we know that this is something that has been going on for 40 years.

Mr. ZABLOCKI. Mr. Chairman, I thank the gentleman for his contribution.

If this amendment prevails, it would encourage the present Government in Nicaragua to postpone the election until November or December of 1981.

There are indications, as the gentleman from New York has admitted and others have stated, that the present Government has committed itself to a date for national election; the Government has promised to hold national elections. Some local elections have already been held. The convocation of the Council of States to perform legislative functions and draft new electoral procedures was postponed from the original date of September, 1979, and is now scheduled for May 1980.

There is evidence to suggest that free elections will be held in Nicaragua within a reasonable time. If not we can take another look at the situation next year.

I hope my susbtitute amendment will prevail.

Mr. BONIOR of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to support the substitute amendment offered by the gentleman from Wisconsin (Mr. Zablocki) and to oppose the amendment offered by the chairman of the Committee on Merchant Marine and Fisheries, the gentleman from New York (Mr. Murphy).

I do so for several reasons; No. 1, I think the amendment being offered by my friend, the gentleman from New York (Mr. Murphy) is worded in such a way as to cause the exact problem that we now find ourselves in Latin America today; that is, telling our Latin American friends how to run their government, when to have their elections, where to have their elections, how much TV time shall be devoted by one party or another party, who shall have access to that TV time.

I think this goes just a little too far. It is just a little bit too specific. I think this amendment creates the type of problems that we have gotten ourselves into in Latin America over the years because of our, if you will, imperialistic or adventuristic policies. Not only in terms of the economy, but in terms of our own ideology and imposing that ideology on our neighbors to the south.

I would also like to point out to the Members of this body that there are, indeed, other parties, other than the Sandinistas, in Nicaragua. There is the Conservative Party, and a good friend of mine who is down in Nicaragua told me he talked with Adolfo Calero, director of the Conservative Democratic Party and was told that there was absolutely no restrictions on their organizing government activities in Nicaragua. They hold rallies. They publish manifestos. They have a regular radio show and have put up signs around Managua.

There are other parties, the Independent Liberal Party of Alphonso Robelo, the leader of the MDN, the Democratic Movement Party who spoke just recently at a rally in Ocotal in which 400 to 500 people attended. He vigorously condemned the Soviet invasion of Afghanistan.

There are other parties that are operating in Nicaragua. I do not want the impression left here today and this afternoon that the political situation in Nicaragua is under complete Sandinista control. That is not the case.

Mr. MURPHY of New York. Mr. Chairman, will my colleague yield on that point?

Mr. BONIOR of Michigan. I will yield in just a second to my chaiman.

Another point I would like to bring out is that it is true, there has been a delay in what is known as the Council of States which would be a composition of leaders from the different sectors of the society. This includes the business sector, the different political sectors, and the labor movements, who would meet in a group and draft a constitution. This drafting of the constitution is going to take time. All of us who have been involved in drafting a constitution or political document that is going to lead to the destiny of a city, a state or a nation, knows this type of activity takes time and effort. I do not think it is wise to hold those people to a specific time deadline in which they have to finish their document and then hold their national elections.

☐ 1410

I talked to Sergio Ramirez, a member of the junta, when I was down in Nicaragua. He told me for sure they, indeed, will have their Council of State in May. When we consider the amount of political activity by other political organizations in Nicaragua, we consider the fact that they are going to meet and form their Council of State and put together a constitution which will guide their country. When we consider the specifics of the language of the gentleman from New York (Mr. Murphy) in terms of directing the type of election he has suggested, I think that adds up to a situation in which we will be accused of once again interfering with the internal affairs of our southern neighbors.

Mr. MURPHY of New York, Mr. Chairman, will the gentleman yield?

Mr. BONIOR of Michigan. I yield to the gentleman from New York.

Mr. MURPHY of New York. I thank my colleague from Michigan for yielding.

We come to the question of what constitutes a political party, and I will confine the description to the country involved. There was one political party in Nicaragua that had representatives in all of the municipalities of the country, and that was the Liberal Party. The second most populous party was the Conservative Party. They could only have a party structure or committeemen, as we know it, in about 40 percent of the municipalities in the country. They did not hold primary elections. The Liberal Party held primary elections.

We did have a series of groups that I think the gentleman is ascribing in a very liberal tone as political parties. When the United States was trying to put together a broad opposition front to the Somoza government they brought in groups. Many of these groups were isolated to one town, many of them were people who had a mimeograph machine and about 12 followers. They also included labor unions and certain other political groups.

The CHAIRMAN pro tempore (Mr. PANETTA). The time of the gentleman from Michigan has expired.

(At the request of Mr. MURPHY of New York and by unanimous consent, Mr. BONIOR of Michigan was allowed to proceed for 5 additional minutes.)

Mr. MURPHY of New York. Will the gentleman yield further?

Mr. BONIOR of Michigan. I yield to the gentleman from New York.

Mr. MURPHY of New York. A broad opposition front was supposed to be the American alternative to Somoza, and would Somoza somehow leave. Somoza said we have a constitution that says we are elected, and I will finish my term. He was ready to go to an earlier term election, and the broad opposition front could never agree among themselves as to just who would be the candidate or how things would happen, and that coalition fell apart leaving one thing. It left the Sandinistas and the Sandinistas' guns as the opposition.

In the closing days, as the people in this body know, I was present in Managua with the United States Ambassador and President Somoza and the Foreign Minister, Quintana, at a meeting that was supposed to be the transition meeting. The United States, in agreeing that Somoza would leave, had also agreed to some things. The United States agreed that they would supply the Guardia Nacional, because the Guardia Nacional was going to protect the country from a Sandinista Marxist army.

No. 2, the United States was going to replace the Somoza government with a non-Marxist junta. Somoza would leave. That was basically what would happen.

He was supposed to leave in 3 days. A week goes by, 10 days go by, and he says where is the broad opposition junta. The United States could not find it. So the United States imposed a Marxist junta, the five-man Sandinista team. I have included here the backgrounds of these gentlemen.

Mr. BONIOR of Michigan. Let me take back my time just at that point.

Mr. MURPHY of New York. If I can just finish this one point?

Mr. BONIOR of Michigan. I would like to take back my time at this point and then I will let the gentleman finish, because I do not want the House to be left with the impression that the five-man junta—it is not five men, it is a woman and four men—in Nicaragua is completely Marxist. We have two Marxists and a businessman, and two other moderates in the government. We know that the Directorate, the nine-man Directorate, is controlled by the Marxists, but the five-person junta is not entirely Marxist. In fact, two of the five are Marxist and the others are not.

I will now yield further to the gentleman.

Mr. MURPHY of New York. The point I have been trying to make is the question of political parties and political freedoms. We do not see the Liberal Party, the former majority party, permitted any freedom in the country other than freedom to walk around the prison camp. We do not see the Conservative Party permitted to move freely. We do not see La Prensa, the famous organ of Pedro Joaquin Chamorro, the martyr of this revolution, having the freedom to print what they want, except under the censorship of this governemt. This is the problem we are at, and that is why I am asking the committee to support my amendment and to defeat the amendment of the distinguished chairman.

Mr. BONIOR of Michigan. Mr. Chairman, La Prensa is printing and they are printing freely in Nicaragua. Let it not be told on this floor that the paper is not printing freely.

Second, let it be also known on this floor that Adolfo Calero, head of the Conservative Party, is operating freely. I have talked to members of the chamber of commerce who belong to the Conservative Party while I was down there and they are operating with relative freedom within the country.

So, let us put these facts in some type of perspective and balance to understand there is not complete Marxist control in Nicaragua.

AMENDMENT OFFERED BY MR. BAUMAN TO THE AMENDMENT OFFERED BY MR. ZABLOCKI AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. MURPHY OF NEW YORK

Mr. BAUMAN. Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. BAUMAN to the amendment offered by Mr. ZABLOCKI as a substitute for the amendment offered by Mr. MURPHY of New York: Page 5, line 8, strike out everything after "K" in the substitute and insert the following:

"(1) the President shall encourage the holding of free, open elections in Nicaragua within a reasonable period of time, but not later than December 31, 1981, and shall, in providing any additional assistance to Nicaragua, take into consideration the progress which is being made toward holding such elections.

"(2) The President shall terminate assistance to the Government of Nicaragua under this chapter if he determines that a free national election has not been held in Nicaragua by December 31, 1981, under the following conditions:

"(A) The election is conducted at traditional polling and registration places.

"(B) The election is conducted without civil, military, or private interference with voting in the election.

"(C) All candidates and proponents of issues significant in the election have equal access to the broadcast media.".

Page 5, line 8, strike out the closed quotation marks and second period.

Mr. BAUMAN. Mr. Chairman, the gentleman from Maryland looks at this in a very realistic way. We are being asked to give $75 million of the taxpayers' money to a government that is admittedly, if not in control of Communists, riddled with Communists at every level. There is a difference of opinion about how much control.

We are being asked to aid in the reconstruction of a country that we have been told by the proponents of this legislation could go two ways, toward totalitarian control completely, and they say it has not, or toward freedom. We have been told that it is our duty to aid these people to gain that freedom. Now, how do you do that? Not by handing a blank check of $75 million to a government admittedly, as the opponents say, of questionable political complexion; but by promoting, by promoting with the funds that we give them, a return to the freedom that both sides in this argument over this legislation say that they want for the people of Nicaragua.

Now, everybody apparently has talked to somebody in Nicaragua. I talked to the president of the Central Bank on February 16, Arturo Cruz, a leading moderate who formerly worked with an international lending institution here in Washington. I asked him specifically: Senor Cruz, what do you think about the restriction of a free election requirement if it is tied to this loan? And let me tell you what he said. These are from the notes taken, and he spoke perfect English.

> I don't think it is a restriction. If I were a lender, I would want certain conditions. If our government wants a pluralistic government, I would think it should have free elections.

Now, that is only one voice, admittedly, one of the moderate voices in this pluralistic government that the proponents say is not dominated by Marxists.

The hard line Marxists have made it very clear that they do not want an election now. They will not permit an election now. In due time, in due time, after the people are educated, after the people are reeducated, and after the people are taught under this campaign I mentioned the other day of "Alfabetizacion," after they are taught perhaps to think in the Cuban mold.

Now, the Government of the United States under the Harkin amendment has to tell us what is the estimate of free elections and their chance. And I quote to you:

> The government has not committed itself to a date for national elections, but has promised to hold municipal elections soon.

And they go on to express what the situation is.

□ 1420

That is the estimate of the Government of the United States required by law. No free elections.

All we are saying in this particular amendment is one thing, that the people of Nicaragua, if they are to spend the money that our taxpayers have to pay into the U.S. Treasury should have the same right that the people who pay those taxes have and that is to elect a representative government.

We have talked a lot in the last few days about double standards in this Chamber. You were willing to impose on Somoza, however rotten he may have been, the restrictions that he must hold a free election, even before 1981. All sorts of restrictions you wanted to impose. But when it comes to a Communist-dominated government suddenly you have been blinded and suddenly the double standard applies.

It is much easier to say that if they are pluralistic, they are not Communist-dominated. We will not require free elections of them. We require it in our country from the taxpayers who will give them this money but we will not require it of this new pluralistic government.

Yes, or yes, in El Salvador right next door you will tell them how to run their government, you will tell them they will get no aid if they do not do your bidding. But you do not dare impose such restrictions on this Sandinista government with its Cuban friends, its history of violent revolution, its destruction of human rights.

No, I think this amendment is the acid test in this legislation. If you are for helping Nicaragua, it will take more than money, it will take freedom; and the only way that can be achieved is by simply setting a date, December 31, 1981, by which time freedom will have to return in the form of free elections. And if the Sandinistas are afraid to hold those elections, it is a confession in my opinion of their inability to command national respect and national support.

Why anyone would oppose this amendment I fail to see.

Mr. ZABLOCKI. Will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. I would like to get further information since the gentleman from Maryland quoted the Director of the National Bank of Nicaragua, Mr. Cruz. Did Mr. Cruz state that the free elections date should be set, a date certain, December 31, 1980, or January 1, 1981? In his remarks did he say there should be a date set for free elections, in legislation, before we give assistance?

Mr. BAUMAN. No, he did not set a specific date. I think that is within our prerogative.

Mr. ZABLOCKI. I would not expect he would.

Mr. BAUMAN. I would not expect he would either.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. LAGOMARSINO and by unanimous consent Mr. BAUMAN was allowed to proceed for 1 additional minute.)

Mr. LAGOMARSINO. Will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from California.

Mr. LAGOMARSINO. I understand Mr. Cruz resigned from that government apparently on the basis he did not feel he could move it in the direction he would like to and he is no longer a director of the National Bank?

Mr BAUMAN. This was as of about 2 weeks ago and situations change fast.

Mr. LAGOMARSINO. I understand this action took place last week.

Mr. BAUMAN. It may well have been as a result of a conversation with me for all I know.

Mr. HARKIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Maryland.

We require free and fair elections in no other country to which we provide aid. No one single country in the world to whom we provide aid do we require free and fair elections.

In fact, only one-half of the countries receiving our economic aid, 35 out of 70, have held any kind of parliamentary election or plebiscite in the last 5 years. Out of those 35, about one-third held elections, which no reasonable observer could admit were free and open. Those were elections that had one candidate, there was only one party, they were closely supervised by the government in power. Yet we are being asked in this legislation to do something in Nicaragua which we do to no other country.

The gentleman from Maryland mentioned the country of El Salvador. I would point out that is one of the 35 countries in which no elections have been held in the last 5 years. What are the others? You can go down the list. Uraguay, Lebanon, Jamaica, Syria, Tunisia, Peru, Nicaragua, Guatemala, Paraguay, Jordan, El Salvador, Bolivia, Honduras, Liberia, Cameroon, Togo; the list goes on.

In none of those countries have we put on this kind of requirement that they have to have free and fair elections.

Of course we should encourage the Nicaraguans to hold free and open elections. I have done that myself in all dealings I have had with them and to encourage them to do it as soon as possible. But the fact they have not done it yet I do not think proves anything. Again, we have to look at what has happened in Nicaragua. They just came through a revolutionary war, a revolutionary war that left 40,000 dead, 40,000 homeless, 200,000 people injured, 40 percent of the people out of work. The country suffered a $600 million damage to their economy during the war. A 70-percent drop in their agricultural production.

Of course they cannot have free and open elections right now.

Let me point out one other thing to the members of the committee. Let us look at our own revolution, Mr. Chairman. You know sometimes we forget as we sit here in this august body, that we are the sons and daughters of revolutionaries. We are the descendants of revolutionaries in this country. What happened in our own revolution? Did we have elections the next year? Twenty-four months after we won? No. After the surrender of Cornwallis at Yorktown on October 19, 1781, the first time national elections were held in this country was in 1789, 8 years later. It took us 8 years to provide for elections in our own country. Why then should we demand this other country, after they have gone through a devastating revolution—whether you agree with the revolution or not—that all of a sudden they have to, by a date certain, have free and fair elections?

Yes, Mr. Chairman, I agree we ought to do everything we can to persuade them that they should have free and open elections but, in fact, to even set that requirement as the gentleman from Wisconsin knows, is to put a requirement on Nicaragua which we do not place on any one of the other 70 countries in the entire world to whom we give aid, whether they are countries of the right, countries of the left, or countries down the middle.

Mr. McDONALD. Mr. Chairman, will the gentleman yield to me?

Mr. HARKIN. I yield to the gentleman from Georgia.

Mr. McDONALD. I thank the gentleman for yielding.

Mr. Chairman, I recall during the Vietnam war we very strongly pushed the South Vietnamese Government toward free and open elections, even while the struggle was going on. In fact, as I recall, the gentleman from Iowa had some experience in this area.

Mr. HARKIN. Mr. Chairman, I will take back my time. All I can say is at the present time, there are 35 governments to whom we give aid who have held no elections within the past 5 years.

Mr. McDONALD. Mr. Chairman, will the gentleman yield further?

Mr. HARKIN. I yield to the gentleman from Georgia.

Mr. McDONALD. I think certainly in the case of Rhodesia or Zimbabwe, Rhodesia we have certainly applied the demand for elections the matter of the Byrd amendment debates, et cetera.

The CHAIRMAN. The time of the gentlemen has expired.

(At the request of Mr. McDONALD and by unanimous consent Mr. HARKIN was allowed to proceed for 2 additional minutes.)

Mr. HARKIN. We do not give aid to Rhodesia.

Mr. McDONALD. Will the gentleman yield further?

Mr. HARKIN. I yield to the gentleman from Georgia.

Mr. McDONALD. Going back to the South Vietnamese experience, I recall we certainly tried, at that time, while the fighting was actually going on in South Vietnam, we very strongly demanded they have open elections. In fact I think the gentleman in the well is very knowledgeable about the tiger cages incident there in South Vietnam.

It did have something to do with the climate in that country and destabilization, but I wonder if there has been any follow-up in the tiger cage situation now that there has been a change in Vietnam.

Mr. HARKIN. It has nothing to do with the elections and no I have not been back.

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. HARKIN. I yield to the gentleman from Idaho.

Mr. SYMMS. The gentleman referred to no elections in the sovereign Thirteen Colonies from the time General Washington accepted the sword from Cornwallis until the first election in 1789, but is it not true we had elections in each and every one of the sovereign Thirteen Colonies? We had a Continental Congress when we sent representatives from each State.

☐ 1430

Mr. HARKIN. No, no. No elections were held under the Articles of Confederation.

The members of the Confederated Congress were appointed by the States. They were not elected.

Mr. SYMMS. What about John Hanson of Maryland, who was the first President of the Continental Congress? Who was he elected by?

Mr. HARKIN. It seems to me he was appointed by the States, but he was not voted in in an open election.

Mr. SYMMS. I think it was freely elected delegates of the States, if the gentleman will reexamine history.

Mr. HARKIN. I am only telling the gentleman what the Library of Congress researched for me. In 1787 the Constitutional Convention was held in Philadelphia.

Mr. SYMMS. What I am referring to is that during that period of time that the gentleman says that there was no elected government, during that period of time—if my recollection of history is correct—what happened is that there were 13 individual colonies that had freely elected delegates.

Mr. HARKIN. Those delegates appointed members to the Continental Congress.

Mr. SYMMS. But those were elected people who made those appointments, so that we did have representative government at the earliest inception of this country.

Mr. HARKIN. Some States did.

Mr. SIMON. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman and my colleagues of the House, I have not been to Nicaragua since I am a Member of Congress. I am not the expert that many of these people who have spoken on this issue are, or probably are. But let me, as one who has traveled a bit prior to being in Congress in Central America and that area, let me give the Members my reaction about what we are doing here and why this is a mistake. Our colleague from Michigan (Mr. BONIOR) pointed this out a little earlier.

There is a great sensitivity in Central America, in Latin America generally, about Yankee domination, economic, political, and a variety of things. And, for us to go down and say, "We are going to provide assistance if you toe the mark as we dictate it; 1, 2, 3, 4, 5," that is precisely the way to create ill will for this country and not to create the right kind of an impression. The second thing that comes across to me as I converse with my colleagues and as I listen to debate not only on this amendment, but on others, what comes across is that we do not want another Cuba—we do not want another Cuba. But, if there is one thing that we should have learned through the Cuban experience it is that we do not just cut a country off.

My friend from Maryland, even if his amendment is adopted, I am reasonably sure he is going to vote against the bill. He is preoccupied reading the Congressional Quarterly right now, and I am not sure which way he is likely to go, but if his amendment were to be adopted I do not think he would be voting for the adoption of the bill. At least, I would be very surprised.

What we are in the process of doing if we vote for this amendment, if we kill this bill, is to repeat the mistake we have made in Cuba, to cut ourselves off from communication with another country. I am told that in international meetings, I am told in the international arena, that there are only two nations that, no matter what the posture of the Soviet Union, they follow it completely. They are Bulgaria and Cuba. Let us then learn the lessons from Cuba. Let us not cut people off from communication, and I am afraid that is what we are doing if we kill this bill.

Finally, Mr. Chairman, we have to take a look at what we are doing not only in this bill, but in a great many others. We ought to be resolving doubt on international issues in favor of an administration—and I said this when Gerald Ford was President—and in favor of committees. I think the gentleman from Wisconsin and his colleagues on that committee know a great deal more about this question than I do and than most of us, and I rely on their judgment unless I have some overwhelming evidence to the contrary. I think we ought to be relying on them, and I am sure my colleague from Illinois (Mr. HYDE) agrees with that sentiment.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. SIMON. I will be pleased to yield to my colleague.

Mr. HYDE. Mr. Chairman, I thank my friend and colleague from Illinois for yielding. Did the gentleman vote for the $60 million to Angola that was requested by President Ford?

Mr. SIMON. I did.

Mr. HYDE. I congratulate the gentleman.

Mr. SIMON. And in retrospect, that was a vote that I can say that I am proud of. It is the kind of flexibility that I think we ought to be giving an administration. Let us not create more Cubas. One of the ways we do it is by defeating this amendment and passing this bill.

Mr. DERWINSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will be very brief. I was inspired by the comments of my respected colleague from Illinois (Mr. SIMON), especially when he pointed out in such an almost heartrending fashion that we should be supporting committees and we should be supporting the President. I still do not understand how he reaches that conclusion now, after having endorsed the senior Senator from Massachusetts for President.

But I realize we are not speaking of politics; we are speaking of practical diplomatic matters.

I would like to point out that we did not cause Castro. It was not our action. Castro, when he shot his way into control in Havana, was totally committed to the Soviet Union because that is where his support came from. Any gesture we may have made, in my judgment, would not have changed it at all. Castro was taking full control of a government.

Our concern here is basically this: Is it too late in Nicaragua? On this debate we are having, and having watched that Sandinista group shoot its way into power with the direct support of the Cubans and, therefore, the backup support of the Soviets, one wonders if they are free to do anything but become the mini-Cuba there in Central America. That is what our concern is. That is what all the debate and the amendments have been about in the last 2 days.

I commend the gentleman for his support for the committee. I point out with all due respect to the committee that sometimes their eagerness to jump through the hoop for State Department directives it casts a shadow on their otherwise profound knowledge of foreign affairs.

I support the Murphy-Bauman amendments.

Mr. RUDD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in unequivocal support of the amendment offered by the gentleman from Maryland. In fact, what we are talking about here is a concept, an American concept of the freedom of the individual as opposed to complete domination of the individual by government, which is exactly what is taking place in Nicaragua.

My colleague from Illinois tells us that government fought its way to power. It did, and I have said before that in all of the governments that have been taken over by international communism, the takeover was from the top, not from the bottom up, and that includes Mother Russia.

The concept that the government should control everything and dictate every item that will apply to a citizen from birth to death is the concept of international communism—complete and total and brutal tyranny. Our concept, on the other hand, is one of freedom of the individual. When we fought our revolution, the revolution was fought for different reasons. One, we had no representation. We had lived under a concept of free men at that time for about 800, and maybe longer—maybe 1,800 years, and wished to elect and name our own governors. If we look in Jefferson's Memorial here, on those hallowed walls we see the writing in stone which says, referring to liberty:

> Let us swear eternal vigilance against every form of tyranny over the minds of men.

That expresses what America is all about.

□ 1440

This amendment will assure that free elections will take place, and if they do not take place, then we will not be supporting a concept of government which totally opposes everything that our Government, our citizens, and our history tell us we stand for.

Mr. CARTER. Mr. Chairman, will the distinguished gentleman yield?

Mr. RUDD. I yield to the gentleman from Kentucky.

Mr. CARTER. Mr. Chairman, I thank my good friend for yielding.

I ask the gentleman: who in his

opinion really controls Nicaragua at the present time? Is it controlled by a group of moderate citizens?

Mr. RUDD. Mr. Chairman, let me answer that question. Everything I have heard tells me that the government of Nicaragua—we can call it a 9-man committee, a 4-man junta, a 5-man junta, or whatever we want—is controlled by people who believe in the Communist doctrines. They take their instructions and their ideas from Cuba, from Russia.

This has been proven. Public source information tells us that Castro has set foot in Nicaragua clandestinely and has supported this Communist revolutionary effort in every way possible, with the transfer of arms and even personnel and espionage agents from Cuba to do the job in Nicaragua. They have targeted, since it has been mentioned, El Salvador, Honduras, and ultimately Guatemala.

And if we think our friend, Mexico, on our southern border is in favor of our support of the terrorist government in Nicaragua—I think not. They must be frightened that the United States, which is held in high esteem by our friends in Latin America, is not providing leadership. They look to the United States for leadership to assure that foreign encroachment from Moscow will not take over the governments of Latin America. They see that that leadership has fallen short, and even our friend, Mexico, is beginning to wonder about us, and they are wondering where they should go because we are not providing that leadership.

Mr. CARTER. Mr. Chairman, if the distinguished gentleman will yield further, into whose hands would these millions of dollars actually go?

Mr. RUDD. Mr. Chairman, there is no control over it. The supposed identified Government in Nicaragua, which is a Communist government in my opinion by everything I have heard, will distribute it however they want to distribute it. They will have our tax moneys, we have no control over how they spend it, and if they take the money and buy goods from Cuba or Russia, that in turn hurts us also.

Mr. CARTER. Mr. Chairman, I would ask further, is not Nicaragua at the present time actually dominated by foreign powers? I was not here during the previous session, but my question stands. Is what I have said about domination true?

Mr. RUDD. Mr. Chairman, every piece of information that comes to me indicates that what the gentleman is saying is right on target.

Mr. CARTER. Mr. Chairman, I thank the distinguished gentleman for yielding. Mil Garcias, Senor. Vaya Condios.

Mr. RUDD. Mr. Chairman, I yield back the balance of my time.

Mr. LAGOMARSINO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the question was asked by the gentleman from Iowa—and I think it is a legitimate question and a good question—

> Why are we attempting to impose the condition of free elections that we have not imposed on other countries?

It is a good question, but I think there is a better answer. The answer is that this is a very unique situation. The title of the bill itself indicates how unique it is: "Special Central American Assistance Act of 1979."

We have been told that the reason for voting for this legislation is to create or promote a pluralistic society in Nicaragua.

We heard earlier about the "free press" in Nicaragua. We were told today—and mentioned it yesterday or Friday, I believe—that one newspaper, admittedly a leftist newspaper—but it is a newspaper that has been operating in Nicaragua for a long, long time, even during the time of Somoza, even though it was in very strong opposition to him—has been closed down.

Lest you think that LaPrensa is not under attack or not under the threat of being closed down itself, let me read to the Members what Cmdr. Bayardo Arce, a member of the Sandinist National Directorate, had to say about that in explaining why the newspaper El Pueblo was closed down:

> Therefore a measure has been taken against an organ of the counterrevolution. The counterrevolution consists not only of miltary attacks on the revolutionary process; it also involves political attacks, the type of underhanded attack that was being carried out by El Pueblo, as is being done by other media which, unless they change their attitude, will have to receive the same medicine.

With regard to the State council membership that was mentioned earlier, I believe by the gentleman from Michigan, the State council which was supposed to have been formed last year and which is now put off until May may not exactly bear a resemblance to the description we heard earlier this afternoon.

Comdr. Daniel Ortega, another member of the Sandinista National Directorate, is quoted in the Foreign Broadcast Information Service as saying this:

> Many people believe the State Council is something similar to the Somozist congress in which seats were occupied simply for membership's sake. We are not going to allow benchwarmers here. Those who believe we are going to allow benchwarming in this country are very mistaken. Conservatives, Social Democrats and other political parties fought for seats in Somoza's congress, playing the game of the dictatorship, while thousands of youths were shedding their blood in the mountains and cities. This concept of benchwarming must disappear. We do not want benchwarmers. We want true representatives of the people in the State Council and that is why it will be reorganized.

So, Mr. Chairman, I suggest to the Members that this amendment is very badly needed, and this is a special situation. We are being asked, as has been pointed out many times already, to provide $75 million of taxpayers' money—money that will have to be borrowed and that, incidentally, will be loaned to the Sandinistra at a very low interest rate—to a Marxist-leaning government. I will put it that way, in the most charitable sense. The money would go to a Marxist-leaning government.

I do not know of any other situation we have in the world that is akin to this one. This is a very special circumstance.

Mr. Chairman, I think it calls for very special conditions and restrictions, and I urge that the Bauman amendment be adopted.

Mr. FASCELL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered to the substitute.

Mr. Chairman, it is quite clear, of course, that the purpose of the amendment offered to the substitute is to make the substitute similar to the original amendment. Under the amendment we would have a condition laid down by law which would be totally unacceptable because of the fact that it is a dictation by one government to another government on what it should do, how it should do it, and when it should do it. We have already heard, of course, that we do not lay this condition for aid on any other government.

I want to emphasize that it is one thing to say that the U.S. Government should negotiate with another government with respect to the things we would like to see done, as was done by previous administrations in this country and as has been done with many other countries in Latin America on the question of elections. It is a matter of judgment as to just when and how and under what conditions particular governments can be able to hold free elections. In some countries we do not have any evidence yet that the governments will hold elections in the foreseeable future. Chile is one, for example. But in other countries there has been good work, with the aid and assistance of the United States—in Peru and Ecuador and other countries where movement has been made and actual positions have been taken with respect to the holding of free elections and otherwise liberalizing the political systems.

That is one thing. It is another thing to write in the law that we want cloned specifically a proposition that impinges directly on the sovereignty of another government. It is one thing to negotiate; it is another thing to write mandates into the law.

A suggestion was made here that other countries in Central America and around the periphery are concerned about what is happening in Nicaragua. Yes, they are. But it is not fear. Mexico, for example, is providing assistance to the tune of $4 million, I will tell my friend who spoke earlier. And other countries in the region are likewise providing funds. The total list is in the record—Sweden, Spain, Venezuela, West Germany—$270 million so far—not to mention the international financial institutions which are providing some $300 million to date and which will lay down whatever conditions are necessary or that they think are necessary economically or fiscally in order to have the Nicaraguan Government participate in whatever arrangements at the international level might be deemed necessary. But in no case have the conditions been laid down by law; it has been a process of negotiation.

As far as the press is concerned, the most important paper in Nicaragua still is publishing, although it is under pressure. I have talked to that editor and other people in that family, and they are strong and they are determined. Their paper is now being printed at another private plant just up the road a ways. They are still publishing and they are still delivering their newspaper. They intend to fight. The West Germans gave them the money to rebuild their plant and bring in new printing equipment and they are going to make a fight of it.

□ 1450

Some of you want to prejudge this whole thing and say that the fight is all over, shut the door, turn your back on the church, turn your back on the free press that exists, turn your back on the private enterprise that exists and its potential there, give them no chance, write all of the rigid conditions that you want in this law, make them eat your sovereignty, make them give up what limited sovereignty they have in order to clone a concept that you want.

The more reasonable position with respect to the question of elections is taken by the substitute which says yes, we like that concept, we expect our Government to lean on them a little bit, to keep pushing this matter, as we have done with other governments. We have been successful in some cases; in some cases we have not been successful, But it is far better to try to achieve this goal by negotiation than it is to write it into law either as a condition subsequent or as a condition precedent.

I would hope therefore that my colleagues would vote against the amendment to the substitute, and would vote for the substitute and then for the amendment as amended.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Chairman, I want to associate myself with the remarks made by the gentleman from Florida. He has corrected some statements that were erroneous, and I have asked him to yield not only to commend him for his statement, but also to say and, I am sure the gentleman will agree, that the amendment offered by the gentleman from Maryland to the substitute offered by the gentleman from Wisconsin for the amendment offered by the gentleman from New York (Mr. MURPHY) is merely a reincarnation of the amendment offered by the gentleman from New York.

Mr. FASCELL. The chairman is absolutely right. All the amendment that the gentleman from Maryland has offered does is to put the same objection in the substitute that exists in the original amendment.

The CHAIRMAN pro tempore. The time of the gentleman from Florida (Mr. FASCELL) has expired.

(On request of Mr. ZABLOCKI and by unanimous consent, Mr. FASCELL was allowed to proceed for 2 additional minutes.)

Mr. ZABLOCKI. If the gentleman will yield further, there has been some erroneous information given to us. I am sure that the gentleman from Maryland (Mr. BAUMAN), my highly esteemed and dear friend, will sleep better if I allay his concern that, as a result of his meeting and his visit with Mr. Arturo Cruz of the Central Bank, that Mr. Arturo Cruz has resigned. Contrary to what the gentleman from California told us, my information is that he has not resigned, and the gentleman from Maryland (Mr. BAUMAN) need not worry that he has caused problems for Mr. Cruz.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Chairman, could the gentleman give me the phone number in Managua that he is using today?

Mr. ZABLOCKI. If the gentleman will yield, the gentleman from Maryland knows that I use the same number he does.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. RUDD. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from Arizona.

Mr. RUDD. I thank the gentleman for yielding.

Mr. Chairman, I would only like to point out that the government that is existing or the controlling force in Nicaragua today is a small cadre of gun-toting, bomb-throwing terrorists, and we are not talking about the general population of the people of Nicaragua. Nicaraguans are good Christian people. They are people like Americans who want to make a better life for themselves. What we need to do is to give them an opportunity to do so, and if we prop up this gun-toting government, then we have not only helped international communism, helped this particular government, but we have hurt the entire population of Nicaragua. We can help them if our diplomatic representatives will take to the streets and become more interested in what the common man is doing and what the storeowners are doing and what the middle sector are doing than they are. We would be able to reach the broad, vast majority of the people in Nicaragua to help them to form a government which would be a government that they could respect and support and which would not oppose the United States of America from our back doorstep.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from Illinois.

Mr. HYDE. I thank the gentleman for yielding.

Mr. Chairman, I have agonized over this entire bill, not to mention this amendment, and as far as I am concerned, I am not going to support the amendment of my dear friend from Maryland because, frankly, I think if you are against the bill you should vote against the bill. But I think to hamper this bill with demeaning and even insulting conditions to a country that is attempting to struggle to its feet, that is attempting to maintain some dignity and some sovereignty, and to give them the excuse to say, "More Yankee imperialism, you are going to have an election by such-and-such a date," I think totally negates any advantage that might accrue by seeking to have some influence with this government by giving them this money.

If this government is at all salvageable, if this country is 5-percent salvageable, I do not think we should give them the money and then throw any benefits to us away by putting unacceptable and imposible conditions to its acceptance. We should have elections.

Two years ought to be plenty of time to have an election. If 2 years goes by and there is no election, I would be very, very disappointed, and it would give evidence and credence to the argument that indeed they are not going to be a free country. But today, as I say, when they are struggling to their feet, I think it totally frustrates the purpose of this loan; and I say if you are really against the loan, then vote against it, but do not rub anybody's faces into setting deadlines that are demeaning and that detract from the dignity of one sovereign nation to one attempting to be sovereign.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from Maryland.

Mr. BAUMAN. I thank the gentleman for yielding.

Mr. Chairman, there are few Members of the House whose motivation and whose judgment I respect more than the gentleman from Illinois.

The gentleman knows that I stand with him on many propositions. But if the gentleman from Illinois wants to hear the anti-imperialistic statements, the Yankee-aggressor statements, he need only to read the 7 months of speeches by the heads of this Nicaragua Government. They have castigated the United States at every turn. The gentleman and I have not arrived at the same judgment on this bill. My judgment is that Nicaragua is already gone.

But I would like to see the Communists in Nicaragua confronted with the proposition: "If you wish your people to be economically benefited, let them have free elections." The gentleman feels that there is still some hope. This amendment might turn them off completely and they might refuse the loan. We have arrived at different judgments. But I think if you want to hear those speeches attacking the United States they already have been made. The characterization of the U.S. Government as the villain is replete. On the government controlled radio, television and in La Barricada newspaper they have called us every horrible name already. They tell us this bill is indemnification for past sins. So my guess is that the gentleman is probably wrong. I hope he is right. But I do not think this amendment demeans anybody. It only imposes upon the Nicaraguan Government what some thought they were fighting for and what they said they were fighting for: freedom.

Mr. CARTER. Mr. Chairman, will the gentleman yield.

Mr. GILMAN. I yield to the distinguished gentleman from Kentucky.

Mr. CARTER. I thank the gentleman for yielding.

Mr. Chairman, I would like to ask the gentleman from Arizona a question or so about this very serious matter which confronts. I would like to ask the distinguished gentleman who really is in charge of the schools in Nicaragua.

Mr. RUDD. If the gentleman will yield, I will respond to the gentleman from Kentucky in this way: Public source information indicates—and I am talking about the Foreign Broadcast Information Service material and information—that there are 1,200 so-called teachers, Cuban teachers, in Nicaragua, who are sent there by Fidel Castro with admonitions that they are to carry out the——

The CHAIRMAN pro tempore. The time of the gentleman from New York (Mr. GILMAN) has expired.

(On request of Mr. CARTER and by unanimous consent, Mr. GILMAN was allowed to proceed for 2 additional minutes.)

Mr. RUDD. Couple that with the fact that there are presumably about a thousand Cuban doctors there. This is by public information sources. And with regard to the teachers, this is information which Fidel Castro has stated was accurate, if you can believe him. And if you can believe him at all, you can believe it is probably larger than that.

So this is what is going on in Nicaragua. Each one of those representatives, call them teacher, doctor, representatives of Cuba from any source at all, you better believe that their primary mission is to engage in intelligence-type activities.

Mr. CARTER. I will ask the gentleman further if he would answer this question: Who really is in charge of training the police of Nicaragua at the present time?

Mr. RUDD. It is difficult for me to respond to that question because I really do not know.

Mr. CARTER. I was not in that meeting, but I would just like to know.

Further, I will ask the distinguished gentleman this question: Why are we permitting a battalion of Soviet troops to remain in Cuba? Could the gentleman answer that?

Mr. RUDD. I think you would have to ask the President that question for a response.

Mr. CARTER. Why are we permitting a number of Russian TU-54 bombers to remain there in Cuba at the present time? Is not this a threat to Central America?

Mr. RUDD. Let me respond in this way: I do not know how accurate the morning newspaper is, but the newspaper this morning carried articles on both of these subjects that the gentleman brings up, indicating that there was an expansion of Soviet troops in Cuba, indicating that there was an expansion and an increase in the number of Soviet aircraft that were there.

□ 1500

They were lengthening the runways. That is public source material, and I assume that the sources for that, the distinguished media, would be accurate.

Mr. CARTER. One last question: I would like to ask the gentleman, has not it been evident to him——

The CHAIRMAN pro tempore. The time of the gentleman from New York (Mr. GILMAN) has expired.

(At the request of Mr. CARTER and by unanimous consent, Mr. GILMAN was allowed to proceed for 1 additional minute.)

Mr. CARTER. If the gentleman will continue to yield, has it not been evident to the gentleman that since we gave up the Panama Canal that we also at the same time really in effect gave up Central America? Is that correct in the gentleman's opinion?

Mr. RUDD. That we gave up the Panama Canal?

Mr. CARTER. That we gave up Central America?

Mr. RUDD. I think probably we gave up a little bit of Central America. When the gentleman says "gave up," we gave up our friendship with these countries when we permitted Fidel Castro to do what he has done in taking over and abusing the Cuban people and expanding his revolution throughout Latin America, and we have not tried to dissuade that or stop that in 20 years.

Mr. CARTER. What has been the conduit of supplies going into Guatemala and so on?

Mr. RUDD. Public source information indicates that it came through Cuba into Guatemala and Nicaragua.

Mr. CARTER. Vaya con dios.

Mr. HYDE. Mr. Chairman, I move to strike the last word.

I shall try to be very brief. I would just like to respond briefly to my friend from Maryland who was talking about the rhetoric and the press releases. Macho rhetoric is not unique to Central American politicians or other politicians throughout the world. I have been guilty myself many times, and I hope I get the chance to be guilty in the future, too.

Let me just quickly tell the Members a story that President Marcos told me in January of this year.

He said he talked to Sukarno, who was the President then of Indonesia and a militant, vituperative anti-American. He said, after a particularly bitter speech of his, "President Sukarno, did you really mean that?"

Marcos related to me that Sukarno said to him:

> Keep the 7th Fleet here and the 13th Airborne and you will be all right.

So it seems what they say for public consumption and what they really feel may be an entirely different thing.

Point two, I have no way of knowing whether or not Nicaragua is gone. I am extremely pessimistic.

The last thing in the world I want is another Communist enclave, another client state of the Soviet Union, in Central America, but I do not want to slam the door. I want someone else to slam the door.

I want to try to put my foot in the door, if possible, and if this $75 million, which is not all that consequential, given the billions of dollars that are involved in foreign aid, can keep a foot in the door, can provide some influence with those people who certainly are not deaf, dumb, and blind and can see what an utter failure Cuba is, and when they get over their reaction to the fact the Imperialists from the North have been trying to impose their will on Central America, commonsense may prevail. If it does not, it will be tragic, and sad, and our national interest will be compromised. But I want someone else to slam the door on the loss of Nicaragua. There is a Catholic church down there. There is a private sector, however beleaguered. There is a press, more or less free. I want to nurture those things, not extinguish them.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Maryland.

Mr. BAUMAN. I thank the gentleman for yielding.

I just wanted to say to my colleague, that when he is wrong, he is eloquently wrong.

Mr. HYDE. I thank the gentleman.

Mr. GARCIA. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I wish to state, as an American, as a Hispanic, as a Member of Congress, my unequivocal support for the passage of the Special Central American Assistance Act which would authorize $75 million to assist in the reconstruction of Nicaragua's devastated economy.

Most Americans do not seem to realize the extent of the economic ruin and of the human suffering brought about by the civil war in Nicaragua last year. As a small, poor country, Nicaragua is unable to finance the $1.93 billion required to rebuild the country. Nicaragua desperately needs Western economic support to get its economy moving again. Presently, between 33 and 40 percent of Nicaragua's labor force is unemployed. Around 750,000 Nicaraguans are dependent on food assistance. Approximately 200,000 people are homeless. Even more terrible are the casualty statistics. Out of a population of only 2.4 million the civil war resulted in the death of 40,000, the orphaning of another 40,000 children and the wounding of 100,000 people. We cannot as a Nation turn a blind eye to such human suffering occurring at our very own doorstep.

Providing economic aid to the new Nicaraguan Government is not only a humanitarian gesture but also an act of pragmatic self-interest. Today the political destiny of Nicaragua is uncertain. The Sandinista movement contains Marxist elements who would like to pattern Nicaragua after Cuba. But it is dangerously erroneous to believe that the Marxist elements within the Sandinistas control the country. There are in fact powerful individuals and groups within Nicaragua committed to promoting an open pluralistic political system. In the five person ruling junta, two are moderate conservatives and one is a social democrat. The press, the business community, the unions, and the church are all working for the establishment of a pluralistic Nicaragua. It is vital that the United States demonstrate its willingness to assist the Nicaraguan moderates in their struggle to shape the structure of the country's political system.

As a result, H.R. 6081 has a symbolic importance that far outweighs the $75 million in aid at stake. As the New York Times recently editorialized:

> If Congress shows itself unwilling to support the struggle for Nicaraguan democracy, how can it expect anyone in Nicaragua to wage the same fight? Nicaraguan democrats would pay with their heads.

The recent actions taken by the new Nicaraguan Government demonstrate that the moderates within the Government wield considerable power. It is instructive to compare post-revolutionary Nicaragua with post-revolutionary Cuba. In Nicaragua, unlike in Cuba, the new revolutionary government has not held show trials, it has not allowed the execution of defeated opponents, it has not allowed reprisals against Somoza's detested national guard, it has not muzzled the press, it has not taken over the trade unions, it has not closed down the professional associations, it has not harassed the Catholic Church. The only land, the only property that the new Nicaraguan Government has expropriated has been that of the Somoza family. And the new Nicaraguan Government has scrupulously refrained from interfering in the internal affairs of its Central American neighbors.

The logic of assisting Nicaraguan moderates by providing economic aid has been clearly understood by America's allies. West Germany, Venezuela, Spain, The Netherlands, the other Central American nations have together contributed almost $200 million in aid. Recently, the Permanent Council of the Organization of American States passed a unanimous resolution which urged the member states to provide all possible assistance to bring about the economic and social recovery of Nicaragua. The passage of H.R. 6081 would fulfill the U.S. pledge to help the people of Nicaragua.

In conclusion, I can think of no better way of encouraging Nicaragua's tentative moves toward an open pluralistic political system than by extending American financial aid to that war wrecked nation. I can think of no better way of inhibiting Cuban and hence Soviet influence than by passing H.R. 6081.

Mr. MAGUIRE. Mr. Chairman, will the gentleman yield?

Mr. GARCIA. I yield to the gentleman from New Jersey.

Mr. MAGUIRE. I would like to commend the gentleman on his remarks, and also the gentleman from Illinois (Mr. HYDE).

I think perhaps this is an appropriate moment to focus on the larger issue. I know we are going to be voting on a specific amendment in a moment, but the larger issue really is whether we are going to preserve a stake in the possibility for a future for Nicaragua and her people which is going to be more optimistic than perhaps some have suggested.

Let me quote, if I might, from a letter that the National Commander in Chief of the Veterans of Foreign Wars wrote recently to the chairman of the full committee, the gentleman from Wisconsin (Mr. ZABLOCKI). I know the chairman has already alluded to this letter, and it has been circulated among interested Members. Directly addressing the point raised by the gentleman from New York and the gentleman from Illinois, Mr. Howard Vander Clute says the following:

> We cannot "run the film backwards." Perhaps there was, at some point, an alternative to Somoza rule, other than the Sandinistas, that might have been practical earlier. But if there was a lost choice, then I see no choice today.
>
> The young junta may follow the Cuban model; I do not know. But I *do* know we must offer them a real policy choice.
>
> The devastation left in the wake of the revolution is sickening. This I saw with my own eyes and, as a Christian, I can do no less than to urge swift and compassionate American assistance.
>
> I urge prompt passage of the $75 million aid package for Nicaragua.

Mr. Vander Clute is from my district. I have known him for a number of years. I spoke with him on Saturday. He told me that he wanted to let this House know how strongly he felt about this matter.

He also told me that he had in December and January successfully negotiated the release of two naturalized American citizens who had served in our Armed Forces, negotiated their release with the current Government.

They were living in Nicaragua. They were originally Nicaraguans by birth. They have now been released, and perhaps the willingness of the Government to come to a proper final decision on the fate of those Americans is indicative at least of the possibility that we can work, as the gentleman from New York has suggested, and the gentleman from Illinois has suggested, with this Government.

I commend both gentlemen for their statements and urge all Members to vote the assessment and recommendations of the VFW's Commander in Chief, Mr. Howard E. Vander Clute.

☐ 1510

The CHAIRMAN pro tempore (Mr. PANETTA). The question is on the amendment offered by the gentleman from Maryland (Mr. BAUMAN) to the amendment offered by the gentleman from Wisconsin (Mr. ZABLOCKI) as a substitute for the amendment offered by the gentleman from New York (Mr. MURPHY).

The question was taken; and on a division (demanded by Mr. MURPHY of New York) there were—ayes 14, noes 21.

RECORDED VOTE

Mr. MURPHY of New York. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 191, noes 212, not voting 30, as follows:

[Roll No. 78]

AYES—191

Abdnor
Ambro
Andrews, N. Dak.
Anthony
Applegate
Archer
Ashbrook
Badham
Bafalis
Bailey
Barnard
Bauman
Benjamin
Bennett
Bereuter
Bethune
Boland
Breaux
Brinkley
Broomfield
Brown, Ohio
Broyhill
Burgener
Butler
Byron
Campbell
Carney
Carter
Chappell
Cheney
Clausen
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Cotter
Coughlin
Courter
Crane, Daniel
Daniel, Dan
Daniel, R. W.
Dannemeyer
Davis, Mich.
de la Garza
Derrick
Derwinski
Dickinson
Duncan, Tenn.
Early
Emery
Erlenborn
Ertel
Evans, Ind.
Flippo
Florio
Forsythe
Gaydos
Gilman
Ginn
Goldwater
Goodling
Gradison
Gramm
Grassley
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Tex.
Hammerschmidt
Hansen
Harris
Harsha
Heckler
Hillis
Hinson
Holland
Hollenbeck
Holt
Hopkins
Horton
Huckaby
Hutto
Ichord
Jeffords
Jeffries
Jenrette
Jones, N.C.
Kelly
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leath, Tex.
Lee
Lent
Levitas
Lewis
Livingston
Loeffler
Lott
Lujan
Luken
Lungren
McClory
McDade
McDonald
McEwen
McKay
McKinney
Madigan
Marlenee
Marriott
Mathis
Mattox
Mazzoli
Mica
Michel
Miller, Ohio
Minish
Mitchell, N.Y.
Moakley
Montgomery
Moorhead, Calif.
Mottl
Murphy, N.Y.
Murphy, Pa.
Myers, Ind.
Myers, Pa.
Nichols
O'Brien
Oakar
Panetta
Paul
Pickle
Quayle
Quillen
Railsback
Regula
Rinaldo
Ritter
Robinson
Rose
Rostenkowski
Roth
Rudd
Satterfield
Sawyer
Schulze
Sebelius
Sensenbrenner
Shelby
Shumway
Shuster
Smith, Nebr.
Snyder
Solomon
Spence
Stack
Staggers
Stangeland
Stenholm
Stockman
Stratton
Stump
Symms
Tauke
Taylor
Thomas
Traxler
Trible
Walker
Wampler
White
Whitehurst
Whittaker
Williams, Ohio
Wilson, Bob
Wilson, C. H.
Winn
Wolff
Wyatt
Wydler
Wylie
Yatron
Young, Alaska
Young, Fla.
Zeferetti

NOES—212

Addabbo
Akaka
Albosta
Anderson, Calif.
Andrews, N.C.
Annunzio
Ashley
Aspin
Atkinson
AuCoin
Baldus
Barnes
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Bevill
Bingham
Blanchard
Boggs
Bolling
Bonior
Bonker
Bouquard
Bowen
Brademas
Brodhead
Brooks
Buchanan
Burlison
Burton, John
Burton, Phillip
Carr
Cavanaugh
Chisholm
Clay
Clinger
Coelho
Collins, Ill.
Corman
Danielson
Daschle
Deckard
Dellums
Dicks
Diggs
Dingell
Dodd
Donnelly
Dougherty
Downey
Drinan
Eckhardt
Edgar
Edwards, Calif.
English
Erdahl
Evans, Del.
Evans, Ga.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fowler
Frenzel
Fuqua
Garcia
Gephardt
Gibbons
Gingrich
Glickman
Gonzalez
Gore
Gray
Green
Hall, Ohio
Hamilton
Hance
Hanley
Harkin
Hawkins
Hefner
Heftel
Hightower
Holtzman
Howard

Hubbard
Hughes
Hyde
Ireland
Jacobs
Jenkins
Johnson, Calif.
Johnson, Colo.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kildee
Kogovsek
Kostmayer
LaFalce
Leach, Iowa
Leach, La.
Lederer
Lehman
Leland
Lloyd
Long, La.
Long, Md.
Lowry
Lundine
McCormack
McHugh
Maguire
Markey
Marks
Martin
Matsui
Mavroules
Mikulski
Miller, Calif.
Mineta
Moffett
Mollohan
Moorhead, Pa.
Murtha
Natcher
Neal
Nedzi
Nelson
Nolan
Nowak
Oberstar
Obey
Ottinger
Pashayan
Patten
Patterson
Pease
Pepper
Perkins
Petri
Peyser
Porter
Preyer
Price
Pritchard
Pursell
Rahall
Reuss
Rhodes
Richmond
Roberts
Rodino
Roe
Rosenthal
Roybal
Royer
Russo
Sabo
Scheuer
Schroeder
Seiberling
Shannon
Sharp
Simon
Skelton
Slack
Smith, Iowa
Snowe
Solarz
Spellman
St Germain
Stanton
Stark
Steed
Stewart
Stokes
Studds
Swift
Synar
Thompson
Udall
Ullman
Van Deerlin
Vento
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
Whitley
Whitten
Williams, Mont.
Wilson, Tex.
Wirth
Wolpe
Wright
Yates
Young, Mo.
Zablocki

NOT VOTING—30

Alexander
Anderson, Ill.
Biaggi
Boner
Brown, Calif.
Cleveland
Conyers
Crane, Philip
D'Amours
Davis, S.C.
Devine
Dixon
Dornan
Duncan, Oreg.
Edwards, Ala.
Edwards, Okla.
Frost
Giaimo
McCloskey
Mitchell, Md.
Moore
Murphy, Ill.
Rangel
Ratchford
Rousselot
Runnels
Santini
Treen
Vander Jagt
Vanik

☐ 1520

The Clerk announced the following pairs:

On this vote:

Mr. Rousselot for, with Mr. Biaggi against.

Mr. Moore for, with Mr. Dixon against.

Mr. Devine for, with Mr. Conyers against.

Mr. Philip M. Crane for, with Mr. Mitchell of Maryland against.

Mr. Runnels for, with Mr. Rangel against.

So the amendment to the amendment offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin (Mr. ZABLOCKI) as a substitute for the amendment offered by the gentleman from New York (Mr. MURPHY).

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. MURPHY), as amended.

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HARKIN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 400, nays 0, answered "present" 3, not voting 30, as follows:

[Roll No. 79]

AYES—400

Abdnor
Addabbo
Akaka
Albosta
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Anthony
Applegate
Archer
Ashbrook
Ashley
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Bingham
Blanchard
Boggs
Boland
Bolling
Bonior
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Burton, John
Burton, Phillip
Butler
Byron
Campbell
Carney
Carr
Carter
Cavanaugh
Chappell
Cheney
Chisholm
Clausen
Clay
Clinger
Coelho
Coleman
Collins, Ill.
Collins, Tex.
Conable
Conte
Corcoran
Corman
Cotter
Coughlin
Courter
Crane, Daniel
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
de la Garza
Deckard
Dellums
Derrick
Derwinski
Dickinson
Dicks
Diggs
Dingell
Dodd
Donnelly
Dougherty
Downey
Drinan
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Calif.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fowler
Frenzel
Fuqua
Garcia
Gaydos
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Harkin
Harris
Harsha
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Holtzman
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Lee
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McCormack
McDade
McEwen
McHugh
McKay
McKinney
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Mathis
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Mottl
Murphy, Pa.
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nelson
Nichols
Nolan
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Paul
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Preyer
Price
Pritchard
Pursell
Quayle
Quillen
Rahall
Railsback
Rangel
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roth
Roybal
Royer
Rudd
Runnels
Russo
Sabo
Satterfield
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shumway
Shuster
Simon
Skelton
Slack
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spellman
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Stark
Steed
Stenholm
Stewart
Stockman
Stokes
Studds
Stump
Swift
Symms
Synar
Tauke
Taylor
Thomas
Thompson
Traxler
Trible
Udall
Ullman
Van Deerlin
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont
Williams, Ohio
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff
Wolpe
Wright
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

ANSWERED "PRESENT"—3

McDonald
Murphy, N.Y.
Stratton

NOT VOTING—30

Alexander
Anderson, Ill.
Biaggi
Boner
Bonker
Cleveland
Conyers
Crane, Philip
D'Amours
Davis, S.C.
Devine
Dixon
Dornan
Duncan, Oreg.
Edwards, Ala.
Edwards, Okla.
Frost
Giaimo
Long, La.
McCloskey
Moore
Murphy, Ill.
Murtha
Ratchford
Rousselot
Santini
Shelby
Treen
Vander Jagt
Vanik

☐ 1540

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GILMAN: Page 2, line 19, immediately after "(b)" insert "(1)"; and

Immediately after line 24 insert the following new paragraph:

"(2) Of the amounts authorized to be appropriated by paragraph (1) of subsection (b), 39 per centum shall be available for assistance to Guatemala, 26 per centum shall be available for El Salvador, 21 per centum shall be available for Honduras, and 14 per centum shall be available for Nicaragua."

Mr. GILMAN. Mr. Chairman, a major argument offered by the proponents of this legislation is an appeal to aid those sectors of the Nicaraguan society who share with us similar beliefs in the protection of human rights, democracy, and a pluralistic society. It is stated that the Marxist influence of the current government should be challenged and that U.S. support for the private sector will provide that diversity of viewpoint. The chances of success, however, given the current strength of the Sandinistas, is rated by the Department of State as "a long shot gamble" at best.

My concern regarding the administration's Central American policy is the lack of evenhandedness in its approach. While we are now being forced to place all of our bets on the few remaining moderate forces left in Nicaragua due to the Sandinista victory, we do not face those same odds in the other nations of the Central American region.

The stability of the northeast tier of Central America is being threatened. El Salvador, Guatemala, and Honduras all share the same mixture of political, social, and economic unrest that led to Nicaragua's violent revolution, yet the majority of the moderate elements within these nations remain ready, willing, and able to help bring about peaceful solutions.

It is in these three traditionally friendly nations, where our asisstance can do the most to help foster moderate change. In Nicaragua where the revolution has come and gone, we are left with only a hope of moderating the forces of the extreme.

Since the Sandinista victory last July, the United States had demonstrated its concern for the welfare and friendship of the Nicaraguan people. In the past 7 months, we have provided $71.8 million in assistance to help that nation recover from the destruction of war and build for a better future. In addition, the administration's fiscal year 1981 foreign aid proposals now before the Foreign Affairs Committee, calls for an additional $50.4 million in assistance including $5.5 million in military aid. If we add to that the $75 million in the bill now before the House, the administration's package for the new Sandinista government totals some $197.2 million, not to mention the hundreds of millions of funding provided through the International Financial Institutions.

In the other three northern tier nations, El Salvador, Guatemala, and Honduras they too are suffering from severe economic difficulties that provide the breeding grounds for revolution. Yet the bulk of our assistance is earmarked for Nicaragua. In El Salvador the comparable fiscal year 1980 and fiscal year 1981 aid levels total $71.1 million. In Honduras that total is $84.4 million. And the total for Guatemala is only $23.8 million. Combined, the aid proposal for all three of these long-standing allies is only $184.3 million, or $12 million less than the total for Nicaragua alone.

While the legislation now before us, H.R. 6081, is entitled the "Special Central American Assistance Act," $75 million or more than 90 percent of the funds in this bill are for Nicaragua. The only other nation earmarked for funds in this legislation is Honduras, which is to receive only a token $5 million. For this reason, I am offering this amendment that would redistribute the $80 million in the bill more equitably among four northern tier nations, Nicaragua, El Salvador, Guatemala and Honduras.

Under my amendment, the recommended aid proposal for Central America would be based on the population totals of each of the four nations involved. Guatemala, with 39 percent of the population in the region (6.8 million) would receive $31.2 million. El Salvador, with 26 percent of the population (4.6 million) would receive $20.8 million. Honduras, with 21 percent (3.6 million) would receive $16.8 million and Nicaragua, with 14 percent (or 2.4 million in population) would receive $11.2 million.

I urge my colleagues to fully consider the current imbalance in our proposed Central American response and to support my amendment which seeks to balance our aid among all of the nations in this region to help them solve their internal problems and to thwart Cuba's influence.

Without this amendment, the wrong signal will be sent to our friends throughout the globe. We would be telling the world that the United States is unwilling or unable to aid our troubled traditional allies until after their greatest hour of need.

It makes little sense to concentrate so much effort in trying to close the barn door in Nicaragua after the horse is gone, while, at the same time, we neglect to adequately respond to the internal threats to its neighbors where our chances of success in bringing about a peaceful moderate change are far less of a gamble. My amendment offers the House an opportunity to correct such an imbalance and to truly provide significant assistance that more accurately reflects our interests and goals in Central America as well as the prospects of achieving them.

☐ 1550

Mr. ZABLOCKI. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, frankly, I would be less than honest if I did not say that I am disappointed that the gentleman from New York (Mr. GILMAN), a member of the committee, would propose such an amendment, an amendment which he claims is to bring balance to assistance to be provided under the act.

The bill before us, purely and simply, is legislation to help a country that has been devastated by a civil war and is in need of our assistance. In short the purpose of the bill is to aid the people of Nicaragua, the private sector and those in that country who are striving to insure that Nicaragua will have a free and independent government. That is the purpose of this legislation.

Instead the gentleman from New York proposes that we split the funds to be authorized for Nicaragua with three other countries in Central America.

I am puzzled by the figures presented by the gentleman.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I will yield in just a moment, but first I want to give my figures. They are from the books that are available to us and the statistics that are available to us.

Mr. Chairman, our aid to Nicaragua in fiscal year 1979 was $28 million. For 1980, $90 million is proposed, and for fiscal year 1981 $53.7 million is proposed. Now, the gentleman has, I believe, said that the United States provided Nicaragua with $72 million in fiscal year 1979.

Mr. GILMAN. Mr. Chairman, if the gentleman will yield, in fiscal year 1980 there was $24.5 million for initial relief and rehabilitation. There was $33.2 million for reactivated existing loans and grant programs withheld from the Somoza government, plus $14.1 million for reprograming of Public Law 480, for a total of $71.8 million in aid to Nicaragua since the Sandinista victory and under executive authority.

Mr. ZABLOCKI. Mr. Chairman, I suggest that is indeed double accounting, because the gentleman is including with the assistance actually provided in fiscal year 1979 some $33 million that was already in the pipeline, only $3 million of which has been expended since July 1979. He is including that over and above the other figure. That is double accounting, I submit, Mr. Chairman.

As far as the gentleman's statement that the bill before us would give the wrong signal to other Central American countries, I would advise the gentleman from New York that the countries of Central America have provided emergency assistance to Nicaragua and are obviously in support of U.S. assistance to Nicaragua, and I refer to El Salvador, Guatemala, Honduras, Costa Rica, and Panama. They also have provided more than $100 million of export credits.

The Organization of American States at its 17th meeting of the Ministers of Foreign Affairs, and at its February 13, 1980, Permanent Council meeting, agreed to resolutions urging all members of the OAS "to provide all possible assistance to bring about the economic and social recovery of Nicaragua."

I disagree with the gentleman's argument that this bill will give the wrong signal to other Central American countries. The wrong message would be given if we did not aid Nicaragua. That would be the wrong message.

The gentleman also stated in his remarks that there is an imbalance because of the amount that is provided for Nicaragua, as compared with what we are providing for the other countries of Central America.

☐ 1600

The gentleman pointed out that in the case of Honduras we are only providing $5 million.

The CHAIRMAN pro tempore. The time of the gentleman from Wisconsin (Mr. ZABLOCKI) has expired.

(By unanimous consent, Mr. ZABLOCKI was allowed to proceed for 3 additional minutes.)

Mr. ZABLOCKI. The gentleman has evidently forgotten that under proposed reprograming of aid funds, in fiscal year 1980 El Salvador will receive $49.8 million in assistance, Honduras $55 million, and Guatemala $11.4 million.

This legislation is necessary because Nicaragua's economy was heavily damaged by the long and destructive war. These other countries in Central America which I have enumerated, were not severely damaged, and are not in the same economic straits as Nicaragua. Therefore, it is folly to divide the $75 million to Central America countries irrespective of their need and based only on population, as the gentleman suggests. As a matter of fact, I know the gentleman is deeply concerned about the population growth. The message that the gentleman will be sending to these countries is that if they grow in population they will get more money. Is that the message the gentleman wants to send to those countries in Central America? I am sure it is not.

Mr. Chairman, the gentleman stated that the programs that we have here submitted for Nicaragua and Honduras were out of kilter compared to what their aid was before. The aid and assistance we are giving in reprograming and in this emergency legislation reflects the need for each country, not on the gentleman's amendment, which is based on a formula that certainly cannot be justified. I hope that the gentleman's amendment will be soundly and roundly defeated because it is not wise economically.

Mr. PAUL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think this amendment that we are looking at now demonstrates to me some of the problems that we have in dealing with the subject of foreign aid. I would have to concede that if I felt responsible and obligated to spend $75 million, I would be inclined, possibly, to support this amendment. However, I would like to question the whole concept of what we are doing today with this foreign aid bill.

I read rather recently in the paper that it was American taxpayers' money under the guise of foreign aid and assistance that helped build a road in Afghanistan and helped to build the Russian trucks that went into Aghanistan, in the recent invasion. Yet now we resort to talking about drafting 18-year-old women and men in order to compensate for those kinds of errors.

For us to be talking today about sending $75 million of foreign aid down to Nicaragua does not make a lot of sense when you look at what is happening in this country. Look at the huge deficit that we have run up, look at the inflation we currently have in this country, we have serious unemployment problems, we have poverty problems, we have bankruptcies in large companies such as Chrysler. I believe there is economic disaster on the horizon, I believe there is possible runaway inflation in this country, in the new future, and yet we still come here and talk about throwing away $75 million. We then get into this debate about who we are going to give it to. Are we going to give it to the good guys or to the bad guys? Are we going to give it to the rightwingers or to the leftwingers? Which dictator deserves this money?

I think there is a forgotten cause around here. There is a group that does not seem to have anybody speaking for them, and that is the American taxpayers.

For us to stand and say that we ought to give this money to dictators such as Somoza, "they are the good guys and pro-Americans," or we should have given it to the Sandinistas because they represent "democracy," it seems to me that we lose a significant part of the argument. Why are we giving it to either one of them? Why do we not let the American people keep their money? They need it desperately. To give away $75 million under these conditions, is outrageous. I cannot see any reason why it should even be considered.

Also, when we do send this money, so often—as a matter of fact, I think just about all the time—the money never achieves what is intended. If it is supposed to help them economically, how come we never see the economic achievements in the countries where we pour this money? And also it does not even seem to buy us friendship. I do not know of any country who has rallied to us or any countries that we saved by pouring more dollars into them. It seems like it is the American way, because we do not know of anything else to do but to throw more money at a problem. If we have any problem, we just throw money at it. A problem exists in Nicaragua, so we throw more money that way. This never presents to them an alternative system that may be based on some ideas and not on some money. Instead of presenting to them in a way which they could make a choice of an economic system, we send them money that never seems to help. And in doing this we unfortunately adopt the same principles and conditions which are destroying so many other nations, that is, the socialist interventionist principles that has put these nations in need in such a predicament and now is also dragging us in the same direction.

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. PAUL. I yield to the gentleman from Idaho.

Mr. SYMMS. I thank the gentleman for yielding.

Mr. Chairman, is the gentleman suggesting that maybe the State Department and the U.S. Government would get further if they would export the virtues, the humanitarian aspects of the ideas behind capitalism, rather than just throwing money at a problem?

Mr. PAUL. I think the point the gentleman makes is well taken. But I would not advocate the people in our State Department, because I would not place a lot of confidence in them, promote the idea of capitalism.

Mr. SYMMS. Maybe some of them do not believe in it.

Mr. PAUL. But I do think that the only alternatives are the principles of freedom and the ideas of capitalism if our country is to survive or if these other nations are to survive. For us to accept their principles of government intervention and deficit financing and runaway inflation in order to save their country, we will neither be able to feed them or ourselves.

Mr. SYMMS. If the gentleman will yield further, the gentleman might be interested in knowing that a very thoughtful constituent of mine suggested to me the other day that the U.S. Government would achieve its goals much better if if would either send the Amway man or bomb the countries like this with Sears Roebuck catalogs instead of what they are doing with all of the foreign aid programs.

The CHAIRMAN pro tempore. The time of the gentleman from Texas (Mr. PAUL) has expired.

(On request of Mr. SYMMS and by unanimous consent, Mr. PAUL was allowed to proceed for 1 additional minute.)

Mr. SYMMS. This would allow for the exportation of the ideas of how it is in this country that we have been able to produce these consumer goods that people have as a fringe benefit of a free-market economy, whereas in the foreign countries it seems as though, historically—this has been going on for some 40 years—we just continue to pound tax dollars that we extract from hard-working Americans and flood overseas markets with it, but yet it never seems to gain anything. I think the gentleman is right about the fact the the ideological question is often overlooked.

Mr. PAUL. I believe if we do not look at ideology, we cannot help ourselves, nor can we help them. I think the problem is one of how to persuade them to accept correct economic principles. The best way to persuade, of course, is to set an example. We are hardly doing that these days especially with legislation of this sort.

I would like to suggest also, to those who still remain among us who on occasion, read the Constitution, that there is part of the Constitution that says we must have authority to do such things as this legislation does on the House floor. I beg of my colleagues to please point out to me which part of the Constitution it is that authorizes us the moral right to extract from our working people, to inflate more in this country, to create havoc on our people, in order to subsidize other nations, whether they are right-wing dictators or left-wing dictators. I find no place in the Constitution which gives us that authority.

The CHAIRMAN pro tempore. The time of the gentleman from Texas (Mr. PAUL) has again expired.

(On request of Mr. SYMMS and by unanimous consent, Mr. PAUL was allowed to proceed for 1 additional minute.)

Mr. SYMMS. If the gentleman will yield further, I do think, as far as the virtues of this goes, the gentleman is speaking primarily just on the bill. As far as the virtues of this amendment are concerned, at least with this amendment the pro-Communist Sandinistas would get less of this money, so I assume the gentleman would not object to that idea.

Mr. PAUL. I think the temptation certainly is there, and yet it is abhorrent to me to think that I should even have the prerogative of extracting from the American people and to assume the authority to say that I know what is best as to where their tax dollars should be spent throughout the world and to which government I should support. I certainly have a personal leaning in the direction of the intent of the proposed amendment.

Mr. DERWINSKI. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

□ 1610

I must say, Mr. Chairman, that I was somewhat surprised at the vehement style in which our chairman attacked the amendment. It is slightly out of character for the gentleman.

I must say that I find the amendment offered by the gentleman from New York most logical.

First of all, in the breaking out of the figures in proportion to population, Einstein could not have done a better job The gentleman is to be commended for his accuracy and aptitude.

The other thing I would like to point out to the Members is this bill itself. I direct the Members to the title of the bill. The bill is, and I read the title:

> To amend the Foreign Assistance Act of 1961 to authorize assistance in support of peaceful and democratic processes of development in Central America.

It does not say just in Nicaragua. It says in Central America. The other countries that the gentleman from New York would have to share in proportion to their population, Honduras, El Salvador, and Guatemala, are as much a part of Central America as anyone else.

I think this amendment is consistent with the thrust of the bill, if the title of the bill is what is really intended.

I had facetiously prepared an amendment to the title of the bill. I decided subsequently not to offer it, but it would have changed the title to read, "The bailout of the Nicaraguan Sandinista junta bill."

I would have been accused of playing games, being funny, injecting an irrelevant argument, but in effect if we do not accept the principle of the Gilman amendment, we are admitting that instead of a bill to produce peace and democracy in Central America, we are supporting a bill just for the Sandinista junta.

Mr. HARKIN. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Iowa.

Mr. HARKIN. I thank the gentleman for yielding.

It always disturbs me when Members, in their zeal to promote one policy or another or amendment or another on the floor, read things out of context.

I know the gentleman from Illinois does not want to leave this body with the impression that that is all that is contained in section 536 of the bill.

The gentleman from Illinois has only read the first part of the first sentence. If he would read further, it would say:

> The recent civil strife in Nicaragua has caused great human suffering and disruption to the economy of that country and that substantial external assistance to Nicaragua is necessary to help alleviate that suffering and to promote economic recovery within a peaceful and democratic process.

Mr. DERWINSKI. I was reading from the title of the bill, which is about all that catches some Members' eyes.

Let me say the gentleman from New York has a practical amendment.

I gather that the forces of political loyalty and political skill on the other side of the aisle are solid against it, but I do think he deserves commendation for offering his carefully drawn amendment.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the great statesman from Ohio.

Mr. ASHBROOK. I thank the gentleman for yielding.

The gentleman is absolutely on target. I think everything he has said is correct. I think we might even call the Gilman amendment the honesty amendment.

There are a number of us who might have some degree of doubt as to how much we should send to Nicaragua, but if we are going to call this particular proposal a special Central America Assistance Act, at least it should be that.

In response to what our friend from Iowa just said, the Assistant Secretary of State for Inter-American Affairs, as recently as December 27, sent a letter to our colleagues from New York (Mr. GILMAN), in which he specifically outlined money going into Nicaragua: $255.7 million from third-country grants and from assistance from the Inter-American Development Bank, International Bank for Reconstruction and Development, United Nations High Commission for Refugees, International Monetary Fund, of which my colleague from Illinois, I know, can rapidly point out the percentage that this country puts into those funds, $314.8 million, so they have not exactly been destitute of money coming into Nicaragua, much of which comes indirectly from the American taxpayers.

I thank my colleague from Illinois for yielding. I thank him for the forthright statement he has made. I hope we pass what I would like to call the honesty amendment by our colleague from New York (Mr. GILMAN).

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to our distinguished chairman.

Mr. ZABLOCKI. I thank the gentleman from Illinois for yielding.

I am just wondering if the gentleman from Illinois (Mr. DERWINSKI), when he corrects his remarks——

The CHAIRMAN. The time of the gentleman from Illinois (Mr. DERWINSKI) has expired.

(At the request of Mr. ZABLOCKI and by unanimous consent, Mr. DERWINSKI was allowed to proceed for 2 additional minutes.)

Mr. ZABLOCKI. If the gentleman will continue to yield, in reference to the gentleman from Wisconsin's response to the amendment offered, the so-called honesty amendment—I do not know where the honesty is, because it is apples and oranges—of the gentleman from New York, where he says I vehemently opposed the amendment. If he would substitute in lieu thereof "emphatically" opposed.

Mr. DERWINSKI. I will accept that correction.

Mr. ZABLOCKI. Instead of saying that I was out of character, that I was in character, because I emphatically oppose it for very good reasons.

The gentleman from New York—and I am surprised that the gentleman from Illinois would agree with him—in saying that he had, like Einstein, figured out the mathematics of this on a population basis.

As the gentleman knows, the legislation before us, H.R. 6081, contains $75 million for Nicaragua, with $70 million in loans and $5 million in grants.

The amendment of the gentleman from New York is not refined to the extent as to providing what portion should be loans and what portion can be grants.

I must question the gentleman's assessment of the wisdom, not only the wisdom, but the accuracy of the gentleman's amendment.

Mr. DERWINSKI. Two observations: One, my use of Einstein as a reference was intended as an ethnic compliment. Second, I am certainly not going to quarrel with the correction the gentleman from Wisconsin has suggested, because he has at his right hand the able Dr. Jack Brady, our committee staff director, thus the gentleman from Wisconsin always has an advantage.

Mr. ZABLOCKI. If the gentleman will continue to yield, having so often recognized the wisdom and ability of Dr. Brady, I wonder why the gentleman from Illinois does not sometimes take advantage of his suggestions?

Mr. DERWINSKI. I would like to, and I appreciate the suggestion.

Mr. BAUMAN. Mr. Chairman, I rise in support of the amendment.

First of all, Mr. Chairman, I want to correct one misimpression. The gentleman from Wisconsin (Mr. ZABLOCKI) did engage in some uncharacteristic hyperbole when he talked about the Gilman amendment. I, too, was surprised. He is the kind of gentleman who likes to sit quietly and share a good story, draw on his pipe and perhaps late in the evening have a libation to relax after a hard day. This will be one of those days, I am sure.

I was surprised at the vehemence of the attack on the gentleman from New York, who many times has agreed with the gentleman from Wisconsin—perhaps no more after this—but many times in the past has agreed with him.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield, yes, in the same spirit.

Mr. ZABLOCKI. I might apologize if I appeared too straightforward in my criticism, because I expected more of the gentleman from New York, as a member of the committee——

Mr. BAUMAN. $75 million is quite a bit, is that not enough?

Mr. ZABLOCKI. No. I mean more as far as accuracy in the amendment he would prepare.

Mr. BAUMAN. I see.

Mr. ZABLOCKI. Or that he would propose. Therefore, perhaps my impatience with him and expecting more from him has caused me to be a little overly critical. I apologize for it, but after the hours and after a little libation, I will mellow again.

Mr. BAUMAN. Well, I appreciate the gentleman's correction and the apology. I do not think it was really necessary. There are some Members obviously one expects more of and others that one does not. I know the gentleman never castigated me in the same manner that he castigated the gentleman from New York, since the gentleman does not perhaps expect as much.

□ 1620

Mr. ZABLOCKI. Mr. Chairman, will the gentleman from Maryland yield?

Mr. BAUMAN. Of course. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Chairman, I have never had the need to, because the gentleman has always been at his optimum.

Mr. BAUMAN. Always been at his optimum?

Well, now, I will now attempt to reach the optimum of the gentleman, if I may.

First of all, let me say to the chairman of the committee that there was no double accounting in these figures. The gentleman from New York (Mr. GILMAN) is quite right that if we pass this bill and if we approve the additional request now pending for the next fiscal year, the U.S. taxpayers will have given, loaned, or granted—since we know the terms of the loan we might as well say granted—almost $200 million to the Government of Nicaragua.

Now, what does the gentleman from New York suggest? Simply that there should be a more even distribution of the $80 million in this bill.

Well, let me let you in on a little secret, those of you who do not serve on the Foreign Affairs Committee or do not pay particularly close attention to what they do. The Carter administration policy plainly described is to overthrow a number of governments in Central and South America. Now, that is a rather harsh charge, is it not? But I am here to tell you that the policy of the Carter administration is to overthrow a number of governments in Central America. They started with Nicaragua. They cut off all U.S. aid to Somoza that they could. They put an embargo on all weapons shipments. They put an embargo on loans. They used their influence in the international lending institutions to topple Somoza, and they toppled him.

Now, what they have got is the Communist government that we are dealing with today; so free Nicaragua has been overthrown.

Now, Deputy Assistant Secretary of State Bushnell, spoke last fall in Caracas and the gentleman from Illinois (Mr. DERWINSKI) was there. In remarks before that gathering in Caracas, Bushnell came out and told the other delegates to that conference that it would be the policy of the Carter administration to see several governments toppled in Central America, some of which he characterized as already too far gone to save.

I quote from a January 27, 1980, dispatch from the Assistant Secretary of State for Latin American Affairs, William Bowdler, in Managua, who was commenting on the character of the government there;

> Ambassador Bowdler, who actively participated in finding a solution to the Nicaraguan political crisis solved six months ago with the installation of the Sandinista Government, also said in Managua that he hopes there will be a similar solution for El Salvador.

Poor little El Salvador, right here on the map. That is the next one on the Carter list to go.

Yesterday the Ambassador designate to El Salvador, Mr. White, who has not been confirmed by the other body, said flatly:

> We are going to cut their aid off. We don't like the direction they are going and we are going to cut them off.

Slated after that are Honduras and Guatemala. You see, we in the United States who are not supposed to impose free elections on Nicaragua, our own Government, the Carter administration, is systematically trying to topple one government after another in hopes that they will be replaced by more democratic, more liberal and more free governments. Some would give them credit for their motivations. Unfortunately, in the first case of Nicaragua, the country has already fallen to the Communists. In other cases similar events may occur. So when the gentleman from New York suggests that we spread this aid around to other governments in the Central American area, the gentleman is saying, "Let's go through constitutionally established means if you're going to change these governments and let's send an even-handed signal." If we are going to give aid to what we believe is a Communist dominated government in one country, let us give aid to the other countries who yet remain free.

Mr. LAGOMARSINO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to commend the gentleman from Maryland for his statement. I think that there has been action, whether it was deliberate, thought out or not, and I think there are those who did think it out; we have taken action in this administration, in this Government, that has destabilized certain governments. Now, you can argue whether that is a good idea or not, but I think that no one can argue with the idea that if you are going to destabilize a government, if you are going to help in ousting a government, you ought to have a better substitute than the one that was already there.

I have certainly seen nothing that indicates that in Nicaragua that is the case.

You know, El Salvador, Guatemala, and Honduras have been long-time allies of the United States. Recently, just by way of one example, they demonstrated that friendship by supporting the United States position at the United Nations with regard to the Soviet invasion of Afghanistan. Unlike the other countries of Central America, Nicaragua did not support the United States position at the United Nations regarding the Soviet invasion of Afghanistan.

The Washington Star on February 18 reported that U.S. specialists on Latin America have credited Cuba with playing a key organizing role in the Sandinista victories in Nicaragua last July and now are in moves toward consolidating Communist power there.

In fact, one U.S. specialist stated that the infrastructure for a complete Communist takeover is now being put into place in Nicaragua.

If H.R. 6081 is adopted without the Gilman amendment, the wrong signal will be sent to our friends and to our enemies throughout the world.

We have all heard already what assistance we have provided to Nicaragua as of this date, some $70 million up to this point, plus large amounts indirectly through international organizations. If we do not change this bill, as proposed by the Gilman amendment, the message is going to be to the world that the United States is willing to assist Marxist revolutionaries who come to power by the use of the gun, but we are not willing to assist countries at least to the same degree who are pro-United States and who are fighting for their very survival.

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Iowa.

Mr. SYMMS. Mr. Chairman, I thank the gentleman very much for his remarks. I think they put the Gilman amendment in a great deal of perspective for us.

I, too, found the remarks of the gentleman from Maryland very enlightening, as well as the gentleman from California, with respect to the administration's position toward aiding the overthrow of governments that are now in power. It seems rather ironic to me that the same administration is willing to stand up and say that they are willing to test the Russians in Iran, 12,000 miles from home, if they should happen to cross the border from Afghanistan into Iran; yet are unwilling to stand up and resist the same Marxist expansionism in Latin America, closer to home. It does not make too much sense.

Mr. LAGOMARSINO. Mr. Chairman, I share the gentleman's bewilderment at the administration's policy in this matter.

Mr. PEYSER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have been listening to the debate. I am not on the Foreign Affairs Committee, as several of the Members who have spoken are also not on the committee; but what I find very difficult to comprehend is hearing the gentleman from Maryland and the gentleman from California set forth this administration's policy. They have stated very clearly that this is the policy of the administration, which is to overthrow these governments, to interfere in such a way that we are basically as a governmental plan helpfully setting up Communist governments. I do not believe it is the intention of this administration to meddle in such a way as to create and overthrow existing governments and create Communist governments. I think at least it ought to be said for the record that the gentlemen on the other side of the aisle are not speaking for the administration and are speaking in their opinion of what may be happening. That opinion, I think, is subject to some very sharp differences.

If nothing more, Mr. Chairman, I think the point should be established that the opinions that have been offered on the other side at the best are opinions that would have some very strong questions raised on them.

I think we simply should move ahead and let each side present their point of view; but, please, do not speak for the administration and do not infer that the American Government is involved in establishing Communist regimes in other countries.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. GILMAN).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ZABLOCKI. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 138, noes 258, answered "present" 2, not voting 35, as follows:

[Roll No. 80]

AYES—138

Abdnor
Andrews, N. Dak.
Applegate
Archer
Ashbrook
Atkinson
Badham
Bafalis
Bauman
Beard, Tenn.
Bethune
Bouquard
Broomfield
Brown, Ohio
Broyhill
Burgener
Butler
Byron
Campbell
Carney
Carter
Clausen
Coleman
Collins, Tex.
Conable
Corcoran
Coughlin
Crane, Daniel
Daniel, R. W.
Dannemeyer
Davis, Mich.
Derwinski
Dickinson
Duncan, Tenn.
Early
Erlenborn
Evans, Del.
Findley
Forsythe
Gaydos
Gilman
Gingrich
Goldwater
Goodling
Gradison
Gramm
Grassley
Grisham
Guyer
Hammerschmidt
Hansen
Harsha
Heckler
Hillis
Hinson
Holt
Hopkins
Huckaby
Ichord
Ireland
Jeffries
Johnson, Colo.
Kelly
Kemp
Kindness
Kramer
Lagomarsino
Leath, Tex.
Lee
Lent
Lewis
Livingston
Loeffler
Lott
Lujan
Lungren
McClory
McDonald
McEwen
Madigan
Marks
Marlenee
Martin
Mathis
Michel
Miller, Ohio
Mitchell, N.Y.
Montgomery
Moorhead, Calif.
Mottl
Murphy, N.Y.
Myers, Ind.
Nichols
O'Brien
Quayle
Quillen
Regula
Robinson
Roth
Rudd
Runnels
Satterfield
Sawyer
Schulze
Sebelius
Sensenbrenner
Shelby
Shumway
Shuster
Smith, Nebr.
Snowe
Snyder
Solomon
Spence
Staggers
Stangeland
Stockman
Stratton
Stump
Symms
Tauke
Taylor
Thomas
Trible
Walker
Wampler
White
Whitehurst
Whittaker
Whitten
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Young, Alaska
Young, Fla.
Zeferetti

NOES—258

Addabbo
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Annunzio
Anthony
Ashley
Aspin
AuCoin
Bailey
Baldus
Barnes
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bevill
Bingham
Blanchard
Boland
Bolling
Bonior
Bonker
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Buchanan
Burlison
Burton, John
Burton, Phillip
Carr
Cavanaugh
Chappell
Cheney
Clay
Clinger
Coelho
Collins, Ill.
Conte
Corman
Cotter
Courter
Danielson
de la Garza
Deckard
Dellums
Derrick
Dicks
Diggs
Dingell
Dodd
Donnelly
Dougherty
Downey
Drinan
Eckhardt
Edgar
Edwards, Calif.
Emery
English
Erdahl
Ertel
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fowler
Fuqua
Garcia
Gephardt
Gibbons
Ginn
Glickman
Gonzalez
Gore
Gray
Green
Guarini
Gudger
Hall, Tex.
Hamilton
Hance
Hanley
Harkin
Harris
Hefner
Heftel
Hightower
Holland
Hollenbeck
Holtzman
Horton
Howard
Hubbard
Hughes
Hutto
Hyde
Jacobs
Jeffords
Jenkins
Jenrette
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kildee
Kogovsek
Kostmayer
LaFalce
Latta
Leach, Iowa
Leach, La.
Lederer
Lehman
Leland
Levitas
Lloyd
Long, La.
Long, Md.
Lowry
Luken
Lundine
McCormack
McDade
McHugh
McKay
McKinney
Maguire
Markey
Marriott
Matsui
Mattox
Mavroules
Mazzoli
Mica
Mikulski
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Moakley
Moffett
Mollohan
Moorhead, Pa.
Murphy, Pa.
Murtha
Myers, Pa.
Natcher
Neal
Nedzi
Nelson
Nolan
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Preyer
Price
Pritchard
Pursell
Rahall
Railsback
Rangel
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Roberts
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roybal
Royer
Russo
Sabo
Scheuer
Schroeder
Seiberling
Shannon
Sharp
Simon
Skelton
Slack
Smith, Iowa
Solarz
Spellman
St Germain
Stack
Stanton
Stark
Steed
Stenholm
Stewart
Stokes
Studds
Swift
Synar
Thompson
Traxler
Udall
Ullman
Van Deerlin
Vento
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
Whitley
Williams, Mont.
Williams, Ohio
Wilson, C. H.
Wilson, Tex.
Wirth
Wolff
Wolpe
Wright
Yates
Yatron
Young, Mo.
Zablocki

ANSWERED "PRESENT"—2

Daniel, Dan
Paul

NOT VOTING—35

Anderson, Ill.
Barnard
Beard, R.I.
Biaggi
Boggs
Boner
Brown, Calif.
Chisholm
Cleveland
Conyers
Crane, Philip
D'Amours
Daschle
Davis, S.C.
Devine
Dixon
Dornan
Duncan, Oreg.
Edwards, Ala.
Edwards, Okla.
Frenzel
Frost
Giaimo
Hagedorn
Hall, Ohio
Hawkins
McCloskey
Moore
Murphy, Ill.
Ratchford
Rousselot
Santini
Treen
Vander Jagt
Vanik

☐ 1640

Mr. HALL changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DERWINSKI

Mr. DERWINSKI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DERWINSKI: Page 4, line 18, immediately after "(i)" insert (1); and immediately after line 24 insert the following new paragraph:

"(2) Of the local currency referred to in paragraph (1) of this subsection used for assistance to the private sector, 10 per centum of such sums shall be used to assist the establishment of such private institutions as credit unions, cooperatives, and other lending facilities to help keep the private sector financially independent. The remaining 90 per centum of such amounts of local currency shall be made available for loans through such private institutions so established, through other such private institutions which remain independent of the Nicaraguan Government, or through available facilities of United States financial institutions: Provided that such local currency loan programs shall be monitored and audited by such agency or official of the United States as the President deems appropriate, and the President shall submit quarterly reports on such loan programs to the Congress."

☐ 1650

Mr. DERWINSKI. Mr. Chairman, both the administration and the officials of the Sandinista National Directorate who met with many of us on December 6, 1979, have stressed the importance of rebuilding and invigorating the private sector in Nicaragua. They have pointed to that goal as the main purpose of the $70 million balance of payments loan program component of the proposed aid package to Nicaragua.

The administration has indicated that 60 percent of the foreign exchange loan and about 64 percent of the local currency fund are for private sector use. The spokesman for the delegation of the Sandinista regime who met with us, Cmdr. Jaime Wheelock, increased the percentage which he said would go to the private sector to 80 percent.

The purpose of this amendment is to help realize the stated purpose of the bill—to strengthen the private sector in Nicaragua. It would assist in establishing private institutions, such as credit unions and cooperatives, to maintain the financial independence of the private sector. It would mitigate against the political misuse of U.S. aid and money in Nicaragua. Without special care a political motivative central agency could easily reward its friends and punish its enemies. If our goal is to cultivate pluralism and private initiatives, this provision would contribute to that end.

The amendment would also provide for Presidential review of the distribution of the local currency generated by the U.S. loan to assure that it is made available to the entities we want to help.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the distinguished gentleman from Maryland.

Mr. BAUMAN. I would say to the gentleman from Illinois that in the same conversation that I mentioned some minutes ago with Mr. Cruz, the head of the Central Bank which, as I understand it, will be the administrating agency for this money unless the gentleman's amendment is passed, he indicated that he personally did not object to an amendment to this bill that would make sure the 60 percent that has been said to be for the private sector will go to that private sector. The difficulty that we have in Nicaragua is that the government has in fact nationalized the private banks. They did so, he told me, for administrative reasons. This amendment would encourage the private sector that we say we are trying to help, the so-called backbone of the freedom-loving peoples of Nicaragua as opposed to those who might be for a totalitarian government and would distribute the aid toward that end.

Mr. Chairman, I can say in the amendment of the gentleman from Illinois there is a mechanism to guarantee what the Carter administration says they want to guarantee and that is that the money will go into private hands to build up the private economy and individual businessmen and farmers.

Mr. DERWINSKI. Mr. Chairman, may I make a personal comment. Aside from the merits of my amendment, I hope all the Members of this body will notice the profound manner in which the gentleman from Maryland addresses foreign policy issues.

Mr. HARKIN. Mr. Chairman, will the gentleman yield

Mr. DERWINSKI. I yield to the gentleman from Iowa.

Mr. HARKIN. I dislike opposing the gentleman's amendment, but I have some questions about it.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. HARKIN and by unanimous consent, Mr. DERWINSKI was allowed to proceed for 2 additional minutes.)

Mr. HARKIN. Will the gentleman continue to yield?

Mr. DERWINSKI. I yield to the gentleman from Iowa.

Mr. HARKIN. The gentleman asked that 10 percent of the money be used to establish such private institutions as credit unions, cooperatives, et cetera. Can the gentleman tell me how many credit unions and cooperatives and lending facilities were in existence in Nicaragua prior to last July, prior to the overthrow of the Samoza government?

Mr. DERWINSKI. I have no specific number. I do know as a policy our credit union movement has attempted to establish itself throughout Latin America. I do not know what success they have had in Nicaragua.

Mr. HARKIN. Mr. Chairman, since we are talking about a country that needs immediate assistance because of the nature of the war that took place there, can the gentleman tell me how long it would take to set up credit unions, cooperatives and lending facilities to get the other 90 percent of the money through there? It seems to me it would take a long period of time.

Mr. DERWINSKI. Mr. Chairman, I envision that the other 90 percent would be channeled through U.S. financial institutions which could be contracted for immediately by the AID agency, if they do not happen to have the Technical expertise.

Mr. HARKIN. However, the amendment says that the other 90 percent shall be made available for loans through such private institutions so established.

Mr. DERWINSKI. The gentleman is correct.

Mr. HARKIN. I am saying it may take a long time to set up those kinds of institutions, which may defeat the whole purpose of the AID.

Mr. DERWINSKI. Actually all you need technically is to charter one entity. The cooperative farm movement does exist. In a general way they did handle many of their crops through a cooperative movement and I am sure the gentleman, expert as he is in the Iowa farm sector, knows how practical and expedient farm cooperatives can be.

Mr. HARKIN. If the gentleman would yield further, Mr. Chairman, I do know that the cooperative movement in Nicaragua was never allowed to get on its feet. Only now is it beginning to be formed down there in rural areas.

Mr. Chairman, I am very supportive of that movement down there but it is in embryonic stages and in no way could they handle this kind of money to disperse amongst the members. It would just take a long period of time.

Mr. DERWINSKI. Given the need and given the desire evidently of the government to absorb these funds it could be done.

Mr. ZABLOCKI. Mr. Chairman, I move to strike the last word and will speak in opposition to the amendment.

Mr. Chairman, I shall try to be as moderate and as calm as possible in my opposition to the amendment offered by the gentleman from Illinois (Mr. DERWINSKI).

The gentleman as well as the gentleman from New York are very distinguished members of the Committee on Foreign Affairs. I must nevertheless register my surprise that such an amendment would be offered, since the gentleman from Illinois does know that a major purpose and objective of the $75 million in this legislation is to stimulate the private sector of the economy of Nicaragua as expeditiously as possible.

Mr. Chairman, private financial institutions just do not exist which could manage the credit to be channeled to the thousands of small and medium enterprises and farms. Creation of such a system would take years, as the gentleman from Iowa has pointed out, and the assistance is needed immediately.

Mr. Chairman, the Agency for International Development is currently providing assistance to the Nicaraguan credit union confederation and to the private cooperative federation. However, these institutions have limited absorptive capacity and have never before been used to conduct the entire aid program.

Mr. Chairman, local currency programs as envisioned in this bill will be governed by detailed sub-agreements which will assure monitoring and audit rights to the United States, which will be a signatory to the agreement.

□ 1700

Now, if we would go the route suggested by the gentleman from Illinois, we would lose that audit possibility and the audit responsibility. I want to point out further that the gentleman's amendment also requires that the President shall submit quarterly reports on such loan programs to the Congress. H.R. 6081, as the gentleman from Illinois fully well knows, already requires a semiannual report to the President, so much of the amendment is already in the legislation and some of the innovative suggestions are unworkable.

I must repeat that there are no private financial institutions in Nicaragua which can handle an aid program, so the amendment essentially would prohibit aid. Now, I must respectfully say to my colleagues who have thus far opposed this legislation, if they are opposed to it, vote against it; do not do it by crippling amendments, indirectly killing the intent of the legislation.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I will be delighted to yield to my friend the gentleman from Illinois.

Mr. DERWINSKI. Mr. Chairman, this is certainly not intended as a crippling amendment. It is intended to stimulate the rebirth of private institutions, and a more noble goal I could not envision.

Mr. ZABLOCKI. Well, the gentleman sees it in a different light, obviously. But I must note that the gentleman in his past service in the Congress has sought very intensively to insure that we have proper oversight and that we have auditing of our programs by AID in all of the recipient countries. Auditing would be more difficult if the aid is dispersed to many private concerns than through a government agency which we can hold responsible. When we deal with a single agency we can hold them more effectively also to repayments, which I am sure the gentleman would be interested in, and better insure that loans would be halted in the case of noncompliance.

I submit that the gentleman's amendment would make this very difficult. How can we carry out a multipurpose aid program through credit unions that do not at the present time exist? I hope that the amendment will be defeated.

Mr. BONIOR of Michigan. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Michigan.

Mr. BONIOR of Michigan. Mr. Chairman, I thank the chairman for the fine explanation of why this is not a feasible amendment. For those who are concerned that the Central Bank or National Bank of Nicaragua will not be fair with the dispensing of the loans and the administration of such, I think it is fair to point out, and I think the chairman will agree with me, the head of the Central Bank, Arturo Cruz, who has been characterized by the gentleman from Maryland about an hour ago as a moderate in the government, who has wide financial knowledge and who has worked for an international financial lending institution before coming to Nicaragua, and is working in the Central Bank, we can be assured, I think, of his administrative skill and fairness in dispensing the money.

Second, I think the chairman would agree that the concern of the private sector, which is I think Nicaragua's most prestigious financial element, has the full faith behind the government's economic plan and will work in concessions and loans, will work for the betterment of the market in the private sector.

Mr. LAGOMARSINO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think that this amendment is really perhaps the most important amendment that we will consider this afternoon or during the course of the discussion of this legislation. Both the administration and the officials of the Sandinista National Directorate that we met with here in Washington and also in Nicaragua have stressed the importance of rebuilding and invigorating the private sector in Nicaragua. Indeed, that is said to be one of the main purposes of the bill.

They have pointed to that goal, as I say, as the main purpose of the $70 billion balance of payment loan program component of the proposed aid package to Nicaragua.

The administration has indicated, and the legislation before us requires that 60 percent of the foreign exchange go for private sector use. The spokesman for the delegation of the Sandinista's regime who met with us, Comdr. Jamie Wheelock, told us that in fact he was going to provide 80 percent to the private sector.

The purpose of this amendment, the amendment offered by my friend from Illinois (Mr. DERWINSKI), is to help realize the stated purpose of the bill, to strengthen the private sector of Nicaragua. It would assist in establishing private institutions such as credit unions and cooperatives. By the way, there are farm cooperatives in Nicaragua, and as a matter of fact, the Government makes a big point out of how it is working with these farm cooperatives; that is, to maintain the financial independence of the private sector. It would mitigate against—perhaps not prevent, but mitigate—against the political misuse of U.S. aid and money in that country. Without special care a politically motivated central agency such as the Central Bank could easily reward its friends and punish its enemies. If our goal is to cultivate pluralism and private initiative, this provision would contribute to that end.

The amendment would also provide for Presidential review of the distribution of local currency generated by the United States loan to assure that it is made available to the entities we want to help.

I would just add that I should think no one would doubt that whoever is in charge of the Central Bank of Nicaragua, Mr. Arturo Cruz or anyone else, no one should doubt that he is going to do exactly what he is told to do by the National Directorate of the Sandinistas, so I think this is a very essential amendment and I hope it will be adopted.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, for clarification I would like to ask the gentleman from Wisconsin a few questions. According to the report on page 5, it says that $30 million in credit will be given to small- and medum-sized business and to farmers principally for working capital. Now, what are the mechanics? Does this money go in the form of a grant or in the form of a loan to Nicaragua?

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield.

Mr. ZABLOCKI. In the legislation before us there is $5 million that is grant and $70 million that is loans. A portion of that will be for the purposes that the gentleman has referred to in our report on page 5, for medium-sized businesses and farms. There will be some for educational purposes as well.

The $30 million that is referred to on page 5 would be in loans to small and medium-sized businesses and farms. The implementation would be made through the Central Bank of Nicaragua. The United States AID mission, however, would have to oversee and sign off on every loan, and we would also have an audit of the loans made.

Mr. SMITH of Iowa. Will it be a loan from the United States to that bank?

Mr. ZABLOCKI. It will be a loan to the Bank of Nicaragua, to be loaned out under the supervision of the Embassy.

Mr. SMITH of Iowa. What increase rate will there be?

Mr. ZABLOCKI. It will be a concessional loan, with an interest rate of 2–3 percent. As I said the other day, there would be up to 40 years' repayment.

Mr. SMITH of Iowa. I am not objecting to that, but I want to point out something a little later. Will the Foreign Assistance Fund then pay to the Treasury of the United States the money that is collected from the loan, and if so, at what rate of interest?

□ 1710

Mr. ZABLOCKI. Well, Mr. Chairman, any interest earned will go back into the U.S. Treasury.

Mr. SMITH of Iowa. The exact amount that is earned, is that right?

Mr. ZABLOCKI. Yes.

Mr. SMITH of Iowa. Mr. Chairman, I just want to point out that the Office of Management and Budget and some members of the Committee on the Budget of the House and of the Senate Committee on the Budget are insisting that in the case of small business loans in this country for people who are in the same kind of situation, needing some working capital, they insist the Small Business Administration loan fund should pay to our Treasury not just the amount they receive in interest on the loan but 10½ percent per year from then on and, in addition to that, pay interest on the interest that is appropriated annually with which to pay the "interest" on the money previously appropriated.

What I am pointing out here is that some people have kind of a double standard. If it is to be made to people in this country for the same purpose as money in this bill, then OMB and some Budget Committee members want to sock the SBA loan fund permanently with all kinds of excess interest charges; yet they support this different approach for these loans to businesses in a foreign country.

Mr. Chairman, the way you handle it in this bill makes more sense to me, but it is a double standard.

Mr. ZABLOCKI. Of course, the situation is, as far as the loan to Nicaragua is concerned, that the loan is needed to correct a bad economic situation. Let me assure the gentleman that if he would attempt to correct the OMB position, I will join him in that effort.

Mr. SMITH of Iowa. Mr. Chairman, I say that the gentleman has already voted for the way we feel on this. We have some trouble with the bill that is now in conference because OMB and some Members of the Senate are opposing handling loans for U.S. businesses in trouble the same way this bill does for foreigners. But I want to point this out, that we have a double standard here between the OMB supporting this bill and some members of the Committee on the Budget of the House and the Budget Committee of the Senate supporting a different standard.

Mr. BAUMAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I am surprised that the gentleman from Wisconsin (Mr. ZABLOCKI) and others know so much about the manner in which these loans will be administered once they get to Nicaragua, because when I was there 2 weeks ago, it was still under negotiation as to how they would be distributed. I talked with the U.S. Embassy aid officials and was told there are some disputes in the Sandinista government as to whether this money would go to medium-sized businesses, to small businesses and small farms only, or to medium-sized farms. There was some dispute whether it would go to cooperatives. At that point no final determination had been made.

There was no question, however, when they described the situation to me, that the money would be handled by the Central Bank. The reason, we were told, is that there are no other institutions left because the Government of Nicaragua nationalized all the banks, wiped them out, so there are no private banks to administer it. It is not beyond the realm of possibility, if this language is put into the act, that private banking can be revived. There are buildings and there are accounts but the private banks have been forbidden to engage in banking.

I want to correct one other misimpression of the gentleman from Wisconsin, I am sure, gave unintentionally. He said the amendment would gut the bill and prevent proper administration of the loans. All the amendment says is that 10 percent of the funds will be distributed and used "to assist the establishment of such private institutions as credit unions, cooperatives, and other lending facilities * * *."

There are lending facilities that could be reactivated, and the cooperatives are already in place.

The amendment goes on to say that the remaining 90 percent can be distributed through private firms, partially held American banking institutions, or they could be distributed through agencies of the Government of Nicaragua.

Mr. Chairman, this does not in any way present a problem, but it does guarantee the Nicaraguan private sector will have the assistance we supposedly are giving to it.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Illinois.

Mr. DERWINSKI. Mr. Chairman, I know that the gentleman from Wisconsin (Mr. ZABLOCKI) just innocently used that term, "gutting," because he knows that down deep in my heart what I want to do is salvage a bad policy by this amendment.

Mr. Chairman, may I point out one other thing. The gentleman from Iowa (Mr. SMITH) added a dimension to this debate. My recollection is that this money that we are providing will be repaid by the Government of Nicaragua at the rate of 2 percent. However, the charges to the recipient in Nicaragua will be at whatever the market rate is in that country, which is probably higher than the prime rate here. The Government of Nicaragua could well find itself with a 13–15 percent profit with repayment to the United States at a 2-percent rate.

That is a very interesting point that the Members should keep in mind when the going rate to our own mortgage borrowers and to people seeking financing from their local banks is not anywhere near that 2-percent figure.

Mr. BAUMAN. Mr. Chairman, I would just plead for the adoption of this amendment if we are indeed sincere about wanting to promote the private sector, because I have no doubt that if the decision on who will get the loans and the grants is left totally to the Sandinista government, they will go only to their friends and certainly not to anyone who might cause them the least bit of opposition.

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Chairman, just to be sure I understand the purpose of the gentleman's amendment correctly, is what we are saying here that this amendment, if it is passed and becomes part of this bill, would provide this: that we would have actually Americans down there distributing American aid instead of allowing the Sandinistas to distribute American aid?

Mr. BAUMAN. Not necessarily. We are saying that banking institutions that have existed in the private sector in the past, some of them probably owned in part by U.S. citizens, would distribute those loans through the due course of the banking system rather than allowing a government agency of the Sandinistas to make that distribution.

Mr. SYMMS. Mr. Chairman, it seems to me that that is a very reasonable approach and the proper way to do it. If we are going to send our money down there, we should at least try to have it done in such a way that we would not have Communists using American money to subvert the minorities.

Mr. BAUMAN. Mr. Chairman, reasonableness is not always the test, as the gentleman knows, in this House.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Chairman, I thank the gentleman from Maryland for yielding.

I merely wish to respond to the gentleman from Maryland (Mr. BAUMAN) who stated that the gentleman from Wisconsin apparently had some information—and he did not—as to how the loans would be administered.

If the gentleman will recall, at a meeting we had last Friday, this matter was discussed, and although we were advised that the details are still being worked out, they are not finalized, but for illustrative purposes the gentleman from Wisconsin did repeat what he has been advised by our Ambassador to Nicaragua, Mr. Pezzullo.

Mr. Chairman, if the gentleman will yield further, I would just comment on the statement of the gentleman from Illinois (Mr. DERWINSKI), when he said he was advising the gentleman from Wisconsin that I should know that down deep in his heart he is trying to salvage the bill. I would like to respond that down deep in my heart I wish that were true.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Illinois (Mr. DERWINSKI).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DERWINSKI. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 195, noes 199, not voting 39, as follows:

[Roll No. 81]

AYES—195

Abdnor
Addabbo
Albosta
Anderson, Calif.
Andrews, N. Dak.
Applegate
Archer
Ashbrook
Atkinson
Badham
Bafalis
Bauman
Beard, Tenn.
Bennett
Bereuter
Bethune
Bouquard
Breaux
Brinkley
Broomfield
Brown, Ohio
Broyhill
Buchanan
Burgener
Butler
Byron
Campbell
Carney
Carter
Chappell
Clausen
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Coughlin
Courter
Crane, Daniel
Daniel, Dan
Daniel, R. W.
Dannemeyer
Davis, Mich.
de la Garza
Deckard
Derwinski
Dickinson
Duncan, Tenn.
Early
Emery
Erdahl
Erlenborn
Evans, Del.
Evans, Ga.
Evans, Ind.
Findley
Fish
Flippo
Forsythe
Fountain
Fuqua
Gaydos
Gilman
Gingrich
Ginn
Glickman
Goldwater
Goodling
Gradison
Gramm
Grassley
Green
Grisham
Gudger
Guyer
Hall, Tex.
Hammerschmidt
Hance
Hansen
Harsha
Heckler
Heftel
Hillis
Hinson
Holland
Holt
Hopkins
Horton
Huckaby
Hyde
Ichord
Ireland
Jeffries
Jenkins
Johnson, Colo.
Jones, N.C.
Kazen
Kelly
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lee
Lent
Lewis
Livingston
Loeffler
Long, Md.
Lott
Lujan
Lungren
McClory
McDonald
McEwen
McKay
Madigan
Marks
Marlenee
Marriott
Martin
Mathis
Mazzoli
Michel
Miller, Ohio
Minish
Mitchell, N.Y.
Montgomery
Moorhead, Calif.
Mottl
Murphy, N.Y.
Myers, Ind.
Natcher
Nichols
O'Brien
Panetta
Pashayan
Paul
Petri
Pickle
Porter
Purcell
Quayle
Quillen
Railsback
Regula
Rhodes
Rinaldo
Ritter
Robinson
Roe
Roth
Royer
Rudd
Runnels
Satterfield
Sawyer
Schulze
Sebelius
Sensenbrenner
Shelby
Shumway
Shuster
Slack
Smith, Nebr.
Snowe
Snyder
Solomon
Spence
Stangeland
Stenholm
Stockman
Stratton
Stump
Symms
Tauke
Taylor
Thomas
Traxler
Trible
Walker
Wampler
White
Whitehurst
Whittaker
Whitten
Williams, Ohio
Wyatt
Wydler
Wylie
Yatron
Young, Fla.
Zeferetti

NOES—199

Akaka
Ambro
Andrews, N.C.
Annunzio
Anthony
Ashley
Aspin
AuCoin
Bailey
Baldus
Barnard
Barnes
Beard, R.I.
Bedell
Beilenson
Benjamin
Bevill
Bingham
Blanchard
Boland
Bolling
Bonior
Bonker
Bowen
Brademas
Brodhead
Brooks
Brown, Calif.
Burlison
Burton, John
Burton, Phillip
Carr
Cavanaugh
Cheney
Clay
Clinger
Coelho
Collins, Ill.
Corman
Cotter
Danielson
Daschle
Dellums
Dicks
Dingell
Dodd
Donnelly
Dougherty
Downey
Drinan
Edgar
Edwards, Calif.
English
Ertel
Fary
Fascell
Fazio
Fenwick
Ferraro
Fisher
Fithian
Florio
Foley
Ford, Mich.
Ford, Tenn.
Fowler
Garcia
Gephardt
Gibbons
Gonzalez
Gore
Gray
Guarini
Hall, Ohio
Hamilton
Hanley
Harkin
Harris
Hawkins
Hefner
Hightower
Hollenbeck
Holtzman
Howard
Hubbard
Hughes
Hutto
Jaocbs
Jeffords
Jenrette
Johnson, Calif.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kildee
Kogovsek
Kostmayer
LaFalce
Leach, La.
Lederer
Lehman
Leland
Levitas
Lloyd
Long, La.
Lowry
Luken
Lundine
McCormack
McDade
McHugh
McKinney
Maguire
Markey
Matsui
Mattox
Mavroules
Mica
Mikulski
Miller, Calif.
Mineta
Mitchell, Md.
Moakley
Moffett
Mollohan
Moorhead, Pa.
Murphy, Pa.
Murtha
Myers, Pa.
Neal
Nedzi
Nelson
Nolan
Nowak
Oakar
Oberstar
Obey
Ottinger
Patten
Patterson
Pease
Pepper
Perkins
Peyser
Preyer
Price
Pritchard
Rahall
Rangel
Reuss
Richmond
Roberts
Rodino

Rose
Rosenthal
Rostenkowski
Roybal
Russo
Sabo
Scheuer
Schroeder
Seiberling
Shannon
Sharp
Simon
Skelton
Smith, Iowa
Solarz
Spellman
St Germain
Stack
Stanton
Stark
Stewart
Stokes
Studds
Swift
Synar
Thompson
Udall
Ullman
Van Deerlin
Vento
Volkmer
Walgren
Watkins
Weaver
Weiss
Whitley
Williams, Mont.
Wilson, Tex.
Winn
Wirth
Wolff
Wolpe
Wright
Yates
Young, Mo.
Zablocki

NOT VOTING—39

Alexander
Anderson, Ill.
Biaggi
Boggs
Boner
Chisholm
Cleveland
Conyers
Crane, Philip
D'Amours
Davis, S.C.
Derrick
Devine
Diggs
Dixon
Dornan
Duncan, Oreg.
Eckhardt
Edwards, Ala.
Edwards, Okla.
Frenzel
Frost
Giaimo
Hagedorn
McCloskey
Moore
Murphy, Ill.
Ratchford
Rousselot
Santini
Staggers
Steed
Treen
Vander Jagt
Vanik
Waxman
Wilson, Bob
Wilson, C. H.
Young, Alaska

□ 1720

The Clerk announced the following pairs:

On this vote:

Mr. Dornan for, with Mr. Biaggi against.

Mr. Devine for, with Mrs. Boggs against.

Mr. Philip M. Crane for, with Mr. Conyers against.

Mr. Hagedorn for, with Mr. Diggs against.

Mr. Moore for, with Mr. Staggers against.

Mr. Rousselot for, with Mrs. Chisholm against.

Mr. Vander Jagt for, with Mr. Waxman against.

Mr. Young of Alaska for, with Mr. Charles H. Wilson of California against.

Mr. BEARD of Rhode Island changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. LENT

Mr. LENT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LENT: Page 5, immediately after line 8 insert the following new subsection:

"(k) (1) Within 30 days after the date of enactment of this provision, the President shall refer to the Foreign Claims Settlement Commission of the United States any claims submitted to him, before the expiration of that 30 day period, arising from any actions described in subparagraphs (A) through (C) of Section 620(e) (1) of the Foreign Assistance Act of 1961, as amended, taken by the Government of Nicaragua, or its agencies or instrumentalities.

"(2) Within 90 days after the date of referral of such claims, the Commission shall render an advisory report to the President regarding the validity and value of such claims.

"If the Government of Nicaragua has not discharged its obligations under international law to compensate such claimants or otherwise provide appropriate relief within 90 days after the Commission renders its advisory report to the President, the outstanding balance of any loans to the Government of Nicaragua, or any of its agencies or instrumentalities, of funds authorized to be appropriated under this chapter shall become immediately due and payable.

"The provisions of this subsection shall not be waived with respect to Nicaragua unless the President determines and certifies that such a waiver is important to the national interests of the United States. Such certification shall be reported immediately to Congress."

Mr. LENT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LENT. Mr. Chairman, in our headlong rush to foist this additional $75 million upon the new Government in Nicaragua, let us not completely overlook the thousands of American investors, farmers, miners, bankers, shareholders, businessmen, businesswomen who have suffered or are about to suffer the loss running into the hundreds of millions of dollars as a result of the expropriation of their properties by the Sandinista junta.

This amendment simply seeks to afford some measure of protection to these American citizens and corporations by establishing a mechanism for the filing of claims with the Foreign Claims Settlement Commission where private property has been seized or where existing contracts or agreements have been nullified by this new government. The amendment provides that if the Government of Nicaragua fails to discharge any obligation found by the Foreign Claims Settlement Commission to be legitimate and valid within 90 days after the Commission renders an advisory opinion to the President to such effect, then the outstanding balance of any loan to the Government of Nicaragua or any of its agencies or instrumentalities shall immediately become due and payable.

It is a simple, straightforward amendment. It will not block the $75 million from being delivered over to the junta. It would not tie anyone's hands in any way. As a matter of fact, under the terms of this amendment the President could waive these loan requirements on national interest grounds.

All it says is that if Nicaragua fails to act in a responsible manner, and in a manner befitting a member of the world community by recognizing its responsibilities to compensate victims of its acts of appropriation or at least American victims of its acts of appropriation and to demonstrate respect for the private sector of the economy, then and in that event its loans to the United States will immediately accelerate and become due and payable.

I think that this amendment is the very least we can do for American interests in Nicaragua that have been taken over by this new government, and I urge adoption of the amendment.

□ 1740

Mr. HARKIN. Mr. Chairman, will the gentleman yield?

Mr. LENT. I would be happy to yield to the gentleman from Iowa.

Mr. HARKIN. Mr. Chairman, I thank the gentleman for yielding.

I wonder if the gentleman in the well could advise us as to how the gentleman's amendment differs from the Hickenlooper amendment to the Foreign Assistance Act.

Mr. LENT. Well, the Hickenlooper amendment in the Foreign Assistance Act provides that the President should suspend assistance to governments which behave in this manner; however, the Hickenlooper amendment, in my opinion, gives the President a little too much leeway. In the first place, it does not require, as this amendment does, that the President refer claims to the Foreign Claims Settlement Commission for evaluation.

Second, there is no adequate followup under existing law to determine Presidential inaction on advisory opinions from the Commission. So far as I am aware, I do not know of one, and perhaps the gentleman can correct me, I do not know of one American investor who has ever received compensation under the Hickenlooper amendment.

This amendment, on the other hand, would insure that all American citizens' claims against the Nicaraguan Government are considered by requiring that all claims received by the President be referred to the Commission for consideration and for an advisory opinion. There are time frames provided for in this amendment similar to that provided in the Hickenlooper amendment.

Mr. HARKIN. Mr. Chairman, would the gentleman yield further?

Mr. LENT. I would be happy to yield.

Mr. HARKIN. The Hickenlooper amendment seems to be much more clear cut than the gentleman's amendment. The Hickenlooper amendment requires that the President terminate aid at the instant that any country expropriates American property without just compensation. It seems to me that the Hickenlooper amendment is much more clearly defined than the gentleman's amendment.

Mr. LENT. The trouble with the Hickenlooper amendment is that it operates prospectively, it operates in the future. We all know as soon as this bill is passed and signed by the President, that $75 million is going to be delivered up very quickly; so what we are concerned about here, what we are trying to do here, we know the loan is going to be made as soon as it is passed by the House and signed by the President; but what this bill does that the Hickenlooper amendment does not do is it would have the effect of accelerating that loan. The due date of that loan will be due immediately if the Commission so advises.

Mr. BINGHAM. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment.

Mr. ZABLOCKI. Mr. Chairman, would the gentleman yield for just one moment?

Mr. BINGHAM. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Chairman, I thank the gentleman from New York for yielding.

Several Members have come by and asked how long we will remain in the Committee. I wish to advise that we will rise at 6 or at the conclusion of this amendment.

Mr. BINGHAM. Mr. Chairman, I rise in opposition to this amendment, because I am quite familiar with the operations of the Foreign Claims Settlement Commission. This amendment, while well motivated, does proceed on the basis of a total misapprehension of what the Foreign Claims Settlement Commission is capable of doing. This amendment would give the Commission a job to do in the next few months which it is totally incapable of doing. It is not staffed up for that.

I have in my hand the annual report, a recent one of the Commission. It has been engaged over a number of years in the complex, complicated job which takes time of analyzing the validity of claims made by U.S. citizens or property taken from them by expropriation of foreign governments. Currently the Foreign Claims Settlement Commission is totally focused on the job of evaluating and considering certain claims. The Commission is totally engaged today in reviewing and evaluating the claims against the East German Government for compensation there.

Its next step probably under the legislation which is now under active consideration will be to do the same thing with regard to Vietnam. This is extremely complicated. You have to give the claimants time to come in and file their claims, show their validity. It cannot be done in a matter of weeks. If it is done in a matter of weeks, it is going to be improperly done, particularly since the Commission has a very small staff, a few dozen people, probably less than 50, and they are totally engaged in one evaluation at a time.

This amendment would require them to evaluate within a space of a few days the validity of claims made against the Nicaraguan Government.

Now, the regular way in which this should be done, if it is to be done, and there is no reason why it cannot be done, is to amend the act that provides for the Foreign Claims Settlement Commission. It can then review the claims and see that the claimants get proper compensation when that is negotiated out.

There is another flaw with this amendment, which the gentleman from Iowa pointed to, but I think I would like to be more precise. This amendment which attempts to track the Hickenlooper amendment does not follow the provisions of the Hickenlooper amendment in terms of timing. The Hickenlooper amendment does say that under certain circumstances these matters of claims can be deferred to the Foreign Settlement Claims Commission. That, as a matter of fact, has never been done for the reasons that I first outlined, that the Commission is not capable of handling that kind of a job. It does not have the overseas staff to do that; but if it were done under the Hickenlooper amendment, there would then be a period after it submits its report of 6 months. The penalty does not apply as long as the government concerned is reasonably negotiating for the payment of claims. My information is that the firms, and there are only a couple of them that have not settled in Nicaragua, are engaged in negotiations. It would be impossible for the Commission to determine at this particular time or 2 months from now that the government had failed to meet its obligations under international law. What it is required to do under international law, for example, may be settled by arbitration.

Again I say, these are enormously complicated questions. They came up in the case of Chile under the Allende government. They have come up with a number of other cases. It takes time to resolve them. It cannot be done in a matter of weeks with a cutoff date such as this amendment would presume to impose.

Mr. SCHULZE. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the Lent amendment.

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. SCHULZE. I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Chairman, I rise in strong opposition to the Central American Assistance Act of 1979 which will provide $75 million in economic aid to the Marxist leadership in Nicaragua and only $5 million in aid to Honduras. I know that the proponents of this legislation claim that this aid is going to assist the remaining democratic forces in the country and that it will be directed to the private sector. I also know that the supporters of this legislation will try to claim that if we assist Nicaragua in rebuilding its economy, then they will remain our friends and we will not experience the same situation which occurred in Cuba. To all of my well-intentioned colleagues I say, take a closer look.

The private sector, what is left of it, is controlled by the Sandinistas. The Sandinistas have enacted three decrees that give them a stranglehold on private enterprise in the country. First, they nationalized all banks and allocate the credit to those businesses which they determine are in line with the junta. Second, the Sandinistas have taken over the foreign marketing of agricultural products which comprise 80 percent of Nicaraguan exports. In this way, the government is now using farm prices to force the pace of collectivization and carry out their announced objective of land reform. Third, the government struck at the remaining elements of the middle class by calling in all currency in $50 and $100 denominations on the grounds of preventing Somoza from destabilizing the currency with his stolen wealth. This move was particularly disastrous for small proprietors who took their savings out of the banks during the revolution.

Therefore, I seriously question how our Government could think it would be aiding the private sector with the $75 million in loans and grants. We would merely be placing this money in the hands of the Sandinistas to carry out the solidification of their regime throughout the country. We would actually be working against the remaining democratic elements of the country, since they would be overpowered by the Sandinista-sanctioned businesses and other agents of the Marxist regime.

Clearly, the Sandinistas have a tight hold on the reigns of power in Nicaragua. Self-appointed Sandinista committees have taken charge in the cities and control food distribution, the issuing of exit visas and passports, and many other activities. It seems almost impossible that any group not sanctioned by the ruling Marxists could obtain some of the aid proposed by the United States and use that aid to foster democratic ideals.

It is interesting to note, also, what the Sandinistas are saying about this proposed aid and what they think of their great friend, the United States. From the Foreign Broadcast Information Service, I have obtained an editorial which aired on December 30, 1979, on the Advance radio network in Nicaragua. In discussing the proposed U.S. aid package, the editorial states:

> All this sounds very good to some circles here, but let us look now at the intentions of that imperialist country's rulers.
>
> According to an AP report in a local paper, members of the Carter government have said one of the objectives of the "aid" is to promote a coalition government in Nicaragua instead of a Marxist regime, which implies pressure to give the bourgeoisie and the oligarchy a prominent place in the Nicaraguan government.
>
> From the economic viewpoint, the interventionist aspirations of the imperialist banks have not changed in essence, only in form. The aim is to perpetuate their political influence with the support, this time of reformist groups in Latin America and international reactionaries.
>
> * * * the Imperialists are clearly demonstrating their intention to maintain neocolonialist domination in a more subtle and thus more dangerous manner. Of course, it will be very difficult for them to intervene successfully in today's Nicaragua, but it is important to know what kind of aid we can expect from the U.S. Government: usurious loans with interventionist intentions. To believe otherwise is to daydream.

And that, Mr. Chairman, is what the Sandinistas think of our glorious efforts to provide their country with financial aid. Of course, they will gladly take the aid. Why not take a $75 million gift which will help bolster the power of the Sandinista regime in the country and further squelch any remaining voices of democracy.

What is even more freightening about this aid is that it will be used to help further destabilization and subversion in the remainder of free Central America. The Cubans and the Soviets were heavily involved in the Sandinistas overthrow of the Somoza government by providing weapons, advisory personnel, and various forms of aid. It appears that the next targets in this strategic part of the world are El Salvador, Guatemala, and Honduras. The United States is naive if it thinks some of this aid to Nicaragua will not go to funding subversion in these other nations.

In light of all these facts, I urge my colleagues to reject this aid package to further spread Marxism throughout Central America. The administration already made one serious mistake by helping to destabilize Somoza's power. Let us not add to that by providing financial support to push the remaining free states in Central America into the Marxist camp.

Mr. SCHULZE. Mr. Chairman, today I rise in opposition to this legislation and in support of the amendment offered by my colleague from New York (Mr. LENT).

Let me say that it is, in my mind, not in the best interest of our Nation to grant aid to this Cuban-backed Sandinistan government. We cannot simply overlook the flagrant violations of human rights and freedoms that this government has committed against its own citizens. Nor can we overlook similar atrocities which have been committed against citizens of our own country.

Let me cite as an example of the Sandinista's total lack of respect for human rights the case of an Episcopalian bishop, who is a constituent of mine. Bishop Derek Lang first went to Nicaragua in 1972 to assist in Managuan earthquake relief activities. After studying the long-term health needs of the Nicaraguans, Bishop Lang set out to build a hospital in the neediest part of the country. A small, ten-bed emergency hospital at the edge of the jungle was erected. After about 4½ years of operation, the hospital had aided almost 15,000 patients, and was functioning smoothly until the hospital and its personnel were stranded behind Sandinista lines. I now quote from Bishop Lang's recent letter accounting the events which followed:

> Everything was going well there until the insurrection hit our area. As I said, we were behind Sandinista lines May 13 to August 9. During this time, I was terrorized, arrested twice, beaten with the barrel of a machine gun and viciously kicked and battered, the hospital was systematically looted, personal property was stolen, and ultimately, the whole facility was confiscated. All of this was in accordance with the official policy of the Sandinista government! I felt myself very fortunate, indeed, to get out of that country with the clothing on my back . . . alive.
>
> I was and am outraged by the treatment accorded myself and my staff, but I am even more outraged that the Government of the United States would now—in effect—reward the brutality and extortion of American property by now funneling large sums of money to assist these people. It is my view that from the very moment the Sandinista's took up arms against the constitutional government, they became fully responsible for the consequences of its acts. One of the consequences was the loss of many years of work on my part on behalf of the people there, as well as the material and economic losses sustained. In a word, it is my view that the present Nicaraguan Government has an obligation to idemnify me for the property it expropriated.

We must remember that the brutality suffered by Bishop Lang was not an isolated act of terrorism, but rather represents the accepted ideology and behavior of the Sandinista government.

Should this legislative body vote in favor of granting aid to Nicaragua, it would be grossly unfair to pass such legislation without an amendment to assure equitable compensation to American citizens whose property has been seized by the Sandinistan government. Therefore, I ask that my colleagues keep in mind the example I have cited, and join me in support of this worthwhile amendment.

□ 1750

Mr. HARKIN. Mr. Chairman, will the gentleman yield?

Mr. SCHULZE. I yield to the gentleman from Iowa.

Mr. HARKIN. I thank the gentleman for yielding. The gentleman cited a letter that he had received from a Bishop Derek Lang?

Mr. SCHULZE. Bishop Lang. I will be glad to provide the gentleman with a copy of the letter.

Mr. HARKIN. Bishop Derek Lang, would he be the Bishop of Middleburg?

Mr. SCHULZE. That is correct.

Mr. HARKIN. I have in my hands a letter, a copy of a letter which went to the Ambassador of Nicaragua by a so-called Bishop Derek Lang, and it is signed Bishop of Middleburg. In his letter he states:

> I will be attending the congressional hearings in my official capacity as a Catholic Bishop and as a former missioner to your country, able to provide the Congress with a first-hand report of my own experiences before, during, and after your government came into power.

The CHAIRMAN pro tempore. The time of the gentleman from Pennsylvania has expired.

(At the request of Mr. HARKIN and by unanimous consent, Mr. SCHULZE was allowed to proceed for 3 additional minutes.)

Mr. HARKIN. Will the gentleman yield further?

Mr. SCHULZE. I yield to the gentleman.

Mr. HARKIN. We checked with the Catholic diocese in Pennsylvania. There is no such person as Bishop Derek Lang in the Catholic church.

Mr. SCHULZE. Does the gentleman know the meaning of the word "catholic?"

Mr. HARKIN. He says, "A Catholic bishop," and he has got a little seal up here on the letterhead.

Mr. SCHULZE. That does not necessarily mean a Roman Catholic. The word "catholic" means Christian in that phrase. I am not putting myself in his mind, but I presume he may be saying a member of the Christian church. I do not know. I cannot answer for what Bishop Lang says.

Mr. HARKIN. Can the gentleman assure this body that there is, indeed, a Bishop of Middleburg whose name is Derek Lang?

Mr. SCHULZE. I can assure the gentleman that I have received a letter from a constituent of mine. That is——

Mr. HARKIN. I would submit there is no such human being.

Mr. SCHULZE. Well, I think if the gentleman would like to delay the bill until we bring Bishop Lang here, I would be happy to do so.

Mr. HARKIN. I would like to meet the guy that wrote this letter.

Mr. SCHULZE. If the gentleman would like to move to suspend this operation until we bring Bishop Lang here, I would be happy to present him to the gentleman. I yield back the balance of my time.

Mr. FASCELL. Mr. Chairman, I move to strike the last word and rise in opposition to the amendment.

I shall be brief. The proponents of this amendment might be well intentioned in protecting the rights of American businessmen in Nicaragua whose properties have been expropriated, but let me put on the record that at least one claim has already been settled and others that are now pending are in various stages of settlement.

The amendment seeks to be punitive in that it would impose a shorter space of time for the consideration of adequate compensation for expropriation than the Hickenlooper amendment. But I would respectfully suggest to my colleagues that by mandatory referrment of the American businessman's claim to the Foreign Claims Settlement Commission, what it will do is delay the possibility of a settlement of that claim in a proper, timely fashion with adequate compensation. I am sure the gentleman did not have that in mind, but that is what his amendment will do by mandatory referral of the claim by the President to the Foreign Claims Settlement Commission when right now the dispute can be taken up by negotiation directly between the company and the foreign government.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. LENT).

The question was taken and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. LENT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 192, noes 197, not voting 44, as follows:

[Roll No. 82]

AYES—192

Abdnor
Albosta
Ambro
Anderson, Calif.
Andrews, N. Dak.
Applegate
Archer
Ashbrook
Atkinson
Badham
Bafalis
Bailey
Bauman
Beard, Tenn.
Benjamin
Bennett
Bereuter
Bethune
Bevill
Brinkley
Brooks
Broomfield
Brown, Ohio
Broyhill
Buchanan
Burgener
Butler
Byron
Campbell
Carney
Carter
Chappell
Clausen
Coelho
Coleman
Collins, Tex.
Conable
Corcoran
Coughlin
Courter
Crane, Daniel
Daniel, Dan
Daniel, R. W.
Dannemeyer
Davis, Mich.
Deckard
Derwinski
Dickinson
Donnelly
Duncan, Tenn.
Early
Emery
English
Erlenborn
Ertel
Evans, Del.
Evans, Ind.
Findley
Fish
Flippo
Florio
Fountain
Gaydos
Gilman
Gingrich
Glickman
Goldwater
Goodling
Gradison
Gramm
Grassley
Grisham
Guyer
Hall, Tex.
Hammerschmitt

Hansen
Harsha
Heckler
Hefner
Hillis
Hinson
Hollenbeck
Holt
Hopkins
Huckaby
Hutto
Hyde
Ichord
Jacobs
Jeffries
Jenkins
Jones, Okla.
Kelly
Kemp
Kindness
Kostmayer
Kramer
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lederer
Lee
Lent
Levitas
Lewis
Livingston
Loeffler
Lott
Lujan
Lungren
McClory
McDade
McDonald
McEwen
McKay
Madigan
Marlenee
Marriott
Martin
Mathis
Mazzoli
Mica
Michel
Miller, Ohio
Mitchell, N.Y.
Moorhead, Calif.
Mottl
Murphy, N.Y.
Murphy, Pa.
Myers, Ind.
Nichols
O'Brien
Pashayan
Paul
Pickle
Porter
Pursell
Quayle
Quillen
Railsback
Regula
Rhodes
Rinaldo
Ritter
Robinson
Roe
Roth
Royer
Rudd
Runnels
Satterfield
Sawyer
Schulze
Sebelius
Sensenbrenner
Shelby
Shumway
Shuster
Smith, Nebr.
Snowe
Snyder
Solomon
Spence
Stangeland
Stenholm
Stratton
Stump
Synar
Tauke
Taylor
Thomas
Traxler
Trible
Walker
Wampler
Watkins
White
Whitehurst
Whittaker
Williams, Mont.
Williams, Ohio
Wilson, Bob
Wilson, Tex.
Winn
Wolff
Wyatt
Wydler
Wylie
Yatron
Young, Fla.
Zeferetti

NOES—197

Addabbo
Akaka
Andrews, N.C.
Annunzio
Anthony
Ashley
Aspin
AuCoin
Baldus
Barnes
Beard, R.I.
Bedell
Beilenson
Bingham
Blanchard
Boland
Bolling
Bonior
Bonker
Bouquard
Bowen
Brademas
Brodhead
Brown, Calif.
Burlison
Burton, John
Burton, Phillip
Carr
Cavanaugh
Cheney
Clay
Clinger
Collins, Ill.
Conte
Corman
Cotter
Danielson
Daschle
de la Garza
Dellums
Dicks
Diggs
Dingell
Dodd
Downey
Drinan
Eckhardt
Edgar
Edwards, Calif.
Evans, Ga.
Fary
Fascell
Fazio
Fenwick
Ferraro
Fisher
Fithian
Foley
Ford, Mich.
Ford, Tenn.
Fowler
Fuqua
Garcia
Gephardt
Gibbons
Ginn
Gonzalez
Gore
Gray
Green
Guarini
Gudger
Hall, Ohio
Hamilton
Hance
Hanley
Harkin
Harris
Hawkins
Heftel
Hightower
Holland
Horton
Howard
Hubbard
Hughes
Ireland
Jeffords
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Kildee
Kogovsek
LaFalce
Leach, La.
Lehman
Leland
Lloyd
Long, La.
Long, Md.
Lowry
Luken
Lundine
McCormack
McHugh
McKinney
Maguire
Markey
Marks
Matsui
Mattox
Mavroules
Mikulski
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Moakley
Moffett
Mollohan
Moorhead, Pa.
Murtha
Myers, Pa.
Natcher
Neal
Nedzi
Nelson
Nolan
Nowak
Oakar
Oberstar
Obey
Panetta
Patten
Patterson
Pease
Pepper
Perkins
Petri
Peyser
Preyer
Price
Pritchard
Rahall
Rangel
Reuss
Richmond
Rodino
Rose
Rosenthal
Rostenkowski
Roybal
Russo
Sabo
Scheuer
Schroeder
Seiberling
Shannon
Sharp
Simon
Skelton
Slack
Smith, Iowa
Solarz
Spellman
St Germain
Stack
Staggers
Stanton
Stark
Steed
Stewart
Stokes
Studds
Swift
Thompson
Udall
Ullman
Van Deerlin
Vento
Volkmer
Walgren
Waxman
Weaver
Weiss
Whitley
Whitten
Wirth
Wolpe
Wright
Yates
Young, Mo.
Zablocki

NOT VOTING—44

Alexander
Anderson, Ill.
Barnard
Biaggi
Boggs
Boner
Breaux
Chisholm
Cleveland
Conyers
Crane, Philip
D'Amours
Davis, S.C.
Derrick
Devine
Dixon
Dornan
Dougherty
Duncan, Oreg.
Edwards, Ala.
Edwards, Okla.
Erdahl
Forsythe
Frenzel
Frost
Giaimo
Hagedorn
Holtzman
McCloskey
Montgomery
Moore
Murphy, Ill.
Ottinger
Ratchford
Roberts
Rousselot
Santini
Stockman
Symms
Treen
Vander Jagt
Vanik
Wilson, C. H.
Young, Alaska

□ 1810

The Clerk announced the following pairs:

On this vote:

Mr. Hagedorn for, with Mr. Biaggi against.

Mr. Forsythe for, with Mrs. Boggs against.

Mr. Symms for, with Mr. Conyers against.

Mr. Dornan for, with Mr. Charles H. Wilson of California against.

Mr. Devine for, with Ms. Holtzman against.

Mr. Rousselot for, with Mr. Dixon against.

Mr. Young of Alaska for, with Mrs. Chisholm against.

Mr. McKINNEY and Mr. ROSTENKOWSKI changed their votes from "aye" to "no."

Messrs. McKAY, ALBOSTA, GOODLING, and COELHO changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. ZABLOCKI. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BRADEMAS) having assumed the chair, Mr. PANETTA, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6081) to amend the Foreign Assistance Act of 1961 to authorize assistance in support of peaceful and democratic processes of development in Central America, had come to no resolution thereon.

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill just under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST THE CONFERENCE REPORT ON S. 643, REFUGEE ACT OF 1980

Mr. BEILENSON, from the Committee on Rules, submitted a privileged report (Rept. No. 96-786) on the resolution (H. Res. 586) waiving certain points of order against the conference report on the Senate bill (S. 643) to amend the Immigration and Nationality Act to revise the procedures for the admission of refugees, to amend the Migration and Refugee Assistance Act of 1962 to establish a more uniform basis for the provision of assistance to refugees, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ECONOMIC CRISIS AND A BALANCED BUDGET

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PANETTA. Mr. Speaker, in recent days there has been a growing sense of panic over the release of the latest economic indicators showing inflation growing at more than 18 percent a year. The response to this panic has been a renewed interest in wage and price controls. The Chairman of the Federal Reserve Board and others, however, have suggested that greater restraint in spending would be a better approach. Others have called for some kind of "shock action" that would break the economy out of the inexorable slide toward higher and higher inflation rates that it is now locked into.

While there are many possible approaches to the problem and many parties who have a role to play in its creation and solution, it is clear that the Congress does have a responsibility to act. Indeed, the clearest opportunity that the Congress does have comes when the first concurrent budget resolution is brought before the House. For years now, the Congress has debated, studied, and moved toward a balanced Federal budget. As a result of congressional actions, the Budget Committee in the last session indicated a series of actions that might lead to a balanced budget, and the President has done the same thing this year in his budget message. The information is there.

In this sense, the balanced budget approach, because it is within Congress control and because it is well understood, is a more achievable goal than implementation of wage and price controls, about which we know very little. Economists still argue about the impact of past experiments with controls, and obviously the kind and degree of implementation of any new program will affect its success. By contrast, we know how to balance the budget, and we can quite reasonably predict its impact on the economy and inflation rate.

As part of its responsibility to study areas of budget-cutting, the Budget

Committee's Task Force on Legislative Savings, which I chair, has received recommendations for savings in 56 different program areas from the Congressional Budget Office. These savings, which total more than $52 billion, are mostly in addition to the $5.6 billion in savings proposed by the President in his budget. In addition, the Task Force has generated billions of dollars worth of other savings proposals from its hearings last year and from on-going work with the General Accounting Office.

Right now, the CBO proposals and others are undergoing close scrutiny by a number of Republican and Democratic members of the Budget Committee, in preparation for the markup of the budget resolution. There is a very real drive to use these analyses to move to a balanced budget to be reported by the Budget Committee to the House.

As part of this effort, the Task Force on Legislative Savings will be holding hearings on March 10 to examine the CBO proposals and others in greater detail and to receive additional suggestions for reductions that can be implemented within the fiscal 1981 time frame. I would like to take this opportunity to invite those Members who do have suggestions on how to do this to let me know, so that these ideas can be incorporated into the hearings, or so that testimony can be scheduled.

Finally, let me remind every Member that he or she has a unique opportunity to affect the shape of the 1981 budget, even before it is marked up by the Budget Committee. In the very near future, every committee in the House will begin considering its March 15 report to the Budget Committee, laying out new areas of spending and reduction expected by the committee. Every Member, as a member of a standing committee, can push for that committee to recommend legislation that will reduce spending in program areas. The Budget Committee needs those ideas and will almost certainly incorporate them into the markup document, if they are recommended by a committee. Again, I cannot stress strongly enough what a significant opportunity this is for you to affect the 1981 budget.

These actions, taken together, can lead us to a balanced budget, if we are willing to put aside the special interests we all have that have driven Federal spending to its record-high levels. A balanced budget this spring, in turn, would be a real signal to the administration, the American people, business and labor, that we are serious about asking everyone to make some sacrifice to bring inflation under control and end its devastating effect on our lives.

BILL INTRODUCED PROPOSING TO UNITED NATIONS THE ESTABLISHMENT OF INTERNATIONAL OFFICE OF DIPLOMATIC SECURITY

(Mr. FITHIAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FITHIAN. Mr. Speaker, I have introduced a bill expressing the sense of Congress that the President of the United States should take appropriate actions to obtain the support of foreign states for, and to present a proposal to, the United Nations for the establishment of an International Office of Diplomatic Security within the U.N. Secretariat. The purpose of this Office would be to monitor compliance of signator nations with international agreements which guarantee the protection of diplomatic missions and their personnel.

The inviolability of diplomats and the premises of diplomatic missions is one of the oldest and most fundamental principles of international law. For centuries this principle has enjoyed universal acceptance as an essential element for peaceful relations among all nations of the world. Yet, over the last decade, erosion of this principle has become an international disgrace. Scores of diplomats from various countries have been kidnaped, harassed, wounded, and killed because of inadequate diplomatic protection from local governments—governments which are obligated under international law to provide such protection. This past year, we have seen the governments of countries, which are signators of international agreements guaranteeing protection of diplomats, overtly or tacitly encourage brutal attacks on diplomatic missions located in their territory. Our own Embassies in Iran, Pakistan and Libya were overrun by mobs; recently the Spanish Embassy in Guatemala was invaded by forces of the local government. Secretary of State Cyrus Vance has called diplomatic service for the United States abroad "hazardous frontline duty," and the Department of State has requested millions to improve security against terrorist attacks for our diplomatic posts abroad. Violence and the threat of violence have become unavoidable facts of contemporary diplomacy. The search for peace cannot prosper where terrorism reigns.

To reverse this destructive trend, we must restore respect for and observance of international agreements guaranteeing protection of diplomats and the missions to which they are assigned. Establishment of an International Office of Diplomatic Security would do much toward accomplishing this goal.

I would like to briefly describe how this Office would function. The multilateral agreements which the International Office of Diplomatic Security would seek to enforce have already been signed and ratified by the international community. Others may refine and improve them, but those existing set forth accepted standards of diplomatic security in international law. The United Nations is in fact the repository of the Vienna Convention on Diplomatic Relations and other international agreements guaranteeing protection of diplomats. Giving an organization of the U.N. a mandate to enhance compliance with these agreements would be a natural extension of the United Nations' mission to promote peaceful relations among its members.

The International Office of Diplomatic Security could operate with a small staff at U.N. headquarters and several regional representatives. The latter would periodically visit countries in their regions to evaluate diplomatic security through discussion with local authorities, members of the various resident diplomatic missions and other concerned groups. These representatives would also be prepared to travel to countries where a visit is requested by a state concerned for the safety of its diplomatic personnel, or where a deteriorating security situation warrants on-the-spot investigation.

When the International Office of Diplomatic Security determines that a government is not providing security in keeping with accepted international standards, it would immediately bring this to the attention of the host government. If a government so informed does not take prompt corrective action, then the Office would issue a warning to all states that it is unsafe for foreign diplomats in that country.

This resolution also recommends a mechanism for the U.N. to either entertain motions to sanction the delinquent country, or, if appropriate, to consider providing international assistance to enable that country adequately to protect its resident foreign diplomats.

This is not a complicated nor frivolous resolution. The international office it urges established is a practical and timely response to a compelling international problem. It is a problem which the United States cannot hope to effectively address alone. We can build barricades around our Embassies all over the world, but American diplomats abroad will still be in danger until international consensus on the necessity for all nations to provide adequate protection for diplomats has been restored. To meet this challenge, we must work in concert with other nations which are no less concerned than our own about the security of their people.

Today the United Nations' role in handling disputes between nations over violence against diplomats is to attempt to mediate already-raging confrontations. It tries to minimize damage to international peace in conflicts over whose origins it has little or no control. The International Office of Diplomatic Security would give the U.N. an active, ongoing intermediary role. Through regular liaison with local governments, it could do much to prevent deteriorating security from reaching the point that foreign diplomats are placed in imminent danger. Governments with domestic violence problems would be accountable on diplomatic security to a specific international organization rather than an inchoate ideal of international law—an ideal which in many parts of the world has been forgotten or is ignored with impunity. Bilateral representations to unresponsive governments over diplomatic security would, through the International Office of Diplomatic Security, be reinforced by the united voice of the international community.

There is a very important element of my resolution which I want to especially recommend to the attention of Members of this body. That is the provision whereby the International Office of Diplomatic Security would issue a warning to other states when it finds conditions in a given country unsafe for foreign diplomats. Such a warning would give the United States and other nations international sanction for removing diplomats from danger. What happened in Tehran may have been prevented if such a system had been in effect. No U.S. administration has deliberately endangered the lives of its diplomats, but historically it has been very difficult to make the decision to unilaterally pull out our diplomatic personnel. It is extremely difficult to abandon the field in a troubled country which may be a traditional friend of the United States. Such a withdrawal is an explicit expression of complete lack of confidence in a government's ability to maintain order. Such a withdrawal can potentially do serious damage to future relations with that country. The temptation, even in an obviously dangerous environment, is to give an unstable government the benefit of the doubt on security. Introducing an outside international judgment would minimize damage to our bilateral relations and greatly lower the threshold for reducing our diplomatic presence when a doubtful security situation exists.

When an International Office of Diplomatic Security is effectively carrying out its mandate, we can reasonably hope that there will be no more diplomatic missions taken over by terrorists; that there will be no more Tehrans. What happened at the American Embassy in Tehran must never happen again. We in this Congress owe it to those 50 or more hostages to insure that such a violation of universal standards of conduct is never repeated. Let us through passage of this resolution seek to put in place an organization which may spare our own or another nation such a trial. I urge my colleagues to support this timely and practical approach to a problem which can no longer be tolerated on the international scene.

SHUSTER BLASTS USRA CONRAIL STUDY

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, as former Chairman of the National Transportation Policy Commission and as ranking member of the Surface Transportation Subcommittee of the Public Works Committee, I rise today to comment on the U.S. Railway Association's report released on February 23, 1980, entitled "An Evaluation of the Marketing and Competitive Aspects of Limited Access by Other Rail Carriers into ConRail's Region." Mr. Speaker, this report is one of the most inane, incomplete and incompetent pieces of purported economic analysis of transportation that I have ever seen.

The USRA has studied the question of whether additional railroads should be permitted to compete against ConRail without even addressing three fundamental issues: First, no estimate of the effect on operation and capital costs on ConRail or other carriers was made; second, no estimate of the financial impact on the Federal Government or other parties could be undertaken; and third, each case was studied independently of the other. The effects of combinations of the packages were not studied. It is absolutely absurd to discuss increasing railroad competition against ConRail without evaluating the financial impact on ConRail. For the USRA conclusion to state that "increased competition has a negative effect on ConRail's carloadings and freight revenue" is tantamount to acknowledging that the Sun rises every morning.

If there were a high degree of demand elasticity in the railroad industry then increased competition in a financially depressed industry might be justified. However, USRA does not make this argument, nor could they since demand in the railroad industry is highly inelastic. There is only so much freight to be hauled, and increasing competition will not increase the quantity of that freight. In fact, the manufacturing base in the Northeast has been declining over the past 20 years, thereby shrinking the market for rail services relative to the rest of the country.

It is obvious from this sophomoric study, which could not get a passing grade in a beginning economics class, that we could save the taxpayers some money by getting rid of the USRA.

The USRA chose 5 separate proposals or packages for analysis, which were:

First. Entry of the Chessie System into New Jersey over the former Reading & Lehigh Valley lines;

Second. Entry of a southern carrier into Indianapolis from Cincinnati via Lawrenceburg, Ind.;

3. Entry of a western carrier into Indianapolis from St. Louis via Mattoon, Ill. and Greencastle, Ind.;

Fourth. Extension of the Toledo, Peoria & Western from Logansport, Ind. to Columbus, Ohio; and

Fifth. Expanded access of the Delaware & Hudson in northern New Jersey via the former Lehigh Valley line and improvement of D. & H. routes to Philadelphia and Washington, D.C.

The USRA acknowledged that the packages do not represent recommendations of the association, but are merely examples of some markets presently served by ConRail which may be attractive candidates for other carriers.

Those who want to see a revitalized railroad system in America surely must know that ConRail cannot be made more profitable by increasing rail competition in the region it serves. If more people are competing for the same pie, everyone gets a smaller slice. If one lemonade stand in the neighborhood cannot get enough business to be profitable, putting up a second one in the same area certainly will not help improve business. It is bad enough that taxpayers are asked to support one railroad in the Northeast. I do not believe they would take kindly to being asked to subsidize several.

Mr. Speaker, ConRail does not need more competition, ConRail needs more business, and those of us who want to see a better transportation system in the Northeast would do well to work to improve ConRail rather than destroy it.

CONGRESSMAN SHARP INTRODUCES LEGISLATION TO SET A REASONABLE LIMITATION ON COAL SEVERANCE TAXES OF 12.5 PERCENT

(Mr. SHARP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHARP. Mr. Speaker, as we consider our national goals for the 1980's, we must recognize two compelling lessons of the last decade: The need for national unity in confronting threats to American prosperity, and the even more pressing need to free this Nation from our crippling dependence on petroleum imports.

The Iranian situation and the unrelenting OPEC price increases of recent years make it glaringly obvious that we can no longer afford to place our energy future in the hands of the economically greedy and politically unstable nations of the Middle East. The threat of the Russian presence on Iran's borders underlines the urgency of our need for freedom from dependence on imported oil.

Our vast coal reserves clearly can help free us from the domination of OPEC. In fact, the United States has more coal than the oil reserves of all the OPEC nations combined. As Members of this Congress and the administration have recognized repeatedly in these last 4 years, now is the time for all of us to cooperate in developing this great national resource, as a substitute for foreign oil, with maximum efficiency and minimum economic restraint.

National policy presently requires utilities and industries to limit their use of oil and natural gas. This greatly enhances the market importance of Montana and Wyoming coal, strengthening their ability to charge exorbitant taxes.

These excessive tax rates are a burden on interstate commerce. They are an impediment to achieving national energy goals. They add to inflation and are unfair to consumers.

The States of Montana and Wyoming together hold nearly half of America's coal, and the importance of their coal to the United States will clearly grow. Their coal severance taxes are far higher than taxes on any energy-producing resource in any other State.

Wyoming's tax is 17 percent, and Montana's is an overwhelming 30 percent. The revenues from these exorbitant taxes far exceed any costs these States bear to support coal production, and, indeed, Montana places a full 50 percent of its severance tax earnings in a trust fund to collect interest for the indefinite future.

What is especially outrageous about these exploitive taxes is the fact that they are borne principally by consumers in 20 other States, who have no voting voice in deciding the rates of tax they must pay. Most of these consumers are utilities who use this coal to produce electricity and pass the cost of these exorbitant severance taxes on to their rate-paying customers.

Mr. Speaker, these excessive taxes are indefensible from any point of view. They threaten our national energy policy goal of increasing coal production, they contribute to inflation, and they are absolutely unrelated in amount to any coal development costs the States bear now or will bear in the foreseeable future. But unless some restraint is imposed, these States will continue to exact these oppressive coal taxes, and will tempt other coal producing States to indulge in similar tax profiteering.

The only power to check this trend to coal tax profiteering lies with the Federal Government. Accordingly, I am today introducing legislation which will set a reasonable limitation on coal severance taxes of 12.5 percent.

This limitation leaves ample leeway for States to obtain compensation for the costs they actually bear to support coal production. However, it will prevent further severance tax exploitation and remind all States that we must work together to develop American coal and end our dependence on imported oil.

Mr. Speaker, I urge you and all the Members of this Congress to join me in supporting this much needed legislation. We must not encourage the practices of a domestic OPEC if we are to free ourselves from the domination of the OPEC abroad.

□ 1210

REMARKS BY REPRESENTATIVE JIM COURTER REGARDING THE HISTORIC EXCHANGE OF AMBASSADORS BETWEEN EGYPT AND ISRAEL

(Mr. COURTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COURTER. Mr. Speaker, today marks an historic occasion in contemporary Middle East history. For the first time since its creation in 1948, the State of Israel has full diplomatic relations with an Arab State: Egypt. I wish Egyptian Ambassador to Israel, Saad Murtada, and Israeli Ambassador to Egypt, Eliahu Ben-Elissar, the very best of luck in their difficult yet unique roles.

Egypt, the most populous and strongest of the Arab States, under the wise and courageous leadership of President Sadat, has decided that peace with Israel is the correct course of action for his nation. The main external threats to Egypt are the Soviet Union and Libya, not Israel. Two weeks ago, President Sadat was quoted as saying before the Egyptian people's assembly that Israel:

> Completely, honorably and sincerely carried out its commitments . . . when they sign a document, they honor it. This has happened with Golda Meir and with Begin. When they sign, they honor their signature and implement agreements with integrity and honor.

As for Israel, she, too, is taking grave risks. Her defense lines will eventually revert to the vulnerable border of 1967. Yet, for Israel, the promise of peace is worth the risks. I am convinced that both peoples are tired of war and long for a peaceful and enduring relationship.

In order to insure the continued viability of the peace process, I believe that it is of the utmost importance that the United States continue to give its strong diplomatic, economic, and military support to both nations. Military support to Israel must continue at the levels she requires and will require to defend herself against any eventuality. At the same time, Egypt must have the arms she needs for legitimate self-defense.

Finally, I believe that the relationship between these two nations must stand on its own. Yes; there are other problems to be solved, but let us give peace a chance to take hold without artificial deadlines regarding other matters. May this momentous occasion be only the beginning of a new era of peace in the Middle East that will act as a bulwark against Soviet expansion in that region.

On this occasion, let us remember the words of President Sadat who said today:

> Let every one of us light a candle of compassion and understanding. With God's help we shall overcome.

ENERGY CONSERVATION TAX INCENTIVE ACT OF 1979

(Mr. KRAMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KRAMER. Mr. Speaker, today I am introducing legislation which will provide incentive to all Americans to conserve energy in their homes and places of business.

The Energy Conservation Tax Incentive Act of 1979, will amend the Internal Revenue Code of 1954 to provide certain tax incentives for expenditures resulting in energy conservation. As you may know, the Energy Tax Act of 1978 provided for tax credits to individuals and businesses for energy conservation. Under this act, a citizen can claim a 15-percent tax credit (up to $2,000) for expenditures for energy conservation property such as insulation, storm windows and clock thermostats. The act also provides to individuals a 30-percent tax credit for the first $2,000 of expenditures and a 20-percent credit for the next $8,000 on solar, wind and geothermal equipment. For businesses, the act provides a 10-percent tax credit for the installation of certain energy conserving equipment.

This legislation will double the 15-percent residential credit to 30 percent and increase the 30 percent residential renewable energy credit to 50 percent. It will double the business credit from 10 to 20 percent.

In addition, the bill will expand the categories for which the credit can be claimed. It will allow the residential energy tax credit to be claimed for the purchase of heat pumps, air-tight woodstoves, replacement of oil and gas furnaces as well as for other proven energy saving devices. My bill extends the credit to landlords and joint owners of homes, and will allow citizens to claim the credits on other than primary residences. The legislation provides that the business credit can be claimed for the retrofitting of equipment that is 10 percent more energy efficient and for the purchase of waste heat recovery equipment.

Finally, in order to assist citizens in making informed choices on the type of energy alterations they make to their homes and businesses, this legislation provides a 75 percent tax credit for costs incurred when having an energy audit made by a certified engineer. In addition, a 50 percent tax credit is provided for the costs incurred in having a certified engineer check the continued energy efficiency of the home or place of business each year after alterations have been made.

Energy tax credits have proved successful. The IRS reports that almost 6 million people claimed the credit during the first year. This success was achieved despite the strict limitations which are imposed on claiming these credits.

This legislation will make optimum use of this successful tool to encourage energy conservation. In addition, using tax credits to encourage energy conservation has several advantages. As pointed out, tax credits actually do encourage people to make energy saving alterations on their homes and businesses. Tax credits do not necessitate the establishment of a new government bureaucracy. They allow citizens to choose which type of alteration is most appropriate for their home. Finally, this bill allows citizens to choose and employ a qualified certified engineer to provide the energy audit.

The need to find immediate solutions to our energy problems is great. Conservation can play a major role in getting us through the critical years ahead. However, the impact conservation can make depends upon how many Americans join in the effort. With this bill, the government can promote a policy that will give incentive to all American citizens to become energy conservers.

A TRIBUTE TO THE HONORABLE HARLEY O. STAGGERS

The SPEAKER pro tempore (Mr. BRADEMAS). Under a previous order of the House, the gentleman from West Virginia (Mr. RAHALL) is recognized for 60 minutes.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on this special order paying tribute to the Honorable HARLEY STAGGERS of West Virginia.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. Mr. Speaker, I rise today to not only pay tribute, but to thank one of the most distinguished men who have ever served in this Chamber, HARLEY O. STAGGERS, for his many years of dedicated service to the State of West Virginia and to the Nation.

Since 1948, HARLEY STAGGERS has represented the 22 counties that comprise the Second Congressional District of West Virginia, at a high level of public service that will be hard to match.

Born in Keyser, W. Va., the son of Jacob and Frances Staggers, he attended public schools in Mineral County and was awarded an A.B. degree from Emory and Henry College.

HARLEY STAGGERS has been a teacher, a football coach, a brakeman on the railroad, a rubber worker in Akron, worked in the wheat fields of Oklahoma and Kansas, a sheriff, a veteran, a Congressman, and most of all, an extremely decent man.

As chairman of the House Committee on Interstate and Foreign Commerce, HARLEY STAGGERS has engineered many major pieces of legislation through this body. Such as: Measures affecting the health of our children, consumer protection, transportation, communications, environmental quality, and a national energy policy.

The scope of HARLEY STAGGERS' accomplishments may really never be felt, until he is no longer a Member of this House.

The impact of his decision, announced yesterday, not to seek reelection cannot be completely felt at this time. His absence will be felt, when this House grapples with issues that HARLEY STAGGERS dealt with with such ease and understanding.

Having myself been elected in 1976, HARLEY STAGGERS has been of tremendous help to me. As the senior member of the West Virginia delegation, he set an example and work load, not easy to follow. One can only try to be like HARLEY STAGGERS, no one however, will ever take his place.

I wish him, his wife Mary and their six children the very best. They deserve this time that they will have together.

It is ironic, I guess, that just a week ago today, I joined Mr. JOHNSON, the distinguished chairman of the House Committee on Public Works and Transportation, who I am honored to serve under, in introducing a measure to name the Federal building in Morgantown, W. Va., the "Harley O. Staggers Federal Building."

At the time this bill was introduced, we had no idea of HARLEY's plans. Now the decision to submit this measure takes on new light, and I urge my colleagues to join us in the speedy passage of this very small attempt to honor a man we will not forget.

I will miss him. You will miss him. But we can all be assured that our time as Members of this House were enriched by the presence of HARLEY O. STAGGERS.

□ 1820

Mr. ECKHARDT. Mr. Speaker, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Speaker, I thank the gentleman for yielding. I want to compliment him for taking this time.

Mr. Speaker, there can be no more fitting beneficiary of the tribute the gentleman has given here than my chairman. I would just like to say a few things about my experience on the committee with the chairman of my committee. I do not think there has ever been a time in the history of this country and the history of this House in which there was more pressure on a chairman of a committee and on a full committee to take action in favor of a special interest than the period in which HARLEY STAGGERS has served on the committee as chairman of the Committee on Interstate and Foreign Commerce; nor has there ever been a time when a man who was fairer and less influenced from the outside, more influenced from the people and from his colleagues in Congress, than my chairman.

It was in that period of time when a great amount of legislation was passed controlling the price of oil, when it was enacted. There is not any more powerful in the world than the oil lobby, and yet our chairman took the lead in 1975 in the passage of the bill which controlled the price of oil at that time, and probably saved the American people some $60 billion over the period of time from its passage until the time that it will ultimately go out of effect. One can imagine how many chips were riding on that issue, how much pressure was placed.

I can remember the time when HARLEY STAGGERS was standing as the highest-ranking person in favor of the people's interest with respect to those issues that were before us. On the other side—and I speak it with respect to all who opposed him—was the President of the United States, the Speaker of the House, most of the power in the Senate. But, one man stood up and fought for the people's rights, and ultimately won. It was almost a miracle that that success was accomplished.

The same leadership has been extended through this entire period when I have served on that committee. I have had the pleasure of being on it most of the time while he was chairman. I am sorry that I did not get it during my first term. Then, I could have said almost the whole period. But, it has been a time when one feels good because he knows that he has got a good man as his leader.

Mr. Speaker, I want to join in tribute to him today.

Mr. RAHALL. I thank the gentleman.

Mr. ADDABBO. Mr. Speaker, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from New York.

Mr. ADDABBO. Mr. Speaker, I commend the gentleman from West Virginia for taking this time. Very often, we read about the greatness of a man after he has left us, but to speak of a man who has served the country, his State, and his district so greatly I think is one of the greatest honors we can bestow upon him.

It has been my privilege to serve in this House with HARLEY for the past 20 years. He has been a great friend and a great buddy. In my own problems with the Idlewild Airport, he has been a great adviser. I commend the gentleman in the well for having named a building after HARLEY STAGGERS, because I think it will not only be a monument, a memento, but I think more importantly, that as the youth of America, especially in West Virginia, grow up they will look at that building and say, "Who is HARLEY STAGGERS," 20 or 50 years from now. They will hear the story of a man born in a log cabin, of humble upbringing, who worked all his life and became chairman of a great committee of this House; who brought to this Nation much-needed, much forward-looking legislation.

Mr. Speaker, I commend the gentleman in the well for taking this time.

Mr. Speaker, HARLEY O. STAGGERS of West Virginia, one of the most revered gentlemen ever to serve in the House of Representatives, recently announced his retirement.

HARLEY STAGGERS has brilliantly served this Nation for 32 years. In that time he has met every challenge head on with a determination not found elsewhere. I suspect that may have had something to do with his background. He was born in a log cabin in West Virginia. Prior to serving in Congress he worked in a West Virginia silk mill, an Ohio tire factory, and in the wheatfields of the Midwest. He was a railroad brakeman, a college football coach, and a county sheriff. During World War II he served his country as a gunnery navigator with the Naval Air Corps in the Atlantic and Pacific theaters. After all, you need the tenacity of a football coach, the quick thinking of a brakeman, and the coolness of a sheriff to be the chairman of the House Committee on Interstate and Foreign Commerce.

Over the years, some of the most vital legislation for this county has had his mark on it. As chairman he often had to handle many controversial and complex issues and handled them all with great aplomb. He was a chief backer of legislation to create and improve Amtrak, to modernize railroads, to support mass transit projects, and to insure the continued safety in auto and air transportation. He has been instrumental in supporting nearly every health bill passed by Congress in the last decade, and has authored bills on such wide-ranging matters as consumer protection, pollution, broadcasting, veterans affairs, education and agriculture. His diverse knowledge on these many issues have made him a key man to consult with on legislation.

When I first came to Congress 20 years ago, one of the first men I met was HARLEY. Over the years we have become good friends and have shared many a happy moment while working in the House. His retirement will be a great loss because men such as himself do not come along every day to serve. The man from the Mountaineer State will never really be replaced and I shall miss his presence in this Chamber. He says he wants to go back home to travel, enjoy friends, visit family and to read and write. After 32 years in Congress he certainly is entitled.

Mr. CARTER. Mr. Speaker, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from Kentucky.

Mr CARTER. Mr. Speaker, I thank the distinguished gentleman for yielding.

Mr. Speaker, I am pleased to have this opportunity to join in this tribute to my good friend—and chairman—HARLEY O. STAGGERS.

HARLEY STAGGERS has been my chairman on the Commerce Committee for many years. Let me say that no Member has ever been as privileged as I to have had such a chairman. He has always been considerate of those of us on the minority side, and he has always been extremely helpful to me as an individual.

He is a man of unquestioned ability and integrity, and I want him and the other Members of this body to know that I am grateful for the friendship and kindness he has shown me.

There is a poem which goes:

If with pleasure you are viewing
Any work a man is doing,
And you like him, or you love him, say it now!
Don't withhold your approbation
Till the person makes oration
And he lies with snowy lilies o'er his brow . . .
For no matter how you shout, he won't really care about,
He won't know how many teardrops you have shed.

More than fame and more than money
Is the comment, kind and sunny,
And the hearty warm approval of a friend;
Oh! it gives to life a savor
And strengthens those who waver
And gives one heart and courage to the end.
If one earns your praise—bestow it!
If you like him—let him know it!
Let the words of true encouragement be said! . . .

Mr. Speaker, I am glad that we are offering these words of true encouragement to our good friend from West Virginia.

I wish for HARLEY and his wife Mary many, many years in which to enjoy their well-deserved time together.

Mr. RAHALL. I thank the gentleman for his comments.

Mr. McEWEN. Mr. Speaker, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from New York.

Mr. McEWEN. Mr. Speaker, if I am not in good voice as I rise to make these remarks, may I say that the gentleman from West Virginia, whom we are rightly honoring, is really in a measure responsible for my problem.

Mr. Speaker, I lost my voice at a hockey game between the United States and the Soviet Union. I am afraid that I got carried away a bit in my shouting to our players and their opponents. Why do I say the gentleman from West Virginia, Mr. Speaker, is somewhat responsible for my problem?

☐ 1830

Mention has been made of his great chairmanship and the things that his committee has done. I think at this moment, after the glorious thrill of victory that we all witnessed of our U.S. hockey team in that series at Lake Placid, I would be remiss indeed if I were not to rise and say this to the gentleman from West Virginia: that then and now and from the beginning of the moment when it was decided to host these games, the gentleman from West Virginia, as chairman of this committee, understood what this meant, what it could mean to America in the eyes of the world if we were to successfully conduct these winter Olympics.

I thanked the gentleman then, and I do so now, for understanding early, when, frankly, Mr. Speaker, some did not understand, the significance of these games, because not only tens of millions of people in the United States and here in North America were going to watch them but millions of people all across the world, including, I might say, the Soviet Union, who witnessed that hockey game by the millions and saw what many rightly considered one of the great hockey teams in the world defeated by a bunch of young Americans who just got fired up.

Mr. Speaker, the gentleman we honor, the gentleman from West Virginia, HARLEY STAGGERS, had a large measure early on in seeing what it could mean to this country and to the world to host these games.

So I say to him again, as I have said many times, "Harley, thank you for realizing what it was about and for supporting this effort." I think my voice is about gone.

Mr. Speaker, I say to the gentlemen, "All America now recognizes this as having been a great achievement for this country, and God bless you."

Mr. PEPPER. Mr. Speaker, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from Florida.

Mr. PEPPER. Mr. Speaker, I thank the able gentleman for yielding to me.

When the word got around that HARLEY STAGGERS was leaving this House at the end of this session, every Member of this House felt a deep sense of personal loss because he was losing a cherished friend. We also felt a keen loss because the country at a critical time in its history is being deprived of the ability, the services, and the dedication of one of the ablest Members of Congress, one who has made a brilliant and a great record in his service here in this House.

I did not know him well. I knew of HARLEY STAGGERS during the last 2 years that I was in the Senate, in 1949 and 1950. Being a Member of this House has given me the privilege of having a deep and abiding friendship with him and with his lovely wife Mary. I have been on ships with them; I have seen the character that they reflected abroad as well as here, the character of our country and our people.

I have seen the integrity, all during the years he has been here, that HARLEY STAGGERS exemplified to his colleagues and to his fellow countrymen. I have seen him here on this floor, and from his work on his committee I saw the expression of his great ability to get legislation through—tough legislation—when he had to fight up the hill.

A friend of mine down in Florida, a turpentine fellow from west Florida who was in the State senate, said, "I was one of those men who had to fight up the hill of life with the Sun in my face." Ofttimes HARLEY STAGGERS has had to fight with the Sun in his face, as it were—the "Sun" of opposition, the "sun" of lack of understanding, and the "Sun" of some interest that was protected and that did not want to see the public interest served by the passage of legislation.

HARLEY STAGGERS has made a record here that he will always be proud of, one that will always be a monument to him as a Representative. But in addition to that, HARLEY STAGGERS has been the kind of man that you revere, the sort of a friend whom you cherish. He has been the kind of fellow who would not run out on you when the shooting started or the going got rough.

He has been the kind of man who is not lightly attached to his ideals and the principles by which he has been motivated in life. He has always been gentle and kind, but there are hoops of steel in his character and in his determination when it is formed for a good cause.

So, Mr. Speaker, it is a privilege for me to attest to my reverence, my share of reverence, for this great man. At a time when there are some who point the finger of accusation against Members of Congress, no hand of criticism or accusation was ever aimed toward HARLEY STAGGERS. He exemplified character, he exemplified integrity, and he exemplified love of his country in his public service.

So not only will his district lose its great Representative but this country will lose an able leader, a leader who has made America bigger and better and greater because of the great service that he has performed.

Mr. Speaker, I also want to pay tribute to his wonderful wife Mary, whom so many of us know and whose friendship we also cherish. We have seen the gracious kindness she exhibits in her relations with other people; we have seen her compassion and concern for others, helping them in any way she can.

What a wonderful couple they have been. They typify the finest in family relationships. They show the character of this wonderful family in the way they manifest the religious and moral side of their lives to their friends and all who know them. What a wonderful couple they are. What wonderful people they are.

Mr. Speaker, I would say in conclusion that I would like to quote, for somebody who especially deserves it, the words that Antony delivered on the battlefield of Philippi when he came upon the fallen body of Brutus. Looking upon his, he said:

> His life was gentle, and the elements
> So mix'd in him that Nature might stand up
> And say to all the world, This was a man!

Mr. Speaker, HARLEY STAGGERS is a man.

Mr. RAHALL. Mr. Speaker, I thank the gentleman from Florida (Mr. PEPPER) for his wonderful words.

Mr. VAN DEERLIN. Mr. Speaker, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from California.

Mr. VAN DEERLIN. Mr. Speaker, the word, "America," has entered frequently into the words of those who have already spoken. I think that is particularly appropriate, considering the man who is being honored in this sequence of speeches.

"America" is a word that HARLEY STAGGERS is able to use in a way that very few of us do, without self-consciousness or without apology. He has, even on those occasions when some of us have found it necessary to disagree with him, always stressed what he considered to be the interests of America and held them to be paramount.

It is interesting to this committee that the gentleman from West Virginia (Mr. STAGGERS) has headed for more than a very difficult decade may be in a sense the most American of committees. It was organized in the year 1795. It is, therefore, the oldest of the committees of the House of Representatives. It must have been the 3d or 4th Congress in which this committee was formed.

Surely in the area of the vast jurisdictions that this committee covers, particularly the regulatory scheme and the life and commerce of America, the land that HARLEY STAGGERS loves so well, no one could have been better prepared for leadership of such a committee than the man we honor, especially when we consider not just his beginnings but his nature, his adult life, and the variety of skills that he has mastered. He has been a teacher, a football coach, and a locomotive fireman. He was a county sheriff.

When we consider that all this occurred more than 32 years ago, when he assumed the mantle of a Member of the U.S. Congress, with the great breadth of subject matter that he has covered both as a Member and finally as chairman of this great committee, we find that the words of even the gifted Members who have addressed us already are hardly equal to the occasion.

☐ 1840

I think that, despite all of these points to be made about HARLEY STAGGERS, the thing that I will remember about him the longest will be his absolute fairness. Sure, he is a man of passion, a man who, to his credit, can get worked up about an issue that he considers important. And sometimes he had what we might call a fast gavel. But on those rare occasions when he used a fast gavel, he was always the first one to come to you and confess that he had used a fast gavel and, on occasion, to make acknowledgment publicly.

I just tell you that those of us who have served happily on his committee for so long are going to wait a long time to find another man like HARLEY STAGGERS.

Mr. RAHALL. I thank the gentleman for his comments.

Mr. MAGUIRE. Mr. Speaker, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from New Jersey.

Mr. MAGUIRE. I thank the gentleman from West Virginia (Mr. RAHALL) for taking this special order.

I have noted the eloquence of the speakers who have preceded me, and I wish to associate myself with all of their very accurate and generous remarks about my chairman, HARLEY STAGGERS.

I would like simply to add that as a new Member, coming here in 1975, I found that the chairman of my full committee, HARLEY STAGGERS, was unfailingly helpful to me, willing to meet with new Members, to teach them the process, willing to talk with them about their concerns and their ideas, willing to attempt to conduct the legislative process so that every member of the committee, regardless of how senior or junior that member might be, had a full opportunity to participate in the deliberations of the committee and in the strategy sessions relating to the committee's work and the very important issues that we dealt with in the years that I have had the privilege of serving on the committee chaired by Mr. STAGGERS.

Mr. Chairman, Mr. STAGGERS is a man who cares a great deal about this country, and he has shown it over many more years than I have known him. But I wanted to join in this tribute to his patriotism, to his leadership and to his willingness to help younger people learn the ropes of Congress and participate fully in the process of democracy in our country.

Mr. RAHALL. I thank the gentleman for his remarks.

Mr. SHARP. Mr. Speaker, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from Indiana.

Mr. SHARP. Mr. Speaker, I am delighted to join with my colleagues in praising the career and the work of Chairman STAGGERS.

It is difficult to add to the things that have been said. I know Chairman STAGGERS from long hours of hard energy conference committees where he showed strong and able leadership and where there, as everywhere, he always advocated that we try to do what is right for this country, what is right for the future of this country.

One story comes to mind about him. When he was in the subway, returning from one of those busy conferences, going back to the Rayburn Building, there was a group of sixth graders from somewhere else in the country, they were not from West Virginia, and one of the guards pointed out that "There is a chairman of the House of Representatives." And Chairman STAGGERS went over to this group of sixth graders and he spoke to them about how much he believed in this country, about how much he believed in their future, what they could do to become good citizens.

The one enduring thing that HARLEY STAGGERS has contributed by example, and which he was contributing to these young people in education, is what ultimately counts is the character of the individual. That was his message to these sixth graders. He took time from his busy schedule, as he must have done many, many times in his career to make sure that those critical values, the critical appreciation of the character of an individual, was communicated and fostered in this country. I think he deserves our praise and our respect, and I am sure he will be long remembered in this Chamber after he has retired. Hopefully he is going to be back here any number of times to visit with us and to offer his advice and insight as an outsider after his many, many years of being an insider.

Mr. RAHALL. I thank the gentleman for his comments.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from Illinois.

Mr. McCLORY. I thank the gentleman for yielding.

Mr. Speaker, I never had the privilege of serving on the committee chaired by the distinguished chairman, the gentleman from West Virginia (Mr. STAGGERS), who has announced his retirement, but I could not be here on the floor on this occasion while tributes were being paid to him without expressing my own feelings of friendship and respect and affection for HARLEY STAGGERS.

I have observed him here on the floor many times in the presentation of legislation in a very genuine and in a very straightforward way. He has taken a lot of gaff, he has taken a lot of harsh treatment here on the floor from time to time, but he has stood his ground and he has comported himself with great dignity, with qualities of statesmanship and leadership which deserve the respect and the admiration of all of the Members of the House.

Mr. Speaker, I also want to say that my experience here in Washington has brought me in much closer contact with his beloved State of West Virginia, and I have had occasion to visit in his congressional district a number of times and to realize what a great constituency he has and to learn about the great affection in which they hold their distinguished Member of this House of Representatives, HARLEY STAGGERS.

So it is really with pride that I point to him as a friend and a colleague, and it is an honor to be part of a body which is served so ably by HARLEY STAGGERS and to take this occasion to express to him my warm and sincere friendship and my good wishes for the active life that I know he is going to pursue in the years ahead.

Mr. RAHALL. I thank the gentleman for his remarks.

Mr. LUKEN. Mr. Speaker, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from Ohio.

Mr. LUKEN. I thank the gentleman for yielding.

Mr. Speaker, along with the other Members of this House, and especially those of us on the Commerce Committee, I felt a certain sense of disappointment, even shock, at the thought of the House of Representatives without HARLEY STAGGERS, and the thought of the Commerce Committee without HARLEY STAGGERS, so I join in this chorus of praise which is richly deserved, which has been warmly earned throughout the years of his association with all of us.

We can say about few people in this world that "He is really one of the nice guys, one about whom we have a difficult time finding fault." So it is a pleasure to celebrate on this occasion, to celebrate his virtues, to celebrate our association with this gentleman who, although there is not that great difference of years, I think many of us looked upon HARLEY in a fatherly way because he was always kindly, wise, an adviser and a counselor at all times. Fairness has been attributed to him, and he richly deserves that accolade. But he was never sharp and never unfair. With many people there are certain words or certain phrases that we associate with them. Some of us like to say that we want to be fair, we want to exercise morality or principle, or in some other way describe a certain standard. HARLEY always said, "If it is good for America, then I am for it." And we knew that HARLEY STAGGERS was not flag-waving, but he was just telling us that he believes in society, he believes in this House of Representatives and in this Congress, and by that standard, if it is good for America, if it is fair and right, it is HARLEY STAGGERS.

Mr. RAHALL. I thank the gentleman for his comments.

Mr. COLLINS of Texas. Mr. Speaker, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from Texas.

Mr. COLLINS of Texas. Mr. Speaker, all of us who have served with HARLEY STAGGERS on the Commerce Committee know and respect him as one of the finest men who ever served in the Halls of Congress. The first words that come to my mind are, "He is a great Christian man."

In this day when America's needs are so strong for a return to religion, we are most thankful that we have had man of his warm, gentle and sincere character serving with us. HARLEY lives the Christian spirit.

As a chairman, he was fair and always provided equity for the minority. As a chairman, he would expedite legislation no matter how hard the members might fight to delay the bill. He knew how to stay behind his bills until they were clean bills. But what impressed us on the Commerce Committee so much was that when a bill from our committee went to the floor, it was in good legislative shape. Our bills could be amended, but they were probably going to pass when they went to the House Floor.

HARLEY has a lovely family. I know of no one who is prouder of their family and their achievements than HARLEY. He has raised lawyers and doctors to carry on in the fine tradition that he has established.

West Virginia takes great pride in HARLEY STAGGERS who has served so long and so well as chairman of the Committee on Interstate and Foreign Commerce. I am honored that I had the opportunity to serve under Chairman HARLEY STAGGERS.

Mr. RAHALL. I thank the gentleman from Texas for his comments.

Mr. MURPHY of New York. Mr. Speaker, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from New York.

☐ 1850

Mr. MURPHY of New York. I thank my colleague for yielding. For 16 years I have been HARLEY STAGGERS' colleague on the Committee on Commerce, and, of course, through all of the time that he has been chairman of that committee I have also served as a subcommittee chairman under his leadership.

I would like to pay tribute to Chairman STAGGERS as one of the most outstanding chairmen in the history of the U.S. Congress, as chairman of a committee that has legislative jurisdiction for about half of the activities that the House and, of course, the Congress must deal with.

His leadership in the field of energy, transportation, communication, public health, commerce, finance, the entire oversight and investigations of all of our regulatory bodies has been fulfilled over these many years with absolute integrity, and he has distinguished himself and he has brought tremendous credit to his family, to his district, to this Congress and to the Nation.

I might say that while he was accomplishing all of these major national leadership accomplishments, he was not forgetting his district back in West Virginia. Any time we had a railroad bill, we had the private HARLEY STAGGERS West Virginia railroad written into it. Whenever we had an energy bill, the coal fields and the natural gas fields of West Virginia were first and foremost and always continued the process from committee through floor action and, of course, with the great survivors in the conference. HARLEY never lost his sense of humor notwithstanding the fact that there were some slight philosophical differences in the committee, whether they went to politics or whether they went to staffing of various subcommittees or what the give and take was in the political process as we know it.

Within the Democratic caucus of that committee, every member of the committee, every member of the staff, considered HARLEY STAGGERS his close personal friend and admired him to the utmost.

He had our complete respect, and from every man in the minority, we know from their activities, he had their total support.

We are going to miss HARLEY STAGGERS. It is not going to be the same around here. We are not going to have that West Virginia orientation to the legislation that we do. We are not going to have that total fairness. I am sure his successors will be fair, but with HARLEY it was a fairness and protection for Members when they could not be physically present in a committee because of other responsibilities.

He always preserved their rights and reserved their rights and in many instances voted their proxy for them and, of course, made the statements that protected them in their districts and also in the areas of their endeavors here in the Congress.

HARLEY, we will miss you as a friend. We will miss you as a legislator, but we will always cherish the memories of your accomplishments to this country.

Mr. RAHALL. I thank the gentleman.

Mr. PREYER. Mr. Speaker, will the gentleman yield?

Mr. RAHALL. I thank the gentleman. from North Carolina.

Mr. PREYER. I think Chairman STAGGERS sitting here listening to all of the things said about him must now appreciate how a pancake feels after all the syrup has been poured over it, but I do want to join in the chorus of praise for Chairman STAGGERS.

I have served on his committee since I have been in Congress. He has been my chairman all of that time, and I want to attest to his unfailing courtesy and fairness, to all of the members of his committee.

He is certainly one of nature's gentlemen.

I think it was Emerson who said that sometimes a recital of a man's accomplishments and his deeds would fall very short of the measure of the man himself, because as Emerson put it, you did not get the weight of the man from just reading his speeches or from a recital of his deeds. Mr. Emerson cited George Washington as an example of that.

Well, I think that Chairman STAGGERS is that kind of man that you cannot describe the weight of Mr. STAGGERS and his influence very well in words or in terms of speeches or accomplishments, but that weight, his influence, went well beyond that, and it came from things hard to put into words like character and integrity and fairness and compassion.

The influence of that kind of man will live on a long time after he is gone.

I, too, want to, as the gentleman from Texas praised Mr. STAGGERS' family life, and I do not know of his family, but I particularly want to pay tribute to Mrs. Staggers.

They say that behind every great man there stands a woman telling him he is wrong.

Well, I am sure Mrs. Staggers would tell him he was wrong in a very kindly way, but I know her contribution to his success has been something else that has been very hard to measure.

We wish both of them a very long and happy life and thank them for all they have done for the United States of America.

Mr. RAHALL. I thank the gentleman from North Carolina.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I rise with a great deal of sadness to bid formal, but not final farewell to a distinguished chairman of a great committee, one of the finest men who has ever served in this body, a man respected for his ability and for his dedication to the public interest.

One of the things I have always observed about HARLEY STAGGERS was he was internally directed. He had lodestar. He knew where he was going. His test was what is good for America. All of us here have heard him use those words many times on the House floor.

But HARLEY kept before him his judgment as to what was good for the people, and not just the people of West Virginia, but the people everywhere in this country.

His leadership on the committee has indeed been inspired, and during that time, as has been pointed out, he has enjoyed the love and affection and respect and great companionship of his wonderful wife, Mary, who gave him richness and strength in his life.

He has also raised a fine family who do him great credit and of whom I am sure he is properly proud.

The legislation of the Committee on Commerce has not been easy. It has been one of the committees which has carried one of the heaviest jurisdictional loads in this body, but also been a committee where some of the most difficult issues were laid before it, such as energy, health, pollution, environment, communications, the markets and finance, transportation, and an abundance of matter relating to the every day well being of the people of this country.

In all those difficult matters HARLEY has provided not only unfailing leadership but remarkable good humor, and I speak as one who has known him both as friend and ally and oftentimes as adversaries when we had differences over matters of policy, but in all occasions, HARLEY has fought these fights, whether he was friend or adversary, in these matters as a man of not only unfailing good humor, but of extraordinary integrity and great decency.

The House can be proud of HARLEY STAGGERS and his service here. The House is going to regret and grieve his departure.

The House is going to rejoice at the friendship which we have all shared with HARLEY over the years and the kindnesses and the friendships that we have known in our associations with him.

All of us are going to look with hope that we will see him from time to time or that we might see another HARLEY STAGGERS in this place at some time in the future. All of us are going to look with hope that we will have the privilege and pleasure of visiting with him from time to time, and all of us are going to look with hope that he will have a long life to enjoy his family, his friends, his wonderful wife, and enjoy the privilege of living in the great State he loves so well and that he has served so well.

Mr. RAHALL. I thank the gentleman from Michigan.

Mr. WAXMAN. Mr. Speaker, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from California.

Mr. WAXMAN. I have been very impressed as I have sat here listening to the tributes paid to our chairman, HARLEY STAGGERS, by the eloquence and articulateness of those who have paid tribute to this fine man. I feel so inadequate to the task of adding my own personal sense of loss at his leaving the Congress and the post of chairman of the Committee on Interstate and Foreign Commerce as the committee that I serve on with Chairman STAGGERS.

His loss is a personal loss that I will feel, because he has been a friend to me and a mentor and an inspiration.

In every issue that has come before us, the question that he has asked is whether this is good for America, whether it is good for the people of this country, and his clear sense of populism, distrust of those special interests that are ready to take advantage of the poor and the defenseless among us in this society and his willingness to move in a compassionate and humanitarian way for the benefit of all people stands as an inspiration for all of us who are following in his path and serving on that committee.

□ 1900

He leaves a legacy of 32 years of public service in the House of Representatives and deserves as much credit as any man who has served in this House for passing so much legislation of so much importance to so many in the fields particularly of energy, transportation and health communications; all those important matters which are now within the jurisdiction of the Committee on Interstate and Foreign Commerce.

It is a sense of loss that I want to express for the people of this country who are losing a fine and outstanding public servant and it is a sense of loss I feel myself in losing as a colleague a friend, but while I may lose him as a colleague, I hope I will always continue to call him a friend.

Mr. Speaker, when HARLEY STAGGERS retires at the end of the 96th Congress, he will leave a legacy of 32 years of service to the people of West Virginia and the Nation. Few who have ever served in the House can take as much credit as HARLEY deserves for passing so much legislation of such importance to so many.

Under his tenure as chairman of the Committee on Interstate and Foreign Commerce, a position he has held for 14 years, our laws on energy, health, environment, transportation, and consumer protection were completely refashioned to meet the dynamic needs of the postwar generation. The issues have been terribly difficult, the process often tumultuous, the conflicting pressures frustrating—but HARLEY was able again and again to forge the consensus necessary for Congress to meet the expectations placed upon us. HARLEY never failed the challenge.

HARLEY STAGGERS has been my chairman from my first days in Congress in 1975. He has always been fair, always responsive to the views of every member of the committee. I know him best as a man of tremendous personal sensitivity and commitment to the common men and women of America. What HARLEY wants to know when a bill is before our committee is: What will this mean for average citizens? Will it help them or not? Will it improve their lives? Will it protect them from the selfish desires of special interests? It was this determination never to forget his roots—to remain honest to his populist convictions—which made HARLEY so respected at home and such a fine leader in the House.

As chairman of the Subcommittee on Health and the Environment, I have always had HARLEY's support in pressing for the most progressive legislation. He has been a true friend, and I am grateful to have been able to work with him and to learn from him.

I want to wish HARLEY, his wonderful wife Mary, and their family the very best in the future.

Mr. FLORIO. Mr. Speaker, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from New Jersey.

Mr. FLORIO. Mr. Speaker, Congressman HARLEY O. STAGGERS leaves the House of Representatives at the end of this term after 32 years of service. He leaves behind a reputation of a fine and good man. During his years of public service Mr. STAGGERS has represented his West Virginia constituency well. No other district has been served more honorably. A loyal person, he is true to both his beliefs and friends. He knows what too many have not learned, to get loyalty one must give loyalty.

As chairman of the Interstate and Foreign Commerce Committee he has accomplished many goals. The committee has wide and varied jurisdiction. His steady hand has guided us in such matters as health, energy, the environment and consumer affairs. There is probably no other Member of Congress who has worked more diligently toward preserving and improving our Nation's rail system. He has conscientiously worked toward the betterment of our national rail passenger system. His understanding of the energy crisis presently facing our Nation reinforced his dedication to providing a safe and efficient Amtrak system.

Coupled with that goal, was a strong sense of responsibility to the working man. America's labor force could have no better representative. He has been consistent in his belief that labor is the backbone of America. On their behalf, he has worked to improve working conditions, benefits and insure the safety of all railroad employees. Rail safety has been a top priority with Mr. STAGGERS.

Over the past year as chairman of the Subcommittee on Transportation and Commerce, I have learned much from Chairman STAGGERS. I appreciate the direction and cooperation he has extended me. In his future endeavors, I wish him much success.

● Mr. BRADEMAS. Mr. Speaker, I am pleased to join in this tribute to Chairman HARLEY STAGGERS, who has announced his plan to retire to pursue other interests and care for his health at the end of this Congress.

It is no wonder, Mr. Speaker, that Chairman STAGGERS' decision took his constituents by surprise. He has served them well during 32 years in Congress, a West Virginia record for consecutive years, and has been a political institution in his State.

Harry Truman was President when HARLEY STAGGERS was first elected to the House, and in 16 elections there has only been one time, in the memory of veteran West Virginia observers, that an opponent has even come close to upsetting him.

HARLEY STAGGERS is one of the last current Members of Congress to be born in a log cabin. He has taught school, worked in a factory, coached football, and worked as a railroad brakeman. No doubt this experience has helped Chairman STAGGERS become one of the most sensitive, hard-working, and influential chairmen in Congress.

As chairman of the House Committee on Interstate and Foreign Commerce, on which he has served since 1951 and which he has headed for 15 years, HARLEY STAGGERS has shown outstanding leadership in handling the varied and complex issues which fall within the committee's jurisdiction—issues ranging from the quality of health research to the future role of railroads in our society. Further, for 22 years Chairman STAGGERS served his colleagues as an assistant Democratic whip, and those of us who now toil in that vineyard salute his efforts there.

Mr. Speaker, all of us will miss HARLEY STAGGERS. He is a man of uncommon decency and kindness. He has been a genuine servant of the people of his State and of our country.

I wish HARLEY and his wife, Mary, only the best in whatever they now decide to do.●

● Mr. RHODES. Mr. Speaker, I join my colleagues in the House today to recognize the contributions to this body and our Nation of a man who has served in the House for 32 years, HARLEY O. STAGGERS.

He has represented the Second District of West Virginia since 1949, and has played a major role in major transportation reforms, under the auspices of his chairmanship of the House Committee on Interstate and Foreign Commerce. He has been a prime mover in the Federal program to rejuvenate the Nation's railroad systems, which will be increasingly important as our Nation adjusts to the prospect of higher energy costs and possible restrictions on the use of petroleum over the years ahead.

I have served with HARLEY STAGGERS during most of his tenure in the Congress, and I enjoy and value his friendship.

I congratulate him on his years of outstanding service, and join my colleagues in wishing him a well-earned, enjoyable retirement.●

● Mr. WIRTH. Mr. Speaker, I would like to extend my deep appreciation and that of the people of the Second District of Colorado to Congressman HARLEY O. STAGGERS of West Virginia, for his dedicated service to our Nation during the past three decades. His efforts on behalf of the citizens of West Virginia and the United States have been significant and salutory.

HARLEY's interest and efforts regarding health issues facing the American people have been inspirational. As a principal sponsor of nearly every health bill passed during the past 10 years, HARLEY STAGGERS has helped improve both the knowledge about and the ability of many to cope with debilitating illnesses. His influence has often been the catalyst which has supplied hope to America's sick and infirm.

HARLEY has also played a key role in solving many of our Nation's transportation and energy problems during his tenure in office. His promotion of mass transportation projects, modernization of railroads and Amtrak, and his interest in upgrading automobile and air safety programs have proven to be important steps in maintaining a healthy transportation industry in these times of essential energy conservation.

In sum, the "Dean of the West Virginia Congressional Delegation" will be missed both personally and professionally. As chairman of the House Committee on Interstate and Foreign Commerce, HARLEY has provided the leadership necessary to implement a variety of programs for the betterment of our society. As a member of the Commerce Committee, I can personally testify to the leadership the chairman has shown, and to the help, friendship, and inspiration he has given me and other younger Members. I am grateful for having served on the committee under HARLEY STAGGERS. We will all miss him.●

● Mr. JONES of Tennessee. Mr. Speaker, I rise today to join with my colleagues in special tribute to Chairman HARLEY STAGGERS. I have considered Mr. STAGGERS an effective representative of his district in West Virginia and more importantly my friend since my election to this body 11 years ago.

It has been through his committee that some of the most important legislation of the past decade has come. It has been his leadership, patience, and persistence that has contributed so significantly to the development of that legislation. He has borne up well under the tremendous pressures of being chairman of one of this body's most important committees.

It has been my pleasure to have known HARLEY STAGGERS and served with him in this House. His 32 years in the service of his country have been productive, constructive, and successful. I want to express to him my admiration for his work, my regret that he is leaving us, and my sincerest wish that he enjoy a happy and well-deserved retirement.●

● Mr. BROOKS. Mr. Speaker, the people of West Virginia showed much wisdom when they sent HARLEY STAGGERS to Washington in 1948. They could not have picked a more conscientious Congressman and he has served his district, State, and Nation in a most responsible and able manner.

To list the accomplishments made by the House Interstate and Foreign Commerce Committee in the 14 years that HARLEY has served as chairman would be nearly impossible. As chairman, he can take pride in the outstanding leadership he has brought to this all-important post. His retirement should come with the knowledge that his efforts, talents, and devoted service have most certainly been appreciated.

I would like to congratulate you, HARLEY, on a distinguished career—you will be greatly missed as you take these next years to spend more time with your fine family and those grandchildren.●

● Mr. CONTE. Mr. Speaker, when a great American announces his intention to retire from this House, it is timely for us to reflect on the effects of his service here.

HARLEY O. STAGGERS has decided to leave us at the end of this term. He has had a truly remarkable career in the House of Representatives—a career that has spanned the transformation of this Nation after World War II, the development of the nuclear age, the greening of the Nation, and the current reaffirmation of our national purpose and values. HARLEY STAGGERS has served diligently, honorably, and wisely. Such an evaluation of service should be all that a Congressman would ever need as a tribute.

But HARLEY STAGGERS has been more to this House than a staunch patriot, faithful servant, and able representative of the mountain State of West Virginia. The major issues that have come before his Commerce Committee have been the issues that determine the fate of this Nation—energy, commerce, transportation, health, communications, and consumer protection. The forging of a consensus on such issues is a most difficult task, but during HARLEY's stewardship we have seen the enactment of workable, commonsense legislation that has served and is serving to shape a national plan.

HARLEY, with 32 years of outstanding service in the House behind him, has certainly earned the right to a more constant enjoyment of the beautiful and bountiful eastern panhandle of West Virginia. While my First Congressional District of Massachusetts is certainly resplendent in natural beauty, HARLEY's land of Harper's Ferry, national and State forests, and the New River is lovely territory as well. In fact, his whole district is a wild, wonderful park to itself—indeed almost heaven.

The challenges of HARLEY's First District of West Virginia are the challenges that face the Nation. His district has the coal and lumber this Nation needs for its commerce; it has the marriage of nature and mankind that points the way to our survival on this planet; and it has the beauty and history that we can enjoy in our leisure. But most of all it has the spirit of freedom and independence that has been the American watchword. "Mountaineers are always free" is the motto of the State of West Virginia—and HARLEY STAGGERS has lived this motto. He has touched all bases—as an educator, an athlete, a military man, a politician, a family man, and a dear friend to his constituents.

HARLEY has used his talents to chart this Nation's course in the 20th century. Let us hope that in this House, others will follow HARLEY's example and bring the spirit that comes from his native State—that all Americans, like his mountaineers, are always free.●

● Mr. GORE. Mr. Speaker, a fine and gentle man announced his retirement last week. HARLEY O. STAGGERS has served in this institution since 1948, and he has upheld the standard of decency and a commitment to excellence unparalleled in Congress. He is an unabashed defender of the public interest and he has a great love and faith in the American people. It is an honor for me to pay tribute to my friend and colleague.

As chairman of the Interstate and Foreign Commerce Committee over the last 14 years, he helped mold and shepherd through Congress some of the most important pieces of domestic legislation ever enacted by Congress. The Amtrak Act, the National Heart, Lung, and Stroke Act, the Cancer Attack Act, the Corporation for Public Broadcasting Act, the Clean Air Act, the National Energy Act are just a handful of measures on which he has played an integral role. Every American has in some way been touched by legislation emanating from the Commerce Committee under his stewardship.

As a second-term member on the Commerce Committee, I have grown to respect his judgment and value his counsel. As chairman, he was even-handed, fair, and went out of his way to encourage ideas and gain input from all members. HARLEY STAGGERS has had an important influence on my life and I will always be grateful for his help and his guidance.

After 40 years in public service, 32 years in Congress, and 14 years as chairman of the Commerce Committee, HARLEY STAGGERS will be leaving to pursue a new career. He leaves a rich legacy of accomplishments and a great many friends and admirers. His commitment to the public interest and his leadership will be missed but HARLEY STAGGERS will not soon be forgotten. I wish him the best of luck for a happy retirement.●

● Mr. DRINAN. Mr. Speaker, I am honored to salute Congressman HARLEY STAGGERS, who will be missed enormously here in the House of Representatives.

Congressman STAGGERS has devoted himself with total selflessness since he was first elected to the 81st Congress on November 2, 1948.

Mr. STAGGERS has endeared himself to all of his colleagues in the House because of the unassuming and lovable way in which he has invested himself. It is impossible not to admire and have affection for this man.

His accomplishments are legion and legendary. I send to HARLEY and to his dear wife, Mary, and their children, my thanks for having allowed Congress and the country to have so much of their husband and father during the past 30 years. His contributions to our country will be remembered by all of those in the Congress who will seek to emulate in some small way his virtues and accomplishments.●

● Mr. SLACK. Mr. Speaker, during more than 20 years in the House of Representatives it has been my privilege to serve as a colleague of Congressman HARLEY STAGGERS in the West Virginia delegation. I learned of his announced retirement with regret, but I believe none among us has more certainly earned the right to return to private life at a time of our own choice.

Here is a man of whom it can be said that he gave all of the best years of his life to the public service. In war and peace, in cold war and détente, in recession and inflation, he did his duty as a soldier in the trenches of the legislative process. Over a span of 30 years there was never a suggestion that his official actions were taken with anything in mind but adherence to the highest ethical standards required of a public official. Those who claim to have lost faith in the credibility of the Congress and the caliber of its Members would find a study of his career instructive, because it stands as a model of how we must perform our duties while remaining aloof from specialized pressures.

Throughout his career, HARLEY STAGGERS has been ever mindful of "the people back home." Serving the largest geographical district east of the Mississippi, he was required to understand the needs and convictions of a composite population scattered among cities, small towns and remote mountain rural areas. They held the rights to representation in Congress which reflected their views, and he held the responsibility to see that their views were considered in the proper quarters.

It was a task to discourage and defeat a less determined man, but the duty was done gracefully and effectively down through the years by HARLEY STAGGERS. Because he held the conviction that what was good for "the people back home" was good for the country, the same philosophy that convinced the Constitutional Convention of 1787 of the need for a House of Representatives elected directly by the people every 2 years.

Thinking back over the past 20 years, I am drawn to parallel his congressional career with the spirit expressed by the motto of West Point—"duty, honor, country." These words have had special meaning for thousands of Americans who committed their lives to the upholding of a tradition of honorable service. They describe the career of HARLEY STAGGERS, and he has added his own portion to the luster those words have gained through the work and sacrifice of thousands of Americans who have gone before us.

My best wishes go with him into retirement, and I am hopeful it will be a time as described by Gen. Douglas MacArthur in his farewell address to the West Point cadets—a time of "wonderous beauty, coaxed and caressed by the smiles of yesterday." ●

● Mr. LELAND. Mr. Speaker, I am pleased to join with my colleagues in honoring our illustrious colleague, HARLEY STAGGERS, a legislator par excellence. HARLEY STAGGERS' concern has been his fellow Americans. Having served his country for 32 years by watching over the laws that protect his fellow countrymen, HARLEY STAGGERS has protected America's poor, helped feed its hungry, nursed its ill and listened to the cries of its distressed.

HARLEY STAGGERS has been the protector of perhaps America's most overlooked, vulnerable citizens: The people of Appalachia. Mr. STAGGERS has let no one tread on them. He has been a principal sponsor of nearly every health bill passed by Congress, including the Cancer Attack Act, the Emergency Medical Services Act, and the Heart, Lung and Stroke Act. Undoubtedly, his foremost contribution to the people of Appalachia has been his work to provide the remedies that cure their illnesses.

His work in the field of health is an important branch of the tree of his legislation, but not his only one. HARLEY STAGGERS has furthered his mission by being a key representative in the field of transportation. I believe few have the right to sing: "I've been working on the railroad," with as much fervor as HARLEY STAGGERS. He realized Amtrak's potential long before many others did.

HARLEY STAGGERS has been a complete Congressman. Such has been his legacy to this institution that I urge my colleagues to be advocates of the HARLEY STAGGERS doctrine which states that a society that cares for itself and desires to care for its people, must be cared for first.

HARLEY STAGGERS: An unabashed patriot whose fraternal presence shall forever grace this House.●

● Mr. SCHEUER. Mr. Speaker, I rise this evening to pay tribute to our distinguished colleague, the Honorable HARLEY STAGGERS of West Virginia. Mr. STAGGERS has of course announced that he will not seek election to the 97th Congress, and it is with a sense of imminent loss that his colleagues view this declaration.

HARLEY STAGGERS has for the last 32 years more than ably served the residents of West Virginia's Second District. Moreover, he has been in the forefront of many pieces of landmark legislation which have had a profound impact on the lives of all Americans.

As the chairman of the House Committee on Interstate and Foreign Commerce since 1966, Mr. STAGGERS has served the interests of the members of that committee and of the House by combining even-handedness with a strong sense of our national destiny. His work on consumer, energy, health, transportation, environment and communications issues has earned Chairman STAGGERS the reputation as a determined fighter for the average American. HARLEY STAGGERS will be sorely missed in Congress and I know that all of my colleagues join me in thanking him for his contributions to the well-being of the United States.●

● Mr. RUSSO. Mr. Speaker, I frankly do not know too many people who were born in a log cabin. In fact, Representative Harley Staggers may be the only one of my personal acquaintance who shares with President Lincoln this well-loved American vision of an ascent from wooden walls to marble floors.

It is a well-loved story to us because we believe in dreams and because we ask of our Presidents, our Congressmen, our leaders, that in this democracy they indeed remain aware of the "demos," of the people. And if they themselves sprung from what is viewed as a rustic and simple life to a position of power, perhaps it will be easier for them not to forget, to "get above their raisin," when they reach the halls of power.

I think in the finest of American and democratic traditions, Chairman Staggers has served the people for over 30 years. He never forgot them and often, so often, it was he that reminded us that the actions we take here have real consequences for real people. If we became lost in the rhetoric, the grand design of our programs, it was Harley who could bring us back to the task at hand. He would remind us to ask of ourselves how what we were doing would effect the people, and was it in their best interest?

I was honored to be able to serve under Chairman Staggers in the Interstate and Foreign Commerce Committee and I know that he extended this consideration of people's needs into the committee room—he was fair in sharing the work of the committee, in allowing those who wanted to speak to do so without being gaveled into silence. He did not stifle full and lively discussions.

We are all going to miss Harley here. He has served with commitment to his district and to the country since 1948. It is time he got to enjoy those West Virginia mountains and to relax a little. I wish him all the best.●

● Mr. GRAMM. Mr. Speaker, I join my colleagues in lamenting the retirement of Chairman Harley O. Staggers and in praising his dedication and his service to this House and to the Nation.

Under his leadership, the Interstate and Foreign Commerce Committee has grown in stature and influence. It has been a privilege and a singular honor for me to serve on that committee under Chairman Staggers' guidance.

As a freshman Member who came to the committee eager and with much to learn, I have benefited a great deal from his counsel and from the fair and even-handed manner in which he directed the committee's work. His obvious desire to include the new members in the deliberations of the committee was a source of encouragement that enhanced our learning process.

I will miss him. His experience and leadership have been a source of strength to the committee and its members. His friendship has been a blessing. Our admiration and our best wishes go with him.●

● Mr. BROYHILL. Mr. Speaker, after over 40 years of public service, our respected colleague, Harley Staggers, has announced that he will retire at the end of the session. His distinguished record of service, both as a Representative of West Virginia and as chairman of the Interstate and Foreign Commerce Committee, cannot be duplicated and his influence in the House of Representatives will be missed.

Mr. Speaker, when I think of Harley Staggers, I think of a compassionate man. It is not an easy task to guide a committee with jurisdiction over such diverse issues as railroads, health care, and communications. Nor is it easy to bring together members with such divergent views on how those issues should be addressed. Despite his own personal feelings, Chairman Staggers has a genuine feel for people and their needs and this has been reflected in his willingness to accommodate the wishes of committee members on both sides of the aisle.

As just one tribute to Harley Staggers' exemplary record as Commerce Committee chairman, I would like to point out that more public health legislation has been enacted during his 14-year tenure as chairman than in any other period in recent memory. This is but one example from a list which goes on and on.

Harley Staggers has spent a lifetime devoting himself to the needs of others, never pursuing those goals for personal reward. With the pressures of a hectic schedule lifted, I hope that he and his family will be able to reap the benefits of that career, benefits he so richly deserves.●

● Mr. GIBBONS. Mr. Speaker, I want to pay my personal tribute to Harley Staggers, our distinguished colleague from West Virginia.

Mr. Staggers is approaching the end of his congressional career, and this career has been a most distinguished one.

I have known Chairman Staggers for about 18 years. He is a fine, wonderful man. I know of his concern and love for his family, and it is obvious that he must have the same kind of sincere thoughts about the people he represents in West Virginia because they have so regularly returned him to the Congress.

Here in the Congress, he has served as chairman of the Interstate and Foreign Commerce Committee, and as head of this committee he has compiled an outstanding record of accomplishment—not just for the committee but for the Nation as a whole. His role in the solution of our energy problems and transportation problems has been a significant one.

As he voluntarily steps aside into retirement, I want to say to him: "Well done, Harley Staggers. You have been a true and faithful public servant and a gallant leader. May the years ahead see you and your family healthy and happy. And may you have lots of time to enjoy it all."●

● Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to the Honorable Harley O. Staggers, who is retiring at the end of the 96th Congress after over three decades in the House of Representatives, and 15 years as chairman of the House Interstate and Foreign Commerce Committee.

Harley Staggers has given 32 years of dedicated and devoted service to his constituents of the Second District of West Virginia, and has compiled a splendid record of achievement during his distinguished career. Only two other Members in the 96th Congress have served more years in the House of Representatives.

Chairman Staggers' diligent efforts as chairman of the House Interstate and Foreign Commerce Committee have been both fruitful and beneficial to the citizens of this Nation, and indeed, these successful efforts have made America a more prosperous and productive country.

Few men have given more of themselves to good government, or have a more compassionate understanding of human problems than has Harley Staggers. He has been in the forefront of efforts to implement meaningful solutions and effective action on behalf of all Americans.

Harley is a fine legislator and a distinguished leader, and he will be missed by both his constituents and his colleagues.

I extend to Harley Staggers my best wishes for a healthy and happy retirement.●

● Mr. RODINO. Mr. Speaker, I want to join my colleagues in paying a much-deserved tribute to my good friend from West Virginia, the distinguished chairman of the Interstate and Foreign Commerce Committee, Harley Staggers.

Harley Staggers and I came to Congress together in 1949, and throughout our careers I have always been able to look to this decent man for his good sense and his great compassion for the needs of America's working men and women.

Mr. Speaker, Harley Staggers' career is one of outstanding service to the citizens of his State and to his country. He enlisted in the U.S. Naval Air Corps in 1941, serving as a gunnery navigator in the Atlantic and Pacific Theaters during World War II. His record in Congress is one of constant attention and responsiveness to the concerns of the citizens of West Virginia and a true commitment to the national interest.

As chairman of the Interstate and Foreign Commerce Committee since 1966, Harley Staggers has steered through the Congress numerous pieces of legislation that have been crucially important to America's workers and consumers. His achievements have touched broadly in the areas of improving health care, transportation, communications, and energy policy as well as protecting the environment.

Mr. Speaker, I am pleased to have this opportunity to thank Harley Staggers for his friendship and his many contributions to this House. I wish him all the best in his retirement.●

● Mr. ANDERSON of California. Mr. Speaker, I rise today to pay tribute to one of our finest colleagues, Representative Harley O. Staggers. The chairman of the House Interstate and Foreign Commerce Committee since 1965, he has spent 44 years in public service. Born in a log cabin, he worked as a railroad brakeman, a high school and college educator, and as a sheriff, before being elected to the House of Representatives.

The Commerce Committee has one of the largest, most sprawling jurisdictions of all the House committees. Chairman Staggers, by allowing the experts to make their contributions, and by allowing a considerable amount of freedom to his subcommittee chairmen, helped the committee to do its work more effectively. The House has undergone tremendous changes in the past 15 years, especially in the way its committees are handled and the role that they play. Chairman Staggers has played a positive role in helping the Commerce Committee move smoothly and efficiently through this period of change.

One specific area in which the committee has had an impact during his tenure is that of railroads. The railroads were in a marked period of decline when Harley Staggers took over the chairmanship. Since then, they have made great progress and are again contributing much to the commerce of America.

Unfortunately, Representative Staggers has decided to return to private life at the end of this Congress. West Virginia, as well as the Nation, will be losing a fine Representative. Both my wife Lee and I, wish Harley, his wife Mary, and their six children, the best in the years ahead.●

● Mr. MOORHEAD of Pennsylvania. Mr. Speaker, it was with regret that I learned that Representative Harley Staggers of West Virginia was retiring. He has served this institution long—32 years. He has served it honorably.

As chairman of the Interstate and Foreign Commerce Committee, he has been deeply involved in many critical legislative matters through the years. Most everything which concerns the movement of commerce in this country has gone through his committee. His work and the work of his committee is and are of fundamental importance in the functioning of our Federal system. Indeed, the principal action which the framers of the Constitution took in altering the Articles of Confederation under which our Nation was first governed was to provide the Federal Government with supreme authority over goods and commodities in commerce. With such authority the economic integration of our Federal union was permitted to develop and blossom, thus permitting our Nation to succeed with a viable unit of government. It can thus be rightfully argued that Harley Staggers has chaired that committee whose work and jurisdiction has been critical to a strong America and to a continuing strong America.

A Member who has been here in this Chamber since 1948 has had the opportunity to see our Nation and the world change firsthand. Perhaps with this opportunity one concludes that the more things change the more they stay the same. Perhaps. But, in my 10 fewer years here I have come to realize that this body is an inherently human institution where each and every Member is different and adds their own individual strengths to the whole. There is no question but that after 32 years of service that any Member who then retires will be missed. There is also no question that in the case of Harley Staggers—the honorable gentleman from West Virginia—that the person will be greatly missed.

Good luck to you Harley.●

● Mr. MONTGOMERY. Mr. Speaker, Roll Call refers to its listing of Members retiring and seeking other office as the "Casualty List." In the case of our colleague, Harley Staggers, it will indeed be a casualty to the Congress and the American people to lose his dedicated service. For 32 years he has toiled in the House of Representatives on behalf of the people of West Virginia and for the last 15 years he has toiled as chairman of the Interstate and Foreign Commerce Committee.

In a sense Harley Staggers has devoted his entire working life to public service having served as a football coach and sheriff prior to being elected to the U.S. House of Representatives. And if there is one trait for which Harley shall be long remembered during these many years of public service it is fairness.

Mr. Speaker, Harley and I did not always agree on the specific points of legislation he handled on the House floor, but I shall always appreciate his fairness to the other Members and being "up front" with them on controversial issues.

As much as we hate to see Harley retire at the end of this year, we all realize that it will be a well-deserved retirement and that he can look back on his years of dedicated service with pride and satisfaction. We all wish him happiness and good health in the years to come.●

● Mr. BOLAND. Mr. Speaker, I join my colleagues in saluting the distinguished chairman of the Committee on Interstate and Foreign Commerce, Harley Staggers.

For over 44 years, Harley Staggers has dedicated himself to serving the people of West Virginia and the entire Nation. As a Member of the House of Representatives for the past 32 years, he has fought tirelessly to protect the American laborer. His efforts in behalf of our Nation's coal miners, a long oppressed group, are just one example. His understanding of the problems confronting the workingman is perhaps attributable to his own experience as a railroad brakeman before his entry into public life. Because of his compassion and deep sense of duty, he has never lost that understanding. He has the gratitude of millions of American workers.

As chairman of the Committee on Interstate and Foreign Commerce for the past 14 years, Harley Staggers has demonstrated the open-mindedness and leadership which make the Congress the great institution it is. He has done much to preserve the American rail system, which is of ever-increasing importance in these times of limited energy resources. Harley Staggers' knowledge in areas such as this have been of immeasurable benefit to the economic well-being of America.

Chairman Staggers' retirement will be a great loss to the House of Representatives. His counsel, understanding, and leadership have been invaluble to us. I join Harley Staggers' many friends in Congress in wishing him many happy and productive years to come.●

● Mr. HALL of Texas. Mr. Speaker, I commend the gentleman from West Virginia for taking this special order to pay a well-deserved tribute to my friend, Harley Staggers, who plans to retire at the end of this session. Harley Staggers has enjoyed a long and distinguished political career, and he will be sorely missed in the Congress.

He is truly a man of West Virginia, a State of great beauty and hard-working men and women who represent the very backbone of America. Like the magnificent mountains that form so much of his congressional district, Harley Staggers is symbolic of a calm and steady demeanor in a world that too often resorts to confrontation and harsh rhetoric to achieve goals. He leads in a quiet and unassuming manner, and at all times is a gentleman.

When Harley Staggers replaced Judge Oren Harris as chairman of the House Interstate and Foreign Commerce Committee, he was the right man for a difficult job. As we all know, the committee rarely brings us an easy bill. It is a committee with tremendously diverse jurisdiction with membership that traditionally represents both ends of the political spectrum. Because of the great power that the committee exerts over so many areas of national endeavor, the job of chairman is not easy. It calls for a person who is willing to listen to all sides and has the ability to work a compromise that is good for the entire country, and Harley Staggers is that person.

I am going to miss Harley. He is a good friend, an able legislator, and a true patriot. We will all miss him, but I feel confident that the future will continue to find him involved in the growth and development of his State and Nation.●

● Mr. LONG of Maryland. Mr. Speaker, I was saddened to learn of Harley O. Staggers' decision to retire from the House. His incisive thinking and political courage will be sorely missed.

Elected in 1948 to the 81st Congress, Harley has well served his constituents of the Second Congressional District of West Virginia. It is well known that Harley can be counted on to help his constituents with any problem.

Since 1966, he has ably served as chairman of the House Interstate and Foreign Commerce Committee dealing with a wide variety of tough national issues such as consumer protection, health care, and federally regulated industries.

The House will not be the same without him.●

● Mr. JOHNSON of California. Mr. Speaker, words are not easy to find to express my feeling of regret on the decision not to seek reelection of our colleague, Harley O. Staggers.

However, I would like to reiterate some of the remarks I made in the Congressional Record of February 13, when I introduced legislation to name the Federal building at Morgantown, W. Va., the "Harley O. Staggers Federal Building."

As I pointed out at that time, Harley's contribution to the national legislative process has been awesome. The scope of his legislative achievements during his tenure as chairman of the Committee on Interstate and Foreign Commerce is difficult to comprehend. An awesome list can quickly be compiled of the many necessary and important legislative measures he has sponsored and managed dealing with and directly affecting the health of our citizens, the commerce of the Nation, our transportation and communications systems, national energy policy, environmental quality, consumer protection, and hazardous substances.

He can serve as a role model for all in the conduct of our own legislative responsibilities in a successful and effective fashion.

But a particular debt of gratitude is owed to him by many of us who are actively concerned with programs developed under the tenure of Chairman STAGGERS.

While we are all sorry to see him go, his inspiration will always remain with us, as will the continuing benefit our country will derive from the contribution of HARLEY STAGGERS.●

● Mr. PEYSER. Mr. Speaker, when the 97th Congress convenes in 1981, for the first time in 33 years HARLEY O. STAGGERS will not be serving in the House. For that reason, our House will be the poorer.

HARLEY STAGGERS has taken the two roles of a U.S. Congressman—representative of the people and national legislator—and melded them well. As chairman of the House Interstate and Foreign Commerce Committee, HARLEY STAGGERS has had a tremendous and beneficial impact on much legislation in the fields of environmental protection, health, and, perhaps most importantly, our American railroad industry. But at the same time, he has never stopped representing the people of the Second Congressional District of West Virginia. Accordingly, next January we in Congress will miss HARLEY STAGGERS—and so will the people he has served for so long.●

● Mr. LENT. Mr. Speaker, it is a privilege to join so many of my colleagues in paying tribute to the distinguished chairman of the House Committee on Interstate and Foreign Commerce, the Honorable HARLEY O. STAGGERS, who last week announced his retirement from the House of Representatives after more than three decades of service to his constituents of West Virginia's Second Congressional District, and to his country.

Mr. Speaker, HARLEY STAGGERS' distinguished career in the U.S. Congress has been equaled by few. His dedication and devotion to duty have been particularly apparent to those of us who have served with him during his chairmanship of the House Committee on Interstate and Foreign Commerce. As chairman, HARLEY STAGGERS could always be depended upon for fairness in his decisions, honesty in his dealings with fellow committee members regardless of party, and total dedication to the task of achieving agreement on legislation under consideration by the committee. His task was not made easier by the heavy workload of controversial legislation the committee has considered in recent years.

Despite this tremendous amount of committee work, despite the weighty responsibilities of his office, HARLEY STAGGERS always maintained his sunny disposition, his gentle manner, and his ability to make friends. Few Members enjoy as wide a circle of friends from both sides of the aisle as does HARLEY STAGGERS.

We shall miss our friend. It is difficult to imagine the House of Representatives without HARLEY STAGGERS' cheerful presence. His constituents and the Nation will miss his dedicated devotion to his lawmaking duties.

I join my colleagues in wishing HARLEY and his lovely wife Mary the most pleasant of retirement years, blessed with good health, the richness of friendships, the warmth of memories, and the satisfaction that stems from a job well done.●

● Mr. MOTTL. Mr. Speaker, I join with my colleagues in honoring a great fellow Member of this body, Representative HARLEY O. STAGGERS.

I became a member of the Interstate and Foreign Commerce Committee, which HARLEY chairs, at the beginning of the 96th Congress. I had the pleasure of working closely with him on many important issues. In his long tenure as Representative from the Second Congressional District of West Virginia, Congressman STAGGERS has worked hard for his constituents and worked well with his fellow colleagues. I wish HARLEY the best that life can offer in years to come. It can be truly said that HARLEY STAGGERS is one of the great legislators of our time.●

● Mr. REUSS. Mr. Speaker, after 44 years of distinguished public service, 32 of them served in the House of Representatives, HARLEY O. STAGGERS has decided to leave the Congress at the end of this term. I am proud to join in this tribute to the chairman of the House Commerce Committee, and to wish him many happy and productive years after his retirement.

How does one epitomize such a distinguished legislative career? Surely we must point to Chairman STAGGERS' sponsorship of wide-ranging legislation in health, railroads, and mass transit, consumer protection, energy conservation, broadcasting, and veterans' affairs. HARLEY has served as a member of the Post Office and Civil Service and Veterans' Affairs Committees, in addition to his present chairmanship of Commerce, and he has been a valuable and forceful presence in each of these capacities.

Yet HARLEY STAGGERS' impact on this body cannot be measured merely by the years of his service. His quiet and steady influence will be most sorely missed as well. HARLEY STAGGERS has earned the respect and friendship of all who have served with him in Congress, on both sides of the aisle, and the Hal's of the Capitol will be noticeably emptier next January.●

● Mr. MAZZOLI. Mr. Speaker, I join with other Members of the House in congratulating our colleague HARLEY STAGGERS on his 32 years of fine service in the House of Representatives. He has ably served as chairman of the Interstate and Foreign Commerce Committee and has been a true friend to the working people of America over the years. He has served the people of West Virginia and this country well. He will be missed and we wish him the best during his retirement.●

● Mr. BRINKLEY. Mr. Speaker, HARLEY STAGGERS is a gentle, uncommon man. For those who came to Congress after he did, HARLEY distinguished himself by offering a hand of friendship and meeting each of his colleagues, new or old, always, ever on level ground. He was an equal notwithstanding his seniority and prestige, a man in whom you had confidence immediately because you knew he cared for you.

We will miss HARLEY STAGGERS because of his legislative excellence, but we will miss him even more because of his excellence of character, his friendly smile, and his warm handclasp.●

● Mr. RINALDO. Mr. Speaker, it has been an honor to serve with the distinguished Representative from West Virginia, HARLEY O. STAGGERS, on the Committee on Interstate and Foreign Commerce. During the years he has served as chairman of the committee, he has been involved in some of the most important domestic legislation enacted by Congress. As chairman, he has demonstrated a sense of fairness, patience and understanding of the viewpoints of all the members of the committee, enabling the committee to function effectively in meeting its legislative responsibilities.

It has been an awesome responsibility, ranging from legislation and hearings on such diverse topics as communications, national energy policies, public health, environmental quality, transportation, consumer protection, and hazardous substances. Many of the hearings and decisions produced by the committee during HARLEY STAGGERS' term as chairman will affect the economic well-being of this country for decades to come.

During the years that I have had the pleasure of serving on the Commerce Committee, I have learned to respect and admire the skills of HARLEY O. STAGGERS in dealing with the many conflicting opinions and ambitions of the people who represent the public and private sectors of America. He has managed to bring them all together into the deliberations of his commitee, and to reach honest compromises where differences in legislative matters seemed at first to be irreconcilable. Chairman STAGGERS has recognized that the strength of American democracy rests in the ability of men and women of different viewpoints to reach honest and effective compromise that bind our regions and people together in a search for the common good of America.

Chairman STAGGERS' consistent fairness and willingness to listen to the members of his committee have also distinguished his chairmanship. I have personally found him extremely fair and willing to go out of his way to assist new members of the committee in dealing with the complicated issues before us.

Chairman STAGGERS has always been devoted to the needs of the people of the great State of West Virginia and to the United States of America. Every effort that he has made in the Congress has been directed towards strengthening this Nation's economic system so that more Americans may share in the benefits and opportunities of this great Nation.

In tracing through his many years of outstanding public service in the Congress, it is clear that he has understood that economic growth and environmental protection must be brought into balance in order to preserve this great country for future generations.

I join my colleagues in paying tribute to this distinguished American leader of Congress, HARLEY O. STAGGERS of West Virginia.●

● Mr. DINGELL. Mr. Speaker, the end of the 96th Congress will bring with it the retirement from Congress—but I am sure not from public life—of a truly remarkable man whom I cherish not only as a leader but as an old and enduring friend, HARLEY O. STAGGERS.

When HARLEY STAGGERS leaves the House of Representatives, he will take with him 43 years of public service for the people of West Virginia and the Nation, 32 years as the Representative of the Second District and 14 as one of the really great chairmen of the oldest standing committee of the House of Representatives, the Committee on Interstate and Foreign Commerce. He will take with him vast experience and the affection and respect of his colleagues, but he will leave behind a record of achievement almost unparalleled in the annals of the House.

Under the leadership of Chairman STAGGERS, the Interstate and Foreign Commerce Committee has shaped laws extending and strengthening this Nation's public health services and facilities. It has pioneered in the protection of the environment, in the rehabilitation of our transportation systems, in the protection of the health, safety, and economic welfare of our citizens. Most recently, under his direction, the committee has become the cutting edge in shaping an effective national energy policy to meet the most serious challenge facing this Nation in the last quarter of the 20th century. It is enlightening to note that more than 30 years ago, HARLEY STAGGERS as a freshman Congressman warned of the Nation's growing dependence upon foreign oil and launched a fight to win energy independence for America through the development of synthetic fuels. This year when he retires, the chairman can see the vindication of his warning calling for new U.S. energy supplies in the enactment of the Nation's first synthetic fuels legislation.

In one way or another, most of the challenges that have faced this Nation over the past 14 years have touched the Interstate and Foreign Commerce Committee. Chairman STAGGERS has never failed to meet them and the record of his achievement is a proud one indeed.

In the future we can not again expect to see men tempered in the fires of HARLEY STAGGERS' experience. He is probably the last American statesman who can claim to have been born in a log cabin and he is uniquely a product of the closing era of pioneer America. He has served as a teacher, a sheriff, and a State official. He lived through and learned the lessons of the worst economic disaster to befall America, the Great Depression. He served his Nation as a navigator in the U.S. Air Force during World War II. In all things, he put his Nation first.

This is an extraordinary man whom this 96th Congress will be saying goodby to; an extraordinary man and, for me, a dear friend.

The late Franklin Delano Roosevelt once wisely observed that "to some generations much is given, of other generations much is expected." HARLEY O. STAGGERS came from a generation of which much was expected—even demanded. He will leave an indelible imprint upon that generation and upon those that follow. In no small part due to his personal efforts and commitment to his Nation, his generation met and fulfilled its rendezvous with destiny.●

● Mr. DERWINSKI. Mr. Speaker, this year we will see the departure from the Congress of a well-respected and outstanding veteran colleague, HARLEY O. STAGGERS. It is a pleasure to join this afternoon in paying tribute to his illustrious and dedicated career in the House.

HARLEY will certainly be remembered as a man of great ability; a conscientious and highly capable legislator; and truly one of the giants of the House of Representatives. HARLEY is a deeply dedicated public servant, who has compiled an enviable record of achievement on the national level, while at the same time caring for the needs of his own constituency and the State of West Virginia. His good and balanced judgment deserves a sincere word of gratitude from those who have benefited from his outstanding record of service for the past 32 years.

Serving in the influential position as chairman of the House Interstate and Foreign Commerce Committee, HARLEY has shown his true awareness of the problems confronting the Congress and our country. He has certainly played a major role in the shaping of important energy legislation, and his efforts and achievements have most assuredly proven to be of special significance. He will be missed as chairman, but his deeds and accomplishments shall be testimony to his exemplary service.

Mrs. Derwinski joins with me in extending our best wishes to HARLEY and his wife, Mary, and their family for a long and enjoyable retirement. We are all grateful for the leadership and guidance provided by HARLEY STAGGERS.●

● Mr. CORRADA. Mr. Speaker, I rise along with my fellow colleagues to salute the gentleman from West Virginia, my friend HARLEY O. STAGGERS, the distinguished chairman of the House Committee on Interstate and Foreign Commerce. Mr. STAGGERS has been an active and distinguished Member of the House since 1949, and for his accomplishments, he will be warmly remembered.

As the representative of the people of Puerto Rico in Congress, I deeply regret Mr. STAGGERS' decision to retire. The gentleman from West Virginia has been a good friend to Puerto Rico through his many years in service, and has showed great sensibility in understanding the peculiar problems of Puerto Rico.

We will all feel the loss of this outstanding man, but we all know that he will continue maintaining, in the future, a role of public leadership that has so distinguished him in the past, and because of his contributions to a better America, he certainly will always be an asset to our Nation.●

● Mrs. BYRON. Mr. Speaker, it is a privilege and an honor for me to express my admiration and respect for Congressman HARLEY STAGGERS of West Virginia. His long and distinguished career in Congress is well known and needs no repetition by me at this time. However, I would like to express my appreciation for the valuable service he has rendered to the Nation and to West Virginia. I would also like to convey my gratitude for the friendship and advice which he extended for many years to me and my late husband.

I know the chairman will be deeply missed by the Members of Congress in the future as well as by his admiring constituents. Maryland's Sixth Congressional District, which I represent, shares a long border with his district across the Potomac River and our region will lose an extremely valuable ally in Washington when he retires. My husband and I frequently cooperated with him on projects which affect both western Maryland and West Virginia and I know that there could be no more dedicated and effective advocate for the people of West Virginia.

During my extensive travels throughout western Maryland in the past year, it has been my pleasure to meet many of his constituents from across the river in West Virginia. I know that he is held in the highest regard by the people he represents. His untiring efforts to improve the quality of life in his district and our country are widely known and deeply appreciated.●

Mr. RAHALL. Mr. Speaker, in conclusion, I want to thank all my colleagues who have joined me in this special order honoring this special man.

I want to thank all those who were here personally and who have submitted their comments for the RECORD.

In conclusion, I just want to thank the Representative from West Virginia, the distinguished chairman of the Committee on Interstate and Foreign Commerce, Mr. HARLEY STAGGERS. We have heard him characterized as a decent man, as a family man, as a Christian man, as a man who works on behalf of not only the working men and women of this country, but works on behalf of the State of West Virginia and the United States of America.

TRIBUTE TO HON. TOM STEED, OF OKLAHOMA, ON HIS RETIREMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. JONES) is recognized for 60 minutes.

GENERAL LEAVE

Mr. JONES of Oklahoma. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. LELAND). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. JONES of Oklahoma. Mr. Speaker, my first speech before this body, 7 years ago, was occasioned by the loss of one of America's greatest leaders and public servants—Lyndon Johnson. I come before my colleagues today because we are losing, to retirement, another great man—my friend, my colleague, and my teacher, Tom Steed.

Tom Steed is retiring after one of the most distinguished careers of public service the House of Representatives has ever witnessed. When Tom retires at the end of this session he will have completed 32 uninterrupted years in Congress. This is the longest period anyone from our State has ever served.

His longevity in the House is surely matched by the quality of his service to Oklahoma and the Nation. His work has helped not only countless people in Oklahoma, but throughout the United States. He has risen to chair the Appropriations Subcommittee on Treasury, Postal Service, and General Government. He is the ranking majority member of the Committee on Small Business.

His work in those important roles are well known to his colleagues. But Tom's importance and influence extends far beyond those highly visible positions. To so many of us, he is and has been a good friend and teacher.

I first came to know and work with Tom Steed when I came to Washington to work on the staff of another Oklahoma Congressman, Ed Edmondson. When I joined President Johnson's staff, we in the White House often called on Tom—benefiting from his years of experience and his commonsense as we worked together to try to solve the problems that faced America.

I can honestly say that there was no one in Congress that President Johnson respected more than Tom Steed. As a former legislator he knew of and respected Tom's legislative knowledge and abilities. But what the President respected most about Tom Steed was an uncanny ability that he possessed.

The President knew that in Tom Steed he had, in most circumstances, a loyal supporter. This helped smooth the way on many of our legislative initiatives. But, of course, there were occasions when Tom could not agree with our positions. When that was the case, the President always knew that Tom would tell him when and why he thought the President was wrong. I think it was the honesty as much as anything else that so endeared Tom to Lyndon Johnson.

When I returned to Oklahoma and entered private law practice, I continued to follow Tom's outstanding career. And when I came to Congress as a freshman in 1973, Tom Steed was still here as a senior member of the Oklahoma delegation. He was always available to give sound advice to younger Members. But we did not have to ask him anything to learn from him. Anyone could benefit by merely watching him. His decency, dignity, and compassion for those he serves so well are models that anyone could be proud to emulate.

His sense of humor is wonderful. Tom always has a good story to tell to help brighten your day. He has helped many of us keep a sense of humor in the face of increasing workloads and a multitude of world problems.

But certainly the most impressive thing about him is his legislative ability. I say that is the most impressive thing, but not the most noticeable. You will almost never see Tom's name in the paper connected with a conflict. I feel this is a good indication of his tremendous legislative skills.

Tom is a master of compromise. He works out any difficulties before they arise to complicate his legislation. So the appropriations bills that he is responsible for always seem to be the ones that have the least trouble on their paths through the Congress.

Mr. Speaker, no one deserves to enjoy retirement more than Tom Steed. He has devoted 32 years to public service and will now return to the area he served so long and so well, to people of Oklahoma who love and respect him. But Washington and the Congress will miss his courage and his humor, as we will miss his expertise and knowledge.

In that light, Mr. Speaker, I have a recommendation to make to my State. I hope Oklahoma uses the knowledge and ability Tom Steed is carrying back to Oklahoma with him. He may be retiring from Congress, but he will never retire from public service. I am sure they recognize his experience and his commonsense. I think it would be especially appropriate to put them to use in the classroom. In the classroom Tom can help to build another generation of concerned and educated Americans. Perhaps one of them will rise to serve their country for as long and as well as Tom Steed has served it.

At this point in the Record, Mr. Speaker, I would like to include three newspaper articles that I think aptly summarize the feelings of all Oklahomans:

[From the Tulsa World, Tuesday, Feb. 19, 1980]

Steed: A Job Well Done

Rep. Tom Steed of Shawnee is more than an Oklahoma Congressman. He is an Oklahoma institution. His decision to retire at the end of his present term signals a loss of prestige and power in Washington not only for his own Fourth District, but for the entire State.

We call Steed Oklahoma's unofficial Congresssman-at-Large. There is no part of the State that has not benefited from his counsel and his stature as the respected chairman of the Treasury appropriations subcommittee.

In fact, Steed has officially represented a large part of Oklahoma—from Sapulpa to Altus—at one time or another. His original Fourth District stretched from Creek County to the Oklahoma County line and South into a wide swath of Little Dixie. After being reapportioned twice, the District was shifted to include most of the State to the Southwest of his home base in Pottawatomie County.

With nearly 32 years and 16 terms to his credit, Steed holds the Oklahoma record for service in Congress. But the honors and praise now being poured on the Shawnee Democrat by his constituents, colleagues and friends are not for his political longevity. He is being recognized not for length of service, but quality of service.

Steed might have served longer. At 75, he is as sharp and energetic as ever. But his doctor's precautions about potential health problems prompted him to call it quits at the end of his 16th term.

As always when a popular and accomplished person retires from an important job, Steed's announcement last Saturday sounded a note of poignancy.

Poignancy and even a little sadness. But no regrets. After all, Tom Steed has had one helluva run.

Tears Mark End of Era—Steed Announces Coming Retirement

(By Chuck Ervin)

Oklahoma City.—With tears in his eyes and his voice breaking, U.S. Rep. Tom Steed announced the end of an era Saturday—his retirement after 32 years in Congress.

"After consulting with my doctors, I can't honestly say I will be able to remain healthy and active," the 75-year-old Shawnee Democrat said.

"Therefore, I will not, repeat not, be a candidate for re-election. It is a decision that is made more in sadness than in joy, but one I will not change."

Steed became choked up and had to pause several times during his statement to newsmen and women attending the midwinter convention of the Oklahoma Press Association.

He has served in Congress longer than any other Oklahoman.

When Steed first was elected in 1948, the late Roy J. Turner was governor. Former House Speaker Carl Albert of McAlester was an obscure freshman congressman from Little Dixie, and the late Robert S. Kerr—later "the uncrowned king of the Senate"—was a second-year freshman only beginning his rise to power.

The late Harry S Truman was president. The victories of World War II were still fresh in the minds of Oklahomans, and Korea was only an unfamiliar name on the map.

"I will return to Oklahoma and try to find the life as a private citizen I left behind 32 years ago," Steed said Saturday. "I intend to spend my declining years in the state I love, among the people who mean the most to me."

The feisty Steed was seldom at a loss for words, on the floor of the House, in committee or in private conversation. He recalled Saturday how former Sen. Fred R. Harris once described him as: "the only man I know, who can corner you in the middle of a room."

U.S. Rep. Glenn English, D-Cordell, one of those who extolled Steed's virtues Saturday, said he had just had a normal brief conversation with him "for about three hours."

Steed also is known for his sometimes caustic wit.

When asked by a reporter once why he had been flying first class instead of traveling coach as required by state law, Steed replied: "Because I'm a first class congressman."

When Jay Wilkinson, an attractive, All-American football player and the son of former OU football Coach Bud Wilkinson, ran against him and appeared to have Steed on the ropes with a television and billboard campaign featuring the young Wilkinson striding across a field and looking up at the sky, Steed turned the tables and had him virtually laughed out of the race.

"Any fool knows you don't look up when you walk across a cow pasture," he said.

But his tongue occasionally got him in trouble.

Steed remembered Saturday how Kerr, less than pleased with a biting introduction from his colleague, once said:

"Take a good look at him, folks. He's the only man in the world who can put both feet in his mouth at once."

The man Steed defeated for Congress in 1948, Lyle Boren, was in the audience Saturday, as was his son, U.S. Sen. David Boren.

"Not only has he been the Congressman for the 4th District, he's been the Congressman for the whole state of Oklahoma," Boren said. "He's my friend, my teacher and my colleague."

Most of Oklahoma's congressional delegation was present, and Steed's announcement triggered an outpouring of praise.

"Tom worked valiantly for Oklahoma and the nation," said Republican Sen. Henry Bellmon, who also is retiring. "There never has been a Congressman who was more popular, more respected or more trusted than Tom Steed," he added.

Gov. George Nigh praised him for his "unselfish and completely dedicated years of service."

"You will continue in public life through the impact you've had on those of us in Congress that are younger," said Rep. James R. Jones, D-Tulsa.

"Thank you for the wisdom and expertise you gave us," said Rep. Glenn English, D-Cordell.

"I'm the freshman, and I'm the one closest to him," said Rep. Mike Synar, D-Muskogee. "I'll never be the Congressman I could have been, without him.

"I love you, Tom."

Steed later cited progress in Oklahoma he and others worked for during his years in Congress.

"We've made Oklahoma one of the 10 fastest growing states in the nation," he said. "The greatest thing we did was stop the exportation of our children.

"We've just got the foundation built. Now we're ready to go on to the next phase.

"Father Time is a relentless old fellow. He just won't quit taking a toll on you. I hate to quit a job I've had as much fun as I've had in this one. But I'm going to come back and enjoy some of the things I helped build.

"This is the greatest place in the world to live.

"If that sounds corny, I don't care."

An Interesting Guy—Retiring Tom Steed Fits Many Descriptions

(By Jenk Jones, Jr.)

You could string a number of adjectives in front of Tom Steed's name: powerful, crafty, tough, patriotic, gabby, irascible, opinionated.

Above all, colorful.

Steed, two weeks short of his 76th birthday, today announced he will retire from Congress after this term because of declining health. He is in his 32nd year in office, a record for an Oklahoman.

A Democrat from Shawnee, his 4th District today is radically different from the boundaries when he first was elected.

Congress was a second career for the native of Rising Star, Texas. He spent 20 years as a newspaperman, the last four as a managing editor in Shawnee, before running for the House.

He wasn't afraid of big name foes. His first victory, in 1948, came in a Democratic runoff romp over five-term congressional veteran Lyle Boren, father of Sen. David Boren.

The next year he walloped another former Democratic Congressman, Glen D. Johnson.

So potent a politician did Steed become in six times he was unchallenged in party primaries and four times drew no GOP opposition.

By far his closest call was a 364-vote squeaker against Republican Truman Branscum in 1966. Two years later, Steed was thrown against another incumbent congressman, the GOP's James V. Smith, following court-ordered congressional redistricting. Steed won by 9,099 votes out of more than 125,000 cast.

Steed is the fourth-highest ranking Democrat on the powerful House Appropriations Committee and chairman of its subcommittee on Treasury, post office and general government.

As such, he has been in a position to fight for Oklahoma projects, especially the major military installations (Tinker Air Force Base, Fort Sill, Altus Air Force Base) within his district.

He also was a vital cog in securing money for the Kerr-McClellan Navigational System which made Tulsa a seaport.

Steed always has been a talker, sometimes to the dismay of the newsman or audience he held captive for marathon sessions. (He once took 16 minutes to introduce Sen. Mike Monroney to a political gathering; Monroney was then a 24-year veteran of Congress and could have been presented in a sentence.)

And sometimes his language has a barracks flavor (especially when he talks about the Senate, his prime objection of scorn. Try calling the Senate the "upper house" within Steed's hearing.)

But he has been a shrewd observer of government and the men and women who run it, and unwise is the listener who doesn't heed the congressman's words.

He also was a vital ally of Carl Albert when the latter from the neighboring 3rd District, was House majority leader and then Speaker.

With Albert retired after 30 years of service and Sen. Henry Bellmon stepping aside this year, Steed is guaranteed to be Oklahoma's longevity champ in the 20th century.

Even if 1st District Rep. James R. Jones, after Bellmon the longest serving member of the state's delegation, were to stay in Congress until the year 2000, he would be four years short of Steed's mark.

Steed served through four years of Harry Truman's term, the entire presidencies of Dwight Eisenhower, John Kennedy, Lyndon Johnson, Richard Nixon and Gerald Ford and the first term of Jimmy Carter. There may be another president-elect before the Oklahoman officially leaves office when his term expires in January.

Mr. ADDABBO. Mr. Speaker, will the gentleman yield?

Mr. JONES of Oklahoma. I yield to the gentleman from New York.

Mr. ADDABBO. Mr. Speaker, I am proud to join my colleagues in paying tribute to my chairman, the Honorable Tom Steed, who has decided to retire at the end of this session.

I have worked alongside Tom for 20 years now. He has been my friend, my mentor, my confident, my storyteller. Every winter for 10 years he has whispered to me that he was going to pack it in, and every winter I would beg him not to do it. This year he whispered he was going to pack it in, I begged him not to do it—and I went on to other things. We had, after all, established a nice working relationship regarding this. It is almost a breach of faith for him to change the rules at this late date and actually go ahead and retire.

I frankly could not believe the news when I heard he was going to retire. In shock, I went to him and said, "Why are you doing this?" He gave me a very typical Tom Steed answer. After 32 years in Congress and 43 years of storytelling preceding that, he had recently noticed himself repeating a story for the second time. When the job gets so demanding that a dedicated storyteller does not have time to add to his collection, it is beginning to interfere with the important things in life.

I will say flatly that even with all of the wonderful talents that Oklahoma has sent to the House of Representatives during my tenure that none have achieved such universal trust and affection as has Tom Steed. I cannot recall having ever seen a Tom Steed press release. I cannot remember Tom ever engaging in an act of vanity, despite the enormous power he has wielded for so many years. I cannot recall a mean or spiteful act, despite a temper that has been known to explode when people fail to live up to their promises. I do not know that he has a single enemy in this House or in this capital city. I do not know how he does it.

I know that the great State of Oklahoma has a great many talents among its citizens, and I am sure that the successor to my chairman will be a fine person, dedicated to doing good works. But in losing the service of a man like Tom Steed, the Nation suffers more than it will realize, for it is the experience accumulated over decades that is valuable and not replaceable. For myself, and all of us who have served over the years with this good man, the loss is even greater. It is a personal loss, as well, and with Tom as he leaves goes part of our youth and our happy memories.

But it does not pay to get too sentimental about or around Tom Steed. He retains from his old newspapering days the sharp retort that cuts sentimentality off at the roots. And so, before I become a target myself for my chairman, I will quietly back off and say only that I learned of his planned retirement with sorrow and personal loss. But I wish him well in the many years of retirement facing him, and I know that this restless soul would not sit idle for too long before he takes up a cause or two close to his heart.

Mr. JONES of Oklahoma. Mr. Speaker, I yield to the gentleman from New York (Mr. McEwen).

Mr. McEWEN. Mr. Speaker, I thank the gentleman from Oklahoma for yielding.

Mr. Speaker, I would be indeed remiss if I did not say just a few words about my subcommittee chairman who has decided to leave this Congress.

Mr. Speaker, it has been my privilege, along with my colleague, the gentleman from New York who just spoke (Mr. Addabbo) to serve on the committee of Chairman Steed, the Committee on Treasury, Postal Service and General Government. It is a committee, Mr. Speaker, that covers a great deal. I must say that my chairman, not until I went on his subcommittee did I find out how many things that phrase "general government" covers. That picks up a lot of little things like the White House and a few other agencies and departments of this Government; but Chairman Steed has aways been inordinately kind and if I may say so, tolerant when the witness was passed if this Member or another Member wanted to pursue a rather extensive line of questioning. He was never impatient with us, always generous in affording all Members of the subcommittee the opportunity to question the witnesses.

☐ 1910

I want to say to the gentleman from Oklahoma that I am going to miss him here in this Chamber. I am going to miss him in that subcommittee, I am going to miss him in the Longworth Cafeteria for those breakfasts that some of us gather for over there, and as a neighbor over in the annex.

I would just say I know he leaves a group here that holds him in great affection to go back to a district that has manifested their regard and their affection for him for a lot of years in sending him to this body. To Tom Steed and to his wife I just offer my thanks for having known them and my best wishes for the years that are ahead for them.

Mr. JONES of Oklahoma. I thank the gentleman. I yield to the gentleman from Oklahoma (Mr. English).

Mr. ENGLISH. Mr. Speaker, I rise today to honor a distinctive gentleman who has served Oklahoma in the House of Representatives with wisdom and unquestioned effectiveness for more than 3 decades.

Tom Steed has done as much as any one Oklahoman to give our State a strong voice in Washington over the past 32 years. And he has guided me, and most of my Oklahoma colleagues, through the tortuous process of learning how to best serve our constituents here in the House.

But I have most appreciated Tom for his candor. In a group of 435 individuals who are noted for their ability to avoid making direct statements, Congressman Steed truly stands apart. His willingness to speak bluntly on the most controversial measures is legendary in Oklahoma. But it is this very quality which has enabled the dean of the Oklahoma congressional delegation to startle all of us into a clearer and more balanced view of our work in Washington.

If any Oklahoman has earned the gratitude of his State, that individual is Tom Steed. And if any Member of Congress has earned the right to put aside the burdens of elected office, that Member is Tom Steed. We all stand ready to offer Tom our best wishes for a long and enjoyable retirement.

But Tom is an Oklahoma original, and it will be many long years before the vacuum which his departure is creating can be filled. And in the Congresses to come, he will be sorely missed.

And so I join with my colleagues in thanking Tom, on behalf of all Americans, for his dedicated service in our behalf, and in extending to him our best wishes for a most happy return to private life.

Mr. JONES of Oklahoma. I thank the gentleman. I yield now to the distinguished gentleman from West Virginia, chairman of the Interstate and Foreign Commerce Committee (Mr. Staggers).

Mr. STAGGERS. I thank the gentleman for yielding.

Mr. Speaker, I came to Congress with Tom Steed 32 years ago. Tom Steed has been one of the outstanding Members of this Congress, and I am not going to take the time to extol all of his great qualities and the great things he has done. But Oklahoma can be doubly proud of him and his service here for the kind of man that he has been.

We have a little quotation back home that I believe exemplifies Tom Steed. He believes in gentlemanliness, honest chivalry, clean-minded and God-fearing manliness. He believes in man, the masterpiece of all creation. He believes in God, the eminent architect of the universe, the compassionate ruler of destiny. Tom has lived that kind of life here, and we have all enjoyed his stories and enjoyed his companionship, his fairness to his country, to his colleagues here, and to his fellow man.

I believe that he fits another little saying:

> I have to live with myself and so, I want
> to be fit for myself to know.
>
> I want to be able, as the days go by, always
> to look myself in the eye.
>
> I do not want to stand with the setting
> sun and hate myself for things I have done.
>
> I want to go out with my head erect;
> I want to deserve every man's respect.

Tom Steed is going out of this Congress in just exactly that manner. He has the respect of all the Members of this Congress. He should have the respect of all of the people of Oklahoma and all America for the job that he has done.

To him I say may his retirement be happy for him and his family and long and enjoyable.

Mr. JONES of Oklahoma. Mr. Speaker, I thank the gentleman for those comments. I can tell the gentleman that no two gentlemen will be missed more or are respected more than you and Tom Steed.

I yield to the gentleman from New York (Mr. Murphy).

Mr. MURPHY of New York. I thank my colleague from Oklahoma. Mr. Speaker, I would like to pay my respects along with my colleagues that have preceded me to the Honorable Tom Steed, of Oklahoma, a Member who has the total and entire respect of this entire body.

Of course, my colleague from New York, Joe Addabbo, who served intimately with him on the Committee on Appropriations, discussed the great sense of humor and the storytelling ability that Tom Steed has. I think all of us know that. My son was stationed at one of the military bases in Oklahoma, and Tom had gone down there as a speaker several summers ago. I instructed the young man to be sure that he said hello to the Congressman. He returned in a month and he said "I reported to him," and I said, "Well, what did he tell you?" And he said "He told me a story."

So, Tom is consistent, not only with us, but he is also consistent with the youth of America and, of course, his constituents and his friends and everyone alike.

But the real accomplishment of Tom Steed is as a protector of the Nation's pursestrings. There is no member on the Appropriations Committee with greater fidelity to protecting the taxpayer than Tom Steed and, at the same time, making sure that the programs of America that are vital and necessary are properly funded. That meant putting up with a little demagogery on one side and a little demagogery on the other, and writing a bill, an appropriation bill that fit the need exactly for this country and meets the needs of the taxpayers and does not hurt them. Tom Steed always met that trust and, Tom, we are going to miss you and we are going to miss you just as much as we are going to miss our colleague that we have just honored who came here to the Congress with you. As I said, you may well be succeeded, but you will never be replaced.

Mr. JONES of Oklahoma. I thank the gentleman and yield to my colleague from Oklahoma (Mr. Synar).

Mr. SYNAR. Mr. Speaker, I would like to compliment the Congressman from the donut hole of my district for having this tonight because he becomes the new dean, and we all know that the steps and shoes he must fill are going to be great due to the great contributions of Tom Steed.

I rise tonight on behalf of all the people of the Second District of Oklahoma and the thousands of Oklahomans who could not be here tonight to pay special tribute to a man that has been the Congressman for Oklahoma for many years. In fact, because of that service, today the Governor of the State of Oklahoma made the following proclamation:

TOM STEED APPRECIATION DAY

Whereas, the Dean of Oklahoma's Congressional Delegation, the Honorable Tom Steed from Oklahoma's Fourth Congressional District has announced his retirement from the United States House of Representatives; and

Whereas, the United States House of Representatives is appropriately paying tribute this day to Congressman Steed; and

Whereas, the people of the Fourth Congressional District of Oklahoma, and the entire State of Oklahoma, have long recognized and appreciated the dedicated and able public service and leadership Congressman Steed has performed for Oklahoma and the United States for the past 32 years; and

Whereas, the people of Oklahoma recognize that the tireless efforts, the integrity and the ability of Tom Steed are rare qualities; and

Whereas, the people of Oklahoma wish to join with Members of the Honorable United States House of Representatives on this day in proclaiming and paying tribute to a strong, honest and truly exceptional leader,

Now, therefore, I, George Nigh, Governor of the State of Oklahoma, do hereby declare this 26th day of February, 1980, as Tom Steed Appreciation Day in Oklahoma.

George Nigh,
Governor.

I rise tonight to say thank you to a great Oklahoman, a great American and, most of all, one of the finest men I will ever meet.

Mr. JONES of Oklahoma. I thank the gentleman and I yield at this time to the gentleman from Oklahoma (Mr. Watkins).

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Mr. WATKINS. I thank the gentleman for yielding. I appreciate my colleague, the gentleman from Oklahoma (Mr. Jones) for holding this special order tonight here on the floor of the House for the Dean of the Oklahoma delegation, Tom Steed.

Thomas Jefferson Steed was born near Rising Star, Tex. A rising star Tom Steed truly was; a rising star Tom Steed truly became. It was Oklahoma's good fortune that he moved with his parents as a small child to Konawa in Seminole County just north of my hometown of Ada. Later it was Tom Steed's good fortune to marry his sweetheart, Hazel, who has been by his side for 57 years, and Hazel is beside him tonight as she looks on from the House Gallery.

Congressman Tom Steed set a new record which I predict will never be broken for length of service in Congress from Oklahoma when he was reelected to his 16th 2-year term in 1978. Tom Steed's retirement ends a dynasty for the Oklahoma congressional delegation. The young Democrat was first elected in 1948 with another crusty, straightforward-talking Democrat who headed the Democrat Party ticket, Tom Steed's close personal friend, Harry S. Truman, the President of the United States. Tom Steed holds the most powerful position regarding appropriations of anyone ever to represent Oklahoma in the House through his service as chairman of the Subcommittee on Treasury—Postal Service—General Government of the Committee on Appropriations.

I will long remember his service in this House in a more personal way for his personal advice, guidance, and counsel to me and the other young Members of the Oklahoma delegation. I will also remember the first time I went to Tom Steed for that first bit of advice. He said, "Wes, there are three things you need to have in your makeup around this House to last." I asked, "Tom, what are they?" His remark, "Wes, first you need to be patient. Second, you need to be patient. And, third, you need to be patient."

Tom Steed already knew the best advice that he could give to me.

Tom, as I have said to you, may God grant me your wisdom to quit this Congress someday in the same position that you hold, and that is on top. Thank you, Tom Steed, for the contributions you have made to me personally, to our great State of Oklahoma, to our great Nation, and for your dedication to build a better world for the future generations to come.

Mr. JONES of Oklahoma. I thank the gentleman.

Mr. Speaker, I now yield to the gentleman from Massachusetts (Mr. Conte).

Mr. CONTE. I thank my good friend, the gentleman from Oklahoma.

Mr. Speaker, it is very difficult for me to stand here and speak about my good friend of 22 years, but it is a distinct personal pleasure to join in this fitting tribute to my friend, Tom Steed. I have had the privilege to serve with Tom on both the Appropriations and Small Business Committees.

For several years, Tom served as the ranking majority member—and briefly as chairman—of the Committee on Small Business, while I served as that committee's ranking minority member. I also had the good fortune to serve for 5 years as the ranking minority member of the Treasury-Postal Service Subcommittee while Tom served as that panel's chairman. During this Congress, of course, as the ranking minority member of the full Appropriations Committee, I have continued to have the opportunity and the privilege to work with Tom.

Thus, I speak from experience when I say that Tom Steed has been superb as a legislator and as chairman. He has always been fair, decent, and honest with witnesses and Members alike.

His background as a newspaperman and his Oklahoma commonsense have served him and all Americans well in his annual handling of the Treasury-Postal Service appropriations bill.

Tom's Appropriations Subcommittee provides the funding for what might be described as this Nation's housekeepers, bill collectors, and general managers—both current and past. For the past 16 of Tom's distinguished years in the House of Representatives, he has been the overseer for the nuts and bolts of the Federal Government. Funding and policy directives have been provided, on a strictly nonpartisan basis, for White House operations, the Treasury Department, including the Internal Revenue Service, the General Services Administration, the Postal Service, the Federal Election Commission, and a host of other Federal agencies. He has supported civil service reform in the transition from the Civil Service Commission to the Office of Personnel Management and the Merit Systems Protection Board.

It is obvious that in this list of agencies, there have been many pressures to react in a political or mischievous manner, according to the popular will at the time. Tom has always resisted these pressures—and our Federal Government system is better because of his service.

But, of course, we all know that Tom Steed has always been more than just a chairman to those who have served with him. He is a fine, loyal friend, and he also happens to be the best storyteller in the House. I wish I had just half of his ability to spin a yarn. Perhaps it comes from his background of being born on a farm near someplace called Rising Star, Tex.,—or from spending 20 years as a newspaperman and 32 years as a Congressman. That kind of exposure has provided a lot of material for jokes, and our buddy, Tom, has made the most of it.

Another great story-teller and Oklahoman, Will Rogers, once professed that he could state honestly that he had never met a man he did not like. Well, I am not a great story-teller, or an Oklahoman, but I can honestly state I have never met a man (or a woman) who did not like Tom Steed.

Finally, Mr. Speaker, if my colleagues will forgive a purely personal comment, I would like to say that, during my 22 years in this body, I have had no more valued or enjoyable experience than the warm friendship I have shared with Tom. Although his retirement may alter our working relationship, I take great comfort in knowing that our friendship will continue.

This tribute today is well-timed, because this is Tom and Hazel Steed's 57th wedding anniversary. They were married on February 26, 1923. Hazel, as many of you know, not only shares the many burdens of a congressional wife, she also happens to have created one of the finest decorative egg collections in the world. I remember years ago when Tom and I were looking at Coast Guard operations in the Johnson Islands. There were millions of gooney birds there, and Tom was careful to bring home a gooney bird egg for his wife.

We wish Tom and Hazel a very happy anniversary, and offer our heartfelt wishes for many more to come. They have been an inspiration to all of us.

In closing, I think that one of the greatest things that can be said about a man is that he is a good man. In my book Tom Steed is a good man.

Mr. JONES of Oklahoma. I thank the gentleman from Massachusetts (Mr. Conte) very much.

☐ 1930

Mr. JONES of Oklahoma. Mr. Speaker, we all wish Tom Steed the greatest joy in his retirement years. Those of us who have had the privilege of knowing Tom and Hazel Steed will always cherish the advice, counsel, and friendship that they have given to us. We could recount so many stories of the advice Tom Steed has given to each of us that, hopefully, has made us better Members of Congress and better public servants but it can truly be said that no one that I have ever known has a higher respect for public service and done a better job of performing public service than Tom Steed.

Mr. Speaker, I yield back the balance of my time.

● Mr. BRADEMAS. Mr. Speaker, the colleague we honor today, Tom Steed, set a record for longevity in his home State of Oklahoma when he was elected to a 16th term in Congress in 1978.

That reelection record is the clearest indication of the great affection the people of his district and State have for Tom Steed. We all know Tom's outstanding work as chairman of the House Treasury, Post Office, and General Government Subcommittee of the Committee on Appropriations and his select committee work that helped create the Small Business Administration.

In 32 years in Congress, Tom Steed has fought untiringly for the interests of his district, which houses Tinker Air Force Base, Fort Sill, and Altus Air Force Base.

Similarly, his work as a senior member of the Appropriations Committee has had a profound impact on such national concerns as defense, education, agriculture, water conservation, and transportation. Tom's interests have ranged from upgrading the Library of Congress to helping create our national highway system.

For 20 years before his election to Congress, Tom Steed was a newspaperman and it is fitting, Mr. Speaker, that the journals in his district and in the State at large have heaped on Tom both praise and expressions of gratitude.

Back home he has earned the universal

praise for his skill as a legislator, his toughness and his honesty. That view of TOM STEED is shared here in Washington and I join in expressing the best wishes for TOM and his wife, Hazel, on their well-earned retirement from Congress.●

● Mr. DRINAN. Mr. Speaker, Congressman TOM STEED will be long remembered for the omnipresent humor which he shared with his colleagues on a daily basis.

TOM has served the Congress and the country since his first election to the 81st Congress on November 2, 1948. He has accomplished a great deal, and has done so with abiding graciousness and good humor. These qualities endeared him to all of the Members of the House, by whom he will be remembered with great fondness.●

● Mr. JONES of Tennessee. Mr. Speaker, I want to join my colleagues in special tribute for our friend, TOM STEED's 32 years of service in this body. Without a doubt, he has served his constituents and his State of Oklahoma well.

Like all Members of Congress who have sought to do their best in representing what they determined to be as the public interest, TOM STEED has seen his share of political battles during his tenure in this House. He has weathered them well, and now is able to withdraw from the legislative battles for a well-deserved retirement. I want to express to TOM my sincerest wish for a happy and constructive retirement.●

● Mr. RHODES. Mr. Speaker, this legislative body will lose a longtime and outstanding Member at the end of the 96th Congress when our colleague from the Fourth District of Oklahoma, Mr. TOM STEED, retires.

He has served in the House since 1949—over three decades of dedicated service to his constituents and the Nation, through two wars and many domestic, economic, and social challenges. I have had the privilege of serving with TOM STEED during most of his tenure in the Congress, and consider him a friend of long standing.

He has served the country during tumultous times, and as a member of the House Appropriations Committee has played an important role in the tough job of deciding priorities for Federal outlays.

I join my fellow House Members in deserved recognition of his long and illustrious career in the House. and wish him a long, happy, and fulfilling retirement.●

● Mr. ANDERSON of California. Mr. Speaker, TOM STEED has served in the House longer than almost everyone here. It surprised me when I heard of his plans to retire at the end of this session. His many long years of dedicated public service include 20 years spent as a newsman. TOM's ability to serve his district well is due in no small part to that previous experience, as well as his experience here on the Hill as an administrative assistant prior to being elected to Congress in 1948.

TOM is an excellent example of the bipartisan attitude that needs to exist if we, as a collective body, are to serve the people. As chairman of the Subcommittee on Treasury, Postal Service, and General Government of the Appropriations Committee; TOM put in many long hours that to others would be a thankless task. And as a member of the Small Business Committee, he worked long and hard toward the betterment of the small, independent businessman, who is really the backbone of our American economic system.

Yet, all those many years of public service do take a toll on an individual. At 76, TOM STEED needs some time for himself and his family. It will take a while for us to become accustomed to his absence, but all of us need to accept TOM's decision to retire as the right one.

I wish TOM all the best in his retirement, though I wonder how his constituents will fare without him. But, the fact that he will no longer be in Washington will most likely spur TOM on to help his district in other ways, in any way he can. We will miss him a great deal, and hope that he will visit us from time to time. My wife, Lee, and I wish TOM, his wife Hazel, and their son Richard, the best in years to come.●

● Mr. LONG of Maryland. Mr. Speaker, TOM STEED has announced that he will not seek reelection to the House of Representatives. This is sad news for the people of Oklahoma's Fourth Congressional District. It is sad news for me, too; TOM and I are very close neighbors on the fourth floor of the Rayburn Building. I served under his chairmanship for 2 years on the Postal Service and General Government Appropriations Subcommittee, and we now share an assignment on the Military Construction Appropriations Subcommittee. I respect him greatly and will miss his presence in the Congress very much.

Most of the people in TOM's district have never had another Representative. And it has been to their benefit. Few here today know the House of Representatives like TOM does. He is a hard worker and a master of the political process. TOM's successor has a tough act to follow.●

● Mr. VAN DEERLIN. Mr. Speaker, ex-newspapermen bring a special quality to politics. Having seen human nature in its infinite variety of disguises, they develop a certain skepticism. Seeing the world go on despite daily catastrophes, they develop a sense of humor.

A newsman before he came to Washington, TOM STEED has both these qualities and they stood him in good stead during his career in Congress.

To have spent 32 fruitful years in this often frustrating institution, he needed a fine sense of humor. To have done such a commendable job on the Appropriations Committee, a deep strain of skepticism was required.

As guardian of the Treasury, Post Office, and White House budgets, TOM STEED performed a great service for his country. As a man whose quick wit was a breath of fresh air in these sometimes stuffy corridors, he performed an additional service for his colleagues.

I wish him the best of luck in retirement. The people of Shawnee will be regaining a man of wit and wisdom. The House of Representatives will be losing a valuable Member.●

● Mr. BRINKLEY. Mr. Speaker, TOM STEED's fourth floor office in the Rayburn Building is just down the hall from me. It overlooks the west front Capitol grounds and affords perhaps the most scenic view of the Capitol building itself.

As inspiring as this is, it is not the major source of TOM STEED's inspiration. That major source stems from the Fourth District of Oklahoma and the people who inhabit it. Home holds no terror for TOM. He loves and respects the people back home and they love and respect him.

When I ran for Congress I chose as my slogan the most important commitment I could make—"to remember who I am, where I'm from, and who sent me."

I submit that Congressman STEED has subscribed to that same, important standard. He has remembered that he is the servant and not the master; he has remembered his roots and he has remembered to whom he is responsible.

His service is distinguished because he has the common touch—he will be remembered as the uncommon man which he is.●

● Mr. GORE. Mr. Speaker, I feel especially honored to participate in this tribute to our friend and colleague, TOM STEED.

TOM STEED's exemplary career of public service has been a special inspiration for me. As a former reporter, I know that TOM's background as a newspaperman on Oklahoma dailies has given him a clear insight into the needs and problems of his constituents and a firm grip on those of the Nation.

As a Vietnam veteran, I also know that his outstanding service in Burma during World War II has given TOM sensitivity and wisdom in dealing with the difficult issues we now face in our foreign military commitments.

More than 31 years of service have culminated in TOM's vigorous and capable leadership in the House Small Business and Appropriations Committees.

Under Chairman STEED, the Treasury, Postal Service, and General Government Subcommittee of Appropriations has charted the operation of some of our country's most important public services. The Postal Service's remarkable fiscal turnaround from a deficit to a profit is only one fitting tribute to his vigilant effort to improve a vital service.

Small businesses will lose a faithful and influential voice when TOM retires next January, and the Congress will face the difficult task of trying to fill his shoes.

He has been a friend and a model for me and I know many of our colleagues will join me in wishing him a happy retirement.●

● Mr. BOLAND. Mr. Speaker, I join with my colleagues in paying tribute to one of the most distinguished Members of the House of Representatives, TOM STEED.

For 32 years, TOM STEED has been an effective and dedicated spokesman for the people of Oklahoma. I have had the privilege of serving with him on the Appropriations Committee for many of the years that I have been in Congress. I can attest to the high regard with which he is held by the other members of that committee, and the value which they place on his judgment and his advice. He has served with distinction as chairman of the Legislative Appropriations Subcommittee from 1961 through 1964 and as the chairman of the Treasury, Postal Service, and General Government Appropriations Subcommittee from 1965 to the present. Serving under his leadership on that subcommittee gave me an opportunity to observe the way in which he met the special challenges and demands which confront anyone who serves as an Appropriations Subcommittee chairman. I found him to be uniformly even-handed and fair, and always solicitous of the opinions of all members, regardless of seniority and regardless of party. The work of his subcommittees and the full Appropriations Committee have been immeasurably aided on numerous occasions by the qualities of persistence and incisiveness which he developed as a newspaperman.

Tom Steed has served the citizens of Oklahoma in Congress longer than anyone in the State's history. In an occupation where tenure is often extremely short, and job performance is under constant review, that record is a fitting testament to the special faith which his constituents have in him. They have placed their trust in his integrity, his character, and his ability to represent their interests for portions of five of the most tumultuous decades in American history. Those of us who have worked with Tom Steed over those years know that that trust was never broken.

The retirement of Tom Steed will deprive the House of one of its most respected Members. We will miss his wisdom and his counsel. I know I join with all of his many friends in Congress in wishing Tom and his wife Hazel many, many happy and productive years when they return to Oklahoma.●

● Mr. COLLINS of Texas. Mr. Speaker, when Tom Steed retires, Congress loses our own Will Rogers. It is interesting that Tom comes from Oklahoma because he has the same homespun delightful humor that was the trademark of Will Rogers.

In all the rush and confusion of Congress, the most refreshing experiences I have during the days are walking over to the Capitol with Tom Steed. It seems we average about seven trips a day from our office here in Rayburn over to the House floor for votes. Whenever you turn to Tom and ask for a good story, he always has one. I hope when he settles down in that friendly Oklahoma country that he takes time to prepare the five volumes that would be needed to sum up all of the wonderful stories and experiences he has had.

Tom has been an excellent Congressman. He knows appropriations from A to Z. When he gets ready to review his bills, he knows where there is merit in adjustments and when there is fat that needs to be eliminated. Tom is a fair, honest, and sincere legislator. Tom Steed is not only well liked, but he has gained a high respect from all of us.

Oklahoma is losing one of its greatest sons when he leaves us this year. Those of us from the Southwest are proud of Tom Steed. Many Members have said I have never known a nicer guy than Tom Steed who ever served in Congress.●

● Mr. PICKLE. Mr. Speaker, Tom Steed is our Rock of Gibraltar of the House of Representatives. A Member of the House since 1949, Tom Steed was born near Rising Star, Tex. So the Texas delegation can almost claim him as one of our own. But all of us can claim him as one of the stars, one of the standouts of this institution. Even before he assumed office, Tom Steed served as an assistant to a total of three Congressmen. So I presume he has been active in congressional matters perhaps longer than anyone else.

Indeed, Tom Steed was one of those young turks in the early 1930's who looked at another young man named Lyndon B. Johnson and saw that he had great potential. He supported L.B.J. for speaker of the "Little Congress," an organization of administrative assistants of Congressmen.

Tom Steed's profession as a journalist taught him to be inquisitive, factual, fair, and aggressive. He has never accepted the status quo simply because someone says it is so. Tom looks into a question and decides on the facts. When he speaks out in his district or in the Congress, Tom Steed is one of the roughest, toughest, and most determined debaters.

Tom does not get involved in every issue which floats by the floor, but he understands them all. And on matters pertaining to his Appropriations Subcommittee, he is as tough as an Oklahoma boot.

I think of Tom Steed as a dear and warm friend who has proven his friendship over and over. But I also think of his friendship with President Lyndon B. Johnson, especially during the White House years. When the President needed to know if he had the votes on the Appropriations Committee and if a position could be sustained, he called his friend, Tom Steed, who advised him exactly right.

On August 27, friends of L.B.J. usually gather in Washington or in Austin to celebrate and commemorate the birthday of President Johnson. One year, our group invited Tom Steed to the L.B.J. Ranch as principal speaker. There on the banks of the Pedernales River, under giant oak trees standing stately in L.B.J.'s beloved hill country, Tom Steed simply but eloquently expressed appreciation for President Johnson. We will always remember that kindness.

Those of us in Congress can say simply—and we hope, eloquently—that Tom Steed is a great man. Though Tom has one of the most responsible positions in the House, he moves about the floor with a sense of humor on the affairs at hand, usually telling one story after another to illustrate his point. Tom can start a story early in the morning, and then it circulates and percolates around and around the House. If by the end of the day, the story gets back to Tom, he knows it is a good one.

We have enjoyed Tom Steed's wit and humor and insight for all these years. Not ever, once have I asked for his help or advice, did he not help. He never makes a grand show or flourish of helping. If he is agreeable, he says it will be done—and my friends, you can make book on his pledge that it will be done.

Without Tom Steed, the House will not be the same. This Chamber will be more sober and serious and dull when Tom leaves us. Without a doubt, he is a genuine character. Most of all, he is one of the greatest, most patriotic Americans of our time.

So we say "Great God Almighty—What a Man."●

● Mr. RICHMOND. Mr. Speaker, today, we honor the dean of the Oklahoma congressional delegation, my dear friend and mentor, Tom Steed, who has announced his retirement after 16 consecutive terms as a Member of the House of Representatives.

I feel as if I were saying goodbye to a member of my own family, a cherished uncle, whose humor, wisdom, many kindnesses, genuine warmth and affection, and delightful daily "yarns" have brightened every day for me and so many of "Uncle" Tom Steed's colleagues.

Tom Steed is truly an inspiration—a shining example—not only to new Members, but to all of his "students." It is a great personal pleasure for me to commend and congratulate Tom Steed as he completes his long, distinguished career of dedicated service to his constituents and the Nation. We will all miss his experience, expertise, wit, humility, and sage counsel, and we wish him the very best of everything as he closes out his outstanding career in the House.●

● Mr. WHITLEY. Mr. Speaker, Tom Steed has been a landmark in the House for many years.

When I came to Washington in 1961 to become Administrative Assistant to my predecessor, the Honorable David Henderson, he was already a well-established veteran.

I know Tom Steed as having a lot of the characteristics of a fellow Oklahoman, Will Rogers. I would, also, say that he is a great deal like the late great Harry Truman.

He is totally outspoken, unpretentious, and completely frank. If you do not want to know what Tom Steed thinks about something, do not ask him, because if you do, you will find out exactly and without embellishment.

It is too bad that his breed of journalists is disappearing from the American scene. He must have been a heck of an editorial writer when he was managing editor on the Shawnee News and Star.

But the main thing we will all miss when Tom is gone is his weekly joke. He could be depended on to pick up at least one good joke a week and share it with us on the House floor.

Not only has he served conscientiously and well, he has given us an example of the kind of Main Street Americanism we all admire. Tom Steed will be missed. There are not many of his kind left.●

● Mr. JOHNSON of California. Mr. Speaker, I appreciate the occasion to say a few words relative to the announcement of our colleague, Tom Steed, that he will not seek reelection to the House of Representatives.

Tom has been an able and dedicated Member of the Congress for 32 years and chaired the House Appropriations Committee's Legislative Appropriations Subcommittee and later the Treasury, Postal Service, and General Government Subcommittee during his distinguished tenure as a member of the Appropriations Committee.

While I am indeed sorry to see him leave after so many years of service together here in the House, I hope the opportunity to take life a little easier will help to restore him to the robust good health which he certainly deserves.●

● Mr. BROOKS. Mr. Speaker, Tom Steed has been a most valuable Member of this House since being elected to the 81st Congress in 1948. I wish to join with his many friends in paying tribute to the contributions he has made to this body during his 32-year career. As dean of Oklahoma's congressional delegation, he will be sorely missed, both here and in Oklahoma. His work as chairman of the Appropriations Committee's Treasury, Postal Service, and General Government Subcommittee has touched the life of every American in some way as well as his service on the Small Business Committee. His outstanding integrity while serving on these committees has been admired, respected, and appreciated.

It will be a long time before the House encounters another Member with his dedication to service and his outstanding wit. Few are as deserving of the rewards of retirement as Tom Steed and I want to thank him for his friendship over the years and to extend my warmest best wishes for the future.●

● Mr. PATTEN. Mr. Speaker, it was with a certain sadness that I learned of Tom Steed's decision to retire at the end of this, the 96th Congress.

I have the pleasure and the honor to serve under the able leadership of Tom Steed on the Treasury-Postal Service, General Government Subcommittee on Appropriations. Tom, in this role exemplifies everything good we can hope to do in this Congress. He has been an able administrator, is a man who really knows the substance and the process of our subcommittee jurisdiction, and he has been a great joy to work with over the past years.

But more important than his extensive expertise is his kindness, consideration, and care for not only his colleagues but for all those with whom he comes into contact. I can think of no higher tribute for this fine man than to say that he is loved and respected. I will miss him, and the Nation will have a great void in leadership in this body with his retirement.

This body has experienced great richness over the 32 years in Tom's career in the House. I wish him well and God's richest blessings for the future.●

● Mr. MONTGOMERY. Mr. Speaker, it is both a sad and a happy occasion to rise today to pay tribute to our colleague Tom Steed. I say sad because we hate to lose his experience and knowledge when the 97th Congress convenes next January. But also happy because we have had the benefit of his outstanding service for 32 years.

The people of Oklahoma and America have been blessed to have had the public service of Tom Steed for 16 terms in the U.S. House of Representatives. During the last 32 years, he has proved himself to be a man of hard work and dedication.

When Tom was first elected to Congress, he was "one up" on other freshmen Members because he had served as administrative aide to other Oklahoma Members. This prior legislative experience allowed him to jump right in and begin representing his constituents in an outstanding manner on his first day in office.

Mr. Speaker, I am particularly thankful for Tom Steed's leadership on the House Appropriations Committee. His voice has always been one of moderation and prudence in Federal spending. He knows the importance of restraining Government budgets and allocating our scarce tax dollars in a prudent and sound manner.

We all wish Tom much happiness and good health in the years to come and thank him for giving so unselfishly of himself in service to his country.●

● Mr. GINN. Mr. Speaker, in the flood of words that flow from the Nation's Capital, I sometimes think that we have diminished the value of one term that should signify something exceptional, and that term is "a great American."

In my mind, that description rightly applies to only a relative handful of the citizens of our Nation, and sadly, there are few of those great Americans alive today. That is why it is a special honor for me to rise in tribute at this time for one of those true great Americans, our trusted colleague and the dean of the Oklahoma congressional delegation, the Honorable Tom Steed.

During this Congress, I have had the privilege of serving with Chairman Steed as his colleague on the Committee on Appropriations. Before that, since the time I was first elected to the House in 1972, I have had the privilege of knowing him as a trusted friend and as a teacher.

He has been my teacher in the traditions of honor and the canyons of responsibility that bring this body, on occasion, to its rightful stature as the greatest democratic institution of our times. At the same time, he is a man who is quick to point out to us our failings when the House falls short of its responsibilities.

That is why Tom Steed will long be remembered and long be missed when he leaves Washington to return to his beloved Oklahoma. He is a man who embodies the high traditions and the high standards of the Congress, and he has had the patience and the wisdom to seek to instill those values in others.

Tom Steed has been a dedicated servant to his constituents. He has been a tireless guardian of the taxpayers' money in his powerful position on the Appropriations Committee. But he has been a man of insight and innovation as well, and those characteristics have improved the quality of our Government.

One example that comes to my mind is the fact that Tom Steed is the father of the Federal Law Enforcement Training Center, which has become the West Point of Federal law enforcement. Chairman Steed saw many years ago that our various Federal law officers were operating their training facilities in widely scattered locations, and were teaching similar programs without the advantage of common facilities.

So he led the initiative to establish the Federal Law Enforcement Training Center in Brunswick, Ga., utilizing and expanding the buildings formerly used as a naval aviation base. Today, some 10,000 students per year come to the Center, and they enjoy the benefits of the finest training in the country, and the taxpayers enjoy the benefits of their improved skills and of the savings in training costs.

Mr. Speaker, the list of innovative concepts that Chairman Steed has implemented could go on and on. The projects and contributions of our colleague will endure for many, many years as a testament to his skill and effectiveness.

We will miss Tom Steed, the legislator. But most of all, we will miss Tom Steed, the friend and leader. I hope and pray that he will make himself available to us for advice and counsel for many years to come.●

● Mr. MOORHEAD of Pennsylvania. Mr. Speaker, Tom Steed of Oklahoma is retiring from this body after 32 years of service to us and to our country. He is dean of the Oklahoma congressional delegation. Indeed, he has served Oklahoma longer in Congess than any other Member in the history of Oklahoma.

I believe it fair to say that Tom Steed considered himself to be and has acted as if he were a U.S. Congressman from Oklahoma rather than a Congressman from Oklahoma. He has had the courage to put national interests first if and when they should conflict with what some would suggest were the interests of his district. He has had the broad perspective which is necessary to each and every one of us everyday, where we have to ask ourselves whether a given piece of legislation is not only good for our district but for our Nation as well.

As a ranking member of the Appropriations Committee and the Small Business Committee and as chairman of the Appropriations Subcommittee on Treasury, Postal Service and General Government, Tom Steed has served and does serve influentially in the House. He has made his mark on countless pieces of legislation. He has also made his mark on the history of this body.

He is a Member who will be missed. He is a Member who will not be forgotten. He is a Member whom all of Oklahoma and all of the country can be proud.●

● Mr. MOTTL. Mr. Speaker, I am proud to participate today in this special order to say a few words in tribute to our distinguished colleague from Oklahoma, Tom Steed, who has decided to retire after 32 years of service in the House.

Congressman Steed is a dedicated, untiring, and able legislator who adheres to high principles which we can all admire.

So, while we pause to reflect on Tom's record and accomplishments, I want to extend my personal best wishes to him and hope that the future is filled with health, happiness, and success.●

● Mr. DERWINSKI. Mr. Speaker, I would like to join in paying a well-deserved tribute to our distinguished colleague, Tom Steed, who will be leaving the Congress at the close of this session. We have been fortunate to have Tom as a colleague and to have benefited from his extraordinary legislative ability for the past 32 years.

Having served in the House of Representatives for more consecutive terms than any individual from the State of Oklahoma, Tom Steed has effectively represented the people of the fourth district of Oklahoma during that time, and he may now step down from his duties here in Congress knowing that he has served well and contributed significantly to the legislative process.

As a member of the important Appropriations Committee and chairman of that Committee's Treasury, Postal Service, and General Government Subcommittee, he has played a major role in the consideration and passage of major legislation affecting the American taxpayer. His work in the House has gained him a reputation as an energetic, conscientious, hard-working public servant.

Tom Steed has made invaluable contributions to the people of this Nation, and he has certainly been an outstanding asset to his great State of Oklahoma. I want to congratulate him for his handling of the responsibilities of his congressional assignments with intelligence and insight.

Mrs. Derwinski joins with me in extending our best wishes to Tom and his wife, Hazel, and their family for many happy years in retirement.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Gilman) is recognized for 5 minutes.

Mr. GILMAN. Mr. Speaker, on Monday, February 19, 1980, I was necessarily absent from the House. On that day two votes were taken, and I now announce the votes I would have cast had I been present.

H.R. 6285, the Egg Research and Consumer Information Act, was the subject of rollcall No. 49, on a motion to suspend the rules and pass the bill. Had I been present, I would have voted "yes." The bill passed 288 to 82.

H.R. 2492, the bill to extend the duty suspension on feathers and downs, was the subject of rollcall No. 50. Had I been present, I would have voted "yes." The bill passed 371 to 0.●

RESEARCH REVITALIZATION ACT OF 1980

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Vanik) is recognized for 10 minutes.

● Mr. VANIK. Mr. Speaker, I am today reintroducing the Basic Research Revitalization Act of 1979 as the Research Revitalization Act of 1980. It is my belief that this legislation is a beginning in the direction we must be committed so that we once again become competitive in the world markets. This is only one step, but it is a beginning.

Every American should be gravely concerned with the growing dimension of the current trade deficit which currently runs at the rate of about $28 billion per year. Except for the problems caused by imported oil, this deficit would be manageable and correctable. However, the likelihood of long-term requirements for imported oil provide no easy solution for this pressing problem which stimulates inflation in the United States and causes serious market disruption. It therefore becomes exceptionally important for America to develop not only a strong internal base for business but an external base for export business as well. Ways must be found to stimulate foreign purchases in the United States, particularly from the oil producing countries. It is incredible, for example, that Nigeria, from whom we purchase about $7 billion of oil, uses this tremendous transfer of American dollars to purchase most of its necessary equipment and goods from Japan and Europe and buys only about $500 million of American goods.

One of the basic American problems is that we are running out of high technology initiatives which are essential in the export marketplace. During World War I and World War II and the subsequent Korean and Vietnam wars, there was a heavy defense expenditure on military technology, which, to a considerable extent, had civilian utilization. Until recently, the defense spending program was a tremendous Government stimulant for research and development in areas that affected the whole spectrum of the economy. America must find a way of relying on something other than war and high defense spending to provide the necessary flow of technology which will make American products attractive to our trading partners.

Domestically, we are suffering a decline in productivity rates because of a lapse in the input of new ideas, new approaches, new machines, and new systems which would stimulate production in the United States and reverse the sag in American productivity.

If we provide tax incentives for the rekindling of research and development in America, it is important that we calculate a method which will maximize the production of new technology with a minimum loss of taxpayer funds—in other words, a system that will have a high benefit ratio of new research and development technology per dollar of resources lost through taxation.

In discussing the shortfall of American technology, industrialists almost unanimously agree that a great part of the research and development that is essential to recover American preeminence in the fields of commerce and trade can best be accomplished on the university campus. The talents of academia are unlimited and underutilized. The laboratories and the teachers who are involved in the development of new technology are available at considerably lower cost is an academic setting. The underutilization of academia in the development of research and development in the United States today is one of our national shames. The laboratories and the facilities in the university setting are available for multipurpose uses and can be shared in a much more effective and efficient way than if they were installed in each American enterprise separately.

I propose that such research and development conducted in academia be in projects that would be sponsored by individual American corporations or proprietors, to be sure that research and development would be related to an essential product, as essential system, for which there is economic demand for either domestic use or for export. The corporation which would be using a substantial part of its research and development work would, of course, be desirous of projecting technology on the basis of its utilitarian value. In this way the research and development would be conducted with the highest likelihood of utilization.

This proposal would provide an incentive to the business, industrial, commercial, and agriculture sectors to invest its resources in research and development which is carried on in the academia setting. The utilization of university and academic facilities would create higher utilization of facilities in this very important area and increase the capacity of universities and academia to engineer education toward productive pursuits. This program would provide a substitute for military adventures or the space program in providing powerful, energizing forces for the creation of new technology. It will improve the quality of life in the United States and restore demand for American goods from abroad to their former high levels.

The Research Revitalization Act provides a nonrefundable credit to business for 25 percent of the amount contributed in cash to a research reserve. However, the maximum credit is limited to 5 percent of the taxpayer's business income. A deduction is allowed for payment from the reserve if it is used for basic or exploratory research by colleges and universities. A research reserve is a reserve amount which is exempt from income tax.

Penalty provisions are provided for use of reserve funds for other than basic research payments and for retention of amounts in the reserve for more than 4 years. The bill applies to contributions made to the reserve after December 31, 1980.

The Research Revitalization Act of 1980 is as follows:

H.R. 6632

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Short Title.

This Act may be cited as the "Research Revitalization Act of 1980".

Sec. 2. Tax Incentives for Research.

(a) In General.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by inserting after section 44C the following new section:

"Sec. 44D. Contributions To Reserve for Research by Institutions of Higher Education.

"(a) Allowance of Credit.—In the case of a taxpayer engaged in a trade or business, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 25 percent of the amount contributed in cash during the taxable year by the taxpayer to the research reserve of the taxpayer.

"(b) Maximum Credit.—The credit allowed by subsection (a) to the taxpayer for the taxable year shall not exceed an amount equal to 5 percent of the taxable income of the taxpayer for such year which is properly allocable to the taxpayer's trade or business. For purposes of the preceding sentence, taxable income shall be computed without regard to the deduction under subsection (c) (2).

"(c) Research Reserve.—

"(1) Exemption from tax.—Any research reserve shall be exempt from taxation under this title except that such reserve shall be subject to the taxes imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc., organizations).

"(2) Deduction for payments from reserve.—There shall be allowed as a deduction for the taxable year an amount equal to the aggregate qualified research expenses paid out of the research reserve of the taxpayer during the taxable year.

"(3) Qualified research expenses.—For purposes of this section, the term 'qualified research expenses' means amounts paid for research or experimentation (within the meaning of section 174) to be performed by any institution of higher education.

"(4) Institution of higher education.—The term 'institution of higher education' means an institution described in section 1201(a) or 491(b) of the Higher Education Act of 1965 (as in effect on January 1, 1978).

"(5) Denial of double benefit—Any amount allowable as a deduction under this subsection shall not be allowed as a deduction under any other provision of this chapter.

"(d) Special Rules.—For purposes of this section.—

"(1) Use of reserve amounts for other than payment of qualified research expenses.—

"(A) In general.—If any amount in a research reserve is, during a taxable year, used for any purpose other than for the payment of qualified research expenses—

"(i) an amount equal to the amount so used shall be included as taxable income (without regard to other income or deductions) to the taxpayer for the taxable year in which such use commences, and

"(ii)) the liability of the taxpayer for the tax imposed by this chapter for such taxable year shall be increased by an amount equal to 300 percent of the amount so used.

"(B) Exception.—Subparagraph (A) shall not apply to any payment from any reserve within 90 days after the last day prescribed by law (including extensions thereof) for filing the return of the tax imposed by this chapter for the taxable year if the amount of such payment is not more than the excess of—

"(i) the aggregate amount of contributions by the taxpayer to such reserve during the taxable year, over

"(ii) the maximum amount of contributions necessary to allow the taxpayer the maximum amount of credit allowable under subsection (a).

"(C) Excess contributions due to recomputations.—If, after the close of the 90th day under subparagrah (B), there is a recomputation of the maximum credit allowable to the taxpayer under subsection (b) (1) for a taxable year, subparagraph (A) shall not apply to any payment from any research reserve of the taxpayer if—

"(i) the amount of such payment does not exceed the sum of the excess described in subparagraph (B) with respect to such taxable year, plus the income on such excess,

"(ii) such recomputation was due to reasonable cause and not to willful neglect on the part of the taxpayer, and

"(iii) such payment is made at the time prescribed by regulations by the Secretary.

"(2) Contributions must be spent within 4 years.—

"(A) In general.—If any amount remains in a research reserve for more than 4 years after the date such amount was contributed to the reserve (or, in the case of income of the reserve, the date such income was received by the reserve)—

"(i) an amount equal to such amount shall be included as taxable income (without regard to other income or deductions) to the taxpayer for the taxable year in which the last day of the 4th year occurs, and

"(ii) the liability of the taxpayer for the tax imposed by this chapter shall be increased by an amount equal to 300 percent of the amount included in income under clause (i).

"(B) Certain amounts treated as paid.—For purposes of subparagraph (A), an amount shall not be treated as remaining in a research reserve on any day if there is a binding commitment on such day to pay such amount from such reserve not later than 1 year after such day. The preceding sentence shall not apply to any amount which is not paid from such reserve during such 1 year.

"(C) FIFO accounting required for certain purposes.—For purposes of determining whether an amount has been held in the research reserve for more than 4 years, under regulations prescribed by the Secretary, the taxpayer shall allocate payments to contributions and income on a first-in first-out basis.

"(3) Unused research funds may be redeposited in reserve.—

"(A) In general.—Nothing in this section shall be construed to prevent amounts which have been paid from a research reserve and which have not been spent by the recipient from being returned to such reserve.

"(B) Returned amounts included in income.—Any such amount returned to the research reserve of the taxpayer during the taxable year shall be included in the income of the taxpayer for such year.

"(4) Application with other credits.—

"(A) In general.—The credit allowed by subsection (a) shall not exceed the tax imposed by this chapter for the taxable year, reduced by the sum of the credits allowable under a section of this subpart having a lower number or letter designation than this section, other than credits allowable by sections 31, 39, and 43.

"(B) Tax imposed by chapter.—Any tax which is not treated under section 46(a) (4) as imposed by this chapter shall not be treated as imposed by this chapter for purposes of subparagraph (A).

"(e) Research Reserve Defined.—For purposes of this section, the term 'research reserve' means any trust—

"(1) which is created or organized under the laws of the United States or of any State (including the District of Columbia) for the taxpayer,

"(2) the exclusive purpose of which is the payment of qualified research expenses of the taxpayer,

"(3) contributions to which may be made only in cash,

"(4) no amount may be contributed to the trust in excess of the amount necessary to allow the taxpayer the maximum amount of credit allowable to the taxpayer under subsection (a),

"(5) the trustee of which is a bank (as defined in section 401(d) (1)), or any person who demonstrates to the satisfaction of the Secretary that the manner in which such person will administer the trust will be consistent with such purpose, and

"(6) the assets of which will not be commingled with any other property other than in a common trust fund.

"(f) Regulations.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section."

(b) Technical Amendment.—Subsection (b) of section 6096 of such Code (relating to designation of income tax payments to Presidential Election Campaign Fund) is amended by striking out "and 44C" and inserting in lieu thereof "44C, and 44D".

(c) Clerical Amendment.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 44C the following new item:

"Sec. 44D. Contributions to reserve for research by institutions of higher education."

(d) Effective Date.—The amendments made by this section shall apply to contributions made after December 31, 1980.●

MUNICIPAL WASTE TO ENERGY ACT OF 1980

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Ottinger) is recognized for 5 minutes.

● Mr. OTTINGER. Mr. Speaker, today I join my distinguished colleagues, the gentlemen from New York (Mr. Fish), Michigan (Mr. Dingell), and Ohio (Mr. Brown) in introducing legislation to encourage the recovery of energy from municipal wastes.

This bill creates an aggressive program for solving two critical problems at once—disposal of municipal wastes and sewage sludge and creation of significant energy to replace oil from these presently dumped resources.

Waste processing to recover both energy and energy intensive materials is used extensively already in West Germany, England, France, Spain, and Italy. It is shameful that we have barely scratched the surface of testing this important resource in the United States.

This Nation is facing a growing problem in disposing of solid waste and sewage sludge. Currently, the Nation is generating about 200 million tons of solid waste annually and 14 million tons of sewage sludge. Americans are increasingly unwilling to let this vast amount of garbage threaten our environment and health through uncontrolled disposal. By law, ocean dumping of sewage sludge will be prohibited after 1981. Unsanitary disposal of wastes in open dumps or uncontrolled landfills poses major health and safety hazards. Landfill sites are becoming increasing difficult to obtain as citizens resist their development, as land values increase and as water quality standards block much land from landfill development. Finally, air and water pollution standards now forbid many towns and cities from continuing their traditional means of disposal, such as open burning and uncontrolled incineration.

Happily, we have before us a way to dispose of this garbage in an environmentally sound manner and at the same time to generate a very significant domestic source of energy. In a recent report, the Office of Technology Assessment estimates that if all the energy and energy-intensive materials had been recovered from the municipal waste generated in 1975, the Nation could have saved 2.3 percent of the energy used in that year or the energy equivalent of about 280 million barrels of oil. According to more recent estimates, our growing garbage pile could now yield up to 3.8 percent of our current energy consumption, replacing 510 million barrels of oil per year.

Despite the promise held out by converting garbage and sewage sludge to energy, the process faces serious technical, legal, institutional, social, and financial barriers. Although the cost of disposing of garbage and sludge is increasing, it is still not high enough in many cases to justify the heavy, front-end investment required for a technology that still faces many risks.

Local governments face special financing problems because of their statutory limits on bonded indebtedness or poor credit ratings that limit sales.

In some States, communities are forbidden from entering into long-term contracts for the sale of waste or for the products of resource recovery plants. Yet economically sound resource recovery plants require long-term contracts, often for 10 years or more.

Mr. Speaker, the bill we are introducing today attempts to rectify these problems. It would also strengthen and broaden existing law—the Department of Energy Authorization Act of 1978 (P.L. 95–238)—by authorizing financial assistance to private applicants as well as municipalities for urban waste-to-energy projects.

The administration has been shamefully neglected of this congressionally mandated program. In previous fiscal years, the administration has failed to implement this program—a program that will help us tap the great potential of a near-term energy resource. I was disappointed to see that the administration requested only $10.9 million for the urban waste-to-energy program in fiscal year 1981, a $2.1 million reduction from last year. The administration requested funding neither for the loan guarantees under title II of Public Law 95–238 nor for the financial assistance to demonstration plants under title IV of that bill. The Department of Energy has justified this budget by telling us that municipal waste will be one of eight technologies competing for financial assistance as part of the $2.2 billion energy security reserve contained in the fiscal year 1980 Interior appropriations law. However, no funds to date have been earmarked specifically for waste-to-energy projects out of this reserve. We are concerned that small urban waste projects, in particular, will be lost in any massive program directed primarily at large-scale, synthetic fuel plants.

The bill we are introducing today would establish an accelerated research, development, demonstration, and commercialization program in energy resource recovery at the Department of Energy. The bill sets an annual production goal by 1990 of one quad—or the energy equivalent of 172 million barrels of oil—to be recovered from urban waste in the form of energy and energy-intensive materials. Based on estimates from OTA, the Nation has more than enough solid waste available right now to achieve this goal.

This bill would establish within the Department of Energy an Office of Urban Waste Energy Management to give this program the attention it deserves. The director of this office would be responsible for administering the financial assistance programs, for transmitting information to local governments and to the public, and for transmitting information to local governments and to the public, and for training personnel to operate waste-to-energy plants.

Second, this bill would authorize $50 million in fiscal year 1981 for research, development, and demonstration at the Department of Energy. This sum would include financial assistance in the form of grants, price supports, contracts, loan guarantees, purchase guarantees or cooperative agreements—for demonstration plants. Recognizing that cities are often reluctant to take the risk of owning and operating such facilities, we would make private entities eligible for this assistance as well as cities.

Third, the bill would authorize $100 million in fiscal year 1981 to assist public and private entities in the heavy front-end cost of building commercial waste-to-energy plants. This assistance would be in the form of loans, grants, loan guarantees, and price guarantees.

Finally, this legislation directs the office to prepare a study in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Commerce, analyzing the financial, institutional, environmental and social barriers to developing energy resources recovery. The report would make recommendations about additional Federal actions needed to encourage this activity. I believe this requirement will help us develop a coordinated management plan to overcome the barriers facing rapid commercialization of waste-to-energy. I believe this legislation shows great merit and for this reason I encourage my colleagues to support this bill.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. SYNAR) is recognized for 5 minutes.

● Mr. SYNAR. Mr. Speaker, during consideration on Monday, February 25, 1980, of H.R. 4996, providing for the recognition of the Paiute Indian Bands, I was absent from the House of Representatives on official business. Consequently, I missed the rollcall vote on final passage of the legislation. Had I been present and voting, I would have voted "yea."●

ESTONIAN INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ADDABBO) is recognized for 5 minutes.

● Mr. ADDABBO. Mr. Speaker, the concept of human rights, in particular the right to self-determination, is one that is interpreted differently by various nations of the globe. To the Soviet Union self-determination exists only outside their sphere of influence. To those unfortunate nations entrapped in their sphere there is little freedom, the people subject to the economic and political exploitation of Moscow.

February 24, 1980, marked the 62d anniversary of the Proclamation of the Independence of the Republic of Estonia. It is an independence on paper at best. It is an independence that should remind the free people of the world that in Estonia the people know of freedom as something that is enjoyed by others. It was in 1939, when Russia established military bases in Estonia, a nation that Russia had recognized as independent in 1920, the Soviet Union explicitly renouncing voluntarily and forever all rights of sovereignty over the Estonian people. In June of 1940, Soviet forces occupied Estonia. Two months later the Russians forcibly made Estonia part of the Soviet Union. Since then, the Estonian people have suffered extremely heavy human and material losses. During the 1940's, the Russians sent about a tenth of Estonia's people to Siberia as punishment for their opposition or their political beliefs. In recent years those who dare to make any requests for freedom and justice, relying on the stipulations of the Helsinki accords, are either confined to mental hospitals or sentenced to prison terms in trials that only serve to make a mockery of the word justice.

In years past, Estonia was a deeply religious nation, its peoples extremely proud of their heritage. Today, it is a nation in which the goverment discourages religion, where attendance at services often leads to loss of educational opportunities or job advancement. In years past, two-thirds of Estonians farmed the land and lived in rural villages. Today, through Soviet industrialization most of the people work in factories or mines and live in government-owned apartments in cities or towns, the Soviet Union depending heavily on Estonia's manufacturing and mining industries, the mines providing almost three-fourths of the Soviet Union's oil shale.

The United States has never recognized the forcible annexation of Estonia, Latvia, and Lithuania by the Soviet Union. What the United States does recognize is the belief that human rights are the most precious of all commodities, and that the process of Russianization, whether it be in Afghanistan, or in the Baltic States, is one of denial and exploitation, injustice, and inhumanity. We owe it to ourselves, who enjoy freedom every day, not to forget the plight of those who await the day when they shall be truly independent.●

INTRODUCTION OF INDIAN HEALTH CARE REAUTHORIZATION BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. UDALL) is recognized for 5 minutes.

● Mr. UDALL. Mr. Speaker, today I have introduced a bill to amend the Indian Health Care Improvement Act of 1976 to reauthorize funding for the various programs and new initiatives in Indian health established by that act.

In the 94th Congress, we considered comprehensive legislation designed to incrementally bring the state of Indian health up to a par with the rest of the country. The legislation either gave concrete direction to the administration with respect to existing programs and authorities or established new programs.

These programs were designed for a 7-year crash effort with incremental appropriation authorization for each fiscal year.

However, the committees involved felt that it would not be realistic to set funding levels 7 years into the future. Therefore, the legislation was amended to set specific funding levels for each program for fiscal years 1978, 1979, and 1980. Funding levels for fiscal years 1981, 1982, 1983, and 1984 were to be set by subsequent legislation.

In order to assist Congress in making this later determination as to appropriate funding levels, the act requires the Secretary of HEW to submit a report to Congress making recommendations on funding levels. Section 701 provides, that—

> Within three months after the end of fiscal year 1979, the Secretary shall review expenditures and progress made under this Act and make recommendations to the Congress concerning any additional authorizations for fiscal years 1981 through 1984 for programs authorized under this Act which he deems appropriate.

Despite constant prodding by the committee, we have yet to receive any such report. Because of the failure of the administration to submit the required report, we have no guidance on appropriate funding levels for these programs for the next 4 fiscal years.

Therefore, the levels contained in my bill are somewhat arbitrary. I am sure that the hearing process will more clearly define the necessary levels of authorization in order to continue the effort to raise Indian health standards more nearly on a par with the non-Indian community.●

ON THE RETIREMENT OF REPRESENTATIVE BILL HARSHA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. JOHNSON) is recognized for 5 minutes.

● Mr. JOHNSON of California. Mr. Speaker, there is a time-honored custom in this body that dictates the delivery of fulsome praise for those of our colleagues who are closing out their congressional service and retiring to private life.

I rise today in tribute to one such Member, not in trite observance of congressional custom, but rather with heartfelt regret that our friend and colleague of many years' standing, Representative WILLIAM H. HARSHA, has chosen not to seek reelection next November.

BILL HARSHA has served with me on the Public Works and Transportation Committee since he entered the Congress in 1961, and for the past 10 years he has been the ranking minority member and an extraordinarily forceful contributor to the work of that committee.

In the course of those years, I have come to know the gentleman from Ohio both as a warm personal friend and as a lawmaker of uncommon ability. His imprint is on every major enactment that has come out of the Public Works Committee in the past two decades—most notably landmark legislation to protect and strengthen our national transportation system, to reduce the tragic toll of death and injury on our highways, to foster economic and industrial development in areas that have been left out of the mainstream of our national prosperity, and to provide productive work for hundreds of thousands of disadvantaged Americans.

BILL HARSHA and I sit on opposite sides of the aisle in this great deliberative body, but, in all the years I have known him, partisanship has never obscured his vision of the national interest. In large measure, it is thanks to his nonpartisan cooperation and support that our committee has achieved one of the most successful legislative records in the history of the Congress.

A man of rare quality, whose uncommon commonsense and unfailing wit have enlivened and enriched the discussions of this body for almost 20 years, Congressman HARSHA will be sorely missed—not least by me.

Two months ago, when he announced his decision to retire from public office, BILL HARSHA phrased his announcement in words of characteristic self-effacement:

> The citizens of my District have afforded me the highest possible honor in allowing me to serve them.

He said:

> and, for that privilege, I offer them my undying gratitude.

I should like the RECORD to show, Mr. Speaker, that his constituents, and, indeed, all the people of America, owe the gentleman from Ohio their own undying gratitude for the privilege of his service.

I know that I speak for all of us in the Congress in wishing for BILL, his lovely wife, Rosemary, and their four sons, all the best in life for all the years that lie before them.●

CAPITATION GRANT ASSISTANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI) is recognized for 10 minutes.

● Mr. ROSTENKOWSKI. Mr. Speaker, I am today introducing legislation that addresses a problem several medical schools have as a result of responding to two Government programs. One of these schools, Loyola University Stritch School of Medicine, serves the Chicago area.

Loyola's Stritch School of Medicine increased its enrollment over the past 10 years in response to several Federal programs, and had a class size of 130 in 1972.

The school received a 7-year grant from the Veterans' Administration which obligated them to admit 13 additional first-year students. Therefore, the school had two separate commitments to two different Federal agencies.

Under the terms of the Health Professions Educational Assistance Act, the Stritch School of Medicine had obligated itself to a class size of 130 students. In 1975, they accepted an additional 13 students that obligated them under the conditions of the 7-year Veterans' Administration grant.

The school received Veterans' Administration approval to terminate entry of new students for the current year, 1979–80. However, the Department of Health, Education, and Welfare notified Stritch that under the terms of the Health Professions Educational Assistance Act, the school had to maintain in the year the same enrollment that it had in 1976, that is, 143. The school complied but finds that the entering class for 1980–81 must also be 143 in order to qualify for capitation grant funds.

This bill allows the Department of Health, Education, and Welfare to exclude increases in enrollment due to Veterans' Administration programs for purposes of determining first-year enrollment requirements for capitation grant assistance.

The bill follows:

H.R. 6623

A bill to amend the Public Health Service Act to provide that enrollment increases made by schools of medicine to receive assistance from the Veterans' Administration shall not be considered in determining if the schools have met the first-year enrollment requirements for capitation grant assistance under title VII of such Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 771(a)(1) of the Public Health Service Act (42 U.S.C. 295f-1(a)(1)) is amended by inserting after "first-year enrollment" the following: "(determined without regard to any increase in such enrollment made by the school to enable it to qualify for financial assistance under chapter 82 of title 38, United States Code)".●

THE NATIONAL HERITAGE POLICY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. KOSTMAYER) is recognized for 5 minutes.

● Mr. KOSTMAYER. Mr. Speaker, I am pleased to cosponsor the administration's National Heritage Policy Act, H.R. 6504, introduced last week by Congressman PHILLIP BURTON, the distinguished chairman of the National Parks and Insular Affairs Subcommittee, Committee on Interior and Insular Affairs, and cosponsored by Congressmen SEBELIUS, SEIBERLING, VENTO, and BINGHAM.

A primary aim of the proposed heritage program is to establish means of avoiding the conflicts between the Nation's requirements for economic development and environmental protection. Meeting this challenge in the context of today's energy and fiscal constraints does not mean that we must sacrifice our commitment to protecting and enhancing the quality of the environment. It does mean that we have a tremendous responsibility to insure that we are pursuing the most cost-effective approach to preserving this quality. The National Heritage Policy Act represents just such a responsible solution to this problem.

The key to avoiding such conflict is the consistent collection, exchange, and use of natural and cultural heritage resource information as a regular part of all resource decisionmaking activities. Using the States as the central points in this information exchange network, the national heritage program proposes to increase cooperation among ongoing heritage resource activities of State and local governments, private groups, and the Federal agencies. Such overall coordination will save money and time, speed up propect-by-project environmental studies, and help avoid the possibility of unforseen development versus environment conflicts—such as occurred at the Tellico Dam.

Pennsylvania is a State with a rich and varied cultural and natural heritage. It is also a State which has been at the heart of America's industrial growth and development for more than a century. That these two facets of Pennsylvania's character have been so well reconciled to date is a reflection of the concern and dedication of the citizens of Pennsylvania. Their continued reconciliation will depend upon a well-organized and coordinated statewide environmental conservation effort such as is espoused under the National Heritage Policy Act.

Pennsylvania has already laid a strong foundation for a statewide heritage conservation program. Heritage-related activities already in place include a natural area inventory of State lands, State wild and scenic rivers and trails planning programs, an inventory of historic sites, and State game and fish habitat conservation programs. The department of environmental resources has also begun a classification of the State's natural resources. The State is currently considering alternative approaches to improving the coordination of all these related activities through some type of State heritage program.

The passage of the National Heritage Policy Act will facilitate the efforts of Pennsylvania and all States to continue to save the best of the environment for this and future generations while not impeding the type of balanced growth and development which is also essential to America's future.●

PHENOMENON OF DISAPPEARANCES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. BONKER) is recognized for 5 minutes.

● Mr. BONKER. Mr. Speaker, the International Organizations Subcommittee of the House Foreign Affairs Committee which I chair, recently held several hearings on the phenomenon of disappearances, as a violation of human rights. We received excellent and detailed testimony from nongovernmental organizations concerning the scope and history of the "disappeared." We also heard dramatic and tragic testimony from individuals with firsthand knowledge of the disappearance phenomenon.

Mr. Speaker, what emerges from the reports presented to us, is a shocking picture of the violation of human rights on an unprecedented scale. Though most of the documented cases of the disappeared person have come from Latin America, witnesses have testified that this phenomenon is occurring around the world with numerous cases reported in Asia, Africa, and behind the Iron Curtain.

Mr. Speaker, disappearance of persons resulting from officially sanctioned political kidnapings are relatively new and one of the most serious and tragic human rights and international law violations facing the world today. There is no doubt that numerous regimes in our contemporary world must rely on repression to continue their existence. As one witness related to us—

> World indignation denies these regimes the use of torture, or arbitrary and prolonged detention or horrendous inhuman prison conditions as a means of intimidation and control; then some other instrument—disappearances—will be developed.

Mr. Speaker, this violation of human rights takes many forms. Governments may direct their security forces, military, or police to detain persons suspected of subversion in order to remove them from circulation, obtain information and demoralize the opposition. Security or police forces may operate unofficially, generally in civilian clothes, with the state's tacit approval and protection. Groups of civilians may operate their own progovernment terrorist forces. In all cases, people are abducted from homes, offices, or public places

Mr. Speaker, it does not matter in what part of the world these violations occur. Whether it is in Soviet dominated areas or Argentina, the result is always the same—people disappear.

For example, a Swedish diplomat, Raoul Wallenberg, went to Budapest in 1944 after the Nazis began deporting Hungary's 700,000 Jews to extermination camps. He printed thousands of Swedish passports and distributed them to Jews as a prelude to emigration to Sweden, while at the same time building a system of safe houses, that is, hospitals and shelters over which the Swedish flag flew. He continuously went to the railroad yards, pulling Jews off the death trains; he went to the SS, threatening them and forcing them to release their captives. When the Russians captured Budapest in January 1945, he disappeared. The Soviets insist that he died in 1947, but over the ensuing three decades there have been eyewitness reports that Wallenberg is alive in a Soviet prison. Where is Raoul Wallenberg? What has happened to him? Why is it a crime to have saved tens of thousands of lives?

As another example, in Argentina, one does not need to be a terrorist to be arrested, tortured, or murdered. It is enough to have belonged to a trade union or a student organization or to have helped persons classified by the military as subversive. People are simply picked up, some to return as corpses, minus their heads and hands to prevent identification. A few are released and warned not to speak, but most are subject to brutal conditions in secret camps.

Mr. Speaker, until recently, little international attention focused on this terrifying violation of human rights. At a recent session of the United Nations General Assembly, a resolution was passed asking for intergovernmental cooperation to search and account for the disappeared, and to hold law enforcement and security authorities fully accountable for disappearances.

More recently, a subcommission of the United Nations adopted a resolution stating that disappearances continue to occur and that the "dangers involved for such persons warrant urgent reaction."

This week, the U.N. Human Rights Commission is meeting in Geneva to consider the question of disappearances.

Mr. Speaker, the problem of disappearances demands action by the United States and all members of the international community. Therefore, I am introducing a sense of the Congress resolution which is cosponsored by Representatives ZABLOCKI, BINGHAM, SOLARZ, STUDDS, PEASE, BARNES, GRAY, HALL, WOLPE, FITHIAN, DERWINSKI, FINDLEY, BUCHANAN, GILMAN, PRITCHARD, FENWICK, WOLFF, BONIOR, KILDEE, OTTINGER, HARKIN, and OBERSTAR.

Mr. Speaker, the resolution expresses the sense of the Congress with respect to the disappearances of persons which is caused by the abduction and clandestine detention of those persons by the governments of foreign countries or by international or transnational terrorist organizations. It calls upon the President to encourage the leaders of other countries to join with him in calling upon the United Nations to: First, condemn such abduction and detention as an act of terrorism; second, to establish effective procedures for dealing with cases of disappeared persons, and third, to demand governments to investigate all reports of disappearances, prosecute those responsible, and account for any person who has disappeared.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. FROST (at the request of Mr. WRIGHT), for today, on account of illness.

To Mr. DIXON (at the request of Mr. WRIGHT), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GRISHAM) to revise and extend their remarks and include extraneous material:)

Mr. FISH, for 10 minutes, today.
Mr. KEMP, for 10 minutes, today.
Mr. MICHEL, for 10 minutes, today.
Mr. GILMAN, for 5 minutes, today.

(The following Members (at the request of Mr. RAHALL) to revise and extend their remarks and include extraneous matter:)

Mr. Vanik, for 10 minutes, today.

Mr. Gonzalez, for 15 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Dingell, for 5 minutes, today.

Mr. Ottinger, for 5 minutes, today.

Mr. Russo, for 5 minutes, today.

Mr. Synar, for 5 minutes, today.

Mr. Addabbo, for 5 minutes, today.

Mr. Udall, for 5 minutes, today.

Mr. Johnson of California, for 5 minutes, today.

Mr. Rostenkowski, for 10 minutes, today.

Mr. Kostmayer, for 5 minutes, today.

Mr. Bonker, for 5 minutes, today.

Mr. Neal, for 60 minutes, on March 4.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Grisham) and to include extraneous matter:)

Mr. Shuster.

Mr. Symms in four instances.

Mr. Daniel B. Crane.

Mr. Lee.

Mr. Gradison.

Mr. McClory in two instances.

Mr. Goldwater.

Mr. Bethune.

Mr. Carter.

Mr. Lagomarsino.

Mrs. Heckler.

Mr. Bob Wilson.

Mr. Porter in two instances.

Mr. Rousselot in two instances.

Mr. Ashbrook in three instances.

Mr. Abdnor in two instances.

Mr. Kemp.

Mr. Jeffries.

(The following Members (at the request of Mr. Rahall), and to include extraneous matter:)

Mr. Kostmayer.

Mr. Thompson.

Mr. Benjamin.

Mr. Guarini.

Mr. Wolff in two instances.

Mr. Brodhead.

Mr. Mazzoli.

Mr. Rosenthal.

Mr. Clay.

Mr. Flippo.

Mr. Udall in two instances.

Mr. Skelton.

Mr. Rangel.

Mr. Drinan.

Mr. Richmond.

Mr. Alexander.

Mr. Patterson.

Mr. Rodino.

Mr. Markey.

Mr. Conyers.

Mr. Florio.

Mr. Russo.

Mr. Cotter in five instances.

Mr. Smith of Iowa.

Mr. Waxman.

Mr. Rostenkowski.

Mr. Maguire.

Mr. Murphy of New York.

ADJOURNMENT

Mr. WATKINS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 33 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 27, 1980, at 3 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3565. A letter from the Secretary of Defense, transmitting the sixth annual report on rationalization/standardization within NATO, pursuant to section 302(c) of Public Law 93–365, as amended, and section 814(b) of Public Law 94–106, as amended; to the Committee on Armed Services.

3566. A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to amend and extend certain Federal laws relating to housing, community and neighborhood development and preservation and related programs, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BEILENSON: Committee on Rules. House Resolution 586. Resolution waiving certain points of order against the conference report on the bill (S. 643) to amend the Immigration and Nationality Act to revise the procedures for the admission of refugees, to amend the Migration and Refugee Assistance Act of 1962 to establish a more uniform basis for the provision of assistance to refugees, and for other purposes. (Rept. No. 96–786). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Illinois:

H.R. 6605. A bill to amend the Comprehensive Employment and Training Act to provide a career intern program to encourage school districts and community based organizations to carry out programs to improve the educational employment opportunity for youths; to the Committee on Education and Labor.

By Mr. ASHLEY (for himself and Mr. Reuss) (by request):

H.R. 6606. A bill to amend and extend certain Federal laws relating to housing, community and neighborhood development and preservation and related programs, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. FOLEY:

H.R. 6607. A bill to facilitate completion of land planning mandated by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended, by designating certain National Forest System roadless areas for inclusion in the National Wilderness Preservation System, and by providing for nonwilderness multiple-use management of other roadless areas, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Agriculture.

By Mr. GORE:

H.R. 6608. A bill to amend the Federal Food, Drug, and Cosmetic Act to require infant formulas to provide certain nutrient levels, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GREEN:

H.R. 6609. A bill to provide for the return of federally condemned property to its former owner when the Federal Government does not use such property for the stated purpose; to the Committee on Government Operations.

By Mr. GUARINI:

H.R. 6610. A bill to amend the Internal Revenue Code of 1954 to increase to $7,500 the maximum deduction for contributions to retirement savings; to the Committee on Ways and Means.

By Mr. HUGHES:

H.R. 6611. A bill to amend the Immigration and Nationality Act to provide procedures for administrative correction of the dates of birth of certain naturalized citizens; to the Committee on the Judiciary.

By Mr. KRAMER:

H.R. 6612. A bill to amend the Internal Revenue Code of 1954 to provide certain tax incentives for expenditures resulting in energy conservation; to the Committee on Ways and Means.

By Mr. MURPHY of New York:

H.R. 6613. A bill to amend the Shipping Act, 1916, in order to prohibit regulation of collective bargaining agreements by the Federal Maritime Commission; to the Committee on Merchant Marine and Fisheries.

By Mr. MURPHY of New York (for himself, Mr. Studds, and Mr. Pritchard):

H.R. 6614. A bill to authorize appropriations to carry out the national sea grant program for fiscal years 1981, 1982, and 1983, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MURPHY of New York (for himself, Mr. McCloskey, Mr. Fuqua, Mr. Studds, Mr. Pritchard, Mr. Ambro, Mr. Walker, Mr. Forsythe, Mr. Brown of California, and Mr. Blanchard):

H.R. 6615. A bill to amend the National Ocean Pollution Research and Development and Monitoring Planning Act of 1978 to authorize appropriations to carry out the provisions of such act for fiscal year 1981; jointly, to the Committees on Merchant Marine and Fisheries and Science and Technology.

By Mr. MURPHY of New York (for himself, Mr. McCloskey, Mr. Fuqua, Mr. Studds, Mr. Pritchard, Mr. Forsythe, Mr. Ambro, Mr. Walker, Mr. Hughes, Mr. Bauman, and Mr. Blanchard):

H.R. 6616. A bill to amend the Marine Protection, Research, and Sanctuaries Act of 1972 to authorize appropriations to carry out the provisions of such act for fiscal year 1981, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Science and Technology.

By Mr. NOWAK:

H.R. 6617. A bill to amend the Internal Revenue Code of 1954 to allow rapid amortization for buildings and equipment, and to take into account 100 percent of the cost of property for purposes of determining qualified investment under the investment tax credit; to the Committee on Ways and Means.

By Mr. PATTERSON:

H.R. 6618. A bill to amend the Federal reclamation laws to permit contracts with irrigation districts to be amended so as to permit persons within a district to receive deliveries of project water without regard to the acreage limitations of the Federal reclamation laws upon the payment of sums (determined on a sliding-scale varying with the amount of water delivered) which reflect the actual costs incurred in providing such water, including operating and maintenance costs of the Federal water project, construction costs, and applicable interest charges, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PERKINS (for himself and Mr. Andrews of North Carolina):

H.R. 6619. A bill to amend the Economic Opportunity Act of 1964 to establish a comprehensive energy conservation services program designed to enable low-income individuals and families, and severely handicapped individuals, to participate in energy assistance programs; jointly, to the Committees on Education and Labor, Banking, Finance and Urban Affairs, Interstate and Foreign Commerce, and Science and Technology.

By Mr. PRICE:

H.R. 6620. A bill to authorize the Secretary of the Interior to enlarge the Jefferson National Expansion Memorial National Historic Site, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PRICE (for himself and Mr. Bob Wilson): (by request):

H.R. 6621. A bill to authorize appropriations for the Department of Energy for national security programs for fiscal year 1981, and for other purposes; to the Committee on Armed Services.

By Mr. PRITCHARD:

H.R. 6622. A bill to amend certain Federal housing laws for the purpose of assuring that no discrimination is made on the basis of the marital status of applicants for assistance under programs established by such laws; jointly, to the Committees on Banking, Finance and Urban Affairs and Veterans' Affairs.

By Mr. ROSTENKOWSKI:

H.R. 6623. A bill to amend the Public Health Service Act to provide that enrollment increases made by schools of medicine to receive assistance from the Veterans' Administration shall not be considered in determining if the schools have met the first-year enrollment requirements for capitation grant assistance under title VII of such act; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHULZE:

H.R. 6624. A bill to amend the Internal Revenue Code of 1954 to increase the dollar amount which is required before certain gambling winnings are subject to income tax withholding; to the Committee on Ways and Means.

By Mr. SHARP (for himself, Mr. Gramm, Mr. Blanchard, Mr. Breaux, Mr. Cavanaugh, Mr. Clay, Mr. Davis of Michigan, Mr. Ford of Michigan, Mr. Frenzel, Mr. Garcia, Mr. Hagedorn, Mr. Huckaby, Mr. Leach of Louisiana, Mr. Leland, Mr. Loeffler, Mr. Luken, Mr. Oberstar, Mr. Pickle, Mr. Smith of Iowa, and Mr. Vento):

H.R. 6625. A bill to amend the Powerplant and Industrial Fuel Use Act of 1978 to further the objectives of national energy policy of conserving oil and natural resources through removing excessive burdens on production of coal; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Iowa (by request):

H.R. 6626. A bill to consolidate and modify the terms of SBA programs under section 7(a), 7(e), 7(h), 7(i) and 7(l) of the Small Business Act and sections 501 and 502 of the Small Business Investment Act of 1958, to exempt SBA loans from the environmental impact requirements of the National Environmental Policy Act of 1969, and to limit the annual amount of SBA loans, guarantees and other obligations or commitments to the extent or amounts provided in appropriations acts; to the Committee on Small Business.

By Mr. STAGGERS (by request) (for himself, Mr. Udall and Mr. Fuqua):

H.R. 6627. A bill to authorize appropriations to the Department of Energy for civilian programs for fiscal year 1981 and fiscal year 1982, and for other purposes; divided and referred as follows: Title I to the Committee on Science and Technology; Titles II and III to the Committee on Interstate and Foreign Commerce; Title IV to the Committee on Interior and Insular Affairs; Title V concurrently to the Committees on Interior and Insular Affairs and Interstate and Foreign Commerce; Title VI concurrently to the Committees on Interstate and Foreign Commerce and Science and Technology; and Titles VII and VIII concurrently to the Committees on Foreign Affairs, Interior and Insular Affairs, Interstate and Foreign Commerce, and Science and Technology.

By Mr. UDALL:

H.R. 6628. A bill to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 6629. A bill to amend the Indian Health Care Improvement Act (90 Stat. 1400) to reauthorize appropriations for the various programs therein; jointly, to the Committees on Interior and Insular Affairs, and Interstate and Foreign Commerce.

By Mr. UDALL (by request):

H.R. 6630. A bill to establish the Western Arctic Management Area in Alaska, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 6631. A bill to provide for the settlement of the land claims of the Cayuga Indian Nation in the State of New York, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. VANIK (for himself, Mr. Fuqua, Mr. Brown of California, Mr. Smith of Iowa, Mr. Pickle, Mr. Lederer, Mr. Harkin, Mr. Winn, Mr. Goldwater, Mr. Richmond, Mr. LaFalce, Mr. Addabbo, Mr. Gonzalez, Mr. Stokes, Mr. Pursell, Mr. Burgener, Mr. Moakley, Mr. Nedzi, Mr. Biaggi, Mr. Conyers, Mr. McCloskey, Mr. AuCoin, Mrs. Heckler, Mr. Mineta, Mr. Young of Alaska, Mr. Pritchard, Mr. Johnson of Colorado, Mr. Fazio, Mr. Fary, Mr. Boner of Tennessee, Mr. Dougherty, Mr. Gray, Mr. Scheuer, and Mr. Dornan):

H.R. 6632. A bill to amend the Internal Revenue Code of 1954 to provide taxpayers engaged in a trade or business a credit against income tax for amounts contributed to a reserve the payments from which must be used for research and experimentation by institutions of higher education and to provide a deduction for such payments; to the Committee on Ways and Means.

By Mr. BONKER (for himself, Mr. Zablocki, Mr. Bingham, Mr. Solarz, Mr. Studds, Mr. Pease, Mr. Barnes, Mr. Gray, Mr. Hall of Ohio, Mr. Wolpe, Mr. Fithian, Mr. Derwinski, Mr. Findley, Mr. Buchanan, Mr. Gilman, Mr. Pritchard, Mrs. Fenwick, Mr. Wolff, Mr. Bonior of Michigan, Mr. Kildee, Mr. Ottinger, Mr. Harkin, and Mr. Oberstar):

H. Con. Res. 285. Concurrent resolution expressing the sense of the Congress with respect to the disappearance of persons which is caused by the abduction and clandestine detention of those persons by the governments of foreign countries or by international or transnational terrorist organizations; to the Committee on Foreign Affairs.

By Mr. FITHIAN:

H. Con. Res. 286. Concurrent resolution expressing the sense of the Congress that the President should seek the support of other nations for the establishment of an International Office of Diplomatic Security within the Secretariat of the United Nations; to the Committee on Foreign Affairs.

By Mr. McCLORY:

H. Con. Res. 287. Concurrent resolution to provide for the purchase of a certain statue of George Washington and for the placement of such statue on the East Front of the Capitol Building, or in any appropriate location inside such building; to the Committee on House Administration.

By Mr. MITCHELL of Maryland:

H. Con. Res. 288. Concurrent resolution authorizing a statue of Frederick Douglass to be placed in the Capitol; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. HOLLAND introduced a bill (H.R. 6633) for the relief of Henry D. Barnett, which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1138: Mr. Corman.

H.R. 1370: Mr. Young of Alaska, Mr. Lederer, Mr. Rahall, Mr. Mitchell of Maryland, Mr. Conyers, Mr. Huckaby, Mr. Mottl, Mr. Bailey, Mr. Stangeland, Mr. Wolff, Mr. Roe, Mr. Oberstar, Mr. Pepper, Mr. Evans of the Virgin Islands, Mr. Yatron, Mr. Wyatt, Mr. Beard of Rhode Island, Mr. Mitchell of New York, Mr. Stokes, Mr. Downey, Mr. Williams of Montana, Mrs. Spellman, Mr. Buchanan, Mr. Murphy of New York, Mr. Guarini, Mr. Murphy of Illinois, Mr. Bedell, Mr. Dornan, Mr. Albosta, Mr. Gingrich, Mr. Harris, Mr. Maguire, and Mr. Weaver.

H.R. 1918: Mr. Zablocki, Mr. Winn, and Mrs. Bouquard.

H.R. 2158: Mr. Anthony.

H.R. 2206: Mr. Bedell, Mr. Scheuer, Mr. McClory, Mr. Coughlin, Mr. McCormack, Mr. Edgar, Mr. Lloyd, Mr. Hance, Mr. O'Brien, Mr. Downey, Mr. Patterson, Mr. Stanton, Mr. Runnels, and Mr. Brown of Ohio.

H.R. 2644: Mr. Hagedorn.

H.R. 3106: Mr. Deckard.

H.R. 3179: Mr. Florio, Mr. Corrada, Mr. Derwinski, Mr. Dixon, Mr. Yatron, and Mr. Guyer.

H.R. 3609: Mr. Applegate, Mr. Beard of Rhode Island, Mr. Duncan of Oregon, Mr. Evans of Georgia, Mr. Ford of Tennessee, Mr. Hubbard, Mr. Long of Maryland, Mr. Lungren, Mr. Mattox, Mr. Montgomery, Mr. Porter, Mr. Waxman, Mr. Williams of Ohio, Mr. Charles H. Wilson of California, Mr. Broyhill, and Mr. Carney.

H.R. 4805: Mr. Markey, Mr. Bonior of Michigan, and Mr. Mazzoli.

H.R. 5022: Mr. Simon, Mr. Harkin, Mr. Gray, and Mr. Rose.

H.R. 5607: Mr. Trible, Mr. Cavanaugh, and Mr. Harkin.

H.R. 5899: Mr. Collins of Texas, Mr. Devine, Mr. Duncan of Tennessee, Mr. Guyer, Mr. Lagomarsino, Mr. Dougherty, Mr. Whitehurst, Mr. Williams of Ohio, Mr. Archer, Mr. Gradison, Mr. D'Amours, Mr. Neal, Mr. McKinney, Mr. Brinkley, Mr. Pashayan, Mr. McDonald, Mr. Evans of Georgia, Mr. Leach of Louisiana, Mr. Whittaker, Mr. Stangeland, Mr. Burgener, Mr. Mavroules, Mr. Kramer, Mr. Marlenee, Mr. Daschle, Mr. Bauman, Mr. Myers of Indiana, and Mr. Edwards of Oklahoma.

H.R. 6070: Mr. Petri.

H.R. 6074: Mr. Oberstar, Mr. Bauman, Mr. Conte, Mr. Dougherty, Mr. Albosta, Mr. Bonker, Mr. Rahall, Mr. Garcia, Mr. Roe, Mr. Slack, Mr. Williams of Montana, Mr. Clinger, Mr. Fazio, Mr. Anthony, Mr. Addabbo, Mr. Patten, Mr. Lott, Mr. Johnson of California, Mr. Mollohan, and Mr. Flippo.

H.R. 6152: Mr. Madigan.

H.R. 6177: Mr. Gramm and Mr. Kramer.

H.R. 6212: Mr. Burgener, Mr. de la Garza, Mr. Derwinski, Mr. Edwards of Oklahoma, Mr. Forsythe, and Mr. Lloyd.

H.R. 6422: Mr. Boland, Mr. Kogovsek, Mr. Lagomarsino, Mr. Mitchell of Maryland, Mr. Diggs, Mr. Ichord, Mr. Fazio, Mr. Whitehurst, Mr. Frost, Mr. Duncan of Tennessee, Mr. McDonald, Mr. Hollenbeck, Mr. Kemp, Mrs. Spellman, Mr. Wolpe, Mr. Forsythe, Mr. Carter, Mr. AuCoin, Mr. Corman, Mr. de la Garza, Mr. Gray, Mr. Evans of Georgia, Mr. McCormack, Mr. Mineta, Mr. Weaver, Mr. Nedzi, Mr. Roe, Mr. Minish, Mr. Hughes, Mr. Bailey, Mr. Long of Maryland, Mr. Guarini, Mr. Scheuer, Mr. Pepper, Mr. Hutto, Mr. Dickinson, Mr. Gibbons, Mr. Fish, Mr. Tauke, Mr. Chappell, Mr. Buchanan, Mr. Bedell, Mr. Lungren, Mr. Udall, and Mr. Stack.

H.R. 6424: Mr. Bevill, Mr. Burgener, Mr. Devine, Mr. Dougherty, Mr. Edwards of Oklahoma, Mr. Evans of Georgia, Mr. Gramm, Mr. Hinson, Mr. Lagomarsino, Mr. Lott, Mr. McDonald, Mr. Stump, and Mr. Won Pat.

H.J. Res. 322: Mr. Edwards of Oklahoma.

H.J. Res. 414: Mr. Bailey.

H.J. Res. 460: Mr. Conyers, Mr. Cotter, Mr. Corman, Mr. Dellums, Mr. Donnelly, Mr. Edwards of California, Mr. Fary, Mr. Ford of Tennessee, Mr. Hamilton, Mr. Kildee, Mr. Leland, Mr. Lowry, Mr. Markey, Mr. Matsui, Mr. McDade, Mr. McHugh, Mr. McKinney, Mr. Minish, Mr. Moffett, Mr. Price, Mr. Simon, Mr. Stewart, Mr. Stokes, Mr. Thompson, Mr. Weiss, and Mr. Young of Missouri.

H.J. Res. 463: Mr. Annunzio, Mr. Conable, and Mr. Lederer.

H.J. Res. 501: Mr. Murphy of Illinois, Mr. Bingham, Mr. Steed, Mrs. Byron, Mr. Winn, Mr. Conte, Mr. Lungren, Mr. Evans of the Virgin Islands, Mr. Patten, Mr. Charles H. Wilson of California, Mr. Mottl, Mr. Addabbo, Mr. Sebelius, Mr. LaFalce, Mr. Murphy of Pennsylvania, Mr. Stack, Mr. Fuqua, Mr. Corrada, Mr. Scheuer, Mr. Jones of Tennessee, Mr. Corman, Mr. Pepper, Mr. Lagomarsino, Mr. Gray, Mr. Leach of Louisiana, Mr. Oberstar, and Mr. Blanchard.

H. Con. Res. 273: Mr. Hughes.

H. Con. Res. 274: Mr. Oberstar.

H. Con. Res. 282: Mr. Bonker.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 6081

By Mr. BAUMAN:

—Page 5, immediately after line 8 insert the following new subsection:

"(k) Up to one per centum of the funds made available to Nicaragua from amounts authorized in subsection (b) shall be used to make publicly known to the people of Nicaragua the extent of United States aid programs to them. The President shall periodically report to the Congress on the effectiveness of his efforts to carry out this subsection."

By Mr. DERWINSKI:

—Page 4, line 18, immediately after "(i)" insert (1); and immediately after line 24 insert the following new paragraph:

"(2) Such local currency loan programs shall be monitored and audited by such agency or official of the United States as the President deems appropriate, and the President shall submit quarterly reports on such loan programs to the Congress."

By Mr. KRAMER:

—Page 5, immediately after line 8, insert the following:

"(k) The President shall terminate assistance under this chapter if he determines that the Government of Nicaragua engages in systematic violations of free speech and press."

By Mr. LAGOMARSINO:

—Page 3, in line 9, immediately after "(d)" insert "(1)"; and immediately after line 13 insert the following new paragraph:

"(2) The President shall terminate assistance under this chapter if he determines, or if either House of Congress by a vote of two-thirds of those present and voting determines, that the Government of Nicaragua has engaged in a consistent pattern of violations of human rights. In the event of such a determination, the outstanding balance of any loans to the Government of Nicaragua, or any of its agencies or instrumentalities, of funds authorized to be appropriated by this chapter shall become immediately due and payable."

—Page 5, immediately after line 8 insert the following new subsection:

"(k)(1) Any loan to the Government of Nicaragua of funds authorized to be appropriated under this chapter shall be at a rate of interest not less than the current average interest rate, as of the last day of the month preceding the signing of the loan agreement, that the United States Government pays on outstanding marketable obligations of comparable maturity commencing not later than ten years following the date on which the funds are initially made available under the loan, during which ten-year period the rate of interest shall not be lower than two per centum per annum.

"(2) Any agreement between the United States and the Government of Nicaragua regarding any loan programs administered by the Government of Nicaragua, or any of its agencies or instrumentalities, utilizing local currency generated in conjunction with funds provided under this chapter, shall require that the rate of interest charged on local currency loans under any such program shall be no greater than the rate of interest charged on loans under this chapter to the Government of Nicaragua plus such additional interest charge as may be necessary to cover reasonable costs of administering such local currency loans."

By Mr. RUDD:

—Page 5, immediately after line 8 insert the following new subsection:

"(k) Any agreement between the United States and the Government of Nicaragua regarding the use of funds authorized to be appropriated under this chapter, made available in the form of loans, shall specifically require that such loan funds shall be used for the purchase of goods or services from any United States citizen or any corporation, partnership, or association not less than 50 per centum beneficially owned by United States citizens."

EXTENSIONS OF REMARKS

CENSUS UNDERCOUNT: TIME TO ADJUST

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. GARCIA. Mr. Speaker, on February 25 I addressed a conference of professional statisticians and demographers from around the country that was assembled by the Bureau of the Census to study the methodology, as well as the implications of statistically adjusting for census inaccuracies or what is commonly referred to as the undercount that will inevitably occur in this census which gets underway April 1.

The undercount which has existed since the earliest census in 1790, penalizes communities, especially poor communities and deprives them of political representation at the State and Federal level, as well as their fair share of Federal funding for essential programs and services.

Mr. Speaker, while our top priority and commitment is to count everyone, and our energies must be directed toward this objective, the sad truth is that many persons will not be counted. The Subcommittee on Census and Population, which I Chair, has heard from elected officials, community activists, religious and political leaders, as well as the public at large, in more than 20 field hearings across the country that a fairly equitable system must be devised to compensate for the undercount.

I urge the administration to develop such a strategy. At this point, Mr. Speaker, I insert in the RECORD, the text of my remarks for the benefit of my colleagues:

Good morning. I was very pleased that you asked me to speak to this very distinguished body of statisticians who are here to consider how the census bureau can deal with undercounting. My interest in this topic preceded my tenure as the Chairman of the House Census Subcommittee. As a state senator and the minority leader of the New York State Senate I know what redistricting is all about. I became distinctly aware of the difficulties caused by the census undercount. Even before then, I had been aware of the inequities resulting from the fact that I came from an area with a large number of people who are never recorded in the census. This special perspective was a main reason why I sought a place on the House Census Subcommittee and plan to remain as its chairman for as long as the people of the Bronx continue to send me back to Congress.

I represent a district with a large black and Puerto Rican population—the very kind of people who the census bureau says are the most frequently missed.

Since becoming Chairman of the House Census Subcommittee, I have been very impressed to learn about the research the Bureau of the Census has conducted regarding census errors. But at the beginning of this conference let us recognize that disputes about the accuracy of census results occurred long before the research began.

In fact, almost every census since 1790 involved an undercount controversy. These were heated congressional debates on the count during the 19th century. For example, census results were challenged by States during the 1830's, the 1850's, and 1860's. In 1840, the American Statistical Association issued a report criticizing the accuracy of census results. After the census of 1870, Nebraska decided to elect an extra Member of Congress because they thought that the State had been undercounted. Congress considered their claim on its merits, but finally declined to seat the extra Member. On three previous occasions, Congress decided to allow States an extra seat because of errors in the census. In 1890, New York City demanded a recount. In 1920, with each side claiming that they had been undercounted, the Congress was unable to decide upon a bill to implement the reapportionment. Disputes about census accuracy are certainly not new.

In two respects we face a totally different situation today. First, after the problems created by the census of 1920, the Congress enacted legislation giving the Census Bureau much greater latitude in conducting the census than it had ever had before. The permanent Census Bureau which was established in 1902 was now encouraged to increase the professional quality of its staff which assumed a greater role in deciding upon the subjects covered, the rates of pay and the methods of census enumeration. We are very fortunate that this occurred at a time of great advances in the sciences of statistics and demography. The application of sampling to the work of the Census Bureau, and the development of a more refined notion of the idea of census and survey error has laid the ground work for the adjustments you will be discussing over the next 2 days.

Because there has been some talk that the undercount problem was in part created by the increased awareness resulting from these studies, I want you to know that it is my view that these studies (especially the work of Jay Siegal, who is next on this morning's program) have not decreased but rather increased the credibility of census results. Before the studies were conducted the debates about the undercount were cast in vague terms which made the issue intractable. Now, we can base our consideration of the issue upon solid scientific work—work which is notable for its self conscious attention to its own limitations. This kind of careful and professional approach has increased the confidence the Congress has in the Census Bureau. I am here to urge you to continue in that tradition.

The second respect in which our situation differs from that facing the censuses before 1930 is that because of all the advances which have been made since then, we have come to rely upon census results in our policy decisions, for planning, and most importantly in the distribution of Federal benefits. Even where Federal grants are discretionary, population and characteristics information drawn from the census and the current estimates based on the census are an important consideration in the decision making process.

This increased use of census results has heightened our concern that the procedures used by the Bureau of the Census should not only aim to achieve the greatest amount of overall accuracy—they should go beyond this to insure that these efforts result in an enumeration which is also equitable. Equity is only achieved when the resources and skills of the professionals at the census bureau are used in such a way as to be sure that we do not overlook the imbalances in the undercount.

Frankly, if the 2½ percent undercount which the bureau estimates occurred in 1970 were evenly distributed among all the places in the Nation and among all the different groups of people—rich and poor; old and young; men and women; black and white and hispanic; if this undercount were not so severely concentrated among the very people Congress intended to aid the most, it would be of much less concern. But the fact is that in 1970 the Bureau reports it counted 97½ percent of the population but only 92.3 percent of the blacks and only 81.5 percent of black men aged 25 to 34 years. Equity demands that we address ourselves to this disparity.

I cannot let this point pass without acknowledging the improvements which the Bureau has introduced into census taking procedures. Many of these improvements are aimed at reducing the undercount of minorities. Yet there are limits to the improvements which these efforts can achieve. During the last year our subcommittee has heard from many technically trained witnesses. One of the most impressive was professor Philip Hauser. Professor Hauser—as I am sure you all know was associated with the Census Bureau during every census since 1930.

He was very largely responsible during his tenure as deputy director and director for evaluation procedures as an integral part of the decennial census. Coming before us in his home town of Chicago, Professor Hauser urged the Census Bureau to use all of the information they have to adjust the census figures and redress the imbalance created by the differential undercount. I am extremely impressed by his logic.

Prior to the census of 1930, the Congress used to act as the final arbiter of census accuracy. In 1929, it passed the law assigning the Bureau the main responsibility for designing census procedures and deciding upon the topics to be covered in the census. By this act the Congress made the Census Bureau responsible to use its resources to insure that the census results reflected all the information they had about the size and characteristics of the population. If evaluation studies show that there are undercounts which fall unevenly on the population, the Census Bureau has a duty to devise procedures—using the best professional talent available—to make the most use of this information. This Congressional power is delegated to the Census Bureau with a mandate to use the most reliable procedures available. Under these circumstances, I am convinced that adjusting the census is appropriate. Exactly how this is done is a matter for the experts. That is why you have been called to this conference.

Including information in the census that was not directly obtained from the residents of a household is certainly not a new innovation. Processing errors have been corrected in this way for several decades. During the 1970 census, more than a million people were added to the census counts as a result of the vacancy recheck program. This adjustment—that is the only way to refer to it—was based on a sample survey of vacant units. Factors were derived from this survey and whole households together with the people living in them and their characteristics inferred from the survey were added to the census counts. This data was used in the apportionment. Furthermore, other adjustments were made in 1970.

The bureau exercised its judgment and adjusted the census figures to correct for the fact that an unprecedented number of Americans were overseas due to our involvement in the Vietnam war. According to Census Bureau testimony presented before our subcommittee in 1976, this correction had the effect of awarding an extra seat to Oklahoma at the expense of Connecticut. The decision to include overseas citizens of the United States in the count of the States where they had ties was unprecedented in the annals of U.S. census taking. It involved complicated statistical procedures. According to a bureau analysis of the procedure, "the data on 'Home State' of those overseas are of an unknown reliability." The Census Bureau has announced that this procedure will not be used in 1980. The adjustments you will be discussing for the 1980 census would be much more reliable than this adjustment which had an impact on the reapportionment.

Adjustment based on a more comprehensive methodology would be no different logically from the 1970 imputations. The distinction would be that in this case more comprehensive information would be used. The papers you will consider in the next two days illustrate that adjustment can be accomplished through several procedures and the impact of each will be different. Consequently, it is important to arrive at a consensus as to the most equitable and accurate procedure.

In spite of the best efforts of the researchers working at the Bureau of the Census and the best advice you can give them, it seems that the procedures available for correcting the census count are all subject to limitations which arise from the assumptions which must be made before they can be implemented. The choice of a procedure depends upon the kinds of assumptions the adjuster is willing to accept. The results of the correction may differ in important ways depending upon the procedure that is used. It is not possible to know the direction or amount of these differences until the census is completed and the corrections are made. Nevertheless, I believe we ought to agree to use the data. For example, several methods which might be used to adjust the results of the 1980 census suffer from the problem that they rely upon the assumption that the errors of coverage present are statistically independent of each other. In other words, to accept the results of each of these analyses, we must assume that it is not likely that persons missed in one method (the census) would be missed in another (e.g., a post-enumeration survey). In fact, this assumption is directly counter to the trends which have been found. Persons missed in the census are more likely to be missed in a post-enumeration survey, to be left out of administrative records and to be excluded from vital statistics.

I want to assure you that the Congress will exercise very careful oversight of the Census Bureau decision to adjust so as to be certain that this decision results in the most equitable procedure available. I trust that, as usual, we will be kept informed of the likely alternatives and decisions which are made so that we will have adequate opportunity to comment.

Because all of these issues raise difficult problems, I was very pleased to review the list of speakers at this conference. For example, you have invited leaders of the census taking in Canada and Australia which have both used census adjustment procedures. Several of the papers you will hear will present the results of technical work that can be used in preparing the most appropriate adjustments. On behalf of the House of Representatives, I would like to express our appreciation for all of the work that has gone into preparing these studies. We recognize that there may be no single, simple, and completely adequate solution to the problem you will consider. But I would like to urge you to arrive at a concensus as to the best that can be done and to implement that alternative for the benefit of the Nation. I for one, look forward with great anticipation to the results of this meeting.

Now there is one more point that I would like to address to the employees of the Census Bureau since I have so many of them here together in the same room. I have always appreciated and supported your efforts at improving the census procedures. These are extensive efforts but I fear their impact will be limited. No amount of resources will result in a complete enumeration. I have been very impressed by the arguments of professor Nathan Keyfitz, who I see is on the program this morning, that the decision as to what procedure should be followed should be announced before census day. I believe that if a census adjustment convention is announced in advance (even at this late date) it will emphasize the professional and technical grounds for the decision and relieve some of the distrust that might otherwise occur. It will also promote the kind of open governmental procedure our nation needs.

During the last several months the members of the subcommittee have worked to build confidence in the census while we also worked to make you aware of procedures that needed to be improved. Now, here on the eve of the enumeration, I want to assure you that during a period which is bound to be difficult, I will work closely with you and your staff to help insure that we have the most accurate and complete census possible. Thank you very much for asking me to be here.●

LITHUANIAN INDEPENDENCE

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● MR. THOMPSON. Mr. Speaker, February 16 marked the 62d anniversary of the Declaration of Independence of Lithuania. I would like to join my colleagues and more than 1 million Americans of Lithuanian descent in noting this anniversary.

Unfortunately, it is both a happy and somber occasion. Of the 62 years since the Lithuanian people declared their independence, all but 22 years have been under the oppressive and ruthless tyranny of the Soviet Union. Since the Soviet invasion, these Baltic peoples have endured years of religious, cultural, and social repression. In spite of this, and under the threat of harsh retaliation, they have steadfastly remained firm in their efforts to enjoy the freedom to worship, the freedom to write, say, and think what they wish. They have not forgotten the joys of liberty and justice which we Americans may sometimes take for granted. Their spirit for independence and national pride deserves the admiration and praise of all Americans, and indeed, all peoples of the free world. It is our obligation to support the aspirations of all freedom seeking people, and it is in that vein that I assure the Baltic peoples that we in the United States will continue to champion their rights to justice, liberty, and self-determination.●

TESTIMONY OF PAUL D. KAMENAR

HON. JIM JEFFRIES

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. JEFFRIES. Mr. Speaker, Paul Kamenar, on behalf of the Washington Legal Foundation, recently testified before the Senate Judiciary Committee's Subcommittee on Improvements in Judicial Machinery. What he said about proposed changes in the Federal venue statute is a compelling analysis I would like to bring to the attention of my colleagues.

The Washington Legal Foundation, which has been in the frontlines of the legal battle to protect Americans from Government abuse of power, is rapidly gaining a national reputation for its effectiveness.

This testimony is typical of the insight and formidable legal expertise which the foundation has been able to bring to that battle.

The testimony follows:

Testimony of Paul D. Kamenar, Special Counsel to Washington Legal Foundation, Regarding Proposed Changes in the Federal Venue Statute

On behalf of the Washington Legal Foundation, let me express my appreciation to the distinguished members of the Senate Judiciary Subcommittee on Improvements in Judicial Machinery for this invitation to testify on certain proposals which would alter the federal venue law in suits involving the environment or where the federal government is a defendant.

The Washington Legal Foundation is a non-profit corporation organized to engage in litigation and the administrative process in matters affecting the public interest. We currently have more than 75,000 members and contributors throughout the country. My comments here today will reflect exclusively the interest of our members and the public as a whole, not any organizational interest of the Washington Legal Foundation. The Washington Legal Foundation is currently involved in litigation across the United States regarding government regulation, crime victims, major constitutional issues and other vital public interest legal matters.

Under the current federal venue statute, in suits where the federal government is a defendant, the plaintiff may, at his option bring suit in Federal District Court for the

District of Columbia. This option has often been exercised by environmental groups who prefer to litigate in District of Columbia courts, and it works a considerable hardship on citizens involved with the subject of the lawsuit who may wish to intervene. There are inevitable delays and inefficiencies when a trial is held so far from where the controversy arose. This also contributes to the unresponsiveness of the judiciary, who do not sit in the area where the claim arose and therefore may not understand the nature of the litigation or the interests of the local people involved. The Washington Legal Foundation deplores the abuses of the current venue statute which allows unresponsive courts in Washington to hand down decisions which will have a major impact on the people of a State, without attempting to understand their problems or respond to their concerns.

Prior to 1962, a citizen seeking judicial review of federal administrative actions could proceed only in the District Court for the District of Columbia. This was due to a historical accident dating back to the early 19th century. The jurisdiction of the D.C. District Court, alone among federal district courts, derives partly from the laws of Maryland which governed the area ceded to the District in 1801. Maryland law provided jurisdiction to issue writs of mandamus. As a result, only a D.C. District Court could grant a writ of mandamus to compel administrative action. In addition, any other judicial action against a federal bureaucrat may require the presence of an "indispensible superior", usually an agency head or department secretary whose official residence is Washington, D.C. Therefore if, as is often the case, it is necessary to join this superior in a suit, the suit must be brought in Washington. This situation worked a hardship on citizens seeking to sue the federal government and in 1962, the Congress acted to remedy the problem.

The Mandamus and Venue Act of 1962 dealt with these two vexing problems faced by a plaintiff seeking judicial review of administrative actions. The law enacted section 1361 of Title 28 of the United States Code which grants every district court the authority to issue writs of mandamus to compel government officials to perform duties or make decisions in matters of discretion.[1] In addition, the federal venue statute, section 1391 of Title 28, was changed to make it easier to bring suit against a federal official. the current law provides:

> A civil action in which each defendant is an officer or employee of the United States or any agency thereof acting in his official capacity or under color of legal authority, or an agency of the United States, may, except as otherwise provided by law, be brought in any judicial district in which: (1) a defendant in the action resides, or (2) the cause of action arose, or (3) any real property involved in the action is situated, or (4) the plaintiff resides if no property is involved in the action.[2]

The Senate Judiciary Committee Report specified that the legislation did not create any new causes of action against the United States.[3] The Senate Report also explained the underlying purpose of the legislation:

> ". . . where a citizen lives thousands of miles from Washington, where the property involved is located outside the District of Columbia, where the cause of action arose elsewhere, to require that the action be brought in Washington is to tailor our judicial process to the convenience of the government rather than to provide readily available, inexpensive judicial remedies for the citizen who is aggrieved by the workings of Government."[4]

Until recently, many courts[5] and commentators[6] have argued that the plaintiff in a suit against the United States should have his choice of forum since the federal government, with its nationwide network of attorneys, would never be inconvenienced, regardless of where the suit is brought. However this position fails to consider the potential hardship imposed on third parties in the state where the controversy arose who might wish to intervene as defendants and are forced to litigate in a distant and inconvenient forum. The recent case *Defenders of Wildlife* v. *Andrus*[7] presents a vivid example of this problem.

The 1962 Act was a sensible modification of the law which facilitated access to federal courts by citizens seeking review of administrative actions. The Act also relieved the burden on D.C. courts while encouraging the resolution of litigation in local forums with all the benefits attendant on such decentralization. The legislative proposals currently pending before this subcommittee would continue the reform begun in 1962 by tightening the venue laws to eliminate abuses and assure that litigation proceeds in the appropriate forum. The Washington Legal Foundation believes that these proposals are in the public interest and would improve judicial efficiency and fairness.

A recent article in the Ecology Law Quarterly by environmental lawyer Joseph Brecher is quite explicit in spelling out the tactical considerations behind environmentalists' use of the venue laws.[8] This article bears closer analysis since it clearly demonstrates how the current venue laws have been used to unfairly aid environmentalists and deny a fair hearing to the people most directly involved in the litigation.

It is common knowledge that certain courts espouse a legal ideology which predisposes them to rule a certain way on some commonly litigated issues. The Brecher article complements the District of Columbia Circuit for its sophistication and knowledge of environmental matters and the "understanding" it has shown to conservationist causes. The article also states that certain other circuits such as the ninth have been "distinctly unsympathetic to environmental concerns." Brecher goes into some detail discussing the problems with trying environmental suits in the locality where they arose:

> A judge or jury trying a case in the local problem area is likely to be unsympathetic to the conservationist point of view. Local residents and newspapers are apt to favor projects in their locality, even at the cost of substantial environmental damage, for two reasons. First, large federal landholdings or depressed economic conditions often make the local tax base extremely small. Thus, residents see the construction of new projects in terms of upgraded schools, libraries, roads and other public facilities. Second, public leaders in the affected area often support such projects because of the new jobs and economic expansion associated with them. Judges and juries in the affected areas are likely, therefore, to feel that the public interest lies in building a project rather than perserving the environment.[9]

This is typical of a common attitude among environmentalists who feel that the American people are not capable of recognizing their own self interest and therefore decisions should be made not by the people in the political process, but by an independent judiciary. Naturally, when challenging, for instance, a water project in Arizona, the environmentalists prefer to avoid a court in Arizona which might be influenced by favorable local public opinion. While an independent judiciary is a foundation of the American constitutional system the expanding breadth of judicial review had made it essential that the judiciary reflect the needs and beliefs of local citizens. The Washington Legal Foundation believes for these reasons that it would be in the public interest for litigation to be conducted in the district where the controversy arose and where local interests in the controversy can be more clearly articulated.

Courts have long recognized the potential for abuse, if by forum shopping, court cases are tried far from the location of the controversy on which they are based. The Supreme Court has recognized that ". . . the open door (of venue choice) may admit those who seek not simply justice, but perhaps justice blended with some harassment."[10] The Senate Judiciary Committee in its report on the Mandamus and Venue Act of 1962 stated:

> Frequently . . . proceedings involve problems which are recurrent but peculiar to certain areas, such as water rights, grazing land permits, and mineral rights. These are problems with which judges in those areas are familiar and which they can handle expeditiously and intelligently.[11]

An even more serious abuse is the danger of precedent-setting test cases being brought far from the site of an actual controversy before a judge with a reputation for sympathy for the cause urged in the complaint.[12]

The Brecher article also recognized the problem of efficiency and judicial economy in choosing venue. However, rather than advocating that cases be tried in the district where the controversy arose, Brecher advises environmentalists to seek venue in Washington. While parties and witnesses may live in the west, Brecher focuses on the fact that "experienced environmental lawyers usually have their offices in coastal cities."[13] It is well established in the case law that the venue of a lawsuit should be determined with the convenience of the litigants in mind.[14] Clearly, however, the current venue law is being used to bring cases into D.C. District Court which should have been tried nearer the origin of the controversy. A court in Washington may be convenient for government attorneys and environmentalists, but certainly not for local citizens who are the real parties to environmental and other disputes. The public interest in fair and effective judicial administration should be considered in choosing a forum as well as the interests of the nominal parties.[15] A much sounder approach would provide for trial in the district where the controversy arose, which is usually the residence of the witnesses and the location of the physical evidence. The Supreme Court evaluated these factors in *Gilbert*:

> Important considerations are the relative ease of access to sources of proof; availabil-

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[1] 28 U.S.C. § 1361.

[2] 28 U.S.C. § 1391.

[3] S. Rep. No. 1992, 87th Cong., 2d Sess. *reprinted in* (1962) U.S. Code Cong. & Ad. News 2784 [hereinafter cited as S. Rep. 1992].

[4] S. Rep. 1992, *supra* at 2786.

[5] *Nestor* v. *Hershey*, 425 F2d 504 (D.C. Cir. 1969).

[6] Note, *Proper Venue for an Action When at Least One Defendant Is an Officer or Employee of the Federal Government*, 57 Minn. L. Rev. 1005 (1973).

[7] *Defenders of Wildlife* v. *Andrus*, 455 F. Supp. 446 (D.D.C. 1978).

[8] Brecher, *Venue in Conservation Cases: A Potential Pitfall for Environmental Lawyers*, 2 Ecology L. Q. 91.

[9] 2 Ecology L. Q., *supra* at 94.

[10] *Gulf Oil Corp.* v. *Gilbert*, 330 U.S. 501, 507 (1947).

[11] 11. S. Rep. 1992, *supra* at 2786.

[12] 12. *Kings County Economic Community Development Ass'n* v. *Hardin*, 333 F. Supp. 1302, 1304 (N.D. Calif. 1971); *Hartke* v. *Federal Aviation Administration*, 369 F. Supp. 741, 746 (D.C.N.Y. 1973).

[13] 13. 2 Ecology L. Q., *supra* at 93.

[14] 14. *Neirboco* v. *Bethlehem Shipbuilding Corp. Ltd.*, 308 U.S. 165 (1939).

[15] 15. *Gulf Oil Corp.* v. *Gilbert*, *supra* at 508.

ity of compulsory process for attendance of unwilling, and the cost of obtaining attendance of willing, witnesses; possibility of view of premises, if view would be appropriate to the action; and all other practical problems that make trial of a case easy, expeditious and inexpensive.[16]

Brecher's final reason for bringing environmental suits in D.C. District Court is even more astounding:

"Publicity is an important element in all environmental campaigns. Often the lawsuit is of secondary importance, serving primarily to focus public attention on an issue. . . . A suit in Washington is certain to receive more extensive coverage by the media than one in the district of Utah for example."[17]

When the current liberal venue law is being used for such purposes as these, it is clearly time for a change to bring the law back to its true purpose: serving the convenience of the litigants and other parties involved.

Some relief from problems of inconvenient venue is provided by Section 1404 of Title 28 which provides:

"For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought."[18]

The District Court for the District of Columbia has, in recent years looked with increasing favor on motions to transfer environmental cases to the district where the controversy arose.[19] While § 1404 can be used by a defendant to transfer a case to a more convenient forum, there are inevitably attendant costs and delays, so that the "forum non conveniens" doctrine should not be relied upon in the place of an effective venue statute. In addition, there is a heavy burden on the defendant to show inconvenience before the court will disturb plaintiff's choice of forum.[20] Alluding to the importance of Congress taking the lead in this area, the Supreme Court has said that ". . . venue rules nevertheless pose policy considerations which are and which should be weighed by Congress and by this Court."[21]

It is the position of the Washington Legal Foundation that this proposed legislation would be in the public interest by moving lawsuits out of the District Court for the District of Columbia and back to the district where the controversy arose. Such a move would increase judicial efficiency and assure that courts would, to some degree, reflect the interests and opinions of those people who will be most directly affected by the litigation.

Speaking for the Washington Legal Foundation and its 60,000 members and contributors, I would like to thank you, Mr. Chairman, for this invitation to testify before the Senate Judiciary Subcommittee on Improvements in Judicial Machinery on this proposed legislation.●

GENERAL REVENUE SHARING

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. MAZZOLI. Mr. Speaker, President Carter recently announced his support for a 5-year extension of the general revenue sharing program which is scheduled to expire on September 30, 1980.

From its inception, revenue sharing has been criticized. Opponents have argued that it is wasteful and that it lacks accountability.

However, revenue sharing funds are an important, if not essential, component of the budget of many States and local governments—including the Commonwealth of Kentucky and all its cities and towns. These funds help offset the costs of federally mandated programs and the financial burdens caused by inflation.

This year, in answer to legitimate concerns about the revenue sharing program, the administration has proposed the establishment of State commissions—as a prerequisite for State and local government participation—to assess these programs and to recommend ways to improve the cost-efficiency of these services.

I voted for the original revenue sharing program when it came before Congress in 1972, and I voted for its renewal in 1976. I am inclined once again to support the reauthorization of general revenue sharing.

There will be much stormy debate over the revenue sharing program. If a program can be crafted containing the proper safeguards and protections for the cost-effective expenditure of our tax dollars—and if a rigid program of accountability is built into the measure—it will receive the general support of the Congress and the administration.●

THE BEST PART OF THE OIL INDUSTRY—DRYING UP, OR BEING FORCED OUT OF BUSINESS?

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. PICKLE. Mr. Speaker, many of us have been disturbed by the large number of neighborhood gasoline service stations that are being closed.

These are the small businesses that have given most of us the full service we need for our cars—this means someone to wipe the windshield, put air in the tires, fix a flat, check the oil, recharge a battery, and so on.

These small businesses are usually lease operations—where one man has leased one station from a major oil company. A common form of rent payment to the oil company is to pay a fixed fee plus percentage of sales.

In recent years, the number of these stations has decreased, and for those still operating, their share of the market has declined.

Many self-anointed experts say that this is just the normal course of events—that people want to go to the gas and go, that overhead kills the full service station, and that the full service outlet is old fashioned and cannot keep up with modern marketing techniques.

I say that this is all hogwash—congressionally mandated gasoline allocation regulations enforced by DOE are killing the neighborhood gasoline station.

Under the allocation rules, DOE directs the gasoline to the new outlets put up by the majors or big gasoline jobbers. Meanwhile DOE will not hear hardship cases from the lessee station, and shrinks the lessee's share of the gasoline pie with each new allocation.

I want the RECORD to include a very good article written by the student newspaper at the University of Texas, the Daily Texan. In the tradition of the award-winning journalism of this newspaper, the article goes right to the heart of a complicated subject, and tells a very human story.

Although I do not endorse divestiture of the major oil companies, I will put this to them—if you do not go to bat for your lessee dealers with DOE instead of sitting on the sidelines and watching them get slaughtered, then the cry of divestiture is going to grow. And when some of you actually aid and abet the slaughter, you can watch out for congressional and finally public outcry for divestiture.

This is serious business this business of forcing a segment of the industry to extinction.

I recommend that all Members read the Daily Texan story.

SERVICE STATIONS' FUTURE IN DOUBT

(By Randy Ormsby, Daily Texan Staff)

An American Institution is dying—the old-style neighborhood service station is gasping its last breath and being cut down in its prime.

Unless something is done soon to revive the emaciated frame, the independent branded dealer may someday exist only in museums like the dinosaur, some observers say.

Bill Raybuck is owner and operator of Bill's Exxon, 11220 N. 111th St., a service station in the grand old sense of the term. Raybuck said he believes oil companies are engaged in an attempt to drive the small businessman out of the retail gasoline market to maximize profits for themselves, and he is not happy about it.

"I'd like to put a stick of dynamite in their tank," he said. "I've got a guy (an Exxon owned and operated retail outlet) just a couple of blocks down from me who's selling it (gasoline) five or six cents under (my price)," he said.

(Actually, on a recent weekday afternoon check, the Exxon company station posted prices only 3 cents less at full serve and 4 cents less at self serve than Bill's Exxon.)

But Raybuck is not the kind of man who takes things lying down. Working with Bill Ligon of the Texas Service Station Association, Raybuck recently got his station allocation changed. Now, when the company store down the street posts its "Pumps Closed" signs, Raybuck can go right ahead filling up his customers' tanks.

Ligon, managing director of the service station association, works closely with member dealers and with lobbying groups trying to spur Congress or the Department of Energy into acting on the problem.

Ligon is strongly in favor of pending divestiture legislation—aimed at prohibiting refiners from taking any part in marketing gasoline—because "the oil companies are strangling our dealers with rent increases."

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[16] *Id.*

[17] 2 Ecology L. Q., *supra* at 93.

[18] 28 U.S.C. § 1404.

[19] *Wilderness Society* v. *Hickel*, 325 F. Supp. 422 (D.D.C. 1971).

[20] *Shutte* v. *Armco Steel Co.*, 431 F2d 22.25 (3d Cir. 1970).

[21] *Denver and Rio Grande Western Railroad Co.* v. *Brotherhood of Railroad Trainmen*, 387 U.S. 566, 569, (1967), Black J. dissenting.

Most of the dealers Ligon works with are lessee dealers—meaning, they lease the building, the equipment and the company sign from the refiner, usually on a cents per gallon basis. "We've seen from one-and-a-half to four-and-a-half cents per gallon increases in the last five years," Ligon said.

But even open to buy dealers—those, like Raybuck, who own their own stations—have a hard time competing with the company stores, since refiners sell to their own stations at a lower rack price, often 4 or 5 cents a gallon lower, than the dealer tankwagon price, Ligon said.

Ligon said he is also working very closely with Rep. Berkley Bedell, D-Iowa. Bedell chairs the House small business subcommittee on antitrust and restraint of trade, which has been conducting an exhaustive investigation on gasoline marketing prices.

"What Representative Bedell and the committee are basically concerned with is that there are 80,000 less (branded independent service station) operators since '72," said Mark Levine, an assistant to the subcommittee's professional staff.

Within the same time period, "the amount of gasoline sold through refinery operators has doubled," Marc Rosenberg, subcommittee professional staff member, said.

On the other side of the issue, Colin Sandison, public affairs spokesman for Exxon, said that approximately 3,000 Exxon outlets in Texas, just 10 percent are company operated, and company operation is not a trend.

"Exxon's number of company operated stations has been declining since the early '70's. We're adapting to changes in the marketplace," Sandison said.

And, "we don't feel that (divestiture) legislation is necessary," Sandison said.

Sandison expressed surprise when informed of Raybuck's situation and correctly guessed that the two stations might be situated on opposite traffic-flow lanes. This and other factors were probably taken into account when Exxon decided to open the company store at that location, he said. In any case, he expressed certainty that it was not Exxon's intent to drive Raybuck, or any other dealers, out of business.

The battle is now centered in Congress. Bedell's subcommittee is considering divorcement legislation which would prohibit refiners from operating, but not from owning service stations, and divestiture legislation. Bedell expects to have a bill drafted by the end of February.●

TRIBUTE TO WILLIAM M. McCULLOCH

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. McCLORY. Mr. Speaker, the passing of my long-time friend and our former colleague from Ohio—Bill McCulloch—closes a chapter in the annals of this House, marked by radical and historic legislative action.

Congressman Bill McCulloch served as the ranking member of the House Judiciary Committee during most of my service in this body terminating in 1972 with his voluntary retirement from the Congress. During this period, the committee recommended passage of civil rights and voting rights legislation designed to provide equal rights for all Americans regardless of race, color, or creed. It was during this period also that the landmark immigration legislation was enacted, which brought to an end the "quota system."

Mr. Speaker, as many here today will recall, Bill McCulloch was a forceful and persuasive debater in this Chamber. He was consistent and firm in his convictions and was never willing to compromise the high principles which guided his legislative work. In addition to his outstanding legal and legislative talents, he was an extremely warm individual and a person for whom those of us who served with him had a great affection.

Mr. Speaker, along with my close association with Bill McCulloch, I came to know his wife, Mabel, as well as his daughter, Nancy—developing a closeness with this part of the McCulloch family—an association in which my wife, Doris, also participated.

In expressing this tribute to Congressman Bill McCulloch, Doris and I would also like to communicate to his widow, Mabel, and to both of his daughters, Nancy and Ann—as well as to the entire McCulloch family—our respect, affection, and sympathy.●

FUNERALS FOR TWO HEROES

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. CLAY. Mr. Speaker, I include the following article, written by the distinguished Mr. William Woo, of the St. Louis Post-Dispatch, in today's CONGRESSIONAL RECORD. There is no need for me to elaborate on this subject as Mr. Woo has said it all.

[From the St. Louis Post-Dispatch, Feb. 21, 1980]

FUNERALS FOR TWO HEROES

WASHINGTON.—In the last few days, this city has witnessed two heroes' funerals. One was for Arthur P. Snyder, a young police officer who was shot to death by a small-time drug dealer. The other was for Bruce Wazon Griffith, the man who killed him and who died in a shoot-out with the police.

More than 750 police vehicles from 23 different police departments made up Arthur Snyder's cortege. He was murdered while trying to make a drug arrest and it is not surprising that so many of his fellow officers turned out on a cold, damp day to pay their respects. Some protesters against draft registration are in the news these days for saying that nothing is worth dying for, but nonetheless I would bet that Stella Snyder and a lot of other people are proud of men like her husband and grateful that they disagree.

But Bruce Griffith's funeral was also a moving occasion. He was on the run for three days before the shoot-out and he never went far from his own neighborhood. Stories are circulating about how he eluded the greatest manhunt in the city's history, how he would turn up on the playgrounds with candy for the children, how he even went jogging along Rock Creek—right by the park police!

His funeral was bedecked with flowers, some of them in heart-shaped arrangements, for Bruce Griffith had died on Valentine's Day. People, passing by his coffin, asked to have their picture taken as they kissed his face. Some of them gave him the Black Power salute and all joined in the singing of the theme from Muhammad Ali's movie, "The Greatest": "Everybody's searching for a hero; people need someone to look up to . . ."

Reading about it, I got furious.

Bruce Griffith was a convicted bank robber and drug offender as well as a murderer, not "someone to look up to." In front of a crowd, six members of which have given positive identification, he stood over the fallen officer and put two more bullets into his body and head. No one trying to build a better neighborhood, let alone a better city or society, ought to tolerate the presence of dope dealers, no matter how much candy they hand out to the kids. No group that suffers as disproportionately from crime as poor blacks can afford to glorify criminals.

That being the case, perhaps my first impulse was mistaken; perhaps the people at the funeral were not just there to honor Bruce Griffith.

Fourteenth and U Streets, Northwest, the place where he worked his dirty trade and where Arthur Snyder died, is not the most wholesome corner in Washington. Pushers, pimps and prostitutes hang out there. It is very nasty and compared to it the "Stroll" in St. Louis would make a nice setting for a Sunday school picnic. It is, however, part of the world that the people at the funeral cannot easily escape. I think because of what they had in common with the dead man, they were affirming something in their own lives.

Like him, they confront the same system, one where employment—when it exists—is usually not promising, where living conditions are poor and treacherous, where violence is frequently the first solution. Bruce Griffith made the law his enemy, but the law—the regulations by which the system operates—is hostile not only to those who make that desperate choice. What the mourners were affirming, I think, was their own ordeal of survival.

None of the politicians who would like to be president is saying much about places like Fourteenth and U. It is farther away from many of their thoughts than Afghanistan. So is Bruce Griffith and the problems he represented; and so, I'm afraid, is Arthur Snyder, who died in that mean place trying to make it safer and cleaner.●

GREAT MIDDLE CLASS

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. COLLINS of Texas. Mr. Speaker, America is a great country because it is built on the middle class. The middle class is always moving forward and moving upward. As the middle class moves forward, those who are climbing up the ladder move up with its momentum.

Carl Reichardt, who is president of Wells Fargo Bank, was speaking at the University of Southern California and stressed the importance of the middle class. He quoted Aristotle's statement:

> Those states are likely to be well administered, in which the middle class is large, and

stronger, if possible, than both the other classes.

We all share with pride the strength of the United States. The per capita GNP of our 220 million people is $8,700 in the United States. Compare this to the Soviet Union where it is only $2,800. In Communist China the figure is $410.

In our country, citizens spend less of their income on food than any other people around the world. Yet, we eat better. It is interesting that we are spending a smaller share of our income on food today than we did in 1940 or 1970.

We have the brains in this country and continue to find ways to do things better. Of the last 22 Nobel Prize winners in science, 16 of them have been Americans.

But we in Congress must do our part to help the middle class move forward. America achieved the greatest momentum forward in the years when there were lower taxes, fewer regulations, and less government. When the middle class moves forward, we all move forward.●

62D ANNIVERSARY OF ESTONIA'S PROCLAMATION OF INDEPENDENCE

HON. ADAM BENJAMIN, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. BENJAMIN. Mr. Speaker, I rise today to pay tribute to the Estonian people in recognition of the 62d anniversary of Estonia's Proclamation of Independence as a democratic republic.

The history of Estonia is one of great progress and heartbreaking setbacks, but its people have never lost sight of their goal of freedom and self-determination. The people of Estonia, a land speckled with beautiful lakes and teeming with natural resources, retain strong ties to their cultural past. They are endowed with courage admired by the United States and all of the free international community.

The tramplings of foreign aggressors across her borders has long been a historical phenomena of Estonia. None have been as heartless and oppressive as that of the Soviet Union. From Russian occupation between 1721–1918, Estonia overcame several attempts to nullify her cultural heritage. Estonian nationalism actually thrived under the oppressive russification programs. As a result of their unrelenting desire for freedom, the Estonian Government declared its independence on February 24, 1918.

This proclamation of democratic self-rule was quickly put to test, as the nation was faced with not only Soviet aggression but was forced to fight Germany in order to preserve its independence. In November of 1918, the Germans withdrew from Estonia and behind the capable and brave leadership of Col. Johan Laidoner, the Estonians mounted an offensive against the Red army. By the first anniversary of Estonian Independence Day, the Russian invaders had been driven out of Estonia. A remarkable quest for liberty had been achieved.

A liberated Estonia quickly attended to the organizational chores of democratic rule and on June 15, 1920, the Estonian Constitution evolved. This staunch document represented the Estonian commitment to human rights, dignity, and political and social liberty. In 1921, Estonia took its place in the world as an accepted member of the League of Nations.

The Soviet Union had no intention of allowing a progressive democratic rule to thrive so close to its borders; 22 years of cherished independence came to a tragic end in 1940 when Stalinist Russia again occupied Estonia. A puppet government was established and the Soviets declared Estonia a Soviet Socialist Republic.

Under Stalin, a new reign of terror resulted in the execution, imprisonment, or exile of 60,000 Estonians. Hitler's brief occupation of Estonia was no relief for the people of this land and in 1944, Russia once again resumed its illegal occupation of Estonia. The Soviet Government immediately forced residents of the Baltic shore of Estonia to leave their homes. The brutally surrendered property was then occupied by new settlers from the Soviet Union. Sovietization was again thrust upon Estonia. Freedom of movement and the right to exercise opinion was lost. To this day, Estonia remains an unwilling component of Marxist rule.

In the spirit of their tradition, the Estonians continue their struggle for freedom and their spirit remains unbroken. They continue to cling to their ideals and as generations pass, so does their tenacious belief that liberty will again reign.

Our Government has never accepted the validity of the Soviet annexation of Estonia. The recognition accorded to an independent Estonia in 1922 has never been invalidated. As members of a free nation who prize self-determination, we must continue to deny this Soviet affront to human dignity.

We have already pledged our deep support for the struggle of the Estonian people with the unanimous passage of House Concurrent Resolution 200, which expresses the denial of Soviet claims of citizenship on the Estonian people and the people of all the Baltic States. Our actions must continue to inspire those who have remained faithful to the blessed ideals of freedom we so richly enjoy in our Nation today.

On the occasion of their 62d independence day, I honor the freedom loving people of Estonia and her many sons and daughters in the United States. May they remain faithful to their quest of ridding the will-destroying grip of the brutal suppression cast upon them. May they be granted the knowledge that 22 years of independence will not be forgotten. May they know that the thievery of freedom will cease and that one day tyrannical oppression will only be a dark part of their past, forever gone, forever repulsed.●

MR. ROBERT EDISON EATON

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. CARTER. Mr. Speaker, a traffic accident 5 days before Christmas took the life of one of Kentucky's finest citizens, Mr. Robert Edison Eaton.

Bob Eaton was a remarkable man, and it was my privilege to be his friend. For the past 16 years he had been mayor of Fountain Run, a town near my own in Monroe County. He and I often worked together toward goals of progress and advancement for Fountain Run, and I can testify to the many hours of dedicated work that he put in for the betterment of his community.

Bob served for many years on the board of the Barren River Area Development District which serves our county and nine others. In the BRADD newsletter for January, tribute was paid to Bob Eaton and his many years of service.

As that newsletter item stated, Bob Eaton was "a person of great intelligence, courage, and self-discipline balanced with a strong sense of fair play and remarkable insight into human frailty."

I offer the full tribute for the RECORD:

TRIBUTE TO ROBERT E. EATON

Two days before the tragic accident, Bob was reappointed to a new term on the National Association of Regional Council's Natural Resources and Environment Policy Committee, a fitting recognition of his concerns. He had served as chairman of the BRADD Natural Resources and Environmental Protection Council since its formation.

A participant in the merger of rural development groups that created the BRADD in 1968, he was the original vice chairman and held that post until his election as chairman in 1973. He had served on the Executive Council since the beginning and chaired the committee that planned and built the present office facility. As a BRADD Board member, he was active in NARC, the Kentucky Council of ADDs and the Appalachian Development Council.

After four years as a city council member, Bob became Mayor of Fountain Run in 1964. His leadership was evidenced in the 1962 establishment of a water district, which he had chaired from the beginning. In 1971, he helped organize the Industrial Foundation, which he chaired. In recent years, he had been working toward an innovative solution to his community sewage problem.

In 1949, Bob helped form the South Central Rural Telephone Cooperative. For almost two decades he had been chairman of the Co-op Board, guiding its growth to fifth largest. At his death, he was planning expansions to double the number of subscribers.

From time to time, the factors of heritage and circumstance will produce a Robert Edison Eaton—a person of great intelligence, courage and self-discipline balanced with a strong sense of fair play and remarkable insight into human frailty. He did not set out to be chairman of anything. He was motivated to see things done and the leadership posts were thrust upon him because he was capable and willing.

Service counted much with Bob. He lived by a personal code most of us could not meet; he worked hard; he paid his own way; he played fair; he dared to try new ways; and then he went just a little extra to help the rest of us.

The Board of Directors and the staff extend sincere sympathy to Marilyn and the family.●

MISSISSIPPI'S VOICE OF DEMOCRACY WINNER

HON. DAVID R. BOWEN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. BOWEN. Mr. Speaker, it is with great pride that I share the following theme written by Lauren Claire Stewart of Eupora, Miss., on the subject of "My Role in America's Future" with the Members of the House.

Lauren's theme was chosen to be the best one of the Mississippi participants in the Veterans of Foreign Wars Voice of Democracy contest. She will compete with the other State winners for a national scholarship this March.

Mr. Speaker, Lauren's theme follows:

MY ROLE IN AMERICA'S FUTURE

The wisdom of yesteryear affects the knowledge of tomorrow; the youth of today become the leaders of tomorrow. To be effective leaders, however, we must look back to our forefathers, the men who made this nation great.

We must look to men like George Wasnington, who, because of his honesty, became our first President.

We must look to men like Thomas Jefferson, who wrote the Declaration of Independence.

We must look to men like Abraham Lincoln, the 16th President of the United States. He is one of the greatest leaders this Country has ever had. He was strong-willed and determined. He stood up for what he thought was right, no matter what the world around him was saying. He set high goals and would work to reach them.

Carl Sandburg described him best in this way, "Not often in the story of mankind does a man arrive on earth who is both steel and velvet, who is as hard as a rock and as soft as a drifting fog; who holds in his heart and mind the paradox of terrible storm and peace unspeakable and perfect."

Lincoln was a conservationist—he had to be—because of the times in which he lived. He realized the situation and he made the compromise and sacrifice to help it out. We too need to conserve just about everything, because of the times in which we live. Because of our people being so accustomed to the "land-of-plenty" though, we use and use and use, knowing it can't last forever; yet not willing to sacrifice to do anything about it.

We must, today, learn how to be a free people. We must live not only as individuals, but also for the group. We must live and work in such a way that it will benefit the nation as a whole and not just ourselves.

In our Pledge of Allegiance, we call ourselves "one nation under God with liberty and justice for all." Our forefathers fought with every ounce of strength in them for this nation with liberty and justice for all. They had to give up a great deal and many gave their lives. We too must be willing to sacrifice for the good of our country.

I hope to uphold the pledge that I have repeated so often, and stand up for what I think is right. I also hope that I am never satisfied with anything I do, because, if I am ever satisfied, I'll not have any reason to try to make things better and I'll never have anything to work for.

My main goal in life is to always have a dream. My role in America's future, is to make that dream a reality; To be the best that I can be and hope that someone else will benefit from it.

This excerpt from a song written by Natalie Sleeth really expresses my thoughts.

"I hope that where I travel,
They will say of me one day,
That it somehow made a difference
That I passed this way."●

INDIVIDUAL RETIREMENT ACCOUNT DEDUCTION MUST BE INCREASED

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. GUARINI. Mr. Speaker, today I am introducing legislation which would amend the Internal Revenue Code of 1954 to increase to $7,500 the maximum deduction for contributions to retirement savings.

Individual retirement accounts began in 1975, pursuant to the Employee Retirement Income Security Act of 1974, and have been an excellent means for workers not covered by pensions to provide for their retirement.

Under current law, an individual may deduct the lesser of 15 percent of gross income or $1,500 in contributions to an individual retirement account. This is inadequate in light of double digit inflation.

In addition, many workers now in their middle years have shouldered the expense of raising and educating their children and are only, in middle age or later, able to set some income aside for retirement. Others, who are close to retirement, have only had the benefit of the 1975 change in law permitting IRA's for a few short years. They find that in these times of runaway inflation what little they have been able to set aside will not be enough to sustain them in their golden years.

Given the complexity of many pension plans, the fact that many workers will never be covered by a pension because of lengthy vesting provisions and the mobility of Americans in our contemporary lifestyle, it would appear that pension portability is another problem begging a solution. IRA's may be an answer, provided that the deduction is sufficiently liberal.

Since enactment of ERISA in 1974, we have had an opportunity to monitor the implementation of the law and its inadequacies. Many of us are also concerned about providing sufficient financial resources to sustain a population which is growing increasingly older.

Many of us have become disenchanted as well with the amount of government intervention into our lives. We are shocked by the cost of government as caretaker. But if we wish to provide an alternative, then it is essential that government provides the means for individuals to take responsibility for this phase of their lives. Increasing the deduction for IRA's is one way to do this.

I would note in closing that many of us in Congress are interested in stimulating capital formation. It has occurred to me, as I am certain it has to others, that the IRA's which bear substantial penalties for early withdrawal of the funds, are a logical method of increasing capital available to industry. An increase in the IRA deduction would assist workers in preparing for their retirement and spur capital formation as well.●

GEORGE L. AGUIRRE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. RANGEL. Mr. Speaker, I would like to publicly congratulate a constituent of mine, Mr. George Aguirre, for being named by the President to the Advisory Committee on Personnel for the Executive Office of the President.

Mr. Aguirre is the program officer of the Exxon Education Foundation, and his appointment will make him the only Puerto American to serve on the Committee. He is very active in community affairs, and his commitment to the community can be seen in the activities that he has undertaken in New York, including membership on boards of the American Red Cross of Greater New York, El Museo del Barrio, the National Conference of Christians and Jews of New York, and many others. I know that Mr. Aguirre will serve ably on this Advisory Committee, and provide the type of leadership that this Nation is proud of.●

THE NATIONAL HERITAGE POLICY ACT

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. UDALL. Mr. Speaker, I am pleased today to cosponsor the administration's National Heritage Policy Act, H.R. 6504. This bill would provide increased support for current State and local efforts to recognize and conserve the most important examples of

America's historic and natural heritage. These State and local programs focus on areas of special archeological, historic, geologic, or biologic value; taken together these areas represent the heritage of the community, the State, or the Nation. These are the places that give us our identity, the places we would like to have our grandchildren know and enjoy.

Private organizations and all levels of government now operate heritage resource programs. This national program is not an effort to override or supersede any of these efforts. Instead, it would help coordinate these programs by providing timely exchange of resource information between government and private agencies as well as private developers who need solid information so they can meet their planning and environmental requirements.

This is a national program that relies heavily on the States. H.R. 6504 would help develop a network of cooperating State natural heritage programs parallel and similar to existing State historic preservation programs. More than 20 States, including my own State of Arizona, already have natural heritage programs. Many others have indicated an interest in establishing their own, and this bill would help them to do so.

All 50 States have historic preservation programs. These would be bolstered by extending the historic preservation fund authorization for years and by statutorily establishing for the first time the position of the State historic preservation officer.

I wish to emphasize that this proposal would not authorize any new Federal land acquisition authority. Such authority is not needed, nor is it desired by Western States, such as Arizona, that already have large portions of their lands in Federal ownership.

What the administration's bill would do is facilitate the efforts of a State, local, and private entities to preserve irreplaceable areas in the manner they think is best.

H.R. 6504 would generate closer cooperation between the Federal Government and those States that voluntarily opt to create a natural heritage program in the collection and use of information about what and where these resources are. Working through the State natural heritage officer, who would be appointed by the Governor, Federal agencies would be instructed to cooperate with the States in locally defined efforts to plan for the protection of the region's heritage.

It is absolutely essential to States such as Arizona that these information exchange pathways be clearly defined. These States are growing, attracting new residents and business. Developers need information about where critical resources are so that they can better locate and plan their projects and meet State, local, and Federal requirements. Often, this information is difficult and expensive to acquire or disseminate.

Together, the State natural heritage and historic preservation programs offer the kind of one-stop information shopping that will help both Federal and private developers proceed more quickly and at less expense.

Of course, this bill is not the last and only word on how to go about creation of a national heritage program. Historic preservations groups, conservations, business and industry, the States and other groups all have an important stake in this matter, and will undoubtedly have ideas of their own to contribute. But the administration has given us an excellent starting point and I commend it for its good work.●

THE 1979-80 VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

HON. RONNIE G. FLIPPO

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. FLIPPO. Mr. Speaker, it is indeed an honor for me to share with you the inspiring words of Miss Alyssa S. Ashley of Killen, Ala. Her remarks would be the winning ones for the State of Alabama in the 1979-80 Voice of Democracy scholarship program sponsored by the Veterans of Foreign Wars.

The Voice of Democracy scholarship program has been an important educational program over its 33-year history in bringing our young people to think about citizenship and what it means. More importantly, a lasting record is left of what young Americans think in the winning essays. The students have a worthy incentive to participate through the scholarships which are awarded each year. Last year the total monetary value of scholarships and awards amounted to over $575,000.

This year, more than one-quarter million students at over 8,000 schools participated. Sponsoring the Voice of Democracy program are over 4,400 VFW posts and 3,600 auxiliaries with the cooperation of 2,400 radio and television stations nationwide.

I am proud that Alyssa S. Ashley of my home county of Lauderdale was selected the State of Alabama winner. I know her parents, and my friends, Charles and Louise Ashley are proud of her accomplishment. Alyssa, a sophomore at Mars Hill Bible School in Florence, Ala., has shown her insights as a writer in this essay. Her talent as a writer and her interest in music have led to success as a songwriter as this young woman has a contract in Nashville for her song, "Until Today."

The eloquence of her entry in the Voice of Democracy competition speaks for itself and is submitted here so that I may share it with my colleagues:

An aged philosopher lived at the foot of a mountain near a small, isolated hamlet. For years his wisdom had been known throughout the region. But, on this particular day, a young man filled with egotism was preparing a challenge. He had captured a small bird and held it firmly in one hand behind his back. He would ask the old man, "Is it alive or is it dead?" If the answer was "dead", he would release the bird and let it fly away. If the answer was "alive", he would crush the bird in his hand before revealing it. Confidently, he strode up to the sage and asked, "Old man, is it alive, or is it dead?" There was a pause . . . and the old man replied, "It is what you wish it, my son."

So it is with my role in America's future. It is what I wish it to be. Unlike countless millions whose poverty plagues them to a devastatingly barren future, my role for the future is what I wish it to be, for the bounty and plenty of this nation provides me with countless opportunities. Abraham Lincoln went from a rail-splitter to the Presidency. Walt Disney went from copyboy, to garage artist, to the world's premier entertainer of young and old. "Bear" Bryant went from a skinny kid amidst a household of children in Moro Bottom, Arkansas (with nails driven in his only pair of shoes to double as football cleats) to a Southern legend whose mere endorsement could probably sell half a million shoes.

Unlike countless millions whose religion or caste dooms them to a future where improvement is not possible, my role for the future is what I wish it to be, for the nation to which I owe my allegiance erects no barriers to those who hold different views or rise from diverse cultures. Baptists, Jews, Catholics, Quakers, Muslims, and Mormons have risen to heights of greatness as Americans that would have been impossible in other parts of the world. An Einstein was unwanted in Germany. No Christian could ever contribute in a Communist or Arabic nation. No black can excel in South Africa. Here, it is different.

Unlike countless millions imprisoned by iron and bamboo curtains who are unable to chart their own destiny because of governments that determine what their occupations will be, where they will live, and what they are allowed to do, my role in the future is what I wish it to be because my government believes every citizen has a responsibility for his own destiny and each soul can reach for the most distant star and the most impossible dream.

Yes, unlike millions of others, my role in the future is what I wish it to be and, for that reason, I wish my role to be found in four principles. The "W" in "wish" stands for "worthiness", for I wish my role to be worthy of the blessings I enjoy. To do so, I must be a good citizen. I must vote. I must be concerned about my community, my state, my nation. I must defend the rights of others to hold views opposite my own, for one who will not grant freedom to others does not deserve it himself. The "I" is for "individual" for I wish my role in America's future to be a personal one. I cannot be lost in a sea of spectators passively watching from the sidelines of life. I must be involved. I must work for a better world. I must be myself, for no greater tragedy can befall an American than for them to be nothing but a carbon or a stereotype. Our greatest strength as a country lies in the fact that we have a diversity of opinion and a diversity of people. The character and destiny of our nation that was hammered out on the forge of revolution was that the individual himself is important—that what he does and feels is the mettle that solidifies our will. The "S" represents "service", for I wish my role in the future to be punctuated with usefulness to others. Our country has ever been aware of the community of man, of the need to lend a helping hand to others. And, through the Marshall Plan, the Peace Corps, or food to former enemies in Cambodia, we have reached out to the "poor, to the huddled masses yearning to be free." The "H" refers to "honorable", for I wish my role to be one that will bring honor to my nation. To honor is to show respect, to stand tall and proud at the national anthem, to feel a chill of admiration at the pledge of allegiance, to stand ever ready to defend the ideals for which this nation earned its right to be born. For, you see, I hold the future in my hands . . . and . . . it is what I wish it to be.●

GOLD AT LAKE PLACID

HON. GARY A. LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. LEE. Mr. Speaker, Americans crave a good Cinderella story. It would seem that our never-ending search found gold at Lake Placid.

No success story could have boosted this country quite so high, at any better time, than the one during the closing hours of the 1980 Winter Olympic games when the United States ice hockey team captured gold.

Americans—even those who do not care about hockey and would not know a puck from a skate—would be hard pressed to say whether the team's dramatic trouncing of the professional level Soviet team or the final, gold-achieving win over Finland was more exciting. For those few days, everyone was a hockey fan, everyone was an American and part of a united spirit.

The President called their achievement:

> The most breathtaking upset, not only in Olympic history, but in the history of all sport.

I think it went beyond just sport.

For too long, America has been grasping. We have hit substantial peaks and valleys since our Embassy was seized in Tehran on November 4. We have felt hamstrung over the Russian invasion of Afghanistan. We have found it impossibly frustrating that we are unable to resist OPEC's obscene prices. Even the American achievements of space exploration—it was just 10 years ago that we placed men on the Moon—have faded.

In short, we have had very little to cheer about for some time now.

And then the Olympics at Lake Placid. They showed us and the world some astounding things about these United States. They wrapped "The American Experience" into 12 days we will not soon forget.

Lake Placid showed the world first that America has its troubles. After virtually years of planning, we just plain missed the bus in the area of transportation of spectators. Everyone griped, not just to each other in whispers as they would be forced to do in so many closed societies, but on national and worldwide television. Satellite viewers behind the Iron Curtain surely must have been amazed that the commentators were still on the air the next night. In Russia, critics are classified as dissidents and jailed with the slightest provocation.

In a phenomenal turn of events, once the commentators said an emergency had been declared by the State's Governor, the problems cleared up and we went about business in fine fashion.

Eric Heiden, known worldwide for his prowess on the speed-skating circuit, was declared almost unknown by his own countrymen at the opening ceremonies. His name was far from a household word except for brief, pre-Olympic coverage.

Heiden, though, glided away with every gold medal available for men speed skaters. He set new Olympic records, regardless of the fact that the state had not raised him or supported him in training. He wasn't an Army officer whose only duty was to train. Heiden was simply an American with extraordinary abilities, drive, and the U.S. commitment to excel.

Then came the hockey team, 20 guys who, according to their own coach, played little better than "pond hockey" but who had determination beyond their capability, well beyond any outsider's expectation of success.

Their victories against favored teams throughout the tournament amazed us increasingly with each game. Few, if any, really expected them to come off the emotional peak of their win against the professional Russians to capture the Olympic gold. In typical American fashion, we were braced for the big letdown.

They didn't let us down. It was typical American fashion when this team of feisty, dedicated young Americans brought us the most coveted of prizes from the world's winter games. It was typical American to hear the roaring chant in the arena, "USA, USA, USA."

It was typical American fashion for these modern American heroes to meet the President of the United States the following day, wearing their blue jeans, cowboy hats, and their Olympic gold medallions.

Lake Placid's 1980 story reaffirms, in my opinion, the very reasons why the summer games should not be held in Moscow. America laid bare its unrehearsed self for these games and came out of them with its chest rightfully puffed. The same opportunity to show off is being presented to the Soviets, but certainly without the candor or the commitment to the Olympic ideals.

The messages from Lake Placid are endless. One, however, radiates brightest from our performance there: The United States is still a unique experience in the world and at its best demonstrating our open strengths and our weaknesses. Our dedicated competitors took a small step for world athletes and many giant steps for freedom, liberty, and the American dream. Thanks to them, from many, we were one.●

A TRIBUTE TO THE U.S. OLYMPIC TEAM

HON. LEO C. ZEFERETTI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. ZEFERETTI. Mr. Speaker, in the last 2 weeks we were privileged to watch the world's finest amateur athletes compete at Lake Placid in the 13th winter Olympics. I would like to pay tribute to our entire Olympic team for their magnificent efforts and extraordinary achievements.

In particular, I wish to congratulate our medal winners; especially Eric Heiden, whose five gold medals certainly rank as the most brilliant individual achievement in the history of the winter Olympics, and the U.S. ice hockey team, whose courage, hard work, and determination truly inspired and captured the hearts of our entire Nation.

Mr. Speaker, our Olympic athletes have displayed the essence of what has made our country great through their commitment, dedication, and sportsmanship. Their participation exemplifies the American competitive spirit and our drive to succeed. Therefore, I would once again like to pay tribute to these tremendous U.S. athletes and thank them for instilling a new sense of pride and patriotism in the American people.●

DRAFT REGISTRATION—AN EMPTY SYMBOL

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. DRINAN. Mr. Speaker, on February 11, 1980, the President transmitted to the Congress his proposal for draft registration. In it, he asks the Congress to approve legislation that would require men and women born in 1960 and 1961 to register for the draft, as soon as possible, with continuous registration of 18-year-olds beginning January 1, 1981. The Selective Service System would be upgraded to process the compilation of forms to be filled out at local post offices with the help of advanced computers. In addition, the revitalization effort includes plans to select and train local board members for availability in any subsequent mobilization emergency. The President has requested $20.5 million in additional funds for fiscal year 1980 and $24.5 million for fiscal year 1981 so that the Selective Service System can carry out this program.

In defense of his plan, the President says that "Registration is needed to increase our preparedness * * *," yet in the 29-page study sent to the White

House by Selective Service Director Bernard D. Rostker, dated January 16, it is clearly stated that the Selective Service System can meet the mobilization requirements set by the Department of Defense without advance registration. The Selective Service's own report indicates that a registration plan activated after an emergency is called is preferable because it will "substantially exceed defense requirements, employ the fewest number of full-time personnel, and cost the least."

The President has stated that a reinstitution of draft registration at this time is necessary to deter Soviet aggression. Yet it is difficult to understand what the compilation of a list of names of young men and women will do to deter Soviet adventurism in Afghanistan.

The Soviets know that draft registration will not increase the size of the All-Volunteer Force. The Soviets know that draft registration will do little to increase the preparedness of the Armed Forces. In fact, the plan the President has chosen to endorse would save only 7 days over the postmobilization registration program proposed by the Selective Service System.

Since the President says that the All-Volunteer Force is performing its mission adequately in maintaining our Armed Forces at close to their authorized levels with volunteers, it is difficult to understand why draft registration is necessary at all.

Mr. Speaker, the current mobilization plan—including the plan for draft registration—is based on the theoretical scenario that the United States must resupply our NATO allies in the face of a Soviet invasion of Western Europe. It is certainly not clear what relevance this scenario has on the events taking place in Southwest Asia to which we are supposed to be responding.

Mr. Speaker, draft registration is not something that the Nation should view lightly. If, as I have suggested, the President's registration proposal is little more than a symbolic gesture, then I respectfully suggest that it is a terribly dangerous symbol whose implications far exceed the act of filling out a simple form at a local post office. What symbolic gesture can we expect the next time unfortunate circumstances press the interests of a distant land? Will the United States take the next logical step and begin to induct the people it has registered? What will the significance of that action be? There is no doubt that the Soviet invasion of Afghanistan was a major development in the bilateral relations of the Soviet Union and the United States, but it can hardly be argued that draft registration is an appropriate, or rational response.

Mr. Speaker, draft registration for men and women at this time is simply a waste of taxpayers' money, and an unnecessary infringement on the rights of our Nation's young people. The President says he wants draft registration in order to display the Nation's resolve; I submit that draft registration will serve only to reopen old wounds that have divided this country in the past.

I urge all Members to reject the President's proposal and look for other, more rational approaches to confronting the Nation's needs.●

TO CLARIFY FMC—LABOR JURISDICTION

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. MURPHY of New York. Mr. Speaker, today I introduce a bill which would prohibit regulation of collective bargaining agreements by the Federal Maritime Commission.

Collective bargaining in the maritime industry has been seriously disrupted by the Supreme Court's grant of unprecedented discretionary authority to the Federal Maritime Commission ("FMC" or "Commission") to assert jurisdiction over multiemployer collective bargaining agreements. *FMC* v. *Pacific Maritime Association*, 435 U.S. 40 (1978)—5 to 3 split opinion—hereinafter "PMA."

The vital maritime industry has now been singled out as the only industry in the United States which is to be deprived of the benefits of the express congressional policy of free and unfettered collective bargaining without governmental intervention.

It is impossible for any multiemployer bargaining association in the maritime industry to finalize its collective bargaining agreements except after lengthy hearings before the Commission followed by protracted litigation in the courts. The resulting delay and uncertainty is particularly detrimental to the collective bargaining process. Its viability depends upon expedition and the ability of each side at the bargaining table to deliver its part of the bargain, often at the 11th hour or while in the throes of a crippling strike.

The assertion of jurisdiction by the FMC over maritime labor agreements is particularly disruptive because any Commission determination will bind only the employer signatories to the agreements. Maritime unions are not subject to the Commission's jurisdiction. The uncertainty as to what the Commission's ultimate determination may be with respect to a particular labor agreement is further compounded by the fact that it will undoubtedly engender further litigation by unions unwilling to accede voluntarily to any determination that woud invalidate or modify their negotiated settlements. The present state of the national economy, the energy crisis, the balance of payments, and the emergency of a viable American-flag merchant marine depend upon labor stability in the maritime industry which can only be achieved through the process of collective-bargaining free from the regulatory agency unequipped to deal with the complexities of Federal labor law.

There is an urgent and immediate need for the proposed legislation. In addition to the prevailing uncertainty in the industry resulting from the Commission's failure to promulgate a general rule of exemption and the Commission's excessive delay in reviewing labor contracts that have been filed with it for approval there is pending litigation in the Federal courts which highlights the disruptive effect of the Commission's regulation of labor agreements. This litigation involves certain work preservation provisions contained in longshore labor contracts in Atlantic and gulf ports, known as the rules of containers.

The only equitable and appropriate solution is the elimination of the disruptive and unnecessary intervention of the FMC into the field of labor relations and collective bargaining in the maritime industry. The proposed legislation accomplishes this desirable result and places the maritime industry on the same footing as all other industries in the United States.

I urge my colleagues to support this vital legislation.●

INTERIOR'S MISGUIDED PREDATOR CONTROL POLICY

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. SYMMS. Mr. Speaker, western range sheep operations are facing extinction due to the Department of the Interior's failure to address the predator control situation on our public lands. The animal damage control policy announced by Secretary Andrus is an unacceptable solution to a problem that threatens the continuance of these operations so vital to our national and local economies.

In the upcoming weeks, I will press for congressional oversight hearings to review the Department's responsibility to the woolgrowers of the United States. I commend this resolution to my colleagues, and urge their support of its provisions. The resolution reads as follows:

RESOLUTION TO: HON. CECIL D. ANDRUS, SECRETARY, DEPARTMENT OF THE INTERIOR

The National Wool Growers Association, representing the industry for 115 years, strongly objects to the proposed Animal Damage Control Policy announced by Secretary of the Interior Cecil Andrus on November 9, 1979. The proposed policy, if implemented, will destroy the remaining range sheep operations in the nation, and adversely affect the viability of the entire U.S. sheep industry.

Secretary Andrus, after two years of hearings, chose to thwart one of the nation's oldest industries and yield to a small group of radical environmentalists deeply embedded in the highest political and governmental positions. Andrus did not listen to his own experts in the field of animal damage control nor livestock producers.

The National Wool Growers Association requests the Congress of the United States to object to the Andrus decision; to call for oversight hearings regarding Interior's duty to protect livestock under the 1931 Predator Act and to direct Interior, by law, to continue lethal means of predator control including toxicants.●

A BILL TO EXTEND THE AUTHORIZATION OF THE NATIONAL OCEAN POLLUTION RESEARCH AND DEVELOPMENT AND MONITORING PLANNING ACT OF 1978

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. MURPHY of New York. Mr. Speaker, today I have introduced a bill to amend Public Law 95-273, the National Ocean Pollution Research and Development and Monitoring Planning Act of 1978, to authorize funding in fiscal year 1981 to carry out the purposes of this act.

This act was an effort by Congress to improve coordination among the Federal agencies in the area of marine pollution activities and to insure that limited resources were directed toward high priority national problems. To carry out this intent, the National Oceanic and Atmospheric Administration (NOAA) in the Department of Commerce was designated as the lead agency responsible for preparing a 5-year plan that is to be updated every 2 years. This plan is to include an identification and ordering of national needs, an inventory and analysis of Federal programs, and policy and budget recommendations relating to the national program on marine pollution studies. The act also requires NOAA to establish an effective marine pollution program within the agency and provides for a financial assistance program to address those priority needs.

A formal interagency committee was established in June 1978 by the Chairman of the Federal Coordinating Council for Science, Engineering, and Technology to implement the interagency requirements of the act. The first Federal plan was officially sent to the President and the Congress in December 1979. Although a sound attempt at meeting the intent of the Congress, it is expected that many substantive changes will be incorporated into the revision of the plan which is to be completed by February 15, 1981. Efforts have already been initiated within the agencies to update the document to meet this deadline.

The bill that I am introducing today is to authorize the appropriation of up to $3 million for the fiscal year ending September 30, 1981, for the continuation of these activities. The committee feels that the results of the first 1½ years of effort have laid the groundwork for improved planning and cooperation in the study of marine pollution. The next several years will be critical in evaluating how effective these efforts have been. Close oversight will be essential during this time by the appropriate congressional committees to insure that the initial momentum is maintained and properly directed. Speaking for the Committee on Merchant Marine and Fisheries, this will be done. I urge all Members to support continuation of authorization for this important law so that we may increase our knowledge of man's effect on the oceans, and consequently, better control resulting impacts.●

ESTONIAN INDEPENDENCE DAY

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. HUGHES. Mr. Speaker, February 24, 1980, is a special anniversary for the courageous people of Estonia, who today are subjugated under the yoke of Soviet oppression. On this date 62 years ago, the Estonians first cast aside a history of foreign domination and declared themselves to be an independent and autonomous republic.

The Estonian struggle was long and hard. Immediately after independence was declared, the Republic of Estonia was invaded by the Germans, who occupied Estonian territory until the armistice was finalized in November 1918.

The provisional government then defended itself from the Bolshevik army, which sought to impose Communist theology upon the newly liberated Estonians. Adopting the slogan, "No compromise with the Communists," the Estonians rallied to overcome the Soviet threat, aided by financial support and volunteers from England, Finland, Sweden, and Denmark.

In 1920, this perseverance was rewarded, and the Soviet Union renounced all rights over Estonia forever. For the next 20 years, this independent republic thrived, developing a rich national culture and a prospering economy.

But this freedom was fleeting. In violation of the peace treaty of 1920, the Soviets signed the Molotov-Ribbentrop pact, condemning Estonia, and its Baltic neighbors, Latvia and Lithuania, to the Soviet sphere of influence. The Soviets forcibly annexed the territory of Estonia in 1940, and subjugated its inhabitants.

Today, all private property in Estonia has been nationalized. Russification threatens Estonian culture, heritage, and language. Fundamental freedoms have virtually been abolished, human rights violations are rampant, and dissidence is punished by arrest, deportation, and execution.

The Estonian people, however, still refuse to succumb to Russian tyranny and oppression. In the spirit of their struggle for independence, the Estonian youth continue to resist subjugation through their demonstrations and appeals to the free world. With each Soviet attempt to repress this struggle for freedom, Estonian nationalism continues to grow stronger.

In support of the Estonian cause, the United States refuses to recognize the annexation of the Republic of Estonia by the Soviet Union. We have also urged the Soviet Union to comply with the Helsinki accords, and grant the people of Estonia their basic individual liberties and human rights.

The invasion of the independent nation of Afghanistan by the Soviets has once again focused world attention on the plight of those nations who have fallen under the yoke of Soviet oppression. The brave people of Estonia truly deserve international recognition for their refusal to succumb to Soviet control. It is my hope that the Estonian people will one day succeed in their never-ending quest for political autonomy and personal liberty and once again take their place among the free peoples of the world.●

THE NATIONAL SCIENCE FOUNDATION'S BILLION DOLLAR BUDGET

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. ASHBROOK. Mr. Speaker, I rise to commemorate a milestone that most taxpayers in this Nation would have preferred never to have seen, the National Science Foundation has submitted its first $1 billion budget request. Over the years I have been highly critical of the NSF's ability to spend money on bizarre projects that few people either understood or supported. With the growth of the NSF to over $1 billion I am now more than just critical, I am concerned. A billion dollars is a lot of money in the field of research and the methods by which the Government uses such funds could influence the direction of research, and of thought, in this Nation for many years. The Congress will soon have an opportunity to review this budget request and I can assure my colleagues that I will be providing adequate vehicles for them to ponder the growth of this agency. I also commend to the attention of my colleagues testimony I submitted to the Subcommittee on Science, Research, and Technology of the House Committee on Science and Technology. I think the $1 billion budget for fiscal year 1981 is a timely opportunity for this Congress to reappraise its policy toward research and to consider where such increased funding may be taking the Nation. I hope the Congress will take the time to exercise some oversight over the NSF before it grows much more.

The testimony follows:

TESTIMONY OF CONGRESSMAN JOHN M. ASHBROOK, SCIENCE, RESEARCH AND TECHNOLOGY SUBCOMMITTEE, HOUSE COMMITTEE ON SCIENCE, AND TECHNOLOGY, FEBRUARY 20, 1980

Mr. Chairman, I thank you for this opportunity to discuss a number of deep concerns I have about the current funding and direction of the Biological, Behavioral, and Social Science grants of the National Science Foundation. As you know I have been a critic of the NSF for some time now. During my years in Congress I have watched as the NSF has grown into an ever larger item in the massive Federal Budget. Each year that the NSF expanded I offered amendments to slow the growth of what I considered unwise federal spending. In 1979 a majority of my colleagues in the House agreed with my view of the NSF and an amendment cutting $14 million from the Foundation passed 219-174.

Unfortunately most of the money cut in the House of Representatives was restored in a House-Senate conference. Considering how some of that restored money was spent in FY 80 those of my colleagues who supported the restoration of funds might have second thoughts. In a few weeks the House will once again have a chance to consider the NSF budget. Once again I will provide a suitable vehicle to stimulate discussion of current NSF funding levels. I can assure you that the amendments I offer to the NSF authorization are based upon what I consider a need for open discussion on the floor of the House and is not a reflection of any inadequacy by this Committee or its Chairman to conduct necessary oversight reviews. However, I do feel that when taxpayer's funds are involved in assisting dubious programs a record must be established at each level of consideration.

For the benefit of the Committee and the witnesses who have testified I would like to enumerate the concerns I have about the BBSS functions of the NSF grants. For each of my concerns I will cite examples from the 1979 grants announcements as well as refer to some of the grants I have cited in the past. I think the record will show that if anything the cuts I have proposed over the years are rather moderate in light of the wealth of evidence concerning wasteful spending by the NSF.

DUPLICATION OF ACADEMIC WORK

A common defense used to justify NSF funding is that the level of academic research in America would grievously suffer if funding were cut back or eliminated. The assumption is that while the growth of knowledge is vital to a nation and a society, there is insufficient incentive or available funds in the private sector to meet the demands of contemporary research. My first observation would be that if the Federal Government did not take as much money as it does from the private sector to fund its own programs there might be more disposable income available to have citizens contribute to foundations or institutions of higher learning. However, barring a major awakening of the Congress and the bureaucracy, the assumption must be that the current level of robbery by taxation and government borrowing will continue at near the present rates. Under these conditions can research find funding if the NSF does not expand its grants?

In the summer of 1979 I took a random listing of NSF grants to the Library of Congress to see if any research had been conducted in the areas the NSF was funding. I wanted to see if, aside from popular literature and textbooks, there was academic activity going on outside of that funded by the NSF. In all six cases I found knowledge had been expanded without NSF help. In some cases a virtual avalanche of work had been conducted on the very same topics or topics that were closely related. On March 27, 1979 the NSF had spent $30,759 for a book on women scientists in the U.S. from 1830-1980. The Library of Congress found no less than 82 books and articles on this subject dating back to 1970. While any new work will provide additional insights and updates on a given subject, the average of over eight new works a year proves that there is sufficient interest in women scientists to end the need for taxpayer funding of a particular researcher.

Another example I found in the summer study was a $47,766 grant to the Center for Research on Women to study "how employed wives' high role demands in the family and paid work combined may negatively affect the adjustment of employed wives and their husbands." My first reaction to this grant was that it was an unwarranted initiative into the American home. I will discuss this aspect under another issue area. The Library found 90 works on this subject in just the last three years. Further, a House Committee was concerned enough about the general issue of working wives that it compiled a 181 page annotated bibliography on the issue. Within those many pages were countless references to the issue funded by NSF. This surprised me as the grant justification stated that this subject had been given "too little objective, basic social science research attention." Aside from wondering how objective anything called the "Center for Research on Women" could be on this subject I fail to see how 90 academic works and a 181 page bibliography proves lack of interest in the subject.

Since the bibliographic searches of the summer I have found a number of other possible duplications of NSF grants with existing work. These include a $45,253 grant on the "Impact of State Public Campaign Finance Policies" which was granted only a month before the American Enterprise Institute published a 384 page compendium of papers on "Parties, Interest Groups, and Campaign Finance Laws." The book covers all aspects of federal and state campaign finance policies and is the product of a two day conference on this issue which involved over 27 major participants. Another example is a $24,759 grant to study the "Changing Structure of Agriculture" issued on January 30, 1980 within a week of the U.S. Department of Agriculture's 445 page publication of major works on the changing structure of American agriculture. These cases, and others, show that the NSF is funding areas where I find an intellectual vitality sufficient to fuel adequate expansion of knowledge without government assistance, or where other government agencies may already be involved.

In my recent research I have found another aspect of NSF duplication that is particularly disturbing. This is the phenomenon of seeing the NSF fund similar projects that are also similar to privately funded projects. So the NSF is not only duplicating the private sector, it is duplicating itself. One example of this was a series of three grants issued in August of 1979. The three grants all deal with aspects of committee decision-making, an area well covered in management science, psychology, and political science. Yet, in one month, there was a $97,878 grant to study "Decision Making in Legislative Committees", then a $95,117 grant to study "Decision Making Under Majority Rule—Game Theoretic and Laboratory Studies of Committees", and then $70,299 to study "Group Decision Making and Problem Solving". I recognize that these studies each approach the topic differently, and probably use different pools of empirical evidence upon which to draw conclusions. However, does the American taxpayer really need to spend $263,294 for three similar studies in the same month on an issue already covered in several academic disciplines? This is an expensive luxury most taxpayers are willing to forgo.

THE SERIOUSNESS OF ABSURDITY

The fantastic range of NSF grants in the name of searching for knowledge is legend in America. Through the Golden Fleece Awards of Senator Proxmire and the "goofy grants" featured in such diverse publications as National Enquirer and National Review the NSF has had its share of public ridicule for its many bizarre expenditures of funds. The important point that is sometimes missed amid the chuckles and guffaws is that the NSF does fund a number of projects that are dubious at best. These projects may sometimes have funny sounding tongue twisters for titles, but even many of the ones in plain English are clearly questionable. There is a fine line between what is "nice" to know and what is vital to know when you begin assessing basic knowledge. The NSF has made its policy one of erring on the side of "nice". My concern is that by funding many projects with weak rationales we may be diverting funds from other vital areas of concern among them being the pockets of the American taxpayer. I have heard many cases cited showing how seemingly trivial research can find a circuitous way into an area of extreme relevance. Under this assumption a case could be made that any item of research from anybody could have applications vital to the country if only that researcher had adequate funds to pursue the project and publish the findings. In an extreme case we could end up giving each and every citizen a research voucher under the assumption that everyone might eventually come upon a breakthrough in a given area of academia in their lifetime. The point of this scenario is that everyone in America is thinking and expanding knowledge daily. Whether it is a college student completing an independent study or an office worker completing a policy analysis there are countless numbers of people committing thoughts to paper on an ongoing basis. Some of these people focus their energies more than others and therefore form a smaller group of researchers who break new intellectual ground in sophisticated ways. Whether at the Brookings Institution, the Heritage Foundation, or a small Midwestern University, these professional thinkers are moving knowledge in the humanities forward with and without federal subsidy.

The bizarre grants issued by the NSF that catch the flak from Congress and the media do show the wide range of intellectual activities going on in America. I have nothing against someone devoting their life to the study of Dutch Labor Markets in the 1580's. However, I do object to the federal government making a policy decision that such a project is worthy of federal funds. Any federal action that involves either subsidy or cost is a transfer of resources from one person or persons to another person or persons. I do not agree that it is the role of government to control such a flow where basic knowledge is concerned within the humanities. The millions of dollars spent by NSF on humanities grants may seem like a pittance in relation to the entire federal budget, but it is still part of the larger effort of government to control resource allocation in this nation far beyond where most citizens would want it.

The grants I have cited in previous speeches have been carefully chosen to show the questionable nature of many of the BBSS grants of the NSF. Last year two prominent grants which I emphasized border on the ludicrous. One was the $83,839 granted to the American Bar Association to study itself. I might understand why the ABA would want to analyze the structure of the legal profession, but I fail to see why a group as financially solvent as the ABA should receive $83,839 of taxpayers' money. The results of such a finding will aid only lawyers who belong to the ABA and legal scholars many of whom are also ABA members. This was a clear case of public funds being used for the benefit of a narrow group. The other example from last year was the $88,830 for the study of homosexual couple formation. The study was going to take three years because of the"sensitivity of the topic". I find it outrageous that anyone would find it good public policy to allocate funds to "illuminate principles of human behavior that have so far escaped social scientists" in regards to homosexuals. Most people in this country still consider homosexuality a perversion or a disease and would object to any research that might aid in legitimatizing such a thing. I consider such an expenditure of public money unwise at best. The scientific community might consider such research imaginative and innovative, but the public, whose money the NSF uses, considers it just plain stupid. In the end this is what is important. The NSF is a public institution and is accountable to the public. It is intellectual arrogance to place any other mandate above those of the taxpayers of the nation the NSF is supposed to serve. It is no wonder that the NSF recently gave $350,000 to the National Academy of Sciences to study "the value, significance and social utility of basic research in the social sciences" since many people are now questioning the use of public funds for the ABA, and to study homosexuals.

THE QUESTION OF INFLUENCE

One of the main defenses used for the NSF grants is that the money expended is vital to the expansion of our basic store of knowledge. A crucial question to ask about this assertion is whether this expansion is balanced or whether it may be skewed to one set of philosophical principles over another. By this I mean that no matter how many reviews a given grant is subjected to or how detailed the criteria is for awarding a grant it is inevitable that at some point grantsmanship might provide one side of an issue access to more funds than another side of the issue. There does not need to be any intentional policy to create such a situation. It could be that only one philosophical school is interested in the study of a given issue at a given time. It could be that one school of thought is better at grantsmanship than another, or that there is not an opposing school of thought capable of competing for funds. In any case there exists the possibility that chance could play into the hands of one set of beliefs over another. If most of the research projects conducted by academicians were destined to gather dust in college bookshelves such a possibility would be trivial in nature. However, we have seen how scholarly works have been used to launch major new government policies or programs over recent years. It was a study on the learning abilities of schoolchildren that launched the nightmare of busing. It was a series of computer runs that helped launch an effort to eliminate the electoral college. If the academic deck is unbiased then all sides of an issue can compete in the electorate for a mandate. What happens if luck or some other factor stacks this deck? What happens if the NSF ends up funding a series of projects that build momentum for one set of public policy views over another?

This is a vital question for the future of government sponsored research in America. If the NSF doles out money without concern for ideological balance it will be objective but may stack the research deck. On the other hand, if the NSF consciously tries to balance research it could end up with a worse situation. What if there are two well known researchers who want funds to study the desirability of federal land use planning and are known to favor this approach from previous studies they have published. Assume further that no anti-federal land use researchers are applying for NSF funds. Does the NSF grant funds to one of the researchers since their project has merit? Does the NSF wait until a comparable anti-land use study surfaces? Does the NSF go out and seek a suitable counter study? In all cases there is a disturbing vision of government controlling elements of thought in the nation. Anytime public funds are involved it is an act of public policy to disburse those funds. Objective handling of funds regardless of the possibility of skewing the academic debate is a public policy. Seeking a balance on a given issue is a public policy. Given the unpredictable nature of the course of human inquiry it is impossible or at least very difficult to anticipate where skewing might take place. To avoid the risk of the government inadvertently aiding one side of an argument many people, myself included, consider the best policy is for the government to not involve itself at all.

The BBSS grants of the NSF have moved increasingly into areas of controversial public policy. The grant to study couple formation among heterosexual and homosexual groups moves $88,830 of government money into the homosexual debate. No matter how objective this study might be there is still $88,830 of taxpayers money involved in the study of an issue where public policy, and public morality, is deeply involved. Other grants fall into this category. The University of Illinois-Urbana has received $91,198 to study "Changes in Family Structure in Western Nations" and Wellesley College has received $150,262 to study "Families and Communities: Helping Networks." In both cases Federal funds are moving into the area of family issues that are some of the most controversial matters being discussed today. As we have seen with the White House Conference on the Family there is even violent disagreement over what is the definition of a family. To have $239,092 of taxpayers funds going into family research is to disregard the impact of those funds on the ongoing emotional debate. This is not esoteric research with funny names, this is material that might be part of congressional hearings or floor debates a year or so from now. To provide such funds is a public policy act that should not be left to unelected review panels. Instead of opening the door for congressionally mandated research grants we should avoid having funds going into such areas by phasing out social science funding altogether.

Mr. Chairman, this concludes my remarks on the subject of NSF social science grants. The issues of duplication and competition with privately initiated research, of possible waste of funds for unnecessary projects, and the crucial issue of subsidies for particular philosophical views are all sufficient evidence that there are deep problems with the Government getting involved in this area of research in the first place. No matter how well-intentioned the NSF might be in providing grants I maintain that there are severe problems that will probably never be adequately addressed. I therefore will continue to oppose efforts to expand this troublesome program area.●

ABE ROSENTHAL

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. SKELTON. Mr. Speaker, Herbert Spencer, a British philosopher of the late 19th century once said:

> Music must rank as the highest of the fine arts—as the one which, more than any other, ministers to human welfare.

This being true, today, I would like to recognize a very special constituent of mine. A man of vision. A man of great talent. A fine humanitarian. Mr. Abe Rosenthal of Sedalia, Mo.

Forty-five years ago, in the year 1935, Mr. Rosenthal started the Sedalia Symphony Orchestra, and he has conducted the group ever since that time. Mr. Rosenthal will be honored at a dinner on April 29 of this year, however, words and gestures will never be able to express the gratitude that is felt. For how does one appropriately thank a man who has brought his community such a great gift? How does one thank a man who has brought music to the city of Sedalia?

I congratulate Mr. Rosenthal and wish him all the best in the days ahead.●

THE LATE HONORABLE WILLIAM M. McCULLOCH

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. BROOMFIELD. Mr. Speaker, it is with great sadness that I join my colleagues in paying my respects to the memory of Hon. William M. McCulloch, and in expressing my deepest sympathies to his wife, Mabel, and his daughters, Nancy and Ann.

As I look back on the many years that Bill and I served together in this body, many warm memories come to mind. His friendliness and civility, his wisdom and sense of what is right made him one of the outstanding Members of the House of Representatives and the Judiciary Committee on which he served.

It was this sense of what is right that brought him to be a major force in moving civil rights legislation through the House in the 1960's. His sensitivity in this area also served him and our Nation well as Bill sat as a member of the Kerner Commission on Civil Disorder and the Presidential Commission on Violence which was Chaired by Dr. Milton Eisenhower.

Mr. Speaker, with the death of Bill McCulloch, we have lost a true statesman and friend. His life was rich and productive in the service of his fellow man, and our memories of him are warm and cherished. I again express my heartfelt sympathies to his family.●

CONSERVATION DISINCENTIVES

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. DAVIS of Michigan. Mr. Speaker, last Wednesday, I was in my district delivering testimony at a very important field hearing which seriously affects my district and the State of Michigan.

I left Washington reluctantly, however, because I was aware that a motion would be offered to instruct the Windfall Profit Tax Act conferees to recede and concur in Senate amendments to that legislation allowing certain residential tax credits for individuals taking the effort to conserve energy and reduce our Nation's consumption of foreign-produced oil. I intended to vote in favor of the motion.

It would seem to me that no one could oppose such amendments. After all, it is generally avowed that our national energy strategy is to reduce our consumption of foreign oil by making alternative energy resources more attractive and by encouraging conservation by any means practically available to us.

It would seem to me that a reasonable policy would be to reward those industries and individuals who contribute to our national conservation effort. Such positive reinforcement would in turn encourage further conservation activities, while ultimately freeing the Nation from its OPEC stranglehold—by far the most dangerous and costly trap the Nation has faced.

This sort of positivism would especially be effective in the areas of the Nation which most would benefit from these conservation incentives. Specifically, 12 million of the estimated 16 million households which use heating oil in our Nation are located in the 18 States which comprise the Northeast and Midwest regions of the United States. Thus, 75 percent of the Nation's oil-dependent households are located in slightly more than one-third of the Nation's States. What makes this figure even more disturbing is that these States contain 47.1 percent of the country's population and consume 52 percent of the total U.S. residential energy production.

Obviously, this concentration of population and energy consumption means that a disproportionate share of the U.S. energy burdens is borne by relatively few States. The facts that the Northeast and Midwest States have colder climates and older residential and industrial infrastructures merely increases the burden.

While it is inappropriate to blame Southern or Western States for their warmer climates or newer cities, it is equally inappropriate for us to expect the colder and older regions to bear the brunt of our national conservation efforts.

However, this is precisely what happened on the floor of the House of Representatives when the motion to instruct the conferees to recede and concur in the Senate amendments failed. Those regions of the Nation which must consume oil because of historic factors now must pay the costs of oil price decontrol to a significantly greater extent than the rest of the United States.

Ironically, these same States stand to contribute disproportionately to national conservation efforts, because of their dependence on oil. That is, if this dependence can be redirected to alternative energy resources, a relatively small number of States can make great strides in reducing national oil consumption.

Unfortunately, by eliminating further energy tax credits from the Windfall Profit Tax Act, there will be no added incentive for oil-dependent States to reduce their consumption outside of normal market incentives. The potential of positive energy policies has been rejected in favor of negative provisions which encourage neither conservation nor production. Rather than providing an incentive and reward for individuals who make efforts to switch from oil dependence to an alternative fuel, the House of Representatives decided to stand by and coldly allow market forces to work their will against those who are most affected by our national energy policies and who could most help the Nation reduce our energy dependence on foreign oil producers.

It is my understanding that the Windfall Profit Tax Act is intended to redistribute revenues gained from the decontrol of oil prices back to the consumers—the ones who, as always, foot the bills for our social policies. But the vote on Wednesday looks to me as if we are more interested in increasing Federal receipts than encouraging and rewarding conservation.●

SENATE JOINT RESOLUTION 109 "AMERICAN ENTERPRISE DAY"

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. GOLDWATER. Mr. Speaker, as a cosponsor of the companion measure, it gives me great pleasure to rise in support of this resolution proclaiming October 3, 1980 as "American Enterprise Day."

American enterprise has helped build America. No other segment of this Nation has done more to make this the greatest and wealthiest country in the history of the world. Real jobs, those that produce goods and services, pay taxes and in turn create more jobs, comes only one way—by harnessing private enterprise, the ultimate source of all America's wealth.

This resolution will give us and the business community the opportunity to participate in support of the free enterprise system that has given us the greatest standard of living in the world.●

AMERICAN CITIZENS ABROAD

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. ALEXANDER. Mr. Speaker, today I am inserting two more issues which affect American citizens living and working abroad.

The material follows:

ISSUE NO. 19

Short title: Social Security Participation by Americans Abroad.

Summary of the problem: Many American citizens living abroad have not accumulated the minimum forty-quarters of coverage in the U.S. Social Security system before leaving the United States. As such they are not vested and covered by this system.

Unlike many foreign countries, the United States has not made any provision for voluntary participation in the U.S. Social Security program for Americans living away from home. Because of this lacuna, many overseas Americans, coming home upon retirement, find that they lose benefits from foreign Social Security programs to which they have been contributing and have no U.S. Social Security benefits to replace these.

But, in addition to this problem, there are others, particularly confronting Americans living in overseas countries where there is no effective local social security program at all.

Finally, a number of Americans, working abroad for foreign subsidiaries of U.S. companies find that they must participate in U.S. Social Security even if they are already part of a foreign plan. This leads to double coverage and extra expense not only for the individual, but also for his employer.

ACA's question: Why is the U.S. Social Security program predicated so much on institutions and not on serving the individual? Why cannot individual Americans living abroad choose to voluntarily remain participants to Social Security?

The President's reply: "A basic problem with any voluntary participation scheme is adverse selection. Those persons who would volunteer to participate in social security would tend to be those who would receive the largest returns on their contributions, thereby unduly increasing the cost of the program. It would be unfair to burden those who are compulsorily covered with the increases in cost resulting from a special provision permitting voluntary coverage for Americans residing abroad. It would also be unfair to those in the United States who wish to be exempt from social security coverage."

"If coverage were extended to American employees of foreign corporations, foreign governments, international organizations and foreign subsidiaries on an individual voluntary basis, there would be a question of establishing an appropriate contribution rate for most of them in order to avoid distorting costs to the social security trust funds. . . ."

"The inability to compel compliance by foreign employers and international organizations also means that reliance would have to be placed on the employee to comply with social security reporting requirements. Although individuals electing voluntary coverage would presumably report their earnings, there is potential for abuse."

The President then made his recommendation. "The Social Security Administration believes that the problem of gaps in U.S. social security protection for American citizens working outside the United States can be remedied by totalization agreements. The 1977 amendments to the Social Security Act authorized the President to enter into these bilateral agreements to provide for limited coordination between the social security systems of the United States and other countries. Under an agreement, coverage and earnings from both countries may be combined to establish eligibility for, and entitlement to, benefits; furthermore, dual coverage and taxation for the same work is eliminated and the problem of adverse selection is avoided. A totalization agreement is already in effect between the United States and Italy; negotiations for similar agreements have been completed with West Germany, and are underway with Switzerland, Canada, Israel and the United Kingdom. Additional agreements are contemplated; however, they do require substantial time to develop and ratify."

What is striking about the President's answer to the question of why coverage of Americans abroad is not allowed on a voluntary basis, is the fact that the protection of the individual nowhere appears to be a concern of the United States.

The President's reply was drafted by the Social Security Administration and the perspective of this reply was entirely that of a large bureaucracy trying to defend itself against having to confront a new problem that might be complicated to resolve.

ACA's renewed question: ACA would like to ask the President once again why the primary concern is with keeping the social security bureaucracy happy, and not with endeavoring to insure that the overseas American citizen has as much protection as possible?

What is the policy of the United States in terms of wanting to insure that social security coverage is guaranteed, without undue burden, to all Americans no matter where they might live on this earth? Or does the United States care at all about the problems of overseas Americans other than whether their entry to the social security program might make this system more expensive, and more difficult to administer?

The President's recommended solution, the establishment of bilateral totalization agreements does not solve the social security problems for many Americans abroad. What happens to Americans living in developing countries where there is no local social security program of any merit, and where it is unlikely that any totalization agreement will be possible during the next several decades? Why are these Americans abroad not as important to the United States as those who happen to be living in more advanced socially protective areas?

Mr. President, we ask that you address the basic issue in this question. We suggest that the Social Security Administration is not the appropriate venue for carrying out your policy review. No bureaucracy voluntarily seeks to increase its own burdens, but it does inevitably defend whatever the present policy may be. We don't need defense of the status quo. This is all too painfully evident to those of us abroad. We need a new look at what we are doing to overseas Americans, and why. This must be done by a politician, not a bureaucrat.

There is a further, internationally competitive dimension to this problem also. Why are Americans expected to compete abroad in many areas without any social security protection while they confront in the same markets foreigners whose home countries offer much greater social security protection to them while they are away from home. Many of our strongest competitors have gone far ahead of us in reducing the problems of double social security contributions and in guaranteeing coverage for everyone that needs, or want, it. Mr. President we urgently appeal to you to address this question once again.

ISSUE NO. 20

Short title: Social Security Coverage for Americans in International Organizations Abroad.

Summary of the problem: U.S. Social Security regulations will not allow U.S. citizens working abroad for International Organizations to participate in the U.S. social security system.

ACA'S question: Why are American international civil servants being mistreated this way?

The President's reply: The President's reply to this question is encompassed in his reply to Issue Number 19. Essentially the problem is two-fold. First, if such participation were to be voluntary only those Americans likely to receive useful benefits from the program would participate, and even then they would be tempted to abuse the system because they would have to report their overseas earnings themselves for their contribution calculations.

Second, it would be a burden for the U.S. Social Security system to try to determine what rate to use to calculate the payments to be made these U.S. citizens. These two obstacles are so overwhelming that there is no recommendation that the present practice be changed.

ACA'S renewed question: Once again the President has refused to address directly the question of equitable treatment of Americans abroad. Instead he has chosen to take umbrage in the bureaucratic explanation that resolving this problem for the American abroad would require some changes at the Social Security Administration.

Mr. President, once again we appeal to you to address the basic question of equitable treatment of Americans abroad not irrelevant subsidiary questions such as bureaucratic comity. We have no doubt that if you were to direct the Social Security Administration to come up with a new program of coverage that would embrace the overseas American civil servant, they would do a fine job.

The question remains, what should we be doing to protect Americans abroad? We appeal to you for a direct answer.●

WHOSE WINDFALL IS IT?

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● **Mr. LAGOMARSINO.** Mr. Speaker, I bring to the attention of my colleagues an editorial that appeared in Oxnard (Calif.) Press Courier, Wednesday, February 6, 1980, concerning the windfall profit tax.

The editorial argues that the proposed tax will harm both domestic oil producers and the American people by creating disincentives for exploration for and development of new sources of traditional fuels and developing alternative energy sources. Without some kind of a provision to encourage exploration of new oil, it appears that the only entity that would not be harmed would be the Federal Government.

The editorial follows:

WHOSE WINDFALL IS IT?

A Congress that bails out the Chrysler Corp. with one hand and puts a special tax on profitable oil companies with the other is rewarding failure and penalizing success. While the lawmakers can plead that the national interest demands that Chrysler be saved, we cannot find even that justification for the now-aborning "windfall profits tax" on oil.

The national interest will be served when oil companies pull more oil out of the ground in the United States to lessen this nation's dependence on imports. The windfall profits tax would not serve that end. In the opinion of some analysts, it would actually inhibit domestic production.

No, the tax springs from one of President Carter's moral imperatives—that it is wrong, somehow, for domestic oil producers to pay only the conventional federal and state taxes on what they earn from selling oil from older wells at today's market prices. Because the oil has appreciated in value since the pre-1978 wells were drilled, the profit is to be considered "unearned" and thus different from other taxable profits.

The triumph of that philosophy in the bill now being sewn together by House and Senate conferees should make many Americans nervous. Those who have bought gold with the hope of selling it later at a profit may see themselves attracting the attention of a government looking for unearned windfalls. What about homeowners? Some who bought a house 10 or 20 years ago are now sitting on a windfall profit which, percentagewise, would make an oil tycoon blush.

But oil is a special case, or so Carter and congressional leaders assure the public. The new tax is said to be vital to their energy program. In truth it is vital only to the populist notion that the dramatic profit increases reported by major oil companies in 1979 demand a political response. The tax is timely from that standpoint, but it does not add up otherwise.

It is discouraging that the president and Congress have come this far with the windfall tax without heeding warnings that it is likely to boomerang. A study by the Congressional Budget Office undermines their argument that future production will not be affected if prices on "old" oil are decontrolled and the government skims off much of the earnings in a special tax.

The CBO finds that, under the economics of the windfall tax, domestic production in 1990 would be 800,000 barrels a day less than it would be if prices were simply decontrolled and the producers paid the existing state and federal taxes on their profits. If this is the case, there must be some benefit from the windfall tax that makes it worthwhile to incur a cumulative loss in domestic oil production over the next 10 years. That benefit, we are told, is that money from the tax will permit the government to finance energy programs which, among other things, will reduce our need for oil.

But even that argument doesn't hold water. Without the new tax, oil company profits realized from decontrol of domestic prices would add $195 billion to the revenue flowing to the federal treasury from existing taxes between now and 1990. This is more than enough to cover the most ambitious energy programs the president has in mind. The windfall tax bill would simply add another $227 billion to the tax bonanza already in sight.

If the House and Senate are going to approve this legislation, the public should understand it is not necessary for financing an energy program and may work against the goal of greater self-sufficiency in oil production. It caters to the popular feeling that oil companies are making too much money, and in so doing, assures a handome tax windfall for the federal government.●

WHAT IS IT REALLY GOING TO BE LIKE IN THE 1980'S

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. SYMMS. Mr. Speaker, I insert into the RECORD some excerpts from the most recent Harry Schultz Letter, a very informative international investment newsletter published in Switzerland at FERC, Postfach 88, Basel 4010, Switzerland. In the February 12, 1980, issue, Mr. Schultz discusses the growth of Soviet power around the globe and what it will mean for the United States and Western Europe over the next 5 years. In one of his earlier newsletters, he predicted that the free world had 1,000 days left before the world was totally dominated by the Soviet Union. Mr. Schultz has now revised his earlier forecast because of the Soviet invasion of Afghanistan and the mounting of their troops on the Iranian border, and he thinks it may be much less than 1,000 days.

I urge my colleagues to read this article carefully, because it carefully reviews the Soviet strategy of slicing off portions of the free world piece by piece, each time eliciting very little or no real response from the United States and the West. The United States cannot wait much longer to respond to this very real threat; and if we begin to prepare ourselves now to meet many of the challenges we will receive over the next decade, perhaps we can avoid a nuclear confrontation and/or total subservience to the Soviet will.

For reasons of limited space, I selected what I considered the most important sections of the article:

EXCERPTS FROM THE HARRY SCHULTZ LETTER

Do you remember the film "Grapes of Wrath" where Lennie was always asking: "George, tell me what it's going to be like". And George wud give his vision of their future. His vision was a happy one but sadly never came to pass. My vision is an unhappy one, & I hope it will also never come into being.

I've been spelling out in recent hsl's that we have, I fear, only 1000 days of freedom left and 30 days are chopped off each month. There are now only 910 days left on this rough calculation. But since it was made, the USSR invaded Afghanistan (which rather emphatically underscored my premises, unfortunately) & causes me concern I was overly generous with the original 1000 days. It may be sharply less.

But whatever the correct number, I feel it my duty to paint a picture (albeit with broad strokes) of "what it's going to be like" for the Lennies & Georges & you & I. I fear we'll be eating bitter grapes of wrath. You employ me in part to make reasonable assumptions (or predictions) about the future, in assorted areas that will critically affect your life. Hsl's "wake up" issue, warning of the Russian menace, was published Nov 7, 1979, 7 wks before the USSR moved 100,000 troops into Afghanistan & thereby made manifest what I've been claiming—that it's the dawn of a Soviet dominated world.

It may help to show a simile betw'n Soviet imperialism (expansionism, militarism, call it what U will) & the sharp gold price rise. Gold rose rather slowly over the yrs from $35 to $200. Then suddenly it exploded by 600 extra points. Why? Were the merits of gold hidden all those yrs? Hardly. With most revelations, it is a sudden trigger event that makes all that has been said previously suddenly seem relevant & understandable. The facts of a $-overhang, surplus euro-$'s, excess paper money everwhere, deficit financing, Keynesianism, sdr's, national debt, inflation, all these were known. But the establishment view was that gold was irrelevant, despite those factors. Suddenly all those home truths came bubbling to the top of the world's conscious awareness, & gold shot up to find its proper place. So, too, with our newfound awareness of the USSR. We've known about their incursions over many yrs into Angola, Mozambique, Ethiopia, Yemen, & Cuban surrogate soldiers in a dozen African countries & East German soldiers & Russ arming of guerrillas & armies in So East Asia, etc., etc. Afghanistan was only a catalyst, making all the facts (which the establishment had said were irrelevant to Salt II) come boiling to the top & revealing the establishment view as wrong. Nothing really changed overnite with gold or the USSR, but understanding of each resulted in a sudden facing of facts.

To get perspective on my picture of the future, I have talked to correspondents round the globe by transoceanic phone. I've rec'd reports from my agents in many nations. I've tapped contacts behind the blood-soaked iron curtain. If I were to give U only the most crucial 12 words from each report, they wud fill 10 hsl's. I'm not sure that I've properly absorbed it all, let alone weighed it correctly & fitted it into a proper potential futurama. but I'll give U my hunch picture, together with a few selections of views from the worldwide hsl network. What will it be like, George?

Two factors are vital: 1. Soviet military power is not just marginally superior to the US, it is vastly superior. It is also superior to all freeworld nations combined, on a practical basis. This includes naval, air force, ground force, nuclear tactical & nuclear missiles. Sources for this include Pentagon generals & Jane's Ships & Aircraft reports. More importantly, the USSR is able/willing to use this force, & has no public to account to. 2. The Soviets tend to prefer the salami approach. Just as they have, since WWII, bit by bit sliced off one nation (or a half nation) after another, so they will probably pick off future candidates. Our cartoon here reflects this & I ask U to regard that salami as your freedom, being sliced off, a tiny sliver at a time. Since 1945 there are already 2 dozen nations U can no longer safely visit. The free world is shrinking fast. The future looks vastly more horrendous however, with the whole world suddenly under simultaneous Russ threat; every day your freedom will be reduced, wherever U live.

The next 2 yrs are crucial. They are all we have & we may not even have them. To design & build new sophisticated weapon systems takes many yrs. As we struggle (if we do) to get going with new weapons, the USSR will be producing massively & their peak advantage over us comes in about 2½ yrs, after which they might peak out. So I expect they'll use this time of total superiority take over as much of the world as possible & perhaps to stop us (ie forbid us) from producing the weapons that wud redress the balance.

My info is that the Soviets will take over the entire middleast. If/when they do, Europe is totally paralyzed & at their mercy, & the rest of the world is partially so. They may push this takeover immediately, while JC is still President & US power at its most feeble in decades, or they may do it in stages over 2 yrs, salami style. After taking Iran, the rest of the middleast wud fall like autumn leaves. I'm told the USSR will, in the winter of 1982 take Austria (3 hours to achieve), North Italy & part of West Germany & stop there with no desire to take anything further. They dont wish to occupy Europe. It's too difficult to police & not necessary, for the world can be made to provide all Russia's wants without occupation. There will be no war over the 48 hour thrust into Germany. It will be a quick fait accompli & any ultimatums wud be toothless. But the USSR may not wait til 1982; they may act sooner, even now.

The power struggle in the Kremlin has never been betw'n hawks & doves but betw'n the European group & the Easterners. The latter seem in control now. They see more to gain in Asia than Europe. Thus Afghanistan. They feel Detente has outlived its usefulness. They want less interdependence with the outside world. An orderly succession to Brezhnev may not be possible now. They plan a peace offensive to lull the West back into their former complacency. Detente was born of the Czech crisis. A new "Accommodation" strategy is coming, born (they'll say) of our overreaction to Afghanistan. Will we buy it? I dont know. The West is riddled with liberals, socialists, idealists, pacifists. A private forecaster tells me: "The US will perish from within". So perhaps we wont even try to meet the challenge. Certainly Europe is proving itself to have as much backbone as a jellyfish, as much foresight as a Chamberlain.

I dont forsee a nuclear war, tho it's impos to rule it out unequivocally. I think just as both sides stockpiled masses of poisonous gas during WWII, which neither used, so too will nuclear bombs not be used. But the Soviet conventional war machine is the biggest in all history & in the past no major war machine was ever built & then not used. But mostly I see that use in the form of intimidation, plus brushfire wars. I think the USSR will "give" Pakistan to India, will equip an Indian sweep. India & Russia may split Baluchistan (Western Pakistan-Eastern Iran) betw'n them. India, under Satanic Gandhi, is little better than the USSR. A puppet state may be set up in Baluchistan, as a preface to a takeover. Note: Carter has just postponed aid to Pakistan for 5 months! His advisors have said: Pakistan cant be saved. Thanks to Russian strategy & infiltration, no country that borders Russia can seemingly be saved. That includes West Germany. Russia is the rotten apple of the world that permeates every apple it touches.

Life in a Soviet-dominated world will increasingly become like living with a bully around the corner. Ever met a bully? When I was in grammar school there was a bully in our class who made my life hell. I had to get the Principal to get him off my back. His name was Nicholas. I'll never forget the rascal. The trouble today is there is no school principal to get the USSR bully off our backs (unless Pope John-Paul can help;

hope he has a hotline to the Big Principal in the sky). What does a bully do? He blocks your path. He inflicts punishment if U dont give him whatever he wants. He intimidates. He keeps U in constant fear. U cant make him a friend by whatever U do; U can only win by secretly plotting his downfall (which U do at peril to your safety). That is what we must do.

There may be a 12 yr cycle (approx) in Russian aggression. 1904: Japan war. 1918-20: attacks Poland. 1930-32: massive purge. 1944: attacks Germany. 1956: Hungary. 1968: Czech. 1979-80: Afghan. Rather like the locust, a recurring infestation. The next turn is 1992 & my private astro-soothsayer says Russia will rule the world like a colony thru-out the 1990's. But the 1979-80 Afghan outburst is not necessarily over, even on cycle theory. It could last for 1-2 yrs, during which time USSR swallows a few more countries, or parts of countries, then consolidates, hibernates, til the 90's. Thus we might have a scarey 80's decade with ever restricted freedoms but short or absolute Russian rule til the 90's.

These are attempts to peer thru the fog ahead. In fruition it may be much better or much worse. If worse, Russia might overrun all Europe in the 80's. She might use her naval superiority to blockade or even attack shipping as the Nazis did. She might knock out US missile bases as a protective strike. Or, if things turn out better, it may be we'll only have a new arms race with the US catching up or bluffing or using superior tactics & IQ, with USSR not expanding appreciably. My view is a middle path betw'n these 2 extremes. Obviously I'll be monitoring this daily, hourly & will pass on to U every potential shift of direction. It's safest to hope for the best, but prepare for the worst.

Much depends on Western will. If we are weak, the present decline in our position will accelerate. If we are strong, the Afghan episode can give us a chance to reverse our multi-decade decline—My friend Tony Rudd puts it well: "Is war imminent? Difficult to say. But certainly Peace is past." We face a period of sustained danger, with aggression & threats of it, overt & covert, where in cool nerves, sound judgment & iron determination will be required. The penalty for error will be great. We're about to be tested. That applies to U&I in 3 areas: political, personal & financial. HSL will make suggestions in all 3, for life is a package deal. I presume U, like me, want liberty, prosperity & the safest location to enjoy them in. This will be an ongoing theme in hsl, tho rarely in such depth as today. If we eventually live in a totally Sovietized world, hsl will go underground & become a 1775 Thomas Paine kind of newsltr. I shall not abandon U, nor the cause of liberty-with-responsibility.

We must plan our investments differently now; we need a new strategy for a quasi war environment. Likewise I trust U will plan your lifestyle & political efforts with new awareness. Let me quote friend Tony Rudd again: "in a year we'll look back at today's worries as we did in 1942 upon those of 1937. Current concerns about inflation, sound money (& environmentalism) will disappear. Priorities are already changing. The fight against inflation has been superseded by the fight against Soviet imperialism. The fiscal rectitude of peace is about to give way to the priorities of re-armament." When we re-armed lastime, in 1940, there were 15mil jobless in the US. Today the margin is slim & skilled men few. Pressure on supply will be severe. Thus inflationary implications are bad. All this will enlarge, not diminish, govt's role. Mkt systems will be disrupted. Recessions will shrink everywhere. It's sad that just as the world was embracing true principles of free mkts & sound money, both will be detoured, again—as happens in all wars. Conservative politics will suffer too. Better adjust your thinking to changes all round.

World currencies will alter. The German mark, already downtrending for many wks, will lose much of its attractiveness, just as its stock mkt has already done—in a major bear trend. Who wants a stock or a currency based on the Russian border? I dont. The US $ will be the big beneficiary. Even the Swiss franc is wilting. Will USSR recognize Swiss neutrality? After swallowing Estonia, Latvia, Lithuania, Poland, Hungary & 10 others, I worry. I think "portable security" will come into its own. I'm selling my antiques. Portable means pocket-size. I dont know if I'm 12 yrs too early or bordering on being too late. Only the Politburo know that answer. But it costs almost nothing to play it safe. And I'd hate to be caught napping by that gang of murdering gangsters.

I said lastime Carter shud instantly provide arms to Afghans fighting Russians, & failure to do so wud be a cause for impeachment. Sorry, Ruth, but this is essential for survival. Get Jimmy to send sophisticated anti-tank weaponry fast, before, the snow melts & the Soviets wipe out the freedom fighters. US reporter John Rees interviewed Zia Khan Nassry, leader of the tribesmen fighting Moscow's invaders. Said ZKN: "The Russians want Pakistan next; then Iran, then India; then the Gulf & the oil. Wait til Americans have to pay $25 for a gallon, not a barrel, of gasoline. Then they'll wake up. We need political & moral support from the USA."

In closing, some rays of hope: new US weapons are nearing production, others 2 yrs off. Like: sensors that pierce night & cloud & camouflage to find targets; satellites that pinpont any target on earth within 20 ft; by 1981-82 the copperhead artillery shell which sprouts wings in flight & targets on tanks via laser light; super sensors to detect now-immune submarines 100 miles away; guided missiles for F-15's that assure 1-shot destruction; XM-1 tanks of breathless speed & agility that make all existing tanks obsolete. Later in 1980's: satellites with hi-energy lasers &/or charged particle beams capable of destroying ICBM's seconds after launch; Navstar, a satellite network to enable each US army vehicle to fire with accuracy; JTID, and Orwellian intelligence info distribution jamproof system that feeds images & data of our & enemy logistics to pilots, field commander & fire centers (war by computer TV); the already publicized Cruise missile, the 10 warhead MX mobile missile & the sub-based Trident missile. Plus the freeing of the CIA. When all these weapons are produced, the US will be invincible (presuming the USSR hasnt made any inventive breakthrus meantime.) But none are available today. And therein lies the danger. If U were an aggressor nation general, dedicated to world domination, & your enemy army was awaiting reinforcements, wud U attack now while U were virtually assured of victory, or wud U wait til his reinforcements arrived when he wud be stonger than U? (PS: factor this in too: the present enemy commander is a pacifist born-again dove, whereas the reinforcement troops have a hawk realist GOP general). I'm not saying the USSR will attack the US now (tho it MAY hit military bases). What is more likely is annexation of whatever smaller nations it wants—in the full knowledge the US cant stop such absorptions. A final grim note: while the West is vastly more innovative & flexible than the Soviets, very little new US weaponry will be available within 2 yrs & during that time our intelligence sources indicate the reds will be increasing their military edge because of tooling up done years ago. Only if the West initiates crash programs is there even faint hope of a catchup. "for want of a nail . . . the war was lost." We've coined some words to describe the Russomess or Sovieturmoil we're in: we've moved from Detente to Intimidetente, toward Finlandization.●

MORE "CARTER-NOMICS"

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. ROUSSELOT. Mr. Speaker, over the past 3 years, we have become all too painfully familiar with the President's own peculiar brand of "Carter-nomics." A recent example: In his budget message, the President boasted that the proposed $15.8 billion deficit was proof of his fiscal year 1981 budget's austerity. That is bunk. The $15.8 billion shortfall is merely a product of several unfounded assumptions and an occasional artful manipulation.

For instance, the deficit figure does not take into account the Defense Department's need for an additional $4.5 billion in 1981 to cover higher fuel costs.

In addition, the Carter deficit figure assumes enactment of $9.7 billion in legislative and administrative savings. Major assumptions include a House reversal of its 1979 hospital cost containment vote, civilian and military pay reform, reductions in education programs and cuts in the school lunch and child nutrition programs. It is highly unlikely that even half of these measures will be enacted.

Similar doubts exist concerning the administration's revenue estimates. It is assumed that $4.5 billion in revenues will result from speeding up individual and corporate tax payments. Failure to implement these initiatives will automatically boost the deficit.

If only half of the proposed legislative savings are enacted and these expected additional revenues fail to materialize, the deficit would increase by $9.3 billion. Add to that the Defense Department's need for an additional $4.5 billion for fuel and we are looking at a $30 billion deficit for fiscal year 1981.●

RESULTS OF ACHIEVEMENT TEST SCORES

HON. WILLIAM M. BRODHEAD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. BRODHEAD. Mr. Speaker, on Monday, February 4, the Detroit News ran a story about a school in the district I represent, the Ludington Middle School. Ludington has achieved remarkable results with achievement test scores 30- to 50-percent higher than average. The story outlines the ingredients in this pioneering educational experiment and I want to share it with my colleagues.

The article follows:

LUDINGTON: ANATOMY OF A GOOD, GOOD SCHOOL

(By Steve Konicki)

Late on a Friday afternoon in April, parents park their campers and set up their lawn chairs in front of Detroit's Region 4 school board headquarters. It's a peculiar sort of three-night campout that has happened every spring for nearly a decade now.

Sipping beer and fixing sandwiches, parents brave rains and chill because of an almost astonishing conviction:

No matter what, they will be among the 175 through the door in time to enroll their children in the fifth grade at the Ivan Ludington Middle School—which many believe is the city's best public school.

"It's a good, good school," says one parent with a sixth grader at Ludington.

Because of its successes—with no extra money or special admission requirements—Detroit school officials believe Ludington provides a blueprint of what they want in a good school.

The elements that make Ludington successful—its scores on statewide assessment tests are 30 to 50 percent higher than the Detroit average—can be transplanted to any school, educators believe, whether in Detroit or the suburbs. These ingredients include:

A strong principal who gets things done, sets a friendly tone in the school but insists "we're here to learn" and makes sure no one forgets it for a minute. Detroit School Supt. Arthur Jefferson has called a good principal the "single most critical element" of a successful renaissance in Detroit schools.

Parents who insist on setting some of the priorities for subjects taught at school, volunteer in classrooms and help their children with homework.

A staff of teachers who are experienced, but not "burned out" by the rigors of their job. Jefferson stresses that teachers must *expect* children to succeed.

A good, quiet school where students are not distracted every day by the sound of falling plaster or students fighting in the halls.

A learning program which stresses basic reading, writing and arithmetic and is still lively enough to keep from boring children.

One example that characterizes the spirit of Ludington is a recent class in how much time and attention it takes to raise a baby. Each student dressed a boiled egg in small diapers and little homemade outfits and had to carry it around and care for it, 24 hours a day. "We had a 100 percent mortality rate in one class," says Mrs. Kim Navarette, the teacher who leads the class. "One girl put the baby on a library table and it rolled off, 'Splat!' She said when she came back it was on the floor.

"She looked at me with all the seriousness in the world and said, 'I didn't know the baby would move.'"

From the start, Ludington was a step ahead of other Detroit schools. It was supposed to be different. Superior. An open school for fifth through eighth graders. It was a grand—and in retrospect, successful—dream based on the liberal educational values of the 1960's.

When the Federal Court ordered in 1970 that Ludington be created as one of eight integrated magnet middle schools spread throughout Detroit's eight districts, Ludington's administrators and parents searched for the most creative and enthusiastic teachers in the school system.

But unlike some Detroit schools, Ludington never ruled out students with lower IQ's or grade averages, says Edward Williams, Ludington's principal.

In fact, there is no requirement for admission to Ludington at all, outside the three-day wait for the first 175 spots and a need for the racial balance to be 60 percent black and 40 percent white.

Parents also were encouraged—no, challenged—to make Ludington a part of their lives. They accepted willingly. Many of the parents drawn to the school wanted their children in a voluntarily integrated school. Ludington was their chance.

"It's really hard to understand how Ludington works unless you've been involved,' Williams says. "When you consider parents stand in line and fight the odds to get their kids in here, you can see they're committed.

"Nothing is done without input from everyone—parents, faculty and administrators," he says. "We've developed this program. No matter what, we'll see that it works because it's our program."

"Ludington is an exceptional school," says Judy Patur, whose fourth child, Victoria, 11, is a sixth grader in Ludington.

"It is like a family. The school encourages parent involvement and the administrators are excellent. Ludington doesn't offer some thing, like a hot lunch program. But some of the other programs more than make up for that. They leave room for the kids' minds to flow.

"It's a good, good school."

Ludington's hallways have a cheerful, high-energy feel. Children dash from class to class, past drinking fountains labeled, "Watering Hole" and down hallways parents painted with racing stripes and the sobering words by the Rev. Jesse Jackson: "I am somebody. Respect me. Protect me. Never neglect me. I am somebody."

In classes students speak up if they know the answer and walk freely across a classroom to talk with the teacher or other students.

Teachers have reached an agreement with parents and administrators: If a subject or exercise teaches something—even if it is a little different—it's all right to have a class in it.

"My oldest son, when he went to Ludington, made a pair of pants in homemaking class," says Barbara Walters, president of the Ludington Community Relations Committee. "It was a 'fuzzy fashions' class and he made a pair of yellow corduroy pants. I think that's neat because my husband had never sewn on a button before I met him. I had to teach him."

There are plenty of art, music, speech and drama classes. Every year those classes are combined with the English class to write and produce a play.

Last year the Michigan Opera Association brought opera performers to the school so students could get a taste of that type of music. A number of Ludington students liked it so well that they applied for, and got, bit parts in an opera at the Music Hall.

Children only study each subject four days a week. And the schedule is set up so English or math classes are held at different times each day. "It helps keep you from getting in a 10 o'clock rut," says one teacher.

Even the "Three R's" are taught in a lively way around Ludington. Borrowing from the old idea of spelling bees, some teachers have turned math classes into a series of math bees. English and social studies are combined with elements of theatre and chess and then turned into a war game that students say they love.

The curriculum in Ludington not only works; its success is measurable.

In recent statewide tests, Ludington's seventh graders scored as high in reading and math as those in most suburban districts and 30 to 50 percent higher than Detroit's average. The school was fourth in the city in reading and fifth in math.

From the beginning, under the school's first principal, Laure Higgins, who served for six years, the Ludington family was a tight group, trying to turn children on to learning any way they could. They fought against what they saw as efforts to make them like everyone else.

One of the people who loved the idea for the school was Ivan Ludington, owner of the Detroit area's largest magazine and paperback book distributor company. He donated his time, books and magazines to set up a reading room. The students appreciated it so much, they named the school after him.

Now there is no paperback reading room. The school lost that battle against crowded space about three years ago, when they moved into their current building just north of Seven Mile and west of the Southfield Freeway.

But the school made some gains when it moved. The neighborhood around the school is integrated and quiet, one of Detroit's best-kept working class neighborhoods of wood frame houses and nicely clipped yards.

When the school moved to its current location, enrollment was boosted to 700 students with 34 in a class. In its first few years, Ludington had only 500 children, 27 to a class.

Teachers still grouse about the boost in enrollment, saying it was the first strong move by top administrators to make Ludington like any other school—overcrowded and bogged down in a uniform curriculum.

But despite the larger classes, they still say the same things about Ludington now that they did in its early days: a lot of learning goes on there.

An important reason is that Ludington students are hardly ever absent, even though nearly all of them live too far away to walk to school. The daily absentee rate is about five percent, compared to 25 percent in most middle schools. "Even on snow emergency days, most of our kids show up," Williams says.

Williams credits parents for the high attendance rate. When buses aren't rolling, they drive their children to school and pick them up. School is that important.

Parents also have served on the special staff selection committee at the school, interviewing prospective teachers and even Williams himself when he applied for the principal's job 3½ years ago. No staff member ever has been hired over the objections of the parents on the committee.

Parents have an equally strong influence over what is taught in Ludington. They recently decided that Ludington's English and reading teachers needed to get back to the basics in grammar just a little, says Reva Mitchell, a parent on the curriculum committee.

"The teachers and administration were very receptive to that suggestion," Mrs. Mitchell says. "They always are when we all have the same objective, of keeping our children learning."

Teachers, who meet frequently to talk about improving things at Ludington, share in the school's success.

Most are young and energetic. Some have never taught in another school. "They never had to learn they couldn't be creative," Williams says. "When we get a new teacher, who's taught in four or five schools, some of our young teachers just can't believe the horror stories they hear about what teachers had to do."

Williams, the principal and leader, is a low-key man, who smiles easily and likes to wander into classes.

"I like them to know I'm here," he says, "that I care and they can say 'Hi!' to me."

He is rated high by Ludington's parents and teachers. "As soon as parents come in with their kids, Mr. Williams is right there to get them involved in Ludington," Mrs. Mitchell says. "If there is enough input from the majority, he will see that things are changed."

One of the less pleasant parts of Williams' job is discipline, he admits. He occasionally has to send children home until their parents come in to talk about problems. But no student ever has been officially removed from the school.

That's mostly because counselors work with parents and students and most troublemakers mellow-out in the Ludington environment.

Edwon Brown, for instance, was a roughneck who was suspended repeatedly for fighting at another Detroit school. When he got to Ludington in the fifth grade, he was averaging D's and E's, still in trouble and, he says, destined to be just another street punk.

That's when he collided head-on with Mrs. Vera Martin—"a very tough teacher."

"She really threw work on me, told me I had to settle down and buckle down," Edwon says. "She just expected it. Other teachers had said it. But she was the first one who meant it."

Edwon now is Ludington's student council president, a young man of power and influence in his school. "I changed pretty quick when I came to Ludington. My biggest dream was to be student council president. And I made it.

"If it wasn't for Ludington, I think I would have been in some street gang, carrying knives and guns."

Next: The principals and how they run the schools.●

RESEARCH REVITALIZATION ACT

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. GONZALEZ. Mr. Speaker, our balance-of-payments deficit is a subject that has become a household word in the last few years, mainly because everyone is painfully aware of the amount we are paying for imported oil. However, it is not common knowledge that these nations who are receiving our dollars for oil are not then returning to the United States to purchase necessary goods. One example of this is Nigeria from whom we purchase approximately $7 billion of oil. Nigeria in turn purchases most of its necessary equipment from Japan and Europe and buys a mere $500 million of American goods.

This is just one illustration, but it boils down to the fact that we are running out of high-technology initiatives. During war years we have relied on military technology which could be translated into civilian use. But today we must begin to rely on other means for developing advanced technology to make our products attractive to foreign markets.

There have been recent reports of extensive spending by the Japanese in the computer field. And in the area of aerospace where the United States has always been first, Japan and Europe are now making serious inroads.

We cannot sit back and allow our position of leadership in the world of technology to slip. We must give serious consideration to this problem and offer some alternatives.

This is why I have joined in cosponsoring the bill authored by Congressman CHARLES VANIK, known as the Research Revitalization Act. This act proposes that the research and development needed to keep American technology in the forefront be carried on by academia in projects sponsored by individual American corporations.

The legislation I am cosponsoring encourages this type of cooperation between the academic and business world by providing a nonrefundable credit to business for 25 percent of the amount contributed in cost to a basic research reserve. However, the maximum credit is limited to 5 percent of the taxpayers, business income. A deduction is allowed for payment from the reserve if it is used for basic or exploratory research by colleges and universities. A basic research reserve is a reserve account which is exempt from income tax.

There is a penalty for using reserve funds for other than basic research payments and for retention of amounts in the reserve for more than 4 years. This bill applies to contributions made to the reserve after December 31, 1979.

Mr. Speaker, it is essential that the United States get back on the track in order to retain its leadership in the area of advanced technology. The economic future of our Nation depends on it and I believe that the Research Revitalization Act is the step in the right direction.●

INTRODUCTION OF A BILL

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. MURPHY of New York. Mr. Speaker, today I have introduced a bill to extend the authorization of, and provide necessary amendments to, the Marine Protection, Research and Sanctuaries Act of 1972, commonly referred to as the Ocean Dumping Act. The Ocean Dumping Act is part of a national commitment to protect the coastal and ocean waters surrounding the United States.

This legislation serves three distinct functions, all of which further the public interest in our oceans. First, it establishes the ocean dumping permit program administered by the Environmental Protection Agency (EPA). That program regulates the dumping into the ocean of sewage sludge and industrial wastes. Regulating the ocean dumping of dredged material is assigned to the Army Corps of Engineers (COE) using criteria promulgated by EPA.

Second, the Ocean Dumping Act authorizes certain types of research by the National Oceanic and Atmospheric Administration (NOAA) regarding ocean pollution.

Third, the act establishes the marine sanctuaries program under NOAA to protect certain fragile areas in the ocean and to balance competing demands on the limited resources there.

During the 1st session of the 96th Congress, two bills were introduced by the committee requesting reauthorization for fiscal year 1980 for the Ocean Dumping Act. The legislation introduced today, therefore, contains fiscal year 1981 authorization figures for each title and provides for amendments necessary to improve the programs.

Ocean dumping is a particularly sensitive concern of mine because it has been a primary method of waste disposal for New York City for almost 50 years. It should be noted that the 1981 ocean dumping termination date contained in the act poses particular problems for the city of New York and a number of other municipalities.

The committee has taken into consideration that sewage sludge is only one of many sources of marine pollution and is but a portion of the total waste disposal problem in our Nation. Since the long-term effects of ocean dumping and other such pollution are not fully known, the need for research on the impacts must continue.

Title I of the bill authorizes an appropriation of $1.039 million for fiscal year 1981. For NOAA $10.396 million is authorized to conduct marine pollution research pursuant to its authority under title II. The marine sanctuaries program, in accordance with title III, is authorized at $2.25 million for fiscal year 1981.

I have introduced this bill today as a vehicle for the committees of jurisdiction to hold hearings on the ocean dumping and marine sanctuaries program. This is a necessary extension of authorization for these programs and additional changes in the legislation may be necessary as a result of our hearing and markup process.●

HOW THE BUREAUCRACY REALLY WORKS

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. SYMMS. Mr. Speaker, I submit to the CONGRESSIONAL RECORD an excellent article which appeared in the

University of Idaho's University Register. The article was written by John Phillips, a former Deputy Commissioner of Education under HEW. This article which lists the five major rules for a true bureaucrat originally appeared in a publication of the Council for Advancement and Support of Education entitled "Case Currents." I urge my colleagues to read this article which presents an unfortunately all-too-true account of how the Government really operates.

The article follows:

BUREAUCRACY BOILS DOWN TO FIVE RULES

(By John Phillips)

After five years of staving off the omnipresent sense of total futility as a government bureaucrat, my thoughts on the topic can be arranged into five rules of bureaucracy which follow:

RULE 1: NOBODY IS REALLY IN CHARGE

If anyone in government ever tells you that he or she is in charge and can make decisions on issues that concern you, don't believe it. Responsibility may well be concentrated in a single office or individual, but the authority to carry out that responsibility is diffused among so many offices and individuals that nobody is really in charge.

The deputy commissioner for higher education is not only responsible to the commissioner of education, but also to the deputy for management and the deputy for planning, budgeting, and evaluation, both of whose survival and power are dependent upon keeping any of the others from being in charge.

Similarly, the commissioner of education, technically may be responsible only to the assistant secretary of education, but he also must contend with the directors of the National Institute of Education and National Center for Education Statistics, who have similar reasons for making sure that they are not in charge.

The assistant secretary must also contend with the Office of Civil Rights, the assistant secretary for human resources, the four assistant secretaries responsible for controller, legislation, administration, and planning functions; and the marvelous invention—"to bring it all together"—the Executive Secretariat.

Whenever a memorandum goes from the commissioner to the secretary, it actually ends up in the Executive Secretariat, where it becomes a Roman candle. Copies shoot into the air and drift down to all the assistant secretaries and all of their staffs who must decipher what it is the commissioner wants. By the time the commissioner's ideas reach the secretary, his memorandum is likely to be included in a thick folder with comments from all the other assistant secretaries. And it doesn't stop there.

You might think that the secretary of HEW is responsible only to the President. But no. That person is responsible to the Domestic Council, the White House staff, and most of all to our favorite institution—the Office of Management and Budget . . . or TOMB.

Everything eventually goes to the TOMB.

There is no organizational chart in the world that can accurately register all of these layers that have accumulated over the years.

This picture I portray hasn't even begun to take into account the every-day reality of congressional intervention at the top, or of regional office structure at the bottom of the picture.

For example, when I was first asked to do something about management of student aid programs, I discovered that to get the quarterly special allowance established for the Guaranteed Student Loan Program required 23 clearances in three departments.

When the commissioner of education goes to the Hill, his testimony has been written, pre-cleared and cleared. It has been delivered to the committee. There are 100 copies for the press. Before the gavel lands, he may well get a telephone call from TOMB saying, "We have just decided that you are not going to be allowed to say this; you're going to have to say this instead."

So, when I say nobody is really in charge, that's what I mean. Except possibly the President.

RULE 2: LIFE IS ALWAYS ON APPEAL

We are always in an appellate jurisdiction. There is no matter too trivial to be appealed to a higher level. If there is one phrase that sums up this whole process, it is, "I know someone who can. . . ."

Issues are continually being settled temporarily, but never permanently. Even a "final" decision is subject to appeal, to countermanding, to overruling.

RULE 3: BUREAUCRACY HAS A LIFE OF ITS OWN

When I lived in Seattle, I was in a kind of government subculture, off by itself. Of course, in Washington, D.C., there's only one game in town and that's government. You have what is commonly known as a "beltway mentality." This term refers to the traffic beltway that runs around the city. Everyone inside the beltway is working from a different frame of reference from everyone outside of it.

Washington is insulated, isolated, disconnected from reality and subject to developing "a life of its own."

RULE 4: WHEN BUREAUCRACY FAILS, CONFOUND IT WITH "AD HOCRACY"

Sometimes you must invent new factors to shake up the bureaucracy, or—to use an old term—to make it "more responsive."

I was part of that. I had two task forces. They were set up because the regular bureaucracy couldn't seem to handle the responsibilities given to the Office of Education under the laws. So, the people in the Office of Education had to invent something to bring in an "outside perspective."

Now we have a whole range of ad hocracy instruments—ad hoc committees, task forces, special reports, special commissions. It goes on almost indefinitely.

RULE 5: WHEN ALL ELSE FAILS, REORGANIZE

You can distract everybody with another shuffle. I went through three of them in five years. You never know when you are on any kind of organizational chart, because the ebb and flow of responsibility and authority is vested in the central office or the regional offices.

It's sort of like an indoor crap game that never ends. Right now, we are on a recentralizing kick. I'm sure there will be another incarnation of regional commissioners with greater power. It goes back and forth.

Sometimes, by the way, just to shake people up, you should try combining rules 4 and 5.●

THE FAST FOR FREEDOM

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. GRADISON. Mr. Speaker, as the crisis in Iran continues, Americans are searching for meaningful ways to express their support and concern for those held hostage in Tehran. The Hillel Jewish Student Center of the University of Cincinnati, under the direction of Rabbi Abie Ingber, has inaugurated a unique program, the fast for freedom, which accomplishes this objective.

Starting on Tuesday, February 12, the 101st day of captivity for the 50 Americans in Tehran, 50 people in Cincinnati pledged to fast for the whole day. Every day thereafter, until the crisis is resolved and the 50 hostages are released, 50 Cincinnatians will fast. The Hillel Center will coordinate this effort by accepting phone pledges from those who wish to fast. They will also collect donations of unspent lunch money to be used after the crisis to sponsor the visit of one hostage and his immediate family to Cincinnati. At that time, a suitable reception for the hostage, his family, and the participants in the fast will be held.

Mr. Speaker, the positive efforts of the Hillel Center and those individuals participating in the fast in Cincinnati deserve the commendation of the Congress and, indeed, the American people. As Rabbi Ingber has pointed out, to not eat for a day is to separate one's self sharply from the normal pattern of American life. The act of not eating is a destruction of our normal routine, which is exactly what the militants in Iran have accomplished for the hostages. The fast for freedom is a forceful way of demonstrating that life cannot go on as before as well as a personal expression of hope and concern for the speedy and safe return of our fellow citizens.

Mr. Speaker, I heartily commend the efforts of Rabbi Ingber, the Hillel Center of the University of Cincinnati, and the participants in the Cincinnati fast for freedom.●

ALLEN SCOTT JOHNSON WINS LOUISIANA'S VOICE OF DEMOCRACY CONTEST

HON. JOHN B. BREAUX

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. BREAUX. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its ladies auxiliary conduct a yearly Voice of Democracy contest. The winning speech from my State was delivered by Allen Scott Johnson, a high school junior who lives in my district and attends LaGrange Senior High School in Lake Charles, La.

Scott, is the son of Mr. and Mrs. Paul Johnson of Lake Charles, La., and plans to attend Arizona State University. He has received numerous awards and plans to pursue a career in motion pictures upon graduation from college.

Mr. Speaker, I commend Paul for his inspiring speech and his understanding of his role in America's future. I am very proud of his achievement and would like to share his words with my colleagues:

ALLEN SCOTT JOHNSON WINS LOUISIANA'S VOICE OF AMERICA CONTEST

My role in America's future is quite simple. Simple not because it is a small role, but simple because it is a role that I understand and accept fully. As an actor accepts a role—and totally immerses himself within that role to strengthen his play—I accept as my responsiblity the role of bringing America's inherent strengths to bear on America's future problems.

The problems we face today are not new to us, for we have battled and conquered many in the past. Never has the United States of America bowed out, rolled over, and played dead. And so it is certain and without doubt in my mind, that the greatest nation in the world will not start to do so now.

The medicine we use to keep the United States' health can only be manufactured and administered by ourselves. The desired dosages are determined by world events, but the strengths we show as a result of them outride all threats. It is this strength that will continuously prove the brawn and brain of the United States of America forever.

I realize that unity is essential for the success of any uniform goal. And that only through the most sincere devotion of millions of Americans, all of us, can there be hope to improve and continuously stabilize our destinies.

Our nation will inevitably conquer all its ills. The plagues of society cannot now, and never will, match the ferver of our nation with a goal in mind. If it is our goal to stamp out the devastation of disease, then we shall. If it is our destiny to alleviate world starvation and stop the deaths of thousands of men, women, and children across the world, then we will render that aid. If it is our responsibility to protect the rights we cherish, and it is then that protection will be relentless.

My role is to never forget. Never forget about the thousands who have died, died fighting for American beliefs and American causes. My role is to never give in or give up because of apathy or laziness.

I will live in and live by retrospective rememberance of the greatest events of our past as a tool to bring forth the ones not yet here.

I will accept every new day of my life as a personal challenge to the betterment of myself and the country I love.

Every American has a role—it is that person's task to seek and to find that role.

For all that is given to me in form of freedoms and opportunities, I am obligated. And willfully so.

A sense of obligation cannot and should not be forced down one's throat. The want to achieve and succeed and continuously strengthen is a desire that each individual person should perpetuate and demonstrate.

The formations of ideas and decisions are now to be made by the youth of America. You have heard so many times before that the naive children of yesterday are the decision makers of today, but never were the words more true.

Young people sometimes now do not appreciate the blood, sweat, and struggle that it took to achieve a free and democratic country. But I am confident that for the few that take democracy for granted, there are many more that realize as I do what was done and further realize what must be done in the future.

As William Shakespeare once said, "All the world's a stage." And it is on this stage that I proudly present the new cast of characters, the players of my generation. The performances given will be more dynamic, more gratifying than any Broadway play. For the performances will be strong roles played for the security of America's future.

I proudly stand within this generation of youth. Vigorous, faithful, and determined people who know what they are to do and are more than glad to do it. There is now no room for apathy, and especially no room for apathy about apathy. I will strive for what is right, for the way that is so uniquely and genuinely referred to as American. That is my purpose, that is my destiny, that is my role in America's future.●

U.S HOCKEY TEAM REFLECTS THE SPIRIT OF AMERICA

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. PORTER. Mr. Speaker, they brought tears to our eyes and a lump in our throat. They made us proud to be Americans. Their victory over the Soviet Union, 4 to 3 on Friday night had us on the edges of our chairs and standing and cheering in front of our television sets though no one was there to listen.

ABC's Jim McKay said that it was just like a pickup group of Canadian college football players challenging and defeating the world champion Pittsburgh Steelers. And it was, because these young Americans came from various colleges from around the country, had not even played together until last August, and, like all other American Olympic athletes, are not supported by Government funds. In contrast, the Soviet team was largely made up of seasoned veterans who have played together for years and have about the same amateur standing as the Chicago Blackhawks.

There was virtually no hope that the United States could defeat the Soviets, even after they surprisingly tied an outstanding Swedish team, 2 to 2, and amazingly defeated a fine Czech team, 7 to 3. But they had something going for them that the Soviets did not have and can never have—a spirit that right makes might, that in a country like the United States where personal freedom and the individual reigns supreme, anything is possible. And Friday night against the Soviets and again Sunday against the Finns that American spirit of "can do" brought glory upon them and to our country and rekindled in all of us a renewed belief in ourselves and what we and our Nation stand for.

It was the greatest upset in sport's history—a victory of a group of American college men over the subsidized professionals of the Soviet Union and an Olympic gold medal in hockey for the United States. The names of Mike Eruzione, Jim Craig, Mark Johnson, Rob McClanahan, Mark Pavelich, Buz Schneider, Phil Verchota, Mark Wells, Jack O'Callahan, Ken Morrow, Steve Janaszak, Bill Baker, Mike Ramsey, Bob Suter, Neal Broten, Dave Christian, Steve Christoff, John Harrington, Dave Silk, Eric Strobel and their coach, Herb Brooks, will go down in history as authentic American heroes who made us proud of all they did and all we stand for and believe in.●

NATIONAL SEA GRANT COLLEGE PROGRAM ACT

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. MURPHY of New York. Mr. Speaker, today I have introduced legislation to extend the authorization of the National Sea Grant College Program Act. This legislation was designed to strengthen our knowledge about one of our most precious resources—the waters and coastal areas of the ocean.

The sea grant program was created in 1966 by the National Sea Grant College and Program Act which authorized the establishment and operation of sea grant colleges and programs of education, research, training, and advisory services related to the development of marine resources. The program presently operates within the National Oceanic and Atmospheric Administration (NOAA) of the Department of Commerce.

In 1976, the Sea Grant Program Improvement Act was passed which established three new programs within the sea grant office: fellowships, designed to assist students in their pursuit of marine and oceanic related activities; national projects aimed at meeting the needs and helping solve problems that affect the Nation as a whole; and international programs, created to enhance the ability of developing nations to use and manage wisely their marine resources.

The responsibilities of the Office of Sea Grant are twofold. The first is to develop and sustain a capability both in human resources and supporting infrastructure at academic institutions to meet the needs of our Nation. The second is to facilitate the utilization of this capability in a manner in which the investment has direct benefit to the public.

The national sea grant program is a Federal-State-university partnership. It encompasses three functions of American universities: research, education, and advisory services. The present funding method provides Federal grants of up to 66⅔ percent of the total cost of a project to universities, colleges, and private organizations. The remaining one-third is matched by State or local sources.

The number of sea grant-designated colleges recently increased to 14 when official status was accorded to the cooperative sea grant program of the

University of Maine and the University of New Hampshire.

A sea grant review panel was incorporated in the act and was designated to draw upon a wide range of experts not only in marine sciences, but in education, extension services, State government, and industry. The term of office is limited with the intention that turnover in membership will allow for the broadest possible availability of ideas of innovative thought.

The legislation introduced today, contains authorization figures for the fiscal years of 1981 through 1983. The basic program funds were authorized at $50 million for fiscal year 1981, $58 million for fiscal year 1982, and $65 million for fiscal year 1983. The authorization figures for the national programs include $3.5 million for fiscal year 1981, $5 million for fiscal year 1982, and $6 million for fiscal year 1983. The international programs have an authorization of $2 million for fiscal year 1981, $3 million for fiscal year 1982 and $4 million for fiscal year 1983.

The sea grant program plays an important role in the national effort to develop and conserve our marine resources but it has been hampered by lack of funds.

Therefore, the intent of this legislation is to secure adequate funding for the sea grant program and indicate to the administration that it should reexamine its appropriation requests with respect to this important ocean-related research effort.●

THE FREE LUNCH LOBBY—AT IT AGAIN

HON. DANIEL B. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. DANIEL B. CRANE. Mr. Speaker, even though it is generally recognized that the cause of inflation is big government spending, one of the causes of this spending continues to go unrecognized. I am referring to the quite common practice of organizing seminars and other training programs for the purpose of teaching people how to get their hands on taxpayers' money.

The free lunch lobby is at it again, this time bankrolling a seminar entitled "How To Find Funds for Kids." Translated, that means "how to play on sympathies and use children to rip off the taxpayers for as much as you can get."

At least the taxpayer revolt has had some effect; added to the standard workshops on obtaining Federal grants and the like is a new session entitled "Coping With Tax Reform Movements."

This repulsive course in taxpayer fraud is sponsored by the University of Detroit, Public Management Institute, and the Child Welfare League of America. They should be ashamed of themselves.

A January 20, 1980, editorial in the Champaign (Ill.) News-Gazette deals with this subject, and I take this opportunity to insert it into the RECORD:

CHARTING THE PATH TO THE TROUGH

When a boondoggle on the order of a $548,000 minibike program for truants comes along, many marvel at the ability of some people to conjure up and pursue seriously such a bizarre scheme for siphoning off tax dollars.

Before we attribute inventive genius with a social warp to such a plan, however, we should consider that there are formal programs for the schooling of "grantsmanship" in social programmers. Witness a flyer that is circulating these days inviting schemers to "A National Conference on Funding for Children and Youth". The conference will be held in Washington, D.C. Feb. 11 to 13, and the flyer is entitled "How to Find Funds for Kids."

Now there is a certain attraction to the idea of finding money to help children, we have to admit. America's future is staked on the abilities and values we foster in our children.

But this conference portends to be a gathering of the free lunch crowd, plain and simple. And if that crowd has its way, one of the virtues our "kids" will be learning is that there IS such a thing as a free lunch because their teachers and mentors are enjoying it and sharing its fruits with the children.

The flyer is large and packed with goodies and with promises like:

"To succeed in the funding world of the 1980s, you will have to know where the funding is, and how to find it. How To Find Funds For Kids will give you exposure to the total funding picture, and help you locate new funding for your projects."

There follows a checklist of conference topics: "Developing a funding strategy; getting major gifts of over $1,000 for your organization; successful proposal writing; drafting accurate and motivating budgets; nonprofit management techniques; volunteer management; grants management; obtaining federal grants; coping with tax reform movements; getting foundation grants; corporate philanthropy for children's programs; grassroots funding techniques."

The conference is sponsored by the University of Detroit, Public Management Institute and the Child Welfare League of America, a group so solicitious of folks' ability to get to the free lunch that they offer to help find a free ride to the conference.

One section of the flyer is dedicated to the free ride concept:

"If you can't afford to attend," it advertises in large red capitals, "important free booklet."

The text advises: "If your organization can't afford the registration fee for How To Find Funds for the Kids, you are probably one of the organizations most in need of the conference. Realizing this, the Public Management Institute has developed a pamphlet detailing steps you can take to approach local community funding sources for funds to underwrite the cost of your attendance. For your free copy of this pamphlet, entitled 'How to Find Funds to Attend Conferences' write: Conference Coordinator, 333 Hayes Street, San Francisco, Calif. 94102.

Registration for the conference costs $395. That covers a couple of lunches, a dinner and "coffee breaks." For those who don't know about coffee breaks, maybe there ought to be a concurrent workshop on the topic somewhere in the Shoreham Hotel where the free-lunchers will be gathered. (Local funding sources may wish to provide the additional registration fee.)

The flyer was brought to our attention by Circuit Judge Robert Steigmann, whose efforts to keep children in school and out of deliquency in Champaign County have become a target for discrediting by the free-lunch crowd. He was invited to the conference, but is inclined to resist conversion.

Said Steigmann, "It appears to me that the situation throughout this country concerning the funding of programs by the federal government has gotten entirely out of hand. With inflation running well into double digits, perhaps the time has come for local communities that would be affected by such programs to decide for themselves whether those programs are worth what they will cost, and then to back up an affirmative answer with their own cash."

May we suggest to "local funding sources" that they double-lock their pockets in the next few weeks? There probably is enough loose grant cash around to fund a thousand-dollar trip to the freelunch conference. But if there isn't, there are going to be some local funding hitchhikers looking for a free ride based on the knowledge they got from a free pamphlet to get to the big trough.

Any if you think "free" is free, think of the federal grant that no doubt paid for the preparation of the free pamphlet. All that "free" is tax money. Many of us just got our employers' annual reports of total pay and total taxes withheld.

We lived on the difference, but someone else is living off the "free" taxes withheld from us.●

THE DISARMING OF AMERICA

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. ASHBROOK. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

Mr. Speaker, during the consideration of the fiscal year 1981 budget this Congress will have an historic opportunity to provide the leadership necessary to chart America's course in meeting the mounting challenges to freedom in the world. This past year the world witnessed unprecedented aggression by the Soviet Union and its allies. A full-scale invasion of Afghanistan took place this past year and there are indications that the Soviets may be moving to further destabilize the region around that country. Soviet combat troops have been found in Cuba and there are indications of the Soviets expanding both naval and air facilities on the island, possibly even nuclear submarines and Backfire bombers will be stationed there if they are not already. Soviets have moved combat troops into the islands north of Japan during the past few months. The Soviets are constructing bases across the center of Africa in Mali and other nations. Cuban forces have surfaced in an increasing number of Third World nations. Time and time again during the last 12 months the indications have been clear that we are witnessing a full-scale offensive by the Communists to win control of major areas of the globe. These areas include most of our sealanes and most of our access to valuable energy resources.

What has been the American response to this turn of events? Aside from a barrage of escalating rhetoric there has been little substantive effort made to stem the tide of aggression in the world. More disconcerting than this lack of response has been the continued policy of crippling America's ability to respond by refusing to rebuild our military capability. It is a tragic commentary on the competence of the Carter administration that while the Soviets have worked overtime to pull ahead of the United States both in strategic capability and in tactical level weaponry this Nation has consistently cut-back on procurement and weapon systems development. Because of the nature of military programing every day we hesitate in meeting the new threats in the world we delay by months or years the actual time when we will be capable of responding. I am concerned that the day may soon come when we will be unable to rebuild our defenses in time to meet major challenges in the world. The result of such a day may be the relinquishing of American influence in the world and the end to many of the freedoms we now enjoy. It is imperative that the Congress awaken to these conditions which face us and begin reversing the slide toward permanent weakness.

THE STRATEGIC BATHTUB

The long path of America's retreat from reality began long ago. During the cold war the posture of the United States was for "massive retaliation." This was a policy of meeting any threat to world peace or regional stability with such overwhelming force that the mere threat of raising America's ire was a sufficient deterrent to the Soviets. Under Kennedy the tough cold war rhetoric from the Oval Office was undercut by the new concepts being developed within the Department of Defense. Two key trends began under the Secretariat of Robert McNamara that were to haunt U.S. policy decisions for the next two decades. The first was an assumption that the Soviets based many of their decisions on the same concerns that American policy planners did. This exercise in philosophical anthropomorphism brought such terms into strategic thinking as "assured destruction" and on to "mutually assured destruction." The premise of both of these "buzz words" was that the Soviets were as concerned about loss of civilian lives as the United States and therefore would make strategic decisions along the same lines as policy planners in the White House and Pentagon. As we have seen over the years the policymaking environment of the Kremlin is worlds different from the Oval Office. However, many in Government and the media to this day do persist in believing that the Politburo is really like everybody else.

Assured destruction and MAD ushered in a variety of studies discussing how massive force was not required to maintain peace. Complex formulas were developed by scholars in strategic theory on what was the right amount of deterrence to stop Soviet aggression. Over the years what constituted the right amount of deterrence declined as policymakers tried to justify the narrowing of the capability gap between the United States and the U.S.S.R. Today much of the SALT process is based on these assumptions. This ongoing fallacy has become ingrained in many minds. If the SALT process ever restarts the dance of figures and offsetting statistical analysis will once again obscure the Soviet advance in strategic capability.

The other major trend begun under McNamara was inconsistency. McNamara was devoted to gadgetry. He was so devoted that many new weapons systems became immediate priorities when other earlier systems were just reaching production stages. The result was chaos in defense R. & D. and procurement plans that has not yet been sorted out. We saw this happen in 1977 when the B-1 was pulled just before production in favor of the cruise missile that has not been successfully tested. We see this mentality today as several commentators and policymakers are pushing the development of a shallow underwater missile system (SUM) just when the M-X system is ready for production. Uncertainty is the bane of planning. As the Defense Department tries to rearm America it is frustrated by vacillation from the Secretary's Office or the White House. Given the long leadtimes for production of even small, but technically sophisticated, parts the timetable for weapons procurement can be derailed for years over only a few months of waffling on key decisions.

The McNamara legacy is not restricted to strategic weapons. For the last 3 years the Army has been battling with Secretary Brown over a new advanced attack helicopter. Two models were under consideration, the YAH-64 and UH-60 Blackhawk. The Army thought it had won on its decision to procure the YAH-64 only to find it cut just before the fiscal year 1981 budget was sent to the Hill. The acquisition of these new helicopters were delayed from 1977 when Brown first cut the project only to have Congress restore the funding. So it has already been 3 years since the first skirmish on this issue and there are still no helicopters to show for the months of debate all the while inflation has driven up the price. As a footnote to this incident I should add that it will still be 2½ years before the first helicopter is delivered, as the YAH was over 68 percent developed and this helicopter is still on the drawing board.

A final blow to the military capability of America came when Jimmy Carter decided to make good on one of his innumerable campaign promises by making real cuts in the defense budget. The shipbuilding program went from a projection of 160 ships in fiscal year 1977—Ford's last budget—to 70 then 67 under Carter. The B-1 was scrapped in the hopes that a not yet tested cruise missile would be both better and cheaper. Procurement of tactical weapon systems and ammunition vital for training was cut back. In total over $57 billion has been cut since fiscal year 1977. In addition, the money that was left over has been increasingly cut into by the overhead of a volunteer military. Increased wages, benefits, and pensions now account for about 55 percent of the defense budget. This two-way squeeze has left long lasting scars on the military that will not easily be erased.

What have the Soviets been doing while Jimmy Carter has been cutting back? They have been spending between $35 to $50 billion more per year with most of the money going for research and development or procurement. In the time that Secretary Brown agonized over buying an advanced attack helicopter the Soviets built 450 a year of their new version. The Soviet military has expanded its forces dramatically over the United States in most weapons areas. The tank gap has grown from 4,800 United States to 11,500 Soviet in 1968 to 7,000 United States and 20,000 Soviet within the European theater of operation. Overall numbers in tactical fighter aircraft, surface ships, attack carriers, missile submarines, SLBM's, ICMB's, and artillery have all seen dramatic expansion on the part of the Soviets and stagnation or decline on the part of America.

The result of the Carter-managed decline in American defenses is a new term pertaining to strategic posture. After the years of MAD we are now faced with the strategic bathtub, a rather lighthearted term for a grim prospect. In recent hearings before the House Armed Services Committee Secretary Brown, in a moment of candor, explained the term. What it means is the graphic design the United States and Soviet military capability curves will make in the 1980's. The Soviet curve goes up and the United States curve bottoms out creating an outline of a bathtub on the charts. The bottom comes around 1983, the time projected for the Soviets to have the capability to destroy all of our land-based ICMB's in their silos. Even grimmer is Secretary Brown's declaration that if certain weapons systems are built on time the United States may reestablish relative parity with the Soviets.

Reestablishing relative parity is a far dimmer situation than massive retaliation. The prospect of having to face the Soviets during the 1980's after seeing what they did when America was strategically superior is not a pleasant thought. To realize that the bathtub did not show up on the charts until Jimmy Carter moved into the White House is something that should anger Americans more than the hostage situation in Iran. In effect, Mr. Carter's policy of defense cutbacks and unilateral SALT implementation—a policy he stands by—has made the entire United States a hostage to the Soviets during the years the bathtub curve bottoms out. What the Soviets choose to do during those years in the very near future will be more frightening to behold than it is to ponder.

THE VERY, VERY THIN 7TH FLEET

The argument can be made that the Soviets realize that nuclear war, even when their weapons will enjoy strategic advantage, will still be a risk beyond the realm of feasibility. This might be so. The Soviets may not opt for a showdown since America will still have the ability to inflict severe damage in an all out conflict. However, except for doomsday books and movies few policy analysts would seriously consider nuclear war to be an option for the Soviets except in some extreme cases. The question is then what will the Soviets gain from having the strategic advantage? They will gain the ability to eliminate nuclear war from the American policy planners. Presently, it is safe to say that America would only risk a nuclear confrontation in an extreme worst case situation. However, if American leaders know, as they will in the mid-1980's, that a confrontation of this magnitude would result in obliteration of America and severe, but survivable damage to the Soviets would they ever opt for this alternative if faced with invasion or wholesale blackmail from the U.S.S.R.? What President would push the button under these circumstances even if the only other course was surrender of America to the Kremlin?

With the nuclear option being eliminated for America the Soviets could grow bolder in their press for world conquest. The timetable for destabilizing the Third World could be sped up. Afghanistan would only be one of many nations to be brought under direct Soviet control in the 1980's. The drive to realize Lenin's dream of a world dominated by communism would become the overt policy of the U.S.S.R. To stop such an acceleration of Soviet policy the United States and its allies would have only their tactical weapons systems. At the beginning of the 1970's this would have been clearly enough. America ruled the waves and its hardware was relatively new. Today, however, the B-52 is over 25 years old and the average age of our aircraft carriers is 19.7 years. Qualitatively and quantitatively America has fallen behind. Carter and company waffling on items like an attack helicopter that seem so obscure and trivial begin to become part of a whole portrait of decline that is being painted bit by bit.

One example of just how far this decline has gone is happening right now in the Indian Ocean. At the beginning of his term Jimmy Carter pledged to demilitarize the Indian Ocean. The base at Diego Garcia was not developed and no naval forces patrolled the area. At the same time the Carter shipbuilding program for the navy was winding down, cut almost in half in just 3 years. Carter fought building of a new nuclear carrier and spent incredible amounts of time trying to move the *Saratoga's* refitting from the economical Newport News Navy Yard to Philadelphia. All of these factors placed increased constraints on the operational abilities of the surface fleet.

The vast area of the Pacific is divided into eastern and western zones for easier patrol and supply functions. The 7th Fleet which played such key roles in Korea and Vietnam is stationed in the western Pacific. Its mission is to watch over the tinder boxes of the Korean peninsula, Southeast Asia, and the Taiwan Straits. In addition swings go as far south as Australia and as far north as the coast of the U.S.S.R. and those northern islands claimed by Japan that the Soviets have been building up troops on. There are 50 ships in the fleet to cover this wide expanse of ocean, islands, and mainland coast. During the end of the Vietnam war there were 48 ships that were destroyers assigned to the fleet just for the South China Sea. Reassignment, decommission, and lack of new ships have dwindled this armada to its 50-ship complement.

When the Iranian crisis first broke Carter sent the nuclear carrier *Midway* 6,015 miles to the the waters off Oman. Later the carrier *Kitty Hawk* joined the *Midway*, soon after this the undersupplied *Kitty Hawk* was relieved by the *Nimitz* and the *Coral Sea* relieved the *Midway*. The *Nimitz* and *Coral Sea* carriers and their support ships constituted two battle groups in the Indian Ocean. They also constituted 75 percent of the fire power of the 7th Fleet and over half the ships in that fleet. In addition the *Midway* had not seen port in over 100 days and its home port was Yokosuka, Japan.

The Soviet naval presence in the Indian Ocean is at parity with the American flotilla save for sea-based aircraft. The air support can be supplied from airfields in Afghanistan that just happened to be built up as a friendship gesture to the former Amin government prior to the invasion. The result is that the 7th Fleet devoted 75 percent of its power to an area of the globe just to remain even with the Soviets while the remaining portions of the fleet must patrol the entire western Pacific where the Soviets also have a fully outfitted fleet. The commander of the 7th Fleet, Vice Adm. S. R. Foley, said, "We are stretched very, very thin".

Can the United States handle 1½ wars which it one time boasted it could do? After 3 years of Jimmy Carter the 7th Fleet cannot adequately handle peacetime duties and one trouble spot. As the Soviet military gains in its ability to operate on a global basis the United States must realize that the 7th Fleet situation is a timely warning. What would happen right now if Korea exploded? Would Carter shift the Indian Ocean battle groups back to the western Pacific? Travel time would be about 16 days, and what would happen in the interim? These are disturbing questions when you realize that the sealanes our fleets are directed to protect could face growing challenges from the Soviets as their navy grows and ours weakens. How would we defend the various sealanes that provide vital supplies of oil to our allies and ourselves if the Soviets chose to threaten them either directly or through a client state? Without a nuclear option to bring pressure to bear on the U.S.S.R. how would our declining navy meet a strategic challenge with tactical means? All the bell ringing and postcard drives in the world would not loosen such a choking of the west's life lines. All the rhetoric of born again cold warriorism will not avert this scenario unless it is backed up by action in the form of rapid procurement and a will to use it.

THE BUDGET OF SURRENDER

What steps are being taken now that Mr. Carter is telling America how strong he is and how committed he is to the Nation's well-being? Supposedly the fiscal year 1981 budget contains the resources to construct the road back to strength. If we are to believe the rhetoric, the fiscal year 1981 budget maps out a tremendous increase in defense spending and is a blueprint for rearmament. According to the figures in the administration's own budget documents this is not exactly the true picture. If anything, the Carter budget for fiscal year 1981 is more of the same phasing out of America's defense capability with a few items quickly added for window dressing.

A review of outlays in the budget analysis compiled by the Congressional Budget Office shows there are substantive cuts in several major areas of defense. Procurement for the Marine Corps is cut $55 million under inflation, Navy aircraft and missiles held even with inflation, Navy weapons cut $72 million under inflation, Army equipment and missiles held even with inflation, Navy research and development cut $408 million under inflation. In authorizations Navy shipbuilding is down $1,665 million under inflation from fiscal year 1980, Army aircraft procurement down $99 million under inflation from fiscal year 1980. In other areas substantial increases are found, but only to bring funding up to fiscal year 1977 or fiscal year 1978 levels, such as Marine Corps weapons and vehicles that was almost cut in half in fiscal year 1980 but brought up to fiscal year 1979 levels plus 2 years of inflation. The list can go on. One needs to only look at the appendix to the administration's budget or the CBO study to see a clear effort to maintain business as usual in a drastically reawakened world.

What can or should be done about the fiscal year 1981 budget? The Congress can stand by its budget process and force policy and programs to change by voting for procurement of real weapons. Build the B-1, that is already flying, build the neutron antitank weapon that already exists and can stop Soviet tanks, decide on the best basing mode for the MX and get on with its construction. These and other items can be moved ahead this year if the Congress does not knuckle under to the administration's desire to remain weak. The price tags for these systems will be high, but they can be absorbed if such disasters as the Department of Education and Department of Energy were allowed to die and the waste, fraud, and abuse that Mr. Carter refuses to fight were dealt with. Billions of dollars that now go into the pockets of the corrupt, the fraudulent, and the undeserving could be used to keep America free and protect our allies from Soviet aggression. Tough decisions now may ward off no ability to decide later.

The American people also can have a role to play in the reassertion of the American will to defend itself. The patriotism of these past few months should be directed toward taking stock in the why and how of America's decline. The actions of Jimmy Carter regarding the budget, and the world should be openly aired and dealt with at the voting booths of America. Only by bringing justice to bear on the main cause of our present state of decline can a stark warning be declared to any future leader who wants to disarm the United States in the face of a clear threat to world peace. Had we been strong Afghanistan would be free today, had we been strong there would be no hostages languishing in Tehran, had we been strong there would not be 7,500 political prisoners in Nicaragua. If we are strong now there will be a day when communism will be halted and these great wrongs of 1979 will be addressed. Then there will be peace without appeasement.●

LITHUANIAN INDEPENDENCE DAY

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 1980

● Mr. RUSSO. Mr. Speaker, today I salute the great spirit of the Lithuanian people, a people who have struggled to preserve their cultural heritage, national language, and their historic religious faith against the heartless, repeated attacks of Soviet totalitarianism. In honor of Lithuanian Independence Day, it is especially fitting to pay tribute to the people of Lithuania and to the many contributions made to our country by Lithuanian Americans.

On February 16, 1918, after 110 years of Russian domination and a short period of German rule, the Lithuanian people declared themselves an independent nation. During her short lived independence, Lithuania made considerable progress in her social, cultural, and economic life.

It was only 22 years later that Lithuania again fell prey to Soviet domination and to this day, Russia has not released Lithuania from the oppressive confines of Communist government.

This Soviet aggression is a blatant violation of the Helsinki Act, signed in 1975 by the United States, Russia, and 33 other nations. This act plainly states:

> The participating states will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, without distinction as to race, sex, language, or religion.

On the 62d anniversary of Lithuanian Independence Day, I condemn the Soviet Union's suppression of human rights. I condemn the complete subjugation of Lithuanian political institutions. I condemn the discouragement of learning in studies of Lithuanian history and literature.

The most recent expression of Soviet adventurism in Afghanistan defies this very principle of self-determination. As a spokesman for all human rights, the United States must continue to denounce Russia for her transgressions. President Carter's suspension of grains and technology reinforces our determination to uphold those rights guaranteed by the Helsinki Act.

As we mark this anniversary, it is also appropriate to recognize the many contributions made to the development of the United States and the preservation of ideals of freedom and liberty by the more than 1 million Americans of Lithuanian descent. Here in the United States, Lithuanians are a well organized group who are deeply interested in maintaining their cultural background. Continuously, American Lithuanians have sought support for the freedom of their mother country and their unflinching voices have been heard. In America and in Lithuania the determination of these great people have enabled them to constantly pursue their goal of freedom. The strength and perseverance of their spirit should be an inspiration to all oppressed people.

Today is a time of reflection but it is even more a time for hope; hope that all people around the world will continue to protest Soviet aggression, hope, that the Lithuanians will continue to resist the illegal occupation of their territory, hope that someday soon, Lithuanians will "in fact" enjoy the independence and freedom they cherish in their hearts and minds.

It is my prayer that Lithuanians around the world will soon celebrate their renewed independence as a nation free from Soviet domination and aggression.●

AS OTHERS SEE US

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. ABDNOR. Mr. Speaker, the sorry and sordid display of alleged bribery of various Members of Congress and others which has been unfolding in recent weeks has smudged all of us who serve in the Congress.

In a recent editorial, the Yankton Daily Press and Dakotan, repeated what a lot of South Dakotans have been telling me during my trips back home: That it is time that Congress must accept the fact that it must live under the same rules, laws, and regulations as the rest of the people.

I commend their thoughtful comments to the attention of my colleagues:

WHIMPERINGS FROM CONGRESS

> We're not certain that the "whimperings" that have come from Capitol Hill in recent weeks over the bribery investigation of at least several members of Congress is going to get a great deal of sympathy from Americans.
>
> House Speaker "Tip" O'Neill was lamenting the damage which might be done to the "institution" of Congress—seeming to forget that where organizations or institutions are concerned, bad conduct by a few reflects upon the whole.
>
> Everybody is aware of the fact that the Congress of the United States has failed miserably as an institution to engender respect for ethics among its own members. Goodness knows it has had the opportunity.
>
> Congressional committees that pounced on the Watergate scandal in the Executive branch were open to accusations of hypocrisy. Congress had never pursued suspicions of wrongdoing by its own members with half the zeal it displayed in demanding the truth about Watergate.
>
> But that chance was not long in coming.
>
> The House and Senate had a chance to show how morally righteous they could be when the Koreagate episode broke which involved, parties, gifts and cash lavished on Capitol Hill by Korean businessman Tong Sun Park.
>
> It just seems to us that if the House and Senate ethics committees had demanded public explanations from all those who had been swept up in Park's influence-buying spree, it would have gone a long way toward discouraging such breaches of ethics if not actually violating the law.
>
> As it turned out, the 18-month "investigation" of Koreagate produced bribery indictments against two former congressmen but no lasting discomfort to current members of the club. Three sitting congressmen received reprimands, the mildest form of House discipline, while the Senate Ethics Committee found no grounds for even a mild scolding of any present or former senator.
>
> The next chapter involved the FBI agents posing as Arab sheiks who sought to get the goods on members of Congress and other federal and state officials.
>
> Naturally the question raised was whether or not the agents had been guilty of "entrapment," the legal term for inducing an unwilling subject to break the law. Just how willing or unwilling the alleged bribe-takers were will probably have to be decided.
>
> Americans are likely to believe the worst, of course. As an institution, Congress has preferred to split hairs on ethical questions,

blurring what should be a sharper distinction between gifts, favors and campaign donations and purchased favors.

Somehow, there are many who really can't give Congress much sympathy.

It was this same Congress that:

Permitted government agencies to conduct "honesty checks" of small and large businesses.

Permitted examiners from the federal government to go into private businesses to check files without subpoena or search warrant.

Permitted government agencies to disrupt offices unannounced to check wage and hour records.

Permitted government agencies to hold executives liable for employees' actions.

Permitted action against industries for malfunction of manufactured equipment even if it had been altered.

Permitted on-site, unannounced inspection for safety rules (OSHA) but exempted itself from these same inspections.

For some reason or the other, we're certain that many Americans don't have a tear in the corner of their eye over the protests of those within Congress over the most recent investigation of bribery.

If caught with their finger in the pie—they should be held responsible.

Maybe it is time that Congress must accept the fact that it must live under the same rules, laws and regulations as the rest of us.

And for some reason, considering the past record of Congress and its investigations, we just have a suspicion that "Tip" O'Neill and Company will find a "loophole" that the average citizen on the street would never be advised of.●

VETERANS UPGRADE CENTER

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. WOLFF. Mr. Speaker, it is my great pleasure to call to the attention of this Congress and our Nation the extraordinary work of the Veterans Upgrade Center of New York, Inc. The Veterans Upgrade Center is a multiservice center providing job development and placement, vocational and training guidance, counseling, and educational referrals and supportive services for Vietnam veterans in New York City. Their work has truly provided new opportunities for our Nation's Vietnam veterans to have healthy and productive lives.

Throughout my tenure in the Congress, the plight of the Vietnam veteran has been among my highest priorities. As a member of the House Committee on Veteran's Affairs, I have devoted my efforts to meeting our country's responsibilities to these veterans. I was proud to be a sponsor of the Vietnam Veterans Act, to fight for greater recognition for Vietnam veterans in employment and training programs through passage of the appropriate steps amendment to the CETA, and to call for a greater congressional responsibility in dealing with the agent orange tragedy.

One of the most frustrating aspects of this problem has been the fact that Vietnam veterans do not always feel that the veterans service organizations and Government offices which deal with veterans programs can relate to, or respond to, their needs. We have found, however, that it is the nontraditional and community based veterans organizations which have had the most successful record of identifying, and reaching out to, the Vietnam veterans who need this help the most. The Veterans Upgrade Center of New York is an outstanding example of the type of organization which has achieved the most success in meeting the unique needs of the veterans who served their country in Vietnam.

Mr. Speaker, the White House Veterans Federal Coordinating Committee and the city of New York's Department of Employment are to be commended for their assistance in the development of this center and for demonstrating the positive impact of government service. The establishment of the multifaceted Veterans Upgrade Center of New York, Inc., is a major achievement in the fight to provide outstanding care for the Vietnam veterans and an achievement that demonstrates the meaningful role that Government must play in meeting our great responsibilities to the Vietnam veterans.●

ESTONIAN INDEPENDENCE DAY

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. PORTER. Mr. Speaker, it is important, for several reasons, that American citizens take heed of the 62d anniversary of Estonian Independence Day.

Estonia is located to the east of Sweden on the Baltic Sea, and very definitely to the west of Russia, both geographically and ideologically. In 1933, Estonia signed the Kellogg-Briand Pact, that established peaceful and nonaggressive relations between eight nations. But, her independence ended when Russia forceably annexed her in 1940, while the eyes of the world were on the German invasion of France. She was one of three nations to lose their sovereignty during that war, though many others lost their independence to the Soviets shortly after the war was ended. Of particular note is the fact that Russia signed the Kellogg-Briand Pact, as did Afghanistan. As Americans we should keep Estonia and her plight in mind as we consider the present situation in Afghanistan.

Estonian Independence Day is also important when considering the Moscow Olympics, as the yachting portion of the games is to be held in Tallinn, the capital of Estonia. Particularly offensive is the fact that the start of the yachting event is scheduled for June 21, the anniversary of the day in 1940 that Russia proclaimed Estonia a Soviet Republic.

The Olympic races as scheduled by the U.S.S.R. are to be a part of a larger celebration commemorating the Soviet "liberation of" Estonia, Latvia, and Lithuania. The United States as well as other Western nations, has never officially recognized the Soviet annexation of Estonia. This fact has brought great hope to the people of Estonia all over the world. The Estonian people would surely be honored to host Olympic competition in their country, but not as a part of the Soviet Union. To do this would be to let their flame of hope die, and for this reason too it is appropriate that U.S. athletes will not be competing.

For these reasons, Mr. Speaker, as Americans we celebrate Estonian Independence Day, and encourage other Western nations to continue to support Estonia's hope of freedom.●

AID FOR NICARAGUA

HON. ANDREW MAGUIRE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. MAGUIRE. Mr. Speaker, today I would like to draw your attention to the situation in Nicaragua. I am proud that I can number as one of my constituents the national commander in chief of the Veterans of Foreign Wars of the United States, Mr. Howard E. Vander Clute, of Montvale, N.J. Mr. Vander Clute recently returned from a trip to Nicaragua. His assessment of the current situation of this Latin American country and its needs calls for our attention. And not only for our attention but also for our action. The revolution has left Nicaragua in a devastated state. It definitely needs assistance from the outside. If the United States is not able or willing to provide this aid, there is no doubt that Nicaragua will turn to others. The case of the Arbenz government in Guatemala in 1953 could all too easily be repeated.

Following is the text of the letter written by Mr. Vander Clute, a highly dignified American veteran who has sophisticated knowledge about Nicaragua, to the chairman of the House Foreign Affairs Committee:

FEBRUARY 20, 1980.

Hon. CLEMENT J. ZABLOCKI,
Chairman, Foreign Affairs Committee,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: Recently, I visited Nicaragua and, based upon this visit and my trust in the judgment and patriotism of the U.S. Country Team in that damaged and volatile country, I hereby recommend approval of $75 million in aid for Nicaragua.

We cannot "run the film backwards." Perhaps there was, at some point, an alternative to Samoza rule, other than the Sandinistas, that might have been practical earlier.

But if there was a lost choice then, I see no choice today. The young junta may follow the Cuban model; I don't know. But I do know we must offer them a real policy choice. The devastation left in the wake of the revolution is sickening. This I saw with my own eyes and, as a Christian, I can do no less than to urge swift and compassionate American assistance. I urge prompt passage of the $75 million aid package for Nicaragua.

Please advise me of your intended course of action.

Most sincerely,

HOWARD E. VANDER CLUTE,
National Commander-in-Chief.

But Mr. Vander Clute has not only assessed the situation in Nicaragua. He has also dealt directly with the Nicaraguan Government. As Mr. Vander Clute in a recent conversation with me pointed out, he was able to achieve the release from prison of two U.S. veterans, Alberto Rivas and Roberto Villavicencio.

Alberto Rivas and Roberto Villavicencio, both Nicaraguan born but naturalized American citizens, had been living as civilians in Nicaragua when they were arrested on July 19, 1979, in the wake of the political upheaval in Nicaragua and the transition to a new government. Roberto Villavicencio had served for 20 years in the U.S. Air Force and was retired. Alberto Rivas had 10 years of service with the U.S. Air Force. Their situation was desperate. But after negotiations with Alfonso Robelo, a member of the present junta, Mr. Vander Clute was able to secure their release. Mr. Rivas was released on December 24, 1979, and Mr. Villavicencio was released on January 6, 1980.

Therefore, I believe we should listen to the recommendations of the national commander-in-chief, Mr. Howard E. Vander Clute, and I therefore urge my colleagues to join me in the effort to allocate $75 million in aid for Nicaragua.●

THE 39TH ANNUAL WESTINGHOUSE SCIENCE TALENT SEARCH

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. ROSENTHAL. Mr. Speaker, last night one of my constituents, Lisa Joy Randall, of 196-10A 65th Crescent, Fresh Meadows in Queens County, N.Y., won top honors in the 39th annual Westinghouse science talent search which culminated in the awards banquet held here in Washington. Her project was a complicated mathematics paper on perfect numbers.

Lisa tied for first place, which brings her a $12,000 scholarship. This is the first tie since 1942 when the program was started, and for Lisa to have survived such keen competition is proof in itself that she is an outstanding young lady. I was privileged to meet her yesterday afternoon and was convinced at that time that she was a winner. She more than lived up to my expectations.

She attends Stuyvesant High School in Manhattan, which is my own alma mater, and we all share in the joy of her accomplishment. She plans to go to Harvard where she will, I am sure, become one of their distinguished students. There is no limit to what she can achieve in the future. She has the ability, she has the motivation, and she has the interest to carry her to the top in all her endeavors. She deserves our sincere thanks for bringing a moment of glory to Stuyvesant High School and to Queens County, and I extend my warmest congratulations and best wishes to her as a very special person.

The sponsorship of the science talent search is shared by the Westinghouse Electric Corp. and by Science Service, a nonprofit institution which promotes a public understanding of science. Each year this search is conducted in an effort to discover high school seniors who have the potential to become our research scientists and engineers of the future. Some 300 students throughout the United States are selected for this competition, with 40 of these youngsters invited to Washington to compete for the $89,500 in scholarships and awards.●

SENATOR MATHIAS' EULOGY TO WILLIAM M. McCULLOCH

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. McCLORY. Mr. Speaker, at the memorial services today for our distinguished former colleague, William McCulloch, a beautiful eulogy was delivered by our colleague from the other body, Senator CHARLES McC. MATHIAS. This tribute, which was part of the memorial services at the Georgetown Presbyterian Church, expresses eloquently the sentiments which all of the friends and former colleagues of Congressman Bill McCulloch feel at this time of his mortal passing. I am pleased to attach hereto Senator CHARLES McC. MATHIAS' eulogy, as follows:

WILLIAM MOORE McCULLOCH

"Life, like every other blessing," said Samuel Johnson, "derives its value from its use alone."

And William Moore McCulloch used his life so as to make it valuable to himself, to his family and to his country.

He was true to himself and to his origins: To the Scots heritage that he often mentioned and to the good soil of Ohio from which he sprung.

It was natural, therefore, that his life should be characterized by the qualities of honesty, industry and simplicity.

Clearly his pride—and he had very obvious pride—was in his family.

When some little embellishment or creature comfort appeared in his office he would take satisfaction and pleasure in saying with a twinkle and a smile, "Mabel did that" or "That was my wife's thoughtfulness."

It is noteworthy that when Bill retired from Congress, all the tributes to him included independent recognition of Mrs. McCulloch's share in his life's work.

And with equal pride he would report on the activities of his daughters, Ann and Nancy—or on their views of current issues—as representative of their generation.

Ohio was always a special place for him and never lost its appeal to his deepest loyalty. At his invitation I went to his district with him and seeing him surrounded by his friends and constituents, I could better understand how he could live by the famous rule laid down for legislators by Edmund Burke.

Bill was a great admirer of Edmund Burke, and took seriously Burke's speech to the Electors of Bristol on the duties of an elected representative to his constituents. Those words—more than 200-years-old—ring as true and clear as bell brass to this day:

"It ought to be the happiness and glory of a representative to live in the strictest union, the closest correspondence, and the most unreserved communication with his constituents. Their wishes ought to have great weight with him; their opinion great respect; their business unremitted attention. It is his duty to sacrifice his repose, his pleasures, his satisfaction, to theirs; and above all, ever, and in all cases, to prefer their interests to his own * * *.

"Your representative owes you, not his industry only, but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion."

The Congress was Bill's vocation as surely as any human being has ever had one. It was his vocation because of this rare combination of personality and intellect.

Emerson considered "a friend the masterpiece of nature". Bill McCulloch proves his point.

Edmund Burke said "a disposition to preserve, and an ability to improve, taken together, would be my standard of a statesman". Bill McCulloch met that standard.

We are gathered here today to pay our last respects to a rare human being—Bill McCulloch—statesman and friend.

The Congress was not for Bill a source of aggrandizement or personal ambition. He was a lawyer who agreed with Blackstone that "Law is the principle and most perfect branch of ethics". He knew that the Congress bore the responsibility for meeting Blackstone's standard.

And so it is natural that when Bill McCulloch contemplated the condition of millions of Americans in the years before the great civil rights crusade of the sixties, he knew that the law, as it then was, needed amendment in order to reflect the ethics of America after World War II.

To a new generation that has grown up since the Civil Rights Act of 1964 became the law of the land, the dimensions of this achievement may be hard to measure. For them, I'd like to read just a paragraph from the testimony of a black man about the public accommodations section of that bill.

"Where you travel through what we might call hostile territory, you take your chances. You drive and you drive and you drive. You don't stop where there is a vacancy sign out at a motel at 4 o'clock in the afternoon and rest yourself; you keep on driving until the next city or the next town where you know somebody or they know somebody who knows somebody who can take care of you."

In the 1960 presidential election it was frequently promised that the first bill introduced in the 87th Congress would be a comprehensive civil rights bill. But the 87th Congress came and went with no such bill introduced, let alone enacted. So in January 1963—in the opening days of the 88th Congress, it was three Republicans, Bill McCulloch, John Lindsay and one other, who joined together to introduce a civil rights bill that started the great crusade that changed America. About a month later a bill was introduced on behalf of the Kennedy Administration and the Judiciary Committee began hearings. But the first—the decisive—step had already been taken by William McCulloch of Ohio.

But that step was only the beginning of this great struggle for Bill McCulloch. Again and again on the floor of the House and in Committee his great voice was raised in support of the Civil Rights Bill of 1964 in that historic battle for human rights.

"I want to say this to the members of this House," he said during the floor debate:

"I do not think we can measure the cost of a million dollars or $2 million or $10 million when human rights and liberties are at stake. I am one—Scot that I am, conservative as I am—one who insists on a balanced budget at every opportunity, who is willing to commit the necessary dollars to see that the people have guaranteed to them the liberties that are so clearly set forth under our Constitution * * *."

In an appearance before the Rules Committee, Bill spoke in these characteristic terms:

"Not force or fear * * * but belief in the inherent quality of man induces me to support this legislation.

"I believe in the right of each individual to have guaranteed his constitutional rights and to shoulder the burdens of citizenship. But I also believe in the obligation society owes to each citizen to afford him equality of opportunity.

"I believe in the right and duty of State and local authority to be primarily responsible for the conduct of all but limited areas of governmental activities which it cannot do alone.

"But I also believe in the obligation society owes to each citizen to afford him equality of opportunity."

Bill's success as a legislator rested, as it must in a parliamentary body, in the esteem and affection of his colleagues. When he retired from the House of Representatives, there was no mistaking the sense of loss. Let me quote from just a few of the tributes to Bill on that occasion:

"Bill McCulloch has over and over again proven himself to be a man of the highest courage, unbreakable in spirit, devoted to his country and the well-being of his fellow men * * *.

"He was a defender of the Constitution. His probities are beyond question, his contributions are already part of history and his leadership tested and never found wanting."—Emanuel Celler

"Bill McCulloch's record in the field of civil rights legislation is unparalled * * *. He did many, many other things in a constructive and visionary way * * *.

"We have not agreed on every issue, but his willingness to understand my viewpoint endeared him to me even more perhaps than if we had always agreed."—Gerald Ford.

"It was he, along with the Chairman of our Judiciary Committee, who led the fight for the landmark civil rights legislation in the 1960's.

"A compassionate and sensitive individual, Mr. McCulloch stood always firm in his insistence that the basic rights of all men, guaranteed in the Constitution, be denied to no one. And, through all my years of association with him as a member of the Judiciary Committee, I found this great depth of understanding for the needs and rights of his fellow man to remain uppermost in his mind and to serve as the motivating factor in his legislative endeavor."—Peter Rodino.

"Bill McCulloch's leadership in the field of civil rights marks him as one of the greatest statesmen in the Republican Party and in the Nation. Civil Rights bills in 1964, 1965, 1968 and 1970 might well have failed passage had it not been for Bill McCulloch's persuasive, determined efforts. School desegregation, public accommodation, voting rights, and employment safeguards were included in these bills and represented major progressive steps."—Gilbert Gude.

"Bill McCulloch was one of the real giants of this or any other Congress. He has truly written for himself, and I think more importantly for the entire country the kind of imperishable record of public service, and most particularly in his devotion to the cause of civil rights, a record that will be difficult for any Member of this body or any Member of a future Congress to surpass. Only very rarely does our nation owe such a debt of gratitude to one man as they do to Bill McCulloch. Without his steadfast leadership we would not have passed some of the truly landmark civil rights legislation during that turbulent and difficult decade of the 1960's. Without rancor and with cool, calm reason he stood like a prophet of old in the well of this House on many occasions and reminded us of our solemn duty and responsibility under the Constitution * * *.

"We will miss you Bill McCulloch. We will miss the wise counsel, the wisdom, conviction, courage, and capacity that you have brought to this House * * *.

"Beneath a calm and unruffled exterior there is a warm heart that beats with compassion and concern for the cause of equal rights in our nation."—John Anderson.

"Bill McCulloch has brought to this chamber one of the most active and brilliant legal minds of the century. His personal success and presidential accolades do not stop with civil rights legislation. As principal author of most of the crime legislation which came out of the 91st Congress, Bill singularly was responsible for the adoption of the Organized Crime Act of 1970."—Tip O'Neill.

The tributes to Bill McCulloch by his colleagues read like a rollcall of the leadership of the nation. But I would like to end with a few words of my own.

Bill's friendship illuminated the early days of my service in the Congress, when exhilaration and enthusiasm ought to be supplemented by the confidence and steadiness of a friend worthy of trust. Bill was that friend. Bill gave me an example of the serious purpose and the real fulfillment of service in the Congress. That example translates across the centuries the counsel of David, written in the 90th Psalm: "So teach us to number our days that we may apply our hearts unto wisdom."●

WILLIAM M. McCULLOCH

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. RODINO. Mr. Speaker, I was saddened Friday by the news of the death of William M. McCulloch, who was a Member of the House of Representatives from 1947 through 1972.

Today, I am aware of how pleasantly privileged I was to have been both a colleague and a personal friend of Bill McCulloch.

It was truly an honor to work with him on the Committee on the Judiciary, where he became the ranking minority member. We became professionally and personally close despite the facts that we were members of different political parties and that the Districts we represented—his in rural Ohio and mine in New Jersey—were so dissimilar.

One reason for that fine relationship was my admiration for Bill McCulloch's outstanding role in the civil rights movement. For a quarter of a century in the Congress, he built a record of compassionate concern, unwavering commitment, and valuable legislative contributions in the field of civil rights. Such landmark legislation as the Civil Rights Acts of 1957 and 1964 and the Voting Rights Act of 1965 became law in large measure because of his support and leadership.

Bill McCulloch, in the Committee on the Judiciary and on the floor of this House, was an informed and an effective legislator in the field of civil rights, but above all he was devoted and courageous in his advocacy of full justice for every American.

I must add a few personal notes about Bill McCulloch. He was such a dedicated and prodigious worker that it was usual to find him in his office on weekends and it was rare to see him at a Washington party. He could be tough when his convictions were at stake; Judiciary Committee staff members recall his eloquent, forceful bluntness in telling an attorney general of his opposition to the Nixon administration's efforts to weaken the Voting Rights Act. But—and I shall always clearly remember this characteristic—Bill McCulloch was a supremely courteous man. He had such deep respect for each human being with whom he came in contact that he rarely, if ever, walked ahead of others into an elevator or through a doorway. Instead, with a soft smile and an outstretched arm, he would indicate to others that they should go first.

Bill McCulloch was a rare man, and he will be missed. I offer condolences to his wife, Mabel, and their family.●

EARLE PERRY CHARLTON

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mrs. HECKLER. Mr. Speaker, traditionally, the cornerstones of our great institutions have been laid through the selfless contributions and dedicated work of private individuals. The Union-Truesdale Hospital in Fall River, Mass., is no exception; the generous support of Earle Perry Charlton and his family endures as a source of inspiration and vitality for this respected institution.

When two distinguished Fall River hospitals—Union and Truesdale—merged, they created a new, sophisticated complex committed to and capable of the highest standards of medical care. In recognition of the Charlton family's generosity to the community and their concern for the health and well-being of the individual, the Union-Truesdale Hospital has been proudly renamed "Charlton Memorial Hospital."

"To build an inn for the ills that flesh is heir to is the imperishable gift of man to man." These words were written in 1926 in honor of Mr. Earle Perry Charlton, the patriarch of a family that personifies the American spirit and symbolizes our commitment to the individual. I take this opportunity to share with my colleagues a brief biography of Earle Perry Charlton and his respected family:

A BRIEF BIOGRAPHY OF EARLE PERRY CHARLTON

Born at Chester, Connecticut—June 19, 1863. Father: James D. Charlton—a descendant of the Charltons who emigrated from England on the ship "Mary and John" in 1636, settling in Windsor, Conn. Mother: Lydia (Ladd) Charlton, whose family was of old New England ancestry.

Educated in public schools of Hartford, Conn. After graduation in 1880, he went to Boston and was employed by Thomas C. Newell, who was one of the pioneers in the five and ten cent store concept. This was the beginning of Mr. Charlton's career in merchandising, earning seven dollars a week.

By the age of nineteen, he was covering territory from Boston to Chicago, carrying with him from eight to ten trunks, visiting cities and towns, selling his wares.

While on the road, he was fortunate in meeting Seymour H. Knox, Sumner Woolworth and Fred Kirby, all of whom together with Mr. Charlton, were equally responsible with Frank Woolworth in the ultimate organization of the Woolworth Corporation. This merger occurred on January 1, 1912.

Prior to this merger, Mr. Charlton selected Fall River, Massachusetts as his place of residence and headquarters of the E. P. Charlton Stores, comprising a chain of 54 stores, 19 in Canada and New England and 35 on the Pacific Coast. He was the pioneer of the five and ten cent stores on the West Coast.

After the merger of 1912, he gave up the identity of the Charlton name in deference to Mr. F. W. Woolworth. Mr. Charlton was Vice President and Director of the Woolworth Stores.

As a matter of sentiment, Mr. Charlton always retained his headquarters in Fall River, and in 1909 he built the Charlton Textile Mills.

Achievements: Director of New York, New Haven and Hartford Railroad. Director of First National Bank of Boston. Director of National Exchange Bank of Providence. Director of B. M. C. Durfee Trust Co. of Fall River. Director of the Postum Company. Trustee of Bay State Street Railway Co. Trustee of Boston College. Trustee of Tufts College. President of the Coolidge Fund For The Clarke School For The Deaf. President of the Board of Trustees of Truesdale Hospital 1925-1929. 32nd Degree Mason. Member of: Algonquin Club of Boston. Exchange Club of Boston. Brookline County Club. Fall River Country Club. Quequechan Club of Fall River. New York Yacht Club. Bankers Club of New York. Metropolitan Club of New York.

During World War I, he was a member of War Industries Board and was head of the purchasing staff of the War Department. Awarded a medal of recognition by French Government during World War I.

Mr. Charlton was married in 1889 to Ida Stein of Buffalo, New York, and they had three children: Ruth Charlton, Mitchell Masson, Earle Perry Charlton, Jr., and Virginia Charlton Lincoln. He died on November 20, 1930, at his "Pond Meadow" summer home in Westport Harbor, Massachusetts.

Under the terms of the will of Mr. Charlton, there was established a Charitable Trust of $1,745,000 to be distributed to the Union-Truesdale Hospital, Tufts University, Johns Hopkins Hospital and the Fall River District Nursing Association. In addition to the Trust Fund, direct bequests were made to numerous charitable and civic groups.

After his death, Charlton's family continued their active support of the medical care needs in Fall River.

Frederick M. Mitchell, the late husband of Charlton's daughter, Ruth Mitchell Masson, served as a trustee of Truesdale Hospital, heading that board for several years. Mitchell House at the Truesdale site of UTH was named in recognition of Mitchell's contributions.

Mrs. Masson also established the Ida S. Charlton Library at Truesdale, in memory of her mother who died in 1957.

Charlton's son, Earle P. "Perry" Charlton Jr., regularly provided Truesdale Hospital with the latest in ambulance equipment and at his death in 1973, a substantial portion of "Perry's" estate was placed in perpetual trust for the benefit of the hospital.

Mrs. Virginia Lincoln, Charlton's other daughter, provided "Lincoln Pediatrics" at Truesdale in memory of her husband, Kenneth. Her son, Dr. Henry C. Lincoln has a practice in Fall River and is a member of the hospital staff.

Most recently, members of the Charlton family, with the First National Bank of Boston as trustee of a discretionary fund established by "Perry", contributed $1 million to the UTH Building Fund Drive, for the purpose of erecting new hospital facilities.●

THE FREDERICK DOUGLASS STATUE BILL

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. MITCHELL of Maryland. Mr. Speaker, for too many years the history of black Americans' accomplishments in this country have been ignored. In our own Capitol Building reside portraits and statues of 631 distinguished Americans, representing the richness of the American past; yet, for all this pageantry, a figure representing the Afro-American contribution to our Nation is conspicuously and shamefully absent.

The time is past due when this discrepancy in justice should be corrected.

For this reason, I have introduced legislation requiring that the Joint Committee on the Library commission a bust or statue of Frederick Douglass. I am also pleased to announce that Senator BIRCH BAYH, a distinguished colleague, has introduced similar legislation in the Senate.

Born in slavery, self-educated, and self-liberated Frederick Douglass rose against formidable odds to become one of America's most distinguished 19th-century leaders. He established and edited the Freedom Journal which served as a conscience for America. As adviser to Presidents Lincoln and Harrison, and Consul General to the Republic of Haiti, Douglass spoke, not merely on racial issues, but on all matters of public concern. He was a tireless champion for public education, and spoke for the cause of women's equality. Some of you may remember that a similar measure was introduced in the 96th Congress which would have called for placing a bust or statue of Martin Luther King, Jr., in the Capitol. However, since the Senate has a rule which states that such honors are bestowed only upon those Americans who have been dead for over 21 years, Dr. King's candidacy for this honor may have been nullified. Thus, the memory of Frederick Douglass meets the Senate criteria for this honor, and he is certainly no less qualified.

A number of our colleagues may doubt the necessity for this legislation, but I assure you that no measure could be more timely. Black children must be allowed their measure of pride when they walk through the Halls of Congress. They must be provided with the knowledge that their representatives are genuinely concerned with the black historical legacy in America.●

A CORONADO RESOLUTION

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. BOB WILSON. Mr. Speaker, last Sunday I was proud to participate in a patriotic rally organized in Coronado, Calif., by my long-time friend, Dr. James Vernetti. It was a popular and thrilling occasion to see so many of our citizens standing up for America.

I insert the resolution presented by Mayor C. Patrick Callahan at this event in the RECORD as a portion of my remarks:

CITY OF CORONADO, CALIF.,
February 24, 1980.

A CORONADO DECLARATION

A crisis now looms in the course of world history. Its focus lies in the Middle East and it has come after a half century of struggle between the free people of the world and those living behind the iron curtain. From its inception the Russian Communist Party has stated its aim to dominate the world.

Mindful that present decisions and actions of the United States may determine whether the world's people will live in freedom or slavery, we the people of the City of Coronado, California, hereby make this declaration to our president and to the members of our congress:

That we are proud to be Americans!

That we deeply desire that our country remain the vigorous leader of the free world as no other country has the total resources to fill the void in leadership.

That in recent years, we have witnessed an uncertainty about our national interest abroad and a resulting deterioration in world confidence in American power and commitment.

That American people love their country and are willing to sacrifice to insure that it remains strong and in a position of world influence and leadership.

That drastic measures be quickly taken by the United States to preserve personal, economic, political and religious freedoms in the world.

Therefore, we as patriotic Americans urge you, our elected leaders, to undertake without delay such bold and decisive steps necessary to restore the vigor and stability of our economy and to provide ongoing positive improvements in our military power.

We pledge that we will support any actions to achieve these ends no matter how burdensome they may be to many of the pleasures we now enjoy.

It is our sincere desire and hope that other American citizens in cities and towns across this great land will join us in the "grass roots" spirit of this declaration.

For the peoples of the City of Coronado, California. Presented this 24th day of February, 1980, by,

C. PATRICK CALLAHAN,
Mayor.●

SMALL BUSINESS AND THE AMERICAN DREAM

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. KEMP. Mr. Speaker, when 2,000 small business men and women met together at the White House Conference on Small Business this January, they adopted a "small and independent business bill of rights." It begins:

> The American Dream is to be the owner of one's own business. Almost everyone has had the dream and millions of Americans have lived it. The American Dream is the cornerstone of our 200-year-old American Heritage and also is the reason for our country's position as the most economically powerful nation in the world today. Could we have achieved this status as a nation if we had not been presented with opportunity unencumbered by government regulation? Could we have achieved this nation's status if entrepreneurs had not had the fortitude to take advantage of opportunity when it presented itself?

It is only fitting that the 1980's start off with such a frank and heartfelt invocation of the American dream. For if we look into that amalgam of promise and effort and drive we will, I believe, understand far better what went wrong with this country in the 1970's—and how we can turn ourselves around in the coming decade.

At the heart of the American dream is the entrepreneurial spirit. The immigrants who set off on the long and dangerous trip to the New World, the homesteaders who went west with little more than determination and the promise of free land to those who could make it fruitful, and the businessmen who gained world renown for their willingness to take a chance with new ideas all had that spirit in abundance.

But America's entrepreneurs had more than just spunk—though they had plenty of that. They were offered real opportunities to succeed. Here in America was the one place on Earth where you could climb as far as your abilities could take you, unimpeded by your lack of noble birth or laws of entail and privilege that separated the good things in life and claim a portion of them for yourself. If you were a first rate carpenter, mezzo soprano, or farmer, and you gave it your best—here, if anywhere, you would make it. While there was always a risk, there was above all the possibility of great reward.

People respond to incentives. It sounds like a truism—and it should be. Yet these days we are hearing laments—not least from the Carter administration—that the American character has somehow changed. The American people aren't saving anymore. Their productivity is declining. They are living relentlessly for today, giving no thought to the future, while foreign competitors seize American customers and American economic predominance for themselves. Has decadence replaced the American dream?

No, answered America's small business men and women in a single and resounding voice. And they're right. For small business men and women, our Nation's embodiment of the entrepreneurial spirit, understand that people haven't stopped responding to incentives. The incentives themselves have been destroyed. The central problem of our time is the combination, the collision, of inflation and the progressive Federal tax system. Progressivity in tax rates by itself discourages us from increasing our productive efforts as individuals and businesses, because the system progressively reduces the reward for our efforts. But when combined with inflation these progressive tax rates become intolerable. For even as inflation saps our ability to save for the future, to invest in our future, it lifts us into higher progressive tax brackets that smother our incentive to work and produce. Inflation has also rendered the historic cost accounting system on which our business taxes are based irrelevant, and saving for expansion futile. And inflation has collided with the progressivity of the gift, inheritance, and capital gains tax rates in a destructive fashion, again robbing individuals of the incentive to acquire a little wealth—or to build up a business—that they can pass on to their children. Price controls, such as those on oil, likewise act as a progressive tax when combined with inflation. When you add to all this an increasingly complex, often contradictory code of regulations, you can see how doing business has become more costly, more time consuming, and less rewarding.

No one is hurt more by excessive taxation and regulation than small business men and women. They can't afford an army of lawyers to guide them through the regulatory maze, or an army of accountants to apply the confusing asset depreciation schedules. Heavy estate taxes not only reduce their children's legacy; they often force them to sell off the family business. Capital gains taxes not adjusted for inflation, and ERISA's "prudent man" rule make it difficult for small businesses to get badly needed venture capital, and force them to rely on expensive debt or often insufficient retained earnings instead. And finally, because their business income is more likely to be taxed at high personal, instead of lower corporate, income tax rates, they are hit hardest by the collision of inflation and our steeply progressive personal income tax code.

The Nation cannot afford to keep doing this to our small businesses. Small businesses supply two-thirds of the growth of jobs in this country—and even more of the new jobs filled by teenage, minority, and other disadvantaged workers. Small businesses generate all of net new jobs in my own region of the Northeast, where for every big business job created by growth there is another lost through decline. And a disproportionately high percentage of all innovations—the engine, after all, of economic expansion—come from small business. If we choke the life out of small business we will choke the life out of our economy.

"The critical need," concludes Milton Stewart, the Small Business Administration's Chief Counsel for Advocacy: "Is for an entrepreneurial environment far more favorable to innovation and risk-taking than we have had for the past 10 years."

Above all we need a tax and regulatory environment that will encourage, rather than actively discourage, savings, investment, production, employment—and individual initiative. The small business men and women who attended the White House Conference on Small Business agreed: Of their top 15 recommendations, the top 5 all proposed changes in the tax code, while 4 more advocated reduced Government regulation. Small business men and women don't want handouts. They want an equal chance to succeed when they take a risk. And they want to be able to keep some of their hard-earned reward.

While the Carter administration has tried to draw the Nation's attention to the problems facing small business, I cannot give it high marks for recognizing the cause of those problems or for finding solutions. There have been some promises: More Federal procurement money, improved patent procedures, more SBA loans, but none address the basic problem. While I support these measures, I believe strongly that the real answer to small business' problems does not lie in more Government help. To quote Milton Stewart's Office of Advocacy report once more:

> New concepts are only generated from individuals, and creative individuals need an environment that is conducive for creation with rewards, recognition, profits, freedoms, and the availability of capital, basic knowledge, and other tools with which to create. There appears to us to be a lack of understanding within government of how individuals create in the private sector, and how they implement their creations.

How, then, do we create an environment in which small businesses can thrive? I happen to believe that the most direct way to help entrepreneurs is to correct our outdated tax code and reexamine our Federal regulations. We must increase the after-tax reward on the next dollar small businessmen earn, save, or invest—that is to lower their marginal income tax rates across the board, and to index these rates for inflation. But there are many other steps we can also take to restore incentives to our economy. We can reform the estate tax code—indeed, I would abolish estate taxes altogether. We can adjust inventory appreciation and capital depreciation for inflation. We can stop taxing American energy production to subsidize imports of foreign energy. We can require a strict cost-benefit analysis of all Government regulations, including an analysis of the regulations impact on small business.

We can eliminate inflation by reforming the monetary system and once more making the U.S. dollar "good as gold." We must move ahead toward a system that once again requires the Government to redeem the paper dollars it prints with a precise, predictable amount of something of value. And we must balance the budget: Not through ever-higher tax rates, or drastic cuts in social spending, but through economic growth that would produce more taxable activity and reduce the huge "uncontrollable" burden of spending on the symptoms of unemployment.

Small business men and women understand that the real business of America is incentive, hope, freedom of opportunity and rewards for human effort. And small business is the best hope we have of restoring the American dream of full employment without inflation, of honest reward for honest effort. I consider this to be the No. 1 priority on the agenda of this Congress, and of our Nation.●

ESTONIA INDEPENDENCE DAY

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. FLORIO. Mr. Speaker, this week we mark the 62d anniversary of Estonia's independence day. As on past anniversaries, the celebration of this day serves to bring together all the hopes and aspirations of the Estonian people to be once again free. In light of the Soviet Union's brutal occupation of Afghanistan, the Estonian struggle for independence has assumed new, contemporary significance. The 40-year struggle of the Estonians to regain their freedom can serve as an inspiration to those who, at this very moment, are being oppressed by Soviet aggression.

Soviet atrocities against the Estonian nation have been previously chronicled in this Record. Since 1940, Russian aggression against the Estonian people has resulted in a severe human tragedy. But the spirit of the Estonian people has not been broken. Freedom-loving Estonians continue to openly defy Russian authority and publicly demonstrate for Estonian nationalism.

We in the Congress must maintain a special commitment to the Estonian people. Our Nation must never recognize the illegal Russian annexation of Estonia and the Baltic region. I was pleased to join as an original sponsor of House Concurrent Resolution 200, approved by the Congress this past December, which calls for continued U.S. diplomatic relations with representatives of the independent Republics of Estonia, Latvia, and Lithuania.

Most importantly, this legislation directs the American delegation to the 1980 Conference on Security and Cooperation in Europe to reassert the right of the Baltic people to determine their own destiny. I strongly urge the American delegation to the November 1980 Madrid conference to effectively use this forum to draw world attention to the Baltic situation. Mr. Speaker, I urge my colleagues to join with me in this appeal.●

BRYAN EDWARD PENPRASE OF SAN MARINO, CALIF.—A FUTURE SCIENTIST OF AMERICA

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. ROUSSELOT. Mr. Speaker, far too often the fine accomplishments of our American youth stand unnoticed while the exploits of their less savory counterparts are regaled in headlines across the country. I would therefore like to call the attention of my colleagues to the remarkable achievement of one of my constituents from the 26th Congressional District of California, Bryan Edward Penprase. Bryan has just been named the national sixth place winner in the 29th annual science talent search conducted by Westinghouse.

A senior at San Marino High School, Bryan Penprase, 17, chose the field of physiology for his science talent search project. Venturing into areas which scientists have evaded in the past, Penprase studied the biochemical effects of two sulfhydryl reagents, one which inhibits nerve functioning and the other which reverses the inhibition, on nerve-nerve junctions.

The project involved neutralizing the communication between nerve cells in mammals (rats). He discovered that a protein molecule controls the release of acetylcholine from the synapse, which triggers the next cell in the chain. All of which means, according to Penprase, that the working of the brain is now a little bit clearer to scientists.

He completed his research at the famous City of Hope in Duarte, Calif.

Bryan Penprase, while continuing his research, also had time to serve as president of the high school science club. He is also a member of the mathematics club and a sports writer. He received an award of merit from the Los Angeles County Fair in art, and is on the football and wrestling teams at San Marino High School.

Included in his hobbies are rock and shell collecting, astronomy, laser technology, model rocketry, camping, and tinkering—according to Bryan with "small and rather trivia inventions".

Bryan Penprase plans to study physics or biology at Dartmouth College with his $7,500 scholarship won this week in Washington. He wants to be a physicist or research biologist.

Bryan lives with his parents, Mr. and Mrs. Donald Penprase, in San Marino.

The 13 girls and 27 boys who were invited to Washington, D.C., to attend the Science Talent Institute, come from 32 cities in 17 States. They were picked by the judges from among 13,651 contestants. Designed to discover and develop scientific and engineering ability among high school seniors, the science talent search is conducted annually for the Westinghouse Science Scholarship and Awards by Science Service. Bryan Penprase was one of the 10 winners of the 40 who came to Washington, The remaining 30 contestants will be given Westinghouse science awards of $500 each.

I ask the Members of the House of Representatives to join me in commending Bryan Penprase and the other contestants for the time and effort they have expended to make this a better place in which to live. Bryan's ingenuity, dedication, and devotion to the field of physiology should prove to be a valuable contribution to the study of medicine.●

NATIONAL PETROLEUM RESERVE—ALASKA

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. UDALL. Mr. Speaker, today I am introducing by request the administration's bill to promote exploration for oil and gas in the national petroleum reserve—Alaska. This legislation comes pursuant to directives of the National Petroleum Reserves Production Act of 1976.

The bill would designate NRPA as the western Arctic management area under the jurisdiction of the Bureau of Land Management, which currently oversees this 23 million-acre area. It would replace the current Government-contract exploration program with a private leasing effort. The initial land management plan would have to be completed within 16 months and the first lease sale held within 20 months of enactment.

Four key areas—the Utukok River and Uplands, Teshekpuk Lake, the Colville River Valley, and Icy Cape/Kasegaluk Lagoon—would be singled out to insure that wildlife and other natural values are protected. In general, the administration would require BLM to consult with the Fish and Wildlife Service and to take other steps to guarantee that these resources receive appropriate protection consistent with multiple use management.

Most everyone will agree that the current exploration program, which has failed to turn up any commercial quantities of oil or gas, needs improvement. This proposal is a constructive contribution to the current discussion on how to shape a program that fully explores a region that has both tremendous hydrocarbon potential and also is critical to the wildlife, especially waterfowl, enjoyed throughout the Nation.

The administration plan is similar in many respects to the position already taken by the House when it passed early last year our historic Alaska lands bill, H.R. 39. For example, our bill also mandates a prompt private leasing program. However, it also differs in several important respects from the House position.

I want to emphasize—as I have emphasized repeatedly to the administration before, during and after transmittal of this proposal—that I consider legislation dealing with NPRA to be inseparable from comprehensive Alaska lands legislation. The proper time for consideration of the administration initiative will come during conference with the Senate on the Alaska lands bill. Because the Senate apparently plans to debate its version late in July, pushing such a conference perilously close to the end of this Congress, I expect efforts will be made in the coming months to split off portions of the Alaska lands package. The House is wholly innocent of this delay and I intend to resist those efforts as firmly as I can. At the moment, therefore, I have no plans to duplicate House action on this matter by formally considering the administration bill.●

MY ROLE IN AMERICA'S FUTURE

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. ABDNOR. Mr. Speaker, the annual Voice of Democracy contest sponsored by the Veterans of Foreign Wars provides high school students across the land with an opportunity to begin consideration of their future role as citizens of this country.

The 1980 State winner in South Dakota is Joseph L. Sorvaag, the youngest of five children of Janet Sorvaag and her late husband, Lloyd. Joe is a sophomore at Mitchell High School, and hopes to pursue a career in music arranging and composing.

Joe is also preparing to pursue a lifetime of good citizenship, as his most excellent essay indicates. I am pleased to commend it to the attention of my colleagues:

My Role in America's Future

(By Joseph Lloyd Sorvaag)

A very long time ago, at a time only history records, a group of men shared a common dream. This dream now lives on as reality. This reality is not the name of a country, or a people, but it is the ideals they stand for, and will die for.

America—as the song-writer said, "This is my country," but also it is my life. My grandfather may have come from another land, but I am American. And as an American it is my responsibility, my privilege, and my honor to sustain her ideals for future generations to prosper.

A man can take my money, my land, or my life, but he can't take my America. I was born in America, and I will die as an American. For only in America can you find a civilization dedicated to a basic belief. Freedom and the need for it founded this nation and freedom thrives in us now.

Americanism is contagious and I am its carrier. I will try my best to touch everyone I can and give them the same exhilaration I feel about my country. I will impress this feeling upon my children and they will spread it as I have.

I want to make America as good today as it was yesterday, and as great tomorrow as it is today. There is no problem we can't overcome, for our nation works as one, if one will work for our nation.

Life, liberty, and the pursuit of happiness are only words, but America puts action in the letters and her people put the letters into life.

I would like to know that in my lifetime and from my concern and action, this land will improve its economy and better itself as a whole. By exercising my right to vote and freely participate in political matters, I am confident these things can happen. Not because I think so much of myself, but because I think so much more of my country.

I would like to see that my nation's problems could be solved by my aid and the aid of other Americans like me. It is my sincere wish that my generation, and future generations, will have the courage and the ability to solve any and all problems confronting them. I sincerely wish that in my lifetime we could see a nation and world totally free of hunger, poverty, or warfare. This is not realistic, however, and all I can do is work on these problems with the resources available to me. And maybe someday, with the help of people who have lived and worked in the past, dreams like these will be lived out in life's fullest sense of reality.

We, as a nation, have the ability to literally work miracles, if we, as a people, would strive for these accomplishments. We could and will cure diseases, such as cancer or M.S., we will aid to solve world peace which we have already begun, and best of all, we can and we will show people a great way of life—an American way of life. I am privileged to have the opportunity to be a part of this, and as an American I intend to use this opportunity to its fullest extent.

I am asked, "What is my role in America's future?" To secure for future generations the dignity and honor this nation has bestowed on me is a major purpose surely, but even more important to me, is to do everything in my power to insure the safety and perpetuality of the democratic system on which it is based. You gave my life a country, and I will give my country my life.●

STACY MARIA DIMAGGIO VOICE OF DEMOCRACY CONTEST WINNER

HON. NEAL SMITH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. SMITH of Iowa. Mr. Speaker, every year the Veterans of Foreign Wars and its ladies auxiliary conduct a Voice of Democracy contest. This year more than 250,000 secondary school students participated in the contest whose theme was "My Role in America's Future."

The winner this year in the State of Iowa is one of my constituents, Stacy Maria DiMaggio. Stacy is 16 years old and a student at Lincoln High School where she excels scholastically, having received a merit certificate for scholastic achievement and is on the honor roll.

I am privileged to serve as Stacy's Representative in Congress and for the information of my colleagues in the House, I am pleased to insert Stacy's winning entry. It is as follows:

My Role in America's Future

The youth of America have a very important job. We must learn to be aware of ourselves, our surroundings, our standing as a nation, and of world-wide affairs. The interest we take in the United States now will determine the direction our future will take.

As citizens, the young should want to know what's going on in the world. Young people sometimes tend to forget that one day they will be the leaders of this great country instead of the followers. Being aware of events that are happening now is the key to the door that opens to a brighter future.

Although the level of prejudices has dropped, it still has a long way to go before it's gone. The teenagers of today should learn that the sex, the hue of the skin, the beliefs and origins of human beings make no difference in their thinking or abilities. If we, the youth, realize and accept this fact, everyone would experience equality. As future parents we must consider the environment we would like our children to live in. Do we want our offspring going to school or into public scared and coming home humiliated or ashamed of who they are? Of course, we don't, so let's start doing something about it now. Each day we are brought face to face with other people. If we could show a more positive attitude instead of a critical or negative one, this would start us on our way to becoming a more compatible nation.

Our environment is another matter we should be concerned with. Individual and public property should be treated with care and respect. Clean-up projects for parks, residential and business areas are under way. If we take part in these projects our country and our children's country will be a lot cleaner. Since a cleaner nation is a healthier nation we should have all the more reason to help out. Even if we begin with our own backyards it's a start.

Energy should be perhaps our main concern. Now we take energy for granted. We must learn to conserve because if we don't, we may not have any energy to conserve later on. As high school students, the majority of us have or are getting our driving licenses. We can help by making our drives meaningful. Just cruising around is a total waste of energy. We should know where we're going before we leave for a drive. Also, we all can conserve at home, work and school by turning off unneeded lights and not opening the door so often when heat or air conditioning is running. Little energy wastes combined result in a large decrease in energy supply.

The American youth need to watch and listen very carefully to the present governmental happenings. What happens in our government today is going to be the material we have to work with. Undivided attention must be given to present issues and decisions if we are to run our country smoothly and with pride and dignity. Right now we seem to be too concerned with ourselves rather than with each other. Political happenings affect a large group of people, people known as Americans. If we, America's youth, don't pay attention to every day events and learn to cooperate, our country could be in great danger. By failing to familiarize ourselves with current world and national affairs we could approach the future blindly. When we do take control if we're uninformed and unprepared it could be too late to straighten things out.

As citizens the young need to exercise and stand up for their rights in a sensible manner. We are just as, if not more so, responsible for our towns, neighbors, actions and country as our parents. The youth must help the nation now and develop it for future years so the "our" America will have a future.●

ELECTRONIC WAR AGAINST DRUGS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. CONYERS. Mr. Speaker, at a time when attention is being focused on limiting the powers of law enforcement and intelligence gathering agencies, we ought to take a hard look at the Government's electronic war against drugs, and its ominous implications for civil liberties. The March 1980 issue of Penthouse carries a startling article on the dangers of electronic surveillance. The author, Edward Rašen, is a freelance writer who was with the Special Forces in Vietnam and who has an impressive background in intelligence work. Excerpts from the article follow:

HIGH-TECH FASCISM

El Paso is a hot, dry, dusty city hanging on the tip of Texas's desolate western panhandle. Interstate Highway 10 slices through the town—now flushed with more than 300,000 people, predominantly Mexican and Mexican-American—and runs parallel to the Mexican border, less than a mile to the south. On El Paso's western outskirts, the highway passes Sunland Airport, once the drug-smuggling terminus for the entire Southwest. To the east it skirts Southern Pacific Railroad's sprawling engine/maintenance yards just before it runs by the Property Trust building on East Missouri Avenue—an obscure service road for Highway 10.

As inconspicuous as this three-story stucco office complex is, it is the gateway to a new and intriguing universe and the beginning of a chilling story. For hidden within the building is the U.S. government's multi-million-dollar beachhead in a new war; an electronic war of solid-state technology; of computers and teletypes and coded telephones; of satellites, microwave scanners, vapor detectors, neutron backscatters, forward-looking infrared modules, and a host of billion-dollar, flashing-light gadgetry.

"So far so good." EPIC director Arthur Fluhr had been quietly watching modern technology's equivalent of the highspeed chase. Fluhr, lean, gaunt, dressed in polyester, a former Customs agent now in his mid-fifties, turned and walked toward the tactical-operations room.

"This was the command control center for Stopgap," said Fluhr, stopping on the threshold and gesturing toward the clutter that was now part of other special battles, such as Atlantis, Nightowl, and Snowbird. Operation Stopgap was a secret international antidrug campaign that netted more than 1 million pounds of marijuana off the Florida coast. EPIC and its 15-member operations group of former CIA and military personnel stage-managed the expedition from this cramped, windowless room.

"For tactical intelligence information, this is a one-stop shopping center," Fluhr said, smiling.

"It's just like the rumrunner days," said Charles Updegraph, EPIC's chief intelligence analyst. "There's a mother ship that brings it across the gulf," he said, running his hand across one of the full-colored maps on the wall. "And then all these little boats off-load it and bring it in along the coast."

Not quite. EPIC and its operation Stopgap resembled the rumrunner days about as much as "Mission Impossible" resembled Eliot Ness and his Untouchables. Undercover informants known as "C-I's" identified the marijuana mother ships in Colombia, but after that Stopgap moved to outer space. The long voyage of the mother ships northward was monitored day and night, in good weather and bad, by United States Navy Ocean Surveillance Satellites that were put into orbit two years ago. The satellites sent their data to the computers at the Naval Ocean Surveillance Information Center, and NOSIC relayed the information to EPIC. EPIC alerted the Coast Guard, and when the ships anchored, their only "off-loading" was into the hands of the law-enforcement officials.

While DEA chief Peter B. Bensinger refuses to elaborate on the details of the DEA's use of satellites in his war on drugs, he claims that Stopgap was "one of the most successful operations we've ever had in stopping the flow of narcotics into the U.S." It was a victory for EPIC, the electronic war's central switching yard.

The El Paso Intelligence Center has slipped rather quietly into the electronic war. But the inauspiciousness of its presence is but a mask to cover its power as a state-automated central-surveillance system that is already being touted among law-enforcement and intelligence circles as "the best system yet," but one that also helps insure the possibility that, as Congressman Steward McKinney (Rep.-Conn.) once said of the FBI's arbitrary searching of citizen's records, the government will "trample on the rights of all citizens to insure that [it] catches a few." EPIC may not bode well for drug smugglers, but for millions of other Americans it represents the chilling proximity of Big Brother.

Richard Nixon began laying the groundwork for EPIC when he first told the country's preeminent spy agencies—the National Security Agency and the Central Intelligence Agency—to lend a hand to his drug officials, in fact making the drug war an excuse for covert intelligence operations. At the time police agents at every level of government, both within the United States and in dozens of countries where they roamed, were stumbling over one another in their frantic effort to carry out the Nixon declaration of war on narcotics. FBI agents often found themselves working on the same drug case that Bureau of Narcotics and Dangerous Drugs (later the Drug Enforcement Administration) agents were investigating. And a state police agency often unknowingly had information that a federal agent needed to make a case, or vice versa. "So," says EPIC analyst Updegraph, "our purpose was to get everyone working together."

In 1974 the DEA quietly appropriated an undisclosed sum of money to start EPIC, and director Fluhr began touring the country to convince public agencies to join the system. "I'm not a drug agent," says Fluhr. "I'm a salesman selling information systems." And if he were to receive a commission on his sales, the polyester-clad former Customs agent would be a rich man. Today EPIC's electronic gadgetry is plugged into 20 different federal and state information, surveillance, and intelligence systems, making it the first joint intelligence center in the annals of federal law enforcement and the computer nerve center for much more than the country's $10 billion-a-year antidrug campaign. So important has EPIC become that the DEA still won't say how many taxpayer dollars were used to set EPIC up (the DEA will grudgingly admit that it costs "over a million dollars" a year to operate just the El Paso center). But, as if to emphasize the sophistication of the technology available to EPIC—and unwittingly disclose from whom it ultimately takes its orders—Fluhr says that "we operate under strict NSA guidelines."

Bogey tracking is thus only the tip of the EPIC iceberg. And its operations and connections offer an insightful if complex glimpse into a federal program that tells us less about fighting drugs than about the country's precipitous path toward Orwell's 1984.

For more than a decade the drug war has been used as a cover for United States adventurism at home. It has served as the rationale for turning the government's well-equipped spy agencies loose within the United States. It has become the excuse for pursuing citizen-surveillance programs unprecedented in the history of American law enforcement.

From the time that Congress gave police the authority to tap telephones and bug homes and offices in 1968—which was at first thought as a knee-jerk reaction to the assassination of Robert Kennedy but which, more important, was a response to the growing fear of civil unrest over Vietnam and black rights—until the time national disgust over the program's abuses forced Congress to pass the Foreign Intelligence Surveillance Act of 1978, at least 350,000 people and more than 4.4. million conversations were monitored. (This does not include the millions of "national security" monitors of the NSA and the CIA). In the majority of cases where judges issued warrants—and judges rarely failed to issue them—narcotics and gambling were used as the arguments for probable cause. The federal government installed more than 1,300 different taps and bugs while state authorities were installing bugging devices at the rate of two per day over the entire ten-year period. Even aside from the frightening fact that the great majority of the 4.4. million conservations overheard by government agents had nothing to do with anything remotely related to criminal activity, the taps had no effect on combatting crime.

In 1970 Richard Nixon gave the CIA orders to include drug information in its secret intelligence-gathering operations and to share that information with the Bureau of Narcotics and Dangerous Drugs. At the same time the BNDD began giving the NSA, which knew few distinctions between foreign and domestic intelligence, a series of "watch lists" of over 400 Americans and more than 3,000 foreigners whose phone conservations and other telecommunications messages the NSA was to monitor. (The "watch list" program, code-named operation MINARET, already included names of Americans and foreigners submitted to the NSA by Secret Service—to keep tabs on potential threats to the president—as well as by both the Defense Department and the FBI, then in the process of trying, illegally, to thwart the tide of protests from antiwar and civil-rights movements.) It was at this point that the drug-enforcement apparatus was absorbed into the much larger, more secretive and sinister world of electronic intelligence gathering, the parameters and dangers of which, in the early seventies, had yet to be discovered.

EPIC has thus joined the march toward 1984 by its claims to efficiency and its ambiguous avowal to be fighting a holy war against drugs. EPIC's efficiency, however, is primarily an efficiency that helps uncontrollable systems "talk" to one another more rapidly, and thus Americans are subtly introduced, four years early, to the doublespeak of efficient inefficiency. And with drugs the government has hit upon an even better cover for its surveillance of citizens than national security ever was. Enough drugs are presently prohibited or controlled by government to put literally tens of millions of citizens under the finger of antidrug laws. Everyone becomes a possible suspect. And modern electronic technology has given the state, for the first time in history, the ability to follow all suspects.

At the touch of a button, EPIC has access to information on millions of people. It can relay that information to someone who doesn't have it. It is plugged into data banks at the IRS, at the FBI, at the Treasury Department, at the Department of Defense, at the FAA, and so on, just as it is plugged into data gatherers like AWACS, the NSA, and the CIA—as if it all were somehow the Department of Drugs. With 82 employees manning the computers and communications equipment around the clock, EPIC's Watch Section now processes over 500 "drug" queries daily from around the world.

As information moves back and forth through the nerve center in El Paso, it is collected and stored by yet another immense data bank known as Pathfinder. Yet what exactly Pathfinder is, what it collects, and from whom it collects, EPIC won't say. Only by knowing certain of EPIC's connections is it possible to know something of its collections.

One of its hookups was to the California Narcotics Information Network. CNIN, considered by experts in the field to be a model narcotics law-enforcement system, is itself the information conduit and collector for 275 local, state, and federal agencies within California and a number of associated agencies in eight neighboring states. Altogether more than 2,000 different narcotics officers contribute reports on criminal subjects, organizations, and investigations in their jurisdictions to a central card file index at CNIN headquarters in Sacramento. A simple phone call enables any member agency to know whether the subject of its investigation is or was at any time the subject of another agency's investigation. And with the EPIC connection the local sheriff of Escondido may now know in a matter of minutes whether his investigation has anything to do with a DEA operation in Bogotá . . . and vice versa. By the same token, with EPIC, Mary Nobody, who happened to be with her boyfriend the night he unknowingly delivered an envelope of cocaine to an undercover cop as part of a practical joke and was busted by the Escondido sheriff anyway, may now find a biographical history of herself sitting prominently alongside that of the M-16-toting pilot of the plane caught winging 1,000 pounds of cocaine into the Florida Everglades from Riohacha, Colombia.

To call EPIC "one of the best informational exchange units in the country," as does Dr. Chester Quarles, director of the Mississippi Narcotics Bureau, is at best an understatement. At its most benign, FPIC has instant access to the DEA's microfiche file, which, though already being made obsolete by computer systems like Pathfinder, contains specialized information on pilots, aircraft, and sea-and-land vehicles from various law-enforcement agency records.

Another more sophisticated DEA data base used by EPIC is somewhat less benign and, in technological parlance, more efficient. If, for example, an agent at any one of the agency's dozens of field offices—including EPIC, of course—wants information on someone, he may punch the name into a computer terminal that will rush the query to the DEA Narcotics and Dangerous Drugs Information System (NADDIS) headquarters in Washington. In a matter of moments the NADDIS computer scans records containing thousand of names and flashes a complete biographical history back to the agent.

The system is a remarkable boon to law-enforcement officers when a successful arrest may depend on rapid access to information. But why are some 570,000 people listed with NADDIS when the federal government makes fewer than 8,000 drug arrests a year? As it happens, the answer is less than encouraging: a person who has neither committed a crime nor even been suspected of doing so may be indexed in NADDIS. DEA agent Thomas Burton says that "NADDIS is a central automated index that contains a record of drug offenders; alleged drug offenders, informants, and other persons" and goes on to admit that "it contains information gathered from numerous sources of varying reliability".

The DEA's investigative files, which have never been subject to a General Accounting Office audit, consist for the most part of "DEA-6's," the raw information reports filed by agents in the field. Many of those reports include undocumented allegations against suspected drug dealers, and even DEA Executive Assistant William Lenck admits that there is no check on what goes into these files. Many of the names from the "6's," however, are then listed in NADDIS, and there is no check on what goes out of NADDIS to other law-enforcement agencies. Moreover, these electronic information banks are extremely vulnerable targets for break-ins.

What raises such potential security problems to dangerous and frightening levels is the massive amounts of information now being gathered, the often arbitrary manner in which it is gathered, and the all too frequently dubious motives of the people doing the gathering. And even if such files were only to include presumably harmless data like a Social Security number and a birthdate—which they don't—it is the use to which that seemingly innocuous information can be put that causes civil libertarians to warn of the imminent loss of privacy and the eventual usurpation of individual liberty.

The dangers inherent in the EPIC brand of warfare increase almost geometrically with each new connection to an electronic information system. The Treasury Department's Enforcement Communications System (TECS) is a good example. Like NADDIS, but unlike some law-enforcement information networks that purport to track only known criminals, TECS feeds into its giant computer the names of people who are merely suspected of crimes along with those of thousands of others who are assumed innocent. Though run by the U.S. Customs Service, TECS includes information supplied by the DEA; the Bureau of Alcohol, Tobacco, and Firearms; the IRS; the State Department; the Immigration and Naturalization Service; and Interpol, the international police agency. "We were out of investigations and intelligence until September 1977, when we signed an agreement with the DEA allowing us to develop information that we would record and pass on to the DEA," stated Jack Dennis, acting assistant commissioner of U.S. Customs. Its giant data bank in San Diego is also linked with some 900 different port-of-entry terminals scattered throughout the United States, the Virgin Islands, Puerto Rico, and Nassau. And all of this is linked to EPIC.

Professional smugglers and known criminals respect the power of TECS and do their best to avoid entering the United States at points where it may be operating. Casual tourists or frequent travelers, however, have no reason to suspect that the government suspects them. And many are unaware that a customs official who detains or harasses them does so because he has found the traveler's name on a computer watch list. But of what are these people suspect? No one seems to know. What is known is that once a person's name goes into TECS, it stays there. Already Customs has accumulated some 450,000 dossiers containing 562,000 names, more than are on the census charts for all of Denver, Colo.

Very little in the way of electronic surveillance gadgetry isn't being tested in the drug war—or at least in the name of drugs. Vietnam served as the first major combat laboratory for such Buck Rogers devices as infrared photography and sophisticated electronic surveillance systems; and from that war, according to the director of intelligence for the U.S. Marine Corps., Brig. Gen. Clyde Deane, came "a dynamic, flexible surveillance system for future battlefield application anywhere in the world and in any type of conflict."

It is interesting to find that "the future battlefield application" of C-I technology is the present terrain of the drug war. Included in these huge expenditures for electronic warfare by the military—but not including the enormous cost of the expensive equipment packed into each missile, ship, and fighter plane—are outlays for AWACS and the navy's Ocean Surveillance Satellites, the strategic apparatus now being appropriated for use in the domestic drug war.

Right now, for example, there is a blimp floating some 12,000 feet above Bahia Honda Bridge southwest of Florida. Launched by the U.S. Air Force, the blimp is supposed to be part of a $2 million-a-year low-altitude surveillance system to supplement the nation's air-defense capabilities. When not warning the country of imminent foreign military invasion, however, Fat Albert, as the dirigible is known, warns it of smugglers. Albert is belly-full of electronic radar gear that monitors the skies 24 hours a day and is equipped with a sophisticated telemetry link to relay all data to the 671st Radar Squadron of the Air Defense Command on Cudjoe Key. According to the air force, such unmanned spotter blimps may be patrolling much of the eastern seaboard by late 1980, all of them connected to the El Paso center.

Custom's agents are now being equipped with neutron scanners to help detect hidden narcotics at ports of entry. The "backscatter" is a six-pound, handheld device that shoots a beam of radiation at an object and then measures the amount of radiation reflected back. Vapor detectors, thermal viewers, and X-ray devices are all part of the "high technology" that Customs Commissioner Ray Chasen says is the "ultimate solution" to drug smuggling.

Yet, despite the massive investment of taxpayer money in flashing light gadgetry, the narcotics war is losing many more battles than it is winning and playing havoc with civil liberties in the process. An extremely conservative estimate puts the cost of the nation's antidrug campaign at $10 billion annually. (If drug money spent by such purported nondrug agencies as the army, navy, air force, CIA, NSA, IRS, and FAA were computed, the figure could probably be doubled.) But with that money, the DEA is able to intercept only about $2 billion worth of drugs, a paltry 10 percent of what Americans use. Even if the government simply dismantled its antidrug appartus tomorrow and used the $10 billion (now being spent by agencies like the DEA for programs like EPIC) to purchase the narcotics, it could effectively take 70 percent of the illegal drugs off the market—a sevenfold increase in effectiveness combined with the elimination of a massive domestic spying network now threatening everyone's individual liberties.

Slowly, methodically, secretly, the electronic drug war is making enemies of more and more people. Under whatever guise it may appear, the technology of mass surveillance and eavesdropping is here. EPIC represents the serious side effects of a high-tech maintenance dosage for a government hooked on drug eradication. In this case the country not willing to go cold turkey risks the loss of its freedom, and instead of simply hallucinating pink elephants, its citizens will have to shake hands with Big Brother.●

THE HONORABLE J. JOSEPH SMITH

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. COTTER. Mr. Speaker, it is with a sense of sadness and loss, for myself, the State of Connecticut, and the Nation, that I rise to note the passing of Federal Judge J. Joseph Smith.

Judge Smith served with honor and distinction in this Chamber from 1934 to 1941 as a U.S. Representative from Connecticut.

In 1941 he began his long and distinguished judicial career when he was appointed as a U.S. district court judge for Connecticut. From that point he went on to serve as the chief judge from 1953 to 1960. In 1960, President Eisenhower, recognizing his worth, named him a judge of the U.S. Second Circuit Court of Appeals, and he retired in 1971 to become a senior judge of that court.

The University of Hartford, in awarding him an honorary doctor of law degree, summed up the total of the man in citing him as "the living example of what a judge should be. His powers of analysis are incisive, his outlook broad, his patience legendary."

Connecticut has indeed lost an outstanding citizen, and the U.S. courts have lost one of its finest.

It is my privilege to have considered Judge Smith as my friend.

I ask my colleagues in the U.S. House of Representatives to join me in paying homage to his memory, and to extend the deepest sympathy of this legislative body to the family of the late and revered Judge J. Joseph Smith.●

SMALL BUSINESS CAPITAL INCENTIVE ACT OF 1980

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. NOWAK. Mr. Speaker, I am introducing legislation to aid small business through the process of capital formation and depreciation reform, H.R. 6617, a bill to amend the Internal Revenue Code of 1954 to allow rapid amortization of buildings and equipment.

WHAT THE BILL WOULD DO

This bill would provide for simplification of a highly complex area of the Federal tax law. Businesses would have the election to depreciate buildings and structural components over 15 years and vehicles and equipment over 4 years. A 10-percent investment tax credit will be allowed on section 38 property, generally vehicles and equipment.

Limitations are placed on the extent to which an election may be made under this bill. Buildings and structural components can be depreciated under this bill to the extent of $3 million per year. Section 38 property would have a limitation of $1 million per year. Anything in excess of these limitations would be depreciated under the current provisions of the tax law.

SUBCOMMITTEE RECOMMENDATION FOR ACCELERATED DEPRECIATION REFORM

In September of 1979, the Subcommittee on Access to Equity Capital and Business Opportunities, which I chair, held hearings on the subject of "Capital Formation and Retention." The hearing report points out the three criteria or needs of any capital recovery system: The need for simplicity, equity, and rapid recovery of investment. H.R. 6617 clearly meets these three criteria.

NEED FOR SIMPLICITY

H.R. 6617 would avoid the current complexity of the tax law. For example, the class life asset depreciation range (CLADR) system was introduced in the early seventies as a form of accelerated depreciation reform, but statistics show that small business does not use it. Statistics based on a sampling of 1974 tax returns show that of firms with total assets of over $1 million, 92 percent used CLADR. In contrast, of those firms that had total assets of less than $1 million, 1 percent of their assets were depreciated under CLADR.

One example of the complexity of CLADR is that a small business person who elects CLADR would have to review a detailed list of approximately 130 assets. Further, there are other sections of the Internal Revenue Code which add to the complexity problem. The small business person must determine the type of depreciable property he or she owns. To make this determination, a small business must cross-reference to at least seven highly detailed code sections, and must consider 200 pages of tax regulations. In addition, the bonus depreciation provision, supposedly enacted for the benefit of the small business person, can result in a nightmare of computations.

The above indicates that businesses—no matter what their size—need highly trained tax professionals to interpret the tax code and regulations. Due to its simplicity and clarity, my bill will reduce the burden of these costly services to the small concern. It will, therefore, help small businesses achieve the tax equity necessary to compete with their large business counterparts.

THE NEED FOR EQUITY

As stated in the above CLADR statistics, small business is not reaping its share of tax benefits. The lack of simplicity in the CLADR system has tended to promote a situation in which large business does achieve some semblance of rapid recovery of investments, but small business does not.

Small businesses would, however, achieve equity through the enactment of H.R. 6617, as it recognizes the dependency of small business on internal generation of capital to fund business expansion and growth. Large businesses, on the other hand, have several alternatives. They can often secure overseas credit or turn to the commercial paper, debt, and equity markets to fund business operations.

Small businesses frequently do not have the requisite credit rating necessary to obtain a bank loan, and when they are able to obtain bank financing, they usually pay several points above prime. The security markets are unavailable to most small firms.

By recognizing the interrelationship of depreciation reform and investment tax credit reform, H.R. 6617, promotes additional equity for the small business person. Small business finds the investment tax credit beneficial as it aids immediate cash flow. This measure would increase the investment tax credit to 10 percent on all types of section 38 property. Small businesses that purchase vehicles will particularly benefit.

NEED FOR RAPID RECOVERY OF INVESTMENT

A need for rapid recovery of investment recognizes that the current tax concept known as the useful life concept is void of any economic reality and is based on obsolete principles. The useful life concept does not take into account the current ravaging rate of inflation. H.R. 6617 would act as an incentive to productive investment by abandoning this concept for a realistic rate of return on investment.

Foreign countries have already recognized the need for abandoning the useful life concept in favor of rapid capital cost recovery. For example, Canada has inaugurated a 2-year writeoff for most equipment purchases. Great Britain permits businesses to recover the cost of capital investment in a single year.

OTHER RELATED MEASURES

First, capital gains rollover. In the report mentioned above, the subcommittee also recommended a small business capital gains rollover provision to encourage retention of capital in the small business sector. I have already filed H.R. 5096, the Small Business Capital Formation and Reinvestment Act of 1979, which would defer tax liability on the profits from the sale or exchange of qualified small business stock, as long as the proceeds are reinvested in another small business within 1 year.

Second, investment tax credit for used machinery. Recognizing the dependency of small business on the purchase of used equipment, the subcommittee noted that the current limitation on the amount of used equipment eligible for the investment tax credit should be raised. H.R. 6171, the Used Machinery Investment Credit Adjustment Act of 1979, which I recently introduced, would increase from $100,000 to $200,000 the amount of used equipment eligible for the credit. This bill currently has 40 cosponsors.

Third, refundable investment tax credit. The subcommittee agreed it would be beneficial for small business, especially for new companies, to allow full benefits from investment tax credits regardless of the amount of taxable income. Under this proposal, the Treasury Department would pay a business the amount equal to the unused portion of the investment tax credit. I will soon file legislation to permit up to $100,000 of the investment tax credit to be refundable each year to firms that do not have sufficient taxable income to utilize current investment tax credit schedules.

Fourth, pollution control expenditures. Finally, the subcommittee noted that pollution control expenditures have tended to supplant productive investment and recommended that federally mandated equipment be amortized in less than the current 5-year writeoff period. I will introduce a bill to allow such equipment to be amortized in 3 years.●

SENATE—*Wednesday, February 27, 1980*

(Legislative day of Thursday, January 3, 1980)

The Senate met at 10 a.m, on the expiration of the recess, and was called to order by Hon. THOMAS F. EAGLETON, a Senator from the State of Missouri.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Let us pray.

Our Father-God, we thank Thee for this new day with its new outlook, new opportunities and new frontiers. Put within us a new spirit. Give us something of the simplicity, the naturalness, the transparency and the faith of the saints to surmount the difficult and the painful moments with the tenderness and compassion of the Master. Grant us a sacred stewardship of time. Help us so to order our lives that we may have time for prayer and time for people. Deliver us from being too easily discouraged, from giving up or giving in too soon. Above all else help us to love Thee and serve Thee with all our soul and mind and strength that when evening comes we may have peace in our hearts and strength and wisdom for the days yet to come. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. MAGNUSON).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 27, 1980.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable THOMAS F. EAGLETON, a Senator from the State of Missouri, to perform the duties of the Chair.

WARREN G. MAGNUSON,
President pro tempore.

Mr. EAGLETON thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, does the time of the two leaders under the standing order apply for today?

The ACTING PRESIDENT pro tempore. Yes it does.

Mr. ROBERT C. BYRD. I thank the Chair.

THE SOVIET ERROR IN AFGHANISTAN

Mr. ROBERT C. BYRD. Mr. President, the Soviets have made a grave error in Afghanistan.

Soviet leaders say that they have intervened to protect the Afghanistan people against outside interference. But it is the Soviet Union that has interfered in the internal affairs of Afghanistan, and instead of the Afghans needing protection against "outside interference" from other sources, it appears that they need protection against their erstwhile, so-called "protectors."

There are signs of continuing and steadily increasing resistance to the efforts by the Soviet Union to assert total control over Afghanistan. The Soviet-installed government, headed by Babrak Karmal, appears to be almost totally lacking in popular support.

Reports indicate that the Soviet military commander in Kabul is, in effect, acting as head of the Government. There are also reports that Soviet forces have inflicted heavy casualties on the civilian population, with more than 300 killed in street fighting in the capital city of Kabul in recent days. Kabul has been the scene of a number of protests against the Soviet military presence. So the people are protesting against their erstwhile, so-called "protectors."

Shopkeepers, office workers, and civil servants have all been striking to protest the Soviet takeover. A large number of Afghan citizens have been placed under arrest because of their protests. Religious minorities and ethnic groups have become a particular target of arrests and according to some reports executions.

The error of the Soviet Union is obvious, but no less grave for being so: In replacing successive Afghan governments with hand-picked Soviet choices, the Soviets have created a widening gulf between the Government and the people of Afghanistan. Popular dissatisfaction has grown. Finally, the Soviets intervened massively, not to help a government facing a limited internal insurgency or attack from without, but to assume control of the country. The continued resistance of the Afghan people against a foreign invader is the best evidence of the magnitude of the Soviet error.

It would be tempting to take some pleasure from the predicament the Soviets now find themselves in as a result of their intervention. I would like to think that the Soviet Union is learning the lesson that intervention does not pay. But it is tragic that the leaders of the Soviet Union have to learn this at the expense of the people of Afghanistan.

The United States has adopted a range of sanctions against the Soviets to demonstrate that we do not consider military intervention in neighboring countries compatible with "business as usual." We are urging that our allies and other nations take similar steps. The cumulative impact of these steps should be to raise the cost of aggression, and to drive the lesson home to those in the Kremlin.

Some of our European allies have suggested the neutralization of Afghanistan, and President Carter has indicated America's interest in this possibility. It is not clear what neutralization might mean but, at a minimum, it would seem to involve the removal of Soviet forces from Afghanistan and the reinstitution of a Government representative of the people of Afghanistan. Some interpretations of President Brezhnev's recent declaration suggest that the Soviets might respond positively to such a proposal. The neutralization suggestion is worth study as one possible means to achieve Soviet withdrawal.

The progressive withdrawal of Soviet troops and moves toward the restoration of an independent Afghanistan are crucial to restoring peace and stability in southwest Asia. These moves could also pave the way for an improvement in relations between the Soviet Union and the United States and other Western nations.

If proposals such as this are to be pursued, it will require a strong lead from Third World nations, preferably nations in southwest Asia, and particularly Islamic nations. Soviet intervention threatens these nations most directly.

The goal at this point should be to restore Afghanistan's freedom from foreign occupation. Only time will tell whether the Soviets have indeed learned the error of their ways.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the acting minority leader is recognized.

SENATE RESOLUTION 377—CONGRATULATIONS TO AMERICANS WHO PARTICIPATED IN THE XIII WINTER OLYMPIC GAMES

Mr. STEVENS. Mr. President, I once again call to the Senate's attention the

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

fact that there is a resolution at the desk that commends the U.S. winter Olympics team, the coaches, and all participants, including those in Lake Placid who worked so hard to make that effort a success.

I hope Senators wishing to cosponsor the resolution of commendation will contact my office during the day so we might consider that matter before we close tonight.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. ROBERT C. BYRD. Mr. President, I wish to be joined as a cosponsor of the resolution if the distinguished acting minority leader will add my name.

Mr. STEVENS. I thank the majority leader and welcome his cosponsorship. I make that unanimous-consent request at this time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE PRIMARY SYSTEM AND THE SENATE WORKLOAD

Mr. STEVENS. Mr. President, the New Hampshire primary results are now tabulated and with the conclusion of our Nation's first primary, the candidates who seek the Presidency and the President who seeks reelection face a long, arduous campaign trail ahead.

I remind my friends that this is only the first of a series of Presidential primaries all of which have real significance in our political process.

It is to a certain extent, in my opinion, unfortunate that we go through this type of a primary system. I have supported Senator PACKWOOD's concept of regional primaries and hope that one of these days we will give that proposal very serious consideration so that we will not have to go through these individual primaries and put the candidates through such an exhausting ordeal.

But I do believe that there were no real surprises in New Hampshire other than the fact—if it is not a surprise to others, it is to me—that the President did not receive more than half of the votes cast on his side of the ballot.

But I think even that, in terms of the history of New Hampshire, has to be viewed from the point of view of the history of the New Hampshire primary system. It will prove to be an increasing strain on the Senate as we go through the primaries this year.

I make the request on behalf of the minority that we attempt to get better cooperation from all Members of the Senate in terms of their necessary absence as Members of this body when they leave to participate in primaries in their home States or States in which they wish to support a candidate.

I do think we have been stymied to a certain extent so far in the beginning of this year by absences we could not predict. I think we ought to have, as much as possible, more cooperation from every Member of the Senate with the leadership so that we can try to schedule matters and conduct our business with the minimum of interference due to this election year process.

If we cannot get that cooperation, unfortunately, I think we are going to find more and more dissatisfaction in the problems or in the decisions of the leadership. But I would say to my good friend from West Virginia—and it has been my task in working with him on behalf of the Members of my side of the aisle—that we have to make some decisions to get this legislation moving.

I counted the other day that we have about 90 days between now and the Republican Convention. During that period we have some 14 appropriations bills, authorizations for those appropriations bills, the budget process, a series of 70 laws that expire during this calendar year, all of which have to be reviewed to determine whether the Senate wishes to extend the life of those existing laws.

I think we have a very difficult task ahead of us, and it is going to require increasing cooperation among Members of the Senate. I do hope that cooperation will be forthcoming because it is a task we must complete in spite of the election process.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Senator yield?

Mr. STEVENS. I yield.

THE SENATE WORKLOAD

Mr. ROBERT C. BYRD. Mr. President, I am glad the distinguished acting Republican leader has sought to emphasize the workload that confronts the Senate. Perhaps a word of explanation here would be appropriate.

The calendar has a plethora of bills and resolutions on it. But the calendar is very misleading. Last year the Senate disposed of most of the measures on the calendar that were going to be taken up. The Senate did that in preparation for clearing the decks so that the energy measures, the three energy measures, which are now in conference, and the SALT treaty could have the main stage.

As it developed, those three energy measures took some time. They were passed and sent to conference. The SALT treaty was delayed until January. So I stated at the time that it was the object of the leadership to clear the calendar of the must legislation.

That was done. Most of the legislation that was left on the calendar is deadwood, not going anywhere.

Now, some of the legislation left on the calendar will move. I just want to take a moment here to identify by categories some of the measures that are on the calendar which will receive attention later and some which will not.

There are a half-dozen measures on this calendar which are not energy bills, but they are backup measures to the three bills that are in conference, and will remain on the calendar so that if something happens to those measures in conference and, for some reason, they do not come out of conference, we still have these bills on the calendar. If the conferences complete their action on the bills there in conference these half dozen measures that are on the calendar will be postponed indefinitely.

Then there are another 8 or 10 or 12 measures on the calendar that are under the jurisdiction of the Finance and Energy Committees. If those measures were to be called up on the Senate floor now, we would be taking players away from the conferences, the energy conferences, and necessitating their being on the floor to handle the bills that would be called up on the calendar.

So, in order not to impede the work of the conferences, the leadership has not sought to call up bills on the calendar that would require the attendance on the floor of our Senate energy leaders in conference. Eventually, those measures will be taken up.

Actually what I want to emphasize here is the need for committees to report out the necessary authorization bills that will have to be passed, and to which the distinguished acting Republican leader has alluded.

The appropriations bills, on those we have to wait on the House. Our appropriations subcommittees are having hearings. I have already conducted one or two hearings of my Interior Appropriations Subcommittee. The acting Republican leader is my ranking member on his side of the aisle in that subcommittee.

The subcommittees here are conducting hearings on appropriations, but the Senate will have to await the passage by the House of appropriations measures before it can act on those appropriations bills.

But the emphasis must be placed on the need for committees working now, acting now, to report out as soon as possible the necessary measures which must be passed this year.

The sooner those authorization measures are passed, the sooner we can take them up on the floor, and that time will be needed down the road.

We do have the concurrent budget resolution, the usual budgetary problems, that will develop on the floor. We have the authorization measures. We have the appropriations bills. Time is passing.

I thought a word of explanation as to why the floor activity is not as heavy as it will be later might be appropriate at this time, and to emphasize the need for committees to be acting expeditiously to report the necessary legislation, not legislation that was on the Calendar. That is a waste of time, but necessary legislation. Authorizing legislation is necessary so that the Senate will have completed its work and the people's business will have been done.

I thank the distinguished acting leader.

Mr. STEVENS. I yield back the remainder of my time.

RECOGNITION OF SENATOR EAGLETON

The PRESIDING OFFICER (Mr. BURDICK). Under the previous order, the Senator from Missouri (Mr. EAGLETON) is recognized for not to exceed 15 minutes.

TRIBUTE TO AL MUTO ON HIS RETIREMENT

Mr. EAGLETON. Mr. President, we all know how difficult it can be to work for a demanding employer. But who among us can imagine what it must be like to work for five dozen of the most demanding bosses in this country, all at the same time?

Al Muto knows exactly what it is like. In his 22 years as Democratic photographer, Al not only has worked for many of the most illustrious bosses in our recent history, but also has mastered the art of keeping them all happy with his work.

Al has served the Senate with professionalism, pride, and patience. Whether the subject in his viewfinder has been a visiting head of State or a visiting scout troop from back home, he has given it his best shot every time. He has borne up under the demanding and often variable schedule of life in the Senate with good grace and humor.

Soon, Al Muto will snap his last shutter, soup his last roll of film, and print his last picture as the Senate Democratic Photographer. I am happy to join with Al's many other friends in this Chamber to congratulate him on 22 years of fine service, and to wish him all the best in the years ahead. Mr. President, I ask unanimous consent that my colleagues' tributes to Al Muto be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR CLAIBORNE PELL ON THE RETIREMENT OF ALFONSO MUTO

Al Muto will retire on the last day of this month as Official Democratic Photographer, after 22 years of outstanding service.

I could not let this day pass without paying tribute to Al for the quality, consistency and staggering volume of his work.

Many is the time that Al has waited for delayed appointments only to act quickly and efficiently to record a personal meeting or an important event with his camera.

Al has always provided excellent and rapid service, whether he was recording the visit of a foreign dignitary or providing a photographic memento for a constituent.

Long after the tributes we offer to Al are forgotten, his work will stand as a lasting tribute on display in offices and homes throughout this country and abroad.

U.S. SENATE,
Washington, D.C.

Mr. President, although I have only served the U.S. Senate for just over one year, I have come to know a man who has served all of us for 22 years. Al Muto, Official Democratic Photographer, is retiring after 22 years of service. During my short term in office here, he has provided professional services, sometimes on a moment's notice, that allowed our visiting constituents to receive a photographic souvenir of their trip to the Capitol. He provided a service that we all came to appreciate. Mr. President, I commend Al Muto's 22 years of service to the U.S. Senate.

CARL LEVIN.

STATEMENT OF SENATOR HOWARD M. METZENBAUM

I am most pleased to join in honoring Al Muto on the occasion of his retirement. His years of dedicated service as Official Democratic Photographer have earned him much respect and admiration. He has done a great job, and we will miss him.

U.S. SENATE,
Washington, D.C., February 22, 1980.
Hon. THOMAS F. EAGLETON,
U.S. Senate,
Washington, D.C.

DEAR TOM: In Al Muto's twenty-two years of service to the United States Senate, he has always performed his duties professionally and dependably.

Al has certainly made every effort to be cooperative in accommodating our hectic schedules and we owe him our personal gratitude and thanks. I wish Al well in his future endeavors and we shall all miss him.

With best wishes,
Sincerely,

ERNEST F. HOLLINGS.

U.S. SENATE,
Washington, D.C., February 25, 1980.
MS. RUTH HERBST
Office of Senator Thomas Eagleton,
Washington, D.C.

DEAR MS. HERBST: The U.S. Senate will forever be in debt for the service Al Muto has given during the past 22 years. The dedication of 22 years of his professional and personal life—for Al gave both as the Official Democratic Photographer—is something that can never be repaid.

I cannot count the number of times Al has met often difficult demands. His helpfulness and willingness to do everything he could to help is a great tribute to him. It has been a pleasure to know and work with him.

We will all miss Al greatly. I wish him the best of success and happiness in all future endeavors.

Most cordially,

RICHARD (DICK) STONE.

TRIBUTE TO AL MUTO

I know that I am not alone in regretting the retirement of Al Muto as Official Democratic Photographer on February 29, after 22 years of service. Al's been a marvelous help to me and my office over the years. He's waited outside on the steps in the freezing cold of winter and waited in my office late at night. He's given any number of constituents, young pages and interns, and visiting dignitaries a memorable souvenir of their trips to Washington. Al's work as a photographer has been uniformly good and, no matter what the situation, he's maintained a calm, understated humor about his work and experiences.

There's no question but that we'll all miss him. Few will be able to match his dedication, talent and conscientiousness. I wish you the very best in your retirement, Al, and join my colleagues in a warm thank you for the great job you've done for us in the Senate.

ALAN CRANSTON.

AL MUTO

Mr. CHURCH. Mr. President, The Senate won't be quite the same with the retirement of Al Muto. For years, he has been the man behind the lens, recording events large and small, for Senators and their visitors.

As he retires, it is appropriate for the Senate to extend to him its collective best wishes for a job well done. I join with my colleagues in wishing him only the best of health, happiness and prosperity through all the years to come.

TRIBUTE TO AL MUTO BY HENRY M. JACKSON

Al Muto retires at the end of this month following 22 years of dedicated and distinguished service to Democratic members of the Senate. We all owe him a great deal of thanks. I cannot begin to count the number of times we have called on him with short notice—or no notice—to help out in a jam. He was always there.

I believe Al must be a charter member of the "One More Club". Most photographers belong to it. You can identify them quite easily. After every picture they holler: "Hold still, one more!"

My sincere appreciation and best wishes go out to him.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., February 21, 1980.

TRIBUTE TO AL MUTO—OFFICIAL DEMOCRATIC PHOTOGRAPHER

I want to express my appreciation to Al Muto for 22 years of outstanding service as Official Democratic Photographer for the Senate. Al has always been ready and willing to do whatever he could to help with our photography needs. It is not an exaggeration to say that he has gone beyond the call of duty in trying to supply all Democratic Senators with all they needed when they needed it. His photography has always been excellent, despite the difficult subjects he had to work with. He's done us many favors and we will always consider him a friend.

I want to extend my best wishes for a happy and fulfilling retirement which he richly deserves.

JOHN C. STENNIS,
U.S. Senator.

STATEMENT OF SENATOR TED KENNEDY

DEAR AL: I understand, after twenty two years as Official Democratic Photographer, you will be retiring on February 29th.

I just wanted to join my Senate colleagues, and your many friends and admirers on Capitol Hill, in expressing my personal appreciation for all your help over these many years. Your camera has recorded many historic events, Al, and you leave a proud record of service behind you.

I wish you good health and happiness throughout your well-earned retirement years, Al, and do come back and visit us frequently.

Sincerely,

TED.

STATEMENT BY SENATOR WENDELL FORD

MR. PRESIDENT: One of the institutions of the Senate—the official Democratic Photographer—Al Muto has decided to officially retire.

After 22 years of rounding up constituents, school children, choirs, clubs and Senators who are somehow always running behind schedule—and meeting them almost anywhere on the Capitol grounds—Al will retire on February 29, and I for one am sad to see him go.

Three words immediately come to my mind when I think of Al Muto: cooperation, courtesy, and friendship. No greater tribute could be paid to a man than to declare that he possesses those qualities.

We will miss Al. We will miss his professional work, and I wish him nothing but continued happiness in the years ahead.

U.S. SENATE,
Washington, D.C., February 19, 1980.

DEAR AL: You have been my personal friend during the 22 years we have been coworkers in the United States Senate.

You have always been cooperative. The click of the shutter on the camera was always the reflection of your expertise. You have been "fast on the draw."

May your years ahead be filled with continued joy and good health.

JENNINGS RANDOLPH.

P.S. Cigars await you.

STATEMENT BY SENATOR WILLIAMS

MR. WILLIAMS: Mr. President, it is with great sadness that I note the retirement of Al Muto, Official Democratic Photographer for the United States Senate.

I could not begin to count the number of times Al has patiently waited outside my office door until late appointments arrived, or until a vote was over. I know my staff is fond of this man whom we have come to know as the "Old Swamp Fox", and I am sure the number of people who will miss his presence here on the Hill will be legion.

He knows some great anecdotes and never forgets a story. Al has worked with the best. Always helpful, always prompt, he has made more people happy, I believe, with his twenty-two years of photographs, than any of us could ever imagine. In his tenure in the Senate, he has played the role of mediator, statesman, friend and even tourguide.

It is not for his sheer length of duty that we pay tribute to Al Muto today. We offer him this tribute because of the outstanding job he has done these many years, and because of the deep appreciation we hold for his abilities and friendship.

I would like to join my colleagues in the Senate today in wishing Al Muto every happiness in the years to come, and in expressing my deep regret that he will no longer share with us on a daily basis, the frustrations and the satisfaction of working on Capitol Hill.

STATEMENT BY SENATOR EXON

One learns quickly who constantly can be counted on for quality work, often at a moment's notice, and without complaint. Al Muto is such a man.

In my brief period in the U.S. Senate, I have found Al Muto to be one of the essential team members whose competence, creativity, devotion, pursuit of excellence, and lifelong contribution to his artform stand as testimony to his great talent.

Al Muto is a credit to his profession. I have enjoyed our association and wish him well in retirement.

STATEMENT BY SENATOR JOHNSTON

Few persons have played as important—or as memorable—a role in the operations of the United States Senate as has Al Muto, the Official Democratic Photographer.

Without his expertise many events, both significant and insignificant, would have gone unrecorded and lost to all time. I am sure that there are thousands of homes throughout America that have an "Al Muto Photo" hung in a place of honor and just like those which cover the walls of my own office, they shall be cherished for generations to come.

Thanks, Al, for all that you've done for us. You've certainly left your mark on history.

U.S. SENATE,
February 18, 1980.

Mr. AL MUTO,
U.S. Senate,
Washington, D.C.

DEAR AL: I was saddened to learn that you are retiring as Official Democratic Photographer at the end of this month. You have served well over the years and will be sorely missed. I send my warm best wishes to you for continued success in all future endeavors.

Sincerely,

ADLAI STEVENSON.

U.S. SENATE,
Washington, D.C., February 12, 1980.

Mr. ALFONSO A. MUTO,
Democratic Photographer, U.S. Senate,
Washington, D.C.

DEAR AL: I know I speak for all Democratic Senators when I say we have all benefited greatly from the excellent work you have done for us.

In my 18-year Senate career, I have called upon you many times and in all those years I have never known you to be even a minute late for an assignment and the pictures you have taken have always been of the highest quality.

Your pictures are a visual history of the Senate for nearly a quarter of a century. That is an achievement for which you can be deservedly proud.

You are a good man and a good friend and I wish you the very best in all future pursuits.

Sincerely,

ABE RIBICOFF.

STATEMENT OF SENATOR MAX BAUCUS

Mr. President, with the busy and complex schedules faced daily as a member of this body, one soon learns to place great value on those whose services are prompt, dependable and of high quality. Al Muto, retiring after twenty-two years as Official Democratic Photographer, has epitomized all three of those characteristics.

He was always there when needed, often adusting his own schedule on short notice, willingly and consistently producing professional photographs in record time.

As one of the newer arrivals in the Senate, I have been among his "clients" for only a little more than a year. He was commended to me by my predecessors from Montana, and certainly has lived up to their endorsement. I shall miss him, and am pleased to join my colleagues in wishing him well in the years to come.

U.S. SENATE,
Washington, D.C., February 19, 1980.

Mr. ALFONSO A. MUTO,
Senate Democratic Photographer, Washington, D.C.

DEAR AL: I would like to express my sincere appreciation for your 22 years of service as the Senate Democratic Photographer. Your willingness to take pictures on short notice, to organize groups of restless children, and to work under the most unfavorable weather conditions has been well noted by me and by many of my constituent groups. Thank you, Al, for your assistance and best wishes for success in your future endeavors.

With best regards,

Sincerely,

PAUL S. SARBANES,
U.S. Senator.

U.S. SENATE,
Washington, D.C.

MR. BRADLEY: I have been a member of the Senate for only a short while, but in that time I have come to admire and appreciate the fine work Al Muto has done. As Official Democratic Photographer, Al has provided many of us on numerous occasions with dedicated, dependable, and loyal service. I want to wish Al not only good health and happiness, but also the very best in all his future endeavors.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., February 19, 1980.

TRIBUTE TO AL MUTO

Is is indeed fitting that we pay tribute to Al Muto for his twenty-two years of dedicated service as the Official Democratic Photographer for the United States Senate. Al has become an institution in his own right and his presence will be missed. I join my colleagues in saying "thank you," and extending my best wishes for health and happiness in the years to come.

QUENTIN N. BURDICK.

COMMITTEE ON BANKING, HOUSING,
AND URBAN AFFAIRS,
Washington, D.C., February 12, 1980.

Mr. AL MUTO,
Official Democratic Photographer, U.S. Senate, Washington, D.C.

DEAR AL: Thanks for the great service you have given all of us over the past 22 years.

I've broken your camera dozens of times.

We'll miss you.

With best wishes.

Sincerely,

WILLIAM PROXMIRE,
U.S. Senator.

U.S. SENATE,
Washington, D.C.

DEAR AL: A picture's worth a thousand words—but how can we measure the value of your career as the Democratic Photographer? The pictures you have taken of us on the Capitol steps, in our offices, at the dining room, could probably give an interesting light to history.

We'll miss you, Al. We wish you the very best of luck and all the happiness in the world.

Best regards.

Sincerely,

BIRCH BAYH,
U.S. Senator.

U.S. SENATE,
Washington, D.C., February 29, 1980.

Mr. AL MUTO,
Democratic Photographer, U.S. Senate,
Washington, D.C.

DEAR AL: Congratulations, best wishes and many happy, healthy years of retirement.

You have served the United States Senate with distinction and I know the mementos of hundreds of Senators contain some of the excellent work you did on our behalf. You will long be remembered kindly by all of us.

Warmest personal regards.

Sincerely,

Edward Zorinsky,
U.S. Senator.

Statement of John A. Durkin

It is said that a picture can tell a 1000 words. Imagine, then, the volumes which have been penned by Al Muto in his 22 years as Official Democratic Photographer.

Mr. Muto's extraordinary patience and rapid shutter have helped him to focus in the hectic lives of United States Senators. For years Al has captured Senators under conditions not unlike those facing photographers at Olympic ski runs: one quick shot with no second chance.

Equally legend is Mr. Muto's good-natured ability to accommodate himself to his subjects' schedule. Cancelled appointments, unforeseen delays, and hastily-called meetings are just part of his daily agenda which is always handled in a business-like, but understanding manner.

Simply stated, Al will be missed by all of us. His dedication, clearly evident in his ubiquitously displayed work, is the result of his two decades of talented service to the Senate. I wish Al Muto the best of luck in his retirement.

U.S. Senate,
Washington, D.C., February 11, 1980.

Dear Al: Your work as Official Democratic Photographer during these past 22 years is a testament to hard work, industriousness and efficiency.

The sheer physical task of being available to senators throughout the day for their photography needs—often on short notice—must be grueling and exhausting. Your ability to perform under these conditions with cheer and good humor is certainly commendable.

May your years of retirement be full of happiness and enjoyment.

Aloha,

Daniel K. Inouye,
U.S. Senator.

Statement by Senator McGovern

Mr. McGovern. I join my colleague in noting, with regret, the retirement of our official Senate Democratic Photographer, Al Muto.

Al has been taking pictures of me ever since I came to the Senate in January of 1963. While the subjects of some of his photographs may have fallen short of artistic excellence—Al never failed to come up with a good usable print—which is always what was needed.

Perhaps no other photographic assignment is more difficult and demanding than covering members of the U.S. Senate. Individual Senators and their staff people always seem to believe that their idea of what makes a good picture is superior to the judgment of the Senate Photographer. Through 26 years of this kind of unsolicited assistance, Al maintained his sense of humor in a way that continues to endear him to us all.

Unlike some of the other activities of the Senate, Al's work has always been "in focus".

We will miss Al's efforts to keep us all in the picture, but I know that he is looking forward to a much deserved retirement. He departs with our good wishes and our thanks for a tough job—well done.

Statement by Senator Talmadge

Mr. Talmadge. Mr. President, I would like to thank Al Muto for the 22 years of dedicated service he has provided to the United States Senate as Official Democratic Photographer. Upon his retirement on February 29, the United States Senate will certainly lose a truly dedicated professional.

I, myself, came to the United States Senate just over 23 years ago, so my friendship with Al Muto goes back a long way. He was always willing to perform a valuable service to any Senator on a moments notice and the quality of his work is a direct reflection on the man himself.

Mr. President, we will all certainly miss Al Muto and the services he rendered as Official Democratic Photographer, and I would like to take this opportunity to wish him every success in all his future endeavors.

Herman E. Talmadge,
U.S. Senate.

U.S. Senate,
Washington, D.C., February 11, 1980.

Mr. Al Muto,
Democratic Photographer, U.S. Senate,
Washington, D.C.

Dear Al: Best wishes as you retire from your post as Official Democratic Photographer!

I have been extremely pleased with your dedication and the quality of your work during my time in the U.S. Senate. It has been an enjoyable experience having a chance to work with you and get to know you better. You are, indeed, a professional who has done an excellent job in a very demanding post.

May the years ahead be joyful ones, and may you always know that you hold a special place in the hearts of those who serve in the U.S. Senate.

Sincerely yours,

David L. Boren,
U.S. Senator.

U.S. Senate,
Washington, D.C., February 14, 1980.

Mr. Al Muto,
Democratic Photographer of the U.S. Senate,
Washington, D.C.

Dear Al: Please accept my sincere congratulations upon this occasion of your retirement. I regret that I did not have longer to get to know you and have use of your excellent services. On those occasions when I did work with you, I was always extremely pleased with the quality of your work. I hope that your retirement is all that you wish it to be, and that you find pleasure and contentment therein.

If there is ever any way in which I may be of service to you in the future, please never hesitate to contact me.

Once again, my personal best wishes for a happy retirement, and for success in all your future undertakings.

Yours very truly,

Dennis DeConcini,
U.S. Senator.

CIVIL RIGHTS OF THE INSTITUTIONALIZED

The PRESIDING OFFICER. Under the previous order, the Senate will now resume the consideration of the pending business, S. 10, which the clerk will report.

The second assistant legislative clerk read as follows:

> A bill (S. 10) to authorize actions for redress in cases involving deprivations of rights of institutionalized persons secured or protected by the Constitution or laws of the United States.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. Time for debate on this bill is limited to 2 hours, to be equally divided and controlled by the Senator from Indiana (Mr. Bayh) and the Senator from South Carolina (Mr. Thurmond), with 30 minutes on any amendment except two amendments by Senator Boren, on each of which there shall be 1 hour; an amendment by Senator Exon, upon the disposition of the Boren amendments; and upon the disposition of the Exon amendment, an amendment by Senator Danforth, on each there shall be 2 hours, with 10 minutes on any debatable motion, appeal, or point of order.

The PRESIDING OFFICER. Who yields time?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I ask that the time not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a brief period for transaction of routine morning business and that Senators may speak therein up to 5 minutes each and that the time not be charged against the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

CIVIL RIGHTS OF THE INSTITUTIONALIZED

The Senate continued with the consideration of the bill S. 10.

Mr. THURMOND. Mr. President, to continue the remarks I began yesterday, I want to say that it is my opinion that S. 10 would adversely affect State-Federal relations.

Ellis Katz, the acting director at the Center for the Study of Federalism at Temple University has studied the effect of S. 10 on State-Federal relations. He has commented:

> My major difficulty with this bill is that it relies on litigation as the principal tool to achieve institutional change. Litigation, whether instigated by a private citizen or by the Attorney General, is an appropriate method—although not the only one—to remedy deprivations of individual rights. But the experience of the last several years should teach us that it loses its effectiveness as the difficulty of specifying rights and remedies increases.
>
> The conditions that led to findings of "cruel and unusual punishment" in *Holt* v. *Sarver, Pugh* v. *Locke* and other similar cases, did not result from malicious actions of identifiable individuals. Rather, they resulted from inadequate funding, decentral-

ized administration, a lack of public awareness about the condition of institutionalized persons, and a lack of knowledge about what to do with individuals who commit serious crimes or are mentally incompetent.

Consequently, remedying the deplorable conditions found in institutions will require action by state legislatures, vigorous action by the states' governors, greater attention by county and municipal officials, and support from the public. While court orders directing institutional change may be one way of making public policy, it is a poor substitute for responsible action by locally elected political leaders.

Thus, the goal of the federal government should be the encouragement of enlightened policy by state and local political leaders who ultimately bear responsibility for the operation of their penal and mental institutions. Such a Federal policy should be guided by two principles. First, the federal government has a right to expect that the conditions of institutionalized Americans will be improved quickly, and that such improvement will be long-lasting. Second, the federal government should avoid unnecessary conflict with the states unless it is absolutely convinced that a more cooperative approach will be futile.

In my view, S–10 fails under both of these principles. While the decisions in *Holt* and *Pugh* have already had some impact, the scope of the problem should be kept in mind. There are probably in excess of 8,000 penal and mental institutions operated directly by states, counties or municipalities in the country today. Drew Days, the Assistant Attorney General, has indicated that he contemplates filing only seven-to-ten actions each year. Given the apparent scope of the problem, Mr. Days' estimate of his activity, the complicated nature of these legal proceedings, the certainty of appeals, and the problems associated with implementation, the case-by-case approach of S–10 does not hold out much hope for rapid change.

At the same time, while we know that conditions at the Tucker Reformatory in Arkansas and the Fountain Correctional Center in Alabama have improved as a result of the litigation there, we still know little about the real impact of those cases. For example, in Alabama, it is rumored that in order to meet the prison population requirements of Judge Johnson's order, many prisoners have been assigned to county jails, where conditions are as bad or worse than those at the state prison. Furthermore, my friends from Alabama have told me that since these county facilities are not as secure as those at the state prisons, the number of jailbreaks has increased significantly.

Similarly, as you are all well aware, U.S. District Judge Raymond Broderick ordered the closing of the Pennhurst Center (a state facility for the mentally retarded) because of its failure to provide educational and training programs which would facilitate the eventual reentry of its residents into society. We know very clearly that Pennhurst is not a very good facility. But we know very little about the conditions of the facilities to which the Pennhurst residents are to be redistributed. Frankly, based upon recent revelations about Pennsylvania's privately-owned nursing homes, I am not confident that the long-run interests of the profoundly retarded will be well-served by Judge Broderick's order.

S–10, I believe, also fails the second principle that I have suggested—that of using a cooperative approach rather than one predicated on conflict.

I believe that the states and their localities are capable of responsible and decent action in this area. It serves no useful purpose to suggest that the states have had 200 years to act in this area. The federal government has had the same 200 years to remedy the deplorable conditions that exist in its prisons and other institutions, but its record, while better than that of some states, is worse than that of others. In light of the numerous court decisions in recent years that have ordered the closing of state facilities, I think that 1980 represents a unique opportunity for the federal government and the states to work together to forge a meaningful set of policies to address these issues.

I cannot even begin to sketch the details of such a set of policies, but I think that the institutions for the development and implementation of such policies are already in place.

For example, if the federal government is serious about addressing this issue, I would just remind you that the Law Enforcement Assistance Administration (LEAA) could be given the financial resources to work with state and local officials to bring about significant and lasting change in our nation's prisons. By using the "carrot" of federal funds, coupled with extensive technical assistance, LEAA has worked with the states to produce significant reform of state courts. If state court procedures and structures can be changed in this way, then I believe that state prison systems can be reformed as well.

Similarly, the Department of Health, Education and Welfare (DHEW) has broad responsibilities in the areas of mental health and retardation. In my own state of Pennsylvania, the Woodhaven Center (a facility for the developmentally disabled operated by Temple University under contract from state) is an excellent example of what can be produced from the joint efforts of the federal government and the states.

There are other possibilities. The National Governors Association, for example, could be given support to develop a state-based approach to institutional reform. Similarly the constituencies of the National Conference of State Legislatures and the National Association of Counties have both responsibility for and interest in improvement of their penal and mental institutions.

My point is simply this: litigation, while useful for some purposes, is unlikely to be effective in this case and will further aggravate federal-state tensions. I suggest that an approach that stresses financial incentives and technical assistance rather than litigation and conflict, is more likely to produce significant, long-lasting benefits in this important policy area.

What I have just said has been an attempt to explain in general my opposition to litigation as the principal means of achieving institutional reform and to present at least an outline of what I believe would be a more fruitful approach. Let me now spend a few minutes addressing some of the particular features of S–10.

First, the bill gives the Attorney General a roving commission to launch investigations into thousands of state and local institutions. The bill requires only that the Attorney General have "reason to believe" that a state or political subdivision is subjecting an institutionalized person to extraordinary or flagrant conditions. Most similar legislation with which I am familiar requires some objective condition before the Attorney General can act. Such an objective standard, I believe, is especially important here since the Attorney General is empowered to act directly against fundamental state institutions.

Second, just as there is no objective standard indicating when the Attorney General may commence an action, there is no standard to indicate when he is to end it. By this, I mean two things:

(1) If the Attorney General can commence an action, is he to continue to be the principal litigant during implementation? Even beyond this, once there has been a finding of unconstitutional deprivation and a remedy has been implemented, will the Attorney General be permitted to oversee the administration of the institution to make sure that there is no "backsliding?"

(2) I am much more concerned about the "second wave" of cases than those that have been decided over the past two or three years. That is to say, don't we run the risk of constantly escalating standards from one case to the next? For example, may the Attorney General use Judge Johnson's standards from Alabama as the basis of a remedy in, let us say, Indiana, and then use the standards developed in Indiana to come back into Alabama?

Third, I am afraid that the certification procedure provided in section 2 of the bill, while elaborate, will not work. First of all, notification is required 56 days before the filing of a legal action, which I assume, will be some time after the Attorney General has conducted an extensive investigation and satisfied himself that legal action is desireable. Thus, notification and consultation may become a mere ritual in the inevitable march to court. Secondly, such notification is unlikely to produce a very useful response from the state since it will have already been made clear that the state is about to become a defendant in a law suit. I am not arguing that this is a necessary scenario, but it is a likely one since the principal tool in the hands of the Attorney General is litigation.

Third, the bill makes no distinction among types of institutions—penal or mental, short or long-term care, state or county, etc. While there are surely similarities among all institutions, there are also important distinctions. For example, detention facilities are often holding facilities in which no rehabilitation effort is expected and people are confined for short periods of time. Prisons are usually used to house people who have received long sentences and require facilities that are not required in other settings. To the extent that these differences are significant, they may require different procedures and remedies.

In summary, I am sure that this Committee is aware of the precedent-making nature of this legislation. The concept of rights is an expanding notion. If the Attorney General is given authority to sue in the defense of the rights of institutionalized persons, then it is an easy step to empower him to sue to protect the rights of persons in other situations.

For example, would it not be sensible to give the Attorney General the right to sue a state supreme court on behalf of indigent criminal defendants because of an allegedly inadequate public defender system?; or on behalf of civil litigants because of delay on a court's civil calendar?

The rights of institutionalized persons are important and deserve the immediate attention of responsible policy makers. There are better ways of directing the attention of the policy-making community to this matter than holding the judicial gun to their heads. There are alternatives which, I believe, will better serve the needs of institutionalized persons for significant and enduring reform and will respect principles of federalism and political accountability. I urge this Committee, and other committees of the Congress, to consider those alternatives before taking the precedent-making approach found in this bill.

Mr. President, while there are many problems with S. 10, one basic problem is its premise of policy formulation through litigation. This approach is counterproductive. We see this sentiment reflected by all who have dealt with policy formed through litigation. John

Murphy, the deputy attorney general for the State of California has stated:

> The serious consequence of United States Department of Justice participation would be the realignment of the respective sovereignties, the United States and the State, as courtroom adversaries. This is unnecessary; it is a mistake. S. 10 presupposes that the attorneys and investigators of the United States Department of Justice will have access to the confined persons and their institutions, particularly since Section 2 of the bill requires that an effort be made to consult with state officials on the supporting facts giving rise to the alleged unconstitutional conditions. California has no objection to any reasonable access—our public institutions are operated by public agencies which must answer to the public. But providing access, cooperating in federal investigations, and holding conferenecs with federal officials is not uncommon today. Particularly, where federal money is dispensed, such scrutiny is necessary. However, the spirit of a cooperative effort to solve the problems of the helpless, should not be blended with the coercive element of a threatened lawsuit. In the study of the care due the infirm, ill, disabled and handicapped, reasonable men, including experts in the social sciences, sometimes disagree on methods and means. Supplying the federal conferees with the "big stick" to prosecute can only chill the openness necessary for meaningful consultation and negotiation.
>
> Our experience has been in the trial court, *i.e.*, on the firing line. Trials involving conditions of confinement are difficult—for the parties, for the lawyers and for the trial judges. Plaintiffs' psychiatrists against defendants' psychiatrists; OSHA experts challenging OSHA experts; plaintiff's photographs compared with defendants' photographs. An expert will testify that his inspection of an 80-bed institution revealed a burned-out light bulb, a cracked tile and a dead fly, and another expert will draw therefrom conclusions that the facility is inadequately lighted, dilapidated and unsanitary. It is very difficult to recreate in a courtroom, in an adversary proceeding, the physical and psychological conditions of an institution at a particular point in time.
>
> California, so far as our records disclose, has not opposed the United States Department of Justice in litigation involving institutions. We do not anticipate such litigation. However, we are concerned that the possibility of lawsuits with the United States will adversely affect the cooperative and open-exchange relationships we seek with United States Attorneys and the Federal Bureau of Investigation.
>
> Federal litigation is time-consuming and cumbersome. Trial preparation problems can be expected because the aggrieved person or persons are institutionalized. While federal discovery procedures are intended to expedite trial, their effect is often to the contrary. A final decision often takes years, and, during pendency of the action, administrators may be reluctant to initiate changes bearing on the subject of the litigation. Adverse parties and their lawyers become embroiled in the controversy, sometimes with long-standing impact on relationships.
>
> The last assumption of S. 10 is that litigation is the ultimate solution. We disagree. Government officials and employees have been inundated with federal lawsuits. Nevertheless, most of the improvements in our system and its institutions have been brought about by legislative and administrative actions. Providing the United States Attorney General with a vehicle to bring actions against state and local governments can only encourage resort to the courtroom, and more litigation. Comprehensive and cooperative planning, participated in by all government entities, has thus far been the most successful means to the end which is commonly desired, namely, good care and treatment for institutionalized citizens.

These comments were echoed by Otto Estes, the assistant secretary for mental retardation for the State of Louisiana:

> One of the major lessons to be learned from the recent litigation is that the pursuit of broad social change through court action is an extremely complex undertaking. From our vantage point, the suits have been a useful device for dramatizing societal neglect and abuse, which has gone on for far too long; on the other hand, litigation has not proven to be a particularly successful method for causing fundamental changes in the range, extent and quality of treatment and habilitative services delivered to mentally retarded citizens in institutional settings.
>
> Searching for the elusive ingredients of a high quality program, federal judges have often found themselves becoming increasingly immersed in the day-to-day administrative affairs of the facility. Well-meaning attempts to eliminate impediments to change have often led to further delays and inaction, which, in turn, have resulted in the issuance of even more detailed court edicts. The ensuing tug-of-war between plaintiffs, defendants and the court has led to lengthy impasses during which conditions in the facility stagnate, staff morale dips and all parties to the suit (including the top leadership personnel of the state agency and the facility) are forced to spend an inordinate portion of their time responding to the litigation rather than developing and implementing more effective methods for delivering client services. In such situations the ultimate losers, of course, are the residents of the facility.
>
> In considering the present legislation, one question which this Subcommittee should examine is: what is the appropriate role of the federal courts in mandating administrative and legislative actions on the part of the sovereign states. Obviously, access to the courts is a fundamental right of any citizen and it would be contrary to our system of justice to deny this right to persons in institutional settings. On the other hand, the courts are ill-equipped to assume de facto operational authority for complex, multi-faceted state programs. Certainly, our experience with right-to-treatment cases indicates that litigation is far from a cure-all for current program deficiencies and, in some instances, tends to exacerbate already difficult situations.
>
> Another lesson of the litigation is that changes in any particular institutional setting cannot be pursued without considering the overall impact on the state's system for delivering services to the mentally retarded. It is fruitless, for example, to force a state to reduce the population of an existing residential treatment center only to find that the "deinstitutionalized" residents end up in settings where they receive as bad or worse care and services. Similarly, it makes little sense to create a special class of beneficiaries of a particular suit only to discover the increased costs of care for such individuals is being achieved by denying similarly situated persons in the state access to even minimal services. A couple of examples will help to illustrate this point:
>
> As a result of a ruling by the U.S. District Court for Eastern Louisiana in the case of *Gary W. vs. State of Louisiana, et al.*, the state is obligated to contract with the LSU School of Medicine for the completion of a comprehensive, multi-disciplinary assessment of each member of the plaintiff class (at an average cost to the state of $400 per client). If the results of these assessments led to the development of high quality service plans, it would be money well invested. Unfortunately, provider agencies found the initial assessment reports of little practical value in programming for class members and. as a result, this costly operation has been of very limited benefit to members of the class. Further, the state is required to give priority to class members in the provision of needed services. Since human and financial resources are finite (despite sizable budgetary increases in recent years), we are forced to serve class members first, even in cases where the needs of non-class members are clearly more pressing.
>
> Similarly, all increased funding voted by the Nebraska Legislature in recent years have been earmarked for carrying out the deinstitutionalization of goals set forth in the consent decree in the case of *Horacek and the United States vs. Exon*. As a result, no inroads have been made in transferring retarded nursing home residents to more appropriate residential settings—despite the fact that a recent study indicates that 500 of the 900 current retarded residents in nursing homes should be transferred to smaller, community-based facilities and the general awareness that the placement priority of some of these persons is higher than residents in the state institution at Beatrice. Ironically, the annual number of placement from Beatrice State Development Center has actually declined since the consent decree was entered into (an average of 115 annually between 1970–75; 75 annually since 1975), even though the cost per client placed has doubled.
>
> As attorneys for the plaintiffs have gained more experience, they have attempted to address this problem by expanding the definition of the class. The problem is that the litigation becomes even more complex and time consuming, again to the detriment of the facility's clients.
>
> Finally, while litigation can induce change by forcing responsible state administrators and legislators to respond to an independent, external force, it can also obscure the need for legislative and administrative action and distort the internal allocation of scarce resources. For example, the energy and resources committed to engaging in the litigation often detract from the state's capability to commit time and resources to the improvement of other components of the state's system.
>
> This problem is exemplified by the experience of one state school for the retarded in Texas. When legal action against the school began, officials were required to respond to over 300 interrogatories. These requests for information were so demanding, so vague and so general in nature that answering them completely immobilized the entire top and mid-level management of the Texas Department of Mental Health and Mental Retardation for four months. All other activities of these key administrators came to a grinding halt while the Department responded to the litigation.
>
> Dealing with a more immediate concern, the states need the help of Congress and the Administration in resolving the many funding dilemmas surrounding the establishment of alternative living environments for mentally retarded individuals. As the General Accounting Office pointed out in its 1977 report on deinstitutionalization of the mentally disabled, "in the absence of a national strategy or management system to implement deinstitutionalization, federal officials responsible for other programs that affect deinstitutionalization generally (1) were not aware of the national goal or had not received instructions on implementation, (2) had not implemented their programs to help achieve the goal, (3) had not undertaken joint efforts directed at deinstitutionalization, or (4) had not monitored or evaluated their programs' impact on deinstitutionaliza-

> tion." As a result, a number of key federal programs continue to contain provisions which encourage institutionalization of mentally retarded persons.
>
> One glaring illustration of the negative impact of these disjointures in federal policy can be found in the federal-state Medicaid program. In 1977 HEW paid the states over $900 million in reimbursements on behalf of Medicaid-eligible residents in public institutions for the mentally retarded, which were certified as intermediate care facilities under Title XIX of the Social Security Act. Despite the ongoing efforts of our Association, the National Governors' Conference and other interested groups, Departmental officials thus far, have refused to issue clear policies making residents in small, community-based facilities (group homes, hostels, etc.) eligible for ICF/MR reimbursements. As a result, the program—the federal government's largest single source of support for mental retardation services—tends to reward the states for maintaining residents in large, isolated congregate care facilities—even though the Administration contends that it favors deinstitutionalization and the Justice Department seeks to achieve this objective through the federal courts!
>
> To demonstrate the disastrous consequences this lack of interagency coordination can have at the state level, we would call the Subcommittee's attention to the current situation in Nebraska. In 1978 the Nebraska Legislature appropriated $2.4 million to renovate and remodel buildings at Beatrice State Developmental Center to bring the facility into compliance with federal Medicaid (ICF/MR) standards. However, Justice Department attorneys, acting on behalf of plaintiffs in the suit, went to court and obtained an injunction against the expenditure of the construction funds at Beatrice on the grounds that the funds should be used to expand community alternatives rather than "perpetuating" state-operated institutions. Meanwhile, HEW has threatened to cut off Title XIX aid on behalf of Beatrice residents if the planned renovations are not completed!
>
> Solving such problems may not be as politically attractive as authorizing the Justice Department to sue the states, but from our perspective, it is a more essential component of a broad-gauged strategy for upgrading services to the mentally retarded.
>
> If one accepts the limitations of litigation as a strategy for affectuating social change, the next logical question is: what role should the Justice Department plan in future right-to-treatment suits?
>
> From our perspective, the critical policy issue which Congress must address is: would the protection of the rights of institutionalized persons be materially advanced by granting the Justice Department authority to file or intervene in right-to-treatment suits? Witnesses for the Justice Department and private plaintiffs have told this Subcommittee that active Justice Department involvement is essential to the pursuit of such litigation. We disagree.
>
> An examination of the history of such cases indicates that the Department initially became involved in the *Wyatt* case at the request of the Federal District Court for Northern Alabama, rather than as part of a carefully planned strategy of litigation. Subsequently, the Department filed several "right-to-treatment" cases on its own behalf and entered others as a plaintiff intervenor. Thus far, however, the real impetus for identifying and seeking out new litigative targets in the field of mental health and mental retardation has come primarily from a small cadre of private attorneys associated with public interest law firms.
>
> Any objective assessment of the current picture, we believe, will convince Subcommittee members that the scope of litigative activities has expanded sharply over the past few years, in most instances with only peripheral Justice Department involvement. For example, in 1976, when the Justice Department's authority to file such suits was called into question by federal district court decisions in the Solomon and Matson cases, only a handful of states faced class action suits brought on behalf of residents in public mental retardation institutions. Today, such suits have been filed in over half the states. Perhaps, more importantly, the scope and complexity of such cases has grown geometrically in the intervening years.
>
> There appears to be no shortage of interested parties prepared to file such suits. On the contrary, it has become the "in" thing for advocacy groups to do these days. Indeed, one state mental retardation director currently is the named defendant in the twenty-three pending cases—a number of them major class action suits. These facts appear to refute the argument that current litigative efforts will flounder and fall unless the Justice Department is granted the authority provided for in S. 10.
>
> Further the subcommittee should not overlook the fact that the Department of Health, Education and Welfare and the Legal Services Corporation are currently expending several million dollars annually to support litigation on behalf of patients in mental institutions. For example, as a result of 1975 amendments to the Developmental Disabilities Act, each state is required to establish a statewide Protection and Advocacy system for developmentally disabled persons (including the mentally retarded). One major function of these P and A agencies, which in FY 1979 will receive a total of $3 million in federal support, is to pursue legal remedies to safeguard the rights of disabled persons—in both institutional and non-institutional settings.

Thomas Rath, the attorney general for the State of New Hampshire has expressed himself articulately on problems of the litigation approach of S. 10:

> My concern about S. 10 is that it would result in the formulation of a federal policy concerning the treatment of institutionalized persons through litigation. I believe that such a policy would be fragmented, and I object to the formulation of policy against the states in an adversarial process, rather than with their cooperation and mutual agreement.
>
> I do not share the "conviction" of Assistant Attorney General Drew S. Days, III, that litigation is "an appropriate and necessary means by which the rights of [institutionalized] persons may be vindicated." Mr. Days expressed the opinion of the Department of Justice that states are incapable and unwilling to improve their institutions and that litigation is necessary to force, or at least encourage, the states to make such improvements. While I will agree that all governments, state and federal, are not now blessed with an abundance of resources, I do not believe that the states are unwilling to resolve problems in this area. Moreover, I do not think that the process of litigation is the appropriate way to obtain cooperation from the states or to achieve constructive change in the area of institutional services.
>
> My primary objection to the formulation of policy through litigation is that it has been my experience that litigation hardens positions; it does not make them more flexible. It is very difficult for a state to cooperate with the federal government when the United States is taking an adversarial position against it. This is particularly true where, as in our case, the United States takes sides in litigation which the state is attempting to settle or in a case where the United States intervenes in litigation involving personal damage claims. Where policy is sought to be made by litigation, federal experts, who might otherwise be in a unique position to offer to a state the technical or financial assistance contemplated by this legislation, become witnesses against the state and are therefore unavailable to assist the state in resolving the problems to which this legislation is addressed. Moreover, litigation in this area has a detrimental effect on settlement possibilities because it involves political considerations inherent in conflicts between state and federal governments.
>
> For these general reasons, I oppose this legislation as an attempt to create federal policy in the area of institutional services and programs by an adversarial process against the states, particularly where Congress has already established a detailed and effective system of administrative penalties under various federal spending programs covering this same area.

Dr. Alan Stone, of Harvard Law School has attacked this litigative approach to policy formulation:

> The fourth issue arises directly out of my evaluation of the recent litigation attempting to develop constitutional rights of persons confined in state institutions. The pattern this litigation has now taken is not so much the development of individual constitutional rights in any traditional sense; rather, much of the litigation looks to the particular state institution under consideration and the plaintiff and defendant essentially are forced to develop policy for that institution. That policy does not take into account the will of the state legislature, the fiscal status of the state, the needs of other institutions not covered in the litigation, or the needs of other mentally disabled persons who do not happen to be in institutions at the time the litigation is brought. What I mean to emphasize is the litigation has taken the form not of arguing specific constitutional rights of all citizens, but rather what one sees is the development of massive consent decrees that set standards and structure every aspect of capital investment, personnel hiring practices, living conditions, etc., in a particular institution. These court standards may or may not be compatible with standards set by HEW, or by the Joint Commission on Accreditation of Hospitals. Essentially the court ends up taking on the policy decision making role that is supposedly the province of the state Commissioner of Mental Health. Unfortunately, the judge may not feel responsible for all of the state institutions, and thus litigation may result in distortions and gross inequities with money being taken from some institutions to cover improvements mandated by the court in other institutions.
>
> The basic point I want to emphasize here is that the result of this litigation is to usurp from the executive and legislative branches of state government the policy making role for mental health services.

Mr. President, as we all realize, S. 10 uses the concept of "State action" to thrust the Federal Government into even more State institutions. As a matter of general doctrine.

The issue of "State action" is so ill-defined that it could lead to far-reaching results under S. 10.

Since the scope of S. 10 will be determined by a judicial determination of State action, we need to review how the courts have dealt with "State action." An article from the Library of Congress is very enlightening:

> The doctrine of state action as it has been interpreted by the Supreme Court has its roots in the Fourteenth Amendment. The Fourteenth Amendment provides in part:

"No State shall make or enforce any law which shall abridge the privileges or immunities or citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

This language has been interpreted to mean that the action prohibited by this section of the Fourteenth Amendment is state action and a dichotomy has been drawn between this state action and private action. This interpretation was first discussed in detail by the Supreme Court in the *Civil Rights Cases,* 109 U.S. 3 (1883), where the Court stated:

"It is State action of a particular character that is prohibited. Individual invasion of individual rights is not the subject matter of the amendment. It has a deeper and broader scope. It nullifies and makes void all State legislation, and State action of every kind, which impairs the privileges and immunities of citizens of the United States, or which injures them in life, liberty or property without due process of law, or which denies to any of them the equal protection of the laws. At 11."

More recent Supreme Court cases and commentators have expresesd approval for this view.[9]

Despite the plethora of cases on state action, the Supreme Court has not advanced a clearly enunciated theory of what is and what is not state action. This has created much confusion, even "theoretical chaos." [10] As one noted constitutional scholar has observed ". . . despite the precedent, and despite the vocabulary, the Supreme Court has not succeeded in developing a body of state action 'doctrine', a set of rules for determining whether governmental or private actors are to be deemed responsible for an asserted constitutional violation." [11] However, certain trends may be observed in the Supreme Court's analysis of state action.

Generally, the Supreme Court has tended to expand the situations in which state action applies since its decision in the *Civil Rights Cases.* However, several recent cases have failed to find state action and might be interpreted as an end to the expansion of the doctrine [12] or as "establishing strict doctrinal barriers to confine the once amorphous state action inquiry." [13] This change has been interpreted by some commentators as being due to the fact that the cases recently presented to the Supreme Court have involved due process and equal protection claims which are not related to racial discrimination. Supporters of this theory have argued that ". . . in racial discrimination cases a judicial aversion to the challenged activity prompted the court to expand the range of private activity that would be considered state action subject to injunction as a violation of the fourteenth amendment" and that there has been less judicial aversion to the situations presented by more recent cases.[14] Another theory advanced for this change is that the recent claims are being brought by employees challenging the management of a private institution instead of an outside user of the institution's services.[15]

State action was found by the Supreme Court in the recent case of *Parham* v. *J. L.* No. 75-1690 (June 20, 1979), although the issue was not extensively discussed. Parham involved the "voluntary" commitment of a minor by his parents or guardian to a State mental hospital and the Court stated in its majority opinion that "(i)t is not disputed that a child, in common with adults, has a substantial liberty interest in not being confined unnecessarily for medical treatment and that the State's involvement in the commitment decision constitute state action under the Fourteenth Amendment." Slip op. at 14.

Footnotes at end of article.

B. Elements of State Action.

State action has been described as a continuum which " . . . ranges from obvious legislated denial of equal protection . . ." to the point where private action is no longer significantly enough related to find state action.[16] The more difficult questions have arisen around the end of this continuum where private action begins to shade into state action. As noted before, the Supreme Court has not advanced any clearly enunciated theory for resolving these questions; however, the Court has taken certain elements into consideration. Perhaps the most helpful method of organizing the concept of state action is to discuss the various elements which have been used by the Supreme Court. Although there are many different ways these elements could be divided, for the purpose of this paper they will be divided into three main groups: state action involving the concept of a public function, state action involving state encouragement of private actions, and state action involving state encouragement of private actions, and state action involving mutual contacts between the state and private actions.[17]

1. Public Functions.

The concept behind finding state action in a public function was succinctly stated by one treatise in the following manner.

"If private persons are engaged in the exercise of government functions their activities are subject to similar constitutional restrictions. The state cannot free itself from the limitations of the Constitution in the operation of its governmental functions merely by delegating certain functions to otherwise private individuals. If private actors assume the role of the state by engaging in these governmental functions then they subject themselves to the same limitations on their freedom of action as would be imposed upon the state itself." [18]

Although this theory is easily understood, its application creates more difficulty. One of the major Supreme Court cases discussing the public function concept is *Marsh* v. *Alabama,* 326 U.S. 501 (1946), where a company town with no formal ties to the state was held to perform a public function. The Court reasoned that the company town was in effect performing all the functions and activities that a town would regularly perform and that this was state action. This concept of public function was later held to be inapplicable to activities at a shopping center which was not a part of a company town.[19]

The public function doctrine was discussed in some detail in *Jackson* v. *Metropolitan Edison,* 419 U.S. 345 (1974). *Jackson* involved an action for damages against a privately owned utility company based on the company's termination of services for the nonpayment of a bill. The plaintiff argued that such termination should be accompanied by certain due process guarantees such as notice, a hearing and an opportunity to pay the bill. Before these guarantees could be mandated, there had to be a finding of state action on the part of the utility company. The plaintiff argued that state action was present (1) because of the monopoly status allegedly confererd upon the utility company by the state, and (2) because the utility company provides an essential public service. The Court rejected these arguments finding that there was an insufficient relationship between the challenged actions of the entities involved and their monopoly status and that the utility was not performing a public function. The majority opinion by Justice Rehnquist stated with regard to public function:

"We have, of course, found state action present in the exercise by a private entity of powers traditionally exclusively reserved to the State . . . If we were dealing with the exercise by Metropolitan of some power delegated to it by the State which is traditionally associated with sovereignty, such as eminent domain, our case would be quite a different one. But while the Pennsylvania statute imposes an obligation to furnish service on regulated utilities, it imposes no such obligation on the State. The Pennsylvania courts have rejected the contention that the furnishing of utility services are either state functions or municipal duties. (citations omitted) At 352-353." [20]

The issue of what powers are "traditionally exclusively reserved to the State" was further detailed in *Flagg Brothers, Inc.* v. *Brooks,* 436 U.S. 149 (1978). The specific issue raised in *Flagg Brothers* was whether there was sufficient state action for the application of due process guarantees to a warehouseman's sale under the Uniform Commercial Code. The district court had dismissed the plaintiff's complaint but the Court of Appeals found that there was sufficient state action and noted that the Supreme Court in *Jackson* had suggested that state action might be found by the exercise of ". . . some power delegated to it by the State which is traditionally associated with sovereignty." The Supreme Court in another opinion by Justice Rehnquist found no state action in *Flagg Brothers,* and stated that "(r)espondents, however, have read too much into the language of our previous cases." At 157-158. The Court further noted that "(w)hile many functions have been traditionally performed by governments, very few have been 'exclusively reserved to the State' " and went on to discuss two areas in which state action have been found because of a public function. These two areas were seen as the area of elections, exemplified by *Terry* v. *Adams,* 345 U.S. 461 (1953), and those cases exemplified by *March* v. *Alabama, supra.* Justice Rehnquist stated for the Court that "(t)hese two branches of the public function doctrine have in common the feature of exclusivity. Although the elections held by the Democratic Party and its affiliates were the only meaningful elections in Texas, and the streets owned by the Gulf Shipbuilding Corp. were the only streets in Checkasaw, the proposed sale by Flagg Brothers under § 7-210 is not the only means of resolving this purely private dispute." At 159-160. The Court then concluded that ". . . the settlement of disputes between debtors and creditors is not traditionally an exclusive public function." At 161.

Flagg Brothers further limited the situations in which a public function will be found and thus limited the application of state action due to the Court's emphasis on the "exclusive" nature of those public functions. One commentator has criticized this emphasis as not reflecting ". . . an understanding of the original rationale of the public function cases"; [21] however, regardless of the merits of this criticism it would appear that the Court is moving toward more stringent requirements for finding a public function.

Several recent lower court decisions have discussed the public function doctrine of state action with respect to institutions. In *Ruffler* v. *Phelps Memorial Hospital,* 453 F. Supp. 1062 (S.D.N.Y. 1978), an individual who had been involuntarily committed to a private hospital brought an action under 42 U.S.C. § 1983 to recover damages for the allegedly unlawful hospitalization and for violations of due process. One of the defendant hospitals alleged that since it had functioned at all times as a private hospital, the jurisdictional prerequisite of state action was not present. The district court rejected the hospital's contention and found that the hospital performed a public function and therefore state action was present. The court specifically stated:

"Civil commitment and treatment of the

mentally ill is undoubtedly a "public function" in New York. The legislature's express statement of public policy declares that the "protection and promotion of the mental health of the people of the state and the prevention of mental illness . . . are matters of public concern. The state and local governments shall share responsibility . . . for the care, treatment, and rehabilitation of the . . . mentally ill." . . . Private agencies such as New York Hospital are expressly included among the institutions . . . which are authorized by statute to participate in the governmental function of caring for the mentally disabled." At 1068.

The court further noted that the private hospitals are extensively regulated and concluded that "(i)n light of New York's declaration of public policy and governmental responsibility and its extensive regulation of those private agencies engaged in providing mental health services . . . the activities allegedly performed by defendant New York Hospital constituted a 'public function' sufficient to establish the requisite state action . . ." At 1069. The Supreme Court's decision in *Flagg Brothers*, v. *Brooks, supra*, was distinguished by the district court from the situation presented by civil commitments in New York.

In *Flagg Brothers*, the Supreme Court had found that the commercial remedy provided by the New York Uniform Commercial Code was not the exclusive means of resolving the private commercial disputes and that, therefore, there was no state action involved. The district court found that in contrast to *Flagg Brothers*, ". . . plaintiff's complaint against New York Hospital is not simply a private commercial dispute. Rather, compliance with the substantive procedural provisions of New York's Mental Hygiene Law is the single lawful means by which an individual such as Ruffler can be committed and confined against his will by a private institution such as New York Hospital." At 1070.

Similarly, in *Newsom* v. *Vanderbilt University*, 453 F. Supp. 401 (M.D. Tenn. 1978), certain Tennessee hospitals were found to be serving a state function which ". . . infuse(d) their practices and policies with the characteristics of state action." At 421. *Newsom* was a class action brought by indigent persons contending that the university hospital failed to provide a reasonable volume of services to persons who were unable to pay and thus violated the due process rights of the indigent persons. Prior to a discussion of the due process questions, the district court discussed the state action issue. First, the court noted that the hospital in question received federal funds under the Hill-Burton Act, 42 U.S.C. §§ 291 et seq., and noted that judicial opinion has been divided on the question of whether the receipt of these funds by a private hospital is itself sufficient governmental involvement to invoke state action. The court found that "something more" than partial federal funding was necessary to find state action and noted that the hospital was also subject to extensive governmental regulation. It was also observed that a Tennessee statute specifically implemented the federal funding under the Hill-Burton Act and that the State Supreme Court when upholding the constitutionality of this the state statute performed not only a legitimate state purpose but also a state duty. These factors were seen as sufficient to support a finding of state action.[22]

2. State Encouragement of Private Actions. The type of state action cases to be discussed in this subsection are those where the person claiming the constitutional protection alleges that the other party was commanded or encouraged in his actions by the state. As one treatise has observed "(i)n these cases the Court determines whether there is a sufficient nexus between the wrongdoer and the government by assessing the degree to which the government has commanded, encouraged or otherwise directed the complained of activity."[23] The case which presents the best example of this type of state action case is *Shelley* v. *Kraemer*, 334 U.S. 1 (1948). *Shelley* involved the attempted judicial enforcement of a restrictive covenant which provided that the property was to be used only by white persons. The Supreme Court found that the restrictive covenant by itself was not violative of Fourteenth Amendment rights but that such agreements could not be judicially enforced. The Court stated: "(t)hat the action of state courts and judicial officers in their official capacities is to be regarded as action of the State within the meaning of the Fourteenth Amendemnt, is a proposition which has long been established by decisions of this Court." At 14.[24]

The state encouragement of private actions which can give rise to a finding of state action also includes actions by the legislature or executive agencies, as well as judicial action.[25] For example, in *Robinson* v. *Florida*, 378 U.S. 153 (1964), the Supreme Court found that Florida Board of Health regulations providing for separate toilet facilities for black and white persons embodied a state policy of discrimination and was sufficient to support a finding of State action.

Several recent lower court decisions concerning hospitals have relied upon legislative actions to support a finding of state action. In *Doe* v. *Charleston Area Medical Center, Inc.*, 529 F.2d 638 (4th Cir. 1975), the Fourth Circuit Court of Appeals dealt with a class action for declaratory and injunctive relief against the enforcement of the policy of the medical center to prohibit abortions except where the mother's life was in danger. The court found state action was present and pointed to the receipt of Hill-Burton funds and West Virginia's criminal abortion statute which paralleled the policy of the hospital. Similarly, the district court in *Newsom* v. *Vanderbilt University, supra*, also relied upon the presence of a state statute to support its finding of state action.

3. State Action Involving Mutual Contacts. Certain contacts between the state and the practices challenged as violative of the constitution may give rise to a finding of state action. One such contact is state aid. In *Norwood* v. *Harrison*, 413 U.S. 455 (1973), the Supreme Court discussed state aid in the form of textbook loans to racially discriminatory private schools. The Court found that this aid was state action and stated:

"An inescapable education cost for students in both public and private schools is the expense of providing all necessary learning materials. When, as here, that necessary expense is borne by the State, the economic consequence is to give aid to the enterprise; if the school engages in discriminatory practices the State by tangible aid in the form of textbooks thereby gives support to such discrimination. Racial discrimination is barred by the Constitution and "(i)t is also axiomatic that a state may not induce, encourage or promote private persons to accomplish what it is constitutionally forbidden to accomplish." (citation omitted). At 464–465.

The Court further noted that a State does not violate its constitutional duties simply by providing any form of generalized governmental service.[26]

Another type of contact between a state and a private individual or corporation which may give rise to state action is interdependence or joint participation in the challenged activity. This type is exemplified by *Burton* v. *Wilmington Parking Authority*, 365 U.S. 715 (1961). In *Burton* the defendant was the operator of a restaurant, the Eagle Coffee Shoppe, in a building used as a parking garage. This building was owned and operated by the State and the State leased part of the building to the restaurant operation. The defendant had refused to serve the plaintiff in this restaurant solely because the plaintiff was black. The Supreme Court found that this discrimination involved state action and stated:

"The State has so far insinuated itself into a position of interdependence with Eagle that it must be recognized as a joint participant in the challenged activity which, on account, cannot be considered to have been so "purely private" as to fall without the scope of the Fourteenth Amendment." At 725.

When there is state regulation or licensing of a private activity, an argument could be made that there is state action; however, the Court has generally found that this type of contact between the state and a private entity is insufficient to establish state action.[27] In *Moose Lodge No. 107* v. *Irvis*, 407 U.S. 163 (1972), a white member of the Lodge brought a black guest to the Lodge's dining room but the guest was refused service due to his race. The Lodge was a private club although it had obtained a state liquor license and the plaintiffs argued that this licensing was sufficient contact with the state to find that there was state action. The Supreme Court rejected this argument and after analyzing and distinguishing previous Supreme Court cases on state action,[28] stated:

"However detailed this type of regulation may be in some particulars, it cannot be said to in any way foster or encourage racial discrimination. Nor can it be said to make the State in any realistic sense a partner or even a joint venturer in the club's enterprise." At 177.

Similarly, in *Jackson* v. *Metropolitan Edison Company, supra*, the Court in an opinion by Justice Rehnquist held that the regulation of a public utility did not give rise to state action.

"The mere fact that a business is subject to state regulation does not by itself convert its action into that of the State for purposes of the Fourteenth Amendment . . . Nor does the fact that the regulation is extensive and detailed, as in the case of most public utilities, do so. . . . It may well be that acts of a heavily regulated utility with at least something of a governmentally protected monopoly will more readily be found to be 'state' acts than will the acts of an entity lacking these characteristics. But the inquiry must be whether there is a sufficiently close nexus between the State and the challenged action of the regulated entity so that the action of the latter may be fairly treated as that of the State itself (citations and footnote omitted)." At 350–351.[29]

Numerous lower court decisions have discussed the mutual contacts between the State and challenged practices which may give rise to a finding of state action. Many of the recent cases concerning institutions have involved the question of whether the receipt of Federal funds under the Hill-Burton Act and the regulations concerning the use of those funds are sufficient to support a finding of state action. This question has received different answers in the various circuits. The Fourth Circuit has generally found that the receipt to the Hill-Burton funds and the applicable regulations were sufficient to support a finding of state action. For example in *Christhilf* v. *Annapolis Emergency Hospital Association, Inc.*, 496 F. 2d 174 (4th Cir. 1974), the Fourth Circuit Court of Appeals stated that "(t)he district court properly held that the involvement of the federal and state governments through the Hill-Burton Program and the Anne Arundel

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Footnotes at end of article.

grant sufficiently implicated the state in the affairs of this otherwise private institution to subject the hospital to the restrictions which the fourteenth amendment places upon state action." At 178.

The other circuits which have dealt with this issue generally have disagreed with the position taken by the Fourth Circuit and have found that a hospital's receipt of Federal aid pursuant to the Hill-Burton Act did not convert the actions of hospital physicians or staff into state action. A good example of this line of cases is *Hodge* v. *Paoli Memorial Hospital,* 576 F.2d 563 (3d Cir. 1978). This case involved a surgeon who alleged that his hospital staff privileges were terminated without due process of law and attempted to show state action due to the receipt of Hill-Burton funds. The court of appeals found that there was no state action and stated:

"Physicians' efforts to invoke Hill-Burton funding as a basis for a § 1983 claim have been a fruitful source of litigation. The majority of circuits have held the receipt of Hill-Burton funds, Medicare and Medicaid payments, and the usual hospital licensing provisions do not constitute state action. . . . We have determined to stand with the vast majority of courts of appeals and hold that the receipt of Hill-Burton construction funding, Medicare and Medicaid funds, and the existence of tax exemption, as well as state licensing requirement for nonprofit hospitals, do not constitute state action." At 564.[30]

One recent case was found in which interdependence or joint participation between a private individual or organization and a state was found to give rise to state action. In *Benner* v. *Oswald,* 444 F. Supp. 545 (M.D. Pa. 1978), undergraduate students challenged the method of selection of the members of the Pennsylvania State University Board of Trustees as violative of equal protection. Prior to reaching the equal protection issue, the district court discussed state action. The court found that the state had direct participation in the selection of at least some of the members of board of trustees, the state reviewed the expenditure of certain funds and that there were certain other connections between the state and the university and that "(t)herefore, the requisite amount of 'significant involvement' by the Commonwealth in Penn State's affairs is present and under *Burton* v. *Wilmington Parking Authority,* . . . Penn State's actions are 'state actions'." At 558 (citations omitted).

III. APPLICATION OF STATE ACTION THEORIES TO PRIVATE INSTITUTIONS

The state action theories which were discussed above can be used to indicate whether there is state action present in the commitment of a person to a private institution. The answer to this question would help to determine the reach of S. 10 since privately owned and operated facilities are not to be considered institutions under S. 10 unless persons reside in the facilities as a result of state action. Unfortunately, this issue cannot be definitively resolved for two reasons: (1) as was observed in part II of the report, the Supreme Court has not advanced a clearly enunciated theory concerning state action and (2) a determination of state action would rest in large part on the specific factual situation presented. However, certain general observations may be made.

Although the Supreme Court has not advanced a specific theory for the determination of state action, it can be observed that the Court has not found State action in its more recent decisions where the issue has been discussed in detail. If the rationale for this is the fact that these cases have not concerned racial discrimination, then the Court may tend not to find state action in the situation presented by institutionalized persons in private institutions. It should be noted though, that the Court did, in *Parham* v. *J.L.,* find state action in the commitment of a juvenile to a state mental facility. However, despite the finding of state action in that situation, it is fairly clear that the recent Supreme Court decisions discussing state action in detail have tended to set certain limitations on the outward expansion of the concept.

Perhaps the most helpful approach to the issue presented is to discuss certain methods which often connect the State with a private institution and attempt to determine if these would be sufficient for a finding of state action. Individuals are sometimes placed in a private institution by a court or by a state agency. In this situation it could be argued that the private institution is performing a public function and that the state is encouraging the private action which is complained of. It is unlikely that the public function argument would be successful here since the Court in *Flagg Brothers, supra,* limited the situation in which a public function would be found and emphasized that such functions are those "exclusively" reserved to the State such as elections. Private institutionalized care for the mentally disabled and handicapped would by itself probably not be considered to serve one of these exclusive functions. However, it should be noted that several recent district court cases have found that private hospitals performed a public function in certain circumstances.[31]

An argument based on the theory that there is state action due to encouragement by the State of a private action may be more successful. It could be argued that since in *Shelley* v. *Kraemer,* the Supreme Court found that the actions of state courts are state actions, if there was judicial action involving commitment to a private institution, state action would be present. However, it could also be argued that action of the court is merely that of placing a person in the institution so that only the practices inherent in that placement would be state action and thus subject to constitutional scrutiny. Possible constitutional violations in the living conditions in the institutions could be held to be insufficiently connected to the state action of the placement to warrant a finding of state action. If the court maintained continuing jurisdiction over the individual and was in some degree responsible for his or her welfare, this argument might be overcome. Similar arguments could be made concerning a placement by a state agency.

If a private institution were receiving state aid, it could be argued that there should be a finding of state action. The type of aid given would be of crucial importance in this determination since the Supreme Court has emphasized that the furnishing of generalized state services, such as electricity, water, and police and fire protection, would not give rise to a finding of state action. However, it is not necessarily crucial that the aid be made in the form of monetary contributions. In *Norwood* v. *Harrison, supra,* the Court found that state aid in the form of text book loans to racially discriminatory private schools constituted state action. The connection between the aid given and the complained of practice may be of greater importance. In *Jackson* v. *Metropolitan Edison, supra,* the public utility did receive some financial benefit from its state license but the Court found no connection between the complained of termination of services and the State.

The licensing or regulation of a private institution by the State could also be used to support an argument for the finding of state action, although this would probably no be successful. The Court has in recent cases refused to find state action in certain regulated entities and stated in *Jackson* v. *Metropolitan Edison Company, supra,* that "(t)he mere fact that a business is subject to state regulation does not by itself convert its action into that of the State . . ." At 350. In order to find state action the Court indicated that there must be ". . . a sufficiently close nexus between the State and the challenged action of the regulated entity so that the action of the latter may be fairly treated as that of the State itself." At 351. If the complained of action was one which was directly supported by state regulation, it is possible that state action would be found; however, the Court's requirement that the regulation directly approve such action does serve to limit the application of theory. In addition, although some lower court decisions, notably those in the Fourth Circuit, have found that the receipt of funds and the regulation of institutions were sufficient to support a finding of state action, this view is not supported in the majority of cases.

Just as "State action" is unclear and ill-defined, we cannot be sure how that concept will be applied to S. 10. The results could be more far reaching than even the sponsors of this bill can foresee.

FOOTNOTES

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[9] For example see *Jackson* v. *Metropolitan Edison Co.,* 419 U.S. 345 (1974); *Flagg Brothers, Inc.* v. *Brooks,* 436 U.S. 149 (1978); *Gilmore* v. *City of Montgomery,* 417 U.S. 556 (1974); Note, "State Action and the Burger Court," 60 Va. L. Rev. 840 (1974). But see I. Nerken, "A New Deal for the Protection of Fourteenth Amendment Rights: Challenging the Doctrinal Bases of the *Civil Rights Cases* and State Action Theory," 12 Harvard Civil Rights Civil Liberties L. Rev. 297 (1977), where the author argues that reliance on the *Civil Rights Cases* is an archaic expression of nineteenth century theories of private property.

[10] T. McCoy, "Current State Action Theories, the *Jackson* Nexus Requirement and Employee Discharges by Semi-Public and State-Aided Institutions," 31 Vanderbilt L. Rev. 785, 789 (1978).

[11] L. Tribe, *American Constitutional Law* 1148–1149 (1978).

[12] See e.g., *Moose Lodge No. 107* v. *Irvis,* 407 U.S. 163 (1972). For a more complete discussion of the recent trends in state action see Note, "State Action and the Burger Court," 60 Va. L. Rev. 840 (1974).

[13] "The Supreme Court, 1977 Term," 92 Harvard L. Rev. 1, 123–124 (1978).

[14] T. McCoy, "Current State Action Theories, The *Jackson* Nexus Requirement, and Employee Discharges by Semi-Public and State-Aided Institutions," 31 Vanderbilt L. Rev. 785, 789 (1978).

[15] Id. 790.

[16] Congressional Research Service, *The Constitution of the United States of America—Analysis and Interpretation* 1462 (Washington, D.C. 1973).

[17] This division of the elements of state action is that made in J. Nowak, R. Rotunda, and J. Young, *Constitutional Law* 451–475 (1978).

[18] J. Nowak, R. Rotunda and J. Young, *Constitutional Law* 456 (1978).

[19] See *Hudgens* v. *NLRB,* 424 U.S. (1976). This case overruled *Amalgamated Food Employees Union* v. *Logan Valley Plaza,* 391 U.S. 308 (1968), which had held that striking employees had a right to enter a private shopping center to picket a store.

[20] For a more detailed discussion of *Jackson* see T. McCoy, "Current State Action Theories, the *Jackson* Nexus Requirement, and Employee Discharges by Semi-Public and State-Aided Institutions", 31 Vanderbilt L. Rev. 785 (1978).

[21] "The Supreme Court, 1977 Term", 92 Harvard L. Rev. 1, 128 (1978).

[22] But see *Jones* v. *Eastern Maine Medical Center*, 448 F. Supp. 1156 (D. Me. 1978), where the court stated that the provision of free medical assistance to indigents is not a public function.

[23] J. Nowak, R. Rotunda, and J. Young, *Constitutional Law* 460 (1978).

[24] See also *Evans* v. *Abney*, 396 U.S. 435 (1970), where the Court invalidated a trust which had set up a racially restrictive public park and allowed the land to revert to the heirs of the maker of the trust.

[25] J. Nowak, R. Rotunda, and J. Young, *Constitutional Law* 461 (1978).

[26] See also *Moose Lodge No. 197* v. *Irvis*, 407 U.S. 163 (1972), where the Court found that state furnished services such as electricity, water and police and fire protection would not give rise to a finding of state action.

[27] But see *Public Utilities Commission* v. *Pollak*, 343 U.S. 451 (1952), where the Court applied due process guarantees to a regulated transit company stating: "We find . . . a sufficiently close relation between the Federal Government and the radio service to make it necessary for us to consider those Amendments . . . We . . . recognize that Capital Transit operates its service under the regulatory supervision of the Public Utilities Commission . . ." At 462.

[28] The Court distinguished *Public Utilities Commission* v. *Pollak, supra*, from the situation presented by *Moose Lodge* by stating: "Unlike the situation in *Public Utilities* . . . where the regulatory agency had affirmatively approved the practice of the regulated entity after full investigation, the Pennsylvania Liquor Control Board has neither approved nor endorsed the racially discriminatory practices of Moose Lodge." At 177 footnote 3.

[29] See also, *Columbia Broadcasting System* v. *Democratic National Committee*, 412 U.S. 94 (1973).

[30] See also, *Schlein* v. *Milford Hospital, Inc.*, 561 F.2d 427 (2d Cir. 1977); *Greco* v. *Orange Memorial Hospital Corporation*, 513 F.2d 873 (5th Cir. 1975), cert. denied 423 U.S. 1000 (1975); *Taylor* v. *St. Vincent's Hospital*, 523 F.2d 75 (9th Cir. 1975), cert. denied, 424 U.S. 948 (1976).

[31] For example see *Ruffler* v. *Phelps Memorial Hospital, supra*.

Mr. President, as I stated yesterday, this bill would give the long arm of the Federal Government the power to go into the States and exert tremendous control over institutions that are purely State institutions. We think that is a great mistake, and our opinion is borne out by the Governors of the States; it is borne out by the attorneys general of the States; it is borne out by other officials of the States.

I will read a few samples of statements from Governors, attorneys general, and other officials, and then I will ask that the other statements be printed in the RECORD.

Yesterday, I engaged in a colloquy with the able Senator from West Virginia, Senator JENNINGS RANDOLPH. I had no contact with the Governor of West Virginia on this subject, but this morning I received a wire from the Governor of that State, and I was glad to receive it. It reads as follows:

I am opposed to S. 10 which permits unnecessary Federal control of institutional care at the State level. West Virginia has made progress which insures proper institutional care and judicial remedies and S. 10 is unnecessary. Your support will be appreciated.

JOHN D. ROCKEFELLER IV,
Governor, State of West Virginia.

Mr. President, I should like to make an inquiry about the agreement. As I understand it, anyone who wishes to offer an amendment may do so. How much time will be allotted for that purpose?

The PRESIDING OFFICER. Thirty minutes on all amendments.

Mr. THURMOND. In other words, the time I am using now is on the bill, as I understand it.

The PRESIDING OFFICER. The Senator is correct.

Mr. THURMOND. This does not affect the time of anyone who offers an amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. THURMOND. Some Members on our side will offer amendments today, and I want to be sure that they will not be affected.

Mr. President, I am just going to present a few samples of letters that I think are significant. I have this letter from the attorney general of Alaska:

We greatly appreciate the opportunity you have extended to us to comment on S. 10, the Senate bill that would permit the United States Attorney General to initiate or intervene in civil rights actions against state mental institutions and jails.

As I am sure your are aware, the State of Alaska is currently embroiled in a number of disputes with the federal government, primarily concerning federal control over land and other state natural resources. I view S. 10 as just one more way that the national government will be able to impose its will, however laudable it believes the goals are, upon the states. In addition, I am concerned about the way in which this proposed law would affect any number of small institutions, primarily local jails in isolated areas of Alaska, that reflect the different cultures and lifestyles in those communities.

If such a bill is to become law then I believe that section 2 of the bill, requiring the Attorney General to certify that he has attempted to conciliate the disputes between the parties, also be made a condition of the United States intervening in any pending action under section 3, and not just when an action is to be initiated. If the bill is not amended in that way then the reasonable requirements of section 2 can be too easily circumvented.

Again, thank you for the opportunity to comment on this bill.

Yours very truly,
AVRUM M. GROSS,
Attorney General.

I have a letter from the Governor of Georgia:

Thank you for your recent letter sharing with me your concerns regarding S. 10, which addresses the rights of institutionalized persons. It is my understanding that a similar bill has already passed the House.

I am in agreement that the mentally disabled must be assisted in obtaining legal services, and I am confident that Georgia's current statutes make adequate provision to provide these services. In 1977, I appointed a committee to rewrite our statutes regarding rights of the mentally ill, mentally retarded, alcoholics and drug abusers who may need involuntary commitment and treatment in order to protect themselves as well as others. This committee included attorney advocates for the mentally ill and mentally retarded, citizen interest groups, members of the General Assembly and others. The resulting amendments were enacted in 1978 and received additional "fine tuning" in the 1979 session of the Georgia General Assembly.

In regard to state correctional facilities, I am strongly opposed to giving the United States Department of Justice opportunities for direct intervention into the state correctional system without a formal process addressing specific complaints, and I am opposed to federally established minimum standards for state correctional facilities without input from the states and without benefit of state legislative action.

A national policy to define and protect the constitutional rights of inmates of state and local institutions should only be established in formal consultation with state government.

With kindest regards, I am
Sincerely,
GEORGE BUSBEE.

Mr. President, I have a letter here from the Governor of Michigan:

STATE OF MICHIGAN,
Lansing, July 23, 1979.

Hon. STROM THURMOND,
U.S. Senate,
Washington, D.C.

DEAR SENATOR THURMOND: Thank you for your letter expressing concern regarding the possible enactment of S. 10. I agree with you that we should move toward increasing state-federal cooperation rather than establishing mechanisms that will result in adversary confrontations.

Michigan joins the National Association of Mental Health Program Directors in the position that there is no need for S. 10 and that such legislation will place further burdens on state legal activities, overload already heavy court calendars, and duplicate ongoing legal remedies.

The State of Michigan has established an extensive network of recipient rights offices at all state hospitals and centers for the developmentally disabled for the purpose of ensuring and protecting the rights of recipients of mental health services.

In addition, a specific protection and advocacy system outside the Department of Mental Health has been established for the developmentally disabled with legal expertise available, free of charge, to all developmentally disabled citizens.

I assure you there are sufficient numbers of qualified legal experts available within the state to pursue appropriate legal redress for violations of rights of recipients of mental health services and further involvement by the Justice Department would be redundant.

Legal intrusion by the U.S. Department of Justice will polarize agencies and reduce state and federal agency cooperation compounding the problem of creating better interagency relationships and promoting cooperation.

Warm personal regards.
Sincerely,
WILLIAM G. MILLIKEN,
Governor.

Mr. President, I have a letter from the Governor of Oregon:

OFFICE OF THE GOVERNOR,
Salem, Oregon, June 4, 1979.

Hon. STROM THURMOND,
Senate Office Building,
Washington, D.C.

DEAR SENATOR THURMOND: I agree with your opposition to S. 10 relating to the constitutional rights of persons in public institutions.

Court action initiated by the Unted States Department of Justice is not an effective or appropriate way to assure that citizens in public institutions receive proper care and treatment. There are not sufficient deficiencies in the institutions to warrant intrusion of the Federal Government in an adversarial role into the state's management of its facilities.

Thank you for bringing this bill to my attention. I will let the Oregon Congressional Delegation know that I see no need for S. 10 or H.R. 10, and I will urge them to oppose enactment of this legislation.

Sincerely,
VICTOR ATIYEH,
Governor.

Mr. President, I have a letter here from the Governor of Nebraska:

STATE OF NEBRASKA,
Lincoln, Nebr., May 24, 1979.

Hon. STROM THURMOND,
U.S. Senate,
Washington, D.C.

DEAR SENATOR THURMOND: Thank you for your letter and information regarding S. 10.

As you may know, the State of Nebraska is currently involved in litigation concerning a State institution for the mentally retarded. The Department of Justice has intervened in the lawsuit. After their intervention, the case changed from one involving patient rights to one challenging the philosophy behind the structure of the state institutions.

Although I do not feel it would be appropriate to comment on the specifics of the case, the case has made me aware of problems which enactment of legislation such as S. 10 could cause. Such legislation tends to disrupt cooperation between levels of government and delays solutions to the problems. I oppose S. 10 and heartily support your efforts to defeat it.

With kind regards,
Sincerely,
CHARLES THONE,
Governor.

Mr. President, I have a wire here from the Governor of South Carolina. I believe this is a copy of a wire sent to the distinguished chairman of the Constitutional Subcommittee, Senator BAYH. He says:

DEAR MR. CHAIRMAN: I have concluded a review of bill S. 10 pending before your subcommittee, which would authorize the U.S. Attorney General to institute or intervene in actions alleging deprivation of constitutional rights of institutionalized persons. We have a functionally effective ombudsman system in the State of South Carolina, independent State advocacy units, and constantly seek to upgrade facilities and conditions in State institutions. The answer to all problems is not always found in the courts. I strongly urge you and your subcommittee to consider more desirable alternatives to achieving necessary protections for citizens who are institutionalized. I consider S. 10 both unnecessary and undesirable.

RICHARD W. RILEY,
Governor, State of South Carolina.

Mr. President, I have a letter here from the Governor of Mississippi:

THE CAPITOL,
Jackson, Miss., June 19, 1979.

Hon. STROM THURMOND,
U.S. Senate State of South Carolina, Dirksen Senate Office Building, Washington, D.C.

DEAR SENATOR THURMOND: Thank you for your recent letter concerning S. 10.

I have studied this bill carefully and believe this area of State and local concern may best be regulated through State legislation along with the regulations and standards adopted by the various agencies within a State.

The passage of this bill would infringe upon a State's rights of self government. The ability of the State to govern its internal affairs should not be carved away any further than has been done in the past. We are willing to work with federal agencies in this area, however the enactment of S. 10 would surely create friction and confrontations between States and federal agencies at a time when cooperation is most needed.

Again, thank you for writing and if I may be of any further assistance, please do not hesitate to contact me.

With kindest personal regards and best wishes, I am

Sincerely your friend,
CLIFF FINCH,
Governor.

Mr. President, I have a letter here from the Governor of Indiana:

OFFICE OF THE GOVERNOR,
Indianapolis, Ind., May 22, 1979.

Hon. STROM THURMOND,
U.S. Senator,
Washington, D.C.

DEAR SENATOR THURMOND: Having reviewed S. 10, it is my opinion that the bill would permit unnecessary federal control over institutional care at the state level. While it may be true that 10 or 15 years ago, many states were not meeting their obligations to those confined in state institutions, fortunately, that is no longer true.

In the past several years, Indiana, like many other states, has moved affirmatively in this area. Examination of Indiana's significant progress has been made in the provision of care and protection to inmates, as well as in respect for human rights. Where Indiana and other states have fallen short in meeting their responsibilities in the institutional area, advocacy organizations for the various persons confined have shown they can be very effective in their use of the judicial system.

In view of the states' progress in the provision of institutional care and judicial remedies which assure additional progress, S. 10 would be an unnecessary layer of federal intervention in an area already being handled effectively at the state level.

Kindest personal regards,
OTIS R. BOWEN, M.D.,
Governor.

I especially wish to call that letter to the attention of the able chairman of the subcommittee who is a distinguished Senator from that State.

Mr. President, I have a letter here from the Governor of Virginia:

COMMONWEALTH OF VIRGINIA,
Richmond, Va., May 7, 1979.

Hon. STROM THURMOND,
U.S. Senate,
Washington, D.C.

DEAR STROM: Thank you for your letter of May 1 and the copy of Senate Bill 10.

I am enclosing a copy of a letter I have written Virginia's Congressional Delegation on this legislation for your information.

I do appreciate your bringing this to my attention, however.

With all good wishes, I am
Very truly yours,
JOHN N. DALTON.

And in the copy of the letter to the delegation, he opposes vigorously S. 10:

APRIL 19, 1979.

Hon. JOSEPH L. FISHER,
Cannon House Office Building,
Washington, D.C.

DEAR JOE: I have been advised that House Bill 10 concerning the rights of the institutionalized has cleared the House Judiciary Committee and is tentatively scheduled to be heard on the floor on April 26, 1979. A similar bill, S. 10, has been introduced in the Senate.

I continue in my opposition to the bills as being unnecessary and redundant. I am concerned that the Attorney General may require a large bureaucratic organization to attempt a good faith effort to comply with their provisions, and such an expensive bureaucracy is unnecessary. I also feel that there is now ample provision to ensure a full and fair consideration of alleged violations of an individual's civil rights and that the bills would interpose the Attorney General as some sort of official lawyer for those confined. In brief, I feel there is an ample body of case law already existing to resolve disputes in the courts, and the scales of justice are not unduly tipped in favor of the states. Therefore, the system proposed by these bills are unnecessary, redundant and unduly expensive. I further feel they represent an intrusion into State prerogatives.

A copy of a position paper setting forth Virginia's position on the two bills is attached for your use. I hope you seriously consider our position.

With all good wishes, I am
Very truly yours,
JOHN N. DALTON.

Mr. President, I have a letter here from the attorney general of California:

STATE OF CALIFORNIA
DEPARTMENT OF JUSTICE,
Sacramento, Calif., November 1, 1979.

Hon. STROM THURMOND,
U.S. Senate, Committee on the Judiciary, Washington, D.C.

DEAR SENATOR THURMOND: Thank you for your letter of September 14, 1979, in which you asked for my thoughts concerning S. 10, a bill which would authorize the United States Attorney General to bring civil actions on behalf of institutionalized persons in state and local facilities.

I am opposed to S. 10 because it fosters confrontation between the state and federal governments instead of cooperation which is sorely needed to insure that the rights of the institutionalized are safeguarded. Treatment of institutionalized persons is a serious concern. However, it is as much a state and local concern as it is a federal one. It is a mutual concern which requires coordinated effort and cooperation between the various levels of government.

Consequently, comprehensive and cooperative national and state legislative programs have been enacted to improve the quality of life for the confined. California has responded to the Developmentally Disabled Assistance and Bill of Rights Act (42 U.S.C. §§ 6001–6081) with extensive legislation which recognizes a responsibility to assure the dignity and self-respect of these persons. This legislation established the California Development Disability State Plan (Cal. Wel. & Inst. Code §§ 4560–4565), a State Council on Developmental Disabilities (Cal. Wel. & Inst. Code §§ 4520–4554), and Area Boards on Developmental Disabilities which are mandated to protect and advocate the rights of all persons with developmental disabilities (Cal. Wel. & Inst. Code §§ 4570–4631). The rights of the involuntarily detained are precisely defined by state law (Cal. Wel. & Inst. Code §§ 5325–5331). For those imprisoned persons, California has abandoned the concept of "civil death" and has restored all civil rights, and these may be restricted only when necessary for the reasonable security of institutions and the reasonable protection of the public (Cal. Pen. Code §§ 2600–2601). These are but a few of the provisions of California law which afford means of redress to confined persons claiming deprivations of rights.

S. 10 threatens to disrupt coordinated state and national programs like those established in California. I am concerned that the possibility of lawsuits with the United States will adversely affect the cooperative and open-exchange relationships we seek with the United States Attorneys and the Federal Bureau of Investigation. Interejecting the United States Department of Justice as overseer in the operation of state institutions for the confined realigns the United States and State as courtroom adversaries.

This unnecessarily promotes confrontation instead of cooperation.

It is already not uncommon for California to provide the United States Department of Justice with access to confined persons and their institutions, to cooperate in federal investigations and to hold conferences with federal officials. Indeed, where federal money is dispensed, such scrutiny is necessary. However, the spirit of a cooperative effort to solve the problems of the helpless should not be blended with the coercive element of a threatened lawsuit. In the study of the care due the infirm, ill, disabled and handicapped, reasonable men, including experts in the social sciences, sometimes disagree on methods and means. Supplying the federal conferees with the "big stick" to prosecute can only chill the openness necessary for meaningful consultation and negotiation.

Litigation and more threats thereof are not the ultimate solution in obtaining care and treatment for those confined in state or local facilities. Government officials and employees have been inundated with federal lawsuits. Nevertheless, most of the improvements in our system and its institutions have been brought about by legislative and administrative actions.

Providing the United States Attorney General with a vehicle to bring actions against state and local governments can only encourage resort to the courtroom, and more litigation. Comprehensive and cooperative planning, participated in by all government entities, has thus far been the most successful means to the end which is commonly desired, namely, good care and treatment for institutionalized citizens.

Most cordially,

George Deukmejian.

Mr. President, I have a letter here from the attorney general of Florida, and a copy attached thereto to Senator Chiles on this subject:

Department of Legal Affairs,
Tallahassee, Fla., May 14, 1979.

Re: S. 10 (H.R. 10 in the House of Representatives)

Hon. Strom Thurmond,
U.S. Senator,
Washington, D.C.

Dear Senator Thurmond: Thank you very much for your letter of May 1, 1979, regarding S. 10 (H.R. 10 in the House of Representatives), which would permit the United States Attorney General to bring suit directly against state prisons and mental institutions to assert violation of federal constitutional rights.

I share your concern for this legislation and am strongly opposed to this proposal. I have previously contacted Florida's senators and governor on this matter and urged their opposition to this bill. For your information, I am enclosing my correspondence to Senator Chiles.

Should you need additional assistance or information, please feel free to call on me.

Sincerely,

Jim Smith,
Attorney General.

Department of Legal Affairs,
Tallahassee, Fla., February 16, 1979.

Hon. Lawton M. Chiles,
U.S. Senator,
Federal Building,
Lakeland, Fla.

Dear Lawton: I understand you have been requested to co-sponsor S. 10, which would permit the United States Attorney General to bring suit directly against state prisons and mental institutions to assert violation of federal constitutional rights. While I believe that such rights ought to be protected, I am writing to you to strongly urge your opposition to this proposal. A federal lawsuit is a rather inefficient and costly means to achieve the improvements we all desire. Federal dockets are so crowded as it is now, that civil suits move very slowly, if at all. Institutional suits typically require the attention of a federal judge for years. Moreover, courts are ill-suited to resolve these issues. All too often such cases turn upon amorphous "expert" opinion as to psychological harm and rehabilitative theories. I strongly believe that institutional problems must be resolved legislatively, not by judges. If Congress is seriously concerned that the living environments of state institutions be improved, it should assist the states by returning tax revenues to states for that purpose. The Attorney General might then have a useful role to oversee the proper expenditure of federal money.

The bill which is now before you is very much the same as proposals in past years. The new 30-day notice period is of little value to state officials in suits of this kind since state legislatures meet only once each year. In sum, I hope that you will oppose S. 10.

Sincerely,

Jim Smith,
Attorney General.

Mr. President, all of these letters, I might say, express opposition. These letters are from Governors, attorney generals, and other officials expressing opposition to S. 10.

Mr. President, I have a letter here from the Governor of Arkansas:

State of Arkansas,
Little Rock Ark., May 31, 1979.

Re: S. 10

Hon. Strom Thurmond,
U.S. Senator,
Russell Senate Office Building,
Washington, D.C.

Dear Senator Thurmond: This Office has reviewed the referenced bill and agrees with your observation that it may well strain federal-state relationships in the absence of any federal funding to permit states to comply with equitable affirmative relief ordered by federal courts. In addition, since individual plaintiffs may bring actions under present law imposing a lesser burden of proof, the need for this legislation is dubious.

Thank you for giving this Office the opportunity to review and comment upon this measure.

Yours truly,

Frank B. Newell,
Administrative Assistant.

Mr. President, I have a letter here from the Governor of Connecticut:

October 3, 1979.

Hon. Strom Thurmond,
Russell Senate Office Building,
Washington, D.C.

Dear Senator Thurmond: I am writing concerning S. 10 which proposes to authorize the Attorney General to institute legal action on behalf of institutionalized persons in cases where such persons are purportedly deprived of rights, privileges or immunities provided by the Constitution or Laws of the United States.

It is important to note that the Justice Department already has adequate authority to act in those cases where it is deemed necessary, and that existing controls and regulations administered by other Federal agencies, vis-a-vis the Developmental Disabilities Act, Medicaid and Medicare regulations, Education of all Handicapped Children's Act (94–194) provide sufficient protection for residents of state-run institutions.

Furthermore, Connecticut, through its protective services, and advocacy laws, and other statutes protecting the handicapped already has sufficient authority to protect the rights of the institutionalized and it is currently exercising it, as evidenced by recent federal court action initiated by Connecticut's Office of Protection and Advocacy of the Handicapped and Developmentally Disabled Persons in a case concerning the care of mentally retarded persons within this State.

Should the bill be approved by the Committee. I would urge you to consider these existing remedies prior to making a decision on the bill.

With best wishes,

Cordially,

Ella Grasso,
Governor.

Mr. President, I have a letter here from the attorney general of Hawaii:

State of Hawaii,
Honolulu, Hawaii, May 18, 1979.

Hon. Strom Thurmond,
U.S. Senate,
Washington, D.C.

Dear Senator Thurmond: This letter is to acknowledge receipt of your letter of May 1, 1979, relating to bill S. 10 which grants standing for the United States Attorney General to initiate suits against the states on behalf of institutionalized persons. I appreciate your forwarding me your informative comments on the bill.

After an initial review of S. 10, I agree with you that the individual states should have the authority to regulate the operation of its institutions with minimum federal infringement. The State of Hawaii is capable of effectively operating its own institutions. It appears that allowing the United States Attorney General to initiate suits against state institutions may not be the appropriate means of remedying problems that exist in such institutions. Furthermore, there are presently sufficient avenues of relief for an institutionalized person who has any complaints, including filing suit in federal court under 42 USC 1983.

I will keep in mind your comments on S. 10 when I consult with Governor George R. Ariyoshi on this matter. Again, thank you for your sincere efforts in providing me information on this matter.

Very truly yours,

Wayne Minami,
Attorney General.

Mr. President, I have a letter here from the attorney general of Kansas:

State of Kansas,
Topeka, Kans., May 9, 1979.

Hon. Strom Thurmond,
U.S. Senate,
Washington, D.C.

Dear Senator Thurmond: Thank you for your letter of May 1, 1979, concerning S. 10. At this point I am opposed to passage of such legislation as it appears to pose another bureaucratic problem where there are already legal remedies available. I know of no instance when the Office of Attorney General of Kansas was unwilling to cooperate in fulfilling the duty of caring for the mentally ill. Until a need is shown in this state I cannot support S. 10.

Very truly yours,

Robert T. Stephan,
Attorney General of Kansas.

Mr. President, I have a letter here from the attorney general of Idaho:

State of Idaho,
Boise, Idaho, May 24, 1979.

Senator Strom Thurmond,
U.S. Senate, Committee on the Judiciary,
Washington, D.C.

Dear Senator Thurmond: Thank you for your correspondence concerning Senate Bill

10, sponsored by Senator Birch Bayh of Indiana. This office has already corresponded with the National Association of Attorneys General, indicating our opposition to the bill. However, we feel obliged to personally advise your office that we are in opposition to Senate Bill 10.

A copy of your correspondence with its enclosures, has been forwarded on to the Idaho Governor's Office.

Very truly yours,

MICHAEL B. KENNEDY,
Deputy Attorney General,
Chief, Criminal Justice Division.

Mr. President, I have a letter from the Governor of Maryland:

STATE OF MARYLAND,
Annapolis, Md., May 24, 1979.

Hon. STROM THURMOND,
U.S. Senate, Dirksen Building,
Washington, D.C.

DEAR SENATOR THURMOND: Thank you for your letter of May 1, 1979 concerning S. 10, which would give the United States Department of Justice certain rights of suit on behalf of persons in state institutions.

Maryland is concerned about federal decision making in dealing with areas of state responsibility. Attorney General Sachs is working with the National Association of Attorneys General in an effort to tighten up conditions in which federal intervention might take place, should legislation similar to S. 10 move forward. There are, of course, enormous fiscal implications involved in most initiatives for deinstitutionalization or institutional improvement. Maryland would welcome federal cooperation in this sphere.

I appreciate hearing from you.

Sincerely,

HAROLD HUGHES,
Governor.

Mr. President, I have a letter here from the Governor of Louisiana:

STATE OF LOUISIANA,
Baton Rouge, La., May 25, 1979.

Hon. STROM THURMOND,
U.S. Senate, Washington, D.C.

DEAR SENATOR THURMOND: Thank you for your letter of May 1, 1979, informing me of S. 10 which would allow the United States Justice Department to initiate suits against the states on behalf of institutionalized persons. As you have noted, this bill raises many questions concerning federal interference in state affairs and promotes conflict rather than cooperation.

I will be contacting the Louisiana Congressional Delegation concerning this legislation and have shared your letter with other state officials. I appreciate your calling this matter to my attention.

Sincerely,

EDWIN EDWARDS,
Governor.

Mr. President, I have a letter here from the attorney general of Illinois:

Chicago, Ill., September 26, 1979.

Hon. STROM THURMOND,
U.S. Senate,
Washington, D.C.

DEAR SENATOR THURMOND: I am responding to your letter of September 14, 1979 to William J. Scott, Attorney General of the State of Illinois. Mr. Scott recently underwent coronary bypass surgery or he would have answered your letter personally. He sends his regrets and has asked me to respond for him.

I agree with your conclusion that S10 would give the United States Department of Justice too much oversight authority with respect to the operations of state institutions. Section 1 of the Act gives the Attorney General of the United States almost unlimited discretion to decide when to inject the United States government into the operations of State facilities. That is not to say that some involvement at some time might not be required because there are instances where the rights, privileges, and immunities, secured by the Constitution are being violated, but the Bill as it now stands would give the Attorney General of the United States the independent discretion to make that type of finding. Further, Section 2 of the Act gives the Attorney General of the United States the authority to virtually mandate and require sovereign states to do those actions which the Attorney General of the United States, in his opinion, feels are required when they may not actually be required.

It is difficult for state and local governments to operate institutions in a manner which best serves not only the residents of its institutions but also the taxpayers who are required to support those institutions. Adding yet another federal bureaucratic taskmaster is not the answer and unless S10 is modified it would seem to be a poor Bill in its current posture.

Again, Mr. Scott had desired to answer your inquiry personally but that was impossible and if there is anything more that can be done by this office please contact me at the above address or call me at (312) 793-3117.

Very truly yours,

FRANK M. GRENARD,
Executive Assistant.

Mr. President, I have a letter here from the attorney general of Maine:

DEPARTMENT OF THE ATTORNEY GENERAL,
Augusta, Maine, June 15, 1979.

Hon. STROM THURMOND,
U.S. Senate,
Washington, D.C.

DEAR SENATOR THURMOND: This is in response to your letter of May 1, 1979, expressing concern over S. 10, a bill to authorize the Justice Department to bring a civil action to enforce the rights of persons residing in state institutions and prisons. My office has followed the course of S. 10 and its companion H.R. 10 and shares your concern with the possible impact of this legislation on the operation of state government.

In 1975 a class action was filed against the State of Maine on behalf of persons residing at Pineland Center, Maine's institution for the mentally retarded. The class as certified by the U.S. District Court included not only current and future residents of Pineland, but also residents who had been released from Pineland Center years ago. The suit was brought initially by Pine Tree Legal Assistance, Inc., of Portland, Maine, but control of the suit was quickly taken over by the Mental Health Law Project, Washington, D.C.

The dual nature of the certified class and dual representation of the class made defense of the suit very difficult. The suit was settled by consent in July 1978, but only after two years of negotiation, and at a cost of several million dollars, including $90,000 in attorney's fees. The negotiations were so protracted and so costly because of dual representation. Pine Tree Legal Assistance and the Mental Health Law Project frequently disagreed on the goals of the lawsuit and on the terms on which the goals could be achieved.

The State of Maine is sensitive to the needs and rights of persons residing in her institutions and prisons. This office believes, however, that persons in institutions and prisons are adequately represented at this time. In fact, Maine's experience as related above suggests the interjection of the Justice Department in institutional litigation may significantly impede the resolution of the issues raised in such litigation by inserting yet another party with a potentially different point of view. That will only aggravate the rather ironic predicament confronting the states, which compels them to expend money to meet litigation costs when that money might otherwise be used to remedy problems in state institutions and prisons.

Thank you for your personal invitation to comment on S. 10 and please be assured of Maine's support for your position.

Very truly yours,

RICHARD S. COHEN,
Attorney General.

Mr. President, I have a letter here from the attorney general of Missouri:

ATTORNEY GENERAL OF MISSOURI,
Jefferson City, Mo., May 21, 1979.

Hon. STROM THURMOND,
U.S. Senate,
Washington, D.C.

DEAR SENATOR THURMOND: Thank you for your letter regarding the institutions legislation proposed by Senator Birch Bayh. I am deeply alarmed about this incursion of the federal government into the internal administration of state institutions.

I appeared before a House Committee last year regarding this matter and stated my clear objection to this unwarranted infringement of the U.S. Department of Justice.

It should be noted that these matters are all being litigated very frequently in the federal courts and there is no need to have the Justice Department bring additional suits.

I am currently defending a significant number of suits relating to the conditions in virtually every institution in my state that have been brought by legal aid societies, private parties and others. Additional funding for the Justice Department would be a senseless duplication of federal involvement in an area which is already made difficult by the costly litigation which impairs the ability of the states to correct problems which do exist.

Thank you for your concern and your support in this matter.

Most sincerely,

JOHN ASHCROFT,
Attorney General.

Mr. President, I have a letter here from the attorney general of Montana:

ATTORNEY GENERAL OF MONTANA,
Helena, Mont., September 26, 1979.

Hon. STROM THURMOND,
U.S. Senate,
Washington, D.C.

DEAR SENATOR THURMOND: Thank you for your September 14, 1979 letter concerning S. 10. Following your first letter some months ago, I wrote directly to both Senators Melcher and Baucus to express my own concerns on S. 10. I enclose a copy of my letter.

Very truly yours,

MIKE GREELY,
Attorney General.

JUNE 27, 1979.

Senator MAX BAUCUS,
U.S. Senate,
Washington, D.C.

DEAR MAX: I recently learned that the House of Representatives has passed H.R. 10. A corresponding bill, S. 10, is presently pending in the Constitution Subcommittee of the Senate. These bills, which would authorize the Attorney General of the United States to institute civil actions on behalf of the United States to secure the constitutional rights of inmates and patients of state institutions, is of grave concern to the State of Montana and to me as a state Attorney General.

My concerns are not with the spirit or overall intent of the bill, since irrespective of the bill the States are obligated to respect the constitutional and legal rights of their citizens. Rather, my concern is with the onus placed upon the Governor and state Attorney General to formulate an adequate response to institutional conditions or practices found objectionable by the United States Attorney General within a very brief, thirty day period. The bill lacks any requirement that federal aid be made available to assist the States in improving institutional conditions, care and procedures.

Section 2(a) of S. 10 provides that as a prerequisite to bringing any action, the United States Attorney General must certify that "at least thirty days previously" he notified the Governor and state Attorney General of objectionable institutional conditions or practices and supplied them with supporting facts concerning the conditions or practices. Section 2(a)(2) & (3) requires the Attorney General to make a reasonable effort to eliminate the alleged conditions on an informal basis by consulting with both the Governor and Attorney General.

But while the Attorney General must further certify that (in his opinion) state officials have had adequate time to take appropriate action, state officials are in effect given a deadline to formulate a response and plan of action, satisfactory to the Attorney General, within thirty days. Such a short time is unreasonable. The conditions or practices may not be susceptible to instant solution.

Formulating a responsive proposal, and then carrying it out, requires investigation, careful planning and coordination among state agencies and officials. It may require additional funds not immediately available, and in some cases an act of the legislature.

The difficult position which a state will face in responding within thirty days is further compounded by the lack of any provision requiring federal assistance to implement responsive measures. In many cases the willingness and desire of state officials to ameliorate objectionable conditions may be stymied by a lack of available funds.

I therefore urge you to recommend and support amendments before the Constitution Subcommittee and on the floor of the Senate which will increase the thirty day notice requirement to at least 120 days and provide for direct federal financial assistance to implement remedial measures agreed to by a state and the Attorney General.

Very truly yours,

MIKE GREELY,
Attorney General.

Mr. President, I have a letter here from the attorney general of Nebraska:

DEPARTMENT OF JUSTICE,
Lincoln, Neb., May 24, 1979.

Hon. STROM THURMOND,
U.S. Senate,
Washington, D.C.

DEAR SENATOR THURMOND: We received your letter and materials concerning S. 10 and appreciate your interest in this matter.

This office has presented oral and written testimony in opposition to this bill and its predecessor. We have also joined with the Honorable Senator Exon of Nebraska in his opposition to this bill. We have learned through a long bitter struggle that litigation is not the answer to this problem.

If we can be of any assistance in further opposition to this or similar legislation, please let us know.

Very truly yours,

PAUL L. DOUGLAS,
Attorney General.

Mr. President, I have a letter and a statement here from the attorney general of New Hampshire, Thomas D. Rath:

THE ATTORNEY GENERAL,
Concord, N.H., May 9, 1979.

Hon. STROM THURMOND,
U.S. Senate,
Washington, D.C.

DEAR SENATOR THURMOND: Thank you for your letter of May 1, 1979 concerning legislation now pending in Congress which would allow the United States to sue states over conditions in state institutions and/or to intervene in pending suits concerning institutional issues.

My office has recently been made painfully aware of many of the problems that may be raised by intervention by the United States. A suit involving the state institution for the retarded is now pending in the United States District Court for the District of New Hampshire, and the Justice Department has moved, and been allowed, to intervene in that case.

On March 28, 1979, I testified against S. 10 before the Subcommittee on the Constitution of the Senate Judiciary Committee concerning our involvement in this case. Although I am certain you have already received one, I am enclosing a copy of my testimony.

My office certainly opposes the legislation in its current form. Please let me know if there is anything I can do to assist you in your opposition to this bill.

Sincerely yours,

THOMAS D. RATH,
Attorney General.

STATEMENT OF THOMAS D. RATH

Mr. Chairman, members of the Committee, I thank you for giving me this opportunity to appear before you to express my opposition to S. 10, which would extend specific authority to the United States to sue states and/or to intervene in suits against states to redress the rights of institutionalized persons in state institutions.

I appear today as the Attorney General of a state now being sued by the United States over conditions in its state institution for the retarded, the Laconia State School and Training Center. I believe that the experience of New Hampshire with federal intervention in litigation now pending before the United States District Court for the District of New Hampshire[1] is pertinent to this Committee's examination of the proposed legislation now before you and will provide you with evidence to support a limitation of the federal authority with regard to suits against the states proposed in this bill. I would like to share that experience with you after a more general discussion of why I oppose this legislation as it is now proposed.

At the outset, I would like to state that I favor the proposal made by the National Association of Attorneys General for a Presidential Commission to study the issues involved in the care of institutionalized persons and to recommend a national policy concerning adequate care for such persons. My concern about S. 10 is that it would result in the formulation of a federal policy concerning the treatment of institutionalized persons through litigation. I believe that such a policy would be fragmented,[2] and I object to the formulation of policy *against* the states in an adversarial process, rather than with their cooperation and mutual agreement.

I do not share the "conviction" of Assistant Attorney General Drew S. Days, III, as expressed in his testimony before this Committee on February 9 of this year, that litigation is "an appropriate and necessary means by which the rights of [institutionalized] persons may be vindicated."[3] Mr. Days expressed the opinion of the Department of Justice that states are incapable and unwilling to improve their institutions and that litigation is necessary to force, or at least encourage, the states to make such improvements. While I will agree that all governments, state and federal, are not now blesssed with an abundance of resources, I do not believe that the states are unwilling to resolve problems in this area. Moreover, I do not think that the process of litigation is the appropriate way to obtain cooperation from the states or to achieve constructive change in the area of institutional services.

My primary objection to the formulation of policy through litigation is that it has been my experience that litigation hardens positions; it does not make them more flexible. It is very difficult for a state to cooperate with the federal government when the United States is taking an adversarial position against it. This is particularly true where, as in our case, the United States takes sides in litigation which the state is attempting to settle or in a case where the United States intervenes in litigation involving personal damage claims. Where policy is sought to be made by litigation, federal experts, who might otherwise be in a unique position to offer to a state the technical or financial assistance contemplated by this legislation, become witnesses against the state and are therefore unavailable to assist the state in resolving the problems to which this legislation is addressed. Moreover, litigation in this area has a detrimental effect on settlement possibilities because it involves political considerations inherent in conflicts between state and federal governments.

For these general reasons, I oppose this legislation as an attempt to create federal policy in the area of institutional services and programs by an adversarial process against the states, particularly where Congress has already established a detailed and effective system of administrative penalties under various federal spending programs covering this same area. Litigation should be a matter of last resort. I therefore believe that Congress should pursue all other options, including the Presidential Commission proposed by the National Association of Attorneys General, before enacting legislation which would vest the Department of Justice, the litigative arm of the federal government, with policy-making functions for the states.

Although I oppose this legislation and therefore favor postponement of this legislation until the Presidential Commission proposed by NAAG completes its work, I recognize that the interests of the states must be balanced against the rights of institutionalized persons. Thus, I do not necessarily oppose all litigation by the United States in this area and all legislation giving the United States the authority to sue or intervene in suits involving institutionalized persons. We all must recognize that there are circumstances in which it may well be appropriate for the United States to sue to vindicate the rights of institutionalized persons. Where, as described in Section 1 of S. 10, a state, or its employees, subjects persons in institutions to "egregious and flagrant conditions" which are willful and wanton, and pursuant to a pattern and practice of resistance to the rights of such persons, and the Governor or Attorney General fail to correct those abuses within a reasonable time after a specific delineation of the conditions and after the consultation with respect to financial, technical or other assistance that would aid in correcting the conditions, then litigation by the United States is, without question, appropriate.

What concerns me is not so much that the United States is empowered to bring suit against the states or to intervene in pending suits to redress the rights of institutionalized persons, but rather the conditions under which those actions are brought.

Footnotes at end of article.

Thus, if legislation in this case is to be passed, I favor: (1) more specific definition of the conditions which may lead to suit or intervention by the United States; (2) recognizing that such specificity may not be possible, strict compliance with specific conditions designed to avoid litigation prior to any action by the United States against a state whether by initiation of suit or intervention in pending litigation; and (3) court review of federal compliance with those specific pre-suit conditions.

Measured against the criteria which I believe should be imposed prior to litigation by the federal government against the states whether by initiation or intervention, I find S. 10 to be wanting in four respects.

DEFICIENCIES IN S. 10 AS NOW PROPOSED

First, the circumstances under which the United States may decide to initiate litigation and/or to intervene are extremely vague. Section 1 of the Bill, which covers initiation, vests total discretion with the Attorney General to determine when there is "reasonable cause" to bring an action.

In this determination of "reasonable cause," the Attorney General, and only the Attorney General, decides whether conditions in state institutions are: (1) "egregious and flagrant," (2) result from "willful or wanton" conduct, as opposed to merely negligent conduct, and (3) result from a "pattern or practice" on the part of the state as opposed to being isolated events.

Under these tests, it is obvious the Attorney General must assess institutional conditions, personal motives, and state practices against some standard to determine whether those conditions violate those standards and whether the extent of the violation is "egregious or flagrant." At the same time, however, the Attorney General and his staff do not have to reveal the standards they are to apply. In fact, S. 10 specifically provides that its passage "shall not authorize the promulgation of regulations defining standards of care." As I have noted, relevant institutional standards are not precise. I believe that the assessment of institutional conditions and individual motives against undefined and unreviewable standards creates the possibility of substantial abuse of discretion in instituting actions against the states.

The conditions imposed by S. 10 with respect to the Attorney General's intervention in litigation against states are even more vague. Section 3 of S. 10 allows the Attorney General to intervene without any preintervention notification or negotiation whenever he has reasonable cause to believe that the conditions alleged to exist in the pending suit are a result of a state pattern or practice. Once again, no standards for determining the merits of the allegations are mentioned, and there is no available review of the investigation conducted by the Attorney General in order to determine whether his intervention is merited. As I will discuss later in this testimony, I see no valid practical distinction between initiation of litigation by the United States against a state and United States intervention in a pending case. In both instances, the United States becomes a complainant and the parties stand opposed to one another as plaintiff and defendant. Thus, I see no reason to provide different standards for the initiation of litigation and intervention. As with Section 1, the vagueness of Section 3 creates an obvious potential for abuse of discretion by the Justice Department.

My second major objection to the currently proposed legislation concerns the nature of the pre-suit conditions specified in Section 2. Recognizing that a more precise definition of the conditions pursuant to which the Attornev General may exercise his authority under Sections 1 and 3 is unlikely, I believe that control over abusive litigation against the states may be ensured by imposing strict and realistic conditions precedent to litigation. Those conditions should be designed to give specific and adequate advance notice of problems which the United States has with state institutions and to ensure that all measures short of litigation are exhausted. In this regard, I believe that the thirty day notice period provided by Section 2(a)(1) is grossly inadequate.

There is no reason why the United States cannot give at least six months advance notice of intent to sue and of the conditions which it believes must be remedied. It is entirely unreasonable to expect a Governor or Attorney General to be able to negotiate with the Justice Department or to take action to redress alleged violations within thirty days. This is particularly true in New Hampshire where the Legislature meets only for six months every two years and where in many instances a special session would be required to improve institutional conditions.

I have no substantial problems with the notice provisions set forth in Sections 2(a)(1) (A), (B), and (C) except that, as I will point out later in this testimony, I would make compliance with those requirements reviewable by the courts. I would however, recommend the addition of other items as part of the required certifications. I submit that the Attorney General should be required to certify prior to initiating a suit or to intervention that the state is not in compliance with standards promulgated by various federal agencies pursuant to federal statutes implementing federal spending programs pursuant to which the state receives funds for the institution. Prior to asserting a federal interest in litigation, the Attorney General should be required to certify that violations of such federal statutes have occurred, the nature of violations of federal statutes and also to certify that at least one compliance action under these statutes either has been filed or, if such an action cannot be filed, the reasons why such an action cannot, or has not, been filed. The purpose of such a certification would be to prevent the Justice Department from instituting action against a state over an institution which other federal agencies deem to be in compliance with various standards adopted by those agencies. It is certainly not unreasonable to require that prior to institution of suits against states, the federal government must ensure that the states are not in compliance with standards adopted by the agencies of the United States.

Section 2 also requires that the Attorney General certify that he has "made a reasonable effort to consult" with the Governor or Attorney General concerning "financial, technical and other assistance which may be available from the United States to assist in the correction of such conditions." Once again, I consider this notice provision to be too vague. Since as noted later in this testimony, the Attorney General's certification under this section may expose the Governor or State Attorney General to a personal damage action, I believe that the Attorney General should be required to specify that the United States has made such assistance available and to specify the type of assistance offered before filing suit. This will ensure that the United States makes a good faith effort to identify and make that assistance available and will also ensure that such assistance for which the state is eligible exists in fact.

The remaining portions of Section 2 of S. 10 as proposed also require a certification that the Attorney General has "endeavored" to eliminate the illegal practices informally and that, in his opinion, the state officers have had an opportunity to correct the conditions and have failed.[4] These portions of Section 2 lack any specificity as to the efforts made by the Justice Department to gain a settlement prior to suit or as to the facts on which the Attorney General's opinion of unreasonable time for compliance is based. I recommend the inclusion of specific language in this section requiring the Attorney General to specify all actions taken to obtain informal resolution of the conditions which the Attorney General considers a basis for suit, and a requirement that he specify the basis of his conclusion that a reasonable time for compliance has passed.

Footnotes at end of article.

My third objection to S. 10 is that unlike its predecessor in the 95th Congress, S. 1393, it does not provide for pre-intervention notification similar to the presuit notification in Section 2 of S. 10.[5] The original version of S. 1393 did not call for any pre-intervention notification; however, that bill was amended to provide that prior to intervention, the Attorney General would be required to issue a certification nearly identical to that required by S. 1393 (and in S. 10) as a precondition to suit.

The difference between the pre-intervention and pre-suit notification in S. 1393 was that in the case of intervention, no pre-suit negotiations were required. See S. Rep. 95-1056 at 4-5 and 30. I believe that pre-intervention notification similar to that required in S. 1393 and pre-intervention negotiations should be required in this bill.

While, as a matter of law, an intervenor's role in a particular litigation is more limited than that of a plaintiff (since the vitality of the intervenor's action will depend on the plaintiff's cause of action), the practical distinction between intervention by the United States in a suit against a state and a direct suit against a state is a distinction without a difference. In both cases, the United States files a complaint against state officials, presents its case individually, and will be able to subject the defendants to extensive discovery, and to participate as an independent party during the trial. In short, once intervention is granted, the ability of the United States to litigate against state officials is precisely the same as if it had instituted the suit in the first instance.

The Justice Department has often argued in institutional cases that the concerns of federalism inherent in suits between the United States and a state[6] are not involved when the United States is only an intervenor, since the individual plaintiffs, and not the United States, have called the state into court.[7] That argument must however be weighed against the arguments Justice has consistently made before this Committee in order to support legislation allowing their intervention.

In the hearings on S. 1303 and in the testimony on this bill, the Department of Justice has consistently contested that its intervention in institutional suits is made necessary by the limited resources of private plaintiffs. See e.g. Civil Rights of Institutionalized Persons, Hearings Before the Subcommittee on the Constitution of the Committee on the Judiciary on S. 1393, June 17-July 1, 1977, at 33-34. The primary purpose stated for having the Justice Department intervene in or initiate institutional litigation is to have the Justice Department direct the litigation. Indeed, in this regard, the Senate Report on S. 1393 stressed five considerations which were said to favor action by the Justice Department in institutional suits: (1) the massive litigative resources of the Justice Department and its access to experts; (2) the skilled staff of the Department; (3) the "credibility" which the "superior resources and skill" of the Justice Department would give the case; (4) the ability of the Justice Department to speed the case toward resolution; and (5) the ability of the Justice Department, through its resources, to force the states to settle and to implement orders. S. Rep. No. 95-1056 at 19-21. These factors are hardly consistent with the argument that intervention by the United States does not implicate serious problems of federalism because the United States is not the primary party plaintiff. The pre-suit notification requirements were included in S. 1393 and in this bill[8] to ensure that litigation by the federal government against the states would be severely limited so as to avoid conflicts between the states and the federal government whenever possible. Those conflicts are no less minimized merely because the United States, with all of its "superior resources and skill" in litigation, is not the only Plaintiff. Since in cases of intervention the United States is no less a litigator than in cases where the United States initiates the suit, pre-intervention notification is no less important. I therefore recommend that the pre-intervention notification provided in Section 3(a) of S. 1393 be added to this bill.

As a final point with respect to pre-intervention notification, I believe that pre-intervention negotiation should also be required. In its Report on S. 1393, this Committee stated that there was "no possibility of pre-suit negotiations" in cases of intervention. S. Rep. No. 95–1056, at 30. I believe that this statement misses the point. While it is obviously is not possible for the United States to enter into negotiations as to the case-in-chief prior to intervention, it is entirely possible for the United States to enter into settlement negotiations as to its own concerns and complaints prior to intervention.

In many instances, the United States may have different concerns and different problems from those raised by the plaintiffs in their complaint. Because of this fact, it is entirely appropriate that the United States should discuss its concerns with the state before it seeks to intervene. Once the federal government has intervened in the case, the state defendants are then unable to discuss the possibility of resolving the United States' concerns without also discussing similar concerns with the other plaintiffs in the lawsuit. For this reason, I recommend not only that a pre-intervention notification be added to S. 10, but that the Attorney General be required to certify prior to intervention that he has exhausted the possibility of resolving the United States' dispute with the defendants by informal methods. On a more practical level, such a requirement might also have the advantage of creating a more cooperative relationship between the United States and the state defendants in the event that the United States is finally compelled (and permitted) to intervene.

My final concern with the currently proposed legislation relates to the three factors I have just discussed. I have noted that given the vague standards by which the Attorney General of the United States may decide to bring litigation against the states in the form of direct suit or by intervention, there is a substantial possibility that the Attorney General's decision to litigate may be subject to abuse. Since, as I have noted previously, added specificity of the standards for filing actions seems unlikely, I believe that in conjunction with very specific pre-suit or pre-intervention notification and certification, the Attorney General's certification should be subject to review by the federal courts.

In making this suggestion, I am not advocating that the Attorney General's decision with respect to matters such as whether the case is one of "public importance" or whether a "pattern or practice" of conduct exists should be subject to review. Rather I am only suggesting that the state defendants should have the right to challenge the factual determinations which the Attorney General sets forth in his certification. For example, the state defendants should be able to challenge the fact that the Attorney General has not provided the state with any of the supporting facts giving rise to the alleged conditions which have led to initiation of litigation or intervention in a pending suit. State defendants should also be entitled to challenge the Attorney General's certification that he has pursued informal settlement possibilities and/or that he has made "financial, technical or other assistance" available to the state defendants.

It is worth noting that there is no legal bar to the review of the Attorney General's certification. In those instances in which the courts have considered the certification procedure of the Attorney General under other civil rights statutes,[9] the courts have generally found his certification to be unreviewable;[10] however, the basis of each of those decisions was that the defendants had sought to review general and discretionary certifications of the Attorney General such as whether "reasonable cause" existed or whether the case was one of general "public importance." In addition, those cases involved a situation in which a statute pursuant to which the Attorney General was to make his certification did not require specific factual determinations prior to certification. There is an obvious contrast to the situation with respect to this proposed legislation, where the Attorney General's certification required that he make factual determination.

In the one instance in which a certification involving specific facts was found to be unreviewable,[11] the Fifth Circuit Court of Appeals found that the Attorney General's certification was unreviewable because Congress had clearly indicated that such a review was not to be allowed. Assistant Attorney General Days has suggested that a similar expression of Congressional intent be made with respect to the proposed legislation.[12] While such unreviewability has an obvious implication in light of the *Greenwood* decision, there is nothing to prevent the Congress from making certification reviewable.

As I have stated, in the absence of specific standards and the review of those standards by the courts, there is an obvious possibility that litigation against the states will not be used as a matter of last resort, but will become a powerful and oppressive tool against the states. The Justice Department has assured this Committee that it will "engage in consultation with state officials whenever appropriate, whether to seek to avoid the necessity of litigation or whether to have the full benefits of their views" and will "take very seriously its duties to comply with . . . provisions" of the act pertaining to pre-suit negotiations.[13] I believe that the Justice Department's statements in this regard and the need for specific pre-suit or pre-intervention notification and negotiation which is reviewable by the court may best be evaluated through a review of the actions of the Justice Department in filing litigation against the states and, in particular, by a review of its intervention in the suit now pending against the State of New Hampshire.

NEW HAMPSHIRE'S EXPERIENCE WITH UNITED STATES INTERVENTION

On August 29, 1978 the Department of Justice filed a motion for leave to file a complaint in intervention in litigation involving Laconia State School and Training Center pending in the United States District Court for the District of New Hampshire.

Laconia State School and Training Center is the only state institution for the retarded in New Hampshire. It has approximately 600 residents, most of whom are severely and profoundly retarded. In the past few years, six of the twelve residential units at the institution have obtained HEW certification as intermediate care facilities for the mentally retarded so that the residents living in those units may receive federal Medicaid funding.

As early as January of 1978, my office had been in contact with the Office of the United States Attorney for the District of New Hampshire concerning Laconia State School. I was informed by the United States Attorney that several parents had complaints about conditions at the School, but no specification of charges was ever given to this office, with exceptions I will discuss in a moment.

In January or February of 1978, FBI agents interviewed employees at Laconia State School and, to the best of my knowledge, made a report to the United States Attorney concerning their findings. In an effort to resolve the problems raised by the parents and investigated by the FBI, an Assistant Attorney General in my office contacted an Assistant United States Attorney and arranged a tour of the facility for the United States Attorney's office. My Assistant then accompanied the Assistant United States Attorney on a tour of the facility and arranged a meeting with the Superintendent of the institution, Dr. Jack Melton, to discuss any concerns about the institution.

Sometime in March or April of 1978, my Assistant met with the Assistant United States Attorney to discuss the findings of that office's investigations. As the chief law enforcement officer for the State of New Hampshire, I obviously desired to be apprised of any criminal violations that might be occurring at the institution, that persons responsible for those violations would be prosecuted or have their employment terminated. Only one isolated incident of wrongdoing on the part of a former state employee was presented to my office. Following this initial meeting, my office indicated a willingness to meet with members of the United States Attorney's Office at any time to discuss the situation at Laconia, and offered to make the prosecutorial services of my office available if it proved necessary.

At approximately the same time that my office was contacted about complaints by the United States Attorney's Office, we also received complaints from other attorneys representing the parents of residents at the School, which complaints concerned use of medication at the institution. After those complaints were made, representatives from my office met with representatives of the parents on several occasions and made available to those representatives substantial amounts of information concerning medication prescribed and administered at the institution. Based on our conversations with those representatives, the medical procedures at the institution were substantially revised and partially at their suggestion, a unit-dose system of administering medication was implemented.

On April 12, 1978, a group of six individual residents at the institution and the New Hampshire Association for Retarded Citizens filed suit against the Governor of the state and several other state officials. The broad allegations in the complaint challenge the living conditions and services provided at the institution, as well as the services provided in the community. Although it contained specific factual allegations of conditions in the institution, the complaint did not specify any of the proposed relief sought by the Plaintiffs for either the institution or in the community, except to state that the Plaintiffs seek a "normalized environment" for each resident of the institution and the community. Subsequent to the date of the filing of the complaint, my office was informed by counsel for the Plaintiffs that the Plaintiffs would seek to close the institution in its entirety and to require the state to provide services for the developmentally disabled only in community settings.

Footnotes at end of article.

Prior to the filing of the litigation, my office had sought to discuss the problems of the institution with counsel for the Plaintiffs, but had been unsuccessful in our attempts in that regard. From the outset of the litigation, we have taken the position that there are violations of law occurring at the institution and in the availability of community services, and that the Division of Mental Health would devote its energy to the formulation of a deinstitutionalization plan. In fact, formulation of that plan was under way at the time the suit was filed. Efforts to convince counsel for the Plaintiffs to begin settlement negotiations were being made at the time that the United States filed its complaint in intervention in August. Subsequent to that filing, counsel for the Plaintiffs stated that they would not agree to begin negotiations unless, as a precondition to those negotiations, the Defendants would agree to close the institution.

In late August of 1978, I received a telephone call from the United States Attorney informing me that the United States was about to bring suit against the state within a few days following our conversation. On August 29, the proposed complaint for intervention was filed with the Court. On August 30, 1978, one day after the filing of the proposed complaint in intervention, I received a letter from United States Assistant Attorney Drew S. Days, III. In its entirety, that letter stated as follows:

"DEAR MR. RATH: I am writing to advise you that the United States will shortly file a Motion For Leave To File Complaint In Intervention in the above captioned case.

"We hope that our participation will assist the parties and the court in resolving the issues raised by this litigation.

Sincerely,

DREW S. DAYS, III." [14]

While it would be difficult to disagree with the reasons for intervention stated in Mr. Days' letter, those reasons must be contrasted to the allegations in the Complaint in Intervention and to the allegations later made in oral argument before the United States District Court. The United States' Complaint in Intervention simply restated, although in less precise form, the allegations of the Plaintiffs, charging the state Defendants with widespread and systematic abuses of constitutional rights of the Laconia State School. The Complaint also alleged that the United States had "an interest in halting widespread and systematic deprivations of the constitutional rights of its citizens as is evidenced by 18 U.S.C. 241 and 242," the criminal civil rights statutes. At the hearing for the motion to intervene, a Justice Department attorney raised a number of specific allegations never before made available to the Defendants, and stated that because the Defendants had denied various allegations in their answer to the complaint, "the state Defendants have officially taken the position that the abuses do not exist." [15]

With the exception of their discussions with the Plaintiffs, I must assume that the allegations made by the United States are based on their inspection of the School, including the inspection by the FBI. I must make assumptions in this regard because, in spite of the fact that I have continually requested access to any reports concerning conditions at the institution, I have never been given a copy of any such report and at least, on one occasion, the United States has answered an interrogatory by stating that the information gathered by FBI constitutes the work product of the United States and is therefore not subject to disclosure.[16]

On September 22, 1978, in an effort to obtain specification of the concerns of the United States, I wrote to Assistant Attorney General Days suggesting that the motion for intervention be wihdrawn until such time as representatives of our respective offices could discuss those concerns and the possibility of their resolution.[17] Since our office was anxious to settle the litigation but had been unable to even begin settlement negotiations with the Plaintiffs, I believed that the United States might in fact be able to assist us in achieving settlement by providing the Defendants with the expertise available to the United States, including assistance in the formulation of a deinstitutionalization plan. I believed at that time, and I continue to believe today, that the United States could have substantially assisted the parties in this litigation without becoming a litigant itself.

On October 16, after the arguments before the Court on intervention had been completed, I received a reply from Mr. Days.[18] Mr. Days stated that he remained committed to seek intervention, and that he did not see why intervention by the United States would pose any obstacle to negotiations. With respect to my request for pre-filing negotiations, he stated that he did not think those negotiations would be appropriate since the United States could not negotiate a resolution of the lawsuit before it became involved.

On October 24, 1978, I again wrote to Mr. Days and requested an opportunity to discuss the concerns and complaints of the United States.[19] With respect to his concerns about pre-filing negotiations, I pointed out that my office was not trying to obtain a settlement of the suit between the Plaintiffs and the state, but was attempting to negotiate and perhaps settle the concerns of the United States with respect to the state Defendants. Referring to the provisions of S. 1393 which required pre-intervention notification and which I understood to state the policy of the Department of Justice, I requested notice of the facts on which the Justice Department based its complaint concerning conditions at the institution and the proposed solution to those conditions. In short, I simply took the position that, if only as a matter of courtesy, the state was entitled to know the basis of the United States' complaints.

Mr. Days has never answered my letter.

On November 29, 1978, the United States District Court granted the United States' requested intervention.[20] Since the date of the United States' intervention, the Defendants have been subjected to extensive discovery by the Plaintiffs and by the United States as a Plaintiff-Intervenor.[21]

During the same period of time that the United States was seeking intervention in this case, important developments occurred in the State of New Hampshire. In November of 1978, the Honorable Hugh J. Gallen was elected Governer of the state and became the primary Defendant in the lawsuit. Prior to his election, Governor Gallen made the issue of services provided at Laconia State School a major focus of his campaign. Since the time of his election, the Governor has taken dramatic steps to improve conditions at the institution as well as in the community. Although the Governor has generally attempted to restrict spending in other areas of the state budget, he has recommended an increase of 35% in the budget for the developmentally disabled. The Governor's proposed budget calls for the expenditure of some $8,000,000 in the next biennium, approximately $4,000,000 of which will be spent on the School and $4,000,000 of which will be used to improve community services. It is anticipated that these expenditures will ensure that within the next two years every individual residing at the institution will have an individual habilitation plan and be receiving services in accordance with ICF/MR standards. In addition, the Governor's proposed budget anticipates that 100 residents will be deinstitutionalized within the next two years and that, based on experience of those individuals and the expenditure of additional sums for community services, many, if not all, of the remaining residents at the School will be deinstitutionalized.

Shortly after Governor Gallen took office, he requested an opportunity to have his Executive Assistant for Policy Development and his legal counsel meet with the attorneys for the Plaintiffs and for the United States. The meeting between those parties and representatives of my office was held on January 23, 1979. At that meeting, the state representatives outlined the Governor's proposed plans and suggested that the litigation be stayed for short periods of time so that the parties might work together to develop a plan for improvement of services during the current legislative session. Although the Justice Department attorney responsible for the litigation and the United States Attorney agreed to listen to whatever proposals were suggested, they stated that they could not agree to any stay of discovery or of litigation, nor were they prepared to tell the state what relief they would be seeking.

Since the date on which the United States sought an intervention on the case, my office has consistently requested that the United States inform us what relief they will be seeking in the case. The United States has not yet indicated the nature of that relief. Indeed, at subsequent meetings between myself and the Governor's legal counsel, my office has been informed by counsel for the United States that the United States will not be able to tell the Defendants what improvements it wishes to see made in the institution or to specify its concerns about conditions at the School or in the community until it has conducted discovery.

Further evidence of the inability of the United States to specify the factual bases for its intervention is found in answers to interrogatories propounded by the Defendants and answered in January of this year. In its answers to these interrogatories, the United States indicated that with respect to the allegations in its complaint of "widespread and systematic deprivations" of constitutional rights "evidenced by 18 U.S.C. 241 and 242," it had not alleged a violation of either of those criminal statutes. As for the "substantive deprivations" of constitutional rights alleged to be occurring at the School, the United States said that "[d]iscovery will be in process shortly, and more detailed information concerning these deprivations will be available to Defendants as it becomes known to the United States." Even more pertinent in this regard is the fact that the United States answered interrogatories requesting information on investigations conducted by the United States into services provided by the Defendants or the State of New Hampshire to developmentally disabled persons by stating that it was not aware of any such investigations with the exception of two routine audit investigations and the FBI investigation to which I have referred to above.

I believe it to be apparent from the inability to specify the nature of the relief it is seeking and from its inability or unwillingess to discuss specific concerns in any detail that the United States could not possibly have complied with the pre-intervention notification requirements of S. 1393. In stark contrast to the cautious approach to litigation which the Department of Justice assured this Committee it would pursue, the United States sought to intervene in this suit without any advance notice and without any attempt to provide the state with assistance. In view of these facts, I submit

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Footnotes at end of article.

that it is necessary to place limitations on the discretion of the Department of Justice to initiate or enter suits against the state.

In its report on S. 1393, the Senate Judiciary Committee stated as follows:

"The committee does not intend that the Attorney General shall initiate litigation against a State or local government which is fully aware of the challenged conditions or practices in its institutions, concedes their unconstitutionality, and is presently engaged in active remedial measures which eliminate the need for litigation by the Attorney General. S. Rep. No. 95–1056 at 29."

While the State of New Hampshire is not, at this time, willing to stipulate that the conditions at Laconia State School are unconstitutional, the Defendants have been willing to admit to violations of law and are presently engaged in attempts to obtain legislative approval of a budget which will support a plan to improve conditions at the institution and the community. In spite of those efforts, the State of New Hampshire has never been given any notice of any technical or financial assistance which might be available to the state to resolve problems at Laconia State School. In the meantime, while this litigation progresses, the staff of Laconia State School has spent more than 2,000 hours in the past year on matters directly related to this lawsuit at the expense of providing services to residents at the School. Federal Experts who might otherwise be of assistance to the School have instead been used to gather facts for the purpose of litigating against the State. In summary, although the participation of the United States has not necessarily prevented settlement in this case, it has done nothing to enhance those prospects and/or the prospects to improve services provided to residents of the School.

I would like to add one final observation about intervention in litigation against the states. I believe it is also necessary to view federal action in this area in conjunction with the Civil Rights Attorneys' Fees Awards Act of 1976, 42 U.S.C. § 1988. Our experience with that Act has been that it is a deterrent to settlement of lawsuits since plaintiffs' attorneys realize that by continuing to litigate, they may gain a substantial lump sum payment from the state. Under that Act, there is little incentive on the part of plaintiffs to sign a consent decree even where the defendants are willing to do so since by continuing to litigate after a defendant indicates a desire to settle or admits liability, the plaintiffs may ensure a larger recovery of attorneys' fees.

This Committee stated in this Report on S. 1393 that federal intervention may have the effect of forcing defendants "who would otherwise engage in dilatory tactics in an effort to stall resolution of a case until plaintiffs' resources are exhausted," to seek settlement. S. Rep. 95–1056, at 21. I believe there are two sides to that coin; where states wish to obtain a settlement of litigation and the plaintiffs are not willing to negotiate, partially because of the possibility of attorneys' fees, the intervention of the United States only serves to exacerbate the problems by encouraging plaintiffs already unwilling to settle to continue to litigate knowing that the massive resources of the United States are available to assist in that litigation and to increase attorneys' fees. In short, the resources of the United States can be used to block settlement of the litigation and to increase attorneys' fees for plaintiffs.

As is, I believe, evident from the above, S. 10 in its present form raises more questions and causes more problems than it resolves. Arming the Justice Department with the authorization contemplated by this bill, in light of the demonstrated practices of that department, can only result in lengthier and more counterproductive litigation.

It is clear that more study must be given to this bill, perhaps following the NAAG proposal. At the very least, I would ask that strong consideration be given to the amendments suggested herein in order to make the Justice Department's actions more accountable and predictable.[22]

I would urge this committee to remember that essentially what we are talking about here is the improvement of conditions of those least fortunate members of our society. I submit that the litigation model proposed by the Justice Department in S. 10 is not the most effective way and certainly not the most efficient way to deliver these changes in as expeditious fashion as possible. I thank the committee for the opportunity to share this testimony with you today.

FOOTNOTES

[1] *Garrity, et al. v. Gallen, et al.*, Civ. Act. No. 78–116. The matter is referred to in the testimony of Assistant Attorney General Drew S. Days, III, before this Subcommittee on February 9, 1979, at 5.

[2] In considering the dilemma faced by states when federal policy is formulated through piecemeal litigation, it is important to take note of how rapidly professional and legal theories are changing with respect to treatment of the mentally ill, habilitation of the mentally retarded, and rehabilitation of prisoners. For instance, whereas in 1972, the courts emphasized improvement of conditions and care for the mentally retarded *within* the institution (See, *e.g.*, *Wyatt* v. *Stickney*, 344 F. Supp 387 (M.D. Ala. 1972), today, the emphasis appears to be on deinstitutionalization and the provision of services in community-based settings. (See, *e.g.*, *Holderman* v. *Pennhurst*, 446 F. 1295 (E.D. Pa. 1977). Thus it can be readily seen that Presidential Commission Report on the proper role of institutions over the next decade or more would be invaluable to state officials and the courts because it would provide a clear direction for both state planning and judicial relief.

[3] *Days' Testimony*, at 13.

[4] It is worth noting that the provisions of S. 10 governing the Attorney General's certification that the Governor and Attorney General of the state have been notified of unconstitutional conditions and have failed to correct those conditions parellels the language used by the courts to define the qualified immunity of state officials from personal liability. See *Scheuer v. Rhodes*, 416 U.S. 232, 40 L.Ed.2d 90 (1974) and *Wood v. Strickland*, 420 U.S. 308, 43 L.Ed2d 214 (1975). The Attorney General's certification that the state officers are aware of the unconstitutional conditions and have failed to correct them, would appear to be an open invitation to the filing of personal damage actions against those officers. The possibility of such suits constitutes a compelling reason to require the Attorney General to be extremely careful and specific in his certification and to allow state officers to obtain review of that certification by the courts.

[5] A section by section analysis of S. 1393 is contained in Senate Report 95–1056, Report of the Senate Judiciary Committee on S. 1393 at 25, *et seq.*

[6] These concerns are described in detail in the opinions in *U.S.* v. *Solomon*, 419 F. supp. 358. (D. Md. 1976) affd. 563 F. 2d 1121 (4th Cir. 1977), and *Alexander* v. *Hall*, C.A. No. 72–209 (D.S.C. June 12, 1978).

[7] This argument was used in the United States District Court in New Hampshire as a basis for distinguishing intervention from the initiation of litigation prohibited by the *Solomon* Court.

[8] See Mr. Days' testimony of February 9, 1979, at 10.

[9] See *e.g.* 42 U.S.C. 2000–a5 (public accommodations); 42 U.S.C. 2000b (public facilities); 42 U.S.C. 2000c–6 (school desegregation); 42 U.S.C. 2000e–6 (employment); 42 U.S.C. 2000h–2 (Attorney General intervention).

[10] See *e.g. United States* v. *Greenwood Municipal Separate School District*, 406 F. 2d 1086 (5th Cir. 1969), *cert. denied*, 395 U.S. 907 (1969); *United States* v. *Building and Construction Trades Council of St. Louis, Missouri*, AFL–CIO, 271 F. Supp. 447 (E.D. Mo. 1966); *United States* v. *Northside Realty Association, Inc.*, 474 F. 2d 1164 (5th Cir. 1973).

[11] *U.S.* v. *Greenwood, supra.*

[12] See e.g. Testimony of Drew S. Days, III, in the Hearings Before the Subcommittee of the Constitution on S. 1393, at 35.

[13] Mr. Days' testimony of February 9, 1979, at 10 and 12.

[14] A copy of Mr. Days' letter is attached to this testimony.

[15] This Justice Department attorney accused the state of subjecting people to degrading conditions and of such various practices as poking residents with safety pins, striking them with fists, hitting them with bats, forcing them to sit in straight jackets for hours and subjecting residents to punitive forms of isolation and seclusion. The Defendants do not believe these allegations to be true. Furthermore, it is my opinion that the United States now knows these allegations to be untrue based on their inspection of the institution.

[16] The Assistant Attorney General in my office responsible for this litigation has since been told that the FBI report will be produced, but that no date for production can be given. It is perhaps interesting to note that if the report was prepared in preparation for litigation, the United States had planned to bring suit as early as January, prior to the Plaintiffs' suit. If this is so, one must ask why the allegations in the complaint were not discussed with my office when we requested an opportunity to discuss the concerns of the United States.

[17] A copy of my letter to Mr. Days is attached to this testimony.

[18] Copy of Mr. Days' response is attached to this testimony.

[19] Copy of my letter of October 24, 1978 is attached to this testimony.

[20] Although the Court agreed with the Defendants' contention that the United States needed specific statutory authority to intervene in the litigation, it concluded that such specific authority was found in Rule 24(b) of the Federal Rules of Civil Procedure, which section allows governmental officers to intervene in an action whenever a party to the action relies as part of its claim or defense upon an statute of executive order administered by a federal or state governmental official or agency. The Court therefore allowed the United States to intervene on that basis; however, it also allowed the United States to intervene to assert the constitutional rights of the residents of the School. In December of 1978, my office requested a rehearing on the Court's order of intervention asking that the government's participation be limited to the interest of the United States in the enforcement of various statutes and regulations. Our motion for rehearing is still pending before the Court.

[21] The United States has had four expert witnesses tour the Laconia State School and has been given an opportunity to engage in extensive discussions with the staff of the School. It is perhaps interesting to note that during each occasion on which expert witnesses have visited the institution, at least one of those experts have been accompanied solely by counsel for the Plaintiffs rather than counsel for the United States. This perhaps demonstrates the extent to which the

resources of the United States are available only to one side in the proceeding.

[22] Attached as an appendix to this testimony are some suggested amendments to S. 10.

Here is a letter from the attorney general of North Carolina:

STATE OF NORTH CAROLINA,
DEPARTMENT OF JUSTICE,
Raleigh, N.C., May 14, 1979.

Re Senate Bill 10.

Hon. STROM THURMAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR THURMAN: Last year one of the attorneys in my office researched Senate Bill 1393 which as amended is exactly the same as Senate Bill 10 which was reintroduced by Senator Bayh. It is my opinion that Senate Bill 10 is an unwarranted intrusion into the affairs of the states and was written in the belief that states are incapable of or unconcerned with providing proper care for institutionalized persons in their custody. I think this is a blatant affront to the dignity of the states and directly contrary to the principles of federalism, which is a part of the foundation of our constitutional form of government.

I should think the United States Attorney General would be busy enough in assuring that the constitutional rights of persons in federal custody are not violated and does not need the additional responsibility of overseeing the fifty states. Moreover, in a time when the citizens are demanding a reduction in the size of the bureaucracy, this bill runs counter to the wishes of the taxpayer.

I am enclosing a copy of a letter to Senator Morgan on Senate Bill 1393. This letter was written at my direction and I fully concur with its contents. I am also enclosing a copy of my remarks to the Senate Committee on the Judiciary on the "Civil Rights Improvement Act," which I understand either will be or has already been reintroduced. The comments I made on that bill are in many respects equally applicable to S. 10.

Thank you for giving me this opportunity to comment on this bill. If I can be of further assistance to you in this or any other matter, please do not hesitate to call upon me.

With highest regards, I remain

Yours truly,

RUFUS L. EDMISTEN,
Attorney General of North Carolina.

Here is a letter from the attorney general of North Dakota:

STATE OF NORTH DAKOTA,
Bismarck, N. Dak., September 21, 1979.

Hon. STROM THURMOND,
U.S. Senator,
Washington, D.C.

DEAR SENATOR THURMOND: This is in response to your letter of September 14, 1979, in which you alert me to the provisions of S. 10, a Senate bill now pending before the full Judiciary Committee.

As you noted, this bill would interject the United States Department of Justice as an overseer in the operation of state institutions for the mentally ill, retarded or elderly and in the operation of state prisons, including local jails.

The bill sets forth a procedure by which the United States Attorney General may institute civil actions on behalf of persons residing in state institutions, seeking equitable relief when institutionalized persons are allegedly deprived of constitutionally secured rights and the alleged deprivation is pursuant to a pattern or practice of resistance to the full enjoyment of constitutionally protected rights. Such a procedure is an unnecessary and unwarranted extension of federal involvement in the administration of state institutions.

Current federal law authorizes civil actions for redress of deprivation of constitutionally protected rights under color of state law, and awards of attorneys fees to successful litigants. Current federal law also authorizes criminal prosecution in certain cases of deprivation of constitutionally protected rights under color of state law.

I am especially concerned about Subsections 2 (1) and (2) of the bill which requires that upon commencing an action, the United States Attorney General must certify that the governor and the state attorney general of a state have been notified by the United States Attorney General or his designee of the measures which he believes may remedy the alleged conditions which deprive rights, privileges or immunities secured or protected by the Constitution or laws of the United States; and that the governor and state attorney general have been made aware of federal financial or technical assistance available to assist in the correction of such conditions. Apparently if a state, for whatever reason, fails to seek all available federal assistance for state institutions, that state is subject to a lawsuit. The judgment of the Justice Department will thus be imposed on the qualified specialists who are administrators of state institutions.

S. 10 would not provide any greater protection to institutionalized persons than what is currently available. It would simply create another level of federal bureaucracy not nearly as sensitive to the rights of North Dakota citizens who are institutionalized nor as well-equipped to protect those rights as those agencies, officials and individuals now working institutionalized persons.

North Dakota legislators and state officials are acutely aware of their responsibilities to institutionalized persons. The North Dakota Legislature has enacted jail standards legislation which directs the Attorney General to promulgate jail rules and regulations and to enforce those rules and regulations. A legislative interim committee is developing a corrections master plan and another is studying the special needs of North Dakota's institutions for the mentally retarded. There is no necessity of federal supervision of such efforts.

I oppose S. 10 for all the above reasons.

Sincerely,

ALLEN I. OLSON,
Attorney General.

Here is a letter from the attorney general of South Dakota:

STATE OF SOUTH DAKOTA,
Pierre, S. Dak., May 18, 1979.

Hon. STROM THURMOND,
U.S. Senate,
Washington, D.C.

DEAR SENATOR THURMOND: I will be succinct. I am opposed to Senate Bill 10 and hope that it will die in Senate committee. I have informed our senior Senator McGovern of my opposition and have informed, as you requested, the Governor and certain legislators.

You might inform the sponsors of the bill for me that we presently have a board of charities and corrections, a legislature, a governor, a warden, superintendents of various remedial schools, and a host of other people trying to do the very best they can for our institutionalized citizens. I would hope that the committee would remember that those people institutionalized are the sons and daughters, mothers and fathers of people who live in our state and vote for the people responsible for these institutions.

I may point out, Senator Thurmond, with a note of bitter humor, that there are many of us who would like to institutionalize some of the Justice Department lawyers who fly out from Washington to solve all of our problems and then go back home to fight the Civil Service Reform Bill. It may be good for tourism in our state, but it certainly is not good for government.

Respectfully submitted,

MARK V. MEIERHENRY,
Attorney General.

Here is a letter from the attorney general of Tennessee:

STATE OF TENNESSEE,
Nashville, Tenn., October 2, 1979.

Senator STROM THURMOND,
U.S. Senate,
Committee on the Judiciary,
Washington, D.C.

DEAR SENATOR THURMOND: I have received your letter of September 14, 1979, in reference to S. 10, 96th Congress, 1st Session. I appreciate your interest in the opinions of the States on this matter; and, in view of the fact that I have been following closely the progress of S. 10, I am grateful for the opportunity to express the position of the State of Tennessee. Initially, I am sanguine that the State of Tennessee supports the assumptions underlying the Bill: that institutionalized persons should not be subjected to conditions (egregious, flagrant or otherwise), that would deprive them of rights guaranteed by the Constitution or laws of the United States; and that persons subjected to such conditions are entitled to both equitable *and* legal relief.

Despite agreement with the above-stated assumptions, this office does not support S. 10. Specifically, it is the opinion of this office that S. 10 ignores many practical problems encountered in meeting the needs of institutionalized persons as well as the potential for state-created rights to provide creative and meaningful solutions to the problems. The following briefly outlines our objections to S 10.

First, it is unclear whether S. 10 applies to only physical conditions, or whether it applies to both physical conditions and other statutory rights such as rights to treatment and education. If S. 10 is intended to apply to the latter situations, it is the opinion of our office that many issues raised by federal statutory and regulatory schemes need to be resolved between the states and the federal agencies involved before the Attorney General of the United States intervenes.

Second, S. 10 renders state constitutional and statutory provisions ineffective, if not insignificant, by providing that all actions be brought in federal court. Specifically, since S. 10 requires a federal forum, the state claims become merely pendant and as you are well aware, federal courts are reluctant to construe state statutory and constitutional provisions more broadly than is necessary to resolve the federal claims. Consequently, many state statutes may be interpreted initially by a federal district court, a situation that is acceptable to the State of Tennessee. Further, by requiring the Attorney General of the United States to bring actions in federal courts, the state courts are deprived of an opportunity to resolve matters that are of utmost importance to the states.

Third, Section 2 of S. 10 apparently presumes that allegedly unconstitutional institutional conditions can be quickly and simply remediated. Specifically, this section requires as a condition precedent to the initiation of an action that the Attorney General of the United States certify, inter alia, the following:

(1) That 30-day notice has been given to the State of the alleged violation,

(2) That reasonable efforts have been made to consult with the State regarding financial, technical or other assistance that could assist in correcting the situation, and

(3) That the appropriate officials had a reasonable amount of time to take the appropriate action.

The presumption that institutional conditions can be quickly and simply remediated is belied by both the present inability of federal programs to accomplish this end and the difficulties encountered by federal courts in implementing institutional reforms. In fact, it is the experience of this State and the federal courts, that the ultimate solution to institutional reform involves increased and substantial appropriations by the state legislatures and long-term planning by state administrators. In view of the fact that S. 10 ignores past experience that indicates that complex political decisions underlie resolution of the problems associated with institutional conditions, it is unacceptable.

Fourth, S. 10, which creates an adversary relationship between the State and Federal governments, conflicts with the federal statutory programs that rely principally upon the States for implementation. Specifically in most instances, the states and the federal government are presumed to be working toward the same end. When this presumption is incorrect, the federal statutes usually provide specific mechanisms for problem-solving. It would appear that the resolution of problems existing in regard to implementation of federal statutory rights should be based upon the federal agency responsible for overseeing the program, and not the Attorney General of the United States.

Finally, numerous mechanisms presently exist for the enforcement of the rights of institutionalized persons. These include private causes of action, expressed or implied, as well as mechanisms for problem-solving between the states and the federal government. Further, private actions are encouraged, both by the appropriation of statutory attorney's fees and the appropriation of substantial sums for the representation of institutionalized persons by Legal Services Corporation and other advocacy groups. Given the multitude of existing enforcement mechanisms, it would seem that the federal government could better protect the rights of institutionalized persons by spending federal monies directly upon the identified needs of this population.

In conclusion, while the State of Tennessee supports the principal assumption underlying S. 10, it does not support the bill itself. The experience of this State has shown that litigation is tremendously expensive, both in terms of time and money. Further, neither the lawsuits in this State, or in other States, have produced immediate resolution of the problems encountered in the provision of institutional services. It is clear that institutional reform requires the infusion of millions of dollars of state and federal money; and to add another enforcement mechanism to the myriad of mechanisms that presently exist is to ignore the real needs in this area. In short, given the existence of numerous legal remedies, the addition of another is not merely wasteful, but patently counterproductive.

I hope that this brief discussion of S. 10 will be of some use to you. If you have further questions regarding this matter, or if I can be of some assistance to you, please contact me.

With kindest regards and best wishes.

Sincerely,

William M. Leech, Jr.,
Attorney General.

Here is a letter from the Attorney general of West Virginia:

State of West Virginia,
Charleston, W. Va., October 16, 1979.
Hon. Strom Thurmond,
U.S. Senate,
Washington, D.C.

Dear Senator Thurmond: I would like to thank you for your correspondence giving me an opportunity to express our office's feelings concerning S. 10. It is very pleasant to note that our views on this disturbing piece of legislation coincide.

The Office of the Attorney General for the State of West Virginia has reviewed the text of S. 10 and we conclude that there are so many unanswered questions attending this bill that we must go on record as opposing its passage. Therefore, you may feel free to use this letter in whatever manner you feel is appropriate.

Herewith are our major concerns regarding this legislation:

(1) Much of the caseload of this office's Trial and Appellate Division already consists of civil rights cases brought by institutionalized persons, frequently with representation by public interest organizations. Most of these suits are brought to challenge the constitutionality of conditions of confinement in West Virginia's public institutions. We have dealt with between fifty and eighty suits every year since 1974 filed by our prison population alone; this fact can be appreciated only when one considers that West Virginia is a small state with a total adult prison population of approximately 1200. Our attorneys, therefore, are already regularly required to address a multitude of claims alleging inadequate provision of treatment and care. The attorneys feel that most meritorious claims have already been raised or will soon be raised by private parties, making federal involvement in this area at best superfluous. They also feel that the public defenders and public interest attorneys in our State are sufficiently motivated and aggressive to raise on their own, not just meritorious claims, but claims designed specifically to attack the good faith efforts by the State government to provide adequate care by challenging the courts to define new and frequently dubious "rights" of incarcerated persons. The injection of the Justice Department into these ongoing courtroom battles, while with good intentions, would ultimately serve only to increase the number of cases in an area where there is already adequate remedy at law. It would serve only to strain our office's resources.

(2) We also question the concept underlying this bill in light of the doctrines of federalism. This bill will allow the federal government to directly intervene in governmental functions clearly allocated to the states. This intervention is no less a legitimate cause of serious concern because it is in the guise of advocacy on behalf of those presumably not in an optimum position to assert their own rights. It is now accepted social policy in our country to allow the creation of private and semiprivate legal aid organizations whose specific function it is to make just such advocacy on behalf of the incarcerated in opposition to state government. This policy is endorsed by Congress by their allocation of millions to fund such groups. We infer from this funding that Congress has already decided that such nongovernmental groups are best suited as advocates for the institutionalized. The new form of federal intervention proposed by S. 10 is also no less questionable because it would be in the form of judicial action as opposed to administrative regulatory action attended by all the burdensome conditions placed on federal funding. There exists at present a plethora of federal funding authorities for state mental, penal and juvenile institutions which are staffed by experts in the various fields who are much better suited to formulate policy and develop practices than the lawyers of the Justice Department. S. 10, on the other hand, would allow the Justice Department to use the leverage of civil action in order to effect its own concepts of mental health and correctional policy.

(3) We are concerned, furthermore, about the loopholes contained in S. 10. Section Two contains what seems to be safeguards to insure that the Justice Department brings suit only after it has failed to obtain the cooperation of state officials. Unfortunately, Section Three provides the Justice Department with the means to avoid the requirements of Section Two; all that is needed is the existence of another plaintiff, of which there is never any shortage, particularly in the area of adult corrections, and the Justice Department can bring all their resources to bear against the states without meeting the prerequisites of Section Two.

(4) We believe that S. 10 gives the federal government inappropriate means to dictate policy to the states. If the Justice Department so desires, it may attempt to compel the courts to pass judgment on every state institution in the country irrespective of a state's financial resources or budgetary policy. The ultimate gravamen of this bill is that through the courts the federal government can force state legislatures to make policy decisions and appropriations in the area of mental health and corrections against their wills.

(5) We also believe that S. 10 would put the Justice Department in a preposterous position. On one hand the Justice Department is defense counsel for employees of the Federal Bureau of Prisons in prisoner civil rights actions, but, on the other, S. 10 would enable and encourage the Justice Department to assist inmates of state correctional institutions when they bring such actions against employees of the state.

In summary, this office takes the stand that S. 10 provides a highly inappropriate vehicle to the federal government to interfere with policy-making functions that properly belong to the states. In our society the mere threat of a lawsuit can be one of the most efficacious ways of compelling someone to act in ways contrary to their own interests. S. 10 at its very heart would give this coercive power to the federal government in such a singular way as to empower it to supervise the operations of all state institutions. We strongly feel that this vehicle is an unnecessary one; there is no lack of plaintiffs and no lack of legal aid and public interest attorneys.

I think it is appropriate to note that federal and state court decisions within the past few years have established major guidelines by which institutions (as defined in the bill) are now operated and maintained with respect to the rights of those institutionalized. I am unaware of any state that is not currently making a determined and concerted effort to meet those guidelines.

The cost of such an effort nationwide is, of course, enormous. If Congress believes that this is an area in which there must be federal involvement, I respectfully suggest that financial assistance, not revenue wasting litigation, is a better solution. Before the limited legal resources of the states and the federal government are thrown into pitched battles in every federal courthouse throughout the land in lengthy and enormously costly litigation, I would suggest that we determine—perhaps through an impartial Presidential Commission—how serious the problem really is; what standards are to be used or required (there are some currently); what capital and operational costs will be required to meet any such standards; and what is the fiscal ability of the states to comply with those needs or mandates.

I sincerely believe that the great majority if indeed not all the states are currently making major efforts to provide appropriate care, treatment and confinement conditions to those in their state who are institutionalized. Admittedly, this has not always been true. But I also believe, with all due respect, that the Congress does not have all of the available, pertinent and current facts regarding those state efforts upon which it properly can base a decision to authorize such federal action and involvement in these state activities. A Presidential Commission might obtain such facts and offer other recommendations for an acceptable solution to the problem. S. 10 offers not a solution, but confrontation, litigation and an inappropriate and severe test of the doctrine of federalism.

On the basis of my experience as a former State Commissioner of Institutions, member of the ABA Committee on Legal Rights of Prisoners, Immediate Past President of the National Association of Attorneys General and Attorney General of West Virginia for the past eleven years, I oppose the passage of S. 10 in its present form for the reasons set forth above.

Sincerely,

CHAUNCEY H. BROWNING,
Attorney General.

Here is a letter from the attorney general of Nevada:

STATE OF NEVADA,
Carson City, Nev., October 30, 1979.

Hon. STROM THURMOND,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR THURMOND: I agree with your position on S–10 and support efforts made to defeat the bill.

The initiation of court action by the United States Department of Justice against the states is not an expeditious or appropriate method to assure the rights of persons confined to mental institutions, nursing homes, prisons and facilities for juveniles and the handicapped.

The State of Nevada can provide quality services to its citizens without the necessity for Department of Justice intervention. Such judicial intervention will divert time, money and energy to legal defense. State resources can better be used to provide direct care to institutionalized persons.

Thank you for your concern regarding S–10. I will forward copies of this letter to Nevada Senators Howard Cannon and Paul Laxalt and Congressman James Santini.

Sincerely,

RICHARD H. BRYAN,
Attorney General.

Here is a letter from the attorney general of Washington, the State of Washington:

OLYMPIA, WASH., *May 9, 1979.*

Hon. STROM THURMOND,
U. S. Senate,
Washington, D.C.

DEAR SENATOR THURMOND: Thank you very much for your thoughtful letter of May 1, 1979 on S. 10. I am delighted in your understanding of, and opposition to, that proposal.

Both the National Association of Attorneys General and I, as Attorney General of the State of Washington, have opposed the bill and its predecessors as an outrageous violation of the basic precepts of federalism. Our experience in the State of Washington with the Department of Justice has been almost entirely negative. It's interferences with the appropriate determination of state policies of the state itself are simply too numerous to mention.

You have already put your finger on the most important objection to S. 10: The separation of the enforcement authority of such policies as the department may determine to be appropriate from the responsibility of coming up with the money to implement them. I hope that you can presuade your colleagues of the justice of your position and I will continue to oppose the proposal with my own congressional delegation.

Sincerely,

SLADE GORTON,
Attorney General.

Here is a letter from the attorney general of Wyoming:

CHEYENNE, WYO., *July 13, 1979.*

Re S. 10, H.R. 10.

Hon. STROM THURMOND,
U. S. Senate,
Washington, D.C.

DEAR SENATOR THURMOND: The State of Wyoming, while supporting the objectives of the "Institutions Bill" with regard to fully protecting the rights of institutionalized persons, vehemently objects to the procedure for correction envisioned by the bill. In line with the position announced by the National Association of Attorneys General and the National Association of State Mental Health Program Directors, we believe that there exist far more reasonable alternatives to the litigious solution suggested by this legislation.

The practical problems which the bill raises are overwhelming. It seems possible, for instance, that the Justice Department might prevail in litigation against a political subdivision, resulting in an order that the subdivision take corrective action far beyond its means to accomplish. I am advised that Congressman Kastenmeier's amendment to allow federal financial assistance to the defendant state or subdivision failed to pass, indicating that while the federal government is granted the right to make the initial determination that an egregious condition exists, there is no concomitant duty to lend assistance in any meaningful way.

But the elected representatives of the states can support a bill which suggests a procedure which has cost one state $56,000 to answer one set of interrogatories, when that same amount would probably have corrected the egregious condition, appears to be a sterling example of an exercise in counterproductivity.

This is, after all, a nation of states. It seems as though some of our congressmen forget that they are elected to represent the people of those states, and not to bludgeon them with needless lawsuits.

I sincerely hope that the United States Congress will recognize the pitfalls inherent in this legislation and take proper steps to enact law which puts the federal government and the states on the road to a cooperative solution. The disagreements which this state has had with the federal government are well known to all. I believe that these differences are, to a large degree, the result of precipitous action taken by our lawmakers without due regard for the legitimate interests of the several states, and the special conditions which exist in each.

Why not spend the tax dollars of the people of this state to help them, rather than to sue them.

Sincerely yours,

JOHN D. TROUGHTON,
Attorney General.

Mr. President, I ask unanimous consent that letters from various other officials throughout the United States be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE STATE OF SOUTH CAROLINA,
Columbia, S.C., March 26, 1979.

Hon. BIRCH BAYH,
Chairman, Senate Judiciary Subcommittee on the Constitution, Dirksen Senate Office Building, Washington, D.C.

Dear Mr. CHAIRMAN: This Office has experienced the conduct of litigation by the U.S. Department of Justice from 1972 until 1978 in the case of Alexander v. Hall, Civil Action No. 72–209. This was a suit alleging the unconstitutionality of the South Carolina Mental Health commitment laws and also raised issue as to adequacy of treatment for those patients residing at South Carolina State Hospital. The purpose of this letter is to inform you of our opposition to the enactment of S. 10 and H.R. 10 based upon the experience of this Office in defending Alexander v. Hall. I recommend that this Subcommittee pay great heed to the April 4, 1978, letter of the National Association of Attorneys General, a position with which this Office wholeheartedly concurs.

The South Carolina experience in the defense of Alexander v. Hall proved to be extremely costly and time consuming, both for attorneys in this Office and for individuals involved in the treatment of the mentally ill at South Carolina State Hospital. This suit was ultimately dismissed but only after four years of litigation with the Department of Justice.

I feel compelled to add one further alternative to that mentioned by the National Association of Attorneys General in its letter of April 4, 1978. There presently exists in the Department of Health, Education and Welfare extensive regulations governing the appropriate care of individuals in State mental institutions in order for those institutions to receive Medicare and Medicaid funds. A goal of improving the conditions of the mentally ill can be much better served through enforcement of existing regulations by HEW personnel trained in the field rather than through the adversary approach of pitting federal lawyers against state lawyers.

I sincerely hope that this Subcommittee can achieve its goal of the protection of citizens who are less able to protect their own rights without authorizing the indiscriminate initiation of litigation by the Department of Justice. I use the word "indiscriminate" advisedly because, throughout the conduct of this litigation in South Carolina, the Justice Department repeatedly refused to advise this Office or the Court of the standards that were allegedly not being provided to the citizens of this State. Furthermore, the Justice Department refused to acknowledge the existence of detailed standards of adequate treatment set forth in HEW regulations with which all South Carolina State Institutions comply.

Thank you very much for your consideration and interest in this matter.

Very truly yours,

DANIEL R. MCLEOD,
Attorney General.

STATE OF NEW MEXICO,
Santa Fe, N.M., May 28, 1979.

Hon. STROM THURMOND,
U.S. Senator,
Washington, D.C.

DEAR SENATOR THURMOND: I agree that S. 10 constitutes an erroneous approach to securing the rights of persons residing in state institutions.

We, in New Mexico, have made tremendous strides in the last few years in insuring that the rights of our institutionalized citizens are protected. Advocacy groups have established a viable rapport with the Attorney General's office, with other state agencies, and with the judicial system to react quickly when any shortcomings in our institutions are identified. Legal representation is also readily available in any type of commitment to our state facilities. Our State has at least as well-defined an understanding of the needs of its institutionalized citizens as does Washington and our officials are more interested than would be Washington lawyers in meeting the needs of these citizens.

Cooperation between the States and Washington is bound to have demonstrably better results than the confrontation approach which S. 10 would seem to foster.

A copy of this letter is being sent to New Mexico Attorney General, Jeff Bingaman, for his consideration and review.

If I can be of further assistance, please let me know.

Sincerely,

Bruce King,
Governor.

State of Indiana,
Indianapolis, Ind., June 28,1979.

Hon. Strom Thurmond,
U.S. Senator.
Russell Senate Office Bldg.,
Washington, D.C.

Dear Senator Thurmond: Before you come to a conclusion as to S. 10 which is pending in the Constitution Subcommittee of which you are a member, please review the enclosed statement which I have previously submitted on behalf of the National Association of Attorneys General and myself representing the considered research and experience of the chief legal officials of all fifty states.

Thank you very much for your consideration of all aspects of this important matter—both the short range fashionable ones and the long range substantive ones.

Best personal wishes.

Respectfully yours,

Theodore L. Sendak,
Attorney General of Indiana.

Testimony of the Honorable Theodore L. Sendak, Attorney General of the State of Indiana, on Proposed S-10 Before the Senate Subcommittee on the Constitution

I would like to thank the Committee for this opportunity to present written testimony in opposition to S-10. This testimony reflects my personal views; the views of numerous officials in Indiana; and my assessment, based upon my year as President of the National Association of Attorneys General, of the views of the chief legal officials of all the states.

The National Association of Attorneys General (NAAG), which is composed of the attorney general from each state plus the four territories, overwhelmingly reaffirmed its position in opposition to the institutions bills in a resolution passed at the Mid-Winter Meeting on December 3, 1978. See copy attached. In addition, several attorneys general from different jurisdictions have offered testimony before Congress on the predecessor bills, S-1393, H.R. 2439, and H.R. 9400.

There are several problems with these bills. First, they are unconstitutional in that the Tenth Amendment to the Constitution of the United States reserves to the states and to the people all power not specifically delegated to the United States. Obviously, there is no delegation of authority in the Constitution for the Executive Department to sue on behalf of private individuals.

Second, the bills are not needed since they purport to provide relief where numerous remedies already exist. For example, Congress has provided in 42 U.S.C. § 1983 for suits for an alleged "deprivation of any rights, privileges, or immunities secured by the Constitution and laws" of the United States. My office is currently defending over 350 suits under § 1983, a substantial number of which are class actions, i.e., actions brought by a named party for the benefit of themselves and "all other similarly situated" persons. Those suits involve all aspects of individual rights including conditions in all of the state correctional institutions, mental health problems, racial composition of public schools, abortion, welfare claims, personal injuries, and other areas. Many of these cases are brought pro se, i.e., by the complaining party without aid of counsel, and are later taken over by so-called public interest law groups. If brought pro se, the Supreme Court has held that all proceedings must be construed liberally in favor of the complaining party, and thus, they are not held to strict compliance with court rules or procedure. See *Haines* v. *Kerner*, 404 U.S. 519 (1972).

An example of the onus of these cases arose in July and August 1978, when four Deputy Attorneys General on my staff tried an eighteen day lawsuit in federal district court in Indianapolis concerning the conditions of confinement at the Indiana Reformatory. The case started in 1975 as a pro se complaint. In early 1976, Legal Services Organization took over the prosecution. The Justice Department was allowed to intervene in that case as a "litigating amicus curiae," and it assisted the Legal Services Organization in litigating all aspects of imprisonment such as food, health, recreation, training, discipline, etc. My staff has spent over 2,300 hours on that case, which has yet to be decided by the Court. In requesting intervention in that case, the Justice Department listed many prison suits in which it had intervened as a litigating amicus. See copy of "Motion for Leave to Participate as Amicus Curiae" and "Memorandum of the United States in Support of its Motion for Leave to Participate as Amicus Curiae" in *French* v. *Phend*, IP 75-677-C, attached hereto. NAAG records indicate that the Department of Justice has intervened in prison cases in at least twelve states.

The Justice Department also has been permitted to intervene as a litigating amicus in cases involving the mentally retarded and mentally ill, including cases in Alabama, New York and Pennsylvania.

In addition to the above, Indiana has provided a remedy for the representation of "developmentally disabled" persons by the creation of the Protection and Advocacy Service Commission for the Developmentally Disabled, a federally funded state agency under P.L. 94-103, "The Developmentally Disabled Assistance and Bill of Rights Act." See Indiana Code 16-13-19-1 et seq. That agency is charged with the duty, among other things, to:

"Provide legal and other advocacy services throughout the state to individuals or organizations on matters related to the protection of disabled persons;" [I. C. 16-13-19-5 (3)].

Additional remedies are also available, including: 28 U.S.C. § 1915, which allows a federal district court to authorize any suit to be brought without the payment of fees and costs and allows the judges to appoint counsel to represent the complainant; I.C. 34-1-1-3, which allows a state court to appoint counsel to represent "a poor person" either as a plaintiff or defendant in a lawsuit; and I.C. 33-1-7-2, which makes it the duty of the Public Defender's Office of the State of Indiana to represent any person in any penal institution in the state who is without funds to employ private counsel. In that regard, there is a branch office of the Public Defender at the Indiana State Prison with a full time deputy on duty.

In addition to these services, most areas of Indiana are served by groups such as the Legal Services Organization, Legal Aid Society, Project Justice and Equality, American Civil Liberties Union, etc., so that free legal assistance is readily available to institutionalized persons.

A third reason why these bills are not needed is that they will have a substantially adverse effect on the relationship between the federal and state governments. That relationship is getting more strained all the time with actions being taken by Congress and by Federal agencies such as the FTC to regulate conduct traditionally regulated by the states. These bills will further affect that relationship since the states will be called upon to defend all lawsuits brought by the Justice Department against the state agencies and officials involved.

In addition to these problems regarding S-10 generally, there are questions with specific sections with the bill. Section 2 gives the United States Attorney General far reaching authority, even extending to replacement of the functions of state legislatures. The Attorney General is required to give only thirty days notice to the Governor and state Attorney General listing the allegedly offending conditions, supporting facts, and the measures he believes may remedy the conditions. The notice must further provide that he has made a reasonable effort to consult with the state's Governor and Attorney General regarding federal assistance; that he has endeavored to eliminate the alleged conditions by informal methods; that he is satisfied that the officials have had a reasonable time to take appropriate action to correct such conditions; and that he believes an action by the United States is of general public importance.

Suppose, for example, that the Attorney General's staff tells him that there are constitutional violations in the Indiana penal system, which it did, and a general notice—supposedly containing "facts"—is sent to the Governor and the Attorney General. Further suppose that a member of the Governor's staff, one of my assistants and I fly to Washington, which we did, to meet with the head of the Justice Department's Civil Rights Division and members of his staff; and that during that meeting specific facts are requested since they had not been supplied earlier. When facts were finally presented, it was discovered that the Justice Department was working with completely outdated information. Allegedly offending facilities had been remodeled or totally replaced.

Even though the Justice Department abandoned its desire to challenge Indiana's entire penal system, it still intervened in the French case mentioned above. That case has gone to trial, and corrections experts have disagreed over the nature and extent of any problems.

A state legislature must be given sufficient opportunity to react to these alleged problems. In Indiana, the General Assembly meets for sixty days in odd years and thirty days in even years. Budgets are prepared during the long sessions with emergency matters considered in the short sessions. However, Indiana has a constitutional prohibition against going into debt. Thus, major expenditures cannot easily be undertaken as an "emergency" matter; and these functions concerning the proper allocation of state funds, programs to be implemented in state institutions, etc., are all decisions for state legislatures to make.

Another financial aspect of these bills is that they would enable publicly paid lawyers from the Department of Justice to bring or to intervene in actions on behalf of inmates in public institutions against public officials who will be defended by publicly paid lawyers for the state or local governments. This, along with the fact that the so-called public interest law groups are tax supported, means that the citizens of this country will be paying all sides in these disputes, as well as the judges, and will be paying to house, feed, and care for those bringing the suit. The taxpayers will further be required to pay for any measures taken as a result of these suits, on top of the taxes they already pay to build, maintain, improve, and expand the facilities without being mandated by courts. These payments in 1978-79 amount to over $67,400,000 for the 5,600 inmates and 2,900 parolees under the control of the Department of Corrections, with approximately $2,500,000 for the parolees and the remainder for the 5,600 incarcerated offenders.

The institutions bills also fail to consider another very important fact, and that is that all alleged violations of constitutional rights do not occur to people in state and local institutions. Federal prisons are equally vulnerable to such charges, as a review of the cases in Federal Supplement and Federal Reporter will show. However, the United States Attorney General is not impowered to sue on behalf of a person in a Federal institution. The apparent disregard of the Fourteenth Amendment rights of persons in federal institutions by this differentiation will further adversely affect the federal state relationship and civil rights.

It is my opinion that S-10 and similar so-called institutions bills are duplicative of existing remedies, and are completely unneeded. I would hope that this Committee would recommend that the bills not pass.

Thank you very much.

STATE OF NEW YORK,
Albany, N.Y., September 26, 1979.
Hon. STROM THURMOND,
Committee on the Judiciary, Dirksen Senate Office Building, Washington, D.C.

DEAR SENATOR THURMOND: I urge you to oppose S. 10, a bill that would grant the Justice Department standing to sue states for alleged violation of the rights of institutionalized individuals.

The Departments of Justice and Health, Education, and Welfare already have sufficient authority to protect the rights of the institutionalized and they are currently exercising it.

Sincerely,

JAMES E. INTRONE,
Acting Commissioner.

STATE OF NEVADA,
Carson City, Nev., October 1, 1979.
Senator STROM THURMOND,
Russell Office Building,
Washington, D.C.

DEAR SENATOR THURMOND, on behalf of the State Division of Mental Hygiene and Mental Retardation I would like to indicate support of any efforts on your part to defeat S-10. The concept of providing quality, humanistic care to the mentally ill and mentally retarded citizens is one to which Nevada strongly ascribes. However, it appears that S-10 would arrange a system of intervention on the part of the Federal Department of Justice in state affairs that would be contraproductive. It would create confrontation rather than cooperation between the federal and state governments. It would not provide any federal assistance in correcting problems identified. The economic and human costs of responding to Department of Justice inquiries into state mental health and mental retardation programs could be much better applied to responding to the needs of the citizens of the state who require such programs. The system created by S-10 would serve no useful purpose and would interfere with the states' right and responsibility to care for its handicapped citizens.

Thank you for your consideration of these thoughts. If the Nevada State Division of Mental Hygiene and Mental Retardation can provide you with additional information in your efforts on this matter, please feel free to contact me.

Respectfully submitted,

JERRY GRIEPENTROG,
Administrator.

SHERIFF OF UNION COUNTY,
La Grande, Oreg., October 18, 1979.
Senator STROM THURMOND,
Russell Senate Office Building,
Washington, D.C.

SIR: I have just been made aware of Bill No. 10.

I want to speak against this bill in the same manner as the Oregon State Sheriff's Association. I also have some additional thoughts.

I presume that whenever a complaint is made, the United States Attorney General will assign someone to do an on premises investigation and inspection. Recognizing that there will be complaints from every facility in the nation, I can see that there would be a tremendous work force needed.

It seems to me, that ultimately, the Federal Government would be placed in the position of being inspectors of all jails throughout the United States.

I don't know for certain who is seeking this legislation. If I did, I would probably understand what the motivation is for this step.

In summary, I wish to urge serious consideration of what this bill implies. If this type of Federal intervention is allowed, we might give consideration to having the Federal Government simply fund and operate all jails in the nation.

On second thought, that may be the answer. The Federal Government would then have to figure out how to pay for the results of some of the "well thought out" decisions of the past.

Sincerely,

ROBERT V. PRICE,
Sheriff of Union County.

BIG HORN COUNTY,
Basin, Wyo., October 18, 1979.

DEAR SENATOR: In reference to Senate Bill 10 (Rights of Institutionalized Persons) House of Representative Bill 10 I ask that you please vote against its passage as the potential for conspiracy by inmates and overzealous intervention by the Attorney General in matters more political than legal is considerable, given the extreme vagueness of the Bill.

Sincerely,

JON DAHLBERG,
Sheriff.

RESOLUTION AS ADOPTED BY THE NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

INSTITUTIONS BILLS

Whereas, the 96th Congress will again consider legislation which would allow the Attorney General of the United States to institute and intervene in civil actions in certain cases against state governments alleging deprivation of the constitutional rights of institutionalized persons in jails, mental hospitals, facilities for the handicapped and mentally retarded, juvenile detention centers and nursing homes; and

Whereas, persons complaining of unconstitutional conditions of confinement in institutions have legal remedies under 42 U.S.C. 1983; and thousands of such cases staffed by public interest legal organizations and by private counsel are awaiting resolution in the courts; and

Whereas, there are now in place at the state level federally funded advocacy units and agencies to deal with the special problems and rights of many institutionalized persons by means of litigation and otherwise and the efforts of such units and agencies should not be duplicated; and

Whereas, formulation of a national policy to define and protect the constitutional rights of inmates of federal, state and local institutions should be undertaken in formal consultation with state government before legislation is enacted; and

Whereas, any federal legislation such as the institutions bills of the 95th Congress which fails to provide for the financing of the changes it seeks is unrealistic, unfair and unworkable;

Therefore, be it resolved that:

(1) The National Association of Attorneys General supports establishment of a Presidential Commission to study the issues involved in the care of institutionalized persons in local, state and federal institutions and to recommend improvements in the operation of the institutions, including the drafting of proposed minimum standards of care; and

(2) That a national policy concerning adequate care for institutionalized persons in local, state and federal institutions should develop from a shared commitment of local, state and federal government working together to define the causes and solutions to these problems; and

(3) A study of the fiscal aspects of institutional operations must be included in the work of the Commission to determine what financing methods are available and practicable to assure the improvement of care to at least a constitutional minimum; and

(4) The Washington Counsel of this Association is authorized to present these views to the appropriate Congressional committees and to the Administration.

INDIANA SHERIFF'S ASSOCIATION, INC.,
Indianapolis, Ind., October 4, 1979.
Hon. STROM THURMOND,
U.S. Senate, Russell Senate Office Building, Washington, D.C.

DEAR SENATOR THURMOND: The Indiana Sheriff's Association's 26 member Board of Directors voted unanimously at their last Board Meeting to have their opposition to Senate Bill 10 expressed to you and other members of the Judiciary Committee.

This legislation does not appear to create any new rights for incarcerated persons that they do not now enjoy under existing State and Federal law. The most significant impact is that under this legislation, the inmate would no longer be required to initiate his own action, for the Attorney General would be authorized to initiate a civil action against any state, political subdivision, official or even the lowliest employee whenever the inmate alleges some real or imagined deprivation of his rights.

The effect of the bill would appear to be to remove entirely, the jurisdiction of the state courts in these questions where the Attorney General intercedes, and permit the full force of the office of the Attorney General of the United States to be brought against local county officials, Sheriffs, and Jail Personnel, with whatever credibility might be implied to the inmates cause of action.

We feel the potential for conspiracy by inmates, and overzealous intervention by the Attorney General in matters more political than legal is considerable.

It appears to us that there are sufficient existing state and federal laws that provide for the constitutional guarantees, rights, privileges or immunities of inmates. There are presently a number of investigative agencies, such as; Grand Jury, County and State Welfare Departments, County Health Officers, State Jail Inspectors, and others who have a statutory authority and duty to inspect jails and investigate any matter that appears to violate existing laws pertaining to the operation of the institution. If such violation should be found to exist, the agencies have the ability and means to bring about a remedy through the courts if necessary. It is also possible should an inmate desire to do so, to file a civil action against those responsible for the operation of the institution. This may be done by the inmate himself or with assistance from a legal service attorney, without cost to the inmate if he so requests.

It is for these reasons we do not feel that this legislation is needed or necessary to protect the rights of jail inmates. In respect to county jails and other correctional institutions, it would appear that this legislation would only create a need for additional staff and expenses for the Attorney Generals office and provide for a means for the federal government to circumvent those laws, and remedies that already exist for that very purpose.

We would therefore suggest that if this type of legislation is found to be needed to protect the rights of persons in other institutions, that the sections pertaining to jails and other correctional institutions be eliminated from the bill.

If you have any questions concerning our view of this matter, please let us know.

Sincerely,

JOHN O. CATEY,
Executive Director.

MICHIGAN SHERIFFS' ASSOCIATION,
Lansing, Mich., October 2, 1979.

Senator EDWARD M. KENNEDY,
Chairman, U.S. Senate Judiciary Committee, 2241 Dirksen Senate Office Building, Washington, D.C.

DEAR SENATOR KENNEDY: The Michigan Sheriffs' Association has reviewed the above referenced Bills. As a result of our analysis of these Bills and the impact of their passage on the police community and the total criminal justice system, the Michigan Sheriffs' Association is officially taking a position of opposition to the above Bills as they are presently written.

The reasons for opposition include:

1. This legislation created no new rights for incarcerated persons that they do not now enjoy under existing state and federal law.

2. The effect would be to remove entirely, the jurisdiction of the state courts in these questions where the Attorney General intercedes.

3. The potential for conspiracy by inmates, and overzealous intervention by the Attorney General in matters more political than legal is considerable, given the extreme vagueness of the Bills.

If you have further questions, please do not hesitate to contact Mr. Bernard Grysen, Executive Director, or myself.

Very truly yours,

DALE E. DAVIS,
Director of Legislative Affairs.

Mr. THURMOND. Now, Mr. President, the communications we have put in the RECORD are only some of those we have received.

I want to say, in closing, Mr. President, that it is difficult for me to understand why anyone would wish to impose S. 10 on his State. I cannot imagine why any Senator sitting in this body would wish to impose this bill on his State when the heads of the mental institutions in his State are opposed to it, the heads of the correctional insitutions in his State are opposed to it, when the nursing homes affected are opposed to it.

These are the people who work with the institutionalized. They are interested in them and in helping them.

Yes; there have been some abuses on both the State and Federal levels. Unfortunately, there will be some abuses in the future, no matter what takes place. There are bound to be some abuses.

However, Mr. President, that is no excuse for the Federal Government's coming in with its heavy hand and saying to the people of a State that despite the concerns and objections all of the people who run these institutions and who are opposed to this intervention by the Federal Government that the States must be subjected to this treatment at the hands of the Federal Government.

Who wants that type of action by the Federal Government? After all, who runs the State? Is the Federal Government going to run the State? If the people in the States, or practically all the people in the States, want to control their own institutions, why not let them do it? Why do we have to have the Federal Government come in and initiate suits?

I repeat a statement I made yesterday that under the law now anyone can bring a suit. He can bring it in the State court or the Federal court, and if it is in the Federal court the Attorney General then can intervene to assist with the suit. But, Mr. President, to give them the power to initiate suits just does not make sense.

Mr. President, I want to say again that, in my judgment, the Federal Government has gone too far already in trying to dictate to the States, in trying to dictate to the people of the States, what they can do and what they must do, what they should not do. I think we have to get the Government back to the people. The people of this country have a right to run their own State governments without interference from the Central Union.

Mr. President, if the people who wrote the Constitution of the United States—and I think they are the wisest people who ever lived—were here today they would be shocked. They would indeed be shocked, to think that the Union, the Federal Government, the Central Government, the National Government, was trying to assume power to dictate to the States how to run their own institutions.

Again I say are not there people in the States interested in the institutionalized?

The point is made, of course, that there have been some abuses. I answered that. I said sure, there have been. There always will be. But again I repeat that when an investigation was made down in Atlanta, Ga., of the Federal penitentiary recently—and that is a new report by the Senator from Georgia (Mr. NUNN) and the Senator from Illinois (Mr. PERCY)—they found abuses there.

Let the Federal Government clean up its own institutions. The States can take care of theirs. With all the abuses of alcoholism and narcotics that occur, according to Senator NUNN and Senator PERCY, in the Atlanta Penitentiary it ought to shock the Attorney General, it ought to shock the Justice Department. Let them clear up their own business and let the States alone. I think the States are doing a better job than the Federal Government in this field now. I think the States are operating their governments more efficiently and more economically than the Federal Government is being operated.

I am willing to trust the States. After all, we have got 51 governments in this country. We have got 50 State governments and we have got one Central Government, and when the Constitution was written it was never intended, and it never has been so construed, that the Central Government would take over the rights, the duties, and the responsibilities of the States.

I realize in the last 25 or 30 years the Central Government has gone a long way in entering into so many facets of life of the people in the States. But that was wrong, and let us not compound one wrong with another wrong. That is what we will do here if we pass S. 10.

I ask any Senator here who is thinking about voting for this bill to go back to his home State, talk to his people, talk to his officials, talk to the Governor, talk to the attorney general, talk to other people in whom he has confidence and ask them if they want the Federal Government to impose S. 10 on their people. S. 10 is a bill that will permit the State to be sued, that will permit the officials in the State to be sued, that will permit the taxpayers to be sued, because the taxpayers in the end are going to have to pay for it.

Mr. President, I am not going to take more time, but I just want to say that this is one of the most obnoxious bills that has come to my attention since I have been in the U.S. Senate.

The PRESIDING OFFICER (Mr. STEWART). The Senator requested that he be notified when he has 5 minutes remaining.

Mr. THURMOND. Mr. President, I hope the Members of this body will study this bill before they vote on it tomorrow. I hope the Members of this body will not vote to give the Federal Government more power than it has now. We should be getting the Federal Government off the backs of the people. That is what the people want. After all, we are servants of the people. I can tell you the people are dissatisfied. They have shown their disgust with Congress, they have shown their disgust with the Government, and the passage of this type of legislation tends to go further in that direction and to cause them to lose faith in their Government.

The humanitarian aspect is brought up. Of course, we all are interested in helping people who are mistreated, but that can be corrected in the States. It can be corrected by suits being brought in the States, if the government officials will not correct any problems which might exist.

There are plenty of agencies in the States now, such as legal aid societies. They have been bringing these suits as some of the Senators have noted. They have a right to bring those suits.

But let us not extend the power of the Federal Government where it is not needed. Let us keep the Federal Government out of everything we can. The Federal Government today is going much further than was ever intended under the Constitution and now is a good time to stop that.

If we stop S. 10, I think it will have a fine moral effect and will create more confidence on the part of the citizens of this country in their Federal Government.

When we pass a bill like this, it tends to shake the confidence of the people in the Federal Government. We do not want to damage the confidence of the people in the Federal Government, so let us stop S. 10. Let us kill S. 10 on tomorrow. I hope that will be done.

Mr. BAYH addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BAYH. Mr. President, I must confess that I have seldom heard a more impassioned call to action than that made by my good friend and colleague from South Carolina. But with all respect to him, it seems to me that he is shooting his gun at the wrong target.

In opposing S. 10, the Senator from Nevada pointed out that this would only involve a few States; that the conditions which we are striving to correct do not involve most of the States, and for that reason, we should not have S. 10.

Now, the Senator from South Carolina suggests we are going to get involved in all States and that is the reason we ought to do away with S. 10.

Well, Mr. President, I must confess, as the chairman of the Subcommittee on the Constitution of the Judiciary Committee, it has been my privilege as well as responsibility to actually investigate what responsibilites we have as Members of the U.S. Congress to see that the United States Constitution is structured and enforced and operates in a manner to protect the rights of all of the citizens of the United States.

I suggest that you do not have to be a Ph. D. in constitutional law to understand that the Constitution is based on the rights of the people. "We the people of the United States." That is where the basic foundation of the United States lies. The States are creatures of the people.

I call attention to the specific provisions of the 14th amendment. Perhaps the Senator from South Carolina would like to forget the 14th amendment. But we fought a terrible, bloody war to try to deal with equality and to try to wipe out discrimination and to try to guarantee for posterity that they were not going to have second-class citizenships. And we wrote into the 14th amendment the following language for those who may need to be reminded:

> No State shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law.

Now, Mr. President, I point out specifically what has to exist before the Federal Government can get involved in what I think is the court-of-last-resort action accompanied and provided for in S. 10.

First of all, we are not talking about minimal abuse or minimal hardships. The language of S. 10 says that the conditions which exist in a State institution must be egregious or flagrant conditions, conditions which are willful or wanton, or conditions of gross neglect which deprive persons of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States.

There has to be a very serious abuse of constitutional or legal rights before the Attorney General can use S. 10.

In addition, we have written into the provisions of S. 10 that before the Attorney General can take advantage of the provisions here, he must have worked with the Governor or worked with the attorney general. He must swear to the fact that he has exhausted all means for voluntary compliance and the State refuses to go along.

In my judgment, the real impact of S. 10 is going to be that there will be fewer cases, not more cases, because the Attorney General of the United States, before he files a suit, will be sitting down with the Governor, sitting down with the attorney general, sitting down with the superintendent of these mental institutions and saying "OK, gentlemen, ladies, you have got a problem here. People are being tortured. People are dying. People are suffering. People are being subjected to cruel and unusual punishment in your institutions. Now the Constitution of the United States says that is not allowed. Now clean up your own act." And if they clean up their own act, S. 10 will not let the Attorney General get involved. If they do not clean up their act, it seems to me that we, as protectors of the constitutional rights of all of our people, have a responsibility to see that the Attorney General can give meaning to the rights of these citizens.

The Senator from South Carolina said that he hopes all of our colleagues will go back and talk to our people. Well, I hope they will talk to our people. I hope as they talk to our people they will remind themselves of the provision of the 14th amendment, which says that no State shall deprive any of our citizens of life, liberty or property without due process of law.

I hope they will talk to the parents of those children who have been treated like animals, tied to their beds in mental institutions; talk to the parents of those children and see how much liberty, how many rights they have. They do not have any.

The fact of the matter is that these children are in some of those institutions are helpless, from a very practical standpoint and the superintendents of those institutions and the State officials refuse to remedy the conditions that exist.

What we are saying is the Attorney General, after trying to get the State officials to correct the situation, has the responsibility of going in there and bringing a case before a district court judge. This is not a unilateral decision made by the Attorney General. Not only do you have all the negotiations that must go on to try to get the State to act, but if the State does not act, then the Attorney General has to prove to a Federal court judge that you have people who are being subjected to unconstitutional and illegal treatment in the institutions.

How many State rights are involved? Does a State have a right to take an adult mental patient and keep him in a straitjacket for months on end? Does a State have a right to subject mental patients to the kind of abuse that can result in them being bludgeoned to death or scalded to death? Does a State have a right to have an institutional structure where, if you do not walk the line, you spend tonight in a homosexual dormitory as punishment? Does a State have a right to do that kind of thing?

Does a State have a right to allow a conditions in a children's mental hospital where the children are actually choked to death by the food that is forced down them by custodians that do not care? That is the kind of thing we are talking about.

I think the Senator from Nevada made a very compelling case for S. 10. I know that is not what he intended to do. But he pointed out that these are relatively isolated instances. Most States want to clean up their act themselves. Most States have either already done so or when the Attorney General sits down and says, "Gentlemen, we have to take care of this," they are going to do it on their own.

But if the State absolutely refuses to do it, if the State does not feel the necessity of the constitutional rights of our citizens and the legal rights of our citizens, it seems to me that we, who took an oath when we came into this body to uphold, protect, and defend the Constitution of the United States, have a responsibility to see that those citizens who are subjected to this kind of torture, this kind of treatment, are not swept under the rug and ignored just because they are not just exactly like everybody who has the privilege of serving in this body.

It is all well and good for us as Senators to talk about States' rights. There are very few rights that any citizen has if he is mentally ill and incarcerated in one of the dungeons that have been used in the sad history of mental institutions in our country.

Fortunately, much of this, I think we could say most of it, has been corrected, and where it is corrected, the Attorney General is not being given authority under S. 10, indeed, he is being specifically denied authority under S. 10, and he should not have it.

I believe that the Governors who have sent their wires are probably directing their attention at legislation that really bears little resemblance to the final version of S. 10. In the final version of the bill the Attorney General and the Justice Department are required to sit down and counsel with, and notify in advance, the necessary State officials. We have really increased the severity of the conditions, the severity of the wrong being done, before the Attorney General can get involved. What we are trying to do here, it seems to me, is create an environment where most Governors, most attorneys general, and most superintendents of the institutions will be glad to work with and cooperate with the Justice Department to see that this problem is resolved.

I would not want to leave the Senate with the opinion or the impression that the Senator from Indiana believes that Governors or attorneys general like the kinds of conditions that S. 10 addresses itself to. They do not like them to exist. Most Governors are working diligently with their State legislatures and with their attorneys general to clean up these conditions, to improve them. But in those few instances where this is not the case, then we, as Members of the U.S. Congress, have a responsibility to see that the sacred U.S. constitutional rights of citizens who live in States and who are kept in institutions are protected.

I have heard the attorney general of New Hampshire quoted at length here on this floor. Understandably, the whole record involving that hearing has not been quoted at length. Here is an attorney general coming down here saying we should oppose S. 10 because of the unnecessary interference of the Federal Government in New Hampshire institutions.

The facts of the matter are that the superintendent of the institution in question in New Hampshire had said publicly, had said to the public officials in New Hampshire, had said to the State legislature in New Hampshire, "If we do not clean up our act, Uncle Sam is going to come in here and clean it up for us, or some of the patients in the institution are going to sue us."

He had said publicly, "We are going to be sued if we do not correct our own conditions."

Given that kind of background, it seems to me the attorney general is not standing on very solid ground to say, "The Federal Government is interfering in our business." The fact is if he had been taking care of his own business, the Federal Government would not have become involved.

That is what I hope will come out of S. 10, not a plethora of new suits but fewer suits and better cooperation and better working conditions between the Federal Government, which has the responsibility to protect the U.S. constitutional rights, and State governments that have the immediate responsibility for running the institutions in which now hundreds of thousands of our citizens reside.

(The following occurred during Mr. THURMOND's remarks:)

Mr. THURMOND. Mr. President, I ask unanimous consent that I may yield to the able Senator from Nevada (Mr. LAXALT) with the understanding I will not lose my right to the floor and that when I resume it will not be considered a second speech, and with the further understanding that his statement will appear elsewhere in the RECORD.

The PRESIDING OFFICER (Mr. LEVIN). Without objection, it is so ordered.

Mr. LAXALT. Mr. President, I am pleased to join my colleagues in the debate opposing S. 10.

My opposition stems from my experiences as an elected official in the State of Nevada, just as the opposition to this bill by a number of my colleagues apparently stems from their experiences as State elected officials. Those of us who have dealt with the problems of State institutions firsthand, who have tried to solve the often unsolvable problems which so often arise, who have tried to convince our legislatures to appropriate more money for State institutions, and who have dealt with the political problems on a firsthand basis know that making the Department of Justice a permissible plaintiff, creating more litigation, and involving the Federal courts will not necessarily alleviate the problem.

I certainly recognize, and am willing to admit, that there have been many abuses of persons institutionalized in State hospitals, homes for the elderly, and prisons. As a former Governor I have seen them firsthand, I attended committee hearings where they were spelled out, and I have read the committee's report.

The bill which we are debating today requires that before a case can be brought by the Attorney General, that the conditions existing in an institution must be egregious or flagrant, which terms are defined in the bill as, conditions which are willful or wanton or conditions of gross neglect, and that such deprivations are pursuant to a pattern or practice of resistance to the constitutional rights of the inmates.

Thus we are not simply dealing, in this bill, with abuses which may exist in an institution, but only with the worst conditions imaginable, which exist pursuant to a pattern or practice of resistance to correction of those abuses. Under that test—and that test is a strict one—I am not convinced that there are sufficient cases to justify enacting legislation giving the Federal Government such broad powers over State-run entities. With the threshold as high as it is, in other words, is there really justification for this legislation?

I think that is an exercise that we can indulge in more frequently around here in terms of serious social problems. Immediately, the reaction too often here in the Senate as well as in the Congress is to think in terms immediately of some legislative solution and then, in turn, to think in terms of some Federal legislative solution. I question seriously in this piece of legislation, which really transgresses very deeply that vital and sacred area, at least to me, of States rights, if there is any real justification for this legislation.

During the course of the debate on this bill in the Judiciary Committee, I asked the bill's proponents, several times, to give me a list of situations existing in State institutions, which they know about, which meet the threshold required in this bill. The best response that I have gotten from the bill's proponents is that they have been able to determine that in five States—Alabama, Nebraska, Indiana, Louisiana, and Texas—that there was a pattern or practice of egregious or flagrant abuse. In looking into those five instances, however, I find that in at least three of them there is serious dispute by the State officials that the conduct engaged in would have been serious enough to justify Department of Justice involvement in a lawsuit.

Federal intrusion into matters reserved to the States is a serious question and is only justified under the most severe conditions. If the bill's proponents could show me that, time after time, there were situations involving flagrant and egregious abuses, demonstrating a pattern or practice of resistance to correction, I might be convinced. Two or three instances, however, of such abuse is simply not sufficient justification, in my mind, for Federal involvement in these questions.

What is the evidence of patterns or practices of behavior serious enough to meet the bill's threshold, which warrants the intrusion of the Federal Government into this area? Are there instances where a court has made a finding, based on evidence submitted to it, of a pattern or practice of such conduct? Are there even instances where there might be a reasonable inference of a pattern or practice of such violations? To my knowledge, Mr. President, there are made a finding of a pattern or practice of such violations, and, as indicated above, we find few situations where a reasonable inference might be drawn that such a pattern or practice existed.

The incidence of abusive conduct cited by the proponents of the bill is not the sort of behavior which constitutes willful and wanton conditions, or conditions of gross neglect pursuant to a pattern or practice of resistance. There are incidents and only incidents. To strictly adhere to the terms used in this bill, it would be necessary that State officials, including Governors and State attorneys general, not only knew about such conduct, but, in fact, approved of it. As a former Governor myself, I do not believe that is the case. The cases in which the Justice Department has intervened and which have been cited as the sort of cases which this bill would authorize the Justice Department to commence, involve, for the most part, issues such as whether inmates of institutions would be provided 30 instead of 20 hours of rehabilitative training per week, or involved the amount of money spent on recreational facilities per inmate. Those are not, in my mind, questions in which the Justice Department should involve itself.

Another area that troubles me regarding this bill is the question of solving such problems by litigation in the Federal courts. As a representative of the California attorney general's office said, in testimony on this bill,:

> S. 10 is just passing the buck again. It's the Congress, the legislatures, administrators of the state, passing the buck to the federal judiciary to make the final decision on how institutions shall be run. I think that what we should have in mind is not further burdening our district court judges with this type of litigation, which is already at an appalling state as far as State Attorneys are concerned, but to try to seek out some sort of avenue short of litigation.

Shirley Hofstedler, now the Secretary of the new Department of Education, and formerly a judge on the Ninth Circuit Court of Appeals, speaking to the Institute for Judicial Administration Convention in 1977, expressed similar reservations about solving such problems through litigation. Mrs. Hofstedler, who, I suspect, is not listed with the opponents of this bill, said:

> I question whether the litigation model is a desirable means of attacking many of our social ills. I believe that resort to litigation to effect social change has developed, not because it is the best way to achieve justice.

but because it has been the only way perceived to exist.

Mrs. Hofstedler then went on to recommend that, instead of increasing litigation, as S. 10 would do, a number of regional commissions be created which had investigatory authority over Federal and State institutions. Commission members, she suggested, who would be jointly appointed by the Congress and the State legislatures, could inspect Federal and State institutions and make recommendations for reform to the appropriate Federal or State executive agency. Furthermore, the chairmen of these regional inmate institutions commissions would act as a clearinghouse for Federal grants to such institutions and could encourage application for such grants. Mrs. Hofstedler's proposal would not prevent an individual inmate from pressing his claim before a Federal district court under available law, but it does encourage administrative, rather than judicial, recourse. Finally, her proposal is based on employing techniques that are built on cooperative rather than adversary models.

Confrontations in Federal court between the Department of Justice and State officials can hardly be considered a way to cement relationships between State and Federal Governments. Such confrontations, in my opinion, will serve only to further strain the delicate balance of federalism. Historically, the justice concept has been shaped, as it should be in the future, under our federal system, through a combination of litigation, legislation on the Federal level, legislation on the State level, and general interaction of Federal and State policymakers. Creating a new cause of action to totally replace this development of justice can only cause this federalist aspect of justice to suffer. As one who has been intimately involved in State government, I can testify to the fact that relations between State and Federal Governments will not be improved by having FBI agents, Federal investigators, and Justice Department attorneys snooping around State institutions and subsequently bringing Federal cases to make that State institution conform to Federal standards.

Furthermore, I do not believe that the Federal courts are the proper place to handle problems involving State institutions because of the sort of remedies which Federal judges are authorized to provide. It goes without saying that most of the problems which the bill's proponents envision correcting exist because insufficient funds have been appropriated by the State legislatures. It also goes without saying that Federal judges do not have the authority to appropriate such funds.

Instead, S. 10 authorizes courts to order "such equitable relief as may be appropriate to insure the full enjoyment of such rights, privileges or immunities * * *."

Thus, a Federal judge is given the authority to set standards of care, to order the manner in which an institution is to be run, or, the ultimate sanction, assuming nothing else works, of closing the institution completely. As the Eighth Circuit Court of Appeals said in Welsch against Likins, an institutions case commenced by private individuals, regarding the remedies available a Federal trial court in such cases:

> An extreme alternative would, of course, be the closing of the hospitals and the abandonment by the state of any program of institutional care and treatment for the mental retardees. A lesser alternative might be the reduction in the number of hospitals. Or the legislature and the Governor might decide to reduce by one means or another the populations of the respective institutions to a point where the hospitals would be staffed adequately and adequate treatment could be given to individual residents.

It is obvious that the problem is not one which can be or should be attempted to be solved by litigation. The courts are not only already overburdened. We have heard testimony to this effect for the last several months in processing the new crop of Federal judges. Constantly, we are hearing before the Judiciary Committee that the Federal courts are already overburdened. Here, in this situation, we are adding to that problem. So we are actually ending up with a situation here, Mr. President, where the courts are not already overburdened, but they are running the lives of the citizens and institutions of the States to an excessive degree already.

We have far too many instances, Mr. President, in my estimation, in which the Federal judges of this country are having great influence on the conduct of our schools and the conduct of any number of our State institutions.

As I stated earlier, in quoting Mr. Murphy of the California attorney general's office, we are just passing the buck again. This is the bottom line. That is precisely what we are doing.

We have a difficult problem which we think needs to be solved, but we are not prepared to bite the bullet and deal with the problem first-hand, but are passing it along to the Federal courts, telling them to attempt to fashion some other sort of remedy.

Finally, Mr. President, litigation is the wrong way to handle this problem because, as anybody who has been involved in litigation knows, law suits in every other area are used as a last resort, and, when they are used, they harden positions and they do not make friends. In most situations in private litigation, that really does not make any difference—the people who sue each other can live, for the most part, without each other later on.

But the States and the Federal Government, after the litigation envisioned by S. 10 has been completed, would have to continue to live together, to deal with each other, to cooperate. When parties are involved in a hard-fought law suit, even if those parties are Government officials, the law suit often becomes the issue rather than the substance itself.

It can be drawn out for months and even years, every sort of device and procedure can be used for the purpose of delay and harassment, appeals can be taken, and every other sort of procedural tactic used to make the opposing party's life more difficult. We would be naive to believe that just because people are State officials that they would not resort to such tactics and S. 10 law suits. And when they did, the issue which is the heart of the law suit would be harder to resolve, and the State-Federal relationship would be more difficult to resolve.

Thomas Rath, the attorney general of New Hampshire, in testimony before the committee, said the following:

> I do not think that the process of litigation is the appropriate way to obtain cooperation from the states or to achieve constructive change in the area of institutional services.

(Mr. LEVIN assumed the chair.)

Mr. BAYH. If the Senator will yield, is now an appropriate time for me to break in, or would the Senator rather wait until after he is through? The Garrity case is a good case in point. I would like to get the Senator's reaction to how that problem should be resolved.

Mr. LAXALT. And what is the problem to which the Senator refers?

Mr. BAYH. Would the Senator rather I wait until he is through? My concern is how to go about doing this. We tried to phrase this bill so this is the last resort. We put in safeguards. But here we have a State official saying that this is not the way to do it, and the testimony shows the superintendent of the institution in question had said to the State legislature that if we do not do something to clean up our own act, we are going to get sued.

What recourse is there, given that background, which I think is factual, that we have other than this?

Mr. LAXALT. Of course, the recourse envisioned in this piece of legislation would be, as the Senator has previously indicated, to the Federal courts on a last resort basis.

It is my view, having served on the State level that the tradeoff is not worth it.

First, as I indicated previously, the cases in which these matters with this kind of threshold involved warrant intrusion by the Federal Government are remote.

We came up, as I indicated, with five States initially where there might be a type of pattern which we will try to correct through this legislation. Of course, three of them, apparently, there is a serious debate in the State whether that actually existed.

It is my view we cannot legislate in these important areas for the exceptional case. I do not think the price we pay for the Federal intrusion, for the unneeded litigation, contentious litigation of the type I just described, is worth the tradeoff in terms of isolated incidents which may occur in some of these States. I do not think it is worth the tradeoff.

Mr. BAYH. I thank my colleague, the committee member from Nevada.

I come to the opposite conclusion, but I share his concern that we minimize the Federal involvement, although he would exclude it completely.

I appreciate his letting me interrupt him.

Mr. LAXALT. I thank the Senator.

Mr. President, proceeding further with the statement made by the attorney general of New Hampshire:

> My primary objection to the formulation of policy through litigation is that it has

> been my experience that litigation hardens positions; it does not make them more flexible. It is very difficult for a state to cooperate with the federal government when the United States is taking on adversarial positions against it. This is particularly true where, as in our case, the United States takes sides in litigation which the state is attempting to settle or in a case where the United States intervenes in litigation involving personal damage claims. Where policy is sought to be made by litigation, federal experts, who might otherwise be in a unique position to offer to a state the technical or financial assistance contemplated by this legislation, become witnesses against the state and are therefore unavailable to assist the state in resolving the problems to which this legislation is addressed. Moreover, litigation in this area has a detrimental effect on settlement possibilities because it involves political considerations inherent in conflicts between state and federal governments.

Mr. President, I think the Attorney General raises a valid point. As indicated earlier, litigations are litigations.

Very often, when we nave individual clients confronting one another and have witnesses confronting one another, it takes a long time before those wounds can be healed, if ever.

Here, we are dealing with governmental entities. In my experience, it has taught me as a lawyer and public official that the ballgame is precisely the same.

If we get Federal courts involved, if we get the judicial people from here in Washington involved, we will have the type of confrontation which could be counterproductive.

I agree, basically, with the statement made by the attorney general of New Hampshire when he says that litigation is the wrong route. It will result in confrontations and exacerbate the problem, basically, when the fact of the matter is that through healthy cooperation between the technical people here, many of them highly competent, who come into a State like New Hampshire, offer their recommendations, sit down and say, "Listen, you have a problem. We think, through the technical solution we have, that this may be a solution to that problem," all working eventually to cure the particular social ill to which this legislation is addressed.

Other than that, we will go through the litigation confrontation route.

I agree completely with the attorney general of New Hampshire in his analysis of the problem.

Mr. President, the Justice Department attorneys who try these cases on behalf of the United States will not be neutral parties trying to quickly resolve issues effecting mental patients or State prisoners.

It does not work that way. They cannot be neutral parties. My experience indicates when we get this kind of legislation, they quickly become advocates, and perhaps they should be. They will be young, aggressive attorneys who want to win cases, trying to make their mark. Fine. And in this case, simply winning cases is very likely not going to be the best way to resolve difficult issues of policy.

I have always felt, Mr. President, as an individual practitioner, as a public official, that litigation is a matter of last resort. It is a matter of last resort between private attorneys, and should be a matter of last resort between the Federal Government and the States.

As Senator BAYH indicated, the thrust of this legislation is last resort. In addition, it should be, it seems to me, a matter of last resort for the Congress.

Accordingly, I do not think legislation such as S. 10 should be enacted until the Congress has satisfied itself that all other possible remedies to the problems existing in State institutions have been tried. Let us not just "pass the buck" to the Federal courts, thereby creating more litigation which will create more problems. Let us try to solve the problem at hand in a manner that will be expeditious, that will preserve our federalist system, and which will serve the inmates of State institutions. I regret to say that I do not believe that S. 10 will accomplish any of those goals.

I thank the Senator from South Carolina.

Mr. President, that concludes my presentation.

Mr. THURMOND. Mr. President, I thank the able Senator from Nevada and commend him for the splendid statement he has made.

The Senator from Nevada was one of the ablest Governors this country has produced. He has made a very outstanding record here in the Senate. His opinion on this matter is extremely important.

I commend him again for his excellent statement.

Mr. LAXALT. I thank the Senator.

(Conclusion of earlier proceedings.)

AMENDMENT NO. 1672

Mr. BOREN. Mr. President, I should like now to commence the discussion of the pending business, which is printed amendment No. 1672.

The purpose of this amendment Mr. President, is to insure that relief granted by the court is consistent with the Justice Department certification of legal deprivations.

The bill requires the Attorney General to consult with the appropriate State or local officials about the problems which exist in institutions and work with them to remedy the conditions. Specifically, in section 2 of the bill, the Attorney General is required to certify to the court that he has notified the Governor and appropriate legal officials of the State at least 56 days before the commencement of any action against the State or local government and, further, that such notification shall include the alleged conditions which deprive the institutionalized person of their civil rights, plus the supporting facts, and the minimum measures which he believes may remedy the alleged conditions.

Further, section 2 requires the Attorney General to notify the Governor and other appropriate officials of his intent to commence an investigation—that he or his designee have made a reasonable good-faith effort to consult with the Governor and other officials regarding actions which he believes may assist in the correction of the alleged conditions; that the Attorney General has endeavored to eliminate the alleged conditions and that, in his opinion, all such efforts of voluntary compliance have failed; and, further, that he was satisfied that the appropriate State officials have had a reasonable time to take appropriate action and they have failed to do so.

Section 2 goes on to state that the Attorney General must believe that such action by the Justice Department is of general public importance and will materially further the vindication of the individual rights allegedly deprived.

It is also important, Mr. President, to note that the certification must be personally signed by the Attorney General.

The conditions thus laid out in section 2 are a step in the right direction and they are prompted by a recognition that it was not proper to allow the Justice Department to intercede in State affairs with absolutely no rein or check.

As good as they are, I do not believe that they go far enough. There could be cases cited in which the Justice Department could enter upon such an investigation under a pretext that could be later abandoned. The investigation could be suddenly widened to include any new areas not originally contemplated, areas in which the State and local governments affected had not been properly apprised.

It is this practice, Mr. President, that would be halted by this amendment. It is not unreasonable to expect the Attorney General to go through the certification process each time he finds it necessary to initiate a suit. That was the reason the steps contained in section 2 were written, and it is the action the Justice Department should be compelled to follow.

We should make absolutely sure that the expanded power delegated to the Attorney General does not become a fishing expedition. I believe this additional check is needed to strengthen the bill.

I think the adoption of the amendment would make it a stronger and a fairer bill, Mr. President. I have to agree with the comments made yesterday by my colleague from Nebraska that, in some ways, the bill as written provides a federally funded hunting license to Federal bureaucrats to go after State and local governments. I think we should begin with the assumption, and I am sure my colleague from Indiana would agree with me, that, in the vast majority of cases, responsible elected State and local officials want to do the right thing. They want to have a chance to correct abuses. They want to have a chance to improve conditions that need improving.

I think it is very important that we not establish in the beginning an adversary relationship between the Federal Government and the State government, that we begin by trying to have the various units of government work cooperatively together.

We should begin by having the Federal Government call to the attention of the States any abuses which they think should be corrected and responsible local officials should certainly be given every opportunity to correct those abuses before the Federal Government steps in.

The only way to assure that is to assure that the State officials are given a full and complete description of what it is that the Federal authorities intend to investigate and what conditions the Federal authorities are alleging need to be changed. If the State officials are not given a full description of what it is that the Federal officials are complaining about, they are not given an adequate opportunity to meet their own responsibilities at the State and local level. Therefore, I think it is only reasonable that the notice specify what condition it is and that any investigation by the Federal Government and any action later taken in court reflect the same specific subject matter of which the State officials were giving notice.

If one is allowed later to broaden the scope of the investigation, without giving notice back to the State officials and if one is able to go to the court and seek an order to correct conditions that have never been brought to the attention of the State officials in a timely manner, then the notice itself becomes worthless, because the State official has never been given a chance to respond or to take action on his own.

Therefore, Mr. President, I urge my colleagues to seriously consider this amendment. I urge those on both sides of the question philosophically, in terms of support and opposition to the bill itself, to give serious consideration to adoption of this amendment, because I sincerely believe that, no matter which side you are on on the bill itself, if Congress decides finally to enact this piece of legislation, it will certainly make it a stronger, fairer piece of legislation if this provision is included. I believe that it will certainly help to bring about the kind of cooperation between the Federal and State and local governments that will bring about much more improvement in conditions.

It has been my experience as a Governor that when you can have cooperation, when injustices or abuses are called to the attention of local officials in a cooperative spirit, not in an adversary spirit, there is a much greater chance that the wrongs will rapidly be corrected; that the abuses will be ended; and that if we follow a constructive spirit, we will much more rapidly reach the goal of total protection of the individual rights of all institutionalized persons, in all facilities in this country, local, State, and I might add Federal, as well.

This is a much better way to approach it than to begin with an adversary attitude.

Mr. President, I thank the Chair. I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. HEFLIN). Who yields time?

Mr. BAYH. Mr. President, I yield myself 5 minutes.

Mr. President, I must say, as the principal sponsor of this bill, that I have a great deal of sympathy for the abuse with the kinds of heavy-handed treatment that have been described by my distinguished colleagues from Oklahoma and Nebraska. This apparently, was the order of the day by Justice Department investigators during the time they served as Governors of their respective States.

There is nothing the Senator from Indiana can do to undo that past heavy-handed treatment. But we have tried extensively, by accepting 35 amendments, most all of them based on experiences brought to our attention by our Senate colleagues, as well as others, attorney generals and the like, to prohibit this kind of abuse.

The very kind of environment we are seeking is the environment described by the Senator from Oklahoma, one of cooperation, one of joint effort, to relieve conditions that no one likes.

We have, as the Senator pointed out, required that the Attorney General personally sign off on the complaint. This is to prohibit some well-intentioned and overly exuberant second- or third-level official from figuring out how he is going to lay it on the Governor of Oklahoma, or lay it on the Governor of Nebraska, whatever it might be.

We have written extensively into this bill the kind of conditions which must exist, and the high standard of willful, wanton conduct that deprives individuals in institutions of their constitutional rights. We have specified in great specificity the notice provisions that are required.

As the Senator from Oklahoma very well knows, painfully, from his experience, it is not necessary for the Attorney General to get involved in joining a suit that is already being brought. There are no limitations on the Attorney General presently as far as the specifics of allegations, of conditions, that are trying to be remedied. There are no specifics about facts, times, places, personnel, to support these allegations. There are no requirements now on the Attorney General that he must enunciate specifically in the original complaint the minimum requirements for solving the problem.

The Attorney General can flat out do, apparently, what he did in Oklahoma and did in Nebraska. There were no laws, no rules, governing that.

It seems to me that those who are concerned about this kind of problem would take some heart in the fact that S. 10 does specifically say that the Attorney General has to notify in advance, more so than now; has to specifically enumerate the conditions; has to support those allegations with times, places, and persons; and has to specify what standards, or what would be the minimum measures which he would believe could remedy the alleged conditions.

So I frankly feel as far as intervention is concerned that the Attorney General is going to be held to a much higher standard than is now the case.

Does the Senator from Oklahoma disagree with that?

Mr. BOREN. I say to my friend from Indiana that I do not disagree in the sense that we are putting, I think, some very beneficial restrictions and guidelines on the Justice Department in terms of taking action. I think to the extent this is being done, it is beneficial.

If the bill were simply to keep the present law as it is, allowing the Justice Department to intervene in suits brought by others, and adding these guidelines to it, I would be strongly supporting the bill.

However, as my good friend knows, we are adding very significant additional powers to the Justice Department by allowing them not only to intervene, and they already have that remedy, but by adding to it the power to initiate suits, the Federal Government to initiate suits against State and local governments.

So it is at that point where I would not be able to be in agreement. If the Senator would limit his bill to merely cleaning up the current process, I would be very much for it in terms of limiting the power of the Justice Department to intervene.

But I still do believe that we need to be very specific in the notice.

I ask the Senator from Indiana in reply, does he not feel that most State and local officials are people of good will? Is there anything mystical which causes a lawyer, because he happens to work for the United States Department of Justice, to have more compassion or more humanitarian concern, or to be more sensitive to the needs of those being abused in institutions than would be the case, for example, of attorneys who happen to work in the office of the State attorney general, or the Governors of the States?

Would the Senator not feel that officials at the State and local level, as human beings, are just as sensitive to the rights of persons institutionalized as those in the Federal Government?

If that is the case, should we not begin by assuming these people want to do the right things and, therefore, given the specific notice so that they will have a chance to correct these situations individually, condition by condition, before we would allow the Attorney General to proceed?

Mr. BAYH. I certainly do not believe that the Federal Government is the sole repository of sensitive public officials. On the contrary, I feel State and local officials are just as sensitive, perhaps a little more so, with local and State problems than the Federal Government is.

But as the bill has been very carefully drafted, the only time the Attorney General can get jurisdiction to bring, to initiate, a suit under S. 10, is after he has enunciated all of these problems, has specified time, place, and personnel, as to who participated in them, has specified minimum measures to rectify those problems, has tried over an extended period of time to negotiate with these sensitive State officials, and only when he cannot get any action from the State officials is he permitted to use S. 10.

May I ask, on the specific amendment of the Senator from Oklahoma, could he give me an example of the kind of new information he would have excluded? What would happen? Suppose the complaint says that in the mental institution the following conditions, A, B, and C, are alleged to exist, who participated in them, what the problem was, and all that kind of thing. In the trial before the judge, conditions D and E are discovered to exist, also.

What records does the Attorney General have to rectify regarding D and E, since he has only specified A, B, and C in his complaint?

Mr. BOREN. The Attorney General in that case could go through the procedure and notify the State officials of an additional condition, where a deficiency is found, and ask the State to come up with a plan to correct it. If the State does, you follow the procedure.

I can give the Senator this experience: We started out in Oklahoma, in the prison situation, talking about inadequate space. This was one of the issues brought up, that we had too many people housed in small cells, with inadequate space. I was sensitive to that.

We started out trying to correct that problem. One suggestion was that we would build additional facilities and that, in the existing facilities, we would knock out partitions and make an existing cell twice as large, for example.

When you start trying to correct that situation and the State does not have a magic printing press to come up with money, you have to allocate funds.

Then, while you are trying to correct that situation, they say:

> Your present water system, the pipes out to the water wells of the institution, is not right, the wiring in this section is not right, and we find there is not adequate provision for safeguarding the mail of inmates. It is being opened and censored. We need a new system for that.

All of a sudden, you are considering factors as you go along, and you have not been given a chance to correct them or to sit down and discuss with the legislature that we have to come up with $10 million to solve the cell space problem and we need $2 million more to solve the water problem.

I think there should be notice on each of these, so that you cannot come in and dump the whole load on the State official; and you might be able to say to the Justice Department, "We are trying to solve the space problem. We are building two new prison facilities. Next year, I am going to ask the legislature for money to take care of the water problem, or we are going to have adequate training for the guards."

I think we should be fair and assume that the State officials want to do the right thing.

I can tell the Senator, as I said yesterday, that, as a State official, our prison system in Oklahoma appalled me. As a candidate for Governor, I talked about it up and down the length of the State. After being elected, the very next day, I called the outside consultant who made the study of our prison system and asked him to meet with me. He came from Chicago.

I said, "You have made recommendations. I have been elected, and I want to put each one in effect." Six months later, I hired him as my corrections director, to try to do it.

We should do that. It should be a clear, detailed list. We cannot forget the financial burdens imposed on State governments which have to come up with the money and must have time to do it.

I say to the Senator from Indiana that I think it is fair to start that process, to give notice on the other matter which has not been raised before.

Mr. BAYH. I say to the Senator from Oklahoma that I cannot overemphasize the fact that we are changing the rules under which the Attorney General must operate. He cannot even get into court, under S. 10, unless he can prove willful and wanton misconduct, egregious conduct, and so forth. We have significantly increased the burden on the Attorney General to point out that there is a tremendous amount of bad conditions, severely impacting on the constitutional or legal rights of people in our institutions.

So it seems to me that it would not be accurate to compare the standard applied by previous folks representing the Justice Department to the way they would have to conform under our bill. It is to the credit of the Senator from Oklahoma and to the credit of others who have been subjected to some of this arbitrary intervention that we have written these safeguards into the bill.

What concerns me about the specifics of the amendment of the Senator from Oklahoma is that we are trying to resolve this thing in as amicable a manner as possible.

I agree with the Senator from Nevada (Mr. LAXALT), although he was using this as a reason for being against the bill. It seems to me that we have to understand that in most instances, in most States, this is not going to be a factor; that the problem is going to be resolved before the Federal Government becomes involved.

In the second instance, I think that most Governors, given adequate notice, given the demands of this legislation that all parties cooperate, will try to work it out; and only if you cannot work out something voluntarily are you permitted to file a complaint. I think that in most instances, that is going to take place.

What concerns me is that we have put into the bill many requirements, such as taking a long period of time to negotiate a solution, and to advise and to counsel and to try to work out things amicably, and we have required a great deal of specificity in the complaint. But it is very easy to imagine certain things that might be going on which are having a devastating impact on, let us say, the patients in a mental institution which have not come to the attention of the Attorney General at the time he files the complaint. It comes out during the trial.

Let me give a specific example: Let us say we are after a problem of physical abuse. We have x number of inmates who were physically abused. We have a list of them as long as my arm: Toenails pulled out, cigarette burns, homosexual molestation—terrible things that the Senator from Oklahoma would not condone at all.

This is in the complaint, and the trial starts. In the process of the trial, one of the custodians of the ward, at the time he is being cross-examined on the question of physical abuse, says, "Well, you know, in addition to this, I had a responsibility for administering drugs."

"What kind of drugs did you administer?"

"Psychotropic drugs."

He names two or three of them.

"Did you have any authority to do that? Was that prescribed by a doctor?"

"No. No, sir, I did not."

Technically, that would not have been alleged specifically; but it seems to me that that is not the kind of thing about which you should have to go back 9 months and go through the whole process to be able to deal with.

Mr. BOREN. I think the Senator's example points out exactly what I am saying in my argument.

If it were a Federal investigation in progress into the kinds of conditions the Senator is talking about, and then something else came out, such as the dispensing of mind-changing drugs without prescription and without safeguard—if that came out in a hearing, if either of us were Governor of the State where that was going on, and if we had appointed a director of the mental hospital and there was a board to oversee it, I think the reaction of either of us, as the responsible official in that case, would be to say, "This is a terrible thing."

If that had happened and I had been Governor, I would have called in the director of mental health 5 minutes after I heard it and I would have said: "Is this going on?" If he said, "Yes," I would have said: "By tomorrow morning, at 8 o'clock, I want a set of written procedures to stop that right now."

Since the Senator just said he assumed that the State and local officials, when they found out about these kinds of abuses, would want to correct them, I think he should not turn his assumption around and say, "They are not going to do it, so we are building into the bill a period of 9 months to correct it."

I never knew a Governor of any State, in my association with the members of the National Governors Council, who, having been told of the abuses just enumerated, would not have called a meeting and said, "Change the procedure."

Mr. BAYH. It is difficult for the Senator from Indiana to articulate the fact that situations have existed in which the response has not been the kind that my good friend from Oklahoma would follow if he were Governor. In the record, we have a number of examples in which the State officials have had notice and have done nothing about it.

There is the instance of the attorney general of New Hampshire, who laid it on the Federal Government with respect to becoming involved: "We have to know what is going on, and Uncle Sam comes in, in the dark of night, and descends on us, with the brown shirt and black boot syndrome." As a matter of fact, in New Hampshire, the head of the institution in question publicly told the State officials, "We have to get our act in order," and they were ignoring him.

That is an isolated instance. Most public officials are going to cooperate. We have required now a much higher degree of cooperation from the Justice Department.

But when we have a State attorney

general or a superintendent of mental health or a Governor who says, "Sorry, fellows, we are not going to pay any attention to you," then what do we do? That is the question.

If that Governor is of that mind—take this New Hampshire situation—he could ignore the psychotropic drugs. The suit could be and the complaint could be about physical abuse. But because one did not point out the fact that there were children who had food stuffed down their throats by mentally retarded custodians and the children choked to death, the judge could not order that to be stopped. He could not allow that in the case unless he went back for another 9 months and watched it be dragged out.

I just think the kind of cooperation which we absolutely demand in here is going to make it move much more quickly and much more judiciously than the personal experience that the Governor from Oklahoma had under a different set of rules.

Mr. BOREN. I understand what the Senator from Indiana has said. Again, I certainly respect his motivation in pushing this piece of legislation. I respect the fact he has tried very hard to assure that there will be fair procedures to encourage cooperation before we get into an adversary situation.

I think the Senator should be commended for the efforts he has made and for the changes that have already been made in this bill to set up these procedures.

But I just simply again feel that the dangers of allowing Federal officials to pursue these matters are great. I have experienced both kinds. In fact, during the prison case from the Department of Justice I found some who were very reasonable who wanted to follow a course of cooperation. I have to say that Mr. Days, who is presently the head of the Civil Rights Division of the Justice Department, was one of those who was interested in following a course of cooperation. I commend him for his attitude.

But there are definitely others who do not take that point of view and who were intent upon going on a fishing expedition and who were intent upon embarrassing and establishing an adversary relationship with State officials before really giving them a chance to correct the situation.

At this time I yield to my colleague from Nebraska who wishes also to make some remarks on this subject.

Mr. EXON. I thank my friend from Oklahoma.

Mr. President, possibly we should go into a colloquy here, with the agreement of our friend from Indiana, on several things that have been brought up here and will be brought up on the other amendments that will be proposed to S. 10.

I wish to have my friend from Indiana, if he could, state once again what is the need for this legislation in view of the fact, and I am wondering if he agrees with me, that the Justice Department has been involved in numerous cases where it has been alleged—in some cases it is true—that the civil rights of people in institutions have been abridged.

Certainly whether we pass S. 10 or not, I am glad that there is a Justice Department that has the right to come in under the law as it presently exists, and that law is not going to be changed whether S. 10 is enacted by Congress or not.

Therefore, with the situation that we have now, will the Senator from Indiana state so that I can understand it or hopefully understand it once again what is the primary need for the passage of S. 10 since the Justice Department has now the authority to intervene when lawsuits are brought?

Mr. BAYH. I am glad to try to respond to my friend from Nebraska. He has tremendous power of perception. I think he can understand what I am saying.

I simply wish he would agree with the logic of what I am about to say. He has had a very difficult confrontation with the Justice Department while he was Governor and while the Justice Department was operating under a different set of rules.

I emphasize that we are establishing a much higher standard of conduct to be required of the Justice Department before they go descending on the State of Nebraska, the State of Oklahoma, or any other State.

However, let me show the Senator two examples that I think point out the need.

Under present law, a murderer or a rapist in a State prison system is walking around, going to the library, reading the books on constitutional law, reading the newspapers—that penal inmate, having committed the most heinous of crimes, can bring a suit against the Governor under today's laws and once that suit has been brought, then the Justice Department can intervene. That is law now.

However, a child who is mentally retarded, perhaps an orphan, who is subjected to being tied to his or her bed day after day after day spread eagle with no clothes on, or a mentally retarded adult who has no one to constantly keep in communication with him, who is kept in a straitjacket month after month after month for years, those people lack the mental capacity in many instances to bring to the attention of the court serious conditions which may be much worse than exist in the penal institution. Yet unless that suit can be brought on behalf of a mentally retarded person he is defenseless as far as protecting himself.

This law would give the Attorney General the right in those instances to bring a case to protect those mental patients from the conditions which seriously threaten them.

Mr. EXON. I thank my friend from Indiana.

As he indicated at the beginning of his statement we obviously do not agree. Well-intentioned individuals oftentimes do not agree.

I emphasize once again that I think the Senator from Indiana has provided a worthwhile service. I think, though, that we had better let us examine this statement that in this bill we have made it tougher. Do I understand the Senator from Indiana to say we have made it tougher for the Justice Department to become involved in lawsuits?

Mr. BAYH. Yes, we have.

Mr. EXON. Then is the Senator from Indiana telling me that the people who came in and testified in support of S. 10 are people who are sincerely interested in making it tougher for the Justice Department to become involved in lawsuits in the States?

Mr. BAYH. I cannot speak for the motives of all those people who testified in support of S. 10. I must profess that I give them as much credit for being human, sincere, and humane, thoughtful individuals as I do Governors and Senators because a lot of those folks with no salary at all spend hours every year trying to find conditions that are the kind of conditions in which human beings should not have to live. So I do not want to denigrate their motives.

What we have done here, I say to my friend from Nebraska, is to sort of work out what I thought was a delicate balance, and the groups that have been out there leading the charge to join suits that they can intervene in now, as in the situation that existed in Nebraska, were willing to have a higher standard imposed and limitations of the rights that they now have, and the Justice Department now has in exchange for permitting the Justice Department to initiate suits to deal with those closet cases to which I have referred.

The unfortunate fact is that the people who have committed the most heinous crimes now are in a better position to defend themselves than boys and girls who have committed no crimes at all.

That was the trade-off, I think—I cannot speak for those individuals but as far as the Senator from Indiana was concerned—that was his motivation. But I do not want this to happen again. When I found out the kind of treatment some of you folks were receiving from the Department of Justice who descended on you in the dark of night, with a whole bunch of investigators, no kind of charges—that kind of business has no place in our system of jurisprudence.

So it certainly sold me on the need to put in these provisions that exist on page 11 of the bill with which the Senator from Nebraska is familiar, where the alleged conditions have to be specified, the laws violated, the rights violated, have to be specified, where you have to have supporting facts. You cannot just shoot from the hip. You have to have supporting facts, persons, dates, places where this situation occurred. Those facts have to be there. Minimal conditions to solve the problem have to be there. All those things have to be present if this bill passes, that do not have to be there right now, as the Senator from Nebraska knows.

Mr. EXON. The Senator from Nebraska also knows very well—I would like to correct the impression being given by the line of statements offered by the Senator from Indiana—that as far as I know the Justice Department has not had very much trouble in jumping in on lawsuits where they want to jump in.

I cannot believe that you mean to imply that the thrust of S. 10 is going to make it more difficult for the Justice Department to become involved in lawsuits regarding State institutions. You do not mean that, do you?

Mr. BAYH. Now the only requirements that must be met by the Justice Department before they can knock on your door and say, "Governor Exon, here we are. Let us see the books. Open up your institutions. Here come the FBI agents and what not to do the investigating," the only thing they have to do now is to tell you they are going to do it when they do it at the time.

Now, in our bill, and you can read what it says there, you have to have at least 15 days' notice before they do it so you can start asking the questions of your superintendents in your institutions, saying, "Say, Charlie, are you really doing this?"

Obviously, the Governor has a lot of things on his mind. He does not know everything that happens in his institutions, so advance notice is given under this bill. Then the alleged conditions which deprive the inmates of their rights—I have already gone down the list. None of those things are required right now. If this bill passes, they will be required.

Mr. EXON. So once again, in order that I understand what the Senator is saying, he is saying if we pass S. 10 that it is going to provide more protection for the State officials, the Governor, the judicial and the legislative branches; that we are protecting them by passing S. 10, giving them more protection than they presently have?

Mr. BAYH. That is accurate in the case of intervention. That is absolutely correct.

Mr. EXON. Let us take the closet cases to which the Senator refers. How is it that these closet cases to which you refer are known to the Justice Department if they are not known to the people within the States where those abuses are occurring?

Mr. BAYH. We have, I think, a pretty good record in our hearings, and we also have pictures in our files we would be glad to show anyone who would like to look at them, of the kinds of conditions that existed in the Solomon case which was initiated by the Justice Department. There was no primary plaintiff who had come forward, and thus the court said the Justice Department's case was not based on valid authority, and threw it out.

Mr. EXON. I guess the Senator did not understand the thrust of my question. Let us consider, for the sake of discussion—and we all know there have been some abuses and, good Lord, it is not reasonable to say there have not been abuses, and I say abuses should be corrected. I guess what we are discussing here is who has the primary responsibility to correct those abuses, and I think the Senator agrees that the primary responsibility has to rest with State officials.

Mr. BAYH. Absolutely.

Mr. EXON. But what the Senator is saying, as I understand it, is that if State officials do not respond as the Justice Department thinks they should respond, then certainly S. 10 would give the Justice Department much more leeway than they have now with regard to the intervention or the institution of a suit.

Mr. BAYH. That is accurate not in intervening, but it is accurate in initiating A complaint must be forthcoming from someone within the institution or other third parties at present.

Mr. EXON. Now that again then answers my earlier question as to how does the Justice Department find out about these abuses. They have to find out from—the Senator made the point, at least with regard to mentally retarded individuals, that they do not have the wherewithal to file a complaint, as is customary with those incarcerated in our penitentiaries and reformatories.

My question is, How does this information come to the Justice Department in the first instance? It has to come from somebody who has some knowledge of that.

Mr. BAYH. Well, historically it has come from parents of patients who are afraid to come forth on their own; it has come from staff people working in the institution who needed to keep their jobs, who were afraid that if they said publicly what was going on they would have been fired, and they probably would have been.

Mr. EXON. When such individuals come forth—and this could be filed by the American Civil Liberties Union, could it not?

The PRESIDING OFFICER. The time of the Senator from Oklahoma has expired.

Mr. EXON. We know the American Civil Liberties Union has been involved.

The PRESIDING OFFICER. The Senator from Indiana has 1 minute on the amendment.

Mr. EXON. I had assumed that my colloquy was being charged to the time of the Senator from Oklahoma.

Mr. BOREN. The time has expired.

Mr. EXON. Has it expired, too? I apologize.

Mr. BAYH. Mr. President, I ask unanimous consent that 10 additional minutes be granted each individual in this discussion.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. EXON. The Senator would agree, I assume, that the American Civil Liberties Union is involved in these types of activities.

Mr. BAYH. Yes, and mental health associations.

Mr. EXON. I know it might be somewhat unfair for me to attempt to place the Senator from Indiana in the position of defending the Justice Department, but since I think that most feel that in the end S. 10, if it becomes law, is going to authorize the Justice Department to do more in this area than they have ever done in the past, I think it is only fair that we look at some of the activities of the Justice Department in areas that have not been addressed in any great detail.

I cite, for example, what I placed in the RECORD yesterday, the situation in Philadelphia where the Justice Department, to which we are going to give even more authority if S. 10 becomes law, went up to Philadelphia very recently and said they had proof positive that the mayor of that city and the police department had abused certain people's civil rights. It is all stated very well in the RECORD.

The situation was that, after hearing this and after the judge called in the Justice Department, he found that their public releases, their misuse of the news media indicating they had an open-and-shut case on this, were not true at all and, therefore, he threw the case out of court.

I think this is important because it indicates what the Justice Department has done in the past, and I cannot believe that there are safeguards written into S. 10 that are going to change the direction, the thrust, and the way the Justice Department has intervened in many similar cases.

Mr. BAYH. I might just suggest, I repeat what I said before, that the Justice Department is now operating under no restraint at all. All they have to do is knock on the door and say, "Here we are, fellows, open up."

We are putting specific restraints on. There must be advance notice, they must specify chapter and verse what the problem is so that the Governor or the superintendent of police or whoever it is can go and say, "Did this really happen?" It is not a fishing expedition kind of thing.

I think really what we are doing is making the Justice Department respond much more responsibly in the use of the power they now have. There is nothing I can do now to keep what happened from happening—I cannot do anything but say that I am sorry for what happened to you in Nebraska if they were heavy-handed. What we have tried to do is to write into the law provisions so that they cannot be heavy-handed the next time; and we have also tried to write into the law the capacity for the Justice Department to be able to deal with the problems that exist in the darkened corners of our mental institutions with the same capacity they now have to deal with the problems that exist in the penitentiaries where you have a plaintiff who is able to walk around and bring suit.

It seems to me that the judge is going to be the final determiner of these questions. But the Justice Department cannot even get into court until it has done all these other things.

Judge Johnson has been used by the Senator from South Carolina as a good example of a pillar of justice—and he is. But, for some reason or other, the Senator from South Carolina was using Judge Johnson as a reason to be against S. 10, where Judge Johnson was the first judge, really, to bring in the Justice Department in one of the landmark cases of terrible institutional care. He pointed out, at some length, what a tremendous contribution the Justice Department made in disclosing the facts of abuse.

Mr. BOREN. Mr. President, I thank my colleague from Nebraska for his comments. I think what he has said has added to our understanding.

At this point, from the point of view of the proponents of this amendment, I would like to close the debate by getting back to what the amendment iself does.

I certainly am in full agreement with the Senator from Indiana when he says that we do not want to allow fishing expeditions; we do not want to allow some of the unfortunate things that have happened in the past with Federal officials, not dealing on a cooperative or constructive basis but dealing in an adversary capacity with State and local officials, to be able to occur again.

I am glad the Senator has written into this bill some safeguards and some procedures in terms of notifying State and local officials so that they can try to meet problems and take care of deficiencies on their own without it having to go down through court orders and through adversary proceedings. That is good. But let us keep in mind what we are talking about here.

My good friend from Indiana has argued that this bill is necessary because it will allow the Federal Government to do more to protect the rights of institutionalized persons which are not being protected by State and local units of government. So it is going to expand the jurisdiction, quite clearly, of the Federal Government. That is his whole purpose and his whole argument. He is saying expanded authority on the part of the Justice Department is necessary.

Surely, the Senator cannot expect us to really believe that this bill is one aimed at restricting the power that the Justice Department now has so that it will have even less authority in the future. The bill expands the authority.

At the present time, the Federal Government can intervene in suits brought by the people. Inmates, for example, bring suits. The Justice Department can intervene in their behalf.

What this bill does is it says that the Justice Department can initiate suits on its own. It can send investigators out, once notice has been given, to look into certain conditions. It can go into any jail, it can go into any local institution or any State institution and determine what is going on. And then it can seek legal relief against the State or local government on its own.

The Senator has already recognized that it is important that State and local officials be given notice. Because, as the Senator said during our colloquy a few minutes ago, he joins me in assuming that most State and local officials would be sensitive to inhumane conditions and injustices; that most State and local officials would want to do what is right. And the Senator agreed with me that there is nothing magical about Federal authorities, about lawyers in the Justice Department, which makes them more humane or more sensitive to people's needs and rights than lawyers that work for State governments.

Indeed, as the Senator from South Carolina pointed out yesterday, we have reports of a lot of abuses in Federal institutions, like the report on the Atlanta prison, a Federal institution, where it was said:

> Knives could be readily produced in the prison industry and could be hidden throughout the prison due to lax security measures. Violence and narcotics trafficking were common events.

I could go on and on.

They talk about the fact that there was insufficient space; that the institution, in fact, should be closed—not a State or local institution, but a Federal institution. The Federal Government has problems of its own.

All I am saying is that the notice should be a meaningful notice that is being provided to State and local officials. If you give notice of one condition and you say, "Look, Mr. Governor, Mr. Mayor, Mr. County Commissioner"—whoever it happens to be—"you have a bad condition existing in your jail. Here is what it is. You do not have enough space, or something else. You ought to correct it."

The Senator said notice is being given because you want to give the local officials a chance to correct the situation themselves before you go into an adversary situation. That is good. That is meaningful. But if, on the other hand, you give notice because of one abuse and then you go in and seek legal action and redress based upon a totally different condition—perhaps in a somewhat unrelated area—then notice becomes meaningless.

What good does it do me, as a State or local official, if you have given me notice about the size of the cells and when the hearing comes along you try to issue an order against me on the water supply or something else, when I have not been given any notice about that or any chance to correct that?

All I am saying is that the State and local governments, elected by the people, responsible to the people, are entitled to due process, too, and to the opportunity to correct abuses themselves. What we should be dealing with here is only a last resort situation, where the Federal Government can come in if the State and local government simply adamantly refuses to meet its responsibility. I think that is the intent of the Senator from Indiana.

I again urge the Senator to consider the very reason for the notice provisions which he has been extolling, and the very reasons for the procedures which he has been so eloquent about in pointing out their merits.

What are the reasons for them? The reasons are to give that local elected official a chance to really grapple with those problems and deal with them himself at the local level. I suggest that if that is the purpose, then the notice should be meaningful and it should include the items which are really going to be the point of controversy and that we should not allow situations where the local or State officials are surprised later on by having other aspects brought in.

So I again urge those who feel as I do, that there is a basic mistake and philosophy in this bill, and those who feel as the Senator from Indiana feels, that the bill is necessary, that there should be the power to initiate actions, to unite in agreeing that there should be adequate notice and it should be specific. You should not be able to come in and surprise those local officials in an unfair way later on and create the kinds of misunderstanding that are reflected in some of the comments that the Senator from Nebraska and I have been making about our experiences as State officials trying to deal with the Federal Government.

It is that lack of specificity, that ability to be surprised, that ability to be condemned about something that you have been given no adequate notice of, that has caused the ill will to develop between the units of government. I think this amendment would correct it. Whether this bill passes or does not pass, I think this amendment would greatly strengthen it, and I think it is very much in line with the basic intent that the Senator from Indiana has expressed.

Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BAYH. Mr. President, what is the time situation right now, if I might ask?

The PRESIDING OFFICER. The Senator from Indiana has 8 minutes remaining, and the Senator from Oklahoma has no time remaining.

Mr. BAYH. Mr. President, I think just a very short period of time for summarizing the concerns of the Senator from Indiana might be helpful to our colleagues who are not here and have not had a chance to study this, since we are all so very busy.

As far as the bill is concerned, I must again point out that I feel it is unfair—perhaps "inaccurate" is a better choice of words—to assess the powers and heavyhandedness of the Justice Department officials operating under the present law which provides no safeguards, to compare that activity which has gone on and could well be going on right now with the kind of activity that will exist under this bill.

We in Congress and, indeed, the Justice Department have certain unique responsibilities as far as Federal constitutional rights are concerned.

What we have tried to do in this bill is to narrowly define the intervention of the Federal Government as well as to narrowly define the initiation of the Federal Government in those abuses which are willful, wanton, egregious violations of constitutional or legal rights, in patterns of practice, not isolated instances, and to write that into the bill for the first time. Those are the standards that must be met.

We know that the Justice Department has the right and the responsibility, and the courts have upheld this now and historically, to intervene to protect rights of American citizens who happen to be institutionalized.

We are, for the first time, putting limits on those rights of the Justice Department.

In addition, we are giving the Justice Department the opportunity and the responsibility for initiating action in those instances where there is this egregious kind of harm.

What we are saying is, "Whether you use the power you now have to intervene or are given new power to initiate, there are certain rules of decency, of notice, of specificity, of listing alternative remedies, that you have to conform to, whether you initiate or whether you intervene."

I must say, and this perhaps is another reason to support S. 10, we have gone farther, we have put in more limitations, we have required of the Justice Department more detail, more safeguards, than any other civil rights law we have passed. We have civil rights laws as far as housing, we have civil rights laws as far as education, we have civil rights laws as far as accommodation, we have civil rights laws as far as employment. We have a number of civil rights laws. In not one of them has the Congress thought it necessary to put in this detailed formula that must be complied with by the Justice Department before they can get involved.

Frankly, I think they belong here. I support their inclusion so that we do not have the Federal Government moving in in the dark of night and imposing itself upon a Governor who may not have any idea what is going on.

I want to emphasize that basically we are talking about a question of last resort. What do you do when, like in New Hampshire, the superintendent of the institution was telling everybody, "We are in trouble, we better do something or we are going to get sued," and the Governor and the legislature said, "Sorry, we are not going to do it." Then you invite a suit. It seems to me that in a situation like that, when you have a suit like that, the quicker you can expedite it the better you are, not only from the standpoint of the Federal Government but from the standpoint of State government.

My concern with the amendment of the Senator from Oklahoma is that because of the requirements of negotiation and detailed listings in the compliance, we are talking about what some people will say is between 9 months and 1 year before the complaint can be filed. Here you would have a suit that has been studied, that has been negotiated. You get between the rock and the hard place where it is a matter of last resort, and then the trial starts. In the middle of the trial we find that the problem is even worse than we thought it was. Then we are requiring the Justice Department to go back to stage one again and start the same kind of negotiation, the same kind of effort to resolve voluntarily the conditions which have been brought to the attention of the court—using that same standard that was applied earlier.

To be specific about the questions that I am concerned about, and they have been brought before us in the hearings, if you have a question of physical abuse, as I mentioned, if you find that you have untrained people administering without prescription psychotropic drugs that result in children not only being improperly treated and cured but the impact of these drugs being that they regress—they are not even able to care for their bodily functions, becoming nothing more than a heap of flesh and bones, and yet there is a nonprofessional person administering these—if that new fact comes to light, given the last resort situation, the judge will say, "Go hire a doctor to administer these drugs." If the Governor says, "I am sorry, we are not going to hire a doctor," if we accept the amendment of the Senator from Oklahoma we would have to go back and start over in the process. Almost by definition we have reached the place where the Governor will not cooperate in the first place.

If we have a specific allegation of food infested with rat feces and that is in the complaint—unfortunately, that is a true example—and we find out in the complaint that in addition to rat feces being in the Post Toasties that plates are left on the floors of the cells for day after day to the point where this causes dysentery in the cellblock or in the mental institution, instead of the judge being able to say, "Go out and hire a dishwasher to sterilize those plates," or keep mandating that we keep the temperature up above the sterilization point of 140 degrees, we have to go back and go through the process for 9 months or 10 months or a year and start over again.

We are talking about if there is physical abuse in one wing of the mental institution and we find out that there is actually death because of certain kinds of activities——

The PRESIDING OFFICER. The additional time on the amendment has expired.

Mr. BAYH. I thank the Chair.

The PRESIDING OFFICER. Under the previous order, the vote on this amendment will occur tomorrow.

The Senator from Oklahoma.

UP AMENDMENT NO. 990

(Subsequently numbered amendment No. 1676)

(Purpose: To delete jails, prisons or other correctional facilities from the coverage of this bill)

Mr. BOREN. Mr. President, I send an unprinted amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Oklahoma (Mr. BOREN) proposes an unprinted amendment numbered 990.

Mr. BOREN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 7, line 8, add a period after the word "immunities" and strike everything, beginning with the comma and the word "except" through lines 9, 10, 11, 12, 13, and the word "States" on line 14.

On page 12, beginning with line 17, strike out all language through page 15, line 9, and renumber sections accordingly.

On page 16, strike out lines 24 and 25.

On page 17, strike out lines 1 and 3 and all language beginning with line 7 through line 16.

On page 17, line 2, strike out (D) and insert in lieu thereof (B)

On page 17, line 4, strike out (ii).

Mr. BOREN. Mr. President, the amendment I offer at this time eliminates jails, prisons, and other correctional facilities from S. 10. I spoke at some length yesterday and again today about my dissatisfaction with the underlying assumptions of this bill, namely, that State and local governments are unwilling and/or incapable of protecting the basic individual rights of those housed in their institutions. I will not belabor that point further.

I have also spoken at length about my experience as Governor of Oklahoma—dealing with the Justice Department as the State struggled to meet our obligations and responsibilities in the corrections system.

I have told my colleagues of the enormous resources—almost $140 million—that I budgeted to operations and capital improvements for a system that had not received that much attention since statehood. We doubled the cell space capacity and used latest designs and methodology for the new units which allowed for smaller institutions and grouping of inmates by type.

Money was not the only answer in our prison system. The State carried forward other major efforts to bring efficiency and fairness to the treatment of inmates.

When I came to the office of Governor of Oklahoma, there were only some 2,100 cell spaces which would meet minimum Federal requirements. When I left office there were over 4,000 such spaces, built, of course, at a great cost of construction by the taxpayers of Oklahoma.

We used the latest designs and methodology for the new units which were constructed. These were smaller institutions as recommended by national correctional experts. They allowed for the grouping of inmates by type so that we no longer had to throw together young first offenders and the hard third or fourth time loser.

Money was not the only answer in our correctional system. The State carried forward other major efforts to bring efficiency and fairness to the treatment of inmates. During that 4-year period we doubled the number of probation officers. We instituted a victim restitution system, now the third largest in the United States, under which those who had committed crimes, when they did their community work, paid back the victims of crimes.

We doubled the number of probation officers—we instituted a victim restitution system. Inmates were better protected and the number of inmate deaths dropped by more than 100 percent during this period. The number of inmate deaths dropped to only 5 in 1975 and 1976 from 11 in 1973 alone. The escape rate was reduced to less than 2 percent—cut in half. The prison industries program was reorganized on a pay-as-you-go basis. We went from having only a small percentage of our inmates involved in technical vocational training programs to having the vast majority of them involved in such programs, so that they might have an opportunity for employment when they were released back into society.

We expanded community treatment facilities and community-based programs so that young first offenders would never know the kind of institutionalization that had been known in the past.

We established a grievance system and introduced an intake system so that offenders with short sentences would not have to go to the State prison at all.

I realize, Mr. President, that some of these activities do not touch directly on the issue of inmate civil rights. However, the list does show that I, as Governor, and the State legislature and other State officials were concerned about all the problems faced by our penal system—including the right of society to be secure from the people who had demonstrated their own contempt for the rights of others. Yes, Mr. President, the taxpayers of Oklahoma also have rights with regard to the State's penal system, and we must be at least as protective of their rights as we are of the people who have legally offended that society.

We were concerned—we were aware—we were moving.

Yes, Mr. President, the taxpayers of Oklahoma and of other States in this country also have rights with regard to the State's penal system and we must be at least as protective of their rights as we are of the people who have legally offended that society.

We were concerned. We were aware. We were moving. As I said, in 4 years, we spent more on the correctional system than had been spent in the entire period from statehood in 1907 up to 1974. In 4 years, we spent more than in the prior 67 years put together.

That was not enough for the Justice Department. Not enough. We had to do more, we were told. We had to do it faster. The contractors were constructing the buildings as fast as they could, but it was not enough. Never mind that they were working overtime, never mind that the money had been appropriated. We were still faced with a possibility of court orders that we would have to release persons who had not yet served their time, back on the streets with law-abiding citizens.

Never mind priorities and other needs of State government. Never mind other responsibilities—responsibilities to do something about our mental institutions which were antiquated, responsibilities to do something about institutions for the handicapped, for mentally retarded children, for others. Never mind those responsibilities.

Never mind the money that would be taken away from education—to meet the need, on a crash basis, in the prison program—from the elderly—from the handicapped and, yes Mr. President, from the very mental hospitals this bill purports to protect. ' Never mind, all of that," we were told. "You will spend your tax dollars here—now—as we tell you to."

That is the attitude we will allow to be inflicted on people all across this country with this bill.

As bad as this may be for the States, Mr. President, think of what the potential is for local government.

The States can shift resources, alter priorities, if they must. But this bill does not stop with harassment of the States, this bill, Mr. President, will put the heel of the Justice Department's boot directly on the throat of every city council and county commission in this country. Every county sheriff will have a new pair of eyes second-guessing his every move. Every city comptroller will have another pair of eyes staring over his shoulder—every county treasurer can start a new column in his ledger book and he can label it, "Litigation—Justice Department—Washington, D.C."

That is what this bill is all about, Mr. President, and that is the reason for this amendment.

And for what? Because, we are told, the inmates do not have the help they need to file law suits against the citizens of the States they so recently robbed, or raped or killed—law suits whose existence will allow the Justice Department to come swooping in as a friend of the court to insure those inmates have more square feet of cell space than many taxpayers and workers have. I strongly favor penal reform, but I believe that the needs of prisoners must be weighed against the needs of others in society so that a fair balance is struck.

Listening to my good friend from Indiana a minute ago saying, "Well, sometimes they just refuse to go out and hire the doctors, the State just refuses to go out and hire that additional doctor," I thought to myself it may be for $50 or $60,000 that it has refused to go out and do this or that. Perhaps they have refused to go out and build an institution at the cost of millions. It is not for not wanting good facilities. It is not for not wanting adequate medical personnel. But States have to operate within budgets.

In my home State, we have to operate within a balanced budget and when we come up with money for one purpose, we have to reduce the money for something else. When we come up with an additional $60,000 for the prison program, we have to reduce $60,000 some place else, maybe from the education program or maybe from the budget of the mental hospital.

I can remember an instance when I sat with our State director of mental health and said to him, "I am sorry, next year. Next year, I shall try to do better by mental health. I know you have great needs. I know they are every bit as serious as the needs of prisons, but the Justice Department is forcing me to spend this amount of money on prisons. You will just have to take a back seat."

In essence, without any citizen of our State ever voting it, without their elected representatives ever having any say, we have to give greater priority to the needs of prison inmates in our State than we gave to the needs of handicapped children or children needing special education, or people needing treatment in our mental institutions—or citizens, I might say, who needed additional law enforcement protection because of increasing crime rates. We had to give greater priority to the need of the inmates than we did to all the rest of those I have mentioned—not because the people wanted it, as you might think would be the case in a democracy, where the people and their elected representatives should set their own spending priorities. No, Mr. President, it was because some appointed people in the bureaucracy in the Justice Department in Washington, not accountable to anybody, decided that the needs of the prisoners were more important than the needs of people in our mental hospitals or the needs of handicapped children or the needs of our department of education or other pressing needs for the State.

As I said, I wanted to upgrade the prison program, to improve it. It was a terrible system. It needed dollars. We had lots of needs in State government. One of the problems we are in in the Federal Government right now is that we just look at needs. We can find plenty of needs. Every time we find something we would like to do, we say, do it, and we build up huge deficits and we have taken away from the value of the dollars that American workers put in their pockets each month. We have threatened and imperiled our entire economy because, without any thought to how we pay for it, we have just said we will do it.

As a Governor, I can tell you for sure that I never find any understanding on the part of Federal officials who were telling me to go out and do this or do that as to how we pay for it. I remember saying to one Federal official, who said to me, Look, you just did not do enough about the prison program this year." That was the year we had increased the budget up to $38 million. By the way, it had been a little over $6 million when I became Governor. He said, "You just did not do enough."

I said, "Look, you give me the money and I will do it." One day I had to delay the vote on the prison construction bill I was pushing through for 3 hours so I could fly in that last member of the legislature, and the appropriations passed by one vote. It was not because our legislature was insensitive to the needs of prisoners, it was because they also knew of a lot of other needs. People back in the district were saying. "We need roads, we need schools, we need mental hospitals." That is why.

We were told to just wave some kind of magic wand. We were told to build it, build it.

It is not right. We have got to strike a balance. We have got to leave room for local officials to strike a balance.

In fact, Federal orders to spend more on prisons may have the practical effect—I can say from experience they have had the practical effect—of diverting funds which are badly needed for mental health, education or other functions. If prisons are not excluded from this bill we may find ourselves with the practical reality that States are forced to put the needs of prisoners ahead of the needs of handicapped children or the mentally ill, or the average citizen who needs more law enforcement protection. We are not dealing with a situation in which those who have been abused are not able to file suits for themselves. That argument certainly may apply in some cases to those who are not mentally competent but not to those in our penal institutions.

I can assure you of this, Mr. President, no one has told the inmates in Oklahoma or any other States I know about that they do not have the resources to file law suits. As Governor, I have been sued by inmates more often than Harold Stassen has run for President.

Mr. President, the Justice Department right now has the authority to intervene in any suit filed by any inmate in this country against any State or local official. They have the right to intervene.

I am not arguing we should take away that right. I am saying that since the inmates are certainly capable of filing these lawsuits for themselves. If there are bad conditions they will file them. They will file them in many situations in which there are not even bad conditions, but they will allege that in some cases. The Justice Department already has the ability to intervene. Why give them the ability to initiate suits?

Just a minute ago, listening to the Senator from Indiana answer a question which was asked by the Senator from Nebraska, I thought his answer was very revealing. It points out exactly why this amendment should be adopted.

He said, "The people have committed heinous crimes, the murderers and the rapists. They go to the library of the prison," which, by the way, have to be there, "and look into the books."

They have the ability to file lawsuits. They can certainly file lawsuits.

But he said, "The little mentally retarded child, who has no one to look after him, or that adult who is not mentally competent, they may not know how to go about filing a lawsuit, no one may file one in their behalf."

I think that is a good reason, Mr. President, for adopting this amendment, to exclude the prisons from this bill.

If the aim of this bill is really to protect those who are not capable, mentally or for some other reason, of filing a lawsuit for themselves, then let us limit it only to those situations.

If our aim is to do that, then we do not need to include the prisons because, by the admission of the author of the bill himself, there is nothing that stops these inmates from filing lawsuits and nothing in law today keeps the Justice Department from intervening in their behalf once they are filed.

I sincerely suggest that if we are concerned about the resources going in today for the treatment of the mentally retarded, of those in our mental hospitals, of the children, particularly, who cannot take care of themselves and protect themselves, then take the prisons out of it, because I can say from my own experience that that is exactly where at least a portion of the money came from in Oklahoma when we came under the prison order.

At least a porton of the money to meet that prison order literally came directly out of the budgets of the institutions caring for the mentally ill and the mentally retarded, and out of the children's institutions. We transferred some $10 million from our department of institutions, which has principal care for children in our State, and we put it into the general fund of the State and spent a vast portion of that money to take care of the prison problem.

So I offer this amendment very sincerely. There are resources, locally and nationally, available now that more than adequately call attention to and protect the rights of inmates.

The lobbyist who talked with my staff about S. 10 acknowledged that remedies were available, but added they are not being used and this bill will give us one more lever to pull.

I submit, Mr. President, that we should be pressing for the use of those unused remedies, which already exist in the Federal Government, not asking for new ones, and far from adding one more Federal lever to pull—we should be removing some and allowing the States and local governments to do their job as they were elected by the people to do it. There is no need to take more power out of the hands of the people and their elected officials and put it into the hands of Federal bureaucratic czars who are accountable to no one.

If there is anything wrong with our political system in this country today, it is that we are taking power out of the hands of the people themselves, that more and more the people themselves feel that they do not have the ability through their votes, by electing their officials, to decide how they want to spend their tax dollars, to set their priorities.

I suggest what we are doing in this bill is just one more step in a way of saying that democracy does not work. That is what this bill really says—democracy does not work.

The people at the local level who elect their local officials, their local legislators, their State Governors, we cannot trust them. They will not take care of the rights of the accused, or inmates in institutions. Only the Federal Government, particularly appointed people in the Federal Government, are capable of that kind of humanity and compassion.

That is an indictment not only of local officials, an unfair indictment, it is an indictment of the basic system of democracy that says the people should set the priority for spending of their tax dollars.

Let us hope that the Senate will have the wisdom to reaffirm our basic faith in the democratic process, our faith in the people who watch these proceedings to set the priorities for themselves, to be human and concerned enough about injustice to right it through their elected officials.

Again, Mr. President, I emphasize that if our concern is about the rights of those who do not know how to file lawsuits for themselves, not mentally competent to do it, not old enough to do it, concern about adequate financial resources going to the care of the mentally retarded, or those with mental illness, and those least capable of taking care of themselves, take the prisons out of this bill. Otherwise, we will have a flood of Federal orders such as the ones I experienced in Oklahoma that will cause us to take dollars right out of the programs to care for those helpless people and to put them into programs that will see that prisoners should be given a higher priority in spending than others who are in need.

Mr. COCHRAN. Will the Senator yield for a moment, please?

Mr. BOREN. I am happy to yield to the Senator from Mississippi.

Mr. COCHRAN. Mr. President, I compliment the distinguished Senator from Oklahoma and pledge to him this Senator's support for the amendment he is offering.

As he was eloquently presenting the merits of the suggestion he is making for improving this legislation, I could not help but think that in my State of Mississippi, Mr. President, we are also confronted with some very critical choices every day in the legislative process and in municipal and county governments, because of an inadequacy of public revenues to do the kinds of things we would like to do to improve the quality of the lives of our citizens.

I was thinking in particular about the younger people, those who were in grammar school, junior high school, and high school, of how efforts are being made in my State to upgrade the quality of education and training of those students, in the hope that they will not find themselves in the backroads of the criminal element and wind up in a jail or a penitentiary. We do not have enough funds to do the kinds of things we would like to see done in those schools for those students.

In the summertime, students cannot find jobs. They have a hard time doing that. We do not have enough public funds for the summer employment program, not even when we use Federal funds for those purposes.

Parks and recreational opportunities are inadequate, in many urban areas particularly, to provide the kinds of recreational opportunities that youngsters need and which would actually help them find expression for their energies and their imagination, and which, in many cases, would help keep them out of trouble.

So this legislation could have the effect of forcing a county government or a municipality or a State government to divert those valuable resources, which are in short supply in many cases, into providing for the needs of prison inmates, thereby overlooking the other needs of the citizenry. To that extent you are creating a cycle in which you meet yourself coming back and find that because you have more prisoners, you need more money, and the Justice Department tells you how much more you need.

It is no longer a decision that local elected officials can make. We can well understand the frustration that many face in that kind of situation.

So I compliment the Senator on his amendment. I know that not many Senators are in the Chamber at this time. I hope that the statements being made here will come to the attention of Senators, who have to vote on these amendments and on this bill, and that there may be hope for change in this bill, so that it makes more sense.

I compliment the Senator, and I thank him for yielding to me.

Mr. BOREN. I thank the Senator from Mississippi. He has ably pointed out that, with limited resources, tough choices have to be made.

I will give an example. I recall that when I served as Governor, the mother of an inmate in our State prison came to see me. She said he had committed a serious crime, his third or fourth offense. She said, "I'm worried that he's going to be killed. There is no adequate security there. The old, ramshackle facility is such that the guards cannot see around corners, and stabbings are going on."

I felt heartsick for that mother. I wanted to do something about it. You sit across the desk from somebody, and you think about your own children. He committed crimes, yes, but he was still that mother's son; and you cannot sit there and not have feeling and not want to do something about it.

Within 2 or 3 weeks after that, I talked with a mother and father. They said, "Our son has never been in trouble before. He just committed a crime and is going to be sent to the State prison, where there are hardened criminals. He will come out worse than when he went in. Why do we not have institutions in Oklahoma, community treatment type institutions, where we can take a young first offender, provide some punishment—yes, he deserves some punishment—with some other programs, and not throw them in with the hardened criminals, which is in essence, running a school for crime?"

You listen to them, and you would like to take care of the needs of both, but you have to make choices. You do not have enough money to make improvements at the prison facility and to make improvements at the State treatment center for the young in the same year. You see the need for both, but you have to decide which is more important.

Usually, you come down on the side of the young first offender, whom you might be able to reach and lead out of a life of crime. You have to make choices. That is what I think is forgotten by Federal officials, who just crank up the printing press. They forget that, like individuals, we have only so much to live on. Each month, the paycheck comes in, and we have to have a budget. State and local governments have to do that. Thank goodness, we are finally reaching the point where the Federal Government may start, for the good of all of us, to do the same thing.

That is why the choices should be made by those elected by the people at the local level, who are familiar with the local needs, who are in a much better position to assess the needs for local funds.

I thank the Senator from Mississippi for the contribution he has made to this discussion.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time for the quorum not be charged to either side.

The PRESIDING OFFICER (Mr. EXON). Without objection it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HOLLINGS). Without objection, it is so ordered.

Mr. BOREN. Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BOREN. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, I regret the delay caused my colleagues. I was called into a committee meeting and was thus unable to be here at the precise moment the quorum call was called.

Let me just share some thoughts with my colleagues about this amendment of our distinguished colleague from Oklahoma relative to exempting those in prison institutions from the provisions of S. 10.

First of all, I think it is obvious that prisoners have offended society and thus are incarcerated pursuant to the penal laws of this country. Because of that I for one cannot, and I assume that most of my colleagues in the Senate cannot, weigh the rights of those individuals who have offended society on the same scale as I would weigh the rights of those who have not offended society but because of mental shortcomings are institutionalized in other than penal institutions.

As I mentioned earlier, it is much easier for a prison inmate, a three-time loser, to gain access to the court system than it is someone who is closeted away in the confines of a mental institution.

It is because of this different quality of right that exists between penal inmates and others who are institutionalized that in drafting the bill and in refining it over a period of many, many months we distinguished a way in which penal inmates could take advantage of the provisions of S. 10 or indeed the way in which the Justice Department could use the provisions of S. 10 to address the violation of rights of prison inmates.

As all of us are aware, the major way in which we distinguished these two categories of citizens was by providing that prisoners, those who are incarcerated as a result of violating our criminal laws, would only be able to sue for, and the Justice Department could only take advantage of the provisions of S. 10, to protect the rights of inmates in our penal institutions where those rights were constitutional rights. Statutory rights, which are to be protected for other classes of institutionalized citizens under other provisions of the bill, are not available to penal inmates nor to the Justice Department in the use of the provisions of S. 10.

So we are indeed saying it must be a more egregious violation of basic constitutional rights, not of statutory rights but of constitutional rights, basically akin to the cruel and unusual punishment provisions of our Constitution that could get the Justice Department involved in trying to come to the assistance of prison inmates.

Second, the committee, with the support of the Senator from Indiana, accepted a very positive amendment of the Senator from Mississippi which would provide for the Justice Department, within 180 days after the passage of this bill, to establish a grievance procedure, and that all cases pursued under the provisions of this or similar statutory authority would be stayed for a period of at least 90 days to permit the exhaustion of administrative remedies.

In other words, in the event of a prison inmate's rights being alleged to be violated, constitutional rights are alleged to be violated, then before the Justice Department could intervene or initiate suits, the prison inmate or class of inmates would have to pursue all of their administrative remedies within the State law before the Justice Department could intervene under the provisions of S. 10.

I think this is a salutary provision of the Senator from Mississippi, and I appreciate his contribution to this bill.

This, of course, would be a voluntary measure. The States would not have to do it, but I assume most States would try to do that in an effort to resolve this without a court case.

There is a third feature that must be considered here, it seems to me, in addition to first, only constitutional rights can be the subject for the Justice Department's intervening as far as prisoners are concerned and second, the grievance procedure which gives the State the right to require that the inmates in question pursue their administrative remedies, and the third feature is the difficulty in bringing suit.

Although I have said, and I stand by that assessment, that it is easier for a prison inmate to bring a suit, your normal, average everyday prisoner, however that might be defined—that he is in a much better position to bring suit—there are still prisoners within institutions who, because of their particular situation, have about as much difficulty bringing a suit as one in a mental institution.

For example, while it is true that most prisoners do not suffer mental and physical handicaps attributed to many who are covered by other provisions of S. 10 in the mental institutions and similar institutions, our prisons do have significant numbers of inmates who are mentally retarded, who are epileptic, who are physically handicapped, despite perception to the contrary.

As difficult as it is for any of us, I think certainly the Senator from Indiana as much as I have studied it—I find great difficulty in fully appreciating the situation of someone who is confined to an institution against his will, and I hope and pray to God that I do not have the pleasure of experiencing that situation in that regard—as difficult as it is for any of us to comprehend from a reading of the record and the actual case complaint and a study of the kind of abuse to which we are addressing ourselves, doing so, perhaps, gives us a little better understanding of why the narrowly drafted and restricted provisions of S. 10 should still be provided for inmates of our penal institutions.

Let me just read, for example, from the documents that led to the Ruiz case which was, as I recall, a Texas case, to give you an idea of what we are talking about here. I read specifically from the transcript:

> For example, one of the defendants' inmate witnesses, Joe Edward Smith, testified that after his capital sentence was commuted,

In other words, he was a murderer and sentenced to life, and that sentence was commuted. Continuing—

> and he left death row, he was made a building tender at the Huntsville Unit.

Here we go to the practice of taking certain individuals out of the inmate class and putting them in charge of the wards or certain parts of the building and giving them tremendous supervisory authority over the other inmates. Continuing—

> Penologist Pontesso gave testimony concerning an incident of violence between two building tenders. The substance of the testimony was that building tender Charlie Robertson cut off the head of building tender William Keys on the Ramsey I Unit. Both building tenders had very extensive prior criminal records involving violence.
>
> Inmate Robertson and his abusive actions as a building tender on the line at Eastham was the subject of other inmate testimony in the record. In brief, the evidence shows that building tender Robertson and Butch Ainsworth sexually abused other inmates, and almost killed U.S. witness, inmate Robert Pirkle. This is the same inmate (Robertson) who raped plaintiffs' witness John Michael Hill, who badly beat one inmate in the mattress factory in February, 1978, and joined in the severe beating of U.S. witness Oscar Turner in August, 1977.

I think the description of that record indicates first, the kind of abuse we are trying to guard against, the deprivation of physical safety, what constitutes really cruel and unusual punishment subjected by one inmate on the other, and that is the kind of abuse, the kind of violation of rights, which could get the Justice Department involved in this kind of a case. It is not the kind of rights, statutory rights to treatment, to a higher living standard, that could permit the Justice Department to get involved in in suits against mental institutions. We are talking about a life-and-death situation. We are talking about a life-and-limb situation. We are talking about unfortunate homosexual tendencies of male supervisors who have very strong physical capabilities to abuse less physically strong inmates over whom they have custody.

We talked in one of these instances here about a gang rape situation of a paraplegic inmate. It seems to me that given that kind of a situation and given the other provisions of the bill, I point out to my colleagues that before the Justice Department can get involved in a suit like this, they have to advise the appropriate State agency in advance. They have to specify specifically what the problem is, what the allegations are, who committed what to whom and on what date. They have to attest to the fact that they have tried to work this out voluntarily with the given State authorities and had been unable to do that. They have to point out in that complaint what they feel would be the minimum kind of response measures necessary to cure the problem.

Then, given that situation, they are able to come in and bring a case against a State to try to protect the rights of mental inmates in that particular situation.

We have ample evidence, it seems to me, of what happens when that kind of condition continues to exist. It is that kind of a condition that leads to the riots, leads to the shootouts, leads to the unnecessary deaths of hostages, as well as inmates—guards and inmates.

It is that kind of abusive technique, abusive practice, that makes it impossible to really do any rehabilitation in our penal institutions.

Two-thirds of our inmates are recidivists; two-thirds are going to be leaving the institution and when that kind of physical, frightening, death-defying abuse is present, penologists and others have considered that what we are doing is almost guaranteeing the preponderance of people who have been in a situation like that are going to be back on the streets plying their trade, resorting to the kind of practice that may have gotten them in there in the first place, or, worse, because of the kind of treatment they received in the institution.

I am not for a moment trying to excuse criminal behavior. The Senator from Indiana has tried for a number of years, as chairman of the Juvenile Delinquency Subcommittee, to deal with how we keep a juvenile from becoming a three-time loser. This, of course, is not specifically relevant, because we are talking about the opposite spectrum here. And I certainly do not want to suggest that the Senator from Oklahoma is not conversant and sympathetic with this situation.

But in a male institution you can have commingled first offenders, one who is a bank clerk who participated in a fraudulent scheme to bilk the bank, who may weight 120 pounds, put in an environmental setting where you have a 250-pound weightlifter who has a series of violent acts in his background and, nevertheless, he has supervisory capacity over this one individual. It is that kind of abuse that we are trying to stop.

It is not the kind of thing to make sure we have curtains on the windows and lace on the bed covers and in all the cells. I think we have distinguished between that.

For that reason, I hope that we can defeat this very well-intentioned amendment of the Senator from Oklahoma. In short, when we have criminals, they are tried under due process and convicted and incarcerated. They are still human beings. They are not animals. The Constitution of the United States says they should not be treated like animals.

Mr. BOREN. Mr. President, I could not help but think, in listening to some of the remarks of the Senator from Indiana, that perhaps we really are in more agreement than we appear to be.

I had been pointing out earlier how coming under Federal orders to make certain kinds of expenditures when you have only a limited amount of dollars to deal with often causes a movement of dollars from one function to another. That is one of the reasons I want to exclude prisons.

I found, as a practical matter, as a Governor under Federal orders in regard to prisons, that I often had to take money out of the budget for mental health and the budget for the mentally retarded and put it into the prison program.

One of the examples I cited, and one of the reasons I feel the right to set priorities should be left with local officials was a case in which I talked to two sets of parents of two different inmates. One of them was a third or fourth-time loser who wanted me to spend my limited dollars upgrading the central maximum security institution and one set of parents in the same month who wanted me to spend money for a community based facility for the young first offenders that we might rehabilitate, the very ones the Senator from Indiana was just talking about.

I was just saying how I hoped to spend those limited funds but, because I was under the Federal order of the court, I had to take the dollars and put them in the maximum security institution instead. The very point the Senator was making.

That is why I feel it is so important to set the priorities, instead of increasing the ability of the Federal Government by giving them the possibility to initiate suits. In listening to the Senator from Indiana talk about the problems with inmates who are in danger—lack of security, people roaming the halls with knives in some of the State institutions—I want to read the following again:

> Inmates testified to the availability of narcotics, alcohol, and weapons in the prison. Knives could be readily produced in the prison industry and could be hidden throughout the prison due to lax security measures. Violence and narcotics trafficking were common events.

The PRESIDING OFFICER. The time of the Senator from Oklahoma has expired.

Mr. BAYH. Mr. President, I ask unanimous consent that the Senator from Oklahoma have 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. I thank the Senator and I thank the Chair.

Violence and narcotics trafficking were common events. Many inmates testified that involvement in such activities was virtually impossible to avoid.

A little further on, one inmate said that knives were as plentiful as dope.

During the course of the testimony,

Senator NUNN asked him the following question:

> Did you worry about getting caught with a knife?

The inmate responded:

> I would rather get caught with it than without it.

Obviously implying something about his personal safety.

And then, the conclusion of one of the former guards of this institution that is being described in this report, who quit as a guard, finally, in disgust and became a member of the local law enforcement community. He said:

> One of the reasons for the pressure on the officers was the lax administration of the penitentiary. The lack of inmate control is the direct result of a shared management of the institution.

I could not help but think about the responsibility that was wrongly given to this convicted murderer who then was given authority over other inmates himself and how he abused these other inmates.

I will quote this again.

> The lack of inmate control is the direct result of a shared management of the institution. The penitentiary is run by the warden and a committee of 2,000 inmates.

In other words, the inmates are being given too much authority, one over the other.

The interesting thing about this is that it was in the State of Georgia and it was not a State institution. It was not a State institution that is being described here. It was a Federal institution that was in such bad condition—overcrowded, twice as many people in it as should be there—that the report recommended its closing. A Federal institution.

Again, I go back to the idea that I am not so convinced that the Federal Government is the sole repository of concern over conditions in prisons or any other kind of institutions. I am not so convinced that they have such ability to see the problem that we ought to give them the power to initiate suits of this kind against the State and local government. Problems exist in many areas.

I suggest that we give greater latitude to local officials to try to handle the problem first and that we certainly limit the right of the Federal Government to become involved in prison matters to only when suits have been filed by others and when there is a problem that has already been recognized by others.

The inmates themselves are certainly going to be quick to realize it. They have 24 hours a day in incarceration to think about it. There are more lawyers from jailhouses than there are in the directories of the bar associations, I can assure you. And they are not at all hesitant to file these lawsuits.

As I said earlier in my remarks while the Senator from Indiana was out of the room, I was sued by inmates more times than Harold Stassen has run for the Presidency, and that is a considerable number of times.

As the Senator said earlier in answer to a question, some inmates are incapable of filing their own lawsuits. And the same arguments apply to the mentally incompetent who has no one to look after him. It does not apply to inmates who are very capable of filing these lawsuits.

Let us take prisons out. If we are genuinely concerned about the budget for mental institutions and the mentally retarded—and I am—let us not increase the likelihood that the States would come under orders to spend more money on prisons when, in fact, those local officials receive only so many dollars to spend. It happened to me. I can personally say that as a fact.

I had to tell our State mental health director, "Sorry, you cannot do it this year." That is just a practical decision. Let us let this bill only apply to those who really probably do not have the competence to file a lawsuit for themselves and who really are helpless in the situation. Let us not apply this piece of legislation to the inmates of our penal institutions.

Mr. BAYH addressed the Chair.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). The Senator from Indiana.

The PRESIDING OFFICER. Who yields time?

Mr. BAYH. Mr. President, I yield myself such time as I might require.

Mr. President, I would like to point out the very practical effect of accepting the amendment offered by the Senator from Oklahoma. As is usually the case, there is a lot more in common than there is difference, and it is the difference which usually involves most of the dialog here and most of the debate.

As I pointed out, we do make a distincton between prison inmates and mental inmates. There has to be a sufficiently more egregious wrong before inmates can be the subject of a case like this. Plus, we do have the administrative grievance procedure I referred to.

The practical impact, it seems to me, and I say this with all due respect to my friend from Oklahoma, is to make this matter worse instead of better. I do not think there are very many—I will not say that there are never any—I would think there would not be very many instances where inmates would be unable to avail themselves of the right to initiate a suit. We might have the kind of situation where there is a great deal of intimidation and fear in a prison where the strong are terrorizing the weak and the weak are afraid to come forward for fear they will be subjected to all sorts of abuse, the extreme example being murder. I would not want to take out of the section of the bill the right to initiate suits, but I think I have to say that the possibility of that being utilized is rather slim.

What we have in the law now is the right of the Attorney General to come into a court case that has already been initiated by a penal inmate and get involved in a whole array of rights that are being subjected to abuse. This is permitted under the law now. The courts have given the Justice Department the right to come in and intervene. When they intervene, they have the right to talk about, "Well, are there enough square feet in a cell? Is this the right kind of curriculum in the vocational part of the prison?" The kinds of therapeutic programs can be made the subjects of court cases now where the Justice Department intervenes.

If S. 10 passes, this will not be the case. We can only deal with constitutional rights which are violated, the egregious problems.

Now the Justice Department does not have to notify the Governor. They can knock on the door and say, "Here we are." They do not have to specify all of the facts, the allegations, names, places, dates, times, minimal measures that can be followed by the State to redress the violations of constitutional rights. None of this is required under law now. I honestly believe we are going to find the Justice Department is subjected to a higher standard, as far as penal inmates are concerned, than they are subjected to now.

So the effect of accepting the amendment of our good friend and colleague from Oklahoma would really be to place a more critical burden on the States and lesser responsibility on the Justice Department which, frankly, I do not think any of us want. The way I look at it, that will be the consequence of it.

Mr. COCHRAN. Will the Senator yield to me at that point for a question?

Mr. BAYH. I yield.

Mr. COCHRAN. Mr. President, I wonder whether or not that squares with the fact that in 1978 we saw almost 10,000 suits filed in the Federal court by prisoners, 9,730 suits filed under 42 United States Code section 1983, and that the Federal courts are now burdened with prisoner suits. To oppose this amendment is to suggest we do not have enough of them, that we now need to give the Justice Department the right to initiate suits, along with legal services associations which are now going around the country, organizing, investigating prisoner conditions, and filing suits in Federal courts.

Is it not a fact that we now have such a burden from this kind of litigation that the Federal courts really cannot adequately address the questions that are being raised and the issues that are being brought up in the suits that we have?

Mr. BAYH. I believe that statement is probably accurate. The number of cases is so great that it is difficult to give any one of them the kind of consideration it needs. What I am suggesting is that the Senator from Mississippi is talking about suits that are initiated by inmates. But the Justice Department can get involved in any of those suits it feels is serious enough with minimal standards, a knock on the door notice, with no specific allegation requirements, no remedy requirements, no specified charges, of people, of places, of times. Those are not necessary.

What we are saying in this bill is before the Justice Department can get involved in any of those cases that are initiated, they would have to meet a higher standard under this bill than they do now. I do not think this bill will change one iota the number of cases brought by individual plaintiffs. There are a lot of them out there, and some are meritorious and some are not.

I am just pointing out that when one reads the requirements in the bill for intervention so far as penal inmates are concerned, they have to be impressed with the fact that before the Justice Department can intervene in any of these cases they have to meet much higher standards than are set now by the courts absent statutory limitations.

The PRESIDING OFFICER. All time on the amendment has expired.

Are there further amendments?

AMENDMENT NO. 1667

(Purpose: To prohibit the Attorney General from instituting or intervening in any action under this Act if the institution or intervention would be inconsistent with the policy and goals of certain programs administered by the Secretary of Health, Education, and Welfare)

The PRESIDING OFFICER. Under the previous order, the Senator from Nebraska (Mr. EXON) is recognized to call up his amendment.

Mr. EXON. Mr. President, I call up my amendment No. 1667 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Nebraska (Mr. EXON) proposes an amendment numbered 1667.

Mr. EXON. Mr. President, I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 19, after line 15, insert the following:

SEC. 11. If an institution receives Federal financial assistance or benefits under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6010 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. 794), or the Education of the Handicapped Act (20 U.S.C. 1401 et seq.), the Attorney General may not commence any action under section 1, or intervene in any action under section 3, in which such an institution is the defendant unless he has received a certification from the Secretary of Health, Education, and Welfare that such commencement or intervention is consistent with the policies and goals of the Department of Health, Education, and Welfare under such provisions and will not interfere with the efforts of the Secretary to secure compliance by the institution with such provisions.

Mr. EXON. Mr. President, my amendment is very simple. It says that before the Attorney General may file or intervene in a suit against a State, he must obtain a certification from the Secretary of Health, Education, and Welfare that the proposed suit will not interfere with the efforts of HEW to obtain compliance by the institution with that agency's standards for institutional care.

Let me emphasize that this amendment is a very watered-down version of similar amendments offered in committee. My amendment does not require an exhaustion of administrative remedies. In fact, it does not even require the filing of a compliance action against the institution by HEW. It simply requires the Attorney General to consult with the Secretary of HEW and for the Secretary to determine that the proposed lawsuit will not interfere with HEW's standards enforcement program.

Substantial funding is provided State institutions for the mentally retarded and mentally ill by the Department of Health, Education, and Welfare basically through the medicaid program. These funds carry with them strict regulations regarding standards of care within the institution. HEW is involved in an ongoing monitoring of these institutions to obtain and maintain compliance with these standards of care.

My amendment simply insures that Justice Department action does not interfere with the efforts of HEW to enforce its standards. Mr. President, there is every reason to provide for this safeguard. Litigation should be the course of last, not first, resort. Congress should emphasize cooperation, not confrontation. We should encourage and protect the efforts of the Federal agency which has expertise in the area of mental retardation and mental health. We should not allow these efforts to be impeded by a Federal agency that has no expertise in this area.

In this regard, Mr. President, my colleagues would do well to review the opinion of the Federal district court in the case of United States against Solomon, which provides the basic impetus for S. 10. In that lawsuit, the judge ruled that the Justice Department does not have the authority to initiate these types of lawsuits against the States.

The judge, in a very commonsense approach said, and I quote:

This Congress has devised what it hopes will be an effective carrot-and-stick method of improving the lot of the mentally retarded in America. This court simply cannot believe that Congress intended or expected that while an elaborate plan to improve the lot of the mentally retarded was being implemented by the one federal agency (the Department of Health, Education, and Welfare) with expertise in the field of mental retardation, another government agency (the Department of Justice) with no expertise in the solution of the very difficult problems posed by mental retardation would simultaneously be making wholesale attacks on a state's mental retardation programs under the guise of protecting 13th and 14th Amendment rights. Surely, if Congress had wanted two agencies to be involved in ameliorating the states' efforts to help the mentally retarded, it would have at least provided some legislative guidance as to procedures for preventing the conflict and contradictory goals that can and do occur when two federal agencies independently act on the same matter.

It may be, Mr. President, that this particular judge has more confidence in the commonsense of Congress than is warranted, but I hope that my colleagues will reflect on his thoughts and support my amendment.

Mr. President, we have been debating now for sometime the merits of S. 10, but on numerous occasions, there have been brought up the lawsuit difficulties that the State of Nebraska has encountered with the Justice Department. I have commented on those to some extent in the immediate past. So that my colleagues will have a little bit of background on which to judge how the Department of Justice has handled these matters in the past, I should like to amplify for a few moments the Nebraska situation.

The Department of Justice has been involved in a lawsuit against the State of Nebraska since the spring of 1975, over 5 years. Commenting on this lawsuit in testimony before the Subcommittee on the Constitution last year, Mr. Drew Days, Assistant Attorney General in charge of the Civil Rights Division of the Justice Department, made the charge that he found "gross deprivations" of constiutional rights in a Nebraska facility, the Beatrice State Developmental Center. As I later pointed out to the subcommittee, this allegation is not based on any personal information since, to my knowledge, Mr. Days has never been to the Beatrice State Developmental Center. The information he is relying on was outdated when he came to the Justice Department and was outdated when the Justice Department intervened in the Nebraska lawsuit and, in any event, does not establish a practice or pattern of deprivation of constitutional rights by the State of Nebraska.

Contrary to Mr. Days' claim of gross deprivations, Nebraska holds a deep commitment to a comprehensive and quality mental retardation service system and enjoys, indeed, a national reputation for its effort in this area. Funding for the Beatrice State Developmental Center increased from a level of $5.6 million in fiscal year 1970 to $14.4 million in fiscal 1979. These funding increases occurred at the same time that the population of the center decreased from approximately 1,700 to 700. So, during the 9-year period when funding for this institution increased by over 250 percent, the population of the facility decreased by approximately 60 percent. In terms of services outside the institution in our community based programs, funding for the community programs increased from $1 million during their infancy in fiscal year 1970 to $20.5 million for fiscal year 1979, with the number of clients served increasing from 900 to over 2,000.

In addition, in the mid-1970's, the Nebraska Legislature established a total State program of special education assistance to the local school districts. This program provides for the education and training of mentally retarded school-aged children through each local school district and is currently funded in excess of $20 million. I ask unanimous consent that a table showing the increase in expenditures of funds for mental retardation services in Nebraska be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FUNDING HISTORY OF BEATRICE STATE DEVELOPMENTAL CENTER AND CBMR REGIONAL PROGRAMS BY SOURCE, FISCAL YEAR 1969/70 ACTUAL THROUGH FISCAL YEAR 1979/80 REQUESTED

[Fiscal years]

	1969/70	1970/71	1971/72	1972/73	1973/74	1974/75	1975/76	1976/77	1977/78	1978/79 estimate	1979/80 requested
CBMR FUNDING											
State general funds	209, 705	555, 962	956, 246	1, 147, 642	1, 735, 425	2, 533, 240	3, 540, 961	4, 908, 502	7, 023, 610	8, 823, 970	9, 975, 780
Federal social service funds	252, 000	719, 367	2, 340, 100	3, 875, 849	5, 485, 261	7, 606, 996	5, 925, 000	5, 874, 560	5, 925, 000	5, 925, 000	5, 925, 000
County funds	420, 000	591, 735	836, 527	1, 045, 140	1, 103, 889	1, 265, 063	1, 248, 874	1, 315, 516	1, 357, 990	1, 298, 736	1, 441, 107
Other local sources	162, 186	665, [illegible]22	849, 223	1, 586, 262	1, 675, 588	3, 119, 331	3, 622, 417	3, 322, 998	3, 483, 556	4, 524, 052	5, 838, 155
Total	1, 043, 891	2, 532, 586	4, 982, 096	7, 654, 893	10, 000, 163	14, 524, 630	14, 337, 252	15, 421, 576	17, 790, 156	20, 571, 758	23, 180, 042
Office of Mental Retardation Central Administration	84, 946	100, 340	99, 278	110, 780	191, 067	204, 257	226, 241	232, 577	201, 111	256, 625	230, 000
BSDC FUNDING											
State general funds	4, 766, 189	4, 599, 722	3, 300, 162	1, 524, 041	3, 926, 861	2, 699, 012	5, 028, 011	4, 532, 731	4, 876, 801	6, 118, 488	5, 445, 000
Cash funds	661, 495	808, 536	2, 267, 504	3, 956, 037	2, 021, 366	3, 467, 326	2, 386, 666	1, 907, 061	2, 575, 044	2, 219, 754	1, 790, 000
Federal funds	218, 335	1, 346, 913	1, 375, 189	2, 031, 275	2, 271, 616	3, 353, 987	3, 829, 815	4, 866, 015	5, 133, 851	6, 060, 748	7, 565, 000
Total	5, 646, 019	6, 755, 171	6, 942, 855	7, 511, 353	8, 219, 843	9, 520, 325	11, 244, 492	11, 305, 807	12, 585, 696	14, 398, 990	14, 800, 000
CBMR and BSDC: General fund total	4, 975, 894	5, 155, 684	4, 256, 408	2, 671, 683	5, 662, 286	5, 232, 252	8, 568, 972	9, 441, 233	11, 900, 411	14, 942, 458	15, 420, 180
Total funds, all sources	6, 689, 910	9, 287, 757	11, 924, 951	15, 166, 246	18, 220, 006	24, 044, 955	25, 581, 744	26, 727, 383	30, 375, 852	34, 970, 748	37, 980, 042

Prepared by the State Office of Mental Retardation, Dec. 12, 1979.

HISTORICAL DATA—BSDC AND CBMR POPULATIONS (FISCAL YEARS 1969/70 TO 1979/80)

Fiscal years	BSDC population		
	Population [1]	Net change (yearly)	Net change (annually)
1969/70	1, 710		
1970/71	1, 485	−225	
1971/72	1, 347	−138	−363
1972/73	1, 250	−97	−460
1973/74	1, 137	−113	−573
1974/75	1, 027	−110	−683
1975/76	990	−37	−720
1976/77	913	−77	−797
1977/78	808	−105	−902
1978/79	[2] 700	−108	−1, 010
1979/80	[2] 600	−100	−1, 110

	CBMR population		
	Population	Net change (yearly)	Net change (cumulative)
1970/71	[3] 915		
1971/72	[3] 1, 399	+484	
1972/73	[3] 2, 370	+971	+1, 455
1973/74	[3] 2, 912	+542	+1, 997
1974/75	[3] 2, 667	−245	+1, 752
1975/76	[4] 2, 445	−222	+1, 530
1976/77	[4] 2, 340	−105	+1, 425
1977/78	[4] 2, 490	+150	+1, 575

[1] Department of Public Institutions, biennial reports.

[2] Estimate.

[3] Review of the community-based mental retardation program, Touche Ross & Co., 1975.

[4] Nebraska Department of Public Institutions Annual Statistical Reports, 1973–78.

Note: + = increase; − = decrease.

Mr. EXON. Mr. President, I give this background for two purposes: One, to show the type of commitment that exists in the State of Nebraska to quality and comprehensive programs for the treatment and education of our mentally handicapped citizens, and also to give my colleagues some appreciation for the frustration felt by Nebraskans with regard to the unwarranted interference of the Justice Department. This frustration was expressed in a formal resolution of the Nebraska Unicameral on February 21, 1979. I ask unanimous consent that a copy of this resolution be printed in the RECORD at this point. I also ask unanimous consent that the opposition to the Justice Department's unwarranted actions in this area, as evidenced by the statements of the elected Governor and elected Attorney General of Nebraska, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LEGISLATIVE RESOLUTION 15

Whereas, the State of Nebraska is committed to providing a comprehensive system of services for the mentally retarded citizens of the state; and

Whereas, such system includes adequate funding to provide community based services and programs of excellent quality; and

Whereas, such system includes use of the Beatrice State Developmental Center of which the state is justifiably proud; and

Whereas, a lawsuit has been filed involving the Beatrice State Developmental Center in which the United States Department of Justice has intervened; and

Whereas, the intervention of the Department of Justice has been disruptive and counterproductive to the functioning of the state's mental retardation program; and

Whereas, such intervention has embittered and polarized the professional statewide staff serving the mentally retarded; and

Whereas, such intervention has worked contrary to the best interests of some of the mentally retarded.

Now, therefore, be it resolved by the Members of the Eighty-sixth Legislature of Nebraska, First Session:

1. That the Legislature express its opposition to the intervention and interference of the United States Department of Justice in the internal management of the services to the mentally retarded in the state.
2. That the Clerk of the Legislature send copies of this resolution to all members of the Nebraska Congressional delegation and to the president of the United States.

STATE OF NEBRASKA,
Lincoln, May 24, 1979.

Hon. STROM THURMOND,
U.S. Senate,
Washington, D.C.

DEAR SENATOR THURMOND: Thank you for your letter and information regarding S. 10.

As you may know, the State of Nebraska is currently involved in litigation concerning a State institution for the mentally retarded. The Department of Justice has intervened in the lawsuit. After their intervention, the case changed from one involving patient rights to one challenging the philosophy behind the structure of the state institutions.

Although I do not feel it would be appropriate to comment on the specifics of the case, the case has made me aware of problems which enactment of legislation such as S. 10 could cause. Such legislation tends to disrupt cooperation between levels of government and delays solutions to the problems. I oppose S. 10 and heartily support your efforts to defeat it.

With kind regards,

Sincerely,

CHARLES THONE,
Governor.

STATE OF NEBRASKA,
DEPARTMENT OF JUSTICE,
Lincoln, Nebr., March 26, 1979.

Hon. BIRCH BAYH,
Chairman, Subcommittee on the Constitution, Judiciary Committee, Washington, D.C.

DEAR CHAIRMAN BAYH: Thank you for the opportunity to comment on S. 10.

I have been Attorney General of the State of Nebraska for the last five years and during this entire time have spent a great deal of time and effort working with our State's mental retardation program and also personally participating in the law suit involving those same programs.

Throughout this effort I have been struck by the high quality of services Nebraska is providing its mentally retarded citizens. The quality of services, level of services, and broad availability of services both at the Center in Beatrice and in the community based facilities is indeed impressive.

Likewise, after dealing with these matters for the last five years, I have found the law suit sponsored by the U.S. Department of Justice a major stumbling block to the maintenance and continued development of our mental retardation system. Rather than helping solve the problem, the Justice Department, in a very real sense, has become the problem. The bitterness and divisiveness created by the law suit has permeated the retardation services delivery system in our state and is a major obstacle for us to overcome in our efforts to improve the system.

I would urge the Committee and the Congress caution against expanding the authority of the Justice Department to sue state and local government when the use of their existing authority has, in many cases, been counter productive to the goals sought.

Sincerely,

PAUL L. DOUGLAS.

Mr. EXON. Mr. President, it should be of interest to the Congress that the former Governor, the present Governor, the twice-elected attorney general, and the elected Nebraska legislature are united in their opposition to the Justice Department's interference.

I think it important to give you a little background to further highlight these concerns expressed by the Nebraska elected officials. During its regular session in 1978, the Nebraska legislature appropriated, on a specific line item basis, approximately $700,000 to remodel and renovate two living units at the Beatrice State Developmental Center.

The basic purpose of the appropriation was to meet life safety standards, provide air-conditioning, and enhance the privacy of the residents in the two facilities by providing separate, individual, and private quarters. This appropriation became effective at the start of the fiscal year, July 1, 1978, and the Department of Institutions, to which the appropriation was directed, began the necessary administrative process to accomplish the remodeling and renovation which the legislature directed them to do. This appropriation was made in order to comply with a plan for improved living conditions required by the regulations of the Department of Health, Education, and Welfare under the medicaid program.

Toward the end of the year in 1978, when commencement of the remodeling was imminent, a very curious thing occurred. Rather than complimenting and supporting the legislature and the Department of Institutions in its effort to improve the two living units, the Justice Department went to Federal court and successfully obtained an injunction against the expenditure of the funds to provide the separate and private individual quarters in these living units. The obvious question begging for an answer is "Why?"

The overall answer to the question is easy, Mr. President, because at the heart of this lawsuit, as at the heart of every other Justice Department lawsuit involving a mental retardation institution, rests the philosophy that all institutions are bad, that all institutions should be closed, and that all mentally retarded individuals can be best served in the community facilities. Simply put, the thrust of the Justice Department in these cases, is to close all institutions. As I will point out later, while deinstitutionalization is a worthy goal in appropriate cases, it is not necessarily the best answer in every case. With specific reference to the Nebraska situation, deinstitutionalization is an area of treatment philosophy which is highly controversial and does not meet with unanimous professional or parental approval.

Mr. President, earlier on the floor of the Senate today I head one of our colleagues say to my distinguished colleague from South Carolina, "Go back home and ask the parents of the mentally retarded how they feel about S. 10."

Mr. President, I can say that I know many parents of the mentally retarded and they are as concerned about what S. 10 will eventually do to certain categories of our mentally retarded as anything that has ever come up on the floor of the Congress of the United States.

Returning to the Nebraska situation, during the time period of the legislative appropriation for remodeling and renovation of these living units and the Department of Institution's effort to carry out that legislative directive, a three member panel, appointed by the Governor pursuant to a consent decree agreed to by all parties to the lawsuit, was preparing a proposed "plan of implementation" for submission to the Governor pursuant to the terms of the consent decree. This "plan of implementation" was to provide recommendations regarding the ultimate size of the institution based on an evaluation of the treatment needs of the individuals residing within the institution compared with the facilities and services available in the institution versus the facilities and services available in the communities of those individuals.

At the time of the injunction, this three-member panel had submitted its proposed plan to the Governor for his adoption, modification, or rejection pursuant to the terms of the consent decree. This plan, which was adopted by the three-member panel on a 2-to-1 vote with a strong minority opinion, recommended that the two living units which the legislature directed to be renovated be closed in the early 1980's because the residents in these facilities could be transferred to community facilities. As I mentioned before, this recommendation was on a 2-to-1 vote with a strong minority dissent on the basis that the majority's recommendations did not include a thorough evaluation of the residents' needs in comparison to the services and facilities available in the communities. As a result of this panel's recommendations and its support by the Justice Department, the moneys to provide separate quarters within these two living units at the Beatrice State Developmental Center were enjoined and are still enjoined and the renovation has not taken place. In fact, contrary to the panel's projection of the ability to close these two living units, over a year after the initial court injunction, the residents living in these two units are still there and the only result of the Justice Department action was that rather than having the benefit of private living quarters, the residents continue to live in a more open dormitory-type setting.

I submit, Mr. President, with this background, it is easy to understand why Nebraska's legislature has found that the Justice Department intervention and involvement in litigation against the State of Nebraska "has worked contrary to the best interests of some of the mentally retarded" and felt strongly enough about this to adopt a formal resolution opposing the "interference of the United States Department of Justice in the internal management of the services to the mentally retarded in the State."

Mr. President, I vigorously argue that these issues of appropriate placement, appropriate treatment, and general treatment philosophy are policy issues that are legitimately State decisions and should be left to the States, and neither the U.S. Justice Department, nor this Senate, nor this Congress has any business telling the States how to address these complicated controversial issues.

Mr. President, let me follow this up in more specific terms to give my colleagues a better appreciation of the difficulty involved in administering a mental retardation system and the difficulty of resolving various treatment philosophies held by equally qualified professionals who deal in this area.

Last year, the State of Nebraska commissioned two psychiatrists from Oklahoma to review, analyze, and make recommendations regarding the operations of the Nebraska Department of Public Institutions, which is the umbrella agency which includes under its authority services to the mentally retarded. This review by outside objective experts is another example of Nebraska's commitment to the maintenance of quality programs for the mentally ill and mentally retarded. I would emphasize that this review has nothing to do with the Justice Department litigation. It is strictly State initiative, and it outlines the latest comprehensive professional assessment of the quality of care at the Nebraska facility. The results of this professional analysis stand in striking contrast to the Justice Department's claims of "gross deprivations" in Nebraska.

For background, the two psychiatrists who examined the Nebraska department were Dr. Wolfgang K. Huber and Dr. Hayden H. Donahue. Dr. Huber is in private practice in Oklahoma City as well as being a psychiatric consultant to the Oklahoma Department of Corrections and the Oklahoma University research unit and is a professor of psychiatry and internal medicine at the University of Oklahoma. Dr. Donahue is the director of the Oklahoma Institute for Mental Health, Education and Training and a clinical professor of psychiatric and behavioral sciences at the University of Oklahoma.

Mr. President, I ask unanimous consent that the full résumés of the two doctors be printed in the Record.

There being no objection, the résumés were ordered to be printed in the Record, as follows:

Wolfgang K. Huber, M.D.

Psychiatrist in private practice, Oklahoma City, Oklahoma.

Psychiatric consultant to the Department of Corrections, State of Oklahoma.

Consultant to the Oklahoma University Research Unit at Central State Hospital, now called the Hayden H. Donahue Mental Health Institute, Norman, Oklahoma.

Professor of Psychiatry and Internal Medicine, University of Oklahoma.

Does some research for the University of Oklahoma Psychiatric and Behavioral Sciences.

Active staff member of five hospitals in Oklahoma City.

Established the program and was director of the Central Oklahoma Mental Health Center in Norman from 1967 through 1978.

In addition, was consultant to three Mental Health Centers at Tulsa, McAlester, and Lawton that were establishing programs.

Consultant in the field of Community Mental Health to HEW for the region in which Oklahoma is located, particularly, but sometimes assisted in programs outside the region.

Received his pre-medical education and medical education in Germany; post-graduate education in Germany and Ohio; and neuro-psychiatric education in Germany, University of Oklahoma, Central State Hospital in Norman, and Mental Health Clinic in Oklahoma City.

HAYDEN H. DONAHUE, M.D.

Director, Oklahoma Institute for Mental Health, Education, and Training.

Engineering Degree, University of Kansas, 1934.

M.D., University of Kansas School of Medicine, 1941.

Internship at University of Georgia School of Medicine Hospital, 1941–42.

Psychiatric Residencies: University of Georgia School of Medicine, Augusta; Arkansas State Hospital, Little Rock.

Refresher Course, U.S. Army Neuro-Psychiatric Center, Florida.

Certified in Mental Health Administration, May, 1954.

Flight Surgeon, Wright-Patterson Air Base, Dayton, Ohio, 1942–43.

Group Surgeon in U.S. Air Force, North Africa, 1943–44.

Director of Professional Services, AAF Neuro-Psychiatric Center, St. Petersburg, Florida, 1944–45.

Director of Education and Research, Arkansas State Hospital, 1949–51.

Assistant Medical Director for Texas State Board for Hospitals in Special Schools, 1951–53.

Director of State Mental Health, State of Oklahoma, 1953–59.

Superintendent of Central State Griffin Memorial Hospital, now the Hayden H. Donahue Mental Health Institute, Norman, Oklahoma, 1961–79.

Director of State Department of Mental Health, Oklahoma, 1970–78.

Clinical Professor of Psychiatric and Behavioral Sciences, University of Oklahoma, 1967–present.

Numerous honors: Listed in Who's Who in Oklahoma, South and Southwest, Government, American Law, America, World, Royal Blue Book of England.

Consultant to numerous organizations and states.

Mr. EXON. Mr. President, I have put this material in the RECORD simply to show that there are very well-intentioned people who have great differences of opinion on the type of treatment and training that are needed for the mentally retarded, and there is no one answer or one way to go so far as treatment, training, housing, employment, and so forth, are concerned.

I should like to quote from the report which was submitted by the two psychiatrists I have mentioned. This report was submitted on October 3, 1979; therefore, it is very relevant and timely. I cite this report to show that even over this period of 5, going on 6, years, the Justice Department continues to harass the State of Nebraska. I see little, if any, relief in sight if S. 10 becomes law. Indeed, it is my firm feeling that if S. 10 becomes the law of this land, we are going to have more heavy-handed abuses by the Justice Department, many more than we have had in the past; and other States could fall under the same unfair yoke.

The words that these two distinguished doctors relate and the findings and recommendations relating to Nebraska's mental retardation program are very detailed. I merely quote from the highlights:

> The mental retardation issue in the state is presently discussed on many different levels: constitutional, legal, political, educational and medical. Programs and staff are beleaguered by this controversy and it is correspondingly having its effect on the client population. The arguments go from the concept of a least restrictive setting (community) for the clients to search for a realistic plan. The present legal dispute has little relevance to the clinical problem. The need for security and the development of a distance between the stress of a "natural environment" and the client may outweigh the benefits of the placement of a client back into community life. Here an institutional setting becomes the "least restrictive" because the individual can live without restricting defenses against a threatening environment. Therefore, we recommend caution in analyzing client needs making sure that any steps taken in the area of care and rehabilitation of clients is based on solid clinical precepts and not on emotional factors. We saw many "victims" of community placements floridly psychotic in psychiatric units of the regional centers and we wondered about the "right to be free from harm" and the accountability in such a placement. We saw the residents of the Beatrice Center responding to a program that stressed the "value of the individual as a person" and we also saw clients doing very well in communities. Unfortunately, we also saw clients at the community level obviously feeling miserable, indolent and/or rejected.
>
> It seems to be crucial to support the application of sound clinical judgment in the assessment of an individual client need rather than accept a complete surrender to social pressures. We do not feel that more than a very few clients can successfully leave the Beatrice Center, though the few who can should be supported all the way. . . .
>
> A considerable amount of time has been spent by your consultants in analyzing Nebraska's program for its mentally retarded children and adults. Overall, Nebraska has developed a program in this area far superior to that of most of her sister states. We visited many community programs and visited the Beatrice Center on two different days. During the visits to Beatrice we made rounds through the various units and examined the records of many patients. We were surprised at the detail set forth in each record but were more impressed by the variety and depth of the programs being offered to clients. We found that although the center was experiencing marked problems in recruitment due to the low salaries being offered that the personnel on duty, although working hard, were extremely devoted to the care of the clients under their charge.
>
> In checking records and actually visiting patients and patient areas we saw few clients who we felt could make an adjustment outside of this center. Although the staff felt that possibly another 50 or 60 patients could be transferred to community programs, we felt that this figure might be somewhat high.
>
> After touring the center and analyzing community mental retardation programs, we felt that clients in Beatrice were far better off in many ways than many we saw in community programs. We have over the years been privileged to visit many mental retardation programs in this and other countries and we cannot remember a better equipped or more client oriented program.
>
> Although it might appear that care and treatment at the Beatrice center costs more than community care, an analysis of the obvious costs and more importantly the hidden costs of community programs would leave a large question as to the validity of such an argument."

Mr. President, I have thought it important to include this testimony in the RECORD, the very latest we have from Nebraska, to show, once again, the heavyhanded, unwarranted intervention into the State of Nebraska by the Justice Department. I maintain that a Justice Department that has performed in this manner in the past is not likely to change its spots simply because we might pass S. 10.

I reserve the remainder of my time.

(The following occurred during Mr. EXON'S remarks:)

Mr. EXON. Mr. President, at this time, I yield to my colleague from Oklahoma, and I ask unanimous consent that his remarks follow this part of my presentation.

Mr. BOREN. I thank the Senator from Nebraska.

The report issued by these two distinguished gentlemen from the State of Oklahoma certainly has great credibility for me. I know them both very well. They are highly regarded, not only in our State but across the country as well.

Dr. Donahue was the director of the State department of mental health during the time I served as Governor of Oklahoma. He is a very distinguished individual. As Senator EXON mentioned a moment ago, Dr. Donahue is now director of our State's Institute for Mental Health, Education, and Training. He has held leadership positions all across the country. He is president of the American College of Psychiatry, president of the American Association for Administrative Psychiatry, a member of the Board of Trustees of the American Psychiatric Association, and a member of the Executive Committee of the American Bar Association's Commission on the Rights of the Mentally Disabled.

Dr. Donahue recently retired as the director of our State department of mental health and received the Bowis award for outstanding contributions in the field of psychiatry. This is an award given to very few people over the years by the American College of Psychiatry. He is an outstanding individual, as is Dr. Huber.

If my colleagues in the Senate could know the outstanding credentials and the great ability of both these individuals, I think they would give added weight to the report mentioned by the Senator from Nebraska.

I thank the Senator from Nebraska for yielding to me, so that I might say a word about the outstanding credentials of these two individuals from my home State.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. COCHRAN. I ask unanimous consent that the time for the quorum not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, I shall ask unanimous consent to print in the RECORD a letter under date of May 18, 1979, addressed to Senator BIRCH BAYH and members of the Subcommittee on the Constitution, Judiciary Committee, from Patricia K. Crawford, of Lincoln, Nebr., one parent who represents many who are opposed to S. 10. I ask unanimous consent that that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MENTAL RETARDATION
ASSOCIATION OF AMERICA, INC.,
Lincoln, Nebr., May 18, 1979.

Senator BIRCH BAYH,
Members of the Subcommittee on the Constitution, Judiciary Committee, U.S. Senate, Washington, D.C.

DEAR SENATOR BAYH AND SUBCOMMITTEE MEMBERS: This is to inform you that the members of MRAA, Nebraska Chapter, (400+ parents of retarded children and adults) support the testimony of Senator Exon before the Subcommittee on the Constitution hearing S. 10. The cost of Nebraska's experience with the Justice Department as plaintiff intervenor in a lawsuit against the Beatrice State Developmental Center to the fewer than 1 million taxpayers in this state has been enormous and only the bureaucrats have benefitted. It is our belief that the people of the state of Nebraska possess the wisdom and compassion necessary to insure proper care and treatment for our mentally retarded citizens. (Surely, 49 other states can make the same claim.)

We have one state operated institution for the mentally retarded located at Beatrice, the Beatrice State Developmental Center, (BSDC) and it is excellent. There are 10 ultra-modern cottages housing 16 residents, each, and a fine recreation building with a pool, 2 or 3 older completely renovated air-conditioned buildings. 59 percent of the 750 residents are profoundly retarded, 27 percent are severely retarded, 14 percent are moderately or mildly retarded with multi-handicaps. We have been deinstitutionalizing since 1963 and therefore the population, according to level of retardation is probably not comparable with any other institution and yet the Department of Justice is not satisfied. The push is on to close the BSDC.

There is a conflict between the Department of HEW and the Department of Justice. Our legislature has authorized a 3 year plan to renovate 2 older buildings to bring them into compliance with regulations to obtain Title 19 funds. The Federal Court will not allow the improvements! The net result may be that a couple hundred residents of the BSDC will have to live in a building which affords little or no privacy, is not air conditioned, and is like a barn.

The federal government already has a great deal of control over institutional programs for the mentally retarded. Title 19 standards for Medicaid money are very exacting. These include facility standards and programming standards. While we often complain about rules and regs promulgated by the Department of HEW, the fact is that because of these requirements and the money they bring, every person at the BSDC receives 5 hours of programming every day. There are few exceptions—the elderly, for instance. Warehousing the retarded is a thing of the past. Thank God! There are ICF/MR standards for licensing. There are also accreditation standards by the Joint Commission on the Accreditation of Hospitals.

In the lawsuits against institutions for the mentally retarded around the country where the Justice Department has intervened, the solution is always the same. The wording and phrases in the agreements that I am familiar with are identical. Apparently, there are no allowances made for geography, population density or lack, thereof, the view from the Justice Department is narrow, indeed. The solution to all problems seems to be deinstitutionalization—fine for the higher functioning retarded person who can truly benefit from community living. Some of these can participate in competitive employment, ride the bus to work, shop for themselves with little assistance. There is a whole range of retardation or more accurately, deficiency, from 0 IQ to 70 IQ. Surely, mental age should be an important consideration in the care and supervision administered. Many retarded people are very happy in an institutional environment. They realize their deficiency and appreciate the security, the schedule and daily routine, and the relative freedom that a large campus affords. All institutions are not bad!

The intervention of the Justice Department in the Nebraska case has polarized the view of some Nebraskans. We have on one hand a large group of professionals in Omaha, our largest city, situated on the eastern border, who want to deinstitutionalize every one. From their vantage it looks mighty easy as all services are available there. On the other hand we have the folks who live in the wide open spaces and the parents of retarded who have to be more realistic and less idealistic than the professionals. We know our kids in most cases cannot and will never be able to exercise their civil rights. They can't vote, drive, marry, or live unprotected because they are deficient, mentally, and unfortunately, that is a permanent condition. It is most important to note, here, that according to the Department of HEW, Nebraska has at least 34 of 93 counties designated Primary Medical Care Shortage Areas.

Another matter that rankles parents of residents of BSDC is the lack of notification in the class action lawsuit in our state. According to federal law, if one is notified, one has the option to withdraw from the class action. Only parents of minor children and legal guardians were notified, despite the severe mental deficiency of most of those in the "class". Notices were placed on the walls of the residences of the mentally deficient, some of whom are blind, although, that made little difference as very few involved could read or understand.

Because the majority of Nebraska's mentally deficient live in community facilities and often do not receive enough supervision, many spend time in jails. A few years ago, Judge Dale Farnbruch of Lincoln testified before a legislative committee that we would be building new institutions for the retarded and they would be penal institutions. These jailings are the result of people with a mental age of 5 or 8 or whatever, those certainly lacking the capacity to see the consequences of their actions, not adequately supervised. Civil rights includes the right to go to jail, even if you are so deficient you don't know why you are there!

S. 10 sounds wonderful—why else would we see such a variety of political philosophy represented by those sponsors? Learn from Senator J. J. Exon, he has been through the whole costly, frustrating business! This bill will increase the bureaucracy tremendously—the same bureaucracy we all rail against. It is really difficult for a sparsely populated state like Nebraska to spend huge amounts of money and time to defend itself against the federal government whose time and money are unlimited. Please take note, Mr. Dole, Mr. McGovern and others.

The members of MRAA, Nebraska Chapter, urge you to scuttle S. 10 and allow the citizens of each state who know the peculiarities of geography and population density of their state to work out the problems of caring for those who benefit from an institutional environment.

Sincerely,

PATRICIA K. CRAWFORD,
Governmental Affairs Chairman.

Mr. EXON. Mr. President, I further ask unanimous consent to print in the RECORD an editorial which appeared yesterday, February 26, in the Omaha World-Herald, which is entitled "Need, Not Limit on Retarded, Should Shape Beatrice."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NEED, NOT LIMIT ON RETARDED, SHOULD SHAPE BEATRICE

As most regular readers of this newspaper know, hundreds of patients have been removed from the big center for the mentally retarded at Beatrice and placed in smaller facilities around the state.

Simply stated, the theory behind this is that they will do better if they spend their lives closer to the normal world.

But unfortunately, for some it has created a tangled web of problems, fears and heartbreak.

In a recent article in this newspaper, reporter Howard Silber cited some case histories:

—Janice, 31, has been blind from birth. She went to special schools and private tutors, but finally her parents accepted the fact she was so severely retarded. She was placed in the Beatrice center when she was 13. She lives in a modern cottage and plays her piano, which her parents bought for her. It is her means of expression. Her mother wonders if she could take her piano with her if she is moved into the community. Would others in the residence tolerate her playing?

—A widow's son is 33. He was placed in a community based program against her wishes. His speech is limited. He can print his name and his mother thinks he realizes it is his name. He can count to 16—most of the time. Eight times out of 10 he can tell which is the quarter and which is the dime. But he has no concept of the value of either coin.

One of the terms of opprobrium often used against the Beatrice State Developmental Center is "warehousing," meaning that patients are simply stored without opportunity to improve their abilities.

Mrs. Mary Roberts of Omaha, the mother of the young man in the community-based program who has trouble with dimes and quarters, has this reply:

"Some community programs are smaller warehouses, smaller lockers."

Now listen to Janice's mother, Mrs. Bernice Adam of Lincoln, a retired advertising executive and widow of Jerry Adam, University of Nebraska wrestling coach:

"I teach a Sunday school class for adult mentally retarded persons. Most of them have come from Beatrice and now live in group homes in Lincoln. They have their own class because they couldn't possibly fit into one with normal persons.

"They go to their own sheltered workshop. They have their own 'funnight' club to which they go once a week. It's for retarded persons.

"The only thing I've been able to figure out that they do in the mainstream is occasionally ride a regular bus. And they seldom, if ever, venture downtown.

"They are segregated on an ordinary-size city lot instead of a 650-acre campus at Beatrice."

Let us point out, however, that the community-based program has its success stories. A number of the former Beatrice patients reportedly are productive and happy.

One would think, then, that there should be a choice: Those who can benefit from the community programs should be allowed to participate and the more severely retarded who need the greater care afforded at Beatrice should be allowed to stay there.

But there are complications. A few years ago the parents of three mentally retarded persons filed a class action lawsuit in the U.S. District Court in Omaha contending that the Beatrice patients "have a right to be served in the least restrictive and the most normalizing setting possible," i.e., the community programs.

A 1975 out-of-court settlement has resulted in the transfer of large numbers to the community programs and a reduction in the population of the Beatrice center to its present approximately 700. This compares with 2,245 in 1967.

By an involved process involving two governors, a panel of experts, the court and other parties, a goal of further reducing the number of patients to 250 has been set.

Judge Albert Schatz has, however, written a memorandum saying that the court would not stand for a plan which sets an arbitrary minimum resident population which deprives care and supervision at Beatrice for persons who need it.

A further complication: The U.S. Justice Department is trying to prevent the state from spending money to improve the Beatrice center until the population gets down to 250.

There is also disagreement on whether community care costs more than institutional care. Valid comparisons are difficult. Some community patients are so near-normal their care costs less than those in Beatrice, but others on the outside require much more expensive attention.

A community proponent says Beatrice costs average close to $20,000 per year per patient while community costs average $7,800. But a Beatrice proponent notes the community program is asking for $22.200 a person to bring 24 more out of Beatrice and that this is not the total cost.

All of this confusion has understandably upset the group of parents who wish their children to remain at Beatrice. They also fear that the ultimate result of the trend toward normalization for the retarded will be the demise of the Beatrice center.

We suggest that there is a place for both the Beatrice and community programs. There will always be a need for institutional care for the most profoundly retarded, whatever their numbers.

What is needed, we believe, is for both sides to get together and work out an acceptable way to allow choices—with more say by the parents and guardians—in the borderline cases. And there should be consideration of the costs. There are limits to what society can afford to pay if results will be minute.

Meanwhile, some of the legal knots should be untied, and this may not be easy.

First, let's get rid of the arbitrary 250-patient-lid that has become such a hangup and let residency at Beatrice be based on need.

Second, someone should persuade the Justice Department to get off the state's back and permit it to make the improvements at the Beatrice center necessary to keep it in proper condition.

RECESS UNTIL 3:04 P.M.

Mr. EXON. Mr. President, at the request of the majority leader, I ask unanimous consent that the Senate stand in recess for 15 minutes.

There being no objection, the Senate, at 2:49 p.m., recessed until 3:04 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BAUCUS).

The PRESIDING OFFICER. The Chair, in his capacity as the Senator from Montana, suggests the absence of a quorum. The time will not be charged to either side. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, I would like to respond briefly to the amendment suggested by the Senator from Nebraska.

As has been the case in many, if not all, of the discussions relative to amendments, it has been quite understandable that much of the discussion has revolved around the particular instant case, a suit brought by the parents of the patients in the mental institution in Nebraska.

It is understandable why our friend and colleague from Nebraska, having been Governor at the time, would dwell heavily on that particular case. I do not want to get involved in an extensive discussion of the merits of that particular case. The Senator from Indiana has been willing to accept the judgment of some that the Justice Department on occasion has been heavyhanded. Although we do have the complaint brought by the Nebraska Association for Retarded Citizens, which constituted the bulk of the parents of the young people involved in that institution, I see nothing to be gained by having that discussed in the RECORD in an effort to try to dispute the contentions made by our distinguished colleague from Nebraska. I feel very strongly that the Justice Department did not accord him the kind of respect and the State of Nebraska the kind of respect they should have. I am prepared to accept that.

I would like to emphasize what I said earlier. Because of the concern of the Senator from Indiana and others who support this legislation that the States be accorded the courtesies that are due them, the bill permits the States to function within their own sphere of responsibility as long as they are willing to do so.

It is because of these feelings that the Senator from Indiana has been willing to accept some 35 amendments. The standard applied, if S. 10 passes, would be a much sterner standard, a much more severe test, than is required for the Justice Department to intervene in cases which are presently in the courts of this country.

The proponents of this particular amendment apparently believe that the Justice Department needs a third party to check on the relevance of the Justice Department suit, and that that person should be the Secretary of Health and Human Services. I would like to urge my colleagues to not go along with this proposition because the Justice Department as a party litigant, either by joining with a party initiator or by initiating the suit themselves, can be checked by the courts. It seems to me that judge sitting there is the perfect party to determine whether the Justice Department has overstepped its bounds. It is most appropriate that the court have that role.

To give the Secretary of Health and Human Services a veto power over the Attorney General in matters involving a suit to redress constitutional rights seems to me to be absurd. I think we should emphasize the different role that the Secretary of Health and Human Services plays compared to the role of the Justice Department, which is the appropriate branch of Government to determine whether constitutional and legal rights are being violated.

It so happens that our present Secretary of Health and Human Services is a darn good lawyer, an exceptional lawyer, but we have had Secretaries of HHS who were not lawyers. To suggest that the Secretary, who is charged with running a major service delivery department, which is the primary role of Health and Human Services, should be given the veto power over the Cabinet official who is the No. 1 law enforcement officer, who should know more than anybody else in the Cabinet about what the Constitution requires and what the laws require as far as citizen rights are concerned, I think is to give to the Secretary of Health and Human Services an authority that she is really not capable of assuming.

Just to use a specific example—and I must confess I really do not think we know where we are heading on this because I have never heard of a suggestion like this before—we do know that we have had cases, specific cases, where teeth have been pulled without novocaine and where patients have been sutured without anesthesia. I am not certain that violates the HHS standards.

HHS standards might say you need a registered doctor to do the suturing or a registered dentist to pull teeth. But in a given instance someone might say, "We did have a dentist to pull the teeth and a doctor to do the suturing, but they were of the medical opinion that the patients did not need novocaine," in spite of the fact that you had to have three or four people to hold the patient down. So it is in that form of almost unusual torture it seems to me that the Attorney General could deal with it much more effectively than the Secretary of Human Services, who may say, "You have a doctor or enough doctors per patient. The ratio is all right and the medicaid-medicare standard is met." But that would not go to the specific violation of the constitutional right of an inmate or a patient in a mental institution.

Mr. President, I do not think there is much that I can add in this case to the opposition to this amendment. I know it is well-intentioned. I just suggest that they are asking the Secretary of Health and Community Services to play a role she should not play, which is to veto the decision of a person who is responsible for the legal and constitutional rights of American citizens.

Mr. EXON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Nebraska has 30 minutes remaining.

Mr. EXON. Mr. President, I apologize to my friend from Indiana. Because of the untimely delay that I was not aware of, I had to step out of the Chamber for a few moments, so I did not have a chance to hear all his remarks.

It is my understanding that the introducer of S. 10 feels that the amendment that I have offered is absurd. I do not think it is absurd at all.

Mr. BAYH. The Senator did not hear me say "absurd," so let me emphasize the fact that I did not intend to say "absurd."

Mr. EXON. The Senator did not say "absurd"?

Mr. BAYH. I would never call my friend from Nebraska absurd, though I might disagree with him.

Mr. EXON. What adjective was used in that regard?

Mr. BAYH. The thrust of my opposition is that I think we are asking the Secretary of Health and Human Services, which is basically a service delivery organization, to have veto power over a decision made by the Attorney General, who is supposed to be the expert in constitutional law and the legal ramifications of the rights of American citizens. So I think we are asking her—presently her—or whoever plays that role in the future, to veto the judgment of a man who is supposed to be the best in the country as far as knowing when legal rights or constitutional rights are being violated.

Mr. EXON. I appreciate very much the clarification by my friend from Indiana. I guess that the connotation that he gave was that it was not well thought out for the Secretary of HEW to be given veto powers over the Attorney General. That, in my opinion, is not the thrust of my amendment. All that my amendment is attempting to do—and, frankly, I was quite surprised when I worked it out that it was not agreed to by the manager of the bill, because I think it is so reasonable that just reading it, on its face, would indicate to those people that it should be approved.

I do not think it is unreasonable at all that the Attorney General, before he goes into a State, before he goes into an institution over which the Department of Health, Education, and Welfare has authority and responsibility to enforce the Federal funding that is going into that institution, before the Attorney General starts legal action against that institution, he has to clear in advance with the Secretary of HEW. It goes back to the thrust of the judge's decision in the case, where the judge indicated that he could not believe that Congress, on one hand, would create a funding mechanism under HEW and then turn right around, on the other hand, and want the Attorney General of the United States to bring suit.

It seems to me that, possibly, the thrust of my amendment is not completely understood. All the amendment does, as I attempted to explain, probably while the Senator from Indiana was necessarily out of the Chamber, is say that before the Attorney General can bring legal action against any State institution, he first has to check with the Secretary of HEW to make sure that his legal action is not in conflict with some action that is presently being taken by HEW under the law and the responsibility that the Secretary of HEW has. It is not designed to delay; it is merely designed to make sure that the right hand in Government knows what the left hand is doing.

I was not able to follow, because I unfortunately came back in late, the pulling of teeth without novocaine. I believe none of us has subscribed to a belief that that kind of incident should take place. But I do not think we should give the Attorney General the almost unrestricted power he would have if S. 10 becomes law. In effect, making him a czar over every State institution is not going necessarily to clear that possible difficulty.

The Senator from Indiana also indicated that the Department of Justice should be able to go ahead with this suit and, in essence, said that, even if the Department of Health, Education, and Welfare is presently checking to enforce the standards imposed under the law, they do not even have to pay any attention to HEW. If we do not accept my amendment, it is entirely possible that the Department of Justice—not only possible, but I suggest that they will be in cases where they might not have to be because of the authority that the Secretary of HEW has under the law to make sure that the Federal funding programs that are going into our State institutions are properly handled.

I just cannot understand the objection of the managers of the bill to this amendment. I suspect that it goes back to those who are pushing this concept. It is one of my major fears with regard to S. 10, because, at least as far as some of the Nebraska interests that are behind S. 10, I only question their motives because they have well spelled out their motives in the past.

I said what those motives are in my detailed statement, the motives of some of the people in Nebraska who are supporting S. 10—not the elected officials but some of the people supporting it. They are the same people who basically feel that all institutions should be closed down.

Therefore, I say once again, with all due respect to my friend from Indiana, I hope he can clarify further his objections to what I think is a very reasonable amendment.

Mr. President, I reserve the remainder of my time.

Mr. BAYH. Mr. President, I appreciate the comments of my friend from Nebraska. I regret that I had to chair the Senate Committee on Intelligence briefly in its discussion with Admiral Turner and, thus, was not able to hear the Senator's full explanation. However, let him rest assured that I have studied his amendment very carefully.

This is not the first time that the Senator from Nebraska has expressed his concern about S. 10 and the Senator from Indiana has had the opportunity to be well educated on his views. The Senator from Nebraska does a very persuasive job of expressing his point of view.

I mentioned a moment ago that I think we have a basic difference of opinion as to what this bill does. I just want to reiterate, using the words of the Senator from Nebraska, that the Attorney General would never be a czar over an institution. Before he could get into court, he would have to find all of the conditions in the institution which are outlined in the bill. The steps which must be taken by the Attorney General are much more in line with trying to give adequate notice and providing more specificity of complaint and more recommendations of various alternatives for solution than exist now under the present law. It is entirely possible that if this law had been on the books earlier, the distinguished Senator from Nebraska would not have been confronted with the roughshod treatment by the Justice Department, because they could not have been involved in the case in the same way.

But I do not think we gain much by going to that basic difference of opinion on the approach here.

I can only read what the language says in the amendment of the Senator from Nebraska. It says very clearly that the Attorney General may not commence any action unless he has received a certification from the Secretary of Health, Education, and Welfare.

If that is not veto power, that we cannot start until we get that certification, I do not know what it is.

Would the Senator accept a consultative role for HEW, where we could say that the Attorney General may not commence any action, et cetera, in which such an institution is a defendant, unless he has consulted with the Secretary of Health, Education, and Welfare, that such commencement or intervention is consistent with the policies and goals of the Department of Health, Education, and Welfare?

Mr. EXON. May I respond on my time?

Mr. BAYH. Or mine, I think we have adequate time. Please go ahead.

Mr. EXON. Mr. President, I am sure that the offer is made in sincerity, but I cannot accept that because what that does is place even more authority with the Justice Department.

The Senator from Indiana keeps referring to the fact that certain things cannot be done in S. 10 until certain conditions are met. But I submit that those conditions are determined by the Attorney General. No one is looking over the Attorney General's shoulder.

Everything we have outlined in S. 10 says that the Attorney General must do this or that, but the ultimate decision as to whether he moves ahead or not is his.

To clarify my position and try to get it back on track, I cite once again to my friend from Indiana the wording handed down in the decision by the judge in the case of United States against Solomon, which goes to the basic heart of the reason I think my amendment should be accepted.

I quote once again what the judge said:

> Surely, if Congress had wanted two agencies to be involved in ameliorating the states' efforts to help the mentally retarded, it would have at least provided some legislative guidance as to procedures for preventing the conflict and contradictory goals that can and do occur when two federal agencies independently act on the same matter.

Mr. President, what my amendment does is eliminate the conflict the judge so eloquently pointed out in his commonsense decision.

If this amendment is adopted and S. 10 passes—and I hope that it will not, but if S. 10 does pass—then what we would have here would be that the Attorney General could not proceed with a lawsuit until he had cleared with the Department of HEW to determine whether or not they were having difficulties with that institution at that particular time.

I say, and I agree with my friend from Indiana, that if we had a situation where an institution was under investigation, or the Department of HEW was working with that institution in that particular State at that particular time, I think it would be inappropriate and wrong for the Justice Department to bring a lawsuit until HEW had, hopefully, completed its investigation and completed their action, which might, indeed, eliminate the necessary conflict and controversy and expense of a Federal lawsuit.

So I would have to agree with my friend from Indiana that if there is a situation where the Justice Department, through information that came to their attention, wanted to bring suit in a certain institution somewhere in some State, that they would be forced under the law, if my amendment is adopted, to check with HEW to see whether or not there was a conflict. Indeed, that is the reason for the amendment.

I emphasize once again, the net effect was adequately pointed out by the judge in United States against Solomon, to prevent the conflict and contradictory goals of two Federal agencies.

I think the amendment would help straighten things out.

It might, indeed, interfere if the intent of S. 10 is to allow the Justice Department to go in and sue at will. Yes, under those circumstances the Exon amendment would be some check and balance as far as the filing of a lawsuit is concerned.

Mr. President, I reserve the remainder of my time.

Mr. BAYH. Mr. President, if one is going to talk about the Solomon case, it seems to me we better look at the basis for the Solomon case in the Solomon decision.

The Justice Department entered the Solomon case, initiated the Solomon case, under rule XXIV. The thrust was to try to initiate a case. They tried to equate their right to initiate that case with the generally accepted right that the Justice Department had been granted by courts in previous cases where they intervened in presently filed cases under rule XXIV.

The court ruled that rule XXIV does not apply if the Department is initiating a case. Thus, the Justice Department did not have standing.

The Senator from Indiana might argue yes or no on that. I cannot argue it is a different legal foundation we are standing on if we try to initiate a case, compared to the right to intervene, which has been generally upheld by the courts in existing cases.

Is there no way that the Senator from Nebraska would accept a consulting role? Again I get back to the difference of the Department of HEW, or Health and Human Services, basically, a service delivery organization—how many patients per doctor, how much protein in the food, how much daylight in the reading room, how sophisticated a program for retraining, or training, or rehabilitating, retarded children.

That is the basic role of the Department of Health and Human Services.

I honestly believe that perhaps one of the differences that exists between the Senator from Nebraska and the Senator from Indiana, because we generally have common yardsticks to measure right and wrong, is that he sees S. 10 pursuing a diffferent set of rights, or a different qualitative right, than the Senator from Indiana sees it.

We have carefully restricted the application of S. 10 to serious violations. I do not need to read them again, but I shall:

> To egregious violations, conditions which are willful or wanton, or conditions of gross neglect which deprive any persons of any rights, privileges or immunities secured and protected by the Constitution.

Those are the kinds of rights we say the Justice Department should be able to enter into to stop the violation of those rights. It should not have to send a messenger to HEW or HHS and say, "Fellows, how are we complying with this retraining program?"

That is why I think there would be an interminable delay while the Department of HHS tried to figure out how far they were toward compliance about numbers and that kind of thing. We want to stop people from being hurt.

I do not believe that under S. 10, the Attorney General, even absent the qualifying language of the Senator from Nebraska, can order certain programmatic effects in an institution, nor can the court, unless that is necessary to prohibit the violation of constitutional rights and serious wrongs.

Mr. EXON. Mr. President, will the Senator yield at that point?

Mr. BAYH. I am glad to yield.

Mr. EXON. I think the differences of opinion here are quite obvious, and the differences of opinion are essentially based upon the confidence that the Senator from Indiana has in the Justice Department and the fact that those of us who have had experience with the Justice Department and its heavyhanded activities do not have the same confidence in the Jusitce Department as do those who have not had such dealings with that Department.

I go back once again to the basic point that was explained by the judge in the case to which I referred. It seems to me that Congress, whenever it can, should spell out as much as possible which department has what responsibility.

As I said earlier in my comments today with regard to the case we have been referring to, the Solomon case, I thought the judge made good sense in pointing out that, surely, Congress would want the right hand of one agency of Government to know what the left hand of another agency of Government was doing. However, as I said at that time, it might be that this particular judge has more confidence in the commonsense of Congress than is truly warranted.

What we have here and what we are discussing is the fact that, whether or not the Justice Department would have entered the Nebraska case had S. 10 been the law of the land at that time, I suggest that since the Justice Department indicated that there were gross deprivations in Nebraska, probably they would have been in the case even sooner than they were.

I ask the Senator from Indiana if he thinks that, had S. 10 been in place, the Justice Department would not have been in the Nebraska case.

Mr. BAYH. I do not know. All I know is that they would have had to meet a higher standard than the present law. They are bringing suits in Nebraska, Oklahoma, and other States under the Civil Rights Act, title VI, title II, title III, title VII, title VIII. Those are the legal bases for bringing Federal suits against State institutions. We are putting more safeguards in S. 10 than exist in any of those other acts—all of them put together.

They do not have to provide a Governor any notice that they are coming in. They just knock on the door and say, "Here we are." We would require advance notice. They do not have to provide the name, serial number, time, place, and kind of abuse. That does not have to be provided now, as compared to the detail we have put in.

Instead of being interpreted as an overly trusting piece of legislation, in which we are trusting the Justice Department to be sensitive, it seems to me that if we look at the language of the statute, we are not trusting them. We are not leaving anything to trust or good faith. We are saying, "By gosh, you have to do it." If they did not have to do it, nothing is able to keep the Attorney General, perhaps, from being abusive and heavy-handed and from saying, "I'm going to bring this suit."

If you are representing the State of Nebraska as the attorney general or the Governor, you say, "With all respect, your honor, we did not get 15 days' notice, and this complaint does not outline all these things, and nobody has talked to me to see if I can voluntarily deal with the questions." The judge looks and sees there has been no effort to get voluntary compliance and he says, "The case is out of court."

Mr. EXON. Mr. President, this should not be too complicated. My amendment is very simple. All it does is add one more step to the process that the Senator from Indiana evidently feels is not necessary. The bottom line is this: How much trouble is going to be caused to the States is the lesser of the two problems.

So far as I am concerned, I am convinced that, in the Nebraska case at least—and I cannot speak for the others—the harm that was done by the heavy-handed tactics of the Justice Department fell most heavily on the mentally retarded citizens, disrupted the institutions, and caused the other concern which the two eminent psychiatrists indicated in their report, about which I commented earlier in the day.

All we are doing here is having one more safeguard. I believe that the Senator from Indiana is very sincere in believing that some roadblocks have been placed in the way of the Attorney General before he can do such things. If he did not give the 15 days' notice, which I am sure he would—that would be a foregone conclusion—if he did not give the Governor 15 days' notice, obviously the case would be thrown out of court. But most of the other "protections" that supposedly are afforded to the States, under the wording of the bill as it now stands, would be highly technical, legal decisions, in my opinion.

All I am asking, Mr. President, is that we take one more step for protection which seems to me is obviously necessary if we want to make sure that one department of the Federal Government which is getting into an area it is familiar with and would not be interfering with another department of the Federal Government on any action they might take under any law.

I reserve the remainder of my time.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 15 minutes remaining.

Mr. BAYH. Mr. President, I appreciate the fact that my friend from Nebraska accords me good faith.

First of all, if we do not pass S. 10, that does not change anything one iota. It permits the Justice Department to do exactly what they did and the way they did it in Nebraska and other States. If S. 10 is passed, before they can intervene in other States, they will have to meet the standards applied in S. 10. Granted, it does give them the right to initiate suits on the same standards.

I do not know about some of these people who are supporting S. 10, but the closing down of an institution and things such as that are not what I am interested in. One can argue about what is the best kind of treatment and the pros and cons of different treatment depending upon the institutions involved and the patients involved.

I do not possess the expertise necessary to be able to deal with that very complicated question of how one reaches minds that are retarded and puts people back on their feet. But what we are trying to stop here is willful and wanton misconduct that seriously harms citizens who are institutionalized.

That is a higher standard than perhaps the Senator from Indiana might like to see applied in institutions. We have passed laws and provided funding mechanisms, not sufficiently, but we passed laws to try to upgrade quality treatment. Here again, what this bill is designed to do is not guarantee quality treatment but to prohibit the abuse of constitutional rights. I think that is where the Senator from Indiana differs with the Senator from Nebraska as to what we are really trying to accomplish.

I am more than happy to put in a mandate there that before the Attorney General could proceed he must consult with the Secretary of Health and Human Services and that a determination must be made that such a commencement or intervention on the part of the Attorney General is consistent with the policies and goals of the Department of Health, Education, and Welfare. The reason I do not like the Secretary of Health and Human Services to have veto power is that sometimes it takes forever to get any decision down there. That is a huge service-delivery department, and it seems to me that the Attorney General is better able to say, "Wait a minute, these constitutional rights are being violated, and we are going to sue to stop them," and then the court will decide whether that is a good case or not.

Mr. BAYH subsequently said: Mr. President, I earlier had a rather lengthy colloquy with our distinguished colleague from Nebraska over the relative merits of his amendment which would require the Secretary of Health, Education, and Welfare to sign off on an action that was to be brought by the Attorney General before he could proceed.

I ask unanimous consent to print in the RECORD during that colloquy a letter which I have just received from the Secretary which points out that he feels that this is not the kind of responsibility that is appropriately placed on the shoulders of the Secretary of Health, Education, and Welfare.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF
HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., February 27, 1980.

Hon. BIRCH BAYH,
Chairman, Subcommittee on the Constitution, Washington, D.C.

DEAR MR. CHAIRMAN: There is pending on the floor of the Senate S. 10, a bill "To authorize actions for redress in cases involving deprivations of rights of institutionalized persons secured or protected by the Constitution or laws of the United States." We understand that amendments may be offered to that bill to further define a role in the litigation process for the Department of Health, Education, and Welfare.

We oppose any such amendments to S. 10, because their implementation would impede expeditious action by the Department of Justice in protecting the rights of persons residing in a specific institution.

We believe that section 9(b) of S. 10 assures this Department the opportunity to intervene appropriately in any planned investigation by the Department of Justice. This Department is committed to providing to the Department of Justice expertise and information which that Department needs to pursue actions in these matters. You can be assured that we shall cooperate with the Department of Justice to resolve any conflicts in opinion, rules, regulations or standards that may develop with the Departments or with the Federal courts.

In conclusion, we recommend that the Senate reject any amendments to S. 10 other than those proposed by the Department of Justice in its letter to you of February 25, 1980.

We are advised by the Office of Management and Budget that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely yours,
PATRICIA ROBERTS HARRIS.

Mr. EXON. The question, Mr. President, is not what Federal policy the Secretary of Health, Education, and Welfare wants, the question is what policy Congress feels is appropriate.

As I stated before, the Federal judge in the Solomon case stated the conceptual need for this provision succinctly:

> Surely, if Congress had wanted two agencies to be involved in ameliorating the states' efforts to help the mentally retarded, it would have at least provided some legislative guidance as to procedures for preventing the conflict and contradictory goals that can and do occur when two federal agencies independently act on the same matter.

My amendment simply provides these procedures to prevent the obvious conflict of authority which will occur without this protection.

Mr. President, I wish to request at this time the yeas and nays on the amendment to be voted on tomorrow after the prearranged agreement.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays wese ordered.

Mr. EXON. Mr. President, I know of no other Senator who wishes to speak on this amendment at the present time.

If the manager of the bill is prepared to yield back his time, I am prepared to yield back mine and we can proceed with the other amendments.

Mr. BAYH. I yield back my time.

The PRESIDING OFFICER. All time is yielded back.

Under the previous order, the Senator from Missouri is recognized to call up an amendment.

AMENDMENT NO. 1673

(Purpose: To substitute for the bill a bill to establish a national commission to study the care of institutionalized persons and to recommend improvements in the operation of institutions)

Mr. DANFORTH. Mr. President, I call up amendment No. 1673 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Missouri (Mr. DANFORTH) proposes amendment numbered 1673.

Mr. DANFORTH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"DECLARATION OF PURPOSE

"SECTION 1. The Congress finds and declares that the adequate care of institutionalized persons should develop from the commitments of State, local, and Federal governments working together to define the causes of and the solutions to the problems of inadequate care.

"ESTABLISHMENT OF COMMISSION

"SEC. 2. (a) There is established a Commission to be known as the National Commission on Institutions (hereinafter referred to as the 'Commission').

"(b) The Commission shall be composed of three members, who shall be appointed by the President, by and with the advice and consent of the Senate, as follows:

"(1) One member appointed from the officers and employees of the executive branch of the Government of the United States.

"(2) One member appointed from a panel of at least eight persons submitted by the Governors' Conference.

"(3) One member appointed from a panel of at least eight persons submitted jointly by the National League of Cities and the United States Conference of Mayors.

"(c) The Chairman of the Commission shall be designated by the President from among the members of the Commission.

"(d) The term of office of each member of the Commission shall be four years. Members shall be eligible for reappointment and shall serve until their successors are appointed. A vacancy in the Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

"(e) Two members shall constitute a quorum for the conduct of business.

"DUTIES AND POWERS OF THE COMMISSION

"SEC. 3. (a) The Commission shall study and investigate, in accordance with subsection (e), the adequacy of care provided to persons residing in institutions, as defined in section 4(a).

"(b) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee or member may deem advisable.

"(c)(1) Subpenas shall be issued under the signature of the Chairman or any member of the Commission designated by him and shall be served by any person designated by the Chairman or any members. Any member of the Commission may administer oaths or affirmation to witnesses appearing before the Commission.

"(2) The provision of section 1821 of title 28, United States Code, shall apply to witnesses summoned to appear at any such hearing. The per diem and mileage allowances to witnesses summoned under authority conferred by this section shall be paid from funds appropriated to the Commission.

"(3) Any person who willfully neglects or refuses to qualify as a witness, or to testify, or to produce any evidence in obedience to any subpena duly issued under the authority of this section shall be fined not more than $500, or imprisoned for not more than six months, or both. Upon the certification by the Chairman of the Commission of the facts concerning any such willful disobedience by any person to the United States attorney for any judicial district in which such person resides or is found, such attorney may proceed by information for the prosecution of such person for such offense.

"(d) The Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information which the Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the Commission and furnish all information requested by the Commission to the extent permitted by law.

"(e) Members of the Commission or their designees, no sooner than seven days following written notification to (1) the Governor or chief executive officer, (2) the attorney general or chief legal officer of the appropriate State or political subdivision, and (3) the director of the institution, of the Commission's intention to commence an investigation of such institution and upon presenting appropriate credentials to the director of the institution or agent in charge, are authorized to inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such institution and all pertinent conditions, structures, equipment, and materials therein, and to question any employee or resident of such institution.

"DEFINITIONS

"SEC. 4. (a) The term 'institution' means any facility or institution—

"(1) which is owned, operated, or managed by or provides services on behalf of or pursuant to a contract with any State, political subdivision of a State, or with the Federal Government; and

"(2) which is—

"(A) for persons who are mentally ill, disabled, or retarded, or chronically ill, or handicapped;

"(B) a jail or prison, or other correctional or other pretrial detention facilities;

"(C) for juveniles held awaiting trial or residing for purposes of receiving care or treatment; and

"(D) providing skilled nursing, intermediate or long-term care, or custodial or residential care.

"(b) The term 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any of the territories or possessions of the United States.

"ADMINISTRATIVE PROVISIONS

"SEC. 5. (a) Subject to such rules and regulations as may be adopted by the Commission, the Commission shall have the power—

"(1) to appoint and fix the compensation of an executive director, and such additional staff personnel as it deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 52 of such title relating to classification and General Schedule pay rates; and

"(2) to procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code.

"(b)(1) The Commission is authorized to enter into agreements with the General Services Administration for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman and the Administrator of General Services.

"(2) The Commission is authorized to make grants and enter into contracts for the conduct of research and study necessary to implement the provisions of this Act.

"(c)(1) Any Federal employee subject to the civil service laws, rules, and regulations may be detailed to the Commission, and such detail shall be without interruption or loss of civil service status or privilege.

"(2) Any staff member of any committee of the Senate or of any committee of the House of Representatives may be detailed to serve on the staff of the Commission by the chairman of the respective committee. Any staff member so detailed shall serve on the staff of the Commission without additional compensation except that he or she may receive such reimbursement of expenses incurred as the Commission may authorize.

"COMPENSATION AND TRAVEL EXPENSES OF MEMBERS

"SEC. 6. (a) Members of the Commission shall each be entitled to receive the daily equivalent of the annual rate of the basic pay in effect for grade GS-18 of the General Schedule for each day (including traveltime) during which they are engaged in the actual performance of the duties of the Commission.

"(b) While away from their homes or regular places of business in the performance of duties of the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5 of the United States Code.

"REPORTS

"SEC. 7. Following completion of any investigation of an institution, and at such times as the Commission deems appropriate, the Commission may issue reports to the President, the Congress, and to appropriate State and local legislative bodies, setting forth its findings and recommendations concerning the care of persons residing in such institutions. Such reports shall be made public at the time they are issued and shall be widely disseminated.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 8. There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.".

Amend the title so as to read: "A bill to establish a national commission to study the care of institutionalized persons and to recommend improvements in the operation of institutions.".

The PRESIDING OFFICER. Under the previous order the Senator from Missouri has 1 hour to argue in favor of his amendment and the majority has 1 hour in opposition.

Mr. DANFORTH. Mr. President, amendment 1673 is the nature of a substitute for S. 10 and I shall review with the Senate the provisions of this substitute amendment.

Section 1 of the amendment is a declaration of purpose. The purpose section states that:

> The Congress finds and declares that the adequate care of institutionalized persons should develop from the commitments of State, local, and Federal governments working together to define the causes of and the solutions to the problems of inadequate care.

The key term is "working together." The thrust of this amendment is to devise a system under which a concerted effort can be put forward by State, local, and Federal governments to correct an obvious problem and to provide adequate care for institutionalized persons.

In this respect, the amendment differs from the bill because, whereas under the bill the responsibility for correcting the problems of institutionalized persons is vested in the Federal Government and specifically in the Department of Justice, in this bill the responsibility is a shared one, involving not just one layer of government, involving not just one department of the Federal Government, but involving State, local, and Federal governments, all three.

Section 2 of the bill establishes a national commission on institutions, and this national commission on institutions is the alternative proposed in the substitute for authority given by the bill to the Department of Justice.

The National Commission on Institutions is comprised of three members, appointed by the President, with the advice and consent of the Senate. One of the members is drawn from the executive branch of the Federal Government. A second member is drawn from a panel of persons submitted to the President by the Governors Conference and is a representative of State governments. A third member of the commission is a representative of local governments and is selected by the President from a panel submitted to him by the National League of Cities and by the U.S. Conference of Mayors.

Section 3 of the bill authorizes the Commission to study and investigate conditions in the various institutions of the United States, Federal, State, and local. Again it is not an effort just to single out State institutions or local institutions as being particularly deserving of analysis and investigation, but it recognizes that a problem may exist with respect to people who are patients or inmates in institutions operated by any level of government.

Section 3 further provides that the Commission, in exercising its responsibility to study and investigate, may hold hearings, that it may subpena witnesses and evidence, books, records, correspondence, memoranda, papers, and so forth.

Then it provides for how the subpenas are issued and generally the exercise of the investigative responsibility of the Commission.

Finally, skipping over to section 5, provisions are made in the substitute for the staffing of the Commission, and among other things, the substitute provides that any Federal employee subject to civil service laws, rules, and regulations, may be detailed to the Commission. In other words, it is perfectly permissible and anticipated under this substitute that the Commission could draw upon some of the same personnel that the Justice Department would use in the bill to carry on the investigations and to carry on the hearings that are anticipated.

Then, section 7 provides that the Commission may issue reports to the President, the Congress, and to appropriate State and local legislative bodies, setting forth its findings and recommendations.

Mr. President, that is the substance of the substitute amendment. What is the rationale for it? First of all, let me state that all of us in the Senate must be in agreement that we deplore inadequate conditions that exist in any institution, hospital, mental health institution, prison, or jail, whether they are operated by local governments or whether they are operated by State governments, or the Federal Government.

None of us approves of snakepit-like conditions if they exist in any institution or cruelty or mistreatment or inadequate care. All of us want to see these conditions eradicated. We all agree on that.

Therefore, the issue before the Senate is not whether or not we are going to cast a vote on trying to improve the conditions of those who are incarcerated or those who are receiving treatment. The only question before us is how to accomplish these desirable ends, what to do, what steps should be taken to try to improve the lot of those who oftentimes cannot care for themselves.

Now, the bill's approach in its present form is to attempt to correct perceived problems and real problems through the method of litigation, adversary proceedings, conflict and, therefore, the department of the Federal Government vested with the responsibility under the bill is the U.S. Department of Justice, and the basic practice to be followed by the Department of Jusitce, as contemplated by the bill, is to file a lawsuit.

There are provisions in the bill for consultation, conciliation. But the fact of the matter is, Mr. President, that what the Justice Department does in the normal course of events is not to conciliate. The Justice Department is not a body of experts in the field of mental health or in the field of treating the retarded or in the field of health care or hospital administration. That is not the job of the U.S. Department of Justice.

The job of the Department of Justice is to file suit, and the Justice Department is very good at filing suit. The people hired by the Department of Justice are attorneys. That is what they are trained to do. They litigate, and they litigate thousands, maybe tens of thousands, of cases every year.

Basically what the litigators does is to engage himself in an adversary proceeding. That is the sum and substance of litigation. Litigation by its very nature involves the adversary process. As a matter of fact, under our Constitution if you do not have a case in controversy, you do not have a justiciable issue. So the whole nature of litigation, the whole nature of what the Justice Department does and what its personnel are trained to do, is to involve themselves in adversary proceedings, in litigation in the courtroom process, and this is the theme of Senate bill 10. This is the whole approach that is assumed by Senate bill 10.

The questions are whether this approach—litigation, conflict, adversary proceedings—is a very effective approach in improving the conditions of those who are incarcerated or confined. Is it very effective?

The second question is does this approach of litigation, of conflict, have any side effects which are adverse?

Finally, if it is not very effective, and if there are adverse side effects, is there an available alternative which will do a better job of improving the conditions of those who are in institutions of one kind or another without the adverse side effects that result from the whole method of operation in Senate bill 10?

It is the position of this Senator in offering this amendment that Senate bill 10 is, first of all, not very effective; that it, in fact, will not accomplish what its sponsors say it will accomplish; that, as a matter of fact, the number of cases which will be handled in the ordinary course of events by the Justice Department pursuant to this bill is so small in number that they could improve the lot, if they do improve the lot, of at best a relatively small proportion of the institutionalized persons of this country.

Assistant Attorney General Drew Days, in testifying on this bill, estimated that somewhere between 7 and 10 cases would actually be brought in any one year. Yet, Mr. President, there are some 8,000 institutions in this country, when you count up all the prisons, jails, State hospitals, and governmentally operated institutions—some 8,000 of them. So even if this were the best possible method of addressing the problem, it would only address 7 to 10 cases a year when there are 8,000 potential cases out there.

I do not believe that targeting in on 7 cases or 10 cases per year is going to really solve the problem of those located in the many institutions scattered all over this country.

But the second problem, and the second reason why there is an ineffective approach, is that the remedy is not a real remedy; that is to say, what the procedure under Senate bill 10 anticipates is that a court, after a trial, after the whole lengthy process of litigation is completed, will eventually enter an order, and the order will be to do something, to accomplish something, to change something, because where there is a right there must be a remedy; where a court is involved there must be something for the court to do, some way in which the court can enforce its remedies, some way in which a court can improve things.

Yet, Mr. President, the problem of these institutions is a very simple one. It is a very difficult one but it is a very simple one to state, and that is a lack of funds. It is a money problem. In a case where there is overcrowding in an institution, where that is the gravaman of the complaint of the Justice Department or anyone else, where there is overcrowding, how is that corrected? Well, there are only two ways to correct it. One is to let people out of the institution—which is not going to happen very often—and the other approach is to build more institutions, and that building of more institutions requires the authorization of funds, the appropriation of funds, the raising of revenue, and those are legislative functions. They are not judicial functions. They are things that are going to have to eventually be done by legislatures, either by the Congress of the United States or, more likely, by State legislatures or boards of aldermen or other legislative bodies.

Similarly in the case of inadequate numbers of personnel or inadequate training of personnel or inadequate attention by personnel in State institutions, essentially, that is a problem of numbers of people and salaries for people, the expenditure of public funds. Under our system, the expenditure of public funds necessarily is a legislative matter, and there is no escape from that. A court cannot authorize funds. A court cannot appropriate funds. A court cannot levy taxes. Those are things that must be done by the legislature.

So the second reason why Senate bill 10 is not an appropriate remedy is that the wrong branch of Government is involved, the judiciary branch is involved, to solve a problem which must, by its very nature, be solved by the legislative body or it is not solved at all.

Therefore, Mr. President, because of the fact that this bill at most targets in on 7 to 10 cases a year where there are, in fact, 8,000 institutions, and because of the fact that the basic problem is one of funds, and the judiciary is not the branch of Government dealing with authorizations, appropriations, and taxation, it is the conclusion of this Senator that Senate bill 10 is not an effective remedy for a recognized problem.

Are there side effects, undesirable side effects, flowing from Senate bill 10?

The answer to that question, Mr. President, is yes, there are; there clearly are. And these side effects are recognized by people who have served in State government and who are now in the U.S. Senate.

(Mr. TSONGAS assumed the chair.)

Mr. DANFORTH. It is interesting to note that, among the Senators who have been most active with respect to this particular bill and stating concerns with respect to this particular bill are former officers of State government.

The Senator from Nebraska, who offered the previous amendment, Senator Exon, was, before coming to the U.S. Senate just a little over a year ago, the Governor of the State of Nebraska. I am a former attorney general of the State of Missouri. It was my privilege to serve in that office for 8 years.

I know State government. And the people who know State government, who have worked with State government and who know State institutions are the people who are most concerned with Senate bill 10. And it is a very genuine concern.

The National Association of Attorneys General has passed a resolution commenting negatively on Senate bill 10, expressing the concerns of that organization and the concerns of the attorneys general. Also, in the green book that we have on our desks setting forth the proceedings before the Senate Judiciary Committee, there are numerous letters sent to the committee by various attorneys general setting forth their concerns about this bill.

Their concern is its effect, first of all, on the whole Federal system, the relationship between State and local governments which is inherent in this bill, where the State governments are basically viewed, in a very negative light, as operators of institutions which are deplorable, and where the Justice Department is viewed as kind of a white knight, charging into the State institutions and correcting wrongs.

That relationship of the investigator and the investigated, of the perpetrator of wrong and the guardian of right, that relationship which is implicit in this bill between the Federal Government and the State government is one that is basically offensive to those who have served in State government and who believe that people in State government are not some lesser life, that people in State government are not ill-willed, they are not fiends, they are not trying to perpetrate some great evil on people in their institutions, but they are trying to do a good job.

So that view of a relationship between the Federal Government and the State government, between the Justice Department and those who run State institutions, is one of the matters that concerns people who have recently served in State offices.

Another concern is the practical effect that the threat of Justice Department action—the mere threat of it—has on those who operate State institutions on their morale, on their spirit, on their ability to do a good job.

In this case, Mr. President, I point that it is not necessary for the Justice Department to actually file a lawsuit. Only 7 to 10 lawsuits a year are anticipated. But the fact of the investigation itself, whether or not a lawsuit flows from the investigation, is a real ordeal for those who operate these institutions.

I would like to give the Senate an example of what I am talking about. Back in 1974 and 1975, the Department of Justice commenced an investigation of Missouri State schools for the mentally retarded. To the best of my knowledge, no lawsuit has ever resulted from that, although I am no longer in the attorney general's office.

In any event, there was an effort made by personnel in the Office of Special Litigation of the Civil Rights Division of the Justice Department to conduct an investigation into Missouri's schools for the mentally retarded.

At that time, I, as attorney general for the State, and, therefore, a legal counsel for the State division of mental health, engaged in some correspondence with the then Attorney General of the United States, Attorney General Levi.

I would like to read to the Senate a letter which I wrote to Attorney General Levi on March 27, 1975, which I think gives a pretty good case study of the effect that a Justice Department investigation can have on people even if no litigation ever arises.

The letter reads as follows:

> Dear Mr. Levi: I have received a letter dated March 19, 1975, from Assistant Attorney General Stanley Pottinger which provides further justification for my decision not to continue assistance to your Office of Special Litigation. Mr. Pottinger has submitted the facts and has erroneously characterized the position of this state. Contrary to Mr. Pottinger's statement, we do not refuse to cooperate with your department on the ground that it would be burdensome. Rather, we refuse to assist the Justice Department in its thoughtless and demoralizing investigation of our state schools for the mentally retarded.
>
> Mr. Pottinger has written that when your Mr. Thrasher interviewed Dr. C. Duane Hensley, he told Dr. Hensley that he had a right to have an attorney present. That statement is not true. The fact is that Mr. Thrasher and Mrs. Lentz misled Dr. Hensley as to the nature of the interview, did not inform him that litigation was contemplated until the second day of discussion, and did not advise him that he could consult counsel. Mr. Pottinger has written that his investigative attorneys have refused to discuss their findings and conclusions with us because they have not yet drawn any conclusions and that there is nothing of that nature to share. That statement is not true.
>
> The fact is that during their visit to our state school in Marshall, one of your investigating attorneys told Mrs. Adrian McKenna, the superintendent of that institution, "We are going to sue you." That same attorney told Mrs. McKenna that the general grounds for the suit would be right to treatment, right to privacy, right to education, and to insure the civil rights of residents. He went on to add that he personally was very impressed with the job that was being done at Marshall, and that he thought we were performing very well considering the age of the buildings.
>
> The extensive demands your department has made to our state would be burdensome to meet. But the burden is not the reason why we will not assist you. The reason is that your department is so completely insensitive to our program, and so set on a course designed to destroy the morale of some very dedicated state employees. According to one of our superintendents, the attitude of your investigating attorneys was extremely hostile.
>
> Let me give you some specific examples of what I mean.
>
> One. On the first day of their tour of our state schools, the first question one of your attorneys asked the superintendent of the state school at Nevada, Missouri, was: "How many people have died in this institution because of inadequate care?"
>
> Two. At Marshall, one of your investigating attorneys was caught rummaging through the desk of the head of the education department at that school.
>
> Three. Also at Marshall, although told they could not examine the personal medical records of patients in the state hospital, your attorneys on several occasions literally grabbed the charts and commenced leafing through them until they were stopped.
>
> Four. Again at Marshall. Your attorneys interrogated a retarded patient, obviously upsetting the patient until the interrogation was stopped.
>
> Five. Your attorneys have asked the FBI to "Note and obtain colored photographs of any unclean or unfunctional facilities."
>
> Your investigators have literally inspected closets and storerooms. They have declined an invitation to inspect 15 new residential cottages under construction at Marshall, nor have they shown any interest in our 11 new diagnostic centers which have served some 20,000 people since 1967.
>
> Nor have they asked about our community programs through which significant deinstitutionalization has been accomplished in the last three years.
>
> To quote one of our superintendents in describing the approach of your investigating attorneys, they were very negative, looking only for the worse.
>
> Mr. Levi, I have written you and your predecessor three times during the past two months, hoping to alert you to a terrible thing your department is doing to a fine program in this state.
>
> This past Wednesday, I did what I hoped the two of us could do together. I spent the day touring our state schools at Higginsville

> and Marshall. I am sorry you were not with me, Mr. Levi.
>
> It was a wonderful experience. It was uplifting to see dedicated men and women working often on a one-to-one basis, with the least fortunate citizens of our state.
>
> I am sure that if an adversary wants to come here for the purpose of picking us apart, he can find things that are not perfect. But our people are dedicated, Mr. Levi. We have a good program and we are moving forward every day.
>
> Yesterday, one of our superintendents told me with regard to personnel and morale, "We have already been wounded by the investigation." Another said that the effect of a lawsuit on staff would be irreparable damage.
>
> I do not understand why the Department of Justice must be our adversary. We cannot cooperate with an effort which attacks the morale and forward movement of dedicated people.
>
> If you insist on following through with the threat of litigation, Mr. Levi, I cannot stop you. In that event, it will be a privilege for this office to serve as attorney for the Department of Mental Health. I believe we would win such a lawsuit, and our people would be protected by judicial supervision of the investigative techniques of your Department.

Mr. President, the point of reading the letter which I just read into the RECORD is to give a case study of precisely why the Justice Department is the wrong department, the wrong agency, the wrong group of people to get involved in this issue, and why litigation is the wrong approach.

If the object is to try to improve the plight of those who are in State institutions and local institutions, then the relationship, in the opinion of this Senator, should not be one of adversaries attacking one another or being defensive against one another. Rather, it should be a cooperative effort of people working together toward a common cause.

In the case of the State of Missouri, the Justice Department asked the Federal Bureau of Investigation to go into our State school for the mentally retarded. They asked them to go in there with cameras. They instructed them to take color pictures of anything that they found was wrong. Justice Department personnel literally looked through closets, went through the basement, looked for everything they could find that was wrong.

Mr. President, if an attorney is preparing a case for litigation, he looks for the worst he can find. When an attorney is preparing a case for trial, he goes at that case like a tiger. And the people on the other side, the opponents in the litigation, are instructed by their attorneys to say as little as possible, to answer questions very carefully.

But, Mr. President, if we are going to make changes and improve the condition of people in State institutions, we cannot have a situation where people who should be cooperating with one another are instead walking on eggs. That is precisely the situation we had in Missouri. We had litigators who were threatening professionals, and we had professionals who had their backs up.

It is absolutely wrong to characterize the State institutions in Missouri as snakepits or as run by insensitive people. I have seen them. I have seen the personnel in them. I have seen physical therapists working with retarded individuals on a one-to-one basis. The most moving experience I have ever had in public life happened in the basement of the State hospital in Marshall, Mo., in the physical therapy room. I saw a physical therapist working with people. I talked to that physical therapist and he said:

> If you can work with a person for 3 months and change that person so instead of being in a prone position he is in a supine position, you improve his world view by 300 percent.

We might ask, why spend that much money to improve the world view of somebody who will never be right? The answer is, that is what Government is all about; that is what public service is for. It is to help and support the weakest people and the people who cannot care for themselves. But why not work with these individuals? Why not work with these people who work in the State institutions instead of threatening them and treating them as adversaries, coming down from Washington with lawyers, investigators, FBI men and gumshoes to search through closets with cameras and try to make a case against them?

Therefore, Mr. President, the whole theory of S. 10 is wrong. It is an adversary theory; it is a litigation theory. It is one that tries to vest authority for a legislative responsibility with the judiciary.

So the alternative which I propose in the substitute is very simple: Instead of the Justice Department doing it, authority is vested, instead of in the Attorney General, in a Commission. It is not just the Federal Government investigating State and local governments, but a commission made up on one Federal person, one State person, and one local person. The Commission can draw on whatever personnel they like. They can even go to the Justice Department and draw on people from the Justice Department if they want. But it is not the Justice Department; it is not the ligitation scene; it is not an effort to threaten by filing suit.

They have the power under this substitute to go in and analyze the situation, to make investigations, to subpena records, to take testimony, to hold hearings—the same investigative powers provided the Justice Department under this bill. But, with the exception that the substitute recognizes that the problem is not going to be solved by a judge. The problem is going to be solved by legislatures. The problem is going to be solved by a great commitment on the part of Congress and on the part of State legislatures to provide the kind of services and to provide the kinds of institutions which can give people decent care.

Mr. President, Senate bill 10 does not authorize a single penny to care for institutionalized people. Senate bill 10 does not appropriate a single penny to care for institutionalized people. Senate bill 10 simply dispatches the Justice Department to run around conducting investigations under the threat of litigation.

It is demoralizing. It is disruptive. It is wrong. It causes more harm than good.

And if it can be replaced with a concept which sees Federal, State, and local governments as partners, not adversaries, if it can be replaced by a concept which recognizes the need for legislation rather than litigation, then we are moving in the right direction. That, Mr. President, is what this substitute amendment is intended to do.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BAYH. Mr. President, seldom have I heard a more heartfelt description of the need to search out ways to deal with institutional problems like that presented by our distinguished colleague from Missouri.

If I might direct some questions to the Senator to find some better idea of where we are headed. This commission would be composed of three people?

Mr. DANFORTH. That is right.

Mr. BAYH. Do we have any idea how large a staff it would take? Is there any time limit through which it could operate?

Mr. DANFORTH. No, it could have whatever staff is necessary, an open-ended authorization. It could be at least as comprehensive in its investigative efforts and in the number of people it could draw upon—even some of the same individuals, if it wanted to—as the Justice Department draws on in its investigations.

Mr. BAYH. Do we have any idea, I ask my colleague from Missouri, what the cost of this commission would be?

Mr. DANFORTH. I assume that it would be almost exactly the same cost as under Senate bill 10, with the exception that the end of it would not be litigation. Therefore, I think that it would be fair, just as a rule of thumb, to take whatever cost is projected for the administrative and investigative portion of S. 10 and apply the same to this amendment and simply to reduce the amount of the total bill by whatever the Committee on the Judiciary has assumed for litigation itself.

Mr. BAYH. We ran our proposal, over the last 2 or 3 years, through the Congressional Budget Office and they did make an assessment of that. Has the Senator from Missouri had time to get their assessment of what this would cost?

Mr. DANFORTH. No, but I could give an assessment immediately.

Mr. BAYH. Perhaps if we could put it in the RECORD, I would appreciate it.

Will the Senator's commission substitute for the provisions of S. 10 as far as the litigation authority of Justice Department is concerned?

Mr. DANFORTH. As far as litigation is concerned, that is correct. As far as investigation is concerned, the same authority, except that, instead of being vested in the Attorney General, it is vested in a three-man, three-person commission made up of one Federal, one State, and one local representative.

Mr. BAYH. The commission will study the institutional problems at the three levels and I assume it will make recommendations?

Mr. DANFORTH. That is correct.

Mr. BAYH. To whom will it make those recommendations?

Mr. DANFORTH. It would make recommendations to the President, to Congress, to State legislatures, to Governors, to local officials. The recommendations would be public.

Mr. BAYH. What happens if the bodies to whom the recommendations are made refuse to carry them out?

Mr. DANFORTH. I would say that the bodies would answer to the electorate, approximately the same thing that would happen if the bodies did not respond to the order of a Federal judge. I do not know what would happen if the Federal judge ordered a State legislature to authorize or appropriate funds and the legislature refused to do it. It would cause some kind of constitutional crisis.

I think that, basically, what we are relying on is the fact that people at the State level sincerely want to do the job, and that they are willing and able to do a good job. They do reflect a public sentiment, which public sentiment, in turn, is informed by the publicity of a blue-ribbon analysis of what the situation is.

Finally, and I think an important thing to recognize, of course, there is absolutely nothing in the substitute amendment which would interfere in any way with private court cases or in fact, the Justice Department intervening or entering on an amicus basis.

The evidence gathered through the subpena power and through hearings conducted by this commission would, of course, be available, much the same as any other information discovered by the discovery process is available for preparation for any litigation by any body.

Mr. BAYH. Is it not fair to say that this commission will have certain powers as a study commission to get information, but will have no authority to see that those recommendations are carried out?

Mr. DANFORTH. The commission will have power to hold hearings, to subpena witnesses, to subpena documentary evidence, and to report the findings of its investigations to appropriate legislative authority. It is not a legislative body; therefore, the commission would not have authority to appropriate funds or to authorize funds, just as a Federal judge does not have the power to authorize or appropriate funds.

Mr. BAYH. But I think it is not based on the fact of good law. My friend from Missouri is a very good lawyer and has been State attorney general. One could not equate the authority of the commission, as I read the mandate of his substitute, and compare that with the power the Federal judge now has to do that.

Mr. DANFORTH. That is correct. The basic theory is that the commission will not file suit and that this substitute is therein differentiated from the bill, which anticipates that the powers are vested in the Department of Justice, which is the lawyer for the Federal Government, and that the Justice Department will file suit.

Mr. BAYH. I think, as my friend from Missouri pointed out, this would not prohibit the duplicative effort of the Department of Justice going ahead as it is now, under present law.

Mr. DANFORTH. That is correct. The Justice Department could proceed as an intervenor or on an amicus basis under present law and, as pointed out, whatever evidence would be gathered by this commission would be available in litigation. I think the fact is that the whole tone and theory of the substitute is that, rather than litigators swooping through State institutions from the Federal Government with a view to an adversary proceeding, a multilevel commission—Federal, State, and local—would have responsibility. The effort would not be to file suit and to try somehow—I do not know how—to enforce whatever rulings are issued, but, instead, to work through the legislative process, which I think is the appropriate way to solve the matter of inadequate funding.

Mr. BAYH. I thank my colleague from Missouri for answering the questions.

I am sure that the problems confronting our various institutions are so critical that one can say without fear of contradiction that a study commission would probably find additional facts, additional information, and make new recommendations. I am prepared to accept that.

I must confess, however that I am not convinced that what we need to solve the problems of degradation of constitutional rights can be resolved by a study commission that does not have any authority of implementation whatsoever.

Mr. President, I have a list of 11 commissions that have studied this general area in a relatively short period of time and I ask unanimous consent it be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

COMMISSION REPORTS AND STUDIES DONE ON INSTITUTIONALIZED PERSONS

1. President's Commission on Law Enforcement and the Administration of Justice, 1968. Report states that some States failed to meet standards of humane treatment recognized for decades.

2. President's Commission on Mental Health, 1978. Legal and Ethical Task Force endorsed legislation authorizing the Attorney General to bring suit on behalf of institutionalized citizens.

3. Standards on Medical Care developed by American Medical Association, National Sheriffs Association.

4. Legal Services Corporation, 1979. Report "Legal Services for Mentally Retarded Persons."

See page 37 for remarks on Presidential Commission problems.

See pages 44–45 on congressional studies.

See page 191 for strong endorsement of S. 10.

5. Legal Services Corporation, 1980. Study on Special Access Difficulties and Unmet Legal Problems of the Elderly, Handicapped, and Institutionalized. Study to be completed in Spring 1980.

6. Joint Commission on Correctional Manpower and Training, American Correctional Association Report.

7. Presidents Task Force on Prisoner Rehabilitation, 1970.

8. National Conference on Corrections, 1971, Williamsburg, Virginia.

9. National Advisory Commission on Criminal Justice Standards and Goals, 1973. Studied aspects of correctional systems.

10. The Commission for The Control of Epilepsy and Its Consequences. Plans for Nationwide Action on Epilepsy, Volume I, 1980.

See page 114 for recommendation for S. 10 legislation.

11. American Bar Association, Commission on the Mentally Disabled Reports. Sabella, The Bar Funding Program—The Final Report.

Decker J, Providing Advocacy Services for Mental Patients—An On-Site Demonstration (32pp) (1978).

Fogel J, Establishing Comprehensive Advocacy Services—A First Year Report. Gorwin H, Community Mental Health Law Project Inc.: An Experiment in Community Advocacy for the Mentally Ill, 1979 48 pp.

Fredolinno P, Assessing Advocacy Service for the Mentally Disabled: An Evaluation of the Mental Health Project (1979) 248 pp.

Mr. BAYH. Mr. President, these commissions have consisted of very learned citizens in a wide variety of fields: State, local, national governments, professional societies, professions, leading scholars in a variety of different fields so far as medicine, law, and constitutional matters.

I am not prepared to say the commission like that suggested by the Senator from Missouri would not find additional information. If they did find additional information, it would be laid on top of volumes of information that has already been forthcoming from various commissions.

The Bar Association Commission on the Mentally Disabled has five reports that have been forthcoming in the last 2 years, two of them last year. We had the President's Commission on Mental Health which published a voluminous document, a very learned document, which goes to some of the critical problems that concern the Senator from Missouri and the Senator from Indiana. I think all of us, regardless where our position is on this bill, are concerned about some of these problems that would be disclosed.

But, interestingly enough, those commissions that have studied this seem to come to the conclusion that we have a lot of information but no way to implement that information and make the institutions respond to the crying needs that have been studied to death.

For example, the President's Commission on Mental Health said, speaking of S. 10, and I quote:

> This bill would greatly increase the likelihood of ameliorating unconstitutional and illegal practices and conditions in State institutions by providing to those persons who were last able to represent themselves a mechanism whereby their fundamental grievances can be addressed.

Also, there was a significant report promulgated by the Legal Services Corporation entitled "Legal Services for Mentally Retarded Persons." In this report they reached the conclusion that legislation assuring the Justice Department statutory authority to pursue those rights is imperative.

It goes on to add its support for legislation like we have here.

There are a number of other similar conclusions reached in these reports that I will not burden the Senate with right now.

Mr. President, I am impressed with the sincerity and the concern of the Senator from Missouri about the environment in which we pursue an accommodation of differences of opinion and, indeed, in which we seek to insure the constitutional rights of our institutionalized.

I must confess, after having studied these rights, as the subcommittee chairman of the Committee on the Constitution of the Judiciary Committee for about 4 years, I am very perplexed as to how we go about and protect them.

If I found myself sitting across the table from the Senator from Missouri, who was the attorney general of the State of Missouri, and I was representing the Justice Department, it would be pretty hard for me to believe we could not resolve our differences in a reasonable way.

Indeed, we have had intransigents in an adversarial role where there has not been cooperation. It was in an effort to try to get this environment that we accepted some recommendations on the part of the Senator from Missouri and the States' Attorney Generals Association. We specifically put in section 2(a)(2). It came to our attention that the attorney general of the State of Missouri did not know there was an investigation going on and was not forewarned. That kind of thing is unconscionable. We do not want that to happen.

We have written into the bill extensive provisions which we had hoped would create the environment of cooperation.

We have required advance notice of the investigation.

I think the Senator from Missouri is going to offer another amendment requiring a 7-day period of notice before the investigation, which the Senator from Indiana is prepared to accept, just as we accepted the 15-day recommendation for notice after investigation, prior to the filing of the complaint.

We have written in rather specific requirements in which there is a good-faith effort to consult with the Governor, or the chief executive officer, and the attorney general.

There is an effort, really, to find a way in which this problem can be resolved short of litigation.

Section B, page 9, has endeavored to eliminate the alleged condition and pattern of practice of resistance by informal methods of conference, conciliation, and persuasion, including discussions, et cetera.

I am discussing the cost of possible alternative means of solving it.

I would not want to offer S. 10 in its present form as the ultimate in creating an environment of cooperation and camaraderie. But I must say that because of the Senator from Missouri and some others alerting us to the real world in which they operate, that this bill goes a lot further toward creating that spirit of cooperation than the case with the first S. 10 the Senator from Indiana and other colleagues introduced sometime ago.

One of the real concerns that the Senator from Indiana has is that I do not know what we should do when we reach a situation where the State institution just will not conform, when we get to the place where we have a study commission that comes along and provides all this information, like the President's Commission on Mental Health, sends it up to the New Hampshire Legislature and that New Hampshire Legislature goes home.

I guess when we get right down to it this is why I support the S. 10 approach and ask my colleagues to follow suit and to not follow the very well intentioned study commission approach of my distinguished colleague from Missouri.

That is not a farfetched example, because one of the matters brought dramatically to the attention of the committee in our hearings by the attorney general of the State of New Hampshire was about how terrible it was for the Federal Government to descend, in the dark of night, and impose all the abuse of investigation and ultimately a court case, without proper notice. The record shows that the superintendent of the institution which was the subject of the suit had been saying for a long period of time to the legislature, to the attorney general, to the Governor, and to anybody who would listen, "We have problems." He said in a press conference, "If we don't solve these problems, we're going to be sued." Despite that warning by the fellow who was running the institution, nobody listened.

That is why I feel we have to have a stick to go with this carrot. We have the language which we hope will lead to a reconciliation of differences in an amicable, nonjusticiable form. But, in the event nobody listens, it seems to me that we in Congress have a responsibility, and the Attorney General has the responsibility, to take action to protect certain rights that are being violated, the rights of American citizens.

Here again, at the insistence of and with the recommendation and the wisdom of people such as the Senator from Missouri, we have tightened up the kinds of rights we are talking about. We are talking about egregious or flagrant conditions, conditions which are willful or wanton, or conditions of gross neglect which deprive a person of rights and privileges.

It seems to me that if you have that kind of wrong going on and if, after seeking the kind of cooperation that must be sought, you do not get it, then you have to have a little stick to see that people are protected. I wish I thought otherwise.

I do not suppose anybody has been closer to this, from the judicial standpoint, then the distinguished jurist in the third circuit, Frank Johnson, who was used by the distinguished Senator from South Carolina as a reason for opposing S. 10. Yet, if one looks at what Frank Johnson said in the Wyatt against Stickney case, which is a landmark case in this area of how you get institutions and State legislatures and Governors to come to grips with the need to have some sort of standard which will not abuse the health, safety, and well-being of these patients or inmates, Judge Johnson said:

> The amici in this case including the United States of America * * * have performed invaluable service for which this Court is indeed appreciative.

It was Judge Johnson who asked the Justice Department to come into the case, and that case set landmark law.

For that reason, with all respect for the motives and the experiences of my colleague from Missouri, I must suggest that another study group really is not needed right now. What we need is someone or some authority to take the information we have and put it to good use.

Even if the substitute proposed by the Senator from Missouri were adopted, striking out the right of the Justice Department to initiate suits, this would not prohibit the Justice Department's present authority from being continued—namely, the right to join in suits.

So, to suggest that the costs would be nothing because it would just replace what the Justice Department is now doing, is probably not right. I think the Senator from Missouri said that the Justice Department still would have the right to continue to pursue intervention cases and intervention on a basis which is the kind of intervention the Senator from Missouri found abhorrent, because we would not have the safeguards we have put in there, which apply stricter standards that are applicable so far as intervention is concerned than in the initiation of a case.

Mr. DANFORTH. Mr. President, I should like to make a few comments to clear up any confusion as to the nature of my substitute amendment.

The first is that this is not intended to be just another study. This is not another ABA general, sweeping analysis of conditions in prison or legal remedies. This substitute amendment, instead, would provide for a permanent commission which would be authorized specifically to go into institutions—this is provided in section 3 of the bill—and to investigate inside the institutions the conditions therein; to go into institutions on a case-by-case basis, just as the Justice Department would do in S. 10; to hold hearings; to interview witnesses; to talk to inmates; to talk to personnel who work there; to subpena witnesses; to subpena evidence; to do everything pursuant to an investigation or as part of an investigation that is permitted in the bill.

It would not be a general study group or an analysis to issue some report to gather dust but, instead, would be a detailed analysis of conditions in the institution.

The basic difference is that the investigation is conducted not by litigators, not by people who are intent on going to court, not by FBI agents trying to prove a case or by attorneys looking for matters that are evidentiary before a court, but, instead, an investigation conducted by a commission made up of Federal, State, and local persons, designed to find out what the situation is; to recommend any changes; to work with the people in the institutions on a cooperative basis, not on a threatening basis; to make reports to State legislatures, with the view that any problem is not going to be solved by the appropriation and authorization of funds. That is the point of this proposal.

The threat of suit would not come

from members of this commission, but that does not mean that the amount of litigation would be much less. Prisoners, themselves, are notorious for filing lawsuits. We had them all the time when I was attorney general. I am quite sure that if a commission were to issue a report about conditions in a State prison or a State hospital or a State mental institution which would be well founded in fact and documented, as these proceedings would be, and if the State legislature would persist in doing nothing, then somebody would file a suit—there is no doubt about that—and all this evidence would be available.

So, if some people say, "By golly, what are we going to do if there isn't more litigation?" there is going to be plenty of litigation to go around.

The question is whether or not the body to conduct this kind of analysis should be made up of attorneys and investigators for attorneys who are more intent on being adversaries and preparing cases for litigation than for being finders of fact, intent on trying to accomplish some improvement in the conditions of incarcerated individuals.

Mr. SIMPSON. Mr. President, will the Senator yield?

Mr. DANFORTH. I am happy to yield to the Senator from Wyoming.

Mr. SIMPSON. Mr. President, I rise to support the Danforth substitute amendment.

Some significant changes were made in S. 10 during the committee process. That pleased me a great deal.

We provided in committee that the Attorney General's annual report to Congress would have to include a statement of the financial, technical, or other assistance made available from the federal government to the States in order to assist in the correction of conditions which were alleged to have deprived persons of rights, privileges, and immunities. I like that.

We also added a section directing GAO to evaluate the adequacy of programs of financial, technical, or other Federal assistance which are currently available to the States to assist in the correction of conditions alleged to have deprived persons of rights, privileges, or immunities. This evaluation would cover, among other things, the application procedures used, the coordination between different Federal agencies, and the level of funding. I like that one also.

In addition to changes in the bill itself, there is some good language which has been included in the Committee report. For example at page 29 the report states that the Attorney General should not initiate an investigation unless he has read a published report or received from a person claiming personal knowledge a statement, which alleges that persons residing in an institution are being deprived of constitutional or other Federal rights.

On page 30 of the report the committee states its expectation that the Attorney General will consult with HEW and other Federal agencies to insure that the relief he seeks and the litigation process itself are consistent with Federal policy and with the most effective method to secure the rights of persons residing in institutions. The Attorney General should determine that his actions would not impede the efforts of such agencies to bring about the securing of such rights by diverting resources and attention of the institution and the State to the litigation process or by proposing relief which would be inconsistent with that sought by the agency. That is also a helpful clarification.

There were other desirable changes which I supported. Unfortunately, the bill is still not acceptable.

Let me just say that in my years of legislating and practicing law I have learned to become most wary, indeed, when examining issues which are presented while enmeshed in "horror stories" obviously intended to touch every fine human emotion. I trust my colleagues might agree with me in observing that we have seen enough bad legislation passed for the very best of motives. I have seen a rather adequate sampling of that in my one year here. I trust my colleagues might also agree that actions which are taken based on narrow perspectives often have a very harmful long-run effect.

We are urged by the proponents of this legislation to believe—and this is the single issue—that the States of the United States are absolutely immobilized to correct deficiencies in this area and that State institutions seem to make a practice of utilizing clubs, boiling water, electric shock, and other bizarre methods of "treatment" that would put any terrorist activity to shame. Certainly there may be and are abuses. Those have been very carefully, and in a very detailed fashion, highlighted—and rightly so. Obviously they should be brought to our attention. Many of these incidents are grotesque. But I do not believe, and no one will convince me in this Chamber or any State legislature or anywhere else, that plain barbarism is a pattern or a practice that is common in State institutions in this country.

When abuses do occur, I believe that they are usually brought quickly to light by neighbors, relatives, the free press, sympathetic institutional employees, and public officials, including employees of HEW and other Federal agencies which provide Federal funds to those institutions. Governors and legislators then have a clear history in my mind of doing the very best they can to respond and to improve conditions, usually with very limited resources—resources, I remind my colleagues, that would not be augmented by this bill.

I served in a State legislature for 14 years. There are others here who have served in such bodies. I hope we would all agree that the State legislatures consist of responsible, conscientious persons doing the hard jobs they were selected to perform—often in the arena of a "citizen legislature."

I simply do not believe that interference by the Justice Department into areas of State sovereignty, especially in the absence of additional resources being provided, is likely to result in any significant improvement in the condition of persons residing in State institutions. In fact, the initiation of Justice Department investigation and litigation would likely divert away considerable attention, time, and resources of our State institutions and officials. Consequently, in my mind, S. 10 in its grant of new power to the Justice Department at the expense of the States is surely in no way justified.

I strongly support the Danforth substitute amendment. I think it would be an excellent step toward resolving the problems that exist in State institutions and yet would not lead to the undesirable effects of the unamended bill.

I thank the Chair.

Mr. COCHRAN. Mr. President, will the Senator yield to me briefly?

Mr. DANFORTH. I am happy to yield.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Missouri for yielding.

I rise to compliment the Senator from Missouri (Mr. DANFORTH) for offering this amendment which is before the body.

In my judgment it does present us with an alternative to an endorsement of litigation as a real answer to some of the problems that we face in our effort to insure that the rights of institutionalized persons are protected.

It may be true that litigation will bring to public attention a few instances when those rights are not being protected by State and local agencies.

But I think that the more appropriate means for doing that and getting a real increase in the attention and enhancement of protection of those rights which are being abridged will be through a commission such as that recommended by the distinguished Senator from Missouri.

I hope that other Members of the body will look carefully at the proposal which is before us and make a decision which will really serve the interests of those whom this legislation really does seek to protect, those who are in the institutions, not the Legal Services Corporation, which would like to see more litigation; not the Justice Department, which would like to see more litigation; but through an effort that identifies the problem and then works, we hope in a cooperative way, with State and local interests to see that these needs are protected.

I thank the Chair and I thank the distinguished Senator for yielding to me.

Mr. DANFORTH. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. BAYH. Mr. President, I hope that we will understand what we are talking about here. We are talking about a commission that, as I read the language here, has investigatory power, can impose a fine of $500 or imprisonment of not more than 6 months for persons who refuse to cooperate with the commission.

So if we are talking about an agency

that will not invade the privacy of some of our agencies, we are talking about a different breed of cat than that proposed by our good friend from Missouri. The standards that this commission must meet before it gets involved do not require the specific details that we have written into this legislation in an effort to keep the Justice Department investigators out of their hair of the local and State agencies until they have made a good faith effort to see if they cannot get the job done voluntarily.

We have a permanent commission, of course. I really do not believe it is a fair criticism to suggest that the other studies have been done by groups who had a vested interest in bringing about litigation. Perhaps Legal Services had something to do with litigation, but I certainly do not think you can lay that kind of description on the President's Commission on Mental Health, which has as prestigious a group of folks as is possible, and who have a lot more things to do than to spend all their time addressing themselves to the problems of mental institutions. It is a high level organization, and has ferreted out facts and circumstances. With all due respect, I think the subcommittee of the Judiciary Committee which has now studied this issue for 4 years has gone into about as many details as you can find.

The question is what do you do? I think the Senator from Mississippi and the Senator from Missouri and the Senator from Indiana could lay down here a list of criteria of what we thought ought to be the ultimate kind of care and treatment and attention given in mental institutions. I do not think we would quarrel with more than a half dozen words in what we are trying to accomplish. The question is how do you get the people running the institutions to do it?

We have required here that there be an effort to voluntarily get compliance. I do not know how we could have gone further. The question is what do you do if people do not act? Again I think we need to look at the way I envision the role of the Justice Department under S. 10. I think the Senator from Nevada (Mr. LAXALT), in making a very persuasive—perhaps I should not say persuasive, but in making a very articulate—speech against S. 10, pointed out that we were really talking about isolated instances, and I honestly believe we are now talking about those.

The Senator from South Carolina says he thinks we are talking about the Federal Government getting involved at every level.

I honestly think, as the Senator from Missouri points out, that most State officials, most local officials, are conscientious and sincere. They want to do the job right. They are limited by resources sometimes, probably most all of the time. What do we do about those few instances, such as the instance I described in New Hampshire, with plenty of ample notice by the people running the institution, where the State legislature just will not do anything? Are we going to sit still and do nothing?

I suggest that we need a vehicle like S. 10, carefully crafted. I do not take credit for the words that have been added in those 35 amendments, but certainly I think we have a document that takes into consideration the position of the State governments and local governments to a much greater degree than the original bill introduced. It seems to me that if the Justice Department has exhausted all efforts to cooperate, then in those instances where that has not accomplished results we need more than just a study commission to say what ought to be done. We need the force and effect of the Attorney General of the United States as the final protector of the constitutional rights of the people who are institutionalized.

I just want to compliment the Senator from Missouri for his dedication and for the kind of sincerity of purpose he has brought to this, just as he did while he was attorney general. I regret that we come down on opposite sides of the merits of this issue, but I certainly think he and I are headed in the same direction as far as what we would like to see accomplished in our institutions.

Mr. DANFORTH. Mr. President, how much time do I have?

The PRESIDING OFFICER (Mr. RIEGLE). The Senator has 8 minutes and 34 seconds.

Mr. DANFORTH. Mr. President, I would like to make two concluding points. First, the commission that is proposed in the substitute amendment is not really a study commission in that those words connote an ineffectual, general chew-the-fat type of an operation.

No, this is a permanent commission, a commission which can hire staff, draw upon other staff, even draw upon Justice Department staff, go into specific institutions, subpena witnesses, subpena documents, conduct intensive investigations, just as the Justice Department can under S. 10, the difference being it is not a litigating group. They do not threaten litigation. Litigation might follow from private litigation, and probably would, but this is not a group of gumshoes, sleuths, investigators and litigators, who are roaming through State and local institutions with a view toward filing a lawsuit.

The second point I would like to make, Mr. President, and in conclusion, is to simply draw an analogy. Springfield, Mo., is the home of the Federal prison hospital. It is the institution which houses and treats hospitalized Federal prisoners.

Supposing, just to put the shoe on the other foot, the attorney general of the State of Missouri were to decide to conduct an investigation into conditions in the Federal prison hospital in Springfield, Mo., and supposing he were to send down to that hospital for several days just initially two or three lawyers for the purpose of rummaging around the Federal prison hospital, and then he would send down maybe 10 or 12 State highway patrolmen and they would interview inmates and ask them how they are being treated, and do they have any complaints and are conditions fine, do they have an adequate standard of treatment, with a view in mind from the standpoint of the attorney general of the State of Missouri that when this is concluded they are going to file a lawsuit and they are going to bring that lawsuit in Federal court, and they are going to attempt to give a Federal judge jurisdiction over that institution.

How would we feel in Congress? How would the administrators of the Federal prison hospitals feel if State highway patrolmen were to go through with cameras, conducting an investigation leading to litigation?

Would it not be better if a multilevel Federal-State-local commission would be available, not with a view toward litigation but with a view toward finding out the facts and the information at all institutions at all levels? I believe it would be.

Mr. President, this is not a farfetched analogy. There is a Federal prison facility in Platte County, Mo. It is part of the Leavenworth complex. Last year there was an explosion and people were killed in the explosion. I am sure there are State institutions where there are serious problems, but I am telling you I do not know of any State institutions where we are blowing up inmates. People were killed in an explosion in Platte County, Mo., in a Federal institution last year.

What would have been the response of Federal officials if suddenly the State attorney general and a battery of attorneys and a battery of highway patrolman were to show up at that institution with a view toward filing a lawsuit against the Government of the United States of America?

The basic question is one of federalism; the basic question is one of comity and cooperation among different levels of government.

Should we create an adversary relationship where the object is for one level of government to investigate and sue another level of government? Or, instead, should we work toward a cooperative effort, where the three branches of Government are working together, finding out the facts, again, not just a general study but as a careful analysis of an individual institution, using subpoena power, and then rely, not on the judiciary through a lawsuit and the whole adversary process of a lawsuit, but to rely instead on the legislative process?

It seems to me that it is so clear that this is the best approach to solve a problem to provide better care for people not to be tied up in court forever, but to provide real relief without the outrageous—and, really, if you are at the State level, it is an outrage to have FBI agents moving through your institution. It is outrageous. It breaks up morale; it destroys morale; it destroys programs in State institutions.

So it seems to me to be obvious, really, that the substitute is not only a better way of addressing real problems where they exist, but also avoids all of the pitfalls, all of the abrasiveness which is inherent and inescapable in S. 10.

Mr. President, if the Senator from Indiana is prepared to yield back the remainder of his time, I am prepared to yield back any time I have remaining.

Mr. BAYH. Mr. President, I think we have about said all that could be said on this.

I really appreciate the concern of the Senator from Missouri that we get results, and that he feels we would get results by establishing a commission to get people's attention. The Senator from Indiana is not persuaded that that would be the case.

Again, I think there is a good deal to what the Senator from Missouri says about the environment, the cooperation, the walking on eggs kind of situation; that if you are not very careful you tend to get into warring camps. The State says, "The heck with you guys," and the Federal Government says, "We are going to ram it down your throat." That is not conducive to resolving a problem.

In pursuit of the right environment, we wrote in amendments. Let me just read section 2.

> That he has notified in writing the Governor or chief executive officer and attorney general or chief legal officer of the appropriate State or political subdivision and the director of the institution of his intention to commence an investigation of said institution(s) and that from the time of such notice—

We are going to put a time period in there, if the Senator from Missouri desires to offer an amendment like that. But I want to show the Senator what we have tried to do to stop whomever those characters were down at the Justice Department—and there are one or two fellows down there that we ought to have here to let them know what we think of what they have done, perhaps, in your case and in others. They have not had someone coming in to try to resolve the problem. They have come in to try to sue somebody or prove somebody is guilty.

Frankly, I do not want to prove anybody is guilty. I want to stop children from being abused and adults from being abused. And in an effort to try to reach this resolution and in an environment conducive to solving the problem and not fighting, we have written in here, alluding to the Attorney General:

> (A) he or his designee has made a reasonable good faith effort to consult with the Governor or chief executive officer and attorney general or chief legal officer of the appropriate State or political subdivision and the director of the institution, or their designees, regarding financial, technical, or other assistance which may be available from the United States and which he believes may assist in the correction of such conditions and pattern or practice of resistance;
>
> (B) he has endeavored to eliminate the alleged conditions and pattern or practice of resistance by informal methods of conference, conciliation, and persuasion, including discussion with appropriate State officials.

And that all efforts at voluntary compliance have failed.

Now, if you have done that and failed, I do not see what the commission brings to this that adds any incentive to resolve the problem. We get right down to what I think we all have said at one time or another, and I believe the Senator from Missouri said at the beginning of his remarks, that it is a question of resources. What can you do to get legislators to appropriate resources or Congress to appropriate resources?

Does the commission that has no authority to say that you better do it, get the job done, then need the Justice Department coming in to see that these rights are protected?

We have discussed, at some length, that the rights must be serious violations of constitutional or legal rights for mental patients, but only violations of constitutional rights for penal institutions. There is a much higher standard which must be proven before you can get involved in those institutions where we have criminals than in those who have mental patients.

I must say, when I sit there in a hearing—and, unfortunately, this is not an isolated instance—and I listen to the parents or doctors of children who have been subjected to some of what I call mental handcuffs, psychotropic drugs, I am distressed. You take a child that is mentally retarded, and instead of applying decent therapy that gives that child a reasonable chance of at least being able to provide for his or her bodily functions, gives that child a chance, perhaps, of even being self sustaining—perhaps not normal by the definitions that many of us might apply to most babies that are born, but at least makes the most of what that creature, that beautiful human being is—we find abuse of that child through the use of drugs that cause that child to regress to the place that he is no more than a bunch of skin and bones, not even able to take care of himself and, worst of all, never able to recoup.

I am not about to say that any of the people on the other side of this issue like that kind of a condition. I suppose I might be subjected to the criticism that "You are just dramatizing." Well, maybe that does dramatize it. But those are actual facts and they are not isolated instances.

I say to my colleagues that when you have that kind of situation involving that kind of loss of humanity, then I want somebody to do more than study and publish the problem. I want somebody who has the capacity to come in there and say, "Stop doing it."

After giving this a lot of study, I think S. 10 comes closer to doing that than anything else. It is no magic solution.

I think the Senator from Missouri might want to close here. I have repeated myself several times.

I yield back the remainder of my time.

Mr. DANFORTH. Mr. President, lawyers who work for the Department of Justice are not conciliators. They are lawyers. Their job is normally not to conciliate or to be a resource for consultation on health care.

Their job is to pursue litigation, to file suits, and to bring it to conclusions. That is what they do. That is how they are perceived. They are perceived as sharks. They are perceived as being on the attack.

That is why it is not possible to view them as conciliators, no matter what is written into this bill. The problem is that the whole method of the bill is controversy, conflict, litigation, and adversary relationships. It cannot be corrected except by the substitute amendment which I have offered.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Chair will inquire if all time has been yielded back?

Mr. DANFORTH. Yes, Mr. President.

The PRESIDING OFFICER. Under the previous order, a vote will occur tomorrow morning.

AMENDMENT NO. 1671

(Purpose: To authorize the Justice Department to initiate lawsuits only when the Attorney General has substantial evidence (that is, reasonable cause to believe) that a State or local government is subjecting institutionalized persons to egregious or flagrant conditions)

Mr. DANFORTH. Mr. President, I call up amendment 1671 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from Missouri (Mr. DANFORTH) proposes an amendment numbered 1671.

Mr. DANFORTH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 6, line 16, strike all after the word "has" through and including "believe" on line 17, and substitute in lieu thereof "substantial evidence".

Mr. DANFORTH. Mr. President, on line 3 of purpose, the first and second full words after the beginning of the parenthesis appear in the printed version of the amendment as "that is." I would like the record to reflect that that should be altered and the words "that is" should be deleted and the word "versus" should be inserted. That is in reference to the purpose.

Mr. BAYH. Reserving the right to object, Mr. President, I would like to look at the printed amendment.

I have no objection.

The PRESIDING OFFICER. Without objection, the record will so indicate.

Mr. DANFORTH. Mr. President, under the terms of S. 10, the Attorney General is granted the authority to initiate a lawsuit against a State or local government when he has "reasonable cause to believe" that the defendant State or local government is subjecting persons residing in an institution to egregious or flagrant conditions in violation of their civil rights.

Such a grant of authority is common—and, for all intents and purposes, is not subject to judicial review.

It is not unknown, however, for the Justice Department to bring a case to court on the basis of the weakest of evidence—or on the basis, of no evidence which would withstand challenge in court—and then seek to develop a case through the process of discovery or, worse yet, to exact a consent decree on the basis of public pressure resulting out of the publicity attendant to the announcement of the lawsuit.

Mr. President, the Justice Department in 1979 filed a lawsuit against the mayor and the police chief of the city of Philadelphia, alleging certain really outrageous conduct. It appeared after filing the lawsuit and after enormous publicity was given, including a press conference held by Mr. Civiletti at that time, that really the Justice Department did not have a case at all. What is involved in these lawsuits is an enormous amount of publicity directed against public officials, in this case against the mayor of the city of Philadelphia and the police chief of that city. That publicity itself, of course, is very damaging.

Then after the lawsuit is filed, the Justice Department engages in a very leisurely process of discovery, trying to bolster up the case which it has announced with great fanfare.

In dismissing the lawsuit against the mayor of Philadelphia and the police chief of Philadelphia, the court said as follows, and I would like to read some excerpts from the court opinion:

> The complaint in this case was filed on August 13, 1979. As discussed earlier, it charges the individual defendants, including Mayor Rizzo and Police Commissioner O'Neill, with personal wrongdoing in devising and perpetuating policies which result in police brutality. Since November of 1978, however, it has been well-known that the present administration will leave office on January 6, 1980.
>
> From its inception, this lawsuit has been attended by a carefully cultivated public image. Repeatedly, plaintiff's counsel made sensational public statements which created the clear impression that the investigation was completed, the evidence was all in, and the defendants' guilt had been established beyond doubt. Thus, the public has been enlightened with the knowledge that "[t]he suit is the result of an eight month investigation," and that "months of investigation were needed to gather evidence."

The court continues:

> Thus, the Justice Department adopted a public posture of complete readiness to prove what it had alleged. The government's counsel publicly treated their charges as established facts, and created a distinct impression that the necessary supporting evidence was already prepared. Eight days after the complaint was filed, however, I met with counsel and suggested a pre-trial schedule which would have brought this matter to trial on October 15. I was immediately told by government counsel that my schedule was not reasonable, that no testimony under oath had been taken, that no documents had been copied, and that an unknown number of witnesses would have to be located, interviewed, and prepared for court.

The court continues:

> Thereafter, the plaintiff vigorously opposed a motion by defendants to expedite discovery and list the case for trial before November 20, 1979. The stated ground for this opposition was that a November trial date would still not give the plaintiff enough time to satisfy its discovery needs.

And so on.

The fact that the court pointed out was that the Justice Department filed a lawsuit against a person in this case who is about to leave office with a view of not bringing the case until the person had left office, mooting out the case, and creating a tremendous amount of sensational publicity.

I do not believe we should allow the Justice Department to engage in such fishing expeditions. If we are serious about limiting the Justice Department's authority to truly egregious case situations, then it does not seem too much to ask that the Justice Department, at the time it files its lawsuit, establish that it is proceeding on the basis of substantial evidence of wrongdoing, and not on the basis of rumor, speculation, or innuendo.

I am not asking that the Justice Department prove its case before going to trial. I am merely asking that the Justice Department establish that it is proceeding on the basis of cold, hard evidence—given the importance of these proceedings, that it is not proceeding on the basis of isolated claims, but on the basis of substantial evidence—evidence that can stand up in court, and not mere speculation.

Mr. President, I think we know the effect of a lot of publicity in a Justice Department lawsuit on people in public office. I think it is reasonable to expect that if the Justice Department with great fanfare, with either great leaks to the press or in the case of the Philadelphia matter actual press conferences, indicates that it has the goods on somebody, it should be prepared in short order to proceed with its case and not to then indicate that it really does not have much of a case and that it has to engage in substantial discovery before it is prepared to go to trial.

Therefore, for the test in the present bill of a reasonable cause to believe that the defendant is subjecting persons to egregious or flagrant conditions, it would substitute for that a substantial evidence test for wrongdoing.

Mr. BAYH. Mr. President, I regret to say that I find myself on the opposite side of this issue to the Senator from Missouri. I do not know what the Sam Hill Philadelphia case has to do with what we are trying to do here. Nobody is trying to suggest that what they did in the Philadelphia case is right. What we are trying to do is suggest a standard that should be followed, after 4 years of hearings by the Senate Committee on the Judiciary, as to how to solve problems that exist in mental institutions. I think the standard that we have here is a good standard for mental institutions. If the Senator from Missouri wants to stop the kind of situation that happened in the Philadelphia case from happening, he ought to introduce legislation or add a section to this as far as police brutality is concerned.

I have great sympathy for public officials who are subjected to unfair charges and mudslinging. If there is anybody who is sympathetic on that, I am. But I must suggest that to apply a substantial evidence test to conditions that go on behind the bars and in the dark rooms of mental institutions is to apply a test that would guarantee that we are never going to be able to get enough evidence to even begin to investigate and bring a case.

Also, I should like to point out that there are several other requirements—I keep coming back to this—that obviously were not present in the Philadelphia case. There was not any effort to cooperate that I have ever been told about. If the Senator from Missouri thinks there had been, I would like to know. It seems to me this was an entirely different approach to the problem than we mandate here.

Here again, I get back to the efforts that we have made to make this a reasonable bill. The alleged conditions have to be laid out, the supporting facts giving rise to the alleged conditions: Who did it; when did they do it; to whom did they do it; where did they do it? All of that has to be laid out in advance. The minimum measures which the Attorney General believes could reasonably resolve the problem have to be laid out.

In addition, the Attorney General has to swear that he or his designee have made a good-faith effort to consult with the Governor or chief executive. That certainly was not there in the Philadelphia case. We require, and I repeat this, that the Attorney General must show that he has endeavored to eliminate these conditions by voluntary compliance and that all these efforts have failed.

To require a substantial evidence case is to say that it is going to be impossible to ever find out what is going on behind the walls of our mental institutions and our penal institutions. A reasonable cause to believe seems to me to be a sufficiently high standard when interpreted in conjunction with all of these other requirements; that is sufficient and we should not have to impose a higher standard.

We have done a little quick interpretation of reasonable cause to believe. We all know that that can mean different things in different cases as a judge interprets them, but at least as a foundation document, we looked to see what Black's Law Dictionary says a reasonable cause to believe is. It defines reasonable cause to believe as a cause which is sufficiently strong to warrant a reasonable man to believe it to be true.

Davis, another substantial source, says that a reasonable cause to believe means solid evidence to proceed.

It seems to me that that is a reasonable standard to apply and let us not make the standard so difficult that we deny any access to justice.

Mr. DANFORTH. Mr. President, the facts are that the defendants in these cases are public officials. They are people who are in the public light. They are people who have dedicated their lives and committed their reputations and their futures to public service. They are very visible people. The lawsuits that are filed by the Justice Department are very visible lawsuits. They are filed with great fanfare.

In the case of Philadelphia, they were filed with press conferences, a tremendous effort almost to embarrass a public official in that case.

The Senator from Indiana, in arguing against the first amendment that I offered and arguing against the amendment offered by Senator EXON, began to present the whole parade of horribles—talking about extracting teeth without novocaine and psychotropic drugs, and on and on. When these charges are made and a lawsuit is filed against a public official in his official capacity, that is a very serious charge to make.

The whole point of this amendment is that if this is the way we are going to proceed, if we are going to proceed through litigation, lawsuits, confrontation, if that is the way we are going to go about this business, let us at least make sure that when the Department of Justice goes into a community or into a State and files lawsuits against public officials, it has substantial evidence of wrongdoing before it gets into it. Let us not let it have just a modicum of evidence and file a lawsuit without really having its case made, unprepared to make its case and then, on a leisurely basis over a period of months, maybe even over a period of years, the matter be kept on the front pages of the newspapers without any effort by the Department of Justice to dispose of the case.

It may be of interest to the defendant to make sure that the matter proceeds with some dispatch. If I were a public official and under the gun of litigation from the Department of Justice, I would want to get into court and make my defense, and if the Justice Department is not ready to proceed with the case, it should not have brought it in the first place. So the whole point of this amendment is, before the Department of Justice begins going public with its case, let us have substantial evidence of wrongdoing before it goes forward.

Mr. BAYH. Mr. President, let me express just a few other brief thoughts. I had indeed succumbed to the temptation, in my argument to the Senate, to list a parade of horribles. All are horribles that have, in fact, occurred in institutions. To get at those horribles, I want to have somebody who has the power to say stop —not just study it, not just have press conferences, but be able to say stop and be able to enforce it.

I am deeply concerned about destroying reputations. I see nothing in the study commission of the Senator from Missouri to keep them from holding hearings and dragging out information. There is no standard. They do not have to seek voluntary compliance. They can destroy anybody's reputation without even having to go through the standard here.

If we are concerned about a standard to protect public officials from unfair assault by people who are looking for headlines, I must say to my friend from Missouri that I find very little comfort in the wording of his commission amendment. In the Philadelphia case, there was no effort to solve it voluntarily. In the Philadelphia case, there was no effort to cooperate with and to go through the requirements that we have here in S. 10. It seems to me that, in the Philadelphia case, if S. 10 had been law, the Attorney General could not even have brought a suit because he did not meet the criteria that must be met before a suit can be brought.

Mr. DANFORTH. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DANFORTH. Mr. President, I yield back the remainder of my time.

Mr. BAYH. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

Under the previous order, the vote, as agreed to, will occur tomorrow morning.

AMENDMENT NO. 1668

(Purpose: To provide at least 1 week's notice to appropriate officials prior to investigation of an institution)

Mr. DANFORTH. Mr. President, I call up amendment No. 1668.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Missouri (Mr. DANFORTH) proposes an amendment numbered 1668.

Mr. DANFORTH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 9, insert the following between lines 2 and 3: ", that such notice was delivered at least seven days prior to the commencement of such investigation,".

Mr. DANFORTH. Mr. President, by the terms of the bill as reported by the Judiciary Committee, the Attorney General is required to provide appropriate State and local officials with written notice of his intention to commence an investigation of an institution. However, because the bill does not specify when such notice must be provided, it is subject to the interpretation that the requirements of the notice provision may be met by a notification which arrives at the same time as the FBI. Regrettably, this has been the practice in the past—indeed, when an investigation of the Missouri schools for the mentally retarded was begun during my tenure as attorney general of Missouri, no notice was provided at all.

Therefore, Mr. President, I am offering an amendment which would require at least 7 days notice prior to the commencement of an investigation. I believe this is consistent with the committee's intent in requiring the Attorney general to provide notice of his intention to commence an investigation, and I hope that this amendment will prove acceptable to the managers of the bill.

Mr. BAYH. Mr. President, I think the recommendation of the Senator from Missouri is well founded. We are prepared to accept it.

It seems to me, if we are after the kind of environment where people know what is going on, that there should be a major effort made to try to reconcile differences before going to court. It seems to me the very least requirement we can pose, and should accept, is advance notice before investigation.

I urge my colleagues to accept the meritorious recommendation of the Senator from Missouri.

Mr. President, I yield back the remainder of my time.

Mr. DANFORTH. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Missouri.

The amendment (No. 1668) was agreed to.

Mr. DANFORTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAYH. Mr. President, I ask unanimous consent that Fred Nation of my staff be granted privilege of the floor while this measure is before us and matters that may be before the Senate immediately thereafter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, I thank the Senator from Missouri for presenting these matters to us.

It has been a matter of some consternation that I have not been able to agree with him on them because I know his motivation is pure as the driven snow.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DeCONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BAYH). Without objection, it is so ordered.

Mr. DeCONCINI. Mr. President, as a cosponsor of S. 10, a bill to insure the rights of institutionalized people, I am also a former county attorney and prosecutor; and as such, I have some intimate familiarity with the pressures that the Federal Government can bring to bear on local government when the decision is made to file a Federal suit for enforcement of many different Federal laws.

With my experience on both sides of this important question, I am very sensitive to the issues of federalism and States' rights that are raised by S. 10. I do not wish to engage in a detailed discussion of all this because I have listened to the debate on the floor between the distinguished Senator from Indiana and the distinguished Senator from South Carolina, as well as former Governors, but it appears to me that some points should be brought out.

In the 2 years I have worked with the people on the Judiciary Committee, we have reached a workable compromise on this legislation. I have remained convinced that the protection of States' rights and of civil rights of the institutionalized are not incompatible goals. Indeed, there would be something seriously wrong with our form of government if the conditions that exist in some of our institutions must remain unremedied in the name of federalism. I believe the Senator from Indiana has pointed this out very explicitly on a number of occasions in the debate today. As he said, nobody, no matter what side of this issue he was on, would condone those types of activities.

We are, indeed, fortunate that this is not the case. Through the long and hard work of my colleagues, led by Senator BAYH and Senator HATCH, we have produced a bill that includes thorough and careful protections for State governments which are earnestly working to improve conditions in their institutions.

At the same time, this legislation will give significant protection to those institutionalized persons whose rights are being violated.

As my colleagues study this bill in preparation for the vote on final passage, I know they will come to appreciate the great attention the authors of the bill have given to protecting the rights of each State. The proper balance, in my judgment, has been struck. In my view, it would be impossible for a State acting in good faith to be intimidated by the provisions of S. 10. There are ample provisions for advance notice, consultation, and assistance by the Federal Government.

At the same time, the bill provides new and more effective remedies to correct deprivations in institutions where conditions are found below the constitutional minimum and the State is not in good faith moving to correct them. Evidence of the need for this legislation was, indeed, shocking, a black mark on the history of our facilities for the disabled.

Mr. President, I believe this measure is necessary in effecting remedies for violations of rights guaranteed by the 14th amendment. I urge my colleagues to join in voting in favor of it.

Mr. President, while I was acting as prosecutor and defending the civil liabilities of the county by which I was employed as the county attorney for almost 4 years, on many occasions we had the Federal Government come to us with various potential lawsuits, particularly in the civil rights area, as they related to the county jails. Time and time again, I had to take a very strong position in defense of my county commissioners and my sheriff and put forth the fact that the State was doing all it could.

However, I also found that if someone had not brought these various incidents to the attention of the elected officials, the sheriff and the county commissioners who had the responsibility financially to provide for the various facilities to house incarcerated people, nobody would do it. In fact, once it was brought to the attention of those people, no lawsuit was filed, although suits were filed by the Legal Aid Society. But the Civil Rights Division of the Justice Department postponed its suit, on the basis that the county of Pima, Ariz., where Tucson is located, would move constructively toward correcting some of the misgivings and some of the problems.

I am proud to say that problems there were not of the nature as put forward with respect to some of the extreme cases of misuse of people in institutions. Nevertheless, in my judgment and in that of the Civil Rights Division, if they were not in violation of the Civil Rights Act, they certainly were on the border, and it would not be pleasing to go to court and try to defend those cases.

As a result, a bonding committee was formed. The county board of supervisors supported the bonds to build a new institution. It failed the first time. It has just now passed. But corrective measures were taken, even with the failing of the bond issue, or actually the failure to do a bond issue for some time. Corrective measures were taken to make numerous physical changes within the institution.

I feel that it would have been embarrassing and could have been very detrimental to the spirit of the community of Pima County if the lawsuit had been filed and if a trial had been had. But in the spirit of insuring the rights of individuals under the Civil Rights Act, the spirit of the elected officials in Pima County, who were not pleased by the fact that the Federal Government was looking at this issue, it was realized that they had an obligation and that they must address it, and they did.

As a consequence, a settlement was made whereby the corrective measures were taken, and now even further steps have been taken to build a new institution. So in this case, the pressure from Washington, from the Civil Rights Division, was impressive. It brought to the attention of the community, through its elected officials, the need to do something, and something was done. I would like to think, with pride in my community, that we would have done it anyway; but I served more than 2 years in the post of country attorney, and nothing was moving in the direction of correcting some of the problems in that institution.

This has happened in the State of Arizona as well. There is pending a lawsuit now, and I do not like it that the Federal Government should go around and file suits in relation to the Civil Rights Act against the State of Arizona because it is not treating its prisoners correctly. I would much rather see the State of Arizona totally addressing this problem. Yet we have some failings in our State. The people now are aware of that. The Governor and the legislature have moved in the step of appropriating money, and I dare say would this have happened if there were not an independent outside governmental agency that was willing to force the community to address the problems of institutions?

This also has occurred in the institution for the mentally incompetent in Arizona and in numerous nursing homes. I believe that this legislation is well rounded, will not invade the rights of the States, and I hope that this Senate will pass this.

I think it will be a step forward and will demonstrate that the people of this country are first interested in the rights of States, the obligations of States, the responsibilities of States to handle these matters themselves, and that this bill protects those rights and also in the event that any State absolutely ignores the signals that have been brought to their attention through various means there is someone, the Attorney General under this legislation, who can and would move swiftly to end such wrongdoings.

Mr. President, I thank the Chair.

Mr. BAYH. Mr. President, I think the remarks of the Senator from Arizona (Mr. DECONCINI) are some of the most persuasive, on-the-spot experiences that we have had disclosed during the discussion of this bill.

We have been led to believe by our colleagues who have had personal experience with the Justice Department's intervention that there is no good that can come from this. The distinguished Senator from Arizona has just laid it on the line, showing that sometimes the Justice Department can perform a laudatory role in getting local and State agencies to get off the dime and to protect the rights of individual citizens and, of course, that is what we are after.

I think we have here a bill that melds both the responsibility of the State and of the Federal governments together in as harmonious an effort as we can achieve to deal with the rights of the citizens involved, the people involved, and I just want to thank the distinguished Senator from Arizona, as a member of the Judiciary Committee, a distinguished Member of the Senate, and from a unique perspective of expertise as a prosecuting attorney of his home county.

Mr. HATCH. Mr. President, there seems to be a number of recurrent objections that have been raised to S. 10. Many of them deal with concerns that I have expressed myself at one point or another during the committee process on this legislation.

I would briefly like to respond to several of these:

First, it is claimed that S. 10 will violate the rights of the States, and that it will do further damage to American federalism. Although I am one of those who have raised these objections in the context of numerous other bills being considered by this body, I am convinced that they are inappropriate ones with respect to S. 10.

This legislation does not seek to impose uniform Federal rules or guidelines or procedures in areas in which the diversity of the State experience is best respected. It does not seek to nullify the considered and deliberate decisions of State legislatures throughout the country. It does not remove legislative or executive authority from the States to the Federal Government.

All that S. 10 seeks to do is to protect individuals in the care or custody of State institutions from violations of their constitutional or Federal statutory rights. There is no "States rights" to violate these individual rights. As strongly, and as passionately, as I believe in the value of federalism, and as critical a foundation I believe it to be to our Constitution, there must be recognition that the concept implies certain authorities in the Central Government. Both article VI and the 14th amendment to the Constitution make this clear.

To the extent that the States and their institutions are denying individuals either their constitutional rights, or their rights derived from Federal statutes, there must be a means by which these can be redressed. I would be the first to argue that there is too much today that has been elevated by Congress and the courts to the status of being "rights." I deplore these trends, and will continue to fight them in the future, as I have in the past. There is far too much confusion today between genuine individual rights and what are simply political claims upon the fruits of other people's labor.

But, that is a separate problem. Simply because Congress and the courts have transformed into "rights" matters that are nothing of the sort, that is no reason to deny the Federal Government effective authority to enforce either genuine or artificial "rights." In the exceptional event that State institutions are violating rights as part of a pattern and practice of violation, there must be enforcement authority somewhere. Investing that authority where the Constitution itself places it is not "unconstitutional" nor a denial of "States rights."

Second, it is argued that the Attorney General will soon be dictating standards and procedures and policies to the States and their institutions. Again, I am extremely aware of the "creative" and "innovative" ways that Federal agencies and departments have to expand the scope of their functions. There seems to be a perpetual need around here to protect against exactly these sorts of abuses. But, it must be kept in mind that any efforts by the Justice Department to impose their own standards upon the States would be an abuse of S. 10. Not only does section 10 expressly prohibit the promulgation of standards of care, but the whole thrust of the act is contrary to this.

S. 10 is specifically limited only to the most abusive and egregious and flagrant violations of constitutional and Federal statutory rights. Such violations must be part of a "pattern and practice" of continuing violations. It is designed only to be a last resort, a last resort after private remedies, after local remedies, after State remedies, after informal Federal-State remedies, have all failed.

If the Attorney General does exceed the authority given him under this legislation, if he does act outside his jurisdiction, then that authority and that jurisdiction can be removed just as quickly as it has been granted. Section 6, which provides that the Attorney General is to submit annually a detailed report on actions entered into pursuant to S. 10, is aimed at providing Congress with the opportunity to effectively review the involvement of the Attorney General. If this fails, then I have no doubt that the legislatures, the Attorneys General, the institution directors, and the Governors of the fifty States will let us know about it. I do not know a supporter of S. 10 who will tolerate coercion, threats, or brow-beating of the States by the Justice Department. Nor do I know one who views S. 10 as a subterfuge for providing the Federal Government with authority to impose its own notions of care and treatment upon the public institutions of the country.

Third, it is claimed that S. 10 will encourage unneeded litigation, and encourage an adversary relationship between the Federal and State governments.

I would argue that S. 10 may well lead to less litigation than currently takes place. Presently, there are no opportunities, other than litigation, to catch the attention of offending institutions. Litigation, normally in the haphazard manner of an intevenor, is the only vehicle of influencing these situations presently.

Under S. 10, an elaborate pre-litigation, consultative procedure is established. The bill contains a clear preference for informal and for voluntary solutions to institutional problems. As section 9(a) states, it is the intention of S. 10 that violations be corrected by "volunteer good faith" efforts of the States, not primarily by litigation. The Attorney General must notify the States of the alleged violations, in detail; he must make a good faith effort to consult with the appropriate officials; he must seek to eliminate the alleged conditions through purely informal methods; he must allow a reasonable period of time for the States to correct the abuses on their own; and he must give preference to State, rather than Federal remedies.

Mr. President, as I observed yesterday, I believe that S. 10 draws a reasonable balance between the need to secure legitimate individual rights, and equally legitimate State's rights. It also draws what I believe to be a reasonable balance between restraint and compassion. While sensitive to the arguments of my colleagues, I would suggest that there are a large number of safeguards in this bill to minimize opportunities for abuse by the Attorney General, to minimize encroachments upon State's rights, and to minimize the development of detrimental, adversary Federal-State relations, rather than cooperative and conciliatory ones.

Mr. President, I would like to take strong issue with several of the remarks made yesterday by the distinguished Senator from California (Mr. CRANSTON). While we share a concern for the need for S. 10, we are in sharp disagreement on the scope of coverage of the act.

As I remarked during my statement yesterday, the intent of S. 10 is to cover only those institutions which are truly public in nature. It is not the intent to cover genuinely private institutions. In my opinion, there would be significant constitutional difficulties in extending such coverage.

Institutions, in order to be covered by S. 10, must partake in some significant respect of the qualities of a State or public institution. There must, at a minimum, be some form of "State action" as defined pursuant to the 14th amendment.

However, in whatever manner "State action" may ultimately be interpreted by the courts, it is not the decision of S. 10 to adopt the full scope of that definition in order to define its own scope. Whatever interpretations may eventually be accorded this concept for purposes of the 14th amendment, such interpretations merely define the permissible outer bounds of legislation such as S. 10. They do not compel us to exercise our authority in a plenary manner. If we have the authority not to pass S. 10 at all, as we do, then we also have the authority to pass S. 10 in terms less expansive than we might.

I do not agree, as an author of S. 10, with the distinguished chairman of the Constitution Subcommittee (Senator BAYH) that private institutions are covered except those expressly excluded, as Senator CRANSTON claims. No truly "private" institutions are covered. To the extent, however, that such institutions are entangled in "State action," they are more likely to be deemed non-private institutions. But, so long as they remain genuinely private, they are not covered. Nor is the burden upon the institution to prove itself "private." The burden is upon the Attorney General to prove an institution "public."

The purpose of section 8(6) is only to make clear that no matter how inclined a "progressive" or "creative" court is to find sufficient "State action" in these relationships, they will nevertheless be outside the purview of S. 10. "State action" will not be sufficient to trigger attorney general involvement under S. 10 if it is predicated only upon the fact of licensure; the receipt of funds under titles 16, 18, or 19 of the Social Security Act by persons within an institution; the existence of a "de minimus" number of persons within an institution as a result of some form of State action such as referral; or any combination of these.

Using Senator CRANSTON'S own illustration, the fact alone that foster children were being placed by public officials in an institution would not be sufficient to draw that institution within the scope of S. 10 unless it occurred on something more than an infrequent or sporadic basis. We would not be well advised, in my opinion, to threaten an institution with "public" status simply because it opened its doors on occasion to a person referred by a public authority. If anything, this would be likely to reduce quality care opportunities for persons in need of institutionalization.

Noting another one of my colleagues' testimony, that of the distinguished Senator from North Carolina (Mr. MORGAN), I would like to indicate my agreement with his efforts at legislative guidance to the Justice Department.

First, the inclusion of the phrase "minimum (corrective) measures" in section 3 is designed, among other things, to prevent the Attorney General from imposing his own notions of reform upon an institution.

Second, S. 10 does not provide the Attorney General with a roving commission to correct all institutional problems everywhere, nor to innovate in the development of new constitutional and statutory rights.

Third, S. 10 does not authorize the Attorney General to interfere in criminal or civil procedural matters in State courts.

Fourth, the less demanding preconditions for intervention than for initiation are not designed to offer possibilities for circumvention of the initiation requirements. They are for the protection only of the primary plaintiffs.

Fifth, and finally, the act is to be interpreted in a reasonable and good faith manner by the Justice Department. It is fully expected that any deadlines or timetables established in S. 10 will, when necessary, be applied with full regard to the unique circumstances of each State.

Mr. BAYH. Mr. President, let me just take a moment to express my deep appreciation to the Senator from Utah for the very thought-provoking and persuasive remarks he made in support of this bill. He has performed an extremely worthwhile service as the ranking Republican member of the subcommittee. He held hearings, patiently sat through a lot of these, and helped us in an effort to make this bill a better bill, a more sensitive bill, sensitive to the legitimate concerns of State and local officials, and I want to thank him from the bottom of my heart not only for what he said here but the spirit of cooperation we have had in our relationship while this was being considered.

Mr. HATCH. Mr. President, I thank the distinguished Senator from Indiana and I appreciate his kind remarks, and I feel very much the same toward him with regard to this particular bill.

Mr. BAYH. I thank the Senator.

Mr. MATHIAS and Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER (Mr. DECONCINI). The Senator from Mississippi.

UP AMENDMENT NO. 991

(Purpose: Require "egregious or flagrant" conditions as condition precedent to Justice Department intervention. Clarify section 3(d) so as to preclude award of attorney's fees to prevailing plaintiff against the United States in case in which United States intervened as a plaintiff; permit recovery of attorney's fees and costs by prevailing defendant against United States and other plaintiffs. Prohibit intervention by the United States until at least 180 days after action is commenced by original plaintiff(s))

Mr. COCHRAN. Mr. President, I send to the desk three amendments on behalf of the Senator from Wyoming (Mr. WALLOP) and ask for their immediate consideration.

The PRESIDING OFFICER. Does the Senator from Mississippi want the amendments to be considered en bloc?

Mr. COCHRAN. I ask unanimous consent, Mr. President, that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendments.

The assistant legislative clerk read as follows:

The Senator from Mississippi (Mr. COCHRAN) on behalf of Mr. WALLOP proposes amendments en bloc numbered UP No. 991.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

On page 10, line 14, before "conditions" insert the following: "egregious or flagrant (conditions which are willful or wanton or conditions of gross neglect)".

On page 12, line 10, strike out "against the United States".

On page 10, line 13, insert "(1)" immediately after "(a)".

On page 10, after line 24, add the following:

"(2) The Attorney General shall not file a motion to intervene under paragraph (1) before 180 days after the commencement of the action, except that if the court determines it would be in the best interests of all parties to the litigation, the court may shorten or waive the time period."

● Mr. WALLOP. Under section 1 of S. 10, the conditions which could give rise to an original Justice Department action must be "egregious or flagrant," those which are willful or wanton or are conditions of gross neglect. Section 3 of the bill authorizes the Department of Justice to intervene in suits. The showing that the Department must make in these cases, however, is less rigorous than in cases it initiates. Specifically, the Department need only show "conditions * * * which cause grievous harm." As drafted, the bill does not require the conditions to be "egregious or flagrant."

My amendment would clarify what I am told is the intent of the draftsmen—that intervention be permitted only where egregious or flagrant conditions exist. By adding the words "egregious or flagrant conditions (conditions which are willful or wanton or conditions of gross neglect)," to section 3 of the bill, we assure that the standards in sections 1 and 3 are the same. This will insure that the Justice Department will only involve itself in civil action against State institutions—either through original action or intervention in an ongoing suit—if conditions in that institution are egregious or flagrant.

I believe this amendment is acceptable to the managers of the bill and I move its adoption.

By the literal terms of section 3(d), there is a possibility, however remote, that a court could award a prevailing plaintiff attorney's fees and other costs as against the United States in an action in which the Attorney General has intervened and prevailed on the merits. It is also possible that a court could interpret the language of this section to limit the source from which a prevailing defendant could recover attorney's fees and costs to the United States, thus insulating other party-plaintiff's from bearing a portion of these costs.

The pertinent part of section 3(d) reads as follows:

> In any action in which the United States joins as an intervenor under this section, the court may allow the prevailing party other than the United States a reasonable attorney's fee *against the United States* as part of the costs: (emphasis added)

My amendment would strike from section 3(d) the words "against the United States." This change would conform the language to the attorney's fee provision contained in section 1 which does not include these words.

This amendment will make two things clear: First, that in no case would a prevailing plaintiff be permitted to recoup attorney's fees from the United States in a case in which the Attorney General had intervened as a plaintiff, and second, that a court could award attorney's fees and other costs as against both the United States and other plaintiffs to successful defendants.

Consider the following scenario. The Justice Department identifies "egregious and flagrant" conditions and a systematic deprivation of constitutional and statutory rights of persons residing in institution *x*. It so happens that a relative of a person residing in *x* contacts the Justice Department seeking redress of the alleged grievances. The Department explains the constraints attendant to filing an original lawsuit, and the relative ease with which it can intervene in a pending action. Based upon this explanation, the complainant-relative commences an action and the Justice Department files a motion to intervene, thus circumventing the notice requirements for bringing an action under section 1 of this legislation.

This is a hypothetical case. I am in no way saying that the Department of Justice has "set up" plaintiffs in the past or that they would do so if S. 10 were enacted. I am, however, concerned that section 3 of the bill as now drafted, the section authorizing intervention in pending actions, is an invitation to this unintended result. A brief comparison of sections 1 and 3 explains why this is so.

Sections 1 and 2 of the bill, the sections granting the United States standing to bring civil actions and setting forth preaction notice requirements, strikes a balance between the Federal Government's interest in bringing legal action for redress of systematic deprivation of constitutional and statutory rights of institutionalized persons, and the interest of the State governments and institutions to remedy the offensive conditions short of litigation. They do this by requiring the Attorney General to give the Governor, the State attorney general, and the director of the institution 56 days notice of the alleged violations prior to filing suit. In addition, prior to bringing an action the Attorney General must have engaged in discussions and negotiations with these officials in an effort to remedy the alleged violations. Importantly, the State must have had reasonable time to take necessary remedial actions.

By contrast, section 3 of the bill, which allows the Attorney General to file a motion to intervene in an ongoing action pursuant to the Federal Rules of Civil Procedure, does not require similar negotiations or consultations between Justice Department and State officials. Neither does it give the State a reasonable time in which to correct the problematic conditions. The conciliatory spirit of sections 1 and 2 is nowhere present. The Attorney General need only give 15 days notice of the alleged conditions, supporting facts, and the minimum measures that would remedy the alleged conditions with a statement that intervention by the United States is of general public importance before filing an intervenor motion. Given the choice between intervening in an action and bringing in an original action the Department of Justice may well resort to the former course of action thus reducing if not eliminating, the cooperative processes that are compulsory under sections 1 and 2. It is plain that the bill makes it easier to intervene in an action than it does to commence an original action.

Mr. President, the amendment I am proposing to S. 10 is intended to minimize the possibility of the Justice Department circumventing the notice requirements of section 1 by intervening in a pending action. It would do this by prohibiting intervention by the Attorney General in an ongoing suit until at least 180 days after the action is commenced by the original plaintiff(s). The court could, in its discretion, shorten or waive the time period if this would be in the best interests of all parties to the litigation.

It is my understanding that in the typical case, the Justice Department would not seek to intervene until approximately 1 year after the action was brought. The requirements of my amendment are less rigorous than current practice. Moreover, my amendment permits the court to weigh the interests of the party plaintiff, the State, and the State institution in determining whether the 180 days should either be shortened or waived in entirety. Thus, this amendment provides an escape clause which will be exercised on a case-by-case basis, taking into consideration the interest of litigants who are, at the time of the filing of the Justice Department motion to intervene, parties to the action.

By imposing this time restriction on the Department, the likelihood of a collusive suit—one in which the Justice Department arranges to intervene in once it is filed—is substantially reduced. If, based upon the annual report of the Attorney General required by this act, it becomes apparent that sections 1 and 2 are being circumvented in spite of this safeguard appropriate remedial legislative action can be taken at that time.●

Mr. COCHRAN. Mr. President, I think the amendments have been discussed with the distinguished Senator from Indiana, the manager of the bill, and I would like to ask him if it is not correct that these are acceptable amendments and can be accepted as part of the bill at this point? I yield to the Senator.

Mr. BAYH. Mr. President, the Senator from Mississippi is accurate. My staff and I have discussed these three amendments with the distinguished Senator from Wyoming and feel they would make a positive contribution to the legislation.

If there are no objections, I am prepared to accept them and yield back my time.

Mr. COCHRAN. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendments en bloc.

The amendments were agreed to en bloc.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendments were agreed to en bloc.

Mr. BAYH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAYH. Mr. President, tomorrow we will be voting on back-to-back votes on the amendments which have been proposed and then, hopefully, on final passage of S. 10.

Perhaps it would be helpful for those whose minds are still searching for the right answer to this question if the Senator from Indiana would try to very briefly capsulize what the Senate Judiciary Committee on the Constitution has tried to do in the study of this measure over the past 4 years.

First, we have tried to recognize that we do have those instances where individuals or groups of American citizens have been seriously deprived of their constitutional and legal rights while maintained in an institutional setting.

There can be little to be accomplished by denying that, in certain circumstances which have been brought to the attention of the Senate, Justice Department personnel in the past have been insensitive to the prerogatives of State officials who have the primary responsibility for institutionalization processes in this country.

Be that as it may, Mr. President, the fact that some Justice Department officials have run roughshod or have been insensitive to the prerogatives of State officials cannot, must not, hopefully will not, deter the Members of the Senate from their responsibility to see that the rights of individual citizens are protected.

S. 10 goes further than any civil rights bill in the history of the United States in its effort to protect the rights and prerogatives of State and local officials.

No suit can be brought under the provisions of S. 10 unless the Attorney General has complied with those specific requirements of notice, of detailed complaints, of enunciation of the problem and the personnel involved, the places involved, and the Attorney General must further specify what steps might best solve the problem and bring the case only when all efforts to voluntarily solve the problem have failed.

In short, Mr. President, what S. 10 is designed to accomplish is to deal with that relatively rare circumstance where insensitive State or local officials refuse to deal with them on a local basis. Most State and local officials, I believe, will cooperate. Most State and local officials do not like to see the kinds of conditions exist in their institutions which have been brought out in the Senate debate and which were brought out in the hearings.

I suggest to my colleagues in the strongest terms that in those instances where the State officials refuse to recognize the terrible conditions which exist, refuse to recognize the violations of constitutional and legal rights of the patients or inmates who are in their custody, then it seems to me that not only the Justice Department and the Attorney General but the Senate of the United States has a constitutional responsibility to see that the rights of those individual citizens are protected.

It is that thrust, that goal, that purpose which the Senate hopefully will address tomorrow when it votes on S. 10.

Mr. JAVITS. Mr. President, I am pleased to speak today to support S. 10, a bill to authorize the Justice Department to initiate actions to assist institutionalized persons in cases involving deprivation of their constitutional rights. As the senior member of the Subcommittee on Health and Scientific Research and a former State attorney general, I am well acquainted with the issues addressed in this legislation, and have historically supported legislation in this area. I believe that S. 10 would be invaluable in those few cases where there exists a pattern or practice of flagrant, egregious conditions that need to be corrected. Giving the Justice Department the authority to initiate and intervene in litigation on behalf of institutionalized persons can bring both necessary resources and expertise to cases where they are unavailable and inadequate.

My experiences with legislation affecting the developmentally disabled and the mentally ill, including the child health assurance program, the Rehabilitation Act of 1978, and the developmentally disabled assistance and Bill of Rights Act have dramatized how often the needs of these populations are neglected.

These vital bills have been based upon a congressional recognition of the shortcomings that have all too frequently characterized the treatment and services offered these vulnerable persons. They have each established the principle in Federal law that there is a minimum level of protection due such persons consistent with the constitution and with congressional intent, and that conditions which violate that level of protection must be remedied. It is true, however, that the developmentally disabled and the mentally ill often lack the resources necessary to bring actions on their own to correct systemic violations of their rights. It is not enough to have rights if they cannot be effectively enforced. In my judgment, the substantive rights already established by the Congress would be an empty promise without the means of systemwide remedial action that this bill would help accomplish.

This principle has been recognized by the distinguished President's Commission on Mental Health, among others, as vitally necessary to the welfare of mentally disabled persons. Its report had as one of its eight major recommendations the protection of the basic rights of mentally disabled persons. The Commission decided to recommend a national goal of assuring "that mental health services and programs operate within basic principles protecting human rights guaranteeing freedom of choice." It went on to state "we are keenly aware that even the best intentioned efforts to deliver services to mentally disabled persons have historically resulted in well-documented cases of exploitation and abuse." The Commission supported this legislation stating, "This bill would greatly increase the likelihood of ameliorating unconstitutional and illegal practices and conditions in State institutions by providing to those persons who were least able to represent themselves a mechanism whereby their fundamental grievances can be addressed."

This legislation would not set a new precedent, but would simply establish legislatively the role of the Attorney General in protecting existing federally guaranteed rights under the Constitution and pertinent laws. The Attorney General now has similar authority to initiate litigation, for example, under title VI of the Civil Rights Act of 1960.

I have appreciated the number of letters I have received from constituents asking me to support S. 10. Among those organizations in support are local and national representatives of the National Mental Health Association, National Association of Retarded Citizens, American Bar Association, NAACP, Children's Defense Fund, and the American Civil Liberties Union. They share my concern that S. 10 be passed to assure the protection of the fundamental constitutional and human rights of institutionalized persons.

As it is often said, one measure of a nation's civilization is the quality of treatment it provides persons entrusted to its care. I urge my colleagues to support the quality standards that we have already established by supporting this legislation. We must not make promises to those most dependent on us without an accompanying commitment to the full realization of those promises. Permitting the Justice Department to seek remedial action in such an effort is a small but vital step toward this goal.

I would like to commend the leadership of Senator BAYH in this effort to help protect the rights of the institutionalized. While not affecting the private causes of action which institutionalized persons now have, this bill recognizes that these persons are often uniquely unable to vindicate their own rights. It is therefore particularly appropriate for the Attorney General of the United States to have standing to assert their Federal rights when they are often unable to do so themselves.

Mr. BAYH. This is precisely my understanding of the bill. While this legislation would directly empower the Attorney General to seek enforcement of Federal statutes and constitutional provisions against institutional violations, the Attorney General is not the sole enforcer. When there is a violation of a Federal constitutional provision or a violation of a Federal statute by a State or local government, an injured institutionalized person can sue under the Civil Rights Act, 42 U.S.C. section 1983. Section 1983 provides a cause of action quite separate from that contemplated by this bill and, of course, is not controlled or affected in any way by any of the requirements of S. 10.

Mr. JAVITS. And I further understand that even where section 1983 is not applicable, institutions receiving medicare or medicaid funds could be sued by a patient under the Federal statutes themselves or a patient's bill of rights, such as the one established by the Department of Health, Education, and Welfare regulations.

Mr. BAYH. That is correct. In this sense, the bill's establishment of a right to sue by the Attorney General creates a mixed system of public and private enforcement of Federal constitutional and statutory law which is much like the mixed system in title VII of the Civil Rights Act of 1964, sections 503 and 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sections 793, 794 et seq., the Developmentally Disabled Assistance and Bill of Rights Act, 42 U.S.C. section 6001 et seq., and Public Law 94–142 commonly known as the Education of All Handicapped Children Act, 20 U.S.C. section 1401 et seq.

Mr. HOLLINGS. Mr. President, briefly stated, S. 10, Civil Rights of Institutionalized Persons, authorizes the U.S. Attorney General, whenever he has reasonable cause to believe that there is a systematic deprivation of constitutional or Federal statutory rights of persons in State institutional facilities, to initiate and intervene in pending legal actions brought to redress such allegations. The Attorney General is required to notify appropriate State officials at least 56 days before initiating civil suit and 15 days before intervening in a pending suit. In such instances where a suit is initiated the Attorney General must certify that appropriate State officials have had a reasonable time to correct the alleged denial of constitutional right or violation of Federal statute but have failed to to do so. The bill seeks to protect individuals institutionalized in State facilities for the mentally ill, retarded, handicapped, nursing homes, juvenile detention centers, and prisons.

The Federal courts, Mr. President, have clearly held, in numerous opinions, that institutionalized persons do not forfeit their rights guaranteed by the Constitution by virtue of their institutionalization. It is entirely appropriate that close scrutiny be given the care and treatment provided institutionalized persons. They are, of course, very unlikely to be able to care for themselves. So let me say from the outset, Mr. President, that it is my deep belief that no one in this body, certainly not myself, desires or advocates that persons institutionalized receive care or treatment less than that mandated by the Constitution or statute. What our debate here today is about is how to insure that the various political subdivisions of this Nation meet this standard of care and treatment. I do not believe S. 10 is the best approach and I will oppose it and I urge my colleagues to do the same.

Anyone who has heard the statements and has followed the debate on this measure knows that there is not much to add. However, without retracing too much ground, I would like to emphasize several points. And, I might note, that I like many of those who spoke against this measure, am formerly a Lieutenant Governor and Governor of my State. Now this is not to suggest, Mr. President, that those of us who have served in this capacity, or for that matter State attorney general, have added wisdom, by reason of holding such high office, to dispense on this bill. It does not. I would suggest that we do have firsthand experience in dealing with these matters and it is interesting and makes a very compelling statement that so many former Governors and State attorney generals now serving in this body have spoken against this legislation. They are no less interested in the rights of institutionalized persons than any of us but they are all too well versed in the litigation/confrontation approach that will follow from the enactment of this bill. They know that valuable time and resources will be wasted if this let the "feds" fix it approach established by this bill is enacted. The dedicated and responsive efforts of many hard-working individuals vitally concerned with the care and treatment of institutionalized persons within their State's institutions will be undermined, whatever cooperative effort we have at present will be sadly diminished and the result I feel, if S. 10 becomes law, is a highly unrealistic and unworkable procedure that will ultimately be to the detriment of everyone.

By making the Federal Government the authority of last resort in defending the rights of institutionalized persons not only do we diminish the State's responsibility to provide for those individuals, we further exasperate the delicate balance of federalism. By authorizing the adversary approach of S. 10, we draw the battlelines of State and Federal lawyers. We call out all the legal artillery and bring in new wave after wave of expertly trained legal talent. All the tools of legal combat are marshaled in this war of attrition. So often the legal issues become the forgotten aspects of the battle, and it is only when the costs have become so great—after a period of exhaustive discovery techniques, motion upon motion, followed by countless appeals—that the matter is settled or, more likely, thrown back to the starting point due to legal technicality, error, or omission. Not only has the institutionalized person lost, but there has been a tremendous, and unnecessary expense of time and money. This is a terrible waste that I honestly believe could be avoided with increased and serious attention to improved intergovernmental cooperation. S. 10 is simply unwarranted as a solution to correcting the problems that face institutional care.

Earlier in this debate the senior Senator from South Carolina made a detailed statement on efforts in our State to meet the responsibility of caring for institutionalized persons. We are fortunate to have enlightened leadership and outstanding services, and it has not always been that way, but this is illustrative of the fact that the people of South Carolina take this responsibility seriously and are working vigorously to maintain the requisite standard of care. Although I know the Senate has been over this ground once, I would be remiss if I did not note that we in South Carolina are fortunate to have the able services of Dr. William S. Hall as our State Commissioner of Mental Health for the South Carolina Commission of Mental Health.

The fact that he serves as head of the Association of Mental Health Institutions is evidence of the high regard in which his colleagues hold him. He has held the State commissioner's position since 1963 and is therefore the "Dean of State Commissioners." South Carolina has a proud tradition of caring for the mentally ill, and was, in fact, the second State in the Nation to establish a public mental institution. South Carolina, through the good work of Dr. Hall, is accepting its responsibility of caring for the mentally ill, but he expressed the same fear that I have about the impact of Federal intervention on the mental health programs of the States. He feels that—

> Rather than creating a cooperative and constructive atmosphere, litigation creates defensiveness and resistance. It casts a negative image upon the institutions involved, making the recruitment of quality staff difficult, if not impossible. [Legal] intervention is also demoralizing to a staff who already receives few visible rewards for their efforts. As a result, it is difficult to retain quality staff during periods of litigation and judicial surveillance.

Therefore, at perhaps its most critical juncture the institution faces the need to make changes, but must do so with a demoralized staff and under a clouded perception that makes it difficult to attract the kind of dedicated and outstanding staff every institution needs in order to operate a responsible program of care. Ultimately the real losers in the matter are the institutionalized persons.

Mr. President, Dr. Hall testified about what it is like to be the focal point of investigation and litigation. The period of the 1960's was a vacuum as far as mental health law is concerned. Not until 1971, when Judge Frank M. Johnson handed down the landmark Wyatt against Stickney opinion did the law in this area become focused. Based on this opinion and others the South Carolina Department of Mental Health went to the State legislature with an innovative plan to upgrade and expand its facilities and received additional funding to do so. At the same time a complete review and overhaul of South Carolina's mental health commitment laws was undertaken with the expressed purpose to insure they complied with constitutional standards mandated in the cases.

However, in 1972, prior to the implementation of changes proscribed by this overhaul, five patients filed suit alleging that the commitment laws in effect were unconstitutional and denied them due process of law and equal protection. The South Carolina General Assembly enacted new commitment laws in 1974 as a result of the effort to insure compliance with constitutionally mandated provisions. The new commitment law was to take effect on January 5, 1975, however before that date, the Justice Department entered the lawsuit. The case, Alexander against Hall had been, at that time, in progress for 2 years. The South Caroline attorney general's office was representing the mental health department. But without notice, the Justice Department sent the FBI directly to the State hospital and demanded access to all patient records. This request was denied on advice of counsel. Later when he ruled on the motion to permit access U.S. District Judge Robert Hemphill granted the Justice Department's motion, but had this to say about the Department's conduct: "This action was taken without prior notice to defendant's attorneys and his court hastens to condemn such conduct by the Department of Justice as highly improper and patently unethical!" Dr. Hall testified before the Senate Judiciary Committee "[our] experiences with the Justice Department from that point deteriorated." Dr. Hall further testified that "the participation in this lawsuit by the Justice Department was unwarranted and had no effect on the improvement of conditions at the South Carolina Department of Mental Health." It was only an exercise in harassment and futility.

Judge Frank Johnson, appearing as the dedication speaker of the G. Werber Bryan Psychiatric Hospital, one of four planned in South Carolina for short-term psychiatric care made these comments, and I quote from Dr. Hall's testimony before the Judiciary Committee.

> This State has taken seriously its constitutional obligations to the mentally ill. When, in the late 60's and early 70's, the plight of those in our mental institutions was brought to the national attention, South Carolina did not turn its back—as so many others. A "new direction" was plotted. Bold and innovative programs were developed. A financial commitment was made on the part of State government to insure that these programs could become a reality.
>
> Today, we are assembled to celebrate the fruits of this courageous and human effort—the opening of the G. Werber Bryan Psychiatric Hospital. This Hospital truly is, as Commissioner Hall has remarked, a brick and mortar definition of the principles of Wyatt V. Stickney. With concern which you in South Carolina have demonstrated for the problems of the mentally ill, and for the great achievement which the G. Werber Bryan Psychiatric Hospital represents, I applaud you.

As I read and reflect on this statement I am drawn to wonder what could have been accomplished with a cooperative effort on the part of State and Federal Government. How could the counterproductive effort of the litigation/confrontation approach been directed toward action for the direct benefit of those institutionalized persons everyone is so eager to assist? How much money could have been saved and perhaps directed toward the effort to improve these standards of care we are so interested in? I think it is unfortunate, now that we have a clear understanding of constitutionally mandated requirements for the care and treatment of institutionalized persons that we are about to take the task of granting the Federal Government the authority to institute law suits against the States. The time and effort and money that will be spent will, in my opinion, be best spent on developing an intergovernmental spirit of cooperation to meet the needs of institutionalized persons.

Only this morning, the Legal Services Corporation appeared before my Appropriations Subcommittee and requested "funds to provide service to persons who are institutionalized * * *" in an effort to meet the needs of the large number of individuals currently without appropriate legal services. Specifically this request is "to provide service to persons in nursing homes, institutions for both the retarded and the handicapped and other mental health facilities." To begin to provide this service to eligible clients who are institutionalized, Legal Services requested $9.45 million for fiscal year 1981. This is still another program to provide a procedure for institutional persons to perfect their rights. I have no objections to that.

Under our system of Government and laws it is imperative for all citizens to have access to our judicial system. But this proposal too begs the question: What is the appropriate method to insure that institutionalized persons have access to the judicial system and therefore the means to insure their constitutionally protected and statutorily mandated rights?

In summary, Mr. President, let me state that I strongly oppose the intrusion into State matters which S. 10 authorizes. It unwisely extends the power and authority of the Federal Government at the direct expense of the States, and, in my opinion, with little, or at best questionable expectation, in solving the problems of the persons confined to institutions.

It does much to destroy any cooperative spirit that should and must exist between the State and Federal governments by establishing the litigation/confrontation method as the normal relationship between the political subdivisions of the Nation. It will lead to more and more situations of the State's lawyers against the Federal Government's lawyers. The predictable result, Mr. President, will be that those institutionalized persons will have little or no attention given to their problems. I urge my colleagues to join with me in opposing this bill.

Mr. WEICKER. Mr. President, I speak today as a cosponsor of S. 10, a bill to protect the civil rights of the institutionalized. As a strong supporter of this legislation and also in recognition of pending legal actions concerning State institutions in Connecticut, I wish to comment on the important role of the Federal Government in assuring appropriate care for the mentally disabled in our society.

Mr. President, there must be no question that the Government's commitment and programs in this area are consistent with the individual needs of our mentally disabled. No child or adult should be offered any less by society than that offered to a normal person.

America deserves the benefit of these exceptional people, for they have much to offer, and they deserve the special care they require. It is our responsibility to recognize the special needs of our mentally disabled and guarantee that suitable and adequate services and facilities are provided to meet those needs.

Before the 1960's, mentally disabled persons who could not afford private care had to rely primarily on public institutions. However, with the passage of the

Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, the Federal Government assumed a new approach in mental health care.

It established the goal of caring for and treating the mentally disabled in community group homes, nursing and rest homes, foster homes, et cetera, rather than in institutions. This approach was founded on the belief that community-based care is more humane and that people have a legal right to live in the least restrictive environment consistent with their needs.

The "deinstitutionalization" movement grew out of the realization that many people were being needlessly placed in institutions. They were there because they disturbed society and not because they required the special care those facilities are intended to provide. Typically, these individuals were committed because they were rejected by their families, schools or local helping agencies—all of which function best with "normal people." This practice does an enormous injustice to both those who do not require institutional care and to those who need special treatment and do not get it because of the crowded conditions and the many types of disorders.

Thus, treatment programs were limited, living quarters overcrowded, few recreational or social activities were available and individual privacy was lacking. These conditions generated negative stereotypes about the treatment, the facilities and most unfortunately, the patients themselves.

We must reverse these stereotypes. However, this does not mean doing away with institutions altogether. By providing a wider range of choices and by providing higher standards in alternative care facilities, communities working in concert wth State and Federal Government can see that the handicapped receive the most appropriate type of care befitting their needs.

The process of deinstitutionalization involves: First, preventing unnecessary admission and retention in institutions, second, funding and developing appropriate alternatives in the community for housing, treatment, training, education, and rehabilitation of the mentally disabled who do not need to be in institutions, and third, improving conditions, care, and treatment for those who need institutional care.

Since 1963, the Federal role in mental health care has grown substantially. The initiatives of Congress, the executive branch and the courts have culminated in the creation of at least 135 Federal programs operated by 11 major departments and agencies having either a direct or indirect impact on the mentally disabled.

Focusing on community care rather than institutional care, Congress passed the Mental Retardation Amendments in 1967, the Developmental Disabilities Services and Facilities Construction Amendments of 1970 and the Rehabilitation Act of 1973. Finally, the Rehabilitation Act was amended by the Rehabilitation, Comprehensive Services and Developmental Disabilities Amendments of 1978 which established major new program thrusts in pilot employment projects, comprehensive services for independent living, special services for deaf individuals, blind individuals, and handicapped American Indians.

In 1972, the U.S. District Court, Montgomery, Ala., ruled in Wyatt against Stickney that the mentally ill and mentally retarded had a constitutional right to treatment in the least restrictive setting necessary. The court also imposed minimum constitutional standards for adequate rehabilitation of the mentally disabled in the State's mental institutions.

Mr. President, the Department of Health, Education, and Welfare is the principal Federal agency concerned with the mentally disabled. In fiscal year 1979, community programs received $317,825,000, in fiscal year 1980, $347,755,000, and in fiscal year 1981 requested $379,872,000.

Two HEW programs—the community mental health centers programs and the developmental disabilities program—directly address deinstitutionalization. Community mental health centers and clinics, established under the provisions of the Community Mental Health Centers Amendments of 1975, were created to increase the availability and accessibility of community-based mental health services. It was hoped that the creation of those centers would prevent unnecessary admissions to public mental hospitals and provide a full range of mental health to persons released from these hospitals.

The developmental disabilities program was established with the enactment of the Developmental Disabilities Services and Construction Amendments of 1970 to identify the needs of the handicapped and develop comprehensive plans to meet those needs, to stimulate and coordinate agencies, to take specific actions to provide services to the retarded and to fill gaps in services and facilities.

Other Federal agencies, including ACTION and the Departments of Labor, Justice, and Housing and Urban Development, fund programs for such activities as direct clinical care, education, rehabilitation, employment, housing, planning, and income support—most of the needs mentally disabled persons would have.

New formats in Federal tax support programs including medicaid, medicare, and supplemental security income, have been introduced and are aimed at shifting the responsiblity of caring for the mentally disabled from the larger institutions to the community.

In addition, social services and vocational rehabilitation programs run by the States and supplemented by Federal moneys have been updated to assist the disabled in the community.

The amount and types of financial assistance the Federal Government provides, and the requirements, standards and restrictions imposed, as well as the policies of Federal agencies have significantly influenced both the progress made and problems encountered by the States in their deinstitutionalization efforts.

These initiatives have caused a steady decline in the resident population of the Nation's public mental health hospitals and institutions. In 1963 there were 504,600 people in public mental health hospitals. By June 1974, the resident population had been reduced to 215,500. Many persons have been placed in nursing homes, rest homes or homes for the aged. Others have been released to group homes, foster care homes, half-way houses, room and board facilities, and welfare hotels.

Many of these individuals have been placed in decent housing in clean, safe neighborhoods with structured in-house activities and outside programs, including work, education, day activity centers and recreational programs. Some have become less dependent on public support or others for financial and daily living needs and have learned to live normal or nearly normal lives.

Adequately financed and managed community care can be an effective step in improving care and treatment and ultimately providing a better future for the mentally disabled in this country. But these programs have not achieved their expected potential nor have they been able to provide all of the resources or coverage needed by our mentally disabled.

There are too many disturbing inadequacies in these programs and the services they provide. The results in numbers imply success but the realities of the existing conditions indicate that much more action is imperative.

Too many nursing homes are not staffed or prepared to manage the influx of new patients. Too often these homes lack the facilities to handle the developmental or psychiatric demands of the patients and fail to meet safety and patient care standards. Group homes are frequently overcrowded substandard facilities, in unsafe neighborhoods without provision for needed services.

The goal of deinstitutionalization was established with the best of intentions. Yet, the Federal Government and agencies that could be most influential have not yet developed a comprehensive and clearly defined national plan to insure that the programs are properly coordinated and implemented.

A study by the Comptroller General of the United States reported that officials administering programs in HEW, HUD, Labor, and ACTION generally were not aware of the national goal, did not think their responsibilities related to deinstitutionalization, or had devoted minimal effort to assist carrying out the goal. The study noted two exceptions: first, the Department of Justice, which has taken substantive action in implementing the deinstitutionalization goal; and, second, a 1971 Presidential mandate to secure full legal rights for the retarded.

The basic problem at the Federal, State, and local levels is that those agencies responsible for the mentally disabled are not assuring that funds are being properly channeled or channeled at all for that matter and little is being done to coordinate, manage, or evaluate the existing programs.

Another problem is inherent in current social attitudes. Society in general exhibits a lack of awareness and concern about the placement of these dependent individuals. The prevailing attitude still persists that society is better off with mentally and physically handicapped people tucked away out of sight and out of mind in institutions far removed from the normal life of the community.

Society with its devaluing, dehumanizing and denegating attitudes denies mentally disabled persons opportunities to enjoy normal personal relationships with other people. What a crime for both the retarded and the general public.

The net effect of this lack of leadership and public concern has been the creation of too many fragmented programs, ineffective policies and statements and an incredible waste of money. Instead of providing better conditions for those who need exceptional care, the Government's initiatives have too often had the negative effect of inhibiting the appropriate placement and care of the mentally disabled.

This is society's problem. When speaking of groups or classes of people it is too easy to generalize, set a goal and then justify an across-the-board solution to the problem. But generalizations are often insensitive. All too frequently our social policies sanction or cause severe discrepancies between the actual circumstances of those who are dependent and the conditions needed for their optimal development and welfare.

The consequence of this lack of human concern is that hundreds of thousands of mentally disabled people are receiving inferior and ineffective care. This is wrong. Because these people cannot help themselves, it is necessary for those of us who can help to exercise human compassion to cut through bureaucratic red tape, political consideration, and economic calculations to see that the goals we establish are executed in a way that is most consistent with the needs of the people involved.

Mr. President, one measure of a nation's civilization is the quality of treatment it provides persons entrusted to its care. The mentally disabled and physically handicapped are all equally entitled to enjoy the freedom of living and a chance to develop in an environment best suited to their needs. It is their constitutional right.

Let me stress the necessity of providing those dependent on society with the essential elements for pursuing the high quality of life they as well as everyone else in this Nation are entitled to. Those elements include: Recognition and acceptance of each individual's handicap and capabilities; the facilities and services best suited to meet each one's needs for comfort, happiness and emotional, intellectual and physical development; and finally, the continued sensitivity to these needs so that they may continue to grow and share their valuable gifts with society. If it is necessary to conduct a case-by-case analysis to determine what care each patient requires then that is what must be done.

Clearly, there are some individuals who are so severely retarded that they cannot reasonably be expected to improve significantly even with intensive training in the sheltered environment of an institution. For these people, home or community living is an unrealistic goal. Adequate facilities of the highest standards must be maintained for these people.

Others who would do well in special facilities within the community should be assured that competent facilities are made available. For these people, living in a community, with regular contact and interaction with society provides the necessary stimulation vital to their emotional, intellectual, and social development. Integration is not an easy task. It means forcing society to accept the mentally disabled and receive them—to no longer alienate them.

Mr. President, it is necessary, too, that we remain sensitive to the wishes of the parents of these patients. Parents have the ultimate responsibility for the welfare of their children. They deserve the opporunity if they desire it, to exercise their discretion in choosing the facility most suited to what they feel are the needs of their children. For them, adequate options must be made available. They must be educated and aware of the options and alternatives in treatment and facilities available so they can make a responsible choice.

The framework and the vehicles for providing improved care and facilities already exist. The administration has the programs designed, Congress has allocated funding and the courts have set and will maintain standards and continue to serve in the interest of the mentally disabled.

What we must insist on now and what we must continue to guarantee is the thorough and consistent execution and administration of these programs. It is necessary to outline specific objectives, guidelines and timeframes to clearly identify and define the roles and responsibilities of Federal agencies and to direct regional committees to mobilize, coordinate and evaluate systems of funding programs and agency efforts in promoting better health care and facilities for the mentally disabled.

Measures should be called for to effect on improved Federal/State partnership in this venture so that both are working in cooperation to achieve the same goals and provide the best results.

And finally, society must be educated to understand the value of human life—every human life. Like the grassroots of our political structure, it is with the people that the impetus for change—any change—must be born. Unfortunately this arena is the most impervious to change. That is why the Government must work hard to advocate with determination the need to improve facilities and accept the handicapped.

Of course, these efforts will cost money. But it is money well spent. Austerity at the expense of the freedom, the opportunity and the human development of part of our people is not economy. It is a tragic waste throwing away something of enormous value.

If we can afford the benefits of freedom, and the opportunity for development for ourselves, we can certainly provide them for those who could not otherwise have them.

It is a fundamental principle of our society that all persons deserve full opportunity. Our firm and continuing commitment to those in particular need is necessary to give meaning to that principle today.

● Mr. LEVIN. Mr. President, I would like to take this opportunity to express my support of Senator BAYH's bill, S. 10, which will provide the Attorney General with the statutory authority to initiate and intervene in suits against public institutions where there has been documented systematic and flagrant or egregious deprivations of the constitutional rights of residents. The Special Litigation Section of the Civil Rights Division of the Justice Department has already acted in the capacity of amicus curiae on behalf of institutionalized persons in some 25 cases against public institutions where there has been a flagrant violation of constitutional rights, but on two recent occasions, Federal courts have held that the Attorney General lacks standing to initiate suits to protect the rights of institutionalized persons and the Department's power to intervene in suits of that nature has been questioned as a result.

The Fourth and Ninth Circuit Court of Appeals decisions which upheld the ruling of district courts in the Mattson and Solomon cases have made it essential for the Congress to act. If the Justice Department is to remain active in securing relief for institutionalized persons whose rights have been systematically denied, then the Congress must provide the Attorney General with an express mandate to do so.

Mr. President, some have disputed the need for the Federal Government's involvement in cases of this nature, in any capacity. It is true that individual complainants can bring suit against institutions. The individuals addressed by this bill, however, are sometimes incapable of defending themselves against a denial of their constitutional rights or even recognizing the improper conduct of those who are responsible for their care. Individuals who have joined forces to represent the interests of institutionalized persons, such as the National Association for Retarded Citizens (NARC), have testified to the difficulties of initiating a suit against a public institution with limited resources and finances. In my own State of Michigan, for example, the Michigan Association for Retarded Citizens (MARC) has informed me of the problems they encountered in attempting to bring suit against the Plymouth Center for Human Development on behalf of some of the residents there. Mr. Harvey Zuckerberg, the director of the Michigan Association for Retarded Citizens, brought to my attention the fact that the parents of children on whose behalf the suit was filed, were taxed beyond their capabilities in the effort to secure relief for their institutionalized children. The Michigan Association for Retarded Citizens requested the assistance of the Justice Department as an amicus curiae, but the Department was unable to enter into the case, although we requested them to do so.

While the bill before us today is not designed to discourage private parties from entering into a suit against public institutions, I believe that it will provide the support by the Federal Government which is needed from time to time to insure the safety and protection of institutionalized persons in those extreme circumstances when the Attorney General has reason to believe that the person is residing in an institution have been subjected to "egregious or flagrant conditions" which have caused them "grievous harm".

Mr. President, Senator Bayh and other members of the Judiciary Committee have worked hard to include in the bill being considered today a series of requirements prior to the filing of a suit by the Attorney General which are designed to safeguard against any unwarranted interference by the Federal Government. The line between States' rights and the Federal Government's responsibility to protect it's citizens is one which is not easily drawn—and I believe every effort has been made to protect the States from hasty actions on the part of the Justice Department.

The Attorney General must notify the State in advance of bringing suit, inform the State of the allegations and provide adequate time for State officials to make corrections in conditions which lead to the alleged deprivation of the Constitutional rights of residents.

The Congress has a responsibility to pass laws which help to uphold the Constitutional rights of all citizens. We have an even more demanding role to play to ensure the rights of those who cannot protect themselves.

While litigation is clearly not the best means of correcting deficiencies in our public institutions, it is sometimes the only means of securing relief against deplorable conditions for residents. In the past, the information which has been made available to the public as a result of cases against public institutions has helped to alert the public to the need for reform. I hope the Senate will adopt S. 10 so that the Attorney General will be provided with statutory authority to initiate and intervene in suits when there is a demonstrated need to do so.●

Mr. BAYH. Mr. President, I ask unanimous consent to place in the Record at an appropriate place a statement from the distinguished Senator from Massachusetts (Mr. Kennedy).

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR KENNEDY

I want to add my voice to the strong support for the passage of S. 10, the Civil Rights of Institutionalized Persons. This critically needed legislation will fill a breach in the enforcement of the civil and constitutional rights of our nation's most vulnerable citizens: the handicapped, the elderly, the mentally ill, the retarded, and the abandoned whose condition or whose poverty has placed them into institutional care. The bill would allow the Attorney General to sue on behalf of citizens subjected to indescribably squalid institutional conditions that violate not only the Constitution of the United States, but any sense of decency that even the most hardened of us would have.

The very thorough hearing record developed by Senator Bayh and the Judiciary Subcommittee on the Constitution graphically demonstrates the deplorable conditions in which thousands of our nation's institutionalized have been forced to live. It is unthinkable that a society supposedly so humane as to create social institutions for the care of the disabled would then permit conditions to so deteriorate that all meaning and dignity are stripped from the lives of the inhabitants.

Yet, not only has this happened in numerous jurisdictions throughout the country, but it is now questionable whether or not the federal government, through its enforcement arm—the Department of Justice—has the authority to put an end to these violations by suing under the Constitution. S. 10 would answer this question; S. 10 would clearly and unequivocally vest the U.S. Attorney General with the authority to sue and to intervene in suits brought against state and local institutions which systematically deprive their residents of fundamental rights secured by the Constitution and the laws of the United States.

This authority is not new or revolutionary or a shock to the sovereignty of the states. The Attorney General has been given this same power to enforce the Constitution in the areas of voting rights, housing, and prohibitions against discrimination in public accommodations, employment, and in programs receiving federal assistance. It was even thought that the federal courts recognized the Attorney General's authority to sue for the minimally safe and hygenic conditions with institutions that reasonable interpretation of the equal protection clause of the Constitution would demand.

The Department of Justice has participated in numerous successful suits which have brought about massive relief and improvements from intolerable conditions found in many state institutions. Yet, recent federal court decisions ruled that the Department lacks standing to sue, absent enabling legislation from Congress. The result has been dscribed as a "paralysis" of the Department's efforts on behalf of the institutionalized. Future suits by the Department will always be subject to challenges.

These challenges will, at worst, deprive the institutionalized of their most potent protector or, at least, will complicate the process and delay redress through ancillary, time-consuming proceedings to establish standing. The institutionalized should not be second class citizens in the enforcement of their constitutional rights; they should not be deprived of the force and power of the federal government in protecting them as it does other groups of civil rights litigants. S. 10 will bring the enforcement of the protections that our constitutional system offers within their grasp.

I reject the argument that the institutionalized have other avenues of equally effective redress for their needs. It is clear by their nature that many are intellectually or emotionally incapable of recognizing or pressing for their rights. They are totally dependent on their surroundings and, thus, particularly susceptible to intimidation and fear. Nearly all lack the financial resources to bring their own suits. It is, thus, totally unrealistic to even remotely expect that individuals might protect themselves through suit.

The only other available alternative for legal representation is the legal services bar. While this bar is to be greatly commended for the valiant work it has performed in the improvement of the conditions of the institutionalized, its resources and expertise cannot possibly be stretched to cover all the legitimate needs of the institutionalized population.

Nor should it be so expected. It is the Department of Justice which is the chief law enforcement branch of the Government. The Department is charged with the enforcement of the fundamental constitutional rights of all our citizens. That responsibility should not be shifted because the private right of action exists. It is the government's responsibility to deliver our Constitutional promise to the people. Enforcement by the Department of Justice is the proper way of doing that. We must be certain that the Department has the unquestioned authority to press suits in the name of our most vulnerable and most unlikely to help themselves, the institutionalized.

I would reject any of the weakening amendments that are to be offered purportedly for the purpose of limiting federal intrusion into areas of states responsibility. I thoroughly respect and encourage the right of the states to manage local institutions, but I do not respect that right when they do so in a fashion which violates the federal Constitution and laws.

I would also reject any move to eliminate prisons and correctional facilities from the coverage of the bill. While the purpose behind the incarceration of prisoners is wholly different from that of the institutionalization of the disabled, their susceptibility to unconstitutional deprivations is similar. Even a cursory review of some of the cases of the past ten years reveals the abhorrent conditions of many of our nation's jails and prisons. These conditions, too, are subject to constitutional standards and should be effectively enforced by the Department of Justice.

I recognize that federal and state governments have recently acted together to improve the care offered in public and publicly-funded institutions. We have come an encouraging distance from the days in which the conditions of state institutions were totally hidden from the public's eye and reach. It must be remembered, however, that much of this cooperation would not have been achieved without the shocking revelations and the pressure caused by the court cases which have been brought over the past ten years.

And it must be further remembered that numerous other jurisdictions have shown little inclination to voluntarily improve the lot of their institutionalized population. But, with or without cooperative action, the basic principle remains the same: all our citizens have the right to fundamental constitutional protections and to the expectation that the federal government will enforce those protections. S. 10 will give to the Department of Justice the necessary standing to enforce the Constitutional guarantees we expect our institutionalized citizens to have.

I strongly urge that my colleagues support this important bill.

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed, without any time being charged against the pending business, to the consideration of the following Calendar Orders Nos. 613, 621, 622, 624, and 631.

Mr. STEVENS. There is no objection.

UNITED STATES-UNITED KINGDOM NUCLEAR COOPERATION FOR DEFENSE PURPOSES

The Senate proceeded to consider the concurrent resolution (S. Con. Res. 77) stating that the Congress does favor the submission of the President with respect to the amendment to the Agreement Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes of July 3, 1958, signed on December 5, 1979.

● Mr. CHURCH. Mr. President, on November 28 the President submitted to the Congress for review an amendment to the Agreement Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes of July 3, 1958. Aside from minor correcting and editorial changes as explained in the Foreign Relations Committee report No. 96–572, the principal effect of the amendment would be to extend for an additional 5 years—until December 31, 1984—the authority of the United States to assist the United Kingdom in its nuclear weapons program by the transfer of nonnuclear parts, source, byproduct, special nuclear material and other material, and special nuclear material for military propulsion reactors. I would also note that the 1958 agreement is reciprocal; the United States benefits from information and materials exchanges in these areas with the United Kingdom.

The Foreign Relations Committee reviewed this amendment in accordance with the provisions of the Atomic Energy Act of 1954 as amended. The committee has reported an original concurrent resolution of approval of the amendment—Senate Concurrent Resolution 77—as provided by section 130 of the act.

Mr. President, this agreement with the United Kingdom is an important contribution to United States and NATO security. United Kingdom nuclear forces are dedicated to the defense of NATO, and continuation of this cooperation agreement will enable the United States to provide assistance in accordance with the terms of the agreement. I call the attention of Senators to the fact that the agreement is enabling; it is not a commitment by the United States to provide the assistance and materials specified. Actual transfers and exchanges are the result of specific agreements or contracts pursuant to the authority in the 1958 agreement as amended.

I urge approval of Senate Concurrent Resolution 77 as evidence of the Senate's support for this important agreement.●

The concurrent resolution (S. Con. Res. 77) was agreed to as follows:

Resolved by the Senate (the House of Representatives concurring), That the Congress does favor the submission of the President containing the text of the Amendment to the Agreement Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes of July 3, 1958, signed on December 5, 1979, transmitted to the Congress by the President on November 28, 1979.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BHARAT PERSAUD

The bill (S. 1086) for the relief of Bharat Persaud was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 212 (a)(14) of the Immigration and Nationality Act, for purposes of such Act, Bharat Persaud shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of such Act.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BARBARA LAWS SMITH

The bill (H.R. 891) for the relief of Barbara Laws Smith, was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NEDIA RUIZ HEDLUND

The bill (H.R. 1559) for the relief of Nedia Ruiz Hedlund, was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TEACHER DAY, UNITED STATES OF AMERICA

The joint resolution (H.J. Res. 267) to provide for designation of Friday, March 7, 1980, as "Teacher Day, United States of America," was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was passed.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the action taken yesterday on Senate Joint Resolution 135 be vitiated and the measure indefinitely postponed. That measure is identical to Calendar Order No. 631.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 377—CONGRATULATIONS TO AMERICANS WHO PARTICIPATED IN THE XIII WINTER OLYMPIC GAMES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent on behalf of the distinguished acting Republican leader that his Olympics resolution, in which I think I and all other Senators have joined, be now called up and the Senate proceed to its immediate consideration.

Mr. STEVENS. Mr. President, I thank the majority leader. There is unanimous cosponsorship of this resolution now and I am pleased to see it considered by the Senate.

The PRESIDING OFFICER. The resolution will be stated by title.

The second assistant legislative clerk read as follows:

Mr. Stevens (for himself, Mr. Robert C. Byrd, Mr. Baker, Mr. Armstrong, Mr. Baucus, Mr. Bayh, Mr. Bellmon, Mr. Bentsen, Mr. Biden, Mr. Boren, Mr. Boschwitz, Mr. Bradley, Mr. Bumpers, Mr. Burdick, Mr. Harry F. Byrd, Jr., Mr. Cannon, Mr. Chafee, Mr. Chiles, Mr. Church, Mr. Cochran, Mr. Cohen, Mr. Cranston, Mr. Culver, Mr. Danforth, Mr. DeConcini, Mr. Dole, Mr. Domenici, Mr. Durenberger, Mr. Durkin, Mr. Eagleton, Mr. Exon, Mr. Ford, Mr. Garn, Mr. Glenn, Mr. Goldwater, Mr. Gravel, Mr. Hart, Mr. Hatch, Mr. Hatfield, Mr. Hayakawa, Mr. Heflin, Mr. Heinz, Mr. Helms, Mr. Hollings, Mr. Huddleston, Mr. Humphrey, Mr. Inouye, Mr. Jackson, Mr. Javits, Mr. Jepsen, Mr. Johnston, Mrs. Kassebaum, Mr. Kennedy, Mr. Laxalt, Mr. Leahy, Mr. Levin, Mr. Long, Mr. Lugar, Mr. Magnuson, Mr. Mathias, Mr. Matsunaga, Mr. McClure, Mr. McGovern, Mr. Melcher, Mr. Metzenbaum, Mr. Morgan, Mr. Moynihan, Mr. Muskie, Mr. Nelson, Mr. Nunn, Mr. Packwood, Mr. Pell, Mr. Percy, Mr. Pressler, Mr. Proxmire, Mr. Pryor, Mr. Randolph, Mr. Ribicoff, Mr. Riegle, Mr. Roth, Mr. Sarbanes, Mr. Sasser, Mr. Schmitt, Mr. Schweiker, Mr. Simpson, Mr. Stafford, Mr. Stennis, Mr. Stevenson, Mr. Stewart, Mr. Stone, Mr. Talmadge, Mr. Thurmond, Mr. Tower, Mr. Tsongas, Mr. Wallop, Mr. Warner, Mr. Weicker, Mr. Williams, Mr. Young, and Mr. Zorinsky) proposes a resolution (S. Res. 377) to express the sense of the Senate that it offer its congratulations to Americans that participated in the XIII Winter Olympic games in Lake Placid, N.Y.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

● Mr. CANNON. Mr. President, I support the resolution and also wish to add my heartiest congratulations to the athletes, coaches, and officials who represented the United States during the XIII winter games held in Lake Placid.

These amateur athletes competed against the world's best athletes and their performances were both admirable and courageous.

The accomplishments of all the American athletes during the Olympics will be indelibly etched on the memories of those who participated or witnessed the games. Eric Heiden's record shattering feat of winning all five gold medals for men's speed skating will forever be considered among sports greatest achievements.

The U.S. ice hockey team truly accomplished the impossible dream by winning the gold medal. This group of collegiate players, who were given little chance of success prior to the games, melded into a remarkable team that embodied the best in team play and team spirit.

Although these were the biggest stories of the winter Olympics, all the athletes should be praised for their participation.

We will long remember the athletic feats of the games. We will also remember the great sportsmanship exhibited by both the athletes and the spectators. The 2 weeks in Lake Placid surely demonstrated the fundamental principles of the Olympic movement and the people of Lake Placid, the U.S. Olympic Committee, and the International Olympic Committee should all be commended for their efforts.●

TRUE AMERICAN HEROES

● Mr. DOLE. Mr. President, I am pleased today to cosponsor a resolution introduced by the distinguished Senator from Alaska, Mr. STEVENS, to join my fellow colleagues in the Senate and all the American people in extending heartiest congratulations to our members of the 1980 winter Olympic team. In addition, our warmest thanks and congratulations are also due the many others whose hard work and dedication added to the success of these games—the coaches and officials, the International Olympic Committee, and to our own U.S. Olympic Committee for a job well done.

The principles of our Olympic games are rooted in the original principles of the Olympic movement. Those ideals and standards include the celebration of brotherhood and a mutual striving for excellence in an atmosphere of nondiscrimination, international goodwill, and in a spirit of peace. The recently completed games in Lake Placid demonstrate that the people of the United States still believe in and respect these principles. In recent years we have placed a higher premium and interest in developing and promoting the virtues and benefits of athletic competition and ability.

The 1980 winter Olympics were certainly evidence of this interest, as we enjoyed witnessing many great and unforgettable achievements by our American athletes. These games saw the winning of more medals than any U.S. winter Olympic team in almost 50 years. But, perhaps even more importantly, they were conducted in the best tradition of the Olympics by our young men and women, who exhibited the qualities of good sportsmanship throughout the games and, by their attitude, helped to provide a better understanding between peoples of all nations. Their devotion and countless hours of hard work are to be commended, and they are highly deserving of our respect and pride for their accomplishments in the field of athletic competition.

MUST LOOK AHEAD

With the acknowledged success and nationwide support we witnessed for these games, it is important that we are able to continue these contests in the true tradition of the Olympic games. With this interest in mind, and in light of President Carter's decision to boycott the 1980 summer Olympics in Moscow, it is imperative that we begin immediate consideration and development of the best possible alternative to the Moscow games, to offer our athletes and athletes of all nations an opportunity to realize their ambitions and goals toward which they have strived so long and hard. It is not too late to begin implementation of this course of action now. Whether it be a permanent neutral site, or several neutral sites on a rotating basis, the crucial issue is to act now to provide athletes around the world with the opportunity to fulfill their aspirations in the true Olympian spirit, and free from political influence.

Again, Mr. President, let me take this opportunity to join in congratulating all those who made the Lake Placid Olympics the successful event that it was. I offer a special thanks and praise to the American athletes, whose devotion and striving toward physical excellence made the 1980 winter Olympics the true triumph they came to be.●

Mr. STEVENS. Mr. President, I ask that the resolution be adopted.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 377) was unanimously agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas, the XIII Winter Olympic Games in Lake Placid, New York, have been successfully completed; and

Whereas, Dozens of amateur athletes from all over the United States and the world took part in those Games in the best tradition of the Olympics and of good sportsmanship; and

Whereas, American athletes as a result of extensive training and sacrifice won more medals than any United States Winter Olympic team in nearly 50 years; and

Whereas, the Games accomplished the fundamental principles of the Olympic movement, including the aim to "educate young people through sport in a spirit of better understanding between each other, and of friendship, thereby helping to build a better and more peaceful world": Now, therefore, be it

Resolved, That it is the sense of the Senate that it extend its hearty congratulations to the members of the 1980 United States Winter Olympic team, its coaches and officials for a job well done; and recognizes the International Olympic Committee, the United States Olympic Committee, the Lake Placid Olympic Organizing Committee and the people of the Lake Placid area for their successful efforts in organizing and producing the XIII Winter Olympic Games.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMENDING HAROLD G. AST, THE PRINCIPAL LEGISLATIVE CLERK OF THE SENATE, FOR HIS SERVICE TO THE SENATE

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. STEVENS and myself I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The second assistant legislative clerk read as follows:

A resolution (S. Res. 379) commending Harold G. Ast, the principal legislative clerk of the Senate, for his service to the Senate.

Whereas Harold G. Ast, the Principal Legislative Clerk of the Senate, is retiring after having served the Senate for more than thirty-three years in various capacities; and

Whereas the said Harold G. Ast has, at all times, discharged the difficult duties and responsibilities of the offices he has held with high efficiency and abiding devotion; and

Whereas his unsurpassed fidelity and his unfailing dedication to his career have earned for him our affection and our esteem: Now, therefore, be it

Resolved, That the Senate of the United States extends its appreciation and gratitude to Harold G. Ast for his long, faithful, and exemplary service to his country and to the United States Senate.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Harold G. Ast.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The resolution (S. Res. 379) was agreed to.

The preamble was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator for his courtesy in yielding.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there may be a period for the transaction of routine morning business, that Senators may speak therein up to 10 minutes each, and that the period not extend beyond 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

LITHUANIAN INDEPENDENCE DAY

Mr. GLENN. Mr. President, I am honored to join my colleagues in marking the recent 62d anniversary of Lithuanian Independence Day—an anniversary celebrated throughout this Nation by more than 1 million Lithuanian-Americans.

I am pleased to join many Ohioans of Lithuanian descent who, at this special time, remember their homeland and their relatives and friends who still live in this region of the world.

Last September, I had the honor of addressing Cleveland's Lithuanian community at the city's annual One World Day celebration. I wish each of my colleagues could have witnessed the outpouring of heartfelt nationalism shown for Lithuania that afternoon.

The commemoration of Lithuanian Independence Day is especially appropriate at a time when the free world is protesting yet another act of Soviet aggression. The recent invasion of Afghanistan, viewed with Soviet incursions in Africa, the Middle East and Southeast Asia, present a mandate to the free world that Soviet expansionism must be reversed.

Sixty-two years ago, on February 16, 1918, Lithuania broke 120 years of Tsarist domination by declaring its independence. Within 4 years, this Nation had a formal constitution, which declared that all Lithuanians had the basic human rights of freedom of speech, religion and assembly. A government was established, and a president was elected. The new country and its leaders began programs to increase the nation's agriculture and industrial output.

All this progress and development came to an abrupt halt 22 years later, when the Soviets forcibly occupied Lithuania in 1940. Since that illegal occupation and eventual annexation, the Soviets have tried desperately to destroy Lithuania's unique heritage, suppress its religion and harass its citizens.

Twice in recent history, the Soviet Union has signed pacts stating that every individual has the right to freedom of thought and religion. Statistics reveal, nonetheless, the tragic success the Soviets are having in suppressing religion in Lithuania.

Yet, the people of Lithuania and their neighbors continue to show immeasurable courage and faith that someday human rights statements will become more than pieces of paper.

As an American, I am proud that our Government has never recognized the Soviet's annexation of the Baltic States and that our country continues to recognize the diplomatic corps established by an independent Lithuania.

However, our Government and the governments of all free nations must do more. Late last year, I joined my fellow members on the Senate Foreign Relations Committee in endorsing a resolution urging the President to have the 1980 Conference on Security and Cooperation in Europe increase the world's awareness of the Baltic countries' desire for independence.

Implementation of this resolution will help bring the Baltic countries one step closer to full sovereignty. Indeed, the heartfelt respect and devotion to Lithuania which millions throughout the world are showing at this time is sending a strong message to the Soviet Union.

The Lithuanians' devotion to self-determination, like that of the Afghan insurgents fighting in the hills of their once-sovereign nation, displays the ultimate in courage to the rest of the world. I am confident that the Lithuanians' resolute belief in freedom—and the Afghans'—will be rewarded.

U.S. ECONOMIC AND DEVELOPMENT ASSISTANCE TO IRAN

Mr. MATHIAS. Mr. President, it is banal to point out that there are always two sides to any question. But, banal or not, I think that good lawyers like my friends, the Senator from Indiana (Mr. Bayh) and the Senator from Mississippi (Mr. Cochran) would agree that it is also true.

And every lawyer knows his or her duty is to develop the client's side of the question.

It seems to me right now that the United States is faced with very much this kind of a situation in connection with Iran. The Government of Iran wants an international investigation of what it terms "the crimes of the Shah and the crimes of the United States." An international commission is right now, tonight, in Tehran currently in response to that demand.

Mr. President, as I said before, there are two sides to this story. I, myself, am by no means an authority on the United States in Iran.

But I have been around the Congress long enough to remember that we once had a very substantial aid program in Iran and I am familiar enough with our aid programs, in general, to know that they have made a tremendous and very positive impact on the vast majority of the countries in which we have had them.

Based on this general knowledge, it seemed to me to be a good idea to try to develop some more specific details about the U.S. record in Iran, to ascertain the facts about at least this one aspect of the American presence in Iran that is a matter of public record. As a result, I initiated, in conjunction with the Foreign Relations Committee, a study by the Library of Congress of the U.S. economic and development assistance to Iran.

That study, prepared by Analyst Charlotte A. Phillips of the International Relations Foreign Affairs and National Defense Division of the Library's Congressional Research Service, is now complete. I personally find it extremely illuminating as I am sure will every Member of this body. It provides at least some of "the other side of the story."

It tells us, for example, that:

> The U.S. AID program had a considerable impact on the development of the Iranian economy. During the period from 1952 through 1967, Iran was able to invest more than $3 billion in public programs. Oil revenues increased to the point where by 1967 they were paying for 80% of Iran's development budget. From 1957 to 1967, Iran's industrial production increased by 88%, and its exports by more than one-third. Its GNP rose by 11.8% in 1965, and 9.5% in 1966. In 1950, only one-fourth of the available water in Iran was being used productively. By 1967, dams, irrigation systems and drilling projects were supplying most of the arable land. The use of fertilizer more than quadrupled between 1960 and 1967. Rice, sugar, tea and cotton crops more than doubled between 1957 and 1967, while dairy farming and the poultry industry went from almost nil to significant levels.

Mr. President, in view of the importance of this study, I ask unanimous consent that this study, entitled "U.S. Economic and Development Assistance to Iran," be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MATHIAS. Mr. President, I have also requested that our colleagues, Mr. Church, the distinguished chairman, and Mr. Javits, the ranking minority member of the Foreign Relations Committee, forward a copy of this study to the Secretary of State, with the thought that the State Department may choose to develop it or some more comprehensive version of these facts as a part of the story of the U.S. relations with Iran. There are two sides to that story.

Exhibit 1

U.S. Economic and Development Assistance to Iran

The history of U.S. economic assistance to Iran began even before World War II.

In 1911, the United States responded to an invitation by the Iranian government to send its first financial advisor to Iran. In 1922, a second financial mission was sent out, and Iran began to employ American engineers to build roads and to prepare feasibility studies for the prospective building of the Trans-Iranian Railroad.

Phase 1, from 1942–1945, presented an opportunity for the United States to improve its relations with Iran during a period when the country was preoccupied with British and Russian interference in its internal affairs. U.S. advisory and grant military programs were initiated in hopes of stabilizing the country during the war years. As a result of the need to transfer Allied war equipment to the Soviet Union through the Persian Corridor, the British constructed the Iranian State Railway with U.S. assistance. President Roosevelt designated the Railway an official Lend Lease Project in 1941.

In 1943, the Iranian Government invited U.S. advisor Dr. Arthur C. Millspaugh (a financial advisor to Iran during the 1920s) to return to the country to direct its financial programs, draw up the budget, and supervise the Ministry of Finance. Millspaugh was responsible for setting up government regulations for grain collection, prices, transport and distribution, and authorized to employ up to 60 American specialists to administer financial programs. By 1943, other Americans served in various administrative or supervisory capacities, including the Ministry of Public Health, petroleum problems, soil erosion and irrigation, and agricultural education. In late 1943, the U.S. began to formulate a longer term policy toward Iran that sought to encourage self-sufficiency and stability through a twenty year program outlined by Millspaugh. The program for U.S. aid was to be the guinea pig for Franklin D. Roosevelt's plans to develop and stabilize backward areas, of "helping nations to help themselves with negligible costs and risks to the United States." Although no aid program materialized during this period, U.S. economic and military assistance laid the groundwork for a close postwar relationship.

Phase 2, from 1945 until 1950, was characterized by growing U.S. concern over the Soviet threat to Iranian independence. Economic and technical assistance were increased together with pressure upon the Tehran Government to facilitate economic and social reforms. The U.S. military mission was extended and formalized as part of the program inspired by the 1947 Truman Doctrine, and U.S. assistance focused primarily on enhancing the efficiency of the

Iranian army. On June 20, 1946, the United States signed an agreement with Iran extending $25 million in credits for the purchase of surplus war equipment. By 1949, however, the U.S. began to fear that the Shah wanted to purchase additional military hardware to expand the army, and subsequently to use the army to impose a military dictatorship. Thereafter, the U.S. slowed down its extension of military credits and tried to persuade the regime to focus more on economic and social development aid. It was not until 1950, however, that postwar "Point Four" funds were allotted to Iran.

Phase 3, from 1950 until 1953, marked a period of struggle between the Shah and political groups led by Prime Minister Mussaddiq. U.S. policy gradually became coordinated with the British and Iranian opponents of Mussaddiq—and in particular with the Shah. The U.S.-Iranian Mutual Defense Agreement was signed in May 1950, authorizing the United States to provide technical personnel to discharge responsibilities for administering the grant assistance program. In 1951, the technical aid agreement, alloting $500,000 to Iran, was the first of its kind to begin operation under Truman's "Point Four" program. The first agreement provided for the start of a rural development program, which included plans for an agricultural extension service, improved livestock practices, irrigation development, and soil, water and plant development. Subsequent programs relating to agriculture, public health, education and industry were also introduced during this period. It should be noted that none of the "Point Four" funds was used to offset Iranian revenue losses caused by the failure to export petroleum products during the internal political power struggle.

Phase 4, from 1953–1960, marked a period of rapidly rising economic and military assistance to Iran. In November 1955, Iran joined the Baghdad Pact, and shortly thereafter, the Eisenhower Doctrine committed the United States to the defense of the members of the Pact. These years marked a decline of British predominance in the country and the assumption of a larger role for the United States.

The United States provided $45 million to Iran in FYs 1952 and 1953, $85 million in FY 1954 and $76 million in FY 1955 for development programs in agriculture, public health and education. The technical assistance during the 1952–55 period was largely designated as emergency assistance, primarily intended to furnish Iran with badly needed dollar exchange, and to apply the local currency proceeds therefrom to budgetary requirements.

The United States did not contribute to Iran's first Seven Year Plan, launched in 1948, but U.S. aid contributions helped to finance many of the projects inaugurated in the second Seven Year Plan, initiated in 1956. These projects included the construction of electric light and power plants, the paving of streets, the erection of municipal baths and public buildings, and the construction of water storage dams for irrigation. By the end of this period, Iran was financing 60–70 percent of the plan with its oil revenues.

With rapid deployment of U.S. and international funds to Iran, there was considerable waste, mismanagement and corruption in the distribution of the some $970 million of U.S., Export-Import Bank and other international loans and grants between 1953 and 1961. Imports were uncontrolled and large expenditures went primarily for military and luxury items. It was not until the end of this period, amidst high inflation and severe balance of payments problems, that the Shah promised to institute an economic stabilization program with the help, and under the pressure, of the United States, the International Monetary Fund (IMF) and the International Bank for Reconstruction and Development (IBRD).

Phase 5, from 1960–1965, marked a period of domestic political crisis generated by the poor economic situation. The Kennedy Administration viewed with disfavor the Iranian Government's outlays for its armed forces, its continual budget deficits, and its failure to undertake more economic and social reforms. The U.S. initiated cutbacks in military assistance while continuing to reaffirm support for the Shah. Under pressure from the United States, the Shah in 1963 instituted his "White Revolution," to promote social justice through a revolutionary, but peaceful, transformation of the country's social order. Although this program met with violent opposition, particularly from the Shi'ite clergy, the Shah emerged from this period with more power and tighter control of the political process.

The Shah's economic stabilization plan under the "White Revolution" called for drastic reductions in international borrowing. He effectively put the brakes on the economy and slowed growth. President Kennedy continued to stress the need for economic development and social welfare while criticizing the Iranian Government, calling its armed forces too large and its military expenditures excessive, wasteful and damaging to the economy.

The effects of the second Seven Year Plan stimulated the economy and increased Iran's GNP on an average of 5% per year for the seven year period 1956 through 1962. The concentration of the "White Revolution" program was on land reform, particularly on extending public services to the agricultural sector and on improving rural advisory and credit services to the new peasant landholders. U.S. aid was instrumental in setting up educational programs including the Industrial Vocational School at Namark and the University of Pahlavi Medical College in Shiraz, administered through an AID contract with; the University of Pennsylvania. In summary, during the early 1960s, the U.S. helped Iran to close the gap between the investment resources it needed to attain development goals and the domestic resources it actually had available by providing both AID and EX–IM Bank loans to finance many of the programs created under the "White Revolution."

Phase 6, from 1965–1969, marked a period of change in the U.S.-Iranian political relationship. During this time, increasing Iranian oil revenues made it possible for the United States to phase out grant military assistance in favor of cash and credit purchases of arms. 1967 saw the termination of U.S. economic aid on grounds that Iran no longer constituted a "less developed country," and therefore could finance most of its programs through Export-Import Bank financing. Grant military assistance was ended in 1969 for similar reasons. With the termination of these programs, Iran began to pursue an increasingly independent national and foreign policy.

Of the $605 million total technical assistance funds provided to Iran under the 15 year AID program, only $37 million of that total was provided between 1962 and 1967 when the program ended. A final Technical Assistance grant of $300,000 terminated the AID program in FY 1968. The U.S. grants during the late 1960's went to projects on agricultural production and marketing, internal security, and financial and economic statistics. The last development loan for $6.5 million for consultants' services for planning a major expansion of Iran's power system was signed in January 1967.

The U.S. AID program had a considerable impact on the development of the Iranian economy. During the period from 1952 through 1967, Iran was able to invest more than $3 billion in public programs. Oil revenues increased to the point where by 1967 they were paying for 80 percent of Iran's development budget. From 1957 to 1967, Iran's industrial production increased by 98 percent, and its exports by more than one-third. Its GNP rose by 11.8 percent in 1965, and 9.5 percent in 1966. In 1950, only one-fourth of the available water in Iran was being used productively. By 1967, dams, irrigation systems and drilling projects were supplying most of the arable land. The use of fertilizer more than quadrupled between 1960 and 1967. Rice, sugar, tea and cotton crops more than doubled between 1957 and 1967, while dairy farming and the poultry industry went from almost nil to significant levels.

Programs in which American assistance played a significant role included:

Building of the port at Bandar Abbas on the Persian Gulf, which opened Iran's entire Southern region;

Loans of about $9 million to help construct a master electrification program;

Aid in building or improving schools in which 100,000 Iranians were enrolled by 1967;

Immunization of 95 percent of the population against smallpox, erradication of cholera, and control of malaria in such areas as the fertile land around the Caspian Sea where in 1952 the incidence was as high as 95 percent;

The issuing, by 1966, of $55 million in industrial development by U.S. businesses—in ventures in petrochemicals, mining, rubber products, dairy products and pharmaceuticals;

Educational assistance that by 1967 accounted for 44 percent of the total national training schools in medicine, nursing, veterinary medicine, industry and agriculture, and teaching;

A modern 1,665-mile highway system linking the Persian Gulf and the Caspian Sea;

Training of 314 persons in the United States in specialized agricultural sciences and techniques;

Continuous technical advice that led to the passage in June 1966 by the Iranian Parliament of a landmark civil service law covering some 300,000 government employees;

Creation and development of agricultural credit and cooperative institutions, an agricultural extension service, a land grant-type agricultural college with a demonstration and experimental farm, a system of vocational agriculture secondary schools and an animal disease control center that helped to check numerous epidemics;

Creation and development of aids for industry and commerce including a standards institute, an industrial technical and productivity center, a system of vocational industrial secondary schools and a development bank that underwrote loans to private industry; and,

A 1,000-unit apartment project in Tehran and a low-cost development of worker-owned homes in Isfahan, providing demonstration of construction and management methods.

In addition, American surplus food valued at about $138 million was transferred to Iran under the Public Law 480 program. CARE, UNICEF, the American Jewish Joint Distribution Committee and other groups conducted food distribution programs benefiting over 600,000 people, most of them children. And, Export-Import long-term loans for capital investment such as roads and railway rolling stock, totaled almost $172 million by 1967.

Thus, by the end of Iran's third Seven-Year Plan in 1966, land reform was well underway as the main element of the government's social development program; a major literacy program had been embarked upon; the government had modernized its administrative structure and created a civil service code; budgetary and fiscal procedures were improved; and, Iran was receiving more

European commercial credits, and negotiating new loans with the World Bank and the Export-Import Bank.

Phase 7, from 1969 until the fall of the Shah in 1979, was a period where U.S. interests were manifested in the Nixon Doctrine of building up regional powers which would be expected to assume increasing responsibility for collective security with U.S. arms, but without direct participation of U.S. forces, and by the adoption of the "twin pillar" policy in the Persian Gulf.

Although U.S. AID assistance had been terminated, the United States provided Iran with an increasing number of sophisticated weapons, technicians and military training programs. International lending institutions continued to supply Iran with a number of development loans, but after the 1973–74 oil price hike, Iran was able to finance most military and economic development programs and equipment with its vastly increased oil revenues.

THE BAN ON SACCHARIN

Mr. BOREN. Mr. President, the moratorium on FDA's proposed ban on saccharin expired on May 23, 1979. The House has already passed legislation to extend this moratorium in order to allow continued study of the saccharin issue. The Senate Committee on Labor and Human Resources presently has pending before it a similar measure, S. 1121, which would extend the moratorium an additional 3 years. As Members of the Senate, we will soon be called on to make judgments regarding the status of saccharin.

I would like to call my colleagues' attention to the preliminary results, announced December 20, 1979, of the National Cancer Institute's major epidemiological study investigating the relationship between the use of artificial sweeteners and the risk of bladder cancer in humans. This study, which was made as the result of the Saccharin Study and Labeling Act, included some 3,000 cancer patients and 6,000 control subjects.

The NCI study reached two major conclusions:

First, the study failed to find any evidence to support—

> The hypothesis, raised in two earlier (Canadian) studies, that men who use tabletop AS (artificial sweeteners) have an average risk of bladder cancer that is 60 percent or more above the risk of men who do not use it.

Second, the study reported that—

> In the total study group, there was no evidence of increased risk with long-term use of AS in any form or with use that began decades ago.

The importance of these two findings should be kept firmly in mind as we consider appropriate action on the status of saccharin. Unfortunately, some media accounts of the NCI study have focused on certain subgroups of study subjects, most notably those classified as "heavy users" of artificial sweeteners—two or more diet drinks and six or more table top uses daily.

I believe that the small sample size and makeup of these subgroups casts doubt on their statistical significance. However, it is appropriate that research into the effects of saccharin use among so-called heavy users should continue. Above all, it is important that we keep in mind the overall benefits saccharin offers to the general population. As the NCI study points out, there is no evidence to support claims of increased risk within the general population. In light of this finding, we must be careful not to let the abusive use of saccharin prejudice our views as to the benefits it provides to the majority of the American people.

In this regard, I wish to express my own disappointment over the manner in which the FDA handled the release of the NCI report. Although acknowledging the lack of evidence for increased risk for the total study group, the emphasis of the FDA's interpretation has been upon the high-risk subgroups. I do not believe it is the FDA's responsibility to reach into data of this nature for tenuous and fragile support of its previously stated convictions. To do so is no different and no less regrettable than proclaiming that this study proves once and for all that there is no increased risk of bladder cancer associated with artificial sweetener use. The NCI study "proves" no such thing.

However, the study does demonstrate, by established and accepted measures of scientific data, that no significantly increased risk associated with such use was found among an overall population. The FDA's obligation, whether that finding agrees with its previously publicized views or not, is to advise the Congress and the American people of that conclusion. To do otherwise is to undermine confidence in the agency and in our food safety laws generally.

Mr. President, large scale animal studies are now underway to investigate the effects of saccharin at different doses. Now that the National Cancer Institute's study results are available, we should complete action on S. 1121 to extend the moratorium while those further studies are underway.

BIG BLUE LAKE SHOULD BE DEAUTHORIZED

Mr. BAYH. Mr. President, recently I announced to the citizens of Rush and Hancock Counties in east-central Indiana that I will seek deauthorization of the Big Blue reservoir there. Since October, when my distinguished colleague from Indiana, Congressman Phil Sharp, in whose district the reservoir would be built, announced his opposition to the project, I have been carefully studying Big Blue's costs and benefits. Mr. President, in my view, the costs of this project far outweigh the benefits.

I am pleased to note, Mr. President, that Congressman Sharp was successful in securing House support for his deauthorizing amendment to H.R. 4788, the House of Representatives' water resources bill which recently passed that Chamber. In the days that followed Congressman Sharp's victory and my own announcement of support for deauthorization, local legislators have followed suit. At this point, the Indiana Senate and House of Representatives have supported deauthorization. As you know, Mr. President, when a State pulls back on its support of a project, it cannot proceed, under section 221 of the Flood Control Act of 1970.

Mr. President, the Subcommittee on Water Resources of the Environment and Public Works Committee currently has the Water Resources Development Act under consideration. In light of the developments I have noted, I recently wrote to the distinguished chairman of the Water Resources Subcommittee, Senator Gravel, requesting that the subcommittee incorporate a deauthorization provision for Big Blue in the Senate bill, S. 703.

For the information of my colleagues, I ask unanimous consent that a copy of this letter, which outlines my reasons for supporting deauthorization of Big Blue, as well as articles from various newspapers circulating in communities directly affected by the proposed reservoir that report on the status of this important issue, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Committee on Appropriations,
Washington, D.C., February 25, 1980.

Hon. Mike Gravel,
Chairman, Subcommittee on Water Resources, Committee on Environment and Public Works, Dirksen Senate Office Building, Washington, D.C.

Dear Mike: During the House's consideration of its companion legislation to S. 703, the Water Resources Development Act currently pending before your subcommittee, my distinguished colleague representing Indiana's Tenth District, Congressman Phil Sharp, was successful in securing passage of his amendment to deauthorize the Big Blue Reservoir in Rush and Hancock Counties. I am writing in support of that amendment, and to urge your subcommittee to include identical language in S. 703 when you return to mark-up.

When Congressman Sharp first announced in October his plan to seek deauthorization of Big Blue, I began my own careful reassessment of the alleged flood control, water supply and recreation benefits versus the costs associated with the project. I also noted that local support for the project has dissolved: Congressman Sharp's efforts were supported by a 7–1 margin among local residents, each of the local newspapers editorialized in favor of deauthorization, and the Farm Bureaus of Hancock and Rush Counties have passed resolutions urging deauthorization. I have concluded that the project's costs—economic, social and environmental—far outweigh the benefits.

That view is shared by the State legislators who represent Hancock and Rush Counties. Following the approval of Congressman Sharp's amendment and my own announcement, the Indiana State Senate and House of Representatives passed legislation which withdraws the State's support for Big Blue.

In brief, Mike, these are my reasons for supporting deauthorization:

1. Although Big Blue is officially estimated to cost $114.4 million—of which $78.6 million is to be paid by the federal government and $35.8 million by Indiana—the Corps of Engineers now estimates the cost at over $130 million. When the Corps first arrived at its cost figures, it assumed that the federal government would be able to borrow money at a rate of 3¼ percent, clearly an unreasonable assumption. Using today's interest rates, we should add at least $15 million to the cost of construction.

2. The benefits associated with water supply have been grossly exaggerated. Rush and Hancock Counties contain underground water in abundance; whatever water supply benefits that may accrue to the City of Indi-

anapolis are minimal, according to the Indianapolis Water Company, owing to the vast capital requirements associated with pumping the water to Marion County.

3. The flood control benefits, by the Corps' own figures, have been declining, and now constitute less than 20 percent of the project's benefits. The Corps estimates that the downstream counties of Shelby, Johnson, Bartholomew and Jackson would realize flood damage abatement equal to about $1 million per year if the reservoir is built. It seems to me that we should be examining far less costly flood control projects than a $130 million reservoir.

4. When the Corps figured the recreation benefits, it assumed that 1.3 million visitors initially—and 2 million ultimately—would pay $1.50 each to visit the lake. Lake Monroe, south of Bloomington, Indiana, is three times the size of the Big Blue and it attracts only 1.3 million visitors annually. Moreover, the Corps ackowledges that, one year in four, lighter than normal rainfall will mean "an aesthetically unpleasing mudflat would be exposed" and "the lower lake level may also cause problems with beach areas, boat ramps, etc." Again, it seems that the benefits associated with recreational uses have been exaggerated.

In sum, Mike, I believe we in Congress—particularly those of us who have supported water projects when they are necessary—have a responsibility to deauthorize projects when the costs far outweigh the benefits and local sentiment is so strongly against their construction.

I would appreciate favorable consideration of my request to include language deauthorizing Big Blue when your subcommittee reconvenes to complete action on S. 703.

As always, I appreciate your kind attention to Indiana's needs.

With best personal regards,

Sincerely,

Birch Bayh,
U.S. Senator.

[From the Rushville (Ind.) Republican, Feb. 8, 1980]

Bayh Against Lake Project

Senator Birch Bayh announced today that he will support de-authorization of the Big Blue Reservoir in Hancock and Rush Counties. Bayh said that he based his decision primarily on the estimated cost of the project and on the reaction of area residents. "The Army Corps of Engineers estimated that the cost of constructing a dam and reservoir on the Big Blue River would run upward of $130 million. I think that in these inflationary times, $130 million is too much to pay for a project that even the Corps of Engineers admits will have dubious recreational and flood control benefits."

Bayh added that a mail survey which Tenth District Congressman Phil Sharp took among area residents showed a 7 to 1 ratio in favor of de-authorization. "Further the law provides that the state of Indiana must commit its share of the construction cost before further federal funds should be committed. The state has not made that commitment and shows no evidence of changing. The engineering studies simply do not convince me that the benefits of this project outweigh the cost."

The Big Blue Reservoir, the studies determine would supposedly provide a recreation spot for 1.3 million visitors each year, even though Lake Monroe is three times the size attracts only that number.

The Corps of Engineers is currently conducting a comprehensive multi-year study of the entire Wabash River basin which the senator has supported. "If the study demonstrates long term water supply problems for Hancock and Rush counties, which is unlikely, due to the ground water present in abundance, I will vigorously support a scaled down reservoir project to meet those needs."

The U.S. Senate needs the consent of both senators from a state in order to approve any de-authorization.

[From the Rushville (Ind.) Republican, Feb. 13, 1980]

Carthage Wins Fight With "City Hall"

It appears that the Big Blue Reservoir project is heading for the last roundup.

Suffering back-to-back defeats at the national and state levels, the project is headed for certain obscurity at last.

Last week, Tenth District Congressman Phil Sharp was able to get the House of Representatives to accept an amendment to a public works bill, de-authorizing the Big Blue Reservoir from receiving future funding for studies or consideration.

The bill passed the House and is currently pending in the U.S. Senate, where Senator Birch Bayh has announced he would support the de-authorization move. Indiana's junior senator, Richard G. Lugar, is studying the matter and is expected to announce soon his feelings on the matter. According to Senate tradition, both senators must agree on a de-authorization move, or the project remains alive.

The second blow to the project was delivered this week by New Castle state senator Martin "Chip" Edwards.

Edwards was able to tack on an amendment to a bill dealing with a water project on the west side of the state. His amendment to de-authorize the Big Blue project passed on second reading Monday, is expected to be approved on final reading when it comes up later this week. In the State House of Representatives, the bill's fate looks good, also.

We think that Senator Edwards summed up public thinking on the bill when he said that the project ought to be de-authorized because, "It's never going to be built."

Although some pro-lake partisans wanted to keep the project in limbo hoping, perhaps that at some future date it could be revived. Public opposition to it has been so intense in the past year that the project appeared doomed.

Opponents of the project constantly pointed to last spring's straw ballot on the Big Blue project as an indication of public sentiment regarding the lake. By an overwhelming margin, residents of Ripley Township and Carthage showed that they certainly didn't want the lake in their backyard.

Since last spring, opponents of the lake have maneuvered masterfully. The straw vote, combined with their constant lobbying of public officials, has finally paid off.

The proponents of the reservoir project never were able to get their campaign off the ground. The emotion which people felt over losing their homes, farms, and businesses to the lake was far too strong a factor than the charts and graphs drawn up by the U.S. Army Corps of Engineers.

The lesson from this recent collision of local, state, and federal interests is obvious: You can fight city hall and win.

[From the Greenfield (Ind.) Daily Reporter, Feb. 16, 1980]

Indiana House KOs Big Blue Project

Indianapolis.—Indiana has washed its hands of the proposed Big Blue Lake.

But federal legislators must do their share to deauthorize the project at their level.

And U.S. Sen. Richard G. Lugar, R-Ind., will wait until Gov. Otis R. Bowen signs the deauthorization measure before he decides on Big Blue, his office said Friday.

The Indiana House of Representatives Friday readopted HB 1083, which deauthorizes the project at the state level.

The House had to reapprove the bill, since the Indiana Senate approved an amended version when it deauthorized the project earlier this week.

State Rep. Ray Richardson, R-Greenfield, said Friday the bill means Indiana was not willing to pay its approximately $53.8 million share of the project's cost.

Proposed in Blue River Township and Ripley Township in Rush County, the project's latest estimated costs are $141 million, according to the U.S. Army Corps of Engineers.

Richardson said, the bill does not stop the federal government from building Big Blue, but it would have to pay all costs itself and he doubted it would pay the project's entire cost.

The Indiana Senate Tuesday passed HB 1083 44–3, which bars state participation in and funding for the Big Blue and Big Walnut reservoir projects.

State Sen. Martin K. Edwards, R-New Castle, amended HB 1083 to include deauthorizing Big Blue.

Edwards said the bill had to return to the House, since the Senate approved the deauthorization amendment but the House didn't.

Richardson said the bill had to go into a House conference committee to make grammatical changes in it to include the Big Blue deauthorization.

"It's clear to me we're not going to have Big Blue, but it needs deauthorization at the federal level," Richardson said.

Lugar's office said Friday he would wait until Bowen signs HB 1083 before he decides on the project.

A Lugar spokesman said Lugar was deciding if the project was important for Indianapolis' future water supply before he decided.

"But it seems obvious the (state) representatives don't seem to feel it can make much contribution to that," the spokesman said.

U.S. Sen. Birch Bayh, D-Ind., came out against Big Blue Feb. 7. His office said he would ask the Senate's Environmental and Public Works Committee to deauthorize it.

However, the committee's policy is it must have backing from both a state's senators before it kills a water project, a committee staffer said.

The U.S. House of Representatives passed amendments to deauthorize Big Blue and 17 other water projects Feb. 5 when it passed H.R. 4788, its Omnibus Water Resources Bill, which approved $4.4 billion for water resources development.

The deauthorization amendments came from U.S. Rep. Floyd Fithian, D-Dist. 2. U.S. Rep. Philip R. Sharp, D-Dist. 10, backed Fithian.

Sharp publicly opposed the project in October and said he would offer a bill to deauthorize it. His office said Fithian's amendment would be an easier way to deauthorize it.

Sharp's office said Big Blue still could exist on the federal level if the President vetoes the water resources bill. However, Washington sources believe Carter may not veto it since it passed the House 2–1 and it possibly could override any veto.

THE AMERICAN PEOPLE SUPPORT GASOHOL

Mr. BAYH. Mr. President, as you know, I have long advocated the use of alcohol fuels to reduce our crippling dependence on foreign oil. I have continually urged the Federal Government, particularly the Department of Energy, to bring its support of this home-grown, clean-burning fuel more in line with its efforts to stimulate development of synthetic fuels. The future security of our

Nation will require aggressive development of all of our energy resources. Alcohol fuels are the only option for supplementing conventional liquid energy supplies in the near-term that we have.

A recent Harris poll indicates that most of the American people agree with the need to get off the dime and move on alcohol fuel development.

The results of the poll, released January 17 by Louis Harris and Associates, Inc., reveal that by a 2-to-1 majority the American public prefers to see gasohol, a blend of ethyl alcohol and gasoline, receive the most Federal support, relative to other synthetic fuels.

According to the poll, most Americans see gasohol, compared with other synthetic fuels, as being less likely to damage the environment, more likely to help keep gasoline costs down and more likely to reduce oil imports in the next 5 years.

The poll also shows that most Americans are willing to pay more for gasohol than for gasoline. Nearly 50 percent of those surveyed said they were willing to pay an extra $25 a year to buy gasohol, 22 percent would pay an additional $50 and 12 percent would pay $100 or more a year.

Mr. President, I ask unanimous consent that the results of the Harris poll be printed in the RECORD.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

SOME FACTS ABOUT THIS SURVEY

This survey is based on a personal interview which lasted an average of one hour and nine minutes with a cross-section of 7,010 Americans aged 18 and over which was conducted by Louis Harris and Associates, Inc., between the dates of October 19 and November 21, 1979. As such, it represents the most comprehensive survey of public attitudes towards the conservation of renewable resources ever undertaken by the Department of Agriculture.

The sample employed is substantially larger than those customarily utilized by the Harris firm. This was to assure that the attitudes of specific demographic subgroups—such as farm families and residents of rural areas—could be statistically analyzed with a high degree of accuracy. The expected error on questions showing a 50/50 split is about 1 percentage point (+ or —). That is, in 95 out of 100 samples drawn in this manner, on a variable showing a 50/50 split, we could be assured that the results drawn from the sample would be within 1 percentage point of those which we would obtain were we to have interviewed every adult American aged 18 and over. Of course, for subgroups of the total sample, expected sampling errors will be somewhat higher.

The sample was weighted to guarantee that a minimum of 300 respondents would occur in each of the 16 cells representing the combination of geographical region of the country (East, South, Midwest, West) and type of place (urban, suburban, town, and rural). This enhanced the precision of the estimates for those groups (i.e., rural West) which would have been represented by small numbers in an unweighted sample, but which were of special analytical interest. In the final tabulations and analysis, all groups have been reweighted according to their true occurrence in the population of the United States. Such procedures are standard in good survey research, and serve to improve the overall efficiency of population samples.

For further information, contact Dr. John Boyle or Victor Fischer, Vice President for Washington Operations, at the telephone number listed above.

VI. SYNFUELS AND GASOHOL

Summary: Americans exhibit a strong preference for gasohol over synfuels development as a means for increasing the supply of liquid fuels from domestic energy sources. Gasohol is seen as the more likely to help reduce foreign oil imports, to help keep down the cost of gasoline, and to do the least damage to the land. Consequently, by better than 2 to 1, the public prefers to see more federal support going to gasohol rather than synfuel development.

A. By a margin of better than 2 to 1 Americans believe that gasohol rather than synfuels should receive most Federal support (48–22 percent).

B. The gasohol alternative is perceived as the more likely to:

1. cause the least damage to the land used to produce the fuel (59–19 percent);

2. help keep gasoline costs down (50–19 percent);

3. more likely to reduce oil imports in the next five years (49–23 percent).

C. A plurality of the public is prepared to pay additional money at the gas pump to offset conservation costs stemming from additional agricultural production for gasohol. This willingness, however, is proportional to the expected costs of the program to the consumer.

1. 47 percent of the public is willing to pay an additional $25 per annum;

2. 22 percent of the public is willing to pay an additional $50 per annum;

3. 12 percent of the public is willing to pay an additional $100 per annum.

Knowledge of soil conservation, belief in the conservation ethic, and income are all related to willingness to pay for soil conservation at the gas pump.

D. Recognition of the benefits of gasohol for energy production and the desirability of general support for gasohol development is most pronounced in the Midwest and among farmers.

1. 53 percent of those living in the Midwest feel that gasohol should receive the most Federal support compared to 48 percent in the total public.

2. 59 percent of the farm owners or managers feel that gasohol should receive the most Federal support, compared to 48 percent in the total public.

ANATOLY MICHELSON

Mr. PACKWOOD. Mr. President, for almost 2 years I have patiently heeded the advice of State Department officials in the attempt to rectify one of the most heart-rending human tragedies in the last quarter century. Today, I must turn away from their advice and relate to my colleagues and the American people the story of one American's personal ordeal and mental anguish suffered at the hands of an insensitive Soviet Government.

Mr. President, in June 1956, in a small Moscow apartment, Anatoly Michelson kissed his wife, Galina, and his 7-year-old daughter Olga goodbye. The young, creative and talented engineer was then Director of the Soviet Central Engineering Bureau, and had been selected as a member of a group of Russian businessmen and government officials to visit Austria. Michelson knew he would not return to Russia, his family did not.

Several months before this scheduled trip, disillusioned with Soviet totalitarianism, Michelson had decided to defect, believing, naively that the Soviet Government would permit his family to join him. After arriving in Austria, Michelson sought and received asylum and immediately began to appeal for his family's release. His 24-year nightmare had started.

Michelson spent the next 7 years in West Germany. While there his appeals were sent through the Soviet Ambassador in Bonn, the Soviet and German Red Cross, German Department of State and the International Red Cross. Nothing happened. In 1963 he moved to the United States and began to appeal for help from the U.S. Government.

Over the next 16 years his cause was championed by 20 Members of Congress, including 15 Senators, 12 of whom are still here. Four administrations have made personal appeals through Secretaries of State or Presidents. Each time, except once, their efforts fell on deaf ears.

His story was published in newspapers in London and West Germany, Philadelphia, Pa., Canton, Ohio, Sarasota, Fla., New York, Washington, D.C., and Portland. Each one portrayed the agony, loneliness and frustration experienced by a family trying to deal with an intractable and heartless government.

Once, a short-lived ray of hope brightened Michelson's day. That was in March 1967, after the former Senator Hugh Scott had issued repeated pleas to Alleksey Kosygin and the London Sunday Telegraph reported on Michelson's plight just prior to the Russian Premier's visit to England. Soviet officials unexpectedly informed Galina and Olga that their application for visas to travel to the United States would be approved and for Anatoly Michelson it appeared a dream was about to come true. The U.S. State Department received the same signal. Over the next few months letters were exchanged between Galina, Olga, and Anatoly as the family anticipated an end to its ordeal and joyful reunion. It all fell apart, on June 30, 1967, when the Soviet Government showed its most cruel side. Galina and Olga were coldly notified that their applications for visas had been disapproved.

One might ask why. We did. In response to queries from Members of Congress the Soviets wrote:

> Please be informed that their application was thoroughly considered by proper Soviet authorities. At the present time the answer was unfavorable for Mr. A. Michelson.

Mr. President, since that unjust blow, Michelson has continued to seek freedom for his loved ones. Appeals have been made time and again by Members of this body. The White House has placed the Michelson case first on its list of hardship requests. The Red Cross had pleaded through the League of Red Cross Societies. The United Nations has appealed in his behalf, and the Commission on Security and Cooperation, which monitors the Helsinki accords, presented his case. All efforts were fruitless.

In 1977 Anatoly Michelson moved to my State, Oregon, and soon thereafter requested my help. I, too, have now experienced the frustration and anger of Senators GLENN, MUSKIE, SCHWEIKER, METZENBAUM, MCGOVERN, STONE, PERCY, WILLIAMS, KENNEDY, and others before them. In a time of so-called detente, when we were appealing in the name of human decency, urging the Soviets to demonstrate good will and compassion, our pleas were met with callousness and implied disdain. I, personally, not only received this treatment in correspondence, but also in meeting with Ambassador Dobrynin.

Mr. President, we have recently witnessed, as a result of the Soviet invasion into Afghanistan, a flood of articles and editorials proclaiming and bemoaning the fact that détente is dead. Several claim that the United States has lost its chance to continue toward the goal of peaceful coexistence. I, for one, question whether that chance was ever a reality. I, for one, question the thoughts and motive of a government which seems to take a sadistic delight in punishing a family whose only crime is having a desire to be reunited in a free country. Some would say that one cannot translate an isolated incident to national foreign policy. I say that there are hundreds of cases such as this one, and that these are indicators that détente to us was a dream of world stability and to the Soviets it was a political expedient. Recent world events certainly lend credibility to that theory.

Mr. President, I do not intend to let this matter drop. I will persist in pressing the Soviets to attend to this matter and live up to the spirit and intent of the Helsinki accords. I welcome any of my colleagues who wish to join in this effort. This family has suffered enough. Galina is now 58 and almost blind from the work she was made to perform since her husband left. Olga is now 31. At age 8 she was humilated in front of her schoolmates and branded as the daughter of a traitor. She was later denied the chance to go to college. Anatoly, now 61, has a serious heart condition. Yet all this does not seem to make a difference to the Soviets who continue to display insensitive, singleminded and unforgiving attitude toward three helpless people.

Mr. President, the facts are clear. They show me that Soviet promises are empty, that Soviet attitudes toward human life are cold, ruthless, and based on political motives. It shows me that we, as a nation, can expect little from a country that totally disregards the dignity of a man and of all mankind.

A JOINT TASK FORCE PRESENTS FACTS ABOUT THE TRAGEDY IN CAMBODIA

Mr. **PROXMIRE.** Mr. President, the prominent Jewish leader, Simon Wiesenthal, recently said:

> Auschwitz meant the death of man; Cambodia means he has yet to be resurrected.

Mr. Wiesenthal spoke on the anniversary of his incarceration in the Mauthausen concentration camp.

The most striking similarity between the holocaust and the current tragedy in Cambodia is their magnitude. A joint task force of the Simon Wiesenthal Center for Holocaust Studies at Yeshiva University of Los Angeles and the Jewish Federation Council of Los Angeles recently reported on the dimensions of the ongoing calamity in Cambodia.

The task force's concern over Cambodia is closely tied to the goal of Senate passage of the Genocide Convention. The events in Southeast Asia, as indicated by Mr. Wiesenthal, painfully remind us that the modern age suffers from the same depravity that has stained mankind's history from time to time. Cambodia is not the first, just the latest great tragedy—and the Senate is not showing much interest in making it the last.

The facts are staggering. The sheer scale of the suffering is so incomprehensible, we may tend to push it to the backs of our minds and tell ourselves it cannot be. The current population of Cambodia, the task force reports, is about 4 million, down by one-half from 8 million in 1970. Nearly 1 million refugees are crowded together near the border of Thailand. Hundreds of thousands more are fleeing towards the Thai border. The task force believes nearly an entire generation of Cambodia children has been wiped out. The starvation reportedly will claim perhaps 2 to 3 million more lives in the months to come.

What is behind the statistics? The horror does not result from mere poverty in an underdeveloped nation. Rather, it is an outgrowth of politics, the kind of politics peppered with guerilla warfare, instability, and confusion. Innocents die as despots compete in a fearsome game of power-grabbing. The West watches at a distance, not knowing its proper role in the crisis. We see wanton neglect of the masses by those who control the resources in Cambodia. This gross negligence on the part of the powers that be, demands we act favorably on the Genocide Convention. Cambodia shows us that man still carries within him the evil potential that became the holocaust. Only through ratification of this Genocide Convention can we move toward subduing this evil potential.

The case of the task force is most compelling. The fact that large segments of a nation's population, perhaps the majority, have been wiped out means the possibility of genocide in our time cannot be ignored. Let us pass the Genocide Convention and be heard. Let our conscience speak to the world against future holocausts. I urge my colleagues in the Senate to ratify the Genocide Convention.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON SCIENCE, TECHNOLOGY AND AMERICAN DIPLOMACY—MESSAGE FROM THE PRESIDENT—PM 174

The **PRESIDING OFFICER** laid before the Senate the following message from the President of the United States, together with an accompanying report, which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

This report responds to the requirement, embodied in Title V of the Foreign Relations Authorization Act, Fiscal Year 1979 (P.L. 95–426), that I report annually on the United States Government's international activities primarily involving science and technology. As a supplement to this report, the Department of State has prepared a detailed study that contains a more complete description and analysis of this Government's international scientific and technological activities; that study accompanies this report.

It is clear that science and technology play an increasingly important role in the realization of the foreign and domestic goals of our Nation. Recognizing this, my Administration has been giving increased attention to stimulating the appropriate application of our great strength in science and technology to international relationships and activities that can further our national goals. As I reported in my March 27, 1979, Message to the Congress on Science and Technology, four themes have shaped U.S. policy with regard to international activities in science and technology:

- —the pursuit of new international initiatives that advance our own research and development objectives;
- —the development and strengthening of scientific exchanges that bridge political, ideological and cultural divisions between countries;
- —the formulation of programs and institutions to help developing countries use science and technology; and
- —cooperation with other nations to manage technologies with global impact.

MAJOR INTERNATIONAL S&T ACTIVITIES OF 1979

In support of these themes and objectives, a number of important initiatives have been taken during 1979:

- —*USSR.* The United States and the Soviet Union work together under a framework of eleven separate agreements for cooperation in scientific and technical fields. However, my Administration has recently taken steps to demonstrate that the Soviet Union's invasion of Afghanistan will have an adverse effect on all forms of cooperation including scientific exchanges. I have taken the deliberate decision to focus our restrictive measures against specific activities, not against the framework of the agreements themselves. Each individual activity planned under the eleven bilateral agreements is currently being reviewed to determine its appropriateness. Only those substantive exchanges which are of overriding scientific interest to the U.S. or which involve humanitarian concerns such as health or the environment will be continued under the present circumstances.

—*China.* In January 1979, I signed an agreement on science and technology cooperation with Vice Premier Deng Xiaoping of the People's Republic of China. Since that time our two countries have negotiated and signed thirteen protocols for cooperation in a broad variety of specific science and technology fields. These cooperative efforts are of great importance to the building of a strong and modern China, which is clearly in the interests of this country.

—*Japan.* A major step in further expanding the already extensive scientific cooperation between the U.S. and Japan was taken in May 1979 with the signing of a bilateral agreement for cooperative energy R&D projects, such as coal liquefaction, nuclear fusion, and geothermal and solar energy. More recently, I made a proposal to the Japanese for a complementary program of joint R&D in nonenergy areas of global importance such as space research, environmental protection, health and agriculture. Two preparatory meetings (September 1979 and February 1980) have been held and we have reached agreement on a number of specific R&D projects pending budgetary approval on both sides.

—*Latin America and the Caribbean.* Impressive progress has been made in our science and technology relations with Mexico. During my meeting with President Lopez Portillo in February 1979, a memorandum of understanding was signed inaugurating cooperation in a number of areas, including arid lands agriculture and energy R&D. S&T cooperation in this hemisphere was furthered by an October trip of my Science and Technology Adviser to a number of countries in South America and the Caribbean. Joint S&T activities are being developed with Venezuela, Brazil, Peru, the Andean Pact, and the Caribbean region as a result of intensive consultations with leading science officials in these countries and regions.

—*ISTC.* I established by Executive Order on October 1, 1979, the Institute for Scientific and Technological Cooperation as authorized by Congress in the Foreign Assistance Act of 1979. This Institute is designed to strengthen the capacity of developing countries to solve their development problems through scientific and technological innovation, to foster research on problems of development and to facilitate scientific and technological cooperation with developing countries. The Institute will also be a principal point of contact for science and technology development issues for regional and multilateral scientific and technological organizations as well as for the U.S. official and private scientific communities. My objective is to provide a new and explicit focus on the scientific and technological resources that can be brought to bear on the difficult problems of development, and to raise the capacity of the developing world to apply expertly these scientific and technological resources to their own unique requirements. The unique structure and style of operation of the Institute will also allow for a broad range of cooperation with scientists and institutions with middle income countries. I believe this effort has great potential; it is a matter of high priority that the Institute be funded so that it can begin its new and challenging tasks.

—*UN Conference on S&T for Development.* The United Nations Conference on Science and Technology for Development, held in Vienna in August 1979, sought to strengthen international cooperation in applying science and technology to problems of developing countries. By bringing together scientists and science officials from developing and developed countries, the Conference served to focus world attention on the importance of science and technology for development. The Conference agreed on a number of measures to coordinate and strengthen UN activities in science and technology, including the establishment of an Intergovernmental Committee for Science and Technology for Development. As a result of decisions taken by the Conference, I have proposed in my 1981 Budget a $15 million contribution to the newly established UN fund devoted to S&T for development.

FUNDING AND PERSONNEL

My 1981 Budget has been sent to the Congress. In it, I have requested funds for international S&T activities necessary to meet our priority domestic and foreign policy needs.

It is clear that the Nation will benefit fully from the international use of our scientific and technological resources only if those in the Government responsible for planning and carrying out these programs have the knowledge and skills to understand both the opportunities and the risks inherent in any application of new knowledge. It is especially important that they be aware of the impact of technology on other societies and cultures. The Secretary of State has already taken steps to expand the capabilities of the Foreign Service of the United States in the scientific and technological aspects of diplomacy. This effort will be sustained and supplemented by joint training programs with domestic agencies and exchanges of personnel designed to create within the Executive Branch a cadre of officers skilled in international science and technology policy.

EVALUATION OF INTERNATIONAL SCIENCE AND TECHNOLOGY ACTIVITIES

In addition to the tasks directly specified in Title V of P.L. 95-426, in order to make more effective the routine evaluation of international S&T activities undertaken by the Government, I have directed the Secretary of State to take the following steps:

—To review, as necessary, international activities in science and technology in terms of U.S. foreign policy objectives, and to provide advice regarding foreign policy objectives for new agreements.

—To maintain a current information system covering major bilateral and multilateral activities primarily involving science and technology.

—To develop criteria for reviewing the costs and benefits of bilateral and multilateral S&T activities and to apply these criteria in reviewing the utility of these activities.

—To coordinate assessments of the overall balance of benefits prior to any decision regarding renewal, extension or termination of major bilateral and multilateral science and technology agreements. The Department of State shall provide the foreign policy input to these assessments.

—To provide continuous oversight of major international science and technology agreements and activities, and to encourage the conclusion of comprehensive government-to-government agreements, wherever appropriate, that set forth general guidelines for specific agency-to-agency implementing agreements.

—To be cognizant of the potential applications of R&D supported by the other agencies of government to the problems of developing countries. ISTC, when funded, should coordinate a thorough assessment in this area.

LOOKING TO THE FUTURE

While we are often forced to attend to immediate crises, it is essential that we nurture our long-term scientific and technological relations with other countries. We must also sustain our efforts to deal with global problems such as economic development, resource conservation and management, environmental protection and the struggle against disease and hunger. Central to our future well-being is the intelligent application of our vast scientific and technological capabilities to deal with these problems. It is clear that our international science and technology activities, in addition to supporting this country's foreign policy objectives, provide a variety of benefits. At the same time, they enhance the world's stores of scientific and technological knowledge, affect worldwide welfare and prosperity, promote our foreign commercial relationships, and add a valuable dimension to our development assistance programs.

JIMMY CARTER.

THE WHITE HOUSE, *February 27, 1980.*

REPORT ON NUCLEAR NONPROLIFERATION—MESSAGE FROM THE PRESIDENT—PM 175

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report, which was referred to the Committee on Energy and Natural Resources, the Committee on Foreign Relations, and the Committee on Governmental Affairs, jointly, by unanimous consent:

To the Congress of the United States:

I have reviewed the activities of U.S. Government departments and agencies during CY 1979 with respect to the prevention of nuclear proliferation, and am pleased to submit the second annual report called for by Section 601(a) of the Nuclear Non-Proliferation Act of 1978 (Public Law 95-242).

The enclosed report contains a general summary and chapters detailing the progress made in the following areas:

—completion of the studies of the International Fuel Cycle Evaluation (INFCE);
—creation of an international nuclear fuel regime;
—development of common export and domestic policies;
—increased adherence to the Treaty on the Non-Proliferation of Nuclear Weapons;
—strengthening of International Atomic Energy Agency safeguards;
—negotiation of international agreements for peaceful nuclear cooperation;
—cooperation in energy with developing countries;
—international cooperation in protection of the environment;
—establishment of procedures on other export-related matters; and
—determinations as specified in 601 (a)3 of the Nuclear Non-Proliferation Act.

The report concludes that U.S. non-proliferation initiatives, including the Non-Proliferation Act of 1978, have continued to make a positive contribution to non-proliferation by increasing international awareness of the proliferation risk inherent in certain peaceful nuclear activities. This increased awareness is reflected most notably in the International Nuclear Fuel Cycle Evaluation, which will conclude in late February.

The Evaluation meetings have also provided a forum for an organized, wide-ranging and detailed technical reexamination of assumptions and alternatives, in which a large number of countries with varying interests have participated. Our own contributions to these discussions have helped to overcome some of the doubts and concerns of other countries about the motives and intentions behind our policies. After the conclusion of INFCE, Congress will be informed of its specific findings.

Further progress was made during 1977 on most of the other challenges identified in last year's report as well. Negotiations were completed for an international convention on the physical protection of nuclear material. Bilateral cooperation agreements were reached on the peaceful uses of nuclear energy. Six additional countries signed the NPT. The IAEA safeguards system was technically improved and strengthened.

On the less positive side, additional effort will be needed to demonstrate the feasibility of arranging for the international storage of spent fuel as well as for the permanent disposal of nuclear waste. And some countries continue to have concerns about U.S. non-proliferation policy and our reliability as a nuclear supplier. We will need to work closely with our trading partners to resolve fuel cycle and related issues in the months ahead. In addition, special proliferation issues must be confronted in certain areas such as South Asia and the Middle East.

We will continue to address these and other concerns noted in the report during the coming year, as we pursue our efforts to achieve international support for additional measures to reduce the risk of proliferation while meeting legitimate energy needs.

JIMMY CARTER.

THE WHITE HOUSE, *February 27, 1980.*

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the message from the President of the United States, reporting to the Congress pursuant to section 601 of the Nuclear Non-Proliferation Act of 1978, be jointly referred to the Committee on Energy and Natural Resources, the Committee on Foreign Relations, and the Committee on Governmental Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3041. A communication from the Deputy Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on the reapportionment of an appropriation indicating the need for a supplemental estimate of appropriation; to the Committee on Appropriations.

EC-3042. A communication from the General Counsel of the Department of Energy, transmitting a draft of proposed legislation to authorize appropriations for conservation, exploration, development, and use of naval petroleum reserves and naval oil shale reserves for fiscal year 1981 and for fiscal year 1982, and for other purposes; to the Committee on Armed Services.

EC-3043. A communication from the Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics, transmitting, pursuant to law, a report on Selected Reserve recruiting and retention incentives for the period September 1 to December 31, 1979; to the Committee on Armed Services.

EC-3044. A communication from the Secretary of Labor, transmitting, pursuant to law, a report on exemplary rehabilitation certificates for calendar year 1979; to the Committee on Armed Services.

EC-3045. A communication from the Deputy Assistant Secretary of Defense for Installations and Housing, transmitting, pursuant to law, an advance copy of the Base Structure Annex to the Defense Manpower Requirements Report for fiscal year 1981; to the Committee on Armed Services.

EC-3046. A communication from the Director of the Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize appropriations for civil defense programs for fiscal year 1981; to the Committee on Armed Services.

EC-3047. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Attrition in the Military—An Issue Needing Management Attention"; to the Committee on Armed Services.

EC-3048. A communication from the Acting Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on a proposed letter of offer to the United Kingdom for defense articles estimated to cost in excess of $25 million; to the Committee on Armed Services.

EC-3049. A communication from the Secretary of Commerce, transmitting, pursuant to law, a decision to suspend the exportation of certain fertilizers to the Soviet Union; to the Committee on Banking, Housing, and Urban Affairs.

EC-3050. A communication from the Director of the Council on Wage and Price Stability, Executive Office of the President, transmitting a draft of proposed legislation to increase the authorization for the Council on Wage and Price Stability, to extend the duration of such Council, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

EC-3051. A communication from the Director of the Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize appropriations for studies under the National Flood Insurance Act of 1968 for the fiscal years 1981 and 1982; to the Committee on Banking, Housing, and Urban Affairs.

EC-3052. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on the Export Administration for the second and third quarters of fiscal year 1978; to the Committee on Banking, Housing, and Urban Affairs.

EC-3053. A communication from the Secretary of Housing and Urban Development, transmitting, a draft of proposed legislation to amend and extend certain Federal laws relating to housing, community and neighborhood development and preservation and related programs, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

EC-3054. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation to amend title 49, United States Code, to provide additional criminal penalties for safety violations; to increase civil penalty limits, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-3055. A communication from the Director of the Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize appropriations for the Federal Fire Prevention and Control Act of 1974, as amended, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-3056. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation to improve the fairness and equity of the protection provided to railroad employees under title V of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq.); to the Committee on Commerce, Science, and Transportation.

EC-3057. A communication from the General Counsel of the Department of Energy, transmitting a draft of proposed legislation to authorize appropriations for the Department of Energy for civilian programs for the fiscal years 1981 and 1982; to the Committee on Energy and Natural Resources.

EC-3058. A communication from the Chairman of the Advisory Council on Historic Preservation, transmitting, pursuant to law, the annual report of the Council for fiscal 1979; to the Committee on Energy and Natural Resources.

EC-3059. A communication from the Administrator of the Energy Information Administration, transmitting, pursuant to law, a report with respect to changes in market shares for petroleum products; to the Committee on Energy and Natural Resources.

EC-3060. A communication from the Assistant Secretary of Interior transmitting a draft of proposed legislation to amend section 6(e)(1) of the Land and Water Conservation Fund Act of 1965; to the Committee on Energy and Natural Resources.

EC-3061. A communication from the Secretary of the Interior transmitting, pursuant to law, the second annual Redwood National Park report; to the Committee on Energy and Natural Resources.

EC-3062. A communication from the Under Secretary of the Department of Energy, transmitting, pursuant to a request from the Senate Appropriations Committee and agreed to by House and Senate conferees, a report analyzing the need for a national wind energy test facility; to the Committee on Energy and Natural Resources.

EC-3063. A communication from the Secretary of the Interior, transmitting, pursuant to law, notification of decisions on all lands determined not suitable for disposal under the Unintentional Trespass Act; to the Committee on Energy and Natural Resources.

EC-3064. A communicaton from the Assistant Secretary of the Army for Civil Works, transmitting a draft of proposed legislaton to extend and increase funding authority for the National Hydroelectric Power Resources Study; to the Committee on Environment and Public Works.

EC-3065. A communication from the chairman of the Nuclear Regulatory Commission, transmitting proposed legislation to authorize appropriations for the Commission for fiscal years 1981 and 1982; to the Committee on Environment and Public Works.

EC-3066. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, reports on regulatory options for the control of odors and odors from stationary and mobile sources; to the Committee on Environment and Public Works.

EC-3067. A communication from the Assistant Secretary of the Army (Civil Works), transmitting a draft of proposed legislation to authorize the Secretary of the Army, acting through the Chief of Engineers, to study the water resources needs of the Northern Mariana Islands; to the Committee on Environment and Public Works.

EC-3068. A communication from the Assistant Secretary of the Army (Civil Works), transmitting a draft of proposed legislation to amend Section 1812, Revised Statutes, pertaining to the annual report of the Chief of Engineers; to the Committee on Environment and Public Works.

EC-3069. A communication from the Assistant Secretary of the Army (Civil Works), transmitting a draft of proposed legislation to extend for two years the Streambank Erosion Control Evaluation and Demonstration Project; to the Committee on Environment and Public Works.

EC-3070. A communication from the Assistant Secretary of the Army (Civil Works), transmitting a draft of proposed legislation to amend Section 107 of the River and Harbor Act of 1948, Public Law 80-858, as amended (22 U.S.C. 275a), to remove the limitation on funding for United States participation in the Permanent International Commission on the Congresses of Navigation; to the Committee on Environment and Public Works.

EC-3071. A communication from the Director, Federal Emergency Management Agency, transmitting a draft of proposed legislation to amend Section 606 of the Disaster Relief Act of 1974, as amended, to authorize the appropriation of additional sums to carry out the Act, and for other purposes; to the Committee on Environment and Public Works.

EC-3072. A communication from the Managing Director, Geothermal Energy Institute, reporting, pursuant to law, on a report by the Comptroller General of the United States entitled "Geothermal Energy: Obstacles and Uncertainties Impeded Its Widespread Use"; to the Committee on Finance.

EC-3073. A communication from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend title II of the Social Security Act, and related provisions of the Internal Revenue Code of 1954, for miscellaneous purposes; to the Committee on Finance.

EC-3074. A communication from the Assistant Secretary of the Treasury (Legislative Affairs), transmitting, pursuant to law, project performance audit reports prepared by the International Bank for Reconstruction and Development and project performance or completion reports prepared by the Asian Development Bank (ADB); to the Committee on Finance.

EC-3075. A communication from the Assistant Secretary for Congressional Relations, Department of State, reporting, pursuant to law, that the Government of Egypt has requested that the U.S. Government permit the use of Foreign Military Sales financing for the purchase of 2,800 jeep and truck assembly kits from the American Motor Corporation (AMC); to the Committee on Foreign Relations.

EC-3076. A communication from the Assistant Secretary for Congressional Relations, Department of State, transmitting, pursuant to law, international agreements between the American Institute in Taiwan and the Coordination Council for North American Affairs; to the Committee on Foreign Relations.

EC-3077. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, a report on a new system of records for the Department of the Army for implementing the Privacy Act; to the Committee on Governmental Affairs.

EC-3078. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, a report on a proposed new system of records for the Department of the Army for implementing the Privacy Act; to the Committee on Governmental Affairs.

EC-3079. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report and recommendation concerning the claim of an employee of the Forest Service; to the Committee on Governmental Affairs.

EC-3080. A communication from the Administrator of the Panama Canal Commission, transmitting, pursuant to law, the report on the disposal of excess foreign property by the Panama Canal Commission for fiscal year 1979; to the Committee on Governmental Affairs.

EC-3081. A communication from the Assistant Attorney General for Legislative Affairs, transmitting a draft of proposed legislation to amend section 113 of title 28, United States Code, to place the Federal Correctional Institution at Butner, North Carolina entirely within the Eastern District of North Carolina; to the Committee on the Judiciary.

EC-3082. A communication from the Director of the Administrative Office of the United States Courts, transmitting a draft of proposed legislation to authorize an additional judgeship for the United States Court of Appeals for the District of Columbia; to the Committee on the Judiciary.

EC-3083. A communication from the Acting Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a report on certain aliens whose visa petitions have been accorded third and sixth preference classification under section 204(d) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-3084. A communication from the Director of Information, Occupational Safety and Health Review Commission, transmitting, pursuant to law, a report on the administration of the Freedom of Information Act by the Commission for calendar year 1979; to the Committee on the Judiciary.

EC-3085. A communication from the Executive Secretary of the National Music Council, transmitting, pursuant to law, the audit report of the Council for the year ending April 30, 1979; to the Committee on the Judiciary.

EC-3086. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, a report on the administration of the Freedom of Information Act by the Commission for calendar year 1979; to the Committee on the Judiciary.

EC-3087. A communication from the Director of the National Science Foundation, tranmitting, pursuant to law, the statistical portion of the report entitled "Federal Support to Universities, Colleges, and Selected Nonprofit Institutions, Fiscal Year 1977; to the Committee on Labor and Human Resources.

EC-3088. A communication from the Chairman of the National Arthritis Board, transmitting, pursuant to law, the annual report of the Board for calendar year 1979; to the Committee on Labor and Human Resources.

EC-3089. A communication from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, the annual report on the Indochinese Refugee Assistance Program for fiscal year 1979; to the Committee on Labor and Human Resources.

EC-3090. A communication from the Administrator of the U.S. Small Business Administration, transmitting a draft of proposed legislation to amend the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; to the Select Committee on Small Business.

EC-3091. A communication from the Administrator of the Veterans' Administration, transmitting a draft of proposed legislation to amend Public Law 95-520, to extend the deadline for reporting on hospital care and medical services furnished by the Veterans' Administration in Puerto Rico and the Virgin Islands, and for other purposes; to the Committee on Veterans' Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table, as indicated:

POM-554. A concurrent resolution adopted by the Legislature of the State of Michigan; to the Committee on Agriculture, Nutrition, and Forestry:

"HOUSE CONCURRENT RESOLUTION No. 508

"Whereas, A grain embargo has been declared against future grain sales to the U.S.S.R., which has caused the cancellation of shipment of seventeen million tons of grain and one million tons of soybeans previously scheduled for sale; and

"Whereas, The effect of this cancellation has had a dramatic effect on the price of grain not only here in Michigan, but across the entire United States; and

"Whereas, The food producing ability of this country is important to the domestic economy and vital in allowing the United States to buy oil and other items in international trade; and

"Whereas, The effect of this cancellation could seriously damage the credibility of the United States as a reliable exporter of grain; and

"Whereas, It is assumed that there is a need being served by the implementation of such an embargo. However, it is also realized that the burden of such an action is falling on the economic shoulders of one segment of this nation's economy . . . the farmers; and

"Whereas, The farmers of Michigan, as well as farmers throughout this country, have continually shown their dedication to their country and have steadfastly answered its call. Thus, they should also be deserving of immediate assistance in sharing the economic burden of this action which has been taken in behalf of the common public good; now, therefore, be it

"*Resolved by the House of Representatives (the Senate concurring)*, That the Congress of the United States and the President of the United States be urged to take immediate action to commit to purchase additional quantities of grain under Public Law 480 for foreign aid and to vigorously encourage the use of additional quantities of grain for the expressed purpose of producing gasohol; and be it further

"*Resolved*, That the Congress of the United States and the President of the United States also be urged to take immediate action to extend the current storage loan programs and further action be taken to stabilize the market price for grain at the level in existence prior to the announcement of the embargo; and be it further

"*Resolved*, That copies of this concurrent resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to the members of the Michigan Congressional Delegation."

POM-555. A resolution adopted by the House of Representatives of the State of Rhode Island; to the Committee on Appropriations:

"80—H 7320

"Whereas, Both federal and Rhode Island general laws and regulations issued pursuant to the federal Education for All Handicapped Children Act of 1975 are designed (1) to assume that all handicapped children have available to them a free appropriate public education; (2) to assure that the rights of handicapped children and their parents are protected; and (3) to assist the state and communities to provide for the education of handicapped children and to assess and assure the effectiveness of efforts to educate handicapped children; and

"Whereas, The Congress of the United States appropriated two-hundred and fifty-three million ($253,000,000) dollars which represents five per cent (5%) of the average public per pupil expenditure for the education of handicapped children in federal fiscal year 1977–1978, five hundred and sixty-three million eight hundred thousand ($563,800,000) dollars which represents ten per cent (10%) of the average public per pupil expenditure for the education of handicapped children in federal fiscal year 1978–1979, and eight hundred and four million ($804,000,000) dollars which represents twelve per cent (12%) of the average per pupil expenditure for the education of handicapped children in federal fiscal year 1979–1980; and

"Whereas, The latter percent is eight (8%) percent under the authorization: and

"Whereas, The Rhode Island General Assembly quadrupled its categorical educational aid program for handicapped children in the state's fiscal year 1978–1979; and

"Whereas, The Rhode Island general assembly also enacted an excess cost funding system for the education of handicapped children in addition to its equalized foundation level school support program; and

"Whereas, Rhode Island's excess cost funding appropriation for the state's fiscal year 1979–1980 represents 85.32% of the total community excess cost expenditures for the education of handicapped children; now, therefore, be it.

"*Resolved*, That this house of representatives of the state of Rhode Island and Providence Plantations hereby memorializes the congress of the United States to enact higher appropriations for the Education for All Handicapped Childrens Act of 1975 (Public Law 94–142), and to make these appropriations more closely match the authorized funding levels in the act; and be it further

"*Resolved*, That the secretary of state be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the members of the Rhode Island delegation in the congress of the United States, to the vice president of the United States, and to the speaker of the House of Representatives of the United States."

POM-556. A resolution adopted by the Legislature of the State of Utah; to the Committee on Armed Services:

"H.C.R. No. 2

"Be it resolved by the Legislature of the State of Utah, the Governor concurring therein:

"Whereas, the President of the United States recently has said that he will send legislation and budget proposals to the Congress to begin registration for the draft;

"Whereas, spokesmen for the Pentagon, and other nationally prominent persons, have been reported to have said that reinstitution of registration for the draft would probably result in registration of women, which clearly raises the specter of the drafting of women;

"Whereas, there has never been a time in the history of the United States, regardless of emergency, when females have been drafted or registered for the draft into military service;

"Whereas, historically women have volunteered to assist in all female military units, nursing, manufacturing of armaments, and other forms of support systems for the military effort;

"Whereas, the people of the State of Utah recognize the significance of the capacities and contributions of women, the State of Utah having conferred the right to vote on women 50 years before the passage of the Nineteenth Amendment granted that right nationally, and the people of the state having long and strongly encouraged women to develop their capacities, broaden their learning, and contribute in governmental, cultural, educational, community and religious pursuits;

"Whereas, men and women are properly equal before the law, but have biological. emotional and other differences;

"Whereas, though possessing other qualities also, women are especially blessed with a capacity for intelligent, tender concern for the welfare of others, and make enormously significant contributions which draw upon that capacity in the family, humankind's basic institution, and in other social settings;

"Whereas, forcing young women into the experiences of military life would have a detrimental effect on young women's preparation for and practice of family life;

"Whereas, the impact on families of making women the traveling parties to the "long separations from families . . . and the constant changing of duty posts that disrupt normal family life" (noted in a January 26, 1980, Salt Lake Tribune editorial to be characteristic of military life) would be especially severe;

"Whereas, any reduction in the effectiveness of women in raising their children imposes an intolerable burden on the children themselves and on society in general;

"Whereas, no need for the drafting of women has been demonstrated;

"Whereas, military objectives often require physical strength, and a physically aggressive orientation;

"Whereas, our nation's interests in individual, family and social wellbeing and progress, as well as its interests in military protection, are ill-served by forcing women into the armed services;

"Whereas, the Utah Legislature, through both of its chambers, has repeatedly expressed its opposition to the Equal Rights Amendment;

"Whereas, initiation of registration of females for the draft would eliminate one of the great causes of opposition to the Equal Rights Amendment, and cause that opposition to diminish;

"Whereas, the Equal Rights Amendment should stand on its own merits and not fall victim to such a strategy.

"Now, therefore, be it resolved, that the Budget Session of the 43rd Legislature of the State of Utah, with the Governor concurring therein, does hereby memorialize the President of the United States and the Congress of the United States, urging them to resist any move to draft women or to establish a registration for the drafting of women in the United States.

"Be it further resolved, that the Secretary of State of the State of Utah forward copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, and to each member of the congressional delegation of the State of Utah."

POM-557. A resolution adopted by the Legislative Council of the General Assembly of the State of Arkansas; to the Committee on Finance:

"INTERIM RESOLUTION 79-33

"Whereas, the Congress of the United States is currently considering the enactment of a tax on windfall profits of American oil companies; and

"Whereas, there has understandably been considerable discussion and disagreement regarding the ultimate disposition of the considerable proceeds which would be realized from such a tax; and

"Whereas, since 1967 costs for construction, operation and maintenance of highways have increased by nearly one hundred eighty-seven percent; and

"Whereas, the unprecedented inflation in highway construction and maintenance costs, the continued demand for highway travel and the uncertain growth in fuel consumption have resulted in the traditional road-user taxes being inadequate to meet the street, road and highway needs of this country; and

"Whereas, the projected shortfall in the available funding for highway purposes is caused by our inflationary economy, by conservation and ecological concerns, by the dramatic price rise in foreign petroleum and by the increased costs of labor and materials which cannot be controlled by state transportation authorities; and

"Whereas, this revenue problem has created a national problem of the utmost seriousness and urgency; and

"Whereas, the inability to adequately maintain our State, county and federal highway systems results in increasing the costs of transportation of people and products, adds to the inflationary spiral and poses an increasing safety hazard to our citizens as the highways continue to deteriorate; and

"Whereas, the continued maintenance of an adequate highway system is crucial to our economy, well-being and national security, now therefore,

"Be it resolved by the Legislative Council of the State of Arkansas:

"That the President and the Congress of the United States are hereby urged to take appropriate action to assure that the revenues derived from any windfall profits tax on oil companies will be made available and used for construction, repair and maintenance of State, county and federal highways in the various states.

"Be it further resolved that copies of this Resolution shall be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives of the United States to each member of the Arkansas Congressional Delegation."

POM-558. A resolution adopted by the Legislative Council of the General Assembly of the State of Arkansas; to the Committee on Finance:

"INTERIM RESOLUTION 79-36

"Whereas, the Federal Government has failed to enact authorizing legislation for child welfare programs in the past four and one-half months of this fiscal year; and

"Whereas, Congress has for the past three years provided for 100% federal funding for day care services; and

"Whereas, both the House and Senate have separately passed legislation to spend 100% federal day care funds but are not yet in full agreement on the legislation; and

"Whereas, the Arkansas Department of Human Services is spending in excess of $5,000 per day for day care services; and

"Whereas, the Department of Health and Human Services has informed Arkansas that it will no longer honor claims for services rendered for day care; and

"Whereas, there are 135 day care centers receiving these funds serving approximately 1400 children and the children and their families will be inconvenienced by potential loss of employment through losing this service; and

"Whereas, the people employed by the centers will also be confronted with unemployment, now therefore,

Be it resolved by the Legislative Council of the State of Arkansas:

"That the Legislative Council urges Congress to take immediate action to resolve this critical situation."

POM-559. A resolution adopted by the Legislature of the State of New York; to the Committee on Veterans' Affairs:

"LEGISLATIVE RESOLUTION—ASSEMBLY NO. 64

"Whereas, Many of the men and women who served their country as members of the armed forces of the United States desire a final resting place on land belonging to this Nation for which they fought, suffered and died; and

"Whereas, Within New York State, the few national cemeteries located on opposite ends of the state are already used to full capacity, and are located at a great distance from certain other areas of the state with large veteran populations; and

"Whereas, The Federal government now owns land in Ulster County in the Town of Shawangunk which lies in full view of the Shawangunk Mountains and provides the serenity and peacefulness our veterans need and deserve in their final resting place; and

"Whereas, Provisions should be made now to develop this Federal land as a national cemetery for our loyal veterans; now, therefore, be it

"*Resolved*, That the Congress of the United States be and hereby is respectfully memorialized by this Legislative Body to establish a national cemetery for veterans in Ulster County; and be it further

"*Resolved*, That copies of this resolution be transmitted to the President of the Senate of the United States, the Speaker of the House of Representatives, and to each member of the Congress of the United States from the State of New York."

POM-560. A resolution adopted by the Legislature of the State of New York; to the Committee on Commerce, Science, and Transportation:

"LEGISLATIVE RESOLUTION—ASSEMBLY NO. 93

"Whereas, The case of young Chad Secor, of Penfield, New York, with runny nose, raspy throat, listlessness, nose bleeds and diarrhea, was brought to the attention of the Poison Control Center at Strong Memorial Hospital, where it was determined by the doctor at Strong that Chad had the symptoms of formaldehyde poisoning; and

"Whereas, Since September nineteen hundred seventy-nine, the Monroe County Health Department has received approximately twenty-five complaints of possible formaldehyde reactions from families living in mobile homes; and

"Whereas, The Formaldehyde Institute, an industry association, reported that in preliminary tests formaldehyde caused cancer in laboratory rats, although both the Institute and federal officials felt that the significance of these findings for human health remain unclear; and

"Whereas, The urea-formaldehyde resin used in particle board, a prime construction material in mobile homes, can give off a formaldehyde gas that irritates the skin, eyes, linings of the nose, throat, lungs and stomach; and

"Whereas, There are at present no federal guidelines to control the use of formaldehyde in mobile home construction; now, therefore, be it

"*Resolved*, That the Congress of the United States be and hereby is respectfully memorialized by this Legislative Body to take all such actions as are necessary to study the use of formaldehyde in the construction of mobile homes and to take the necessary steps to set up federal guidelines in ongoing and future construction; and be it further

"*Resolved*, That copies of this resolution, suitably engrossed, be transmitted to the President of the Senate of the United States, the Speaker of the House of Representatives and to each member of the Congress of the United States from the State of New York."

POM-561. A resolution adopted by the Senate of the State of Washington; to the Committee on Finance:

"SENATE RESOLUTION 1980—175

"Whereas, The courage, fortitude and determination of one man can bring about a much needed change in our system; and

"Whereas, Howard Dalton, a forty-two-year-old Everett, Washington, businessman, died from lung cancer February 7, 1980; and

"Whereas, Howard Dalton, after learning that he had terminal lung cancer in November, 1978, and had six to eight months to live, applied for social security disability benefits and became outraged by an injustice in our social security system when he found that he would be eligible for benefits only after a five-month period; and

"Whereas, Howard Dalton spent the remainder of his life engaged in two gallant battles; one battle against the cancer which finally struck him down, and the other battle for a much needed reform in the social security laws; and

"Whereas This brave man devoted his life to right a wrong and improve the lives of terminally ill people in this nation by seeking a change in the social security laws where the normal waiting period for social security disability benefits would be waived if the recipient were terminally ill; and

"Whereas, People who are terminally ill should be able to benefit from the money that they have paid into the social security system before the desperately needed help is too late; and

"Whereas, The United States Senate passed this amendment to the Social Security Omnibus Reform bill during Howard Dalton's lifetime, and the United States House of Representatives by passing this much needed amendment to make our social security laws more just would be paying a tribute to the memory of Howard Dalton and proving to the sometimes disenchanted citizens of this nation that one concerned citizen can make a difference in this complex age:

"Now, therefore, be it resolved, By the Senate of the State of Washington, That the United States House of Representatives be urged to pass the 'Dalton amendment' to the Social Security Omnibus Reform Bill; and

"Be it further resolved, That the deepest sympathy of each member of the Senate of the State of Washington be conveyed to Howard Dalton's widow, Joy Dalton, and his family; and

"Be it further resolved, That copies of this resolution be immediately transmitted to the President of the United States Senate, the Speaker of the House of Representatives, each member of Congress from the State of Washington, and to Howard Dalton's widow, Joy Dalton, and his family."

POM-562. A concurrent resolution adopted by the General Assembly of the State of Iowa; to the Committee on Commerce, Science, and Transportation:

"HOUSE CONCURRENT RESOLUTION 109

"Whereas, the future service level of Iowa's rail transportation system is uncertain as a result of mergers, bankruptcies and restructuring of midwestern railroads and the resultant reorganization of financially insolvent carriers; and

"Whereas, the Chicago, Rock Island and Pacific Railroad Company and the Chicago, Milwaukee, St. Paul and Pacific Railroad, which provide about fifty percent of Iowa's trackage and rail service, are in bankruptcy and facing liquidation; and

"Whereas, the rail restructuring gives Iowa an opportunity to give direction to the future of Iowa's rail system to meet users' rail service needs; and

"Whereas, continued service in Iowa by the Rock Island the Milwaukee railroads may cease on March 2, 1980; and

"Whereas, discontinued or interrupted service on essential branchlines and mainlines would create a direct negative impact upon the industrial and agricultural sectors of Iowa's economy and its future economic growth; and

"Whereas, the nationally recognized Iowa branchline financial assistance program created by the Sixty-fifth General Assembly has been an effective and successful program for preserving and rehabilitating hundreds of miles of viable branchlines; and

"Whereas, substantial progress is being made in the branchline rehabilitation program, it is imperative that we immediately begin addressing the heavy backlog of needs on mainlines, yards terminals and sidings; and

"Whereas, in the restructuring process it is necessary that a safe and efficient mainline system is developed and preserved to connect our viable branchlines to market opportunities in the south, north, east and west; and

"Whereas, the state department of transportation has demonstrated effective leadership in rail planning and closely coordinated their activities with the general assembly, the United States Congress, federal and state agencies, shipper groups, rail users, other states and the bankruptcy courts to develop a private sector solution to the midwest rail crisis; now therefore.

"Be it resolved by the House of Representatives, the Senate concurring, That the General Assembly express support of the federal administration including the United States department of transportation and the federal railroad administration and the state department of transportation and the direction of its efforts to achieve a sound and rational solution to the midwest rail crisis, and the general assembly supports the financial efforts of federal, state and local officials to develop a rail system capable of providing the service essential to the economic health of Iowa and its citizens; and

"Be it further resolved, That the general assembly pledges its support through the railroad assistance program to help bring about a viable private sector solution to the midwest rail crisis; and

"Be it further resolved, That the General Assembly supports the state department of transportation's efforts to preserve service on essential and viable Milwaukee lines and to assure a prompt and orderly transfer of property and service to successor railroads, and secure extended directed service by the Interstate Commerce Commission on essential and viable Rock Island lines to assure an orderly transfer of property and service to successor railroads; and

"Be it further resolved, That the General Assembly calls upon the President of the United States, the United States Congress and the Interstate Commerce Commission to provide for a minimum of a sixty day continuation of directed service on those parts of the Rock Island railroad for which the trustee has, before March first, begun negotiations."

POM-563. A resolution adopted by the Senate of the State of Kansas; to the Committee on Commerce, Science, and Transportation:

"SENATE RESOLUTION No. 1847

"Whereas, The Chicago Rock Island Railroad lines traverse one-third of the counties in the state and pass through approximately ninety-six communities in Kansas; and

"Whereas, The Chicago Rock Island lines carry a variety of products, including minerals, chemicals and food products, and fifty-two percent of the products moved are farm products; and

"Whereas, Service currently provided by the Kansas City Terminal Railroad Company expires March 2, 1980, and it is uncertain whether the Interstate Commerce Commission will extend directed service for the additional ninety days allowable under federal law; and

"Whereas, The enactment of the Milwaukee Railroad Restructuring Act of 1979 amended the Bankruptcy Act so that the Bankruptcy Court now has the authority to allow a railroad to operate a line which it has offered to purchase, and the Interstate Commerce Commission has the authority to allow or disallow the purchase of a railroad; and

"Whereas, A plan for court approval of the reorganization of the Rock Island Corporation appears to be bleak; and

"Whereas, Continued inaction costs taxpayers, counties and the state as a whole in lost tax revenues; and

"Whereas, Additional revenue is lost in repairing highways because of increased use of highways, instead of the railroad to ship grain; and

"Whereas, Kansas agriculture faces the most serious of its problems in the transportation of grain on the Rock Island lines after the March 2, 1980 expiration date; Now, therefore,

"*Be it resolved by the Senate of the State of Kansas:* That the Interstate Commerce Commission is urged to decide on the earliest possible date that the sale of the Chicago Rock Island line is not only desirable but necessary; and

"*Be it further resolved:* That the Secretary of the Senate is directed to send an enrolled copy of this resolution to the President and Vice-President of the United States each member of the United States Congress from the state of Kansas, the chairperson of the Interstate Commerce Commission, the United States Secretary of Agriculture and the United States Secretary of Transportation."

POM-564. A resolution adopted by the House of Representatives of the State of Kansas; to the Committee on Commerce, Science, and Transportation:

"HOUSE RESOLUTION No. 6088

"Whereas, The Chicago Rock Island Railroad line traverses one-third of the counties in the state and pass through approximately ninety-six communities in Kansas; and

"Whereas, The Chicago Rock Island line carries a variety of products, including minerals, chemicals and food products, and fifty-two percent of the products moved are farm products; and

"Whereas, Service currently provided by the Kansas City Terminal Railroad Company expires March 2, 1980, and it is uncertain whether the Interstate Commerce Commission will extend directed service for the additional ninety days allowable under federal law; and

"Whereas, The enactment of the Milwaukee Railroad Restructuring Act of 1979 amended the Bankruptcy Act so that the Bankruptcy Court now has the authority to allow a railroad to operate a line which it has offered to purchase, and the Interstate Commerce Commission has the authority to allow or disallow the purchase of a railroad; and

"Whereas, A plan for court approval of the reorganization of the Rock Island Corporation appears to be bleak; and

"Whereas, The discontinuance of railroad service would increase truck traffic, and thereby increase the cost of highway repair and the consumption of gasoline and diesel; and

"Whereas, Kansas agriculture faces the most serious of its problems in the transportation of grain on the Rock Island lines after the March 2, 1980 expiration date: Now, therefore,

"*Be it resolved by the House of Representatives of the State of Kansas:* That the Interstate Commerce Commission is urged to decide on the earliest possible date that the sale of the Chicago Rock Island line is not only desirable but necessary; and

"*Be it further resolved:* That the Chief Clerk of the House of Representatives is directed to send an enrolled copy of this resolution to the President and Vice-President of the United States, each member of the United States Congress from the state of Kansas, the chairperson of the Interstate Commerce Commission, the United States Secretary of Agriculture and the United States Secretary of Transportation."

POM-565. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Foreign Relations:

"HOUSE CONCURRENT RESOLUTION 2012

"Whereas, the democratic countries of the world have had a long-standing policy of mutual aid and respect; and

"Whereas, the attainment of world peace and continuation of support for allies of the free world requires political cooperation among its supporters; and

"Whereas, every responsible political leader in the world has expressed shock and revulsion at the irresponsible action of Iranian militants in seizing the United States Embassy in Teheran and imprisoning the assigned credentialed officers and employees of the United States government; and

"Whereas, the equally culpable refusal or failure by governmental officials and societal leaders within Iran to intervene has allowed a continuing and unprecedented crime against international law; and

"Whereas, the well-intentioned efforts of thousands of persons including those of the worldwide diplomatic community, the United Nations and the World Court have been frustrated in attempts to bring this unfortunate situation to a peaceful and lawful resolution; and

"Whereas, six American diplomats were recently freed from Iran with the cooperation of Canadian officials; and

"Whereas, shortly after the seige on the American Embassy in Iran began, these diplomats were concealed in the Canadian Embassy until they could make their way to freedom through the use of Canadian passports; and

"Whereas, by this bold and daring response to the Iranian violation of a basic tenet of international law, the personnel of the Canadian Embassy to Iran subjected themselves to grave risk; and

"Whereas, this action showed a forceful and unselfish commitment to basic human values; and

"Whereas, the United States and Canada have long enjoyed a close cultural, political and economic bond; and

"Whereas, all United States citizens should properly respond to this Canadian action as only one of an ongoing series of responsible, generous, tolerant and constructive dealings by the Canadians with their neighbors on the southern border; and

"Whereas, the State Department of the United States has expressed the deep appreciation of this Country for the Canadian government's assistance; and

"Whereas, Canada has withdrawn its diplomats from Iran as an expression of displeasure with the failure of the Iranian government to release American hostages still being illegally detained. Therefore

Be it resolved by the House of Representatives of the State of Arizona, the

"Senate concurring :

"1. That the Legislature wishes to express its sincere gratitude to the Canadian government and people for its indispensible help in securing the release of the American citizens.

"2. That the Secretary of State of the State of Arizona is requested to transmit certified copies of this Resolution to the Prime Minister of Canada, the Canadian External Affairs Minister, the Canadian Ambassador to Iran, the President of the United States, the President of the United States Senate and to the Speaker of the United States House of Representatives."

POM-566. A resolution adopted by the Council of the City of New Orleans, Louisiana, endorsing the President's position in strengthening our intelligence agencies and calling on Congress to support this issue; to the Select Committee on Intelligence.

POM-567. A resolution adopted by the City Council of the City of Galesburg, Illinois, in support of the new program of general revenue sharing; to the Committee on Finance.

POM-568. A resolution adopted by the Board of County Commissioners of St. Louis County, Minnesota, seeking deficit funds to provide full payment of all P.L. 94-565 "in lieu payments"; to the Committee on Energy and Natural Resources.

POM-569. A resolution adopted by the Municipal Council of the City of Jersey City, New Jersey, urging construction of a light rail system linking Bayonne with Jersey City; to the Committee on Banking, Housing, and Urban Affairs.

POM-570. A petition from a private citizen, relating to the SALT II Treaty; ordered to lie on the table.

POM-571. A petition from a group of private citizens, relating to the SALT II Treaty; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PELL, from the Committee on Rules and Administration, without amendment:

H.J. Res. 493. Joint resolution providing for the appointment of William G. Bowen as a citizen regent to the Board of Regents of the Smithsonian Institution (Rept. No. 96-592).

H.J. Res. 494. Joint resolution providing for the appointment of Carlisle H. Humelsine as a citizen regent to the Board of Regents of the Smithsonian Institution (Rept. No. 96-593).

S. Res. 370. Resolution authorizing the printing of additional copies of part 1 of the Senate report entitled "Developments in Aging: 1979" (Rept. No. 96-594).

S. Res. 378. An original resolution authorizing the printing of a compilation of materials entitled "Senate Election Law Guidebook—1980" as a Senate document (Rept. No. 96-595).

By Mr. PELL, from the Committee on Rules and Administration, without amendment:

S. Res. 335. Resolution authorizing additional expenditures by the Committee on Agriculture, Nutrition, and Forestry, for inquiries and investigations (Rept. No. 96-596).

By Mr. PELL, from the Committee on Rules and Administration, with an amendment:

S. Res. 368. Resolution authorizing additional expenditures by the Committee on Armed Services for inquiries and investigations (Rept. No. 96-597).

By Mr. PELL, from the Committee on Rules and Administration, with amendments:

S. Res. 355. A resolution authorizing additional expenditures by the Committee on Banking, Housing, and Urban Affairs, for inquiries and investigations (Rept. No. 96-598).

By Mr. PELL, from the Committee on Rules and Administration, without amendment:

S. Res. 358. A resolution authorizing additional expenditures by the Committee on the Budget for inquiries and investigations (Rept. No. 96-599).

S. Res. 336. A resolution authorizing additional expenditures by the Committee on Commerce, Science, and Transportation for inquiries and investigations (Rept. No. 96-600).

S. Res. 346. A resolution authorizing additional expenditures by the Committee on Energy and Natural Resources for inquiries and investigations (Rept. No. 96-601).

S. Res. 352. A resolution authorizing additional expenditures by the Committee on Environment and Public Works for inquiries and investigations (Rept. No. 96-602).

S. Res. 337. A resolution authorizing additional expenditures by the Committee on Finance for inquiries and investigations (Rept. No. 96-603).

By Mr. PELL, from the Committee on Rules and Administration, with amendments:

S. Res. 351. A resolution authorizing additional expenditures by the Committee on Foreign Relations for inquiries and investigations (Rept. No. 96-604).

S. Res. 361. A resolution authorizing additional expenditures by the Committee on Governmental Affairs for inquiries and investigations (Rept. No. 96-605).

By Mr. PELL, from the Committee on Rules and Administration, without amendment:

S. Res. 350. A resolution authorizing additional expenditures by the Committee on the Judiciary for inquiries and investigations (Rept. No. 96-606).

S. Res. 341. A resolution authorizing additional expenditures by the Committee on Labor and Human Resources (Rept. No. 96-607).

S. Res. 345. A resolution authorizing additional expenditures by the Committee on Veterans' Affairs (Rept. No. 96-608).

S. Res. 359. A resolution authorizing additional expenditures by the Select Committee on Small Business for inquiries and investigations (Rept. No. 96-609).

S. Res. 353. A resolution authorizing expenditures by the Special Committee on Aging (Rept. No. 96-610).

S. Res. 354. A resolution authorizing expenditures by the Select Committee on Intelligence (Rept. No. 96-611).

S. Res. 357. A resolution authorizing expenditures by the Select Committee on Indian Affairs for inquiries and investigations (Rept. No. 96-612).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WILLIAMS, from the Committee on Labor and Human Resources:

Elizabeth S. Carpenter, of Texas, to be an Assistant Secretary of Education.

John B. Gabusi, of Arizona, to be an Assistant Secretary of Education (Management).

Carl William Fischer, of Maryland, to be an Assistant Secretary of Education (Budget and Planning).

William A. Lubbers, of Maryland, to be General Counsel of the National Labor Relations Board.

(The above nominations from the Committee on Labor and Human Resources were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. CHURCH, from the Committee on Foreign Relations:

Mary G. F. Bitterman, of Hawaii, to be an Associate Director of the International Communication Agency.

Charles David Ablard, of Virginia, to be a member of the Board for International Broadcasting.

(The above nominations from the Committee on Foreign Relations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. CHURCH, from the Committee on Foreign Relations:

Harry E. Bergold, Jr., of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States to Hungary.

(The above nomination from the Committee on Foreign Relations was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

STATEMENT OF POLITICAL CONTRIBUTIONS

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Harry E. Bergold, Jr.

Post: Ambassador to Hungary.

Contributions and amount

Self; none.

Spouse; none.

Parents names: Mr. and Mrs. Harry E. Bergold; none.

By Mr. CHURCH from the Committee on Foreign Relations:

Robert E. White, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States to El Salvador.

(The above nomination from the Committee on Foreign Relations was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

STATEMENT OF POLITICAL CONTRIBUTIONS

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Robert E. White.

Post: El Salvador.

Contributions and amount

Self; none.

Spouse; none.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HUDDLESTON (for himself, Mr. RANDOLPH, Mr. ZORINSKY, Mr. FORD, and Mr. McGOVERN):

S. 2353. A bill to amend title 23, United States Code, to authorize Federal-aid highway programs; to the Committee on Environment and Public Works.

By Mr. BAYH (for himself, Mr. FORD, and Mr. HOLLINGS):

S. 2354. A bill to provide a reserve of agricultural grain for the purpose of manufacturing alcohol for use as a fuel, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. TSONGAS:

S. 2355. A bill to encourage basic research by institutions of higher education; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HUDDLESTON (for himself, Mr. RANDOLPH, Mr. ZORINSKY, Mr. FORD, and Mr. McGOVERN):

S. 2353. A bill to amend title 23, United States Code, to authorize Federal-aid highway programs; to the Committee on Environment and Public Works.

ENERGY TRANSPORTATION IMPROVEMENT ACT OF 1980

● Mr. HUDDLESTON. Mr. President, the bill I introduce today has a simple purpose—providing necessary funds for the repair and restoration of our Nation's energy transportation system. I propose to use a portion of the revenues from the soon to be enacted windfall profits tax to accomplish this goal.

This legislation is the culmination of a long-time effort on my part to assure that when we as a country finally begin to fully utilize our domestic energy resources we will be able to transport them in a safe, nondisruptive manner from point of production to point of use. Unless we move quickly in this direction, we shall very soon see, just at the time we may be turning the corner toward less reliance on foreign energy supplies, bottlenecks in coal deliveries to the Nation's energy consumers.

Just as importantly, it should be pointed out that the program called for in this legislation will prove to be of significant community value to the citizens inhabiting coal producing regions and other areas where there is heavy energy supply traffic.

It is the men, women, and children of these communities who must employ energy impacted highways as their lifeline to the rest of the world. It is the energy impacted system that carries other industrial goods to and from these regions. It is this rapidly deteriorating system that must carry the youth of these regions to and from their schools. It is the citizenry that faces potential disaster every time a lengthy unit train slices through a community cutting off fire, medical, and other vital services and transportation for undetermined lengths of time.

Before again going through the litany of sources documenting the scope of the problem and its truly national significance, it may be well to detail the provisions of my bill.

The major portion—60 percent—of whatever funds are finally allocated will be distributed to States where the highway systems are in need of repair and reconstruction due to heavy energy traffic.

In 1978 when I offered an amendment to the Federal Aid Highway Act to use the highway trust fund for addressing this problem, I was accused of being somewhat parochial. I would like to point out that the remaining 40 percent of whatever money may be allocated is to be used for solving the rail-grade crossing problem that exists primarily in the midwest and west. This broader based program is in addition to my strong belief that, even though both with highways and railroads the physical deterioration and dislocation may be occurring in one specific place, it is the entire country that benefits from the root cause of these problems—increased domestic energy exploration and production.

I have designated the windfall profit tax as the source of funding for this program. There is no doubt in my mind that the preservation of a sound energy transportation system is exactly the kind of energy investment that was intended for these revenues.

The bill establishes a $3 billion program for each of the next 10 fiscal years on a 75-percent Federal, 25-percent State matching basis. This is admittedly ambitious. Indeed, with what one hears of what may be the final form of windfall profit tax, my goal may be fiscally impossible to reach.

However, I believe we must now at least get this proposal out on the table for discussion. The funding levels I have established are flexible, and if we can ever get the Department of Transportation to tell us the exact magnitude of the problem, we can adjust should that be necessary. We certainly and obviously will live within whatever parameters are established by the final windfall profits tax.

I shall not here go into all of the difficulties we have had with the executive branch over the years in attempting to have that branch come forth with a reasonable, attainable program in the vein I have proposed. Suffice to say the path has been long and somewhat rocky.

The bill further provides that the Secretary of Transportation shall approve projects for funding under this program when he finds:

First. There is an existing energy resource development involving exploration, mining, or production of energy supplies;

Second. A significant amount of the energy produced in such development will be transported elsewhere for consumption;

Third. Without assistance under this provision there will be an immediate or long-range deterioration in the physical condition and safety of Federal-aid primary and secondary roads within the designated area;

Fourth. There are increasing volumes of energy-related rail or highway traffic; and

Fifth. Without assistance under this provision there will be immediate or long-range adverse impacts on affected communities which include: Vehicular delay, particularly the delay of emergency vehicles; neighborhood isolation from central community facilities; safety of pedestrians or highway vehicles; and inhibition of community growth and economic development.

To be eligible for assistance under this program, projects shall be designed to enable the highway routes involved to accommodate the maximum vehicle weight allowed thereon by State law where appropriate and to permit subsequent maintenance at a reasonable cost. Also, my bill dictates that States using this assistance shall enforce vehicle weight limitations to the satisfaction of the Department of Transportation in accordance with present statutes.

The funds for the energy impacted road rehabilitation program shall be apportioned to the States in accordance with a fair and equitable formula developed by the Secretary which includes such factors as the respective mileage of such routes, number of miles traveled by vehicles transporting energy resources and related equipment, and total production of energy supplies.

The funds for the rail-highways crossing program shall be apportioned to the States in accordance with a fair and equitable formula developed by the Secretary which includes such factors as the number of affected rail-highway intersections, the volume of rail and highway traffic, and the estimated cost of eliminating the hazards.

Earlier I mentioned the litany of documentation available describing the situation we are already facing and the danger it presents to future energy development. This list includes, but is certainly not limited to, such diverse sources as:

First. A 1973 Kentucky Department of Transportation assessment of the need in the commonwealth (periodically updated);

Second. An extensive Appalachian Regional Commission report, "An Assessment of the Effects of Coal Movement on the Highways in the Appalachian Region," completed in 1978;

Third. An extremely detailed Department of the Interior national energy transportation atlas;

Fourth. The Department of Transportation's report noting the Federal Government's responsibility in this area, "Highway Needs To Solve Energy Problems," mandated by my amendment to the 1976 Federal Aid Highway Act; and

Fifth. The National Transportation Policy Study Commission's final report, "National Transportation Policies Through the Year 2000."

So, Mr. President, I say to my colleagues that we know a problem of national importance exists. We already have it clearly identified, and very soon there will be funds available to address it. I am hopeful that the presentation of this bill today will spark the kind of frank, open discussion we need to at long last assure the Nation's energy consumers, all of us, of a safe, effective energy transportation system. It is, therefore, in this spirit that I submit for the consideration of the Senate the Energy Transportation Systems Improvements Act of 1980.●

Mr. FORD. Mr. President, I join my distinguished colleague, Mr. HUDDLESTON, in cosponsoring this legislation that addresses a critical and intolerable situation which exists in my State and others. The problem exists as a result of unprecedented demands on Kentucky's energy transportation network, demands that will only become greater in the next decade.

The deteriorating condition of the energy transportation systems, particularly the coal-haul roads, is a matter of utmost concern to State and local officials, who must daily examine the dimension and severity of this problem and who feel that the Federal Government has a responsibility to help find a resolution. All the highway systems in Kentucky—Federal, State, and local—have suffered extensive damage because we have a product, coal, that has seen more than double production rates in the last 15 years.

Kentucky has the coal, and the Nation needs it. But, quite frankly, the roads have not been adequate to sustain the burden of this upsurge in production, and inordinate problems have been created for the residents and communities of Kentucky's 60 coal-producing counties, or one-half of the counties in our State stretching from western to the eastern borders.

This situation confronted me while Governor in 1974, and I brought my case to Washington. I found the Federal Highway Administration sympathetic to our plight and receptive to the idea of a study by the Kentucky Department of Transporation detailing the scope of the problem. That study is now complete, and it resulted in a 10-year highway construction and maintenance program to accommodate the transportation needs of both the coal industry and the people of the Commonwealth in the coal-producing regions. It provided for upgrading coal-haul roads and for a maintenance program, but even a minimum cost estimate was substantial.

The demands on coal production are going to increase, not decrease. The Nation will continue to turn more and more to coal as a major source of energy. As this happens, the road systems of coal-producing States will continue to realize new and additional burdens. And the Federal Government must join with the States in assuming the responsibility of an entire nation.

For those who may think this is a problem that does not concern them, I would point out that this very day Kentucky coal is providing electrical power in 22 of the 50 States. Right here in Washington, D.C., Pepco consumes coal extracted from Kentucky's mines and transported over Kentucky's highways. So, Mr. President, this is a national problem. But paradoxically, the needs are local ones, needs created by production and transportation requirements.

Significantly more coal is being moved over Kentucky's highways than a decade ago. Alternative methods of transport such as railroad lines have been found to be too inflexible—and sometimes too expensive—to match the increase in production in Kentucky's mines. This coal is traveling, then, over roads that more than likely were never intended for the weight of a coal truck—not to mention an abundance of coal trucks.

Today there are approximately 6,000 coal trucks operating in Kentucky alone, traversing some 5,000 miles of our roadways. Most of this is along steep grades or near streams, or along unstable slopes. Some of these roads were marginally deficient to begin with. You can imagine their state now. And every year the number of miles deteriorating grows and grows, while construction and maintenance costs do the same.

And, in spite of their best efforts, Kentucky's government officials cannot find sufficient funds to cover the cost of this burden. The Governor of Kentucky testified before the Senate Subcommittee on Transportation of the Committee on Public Works that—

> An "adequate" system of coal-haul roads in Kentucky will require a minimum expenditure of $1 billion spread over the next ten years.

And that is a minimum, not the more ideal $2.7 billion that engineers say is needed for best results.

This bill directly addresses this vital need, authorizing $1.8 billion for each of the fiscal years 1981 through 1990 for road rehabilitation and $1.2 billion for energy impacted rail highway crossing projects for each of the same fiscal years. By approving the bill, then, the Senate will offer assurance that Kentucky's coal-haul roads will be ready as we meet the energy needs of this Nation in the decade we are now entering. We must act soon if we are to avoid doubling the cost of coal-haul road repairs as well as coal production. The quality of these roads and the requirements of the marketplace, as one witness testified, cannot be reconciled.

All of us in the Senate and the House have spent countless hours grappling with the energy crisis facing us. And I am convinced coal is the short-term answer to that crisis. It is readily available, and it is inexpensive as a fuel. But we cannot ask any State to bear the burden of production alone. This bill is an attempt to deal with the future before it is the present, and I urge my colleagues to support it.

By Mr. BAYH (for himself, Mr. FORD, and Mr. HOLLINGS):

S. 2354. A bill to provide a reserve of agricultural grain for the purpose of manufacturing alcohol for use as a fuel, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

ENERGY INDEPENDENT GRAIN RESERVE ACT

Mr. BAYH. Mr. President, today I am introducing the Energy Independence Grain Reserve Act which has been designed to accomplish two important goals: establish a new dependable market for our farmers and help us produce more domestic energy from renewable resources.

This bill will immediately address the concerns that our farmers have that the recently embargoed grains will be allowed to reenter the markets at a time when commodity prices are rising and depress the market. Under my bill this embargoed grain can be used only for the production of alcohol fuels. This will not only help the American farmer but will also assure our budding new gasohol industry that it will be guaranteed a dependable source of feedstocks for producing fuel grade alcohol.

This approach will turn the suspended grains from a liability into an asset.

Briefly, here is how the Energy Independence Grain Reserve Act would work:

In the short term the presently embargoed corn could be sold by the Commodity Credit Corporation only for alcohol fuel production. This will remove the threat of this grain reentering the market and depressing prices and will also insure that alcohol fuel producers will have a dependable source of feedstock supply. Over the next 2 to 3 years, this grain should be used up in producing alcohol fuels.

As this grain is removed, a longer range program will begin taking effect. The energy independence reserve will work much like the present farmer-held reserves. Alcohol producers will receive a loan for placing crops into the reserve. This commodity can be removed only for the production of alcohol fuels.

Producers could hold up to 1 year's supply in the reserve. There would be encouragement to build up the reserve when prices were low (which would help to maintain reasonable market prices for farmers) and to withdraw commodities from the reserve when prices are high.

For a half-a-billion-bushel-per-year alcohol industry (capable of producing 1.25 billion gallons of alcohol) the estimated price of the energy independence reserve would be about $300 million; which is certainly a modest price to pay for stimulating more domestic fuel production and for creating a new market for our hard-pressed farmers. This cost also compares quite favorably to the present set-aside programs (which cost approximately $1.8 billion in 1978).

Looking into the future, I can foresee the energy independence reserve becoming a dependable new market for farmers, eliminating the need for costly set-aside and crop diversion programs. Indeed, these programs have been plagued with high costs to the taxpayers as well as participation by decreasing numbers of farmers. Last year, for example, less than a quarter of American farmers participated in the set-aside program. In 1978, the 17 million acres of productive farmland idled under set-aside cost us approximately $1.8 billion.

Survey after survey indicates that farmers do not want to be paid for not producing. They would prefer to earn an honest profit from what they do best: farming. The energy independence reserve will make it possible for farmers to produce as much as they can without sending prices through the floor.

I believe this program will serve in the short term to eliminate the fear that embargoed grains will end up depressing the market, and in the long term, will provide a vast new market for American farmers and a new domestic source of dependable energy—alcohol fuels. The benefits range from stabilizing the volatile grain market to helping to solve our energy problems. I hope my colleagues will join me in supporting this program.

Mr. President, I ask unanimous consent that the text of the bill, together with a section-by-section analysis of its provisions, be printed in the RECORD.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 2354

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Energy Independence Grain Reserve Act".

DEFINITIONS

SEC. 2. As used in this Act—

(1) The term "Secretary" means the Secretary of Agriculture.

(2) The term "processor" means any person engaged within the United States in the business of manufacturing grain into alcohol for use as a fuel either by itself or in combination with some other product.

(3) The terms "agricultural grain" and "grain" mean any agricultural commodity (A) which is suitable for processing into alcohol for use as a fuel, and (B) with re-

spect to which a price support operation is in effect.

(4) The term "producer storage program" means the producer storage program provided for under section 110 of the Agricultural Act of 1949 (7 U.S.C. 1445e).

USE OF SURPLUS GRAIN FOR FUEL PURPOSES

SEC. 3. (a) In order to effectively utilize those quantities of agricultural grain owned by the Commodity Credit Corporation that are surplus to the domestic consumption and export needs of the United States, including those quantities of grain acquired by such corporation as a result of the suspension by the President of export sales of grain to the Soviet Union, the Secretary shall formulate and administer a program as provided in this Act to encourage and assist persons engaged in the business of manufacturing grain into alcohol for use as fuel.

(b)(1) Except as provided in paragraph (3), on and after the date of the enactment of this Act, the total quantity of any grain that the Commodity Credit Corporation may sell for use in the manufacture of alcohol in any month may not exceed the total quantity of such grain, as determined by the Secretary, that was used in the United States in the preceding month to manufacture alcohol for use as a fuel.

(2) On and after the date of the enactment of this Act, grain owned or controlled by the Commodity Credit Corporation shall be sold at a price not less than the sale price in effect under section 407 of the Agricultural Act of 1949 at the time of the sale, except that, with respect to grain acquired by the Commodity Credit Corporation as a result of the suspension by the President of export sales of grain to the Soviet Union, such grain may be sold by such corporation at such price as the Secretary determines will encourage grain processors to purchase such grain for conversion into alcohol for use as a fuel, but in no event may such grain be sold at a price less than the price at which grain (of the same kind) contained in the producer storage program may be sold (release price).

(3) The limitation on sales under paragraph (1) shall not apply to export sales for dollars made under title I of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1701–1715).

ALCOHOLIC PROCESSOR GRAIN RESERVE

SEC. 4. (a) In order to insure that persons engaged in the business of manufacturing alcohol for use as a fuel will have a dependable supply of grain at a reasonable price, the Secretary shall formulate and administer a program under which such persons may purchase and store grain needed by them for such purpose and obtain a loan from the Secretary on such grain. The Secretary shall carry out such program in a manner that is consistent with the objectives of the producer storage program.

(b)(1) Except as otherwise provided in this section, loans made under this section to carry out the processor grain reserve program shall be made on the same terms and conditions as loans made to carry out the producer storage program.

(2) The amount of the loan that the Secretary may make to an eligible processor at any time on any quantity of grain purchased by the processor shall be determined by multiplying the price support loan rate in effect for such grain at the time the loan is made times the quantity of grain purchased by the processor. The quantity of grain on which one or more loans may be outstanding at any time in the case of any processor may not exceed the estimated quantity of grain needed by such processor for one year of operation.

(c) Whenever any quantity of grain stored in the processor grain reserve under this section is removed from storage by a processor, the processor shall be required to replace such grain with an equal quantity, within such period of time as the Secretary shall prescribe by regulation, or repay that portion of the loan represented by the quantity of grain removed from storage.

(d) Grain on which an eligible processor has received a loan under this section may not be used for any purpose other than the manufacture of alcohol for use as a fuel, and the Secretary shall establish such safeguards as he deems necessary to assure that such grain is not used for any other purpose and is not utilized in any manner that would unduly depress, manipulate, or curtail the free market in such grain.

(e) Loans made under this section shall be made subject to such terms and conditions and subject to such security as the Secretary deems necessary to protect the interests of the United States and insure the success of the program provided for in this Act, except that such loans may not be made as nonrecourse loans.

(f) In carrying out the processor grain reserve program under this section, the Secretary shall—

(1) provide for the payment to processors of such amounts as the Secretary determines appropriate to cover the cost of storing grain held in the processor grain reserve, except that in no event may the rate of the payment paid under this subsection for any period exceed the rate paid by the Secretary under the producer storage program for the same period;

(2) prescribe the rate of interest for loans made under this section based upon the rate of interest charged the Commodity Credit Corporation by the United States Treasury, except that the Secretary may waive or adjust such interest; and

(3) prescribe conditions under which the Secretary may require processors to repay loans made under this section, plus accrued interest thereon, refund amounts paid to the processors for storage, and require the processors to pay such additional interest and other charges as may be required by regulation in the event any processor fails to abide by the terms and conditions of the loan or any regulation prescribed under this section.

(g) The Secretary shall announce the terms and conditions of the processor grain reserve program as far in advance of making loans as practicable.

(h) The Secretary shall use the Commodity Credit Corporation, to the maximum extent feasible, to carry out the purposes of this section. The Secretary shall utilize the usual and customary channels, facilities, and arrangements of trade and commerce.

STORAGE FACILITY LOANS

SEC. 5. (a) The Secretary is authorized to make a loan to any processor eligible for a loan under section 4 of this Act for the purpose of assisting such processor to construct or remodel a facility suitable for the storage of grain to be used by such processor in the manufacture of grain into alcohol for use as a fuel.

(b) Loans made under this section shall be made on the same terms and conditions as loans for on-farm storage facilities are made to farmers under section 4(h) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(h)), except that the storage capacity of any facility for which any loan may be made under this section may not exceed the storage capacity needed to store a quantity of grain needed for one year of plant operation.

(c) The authority to make loans under this section shall expire five years after the date of enactment of this Act.

ENERGY INDEPENDENCE GRAIN RESERVE ACT—SECTION-BY-SECTION ANALYSIS

Section 1 cites the purpose of the bill and titles it the Energy Independence Grain Reserve Act.

Section 2 contains the definitions used in the bill.

Section 3 provides that except for grains exported abroad none of the recently suspended grains may be released in this country by the Commodity Credit Corporation except for the production of alcohol fuels.

The embargoed grain will be sold to alcohol producers at a price that will encourage its use for producing alcohol fuels, but not less than the release price in the producer storage program.

Section 4 establishes an Alcohol Grain Reserve which is modeled on the present Farmer-Held Reserve program.

Alcohol producers will receive a loan for placing grain in the reserve. Grain placed in this reserve can be used only for alcohol fuel production. As this grain is removed from the Reserve it must be replaced by new grain or the loan must be repaid.

Section 5 authorizes the Secretary of Agriculture to make loans to alcohol producers to build storage facilities to hold grain in the Energy Independence Reserve under a program based on the present programs available to farmers for building storage facilities.

ADDITIONAL COSPONSORS

S. 1427

At the request of Mr. SCHMITT, the Senator from South Dakota (Mr. PRESSLER) was added as a cosponsor of S. 1427, a bill to amend the Immigration and Nationality Act to establish a temporary worker's visa program between the United States and Mexico.

S. 1660

At the request of Mr. SCHMITT, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1660, a bill to amend the Federal Civil Defense Act of 1950 to provide for an enhanced civil defense program for fiscal years 1980 through 1986, and for other purposes.

S. 1988

At the request of Mr. PRYOR, the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of S. 1988, a bill to equalize competition between State and national banks, and for other purposes.

S. 2141

At the request of Mr. JAVITS, the Senator from California (Mr. CRANSTON), and the Senator from Nebraska (Mr. ZORINSKY) were added as cosponsors of S. 2141, a bill to establish priorities in the payment of claims against the People's Republic of China.

S. 2272

At the request of Mr. WEICKER, the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2272, a bill to insure the separation of constitutional powers and to insure the administration of justice with respect to the commission of crimes by officers and employees of the executive branch of the Federal Government, and with respect to Federal elections, to remove enforcement conflicts of interest, and to establish an independent public prosecutor.

SENATE JOINT RESOLUTION 115

At the request of Mr. RIEGLE, the Senator from Wyoming (Mr. WALLOP), the Senator from Arizona (Mr. GOLDWATER), the Senator from Nevada (Mr. CANNON), the Senator from Tennessee (Mr. SASSER), the Senator from Texas (Mr. TOWER), the Senator from Alabama (Mr. STEWART), the Senator from Washington (Mr. MAGNUSON), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Georgia (Mr. TALMADGE), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of Senate Joint Resolution 115, a joint resolution designating July 1980 as "National Porcelain Art Month."

SENATE JOINT RESOLUTION 135

At the request of Mr. BAYH, the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. NUNN), the Senator from Florida (Mr. STONE), and the Senator from Pennsylvania (Mr. HEINZ) were added as cosponsors of Senate Joint Resolution 135, a joint resolution to provide for designation of the first Friday of March as "Teacher Day, United States of America."

SENATE CONCURRENT RESOLUTION 60

At the request of Mr. JEPSEN, the Senator from Utah (Mr. HATCH), the Senator from Indiana (Mr. BAYH), and the Senator from Alabama (Mr. STEWART) were added as cosponsors of Senate Concurrent Resolution 60, a concurrent resolution expressing the sense of the Congress with respect to the treatment of Christians by the Union of Soviet Socialist Republics, and for other purposes.

SENATE CONCURRENT RESOLUTION 61

At the request of Mr. JEPSEN, the Senator from Indiana (Mr. BAYH), the Senator from Utah (Mr. HATCH), and the Senator from Alabama (Mr. STEWART) were added as cosponsors of Senate Concurrent Resolution 61, a concurrent resolution expressing the sense of the Congress with respect to the treatment of Christians by the Union of Soviet Socialist Republics, and for other purposes.

SENATE RESOLUTION 378—ORIGINAL RESOLUTION REPORTED AUTHORIZING PRINTING OF "SENATE ELECTION LAW GUIDEBOOK—1980"

Mr. PELL, from the Committee on Rules and Administration, reported the following original resolution, which was ordered placed on the calendar:

S. RES. 378

Resolved, That a compilation of materials of Senate campaign information, including Federal and State laws governing election to the United States Senate, entitled "Senate Election Law Guidebook—1980", shall be printed for the use of the Committee on Rules and Administration the maximum number of additional copies of such document which may be printed at a cost not to exceed $1,200.

AMENDMENTS SUBMITTED FOR PRINTING

CONSTITUTIONAL RIGHTS OF INSTITUTIONALIZED CITIZENS—S. 10

AMENDMENT NO. 1676

(Ordered to be printed.)

Mr. BOREN proposed an amendment to S. 10, a bill to authorize actions for redress in cases involving deprivations of rights of institutionalized persons secured or protected by the Constitution or laws of the United States.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1979—S. 1725

AMENDMENT NO. 1677

(Ordered to be printed and to lie on the table.)

Mr. HATFIELD submitted an amendment intended to be proposed by him to S. 1725, a bill to amend the Economic Opportunity Act of 1964 to establish a comprehensive energy conservation services program designed to enable low-income and near-poor individuals and families to participate in energy assistance programs.

● Mr. HATFIELD. Mr. President, the "Economic Opportunity Amendments of 1979," S. 1725, would authorize a greatly expanded low-income weatherization program together with crisis intervention services and assistance for renewable energy resource activities. I support such expansion, and I believe S. 1725 would make several important additional changes in the delivery of energy-related assistance to low-income persons, but I am opposed to creating duplicate programs to those which are already being administered by the Department of Energy. I further believe the Community Services Administration lacks the technical assistance capability and the manpower necessary to direct a weatherization and renewable energy resources program of the magnitude proposed in S. 1725.

I have prepared an amendment to S. 1725 which would consolidate the changes to the existing Department of Energy low-income weatherization program which were recently passed by the Senate in S. 932 (the "Synfuels Act") with some of the provisions of S. 1725. The amendment would, among many things, increase administrative funding for local community action agencies, remove the ceiling on per household expenditures, raise the ceiling on non-weatherization related repairs, provide assistance for renewable resource projects, and provide a 3-year authorization of $2.2 billion. While weatherization and renewable energy technology would remain under DOE direction, the crisis intervention and outreach activities authorization in S. 1725 would be retained within CSA.

Significant strides have been made to improve the DOE program since its inception in 1976, and this amendment will provide for important additional changes without completely reorganizing the weatherization effort at the very moment we are about to accelerate the program into a major national effort. The crux of the matter presented by my amendment is that passage of S. 1725 as reported will create uncertainty that will seriously impede the weatherization effort through at least the next two budget cycles. We cannot expect the administrators of the program to maintain high levels of interest and incentive if we creat a second program and then wrangle over which one will get an appropriation of funds. We cannot expect a new program to be in smooth working order for a couple of years after it is first funded and we cannot expect Congress to be very sanguine about committing itself to $2.2 billion in either a split jurisdiction or an out-and-out transfer situation.

Mr. President, if the Senate passes S. 1725 without my amendment, it will signal the first step in the dismantling of the DOE weatherization program. We can only guess how long we might be in taking it apart and putting something back together in its place, but it will be a much longer time than I believe many of us want to wait. Conservation is a national near-term priority, and high fuel bills are an immediate disaster to the nation's low-income population. It just makes no sense from these two standpoints to undermine the weatherization effort today. I urge that my amendment be adopted to keep the basic program intact.

Mr. President, it has been argued that CSA is a more "natural" director of programs which use the Community Action Agencies as the delivery mechanism. This may well be the case in many instances, for CSA does provide the CAA's with much of their general administrative funding and has an overall social service objective and outlook. I would point out, however, that CSA money only represents about 20 percent of the funds the CAA's work with each year. The other 80 percent comes from other agencies. CAA personnel are veterans when it comes to dealing with a multitude of sources in administering programs with varied regulations and reporting requirements. Those of DOE, which have recently been streamlined in response to CAA criticism, only govern another 20 percent of the total CAA activity nationwide. This argument, then, appears insufficient to justify wrenching the weatherization program out of the hands of DOE and into the hands of CSA, much as it might have been desirable to let the program evolve within CSA in the first place.

Mr. President, I ask unanimous consent that the amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1677

S. 1725 is amended by—

Deleting the words "Economic Opportunity Amendments of 1979" on page 60, and inserting in lieu thereof the words "Comprehensive Energy Conservation Services Act of 1979".

Deleting on page 60 the word "a" in line 15, and deleting on page 60 the word "program" in line 16 and inserting in lieu thereof the word "programs";

Deleting lines 1 through 10 on page 61;

Deleting in line 12 on page 61 the words "section 1102" and inserting in lieu thereof the words "section 3";

Deleting all quotation marks in lines 14–25 on page 61, in all lines on pages 62–64, and in lines 1–10 on page 65; and striking the word "title" in each instance where it occurs in these lines and inserting in lieu thereof the word "Act",

Deleting in line 8, page 63, the words, "Section 1103" and inserting in lieu thereof the words "section 4";

Inserting after line 10, page 65, the following:

"SEC. 5. The Economic Opportunity Act of 1964 (hereinafter referred to as "The Act") (42 U.S.C. 2711 et seq.) is amended by adding at the end thereof the following new title:

'TITLE XI

'SHORT TITLE

'SEC. 1101. This title may be cited as the "Economic Opportunity Amendments of 1979";

Deleting in line 12 on page 65 the word "1104" and inserting in lieu thereof the word "1102"; and deleting lines 13 and 14 on page 65;

Renumbering definitions (2) through (4) on pages 65 and 66 as (1) through (3), respectively;

Deleting Part A and Part C of Title XI contained in section 5 in their entirety;

Deleting the words "Part B—" in line 4, page 100;

Renumbering sections 1141 through 1145 as Sections 1103 through 1107, respectively;

Deleting lines 19–24 on page 102 and lines 1–9 on page 103 and inserting in lieu thereof;

" '(b) (1) From 80 per centum of the sums appropriated pursuant to section 1104 for fiscal year 1981 and for each fiscal year thereafter, the Director shall allot to each State an amount which bears the same ratio to one-half of 95 per centum as the aggregate residential energy expenditure in such State bears to the aggregate residential energy expenditure for all States.

" '(2) From 95 per centum of such sums, the Director shall allot to each State an amount which bears the same ratio to one-half of such 95 per centum as the total number of heating degree days in such State squared, multiplied by the number of households in such State having incomes equal to or less than the lower living standard income level, bears to the sum of such products for all States.

" '(3) (A) If the allotment for any State determined under paragraphs (1) and (2) of this subsection is less than $17,000,000, the allotment of such State shall be the greater of its allotment as so determined under such paragraphs or the product of the total amount available for allotment under this subsection and the alternative percentage of such State.

"(B) The alternative allotment percentage for any State shall be equal to the alternative allotment percentage for that State determined under paragraphs (3) through (8) of section 326(a) of H.R. 3919, the Crude Oil Windfall Profit Tax Act of 1979, as agreed to by the Senate on November 16, 1979.";

deleting the words "Part D—" in line 8, page 107 and renumbering section 1161 as section 1108;

deleting section 4 on page 107;

inserting after line 21 on page 107 the following new section:

"SEC. 6. The Energy Conservation in Existing Buildings Act of 1976 is amended—

"(1) in section 413 by deleting subparagraph (b) (2) (B) and inserting in lieu thereof the subparagraph

'(B) (i) policies and procedures designed to assure that owners, renters, and owners of rental property will be treated equitably, including the establishment of goals and timetables with respect to the number of rental properties to be weatherized, and (ii) criteria for avoiding undue enhancement of the market value of rental property';

"(2) in section 415 by—

"(A) striking out 'except that not more than 5 per cent of any grant made pursuant to section 413(a)' in subsection (a) and all that follows through the period at the end of such subsection and inserting in lieu thereof the following: 'except not to exceed 10 percent of a grant made under this part and not to exceed 5 percent of a grant made to a State pursuant to section 413(a), may be used for administration in carrying out the duties under this part', and

"(B) deleting in subsection (c) (1) the words 'paragraph (2)' and inserting in lieu thereof 'paragraphs (2) and (3)', and adding the following new paragraph (3) to the end of subsection (c):

'(3) the Secretary may use financial assistance provided under this part or increase the limitation of $800 described in paragraph (1) to secure installation of weatherization materials where the Secretary, with the consultation of the Secretary of Labor, determines that there is an insufficient number of volunteers and training participants and public service employment workers, pursuant to the Comprehensive Employment and Training Act of 1973, available to work on weatherization projects under the supervision of qualified supervisors and foremen';

"(3) in section 415(c) (1) (D) by deleting the number '100' and inserting in lieu thereof the number '200';

"(4) in section 422 by deleting the word 'and' and inserting after the words 'September 30, 1980' the words 'not to exceed $500,000,000 for fiscal year 1981, $750,000,000 for fiscal year 1982, and $950,000,000 for fiscal year 1983'; and

"(5) by adding after section 422 the following new sections:

"SEC. 423. The Secretary is authorized to provide financial assistance to public agencies and nonprofit private organizations for—

(1) education and counseling activities for low-income and near-poor energy consumers in energy conserving practices and sound residential energy management, self-help activities in energy conservation and alternative energy applications, and the care and maintenance of weatherization and alternative energy improvements to assure maximum efficiency and long life, as well as projects which support the carrying out of such care and maintenance activities;

(2) assistance in the development, application, and support of alternative energy sources, including, but not limited to solar, wind, small-scale hydropower, biomass conversion, and other technologies that capitalize on nonfossil fuels and renewable energy sources or that make conventional fuels available to the low-income and near-poor at substantially decreased cost or increased efficiency;

(3) assistance in the development and support of community planning and coordination capability in energy audit, energy conservation and alternative resource development activities so as to insure the participation of low-income and near-poor persons and communities in such activities; and

(4) assistance for research, demonstration, or pilot projects designed to test or assist in the development of new appproaches or methods that will enable low-income and near-poor individuals and families to participate in energy conservation programs which lessen the impact of the high cost of energy on such individuals and families and to reduce individuals and family energy consumption, including, but not limited to, (A) energy conservation and education; (B) weatherization of old or substandard dwellings, improved space conditioning, and insulation and energy audits; (C) emergency loans and grants to install energy conservation technologies and to deal with increased housing expenses relating to the energy crisis; (D) alternative fuel supplies; (E) special fuel voucher or stamp programs; (F) alternative transportation activities designed to save fuel and assure continued access to training, education, and employment; (G) appropriate outreach efforts; (H) furnishing personnel to act as coordinators, providing legal or technical assistance, and otherwise representing the interests of the poor in efforts relating to the energy crisis; (I) nutrition, health, and other supportive services in emergency cases; and (J) evaluation of programs and activities under this title.

'SEC. 424. Notwithstanding any other provision of law, the Secretary may transfer to the Director sums appropriated under section 425 to be utilized in order to carry out programs, under section 222(a) (5) of the Economic Opportunity Act of 1964, which further the purpose of section 423.

'SEC. 425. There are authorized to be appropriated for carrying out the provisions of section 423 $10,000,000 for each of the fiscal years ending October 1, 1981, October 1, 1982, and October 1, 1983.' "

NOTICES OF HEARINGS

SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS

● Mr. WILLIAMS. Mr. President, the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing and Urban Affairs, will be holding hearings on a variety of bills dealing with the urban mass transportation program. The subcommittee's hearings will be held on March 6 and 19, in room 5302 in the Dirksen Senate Office Building. The subcommittee will be receiving testimony from a variety of witnesses, including officials of the Federal Department of Transportation as well as State and local representatives, operators, equipment manufacturers, and others. The hearings will begin at 9:30 a.m. each day and continue in the afternoon of March 19.●

SUBCOMMITTEE ON ADMINISTRATIVE PRACTICE AND PROCEDURE

● Mr. CULVER. Mr. President, I wish to announce that the Subcommittee on Administrative Practice and Procedure will hold a business meeting on Thursday, March 6, 1980, to mark up a committee print on public participation funding. The meeting will begin at 10:30 a.m. in room 424, Russell Senate Office Building.●

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. EXON. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate today to hold a hearing on the fiscal year 1981 Department of Defense authorization request.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. EXON. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate today to consider the nomination of Charles Winberry to be U.S. district judge for the eastern district of North Carolina.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY CONSERVATION AND SUPPLY

Mr. EXON. Mr. President, I ask unanimous consent that the Energy Conservation and Supply Subcommittee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate today to hold a hearing on S. 1974, Municipal Solid Waste to Energy Act of 1979.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. EXON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate today to hold a hearing on southwest Asia.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy of the Committee on Foreign Relations be authorized to meet during the session of the Senate tomorrow to hear an official of the Department of the Treasury on International Monetary issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate tomorrow beginning at 10 a.m. to hear administration officials on southwest Asia: U.S. military capabilities and requirements; and to meet beginning at 4:30 p.m. to hear administration officials on the status of negotiations with regard to U.S. access to bases in the Indian Ocean.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

FATHER EDICIO DE LA TORRE

● Mr. LEVIN. Mr. President, for several months now, I have been deeply involved in a matter of human rights in the Philippines. I am speaking of the case of Father Edicio de la Torre, a 36-year-old Catholic priest who has been imprisoned in the Philippines since December 1974, and who has remained in jail without a trial since then. He has been charged with conspiracy to commit rebellion and possession of subversive materials.

In December of last year, 31 of our colleagues joined with me in sending a letter of concern to Secretary of State Vance. I ask that the letter be printed in its entirety at this point.

The letter follows:

U.S. SENATE,
Washington, D.C., December 20, 1979.

Hon. CYRUS R. VANCE,
Secretary of State,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: We are writing you in respect to the case of Father Edicio de la Torre, a Catholic priest who has been in prison in the Philippines since December, 1974. A number of us have individually contacted you previously on this matter, which is of great importance to us.

Father de la Torre is an outstanding theologian and a dedicated worker with the poor and poverty stricken people of the Philippines. As you know, a year after he was arrested he was charged with conspiracy to commit rebellion and with possession of subversive materials. Four months later he was informed of the charges against him. At present, he has served more time in prison than if he had already been convicted and sentenced to the minimum allowable terms, even if those terms had been imposed to run consecutively. The fact is, other than a preliminary hearing, Father de la Torre has not even been tried.

Since Philippine President Ferdinand Marcos proclaimed martial law seven years ago, more than 60 priests and nuns have been imprisoned. Only Father de la Torre remains in jail.

We appreciate the involvement of Ambassador Richard W. Murphy in this matter. We understand that he has discussed Father de la Torre's case with Philippine officials at least three times. Yet we are concerned that there may still be other available channels which could be used to stress our belief that this continuing violation of an individual's human rights must be ended.

We respectfully request that you give the case of Father de la Torre your personal attention and that you meet with a group of us, and several prominent national religious leaders, to discuss potential actions which might be taken to ease Father de la Torre's plight.

We look forward to hearing from you on this matter. Thank you again for your assistance.

Sincerely,

Thomas F. Eagleton, Frank Church, Carl Levin, Edward M. Kennedy, Donald W. Riegle, Jr., John Heinz, III, John Melcher, Paul S. Sarbanes, J. James Exon, Edmund S. Muskie, Alan Cranston, Howard M. Metzenbaum, Birch Bayh, Adlai E. Stevenson, Dennis DeConcini, Rudy Boschwitz, Paul E. Tsongas, Max Baucus, Robert Dole, Jennings Randolph, Howell Heflin, Gaylord Nelson, Patrick J. Leahy, Harrison A. Williams, Jr., Daniel Patrick Moynihan, Mark O. Hatfield, Gary Hart, Robert T. Stafford, J. Bennett Johnston, Lowell P. Weicker, Jr., David L. Boren, Joseph R. Biden, Jr.

Mr. LEVIN. In January of this year, I ended a trip to Southeast Asia with a visit to Father de la Torre in his cell at Bicutan prison, outside of Manila. For the better part of the evening, I spoke with Father de la Torre, and Father Florante Camacho, his provincial superior, about Father de la Torre's views of life, religion, and government. I learned of his reflections on the time he has spent in prison and of his hopes for an early release and his plans for the future.

I found Father de la Torre to be a charming and thoughtful man, with potential to make a great contribution upon his release. We discussed the possibility of his release from prison upon the condition that he leave the Philippines for a period of time. While his response was that he would naturally prefer to remain free in his native country, the opportunity to leave prison and go abroad was acceptable to him as a better alternative than continued incarceration.

Upon my return to the United States, I wrote to President Ferdinand Marcos of the Philippines and suggested that such an arrangement would be acceptable to Father de la Torre. I ask that that letter be printed at this point.

The letter follows:

U.S. SENATE,
Washington, D.C., January 25, 1980.

Re Father Edicio de la Torre.

Hon. FERDINAND E. MARCOS,
President, Republic of the Philippines,
Manila, Philippine Islands.

DEAR PRESIDENT MARCOS: I was most appreciative of the opportunity to meet at Bicutan Prison with Father Edicio de la Torre. I have taken an interest in his case and have spoken at some length concerning him with the head of his Order, the Society of the Divine Word. Father Camacho is most supportive of relief for Father de la torre under the circumstances of this case.

As you know, Father de la Torre has been in prison for over five years and is still awaiting trial. I believe that, under all the circumstances, justice would be served by his being released on temporary leave on the condition that he go abroad to study. I have spoken with him and Father Camacho and such a condition would be acceptable.

Such an action on your part would also be a fine gesture of good will to the great number of Philippine-Americans who have brought this matter to the attention of so many of us in the Senate.

Thank you for your consideration.

Sincerely,

CARL LEVIN.

Mr. LEVIN. While I have received no official response from President Marcos, Ambassador Richard Murphy presented my letter to President Marcos and discussed its contents with him. The Ambassador was encouraged by the President's response.

I am most hopeful that President Marcos will respond favorably to the proposal and allow Father de la Torre to leave the Philippines. I would like to take this opportunity to thank my colleagues for their support in this matter and ask that an article, by Leon Howell, a friend of Father de la Torre, which was published in the February issue of Sojourner's magazine be printed at this point.

The article follows:

A PARABLE OF OPPRESSED FAITH

(By Leon Howell)

This year, for the first time in six, Father Edicio de la Torre was able to spend Christmas outside his Filipino prison, on a short pass. Ordained in 1968 and imprisoned in 1974, half of his years as a priest have been consumed by a very special prison ministry.

Father Ed, as he is known in the Philippines, wrote a letter to Jaime L. Cardinal Sin on his first Christmas behind bars six years ago. He told of celebrating the midnight mass wtih some prisoners and their captors:

I'm still quite tense and raw over the experience. Despite the caution that I shouldn't give a sermon (being a detainee), I had to express my anguish at celebrating a sacrament of brotherhood and unity in the midst of conflict—between captors and captives. I told them that Christmas should make us face up to reality—flesh and blood, our concrete situation.

I told them I didn't want to further heighten the conflict and tension, but neither did I want to use the liturgy as a mask to prevent us from seeing the truth.

Anyway, we made it through with some goodwill to spare, and the 30 or more recent prisoners who have hitherto been incommunicado had a short reunion after mass.

The imprisonment of de la Torre came more than two years after President Marcos imposed martial law in the Philippines. The charges against him, conspiracy to commit rebellion and possession of subversive materials, were not made for seven months. He has had only three hearings and has never been brought to trial. More than 60 priests and nuns have been arrested under martial law with similar charges. Only de la Torre remains in prison.

Last May, the Supreme Court ordered the government to comment within 10 days on the fact that de la Torre had already completed more time in prison than the total minimum time he would have served had he been convicted of the charges brought against him. The government has not responded.

"It is tragic that he rots in prison when he can contribute so much to our common work," Bishop Michael Bunluen Mansap, executive chairman of the Asian Bishops Conference, wrote last April to Andrew Young, then U.S. ambassador to the U.N. "He is widely respected throughout our countries for his writings on theology and social action and for his dedication to the poor."

Edicio de la Torre's journey to prison is a dramatic parable of the mounting tensions within the Philippines. And he is a prime illustration of the Christian community's growing involvement in challenging the direction of politics in the only "Christian" nation in Asia. His case, which is receiving increasing attention in the U.S. as well as the Philippines, seems likely to become an international incident if Pope John Paul II pays his expected visit to the Philippines this year.

Father Ed was born in 1943 on the economically depressed island of Mindoro, just south of Luzon, where Manila and Quezon City, the national capital, are located. His family was poor, and his father died when he was very young. He and his sister, Irene, were raised by their mother, Romualda de la Torre, a catechist instructor in the local church. An exceptional high school student, he went directly to seminary where he was awarded a masters in philosophy summa cum laude. In 1968 he was ordained by the Catholic religious order known as the Society of the Divine Word.

In the first years of his priesthood he was quickly exposed to the currents of discontent sweeping the Philippines, and became involved with rural farmers, urban squatters, and student activists. As a chaplain to the Federation of Free Farmers, he "began to understand the actual situation of the Filipino peasant," in the words of a friend. In 1971 he met up with the Zone One Tondo Organization, a squatter movement located in the Manila harbor area where more than 200,000 people live in shanties. The organization's resistance to government attempts to remove or plan for the shanty-dwellers without their participation has received international attention. Father Ed served as chaplain to Khi Rho, a student organization, and was an early participant in the Student Christian Movement.

He was a leader in the attempt to relate liberation theology to the Philippines. As he himself describes, ". . . my involvement, like that of many church people, started with reformist organizations. We read the Papal encyclicals, reflected on the gospel, and advocated the need for peoples' organizations in order to achieve social justice." Yet such work often seemed ineffective and met with violent resistance. And, "when martial law was declared," writes de la Torre, "reform organizations and protest activities were banned."

Some of his colleagues went underground immediately, but Father Ed hoped to find ways to work legally in the new situation. When he returned to his seminary, however, he found that the special police had come to arrest him. So he went into hiding and continued his organizational work underground. He worked with the Preparatory Committee for a National Democratic Front, which included Christians, nationalists, businessmen, Muslims, and communists. Its purpose was to oppose martial law.

After two years underground, he was captured.

In the early days of his arrest, he was roughed up painfully but not severely tortured. But when he saw the bruised and battered bodies of other prisoners who had not escaped torture, he twice undertook extensive fasts in protest.

During one of the fasts, Father Ed wrote that it was not simply the torture of those in prison that he was protesting. The human body "is sacramental, for through it we come in touch with the world and our fellow men, and through them, with Christ."

For his protest efforts he was held in solitary confinement for 19 months.

His witness unquestionably makes some religious leaders in the Philippines uneasy. The Wall Street Journal noted a year ago that the Catholic hierarchy in this nation where 85 per cent of the 46.5 million people are Roman Catholics had always been "identified with the most conservative and regressive elements of society." The late Cardinal Santos said in 1972 that martial law "should be hailed and welcomed."

Only one-fourth of the active bishops have been consistently critical of martial law and its excesses. But as the economy deteriorates, corruption mounts, and state lawlessness increases, more and more people in the Philippines agree that martial law has produced few of the benefits promised by Marcos.

Thus Cardinal Sin, conservative and personally close to Marcos, has predicted civil war if the martial law machinery is not dismantled and civil rights restored. In October, 1979, all the bishops issued what one reporter called "a withering condemnation of current conditions" in the Philippines. The bishops said, "The existence of poverty and misery, of deprivation and injustices in our midst, increasingly weighing down the poor, the powerless and the marginalized sectors of our population, is obvious enough to all who have eyes to see."

Each year the National Council of Churches in the Philippines, which speaks for the islands' 4.5 million Protestants, calls for the restoration of civil and political liberties which it recently said are "in keeping with the democratic tradition of the Evangelical Churches."

In response to the deepening desperation of the poor in the Philippines, various forms of opposition have emerged, including those that call for the violent overthrow of the government. Bishop Claver discussed the dilemma this poses for the church in the October, 1979, Sojourners.

Many times de la Torre has pledged to the government that if he is released he will work openly and through legal means. But he has been neither tried nor released. His mother refuses to leave the Philippines even to visit her daughter who works as a nurse in Illinois because she visits her son in prison every day "just to make sure he is there." She believes her son is being held simply "to prevent him from continuing the work he was doing before they arrested him."

"They are afraid of him," a close friend said recently. "He has promised to refrain from illegal activity. But he has the ability to talk with such a wide spectrum of people that they fear him."

For some months a group of Protestants and Catholics, responding to a request from Filipino Christians who are increasingly concerned about the toll the long incarceration is having on Father Ed's health, have worked through the U.S. Congress, the State Department, and the White House to get the U.S. government to impress upon the government of the Philippines its wish that de la Torre be tried or released.

This past December, 32 senators signed a letter (originated by Senator Levin) which called upon Secretary of State Vance to give the de la Torre case his personal attention.

As this effort was underway, several senators' offices were told that the Philippine government knew de la Torre to be a communist (obviously, if this charge could be proved in court, it would have been) and that Cardinal Sin did not want the priest released unless he agreed to leave the Philippines.

An angry Cardinal Sin replied in writing in November to this false information, which had been passed on by anonymous U.S. government sources:

> I am greatly distressed to learn that a quotation to the effect that Father Ed is "a committed communist and if released should be sent out of the country," is being attributed to me. I have a lot of faults, but I like to think that stupidity is not one of them. And it is stupid for anyone to believe that a Filipino can be sent out of his own country, no matter what crime he may have committed.
>
> As to the phrase, "a committed communist," it could not possibly have come from me because I am not in the habit of prejudging people and, to my knowledge, Father Ed has not been tried or convicted by any court.

Father Ed once commented that "every priest, religious, Christian, even bishop, who plunges into controversy over justice and freedom has been branded a communist—a troublemaker, wanting to turn the world upside down (Acts 17:6)."

In 1979 a book called "Pintig: Poems and Letters From Philippine Prisons" was released with an introduction by Father Ed. In it he related that he had told a new ordination class which he taught in prison, "There are no perfectly identical paths, and I do not claim that service to the people and incarnation in their struggle necessarily leads to prison. But it did lead me to captivity. Is it foolish to believe, and hope, that the same service and the same incarnation point the way to our liberation?" ●

THE NATIONAL PRAYER BREAKFAST

● Mr. HATFIELD. Mr. President, it was my great honor on February 7 to chair this year's National Prayer Breakfast, nearly 3,000 people attended from over 130 countries of the world. All of us who were there were inspired with the hope that even in these challenging and dangerous days the Lord of creation is working His purposes out in the lives and dreams of His people. I am, therefore, submitting for the RECORD today the proceedings of the 28th National Prayer

Breakfast so that all may share in the encouragement of this year's gathering.

The proceedings follow:

Proceedings of the National Prayer Breakfast, the Hilton Hotel, February 7, 1980, Senator Mark O. Hatfield, Chairman

Mr. Fred Heyn. We've been listening to the music sung for us so wonderfully by the University of South Carolina Chorus. This morning, as has been the practice in the past, we've called on Senator Frank Carlson of Kansas, one of the founders of this annual prayer breakfast, to lead us in grace. Senator Carlson.

Senator Carlson. Our Father in Heaven, as we meet for this 28th National Prayer Breakfast, we give Thee thanks for the abundance of Your blessings upon us and upon our nation. We come to Thee conscious of our shortcomings and composure, knowing that having put our faith and trust in Thee, our faith is well-grounded. Give us the boldness of a faith that has conviction as well as sentiment, and take from us all fear save that of failing to do Thy will. We give Thee thanks for this fellowship and the opportunity to know how Thou hast acted powerfully and mightily and mercifully in the lives of each of us. And now we ask Thee to bless the food and our fellowship together. In Thy name, amen.

Senator Hatfield. Ladies and Gentlemen, will you please remain standing. At this time the Honorable Otto Skopil, Judge of the 9th Circuit Court of Appeals of the American Judiciary, will give the opening prayer. Judge Skopil.

Judge Skopil. As we unite in prayer, let's join hands.

Our Heavenly Father, we are here to honor you. We are here to acknowledge Your presence in our life by sharing the comfort, the joy and the peace that we receive from you as members of Your family; to thank you, Lord, for everything that You have done; to seek Your guidance and direction. Father, we thank You. We thank You for the privilege and opportunity of knowing You and loving You. By the mere asking, You are available to all. You accept us for what we are, but You never leave us there.

Father, we thank You for Your love, a love that is so great that it is difficult for us to understand, a love that acknowledges that we are sinners and knowing that we are sinners, remains loyal, faithful, and everlasting from generation to generation . . . a love that is available, not to a special few, but to all. Lord, we thank You for Your creation, the abundant supply You have given to us of our daily necessities.

Father, You have told us that the first essential to true wisdom is the recognition and reverence of You as the Creator of the universe. Father, give us this wisdom. Father, we are encountering difficult times. Serious difficulties exist within nations and between nations, and Father, You have called upon each of us to serve in different ways, but You have directed that we all be reconcilers of differences.

Father, as we assume this responsibility, give us the strength, patience, the power and the wisdom to be sensitive to the needs of others. Father, we need Your help so much in this particular time. Be with us. Father, we know that You are here with us this morning. We sense it. Give this 28th National Prayer Breakfast Your blessing and give us each guidance and direction as to the way You want us to serve You. Keep us ever mindful of Your direction to us; that if we love one another, we have fully complied with all the requirements of the law.

Father, we thank You for being with us today; we thank You for allowing us to be together. We ask these things in the name of Your Son, our Savior, Jesus Christ, amen.

Senator Hatfield. Ladies and Gentlemen, I would like at this time to present those members of the platform delegation who will not be speaking to you but who are here in a very important role of support. First of all, may I present Mrs. Otto Skopil, the wife of the Circuit Judge who has just offered the invocation; and please hold your applause. Would she please stand at this time. May I present Mrs. Haywood, the wife of the Chief of Naval Operation. May I present my wife, Antoinette. May I present Mrs. Hefner, wife of the Congressman; would she please stand. May I present Mr. Morton, the husband of our Treasurer. May I present Mrs. Nunn, wife of the Senator from Georgia; and Mrs. Vander Jagt, wife of the Congressman from Michigan; and ladies and gentlemen, our First Lady, Mrs. Rossalyn Carter.

Ladies and Gentlemen, may I have your attention please. Welcome Mr. President, Mrs. Carter, ladies and gentlemen, all.

Perfect love casts out fear. We are assembled here this morning at a time of fear with a deep sense of longing to be touched with an assurance of hope, of peace, and of encouragement.

Situations in the world being what they are, we may have reasons to fear. But God being who He is, we have no excuses to fear. Fear paralyzes, but hope liberates. Our certitude in God and our hope in His Kingdom frees us from fear, and our gathering here today is the beginning of hope.

In the song that we will later sing, in the second verse are the words, "It was grace that taught my heart to fear, and grace my fears relieved." Before God we know real fear, for we are naked in our sin. We must not come here today with a sense of righteousness. Before God we are all aware of how far we have fallen. But the same grace also forgives and lifts us up in a joyful hope and love that casts out fear. Our hope is in that love, in that grace that empowers us.

In prayerful hope we can receive the guiding resources of wisdom, of discernment, and of compassion . . . lights that shine through the darkness of fear. We have not been promised that evil and fear will be understood, but withstood by putting on God's armor—the belt of truth, the breastplate of integrity, the shoes of preparation, the shield of faith, the helmet of salavation, the sword of the Word of God. God has not given us a spirit of timidity. Why then should we receive it from others? For the Scripture boldly proclaims: "Let us be full of joy now. Let us exalt and triumph in our trials because such rejoicing produces endurance, which produces maturity, which produces hope, and hope in God will not disappoint us."

And finally, my friends, we are to pray without ceasing, so that the peace of God which transcends our understanding in all matters in our lives will garrison our hearts and our minds as they rest in Christ Jesus.

Now I would like to invite to the microphone the Honorable Jack Brinkley, United States Representative from the Third District of Georgia, the President's District, to give the greetings on behalf of the United States Congress. Jack.

Congressman Brinkley. Thank you, Mark. Mr. President, Mrs. Rosalynn Carter, ladies and gentlemen, on behalf of the House and Senate prayer breakfast groups, I wish to extend a warm greeting to each and every one of you. The canvas of time would not be complete if any one of the 3,000 or more present were missing. So it is very right and very good that you are here.

In the House of Representatives, our prayer breakfast group meets each Thursday morning at 8:00 a.m. for breakfast, prayer and services by one of our own members. It is a private meeting and serves as an important spiritual fellowship to those of us who can attend. Our members vary, our identities vary, it depends on unique, and sometimes unpredictable, schedules. But each Member of the House of Representatives has a certain knowledge that Thursday morning prayer breakfast is always conducted and that any Member or former Member is always welcome. It's like that on the Senate side, too. But Wednesday is their special day.

Also, each session of the Senate and each session of the House begins with prayer by our chaplains. In addition, there is a chapel to which we may go that is located between the House and Senate chambers, just off of the great rotunda. My introduction to it more than a decade ago was when I went there accompanied by my friends from home.

The chapel isn't used much, I lamented, but the elderly doorkeeper who came with us demurred in a kind, but polite and definite way. "Oh yes it is, Congressman," he said. "Look here." He pointed at the path in the carpet. The carpet has been changed now, but the memory of that profound testimonial remains very clear to me and today I can vouch to you that there is no diminution of that search for wisdom, that search for understanding, that search for guidance, for forgivenes and love by the men and women who serve this great Republic of ours. Together we are soldiers of the cross. As in Pilgrim's Progress, with Hopeful may we proclaim, "I feel the bottom and it is sound."

Senator Hatfield. And now we will have the reading from the Old Testament Scripture by the former Mayor of Portland, Oregon, and the Secretary of Transportation, Mr. Neil Goldschmidt.

Mr. Goldschmidt. "Beware least thou forget the Lord thy God, in not keeping His commandments, and His ordinances, and His statutes, which I command thee this day: Lest when thou hast eaten and art satisfied, and hast built goodly houses, and dwelt therein; and when thy herds and thy flocks multiply, and thy silver and thy gold is multiplied, and all that thou hast is multiplied; then thy heart be lifted up, and thou forget the Lord thy God, who brought thee forth out of the land of Egypt, out of the house of bondage; who led thee through the great and dreadful wilderness, wherein were fiery serpents, and scorpions, and thirsty ground, where was no water; who brought thee forth water out of the rock of flint; who fed thee in the wilderness with manna, which thy fathers knew not, that He might afflict thee, and that He might prove thee and do thee good at thy latter end; and thou say in thy heart, my power and the might of my hand have gotten me this wealth. But thou shalt remember the Lord thy God: For it is He that giveth thee power to get wealth, that He may establish His covenant which He swore unto thy fathers, as it is this day. And it shall be, if thou shalt forget the Lord thy God, and walk after other gods, and serve them and worship them, I forwarn you this day that ye shall surely perish.

"As the nations which the Lord maketh to perish before you, so shall ye perish; because ye would not harken unto the voice of the Lord your God." (Deuteronomy 8:11–20)

Senator Hatfield. And to read the New Testament, a lady whose name appears on all the paper money of this country, our United States Treasurer, Mrs. Azie Taylor Morton.

Mrs. Morton. Mr. President, Mrs. Carter, ladies and gentlemen. The second Scripture reading is taken from a letter of St. Paul to the Corinthians. In this letter he challenges his readers to understand the excellence of the gift of love. The letter reads:

"If I speak with human tongues, and angelic as well, but do not have love, I am a noisy gong, a clanging cymbal. If I have the gift of prophesy, and with full knowledge comprehend all mysteries, if I have faith great enough to move mountains, but have not love, I am nothing. If I give everything I have to feed the poor, and hand over my body to be burned, but have not love, I gain nothing. Love is patient; love is kind; love is not jealous; it does not put on airs. It is not snobbish; love is never rude; it is not self-seeking; it is not prone to anger; neither does it brood over injuries; love does not rejoice in what is wrong but rejoices with the truth.

There is no limit to love's forebearance, to its trust, its hope, its power to endure. Love never fails; prophecies will cease; tongues will be silent; knowledge will pass away. Our knowledge is imperfect and our prophecying is imperfect; when the perfect comes, the imperfect will pass away. When I was a child, I used to talk like a child, think like a child, reason like a child; when I became a man, I put childish ways aside. Now we see indistinctly, as in a mirror; then we shall see face to face. My knowledge is imperfect now, then I shall know even as I am known. There are in the end three things that last: faith, hope and love; and the greatest of these is love." (I Corinthians 13)

Senator HATFIELD. The Honorable Bill Hefner, who is a United States Representative serving from the state of North Carolina, will now come and we will all join in singing under his leadership. I believe you have in your programs the words to "Amazing Grace."

Congressman HEFNER. You have an insert in your program. If you will take it, we'll not ask you to stand. But we would ask you to help me sing.

Senator HATFIELD. And now one of my very dearest and closest friends in the whole Congress of the United States, the Honorable Sam Nunn. Some of you find that difficult to believe, but that's very true. I'd like to have him now come and offer the prayer for our national leaders. Sam.

Senator NUNN. Let us bow our heads and open our hearts to God in prayer. Our Father, we come to you this morning praising Your Name, confessing our sins, seeking your blessings and your amazing grace. May we who would be leaders always be aware that we must first be servants. May we who seek to be admired by others remember that when we practice our piety before men, in order to be seen by them, we will have no award in heaven. May we who have large egos and great ambitions recall that the Kingdom of Heaven is promised to those who are humble and poor in spirit. May we who depend on publicity as our daily bread recall that when we do a secret kindness, our Father, who knows all secrets, will reward us. May we who compete in the arena of government remember that we are commanded to love our enemies and pray for those who persecute us . . . even those who hold us hostage and threaten us.

May the citizens whom we serve as stewards of government be sensitive to the fact that we are human, subject to error, and that while we need their critiques, we also desperately need their prayers. May we never forget that the final judgment of our tenure here on earth will not be decided by a majority vote.

As we reflect on our duty to Thee and our duty to our fellow man, conscious of our sins and transgressions, we praise you, Father, for Your promise that if we forgive men their trespasses, You will also forgive us. As we pray, dear God, remind us of the truth in Thy assurance and the assurance of Jesus: "Ask and it shall be given, seek and ye shall find, knock and the door shall be opened." May we be mindful in prayer that You know exactly what we need, even before we ask, and that we have an opportunity in prayer to listen for Your guidance to us.

Let us each pray silently and earnestly in intercession for President Carter, Mrs. Carter the Cabinet, the members of the Executive Branch, the Courts, the Congress, our state and local leaders and the leaders and people of all the nations of the world. Let us pray silently for Your peace, Your strength, and Your wisdom, and let us open our hearts and our minds to Your response. In Jesus' name, Amen.

Senator HATFIELD. When our committee was discussing the possibility of inviting someone to become the main speaker this morning, we heard very quickly from the Majority Leader of the United States House of Representatives, Jim Wright, who spoke before this very audience, the National Prayer Breakfast, a few years ago and moved all of us with a great sense of blessing and the genuine presentation of the Gospel. And when Jim Wright said, "I suggest that we invite a Republican Congressman", I knew that he had to be good.

Because, as you note before you today, this is a very nonpartisan, nonsectarian group, and it was not just a matter of suggesting a name, but he proceeded to describe this gentleman's capability, his talents and his gifts, and he was soon seconded by other Members of the committee from the House, from both sides of the aisle.

And I can think of no greater compliment and testimony to a friendship than to be so held in high regard as Guy Vander Jagt is by his colleagues and his peers. Guy Vander Jagt is serving from the state of Michigan. He is in his eighth term in the House of Representatives. He has an interesting educational background in that he is a graduate of the Yale Divinity School and the Georgetown Law School. He has served as a pastor of a Presbyterian church in Cadillac, Michigan, and therefore, brings to this microphone today that scholarly pursuit in two disciplines—two very great fields—theology and law.

But again, I would only like to present this morning to you our main speaker, a man who is known by his colleagues, by his friends and by his constituents as a devoted husband and father, a dedicated public servant and a follower of Jesus Christ, Guy Vander Jagt.

Congressman VANDER JAGT. President and Mrs. Carter, and friends. Never before in the history of these Prayer Breakfasts has the need for and the desire for prayer been greater. I thank you my friend, Jim Wright, I think, for this great honor. I say "I think" because I'm scared. I'm scared in a cosmic sense for our world; but, I'm scared in a personal sense at preaching to so vast a congregation. And I thank you for the hundreds of prayers which I have felt, "that the words of my mouth and the meditations of our hearts might be acceptable in God's sight" and that something good and great and powerful might happen to us this morning.

Thirty-two years ago, I stepped for the first time before a pulpit in a little white wooden-frame church in Tustin, Michigan. Incidentally, Mr. President, Tustin, Michigan, is even smaller than Plains, Georgia. And I did my very best to persuade that all-time record turnout of a congregation of eighteen people that a seventeen-year-old young man could struggle through as their minister during his senior year in high school.

I doubt if they've noted very much improvement since then, but I know that they would note a whale of an improvement in the size of the congregation. I'm sure that those elders wished they were here with me this morning to pass their collection plate before this vast group. But I got to thinking, as I was preparing, that if I had remained in the ministry and preached my whole life in the churches of Michigan, that a whole lifetime of preaching all put together would not have reached as vast a congregation as this morning alone in terms of the congregation's potential for good and potential for impacting upon the world and changing that world.

One year ago, Mr. President, in your very moving remarks to us, you pointed out that the three biggest news stories of 1978 had all been connected with religion: a tragic mass suicide in Guyana, the elevation of a Polish Cardinal to Pope John Paul II, and the Camp David peace accords. And you shared with us that when it began, you, Begin, and Sadat agreed that prayer would be a part of your daily deliberations. And you did share with us that that was the only thing the three of you agreed upon for the first several days.

But the three of you—a Moslem, a Jew, and a Southern Baptist—kept on praying and you kept on trying, and a triumph ensued. And we honor you, and we thank you, and we pray for you. You then said, Mr. President, a haunting sentence. You said, "I would guess that the big news story of 1979 will be the impact in the Persian Gulf in the Middle East of religious fervor. Because," you explained, "the great events that move men and nations are intimately connected with religion, and the Spirit." How prophetic! This morning we pray, not only on the 96th day of our hostages in captivity in Tehran, for our countrymen; but we also pray that somehow, some way, God will reach through the religions and lay on the heart of the Ayatollah Khomeini His age-old ancient plea, "Let my people go." So, I would pray that the big news story of 1980 would be the safe release of our hostages and a spiritual awakening here, at home.

America has always turned to God in time of need, for we are a nation founded upon a faith in God. It's there at the bedrock, the Declaration of Independence: "We hold these truths to be self-evident, that man is endowed by his Creator with certain inalienable rights." That's the source of our rights as Americans; not the Constitution, not the Courts, not the Congress, but all of them were put together to preserve and protect the rights that God gave us when he created us in His own image. Our Declaration is, first of all, a declaration of dependence on God. So when America loses its God, it loses the basis for its rights.

Based on that faith, we strode so rapidly into greatness as a nation that the French were intrigued. They sent a young French journalist over here by the name of Alex de Tocqueville to answer the question, "What makes America great?" And in the last paragraph of the last page of his book Democracy in America, he answers the question. "I searched for America's greatness," he wrote, "in her matchless Constitution, and it was not there. I searched for America's greatness in her halls of Congress, and it was not there. I searched for America's greatness in her rich and fertile fields and her teeming industrial potential, and it was not there."

"It was not," he said, "until I went into the heartlands of America and into her churches that I discovered what it is that makes America great. America is great," he wrote, "because America is good. And if America ever ceases to be good, America will cease to be great."

The miracle of America is based on prayer, for prayer begins where all miracles must begin, with the individual. Prayer can miraculously transform human life and we all need it. Some more, and some less, but we all need it. How often do we resolve, I'm going to be a better Congressman, Judge, executive, husband, or wife, or person. And God only knows how soon we slide back into our old routine ways. "All," says the old catechism, "have sinned, and fallen short of the glory of God."

There is a very pretty young girl in a Broadway musical who comes to the edge of the footlights to explain why it is she's always yielding to temptation. She sings the song entitled, "How Can I Be What I Ain't?" Centuries before, the Apostle Paul wrote: "Oh, woe is me, wretched man that I am, that which I would do I do not do, and that which I would not do, that I do. Oh, woe is me, wretched man that I am." Paul was saying, "How can I be what I ain't?" And the Bible answers, you can! The heart of the Good News is that life can be miraculously transformed.

But through prayer our concern goes beyond ourself to the other person and, oh, how much the world needs that now. As split as it may be, psychiatry is united on one principle and that is, that every person who ever lived, every person within the sound of my voice this morning, has a heart that hungers and craves notice, recognition, appreciation, admiration, and above all, love. Prayer enables us to look at the other person through God's eyes, the eyes of love, and discover in him that which is important and worthy. You know, it's easier to be with somebody and impress them with how important you are than with how important they are. But that's what counts!

When Willie Davis, that great hulk of a football player, heard that his beloved coach, Vince Lombardi, lay dying here in Washington, he hopped on a plane in Los Angeles, came here, and went straight to Lombardi's bedside for just a few minutes and then right back down the stairs of Doctor's Hospital into the waiting cab, back to National, and the very next plane for Los Angeles. When he landed, the press was waiting and they said, "Willie, you crazy guy. Why did you do that? You've just flown all the way across America twice just to stand for a couple of minutes in the presence of a man who probably didn't even know you were there. Why did you do it?" And Willie answered, "I had to, I just had to. Because," he explained, "whenever I was with that man, he always made me feel like I was important. He always made me feel like a special person. I just had to."

That gift enables the other person to say of you what the poet said:

I love you
Not so much for what you are
But for what I am
When I am with you.

I love you
For reaching your hand into my heaped up heart
And passing over all the weak, foolish things
You can't help seeing there
And drawing out into the light
All of the beautiful things
No one else looked quite far enough to find.

I love you
Not so much for what you are
But for what I am
When I am with you.

The impact of a person committed to Christ upon another person is never ending and there's no limit to what it can do. Nineteen Congressmen learned this a few years ago as we were flying from Brussels to Strasbourg. We had left too early on that Sunday for church and we were going to arrive too late for church. I confess to you that I didn't think that was the biggest tragedy that had ever happened to me in my life, but for one of our Members it was.

L. H. had a perfect attendance record of fifty-seven years. He scurried up and down the aisle of that plane pleading with us to have an improvised make-shift church service when we landed. We agreed and we called the Director-General of the European Community and said the U.S. delegation is going to be unavoidably detained for about forty-five minutes. We assembled in the control room on the second floor of the Strasbourg Hotel and we had our service. Lester, a Jew, read the Old Testament lesson; Henry, an erudite Episcopalian, the New; John gave a Bible thumpin' sermon, and yet he was so sincere that Gus, a Greek Orthodox, and Tony, a Roman Catholic, seemed right at home with his message of sin and salvation.

When it was over, L. H. stood up and he thanked us. And he said, "Now I would like to tell you why it was so important to me." He said, "When I was born, our family couldn't afford a babysitter and mother didn't want to miss church and Sunday School. So when I was just a few weeks old, she used to take me with her in her arms to church. And we never missed. And when I was about ten, she became ill and it got harder for her to go to church.

And then one Sunday morning she called me to her and she said, 'Son, I don't think I'm going to be able to make it this morning. But I hope you go ahead anyway.' She said, 'You know, we've had our perfect attendance record together for quite a while now, and I guess I won't be able to go on. So you carry on for both of us. And will you do me a favor? Will you keep that perfect attendance record for me just as long as you possibly can?'" And he closed with this simple prayer: "Dear God, Jesus promised that where two or three were gathered together in His name there would He be also. And Jesus kept that promise this morning. We felt His presence and through Him grew closer to You and to one another. Thank you, God. Amen." And L. H. was right. We had, we had drawn closer to one another and to God because of a mother's request and the impact of a person across fifty years, and 4,000 miles.

Everyone of us here experiences Christ in slightly different ways. But let me share with you how I know. When I finished college, I was convinced that you simply could not philosophically prove the existence of God. And so I plunged into my first year of study at Yale Divinity School in a way of being a scholar that I had never been before, and that I have never been since . . . searching for the precise historical Jesus. And about the end of that year I became fascinated that the Apostle Paul didn't bother with all that stuff.

In fact, with all of his writings, he never mentions the empty tomb and never dwells on the resurrection. And yet, no man was more positive and confident that Christ was alive. And then I ran across Paul's verse: "I live, yet not I live; but Christ liveth in me." So that's where he has to be! Not just in history in far-off Palestine, or at the end of a philosophical syllogism, or even at the right hand of God the Father Almighty; but here . . . in my heart!

> Though Christ a thousand times
> In Bethlehem be born,
> If He's not born in thee,
> Thy soul is still forlorn.

Paul didn't see an empty tomb and therefore conclude that Jesus was alive. Paul experienced the living, resurrected Christ and knew that death could not contain Him! And then the book by Albert Schweitzer, The Quest for the Historical Jesus, put it all together for me. No one had ever more thoroughly or extensively researched the subject, and on the last page he concluded you can't really pin down with precision the historical Jesus. But he reached a far profounder conclusion than that. In the last paragraph he wrote, "Christ comes to us today as He came to those fishermen of old by the Sea of Galilee. And Christ says to each of us today, as He said to them, 'Come . . . and follow me.' And to those who follow, they shall learn as an ineffable experience in the depth of their being who Christ is and that He is risen indeed."

Surely where two or three thousand are gathered together in His name there will He be also. And He says to each of us this morning, as He said to them of old, "Come . . . and follow me." And to those who follow, they can sing "Hallelujah." For they know He is risen and they know that His power can transform their life, our Nation, and the world.

Senator HATFIELD. Guy, I'm sure I'd be speaking for the corporate mind of this audience this morning when I say, we are more conscious of the thoughts and the ideas of the Lord being expressed this morning than merely the words of Guy Vander Jagt.

Ladies and gentleman, our brother, the President of the United States.

President CARTER. Thank you very much.

During these trying times, when I meet individual Americans or even visitors from a foreign land, I quite often receive expressions of sympathy and condolence and encouragement because of the responsibilities that fall on the President. But perhaps the most urgently needed expression of condolence is for a President who has to follow, at the National Prayer Breakfast, people like Guy and Mark Hatfield and Max Cleland and Jim Wright.

And as you all know, I need your prayers this morning for many reasons. I was pleased with the program. As Mark pointed out, it's nondenominational and nonpartisan, well-balanced. I notice that almost half of those on the program did not come from Georgia. And I want to thank Mark for arranging a program so well-balanced as that.

This morning I want to talk for a few minutes about growth. Growth in our lives as we develop, and growth in our spiritual lives as we develop. All of us start out with a sole preoccupation as an infant—and then as a developing human being—with one person: ourselves; later, our mothers, then our families, as we grow, our school classmates and the community, and perhaps the district or state or nation. And as we go through these stages of our life's evolution, we become more and more aware of others. It's a difficult transformation each time, because as we think more and more about others, the relative preoccupation with ourselves becomes less and less—if we grow.

It's difficult to stretch our minds and our hearts and not become atrophied or pleased with our present position in life. Pride, self-contained pleasure, the recognition of achievement as measured in human terms of riches or wealth, are constant temptations for us all. It's not easy to overcome those temptations. In our public lives as Members of Congress or Members of a Cabinet or great distinguished Judges, or even a President, because the higher position we occupy in a human-measured life, the more temptations of self-satisfaction and pride press on us. I tried to think of an illustration from my own family to prove a point.

I remember my mother's letter to us one time from India. When she was sixty-eight years old, she joined the Peace Corps and went to India. She's a registered nurse and she went there with a heart full of commitment and as a very benevolent person in her own character. But still it was a shock to her to observe the living conditions around the little community where she served. She worked in a doctor's office and one day she had her first experience with leprosy. A father came in carrying a little girl about eight years old in his arms and the doctor told mother, his aide, to give the little girl an injection and to begin medical treatment. Mother was filled with a sense of horror and alienation and repulsion because she, like all of us, had learned from her earliest stages in life about the terrible consequences of contact with leprosy. She finally forced herself to give that child an injection and then a few minutes later went to the doctor and claimed to be ill, and went home and spent literally several hours washing herself.

As time went on, she continued the treatment and began to see that person not as a horrible example of a physical illness, but as a human being. And the girl began to get better. After a few weeks, she was partially cured. It takes a long time. And one day the little girl came in and looked at mother as a friend. Mother stretched out her arms. The little girl leaped into mother's arms and mother kissed her on the mouth. And it was a good while later that she even realized what she had done. Her heart had been stretched and her mind had been stretched so she forgot about herself. She learned in the process that even at the age of almost seventy, she was still growing and she still is.

It's hard to overcome those separations of phases in life and those separations that separate us one from another. A human being alone finds this to be an almost insurmountable obstacle. There are no laws written by a Congress or signed by a President that can deal with an event in a life similar to the one I just described, and there are literally millions of those events that impress upon all of us the necessity for change. But God's laws, the basis for our own human laws, have no difficulty at all in describing a path for human or spiritual growth. To learn about another who is different or considered inferior is a difficult thing indeed. It's always easier to isolate ourselves to enjoy the blessings that God has given us, everyone in this room, without bounds, and to forget about the need to reach out to others.

When we are confronted with a requirement to change, there's always an inclination not to do so. And when there is a division between us, sometimes we even use that division to build up in ourselves a hatred or an animosity against the person who is different as a justification or a rationalization of our own selfish, exclusive attitude toward others. We went through a phase in this country, particularly in the south, of separation between black and white in a nation under God, committed to equality of opportunity. And it was not easy for me or others, black or white, to make that change. It was so much easier at that time to stay aloof from one another. But the pressures of change were finally accommodated, and now we all thank God that that difficult transformation was made.

But we can't look upon that as a single, isolated, unique experience in a national or human growth process. Those challenges still press themselves upon us. Without God, they are almost impossible; with God, the difficulties fade away. With God we can realize a universality of a desire for peace.

People want peace, pray for peace, hunger for peace. Not just the absence of war, but peace of mind, reassurance, a time for self-contemplation, a time for self-analysis, a time for growth. Peace doesn't automatically come with religion. As Guy pointed out a few minutes ago, the root of many of the world's most horrible conflicts or wars or death or destruction or hatred come from the misapplication of religious beliefs and teachings—the selfish, autocratic claim, "I am right, others are wrong."

We also learn about the universality of God's truth. Who knows what truth is? Someone living in a rain forest would say that it is true that the earth is wet. Someone living on the desert would say that it is the truth that earth is dry. Someone living on the equator would say it's truth that the earth is hot. Those who live in the arctic would say it is true that the earth is cold. And each one would be so convinced with all the tangible evidence available to him that they were telling the truth. Sometimes we close out conflicting views that might give us better understanding of the truth because we want to know what's best for us and, of course, the universality of God's love. Not love for ourselves, not love for our mothers, our families, our communities, our districts, our states, not even love for our own nation is adequate. There must be a love based on a genuine concern for others.

One of the most difficult things for us to do is to pray for those who hate us, who despitefully use us, who persecute us. The Bible says even the worst sinners love and pray for their friends, they want to love them. And sometimes we don't go that one more step forward in growth. Not on a single cataclysmic, transforming experience, but daily, and count those against whom we are alienated at least every day, list them by name and say, God, I pray for that person or those people. Every day I pray for the Ayatollah Khomeini; every day I pray for the kidnappers who hold our innocent Americans; and everyday, of course, I pray for those who are held hostage as innocent. It's not easy to do this, and I have to force myself sometimes to include someone on my list, because I don't want to acknowledge that that person might be worthy of my love.

And the most difficult thing of all, I think, is to go one step further than that and thank God for our own difficulties, our own disappointments, our own failures, our own challenges, our own tasks. But this is what I would like to leave with you: To set a time in each day to list all of the things that you consider to be most difficult, most embarrassing, the worst challenge to your own happiness, and not only ask God to alleviate it, but preferably thank God for it. It might sound strange, but I guarantee you, it works. And you might say, why in the world should I give thanks to God for something that seems to me so bad, or so damaging.

Well, growth in a person's life, growth for a nation, growth spiritually, all depend on our relationship with God. And the basis of that growth is understanding of God's purpose and a sharing of difficult responsibilities with God through prayer.

Senator HATFIELD. Please remain standing. Ladies and gentlemen, the Chief of Naval Operations, Admiral Thomas B. Hayward, will give the benediction, after which Bill Hefner will again lead us in a congregational song, "Halleluia". And would you please, following the song, remain standing while the President and Mrs. Carter depart the room. Admiral Hayward.

Admiral HAYWARD. As we prepare to leave this magnificent congregation, may we bow our heads and open our hearts as we contemplate this magnificent, wonderful message, these two messages to us this morning. Let us pray.

Eternal Father, strong to save, whose arm hath bound the restless wave, look down with favor, oh God, and grant Thy blessings upon this troubled world. We have not done well with Thy bounty as mankind continues to fail in its most worthy task to live in love and harmony with one another. We find ourselves troubled and distressed at the anguish, suffering and hate that resides in so many corners of the earth, oh Lord. And our souls cry out to Thee for Thy mercy and Thy grace as we pray with all our strength, entreating Thee to use us as instruments of Your power to help bring about just and equitable solutions to the perplexing issues that separate men and nations.

Thus, oh God, we pray unto Thee to grant to those in special positions of authority, especially to our President and the leaders of all nations, give them uncommon insight and wisdom in our search for justice, decency and peace.

Make us equal, we pray, to life's crises, and keep us from shrinking from our responsibilities, great though they may be. Help us to use the special talents with which we have been blessed, and grant us the courage to shun no challenge, to face every test and to seek out every opportunity to do Thy will. Help us, also, to be ever humble and kind, understanding and patient, for our weaknesses are many and our frailities legion.

Enlighten our minds, oh Lord, and give us a clear vision of ourselves so that pride, selfishness, and greed will not mar our eyes as we search for a relationship with others perfected in Thy love for us all. Keep us ever mindful, oh God, that hope springs eternal, and through Thy special grace may we always find encouragement and hope in all of our undertakings as individuals and as nations.

So, oh Heavenly Father, we give Thee our thanks for all Thy blessings. May we always be worthy of them as we dedicate ourselves to Thy purposes and promise Thee that we will give of ourselves constantly of greater measure. In Christ's holy name, amen.

Congressman HEFNER. The chorus, "Hallelujah.●

RETIREMENT OF SENATE LEGISLATIVE COUNSEL HARRY B. LITTELL

● Mr. PELL. Mr. President, on Friday, February 29, the Senate will lose to retirement one of its ablest and most valuable aides. After 33 years in the Office of Legislative Counsel, 9 years of which he will have served as head of that fine office, Harry B. Littell has understandably chosen to take a well-earned retirement. He will be sorely missed by all of us and I know my colleagues join me in expressing our deep appreciation to Harry and in wishing him good health and happiness for the future.

Mr. Littell was appointed as a Law Assistant in the Office of the Legislative Counsel of the Senate on January 11, 1947, by Stephen E. Rice, Legislative Counsel, with the approval of the President pro tempore of the Senate Arthur H. Vandenberg, of Michigan. Upon the completion of his training period in legislative draftsmanship he was promoted to Assistant Counsel, and many years later to Senior Counsel. Then, in May 1971, he was appointed as Legislative Counsel of the Senate by President pro tempore of the Senate Allen J. Ellender, of Louisiana.

The long career of Mr. Littell in the Office of the Legislative Counsel—and incidentally, he enjoys the distinction of having served in that Office longer than any other individual—is a tribute to the wisdom of our predecessors who, in establishing that Office, required that the Legislative Counsel be appointed without reference to political affiliations and solely on the ground of fitness to perform the duties of the office. The apolitical nature of the Office of the Legislative Counsel has enabled it to develop career oriented attorneys, such as Harry Littell, who have been able to provide a high level of technical legal services to all committees and Members of the Senate on a confidential lawyer-client basis.

A native of Logansport, Ind., Mr. Littell received his bachelor of arts degree from Indiana University in 1942. After combat service in Europe as a commissioned officer of the Army in World War II, he returned to the law school of that university and received his law degree with distinction in 1946. While at Indiana University he was elected to membership in Phi Beta Kappa and the Order of the Coif. He is a member of the bar of the State of Indiana.

Although for most of his Senate career he specialized in tax and tariff law and for many years was the principal legislative draftsman for the bills in those fields coming before the Senate, in more recent years Harry has worked very closely with the Committee on Rules and Administration and has given our staff frequent and valuable counseling and drafting assistance.

Harry Littell is an outstanding example of a career public servant. He has skillfully, ably, and tirelessly served the Senate for 33 years. I most sincerely wish him the enjoyment of a long and happy retirement, with his wife Becky and their family of four children.●

IMPROVING CAPABILITY TO MOBILIZE MILITARY MANPOWER

● Mr. HATFIELD. Mr. President, it has always been my belief that it is incumbent upon those charged with the defense of the Nation to choose the least divisive and intrusive means of accomplishing that task. And so, I submit for the RECORD today a 28-page report, issued January 16 by the Director of the Selective Service, which clearly states that draft registration, in its own words, is "redundant and unnecessary." This report preceded the 63-page February 13 report from the President to Congress on the state of the Selective Service. The option for a postmobilization registration plan, apparently endorsed by the Director of the Selective Service as the most efficient and cost-effective program for mobilization, was excluded from the report sent to Congress. The report I submit today shows that the administration has chosen to either ignore or bury the truth about draft registration.

I would like to point out, Mr. President, that this report followed, by almost a month, the brutal Soviet invasion of Afghanistan. As indicated in the official report sent to Congress, the Selective Service mobilization timetable, based on the Department of Defense's specifications, because it is based on "worst case" planning already, includes exigencies like those in Iran and Afghanistan. These war plans require the first inductees within 30 days after an emergency is declared.

The postmobilization registration plan recommended by the Selective Service in the report I am submitting states that the first inductee could be made available within 17 days after mobilization. Under the Carter administration's proposed registration plan, the first inductee could be made available in 10 to 13 days. This would indicate a 4 to 7 day improvement over the capability of the system without draft registration. Either way, the requirements of the Defense Department are exceeded by a healthy margin.

Though the case is clearly made that draft registration is not necessary to carry out the Department of Defense's war plans, and one need not challenge their assumptions to make that case, two factors deserve mention because they strengthen the case against draft registration even more. First, the mobilization requirements assume that there will be no volunteers. I would remind my colleagues that on June 4, 1917, 10 million men were registered and that on October 16, 1940, 16 million men were registered. I think an argument can be made, Mr. President, that basing our requirements on the assumption that there will be absolutely no volunteers in times of true national emergencies insults the patriotism of the American people.

In addition, given the current training base capacity of the United States, it is unlikely that vast numbers of draftees could be used prior to 30 days after mobilization. Optimistically, Army Reserve units are not to be manned, equipped, and organized until 19 days after mobilization. I urge my colleagues to study this report carefully. I have chosen to make this information public, Mr. President, because the American people, particularly our young people and their parents, have the right to know the truth about the empty symbolism of draft registration.

The report follows:

IMPROVED CAPABILITY TO MOBILIZE MILITARY MANPOWER

INTRODUCTION

Since 1973, the Armed Services of the United States have operated under an All-Volunteer Force (AVF) concept. Even though inductions under the Military Selective Service Act (MSSA) have been terminated, the Selective Service System is still responsible for providing the increased personnel necessary to man our Armed Services during periods of national emergency. The ability of the Selective Service to support a military mobilization is of concern to the Administration and the Congress. This report examines a number of alternative Selective Service postures and sets forth a course of action to insure that Selective Service can, in a realistic, efficient and equitable manner, meet the emergency manpower needs of the Department of Defense.

The Selective Service and the All-Volunteer Force

In 1970, the President's Commission on an All-Volunteer Armed Force reported that they "unanimously believed that the nation's interest will be (best) served by an all-volunteer force, supported by an effective standby draft." (p. 56) Anticiting the advent of the AVF, the Congress, in 1971, amended the MSSA to provide that:

"The Selective Service System . . . shall . . . be maintained as an active standby organization, with (1) a complete registration and classification structure capable of immediate operations in the event of a national emergency and (2) personnel adequate to reinstate immediately the full operation of the system . . . in the event of a national emergency."

In FY 1973, the AVF became a reality. The last draft calls were issued in December 1972; statutory authority to induct expired in June 1973. On April 1, 1975 the President suspended the requirement that those subject to the MSSA register with the Selective Service System. Classification actions were terminated and local boards, State Headquarters, and appeal boards were closed in FY 1976.

The Standby Selective Service System

Under the AVF concept, the Selective Service is to provide a "standby" system to support a military mobilization. The system must be ready, without notice, to provide the untrained manpower that will be required to staff our Armed Services during a military emergency. The specific requirement—numbers of people and delivery schedule—are established by the Secretary of Defense.

In the mid 1970's, the Secretary of Defense established an induction requirement which Selective Service believed they could meet with their existing system. In October 1977, however, Defense increased the requirement and moved up the schedule. This change was based upon the worst case senario in which there are no volunteers or enlistments from the delayed entry pool, and Selective Service provides the entire DOD requirement for untrained manpower. Table 1 contrasts the original and the revised delivery schedules.

TABLE 1.—DOD INDUCTION REQUIREMENT

	1st induction	100,000 inductions	Total inductions in 6 mo
Original	M+110	M+150	
Revised	M+30	M+60	650, 000

M=Mobilization day.

The ability of the Selective Service to meet the revised schedule has been the subject of a number of recent critical reviews, including a major President's Reorganization Project Study. Each study concluded, as did the then Acting Director of Selective Service in a report to the Congress (March 1979), that, Selective Service does "not presently have the capability to meet the Department of Defense wartime manpower requirements from our 'deep standby' status."

A report to the Congress

The 1980 Defense Authorization Act required that the President address a number of issues pertaining to military manpower procurement policies and the appropriate posture for a "standby" Selective Service.

Specifically, Selective Service has addressed five issues posed by the Congress:

The desirability and feasibility of establishing a method of automatically registering persons under the Military Selective Service Act;

The desirability and feasibility of establishing a method of automatically registering persons under the Military Selective Service Act through a centralized automated system using school records and other existing records, together with a discussion of the impact of such a registration on privacy rights and on other constitutional issues;

Whether persons registered under such Act should also be immediately classified and examined or whether classification and examination of registrants should be subject to the discretion of the President;

Such changes in the organization and operation of the Selective Service System as the President determines are necessary to enable the Selective Service System to meet the personnel requirements of the Armed Forces during a mobilization in a more efficient and expeditious manner than is presently possible; and

Such other changes in existing law relating to registration, classification, selection and induction as the President considers appropriate.

In addition, the Conference report accompanying the 1980 DOD Authorization Act charges that:

"The President's recommendations with regard to the feasibility of establishing a registration plan through a centralized automated system should specifically address court decisions with respect to the requirement for issuing induction orders in the proper 'order of call', as well as those dealing with conscientious objectors, classification procedures, and other relevant court decisions."

"If the President intends to rely on post-mobilization registration plans as the foundation of our mobilization capacity at time of emergency, then the report should also address the extent of testing of the plan that will be done, the acquisition schedule, and capability of computers and other necessary equipment, the extent of agreements with state election officials or other non-Federal agencies, the schedule for training Federal and non-Federal personnel who would be involved in registration, and the likelihood that induction orders issued under such a plan would survive potential court challenges."

The basic problem facing Selective Service is, "How should the Selective Service System operate to meet, efficiently and equitably, the mobilization needs of the Department of Defense for untrained manpower?" In order to address this question, we examined a number of options which correspond to the alternatives suggested by the Congress in the 1980 Defense Authorization Act. Specific options considered were:

1. A post-mobilization participatory (face-to-face) registration plan.
2. Pre-mobilization participatory registration.
3. Pre-mobilization participatory registration and classification.
4. Pre-mobilization participatory registration, classification, and examination.
5. Non-participatory registration.

This report

This report reflects the process undertaken to provide an answer to the above question and to choose a course of action designed to insure that Selective Service will be able to carry out its mission in support of the Defense Department. First, we examined the DOD requirement with regard to the Armed Forces Examining and Entrance States (AFEES) capacity to process registrants for induction. This established a minimum responsiveness goal for Selective Service. Next, we examined five options and assess their ability to meet delivery requirements, and their costs. We reviewed the post-mobilization plans previously submitted to the Congress and determined that major improvements could and should be made. We therefore developed a new post-mobilization system, dramatically different from the plan previously presented to the Congress, and determined its cost and responsiveness. Using this plan as a base, we provide for pre-mobilization registration, and estimated the added cost and improved responsiveness. We then considered classification, and classification and examinations, and, again projected the marginal cost and improvement in responsiveness. Our analysis also considered non-participatory registration as an alternative to face-to-face registration. Our basic conclusion was that non-participatory registration is undesirable and that every participatory registration option can more than meet the DOD manpower requirement. The post-mobilization option is by far the most cost effective, and least intrusive, and is the option chosen by Selective Service. The next section of the Report examines that option in detail, and steps taken to build an efficient and equitable standby Selective Service System.

The Standby Selective Service System presented in this report is markedly different from previous standby plans. We highlight the new system with respect to seven subsystems which make up the registration/induction process. The major changes are (1) reliance on the U.S. Postal Service (USPS) to conduct face-to-face registration; (2) the sort of registration forms by USPS into Random Sequence Numbers (RSN), the creation of computer data files in RSN order and the accelerated promulgation of induction orders; and (3) the reliance on operating, in-place, testable, Federal infrastructures to support the Selective Service in an emergency, i.e., Social Security Administration and Internal Revenue Service for "keypunch" support and DOD for computer, facilities, and personnel support. This support in no way compromises the administrative independence of the Selective Service and completely reserves for Selective Service the process by which claims for deferments and exemptions are adjudicated.

We also provide an Analysis of the new Standby Selective Service System to determine how flexible it is likely to be in meeting Defense's requirements. Our analysis considered (1) our ability to achieve a given schedule and (2) our ability to achieve a planned rate of production. The total registration/induction system has the capability to meet the DOD induction schedule even with considerable slippage in the assumed timetable or a failure of the Selective Service and/or the AFEES to achieve a given rate of performance.

The report goes on to consider a number of additional concerns raised in the Conference report and statutory changes with regard to the new post-mobilization plan. The report concludes with a Summary and Conclusions section which highlights steps already taken to ensure Selective Service's immediate ability to respond to an emergency military mobilization.

The DOD requirements

In 1977, DOD asked the Selective Service to develop the capability to start inductions within the first thirty days after mobilization (M+30), and to deliver 100,000 inductees to Defense by M+60, with 650,000 inductions to take place during the first six months of mobilization. This was based upon the worst case scenario, namely that Selective Service would be the only source of untrained manpower.

As noted, the DOD requirements are stated as "inductions" and as such require the closest coordination between the Selective Service and DOD's Military Enlistment Processing Command (MEPCOM). In the "induction" process, the Selective Service:

Registers those subject to the MSSA.

Determines the order of those who will be called for service.

Orders registrants to take physical and mental examinations.

Issues orders for induction.

Classifies individuals.

Adjudicates claims for deferments, postponements, and exemptions.

The Military Enlisted Processing Command, through their 67 Armed Forces Examining and Entrance Stations (AFEES):

Provides physical and mental examinations.

Inducts qualified registrants into the Armed Services.

In order to understand clearly the implications of the Defense requirement on the Selective Service, we have worked with MEPCOM to determine the AFEES capability to process registrants during a military mobilization. Our analysis shows that the AFEESs have the ability to give at least 14,000 physical and mental examinations per day, 6 days per week during mobilization. This means that:

Historical analysis indicates that depending upon the time of the year, the Selective Service System must issue as many as 35,000 indication orders per day in order to guarantee that 14,000 registrants will report to the AFEES to take physical and mental examinations. (Induction orders would be issued ten days before an individual is expected to report to an AFEES.)

Based upon a historical 50 percent physical and mental examination acceptance rate, the system can induct 7,000 per day, 6 days per week.

The AFEES could accept registrants as late as M+43 and still provide 100,000 inductions by M+60.

Earlier delivery of registrants to the AFEES would allow them to operate below maximum capacity or the SSS/MEPCOM system to induct more than 100,000 by M+60.

SELECTIVE SERVICE OPTIONS

Selective Service considered in detail the five options in terms of the ability each provides to carry out our mission. Before describing the options and the results of our analysis in more detail, it is important to note that there are a number of features which are common to two or more of these options. The most important of these are:

United States Postal Service will carry out the face-to-face registration. USPS has agreed to undertake the task of face-to-face registration under all participatory registration options (Options 1, 2, 3 and 4). The USPS is attractive because it is a single command infrastructure with facilities and personnel, and a communication/transportation network extending to every corner of the country. Postal locations are widely known. USPS has provided similar services for the Department of State (passport applications) and for the United States Immigration and Naturalization Service (alien registration). USPS is capable of storing registration forms, transporting materials and training personnel. They can sort registration material and transport forms to central locations for data processing. The USPS has also agreed to joint tests of their capability to register draft eligible individuals. The first such test will be conducted later this year.

The Emergency Military Manpower Procurement System procedures will be employed wherever possible. Both pre- and post-mobilization participatory registration options (1 and 2) will employ the procedures incorporated in the Emergency Military Manpower Procurement System (EMMPS). A major feature of EMMPS is that it eliminates pre-induction examinations and classification. After registration and a Random Sequence Number (RSN) lottery, all registrants will be administratively classified 1-A, ready for induction. Induction orders would be centrally issued in RSN order by the Director of Selective Service. After receiving an induction order, a registrant would either report to an AFEES for examination (and if found physically and mentally qualified, would be inducted), or would request a deferment or exemption. Such requests would be processed by local boards.

A new data processing system will support all options. Everyone who has looked at the current state of the Selective Service has concluded that the ADP system is inadequate. In order to immediately provide the capability to register and induct, the Selective Service and the Department of Defense have agreed that the United States Army Management Systems Support Agency (USAMSSA) will provide computer support for the operation of EMMPS. This is only an interim step. A joint Selective Service/MEPCOM computer center is planned for the Fall of 1980. The joint center will provide a single computer facility completely dedicated to the registration/induction process while preserving the operational and administrative independence of the Selective Service.

The Selective Service field structure will be reactivated in accordance with the requirements of each option. The Selective Service will recruit and train local and appeal board members and will provide for the establishment of area offices under all options. In an emergency (Options 1 and 2), the Department of Defense will provide selected facilities and personnel temporarily detailed from military recruiting commands to augment and support area office operations. If Selective Service undertakes pre-mobilization classification of registrants (Option 3), area offices will be established and staffed.

Given these common features, the following discussion highlights the responsiveness, cost, structure and operating procedures of the Selective Service System under each option. (Cost and personnel requirements are based upon the assumption that the MSSA will be amended to require women to register with the Selective Service.)

Option 1. Post-Mobilization Participatory Registration. The discussion of this option reflects major changes from the post-mobilization plans previously presented by Selective Service. Our new plans provide that the USPS register one year of birth group (4 million men and women) four days after notification of mobilization (M+4). USPS employees will review completed forms, witness the registrant's signature, and provide the registrant with a copy of the form as a receipt. Two weeks later USPS will begin continuous registration of 18 year olds. Selective Service will conduct a lottery on the evening of M+4. The USPS will sort registration cards by lottery number and forward sorted data to IRS and/or SSA regional offices. Selective Service reserve officers will be located at IRS/SSA regional offices and will receive and ensure the security of the registration forms. The IRS/SSA will keypunch registrant data which will be transmitted to a central computer center. The Director of Selective Service, acting for the President and using EEMPS, will issue induction orders starting on M+7.

Concurrently, 434 area offices will open at predesignated recruiting office locations. Fifteen hundred pre-trained personnel will transfer from the Armed Services Recruiting Commands to Selective Service to augment reserve officers already assigned to Selective Service. Area offices will provide administrative assistance to local boards. State Headquarters will also be reestablished to provide administrative assistance to area offices. Regional offices will continue to support both.

Under this option, Selective Service expects to exceed the current DOD requirement for inductees. Registration will occur at M+4 and induction notices will be issued starting on M+7. Inductions will begin on M+17 at the rate of 7,000 per day, the estimated capacity of NEPCOM. With this sustained rate, 100,000 inductions could be made by M+35 and 650,000 inductions by M+125.

The estimated yearly recurring cost for this option, i.e., base level cost to keep the Selective Service System in a true standby posture, is $9.7M.

Option 2. Pre-Mobilization Participatory Registration. The USPS would conduct face-to-face pre-mobilization registration in largely the same manner as they would under emergency mobilization plans. Initially, USPS would conduct a start-up registration of one year of birth group (approximately 4 million 19 year olds) over a period of about a month. Continuous registration of 18 year olds would start shortly thereafter. Registration would occur during regular USPS business hours at classified post offices. The IRS/SSA would key only the registration data for the initial group. Data generated from continuous registration and change of address notices would be processed by Selective Service.

In the event of mobilization, the Director of Selective Service, acting for the President, would immediately classify registrants 1A and begin to issue order for induction. Registrants would begin to report to the AFEES the morning of M+10, seven days ahead of the Option 1 schedule.

As under Option 1, 434 area offices would be established at Recruiting offices upon mobilization, and the Recruiting Services would provide 1,500 pre-trained people to assist.

Under Option 2, Selective Service could order sufficient numbers of registrants on M-day so that the AFEES could immediately induct 7,000 per day, the maximum capacity of MEPCOM. At this rate, 100,000 inductions would be made by M+26 and 650,000 by M + 117.

Estimated cost for Option 2 is $11.3M in one-time costs and $23.8M in recurring costs. This is an additional $14.1M in annual recurring costs above the costs of post-mobilization registration (Option 1).

The additional one-time pre-mobilization costs would be $5.8M for the USPS to conduct the initial registration and $5.7M to the IRS/SSA to key these data. The increase in recurring costs would include $5.8M to the USPS to conduct continuous registration, $4M for additional rent, travel, printing, reproduction, and other services. About $4.3M in additional costs would be for increased personnel: three hundred twenty additional people would be needed in the regional offices to key and input registration cards to record address changes. Fifty-nine additional people would be needed for management, supervision and staff support.

Option 3. Pre-Mobilization Registration and Classification. If the President directs pre-mobilization registration and classification, the Selective Service would modify its Emergency Military Manpower Procurement System (EMMPS) procedures.

Under this option, the USPS would register individuals as before. Registration data for the first group would be keyed by the IRS/SSA. Four hundred thirty-four area offices would be established to handle follow-on data entry and would, in addition, work with local draft boards in classification. At the same time, 97 appeal boards would be established. Registrants would be given continuous opportunity to appeal or petition for change of classification.

Pre-mobilization classification of registrants under Option 3 would not improve mobilization response times. First inductions would still occur at M+10. One hundred thousand inductions would be made by M+26 and 650,000 by M + 117. The benefit of classification before mobilization is not response time, but in a more orderly induction process, since orders would be issued only to those already classified. It should be noted, however, that individuals who did not request reclassification in the pre-mobilization period might still do so during mobilization.

The additional costs incurred by reinstating pre-mobilization classification would be determined in part by the numbers classified. Two sub-options were considered: (1) classify only enough registrants to insure the delivery of 100,000 qualified inductees, and (2) classify an entire year of birth group annually.

In order to provide 100,000 qualified inductees, Selective Service would classify approximately one million registrants. Additional staff would be needed to handle classification questionnaires, make and maintain registrant files, request additional documentation when required, decide administrative reclassifications ,support local boards, update data bases, notify registrants of results, arrange for personal appearances, and respond to queries. The one-time costs would increase by about $2.6M and recurring costs would increase by $12.0M—$5.7M for increased systems support, $0.2M for ADP support, and $6.1M for additional personnel.

If an entire year group (about 4 million men and women) is classified each year, total costs would increase significantly, but with no increase in responsiveness. One-time costs would be about the same for classifying 4 million as for classifying one million. However, recurring costs would increase—$23.1M for additional staff and $6.4M for system support, e.g., communications, rent, printing, travel, and services. About 1,800 additional people would be needed to handle the additional 3 million classifications, and another 450 people for management and supervision.

Option 4. Pre-Mobilization Classification and Examination. Under this concept, registrants with specified classification would be ordered to an AFEES for pre-induction examination. Those found acceptable would be available for induction after a check of physical status. Army regulations provide that physical examinations are valid for one year. If an individual is inducted within a year after his examination, only a physical inspection is required. If the delay is more than a year, a new examination would be called for.

Responsiveness would be improved because MEPCOM is able to process pre-examined individuals more quickly. Current estimates are that MEPCOM could accept up to 17,500 pre-examined individuals per day and that about 16,000 of these (92%) would be found acceptable and inducted.

As with pre-mobilization classification, two sub-options are: (1) examine sufficient numbers of classified registrants to insure 100,000 qualified inductees and (2) examine an entire year of birth group annually. In either case, induction orders would be issued on M-day, and inductions would begin at M+10, initially at a rate of 16,000 per day. If a portion of a year group is examined, 100,000 qualified males could be inducted by M+16 and 650,000 individuals could be inducted by M+108. If the entire year group is examined in the pre-mobilization period, then the total 650,000 inductions could be made by M+56. Both cases exceed DOD's stated requirements for inductees.

Under this option, additional costs would be incurred by both the Selective Service and the Department of Defense. If a decision is made to examine only enough people to meet DOD's 60-day requirement, Selective Service would plan to order 600,000 registrants for examination. Additional Selective Service resources would be needed to process examination results, schedule transportation for the registrants to take examinations, answer queries, and schedule the additional workloads for local boards. One-time costs would not increase in either case since area offices would already be operational. The additional recurring costs would total $11.4M if part of year group is examined and $58.3M if an entire year group is examined annually.

The costs of the examinations would be borne by the Department of the Army. The Office of the Army Deputy Chief of Staff for Personnel provided an estimate of $75.00 per examination based on the expected use of contract physicians. Re-examinations would cost about $10.00. Using these projected costs, examining part of a year group would cost about $45M and examining an entire year group (approximately 3.6 million) would cost about $266.0M.

Option 5. Non-Participatory Registration. The Congressional Budget Office (CBO) and the General Accounting Office proposed that Selective Service consider relying on existing computer files to form a list of draft eligibles instead of a planning on a traditional face-to-face registration. We have studied this proposal in terms of (1) our ability to construct a list of sufficient size and accuracy from which to induct the required personnel, and (2) the impact of such procedures on the Privacy Act, on other related statutes, on the MSSA, and on Constitutional questions of equal protection and due process.

The Selective Service, in order to carry out the draft, needs the name, address, and birth date of males subject to the MSSA. (If females were subject to the MSSA, we would also need to know the sex of the registrant.) At a minimum, we need valid data (correct addresses) on sufficient numbers of people to insure we can induct the required number of people; 5:1 in order to induct/induction ratio is planned. A master list must be available no later than M+20 to insure that we can deliver the first inductees to Defense by M+30.

The most comprehensive data base available is the master Social Security Administration (SSA) file which contains all the needed data except current address. Based upon our survey of five Federal agencies (Agriculture, HEW, Justice, Commerce, and Treasury); and the Education, Motor Vehicle, and Voter Registration agencies in six states, we found the most comprehensive source of "current" address is the Internal Revenue Service (IRS).

The Congressional Budget Office, using Department of Labor employment statistics, has estimated that 85 percent of the 19–to–20 year old population work some time during each year, and therefore probably filed an Income Tax Return. The Bureau of the Census reports that the mobility rate of the prime age group (18–26) ranged from 16 to 34 percent during the period 1975 to 1976. Our best estimate is that, unless a master list is updated regularly, approximately 25 percent of the addresses will be invalid by the end of a year. A merged SSA/IRS list will be most accurate immediately after April 15, and will become progressively inaccurate until the following year's filing. Given our estimates of an 85 percent IRS coverage and 25 percent mobility rates, a master list with "valid" addresses may capture as little as 60 percent of the draft eligible population. This, however, appears to be sufficient to meet DOD's induction requirements.

As noted, any registration system must be able to provide a list in about twenty days. CBO indicates that these agencies "already have a major tape exchange program in effect, and they estimate it would take about three to five days to merge the files . . ." However, in response to inquiries from Selective Service, Social Security indicated it would take a month to deliver the data, and IRS indicated two months to perform the match and create the merged file. It appears that in order to insure a master file, we should plan on merging SSA and IRS data in the pre-mobilization period.

While the construction of a master list from SSA and IRS computer files is feasible, questions have been raised on privacy and constitutional guarantees of equal treatment and due process. All Federal agencies surveyed advised that not only would the Privacy Act of 1974 have to be amended, but prohibitions on individual agencies would also have to be changed. (IRS has specific prohibitions in Title 26.) Moreover, IRS believes that, "to use the Internal Revenue Service system for the purpose suggested would adversely effect our extremely important mission in a number of ways. It may have a significant impact on compliance in the area of withholdings and return filings . . . if withholding records are used in the military induction process, draft protestors would be presented with an irresistible temptation to become tax protestors."

The Selective Service General Counsel has advised that non-participatory registration would require an amendment to the MSSA, and that in his view such an amendment would violate both due process and equal protection guarantees of the Constitution.

Under present plans, not everyone eligible to serve is likely to be called. A system in which induction into military service is systematically reserved for those who have social security numbers, can be located because they have filed an Income Tax Return, and have not moved, does not appear to be a reasonable means for the Congress to carry out its purpose. This is particularly true since there are other ways open to the Congress—both pre- and post-mobilization face-to-face registration—which guarantee due process under the law. The argument that merged computer files will save money and avoid generational conflict does not appear compelling enough to violate Constitutional guarantees.

It is often argued that face-to-face registration will not provide more names and addresses than non-participatory registration, and, therefore, the two systems are equivalent. This does not appear to be correct. We estimate a face-to-face registration will provide a list over 90 percent complete compared to as little as 60 percent by means of computer merger. More importantly, as long as we give everyone a fair opportunity to register, we will legally account for 100 percent of the population eligible for military service under the MSSA, i.e., those who do not register are in violation of the law and subject to legal penalty.

Non-participatory registration also appears to violate standards of equal protection because two people who are identical, except that one recently moved, would be treated differently in terms of the probability they would have to serve. The administration of such a scheme would produce such disparity of treatment of persons similar in all legally recognized ways that there can be no question that there would not be equal treatment.

In reviewing the above arguments, it is the position of the Director of the Selective Service that while it is technically feasible to construct a master list of draft eligible individuals, and meet the DOD requirements, such a system would be neither fair or equitable. Construction of a master list during peacetime raises serious privacy questions. Moreover, such a system would effectively excuse as much as 40 percent of the eligible population from military service. The system would not be perceived as fair or equitable and could be challenged successfully as a violation of the Constitution. For these reasons, the Director has concluded that a non-participatory registration scheme is not a viable system for Selective Service.

RECOMMENDATION

Our analysis of non-participatory registration suggests that while the system is technically feasible it is not likely to be perceived as fair or equitable and would be subject to serious Constitutional challenge. Moreover, such a system does not seem necessary in light of the projected ability of all options to surpass the required DOD induction schedule. For these reasons, the non-participatory registration concept is not recommended.

Our analysis of the various face-to-face registration options suggests that the post-mobilization plan is preferable. Table 1 shows the responsiveness, number of premobilization full and part-time personnel, and initial and recurring costs for each option. The post-mobilization option should substantially exceed Defense requirements, employs the fewest number of full time personnel, and costs the least. While costs and staffing should not be the determining factor, the reduced delivery time provided by the other options is redundant and unnecessary. The post-mobilization option, subject to field testing later this year and the international situation at any time, is recommended as the basis for an effective Standby Selective Service.

TABLE 1.—SUMMARY OF OPTIONS

Summary of options	Post-mobilization registration	Premobilization registration	Premobilization registration with classification		Premobilization registration with classification and examination	
			Part of year group	Entire year group	Part of year group	Entire year group
Responsiveness (DOD requirement):						
1st inductions (M+30)	M+17	M+10	M+10	M+10	M+10	M+10
100,000 (M+60)	M+33	M+26	M+26	M+26	M+17(6)	M+16
650,000 (M+180)	M+124	M+177	M+117	M+117	M+108	M+56
Premobilization employment:						
Full time	116	495	1,080	2,885	1,535	4,960
Part time	715	715	300	100	200	0
Premobilization costs:						
SSS initial		11.5	14.1	14.1	14.1	14.1
SSS recurring	9.7	23.8	35.8	65.4	47.2	123.6
DOD recurring					45.0	266.2
Total	9.7	23.8	35.8	65.4	92.2	389.9

STANDBY SELECTIVE SERVICE SYSTEM

Calendar of events

In the event of a national emergency and the reinstitution of the draft, the Selective Service, operating under EMMPS, will initiate the following process:

Time and event:

M, The President declares a national emergency and orders that registration be reinstituted.

M + 1–M + 3, Civilians in specific year of birth groups are directed to their U. S. Post Office facility to register.

M + 4, The USPS carries out the registration and ships completed forms to regional postal processing centers.

The Selective Service conducts a lottery after the registration has been completed and establishes the "order-of-call" based on Random Sequence Number (RSN).

Selective Service area offices are opened under an agreement with the Department of Defense to turn over recruiting command facilities and personnel to Selective Service.

M + 5, The USPS sorts registration material by RSN and ships the cards to data entry facilities.

M + 6, The Internal Revenue Service and/or the Social Security Administration data entry facilities receive the registration cards and begin to keypunch the data in RSN order-of-call sequence. Keypunched data are transmitted to the central Selective Service computer.

Congress authorizes the President to induct personnel into the Armed Forces.

M + 7, The Director of Selective Service pursuant to regulations issued by the President under Section 5(d) of the Military Selective Service Act (MSSA) issues orders for induction in the proper RSN "order-of-call".

M+8–M+17, Registrants receiving orders for induction can: Report to AFEES for processing, request an exemption or deferment, or do neither.

If a registrant reports to an AFEES, he will receive a physical and mental examination, and if found fit, will be inducted.

A registrant may request reclassification by filing a claim with an area office of the Selective Service.

Under EMMPS, after a second order for induction had been sent, a list of those who neither appealed or reported to an AFEES will be sent to the Enforcement Division in the Department of Justice for appropriate action.

M+18, The first inductees will report to their assigned military training bases.

M+34, The system, working at maximum capacity and without delays, will have processed 100,000 inductees.

The schedule outlined above is substantially different from previous Selective Service plans. We can highlight the new Standby System with respect to seven subsystems which make up the registration-to-induction process. The subsystems are:

A registration process that is rapid and reliable.

A method of entering registrant data quickly into an ADP system.

An ADP system (hardware and software) that can handle the registrant and claims populations in the time required.

A system for the promulgation and distribution of orders for induction.

A claims process that can quickly insure all registrants' rights to due process are protected.

A field structure that can support the claims process.

Registration

The Selective Service and the United States Postal Service have entered into a Memorandum of Understanding which provides that the USPS will conduct a registration of up to 4 million draft eligible (two male year of birth groups or one male/female year of birth group) within 72 hours of notice. Postal employees will act as registrars and check completed registration forms for accuracy and legibility. They will sort completed registration cards by date of birth, deliver sorted cards to data processing sites, and undertake a continuous registration for those subject to the MSSA who were not required to register immediately after mobilization. The two agencies have also agreed to work together to fully develop implementation plans, i.e., training and storage of forms, etc., and to test the system in August 1980. The USPS has also agreed that even without these last steps they could undertake an emergency registration within seven days.

This agreement is based upon the results of a detailed analysis of existing postal windows in each zip code area in three representative states, estimates of the twenty year-of-birth population in each area and projected transaction times of 5 minutes and 2.5 minutes per registration. (Postal officials indicate that their average transaction time is approximately one minute.) For example in the state of Illinois, using the most conservative estimate of five minutes per registration transaction, and without taking any special measures, there are sufficient postal windows in 97% of the urban post offices and 98% of the rural windows. Postal officials have agreed that where there appears to be a lack of postal windows, they will open additional "windows" using tables and desks. In any event, postal facilities will stay open, so that no one required to register with Selective Service will be turned away.

We have also entered into an agreement with the Department of State whereby they will, operating from their overseas embassies and consulates, conduct an initial registration within 72 hours of notification and will transmit the data to the Selective Service Headquarters within 96 hours.

Data entry

One of the most fundamental changes in Selective Service plans is the development of a new concept for conducting the lottery, entering the data into the central computer and issuing the first order for induction. The previous plans required that an entire year group—2 million records—would have to be keypunched and verified before a lottery could be held and the first induction notice issued. It was estimated that this would take 1,300 persons per day for ten days.

In sizing the keypunch requirement, we found that, in fact, there was no need to input into the computer a complete year group before we held the lottery or issued induction orders. The important thing is that induction orders are issued in Random Sequence Number (RSN) order. This can be done by holding the lottery immediately after the close of registration, sorting the completed registration forms according to RSNs—a task that the USPS has agreed to undertake—and entering registration data into the computer in RSN order. Under this concept, induction notices can be issued to the first inductees while the registration data for those to be called later is still being processed. This "pre-sort" scheme substantially reduces the requirement for keypunchers by spreading the required work over the time available to Selective Service.

We estimate that at a minimum, we need to process 35,000 registrations forms a day, and this would require about 115 keypunch operators compared with 1,300 as previously planned. If we process more than 35,000 records per day, we would reduce the number of days it would take us to keypunch the registration data, but would not increase our ability to induct.

Under present plans, we will make use of the keypunch capacity of the Internal Revenue Service (IRS) and/or the Social Security Administration (SSA). Both agencies have agreed that in event of a national emergency, they could suspend part of their operations to support Selective Service. The IRS has over 4,000 data entry terminals located in ten regional centers, which are conveniently located near USPS centers. During the tax return period of January to June, the IRS has about 6,000 data entry personnel onboard. During the non-tax period of July to December, the staff is reduced to about 1,500 personnel. The SSA advises that they could do the entire job using some portion of the 1,200 terminals located at Wilkes Barre, Albuquerque and Salinas. In order to provide a margin of error, both agencies have agreed to plan for a production rate of 100,000 registration forms per day.

Automatic Data Processing Support

The present Selective Service computer center will not support a mobilized Selective Service System. Current hardware cannot be expanded to support EMMPS. In deciding how best to meet our computer needs, we considered that:

Selective Service has an immediate need for a substantial computer capability upon mobilization.

There is a very imited need for a computer during standby.

Any new ADP system should facilitate the entire registration-to-induction order process. This requires that we consider MEP COM's ability to process registrants in support of Selective Service, as well as our needs to support our area offices and local boards.

To provide short term ADP capability, we have developed a plan that will ensure we have (1) an immediate capability to, in the least, process registration data and issue orders of induction; and (2), within a year, provide for improved interface with MEP COM and our area offices.

We have a formal agreement with the Department of Defense and the Army that the USAMSSA computer center will support EMMPS. The compatability of EMMPS and USAMSSA computer was tested and demonstrated in December 1979.

The USAMSSA agreement is only temporary. As a longer term solution to our ADP requirements, we have also agreed that Selective Service and MEPCOM will develop a joint computer center, using a surplus IBM 370/165 computer belonging to Defense. We believe that a joint center has many advantages. It would reinforce the link between the two organizations, e.g., after mobilization the volume of data transmitted each day would be substantial and a joint facility would minimize delay and the need for an expensive telecommunication network. It would put Selective Service on a computer solely dedicated to the military manpower procurement mission, and would help insure the coordination of manpower flows from Selective Service to AFEES. The joint computer center will also support our local boards through the 434 area offices. Computer terminals in each area office will be linked to the IBM 370/165 and would be used to input and update registration and appeals information. Current budget, and requests before the Congress, are sufficient to carry out our plans and develop a joint Selective Service/MEPCOM computer center. It will, however, be necessary to advance the procurement of terminals from FY82 to FY81. Accordingly, we are asking for an increase in FY81 funds of $4.5M for this purpose.

Promulgation of orders for induction

Under EMMPS, there will be a single national draft call based upon random selection. Actual induction orders will be issued by the Director of Selective Service, by direction of the President and under authority of section 5(d) of the MSSA. Using the Selective Service master registration file, which will be created and maintained by RSN, induction orders will be transmitted as Western Union Mailgrams. The Mailgrams will contain the following information:

Identification of the inductee.

Orders to report at a specific time to a designated AFEES.

Information on procedures to follow if unable to comply with the induction order.

Information on exemption and deferment rights.

A simple claims form.

The address of the inductees local board/area office to which claims should be sent.

The area office, upon receipt of a claim will notify Selective Service Headquarters and will process the claim according to standard Selective Service procedures. MEPCOM will also be notified of individuals ordered to AFEES and will report their status to Selective Service Headquarters.

Claims processing and the Selective Service field structure

Under EMMPS, after receiving an order for induction a registrant may apply for a deferment or exemption. It has historically been, and will continue to be, the task of local draft boards supported by Selective Service Area Offices to adjudicate such claims. It is imperative that a claims structure be in place when we start issuing orders for induction. Under present plans, this is likely to be as early as M+7 days. We are, therefore, developing plans and procedures for the selection and training of local board members. We are requesting $1.1 million in FY81 and approximately $250,000 per year thereafter for this purpose. Included in these totals are funds for three additional full-time positions for management of this program.

We have also streamlined our procedures to reconstitute essential area offices in support of local boards. On November 28, 1979, the Deputy Secretary of Defense and the Director of Selective Service agreed that, "in order to facilitate the operation of the Selective Service in support of the manpower procurement needs of the Department of Defense, we must better coordinate our planning and post-mobilization manpower system. In addition, it is appropriate that DOD, like other Federal agencies, provide support to the Selective Service during a national emergency. Such support from DOD might include but not be limited to, computer and data processing, selected personnel and facilities. However, DOD should not in any way be involved in the process by which the Selective Service adjudicates claims for deferment or exemption."

Selective Service has 715 military reservists who are a cadre to reactivate the system. We have also entered into an agreement with Defense to take over specific Armed Forces Recruiting Offices within 24 hours after mobilization. Moreover, 1,500 Recruiting Service personnel will augment the Selective Service reservists for about 45 days after mobilization. These personnel will be identified by name, provided training and will participate in training exercises and field tests.

We have ordered a revision to this summer's annual training, in order to test these new procedures. We will "mobilize" each state headquarters and "reestablish" area offices. This should allow us to work out problems before Nifty Nugget 1980.

ANALYSIS

The capability of the Selective Service System to induct people into the Armed Forces depends upon (1) achieving, in a timely manner, the schedule of events and (2) achieving the appropriate rates of production in the various subsystems, e.g., physical and mental examinations per day, etc. The robustness of the new plan is shown by comparing the following four figures. Each figure shows the number of males processed on the vertical axis, the calendar of events (time) on the horizontal axis, each line is a different subsystem, and the rate of production for each subsystem is the slope of the respective line.

Figure 1 shows how the system would work if Selective Service and the AFEESs achieved both the schedule and the planned production rates. As is evident, first inductions start 12 days ahead of the DOD timetable, with 100,000 inductees delivered to Defense on M + 34—26 days ahead of schedule.

In order to examine the flexibility of the plan, we considered what would happen if we achieved the schedule of events, but operated at the minimum rate necessary to meet the DOD delivery schedule. In such a case, the data entry, induction orders, and AFEES subsystem could work well below their maximum mobilization capacity (2 shifts, 6 days per week) and still not jeopardize the schedule. In other words, staff capacity required for normal pre-mobilization operations, when expanded to a two shift, 6 days per week operation, can more than meet post-mobilization requirements, and provide a hedge against our failure to achieve our schedule of events. The extent of this hedge is seen in Figure 3.

Figure 3 shows that, if the AFEES operates at its stated post-mobilization capacity of 14,000 mental/physical examinations per day, the Selective Service could issue its first induction order as late as M + 32, 25 days later than originally planned, and still provide 100,000 inductees by M + 60.

The above example assumes a failure in the schedule or rates of production, i.e., a failure by the Selective Service *or* the AFEES. What if both failed? Clearly, there are combinations of failures in both parts that would result in a system wide failure. What is more important, however, is that substantial combinations of failures in both systems which would be sustained without compromising the delivery schedule. For example (Figure 4), if the USPS could not register until M+5 *and* data entry began not two days, but four days after registration (M + 9) and induction letters did not go out one day, but two days after keypunching (M + 11), and if we allowed fourteen days to report to the AFEES, instead of ten days, the AFEES would still provide a hedge in meeting DOD requirements. In sum, over a reasonable range of failures in both the Selective Service and the AFEES, the system is capable of inducting 100,000 people by M + 60.

CONFERENCE REPORT AND STATUTORY CHANGES

The 1980 Defense Authorization Act requires Selective Service to recommend "changes in existing law relating to registration, classification, selection and induction." The Conference Report also raised a number of points relating to post-mobilization registrations plans. Specifically:

"Order-of-Call" Court Decisions. There is some concern that under EMMPS, Selective Service might not issue induction orders in the proper order-of-call, and that the resulting legal challenge could stop the entire draft. The Selective Service General Counsel has reviewed pertinent court cases and has advised that even a successful "order-of-call" defense to a specific prosecution under the MSSA would not void the draft. Court decisions with respect to "order-of-call" merely reflect the well established rule that an agency must follow its own regulations. In the past rules and regulations were issued the National Headquarters, the individual State Headquarters, and the over 3,000 local boards with the result that local boards inadvertently did not always follow our rather complex procedures. The order-of-call defense is less likely to be successful in the future because under EMMPS we will have a single order-of-call controlled from National Headquarters operating under a single set of simplified rules and regulations.

Extent of Testing the Plan. The Memorandums of Understanding with supporting Federal agencies provide that we test procedures in August 1980. We have also restructured the summer training to test our ability to mobilize State Headquarters and reestablish area offices. Selective Service reserve officers will visit the Armed Forces Recruiting Offices scheduled to support Selective Service during a mobilization. Equipment and personnel in these offices will be inventoried and local contacts with GSA, OPM, USPS and the telephone company will be made. The FY81 budget also has funds to allow Selective Service to fully participate in Nifty Nugget 80.

Computer Capability. The EMMPS program is installed on the Defense Department's USAMSSA computer. In an emergency, Selective Service could register and induct. We have also provided funds in FY80 and FY81 to take over a surplus DOD IBM 370/165 computer and have agreed to develop a joint SSS/MEPCOM computer center. We will request additional FY81 funds, originally programmed for FY82, to purchase 434 computer terminals to fully support our local boards and area offices. This will provide a computer network completely dedicated to military manpower procurement and processing and will not only improve the registration/induction process, but will insure a rapid adjudication of all claims.

Agreement with state officials and other non-Federal agencies. Under our new plans, the Selective Service does not rely on any agreements with either state or non-federal agencies.

Schedule for training Federal personnel in registration. Each Memorandum of Understanding with a supporting Federal agency provides that personnel will be trained on appropriate aspects of Selective Service procedures. Selective Service, USPS, IRS and SSA will review registration forms to insure that they are compatible with normal operating procedures.

Likelihood that induction notices would survive potential court challenges. The Selective Service General Counsel has reviewed all post-mobilization plans and procedures. Sections 5(a)(1) and 10(b) of the MSSA imply that the local draft boards shall issue induction orders. At the same time, Section 5(d) of the Act authorizes a uniform national draft without regard to local boards whenever the President prescribes the use of the lottery. The section places the issuance of induction orders under such rules and regulations as prescribed by the President. Selective Service plans, through the EMMPS procedures, to issue induction orders under authority of this section and is developing updated regulations. To insure that the authority to issue induction orders is completely unambiguous, Selective Service recommends a statute change which will specifically grant the President authority to issue induction orders under Sections 5(a)(1); 10(b); and 5(j) of the MSSA.

The General Counsel has advised that the registration and induction system may be vulnerable to legal challenges if a claims structure was not in place at the time of induction. Accordingly, we are planning to undertake the selection and training of local board members in fiscal year 1981.

The General Counsel has also advised that to meet current Constitutional law requirements of equal protection, any system of registration for and induction into the armed forces must include both men and women. Accordingly, the Selective Service is recommending an amendment to the MSSA to provide for the registration and induction of men and women.

At this time we know of no other legal questions pertaining to a post-mobilization registration plan.

Registration and Induction of Women. The Selective Service and the Department of Defense agree that any future draft should be applicable to both men and women, because (1) it would be inequitable to restrict registration and induction to men since women can and currently do fill substantial, essential military requirements; and (2) the evolution of substantial relationship standards of equal protection in gender renders all male draft constitutionally suspect.

The Department of Defense has also advised that under the present state of the law, they assume the validity of current gender based combat restrictions, whether accomplished by statute or policy. In recognition of present combat restrictions, DOD has proposed, and Selective Service supports, a change to the MSSA to provide standby Presidential authority to register and classify both men and women, to randomly induct men only in sufficient numbers to fill combat positions and to maintain a replacement pool for those positions, and to randomly induct men and women on an equal basis to fill non-combat positions. We have been advised that given the above, Defense would not require women within the first 60 days, i.e., they would not be part of the 100,000/M+60 requirement, and that 80,000 women would be required over the period M+90 to M+180. These women would be part of the total 650,000 six-month requirement.

SUMMARY AND CONCLUSION

The Selective Service, over the last several months, has completely revised the plans by which it will register and induct draft eligible people into the Armed Services. We believe that we now have a capability to respond in an emergency. The changes which have provided this new capability are:

An agreement with the United States Postal Service to conduct registration at their 34,000 postal offices throughout the United States, and with the Department of State to conduct registration overseas.

An agreement with the Internal Revenue Service and the Social Security Administration of keypunch completed registration forms.

A procedure to expedite the induction process by sorting and processing completed registration forms in Random Sequence—Lottery number order.

The development of a simplified procedure to issue induction orders, claims information and forms.

Agreements with the Department of Defense to:

Support the Emergency Military Manpower Procurement System (EMMPS) on an Army computer until we can build a joint SSS/MEPCOM computer center, which will be completely dedicated to military manpower procurement and processing, peace and war.

Provide to Selective Service, 434 Armed Forces Recruiting Stations and 1,500 personnel to facilitate the reestablishment of area offices.

While an immediate reactivation of the system, incorporating these changes, would be difficult and could not be accomplished in the minimum times suggested in this report, the actions already taken should enable us to meet the minimum needs of the Department of Defense. Selective Service is committed over the months ahead, working with supporting Federal agencies, to refine our plans, develop operating procedures, train personnel and test our ability to meet the emergency military manpower requirements of the Department of Defense.●

"MAN OF THE YEAR" GERD HAHN

● Mr. WILLIAMS. Mr. President, I would like to take a moment to share with my colleagues the heartwarming story of Gerd Hahn of New Milford, N.J., who is soon to be honored as "Man of the Year" by the Corporal Charles M. Wallach Post 773 of the Jewish War Veterans of the U.S.A.

Born in Germany, Gerd and his wife, Peggy fled from the Nazis during the early years of the Third Reich. Gerd was among 10 children rescued from the Nazis by the Quakers who brought them to the United States in 1939. His wife, Peggy, who first fled to Holland, was later able to escape to England when Holland was invaded.

On his 18th birthday, Hahn volunteered for military service in World War II, but because he was not yet a citizen, he was unable to enlist. However, after expressing his desire to serve, he was drafted and became a citizen at Fort McClellan, Ala. He served in the Army for 2½ years—most of that time with the infantry and port battalion in Italy.

Mr. President, during the past 21 years, Hahn has devoted himself to the community of New Milford, giving freely of his time, money, energy, and talents to help others. This gratitude and love for the country which gave him refuge and the chance for a new life of freedom and democracy, is evidenced by his lifelong dedication.

Hahn holds the rank of captain in the New Milford Auxiliary Police of which he has been a member for 21 years. He has originated and organized safety programs for motorists, fund raisers for a volunteer police auxiliary and local Boy Scout troops and blood drives for those in need.

Hahn has also been active in the New Milford Jewish Center where he has been the synagogue's volunteer choir director. As a layman, he has also served as a "substitute Rabbi" and cantor.

Mr. President, while some native Americans unfortunately take for granted their rich heritage and the benefits of living in a democracy, Gerd Hahn has done nothing but prove his love for our country. He and his wife have always been willing to dedicate their own time and energy for their fellow Americans, and have always been guided by a desire to preserve our Nation's ideals.

The "Man of the Year" award is certainly a most fitting tribute to the lifelong dedication of Gerd Hahn, and I am pleased to have had the opportunity to call my colleague's attention to this well-deserved tribute to a noteworthy constituent.●

DRAFT REGISTRATION VERSUS ADEQUATE DEFENSE SPENDING

● Mr. SCHMITT. Mr. President, the issue of draft registration will soon be before us. Although it is not the most critical issue before us, the Congress will debate the need for and the merit of this proposal just as the country is debating these issues. We must, however, be careful that we evaluate the real defense issues involved. While a draft registration system may decrease by a week or so the time necessary to conscript individuals in times of prolonged emergency, it will do nothing to increase the quality, their training, or the short-term readiness of our Active and Reserve Forces. The fact is that only the Active and Reserve Forces are capable of rapid mobilization which would be required by an emergency.

It will be good to remember, as we debate the issues of draft registration and the defense budget, that the problems with our military are primarily in the areas of recruitment and retention. Draft registration will not address these problems; financial and nonfinancial incentives will. It is interesting to note that recently the Senate was again prevented from voting on the Armstrong-Matsunaga amendment for an additional 3.4 percent pay raise for the military, the type of incentive which may help resolve some of the problems. Let us understand that if we want an effective military, we will have to focus more attention on the problems in both the Active and the Reserve Forces as well as demonstrate a willingness to pay for the defense of our Nation.

Mr. President, recently an article by Milton Friedman appeared in the February 11, 1980 issue of Newsweek which addressed these very issues. I ask that the article appear in the RECORD.

The article follows:

DRAFT REGISTRATION

Draft registration is neither necessary nor desirable. It is being proposed to reassure the public at home, not to frighten the Russians. It is not necessary because our military weakness derives neither from a shortage of manpower nor an ability to increase the number of people under arms by voluntary means. It derives from a failure to build new weapons—one after another canceled by President Carter. Recruitment difficulties with the all-volunteer force reflect primarily the erosion of the inflation-adjusted compensation of first-term enlistees relative both to their civilian counterparts and longer-service personnel. When the draft was replaced by an all-volunteer force in 1973, the pay scales were adjusted appropriately. Since then Congress and the Administration have not seen fit to maintain the pay scale for first-termers. If it is desired to increase the size of the armed forces, either in general or for specialized personnel that can and should be done without a draft.

Bad Arithmetic: It is said that we cannot afford to do so. That is nonsense. Proponents of a draft point out that total personnel costs of the armed forces are more than 50 per cent of total military spending. However, only about 11 per cent of that goes for the pay of first-termers—in 1979, total personnel costs were $58.4 billion but only $6.3 billion of that went to pay people serving fewer than four years. Even a major increase in the pay offered new recruits would involve only a minor increase in the total defense budget. The rest of the total personnel costs is for the pay of longer-term personnel officers, civilians, and retirement benefits. And only first-termers would be recruited by a draft.

Registration would have a minor effect on the time involved in getting manpower and womanpower if a draft were reinstituted. The time-consuming steps are not registration but selection and training. That was demonstrated in earlier drafts. And even a full-scale draft would not provide personnel rapidly enough for a modern war. That must be fought largely by forces in being.

Draft registration is not desirable because a draft is not desirable. It is a divisive measure completely in conflict with the basic values of a free society Every emergency has shown that in time of real need there is no shortage of patriotic citizens eager to defend the country. Draft registration simply diverts attention from the real source of our military weakness.

That source is the welfare state. In 1970, spending on defense was 40 per cent of the Federal budget, and 8 per cent of GNP—one and a half times the budget of HEW. In 1979, spending on defense was 23 per cent of the budget and 5 per cent of GNP. The budget of HEW was one and a half times the defense budget. These developments have occurred under Republican and Democratic administrations alike. Carter has simply continued on a well-worn path.

The Real Culprit: Transfer expenditures have absorbed taxable capacity that had supported defense—and much more as well. We cannot undertake a major rebuilding of the military without cutting down the drain that the rest of the budget imposes on the taxpayer—whether directly through explicit taxes or indirectly through inflation and borrowing. There is, after all, a limit to the total taxable capacity of the economy. Look at Britain's decline as a world power, which, as C. Northcote Parkinson somewhere points out, owes much more to the growth of the welfare state than to any other single factor.

No series of symbolic acts, no expressions of bellicose intent will change that brute fact. If we try to follow a policy of guns plus welfare-state transfers, I fear we shall end up with neither.

President Carter has acknowledged the drastic recent change in his opinions about Russia—a courageous admission of almost unbelievable prior naïveté.

Is it outside the bounds of possibility that he could acknowledge that past fiscal and military mistakes have made it impossible for us to respond effectively to Russian aggression now or in the immediate future, but that we are going to change course in light of the present danger?

It is time that we desisted from purely symbolic acts designed to reassure the American public and garner votes in November rather than to frighten the Russians.' We must do the unthinkable—cut the burden on the economy that comes from picking all of our right pockets to fill all of our left pockets and instead embark on a crash program to strengthen our defenses.●

BILL DOENGES: 72 AND STILL GOING STRONG

● Mr. BOREN. Mr. President, Bill Doenges, of Bartlesville, Okla., has just completed a successful and eventful year as president of the National Automobile Dealers Association. His leadership, as well as his colorful history in Oklahoma, have been most accurately captured in a recent article by Virgil Gaither of the Tulsa Tribune. I wish to enter into the RECORD today this article about Bill which is a tribute to his personal integrity, honesty, and his significance in Oklahoma's history. Following is the text of the Tulsa Tribune article, dated January 30, 1980:

BILL DOENGES: 72 AND STILL GOING STRONG

(By Virgil Gaither)

BARTLESVILLE.—At age 72, William C. "Bill" Doenges (pronounced dun-jus, as he used to point out in business and political ads) is a clock that won't wind down.

He is a human dynamo who built a business empire from scratch, a survivor of several bitter political battles in the 1950s that now produce only chuckles and a few shakes of the head; a man who, on top of everything else, spent 20 years a state lay leader for the Methodist church, was active in Boy Scout and DeMolay work, civic organizations, etc.

Grass, in other words, has never grown under the feet of Bill Doenges. And although the curly black hair has turned gray, it's not growing under his shoes now.

But, according to him, he has "slowed down" somewhat. Slowed to what the rest of us would consider only a moderately killing pace.

All he's doing right now is serving as president of the National Automobile Dealers Association, a 21,000 member organization with a yearly budget of about $20 million; operating a Ford dealership here, servicing as chairman of the board of the Bartlesville Home Savings and Loan, drilling a few oil wells in Creek County and operating a 5,000-acre cattle ranch east of here.

And all the while, Doenges claims, he has never wanted to be, nor aspired to be, anything other than a good Ford dealer.

Doenges was born in 1907 in Maple Park, Ill., one of six children born to Rev. R. S. and Lulu Doenges. His father, a Methodist preacher, was sent to Collinsville in 1911, when Bill was four years old, and later to Blackwell. His father became ill, and moved the family to a farm near Tonkawa. The father died in 1917, leaving a widow, five sons and a daughter.

"We all worked on the farm after school, helping mother run the place," Doenges said in a recent interview. "We also delivered newspapers and did other odd jobs. When we got old enough, the Tonkawa Ford dealer, Dan Ryan, would let us come down there and work at nights. All three of the older boys worked for him."

And even in those days, Bill Doenges was a go-getter. He did so well, in fact, that he almost missed going to college. Here is how he describes it:

"I was working at the Ford garage until midnight, but the dealer would let me sell cars after I got out of school at noon. The oil boom was on then, and I'd drive out to the rigs—they were drilling a well about every 10 acres—and yell 'does anybody want to buy a Ford?'

"Well, sometimes one or two hands would go up, and then I'd go back to Tonkawa and drive their new cars back. They sold for about $500 then.

"Then I got the idea of selling home radios. I hired a man who knew how to put up aerials, and ordered the radios for about $75 a set. I sold them for $125, plus $15 for putting up the aerial.

"I was making more money than anyone in Tonkawa. One month, I had an auto accident and tore up my mother's car. It wasn't my fault, a guy pulled all the way across the road into me. But like a big shot. I had enough money to buy another Ford from my boss, drive it home and never let her know her other car had been torn up. You couldn't tell the difference between them in those days. They were all black.

"Mother required every child to have an education, and when it came time for me to go to college, I said no, I wasn't going. I was making too much money to leave.

"But she kept after me, and finally said if I would go to college I could go out for football. I was at Oklahoma City University the next day."

Needless to say, he lettered in football (quarterback). And basketball (forward). And track (shot put). And wrestling. And tennis. His coach was quoted in a newspaper article as saying Doenges was the best all-around athlete he had ever coached.

Besides his athletics and schoolwork, Doenges also worked to pay his room, board and tuition.

(As a side note, one which says something about the family from which Bill Doenges came, after her six children had received college degrees, Mrs. Doenges went to college herself, got a degree and was librarian at the Northern Oklahoma Junior College at Tonkawa for many years before retiring in 1951. She died in 1967.)

Doenges got out of college and began his business career during what is now called the Great Depression, a time when many businesses were failing, and many people were out of work.

But it didn't faze Doenges. He first went to Colorado, where he ran a dairy, but that didn't work out.

"I started milking at 4 a.m. and finished the first time about noon, then started milking again," he said. "I had a financial difficulty, and talked it over with a man who wanted to know what type of work I had done before and whether I liked it.

"I told him I had worked in a Ford agency, and sure liked it. He advised me to go back to Oklahoma and get the same kind of job; that if I liked it as much as I was sitting there telling him I had no business milking cows."

So Doenges came back to Oklahoma and went to work on a commission basis selling Fords.

"I told them (the dealers) I didn't want a salary, just pay me part of the profit if I sold something," he said. "I haven't quit selling them yet."

He began acquiring his dealership during that period. It was mostly a matter, according to Doenges, of finding one that had been locked up and agreeing to pay off the previous owner's debts, a proposition that apparently pleased both the banks and Ford Motor Co.

His first was in Braman, north of Blackwell, "but I had to lock up the place because the town, when I went there, was a boom town of about 1,400 people. Ninety days later it was an ex-boom town with about 312 people."

He then went to Tonkawa where, according to Doenges, the Ford dealership was available but Ford Motor Co. said he couldn't have it unless he paid $750 on the parts account owed by the previous owner and put another $750 in the bank.

"The bank wouldn't let me have the money," he said. "But the banker told me the mother of a friend of mine had some money. I went to see them, and she loaned me the money. Counted it out of a fruit jar."

He operated the agency there until 1941, when he moved to Bartlesville. He eventually owned or owned an interest in seven agencies in Oklahoma, Kansas and Colorado, including one in Tulsa.

"I was taking agencies no one else wanted, except for the one in Tulsa and another in Colorado Springs. I got them for very little money. I would get a man, ask him if he wanted to get in the auto business, and if he said yes I would put in the equipment and the money to operate and pay him a salary until I got my money back. Then we would both own 50 percent of the business."

The secret of his success at a time when others were failing, according to Doenges, was strictly hard work.

"I am a worker, they say," he said, "I don't have a very high IQ, but I do know how to work. And I never ask anyone to do anything I won't do myself, even today.

"With that attitude, and being the first guy down here in the morning and the guy who locks up at night, you get a little more cooperation and everything from your employees."

With his roots firmly established in the auto business, Doenges began spreading out into other fields. He bought oil and gas properties, began putting together his ranch, owned a fertilizer and farm machinery business, a machine shop in Oklahoma City, a foundry in Dewey, an oil well equipment firm in Oilton and a service station in Alva.

And at one time he was thinking about getting back into the dairy business.

"I was going to get into it," he said with a grin. "I had a young man here to run it, but he got smart before we got the barns and milking stalls finished and went to work for Phillips.

"I still have everything out there (at the ranch for it."

During those years (the 1930s and 1940s), Doenges was also very active in civic, church and youth work. He was elected conference lay leader by state Methodists, a post he was to hold for 19 years and one which required quite a bit of travel within the state, and served on the national board of missions and the national board of chaplains, which involved some overseas travel.

Yet, apparently, all this wasn't enough.

"I thought, and still do, that anyone who had been successful in business owed something to the country, to everybody," he said. "And I've always had a feeling that a man should take an active part in political events and affairs; should try to make his city, county and state better."

And along came politics. It began when Johnston Murray ran for governor in 1950, and would occupy Doenges for 10 years.

As Doenges explains it, he had known and been associated with Murray for a number of years, and when he passed through Bartlesville drumming up support for his campaign, he gave him a car from his used-car lot to drive because the one Murray had wasn't in good shape.

Later, Murray came back and told Doenges a film processing company had presented him a bill for $2,800 for work on campaign films, but told him he wouldn't have to pay it if he would direct state business to the company if elected.

"I told Johnston we couldn't have that," Doenges said. "I made out a check to the company right there."

From then on, he handled the Murray campaign finances. And he was a go-getter at that, too.

"In those days, it was thought you had to have support in Little Dixie or you couldn't win," he said. "Well, I made a tour of southern cities, about seven of them, and at each one I would go into a bank and get a $5,000 cashier's check made out to the Johnston Murray for Governor campaign.

"When I came back to Tulsa, I showed the checks to W. G. Skelly. I didn't exactly lie about it, but I didn't tell him where the money for those checks came from. Well, he was pretty excited about it and asked me to his home that evening.

"When I got there, he had assembled a group of Tulsa's most prominent people. They passed the checks around, and eventually everyone in the room contributed something to the Murray campaign. Everyone that is, except Skelly. He never gave us a dime."

After Murray's election, Doenges was a power in the Murray administration and is credited with changing the emphasis of the state highway department from rural to urban highway development. He also was named national Democratic committeeman from Oklahoma, and unsuccessfully ran for governor in 1954 and '58 and, in 1960, for the 2nd District congressional post.

"Like Bob Kerr said to me once, 'Bill, if you would talk on the stump like you do about your business or talking in church, I wouldn't want to run against you. But as long as you keep those programs you have running for office, I bet any 17-year-old kid in the country could beat you.'"

Also, Doenges said, "the politicians definitely didn't like me. I was awfully green and thought you could have good government and politics. I was out to crusade on it."

And, he said, he isn't too unhappy with the way things turned out.

"I always wanted to be a Ford dealer. I didn't ever want to be anything else, although it looks like I was thinking of being a politician or a governor."

As a further footnote on the life of Bill Doenges, or perhaps on his manner of doing business, the city of Odessa, Texas, declared a day in December 1957, as "Bill Doenges Appreciation Day."

It was not for political or church activity, but for his honesty. It began when Doenges and two other men formed an oil company business. It failed, leaving the company's creditors—84 of them—holding the bag.

Although he was under no obligation to do so, Doenges announced he would pay off every cent of the debts dollar for dollar. He had to sell off some of his cattle to do it, but he did.

Today, Bill Doenges concentrates mainly on the car business, but from a more universal angle. He has sold all his dealerships except the one in Bartlesville; the one in Tulsa to his two oldest sons, Bill and Bob ("they have been the largest dealers in the state in terms of sales the last five or six years. They are good dealers and I am very proud of them"), the others mostly to former partners.

"I had some good partners," he said, "but when their kids grew up, it wasn't right for me to be in with them. There wasn't enough for all of us, so when the boys would start thinking about getting into the business, I would get out."

Between his three sons and one daughter he has 11 grandchildren, with another being expected on the day of the interview (he and his wife, the former Elizabeth Shannon of Oklahoma City, are divorced), and he hopes that at least some of them also will enter the auto business.

And, if he has anything to do with it, there will be a business for them to enter.

As president of the National Automobile Dealers Association, Doenges travels extensively, and it is not for pleasure (he was in Mexico for a meeting last week, for example, and in Washington the week before, where he met with President Jimmy Carter).

What the NADA is seeking, and lobbying for, are fewer regulations and restrictions, decontrol of oil and some relief for the manufacturers.

"If we don't get some relief (on mileage requirements), it will cost $60 billion to $80 billion dollars to get another two or three miles per gallon," he said. "That money will have to be charged to the autos, and we say that is prohibitive."

Concerning oil decontrol, Doenges feels that is the best way to ensure a sufficient supply of energy.

"I'm preaching all over the country, every place they'll let me, that we have to make sure we get deregulation and make sure we keep it. I tell them we have plenty of energy, we just have to pay the price it costs to get it out of the ground."

An NADA spokesman who asked not to be identified said Doenges has been "a real sparkplug" as president of the organization, but Doenges doesn't take all the credit for moving NADA into a more active political role.

"Survival got us going, actual survival of our business," he said. "The only way we can stay in business is to stay on top of it. If we hadn't gotten in when we did, considering the stroke the groups like (Ralph) Nader had, I don't know what would have happened to the auto business."

Doenges also believes, because of market pressure, the U.S. auto manufacturers will voluntarily produce more small, high-mileage autos.

"As the larger cars are phased out, you are going to see a product from the manufacturers that we can all be proud of, and will compete with the foreign imports. The fact is, the smaller cars most manufacturers are turning out now are awfully good cars.

"But the foothold the foreign manufacturers got in here, their momentum, is something that under the American system we will just have to work out."

Competition, he further believes, also will improve the product.

"You hear about pride of workers in foreign plants, and I know from visiting over there that they do have that," he said, "and you say how do we get that same pride in America? They are just in there trying to make the most money with the least effort.

"But I say that anybody working in those plants, when they realize their job depends on making a better product, they are going to start doing a better job. I think you will see it right today at Chrysler."

And he is optimistic about the future of his business.

"We are going to get different motors, and electric cars, and we are going to change the size of the car, but the auto is going to be the mode of transportation for years and years to come."

Bill Doenges still lives on his ranch. He walks or runs three to five miles each morning, and has a cup of coffee with his ranch manager before heading into town for work at the agency.

He looks much younger than his 73 years, and has the vitality of a man half his age. He has never drank or smoked, and is in obviously good health.

"I always thought that at my age, some of the enthusiasm for some of the stuff would go out," he said. "But it hasn't."

Concerning his life at the ranch, he said he always wanted to be a farmer ("My grandfather, whom I was named after, was a farmer in Illinois"), and started buying pasture land when it sold for $25 to $35 an acre, and just kept buying it.

"I didn't buy the land to make a profit," he said. "If I had, I would have sold it long ago. I bought it hoping that someday I would be able to find the time to spend some time there."

But after spending a few hours with Bill Doenges, you come away doubting he ever will.●

ANATOLY SHCHARANSKY

● Mr. LEVIN. Mr. President, with the SALT II treaty on the back burner for at least the time being, the Soviet Union's troops massed in Afghanistan, reform of the Soviet trade status delayed for the time being, and the world in a virtual uproar over the recent shifts in Soviet-American relations, I feel that it is important that we continue to give our closest attention to the human tragedy in the Soviet Union which continues relentlessly.

Boris Shcharansky, the father of prisoner of conscience Anatoly Shcharansky, died last month on a Moscow bus, while he was going to attend a commemoration of his son's birthday.

Ida Milgrom Shcharansky, Anatoly's mother, whom I met while I was in the Soviet Union, writes to me:

> But time is going by, Anatoly is ill, he receives no medical attention, his illness has not been diagnosed, and my efforts to have him examined and treated are being categorically denied. Under those conditions, his life is in jeopardy and only release can save him.

Avital Shcharansky, who many of us in this body have personally met a number of times, celebrated her husband's 32d birthday in Jerusalem by calling for freedom for her husband and other prisoners of conscience.

On March 15, we will have to mark the third anniversary of Anatoly Shcharansky's imprisonment knowing that his health is rapidly fading and that he will soon be transferred to a Siberian labor camp for 11 years. In the near future, the International Committee to Free Shcharansky will be circulating information packages about this tragic case.

In each package, there will be a poster of Shcharansky which I urge my colleagues to display prominently in their offices during the week of March 10–16.

Mr. President, the Shcharansky's are only one of the thousands of families whose lives have been brutally disrupted and arbitrarily controlled by the Soviet Government. Despite the broader implications of the serious international crises which this country is currently facing, I hope that my colleagues will fastidiously continue to express their opposition to the policies of the Soviet Government which have caused this unnecessary suffering.

I ask that the letter which I recently received from Mrs. Milgrom, as well as my response to her, and an article from the Jerusalem Post be printed in the Record at this point.

The material follows:

> October 1979.
>
> Dear Senator Levin: My meeting in Moscow with the Senate delegation and personally with you, your warm concern and response to my grief, imbued me with hope that the defense for Anatoly will continue and that he will be once again free.
>
> But time is going by, Anatoly is ill, he receives no medical attention, his illness has

not been diagnosed, and my efforts to have him examined and treated are being categorically denied. Under those conditions his life is in jeopardy and only release can save him.

Dear Mr. Levin! I appeal to you to spur the work on the defense of my son, and to try to obtain his release with all the means available to the Senate.

With hope and gratitude,

IDA MILGROM.

U.S. SENATE,
Washington, D.C., February 18, 1980.
Mrs. IDA MILGRAM SHCHARANSKY,
Istra, Moscow Oblast RSFSR, U.S.S.R.,

DEAR MRS. MILGRAM: I recently received your kind and thoughtful letter which you wrote last October. I thank you for your warm words.

I was most saddened to learn of the death of your husband. I have also sent Anatoly a telegram expressing my sorrow.

Your words again reminded me of the struggle Anatoly and others must face every day. We in the Senate will never forget their unfortunate plight. I have reminded my colleagues in the Senate of this situation by placing your letter to me in the CONGRESSIONAL RECORD along with a brief message stressing the importance of our continued concern.

I urge you to continue to have faith and keep up the struggle.

Sincerely,

CARL LEVIN.

RALLY MARKS SHCHARANSKY'S BIRTHDAY

(By Robert Rosenberg)

Avital Shcharansky returned from the U.S. last week in time to celebrate her jailed husband's 32nd birthday at a Jerusalem rally calling for freedom for Prisoners of Zion.

Anatoly Shcharansky, who was sentenced to jail in the Soviet Union a year and a half ago, is to be transferred late next month to a Siberian labour camp for 11 years. Avital reported that while she has heard that her husband is bearing up "spiritually, physically he is deteriorating." Reports from Moscow have said his eyesight is failing and he has lost a lot of weight.

Shcharansky's father, Boris, died of a heart attack on a Moscow bus while on his way to a ceremony marking his son's birthday.

Avital Shcharansky was in the U.S. for the publication of her book about the plight of her husband, and her struggle for his release. "Next Year in Jerusalem," she said, is already on bookshelves in the U.S. and is soon to be published in French and Hebrew.

Asked about international pressure to boycott or move the scheduled Moscow Olympics, Shcharansky said that Soviet Jews and dissidents in Moscow have sent word to the West that they fear the Soviets would use their success as Olympics hosts as an internal propaganda tool to resume repression.

She indicated there was hope the Kremlin would release jailed Prisoners of Zion as part of a Moscow ploy to appear liberal for Western television cameras in time for the Olympics.

Mr. LEVIN. Mr. President, I would also like to take this opportunity to express my gratitude to the hundreds of college students who came to Washington recently to talk with us about the overall plight of Soviet Jews. I want to congratulate the Student Coalition for Soviet Jewry, which organized the events, on a successful and informative day of activities.●

THE 1980 CENSUS AND MEXICAN MIGRANTS

● Mr. SCHMITT. Mr. President, the 1980 census will be conducted on April 1 of this year. One of the controversial aspects of this year's census has been the Census Bureau's plan to try to count illegal aliens. In the past such persons have been undercounted because of their fear of detection by immigration authorities. This year the census questionnaire will not ask about legal status. This is put forth as an effort to encourage all persons within our borders to respond in order to insure an accurate count.

Senator HAYAKAWA and I have introduced a bill, the United States-Mexico Good Neighbor Act of 1979, S. 1427, which would create a temporary worker visa program for Mexican workers the "Compañeros" program. This bill would allow temporary legal entry by workers who might otherwise enter the country illegally. If this program were in effect now, Mexican workers would be here legally and would not be afraid to respond to the census. They then could be segregated for the purpose of apportionment.

I ask that an article by Robert Reinhold, which outlines this controversy, be printed in the RECORD.

The article follows:

[From the New York Times, Feb. 7, 1980]

SHOULD CENSUS COUNT THE ILLEGAL ALIEN?

(By Robert Reinhold)

WASHINGTON, February 6.—The State of New York is pitted against its good neighbor the state of Vermont. Blacks are pitted against their fellow minority group, the Hispanic-Americans. Congressmen from downstate Illinois are at odds with their colleagues from the upstate Chicago area.

The bone of contention is the census, or how the next one should be taken. From the time of the first census in 1790, census-takers have tried to list every warm body in the country. In a land of immigrants, foreigners have always been included in the count no matter what their legal status, except tourists and diplomats.

But in the decade since the last decennial census in 1970, the country has experienced a large influx—how large is debatable—of illegal immigrants from Mexico, the Caribbean and elsewhere. They have concentrated in places like southern California, New York City and Chicago, where they have begun to have a significant effect on the local economies. Estimates of their numbers vary from as few as 1.5 million to as many as 12 million.

Some observers have wondered if a full count of these people would distort the next reapportionment of Congress and alter the flow of funds from Washington to local governments. The issue has been brought to a head now by the Federation for American Immigration Reform, which has filed suit along with 26 Congressmen to force the Census Bureau to keep a separate count of illegals.

Their suit, which is expected to be resolved before census day on April 1, is scheduled to be heard here tomorrow by a special three-judge Federal court. The judges must decide these questions: Should illegal aliens be included in the population count for purposes of reapportioning Congress and doling out Federal revenue sharing funds and other aid? If not, is there any practical way to exclude them?

THE BACKGROUND

The Constitution, as modified by the 14th Amendment in 1868, states that Congressional representation shall be based on the "whole number of persons" in each state. But that was written at a time when the sparsely populated new nation was begging for settlers; the concept of illegal immigration meant nothing.

The Census Bureau has traditionally read the Constitution literally, taking "persons" to mean everybody, not just proper legal residents. As a practical matter, it probably never did get a very good count of illegals because they generally shun officialdom. This time, under intense political pressure from Hispanic-Americans and other groups, the bureau has mounted an elaborate effort to persuade the illegals to respond.

The questionnaire does not ask legal status, so that it will be impossible later to distinguish a legal immigrant from his brother who may have crawled in under a border fence.

AGAINST COUNTING ALIENS

The main argument made by the plaintiffs is that including illegals will cause a decade-long malapportionment that would undermine the constitutional principle of "one-man, one-vote." They maintain that the voting power of citizens in areas with large numbers of illegals would be exaggerated, while other areas would have their representation diluted. California, they calculate, could get six more seats in the House than it would otherwise, and New York, three.

Much of the argument turns on the "Great Compromise" by which the drafters of the Constitution gave equal representation to each state in the Senate but proportional representation in the House, with members chosen "by the people of the several States" as it is written "according to their respective numbers."

In a brief filed to the court, the Federation for American Immigration Reform, called FAIR for short, stated: "The ingredients of this compromise cannot be seen to allow for, much less dictate, a wooden requirement of Congressional apportionment on the basis of an enumeration including those unlawfully in this country, subject to immediate deportation and wholly unentitled to join in selection by the people of the several states of elected Representatives."

Moreover, the group's executive director, Roger Conner, maintains that "including them would require elimination of restrictions on immigration because it says if they can get in they can be recognized." He points to the "paradoxical conclusion" that a visitor from Colombia on a one-month tourist visa would not be counted by the census, but that if he overstays his visa he would be counted because he is here illegally.

Further, Mr. Conner argues, states with large numbers of illegals stand to gain a "windfall" in added Federal aid, such as job training funds under the Comprehensive Employment and Training Act, for which illegal aliens are ineligible.

The State of Vermont is arguing that its largely rural population will lose representation and even that the outcome of a Presidential election in the Electoral College could be altered if substantial numbers of illegals are counted.

Some parochial concerns motivate the Congressmen joining the suit. For example, three Illinois Republicans from areas outside Chicago fear that their districts will be squeezed if Chicago gets more seats. And the Committee for Representative Government, a largely black group based in Los Angeles, fears that blacks will lose some of their hard-won representation.

FOR COUNTING ALIENS

The Justice Department, representing the Census Bureau, argues that the "plain language" of the Constitution, as well as the Census Act of 1929, which calls for a "tabulaion of total population," established that all inhabitants must be counted. The Government brief argues even that "nothing in the Constitution forbids a state from permitting even illegal aliens from voting for Representatives."

Moreover, the Government maintains that illegal aliens "impose the same burden upon local government"—in the form of fire, police, emergency and other services—as legal residents and therefore their localities deserve additional representation and aid.

New York State and New York City, which are jointly trying to intervene in the suit, contend that they will suffer grievous political and economic damage if the large numbers of illegals in the state are excluded. As it is, they say, the population in the state and city is undercounted because there are so many poor persons and linguistic minorities that are overlooked in the census. Mayor Koch says that "any reduction in the formula-based Federal grants threatens to plunge the city back into economic crisis."

Hispanic-American leaders maintain that the illegals pay taxes but do not dare collect refunds, or apply for Social Security, unemployment insurance or other benefits due taxpayers. Not counting them amounts to "taxation without representation" said Esther Estrada of the Mexican-American Legal Defense and Education fund.

"We are not concerned with people's status," said Grace Montanez Davis, Deputy Mayor of Los Angeles, "just that they are here and we have to provide services to them."

The Census Bureau argues that it cannot possibly ask every resident to prove immigration status, and that any attempt to do so might even reduce the count of legal residents.

THE OUTLOOK

Since Census Day is April 1, a speedy decision is expected. Each side says it will appeal directly to the Supreme Court if it loses.

Even if the plaintiffs win, the question remains whether there is any way to achieve a separate count of illegals, given the shadowy existence of this populace. The FAIR group says that it is not necessary to ask directly, that a rough estimate can be obtained by inserting a "leaf" in each census questionnaire—they are already printed—asking everyone to be listed as citizen or noncitizen. From the total of noncitizens, they say, substract the number of legal aliens who register every January with the Immigration and Naturalization Service; the result should approximate the illegal total.

But many demographers say this is very unrealiable, that the immigration service figures are notoriously poor. If this technique is applied to the 1970 Census totals, according to the Justice Department, the number of illegal aliens comes out as minus 623,000.

If the courts reject this method, Mr. Conner says, he will turn to the "census wizards" to come up with a "procedure for estimation."

But if many of the experts are right and the census fails to find many of the illegal aliens, then the whole argument would be considered moot.●

FIFTIETH ANNIVERSARY OF THE INAUGURATION OF HERBERT HOOVER AS THE 31ST PRESIDENT OF THE UNITED STATES

● Mr. HATFIELD. Mr. President, of the 38 men who have served as President of the United States, few remain shrouded in controversy such as surrounds Herbert Hoover, our 31st President. While there exists a fairly widely accepted analysis and judgment about most Presidents, there remain fundamental disagreements about the nature and merit of Hoover's programs.

To commemorate the 50th anniversary of the inauguration of Hoover in 1929, Prof. Ellis Hawley, of the University of Iowa, has written an excellent essay surveying the diverse attitudes and literature about Hoover since his defeat in 1932. This essay has been sent to me in connection with the publication of a series of essays honoring the 50th anniversary.

Dr. Hawley states that Hoover came into office with an unsurpassed reputation as an engineer and administrator. Hoover was thought to be at "the very center of modern American development." However, 4 years later, "his career, far from entitling him to a place among innovators and progressives, was now perceived as a long exercise in disguising reactionary aims, blocking the kind of Government appropriate for a 20th century democracy, and blaming others for his deficiencies and failures." To be sure, there were some defenses of Hoover, largely by his asociates, and some original thinking about Hoover, such as Walter Lippmann's theory of a Hoover-Roosevelt continuum. Yet, largely, all the years between the Wilson and Roosevelt administrations were viewed as a "barren and irrelevant interlude."

Scholars who did choose to concentrate on the Hoover years, rather than their more glamorous successors, were confronted by a major obstacle: The meager collection of primary documents available. According to Hawley, "collection and preservation policies, after all, had also been shaped by a framework emphasizing the importance of the Wilson and Roosevelt eras, not of what lay between them."

The 1966 opening of the Hoover Presidential Library at West Branch, Iowa—Hoover's birthplace—has substantially eliminated this problem. Numerous important primary materials, unavailable to the public prior to Hoover's death, were opened at that time. The result has been a new interest and scholarship on Hoover, much of which has drawn conclusions far different than did earlier scholars more directly influenced by the New Deal. This renewed interest in Hoover is continuing today.

Mr. President, Professor Hawley has written a fine essay which places the major works in the last 50 years on Hoover in perspective. I request that this essay, along with a brief biographic sketch of the author, be printed in the RECORD.

The material follows:

BIOGRAPHIC SKETCH—ELLIS W. HAWLEY

Born June 2, 1929, Cambridge, Kansas.

Education: B.A., Univ. of Wichita (1950); M.A., Univ. of Kansas (1951); Ph. D., Univ. of Wisconsin (1959).

Professional career: Instructor to Professor of History, North Texas State Univ., 1957–1968; Professor, Ohio State University, 1968–1969; Professor, Univ. of Iowa, since 1969.

Teaching and research specialties: Twentieth Century U.S. History; Economic policy and organization in the 1920s and 1930s; the Hoover era.

Publications:

The New Deal and the Problem of Monopoly (Princeton, 1966).

Herbert Hoover and the Crisis of American Capitalism (Schenkman, 1973), with others.

The Great War and the Search for a Modern Order, 1917–33 (St. Martin's, 1979).

Herbert Hoover as Secretary of Commerce (in press), editor and contributor.

Public Papers of the Presidents: Herbert Hoover, historical consultant.

"The Politics of the Mexican Labor Issue," Agricultural History (July 1966).

"Secretary Hoover and Bituminous Coal," Business History Review (Autum 1968).

"New Deal und Organisierter Kapitalismus," in Grosse Krise in America (1973).

"Herbert Hoover, the Commerce Secretariat, and the Vision of an Associative State," Journal of American History (June 1974).

"Herbert Hoover and American Corporatism," in the Hoover Presidency (1974).

"The New Deal and Business," in the New Deal (Ohio State U. Press, 1975).

"Discovery & Study of a Corporate Liberalism," Business History Review (Aut. 1978).

"Le nouveau corporatisme et les democraties liberales," Review Recherches (Sept. 1978).

HERBERT HOOVER AND MODERN AMERICAN HISTORY: FIFTY YEARS AFTER

Fifty years ago last March, as Herbert Hoover assumed the duties of the presidency, few historians would have argued that history was passing him by. On the contrary, he seemed at the very center of modern American development. In an age of engineering and administration, he had become the great practitioner of these arts. In a world being modernized by American expertise and capital, he had been a pioneering figure. And in a society that had allegedly moved beyond regulatory formulas and was developing responsible self-government in its economic sphere,[1] he had been in the vanguard of the movement. If ever a president had embodied modern tendencies, the man being inaugurated in 1929 seemed to do so.

Four years later, as a defeated Hoover left office, few historians were inclined to defend the views that had been so widely held in 1929. The notion that he had been on the cutting edges of modern history was now being dismissed as reactionary propaganda. His reputation as an organizational genius and builder of economic self-government had been shattered. And his career, far from entitling him to a place among innovators and progressives, was now perceived as a long exercise in disguising reactionary aims, blocking the kind of government appropriate for a twentieth-century democracy, and blaming others for his deficiencies and failures. By this time, moreover, Hoover's own defense tended to stress his role as a conserver rather than an innovator. In his battles against statist proposals, he was now depicting himself less as the builder of a new managerial society and more as the preserver of traditional freedoms, values, and wisdoms. To an altered constituency he was becoming the great individualist and libertarian rather than the great manager and social engineer.

In these three perspectives, each articulated between 1929 and 1933, one can find the seeds of a continuing controversy concerning Hoover's place in modern history. Subsequent biographical and historical writings tended to delineate not one but three Hoovers, and current scholarship has sought to shed light on which of these delineations, if any, corresponded to historical reality. A survey of the controversy may help to put such scholarship in perspective. It should at least help to clarify the shifting frameworks behind differing historical judgments. And it is with these ends in mind that I propose to explore the divergent modes of perceiving America's thirty-first president as these have operated and interacted over the past fifty years.

Footnotes at end of article.

II

In the quarter century after 1933, writing about Hoover was dominated by the perspective of his depression critics. Most historians, as Arthur Schlesinger has noted,[2] portrayed him as a dour, complacent, and reactionary figure, mentally frozen in the past, unable to grasp the problems of his age, and determinedly sacrificing human welfare on the altar of an outmoded antistatism. In no way was he considered either a true modernizer or a true defender of what was worth saving in the national heritage. Such views, however, did not go entirely unchallenged. Competing perceptions were also articulated. And as Albert Romasco noted in an essay published in 1974,[3] these produced two groups of writings in which Hoover appeared as a much more positive figure. In Romasco's terminology, there was not only the Hoover of "Liberal" history but the ones depicted in a "conservative" rival and in a deviant "revisionism."

Of these competing perspectives, the first was largely an extension of the defense that Hoover and his supporters had developed in 1931 and 1932. This had articulated a view of history in which Hooverian activities had been conservative or restorative. They had been directed not toward building a new order but toward strengthening the traditional one against domestic subversives, foreign malignancies, and fair-weather patriots. Such had been the burden of Hoover's campaign addresses, and such was the view that continued to be articulated in a "conservative" literature deploring the post–1933 innovations and arguing that they had been neither necessary nor socially desirable. In the 1930s it appeared in the histories of the administration written by such former Hoover associates as Ray Lyman Wilbur, Arthur M. Hyde, Walter H. Newton, and William Starr Myers.[4] In the 1940s it found expression in Eugene Lyons' Our Unknown Ex-President and John T. Flynn's The Roosevelt Myth.[5] And in the 1950s it was reiterated in Hoover's Memoirs and in Edgar Eugene Robinson's study of the Roosevelt presidency.[6]

More specifically, such writings tended to depict Hoover not as a great socio-economic organizer but as a dedicated defender of free enterprise and local initiative as they had developed in the American setting. They said little about his faith in government-induced organizational action as a solution for economic and social problems, much about his warnings concerning unwise governmental policies and the evils of statist regulation and federal doles. They viewed the depression, moreover, not as a product of Hooverian policy but as the result of economic dislocations set in train by the First World War. And they saw Hoover's leadership after 1929 not as a failure but as a major factor in parrying the blows from abroad, neutralizing adverse political developments at home, and thus preserving a system that could have brought renewed growth and prosperity had not the New Deal intervened. Politically, to be sure, Hoover had failed in his efforts to retain power. But this was attributed to popular impatience heightened by slanderous and irresponsible misrepresentation. It was not a failure of responsible leadership. Nor was it a reason for accepting the subsequent decline into statist regimentation. For those able to see clearly, Hoover had shown that economic recovery could be secured without compromising the integrity and viability of a truly liberal system.

For Hooverian loyalists these writings provided reassurance, and for those seeking to roll back the New Deal they provided arguments against its necessity and Americanism. But as history they were marred by unabashed partisanship, questionable documentation, and uncritical endorsement of conservative political beliefs. They could be dismissed as exercises in political polemic or defensive apologetics, offering a version of the past that serious students of the subject could safely ignore. And in scholarly circles they were so dismissed. They produced no scholarly debates of the sort that stimulate detailed historical study. Nor did they alter in any substantial way the intellectual framework shaping scholarly inquiry, textbook writing, and classroom teaching.

The reigning assumptions of this framework continued to hold that modern America had taken shape during its reform presidencies, especially those of Theodore Roosevelt, Woodrow Wilson, and Franklin D. Roosevelt. The periods between them had been barren, frivolous, or reactionary interludes, deserving and receiving little historical study. And in the absence of such study, the anti-Hoover rhetoric of 1932 and 1933 continued to be accepted as historical reality. Among scholars, to be sure, the outright "hate" and "smear" literature[7] was early recognized as containing gross distortions and sheer fabrications. But essentially, Hoover remained an anti-Roosevelt. His activities served as backdrops or foils for the progressive innovations of the New Deal, and his accepted interpreters were historians primarily concerned with tracing, explaining, and celebrating the "Roosevelt Revolution." His role in modern history, at least for most scholars and students, was the one depicted in such works as Basil Rauch's History of the New Deal, Dixon Wecter's The Age of the Great Depression, Mario Einaudi's The Roosevelt Revolution, and Arthur Schlesinger's Crisis of the Old Order.[8]

For such interpreters the great tragedy of the early 1930s was that the innovations associated with Franklin D. Roosevelt and the New Deal had been so slow in coming. These were what the country had needed if it was to have a humane society and a viable economic order. Only social reactionaries and prisoners of outmoded ideological systems and symbols could have believed otherwise. And having thus identified the villains in the story, such accounts had no hesitation about placing Hoover among them. He had failed, so they charged, to devise realistic recovery and reform programs, had worked instead to thwart and discredit those who proposed them, and had continued, in the face of overwhelming evidence to the contrary, to proclaim that prosperity was "just around the corner" and that traditional welfare institutions were performing well. His presidency had cost the nation a great deal, both in individual suffering and social travail; and had he been more skilled in the political arts, it could have done even more damage. If the citizenry had anything for which to be thankful, it was the political ineptitude that destroyed Hoover's standing as a leader and facilitated a shift of power to those capable of acting humanely and realistically.

On the question of whether Hoover should be celebrated or castigated, mainstream history reached conclusions diametrically opposed to those appearing in the conservative writings. Yet on two matters the liberal and conservative interpretations did tend to agree. Both viewed Hoover as a defender of classical individualism, and both saw his policies and ideas as being the polar oppostes of those embraced by Franklin D. Roosevelt and the New Deal. This was an agreement also shared by revisionists who were reinterpreting and becoming more critical of the Roosevelt leadership. In the American Political Tradition,[9] Richard Hofstadter stressed Roosevelt's opportunism and his lack of either depth or direction. But Hoover, as depicted in the same work, remained the last presidential spokesman for an unmanaged capitalist economy and for the once hallowed doctrine of laissez-faire individualism.

Still, even in this period, the agreement on these two matters was never unanimous. A deviant revisionism also appeared, rejecting the kinds of political rhetoric that mainstream and conservative writers credited, and arguing that the New Deal, far from being a polar opposite of Hooverism, was essentially an extension and elaboration of what Hoover had started. Writing in The Yale Review in 1935, Walter Lippmann[10] developed the idea of a Hoover-Roosevelt continuum, noting in particular how Hoover's programs had anticipated the New Deal actions and arguing strongly that the great divide in national policy had come in 1929 and 1930 rather than 1933. Twelve years later the historian Broadus Mitchell[11] depicted Hoover and Roosevelt not as opposites but as proponents of differing forms of state capitalism, neither of them successful in restoring prosperity or correcting the basic defects in the American economic order. And writing in the early 1950s, Eric Goldman[12] concluded that much of the New Deal had emerged from the development of "associational activities" between 1912 and 1932. This had been a form of progressivism, and with it Hoover had been clearly and closely linked.

Also contributing to this deviant revisionism was the historian William Appleman Williams. Writing in the mid-1950s,[13] he emphasized the corporative designs that had shaped public policy during the Republican era as well as the New Deal. The former had not been an era of isolationism and laissez-faire. Nor had Hoover been a champion and defender of such philosophies. On the contrary, as Williams viewed him, he had been a sophisticated analyst of modern capitalism's contradictions and dangers, recognizing both the need for new communitarian structures and the evils that could flow from using statist power as a substitute for community action. In both respects, Williams argued, Hoover had been far more perceptive than Roosevelt; and unlike earlier revisionists, Williams saw the New Deal not as an improvement on Hoover's innovations but as a perversion and corruption of them along lines that Hoover had foreseen and warned against.[14]

Initially, however, neither Williams nor the other revisionists had much impact on the study and interpretation of Hoover's ideas, policies, and activities. Through most of the 1950s the framework that they were challenging remained firmly established. It continued, as in the 1940s, to block serious consideration and testing of rival views, and under these circumstances accounts of Hoover's presidency and public career continued to serve as foils for or backdrops to the New Deal. It was not until the established framework began to crumble, primarily as a result of challenges from other quarters, that these revisionist perspectives helped to bring a general reconsideration of Hoover's role in modern American history.

III

The kind of challenges capable of weakening accepted views were slow in coming. But by the late 1950s several developments had set the stage for their appearance. One was simply the cooling of earlier political passions, partly as a matter of time, partly because they could not be fully transmitted to a new and younger generation of historical scholars. A second was the growing awarenes of consensual factors and basic continuities in American history, an awareness heightened perhaps by the international situation and new social pressures for national unity. A third was the discovery of historical phenomena difficult to fit into the established framework; and a fourth, or more accurately a part of the third, was the application to history of new insights being generated in the social sciences, especially in the disciplines of sociology, political science, institutional economics, and management studies. Each of these developments facilitated a rethinking

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of America's past, and by the end of the decade several kinds of revisionism were producing heated scholarly debates and a new interest in long neglected subjects and periods.

One such challenge to established perceptions came from historians emphasizing the extent to which Americans had always shared common values and maintained a national consensus.[15] The central story of the American past, as they told it, was not one of conflict and discontinuity. It was a story rather of persisting dedication to the principles of Lockean liberalism; a story in which reform had consisted chiefly of measures through which this uniquely American system had adapted itself to meet modern needs; and hence a story of apparent antagonists actually engaged in a common enterprise of nation building. The search now was for continuities and shared values that the older history had obscured, and one result was a growing disposition to question the accepted wisdom about Hoover-Roosevelt dichotomies and New Deal innovation.

A second challenge to accepted historical wisdom came from historians strongly influenced by the work being done in the social sciences.[16] Modern America, they were now suggesting, had been shaped less by democratic forces and reform presidencies than by status drives, interest-group interaction, managerial impulses, and urbanizing processes. Its central story, like that of other twentieth-century societies, had been one of traditional ordering mechanisms giving way to more modern, more rational, more technocratic ones, all to the accompaniment of numerous disorders, social strains, and cultural conflicts. And while some still saw the Wilsonians and the New Dealers as the great modernizers, rationalizers, and mobilizers, the new framework also opened the door for another look at the organizational visions and activities of the Harding, Coolidge, and Hoover years.

A third such challenge, appearing to some extent as a response to the first two, was that coming from historians who were now broadening their definitions of "progressive" and recognizing greater degrees of continuity, consensus, and non-economic motivation. As told by them, the central story of modern America was still one of reformist impulses moving the nation onward and upward toward the realization of greater democracy. But the range of those seen as contributing to this process was now broadened, obstacles other than entrenched business elites were recognized, and periods like the one preceding the New Deal were seen as having also had their reformist and constructive aspects.[17] The search from this quarter was for unrecognized reformers, unsuspected linkages between reform eras, and unexplored seedbeds of reform activity. And again, the search led to a new interest in and reexamination of the programs, policies, and activities with which Hoover had been associated.

As America moved into the 1960s, several other developments also helped to stimulate a rethinking of what was being written and taught about the nation's past. On the political right, neo-libertarian and neo-traditionalist movements appeared, both producing revised perceptions of established conservative heroes.[18] From both came a rejection of the view that Hoover had championed the libertarian doctrines of laissez-faire and competitive individualism. And on the political left, the development of neo-Marxian perspectives created an intellectual context in which the ideas set forth by Broadus Mitchell and William Appleman Williams became the theoretical underpinning of new research. There still another new framework emerged, stressing the constancies of class action, identifying imperialist designs masquerading as trade liberalization, and viewing pre-New Deal Republicanism as having, in many ways, been wiser, more perceptive, and more sophisticated than the outlook that replaced it.[19] Men like Hoover, so a number of the new leftists held, were worth studying both as policy makers wrestling with the central contradictions of an advanced capitalist order and as prescient prophets of where liberal statism and efforts to export domestic difficulties could eventually lead.

By the mid-1960s, then, many historians were breaking away from the depression-born framework that had long inhibited serious study of the years during which Hoover had functioned as a national policy maker. If they could not agree upon what constituted the central story of modern America, they were no longer inclined to see the years from 1920 through 1932 as a barren and irrelevant interlude. What had once been treated as a backdrop or foil for the New Deal was now becoming important in its own right. It had become a new historiographical frontier for several streams of revisionist research and writing; [20] and together these were uncovering and seeking to understand a new and unfamiliar historical figure, a Herbert Hoover that bore much closer resemblances to the one perceived in 1929 or glimpsed by a few post-1933 revisionists than to the ones depicted in New Deal celebrations or anti-New Deal polemics.

One obstacle that continued to hamper such research, however, was the thinness of the primary documentation to which historians had access. Collection and preservation policies, after all, had also been shaped by a framework emphasizing the importance of the Wilson and Roosevelt eras, not of what lay between them. And to most scholars, including most of those embracing revisionist perspectives, the materials collected and preserved in the Hoover papers remained closed. Not until 1966, following the establishment of a new presidential library and the death of America's thirty-first president, did scholars finally gain access to materials documenting Hooverian policy making and illuminating its strategy for meeting modern needs through non-statist institutions.

IV

Still, the years from 1959 through 1966 witnessed the appearance of several important works that not only reflected the weakening of conventional wisdom but also helped to shape the research and writing that followed. Six of these, in particular, stand out as efforts to apply revisionist insights to Hoover's public career. They became, to varying extents, part of a relevant literature in which those undertaking new research grounded themselves. And for these reasons, they deserve our attention and scrutiny.

The first of these new works to appear was Harris G. Warren's Herbert Hoover and the Great Depression.[21] Published in 1959, it depicted Hoover as a link between the old America and the new, primarily through his anti-depression measures. And while it retained much of the established framework, especially in its attribution of the depression to social reaction and accumulating business abuses, it also lingered over Hoover's reformist initiatives, his anticipation of New Deal measures, and his activism as a depression fighter. Hoover, so Warren concluded, had been "the greatest Republican of his generation." But even so, he had been incapable of seeing what was really needed, unable to control or contain the new forces that had entered the political arena, and too associated with big business to escape paying for its sins.

Two years after Warren's book appeared, William Appleman Williams offered a second and even more influential reinterpretation of Hoover's public career. In a long section of his Contours of American History,[22] a section that built on ideas set forth in his earlier works, he depicted Hoover as the "keystone in the arch" leading from progressivism to the liberalism of the New and Fair Deals. He was, so Williams argued, the leading figure in a "corporate gentry" that had moved into the vanguard of progressive leadership and concerned itself with saving corporate capitalism from its own contradictions. In the face of the economic breakdown, he had "pulled out every antidepression tool the Progressives ever owned." Yet unlike Roosevelt, he could see the pitfalls inherent in statist supports and militant expansionism. From these he drew back, seeking a way that could avoid them, and he thus earned the opprobrium of those who could not see the dangers in what they were embracing. In Williams' scenario. Hoover remained an anti-Roosevelt. But he was not the anti-Roosevelt depicted in either New Deal celebrationism or the older defenses of his presidential policies.

In 1962, a year after the appearance of Williams' reinterpretation and three years after Warren's, a third work also took issue with the view that Hoover had been a laissez-faire ideologue clinging to an irrelevant past. His Commerce Department, so Joseph Brandes argued in his Herbert Hoover and Economic Diplomacy,[23] had been not only an efficient provider of business services but also a generator of associational and cooperative action, a reformer of the international marketplace, and an innovator in forging new diplomatic tools. A decade before the New Deal, it had developed government agencies geared to "the new requirements of large-scale American involvement in international economic affairs." And even though it had failed to realize its vision of a world redeemed by American techniques and principles, it had assembled "an efficient corps of commercial attachés, trade commissioners, commodity chiefs, and bureau heads," all of whom "aided immeasurably in the achievement of American policies." For Brandes the Hoover years had been a creative and productive period in American economic diplomacy; and while some scholars remained unconvinced, clinging despite the evidence to images of "narrow economic nationalism" and "dismal" diplomacy,[24] others did find the argument persuasive and begin to wonder about other aspects of the conventional interpretation.

Still another work seeking to correct the conventional depiction of Hoover. although one that approached this task from a quite different angle, was Murray N. Rothbard's America's Great Depression.[25] Published in 1963, it found fault not with Hoover's conservative anti-statism but with his "audacious" departures from libertarian ideals and free-market economics. In Rothbard's account, Hoover was a corporate and statist planner, distinguishing himself as a voluntarist and free enterpriser, and taking actions that led directly to the evils of New Deal interventionism. He also bore much of the responsibility for the severity and persistence of the depression, not because he did too little but because he did too much. Among the politicians and bureaucrats who had used the government to produce an unsound boom and obstruct healthy liquidation, he had clearly been the leader.

In the same year that Rothbard's book appeared, the historian Carl Degler also offered another seminal reinterpretation. Writing in the Yale Review,[26] he posed the same question that William Allen White had raised in 1933, namely whether Hoover had been "the first of the new Presidents" or "the last of the old." This, so Degler suggested, could now be answered; and for him the answer could only be that Hoover had been both, that he was best understood as "a transition figure in the development of the government as an active force in the economy." His principles, both before and during his presidency, had been "distinctly and publicly progressive." He had always been careful to distinguish his views from the laissez-faire creed. And like Roosevelt, he had been a protegé of Woodrow Wilson, a borrower from the war

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model, a believer in business cycle control, and an optimist about the nation's capacity for economic growth and social justice. Yet at the same time, his progressivism had been narrowly circumscribed by ideological commitments to an older individualism and fiscal orthodoxy. If it had foreshadowed the actions of the New Deal, it had also insisted upon a thorough trial of privatist solutions and, in doing so, had convinced the public that something like the New Deal was the only alternative to continuing economic and social misery.

Similar arguments were also advanced two years later, when Albert U. Romasco published his Poverty of Abundance: Hoover, the Nation, and the Depression.[27] Although still unable to use the Hoover papers, he offered the best documented account to date of the Hooverian recovery and relief programs, the financial and credit measures of 1931 and 1932, and the relationships that developed between the President, the Congress, and the press. All of these, as Romasco depicted them, had been shaped and limited by a rigid Hooverian ideology, which had blinded policy makers to economic and social realities, led them to opt for privatist solutions that had no chance of working, and rendered their strategies for maintaining political control increasingly irrelevant. Yet the ideology involved had not been do-nothingism or a reliance on self-correction through the workings of natural economic laws. Hoover had believed that business cycles could be controlled and had acted on that belief. In this respect he was responsible for one of the most significant innovations in twentieth-century American history. He had also been a strong President, especially when it came to blocking those who were trying to substitute statist solutions for voluntaristic and community action. And in devising and organizing cooperative machinery that fitted the requirements of his creed, he had been an energetic and resourceful activist. The great irony of such actions was that they led not to more effective forms of economic and social self-government, as Hoover had intended, but to public convictions that recovery could come only through the use of federal power.

By the mid-1960s, then, a new body of writing on the Hoover years was clearly taking shape. It was one not yet informed by the primary materials preserved in the Hoover papers. But it did reflect the new developments in American historiography, the growing tendency of what had once been a deviant revisionism to displace the established wisdom, and a new willingness to see Hoover as something other than an anti-Roosevelt wedded to laissez-faire dogma. One indication of the latter was the portrayal of Hoover in George Mowry's The Urban Nation,[28] a work published in 1965 as an interpretive synthesis of the four decades since 1920. In it Mowry accepted and built upon insights that had been associated with the historian Richard Hofstadter. But Hoover was depicted less as a dogmatic defender of a dying philosophy than as an "enlightened conservative" and "twentieth-century industrial man" who had ruined himself politically on the issue of urban relief yet had gone "far along the road" toward government intervention in the economic and social spheres.

V

For students of Hoover's role in modern American history, the major event separating the last thirteen years from their predecessors was the opening in 1966 of the collections preserved at the Hoover Presidential Library. Materials now became available for answering some of the questions raised by revisionist works and their perspectives. And while books relatively unaffected by the new scholarship continued to appear, the focus of scholarly debate shifted increasingly to those who were examining the new materials in the light of revisionist perceptions.

Among the publications largely untouched by these scholarly debates were The Shattered Dream by Gene Smith and Herbert Hoover: President of the United States by Edgar Eugene Robinson and Vaughn Bornet.[29] Appearing respectively in 1970 and 1975, they retold the story of the Hoover presidency, adding new detail but diverging only in minor ways from the interpretive patterns set by partisan writers in the 1930s and 1940s. Smith, while depicting Hoover as a man of ideals and principles, found him calloused, insensitive, and essentially backward-looking, dreaming not of a new kind of modern society but of a social past rendered obsolete by twentieth-century developments. Writing primarily for a popular audience, Smith tended to draw much more heavily on depression mythology than on scholarly reevaluations. And Robinson and Bornet, while stressing Hoover's association with a new professional class and modern scientific values, insisted upon portraying the same paragon of virtue and wisdom as had appeared in the early works of Hoover partisans. The President that they depicted was not so much a transitional figure wrestling with modern dilemmas and paradoxes as he was a man of virtue and correct understanding, possessed of the wisdom that the nation needed but done in by character assassins, undisciplined congressional insurgents, and irresponsible political demagogues.

More affected by the new materials and insights were several studies focusing on Hoover's political performance and administrative style. In a reexamination of the election of 1928, David Burner rejected the established wisdom and emphasized the "provincialism" of Alfred E. Smith as contrasted with the cosmopolitanism of Herbert Hoover.[30] In a new study of congressional developments during the Hoover administration, Jordan Schwarz stressed the support for Hoover's positions and programs that had come from the Democratic legislative leadership.[31] In a book detailing Hoover's performance as a public relations manager, Craig Lloyd drew upon the newly opened materials at the Presidential Library to show how publicity systems became integral parts both of a personal administrative style and of an ideological prescription for national progress. Unfortunately, Lloyd concluded, the style and prescription served Hoover badly when he rose to the presidency and was confronted with depression conditions and the new political forces that they unleashed.[32] And in works building on the insights of the political scientist Grant McConnell,[33] Peri Arnold focused on Hoover's success in linking public agencies to private government, thus creating a corporative administrative structure that has remained at the center of the American system and has continued to frustrate democratic reform impulses. In this sense, Arnold argued, modern America was less an extension of New Deal innovations than of those associated with Hoover's commerce secretariat and presidential initiatives.[34]

The view that Hoover was a bureaucratic innovator, seeking administrative structures that could meet modern needs without creating a burdensome state or destroying individual and local initiative, also received confirmation in a series of studies dealing with particular episodes and phases of his public career. Appealing between 1968 and 1973 were scholarly studies of his efforts to bring order to the coal industry, encourage social planning, regulate grain futures, provide disaster relief, mobilize credit resources, secure Indian reform measures, control oil pollution, and develop tools of macroeconomic management,[35] all delineating organizational designs that in theory could provide the benefits of modern management without incurring the evils associated with monopoly, regimentation, or bureaucratic centralism. During the same period such books as Robert Zieger's The Republicans and Labor, Herbert Stein's The Fiscal Revolution in America, and Edwin Layton's The Revolt of the Engineers[36] offered further evidence of Hoover's affiliation, despite his anti-statism, with technocratic and planning impulses. And in 1974, in an article delineating and analyzing his transformation of the Commerce secretariat,[37] he was depicted as the would-be builder of a modernizing associationalism, seeking to meet modern needs through associative as opposed to statist actions and seeking in particular to build social units that combined technocratic planning and corporative discipline with the voluntary action of free individuals. What scholars were now accepting as reality was not completely in line with the perceptions of those writing contemporary history in March of 1929. But clearly, it bore a much closer resemblance to such perceptions than to those associated with Hoover's subsequent disparagers and defenders.

What was true of domestic policy studies also had its counterpart in foreign policy studies. Here the view of Republican diplomacy previously advanced by William Appleman Williams was not fully substantiated. But such scholars as Carl Parrini, Joan Hoff Wilson, Melvyn Leffler, and Michael J. Hogan were documenting the existence of techno-corporative ideals, delineating their roles in shaping and sustaining policy decisions, and showing how the notion of a Republican withdrawal into isolationism and inaction had indeed been a "legend."[38] As in the domestic sphere, they noted, the search had been for stimulative and coordinating mechanisms that in theory could bring forth non-statist agencies capable of realizing Wilsonian goals. And like Williams, they portrayed the men engaged in this exercise not as blind fools, naive utopians, or hoodwinkers of the public but as sophisticated and perceptive students of the international order. Hoover, in particular, was credited with having seen both the connections between capitalist behavior and political disorder and the evils that could flow from using statist power to deal with the resulting problems.

While such studies were appearing, two collaborative works also provided indications of the kind of scholarly activity and debate that was now taking place. Published in 1973 in the American Forum series, Herbert Hoover and the Crisis of American Capitalism[39] contained essays in which Murray Rothbard, Gerald Nash, Robert Himmelberg, and Ellis Hawley offered reinterpretations of Hoover's political philosophy and public career. And while these reflected important disagreements, particularly in regard to the sincerity of Hoover's anti-statism, his performance as a politician, and his commitment to competitive ideals, all rejected depictions of Hoover as a champion and defender of laissez-faire. He appeared instead as the "progressive" champion of an associative, corporatist, or mixed economy, seeking tools for the management of "progress" and accepting much of the ideological structure associated with progressive thought. Such was the case as well in most of the essays contained in The Hoover Presidency: A Reappraisal,[40] a collection published in 1974 following the participation of interested scholars in a conference at Geneseo, New York. Here as in the Forum essays, Hoover's activist, managerial, and reformist inclinations were much in evidence, with the disagreements coming more over their suitability and effects than over their existence. Only in the essay by Selig Adler was there a disposition to discount much of the revisionist scholarship and see it as being motivated by a desire to discredit Franklin Roosevelt and his works.

Still another indication of the kinds of revisionism now under way came at a series

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of scholarly seminars held in 1974 in conjunction with the centennial of Hoover's birth. Meeting at the presidential library, these focused in turn on the war period, the Commerce secretariat, the presidency, and Hoover as elder statesman, seeking in each instance to pull together and assess what researchers were finding. And while some of the papers tended toward celebrationism or toward defenses of the claims made in the "conservative" history of the 1930s and 1940s, most of them reflected the various streams of revisionism that had emerged in the 1960s.[41] Again Hoover appeared not as a laissez-faire ideologue or business fundamentalist but as a man engrossed in the problems of ordering and managing the forces of modernization, seeking solutions in associative, corporative, and partnership mechanisms, and working assiduously to develop a planning and welfare apparatus that would remain free of the evils inherent in statist or socialist prescriptions. If judgments still differed about the perceptiveness, consequences, and current relevance of the Hooverian approach, there appeared to be wide agreement about its general nature, about its combination of managerial optimism with assumptions of statist incompetence, and about its being a part of some larger reformist, managerial, stabilizing, or corporative impulse.

Similar generalizations could also be made about the subsequent publications of seminar participants and other scholars. Appearing to print now were new studies of the Reconstruction Finance Corporation, the Smoot-Hawley Tariff, and the Bonus Army episode,[42] of Hoover as war manager, agricultural policy maker, relief mobilizer, and originator of macroeconomic management,[43] of his approach to labor and racial questions,[44] of his activities and image during the last years of the Wilson administration,[45] and of the moral principles he had come to espouse.[46] In addition, he appeared as a central figure in new studies of the trade association issue, Republican era diplomacy, welfare capitalism, and corporate liberalism.[47] And helping to confirm the ongoing reinterpretation were new documentary publications, notably of the public papers of his presidency and of his correspondence with Woodrow Wilson.[48] In volume the continuing stream of scholarship was impressive, reflecting, it seemed, both a heightened interest in the Hoover era and a heightened appreciation of its historical significance and current relevance. And in findings the triumph of revisionist views over the older "liberal" and "conservative" perspectives seemed increasingly apparent. While scholarly interpreters still arrived at differing assessments of Hoover's public actions and of the relationship between his programs and those of the New Deal, they seemed increasingly convinced of his modernism, activism, reformism, and managerialism.

Such perceptions were also evident in two new biographies of Hoover. Published in 1975, Joan Hoff Wilson's Herbert Hoover: Forgotten Progressive[49] provided a much needed synthesis of recent scholarship, broke new ground in relating the altered perceptions of his public career to his earlier and later life, and concluded that there was much to be said for the "new way" he was seeking to develop in the 1920s. He had, she thought, understood the problems and alternative organizational futures of modern America far better than most of his contemporaries. And in Herbert Hoover: A Public Life,[50] published in 1979, David Burner again emphasized how Hoover's business and public careers had been intertwined with the rise and functioning of modern organizational institutions. While pointing up a series of flaws in Hoover's ideas and programs, Burner interpreted them as a developing progressivism, seeking to impose enlightened order on ever larger spheres of activity and manifesting itself in a broad array of administrative innovations, reform initiatives, and promotional endeavors. Like other forms of progressivism, it was to be understood as an effort to make modern forms of collectivity serve the ends envisioned in nineteenth-century liberalism.

Whether in biographies, specilized monographs, or period surveys,[51] the Hoover of depression rhetoric and "liberal" history was now losing scholarly credibility. Yet to the dismay of some who had long complained about misrepresentation, he gains in credibility were less for the hero of "conservative" history than for the figure perceived by the interpreters of 1929 and the deviant revisionists of the next three decades. The new scholarship offered little support for claims that Hoover's depression remedies had been effective. Nor was it validating claims of almost infallible wisdom and virtually unblemished virtue. But once again it was becoming difficult to argue that Hoover had not been in the mainstream of modern American development, that he had remained outside the technocratic and planning impulses emanating from a modern administrative elite, or that his conceptions of alternative organizational futures had been hopelessly flawed by outmoded ideological commitments.

VI

Over the course of fifty years, Herbert Hoover's historiographical fortunes have travelled a long and varied path. They have done so in part because of variations in the accessibility and scholarly use of primary materials. But also involved has been the impact of a changing society and changing political circumstances. The Great Depression, in particular, served both to expose New Era misperceptions and to generate news myths that met new political and social needs and were long accepted as historical reality. On the one hand, it punctured inflated pretensions of social progress, service-minded efficiency, and enlightened self-government. On the other, it created a historiographical cloud that obscured and distorted what had been valid about the perceptions of 1929, diverted historical study away from the Hoover years, and allowed the political caricatures of 1932 to gain and retain scholarly credence. Not until the late 1950s did the forces holding the cloud in place begin to weaken, thus permitting new perspectives on the period to develop and to stimulate scholarly discoveries of a Hoover deeply engrossed in the problems of organizing and ordering a modern industial society and modern international relations.

Was the newly discovered Hoover only another myth created in response to changing political circumstances and the emergence of new political and social needs? Some would argue that he was. And clearly, his emergence had coincided with the leftist search for weapons that could be used against liberal history, with a neo-libertarianism intent upon making departures from laisse faire responsible for the Great Depression, with establishment attempts to find unity and continuity in the national past, and with new efforts to realize managerial ideals through non-statist institutions. Yet it was difficult to explain the revisionist triumphs entirely in terms of a new mythology being created by groups engaged in political and social struggle. They had also coincided with the recovery and documentation of historical behavior that diverged markedly from the type needed to sustain the interpretations found in either "liberal" or "conservative" history. The verified evidence to be interpreted had itself changed in dramatic fashion. And given this change, it seemed doubtful that the newly discovered Hoover would prove as unsubstantial as the one previously accepted by scholarly interpreters. If the long controversy over Hoover's place in modern history had not ended, it seemed at least to be entering a new phase characterized by a common acceptance of new evidence and a different set of competing perspectives.

FOOTNOTES

[1] See James C. Malin, *The United States after the World War* (New York: Ginn, 1930), 535–543.

[2] Arthur Schlesinger, Jr., "Hoover Makes a Comeback," *New York Review of Books* (March 8, 1979), 10.

[3] Albert U. Romasco, "The End of the Old Order or the Beginning of the New," in Martin Fausold and George Mazugan, eds., *The Hoover Presidency: A Reappraisal* (Albany: State University of New York Press, 1974), 69–86.

[4] Ray Lyman Wilbur and Arthur M. Hyde, *The Hoover Policies* (New York: Scribner's, 1937); William Starr Myers and Walter H. Newton, *The Hoover Administration* (New York: Scribner's, 1936).

[5] Eugene Lyons, *Our Unknown Ex-President: A Portrait of Herbert Hoover* (Garden City: Doubleday, 1948); John T. Flynn, *The Roosevelt Myth* (New York: Devin-Adair, 1948).

[6] Herbert C. Hoover, *The Memoirs of Herbert Hoover*, 3 vols. (New York: Macmillan, 1951); Edgar Eugene Robinson, *The Roosevelt Leadership, 1933–1945* (Philadelphia: Lippincott, 1955).

[7] Books, for example, like Walter Liggett, *The Rise of Herbert Hoover* (New York: Fly, 1932); John Hamill, *The Strange Career of Mr. Hoover under Two Flags* (New York: Faro, 1931); and James O'Brien, *Hoover's Millions and How He Made Them* (New York: O'Brien, 1932).

[8] Basil Rauch, *The History of the New Deal, 1933–38* (New York: Creative Age Press, 1944); Dixon Wecter, *The Age of the Great Depression, 1929–1941* (New York: Macmillan, 1948); Mario Einaudi, *The Roosevelt Revolution* (New York: Harcourt, Brace, 1959); Arthur Schlesinger, Jr., *The Crisis of the Old Order, 1919–1933* (Boston: Houghton Mifflin, 1957).

[9] Richard Hofstadter, *The American Political Tradition and the Men Who Made It* (New York: Knopf, 1948), 281–314. The few scholarly articles of the period were also inclined to accept the perspectives associated with Hoover's critics and rivals. See, for example, Gerald D. Nash, "Herbert Hoover and the Origins of the Reconstruction Finance Corporation," *Mississippi Valley Historical Review*, XLVI (December 1959), 455–468, and James H. Shideler, "Herbert Hoover and the Federal Farm Board Project," *Mississippi Valley Historical Review*, XLII (March 1956), 711–729.

[10] Walter Lippmann, "The Permanent New Deal," *Yale Review*, XXIV (June 1935), 649–667.

[11] Broadus Mitchell, *Depression Decade* (New York: Holt, Rinehart, 1947).

[12] Eric Goldman, *Rendezvous with Destiny* (New York: Knopf, 1952), 306–373.

[13] William Appleman Williams, "The Legend of Isolationism in the 1920s," *Science and Society*, XVIII (Winter 1954), 1–20; Williams, "Right Crisis: Wrong Order," *Nation*, CLXXXIV (March 23, 1957), 257–260.

[14] The argument would be more fully developed in William Appleman Williams, *The Tragedy of American Diplomacy* (Cleveland: World Publishing Company, 1959).

[15] The most influential work was Louis Hartz, *The Liberal Tradition in America* (New York: Harcourt, Brace, 1955). Also influential were the historians Daniel Boorstin and Clinton Rossiter.

[16] Among the major works reflecting and helping to shape this perspective were

Richard Hofstadter, *The Age of Reform* (New York: Knopf, 1955); Samuel P. Hays, *The Response to Industrialism* (Chicago: University of Chicago Press, 1957); Robert H. Wiebe, *Businessmen and Reform* (Cambridge: Harvard University Press, 1962); and Alfred D. Chandler, *Strategy and Structure* (Cambridge: M.I.T. Press, 1962).

[17] Of particular importance were Arthur S. Link, "What Happened to the Progressive Movement in the 1920s?" *American Historical Review*, LXIV (July 1959), 833–851; Clark A. Chambers, *Seedtime of Reform* (Minneapolis: University of Minnesota Press, 1963); Preston Hubbard, Jr., *Origins of the TVA* (Nashville: Vanderbilt University Press, 1961); Donald C. Swain, *Federal Conservation Policy, 1921–1933* (Berkeley; University of California Press, 1963); and "Business Progressivism," *South Atlantic Quarterly*, LXII (Winter 1963), 92–106.

[18] See especially Murray Rothbard, *America's Great Depression* (Princeton: Van Nostrand, 1963), and Willmoore Kendall, *The Conservative Affirmation* (Chicago: Regnery, 1963).

[19] See Barton J. Bernstein, ed., *Towards a New Past* (New York: Random House, 1967).

[20] See Burl Noggle, "The Twenties: A New Historiographical Frontier," *Journal of American History*, LIII (September 1966), 299–314.

[21] Harris G. Warren, *Herbert Hoover and the Great Depression* (New York: Oxford University Press, 1959).

[22] William Appleman Williams, *The Contours of American History* (Cleveland: World Publishing Company, 1961), 390–450.

[23] Joseph Brandes, *Herbert Hoover and Economic Diplomacy* (Pittsburgh: University of Pittsburgh Press, 1962).

[24] See, for example, Alexander DeConde's review in *The American Historical Review*, LXVIII (January 1963), 559.

[25] Cited in footnote 18.

[26] Carl Degler, "The Ordeal of Herbert Hoover," *Yale Review*, LII (Summer 1963), 563–583.

[27] Albert U. Romasco, *The Poverty of Abundance: Hoover, the Nation, and the Depression* (New York: Oxford University Press, 1965).

[28] George E. Mowry, *The Urban Nation, 1920–1960* (New York: Hill and Wang, 1965).

[29] Gene Smith, *The Shattered Dream: Herbert Hoover and the Great Depression* (New York: Morrow, 1970); Edgar Eugene Robinson and Vaughn Bornet, *Herbert Hoover: President of the United States* (Stanford: Hoover Institution Press, 1975).

[30] David Burner, *The Politics of Provincialism: The Democratic Party in Transition, 1918–1932* (New York: Knofp, 1968), 179–216.

[31] Jordan A. Schwarz, *The Interregnum of Despair: Hoover, Congress, and the Depression* (Urbana: University of Illinois Press, 1970).

[32] Craig Lloyd, *Aggressive Introvert: Herbert Hoover and Public Relations Management* (Columbus: Ohio State University Press, 1972).

[33] Especially on the discussion of Hoover in Grant McConnell, *Private Power and American Democracy* (New York: Knopf, 1966).

[34] Peri Arnold, "Herbert Hoover and the Continuity of American Public Policy," *Public Policy*, XX (Fall 1972), 525–544. See also Peri Arnold, "Herbert Hoover and the Department of Commerce: A Study of Ideology and Policy," Ph.D. dissertation (University of Chicago, 1972).

[35] Ellis W. Hawley, "Secretary Hoover and the Bituminous Coal Problem," *Business History Review*, XLII (Autumn 1968), 253–270; Barry D. Karl, "Presidential Planning and Social Science Research," *Perspective in American History*, III (1969), 347–409; William R. Johnson, "Herbert Hoover and the Regulation of Grain Futures," *Mid-America*, LI (July 1969), 155–174; Bruce A. Lohoff, "Herbert Hoover: Spokesman of Humane Efficiency," *American Quarterly*, XXII (Fall 1970), 690–700; James S. Olson, "The End of Voluntarism: Herbert Hoover and the National Credit Corporation," *Annals of Iowa*, XLI (Fall 1972), 1104–1113; Kenneth Philip, "Herbert Hoover's New Era: A False Dawn for the American Indian," *Rocky Mountain Social Science Journal*, IX (April 1972), 53–60; Douglas Drake, "Herbert Hoover, Ecologist: The Politics of Oil Pollution Control, 1921–1926," *Mid-America*, LV (July 1973), 207–228; Carolyn Grin, "The Unemployment Conference of 1921: An Experiment in Cooperative National Planning," Mid-America LV (April 1973), 83–107.

[36] Robert H. Zieger, *Republicans and Labor, 1919–1929* (Lexington: University Press of Kentucky, 1969); Herbert Stein, *The Fiscal Revolution in America* (Chicago: University of Chicago Press, 1969); Edwin T. Layton, Jr., *The Revolt of the Engineers* (Cleveland: Case Western Reserve University Press, 1971).

[37] Ellis W. Hawley, "Herbert Hoover, the Commerce Secretariat, and the Vision of an 'Associative State,' 1921–1928," *Journal of American History*, LXI (June 1974), 116–140.

[38] Carl P. Parrini, *Heir to Empire: United States Economic Diplomacy, 1916–1923* (Pittsburgh: University of Pittsburgh Press, 1969); Joan Hoff Wilson, *American Business and Foreign Policy, 1920–1933* (Lexington: University Press of Kentucky, 1971); Melvyn P. Leffler, "Political Isolationism, Economic Expansion, or Diplomatic Realism," *Perspectives in American History*, VIII (1974), 413–461; Michael J. Hogan, "Informal Entente: Public Policy and Private Management in Anglo-American Petroleum Affairs," *Business History Review*, XLVIII (Summer 1974), 187–205.

[39] J. Joseph Huthmacher and Warren I. Sussman, eds., *Herbert Hoover and the Crisis of American Capitalism: Essays and Rejoinders by Ellis W. Hawley, Murray N. Rothbard, Robert F. Himmelberg, and Gerald D. Nash* (Cambridge: Schenkman, 1973).

[40] Martin L. Fausold and George T. Mazuzan, eds., *The Hoover Presidency: A Reappraisal* (Albany: State University of New York Press, 1974). The essays were by Donald R. McCoy, David Burner, Albert Romaso, Jordon Schwarz, Ellis Hawley, Alfred B. Rollins, Frank Freidel, Selig Adler, and Joan Hoff Wilson.

[41] The papers, currently held by the Hoover Presidential Library Association, were given by Robert D. Cuff, Witold Sworakowski, Royal J. Schmidt, Murray N. Rothbard, Eugene Trani, Robert Van Meter, Carl Parrini, Robert F. Himmelberg, Francis W. O'Brien, Robert Murray, Ellis Hawley, Joan Hoff Wilson, Robert Zieger, George W. Carey, Joseph Brandes, Melvyn Leffler, Barry Karl, Arthur Kemp, Alexander DeConde, John Schmidhauser, Justin Green, Martin Fausold, Frank Freidel, Carl Christol, David Burner, Richard N. Kottman, Malcolm Moos, Donald R. McCoy, Russell Ross, Charles Cary, William A. Williams, and Morton Frisch. Eight of the papers have been published in Lawrence Gelfand, ed., *Herbert Hoover: The Great War and Its Aftermath, 1914–1923* (Iowa City: University of Iowa Press, 1979). Seven more will be published in Ellis Hawley, ed., *Herbert Hoover as Secretary of Commerce, 1921–1928*, currently in press.

[42] James S. Olson, *Herbert Hoover and the Reconstruction Finance Corporation, 1931–1933* (Ames: Iowa State University Press, 1977); Richard N. Kottman, Herbert Hoover and the Smoot-Hawley Tariff: Canada, A Case Study,: *Journal of American History*, LXII (December 1975), 609–635; Donald J. Lisio, *The President and Protest: Hoover, Conspiracy, and the Bonus Riot* (Columbia: University of Missouri Press, 1974).

[43] Robert D. Cuff, "Herbert Hoover, the Ideology of Voluntarism, and War Organization during the Great War," *Journal of American History*, LXIV (September 1977), 358–372; Robert D. Cuff, "The Dilemmas of Voluntarism: Hoover and the Pork-Packing Agreement of 1917–1919," *Agricultural History*, LIII (October 1979), 727–747; Joan Hoff Wilson, "Hoover's Agricultural Policies, 1921–1928," *Agricultural History*, LI (April 1977), 335–361; Martin L. Fausold, "President Hoover's Farm Policies, 1929–1933," *Agricultural History*, LI (April 1977), 362–377; Gary H. Koerselman, "Secretary Hoover and National Farm Policy," *Agricultural History*, LI (April 1977), 378–395; C. Roger Lambert, "Hoover, the Red Cross, and Food for the Hungry," *Annals of Iowa*, LXIV (Winter 1979), 530–540; Evan B. Metcalf, "Secretary Hoover and the Emergence of Macroeconomic Management," *Business History Review*, XLIX (Spring 1975), 60–80.

[44] Robert H. Zieger, "Labor, Progressivism, and Herbert Hoover," *Wisconsin Magazine of History*, LVIII (Spring 1975), 196–208; Zieger, "Herbert Hoover, the Wage-Earner, and the 'New Economic System,' 1919–1929," *Business History Review*, LI (Summer 1977), 161–189; George F. Garcia, "Herbert Hoover and the Issue of Race," *Annals of Iowa*, LXIV (Winter 1979), 507–517.

[45] Gary Dean Best, *The Politics of American Individualism: Herbert Hoover in Transition, 1918–1921* (Westport: Greenwood, 1975); Robert F. Himmelberg, "Hoover's Public Image, 1919–1920," in Gelfand, ed., *Hoover, 1914–23*, 209–232.

[46] David Burner and Thomas R. West, "A Technocrat's Morality: Conservatism and Hoover the Engineer," in Stanley Elkins and Eric McKitrick, eds., *The Hofstadter Aegis* (New York: Knopf, 1974), 235–256.

[47] Robert F. Himmelberg, *The Origins of the National Recovery Administration: Business, Government and the Trade Association Issue, 1921–1933* (New York: Fordham University Press, 1976); Michael J. Hogan, *Informal Entente: The Private Structure of Cooperation in Anglo-American Economic Diplomacy, 1918–1928* (Columbia: University of Missouri Press, 1977); Melvyn P. Leffler, *The Elusive Quest: America's Pursuit of European Stability and French Security, 1919–1933* (Chapel Hill: University of North Carolina Press, 1979); Benjamin Rhodes, "Herbert Hoover and the War Debts, 1919–1933," *Prologue*, VI (Summer 1974), 150–180; Kim McQuaid, "Corporate Liberalism in the American Business Community, 1920–1940," *Business History Review*, LII (Autumn 1978) 342–368; Ellis W. Hawley, "Le nouveau corporatisme et les democraties liberales, 1918–1925: le cas des Etats-Unis," *Revue Recherches* (Sept. 1978), 325–244.

[48] *Public Papers of the Presidents of the United States: Herbert Hoover, 1929–1933*, 4 vols. (Washington: Government Printing Office, 1974–1977); Francis W. O'Brien, ed., *The Hoover-Wilson Wartime Correspondence* (Ames: Iowa State University Press, 1974); O'Brien, ed., *Two Peacemakers in Paris: The Hoover-Wilson Post-Armistice Letters* (College Station: Texas A. & M. University Press, 1978).

[49] Joan Hoff Wilson, *Herbert Hoover: Forgotten Progressive* (Boston: Little, Brown, 1975).

[50] David Burner, *Herbert Hoover: A Pubilc Life* (New York: Knopf, 1979).

[51] See, for example, David A. Shannon, *Between the Wars: America, 1919–1941* (Boston: Houghton Mifflin, 1979 ed.); William H. Wilson, *Coming of Age: Urban America, 1915–1945* (New York: Wiley, 1974); Donald R. McCoy, *Coming of Age: The United States during the 1920's and 1930's* (Baltimore: Penguin, 1973); and Ellis W. Hawley, *The Great War and the Search for a Modern Order: A History of the American People and Their Institutions, 1917–1933* (New York: St. Martin's Press, 1979).●

THE RETIREMENT OF AL MUTO

● Mr. CHILES. Mr. President, it is a distinct honor for me today to wish the best to Al Muto upon his retirement after having served 22 years as official Democratic photographer.

Al has done a fantastic job as photographer to us Democrats. He has made us look good on days we really did not feel that way. At the same time he has always made us feel good with his cheerful, efficient, and accommodating disposition.

Now Al faces a richly deserved retirement in which I wish him great happiness.●

TITLE III OF THE HIGHER EDUCATION ACT

● Mr. BAUCUS. Mr. President, since the days of Horace Mann, education has been one of our top priorities. It still is today. We in Congress have an obligation to see that public money spent on education is not only spent properly, but spent for the greatest benefit of the Nation's most deserving students.

Several months ago, officials from a small school in my home State of Montana asked me to help them. Their school had received a grant under title III of the Higher Education Act of 1965, the strengthening developing institutions programs. Title III provides grant money to help institutions of higher education that are struggling to enter the "mainstream of education." However this Montana school was unable to obtain a consistent answer from the Office of Education concerning the details of their grant. I was concerned that this might be a significant problem elsewhere in the Nation, and I requested the staff of my Judiciary Subcommittee to undertake an investigation of the title III program.

This investigation and subsequent hearings uncovered widespread abuses in the program. From beginning to end, we found arbitrary decisionmaking, poor management, questionable use of funds and possible conflicts of interest. In spite of these findings, I do not advocate terminating the title III program at this time. Over the years, it has done a substantial deal of good for the Nation's colleges, including several in Montana. For example, Carroll College in Helena has used title III funds to develop a fully-accredited program in social work and an effective student counseling service.

However, the many serious problems my subcommittee's investigation revealed must be remedied. I have therefore transmitted a series of recommendations to Senator CLAIBORNE PELL, chairman of the Senate Subcommittee on Education, Arts and the Humanities. Senator PELL's subcommittee has been working hard on pending reauthorizations legislation, and I believe my subcommittee's oversight findings and recommendations will be useful in that work.

The following is a list of those findings and recommendations:

FINDINGS

1. The program has proven successful at a number of institutions. Innumerable students have benefit from the diligent work of dedicated school officials and professors funded by this program. The services provided by Title III money range from the establishment of physics programs to the establishment of effective counseling and career centers. Students attending those schools where such effective programs have been instituted have been able to reap the benefits of a better education and in turn have become a more valuable resource for this nation.

2. The intent of Congress has in many cases been frustrated and misinterpreted. The original legislation provided no clear definition of the purpose for the program and no specific definition of a developing institution. As a result, the direction of the program has been left to the interpretation of various OE officials and has not been consistent. For example, the General Accounting Office found in its February 13, 1979 report that no institution had graduated or in other words become a developed institution because of this program. OE officials stated at that time that it was not the intent of the program for an institution to graduate. However, Mary Berry, Assistant Secretary for Education recently testified before Senator Pell and stated that it was indeed her hope that institutions would in fact "graduate from the program". Obviously without a clear intent, the schools and their students are the ultimate losers as they scramble to discover the current program direction.

3. Current eligibility criteria are inadequate. At present, an institution's eligibility for Title III is based upon average educational and general expenditures per full-time equivalent student and on the average Basic Educational Opportunity Grant award per full-time equivalent student. With this criteria, not all developing institutions are included nor do they provide a yardstick by which an institution's progress may be measured. The criteria penalize those institutions that because of their location must spend a larger amount of money per student. In addition, since the relative income level of the student population will probably remain the same, an institution's progress towards the mainstream will be difficult if not impossible to determine.

4. One third of the persons chosen to review funding proposals were chosen from institutions competing for funds creating at the very least the appearance of conflict of interest. While I realize it is important to have reviewers that understand the problems of a developing institution, it is essential that the review process avoid a situation where a reviewer is evaluating institutions that are competing for the same limited funds for which his own institution is competing.

5. Grants were not awarded according to rank order as required by regulations. Part 169.54 (c) states "The Commissioner awards grants on the basis of the descending order in which applications are ranked." However, OE officials established a cut-off point above which all institutions were funded without apparent regard for the rank of the school.

6. Discretionary authority given O.E. officials has been abused and in many cases was used in an arbitrary and capricious manner. Dr. Edward Brantley, former Director of the O.E. division responsible for Title III testified that his superiors had made between 150 and 175 changes in funding levels after receiving the recommendations of the outside reviewers and O.E. staff. These changes were made without having read the proposals. While I expect program managers to exercise their discretionary authority, I also expect that they be able to justify their decisions. Such has not been the case with Title III.

7. Predominately Black institutions received an unfair advantage when Mary Berry, Assistant Secretary for Education, decided that no such institution should receive less money than they received the year before, regardless of merit. Nowhere in the legislation or regulation does it allow for special funding consideration for predominately Black institutions. To give such blanket consideration destroys all efforts to assure that the funding process is fair and unbiased.

8. There is considerable confusion on the part of O.E. Program staff, Grant Procurement and Management Division staff, and among the institutions themselves about what are allowable activities under Title III. Several school administrators complained that they were told different activities were allowable depending upon which O.E. staff person they spoke with. In addition, the Grants staff removed over a $1,000,000 worth of activities after they received the proposals and funding levels from the Program staff.

9. A potentially unhealthy relationship exists between the institutions, O.E., and some private consulting firms. We found several examples of consulting firms receiving a large amount of an instiution's grant with the consulting firm providing a service of minimal use to the institution. Such conduit contracts effectively reduce the amount of money available that will directly improve student education while increasing the financial responsibility of a school administrator.

10. The delay in announcing grant awards seriously affects the continuity of school programs and institutional planning. Grant awards this year continued to be negotiated on Sunday, September 30, 1979, the last day of the fiscal year.

11. Too few audits have been performed by the HEW Office of Audits. Ray Beaudet, associate director, Division of University and Non-profit Audits, testified that only 21 audits of Title II programs have been completed since 1966.

RECOMMENDATIONS

1. Congress should specifically define the intent of the legislation. The legislation should help establish needed programs at institutions that would otherwise be unable to improve their education services in a consistent and timely manner. It must be stressed that Title III is to be used to supplement and not supplant school funding. The goal of self-sufficiency should be established.

2. The percentage of funds set aside for two-year institutions should be increased. Current legislation provided that 24 percent of the funds be spent by two-year institutions while over 50 percent of proposals received by OE are from two-year institutions. Congress should recognize the increasing importance of community colleges and provide for their development on a more equitable basis.

3. Long-range plans should be required for each institution applying for funds. That plan should be consulted before new awards are made. Without adequate planning, a developing institution and OE are unable to determine the institution's progress toward becoming a developed institution. Long-range plans will enable new proposals to be evaluated with reference to the goals of the institution.

4. Institutions should not be required to use assisting agencies. Schools should be ençouraged to seek outside help whenever it will benefit the institution and students. The decision whether this help comes from private corporations or from other institutions should be left to the discretion of the developing institution. However, schools should be required to procure help in a competitive manner whenever possible and should be required to have a written contract with all outside consultants.

5. OE should assure that all developing institutions are allowed to compete fairly for the available funds. No groups of institutions should be given special consideration or extra funds solely because of the racial characteristics of their student population. OE must develop an objective proposal evaluation process that is consistent and that will withstand outside influences.

6. Objective institutional eligibility criteria must be established that are in full compliance with the legislative intent of Congress. The criteria should be established in such a way that a school's progress can be measured.

7. An institution's ability to replace the Title III funds it receives and to assure that the programs initiated by Federal funds will continue after Federal funds cease should be an important consideration in funding a proposal.

8. Specific programs that will help an institution develop should be listed. OE professionals should be in the position of sharing the successful experiences and programs of other institutions with other developing institutions. OE should not penalize innovative ideas, however, and the collective experience of spending $120 million annually must be utilized.

9. Specific programs should be funded for specific time period. Rather than insisting an institution become "developed" in a specific time period, an institution should be allowed to progress at its most efficient pace. Through the use of long-term planning both OE and an institution can determine the specific time periods and the specific dollar amounts required for each program and phase.

10. Consortiums should be limited to a small number of participating institutions and limited to specific, more concentrated geographical areas. Current regulations state that consortiums should be limited to the number of institutions that can be "effectively" and efficiently "served." The Subcommittee found several consortiums that included schools from all over the country, thus requiring extensive travel. The wide availability of groups with expertise in helping developing institutions should prevent the need for such large and geographically diverse consortiums.

11. OE should conduct regular site reviews. Program staff and GPMD should conduct joint reviews. Past site reviews should be made part of the proposal evaluation process.

12. A plan for timely audits should be created and implemented.

In conclusion, my Judiciary Subcommittee has conducted a thorough investigation and evaluation of the Title III program. We discovered many serious shortcomings and abuses. Repeatedly, the intent of Congress has been frustrated and misinterpreted. There have been widespread conflicts of interest, lack of accountability for decisions made by OE officials, and questionable use of program funds.

Still, despite these problems, the Title III program has benefited a substantial number of institutions, including several in my own State of Montana. I do not think the program should be terminated at this time. Rather, Congress, in cooperation with OE officials, must address such problems with specific solutions. I have outlined many of them in this statement, and look forward to working closely with my colleagues to reform the program.

We shall not abandon our commitment to education. But, we must insure that public monies spent on education are not frittered away. Careful, on-going oversight is essential.●

NOTICE OF DETERMINATIONS BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 43, PARAGRAPH 4 PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

● Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 43 that I place in the Congressional Record this notice of a Member, officer, or employee of the Senate who proposes to participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization. The Select Committee on Ethics has received a request for a determination under rule 43 which would permit Senator J. James Exon to participate in a program sponsored by a foreign educational organization, the Gesellschaft fuer Wehrkunde (Society for Defense Information) of the Federal Republic of Germany.

It has been determined that Senator Exon's participation in this program, at the expense of the U.S. Department of Defense and the Gesellschaft fuer Wehrkunde is in the interests of the Senate and the United States.

The Select Committee on Ethics has received requests for determinations under rule 43 which would permit the following persons to participate in a program sponsored by a foreign educational organization, the Center for Legislative Exchange, in Ottawa, Canada, January 17 and 18, 1980. It has been determined that their travel at the expense of the Center for Legislative Exchange is in the interests of the Senate and the United States:

Mr. David Keaney, Senate Foreign Relations Committee Staff;

Mr. David Moran, Staff of Senator Domenici;

Mr. Peter Clark, Staff of Senator Javits; and

Mr. Michael M. Hastings, Staff of Senator Cohen.

The Select Committee on Ethics has received a request for a determination under rule 43 which would permit Senator William V. Roth, during the period from January 10, 1980 to January 18, 1980, to participate in programs sponsored by the Jakarta Center for Strategic and International Exchange and the Japan Center for International Exchange, in Jakarta, Indonesia and Tokyo, Japan. It has been determined that Senator Roth's travel, the costs of which will be borne by the Jakarta Center and the Japan Center, is in the interests of the Senate and the United States.●

THE VITAL NEED FOR SEAFARER ELF COMMUNICATIONS

● Mr. HUMPHREY. Mr. President, I would like to insert into the Record the following letter which I sent to President Carter last week. The American people have a right to know whether President Carter is serious about deploying the vitally necessary extremely low frequency (ELF) communications system.

The facts show we must deploy ELF in order to preserve the survivability of our strategic submarines. If President Carter will not decide to lay 130 miles of electric cable along existing roadways in upper Michigan, then it is hard to imagine him deciding to really going through with deployment of the MX in a new basing mode. The NATO decision to begin modernization in 1983 of our Theatre nuclear forces is also put in jeopardy by the President's recalcitrance on ELF. Why should our NATO allies ever agree to Pershing II ballistic missile and ground-launched cruise missile deployment on European soil if the President will not bite the bullet on ELF and MX?

I respectfully submit the letter for printing at this point in the Record.

The letter follows:

Committee on Armed Services,
Washington, D.C., February 20, 1980.

The President,
The White House,
Washington, D.C.

Dear Mr. President: I am deeply concerned by the fact that funds have not been included in the FY81 DOD budget for the full-scale deployment of the Extremely Low Frequency (ELF) Seafarer Naval Communications Program. The ELF Program is essential to ensure the survivability of the sea-based leg of our strategic triad. For your information, I enclose a copy of my statement on the ELF system in the 19 February 1980 Congressional Record.

When you decided to terminate the Seafarer Program in February, 1978, you reaffirmed that "we have an urgent need to provide our submarines with a communications capability that frees them from dependence upon surface or near-surface message reception."

Secretary Brown stated in December 1978, that the ELF system could "provide this vitally important communications capability in the shortest time, at lowest cost, and with the least impact on the environment."

Yesterday, in an unclassified statement to the Senate Armed Services Committee, Vice Admiral Griffith emphasized need for the ELF Seafarer System. The FY81 budget, however, requests only $453,000 for the ELF, which will only keep the system in a caretaker status.

Administration spokesmen have stated in testimony before the Senate Armed Services Committee that U.S. ICBMs will be vulnerable to a Soviet counterforce attack by 1982 and that by 1985 our strategic bomber force will become vulnerable as well. By the mid 1980s, therefore, we will be relying very heavily upon our SLBM force. Yet between now and 1985, we plan to either deactivate or convert our 10 Polaris submarines. How does your recognition of our reliance in 1985 upon our SLBMs square with the failure of DOD to put ELF deployment in the FY 1981 defense budget? Further, why should we build sophisticated SLBM submarines capable of deep patrolling at high speeds if we cannot operate our subs in ways which would utilize these expensive capabilities?

The MX ICBM is our nation's highest priority military program. Mr. President, if you will not now make the decision to lay 130 miles of electric cable next to existing roadways, over the overblown objections of environmentalists, then how can you promise to begin breaking ground for the new MX

ICBM in 1983 for operational capability in 1986? ELF is a test of your intention to deploy MX. I would appreciate an answer to my question on the relationship between the ELF and MX by 1 March, 1980 due to the urgency of the danger to our national security.

You are no doubt aware that the feeling is growing among the American people that your many unilateral decisions to cut, delay and cancel U.S. defense programs are allowing the Soviets to achieve their goal of world military dominance. A reversal of your previous decision against the Seafarer program would be a big step to bolster U.S. security and undoubtedly would improve your standing with Americans concerned with deteriorating U.S. strength.

Thank you.

Sincerely yours,

GORDON J. HUMPHREY,
U.S. Senator.●

RULES OF THE SELECT COMMITTEE ON ETHICS

● Mr. HEFLIN. Mr. President, in accordance with the requirement to publish the rules of each Senate committee in the CONGRESSIONAL RECORD not later than March 1 of each year, I submit the Procedural Rules of the Select Committee.

The procedural rules are as follows:

RULES OF PROCEDURE: THE SELECT COMMITTEE ON ETHICS

RULE 1. GENERAL PROCEDURES

(a) *Officers:* The Committee shall select a Chairman and a Vice Chairman from among its members. In the absence of the Chairman, the duties of the Chair shall be filled by the Vice Chairman or, in the Vice Chairman's absence, a Committee member designated by the Chairman.

(b) *Procedural Rules:* The basic procedural rules of the Committee are stated as a part of the Standing Orders of the Senate in Senate Resolution 338, as amended, as well as other resolutions and laws set forth in Part I. Supplementary procedural rules are stated herein. These rules shall be published in the Congressional Record not later than thirty days after adoption, and copies shall be made available by the Committee office upon request.

(c) *Meetings:*

(1) The regular meeting of the Committee shall be the first Thursday of each month while the Congress is in session.

(2) Special meetings may be held at the call of the Chairman or Vice Chairman, provided at least 48 hours notice is furnished to all members; if all members agree, a special meeting may be held on less than 48 hours notice.

(3) If any member of the Committee desires that a special meeting of the Committee be called, he may file in the office of the Committee his written request to the Chairman or Vice Chairman for that special meeting.

Immediately upon the filing of the request the Clerk of the Committee shall notify the Chairman and Vice Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman or the Vice Chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, any three of the members of the Committee may file their written notice in the office of the Committee that a special meeting of the Committee will be held at a specified date and hour; such special meeting may not occur until 48 hours after the notice is filed. The Clerk shall immediately notify all members of the Committee of the date and hour of the special meeting. The Committee shall meet at the specified date and hour.

(d) *Quorum:*

(1) A majority of the members of the Committee shall constitute a quorum thereof for the transaction of business; however, no investigation of conduct of a Member or officer of the Senate and no report, resolution, or recommendation relating thereto may be made unless approved by the affirmative recorded vote of not less than four members of the Committee.

(2) Notwithstanding the provisions of section (1) above, one member of the Committee may constitute a quorum for receiving sworn testimony, and the Committee may authorize the receiving of such testimony by a hearing examiner in accordance with its regulations and procedural rules.

(e) *Order of Business:* Questions as to the order of business and the procedure of the Committee shall in the first instance be decided by the Chairman and Vice Chairman, subject always to reversal by a vote by a majority of the Committee.

(f) *Hearings Announcements:* The Committee shall make public announcement of the date, place and subject matter of any hearing to be conducted by it at least one week before the commencement of that hearing, and shall publish such announcement in the Congressional Record: however, if the Committee determines that there is good cause to commence a hearing at an earlier date, such notice will be given at the earliest possible time.

(g) *Open and Closed Committee Meetings:* Meetings of the Committee shall be open to the public or closed to the public (executive session), as determined under the provisions of paragraphs 7(b) to (d) of Rule XXV of the Standing Rules of the Senate (see Appendix A to these Rules). Executive session meetings of the Committee shall be closed except to the members and the staff of the Committee. On the motion of any member, and with the approval of a majority of the Committee members present, other individuals may be admitted to an executive session meeting for a specified period or purpose.

(h) *Record of Testimony and Committee Action:* An accurate stenographic or transcribed electronic record shall be kept of all Committee proceedings, whether in executive or public session. Such record shall include Senators' votes on any question on which a recorded vote is held. The record of a witness' testimony, whether in public or executive session, shall be made available for inspection to the witness or his counsel under Committee supervision; a copy of any testimony given by that witness in public session, or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session, shall be made available to any witness if he so requests. (*See* Rule 6 below on Procedures for Conducting Hearings.)

(i) *Secrecy of Executive Testimony and Action and of Complaint Proceedings:*

(1) All testimony and action taken in executive session shall be kept secret and shall not be released outside the Committee to any individual or group, whether governmental or private, without the approval of a majority of the Committee.

(2) All testimony and action relating to a sworn complaint shall be kept secret and shall not be released by the Committee to any individual or group, whether governmental or private, except the respondent, without the approval of a majority of the Committee, until such time as a report to the Senate is required under S. Res. 338, as amended, or unless otherwise permitted under these Rules. (See Rule 9 on Procedures for Handling Committee Sensitive and Classified Materials.)

(j) *Release of Reports to Public:* No information pertaining to or copies of any Committee report, study, or other document which purports to express the views, findings, conclusions or recommendations of the Committee in connection with any of its activities or proceedings may be released to any individual or group, whether governmental or private, without the authorization of the Committee; however, whenever the Chairman or Vice Chairman is authorized to make any determination, then it may be released at his or her discretion. Each member of the Committee shall be given a reasonable opportunity to have separate views included as part of any Committee report. (*See* Rule 9 on Procedures for Handling Committee Sensitive and Classified Materials.)

(k) *Ineligibility or Disqualification of Members and Staff:*

(1) A member of the Committee shall be ineligible to participate in any Committee proceeding that relates specifically to any of the following:

(A) The member's own conduct;

(B) The conduct of any employee or officer that the member supervises, as defined in paragraph 12[1] of Rule XLV of the Standing Rules of the Senate (see Appendix B to these Rules);

(C) The conduct of any employee of any officer that the member supervises; or

(D) A complaint, sworn or unsworn, that was filed by a member, or by any employee or officer that the member supervises.

(2) If any Committee proceeding appears to relate to a member of the Committee in a manner described in subsection (1) of this Rule, the staff shall prepare a report to the Chairman and Vice Chairman. If either the Chairman or the Vice Chairman conclude from this report that it appears that the member may be ineligible, the member shall be notified in writing of the nature of the particular proceeding and the reason that it appears that the member may be ineligible to participate in it. If the member agrees that he or she is ineligible, the member shall so notify the Chairman or Vice Chairman. If the member believes that he or she is not ineligible, he or she may explain the reasons to the Chairman and Vice Chairman; if they both agree that the member is not ineligible, the member shall continue to serve. But if either the Chairman or Vice Chairman continue to believe that the member is ineligible, while the member believes that he or she is not ineligible, the matter shall be promptly referred to the Committee. The member shall present his or her arguments to the Committee in executive session; any contested questions concerning a member's eligibility shall be decided by majority vote of the Committee, meeting in executive session, with the member in question not participating.

(3) A member may also disqualify himself in his discretion from participating in a Committee proceeding in other circumstances not listed in (1) above.

(4) The President of the Senate shall be given written notice of the ineligibility or disqualification of any member from any initial review, investigation, or other proceeding requiring the appointment of another Member in accordance with section (5), below.

(5) Whenever a member of the Committee is ineligible to participate in or disqualifies himself from participating in any initial review, investigation, or other substantial Committee proceeding, another Member of the Senate who is of the same party and in the same category in terms of years of service in the Senate (see Section 2, S. Res. 338, as

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[1] S. Res. 274, agreed to November 14, 1979, removed paragraph 5 from Rule 45 necessitating renumbering of the Rule's paragraphs. This paragraph is now 11.

amended)[2] shall be appointed by the Senate in accordance with the provisions of paragraph 1 of Rule XXIV of the Standing Rules of the Senate, to serve as a member of the Committee solely for the purposes of that proceeding.

(6) A member of the Committee staff shall be ineligible to participate in any Committee proceeding that, in the judgment of the staff director or outside counsel, relates specifically to any of the following:

(A) the staff member's own conduct;

(B) the conduct of any employee that the staff member supervises;

(C) the conduct of any Member, officer or employee for whom the staff member has worked for any substantial period; or

(D) a complaint, sworn or unsworn, that was filed by the staff member.

At the direction or with the consent of the staff director or outside counsel, a staff member may also be disqualified from participating in a Committee proceeding in other circumstances not listed above.

(l) *Recorded Votes:* Any member may require a recorded vote on any matter.

(m) *Proxies; Recording Votes of Absent Members:*

(1) Proxy voting shall not be allowed when the question before the Committee is the initiation or continuation of an initial review or an investigation, or the issuance of a report or recommendation related thereto concerning a Member or officer of the Senate. In such cases an absent member's vote may be announced solely for the purpose of recording the member's position and such announced votes shall not be counted for or against the motion.

(2) On matters other than those listed in (1) above, the Committee may order that the record be held open for the vote of absentees or record proxy votes if the absent Committee member has been informed of the matter on which the vote occurs and has affirmatively requested of the Chairman or Vice Chairman in writing that he be so recorded.

(3) All proxies shall be in writing, and shall be delivered to the Chairman or Vice Chairman to be recorded.

(4) Proxies shall not be considered for the purpose of establishing a quorum.

(n) *Approval of Blind Trusts and Foreign Travel Requests Between Sessions and During Extended Recesses:*

"During any period in which the Senate stands in adjournment between sessions of the Congress or stands in a recess scheduled to extend beyond 14 days, the Chairman and Vice Chairman, or their designees, acting jointly, are authorized to approve or disapprove blind trusts under the provision of Rule 42,[3] and to approve or disapprove foreign travel requests which require immediate resolution." (Congressional Record, October 17, 1977, p. S17216.)

(o) *Committee Use of Services or Employees of Other Agencies and Departments:*

With the prior consent of the department or agency involved, the Committee may (a) utilize the services, information, or facilities of any such department or agency of the Government, and (b) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee, the Committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the Chairman and Vice Chairman of the Committee, acting jointly, determine that such action is necessary and appropriate.

RULE 2: PROCEDURES FOR SWORN COMPLAINTS

(a) *Sworn Complaints:* Any person may file a sworn complaint with the Committee, alleging that any Senator, or officer, or employee of the Senate has violated a law, the Senate Code of Official Conduct, or any rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as Members, officers, or employees of the Senate, or has engaged in improper conduct which may reflect upon the Senate.

(b) *Form and Content of Complaints:* A complaint filed under Rule 2(a) shall be in writing and under oath, and shall set forth in simple, concise and direct statements;

(1) The name and legal address of the party filing the complaint (hereinafter, the complainant);

(2) The name and positions or title of the Member(s), officer(s), or employee(s) of the Senate who is (are) specifically alleged to have engaged in the improper conduct or committed the violation (hereinafter, the respondent);

(3) The nature of the alleged improper conduct or violation, including if possible, the specific provision of the Senate Code of Official Conduct or other law, rule or regulation alleged to have been violated;

(4) A statement of the facts within the personal knowledge of the complainant that are alleged to constitute the improper conduct or violation.

(A) The term "personal knowledge" is not intended to and does not limit the complainant's statement to situations that he or she personally witnessed or to activities in which the complainant was a participant.

(B) Where allegations in the sworn complaint are made upon the information and belief of the complainant, the complaint shall so state, and shall set forth the basis for such information and belief.

(5) The complainant must swear that all of the information contained in the complaint either (a) is true, or (b) was obtained under circumstances such that the complainant has sufficient personal knowledge of the source of the information reasonably to believe that it is true. The complainant may so swear either by oath or by solemn affirmation before a notary public or other authorized official.

(6) All documents in the possession of the complainant relevant to or in support of his or her allegations may be appended to the complaint.

(c) *Processing of Sworn Complaints:*

(1) When the Committee receives a sworn complaint against a Member, officer or employee of the Senate, it shall determine by majority vote whether the complaint is in substantial compliance with subsection (b) above.

(2) If it is determined by the Committee that a sworn complaint does not substantially comply with these requirements, the complaint shall be returned promptly to the complainant, with a statement explaining how the complaint fails to comply and a copy of the rules for filing sworn complaints. The complainant may re-submit the complaint in the proper form. If the complaint is not revised so that it substantially complies with the stated requirements, the Committee may in its discretion process the complaint in accordance with Rule 3 below.

(3) Sworn complaints against Members, officers, or employees of the Senate that are determined by the Committee to be in substantial compliance shall be transmitted to the respondent within 5 days of that determination. The transmittal notice shall include the date upon which the complaint was received, a statement that the complaint conforms to the applicable rules, a statement that the Committee will immediately begin an initial review of the complaint, and a statement inviting the respondent to provide any information relevant to the complaint to the Committee. A copy of the rules of the Committee shall be supplied with the notice.

RULE 3: PROCEDURES ON RECEIPT OF ALLEGATIONS OTHER THAN A SWORN COMPLAINT; PRELIMINARY INQUIRY

(a) *Unsworn Allegation or Information:* Any member or staff member of the Committee shall report to the Committee, and any other person may report to the Committee, any credible information available to him or her that indicates that any named or unnamed Member, officer or employee of the Senate may have:

(1) Violated the Senate Code of Official Conduct,

(2) Violated a law,

(3) Violated any rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as Members, officers, or employees of the Senate, or

(4) Engaged in improper conduct which may reflect upon the Senate.

Such allegations or information may be reported to the Chairman, the Vice Chairman, a Committee member, or a Committee staff member.

(b) *Sources of Unsworn Allegations or Information:* The information to be reported to the Committee under Rule 3(a), above may be obtained from a variety of sources, including but not limited to the following:

(1) Sworn complaints that do not satisfy all of the requirements of Rule 2, above.

(2) Anonymous or informal complaints, whether or not satisfying the requirements of Rule 2 above.

(3) Information developed during a study or inquiry by the Committee or other committees or subcommittees of the Senate, including information obtained in connection with legislative or general oversight hearings.

(4) Information reported by the news media.

(5) Information obtained from any individual, agency or department of the executive branch of the Federal Government.

(c) *Preliminary Inquiry:* When information is presented to the Committee pursuant to Rule 3(a) above, it shall immediately be transmitted to the Chairman and the Vice-Chairman, for one of the following actions.

(i) The Chairman and Vice Chairman, acting jointly, may conduct, or may direct the Committee staff to conduct, a preliminary inquiry;

(ii) The Chairman and Vice Chairman, acting jointly, may present the allegations or information received directly to the Committee for it to determine whether an initial review should be undertaken. (*See* Rule 3(d), below.)

(1) A preliminary inquiry may include any inquiries or interviews that the Chairman and the Vice Chairman deem necessary or appropriate. In particular, the preliminary inquiry may, in the discretion of the Chairman and Vice-Chairman, seek independent credible evidence that tends to corroborate the information received; it may also, in the discretion of the Chairman and Vice Chairman, include discussions or correspondence with the complainant, if any, and the respondent, if any.

(2) At the conclusion of a preliminary inquiry, the Chairman and Vice Chairman shall receive a full report of its findings. The Chairman and Vice Chairman, acting jointly, shall then determine what further action, if any, is appropriate in the particular case, including any of the following:

(A) No further action is appropriate, because the alleged improper conduct or violation is clearly not within the jurisdiction of the Committee;

(B) No further action is appropriate, because there is no reason to believe that the alleged improper conduct or violation may have occurred; or

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[2] S. Res. 271, agreed to October 31, 1979, struck subsection (d) of Section 1 of S. Res. 388 (88th Cong. eliminating classes of membership.

[3] S. Res. 220, agreed to August 3, 1979, struck Rule 42 and put in its place a new Rule 42 consisting of the provisions of Title I of the Ethics in Government Act of 1978.

(C) The unsworn allegations or information, and a report on the preliminary inquiry, should be referred to the Committee, to determine whether an initial review should be undertaken. (*See* section (d), below.)

(3) If the Chairman and the Vice Chairman are unable to agree on a determination at the conclusion of a preliminary inquiry, then they shall refer the allegations or information to the Committee, with a report on the preliminary inquiry, for the Committee to determine whether an initial review should be undertaken. (*See* section (d), below.)

(4) A preliminary inquiry shall be completed within sixty days after the unsworn allegations or information were received by the Chairman and Vice Chairman; however, this time may be extended for a specified period by the Chairman and Vice Chairman, acting jointly. A preliminary inquiry is completed when the Chairman and the Vice Chairman, have made the determination required by Rule 3(c)(2), (3), above.

(d) *Determination Whether to Conduct an Initial Review:* When information or allegations are presented to the Committee by the Chairman and the Vice Chairman, the Committee shall determine whether an initial review should be undertaken.

(1) An initial review shall be undertaken when:

(A) There is reason to believe on the basis of the information before the Committee that the possible improper conduct or violation may be within the jurisdiction of the Committee; and

(B) There is reason to believe on the basis of the information before the Committee that the improper conduct or violation may have occurred.

(2) The determination whether to undertake an initial review shall be made by recorded vote within 30 days following the Committee's receipt of the unsworn allegations or information from the Chairman or Vice Chairman, or at the first meeting of the Committee thereafter if none occurs within 30 days, unless this time is extended for a specified period by the Committee.

(3) The Committee may determine that an initial review is not warranted, either (i) because there is no reason to believe on the basis of the information before the Committee that the improper conduct or violation may have occurred, or (ii) because the improper conduct or violation, even if proven, is not within the jurisdiction of the Committee.

(A) If the Committee determines that an initial review is not warranted, it shall promptly notify the complainant, if any, and any known respondent.

(B) If there is a complainant, he or she may also be invited to submit additional information, and notified of the procedures for filing a sworn complaint. If the complainant later provides additional information, not in the form of a sworn complaint, it shall be handled as a new allegation in accordance with the procedures of Rule 3; if he or she submits a sworn complaint, it shall be handled in accordance with Rule 2.

(4) The Committee may determine that there is reason to believe on the basis of the information before it that the improper conduct or violation may have occurred and may be within the jurisdiction of the Committee, and that an inital review must therefore be conducted.

(A) If the Committee determines that an initial review will be conducted, it shall promptly notify the complainant, if any, and the respondent, if any.

(B) This notice shall include a general statement of the information or allegations before the Committee, and a statement that the Committee will immediately begin an initial review of the complaint. A copy of the rules of the Committee shall be supplied with the notice.

(5) If a member of the Committee believes that the preliminary inquiry has provided sufficient information for the Committee to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred, he may move that the Committee dispense with the initial review and move directly to the determinations described in Rule 4(f) below. The Committee may adopt such a motion by majority vote of the full Committee.

RULE 4: PROCEDURES FOR CONDUCTING AN INITIAL REVIEW

(a) *Basis for Initial Review:* The Committee shall promptly commence an initial review whenever it has received either (1) a sworn complaint that the Committee has determined is in substantial compliance with the requirements of Rule 2, above, or (2) unsworn allegations or information that have caused the Committee to determine in accordance with Rule 3 that an initial review must be conducted.

(b) *Scope of Initial Review:*

(1) The initial review shall be of such duration and scope as may be necessary to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred.

(2) The initial review may include any inquiries or interviews that the Committee deems appropriate to obtain the evidence upon which to make this determination, including the taking of sworn statements and the use of subpoenas.

(c) *Opportunity for Response:* An initial review may, in the discretion of the Committee, include an opportunity for any known respondent or his designated representative, to present either a written or oral statement, or to respond orally to questions from the Committee, provided that such an oral statement or answers shall be transcribed and signed by the person providing the statement or answers.

(d) *Status Reports:* The Committee staff or outside counsel shall periodically report to the Committee in the form and according to the schedule prescribed by the Committee: the reports shall be confidential.

(e) *Final Report:* When the initial review is completed, the staff or outside counsel shall make a confidential report to the Committee of findings and recommendations.

(f) *Committee Action:* As soon as practicable following submission of the report on the initial review, the Committee shall determine by a recorded vote whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred. The Committee may make any of the following determinations:

(1) The Committee may determine that there is not such substantial credible evidence. In this case, the Committee shall report its determination to the complainant, if any, and to the respondent, together with an explanation of the basis for the determination. This explanation may be as detailed as the Committee desires, but it is not required to include a complete discussion review.

(2) The Committee may determine that there is such substantial credible evidence, but that the alleged violation is inadvertent, technical, or otherwise of a *de minimis* nature. In this case, the Committee may attempt to correct or to prevent such violation by informal methods. The Committee's final determination in this matter shall be reported to the complainant, if any, and to the respondent if any.

(3) The Committee may determine that there is such substantial credible evidence, but that the alleged violation, if proven, although not of a *de minimis* nature, would not be sufficiently serious to justify the severe disciplinary actions specified in Senate Resolution 338, as amended (i.e., for a Member, censure, expulsion, or recommendation to the appropriate party conference regarding the Member's seniority or positions of responsibility; or for an officer or employee, suspension or dismissal). In this case, the Committee, by the recorded affirmative vote of at least four members, may propose a remedy that it deems appropriate. If the respondent agrees to the proposed remedy, a summary of the Committee's conclusions and the remedy proposed and agreed to shall be filed as a public record with the Secretary of the Senate and a notice of the filing shall be printed in the Congressional Record.

(4) The Committee may determine, by recorded affirmative vote of at least four members, that there is such substantial credible evidence, and also either:

(A) That the violation, if proved, would be sufficiently serious to warrant imposition of one of the above-listed severe disciplinary actions; or

(B) That the violation, if proven, is less serious, but was not resolved pursuant to the procedure in subsection (3) above.

In either case, the Committee shall order that an investigation promptly be conducted in accordance with Rule 5, below.

RULE 5: PROCEDURES FOR CONDUCTING AN INVESTIGATION

(a) *Definition of Investigation:* An "investigation" is a proceeding undertaken by the Committee, by recorded affirmative vote of at least four Members, after a finding on the basis of an initial review that there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within its jurisdiction has occurred.

(b) *Scope of Investigation:* When the Committee decides to conduct an investigation, it shall be of such duration and scope as is necessary for the Committee to determine whether a violation within its jurisdiction has occurred. In the course of the investigation, designated outside counsel, or if the Committee determines not to use outside counsel, the Committee or its staff, may conduct inquiries or interviews, take sworn statements, use compulsory process as described in Rule 7 below, or take any other actions that the Committee deems appropriate to secure the evidence necessary to make this determination.

(c) *Notice to Respondent:* The Committee shall give written notice to any known respondent who is the subject of an investigation; the notice shall be sent to the respondent no later than five working days after the Committee has voted to conduct an investigation. This notice shall include a statement of the nature of the possible violation, and a description of the evidence indicating that a possible violation occurred. The Committee shall offer the respondent an opportunity to present a statement or to respond to questions from members of the Committee, the Committee staff, or outside counsel.

(d) *Right to a Hearing:* The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate. (See Rule 6 below)

(e) *Progress Reports to Committee:* The Committee staff or outside counsel shall periodically report to the Committee concerning the progress of the investigation. Such reports shall be delivered to the Committee in the form and according to the schedule prescribed by the Committee, and shall be confidential.

(f) *Report of Investigation:*

(1) Upon completion of an investigation, including any hearings held pursuant to Rule 6 below, the outside counsel or the staff shall submit a confidential written report to the Committee, which shall detail the factual findings of the investigation and which may recommend disciplinary action, if appropriate. Findings of fact of the investigation shall be detailed in this report whether or not disciplinary action is recommended.

(2) The Committee shall consider the report of the staff or outside counsel promptly following its submission. The Committee shall prepare and submit a report to the Senate, including a recommendation to the Senate concerning disciplinary action, if appropriate. A report shall be issued, stating in detail the Committee's findings of fact, whether or not disciplinary action is recommended. It shall also explain fully the reasons underlying the Committee's recommendation concerning disciplinary action, if any. However, no recommendation or resolution of the Committee concerning the investigation of a Member, officer or employee of the Senate may be approved except by the affirmative recorded vote of not less than four members of the Committee.

(3) Promptly after the conclusion of the investigation, the Committee's report and recommendation shall be forwarded to the Secretary of the Senate, and a copy shall be provided to the complainant and the respondent. The full report and recommendation shall be printed and made public, unless the Committee determines by majority vote that it should remain confidential.

RULE 6: PROCEDURES FOR HEARINGS

(a) *Right to a Hearing:* The Committee may hold a public or executive hearing in any inquiry, initial review, investigation, or other proceeding. The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate. (See Rule 5(e) above.)

(b) *Non-public Hearings:* The Committee may at any time during a hearing determine in accordance with paragraph 7(b) of Rule XXV of the Standing Rules of the Senate whether to receive the testimony of specific witnesses in executive session. (*See* Appendix A to these Rules). If a witness desires to express a preference for testifying in public or in executive session, he or she shall so notify the Committee at least five days before he or she is scheduled to testify.

(c) *Adjudicatory Hearings:* The Committee may, by majority vote, designate any public or executive hearing as an adjudicatory hearing; and, any hearing which is concerned with possible disciplinary action against a respondent or respondents designated by the Committee shall be an adjudicatory hearing. In any adjudicatory hearing, the procedures described in Rule 6(j) below shall apply.

(d) *Subpoena Power:* The Committee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such correspondence, books, papers, documents or other articles as it deems advisable. (See Rule 7 below.)

(e) *Notice of Hearings:* The Committee shall make public an announcement of the date, place, and subject matter of any hearing to be conducted by it, in accordance with Rule 1(f) above.

(f) *Presiding Officer:* The Chairman shall preside over the hearings, or in his absence the Vice Chairman. If the Vice Chairman is also absent, a Committee member designated by the Chairman shall preside If an oath or affirmation is required, it shall be administered to a witness by the Presiding Officer, or in his absence, by any Committee member.

(g) *Witnesses:*

(1) A subpoena or other request to testify shall be served on a witness sufficiently in advance of his or her scheduled appearance to allow the witness a reasonable period of time, as determined by the Committee, to prepare for the hearing and to employ counsel if desired.

(2) The Committee may by majority vote rule that no Member of the Committee or staff or outside counsel shall make public the name of any witness subpoened by the Committee before the date of that witness' scheduled appearance, except as specifically authorized by the Chairman and Vice Chairman, acting jointly.

(3) Any witness desiring to read a prepared or written statement in executive or public hearings shall file a copy of such advance of the hearing at which the statement is to be presented. The Chairman and Vice Chairman shall determine whether such statements may be read or placed in the record of the hearing.

(4) Insofar as practicable, each witness shall be permitted to present a brief oral opening statement, if he or she desires to do so.

(h) *Right to Testify*: Any person whose name is mentioned or who is specifically identified or otherwise referred to in testimony or in statements made by a Committee member, staff member or outside counsel, or any witness, and who reasonably believes that the statement tends to adversely affect his or her reputation may:

(1) Request to appear personally before the Committee to testify in his or her own behalf; or,

(2) File a sworn statement of facts relevant to the testimony or other evidence or statement of which he or she complained.

Such request and such statement shall be submitted to the Committee for its consideration and action.

(i) *Conduct of Witnesses and Other Attendees*: The presiding officer may punish any breaches of order and decorum by censure and exclusion from the hearings, and the Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(j) *Adjudicatory Hearing Procedures:*

(1) Notice of Hearings: A copy of the public announcement of an adjudicatory hearing, required by Rule 6(e) above, shall be furnished to all witnesses at the time that they are subpoenaed or otherwise summoned to testify, together with a copy of these rules.

(2) Preparation for Adjudicatory Hearings:

(A) At least five working days prior to the commencement of an adjudicatory hearing, the Committee shall provide the following information and documents to the respondent, if any. At the discretion of the Committee, the information and documents to be exchanged under subsections (A) and (B) shall be subject to an appropriate agreement limiting access and disclosure.

(i) A list of proposed witnesses to be called at the hearing.

(ii) Copies of all documents expected to be introduced as exhibits at the hearing.

(iii) A brief statement as to the nature of the testimony expected to be given by each witness to be called at the hearing.

(B) At least two working days prior to the commencement of an adjudicatory hearing, the respondent, if any, shall provide the information and documents described in subsections (i), (ii) and (iii) above to the Committee.

(C) If a respondent refuses to provide the information and documents described above to the Committee (see Rule 6(j) (2) (A) (B) above), or if a respondent or other individual violates an agreement limiting access and disclosure (see Rule 6(j) (2) (A) above), the Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(3) Swearing of Witnesses: All witnesses who testify at adjudicatory hearings shall be sworn unless the Presiding Officer, for good cause, decides that a witness does not have to be sworn.

(4) Right to Counsel: Any witness at an adjudicatory hearing may be accompanied by counsel of his or her own choosing, who shall be permitted to advise the witness of his or her legal rights during the testimony.

(5) Right to Cross-Examine and Call Witnesses:

(A) In adjudicatory hearings, any respondent who is the subject of an investigation, and any other person who obtains the permission of the Committee, may personally or through counsel cross-examine witnesses called by the Committee and may call witnesses in his or her own behalf.

(B) A respondent may apply to the Committee for the issuance of subpoenas for the appearance of witnesses or the production of documents on his or her own behalf. Such application shall be approved upon a concise showing by the respondent that the proposed testimony or evidence is relevant and appropriate, as determined by the Chairman and Vice Chairman.

(C) With respect to witnesses called by a respondent, or other individual given permission by the Committee, each such witness shall first be examined by the party who called the witness or by that party's counsel.

(D) At least 1 working day before a witness' scheduled appearance, a witness or a witness' counsel may submit to the Committee written questions proposed to be propounded to that witness. Such questions may be asked by any member of the Committee, or by any Committee staff member if directed by a Committee member. The witness or witness' counsel may also submit additional sworn testimony for the record within 24 hours after the last day that the witness has testified. The insertion of such testimony in that day's record is subject to the approval of the Chairman and Vice Chairman acting jointly within five days after the testimony is received.

(6) Admissibility of Evidence:

(A) The object of the hearing shall be to ascertain the truth. Any evidence that may be relevant and probative shall be admissible, unless privileged under the Federal Rules of Evidence. Rules of Evidence shall not be applied strictly, but the presiding officer shall exclude irrelevant or unduly repetitious testimony. Objections going only to the weight that should be given evidence will not justify its exclusion.

(B) The presiding officer shall rule upon any question of the admissibility of testimony or other evidence presented to the Committee. Such rulings shall be final unless reversed or modified by a majority vote of the Committee before the recess of that day's hearings.

(7) Supplementary Hearing Procedures: The Committee may adopt any additional special hearing procedures that it deems necessary or appropriate to a particular adjudicatory hearing. Copies of such supplementary procedures shall be furnished to witnesses and respondents, and shall be made available upon request to any member of the public. (For rules relating to broadcasting and news coverage of committee proceedings, see Rule 10, below.)

(k) *Transcripts:*

(1) An accurate stenographic or recorded transcript shall be made of all public and executive hearings. A member of the Committee, a Committee staff member, or outside counsel, or a witness may examine a copy of the transcript of his or her own remarks and may suggest to the official reporter any typographical or transcription er-

rors. If the reporter declines to make the requested corrections, the member, staff member, outside counsel or witness may request a ruling by the Chairman and Vice Chairman, acting jointly. Any member or witness shall return the transcript with suggested corrections to the Committee offices within five (5) working days after receipt of the transcript, or as soon thereafter as is practicable. If the testimony was given in executive session, the member or witness may only inspect the transcript at a location determined by the Chairman and Vice Chairman, acting jointly. Any questions arising with respect to the processing and correction of transcripts shall be decided by the Chairman and Vice Chairman, acting jointly.

(2) Except for the record of a hearing which is closed to the public, transcripts shall be printed as soon as is practicable after receipt of the corrected versions. The Chairman and Vice Chairman, acting jointly, may order the transcript of a hearing to be printed without the corrections of a member or witness if they determine that such member or witness has been afforded a reasonable time to correct such transcript and such transcript has not been returned within such time.

(3) The Committee shall furnish each witness, at no cost, one transcript copy of that witness' testimony given at a public hearing. If the testimony was given in executive session, then a transcript copy shall be provided upon request, subject to appropriate conditions and restrictions prescribed by the Chairman and Vice Chairman. If any individual violates such conditions and restrictions, the Committee may recommend by majority vote that he or she be cited for contempt of Congress.

RULE 7: SUBPOENAS

(a) *Procedure:* Subpoenas may be issued either:

(1) By majority vote of the Committee, or

(2) By the Chairman and Vice Chairman, acting jointly. All subpoenas shall be signed by the Chairman or the Vice Chairman and may be served by any person eighteen years of age or older, who is designated by the Chairman or Vice Chairman. Each subpoena shall be served with a copy of these Rules of the Committee and a brief statement of the purpose of the initial review, investigation, or other proceeding.

(b) *Subpoena Power:* Pursuant to federal law, 2 U.S.C. 190(b), the Committee is authorized to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate as it deems advisable. The Committee is similarly authorized to require by subpoena or otherwise the attendance of such witnesses or the production of such correspondence, books, papers, documents, or other articles as it deems advisable.

(c) *Withdrawal of Subpoena:* The Committee may, by majority vote, withdraw any subpoena issued by it or issued by the Chairman and Vice Chairman acting jointly. The Chairman and Vice Chairman, acting jointly, may withdraw any subpoena issued by them.

RULE 8: VIOLATIONS OF LAW; PERJURY; LEGISLATIVE RECOMMENDATIONS; AND APPLICABLE RULES AND STANDARDS OF CONDUCT

(a) *Violations of Law:* When the Committee reasonably believes that a violation of law may have occurred, it shall by majority vote of the full Committee, report such violation to the proper state and federal authorities.

(b) *Perjury:* Any person who knowingly and willfully swears falsely to a sworn complaint or any other sworn statement to the Committee does so under penalty of perjury. The Committee may refer any such case to the Attorney General for prosecution.

(c) *Legislative Recommendations:* The Committee shall recommend to the Senate by report or resolution such additional rules, regulations, or other legislative measures as it determines to be necessary or desirable to ensure proper standards of conduct by Members, officers or employees of the Senate. The Committee may conduct such inquiries as it deems necessary to prepare such a report or resolution, including, but not limited to the holding of hearings in public or executive session and the use of subpoenas to compel the attendance of witnesses or the production of materials. The Committee may in its discretion make legislative recommendations as a result of its findings in an initial review, an investigation, or other proceeding.

(d) *Applicable Rules and Standards of Conduct:*

(1) No initial review or investigation shall be made of an alleged violation of any law, rule, regulation, or provision of the Senate Code of Official Conduct which was not in effect at the time the alleged violation occurred. No provision of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship or transaction which occurred prior to the effective date of the applicable provision of the Code.

(2) The Committee may conduct an initial review or investigation of an alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Committee.

RULE 9: PROCEDURES FOR HANDLING COMMITTEE SENSITIVE AND CLASSIFIED MATERIALS

(a) *Procedures for Handling Committee Sensitive Materials:*

(1) Committee Sensitive information or material is that information or material in the possession of the Select Committee on Ethics which pertains to illegal or improper conduct by a present or former Member, officer, or employee of the Senate; to allegations or accusation of such conduct; to any resulting preliminary inquiry, initial review, or investigation by the Select Committee on Ethics into such allegations or conduct; to the investigative techniques and procedures of the Select Committee on Ethics; or to other information or material designated by the staff director, or outside counsel designated by the Chairman and Vice Chairman.

(2) The Chairman and Vice Chairman of the Committee, shall establish such procedures as in their judgment may be necessary to prevent the unauthorized disclosure of Committee Sensitive information in the possession of the Committee or its staff. Procedures for protecting Committee Sensitive materials shall be set down in writing and shall be given to each Committee staff member.

(b) *Procedures for Handling Classified Materials:*

(1) Classified information or material is that information or material which is specifically designated as such under the authority of Executive Order 11652 requiring protection of such information or material from unauthorized disclosure in order to prevent damage to the United States.

(2) The Chairman and Vice Chairman of the Committee, shall establish such procedures as in their judgment may be necessary to prevent the unauthorized disclosure of classified information in the possession of the Committee or its staff. Procedures for handling such information shall be set down in writing and a copy of the procedures shall be given to each staff member cleared for access to classified information.

(3) Each member of the Committee shall have access to classified material in the Committee's possession. Only those Committee staff members with appropriate security clearances and a need-to-know, as approved by the Chairman and Vice Chairman acting jointly, shall have access to classified information in the Committee's possession.

(c) *Procedures for Handling Committee Sensitive and Classified Documents:*

(1) Committee Sensitive and classified documents and materials shall be segregated in secure filing safes. Removal from the Committee offices of such documents or materials is prohibited except as necessary for use in, or preparation for, interviews or Committee meetings, including the taking of testimony, or as otherwise specifically approved by the staff director or by outside counsel designated by the Chairman and Vice Chairman.

(2) Each member of the Committee shall have access to all materials in the Committee's possession; however, the staffs of members shall not have access to Committee Sensitive or classified documents and materials without the specific approval in each instance of the Chairman and Vice Chairman, acting jointly. Members may examine such materials in the Committee's offices. If necessary, requested materials may be taken by a member of the Committee staff to the office of a member for his or her examination, but the Committee staff member shall remain with the Committee Sensitive or classified documents or materials at all times except as specifically authorized by the Chairman or Vice Chairman.

(3) Any Member of the Senate who is not a member of the Committee and who seeks access to any Committee Sensitive or classified documents or materials, other than those which are matter of public record, shall request access in writing. The Committee shall decide by majority vote whether to make the documents or materials available. If access is granted, the Member shall not disclose the information except as authorized by the Committee.

(4) Whenever the Committee makes Committee Sensitive or classified documents or materials available to any Member of the Senate who is not a member of the Committee, or to a staff person of a Committee member in response to a specific request to the Chairman and Vice Chairman, a written record shall be made identifying the Member of the Senate requesting such documents or materials and describing what was made available and to whom.

(d) *Non-disclosure policy and agreement:*

(1) No member of the Select Committee on Ethics, its staff, or any person engaged by contract or otherwise to perform services for the Select Committee on Ethics shall release, divulge, publish, reveal by writing, word, conduct, or disclose in any way, in whole, or in part or by way of summary, during tenure with the Select Committee on Ethics or anytime thereafter, any testimony given before the Select Committee on Ethics in executive session (including the name of any witness who appeared or was called to appear in executive session), any classified or Committee Sensitive information, document or material, received or generated by the Select Committee on Ethics or any classified or Committee Sensitive information which may come into the possession of such person during tenure with the Select Committee on Ethics, to any person not a member of the Select Committee on Ethics or its staff, except an official of the executive branch properly cleared for access with a need-to-know, for any purpose or in connection with any proceeding, judicial or otherwise, except as authorized by the Select Committee on Ethics, or in the event of termination of the Select Committee on Ethics, in such a matter as may be determined by its successor or by the Senate.

(2) No member of the Select Committee on Ethics staff or any person engaged by contract or otherwise to perform services for the Select Committee on Ethics, shall be granted access to classified or Committee Sensitive information or material in the possession of the Select Committee on Ethics unless and until such person agrees in writing, as a

condition of employment, to the non-disclosure policy. The agreement shall become effective when signed by the Chairman and Vice Chairman on behalf of the Committee.

RULE 10: BROADCASTING AND NEWS COVERAGE OF COMMITTEE PROCEEDINGS

(a) Whenever any hearing or meeting of the Committee is open to the public, the Committee shall permit that hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, still photography, or by any other methods of coverage, unless the Committee decides by majority vote that such coverage is not appropriate at a particular hearing or meeting.

(b) Any witness served with a subpoena by the Committee may request not to be photographed at any hearing or to give evidence or testimony while the broadcasting, reproduction, or coverage of that hearing, by radio, television, still photography, or other methods is occurring. At the request of any such witness who does not wish to be subjected to radio, television, still photography, or other methods of coverage, and subject to the approval of the Committee, all lenses shall be covered and all microphones used for coverage turned off.

(c) If coverage is permitted, it shall be in accordance with the following requirements: (1) Photographers and reporters using mechanical recording, filming, or broadcasting apparatus shall position their equipment so as not to interfere with the seating, vision, and hearing of the Committee members and staff, or with the orderly process of the meeting or hearing.

(d) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(e) Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents' Galleries.

(f) Personnel providing coverage by still photography shall be currently accredited to the Press Photographers' Gallery Committee of Press Photographers.

(g) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and the coverage activities in an orderly and unobtrusive manner.

RULE 11: PROCEDURES FOR ADVISORY OPINIONS

(a) *When Advisory Opinions are Rendered:*

(1) The Committee shall render an advisory opinion, in writing within a reasonable time, in response to a written request by a Member or officer of the Senate or a candidate for nomination for election, or election to the Senate, concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(2) The Committee may in its discretion render an advisory opinion in writing within a reasonable time in response to a written request by an employee of the Senate concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(b) *Form of Request:* A request for an advisory opinion shall be directed in writing to the Chairman of the Committee and shall include a complete and accurate statement of the specific factual situation with respect to which the request is made as well as the specific question or questions which the requestor wishes the Committee to address.

(c) *Opportunity for Comment:*

(1) The Committee will provide an opportunity for any interested party to comment on a request for an advisory opinion:

(A) Which requires an interpretation on a significant question of first impression that will impact more than a few individuals; or

(B) When the Committee, in its discretion, determines that comments from interested parties would be of assistance.

(2) Notice of any such request for an advisory opinion shall be published in the Congressional Record, with appropriate deletions to insure confidentiality, and interested parties will be asked to submit their comments in writing to the Committee within 10 days.

(3) All relevant comments received on a timely basis will be considered.

(d) *Issuance of an Advisory Opinion:*

(1) The Committee staff shall prepare a proposed advisory opinion in draft form which will first be reviewed and approved by the Chairman and Vice Chairman, acting jointly, and will be presented to the Committee for final action. However, if (a) the Chairman and Vice Chairman cannot agree, or (b) either the Chairman or Vice Chairman requests that it be taken directly to the Committee, then the proposed advisory opinion shall be referred to the Committee for its decision.

(2) An advisory opinion shall be issued only by the affirmative recorded vote of a majority of the members voting.

(3) Each advisory opinion issued by the Committee shall be promptly transmitted for publication in the Congressional Record after appropriate deletions are made to insure confidentiality. The Committee may at any time revise, withdraw or elaborate on any advisory opinion.

(e) *Reliance on Advisory Opinions:*

(1) Any advisory opinion rendered by the Committee under S. Res. 338, as amended, and these Rules may be relied upon by:

(A) Any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered: *Provided*, however, that the request for such advisory opinion included a complete and accurate statement of the specific factual situation; and

(B) Any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(2) Any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of S. Res. 338, as amended, and of these Rules, and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction by the Senate.

RULE 12: PROCEDURES FOR INTERPRETATIVE RULINGS

(a) *Basis for Interpretative Rulings:* S. Res. 338, as amended, authorizes the Committee in its discretion to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction. The Committee also may issue such rulings clarifying or explaining any rule or regulation of the Select Committee on Ethics.

(b) *Request for Ruling:* A request for such a ruling must be directed in writing to the Chairman or the Vice Chairman of the Committee.

(c) *Adoption of Ruling:*

(1) The Chairman and Vice Chairman, acting jointly, shall issue a written interpretative ruling in response to any such request, unless:

(A) They cannot agree, or

(B) It requires an interpretation of a significant question of first impression, or

(C) Either requests that it be taken to the Committee, in which event the request shall be directed to the Committee for a ruling.

(2) A ruling on any request taken to the Committee under subparagraph (1) above shall be adopted by a majority of the members voting and the ruling shall then be issued by the Chairman and Vice Chairman.

(d) *Publication of Rulings:* The Committee will publish in the Congressional Record, after making appropriate deletions to ensure confidentiality, any interpretative rulings issued under this Rule which, in the Committee's discretion, may be of assistance or guidance to other Members, officers or employees. The Committee may at any time revise, withdraw or elaborate on interpretative rulings.

(e) *Reliance on Rulings:* Where an individual can demonstrate to the Committee's satisfaction that his or her conduct was in good faith reliance on an interpretative ruling issued in accordance with this Rule, the Committee will not recommend sanctions to the Senate as a result of such conduct.

(f) *Rulings by Committee Staff:* The Committee staff is not authorized to make rulings or give advice, orally or in writing, which binds the Committee in any way.

RULE 13: PROCEDURES FOR COMPLAINTS INVOLVING IMPROPER USE OF THE MAILING FRANK

(a) *Authority to Receive Complaints:* The Committee is directed by Section 6(b) of Public Law 93-191 to receive and dispose of complaints that a violation of the use of the mailing frank has occurred or is about to occur by a Member or officer of the Senate or by a surviving spouse of a Member. All such complaints will be processed in accordance with the provisions of these Rules, except as provided in Rule 13(b) below.

(b) *Disposition of Complaints:*

(1) The Committee may in its discretion dispose of any such complaint by requiring restitution of the cost of the mailing if it finds that the franking violation was the result of a mistake.

(2) Any complaint disposed of by restitution that is made after the Committee has formally commenced an initial review or investigation, must be summarized, together with the disposition, in a notice promptly transmitted for publication in the Congressional Record.

(3) If a complaint is disposed of by restitution the complainant, if any, shall be notified of the disposition in writing.

(c) *Advisory Opinions and Interpretative Rulings:* Requests for advisory opinions or interpretative rulings involving franking questions shall be processed in accordance with Rules 11 and 12.

RULE 14: PROCEDURES FOR WAIVERS

(a) *Authority for Waivers:* The Committee is authorized to grant a waiver under the following provisions of the Standing Rules of the Senate:

(1) Paragraph 2(c) of Rule XLII[1] relating to annual reporting of gifts received aggregating $100 or more;

(2) Paragraph 1 of Rule XLIII relating to acceptance of gifts; or

(3) Paragraph 5 of Rule XLIX relating to applicability of any of the provisions of the Code of Official Conduct to an employee of the Senate hired on a per diem basis.

(b) *Requests for Waivers:* A request for a waiver under paragraph (a) above must be directed to the Chairman or Vice Chairman in writing and must specify the nature of the waiver being sought and explain in detail the facts alleged to justify a waiver. In the case of a request submitted by an employee, the views of his or her supervisor (as determined under paragraph 12[2] of Rule 45 of the Standing Rules of the Senate) should be included with the waiver request.

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[1] S. Res. 220, agreed to August 3, 1979, struck Rule 42 and put in its place a new Rule 42 consisting of the provisions of Title I of the Ethics in Government Act of 1978.

(c) *Ruling:* The Committee shall rule on a waiver request by recorded vote, with a majority of those voting affirming the decision.

(d) *Availability of Waiver Determinations:* A brief description of any waiver granted by the Committee, with appropriate deletions to ensure confidentiality, shall be made available for review upon request in the Committee office.

RULE 15: DEFINITION OF "OFFICER EMPLOYEE"

(a) As used in the applicable resolutions and in these rules and procedures, the term "officer or employee of the Senate" means:

(1) An elected officer of the Senate who is not a Member of the Senate;

(2) An employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

(3) The Legislative Counsel of the Senate or any employee of his office;

(4) An Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

(5) A member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

(6) An employee of the Vice President if such employee's compensation is disbursed by the Secretary of the Senate;

(7) An employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate;

(8) An officer or employee of any department or agency of the Federal Government whose services are being utilized on a full-time and continuing basis by a Member, officer, employee, or committee of the Senate in accordance with Rule XLIX(3) of the Standing Rules of the Senate; and

(9) Any other individual whose full-time services are utilized for more than ninety days in a calendar year by a Member, officer, employee, or committee of the Senate in the conduct of official duties in accordance with Rule XLIX(4) of the Standing Rules of the Senate.

RULE 16: COMMITTEE STAFF

(a) *Committee Policy:*

(1) The staff is to be assembled and retained as a permanent, professional, nonpartisan staff.

(2) Each member of the staff shall be professional and demonstrably qualified for the position for which he or she is hired.

(3) The staff as a whole and each member of the staff shall perform all official duties in a nonpartisan manner.

(4) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(5) No member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the Committee without specific advance permission from the Chairman and Vice Chairman.

(6) No member of the staff may make public without Committee approval any Committee Sensitive or Classified information, documents or other material obtained during the course of his or her employment with the Committee.

(b) *Appointment of Staff:*

(1) The appointment of all staff members shall be approved by the Chairman and Vice Chairman, acting jointly.

(2) The Committee may determine by majority vote that it is necessary to retain staff members, including a staff recommended by a special counsel, for the purpose of a particular initial review, investigation or other proceeding; such staff shall be retained only for the duration of that particular undertaking.

(3) The Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the executive branch of the Government) whenever the Committee determines that the retention of outside counsel is necessary or appropriate for any action regarding any complaint or allegation, initial review, investigation or other proceeding which, in the determination of the Committee, is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee. The Committee shall retain and compensate outside counsel to conduct any investigation undertaken after an initial review of a sworn complaint, unless the Committee determines that the case of outside counsel is not appropriate in the particular case.

(c) *Dismissal of Staff:* A staff member may not be removed for partisan, political reasons, or merely as a consequence of the rotation of the Committee membership. The Chairman and Vice Chairman, acting jointly, shall approve the dismissal of any staff member.

(d) *Staff Works for Committee as a Whole:* All staff employed by the Committee or housed in Committee offices shall work for the Committee as a whole, under the general direction of the Chairman and Vice Chairman, and the immediate direction of the staff director or outside counsel.

(e) *Notice of Summons to Testify:* Each member of the Committee staff shall immediately notify the Committee in the event that he or she is called upon by a properly constituted authority to testify or provide confidential information obtained as a result of and during his or her employment with the Committee.

RULE 17: CHANGES IN SUPPLEMENTARY PROCEDURAL RULES

(a) *Adoption of Changes in Supplementary Rules:* The Rules of the Committee, other than those established by statute, or by the Standing Rules and Standing Orders of the Senate, may be modified, amended or suspended at any time; *Provided, however,* that not less than a majority of the entire membership so determine at a meeting called with due notice, and that prior written notice of the proposed change has been provided each member of the Committee.

(b) *Publication:* Any amendments adopted to the Rules of the Committee shall be published in the Congressional Record not later than thirty days after adoption.●

LITHUANIAN INDEPENDENCE DAY

● Mr. RIEGLE. Mr. President, on February 16, we marked the 62d anniversary of Lithuanian Independence Day. We honor this date despite the fact that her citizens have been denied their freedom at the hands of the Soviets for 40 years.

At a time when Soviet aggression has again threatened the freedom of those countries which share its border, the commemoration of Lithuanian independence takes on a special significance.

Many of my colleagues in the House and the Senate have eloquently paid tribute to the brave citizens of the captive Baltic States who have fought to maintain their heritage, their culture and their religious faith against extraordinary odds. I would like to add my voice to theirs, and reiterate the condemnation by all citizens of the free world of the forcible incorporation of the Baltic States into the Soviet Union.

It is only right that we, Americans who enjoy the benefits of democracy each day, be reminded of the courageous ways in which the Lithuanian people have struggled to regain the freedom of their homeland. Throughout their centuries-old history as a nation, the Lithuanian people have displayed a unique resiliency and ability to reemerge as a free and independent nation following periods of oppression. Since 1940, dissidents living in that captive Baltic State have, at great personal risk, continued the fight to regain their independence from the Soviet Union. Their cause has been supported and sustained by the efforts of Americans of Baltic descent who have kept alive the hope of freedom for those still living in the homeland.

All of us who enjoy and are committed to the principles of freedom, self-determination and independence recognize that the cause of Lithuanian independence is a just one and must not be abandoned.●

THE RETIREMENT OF WILLIAM NORTH

● Mr. CRANSTON. Mr. President, I understand that William N. North, Jr., Regional Counsel of the Department of Housing and Urban Development, Region IX, is retiring on February 29, 1980, after 36½ years of public service. As HUD Regional Counsel, Bill North has helped administer programs of the Department throughout California, Arizona, Nevada, Hawaii, and the Trust Territories.

Bill's distinguished career began with the U.S. Army in Germany during World War II, where he served as a company commander and was awarded a Bronze Star and the Purple Heart. After the war, Bill completed his education at the University of South Dakota Law School and then entered Federal civilian service as an attorney with the Justice Department. In 1952, Bill joined the Housing and Home Financing Agency—HUD's predecessor—and became Regional Counsel in California in 1965, where he has remained ever since.

Throughout his 28-year career with HUD, William North has shown outstanding leadership and a commitment to the betterment of government both through his personal efforts and through his constant concern for others. I am proud to honor William N. North, Jr., for his contributions on behalf of the people of the United States. May he have a productive and prosperous retirement—he has earned it.●

CONTROLLING EXCESSIVE GOVERNMENT TRAVEL

● Mr. SASSER. Mr. President, the last issue of Reader's Digest carried an article entitled "Flying High with Uncle Sam," by Nathan M. Adams. The article depicts some of the excessive and unnecessary travel conducted by Federal employees, and asks "What can be done to clip the wings of the Federal bureaucracy?"

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[2] S. Res. 274, agreed to November 1979, removed paragraph 5 from Rule 45 necessitating renumbering of the Rule's paragraphs. This paragraph is now 11.

$500 MILLION TRAVEL CUT

The article then answers its own question by recommending enactment of S. 697, a bill I introduced last year which calls for a $500,000,000 reduction in Federal Government Travel. This legislation was cosponsored by 28 of my colleagues in the Senate: Senators BAYH, LEAHY, SARBANES, PROXMIRE, DANFORTH, HUDDLESTON, LEVIN, HOLLINGS, STEWART, FORD, ROBERT C. BYRD, West Virginia, MORGAN, WALLOP, EXON, BOREN, HEINZ, THURMOND, COHEN, BENTSEN, BAUCUS, PERCY, BURDICK, HARRY F. BYRD, JR., DECONCINI, BUMPERS, STONE, HATCH, and HEFLIN.

S. 697 ENACTED

As the Members may recall, the substance of S. 697 was incorporated into the continuing resolution and signed into public law by President Carter on October 12, 1979.

Subsequently, on November 16, 1979, the Office of Management and Budget issued implementing instructions to Federal Departments and Agencies.

READER'S DIGEST ARTICLE

Mr. President, I ask that the text of the Reader's Digest article be printed in the RECORD.

The article follows:

FLYING HIGH WITH UNCLE SAM

(By Nathan M. Adams)

Early last August, the Capitol Hill office of Sen. William Proxmire (D., Wis.) received a curious phone call. A secretary at the Environmental Protection Agency (EPA) had become concerned about the far-flung travel activities of some EPA bureaucrats. Innocently enough, it had all begun with her broken Swiss wristwatch.

"Oh, don't worry about it," an official consoled her. "One of us is always going over to Switzerland. We'll get it fixed."

The surprised secretary's first reaction was to wonder what her EPA superiors found so compelling in Switzerland, and whether all this foreign travel was necessary. Was it indeed, Proxmire speculated, and promptly ordered an investigation to find out.

Senate investigators quickly uncovered a number of questionable trips by other EPA bureaucrats—among them one employe who twice flew to Paris to look into the "management of industrial river basins." These two trips, they found, also underwrote two separate vacations he took courtesy of the U.S. taxpayer.

Another flagrant example involved an EPA traveler who had cleverly parlayed a brief three-hour meeting in California and a weekend conference in Hawaii into a solid five-week vacation under the Pacific sun. The same employe had previously financed his travel costs for a 26-day Rocky Mountain holiday through what was intended to be only a brief West Coast business trip.

Were such holidays isolated events at EPA? Digging deeper, the investigators found that the practice of combining business with pleasure was commonplace throughout the agency.

If EPA employes are taking routine advantage of Uncle Sam's "windfall" travel policies, investigators next learned that top officials are hardly setting a pious example. In one 15-month period, EPA deputy administrator Barbara Blum made no fewer than 11 agency paid trips to Atlanta. Significantly, Atlanta is Mrs. Blum's home. What's more, each trip "conveniently" spanned the weekend. Another EPA boss was accompanied by his secretary on eight trips across the nation—even though all but one of the trips were made to regional offices where local secretarial assistance was available.

The investigation identified a number of questionable travel practices at the EPA, some of which were clearly in violation of federal regulations while others, at the very least, raised serious questions about the agency's management and regulations governing travel. Alarmed by what the investigators had uncovered at EPA, two Senate appropriations subcommittees began a search for similar wasteful travel practices elsewhere in government. A sampling of what was found:

At the National Aeronautics and Space Administration, top officials invited their wives along on business junkets. Deputy administrator Alan Lovelace, for one, took his wife on official visits to Lisbon, Madrid, London, Geneva and Paris, with the U.S. taxpayer picking up the tab for both.

Officials at the Department of Housing and Urban Development used taxpayer funds to jet to Moscow, Capri, Tokyo and Athens. Far-fetched missions even included a two-week tour of Denmark and Greenland to learn about "human settlement in the Arctic." Still another housing expert winged his way to Panama to discuss "issues relating to the Panama Canal Treaty."

In one recent six-month period, officials of the Railroad Retirement Board, a federal mini-agency located in Chicago, racked up no fewer than 39 first-class flights in the United States and Canada. (Nearly half of these flights were made by just one board official.) The only explanation for the luxury accommodations was, typically, cryptic: "Use of first class necessary for conduct of mission." As to the mission itself, there was no comment to be found on any of the travel vouchers filed with federal auditors.

Federal travel regulations—revised in 1978—stipulate that first class travel is justifiable only under clearly specified circumstances such as security requirements, unavailability of coach seating, or physical impairment. One agency boss who has refused to take advantage of loopholes is Max Cleland, head of the Veterans Administration. He forbids his staff to travel first class. He himself sets an example by always flying coach—even though he is a triple amputee and confined to a wheelchair.

What can be done to clip the wings of the federal bureaucracy? Sen. Jim Sasser (D., Tenn.), who estimates that at any given moment there are 20,000 bureaucrats in the sky, has introduced legislation which calls for a $500 million reduction in the $7.9 billion federal travel and transportation appropriation. If passed, Sasser's bill (S. 697) will help lessen the high costs of needless bureaucratic junketing.

The "I'll Fly Now, You Pay Later" plan has become a multi-billion-dollar joke played on long-suffering taxpayers. But what is needed most is an examination of Uncle Sam's travel policies themselves. For example, although federal-travel guidelines currently request that all agencies take advantage of tax-dollar-saving discount fares, they are rarely—if ever—used. Rep. Albert Gore, Jr. (D., Tenn.) suggests that budget-type fares could save taxpayers millions of dollars. He cites an example brought to Congress's attention by a 1978 General Accounting Office (GAO) report. The GAO estimated that nearly a quarter of a million dollars could have been saved if 30,000 reservists from St. Louis had been encouraged to use whatever discount fares were available when they flew on commerical airlines to training sites.

Gore recommends that federal agencies—long accustomed to liberal travel policies—revive the old wartime query "Is This Trip Necessary?" Unless they do, an estimated eight million taxpayer-supported trips—many of them clearly unnecessary—will take place this year.

The Congressman's recommendation deserves our support. After all, it's our money.●

SOVIET VIOLATION OF SALT II

● Mr. HUMPHREY. Mr. President, Senator HELMS and I are very concerned about the recent Soviet test firing of their new "Typhoon" submarine-launched ballistic missile. This Soviet test reportedly was conducted with a significant degree of encrypted telemetry. If these reports are true, then the Soviets have violated the SALT II Treaty by doing something which would defeat the object and purpose of SALT II. Accordingly, Senator HELMS and I wish to place the following letter to President Carter into the RECORD.

U.S. SENATE,
Washington, D.C., February 22, 1980.

THE PRESIDENT
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: There have been numerous press reports that the first Soviet flight test of their new "Typhoon" submarine-launched ballistic missile in late January was conducted with a significant level of encrypted telemetry. The SALT II Treaty requires the U.S. to be able to monitor Soviet SLBM launch-weight, throw-weight, and number of warheads. Soviet telemetry information from missile tests is reportedly a key input for U.S. determination of these characteristics.

While it is true that the SALT II Treaty's constraints on new-type SLBMs are much less rigorous than the putative constraints on new-type ICBMs, the Treaty defines an ICBM as any land-based ballistic missile with a range greater than 5,500 kilometers. The SALT II Treaty requires the U.S. to monitor the characteristics of new-type ICBMs with much more precision than the characteristics of SLBMs. Indeed, it is widely recognized that there is a major loophole in SALT II, because the Soviets could circumvent all the constraints on new-type ICBMs merely by testing them under the guise of SLBMs. If the Typhoon missile was fired from a land-based launcher, and if it turns out to have a range greater than 5,500 kilometers, then it could easily be a new-type ICBM. Alternatively, it could violate the prohibition on heavy SLBMs.

Accordingly, several important questions need to be answered:

(a) What percentage of the Typhoon's telemetry was encrypted?

(b) What percentage of telemetry from ballistic missiles of any type is used to determine launch-weight, throw-weight, and payload?

(c) Was the Typhoon launched from a land-based launcher, and did it travel more than 5,500 kilometers?

(d) What percentage of telemetry is necessary to monitor changes in new-type ICBM characteristics, such as length, diameter, launch-weight, and throw-weight, to within 5 percent?

(e) Was the recent Typhoon firing the first launch of an apparent SLBM with encrypted telemetry? Is there any evidence that the Soviets are increasing the amount of encryption on their ICBM flight tests?

(f) If the Soviets continue to encrypt Typhoon telemetry at the demonstrated level, will it significantly lessen U.S. ability to determine launch-weight, throw-weight, and number of warheads?

Even if the Typhoon telemetry encryption was not complete, such encryption would be a violation of SALT II if it obscured *any* data related in *any* way whatsoever to U.S. determination of launch-weight, throw-weight, and number of warheads. If your Adminis-

> tration claims that there are alternate sources of information beyond telemetry for the determination of these characteristics, then it must explain whether these sources and methods alone can provide judgments as precise as those derived from telemetry. If unencrypted telemetry could have provided more precise data, then Mr. Brezhnev has broken faith with you once again.
>
> Mr. President, we hereby request that your Administration report to us, to the Senate Armed Services Committee and to the Foreign Relations Committee, the full circumstances of this highly significant Soviet Typhoon test by March 1, 1980, because it raises issues of the highest and most immediate importance to our national security. It also bears upon the impending hearings on the nomination of Mr. Ralph Earle to be Director of ACDA.
>
> We are also concerned, Mr. President, that Senator Humphrey has received no answer or even acknowledgement to his letter to you of December 20, 1979, concerning other possible Soviet violations of arms control agreements. Members of the Senate are called upon by the President for bipartisan support on a wide range of programs and legislation. It is essential that we receive the information we request if we are to be able to assist in these times of need.
>
> Sincerely yours,
>
> JESSE HELMS,
> GORDON J. HUMPHREY,
> *U.S. Senators.*

Mr. HUMPHREY. Mr. President, I would also like to quote the Soviets on their claims about their SALT compliance record. Soviet Foreign Minister Gromyko stated in Pravda on August 7, 1978, that:

> Both in the Soviet Union and in the United States it is recognized that both parties are complying with all provisions of the (SALT I) agreement(s) on the limitation of both defensive and offensive strategic arms. The Standing Consultative Commission made up of representatives of the USSR and the US, convening specially to monitor progress in compliance by both parties of pledges made, found not a single fact of violation of these agreements . . . only unscrupulous and irresponsible cry babies could permit themselves to accuse the USSR of nonfulfillment of pledges in the agreement.

On June 25, 1979, Gromyko added the following:

> I would also like to touch upon the talk that it is allegedly very hard to rely on the Soviet Union without verification and control. In the first place, if somebody can be relied upon, this is precisely the Soviet Union. It has not violated any international treaties and agreements.

Mr. President, the Soviets are thus claiming that they have never violated either the SALT I or II agreements, but this claim is contrary to their true record. On another occasion we will reveal their true SALT compliance record.

State Department spokesman Hodding Carter suggested on January 4 that the Soviets are bound by international law (the Vienna Convention of 1969, Article 18) to do nothing which would defeat the object or purpose of the SALT II treaty pending its ratification. As examples of Soviet actions which would violate the object and purpose of SALT II, Carter stated that such actions would include:

> Testing of missiles with more warheads than would be permitted under the Treaty, or the testing of *new types* of missiles which would not be permitted under the Treaty.

The SALT II treaty prohibits new type heavy SLBM's, or SLBM's carrying more than 14 warheads. Does the encryption of Typhoon telemetry constitute a violation of SALT II? Does it defeat the object and purpose of SALT II? We believe that the encryption of the new Soviet SLBM's telemetry does constitute a SALT II violation. Senator HELMS and I would like answers to these questions from the President by March 1, 1980.

The American people have a right to know if President Carter has really learned his lesson about Soviet SALT duplicity and SALT violations. How long must we continue our unilateral disarmament under President Carter, while the Soviets continue to violate international law in Afghanistan, and continue to violate SALT I, SALT II, and the Threshold Test Ban Treaty.●

A SALUTE TO THE TREE PEOPLE

● Mr. CRANSTON. Mr. President, southern California is digging out from one of the worst winter storms in history. In the Los Angeles area more than a foot of rain fell in 1 week. There was widespread damage to thousands of homes from floods and mudslides. All levels of government responded to the emergency with exceptional speed and service, and so did many thousands of ordinary citizens, helping neighbors, saving lives and reducing flood damage by sandbagging and other efforts.

One of the most outstanding organizations of volunteers during the entire emergency was the California Conservation Project of a group of young people who call themselves The Tree People.

The Tree People was founded in 1973 by Andy Lipkis, then an 18-year-old Sonoma State College student, who started a tree-planting program in the San Bernardino National Forest when he persuaded the State division of forestry to give him 20,000 tree seedlings that they were destroying because they had no way of planting them.

Andy organized a group of high school and college students, borrowed trucks and other equipment, and went up into the mountains to plant his trees.

That was the birth of the California Conservation Project and the Tree People.

Every year, Andy's volunteers work in the Santa Monica Mountains and the nearby San Gabriel and San Bernardino national forests on conservation projects. And when fire or flood strike, the Tree People swing into action to help out the firefighters and flood disaster organizations—all with volunteers and with private donations of food, equipment, materials, and money.

In the recent storms around Los Angeles, Andy and his Tree People organized some 3,000 volunteer workers who helped save or dig out an estimated 1,200 homes, working night and day at the height of some of the worst downpours on record for the Los Angeles area. The Tree People built a bridge to save one couple which had been cut off by the storm; they sandbagged hundreds of homes, helped many families save precious possessions with emergency moves and performed hundreds of other chores which governmental agencies were unable to respond to.

Mr. President, the Tree People—and all of their 3,000 volunteers—are to be commended and thanked for outstanding and selfless citizenship during an emergency. They demonstrate the kind of volunteerism which epitomizes the best of America.●

AMERICAN HOSTAGES IN IRAN

● Mr. DOLE. Mr. President, the forcible detention of the U.S. hostages in Iran is nearing its fourth month. The inability to secure their freedom is shedding serious doubts on the effectiveness of the course that has been adopted by the administration, and acquiesced in by the American people. Clearly, the formation of a Commission of Inquiry by the United Nations resulted first of all in the U.S. abandonment of the well-publicized sanctions that had been considered against Iran. This policy granted the Iranians just what they wanted: A public forum in which to vent their hatred and to disseminate propaganda. The result for the United States was simply a backdown: Conciliation topped by retreat.

President Carter has intimated that an agreement with Iran was in the wings, but the delicate nature of the situation prevented him from publicizing its terms. The Senator from Kansas would not wish to jeopardize any hint of an agreement, if indeed an agreement there was. However, doubt clouds the issue and perplexity arises from the words of the Ayatollah Khomeini, who indicated that the decision regarding the fate of the refugees was up to the new parliament, and would therefore have to be postponed until it convenes in April. The conflicting signals being flashed across the international screen lead me to question whether we have been finessed by the Iranians in this terrible diplomatic game over the lives of our hostages. Can the leader of our once mighty Nation be so naive as to believe murmured half-promises by the clique that "governs" the affairs of Iran? President Carter appears more as the victim of cruel teasing than the recipient of "guarantees."

MR. CARTER TRUSTS THE AYATOLLAH

This morning, on opening the op-ed page of the Washington Post, my attention already geared to a subject over which I have been deeply concerned for several weeks, my worst fears were confirmed in the Evans and Novak column, "Trusting to the Ayatollah." They report incredible news, that a top adviser to President Carter briefed members of his own party, Senators of this Chamber, that contrary to our belief here in Government, Mr. Carter had approved the Commission of Inquiry without any assurance that this concession would lead to the release of the Americans in Tehran.

Iran's reaction to the series of moves and countermoves that have characterized the U.S. response to the hostage crisis, leaves little doubt as to how they interpret the signals they receive. Writing in the Middle East Uncovered, Gil Carl Alroy observes that "in the Middle East order of things, weakness is despicable." If wavering is generally perceived as a lack of strength, the unfolding of events would clearly indicate that the United States is in fact being tested by the Iranians as to how far we are willing to back up and even apologize. Caution may mask indecision, but the Iranian militants are not fooled. Their despicable act and continued intransigence has paid off very handsomely for them—and our hostages are the ones who are paying for this costly nonpolicy of ours.

How far we have come away from the strong and powerful nation we were not long ago perceived to be. Who among us would have believed that in 3 short years what a policy of withdrawal and retreat across the globe would bring us to? That the most powerful nation on Earth would be forced to allow a band of outlaws, supported by a brotherhood of religious fanatics, to dictate its policy, and then make it kneel for pardon, then to later snigger at our humiliated posture. This would have been unthinkable only a few years ago.

AID OR REWARD?

But that is not all. It is also rumored that aid to Iran is being considered by the administration, as a reward for releasing the hostages. That the invasion of a diplomatic enclave, and the subsequent illegal detention of its occupants should be thought of as deserving of recompense is no less incongruous a thought, as if the Nobel Prize were to be offered to the Ayatollah Khomeini, along with a congratulatory telegram to Moscow for waging a peace offensive in Afghanistan.

Middle-Eastern experts have characterized, as typical of Mideast diplomacy, the tendency to suggest agreement where none really exists. The United States would do well in exercising extreme caution before committing itself to yet one more concession, when the lure of a "settlement" is dangled before its eyes, only to vanish in the realm of false promises and unfounded hopes laid out by Bani-Sadr and his cohorts.

Surely in our anxiety to secure the release of the hostages, we are not willing to forsake all sense of national pride. Are we losing all sense of cause and effect? Is all perspective being obscured? The precedent that such action on the part of the United States would set is a most dangerous one. Iran could well set the example for a policy by which Third World nations humiliate the United States and other world powers, with the knowledge that not only impunity, but remuneration would result in their unlawful actions. Who said that crime does not pay?

Moderation and patience are wonderful virtues, by Western standards, so long as they do not degenerate into naivete and lack of political savvy. When we are dealing with a world of different values and norms, our thinking needs to be redirected. In negotiating the release of the hostages, our only real option is not granting more concessions, but the exercise of those same sanctions once considered and then abandoned. The only way by which the Iranians will perceive that there is still some vigor left in U.S. leadership, is if the U.S. demonstrates, at long last, strength, national pride, and unwavering firmness.

I ask that the full text of the article to which I earlier referred be printed in the RECORD.

The article follows:

TRUSTING TO THE AYATOLLAH

(By Rowland Evans and Robert Novak)

Contrary to the nearly universal belief in Washington, Jimmy Carter never was given any assurance before his approval of the U.N. Commission of Inquiry that this concession would lead to release of American hostages in Tehran.

That stunning disclosure was made last weekend by a top presidential adviser to influential Democratic senators. It spells out the sense of desperation in the Carter administration over resolving the hostage question. President Carter was merely planting a seed of hope for quick release of the hostages without commitment of any kind from the chaotic Iranian government.

In the view of those briefed on the true state of affairs, this points to a crescendo of new humiliations of the United States. It suggests that the revolutionary government in Tehran has set a course designed to toy with the United States mercilessly by dangling one "solution" after another, then withdrawing them with demands for sweetened U.S. concessions.

Carter's approval of the U.N. commission, coinciding with his campaign against Sen. Edward Kennedy in the New Hampshire primary, raised suspicions. But staunchest supporters in Congress assumed he had the equivalent of a signed agreement in his hip pocket. None of these Democrats thought for a moment that the president would rely on the good will of a revolutionary movement that does not conceal its hatred for him or his nation.

These Democrats could not be more wrong. For whatever reasons, Carter embarked on what may prove to be a costly fool's errand. Desperation for an end to the impasse led him to put his trust in Ayatollah Khomeini and the keepers of Tehran's embassy jail.

The slow crumbling of unshakable U.S. positions, leading to one humbling concession after another, suggests that in the end Khomeini and the terrorists may obtain most of what they have always demanded. This at least includes "self-criticism" by Jimmy Carter of the past U.S. role in Iran.

But the Iranians want far more than presidential "self-criticism" for his country's "sins." They still want the shah, and nobody can any longer be sure they will not get him.

The U.N. commission will generate world publicity about alleged torture victims of the shah and other sins laid at his doorstep. That may well turn this country against the shah. "They're going to drag the shah down in the mud and work for a change in American public opinion," one senator told us after learning the truth from the White House.

That Carter would lend himself to such dangerous exploitation shows how far the U.S. position has receded from those early days last fall. National security adviser Zbigniew Brzezinski then was riding daily herd on the hostage crisis, using the Special Coordination Committee of the National Security Council.

This body was expanded during the early part of the hostage crisis to include Carter's two most intimate advisers: White House chief of staff Hamilton Jordan and press secretary Jody Powell. Jordan and Powell quickly became partisans of Brzezinski's no-concessions policy. Jordan had a personal hand in helping Brzezinski guide the SCC—and the president—toward a policy that established "national honor" as more important than the lives of the Americans held hostage.

But one internal development in Iran after another passed without hoped-for reward. Brzezinski's daily sessions of the SCC gave way to business as usual. The State Department here and U.S. diplomats at the United Nations exerted more influence as political tension on the hostage issue dimmed slightly and the Soviet invasion of Afghanistan commanded the SCC's full attention.

With Kennedy trying to salvage his fading campaign by exploiting the hostage issue, Carter on Feb. 13 announced his surprise approval of the long-considered U.N. commission.

Carter's three-month-old policy of no investigating commission before the hostages were set free-was reversed in these words: "We would support steps by the United Nations that would lead to release of the hostages. . . ." That deflated Kennedy's call in New Hampshire for a commission.

But checkmating Teddy surely cannot be the real reason the president bought a pig in a poke. He did so because he had no other options, and that is a working definition of despair. ●

SOCIAL SECURITY BENEFITS MUST NOT BE TAXED

● Mr. RIEGLE. Mr. President, I rise to express my strong and active support for Senate Concurrent Resolution 67, a resolution putting the Congress on record in opposition to the idea that social security benefits be subject to Federal taxation.

It is vital that our people who receive social security benefits be assured that Federal taxes will not be forced upon them, further cutting into their standard of living.

For 40 years now, social security benefits have been exempt from Federal taxation. Millions of our retired Americans who have helped build our country, paid their social security taxes faithfully throughout their working years. They did so believing that the social security benefits they would eventually receive would be free of any Federal tax. It would be unfair and wrong to change this system 40 years later and suddenly make social security income subject to Federal taxes. Most of our senior citizens are already having nearly an impossible time keeping up with inflation. With out-of-control energy prices, rising health care costs, and high food costs, and the overall inflation rate, it makes no sense to place another tax on our retirees.

The proposal to tax half of social security benefits has come from the 1979 Advisory Council on Social Security, which studied the social security system for 19 months. I am flatly opposed to their recommendation and wonder if they even considered the fact that their taxation proposal could cost our senior citizens up to $350 a year? I wonder if the Advisory Council realizes that nearly 20 percent of our senior citizens on social security already live below the poverty level?

This taxation proposal has caused great concern among our retirees and senior citizens, and it is important that we act forcefully to reject this taxation idea and assure all those receiving social security that we will protect their social security income against any new taxes. I urge my colleagues to join in support of this resolution.

I ask that the text of Senate Concurrent Resolution 67 be printed in the RECORD.

The text follows:

Whereas social security was established to protect the income of Americans against the serious economic risks that families face upon retirement, disability, and death; and

Whereas social security provides a monthly payment to some thirty-five million beneficiaries; and

Whereas the 1979 Advisory Council on Social Security has recommended that half of social security benefits be included in taxable income for Federal income taxes; and

Whereas social security benefits are now exempt from Federal taxation; and

Whereas for the people affected, taxing of social security benefits would be tantamount to a cut in benefit payments; and

Whereas 15 to 20 per centum of the elderly, even with social security, are today below the poverty level and all Americans are suffering the effects of inflation; and

Whereas estimates based on 1978 data indicate that taxing one-half of social security benefits would affect ten million six hundred thousand tax filing units of the twenty-four million two hundred thousand individuals who received social security cash benefits; and

Whereas the estimated impact of this taxation of social security benefits would have increased the average tax liability of those tax units affected in 1968 by $350; and

Whereas the total estimated increase in Federal tax collections in 1978 by the taxation of one-half of social security benefits would be $3,700,000,000; and

Whereas the prospect of possible cuts has alarmed many older Americans and undermined the confidence of Americans in the integrity of the social security program: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the Social Security Advisory Council's recommendation that one-half of social security benefits should be subject to taxation would adversely affect social security recipients and undermine the confidence of American workers in the social security programs, that social security benefits are and should remain exempt from Federal taxation, and that the Ninety-sixth Congress will not enact legislation to implement the Advisory Council's recommendation.●

INTERPRETATIVE RULINGS OF THE SELECT COMMITTEE ON ETHICS

● Mr. HEFLIN. Mr. President, on behalf of the Select Committee on Ethics, I submit a number of the committee's interpretative rulings on the Senate Code of Official Conduct made pursuant to section 206 of Senate Resolution 110, 95th Congress. These 30 rulings answer questions raised by Members, officers and employees of the Senate and the public regarding Senate Rules 42–50, the franked mail statute and regulations, and other matters. They are presented chonologically by ruling number (beginning with No. 243) with reference to subject and reflect committee action between March 29, 1979 and June 29, 1979. The first 103 rulings were published in the CONGRESSIONAL RECORD on October 7, 1978. Rulings 104–150 were published November 9, 1978. Rulings 151–242 were published September 5, 1979.

The committee also responded by letter to 69 inquiries not submitted here for publication. These inquiries were either too specialized to be of general assistance or responses to inquiries duplicated interpretations presented here or previously published. These committee actions number 19 with respect to franking and use of radio and television studios, 9 on letterhead, 2 on conflict of interest, 9 on travel, 5 on gifts, 3 on financial disclosure, 2 on honoraria and 20 on miscellaneous topics.

Interpretative rulings by the committee may be relied upon by an individual involved in a specific transaction or activity which is indistinguishable in all its material aspects from the facts on which a ruling has been made. The committee encourages written requests for rulings on specific situations not clearly covered by the Code of Conduct.

The committee will continue to respond to written requests for interpretations, treat such requests confidentially, and publish its rulings with appropriate deletions to protect the privacy of individuals who seek committee guidance.

The rulings of the select committee are as follows:

INTERPRETATIVE RULING NO. 243

Date issued: March 29, 1979.

Applicable Rules and Area: 42,* 45, Ethics in Government Act of 1978.

Question considered: May a Senator participate on the Advisory Board of a tax-exempt educational institution for which he would receive no compensation?

Ruling: Senate Rule 45 prohibits Members, officers, and employees of the Senate from engaging in any outside business or professional activity which is inconsistent or in conflict with the conscientious performance of official duties. It is the Committee's understanding that the particular institution is an independent organization, is not affiliated with any other organization or group and does not nor will it seek Federal funds for any of its activities. Based on these circumstances, the Committee is of the opinion that a Senator's participation on the board of such an institution would not be in violation of any specific provisions of the Senate Rules, nor would it, in and of itself, present any actual or apparent conflict of interest.

The Committee notes that a Senator's membership on such a board would be reportable under Senate Rule 42 and the Ethics in Government Act of 1978, Public Law 95-521.

INTERPRETATIVE RULING NO. 244

Date issued: April 3, 1979.

Applicable Rule: 45.

Question considered: Is a privately owned corporation that is set up to own and operate a radio station a "publicly regulated corporation or business entity" within the meaning of Senate Rule 45, paragraph 7? *

Paragraph 7 of Rule 45 states that: No Member, officer, or employee of the Senate compensated at a rate in excess of $25,000 per annum and employed for more than ninety days in a calendar year shall serve as an officer or member of the board of any publicly held or publicly regulated corporation, financial institution, or business entity . . ."

Ruling: The Committee believes that the definition of "publicly regulated" corporations includes those corporations regulated by Federal agencies which affect an entire industry. Thus, a privately held corporation set up to own and operate a radio station would be considered a "publicly regulated" corporation for the purposes of Rule 45, paragraph 7, since the communications industry is regulated by the Federal Communications Commission.

The Committee also notes that paragraph 7 permits Members, officers, and employees of the Senate to serve without compensation on the boards of organizations which are exempt from taxation under section 501(c) (3) of the Internal Revenue Code of 1954, and to serve on any other boards if (1) the Member, officer, or employee had served continuously as a board member for at least two years prior to his or her most recent election or appointment to the Senate, (2) the amount of time required to perform such service is minimal, and (3) the individual is not a member of, or a member of the staff of, any Senate committee which has legislative jurisdiction over any agency of the Government charged with regulating the activities of the corporation, institution, or other business entity.

INTERPRETATIVE RULING NO. 245

Date issued: April 9, 1979.

Applicable Rule: 42*.

Questions considered: What are the disclosure obligations under Rule 42 of the state of a Senator who dies in office? Specifically, is the administrator of a deceased Senator's estate required to file a financial disclosure statement?

Ruling: Rule 42 requires a reporting individual to file a public financial disclosure report on the date of leaving the Senate, in addition to filing the annual report during the report during the period of Senate service.

Rule 42.1(b) provides: Each individual (who is required to make an annual filing) who during any calendar year ceases to occupy an office or position shall file a report containing a full and complete financial statement for that portion of such year beginning on January 1 and ending on the date on which he ceases to occupy such office or position.

The Committee has concluded, however, that Rule 42 does not require that a public financial disclosure statement be submitted for the estate of a Senator who dies in office.

INTERPRETATIVE RULING NO. 246

Date issued: April 9, 1979.

Applicable Rule and Area: 44, Dual Compensation Act.

Question considered: Is it improper for a Senator to receive an honorarium paid wholly out of funds appropriated by Congress?

Ruling: The Committee notes that Section 5533(c)(2) of Title 5 of the United States Code (the relevant provision of the Dual

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* Subsequent to this ruling, the Senate passed (August 3, 1979) S. Res. 220 striking Rule 42 and putting in its place a new Rule 42 consisting of the provisions of Title I of The Ethics in Government Act of 1978.

* This is now paragraph 6. S. Res. 274, agreed to November 14, 1979, removed paragraph 5 from Rule 45 necessitating renumbering of the Rule's paragraphs.

* Subsequent to this ruling, the Senate passed (August 3, 1979) S. Res. 220 striking Rule 42 and putting in its place a new Rule 42 consisting of the provisions of Title I of The Ethics in Government Act of 1978.

Compensation Act) provides that: ". . . appropriated funds are not available for payment to an individual of pay from more than one position if the aggregate (gross) compensation from the positions exceeds $5,987 a year, and if the pay of one of the positions is paid by the Secretary of the Senate or the Clerk of the House of Representatives (in the case of employees receiving single per annum rates of compensation)."

However, the term "position" is defined as ". . . a civilian office or position (including a temporary, part-time, or intermittent position), appointive or elective, in the legislative, executive, or judicial branch of the Government of the United States (including a Government corporation and a nonappropriated fund instrumentality under the jurisdiction of the armed forces) or in the government of the District of Columbia."

Thus, receipt by a Senator of an honorarium paid from appropriated funds would not appear to be prohibited under the Act.

By itself, the payment of honoraria from funds appropriated by Congress appears to violate no law or provision of the Senate Code of Conduct. However, the specific circumstances could raise questions as to the propriety of the arrangement. In order to make a determination as to whether such circumstances exist, the Committee would need to know the relevant details in a particular instance.

INTERPRETATIVE RULING NO. 247

Date issued: April 11, 1979.

Applicable Rule 42.*

Question Considered: Is a former Senator required to disclose the assets of a qualified blind trust if the trust is dissolved? May a Senator withdraw documents submitted to the Ethics Committee and Secretary of the Senate concerning a blind trust after his or her Senate service has ended?

Ruling: The Committee has concluded that the provision of Rule 42 which requires the public disclosure of trust assets when a qualified blind trust is dissolved is applicable only to a trust dissolved during a Senator's term of office. Where a qualified blind trust is dissolved after Senate service ends, Rule 42 does not require public disclosure of the trust assets.

However, Rule 42(1)(b) requires that a Senator submit a public financial disclosure on the date of leaving Senate service. Where a qualified blind trust was maintained up to the time of the end of Senate service, the assets of that trust need not be disclosed in that report.

The Ethics Committee and the Secretary of the Senate will retain documents submitted to them concerning the qualified blind trust.

INTERPRETATIVE RULING NO. 248

Date issued: April 27, 1979.

Applicable Rules: 46, 49.

Question considered: May a Senator hire a summer intern who would be compensated from funds derived from the Senator's principal campaign committee of the previous year?

Ruling: Rule 46 authorizes the defrayal of expenses incurred in connection with official duties from four specified sources, including funds derived from a political committee, as defined in Section 301(d) of the Federal Election Campaign Act of 1971.

The Committee has been informed as a result of discussions with the Committee on Rules and Administration and the Senate Disbursing Office that such an individual would not technically be an employee of the Senate and thus would not be eligible for a Senate identification card, insurance coverage, income tax withholding or social security/retirement withholding. Rather, it would appear that such an individual would be the personal employee of the employing Senator. However, for purposes of the Senate Code of Official Conduct, any individual whose services are utilized by a Member on a full-time basis for more than 90 days will be deemed to be an employee of the Senate. An individual whose services are used for this period of time is required by paragraph 4 of Rule 49 to agree in writing to comply with the Code of Official Conduct in the same manner and to the same extent as an employee of the Senate.

INTERPRETATIVE RULING NO. 249

Date issued: April 27, 1979.

Applicable Area: Franking.

Question considered: May a Senator make use of the mailing frank for sending "express mail" from his/her office?

Ruling: While nothing in the statute authorizing the use of the mailing frank, 39 U.S.C. 3210, et seq., would prohibit the use of the frank for "express mail", the Senate Postmaster has indicated that, because of practical considerations, such use could not be authorized at this time. He has further stated that in order for the mailing frank to be utilized in this manner, the Postal Service would first have to establish a special unit to monitor the use of the frank for this and other "special services", including registered, certified, insured, and special delivery mail.

INTERPRETATIVE RULING NO. 250

Date issued: April 27, 1979.

Applicable area: Franking.

Question considered: May a Senator include in a franked response to a constituent who has written concerning legislation and whom the Senator and his spouse have known for many years, a closing statement as follows: "(spouse's name) joins me in sending warm regards"?

Ruling: Title 39, United States Code, Section 3210(a)(5) states: "It is the intent of the Congress, that a Member of . . . Congress may not mail as franked mail * * * (B) *mail matter which* constitutes or *includes* (1) *greetings from the spouse* or other members of the family of such Member." (emphasis added)

This statutory provision specifically prohibits the inclusion of any greeting from a Senator's spouse in material mailed out under the franking privilege. This prohibition would apply notwithstanding the fact that both parties may have known the proposed recipient for many years.

INTERPRETATIVE RULING NO. 251

Date issued: April 27, 1979.

Applicable rules and area: 42,* 43, 46, Ethics in Government Act of 1978.

Question considered: May a Senator accept an unsolicited gift of certain newspapers which have been provided to him on a daily basis, via air courier, by a company engaged in the air courier and air freight business?

Ruling: Senate Rule 46 prohibits the acceptance of funds (other than personal and campaign funds) to defray expenses incurred by a Senator in connection with his official Senate duties. The Committee consistently has ruled[2] that in-kind contributions of goods and services from outside sources for official expenses are subject to the prohibitions of Rule 46. In response to the present question, the Committee ruled that if unsolicited donations of newspapers (including postage or air freight charges, if any) were not contributions to "expenses incurred by a Member in connection with the performance of his official duties," they would not be subject to the prohibitions of Rule 46. Acceptance of such gifts of goods and services would be permissible, as long as the donor is not a prohibited source within the meaning of Paragraph 1(b) of Rule 43, or the aggregate value of the gifts received from a donor who is a prohibited source does not exceed $100 in a calendar year.

In determining the value of such donations for the purposes both of Rule 43 and of Rule 46, where applicable, the Committee ruled that the value of goods and services received would be the retail or fair market value of the goods or services, rather than the cost to the donor of providing such goods or services. The Committee noted that such gifts may be reportable under both Senate Rule 42 and the Ethics in Government Act of 1978.

INTERPRETATIVE RULING NO. 252

Date issued: April 27, 1979.

Applicable Rules: 42*, 43.

Question Considered: May a Senate staff member accept from a corporation a $500 cash award which is given annually as a public service to the professional conservation workers and to ten persons who have done outstanding volunteer work?

Ruling: Rule 43, which prohibits the acceptance of certain gifts from persons and cooperations having a direct interest in legislation before the Congress, defines the term "gift" to exclude "a bona fide award presented in recognition of public service and available to the general public." The Committee is of the opinion that this exception applies to the cash award which has been described, so long as the recipients were chosen from the general public.

If the staff member is a reporting individual under Rule 42, the cash award would be reported as a gift.

INTERPRETATIVE RULING NO. 253

Date issued: May 7, 1979.

Applicable Rule: 46.

Question Considered: Is it proper for a Senator to establish a bank account which will be used exclusively to receive funds from outside earned income in order to pay expenses related to his or her official duties which are not reimbursable through official Senate allowances?

Ruling: Rule 46 provides that a Senate may maintain an office account to defray expenses incurred in connection with his or her official duties, provided that such an account is composed only of any of four specific types of funds. These include the personal funds of the Senator and funds which have been received as reasonable reimbursements for expenses incurred by a Senator in connection with personal services provided by the

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*Subsequent to this ruling, the Senate passed (August 3, 1979) S. Res. 220 striking Rule 42 and putting in its place a new Rule 42 consisting of the provisions of Title I of The Ethics in Government Act of 1978. Title I contains provisions for qualified blind trusts similar to those which were contained in Rule 42 prior to passage of S. Res. 220.

* Subsequent to this ruling, the Senate passed (August 3, 1979) S. Res. 220 striking Rule 42 and putting in its place a new Rule 42 consisting of the provisions of Title I of the Ethics in Government Act of 1978.

* See Interpretative Ruling No. 199, dated November 6, 1978; No. 134, dated May 18, 1978; No. 44, dated July 18, 1977; No. 43, dated July 13, 1977; No. 38, dated June 29, 1977; and No. 16, dated May 23, 1977.

*Subsequent to this ruling, the Senate passed (August 3, 1979) S. Res. 220 striking Rule 42 and putting in its place a new Rule 42 consisting of the provisions of Title I of The Ethics in Government Act of 1978.

Senator to the organization making the reimbursement.

The Committee believes that the establishment of the described separate bank account, with its record-keeping potential, would be a satisfactory method of maintaining the type of office account which is authorized by Rule 46.

The Committee expresses no opinion as to the tax consequences, if any, of the maintenance of such a bank account.

INTERPRETATIVE RULING No. 254

Date issued: May 7, 1979.

Applicable Area: Advisory Opinion on Use of Letterhead.

Question considered: A Senator has proposed for the Committee's review several examples of letterheads on stationery and envelopes for use by non-Senate organizations in their mailings. None of the formats would use the Senator's official Senate stationery. Which, if any, of these proposed formats is consistent with the Ethics Committee's Advisory Opinion on the Use of Letterhead (August 14, 1978)?

Format 1: Name of Senator, Senator's State, U.S. Senate, Washington, D.C.

Format 2: U.S. Senate, Name of Senator, Washington, D.C.

Format 3: Senator (Name of Senator), Washington, D.C.

Format 4: Name of Senator, U.S. Senator, Washington, D.C.

Format 5: U.S. Senator, Senator's State, Name of Senator, Washington, D.C.

Ruling: The Committee believes that the use of formats one and two on letterhead to be used by non-Senate individuals and organizations in their mailings would be inconsistent with the Committee's Advisory Opinion of August 14, 1978, because both formats include the words "United States Senate."

INTERPRETATIVE RULING No. 255

Date issued: May 10, 1979.

Applicable Rules: 46, 48.

Question Considered: May a Senator accept without charge from a White House Conference on Small Business a computer list of 6,000 names and addresses of his or her business constituents for inclusion in the Senator's Senate computer file? The Committee understands that the computer list is non-partisan in character and would be available to any Member of the Senate who desired to obtain it.

Ruling: Senate Rule 46 prohibits the acceptance of goods and services by Senators in connection with official duties unless they are paid for with funds from one of the four sources listed in the Rule. However, the Committee has previously ruled* that in-kind services provided by agencies of the Federal Government are not subject to the Rule 46 restrictions. The computerized mailing list provided by the White House conference falls under this exception.

The Committee notes that under Rule 48, paragraph 5, the mailing list can only be incorporated into the Senate's computer facilities if the lists bear no identification of individuals as campaign workers or contributors, as members of a political party, or by any other political designation.

INTERPRETATIVE RULING No. 256

Date issued: May 14, 1979.

Applicable Rule and Area: 42**, the Ethics in Government Act of 1978.

Question considered: A reporting individual under Rule 42 and the Ethics in Government Act of 1978 purchased a cemetery lot for the interment of a granddaughter. Is this interest disclosable as an interest in real property?

Ruling: Rule 42 requires disclosure of "the identity . . . of each item of real property held . . . during a calendar year." Section 102(a)(3) of Title 1 of the Ethics in Government Act of 1978 requires disclosure of "the identity . . . of any interest in property held during the preceding calendar year in a trade or business, or for investment on the production of income."

The cemetery lot is not disclosable under the Ethics in Government Act because the facts indicate that it is not "property held . . . in a trade or business, or for investment or the production of income." The Committee decided that where a cemetery lot is held for the interment of a relative, as "relative" is defined in the Act (Section 102(2)) and the Rule (paragraph 7(j)), no public disclosure of the holding is required.

INTERPRETATIVE RULING No. 257

Date issued: May 14, 1979.

Applicable Rule: 45.

Question considered: May a former employee of a Senate committee resume employment with the same committee if he is in the process of putting together a business venture in the same field with which his committee work will be concerned? The individual is considered an expert in this particular field.

Ruling: The Committee believes that if this individual were to be retained by his former committee, questions might be raised under Senate Rule 45, Conflict of Interest. Paragraph 6* of Rule 45 prohibits a Senate employee compensated at a rate in excess of $25,000 per year and employed in excess of 90 days per year from (a) affiliating with a firm, partnership, or association for the purpose of providing professional services for compensation; (b) permitting the use of the individual's name by such an entity; or (c) practicing a profession for compensation to any extent during regular Senate hours of the office in which the individual is employed. The legislative history of this provision makes clear that the prohibition was meant to include services performed as a consultant.

The Committee believes, however, that because the business venture is in the seminal stages, paragraph 6 of Rule 45 would not bar such activities. At some late date, depending on the nature of the individual's activities in connection with the venture, application of this provision may operate to bar such activities.

Paragraphs 2 and 3 of Rule 45 are also pertinent. Paragraph 2 prohibits outside business activities which create a conflict of interest or the appearance of such a conflict; paragraph 3 requires an employee's supervising Senator to take such action as is necessary to avoid conflicts of interest.

The Committee believes that the proposed situation might raise the possibility of a conflict of interest because the individual's outside business activities and Senate duties appear to overlap in subject matter. However, the Committee has recognized in prior rulings that the Code places the initial responsibility for avoidance of conflict of interest on an employee's supervising Senator. A judgment as to whether a situation may create a conflict, or the appearance thereof, requires continuing attention to both the individual's Senate work assignments and outside activities, which this Committee is not in a position to provide.

INTERPRETATIVE RULING No. 258

Date issued: May 15, 1979.

Applicable Rules: 42*, 43.

Question Considered: May a Senator accept an honorary country club membership as a result of being a Senator as well as accept gifts for taking part in a golf tournament?

Ruling: Rule 43 of the Senate Code of Official Conduct defines the term "gift" to include "anything of value" (with certain exceptions). The Committee believes that in ordinary circumstances an honorary club membership and gifts given as a result of being a Senator and partaking in a golf tournament would fall within Rule 43's definition of "gift."

Rule 43 prohibits the acceptance by Senators of gifts that have an aggregate value of over $100 per from entities with a "direct interest in legislation before the Congress", as that phrase is defined in paragraph 1(b). If the donor of these gifts is not a "prohibited source" or the aggregate value of the gifts does not exceed $100, the gifts may be accepted.

If the value of the gifts is in excess of $100, Senate Rule 42 requires that the gifts be disclosed along with the identity of the donor, and a brief description of and value of the gifts.

INTERPRETATIVE RULING No. 259

Date issued: May 18, 1979.

Applicable Area: Franking.

Question Considered: May a Senator's opening statement at hearings before a Senate committee be mailed under his or her frank to constituents?

Ruling: The Committee has determined that the frank may be used to mail a copy of the opening statement in response to constituent inquiries concerning the subject of the hearings. Mass mailings which contain more than five personal references to the sender are ordinarily prohibited; however, the Committee has previously ruled that the personal reference restriction is not applicable to transcripts of Senate committee hearings.** The statement though in different form, is the essential equivalent of the hearing transcript and is determined therefore to be frankable in a mass mailing.

INTERPRETATIVE RULING No. 260

Date issued: May 22, 1979.

Applicable Rules: 45, 49.

Question Considered: What is the applicability of the Code of Official Conduct to the proposed establishment by a Senator of a field representative office in his or her home state, utilizing the office location and facilities of a law firm?

Ruling: In this instance the Committee understands that the Senator proposes to hire a partner in a law firm at the annual salary of $21,546, to function as his or her personal representative in a five-county area. The lawyer would perform his duties—which would take approximately 30 hours a month—out of his law firm's offices and would continue to be a member of that firm and perform legal services for the firm's clients. In addition, some portion of the lawyer's Senate salary would be allocated by him to the law firm in return for the use of a portion of the firm's office space. Whatever secretarial assistance the lawyer would need would be provided by an employee of the law firm who would be compensated from Senate allowances. A separate telephone line would be

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*See Interpretative Rulings No. 219, dated January 24, 1979, No. 196, dated October 26, 1978, No. 195, dated October 18, 1978 and No. 72, dated September 29, 1977.

** Subsequent to this ruling, the Senate passed (August 3, 1979) S. Res. 220 striking Rule 42 and putting in its place a new Rule 42 consisting of the provisions of Title I of The Ethics in Government Act of 1978.

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*This is now paragraph 5. S. Res. 274, agreed to November 14, 1979, removed paragraph 5 from Rule 45 necessitating renumbering of the Rule's paragraphs.

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*Subsequent to this ruling, the Senate passed (August 3, 1979) S. Res. 220 striking Rule 42 and putting in its place a new Rule 42 consisting of the provisions of Title I of The Ethics in Government Act of 1978.

** See Interpretative Ruling No. 120, dated April 25, 1978.

established in the Senator's name within the lawyer's office at the law firm.

Both the lawyer and his secretarial assistant would be deemed employees of the Senate for purposes of the Official Code of Conduct since they would receive compensation for their Senate duties from the Secretary of the Senate. See Rule 49, paragraph 2.

Paragraph 6[1] of Rule 45 provides a specific prohibition on outside professional activities for those Senate employees who are compensated at a rate in excess of $25,000 per year. Although the lawyer in question would be paid only $21,546 a year, were he a full-time employee of the Senate his yearly salary would be considerably higher than $25,000.[2]

Because the application of paragraph 6 of Rule 45 is based on the receipt of compensation at a rate in excess of $25,000 per year, rather than on a gross amount in excess of $25,000, the Committee believes that upon becoming a Senate employee, the lawyer would be subject to the prohibitions of this provision. This would mean that he would be prohibited from affiliating with a firm, partnership, association, or corporation for the purpose of providing professional services for compensation; permitting his name to be used by such a firm, partnership, association or corporation; or practicing a profession for compensation to any extent during regular office hours of the Senate office in which he is employed.

In addition, paragraphs two and three of Rule 45, which are applicable to all Senate employees irrespective of their level of compensation, might be applicable depending upon the clients which the lawyer represents and the exact nature of that representation.

INTERPRETATIVE RULING NO. 261

Date issued: May 22, 1979.

Applicable Rules and Area: 42, 43, Foreign Gifts and Decorations Act, Mutual Educational and Cultural Exchange Act.

Question Considered:

May an employee of the Senate travel to a foreign nation at its expense for the purpose of participating in discussions with government officials of that nation concerning legislative matters of mutual interest?

Ruling:

Article I, Section 9, Clause 8 of the Constitution prohibits employees of the Federal Government, absent the consent of Congress, from accepting any gift, to include the expenses of foreign travel, from any foreign government. The Congress has consented to the acceptance of such gifts in two specific instances: the Mutual Educational and Cultural Exchange Act (22 U.S.C. 2451 et seq.) with respect to activities arranged by the State Department, and the Foreign Gifts and Decorations Act (5 U.S.C. 7342) which permits the acceptance of travel or the expenses thereof taking place entirely outside of the United States.

The Committee has been informed that this invitation is made under the aegis of a program which has been approved by the Department of State under section 108(A) of the Mutual Educational and Cultural Exchange Act.

The Committee has determined that participation in the program is in the interest of the Senate and the United States, and that its principal objective is educational pursuant to paragraph 4(a) of Rule 43. Funds provided in connection with this program may not be accepted if not used for necessary food, lodging, transportation and related expenses (Rule 43 (4)(c)).

Reimbursement of transportation, lodging, and food or entertainment aggregating $250 or more is reportable under the Ethics in Government Act of 1978.

INTERPRETATIVE RULING NO. 262

Date issued: June 12, 1979.

Applicable Rule and Area: 42*, Ethics in Government Act of 1978.

Question Considered: If a Senator receives honoraria for speaking engagements does this constitute a "sole proprietorship" required to be disclosed under Senate Rule 42 and the Ethics in Government Act of 1978 as a "non-governmental position" held by the Senator?

Ruling: The mere receipt of honoraria does not constitute a "sole proprietorship" for the purposes of Rule 42 or the Ethics in Government Act of 1978 (Public Law 95-521).

INTERPRETATIVE RULING NO. 263

Date issued: June 12, 1979.

Applicable Rule: 49.

Questions Considered: May the press secretary of a Senator: (1) accompany the Senator on trips which are partly or wholly campaign-related (with such campaign expenses being defrayed by the Senator's principal campaign committee); (2) respond to press inquiries of a campaign-related nature; or (3) advise the Senator and the campaign staff of press-related political activities? The Committee was told that such activities would not result in a neglect of the press secretary's Senate duties.

Ruling: This Committee has previously noted, in response to requests concerning the propriety of involving Senate staff in election campaigns, that the Committee on Rules and Administration was directed by the Senate to study this question and report proposals to prevent the misuse of official staff by holders of public office in Federal election campaigns. S. Res. 110, 95th Cong., 1st Sess., section 308(1977). Pending completion of this study, this Committee has offered the following guidance.

Other than the restrictions on political fund activity in Senate Rule 49, no rule expressly prohibits campaign activity by staff during off-duty hours or during established and reasonable annual leave time. In addition, the Committee believes that Senate employees may engage in limited campaign-related activities during regular Senate hours, provided that the time involved is de minimus and such activity does not interfere with the employee's official Senate duties. However, if an employee intends to spend a substantial amount of time on campaign activities, the Committee has ruled that a Senator should use his or her best judgment in determining whether to remove the staff member from the Senate payroll or reduce his or her Senate salary commensurately.**

With respect to the specific questions posed, the Committee believes that the Senator must use his or her best judgment in determining whether it would be appropriate to remove the staff member from the Senate payroll or reduce his or her Senate salary.

The Committee recognizes that the distinction between political activities which are official and those which are campaign-related is at times difficult to draw. The Committee is aware of no specific prohibitions which would bar responses by a Senator's press secretary to the news media regarding the Senator's activities which may be of a political nature.

INTERPRETATIVE RULING NO. 264

Date issued: June 12, 1979.

Applicable Area: Advisory Opinion on Use of Senate Letterhead.

Question Considered: What is the applicability of the Senate Ethics Committee's August 14, 1978 Advisory Opinion to a letter from a Senator on Senate letterhead extending an invitation to support a United States team?

The Advisory Opinion states that: It is the opinion of the Select Committee that it is improper conduct which reflects upon the Senate for a Senator to authorize or allow a non-Senate individual, group or organization to use the words "United States Senate" and "Official Business", or any combination thereof, on any letterhead or envelope. The use by a Senator of his or her own name followed by the words "United States Senate" is not hereby deemed improper.

Ruling: The Advisory Opinion seeks to prohibit a Senator from authorizing any non-Senate group to use the words "United States Senate", whether or not such words are followed by the designation "official business." The limitation on the use of the name of the institution by non-Senate groups was intended to preclude a mistaken impression by the recipient of a fundraising letter that the letter was an official communication from the Senate.

The final sentence of the Advisory Opinion was intended to allow a Senator to use his letterhead, including the words "United States Senate," for his own personal purposes. That sentence, however, would not authorize a Senator to sign a single copy of a fund-solicitation appeal on his "United States Senate" letterhead for subsequent duplication and mailing by a non-Senate group.

The Committee has been informed that this mailing was completely prepared and mailed by the Senator's office exclusively to Members of Congress, and that the U.S. team had no role in the preparation or mailing of the letter.

Based on this information, the Committee believes that this mailing was of the type contemplated in the final sentence of the Advisory Opinion and therefore the mailing did not violate the Advisory Opinion.

INTERPRETATIVE RULING NO. 265

Date issued: June 12, 1979.

Applicable Rule: 45.

Question Considered: Will a conflict of interest arise from the following prospective commercial transaction? A Senate employee has been asked by a contractor to sell a small tract of inherited land for the purpose of building Farmers Home Administration low-income rental housing. The employee does not intend to participate in either the construction or in any profits derived from the construction and will have no contact with the Farmers Home Administration. However, in the event the completed project is later syndicated for investment purposes, the employee would share in any profits resulting from the syndication.

Ruling: This sale of real estate on the bare facts presented would not appear to raise questions of conflict. There are, however, details related to the post-sale arrangement which could raise questions of conflict of interest: for example, whether the individual assisted in obtaining the subsidy, whether the sale or the sale price is contingent upon securing the subsidy, and the circumstances of the purchaser's offer to the individual of a participation in the syndicate, particularly, whether similar participations are to be offered on the same basis to other investors.

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[1] This is now paragraph 5. S. Res. 274, agreed to November 14, 1979, removed paragraph 5 from Rule 45 necessitating renumbering of the Rule's paragraphs.

[2] This figure is based upon the hourly rate that an individual would receive, $60/hr., who works 30 hours a month and is compensated $21,546 a year. The executive branch agencies of the Federal Government compute yearly salary on the basis of 2080 working hours a year and this figure is used in this instance because the Senate Disbursing Office bases its pay schedules on a set number of working days in a year (360) rather than the number of working hours in a year.

* Subsequent to this ruling, the Senate passed (August 3, 1979) S. Res. 220 striking Rule 42 and putting in its place a new Rule 42 consisting of the provisions of Title I of The Ethics in Government Act of 1978.

** See Interpretative Rulings No. 6, dated May 11, 1977 and No. 59, dated September 13, 1977.

Senate Rule 45 imposes upon employees and their supervising Senator the responsibility for the avoidance of conflicts of interest. This Committee can call attention to relevant considerations, but absent facts which would indicate a real or apparent conflict, it is not in a position to substitute its judgment for that of the supervising Senator. The particular position held by an employee, and the exercise of the duties and responsibilities attendant to that position, are central considerations in determining the existence of a conflict of interest. The supervising Senator, rather than the Committee, must be the primary monitor of the propriety of the employee's outside activities. Senate Rule 45, paragraph 3, forbids outside business activity unless it is reported in writing to the supervising Senator so that he can take such action as deemed necessary to avoid a conflict of interest or interference with duties. The restrictions in paragraphs 1, 2, 4 and 6* of Rule 45 would also be pertinent in the event the sale and contemplated business arrangements were to be consummated.

Interpretative Ruling No. 266

Date issued: June 13, 1979.

Applicable Rule and Area: 42**, Ethics in Government Act of 1978.

Question considered: Does the existence of an exploratory committee, established on behalf of an individual to determine the plausibility of his candidacy for the Senate, make him a "candidate" for the purpose of Rule 42 and the Ethics in Government Act of 1978?

Ruling: Provided that an individual has not taken the action necessary under law of the state in which he is running for nomination for election, or election, and the exploratory committee continues to receive contributions and make expenditures for the sole purpose of determining whether the individual should become a candidate for the Senate, it is not required that a Public Financial Disclosure Report be filed with the Secretary of the Senate. However, should the individual at a later date (1) decide to become a candidate for the Senate, (2) take any action necessary under the state law for nomination for election, or election to the Senate, or (3) the individual or the exploratory committee receives contributions or makes expenditures for purposes other than determining whether the person should become a candidate for the Senate, the individual would then be deemed to have been a "candidate", for the purposes of Senate Rule 42 and the Ethics in Government Act of 1978, as of the date his exploratory committee first received any contributions or made expenditures to "test the waters."

Interpretative Ruling No. 267

Date issued: June 18, 1979.

Applicable Rule and Area: 43, Franking.

Question Considered: May a Senator accept a home-state food product (240 boxes—total value of $120) from a home state marketer in order to distribute it to every Senator and to various Washington newspaper food editors? The Senator will also include a cover letter of explanation with each sample.

Ruling: The Report of the Special Committee on Official Conduct (Senate Report 95–49), in describing the provisions of Senate Rule 43, gifts, stated that . . .

"The Committee took notice of the historical practice followed in some offices of making home state products, of minimal value, available to constituents and others who visited the office. Such products are most often in the form of food and beverages, such as apples, peanuts, coffee and orange juice. Obviously, these products are provided by businesses back in the Senator's home state, and some of the individuals or organizations involved in providing them may fall within the definition of those with a "direct interest in legislation." Nevertheless, the Committee felt that this time-honored tradition did not involve any conflict of interest and provision of home state products, for this type of distribution, should not be regarded as a gift to the Senator or the office since it is passed on to those visiting the office."

The Committee believes that the procedure outlined would be consistent with the practice noted in Senate Report 95–49 and therefore that the 240 boxes of food product would not be a gift to the Senator.

The Committee also notes that section 3215 of Title 39 of the United States Code, the franking statute, precludes the use of the mailing frank in distributing samples of the product to various newspaper food editors.

Interpretative Ruling No. 268

Date issued: June 20, 1979.

Applicable Rule: 45.

Question Considered: May a Senator hold a position as unpaid chairman and member of the executive committee of a 501(c)(4) educational foundation which will seek public donations in order to disseminate information to the public concerning the Federal Government and other related matters? In addition, may a member of the Senator's staff serve without pay as president of the foundation? The actual management, direction and operation of the foundation would be accomplished by a staff to be paid from foundation funds, and no one affiliated with the Senate would engage in work of the foundation during working hours of the Senate.

Ruling: The prohibition on service by a Senator or employee as an officer or member of the board of a publicly held or regulated organization excludes organizations exempt from taxation under section 501(c) of the Internal Revenue Code of 1954, if the service is performed without compensation. (Senate Rule 45(7)).[1] In a previous decision,[2] the Committee held that service of this nature is permitted unless it conflicts or interferes with the conscientious performance of Senate duties. It was noted, however, that the Committee had advised against an employee accepting a position with a tax-exempt organization where the activity of the organization is similar to that of the employee's committee assignment or area of responsibility. The study and dissemination of information concerning the free enterprise system is the centerpiece of the corporate purpose stated in the foundation's Articles of Incorporation. The Committee understands that the member of the Senator's staff who would serve as president serves on a Senate committee which has similiar areas of responsibility. The Ethics Committee cannot predict whether this employee's foundation duties might at some time in the future come into conflict, or interfere, with his Senate committee duties. The Ethics Committee is unable to make a conflict of interest determination based on the information available. The responsibility to ensure that no conflicts arise rests with the individual Member and, in the case of an employee, also with the employee's supervising Senator.

Interpretative Ruling No. 269

Date issued: June 26, 1979.

Applicable Rules: 45, 49.*

Question considered: What conflict of interest considerations pursuant to Senate Rule 45 may arise in the following situation?

A member of a Senator's staff will soon be removed from the Senate payroll in order to accept a position with the Senator's campaign staff. This individual has accrued vacation time in excess of 30 days. Office policy would allow a staff member to be carried on the payroll, after actual employment has ended, until the amount of unused vacation time is reached, but would not allow the individual to carry forward any such vacation time if she were re-employed by the Senator's office in the future. Therefore, the Senator has proposed that the individual be retained on the Senate payroll until her accrued vacation time has been exhausted and thereafter be entered on the Senator's campaign staff payroll. During this "vacation period," the individual will begin working on campaign related matters.

Ruling: Paragraph 3 of Rule 45 on Conflict of Interest provides with respect to outside employment for compensation that a Senator upon learning of a staff member's proposed outside activities, take such action necessary to avoid any apparent or actual conflict of interest with a staff member's Senate duties. In addition, Senate Report 95–241 of the Committee on Rules and Administration states that it is not a violation of law nor any Senate rule for a member of a Senator's staff to work full-time in a political campaign while on annual leave or vacation time.

The Committee finds no difficulty under the Code of Official Conduct for the staff member to accept employment with the Senator's campaign committee under the terms outlined.

Interpretative Ruling No. 270

Date issued: June 26, 1979.

Applicable Area; Advisory Opinion on Use of Senate Letterhead, Franking.

Question Considered: Does the Ethics Committee's August 14, 1978 Advisory Opinion on use of Senate letterhead prohibit a Senator from mass mailing a number of letters, using letterheads with his name followed by the words "United States Senator," on behalf of another person, organization or cause?

Ruling: The Advisory Opinion seeks to prohibit a Senator from authorizing any non-Senate group to use the words "United States Senate," whether or not such words are followed by the designation "official business." The limitation on the use of the name of the institution by non-Senate groups was intended to preclude a mistaken impression, by the recipient of the fund-raising letter, that the letter was an official communication from the Senate.

The Advisory Opinion does not, however, preclude a Senator from authorizing a non-Senate group to use letterhead which recites the Senator's name, followed by the words "United States Senator."

The final sentence of the Advisory Opinion was intended to allow a Senator to use his letterhead, including the words "United States Senate," for his own personal purposes. That sentence, however, would not authorize a Senator to sign a single copy of a fund-solicitation appeal on his "United States Senate" letterhead for subsequent duplication and mailing by a non-Senate group.

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*This is now paragraph 5. S. Res. 274, agreed to November 14, 1979, removed paragraph 5 from Rule 45 necessitating renumbering of the Rule's paragraphs.

**Subsequent to this ruling, the Senate passed (August 3, 1979) S. Res. 220 striking Rule 42 and putting in its place a new Rule 42 consisting of the provisions of Title I of The Ethics in Government Act of 1978.

[1] This is now paragraph 6. S. Res. 274, agreed to November 14, 1979, removed paragraph 5 from Rule 45 necessitating renumbering of the Rule's paragraphs.

[2] See Interpretative Ruling No. 103, dated March 6, 1978.

*See Interpretative Ruling No. 3 dated May 5, 1977, No. 6, dated May 11, 1977, No. 22, dated May 26, 1977, No. 32, dated June 17, 1977, No. 49, dated August 5, 1977, No. 59, dated September 13, 1977 and No. 88, dated November 16, 1977.

If the Senator were personally writing any number of individuals seeking funds on behalf of a particular cause or group, the Advisory Opinion would not preclude the use of his letterhead with the words "United States Senate."

In conclusion, 39 U.S.C. 3215, the franking statute, bars the use of a Senator's frank for any of these mailings, no matter who prepared and mailed the letters. That section states that a person who is entitled to use the frank may not lend it or permit its use by any committee or organization. In addition, you should be aware that 2 U.S.C. 439b prohibits the use of the frank in any mailing which solicits funds.

INTERPRETATIVE RULING NO. 271

Date issued: June 28, 1979.

Applicable Area: Advisory Opinion on the Use of Senate Letterhead, Miscellaneous.

Question Considered: May a Senator use stationery which identifies his party affiliation and position on Senate committees in connection with his campaign for re-election to the Senate? The stationery also includes an emblem which appears to represent the great seal of the United States.

Ruling: The Committee believes that it is not improper for a Senator to include his position and memberships upon committees of the Senate on stationery to be used in connection with an election campaign.

With respect to the emblem on the stationery, however, the Committee notes that 18 U.S.C. 713 prohibits the use of "any printed or other likeness of the great seal of the United States . . . or any facsimile thereof, . . . on any . . . stationery, for the purpose of conveying, or in a manner reasonably calculated to convey, a false impression of sponsorship or approval by the Government of the United States . . ."

INTERPRETATIVE RULING NO. 272

Date issued: June 29, 1979.

Applicable Rules and Area: 42,[1] 43, Ethics in Government Act of 1978.

Question Considered: What is the application of the Senate Code of Official Conduct to a proposed trip by members of a Senate committee and their spouses? The committee plans to take a two-day trip to see certain operations in connection with the committee's consideration of various legislative proposals. An executive branch department will provide the round-trip transportation. Local transportation costs necessary for the Senators to view on-site facilities will be provided by the local companies being inspected. The local Chamber of Commerce has invited the Senator's spouses to accompany the Senators and attend a reception and dinner. The Chamber has also offered to reimburse the executive branch department that is providing the Senator's transportation for the cost of round-trip air transportation for the Senator's spouse, which would be $223 per person. The Chamber has also arranged for various individuals from the local business community to each take a Senator and spouse out to dinner on the second evening.

Ruling: Rule 43, on Gifts, excludes from the definition of a "gift" the payment of the necessary expenses of travel, food, and lodging incurred in connection with an appearance by a Senator before the organization providing the expenses. The Rule also exempts meals, beverages, or entertainment which are consumed or enjoyed other than in connection with a gift of overnight lodging. (Rule 43, subparagraphs 2(a) and 2(a)(6))

The Committee has previously ruled that fact-finding in connection with matters of direct interest to Members, their constituents, and private organizations is a service of public office, and accordingly acceptance of necessary expenses from sources with a direct interest in legislation before the Congress, as defined in Rule 43, would be permissible.[2]

The Committee has also recognized that the sponsor of an event may provide, under the "necessary expense" exception in Rule 43, hotel accommodations for a Senator and his spouse.[3]

Accordingly, the Committee believes that the scheduled trip by the Senate committee members and their spouses, as proposed, would not be in violation of Rule 43, nor would it be reportable under Rule 42. The Committee notes that under the Ethics in Government Act of 1978, Public Law 95–521, reimbursements received by a Senator or a spouse from one source which aggregate $250 or more in a calendar year are publicly reportable.●

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows as far as we can ascertain at the moment: The Senate will convene at 9:30 in the morning. After the prayer, the Senate will resume consideration of S. 10. At the hour of 10 o'clock, rollcall votes will begin to occur on amendments to S. 10. The first vote will occur on the Boren amendment, amendment No. 1672, to be followed by a rollcall vote on the Boren unprinted amendment No. 990, to be followed by a rollcall vote on the Exon amendment No. 1667, to be followed by a rollcall vote on Danforth amendment No. 1671, to be followed by a rollcall vote on the Danforth amendment No. 1673, which is a substitute.

Those will be rollcall votes. The first vote will be a 15-minute rollcall. Each of the succeeding back-to-back rollcall votes will be 10-minute rollcall votes.

Upon the disposition of the Danforth substitute, Mr. THURMOND will move to recommit the bill as amended, if amended, and there is a 20-minute time limitation on that motion, after which there will be a rollcall vote on the motion to recommit.

If the motion to recommit fails, the bill will immediately go to the third reading and will be substituted for the text of House bill No. 10, and, without further debate, the vote on passage of the House bill, as amended by the substitute text of the Senate bill, as amended, if amended, will occur.

Following the disposition of the House bill, H.R. 10, which will be a rollcall vote, the Senate will then proceed to the consideration of S. 1725, Calendar Order No. 462, low-income energy conservation. Mr. President, it appears that there will be at least seven rollcall votes tomorrow, maybe even more.

RECESS UNTIL TOMORROW AT 9:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 9:30 a.m. tomorrow.

There being no objection, the Senate, at 6:54 p.m., recessed until tomorrow, February 28, 1980, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 27, 1980.

THE JUDICIARY

William Albert Norris, of California, to be U.S. circuit judge for the ninth circuit, vice Walter Ely, retired.

Walter Meheula Heen, of Hawaii, to be U.S. district judge for the district of Hawaii, vice Dick Yin Wong, deceased.

Odell Horton, of Tennessee, to be U.S. district judge for the western district of Tennessee, vice Bailey Brown, elevated.

John T. Nixon, of Tennessee, to be U.S. district judge for the middle district of Tennessee, vice a new position created by Public Law 95–486, approved October 20, 1978.

DEPARTMENT OF JUSTICE

Samuel F. Naples, of New Jersey, to be U.S. marshal for the district of New Jersey, vice Carl E. Hirshman, resigned.

U.S. RAILWAY ASSOCIATION

Stephen Berger, of New York, to be Chairman of the Board of Directors of the U.S. Railway Association for a term of 6 years, vice W. K. Smith, resigned.

IN THE NAVY

The following-named officer having been designated for command and other duties of great importance and responsibility in the grade of vice admiral within the contemplation of title 10, United States Code, section 5231, for appointment while so serving as follows:

To be vice admiral

Rear Adm. Earl B. Fowler, Jr., U.S. Navy.

IN THE MARINE CORPS

The following-named brigadier general of the Marine Corps Reserve for temporary appointment to the grade of major general under the provisions of title 10, U.S. Code, section 5902:

Kenneth W. Weir.

The following officers of the Marine Corps Reserve for appointment to the grade of brigadier general under the provisions of title 10, U.S. Code, section 5902:

John J. Krasovich.

Ronald K. Nelson.

John J. Salesses.

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[1] Subsequent to this ruling, the Senate passed (August 3, 1979) S. Res. 220 striking Rule 42 and putting in its place a new Rule 42 consisting of the provisions of Title I of The Ethics in Government Act of 1978.

[2] See Interpretative Ruling No. 69, dated September 27, 1977.

[3] See Interpretative Ruling No. 124, dated May 5, 1978.

HOUSE OF REPRESENTATIVES—*Wednesday, February 27, 1980*

The House met at 3 p.m. and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
February 25, 1980.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Wednesday, February 27, 1980.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O Lord God, creator of heaven and Earth, we thank You that through Your reign in realms above, You also rule in the hearts of each of Your people. We offer praise for Your care to each individual soul without regard to position or place. Your bountiful gifts come to the lowliest and the most needy among us. Your grace supports the afflicted, Your love surrounds the captives, Your majesty shines on the forgotten, Your healing comes to those who hurt, and Your forgiveness comes to us new each day.

Help us to live with the joy that Your spirit brings and cause us all to do our tasks so that we serve You and the people of this Nation. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Chirdon, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 948. An act for the relief of Maria Corazon Samtoy;

H.R. 3139. An act for the relief of Pedro Gauyan Nelson; and

H.R. 3873. An act for the relief of Jan Kutina.

The message also announced that the Senate agrees to the amendments of the House to a bill and a joint resolution of the Senate of the following titles:

S. 1850. An act to authorize the conveyance of lands in the city of Hot Springs, Ark.; and

S.J. Res. 109. Joint resolution to authorize the President to proclaim November 16, 1979, as "American Enterprise Day."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5235) entitled "An act to amend chapter 5 of title 37, United States Code, to revise the special pay provisions for certain health professionals in the uniformed services."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 643) entitled "An act to amend the Immigration and Nationality Act to revise the procedures for the admission of refugees, to amend the Migration and Refugee Assistance Act of 1962 to establish a more uniform basis for the provision of assistance to refugees, and for other purposes."

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 79. Concurrent resolution expressing the sense of the Congress that the people of the United States should observe February 26, 1980, as a national day of prayer and meditation for the hostages in Iran.

CONFERENCE REPORT ON H.R. 4473, FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS ACT, 1980

Mr. LONG of Maryland submitted the following conference report and statement on the bill (H.R. 4473) making appropriations for foreign assistance and related programs for the fiscal year ending September 30, 1980, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 96–787)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4473) making appropriations for foreign assistance and related programs for the fiscal year ending September 30, 1980, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 8, 10, 13, 38, 43, 47, 63, 68, 72 and 73.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 6, 9, 14, 20, 23, 24, 25, 26, 30, 31, 34, 35, 37, 41, 42, 44, 46, 49, 53, 54, 56, 57, 58, 59, 60, 61, 62, and 69, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$328,000,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$363,000,000"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$256,280,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert: ": *Provided further*, That none of the funds appropriated in this paragraph shall be made available for the United States proportionate share for any programs for the Palestine Liberation Organization, the South West Africa People's Organization, the Zimbabwe African People's Union, and the Zimbabwe African National's Union".

And the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert: ": *Provided further*, That none of the funds appropriated or made available pursuant to this paragraph shall be obligated or expended to finance the United States proportionate share for any program in Cuba".

And the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$635,000,000"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$190,000,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$135,000,000"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$111,888,500"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$387,000,000"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$92,500,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert: "$2,950,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$35,000,000"; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$28,400,000"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$659,250,000"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment insert the following: "$6,458,241,000 (of which not to exceed $5,000,000,000 shall be for direct loans)"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment, amended to change section number as follows: "522"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment, amended to change section number as follows: "522A"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows: "Sec. 524. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any grant Military Assistance program or Foreign Military Credit sales program to Panama."

And the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment, as follows: In lieu of section number 529 named in said amendment, insert the following: "527"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 3, 5, 11, 27, 28, 32, 33, 39, 40, 52, 55, 66, 70, 71, and 75.

Clarence D. Long,
David R. Obey,
Charles Wilson,
Sidney R. Yates,
Matthew F. McHugh,
William Lehman,
Julian C. Dixon,
Silvio O. Conte,
Managers on the Part of the House.

Daniel K. Inouye,
Lawton Chiles,
J. Bennett Johnston,
Pat J. Leahy,
Dennis DeConcini,
Warren G. Magnuson,
Jake Garn,
Mark O. Hatfield,
Charles McC. Mathias, Jr.,
Richard S. Schweiker,
Milton R. Young,
Managers on the Part of the Senate.

Joint Explanatory Statement of the Committee of Conference

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4473), making appropriations for Foreign Assistance and related programs for the fiscal year ending September 30, 1980, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—MULTILATERAL ECONOMIC ASSISTANCE

Funds Appropriated to the President

INTERNATIONAL FINANCIAL INSTITUTIONS

Contribution to the Inter-American Development Bank

Amendment No. 1: Appropriates $812,301,997 as proposed by the Senate instead of $869,555,958 as proposed by the House.

Amendment No. 2: Deletes the language proposed by the Senate to make the availability of part of the appropriation contingent upon the enactment of authorizing legislation.

Amendment No. 3: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following: "That of such amount, not to exceed $175,000,000 shall be available for the new increase in the resources of the Fund, and not to exceed $25,000,000 shall be available for replenishment authorized by the Act of May 31, 1976: *Provided further,*".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Contribution to the International Bank for Reconstruction and Development

Amendment No. 4: Appropriates $328,000,000 instead of $163,079,165 as proposed by the House and $825,777,153 as proposed by the Senate.

Contribution to the International Development Association

Amendment No. 5: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: "$272,000,000".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The effect of this amendment will be to appropriate $272,000,000 instead of $286,160,000 as proposed by the House and $292,000,000 as proposed by the Senate. This reduction of $20,000,000 from the Senate figure reflects the U.S. share of funds made available to Vietnam by the International Development Association.

Amendment No. 6: Deletes the language proposed by the House which would have placed a prohibition on funding for Vietnam. This prohibition was deleted because written assurances were received from the World Bank stating that no funds will be made available to the Socialist Republic of Vietnam by the World Bank Group during the period covered by this bill.

Contribution to the Asian Development Bank

Amendment No. 7: Appropriates $363,000,000 instead of $355,464,687 as proposed by the House and $371,077,301 as proposed by the Senate.

Amendment No. 8: Deletes the language proposed by the Senate to make the availability of the appropriation for a part of the Development Fund contingent upon the enactment of authorizing legislation.

Amendment No. 9: Deletes the language proposed by the House to prevent the payment of the appropriation to the Bank unless Taiwan continued its membership in the Bank.

Contribution to the African Development Fund

Amendment No. 10: Deletes the language proposed by the Senate to make the availability of the appropriation contingent upon the enactment of authorizing legislation.

Future United States Contributions to the International Financial Institutions

Amendment No. 11: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which includes a sense of the Congress provision stating that the United States share of contributions to future replenishments of the International Financial Institutions should not exceed certain specific percentages.

International Organizations and Programs

Amendment No. 12: Appropriates $256,280,000 instead of $263,330,000 as proposed by the House and $253,590,000 as proposed by the Senate. The funds appropriated for international organizations and programs are allocated as shown in the following table:

United Nations (voluntary programs)	Fiscal year 1980 budget request	Conference allowance
Development technical assistance:		
U.N. Development Program (UNDP)	$140, 000, 000	$120, 000, 000
U.N. Capital Development Fund	2, 000, 000	2, 000, 000
U.N. Southern African Development Fund	1, 900, 000	1, 900, 000
U.N. Institute for Namibia	(500, 000)	(500, 000)
U.N. Trust Fund for South Africa	(400, 000)	(400, 000)
U.N. Educational and Training Program for Southern Africa (UNETPSA)	(1, 000, 000)	(1, 000, 000)
FAO World Food Program (WFP)	2, 000, 000	2, 000, 000
U.N. Decade for Women	1, 000, 000	1, 000, 000
Humanitarian needs:		
U.N. Children's Fund (UNICEF)	36, 000, 000	36, 000, 000
U.N. Disaster Relief Organization (UNDRO)	250, 000	250, 000
U.N. Relief and Works Agency (UNRWA)	52, 000, 000	52, 000, 000
International scientific cooperation:		
World Meteorological Organization (WMO)	2, 300, 000	2, 300, 000
International Atomic Energy Agency (IAEA)	12, 500, 000	12, 500, 000
U.N. Environmental Program (UNEP)	8, 000, 000	10, 000, 000
UNESCO—World Heritage Trust Fund	640, 000	330, 000
Education and research: U.N. Institute for Training and Research (UNITAR)	500, 000	500, 000
Subtotal, United Nations (voluntary programs)	259, 090, 000	240, 780, 000
Organization of American States (voluntary programs:)		
Special Multilateral Fund (SMF)	7, 000, 000	6, 500, 000
Special Projects (Mar del Plata)	3, 300, 000	2, 600, 000
Special Development Assistance Fund	6, 700, 000	6, 000, 000
Special Cultural Fund	500, 000	400, 000
Subtotal, Organization of American States (voluntary programs)	17, 500, 000	15, 500, 000
Central Treaty Organization (CENTO)	600, 000	----------------
Total, International Organizations and programs	277, 190, 000	256, 280, 000

Amendment No. 13: Places a limitation of $10,000,000 on the funds made available for the United Nations Environment Program as proposed by the House instead of $8,000,000 as proposed by the Senate.

Amendment No. 14: Places a limitation of $120,000,000 on the funds made available for the United Nations Development Program as proposed by the Senate instead of $126,050,000 as proposed by the House.

Amendment No. 15: Retains the language proposed by the Senate amended to read as follows: ": *Provided further*, That none of the funds appropriated in this paragraph shall be made available for the United States proportionate share for any programs for the Palestine Liberation Organization, the South West Africa People's Organization, the Zimbabwe African People's Union, and the Zimbabwe African National's Union".

This language reaffirms the intent of the language of the Senate but removes any question about the international organizations being able to accept the United States contribution with the restriction.

Amendment No. 16: Retains the language proposed by the Senate amended to read as follows: ": *Provided further*, That none of the funds appropriated or made available pursuant to this paragraph shall be obligated or expended to finance the United States proportionate share for any program in Cuba".

This language also reaffirms the intent of the language of the Senate but removes any question about the international organizations being able to accept the United States contribution with the restriction.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

Over the past several years Congressional action has resulted in improvements in the method by which the Agency for International Development presents, justifies, and receives funding for its development assistance activities.

The Conferees recognize that the overall development of United States Foreign Assistance programs, within policy guidelines established by the Congress, is the responsibility of the Executive Branch. However, there is not, nor should there be any questions about the validity of Congressional review of individual projects and programs proposed by the Executive for funding through Congressional appropriations. The Conferees recognize that it is a fundamental authority and responsibility of the Congress to deny funding for undesirable projects of any agency or department in any area of government.

The Conferees are aware that in developing appropriations for AID in the past, the practice has been to establish appropriations for overall program levels. In developing the AID appropriations for fiscal year 1980, however, the Senate used a different approach and listed specific projects in its report which it felt should not be funded. The Conferees are in agreement that this approach of specifying individual projects which are to be funded or not funded deserves and will receive serious study and consideration both in the development of the AID appropriations and also in other United States bilateral assistance appropriations for fiscal year 1980. The two Appropriations Committees are in agreement to develop mutually cooperative efforts in regard to the fiscal year 1981 appropriations process.

Because of changed circumstances since the fiscal year 1980 AID budget was submitted, the Conferees have set forth under the several functional accounts individual projects which are not to be funded in fiscal year 1980. In regard to projects for Pakistan, it is expected that other assistance funding will be considered at a later time.

Amendment No. 17: Agriculture, rural development and nutrition, Development Assistance: Appropriates $635,000,000 instead of $659,000,000 as proposed by the House and $619,938,000 as proposed by the Senate.

The general reduction of $80,366,000 from the budget request for Agriculture, rural development, and nutrition includes specific reductions as indicated for the following projects:

Project name	Project number	Amount of reduction
Afghanistan:		
Central Helmand drainage—II	306–0149	$4,503,000
Regional rural development	306–0170	1,245,000
Irrigation development	306–0171	4,031,000
Pakistan:		
Agriculture research	391–0296	200,000
Vitaminization of atta (flour)	391–0404	1,665,000
Rural electrification	391–0408	10,000,000
On-farm water management	391–0413	750,000
Rural credit	391–0423	15,675,000
Community nutrition education	391–0444	200,000
Rainfed land and water management	391–0445	2,000,000
Water management research	391–0447	1,000,000
Agriculture statistics	391–0449	260,000
Bangladesh:		
Rural irrigation works	388–012	7,582,000
Indonesia:		
Feeder roads management	497–0306	3,000,000
Centrally Funded:		
Functional implications of malnutrition (this will allow $750,000 for this project)	931–1309	1,000,000
Nigeria:		
Nigeria/U.S. Development Exchange Project (the conferees direct that this project be changed from a grant to a loan)	620–0502	

Amendment No. 18: Population, Development Assistance: Appropriates $190,000,000 instead of $195,500,000 as proposed by the House and $183,600,000 as proposed by the Senate.

The general reduction of $26,321,000 from the budget request for Population includes specific reductions as indicated for the following projects:

Project name	Project number	Amount of reduction
Afghanistan:		
Afghan family guidance association	302–0139	$572,000
Expanded health/family planning training	306–0173	688,000
Population policy planning	306–0174	304,000
Pakistan:		
Population research and development	391–0411	300,000
Population planning (program components)	391–0434	3,200,000
Centrally Funded:		
International planned parenthood federation	932–0838	6,000,000
World health organization special program on human reproduction	932–0662	2,000,000

Amendment No. 19: Health, Development Assistance: Appropriates $135,000,000 instead of $140,590,000 as proposed by the House and $134,910,000 as proposed by the Senate.

The general reduction of $11,573,000 from the budget request for Health includes specific reductions as indicated for the following projects:

Project name	Project number	Amount of reduction
Pakistan:		
Malaria control II	391–0451	$5,000,000
Sudan:		
Northern primary health care	650–0011	$1,263,000
Southern primary health care	650–0019	400,000

Amendment No. 20: Education and human resources development, Development Assistance: Appropriates $101,000,000 as proposed by the Senate instead of $105,000,000 as proposed by the House.

The general reduction of $18,497,000 from the budget request for education and human resources includes specific reductions as indicated for the following projects:

Project name	Project number	Amount of reduction
Afghanistan:		
Rural primary schools II	306-0150	$2,333,000
Development support training	306-0157	2,169,000
Primary school teacher training	306-0167	1,147,000
Pakistan:		
Primary education	391-0410	$3,000,000
Development training	391-0426	1,250,000

Amendment No. 21: Technical assistance, energy, research, reconstruction and selected development problems, Development Assistance: Appropriates $111,888,500 instead of $118,590,000 as proposed by the House and $105,187,000 as proposed by the Senate.

The general reduction of $24,233,500 from the budget request for technical assistance, energy, research, reconstruction, and selected development problems includes specific reductions as indicated for the following projects:

Project name	Project number	Amount of reduction
Pakistan:		
Nonconventional energy	391-0446	$500,000
Bangladesh:		
Flood and cyclone warning system	388-0046	5,000,000
Haiti:		
Disaster preparedness	521-0082	165,000
Centrally funded:		
Energy expansion through biomass production, conversion and use	936-5079	1,000,000
Energy expansion through solar production, conversion and use of thermal, wind, wave, and photovoltaic	936-5717	$1,000,000
PDC program evaluation and support	938-0800	300,000
Economic development research and support	933-0001	925,000
Latin America and Caribbean Regional:		
Special evaluation studies	598-0063	800,000

Amendment No. 22: Loan allocation, Development Assistance: Provides that $387,000,000 shall be available for loans instead of $399,750,000 as proposed by the House and $372,750,000 as proposed by the Senate.

Amendments Nos. 23, 24 and 25: Increase the annual per capita gross national product figures used to determine the development loan terms which are to be extended to recipient countries as proposed by the Senate. The provision provides that loans to countries with a gross national product of less than $588 per capita (formerly $550) would be repaid over 40 years; to those with a gross national product per capita of more than $588 (formerly $550) but less than $963 (formerly $900), would be repayable within 25 years and countries with a gross national product per capita equal to or greater than $963 (formerly $900) will be repayable within 20 years.

Amendment No. 26: American schools and hospitals abroad: Appropriates $20,000,000 as proposed by the Senate instead of $25,000,000 as proposed by the House.

Amendment No. 27: International disaster assistance: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: "$73,000,000: *Provided*, That in providing assistance under this paragraph for Cambodian famine victims, the President shall satisfy himself that adequate procedures have been established to ensure that such assistance reaches the innocent victims of famine for whom it is intended. Such procedures shall include end use monitoring of deliveries on a periodic basis by individuals having freedom of movement where the commodities are being distributed within Cambodia. The President shall report to the Congress on compliance with this provision not later than 90 days after the enactment of this provision".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees have provided an additional $30,000,000 for humanitarian assistance for the Cambodian famine victims in this account and an additional $3,000,000 for disaster assistance in Italy. These increases were provided in view of new developments since this Act originally passed the House and the Senate.

Amendment No. 28: Assistance to African refugees: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: "Assistance to African refugees: For necessary expenses to carry out the provisions of section 495F, $14,250,000: *Provided*, That these funds shall be transferred to the Office of Refugee Programs of the Department of State for obligation and expenditure."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 29: Sahel development program: Appropriates $92,500,000 instead of $100,000,000 as proposed by the House and $85,000,000 as proposed by the Senate.

Amendment No. 30: Overseas training and special development activities (foreign currency program): Provides $20,700,000 equivalent in United States-owned Indian rupees as proposed by the Senate instead of $20,500,000 equivalent in United States-owned rupees as proposed by the House.

Amendment No. 31: Economic support fund: Changes the reference section number to conform with authorizing legislation as proposed by the Senate.

Amendment No. 32: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: "$1,984,500,000".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees are in agreement that $75,000,000 of the total amount provided shall be used for Nicaragua.

Amendment No. 33: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: ": *Provided further*, That none of the funds herein appropriated may be made available to Syria without the prior determination by the President and notification thereof to Congress, that Syria is acting in good faith in furthering the process of peace initiated by the Camp David accords of which the treaty between Egypt and Israel is the first step: *Provided further*, That of the funds appropriated under this paragraph, not more than $5,000,000 shall be for refugee assistance through International Relief Organizations in Rhodesia: *Provided further*, That of the funds appropriated under this paragraph, not to exceed $60,500,000 shall be available for programs in southern Africa: *Provided further*, That the funds appropriated under this paragraph for refugee assistance shall be transferred to the Office of Refugee Programs of the Department of State for obligation and expenditure".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers are concerned about the Syrian Government's continuing refusal to permit those Syrian citizens of the Jewish faith who wish to emigrate to do so. Furthermore, there remain restrictions on the activities of Syrian Jews which are not applied to non-Jews. These restrictions should be removed. It is the intention of the managers that the President, in preparing to make the determination provided for under the Economic Support Fund of Title II of this Act and under Section 532(e) of the International Security Assistance Act of 1979, that "Syria is acting in good faith in furthering the process of peace . . ." also take into consideration the current situation of the Syrian Jewish community and the Syrian Government's progress or lack of progress in extending human rights to its Jewish citizens.

Amendment No. 34: Peacekeeping operations: Appropriates $21,100,000 as proposed by the Senate instead of $22,000,000 as proposed by the House.

Amendment No. 35: Operating expenses of the Agency for International Development: Appropriates $261,000,000 as proposed by the Senate instead of $263,000,000 as proposed by the House.

Amendment No. 36: Amends the language

proposed by the Senate to provide that not to exceed $2,950,000 of AID-operating expenses appropriated in the paragraph may be used to finance the operating expenses of the International Development Cooperation Agency.

Amendment No. 37: International narcotics control: Appropriates $48,758,000 as proposed by the Senate instead of $51,758,000 as proposed by the House.

INTER-AMERICAN FOUNDATION

Amendment No. 38: Appropriates $15,964,000 as proposed by the House instead of $10,000,000 as proposed by the Senate.

Amendment No. 39: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides for the availability of $1,036,000 in previously appropriated funds.

PROGRAMS OF SCIENTIFIC AND TECHNOLOGICAL COOPERATION

Amendment No. 40: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

Programs of scientific and technological cooperation administered by the Agency for International Development

For expenses necessary to carry out programs of scientific and technological cooperation administered by the Agency for International Development (hereafter referred to as the "Agency"), $12,000,000: *Provided,* That in carrying out programs of scientific and technological cooperation administered by the Agency for International Development, the Agency shall—

(1) assist developing countries to strengthen their own scientific and technological capacity in order for them to undertake the research and experimentation necessary for development;

(2) support research, in the United States and in developing countries, on critical development problems, with emphasis on research relating to technologies which are labor-intensive or which do not generate additional unemployment or underemployment and with emphasis on those problems which are the greatest impediment to improvement in the lives of the majority of the poor;

(3) foster the exchange of scientists and other technological experts with developing countries, and other forms of exchange and communication to promote the joint solution of problems of mutual concern to the United States and developing countries;

(4) advise and assist other agencies of the United States Government in planning and executing policies and programs of scientific and technological cooperation with developing countries;

(5) facilitate the participation of private United States institutions, businesses, and individuals in scientific and technological cooperation with developing countries; and

(6) gather, analyze, and disseminate information relevant to the scientific and technological needs of developing countries;

Provided further, That in carrying out the functions specified in the first proviso, the Agency shall take particular care to review all of its programs, projects, and other activities to ensure that technologies which are developed, utilized, or promoted are assessed with regard to minimizing any new problems and that participants in such programs, projects, and activities are fully aware of the need for such review with respect to any technology-related activities for which they are responsible:

Provided further, That, for the purposes of carrying out the functions specified in the first proviso, the Administrator of the Agency for International Development may utilize, in addition to authorities conferred by these provisions, such authority contained in the Foreign Assistance Act of 1961, the Foreign Service Act of 1946, title V of the Foreign Relations Authorization Act, Fiscal Year 1979, and title IV of the International Development and Food Assistance Act of 1978, as the Administrator of the Agency deems necessary:

Provided further, That the Agency shall carry out its functions in consultation and cooperation with the agencies of the United States Government, international organizations, and agencies of other governments engaged in promoting economic, social, and technological development in developing countries;

Provided further, That the Administrator of the Agency shall prescribe appropriate procedures to assure coordination of the activities of the Agency with other activities of the United States Government in furthering the use of science and technology in the cause of development;

Provided further, That to carry out programs of scientific and technological cooperation administered by the Agency for International Development, the Administrator of the Agency may—

(1) make and perform contracts and other agreements with any individual, institution, corporation, or other body of persons however designated, within or outside the United States, and with governments or government agencies, domestic or foreign;

(2) make advances, grants, and loans to any individual, institution, corporation, or other body or persons however designated, within or outside the United States, and to governments or government agencies, domestic or foreign;

(3) employ such personnel as necessary and fix their compensation;

(4) make provision for compensation, transportation, housing, subsistence (or per diem in lieu thereof), and health care or health and accident insurance for foreign nationals engaged in activities authorized by these provisions while they are away from their homes, without regard to the provisions of any other law;

(5) accept and use money, funds, property, and services of any kind by gift, devise, bequest, grant, or otherwise in furtherance of programs of scientific and technological cooperation administered by the Agency for International Development;

(6) acquire by purchase, lease, loan, bequest, or gift and hold and dispose of by sale, lease, loan, or grant, real and personal property of all kinds;

(7) prescribe, amend, and repeal such rules and regulations as may be necessary to the conduct of programs of scientific and technological cooperation administered by the Agency for International Development;

(8) utilize information, services, facilities, officers, and employees of any agency of the United States Government;

(9) establish a principal office in the United States and such other offices within or outside the United States, as may be necessary;

(10) make such expenditures as may be necessary for administering the provisions of this section; and

(11) take such other actions as may be necessary and incident to carrying out programs of scientific and technological cooperation administered by the Agency for International Development.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The purpose of establishing a separate account for these activities is to encourage the Agency for International Development to take a more innovative and collaborative approach to the problems and processes of development research and technology transfer. The funds provided are in addition to those made available for research and technical assistance under the other bilateral accounts.

The conferees agree that this distinction between the regular AID research budget and the new, more experimental activities contemplated under this account is a healthy one and should be preserved both institutionally and operationally. It follows that none of the research and/or technical assistance projects now being carried on by AID should be transferred to the structure which may be designated within the Agency for the implementation of the objectives underwritten by this appropriation. This will enable the organization in question to concentrate its resources on the formulation and effective administration of the novel and experimental programs which these funds are intended to support.

Excessive bureaucratization, of course, is always inimical to creative and inventive approaches. The managers, therefore, direct that a personnel ceiling of twenty positions be applied to the unit designated to administer the programs funded under this appropriation. Further, of these twenty positions, no more than four should be graded above the FS-3 level.

Funds Appropriated to the President

Peace Corps

Amendments Nos. 41 and 42: Change the appropriation title and certain appropriation language as proposed by the Senate.

Amendment No. 43: Appropriates $105,000,000 as proposed by the House instead of $103,000,000 as proposed by the Senate.

Department of State

Migration and Refugee Assistance

Amendment No. 44: Changes the authorization citation as proposed by the Senate.

United States Emergency Refugee and Migration Assistance Fund

Amendment No. 45: Appropriates $35,000,000 instead of $40,000,000 as proposed by the House and $25,000,000 as proposed by the Senate.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

MILITARY ASSISTANCE

Amendment No. 46: Appropriates $110,200,000 as proposed by the Senate instead of $110,000,000 as proposed by the House.

Amendment No. 47: Deletes the language proposed by the Senate which would have earmarked $1,700,000 for the Sudan.

International Military Education and Training

Amendment No. 48: Appropriates $28,400,000 instead of $25,000,000 as proposed by the House and $31,800,000 as proposed by the Senate.

Foreign Military Credit Sales

Amendment No. 49: Deletes unnecessary appropriation language as proposed by the Senate.

Amendment No. 50: Appropriates $659,250,000 instead of $645,000,000 as proposed by the House and $673,500,000 as proposed by the Senate. The Committee of Conference notes the action taken by the House in its report accompanying the International Security Assistance Act of 1979, recommending an increase from $1.4 million to $5.9 million "in response to Liberia's role as the oldest ally of the U.S. in Africa and in response to President Tolbert's request for FMS credits."

The Committee supports this increase, and affirms that Liberia's human rights record does not justify any reduction in proposed military assistance. We encourage the Administration to provide this needed increase.

TITLE IV—EXPORT-IMPORT BANK OF THE UNITED STATES

LIMITATION ON PROGRAM ACTIVITY

Amendment No. 51: Places a limitation on program activity of $6,458,241,000 instead of $5,598,241,000 as proposed by the House and $7,458,241,000 as proposed by the Senate. Also places a limitation on the amount for direct loans of $5,000,000,000 instead of $4,140,000,000 as proposed by the House and $6,000,000,000 as proposed by the Senate.

The Conferees agree that the Administration's proposal to provide funding through the Federal Financing Bank is not acceptable and cannot be entered into in fiscal year 1980.

TITLE V—GENERAL PROVISIONS

Amendment No. 52: Section 503: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which reappropriates $19,000,000 for the Maqarin Dam and $5,000,000 for Middle East Regional Cooperation and Development programs, in unobligated balances remaining available as of September 30, 1979, in the Economic support fund.

Amendment No. 53: Section 512: Deletes the language proposed by the House dealing with the prohibition of indirect assistance because of written assurances from the World Bank that no funds will be made available to the Socialist Republic of Vietnam by the World Bank Group during the period covered by this bill.

Amendment No. 54: Section 513: Deletes language proposed by the House because of the same reasons cited for amendment 53.

Amendment No. 55: Section 514: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 514. Not to exceed 80 per centum of the funds made available by this Act for foreign national participants to be selected for Agency for International Development training programs in the United States in fiscal year 1980 shall be available for participants who are selected by the government of their home country, and it is the sense of the Congress that at least 15 per centum of the number of trainees for which funds are obligated in fiscal year 1980 should be chosen by independent selection panels designated by the United States ambassador to the country receiving assistance upon the recommendation of the Mission of the Agency for International Development in such country, and that not less than 80 per centum of the members of each such panel should be citizens of such country.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment Nos. 56, 57, 58, 59, 60, 61, and 62: Change section numbers.

Amendment No. 63: Section 521: Restores the language proposed by the House which prohibits funds appropriated or made available by this Act for the Export-Import Bank or direct foreign assistance from being obligated for any government which aids or abets, by granting sanctuary from prosecution to, any individual or group which has committed or is being sought by any other government for prosecution for any war crime, unless the President of the United States finds that the national security requires otherwise: War crime as used in Section 521 of H.R. 4473 refers only to an act committed by any individual or group of individuals who persecuted any person on the basis of race, religion, national origin or political opinion under the direction of, or in association with the Nazi government of Germany.

Amendment No. 64: Section 522: Restores the language proposed by the House which prohibits direct foreign assistance, including programs financed by the Export-Import Bank and the Overseas Private Investment Corporation, from being obligated or expended to finance any loan, any assistance, or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar or competing commodity.

Amendment No. 65: Section 522A: Restores the language proposed by the House which requires the Secretary of the Treasury to instruct the United States executive directors of the International Financial Institutions to use the voice and vote of the United States to oppose assistance by these institutions, using funds appropriated by this Act, for the production of any commodity for export, if it is surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar or competing commodity.

Amendment No. 66: Section 522B: Reported in technical diagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the section number named in said amendment, insert "522B".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This provision states that each written or printed report, study, evaluation, plan, manual, presentation, publication, or other document prepared under the auspices of agencies funded by this Act, any portion of which is provided by other than full-time employees of such agency, shall reflect the full cost to the United States Government of such portion. The General Accounting Office shall be supplied each such document, they shall record the receipt of the document and maintain it for a period of five years from the date of issue.

Amendment No. 67: Section 524: Restores language proposed by the House amended to prohibit funds appropriated in this Act from being obligated or expended to finance the grant Military Assistance program or the Foreign Military Credit Sales program to Panama.

Amendment No. 68: Deletes the language proposed by the Senate which would have required a three percent reduction in funds appropriated by this Act.

Amendment No. 69: Deletes the language proposed by the House which would have provided that of the total budget authority provided under this Act, except for the appropriations for Israel and Egypt, Agriculture, rural development, and nutrition, Health, Migration and refugee assistance, United States emergency refugee and migration assistance fund, and Assistance to African refugees, four percent would be withheld from obligation and expenditure.

While the conferees have agreed to delete both the three percent and four percent general reduction provisions, it should be pointed out that, in fact, both the House and Senate managers considered the effect of these provisions in dealing with each of the specific appropriation accounts. This is reflected by the fact that the final conference amount totals $8,066,424,064 which is a level lying between $8,140,502,888 as recommended by the Senate including the provision requiring a three percent general reduction and $7,746,620,722 as recommended by the House including the provision requiring a four percent general reduction.

Amendment No. 70: Section 525: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate to provide restrictions on the Institute for Scientific and Technological Cooperation.

Amendment No. 71: Section 526: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the entertainment allowances limitation for the Export-Import Bank of "8,000" named in said amendment, insert the following: "$16,000".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 72: Deletes the language proposed by the Senate which would have provided that such sums as may be necessary should be used to provide relief and rehabilitation assistance for the people of Cambodia.

The conferees have provided $30,000,000 in this Act for humanitarian assistance for the Cambodian famine victims under the international disaster assistance account.

Amendment No. 73: Deletes the language proposed by the Senate which would have provided debt relief amounting to $12.3 million for various countries.

Amendment No. 74: Section 527: Changes the section number and retains the language proposed by the Senate to place a limitation of $20,000,000 on assistance to Uganda from funds made available in this Act for development assistance and the economic support fund.

Amendment No. 75: Section 528: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

"SEC. 528. It is the sense of the Congress that the United States should work with the Organization of American States to insure that no further military encroachments are made into the Western Hemisphere by foreign countries."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1980 recommended by the Committee of Conference, with comparisons to the fiscal year 1979 amount, the 1980 budget estimates, and the House and Senate bills for 1980 follow:

New budget (obligational) authority, fiscal year 1979	$11,014,108,948
Budget estimates of new (obligational) authority, fiscal year 1980	[1] 9,452,089,404
House bill, fiscal year 1980	7,746,620,722
Senate bill, fiscal year 1980	8,140,502,888
Conference agreement	8,066,424,064
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1979	−2,947,684,884
Budget estimates of new (obligational) authority, fiscal year 1980	−1,385,665,340
House bill, fiscal year 1980	+319,803,342
Senate bill, fiscal year 1980	−74,078,824

[1] Includes $135,000,000 of budget estimates not considered by the House.

CLARENCE D. LONG,
DAVID R. OBEY,
CHARLES WILSON,
SIDNEY R. YATES,
MATTHEW F. MCHUGH,
WILLIAM LEHMAN,
JULIAN C. DIXON,
SILVIO O. CONTE,
Managers on the Part of the House.

DANIEL K. INOUYE,
LAWTON CHILES,
J. BENNETT JOHNSTON,
PAT J. LEAHY,
DENNIS DECONCINI,
WARREN G. MAGNUSON,
JAKE GARN,
MARK O. HATFIELD,
CHARLES MCC. MATHIAS, Jr.,
RICHARD S. SCHWEIKER,
MILTON R. YOUNG,
Managers on the Part of the Senate.

SPECIAL ORDER ON INFLATION TODAY

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, at the close of business several of our colleagues and I have requested time for a special order on inflation to be conducted today. I invite Members to participate in a discussion of possible options that can be taken to deal with the devastating inflation that is now running at a frightening rate of 18 percent.

I was encouraged by a report in the New York Times today which reported President Carter as saying:

> We have reached a crisis stage in energy supplies and inflation.

It is gratifying to learn that at long last the President is acknowledging the urgency of the inflation problem. I was also pleased to learn that the President has begun to openly discuss wage and price controls. While he is currently expressing doubts about the feasibility of controls, he has taken a positive step by engaging in a public discussion of this vital option for taming inflation. While Mr. Carter insisted that wage and price controls "are out of the question for me," he has yet to advance a positive alternative. The President may soon think twice about this statement if he recalls the yardstick he used to measure the economic performance of Nixon and Ford in his 1976 Presidential campaign.

At that time the President used the "misery index"—a combination of the unemployment and inflation rate—to show how poorly past administrations performed. In a statement issued on September 14, 1976, Mr. Carter said the misery index under Ford "averaged almost 16 percent"—the highest since President Wilson. Based on the current 6.2-percent unemployment rate and the 18-percent inflation rate the misery index has topped that of Mr. Ford at nearly 25 percent.

I hope that my colleagues will join me later today for a discussion of action that must be taken to stop this devastating rate of inflation before the economic situation becomes an absolute disaster.

COMMITTEE FUNDING RESOLUTIONS ARE TOO HIGH

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. GLICKMAN. Mr. Speaker, the recommendations made by the Committee on House Administration for funds for various House committees have sparked considerable controversy and have generated criticism from the minority. Likewise, some members of the majority party have immediately jumped to defend the resolutions. I urge my colleagues on both sides of the aisle to look at each of the resolutions on their merits and not to respond in a knee-jerk fashion.

Yes, the increases proposed need to be carefully considered. I have done so, and there are a number of these resolutions that I will vote against because the proposed increases are much too large. After all, our first priority in the Congress must be to come up with a workable program to stop this skyrocketing inflation. One aspect of that policy has to be holding the line against unnecessary spending.

I am sure there is not a member of this body who has not stated publicly that wasteful Government spending needs to be eliminated in the fight against inflation. Today, we need to remember that our own budget is a part of Government spending, and if we are going to be willing to make cuts in programs that meet human needs and in programs that are intended to strengthen the national defense, we also need to do our very best to hold the line in our own spending.

At the same time, there are obvious areas where our committees will have increased responsibilities this year and will be tackling complicated problems. We cannot afford to tie their hands by using some mathematical formula to set their budgets—just as we cannot afford to do that elsewhere in the Federal budget. So, let us be careful as we assess these resolutions. It is not sound to make any decisions—including these—based on knee-jerk reaction one way or the other.

LEGISLATIVE PACKAGE INTRODUCED TO REMEDY INJUSTICES AND INEQUITIES OF SOCIAL SECURITY SYSTEM TOWARD WOMEN

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks).

Ms. OAKAR. Mr. Speaker, today I am introducing a six-bill legislative package which will remedy many of the injustices and inequities of the social security system toward women. A more detailed description of the problem and the bills appear elsewhere in today's RECORD.

Mr. Speaker, more than 1 year ago HEW, in a special report, declared that the inequities of the social security system toward women was an absolute fact. At that juncture, my very able chairman, Senator CLAUDE PEPPER, and subcommittee chairman JOHN BURTON of the Select Committee on Aging, appointed me the chairman of a special task force to look into the problems. Today's introduction of the legislation culminates the efforts of our task force. The social security system is experiencing a midlife crisis. The changing demographics of our society since the 1930's demand that the system accommodate the changing roles of women today. In the 1930's 10 to 15 percent of all women worked: Today more than 50 percent are part of the work force. In 1990 there will be 70 percent. We must accommodate the times.

PERSONAL ANNOUNCEMENT

(Mr. JOHN L. BURTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHN L. BURTON. Mr. Speaker, it was brought to my attention in the media as well as in the Congressional Quarterly that I will be running against myself in the next election. The film clips of me on the floor might be used in my campaign.

If that proves to be the case, this may well be my last speech on the floor, and they will not have JOHN BURTON to kick around any more.

□ 1510

MORE ANTINUCLEAR HYSTERIA

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, as a physician I was indeed interested in the scare headline a few days ago, in the Washington Post, that was echoed on TV and radio, implying that an abnormal incidence of hypothyroidism in three Pennsylvania counties in 1979 was due to Three Mile Island.

But on getting into the story, we see

that this scare—like all the antinuclear power scares—has not been substantiated by scientific facts.

Two of the counties affected are not anywhere near TMI, and medical experts trace the hypothyroidism discovered to genetic and other factors.

People in the vicinity of TMI did receive a total dose of between 8 and 20 millirems of radiation from tiny amounts of radioactive iodine. But Dr. Peter Beckmann points out that just by living in Boulder, Colo., he gets 220 millirems of radiation because the altitude is so high.

Right after the accident, one scientist said some cow's milk had 22 picocuries of radiation per liter. But this level is so low as to be absurd. To put this in a proper perspective Scotch whisky has 1,200 picocuries, and salad oil has 4,900 picocuries per liter.

I would like to suggest that my colleagues, who are truly concerned about radioactive exposure, should be careful at this evening's many cocktail parties.

REJECTION OF PROPOSED FUNDING INCREASES WOULD SAVE $4 MILLION

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, the House of Representatives has a chance to save American taxpayers well over $4 million today.

We can do this by rejecting the outrageous funding increases which have been proposed for House committees.

All but two of these funding resolutions call for increases which vastly exceed last year's inflation rate or the pay increase given to Federal employees.

Yet if we hold these increases to just 7 percent, we can save the taxpayers over $4 million.

Mr. Speaker, $4 million may seem like a drop in the bucket to bureaucrats and big spenders around here who dispense with our money by the billions.

But to American workers and taxpayers, a wasted $4 billion would be just one more indication that the majority in Congress is not yet serious about fighting inflation.

Mr. Speaker, let us take one step today toward restoring the confidence of the American people in Congress. Let us reject these unwarranted funding increases.

THE PRESIDENT'S ECONOMIC POLICIES

(Mr. STANGELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STANGELAND. Mr. Speaker, I come before the Members this morning quite dismayed at an article that I read on the front page of the Washington Post, and I would just like to quote from the first paragraph of that article, as follows:

> President Carter has strongly defended his basic economic policies in an interview, saying that they are sound and "suit me fine."

I would hope now that we could understand and I would hope the American people understand who is responsible for our economic policies, who is responsible for 18-percent inflation, and who is responsible for a 16½-percent prime interest rate. My senior citizens do not believe those economic policies are fine, I do not believe they are fine, my farmers do not believe they are fine, my small businessmen do not believe they are fine, my working people to do not believe they are fine, and my young people who would like to buy homes do not believe they are fine.

Mr. Speaker, I think if the gentleman from New York (Mr. WEISS) would like to deal with and tackle the problem of inflation, he might join us in trying to elect a Republican President, a Republican House, and a Republican Senate, and then we will give the American people an economic policy that will be fine.

PRICES AND PROFIT MARGINS INCREASE FOR "BIG OIL"

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, while the newspaper headlines trace the international developments day by day, we must not overlook the "page 2" articles. Page 2 articles in recent days have centered around the alleged noncompliance with the administration's voluntary price standard by 11 major oil companies. These apparent violations have allowed these companies to add $286 million to their third quarter earnings last year.

Adding insult to injury to the plight of the American consumer is Exxon. That big oil company announced that it will increase its wholesale gasoline price today by 4 cents a gallon. Needless to say, this increase will be passed along to the retail consumer.

A recent report by the Council on Wage and Price Stability has alleged that these 11 major oil companies have increased their profit margins by some 4.5 cents a gallon during the survey period. Of that amount, four-tenths of 1 cent, or 10 percent of this increase, was attributable to "probable noncompliance" with the anti-inflation standards. In addition, it must be noted that the average price of refined products rose in one year by 50 percent, from 40 cents a gallon to 63 cents a gallon.

With the Consumer Price Index currently advancing by 18 percent, how is even the middle-income family expected to make ends meet. The $15,000-a-year income earner is quickly becoming a member of the low-income community. We must more carefully scrutinize the activities of big oil.

AMENDMENTS TO FUNDING RESOLUTIONS NOT IN ORDER

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, today the House is scheduled to take up some spending or funding resolutions for the 20-odd committees of the House.

I would like to note that since 1954, the last year that the Republicans controlled this body, the increase in staff to run this institution has been 539 percent. It is just a tragedy that today the majority party is using a "steamroller," in the sense that we Members of the minority party do not even have a chance under the procedure that is being offered, to offer an amendment to strike some of the ridiculous, horrendous increases in staff spending that are proposed by these various resolutions during the next fiscal year.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Speaker, the gentleman would not be trying to tell the Chamber and the American public, would he, that the leadership actually changed the rules in such a way that we cannot get a vote on things like that?

Mr. DANNEMEYER. Mr. Speaker, that is exactly what the leadership of the Democratic Party has done to the minority party today. They are preventing us from even having an opportunity to let the Members vote on deleting or reducing the amounts in some of these ridiculous and horrendous spending resolutions.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield further?

Mr. DANNEMEYER. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Speaker, just last week the majority was arguing that the minority was thwarting the will of the majority by asking for a simple, direct vote. At least that is a direct request.

Mr. DANNEMEYER. Mr. Speaker, I can tell my esteemed colleague, the gentleman from Ohio, that the steamroller is rolling.

Mr. ROBERTS. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from Texas.

Mr. ROBERTS. Mr. Speaker, I appreciate the gentleman's yielding.

I am sorry this has become an issue involving all the committees. I think I chair one of the "tightest ships" in the House, the Veterans' Committee.

The SPEAKER pro tempore. The time of the gentleman from California (Mr. DANNEMEYER) has expired.

MINORITY BENEFITS BY INCREASED COMMITTEE FUNDING

(Mr. ROBERTS asked and was given permission to address the House for 1 minute.)

Mr. ROBERTS. Mr. Speaker, if I may have the attention of the gentleman from

California (Mr. DANNEMEYER), before the gentleman came here, we arrived at a solution that was demanded—and I think they were entitled to it—by the minority for representatives on every subcommittee equal to a percentage of the total community employees. So if we really want to know where the increase came from—and I say the minority was underrepresented before—it is because we have now given substantial help to the minority. If the gentleman will go back and check, he would find that to be true.

Mr. DANNEMEYER. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from California.

Mr. DANNEMEYER. Mr. Speaker, I am glad the gentleman brought that up. Will the gentleman tell me which committee he is speaking of?

Mr. ROBERTS. Mr. Speaker, every single committee or subcommittee in this House is entitled to certain clerk hire. The gentleman will not find one single subcommittee of the House where the ranking minority member of that subcommittee does not have staff. He did not have any staff before; all of it was majority.

Mr. DANNEMEYER. Mr. Speaker, I am glad my colleague pointed this out, that we are entitled to it. The expectation is in my heart, but the enjoyment is still beyond the horizon, because I would still point out to my esteemed colleague that the Members of the minority have by count 15 percent of the investigative staff and the majority has 807 or 85 percent. We have 145 or 15 percent. We have 36.67 percent of the Members of this House and we should be entitled to 36.67 percent of the investigative staff.

Altogether, the Republicans have been given 145 investigative staff. Since we have 36.67 percent of the Members and Delegates, Democrat investigative staff should therefore be 63.33 percent of the total investigative staff. If the Republicans have 145, the total investigative staff should be 395; 63.33 percent of this figure is 250. Actually, the Democrats have employed 807, which means we should reduce the Democrat total to 557. At an average salary of $22,989.56, this would result in a savings to the taxpayer of $12,805,185.

Mr. ROBERTS. Mr. Speaker, I think if the gentleman will go back and check, he will find the minority Members of this House asked for certain rules that were passed to require minority representation on staffs. We are obligated to fund those jobs.

The SPEAKER pro tempore. The time of the gentleman from Texas (Mr. ROBERTS) has expired.

SECOND ANNUAL REPORT REQUIRED BY NUCLEAR NONPROLIFERATION ACT OF 1978—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs.

(For message, see proceedings of the Senate of today, February 27, 1980.)

COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Public Works and Transportation; which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON PUBLIC WORKS
AND TRANSPORTATION,
Washington, D.C., February 21, 1980.

Hon. THOMAS P. O'NEILL,
The Speaker,
House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of the Public Buildings Act of 1959, as amended, the House Committee on Public Works and Transportation approved the following projects on February 21, 1980:

Alterations: San Diego, California, Federal Building; Huntington, West Virginia, Post Office and Courthouse.

Leases: Phoenix, Arizona; Milwaukee, Wisconsin; 20 Massachusetts Avenue, Washington, D.C.; 7735 Old Georgetown Road, Bethesda, Maryland.

11(b) Resolution: Redding, California.

The original and one copy of the authorizing resolutions are enclosed.

Sincerely,

HAROLD T. (BIZZ) JOHNSON,
Chairman.

There was no objection.

☐ 1520

CALL OF THE HOUSE

Mr. WEISS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 83]

Abdnor
Addabbo
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Anthony
Applegate
Ashbrook
Ashley
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Burton, John
Burton, Phillip
Butler
Byron
Campbell
Carney
Carr
Carter
Cavanaugh
Chappell
Cheney
Chisholm
Clausen
Clay
Cleveland
Clinger
Coelho
Coleman
Collins, Ill.
Collins, Tex.
Conable
Conte
Corcoran
Corman
Cotter
Coughlin
Courter
Crane, Daniel
Crane, Philip
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
de la Garza
Deckard
Dellums
Derrick
Derwinski
Dickinson
Dicks
Dingell
Dixon
Dodd
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Edgar
Edwards, Calif.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Tenn.
Forsythe
Fountain
Fowler
Frenzel
Fuqua
Gaydos
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Harris
Hawkins
Hefner
Heftel
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Holtzman
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Jenrette
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lederer
Lee
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McCormack
McDade
McEwen
McHugh
McKay
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Nedzi
Nichols
Nolan
Nowak
O'Brien
Oakar
Oberstar
Ottinger
Panetta
Pashayan
Patten
Patterson
Paul
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Preyer
Price
Pritchard
Pursell
Quayle
Quillen
Rahall
Railsback
Rangel
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roth
Rousselot
Roybal
Royer
Rudd
Russo
Sabo
Satterfield
Sawyer
Schroeder
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Simon
Skelton
Slack
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solomon
Spellman
Spence
St Germain
Stack
Stangeland
Stanton
Stenholm
Stewart
Stockman
Stokes
Stratton
Studds
Stump
Symms
Synar
Tauke
Taylor
Thomas
Thompson
Traxler
Trible
Udall
Ullman
Van Deerlin
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff
Wolpe
Wright
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

☐ 1530

The SPEAKER pro tempore (Mr. ROBERTS). Three hundred and eighty-five Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

□ 1540

DIRECTING THE ATTORNEY GENERAL OF THE UNITED STATES TO FURNISH CERTAIN INFORMATION TO THE HOUSE OF REPRESENTATIVES

Mr. RODINO. Mr. Speaker, I call up a privileged resolution (H. Res. 571) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 571

Resolved, That the Attorney General of the United States is directed to furnish to the House of Representatives, not later than thirty days following the adoption of this resolution, all evidence compiled by the Department of Justice and the Federal Bureau of Investigation against Members of Congress in connection with the Abscam investigation, and in addition, the total amount of Federal moneys expended in connection with the Abscam probe.

The SPEAKER pro tempore (Mr. ROBERTS). The gentleman from New Jersey (Mr. RODINO) is recognized for 1 hour.

Mr. RODINO. Mr. Speaker, this resolution would direct the Attorney General to provide the House with all the evidence compiled by the Department of Justice and the Federal Bureau of Investigation against Members of Congress in connection with the Abscam investigation. It would also have the Attorney General furnish the House with information on the amount of Federal funds spent on the Abscam operation.

The Committee on the Judiciary last week voted unanimously on the record to report this resolution adversely. The members of the committee clearly recognized the dangers inherent in the adoption of this resolution.

Its effect would be to subject the evidence in ongoing criminal investigations to public scrutiny; it would impede the progress of the Justice Department's investigation; it could also jeopardize basic civil liberties and constitutional rights with possible damage to the reputation of innocent persons

It is important that the Ethics Committee should be allowed to move forward with its own independent investigation concerning wrongdoing on the part of Members of Congress. This resolution would in no way assist the Ethics Committee to do so.

The actual purpose of the resolution is unclear. If its purpose is to ascertain whether the FBI and the Justice Department are generally following their guidelines for undercover investigations, it does not achieve it. If its purpose is to examine the policy bases of the guidelines which govern undercover operations, it does not achieve that purpose. And if its purpose is to review the conduct of the agencies, it does not achieve that purpose.

The resolution is ill-advised and inartfully drafted. It is the wrong tool to use for appropriate congressional inquiries into the undercover operations of the Department of Justice and the FBI, and specifically the Abscam investigations.

Let me assure this House that the policies of the Department of Justice and the FBI will be carefully examined by the Judiciary Committee. The committee's Subcommittee on Civil and Constitutional Rights, chaired by the distinguished gentleman from California, Mr. EDWARDS, will proceed on March 4 with hearings on undercover operations of the Justice Department and the FBI in connection with the Department's budget authorization for 1981.

The Subcommittee on Civil and Constitutional Rights is also vigorously pursuing hearings on the proposed FBI Charter, which include the topic of undercover operations.

Also, consistent with its responsibilities, the Judiciary Committee will conduct appropriate inquiries through both its oversight duties and its authorization process of the Justice Department's budget.

I must emphasize that, in my judgment, approving this resolution would not assist the conduct of our work or the independent work of the Ethics Committee.

I believe that the Judiciary Committee acted wisely in opposing this resolution and I ask that the House support the unanimous recommendation of the committee.

I believe, Mr. Speaker, that therefore the appropriate action to take on this resolution is to table this resolution.

I would, Mr. Speaker, call to the attention of the House a letter addressed to me by the Director, the Assistant Attorney General in Charge of the Criminal Division of the U.S. Department of Justice, Mr. Philip B. Heymann. I will not take the time of the committee to read the letter. I ask that it be inserted in the record in its entirety, together with its appendage from the Attorney General, Mr. Civiletti, responding to this question of the Peyser resolution. The letters and appendages are as follows:

U.S. DEPARTMENT OF JUSTICE, ASSISTANT ATTORNEY GENERAL,
CRIMINAL DIVISION,
Washington, D.C., February 19, 1980.

Hon. PETER W. RODINO, Jr.,
Chairman, Judiciary Committee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: You have requested the Department of Justice to set forth its position with respect to Mr. Peyser's resolution of February 7, 1980, which would direct the Attorney General to provide the House of Representatives with all of the evidence compiled thus far in the continuing "ABSCAM" investigation.

The Department vigorously opposes this resolution. Providing all of our evidence before it has been considered by a grand jury and been properly introduced in any ensuing criminal trial would seriously jeopardize the Department's ability to bring this investigation and any resulting prosecutions to a successful conclusion.

Mr. Peyser's resolution would have the extraordinary effect of directing us to reveal to the House as a whole—and to the public at large—the full body of our evidence. It must be clear that the Department would suffer grave damage in its ability to conduct grand jury investigations and prosecute any indictments if it is required to reveal prematurely to potential defendants and potential witnesses the body of its evidence. The fact-finding process in this continuing criminal investigation would be severely obstructed, if not totally undermined, if there were premature revelation of all of the Government's evidence at this time. Not less important, a wholesale disclosure of evidence which has not yet been fully sifted through or evaluated, also threatens to cause grave and unwarranted pretrial publicity to potential defendants and would injure the reputations of innocent people who may be involved in no ethical or legal impropriety.

Preparation for grand jury proceedings is now ongoing. The Department is seeking to complete the grand jury investigations and to decide whether indictments are warranted in most of these cases within 90 days. Not the least effect of the resolution's demand for a turnover of all evidence would be to require the Department and FBI to interrupt the urgent work of obtaining and evaluating evidence in these cases in order to undertake the massive physical task of duplicating voluminous evidence assembled in four different U.S. Attorneys' offices around the country.

The Attorney General has previously communicated to the Chairman of the House Committee on Standards of Official Conduct his concern that a turnover of evidence to that committee before grand jury proceedings and any criminal trials have been completed would be seriously disruptive to the criminal justice process. A copy of the Attorney General's letter to Chairman Bennett is enclosed herewith. Those concerns are magnified all the more by the proposed turnover of evidence to the House as a whole. We have also attached a brief memorandum outlining some of the legal difficulties that could be presented if the Department is required to make public all of its evidence in the ABSCAM investigation at this time.

The public expects that the criminal justice process will be applied evenhandedly to all persons. In light of that expectation, we see no justification for a massive public production of the Department's evidence in this investigation until the criminal justice process has had a chance to work. It is essential that the Congress neither inadvertently jeopardize the successful prosecution of any individuals who are guilty of criminal conduct, nor jeopardize fair treatment of those who are innocent.

Sincerely,

PHILIP B. HEYMANN,
Assistant Attorney General, Criminal Division.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., February 6, 1980.

Hon. CHARLES E. BENNETT,
Chairman, Standards of Official Conduct Committee, House of Representatives, Washington, D.C.

DEAR CHAIRMAN BENNETT: Yesterday you requested the general position of the Department of Justice concerning the conduct of an investigation by your Committee simultaneously with the nearly completed criminal investigation into allegations of serious misconduct by certain Members of Congress which were prematurely revealed in the press last weekend.

As a preliminary matter, I deplore the unauthorized and unwarranted dissemination to the press of charges which have not even been scrutinized by a grand jury, much less proved in a court of law. The improper conduct of those who disclosed this information and the resulting widespread identification of individuals has damaged the reputation of persons who have not yet received due process. I have directed that there be an immediate, serious and intense investigation of the disclosures to determine, if possible, the sources of the leaks; and I will take appropriate action against those found to be responsible.

The Department of Justice is opposed to a simultaneous full investigation of these matters by the Standards of Official Conduct Committee. It appears to us that deferral of this Committee's full investigation pending completion of the grand jury stage of the criminal process is the only sound and fair course. Parallel investigations inevitably pose serious problems to both sets of investigators. In order to protect the integrity of the criminal process, to permit us to prosecute the guilty and to protect the innocent, we urge this Committee to defer its investigation until the completion of any criminal trials which may result from the outstanding allegations or until determinations have been made in certain cases that no indictments are warranted.

Assistant Attorney General Heymann, who is responsible for coordinating the criminal investigations, will appear before you today to explain more fully the reasons for our position.

Simply stated, we are gravely concerned that simultaneous investigations, under the particular circumstances of this matter, could severely impede our ability to secure convictions of those guilty of criminal offenses. Our criminal investigation began approximately one and a half years ago. We expect that indictments can be returned in a number of cases within the next 90 days. If a Congressional investigation were commenced based on the evidence obtained by the Department for the criminal process during this period, we will be beset by a number of serious and potentially insuperable problems. The truth-finding process will be hindered by a lack of coordination in developing the evidence. Conflicting demands will be made on potential witnesses and custodians of documents. There is a clear threat that evidence which would otherwise be received in the grand jury process, will be adduced in public, permitting others to alter or tailor the testimony they might otherwise have given. There is a serious risk that production of heretofore confidential government evidence may result in adverse publicity which could make it more difficult for a defendant to receive a fair and timely criminal trial and which could even result in the dismissal of charges. There may well be problems proving that evidence offered in a criminal trial did not stem from the testimony of witnesses immunized by this Committee. Finally, a simultaneous full investigation by this Committee would disrupt the normal criminal pre-trial discovery process. In short, if this Committee were to begin a full investigation before we have had a fair opportunity even to complete our criminal investigations, a number of guilty individuals may go unprosecuted or unpunished, and innocent ones may be more severely prejudiced.

No prejudice will result to the individual Congressmen involved, this Committee or the Congress as a whole from deferring an investigation by this Committee. All evidence will be preserved and will be available to this Committee at appropriate times when there will no longer be jeopardy to the criminal process and fair trial considerations. We expect that the criminal process can be completed relatively expeditiously, and we intend to take every step to insure that result. Indeed, completion of the criminal process will permit this Committee to avoid unnecessary duplication of effort and confusion since it may help to identify those individuals who should be investigated for disciplinary action and those who should be spared further inquiry.

We fully appreciate the readiness and willingness of this Committee to undertake its responsibility to investigate the allegations of misconduct by certain Members of Congress. We have complete confidence in the objectives and procedures which this Committee brings to this difficult task. You may be assured that at the proper time the Department is prepared to cooperate fully with the Committee and to provide all needed information so long as it can be done within the constraints of law and without jeopardizing any possible criminal proceedings. It is my firm judgment that the confidence of the public in law enforcement and in the ability of Congress to hold its members to the highest standards of integrity will be best served by this course.

Sincerely,

BENJAMIN R. CIVILETTI,
Attorney General.

MEMORANDUM OF THE DEPARTMENT OF JUSTICE REGARDING LEGAL PROBLEMS THAT COULD BE CREATED BY PREMATURE DISCLOSURE OF EVIDENCE RELATING TO THE ABSCAM INVESTIGATION

This memorandum is submitted in response to proposed H. Res. 571 (the Peyser resolution), which would direct the Department of Justice to furnish to the House of Representatives within 30 days all evidence compiled by the Department and the Federal Bureau of Investigation against Members of Congress in connection with the Abscam investigation. In this memorandum we have outlined some of the legal problems that would be presented if the Peyser resolution were adopted and the Department were required to produce the materials requested under that resolution.

Briefly, we believe that production of the evidence developed in the course of the Abscam investigation would seriously impede possible criminal prosecutions stemming from this investigation. It would do so in three important respects: (1) it would lead to premature disclosure of evidence against potential defendants, thus making further development of evidence in this case much more difficult; (2) it would likely lead to widespread publicity regarding the details of the evidence against prospective defendants, which would make it more difficult to ensure that any subsequent criminal trial could be conducted free from the effects of that publicity; and (3) it could well pose specific problems for any criminal prosecution that might subsequently be brought; if, for example, any targets of criminal prosecution should give immunized testimony before a Congressional committeee, subsequent criminal prosecutions could be tainted by exposure to that immunized testimony.

1. *Premature Disclosure of Evidence*. The Abscam investigation has been in progress for approximately 18 months. It is expected that indictments in the case, if any, will be returned within approximately 90 days. This 90-day period, although brief, is quite important to any prosecutions that may be brought. It is during this period that the cases will be presented to grand juries. Witnesses and targets will have an opportunity during this period to testify or otherwise inform the Department about their knowledge of or involvement in the matters under investigation. In order to maximize the prospect of obtaining truthful information, it is essential that the Department's evidence with respect to each of the transactions under investigation not be fully accessible to the witnesses. If witnesses or targets of the investigation have access to all the evidence, witnesses who have an interest in not providing truthful information may be able to escape detection because they will know precisely where the gaps in the Department's evidence will permit them to dissemble.

Preindictment proceedings have traditionally been conducted in secret, and for good reasons. Besides the risk of tailored testimony referred to above, there are a number of other concerns that counsel secrecy with respect to evidence presented to a grand jury. As the Supreme Court has recently noted, "if preindictment proceedings were made public, many prospective witnesses would be hesitant to come forward voluntarily, knowing that those against whom they testify would be aware of that testimony. Moreover, witnesses who appeared before the grand jury would be less likely to testify fully and frankly, as they would be open to retribution as well as to inducements. There also would be the risk that those about to be indicted would flee, or would try to influence individual grand jurors to vote against indictment. Finally, by preserving the secrecy of the proceedings, we assure that persons who are accused but found innocent by the grand jury will not be held up to public ridicule." *Douglas Oil Co.* v. *Petrol Stops Northwest*, 441 U.S. 211, 219 (1979).

To disclose the evidence that the government intends to present to the grand juries with respect to the Abscam investigation would offend many of these interests. To be sure, the investigation has no doubt already been damaged by the unfortunate disclosures that have been revealed in the media to date. But the additional disclosures that would likely accompany production of the Department's evidence in response to the Peyser resolution would exacerbate this problem and further compromise the investigation as well as the other interests served by preindictment secrecy.

In addition to impeding the investigation, premature disclosure of the Department's evidence would put the prosecution at a distinct disadvantage at trial. In part out of concern about the risk of tailored defenses and improper influences on witnesses, Congress has restricted the scope of pretrial discovery in criminal cases. See F.R. Crim. P. 16: 18 U.S.C. 3500. See also H.R. Rep. No. 94–414 (Conf. Rep.), 94th Cong., 1st Sess. 12 (1975). A defendant ordinarily is entitled to only limited pretrial disclosure of the government's evidence against him. Where discovery is provided, it is often made reciprocal, so that if the defense wishes to obtain discovery, it must provide discovery to the government as well. See F.R. Crim. P. 16(b). But to require the production of all the Department's evidence in connection with the Abscam investigation prior to trial in any cases that may result would give the prospective defendants a complete overview of the evidence they would be faced with at trial, without providing any reciprocal discovery to the prosecution.

2. *Prejudicial Pretrial Publicity*. Any criminal proceeding that generates great public interest encounters the problem of pretrial publicity. The Abscam investigation has already generated intensive media interest. If specific items of evidence are disclosed, such as videotaped conduct by prospective defendants, it can fairly be expected that such evidence would obtain very wide media dissemination. That kind of publicity could prejudice the defendants' rights to a fair trial, as well as the prosecution's interest in a proceeding free from the risk of contamination by undue publicity.

The Supreme Court has repeatedly emphasized that a defendant in a criminal proceeding is entitled to a trial that has not been contaminated by inflammatory and prejudicial publicity. *Murphy* v. *Florida*, 421 U.S. 794, 799–800 (1975); *Rideau* v. *Louisiana*, 373 U.S. 723 (1963); *Irvin* v. *Dowd*, 366 U.S. 717, 722 (1961). In the federal system, prejudicial pretrial publicity may cause reversal of a conviction even where the publicity does not rise to the level that it can be said to deny a defendant due process of law. *Marshall* v. *United States*, 360 U.S. 310, 313 (1959); *Murphy v. Florida, supra*, 421 U.S. at 803–804 (Burger, C. J., concurring).

A case that well illustrates the dangers created by publicity arising from legislative hearings is *Delaney* v. *United States*, 199 F. 2d 107 (1st Cir. 1952). In *Delaney*, an Internal Revenue Service agent was indicted for taking bribes and making false statements in his capacity as Collector of the Internal Revenue in Massachusetts. After his indictment, but before his trial, the House Subcommittee on Administration of the Internal Revenue Laws held hearings on Delaney's alleged official misconduct. The hearings generated what the court referred to as "flamboyant" nationwide press coverage, at the end of which, the court said, it was "fair to say that, so far as the modern mass media could accomplish it, the character of Delaney was pretty thoroughly blackened and discredited as the day approached for his judicial trial on narrowly specified charges." 199 F. 2d at 111. Because the extensive publicity that the case generated had not subsided by the initial trial date, the district court granted a one-month continuance. However, at the end of that time the court denied a motion for a further continuance, even though the prejudicial effect of the publicity lingered.

Delaney was convicted, but the court of appeals reversed. It held that the trial court erred in conducting the trial at a time when the hostile atmosphere created by the publicity had not fully subsided, 199 F. 2d at 115. The fact that the publicity arose from legitimate legislative proceedings did not persuade the court of appeals that the taint was any more tolerable. The court wrote:

"If the United States, through its legislative department, acting conscientiously pursuant to its conception of the public interest, chooses to hold a public hearing inevitably resulting in such damaging publicity prejudicial to a person awaiting trial on a pending indictment, then the United States must accept the consequences that the judicial department, charged with the duty of assuring the defendant a fair trial before an impartial jury, may find it necessary to postpone the trial until by lapse of time the danger of the prejudice may reasonably be thought to have been substanially removed." 199 F. 2d at 114.

As *Delaney* illustrates, the publicity that would inevitably accompany any public disclosure of the government's evidence in this case, whether in the course of legislative hearings or otherwise, could render it difficult to conduct criminal proceedings in the Abscam cases for some time to come. And it is with respect to cases such as these that the interest in a speedy trial is the greatest. Persons who have been charged in highly publicized proceedings with serious misconduct are entitled to see that justice is done without undue delay; and Congress is no doubt best served by having the matter put to rest as quickly as can be done consistent with the rights of the defendants to fair trials.

Beyond the general prejudice that would likely flow from the disclosure of the government's evidence against prospective defendants, the peculiar nature of much of the evidence in this case poses a particularly serious risk of prejudice. The evidence includes videotapes of prospective defendants. If the videotapes were publicly revealed during hearings or released to the press, the consequences could be enormously damaging to any subsequent prosecution, because of the particularly prejudicial nature of videotape evidence.

In *Rideau* v. *Louisiana, supra,* the Supreme Court reversed a conviction on grounds of prejudicial pretrial publicity because the defendant's conviction had been filmed and shown on local television several times prior to the trial. The public display of the film was so inflammatory, the Court held that it was impossible to suppose that the defendant could have received a fair trial before jurors located within the radius of those broadcasts. If the videotapes involved in this case were revealed prior to trial, they would most likely be broadcast nationwide, and would thus pose very difficult problems of overcoming the prejudicial effect of the publicity.

We recognize that there is already widespread publicity regarding the Abscam investigation and that such publicity is not necessarily fatal to subsequent prosecutions. *United States* v. *Capo,* 595 F. 2d 1086 (5th Cir. 1979); *United States* v. *Haldeman,* 559 F. 2d 31 (D.C. Cir. 1976). Yet there is no reason to increase the danger of prejudice by disclosing the highly inflammatory evidence at issue in this case. Thus, it is in the interests of both the potential defendants and the prosecution to minimize the pre-trial release of the evidence now in the Department's possession. And in light of the dangers that such release would pose to successful prosecution of any cases that may develop from the Abscam investigation, we believe that it is in Congress' interest as well.

3. *Risks Associated with Immunizing Targets of the Criminal Investigation.* Aside from the problems of impeding the investigation and increasing the risk of prejudicial pretrial publicity, disclosure of the Department's evidence in the Abscam investigation could prejudice future criminal prosecutions in several specific ways. Perhaps most significantly, if the House should grant immunity to compel the testimony of a prospective defendant, the immunity grant would make subsequent prosecution of that defendant extremely difficult. See *Kastigar* v. *United States,* 406 U.S. 441 (1972). The case of Gordon Strachan, one of the defendants indicted in the Watergate case, illustrates the problems that could flow from a grant of immunity to a prospective defendant.

In July 1973, Strachan invoked the privilege against compulsory self-incrimination before the Senate Select Committee on Presidential Campaign Activities. The Committee obtained an immunity order to require him to testify, and although he testified in executive session before the Senate committee, the media obtained accounts of his testimony and reported the contents of that testimony widely. The Watergate Special Prosecutor immediately filed in the district court a sealed "Memorandum of Evidence" against Strachan, so as to protect as well as possible against subsequent claims that its case against Strachan was tainted by information obtained through exploitation of his immunized testimony. See *United States* v. *Mitchel,* 384 F. Supp. 562 (D.D.C. 1974). However, because the case against Strachan had not at that point been fully developed, the Memorandum contained mainly the names of persons yet to be interviewed and a list of grand jury proceedings. See Strachan, *Self-incrimination, Immunity, and Watergate,* 56 Texas L. Rev. 791, 814–815 & n. 107 (1978). Strachan was later indicted for the conduct about which he had testified before the Senate Committee. He filed a motion to dismiss the indictment, based on his grant of immunity and his immunized testimony. Although in the subsequent proceedings the court found that the government had made a prima facie showing that its evidence against Strachan was untainted, see *United States* v. *Mitchell,* 384 F. Supp. 562, 563 (D.D.C. 1974), Strachan's indictment later was dismissed on the Special Prosecutor's motion. Among the reasons for the dismissal was the Special Prosecutor's judgment that the taint issue was a substantial one on which Strachan eventually might prevail. See Motion and Order to Dismiss Charges against Gordon Strachan Pursuant to Rule 48(a), Mar. 10, 1975, in *United States* v. *Mitchell,* Crim. No. 74–110 (D.D.C. 1974).

It is not impossible, of course, for the government to overcome a claim that prior immunized testimony has tainted a criminal prosecution. See *United States* v. *Romano,* 583 F. 2d 1 (1st Cir. 1978). But the burden on the prosecution to disprove taint is a heavy one, see *Kastigar* v. *United States, supra,* 406 U.S. at 460–462, and any grant of immunity to a prospective defendant would at minimum create serious litigation difficulties for criminal cases that may be brought.

4. *The Proper Order of Proceedings.* In cases involving parallel criminal and noncriminal proceedings, the courts have recognized that it is normally appropriate for the criminal proceeding to be disposed of first. See *United States* v. *Kordel,* 397 U.S. 1, 12 n. 27 (1970); *Campbell* v. *Eastland,* 307 F.2d 478, 487 (5th Cir. 1962); *United States* v. *Mellon Bank, N.A.,* 545 F.2d 869 (3d Cir. 1976); *Wood* v. *Breier,* 54 F.R.D. 7, 11 (E.D. Wis. 1972). There are several reasons for this general rule. First, the defendant and the public enjoy a constitutionally based right to a speedy trial in criminal cases. See *Barker* v. *Wingo,* 407 U.S. 514, 519 (1972). Any interference with the criminal proceeding that may result from parallel civil, administrative or legislative actions impairs the interest in speedy disposition of the criminal case. Second, differences in the kinds of discovery available in criminal cases and other proceedings can lead to unfair advantage to one side or the other, depending on the circumstances, if the criminal case is not disposed of first. And finally, if the civil or disciplinary action precedes the criminal case, the defendant can be seriously and unfairly disadvantaged in that action by the need to avoid taking a position that could prejudice him in the subsequent criminal case. For example, in order to avoid prejudicing his defense in the criminal case, a prospective defendant may be forced to invoke the privilege against compulsory self-incrimination in the civil or administrative proceedings.

Particularly in widely publicized proceedings, such as legislative hearings, the pendency of a criminal prosecution could thus unfairly burden the subject or subjects of the legislative hearing in seeking to present their side of the story. By the same token, the legislative body would be less likely to get full cooperation from subjects and witnesses prior to the disposition of the criminal cases, and its inquiry would thus be less likely to be fully effective.

In sum, while the matters raised by the Abscam investigation are plainly appropriate for Congressional inquiry, a requirement that the Department produce all its evidence to the House at this time would pose severe risks to the successful completion of the investigation and to the fair and orderly disposition of any criminal charges that may be brought as a result of the investigation.

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Mr. Speaker, I must emphasize that approval of this resolution would not assist the conduct of our work or the independent work of the Ethics Committee.

I believe the Judiciary Committee acted wisely in opposing this resolution and I ask that the House support the unanimous recommendation of this committee.

Mr. McCLORY. Mr. Speaker, I likewise rise in opposition to the Peyser resolution.

Mr. Speaker, the Judiciary Committee unanimously opposes House Resolution 571. We do not oppose the principle that this body is in due course entitled to information concerning the so-called Abscam investigation. But this resolution is not selective in the evidence it demands. It demands all evidence. Nor is the resolution well timed. It demands the evidence within 30 days, well before the grand jury process has run its course. It thus offers a very clumsy solution to a very delicate problem.

The big trouble with this resolution is that it would taint the reputation of the innocent while it would obstruct the prosecution of those who the Department feels are guilty. Thus in opposing the resolution it should be clear that we are not blind to our own constitutional responsibilities. But there are better ways of meeting our responsibilities than by damning the innocent and freeing those that may be guilty.

There is no better way for us in this House to frustrate the Abscam investigation than to conduct a parallel investigation in this body simultaneously.

There may be some Members who feel that our Judiciary Committee made the wrong choice in protecting the criminal process at the expense of delaying the congressional investigation. But all I can say is that the recent record of the Department of Justice in prosecuting Members of Congress has been quite good. In my view, it has acted courageously and forthrightly. In contrast, this body has reacted to its hallowed responsibilities with anguish and timidity. Any objective evaluation of remedies in this context would have to favor the criminal process rather than the congressional process.

Fortunately, however, if we act with appropriate restraint, both processes can work their respective courses. The criminal process should not be thwarted. Indeed, it should have priority in its timing because it is the more effective sanction as well as the more vulnerable to disruption. The Attorney General has assured me that the Justice Department will act expeditiously in its investigation and thereafter will cooperate with the congressional inquiries. So it is possible to allow both processes to work as they should if we refrain from precipitous action such as that embodied within House Resolution 571.

□ 1550

Mr. Speaker, I now yield for purposes of debate only such times as he may consume to the gentleman from Illinois (Mr. Hyde).

Mr. HYDE. Mr. Speaker, I think this resolution is a cry of political embarrassment rather than a reasoned response to the FBI's successful congressional sting operation. We do have a Department of Justice that has been relentless in prosecuting Congressmen of recent memory. We have a Committee on Standards of Official Conduct that is made up of some of the premier Members of this House.

So, to turn over all of the evidence to this House, it seems to me, would constrict the course of justice. Explicit in this resolution is a spirit of accountability. This resolution calls for the FBI to tell us just how much money was spent in this Abscam operation. Well, this penny-pinching spirit is laudable indeed. I wish we could apply it to HEW or HUD as well as to the Department of Justice.

We have read stories and editorials and statements criticizing the sting operation of the FBI; a heightened sensitivity to due process seems to have developed among many people who were Watergate crusaders not so long ago. This spirit was strangely missing while we were wallowing in the mudbath that Watergate gave us month after month after month after month.

It would be my view that this House as a body is not capable of cleaning its own stable. We could not even get a vote on the question of expulsion of one Member who has been convicted on 29 felony counts. I might point out that the chief sponsor of this resolution was prominent among those that voted to table that effort to get a vote on that expulsion issue. So I would suggest his credentials as a congressional bounty hunter are less than overwhelming.

I think this resolution is more public relations than substance. It can obstruct the course of justice, the grand jury, and our own Committee on Standards of Official Conduct. It did not get a single vote in the Judiciary Committee. It should not get a single vote here.

Mr. SAWYER. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Michigan.

Mr. SAWYER. I thank the gentleman for yielding.

I just want to comment as a lawyer who has done some trial work that there is no better ammunition to give the defense in a criminal case than to spread the prosecution's witnesses on many records. No witnesses telling the truth can tell exactly the same story each time. He progressively remembers new things he had not remembered before or realizes he had not answered a question the way he should have answered it. So, armed with that kind of apparent contradiction on relatively inconsequential things, a skilled defense lawyer can be very devastating on the credibility of the witness. So I am very sympathetic with the Justice Department wanting to resist that kind of an operation.

Mr. HYDE. I thank the gentleman and yield back the balance of my time.

Mr. RODINO. Mr. Speaker, I yield for purposes of debate only 5 minutes to the gentleman from New York (Mr. Peyser).

Mr. PEYSER. Mr. Speaker, first of all let me thank the chairman of the committee for granting me this time and to say I hold all of the members of the Judiciary Committee in very high regard. I regret the remarks of my friend from Illinois who felt this was a publicity seeking thing. I chose not to have his words taken down because I really did not believe he meant that was my motivation.

Now, my colleagues I do want you to know what my motivation is on this issue. In the 8 years that I have served in this House, both as a Republican and a Democrat, I have known no group of men or women that I hold in higher regard, who I think are more dedicated and who try more to do a decent job for the people they represent. However, that opinion is not shared by the public. In fact, fewer than 18 percent of the public seem to think that we are worthwhile at all. Just the other day in a poll nearly 30 percent of the people polled felt that any Member of Congress would take a bribe if offered. I do not believe that for a minute.

What I am trying to prove, and my purpose is not at all to investigate any FBI agency or to find out what they did or did not do on this particular issue, my reason for doing this is for the Congress to find out whether these Members who have been accused, no evidence, but simply accused publicly by leaks of the Justice Department, whether those Members should continue serving in this body, because if they are guilty, and we have a constitutional right of determining that under the rules of the House, if they were to be guilty, in my opinion, they should not be a part of this body. I think there is a time in our history when this Congress should act on its own.

I do not know how my colleagues would feel, but I would rather, if I had to, if I were guilty of a crime, I would rather serve 6 months or a year in jail than to be expelled from this House of Representatives by the Members, by my colleagues. It is for that reason that I think we ought to have this information.

The Attorney General's office says to me 90 days, for the Grand Jury, may be 4 to 5 months, after that the trial, and we are now talking about October. What are we going to do in October? We are not going to do anything. Why do we not have the guts to say we want to know the facts, we have the constitutional right of knowing.

Incidentally, the Attorney General and the Justice Department has indicated that if we pass this resolution they will not give us the information anyway. I say then let us go to court and let the court decide whether we have the right to have this information. I think the public will side with everyone of us who says that the Congress has finally got the courage and the guts to try to do something about its own membership and prove its integrity. I would certainly hope that we have that kind of courage.

□ 1600

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from Illinois.

Mr. HYDE. I thank the gentleman for yielding.

Before the gentleman finishes, I do want to clarify any ambiguity. I do not question the gentleman's motives. The implications, it seem to me, are public relations, but I am sure the gentleman acted out of sincere convictions, and I do want to clarify the record.

Mr. PEYSER. I appreciate that comment.

Mr. BEARD of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from Tennessee.

Mr. BEARD of Tennessee. I thank the gentleman for yielding. I agree with what the gentleman from Illinois said, but the thing that somewhat befuddles me is how does the gentleman explain the difference between this resolution and the vote that we had several months ago, at which time the gentleman from New York voted "No," requesting an hour's debate to debate the expulsion of a Member who had been convicted of 27 felonies?

Mr. PEYSER. I would say to the gentleman, because my time is very limited, I do find a very distinct difference in both what was involved in that issue and what is involved in this issue, which is talking about selling the authority of this Congress. I will not take the time to discuss it now.

I would like to say one other thing. The Department of Justice is supposed to be the protector. Today on the front page of the Times I notice another story of a leak on this case dealing with a Member in the other body, we are going to be faced with this every day for 3 or 4 months unless we are willing to act.

Mr. BAUMAN. Mr. Speaker, will the gentleman yield?

Mr. PEYSER. I will be glad to yield to the gentleman from Maryland.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RODINO. I yield 1 additional minute to the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. I yield to the gentleman from Maryland.

Mr. BAUMAN. I appreciate the gentleman's yielding to me for this question, but it arises in the same vein as that of the gentleman from Tennessee (Mr. BEARD). If a majority of this House will not vote to expel a convicted felon, how are they going to vote to expel seven people who have not even been indicted?

Mr. PEYSER. I think we are at a time in our history of a crisis both internationally and in this country where the public is looking to us for leadership, and I am hoping the Congress will have the courage to act with integrity and determination to clear the air on this issue.

I thank the chairman for yielding and giving me this time, and I yield back the remainder of my time.

Mr. RODINO. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. BENNETT), the chairman of the Committee on Standards of Official Conduct.

Mr. BENNETT. Mr. Speaker, I rise in opposition to the Peyser resolution. The statement that I am now going to make has been approved by the special counsel of the committee. I rise to state the views not only of myself, but also of the Committee on Standards of Official Conduct, with regard to the pending motion to table the resolution of injury proposed by Mr. PEYSER.

At a meeting held on February 20, the Committee on Standards of Official Conduct voted unanimously to support tabling of this resolution of inquiry. Our reason, simply stated, is that the resolution is premature at this time. Our committee is currently proceeding expeditiously with its own inquiry into these matters. We have retained special counsel, and he is now in the process of negotiating with the Department of Justice in order to obtain access to the evidence the House will need to proceed with its constitutional duty to consider the discipline, expulsion, or exoneration, as the case may be, of its own Members. Under these circumstances, we feel it is inappropriate at this time to pass a resolution demanding materials which the Department of Justice may agree voluntarily to provide to us, or which it may not be necessary for us to have in the light of all the materials we do obtain, from whatever sources.

We wish to emphasize, however, that in our view the tabling of this resolution in no way should preclude the House from reconsidering this matter if it appears at a later date that the Department of Justice is not cooperating with the House inquiry. That situation has not been faced by our committee, and it should not be precipitated unless and until it becomes necessary to do so. Our committee reserves the right in the event of such a lack of cooperation to issue subpenas or take any other action necessary to allow our committee to proceed with its investigation. I emphasize, however, that no final decision has been made in that regard, since it may not be necessary.

Our committee is hopeful, Mr. Speaker, that a method can be found whereby the Department of Justice and this House can each proceed with the performance of its respective duties. We do not wish to interfere with any potential criminal prosecutions. At the same time, we must proceed promptly to fulfill our own constitutional duty to investigate and resolve the very serious charges that have been leveled against some of our Members.

So long as it appears that the Department of Justice may be willing to reach agreement with us on these matters, we believe that the resolution of inquiry is premature and should be tabled. If, however, the Department ultimately refuses to provide voluntarily to the House the materials we need and to which we feel we are entitled, we may then be in a position of recommending that the House take further appropriate action.

I would like to add less formally that I think the American people have a right to believe that every American citizen, whether a Member of the House of Representatives or not, is equally treated under the law, and if he violates a criminal statute, he should have brought to bear upon him the possibility of being put in jail, or the possibility of being fined, or what have you. If we proceed precipitously in this matter and imperil the criminal cases we may well preclude the possibility of these people, whoever they may be, who may be or who may not be guilty, having that justice applied to them as it would to every other American citizen.

We do have a right to protect the rights of the rules and regulations of the House of Representatives and the responsibility to do that, but we should not use that in a way which could preempt the possibility or even create the probability that a person might not be brought to justice like every other American citizen. For that reason, I strongly believe that the Peyser resolution should be tabled at this time. We could bring it up at another time, if we wish to do so.

Mr. McCLORY. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I strongly support the statements that have been made by the distinguished gentleman from New Jersey (Mr. RODINO) and the distinguished gentleman from Florida (Mr. BENNETT) as I am the only Member of the House of Representatives who serves on both the Committee on the Judiciary and the Committee on Standards of Official Conduct. This resolution should be tabled. If it is not tabled, it should be rejected.

There is no question in my mind that the release of the information in the form which is called for by this resolution would prejudice the criminal trials of those who stand accused. Members of Congress should stand before the bar of justice in no different manner than any other citizen who has been accused of a crime after being indicted by a grand jury.

The Committee on Standards of Official Conduct has conducted its investigation with precisely those principles in mind. As the gentleman from Florida (Mr. BENNETT) has explained, our Special Counsel is in the process of negotiating with the U.S. Department of Justice for a sharing of the information.

Under article I, section 5, of the Constitution this House has the exclusive constitutional obligation to impose discipline on its own Members, and unfortunately a criminal conviction of a Member of Congress does not alter the status of such a Member until the House takes action. For this reason we cannot afford to let months or years go by before the House of Representatives takes action, should the cases be proven against any of the seven Members of this body who stand accused.

However, I agree with the gentleman from Florida (Mr. BENNETT) and the gentleman from New Jersey (Mr. RODINO) that the passage of this resolution at this time is premature. It will harm not only the Department of Justice's prosecution but the inquiry of the Committee of Official Conduct into this matter. At the same time everybody should be placed on notice that the Committee on Standards of Official Conduct retains the right to subpena the evidence should such action be necessary at some time in the future.

Mr. PEYSER. Mr. Speaker, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from New York.

Mr. PEYSER. I thank the gentleman for yielding. The gentleman said, I believe, that he felt that at some point if the evidence were not forthcoming, the Ethics Committee was going to request this of the Department of Justice. The Department of Justice through its Attorney General yesterday or the day before in the Senate indicated to their committee that they would make no information available for at least 90 days, and that then, of course, we have the trial, which they projected to be 4 or 5 months if there were indictments. At what point does the gentleman feel this committee would want to request information?

Mr. SENSENBRENNER. I really cannot project exactly when the point would be since our counsel is in the process of negotiating with the Department of Justice at the present time. If the negotiations fall down and if the Department of Justice adopts a position of stonewalling the Ethics Committee, I certainly believe that the Ethics Committee would view favorably a motion to subpena the records. But let me state to the gentleman from New York that if the records are subpenaed and the Department of Justice resists such a subpena, it will be at least until December of 1981 before a Supreme Court decision is obtained, and in the meantime the defense counsel for those who might be indicted would attempt to delay the proceedings in a criminal court.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. McCLORY. I yield 1 additional minute to the gentleman from Wisconsin (Mr. Sensenbrenner).

Mr. Speaker, will the gentleman yield?

☐ 1610

Mr. SENSENBRENNER. I yield to the gentleman from Illinois.

Mr. McCLORY. As the gentleman from New York pointed out, if his resolution were acted upon favorably here, the Justice Department would not comply with it, so it would be a frustrating action, if we took that action.

Furthermore, Mr. Speaker, as I made clear in my statement, and as the gentleman from New Jersey (Mr. Rodino), the chairman of the committee, made clear in his statement, the Department of Justice has assured us that they are going to act expeditiously, that they are going to act promptly so that those who may be innocent are going to be exonerated and those who may be charged are going to be charged promptly. Accordingly, the Peyser resolution if adopted would have the effect of delaying and frustrating the entire process.

Mr. Speaker, it seems to me it would be counterproductive for us to act favorably on the resolution. Instead, we should support the motion to table the Peyser resolution.

Mr. SENSENBRENNER. The message which should go forth today is that cooperation rather than confrontation will serve not only interests of the House of Representatives but also the interests in expediting the criminal prosecutions.

Mr. McCLORY. Mr. Speaker, I yield 2 minutes for purposes of debate only to the gentleman from New York (Mr. Fish).

Mr. FISH. Mr. Speaker, leaks are always insidious and I am certainly not unmindful of the damage to the reputations of our colleagues which I sincerely regret. However, the damage has occurred.

Mr. Speaker, I reserve judgment as to whether or not crime in these cases was in fact manufactured. However, it will not be possible to know until the evidence is introduced. To provide all the evidence to the Congress at this time would clearly prejudice the criminal proceedings. The unanimous vote in the House Committee on the Judiciary of 27 to 0 was in favor of the primacy of the Department of Justice criminal proceedings. The Justice Department is held to a higher burden than is the Ethics Committee. It is more vulnerable. A central danger is that of multiple testimony by witnesses before different forums. Nothing could thwart justice as easily.

Mr. Speaker, I cannot agree that the American people would have us sacrifice the criminal justice process in favor of internal investigations.

If the people suspect all of us and call for what has been termed something different, I submit that an acceptable difference is not turning our backs on the law and process that we are bound to uphold.

Mr. RODINO. Mr. Speaker, I yield 2 minutes for the purposes of debate only to the gentleman from New Jersey (Mr. Hughes).

Mr. HUGHES. Mr. Speaker, let me first say to my colleague from New York (Mr. Peyser) that I share his concern over the public perception of the Congress as an institution, but I am afraid that the resolution presented by the gentleman misses the target. I can think of nothing that would be more damaging to the Congress than to be perceived as having obstructed an active criminal investigation. Yet that would probably be the effect of his resolution were he to succeed.

Mr. Speaker, I find it just horrendous that a flood of prejudicial and irresponsible leaks has marred the Abscam and other criminal investigations. In my some 10 years in law enforcement, and the 10 years in public life since that time, I have never seen such prejudicial pretrial publicity. Indeed to such an extent as to identify names, times, places, evidence and the identification of demonstrative admissions against interests. All of the things that are involved in a criminal proceeding, if in fact the reported information is correct.

Mr. Speaker, surely we can understand what would happen if at this time we require the Department of Justice to make available to this Congress the entire body of evidence. It would just compound the damage already done to the pending criminal investigation.

It would be counterproductive. It would do just the opposite of what my colleague wants to do—create more pretrial publicity—possibly obstruct a criminal process and damage the image of this institution even more.

There is going to be a time, I am sure, for us to look at the process used by the Justice Department. I am happy to report that our colleague, the gentleman from California (Mr. Edwards), is about to begin hearings that will look into things that concern many Members about this investigation. I can therefore assure my colleague from New York and others who share his concern, that the Judiciary Committee is going to discharge its responsibility to this body. I ask you to reject this resolution and support the motion to table.

Mr. McCLORY. Mr. Speaker, I yield 3 minutes for purposes of debate only to the gentleman from California (Mr. Lungren).

Mr. LUNGREN. Mr. Speaker, I rise in support of the position of those who believe we should table or vote down this resolution. And for a very simple reason. The essential question is, How do we take care of the question of confidence of the American people in this institution? It seems to me if we act at this time under a resolution which requires within 30 days that all evidence compiled by the Department of Justice and the FBI against Members of Congress in connection with the Abscam investigation be turned over to us, irrespective of whether that evidence has been presented to a grand jury, whether a grand jury has acted on that, or whether there has been any prosecution brought forward at that time, that we jeopardize in a very large sense those prosecutions and we really put ourselves in a position where we could be criticized for unwittingly interfering with that investigation and that prosecution.

If there is one thing that the people of America are asking for it is evidence of the fact that Members of Congress are treated like everyone else, that if they commit actions which give rise to criminal prosecution they be given the same protection and yet not have any increased protection over the average citizen.

Mr. Speaker, it would be a very bad thing if for some reason prosecutions were not brought or, if brought, were not successful when there existed evidence that otherwise would make it successful and if the charge could be brought that somehow we have interfered with that process.

If the American people had better reason to believe that this House had been serious in the past about disciplining its own Members perhaps we could take another view. But I would remind my colleagues that when I brought the resolution to expel a Member of this Congress who had been convicted of 29 felony counts I was denied even the opportunity to have an hour of debate on this floor. When that is the case and if some of those who now want to support this proposition voted to table that, it suggests to me the American people, based on past history, do not have reason to have a great deal of confidence in our ability to discipline our own Members.

Mr. RAILSBACK. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. I would be happy to yield to the gentleman from Illinois.

Mr. RAILSBACK. Mr. Speaker, I just wanted to make the point that many of us on the majority side were very much influenced by what was said by the Attorney General, himself, the Democratic Attorney General, that indicated for us to comply with this would be ruinous as far as this investigation is concerned. I think many of us are trying to support Ben Civiletti, believing that he is going to make every effort to do a good job. We fully expect him to do that.

Mr. LUNGREN. Mr. Speaker, I also think based on the record there is no suggestion that this Department of Justice does not go after alleged improper conduct wherever they find it, no matter what political party may be involved.

Mr. RODINO. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. EDWARDS) for purposes of debate only.

Mr. EDWARDS of California. Mr. Speaker, I urge approval of the recommendation of the Judiciary Committee. This is the orderly, responsible way to deal with the resolution.

The recent allegations of criminal conduct by Members of Congress are under consideration by the Federal criminal justice system. That is where they belong.

Premature congressional involvement in this process is inappropriate and unwise. It could jeopardize the rights of both the prosecution and the defense.

The role of this committee and the House of Representatives is to authorize activities of the Justice Department, fund them, and oversee them. We cannot, on a selective basis, sweep up evidence from a pending criminal investigation.

The Committee on Standards of Official Conduct will evaluate information relevant to House Members according to the rules of this House. That committee at the proper time will fulfill its responsibilities.

This Judiciary Committee will continue to exercise its oversight, legislative, and funding responsibilities pursuant to House rules and the Constitution.

The Subcommittee on Civil and Constitutional Rights, which I chair, has been working diligently to bring forth an FBI charter. Undercover operations are dealt with in the draft we are dealing with. Indeed, we have scheduled for next Tuesday a hearing on this subject.

Tuesday's hearing will not be a vehicle to evaluate Abscam. However, we intend to examine in great detail the FBI's undercover program, the rules, the regulations, the safeguards, the supervisorial and auditing provisions. We will include in this extensive examination allegations made this week that persons used by the FBI in sting operations have been engaged in large scale illegal activity on their own, sometimes with the knowledge of the FBI. Our inquiry will also include an analysis of possible mechanisms to prevent the types of massive leaks of information that have taken place in recent weeks.

As chairman of the FBI Oversight Subcommittee I have long urged the Bureau to concentrate on quality investigations of organized and white-collar crime. The House Judiciary Committee has supported the FBI's efforts in this area with increased authorizations for undercover activities over the last 2 years. I intend to continue to support the use of properly managed undercover operations in the Bureau's fight against crime. However, we must assure ourselves that all such operations are conducted in a manner consistent with constitutional safeguards. The authorization process and our upcoming charter hearings are the appropriate forum in which to accomplish this goal. For those reasons I urge approval of the recommendation of the Judiciary Committee.

□ 1620

Mr. CAVANAUGH. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Nebraska.

Mr. CAVANAUGH. Mr. Speaker, I thank the gentleman for yielding. As I understand his point, it is one that greatly concerns me and I think should concern every Member of this Congress. I would hope that the hearings of his committee would go into the propriety of the methods employed in the Abscam investigation; and most particularly, I think that this investigation raises serious questions of the separation of powers and the ability of one branch of our Government—the executive—to employ investigatory methods that are capable of subverting and intimidating and compromising the independence, the constitutional independence, of another and separate branch of our Government.

Would that be an area of inquiry of the gentleman's subcommittee?

Mr. EDWARDS of California. I am sure the gentleman from Nebraska understands that in no way will we inquire into the actual Abscam case. However, consistent with the work that we have done in the past and intend to do in the future, we intend to study and to insist that all operations of the FBI be conducted with proper respect for due process and constitutional safeguards.

Mr. CAVANAUGH. Mr. Speaker, will the gentleman yield further?

Mr. EDWARDS of California. Yes, I yield.

Mr. CAVANAUGH. That does mean that the gentleman is appreciative of the potentiality of the constitutional problems arising in investigations such as Abscam, when one branch of the Government is actively engaged in activities which hold the potential of compromising individuals in another branch of the Government?

Mr. EDWARDS of California. I am sure all the questions that all the Members have at one time or another would be dealt with.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Speaker, I would hope that the committee would not put the Justice Department and the FBI on trial until after there is a full investigation and a trial of the proceedings that are involved. I think we know too little about this point, about what the investigation consisted of, and I think it would be a mistake for the committee or for this body to attack the Justice Department and the FBI at this point in time on the basis of methods employed in conducting their investigations.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. RODINO. Mr. Speaker, I yield an additional 30 seconds to the gentleman from California.

Mr. EDWARDS of California. I am sure the gentleman from Illinois knows that we are not going to engage in any of the kind of activities suggested by the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, I just want to suggest, and as ranking minority member on the gentleman's subcommittee I am looking forward to these hearings, but I would suggest to all of our brother Members that they read Maurice Stans' book, "The Terrors of Justice," as required background for our hearings.

Mr. McCLORY. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Speaker, I merely want to point out one thing, and to congratulate my colleague from Illinois. It was last July, if we get out the CONGRESSIONAL RECORDS and look at the debate—and I say this to my friend from California—that I tried to put 10.1 additional dollars in this precise area. The gentleman tried to put 1.8 million additional dollars in this precise area, and how many people on the other side of the aisle were saying that the FBI does not need this money?

Now, all of a sudden, we are all scurrying around to say that we want that money. Fortunately, in conference, my colleagues will recall, the Senate in its wisdom—which is rare sometimes—did put most of the money in for this particular type of investigation.

Mr. McCLORY. I thank the gentleman, and I agree.

Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. GINGRICH).

Mr. GINGRICH. Mr. Speaker, this proposal at worst might lead to contamination of the Abscam cases at best, the gentleman from New York claims, it might lead to expulsion of untried, unconvicted and currently, unindicted Members. This House had two opportunities to expel an indicted, tried, and convicted Member. On both occasions the House avoided action. On both occasions the gentleman from New York voted to avoid action. The current proposal will serve no useful purpose, this House has not earned the country's trust. The country wants a just process led by the gentleman from Florida, not the sudden zigzags of politicians facing an election.

Mr. RODINO. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. GUDGER).

Mr. GUDGER. Mr. Speaker, I associate myself with the comments of the chairman of the committee.

Mr. Speaker, I rise to associate myself with the remarks of my distinguished colleague, the chairman of the House Judiciary Committee, Peter Rodino, and to concur in the adverse report on House Resolution 571; also to declare my support for a motion to table House Resolution 571 if such a motion is advanced.

I call to the attention of the House, 18 U.S.C. 3500, sometimes known as the Jenks Act, This has been the law of the land since September 2, 1957, and I quote:

> (a) In any criminal prosecution brought by the United States, no statement or report in the possession of the United States which was made by a Government witness or prospective government witness (other than the defendant) shall be the subject of subpena, discovery, or inspection until said witness has testified on direct examination in the trial of the case.

It was clearly the intent of Congress by the enactment of the foregoing that statements of witnesses essential to any criminal prosecution should not be revealed by subpena, discovery, or inspection until the testimony of that witness has been tendered and only then for the purpose of cross-examination and impeachment. Until a criminal investigation has run its course, no Member of Congress—not even the full House of Representatives—should be able to interfere with the Department of Justice in the investigation and use of its evidence.

Were the pending resolution to be adopted, it would seem that Members of Congress would be granting themselves a right superior to that of other citizens in forcing disclosure by the government of its work in an investigation—thereby, impeding due process of criminal law.

Other speakers have commented upon the importance of the present priorities of the Department of Justice in white-collar crime and particularly in criminal conspiracy and corruption of public officials. I agree that these priorities are properly assigned, and it appears to be in the best interests of the administration of justice that the Federal Bureau of Investigation (FBI) should direct its resources to those areas of crime in which it has expertise and skill and devote less of its time to street crime, where State and local law enforcement agencies are adequate.

I also consider it of compelling importance that Members of Congress not make themselves superior to other citizens. I point out the Jenks Act is definitive of the rights of all accused, whether private citizen or public servant. House Resolution 571 does violence to the purpose of the Jenks Act and to the basic principle of our free society that no man stands above the law and the law falls with equal force on each and every citizen.

Mr. RODINO. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. Fithian).

Mr. FITHIAN. Mr. Speaker, I rise in support of the committee position.

Mr. Speaker, today I am voting against the House resolution requiring the FBI to make public the evidence in the Abscam scandal. I believe such disclosure would seriously jeopardize the ongoing criminal investigation being conducted by the Justice Department.

This measure would require the Attorney General to turn over to the House within 30 days the evidence collected so far by the Justice Department in its intensive 18-month investigation.

This in effect, would make the evidence public and would seriously hinder the grand jury preparations and any indictments which might be made. Members of Congress must not be placed above the law, and therefore I do not think the House should interfere with the criminal investigation being conducted.

If the allegations are true, the individuals should be indicted, tried, convicted, and punished as criminals. The House has no power to mete out criminal justice and can only remove a Member from the House. If Federal criminal laws have been violated, then criminal penalties should be imposed, and I do not want action by the House to preempt such penalties by causing the FBI evidence to be made public and thereby prejudice its being used in court to prove the allegations.

I think it is important in this respect, that this resolution was reported out of the Judiciary Committee with the recommendation that it be tabled and did so unanimously.

Certainly we in Congress have a responsibility to discipline Members who engage in misconduct. The House Committee on Standards of Official Conduct has retained a special counsel to help determine if the House should take disciplinary action. The conclusions of the Justice Department investigation will be extremely helpful in guiding the future actions of the House.

Mr. RODINO. Mr. Speaker, I move to table the resolution (H. Res. 571).

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from New Jersey (Mr. Rodino).

The question was taken; and on a division (demanded by Mr. Peyser) there were—yeas 82; nays 2.

Mr. RODINO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 404, nays 4, answered "present" 5, not voting 20, as follows:

[Roll No. 84]

YEAS—404

Abdnor
Addabbo
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Anthony
Applegate
Archer
Ashbrook
Ashley
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Burton, John
Burton, Phillip
Butler
Byron
Campbell
Carney
Carr
Carter
Cavanaugh
Chappell
Cheney
Chisholm
Clausen
Clay
Cleveland
Clinger
Coelho
Coleman
Collins, Ill.
Collins, Tex.
Conable
Conte
Corcoran
Corman
Cotter
Coughlin
Courter
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
de la Garza
Deckard
Dellums
Derrick
Derwinski
Devine
Dickinson
Dicks
Diggs
Dingell
Dixon
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Calif.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fowler
Frenzel
Fuqua
Garcia
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Harkin
Harris
Harsha
Hawkins
Hefner
Heftel
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Holtzman
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lee
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McCloskey
McCormack
McDade
McDonald
McEwen
McHugh
McKay
McKinney
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Mathis
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Mottl
Murphy, Pa.
Murtha
Myers, Ind.
Natcher
Neal
Nedzi
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Pease
Pepper
Perkins
Petri
Pickle
Porter
Preyer
Price
Pritchard
Pursell
Quayle
Quillen
Rahall
Railsback
Rangel
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roth
Rousselot
Roybal
Royer
Rudd
Runnels
Russo
Sabo
Santini
Satterfield
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shuster
Simon
Skelton
Slack
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spellman
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Stark
Steed
Stenholm
Stewart
Stockman
Stokes
Stratton
Studds
Stump
Swift
Synar
Tauke
Taylor
Thomas
Traxler
Trible
Udall
Ullman
Van Deerlin
Vento
Volkmer
Walgren

Walker
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff
Wolpe
Wright
Wyatt
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NAYS—4

Murphy, N.Y.
Paul
Peyser
Wydler

ANSWERED "PRESENT"—5

Jenrette
Kelly
Lederer
Myers, Pa.
Thompson

NOT VOTING—20

Anderson, Ill.
Biaggi
Conyers
Davis, S.C.
Dodd
Edwards, Ala.
Fary
Frost
Goodling
Heckler
Kramer
Leach, La.
Murphy, Ill.
Nolan
Ratchford
Shumway
Symms
Treen
Vander Jagt
Vanik

☐ 1640

The Clerk announced the following pairs:

Mr. Biaggi with Mr. Anderson of Illinois.
Mr. Dodd with Mr. Edwards of Alabama.
Mr. Fary with Mrs. Heckler.
Mr. Conyers with Mr. Goodling.
Mr. Nolan with Mr. Vander Jagt.
Mr. Murphy of Illinois with Mr. Kramer.
Mr. Davis of South Carolina with Mr. Treen.
Mr. Vanik with Mr. Symms.
Mr. Frost with Mr. Shumway.
Mr. Ratchford with Mr. Leach of Louisiana.

Mr. WALGREN and Mr. KOGOVSEK changed their votes from "nay" to "yea."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. McCLORY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

MOTION TO INSTRUCT CONFEREES REGARDING SECTION 236 OF SENATE AMENDMENT TO H.R. 3919, CRUDE OIL WINDFALL PROFIT TAX OF 1979

Mr. HOWARD. Mr. Speaker, I offer a preferential motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

> Mr. HOWARD moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 3919 be instructed not to accept any part of section 236 of the Senate amendment or any other part of the Senate amendment which would result in any credit, exemption, or other tax treatment relating to the production, distribution, or use of gasohol which credit, exemption, or other treatment would result in a diminution of the amount of taxes appropriated to the highway trust fund.

The SPEAKER pro tempore. The gentleman from New Jersey (Mr. HOWARD) is recognized for 1 hour.

Mr. HOWARD. Mr. Speaker, I would like to state that all time I may yield during this 1 hour will be for purposes of debate only.

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my motion is designed to provide the House conferees on the windfall profit tax with the necessary guidance of the whole House on how to resolve the gasohol issue. Although the actions of the conferees so far have been characterized as a compromise, the conferees have essentially accepted the Senate provision by extending the existing 4-cent gas tax exemption for gasohol from 1984 to 1992. Mr. Speaker, this action constitutes a most serious precedent with drastic consequences for our user-supported Federal highway assistance program. I am confident that the Congress can develop measures to promote and support alternative fuels such as gasohol while continuing to protect the integrity of the highway trust fund. My motion to instruct the conferees on the windfall profits tax legislation is simply directed at that aim.

Congress originally provided an exemption from the 4-cent gasoline tax for gasohol in the Energy Tax Act of 1978. Because of its limited scope and duration, those of us who are concerned about the highway trust fund did not object to that provision.

However, the so-called Dole amendment which originated in the other body last session, would drastically expand the gasoline tax exemption for gasohol by extending it through the year 2000. On Wednesday of last week the conferees adopted a so-called compromise which extends this exemption through the year 1992.

In either form, the Dole amendment will have a drastic impact on highway trust fund revenues which have already begun to decline because of our more efficient use of fuels.

Because the average fuel economy of our automobile has improved and gasoline prices have increased so much in the last few years, the rate at which we are receiving gasoline tax revenues into the highway trust fund is declining. The House should keep this in mind as it considers the revenue impact of an expanded gasohol exemption.

According to figures provided by the staff of the Joint Committee on Taxation, the revenue loss between 1985 and 1992 alone will equal $3.5 billion.

Mr. Speaker, what the conferees are asking us to do is to swallow a major reduction in highway trust fund revenues in return for a tax break of much less and ever-decreasing value to the gasohol program. I am sure that we would all agree that a 4-cent tax break on a gallon of gasoline which may have been significant at the lower prices which existed when the Energy Tax Act of 1978 was enacted, does not have anywhere near the same marketing significance when gasoline is selling for $1.25, $1.50, or even $2 a gallon.

In addition, the conferees have adopted a provision which treats gasohol made with foreign alcohol on the same basis as 100-percent domestic gasohol. Mr. Speaker, the administration has pushed this windfall profit tax program based upon its importance in reducing foreign imports. I do not understand why this body should even entertain an unlimited tax break for gasohol which uses foreign-produced alcohol.

Finally, Mr. Speaker, I am particularly concerned about the potential for fraud in using a gasoline tax exemption for gasohol. The exemption will have a drastic revenue impact on the highway trust fund. If, however, gasohol with only 2 or 5 percent alcohol is sold as exempt, the impact of the exemption will multiply many times over.

There is no reason why the Congress cannot arrive at a better solution—one which both promotes gasohol and protects the highway user. A vote for my motion is a vote for both gasohol and the highway trust fund.

The conferees, as I understand it, propose to earmark various amounts or percentages of the estimated windfall tax receipts for a variety of purposes, including aid to the poor, energy-efficient mass transportation, synthetic fuels development, and general tax cuts. I understand that germaneness or scope of conference problems may arise with this kind of earmarking. However, I am satisfied that the conferees will overcome this parliamentary problem.

Under my proposal, the conferees would simply earmark up to 2 percent of the windfall profit tax receipts for a direct subsidy program for gasohol. This earmarking for gasohol should not reduce the amounts set aside for either the poor or transportation systems efficiency. Mr. Speaker, 2 percent of the tax receipts would provide the funds necessary to give gasohol producers direct payments equal to 4 cents for each gallon of domestic gasohol sold in this country through the year 1992.

☐ 1650

Mr. Speaker, we all support the gasohol program. We came out of this conference with a windfall tax available for energy initiatives in this country amounting to over $227 billion. Out of that $227 billion, they could not find $3½ or $4 billion for gasohol. They had to go outside the scope of the conference in a sense and take it out of the highway trust fund.

Where is the energy in this conference report? Where are the energy initiatives?

We have several things we ought to do. For example, the conference set aside something like 25 percent for payment for the poor for heating bills, a fine program.

They cut down programs for direct energy use to only $34 billion out of the $227 billion, Mr. Speaker, only $34 billion for energy. That is supposed to include initiatives over the next 10 years for mass transportation improvement, for synthetic fuels, for other alternative energy sources; but the conferees were able to set aside 60 percent of the money for a general tax cut: a general tax cut for corporations and for individuals.

All they would have to do in the conference is to make that 60 percent 58 percent. Just take that other 2 percent and put that into the gasohol program. In that way they will have the money they need to promote gasohol, and they will not destroy the highway trust fund in the process.

There has been some talk that perhaps they can find some way down the line in a few years to reimburse the trust fund out of general revenues. That ignores a provision of the Budget Act.

The Budget Act states that unless 90 percent of all the money going into the highway trust fund is a program-related tax, then the highway program loses contract authority, and you have eliminated the whole financial basis for the highway program.

It has been stated that they only need this exemption through 1944. That is the alleged break-even point in the gasohol program, when the gasohol interests say that gasoline prices will have risen to the level of gasohol.

How did they get to that figure of 1994? They presumed a certain increase in the price of gasoline through 1994.

You know what that increase is? It is equal to the inflation rate, plus 2 percent.

Does anyone think that gasohol or gasoline prices are going to grow that slowly?

Last month alone, we saw a 7½-percent increase in the cost of gasoline. That amounts to something like 90 percent on an annual basis. Is that inflation plus 2 percent? Is that all gasoline is going to go up? We may see a $2 price very soon.

Mr. Speaker, the highway trust fund is facing a serious problem without the excessive losses which will result from the conference committee action for a gasohol exemption. This serious situation is due to initiatives by many committees of the House, including the Committee on Public Works and Transportation. With the limited acceptance of the 55-mile-an-hour speed limit, with preferential bus lanes, with car pooling and van pooling, we saw that in each of the last 3 months of last year, the use of gasoline in this country went down approximately 8 percent compared to the year before. That is the first time we have had a significant drop. That is a great achievement. We are meeting the energy challenge, but as we do it there is less money going into the highway trust fund each year.

□ 1700

So we have a major problem in that area without this action of the conferees. Mr. Speaker, we have highway legislation on the books now. The program was expanded for fiscal years 1979, 1980, and 1981. However, the highway program was dropped significantly for fiscal year 1982: $400 million less in the bridge program, hundreds of millions of dollars less in the primary and secondary systems; less for highway safety.

The intention of the Committee on Public Works and Transportation is to have a highway bill this year to prop up that fourth year. If this motion to instruct is not adopted, the committee will not be able to bring forth that highway legislation this year. We do not have to do it.

My motion does not pit gasohol against the highway trust fund. The conference committee has put gasohol at the expense of the highway trust fund. They can very easily move that 60 percent to 58 percent in a corporate and individual tax cut and fund the gasohol program with 2 percent of the windfall profit tax. We can have the gasohol program dollar for dollar the way its proponents want it and do no damage to the highway trust fund. That is the choice we have today.

I hope that the House will accept my motion and we can go forward in both areas.

Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. SHUSTER), the ranking minority member of the Subcommittee on Surface Transportation of the Committee on Public Works and Transportation.

Mr. SHUSTER. Mr. Speaker, I rise in vigorous support of the motion by the gentleman from New Jersey.

I also should state that I vigorously support increased emphasis on the gasohol program. We need gasohol in America. We need to support the development of gasohol so we can reduce our foreign dependence; but let us not do it at the expense of the essential transportation needs of this country of ours. Let us not do it at the expense of taking the money out of the highway trust fund which already is inadequate to meet the needs of our highway problems of America. Let us not rob Peter to pay Paul.

Now, stop and consider for a moment the implications of the Senate language. The Senate not only would stop the 4-cent tax on a gallon of alcohol which is used, but they also credit the 4-cent Federal gasoline tax which is on each 1 of the 9 gallons of gasoline that goes into that 9 to 1 ratio that makes up gasohol, so the effect would be 4 cents would be credited on the alcohol portion, 36 cents would be credited on the gasoline portion, or a 40-cent increase.

Now, if you extrapolate that to what many of us hope will happen, that is, increased use of gasohol, it means we could have, hopefully, 10 or 20 or 30 percent of our automobile gasoline needs being met in future years by gasohol, made up of one-tenth alcohol; but if that happens and, if, indeed, 10 or 20 or 30 percent of our fuel consumption needs are made up by gasohol, it means literally billions of dollars will be taken from the highway trust fund. It means that the essential highway program which we want so badly and which so many have come before our committee to testify on behalf of those programs, will not be funded. We will not see the better bridges which are so necessary across these United States. We will not see the improved highway system, because billions of dollars will never go into the highway trust fund. Billions of dollars will not be available for the essential highway needs.

Let me remind you that even without this Senate language and the reduction of billions of dollars from the highway trust fund, even without it, there is inadequate money in the highway trust fund today and projected into the future to meet the essential highway needs of this country. We do not know where the money is going to come from. The essential highway needs over the next 20 years exceed $900 billion and that is in 1978 dollars. Where is the money going to come from? We do not know where it is going to come from. We have inadequate funding today and the situation will be even worse.

I further implore you to support this motion by the distinguished chairman of our subcommittee for the reason that the Senate language is grossly unfair in that the Senate language provides that this subsidy also will be given to foreign countries who produce gasohol.

Let me tell you that the capacity of foreign nations to produce gasohol today exceeds our capacity to produce gasohol. Brazil, in particular, has very substantial export capacity, so that the end result if we accept this Senate language would be not only to destory the funding capability of the highway trust fund, but also to give a subsidy to foreign countries and foreign governments so that they could ship their cheaper gasohol into the United States to compete against the very products that we want to see our farmers and our people produce.

So in closing, I urge you to support this resolution offered by the gentleman from New Jersey. I urge you to join with us so we do not destroy the highway trust fund and I emphasize that we vigorously support gasohol and the way to get funding for gasohol is to get that funding through the windfall profit tax if, indeed, there is going to be a windfall profit tax, rather than destroy the highway trust fund.

Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. ULLMAN).

Mr. ULLMAN. Mr. Speaker, I am sorry that the chairman of the subcommittee, the gentleman from New Jersey, has offered this kind of a motion. At the appropriate time I will be offering a motion to table.

I think that we ought to understand first what the impact of the motion is. The gentleman from New Jersey (Mr. HOWARD) would move that the managers be instructed not to accept any part of section 236 of the Senate amendment or any other part of the Senate amendment which would result in any credit, exemption, or other tax benefit relating to the production, distribution or use of gasohol, which credit, exemption, or other benefit would result in a diminution of the amount of taxes appropriated to the highway trust fund.

I want to make sure that there is nothing in the conference that does that. Existing law provides the exemption through September 30, 1984. At that time the trust fund terminates. There is no trust fund under existing law. The current exemption that applies to the trust fund insofar as it is a legal entity is not in conference. That exemption was passed in 1978, I believe it was. It is in present law, extending through 1984.

Now, all we have done is provided that beyond 1984 through 1992 that exemption should continue. Well, it does not continue on the basis of anything at all under existing law. All it indicates is that we are going to have to look at this problem of extending the highway trust fund, which we anticipate doing.

I have had extended conversations with my friend, the gentleman from New Jersey (Mr. HOWARD). I have assured him that in our considerations in the conference with the Senate, every member of the House conference was totally committed to facing up to the trust fund issue as rapidly as possible, holding hearings and extending that trust fund beyond 1984.

In the process of doing that, we are totally committed to making the trust fund whole for whatever reductions might result from this provision in existing law. At the time we extend the trust fund, this matter will be before the committee and before the Congress as to whether the gasohol treatment should continue. I think we ought to understand that.

Mr. SHUSTER. Mr. Speaker, will the gentleman yield on that point?

Mr. ULLMAN. I would be happy to yield.

Mr. SHUSTER. Mr. Speaker, the gentleman says that he is committed and the committee is committed to making the trust fund whole. I accept that and appreciate it; however, the way in which you would make the trust fund whole could only be presumably by increasing the Federal gasoline tax at that time. Is that not clear?

Mr. ULLMAN. Well, or any other kind of user tax that we pass.

Mr. SHUSTER. But by increasing taxes.

Mr. ULLMAN. Of course, because that is the only thing we have in our jurisdiction.

The SPEAKER pro tempore. The time of the gentleman from Oregon (Mr. ULLMAN) has expired.

□ 1710

Mr. HOWARD. Mr. Speaker, I yield 2 additional minutes to the gentleman from Oregon.

Mr. SHUSTER. Will the gentleman yield further?

Mr. ULLMAN. I yield to the gentleman.

Mr. SHUSTER. Would the gentleman not agree then that the net effect of making the trust fund whole would be to impose increased taxes on the American people?

Mr. ULLMAN. But, that is the whole problem of the conference. You know, we do not have jurisdiction in that conference to reimburse the trust fund. We do not have jurisdiction for a refundable tax credit to be applied to help produce gasohol. We were very limited in the conference.

I at first made a very valiant effort to turn the administration and the Senate conferees around, and all of the expert witnesses, to try and get some kind of a production credit, but the producers were not willing to accept that because we could not make it refundable. That would have to be subject to annual appropriations, and if it were nonrefundable, it would not be helpful because most of these companies are just getting started. They would not have any taxes to offset against the credit. Therefore, we were in kind of a dilemma where we had to help the gasohol. There is no way that we could proceed with gasohol without a subsidy in the amount of about 40 cents a gallon. That is the only way we can get production.

I have a lot of people in my area all through the Midwest where if we do not have that kind of a subsidy they would not have gasohol. We were totally foreclosed and this then developed as the only possible alternative for getting a bill. The administration started the other way and they wound up totally in support of the provision that we have in the bill; the Senate conferees and everybody we talked with in the production industry were totally committed to this approach as being the only approach that would develop gasohol.

What we are saying here is that we are committed; the Ways and Means Committee conferees and the whole committee are committed to bring back to my colleagues a provision that will make the highway trust fund whole. We will hold hearings very expeditiously and we will move rapidly and we will get it.

At the appropriate time, Mr. Speaker, I intend to offer a motion to table this motion to instruct.

Mr. HOWARD. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. BRADEMAS).

Mr. BRADEMAS. Mr. Speaker, I rise in opposition to Mr. HOWARD's motion to instruct and urge my colleagues to vote for the motion to be offered by Chairman ULLMAN to table.

Mr. Speaker, President Carter originally proposed a permanent extension of the 4 cents a gallon Federal excise tax exemption for gasohol which he described as "the most important incentive available to accelerate alcohol production and use." In November 1978, the President signed into law this gasohol exemption, which expires in 1984. In its version of the windfall profit tax, the Senate voted to extend the gasohol exemption until the year 2000.

After much debate the windfall tax conferees found no alternative to be as effective as this exemption in promoting our use of fuels from renewable sources and agreed to a compromise which extends this incentive through the year 1992. Adoption of a motion to instruct the conferees on this one matter would negate efforts of the conferees and potentially devastate the emerging alcohol fuels industry.

To date, the successful economics of the alcohol fuels industry is directly attributable to the exemption of 4 cents a gallon for gasohol passed by Congress in 1978. In light of our continuing and dangerous reliance on imported oil and our unquestioned need to develop alternative fuels, it seems unthinkable to withdraw this critical incentive to alcohol fuel production. This incentive represents the single element of certainty which will induce investments in alcohol plants. Clearly, no alternative will be as effective as this 4 cents exemption.

The conferees have recognized that important questions relating to the highway trust fund must be resolved. However, they have determined, and I think correctly, that these issues should not be considered as part of the windfall profit tax conference. In any event, the highway trust fund will not incur any deficit attributable to the windfall profit tax compromise through the fund's scheduled expiration date in 1984, inasmuch as the excise tax exemption for gasohol through 1984 has already been authorized previously by Congress in the Energy Tax Act of 1978.

Further, the statement of managers in the conference report expressly recognizes that the conferees are concerned with the reduction in estimated tax receipts dedicated to the highway trust fund, including the reduction due to the gasohol exemption. The conferees intend that (page 16 of conference report) "the financing of the fund be reviewed at an early date and that favorable consideration be given to providing additional revenues to the fund. The conferees also intend that the gasohol exemptions should not apply to any increases in the taxes on gasoline or other motor fuels to the extent that such increases result in the taxes being imposed at a rate in excess of 4 cents per gallon."

Mr. Speaker, I urge a vote in favor of Mr. ULLMAN's motion to table the motion to instruct the House conferees to reconsider the compromise position on the gasohol provision in the windfall profit tax bill.

Mr. Speaker, I congratulate Chairman ULLMAN and all of the House conferees on the fine job they have done in producing the windfall profit tax. Let us not undo that very important legislation. Let us vote in favor of Chairman ULLMAN's motion to table the motion to instruct and, thereby, take a giant step ahead for an alternative fuels industry for the people of the United States.

Mr. HOWARD. Mr. Speaker, I yield 5 minutes to the gentleman from Arkansas (Mr. ALEXANDER).

Mr. ALEXANDER. Mr. Speaker, I thank the gentleman from New Jersey for yielding. I rise in opposition to the gentleman's motion and in support of the gentleman from Oregon motion to table.

To my knowledge, this is the first time that my friend from New Jersey and I have differed on any matter in the U.S. Congress. We usually work hand-in-hand on highway legislation. We have on many, many occasions walked up the same hill to the same light.

I support the highway trust fund. I support the highway legislation that the gentleman and I are working on together.

I would point out to the membership today that during the last 8 months I have had the opportunity to be a commissioner and a member of the National Alcohol Fuels Commission. My colleagues, a state of emergency exists in our country today, and it exists because we are importing more oil than we can afford and we are exporting American wealth in exchange for that oil. The result is inflation.

Now, President Carter has announced his goal of achieving a 500 million gallon alcohol fuel production capability in 1981. He has asked us to extend the 4-cent-per-gallon excise tax exemption on gasohol in order to provide an economic incentive for the farmers of America to produce alcohol as an alternative source of liquid fuel. Last week, the conferees on the windfall profit tax acted to extend the 4-cent Federal excise tax exemption through 1992. The gentleman from New Jersey asked about the market significance of the 4-cent exemption from the Federal gasoline excise tax. Let me explain that the refinery gate price for producing gasoline is about 85 to 90 cents per gallon. The cost of producing alcohol under the best state of the art today is about $1.15 to $1.20 per gallon. This difference in cost, without the 4-cent excise tax exemption, makes the production of alcohol for gasohol economically noncompetitive with gasoline.

If we extend the 4-cent-per-gallon excise tax exemption for gasohol, the incentive goes to the producers, it goes to the farmers, and it provides the economic inducement to attract the capital that is necessary in order to put this country in the alcohol fuels business. A 4-cent-per-gallon exemption from the excise tax makes up the difference between the production price of gasoline and the production price of alcohol. That difference of about 30 cents goes to the producer—the farmer.

I say to every person in this Chamber today that from my travels around the country as a member of the National Alcohol Fuels Commission, it is my considered opinion that the American farmer is poised to produce alcohol fuel in competition with OPEC. It is absolutely essential for this body to honor the President's recommendation to extend the 4-cent-per-gallon excise tax exemption for gasohol in order to give the farmer the opportunity and the economic incentive to get into the energy business.

I urge my colleagues to vote against the motion of the gentleman from New Jersey and for the motion to table which will be offered by the gentleman from Oregon (Mr. ULLMAN).

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I am happy to yield to the gentleman from New Jersey.

□ 1720

Mr. HOWARD. I thank the gentleman for yielding. The gentleman made a fine statement as to the need for us to meet this energy problem and to promote gasohol. The gentleman would agree that whether we reject this motion of mine today or whether we accept it and put 2 percent of the 60 that has been reserved for corporate and individual tax-cut money into a gasohol program, there will not be the diminution of one penny from the promotion of gasohol in meeting our energy needs. In fact, the figures show it would be more available. Would the gentleman not agree that he is not the only one for solving the energy program or for using gasohol? We certainly are not against it.

Mr. ALEXANDER. I know the gentleman from New Jersey supports the promotion and production of alcohol fuels. We have a difference of opinion of how to achieve that. I think the best way to achieve it is to attract private capital by making up the difference in the noncompetitive production rates that now exist between alcohol production and gasoline production. I think the best way to achieve that is by waiving the 4-cent-per-gallon excise tax.

Mr. HOWARD. I yield 3 minutes to the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. Mr. Speaker, I also support the motion to table which will be offered at an appropriate time by the chairman of the Committee on Ways and Means and urge its acceptance, rather than the motion to instruct. This conference is completed. It is now being put into draft language. It will be before the House shortly. A motion to instruct is not binding on the conferees. It would be very difficult to get the Senate to reconsider this late. We spent a good deal of time discussing this subject with the Senate during the conference because of skepticism about the effect of this particular subsidy. After a great deal of negotiation and, may I say, a great deal of difficulty in trying to understand exactly what our situation was, we concluded the best thing to do was to continue the subsidy until 1992, fearing that otherwise the alcohol production industry would not have an adequate incentive to justify the risk of massive investment that must be made if this is really to cut down on our importation of foreign oil.

It is unfortunate that concerns are being expressed about the trust fund. Let me assure the people who are expressing these concerns that the members of the Committee on Ways and Means understand the necessity for reconstituting the trust fund which is currently in existence only until 1984. The 1978 act actually carries the subsidy involved in forgiveness of the gas tax on gasohol up through 1984 as well. If adopted, this institution will be without technical effect, since the trust fund has no statutory existence during the period of extension of the subsidy. It is obvious that we are going to have to take further action long before 1992, the time in which this subsidy is played out, either to extend the trust fund or to reconstitute it, if the gasohol industry has caught on in the meantime, and to insure the continuance of adequate funds for the building of highways and the maintenance of highways and bridges, as this House has always seen fit to do in the past. I hope that the Members will not be misled into feeling that a motion to instruct at this time will have a major effect. I regret that we have come to this misunderstanding. I myself, as the chairman did, wish to pledge myself to study the matter carefully and to see that the trust fund is maintained at an effective level.

Mr. HOWARD. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. HAGEDORN).

Mr. HAGEDORN. Mr. Speaker, I rise in support of the motion by the gentleman from New Jersey and urge my colleagues to lend their support to this necessary proposal. Mr. HOWARD addresses an extremely important problem which affects the constituents of every Member of Congress.

The motion calls for the House to instruct its conferees to the windfall profits tax conference not to accept any provision which would result in a reduction of revenues dedicated to the highway trust fund. I think this represents a sound approach to the dual objective of encouraging gasohol production and maintaining the integrity of the highway trust fund.

As a member of both the Public Works and Transportation and Agriculture Committees, I am in a unique position to evaluate the effect that the gasohol exemption will have on the highway trust fund. I should stress that I am well aware of the increasingly important need to promote the use of gasohol. In fact, I have introduced legislation which would encourage the production of gasohol through loan guarantee programs. My grain-producing congressional district in Minnesota stands to benefit from the increase in gasohol production as much as any area of the country.

The course the conferees have chosen to take thus far, however, poses an extreme danger to the trust fund. On February 20, the conferees agreed to extend the gasohol exemption from the 4-cent-per-gallon Federal excise tax through 1992. It is estimated that this will result in a loss to the trust fund of over $2 billion between 1985 and 1990 alone. The loss of these revenues would severely damage the viability of the trust fund.

The importance of the highway trust fund to the safe, economic, and efficient movement of people and goods cannot be overstated. Programs financed by the trust fund include the construction and reconstruction of highways and bridges, critical safety programs and restoration and rehabilitation of all Federal-aid highways. With trust fund revenues already on the decline as a result of conservation, inflation and more fuel-efficient automobiles, the course currently under consideration by the conferees could further jeopardize the future of America's highway network.

It is my belief that we should not be

instituting tax policies which will assure greater revenue losses from the highway trust fund. There are other ways Congress can promote the production of gasohol without endangering the trust fund. I would support any proposal that would solve this serious problem, and at least two appear to be feasible:

The first is to maintain the 4-cent Federal excise tax on gasohol, but to substitute that lost incentive with direct subsidies from the windfall profit tax to producers of alcohol. In this way, the incentive to produce alcohol is properly placed on the producer, including farmers and commercial ventures, without jeopardizing the highway trust fund.

A second alternative is to maintain the extension of the excise tax exemption but to include a procedure whereby the trust fund will be reimbursed for revenues lost, on a dollar-for-dollar basis, with revenues from the windfall profit tax. This method would require language assuring that the highway trust fund remain exempt from the Budget Act, thereby allowing the use of contract authority on long-term projects.

I believe either of these solutions is feasible and would promote the production of gasohol without doing damage to the highway trust fund.

While I have offered what I feel are constructive suggestions to address this problem, that really goes a step beyond the Howard motion. All the motion does is instruct the House conferees not to accept any language which would result in a reduction of highway trust fund revenues. The motion does not preclude the House conferees from agreeing to provisions designed to give financial incentive or assistance to gasohol production.

No one is a stronger supporter of gasohol than I am. It is simply not true, as the opponents of this motion maintain, that a vote in favor of this motion is a vote to kill gasohol development.

The adoption of the Howard motion will help us attain a balanced conference report which will recognize both our energy and transportation needs. I urge my colleagues to support this effort.

With that, I yield back the remainder of my time.

Mr. HOWARD. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. GLICKMAN).

Mr. GLICKMAN. Mr. Speaker, I urge my colleagues to support the motion to table by the gentleman from Oregon (Mr. ULLMAN). Let us take some basic facts. Is there a fuel alternative to petroleum right now that is technologically available to put into a car or a truck? There is, and there is just one, and that is alcohol. There is nothing else available.

Second of all, to try to meet this horrendous hemorrhage of dollars that goes overseas, what can we do to expedite this fuel alternative? Last year we decided on the 4-cent exemption for gasohol. The reason why, I will say to my colleague, the gentleman from New Jersey, is because it is the most expeditious way to lower the price at the pump so that the consumer would see the reduced price, so that the consumer would buy the gasohol. The reason why we want to extend this from 1985 to 1992 is so that investors who wish to build alcohol distilleries all over this country—so that we just do not have Exxon and Mobil and all the other major oil companies involved—will have investment stability far enough in advance so they can build the necessary plants to produce the alcohol we need. This 4-cent exemption will have no significant impact on the highway trust fund until after, as the gentleman from New York (Mr. CONABLE) stated, the highway trust fund has been reauthorized in 1984.

Let me make this point, Mr. Speaker. All the lipservice to gasohol—and there are a lot of gasoholics in this audience including myself, and in this House—about how much we want to see alcohol fuels sold in this country, goes down the river if we approve the Howard motion, because there is no other feasible way to get alcohol marketed quickly except through the continuation of this excise tax exemption. So if you are talking about gasohol at home and you vote for the Howard motion, you are really doing two different things. I urge my colleagues to vote for the motion by the gentleman from New York (Mr. CONABLE) to table this so that we can send a signal to the American people, to consumers, and investors that alcohol fuels will continue to be a reality for all of us.

Mr. HOWARD. Mr. Speaker, I yield myself 1 minute. I would just like to reply briefly to what the gentleman from Kansas (Mr. GLICKMAN) has just said. He said there is only one quick way of having an alternative source of fuel and that is alcohol. Our program will fund alcohol to every penny that is presently in the conference report now, so there is no difference there.

Second, he says the big attempt must be made to save ourselves from this dependency on foreign fuels, and yet the conference report exempts to the same degree as our own alcohol all of the foreign alcohol coming in, thereby inviting competition, inviting more foreign alcohol. Then he said they want to lower the price at the pump. They are not going to lower the price at the pump; they are going to have the same price, but they are just going to keep all the money, and that is what is going to fund it. That is what we say is unfair and detrimental. So on all those three points I have to disagree totally with the gentleman from Kansas (Mr. GLICKMAN).

Mr. Speaker, I now yield 1 minute to the gentlewoman from Nebraska.

Mrs. SMITH of Nebraska. Mr. Speaker, I rise in opposition to the motion to instruct the conferees offered by the gentleman from New Jersey. I believe the tax credits are each important, and I am especially concerned about the effect action taken here today could have on the alcohol fuels program. I have worked very closely with many constituents who are building, or want to build, alcohol plants from 20,000 gallons per year to 30,000,000 gallons per year, and I know how important the alcohol fuel provisions in this bill are.

The argument the gentleman from New Jersey uses to oppose the extension of the gasohol exemption from the 4-cent motor fuels excise tax, even if an accurate prediction, is not an indictment of that tax exemption. The statements the gentleman makes, if valid, are an indication of the current problems inflation, conservation, and more efficient automobiles—together with the exemption—are creating for the user-supported trust fund.

If the gentleman would have this body oppose a measure that would encourage production and use of a fuel that conserves gasoline, would he also encourage increased gasoline use or less efficient cars to provide increased revenues for the fund?

Mr. HOWARD. Would the gentlewoman yield?

Mrs. SMITH of Nebraska. Surely.

Mr. HOWARD. Mr. Speaker, I yield the gentlewoman 1 additional minute.

Mr. Speaker, in the Committee on Public Works and Transportation, in the enactments coming from that committee in the past several years we have been successful in reducing the amount of gasoline consumption in this country. We are very proud of that, that our committee has taken the lead but we also do have to admit the fact that it leads to less money in the highway trust fund for the uses that we have in the future.

I would like to say we are not opposed to gasohol. I have said that over and over again. They can get the money out of that $227 billion by reducing the general tax cut from 60 cents to 58 cents, produce as much or more revenue for the gasohol program than will come with the gentlewoman's wishes to destroy the highway trust fund.

Mrs. SMITH of Nebraska. I thank the gentleman but to conclude are we to avoid any incentives to reduce our dependence on foreign oil sources simply because there would be less funding available for other worthwhile programs? We need to establish priorities, and I think the majority of Americans would agree that loosening the stranglehold OPEC has on this country now is one of the most important tasks before this body and this country.

I support the concept of a user supported highway trust fund, and I am aware of the difficulties we will face in maintaining an adequate amount of money in the Fund. This problem can and will be resolved after full evaluation and discussion—not with a last-minute motion to instruct conferees who have worked overtime to forge the current gasoline tax compromise. Opponents would have us believe that this exemption is ill conceived and destructive. I happen to believe that if it brings us closer to reducing our dependence upon foreign oil, it is just the opposite.

In March of last year, I introduced a bill with the support of former Secretary of Energy Schlesinger to extend the 4-cent gasohol exemption for an additional 5 years. In July, I introduced legislation to extend the exemption permanently. I was pleased to learn that the President had also supported this idea in his public appearances last summer. There is a reason that the President and many Members of Congress have endorsed this idea—and it is not simply popular appeal. Farmers and businessmen interested in producing alcohol fuel need some assurance that the advantages of producing alcohol are not temporary. This tax exemption has proven to be effective incentive. So effective, in fact, that the administration's recently announced alcohol fuel plan for the next 10 years has as its cornerstone my bill providing a permanent exemption from the tax.

There has been some question about the level of support for the 4-cent exemption in the Department of Energy and the administration. The other day during Appropriations Subcommittee hearings, I questioned Deputy Secretary of Energy John Deutch about Administration support. He replied:

> There is no question about the fact that the Department of Energy and everybody in the Administration wishes to see that four cents per gallon excise tax (exemption) made permanent.

This together with the stated position of the President and the Secretary of Energy, and the recent statement of Secretary of Transportation Goldschmidt concerning the minimal effect—3 to 5 percent loss—on the highway trust fund, I cannot see how any one can question the administration's stand.

I think people in both agricultural and urban areas are watching with great interest the development of an industry designed to reduce our dependency upon foreign oil supplies. We need an extension of the motor fuels excise tax exemption to at least the year 1992 to encourage this new, important energy industry.

Without large Federal expenditures, this measure will give impetus to commercialization efforts and allow investors to commit funds they otherwise might not. I have no doubt alcohol fuel can and will contribute significantly to our energy supply, but we need an extension of the gasohol tax incentive included in the windfall profit tax legislation for this to happen.

Mr. HOWARD. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. BEDELL).

Mr. BEDELL. Mr. Speaker, I rise in support of the motion to table. I would hope we would point out as was pointed out by the gentleman from New York, that highway trust fund legislation expires in 1984, that regardless of what is done in this amendment that there will be no change before 1984, that we have time to make the necessary changes in order to see that the highway trust fund is replenished and indeed in the conference report it directs that that is to be done.

Mr. Speaker, I would like to explain why it is I support alcohol fuel to the extent I do. It is not because I am from a farm State. The fact is that in from 2 to 5 years it is expected we will be able to take cellulose products and convert them to starch from which we can then produce alcohol fuel. The Office of Technology Assessment has come out with a report which shows that when we can do that, the feedstocks we will have from forestry wastes, agricultural wastes and urban wastes, particularly garbage, will be adequate to produce more gallons of alcohol fuel than we now burn in our automobiles in a whole year in the United States.

Mr. Speaker, I think this is not an agricultural problem. This is a problem that affects urban people just as well. We are all aware of the magnitude of the problem we face in solving our energy difficulties.

If this amendment passes, Mr. Speaker, it will seriously jeopardize our ability to get the investment we need, at this time, into a new alcohol fuel program and that is a program that can move us forward toward solving this critical energy problem we have and I hope above all else that the Members of the Congress will realize the importance of this issue.

Mr. HOWARD. Would the gentleman yield for just a moment?

Mr. BEDELL. I would be glad to yield to the gentleman from New Jersey.

Mr. HOWARD. The gentleman did mention things other than grain alcohol.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HOWARD. Mr. Speaker, I yield the gentleman a half minute.

Mr. BEDELL. I yield further to the gentleman from New Jersey.

Mr. HOWARD. The gentleman referred to garbage and waste and interest to areas other than our farm areas. Is it not true this only applies to grain alcohol?

Mr. BEDELL. Mr. Speaker, I do not understand the gentleman's question.

Mr. HOWARD. The gentleman spoke of the great benefits of gasohol. As I understand it, this deals only with grain.

Mr. BEDELL. No, it does not, Mr. Speaker, it applies to ethyl alcohol. Ethyl alcohol, when we get that conversion, can be produced from cellulose products, one of which is urban garbage and that tax exemption will apply to that.

Mr. Speaker, it is very, very important and I appreciate greatly the fact that the gentleman has brought this up so everybody would understand exactly what it is.

Mr. DORNAN. Mr. Speaker, would the gentleman yield for a unanimous-consent request?

Mr. HOWARD. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DORNAN).

(By unanimous consent, Mr. DORNAN was allowed to speak out of order.)

GUERRILLA ACTIVITY IN COLOMBIA AND THE TAKING OF 45 OR MORE HOSTAGES

Mr. DORNAN. Mr. Speaker, I want to advise my colleagues of another humiliating hostage/terrorist story that is breaking at this moment in South America. Some of you are aware that our Ambassador to Colombia, Diego Asencio, has been shot along with possibly seven others at the Dominican Republic Embassy in Bogota, Colombia. It is now reported on the wire services that as many as 45 hostages are held, with at least 8 of them shot. These 45 men and women are almost all diplomats, including the Papal Nuncio Angel Ayerbi. These terrorized diplomats represent at least a dozen nations, it is reported. American businessmen who were attending this reception at the Embassy of the Dominican Republic are also held hostage. Heavy automatic weapons fire is continuing.

Mr. Speaker, our President said that the tragedy of the 53 hostages in Tehran would not be moved off the front pages of our newspapers if he could help it. Unfortunately this has happened. No matter what the President of the United States desires, the Colombia hostages will dominate the news tonight and for days to come. We now have 95 or more hostages held around the world and I suggest Congress ought to directly enter into an intensive debate to figure out some solutions to prevent this madness in the future. It is nice to be liked; it is less dangerous to be respected.

Mr. HOWARD. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. HEFNER).

Mr. HEFNER. Mr. Speaker, I would like to associate myself with the remarks of the gentleman from New Jersey.

Mr. Speaker, I know that no single group in this Nation supports the development and deployment of gasohol more than the Members of this body. However, I do not understand why we should be stampeded into supporting the gasoline tax exemption approach taken by the other body.

Not only does the tax exemption approach raise difficult issues of fiscal planning in the highway program, but it constitutes a support mechanism which unduly shifts the financial burden of gasohol development onto those highway users unable to use gasohol. Mr. Speaker, gasohol, which is made of 90 percent gasoline and 10 percent grain alcohol, is a regional fuel. The report of the alcohol fuels policy review published by the Department of Energy so states:

> Through 1985, the contribution of alcohol fuels is expected to be modest nationally—perhaps displacing as many as 40,000 barrels per day of oil once presidential initiatives are put into practice. Production will be limited by the capacity to convert agricultural and waste material into alcohol. The impact is likely to be much greater regionally, however. In agricultural states, alcohol fuels may become significant sources of local supply.

The rapid deployment of gasohol in even a few States will benefit the entire Nation by reducing our dependence on foreign oil. However, the development of gasohol in just a few States when coupled with the gasoline tax exemption will drastically reduce the contribution made by those States to the highway trust fund. Without a corresponding reduction in their Federal aid highway funding through a change in the apportionment formulas, this gasoline tax exemption will create a huge windfall for these few States at the expense of those highway users throughout the vast remainder of the country who cannot readily benefit from gasohol.

Mr. HOWARD. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. FITHIAN).

Mr. FITHIAN. Mr. Speaker, I thank the gentleman for yielding.

First of all, I want to compliment the gentleman from Oregon (Mr. ULLMAN), the chairman of the Committee on Ways and Means, for helping this country take one firm step toward energy independence and one firm step away from OPEC dominance.

Now, a rose by any other name, Mr. Speaker, is still a rose. This Howard motion would kill the alcohol program at its inception.

If the 2-percent figure which the gentleman from New Jersey (Mr. HOWARD) uses can be converted—I have been told by the chairman of the Committee on Ways and Means that it cannot; but if it can be converted to a subsidy to alcohol, it can be converted to a subsidy to the highway trust fund.

Mr. Speaker, in private conversations I have assured the gentleman from New Jersey that I as one Member would assist in any way to solve the highway trust fund. Budget acts, acts dealing with the highway trust fund can be changed in the same way that all other legislation is changed around here.

Mr. Speaker, let us then back the one program in this windfall profit tax, the one program that deals with the production of additional energy. All the other programs to help the poor and to do other things do not produce additional energy. If we strike this one program which does help produce energy, then this House will be going on record as not caring about the increase in the production of liquid fuel for this country.

Mr. Speaker, if we can, then, proceed, let us proceed.

The gentleman from Oregon (Mr. ULLMAN) and the Committee on Ways and Means and the conferees have given us that opportunity to proceed. I urge a yes vote on the Ullman motion to table.

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

Mr. FITHIAN. I yield to the gentleman from New Jersey.

Mr. HOWARD. I would just like to state to the gentleman this is the only program to promote alternate sources of fuel within the windfall tax program. Yet the only place that gets this money is not in that program but outside the program in the highway trust fund. I wish it would stay in the windfall tax program.

Mr. Speaker, I yield 2 minutes to the gentleman from South Dakota (Mr. DASCHLE).

Mr. DASCHLE. Mr. Speaker, I rise in opposition to the motion to instruct offered by the gentleman from New Jersey.

The question to be answered today is quite simple. Do we or do we not encourage the production of alcohol for use as a fuel? For those Members who do not believe the supply of liquid motor fuel in this country is precariously in balance with demand, for those who do not believe we need to reduce our unwanted dependence on foreign sources of energy, and for those who do not remember the long gas lines which occurred throughout this country 1 year ago, a vote in favor of this motion is in order.

On the other hand, a vote in opposition to this motion is necessary if you believe we can and must reduce our consumption of imported petroleum, if you support the notion of this Nation becoming more energy independent, and if you believe the time to reduce our dependence on foreign energy resources and become more energy self-sufficient is now, not later.

The excise tax exemption for gasohol, which the gentleman from New Jersey opposes, is simply the single most important incentive to the production of alcohol for fuel.

Ethanol, alcohol which can be produced throughout this Nation from our abundant renewable resources, is the only alternative fuel commercially available now, and the only one likely to be available in quantity before 1985, possibly 1990.

But, without the extension of the excise tax exemption, which by statute will expire in 1984, the contribution of ethanol to our Nation's motor fuel requirements will not be realized. Without the extension of this exemption private sector investors are frankly not willing to commit limited resources to construct alcohol fuel production facilities.

The gentleman from New Jersey is rightly concerned about the future viability of the highway trust fund.

I fully share that concern. The people of South Dakota are no less dependent on well-maintained highways and bridges than people in any other State in this Nation and in some respects the people of my district are more dependent on well-maintained highways and bridges because rail transportation in eastern South Dakota is in effect nonexistent.

Extension of the excise tax exemption for gasohol will not decimate the highway trust fund as some would like for us to believe. According to the Secretary of Transportation the revenue loss resulting from the extension of the tax exemption for gasohol will amount to between 3 and 5 percent between now and 1990. Clearly, the gasohol tax exemption will not decimate the trust fund.

Trust fund revenues are depressed below the levels experienced in prior years, but this reduction is not due to the excise tax exemption for gasohol. This reduction is due to a host of factors including a reduction in travel due to the unavailability of fuel, improvements in automobile fuel efficiency, and general energy conservation efforts.

The 1978 Surface Highway Transportation Assistance Act directed the Department of Transportation to examine the most efficient and effective means of raising revenue. I understand the Department will report the results of this examination to the next Congress. When this report is submitted to the Congress, the Congress should assess future highway programs and the best means for raising the necessary revenue for future highway programs. I want to assure the gentleman from New Jersey I will fully support the best means for financing future highway programs.

In conclusion, extension of the excise tax exemption for gasohol is essential if we want to become more energy self-reliant and lessen our Nation's unwelcomed dependence on unreliable and increasingly costly foreign energy resources in the least amount of time.

□ 1740

Mr. HOWARD. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the gentleman said that it is not going to ruin the highway trust fund with a matter of 2 or 3 percent. It might not at that rate, but we know that the Department of Energy is saying that it is hopeful that by the end of the 1980's or the 1990's, that all motor vehicle fuel will be by gasohol, so what we are talking about is 100 percent.

The projections by the Joint Tax Committee have estimated that by the end of this decade, before the 1992 date, it will be up to or more than 10 percent. Of course, that throws us right out of any contract authority, so it is not a misstatement to say that this can destroy the highway trust fund.

Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. ROE).

Mr. ROE. Mr. Speaker, I thank the distinguished gentleman from New Jersey, my good friend JIM HOWARD, for yielding me this time.

Mr. Speaker, I think we owe to Mr. HOWARD a great deal of gratitude today for bringing this matter to the attention of the House. I would like to take a little different approach for the benefit of the Members who are here and those who are watching over electronic devices.

Did the Members consider this issue? I think that the Members ought to bring into focus a different viewpoint here. The $227 billion windfall profit tax is a quarter of a trillion dollars. It is a quarter of a trillion dollars. How we labored and brought forth a mouse. Of the $227 billion—a quarter of a trillion dollars—the grand sum of $34 billion—a great amount, $34 billion—is going to be allocated for energy resources in the country to meet an $80 billion capital drain out of the Nation each year, with our imbalance of payments, by importing vast amounts of foreign oil. We should not even have to be on the floor arguing this issue. There is not any competition between gasohol and the highway users tax and the highway trust fund. There is not any competition. That has been said by every person who has spoken here today.

The idea that if either one of these motions pass, whether the Ullman motion or the Howard motion passes, that it is going to alter this picture is sheer nonsense. It is not going to happen. The rules of the House do not permit it. But, there is an issue that Mr. HOWARD is raising that is important. Everybody moans and groans and speaks to what we should be doing. We should be making America energy free. We cannot even figure out a method to use $227 billion—a quarter of a trillion dollars—to move this country ahead in energy independence without now having to take funds out of the highway trust fund.

Is it possible that the Members of the Congress cannot even figure out a method parliamentary-wise to come back and say that we could have done both, and then somebody came back and said that this windfall profit tax, you do not understand this, you are not an enlightened Member of the House. This $227 billion windfall profit tax is not a user tax.

Good God Almighty, this most assuredly is a user charge, this $227 billion in the main has been gouged out of the American motorists' pocket. The $227 billion has come out of the American people, and there is nothing more that could be a user charge to the traveling public in the United States that is paying this tax.

We ought to get on the record; the debate ought to focus on the point of view—people say they cannot use general revenue funds. We cannot use the 2 cents for additional tax. We are going to be called upon when this debate is over, as Mr. HOWARD and Mr. SHUSTER have pointed out, to say that we are going to add another gasoline tax because in the alternative, every Member who is fighting for synthetic fuels as I am, and I am vice chairman of the House on that program, had better be ready also to vote in the future, very shortly, for an increase in the highway gasoline tax.

How are we going to go back to the American people and say to them, "By golly, you know, we have $227 billion of your money—a quarter of a trillion dollars—and we could not even figure out how to make both of these worthwhile programs whole because the Congress did not have jurisdiction."

Who the heck does have jurisdiction if the Congress does not have it, if nobody on this floor has jurisdiction and nobody else can make this decision?

I say this regrettably: There ought to be one commitment, and one commitment to be made. We have got to go ahead with the synthetic fuels program desperately. We have got to go ahead with the gasohol program, but we ought to make an oath in blood for the Ways and Means Committee and the Public Works Subcommittee and everybody else that there ought to be a way that this user charge, which is now called a windfall profit tax, can be utilized to make the highway trust fund whole.

Mr. HOWARD. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. JOHNSON), the chairman of the Committee on Public Works and Transportation.

Mr. JOHNSON of California. Mr. Speaker, I rise in support of the motion by my distinguished colleague from New Jersey to instruct House conferees on the windfall profit tax bill, H.R. 3919. First, I want to affirm my support for gasohol and the development of a program to encourage gasohol production. We must not underestimate the importance of this alternative fuel in our efforts to conserve petroleum. However, I do not believe that the only avenue available to us to promote gasohol production is the current conference proposal to extend the present exemption of gasohol from the 4 cents per gallon Federal fuels tax. There are several problems with this approach, the most serious of which is the devastating impact on the major revenue source for our Nation's highway program, the highway trust fund. This motion instructs the House conferees not to accept any conference provision which directly reduces revenues dedicated to the highway trust fund. Other approaches are available to encourage expanded gasohol production, such as a direct subsidy program, which do not reduce the funds available to preserve and upgrade our Nation's system of highways. As we look toward the future and develop programs to conserve energy, we must remember the tremendous importance of our transportation systems in any conservation effort. Fuels programs, such as gasohol, should work with other efforts in the area of transportation, not against them. I urge my colleagues in Congress to support this motion.

Mr. HOWARD. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Speaker, the gentleman from New Jersey is one of the most respected Members of this House, and he is one of the most dedicated men to preserve the highway trust fund that we have in the Congress. We all should be dedicated to the preservation of this trust fund.

The conferees reached a compromise with the promise that we would make the highway trust fund whole. I am sure that the majority of the Members of this House, nearly all of them, are in favor of both gasohol, and protection of the highway trust fund. We could have perhaps adopted the route suggested by the gentleman from New Jersey, setting aside 2 percent, but it really would have been of no force. We would still have to go through the regular appropriation process.

We could not have set up an entitlement program as he would want. The chairman of the Budget Committee on the other side and many Senate Members said that they would not agree with an entitlement program, so we were faced with a proposition of either advancing the program in general or just stopping it. We do stand with the promise we can give to make the highway trust fund whole. I hope the motion of the gentleman from Oregon will pass, but if we do that we are promising at some future date to make the highway trust fund whole, and we must do that.

May I conclude by pointing this out: We have had a series of motions to instruct. Last week, we had a motion to instruct the conferees to take the entire Senate bill, $26 billion, spend every dollar of it for a program much more expensive than this bill, or this amendment. The gentleman from New Jersey did not do that, but 185 Members did. Now, we have another motion to instruct the conference to set aside 2 percent for this gasohol program.

□ 1750

Next week there will be a motion that is going around the floor saying that they want to instruct conferees to say that all the money must go toward energy conservation and research measures. There are perhaps one or two other motions "to instruct."

Our conferees have met for 2 months, working day and night, trying to come up with some reasonable compromise. We should work out a compromise on gasohol that is much less than what the Senate has originally recommended, much less onerous to the highway trust fund.

But, Mr. Speaker, we must later make the highway trust fund "whole," and that must be our pledge.

Mr. HOWARD. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, we should understand what the euphemistic phrase, "make the trust fund whole," means. It means increasing the gasoline tax fund. That is the only way we make the trust fund whole.

Let us not kid ourselves. We should be asking to increase the gasoline tax fund simply to have in the trust fund what is already in it today.

Beyond that, Mr. Speaker, we turned to the Alcohol Fuels Commission and asked them what the implications of this are, and they told us that there will be up to 15 billion gallons per year of domestic gasohol available by 1984. That means, with the credits the Senate has proposed, $600 million a year out of the trust fund.

But that is only domestically. We are also told that it is anticipated that both Brazil and the Philippines will have sufficient quantities of alcohol available for export by 1984, so that is another $600 million a year out of the trust fund. And that is a $600 million a year American subsidy of foreign production.

If the Members can go home to their constituents and tell them that they voted for a Senate position which is going to give up to $600 million a year in credits to foreign companies and foreign countries to help them increase their alcohol production, they certainly have more courage than I.

In conclusion, I would say, Mr. Speaker, that the proper course for us to take is to vote against tabling this motion and to vote in support of the motion offered by the gentleman from New Jersey (Mr. HOWARD) so that indeed we will preserve the highway trust fund and at the same time support gasohol funding through the windfall profit tax and not at the expense of America's highway trust fund.

The SPEAKER pro tempore. The Chair will state that the gentleman from New Jersey (Mr. HOWARD) has 2 minutes remaining.

Mr. HOWARD. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I would like to read from a release of the Department of Transportation dated February 8, 1980:

> Highway user taxes deposited into the Federal Highway Trust Fund will fall below $7 billion in 1980 * * *
>
> This would be a decrease from the amounts paid by highway users * * * and would mark the first time since 1965 that Trust Fund revenues were less than the preceding year.

Mr. Speaker, this indicates that our efforts to get more miles per gallon, to have better transportation, and to have some semblance of a 55-mile speed limit are reducing the use of fuel. It does cause us a problem. That is the problem that is compounded by this conference report.

Mr. Speaker, we need a highway bill this year if we are not going to reduce for the next fiscal year the bridge money, the primary and secondary money.

We have heard that there is a statement of managers that indicates that they will use some time during the remainder of this session to consider the question of finding ways and means to help us. The ranking minority member of the Committee on Ways and Means, the gentleman from New York (Mr. CONABLE), said they will make an effort to do something about it. But we have to know if we will have a bill this year, and I have not yet heard, although I would like to hear, from the Committee on Ways and Means that they will produce a bill before this House during this session that will extend the trust fund with sufficient amounts of money to meet the kind of program that the House voted in the last Congress, because without that there will be no highway bill this year.

We want to meet our commitment. If any Members say that they are voting to table this motion and voting against our instructions but they are all for the highway program, they just are not for it.

So there is a choice that we must make. Both programs promote gasohol. The question is, do we do it out of the windfall profit tax, or do we do it at the expense of the highway programs in this Nation? That is the choice we have.

Mr. Speaker, I urge rejection of the motion to table and support of the motion which I offered.

● Mr. DOWNEY. Mr. Speaker, I wanted to have us take specific note of a letter from the Secretary of Transportation to Senator BIRCH BAYH in which Secretary Goldschmidt details the effects on the highway trust fund of the exemption for gasohol from the normal Federal taxation on gasoline. The letter is dated January 20, 1980.

Over the next 10 years, the net revenues expected to be raised from taxes on gasoline are approximately $83.5 billion. Secretary Goldschmidt expects the revenue loss from the gasohol exemptions to be between $2.7 and $4 billion over the same period. Most of the shortfall will occur in the later part of the decade. In percentage terms, this is a revenue loss of only 3 to 5 percent.

Mr. Speaker, if we are to meet our national goals of conservation and production of substitute fuel, this revenue loss is relatively small and efficient. We have found time and time again this year that the small tax incentives we included in the National Energy Act can encourage homeowners to spend millions on conservation equipment.

Speaking as a member of the Ways and Means Committee for a moment, I would just like to say that the compromise in the present agreement does represent some giving on both sides. Also, language will be included in the report which will stress the need for a reasonable reauthorization in 1984 which not only makes up for the loss, but will encourage ways to shore up the trust fund further.

Gasohol represents one significant way we can help beat our addiction to imported OPEC oil. By going fullfledged into programs which will make this alternative fuel available, we will be moving closer to the day when our balance-of-payments deficit stops growing and begins to level off.

This past weekend, like many other Members, I held an energy forum in my district to discuss conservation and alternatives to gasoline. One thing was clear. The people want gasohol incentives. They were literally demanding them. Given what I saw in my district last Saturday as overwhelming support for all alternative energy research programs and specifically gasohol, in my opinion, any Member who would vote for this motion is out of touch. The name of the game here is to provide an incentive that gives certainty to investors.

Our sacred highway trust fund is not worth saving if it means sacrificing a meaningful part of the most promising alternative fuels program anyone has been able to come up with to replace Arab oil.

Inflation is running about 18 percent now. There is a very good reason that it is so high; we import $80 billion worth of imported crude oil.

Making a dent of 3 percent in an aging program is not going to solve this problem, but it will help. Gasohol sales in my district were very high last summer when it became available. I have seen evidence of significant private commitment to this effort. It is time for the Federal Government to move solidly toward gasohol. The 4-cent tax exemption included now in the windfall profits tax conference agreement is one clear way to do this. There are many others, of course, but this tax credit is important.

We in the Frost Belt welcome the contribution of the Corn Belt in helping us see some hope in what appears to be a national emergency situation. For all of us who are earnestly trying to find ways for the Federal Government to relieve the pressure on our economy of imported oil, we should oppose this motion to instruct. Let us be gasoholics unanimous in this effort.

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., January 30, 1980.

Hon. BIRCH BAYH,
Chairman, Subcommittee on Transportation, Senate Appropriations Committee, Washington, D.C.

DEAR BIRCH: On several occasions, we have discussed the growing use of gasohol and its importance as a substitute fuel to help meet supply shortages over the coming decade. I am aware of your concern for gasohol in your capacity as Chairman of the National Alcohol Fuels Commission as well as your continuing support for the highway program, and I am pleased to respond to your request for information on the relationship between gasohol and highway financing.

As you know, there are various measures of Federal assistance being made available to encourage the greater use of gasohol. Among them is the exemption of this fuel from the normal Federal taxation on gasoline, which is one of the key revenue sources for the Highway Trust Fund. Extension of this exemption is part of the current conference discussions over the energy tax bill.

Concerns have been raised over the impact the gasohol exemption may have on the Highway Trust Fund and its ability to sustain needed programs in the construction and rehabilitation of the Nation's highway network. Present estimates place the total tax revenues into the Highway Trust Fund from all sources (excluding interest on the fund balances), at $83.5 billion over the decade 1981–1990, before allowing for revenue loss due to gasohol. While precise data is not yet available, the revenue loss is now expected to fall between $2.7 and $4.0 billion, with most of the shortfall occurring in the latter years of the decade. In percentage terms, the gasohol exemption represents a revenue loss of between 3 and 5 percent.

While this is a matter of concern, it is only one of several trends affecting the future of the highway program revenue stream. A lessened rate of travel growth, more fuel efficient auto and truck fleets, potential reliance on electric vehicles, and many other factors are combining to depress trust fund revenues growth well below the levels experienced in earlier time periods.

As part of the 1978 Surface Transportation Assistance Act, the Department of Transportation was directed to undertake a number of revenue related studies, including specific review of the proper allocation of highway expenses among classes of users and the most efficient and effective ways of raising revenue. We have these studies well underway and look forward to reporting their results to the next Congress. At that time, it will be important to assess the future highway programs and the ways in which revenue can be produced for those programs, balancing transportation objectives and other national goals such as the production and use of domestic substitute fuel supplies.

I know you have been a strong supporter of progress in the highway program during your tenure as Chairman of the Senate Transportation Appropriations Subcommittee, and I am sure that you will lend support to the measures necessary to assure that such progress continues in the future. I look forward to working with you on these concerns.

Sincerely,

NEIL GOLDSCHMIDT.

TABLE 1.—ESTIMATED EFFECT OF THE GASOHOL EXEMPTION ON THE HIGHWAY TRUST FUND AT A NOMINAL CONVERSION RATE

[In millions of dollars]

	Net estimated revenue without gasohol exemption	Estimated decrease due to gasohol exemption	Net revenue after gasohol exemption
1980	6, 974	40	6, 934
1981	7, 158	76	7, 082
1982	7, 527	98	7, 429
1983	7, 851	140	7, 711
1984	7, 919	191	7, 728
1985	7, 888	243	7, 645
1986	8, 264	284	7, 980
1987	8, 751	341	8, 410
1988	9, 069	376	8, 693
1989	9, 396	436	8, 960
1990	9, 753	497	9, 256
Total	90, 500	2, 722	87, 828

●

Mr. ULLMAN. Mr. Speaker, I move to table the motion to instruct offered by the gentleman from New Jersey (Mr. HOWARD).

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from Oregon (Mr. ULLMAN).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. ULLMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 294, nays 118, not voting 21, as follows:

[Roll No. 85]

YEAS—294

Abdnor
Addabbo
Akaka
Albosta
Alexander
Andrews, N. Dak.
Annunzio
Anthony
Ashley
Aspin
AuCoin
Bafalis
Bailey
Baldus
Barnes
Bauman
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Bingham
Blanchard
Boggs
Boland
Bolling
Bonior
Bonker
Brademas
Brodhead
Brooks
Brown, Calif.
Brown, Ohio
Broyhill
Burlison
Butler
Byron
Carney
Carr
Carter
Cavanaugh
Chappell
Cheney
Chisholm
Clay
Coelho
Coleman
Collins, Ill.
Conable
Conte
Corcoran
Corman
Cotter
Coughlin
Courter
Daniel, Dan
Daniel, R. W.
Danielson
Daschle
Davis, Mich.
de la Garza
Deckard
Dellums
Derrick
Dickinson
Dicks
Dingell
Dodd
Dornan
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Eckhardt
Edgar
Edwards, Calif.
Emery

English
Erdahl
Erlenborn
Evans, Del.
Evans, Ind.
Fascell
Fazio
Fenwick
Fish
Fisher
Fithian
Foley
Ford, Tenn.
Forsythe
Fountain
Frenzel
Fuqua
Garcia
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Glickman
Goldwater
Gonzalez
Gore
Gradison
Gramm
Grassley
Gray
Grisham
Gudger
Guyer
Hall, Ohio
Hall, Tex.
Hamilton
Hance
Hanley
Harkin
Harris
Hawkins
Heftel
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holtzman
Hopkins
Hubbard
Huckaby
Hughes
Hyde
Ichord
Ireland
Jacobs
Jeffries
Jenrette
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kildee
Kindness
Kogovsek
Kostmayer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lederer
Lehman
Leland
Lloyd
Long, La.
Long, Md.
Lott

Lowry
Lujan
Luken
Lundine
McClory
McCloskey
McDade
McDonald
McEwen
McHugh
McKinney
Maguire
Markey
Marks
Marlenee
Mathis
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Miller, Calif.
Mineta
Minish
Mitchell, N.Y.
Moffett
Mollohan
Montgomery
Moore
Moorhead, Pa.
Murphy, N.Y.
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nichols
Nolan
O'Brien
Oakar
Obey
Ottinger
Panetta
Patterson
Paul
Pease
Pepper
Perkins
Petri
Pickle
Porter
Preyer
Price
Pritchard
Quayle
Railsback
Regula
Reuss
Richmond
Robinson
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roth
Roybal
Runnels
Russo
Sabo
Santini
Satterfield
Sawyer
Scheuer
Schulze
Sebelius
Sensenbrenner
Shannon
Sharp
Shelby

Simon
Skelton
Slack
Smith, Iowa
Smith, Nebr.
Snowe
Spellman
St Germain
Stack
Staggers
Stanton
Stark
Stenholm
Stewart
Stockman
Stokes
Studds

Swift
Synar
Tauke
Thompson
Traxler
Trible
Ullman
Van Deerlin
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weaver
Whitehurst

Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wirth
Wolff
Wolpe
Wright
Wyatt
Wylie
Yates
Yatron
Young, Fla.
Zablocki

NAYS—118

Ambro
Anderson, Calif.
Andrews, N.C.
Applegate
Archer
Ashbrook
Atkinson
Badham
Barnard
Beard, R.I.
Boner
Bouquard
Bowen
Breaux
Brinkley
Broomfield
Buchanan
Burgener
Burton, John
Burton, Phillip
Campbell
Clausen
Cleveland
Clinger
Collins, Tex.
Crane, Daniel
Crane, Philip
D'Amours
Dannemeyer
Derwinski
Devine
Diggs
Dixon
Donnelly
Early
Edwards, Okla.
Ertel
Fary
Ferraro
Findley

Flippo
Florio
Ford, Mich.
Fowler
Gingrich
Ginn
Green
Guarini
Hagedorn
Hammerschmidt
Hansen
Harsha
Hefner
Holt
Horton
Howard
Hutto
Jeffords
Jenkins
Johnson, Calif.
Kemp
Lee
Lent
Levitas
Lewis
Livingston
Loeffler
Lungren
McCormack
McKay
Madigan
Marriott
Martin
Miller, Ohio
Mitchell, Md.
Moakley
Moorhead, Calif.
Mottl
Murphy, Pa.

Murtha
Nowak
Oberstar
Patten
Peyser
Quillen
Rahall
Rhodes
Rinaldo
Ritter
Roberts
Rousselot
Royer
Rudd
Schroeder
Seiberling
Shuster
Snyder
Solarz
Solomon
Spence
Stangeland
Steed
Stratton
Stump
Symms
Taylor
Thomas
Udall
Weiss
White
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wydler
Young, Alaska
Young, Mo.
Zeferetti

NOT VOTING—21

Anderson, Ill.
Biaggi
Conyers
Davis, S.C.
Edwards, Ala.
Evans, Ga.
Frost

Goodling
Heckler
Kramer
Leach, La.
Murphy, Ill.
Nelson
Pashayan

Pursell
Rangel
Ratchford
Shumway
Treen
Vander Jagt
Vanik

☐ 1810

The Clerk announced the following pairs:

Mr. Biaggi with Mr. Anderson of Illinois.

Mr. Edwards of Alabama with Mr. Pashayan.

Mr. Murphy of Illinois with Mr. Kramer.

Mr. Vanik with Mr. Pursell.

Mr. Rangel with Mrs. Heckler.

Mr. Conyers with Mr. Frost.

Mr. Davis of South Carolina with Mr. Evans of Georgia.

Mr. Ratchford with Mr. Shumway.

Mr. Treen with Mr. Nelson.

Mr. Leach of Louisiana with Mr. Goodling.

Messrs. FINDLEY, McKAY, STRATTON, and BREAUX changed their votes from "yea" to "nay."

Messrs. BAFALIS, WIRTH, McDONALD, STAGGERS, AKAKA, LUKEN, and HALL of Texas changed their votes from "nay" to "yea."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SPECIAL CENTRAL AMERICAN ASSISTANCE ACT OF 1979

Mr. ZABLOCKI. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 6081) to amend the Foreign Assistance Act of 1961 to authorize assistance in support of peaceful and democratic processes of development in Central America.

The SPEAKER pro tempore (Mr. ANNUNZIO). The question is on the motion offered by the gentleman from Wisconsin (Mr. ZABLOCKI).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 6081, with Mr. FOLEY in the chair.

The Clerk read the title of the bill.

☐ 1820

The CHAIRMAN. When the committee rose on February 26, the bill had been considered as read and open to amendment at any point.

Are there any further amendments?

AMENDMENT OFFERED BY MR. DERWINSKI

Mr. DERWINSKI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. DERWINSKI: Page 4, at the end of line 24, insert the following: "In so far as practicable, local currency used for assistance to the private sector in Nicaragua shall, consistent with the accomplishment of the purposes set forth in subsection (a) of this section, be used in ways which will strengthen private financial institutions which will help keep the private sector in Nicaragua financially independent."
>
> "Local currency loan programs in Nicaragua shall be monitored and audited in accordance with section 624(g) of the Foreign Assistance Act. The President shall report on the implementation of this provision in the report required under subsection (e) of this section."

Mr. DERWINSKI. Mr. Chairman, this is a very modified version of the amendment I offered yesterday. It has been redrafted in consultation with a certain committee staff director whose name I shall not mention for reasons of his modesty. It is intended as a diplomatic answer to the debate we had yesterday.

I also wish to advise the Chair that this refers to private financial institutions, but in the process it obviously has in mind the private agricultural industry as well.

This is how it reads:

> In so far as practicable, local currency used for assistance to the private sector in Nicaragua shall, consistent with the accomplishment of the purposes set forth in subsection (a) of this section, be used in ways which will strengthen private financial institutions which will help keep the private sector in Nicaragua financially independent.
>
> Local currency loan programs in Nicaragua shall be monitored and audited in accordance with section 624(g) of the Foreign Assistance Act.

The effort is to conform this amendment to the existing auditing of foreign assistance programs and to emphasize the intent of Congress to the extent possible and practicable, local currency used in this act shall emphasize the use and support of financial institutions.

I think it is a good amendment. I think it reflects the intent of the Congress.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Chairman, I thank the gentleman for yielding.

As the gentleman from Wisconsin advised the gentleman from Illinois yesterday, we were in sympathy with the intent of the gentleman's amendment, that is, as the gentleman offered it yesterday, but found some difficulty with it. Since we have been cooperative with the gentleman and assisted the gentleman in emphasizing that the local currency should be used for assistance to the private sector, we are very pleased to have worked out this amendment with him, and, of course, accept the amendment. It is a very good amendment. It does what the gentleman had intended in his amendment yesterday, but that amendment had difficulties which now have been removed.

Mr. DERWINSKI. Mr. Chairman, I appreciate the chairman's indulgence and his usual farsighted diplomatic analysis of amendments which I, as the gentleman knows, only infrequently offer.

I understand the gentleman from Michigan (Mr. BROOMFIELD) also supports the amendment.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Yes, the gentleman is correct.

Mr. DERWINSKI. This really makes my day.

Mr. SCHULZE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if I may have the attention of the gentleman from Iowa (Mr. HARKIN), I would like to bring his attention to the fact that yesterday in debate the gentleman made the statement concerning a constituent of mine, Reverend Lang, and the gentleman from Iowa (Mr. HARKIN) made the statement that, "I would submit there is no such human being."

Well, for the edification of the gentleman from Iowa (Mr. HARKIN) I would like to tell the gentleman that Bishop Lang was born in 1931 in Camden, N.J. He was raised in the Drexel Hill area of Philadelphia before moving to Mansfield, Ohio, where he went to high school, graduating in 1949.

Bishop Lang went on to Fremont College in Los Angeles where he graduated in 1956 with a degree in medicine. He went on for graduate work in medicine and anthropology at UCLA and then on to St. Albens Seminary in Los Angeles in 1962. He was ordained in 1965 at St. Augustine's Old Catholic Church in Los Angeles by Archbishop Marchenna. That is Archbishop Richard A. Marchenna. Lang served as rector of Trinity House in Los Angeles from 1965 to 1975 and as head of the Old Catholic Mission in Nicaragua from 1975 to 1980. He is currently involved in finding a site for their new seminary for the Old Catholic Church.

Now, Bishop Derek Lang serves as a bishop of the Old Catholic Church which first broke from the Roman Catholic Church in 1703 in Holland. The church was joined by a group of German Roman Catholics in the year 1870 after differing on the matter of papal infallibility.

The archbishop with whom I checked is Archbishop Richard A. Marchenna at 836 East 40th Street in Brooklyn, N.Y.

I realize the gentleman probably did not do the research himself. He had staff do the research. I realize that the gentleman would not in all good conscience use that kind of information just to gain a point in debate, but I think it does point out the poor research that was done on it. I think it makes an excellent case for the reduction of staff which I understand is going to come before us shortly and I hope if we can reduce the staff, whoever did that research, that the gentleman would insist that he leave his employment.

Mr. HARKIN. Mr. Chairman, will the gentleman yield?

Mr. SCHULZE. I would be happy to yield.

Mr. HARKIN. Mr. Chairman, I did not catch all of what the gentleman said. I happened to be outside.

I would like to read into the RECORD the background of this Derek Lang. We have done some further checking. He signed his letter to the Ambassador from Nicaragua as the Bishop of Middleburg. There is no such diocese, either in the Episcopal Church——

Mr. SCHULZE. Mr. Chairman, I think the gentleman's research was extremely poor. I am very disappointed that the gentleman would be so incomplete. I have the information. I am happy to give it to the gentleman if he wishes.

I would hope that whoever did the research, I hope it is not a typical example of the kind of research that comes out of the committee, because it was absolutely abominable.

The gentleman has in effect disgraced this very distinguished human being who has sacrificed years of his life to help the poor people of Nicaragua. The gentleman has made light of it. I think it was an abominable thing to do.

Mr. HARKIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in response to the gentleman's comments upon my actions in regard to this so-called Derek Lang, I would just inform the Members that we did check and I would just let the facts speak for themselves.

This man wrote a letter to the Ambassador from Nicaragua, signed it as a bishop of the Catholic Church and said that he was the Bishop of Middleburg. He left an address on it. There is no such Middleburg Diocese and there is no such address.

I understood from what the gentleman said yesterday that this Derek Lang signed a letter to this gentleman as a bishop of the Episcopal Church. We further checked in the Philadelphia phone directory and we found that there is a Derek Lang listed in the Philadelphia phone directory as a monsignor.

I just wish that this Derek Lang would come forward so that we could talk to him and find out whether he is a bishop and which church he is a bishop of, or whether he is a monsignor or just what he is, anyway.

Mr. DERWINSKI. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. DERWINSKI. Mr. Chairman, I just have enough recollection of ecclesiastical titles to point out that once a person is designated a monsignor within those churches that use that title, that is an honorary title.

☐ 1830

Even if you subsequently become a bishop or an archbishop you are still a monsignor, so technically that designation in the phone book may be accurate. I merely make the observation.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from California.

Mr. LAGOMARSINO. I thank the gentleman for yielding. I would like to ask the gentleman from Iowa (Mr. HARKIN) if he had occasion to check out the contention and allegations that Mr. Lang or Monsignor Lang made? I think that was the important thing; whether or not he was, in fact, beaten up and put upon by the Sandinistas, and whether his property was expropriated. That was the point of the debate, as I recall.

Mr. HARKIN. Mr. Chairman, will the gentleman yield for a reply?

Mr. DERWINSKI. I just wanted to clarify the one point that the person is still a monsignor, regardless of his higher elevation to which he may be designated by his church. I yield to the gentleman.

Mr. HARKIN. In response to the gentleman from California I would just say yes, we did check it out as much as possible, and, as much as we can piece together, there is a Derek Lang. He was at one time a member of a church. We do not know exactly which one. He did, in fact, have a mission in Nicaragua for a number of years. He was down there during the war last year. The Monfort Fathers, which is a Roman Catholic order with which I am familiar, the Monfort Fathers found him in an area of Nicaragua. I am sorry that I do not have the name of the area. I could find that out for the gentleman. They found him in an area in Nicaragua where he was held captive by the Sandinistas. The fathers were told that this man Lang had been an agent and a spy for the National Guard and that he informed on the Sandinistas to the National Guard and that they, the Sandinistas, were holding him. The Monfort Fathers asked for his release, and the Sandinistas released him to the Monfort Fathers, who then took him to Managua. He was in Managua, and the Capuchins, another Roman Catholic order, got him out of Managua and brought him back to the United States. That is as much as I know about Derek Lang.

Mr. LAGOMARSINO. So the gentleman would say that essentially the burden of the gentleman from Pennsylvania's statement was true, then?

Mr. HARKIN. No, I would not say that. I do not know it is true. All I know again is what I just reiterated to the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. DERWINSKI).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SYMMS

Mr. SYMMS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SYMMS: Page 5 immediately after line 8 insert the following new subsection:

"(k) None of the funds authorized under this chapter may be used for assistance for any school or other educational instrumentality or facility which would house, employ or be made available to Cuban personnel."

Mr. SYMMS. Mr. Chairman, the amendment which I am introducing would eliminate any funding for schools and other educational facilities which house, employ, or in any way utilize Cuban personnel. Under the guise of fighting illiteracy, the Sandinista government of Nicaragua has enlisted the help of 1,200 Cuban teachers to adopt a Cuban-style education reform program that seeks to remove parental influence in education of the youngsters and encourages political indoctrination of all citizens beginning at age 6. The Sandinistas have also sent approximately 600 students to Cuba for intensive indoctrination and are using some of the students as cheap labor for half a day in the fields with a half day in the political classroom.

During my visit to Cuba in January of 1979 as a representative of the House Agriculture Committee, I visited many of the schools and became acutely aware of the real aim of the Cuban educational system. In paging through many of the books in various school libraries, I observed that all of the literature was based on the glories of Communist revolution and the supremacy of the Marxist state. Communist indoctrination forms the basis of the curriculum. By retaining 1,200 Cuban teachers in Nicaragua, it will not be long before all remnants of democratic thought are swept out of the schools.

The major threat to U.S. interests in the Western Hemisphere is Cuban inspired unrest and instability. It would be criminal to use taxpayers money to help fund continued Marxist subversion by building schools, and other educational facilities for Cuban teachers and advisers to use for ideological indoctrination of Nicaraguan children under the thinly veiled guise of literacy education.

The entire purpose in providing this aid package to Nicaragua is to help strengthen and promote those elements which share our ideals of democracy, freedom, and human rights. It is in our interest that the people of Nicaragua recognize that the United States has provided this assistance and not those interests who seek to destroy our influence in that country.

We cannot allow our scarce aid resources to be used in any means by Cuban Marxists to spread violence, revolution and anti-American propaganda. I urge my colleagues to support this amendment and thereby oppose further Communist expansion in Central America, particularly expansion being paid for by the American taxpayers.

Mr. FASCELL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, while the purpose is laudable, I must first of all point out that this amendment is not necessary. Second, the amendment may not do what the gentleman wants it to do. I would, therefore, suggest that the amendment be defeated and we be permitted to say in the legislative history whatever needs to be said with respect to this issue.

It should be noted that the U.S. Government has already put a freeze on a $7.5 million loan to Nicaragua which was in the pipeline for educational purposes, until we could work out an arrangement with the Nicaraguan Government to assure the very thing the gentleman wants to assure by way of his amendment. The same U.S. policy would also apply to whatever local currency moneys were generated by the U.S. aid and which did not go to the private sector. Every one of those local currency programs must have the approval of the United States. We have already demonstrated that we are not interested in using American dollars to further any efforts by the Cubans or anybody else that would be contrary to our own interests.

Furthermore, I will say to the gentleman that we already have in the law a provision which says that none of the money may be used in any way which would assist the activities of the Communists anywhere, and that includes those in Nicaragua.

The other part of the amendment that causes problems, if I might say to the gentleman, can be illustrated from a talk we had with the Education Minister. When we expressed our concern about the fact that there would be Cuban teachers, his answer was. "We need teachers; if you are in a position to send us several thousand teachers, please send them to us."

Now, we really are not in that position yet. We might very well be in the future. The gentleman's amendment says Cuban personnel. That will deny the right for us to send Cuban-Americans. The gentleman does not say Cuban Communists. I would suggest that the thrust, the spirit of the gentleman's amendment is already covered in law. The policy has already been accepted by our Government and has been applied in the action of the U.S. mission in freezing the educational loan for $7.5 million which was in the pipeline.

I think that while the amendment is well intentioned, it will create a problem for us. I suggest that the gentleman withdraw the amendment and say whatever needs to be said in the legislative history here. But if the gentleman insists on his amendment, I think we ought to oppose it and defeat it.

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. Certainly I yield to the gentleman.

□ 1840

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Idaho.

Mr. SYMMS. I thank my friend, the gentleman from Florida, for yielding. That pipeline money is not in this bill.

Mr. FASCELL. No. That is what I am saying. I am just demonstrating that as a point in saying that U.S. policy is following the thrust of the gentleman's amendment. The U.S. Government is already carrying it out. The same policy will be followed with respect to any of the funds in this bill because U.S. agreement is required on the uses of the local currency proceeds that do not go into the private sector for the other programs. That policy and procedure will carry out the intent of the present law. The present law says no U.S. aid money may be used to promote or assist Communist bloc activities.

Mr. SYMMS. I think, then, that this is not in conflict, if the gentleman will yield further.

Mr. FASCELL. I did not say it was in conflict. I said that the purpose has already been achieved. The policy is there. The law is there. But the gentleman's amendment raises a problem on interpretation if we become able to send some Cuban-American teachers there. The gentleman ought to see that. Therefore, I would say just withdraw the amendment and follow implementation of the policy very carefully. Do not write it inflexibly into the law here in a manner which might prevent us from doing something.

Mr. SYMMS. If the gentleman will yield further, what we are trying to accomplish with the amendment—and I want it unmistakably clear—is to be sure that American taxpayers are not financing schools that have Communist propagandists from Cuba there teaching.

Mr. FASCELL. I understand the gentleman thoroughly. I am just saying to the gentleman that that is already in the law now. He adds a new dimension to it with this amendment, which is unfortunate. I know he did not intend that.

Mr. SYMMS. Where is it in the law?

Mr. FASCELL. Just a minute, we will get the citation. It is section 620(h) of the Foreign Assistance Act.

Mr. Chairman, I yield back the remainder of my time so the gentleman from California (Mr. LAGOMARSINO) can support the amendment.

Mr. LAGOMARSINO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do, as the gentleman from Florida (Mr. FASCELL) indicated I would, rise in support of this amendment. This amendment is somewhat similar to an amendment that I offered in the Committee on Foreign Affairs. However, the amendment that I offered was in retrospect overly broad. It would have, as the opponents pointed out at that time, have applied to a number of other situations—hospitals, and things of that kind—which was not our intention. This amendment is direct and straght to the point, and I think it goes to something that is of great concern to us, or at least should be.

The President of the United States—and many of us agree with him—says that the major threat to U.S. interests in the Western Hemisphere is Cuban-inspired unrest and instability. I think it could be regarded as something of a criminal act to use taxpayers' money to help fund continued Marxist subversion by building schools and other educational facilities for Cuban teachers to use for ideological indoctrination of Nicaraguan children under the thinly veiled guise of literacy education. If they want to do that, certainly that is their right.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. I thank the gentleman for yielding. The gentleman said that the funds provided here could be used for building schools for Cuban teachers. That is absolutely a misstatement.

Mr. LAGOMARSINO. If I did, I will correct the record.

Mr. ZABLOCKI. That is what the gentleman said.

Mr. LAGOMARSINO. What I meant to say is I do not know if we are going to do that or not. The amendment makes it clear that we will not do that.

Mr. ZABLOCKI. Will the gentleman yield further.

Mr. LAGOMARSINO. I yield to the gentleman.

Mr. ZABLOCKI. I thank the gentleman for yielding. Is it not the concern of the gentleman that there are now Cuban teachers in Nicaragua?

Mr. LAGOMARSINO. Yes.

Mr. ZABLOCKI. There are some 1,200 there now. If we want teachers in Nicaragua to bring our point of view, should we not provide the money to strengthen the facilities wherein our personnel can teach?

Mr. LAGOMARSINO. I would think that with the great problems of Nicaragua, they would not be spending money to build any facilities, but that they would use already existing facilities that might have to have a little bit of repair, perhaps. But I would think that with the economic situation that has been described to us by the gentleman and others that it would not be exactly the best use of funds to be building new schoolhouses in any event.

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Idaho.

Mr. SYMMS. I thank the gentleman for yielding. I think we also should clarify, Mr. Chairman, that this amendment deals just with this bill, and it would have no conflict with any other part of the law. This is just for this bill. I would say that in this bill none of this $75 million can be used—it is very direct—where the Cubans have teachers involved, and it would be a way to block the Cuban teachers, I would think.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman.

Mr. ZABLOCKI. I thank the gentleman. The gentleman in beginning his remarks properly stated that a similar amendment was considered in the House Committee on Foreign Affairs. He himself had stated that his amendment was too broad.

Mr. LAGOMARSINO. That is correct.

Mr. ZABLOCKI. And that is why it was defeated. I submit that this is as broad as the amendment we defeated in the committee. Let me read the gentleman's amendment.

> None of the funds authorized under this chapter may be used for assistance for any school or other educational instrumentality or facility which would house, employ, or be made available to Cuban personnel.

The gentleman's amendment in committee referred to Government "instrumentality or facility."

Mr. LAGOMARSINO. That is correct.

Mr. ZABLOCKI. This is almost as broad an amendment, I submit, and would be counterproductive to the very purposes we want to spend this money for in Nicaragua, one of which is to educate the people in Nicaragua in order that the Cuban influence there would be lessened. I hope that this amendment would be defeated.

Mr. LAGOMARSINO. If I may reclaim my time, I would like to point out that, as we have been told time and time again, the entire purpose in providing an aid package to Nicaragua is to help strengthen and promote those elements which share our ideals of democracy, freedom, and human rights, and it is in our interest that the people of Nicaragua recognize that the United States has provided this assistance and not those whose interest is to seek to destroy those interests in that country. I think it would be almost an absurd situation to find Cuban teachers teaching in a building provided by American dollars, and that would become known not only throughout that community, but throughout the entire country, if not throughout the entire world. I think this amendment is a very narrowly drawn amendment, and I hope that it would be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho (Mr. SYMMS).

The question was taken; and on a division (demanded by Mr. SYMMS) there were—ayes 13, noes 20.

RECORDED VOTE

Mr. SYMMS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 235, noes 166, not voting 32, as follows:

[Roll No. 86]

AYES—235

Abdnor
Albosta
Ambro
Anderson, Calif.
Andrews, N. Dak.
Applegate
Archer
Ashbrook
Atkinson
Badham
Bafalis
Bailey
Baldus
Barnard
Bauman
Beard, Tenn.
Bedell
Benjamin
Bennett
Bereuter
Bethune
Bevill
Boner
Bouquard
Brinkley
Broomfield
Brown, Ohio
Broyhill
Burgener
Burton, John
Butler
Byron
Campbell
Carney
Carter
Chappell
Cheney
Clausen
Cleveland
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Coughlin
Courter
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Dannemeyer
Davis, Mich.
de la Garza
Deckard
Derrick
Derwinski
Devine
Dickinson
Dornan
Dougherty
Duncan, Oreg.
Duncan, Tenn.
Early
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Evans, Del.
Evans, Ga.
Evans, Ind.
Fish
Flippo
Forsythe
Fountain
Fowler
Frenzel
Gaydos
Gephardt
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gore
Gradison
Gramm
Grassley
Grisham
Guarini
Guyer
Hagedorn
Hall, Tex.
Hammerschmidt
Hance
Hansen
Harsha
Hefner
Heftel
Hightower
Hillis
Hinson
Hollenbeck
Holt
Hopkins
Horton
Hubbard
Huckaby
Hughes
Hutto
Ireland
Jacobs
Jeffries
Jenkins
Jenrette
Jones, Tenn.
Kazen
Kelly
Kemp
Kindness
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lederer
Lee
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Lott
Lujan
Luken
Lungren
McClory
McDonald
McEwen
McKay
Madigan
Marks
Marlenee
Marriott
Martin
Mathis
Mazzoli
Mica
Michel
Miller, Ohio
Minish
Mitchell, N.Y.
Mollohan
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Pa.
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nichols
Nowak
O'Brien
Ottinger
Paul
Perkins
Petri
Pickle
Porter
Pursell
Quayle
Quillen
Regula
Rhodes
Rinaldo
Ritter
Roberts
Robinson
Rose
Roth
Rousselot
Royer
Rudd
Runnels
Satterfield
Sawyer
Schulze
Sebelius
Sensenbrenner
Shelby
Shuster
Skelton
Slack
Smith, Nebr.
Snowe
Snyder
Solomon
Spence
Stangeland
Stanton
Stenholm
Stockman
Stratton
Stump
Symms
Tauke
Taylor
Thomas
Traxler
Trible
Udall
Volkmer
Walker
Wampler
Watkins
White
Whitehurst
Whitley
Whittaker
Williams, Ohio
Wilson, Bob
Wilson, Tex.
Winn
Wirth
Wolff
Wyatt
Wydler
Wylie
Yatron
Young, Alaska
Young, Fla.
Zeferetti

NOES—166

Addabbo
Akaka
Alexander
Andrews, N.C.
Annunzio
Anthony
Ashley
Aspin
AuCoin
Barnes
Beard, R.I.
Beilenson
Bingham
Blanchard
Boggs
Boland
Bolling
Bonior
Bonker
Bowen
Brademas
Breaux
Brodhead
Brown, Calif.
Buchanan
Burlison
Burton, Phillip
Carr
Cavanaugh
Chisholm
Clay
Clinger
Coelho
Collins, Ill.
Corman
Cotter
Danielson
Daschle
Dellums
Dicks
Dingell
Dixon
Dodd
Donnelly
Downey
Drinan
Eckhardt
Edgar
Edwards, Calif.
Ertel
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fisher
Fithian
Florio
Foley
Ford, Mich.
Ford, Tenn.
Fuqua
Garcia
Giaimo
Gibbons
Gonzalez
Gray
Green
Gudger
Hall, Ohio
Hamilton
Hanley
Harkin
Harris
Hawkins
Holland
Holtzman
Howard
Hyde
Jeffords
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Kastenmeier
Kildee
Kogovsek
Kostmayer
LaFalce
Lehman
Leland
Long, La.
Long, Md.
Lowry
Lundine
McCloskey
McCormack
McHugh
Maguire
Markey
Matsui
Mattox
Mavroules
Mikulski
Miller, Calif.
Mineta
Mitchell, Md.
Moakley
Moffett
Moorhead, Pa.
Murtha
Nedzi
Nolan
Oakar
Oberstar
Obey
Panetta
Patten
Patterson
Pease
Pepper
Peyser
Preyer
Price
Pritchard
Rahall
Railsback
Reuss
Richmond

Rodino
Roe
Rosenthal
Rostenkowski
Roybal
Russo
Sabo
Scheuer
Schroeder
Seiberling
Shannon
Sharp
Simon
Smith, Iowa
Solarz
Spellman
St Germain
Stack
Staggers
Stark
Stokes
Studds
Swift
Synar
Thompson
Ullman
Van Deerlin
Vento
Walgren
Weaver
Weiss
Williams, Mont.
Wolpe
Wright
Yates
Young, Mo.
Zablocki

NOT VOTING—32

Anderson, Ill.
Biaggi
Brooks
Conyers
Davis, S.C.
Diggs
Edwards, Ala.
Frost
Goodling
Heckler
Ichord
Johnson, Colo.
Kramer
Leach, La.
McDade
McKinney
Murphy, Ill.
Murphy, N.Y.
Nelson
Pashayan
Rangel
Ratchford
Santini
Shumway
Steed
Stewart
Treen
Vander Jagt
Vanik
Waxman
Whitten
Wilson, C. H.

☐ 1900

The Clerk announced the following pairs:

On this vote:

Mr. Murphy of New York for, with Mr. Rangel against.

Mr. McDade for, with Mr. Conyers against.

Mr. Kramer for, with Mr. Diggs against.

Mrs. Heckler for, with Mr. Stewart against.

Mr. ALBOSTA and Mr. NATCHER changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. COURTER

Mr. COURTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COURTER: Page 5, immediately after line 8, insert the following:

"(k) The President shall terminate assistance under this chapter if he determines that the Government of Nicaragua engages in systematic violations of free speech and press."

Mr. COURTER. Mr. Chairman, our President has called for advancing the cause of human rights throughout the world. He has repeatedly made it clear that this is one of the hallmarks he hopes to achieve through his foreign policy.

In the President's message in support of this measure we are considering, Mr. Carter reiterated his commitment to this cause when he said:

> Many of our neighbors in Central America and the Caribbean are in crisis—crisis marked by economic problems, terrorism, and popular frustration. The resolution of these problems in ways that will preserve the independence and security of these countries, while expanding democracy and supporting human rights, is very much in the interest of the United States.

We are also aware that this administration has sought to further human rights abroad through the use of aid—or the withdrawal of that aid in all its forms, where there have been human rights violations.

In the 1980 Countries Report from the State Department there is an interesting examination of freedom of speech and press in Nicaragua:

> The Government has also jailed several journalists working for a low-circulation daily in its crackdown on extreme leftist organzatons.
>
> The Inter-American Press Association (IAPA) has recently criticized the newly enacted press law in Nicaragua which requires all Nicaragua media professionals to become members of the Sandinista Managua Radio Newsman's Union and the Union of Journalists. The IAPA charged that this law could coerce independent journalists to accept official guidance. It has also noted a climate of fear in Nicaragua which inhibits free expression in the media. The Government has reacted sharply to these comments and protested that freedom of the press in a "revolutionary context" exists in Nicaragua.

The Inter-American Press Association fears expressed in their resolution passed at a Toronto convention of this group have been born out by the actions taken by the Nicaraguan Junta. As in the Soviet Union, if a writer or journalist is not a member of the proper government-controlled union, then he or she does not publish or broadcast.

Mr. Chairman, one of the incidents touched upon in the State Department Countries Report was related as the jailing of "several journalists working for a low circulation daily in its crackdown on extreme leftist organizations." Our Foreign Broadcast Information Service related the incident this way. July 24, FBIS picked up that El Pueblo, a Trostskite (Trotskyite) newspaper, was occupied by the military and that its director, Melvin Wallace, had been arrested in the night by the Sandinista army.

A more recent broadcast from Nicaragua on February 4, 1980, and monitored again by FBIS, noted that Wallace had been charged along with others on El Pueblo's staff with "crimes against the people's interest". A February 11 broadcast noted that Wallace and three additional members of the staff of this newspaper were sentenced to 2 years hard labor for their journalistic crimes.

While Members of this body are not likely to agree with many of these ideas or practices of Trotskyite journalists, this incident illustrates that the Sandinistas are willing to repeat the kind of post revolutionary purges reminicent of those in the Soviet Union.

The Democratic Study Group recognized this jailing as inter-Communist Party faction infighting when it noted in the presentation of arguments against the bill:

> Freedom of the press is deteriorating. The most important Trotskyite newspaper was closed down in an attempt to wipe out factionalism and consolidate communist power under orthodox Soviet domination. The government is also pressuring the moderate press and tried to prevent the most important moderate newspaper from publishing a Social-Christian attack on the government's Marxist policies. Public expressions of discontent with the government are difficult when press, radio, and television are hamstrung.

The only major newspaper in the entire country not "officially" controlled by the Sandinista Junta is published by the son of one of the Junta Directorate, I might add.

Radio and newspapers have been discussed and I am sorry to say that television has not escaped the exclusive control of the Sandinistas.

The United Press International carried this story which was run in a Miami Spanish language paper, Diario Los Americanos. It seems that a private businessman, Farrio Gaularia protested the denial of the Junta when he requested permission to install and operate a TV station. Farrio Jimmenez, a member of the Junta answered him this way, "In Nicaragua the only television channels which will function will be those that belong to the state."

Another Junta official named Ortega attacked Gaularia saying that his request for a TV station "seems suspicious." The Junta official went on to say that the private sector has the right to develop and express ideas in the media but not malign the revolution. He said, "We are not going to deliver a TV station to a group because it has money."

Mr. Chairman, the clear hostility expressed by the Junta toward anyone with private capital or willing to risk their own money to offer an information service to Nicaragua makes the adoption of my amendment so important.

It is interesting to note what one of the Junta's own officials had to say about press freedoms. Commander Arce, a member of the National Directorate of the Sandinista National Liberation Front was interviewed by Radio Managua * * * commenting on the closing of a newspaper and the imprisonment of its top staff, Commander Arce emphasized that, in his own words, "Other media * * * will receive the same medicine * * *" if they practice the same criticisms. Arce went on to say:

> The primary source of law here is the revolution itself. This must be clear. In fact, it is a universal principle. The revolution is a source of law. Why were those who are arguing about bourgeois formalities now not demanding them during the era of the dictatorship?

Mr. Chairman, I urge all my colleagues to support this amendment.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I will be happy to yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Chairman, I thank the gentleman for yielding. This is the Kramer amendment?

Mr. COURTER. This was originally the Kramer amendment, proposed by myself because Mr. KRAMER is not here.

Mr. ZABLOCKI. The gentleman from Colorado had an amendment that he had shared with the gentleman from Wisconsin. I had counseled him that if he would remove a phrase from his original amendment, we would accept the amendment.

Certainly, we are all for free speech and a free press. At the present time, there appears to be a free press and free speech in Nicaragua, and on the part of the majority we would be very happy to accept the amendment.

Mr. COURTER. I thank the gentleman.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Chairman, we are very happy on the minority side to accept this amendment.

Mr. COURTER. I thank the gentleman.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield for a couple of questions?

Mr. COURTER. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, does the gentleman believe, then, that this language should be included in every piece of legislation authorizing foreign aid for any country?

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Mr. COURTER. Mr. Chairman, possibly there would be these good things included in other legislation, and I think it should be included in this delicate situation. May I mention the fact that the language, although it is not the fact that the President has that affirmative responsibility in the original bill as drafted, was included that does indicate the President can take under consideration whether he should consider that aid if there is in fact a violation of human rights, a violation of labor unions' right to organize and carry on their activities, and also if there is a violation of free speech and free press.

As a matter of fact, there are two other places in the bill where it does give affirmative responsibility to the President to terminate aid, and I do not think that in those two areas it is similar to other legislation. I believe every piece of legislation has to be looked at individually.

Mr. VOLKMER. Mr. Chairman, in other words, we should apply the rule to one country and not to another country?

Mr. COURTER. No, I am not saying that. I think basically we should apply the same rule to this country and all others.

First, this language is close to that in the original bill; and second, language to this effect was adopted by this House with regard to labor unions. All we are trying to do by this language is to extend the same ability to give a labor union the right to organize thereunder and to have the right of freedom of speech and freedom of the press.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. Courter).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. RUDD

Mr. RUDD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Rudd: Page 5, immediately after line 8 insert the following new subsection:

"(k) Any agreement between the United States and the Government of Nicaragua regarding the use of funds authorized to be appropriated under this chapter, made available in the form of loans, shall specifically require that such loan funds shall be used for the purchase of goods or services of U.S. origin.".

Mr. RUDD (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. RUDD. Mr. Chairman, this is a very simple amendment. We can classify it as a "Buy America" amendment which insures that the funds that may be provided to Nicaragua in purchases abroad will be utilized not for the purpose of buying goods from Soviet countries or Communist-Marxist countries, but can only be used for purchase of such goods from the United States.

Let me say, Mr. Chairman, to underscore the need for all sorts of controls over the funds that may be provided to Nicaragua. U.S. policy of propping up and supporting Communist governments abroad has only prevented a free choice for the subjugated people who do not really want a Communist government. Since it appears to be the only government in place and available, we do not have to accept it as such.

If this Communist government were allowed to stay in place without our aid it would fall of its own weight. The people within the country would be able to identify themselves with anti-Communist forces which would prevent the takeover of international communism, or the Soviets, or Castro in Cuba.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. RUDD. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Chairman, I am about to accept the gentleman's amendment, and I hope he does not talk me out of it.

Mr. Chairman, the gentleman from Arizona (Mr. Rudd) has shared his amendment with this side of the aisle. We have discussed the amendment, and we are ready to accept it promptly.

Mr. RUDD. Mr. Chairman, do I understand that the committee chairman wishes to accept the amendment as written?

Mr. ZABLOCKI. Yes, we accept the amendment.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. RUDD. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Chairman, we on this side are very happy to accept the "Buy American" amendment. We think the amendment is a constructive one, and we urge its adoption.

Mr. RUDD. Mr. Chairman, I additionally have here testimony of Lt. Gen. Gordon Sumner, Jr., USA, retired, who testified yesterday before the Subcommittee on Foreign Operations of the Committee on Appropriations. He had some things to say that are very startling. I hope that every Member of the House will avail themselves of the opportunity to read it.

This testimony of General Sumner reports in a straightforward manner the Communist takeover in Nicaragua and the failure of our current U.S. apologist foreign policy in Latin America.

Mr. Chairman, the material is as follows:

STATEMENT OF LT. GEN. GORDON SUMNER, JR., USA., RETIRED

I am pleased to be able to appear before this subcommittee to discuss this important subject.

This is my third appearance before the Congress in less than a year to present my views regarding this critical area. I have been retired from active duty less than two years, during which time I have been involved in following events in Latin America both as a private citizen and as chairman of the board of the Council for Inter-American Security (CIS), which is a non-partisan independent research and education organization. I have travelled widely within the area and had the opportunity to discuss these problems with heads of state, U.S. officials, the press, and a broad spectrum of the private sector.

My last assignment on active duty as a Lt. General with duty as the Chairman, Inter-American Defense Board, the security organ of the Rio Treaty.

As this committee is well aware, the United States is facing difficult decisions regarding Nicaragua as well as other countries in the Caribbean basin. The truth is elusive and in many cases extremely unpleasant. I believe that much of what I have to say will fall in the latter category. The media as well as the Carter administration are largely responsible for the inability of the Congress and the American people to clearly perceive the realities in this hemisphere.

Whether consciously or unconsciously, there is a campaign of dissimulation regarding events, policies and trends in the area. President Carter's recent and shocking statement denigrating our vital national interest in the Caribbean basin is typical of this attitude and lack of geopolitical sense. This strategic vertigo on the part of the Carter administration dangerously imperils the security of this nation. Our failure to appreciate both—Soviet and Cuban intentions and capabilities in this hemisphere is every bit as serious as our similar failures in the Near East and South Asia.

It is all part of one geostrategic global picture. The Sandinistas are blood brothers of the Marxist militants—Red terrorists, who are holding this nation hostage today in Tehran. Apparently, this administration can only cope with one crisis at a time. I fail to see the difference between a Communist take-over in Afghanistan and a similar situation in this hemisphere. With the success of the Sandinistas, the Communists now have a substantial foothold on the continental landmass of the Americas.

Apart from our strategic interests in the lands south of our border, the threat to U.S. investment is very significant. Over half of U.S. direct foreign investment in the western hemisphere (excluding Canada) at year-end 1977 was in the nations of the Caribbean basin, including Central America and Mexico. For comparison's sake, this direct investment also was almost a third of U.S. direct investment in Western Europe at year-end 1977. (From Department of Commerce statistics).

In this regard, I would call this committee's attention to the unreliable testimony provided the Congress by both State and Defense in June of last year. While I hesitate for reasons of taste to label the testimony of Mr. Grove, Mr. Atwood, and General McAuliffe as outright lies, subsequent information from C.I.A. documents certainly casts a substantial question over the entire hearing period. Obviously, the Panamanian government, as a government, was shipping large quantities of weapons to the Sandinistas. I would be highly skeptical of administration statements regarding these matters today, particularly in light of the recent controversial "off-the-record" statements of Mr. Bushnell reported by U.P.I.

One of our problems in this regard is that the State Department and National Security Council are highly dependent upon information from sources that I term "ideo-groups". These groups owe no loyalty to the United States and are ideologically committed to ideals and policies rejected by the American people. Two examples are Amnesty International and the Washington office on Latin America—there are many more.

The other side of this problem is that the intelligence gathering capability of the United States, particularly in Latin America has been emasculated by the same groups, both in Congress, the Carter administration, and the media, who now turn to the "ideo-groups" for their information upon which to develop U.S. national policy.

Now let me turn to the matter at hand. The request for 75 million dollars, U.S., by this administration should be considered as part of an overall assessment of our national interests in the Caribbean basin and Central America. I have spoken to the importance of this area to our security interests. Unfortunately, the Carter administration has for the past three years polarized the entire western hemisphere on the basis of human rights. Leftwing dictators and socialist communist governments are automatically "human righteous". Moderate or conservative governments are crucified in the international and domestic arenas. Our national military and economic interests are not considered. The political results have been disastrous for the United States and our friends in the free world.

These friends have watched in disbelief as the Carter administration poured millions into the Socialist/Communist regimes of Guyana and Jamaica, directly and indirectly encouraging left-wing terrorism throughout the basin. President Carter's attempt to romance Fidel Castro while at the same time encouraging the Sandinista revolution in Nicaragua has not been lost on our friends throughout the free world.

One should not forget that our present Ambassador to Nicaragua, Lawrence Pezzullo, made clear statements to the press, last July, claiming U.S. complicity in the overthrow of the Somoza government. He said then, "there was a clear consensus that Somoza was the problem and had to be removed. Our role was to get Somoza out, and we did it". We are now reaping the results of this bankrupt policy. At best, this apparent lack of comprehensive policy could be labeled as "ad hocracy at its worst." A more realistic opinion is that it is a concerted attempt on the part of the "new left" to impose, using unsuspecting taxpayers' money, political and economic systems that have been rejected by the American people.

This contrasts badly, in my opinion, with the policies of previous administrations. For example, President Kennedy and President Johnson understood the realities of the Caribbean and moved to protect U.S. national interests when threatened. The Carter administration has, on the contrary, moved to weaken western hemispheric security ties to include the Rio treaty, by placing a Sandinista civilian revolutionary on the council of delegates of the I.A.D.B. Under the guise of supporting pluralistic political systems, the U.S. is supporting Marxism, Socialism, Agrarian reform, Cuban intervention and now Sandinista revolution. Having these terrorists in the White House must represent a low water mark in the history of our republic—particularly in light of subsequent events in Teheran.

These terrorists now in control of the Nicaraguan Government have an incredibly bad track record. Sandinista Nicaragua has nationalized the banks, nationalized American mining companies, taken over the foreign marketing of agricultural products, called in all currency in $50.00 and $100 denominations and given in exchange certificates that cannot be redeemed for six months, created the insidious block committees similar to the ones in Cuba to spy on the people and perform other "social functions", declared at the non-aligned meeting in Havana that they were supporting "liberation struggles" in Latin America and last but not least abstained at the U.N. on the vote condemning the Soviet Union for their invasion of Afghanistan.

Sandinista Nicaragua has sent 600 Nicaraguan children to Cuba and has brought into the country 1,200 Cuban teachers.

The Sandinista leadership which is now fully in control of the Government has denounced repeatedly the United States as "imperialistic" and has made statements more than once that "private enterprise will be subordinate to the interests of the majority."

There are those who say we must provide the 75 million dollars to the Sandinista Government as an effort of influence and moderation. But it is too late for that. We had a government which was and would have been more responsive to our recommendations for positive change. But U.S. policy destroyed any ability to bring about the necessary change in the time available. President Carter in 1978 wrote a letter to Somoza commending him for the positive changes in human rights policies he was instituting. Unfortunately, the implementation of these policies only gave greater opportunity and encouragement of the Marxists and hastened Somoza's downfall. It is too late to have a positive influence for change in Nicaragua.

The leaders of the Sandinistas are avowed Marxists proclaiming they are part of a world revolution and deriving support from Fidel Castro. The presence of scores of Cuban military officers in Nicaragua and the hundreds of school teachers influencing the young are not there to teach the advantages of capitalism and the free enterprise system. Our financial aid only shores up a Marxist Government helping it to become successful.

Are we trying to convince Honduras, El Salvador and Guatemala that this is a form of government to emulate? Our aid only gives greater strength to the Marxist Revolutionaries in those countries. The Sandinistas based their activities in Costa Rica, a so called, neutral country, in launching their campaign against Somoza. Given further legitimacy by U.S. actions, Nicaragua becomes the base of operations to subvert her neighboring countries.

The Carter Administration is attempting to put the best face possible on strategic disasters in Nicaragua and Iran. This request for 75 millions is in my opinion an attempt to provide "guilt money" which will merely add to the millions we have already poured down the long list of "Rat Holes" of left-wing governments in Latin America. Panama, of course, leads this list.

In summary, I strongly recommend against approval of this request. I stand ready to answer your questions.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. Rudd).

The question was taken; and on a division (demanded by Mr. Rudd) there were—ayes 56; noes 3.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. LAGOMARSINO

Mr. LAGOMARSINO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Lagomarsino: Page 3, immediately after line 13, insert the following new subsection (e) and redesignate subsequent subsections accordingly:

"(e) The Congress reaffirms the requirement of section 502B(a)(1) of this Act that a principal goal of the foreign policy of the United States shall be to promote the increased observance of internationally recognized human rights by all countries. In furtherance of that goal, assistance to Nicaragua under this section shall be terminated, in accordance with sections 116 and 502B of this Act, if the Government of Nicaragua engages in a consistent pattern of gross violations of internationally recognized human rights.

Mr. LAGOMARSINO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. VOLKMER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk will read.

The Clerk continued the reading of the amendment.

Mr. ZABLOCKI (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. LAGOMARSINO. Mr. Chairman, I originally had intended to offer an amendment on human rights that was much more stringent and much tougher than the one that is before us at this time. However, in an effort to be considerate to the chairman of the committee and in order to cooperate with him in bringing this debate to an early conclusion, I have offered an amendment that we have worked out with the majority and the minority.

Mr. Chairman, this body has, in the past, placed restrictions on economic assistance where there have been violations of human rights. I believe the mechanism should be made to apply to Nicaragua as well.

The purpose of this aid is said to be to promote pluralism and the principles of democracy and human rights. It would be contradictory to give aid to promote human rights and then accept violations of human rights with no response on our part.

Some might say we are setting a higher standard for this assistance than for any other aid recipient. But Nicaragua is unlike any other aid recipient. It is a Marxist government. If it looks like a Cuba, if it walks like a Cuba, if it talks like a Cuba, then it probably is a Cuba. To justify giving aid to Nicaragua, you will have to make a very strong case that it will preserve the elements of human rights that this body so eagerly protects.

We have just warned El Salvador aid will not be furnished if human rights are not respected.

If we are to believe that we can have some effect in influencing the course of events in Nicaragua by offering this assistance, then we must also believe the protection of human rights has to be an explicit element of this package.

I urge my colleagues to support this amendment.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Chairman, I thank the gentleman for yielding.

As the gentleman from California (Mr. Lagomarsino) has stated, Mr. Chairman, he did have a more stringent amendment, but we have talked with him and worked out this amendment. I think this is an amendment that we can accept, and we do accept it.

Mr. LAGOMARSINO. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. Zablocki).

Mr. Chairman, I would like to say for the record—I said this earlier, and somehow it was inadvertently stricken from the record—that while I feel very strongly about this legislation, should not in any way indicate any kind of disagreement with the integrity, the honesty, or the purpose of the gentleman from Wisconsin (Mr. ZABLOCKI), the chairman of the committee. He is my good friend, I might add.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Chairman, we are very happy to accept the gentleman's amendment. We think it is a good amendment.

Mr. Chairman, a basic goal of this legislation is to support the democratic aspirations of the people of Nicaragua. Our ability to help foster the principles of democracy, free enterprise and the development of a truly pluralistic society is totally dependent upon their ability to exercise their basic human rights. For this reason, it is vitally important, that we use those few tools we possess in providing economic aid as leverage to promote respect for human rights.

The situation in Nicaragua today remains critical. Our ability to moderate the Marxist-dominated government has been characterized by the Department of State as a gamble. Already there is deep concern about attacks by the new government on the freedom of the press, religion, labor, individual liberty and political participation. It is therefore imperative that we insure that our assistance will be used to protect those fundamental freedoms. By linking full respect for human rights to the provision of this aid, we will be insuring that our aid will promote those freedoms and not abuse them.

I urge all of my colleagues to join with me in support of this critical amendment and thereby insure that acceptance of our assistance is an acceptance of respect for basic human rights.

Mr. COLLINS of Texas. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Texas.

Mr. COLLINS of Texas. Mr. Chairman, could the gentleman from California (Mr. LAGOMARSINO) or the committee chairman answer a question for me?

I am concerned about how many violations of human rights have been reported to this country since the Sandinista group took control down in Nicaragua.

Mr. LAGOMARSINO. Mr. Chairman, if I might reply to the gentleman—and perhaps the chairman of the committee will want to reply as well—I do not know if I could answer how many violations of human rights have been reported, but I could say that very many violations of human rights have been committed and, I might say, have been admitted by the Sandinistas.

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Mr. JOHN L. BURTON. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from California.

Mr. JOHN L. BURTON. I believe the number is 617, if I am not mistaken.

Mr. COLLINS of Texas. That have been reported already?

Mr. JOHN L. BURTON. I would not want to be held to that figure, but I believe it was 617.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. LAGOMARSINO).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BAUMAN

Mr. BAUMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BAUMAN: Page 5, immediately after line 8 insert the following new subsection:

"(k) Up to one per centum of the funds made available to Nicaragua from amounts authorized in subsection (b) shall be used to make publicly known to the people of Nicaragua the extent of U.S. aid programs to them. The President shall periodically report to the Congress on the effectiveness of his efforts to carry out this subsection."

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. I thank the gentleman from Maryland for yielding.

Mr. Chairman, I sort of feel a bit embarrassed that I am accepting all of these amendments, but since we are being very cooperative, we have had an opportunity to read and study the amendment offered by the gentleman from Maryland (Mr. BAUMAN). Certainly we want to identify U.S. aid to Nicaragua. On behalf of this side and on behalf of many of the majority, we accept the amendment.

Mr. BAUMAN. Does that include Dr. Brady's approval?

Mr. ZABLOCKI. Yes, that includes Dr. Brady's approval, and not only Dr. Brady, the chief of staff, but all of the staff on this side.

Mr. BAUMAN. I thank the gentleman for that assurance.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Chairman, we are very happy on the minority side to accept the amendment also.

Mr. BAUMAN. I thank the gentleman.

Mr. HARKIN. Mr. Chairman, I move to strike the requisite number of words.

PARLIAMENTARY INQUIRY

Mr. ZABLOCKI. Mr. Chairman, I have a parliamentary inquiry.

We have not voted on the amendment.

The CHAIRMAN. The gentleman from Iowa (Mr. HARKIN) is entitled to move to strike the requisite number of words, to debate the amendment, even though it has been accepted by both sides.

The Chair recognizes the gentleman from Iowa (Mr. HARKIN).

Mr. HARKIN. Mr. Chairman, as I understand this amendment offered by the gentleman from Maryland, it says that up to 1 percent of the money has to be used to make publicly known to the people of Nicaragua the extent of U.S. aid programs to them.

I find it somewhat amusing, I guess, that those Members on this side of the aisle, who so often object to foreign aid on the grounds that we cannot hope to buy friends, should attempt with this amendment to do exactly that, to try to buy friends with this money.

I do not think we ought to be doing that. The purpose of this aid program is to strengthen the private sector in Nicaragua so that the people of Nicaragua can have a path other than a path to the extreme left or to the extreme right. And now we see an amendment that says, "Yes, but every bit of the money that we put in down there, we have to take 1 percent of it and let them know how generous of heart we are."

It reminds me of the old Biblical parable about the man who came into the church, put the money in the basket, beat his breast loudly, and about the other man who came in the back of the church and gave his money quietly.

I just, again, find it very odd that those on this side of the aisle, who so often object to trying to buy friends, are now trying to buy friends.

Mr. DERWINSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will be very brief. I am not a rubber stamp for the gentleman from Wisconsin or for the gentleman from Michigan, but I do support this amendment. I want to make one practical observation; that is, under free enterprise, which is what we are trying to promote with this amendment, is, in large part, a creature of advertising. And everyone knows the positive aspects of advertising. There is absolutely nothing wrong with the people of Nicaragua understanding the support they are to receive from the taxpayers of the United States.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to my distinguished friend, the gentleman from Maryland.

Mr. BAUMAN. I thank the gentleman for yielding.

Mr. Chairman, without responding to any previous comments by the gentleman from Iowa, because I do not think they are worth responding to, I will explain what prompted this amendment. During my visit to Nicaragua 2 weeks ago, my Spanish-speaking aide accompanied me on Sunday afternoon to a housing project which is being partly financed by Venezuela and partly by the United States, where we are helping to build new houses for several thousand people in Managua who live in the most abject poverty. We visited some of the homes of those very poor people. I asked my aide during the tour to separate himself from me, to talk to the people who live in these areas and also in an adjacent area where U.S. funds are helping to rebuild battle-scarred houses, and to ask them whether they knew the United States was giving aid. He did talk to a number of people, all of them living in the area, and none of them knew that the aid was coming from the United States. When asked where the aid was coming from, they pointed to the housing minister, who was in my party, and they believed the Sandinista government was responsible for this help.

So, all I am suggesting by the amendment—and it is discretionary, not mandatory—is that some effort be made to publicize the role the United States is playing in giving this aid. It will not buy any friends necessarily, but it might make them recognize, as I thought the authors of the bill wanted, that the United States is interested in their welfare.

Mr. DERWINSKI. Mr. Chairman, I just want to advise the House that I have great respect for the gentleman from Iowa (Mr. HARKIN). I know he is a great supporter of the Voice of America, Radio Free Europe, and Radio Liberty. Those are the vehicles we use to extoll the legitimate virtues of the U.S. public position. This Bauman amendment is in that great tradition.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, one of the purposes of this entire legislation is said to be—and the Members can make their own determination whether this is enough reason to vote for the bill or not—one of the compelling reasons for this legislation is the argument that we should not "leave the field to the Cubans." I have heard that many, many times during the course of this debate.

And how do the people down there know we are leaving it to the Cubans or not if they do not know what we are doing?

So this makes eminent good sense. I think that it will help our Embassy people there. It will not hurt them. I think that maybe, if anything, I should not be for this amendment, because I think it does help the bill a great deal.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. I thank my colleague for yielding.

Mr. Chairman, I am very much in favor of this amendment. I do not look at it as an advertisement. I look at it as something real. The people of America are anxious to help the people of Nicaragua, anxious to keep them away from prisons and repression, and that is why we are trying to take this rather risk, perhaps, in helping out. This ought to be something, yes. This a gift of the American people. Why? "Because we care about you, not because we are buying your friendship," but because we want them to know somebody is thinking about them somewhere and hoping that they will be free.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Chairman, we are about to vote here in a second on this amendment, which has been accepted, and I would just like to say to my colleagues that we have had many days now of very fine cooperation, thorough debate on many issues before us on this bill. We are down to about the last amendment. I believe there is one more amendment on that side of the aisle. I am not sure, but I believe that is right. And with a little cooperation we can finish this bill. I would urge the continued cooperation of my colleagues.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. BAUMAN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LAGOMARSINO

Mr. LAGOMARSINO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LAGOMARSINO: Page 5, immediately after line 8 insert the following new subsection:

"(k)(1) Any loan to the Government of Nicaragua of funds authorized to be appropriated under this chapter shall be at a rate of interest not less than the current average interest rate, as of the last day of the month preceding the signing of the loan agreement, that the United States Government pays on outstanding marketable obligations of comparable maturity commencing not later than ten years following the date on which the funds are initially made available under the loan, during which ten-year period the rate of interest shall not be lower than two per centum per annum.

"(2) Any agreement between the United States and the Government of Nicaragua regarding any loan programs administered by the Government of Nicaragua, or any of its agencies or instrumentalities, utilizing local currency generated in conjunction with funds provided under this chapter, shall require that the rate of interest charged on local currency loans under any such program shall be no greater than the rate of interest charged on loans under this chapter to the Government of Nicaragua plus such additional interest charge as may be necessary to cover reasonable costs of administering such local currency loans."

Mr. LAGOMARSINO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LAGOMARSINO. Mr. Chairman, this is probably at least as far as I know, the last amendment to this bill and, I would submit, the best amendment to this bill.

Mr. Chairman, with rising interest rates at home, it would be a thankless—and probably hopeless—task to try and explain to our constituents why we are making a loan to Nicaragua at 2- to 3-percent interest over a 40-year period so that that Government can turn around and charge 15 to 20 percent or whatever it will interest on loans it will then make to small farmers and businessmen. As you all know major banks just raised their prime interest rates to a record 16½ percent. You all know what interest rates your constituents must pay on loans. You all know how sky-high interest rates have priced many people out of the housing market—and you all know how much it costs the Government to borrow the $75 million it does not have to lend the Sandinista government of Nicaragua.

My amendment would simply require that during the life of the loan, the amounts loaned by the government of Nicaragua to individuals in the private sector, from the local currency generated by the U.S. loan, would be at a rate comparable to the interest charged on the U.S. loan. In that way it would truly be assistance to the private sector, which again, is what everyone says is the purpose of this measure.

My amendment would further allow an initial period of 10 years at a reduced concessional interest rate, and then for the remaining life of the loan, probably 30 years the interest rate would reflect the market rate at that time, which would more nearly correspond to the U.S. costs for the loan.

In that way, we offer assistance to the small farmers and businessmen at rates which will help them recover from the ravages of a revolution, and also it will remove the disparity in interest rates that would otherwise occur under this proposal. I urge my colleagues to adopt this amendment.

□ 1930

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Ohio.

Mr. ASHBROOK. I thank the gentleman for yielding.

Is there any provision that would prevent the State Department at any period just writing it off as they have done so often in the past?

They wrote off a loan to India and then they had the gall to call it repayment, literally called it repayment.

I wrote a letter, and they said it was repaid. I said, "How? By writing it off?"

Is there any provision to protect the American taxpayer?

Mr. LAGOMARSINO. No. That is a good point. We do not go to that. I do not know that there is any way we could prevent that from happening. If they did that, they would do that on their own authority and not under the license of this amendment.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Missouri.

Mr. VOLKMER. I thank the gentleman for yielding.

At the present time we are making loans to other countries, are we not?

Mr. LAGOMARSINO. Yes.

Mr. VOLKMER. Are we making them now at the rate the gentleman now proposes in his amendment?

Mr. LAGOMARSINO. We are not making loans to any other countries that are comparable to this one, that has a Marxist-dominated government.

Mr. VOLKMER. We have got a country like the Philippines. What would they get?

Mr. LAGOMARSINO. The gentleman will have to ask the chairman of the committee. It is not a Marxist government.

Mr. VOLKMER. It is not a very human-rights government. They do not have freedom of speech and freedom of press.

We give it to Pakistan. They do not have elections in Pakistan.

What about El Salvador? They shot a bunch of people down there, innocent people. Maybe we should do this to everybody.

Mr. LAGOMARSINO. Perhaps we should.

Mr. HARKIN. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Iowa.

Mr. HARKIN. I thank the gentleman for yielding.

I want to make one correction in the record. The gentleman says in his own definition it is a Marxist-run government in Nicaragua.

Mr. LAGOMARSINO. In my own definition? I have yet, during the 4 days of debate on this bill, had anyone stand up and tell me one member of the Sandinista National Directorate, who are the people who run this country, who is not a Marxist.

Mr. ZABLOCKI. Mr. Chairman, I rise in opposition to the amendment.

I shall be as brief as possible. But I think we ought to know what the amendment does contain. It is very necessary to explain these amendments so we know exactly if we should or should not vote for or against the amendment.

Now, the gentleman from California's amendment would set the interest rate of the loan at the cost of borrowing money to the U.S. Treasury. His amendment further would require an interest rate of 2 percent during the grace period, and in the lending programs with which we are assisting the economies of other countries, there is no interest rate during the grace period.

In other words, this would be punitive in comparison to the interest rates to other countries. It also would set a ceiling on the interest rate charged for local currency loans as the interest rate paid to the United States on the dollar loan after the 10-year grace period.

So, the amendment would make the loan nonconcessionary.

I submit, Mr. Chairman, if Nicaragua were today in an economic position to get a loan on a free market, it would do so.

The purpose of this legislation is to help, particularly the private sector, to rebuild the economy of Nicaragua, thereby adding to the stability of the country.

The very purpose of this legislation is defeated by the gentleman's amendment.

It is discriminatory, and I hate to refer to the prior government, but it is inconsistent with loans to Somoza's government. We did not require that kind of an interest rate or repayment of the prior government. If Nicaragua did not need aid, it would have gone to the private banks from the start.

Therefore, Mr. Chairman, the amendment of the gentleman from California is a crippling amendment.

I would hope and urge my colleagues to vote against it.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Florida.

Mr. FASCELL. If Nicaragua could afford bankable loans, it would not need concessional aid. The nature of the amendment is to make it a bankable loan. It does one of two things. One, it changes the loan from a concessional loan to a normal market loan. Second, it either makes the cost to the private sector higher or reduces the amount of money that is available.

Mr. ZABLOCKI. And thereby defeats the very purpose of trying to assist the private sector.

This is what we are primarily concerned about, so this amendment would defeat the very purpose of this bill.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from California.

Mr. LAGOMARSINO. Actually, as I understand my own amendment, it would provide for a concessional loan for a 10-year period, and during that 10-year period the Government would make loans as it would without this amendment, but the only difference would be that the Government could not charge whatever interest it wanted to. It would have to only charge the concessional loan interest, whatever that might be as set by our Government, plus whatever it would cost them to administer that loan. After the 10-year period, the interest rate would be what it cost the U.S. Government to borrow the money tomorrow or whenever this bill goes into effect before it makes the loan in turn to the Sandinista Government.

Mr. ZABLOCKI. The gentleman from California will agree with the gentleman from Wisconsin that in the 10-year grace period the gentleman's amendment would charge a 2-percent interest?

Mr. LAGOMARSINO. That is correct.

Mr. ZABLOCKI. This is different, not even similar, to other concessional loans to other countries. So it is not a concessional loan, in the definition as we understand it.

Mr. LAGOMARSINO. If the gentleman would yield further, as I recall in answer to a question by somebody on this side of the aisle during debate earlier, the gentleman from Wisconsin said that the loan interest would be 2 percent for the first 10 years.

Mr. ZABLOCKI. But not during the grace period.

I ask for a "no" vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. LAGOMARSINO).

The amendment was rejected.

Mr. DERWINSKI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to point out that this has not been an easy debate for either side. I think all of us are worried that we may have misjudged the case.

I am worried that I have been too harsh on the situation in the government there.

I am sure that the proponents of the bill are worried if they are not making a major mistake.

I think we all recognize the delicate nature of that situation.

I would like to run through a few thoughts with my colleagues as to why I have taken the position I have and why I am opposed to this bill.

First, I have doubts that we could buy a government that is ideologically motivated. I do not think that is possible, because if ideology is what motivates them, dollars or pesos will not sway them.

Second, I would like to point out, and this is of special concern, that the major presence of Cubans and to a lesser degree in numbers, but nevertheless the presence of East Germans in Nicaragua, that their basic assignment is to tighten up control, to tighten up the police state.

☐ 1940

The domestic surveillance, call it the security forces, whatever you will, that is what they are there for. They are rapidly solidifying the government in power.

To give you one example of the trend of that government, in the vote in the U.N. on Afghanistan they voted to abstain and then in the process of explaining their vote, they cited U.S. aid to Pakistan and they cited the U.S. Fleet in the Indian Ocean as reasons for abstaining against censure of the Soviet Union for invading Pakistan.

But what really bothers me is I look back at history and I recall as a young man the closing days of World War II. We all thought that we created a world of permanent peace and freedom. Then the Russian forces rolled into Eastern Europe and were allowed to take over those countries. In every instance they set up coalition governments with Communists and peasant parties, Social Democrat, Christian Democrats, whatever parties may have existed. Within a year or two, in Bulgaria, Romania, Hungary, Czechoslovakia, Poland, every one of those coalition governments was gone and only the Communists remained in control. The people who stayed and tried to work with the original coalition were either exiled or executed. I name, for example, the President of Czechoslovakia, Jan Masaryk, who died a tragic death. That is the history of Communist involvement in coalition governments.

Now, we are told that the junta, the five front men are a coalition. They are not all Sandinistas. They are not all Marxists. I worry about those non-Marxists in that junta when I think back to what happened in Eastern Europe. If anybody could show me one instance in history where the Communists have respected coalition governments, where they have lived with a two party or any multiparty system, then you could get me to change my position; but history does not tell you that, because all history tells you is that they have taken over every coalition government; that they have outlawed other political parties and established one party rule. That is what my fear is. It happened in Eastern Europe when we had the strongest military force in the world standing by, and what is to prevent it from happening in poor, helpless Nicaragua at this point.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to read a statement I received from an official of the AFL–CIO this afternoon, which does read as follows:

> We continue to receive disturbing reports of harassment and intimidation of representatives of free and independent trade unions aimed at forcing them into the Sandinista Labor Federation. In some instances, the agents of coercion are block committees set up "In defense of the revolution" on the Castroite model. For these reasons, we reaffirm our support for the original Lagomarsino Amendment calling for the termination of assistance and the immediate repayment of loans authorized under this bill if Nicaragua is found in violation of the rights of free labor unions to organize and operate.

Mr. Chairman, I would also like to read to you a press release or a news item that came over the UPI wire this afternoon. You might find this interesting:

> WASHINGTON.—At the State Department's request, the Senate has postponed indefinitely ratification of a 1972 treaty implicitly recognizing Colombia's sovereignty over three uninhabited Caribbean reefs also claimed by Nicaragua.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. DERWINSKI) has expired.

(At the request of Mr. LAGOMARSINO, and by unanimous consent, Mr. DERWINSKI was allowed to proceed for 3 additional minutes.)

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield further?

Mr. DERWINSKI. I yield to the gentleman.

Mr. LAGOMARSINO. Mr. Chairman, the statement continues:

> The treaty has already been ratified by Colombia's Congress, but the Senate action has been delayed by a new Nicaraguan claim to the three small islands from Nicaragua's New Sandinista Government.
>
> At issue are the coral reefs of Quita Sueno, Roncador and Serrana, which are part of Colombia's San Andres Archipelago, located between 380 and 460 miles from Colombia and 140 to 200 miles off Nicaragua's Caribbean coast.
>
> "The treaty is in limbo," said a congressional source. It was signed in Bogota Sept. 8, 1972, by then foreign minister Alfredo Vazquez Carrizosa and U.S. Ambassador Leonard J. Saccio.
>
> It is understood the State Department hopes Nicaragua and Colombia can work out their differences and also that the department is concerned treaty ratification at this time may be seen as an unfriendly act by Nicaragua.
>
> Under the treaty, the United States renounced all claims to the three reefs—thus, by implication, recognizing Colombia's sovereignty. But the United States maintains fishing and navigation rights in those waters.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Chairman, I would just like to call to the attention of the committee two statements that appeared in Nicaragua in the last few days. One of them is a statement made by Sergio Ramirez Marcado, a member of the junta to which the gentleman referred, and listen to what he said about this bill that is before us. Quoting a member of the Nicaraguan junta, here is the message he has to give to this House of Representatives:

> We will never accept on any pretext the debate abroad of loans or assistance to Nicaragua which impose conditions on our revolution, which seek to pressure this revolution to divert its course or to favor certain groups here to the detriment of the strength of the revolution.

Mr. Chairman, again, only a few days ago on the 21st of February in the government-controlled Managua domestic service broadcast in Spanish, they said:

> If they are going to give this aid, let them give it. If not, let them keep it. But in Nicaragua there is no place for either conditioned dollars or their imposed administrators.

Mr. Chairman, similar statements have been made repeatedly in recent days, one of which came from a minister in the government saying that this $75 million did not really make that much difference to them.

Now, I have to raise the question precisely what we are doing here.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Kentucky.

Mr. CARTER. Mr. Chairman, there is just one thing I would like to say to my good friend and that is, I am torn, my emotions are all torn tonight. It seems to me that we must vote for aid to Nicaragua. Otherwise, they will seize our Embassy there. They are seizing them all over the world. Is the gentleman not afraid of that?

Mr. DERWINSKI. No. I would rather save the money to build up a quick-strike force that could rescue anybody seized.

Mr. BROOMFIELD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the nations of Central America are now at a crossroad. The violent revolution in Nicaragua and rise to power of a Marxist-dominated revolutionary government have set into motion radical shifts in the region's political, economic and social stability. Unfortunately, efforts in Nicaragua to remove the power of the authoritarian forces of the right eclipsed the ability of a democratic majority to fill the power vacuum. With the Somoza regime removed, the totalitarian forces of the extreme left moved into the power vacuum.

Our sympathy with the plight of the Nicaraguan people has continued. The United States has rushed to their assistance in helping to overcome the destruction and human suffering of war. On a bilateral level, the United States has to date provided more than $70 million, the largest bilateral assistance program of any nation. In addition, through international financial institutions, such as the World Bank, the International Monetary Fund and the Inter-American Development Bank, of which the United States is the major contributor, U.S. tax dollars have helped provide between $300 and $400 million to help Nicaragua. We can take pride in the fact that, regardless of our political differences, the American people have given more assistance to the people of Nicaragua than any other nation.

Given the region's current instability, it is extremely important that the Congress and the American people turn their attention to the Central American area. At a time when our Nation is debating whether to provide billions of dollars in aid to nations halfway around the globe to help them deter the forces of Communist imperialism, we desperately need to focus on those very threats in our own backyard. Nicaragua is but one of the troubled nations in this region. El Salvador, Guatemala, and Honduras all share to one degree or another the same mixture of political, social and economic unrest that led to Nicaragua's violent revolution.

The resources to aid our friends are scarce. With economic pressures at home and pleas for help from our troubled allies around the world, we are forced to decide where our true interests lie and how we can best use our scarce resources to promote those vital interests. I am sympathetic to the need to help the few remaining elements of the private sector in Nicaragua in an attempt to moderate Marxist influences. However, I am concerned that the opportunity to do so is extremely remote, given the current situation in that country.

Under the legislation before the House, the administration's stated purpose is to strengthen the hand of the moderates. A detailed look, however, reveals that a full 40 percent of the aid requested will go directly to the Marxist-dominated government. In addition, the remaining 60 percent, which is earmarked for the private sector, will be provided under terms that give little assurance it will reach the people for whom it is intended. Even if it does reach the democratic elements, it is hard to believe the Marxist forces, who risked their lives to gain control, will share power in return for a kind word and what they consider a few dollars.

It makes little sense to concentrate the majority of our effort on an attempt to moderate the forces of the extreme left in Nicaragua, while we neglect or inadequately respond to revolutionary threats faced by its neighbors where the chances of success in bringing about peaceful, moderate change are far greater.

I am concerned that passage of this legislation in its present form will send the wrong signal to our friends and foes alike. It will tell the world that the United States is more willing to respond after a revolution than it is to come first to the aid of our allies. If we want to truly assist forces in the region that reflect our interests and goals, it is in these neighboring friendly nations—such as El Salvador, Guatemala, and Honduras—where our assistance should be given to help foster moderated democratic change.

The interests of the people of the United States and the people of Central America in their joint struggle to fight totalitarianism in all its forms and assist the peaceful democratic process are best served by supporting the forces of moderate evolution rather than those of extremist revolution.

In light of the confusion of the last 3 days of debate and the information revealed during the secret session, I think it is not unreasonable that the House undertake further consideration of the issues involved in this legislation. The Committee on Foreign Affairs is currently considering the fiscal year 1981 foreign aid request and this provides an excellent platform to devote the needed additional study and consideration of the rapidly changing events in Nicaragua and the Central American area.

Therefore, when the committee rises, it will be my intention to offer a straight motion to recommit and I urge a no vote on this legislation.

□ 1950

Mr. BUCHANAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take the 5 minutes, but it is my first intervention in these 4 days of debate. Let me simply urge my colleagues to listen to the voice of the chairman of the House Committee on Foreign Affairs and those who have stood with him on this issue.

Now, none of us want to underwrite subversion in Central America or Latin America. None of us want to help set up a Communist Cuban-type puppet regime in Central America. But let me tell my colleagues something. Except for help like that proposed by your committee, the dark predictions of those who are the naysayers in this matter will be fulfilled. Their dark predictions will become self-fulfilling prophecies.

The patient is ill. The Cubans are there. The Communist influence is present. The patient is sick and may be dying. But if we withhold the penicillin, which may not make him well, which may not keep him from dying, he will surely die.

Now, if we are underwriting subversion in Central America, why in the world has Margaret Thatcher's British Government done the same thing? I have not noticed her as a big proponent of communism. Sometimes I wish we could turn our Government back to the British and let Margaret Thatcher start straightening us out the way she is straightening Britain out.

If this is financing of subversion and communism, why did the Organization of American States call for such help, and why have the very Central American countries that are allegedly threatened thereby participate in that help? What we are trying to do is strengthen the forces within the country that can help stave off a Cuban-type end to what is in process there.

I say it is a good investment. It is a risk worth taking. If we do not take it, we can be very sure we have helped to undermine those very forces within the country, the church, the private sector, and those within the press who are striving to end with some survival of freedom and some degree of moderation in that country. We will help to sound the death knell of hope in a country where there still remains a little hope. I urge my colleagues to follow the leadership of the gentleman from Illinois (Mr. HYDE), my leader, and the gentleman from Wisconsin (Mr. ZABLOCKI), and the others who have rightfully called on you to give this critically needed help to a small neighbor to strengthen the forces within that country that are the forces of hope. Mr. Chairman, I urge the passage of H.R. 6081.

Mr. HANSEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, there is a sad spectacle in this proposal to give $75 million in additional aid to the Castroite establishment which has replaced the friendly Government of Nicaragua. This can best be illustrated by the following letter from Guatemala which I recently received from Dr. Francisco Urcuyo, the leader of Nicaragua's Congress, who briefly became President of the nation upon Somoza's departure:

Hon. GEORGE HANSEN,
Longworth Building,
Washington, D.C.

VERY HONORABLE MR. HANSEN: It is a pleasure for me to send a copy of my book entitled "Solos" to you, a worthy representative of an admired country. I took careful note of all the happenings in Nicaragua during the few hours of my presidency, the pressure by the government of the United States and the sad intervention of Mr. Pezzullo obligating me to give up power to the Communists who today are destroying my country. They exalted a completely leftist government that is arbitrary and unjust to the citizens of my homeland.

Today, more than ever, I feel a sense of satisfaction for not having transferred the presidency to those people who are without a homeland, without love, without religion, who are only awaiting the aid from your country before they completely radicalize their form of government. Hopefully your country will comprehend the true situation in Nicaragua and help save this suffering Central American Nation.

The new edition of my book will be published in English in the United States and I will send you a new copy which has documented all the barbaric actions that are happening in Nicaragua and that should be seen.

In an associated matter, I would like to tell you that I have requested an ordinary visa to come to Miami for medical treatment and that it was denied by the United States Consulate in Guatemala. The worst of the case is that my son Mario, who had received permission from Condie College of Business and Technology in San Jose, California, to continue his studies there, saw his visa request rejected for being my son. Where are the Human Rights of Mr. Carter?

Mr. Hansen, my protest is in your hands as a just man of high character and who represents your great country.

Since I had the great pleasure and satisfaction to receive you, as President, in the National Congress of Nicaragua, in the company of Ing. Louis Pallais-Debayle, during the last days of the Presidency of General Somoza-Debayle, and hear your courageous voice of hope, I have continued to follow your actions with great admiration and I have faith in God that this same voice will become a light in the obscurity for my beloved land.

May the new year be one of success and happiness and peace for you and your esteemed family.

I salute you my friend.

FRANCISCO URCUYO-MALIANO.

Mr. ASHBROOK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in vigorous opposition to this bill. This bill is not in the best interest of the United States, not in the best interest of Central America, and not in the best interest of the people of Nicaragua. The evidence of human rights violations by the new regime and the regime's role in destabilizing other governments in the region is sufficient to deeply question the wisdom of the United States endorsing its policies by providing additional assistance. At a time when America is trying to reestablish our own credibility in the world as a defender of freedom and a counterbalance to Communist aggression it would be a tragedy if we associated ourselves with the Sandinistas. This bill should be voted down.

The objections I have to this legislation are many and varied. In the first place, I oppose the concept of trying to buy friendship. The track record of foreign assistance has shown that unless a government is already leaning in favor of American interests the foreign assistance dollars spent tend to be wasted in terms of American influence. I have found that the best approach in foreign affairs is to identify who our friends are and treat them with respect and cooperation. All the dollars in the world will not buy back much of the credibility lost during the last 3 years of abandoning close allies such as Taiwan, and standing by while Rhodesia, pre-Sandinista Nicaragua, and now Afghanistan faced imminent peril.

The Sandinistas themselves have already stated their attitude toward this aid package. On December 30, 1979, the pro-Sandinistas' radio station AVANCE commented on the Carter aid package:

> The imperialists are clearly demonstrating their intention to maintain neocolonialist domination in a more subtle and thus more dangerous manner. Of course it will be very difficult for them to intervene successfully in today's Nicaragua, but it is important to know what kind of aid we can expect from the U.S. Government; usurious loans with interventionist intentions. To believe otherwise is a daydream.

This hardly sounds like the gratitude the proponents of this bill would like have evolve from this aid package. We delude ourselves if we think that $75 million will make a difference in the course of affairs in Nicaragua. In the same radio report AVANCE warned:

> One of the objectives of the "aid" is to promote a coalition government in Nicaragua instead of a Marxist regime, which implies pressure to give the bourgeoisie and the oligarchy a prominent place in the Nicaraguan Government.

The Congress must realize that we are dealing with a government that is firmly rooted in Marxist revolutionary theory and is determined to carry out Marxist policies on the same model as Cuba. In recent months there is evidence of increased Cuban and Soviet involvement in Nicaraguan internal affairs. In October 1979 the New York Times reported the presence of 50 Cuban military advisers in Nicaragua. There has also been reports of over 1,000 Cuban technical personnel in the country and numerous Cuban teachers pouring into Nicaragua. Five officials from the Soviet Union have been in the country since January 19, 1980, to advise the Sandinistas on the development of the 1980 economic development plan.

The result of this solidarity between the Sandinistas and the Communist leaders in Cuba and the U.S.S.R. has been the loyalty shown by Nicaragua toward these nations in various international forums this past year. Nicaragua led many Third World countries in denouncing the United States during the so-called nonalined nations conference in Havana. Nicaragua abstained on the question of criticizing the Soviets for their invasion of Afghanistan during a recent United Nations vote. The indications are clear that we are not dealing with an independent nationalistic country as much as we are confronting a fledgling satellite in the orbit of Castro.

The Sandinista linkage to Marxism and to Communist nations is reason enough to defeat any effort to provide American tax dollars to the regime. However, the Sandinistas have also displayed the same tendencies as their ideological brethren to interfere in the affairs of other nations. In early February 1980 Nicaragua moved to seize a series of Colombian islands in the Caribbean. These islands are now under Sandinista control with the presence of Cuban mercenaries being reported on at least two of the islands. Colombia has protested this act of aggression and has broken relations with Nicaragua by recalling its ambassador and moving to close its embassy.

There have been reports of Sandinistas being captured in El Salvador as part of destabilization teams fighting the Government in that country. Guatemala reported in early February that FSLN members, including Sandinista Comdr. Eden Pastora, had participated in a meeting of guerrillas to plan future destabilizing violence in that nation. We are dealing with a government that has sworn to continue its revolution in the name of Sandino throughout Latin America. It would be a blunder of historic proportions if this Congress subsidizes these efforts.

I have heard and read many reports on how the Sandinista affiliation with Cuba and its Marxist rhetoric can be overlooked since the people of Nicaragua have benefited from the new order in that nation. The reports discuss the brutality of Somoza and his corruption. They go on to report on the improvement of freedom and economic prosperity under the Sandinistas. I think the record shows something very different from these glowing puff pieces.

Since coming to power in Nicaragua the Sandinista regime has abrogated more rights and freedoms than Somoza was ever accused of. Newspapers that flourished under Somoza have been ruthlessly shut down by the Sandinista military. Printing machines have been destroyed and newspaper staff people arrested and imprisoned for criticizing the revolution. A leading journalist, Oscar Leonardo, Montalvan, was denounced for "harmful and irresponsible exercise of freedom of expression" and later fled the country. This hardly sounds like an expansion of freedom.

The Sandinistas have filled the Nicaraguan prisons with over 7,000 political prisoners. These prisoners have been subjected to overcrowding, deprivation of adequate food, been cut off from outside contact with relatives, and have been brutalized and at least 300 killed or "missing" by the Sandinistas according to State Department reports.

We should not arbitrarily send money to the Sandinista government. After all the time this Congress has spent backing up the President on depriving American support to many of our allies on the grounds of human rights I would find the passage of this bill a contradiction. How can we face some of our friends who we have abandoned after we vote to send aid to a government as oppressive as the Sandinista regime? If we are to have any integrity left in the world we must not use situational ethics to justify aiding such a regime as the one currently in charge of Nicaragua.

Moreover, take a look at the money which has already been channeled into Nicaragua. I might add that the assistance coming from agencies in table II largely come from the U.S. taxpayer. This official letter clearly outlines the aid going to Nicaragua right now. I ask that this letter be inserted at this point:

ASSISTANT SECRETARY OF STATE
FOR INTER-AMERICAN AFFAIRS,
Washington, D.C., December 27, 1979.

DEAR MR. CONGRESSMAN: I very much appreciated the opportunity to meet and talk to you about the Nicaragua supplemental. During our conversation you indicated an interest in having a breakdown of the support received by Nicaragua from third countries and International Financial Institutions (IFI's). Attached is a paper giving this information.

Let me renew my best wishes for a Happy New Year.

Sincerely,

WILLIAM G. BOWDLER.

TABLE I

Third-country grants

Canada	$750,000
Denmark	600,000
Finland	54,000
Japan	100,000
Italy	840,000
Mexico	4,000,000
Netherlands	11,500,000
Norway	1,000,000
Spain	11,500,000
Sweden	9,000,000
United Kingdom	700,000
Germany	32,250,000
Total	72,294,000

Third-country loans

[In millions of U.S. dollars]

Canada	$0.2
Costa Rica	25
El Salvador	25
Guatemala	28
Panama	20
Peru	22
Venezuela	34
Germany	16.5
EC	2.8
OPEC	10
Total	183.5

Total third-country loans and grants: $255,700,000.

As of Dec. 1, 1979.

TABLE II—*Assistance to Nicaragua from international agencies*

[In millions of U.S. dollars]

Inter-American Development Bank	$187.5
International Bank for Reconstruction and Development	90.0
United Nations High Commission for Refugees	15.2
International Monetary Fund: (SDR drawdown)	22.1
Total	314.8

As of Dec. 1, 1979.

In conclusion I just want to say that there is little if any evidence to show any justification for voting for this aid bill. The government in Nicaragua is already under Communist control and outside Communist influence. There is no question in my mind that Nicaragua is lost to the United States under the present regime. Any funds we send to this regime will only serve to aid those forces in Nicaragua and in Central America that are actively working against the better interests of the United States and its allies in the region. This money will come back to haunt us. I hope my colleagues will join me in defeating this bill.

Mr. ZABLOCKI. Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, I want to thank the members of my committee, the Foreign Affairs Committee, and the Committee of the Whole House for their cooperation during the lengthy days we have diligently worked on the bill that was, I thought, a very simple bill, that provides a modest amount of assistance to Nicaragua and is in our national security interests.

I want to also at this time thank the hard-working committee staff that has already been recognized, even by the opponents of this legislation. Also, I want to express my deep thanks for the confidence of my colleagues who have supported me in opposing various amendments.

I also want to take this opportunity to thank and commend our colleague, the gentleman from Alabama (Mr. BUCHANAN). The speech that he made in support of this bill was a demonstration of political courage and statesmanship seldom demonstrated.

Mr. Chairman, in a few minutes, we will vote on this bill. It is an important piece of legislation whose defeat would have far-reaching and unfortunate consequences.

The question before us is: Are we going to approve a $75 million loan and grant program for the people of Nicaragua or not?

Opponents of this legislation have argued that Nicaragua is Marxist and under the domination of the Cubans and does not deserve any assistance from the United States.

Proponents of the legislation argue that Nicaragua is not yet under the domination of the Cubans or the Soviets, but soon will be if we do not approve this assistance.

The Caribbean and Central America is a particularly volatile area of the world.

Will an independent government develop in an important country there or will the false lures of international communism take over?

I cannot give my colleagues any assurances that if we approve this assistance that Nicaragua will not fall within the Marxist orbit. But I can assure you that if we do not, we will be abandoning the field to Castro and his Soviet bosses—

with adverse consequences for our own national security.

This is the assessment of many Americans.

At this time I will insert in the Record a letter from the National Commander in Chief of the Veterans of Foreign Wars, Mr. Howard E. Vander Clute, as well as the column of Daniel James entitled "A Chance To Help Nicaraguan Moderates" which appeared in the Washington Star of Monday, February 25, 1980, as well as a letter demonstrating important support in addition to the AFL–CIO, which is a letter from the Most Rev. John R. Quinn, the Archbishop of San Francisco, who is with the National Conference of Catholic Bishops in support of this legislation.

Veterans of Foreign Wars
of the United States,
February 20, 1980.

Hon. Clement J. Zablocki,
Chairman, Foreign Affairs Committee, U.S. House of Representatives, Washington, D.C.

Dear Mr. Chairman: Recently, I visited Nicaragua and, based upon this visit and my trust in the judgment and patriotism of the U.S. Country Team in that damaged and volatile country, I hereby recommend that your Committee recommend approval of $75 million in reconstruction aid for Nicaragua.

We cannot "run the film backwards." Perhaps there was, at some point, an alternative to Somoza rule, other than the Sandinistas, that might have been practical earlier. But if there was a lost choice then, I see no choice today.

The young junta may follow the Cuban model; I don't know. But I *do* know we must officer them a real policy choice.

The devastation left in the wake of the revolution is sickening. This I saw with my own eyes and, as a Christian, I can do no less than to urge swift and compassionate American assistance.

I urge prompt passage of the $75 million aid package for Nicaragua.

Please advise me of your intended course of action.

Most sincerely,
Howard E. Vander Clute, Jr.,
National Commander-in-Chief.

The attached article in today's Washington Star is by Daniel James, a recognized expert on communism and particularly communism in the Americas. Mr. James now works with the Independent News Alliance (news syndicate), formerly North America News Alliance. His books on communism in the Americas include: "Red Design for the Americas: The Guatemalan Prelude," written in 1956; "Cuba First Soviet Satellite in the Americas," written in 1961 before the extent of Soviet penetration was widely known; "Che Geuvarra—A Biography," written in 1969 exposing Geuvarra's activities throughout Latin America.

A Chance to Help Nicaraguan Moderates

(By Daniel James)

After months in the headlines during last year's popular struggle against its dictator, Anastasio Somoza, Nicaragua today takes a back seat to such staggering events as the search for D. B. Cooper. Yet the key to U.S. security may lie not in current sensations such as Afghanistan and Iran but in, precisely, almost forgotten Nicaragua.

How so? Geography, all else notwithstanding, will not go away. The 1962 Cuba missile crisis, and the more conventional one three years later in the Dominican Republic, showed that flareups close to home—particularly when a communist threat is implied—are more to be feared than Soviet armor clanking into far-off countries.

Nicaragua hasn't gone communist yet—but it well might. While the Marxist wing of the Sandinista National Liberation Front steadily makes headway, particularly among Nicaragua's youth, we sit glued to the image of Bani-Sadr, in blithe ignorance of what is happening due south of here.

And worse yet, Congress, which does at times nod toward Nicaragua long enough to wring its hands over its potential as "another Cuba," won't act to prevent that.

Today it will be asked to vote on a supplementary aid bill totaling $75 million, but the votes to put it through are lacking. At latest count, about 80 votes short.

Yet the bill provides for lending the Nicaraguan private sector 60 per cent of a $75 million loan included in the bill to import products from the United States—thus benefiting, at one and the same time, both Nicaraguan and American business.

Moreover, and this is H.R. 6081's underlying purpose, it will strengthen the political moderates in Nicaragua who are resisting Marxist pressures. These include not only the private sector, which fought Somoza but hates communism equally as much, but also the Catholic Church and non- and anticommunists within the Sandinista movement itself. It also includes the valiant newspaper, La Prensa—the assassination of whose editor precipitated the revolution—which upholds free speech today as it did under Somoza.

Indeed, it may be literally true that these moderate elements are fighting a last-ditch battle to save the remnants of Nicaraguan capitalism while that paragon of capitalist virtue, the U.S. Congress, fiddles with the Zias and Bani-Sadrs.

They are also, in a sense, fighting an even bigger last-ditch struggle to save the entire Central American isthmus from communism. For a new actor is about to occupy center stage there, El Salvador, where violent revolution is imminent.

Its almost certain occurrence is sure to change radically the whole political panorama to the south of us. If the Salvadorean extreme left takes power in its country, that could well push the next-door Marxist Sandinistas into drastic moves toward power which they are currently resisting because they fear armed intervention by Tio Sam.

Thus there faces Congress—and the rest of us—the stark possibility of not one but two "Cubas" in Central America. Plus the rippling, not to say domino, effect of that in Guatemala and Honduras to the north, and Costa Rica and Panama to the south.

What will we do then? Hurry to the Caribbean Sea the flotillas of warships we have only recently deployed to the Arabian Sea? Land detachments of marines? (And repeat the 1930s experience which produced the Somozas?) And what about the heated Middle East meanwhile?

Of course, the passage of a $75 million aid bill to Nicaragua is not going to alter the present course of events in El Salvador, but it can produce some positive effect in Nicaragua and help that country brace itself against the coming storm next door. And it can give the moderates outside as well as inside Nicaragua some encouragement.

The point is that the gathering crisis to the south is still somewhat manageable—in contradistinction, let us say, to that in the Middle East—by ourselves and our friends. Congress, please take note.

The House then should pass HR 6081 at once if it is serious about halting communism on our own doorstep. Here is a chance for the Republican minority, which largely opposes the bill, to show it really does not want "another Cuba" hereabouts.

National Conference of Catholic
Bishops,
Washington, D.C., February 1, 1980.

Hon. Clement J. Zablocki,
Chairman, Foreign Affairs Committee, House of Representatives, Washington, D.C.

Dear Chairman Zablocki: I write to urge your support for the supplemental aid request for Nicaragua.

The suffering of the Nicaraguan people in their struggle with the Samoza regime left thousands dead and wounded. Despite this immense human tragedy and the accompanying devastation of the national economy, the Nicaraguan government and people are already involved in a major effort of reconstruction.

The church in Nicaragua has expressed its support for the reconstruction effort through its Bishops Conference. Archbishop Miguel Obando Bravo of Managua is coming to the United States this week at my invitation to make known in the United States the urgent needs of the Nicaraguan people.

To complement the efforts and sacrifices which Nicaraguans are making for their country they will need external assistance. It is at this early stage of the national reconstruction that external aid is most critically called for. The supplemental aid request by the President at this time, while modest in amount, will undoubtedly achieve results beneficial both to Nicaragua and to us many times over.

I urge you, Mr. Chairman, to do all in your power to resist any further conditions being placed on this aid and to assure speedy passage of this important measure.

With cordial good wishes, I remain.

Sincerely yours in Christ,
Most Rev. John R. Quinn,
Archbishop of San Francisco,
President NCCB/USCC.

As you all know, during the more than 31 years that I have been a Member of the House, I have been unalterably opposed to Soviet expansionism and the spread of communism.

That is why I voted for assistance to Yugoslavia when I first came to the Congress. That assistance helped Yugoslavia remain independent of the Soviet orbit. I can assure my colleagues that that vote was not popular with my constituents at the time, but events have proven that it was the right—even though unpopular—vote.

I would not and could not ask you to vote for a bill which I thought would help the Cubans, the Soviets or international communism or adversely affect our own national security.

I firmly believe that passage of this bill can enhance the national security of the United States—because it will help Nicaragua establish a government that is independent of Cuba, independent of the Soviet Union, and independent of international communism.

● Mr. McDONALD. Mr. Chairman, it may seem strange to say, but it is immaterial, in my view, as to how we vote on this measure today. Nicaragua is falling into the clutches of Castro and Marxism. It is sad to say, but my worst predictions on Nicaragua are coming true. It is just a question of whether we throw some good taxpayer's money after the bad. It is not a question of Nicaragua staying free or becominng a Socialist dictatorship; it is just a question of on what day this latest victory of socialism is announced.

The Sandanista junta has not yet completely consolidated its power, but it is already making secret plans to topple the nearby governments of Honduras, El Salvador, and Guatemala. That is where the new battleground is.

Costa Rica to the south of Nicaragua has been so prostituted in the process of helping the Sandanistas by acting as a conduit for Cuban aid and subversion that she is almost a lost cause also. The available evidence suggests that our policymakers in the Department of State and elsewhere in the administration are up to their old game and will assist in the destabilizing of these friendly governments with little thought as to what will replace them.

Again, we will probably see the same old scenario played. A search for the middle group will be announced and a so-called moderate group will be listed that has no guns and which will be discarded shortly as the left wing takes over.

While the administration is posturing and making statements about the Persian Gulf, and Afghanistan, it needs desperately to recognize the real crisis in Central America where Cuba and Marxism march unhindered. This is right in our backyard and our response to date has been pitiful. The bill before you is yet another small but typical example of trying to buy friends and it will not work. Our enemies have all the guns in Nicaragua and they have a powerful friend in Cuba's Castro who will not flinch at using any means to keep the Sandanistas in power. So our debate today is academic at best, but from the point of view of the poor harassed taxpayer, who is awaiting April 15 with more than usual dread this year, a nay vote is the only proper vote. Or could we delay a vote, until the Department of State explains to us again about the influential group of moderates who were supposed to rise to ascendancy when President Somoza left the country.●

● Mr. DELLUMS. Mr. Chairman, we have an opportunity today to demonstrate to the world that we really do believe in the principles proclaimed in the Declaration of Independence—that people have an inherent right to overthrow a tyrannical government and to form a new one which is more truly representative of—and responsive to—their needs.

We have an opportunity today to reendorse the words of a former Member of this body, speaking as a freshman Member of the House from Illinois on January 12, 1848. Abraham Lincoln, speaking out against an imperial war of conquest being conducted by a Democratic President, strongly defended the Mexican revolution, saying:

> Any people anywhere, being inclined, and having the power, have the right to rise up and shake off the existing government and form a new one which suits them better. This is a most valuable, a most sacred right—a right which we hope and believe is to liberate the world.

Today we have a real case in point—the ongoing revolution in Nicaragua and their need for our financial and moral support.

The reasons why we should—why we must—support this movement are fundamental—and they go to the very heart of what America should be all about.

The ongoing revolution in Nicaragua presents an opportunity to create a new U.S. response to old problems, namely, what should be the proper—and most constructive—response to social and political change in the Third World?

Far too often in the years since 1945 the U.S. response has been motivated primarily by the obsessive fear of communism. The result has been a truly reactionary foreign policy toward the Third World, one in which we have lavished support on regimes that no American of sound mind would tolerate because of the wholesale abuse of human rights by these regimes.

Why has this syndrome been repeated time after time after time? Because these regimes have all met one indispensable condition for American decisionmakers—they have all claimed to be anti-Communist. Virtually no regard has been paid to whether or not these regimes are supported by, and deliver real benefits to, the majority of their citizens.

Moreover, in instances where truly nationalist leaders have emerged and pressed for genuine reforms, the United States has invariably regarded their independent action as a threat to "national security" interests. Too often this denunciation of independent action has been followed by covert or overt U.S. Government action designed to destabilize these movements—or to replace them with leadership more subservient to perceived U.S. Government interests.

The costs of these reactionary policies have been enormous—not only for those who have been forced to exist under U.S.-supported dictators—but for the people of the United States as well.

In Nicaragua, the United States has a singular opportunity to begin a new era in constructive relations with Latin America and the entire Third World. In so doing, our Government can adopt a realistic policy that respects and helps the Nicaraguan people to develop political and economic systems of their own choosing.

If the Government has the willingness—and the creativity—to opt for such a policy of constructive cooperation with the new Government of Nicaragua, this can then serve as a model for developing mature relations with other Third World nations that are searching for solutions to chronic poverty, malnutrition, illiteracy and unemployment. By alining itself with the forces of necessary and inevitable reform and social change the United States will be promoting its own long-term interests.

The moment is here—the time for constructive action is now. I urge my colleagues to vote in support of H.R. 6081. Favorable passage will be a clear message to all that a new era has truly begun in our relations with the Third World.●

☐ 2000

The CHAIRMAN. If there are no further amendments, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. ROSTENKOWSKI) having assumed the chair, Mr. FOLEY, chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6081) to amend the Foreign Assistance Act of 1961 to authorize assistance in support of peaceful and democratic processes of development in Central America, pursuant to House Resolution 581, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BROOMFIELD

Mr. BROOMFIELD. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BROOMFIELD. Yes, I am, Mr. Speaker.

The SPEAKER pro tempore. The gentleman qualifies. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. BROOMFIELD moves to recommit the bill, H.R. 6081, to the Committee on Foreign Affairs.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BROOMFIELD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Pursuant to the provisions of clause 5, rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time in which a vote by electronic device, if ordered, will be taken on the question of passage.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 191, nays 204, not voting 38, as follows:

[Roll No. 87]

YEAS—191

Abdnor
Addabbo
Ambro
Andrews, N. Dak.
Anthony
Applegate
Archer
Ashbrook
Atkinson
Badham
Bafalis
Barnard
Bauman
Beard, R.I.
Beard, Tenn.
Bennett
Bereuter
Bethune
Bevill
Bouquard
Brinkley
Broomfield
Brown, Ohio
Broyhill
Burgener
Butler
Byron
Campbell
Carney
Carter
Chappell
Clausen
Clinger
Coleman
Collins, Tex.
Conable
Corcoran
Cotter
Courter
Crane, Daniel
Crane, Philip
Daniel, Dan
Daniel, R. W.
Dannemeyer
Davis, Mich.
de la Garza
Deckard
Derwinski
Devine
Dickinson
Dornan
Duncan, Tenn.
Early

Edwards, Okla.
Emery
English
Erlenborn
Evans, Del.
Evans, Ind.
Fish
Flippo
Forsythe
Fountain
Frenzel
Gaydos
Gilman
Gingrich
Ginn
Goldwater
Gradison
Gramm
Grassley
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Tex.
Hammerschmidt
Hance
Hansen
Harsha
Heftel
Hillis
Hinson
Hollenbeck
Holt
Hopkins
Horton
Hubbard
Huckaby
Hughes
Ireland
Jeffries
Jenkins
Jenrette
Jones, N.C.
Jones, Tenn.
Kazen
Kelly
Kemp
Kindness
Lagomarsino
Latta
Leath, Tex.
Lee
Lent
Levitas
Lewis
Livingston
Loeffler
Lott
Lujan
Lungren
McClory
McDonald
McEwen
Madigan
Marks
Marlenee
Marriott
Martin
Mica
Michel
Miller, Ohio
Minish
Mitchell, N.Y.
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, N.Y.
Murphy, Pa.
Myers, Ind.
Natcher
Nichols
O'Brien
Paul
Perkins
Petri
Porter
Pursell
Quillen
Regula
Rhodes
Rinaldo
Robinson
Rose
Roth
Rousselot
Royer
Rudd
Runnels
Santini
Satterfield
Sawyer
Schulze
Sebelius
Sensenbrenner
Shelby
Shuster
Smith, Nebr.
Snowe
Snyder
Solomon
Spence
Stack
Stangeland
Stenholm
Stratton
Stump
Symms
Tauke
Taylor
Thomas
Trible
Walker
Wampler
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Ohio
Wilson, C. H.
Wolff
Wydler
Wylie
Young, Alaska
Young, Fla.
Zeferetti

NAYS—204

Akaka
Albosta
Anderson, Calif.
Andrews, N.C.
Annunzio
Ashley
Aspin
AuCoin
Bailey
Baldus
Barnes
Bedell
Beilenson
Benjamin
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bowen
Brademas
Breaux
Brodhead
Brooks
Brown, Calif.
Buchanan
Burlison
Burton, John
Burton, Phillip
Carr
Cavanaugh
Cheney
Chisholm
Clay
Cleveland
Coelho
Collins, Ill.
Conte
Corman
Coughlin
D'Amours
Danielson
Daschle
Dellums
Derrick
Dicks
Diggs
Dixon
Dodd
Donnelly
Dougherty
Downey
Drinan
Duncan, Oreg.
Eckhardt
Edgar
Edwards, Calif.
Erdahl
Ertel
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fisher
Fithian
Florio
Foley
Ford, Mich.
Fowler
Fuqua
Garcia
Gephardt
Giaimo
Gibbons
Glickman
Gonzalez
Gore
Gray
Green
Hall, Ohio
Hamilton
Hanley
Harkin
Harris
Hawkins
Hefner
Hightower
Holland
Holtzman
Howard
Hutto
Hyde
Jacobs
Jeffords
Johnson, Calif.
Jones, Okla.
Kastenmeier
Kildee
Kogovsek
Kostmayer
LaFalce
Leach, Iowa
Lederer
Lehman
Leland
Lloyd
Long, La.
Long, Md.
Lowry
Lundine
McCloskey
McCormack
McDade
McHugh
McKay
McKinney
Maguire
Markey
Matsui
Mattox
Mavroules
Mazzoli
Mikulski
Miller, Calif.
Mineta
Mitchell, Md.
Moakley
Moffett
Mollohan
Moorhead, Pa.
Murtha
Myers, Pa.
Neal
Nedzi
Nolan
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pease
Pepper
Peyser
Pickle
Preyer
Price
Pritchard
Rahall
Railsback
Reuss
Richmond
Ritter
Rodino
Roe
Rosenthal
Rostenkowski
Roybal
Russo
Sabo
Scheuer
Schroeder
Seiberling
Shannon
Sharp
Simon
Skelton
Slack
Smith, Iowa
Solarz
Spellman
St Germain
Staggers
Stanton
Stark
Steed
Studds
Swift
Synar
Thompson
Van Deerlin
Vento
Volkmer
Walgren
Watkins
Weaver
Weiss
Williams, Mont.
Winn
Wirth
Wolpe
Wright
Wyatt
Yates
Yatron
Young, Mo.
Zablocki

NOT VOTING—38

Alexander
Anderson, Ill.
Biaggi
Conyers
Davis, S.C.
Dingell
Edwards, Ala.
Evans, Ga.
Ford, Tenn.
Frost
Goodling
Heckler
Ichord
Johnson, Colo.
Kramer
Leach, La.
Luken
Mathis
Murphy, Ill.
Nelson
Pashayan
Quayle
Rangel
Ratchford
Roberts
Shumway
Stewart
Stockman
Stokes
Traxler
Treen
Udall
Ullman
Vander Jagt
Vanik
Waxman
Wilson, Bob
Wilson, Tex.

☐ 2010

The Clerk announced the following pairs:

On this vote:

Mr. Bob Wilson for, with Mr. Rangel against.

Mr. Vander Jagt for, with Mr. Nelson against.

Mr. Quayle for, with Mr. Stokes against.

Mr. Pashayan for, with Mrs. Heckler against.

Until further notice:

Mr. Biaggi with Mr. Anderson of Illinois.

Mr. Ratchford with Mr. Treen.

Mr. Roberts with Mr. Stockman.

Mr. Ullman with Mr. Shumway.

Mr. Vanik with Mr. Edwards of Alabama.

Mr. Dingell with Mr. Goodling.

Mr. Ichord with Mr. Johnson of Colorado.

Mr. Murphy of Illinois with Mr. Ford of Tennessee.

Mr. Mathis with Mr. Frost.

Mr. Udall with Mr. Traxler.

Mr. Waxman with Mr. Charles Wilson of Texas.

Mr. Conyers with Mr. Davis of South Carolina.

Mr. Evans of Georgia with Mr. Leach of Louisiana.

Mr. Stewart with Mr. Luken.

Mr. APPLEGATE and Mr. MARLENEE changed their votes from "nay" to "yea."

Mr. HORTON changed his vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

☐ 2020

The SPEAKER pro tempore (Mr. WRIGHT). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BROOMFIELD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. On this vote 5 minutes will expire, and no more.

The vote was taken by electronic device; and there were—yeas 202, nays 197, not voting 34, as follows:

[Roll No. 88]

YEAS—202

Addabbo
Akaka
Albosta
Anderson, Calif.
Andrews, N.C.
Annunzio
Ashley
Aspin
Bailey
Baldus
Barnes
Beard, Tenn.
Bedell
Beilenson
Bereuter
Bingham
Blanchard
Boggs
Boland
Bolling
Bonior
Bonker
Bowen
Brademas
Breaux
Brodhead
Brooks
Brown, Calif.
Buchanan
Burlison
Burton, John
Burton, Phillip
Carr
Cavanaugh
Chappell
Cheney
Chisholm
Clay
Cleveland
Coelho
Collins, Ill.
Conte
Corman
Coughlin
D'Amours
Danielson
Daschle
Dellums
Derrick
Dicks
Diggs
Dixon
Dodd
Donnelly
Dougherty
Downey
Drinan
Duncan, Oreg.
Eckhardt
Edgar
Edwards, Calif.
Erdahl
Ertel
Evans, Del.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Florio
Foley
Ford, Mich.
Fowler
Fuqua
Garcia
Gephardt
Giaimo
Gibbons
Glickman
Gonzalez
Gore
Gradison
Gray
Green
Hall, Ohio
Hamilton
Hanley
Harkin
Harris
Hawkins
Hightower
Holtzman
Howard
Hutto
Hyde
Jacobs
Jeffords
Johnson, Calif.
Jones, Okla.
Kastenmeier
Kazen
Kildee
Kogovsek
Kostmayer
LaFalce
Leach, Iowa
Lederer
Lehman
Leland
Lloyd
Long, La.
Long, Md.
Lowry
Luken
Lundine
McCloskey
McCormack
McDade
McHugh
McKay
McKinney
Maguire
Markey
Matsui
Mavroules
Mikulski
Miller, Calif.
Mineta
Mitchell, Md.
Moakley
Moffett
Mollohan
Moorhead, Pa.
Murtha
Myers, Pa.
Neal
Nedzi
Nolan
Nowak
Oakar
Oberstar
Obey
Ottinger
Patten
Patterson
Pease
Pepper
Peyser
Preyer
Price
Pritchard
Pursell
Rahall
Railsback
Reuss
Richmond
Ritter
Rodino
Rosenthal
Rostenkowski
Roybal
Russo
Sabo
Scheuer
Schroeder
Seiberling
Shannon
Sharp
Simon
Smith, Iowa
Solarz
Spellman
St Germain
Staggers
Stanton
Stark
Steed
Stokes
Studds
Swift
Synar
Thompson
Van Deerlin
Vento
Volkmer
Walgren
Watkins
Weaver
Weiss
Winn
Wirth
Wolpe
Wright
Wydler
Yates
Yatron
Young, Mo.
Zablocki

NAYS—197

Abdnor
Ambro
Andrews, N. Dak.
Anthony
Applegate
Archer
Ashbrook
Atkinson
AuCoin
Badham
Bafalis
Barnard
Bauman
Beard, R.I.
Benjamin
Bennett
Bethune
Bevill
Boner
Bouquard
Brinkley
Broomfield
Brown, Ohio
Broyhill
Burgener
Butler
Byron
Campbell
Carney
Carter
Clausen
Clinger
Coleman
Collins, Tex.
Conable
Corcoran
Cotter
Courter
Crane, Daniel
Crane, Philip
Daniel, Dan
Daniel, R. W.
Dannemeyer
Davis, Mich.
de la Garza
Deckard
Derwinski
Devine
Dickinson
Dornan
Duncan, Tenn.
Early
Edwards, Okla.
Emery
English
Erlenborn
Evans, Ga.
Evans, Ind.
Flippo
Forsythe
Fountain
Frenzel
Gaydos
Gilman
Gingrich
Ginn
Goldwater
Gramm
Grassley
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Tex.
Hammerschmidt
Hance
Hansen
Harsha
Hefner
Heftel
Hillis
Hinson
Holland
Hollenbeck
Holt
Hopkins
Horton
Hubbard
Huckaby
Hughes
Ireland
Jeffries
Jenkins
Jenrette
Jones, N.C.
Jones, Tenn.
Kelly
Kemp
Kindness
Lagomarsino
Latta
Leath, Tex.
Lee
Lent
Levitas
Lewis
Livingston
Loeffler
Lott
Lujan
Lungren
McClory
McDonald
McEwen
Madigan
Marks
Marlenee
Marriott
Martin
Mathis
Mattox
Mazzoli
Mica

Michel
Miller, Ohio
Minish
Mitchell, N.Y.
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, N.Y.
Murphy, Pa.
Myers, Ind.
Natcher
Nichols
O'Brien
Panetta
Paul
Perkins
Petri
Pickle
Porter
Quillen
Regula
Rhodes
Rinaldo
Robinson
Roe
Rose
Roth
Rousselot
Royer
Rudd
Runnels
Santini
Satterfield
Sawyer
Schulze
Sebelius
Sensenbrenner
Shelby
Shuster
Skelton
Slack
Smith, Nebr.
Snowe
Snyder
Solomon
Spence
Stack
Stangeland
Stenholm
Stratton
Stump
Symms
Tauke
Taylor
Thomas
Trible
Walker
Wampler
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, C. H.
Wolff
Wyatt
Wylie
Young, Alaska
Young, Fla.
Zeferetti

NOT VOTING—34

Alexander
Anderson, Ill.
Biaggi
Conyers
Davis, S.C.
Dingell
Edwards, Ala.
Ford, Tenn.
Frost
Goodling
Heckler
Ichord
Johnson, Colo.
Kramer
Leach, La.
Murphy, Ill.
Nelson
Pashayan
Quayle
Rangel
Ratchford
Roberts
Shumway
Stewart
Stockman
Traxler
Treen
Udall
Ullman
Vander Jagt
Vanik
Waxman
Wilson, Bob
Wilson, Tex.

The Clerk announced the following pairs:

On this vote:

Mr. Nelson for, with Mr. Bob Wilson against.

Mrs. Heckler for, with Mr. Vander Jagt against.

Mr. Rangel for, with Mr. Pashayan against.

Until further notice:

Mr. Biaggi with Mr. Edwards of Alabama.

Mr. Ullman with Mr. Treen.

Mr. Waxman with Mr. Stockman.

Mr. Murphy of Illinois with Mr. Anderson of Illinois.

Mr. Ratchford with Mr. Goodling.

Mr. Roberts with Mr. Johnson of Colorado.

Mr. Conyers with Mr. Shumway.

Mr. Traxler with Mr. Quayle.

Mr. Alexander with Mr. Davis of South Carolina.

Mr. Udall with Mr. Stewart.

Mr. Vanik with Mr. Frost.

Mr. Dingell with Mr. Leach of Louisiana.

Mr. Ford of Tennessee with Mr. Ichord.

Mr. Charles Wilson of Texas with Mr. Kramer.

Mr. PEPPER changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

REQUEST TO CONSIDER S. 2012, SPECIAL CENTRAL AMERICAN AND CARIBBEAN ASSISTANCE ACT OF 1979

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the Senate bill (S. 2012) to amend the Foreign Assistance Act of 1961 to authorize assistance in support of peaceful and democratic processes of development in Central America and the Caribbean, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. ROUSSELOT. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

ANNUAL REPORT OF U.S. GOVERNMENT'S INTERNATIONAL ACTIVITIES PRIMARILY INVOLVING SCIENCE AND TECHNOLOGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, together with the accompanying papers, referred to the Committee on Science and Technology and the Committee on Foreign Affairs.

(For message, see proceedings of the Senate of today, February 27, 1980.)

☐ 2030

REQUEST TO AUTHORIZE THE CLERK TO MAKE CORRECTIONS AND CHANGES IN ENGROSSMENT OF H.R. 6081, SPECIAL CENTRAL AMERICAN ASSISTANCE ACT OF 1979

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that, in the engrossment of the House bill, H.R. 6081, the Clerk be authorized to correct section numbers, punctuation, and cross references, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the House bill H.R. 6081.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, can the gentleman tell us how many technical changes there are that we have?

Mr. ZABLOCKI. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I will be glad to yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Speaker, I thank the gentleman for yielding, and I thank him for the cooperation he is giving me at the moment, at least so I may have an opportunity to explain to the gentleman that the number of amendments, most of which, if not all, came from the gentleman's side, necessitate this request in order to make changes in the bill. I cannot ascertain how many there are.

Mr. ROUSSELOT. Reserving the right to object, Mr. Speaker, these are only technical amendments?

Mr. ZABLOCKI. They are conforming changes. It is done all the time.

Mr. ROUSSELOT. The gentleman's request includes nothing else but technical amendments?

Mr. ZABLOCKI. Mr. Speaker, since there has been some disturbance, I would ask that the Clerk reread my unanimous consent request.

The SPEAKER pro tempore. The Clerk will read again the unanimous consent request of the gentleman from Wisconsin (Mr. ZABLOCKI).

The Clerk reread the unanimous consent request.

Mr. ROUSSELOT. Mr. Speaker, I am constrained to object.

The SPEAKER pro tempore. Objection is heard.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have asked for this time for the purpose of inquiring of the distinguished majority whip the program for the balance of the week.

Mr. BRADEMAS. Mr. Speaker, if the distinguished minority whip will yield for that purpose, for tomorrow, Thursday, and the balance of the week, the schedule is as follows:

The House will meet at 11 a.m. and will first consider a series of House committee funding resolutions, to be followed by the conference report on S. 643, the Refugee Act of 1979;

The conference report on H.R. 3398, the Agriculture Adjustment Act of 1979; and

To complete consideration of H.R. 3829, the International Development Banks authorizations.

The House will adjourn by 3 o'clock on Friday and by 5:30 tomorrow.

Mr. Speaker, I thank the gentleman for yielding.

Mr. MICHEL. Mr. Speaker, from the gentleman's response, I would assume there is definitely scheduled a Friday session this week?

Mr. BRADEMAS. The gentleman is correct.

Mr. MICHEL. Mr. Speaker, would that session involve the International Development Banks authorizations, general debate only, or would it be considered for amendment on Friday?

Mr. BRADEMAS. Mr. Speaker, will the gentleman yield further?

Mr. MICHEL. I am happy to yield to the majority whip.

Mr. BRADEMAS. Mr. Speaker, it is quite probable that there will be amendments considered on Friday.

Mr. MICHEL. Mr. Speaker, I thank the gentleman.

Mr. LEVITAS. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Georgia.

Mr. LEVITAS. Mr. Speaker, I thank the gentleman for yielding.

I would like to inquire of the acting majority leader as to the status of the Federal Trade Commission authorization legislation. It is my understanding that on February 7 the Senate asked for a conference on the Federal Trade Commission authorization. Tomorrow will be February 28.

It is also my understanding that the appropriation for the Federal Trade

Commission expires on March 15, the Ides of March of this year, and that leaves very little time for the conferees to get together on a very controversial piece of legislation.

Mr. Speaker, does the acting majority leader have any information as to when we might expect the House to ask to go to conference with the Senate?

Mr. BRADEMAS. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the majority whip.

Mr. BRADEMAS. Mr. Speaker, I am advised that the answer to the question of the gentleman from Georgia (Mr. Levitas) is tomorrow.

Mr. LEVITAS. Mr. Speaker, I thank the gentleman.

PERSONAL EXPLANATION

Mr. PEPPER. Mr. Speaker, on account of being required to be in my district on Monday afternoon and Tuesday morning, I missed rollcall Nos. 69, 73, 75, 76, and 77. Had I been present, I would have voted "aye" on rollcall Nos. 69, 73, 75, and 77 and recorded my presence on rollcall No. 76.

A TRIBUTE TO HON. TOM STEED OF OKLAHOMA ON HIS RETIREMENT

(Mr. MILLER of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Ohio. Mr. Speaker, I am happy to take this time to pay special tribute to my good friend and extraordinary public servant, Tom Steed.

For the past 7 years I have had the good fortune to serve with Tom on the House Appropriations Committee. More recently, I have been ranking minority member on the Treasury, Postal Service, and General Government Subcommittee Tom chairs.

It has been a pleasure to work with my chairman on that subcommittee. I could not have asked for more cooperation and fairness than I have always received from Tom. Whenever we have a problem or disagreement we can work it out. Throughout my association with him on the committee, he has always been accessible, patient, thorough, and ready to listen.

Besides being a decent, honorable man, Tom is a skilled legislative craftsman who takes great pride in his work. In sitting through those long hours of subcommittee hearings with Tom, I have learned to appreciate the precise knowledge and feel Tom has for how Government is supposed to work for the people, not against them. The American taxpayer has had no greater ally and watchdog of the Treasury than Tom Steed.

As we all know Tom is quite a storyteller and that Oklahoma wit and wisdom will be surely missed around here. Tom never misses an opportunity to tell a good down home story especially when it helps drive home a certain point he wants to make.

For 32 consecutive years the people of Oklahoma's Fourth Congressional District have been represented by a truly tireless and dedicated public servant. They can be proud of Tom Steed's outstanding record and contribution to making their Government more responsive and efficient.

And so it is with a deep sense of loss I view Tom's departure from this body but by the same token I know how eagerly he looks forward to returning to his beloved home State. He has my every good wish for a long and happy retirement.

A TRIBUTE TO VINCENT A. TURCO OF PHILADELPHIA

(Mr. LEDERER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEDERER. Mr. Speaker, I rise today to bring to the attention of my colleagues the service and accomplishments of Vincent A. Turco, a fine American from my hometown of Philadelphia.

Vince was born January 5, 1937, to Mary and Anthony Turco, who reside at 7221 Edmund Street in Philadelphia. He attended Our Lady of Consolation Grade School and Northeast Catholic High School, where he played the trumpet in the school band. He graduated in 1955.

Vince also attended the University of Pennsylvania's Wharton Evening School for Real Estate and Insurance. He was president of the Tacony-Mayfair Lodge of the Sons of Italy from 1977 to 1978. He maintained the continuation of all functions and affairs of the lodge. He also served as president of the Torresdale Lions Club from July 1978 to June 1979. In November of 1979 he was presented with the "Man of the Year" award by the Torresdale Lions at their Charter Night.

Vince is married to the former Doris Tilsner, and they have two children, Carolyn, 21, and Vince, Jr., 19.

I join with the officers and members of the Tacony-Mayfair Lodge, together with his family and friends, who will honor Vince on Saturday, March 1, 1980. They are showing their gratitude for the contributions he has given the lodge and the hard work that went into helping to make it a success.

A LETTER TO THE PRESIDENT ON THE IRANIAN CRISIS

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GONZALEZ. Mr. Speaker, for some time now I have been advocating what I consider to be a logical reaction to the unprecedented act of international brigandage—the takeover of our embassy in Tehran and the taking of the hostages.

In a letter to the President yesterday I reiterated the suggestion that all of the Iranian diplomats—and there are several dozens or more of them—and all of the Iranian military taking training at our military camps be interned, as we have always done in cases of an actual state of war. The act of the taking of the hostages and taking over the embassy is in effect an act of war. We have a de facto state of war.

I do not think that any misconception that this is a negotiable issue, such as having the U.N. or anybody else negotiate, is proper, and that misconception ought to be cleared.

Mr. Speaker, I include my letter to the President, as follows:

House of Representatives,
Washington, D.C., February 26, 1980.

Hon. James E. Carter,
The President of the United States, The White House, Washington, D.C.

Dear Mr. President: Your firm and patient conduct of the crisis in Iran has rightly won the admiration and support of the overwhelming majority of Americans, including myself. Events in recent days suggest that the time has come for you to again exert deliberate pressure on the government of Iran, to indicate unmistakably that there is a limit of American patience, and I believe that everyone would support such action on your part.

It can never be forgotten that the seizure of the United States Embassy in Tehran was, and remains, an unprecedented act of brigandage. Considering the fact that any embassy of any country is considered national territory, the attack upon the Embassy and the capture of its occupants was, in fact, an act of war. The acquiesence of Iranian authorities confirms that this is not an act of aberrant revolutionaries.

You have said, and I support you in this, that the United States insists upon the unconditional release of the hostages; that we will not submit to the demands of terrorists; and that we will act forcefully if need be. Yet, in recent days, the impression has grown that certain concessions were offered, then accepted by the Government of Iran, and then repudiated by that same government. Where it had been thought that the hostages would be released upon the formation of a U.N. Commission to investigate the real or imagined grievances of Iran, the impression is now unmistakable that Iran is in violation of its commitments, whether they are real or implied.

It would be an error for the United States not to respond firmly to this kind of continued brigandage and blackmail.

It has been customary that when an act of war has been committed, or a state of war exists, the foreign nationals of the opposing countries are interned and then returned home. Our territory in Iran—sovereign under international conventions—has been taken over; our citizens—subject to protection under international law and ancient custom—have been imprisoned and subjected to vile treatment. These are acts of blatant hostility, and under a fair reading of fact and law, acts of war.

It is our right to respond appropriately to the acts of Iran, as you have pointed out.

The United States should, in view of the events in recents days, intern all Iranian diplomatic and other official personnel and at a proper time return them to Iran. This would be a concrete action that underlines the seriousness of the situation and the gravity of our feelings about it. Should that have no result, other steps should be taken against the Government of Iran.

It is clear by now that third parties are not going to be able to deal with the Government of Iran in our behalf. That government does not act in good faith, and believes itself immune to any meaningful response to hostile actions. I can see no country that would argue that if the United States Ambassador is interned in the foreign ministry of Iran, as he is, it would be unfair for the United States to similarly treat an Iranian of equal rank. If our citizens are held captive, there is no reason for us to tolerate the continued freedom of Iranian diplomats to operate in Washington, and even take their bizarre case to network news forums.

It is time, I believe, for the United States to show once again displeasure and determination. Your firm action and determined leadership will be supported by the citizens of this country.

With best wishes, I remain,

Respectfully yours,

HENRY B. GONZALEZ,
Member of Congress.

SETTING THE RECORD STRAIGHT ON TIME MAGAZINE STORY OF FEBRUARY 4

(Mr. CHARLES H. WILSON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CHARLES H. WILSON of California. Mr. Speaker, in its February 4 issue, Time magazine wrote a very derogatory story about me, which concerned me—first, because of the timing of the article—and second, because of the untruths and deliberate falsehoods which were contained throughout the article.

I wrote to the editor in chief of Time, Inc., on February 7 to set the record straight on the facts of the matters which were discussed in their story, and have had no response from Time, Inc., nor have they given me the courtesy of printing my letter of correction. For that reason, I insert my letter to Time magazine in the RECORD at this time, so that my colleagues at least can know the truth about matters discussed in the February 4 issue of Time magazine.

Mr. Speaker, the letter follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 7, 1980.

Mr. HENRY ANATOLE GRUNWALD,
Editor-in-Chief, Time, Inc., Time & Life Building, Rockefeller Center, New York, N.Y.

DEAR MR. GRUNWALD: In the February 4th issue of Time, your magazine, for some reason or other, took the occasion to write a very derogatory article about me involving several allegations—in some cases completely false, and all of which occurred four or more years ago. You pride yourself on being a news magazine which reports current news. In no instance was there anything current about your article other than the fact that I have been accused by the House Committee on Standards of Official Conduct of 15 alleged violations.

The opening paragraph in your article was hardly accurate. I would question the author of the article who says that my legislative record is meager, and would wonder on what basis he would make such an observation. As far as my oratorical skills are concerned, there are maybe only 11 or 12 good orators in the House of Representatives, and I have no apology to make that my type of speaking before my constituents or my colleagues in the House does not match the standards of Mr. Beaty, who was the author of your article.

The first error in the story written by Mr. Beaty was that I had received "an illegal cash gift of $1,000 from Tongsun Park." This is false. I received a wedding gift from Tongsun Park which was not illegal. I was reprimanded for supposedly not telling the truth about the $1,000 when I responded to the original questionnaire. I had completely forgotten the incident, because it had happened at least two years before the questionnaire was submitted. However, it was my own letter to the Ethics Committee correcting the questionnaire, which brought this to their attention. This was hardly lying—nevertheless, for that I was reprimanded.

I will not comment about the present case involving the Ethics Committee, because that is still in the investigative stage, and my attorneys have yet to present in full the motions to dismiss, which will be based upon our belief that the allegations are untrue.

The reference to an alleged mobster, who my office tried to assist in getting a government loan to build a tuna boat, is strange to have been included in the story. The individual involved has been dead for more than 10 years. He was a constituent of mine, and it is appropriate for me to assist constituents when they have requests or problems with the federal government, if I feel that the request is justified. No one has proved that this individual was a mobster. Rather, he was a successful businessman, who was prominent in the community and civic activities in the City of Hawthorne, California, which is in my District.

In the paragraph referring to four receptions which were staged in honor of my Korean wife and myself, the statements are false, as well as the statement that "all yielded handsome returns." There were three receptions for Mrs. Wilson and myself. The first was sponsored by her family the evening of the wedding (which was held in a chapel at the Eighth Army Base in Seoul, Korea) at a Seoul hotel. This was a sit-down dinner where no gifts were brought by any of the guests, and which was attended principally by the family's relatives and close friends of my wife's family. The second reception took place in my District in Hawthorne, California upon our return from Korea, and included a small, but close group of friends who I had been associated with during most of my political career. The gifts included a couple of traditional wedding gifts and several bouquets of flowers. One gift was a gag from five friends of mine, who stuffed a toy turtle with 100 one dollar bills. I happen to be a turtle collector, and this was presented as a joke, as much as anything else.

At the reception which followed the wedding at Trader Vic's in Washington (which was our second wedding ceremony) the allegations that there were "envelopes of cash from lobbyists and well-wishers collected at the door" are false. It is also a false statement that 'Wilson staffers accepted credit card payments, which were exchanged for cash by the restaurant." Without my knowledge, a group of 8 to 10 friends—rather than bring a traditional gift—made direct arrangements themselves with the management of the restaurant to pay for a portion of the expenses of the reception with credit cards or personal checks. I had no knowledge that this was being done, but after I had heard of this, I checked and determined that approximately $1,500 may have been paid to the restaurant in this way to reduce the expense to me for this reception, at which there were approximately 300 people. It was a very insignificant part of the total bill, however, because my own check to the restaurant for the reception was approximately $6,800.

The last false part of your article is one which was extremely embarrassing to me, because it reflected upon my son and his wife. I did discuss with Mr. Beaty the justification of accepting a cash wedding gift from Mr. Park in Korea, because this is not an unusual custom. I reflected that many nationalities such as Greeks, Poles, Slavics and Orientals, and many other ethnic groups express themselves through such gifts. I stated that my son married a young lady of Italian descent, and I observed her mother (not "Mama") received envelopes at the wedding, which she put in a bag, which was beside her. I then commented that I wish I had done as well as my own son had done. The statement that I said "they made out like bandits" is absolutely false. As a matter of fact, it was rather embarrassing to have to call my own son and daughter-in-law for something I had not said.

The only reason I am writing you about this is because of the timing of the story, and the fact that I had no knowledge until two or three days before the story was in print that such a story would be in your magazine, and it was timed to coincide with a meeting of the Comimttee on Standards of Official Conduct which was considering my original request of dismissal of charges based upon the statute of limitations having expired. It appeared that you were deliberately trying to influence deliberations of this important Committee by the timing of your article.

This is not current news—this is not worthwhile news, and it is not accurate news. I have always had respect for your magazine, and I have had a personal relationship with the president of *Time, Inc.* This does not exempt me, however, from being a victim of any of your reporters' activities, if it is felt that such a story is timely or newsworthy. I question the ethics of your magazine in publishing the story, and I certainly question the motives of the reporter who prepared it.

Very truly yours,

CHARLES H. WILSON.

ADMINISTRATION PROPOSALS FOR SOCIAL SECURITY

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PICKLE. Mr. Speaker, today the distinguished ranking minority member of the Social Security Subcommittee and I have introduced legislation proposed by the administration, at their request, for changes in the social security program.

Although neither Mr. ARCHER or myself nor the subcommittee has taken a position on the proposals put forward in this legislation, we introduce the bill so that it can be studied by the Congress. The bill includes some 48 technical and other amendments to the title II program which will be of interest to various groups and individuals.

We include here, for the information of the Congress and the public, the administration's explanation of this legislation:

EXPLANATION OF THE SOCIAL SECURITY AMENDMENTS OF 1980

TITLE I—OASDI PROGRAM IMPROVEMENTS

Interfund borrowing between OASI, DI, and HI trust funds

Section 101 of the draft bill would amend title II and title XVIII of the Social Security Act to permit the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, and the Federal Hospital Insurance Trust Fund, to borrow from each other, as needed until the close of fiscal year 1990, if one of the funds falls below 25 percent of its estimated outlays for the 12 months preceding the borrowing. The purpose of the borrowing would be to restore the deficient fund to the 25 percent level. When the borrowing fund's assets ultimately reached 30 percent of its outlays during the previous 12 months, all of its income beyond what is needed to maintain the 30 percent level would be transferred to the lending fund until the loan is repaid with interest.

Interfund borrowing would eliminate the need for legislation each time one of the funds needs adjustment. This is of some current importance because the assets of the OASI fund are expected to decline from 30 percent of a year's outlays to 18 percent at the beginning of 1982 and 1983. The DI fund is expected to increase, on the other hand, from 20 percent of annual outlays in 1979 to 81 percent in 1982.

The borrowing could, in some circumstances, also meet the needs of the DI fund, which is subject to much larger fluctuations than the OASI fund because it is smaller and the volume of disabiltiy claims is less predictable than is that of OASI claims.

Six week delay of reports of Boards of Trustees

Section 102 of the draft bill would change from April 1 to May 15 the date by which the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, the Board of Trustees of the Federal Hospital Insurance Trust Fund, and the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund must report to the Congress on the operation and status of the funds during the preceding fiscal year and on its expected operation and status.

The change will permit the Department's actuaries to take into account any automatic benefit increases that may be scheduled for the following June, information on which is not available until the latter part of April. The change will avoid the problem that was created this year, for example, when the estimated increases proved to be inaccurate, with the result that the OASDI Trustees' report was out-of-date even as it was being published.

Payment of certain travel expenses

Section 103 of the draft bill would authorize the Secretary to pay travel expenses incident to an individual's medical examination requested by the Social Security Administration to determine disability, and to parties, their representatives, and all necessary witnesses for travel to reconsideration interviews and to proceedings before administrative law judges under titles II, XVI, or XVIII of the Social Security Act. For fiscal year 1977 and a number of preceding years, the authority to make such payments was included in the annual Labor-Health, Education, and Welfare Appropriations Act.

One-month retroactivity of widows' and widowers' benefits

Section 104 of the draft bill would amend title II of the Social Security Act to allow an aged widow or widower to receive actuarially reduced benefits for the month in which the insured spouse died, if the application is filed in the following month, even though the retroactive payment would result in a lower future monthly benefits than would be the case if benefits were not paid retroactively.

The provision would make an exception to the rule, enacted by the Social Security Amendments of 1977, that bars retroactive benefits the payment of which requires the lowering of future benefits. The exception would eliminate the inequity suffered by a survivor when the insured individual dies so late in the month that the survivor is not able to file for benefits in that month. In many of these cases, the actuarial reduction in future benefits (which in any event will be relatively small) is unimportant, from the survivor's standpoint, when compared with the survivor's need to receive a retroactive benefit promptly.

Conforming changes in delayed retirement credit provision

The Social Security Amendments of 1977, Public Law 95-216, lowered from 72 to 70, effective beginning with calendar year 1982, the age at which an individual may receive his full social security benefit without regard to his current earnings. Section 105 is a technical amendment to make a conforming change in a provision of title II of the Social Security Act that increases the social security benefit on account of delayed retirement. The section would lower from 72 to 70 the age beyond which no further retirement credit is available.

Use of monthly measure of retirement in certain cases

Section 106 of the draft bill would amend title II of the Social Security Act to deal with an undesirable consequence of the amendments made by section 303 of the Social Security Amendments of 1977. That section repealed the monthly earnings test which, notwithstanding the amount of a beneficiary's annual earnings, permitted full payment of title II benefits in months in which the beneficiary had low or no earnings. The 1977 amendments removed the monthly test except for the first year a beneficiary had a month in which he earned less than the monthly exempt amount and did not provide substantial services in self-employment. After that first year, deductions under the earnings test are based on annual earnings only.

While this policy is sound with respect to retirees, it has unduly harsh results in the case of certain other individuals, such as those receiving child's (including students) benefits or mother's (or father's) benefits. Elimination of the monthly earnings test can result in overpayment of benefits to these individuals in the year in which their benefits terminate, even for months in which they were entitled and did not work. For example, if a student graduated and went to work, or a mother whose entitlement terminated because her child was no longer entitled went to work, earnings after benefits terminated would be used in applying the annual earnings test and could cause benefits which had already been paid to become overpayments. Frequently, these beneficiaries do not know in the beginning of the year what their earnings will be, or whether they will have any earnings later in the year. To eliminate problems of this sort, setcion 106 of the bill would restore the monthly earnings test, in the year in which entitlement ends, for individuals receiving benefits under section 202(b) (if the individual has a child in her care), (d), or (g) of the Social Security Act. Further, in order to avoid these consequences for beneficiaries whose entitlement might be terminated more than once, particularly children whose entitlement is based on their status as full-time students and thus might have their entitlement end, be restored, and end again, the monthly earnings test would be available in each year of termination.

Modification of penalties for failure to make a timely report of excess earnings

Section 107 of the draft bill would modify the penalty imposed upon a beneficiary when he fails to timely file an annual report of earnings in excess of the retirement test exempt amount. Currently, the penalty for first failure to file a timely report (due within 3 months and 15 days after the end of the year in question) is the amount of the monthly benefit to which such beneficiary was entitled for the last month of such year; for a second such failure, an amount equal to 2 months' benefits; and for a third or subsequent failure, an amount equal to 3 months' benefits. Under proposed section 108, failure to file timely would result in a warning without penalty for the first violation, a penalty of an amount equal to one month's benefit at the current monthly benefit rate for a second violation, and a penalty of 2 months' benefits at the current monthly benefit rate for a third or subsequent violation. The penalty would be assessed at the current monthly benefit rate rather than at the benefit level payable in the last month of the year in question, as in current law, since it would result in some administrative savings.

Increased penalties for excessive charges by representatives of claimants

Section 108 of the bill would amend section 206 and section 1631(d)(2) of the Social Security Act to increase the penalty from $500 to $1000 for charging fees in excess of those allowed by the Secretary or (in the case of title II) the court (depending upon whether the proceeding was before an administrative or judicial tribunal). At present, the penalty is less than that under the Social Security Act for fraud ($1000). It is believed that this proposal will act as a greater deterrent to overcharging by a claimant's representative, and that there would be a greater likelihood of prosecution should any violations nonetheless occur.

Penalties for misuse of social security numbers

Section 109 would increase from $1,000 to $5,000 the maximum monetary penalty for offenses under title II of the Social Security Act, including misuse of a social security number, and would extend the penalty to include the counterfeiting, altering, buying, or selling of a social security card, or possession of a social security card or counterfeit card with intent to sell or alter it.

Employer's payment of employee's social security and unemployment insurance tax counted as wages of employee not employed in domestic service

Under current law, if an employer pays an employee's social security tax or, where applicable, unemployment insurance tax, the amount of the employee's tax is not treated, for social security or unemployment insurance purposes, as part of the employee's wages. This causes the amount of an employee's wages to be lower, for social security and unemployment insurance purposes, than it is for purposes of Federal income tax. Inasmuch as the tax is a percentage of the worker's wages, the total social security and unemployment insurance tax paid on those wages is less than it would be if the amount of the tax paid by the employer on behalf of the employee were instead paid to the employee as wages, and the employee paid the tax.

The employer's payment of the employee's tax may marginally improve a worker's take-home pay when the employer pays to the employee, as additional wages, some share of the tax savings. Nevertheless, the practice has the long-term adverse effect of reducing the employee's wage record, and therefore his social security benefits upon retirement. It may also lower future employee benefits under other benefit plans related to earnings. Moreover, it inflicts tax losses on the trust funds that could be substantial ($6.5 billion in 1979 dollars if all employers were to take advantage of this alternate payment scheme).

Section 110 of the draft bill would repeal the provision of the Social Security Act that excludes these tax payments from workers' wages for social security and unemployment insurance purposes, except in the case of domestic workers (where the exclusion serves to encourage compliance with social security reporting requirements).

Employer contribution with respect to tips

Section 111 of the draft bill would require employers to pay social security contributions on the full amount of covered tips received by an employee. The 1977 amendments to the Social Security Act require employers to pay social security taxes on tips, but only on that portion of the tips which are deemed to be wages for purposes of the Federal minimum wage. Under present law, an employer can pay up to 40% less than the Federal minimum wage by counting as wages for this purpose tips received by the employee. Thus, current law gives an unwarranted advantage to employers whose employees receive a significant portion of their income in the form of tips, and, on the other hand, disadvantages the Trust Fund because the social security employer contribution is not paid on the full amount of tips. Further, since the full amount of the employee's "wages" do not produce employee and employer contributions in the same amount, additional recordkeeping is required, thus imposing administrative burdens on the Department, and, indeed, on the employer.

Improved coverage of agricultural workers

Section 112 would amend title II of the Social Security Act so that coverage of agricultural employees whose employers have substantial expenditures for farm labor—$2,500 annually—would no be subject to the social security coverage test of present law, but would be covered on a first-dollar basis. Thus, their coverage would be determined on the same basis as coverage of employees of nonfarm employers. Agricultural employees furnished by a crew leader would be deemed to be employees of the farm operator.

Under current law, coverage of agricultural employees, including many migrant workers, is subject to a restrictive coverage test which prevents many workers from getting social security credit for part or all of their farm employment. Under this test, a worker's earnings from a farm employer are generally not covered unless during the year he is paid cash wages of at least $150 by the employer or works for him on at least 20 days for cash wages determined on an hours of work or other time basis. Also, workers furnished by a "crew leader" to a farm operator to perform agricultural labor are generally considered employees of the crew leader for social security purposes. However, the crew leaders sometimes fail to report amounts earned by the workers for social security purposes.

When the coverage test was included in the law in 1956, it took into account that many farmers at that time were unaccustomed to recordkeeping and might find it difficult to make reports for social security purposes of wages paid to relatively short-term employees. Since the 1950s, major changes have taken place in agriculture. Many farms keep the same kind of records as nonfarm businesses do, and there is no longer justification for preventing many of the workers who are employed by such farms from getting social security credit for their work

While this change would cover about 90 percent of the wages paid to all farm workers, it would affect less than 20 percent of farm employers. The present coverage test would continue to be applicable to all farms which have annual expenditures of less than $2,500 for agricultural labor. Additionally, providing that the farm operator would be the employer of agricultural workers furnished by a crew leader is expected to significantly improve compliance with the wage reporting provisions, thereby improving the protection of migrant farm workers.

Treatment of farm produce paid in lieu of cash as wages to agricultural workers

Section 113 of the draft bill would amend title II of the Social Security Act to treat crops, animals, meat, or other farm produce paid to agricultural workers instead of cash wages as taxable earnings for social security purposes.

The provision would end the exclusion of these payments, an exclusion now available only to agricultural workers. A consequence of this exclusion has been to reduce an employee's wage record, with an ultimate reduction in the social security benefits payable to him, his dependents, and his survivors upon his retirement, disability, or death. This is particularly unjustified where the payment in kind, for example a share in the harvest, is immediately sold for cash and the cash paid over to the employee—a practice to which farm operators are increasingly resorting in order to defeat the payment of social security taxes.

Repeal of elective coverage by current employees when non-profit organizations elect coverage of their employees

Section 114 of the draft bill would eliminate the provision in current law which permits employees of certain tax-exempt nonprofit organizations to choose whether to be covered under social security at the time an organization elects (by filing a waiver certificate) to provide coverage for its employees.

The proposal would require coverage of all employees of an organization when it waives its social security exemption. Under current law, a nonprofit organization will occasionally report wages paid to its employees without having filed a waiver certificate, or a nonprofit organization which has filed a waiver certificate will report wages of all employees, including those who did not choose coverage. This amendment would relieve the Department of burdensome and costly procedures to correct such situations.

Single optional method for determining net earnings from self-employment

Section 115 of the draft bill would provide only one optional method for reporting net earnings for all self-employed people whether their business is farm or nonfarm. A self-employed person who wished to use the option would add his net income from all farm and nonfarm businesses; if his net earnings from all business income was less than $1,600 he could use the option and report two-thirds of his total gross earnings, but not more than $1,600. Two restrictions on the use of the option would be kept. A person could not report less than his actual net earnings from all businesses and a person could not use the option more than five times for reporting nonfarm earnings.

The social security record of a self-employed person is now based on net annual earnings from self-employment. Current law provides an optional method for reporting net earnings which allows a person to continue his social security protection in years he has very low earnings or a net loss from his business. The optional method is basically the same for farm and nonfarm self-employment but there are restrictions on the use of the nonfarm option.

Both optional methods allow a person to report two-thirds of his gross income (but no more than $1,600) instead of his actual net earnings from self-employment. The nonfarm option can be used only five times in a lifetime, may be used in a year only if the person had actual net earnings from self-employment of at least $400 in at least 2 of the 3 immediately preceding taxable years, and can not be used to report less than actual net earnings from self-employment.

The different rules for using the farm and nonfarm options have made administration of the options very difficult and are confusing to the public. This is especially true for a person who has both farm and nonfarm businesses. Under present law, he may have a choice of as many as four amounts to report as his net earnings from self-employment. The proposed change would be easier for the public to understand and for SSA to administer.

Rounding of primary insurance amounts and insurance benefits to the nearest multiple of ten cents

Section 116 would provide for rounding monthly social security benefit amounts to the nearest ten cents rather than to the next higher ten cents. This would result in some program saving without significant loss to any beneficiary.

Simplification of Trust Fund reimbursement computation with respect to benefits attributable to noncontributory wage credits for military service

Section 117 of the draft bill would simplify the computation of the amount of reimbursement by the Treasury Department to the social security trust funds for the cost of benefits attributable to noncontributory wage credits for military service. Section 217 of the Social Security Act provides such credits for the period from September 16, 1940 to December 31, 1956, while section 229 of that Act provides such credit for calendar quarters after 1956. In cases where individuals are eligible for credits under both sections, the cost to the Trust Funds of paying increased benefits must be computed separately because different procedures are provided for each. Section 117 of the draft bill would, in these cases, allow one computation for purposes of both sections.

Technical amendment concerning coverage of State and local election officials and workers

Section 118 of the draft bill would correct a technical oversight in the 1977 amendments, which in consideration of the new combined annual wage reporting requirements changed the election worker exclusion from $50 a quarter to $100 a year. The change applies only to exclusions made by a State after enactment of the amendments. This results in inconsistency in the administration of the exclusion, and inequitable treatment of election workers and officials in different coverage groups. Section 118 would make the change effective for all election officials and workers.

State and local coverage agreements allowed to become effective from date of delivery to Secretary

Section 119 of the draft bill would provide that the effective date for any State or local coverage agreement (including any modification) under section 218 of the Social Security Act would be the date the agreement is mailed or delivered to the Secretary. Currently, coverage agreements generally become effective when mailed or delivered to the Secretary. However, in cases involving maximum retroactivity of coverage or coverage of positions compensated solely on a fee basis, the effective date is the date the agreement is executed by the Secretary. The proposal would eliminate a source of friction between the Secretary and the States by permitting the States to exercise control over the effective dates of agreements.

Penalty for late wage reports by States

Section 120 of the draft bill would authorize the Secretary of Health, Education, and Welfare to impose a penalty on a State that has entered into an agreement for coverage of State and local employees, if the State is late in filing a report of covered wages. The late filing penalty would be the same as for private employers who at present are charged 5 percent, up to a maximum of 25 percent, or the amount of tax due. Partial or erroneous reports filed timely with the Secretary would not be considered delinquent and the draft bill would impose no penalties in these cases.

Within the State, State and local employers submit wage reports for their employees to the State. The State reviews these reports and then forwards them to the Secretary. In most cases of late reporting, the State and the local employers have not filed their reports timely with the State. Late State reports cause process delays and increase the administrative burden upon the Department. The penalty provision would provide an incentive for States to report timely and to insist the State and local employers report timely to them.

Interest on late State deposits

Section 121 of the draft bill would conform provisions in the Social Security Act, which specify the rate of interest charged on late payments of social security contributions due on the earnings of State and local employees, to similar provisions in the Internal Revenue Code which specify the rate of interest charged on late payments of social security contributions due on the earnings of other employees. At present the annual interest rate under the Social Security Act is set at 6 percent. In 1975 the annual interest rate under the Internal Revenue Code was set at 9 percent but was made subject to adjustment in accordance with changes in the prime lending rate. The annual interest rate under that provision at present is 6 percent and will increase to 12 percent effective February 1, 1980. The proposal removes the incentive to make late payments of contributions on the earnings of State and local employees when the prime rate is higher than 6 percent.

Technical correction concerning State and local employees in Utah

A provision of title II of the Social Security Act allows the State of Utah to extend social security coverage to certain schools and education-related organizations named in the provision. Some of these names have since changed. Section 122 of the draft bill would amend the provision to allow coverage to be extended not only to the named groups, but to their successors as well.

Relaxation of insured status requirements for certain workers previously entitled to disability insurance benefits

Section 123 of the draft bill would provide that a worker who initially became entitled to a disability benefit before reaching age 31 could again qualify for a disability benefit on the basis of a more appropriate insured-status test upon the later recurrence of a disability.

Current law applies a special test to a worker disabled before age 31: he may become entitled to a disability benefit if he has quarters of coverage in half of the calendar quarters elapsing after he reached age 21 up to and including the quarter in which he became disabled. A worker disabled after reaching age 31, however, may become entitled to a disability benefit only if he has 20 quarters of coverage during the 40-quarter period that ends with the quarter in which he became disabled. In many cases, this last rule has prevented a worker from becoming entitled to disability benefits if he had been so entitled before he reached age 31, recovered from his disability, and then suffered a recurrence of a disability at or after age 31. Because of the worker's earlier disability, there has been insufficient time for him to obtain the needed 20 quarters of coverage before his subsequent disability.

The proposal would continue to apply a special test in these cases. A worker who has recovered from a disability incurred before age 31, and for which he was entitled to disability benefits, would again be insured if he has 1 quarter of covered employment for each 2 quarters elapsing after he reached age 21 (up to 20 out of 40 quarters).

Change in month in which workmen's compensation payments are offset against OASDI benefits

Currently, if a disabled worker is under age 62, his social security disability insurance benefits are reduced by the amount of his workmen's compensation, so that his combined benefits do not exceed 80 percent of his pre-disability earnings. The reduction now begins in the month following the month in which the Secretary receives notice of the worker's receipt of workmen's compensation. Section 124 of the draft bill would reduce the disability benefit beginning with the first month in which the worker becomes entitled to both social security disability insurance benefits and workmen's compensation, regardless of when the Secretary is notified of the worker's receipt of workmen's compensation.

The provision will eliminate an incentive for workers to delay notifying the Secretary of their entitlement for or receipt of compensation payments.

Extension of workmen's compensation offset to disabled worker beneficiaries aged 62 through 64 and their families

Section 125 of the draft bill would extend the workmen's compensation offset provision, described previously, to workers aged 62 through 64 and their families. At present, the offset provision is limited to disabled workers under age 62. Extending the offset to age 65 would end the advantageous treatment now received by disabled beneficiaries aged 62–64 as compared with those under age 62.

Elimination of requirement that application be filed for OASDI benefits as a condition of medicare entitlement

Section 126 of the bill would correct a technical difficulty in section 226 of the Social Security Act. As a condition of receiving hospital insurance benefits under part A of title XVIII (Medicare) an individual must be entitled to benefits under title II. If he were still working, he would, under the law as it stood prior to the repeal of the monthly earnings test by the Social Security Amendments of 1977, merely have established his entitlement under title II, had cash benefits suspended because of earnings, and thereby established his entitlement to Medicare benefits. In any month of low earnings, the individual would have received benefits under title II because of the monthly earnings test. However, under present law (as described in connection with section 106 of the draft bill), if a person filed for title II cash benefits at age 65 to establish entitlement to Medicare, the monthly earnings test could be triggered by an isolated month of no earnings or low earnings. As a consequence, the monthly test would not be available to him in a later year when he actually stopped working because of a decision to retire. In order to reserve the "grace" year, when the monthly earnings test would apply, section 128 of the draft bill would provide for separate applications for title II benefits for the non-disabled and for hospital insurance benefits. Individuals who have already used their grace year and wish to withdraw their applications and repay the cash benefits received so that the monthly test would be available in a later year of retirement, will be deemed to have filed an application for Medicare so that that coverage can continue without interruption. The section would not impair the authority of the Secretary with respect to the payment of Medicare benefits in the case of individuals whose previously withdrawn applications for Medicare benefits are reinstated.

Coverage of employees of foreign subsidiaries of American employer: Elimination of requirement that American employer be a corporation

Section 127 of the draft bill would permit social security coverage of American citizens working outside the United States for a foreign subsidiary of an American employer that is a sole proprietorship or partnership. Under present law, social security coverage may be extended to such individuals only when they are employees of a foreign subsidiary of an American corporation.

Coverage of employees of foreign subsidiaries of American employers: Foreign employer may be an affiliate

Section 128 of the draft bill would allow a foreign subsidiary, which must now be a corporation, to be an unincorporated business; and it would reduce the ownership interest in the subsidiary (to be called an "affiliate") that is required to be held by the American employer from 20 percent to 10 percent.

These changes, taken together with section 127 of the draft bill, will broaden the availability of social security coverage to American citizens working abroad. They are not intended, however, to extend coverage to services that are excluded from coverage under any existing or future international social security agreement concluded under section 233 of the Social Security Act.

Change in date upon which termination of coverage of employees of nonprofit organizations or foreign subsidiaries of domestic corporations may be effective

Section 129 would provide that agreements providing social security coverage for employees of nonprofit organizations and foreign subsidiaries of American corporations can be terminated no earlier than the end of the second calendar year after the year the organization or corporation gives notice.

Employees of a nonprofit organization and employees of a foreign subsidiary of an American corporation who are U.S. citizens are not required to participate in the social security program. They can receive credit for their work under social security only if the nonprofit organization or American corporation enters into an agreement providing social security coverage for the employees. The organization or corporation can terminate the agreement by giving 2 years' advance notice. The notice period begins at the end of the calendar quarter in which the notice is given and ends 2 years later.

The change is needed to prevent employees whose coverage is being terminated from getting unnecessarily generous treatment by social security. Prior to the 1977 social security amendments a worker generally received credit for a quarter of coveage for a calendar quarter in which he was paid at least $50 in wages. Under the 1977 amendments the rule for earning quarters of coverage was changed from a quarterly to an annual basis—in 1979 a worker gets one quarter of coverage for each $250 of annual earnings. As a result, if nonprofit organizations and American corporations with foreign subsidiaries terminate social security coverage, their employees could get more quarters of coverage in the year their coverage ends than they could have before the amendments. In some cases an employee whose coverage ended in the first quarter of the year could get 4 quarters of coverage—the maximum number per year.

The same situation would also have been true for State and local employees whose coverage terminates; however, the 1977 amendments restricted the effective date of termination of coverage of State and local employees to the end of the calendar year. The proposal would result in equitable treatment of all employees whose coverage can be terminated.

Extension of coverage by an international social security agreement

Section 130 of the bill would correct what appears to have been an inadvertent omission in the drafting of section 317 of the Social Security Amendments of 1977, which authorized the international agreements previously described. Section 317 amended title II of the Social Security Act to permit an international agreement to establish "methods and conditions for determining under which system [*i.e.*, the foreign system or our own] employment, self-employment, or other service shall result in a period of coverage." As explained by the House report on the bill. "Under this clause, [if] a worker with a permanent connection with one system is covered by existing law under the other system, an agreement could provide that coverage be under the system with which the worker has the permanent connection." H. Rep. 95–702, pt. 1, p. 88.

The defect in section 317 is that it neglected to amend the Internal Revenue Code or the Social Security Act to define the worker's service, when included in an international agreement, as covered employment or self-employment for purposes of the Federal Insurance Contributions Act or title II of the Social Security Act. As a result, no social security taxes may be collected with respect to such service, and it remains excluded from coverage. The draft bill would remedy this omission.

Coverage of services of nonresident Filipinos in Guam

Section 131 of the draft bill would repeal the exclusion in current law (section 210(a) (18) of the Social Security Act) from social security coverage of services performed in Guam by nonresident Filipinos. Under the law nonresident aliens working in Guam, except nationals of the Philippines are covered by social security. The repeal would assist the many Filipino workers who enter Guam as temporary residents but later become permanent residents to secure coverage for the work they had previously performed as nonresident aliens. Also, it would reduce the competitive advantage of reduced labor costs that is now enjoyed by companies employing Filipino workers.

Mutual assistance agreements

Section 132 of the draft bill would authorize the Secretary, with the approval of the Secretary of State, to enter into agreements with the governments of other countries to exchange information necessary to secure evidence of entitlement to social security benefits and to maintain beneficiary rolls under the social security system of each such country. Under a mutual assistance agreement, the staff of the social security system of the foreign country would obtain information from sources outside the United States necessary to enable the Department to process claims and verify continuing entitlement to benefits of U.S. social security beneficiaries who are living in that country, and the same service would be provided by U.S. social security offices to the social security system of that country.

Currently, the claim of an individual residing outside the United States for social security benefits is developed and his continuing entitlement to benefits is verified by HEW personnel in the United States through direct correspondence with the beneficiary or with the assistance of U.S. diplomatic and consular posts abroad. We believe that the administration of the social security program outside the United States would be more efficient if the Department could obtain the assistance of social security agencies in other countries in developing claims and verifying continuing entitlement to benefits.

Social security foreign work test

Section 133 of the draft bill would amend the test contained in present law which prescribes the monthly amount of noncovered remunerative activity in which a social security beneficiary outside the United States may engage before losing his social security benefit for that month. Under the current law, if a beneficiary works on 7 or more calendar days within the month (regardless of how little he may have worked on each of those days) he loses the entire benefit for that month. It seems unduly harsh to withhold an entire month's benefit for as little as one hour of work per day for 7 days (which is possible under current law). The draft bill would modify the test to allow beneficiaries to work as many as 45 hours in a month, regardless of the number of different days on which the work was performed, without losing benefits.

Congressional review of international agreements

Section 134 of the draft bill would reduce from 90 session days to 90 calendar days the time during which an international social security agreement must lie before Congress before it becomes effective.

A "session day" has been construed by the Parliamentarian of the House of Representatives as a day on which both Houses are in session. As a result, the current 90-day period spans almost an entire year. Also, if Congress adjourns sine die before the end of the period, the agreement must be resubmitted and the process begun anew. This occurred in 1978, to the serious disadvantage of a number of elderly United States citizens, in the case of an agreement that the United States had negotiated with the Federal Republic of Germany.

The draft bill section would also repeal a provision that purports to prevent such an agreement from becoming effective if either House of Congress adopts a resolution of disapproval. As explained by the President in his Message to the Congress of June 21, 1978, a provision of this kind is a breach of the constitutional doctrine of separation of powers.

Pension Reform Act—cost reimbursement

Section 135 of the draft bill would provide for payment to the social security trust funds for expenses incurred in providing information required to enable an employee benefit plan to comply with the Employee Retirement Income Security Act of 1974 (commonly referred to as the Pension Reform Act).

Provisions of the Pension Reform Act require administrators of most employee pension plans to furnish to plan participants information concerning their accrued and vested benefit rights. In addition, employers are required to maintain records, in accordance with Department of Labor regulations, sufficient to determine the benefits which are, or may become, due to each employee. While some pension plans do not have the earnings information necessary to provide the required information, the Department of HEW does maintain it and has already received requests from some plans for complete earnings histories of plan members. The requests are often large (500,000 earnings histories must be provided pursuant to one request and 375,000 earnings histories pursuant to another). The Department estimates that there will be requests for about 3,300,000 individual earnings histories at an estimated cost of $120 million. This section of the draft bill would make clear that reimbursement of these costs is not governed by the Freedom of Information Act or by the Privacy Act. Under the provisions of these Acts, it is estimated that the allowable reimbursement would be no more than $72 million. Thus, the cost to the social security trust funds would be $48 million. Section 135 would permit the Department to recover from the requesting party the full cost of retrieving and transmitting information for purposes of enabling pension plans to comply with the Pension Reform Act, and would save the trust funds approximately $7 million in fiscal year 1981.

Forgiveness of certain unpaid social security taxes

Section 136 of the draft bill would provide forgiveness of all unpaid social security taxes resulting from service in the War Shipping Administration. The Secretary is currently required to withhold from benefits payable on the earnings records of former War Shipping Administration employees amounts equal to any unpaid social security taxes. Such unpaid taxes are the result of coverage being extended to such employees in 1943, but retroactive to 1941. The proposal would allow the Secretary to eliminate the process for identification of claims involving the unpaid taxes, the deduction of the taxes from benefits, and notification of the claimant. This process involves an inordinate amount of time and expense relative to the amount of taxes due.

TITLE II—ELIMINATION OF GENDER-BASED DISTINCTIONS UNDER THE OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM

Divorced husbands

Section 201 of the draft bill would provide social security benefits for aged divorced husbands and aged or disabled surviving divorced husbands based on their former wives' earnings records. (Under a district court decision, benefits are being paid to aged divorced husbands.) Currently, the statute provides for the payment of benefits to aged divorced wives and aged or disabled surviving divorced wives but benefits are not for similarly situated men.

Remarriage of surviving spouse before age 60

Section 202 of the draft bill would make the requirements for widowers' benefits the same as they now are for widows. Currently, widows and widowers who remarry before age 60 are treated differently with respect to their eligibility for benefits based on their deceased spouses' earnings. A woman may qualify for benefits as a surviving spouse, even though she has remarried, so long as she is not married at the time she applies for benefits. A man, on the other hand, currently loses forever his eligibility as a surviving spouse of his deceased wife worker if he remarries before age 60.

Illegitimate children

Section 203 of the draft bill would modify the law applicable to benefits for illegitimate children so that such children would be eligible for benefits based on their mothers' earnings as they are currently for benefits based on their fathers' earnings. In general, the determination of one's status as a parent or child for purposes of the social security program is based upon the intestate succession laws of the State in which the insured individual is domiciled. However, an illegitimate child may be eligible for benefits based upon a man's earnings, without regard to the appropriate State intestate laws, if, among other things, the man has been decreed by a court to be the father of the child, or the man is shown by evidence satisfactory to the Secretary to be the father of the child. Similar provisions do not currently apply when an illegitimate child claims a benefit based upon his mother's earnings.

Transitional insured status

Section 204 of the draft bill would apply to husbands and widowers certain social security eligibility provisions which currently apply to wives and widows. Under current law, certain workers who attained age 72 before 1969 are eligible for social security benefits under transitional insured status provisions which require fewer quarters of coverage than would ordinarily be required. Wives and widows of eligible male workers who reached 72 prior to 1969 also are eligible for benefits under this provision, but husbands and widowers of eligible female workers are not. The amendment which would be made by section 204 would extend transitional insured status to such husbands and widowers.

Equalization of benefits under section 228

Section 205 of the draft bill would amend the section of the Social Security Act which authorizes benefits for certain uninsured individuals who attained age 72 prior to 1972. In order for a couple to receive payments under this section, both spouses must have attained age 72 prior to 1972. However, even though each spouse must meet the same eligibility requirements he or she would have to meet if not married, once the eligibility of both is determined, the couple is treated as if the husband were the retired worker and the wife were the dependent. The amount of the special payment for the couple is not divided equally between husband and wife. Rather, the payment, which comes largely from general revenues, is allocated so that the husband is paid two-thirds of it and the wife is paid one-third. Section 205 of the draft bill would require that the payment be divided evenly between them.

Father's insurance benefits

Section 206 of the draft bill would provide social security benefits for a father who has in his care an entitled child of his retired, disabled, or deceased wife (or deceased former wife). Currently, under the statute, a mother who has in her care a child of such a spouse receives a benefit for both herself and her child based upon the earnings of her husband. As a result of a Supreme Court decision in *Weinberger* v. *Wiesenfield*, 420 U.S. 636 (1975), a similarly situated widower can qualify for father's benefits based on his deceased wife's earnings. Benefits are not provided for the husband of a retired or disabled worker (or the surviving divorced husband of a deceased worker) who has an entitled child in his care. Section 206 would amend the statute to conform to the *Wiesenfield* decision, and would provide benefits for a husband or surviving divorced father with an entitled child in his care.

Effect of marriage on childhood disability beneficiary

Section 207 of the draft bill would terminate the benefits of a childhood disability beneficiary, regardless of sex, when the beneficiary's spouse is no longer eligible for benefits as a childhood disability beneficiary or disabled worker beneficiary. A childhood disability beneficiary is a person with a severe disability that began before age 22 who is entitled to benefits as the son or daughter of an insured worker who is entitled to social security benefits (or who has died). In general, the social security law provides for termination of dependent's or survivor's benefits at the time of marriage, since it is presumed that the dependency situation on which the benefits are based no longer exists. An exception is made when one social security beneficiary marries another, since it cannot be presumed that either one is able to support the other. Thus, in general, when a childhood disability beneficiary marries another social security beneficiary, the benefits of neither spouse are terminated by reason of the marriage. However, when a childhood disability beneficiary is married to another childhood disability beneficiary or to a disabled worker beneficiary, and the disability benefits of one of the beneficiaries is terminated because the beneficiary recovers or engages in substantial work, the continued eligibility of the spouse depends upon the spouse's sex. A woman's childhood disability benefits end when her husband's disability benefits end. However, a man's childhood disability benefits are not terminated when his wife's disability benefits end. The amendments made by section 207 would be effective with respect to terminations of benefits of childhood disability or disabled worker beneficiaries occurring after the month of enactment.

Effect of marriage on other dependents' or survivors' benefits

Section 208 of the draft bill would terminate social security payments to an individual, regardless of sex, who is receiving dependents' or survivors' benefits, when his or her spouse is no longer eligible for childhood disability benefits or benefits as a disabled worker. Currently, in general, if a childhood disability or disabled worker beneficiary marries a person getting certain kinds of social security dependent or survivor benefits, the benefits of each individual continue. If the disabled beneficiary is a male and he recovers or engages in substantial work and his benefits are terminated, his wife's benefits also end. If, however, the disabled beneficiary is a woman, her husband's benefits are not terminated when her disability benefits end. The amendments made by section 208 would be effective with respect to terminations of benefits of childhood disability or disabled worker beneficiaries occurring after the month of enactment.

Treatment of self-employment income in community property States

Section 209 of the draft bill would permit self-employment income of a married couple in a community property State to be credited for social security purposes to the spouse who exercises the greater management and control over the trade or business. Currently, in community property States, all income from a business owned or operated by a married couple is deemed, for purposes of social security, to be the husband's, unless the wife exercises substantially all management and control. In all other States, such self-employment income is credited to the spouse who owns or is predominantly active in the business. The amendment made by section 209 would be effective with respect to taxable years beginning after December 1980.

Credit for certain military service

Section 210 of the draft bill would apply to widowers a provision of the social security law which currently permits a widow, under certain circumstances, to waive the right to a civil service survivor's annuity and receive credit (not otherwise possible) for military service prior to 1957 for purposes of determining eligibility for, or the amount of, social security survivors' benefits.

Conforming amendments

Section 211 of the draft bill would make a number of conforming changes in provisions of title II of the Social Security Act that are required because of the substantive changes that would be made by the preceding sections of title II of the draft bill.

Effective date

Section 212 of the draft bill would make title II of the bill effective with respect to monthly benefits payable under title II of the Social Security Act for months after December 1980.

□ 2040

SKYROCKETING INFLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WEISS) is recognized for 60 minutes.

GENERAL LEAVE

Mr. WEISS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order on today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WEISS. Mr. Speaker, I have asked for this time today for a special order, together with our distinguished colleague, the gentleman from Ohio (Mr. MOTTL), in order to discuss the ever skyrocketing inflation, which last week was measured to be 18 percent. I have asked some other Members to come in to participate and to discuss this unprecedented in the course of the last three and one-half decades rise in inflation, and at this time I am pleased to yield to my distinguished friend, the gentleman from Illinois (Mr. SIMON).

Mr. SIMON. I thank the gentleman for yielding and I thank him also for his leadership in focusing on this issue.

Mr. Speaker, I have the privilege of being the chairman of our Budget Committee task force on inflation. I think that one of the fundamental problems is one of attitude on the part of Members of Congress, on the part of the administration, on the part of the public. I think what we are still looking for are easy, comfortable answers on this whole question of inflation and, frankly, there are none. We are looking for answers that hurt our neighbor and not ourselves. We have to find answers that are fairly uniform in applicability.

I would like to insert in the RECORD at this point the following summary of recommendations of our task force on inflation:

SUMMARY OF RECOMMENDATIONS, AUGUST 6, 1979

(Task Force on Inflation of the House Committee on Budget: Rep. Paul Simon, Chairman; Rep. Robert Giaimo, ex officio; Rep. Jim Wright, ex officio; Rep. Jim Mattox; Rep. James Jones; Rep. Stephen Solarz; Rep. Richard Gephardt; Rep. Bill Nelson; Rep. Bud Shuster; Rep. Eldon Rudd.)

(This set of recommendations follows two months of hearings by the Task Force. A complete report, with a detailed analysis and rationale for the recommendations and a transcript of the hearings, will be published in September. It will include dissenting views of individual members of the Task Force on specific recommendations.)

NOTE TO HOUSE AND SENATE MEMBERS

(This summary of recommendations is an unofficial publication of the Task Force, released by oral agreement of a majority of the Task Force members. The complete report to be issued in September, with majority and minority views, will be the official report of the Task Force on Inflation.)

GENERAL INTRODUCTORY STATEMENT

The economic aim of the Nation should be full employment, a gradually rising living standard, and close to no inflation.

The goals cannot be achieved this year or next, but they are achievable.

They will not, however, be reached without courage on the part of the Administration and Congress, and sacrifice on the part of the American people. Inflation is caused in part by all segments of our economy trying to "get ahead" of price rises, such as the OPEC price increase, or to increase their income faster than real output. As CBO Director Alice M. Rivlin has written:

"Any program to deal with inflation is basically a program for distributing the necessary short-term reductions in real income. This is so whether it is made explicit or not. If traditional macroeconomic techniques are used, the unemployed bear the cost of adjustment. If the ICC were abolished, the trucker would bear the cost; eliminate farm price supports, the farmer is hurt; eliminate the minimum wage, some poor people are hurt; maintain Regulation Q, the small saver is hurt; eliminate indexing Social Security payments, the elderly are hurt; impose direct wage controls, the steelworker is hurt."

These recommendations are an attempt to provide answers which are realistic, which impose the sacrifices which must be made, in a reasonably equitable manner. To the extent that the Nation seeks comfortable easy answers to the inflation problem, to that extent we pursue illusory goals which will escape us.

To those who also look for one single answer to inflation, these recommendations offer no solace, for the assault on inflation must be on a variety of fronts simultaneously.

A few statistics provide background for our recommendations:

So far in 1979, inflation, as measured by the consumer price index, has averaged 13.6 percent.

Since 1973 inflation has been averaging 8 percent per year.

From 1955 to 1965 inflation averaged 1.6 percent per year.

Of the projected 1979 federal indebtedness of $839 billion, $303 billion will have been accumulated in the last five years. There are times when deficits are necessary and desirable, but we will soon mark only one year out of twenty when the budget has been in balance, a record which is economically indefensible. And while it is true that our indebtedness compared to Gross National Product is not as high as it was in the peak year of 1958, it is also true that our national debt is 38.2 percent of our GNP compared to 22.3 percent for Japan, and 13.8 percent in West Germany, and the latter two figures are artificially high compared to ours because their federal governments assume many of the obligations which state and local governments assume in our system.

An increasing percentage of our tax dollar is going for interest rather than goods and services. In Fiscal Year 1980 the cost of interest on federal indebtedness will be $58 billion, or about 11 percent of the federal outlay.

Even a 7 percent rate of inflation (which now looks good) would mean a doubling of prices in 10 years, quadrupling in 20 years, and approximately an eight-fold increase in 30 years. An extension of a 7 percent inflation rate would mean that in 30 years, today's dollar would be worth 13 cents and today's $8,000 car would cost $61,000.

But more important than these grim figures, today's much talked about "lack of confidence in government" will look unbelievably good compared with what would emerge if such inflation continues. Unless inflation is brought under control to a much greater degree than is now the case—and soon—our free system of government will be drastically altered, almost certainly for the worse. Democracy as an institution is threatened when there is persistent run-away inflation for a number of years, the case of Germany more than four decades ago the most tragic and extreme example.

Today we should learn that history lesson, not when it is too late.

The attached 40 recommendations form the outline of an assault on inflation. They represent the views of the majority of the Budget Committee's Task Force on Inflation, though additional opinions are expected to be filed before the report is printed and formally submitted.

The report is the result of staff research, consultations, and testimony from 81 witnesses in 13 days of hearings.

The Task Force is under no illusions that these recommendations will be accepted en masse. But we intend to follow through and will report to the Budget Committee and to the House where action has been taken and where it has not been taken. We will make our first report the latter part of September, or early October.

FISCAL AND MONETARY RECOMMENDATIONS

The public perceives fiscal and monetary policies as the sole cause of inflation. They do form a significant portion of the cause but a variety of other factors are also important, OPEC price increases and crop failures being two examples. But the major focus of inflation control is properly on fiscal and monetary policy, and that policy could more effectively restrain inflation if the following recommendations were considered and/or actions taken:

1. Recognize the relationship between deficits and monetary policy

While there is an immediate, limited direct impact on inflation through federal deficits, we must recognize that the major impact of yearly deficits is long-range and indirect—long-range in the accumulated impact of deficits and indirect in that the financing of the large deficits and accumulated debts pressures the Federal Reserve Board sometimes to adopt monetary policies which accommodate loose fiscal policies.

Almost any period selected illustrates the problem. From 1952 to 1961 we averaged a $2.2 billion yearly deficit, the money stock grew 1.8 percent and we had about a 2 percent inflation rate. From 1961 to 1974 we averaged an annual increase in indebtedness of $8.2 billion, money grew at an average of 4.1 percent, interest rates were higher, and inflation rose to an average of 4.3 percent. From 1969 to 1974 the Government debt grew an average of $10.8 billion per year, money stock increased an average of 6.1 percent annually, interest rates went higher and inflation averaged just under 6 percent. If we fail to recognize the fundamental, practical relationship between fiscal and monetary policy (even though in theory there is no connection), we will never deal effectively with the inflation phenomenon.

That does not mean that deficits should always be avoided. There are times when deficits are unavoidable without working great injustices. A look at the total economy is essential in determining fiscal policy. But to continue the present policies of regular deficits—even when the economy is functioning reasonably well—metes out the punishment of inflation, often on those who can afford it least.

2. Carefully pace fiscal, monetary reforms

Movement to sounder fiscal and monetary policies must be accomplished gradually and steadily, assuming the general state of the Nation's economy permits this. A sudden shift to a balanced budget in Fiscal Year 1980, for example, would cause major dislocations. In view of the latest economic news it appears unlikely that a balanced budget can be accomplished in Fiscal Year 1981. If possible Fiscal Year 1980 deficits should be below those of 1979, those of 1981 below those of 1980.

A gradual reduction in the federal deficit—eliminating it in FY 1982—and a reduction of federal borrowing in the private money market should permit the Federal Reserve Board to adopt a policy of gradual lessening of growth in money supply, moving in a few years to a steady policy of money growth. But this can happen only if policies such as those advocated in point 4 of this section are accepted, for the American public will not—and should not—accept a reduction of inflation with all of the sacrifices being made by the least fortunate in our society.

3. Avoid tax cuts

Unless there is further significant deterioration in the economy, Congress and the Administration should avoid tax cuts until the budget is balanced, attractive as tax cuts are politically. The nation would have been much better served had the last tax cut gone into reducing the deficit. If unemployment rises, the economy will be better served by targeted, specific employment assistance than more costly and less efficient tax cuts. In addition to the inflationary problems of a tax cut its design as a stimulus is not likely to take effect until some time after January 1, 1980, and by that time the economy may be on the way to recovery. An exception to this "no tax cut" policy might be a program of Real Wage Insurance, if one re-emerges from the Administration. The Task Force neither endorses nor opposes such a program because we do not know what may be proposed. But if such a program is accepted, the cost should be borne by a portion of the windfall profits tax, or some other modification of the present tax law, rather than by a revenue loss. If Congress and the Administration insist on a tax cut, a reduction in Social Security taxes is less inflationary than most other forms of tax reductions.

When federal revenues are sufficient so that taxes can be cut—or when inflationary tax loopholes now in the law are closed, such as capital gains taxes on land speculation—then the tax cuts which should be considered include:

(a) An increase in the accelerated depreciation write-off. The revenue loss could be partially recouped by phasing out certain tax instruments which have proven inefficient.

(b) A decrease in the capital gains tax only on common stocks. The equity market clearly must be improved. Corporate equities as a percentage of the total assets of the average household today are less than half the percentage they were a decade ago. Many industries which need capital cannot get it through the equity market, the concrete industry being one of many such examples.

(c) A variation of the above: lower capital gains taxes on high technology stocks.

(d) Greater encouragement to savings. The greatest encouragement to savings, both in thrift and insurance institutions, would be to halt inflation. But a tax incentive might also be helpful. Our individual rate of savings is currently 5.3 percent, compared to roughly 12.7 percent in West Germany and 22.2 percent in Japan.

We assume that in order to balance such a long-range anti-inflation tax program other tax cuts would be provided for fairness. But the function of this Task Force is to deal with the inflation problem.

4. Recognize the jobs-monetary policy tie

We must gradually devise a system for a government guarantee of jobs, when jobs cannot be provided in the private sector. Unless that guarantee is provided, pressures will mount regularly for deficit-creating tax cuts or "temporary" jobs programs—and these result in pressures on the Federal Reserve's monetary policy. It is no historic accident that generally since World War II the years in which we have had high employment we had low inflation. This is not to suggest the opposite of the Phillips Curve economic theory, but rather that if we do not gradually build into our budgets a flexible job guarantee mechanism, the pressures for deficits will inevitably mount, and that ultimately will have its impact on monetary policy. Some years ago Dr. Arthur Burns called for an end to "involuntary unemployment" in this nation, and properly so, for a sound monetary policy is unlikely to emerge in this nation without a sound jobs program. A good illustration is the position of the Chairman of the Subcommittee on Domestic Monetary Policy, who reports he is reluctant to report a measure on monetary policy which he believes is needed because of its possible impact on employment. While that personification of the problem is rare, the dilemma faced by Congress and the executive branch is real. We are not suggesting that public employment is a desirable substitute for high-productive jobs in the private sector, but that public employment is a more desirable public policy alternative than no employment. Unemployment must be recognized as a permanent phenomenon which will not completely disappear, and stands as a threat to sound monetary policy.

5. Give the President stand-by authority to create jobs

In most countries the executive branch has greater flexibility in dealing with temporary dips in the economy. At least until a long-range jobs policy (as outlined in Point 4) is realized, a stand-by authority to create jobs in areas of high unemployment is desirable.

The counter-cyclical program now pending in Congress can help, though additional programs with greater flexibility should be devised. The President should have some public service jobs programs "on the shelf" which he can utilize quickly in times when unemployment is rising. The legislative machinery of Congress is often too awkward and slow and imprecise to deal effectively and swiftly with problems which may develop. A flexible executive response will be more important in the future than it has been in the past because the international monetary situation may lessen the flexibility the Federal Reserve Board has to provide a quick stimulus to the economy. We should recognize that in the nations which are dealing with inflation more successfully than we are, both their central banks and their chief executives have additional power on economic policy. In part this grows out of a much different banking system and the parliamentary system of government.

6. Examine Defense Expenditures

The sizable national expenditures on defense makes budget balancing difficult, and causes a skewing of research efforts. In 1977, the United States spent 6.1 percent of its GNP on defense, West Germany 3.6 percent, Japan 0.9 percent, France 3.7 percent, Norway 3.2 percent, Denmark 2.6 percent, Switzerland 2.1 percent, the United Kingdom 5.0 percent, Belgium 3.1 percent, and the Netherlands 3.5 percent. Three of those nations now have a per capita GNP higher than the U.S., and Japan is within 7 percent of the U.S. And none of those four countries has a rate of inflation as high as the United States. Germany's is 3.8 percent, Japan 2.6 percent, Switzerland 1.8 percent, and Sweden 6.1 percent.

On at least one recent occasion the Soviets have suggested a willingness to pursue joint budget reductions in defense. The problem is one of measurement, as well as verification, but independent of SALT II this possibility should be pursued. An informal agreement at one time between our two nations did result in a temporary reduction in defense expenditures. It would be healthy for both nations if it happened again.

And if that is not possible, we must reexamine our defense aims and see if some of our friends cannot shoulder a larger share of the financial burden. The present pattern of much higher expenditures on defense by the United States than other nations grew out of a time when the United States was a huge economic giant compared to others. While we still play a dominant economic role, others now have strong economies also. In the final analysis, there is a trade-off between producing defense goods and other goods. A reduction in defense expenditures will permit greater expansion of capital investment in non-defense sectors and/or of consumer goods production. Either will reduce inflationary pressures.

Ultimately, if we don't want high inflation rates, we face a choice of accepting one of these three:

1. Higher taxes;
2. High unemployment;
3. Reduced defense expenditures.

We are not suggesting that the nation's economy cannot stand the present—or higher—defense expenditures. But we do suggest that if that is the choice, then we must be aware that we must have higher taxes, assuming neither high unemployment nor high inflation is an acceptable alternative. We can ill afford to long pretend that we can avoid this difficult choice. By "avoiding" the choice, we choose high inflation.

7. Strengthen the Federal Reserve Board

H.R. 7—recently passed by the House—would appear to be a minimal step in that direction. An increasing percentage of the nation's money should fall under the direct influence of the Federal Reserve System. At the present time a decreasing percentage of money operations is under the influence of the Federal Reserve.

In addition, because of the scattered nature of our banking system some closer survey of the current monetary scene (including consumer credit) appears desirable. We are pleased that the House has recently passed a bill (H.R. 7) which authorizes the Federal Reserve to obtain weekly money supply information from non-member depository institutions. We further urge that the Committee on Banking, Finance and Urban Affairs consider the possibility of also authorizing the Federal Reserve to collect data on consumer credit and other credit variables on a weekly basis.

8. Keep credit allocation authority

Efforts to take away the powers of the President and the Federal Reserve Board for credit allocation should be resisted. Use of credit controls should be rare, and then their use should be selective and temporary; but when certain sections of the economy become overheated their use should be considered. Their impact is much swifter than the use of broader monetary powers. Monetary power can slow down the economy generally. Credit controls, however, can be used to quickly slow down an isolated segment of the economy which is overheated.

9. Use informal Federal Reserve rolls

The Federal Reserve Board should, from time to time, consider making general requests of savings institutions to slightly restrict credit. This is not unprecedented and not without some impact, however limited.

10. Avoid further indexation

Indexation of taxes or federal programs to the CPI is in and of itself inflationary. While we recognize that indexation of Social Security, for example, is an accepted and legitimate protection for our retired citizens, we believe that a review of other programs now indexed by the appropriate committees is desirable. Further indexation either in the public or private sector should be avoided. Indexation is inflation feeding upon itself.

RECOMMENDED WAGE AND PRICE ACTIONS

While there are dangers in dealing with wage/price problems, there are greater dangers in not dealing with them, assuming some wisdom and prudence is exercised. We suggest:

1. Avoid stand-by wage and price controls at this time

Other means of bringing inflation under control suggested in this report should be utilized. However, when we are past the present period of high inflation it would be desirable to grant the President continuing wage and price authority. Simply having the stand-by authority makes his "jawboning" and other efforts at inflation control more effective and there may be emergencies in the future when, for short periods of time, the President should use wage and price controls. The historic record—contrary to public myth—suggests that on at least two occasions wage and price controls served the nation well.

2. Reduce oil dependence

While the astronomical 37 percent increase in energy costs for the first six months of 1979 is not likely to continue at that level, energy costs probably will continue to rise. Programs to diminish the use of petroleum products should be promoted. This should include:

(a) Conservation programs. There ought to be specific attainable goals, e.g., insulating all homes in the nation in the next seven years. If all homes in the nation were insulated there would be a saving of $3.8 billion during the coming winter alone. There would also be a sizable reduction in oil imports. The Nation has yet to learn the lessons of conservation. It is not necessary to spend our way out of the energy dilemma.

(b) Purchasing authority. The Secretary of Energy has testified that if a national corporation to purchase oil from other nations were given adequate authority, some price savings could be achieved. This should be given serious consideration by the appropriate committees.

(c) Substitute fuels. Efforts to encourage use of coal rather than oil has the double impact of being less expensive and reducing oil imports. Actions to promote coal, and carefully planned actions to promote solar energy and synthetic fuels are likely to discourage further escalation of imported crude.

3. Strengthen wage-price-guidelines programs

The wage and price guidelines program developed by the Administration has been more effective than is generally perceived. Its status should be clarified, and the program supported. If the Administration proposes a Real Wage Insurance program, it should be carefully considered. The Task Force does not have the data and specifics on what the Administration might propose and could not make an evaluation.

4. Avoid inflationary example

The U.S. Government should not be an inflationary price-setter, yet too often we are. As one minor example, the cost of postage has been rising much more rapidly than the Consumer Price Index. Federal agencies which regulate rates should, for the most part, confine those rate increases to actual inflation costs or less.

5. Strengthen exports

Loss of exports weakens the dollar, and every depreciation of the dollar is inflationary. A one percentage point reduction in the international value of the dollar adds between 0.1 and 0.15 percentage points to the inflation rate. In 1978 the United States remained the world's largest exporter—but just barely. West Germany was only $600 million behind the United States. But when you rank the top 15 exporters (in total sales) for 1978 on a per capita basis you get a much different picture:

	Per capita 1978 exports
Saudi Arabia	$4,736.84
Belgium	4,573.17
Switzerland	3,751.99
Netherlands	3,583.69
Sweden	2,870.93
Denmark	2,328.77
Germany	2,322.89
Canada	2,020.24
Austria	1,624.50
France	1,483.00
United Kingdom	1,283.80
Italy	986.46
Japan	852.02
Taiwan	741.82
United States	655.19

These statistics tell a story. U.S. business and government continue to ignore the foreign market more than they should.

And the educational community within the nation has not recognized this new era. We remain the only industrial nation which does not require foreign language training by our students. We are not adequately studying languages and cultures of other countries, and as a result we are not getting to know our customers. Not surprisingly, we do not sell as well as we should. And that adds to our inflation problems.

6. Resist protectionism

Protectionist sentiment in Congress, while understandable, can lead to actions which are inflationary. They should be resisted. If additional legislation is needed to protect both workers and industries adversely impacted by foreign goods, that legislation should be produced. What clearly is needed is a little greater foresight by both business and the government for situations which marginal industries face. If there were more planning of the right kind, the protectionist clamor would subside.

7. Promote competition

Competition forces prices down, but too often there is no competition. The increasing concentration of corporate power presents a major dilemma to the nation. Rep. Morris Udall's bill would set up a special committee of the House to study this matter and deserves prompt attention. There is historic precedent for this. In the 1930's the Temporary National Economic Committee was established to study and analyze competition and price behavior. Members of the House and Senate and executive branch served on it, under the chairmanship of Sen. Joseph O'Mahoney of Wyoming. We must again face this. Instead of spending money on new ideas and on research, too many corporations spend their money acquiring already existing firms. When demand diminishes, the theory is, prices drop. In some sections of our economy, that continues to work; in others it does not. We need to reexamine the structure of the American economy and reassess public policy toward economic concentration. Incentives for smaller businesses and for greater freedom in the economy should be examined.

8. Enact a youth differential

Most nations have a youth differential as part of their minimum wage law. It has not resulted in substitution for older workers in these nations, as the opponents claim it would here, but has placed those less attractive to employers in jobs. Perhaps a limitation in numbers per employer, restricting the benefits to new workers only or an initial experiment in several states would make it more palatable. From the inflation point of view, it would diminish labor costs slightly and make productive a segment of our economy which, to a large extent, is not now productive.

9. Rely more on "target pricing" in agriculture

The Department of Agriculture and the Committees on Agriculture of both Houses should carefully examine the possibility of greater use of target prices, rather than present programs, to protect the family farm and also the consumer. The examination should include products not traditionally covered by target prices, such as dairy products. Less reliance should be placed on loan programs. Set-asides cost the nation both in lost productivity and approximately $600 million annually in federal funds. Sugar legislation often has been an example of an inflationary response to a domestic need. There are inflationary and non-inflationary means of dealing with agricultural problems. We should choose the latter.

10. Urge citizen involvement

The President and Congress should encourage citizen involvement in the fight against inflation, and food is a good example where that is possible. Price buying should be encouraged. Alternative product purchasing should be stressed, so that if beef is too high, there should be encouragement to shift to pork or poultry or fish. The President could urge Americans to plant gardens. This would reduce prices, increase nutritional intake, and give people a sense that they are doing something personally to fight inflation. The President and Congress should make the public increasingly aware that the fight against inflation is not a battle which is fought in Washington alone, but also in every village and hamlet in the nation.

11. Change trucking regulations

Trucking regulations which force empty hauls and escalate the price of food should be eliminated and/or modified.

12. Tie state revenue to sales tax reduction

State revenue sharing comes up for reauthorization soon. If it is reauthorized, consideration should be given to tying state revenue sharing to a reduction in, or the elimination of, the sales tax on food or other items in those states which have such taxes. This would result in a direct reduction of food costs.

13. Avoid interest-increasing legislation

Congress should avoid legislative changes which cause increased interest rates. Of the 9.2 percent inflation rate of 1978, approximately one-ninth can be arithmetically attributed to the increase in interest rates. An example of this type of legislation is found in proposals to take the limitation off of the amounts thrift institutions can pay to savings depositors. While in theory perhaps desirable, the net result is greater payment to the depositor, a greater charge to the borrower—and more inflation.

14. Avoid excessive State bonded indebtedness

Ask state governments to finance their projects as much as possible without issuing bonds. Local governments clearly have no option but to issue bonds. But state governments do have an option and too many are creating substantial unnecessary deficits (though they do not call them deficits). Those deficits cause problems in the private money market, just as federal deficits do. Federal deficits can occasionally be justified because the economy needs that particular stimulant. State bond issues are rarely caused by that type of economic motivation and can make private sector financing more difficult.

15. Act to reduce health care costs

Health care costs present a complex dilemma to the Congress and to the Administration. Where possible answers to reduce escalation are proposed—and there are several proposals including the Administration's Hospital Cost Containment legislation—they should be seriously considered.

16. Reduce housing costs

Housing constitutes one of the major expenditures by our citizens. It is also a major inflationary item, in part because it has become a good hedge against inflation. If inflation is reduced, interest will decline with it, causing a major reduction in the cost of new housing. We recommend:

(a) The President or the Secretary of Housing and Urban Development should send a letter to the governors of the states and perhaps to the mayors and county officials of the more populous areas urging a simplification of building codes, work-rule standards and other regulations in order to reduce housing construction costs.

(b) Caution must be exercised as the housing stimulus portion of the federal budget is determined. For several years there will continue to be increased demand for single family homes, and if the supply does not keep up with this growing demand the result will be more inflation in housing.

(c) Additional timber cutting can be authorized on U.S. forest lands without harm to the forests and without violating good forest land management principles. This would reduce the price of lumber.

PRODUCTIVITY RECOMMENDATIONS

It has been estimated that if productivity goes up one percent, the inflation rate will come down one percent. But the productivity figures for the United States in recent years are not encouraging. Tax changes to encourage productivity are discussed in the Fiscal and Monetary Recommendations portion of this report. Most policies to improve productivity (as most answers to decrease inflation) are long-range, though there are some immediate steps which can be taken. The Task Force recommends:

1. Approach productivity on an industry by industry basis

The President should ask that, on an industry by industry basis, committees of management and labor be established to examine what can be done to stimulate production. For example, the differences in coal productivity within that industry suggest that some companies and areas have mastered techniques which others might well follow.

2. Move aggressively on the regulation problem

While much of the complaint about regulation is exaggerated, there are significant inflationary pressures produced by some regulations and regulatory actions. We urge the Regulatory Council established by President Carter and the Task Force chaired by Rep. David Obey to pursue this area. Some tentative conclusions can be drawn:

(a) Where they are not already required to do so, proposed regulations should include a cost/benefit study.

(b) Too many regulations are too detailed, too cumbersome, lacking in common sense, and totally uncoordinated. If those who draw the regulations do not have knowledge of a specific industry or area affected, that knowledge should be required before the regulation is drawn.

(c) The problem with regulations is as much their stability as their proliferation. There is too much change. Often industries do not modernize because they do not know how permanent a regulation may be and if another agency may come along with totally different requirements. There must be greater stability of expectations.

(d) Another major problem with regulations is the time factor. Needless and costly delays are experienced over and over. The President's Regulatory Council should ask for an executive order with specific time limitations on approval or disapproval by regulatory agencies. Except for complex issues, all regulatory bodies ought to provide answers within 60 to 90 days, sooner in many instances. Simply speeding up the present process would reduce the inflationary impact of regulatory bodies.

(e) State and local governments are often as guilty of regulatory excesses as is the federal government. A letter from the President or Dr. Alfred Kahn to the governors explaining the inflationary impact of excessive red tape and urging a prompt review by them might prove helpful.

The Administration and congressional oversight committees must bring order into the regulatory process. And where regulations needlessly increase costs (such as in trucking of food) then changes should be made as swiftly as possible.

3. Examine unemployment compensation

The National Commission on Unemployment Compensation (headed by former HEW Secretary Wilbur Cohen) which is examining unemployment compensation should take into consideration its impact on productivity.

How can we provide protection for the person seeking work without discouraging productivity? If we provide a guarantee of a job to all citizens, can we partially compensate for that by reducing the length of coverage of unemployment compensation?

4. Study Japan's, Germany's labor/management relations

The Administration should conduct—through the Departments of Labor and Commerce—an evaluation of labor/management relations in Japan and West Germany. Our institutions have not undergone any fundamental change in decades, but conditions have changed. Our slipping productivity is not an historic inevitability. Closer working relationships between labor and management are achievable and are desirable.

5. Encourage research training

Studies on productivity by Edward Denison of Brookings Institution suggest that greater encouragement to research and development should be provided. His study also shows that while there have been many negatives in the U.S. productivity picture, improved training for technical skills has been a major plus and should be encouraged.

PROCEDURAL RECOMMENDATIONS

1. Move into multi-year budgeting

Multi-year budgeting including plans for new programs, lessening or expansion of present programs, and tax cuts or increases, should be expanded so that the economic future can be more systematically approached. Government by impulse is no longer an affordable luxury. It is not possible for the Budget Committees alone to do multi-year budgeting; the cooperation of all committees would be required.

2. Bring off-budget items onto the budget

Adequate monitoring and control of federal borrowing in the private money market is simply not possible without that. Major entities created by the federal government can create their own deficits without any voice from either the executive or the legislative branches. Greater control is needed for effective fiscal policy.

3. Correct housing error in CPI

The housing provisions of the Consumer Price Index should be more accurately gauged. The present method of calculation creates an artificially high housing cost, which is then geared into all indexation figures, used by the federal government and private sector contracts.

By calculating housing on the basis of new housing costs, an unrealistically high figure is produced. Of the 9.2 percent total inflation of 1978, the figure is actually about 1.4 percent higher than it should have been, or about one-seventh too high. Unfortunately that artificially high price is now a cause of further inflation because of indexation. This change in calculating the Consumer Price Index can be corrected by administrative action; no statutory change is needed.

4. Correct the coffee CPI

Because of a change in weighing the price of coffee in the Consumer Price Index, there is a slight artificially high factor in food. As a CBO paper notes:

"From the freeze in Brazil in mid-1975 to June 1977 coffee prices in the CPI rose by over 150 per cent. The relative importance of coffee as of December 1977 in the old CPI was 1.02 per cent. Thus the coffee price run-up can be said to have added something over 1 per cent to the inflation rate in this period. Now enter the new CPI simultaneous with a recovery of Brazilian coffee supplies. In the new CPI coffee prices have declined—so far by 15 percent—however, the relative importance for coffee in the new CPI is only 0.24—less than ¼ of the previous weight. Even if coffee prices decline all the way back to 1975 prices the CPI price index will be permanently higher as a result of the weight change brought about in the revision."

This should be corrected.

Again, it has a multiplying impact because of indexation.

5. Issue regular inflation "report cards"

Dr. Arthur Okun has suggested that the Congressional Budget Office (or the General Accounting Office) should be asked to "issue a quarterly report that identifies all actions and proposals by the President and by Congress that would either raise or lower the price level." While the suggestion to evaluate all proposals is unworkable, some type of quarterly or monthly score-card on actions taken or pending would be helpful and is recommended to CBO.

6. Move with visible boldness

A major inflationary factor today is what some call "the psychology of inflation." If that is to be broken, whatever inflation program emerges from the Administration and Congress must be presented in terms dramatic enough to convince people that something really is being done.

But speeches will not be enough. Unless the image of action is combined with the substance of action the "psychology of inflation" will not be broken. Solid action taken in such a way that people understand and know what is happening is the medicine our ailing economy needs.

At this point, Mr. Speaker, I am also inserting a letter that was sent today to the President of the United States on one particular aspect regarding the Consumer Price Index, where in home ownership there is an error factor that caused in 1978 an increment of about 1.4 percent in the Consumer Price Index, and in 1979 about 2 percent. In this fiscal year this error is costing us between $5 and $7 billion. The chairman of the Budget Committee and I, and a number of Members from both sides of the aisle, have sent this letter to the President requesting that he appoint a committee of three to six economists to take a look at this and to see that corrective action is taken at least by January 1 of next year.

The letter is as follows:

Committee on the Budget,
Washington, D.C., February 21, 1980.

Hon. Jimmy Carter,
The White House,
Washington, D.C.

Dear Mr. President: A major error in the way the Consumer Price Index calculates housing costs is increasing inflation in this nation. We, the undersigned Members of the House Budget Committee, urge you to take action to change it. This problem has long been recognized within your administration, by your Special Assistant on Inflation, Dr. Alfred Kahn, by the Council of Economic Advisers, by the Office of Federal Statistical Policy and by the Bureau of Labor Statistics.

The Consumer Price Index is the most widely used measure of inflation. According to the Bureau of Labor Statistics, more than half the U.S. population is directly affected by changes in the CPI.

This measure is critical to the Federal budget process. More than 60 percent of all Budget Authority is earmarked for programs which are adjusted automatically and directly for inflation. Anticipated inflation is now taken into account in full-funding proposals for multi-year procurement and construction programs.

As a result, the CPI, more than any administrative policy directive, special interest group or Congressional voting bloc, is the chief determinant of the rate and direction of Federal spending.

Because of the obvious and drastic impact of changes in the CPI on private spending and the Federal budget, its accuracy is critical. Yet, the accuracy of the method by which this index is calculated has been severely questioned by economists from within the Bureau of Labor Statistics, your policymakers, and by private economists. Much of this criticism has gone on for nearly a decade.

Criticism of the CPI primarily centers on the housing component. Housing costs make up 44 percent of the weight of this index. Costs of homeownership are calculated as if all consumers face the same change in house prices as those entering the housing market each month. Because of the widespread use of the CPI as a cost-of-living adjustor both in government and the private sector, this index results in a significant misstatement of changes in housing costs for all consumers.

This method of calculated housing costs has caused inflation to be overstated by as much as two percent, according to a Congressional Budget Office analysis. A one percent change in the inflation rate as measured by the CPI triggers up to $2 billion in additional direct Federal payments. Indirect costs from higher prices of other budget items nearly doubles the impact. For Fiscal Year 1980, those costs add up to between $5 billion and $7 billion.

In December and January, the Task Force on Inflation of the House Budget Committee held hearings to study these serious questions regarding the CPI. These hearings revealed that the Bureau of Labor Statistics has long recognized this problem, and spent several years planning a revision. This revision was announced by former BLS Commissioner, Julius Shiskin, in 1976, but was never implemented. At that time it was felt that the revised formula for housing was not sufficiently refined. It was also emphasized that such a formula would be perfected in the immediate future. Why this was not done remains unclear.

After appearing before the Task Force hearings, the Bureau of Labor Statistics announced that it will compute five experimental indexes monthly, based on revised homeownership components. This would be a reasonable first step, if there were not already nearly a decade of agreement on the need for change.

With inflation running above 13 percent in 1979, and evidence already on hand that it may exceed that rate in 1980, we can no longer afford another multi-year study to look at this problem.

Statistical policy regarding the Consumer Price Index is the responsibility of the administration. No action of Congress is necessary to correct this number, but your action is needed. The Consumer Price Index will not correct itself on its own. The ponderous machinery of the Bureau of Labor Statistics will not move unless you order it to do so. We do not suggest that this action be taken in haste; but in the past, no haste has been exercised.

In order to correct this critical imbalance in the CPI, we urgently recommend that you appoint a panel of three to six economists to study this problem and recommend corrective action within 90 days. Those corrections should be implemented by January 1, 1981.

We believe that ensuring the calculation of a conceptually correct CPI is essential to bringing both inflation and the Federal budget under control.

Sincerely,

Robert Giaimo, Chairman, House Budget Committee; Norman Mineta, Timothy Wirth, Barber Conable, Bill Nelson, Jim Mattox, Paul Simon, Chairman, Task Force on Inflation; Richard A. Gephardt, Bill Frenzel, James Jones, Leon Panetta, and Jim Wright.

Mr. Speaker, again I simply want to commend my colleague. I think too many people in this country regard inflation as something like the weather, that there is absolutely nothing that can be done about it. That simply is not true. I was just looking at figures for the Netherlands. The Netherlands right now has a 3.9-percent inflation rate. They import all of their energy, all of their petroleum. There is no reason the United States cannot be moving in that direction if we are willing to take those firm steps that are necessary.

So I commend my colleague, the gentleman from New York (Mr. Weiss), for his leadership on this.

Mr. WEISS. I thank the gentleman for his very cogent remarks.

Mr. Speaker, I do not intend to take the full hour that has been requested. The session today ran very, very late, and I do not want to impose on either the other Members or on the staff and other officers of the House. I simply want to take this occasion to remind all of us that, although sometimes there is a tendency to look at the inflationary spiral as if they were just some numbers on a scoreboard, the fact is that those numbers have very real meaning, especially to people at the lower end of the income scale in this country.

People who are at low income, low-middle and middle income, are, of course, the worst sufferers. People who are on fixed incomes are absolutely devastated by the expanding, skyrocketing rate of inflation. But in point of fact, every American, regardless of his level of income, regardless of his affluence or the moderateness of the income that he has, is adversely affected.

The fact is, also, Mr. Speaker, that, although for the course of the last 2 years or so, where we have watched the inflation rate rise from somewhere around 8½ percent in 1978 through an excess of 13 percent in 1979, to now in excess of 18 percent as counted in January 1980, we have reached a point where it is no longer sufficient to simply stand by and look with horror upon the figures. Certainly it is not sufficient for those of us who have been elected by our fellow citizens to provide leadership, to provide protection, if you will, against economic ravages.

If nothing is done to bring a sharp halt to the inflationary spiral, it takes no great genius to figure out that if it is at 18 percent-plus right now, within a year it will probably be within 25 to 30 percent and that we are really in for some very, very disastrous times in this country. An unabated and uncontrolled inflation will of necessity lead to a major recession as people find themselves unable to purchase anything beyond the barest necessities of life, if that, and ultimately I believe we would be faced with an absolute depression of the kind that we had in this country and around the world in the 1930's.

Mr. Speaker, I am pleased to note that, as the situation has grown more and more desperate, there are signs that the economists of this country who, up to this point, up to the course of the last 2 months or so, have said, "No, no, we must not even talk about wage and price controls," have finally come around to recognize and to state publicly that the only alternative in this time of deepening economic crisis is a mandatory wage freeze across the board to be followed by a mandatory control program which also should be used at the time to try to adopt some basic fundamental solutions to some of our underlying problems.

I want to pay special heed and to commend especially Mr. Barry Bosworth who, for some time, was the Director of the President's Council on Wage and Price Stability, the organization which was in charge of enforcing the voluntary guidelines program, if that is not a contradiction in terms. Mr. Bosworth, in coming out for mandatory controls in the course of the last couple of weeks has, in essence made it possible for other economists also to say what was considered to be unspeakable, and that is that wage and price controls must be considered and indeed must be adopted.

We have now had Mr. Bruce McLaury, who is the former head of the Minnesota Federal Reserve Bank and president of the Brookings Institution, join in the call for mandatory wage and price controls.

Felix Rohatyn, who is chairman of the Municipal Assistance Corp., New York City, and a senior partner in Lazard Freres, has said that wage and price controls are the only answer.

Last week Henry Kaufman, partner in Salomon Bros., a major Wall Street investment firm, shocked the business and financial community by stating publicly to a meeting of the American Bankers Association that wage and price controls are absolutely essential if we are to prevent the chaos which will be following in this country.

Thomas Juster, director of Survey Research Center at the University of Michigan, has indicated his support of wage and price controls.

Indeed, within the course of the past few days, I have noted that the Speaker of the House, Mr. O'NEILL, has stated publicly that he is certain, he is confident, I believe is the word that he used, that if the President were to ask Congress to provide him with the authority to impose mandatory controls, the Congress would react positively and adopt the necessary legislation.

□ 2050

What is required now it seems to me is for the President to react positively and that is to ask for the authority from Congress.

As the Members know, Mr. Speaker, the authority to impose mandatory wage and price controls expired during the Ford administration. It has not been reintroduced and reauthorized and, as a result, were the President inclined to impose mandatory controls at this point, he could not do it. He has to seek the support of the Congress for legislation which would give him this power.

I should say that the President, were he to decide to seek that authorization, I hope, would do so in the recognition that he would not only be asking for a tool, an economic tool, that would be of great and immediate assistance to him and to the economy currently, but would be taking a major step forward in assuring this Nation that all succeeding Presidents would also have that kind of power; because it seems to me that it is very, very reckless of us to have a situation where because of political considerations or circumstances a President may feel himself foreclosed from asking for that authority from Congress.

I hope that the President, in spite of the political awkwardness of the situation, will do the courageous and necessary thing and ask the House and the Senate to adopt the legislation giving him the authority to impose mandatory controls on any and all of the elements of our economy as and how he sees fit.

The legislation that I have pending since October of 1978 would in essence give the President that kind of standby authority.

I note that the Senate, under Mr. PROXMIRE's chairmanship, has already scheduled committee hearings to consider legislation along those lines, although not my bill specifically.

I have had discussions with Mr. REUSS, who chairs the Committee on Banking, Finance and Urban Affairs of the House. I know that the appropriate subcommittee, under Mr. MOORHEAD's leadership, will also in the near future be holding hearings toward this end.

It seems to me that we have in our recent history a demonstration of what happens when a President, out of the poorest of motivations and relying on economic dogma which is outdated, refused to move forward with the necessary solutions.

I am, of course, referring to Mr. Hoover, who in the early 1930's, late 1920's, found himself in a situation not of his own making, and because the advice for him was to just hold tight, that prosperity is just around the corner, refused or failed to take the necessary steps; and for three decades or so his name carried all of the blame for that inflation and the very severe depression that followed.

I think that we still have the time and the occasion to make sure that that does not happen to this President and to his party at this time in our history.

I beseech him to take the necessary action at this time.

● Mr. MOTTL. Mr. Speaker, inflation is now nearing an annual rate of 20 percent and there is talk of $2 a gallon gasoline by the end of this year.

How much longer can we allow runaway inflation to reap havoc on our Nation's economy?

The time has arrived for mandatory wage and price controls on a temporary basis on all segments of the economy. We need controls on wages, prices, rents, interest rates, and consumer goods of all types.

While temporary, mandatory controls are distasteful to most of us, they would at least give us time to deal with the problems that are sending inflation rates spiraling.

We could use that time to balance the Federal budget and adopt a national energy program.

I am sure the American people would rather have mandatory controls on a temporary basis than to continue to sit by and watch their buying power further eroded.

The temporary controls advocated by President Carter plainly have not worked and should be replaced by mandatory controls until the economy is healed, or at least brought under reasonable control.

Former Ohio Gov. Michael V. DiSalle, who administered the mandatory wage and price controls during the Korean War, agrees with me that the time has come for mandatory controls again.

And, Governor DiSalle, has no doubt they will work if they are applied to all segments of the economy equally and fairly.

Polls show that the American people stand ready to accept mandatory controls.

Congress should take the lead from them and not only give the President the stand-by authority to impose mandatory controls, but also to strongly urge him to institute the control at once.

There is no other answer.●

● Mr. BLANCHARD. Mr. Speaker, recent economic indicators demonstrate that the American economy continues to be in serious condition and could be moving toward disaster. I am not a doom and gloom forecaster. Actually, I believe that the American economic system is the strongest in the world today and, in fact, our economic indicators are still in far better shape than most other nations around the world.

However, our economy is moving in an ominous direction. Based on the January increase in the Consumer Price Index, analysts are projecting an inflation rate of 18 percent for 1980. Many of those same analysts forecast some kind of economic recession this year, and a simultaneous increase in the unemployment rate.

I believe that in recent years we have embarked on a new era in economics—an era in which traditional economic views have become insufficient to control or explain our current problems. Too often, we look for simple or quick solutions to what have become increasingly complex problems. There is no single remedy that can bring about a lowering of the inflation rate, stable employment and balanced economic growth. The problems are just too complex and, frequently, very legitimate and worthwhile goals are working at cross purposes with one another. It is easy and politically appealing to claim that one action or another could solve problems like inflation—whether that action is balancing the budget or wage-price controls or any number of other quick-fix solutions. However, the fact is that no one step is going to get the job done. In the case of inflation, as in the case of every economic problem, the solutions will lie in a host of different actions, large and small, taken at every level of our economy.

The discussion taking place in this special order is about the problem of inflation. So I will confine my remaining remarks to a few suggestions on fighting inflation. However, let me note that at the back of my mind I fear the possibility that we might be here later in the year participating in a discussion on the increasing rate of unemployment. So I hope my colleagues will bear in mind that we must look at the economy as a whole and make sure that every step we take to address one problem, does not simply aggravate another problem down the road.

Let me then offer a few thoughts on how we might begin to better deal with the problem of inflation. I emphasize that my suggestions here will not touch on all of the many diverse steps that we will have to undertake in order to bring inflation under control.

First, I favor some form of mandatory wage price controls, and I certainly believe we should quickly give the President standby wage price-control authority. As I said, I feel we have passed into a new era of economic problems. I think we need to take a long hard look at overall economic policy. To do so, we must immediately halt the rise of inflation before it is completely out of control. Wage price controls can accomplish two important things (and probably not much else):

First. They can put a stop to the tremendous momentum of inflation caused mainly by inflationary expectations, and

Second. They can serve as a signal to every consumer and producer in our economy that the President and our Government is serious about dealing with inflation.

Many of the criticisms of wage price controls are valid. Standby authority would have to be enacted quickly and would have to provide the President with the ability to impose controls retroactively. Controls would also have to be administered in a way that would allow for them to be gradually removed without causing a burst in wage price increases. Perhaps most importantly, we could not simply rely on controls to solve the problem. We need to use the opportunity that controls could provide us with, to take a series of steps in various sectors of the economy to get at the underlying causes of inflation.

One major inflationary factor that we must gain control of is energy. There is no other single sector of our economy that has had as much of an effect on consumer prices. Of course, we need to place a great deal more emphasis on alternative energy sources if we are going to solve our energy problems in the long run. I strongly support an all out effort to develop a domestic synthetic fuels program and an aggressive solar energy effort. But, what we really need now is a short range response to the energy challenge. Any short range actions must blend well with our long range objectives.

In the wake of the Iran and Afghanistan crises, what better time could there be to call upon the American people to participate in a massive new conservation program for their country. What better response or more effective message could we send to OPEC and to those who threaten the Persian Gulf, than the message that we are prepared as a nation to drastically cut our reliance on oil.

The President has implied that we might fight a war if necessary to defend our interest in the oil of the Persian Gulf.

Why cannot we take that same national commitment and put it to work in an all out effort to significantly conserve energy so that both our economic policy and our foreign policy can be freed from oil dependence considerations.

A great deal of energy savings could be achieved through actions that would not even alter the standard of living. For example, installing heat pumps, reducing heat loss through insulation, increasing refrigerator efficiency, using organic waste and urban refuse for fuel, improving automobile efficiency and a host of other steps could be taken.

But, what I am saying is that we could go even further, because I believe the American people are ready and able to rise to the occasion for the country, and make the kind of sacrifices that would produce significant conservation.

Let me also point out that it is outrageous for us to be talking about taking action to protect the flow of oil from the Persian Gulf, without having made every effort to completely build up a strategic petroleum reserve.

I believe it is vital for us to move swiftly to fully stock an oil reserve that can serve as insurance against any threat of an oil cutoff. A strategic petroleum reserve would be another strong message that we could send to OPEC in response to their continual oil price increases.

With regard to the budget, I feel we need to maintain a tight fiscal policy. Balancing the budget, as I said earlier, will not by itself solve the inflation problem. The budget deficit has steadily decreased over the last 4 years, while inflation has shown no signs of slowing down. Yet, we must continue to look for ways to cut inflationary waste, inefficiency and duplication out of the Government.

I have sponsored H.R. 2, the Sunset Act of 1979, which would bring about a review of every Federal spending program and would provide us with an instrument for cutting waste and getting the budget under control. The bill currently has 194 cosponsors and it is pending before the House Rules Subcommittee on Legislative Process. I expect that there will be action taken on the bill this year.

I would like to balance the budget, not only because government must be more efficient, or because it would be one way to help fight inflation, but also because it would become clear that balancing the budget is not the simple answer to the inflation problem.

In our economic policy decisions we also need to pay more attention to monetary policy. I am very concerned about the huge rise in interest rates that has resulted from the Federal Reserve Board's actions in recent months. Yet, I would also say that Chairman Paul Volcker may be the only Government official who has made clear his intentions to fight inflation. I am, of course, concerned that fighting inflation only by tightening up monetary policy could result in adding the terrible costs of a severe recession. I would urge the Federal Reserve Board to adopt a long range approach to monetary policy which does not allow extreme fluctuations in the money supply, rather is disciplined to remain in tune with the growth rate of the economy.

The above suggestions are just a few overall steps that we could take to begin to get control over inflation, and really, our economy as a whole. Many of the toughest choices will come in the form of small seemingly unrelated decisions. Yet, when taken together those choices may prove to be the most important policy decisions of all. We in government must begin to demonstrate that we consider inflation to be a critical problem and that we are willing to take steps to control it. The Government cannot do it alone, because the tough choices will be made by groups and individuals throughout the private sector. But, we in public office must be prepared to lead the way.●

THE 62d ANNIVERSARY OF ESTONIA'S PROCLAMATION OF INDEPENDENCE, FEBRUARY 27, 1980

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. COURTER) is recognized for 10 minutes.

● Mr. COURTER. Mr. Speaker, I wish to bring to the attention of my colleagues that February 24, 1980, marked the 62d anniversary of the Proclamation of Independence of the Republic of Estonia, one of the Baltic States.

Estonia proclaimed itself an independent republic on February 24, 1918. The decision was based on President Woodrow Wilson's declaration concerning the rights of all people to self-determination. Estonia remained an independent republic until 1940, when, as a result of the Hitler-Stalin Nonagression Pact of 1939, Estonia was given to the Soviets as a sphere of influence. In 1940, Estonia was invaded and occupied by the Soviets and has remained under Soviet domination ever since. This occupation is an outrage and an affront to humanity.

As with the other Baltic States, the Soviets continue to carry on a campaign to deny the Estonians their language, history, and culture: a clear violation of the Helsinki accords. However, the Soviets are unable to totally destroy the will of the Estonian people who wish to be independent and free.

It should be pointed out that the 1980 Olympic Yachting Regatta is due to be held in Tallin, the capital of Estonia. I, for one, am satisfied that the United States will not compete in the summer Olympics due to the Soviet aggression in Afghanistan. It would be an insult for us to participate in a yachting event held in another occupied nation.

I believe that we in the Congress have a special obligation to remind the American people that there are others in the world who yearn to have our freedoms. The price of freedom is very dear and we must not forget those in other nations who seek this most precious of rights May we all one day see an independent Estonia reemerge.●

THE COMPULSORY CAMPAIGN CONTRIBUTIONS REFORM ACT OF 1980

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. DICKINSON) is recognized for 5 minutes.

● Mr. DICKINSON. Mr. Speaker, during every Congress we see dozens, even hundreds, of bills introduced in the House under the much abused and overused label "reform." Rather than resulting in genuine reform, congressional approval of these proposals often serves only to tamper with existing law and may even worsen our current problems. A prime example of this type of situation is in our efforts toward election law reform. In recent years we have only made them increasingly complex, creating a new Federal regulatory bureaucracy to administer the law. Many still question the wisdom of that act.

Proposals have been introduced to restrict political contributions of both individuals and groups; to require full disclosure of campaign money; to limit campaign spending, and to shift the financial burden of campaigns from the candidates to the taxpayers. We call this latter scheme public financing.

But of all the bills which have been introduced to reform our election laws in recent years, not one has touched upon perhaps the greatest abuse of political power—the use of compulsory labor union dues for politics. Every year millions of American workers are forced to support candidates and causes which they individually oppose.

Campaign reform to date has been based on the fallacious notion that all special interest groups contribute to political candidates in the same way. But while business, trade, and ideological organizations contribute voluntary money through direct cash and reported in-kind contributions, the officials of organized labor funnel the bulk of their political efforts into indirect in-kind political services on behalf of candidates.

These political services, of course, cost money. And most of that money comes from workers—workers who would be fired if they refused to pay dues and fees to union officials.

Of all private organizations in the country, only labor unions can require a person to pay money as a condition of getting and keeping a job. Under this unique special privilege, unions collect nearly $3 billion a year from individuals who have to pay up or be fired.

The Federal Election Campaign Act, as amended in 1976, prohibits the use of compulsory dues for direct cash contributions to political candidates. This appears to restrict the use of compulsory union dues for political purposes. But the law specifically permits union officials to use money, taken from workers as a condition of employment, to communicate with union members and their families, urging their support for a particular candidate; to operate and administer the extensive union PAC's, and to conduct get-out-the-vote drives that even union leaders would not attempt to defend as nonpartisan.

There are, then, two kinds of union political expenditures. The first is commonly referred to as hard money. It is money given directly to candidates in the form of cash or in-kind contributions, taken from funds given voluntarily by union members. But it is the second kind, union soft money, money spent by union officials on behalf of—but not contributed directly to—political candidates, that we need to examine.

Soft money comes directly from compulsory union dues. It finances the operations of union PAC's and provides extensive in-kind political services. While it represents the overwhelming bulk of union political expenditures, it is neither documented nor reported to the FEC.

Although the expenses of operating union PAC's run well into the millions—in 1976 AFL–CIO Public Relations Director Bernard Albert admitted National COPE's annual budget was approximately $2 million—this is only a small portion of the soft compulsory dues money. In addition to the salaries of the numerous full-time political operatives it provides PAC supplies, purchases sophisticated office machinery and computers, and finances mass mailings for PAC fundraising purposes and travel expense accounts.

But by far the bulk of the soft money goes for unreported, unlimited in-kind political expenditures. An example of that kind of expenditure is the 1976 AFL–CIO's 60-million-piece political mailing. That mailing was paid for with compulsory dues, and at 10 cents a piece, that amounts to $6 million in one shot.

That same year, the Wall Street Journal of October 5 reported that the International Association of Machinists had ordered its entire staff to "drop all other work between now and November 2 and focus on getting members to vote." That effort, too, was financed with compulsory dues dollars, and the IAM's staff salary amounts to some $1.5 million a month.

The July 1979 issue of Steelabor, the official newspaper of the United Steelworkers of America, offered its readers a surprisingly candid and straightforward explanation of in-kind political spending.

Reported the union paper:

> Union dues money can't go for direct political contributions—but it can do a lot; mailings supporting or opposing political candidates, phone banks, precinct visits, voter registration and get-out-the-vote drives.

Add to Steelabor's account weeks, sometimes months, of the staff time of literally tens of thousands of union employees devoted almost solely to partisan politics; election day workers paid overtime rates from compulsory dues; millions of political pamphlets and flyers; and paid election-day carpools and babysitters, to name a few.

No documentation or reporting of this in-kind spending is required by the FECA and we do not then have a total figure for it. Respected labor columnist Victor Reisel, however, put a $100 million tag on such spending for 1976. National COPE Director Alexander Barkan has boasted that "money is just a minor feature of the support we can give a candidate." I am sure many of us here who have been in a political battle where the union leaders have gone all out either for or against us can attest to that statement.

And so, any meaningful campaign reform must return to individual workers the right to choose for themselves which political candidates and causes their dollars will be used to support. But in the final analysis, money spent by union officials is not the main point. Union officials have a right to communicate with their members on behalf of a candidate. If we refuse to permit unions to operate political phone banks, to mount get-out-the-vote drives or to engage in precinct visits, we will be guilty of gross violations of freedom of speech. We do not seek then to restrict such activities.

On the other hand we must act to put an end to using forced union dues for partisan politics. Until we do, millions of American workers will continue to be forced to finance the campaigns of political candidates chosen by union officials—regardless of the workers' own convictions.

Today, therefore, I am introducing a bill for this purpose—to guarantee that all political expenditures will come from money voluntarily contributed. Title II, United States Code, section 441b(b)(2) and (4), appears at first glance merely to insure the full exercise of first amendment rights of communication, but in actuality, it allows blatantly partisan political activities. The legislation I have introduced will assure that the costs of all political activity will be borne by political action committee funds—business as well as labor. I propose that political communications, registration efforts, and get-out-the-vote drives be funded by PAC's, not corporate or union treasury funds.

Congress should be neutral in matters of political conscience. We should seek neither to favor nor to elevate certain groups. But as I pointed out earlier, labor unions have been favored because they are the only organizations involved here which can collect money for their treasuries through the use of force.

My bill will guarantee the voluntary nature of each person's participation in the political process by requiring that the source of all moneys used for political purposes be voluntary. This amendment will insure that in matters of political conscience, Federal election law will be neutral while voluntary participation will continue to be protected.

We must not permit any man or any organization to force any person to make political contributions against his beliefs or convictions. I hope that each and every one of my colleagues who share that view will actively support my bill. I invite your cosponsorship.●

"K" AWARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. HAMMERSCHMIDT) is recognized for 5 minutes.

● Mr. HAMMERSCHMIDT. Mr. Speaker, last year when the House passed its compensation bill to provide cost-of-living increases for veterans who have service-connected disabilities, our body attempted to rectify an unfair anomaly in the law, which precluded such seriously disabled veterans as amputees, those blind in one eye, those who have lost a creative organ, and those who are deaf from receiving a full cost-of-living increase in the same manner as other disabled veterans. These seriously disabled veterans receive a small add-on to their basic disability payment known as a "K" award. Although every other award in the wartime disability compensation charts of title 38 has been increased regularly, the "K" award has not.

Our body recognized the inequity of this disparity, and passed a measure which awarded "K" recipients the same 9.9-percent increase that other disabled veterans received. The other body resisted this notion, and our compromise ended up being that "K" award recipients were given the increase, but only after the effective date of September 1, 1980, while other provisions of the legislation became effective on October 1, 1979.

It really does not make sense, Mr. Speaker, to hold a handful of seriously disabled veterans who would be receiving a mere $5 a month more in disability as hostages to the perils of inflation. We have recognized the principle of a uniform cost-of-living increase for every veteran who has been disabled in the service of his or her country. It is the duty of the Congress to apply that principle uniformly.

Accordingly, I am introducing corrective legislation that will make the "K" award retroactive to October 1, 1979, the date the rest of the legislation became effective.

H.R. 6640

A bill to amend Public Law 96-128 to provide that the increase provided by such Public Law in the rate of veterans' disability compensation under section 314(k) of title 38, United States Code, shall be effective as of October 1, 1979, rather than as of September 1, 1980

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 601 of the Veterans' Disability Compensation and Survivors' Benefits Amendments of 1979 (Public Law 96-128; 93 Stat. 987) is amended to read as follows:)

"(a) The amendments made by titles I and II, and the provisions of section 101(b), shall take effect as of October 1, 1979.".●

INFLATION—OUT OF CONTROL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CLAUSEN) is recognized for 5 minutes.

● Mr. CLAUSEN. Mr. Speaker, I would like to take this opportunity to thank the gentlemen from Ohio and New York for inviting me to participate in this special order to underscore to the House the immediacy of the need to address our No. 1 economic problem—raging inflation.

It was reported last week that the Consumer Price Index (CPI) rose to a record high for any 1 month. The news media carries reports on tightening monetary policy, the possibility of wage and price controls and the increasing distortion of American economic and financial values. We are all too painfully aware of the effects of inflation. We feel these effects on every trip to the grocery store and every time we pull up to a gas pump. Inflation hits us harder in the things we cannot do without—food, housing, and energy.

In order to beat the increasing costs of consumer goods tomorrow, Americans are buying at an unprecedented rate today. And they are digging deep into their savings to do so. The savings rate is at its lowest point ever. We find that we are lacking the capital so vital to our businesses for investment, innovation, and expanded employment opportunities.

We cannot accept inflation as a way of life. There is a great deal that can be done to curb inflation and while there are solutions they will not be quick or easy.

Deficit spending is one of the greatest contributors to inflation. I have consistently voted for and gone on record supporting legislation to balance the budget and legislation to put a ceiling on the total amount of our tax dollars the Government can spend. I have cosponsored both of these measures because I believe that these are two of the most important steps we can take to control inflation. Further, it will have a major impact on the prevailing inflation psychology attitude of our people because it will telegraph the needed signal that the Federal Government is getting its budget house in order.

I am in full support of placing a sunset provision in all Federal programs to require them to justify their existence on a regular basis. The Congress must take the necessary steps to check the overregulation by the regulators. These regulations all too often place burdens of time and money on businesses—forcing costs up higher and higher.

The Capital Cost Recovery Act will liberalize depreciation rates and will put an end to the critical shortage of investment capital currently faced by businesses. I have cosponsored this legislation because increased capital formation will encourage increased productivity and market expansion—a sure way to break the inflationary spiral.

A selective revision of the Tax Code would place the maximum emphasis on incentives for people to save and invest. A revision affecting individual and business taxes would lead to more job creation and investment in the private sector. The most direct thing we can do to immediately increase the amount of employment, saving, and investment is to increase the reward or incentive for the next dollar earned by employment, saving, or investment.

Energy costs are also a great contributor to inflation. In order to eliminate our dependence on foreign oil we must research and develop alternative energy sources here in the United States. Only through encouragement and incentive will these alternatives become competitive with our current sources of energy.

These measures form a broad tax and regulatory reform program and take the necessary first steps in curbing inflation. I urge my colleagues' support and I hope we can take immediate action toward enactment of these measures. Our strength lies in a sound economy and a strong private sector. Let us invest in that strength by providing incentives which will bring about returns of increased productivity, reduced unemployment, economic growth and opportunity.

These are some of the things the Congress can do to get inflation under control.

If the controlling majority of this Congress does not act responsively and responsibly on these reasonable and commonsense proposals, they will be held accountable, for the lack of action, by the people of this Nation.

The people are demanding action that will give them some immediate relief from the strangulation of inflation that is public enemy No. 1.

We in the minority are ready, willing and prepared to act on all of these suggestions and any other reasonable proposal.

Inflation is taxation of the cruelest form—it is taxation without authorization and/or representation.

I demand that my colleagues act with dispatch to bring inflation under control—it is time you all bite the bullet and get on with the job. If you are not prepared to do this, I suggest you make room for someone who will.

A TRIBUTE TO TOM STEED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Miller) is recognized for 5 minutes.

● Mr. MILLER of Ohio. Mr. Speaker, I am happy to take this time to pay special tribute to my good friend and extraordinary public servant, Tom Steed. For the past 7 years I have had the good fortune to serve with Tom on the House Appropriations Committee. More recently, I have been ranking minority member on the Treasury, Postal Service, and General Government Subcommittee Tom chairs.

It has been a pleasure to work with my chairman on that subcommittee. I could not have asked for more cooperation and fairness than I have always received from Tom. Whenever we have a problem or disagreement we can work it out. Throughout my association with him on the committee, he has always been accessible, patient, thorough and ready to listen.

Besides being a decent, honorable man, Tom is a skilled legislative craftsman who takes great pride in his work. In sitting through those long hours of subcommittee hearings with Tom, I have learned to appreciate the precise knowledge and feel Tom has for how government is supposed to work for the people, not against them. The American taxpayer has had no greater ally and watchdog of the treasury than Tom Steed.

As we all know Tom is quite a storyteller and that Oklahoma wit and wisdom will be surely missed around here. Tom never misses an opportunity to tell a good down home story especially when it helps drive home a certain point he wants to make.

For 32 consecutive years the people of Oklahoma's Fourth Congressional District have been represented by a truly tireless and dedicated public servant. They can be proud of Tom Steed's outstanding record and contribution to making their Government more responsive and efficient.

And so it is with deep sense of loss I view Tom's departure from this body but by the same token I know how eagerly he looks forward to returning to his beloved home State. He has my very good wish for a long and happy retirement.●

RENEE MAUDE MATSON—PENNSYLVANIA WINNER IN VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. McDade) is recognized for 5 minutes.

● Mr. McDADE. Mr. Speaker, on Tuesday, March 4, young people from each State will be meeting in Washington, D.C. These young people are finalists—one from each State—in the annual Voice of Democracy Contest conducted by the Veterans of Foreign Wars of the United States and its Ladies Auxiliary.

I am especially pleased that Pennsylvania's finalist is a young woman from my congressional district. Representing Pennsylvania will be Renee Maude Matson of Canton in Bradford County. Renee is a 17-year-old high school senior at Canton Area Junior Senior High School. She is the eldest child of Marsden and Donna Matson.

According to the VFW, there were over 250,000 participants in this year's competition. The finalists from each State will be competing for five national scholarships ranging from $14,000, first prize, to $2,500, fifth prize, which is the culmination of the contest.

I want to extend my heartiest congratulations to Renee. She is indeed a fine example of the high caliber of young people that I represent in northeastern Pennsylvania.

I am pleased to present a copy of Renee's speech for the benefit of my colleagues.

Renee's Speech

On every street corner in every community from Boston to San Francisco, a "want ad" hangs for all young citizens like myself to see. The "ad" reads as follows:

Wanted: about five million young adults for roles in the continuing production entitled The United States of America, about to begin its 204 year on the road. It is a costly production, rich in heritage and in future possibilities, but in urgent need for young talent to fill vacant roles. The roles involve no experience and tryouts are unnecessary, for we will accept anyone who is interested in making this future production a success. Illicit in the production of The United States are problems and new situations. We advise you to possess the following qualities in order to fulfill your role to its highest potential: faith, involvement and responsibility.

Signed: The Current Production Managers.

This is quite an influential "want ad" which not only concerns me in rural America, but also the young person who lives on Fifth Avenue in New York City. It is an imaginary "ad," but one that relates the need of an affective cast to make a successful Broadway production to the need of affective young citizens to make a promising America. It is an "ad" that urges me to drop my selfish, apathetic tendencies and eagerly pick up the role I wish to play; a role that mainly involves the qualities listed in the "want ad". The first is faith.

I believe faith is the foundation for my role. Losing faith in God will mean losing faith in myself and in time, a loss of faith in America. If I believe God will give me the strength and guidance to pursue my goals, I will gradually build self-confidence and faith in myself. Faith in myself will allow me to enthusiastically hope and most important, to try for the best for my country. But to try, means involvement.

If I want to be involved, I must first be filled with a sense of awareness. It is hard to catch all that happens in America, but this well-known prayer will be in the back of my mind when fulfilling this aspect of my role:

God grant me the Serenity
To accept the things I cannot change
Courage to change the things I can
And Wisdom to know the difference.

Awareness of a problem is one aspect of the role, but the courage to try to change it is another. I will always think of this quote by Abraham Lincoln as his personal advice to me. "Dare to have a purpose firm. Dare to make it known!" Of what value to my country is a thought hidden deep within, that will never reach the ears of my fellow citizens? But, will a fellow citizen listen if his personal needs exceed those of America? This is the point where responsibility fits into my role.

The needs of others will often exceed my own; therefore, it is my duty to accumulate the gifts and knowledge attained throughout my years and share them with others less fortunate. Only then, will people cease to worry about themselves and begin to broaden their awareness of situations in America, tending to its needs.

Finally, it is my responsibility to arouse those citizens, who the first time, failed to answer the "want ad", concerning the future production entitled, The United States of America.●

CHALLENGE OF THE NEW DECADE FOR LATIN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Reuss) is recognized for 20 minutes.

● Mr. REUSS. Mr. Speaker, the Inter-American Development Bank, the oldest of the regional development financing institutions, is celebrating the 20th anniversary of its operations this year.

In a remarkably frank and forward-looking speech delivered February 26, 1980, before the National Press Club in Washington, D.C., Mr. Antonio Ortiz-Mena, president of the Bank since 1971, has called for renewed dedication on the part of the Latin American countries to the task of building more equitable, just and democratic societies in their part of the hemisphere.

He also asked us in the United States, and the people and governments of the other industrialized countries, to continue to assist Latin America in this effort in order to assure its success.

Mr. Mena's remarks follow:

The Challenge of the New Decade for Latin America

I am grateful for the opportunity extended to me by the National Press Club to speak to you today.

I would like to express my high appreciation for the effective contribution of the Washington press in disseminating in this country, in Europe and particularly in Latin America, accurate information about the operations of our Bank and analysis of

United States-Latin American economic relations in general.

We stand today on a threshold of a Decade of Trial—a decade which will test many of our basic concepts, the institutional and economic relations which have developed in the world during the past half a century, our notions of progress and self-interest, and, most of all, our resolve to meet head-on the consequences of the profound changes which are taking place in our world.

Since the 1950s, relations between the different regions of the world have moved along fairly well defined patterns. Today, those patterns are under considerable stress—and crumbling. The persistent inflation and unemployment problems in the industrial countries, including the United States, the inadequate progress of less developed countries highlighted in the recent report of the Brandt Commission, and the energy situation, play an important part in these developments.

As a consequence, the pace of world economic activity, based for decades on the presumed economic stability of the industrial countries, on the potential success of international assistance to the less developed countries, and on the availability of ample supplies of inexpensive energy, has faltered. The distortions introduced into the world financial system by the events of recent years, with huge undigested financial surpluses being counter-balanced by rising external debts of countries often ill-equipped to bear the burden, are fueling the fires of inflation and adding to instability. The weakening pace of development in the world's less developed regions, combined in some areas with high rates of unemployment and population growth, add to tensions. And the predicted shortages of minerals crucial to the smooth functioning of the world economy are further increasing the uncertainty about the future.

It is appropriate, therefore, to review the course which we have been pursuing and identify the directions which may offer a better promise of meeting the challenge of our times.

Latin America is a good place to begin this reappraisal.

The Inter-American Development Bank has been intimately involved in Latin America's process of change. Twenty years ago, when the Bank was established, the region lacked the basic institutional structure necessary for an effective development effort. We have helped the countries of the region to build those institutions. As an advisor to the Latin American governments—as the first international bank to provide financing for health and sanitation, clean water systems, education, housing and rural development—and as a mobilizer of private savings in the United States, Western Europe, Japan and in our own region for Latin America's development—the Inter-American Bank has been involved at the grass roots and in the mainstream of the change taking place in our part of this Hemisphere.

In the process, our capital resources have been repeatedly increased—from $1 billion at the start to nearly $28 billion under the Replenishment Agreement—and our lending volume rose to over $2 billion a year.

It may interest you to know that the revenues from our lending operations not only pay all the expenses of the Bank but also finance our grant technical cooperations activities and have made possible the accumulation of substantial reserves against potential losses. We are also probably the only international institution which has operated with a virtually zero real growth in its budget during each of the last five years, during which time the workload of our staff has nearly doubled.

We are proud of that record. We are proud of the high quality and dedication of our staff on which almost all of our nationalities are represented. And we are determined to continue to perform the tasks assigned to us to the best of our ability.

When we describe change in Latin America, we speak from first-hand experience: having lived with, and understanding, both the aspirations of that continent and the formidable tasks that have to be performed in order to realize its people's dreams.

The plain facts today are that:

Living conditions have improved substantially in the last 20 years for a large proportion of Latin America's population in terms of opportunities for education and remunerative work, as well as in nutrition, health services and environmental sanitation.

There is a budding, modern, industrialized economy which stretches from Tierra del-Fuego in the South to the borders of Texas and California in the North.

There is a continent which, through conscious effort for integration, is tied today by highways and railroads, communication systems, sea and air-borne traffic, joint multinational ventures, a community of interests, and rapidly increasing intra-regional trade.

In less than two decades, the Gross Domestic Product of the region, in constant dollars, has tripled.

In spite of a sizable increase in the population—from 200 million in 1960 to 340 million last year—the per capita GDP has nearly doubled.

The value added by manufacturing has more than tripled.

And exports—another important indicator of economic activity—have more than doubled in constant prices.

These achievements did not come easily. They required great effort and concentration on a limited number of priorities, at times at the expense of neglecting others. The extent of these efforts is underlined by the fact that about 80 percent of the investment which made the achievements possible came from domestic savings. And nearly one-fourth of the region's product, over the past 20 years, has been allocated to capital formation.

In Latin America, however, as elsewhere in the world, the positive achievements of the past two decades have been counterbalanced by some negative—even regressive—trends.

The glaring inequalities between the countries of the region—and between the different sectors of society within many countries—have tended to sharpen. In 1978, the per capita GDP of the region ranged from about $200 for Haiti to over $2,100 for Venezuela. And according to the estimates of the United Nations Economic Commission for Latin America, more than 100 million people in the region continue to dwell at the edge of subsistence.

Change has also produced some strange paradoxes. A continent which twenty years ago exported excess food, today cannot feed itself and is a net importer of foodstuffs. Although, potentially, Latin America can be self-sufficient in energy and mineral resources, many of its countries are today going deeper into debt because of overwhelming dependence on imported oil, the volatile nature of earnings from commodity and mineral exports. And while social services and opportunities for better life have been extended to millions of people, the deprivation suffered by other large sectors of the region's population has become unbearable.

The social and political consequences of this uneven progress in development are reported daily in your press, on radio and television. I need not embellish those reports. I only mention them to underscore both the magnitude and the complexity of the challenge which confronts Latin America in the opening days of this decade.

The fact of the matter is that Latin America, as a region, is undergoing profound social and political, as well as economic, change. This change is not orderly. In many countries, it is accompanied by acute social tensions, even civil strife. The advances which have been achieved, and the institutions which made them possible, are still very fragile. If progress in development is to be continued, and if it is to result in the kind of structural changes that are desired and increasingly demanded by the masses of the Latin American people, then the role of the international financing institutions—particularly in the area of concessional lending—must be strengthened rather than curtailed.

The Inter-American Development Bank, through its various activities, supports and promotes constructive change. We deal today in our region with a wide range of politico-economic systems in different stages of evolution. We are not troubled by this variety. We recognize that the 19th century model of a capitalist system is neither attainable nor appropriate under conditions which obtain in many of our countries. But in order to be effective in promoting constructive change, change which meets the aspirations of our people, we need resources for concessional lending and the backup guaranties—which do not involve any outlay of your taxpayer's money—to enable us to mobilize private funds for our conventional lending operations.

In the regional context, what are the most urgent items on Latin America's agenda?

The foremost is a renewed dedication to the building of a more equitable, just and democratic realm both within and among the countries of our region.

In the past two decades—and I am speaking here from our Bank's experience—the process of modernization of Latin America has been accompanied by a growing realization that the betterment of the basic human condition is a sine qua non of national progress. The prime beneficiaries of that change have been the marginal sectors of the Latin American societies: the long-abandoned inhabitants of the hinterlands, the campesinos, and the urban poor, many of whom fled the countryside in search for an opportunity for better life.

These groups have received a substantial share of the investments devoted during the past two decades by the national governments to the provision of social services and the socio-economic infrastructure. But because their numbers are so high, and because the resources available for these programs have been limited, the tasks which continue to face the Latin American countries in this respect are, indeed, tremendous.

From the beginning of its operations, the Inter-American Development Bank has provided a sizeable, and increasing, share of its resources to help finance programs which benefit directly the lower-income sectors in Latin America, and the less developed countries of the region. During the past four years, over 70 per cent of the foreign exchange lent by the Bank on concessional terms went to our least developed Latin American members even though they account for only 13 per cent of the region's population. And during the next four years, at least 50 per cent of the Bank's lending—both the long-term, low-interest loans and those made from our capital resources—will be devoted to projects which directly benefit the lowest income sectors.

These efforts, however, by themselves cannot remedy the inequalities to which I referred earlier. What is required is a total commitment and the political will to carry it out. To buttress such an undertaking, more adequate flows of long-term, public financing channeled through institutions such as our Bank are indispensable.

A second major task on Latin America's agenda for the 1980s is an increase in the production of food and a substantial upgrading of the rural environment.

Agriculture continues to be an unstable and precarious sector—the Achilles' Heel of most Latin American economies. In overall terms, agricultural production during the last 25 years has only increased by about 3 per cent annually. At the same time, food imports have grown very rapidly, especially in recent years. During the past 5 years, such imports have doubled, and in 1978, amounted to $8 billion.

Moreover, in many countries, at least one-fourth of the rural labor force is unemployed, and underemployment is much higher. Nutritional levels are unacceptably low. Land tenure conditions continue to be seriously deficient. There is great inequality in access to land, and alarming ecological deteriorations in many areas. As a consequence, out-migration from rural areas has swollen. During the past 25 years, over 40 million rural people have gone to urban areas in search of a better life.

This situation calls for concerted action on a heroic scale. Latin America must pay more attention to its valuable rural land resources and to the welfare of its rural people. Appropriate technologies must be developed and put to use, policies of more rational land distribution and land use must be put into effect, and the transformation of the traditional farming sector must be given a proper place in the agricultural development strategies of the region. But above all, rural social conditions will have to be improved to prevent a depopulation of the countryside. Latin America will have to rediscover the value of its potentially rich agriculture and of the welfare of its rural people.

During the past two decades, the Inter-American Development Bank has channeled nearly one-fourth of its lending—almost $4 billion—to Latin America's agriculture. Additional hundreds of millions of dollars have been lent by our Bank for the social and economic infrastructure of the region's rural areas. In the current four-year period, 1979 to 1982, we expect that fully one-third of our lending will be devoted to rural development—provided, of course, that our member countries put the Fifth Replenishment of our resources into effect without further delay.

Another major challenge which confronts Latin America is the development of its energy and mineral resources.

On a country-by-country basis, the impact of the oil situation varies greatly. For the oil importing countries, the problem is self-evident: the gains of the past decade are in danger of being negated by the oil price rise. For those blessed with significant oil reserves, the promise of a development breakthrough appears at hand. But even in those situations, caution must be exercised. Unless appropriate policies are adopted, structural problems in agriculture corrected, and efficient industrial development pursued, their high expectations may prove illusory.

As a region, Latin America probably has double the oil reserves of the United States. According to current estimates, about 20 percent of the world's petroleum prospecting areas are situated in the region. Nevertheless, through the end of 1978, only 14,000 exploratory wells have been drilled in Latin America and the region's cumulative production has barely passed the 50 billion barrel mark. In comparison, two-and-a-half million wells have been drilled in the United States and this country has produced over 130 billion barrels of oil—almost 32 per cent of total world production through the end of 1978.

The answer to the paradox lies in the rate of investment in petroleum exploration and development, which has been declining in Latin America in relation to other regions. If this trend can be reversed, Latin America can not only satisfy the needs of its expanding economy but also become a prime source of petroleum for other areas.

The situation with respect to Latin America's non-fuel mineral resources parallels that of petroleum. Today the region is a leading supplier of a wide range of minerals required by the industrial economies. In terms of the United States, Latin America is a major source of imports of bauxite, copper, iron ore, barium, antimony, manganese, gypsum, tin, tungsten, nickel, silver, zinc and several rare minerals. But Latin America's currently worked deposits are probably only the tip of the proverbial iceberg. With increased investment on terms which are fair both to the foreign investor and to the countries owning them, the region can become an important, and secure, source of mineral resources for decades to come.

Our direct lending, together with that of the World Bank, can make only a small dent in the demand for investment capital required to develop Latin America's energy and mineral resources. That is why, responding to the suggestion of some of our Latin American members, we have proposed the establishment of a multilateral investment insurance and guaranty fund, to be administered by our Bank. The objective of this Fund would be to stimulate the inflow of foreign investment for oil and mineral development on conditions that the Latin American countries would consider fair and beneficial. The Fund would serve to facilitate such a flow of private capital by reducing political risks for the foreign investor, providing financial support for the local governments participating in the project, and enhancing the stability of contract arrangements. This proposal is under intensive study by our member governments.

The fourth major prerequisite for the achievement of satisfactory and self-sustaining growth in Latin America entails the development of our region's industrial and technological capability.

The desire to industrialize is shared by all the developing regions of the world. It is certainly strong in Latin America where manufacturing has been the main factor in economic growth, trade and employment-creation during the past two decades.

It is important to note in this connection that industrial development in the developing regions does not pose a threat to the basic economic interests of the industrial countries. The latter countries, with less than one-fifth of the world's population, today provides two-thirds of world production and 80 per cent of world trade. They also possess the preponderance of the infrastructure and knowledge in technology, and the capacity for research and development needed to support technological progress. For the most part, the manufactured exports of our region do not compete with their products in world trade. While in some marginal areas they may cause minor displacements and require adjustments, on the whole they complement the industrial output of the United States, Europe and Japan. At the same time, however, they provide us with the means to continue to increase the purchase of capital goods and other manufacturers which our region needs in order to grow.

Lasting, mutually-beneficial economic relations between regions can only be based on reciprocity. Latin America, for a long time to come, will continue to need access to the financial capital and the technology of the industrial countries. At the same time, it will need access to your markets—not just for oil, scarce minerals and agricultural commodities, but also for its manufactures. The existing impediments to the entry of such goods, supported by rising protectionist tendencies in some of the industrial countries, should be reconsidered and removed.

The picture which I have presented leads me to mention the last and more serious of the paradoxes which troubles many of us: namely, that the perception of our region's success, especially during the past 20 years, without remembering our region's grave problems, appears to have created a situation in which Latin America's access to international cooperation for development runs the risk of being cut.

Most of the Latin American countries have made a special effort in recent years to maintain minimum adequate rates of economic growth, in order to cushion the impact of the recession in the industrial countries and to meet the increased cost of imported oil. But the maintenance of the region's growth could only be achieved by large-scale borrowings in the international capital markets and by intensive efforts at trade liberalization to support the expansion of the region's exports. This has increased strongly the need of close and intensive cooperation from the industrial countries and the international financial institutions.

We note, however, a strong line of thinking that suggests that the access to development assistance in Latin America should be limited to a few of the relatively less developed countries of the region, which account for a very small percentage of its population and economic activity. This reasoning ignores, among other things, the fact that the bulk of the population living in poverty is found in several of the so called "medium-income" countries of the region.

The reluctance of some industrial countries to continue to increase the lending capacity of the multilateral financial institutions, and the restrictive attitude in relation to the increased need for short-, medium- or long-term financing from public and private money markets, may only help to neutralize, or even wipe out, much of the progress achieved by our region in recent years.

In my opening remarks, I referred to the 1980s as the Decade of Trial. I also look upon it as the Decade of Opportunity. All of us—in Latin America, in the United States and Canada, in Europe and Japan—are being challenged to take advantage of the profound changes taking place all around us to help fashion a more just, equitable and progressive environment for all our people. I am both hopeful and confident that we will rise to that challenge.

For Latin America, there is no acceptable alternative to overdue socio-political reforms, with particular attention to the distributive side of the region's economic system, and to adequate rates of economic growth. A failure to advance in those directions, with emphasis on the four areas identified in my remarks, is likely to be reflected in a mounting level of social tension and strife, reciprocal strengthening of repressive tendencies, and a reversal of the progress which Latin America has been making in recent decades.

For you in the United States, and for the people of the other industrial nations, the solution of the basic problems which are exacerbating world imbalances and aggravating international instabilities, is equally important. In the pursuit of those solutions, however, you should be aware that our region's success in meeting the challenge of the 1980s can bring substantial dividends.

We, in the Inter-American Development Bank, a strong symbol and strong reality of enlightened cooperation, are ready to play an active and intensive part in this difficult but challenging enterprise.

TRIBUTE TO HON. DAVID E. SATTERFIELD III

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Roberts) is recognized for 5 minutes.

● Mr. ROBERTS. Mr. Speaker, the announcement last Friday by my good friend Dave Satterfield that he intends to retire at the end of this Congress came as a great surprise to me, and I regret his decision. The people of the Third District of Virginia and the U.S. Congress will lose a powerful advocate and an able representative. But even more so, this loss will be shared by over 30 million veterans in the United States and the House Committee on Veterans' Affairs which is entrusted to their care.

Dave Satterfield has served on the House Veterans' Committee since 1965. During that time he has developed a sound expertise in the function of law governing veterans benefits and entitlements. Over the years, with his active participation and leadership, our committee has revised and greatly extended the rights and privileges provided for our veterans by a grateful nation. Throughout this development for the committee his own position has advanced, first on being appointed chairman of the Subcommittee on Medical Facilities and Benefits and second on being next in line to assume the chair of the full committee in the 97th Congress.

Dave Satterfield brought to the Congress many of the qualities that have earned our great respect over the years: The lawyer's analytical mind, a strong defense of the law and the judicial process, a respect for justice, and a heritage of public service passed down from his father who served in the House before him. Presently a captain in the Naval Reserve, he volunteered for service in World War II and served as a fighter pilot aboard the U.S.S. *Lexington*, the U.S.S. *Bon Homme Richard*, and the U.S.S. *Randolph*. He saw extensive action in the Pacific Theater of Operations during World War II and was awarded the Purple Heart for wounds received at Wake Island. With this experience behind him he has proved himself in the Congress many times over as a strong spokesman for the strength of our economy, for the maintenance of our military posture, and the preservation of our democratic principles and institutions. But nowhere has he shown more support than for the American veteran.

Mr. Speaker, many of our most difficult legislative battles on the House Committee on Veterans' Affairs in recent years have been fought to preserve the integrity of the VA hospital system and medical services program. We have been fortunate to have Dave Satterfield on our side.

He has shared with us his vast knowledge of the current status of health care in the United States. And he has defended the interests of the veterans health care system in many forums including the House Interstate and Foreign Commerce Committee where he serves as a ranking member on the Subcommittee on Health and the Environment.

The VA operates the Nation's largest health care delivery system with 172 hospitals, 88 nursing homes, 16 domiciliaries, and approximately 1,200 specialized medical care units. Maintaining a system of that size and defending it against those in other branches of Government who would assume or erode its function or its integrity has been a full time job. But Dave Satterfield accepted that job in full, and set about his duties as chairman of the Veterans' Affairs Subcommittee on Medical Facilities and Benefits with a meticulous attention to detail and a straightforward concern for the welfare of the American veteran. He has sounded the alarm time and time again over deteriorating conditions in VA medical facilities brought on by administration imposed budget cuts, hospital bed losses and medical personnel reductions. His thorough investigations and recommendations, at a time of ever-increasing veteran patient demand, have prompted me as chairman of the committee to go to the floor of the House on two separate occasions to ask for significant increases in funding levels for veterans medical programs. On both occasions the House overwhelmingly accepted our request. He has supervised the expansion of a wide variety of veterans medical services, from the unique readjustment counseling program for Vietnam-era veterans to providing full eligibility in VA medical facilities to all surviving veterans of World War I. Even in this session of the Congress he has strongly recommended and introduced legislation which, if accepted, would bring the current pay scale of VA doctors and dentists up to a level comparable with the salaries of other Federal medical professionals. This legislation is designed to offset rising personnel attrition rates within the VA medical system and to give that agency a tool to attract and retain qualified career-minded medical professionals. In proposing this measure, Dave Satterfield will make a lasting contribution to maintaining both the quality and the quantity of VA health care.

Mr. Speaker, in my mind, Dave Satterfield is one of the most knowledgeable and hard working Members of the House of Representatives. He is a student of his work. He is prepared. He knows his district and his people. He knows his committee assignments. He knows all the right questions and 9 times out of 10 all the right answers as well. The Congress and the House Committee on Veterans' Affairs will miss his guidance and his strong support when he retires at the end of this year.●

JACK ARAKELIAN—SELF-MADE MAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Danielson) is recognized for 5 minutes.

● Mr. DANIELSON. Mr. Speaker, I would like to call the attention of my colleagues to a testimonial dinner this Saturday, March 1, being given in honor of one of the most dedicated and unselfish men I know—Mr. Jack Arakelian.

He is being honored for 15 years of faithful and hard work, giving of his time, effort and money to the Armenian Mesrobian School located in Pico Rivera, Calif., in my congressional district. He is chairman of the board at the Mesrobian School and president of the American Educational Foundation.

Jack Arakelian is truly the embodiment of the American dream of opportunity. As a young immigrant boy he came to America and found success through hard work. He came from Soviet Armenia at the age of 10, in 1923, and immediately went to grammar school in spite of little knowledge of the English language. He dropped out of high school to go to work, but later finished his education at night school.

Jack has been a very successful businessman for many years, and is active in many types of charitable and community work. I know that his wife, Margaret, and his son, Ron, as well as his five grandchildren and his many friends are extremely proud to see him receive this honor which he so richly deserves.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. White) is recognized for 5 minutes.

● Mr. WHITE. Mr. Speaker, due to previously scheduled commitments in the 16th District of Texas, I was unable to be on the House floor for several recorded votes that were taken the week of February 11, 1980. If I had been present, I would have gone on record as follows:

On rollcall No. 43 (February 11, 1980), demand for a second on the motion to suspend the rules and pass bill H.R. 6374 to award a gold medal to Kenneth Taylor, the Canadian Ambassador to Iran; "yes."

On rollcall No. 44 (February 12, 1980), motion to suspend the rules and pass bill H.R. 4774 to waive Federal labor laws requiring union membership or payment of union dues for workers who object to union membership on religious grounds; "yes."

On rollcall No. 45 (February 12, 1980), motion to suspend the rules and pass bill H.R. 6374 to authorize the President to present on behalf of the Congress a specially struck gold medal to Kenneth Taylor, the Canadian Ambassador to Iran; "yes."

On rollcal No. 46 (February 12, 1980), motion to suspend the rules and pass bill H.R. 5913 to permit negotiated bidding on a permanent basis for ships built with Federal construction subsidies; "yes."

On rollcall No. 58 (February 12, 1980), amendment to H.R. 3995 to provide a 1-year authorization of $12,953,000 for the EPA to carry out the provisions of the Noise Control Act; "yes."

On rollcall No. 49 (February 12, 1980), amendment to H.R. 3995 to allow a one-house veto on EPA rules under the Noise Control Act if one House of Congress adopts a disapproval resolution within 60 days of promulgation of a rule and the other Chamber does not reject the disapproval resolution within the following 30 days; "yes."

On rollcall No. 50 (February 12, 1980), passage of H.R. 3995, the Noise Control Act authorization, as amended; "yes."

On rollcall No. 51 (February 12, 1980), adoption of rule providing for consideration of H.R. 4119, bill to improve and expand the Federal crop insurance program; "yes."

On rollcall No. 52 (February 13, 1980), passage of House Joint Resolution 469 to designate February 19, 1980, as Iwo Jima Commemoration Day; "yes."

On rollcall No. 53 (February 13, 1980), amendment to H.R. 4119 to extend the Federal disaster payments program through crop year 1981, and to eliminate proposed changes in the Federal Crop Insurance Corporation; "no."

On rollcall No. 54 (February 13, 1980), passage of H.R. 4119, the Federal Crop Insurance Act; "yes."

On rollcall No. 55 (February 13, 1980), adoption of motion to order the previous question on the resolution (H. Res. 578) to instruct the House Rules Committee to determine the accuracy of February 9, 1980, press reports concerning Federal grand jury subpenas for Housing records; "yes."

On rollcall No. 56 (February 13, 1980), adoption of House Resolution 578 to instruct the House Rules Committee to determine the accuracy of February 9, 1980, press reports concerning Federal grand jury subpenas for House records; "yes." ●

LEGISLATION TO AMEND OLD AGE, SURVIVORS AND DISABILITY INSURANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. OAKAR) is recognized for 5 minutes.

● Ms. OAKAR. Mr. Speaker, as I am certain you will recall, slightly over a year ago the Department of Health, Education, and Welfare completed a report entitled, "Social Security and the Changing Roles of Men and Women." The report both conclusively and dramatically affirmed that no longer is there a question as to the inequitable treatment of women under the social security system; it is a fact. At that juncture, the very able chairman of the Select Committee on Aging, of which I am a member, Congressman CLAUDE PEPPER had the foresight to announce the formation of a "Special Task Force on the Treatment of Women in the Social Security System" and privileged me with the opportunity of chairing this year-long assignment. Our purpose was to examine the many options and proposals put forth so as to align the social security program with the changing status of women in our society. Today represents the culmination of the task force's efforts.

Mr. Speaker, I am introducing six pieces of legislation which will amend title II of the Social Security Act which is the old-age, survivors and disability insurance (OASDI). In my judgment, these bills will meet the challenge for change necessary to render the system equitable. Today's bills are the result of voluminous testimony heard from a wide spectrum of witnesses including leading experts on the social security law, representatives from women's organizations, senior citizens organizations, economists, noted experts from the Social Security Administration and those private citizens who have personally suffered from the injustices. In addition, we have received hundreds of letters from Americans throughout the country indicating the need for change.

Our task force became increasingly more aware that there is no more single important domestic economic issue facing our Nation today than that of gender discrimination in the social security program. It is imperative that we rise to this "Challenge of the Eighties" by facing the cold "Reality of the Eighties."

The social security system is at a crossroads. It has reached middle age and is experiencing a midlife crisis. While President Franklin Delano Roosevelt and his administration wisely conceived of the social security program it is our responsibility 40 years hence to prune that same system to accommodate the times.

Changing demographics, double-digit inflation, sharp curves in the recession, antirecession cycles adversely affect many of our seasoned institutions, including the social security system. These factors, however, should not suggest that confidence in the system is waning. However, because of major societal changes, the social security system must be updated. For example, it can no longer be ignored that the poorest person in the world is an elderly female 65 years of age or more. The median income for this same woman is $2,800 per year.

Furthermore, it cannot be denied that there are well over 2 million widows in our Nation with 660,000 children under 18, most of whom rely on social security as their sole means of support. In 1937, 10 to 15 percent of all workers were women. Today, more than 50 percent of women comprise the labor force. Moreover, it is predicted this figure will rise to 70 percent by 1990. The social security system affects 95 of 100 Americans, 60 percent of whom are women; 93 percent of our older Americans have paid into the system. The social security system in its present form did not envision these types of major changes that have occurred and currently are our reality.

Mr. Speaker, I believe the six pieces of legislation which I am introducing recognize these realities, address them in a straightforward doable fashion and begin to build the foundations for further alterations which may be required to balance the scales of justice in the social security system.

The six bills include the first two listed bills which deal with the issue comprehensively and four smaller bills which concentrate on correcting the isolated inequities that widows, widowers and divorced individuals must endure. The following is a brief summary of each bill.

SUMMARY

1. *Mandatory Earnings Sharing*: This bill provides that a married couple will share equally, earnings credits for purposes of computing old age retirement and/or disability for the period of their marriage. The survivor of the marriage will be credited with 100% of the combined total wages for the period of the marriage. (Unlike the HEW model, this bill does not diminish any benefits to which a couple is currently entitled.)

2. *Voluntary Earnings Splitting*: This bill provides the option to a married couple to split their earnings credits during time of marriage equally. When the couple agrees to split earnings, and one spouse is not fully insured, that spouse becomes insured and is eligible for benefits on a fully insured basis.

The election to split can only be made once.

If a couple is divorced, they have two years after the divorce to opt to split their earnings record for the period of their marriage.

If the couple chooses not to split their earnings record, and they both retire at the same time each will receive a benefit based on 75 percent of the combined primary insurance amount.

3. *Inheritance of Earnings Credits by Surviving Spouse:* This bill provides that the surviving spouse, married 5 or more years immediately prior to the individual's death, inherits 100 percent of the earnings credited to the deceased individual during the period of their marriage.

This applies only to future benefits, but applies to all surviving spouses on the roles at the time legislation is enacted.

4. *Transition Benefit:* This bill provides for the payment of a transition benefit for three months to the spouse of an individual who has worked in covered employment, upon the death of that individual, or upon their divorce, if the spouse has attained age 50 and is not immediately eligible for benefits. This bill specifically addresses the plight of the displaced homemaker—age 50–61, who does not have access to her spouse's income.

The benefit the spouse will receive for three months is equal to 71.5 percent of the PIA of the covered individual, or if the eligible spouse's PIA is higher, he/she will receive the three month benefit based on that PIA.

5. *Disabled Widows/Widowers under 60:* This bill provides that the disabled widow/widower's benefits to which they have become entitled before attaining age 60 will not be less than 71.5 percent of the deceased individual's primary insurance amount.

This bill insures that there is no reduction in the benefit on account of age. The present benefit for the disabled widow/widower is based on 50 percent of the deceased individual's PIA. They pick up this benefit at age 50.

6. *Divorced Spouse of a Late Marriage:* This bill provides that a divorced spouse

may qualify for benefits on the basis of a marriage which lasted 5 years *after* the younger spouse reached age 50. The present law requires a 10 year duration of marriage.

Mr. Speaker, we must not allow HEW's pronouncement concerning the inequities toward women in the social security system, nor our task force's report to collect dust. For too long, these inequities in the social security system have gone unchecked. I believe we will be judged historically and morally by the economic justice we as a nation afford to our citizens.

Mr. Speaker, I cannot stress strongly enough my commitment to eliminating the inequities inherent in the social security system. I firmly believe the six pieces of legislation which I introduced today will begin that process. I urge both your endorsement and support of the efforts of the "Special Task Force on the Treatment of Women in the Social Security System" as well as that of my colleagues.●

AIDING NICARAGUA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. Harkin) is recognized for 5 minutes.

● Mr. HARKIN. Mr. Speaker, Mike Clark worked in my office for one summer while he was attending Harvard University. He has recently published the following article on Nicaragua. I think that is well worth reading in light of our debate on aid to Nicaragua.

Aiding Nicaragua

(By Michael T. Clark)

Is Nicaragua another Cuba? Those opposing aid to Nicaragua say it already is; those in favor fear it may become one. Both sides are unhappy with the *status quo* and, through opposite measures, seek to create an alternative. Even if they do not feel that denial of assistance will actually debilitate Sandinista strength, opponents argue that blockage will at least deny the Sandinistas the means of further tightening their control. Proponents look upon aid as a gamble justified not by the probability of success but by the certainty of failure without some attempt to relieve conditions that could "foster radicalism." Opponents and proponents both stop short of taking direct steps to intervene in the political process in Nicaragua. Nevertheless, the intent is clear: with Nicaragua in desperate need of foreign assistance, the design or conditioning of aid is calculated to influence the future course of events.

Opponents want to withhold aid as "the one remaining bargaining chip we have left," while proponents seek to take sides in Nicaragua's internal conflict using aid "to bolster the private sector and the forces fighting for an open democratic society." Neither approach is attuned to the real situation in Nicaragua; in consequence, neither will appropriately serve American interests.

If amidst the tumult of desperation and determination in Nicaragua today there is one constant, it is that the revolution is an irrevocable fact—come hell, high water, or the U.S. Marines. War in Nicaragua not only removed Somoza but, of itself, produced a dramatic, cataclysmic shift in the country's social topography. During the course of the war the vast, once marginal, lower classes of the society emerged as the dominant feature of Nicaragua's social landscape. Somoza's regime, buttressed by an army which was in fact larger, better equipped and trained, and even more ferocious (when fighting for its survival) *after* U.S. support had been withdrawn, was overturned not by the strength of the regular Sandinista army units, but by shifting inertia of the masses of the Nicaraguan population. The old regime was defeated not by uniformed Sandinistas, who failed to achieve even limited military objectives, but by tens of thousands of men, women, and children erecting barricades, firing pistols, and demanding the creation of a new Nicaragua.

If fundamental transformation in the structure of society, in the organization of the economy, in the purposes of the political community, and in the relations of power is radicalism, then radicalism in Nicaragua is inevitable, and to a certain extent, a fait accompli. As they fought, died, and won the war, the rising people of Nicaragua allied themselves with Sandinista leadership; but in providing a basis for the Sandinista leadership, they also became, in a very profound way, its master. Whatever the formal relations of power may appear to be, real power is trust of the most formidable group—the popular majority. Any regime, no less than the Sandinista dominated government, not actively committed to reordering Nicaraguan society to improve the lot of the poorest and largest class, would be politically untenable.

Contemplating the extension of aid to Nicaragua, American policymakers cannot do better than to consider the policies and programs of the Government of National Reconstruction, focusing in particular on the requirements and constraints imposed by Nicaragua's circumstances. In assessing the amount of leverage the U.S. may have in Nicaragua, it is crucial to determine which points are negotiable and which are not. No regime can negotiate its very purposes, and certain means may be required by those purposes. Applying pressure in those areas which the regime views as crucial could backfire, forcing the regime either to turn elsewhere or do without, and, at the very least, would result in the loss of direct U.S. influence. Meanwhile, opportunities for productive cooperation in other areas might be foreclosed. A rational approach to the aid issue entails a careful examination of Nicaragua's internal dynamics and a sober account of American interests.

Though there are, perhaps, some parallels between Nicaragua today and Cuba some twenty years ago, the differences are far more significant. The historical experience of the first Cuba has in some ways worked against the creation of a second one. The church, the private sector, the independent press, and indeed the great majority of Nicaraguans themselves are not about to suffer the imposition of a new tyranny in Nicaragua. Abroad, breakdown of the bipolar world has opened the possibility of real independence. Nicaragua is something new. As with all new things, our relations with Nicaragua may be somewhat uncomfortable at first, but we are also presented with new opportunities for more stable relations on mutually beneficial terms.

While broadly shared in Nicaragua, the goals of the revolution are seldom articulated other than as the rather general aims of fundamental redistribution of society's benefits, improvement and expansion of basic social services, and broadening of popular participation in government and society. Without an ideological consensus to dictate the specific mode of the transformation of the economy, pragmatism has been elevated to principle in Nicaraguan politics. The movement toward greater equality will mean little if it means movement toward equal poverty. While redistributing society's benefits, the government must also reattain previous levels of production and growth. These twin requirements compel and constrain government policy. The very problems of the Nicaraguan economy not only create the need for transformation but largely fix the course and speed of that transformation.

The Government of National Reconstruction took control of a sputtering economy with a singularly miserable record of performance as measured on a number of social indicators. As a small country with an open economy, Nicaragua, like many other countries, faces severe structural limitations to its rapid growth. Heavily reliant upon its exports to provide foreign exchange needed to purchase inputs for production and basic commodities, Nicaragua suffered from continually declining terms of trade as the prices of its exports, largely agricultural commodities, failed to keep pace with the costs of its imports, particuarly of technology and energy. Moreover, as a small country trading on the international market, Nicaragua was confronted by ever mounting deficits in the service account. But even when times were good, conditions for most Nicaraguans were bad and tended to remain that way Though the country's overall GNP rated it as a middle income nation, the distribution of income was so skewed that more than half the population was resigned to squalid poverty. Average life expectancy never got higher than 53 years of age; illiteracy ran as high as 60 percent; and at least 20 percent of the work force was continually unemployed even though a considerable portion of Nicaragua's resources—especially its cultivable land—remained unutilized.

But the economic crisis which precipitated the civil war had its roots not so much in economic as *political* considerations. The corruption and mismanagement of the Somoza regime after the earthquake of 1972 created a crisis of confidence within the private sector. Even with record earnings from export production, investments declined, the economy stagnated, and the condition of the poor began to deteriorate. Unwilling to relinquish either the firm political control or the economic practices—both were intimately connected—which so blatantly benefited him and those willing to play along, Somoza was unable to restore business confidence and resolve the country's deepening economic crisis. With the imposition of austerity measures last year, he did succeed, however, in making conditions worse for the country's vast majority, the poor. As opposition to Somoza took various forms, repression increased. With the political system closed, the people of Nicaragua began to see war as the only way out, and the country lurched toward disaster. War came, and its destruction was vast. Apart from the human trauma, civil war virtually destroyed the productive apparatus and left the country bankrupt. Moreover, the country found itself saddled with a foreign debt so large that further borrowing at commercial rates for the sake of reconstruction was all but precluded.

Therefore, the problems which the government must correct are two-fold. It must address the deep-seated structural problems of the economy and at the same time restore the productive apparatus. And yet as the government moves to overcome both problems, thus to achieve the goals of the revolution, the latter concern must take precedence over the former. The long-term goal of expanding the popular sector's share in the direction and benefits of the economy is mediated by the short-term requirements of production. To overcome the damages and the foregone production resulting from the war, Nicaragua must move rapidly to restore production. But with limited access to external resources, Nicaragua must rely upon its own internal resources to lift the country out of its current crisis. The government has been cautious in its efforts to transform the particular organization of the economy for fear that in the transition the limited productive capacity that remains might be hampered. The dislocations produced by the war and by the limited transformations which have already taken place have severely strained Nicaragua's productive capacity. For the near term, in any case, much of production will be organized along lines similar to those of the past.

Eighty percent of the agricultural sector, and seventy-five percent of the industrial sector, remain in private hands. Even with the greatly expanded public works required by reconstruction, private enterprise will account for sixty percent of the gross domestic product. Except in those cases where local groups are capable of autonomously directing production, even nationalized industries will operate much as they did under the former regime; thus, rather than break up large cotton plantations to redistribute ownership of the land among smaller farmers, the government will maintain them as single economic units in order to ensure continued production.

Ironically, American policy makers have criticized the government for moving too slowly in bringing about needed land reform. It has been charged that peasants working for state owned farms are no better off than they were under Somoza. In fact, reform, if implemented too rapidly, could hurt the very people it is supposed to help. A significant portion of sugar production, for instance, derives from small, marginal operations. The dislocations created simply by the replacement of traditional client relationships between small farmers and banking intermediaries by a new network of government facilities is expected to result in partial disruption of sugar production. Though they will benefit from easier access to better finance, peasant farmers will need some time to adjust to the new arrangement.

Though the immediate requirements force the government to go slowly in its efforts to reorganize the economy, the commitment to the goals of the revolution is genuine and concrete. The policies incorporated in the plan for economic reactivation attempt to reconcile the revolutionary goals with the practical limitations of the economy. To reach proper levels of output and employment, as well as income and social welfare, the government will often have to adjust its policies to competing ends—at times with considerable political risk.

The government's wage and employment policy typifies the effort to accommodate government strategy to the real constraints of the economic system. Given the scarcity of goods created by the war and by the capacity of the system to produce new goods, there is an absolute limitation of supply in Nicaragua. Without efforts to control aggregate demand through some sort of wage and employment policy, the country faces the probability of triple-digit inflation. In order to defend the real wage of those who will be employed in 1980, the government is forced to limit salaries and employment to a level which corresponds to the available supply of goods. Though only one of a number of measures taken to combat the danger of runaway inflation, the wage policy is viewed as a requirement imposed by the immediate constraints of the economy. Even with the most ambitious proposals of the government realized, levels of inflation and unemployment will run at or near 20 percent. In these circumstances, many Nicaraguans who fought for the creation of a new society will be hard put to comprehend government policy. Thus, the capacity to impose a wage and employment control policy demonstrates not only the rational and responsible approach of the government, but also the widespread confidence it enjoys.

Even with the restraints imposed by the immediate circumstances, the government has moved rapidly to stabilize the economy, to improve the distribution of income, and to honor its international responsibilities. Through its control of the financial industries and of foreign trade, the government is able to channel the scarce resources of the economy towards the needs of the society. Thus, investments will be directed towards priority enterprises, including those industries which generate employment, use domestically produced raw materials, produce inputs for the productive sector, and which provide essential items of food and clothing. Similarly, the rationalization of foreign trade enables the government to capture all of the foreign exchange earnings of Nicaragua's exports and to regulate imports in line with national requirements so as to limit imports of non-essential consumer goods. Imports will be limited almost exclusively to essential commodities and to inputs for the restoration of production, especially seed, fertilizer, and spare parts for the agricultural sector.

Moreover, even in the short term, the government has been able to effect a significant degree of redistribution without altering the structure of the economy. Shifting the tax burden by moving from a heavily regressive to a progressive structure and at the same time expanding the social services provided by the state—the government—even without greatly increasing the real wage—has brought about an improvement in the standard of living for Nicaragua's lower classes. Though the immediate economic objective is to recover previous levels of economic activity, the sincerity of the government's commitment to a "redistributive reactivation" is self-evident.

To the surprise of many international bankers, Nicaraguan leaders have shown a willingness to accept the country's international economic liabilities. Obviously, there is no way that the bankrupt and crippled economy can generate the funds needed to repay the 1.6 billion dollar debt, most of which falls due in or before 1981. But rather than default, the new government has been negotiating actively with its creditors to restructure the loans in terms more suited to the nation's capacity of payment.

Nicaragua's aid need derives from the paucity of its internal resources in the aftermath of the civil war and from a limited repayment capacity which precludes further borrowing from the international capital markets in the near term. With the will and the political capacity to take the difficult measures necessary to reactivate the economy, Nicaragua's leaders find the necessary material means beyond their disposal and so have looked for assistance from abroad. The aid package pending before Congress is the product of careful negotiations and addresses the most critical needs of the Government of National Reconstruction. In brief, the concessionary loan will provide monies to be channeled to business and farms and to fund government investments in public works projects designed to restore the infrastructure. The grant is to provide technical assistance for the government's reactivation and development programs. There can be little doubt that the aid being considered will help stabilize Nicaragua's economy. The issue hinges then upon whether cooperation with the revolutionary government of Nicaragua will serve to enhance our interests in that country and in the Central American region.

Recently, Viron Vaky, Assistant Secretary of State for Latin America, spelled out American interests in the Central American region as embracing the following.

"The existence of reasonably stable and friendly governments free from domination by outside powers;

Security against use of the region by forces hostile to us;

Human rights, including the development of viable democratic institutions; and

Economic and social development through domestic reform and increased regional cooperation and integration."

Given these interests, a strong case can be made that the prompt extension of aid will go a long way toward enhancing our interests in the area.

Even more than we do, Nicaraguans have an abiding and avowed interest in securing the stability and independence of their nation. Nicaragua's creative departures in domestic and foreign policy should not be looked upon as barbs pointed against the United States, but rather as steps taken to enhance Nicaragua's own internal stability and external independence. The rhetorical proclamations of some government leaders, while at times obnoxious, were as much anti-imperialist as anti-American. American policy of seeking to isolate and exclude the FSLN from influence in the provisional government and the willingness of some policy makers to withhold aid in order to extract concessions from the current regime lends some plausibility to charges of American interventionism. Even so, all rhetoric aside, Nicaragua's leaders have moved quickly to establish and maintain cordial relations with this country. They have shown themselves quite willing to come to terms with the predominant political and economic power of the region.

Moreover, while the example of Nicaragua's revolution must certainly have contributed to popular pressure for change in the neighboring countries of El Salvador, Honduras, and Guatemala, the government of Nicaragua has been extremely careful in preventing its own revolution from spilling across its borders. Nicaragua has publicly disavowed any intent of fostering revolution abroad. Last June, the OAS blocked a U.S. sponsored proposal to introduce a peace-keeping force in Nicaragua to establish an alternative to the Government of National Reconstruction; a regime whose very existence rests upon the inviolability of the principle of non-intervention cannot lightly abandon that principle to interfere with the workings of other regimes.

The situation in El Salvador places the Nicaraguan government in a particularly difficult position. The revolutionary forces of El Salvador enjoy wide popular support in Nicaragua, and government leaders acknowledge that deep structural changes are the necessary economic and political prerequisites of a just and lasting solution to the neighbor's current crisis. But at the same time it is evident that the human cost of civil war would be even more serious than it was for Nicaragua. The approach of Nicaraguan leaders has been to avoid contributing to the further polarization of El Salvador by seeking to block the movement of troops and arms through Nicaragua. Even more significantly, Nicaraguans have used their credibility and good offices to mediate the conflict: the cease-fire between the junta of El Salvador and the opposition groups was negotiated in the Nicaraguan Embassy.

In addition, the Nicaraguan government has added momentum to the effort to find regional solutions to the deep problems which affect the nations of Central America. Nicaraguan efforts have provided the motive force for the upcoming summit of Central American and Caribbean leaders. And the innovative steps taken by the government to address short- and long-term problems are being repeated elsewhere. The moderate junta of El Salvador has just announced the nationalization of the financial system and of foreign trade in a move which mirrors steps taken by Nicaragua's government. And the governments of Honduras and Guatemala are moving to implement literacy programs along lines being pioneered by Nicaragua.

The credibility of the Nicaraguan regime with other governments along a broad political spectrum puts it in a unique position to act as a stabilizing influence within the region. By encouraging the movement towards economic self-sufficiency in the region as a whole, Nicaragua will help to lessen the dependency of its own economy and that of others in the area and thus alleviate one of the most fundamental sources of instability in Central America.

It is highly unlikely that Nicaragua would accept the establishment of any foreign military bases, be they hostile or friendly to the U.S. Government spokesmen frequently attack the establishment of foreign military bases in the third world countries; presumably, what they condemn in other countries they would not tolerate for themselves.

Nevertheless, Nicaragua's ties with Cuba, the propensity of some of her spokesmen toward anti-American rhetoric, and her position within the non-aligned movement all raise concern about the country's geopolitical affinities. More recently, the abstention of the Nicaraguan delegation on the question of the Soviet invasion of Afghanistan seemed to confirm suspicions that Nicaragua is preparing to embark on a foreign policy hostile to U.S. interests. In explaining its vote, Nicaragua's U.N. delegation reiterated its commitment to the principle of non-intervention and expressed its concern about Soviet troops in Afghanistan. But it stopped short of making an outright condemnation of the Soviet action and instead criticized "the spirit of the resolution." Admittedly, the abstention disappointed those who expected Nicaragua to oppose the Soviet intervention.

Pursuing its own interests in foreign policy, the Nicaraguan government may from time to time pursue goals which conflict with American goals. In particular, Nicaraguans, along with Mexicans, Venezuelans, and even Argentines, will seek an improvement in the terms of trade vis-a-vis the United States. But independence most certainly does not mean alliance with Communist Bloc nations. If anything, Nicaragua has identified itself most closely with the democratic regimes of the Andean Pact nations. Perhaps more importantly, geographic proximity and a shared commitment to political democracy and the self-determination of peoples combine as the solid basis of future relations between Nicaragua and the U.S. The precise nature of those relations remains open.

Domestically, the government enjoys widespread popular support. It has been able to consolidate its political base without the use of systematic repression. And it has taken steps to address the immediate economic problems facing the country. Still the crucial tests and transformations of the revolution are yet to come, though they are inevitable. For the near term, all energies have been directed toward the reactivation of the economy.

Apart from an intense nationalism and a commitment to a set of broadly defined societal goals, the Sandinista revolution lacks an ideological consensus. This fact creates problems for the revolutionary leaders of Nicaragua but is also regarded as a blessing by those who hope for flexibility and an opportunity to provide an input in the revolutionary process. Among this latter group are the Church, private enterprise, and many of the common people of Nicaragua. Politically, the future course of the revolution remains an open book, albeit with some constraints imposed by the economy, by a fundamental respect for human rights, by a commitment to democracy, and by popular hatred of tyranny of any kind. Though power rests largely in the hands of the government, the government itself reflects the pluralism of Nicaraguan society.

Nonetheless, while much can and has been said about the pragmatism and pluralism of Nicaragua's new government, and while it faces a number of objective economic and political constraints, there is no guarantee that Nicaragua will remain an open society. Elections for a parliamentary Council of State have been postponed until May and the government has yet to announce a firm timetable for the transition to democratic rule.

While pursuing their own interests, different groups have accommodated themselves to the revolution, finding that they are more likely to enjoy influence by working within the framework of the revolution. Businessmen have found it more useful to accept the sacrifices required by the "redistributive reactivation" than to oppose the general policies of the revolution.

Finally, it can be said that Nicaragua's aid need provides the U.S. with an opportunity to exert an influence in Nicaragua's revolutionary process. But as it is with those Nicaraguans trying to exert an influence in the process, Americans can best exercise their influence by working within and even contributing to the flow of events rather than trying to oppose them. Nicaragua's aid need is genuine. And American interests in the country and in the region will be enhanced by cooperation with a regime firmly committed to its own stability and independence. Working with the Nicaraguan government to seek humane solutions to fundamental economic and social problems, Americans could demonstrate that the United States can accept and even support change, drastic change if necessary, to accommodate the needs and interests of the world's rising people. In this respect, our policy toward Nicaragua could gain an importance beyond the proportions of its strategic and economic value. It would signal a new departure in our relationships with underdeveloped nations. America could provide Nicaragua the tools for social and economic reconstruction. In the process, American interests would be served by a policy more in line with our own traditional values of national sovereignty, self-determination, and democratic rule.●

TIME HAS COME FOR STERN MEASURES TO CONTROL INFLATION

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. PERKINS. Mr. Speaker, the week's economic news holds no comfort for any patriotic American. Notwithstanding the highest prime rate and the highest Federal Reserve discount rate in history, inflation remains unchecked.

We have come to the absolutely unacceptable position of having to anticipate an annualized rate of inflation of 20 percent.

The American dollar, once the bulwark and the standard of world currency, is beset at every quarter. Its purchasing power shrinks—not by the year, not by the month, not by the day—but by the hour.

Our inflation, I am persuaded, is based almost entirely upon our addiction to sources of energy over which we have no national control.

Since 1973, the oil producing and exporting countries of the world have systematically attacked the economies of the United States and its major allies, both in Europe and in Asia, with the weapon of oil price increases. There is no pretending that their attacks have been effective.

The classic definition of economic inflation is an increase in the volume of money and credit relative to available goods, resulting in a substantial and continuing rise in the general price level.

That is precisely what we have today. The quantity of goods—in this instance, petroleum—is closely controlled by the oil-producing countries. Our wanton willingness to pay any amount of money for this limited amount of oil pushes the Nation into higher and higher deficits.

Until we can stop this outrageous drain on our economic resources, either by curbing our use of oil or by producing enough of it domestically by synthetic means, we are going to have to find other means of dealing with inflation.

The administration has undertaken a program of guidelines and voluntary restraints on wage and price increases. But no matter how well intentioned it is, or how well it looks on the drawing board, the plain fact is that voluntarism is not working. The higher the interest rates go, the higher the inflation rate.

Clearly the time has come for sterner measures—for measures that will be immediately effective. In my judgment, the only alternative to continued high inflation is immediate mandatory wage and price controls.

For this reason, I have joined with my colleague, Mr. WEISS, of New York, and others in sponsoring H.R. 786, the Economic Stabilization Act of 1979.

Now, I realize that this is a controversial stand, and that some economists contend that controls serve no permanent function as a deterrent to inflation.

But in my own view and experience, mandatory controls have worked effectively in the three instances in which they have been invoked during the past 40 years. They worked in World War II to the extent that we had no inflation, even in a wartime economy. They worked in Korea to stem the inflation that began to boil in the early 1950's. And they worked as long as they were permitted to work in 1971.

In this latter instance, controls were sabotaged by the very administration that imposed them. And had they been permitted to remain in effect, the deadly spiral that began in 1973 and 1974 would not have gotten so out of control. Today's inflation is in part to be blamed upon the sabotage of those controls in 1971.

I hope, Mr. Speaker, that this proposed legislation will be given an early and fair hearing by the appropriate committee of the House, and that we will set our faces to the task of restoring America's economy to a sound and sane basis.●

A PARLIAMENTARY REFERENCE GUIDE TO THE CONGRESSIONAL BUDGET ACT

● Mr. MICHEL. Mr. Speaker, I have assembled information which I hope will be of assistance to the Members in our deliberations with respect to the various technicalities of the Budget Act. I am placing in the CONGRESSIONAL RECORD today this material which the Members may wish to preserve for ready reference.

I have devoted considerable time and great care in preparing this documentary material and I hope it will prove to be of value to the membership of the House of Representatives.

PARLIAMENTARY REFERENCE GUIDE TO THE CONGRESSIONAL BUDGET PROCESS (TITLE III OF PUBLIC LAW 93-344)

							Committee of conference			
			Report		Passage			Conference report agreed to by—		
Code	Title	Proper vehicle	House	Senate	House	Senate	Sent to Conference	House	Senate	Congress completes action
1	First Required Concurrent Resolution on the Budget (Sec. 301) (H. Rept. No.—).	H. Con. Res. (or) S. Con. Res.	Apr. 15 deadline: 301(d).	301(d).	Report available for 10 days: 10 hr debate: 305(a).	50 hr debate: 305(b), 305(c).	7-day limit: 305(d).	5 hr debate: 302(a), 305(a)(4).	10 hr debate: 302(a), 305(c), 305(e).	May 15 deadline: 301(a), 302(a), 303.
1(a)	Permissible Revision of First Required Concurrent Resolution on the Budget (Sec. 304) (H. Rept. No. —).	H. Con. Res. (or) S. Con. Res.	304	304	10 hr debate: 305(a).	50 hr debate: 305(b), 305(c).	7-day limit: 305(d).	5 hr debate: 302(c), 304(a)(4).	302(c), 305(c), 305(e).	302(c), [302(b)].
2	Second Required Concurrent Resolution on the Budget (Sec. 310) (H. Rept. No. —).	H. Con. Res. (or) S. Con. Res.	May be filed anytime: 310(a).	310(a).	10 hr debate: 305(a).	15 hr debate: 305(b), 305(c).	7-day limit: 305(d).	5 hr debate: 302(c), 305(a)(4).	302(c), 305(c), 305(e).	Sept. 15 deadline: 302(c), 310(b), 310(f), 302(b); no adj. until action is completed.
2(a)	Permissible Revision of Second Concurrent Resolution on the Budget (Sec. 304) (H. Rept. No. —).	H. Con. Res. (or) S. Con. Res.	304	304	10 hr debate: 305(a).	50 hr debate: 305(b), 305(c).	7-day limit: 305(d).	5 hr debate: 302(c), 305(a)(4).	302(c), 305(c), 305(e).	302(c), [302(b)].
RECONCILIATION PROCESS										
2(b)	Reconciliation Bill or Resolution as Result of Directions in the Second Required Concurrent Resolution on the Budget [Sec. 310(c)(d)(e)(f)].	H.R. (or) H. Con. Res.	310(c)	310(c)		20 hr debate: 310(e), [305(b)].			10 hr debate: 310(a), [305(c)].	Sept. 25 deadline: 310(d), 310(f); no adj. until action is completed.

HOW TO USE THIS CHART

This chart shows the different stages of the budget process in Congress and at each point the related sections of title III of the Congressional Budget Act of 1974.

The budget process consists principally of the passage of 2 required concurrent resolutions: The first (code 1) which is considered the "target" resolution to guide the Congress in their deliberations on the funding bills; and the second (code 2) which is the final and binding budget for the oncoming fiscal year. The law allows the Congress to revise either at any time (code 1(a) and 2(a)). The second (code 2) or final resolution may require the Congress change, modify, or enact new laws to be able to stay within the levels set in the second resolution. Any such bill or resolution is entitled a reconciliation bill or resolution (code 2(b)).

To find the desired provision of the 1974 Congressional Budget Act, locate the measure of interest in the column labeled "Title." To find the requirements for particular action on that measure, follow the row across the page to the column labeled by the desired activity. Bracketed citations refer to sections which have partial application.

TITLE III—CONGRESSIONAL BUDGET ACT OF 1974 (P.L. 93-344)

SECTION 300—TIMETABLE

SEC. 300. The timetable with respect to the congressional budget process for any fiscal year is as follows:

On or before—	Action to be completed—
November 10	President submits current services budget.
15th day after Congress meets	President submits his budget.
March 15	Committees and joint committees submit reports to Budget Committees.
April 1	Congressional Budget Office submits report to Budget Committees.
April 15	Budget Committees report first concurrent resolution on the budget to their Houses.
May 15	Committees report bills and resolutions authorizing new budget authority.
May 15	Congress completes action on first concurrent resolution on the budget.
7th day after Labor Day	Congress completes action on bills and resolutions providing new budget authority and new spending authority.
September 15	Congress completes action on second required concurrent resolution on the budget.
September 25	Congress completes action on reconciliation bill or resolution, or both, implementing second required concurrent resolution.
October 1	Fiscal year begins.

SECTION 301—ADOPTION OF FIRST CONCURRENT RESOLUTION

ADOPTION OF FIRST CONCURRENT RESOLUTION

SEC. 301. (a) ACTION TO BE COMPLETED BY MAY 15.—On or before May 15 of each year, the Congress shall complete action on the first concurrent resolution on the budget for the fiscal year beginning on October 1 of such year. The concurrent resolution shall set forth—

(1) the appropriate level of total budget outlays and of total new budget authority;

(2) an estimate of budget outlays and an appropriate level of new budget authority for each major functional category, for contingencies, and for undistributed intragovernmental transactions, based on allocations of the appropriate level of total budget outlays and of total new budget authority;

(3) the amount, if any, of the surplus or the deficit in the budget which is appropriate in light of economic conditions and all other relevant factors;

(4) the recommended level of Federal revenues and the amount, if any, by which the aggregate level of Federal revenues should be increased or decreased by bills and resolutions to be reported by the appropriate committees;

(5) the appropriate level of the public debt, and the amount, if any, by which the statutory limit on the public debt should be increased or decreased by bills and resolutions to be reported by the appropriate committees; and

(6) such other matters relating to the budget as may be appropriate to carry out the purposes of this Act.

(b) ADDITIONAL MATTERS IN CONCURRENT RESOLUTION.—The first concurrent resolution on the budget may also require—

(1) a procedure under which all or certain bills and resolutions providing new budget authority or providing new spending authority described in section 401(c)(2)(C) for such fiscal year shall not be enrolled until the concurrent resolution required to be reported under section 310(a) has been agreed to, and, if a reconciliation bill or reconciliation resolution, or both, are required to be reported under section 310(c), until Congress has completed action on that bill or resolution, or both; and

(2) any other procedure which is considered appropriate to carry out the purposes of this Act.

Not later than the close of the Ninety-fifth Congress, the Committee on the Budget of each House shall report to its House on the implementation of procedures described in this subsection.

(c) VIEWS AND ESTIMATES OF OTHER COMMITTEES.—On or before March 15 of each year, each standing committee of the House of Representatives shall submit to the Committee on the Budget of the House, each standing committee of the Senate shall submit to the Committee on the Budget of the Senate, and the Joint Economic Committee and Joint Committee on Internal Revenue Taxation shall submit to the Committees on the Budget of both Houses—

(1) its views and estimates with respect to all matters set forth in subsection (a) which relate to matters within the respective jurisdiction or functions of such committee or joint committee; and

(2) except in the case of such joint committees, the estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within the jurisdiction of such committee which such committee intends to be effective during the fiscal year beginning on October 1 of such year.

The Joint Economic Committee shall also submit to the Committees on the Budget of both Houses, its recommendations as to the fiscal policy appropriate to the goals of the Employment Act of 1946. Any other committee of the House or Senate may submit to the Committee on the Budget of its House, and any other joint committee of the Congress may submit to the Committees on the Budget of both Houses, its views and estimates with respect to all matters set forth in subsection (a) which relate to matters within its jurisdiction or functions.

(d) Hearings and Report.—In developing the first concurrent resolution on the budget referred to in subsection (a) for each fiscal year, the Committee on the Budget of each House shall hold hearings and shall receive testimony from Members of Congress and such appropriate representatives of Federal departments and agencies, the general public, and national organizations as the committee deems desirable. On or before April 15 of each year, the Committee on the Budget of each House shall report to its House the first concurrent resolution on the budget referred to in subsection (a) for the fiscal year beginning on October 1 of such year. The report accompanying such concurrent resolution shall include, but not be limited to—

(1) a comparison of revenues estimated by the committee with those estimated in the budget submitted by the President;

(2) a comparison of the appropriate levels of total budget outlays and total new budget authority, as set forth in such concurrent resolution, with total budget outlays estimated and total new budget authority requested in the budget submitted by the President;

(3) with respect to each major functional category, an estimate of budget outlays and an appropriate level of new budget authority for all proposed programs and for all existing programs (including renewals thereof), with the estimate and level for existing programs being divided between permanent authority and funds provided in appropriation Acts, and each such division being subdivided between controllable amounts and all other amounts;

(4) an allocation of the level of Federal revenues recommended in the concurrent resolution among the major sources of such revenues;

(5) the economic assumptions and objectives which underlie each of the matters set forth in such concurrent resolution and alernative economic assumptions and objectives which the committee considered;

(6) projections, not limited to the following, for the period of five fiscal years beginning with such fiscal year of the estimated levels of total budget outlays, total new budget outlays, total new budget authority, the estimated revenues to be received, and the estimated surplus or deficit, if any, for each fiscal year in such period, and the estimated levels of tax expenditures (the tax expenditures budget) by major functional categories;

(7) a statement of any significant changes in the proposed levels of Federal assistance to State and local governments; and

(8) information, data, and comparisons indicating the manner in which, and the basis on which, the committee determined each of the matters set forth in the concurrent resolution, and the relationship of such matters to other budget categories.

Section 302—Matters To Be Included in Joint Statement of Managers; Report by Committees

Sec. 302. (a) Allocation of Totals.—The joint explanatory statement accompanying a conference report on a concurrent resolution on the budget shall include an estimated allocation, based upon such concurrent resolution as recommended in such conference report, of the appropriate levels of total budget outlays and total new budget authority among each committee of the House of Representatives and the Senate which has jurisdiction over bills and resolutions providing such new budget authority.

(b) Reports by Committees.—As soon as practicable after a concurrent resolution on the budget is agreed to—

(1) the Committee on Appropriations of each House shall, after consulting with the Committee on Appropriations of the other House, (A) subdivide among its subcommittees the allocation of budget outlays and new budget authority allocated to it in the joint explanatory statement accompanying the conference report on such concurrent resolution, and (B) further subdivide the amount with respect to each such subcommittee between controllable amounts and all other amounts; and

(2) every other committee of the House and Senate to which an allocation was made in such joint explanatory statement shall, after consulting with the committee or committees of the other House to which all or part of its allocation was made, (A) subdivide such allocation among its subcommittees or among programs over which it has jurisdiction, and (B) further subdivide the amount with respect to each subcommittee or program between controllable amounts and all other amounts.

Each such committee shall promptly report to its House the subdivisions made by it pursuant to this subsection.

(c) Subsequent Concurrent Resolutions.—In the case of a concurrent resolution on the budget referred to in section 304 or 310, the allocation under subsection (a) and the subdivisions under subsection (b) shall be required only to the extent necessary to take into account revisions made in the most recently agreed to concurrent resolution on the budget.

Section 303—First Concurrent Resolution of the Budget Must Be Adopted Before Legislation Providing New Budget Authority, New Spending Authority, or Changes in Revenues or Public Debt Limit Is Considered

Sec. 303. (a) In General.—It shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution (or amendment thereto) which provides—

(1) new budget authority for a fiscal year;

(2) an increase or decrease in revenues to become effective during a fiscal year;

(3) an increase or decrease in the public debt limit to become effective during a fiscal year; or

(4) new spending authority described in section 401(c)(2)(C) to become effective during a fiscal year;

until the first concurrent resolution on the budget for such year has been agreed to pursuant to section 301.

(b) Exceptions.—Subsection (a) does not apply to any bill or resolution—

(1) providing new budget authority which first becomes available in a fiscal year following the fiscal year to which the concurrent resolution applies; or

(2) increasing or decreasing revenues which first become effective in a fiscal year following the fiscal year to which the concurrent resolution applies.

(c) Waiver in the Senate.—

(1) The committee of the Senate which reports any bill or resolution to which subsection (a) applies may at or after the time it reports such bill or resolution, report a resolution to the Senate (A) providing for the waiver of subsection (a) with respect to such bill or resolution, and (B) stating the reasons why the waiver is necessary. The resolution shall then be referred to the Committee on the Budget of the Senate. That committee shall report the resolution to the Senate within 10 days after the resolution is referred to it (not counting any day on which the Senate is not in session) beginning with the day following the day on which it is so referred, accompanied by that committee's recommendations and reasons for such recommendations with respect to the resolution. If the committee does not report the resolution within such 10-day period, it shall automatically be discharged from further consideration of the resolution and the resolution shall be placed on the calendar.

(2) During the consideration of any such resolution, debate shall be limited to one hour, to be equally divided between, and controlled by, the majority leader and minority leader or their designees, and the time on any debatable motion or appeal shall be limited to twenty minutes, to be equally divided between, and controlled by, the mover and the manager of the resolution. In the event the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from the time under their control on the passage of such resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal. No amendment to the resolution is in order.

(3) If, after the Committee on the Budget has reported (or been discharged from further consideration of) the resolution, the Senate agrees to the resolution, then subsection (a) of this section shall not apply with respect to the bill or resolution to which the resolution so agreed to applies.

Section 304—Permissible Revisions of Concurrent Resolutions of the Budget

Sec. 304. At any time after the first concurrent resolution on the budget for a fiscal year has been agreed to pursuant to section 301, and before the end of such fiscal year, the two Houses may adopt a concurrent resolution on the budget which revises the concurrent resolution on the budget for such fiscal year most recently agreed to.

Section 305—Provisions Relating to the Consideration of Concurrent Resolutions of the Budget

Sec. 305. (a) Procedure in House of Representatives After Report of Committee: Debate.—

(1) When the Committee on the Budget of the House has reported any concurrent resolution on the budget, it is in order at any time after the tenth day (excluding Saturdays, Sundays, and legal holidays) following the day on which the report upon such resolution has been available to Members of the House (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the concurrent resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) General debate on any concurrent resolution on the budget in the House of Representatives shall be limited to not more than 10 hours, which shall be divided equally between the majority and minority parties. A motion further to limit debate is not debatable. A motion to recommit the concurrent resolution is not in order, and it is not in order to move to reconsider the vote by which the concurrent resolution is agreed to or disagreed to.

(3) Consideration of any concurrent resolution on the budget by the House of Representatives shall be in the Committee of the Whole, and the resolution shall be read for amendment under the five-minute rule in accordance with the applicable provisions of rule XXIII of the Rules of the House of Representatives. After the Committee rises and reports the resolution back to the House, the previous question shall be considered as ordered on the resolution and any

amendments thereto to final passage without intervening motion; except that it shall be in order at any time prior to final passage (notwithstanding any other rule or provision of law) to adopt an amendment (or a series of amendments) changing any figure or figures in the resolution as so reported to the extent necessary to achieve mathematical consistency.

(4) Debate in the House of Representatives on the conference report or any concurrent resolution on the budget shall be limited to not more than 5 hours, which shall be divided equally between the majority and minority parties. A motion further to limit debate is not debatable. A motion to recommit the conference report is not in order, and it is not in order to move to reconsider the vote by which the conference report is agreed to or disagreed to.

(5) Motions to postpone, made with respect to the consideration of any concurrent resolution on the budget, and motions to proceed to the consideration of other business, shall be decided without debate.

(6) Appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to any concurrent resolution on the budget shall be decided without debate.

(b) Procedure in Senate After Report of Committee; Debate; Amendments.—

(1) Debate in the Senate on any concurrent resolution on the budget, and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than 50 hours, except that, with respect to the second required concurrent resolution referred to in section 310 (a), all such debate shall be limited to not more than 15 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(2) Debate in the Senate on any amendment to a concurrent resolution on the budget shall be limited to 2 hours, to be equally divided between, and controlled by, the mover and the manager of the concurrent resolution, and debate on any amendment to an amendment, debatable motion, or appeal shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the concurrent resolution, except that in the event the manager of the concurrent resolution is in favor of any such amendment, motion, or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. No amendment that is not germane to the provisions of such concurrent resolution shall be received. Such leaders, or either of them, may, from the time under their control on the passage of the concurrent resolution, allot additional time to any Senator during the consideration of any amendment, debatable motion, or appeal.

(3) A motion to further limit debate is not debatable. A motion to recommit (except a motion to recommit with instructions to report back within a specified number of days, not to exceed 3, not counting any day on which the Senate is not in session) is not in order. Debate on any such motion to recommit shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the concurrent resolution.

(4) Notwithstanding any other rule, an amendment, or series of amendments, to a concurrent resolution on the budget proposed in the Senate shall always be in order if such amendment or series of amendments proposes to change any figure or figures then contained in such concurrent resolution so as to make such concurrent resolution mathematically consistent or so as to maintain such consistency.

(c) Action on Conference Reports in the Senate.—

(1) The conference report on any concurrent resolution on the budget shall be in order in the Senate at any time after the third day (excluding Saturdays, Sundays, and legal holidays) following the day on which such a conference report is reported and is available to Members of the Senate. A motion to proceed to the consideration of the conference report may be made even though a previous motion to the same effect has been disagreed to.

(2) During the consideration in the Senate of the conference report on any concurrent resolution on the budget, debate shall be limited to 10 hours, to be equally divided between, and controlled by, the majority leader and minority leader or their designees. Debate on any debatable motion or appeal related to the conference report shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the conference report.

(3) Should the conference report be defeated, debate on any request for a new conference and the appointment of conferees shall be liimted to 1 hour, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or his designee, and should any motion be made to instruct the conferees before the conferees are named, debate on such motion shall be limited to one-half hour, to be equally divided between, and controlled by, the mover and the manager of the conference report. Debate on any amendment to any such instructions shall be limited to 20 minutes, to be equally divided between and controlled by the mover and the manager of the conference report. In all cases when the manager of the conference report is in favor of any motion, appeal, or amendment, the time in opposition shall be under the control of the minority leader or his designee.

(4) In any case in which there are amendments in disagreement, time on each amendment shall be limited to 30 minutes, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or his designee. No amendment that is not germane to the provisions of such amendments shall be received.

(d) Required Action by Conference Committee.—If, at the end of 7 days (excluding Saturdays, Sundays, and legal holidays) after the conferees of both Houses have been appointed to a committee of conference on a concurrent resolution on the budget, the conferees are unable to reach agreement with respect to all matters in disagreement between the two Houses, then the conferees shall submit to their respective Houses, on the first day thereafter on which their House is in session—

(1) a conference report recommending those matters on which they have agreed and reporting in disagreement those matters on which they have not agreed; or

(2) a conference report in disagreement, if the matter in disagreement is an amendment which strikes out the entire text of the concurrent resolution and inserts a substitute text.

(e) Concurrent Resolution Must Be Consistent in the Senate.—It shall not be in order in the Senate to vote on the question of agreeing to—

(1) a concurrent resolution on the budget unless the figures then contained in such resolution are mathematically consistent; or

(2) a conference report on a concurrent resolution on the budget unless the figures contained in such resolution, as recommended in such conference report, are mathematically consistent.

Section 306—Legislation Dealing With Congressional Budget Must Be Handled by Budget Committees

Sec. 306. No bill or resolution, and no amendment to any bill or resolution, dealing with any matter which is within the jurisdiction of the Committee on the Budget of either House shall be considered in that House unless it is a bill or resolution which has been reported by the Committee on the Budget of that House (or from the consideration of which such committee has been discharged) or unless it is an amendment to such a bill or resolution.

Section 307—House Committee Action on All Appropriation Bills To Be Completed Before First Appropriation Bill Is Reported

Sec. 307. Prior to reporting the first regular appropriation bill for each fiscal year, the Committee on Appropriations of the House of Representatives shall, to the extent practicable, complete subcommittee markup and full committee action on all regular appropriation bills for that year and submit to the House a summary report comparing the committee's recommendations with the appropriate levels of budget outlays and new budget authority as set forth in the most recently agreed to concurrent resolution on the budget for that year.

Sec. 308. (a) Reports on Legislation Providing New Budget Authority or Tax Expenditures.—Whenever a committee of either House reports a bill or resolution to its House providing new budget authority (other than continuing appropriations) or new or increased tax expenditures for a fiscal year, the report accompanying that bill or resolution shall contain a statement, prepared after consultation with the Director of the Congressional Budget Office, detailing—

(1) in the case of a bill or resolution providing new budget authority—

(A) how the new budget authority provided in that bill or resolution compares with the new budget authority set forth in the most recently agreed to concurrent resolution on the budget for such fiscal year and the reports submitted under section 302;

(B) a projection for the period of 5 fiscal years beginning with such fiscal year of budget outlays, associated with the budget authority provided in that bill or resolution, in each fiscal year in such period; and

(C) the new budget authority, and budget outlays resulting therefrom, provided by that bill or resolution for financial assistance to State and local governments; and

(2) in the case of a bill or resolution providing new or increased tax expenditures—

(A) how the new or increased tax expenditures provided in that bill or resolution will affect the levels of tax expenditures under existing law as set forth in the report accompanying the first concurrent resolution on the budget for such fiscal year, or, if a report accompanying a subsequently agreed to concurrent resolution for such year sets forth such levels, then as set forth in that report; and

(B) a projection for the period of 5 fiscal years beginning with such fiscal year of the tax expenditures which will result from that bill or resolution in each fiscal year in such period. No projection shall be required for a fiscal year under paragraph (1) (B) or (2) (B) if the committee determines that a projection for that fiscal year is impractical and states in its report the reason for such impracticability.

(b) Up-to-Date Tabulation of Congressional Budget Actions.—The Director of the Congressional Budget Office shall issue periodic reports detailing and tabulating the progress of congressional action on bills and resolutions providing new budget authority and changing revenues and the public debt limit for a fiscal year. Such reports shall include, but are not limited to—

(1) an up-to-date tabulation comparing the new budget authority for such fiscal year in bills and resolutions on which Congress has completed action and estimated outlays, associated with such new budget authority, during such fiscal year to the new budget authority and estimated outlays set forth in the most recently agreed to concurrent resolution on the budget for such fiscal year and the reports submitted under section 302;

(2) an up-to-date status report on all bills and resolutions providing new budget authority and changing revenues and the public debt limit for such fiscal year in both Houses;

(3) an up-to-date comparison of the appropriate level of revenues contained in the most recently agreed to concurrent resolution on the budget for such fiscal year with the latest estimate of revenues for such year (including new revenues anticipated during such year under bills and resolutions on which the Congress has completed action); and

(4) an up-to-date comparison of the appropriate level of the public debt contained in the most recently agreed to concurrent resolution on the budget for such fiscal year with the latest estimate of the public debt during such fiscal year.

(c) Five-Year Projection of Congressional Budget Action.—As soon as practicable after the beginning of each fiscal year, the Director of the Congressional Budget Office shall issue a report projecting for the period of 5 fiscal years beginning with such fiscal year—

(1) total new budget authority and total outlays for each fiscal year in such period;

(2) revenues to be received and the major sources thereof, and the surplus or deficit, if any, for each fiscal year in such period; and

(3) tax expenditures for each fiscal year in such period.

Section 309—Completion of Action on Bills Providing New Budget Authority and Certain New Spending Authority

Sec. 309. Except as otherwise provided pursuant to this title, not later than the seventh day after Labor Day of each year, the Congress shall complete action on all bills and resolutions—

(1) providing new budget authority for the fiscal year beginning on October 1 of such year, other than supplemental, deficiency, and continuing appropriation bills and resolutions, and other than the reconciliation bill for such year, if required to be reported under section 310(c); and

(2) providing new spending authority described in section 401(c)(2)(C) which is to become effective during such fiscal year.

Paragraph (1) shall not apply to any bill or resolution if legislation authorizing the enactment of new budget authority to be provided in such bill or resolution has not been timely enacted.

Section 310—Second Required Concurrent Resolution and Reconciliation Process

Sec. 310. (a) Reporting of Concurrent Resolution.—The Committee on the Budget of each House shall report to its House a concurrent resolution on the budget which reaffirms or revises the concurrent resolution on the budget most recently agreed to with respect to the fiscal year beginning on October 1 of such year. Any such concurrent resolution on the budget shall also, to the extent necessary—

(1) specify the total amount by which—

(A) new budget authority for such fiscal year;

(B) budget authority initially provided for prior fiscal years; and

(C) new spending authority described in section 401(c)(2)(C) which is to become effective during such fiscal year,

contained in laws, bills, and resolutions within the jurisdiction of a committee, is to be changed and direct that committee to determine and recommend changes to accomplish a change of such total amount;

(2) specify the total amount by which revenues are to be changed and direct that the committees having jurisdiction to determine and recommend changes in the revenue laws, bills, and resolutions to accomplish a change of such total amount;

(3) specify the amount by which the statutory limit on the public debt is to be changed and direct the committees having jurisdiction to recommend such change; or

(4) specify and direct any combination of the matters described in paragraphs (1), (2), and (3).

Any such concurrent resolution may be reported, and the report accompanying it may be filed, in either House notwithstanding that that House is not in session on the day on which such concurrent resolution is reported.

(b) Completion of Action on Concurrent Resolution.—Not later than September 15 of each year, the Congress shall complete action on the concurrent resolution on the budget referred to in subsection (a).

(c) Reconciliation Process.—If a concurrent resolution is agreed to in accordance with subsection (a) containing directions to one or more committees to determine and recommend changes in laws, bills, or resolutions, and—

(1) only one committee of the House or the Senate is directed to determine and recommend changes, that committee shall promptly make such determination and recommendations and report to its House a reconciliation bill or reconciliation resolution, or both, containing such recommendations; or

(2) more than one committee of the House or the Senate is directed to determine and recommend changes, each such committee so directed shall promptly make such determination and recommendations, whether such changes are to be contained in a reconciliation bill or reconciliation resolution, and submit such recommendations to the Committee on the Budget of its House, which upon receiving all such recommendations, shall report to its House a reconciliation bill or reconciliation resolution, or both, carrying out all such recommendations without any substantive revision.

For purposes of this subsection, a reconciliation resolution is a concurrent resolution directing the Clerk of the House of Representatives or the Secretary of the Senate, as the case may be, to make specified changes in bills and resolutions which have not been enrolled.

(d) Completion of Reconciliation Process.—Congress shall complete action on any reconciliation bill or reconciliation resolution reported under subsection (c) not later than September 25 of each year.

(e) Procedure in the Senate.—

(1) Except as provided in paragraph (2), the provisions of section 305 for the consideration in the Senate of concurrent resolutions on the budget and conference reports thereto shall also apply to the consideration in the Senate of reconciliation bills and reconciliation resolutions reported under subsection (c) and conference reports thereon.

(2) Debate in the Senate on any reconciliation bill or resolution reported under subsection (c), and all amendments thereto and debatable motions, and appeals in connection therewith, shall be limited to not more than 20 hours.

(f) Congress May Not Adjourn Until Action Is Completed.—It shall not be in order in either the House of Representatives or the Senate to consider any resolution providing for the adjournment sine die of either House unless action has been completed on the concurrent resolution on the budget required to be reported under subsection (a) for the fiscal year beginning on October 1 of such year, and, if a reconciliation bill or resolution, or both, is required to be reported under subsection (c) for such fiscal year, unless the Congress has completed action on that bill or resolution, or both.

Section 311—New Budget Authority, New Spending Authority and Revenue Legislation Must Be Within Appropriate Levels

Sec. 311. (a) Legislation Subject to Point of Order.—After the Congress has completed action on the concurrent resolution on the budget required to be reported under section 310(a) for a fiscal year, and, if a reconciliation bill or resolution, or both, for such fiscal year are required to be reported under section 310(c), after that bill has been enacted into law or that resolution has been agreed to, it shall not be in order in either the House of Representatives or the Senate to consider any bill, resolution, or amendment providing additional new budget authority for such fiscal year, providing new spending authority described in section 401(c)(2)(C) to become effective during such fiscal year, or reducing revenues for such fiscal year or any conference report on any such bill or resolution, if—

(1) the enactment of such bill or resolution as reported;

(2) the adoption and enactment of such amendment; or

(3) the enactment of such bill or resolution in the form recommended in such conference report;

would cause the appropriate level of total new budget authority or total budget outlays set forth in the most recently agreed to concurrent resolution on the budget for such fiscal year to be exceeded, or would cause revenues to be less than the appropriate level of revenues set forth in such concurrent resolution.

(b) Determination of Outlays and Revenues.—For purposes of subsection (a), the budget outlays to be made during a fiscal year and revenues to be received during a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the House of Representatives or the Senate, as the case may be.

Applicable Rules of the House of Representatives

RULE XXIII, CLAUSE 8—READING CONCURRENT RESOLUTION ON BUDGET FOR AMENDMENT

At the conclusion of general debate in a Committee of the Whole on any concurrent resolution on the budget pursuant to section 305(a) of the Congressional Budget Act of 1974, the concurrent resolution shall be considered as having been read for amendment. It shall not be in order in the House or in a Committee of the Whole to consider an amendment to a concurrent resolution on the budget, or any amendment to an amendment thereto, unless the concurrent resolution as amended by such amendment or amendments (a) would be mathematically consistent; and (b) would contain all the matter set forth in subparagraphs (1) through (5) of section 301(a) of the Congressional Budget Act of 1974.

The first sentence of this clause was added to the rules on January 4, 1977 (H. Res. 5, 95th Cong., p. ____). The second sentence was adopted in the 96th Congress (H. Res. 5, Jan. 15, 1979, p. ____).

RULE XLIX—ESTABLISHMENT OF STATUTORY LIMIT ON THE PUBLIC DEBT

"1. Upon the adoption by the Congress (under section 301, 304, or 310 of the Congressional Budget Act of 1974) of any concurrent resolution on the budget setting forth as the appropriate level of the public debt for the period to which such concurrent resolution relates an amount which is different from the amount of the statutory limit on the public debt that would otherwise be in effect for such period, the enrolling clerk of the House of Representatives shall prepare an engrossment of a joint resolution, in the form prescribed in clause 2, increasing or decreasing the statutory limit on the public debt by an amount equal to the difference between such limit and such appropriate level. The vote by which the conference report on the concurrent resolution on the budget was agreed to in the House (or by which the concurrent resolution itself was adopted in the House, if there is no conference report) shall be deemed to have been a vote in favor of such joint resolution upon final passage in the House of Representatives. Upon the engrossment of such joint resolution it shall be deemed to have passed the House of Representatives and been duly certified and examined; the engrossed copy shall be signed by the Clerk and transmitted to the Senate for further legislative action; and (upon final passage by both Houses) the joint resolution shall be signed by the presiding officers of both Houses and presented to the President for his signature (and otherwise treated for all purposes) in the manner provided for bills and joint resolutions generally.

"2. The matter after the resolving clause in any joint resolution described in clause 1 shall be as follows: 'During the period beginning and ending , the public debt limit set forth in the first sentence of section 21 of the Second Liberty Bond Act (31 U.S.C. 757b) shall be temporarily increased [or decreased] by $ (and any other provision of law providing for a temporary increase [or decrease] in such limit shall not apply).'; with the first two blanks being filled with the beginning and ending dates of the fiscal year or other period to which the concurrent resolution on the budget just agreed to relates, and with the third blank being filled with a dollar figure equal to the difference between the statutory limit on the public debt as set forth in section 21 of the Second Liberty Bond Act and the appropriate level of the public debt as set forth in such concurrent resolution.

"3. The report of the Committee on the Budget of the House of Representatives accompanying any concurrent resolution on the budget under section 301(d) of the Congressional Budget Act of 1974, as well as the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget, shall contain a clear statement of the effect under this rule that the adoption by both the House and the Senate of such concurrent resolution in the form in which it is being reported (and the adoption of the joint resolution thereupon prepared and enrolled under clause 1) would have upon the statutory limit on the public debt. It shall not be in order in the House of Representatives at any time to consider or adopt any concurrent resolution on the budget (or agree to any conference report thereon) if at that time the report accompanying such concurrent resolution (or the joint statement accompanying such conference report) does not comply with the requirements of this clause.

"4. Nothing in this rule shall be construed as limiting or otherwise affecting the power of the House of Representatives or the Senate to consider and pass a bill which (without regard to the procedures under clause 1) changes the statutory limit on the public debt most recently established under this rule or otherwise; and the rights of Members and committees of the House with respect to the introduction, consideration, and reporting of any such bill shall be determined as though this rule had not been adopted.

"5. As used in this rule, the term 'statutory limit on the public debt' means the maximum face amount of obligations issued under authority of the Second Liberty Bond Act and obligations guaranteed as to principal and interest by the United States (except such guaranteed obligations as may be held by the Secretary of the Treasury), determined under section 21 of such Act after the application of the second sentence thereof, which may be outstanding at any one time.".

(b)(1) Clause 1(v)(5) of rule X of the Rules of the House of Representatives is amended by inserting "(subject to the last sentence of clause 4(g) of this rule)" after "United States".

(2) Clause 4(g) of rule X of the Rules of the House of Representatives is amended by adding at the end thereof the following new sentence: "The views and estimates submitted by the Committee on Ways and Means under the preceding sentence shall include a specific recommendation, made after holding public hearings, as to the appropriate level of the public debt which should be set forth in the concurrent resolution on the budget referred to in such sentence and serve as the basis for an increase or decrease in the statutory limit on such debt under the procedures provided by rule XLIX.".

(c) Clause 8 of rule XXIII of the Rules of the House of Representatives is amended—

(1) by inserting "(except to the extent that the amendment involved is limited by the third sentence of this clause)" after "mathematically consistent"; and

(2) by adding at the end thereof the following new sentence: "It shall not be in order in the House or in a Committee of the Whole to consider an amendment to a concurrent resolution on the budget, or any amendment to an amendment thereto, which changes the amount of the appropriate level of the public debt set forth in the concurrent resolution as reported; except that the amendments to achieve mathematical consistency which are permitted under section 305(a)(6) of the Congressional Budget Act of 1974 may include an amendment, offered by or at the direction of the Committee on the Budget, to adjust the amount of such level to reflect any changes made in the other figures contained in the resolution.".●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. NELSON (at the request of Mr. WRIGHT), after 5 p.m., today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LEACH of Iowa) to revise and extend their remarks and include extraneous material:)

Mr. LEWIS, for 10 minutes, today.

Mr. KEMP, for 15 minutes, today.

Mr. FISH, for 10 minutes, today.

Mr. COURTER, for 10 minutes, today.

Mr. DICKINSON, for 5 minutes, today.

Mr. HAMMERSCHMIDT, for 5 minutes, today.

Mr. CLAUSEN, for 5 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. MCDADE, for 5 minutes, today.

(The following Members (at the request of Mr. WEISS) to revise and extend their remarks and include extraneous material:)

Mr. REUSS, for 20 minutes, today.

Mr. GONZALEZ, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. ROBERTS, for 5 minutes, today.

Mr. GARCIA, for 15 minutes, today.

Mr. DANIELSON, for 5 minutes, today.

Mr. WHITE, for 5 minutes, today.

Ms. OAKAR, for 5 minutes, today.

Mr. HARKIN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MICHEL, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $2,063.25.

Mr. PICKLE, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $2,063.

Mr. DOWNEY, prior to the vote on the motion to table the motion to instruct conferees on H.R. 3919.

Mr. RUDD to insert remarks prior to vote on Rudd amendment, remarks to include testimony of Lt. Gen. Gordon Sumner, Jr., U.S. Army, retired.

Mr. MCDONALD to insert remarks prior to vote on final passage of H.R. 6081.

(The following Members (at the request of Mr. LEACH of Iowa) and to include extraneous matter:)

Mr. KEMP.

Mr. RHODES.

Mr. WAMPLER.

Mr. ROTH.

Mr. SHUMWAY.

Mr. BURGENER.

Mr. DANIEL B. CRANE.

Mr. RUDD.

Mr. PORTER.

Mrs. FENWICK.

Mr. MCKINNEY.

Mr. WYDLER.

Mr. MCCLOSKEY.

Mr. JOHNSON of Colorado.

Mr. HYDE.

Mr. GUYER.

Mr. CARTER.

(The following Members (at the request of Mr. WEISS) and to include extraneous matter:)

Mr. YATRON.

Mr. BENJAMIN.

Mr. STOKES.

Mr. JACOBS.

Mr. BARNES in two instances.

Mr. ALEXANDER.

Mr. DODD.

Mr. DINGELL.

Mr. BOLLING in two instances.

Mr. CAVANAUGH in two instances.

Mr. RAHALL.

Mr. APPLEGATE in two instances.

Mr. STUMP.

Mr. SLACK.
Mr. MARKEY.
Mr. ZEFERETTI.
Mr. HAMILTON.
Mr. GUDGER.
Mr. GAYDOS.
Mr. DASCHLE in two instances.
Mr. JONES of Oklahoma.
Mr. DRINAN.
Mr. WOLFF.
Mr. McDONALD.
Mr. ZABLOCKI.
Mr. SANTINI.
Mr. DONNELLY.
Mr. PATTERSON.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 79. Concurrent resolution expressing the sense of the Congress that the people of the United States should observe February 26, 1980, as a national day of prayer and meditation for the hostages in Iran; to the Committee on Post Office and Civil Service.

ADJOURNMENT

Mr. WEISS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 56 minutes p.m.), the House adjourned until tomorrow, Thursday, February 28, 1980, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3567. A letter from the Administrator, Environmental Protection Agency, transmitting the annual report for fiscal year 1979 on applications for conditional registrations under sections 3(c)(7) (B) and (C) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, pursuant to section 29 of the act (92 Stat. 838); to the Committee on Agriculture.

3568. A letter from the Director, Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize appropriations for civil defense programs for fiscal year 1981; to the Committee on Armed Services.

3569. A letter from the Director, Emergency Management Agency, transmitting a draft of proposed legislation to extend the national flood insurance program under the National Flood Insurance Act of 1968, and the crime and riot reinsurance programs under title XII of the National Housing Act; to the Committee on Banking, Finance and Urban Affairs.

3570. A letter from the Director, Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize appropriations for studies under the National Flood Insurance Act of 1968 for the fiscal years 1981 and 1982; to the Committee on Banking, Finance and Urban Affairs.

3571. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on political contributions made by Ambassador-designate Robert C. F. Gordon, and by members of his family, pursuant to section 6 of Public Law 93-126; to the Committee on Foreign Affairs.

3572. A letter from the Assistant Administrator for Legislative Affairs, Agency for International Development, Department of State, transmitting the annual report on the Sahel Development Fund, pursuant to section 121(b) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

3573. A letter from the Deputy Director for Information, Department of Agriculture, transmitting a report on the Department's activities under the Freedom of Information Act during calendar year 1979, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3574. A letter from the Chairman, Federal Maritime Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during calendar year 1979, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3575. A letter from the Chairman, National Transportation Safety Board, transmitting a report on the Board's activities under the Freedom of Information Act during calendar year 1979, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3576. A letter from the Secretary of Health, Education, and Welfare, transmitting the 7th annual report of the National Institute on Alcohol Abuse and Alcoholism for fiscal years 1978 and 1979, pursuant to section 102(1) of Public Law 91-616; to the Committee on Interstate and Foreign Commerce.

3577. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to provide for the protection of the employees of the Rock Island Railroad, and for the financing of the costs of such protection; to the Committee on Interstate and Foreign Commerce.

3578. A letter from the Assistant Secretary of Health, Education, and Welfare, transmitting the eighth annual report on marihuana and health, pursuant to section 502 of Public Law 91-296, as amended; to the Committee on Interstate and Foreign Commerce.

3579. A letter from the Administrator, United States Environmental Protection Agency, transmitting a report on odors and odorous emissions, pursuant to section 403 (b) of the Clean Air Act Amendments of 1977 (Public Law 95-95); to the Committee on Interstate and Foreign Commerce.

3580. A letter from the Secretary-Treasurer, Congressional Medal of Honor Society of the U.S.A., transmitting the annual audit report of the Society for calendar year 1979, pursuant to section 3 of Public Law 88-504; to the Committee on the Judiciary.

3581. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend sections 4 and 10 of the National Ocean Pollution Research and Development and Monitoring Planning Act of 1978, as amended, to extend the appropriations authorization to carry out the provisions of such act for fiscal years 1981 and 1982, and for other purposes; jointly, to the Committee on Merchant Marine and Fisheries and Science and Technology.

3582. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report covering the quarter ended September 30, 1979, and a summary for fiscal year 1979, on the Commission's hiring and promotion of minorities and women, pursuant to section 201(h) of the Energy Reorganization Act of 1974, as amended (91 Stat. 1482); to the Committee on Post Office and Civil Service.

3583. A letter from Assistant Secretary of the Army (Civil Works), transmitting a draft of proposed legislation to amend Section 167 of the Water Resources Development Act of 1976, Public Law 94-587, to extend by 1 year and increase the funding authority for the National Hydroelectric Power Resources Study; to the Committee on Public Works and Transportation.

3584. A letter from the Assistant Secretary of the Army (Civil Works); transmitting a draft of proposed legislation to authorize the Secretary of the Army, acting through the Chief of Engineers, to study the water resources needs of the Northern Mariana Islands; to the Committee on Public Works and Transportation.

3585. A letter from the Director, Federal Emergency Management Agency, transmitting a draft of proposed legislation to amend section 606 of the Disaster Relief Act of 1974, as amended, to authorize the appropriation of additional sums to carry out the act, and for other purposes; to the Committee on Public Works and Transportation.

3586. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a Corps of Engineers report on the Monroe County Shoreline, Mich., in response to a resolution by the Committee on Public Works and Transportation of the U.S. House of Representatives adopted April 11, 1974; to the Committee on Public Works and Transportation.

3587. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a Corps of Engineers report on the Louisville Harbor, Kentucky and Indiana, in response to a resolution by the Committee on Public Works and Transportation of the U.S. House of Representatives adopted December 2, 1970; to the Committee on Public Works and Transportation.

3588. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a final environmental impact statement on Strube Lake and Cougar Additional Unit, Oreg., pursuant to section 404(r) of the Federal Water Pollution Control Act, as amended; to the Committee on Public Works and Transportation.

3589. A letter from the Under Secretary of Energy, transmitting a report on the need for a national wind energy test facility, pursuant to a request contained in a report by the Senate Appropriation Committee and agreed to by House and Senate conferees; to the Committee on Science and Technology.

3590. A letter from the Director, Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize appropriations for the Federal Fire Prevention and Control Act of 1974, and for other purposes; to the Committee on Science and Technology.

3591. A letter from the Deputy Administrator, Veterans' Administration, transmitting a draft of proposed legislation to amend Public Law 95-520, to extend the deadline for reporting on hospital care and medical services furnished by the Veterans' Administration in Puerto Rico and the Virgin Islands, and for other purposes; to the Committee on Veterans' Affairs.

3592. A letter from the Secretary of Agriculture, transmitting the annual evaluation report on the renewable resources program for fiscal year 1979, and a report of the Forest Service, pursuant to section 8 (c) and (d) of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

3593. A letter from the Comptroller General of the United States, transmitting a report on needed Federal actions to improve the productivity and increase the competitiveness of U.S. footwear manufacturers (FGMSD-80-3, February 25, 1980); jointly, to the Committee on Government Operations and Banking, Finance and Urban Affairs.

3594. A letter from the Assistant Attorney General for Legislative Affairs, transmitting a draft of proposed legislation to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1981 and for other purposes; jointly, to the Committees on the Judiciary, Interstate and Foreign Commerce, and the Permanent Select Committee on Intelligence.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule VIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LONG of Maryland: Committee of conference. Conference Report on H.R. 4473 (Rept. No. 96-787). And ordered to be printed.

Mr. FOLEY: Committee on Agriculture. S. 1309. To increase the fiscal year 1979 authorization for appropriations for the food stamp program, and for other purposes; with amendment (Rept. No. 96-788). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. THOMPSON (for himself and Mr. Frenzel):

H.R. 6634. A bill to amend section 603 of title 18, United States Code with respect to certain political contributions; to the Committee on House Administration.

By Mr. ZABLOCKI (for himself, Mr. Foley, Mr. Rosenthal, Mr. Bingham, Mr. Solarz, Mr. Bonker, Mr. Studds, Mr. Pease, Mr. Barnes, Mr. Gray, Mr. Hall of Ohio, Mr. Wolpe, Mr. Bowen, Mr. Buchanan, Mr. Gilman, Mr. Pritchard, Mrs. Fenwick, Mr. Addabbo, Mr. Ambro, Mr. Baldus, Mr. Beilenson, Mr. Benjamin, Mr. Brodhead, Mr. Brown of California, Mr. Coelho, Mr. Corrada, Mr. Cotter, Mr. Daschle, Mr. Dodd, Mr. Drinan, Mr. Edgar, Mr. Edwards of California, Mr. Ertel, Mr. Fowler, Mr. Gephardt, Mr. Gibbons, Mr. Green, Mr. Hanley, Mr. Harris, Mr. Heftel, Mr. Hollenbeck, Mr. Horton, Mr. Hughes, Mr. Kildee, Mr. LaFalce, Mr. Lee, Mr. Lehman, Mr. Leland, Mr. McCloskey, Mr. McHugh, Mr. Maguire, Mr. Markey, Mr. Mazzoli, Mr. Mineta, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Murphy of Pennsylvania, Mr. Nedzi, Mr. Nowak, Mr. Pepper, Mr. Pursell, Mr. Reuss, Mr. Richmond, Mr. Rinaldo, Mr. Sabo, Mr. Seiberling, Mr. Simon, Mrs. Spellman, Mr. Stark, Mr. Stokes, Mr. Traxler, Mr. Vento, Mr. Walgren, Mr. Waxman, Mr. Weiss, Mr. Won Pat, and Mr. Young of Missouri):

H.R. 6635. A bill to authorize the establishment of a food security reserve of wheat, and for other related purposes; jointly, to the Committees on Foreign Affairs and Agriculture.

By Mr. ANDREWS of North Dakota:

H.R. 6636. A bill to amend the Internal Revenue Code of 1954 to exempt certain farm vehicles from the Highway use tax; to the Committee on Ways and Means.

By Mr. DICKINSON:

H.R. 6637. A bill to amend section 316 of the Federal Election Campaign Act of 1971 to change the definition of the term "contribution or expenditure" as used in such section, and for other purposes; to the Committee on House Administration.

By Mr. FISH (for himself, Mr. Ottinger, Mr. Dingell, Mr. Brown of Ohio, Mr. Roe, Mr. Glickman, Mr. Heftel, Mr. Markey, Mr. Goldwater, Mr. Gore, Mr. Davis of Michigan, Mr. Swift, Ms. Holtzman, Mr. Hollenbeck, Mr. Royer, Mr. Moffett, Mr. Wirth, Mr. Maguire, Mr. Gramm, and Mr. Conte):

H.R. 6638. A bill to provide for an accelerated program for the recovery of energy from municipal wastes, and for other purposes; divided and referred as follows: Title I to the Committee on Science and Technology; Title II to the Committee on Interstate and Foreign Commerce; and Title III concurrently to the Committee on Science and Technology and the Committee on Interstate and Foreign Commerce.

By Mr. FUQUA (by request):

H.R. 6639. A bill to amend section 7 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704) to extend authorizations for appropriations, and for other purposes; jointly, to the Committees on Science and Technology and Interior and Insular Affairs.

By Mr. HAMMERSCHMIDT:

H.R. 6640. A bill to amend title 38, United States Code, to increase the rate of compensation payable to veterans who have lost or lost the use of both upper extremities as the result of service-connected disability; to the Committee on Veterans' Affairs.

H.R. 6641. A bill to amend Public Law 96-128 to provide that the increase provided by such Public Law in the rate of veterans' disability compensation under section 314(k) of title 38, United States Code, shall be effective as of October 1, 1979, rather than as of September 1, 1980; to the Committee on Veterans' Affairs.

By Mr. HEFTEL (for himself and Mr. Akaka):

H.R. 6642. A bill to deauthorize the Kalihi Channel improvements in Honolulu Harbor, Hawaii, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. LOTT:

H.R. 6643. A bill to amend the Disaster Relief Act of 1974 pertaining to the making of grants for repair and reconstruction of nonprofit museums, zoos, libraries, and historical facilities which are damaged or destroyed by a major disaster; to the Committee on Public Works and Transportation.

By Mr. MAZZOLI (for himself and Mr. Hamilton):

H.R. 6644. A bill to establish the Falls of the Ohio National Monument, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MOTTL:

H.R. 6645. A bill to impose quotas on the importation of automobiles, trucks, and certain engines for a 5-year period; to the Committee on Ways and Means.

By Ms. OAKAR:

H.R. 6646. A bill to amend title II of the Social Security Act to provide that the combined earnings of a husband and wife during the period of their marriage shall be divided equally and shared between them for benefit purposes, so as to recognize the economic contribution of each spouse to the marriage, and assure that each spouse will have social security protection in his or her own right; to the Committee on Ways and Means.

By Ms. OAKAR (for herself and Mr. Pepper):

H.R. 6647. A bill to amend title II of the Social Security Act to provide that a husband and wife may elect to split their earnings for social security purposes upon the retirement of either or both of them, or upon their divorce, and to equalize the benefits payable to a retired worker and his or her spouse (on such worker's wage record) if they have not so elected; to the Committee on Ways and Means.

H.R. 6648. A bill to amend title II of the Social Security Act to provide that upon the death of one member of a married couple the surviving spouse shall automatically inherit the deceased spouse's earnings credits to the extent that such credits were earned during the period of their marriage; to the Committee on Ways and Means.

H.R. 6649. A bill to amend title II of the Social Security Act to provide for the payment of a transition benefit to the spouse of an insured individual upon such individual's death, or upon their divorce, if such spouse has attained age 50 and is not otherwise immediately eligible for benefits; to the Committee on Ways and Means.

H.R. 6650. A bill to amend title II of the Social Security Act to provide that the widow's or widower's insurance benefits to which a disabled individual becomes entitled before attaining age 60 shall not be less than the amount (71½ percent of the deceased spouse's primary insurance amount) to which they would have been reduced if the first month of such entitlement had been the month in which such individual attained that age; to the Committee on Ways and Means.

H.R. 6651. A bill to amend title II of the Social Security Act to provide that a divorced spouse may qualify for benefits on the basis of a marriage which lasted for as few as 5 years (instead of only on the basis of a marriage which lasted for 10 or more years as at present) in the case of certain late-life divorces; to the Committee on Ways and Means.

By Mr. PICKLE (for himself and Mr. Archer) (by request):

H.R. 6652. A bill to amend title II of the Social Security Act, and related provisions of that act and the Internal Revenue Code of 1954, to improve the program of Old-Age, Survivors, and Disability Insurance; to the Committee on Ways and Means.

By Mr. PHILIP M. CRANE:

H.R. 6653. A bill to amend the Internal Revenue Code of 1954 to exclude from the gross income of noncorporate taxpayers gain from the sale or exchange of assets which have been held by the taxpayer for more than 1 year; to the Committee on Ways and Means.

By Mr. DEVINE (for himself, and Mr. Taylor, and Mr. Hopkins):

H.R. 6654. A bill to further the objectives of national energy policy of conserving oil and natural gas through removing excessive burdens on production of coal; to the Committee on Interstate and Foreign Commerce.

By Mr. STENHOLM:

H.R. 6655. A bill to authorize the Secretary of the Army to contract with the city of Weatherford, Tex., for the use of water supply storage in Benbrook Lake; to the Committee on Public Works and Transportation.

By Mr. WOLFF:

H.R. 6656. A bill to establish Inauguration Day as a legal public holiday; to the Committee on Post Office and Civil Service.

By Mr. WRIGHT (for himself, Mr. Gramm, and Mr. Alexander):

H.R. 6657. A bill to establish a procedure for the pro rata reduction in expenditures during periods when projected revenues are insufficient to fully fund such expenditures, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. ZABLOCKI (by request):

H.R. 6658. A bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to authorize development and security assistance program for the fiscal year 1981, and for other purpcses; to the Committee on Foreign Affairs.

By Ms. MIKULSKI:

H.J. Res. 502. Joint resolution designating the week beginning March 8, 1981, as "Women's History Week"; to the Committee on Post Office and Civil Service.

By Mr. HAMMERSCHMIDT:

H. Con. Res. 289. Concurrent resolution respecting the accelerated production and deployment of the B-1 Strategic Air Command bomber; to the Committee on Armed Services.

By Mr. MOTTL:

H. Con. Res. 290. Concurrent resolution expressing the sense of the Congress that the Secretary of Energy should not promulgate any Federal emergency energy conservation plan which would harm recreational boating; to the Committee on Interstate and Foreign Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

353. By the SPEAKER: Memorial of the House of Representatives of the Commonwealth of Kentucky, relative to supporting the President during this period of international confrontation; to the Committee on Foreign Affairs.

354. Also, memorial of the Legislature of the State of South Dakota, relative to requesting a study of the feasibility for the development of the Missouri River north of Sioux City, Iowa, as a means of transportation by barge; to the Committee on Public Works and Transportation.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1785: Mr. Beard of Tennessee, Mr. Carter, Mr. Coelho, and Mr. Marks.

H.R. 2264: Ms. Oakar, Mr. Mineta, and Mr. Wolff.

H.R. 3246: Mr. Oberstar.

H.R. 4348: Mr. Gaydos and Mr. Coughlin.

H.R. 5000: Mr. Gingrich.

H.R. 5215: Mrs. Spellman.

H.R. 5343: Mr. Quayle.

H.R. 5610: Mr. Bafalis.

H.R. 5657: Mr. Rudd.

H.R. 5994: Mr. Whitehurst.

H.R. 5995: Mr. Whitehurst.

H.R. 6050: Mr. Wolpe, Mr. Mitchell of New York and Mr. Oberstar.

H.R. 6361: Mr. Richmond and Mr. Patten.

H.R. 6389: Mr. Hinson.

H.R. 6393: Mr. Murphy of Pennsylvania, Mr. Winn, Mr. Erdahl, Mr. Mitchell of Maryland, Mr. Bonior of Michigan, Mr. Pepper, Mr. Stangeland, Mr. Donnelly, Mr. Ottinger, Mr. Richmond, Mr. Porter, Mr. Charles Wilson of Texas, Mr. Grassley, Mr. Roth, Mr. Edgar, Mr. Mineta, Mrs. Collins of Illinois, Mr. Kildee, Mr. Mitchell of New York, Mr. Gray, Mr. Stack, and Mr. Carney.

H.R. 6429: Mr. Smith of Iowa, Mr. Conte, Mr. Steed, Mr. Stanton, Mr. Broomfield, Mr. Carter, Mr. Bedell, Mr. Quayle, Mr. Marriott, Mr. Ichord, Mr. Roth, Mr. Evans of Georgia, Mr. Williams of Ohio, Mrs. Snowe, Mr. Leach of Louisiana, Mr. Bereuter, Mr. Bethune, Mr. Erdahl, Mr. Tauke, Mr. Porter, Mr. Symms, Mr. Rudd, and Mr. Ireland.

H.R. 6485: Mr. Kogovsek, Mr. Evans of Georgia, Mr. Hance, and Mr. Andrews of North Dakota.

H.J. Res. 215: Mr. Bennett, Mr. Mathis, Mr. Quayle, Mr. Thompson, Mr. Winn, and Mr. Robert W. Daniel, Jr.

H.J. Res. 300: Mr. Fary and Mr. Derwinski.

H.J. Res. 474: Mr. Blanchard, Mr. Matsui, Mr. Evans of Georgia, Mr. Gray, Mr. Guarini, Mr. Jeffords, Mr. Mineta, Mr. Simon, Mr. Stokes, and Mr. Walgren.

H. Con. Res. 257: Mr. Guyer and Mr. Kramer.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

286. By the SPEAKER: Petition of the City Council, Boston, Mass., relative to restoration of dual designation status with respect to Boston-London air service at the upcoming Bermuda II negotiations; to the Committee on Foreign Affairs.

287. Also, petition of the Municipal Council of Jersey City, N.J., relative to constructing a light rail system linking Bayonne, N.J., with Jersey City, N.J.; to the Committee on Interstate and Foreign Commerce.

288. Also petition of Joseph B. Halldorson, Mountain, N. Dak., relative to redress of grievances; to the Committee on the Judiciary.

289. Also, petition of the Pennsville Board of Education, Pennsville, N.J., relative to permitting voluntary prayer in public schools; to the Committee on the Judiciary.

290. Also, petition of the Osage Tribal Council, Pawhuska, Okla., relative to opposition to proposed legislation to authorize the Secretary of the Army to acquire, by condemnation proceedings or otherwise, such interests in the oil, gas, coal, or other minerals owned by the Osage Tribe of Indians needed for the Verdigris River and tributaries project, Oklahoma and Kansas; jointly, to the Committees on Public Works and Transportation and Interior and Insular Affairs.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H. Res. 549

By Mr. BINGHAM:

(Amendment in the nature of a substitute.) —Strike out all after the resolving clause and insert in lieu thereof the following:

That (a) clause 1(l) of rule X of the Rules of the House of Representatives, relating to the Committee on Interstate and Foreign Commerce, is amended—

(1) by striking out "Committee on Interstate and Foreign Commerce:" and by inserting in lieu thereof "Committee on Energy and Commerce.";

(2) by striking out subparagraphs (3) and (6), by redesignating subparagraphs (2), (4), (5), and (7) through (12) as subparagraphs (10) through (18), respectively;

(3) by inserting after subparagraph (1) the following new subparagraphs:

"(2) National energy policy generally.

"(3) Measures relating to the exploration, production, storage, supply, marketing, pricing, and regulation of energy resources, including all fossil fuels, solar energy, and other unconventional or renewable energy resources.

"(4) Measures relating to the conservation of energy resources.

"(5) Measures relating to the commercial application of energy technology.

"(6) Measures relating to energy information generally.

"(7) Measures relating to (A) the generation and marketing of power (except by federally chartered or Federal regional power marketing authorities), (B) the reliability and interstate transmission of, and ratemaking for, all power, and (C) the siting of generation facilities; except the installation of interconnections between Government waterpower projects.

"(8) Interstate energy compacts.

"(9) Measures relating to general management of the Department of Energy, and the management and all functions of the Federal Regulatory Commission."; and

(4) in the last sentence, by striking out "energy" and inserting in lieu thereof "and other energy."

(b) Clause 3(h) of rule X of such Rules, relating to special oversight functions, is amended—

(1) by striking out "Committee on Interstate and Foreign Commerce" and inserting in lieu thereof "Committee on Energy and Commerce"; and

(2) by striking out "energy" and inserting in lieu thereof "and other energy".

(c) Any reference in any provision of law or any resolution of the House of Representatives to the Committee on Interstate and Foreign Commerce shall be deemed to be a reference to the Committee on Energy and Commerce.

Sec. 2. Clause 1(r) of rule X of the Rules of the House of Representatives is amended in subparagraph (11) by striking out "and development." and inserting in lieu thereof ", development, and demonstration, and projects therefor, and all federally owned or operated nonmilitary energy laboratories.".

Sec. 3. Clause 5 of rule X of the Rules of the House of Representatives, relating to referrals, is amended by striking out paragraph (e).

Sec. 4. The amendments made by this resolution shall take effect immediately prior to noon on January 3, 1981.

Amend the title so as to read: "Resolution amending the Rules of the House of Representatives with respect to the jurisdiction of energy matters.".

By Mr. BROWN of Ohio:

—For text see amendment above.

By Mr. BROYHILL:

—For text see amendment above.

By Mr. CLAUSEN:

—For text see amendment above.

By Mr. DINGELL:

—For text see amendment above.

By Mr. ECKHARDT:

—For text see amendment above.

By Mr. FUQUA:

—For text see amendment above.

By Mr. GRAMM:

—For text see amendment above.

By Mr. KOSTMAYER:

—For text see amendment above.

By Mr. MARKEY:

—For text see amendment above.

By Mr. MOORHEAD of California:

—For text see amendment above.

By Mr. OTTINGER:

—For text see amendment above.

By Mr. SANTINI:

—For text see amendment above.

By Mr. SHELBY:

—For text see amendment above.

By Mr. STAGGERS:

—For text see amendment above.

By Mr. STOCKMAN:

—For text see amendment above.

By Mr. SWIFT:

—For text see amendment above.

By Mr. UDALL:

—For text see amendment above.

By Mr. WAXMAN:

—For text see amendment above.

By Mr. BRODHEAD:

—Page 3, immediately above line 7, insert the following new subsection:

Sec. 2. (a) Clause 1(d) of rule X of the Rules of the House of Representatives is amended by striking out subparagraph (5) and inserting in lieu thereof the following:

"(5) Defense production and control of the price of commodities, rents, and services, except energy resources, and economic stabilization and renegotiation.".

Page 3, line 7, strike out "Sec. 2. (a)" and insert in lieu thereof "(b)".

Redesignate the following subsections of section 2 accordingly.

—Page 3, immediately above line 7, insert the following new subsection:

Sec. 2. (a) Clause 1(d) of rule X of the Rules of the House of Representatives is amended in subparagraph (7) by inserting "or energy" after "other than transportation".

Page 3, line 7, strike out "Sec. 2. (a)" and insert in lieu thereof "(b)".

Redesignate the following subsections of section 2 accordingly.

By Mr. DINGELL:

—Page 2, after line 18, insert the following:

(5) Rural electrification.

Page 3, immediately above line 7, insert the following new subsection:

Sec. 2. (a) Clause 1(a) of rule X of the Rules of the House of Representatives is amended by striking out subparagraph (17) and redesignating subparagraphs (18) and (19) as subparagraphs (17) and (18), respectively.

Page 3, line 7, strike out "Sec. 2. (a)" and insert in lieu thereof "(b)".

Redesignate the following subsections of section 2 accordingly.

—Page 2, line 7, strike out "except on the public lands,".

Page 2, beginning on line 15, strike out ", except on the public lands".

—Page 2, strike out line 11 and all follows down through line 18 and insert in lieu thereof the following:

"(I) Measures relating to the reliability, generation, interstate transmission, and marketing of, and ratemaking for, all power, including the energy functions of federally-chartered or Federal regional power marketing authorities and the siting of generation facilities.

Page 4, beginning on line 11, strike out "not generated by federally chartered, regional power authorities".

—Page 2, after line 18, insert the following:

"(5) Conservation, development, and use of naval petroleum and oil shale reserves.

Page 3, immediately above line 7, insert the following new subsection:

Sec. 2. (a) Clause 1(c) of rule X of the Rules of the House of Representatives is amended by striking out subparagraph (4) and redesignating subparagraphs (5) through (11) as subparagraphs (4) through (10), respectively.

Page 3, line 7, strike out "Sec. 2. (a)" and insert in lieu thereof (b)".

Redesignate the following subsections of section 2 accordingly.

—Page 2, after line 18, insert the following:

"(5) Measures relating to the management of the Department of Energy, and the management and all functions of the Federal Energy Regulatory Commission.

—Page 3, line 6, strike out "clause'.".

—Page 3, immediately above line 7, insert the following new subsection:

Sec. 2. (a) Clause 1(d) of rule X of the Rules of the House of Representatives is amended in suparagraph (7) by inserting "or energy" after "other than transportation".

Page 3, line 7, strike out "Sec. 2. (a)" and insert in lieu thereof "(b)".

Redesignate the following subsections of section 2 accordingly.

—Page 3, immediately above line 7, insert the following new subsection:

Sec. 2. (a) Clause 1(d) of rule X of the Rules of the House of Representatives is amended by striking out subparagraph (5) and inserting in lieu thereof the following:

"(5) Defense production and control of the price of commodities, rents, and services, except energy resources, and economic stabilization and renegotiation.".

Page 3, line 7, strike out "Sec. 2. (a)" and insert in lieu thereof "(b)".

Redesignate the following subsections of section 2 accordingly.

—Page 4, beginning on line 17, strike out "projects'.".

—Page 5, line 5, strike out "Energy'.".

—Page 5, line 7, strike out "paragraph (e)".

—Page 5, line 9, strike out "1981".

—Page 5, line 13, strike out "expenses.".

By Mr. OTTINGER:

—Page 3, line 6, strike out "clause'.".

—Page 4, beginning on line 17, strike out "projects'.".

—Page 5, line 5, strike out "Energy'.".

—Page 5, line 7, strike out "paragraph (e)".

—Page 5, line 9, strike out "1981".

—Page 5, line 13, strike out "expenses.".

By Mrs. SCHROEDER:

—Page 2, after line 18, insert the following new subparagraph:

"(5) All energy research and development."

Page 4, strike lines 13 through 18, and insert, in lieu thereof, the following:

"(d) Clause 1(e) of rule X of such Rules (as so redesignated) is amended by deleting subparagraph (11), and redesignating subparagraph (12) as subparagraph (11)."

EXTENSIONS OF REMARKS

ONE 19-YEAR-OLD'S VIEW OF THE DRAFT

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. HYDE. Mr. Speaker, as the national debate over reinstitution of the draft escalates, I commend to the attention of my colleagues the following article by David Glockner which appeared in the February 25 edition of the Chicago Tribune.

It is interesting to note that Mr. Glockner, a 19-year-old student at the University of Chicago, believes it is really the youth of this country who stand to suffer the most if the quality of our Armed Forces continues to deteriorate. His excellent article makes a strong case for mandatory participation by all of our young people in some type of uniform national service.

With the resurgence of 1960's-style demonstrations against the draft cropping up on college campuses across the country, it is refreshing to read a thoughtful and responsible article written by a teenage college student who is saying something other than "Hell no, I won't go."

The article follows:

SIXTIES SLOGANS WON'T KEEP THE PEACE

(By David Glockner)

To students at Berkeley last month, it must have seemed like the good old days had returned. A group of young demonstrators, 2,000 strong, gathered at People's Park and marched down Telegraph Avenue, brandishing antidraft signs and shouting slogans heard along that same route a decade earlier.

Berkeley's protesters and their supporters on other campuses are convinced that President Carter's call for draft registration signals a return to a foreign policy of self-interest and military adventurism. Their logic runs something like this: Registration will inevitably lead to the draft, which in turn will lead to a strong military and a belligerent foreign policy, which will lead to war.

But cries of opposition to the draft sound hollow. Ever since conscription ended in 1973, all three branches of the armed services have found it increasingly difficult to fill their ranks.

Although enlistment quotas for the active forces have not always been met, even more serious are the gaps in the ranks of the reserves. The reserves are counted on to provide reinforcements during the first months of a war. Presently, our reserve forces are at least 14 percent below peacetime requirements.

Recruiting for the volunteer services will be no easier in future years because the number of individuals reaching 18 will plummet in the coming decades. Even with today's relatively large number of young people, present recruits are not always of the highest quality. Statistics show that the percentage of recruits failing to complete their first tour of duty doubled from 20 percent during the Viet Nam War to 40 percent in 1977. The scores of recruits on intelligence tests have fallen sharply since 1973, raising concern about whether soldiers are capable of operating sophisticated military equipment.

These problems with the volunteer forces are not the result of events in Afghanistan, but have been mounting for several years. As the troubles grew, we chose to look the other way.

We believed the assurance of politicians and increasingly nervous generals that our defense forces were adequate. At the same time, military strength became less important in our foreign policy. In the aftermath of the Viet Nam War, we began to trust the protection of American interests to the noble belief that, by persuasion and setting a good example, we could convince the Soviet Union to leave the world alone.

As a result, we managed to overlook the Soviet intervention in Angola. We snickered as the Russians jumped from side to side in Somalia and Ethiopia. And we did no more than frown when we discovered Russian troops in Cuba.

But the invasion of Afghanistan has been impossible to ignore, and has left this country with the unpleasant taste of its dissolving idealism. We seem shocked to realize that we live in a world where the actions of a world power are determined by self-interest rather than honor, and that if we are not strong enough to protect our interests, no one else will do the job for us.

A strong military force is important not just because it wins wars, but because of the deterrent effect it has on other countries. A weak military force increases the likelihood of war by tempting the Soviets to take actions to which America would have to respond. The Soviet Union will be much less daring in its moves against American interests if it knows that we are able and willing to respond quickly. A numerous and well-armed conventional military force also reduces the chances that we will find ourselves losing a conventional war and facing the choice of surrender or resorting to nuclear force. That is a choice that no leader should be allowed to make.

Our nation's defense problems cannot be solved by the draft alone, of course. Improving our outdated conventional forces, strengthening our alliances with European and Third-World countries, and reducing our dependence on foreign oil are crucial. Without these steps, a renewed draft is likely to do little to improve our security.

A draft does not have to be unfair, nor need it violate anyone's moral objections to military service. Among the proposals put before Congress to remedy the problems of the all-volunteer service is one that would require every young person to spend a certain period in national service, either in one of the armed forces or in an agency like VISTA or the Peace Corps.

This seems like a reasonable suggestion. The military would be certain of getting the number of troops and reservists it needs, and VISTA and the Peace Corps would be rejuvenated.

Uniform national service—an idea already adopted by several West European countries—would require that all citizens share equally in the defense of their country, thus eliminating the present draft by default, which fills the ranks largely with those who lack the skills to find other work.

Such a plan is bound to be unpopular among students. After all, it interrupts our lives and forces us to do something we'd rather not do. We seem to be the ones with the most to lose.

But that is a shortsighted view. It's really the young who have the most to lose from allowing the quality of our armed forces to deteriorate, and who, in turn, have the most to gain from the stable and peaceful world that a strong American military can help bring about. Berkeley's resurrection of the slogans of the '60s will do nothing to change America's need for defense in the dangerous world of the '80s.●

JOHN GRYCKIEWICZ

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. FLORIO. Mr. Speaker, I would ask my colleagues to join with me today in paying tribute to Capt. John Gryckiewicz of the city of Camden Fire Department. This Saturday his friends and colleagues will gather to honor as well as thank him for his selfless service to the people of the city of Camden.

Captain Gryckiewicz has served with the fire department for 40 years, 30 of those years as one of the most decorated and respected captains in the department's history. During his tenure he has time and time again demonstrated boundless courage in the performance of his duty.

On the occasion of John's retirement from the department, I would like to add my thanks and praise to many he will receive this weekend.●

CONGRESSMAN WYDLER SPONSORS CONGRESSIONAL SENIOR CITIZEN INTERN PROGRAM

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. WYDLER. Mr. Speaker, once again I am sponsoring a program which will give me an opportunity to see how the older Americans in my district are faring, and in turn let representatives of this very special group of Long Islanders see how the Government makes the decisions which affect their daily lives.

I am speaking of the senior citizen intern program, which will take place between May 5 and May 16. During these 2 weeks, two residents of the Fabulous Fifth District will come to Washington to meet with White House, departmental, agency, and congressional leaders. They will then be able to take home with them important insights about the Federal process which they can share with their friends and neighbors.

Such a program is critical as the Federal Government grows larger and more complicated every day. Laws change—bringing new rules and regulations—as well as new barriers between senior citizens and the Government. In order to keep a dialog open, and insure informed communication between the older American and the Government, a meeting of the minds such as this must take place.

Each senior citizen club in the Fifth Congressional District has been invited to nominate one or two persons aged 60 or older who are interested in being interns and have been active in community affairs.

The clubs will then make recommendations and send them on for consideration by an impartial panel of judges, who will select two of the nominees. Those selected will receive $700 to cover expenses, though they are cautioned that the checks will not be issued until early June. Therefore, the intern must be prepared to cover his or her own expenses in the interim.

The judges, who have been selected because of their daily participation in senior affairs, are: Dr. Carol Lucas, commissioner, town of Hempstead Department of Services for the Aging; the Honorable Adelaide Attard, commissioner, Nassau County Department of Senior Citizen Affairs; and Mrs. Mary McGrath, senior adult consultant, Catholic Charities Bicounty Center, Amityville.

The two interns selected will then come to Washington for a flurry of meetings with Government leaders from every corner of Washington. The interns will also have the opportunity to exchange ideas with other senior interns from around the Nation.

Nomination forms for the program have been distributed to all senior citizens organizations in the Fifth District. These nominations must be in my office at 150 Old Country Road, Mineola, N.Y. by Thursday, March 20, since judging is scheduled to take place shortly thereafter.

I am strongly urging all older Americans in the district to join together to send these two representatives to Washington. I want to know what their needs are, and I want them to know how and why the Government creates and mandates public policies.

These people have invested years in our country. We must not alienate them with an unresponsive Government. They are indeed too precious a resource for neglect such as that.●

NUCLEAR MATERIALS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. BINGHAM. Mr. Speaker, the Los Angeles Times recently commented editorially on the proposal now being pushed in some quarters that the State Department should take over from the Nuclear Regulatory Commission the latter's responsibilities with regard to the export of nuclear materials. While I do not agree with all the statements made in the editorial, I agree with its conclusion. The editorial follows:

[From the Los Angeles Times, Feb. 18, 1980]

IT'S GOOD NUCLEAR INSURANCE

The State Department has never really been happy with the Nuclear Nonproliferation Act of 1978, under which Congress sought to use controls over the exports of nuclear fuel and technology to prevent the spread of nuclear weapons.

That law, which was enacted with President Carter's approval, placed the power to review proposed shipments of atomic fuel and equipment in the hands of the five-man Nuclear Regulatory Commission.

Now, taking advantage of the fact that the streamlining of the commission is under White House consideration, high-ranking State Department officials—led by special representative Gerard C. Smith—are proposing that the agency be stripped of its review authority.

Three members of the commission have been persuaded to support the proposal, but that doesn't alter the fact that such a change would be a serious mistake.

The State Department's view is that, as one official told the New York Times, "the NRC should not be second-guessing the President on foreign-policy issues. It is not their business, and they are not equipped for it."

This is a great distortion of what the situation really is.

The 1978 law did not give review authority to the Nuclear Regulatory Commission because of any presumed foreign-policy expertise, but because of its technical abilities in the nuclear field—and its independence from White House control.

The law, furthermore, does not actually empower the commission to veto export licenses that the executive branch proposes to approve. A negative finding can be ignored by the President. This in fact occurred in 1978 in the case of a controversial nuclear fuel shipment to India.

But the authors of the 1978 act knew from experience that the State Department has a tendency to look the other way when tough antiproliferation action might roil the diplomatic waters. This is what the department tried to do after the Indian nuclear test explosion in 1974.

The commission's review process was deliberately created as a form of insurance that nuclear export licenses could not be rushed through without adequate consideration of the consequences. The present setup has served that purpose, and should be continued.●

WARNER HODGDON—TRULY ONE OF THE OUTSTANDING MEN OF OUR NATION

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. LEWIS. Mr. Speaker, it is not often that one has the opportunity to commend and express his gratitude to an individual who has committed his life to his community, to his God, and to our free society. This man is my friend Warner W. Hodgdon. His contributions have been extensive and have had an impact on everyone in the San Bernardino community.

Perhaps his greatest contribution has been to the Campus Crusade for Christ International. On March 4, 1980, the crusade will dedicate and open their new administration center in San Bernardino. This center has been the personal project of Warner and Sharon Hodgdon, who have financed and directed the completion of this multimillion dollar complex. The center is comprised of seven buildings, each of which are approximately 12,000 square feet.

Campus Crusade for Christ International is an interdenominational Christian organization. There are more than 11,000 regular and associate staff members of many nationalities who serve in more than 110 countries and protectorates of the world. The organization's emphasis is on discipleship—building Christians in their faith—and carrying the faith to others.

Campus Crusade was established in 1951 on the campus of the University of California at Los Angeles by Bill and Vonette Bright. Bright was a successful businessman in the Los Angeles area for many years. He began his Christian work in the early 1950's and later left the business world to devote all of his time to the organization he founded in 1951 at UCLA. He has studied at Princeton and Fuller Theological Seminaries but elected to remain a layman rather than seeking ordination.

Campus Crusade is not a church but considers itself an extension of the church with expertise in particular areas, and works closely with pastors and churches throughout the United States and the world. College work has always been the major emphasis of the campus crusade ministry. Lay training for church members is another major speciality. There are more than 25 subministries in all. Among the better known are Athletes in Action, the Campus Ministry, and the AGAPE Movement. The Campus Crusade is basically a one-to-one type of ministry and has become a major part of the life of Warner Hodgdon.

Warner Hodgdon is a man of remarkable character whose life and ideals exemplify Campus Crusade for Christ. His rise to success began at the early age of 9 and his first job working for Standard Brands in San Bernardino. He has built an empire from the ground, at times failing, but having the perseverance to continue until today his accomplishments are equaled by few. His quest has been built on a solid foundation of his belief in God, country, and family.

These virtues are extolled by his wife Sharon who has been at Warner's side through thick and thin. She has tied the family together and has brought joy to Warner's life. Their sons, Aaron and Justin have, beyond any doubt, a model in whose footsteps they will be proud to follow.

Warner Hodgdon's philanthropies do not end with the Campus Crusade. He is the most generous giver I have known. Among the innumerable charities to which he has contributed are the Lighthouse for the Blind, Santa Claus Inc., the Jerry L. Pettis Memorial Veterans Hospital, Azusa Pacific College, the YWCA—Redlands, the YMCA/YWCA—San Bernardino, the Riverside Community Hospital, the Heart Association, Goodwill Industries, the Arrowhead United Way, California State College at San Bernardino, the American Red Cross, the Boy Scouts of America, Redlands Community Hospital, Saint Bernadine Hospital, and Our Lady of Guadalupe Church. The list goes on and on.

Mr. Speaker, Warner W. Hodgdon is one of the truly outstanding men in our Nation and it is my privilege to commend him to the House of Representatives.●

ACTION FOR RELEASE OF AMERICAN HOSTAGES

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. APPLEGATE. Mr. Speaker, I am outraged at the reprehensible and obviously planned actions of the Iranian Government in delaying release of the American hostages—perhaps not until May. They have continually broken promises and have used the press to embarrass and harass America and her people.

The administration should not have receeded from its position of strength by not imposing strong economic sanctions, but now I think it is time that the administration wake up and take whatever action is necessary until the hostages are released.

If we continue to act from weakness, this Nation will continue to be stepped on.●

THE CHALLENGE BEFORE LATIN AMERICA

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. YATRON. Mr. Speaker, on Tuesday, February 26, Mr. Antonio Ortiz Mena, President of the Inter-American Development Bank, spoke at the National Press Club in Washington about Latin America's progress during the past two decades, about the problems which today confront the region, and about the impact which the solution of those problems can have on the entire international economy.

As chairman of the Inter-American Affairs Subcommittee, I have had some firsthand experience with those issues. And I would be inclined to agree with Mr. Ortiz Mena that the countries of Latin America and the Caribbean are today undergoing a process of deep, fundamental change which, in many instances, is neither orderly nor painless.

I was particularly interested in Mr. Ortiz Mena's description of the contradictory situations which Latin America's progress in some areas, and lack of progress in others, has created. He said:

> Change (in Latin America) has produced some strange paradoxes. A continent which twenty years ago exported excess food, today cannot feed itself and is a net importer of foodstuffs. Although, potentially, Latin America can be self-sufficient in energy and mineral resources, many of its countries are today going deeper into debt because of overwhelming dependence on imported oil, the rising price of imported capital goods, and the volatile nature of earnings from commodity and mineral exports. And while social services and opportunities for better life have been extended to millions of people, the deprivation suffered by other large sectors of the region's population has become unbearable.

Mr. Speaker, Mr. Ortiz Mena, in his speech, does not despair about this situation. He finds in these paradoxes opportunities for Latin America to create better conditions for its people and to add strength to the international economy. And he suggests specific areas of social reform, in agriculture, in energy development, and in industrial growth, where those opportunities can be found.

I want to compliment the President of the Inter-American Development Bank for his thoughtful and far-ranging comments. He has sketched a program of action for Latin America which should be considered seriously. He also warned about what inaction can bring when he said—

> For Latin America, there is no acceptable alternative to overdue socio-political reforms, with particular attention to the distributive side of the region's economic system and to adequate rates of economic growth. A failure to advance in those directions with emphasis on the four areas identified in my remarks is likely to be reflected in a mounting level of social tension and strife, reciprocal strengthening of repressive tendencies, and a reversal of the progress which Latin America has been making in recent years.

Mr. Speaker, Mr. Ortiz Mena's remarks deserve careful attention. This also applies to what he said about some attitudes in the industrial countries where Latin America's economic progress in recent years has created the impression that the region, by and large, no longer needs public international financing, access to our private capital markets on reasonable terms, or our technology. Latin America, he said, will continue to need those for years to come. If we respond to those needs realistically, we will all benefit. Latin America's progress will contribute to our own economic strength, and a better, more stable, world economic environment.

These are goals which we all can support.●

A VENDETTA BY THE IRS

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. STUMP. Mr. Speaker, as a member of the National Right To Work Legal Foundation, I was encouraged by a December 21, 1979, U.S. district court decision in favor of the foundation's tax exempt status. The foundation's diligent work on behalf of individual worker's rights is to be commended and their status as a tax exempt group is rightful. The following article by James J. Kilpatrick illustrates the continuing struggle for the protection of individual worker's rights:

[From the Washington Star, Feb. 7, 1980]

A VENDETTA BY THE IRS

(By James J. Kilpatrick)

In a free society, where theoretically the people are masters and government is their servant, agencies of government ought not to engage in vendettas. But the Internal Revenue Service has been waging one, and thereby hangs this tale.

Twelve years ago a group of men and women, deeply concerned at the abuse of an individual worker's rights by the excesses of trade unionism, created the National Right to Work Legal Foundation. Thanks to aggressive leadership and a popular cause, the foundation soon gained a reputation as a redoubtable defender of the little guy—the worker who gets ground down by the union shop.

The foundation went to court in behalf of a teacher in Michigan, a telephone worker in Maryland. It fought legal battles for airline employees in California and college professors in Michigan. Its clients came to include truck drivers, electricians, and construction workers. These were people whose elementary right to work was imperiled by the brute power of Big Unionism. And little by little, the foundation racked up an impressive string of victories.

As you can imagine, these successive gnat-stings eventually began to penetrate the elephant hide of the AFL-CIO. The foundation operates on a total budget of $3.6 million a year; it has only 14 full-time staff attorneys.

There is no way even to estimate the combined resources of the great unions, but we are dealing here with a very small David and a very large Goliath. And Goliath began to get mad.

So it came to pass that the giants of organized labor waxed wroth, and being wroth, they conveyed their displeasure to the Internal Revenue Service. The giants of labor complained that they were being impertinently trod upon by this pesky outfit, and they demanded that the IRS put an end to it. Specifically, they demanded that the IRS revoke the foundation's certificate of tax exemption.

In the file of private philanthrophy, such a certificate is more precious than diamonds. It is the absolutely essential condition for survival. Without an exemption under Section 501(*c*)(*3*) of the Tax Code, contributions swiftly diminish from a flood to a trickle.

In 1977, out of the clear sky, the IRS suddenly, inexplicably revoked the foundation's certificate—a certificate that had been effective since 1968. The IRS said the original exemption had been granted in "error." In the government's view, little David never had been entitled to exemption in the first place.

Why was this? Under IRS regulations, a foundation is entitled to exemption if it promotes social welfare by defending "human and civil rights secured by the law."

The IRS astonishingly took the view that a right to work is not a human or civil right secured by law. Yes, admitted the IRS, the individual worker may have certain statutory rights, but he has no "fundamental" right that might be deemed essential to the orderly pursuit of happiness by free men. Therefore, exemption denied.

The foundation challenged this tyrannical decree in court and on Dec. 21 won a resounding victory. A text of the opinion by U.S. District Judge F. T. Dupree Jr. of North Carolina has just come to hand. He ruled in the foundation's favor on every essential point. A man's right to work, said Judge Dupree, is "liberty's cornerstone." Indeed, "the courts have rarely articulated a fundamental right with more sweeping eloquence and affection than they have the right to work." And the right is most certainly a right "secured by law."

The IRS has not decided whether to appeal the Dupree decision. The probabilities are strong that the decree will be left to stand. But we still ought to inquire what motive of vendetta led the IRS to undertake this costly harassment, and we ought to reflect anew upon a dictum from John Marshall. It provides a moral to this tale: The power to tax involves the power to destroy. This is what the IRS set out to do to the Right to Work Legal Foundation. Little fellows across the land may be grateful that the effort failed.●

CALIFORNIA WATER ASSOCIATION LOSES DISTINGUISHED LEADERS

HON. CLAIR W. BURGENER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. BURGENER. Mr. Speaker, the Association of California Water Agencies has recently lost two of its most distinguished leaders, and their service to the ACWA will be sorely missed.

On January 27, ACWA past president Glen R. Harris passed away after a long illness. Mr. Harris headed the association in 1955 and 1956 when it was then the Irrigation Districts Association of California.

A rice farmer since 1924, Mr. Harris played a large role in the development of the organization during its expansion, and he had served on its executive committee since he stepped down as president.

Glen Harris was also a life member of the California Cooperative Rice Research Foundation, a former chairman of the Rice Research Board, a director of the National Council of Farmer Cooperatives, and former president of the Agricultural Council of California.

The association will sorely miss, as well, the service of Warren W. Butler, one of its directors, who passed away on January 24.

Mr. Butler had served as a director of the Metropolitan Water District for nearly 45 years, having served more than 25 years as vice chairman. He was also an active participant in the Colorado Water Resources Association, the Colorado River Water Users Association, and the Southern California Water Conference.

Warren Butler, who was outspoken in encouraging logical and wise use of resources, considered himself a true advocate of conservation.●

S. 72 IDENTICAL TO HOUSE CONCURRENT RESOLUTION 274

HON. TENNYSON GUYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. GUYER. Mr. Speaker, I missed the discussion and vote on S. 72 due to my attending the funeral service in Georgetown yesterday for the former distinguished Congressman from my Fourth District of Ohio, the Honorable William M. McCulloch.

Had I been present, I would have spoken for and voted for this legislation.

S. 72 is identical to House Concurrent Resolution 274, a measure which I cosponsored and which was passed by the full Foreign Affairs Committee.

I would like to commend the sponsors in both bodies who took the lead in bringing this measure to our attention. As a signatory to the letter which went to the United Nations High Commissioner for Refugees, I have been most interested in seeing the action which was taken yesterday on this resolution. We are witnessing the results of a latterday holocaust. Almost 1 million people, lucky to be alive, are huddled in temporary, makeshift huts along the Thai-Kampuchean frontier. They are fortunate to be alive, because 2 million people have already died at the hands of the Pol Pot regime or the forces of Heng Samrin. They survived because the Thai frontier provided just a little bit of refuge, and a place where they could get a little bit to eat, and so stay barely alive.

That situation could change, however. There is nothing between those people on that ill-defined border and the massed Vietnamese armies of the Heng Samrin regime. There are Pol Pot forces who have taken refuge in that corridor of displaced people, and who threaten to bring Vietnamese fire down on innocent men, women, and children. There are forces opposed to both Pol Pot and to Heng Samrin, who further invite fire fights. There are black marketeers and other traffickers in human misery. There are inadequate administrative personnel and maldistribution of food and water.

One way to stabilize the political situation until a political solution can be worked out in Kampuchea is to have a United Nations humanitarian presence on that frontier. Such a presence would also improve the lot of those who spend their lives precariously perched on the edge of the Kampuchean hell. There would be better supervision of food, water, medicine, and the movement of peoples. But, the improvement will not come unless the United Nations regularizes its presence, and demonstrates that the actions of the world community are humanitarian and compassionate in intention and execution. To that end, we are hoping that our vote on this resolution will hasten a solution to this problem of life and death in this unhappy part of the world.●

UNSAFE IN ANY COUNTRY?

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. BARNES. Mr. Speaker, on Monday I introduced legislation which would control the export from the United States of products which have been judged hazardous to health, or which, because they are known by their manufacturers to be dangerous, have not been submitted for licensing under U.S. law. This legislation, H.R. 6587, will soon be the subject of hearings by the Subcommittee on International Economic Policy and Trade upon which I serve.

This morning the Washington Post published an editorial on the subject of the dumping of hazardous goods through exports. I call this editorial to the attention of my colleagues.

The Post raises three questions with respect to measures to control the use of developing countries as America's trash can: First, does the United States have a moral responsibility to prevent the export of a substance it thinks—or knows—is dangerous? Second, does the making of such judgments constitute unacceptable intrusion on the sovereignty of other nations? Third, and what effect would stricter controls have on an otherwise shaky U.S. balance of trade?

Yes, Mr. Speaker, the United States does have the responsibility to regulate the export of dangerous products. My bill does not prohibit the export of such goods. Instead, it requires that the Secretary of Commerce and the chief of whichever agency which has banned the product's distribution to Americans must agree, in consultation with the government to which export is requested, that the benefits of the products use outweigh its risks, and that appropriate measures will be taken regarding the distribution and application of the product to minimize those risks.

Second, the making of such a judgment as I have just described does not constitute an intrusion on the sovereignty of the importing country. Indeed, it reinforces that country's sovereignty by asserting that that country has as much right to know of the potential consequences of the product as we do, and should not, through shabby marketing techniques, be tricked into receiving a product without knowing of the potential dangers and without knowing how best to minimize those dangers.

And third, I believe that H.R. 6587 protects the U.S. balance of payments, because it will help to guarantee the integrity of American exports and American marketing in developing countries. If you were a minister of health in a developing country, Mr. Speaker, would you be inclined to trust American medicines and other health products if you had just seen the statistics on deaths of your people due to use of an American contraceptive, or the illness and genetic disorders consequent to use of an American pesticide?

I do not seek a blanket prohibition of the export of products which have been judged dangerous in the United States, or which have not been subjected to appropriate testing and review. But I am unwilling to stand by and allow unscrupulous manufacturers to sully the integrity of the American people and undermine the confidence of the label, "Made in USA," by dumping our rejects on countries which may be either unaware of the potential dangers or unprepared to reduce those risks.

The Washington Post also asserts, correctly, that "No single, simple control policy—for example, banning the export of anything that is banned domestically" would be workable or sensible. I have been working for several months now, in advance of introducing this legislation, to examine the wide range of laws which control products in the United States, and to narrow our focus down to just those laws—and those kinds of products—which represent the most pernicious harm to their users, and the most severe compromise of the integrity and decency of the United States. Through the course of our subcommittee's hearings, I am confident that we can produce a law which best protects everyone—producer, consumer, and unsuspecting bystander—without either infringing upon the rights and needs of importing countries or damaging America's balance of trade.

I commend the Washington Post editorial to my colleagues' attention, and invite your support of H.R. 6587.

UNSAFE IN ANY COUNTRY?

Should a substance deemed too dangerous for use in this country be licensed for export? An answer is still elusive despite years of study and debate, while exports of banned and untested substances have been growing. The key issues are these: Does the United States have a moral responsibility to prevent the export of a substance it knows—or thinks—is dangerous? Or does the making of such judgments constitute unacceptable intrusions on the sovereignty of other nations? And what effect would stricter controls have on an already shaky U.S. balance of trade?

No single, simple control policy—for example, banning the export of anything that is banned domestically—will sensibly cover the complete range of exports that include such items as Tris-treated pajamas, pesticides, effective but risky medicines, toxic chemicals and dangerous toys for children. In each case the nature of the risk will be different, as will the degree of certainty about whether or not a risk actually exists. In some cases, alternatives to a dangerous product will be available, in others not.

In many cases the conditions in an importing country—rampant unemployment, exploding population growth, epidemics of insect-borne disease—make U.S. standards of health or safety completely inappropriate. For example, Depo Provera, a long-lasting, injected contraceptive, has been banned in this country because of uncertain long-term risks. However, in a country whose number one problem is overpopulation, and the illness and mortality rates associated with it, the risk-versus-benefit judgment is different. And in fact, Depo Provera is licensed in more than 70 nations. Should U.S. firms then be prohibited from selling it?

An apparently satisfactory way to balance ethical responsibility, practical economic considerations and respect for the right of others to make their own decisions is for the United States to require only that the importing country be fully aware of the potential risks. In practice, however, this approach has many drawbacks.

A serious notification policy, for instance, would require full publication of the thousands of regulatory actions—bans, suspensions, registrations, deregistrations, judicial injunctions, to name a few—occurring each year. A document from the government of the importing country indicating that it had received and considered the information would also be required. Masses of paper work and thousands of additional man-hours would be needed. In this country all that would be possible, though unwelcome, but in many—if not most—others it would be impossible. Two years ago, for example, the Ministry for Environment in Nigeria (one of the larger and richer developing countries) consisted of the minister, one assistant and one secretary. A high level of scientific and technical expertise would also be necessary to evaluate the risk-benefit trade-offs posed by a possible import. And even if this step could be accomplished, many governments lack the procedures and the degree of central control necessary to set and implement standards for safe use.

Probably the only really workable solution lies in the creation of common international standards. But although some steps in this direction are being taken by a number of U.N. agencies, it will be many years, if ever, before they amount to much. Meanwhile, this country will have to find an acceptable set of standards for itself. The United States must accept *some* responsibility for its exports—that much is clear. But where the line comes between appropriate care and becoming the world's environmental policeman—against the will and wishes of importing countries with different priorities and standards and needs of their own—is not so clear. Finding the right balance will be a thankless task: for every developing country that objects to becoming a dumping ground for the industrialized world, there is another that objects even more loudly to having the developed world's standards imposed on it. Nevertheless, the task is worth the effort. Lethal pesticides, toxic chemicals and dangerous drugs all have a way of coming back to haunt their makers. Mixed in the volatile brew of international relations, they can become explosive.●

OLYMPIC GOLD MEDAL PERFORMANCE BY REVERE LANCERS

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. MARKEY. Mr. Speaker, it is an honor for me to commend to this House the 27th Lancers, the superb drum and bugle corps, whose stirring music and colorful spectacle opened the 1980 winter Olympic games.

The Lancers' home is the city of Revere, Mass., named for the Revolutionary patriot who heralded the march of the British. The corps has long been recognized throughout the Commonwealth and the Nation as a proud musical organization. In heralding the march of the Olympic athletes, it achieved the worldwide respect and admiration it so richly deserves.

Enormous dedication, unstinting discipline, and years of hard work have gone into the molding of this singular group. The corps has become renowned for the high quality of its music, the breadth of its repertoire, and the precision of its choreography.

The members of the 27th Lancers have devoted themselves to becoming the best in their field with fully the same determination as have our Olympic athletes. Their selection to participate in the opening and closing ceremonies at Lake Placid was, therefore, not only appropriate but a fitting tribute to the musical prowess they have attained.

In honoring the 27th Lancers today, I ask this House to recognize young people who have sacrificed carefree weekends to march endless miles in local parades and competitions, who have conscientiously studied and practiced their instruments and their marching routines, and who have cooperated and worked together until they coalesced into the remarkable unit they are today.

These talented young musicians and members of the corps' color guard and drill team represent the finest in America's youth. The are a credit to themselves, to their families and to the city of Revere.

We should also pause to give proper recognition to the many others who stood behind them. I think particularly of the parents who supported their children's efforts, the corps' directors who brought the group's spirited performance to the perfection the world witnessed, and the residents of the community who raised the necessary funds to send the 27th Lancers to Lake Placid.

I believe, Mr. Speaker, that dedication to excellence is one of the most important lessons a young person can learn. These teenagers from Revere have demonstrated that they have learned that lesson well. To them and to their parents and directors, I offer my thanks for a job well done and best wishes for their continued success.●

COAL NOW

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. RAHALL. Mr. Speaker, as each day goes by, we see more and more why the United States must increase its utilization of coal, and why we must push for legislation to convert utility plants to coal.

I believe this fact is magnified by the accident which took place yesterday at the Crystal River nuclear plant in Florida.

As I am sure many of my colleagues are now aware, between 30,000 and 50,000 gallons of radioactive coolant poured through a malfunctioning valve and flooded a containment building. Strangely enough, this is what also happened at Three Mile Island, but the similarities between these two accidents do not end there.

Babcock & Wilcox was the builder for both facilities. The Nuclear Regulatory Commission is again groping for answers, and as a result of the accident, consumers will have to be burdened by increased electric bills.

Mr. Speaker, this is all so unnecessary.

Nuclear power is being forced upon the American people at the very time when we should be using more of our most abundant energy resource, coal.

Coal can be burned cleanly, it can be mined safely, and it can decrease our dependence on foreign energy sources, which will aid in the fight against inflation.

It makes sense for us to go with coal, now. Utility plant conversion and utility use of coal represents an immediate, short-term way to reduce imports of oil. I urge the President and this administration to settle their internal differences about the most appropriate way to proceed with their utility oil-gas backout legislation so we can get on with the job and so that coal miners can get back to their jobs.●

AMERICAN CITIZENS ABROAD

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. ALEXANDER. Mr. Speaker, today I am inserting two more cases dealing with American nationals living and working abroad. These cases have been taken from a report prepared by the American Citizens Abroad. The report has been submitted to the President for his consideration. I will be inserting portions of it into the RECORD for the benefit of my colleagues:

ISSUE No. 21

Short title: Compulsory Social Security Participation for Self-Employed Americans Abroad.

Summary of the Problem: Americans who are self employed abroad must, under present U.S. Social Security regulations, contribute to the U.S. Social Security system.

This mandatory participation for the self-employed abroad creates a severe competitive handicap for Americans abroad in countries where there is a local social security system that is also compulsory for the same individuals.

ACA's question: Why is Social Security participation by self-employed overseas Americans compulsory?

A subsidiary question involves changes that were made in 1978 to the U.S. Income tax laws whereby the former Section 911 Foreign Earned Income exclusion was eliminated. This exclusion had previously sheltered the foreign earned income of overseas self-employed Americans from compulsory Social Security payments. With the extinguishing of the 911 exclusion, many overseas Americans had a sudden massive increase in their social security premiums. ACA's second question was why nothing was done to extend this sheltering of the first part of the self-employed individuals overseas income from U.S. Social Security taxation?

The President's reply: The President chose not to specifically address this problem. His answer was encompassed in his reply to Issue Number 19 (see above). The general tenor of this reply was that problems with double taxation for social security were most appropriately handled by bilateral totalization agreements with individual foreign countries.

ACA's renewed question: ACA asks the President once again to explain to overseas Americans why the self-employed abroad must contribute to the Social Security program in the United States?

From the point of view of the individual overseas American the U.S. rules for social security appear capricious. The concern is not at all for the protection of the individual abroad. It is rather one of making the system simple to administer. Overseas Americans are segregated into a few basic classes and treated differently by class without regard for problems that the individual in one class might have which are not faced by those in another.

ACA asks, therefore, that the President take the trouble to address the question of whether the United States has any obligation to try to help protect overseas Americans as individuals? Further, does the United States care whether our policies create competitive difficulties for some Americans who have to make double contributions for social security? Finally, is it really optimum to try to alleviate such double contribution problems through bilateral treaties? Such an approach will guarantee that these problems will remain for many thousands of overseas Americans for many more decades.

Why cannot overseas Americans be given the right to voluntarily participate in U.S. Social Security?

As a subsidiary question, why did the U.S. Government not make some accommodation in the Social Security regulations to grant a new form of relief to the self-employed abroad for sheltering overseas earned income when the 911 exclusion was lost. We suspect that no one thought of this downstream effect of the tax law change. Will someone be willing to make appropriate relief now that this situation has been identified?

Mr. President we call upon you to address these basic questions. We hope that you will not reply again by merely restating present policy and its defense. What we need to know is whether or not you feel we really deserve equitable treatment as individuals? And, do we deserve attention to insure that as individuals we are not handicapped unnecessarily in our competitive ability against individuals of other nationalities abroad?

ISSUE No. 22

Short title: Seven-Day Work Test Discrimination for Retired Americans Abroad.

Summary of the problem: The U.S. Social Security regulations set a dollar limit on the amount of outside earned income a person drawing social security retirement benefits can earn before losing his social security benefits.

For retired Americans abroad, working for an employer that is not contributing to the U.S. Social Security Trust Fund, dollar limits do not apply. Instead, an individual is only allowed to work for six days per month, no matter how much income might be earned during these six days. If so much as a minute is worked on the seventh day, ALL benefits are lost for the entire month.

ACA's question: ACA asked the President to explain why overseas retired Americans were singled out for this discrimination? What justification is there for this work test rather than the dollar limit test used in the United States?

The President's reply: "This seven-day foreign work test was adopted to avoid the variation in benefit reduction in different countries resulting from prevailing wage rates and foreign exchange rates. Relating the benefit reduction to a test, either of time worked or of wages earned, is a difficult problem because the retirement benefit is geared to a standard of living and a prevailing wage rate in the U.S. Thus, compared to a graduated, dollar-denominated benefit reduction, the worker under the seven-day test will gain in some countries and lose in others, depending upon how much he is able to earn during that period and the current cost of living in those countries."

The President thus implicitly accepts that there is a different method of controlling earnings abroad than that used in the United States, and also that this is not neutral in its impact abroad since retirees in some countries are favored and those in other countries are hurt by this practice.

Further, the President tells us nothing about why a seven-day period was chosen, and why when the limit is reached all benefits for the month in question are lost. In the United States, once the dollar limit is reached the retiree loses half of his benefit dollar for each dollar in excess of this limit. Abroad it is all or nothing. Again more questions are raised than are answered for those abroad.

Finally, it is very obvious that Americans in the liberal professions that usually bring the highest remuneration are those that can most easily arrange their work to fit within the six-day limit. Thus, the poorer and most needy American abroad is the one that is the most disadvantaged by the U.S. practice.

To alleviate some of the problem, the President recommended action. It goes in the wrong direction! Said the President, "A provision in the Administration's proposed 1979 amendments to the Social Security Act would change the seven-day work test to a forty-five hour work test. The purpose of the proposed change is to allow a greater flexibility in the allocation of work during the month, so that a retiree engaged in non-covered employment abroad could work up to forty-five hours per month and still receive full benefits. The proposed change would not alter the problem of dollar-denominated vs. time-denominated benefit reductions."

We wonder how many overseas Americans will be better off following the President's proposed change. Those who are now working six full days abroad and still qualifying for their benefits will no longer be able to do so. Few if any overseas countries have a workday with less than eight hours of work. The new rules will effectively reduce the number of days of work allowed for these individual's to even less than the six now allowed. The new rule may appear to be more flexible, but in practice it will be even more inequitable than the old rules.

But, once again the President has not told us why we have this discrimination at all. Questions of exchange rate problems occur in any case, and often do in the same country where some retirees work for participating companies (hence are subject to the dollar limits) while some others work for non-participating companies (and have the time tests).

ACA's renewed question: Mr. President, please take another look at what we are now confronting abroad and what you have proposed to "help" us. Please tell us why we have this peculiar time test? Why at the limit all of our benefits are lost rather than only part of them as in the case of the dollar limits? And, if we must have a time test, why has seven days been chosen and under what system of new math is forty-five hours even the equivalent to six working days let alone any improvement over this amount?

We urgently seek redress. Our least fortunate overseas retirees are the ones that suffer the most today and many of these will suffer even more if your proposals come to fruition.●

MRS. ZEONA HATCHER HALEY: AN INSPIRATION TO MINORITY YOUTH

HON. JOHN M. SLACK

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. SLACK. Mr. Speaker, during the time we have designated as "Black History Month," I believe it is appropriate to give public recognition to the work of one of my esteemed constituents, Mrs. Zeona Hatcher Haley, who has had an outstanding career in the field of education, serving for more than 20 years as a professor of education at West Virginia State College.

The many thousands of young people who attended her classes do not need to be reminded of her teaching abilities or her inspirational leadership projected to those who could be motivated to self-betterment through education.

However, I am sure that quick recognition of her name would follow an understanding that she is the stepmother of Alex Haley, author of the recent widely read book "Roots." Not long ago Mr. Haley visited his stepmother and gave public credit to her for his success because of her insistence that he appreciate the knowledge to be found in books and develop the determination to follow a course of expanded education and carry it through to an appropriate conclusion.

"At that particular time if she hadn't come in, us being little kids like that, God only knows which direction we might have gone or what we might have done," said Alex.

Along with her professional success, Mrs. Haley enjoyed outstanding personal success in influencing, shaping, and guiding the lives of her children. All of them have distinguished themselves in their chosen professions—literature, law, architecture, and music.

I believe we would all agree that Mrs. Haley represents that progressive element whose work during the past 40 years has ultimately led to growing public acceptance of the principle that equality in all phases of citizenship must be extended to all Americans without reference to race, color, creed, or national origin. I am pleased and proud to have her as one of my constituents and to be able to take this opportunity to call her distinctive personal and professional record to the attention of the Members of Congress.●

TRIBUTE TO JOHN PROSKO

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. APPLEGATE. Mr. Speaker, last January 17, 1980, a very unfortunate incident occurred in the Gulf of Mexico near Tampa Bay. The Coast Guard cutter *Blackthorn* collided with another ship, which resulted in the *Blackthorn* being severed in two, causing it to sink in less than 3 minutes. After the search for the missing persons was completed, the death toll rose to 23. I am sure that the hearts of all of my colleagues go out to the families and friends of the unfortunate souls who lost their lives in the most dreadful incident.

The incident, however, meant a little more to me and Ohio's 18th Congressional District than to most other areas of the country for one of those individuals who died was a constituent of mine; Seaman Apprentice John Edward Prosko of Toronto, Ohio. He was the son of Mr. and Mrs. Joseph E. Prosko. Prosko entered the Coast Guard on October 15, 1979, and went to the Cape May Training Center in Cape May, N.J., to complete his basic training.

Born in Steubenville, Ohio, on June 25, 1960, John Prosko was looked upon as a leader, even though he served in the Coast Guard only a short time. He was respected and well liked by those that knew him well and will be sadly missed by all.

Mr. Speaker, on behalf of the 18th Congressional District of Ohio, our sincere condolences to the family of Seaman Apprentice John Prosko.●

A SALUTE TO THE CLEVELAND JOB CORPS CENTER

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. STOKES. Mr. Speaker, on Friday, March 7, 1980, the Cleveland Jobs Corps Center will celebrate its 15th anniversary. I would like to take this opportunity to salute the work of the center and acquaint my colleagues in the U.S. House of Representatives with the monumental contributions the center has made to the young people in the Cleveland metropolitan area.

In an attempt to provide a beneficial human service program in the Cleveland area, the Alpha Kappa Alpha Sorority, Inc., asked the Federal Government for funding to establish the center. In February 1965, the sorority entered into a partnership with the Federal Government to establish a viable vocational training program for disadvantaged youth between the ages of 16 and 21.

Unlike other programs, the center's programs and activities are not limited to the normal workday. Rather, the center has uniquely tailored its programs to the needs of young people in our society who have been discriminated against because of their social or economic status.

Because of the intense attention needed by young people in this situation, the center has served as a living-learning facility. Largely as a result of the unfaltering commitment of the Alpha Kappa Alpha sorority, the center has provided an avenue for young people to get a second chance at securing a quality education while preparing them for life and the rigorous world of work.

From its inception, the Cleveland Job Corps Center has been an asset to the young people in Cleveland. It is making more of an impact today. At a time when the unemployment rate among minority youth is at 38.6 percent, it is particularly significant that such a facility as the Cleveland Job Corps Center and the cadre of services it provides is in existence and steadily expanding its programmatic thrusts.

The center has an outstanding track record which I would challenge any other training program of its kind in the country to match. Opening its doors with a population of 325 young women, the center has increased its membership to more than 530 youths. With its increasing program enrollment, the center has moved from a 6-story facility to an 11-story building. The program content has been broadened to include young men.

The center can boast of the fact that it has graduated more than 4,000 young men and women. It has served over 12,000 young people. Most of these young people have continued their education in college or have embarked on other viable careers.

These statistics are the best tributes to the Cleveland Job Corps Center and the Alpha Kappa Alpha Sorority, Inc., for the yeoman's job they have done. They have taken young people, many of whom seemingly were destined to be the throwaways of our society, and molded them into productive citizens. Thus, the center has been the catalyst for success in the lives of the young people it has served.

The Cleveland Job Corps Center has done an exemplary job during the past 15 years. I personally take pride in their accomplishments. I am confident that we will continue to hear and see good things from them in the future.

Therefore, Mr. Speaker, I would like my colleagues in the House of Representatives to join me in saluting the Cleveland Job Corps Center and Alpha Kappa Alpha Sorority, Inc., for their contribution to this country's greatest resource—our young people.

THE END OF AN ERA

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. BOLLING. Mr. Speaker, when my friend HARLEY STAGGERS announced his retirement, an era ended. HARLEY's chairmanship of the great Committee on Interstate and Foreign Commerce has spanned a most important time in our country's history. Enormous changes have taken place in the crucial field that comprise his committee's jurisdiction. In all the complicated and important legislation that has come from the committee during that time, HARLEY STAGGERS has played both an important and a moderating role that has served the country well. All of us wish him the best in his retirement.●

RUNAWAY INFLATION

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. ROTH. Mr. Speaker, today's runaway inflation is a cruel blow to all Americans, especially our senior citizens.

Because our older citizens generally live on fixed incomes, it is very important that they take advantage of every allowable tax deduction, exemption, and credit available.

Last year I submitted a revised checklist of itemized deductions for use in preparing Federal income tax returns which was prepared by the Senate Special Committee on Aging as an aid for senior citizens. Because of the overwhelming support expressed for this helpful service I am again submitting a revised checklist of itemized deductions for use in preparing 1979 Federal income tax returns.

This checklist is valuable for taxpayers in several ways. For example, it may assist persons in determining whether it would be more advantageous to itemize deductible expenses or claim the standard deduction. It may provide guidance for individuals in planning their personal and tax affairs. It may even be helpful for taxpayers who have already filed a tax return but overlooked allowable deductions, such as the sales tax on an automobile or transportation for medical purposes for individuals with medical expenses exceeding 3 percent of their adjusted gross income. These persons may still claim these items by filing an amended return, form 1040X.

I hope our senior citizens will find this information interesting and useful.

Form 1040 checklist follows:

CHECKLIST OF ITEMIZED DEDUCTIONS FOR SCHEDULE A (FORM 1040)

MEDICAL AND DENTAL EXPENSES

Medical and dental expenses (unreimbursed by insurance or otherwise) are deductible to the extent that they exceed 3 percent of your adjusted gross income (line 31, Form 1040).

INSURANCE PREMIUMS

One-half of medical, hospital or health insurance premiums are deductible (up to $150) without regard to the 3 percent limitation for other medical expenses. The remainder of these premiums can be deducted, but is subject to the 3 percent rule.

DRUGS AND MEDICINES

Included in medical expenses (subject to 3 percent rule) but only to extent exceeding 1 percent of adjusted gross income (line 31, Form 1040).

OTHER MEDICAL EXPENSES

Other allowable medical and dental expenses (subject to 3 percent limitation): Abdominal supports (prescribed by a doctor); acupuncture services; ambulance hire; anesthetist; arch supports (prescribed by a doctor); artificial limbs and teeth; back supports (prescribed by a doctor); and braces.

Capital expenditures for medical purposes (e.g., elevator for persons with a heart ailment)—deductible to the extent that the cost of the capital expenditure exceeds the increase in value to your home because of the capital expenditure. You should have an independent appraisal made to reflect clearly the increase in value.

Cardiographs; chiropodist; chiropractor; Christian Science practitioner, authorized; convalescent home (for medical treatment only); crutches; dental services (e.g., cleaning, X-ray, filling teeth); dentures; dermatologist; eyeglasses; food or beverages specially prescribed by a physician (for treatment of illness, and in addition to, not as substitute for, regular diet; physician's statement needed); gynecologist; hearing aids and batteries; home health services; hospital expenses; insulin treatment; invalid chair; lab tests; lipreading lessons (designed to overcome a handicap); medicare A, voluntarily paid, if you are 65 or older and not entitled to social security benefits; neurologist; nursing services (for medical care, including nurse's board paid by you); occupational therapist; opthalmologist; optician.

Optometrist; oral surgery; osteopath, licensed; pediatrician; physical examinations; physical therapist; physician; podiatrist; psychiatrist; psychoanalyst; psychologist; pschotherapy; radium therapy; sacroiliac belt (prescribed by a doctor); seeing-eye dog and maintenance; speech therapist; splints; supplementary medical insurance (part B) under medicare; surgeon; telephone/teletype special communications equipment for the deaf; transportation expenses for medical purposes (8¢ per mile plus park and tolls or actual fares for taxi, buses, etc.); vaccines; vitamins prescribed by a doctor (but not taken as a food supplement or to preserve general health); wheelchairs; whirlpool baths for medical purposes; and X-rays.

Expenses may be deducted only in the year you paid them. If you charge medical expenses on your bank credit card, the expenses are deducted in the year the charge is made regardless of when the bank is repaid.

TAXES

Real estate; general sales; State and local income; and personal property.

If sales tax tables are used in arriving at your deduction, ordinarily you may add to the amount shown in the tax tables the sales tax paid on the purchase of the following items: automobiles, trucks, motorcycles, airplanes, boats, mobile homes, and materials used to build a new home when you are your own contractor.

When using the sales tax tables, add to your adjusted gross income any nontaxable income (e.g., Social Security, Veterans' pensions, or compensation payments, Railroad Retirement annuities, workmen's compensation, untaxed portion of long-term capital gains, dividends untaxed under the dividend exclusion, interest on municipal bonds, untaxed part of unemployment compensation and public assistance payments).

CONTRIBUTIONS

In general, contributions may be deducted up to 50 percent of your adjusted gross income (line 31, Form 1040). However, contributions to certain private nonoperating foundations, veterans organizations, fraternal societies, or nonprofit cemetery companies, are limited to 20 percent of adjusted gross income.

Cash contributions to qualified organizations for (1) religious, charitable, scientific, literary or educational purposes, (2) prevention of cruelty to children or animals, or (3) Federal, State or local governmental units (tuition for children attending parochial schools is not deductible).

Fair market value of property (e.g., clothing, books, equipment, furniture) for charitable purposes. (For gifts of appreciated property, special rules apply. Contact local IRS office.)

Travel expenses (actual or 8¢ per mile plus parking and tolls) for charitable purposes (may not deduct insurance or depreciation in either case).

Cost and upkeep of uniforms used in charitable activities (e.g., scoutmaster).

Purchase of goods or tickets from charitable organizations (excess of amount paid over the fair market value of the goods or services).

Out-of-pocket expenses (e.g., postage, stationery, phone calls) while rendering services for charitable organizations.

Care of unrelated student in your home under a written agreement with a qualifying organization (deduction is limited to $50 per month).

INTEREST

Home mortgage, auto loan, personal loan, and installment purchases (television, washer, dryer, etc.).

Bank credit card—can deduct the finance charge as interest if no part is for service charges, loan fees, credit investigation fees, or similar charges.

Other credit cards—you may deduct as interest the finance charges added to your monthly statement, expressed as an annual percentage rate, that are based on the unpaid monthly balance.

Points—deductible as interest by buyer where financing agreement provides that they are to be paid for use of lender's money and only if the charging of points is an established business practice in your area. Not deductible if points represent charges for services rendered by the lending institution (e.g., VA loan points are service charges and are not deductible as interest). Not deductible if paid by seller (are treated as selling expenses and represent a reduction of amount realized).

Penalty for prepayment of a mortgage—deductible as interest.

Revolving charge accounts—may deduct the separately stated "finance charge."

CASUALTY OR THEFT LOSSES

Casualty (e.g., tornado, flood, storm, fire, or auto accident provided not caused by a willful act or willful negligence) or theft losses—the amount of your casualty loss deduction is generally the lesser of (1) the decrease in fair market value of the property as a result of the casualty, or (2) your adjusted basis in the property. This amount must be further reduced by any insurance or other recovery, and, in the case of property held for personal use, by the $100 limitation. Report your casualty or theft loss on Schedule A. If more than one item was involved in a single casualty or theft, or if you had more than one casualty or theft during the year, use Form 4684 for computing your personal casualty loss.

MISCELLANEOUS

Appraisal fees to determine the amount of a casualty loss or to determine the fair market value of charitable contributions.

Union dues.

Cost of preparation of income tax return.

Cost of tools for employee (depreciated over the useful life of the tools).

Dues for Chamber of Commerce (if as a business expense).

Rental cost of a safe-deposit box used to store income-producing property.

Fees paid to investment counselors.

Subscriptions to business publications.

Telephone and postage in connection with investments.

Uniforms required for employment and not generally wearable off the job.

Maintenance of uniforms required for employment.

Special safety apparel (e.g., steel toe safety shoes or helmets worn by construction workers; special masks worn by welders).

Business entertainment expenses.

Business gift expenses not exceeding $25 per recipient.

Employment agency fees under certain circumstances.

Cost of a periodic physical examination if required by employer.

Cost of bond if required for employment.

Expenses of an office in your home if used regularly and exclusively for certain business purposes.

Educational expenses that are: (1) required by your employer to maintain your position; or (2) for maintaining or sharpening your skills for your employment.

Political Campaign Contributions.—You may claim a credit (line 38, Form 1040) for campaign contributions to an individual who is a candidate for nomination or election to any Federal, State, or local office in any primary, general, or special election. The credit is also applicable for any (1) committee supporting a candidate for Federal, State, or local elective public office, (2) national committee of a national political party, (3) State committee of a national political party, (4) local committee of a national political party, or (5) certain newsletter funds set up and maintained by a person who holds, has been elected to, or is a candidate for nomination or election to a public office. The amount of the tax credit is one-half of the political contribution, with a $50 ceiling ($100 for couples filing jointly).

PRESIDENTIAL ELECTION CAMPAIGN FUND

Additionally, you may voluntarily earmark $1 of your taxes ($2 on joint returns) for the Presidential Election Campaign Fund.

ADDITIONAL INFORMATION

For any questions concerning any of these items contact your local IRS office. You may also obtain helpful publications and additional forms by contacting your local IRS office.

OTHER TAX RELIEF MEASURES

Filing status	Required to file a tax return if gross income is at least
Single (under age 65)	$3,300
Single (age 65 or older)	4,300
Qualifying widow(er) under 65 with dependent child	4,400
Qualifying widow(er) 65 or older with dependent child	5,400
Married couple (both spouses under 65) filing jointly	5,400
Married couple (1 spouse 65 or older) filing jointly	6,400
Married couple (both spouses 65 or older) filing jointly	7,400
Married filing separately	1,000

Additional Exemption for Age.—Besides the regular $1,000 exemption, you are allowed an additional exemption of $1,000 if you are age 65 or older on the last day of the taxable year. If both a husband and wife are 65 or older on the last day of the taxable year, each is entitled to an additional exemption of $1,000 because of age. You are considered 65 on the day before your 65th birthday. Thus, if your 65th birthday is on January 1, 1980, you will be entitled to the additional $1,000 exemption because of age for your 1979 Federal income tax return.

"Zero Bracket Amount."—The "zero bracket amount" is a flat amount that depends on your filing status. In 1979, this amount was increased for each filing status. If you are married filing jointly or a qualifying widow or widower, your zero bracket amount is $3,400. If you are single or a head of household, your zero bracket amount is $2,300. If you are married filing separately, it is $1,700. It is not a separate deduction; instead, the equivalent amount is built into the tax tables and tax rate schedules. Since this amount is built into the tax tables and tax rate schedules, you will need to make an adjustment if you itemize deductions. However, itemizers will not experience any change in their tax liability and the tax computation will be simplified for many itemizers.

Tax Tables.—Tax tables have been developed to make it easier for you to find your tax if your income is under certain levels. Even if you itemize deductions, you may be able to use the tax tables to find your tax easier. In addition, you do not have to deduct $1,000 for each exemption because this amount is also built into the tax table for you.

Multiple Support Agreements.—In general, a person may be claimed as a dependent of another taxpayer, provided five tests are met: (1) Support, (2) gross income, (3) member of household or relationship, (4) citizenship, and (5) separate return. But in some cases, two or more individuals provide support for an individual, and no one has contributed more than half the person's support. However, it still may be possible for one of the individuals to be entitled to a $1,000 dependency deduction if the following requirements are met for multiple support:

1. Two or more persons—any one of whom could claim the person as a dependent if it were not for the support test—together contribute more than half of the dependent's support.

2. Any one of those who individually contribute more than 10 percent of the mutual dependent's support, *but only one of them,* may claim the dependency deduction.

3. Each of the others must file a written statement that he will not claim the dependency deduction for that year. The statement must be filed with the income tax return of the person who claims the dependency deduction. Form 2120 (Multiple Support Declaration) may be used for this purpose.

Sale of Personal Residence.—You may exclude from your gross income some or all of your gain from the sale of your principal residence, if you meet certain age, ownership, and occupancy requirements at the time of the sale. The exclusion is elective, and you may elect to exclude gain only once. If you were age 55 or older before the date of sale, you may elect to exclude up to $100,000 of gain on the sale if you owned and occupied the residence for 3 of the 5 years ending on the date of sale (or 5 of 8 years under certain circumstances). Form 2119 (Sale or Exchange of Personal Residence) is helpful in determining what gain, if any, may be excluded.

Additionally, payment of tax on the gain on the sale of your personal residence in excess of the excluded amount will be deferred if, within 18 months before or 18 months after the sale, you buy and occupy another residence, the cost of which equals or exceeds the adjusted sales price of the old residence. Additional time is allowed if (1) you construct the new residence; (2) you were on active duty in the U.S. Armed Forces; or (3) your tax home was abroad. Publication 523 (Tax Information on Selling or Purchasing Your Home) may also be helpful.

Credit for the Elderly.—You may be able to claim this credit and reduce taxes by as much as $375 (if single), or $562.50 (if married filing jointly), if you are:

(1) Age 65 or older, or

(2) Under age 65 and retired under a public retirement system.

For more information, see instructions for Schedules R and RP.

Credit for Child and Dependent Care Expenses.—Certain payments made for child and dependent care may be claimed as a credit against tax.

If you maintained a household that included your dependent under age 15 or a dependent or spouse incapable of self-care, you may be allowed a 20 percent credit for employment related expenses. These expenses must have been paid during the taxable year in order to enable you to work either full or part time.

For detailed information, see the instructions on Form 2441.

Earned Income Credit.—If you have a dependent child who shares your principle place of abode in the United States, you may be entitled to a special payment or credit of up to $500. This is called the earned income credit. It may come as a refund check or be applied against any taxes owed. Generally, if you reported earned income and had adjusted gross income (line 31, Form 1040) of less than $10,000, you may be able to claim the credit.

Earned income means wages, salaries, tips, strike benefits, other employee compensation, and net earnings from self-employment (generally amount shown on Schedule SE (Form 1040) line 13). A married couple must file a joint return to be eligible for the credit. Certain married persons living apart with a dependent child may also be eligible to claim the credit.

For more information, see instructions for Form 1040 or 1040A.

ENERGY TAX ACT

The Energy Tax Act of 1978 is directed at providing tax incentives for energy conservation measures and for conversion to renewable energy sources.

A credit of up to $300 may be claimed for expenditures for energy conservation property installed in or on your principal residence, whether you own or rent it. The residence must have been substantially completed by April 20, 1977. Items eligible for the credit are limited to the following: insulation (fiberglass, cellulose, etc.) for ceilings, walls, floors, roofs, water heaters, etc.; exterior storm (or thermal) windows or doors; caulking or weatherstripping for exterior windows or doors; a furnace replacement burner which reduces the amount of fuel used; a device to make flue openings (for a heating system) more efficient; an electrical or mechanical furnace ignition system which replaces a gas pilot light; an automatic energy-saving setback thermostat; and a meter which displays the cost of energy usage.

A maximum credit for renewable energy source property is $2,200. Equipment used in the production or distribution of heat or electricity from solar, geothermal, or wind energy sources for residential heating, cooling, or other purposes may qualify for this credit.

Energy credits may be claimed by completing Form 5695 and attaching it to your Form 1040.

Examples of items which do not qualify for energy credit are the following: carpeting, drapes, wood paneling, exterior siding, heat pump, wood or peat fueled residential equipment, fluorescent replacement lighting system, hydrogen fueled residential equipment, equipment using wind energy for transportation, expenditures for a swimming pool used as an energy storage medium, and greenhouses.

For further information, consult the instructions for Form 5695 and IRS Publication 903, Energy Credits for Individuals.

TRIBUTE TO TOM STEED

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. BOLLING. Mr. Speaker, it was with real regret that I learned that my old friend, TOM STEED, had decided to retire from the House. We came to the House together and for years have shared some of our joys and sorrows. TOM, as everyone in the House knows well, has made a great contribution to the welfare of not only the people of Oklahoma but also all the citizens of the United States. We will miss him and his energetic service to his country.●

TRIBUTE TO HARLEY O. STAGGERS

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. PERKINS. Mr. Speaker, when HARLEY STAGGERS and I came to the Congress after the election of 1948—the Truman election—we struck up a friendship that was natural for people from similar areas of the country, with similar interests.

If those interests had to be described in a few words, the words would be "serve the people," and that is what HARLEY STAGGERS has done since he took his first oath on this floor in 1949.

Actually, you could say he took an oath of service years previously, when he was a sheriff, and when he was in the Navy in World War II.

Harley was an educator and a coach also, and I believe that dedication to improving the lives of young people has stuck with him and guided him through the Congresses, and through the controversies that have swarmed around all of us who attempt to legislate what is right for the country.

HARLEY'S career is full of achievements—monumental health legislation, especially public health legislation, bears his mark, and railroad retirement legislation, and public broadcasting legislation—things that sometime get taken for granted now, but were struggles that involved years of effort.

He has a fine family, and he will want to spend more time with them, but if I know HARLEY STAGGERS at all, he is not going to be idle. He will find plenty to do, and the people will continue to benefit from his efforts.

I wish him and his family all the best.●

TRIBUTE TO RICK NOLAN

HON. LEO C. ZEFERETTI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 1980

● Mr. ZEFERETTI. Mr. Speaker, I want to join my colleagues in paying tribute to the somewhat abbreviated, but highly distinguished, career of my friend and colleague from Minnesota, RICK NOLAN.

RICK and I became fast friends during the initial days of our induction as freshmen Members of the 94th Congress, and he has since maintained my utmost respect as a good friend and diligent public servant.

The people of central Minnesota and the Nation as a whole will sorely miss Congressman NOLAN'S unique talents as a champion of the family farmer and small businessman. RICK NOLAN cares about people. His concern for the world's impoverished was a major catalyst behind the formation of the President's Commission on World Hunger, and his involvement in the causes of the disabled has led to a greater sensitivity to their special needs.

I know that each of us understand and respect his reasons for moving on to new endeavors, and he will, no doubt, continue to contribute to the betterment of our society. His bright future is tinged only by the sadness of his colleagues who have lost a talented and trusted friend.●

JIM HANKLA

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. ANDERSON of California. Mr. Speaker, after having masterminded one of the most innovative and comprehensive urban development projects in the Nation, Jim Hankla is resigning from his post as director of community development for the city of Long Beach. As Jim Hankla sees it, "Long Beach has turned the corner." And indeed it has, thanks to his talents and dedication.

Today's view of downtown Long Beach shows clear evidence of the physical progress being made in a massive revitalization effort which eventually will total almost $1 billion. Preliminary construction plans are now being put to work, clearing a site for a grand new regional shopping center. Groundbreaking will soon take place for residential buildings and for a centralized mass transit center. The end product will generate economic activity to produce many new jobs, new housing, and increased income. It is all a brilliant display of achievement for Jim Hankla.

Though it all seems to be now falling neatly in place, there were many difficult and tense moments as this project developed. The passage of proposition 13 made the fate of the entire project doubtful by creating uncertainty as to financing. However, the impressive progress already made to this point was enough to convince the administration in Washington that the project was worthy of the substantial Federal investment needed to rescue it from almost certain failure. There were many other high points and low points throughout the history of this project; Jim Hankla made sure each was handled with the high degree of professionalism that has become his trademark.

With most of the difficult negotiations on the Long Beach downtown project complete, Jim Hankla will move on to Virginia where he will meet new challenges as director of the Virginia Peninsula Economic Development Council. From my personal experience in working with Jim, I can tell my colleagues from Virginia that they are indeed fortunate to have this man work in their State.

Those of us from the Long Beach area are disappointed to see Jim leave. The work he did, helped create a dream for the future that will soon turn real, and make Long Beach once again one of the most thriving and attractive urban centers in the country.

Mr. Speaker, I take this moment to congratulate Jim Hankla on the outstanding job he has done as community development director for Long Beach. My wife, Lee, joins me in honoring him for his accomplishments and in wishing him a future of added success as he moves on to other endeavors. We also want to express our sincerest hopes for a bright future to Jim and his entire family, wife, Jorene, and their two sons, Kirk and Steven.●

TRIBUTE TO TOM STEED

HON. SAM B. HALL, JR.

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. HALL of Texas. Mr. Speaker, our colleague Tom Steed is a legend in his time, and I know of no man more representative of the greatness of this body than my dear friend from Oklahoma. He is a student and a teacher of politics, and the best advice I could give to a newly elected freshman is to make an appointment with Tom Steed and learn how the system operates.

It is hard to believe that this newspaperman turned Congressman is going to retire. I knew about Tom Steed long before I ever thought about running for Congress, and just to have the privilege and honor of serving with Tom Steed is reason enough to want to serve in the House.

Tom Steed is a good Democrat, but he has never allowed party politics to interfere with his judgment on critical national issues. He has a keen eye for the taxpayer's dollar as many Federal officials who have appeared before his Appropriations Subcommittee can attest to.

As dean of the Oklahoma delegation, Tom has been vitally involved in the economic growth of this State. Texans are proud that so much of his district borders our State, and we have worked long and hard with him on developing the resources of the great Red River which flows through his district.

Everywhere I go, small business people tell me that one of their best friends in Washington is Tom Steed. He is a foe of redtape and Government bureaucracy. Long before it became fashionable to talk about deregulation and curtailing unnecessary Federal controls over the private sector, Tom Steed was fighting the battle to do just that. He has been an able leader of the small business community, and his stout defense of free enterprise should serve as a model for everyone who wants to see America get back on the right track as far as productivity is concerned.

Of course, we all know Tom's ability as a raconteur. He has a portfolio of great stories that would rival some of America's greatest writers and humorists. His personal touch, abiding knowledge of history, and just plain interest in people and their problems is the characteristic of a great man.

Tom Steed has served his State and Nation with distinction and honor for over 30 years. I am going to miss his counsel and advice, as we all will. He is a dear friend, and I wish him well in his well-deserved retirement. Fortunately for all of us, Tom will still have a few more months in the House to keep us on the right path.●

TRIBUTE TO TOM STEED

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. PERKINS. Mr. Speaker, Oklahoma is a long way from Kentucky, and a still longer way from eastern Kentucky, but Tom Steed, like so many westerners, is, as they say, "connected to us."

His connection to our part of the country goes back to the Roanoke River Valley of North Carolina, and what is even more binding is his full name—Thomas Jefferson Steed. It is hard to think of better credentials than those.

Tom came here in the same election that I did, the election of 1948, and he holds the record for service in the House from Oklahoma.

It has been valiant service for principles and programs that Tom believed in when he came here and believes in today.

As chairman of Treasury-Post Office-Government Subcommittee on Appropriations, he has had the opportunity to oversee, and oversee well, the activities of almost 3 million Federal employees. He also serves on Transportation Appropriations, and he deserves credit for the achievements in that vitally important area, as well as in the area of military construction.

His activity in the area of small business has been significant, and I hope that as new Members come to the House, this activity will be increased, because that is where the innovations come about, and that is where the new jobs come about. Those in the House who have given time and effort and attention and thought to small business deserve a special commendation, and Tom is in the frontline.

His retirement is at his own wishes, and I know he deserves it, but I also know that we will be looking forward to many more meetings and talks, in the years ahead.

My best wishes are to his family and to Tom.●

LARGER INCREASE IN AGRICULTURAL RESEARCH AND DEVELOPMENT

HON. WILLIAM C. WAMPLER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. WAMPLER. Mr. Speaker, on top of a warning by 12 major farm organizations of dangerous gaps in agricultural research and development budgets last Friday—p. 3675, Congressional Record, February 25—I have been informed that another group of agricultural experts have also issued a similar critical report.

This report shows that despite increases for food and agricultural R. & D. in the fiscal year 1981 budget, these efforts are still below the inflation rate projected for this year by the Carter administration.

Mr. Speaker, we need a larger increase in agricultural research and development than is contained in the 1981 budget, I note the President's budget is generous with military R. & D., energy R. & D., health R. & D., and general science R. & D. This is fine, but, if we don't keep pace with inflation in agricultural R. & D., we are heading for a slowdown in agricultural efficiency. We can't afford, Mr. Speaker, to punish the one sector in our economy that puts the food on our tables, the roofs over our heads, and the clothes on our backs. And, I might add, American agricultural efficiency gives us most of the trade income that permits us to pay for the oil we import to heat our homes and drive our cars and trucks and to otherwise provide energy for industry.

To point up the seriousness of this situation, I am inserting an article that appeared in the Christian Science Monitor on February 20, 1980. The article follows:

UNITED STATES—FAT, HAPPY—CUTS FARM RESEARCH

(By Paul Van Slambrouck)

The United States boasts the world's most efficient food production system. But the scientific research that begat it is lagging, and farmers will be less able to hold down food prices or meet growing world demand for American farm products in the years ahead unless the trend is reversed, a number of agricultural experts warn.

Federal funding for agricultural research has not kept pace with inflation in recent years, and increases at the state level and in the private sector have been insufficient to provide net real growth, farm analysts point out.

"We've become fat and happy. We take for granted our abundant food supply," said Dr. Jarvis E. Miller, president of Texas A&M University and a recognized agricultural authority, in a recent telephone interview.

Budget analyst William Gardner of the U.S. Department of Agriculture (USDA) agrees that farm research funding in general has suffered from complacency. But he says the Carter administration's 1981 proposed budget is a substantial improvement. It calls for a 6 percent boost in USDA in-house research and a 7 percent jump in cooperative research with the states. The increases are greater than the previous year but still below the inflation rate projected for this year by the Carter administration.

It takes at least 10 years for new agricultural technology to graduate from the research stage to application, and meager research efforts through much of the 1970s already have set the stage for slower growth in U.S. farm efficiency this decade, says Prof. Robert E. Evenson of Yale University.

Meanwhile, over the next 20 years, Professor Evenson sees growing world demand for American-produced food. The U.S. already exports about one-third of its agricultural products.

"Research is the best way to expand U.S. production at the lowest cost" with scientific and technological advances in plant breeding and farming practices, he says. "Research should begin growing in real [greater than inflation] terms" to prepare for higher demand through the 1990s, he argues.

Do consumers benefit from the use of tax dollars for agricultural research? Academic studies indicate that money spent on improving the efficiency and yield of the American farm sector pays for itself many times over in lower food prices, according to Professor Evenson. He says the average annual return on investment for public research in agriculture is 50 percent. In other words, investing $1 returns the equivalent of 50 cents annually, over many years.

"Agricultural research has been very productive in terms of yielding more than most other public investments," declares Dr. Evenson.

The Yale economist figures about one-fourth of the growth in U.S. farm productivity can be attributed to research activities. From 1930 to mid-1965, American farming increased its productivity—food output in relation to the amount of land, labor, and energy utilized—by 3 to 3.5 percent annually. After slumping to a slower 1 percent yearly growth in the late 1960s and early 1970s, productivity in the last five years has recovered somewhat to a 2 percent yearly rate of growth, Dr. Evenson estimates.

The growing problems of water shortages, soil erosion, and sharply higher energy costs require some new thrusts in agricultural research, Dr. Miller maintains.

Farm energy costs are rising rapidly, and federal studies have found that the agricultural sector could potentially reduce its energy consumption by 20 percent with effective conservation. Farmers also could become greater producers of energy. They could convert more crops to alcohol, for example.

New research could provide answers on how to use less fertilizer, which is energy-intensive, and how to utilize water more efficiently. Water consumption is of concern not only because supplies are diminishing in parts of the arid Southwest and West, but also because of the substantial amounts of energy it takes to operate irrigation systems.

Also, research leading to better tillage practices could cut down the use of tractors and heavy farm equipment and diesel fuel consumption.

"Energy is a pervasive concern to farmers. We need more work on new sources of energy and ways to reduce consumption." Dr. Miller asserts.

Generally, farmers need new information on how to improve resource conservation at the local level, according to Lyle Bauer, a Kansas wheat farmer and president of the National Association of Conservation Districts (NACD).

"When we look at the entire range of USDA programs designed to help private land-users solve soil- and water-conservation problems, we find that the federal government has steadily reduced its funding . . . over the last 10 years," he said in a recent speech at the NACD conference in Houston.

A recent USDA appraisal found that soil erosion alone could reduce farm productivity by 20 percent over the next 50 years if current farm practices continue.●

THE RAUTA FAMILY

HON. CHRISTOPHER J. DODD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. DODD. Mr. Speaker, I am very happy to inform my colleagues in the House of Representatives that after more than 6 years, the Romanian Government has permitted the emigration of Mrs. Ecaterina Rauta and her son Michai.

Mr. Constanin Rauta has been trying to convince the Romanian Government to allow his wife and 6-year-old son to join him in the United States since 1973 when he sought political asylum here. That long-sought permission for Mrs. Rauta and her son to rejoin Mr. Rauta was finally received in late August 1979, and the family was reunited on September 12, 1979.

After having been involved for many years in trying to help reunite this family, I was particularly gratified to learn that their long ordeal has finally come to an end. There is nothing more satisfying in public life that the opportunity one sometimes has to really fulfill a person's dream. Unfortunately, in the area of family reunification involving Communist nations, the dreams of many families are often unfulfilled. I am confident that when the House of Representatives debated the extension of most favored nation trade status for Romania last July, and forcefully raised the issue of emigration in general and the Rauta family in particular, this had a definite effect on the Romanian Government's decision to allow the reunification of the Rautas.

I firmly believe that we in Congress must always continue to press for free emigration and respect for fundamental human rights in all nations. It is easy to become discouraged after writing countless letters to foreign ambassadors and heads of state concerning human rights cases and never receiving a convincing reply. It has been 6 long years since Constanin Rauta first attempted to convince Romania to allow his wife and child to join him. But he never let up in his efforts, and nor should we in Congress.

The fact that the Rautas are now together again as a family proves that constant pressure on other governments to allow freer emigration can be effective if we are willing to persevere.

I would ask my colleagues to join me in wishing a heartfelt welcome to Mrs. Rauta and her son and the best wishes for a long and happy life in the United States.●

CONFERENCE OF INDUSTRIAL DEMOCRACIES

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. RHODES. Mr. Speaker, a week ago in an address before the National Reserve Officers Association, the distinguished gentleman from Illinois (Mr. MICHEL) proposed the creation of an informal Conference of Industrial Democracies to aid the United States and its allies in responding to the growing threat of Soviet expansionism throughout the world.

The Conference would address itself to a broad range of issues, establish policy, and act to protect the common interests of free, industrialized nations. As my colleague pointed out in his address, the United States and our allies would have been far better prepared to deal with the repressive actions of OPEC had we formulated a conference of this type 10 years ago. The Conference, as Mr. MICHEL perceives it, is not intended to replace any other international organization, even though they all suffer from the limitations of their origins and purposes.

I commend this far-reaching proposal to you:

CONFERENCE OF INDUSTRIAL DEMOCRACIES: THE TIME HAS COME

(By Hon. ROBERT H. MICHEL)

When I first received your gracious invitation I had no idea that world events would conspire to prepare a background for my remarks.

Yesterday was the original date scheduled for a five-nation meeting of foreign ministers in Bonn, West Germany. This meeting, had it taken place, would have discussed the policies of the United States and its major allies toward the Soviet invasion of Afghanistan. Unfortunately, France decided not to attend, so instead, our nation is holding bilateral meetings in Europe.

Last week, former West German Chancellor Willy Brandt presented his report on the relations of the developed and under-developed nations of the world.

I do not wish to address specific aspects of the ill-fated foreign ministers' meeting or the Brandt report. But I do want to point out that both of these events suggest we are entering a period in which global rather than national or regional questions will come to the fore.

By coincidence, when I received your invitation, it was precisely an aspect of global politics that I had in mind to discuss. So I guess I should begin by thanking the NATO Nations and the Brandt Study Commission for providing proper background music for my remarks.

Let me begin by stating a fact unquestioned among international affairs experts:

During the next five to seven years, the industrial democracies—our own nation, our NATO allies and Japan—will face an unprecedented threat to their survival.

This threat will come in the form of a systematic and prolonged assault by the Soviet Union. Weapons, economic resources and propaganda will be used in varying degrees and combinations to sap the will of the free nations.

In military terms, this period is known as the "Soviet window of opportunity". Soviet military superiority will tempt the Kremlin to make quick gains. The West, meanwhile will be trying to recover from more than a decade of wishful thinking about the nature of detente.

But more than military superiority is involved. In the modern world, a nation can be damaged not only by armed assaults but by being cut off from a vital strategic mineral. At present the United States is self-sufficient in only five of the 27 minerals generally considered of strategic value. We are are vulnerable to Soviet domination of those sea lanes by which we receive these vital minerals.

Add to this the Soviet commitment to a war of propaganda and "dis-information", the spreading of lies about the West among uncommitted nations. We face what might be called a "multi-threat" capability from the Soviets.

It might be argued that we have faced this threat for years. But the nature of the new crisis will be different in kind, not just in degree.

Previously, U.S. military and economic strength more than matched that of the Soviet Union. Those days are long gone. The Soviets see the near future as a "one-shot" golden opportunity to confront western impotence.

Then, of course, there is OPEC and the unpredictable nature of the Islamic revival. These are facts we will have to deal with during this same period.

It is clear we will be living in what the old Chinese curse called "interesting times."

President Carter has not understood this coming crisis. In his State of the Union address he concentrated on the Persian Gulf and its current problems. But the Persian Gulf is a symptom, not a cause, or our dilemma.

This administration has no strategic world-view, no all-emcompassing vision of what we are faced with and what must be done.

What we need is a new response to our new challenges. We have become too comfortable with the collective security organizations we created after World War II. We have failed to see they no longer meet our current needs.

The United States sponsored and has supported the United Nations organization. The UN is the culmination of an American foreign policy based on Wilsonian idealism. The UN is still useful but has obvious limitations. Anyone who doubts this should remember the Iranian response to the UN votes on condemnation.

The European Common Market has its strengths. The various multi-lateral organizations to which the United States belongs, such as the Organization of American States, also have virtues. But they all suffer from limitations based on their origins and purposes.

What is needed is a new international mechanism to supplement our other arrangements and meet the needs of the industrial democracies for the next twenty years or more.

The single greatest obstacle to the creation of such a mechanism is not the Soviet Union, or the OPEC nations. It is the refusal of the industrial democracies to realize the time has long passed when a nation could go its own way and still have a chance to survive the threats we face.

The events of the past two months have shown that many of our allies are still living in a dreamworld—in a nightmare world if you ask me. They assume they can merrily proceed with business as usual with the Soviet Union, despite the Afghanistan invasion.

When the President announced his decision to treat the Persian Gulf as a sphere of American influence, the New York Times reported:

"The gravity of President Carter's pledge to treat the Persian Gulf oil fields as 'a vital American interest', to be defended by force if necessary, was measured in Europe by a discreet high-level silence today . . . the Europeans have shown relief that the United States has taken the lead in seeking to deter any further Russian moves."

The NATO nations, totally dependent on oil from the Persian Gulf region, should have been begging to send military forces to join with ours in defending that region. Instead of sighing with relief that the U.S. may finally be acting like the leader of the free world, they should have been stumbling all over each other to be the first to openly congratulate and help us.

All this malarkey about "discreet" silence is straight out of an eighteenth century handbook on diplomacy. What is needed is not backstairs "discreet" talk but up-front encouragement and, more important, a willingness to send troops into the region in a joint effort.

France says she does not wish to lose the special trade relationship with the Soviet Union. West Germany wants to pursue the policies of ostpolitik.

But what will their trade policies and their ostpolitik be worth when the Soviet Union, through a combination of military economic pressure all over the world, isolates the western nations and picks them off, one by one?

The election of Pierre Trudeau as Canadian Prime Minister underscores the need for the United States to get the majority of its allies working in concert. Trudeau will no doubt pursue a foreign policy that seeks an opening to the Soviet Union, unlike the policies of former Prime Minister Joe Clark. If Trudeau chooses to take Canada in the direction of a policy of detente, the other nations of the alliance might seek to emulate him or use him as an excuse for their own policies of detente. We have to act now to see to it that our allies know we want concerted action, not piece-meal politics. The political eccentricities of Mr. Trudeau should not be allowed to set the course for the industrial democracies. He will seek to implement the policies of a detente that is no longer useful; we have to convince our allies—including Trudeau—that it is in all our interests to turn our backs on the discredited detente theory and work together.

The President of the United States has to communicate these cold, hard facts of life to our allies. Nobody expects nations to act like Sunday-school classes. But national self-interest alone should dictate a policy of cooperation.

The President should remind them of Benjamin Franklin's observation at the signing of the Declaration of Independence: "Well, gentlemen, we had better all hang together or most assuredly we will all hang separately."

Candor compels me to admit there is good reason for the half-hearted support we have received in recent months. If I were in the shoes of our allies, I, too, would be wondering why I should go out on a limb for the Carter Administration. The nations I speak of have witnessed three years of confused policy, three years of a President scolding his own people for what he once called "an inordinate fear of communism." It is a small wonder that when our allies are called upon to join with us they hesitate.

I am told that one foreign diplomat recently told another: "The trouble with being allied with the Americans is that you never know when they're going to turn around and stab themselves in the back."

The United States must put aside the combination of self-congratulatory piety and wishful thinking that have been substituted for foreign policy for the past three years.

We need something more than a "quick fix" on defense matters. We need a sustained commitment, militarily and economically, to defend our interests. We must make certain that those interests are never again exposed to the kind of threat we now face.

The basic minimum requirement for a strategy of collective survival for the industrial democracies is a United States that has the strength of a leader, the will of a leader and the commitment of a leader.

If we can't immediately show our allies that we mean to stay the course, nothing we ask them to do in our mutual interest will be done.

So the first thing that must be done is for the United States to start back on the road to national pride and power. We have to curb inflation now. We must increase production now; we must make our defense and security systems equal to their tasks now. We must start looking out for "number one" instead of being visiting preacher to the world.

When we do that—and only if we do that—the allies will be willing to take the risks necessary to build this collective security system of which I speak.

What, then, is the best mechanism to implement a strategy of shared responsibility and shared commitment among the industrial democracies?

As you know, there have been Congressional resolutions in the past calling for an Atlantic Convention leading to an Atlantic Union. This idea is based on a noble purpose, which is for the NATO nations "to transform their present relationship into a more effective unity, based on federal or other democratic principles."

This is a very admirable aim. But it is not what I have in mind. I am not concerned with some future federal union of the countries involved. I'm concerned with their present survival and their future ability to meet threats.

We have enough trouble with our own federal union without taking the additional burden of trying to make the NATO countries, Japan and ourselves agree on some unifying federal plan.

I would prefer to see another kind of international mechanism, not a "league" or "organization" with a permanent bureaucracy, but something less formal. We might call it the Conference of Industrial Democracies.

I do not wish to offer specific details about the way such a conference could be organized. Obviously, there would first have to be a meeting of middle-level officials to set some kind of agenda.

If agenda agreements could be reached at the initial meetings, other meetings could be held periodically in a major city of one of the member nations. In times of emergency, a special meeting could be called if a majority of members wished it.

At these meetings, four major issues would be discussed, reviewed and, perhaps, made the object of joint policy:

First, what is the current condition of the industrial, agricultural and military capacity of the member nations? In short, how are we doing in fields in which we must be at our best? If we have dire problems, how best can we solve them together?

Second, what are the current threats to the economic stability, the political freedom and the desire for peace on the part of the member nations? One meeting might discuss OPEC; another might discuss the Soviet Union's latest moves. Current threats and possibilities of threats could be given attention.

Third, how are the member nations promulgating those ideas that provide the foundation of their political systems? In short, are we using international broadcasting effectively? Are we aware of current ideas that may soon transform international relations?

Fourth, is there any scientific discovery, social movement or demographic change, within a member nation or in the world at large, that should be analyzed in the interests of security or self-interest?

Over thirty years of experience at the United Nations must have taught the major nations that discussion is no substitute for effective action. If the organization I envision operates successfully, it will formulate joint policy on many matters affecting the nations.

Let me give you but two examples of what I mean.

If such an organization had existed, say, six years ago, there would have been a forum in which the industrial nations could have immediately attempted to formulate a policy toward the OPEC demands. I'm not saying that if we had such an organization the OPEC prices would not have risen. But the conference would have given all the major industrial nations a chance to examine the dire consequences, unimpeded by the Third World harangues and Soviet-Bloc disturbances that make such joint analysis impossible at the United Nations.

If such an organization existed, we might have had a joint policy on trade with the Soviet Union, a policy that clearly spelled out the intentions of all the nations if confronted with aggressive Soviet behavior.

There is currently no central place where matters such as the threat of the growing Soviet merchant marine, the question of peaceful nuclear power, and ideas about world-wide communications by space satellite can be discussed in the context of shared values and shared interests. Each of these questions and others can, of course, be discussed on an ad hoc basis—but we have had too much "ad-hoc-ism".

And I think the time has come for the United States to have a good, long talk with our allies and explain that we are all going to have to carry equal burdens of defense spending. The time has long passed when America should be expected to play the role of Big Daddy for Western Europe. The fact of the matter is that our allies are not carrying their share of the load. And while we're at it, we should also ask Japan to take a look at its defense force capabilities. I know they have a constitutional provision forbidding them to, in effect, create a military force for offensive purposes. But they can and should beef up their defense.

This kind of thing cannot be accomplished at periodic summit meetings. Most summit meetings degenerate into one-man or two-man shows, in which the principle points of interest are the heads of state. The conference I have in mind will not be some kind of geo-political allstar game. Its importance will not be found in the star quality of the representatives, but in the quality of the ideas and policies that emerge.

I have stressed the word "survival" thus far. I wish I did not have to. But the facts are plain to see.

Yet we can't always be thinking defensively. The Soviet Union is strong. But it has many weaknesses. Its economy is riddled with problems. While there is no immediate chance for the predicted emergence of non-Russian ethnic groups—in twenty years they will make up about fifty percent of the Soviet Union—the Kremlin rulers still have to keep an eye on that situation. Soviet productivity is low. Their agricultural problems are legendary.

We should exploit Soviet weakness. We should have in our minds not just mere survival, but the triumph of our values. If we don't believe in that triumph, we will be fighting a holding action in the long, gray twilight of history. This conference can remind us of who we are and what we have to fight for.

I am aware of one great danger in all of this.

Suppose that during a crisis the conference breaks up into the old, selfish, squabbling ways, each nation trying to save its own hide by turning away from the others?

Such a thing is possible. And I do not wish to minimize the danger involved in such a fiasco. The Soviet Union would have a field day, eagerly spreading the news of our failure all over the world.

But I say we are faced with two risks. One is the risk of not trying to join together. This risk is even greater than the one of trying and failing. Because if we don't try to join together it will only be a matter of time before the Soviet Union, slowly perhaps, but inexorably, tightens and tightens the noose around the individual nations. And when that noose receives its final tug, it will be too late to take a risk.

So I say let's risk the chance of failure. Maybe we don't have the common sense and the uncommon vision to save our values through enlightened self-interest. We had better find out sooner rather than later.

But I believe such common sense does still exist. I believe that while we should remain in and help to keep strong the UN and NATO and other useful organizations, we must have a place where the entirety of our interests—not just military, not just economic, not just idealistic—can be debated and defended.

The industrial democracies conference can be a means toward that end.

It is my hope that in this endeavor I receive the support of members of both parties who believe as I do, that a strong America in union with strong allies, still is the last, best hope for mankind.●

THE UNITED STATES IS NOT "DRILLED OUT"

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. KEMP. Mr. Speaker, before we vote on the windfall profits tax, let us stop and consider the potential energy resources that will be permanently put out of reach when the oil industry has to pay nearly $780 billion in taxes over the next decade. That is close to $1 trillion which could be used to develop the petroleum basins of the free world, most of which have not yet been adequately drilled or explored. That is capital which could be used to get at the tremendous amounts of oil trapped in tar sands and oil shale, to free the energy locked in Devonian shales and geopressured brines. As geologist and independent producer Michel Halbouty has pointed out so often and so eloquently, the United States is not drilled out, and neither is the free world. The energy is there, waiting for the drill, and it is only legislation like this which keeps us from a more secure energy future. As we prepare to pass this incredible new tax on the American people, let us stop and consider the magnitude of what we are about to do.

An editorial by Mr. Halbouty on U.S. and world oil resources follows:

[From the Wall Street Journal, Dec. 27, 1979]

THE UNITED STATES IS NOT "DRILLED OUT"

(By Michel T. Halbouty)

There is as much oil yet to be found in the United States—and the world—as has been found to date.

This opinion runs counter to the wails of pessimism emanating from Washington and, in many cases, the offices of oil company executives. Pessimism is a poison in our system and right now the country is reeling from a fair-sized injection.

Statements that a country, a state or a geological province has passed its peak of oil and gas discoveries have been common practically since "Colonel" Edwin Drake drilled the first well in 1859 near Titusville, Pa.

First, a few facts and figures:

There are approximately 600 prospective petroleum basins in the world. Of these 160 are commercially productive, 240 are partially or moderately explored, and the remaining 200 are essentially unexplored.

Around the globe 3,444,564 wells had been drilled up to 1978. Of this amount, 2,513,000, or 73%, were drilled in the United States. Yet the prospective basin areas of this country—on shore and offshore—comprise only 10.7% of the world's total. Thus 89.3% of the world's prospective basins saw only 27% of the wells drilled.

Indeed, the United States, Canada and Russia drilled 93% of the world's wells though only 37% of the prospective basins are under their control.

The discovered recoverable reserves of oil in the world are estimated at 1,142 billion barrels. Of this total, 163.8 billion barrels are in the United States, 15.4 billion barrels are in Canada and 121.1 billion barrels are in the U.S.S.R. The total is 300.3 billion barrels. Thus, in these three countries, which comprise 37% of the world's prospective basin area, 93% of the world's drilled wells found only 26% of the world's recoverable oil reserves.

RECOVERABLE RESERVES

In startling contrast, the Middle East prospective basins are relatively small—less than five percent of the world total—yet the Middle East contains 562.1 billion barrels of discovered recoverable reserves. Even more startling is that only 8,200 wells have been drilled in the Middle East. Of these, 800, or less than 10%, were considered as wildcats, and only 36 of the wildcats were decisive dry holes.

All this shows that the majority of the world's basins have not been adequately explored or drilled. Even the Middle East still has a great untapped potential.

The unexplored basins are not geologic mysteries, because sufficient work has been done to indicate their dimensions, amounts and types of sediment fill, and their gross structural aspects. The majority of them are in harsh physical environments such as the Arctic, deep water or remote interiors of continents.

Those in moderate areas are particularly significant because they can be drilled and developed at a relatively low cost. Several, such as offshore southern California, Gulf of Venezuela and the western Arabian peninsula, are adjacent to prolific producing areas.

Others, such as the deeper Gulf of Mexico, offshore Vietnam, and the Basin-and-Range Province of the western United States, already have indications of productivity. The United States Atlantic offshore, offshore Argentina and Brazil, and the East China Sea are somewhat removed from currently productive areas, but each appears to have many structures and a thick sedimentary section, and they certainly warrant extensive exploration.

However, before the petroleum can be found in areas where government companies operate and control the acreage, an alliance must be made with the private sector. It is obvious that the decrease in extensive exploration in most of the world's prospective areas is directly related to expropriation and takeover of concessions by government.

Exploration programs by government companies have not been effective, particularly in the OPEC countries. They have some excellent scientists and engineers, but not the depth in these skills necessary for a successful exploration program. The private sector, however, has the tried and tested skills—the so-called "know-how"—backed by 120 years of constantly increasing technology and operational background.

Joint ventures should be established where each party will own a share of the petroleum discovered and produced on some agreed and equitable formula. I think this can be accomplished, the required petroleum found and the probability of world economic chaos averted.

The potential in the U.S. is not only vast, but promising—not only for the next 20 years but well into the 21st Century. Up to this point, we have found in the U.S. approximately 450 billion barrels of oil. Of this amount, we have produced approximately 110 billion barrels and have another 40 billion barrels in reserve. The remaining 300 billion barrels are locked in reservoirs awaiting the secondary and tertiary programs which, hopefully, will enable us to produce approximately 30% or more of them.

There are 14 major basins in the U.S. and many small ones. The current producing provinces are classified from young, such as the North Slope of Alaska, to mature, such as the Gulf Coast of Texas and Louisiana. However, in every province—in every basin—more detailed exploration and drilling are required.

Judging from the large number of wells drilled in the U.S., it might appear to the layman that this country is all "drilled out." But most of those 2.5 million wells—perhaps three-quarters of them—were unnecessary and had little to do with exploration. They were drilled to exploit oil fields that had already been discovered; until some legal changes were made in the 1960s, anybody with a piece of land adjacent to an existing oil field had a big incentive to drill all the wells he could in the hopes of cashing in on somebody else's exploration success.

To find the new supplies the nation needs, we must wildcat in the boondocks, in areas virtually untouched by the drill, or in areas not adequately explored or drilled, like the Western states. And we must drill to the deeper horizons of all basins.

The earth scientists' understanding of the subsurface of the U.S. continues to grow. With that growth new geological concepts have been generated. As a result some areas that were considered unfavorable for oil exploration in the past are now considered favorable.

Five years ago if a geologist or geophysicist had recommended that a wildcat be drilled in the western overthrust belt, he would have been considered stupid. Now that belt is the hottest oil and gas domestic producing trend discovered in the past 20 years.

The Appalachian area has now been appraised as having high potential. Recent studies and seismic surveys showed that sedimentary rocks in the Appalachian overthrust belt may extend more than 100 miles farther east than originally thought. This could more than double the present area for oil and gas exploration from Virginia to Alabama.

The Western region, consisting of western New Mexico, western Colorado, western Utah, Arizona, Nevada, northern California, Idaho, Oregon and Washington, has not been explored adequately. Recent discoveries in Nevada and Oregon prove that more wildcatting is necessary to define the potential of the entire region.

THE SUBTLE TRAPS

Finally, we must conduct a purposeful search for stratigraphic, unconformity-oriented and paleogeomorphic traps, known to earth scientists as "subtle" traps. The oil in the great East Texas field accumulated in such a trap. It gave no hint of its presence to geologists and geophysicists. None of the customary geological signs were present. "Dad" Joiner simply liked the "lay of the land," and his drill bit found a bonanza of more than six billion barrels of oil.

Exploration for subtle traps has been virtually neglected by the petroleum industry simply because structures are easier to find with present exploratory methods. But the easier-to-locate structures are becoming fewer and fewer and it is time to concentrate much of our efforts on the subtle reservoir.

I do not discount the probability that many more East Texas fields are awaiting the drill. I think there are more subtle traps in petroleum basins than there are conventional structural traps because subtle traps generally are formed by constantly recurring depositional patterns which usually precede structural movement.

The geophysicists have not yet been able to delineate the subtle trap with their instruments and hardware. They are working on it, and if they can perfect the search, the breakthrough will be greater than when geophysics entered the exploration field.

I believe the oil is out there, waiting for the drill. It is waiting for wildcatters, whether individuals or major and independent oil companies. It is waiting for the daring and resourceful who can hunt it unencumbered by restrictive government regulations administered by pessimists.●

IRAN UNITES ALL AMERICANS

HON. DANIEL B. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. DANIEL B. CRANE. Mr. Speaker, Jack Thatcher, editor of the Daily Clay County Advocate-Press, in Flora and Clay City, Ill., has found a bright side to the Iranian hostage situation.

Mr. Thatcher points out that Iran, and specifically the Ayatollah Khomeini, has united Americans in a way that we have not seen since World War II.

Although the Iran crisis is of the utmost seriousness, perhaps the unity that has resulted will be but the first step in the spiritual rearmament of America.

The editorial follows:

OIL CRISIS SPURS PATRIOTISM

Iran has done it!

The small, backward nation has center stage, gathering the attention of the world, but particularly the awareness of the American public.

The action of Moslem fanatics in violation of international law, holding 60 or more Americans as hostage on American Embassy territory, has brought the American public together.

When was the last time you saw U.S. students on college campuses waving the American flag and singing the national anthem?

When did you last hear public comment throughout the nation sound so unified, positive and patriotic?

No such national spirit has been aroused since the 1940's during World War II. The police action of the Korean War with Harry Truman's "no-win" policy, nor the devisive Vietnam War received unified national support. The Vietnam War caused many of our college students to burn the flag instead of honoring it. Truman's holding policy and 38th parallel settlement of the Korean War had veterans and citizens wondering if the loss of American life had any meaning.

President Jimmy Carter's action to deport Iranian students violating our laws and freezing Iranian assets in this country received strong national support from all factions of the American fabric.

Such national public response in the U.S. comes as a disappointing surprise to Iranian officials. They expected our students to take up the Iranian cause because of the student rebellion here during the Vietnam War. They expected divided public opinion in the U.S. to tear us apart again as happened in the 1960's.

Instead, the call to battle of national will and pride has caused a closing of American ranks into a unified nation supporting its government. The terrorist technique blessed and supported by a stubborn 78-year-old Moslem priest has backfired. The threat to 60 American lives has angered and unified us.

The ploy of Iran's fanatical leader is an effort to shift the attention of his countrymen away from the inability of his people to solve Iran's political, economc and social problems. What better scapegoat could he find than to blame the U.S.?

The whole episode has had a healing effect on our country's dividing wounds. Our goal is the welfare and safe return of our 60 citizens held prisoner against their will.

History has shown that nations need unified causes to build national pride, especially when there have been divisions. Our nation now has such a cause. It may provide momentum to overcome our dependency on oil and control inflation.

Iran has done it!●

ALL-VOLUNTEER FORCE PLACES AN UNFAIR BURDEN ON MINORITIES

HON. JOHN J. CAVANAUGH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. CAVANAUGH. Mr. Speaker, for the past year, I have endeavored to bring to the attention of the Congress and the public the inherent unfairness of our current military manpower procurement system, a system which relies upon blacks and other minorities to meet its recruitment objectives, while effectively absolving the more economically and educationally advantaged of our society from any sense of obligation to contribute of their time and energy to the protection and improvement of that society. Now, as the Congress, the President and the American people begin to focus their attention on the inadequacies and unfairness of our current system and the need to acquire sufficient numbers of qualified personnel to meet the needs of our Armed Forces in the years ahead, other observers have recognized the inequity of the All-Volunteer Force concept and the need to devise a system which calls upon young Americans from all social strata to contribute to meeting the defense needs of their country. Before the Congress can undertake to remedy the serious shortcomings of the AVF, though, there must be a clear definition of what those problems are. In my continuing efforts to explore the nature and extent of the deficiencies and to share with my colleagues my views on this issue, I am today inserting into the RECORD another article concerning the current state of affairs in our Armed Forces. I am pleased that others are now coming to realize that we can no longer continue to call upon the least fortunate of our citizenry to make the sacrifices and to bear the burden of military service, while the vast majority of our more fortunate young people give little or no thought to such service, and I would ask my fellow Members to take a moment to read the following article which was published in the March 3 edition of Forbes magazine:

IS A DRAFT INEVITABLE?

(By Beth Brophy)

Even without the Middle East crisis, the U.S. might soon have to consider seriously a resumption of military conscription. It's this simple: The number of military-age males will drop sharply over the next decade. By 1990, the U.S. Census Bureau projects, 18-year-old males in the population will drop 19 percent from today's 2.1 million to 1.7 million. This is the pool from which the military draws recruits, and the decline will make the job of Army recruiters even tougher than it has been lately. Last year an investigation revealed that nearly 400 recruiters resorted to such dubious practices as coaching prospects, improperly verifying the educational qualifications of potential enlistees and even giving out answers on entrance tests to fill their quotas. That's a sign, if further signs are needed, that in an affluent society not many educated people want a military career.

Though he still pays lip service to the volunteer army rather than a draft, Joint Chiefs of Staff Chairman General David Jones says, "We have tough problems today, and they are going to get tougher as we have the demographic shift and fewer young people coming up to age 18." Retired Admiral Elmo Zumwalt says what most military people may really believe: "Without question we need a draft. The all-volunteer force has failed miserably."

Current proposals to reinstitute some form of draft, however, bring up some nagging problems from Vietnam days along with some newer variations like whether to draft women at all and what to do with them if drafted. When all eligibles register, the pool is much larger than the Army needs. During the Vietnam War, anyone with enough money to go to college or hire a lawyer could get an exemption.

Then there is a potentially explosive issue most government officials would prefer not to discuss: the increasing reliance on blacks and other minorities to fill the ranks as white recruits grow harder to find.

Martin Binkin, a senior fellow at the Brookings Institution, says, "The Army does have a disproportionate number of minorities, especially in the combat units, which are often 50 percent black." Which could mean that, in the event of war, a group that makes up perhaps 14 percent of the population would bear as many as 50 percent of the casualties. Binkin goes on to warn that a draft would not necessarily guarantee all segments of the population would share equally in the danger and sacrifice. Says he: "Even if we go to a lottery system, inequities creep in. Those with low numbers flock to enlist in part-time reserve units and the Air Force and Navy, so those services get the cream. The Army may well wind up with a heavy concentration of minorities." Toward the end of World War II, this problem was solved by closing enlistments and filling the needs of all the services from the draft.

Zumwalt, a former Chief of Naval Operations, suggests the reimposition of a draft with exemptions granted only in the interest of national defense, as in the case of medical and science students. "Life is full of unfairness," he says. "The best we can hope for is to get the least inequitable system."

More than "fairness" is at stake, however." Recruitment is a disaster verging on a scandal," says Joseph Churba, a military analyst with the Center for International Security, a private Washington educational organization. Churba points out that a modern military force needs a good deal more than just muscle power. He sees the draft as the only solution to military personnel shortages that have created yawning vacancies in skilled positions: 45,000 noncommissioned officers in the Army, 20,000 in the Navy, 5,000 in the Marines and 2,000 Air Force pilots. The reserve units need another 133,000 to reach the peacetime goal of 940,000 volunteers.

The failure of military people with long service to reenlist has caused what General Jones calls "our most serious personnel problem in the military right now," Jones blames the dropout rate on the failure of pay and benefits to keep up with inflation. He gets strong support from Melvin Laird, the former GOP congressman and defense secretary who is now a fellow at the American Enterprise Institute (the GOP's Brookings Institution). Laird, in a special study for the Institute, proposes hiking military pay by 17 percent or $5 billion, indexing GI salaries to inflation and paying those in uniform more than civil servants. ("The demand for jobs in the federal civil service far outweighs the supply," he argues.) As for fringes, Laird would make military housing available to half the enlisted personnel instead of the 20 percent who get it today, pay military families the full costs of moving, lift their housing allowances in high-cost areas and give extra pay to specialists with skills like computer programming. Such a combination of allurements, he figures, could make the volunteer system work.

But Laird and Jones are echoing Milton Friedman rather than Karl von Clausewitz. A volunteer army may make good free market economics, but it might not fit with modern military reality. Tanks, planes, ships and guns get more complicated every day, requiring better-educated recruits and improved training once they enter the ranks. Furthermore, there is strong sentiment for requiring a few years of service from those young Americans who have had the advantage of technical education. Need only the unskilled and the poorly educated serve? After all, Andrew Jackson emptied the jails of New Orleans for recruits to stand up to the British in the War of 1812. But soldiers in those days didn't need to know trigonometry.

JUDGING CANDIDATES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. HAMILTON. Mr. Speaker, if you ask the average voter what he is looking for in a political candidate today, it is likely that he will respond with the word "leadership." What he means by leadership is often hard to pin down, but it usually means someone with a steady hand who can solve the problems of the Nation or the community in a commonsense way.

Of course, the average voter may want to know a political candidate's position on a long list of issues from abortion to wage and price controls. It seems to me, however, that he is really searching for someone who can meet difficulties head on and steer a clear path through them. "Where are the Washingtons, the Lincolns, and the Roosevelts?" is the question several Ninth District residents have put to me recently.

At the same time, the average voter does not have much confidence in—indeed, he may be profoundly distrustful of—the political candidates who offer themselves as leaders. For the candidates themselves, the lack of confidence means not only that they must overcome the public suspicion about politicians, but also that, if elected, they must address scores of complex issues with very little public support behind them. Anyone on the campaign trail these days quickly becomes aware that people are deeply disappointed in the performance of the Government. In their view, the Government is not solving to their satisfaction the problems that concern them most. As a result, people are frustrated, angry, and even a little apprehensive about the future.

Given this mood, I think that there is a key question to be asked of any political candidate. In order to test the candidate's capacity for leadership, people must inquire about the things the candidate would do to make the Government work better. As I have pondered the kind of person we need in public office from the President on down to the county commissioner, I have come to a conclusion which often surprises people. They expect, I suppose, that I would stress the integrity of the candidate, his position on the issues, or his party affiliation. These are obviously important qualities, but let me offer another that should stand out in the minds of those of us who take seriously the responsibility of voting.

I have come to believe that the most urgently needed commodity in public life today is the official who understands the value of basic political skills. To put it another way, our most urgent need is for the official who can bring together different factions so that they work harmoniously with one another in the pursuit of similar goals. The business of politics is really the management of conflict, the softening of tension, and the accommodation of difference within our fabulously diverse society. The task of the politician is to learn all he can about competing claims and pressures, mediate among them, and search for an acceptable solution. Contrary to the image suggested by most novels and movies, this process of self-education, conciliation, and compromise is rarely dramatic. It involves setbacks, failures, and long hours of work. When it succeeds, it seldom satisfies everyone: Parties to the compromise are just a bit less unhappy.

Basic political skills appear to me to be very much in demand at this time since so many groups have sprung up across the land to protect their own special interests. In Congress we have the Black Caucus, the Irish Caucus, the Hispanic Caucus, the Export Caucus, the Steel Caucus, and the Ad Hoc Energy Caucus, to name a few. A Member of Congress meets with groups that favor gay rights, gray power, the Sun Belt, the Northeast, the legalization of marihuana, the All-Volunteer Military Force, and many others. These groups constantly remind a Member of Congress that factionalism in this country runs quite deep.

A politician, in his more contemplative moments, asks himself how he can help to diminish the separation and isolation of these groups so that all can work together. This, of course, is not a new question for a politician to ask, but the urgency with which it is being asked today is new. It will be asked more urgently still as we continue to grapple with energy prices, inflation, the Soviet threat, and other pressing problems at the national and local levels.

With all the centrifugal forces that operate to drive us apart, the process of governing America has become more complicated and contentious. We simply must find officeholders who are skillful in building coalitions, uniting hostile factions, and encouraging diverse groups to move ahead toward common goals. As much as anything else, whether it be a comprehensive energy policy or a credible nuclear deterrent, the Nation must have public officials with the uncommon ability to bring agreement out of discord.

The average voter, then, should be looking for political candidates who are, in a word, politicians in the best sense—men and women who pursue the business of politics as a vocation, knowing that it is a noble and necessary effort in a democratic society, and who want to improve the way government deals with the great challenges that confront our communities and our Nation.●

WHITE HOUSE CONFERENCE ON SMALL BUSINESS

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. RUDD. Mr. Speaker, it was my privilege last year to appoint Scottsdale businessman Murdo Martin as an Arizona delegate to the White House Conference on Small Business, which was held in Washington from January 13 to 17, 1980.

Mr. Martin is a straight talking citizen who strongly advocates a lessening of unwarranted Federal regulation of small business and Government interference in the productive efforts of the private sector generally.

Since his return to Arizona, Mr. Martin has been reporting on the results of the White House Conference on Small Business. The Scottsdale Chamber of Commerce included his guest column in the February 18 issue of its publication, Monday Report.

I am including Mr. Martin's report at this point in the RECORD:

[From Monday Report, Feb. 18, 1980]

GUEST COMMENTS OF MURDO L. MARTIN, PRESIDENT, REPUBLIC PROPERTIES, INC., SCOTTSDALE, ARIZ.

As a 20 year member of the Scottsdale Chamber of Commerce and a small businessman, I want to thank all of the members for the opportunity of telling about the recent White House Conference for Small Business.

My privilege has been to be a small businessman most of my life, and I learned early the basics of survival while hand-picking cotton in West Texas and later helping my Dad sell groceries from his truck to the miners in Ajo, Arizona. This "work or don't eat" training motivated my desire for education and entrance into the finance banking fields and ultimately the formation of our own small retail and development firm during the last thirty years.

I can still remember some of the "old days" when profit was not considered a dirty word and Washington, D.C. was the U.S. Capitol—not a year round financial Christmas tree from which we should all seek many gifts and external guidance.

After watching the small businessman get kicked around by the Government for the last decade, it was a pleasure to go to some of the White House Conference-Small Business regional meetings in other states during the last 14 months and hear from all the other little guys. There's approximately 14 million small business firms in this country, and they are unanimously saying:

"Do the politicians and bureaucrats know that we small business firms provide over half of the jobs in this country?"

"Why doesn't someone tell them we work and sweat to create over 70% of all new products in the nation?"

"Don't they know what causes inflation?"

"For God's sake, can't anyone convince some of those damned, eggheaded economists in Washington that their spending should be related to the country's gross national production and not how much new money they can print."

"Who writes those government regulations and what in hell are they saying?"

"How can I run my business during the day, if I stay up all night trying to comprehend what that damned gang of bureaucrats from IRS, OSHA, SEC, FTC, HEW, HUD, FCC, want to know about my outfit?"

"By golly, if we could charge them for our time and lawyer and accountants fees, they would all get together and soon simplify their forms and eliminate a lot of duplication and frustration."

"How can we convince the public that they are paying over 20% more for houses, aspirins, oatmeal, land, most other products simply because our own government has nailed the small businessman to the wall with costly and unnecessary regulations and paperwork?" (We heard this was a problem with some of our big business friends also.)

"How can I possibly expand my business and create one or two new jobs next year when those guys from IRS grabbed most of my profit, even though I worked 80 hours a week trying to make everything function and pay my debts?"

Some 1,600 of us were elected or appointed by our Congressional delegations to attend the White House Conference on Small Business in Washington, D.C., in mid-January, 1980. It was a great bipartisan mixture of wonderful, unselfish people who were there to reduce all of the many things we have been hearing for several months down to some 15 major issues. We presented some 60 total nationwide major problems affecting small business and by vote narrowed it down to 15 urgent issues for immediate attention of the President and Congress. We were in caucuses and workshops from early morning until after midnight during most of the Conference, and it was certainly a hard-working, no nonsense type of gathering of people who were there to say: "We love our country and its many blessings, but the governmental agencies have exceeded their authority and in many cases, the intent of Congress. Get the damned bureaucrats off our backs and we'll work like hell to straighten out some of the problems."

We passed a unanimous resolution to refuse any government reimbursals for our time and our travel expenses, etc., and understand this hasn't happened in Washington for several years!

Within 60 days, the finalized 15 major issues voted by the delegation will be nationally publicized and plans made for legislative action. We delegates make no wild promises but can ask the small business people to take heart because it does seem that there is a genuine groundswell to modify some things that somehow got rather sadly screwed up.

As a small businessman, I would plead with all of you to take a closer interest in our city, county, state and federal governments, and remind your representatives that you're interested in their activities or inactivity. It is still a government of, by and FOR the people.

Thanks for your interest.●

DENY U.S. PORT ACCESS TO SOVIET MERCHANT VESSELS

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. SHUMWAY. Mr. Speaker, this week the House Committee on Merchant Marine and Fisheries conducted hearings on the issue of denying the Soviet Union's merchant fleet vessels access to U.S. ports as long as Russian troops remain in Afghanistan. I submitted testimony in strong support of this measure, which I perceive to be a strategic and effective blow against a keystone of Soviet economic wellbeing.

Indeed, my conviction that U.S. ports should be closed to Soviet merchant ships is strong enough to have motivated my own introduction of legislation to achieve this denial. Since the Soviet Union possesses the world's largest merchant fleet, and since that fleet is critical to the Russian effort to obtain much-needed hard currency, a curtailment of U.S. operations would certainly be hard felt.

Subsequent to my submission of testimony to the Merchant Marine Committee, I came across an article in Armed Forces Journal authored by a former intelligence official who has elected to write under a pseudonym. Entitled "Economic Warfare: How To Play Hardball With the Russians," the article suggests various ways in which the bloodless weapon of economic warfare might be implemented during the 1980's. The first such suggestion: "Cutting Off the Soviet Bloc Merchant Marine." At this time, I share the text of this recommendation with my colleagues, and commend it to their attention:

ECONOMIC WARFARE: HOW TO PLAY HARDBALL WITH THE RUSSIANS

(By Alexander Scott)

CUTTING OFF THE SOVIET BLOC MERCHANT MARINE

The International Longshoreman's Union has already focused on one such option. During the last 20 years, the U.S.S.R. has vastly improved its influence over world trade, its power projection capabilities, and its ability to wage submarine warfare by building up a massive Soviet merchant marine. While the Soviet fleet was only about 400 ships totaling two million tons at the end of World War II, it included 1,700 ships of over 16 million dead-weight tons by the late 1970s. It is now first in the world in number of ships and sixth in cargo carrying capability, while the U.S. ranks tenth in both categories. The Soviet fleet has also built up substantial roll-on and roll-off capabilities and covers virtually all of the world's major ports and trade lines. It is planned to increase to well over 2,000 ships and 20 million tons by the mid-1980s.

Virtually all of this merchant fleet, however, is indirectly subsidized by the West. The Soviets have created it by underbidding free market carriers. One example of this Soviet effort is the Soviet traffic to the United States. The Soviets have so underpriced their cargo charges that Soviet merchant ships now call at well over 70 U.S. ports, and account for an increasing part of total merchant ship traffic from Europe. The Soviets have even used the famous "Uncle Sam Wants You" poster, and a dummy name avoiding all mention of Soviet ownership, to advertise their cut rate shipments to the U.S. in British newspapers.

We and our allies get nothing out of allowing the Soviet Union to use U.S. or Western ports. On the other hand, the U.S. would gain a great deal by closing its ports to Soviet flag, Soviet built, or Soviet equipped ships; and by placing a stringent tariff on any cargo being imported into the U.S. by a firm which uses Soviet merchant carriers anywhere in the world. Such Third party use of Soviet carriers seems easy enough to track, particularly if the same rewards are used as reporting for customs violations.

Such a U.S. action might well force a good portion of the Soviet merchant fleet into mothballs. And, although such a U.S. policy would exact some minor economic penalties on free world nations during its first months, it would be certain to stimulate free world shipbuilding and merchant marine traffic over the long haul, have a substantial long term economic benefit to the West, and greatly increase Western capacity to absorb Soviet submarine attacks against a larger and more modern merchant fleet.●

THE MRS. SOUTH DAKOTA CONTEST

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. DASCHLE. Mr. Speaker, recently, I had the honor and distinct pleasure of judging the Mrs. South Dakota pageant for 1980. It was a most enjoyable task. Not only does one meet some of the most articulate, poised, and beautiful women which our State has to offer, but one learns quickly to fully appreciate the work, time, and involvement which it takes to stage such an event.

A great deal of attention and publicity has always been given to the traditional pageants held each year—Miss America and Miss U.S.A. But, certainly no less an impressive event, the Mrs. America contest deserves equal support.

Our new Mrs. South Dakota, Mrs. Doreen Hazeldine of Spearfish, is a woman of immense talent. She is a computer merchandiser and analyst. She is active in church and community affairs. And, she will represent our State very well. I know I join with the hundreds of thousands of South Dakotans who congratulate her and wish her well as she begins her reign.

Mr. Speaker, I respectfully submit the news account of the recent South Dakota pageant be inserted into the CONGRESSIONAL RECORD:

Fourteen wives from across the State of South Dakota competed for the title of Mrs. South Dakota 1980 at the Western Mall Shopping Center in Sioux Falls, on Valentine's Day, February 14.

The pageant kicked off with a Mrs. South Dakota fashion show at 3 p.m. in the center court of the mall with pageant finals at 7:30 p.m.

The panel of judges included: Eleanor McGovern, Washington, D.C., Congressman Tom Daschle; Eleanor Rhodes, Washington, D.C.; fashion designer Hanni Delwiche, Minneapolis, Minnesota; interior designer Jeanne Stoner, former Mrs. Minnesota; and nutritionist Mrs. George Machler, Montana.

Competing in the pageant were Lottie Alan, Belle Fourche; Doreen Hazledine, Spearfish; Mary Wilkes, Wendy Hallauer and Myrna Burnette, Rapid City; Sharon Bad Warrior, Eagle Butte; Linda Bruce, Mithcell; Crystal Fischer, Olivet; Jan Steensland, Canton; and Debbie Ovenden, Sharon Manuel, Judy Backstrom, Saundray Ohlsson and Julie Waagmeester, Sioux Falls.

Crowned Mrs. South Dakota 1980 by Cheryl Junck—Mrs. South Dakota 1979—was Doreen Hazledine, 31 years old. Doreen is an OTC computer merchandiser. She received her B.S. in elementary education at Black Hills State College in Spearfish, South Dakota. She is very active in church and community affairs and her hobbies include jogging, reading, tennis, and skiing.

Runner-ups were: Saundray Ohlsson, Hartford—first runner-up; Crystal Fischer, Olivet—second runner-up; Debby Ovenden, Sioux Falls—third runner-up; and Mary Wilkes, Rapid City—fourth runner-up.●

TRIBUTE TO HARLEY STAGGERS

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1980

● Mr. ZABLOCKI. Mr. Speaker, while I wish the world of happiness and success to HARLEY STAGGERS in his retirement, I frankly am saddened by his decision to leave the House. HARLEY and I came as freshmen classmates to the 81st Congress, some 32 years ago. Over the years I have come to know him as a forceful, hardworking politician, and a well respected man of integrity.

Born in a log cabin in West Virginia, HARLEY rose to the top never forgetting his roots. He consistently championed the rights of thousands of Americans in his impressive legislative record. As the powerful chairman of the House Interstate and Foreign Commerce Committee, HARLEY directed legislation in the fields of health, transportation, communications, energy, consumer protection, and the environment.

The jurisdiction of his committee is diverse: But, HARLEY has long proven his competence in handling issues of varied concerns. His background indicates a talented flexibility in tackling many different fields. He has been a teacher, a sheriff, right-of-way agent, a coach, a State official, and a naval officer.

Mr. Speaker, HARLEY STAGGERS is a persistent dedicated legislator in all fields who does not give up when the pressure becomes intense but sticks to his positions and commitments. Most importantly, his battles are fought out of a profound sense of duty to his country and his conscience.

Mr. Speaker, HARLEY STAGGERS is one of the ablest and nicest men I have served with in the House of Representatives. He will be sorely missed by all. I extend my deep and sincere best wishes to HARLEY, his wife, Mary, and his entire family for a healthful and happy retirement.●

JAMES WALTER JENNINGS, JR.: AN EXTRAORDINARY LIFE

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. McKINNEY. Mr. Speaker, in a race or contest, a handicap is defined as an advantage but when used in reference to a human being, it generally describes a hindrance or a disability. In the case of James Walter Jennings, Jr., the definition came out the reverse. A Norwalk, Conn., native, Mr. Jennings passed away late last month at the age of 49. At the time of his death, he was an engineer with the Demonstration Division of the Federal Highway Administration here in Washington.

In his earlier years, he was elected to the National Honor Society while in high school and he later graduated, with honors, from the Michigan State University School of Engineering. Mr. Jennings was multilingual, an accomplished musician and he held membership in a number of honorary societies.

He was also blind, having been so for most of his life, but this handicap was merely incidental to his daily endeavors and accomplishments.

It should be said, however, that it did not come easy and his is an extraordinary story which was recently pieced together in inspiring fashion by award winning reporter Francis X. Fay, Jr. What follows is Mr. Fay's account of the life of James Walter Jennings, Jr. as published by the Norwalk, Conn., Hour. It merits the attention of every Member of the House.

The story follows:

FIRST BLIND CIVIL ENGINEER DIES AT 49

(By Francis X. Fay, Jr.)

Few who watched the short cortege wind its way from the Raymond Funeral Home to Riverside Cemetery in Norwalk Tuesday were aware that the hearse was carrying the remains of the world's first blind professional civil engineer.

James Walter Jennings Jr., who defied all the odds arrayed against him by his affliction, was laid to rest by a small group of relatives and friends under leaden skies on a damp winter afternoon. The only child of Laura Martin Jennings of 33 Hayes Avenue and the late James W. Jennings had died last week at the age of 49 in the Washington, D.C. home he had purchased shortly after gaining employment in 1964 with what has become the Federal Highway Administration of the U.S. Department of Transportation.

As Rev. Paul Dorsee of Grace Episcopal Church read the traditional committal prayers, a single jet fighter flew low over the cemetery. It meant nothing to the mourners, but brought a noticeable smile to Walter's mother. She said later the smile reflected remembrance of Walter as a child before total blindness engulfed him. "He had a huge scrapbook full of war planes and wanted to be a flyer for Uncle Sam when he grew up."

Even as he was creating the scrapbook, Walter probably feared the inevitable. Vision was becoming a greater problem and he was saved in elementary school only because of the large print in the books and the fact that he wrote with a big crayon. Doctor after doctor offered little hope. After one examination when about six, Walter had asked his mother: "Am I really going blind? You won't let me go blind, will you Mom?" Mrs. Jennings remembered: "I told him it would get worse before it would get better. It was painful but I had to say it."

MOTHER READ TO HIM

By junior high school age he had become more dependent upon his mother as a reader of books for him late into the night. He would also take long walks with her to the Norwalk and South Norwalk shopping centers. They were a frequently encountered pair walking arm and arm during the decade of the '40's. At about the age of 10, he had begun the study of Braille with a Norwalk teacher named Alice McCormick. She would later translate textbooks into Braille for him as he went through secondary school, a task he would take over for himself in college. One day while in Roger Ludlow Junior High, he confided to his mother that the reason he was on the high honor roll was because: "I decided that if I was going to be blind, I would show them that I could be as good or better than they are."

That determination was to remain a trademark for life, gaining for him the respect and admiration of those with whom he studied and worked. At Norwalk High School between 1947 and 1950, he asked no favors. He was brought to the door of the school every morning by his mother and left on his own for the rest of the day. He could locate his locker and his home room. He was granted the privilege of leaving class one minute before the bell rang in order to escape the mad corridor rush. He was usually escorted by Jack Hanzlik, a top athlete and scholar who was named at graduation the "best all around" in the Class of 1950.

HONOR STUDENT

Walter, as he was known to classmates, did extremely well at HNS, finishing with a 93 average and gaining election to the National Honor Society. The story of this election drew nationwide response. A young lady named Pearl Leidy of Georgetown, S.C., wrote then Mayor Irving C. Freese about donating one of her "good" eyes to Walter because "I feel very proud of him, but it hurts me to think that he can't even see the world in which he has accomplished so much." Mrs. Jennings turned down the offer because she "didn't want that girl to sacrifice that much." She also believed that a "miracle" might someday restore his sight. She never gave up this hope. As late as 1978, she prevailed upon Walter to have "one more eye examination." He complied with her wish, but a letter in her file from a Washington opthamologist indicates there is no cure for "atrophy of the optic nerves."

Walter graduated 10th in his class of 320 students, but found his ambition to become an engineer stymied at every turn. Fifteen colleges in the East accepted him for matriculation in their liberal arts departments, but none would acquiesce to engineering. He declined all the liberal arts offers and persisted in seeking admittance to an engineering program. He went so far as to travel to Montana in an attempt to matriculate in a state school there.

The difficulty he faced can be understood from a letter sent in the spring of 1950 to Miss Laura LaMarre, the NHS guidance counselor. It was from the executive secretary of the American Society of Mechanical Engineers and read in part: "I would say that I can give you no encouragement for your student who is blind and desires to enter engineering. After consulting with a number of other people as well as from my own broad experience, I know of no one who has ever been in the engineering profession who was blind. I also consulted with several engineering educators and they said they would not admit a blind student to their programs. I think, therefore, that Mr. Jennings, while very much to be admired for his ambition, will find better opportunities for usefulness in his life in music or some other work."

A MUSICIAN

Walter could play six instruments by this time with some facility, but demurred. However, he did accept a spot at Danbury Teachers College which a teacher, Victor Hanford, managed to help him locate. Although many told him he would make an excellent teacher, Walter was very discouraged. He left Danbury after one year and came home.

Somehow he and his mother managed an appearance on the popular television quiz show of the time, "Strike It Rich." The money was secondary, but network exposure was not. Way out in Michigan, the wife of the dean of Michigan State University School of Engineering saw the show and prevailed upon her husband to let Walter matriculate. The Norwalker did him proud, graduating in 1957 with honors and gaining election to several honorary societies for excellence including Phi Eta Sigma (Freshmen honorary), Green Helmet (MSU Sophomore Men's honorary), Tau Beta Pi (Engineering honorary), Chi Epsilon (Civil Engineering honorary), Pi Mu Epsilon (Mathematics honorary) and Delta Phi Alpha (German honorary).

Obstacles remained, however, because no company or corporation would hire him as a professional engineer. He went to several states looking for work without success. In desperation, he took a two year course in Russian offered at Georgetown University. The government sponsored program was aimed at providing blind interpreters for foreign agencies on the theory that blind people unlike others would not be distracted in their work. Walter didn't like the work and eventually landed the engineering job that was to occupy him for the remainder of his life.

When he died he was in the Demonstration Division of the Federal Highway Administration. He was rated G9 on the government pay scale which is above average and worked at showing through computer technology the advantages and disadvantages of the latest research in highway construction. He had acquired a guide dog since arriving in Washington and brought her every day to work. His other special equipment included a Braille typewriter, a Braille slide rule, a tape recorder and a Selectric II with the interchangeable balls of type. Using these "tools" he managed to earn a $300 incentive award a few years ago and to be named second in a contest to select the Handicapped Person of the Year in the District of Columbia.

The Hour also commented editorially on the life of Mr. Jennings and I include it in the RECORD at this time:

AN EXAMPLE FOR ALL

The news columns today take due note of the passing of a former Norwalker, James W. Jennings, 49, in Washington, where he was an engineer for the Dept. of Transportation.

Nothing out of the ordinary, at first glance. But James Jennings was blind from the age of 15; he overcame gigantic odds to become, as far as can be determined, the first blind civil engineer in the country.

He never attended a special school for the blind but went on to complete the requirements for his degree and additional studies in engineering, all the while competing with students with all their faculties.

His decision to enter the engineering went against the advice of those already in the field; he proved them wrong.

Once, when cited by a government committee for his accomplishments, a superior wrote:

"He is a living demonstration of how a positive attitude toward a handicap can permit one not only to overcome it to the point where he can lead a passable life, but to even excel in his chosen field of endeavor . . ."

His accomplishments will stand as a goal for all handicapped persons. Misfortune was far from being an adequate foe of Mr. Jennings.●

OUR BROTHERS IN THE SOVIET UNION

HON. MILLICENT FENWICK

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mrs. FENWICK. Mr. Speaker, Brotherhood Week reminds us all of our responsibility—as the fortunate citizens of a free country—for those who are caught in the prison countries of this world. Some are in prison because they asked that their country obey its own laws. Some are jailed because they tried to leave. There is little we can do but protest such cruelty and injustice and remember their names. I put before you the names of these four suffering people:

Gregory Solomonovich Gimpelson, refused permission to join his son here.

Iosif Mendelevich, sentenced to 12 years at hard labor for trying to leave the Soviet Union.

Aleksei Murzhenko, serving a 14-year prison sentence for distributing leaflets.

Yuri Federov, sentenced to 15 years in an especially strict regime camp for trying to leave the Soviet Union, punished in that camp for wearing a cross.

One is reminded by these four bitter histories of what Jacobo Timerman wrote after his imprisonment in Argentina. He was concerned with dictatorships—authoritarian governments—whether of the right or of the left. "The simplest formula for arriving at and staying in power," he wrote, "is the unlimited destruction of human right." This seems to be the terrible lesson of this savage century.●

COLORADO'S VFW ESSAY WINNER

HON. JAMES P. (JIM) JOHNSON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. JOHNSON of Colorado. Mr. Speaker, each year the minds of many students are stimulated by the preparation of essays for the Veterans of Foreign Wars Voice of Democracy scholarship contest. The following is an example of one of the outstanding essays this annual contest inspires, and was submitted by Colorado's winning contestant, Dana Lynn Crooks of Sterling, Colo. The essay reaffirms values we hold as American citizens, and I am pleased to call this fine essay to the attention of my colleagues:

MY ROLE IN AMERICA

(By Dana Lynn Crooks)

My role as an American has been a long time in the making. It began over two hundred years ago when a free nation was only an idea in the minds of restless men. Historians have always maintained that a democracy is an imperfect form of government. They hold that the masses are incapable of governing themselves. They had not reckoned with a country of common men with "uncommon ability."

In 1775 when the rallying call was sounded for men to join in the revolution—it was not answered by precision-trained soldiers, but by men of the soil in mud-caked boots; by carpenters and teachers; by men who had little in common save a desire for liberty. These "tatterdemalions turned soldier" would dare to challenge an empire. They would fight. They would be victorious. America was born.

Not content with achieving freedom, a constitution was drafted to forever preserve it. It has withstood the test of time. Where but in America are there the guaranteed freedoms so often taken for granted? We enjoy the freedom of speech, press and religion. We may have our day in court. We may assemble freely. We may bear arms. Men died for these things. Can I do less than live for them?

To whom much is given, much is expected. May I ever possess the courage shown by those early Americans. May I never hesitate in defense of their creation. Let me be ever alert to that which might cripple or destroy it. Let me remember that its laws are drafted for the good of many. If it should become evident that obedience is oppressive, let me seek to change the laws, not blindly refuse to follow them. In a democracy, order must be preserved.

Let me, as a citizen, take full advantage of every freedom. Let me vote and elect those most capable of preserving those freedoms. I will carefully choose my representatives, not from those who promise immediate solutions without sacrifice, but from those men and women with a thought for the future, no matter how unpopular they are at the time.

If I am asked to serve in any capacity, at any level of government, I will not hesitate—I will do so. I would hope to serve without a thought of personal gain, remembering always that elected officials are servants of the people. In that capacity, a knowledge of history, a familiarity with the workings of government become an obligation—as it should be with all Americans. An enlightened people can be the key to a nation's future.

Schooled leaders have emerged when we have needed them most. There were military strategists who have lead us victoriously through some terrible wars. There have been lean years but there were men to lead us to a time of plenty. I know the value of education. I, as a citizen, am aware that I have an obligation to help provide the best teachers, the facilities for our young people, that they in turn may help preserve the future.

If you would know a country, look at the traditions it leaves its young. Time was when every school child said the Lord's Prayer and repeated the Pledge to the Flag. Men pledged their lives to God and country. I can do no less. Some of our old virtues have regretably become unfashionable. May I never become so worldly, so complacent, that I no longer have a thrill of pride when the Flag goes by or I hear the National Anthem. May I always feel a pull at the heartstrings when a bugle cries for a fallen soldier.

There are those from my generation who dream dreams of a peaceful world where no man will know want. They plan a peaceful, involved life for our aged, a comfortable life for families, a renewable energy source; work with adequate pay for everyone. As an individual, I must support all this. If there are those who scoff at this utopian idea, are they not the ones who two hundred years ago would have scoffed at the dream of a break with tyranny?

Whatever my role, let me look to tradition for guidance that I may now prepare for tomorrow, "for if we start a quarrel between the past and the present we may find we have lost the future."

Let us all so live—that if America lasts a thousand years—men will say, "This was the most perfect example of democracy the world has ever known."●

PASSING OF HON. WILLIAM M. McCULLOCH

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, February 22, 1980

● Mr. STOKES. Mr. Speaker, I rise to note with great sadness the passing of our former colleague, William Moore McCulloch of Ohio.

During his 26 years in Congress, this quiet, yet extremely effective legislator was a steady strong defender of civil rights. He was the leading Republican champion of that cause from the early years of Federal civil rights action through the end of his career. The gentleman from Ohio actively supported the first major civil rights legislation, the Voting Rights Act of 1957, and, as ranking Republican on the Judiciary Committee, was instrumental in passage of the Civil Rights Act of 1959, an antibombing bill in 1960, the Omnibus Civil Rights Act of 1964, the Rigid Voting Rights Act of 1965, and the Open Housing Act of 1968. He also consistently battled efforts to weaken any civil rights measures, both at inception and renewal. He once, very aptly, was called, the patron saint of civil rights legislation, for without his advocacy, the Federal safeguards adopted in the 1950's and after might well have been delayed 20 years.

Yet, the best measure of the character of Bill McCulloch is the fact that his civil rights support was born totally of conviction, not political expedience. The area around Piqua, Ohio, his home, has almost nothing in the way of minority constituency. When asked to explain his voting record, he spoke of rights guaranteed by the Constitution and the limited number of people in a position to enforce them, and said simply:

> I think there are obligations on a man who is elected to Congress to try to implement some of these basic thrusts . . .

Mr. Speaker, those of us who had the pleasure to serve with Bill McCulloch in Congress have lost a valued colleague and friend. Yet, more than that, with the death of our friend, advocates of civil rights guarantees throughout the country have lost a true champion.●

ACTORS MAKE CLEVER POLITICIANS

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. McCLOSKEY. Mr. Speaker, last Saturday, I attended a widely publicized debate between the two front running Republican candidates in New Hampshire. Polls had Ronald Reagan and George Bush running dead-even and together they were expected to garner 70 percent of the total Republican vote on the following Tuesday. The debate was really more a dialog than a debate; both candidates answered a number of pointed questions from a panel of journalists; there were not more than a handful of issues on which the two indicated even a minimal disagreement. Both participants spoke politely, knowledgeably, and well, and an unbiased observer would have rated them both as good potential Presidential material, measurably higher, in speaking ability, at least, than the current White House incumbent.

An event occurred before the debate, however, which attracted intense media attention for the next 3 days, and which changed the dead-even race into a landslide victory for one of the participants.

This event was staged by the ultimate winner, Ronald Reagan, and it clearly changed the minds of at least 15 percent of New Hampshire's Republican voters.

Stalking on stage before a packed gymnasium in Nashua, Reagan angrily accused the debate's original sponsor, the Nashua Telegraph, of denying participation in the debate to the four other Republican candidates who walked on stage waving and smiling to the crowd.

As the attached editorial in a Dover, N.H., newspaper points out, Ronald Reagan played a hypocritical role in claiming to be the fair leader, "willing and eager to have all the candidates share the spotlight with him and George Bush."

The facts were precisely the opposite.

For weeks, Reagan had insisted on the two-man format. On at least eight occasions prior to the debate Reagan had refused to a debate if the other Republican candidates were included. His desired opponent, George Bush, eager to meet his principal adversary one-on-one, had agreed to the two-man format.

When the Federal Election Commission ruled that the newspaper sponsor could not pay the debate's $3,500 cost, Reagan agreed to pay the costs himself.

On the afternoon of the debate, Reagan changed his mind and invited the four other candidates still in New Hampshire—Connally had gone home—to attend the debate, over the objections of the debate's sponsor which argued that the rules should apply which Reagan had originally demanded and to which Bush had agreed.

Here Reagan showed consummate acting ability, confronting the assembled national media, the moderator and a packed gymnasium, acting the part of the champion of full and fair debate * * * demanding inclusion in the debate of the four obviously delighted minority candidates—Baker, Anderson, Crane, and Dole ultimately received 13, 10, 2, and 0.5 percent of the vote, respectively.

In an angry exchange with the debate moderator, Reagan made his point, and then finally acquiesced with the moderator's refusal to change the rules.

Bush, who had earlier advised the sponsors that he would accept any rules they wanted to make, including full participation by the other candidates, sat silent throughout Reagan's act.

The result: Reagan increased his vote by perhaps 15 percent, with Bush's vote decreasing in the same amount.

I can confirm this from personal experience, because in campaigning throughout southern New Hampshire during the ensuing 3 days, I found that at least 15 percent of New Hampshire voters who had seen the media coverage of Reagan's words and Bush's silence, had accepted the view of Reagan as the champion of fair play and Bush as the opposer.

For 3 full days the Nation's media portrayed the event as one where Reagan, the gentleman, had showed class and fairness and Bush the opponent, petulance and naivete. Three of the four other Republicans bitterly attacked Bush for having excluded them. Only Crane finally realized that he had apparently been used by Reagan.

The true picture was reported, but too late to alter the picture by the newspaper which had originally been asked by Reagan to sponsor the debate. The Foster Daily Democrat, on Monday, characterized Reagan as a hypocrite and Bush as the gentleman of the proceedings.

Hopefully, the voters of Massachusetts and Vermont can remedy this injustice.

The article follows:

BUSHWHACKED

We had no intention of talking about the rather minor part the Democrat played in the course taken by the Republican presidential candidates' debates in New Hampshire this season.

The hypocrisy of what Ronald Reagan pulled in Nashua over the weekend, however, has made us decide to tell our story.

On Saturday, Reagan tried to pass himself off as willing and eager to have all the candidates share the spotlight with him and George Bush in the Nashua debate. We happen to know that just the opposite is true.

You see, the reason Foster's Daily Democrat refused to sponsor that debate last Saturday was this: Reagan would not participate unless we agreed to have no other candidates but Bush on stage with him.

That position was driven home to us, not once, but many times through more than half a dozen negotiating sessions with Reagan's chief New Hampshire representative, Gerald Carmen.

Publisher Robert Foster spoke with Carmen three or four times. Promotions director Wayne Chick tried more than once to get the Reagan camp to agree to a debate by all candidates. Editor Tom Kelsch and political reporter Bob Stevenson also held discussions with Carmen on more than one occasion.

Every single one of those discussions broke down because Reagan would not participate in a forum that included candidates other than George Bush. No other point was at issue.

The final negotiating session took place Feb. 8, two weeks before the debate was to occur. Carmen called Kelsch and requested again that the Democrat consider a one-on-one debate, Bush against Reagan. For the seventh time, we refused the Reagan camp request. Carmen informed us that the Nashua telegraph had agreed to the one-on-one format, but that he would prefer the Democrat sponsor it because the Democrat had a reputation for independence and fairness. Kelsch replied if we had that reputation for fairness, then he should be able to understand our insistence on being fair to the candidates he did not want to invite.

"You definitely will not sponsor a Reagan-Bush debate, then?" asked Carmen.

"Definitely not," replied Kelsch. "We can't do that to the other contenders. I am surprised you think you can get away with it."

"OK, we'll hold it in Nashua, then" said Carmen. "They're willing to do what we want."

So we could not believe our ears when Reagan said he was not the one against having all the candidates participate. When he pretended he was trying to bring all the candidates together, we knew we had to speak out.

On the other hand, Bush's statement that he had come to the Nashua auditorium at the invitation of the Nashua Telegraph and so felt an obligation to play by their rules was both logical and honorable. It was also in line with the straightforward way in which Bush dealt with us on the debate. His aide, Hugh Gregg, told us early in the proceedings that Bush did not particularly want a candidates forum, that he was committed to appear elsewhere that night, but that he would come if it became politically necessary. Our talks with him were as open and honest as his statement on stage was.

The actions of Reagan, on the other hand, seem to us to have been about what we would expect from a protege of William Loeb.

Reagan won a big victory Saturday night. We could just hear him chuckling as everyone else fumbled. Politics, as played by the Reagan-Carmen-Loeb axis, is definitely a tricky game.

Bush, on the other hand, was dealt a serious, maybe even fatal, blow. He tried to act with integrity and was made to look naive and foolish. He does not deserve it.

Actually, he was not the only one made to look foolish. It was a common malaise that night.

Executive editor Jon Breen (a former Democrat editorial writer and close friend of ours) and the Nashua Telegraph compromised themselves badly. If they want to claim to be an objective and respectable newspaper, they should not have been putting on a one-on-one debate in the first place. Certainly once Reagan agreed to foot the bill, Breen, by continuing as moderator, became no more than another political errand boy for Reagan. His standing as Reagan's "boy", at least in Reagan's mind, became clear when, in response to his baleful plea, "Somebody please shut off Mr. Reagan's microphone." Reagan gleefully responded. "Mr. Breen, I'm paying to have this microphone on."

The other four candidates, Howard Baker, John Anderson, Phil Crane and Robert Dole, led like sheep on stage by Reagan, clapping for him, then departing meekly when he gave the cue, also deserved what they got—an image as bit players on Twenty Mule Team Borax' "Death Valley Days."

Perhaps John Connally fared best. He stayed in the friendly South, far away from the treacherous snows of New Hampshire.

George, you've been bushwhacked by an aging cowboy whose hat isn't as white as it once was.●

THE LONGSHOREMEN'S STRIKE AGAINST SOVIET AGGRESSORS A FITTING TRIBUTE TO MEANY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. ASHBROOK. Mr. Speaker, it seems to me that the praise from one's traditional opponents, since it is naturally rare, can mean more in judging a person's good points than the adulation of his traditional allies. On almost every issue, I have been at loggerheads with George Meany for about two decades. Almost every time I ran for office, I was on big labor's "hit list." Like most liberals, he refused to change his position in favor of big government programs which had failed. But unlike most liberals, he also refused to budge as others went along with the steadily softening line on communism.

Certainly the finest hour for organized labor was when the AFL-CIO invited Aleksandr Solzhenitsyn to speak at their convention immediately after President Ford refused even to meet with this epochal hero of the struggle against Soviet oppression. It was one of the Republican Party's worst moments, and Mr. Meany, by his defiance of the appeasers of both parties, made a mark in history which should not be forgotten. However much big labor has become isolated from the commonsense of its membership on other issues, such as forced busing, Meany did not deviate from the simple fact that communism, for the workingman, is nothing more nor less than outright slavery.

The longshoremen's refusal to load any Soviet vessel, whatever the cost in wages, or whatever complications their boycott causes, in reaction to Soviet invasion of Afghanistan and their veto of U.N. sanctions on Iran for our hostages, shows the Meany spirit at work. While our Government once again agonizes over whether to refuse to attend the Moscow Olympics and how much technology to send the Russians, the union's action in this case was a refreshing, uncompromising, old-fashioned American action.

I believe that the boycott of Soviet ships represents the best of eulogies for Mr. Meany's most praiseworthy stand. I feel that it is appropriate for those of us who disagreed with Mr. Meany on so many other issues to take note of this fact.●

TRIBUTE TO CHIEF MATTHEW McLAUGHLIN

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. WOLFF. Mr. Speaker, I am very pleased to bring before the Congress the outstanding achievements and dedication of one of my constituents—Chief Matthew McLaughlin of the Mineola Fire Department. On March 29, 1980, I will attend a ceremony, hosted by a grateful community, which will acknowledge our appreciation of Chief McLaughlin's 50 years of dedicated and extraordinary service as one of this Nation's outstanding firefighters.

Matt McLaughlin first joined the Mineola Fire Department on April 22, 1930. During the next 50 years he was lauded by his superiors and granted successive promotions. These included the positions of warden, second lieutenant, first lieutenant, captain, president of company No. 3, second assistant chief, first assistant chief, and he was finally appointed as chief in April 1960. In all of these positions he served conscientiously and with distinction.

Chief McLaughlin has also served with distinction as the fire department's delegate to the annual convention of the Firemen's Association of the State of New York. He represented his colleagues and friends eight times in the period from 1960 to 1976.

Chief McLaughlin is most certainly an exceptional individual. Through countless fires and emergencies he has maintained a level of dedication and perseverance that serves as a fine example to us all. His achievements deserved to be praised not only by a grateful community but by all Americans.●

AN ARIZONA HORROR STORY

HON. JIM SANTINI

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. SANTINI. Mr. Speaker, recently, the Subcommittee of Mines and Mining of the House of Representatives conducted hearings in Tucson, Ariz., regarding "Government Regulation and the U.S. Mining Industry." Given the location of that hearing, in the State which produces 65 percent of America's copper, much of the testimony addressed the impacts of Government regulation upon the mining of that mineral.

Allow me to relate to the Members of the House of Representatives one brief and dismal example presented to the subcommittee of how America's statutory and regulatory maze has frustrated, confused, and confounded America's mineral industry. After the testimony, Chairman MORRIS K. UDALL, Interior Committee, described the episode as a horror story. I believe the following summary substantiates that description.

There lies in southern Arizona, approximately 25 miles south of Tucson, a newly discovered ore body lying primarily within the Coronada National Forest. Over the past 15 years, several million dollars have been expended by the mining company in exploration, land acquisitions, and purchases of both patented and unpatented mining claims surrounding the ore body.

As a result of the need for the acquisition of adjacent Federal land in order to accommodate the mills, tailings, waste, and other necessary installations in 1974, the mining company proposed a land exchange with the U.S. Forest Service. After consulting with the Forest Service, the mining company purchased, for approximately $3 million, 23 separate prime recreation parcels of land within national forests throughout Arizona.

However, before the exchange could be approved, it was necessary to conduct an environmental analysis to ascertain whether the exchange was a "major Federal action significantly affecting the environment" as provided by the National Environmental Policy Act of 1969. Although the Forest Service, as the lead agency, was responsible for the study since that agency, lacked the funds, manpower, or expertise to perform the study, the mining company agreed to employ an outside contractor to do so.

After a 2-year study by the University of Arizona costing $230,000 and involving 17 different scientific and social disciplines, all but one discipline concluded that the mining project would have but nominal impact. However, the archeological portion of the study was not completed within the contract term, and in fact, necessitated an additional expenditure of $77,000 and another year of study. Still unfinished, more study was financed at a cost of $123,500 expended over an 11-month period.

It now appears that the final report will conclude that Indian campsites, plus traces of old ranch and mining camps, will necessitate further study and mitigation work costing from $750,000 to $1,000,000 over a 3- or 4-year period. Without such work, the exchange will almost certainly be disapproved.

Worst of all, the results of the study now necessitate that this year, 6 years after the invitation of the land exchange request, a full-blown environmental impact statement must be undertaken requiring at least 2 more years. Assuming that the exchange is finally approved and the mining company can economically move ahead with its original plans, a matter now of considerable doubt, that company can look forward to dealing with, in excess of 114 Federal, State, and local agencies, in order to obtain approximately 75 to 100 separate permits prior to the startup of the mine.

Mr. Speaker, this is but one of the thousands of regulatory horror stories that America's minerals industry has to tell. Yet it is a most important story for it is illustrative of the myopic, uncompromising tunnel vision of environmental regulation in the United States. It is such because it reveals how one very narrow aspect of our national being, how only one on a very long list of national priorities has effectively delayed and possibly destroyed the likelihood that we will achieve numerous other national needs. Little wonder, Mr. Speaker, that America now imports in excess of 50 percent of 24 of the 32 minerals vital to this country's survival.●

FRIENDSHIP

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. JACOBS. Mr. Speaker, "* * * friendship * * * That's what both countries have experienced with an 'arrangement' that grows sweeter as the years go by."

Such is the typical eloquence of Myrtie Barker, honored and renowned columnist for the Indianapolis News.

By unanimous consent of the House of Representatives I insert, for the delight of all who will read this RECORD, Myrtie Barker's Indianapolis News column of February 11, 1980, together with the essay by Elbert Hubbard. Elbert and Alice Hubbard left life because a senseless war began. They were passengers on the ill-fated voyage of the *Lusitania*.

The article and essay follow:

COOPERATION KEEPS PEACE

(By Myrtie Barker)

The U.S. and Canadian relationship was the topic of talk at the breakfast table this morning.

It's an association other countries in the world might consider as a model.

When one of the Canadian officials was asked about the Canadian Embassy's part in aiding the American diplomats to escape from Iran, the Canadian answers, "It was only natural that we should help in any way possible. The United States would have done likewise, if we were needing an 'assist'."

The discussion brought to mind a quiet meeting of two men in Washington almost 200 years ago. The men were Richard Rush, a Quaker from Philadelphia and acting Secretary of State, and Charles Bagot, minister to the United States from England. As a Quaker, Rush was opposed to war. Bagot had seen enough bloodshed. War was horror to him.

The two men sat down in Washington, April 28, 1817 to come to some kind of agreement. The War of 1812 had just ended, but both Canada and the U.S. were building warships. On each side of the border, armed forts frowned at each other.

Rush and Bagot chose to handle matters differently.

They got a single sheet of paper. Across the top of it, they wrote, "An Arrangement."

The two men penned a memorandum of agreement on the sheet. This is the way it reads.

The Naval Forces henceforth to be maintained upon the Great Lakes shall be confined to the following vessels on each side:

On Lake Ontario, one vessel, not to exceed 100 tons burden, carrying not more than 20 men and one 18-pound cannon.

On the Upper Lakes, two vessels of same burden and armed in like way.

On Lake Champlain, one vessel of like size and armament.

All other armed vessels to be at once dismantled, and no other vessel of war shall be built or armed along the St. Lawrence River or on the Great Lakes.

Work stopped at once on all fortifications. Disarmament was carried out along the entire border dividing the United States from Canada. Hence-forth, "The Arrangement" was destined to govern the behavior of the two nations.

"Anything you prepare for, you get," wrote Elbert Hubbard in his classic essay, "War and Peace." "Nations that prepare for war will find an excuse for fighting."

The U.S. and Canada prepared for peace, understanding and friendship. That's what both countries have experienced with an "arrangement" that grows sweeter as the years go by.

WAR AND PEACE

(By Elbert Hubbard)

Anything you prepare for, you get. Nations that prepare for war will find an excuse for fighting. The vast preparations for war that have been going on in Europe for the last fifty years have now reached a natural culmination. Seven Christian Nations are today clutching at each other's throats in a mad, frenzied struggle for supremacy. Murder on such a wholesale scale has never before been seen in all history. Alexander, Caesar and Napoleon are all thrown into a deep purple shade. But when things get bad enough they cure themselves. The very intensity of this terrible struggle will make it short. These fighting nations can not borrow money to continue their mad rage, and soldiers who are not paid and well fed, will not fight. The Law of Compensation never rests. There was no such thing as Civilization until individuals ceased carrying arms and agreed to refer their differences to the courts. If Ohio and Pennsylvania have a misunderstanding, they do not go at it tooth and nail to destroy property—they have agreed on a way to adjust their misunderstandings.

The good sense of the world says today that nations should mediate and arbitrate. The War-Lord spirit is an anachronism. And no matter what it was once, it today is a detestable thing. Germany declared war on Russia because the Czar mobilized his army. England declared war because Germany marched her troops without permission through the territory of a country with which England was on close and friendly terms. If Russia hadn't possessed that vast fighting machine, she wouldn't have mobilized it. And if Germany hadn't had that half-million iron-shod soldiers, each fully equipped with the instruments of death, she wouldn't have thought of marching armed men through the peaceful and smiling farms of Belgium. War preparedness leads to war.

The coast-line between Canada and the United States, from the Atlantic Ocean along the Saint Lawrence River to Lake Superior, is about two thousand miles. In the year 1812, there were forty-six forts, big and little, on the United States side, and about the same number frowned at us from Canada. At Fort Niagara alone there were at one time six thousand troops. Altogether we had on the Great Lakes over a hundred craft devoted to the art of fighting—this in the interest of Peace. In one battle we had with our British cousins, on Lake Erie, Commodore Perry, a rash youth of twenty-seven, captured six British ships and killed three hundred men. A little before this the British destroyed ten ships for us and killed two hundred Americans. After the War of 1812 was ended and peace was declared, both sides got busy, very busy, strengthening the forts and building warships.

At Watertown, Conneaut, Erie, Port Huron, Cleveland and Detroit were shipyards where hundreds of men were working night and day building warships. Not that war was imminent, but statesmen of the time said there was nothing like "preparedness." In Canada things were much the same, and there were threats that Perry's famous message, "We have met the enemy and they are ours," would soon be reversed.

Suddenly, but very quietly, two men in Washington got together and made an agreement. One man was Acting Secretary of State, Richard Rush of Philadelphia; the other was Charles Bagot, Minister to the United States from England. Rush was of Quaker parentage, and naturally was opposed to the business of war. Bagot had seen enough of fighting to know that it was neither glorious nor amusing. Rush wrote out a memorandum of agreement which he headed "An Arrangement." The document is written on one side of a single sheet of paper and is dated April 28, 1817. Here is a copy:

"1. The Naval Forces hence forth to be maintained upon the Great Lakes shall be confined to the following vessels on each side.

"2. On Lake Ontario one vessel, not to exceed one hundred tons burden, carrying not more than twenty men and one eighteen-pound cannon.

"3. On the Upper Lakes two vessels, of same burden, and armed in a like way.

"4. On Lake Champlain one vessel of like size and armament.

"5. All other armed vessels to be at once dismantled, and no other vessels of war shall be built or armed along the Saint Lawrence River or on the Great Lakes."

So far as we know, the agreement will continue for all time. Both parties are satisfied, and in fact so naturally has it been accepted very few know of its existence. Here is an example that our friends in Europe might well ponder over. Men who tote pistols will find reasons for using them, and the nations that have big armies will find excuse for testing their efficiency. If two countries can make an "arrangement" limiting armament, and the arrangement holds for a hundred years, cannot nine countries do the same? Then all that is needed is a few soldiers to do police duty. Nations cannot afford to be savages any more than individuals.

(Vol. 1 of Elbert Hubbard's Selected Writings, Page 159.)●

MUNICIPAL WASTE TO ENERGY ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. DINGELL. Mr. Speaker, I am happy to join my colleagues from New York and Ohio today in cosponsoring this municipal waste to energy legislation. The legislation has been developed by the joint efforts of staffs of Interstate and Foreign Commerce and Science and Technology Committees. It enjoys bipartisan support and should help to solve two national problems that are growing in intensity.

The first is that this bill, when enacted into law, will stimulate the accelerated development of a new and important energy resource: The generation of new sources of hydrocarbon fuels from municipal waste streams. By the use of anaerobic digestion, we can generate methane or natural gas from both liquid and solid municipal wastes. By the extraction of cellulose and other hydrocarbons from what is now considered garbage, we can recover useful solid and, perhaps, liquid fuels for steam, heat, and electric power generation. Simultaneously, we can conserve the energy now going into the processing of virgin raw materials by extracting and recycling energy-intensive industrial feedstocks from these streams of municipal waste.

The second advantage is that we can also reduce the volume of raw materials that are now so troublesome for many municipalities. By reducing this volume, we will reduce the amount of land and taxpayers' dollars that are now going to transport and bury these wastes.

In summary, this legislation holds a real hope for saving of energy, materials, and money for our economy and reducing the overall cost of government.●

REPRESENTATIVE SILVIO O. CONTE IS COMMENDED BY THE POPULATION ACTION COUNCIL

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. DRINAN. Mr. Speaker, it is my pleasure to announce that the Population Action Council has awarded its "Legislator of the Month" award to Representative Silvio O. Conte for his outstanding work to promote greater understanding of the difficult and sensitive issues underlying world population.

Population issues must continue to merit the attention of the House because of their significant impact on the content of our foreign aid legislation, our foreign policy in general, and ultimately the security of the world we live in.

During the next 20 years mankind will in all probability increase from 4 billion to 6 billion persons. In the Third World some 80 million infants are born each year—some 30 million of whom will die before they are 5 years old, most from hunger related disease. The President's Commission on World Hunger has rightly stated in its December 1979 report that "a hungry world is an unstable world. * * *" and therefore it is in the best interests of this Nation to work with the overpopulated countries of the world to solve these tremendous problems.

I commend the Population Action Council for their efforts to bring this issue to the attention of the American people, and I commend my colleague, Representative Conte for his leadership in the House. The announcement of the award follows:

Legislator of the Month

Each month the Population Action Council honors a member of Congress for humanitarian efforts in solving one of the most difficult and complex challenges in the decades ahead—the world population problem. Representative Silvio O. Conte (R-Massachusetts) has been selected as PAC's Legislator of the Month for February.

Expressing his concern about rampant global population growth, Representative Conte says: "It is a recent revelation that national security is a function of adequate energy supplies, the continued viability of the earth's biological systems and economic growth and development worldwide. Fundamental to each of these is the control of debilitating population growth. As ranking minority member of the House Appropriations Committee, I shall continue to press for the enactment of appropriate measures in order that we may chart an effective course of action to deal with burgeoning populations."

The difference between a politician and a statesman, it has been said, is that a politician thinks only of the next election, but a statesman thinks of the next generation. Representative Silvio O. Conte exemplifies this definition of a statesman.

The Population Action Council is a privately funded public interest group studying and reviewing U.S. supported international family planning and population programs for the developing world. These findings are disseminated to government decision-makers, the public and the press.

PAC membership includes more than 700 international opinion leaders and population specialists in more than 90 countries. PAC is also organizing a number of "grass-roots" committees comprised of people indicated to be most influential with members of Congress—physicians, educators, business leaders, bankers, lawyers and scientists. Each committee will have at least one representative in each congressional district.

PAC functions under a nine-member governing committee chaired by Stewart R. Mott. Director of the Population Action Council is Werner Fornos. The Council is funded by private individuals, corporations and foundations. All contributions are tax deductible.●

RESOLUTION BY ALBERT G. VINICK

HON. ADAM BENJAMIN, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. BENJAMIN. Mr. Speaker, I would like to take this opportunity to share with my colleagues a resolution drafted by Albert G. Vinick, president of the Lithuanian-American Council of Lake County, Ind., in recognition of the 62d anniversary of the independent Republic of Lithuania. I commend this statement to the attention of my colleagues:

Whereas February 16, 1980 marks the 62d anniversary of the Independence to the more than 700 year-old Lithuanian State, and

Whereas Lithuania was recognized as a free and independent nation by the entire free world—a member of the League of Nations, however, she was by force and fraud occupied and illegally annexed by the Soviet Union, disregarding the Peace Treaty of 1920, in which Moscow had guaranteed Lithuania's independence forever, also disregarding the Non-Aggression Pact of 1926, and

Whereas the Soviet Union is an imperialistic aggressive colonial empire, subjugating each year new countries—Lithuania was one of its first victims. The colonies of western countries have regained their independences, even underdeveloped nations of Africa and Asia, while Lithuania is still exposed to the most brutal Russian colonial oppression and exploitation, and

Whereas the Soviet invaders, even though using tortures in jails, concentration camps, psychiatric wards—are unable to suppress the aspirations of the Lithuanian people for self determination: Now, therefore, be it

Resolved, That we are grateful to the United States House of Representatives and to the United States Senate for adopting concurrent resolution 54, which recommends to the President of the United States, to raise at the Madrid Conference the right of the Baltic States for self determination; to use all available information agencies to bring to the attention of all nations, the plight of the Lithuanian nation under Moscow's subjugation—to use every effort to gain the support of other nations for the realization of the independence of the Baltic States, and

We are grateful to President Jimmy Carter for his struggle for human rights, which could include the right of nations to live free and independent lives—we further ask President Carter to use U.S. Information agencies to support the right of the Baltic States for independence, and to encourage our allies to also support the aims of freedom of Lithuania, Latvia and Estonia, and

That the U.S. Delegation to the Madrid Conference also include a member of Eastern European descent, and that the signataries of the Helsinki Agreement would condemn the colonial regime in the Baltic States, supporting the aims of this nation for independence, and

That we express our most sincere gratitude to the United States Administration and the Congress, for nonrecognition of the incorporation of Lithuania into the Soviet Union, and we request them to use every opportunity in international forums and in direct negotiations with the Soviet Union, to strongly support the Lithuanian aims for independence.●

SUPREME COURT UNANIMOUSLY UPHOLDS WORKERS' RIGHT TO REFUSE TO WORK IN IMMINENT DANGER SITUATIONS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. GAYDOS. Mr. Speaker, yesterday the Supreme Court ruled unanimously that a worker has the right to refuse to work in imminent danger situations. The significance of this decision is that it upholds an OSHA regulation, issued pursuant to the Occupational Safety and Health Act of 1970, which states that:

> If the employee, with no reasonable alternative, refuses in good faith to expose himself to the dangerous condition, he would be protected against subsequent discrimination.

The case involved two maintenance workers at a manufacturing plant of Whirlpool Corp. in Marion, Ohio, who refused to work on suspended mesh screens used to catch appliance parts falling from conveyor belts. The workers believed the screens to be weak because some employees had previously fallen through these screens resulting in the death of one worker. According to the Court, it is up to the worker to individually decide when the job is too hazardous. The Justices also noted that the worker's fear of risk would have to be a reasonable one and would have to be sincere.

This decision represents an important victory for the safety of working men and women in this country. Workers no longer have to choose between their jobs or their lives.●

NATION'S AUTO DEALERS SUPPORT CAPITAL COST RECOVERY

HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. JONES of Oklahoma. Mr. Speaker, my close friend William Doenges, of Bartlesville, Okla., recently stepped down as president of the National Automobile Dealers Association. George Irvin, of Denver, Colo., has now assumed the role of leadership in 1980 for this active and constructive organization.

I was pleased to note from Mr. Irvin's inaugural address at the NADA 63d Annual Convention that NADA is continuing to express strong support for H.R. 4646, the Capital Cost Recovery Act. Congressman BARBER B. CONABLE and I sponsored this bill along with 282 of our House colleagues.

I believe Mr. Irvin's speech provides a very clear assessment of the major economic hurdles affecting U.S. business in the months ahead, and what we in the Congress need to do to restore American economic growth and productivity. I commend both my friend Bill Doenges for a job well done, and offer my congratulations to George Irvin for the difficult role he has accepted on behalf of the Nation's automobile dealers. I will include Mr. Irvin's inaugural speech at this point for my colleagues who will certainly benefit from his observations and recommendations:

TEXT OF REMARKS BY GEORGE S. IRVIN

Nothing has impacted the first 80 years of this century more than the automobile. The threat of nuclear war, the spectre of space shots and the adventure of jet travel are mammoth. But the impact of the family car is even bigger. The individuals's right to move freely, the adventure of travel, the economics of automotive commerce and the liberty connected with easy movement have become our greatest legacy.

As I assume the presidency of this organization, I believe I am becoming leader of our nation's finest force to defend, to develop and to improve our personal mobility. The automobile dealers of America are the spokesmen, the craftsmen and the proven champion of individual drivers—those 150 million prople who use their cars for work, for play and for their comfortable survival. It is my pledge to strengthen our roles as dealers by improving your National Automobile Dealers Association.

I have no great program of innovation nor transformation of NADA. Instead, I will quietly play the role of perfecting the good; improving the working parts. I will ask members, directors and the staff to join in a precise tune-up of NADA machinery.

But do not mistake the quiet approach for a weakness or timidity. I will speak out on the issues affecting dealers' business; I will address problems of the automotive industry; I will keep NADA active in political affairs.

Not the least of these issues is imported automobiles.

We must remember that two out of three dealers in America sell imports. I mean that 17,500 of the 28,000 dealerships in America are involved with international commerce. We love our country. We support national industry. But, we are alert to the realities of the marketplace.

On the other hand, we recognize the impact that imports have on our domestic economy. We recognize that the $9 billion of Japanese cars imported last year equal the deficit in trade between our two countries. We hasten to add, however, that Japan sold us a total of $26 billion in goods and we sold Japan $17 billion of our products.

It is important to remember that Japan is our ally in the Far East, a barrier against Russian expansion, and that Japan's strength is important.

Yet, last year, Japan had an overall deficit of trade even though its balance with the U. S. was favorable. Yes, we need to trade with Japan. Nonetheless, we are all affected by unfavorable balances and by increases in imports.

A simple answer would be tariffs and quotas or complex "local content" requirements. NADA has oppposed these in the past. We still oppose them. Tariffs and quotas failed in the past and they would fail today.

To clarify this position, NADA directors—reiterating that this association represents both dealerships with and without imports—have issued the following policy statement:

One: NADA "believes that the interests of dealers and their employees, manufacturers and consumers will be served best if automotive trade is kept free of artificial barriers."

Two: NADA "believes that free trade among nations promotes economic well being of all nations and that free trade must be reciprocal."

Three: NADA is "opposed to any form of quotas or tariffs on imported vehicles because such action would be contrary to free enterprise principles which are, and must continue to be, our industry's strength."

I believe this is a responsible position, taken in spite of pressure from inside and outside our industry. It is the position that is best for all dealers and NADA represents all dealers.

I remind you that during the late hours of the night during the U. S. Senate debate on the Chrysler bill that our President, Bill Doenges a Ford dealer, was in the Senate lobby fighting for Chrysler dealers. As your 1980 president, I am going to represent you whether you sell imports or domestic and regardless of makes.

All dealers must be united all the way, all the time, under the NADA umbrella. If one dealer has a problem, it is the problem of all dealers.

Yet, our country has problems.

Without any threats of recriminations, I strongly and personally urge our friends in Japan and our allies in Europe to build factories in America; to hire our work force, and to enrich freedom of trade among free people everywhere. That would be good for America and good for their business.

To express and press this view of friendship and offer of advice, I am today announcing my plans to travel to Japan in the near future to meet with the manufacturers. I believe they will respond to the olive branch of welcome from dealers far more readily than harshness or threats.

Throughout this year, I also will be urging American manufacturers to fight for their share of the market using old fashion Yankee enterprise. They must continue to team-up with their dealers to compete in an arena of free trade.

To this plea, Chrysler has already responded with guarantees.

GM and Ford responded with rebates.

These are good measures that build floor traffic. Floor traffic builds sales.

NADA also asked for floor plan relief. The 10 per cent cap for Ford dealers is important tonic and this Chevy dealer wants the same kind of medicine from GM.

Our team efforts are getting results. I am happy to note that January sales of new cars were up 4.8%; totalling nearly $15 billion. This is the reward of dealer-manufacturer cooperation, the resurging "Buy Now" spirit and hard work by good salesmen.

We want even greater factory support this year. And dealers, through NADA, will be on the front line with the manufacturers to improve policies and program that affect business—both in marketing and production.

During the recent White House Small Business Conference, where I and many other NADA members participated, a dramatic message of the needs and approaches to capital formation was reverberated to our political leaders. We all know that greater productivity is necessary. As the first step in improving production, industry must have more capital for modernization. NADA, during the balance of this year, will be pressing for a tax cut in Congress. We believe that a well-reasoned, carefully-fashioned reduction in taxes is the key to capital formation, stronger competition and greater productivity.

As businessmen, we want a review of the depreciation schedules. Most carefully, we are looking at the Capital Cost Recovery Act, led by Congressmen Jones and Conable, as a means to clarify depreciation schedules over the ambiguous "useful life theory" that leaves businessmen guessing. That bill may be the centerpiece of tax relief for business. Dealers must urge their Senators and Congressmen to support us.

Other relief that I—like many of my predecessors—seek is from useless, costly government regulations. Let us not cheer too loudly: many regulations, most laws and a strong government behoove our citizenry and strenghten our business. We must not wantonly or carelessly attack government regulations. Instead, we must comb the law books and Federal Register to find—and deftly eliminate—bad laws and rules.

The worse of the bureaucracies we must confront is the Federal Trade Commission. My own dealership has had differences with the FTC, so I speak from experience. I pledge to continue to fight against the used car rules and the crash part regulations. However, I will speak out for good programs and healthy actions.

I am concerned about our energy supply: both as a citizen and as a businessman whose product runs on petroleum. I believe the National administration, in its rebuff to Russian aggression, is proper in defending Middle East oil supplies.

Gasoline rationing, as proposed by a few, is a last resort. It is not practical, it is not possible to fairly administer and it is not political. I am opposed to gasoline rationing. Conservation is wonderful; but we can conserve without restricting our economy or our freedom to travel.

Tax policy should spur domestic energy production. Our government absolutely should be aiding—with tax incentives and research grants—the search for synthetic fuels and promising innovation such as shale oil recovery. These are great public programs that NADA has championed through hard lobbying and solid political action—efforts that will be redoubled this year.

I am concerned that about 7,000 automobile and truck dealers in this country are not members of our association. The truth is that the 21,000 dues-paying dealers are carrying the load for our industry. I will press for increased membership.

I believe that services of NADA: DEAC, our 20 groups, the Buy Now campaign, industry and government relations and our growing Autocap program help all dealers—whether they are members or non-members.

My main aim is to improve these programs and to give them all my support. More, I will be calling these benefits to non-members' attention and urging them to join. NADA must rise to all challenges to dealers. But equally we need 100% support and participation by dealers. And, at this point, I want to invite them and you to our convention next year in Los Angeles. Let's have a great showing as a sign of strength.

The strength of NADA is teamwork among members, our directors, and our committee chairmen, who give guidance to our staff. I have spent a year on Bill Doenges' team and I expect to keep the team spirit alive and working.

NADA has the leadership that understands the needs and problems of dealers. We will carry your message to the factories, to the government and to the public.

We will lead. We will be tough. We will win. Thank you.●

BEING A SOVIET IS NEVER HAVING TO SAY YOU'RE SORRY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. ASHBROOK. Mr. Speaker, Mr. Carter and the boys at Foggy Bottom have once again proven their ability to totally misread a situation and come out on the wrong side of an issue. Last night the President mentioned that he would be willing to help the Soviets assure the neutrality of Afghanistan in exchange for having the U.S.S.R. pull all or most of its troops out of that nation. Not surprisingly Brezhnev has received this offer in a favorable light. If all goes well the Kremlin might be able, with U.S. aid, to save face in Afghanistan, keep some influence in the region, and have its troops home in time to welcome the U.S. athletes to the Moscow games. I am sure glad Jimmy knows how to teach the Soviets a lesson about American resolve.

The Soviet invasion of Afghanistan, regardless of the alarmist rhetoric of the President, was based on a need to tighten Soviet control of the country more than a need to establish a military presence closer to the Persian Gulf. All indications showed that the U.S.S.R. already had substantial forces within the country prior to the invasion. It was only when rebel groups formed to oppose this presence that an invasion needed to be mounted. American assistance in assuring neutrality would allow the Soviets a chance to "neutralize" those rebel groups while leaving the door open for future use of the country as a thoroughfare for its armored incursions into the region.

We should not kid ourselves. The Carter position on Afghanistan plays right into the hands of the Kremlin's peace offensive. Under the present circumstances a neutral Afghanistan would just mean the Soviets could consolidate power through covert means and get off the hook for their blatant aggression. Unless the forces of freedom, that have valiantly fought off armored divisions with ancient weapons, are allowed to have the support they deserve it will only be a matter of time before Afghanistan is fully under the wing of the U.S.S.R. Any assurance of neutrality only delays the inevitable. Jimmy has once again fallen for the most consistant of Soviet positions: What's ours is ours, the rest is negotiable.●

THE CRISIS IN THE AGRICULTURAL SECTOR

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. DASCHLE. Mr. Speaker, I would like to call the attention of my colleagues of this body to a letter I recently received from one of my South Dakota constituents, Mr. Lawrence Patnoe, of Clark County, S. Dak., regarding the plight of today's agricultural sector.

Farmers are being caught in an unprecedented cost-price squeeze, with cost of production figures inflating at an astronomical rate. Recent estimates place fertilizer costs up by 35 percent, fuel prices up by 83 percent, and interest costs up by 43 percent.

In his letter to me, Lawrence writes about a local tract of land owned by a veterans organization in Clark County. This organization, with volunteer labor and no return on the investment for equipment, realized a meager $998 on a 146 acre tract.

Mr. Speaker, farmers are not looking for a handout, nor are they seeking further subsidization. Until the Federal Government gives its due recognition to the agricultural sector, we will continue to hear from farmers like Lawrence who can't compete with the preembargo astronomical costs of production figures, and realize income figures that the USDA predicts for 1980 down by 20 percent. Farmers are not only the cornerstone of our domestic economy, but without agricultural production, our foreign balance of trade would be in shambles.

Mr. Speaker, it is time that we give them the recognition that they sorely deserve. I insert the text of Mr. Patnoe's letter in the RECORD:

RAYMOND, S. DAK.,
January 30, 1980.

DEAR CONGRESSMAN DASCHLE: I have been wanting to write you since you were at our home on Jan. 16th to tell you what a pleasure it was. Everyone that was here thought it was great and we had many enquiries from other people in the County as to our turnout. Time was the only thing lacking; but I know your time is limited.

We didn't get to discuss the farm program very much so will try to give you a few thoughts and figures to maybe help you. Monsie and I have just completed our farm records for 1979. We grossed $54,600 which is better than usual, but our expenses were more also, $26,000 and $18,000 capital expenditures so we end up with $10,600 for the three of us at home and also helping a girl in college. In 1980 fuel and fertilizer will be up 30 to 50 percent so things are not going to get better. We had above normal yields in our area but if crops drop back to average yields and the prices for crops stay as they are there is no way I can stay on the farm. Tom you can ask any one in the County and they will tell you I am as conservative as any farmer in the area.

I will give you some figures on a 146 A. tract of land that Legion Post 209 operates near Raymond. The members till the ground and seed it in the spring on a voluntary basis, we furnish the equipment and do the labor and charge the Legion only for the fuel and seed. We have it sprayed for weeds, swathed and combined and this is the way it turns out for 1979.

Fuel	$191
Seed	896
Spraying, swathing, combining	1,800
Cash rent	2,020
Subtotal	5,787
Income for 1979	6,765
Minus expenses	5,787
Total	998

With no investment in equipment and labor donated in 1980 we will have to fertilize at about $19.00 per A., so you can see what that will do to our net. These figures were on $3.50 for wheat, if they were at $4.00 a bu. it would be $707.00 net or $4.84 per A.

You can check the Minnesota grain market and they quote 14 percent protein wheat at $4.04 and at Clark at $3.40. It looks to me that to spend much time trying to beef up the loan price and reserve program is a waste of time. If we can't get $4.50 to $5.00 for wheat we are not going to be around to see another Farm Bill written.

The farm papers are full of farms for sale and with interest rate as it is, not many buyers.

Sincerely yours,

LAWRENCE PATNOE.●

RETIREMENT TRIBUTE TO JOHN BUCYK

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. DONNELLY. Mr. Speaker, while the triumph of our fantastic U.S. Olympic hockey team is still fresh in all of our minds, I would like to enter into the RECORD a brief tribute to an American hockey legend, John "the Chief" Bucyk, former captain of the Boston Bruins.

In a few weeks, on the night of March 13 in the Boston Garden, the Boston Bruins professional hockey association will honor the Chief by retiring his famous No. 9 jersey, a distinction given to few athletes in any sport. After a remarkable 23-year career in professional hockey, 21 of which were played with the Bruins, John Bucyk is hanging up his skates for the last time. This beloved sports hero and friend of Massachusetts is retiring from the game he loves, as one writer stated it, "with all the grace and honor that epitomizes the ideal athlete, the true sportsman."

Mr. Speaker, as we from Massachusetts know so well, the Chief is truly an outstanding sportsman who has brightened the lives of many people, both through his hockey talents and off-the-ice charitable works. The NHL record book and the Bruin's team records bear convincing testimony to the talent and accomplishments of John during his career. While playing for Boston, he established 15 individual career, season, and game records. He has twice received the Elizabeth C. Dufresne trophy, 1962-63 and 1965-66, as the Boston player who has been outstanding in home games. In addition, he was elected to the NHL all-star team in 1967-68 and 1970-71.

However, perhaps most illustrative of John Bucyk's career are his two lady BYNG memorial trophies, 1970-71 and 1973-74. This prestigious award of professional sport is given to the NHL player exhibiting the best type of sportsmanship and gentlemanly conduct, combined with a high standard of playing ability. Recently, in 1977, the Chief was again the recipient of a distinguished award, the Lester Patrick award for his outstanding contribution to hockey in the United States.

John's career spans some of the most exciting years in professional hockey history. He has played with the hockey legends and in the new expanded league of young teams and new stars. He has seen seasons of disappointment and injury, and those of personal reward and victory. As captain of the Bruins, he has twice carried the coveted Stanley Cup trophy around the hockey rink. Throughout his great career, the Chief has always been a man of compassion and humanitarian concern. He has truly distinguished himself as a public figure who genuinely cares about people and their problems. Alongside his hockey career has been his total commitment to a belief in civic responsibility. For more than 10 years, he has served as Massachusetts State chairman to the Heart Fund. He has unselfishly given of his time to promote the Heart Fund and its good works and has been equally as helpful to many other worthwhile charitable organizations.

Mr. Speaker, it is with a great deal of pride that I share this story of the Chief with our colleagues. On the night of March 13, in historic Boston Garden, the people of Massachusetts and throughout the sporting world will be paying tribute to a true sportsman, one who has performed so nobly both in and out of the arena.●

THE RECLAMATION REFORM ACT OF 1980

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. PATTERSON. Mr. Speaker, the 96th Congress convened last year with the intention of being an oversight Congress, charged with the responsiblity of reviewing outdated laws and regulations and making appropriate changes in public policy where necessary. Yesterday, Mr. Speaker, I introduced H.R. 6618 to reform the Reclamation Act of 1902, because I believe that this 78-year-old law needs to be updated in order to reflect the changing needs of our society.

The Reclamation Act, which has provided for the irrigation of over 9 million acres of land in the 17 Western States and Hawaii, was enacted at a time in our Nation's history when the West was still being won, when a family could load all of its belongings into a horse-drawn wagon and set out toward untamed country to build a new home and life for themselves.

In essence, the Reclamation Act of 1902 was an extension of the Homestead Act of 1862. During the debate on the 1902 act, Congressman Reeder of Kansas told his colleagues:

> The question, in fact, is whether we shall enact a new homestead law which will be applicable to the vast area of arid public lands which remain unsettled, and which cannot be settled until in some way water is brought within reach of those who seek homes on the lands.

We must remember, Mr. Speaker, that back around the turn of the century, our Nation's population was expanding rapidly; yet, most of the populace had not taken Horace Greely's advice and "gone west." While the total population of the United States had surpassed the 76 million mark in 1900, the combined population of the 17 Western States and territories was just over 11 million. The primary motive and purpose of the original Reclamation Act was, in fact, to assist in the settlement and development of the Western States and territories.

Senator Hansbrough of North Dakota led the fight for the enactment of the 1902 act in the U.S. Senate. During the debate on that legislation he stated:

> * * * the purpose of this bill is to open up certain areas in the Western country to settlement under the homestead laws.

In 1902, we did need to develop a plan to encourage people to settle in the West. The census figures for these 17 Western States indicate that the Reclamation Act of 1902 has indeed served its purpose well. In fact, some of my colleagues from the East, whose

States stand to lose congressional seats in the next redistricting, would even go as far as to say that it has worked too well.

In the 1980's, the problem is no longer finding ways to settle the West, but rather finding the best ways in which to manage our vital resources, particularly water. The U.S. Water Resources Council reported in the Nation's Water Resources 1975-2000:

> Without intensified dedication to careful management of water resources, pressures from our technological society will continue to deplete and degrade the Nation's water supply.

Mr. Speaker, the Reclamation Reform Act of 1980 (H.R. 6618) will change our reclamation program from that of a settlement program to a water resource management program. The need for this change in emphasis has been recognized by the Department of Interior which announced last November that it was changing the name of the Bureau of Reclamation—the agency that was established with the 1902 act—to the Water and Power Resources Service. Commissioner Higginson, who has remained as the chief executive of the new agency explained that:

> The initial purpose of reclaiming arid western lands has expanded to a much broader responsibility for water and power resources management.

My bill, Mr. Speaker, will update the reclamation laws, making them consistent with this administrative change.

By now, Mr. Speaker, I am sure that my colleagues would like to know just exactly how H.R. 6618 will change the Federal reclamation laws. The Reclamation Reform Act of 1980 has three primary objectives: First, to target the Federal subsidy to the small farming operations; second, to encourage better water management and conservation through progressive water pricing techniques; and third, to allow economics, and not the Federal Government, dictate the size of farms.

1. TARGETING THE FEDERAL SUBSIDY TO THE SMALL FARMING OPERATION

One of the biggest misconceptions about the subsidy in the reclamation program is due to the fact that we have always focused on the size of the farm and not on the amount of water used. The subsidy is not in the land, Mr. Speaker, but rather, in the water. For instance, if one 160-acre farm uses 4 acre feet of water per acre for a total of 640 acre feet of water and another 160-acre farm in the same district uses 3 acre feet of water per acre for a total of 480 acre feet of water, the first farmer receives more Federal subsidy than the second. Therefore, by limiting the amount of land that a farmer can own and receive Federal project water for, we have not directly limited the amount of subsidy that a farmer receives. More importantly, we have not encouraged more efficient water use.

Now, do not get me wrong, Mr. Speaker, it is not my intention to price the small farmer out of business, but I do want to stress to my colleagues that the most direct and effective way to target the subsidy in this program is through pricing. In my bill, I have established a subsidy scale based upon the amount of water used.

Farming operations purchasing 2,700 acre feet of water or less per year will pay, on a per-acre-feet basis, the base cost for the water. The base cost, which will be determined on a district-by-district basis, is essentially the price currently being paid for subsidized water in that district. Farming operations purchasing more than 3,600 acre feet of water per year will pay, on a per-acre-foot basis, the full cost for the water. The full cost, which also will be determined on a district-by-district basis, is derived by taking the base cost and adding to it a surcharge equal to the difference between the existing annual contractural obligation for construction charges and the full construction charges properly allocated to irrigation, with interest, over the remaining term of the contract with the Secretary of Interior. The interest rate calculations will be consistent with the interest rate provision in the Small Reclamation Projects Act of 1956.

Because the goal of most small farmers is to continually increase the size and scope of their operations, I have included in my bill an expansion rate for those farming operations that use more than 2,700 acre-feet of water but less than 3,600 acre-feet of water. This expansion rate is calculated by taking the difference between the full cost rate and the base cost rate and applying it to a 10-step progressive pricing scale.

I imagine that many of my colleagues would like to know what method I used in deriving the figures 2,700 acre-feet of water and 3,600 acre-feet of water. Well, I will tell you. The Department of the Interior has recommended that the acreage limitation be increased to allow farms the size of 960 acres or less to be eligible for Federal project water. According to Secretary Cecil Andrus, 97.5 percent of the farming operations in the reclamation program are within this 960 acre limit. I have taken the Department's acreage figure and multiplied it by the average amount of project water that has been delivered, per acre, to farms in the reclamation program. This 10-year average, which was calculated using data provided by the Water and Power Resources Service, came out to 2.81 acre feet of water. Therefore, when you multiply 960 by 2.81, and round if off, you get 2,700 acre-feet of water. I do not claim that this number is a cure-all or that everyone will be satisfied with it, but I do believe that it represents a fair and prudent basis for targeting the subsidy to the small farming operations. The higher figure, 3,600 acre-feet of water, was derived by multiplying, and rounding off, the 10-year average, 2.81 acre-feet of water, by 1,280 acres, the farm size our colleagues in the Senate thought should be eligible for the subsidy.

2. ENCOURAGING BETTER WATER MANAGEMENT AND CONSERVATION

Mr. Speaker, according to the General Accounting Office—

> The greatest potential, as well as the greatest need, for better water management and conservation is in the irrigated areas of the West. Crop irrigation accounts for over 80 percent of water consumption, most of which occurs in the arid and semiarid West.

In 1978, the President sent Congress a message on the national water policy in which he recognized that conservation should be the cornerstone of our national policy. The President also stated in that message that the management of water resources should primarily be the responsibility of the States. While I totally agree with the President's first statement, I also tend to believe that in some areas the Federal Government has the responsibility to lead the way in water management. Particularly, I believe that the Federal reclamation program should be a prime area in which to promote new water management policies. Unfortunately, though, some of these policies have not been advocated for the reclamation program because the debate on this issue has been very emotional and political. Again, I refer to the experts in the General Accounting Office who report—

> Some techniques (for improving water use efficiency) which could be effective, but are sensitive issues, are water-pricing policies which are a disincentive to excessive use, such as: (1) Charging progressively higher rates as greater quantities of water are used and (2) eliminating or reducing Federal subsidies to recipients of irrigation water from Federal projects.

This policy, Mr. Speaker, was also explored by the Departments of Interior, Agriculture, and the Environmental Protection Agency in their interagency task force report entitled, "Irrigation Water Use and Management." They reported that:

> Water pricing should be considered by all supplying organizations as a means to conserve water. Several Federal agencies—principally the Bureau of Reclamation—some State agencies, and many local organizations have an opportunity to reconsider water pricing policies. Rate structures can be adjusted to lower base rates but make those increments of water use in excess of needs for efficient irrigation more costly. In this way, water users must consider whether additional increments of water are cost effective.

The interagency task force concluded that this type of policy:

> . . . encourages more efficient use of water, improved facilities, and good management practices.

3. ALLOWING ECONOMICS, AND NOT THE GOVERNMENT, DICTATE THE SIZE OF FARMS

If H.R. 6618 is enacted, Mr. Speaker, and I hope that it is, we truly will have a situation in which economics, and not the Federal Government, will dictate the size of farms. I know of no other Federal assistance program in which a business is told that it cannot expand its operation. Granted, many programs cut off assistance once the business has grown and reached certain levels of success, but then, that is the purpose of these programs, to assist the smaller businesses so that they can grow. Remember, Mr. Speaker, under my bill, the subsidy will be cut off once a farming operation purchases more than 3,600 acre feet of project water. The Reclamation Reform Act of 1980 will modify the present reclamation program so that it will no longer be the only Federal assistance program to limit a small business from growing. I see no logical reason why this Federal assistance program should not be consistent with all of the other Federal assistance programs.

In 1902, when Congress was considering the Reclamation Act, I do not believe that it was their intention that 160-acre farms should remain that size throughout eternity. Remember, Congress was only trying to get people to move out West. One of the framers of the original Reclamation Act, Senator Clark from Wyoming, touched upon this when he stated:

> I do not suppose that any law can be passed—that any plan can be devised—that will prevent the purchase of lands after the title has passed from the Government by individual owners. Congress has not deemed it wise to prevent the transfer of private lands into single ownership, nor could it be done if so desired; but it will not be urged, I imagine, against the beneficient provisions of the homestead law that the same should not have become a law for the reason that individual owners might not thereafter transfer their interest, to their own profit, into the hands of other parties.

Mr. Speaker, so that the Members of this Chamber can become more familiar with my bill, I would like to submit a brief outline and summary of H.R. 6618.

In conclusion, Mr. Speaker, I would just like to state that whereas the original 1902 act set forth a plan to settle and develop the West, my bill will establish a plan to deal with the important issues we face in the 1980's. The outline and summary of my bill follows:

RECLAMATION REFORM ACT OF 1980

(Outline and Summary)

Sec. 1—*Title:* Reclamation Reform Act of 1980.

Sec. 2—*Definitions.*

(1) Construction charges.

(2) District.

(3) Farming operation.

(4) Federal reclamation laws.

(5) Project water.

(6) Recordable contract.

(7) Repayment contract.

(8) Secretary.

(9) Water service contract.

(10) Excess lands.

Sec. 3—*Revised Payment Schedule.*

(a)(1)(A) Amended contracts shall contain the provisions of this section.

(B) Recordable contract upgrading.

(2) All new contracts shall contain the provisions of this section.

(b) Acreage limitation shall not apply to districts with contracts amended under this section.

(c)(1) Payment schedule (see chart).

(2)(A) Base cost—to be calculated on a per/acre-foot basis in accordance with the Federal reclamation laws in effect before the date of enactment of this Act.

(B) Full cost—to be calculated on a per/acre-foot basis to include:

(i) base cost plus,

(ii) surcharge equal to the difference between the existing annual contractural obligation for construction charges and the full construction charges properly allocated to irrigation, with interest.

Interest calculations to be consistent with the provision in the Small Reclamation Projects Act.

(3) Recalculation of water costs.

Sec. 4—*Minimum Water Guarantee.*

(a)(1) All farming operations are entitled to a minimum amount of water up to 2700 acre feet of water.

(2) Minimum water amount will be equal to the product of:

(A) total acreage of the farming operation

(B) average amount of water delivered per acre of land in the district.

(b) In case of water shortage, reductions to be made on a ratable basis.

Sec. 5—*Authorization of Appropriations.*

(a) authorizing such sums as necessary.

(b) costs of carrying out this Act, when assignable to a particular project, will be reimbursable as construction or O&M costs.●

THE PROPOSAL TO LET THEM SHOOT WOMEN

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1980

● Mr. McDONALD. Mr. Speaker, the event which many people feared and liberals decried as impossible has finally come to pass. The official position of the Commander in Chief is that women should register for the draft. The proponents of the measure try to calm our fears by declaring our wives and daughters will never see combat or be shipped home in boxes, but the evidence is overwhelmingly to the contrary. The debacle of sending women off to war and the complications of actually carrying out such a disaster are described in detail by Dr. Susan L. M. Huck in "The Proposal To Let Them Shoot Women," American Opinion, April 1978. The evidence was far advanced even at that date of how ludicrous this action could be. Now that the President has declared this his official position, it bears reviewing.

I commend the article to the attention of my colleagues:

THE PROPOSAL TO LET THEM SHOOT WOMEN

Last fall the United States Army conducted an "experiment" as part of the regular N.A.T.O. maneuvers in Europe. Code-named REF-WAC, it saw women assigned to combat-support roles and sent to serve with the men in the field. Last December twenty-second, the U.S. Army agreed to permit women to serve in missile artillery units; earlier, the United States Air Force agreed to assign women to service in the I.C.B.M. silos. The Navy, also under the combination of "Liberal" Establishment and radical pressure which determines policy these days, wants to "person" fifty-five ships with sexually mixed crews, as soon as Congress clears the legal decks to permit women to serve in combat ships and in aircraft combat.

At the same time, Army Chief of Staff General Bernard Rogers says that we must "seriously consider" drafting women for the Armed Forces, and Congressman B.F. Sisk (D.-California) has introduced a bill, H.R. 9344, which would remove every legal limitation on the military assignment of women. The objective is to draft women and assign them to combat.

Six years ago, in these pages, Congressman John Schmitz of California warned that the proposed Equal Rights Amendment to the United States Constitution would mean—and was intended to mean—that American women would be drafted and sent into combat just as if they were men. It seemed incredible at the time. Six years ago, few beside the perpetrators of the scheme had even dreamed of such a thing. Americans could not get excited about it, when warned, because it all seemed too far-fetched. Awareness of the scheme continued to escalate when three years ago, in these pages, Congressman Lawrence Patton McDonald of Georgia gave further warning, quoting from congressional testimony to demonstrate, for example, that the admission of women to the Service academies will, as intended, lead inevitably to their employment in combat, because it is the purpose of the academies to train combat officers.

Throughout all of this the mass media never once presented the issue squarely to the American people. In the early stages there were only flat denials that such a thing would even be considered. After all, it looked as though the Equal Rights Amendment was going to roll to passage unopposed; in the first few months after Congress lent itself to the scheme, twenty states ratified, out of shameful ignorance and/or under pressures which their legislators did not feel strong enough to resist. There was organized "feminist" pressure aplenty, and little opposition because few of those who would have opposed it realized the implications. Thus, except for what was written in these pages, little was said about the women-in-combat issue. When opponents were so rude as to raise it, the Establishment media doused the spark of opposition in ridicule and, frankly, lies.

Not even Senator Sam Ervin could get through to the public on this issue. Watergate, yes—he was doing something which the Establishment wanted done when he helped to drive Nixon from office. But earlier, when he proposed to include in the Equal Rights Amendment an exception to women in combat, he was "out of order" as far as the Establishment media were concerned.

As Congressman Schmitz pointed out in 1972, the Ervin proposal had said simply, "The provisions of this article [of the Equal Rights Amendment] shall not impair the validity, however, of any laws of the United States or any State which exempt women from compulsory military service, or from service in combat units of the armed forces...." But your Congress rejected that. In the Senate, it was Birch Bayh of Indiana who led the battle to make it possible to draft women for combat; and, from that day to the present, Bayh has been a prime mover for this cause. That needs to be remembered, because at the present rate it won't be many years before the first American women are being killed on foreign battlefields. If that happens, mothers and fathers will have personal reasons for remembering Birch Bayh.

Meanwhile, the predictable is upon us. It was known, when women were admitted to the U.S. Naval Academy, that when they were ready for their midshipman cruise on combat vessels of the U.S. Navy the floodgates would open and there would be intolerable pressure to end Navy tradition by "personing" our carriers, cruisers, and destroyers with women. Under prodding from the ideologues at the top, the Coast Guard got there first. Last year the cutter *Morgenthau* went on patrol with a complement of 160 men and 12 women. A reporter went along and it appears that a good time was had by all. The girls bounced around without bras in wet T-shirts for the delectation of the boys, "shipboard romances" blossomed, couples necked on the deck, and a photo I have seen shows a tattooed Coast Guardsman receiving a massage from the Coast Guardswoman sitting astride him. Of course the girls had a little trouble with their boat-handling; but, after all, how many minutes out of the year do they actually have to handle boats?

When I asked one Navy veteran whether little ships like cutters have enough nooks and crannies for all these "shipboard romances," the rather crude but telling reply was, "Any bulkhead will do."

The skipper of the cruise ship *Morgenthau* had been properly conditioned; he said that all of this was not an experiment, but the way it was going to be. The girls were a bit less durably brainwashed. They are all said to have come aboard determined to "behave like professionals twenty-four hours a day," but someone failed to specify professional whats.

This widespread sexual misbehavior makes it hard on women who, for some reason, are determined to be boatswains or missile officers, and are perfectly capable of being trapped on a floating island chock-a-block full of healthy young men without losing their heads about it. But, let me tell you, it's going to be even harder on Navy wives. Women read women pretty well. How would you like to be sitting home, knowing all the while that some chippie of a missile officer has set her cap for your husband, and, that thanks to the U.S. Navy she'll have a clear shot at him, round the clock, for months?

That problem has already come home to roost in police departments across the nation, ever since the "Liberal" Establishment insisted upon mixed pairs in the squad cars. A man and woman alone together in a car for eight hours a day (or night) produces the sort of intimacy that has smashed many a marriage. But, from the point of view of the social change manipulators, that's just fine. It will get the former wives out of the house and into the work force, and with any luck the children can be put in nice, healthy, day-care centers run by the government. The two mothers aboard the *Morgenthau* left their children with relatives, but you can bet such matters will be taken care of more officially as the numbers grow.

Then there are the matters of the killing and the dying. Combat ships, of course, must expect to be engaged in combat should the need arise. One would think that there had been enough war movies around to provide at least a clue as to what this is like. Retired Major General Jeanne Holm of the Air Force favors combat for women in the Navy and Air Force, though she has reservations about the infantry. But ships and planes go down and people drown, are wounded, die in flames, or are captured, I suggested. "So what's new?" she asked. Yes, she knows what war means, and I know it, but what about those little beach bunnies out of high school who want to join the Navy and go to sea because that's where the boys are?

Maybe they'll be lucky and never find out what a warship is for.

Even without combat there is already plenty of cause for resentment about the feminization of the Army. For example an official report on sexual integration points out that pregnant soldiers now rank as the "most serious problem" faced by unit commanders. It says: "A uniform concern of all commanders interviewed during the conduct of the OTEA evaluation was that of pregnancy among female soldiers. While there were varying figures posited by each commander as to loss rate and decrease in unit mission effectiveness due to pregnancy, it was evident that there is considerable doubt on the unit level on how to deal with this problem. The OTEA team found no evidence of a command effort to discourage, prevent, or terminate pregnancies in the units. Although identified as their most serious problem, there was reluctance by unit commanders to deal with the subject in the absence of any higher level policy guidance."

I remember chatting with retired intelligence chief General Daniel Graham, who was reminiscing about how the best time of an officer's military career is when he is a captain commanding his own company, and becomes the "father" to a hundred eighty or so men. Mindful of Establishment plans, I shook my head and asked how he'd like it if half of them were women, ten percent of whom were pregnant at any one time (the average rate for women in today's fun Army) and fifteen percent of the remainder were suffering their menstrual periods. The general winced visibly, aware that it was no joking matter.

According to General Theodore Metaxis, the average female soldier who becomes pregnant gets 115 days off, and the Army is faced with the fact that some women regard it as not much different from being on Welfare. The more pregnancies, the more time off; the more children the more pay. This is what we have gotten ourselves into—and it is just the beginning.

Does it make a difference? "Only if deployment of the unit occurs during the subject's term," says the MAX-WAC report of the Army's researchers. Incredibly enough, here is the Army saying that having a bunch of pregnant women instead of soldiers only matters if you have need for soldiers.

But the effort to feminize our military is going forward. During the past few years, as men like Senators Birch Bayh and William Proxmire have pushed to provide women with "job opportunities" ever closer to combat, the Army has been required to "experiment" with combat support units of thirty-five percent female personnel. This means using women as stretcher-bearers, as fixers of thrown tracks on armored vehicles, as military police, as communications specialists, and so forth.

How does it work out? Well, if you read only the first page of the MAX-WAC report on all of this, you would conclude that there was no difference in efficiency between all-male units and one-third (even forty percent) female units, and that most of those involved in the tests thought that they themselves, and their units, did an "outstanding" job. The first page, in short, presents the ideologically approved conclusions.

Even though the experiment was massive only in terms of bureaucratic effort, the rest of the report is very revealing. To begin with, only five companies were ever tested with a thirty-five percent female composition. The reported conclusions, tailored in the teeth of the evidence, were intended to support the "party line" and thus to please such superiors as Secretary of Defense Harold Brown who is, like Senator Bayh, a member of the Council on Foreign Relations; and Army Deputy Chief of Staff for Personnel, General DeWitt C. Smith, who is also one of our C.F.R. generals.* These boys are members of our Establishment elite which, in partnership with assorted radicals and crazies, persists in forcing their own notions of social change upon the Servicemen and civilians of the United States.

The party line is naturally intruded into the report wherever possible. Again and again it is reiterated that, while the conversion of combat support units to one-third female was not a popular idea with America's officers, N.C.O.s, or male soldiers, "when the chain of command expresses its attitude, negative or positive, regarding women in units, this attitude is reflected by unit members." That sort of statement is underlined and repeated throughout MAX-WAC, and it is a double-bladed weapon against the Army. It says that soldiers will think what they are told to think, and that if soldiers have bad thoughts it is because their commanders have bad thoughts. Which, in today's politicized U.S. Army, can mean your career.

Can the women do the job? Clearly, it depends upon the job. What the behaviorist pigeon-trainers refer to in their report as "strength-related tasks" cause problems, for which the rote answer is "training"—as if a woman, given sufficient "training," could outpoint Bruce Jenner in the decathlon.

That isn't the way it works. In pursuit of theory regardless of cost in the real world, for instance, a combat-supported medical unit was personed with forty percent females and sent out on a field exercise, a standard Army test. Thus we learn from the report that: "Strength-related tasks were more difficult but not impossible for women to perform. The outstanding example was the inability of women to load litter patients into ambulances, or to execute heavy lifts or long carries. The field solution was to augment litter teams or mix male and females."

"Timeliness," or length of time it took to do the job, also suffered, but "seldom was it observed that women should not perform the task assigned." Seldom out loud, is what they mean. Thus, if the theorists have their way (and "seldom" can anyone object), a man severely wounded in battle can look forward to a trip via the Army's new Affirmative Action litter-bearers—which means being jiggled, bounced, and dragged to the ambulance by a pair of teenage girls doing their very best. When it comes to getting into the ambulance, the wounded soldier is likely to be entirely on his own. Unless, of course, the Army specifies "augmented" litter teams (meaning three or four carriers per stretcher) or unless "a male-female mix be established." I suppose regulations will then have to go on to specify who takes the heavy end.

The medical units had complaints about the test, anyway. According to the Army report, "Many members claimed they were not used to being tested on their field medical skills, i.e., bandaging, taking and processing X-rays, changing dressings, mass casualty treatment, etc." In addition, "Damaged, inoperable, or missing equipment adversely affected unit performance." But aside from that, everything was fine. You think I'm kidding? The report concludes, "Female performance was regarded as satisfactory or excellent, except for basic military skills and performance of field duties." Top that, if you can. It's like saying that "Hot Lips" Houlihan in "M*A*S*H" doesn't know how to change a dressing, can't lift a stretcher, and can't shoot either, but aside from that, her performance is excellent.

What type of performance are we discussing?

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*See "Lost Valor, The C.F.R. In The Military," American Opinion, four for one dollar.

Another unit loaded up with women also did marvelously—except for poor planning and equipment shortages and lack of training. Oh yes, says the report, and "Movement into bivouac areas was poor. The preparation, execution, and supervision of defense perimeters was poor to fair due to lack of training and experience. Females participated in the tactical operations of their units and performed as well as male counterparts. Weapons training deficiencies were noticeable."

Maybe you are getting the picture. Saying that females did as well as the disconcerted males under these circumstances is to say that they were both just awful. Nevertheless, the "tactical operations" alluded to in the report did not include perimeter defense, which is about the only likely tactical operation a combat support unit is expected to perform. You see, says the report, "males manned the perimeter." And when they have to sleep, will they sleep tight with females womaning the perimeter? Frankly, from the sound of it, I wouldn't sleep a wink in that outfit, no matter who was personing the perimeter.

Speaking of sleeping, this is another of the "management problems" plaguing unit commanders in today's sexy Army. Throughout its MAXWAC report there is on the one hand a threnody of complaints about sanitation, hygiene, and privacy problems, and on the other hand complaints about the female troops having to sleep apart from the males. When I asked an officer at the Army Research Institute about this aspect of the report, the answer was simple enough. "Some of them want to sleep with the men, and some don't."

During Reforger 77, the Army's fall maneuvers in Europe, in which the force sent to Europe to train at blunting a Red Army drive was ten percent female, there wasn't any choice about sleeping arrangements, according to the Army Times. Three women would be tossed into a barn with perhaps fifteen men, to make out as best they could. No kidding! Even those who wanted to sleep with the men complained about the lack of bathing facilities, since their sexual activities heightened their interest in personal hygiene.

Oh, we do have all manner of inhibitions to get over. This was borne upon me afresh when I spoke to a military police officer about the matter. Yes, female military policepersons are very common, he said, and that's okay. Coming straight to the point, I asked, "What do you do about strip searches?" For those of you who don't travel in these circles, a strip search is even worse than you thought, because people might be hiding something in any available bodily orifice. We have heretofore provided that women be prodded by women and men by men, but all this must now be swept away by planned social change. In case it escaped your attention, female guards were recently assigned to San Quentin prison—and the male inmates, starved as they were for female attention, really didn't want it in that form!

So, "What do you do about strip searches?" Up to now, according to the officer, they have been able to evade the modern progressive solution of pretending that sex is irrelevant. "But I guess we'll have to get over that. After all, we submit to doctors of the opposite sex. And with close supervision . . . ." His voice faded into embarrassment.

Remember, the question of strip searches involving the opposite sex did not fall upon this officer out of the blue. He had already been told that he is going to have to learn to live with it, even though it is not merely unnecessary but the most outrageous violation of our social mores. There is no harm in leaving things as they are, which is squalid enough—but to do so deprives the social-change artists of their jollies. I don't know how much more evidence the American people are going to require before they learn that our entire society is being successfully manipulated by a bunch of weirdos who have grabbed that kind of power.

It is not my purpose to denigrate the value of such women as may have enough military virtue to be called soldiers. Real soldiers, male or female, are an endangered species in the land of punk-rock. What we have sought to attract are civil servants in uniform, in for the pay, benefits, bonuses, and early pensions. Still, history shows us that the most unpromising material can indeed turn in an amazingly soldierly performance, once pinned betwixt a rock and hard place. It helps if they have the example and benefit of sound leadership, and the conviction, rooted in what the pigeon-trainers dismiss as "folkmyth," that there comes a time when one must stand firm and fight, despite the intolerable situation. In war, pleasant surprises are few, but they occasionally take the form of discovering, when the smoke clears, that the Fourth Fleet of Foot is still hanging in there.

As every combat veteran knows, the combat environment is unspeakably harsh, and, male-chauvinist-pigs that they are, most men think it's no place for a woman. Some women may win respect as soldiers, but most of them are going to be regarded as an added pain in the lower back. When things get tough, will the men protect them, or just decide to leave the dumb bunnies to greet the Mongol hordes as best they can?

All of this is so contrived and bizarre that I am convinced we are not really talking about equality or job opportunities here, or even defense in the narrow sense of the word. Rather, we are talking about social revolution and literally unparalled decadence. Let me explain. We are saying that the biologically rooted concept of women as the irreplaceable bearers and nurturers of future generations, and the related concept that the men must protect the women and children (for equally obvious biological reasons) have been declared irrelevant by our ruling mandarins and weirdos. What matter that, throughout five or ten thousand years of organized warfare, sex-integrated Armies have been conspicuous only by their absence. Not even the most bloodthirsty butchers in history, who regarded women as nothing more than objects of rape or commodities in the slave trade, fleshed out their Armies with them. This tells us that practical considerations, not chivalry, were the decisive factors. Some kind of Whore Corps behind the lines for troop R.&R. was one thing, but a gaggle of pregnant women in the front lines is a notion whose brilliance remains to be demonstrated. By and large, women are just not strong enough to be anything but third-rate troops, and their presence is simply not worth the distraction, demorilization, indiscipline, and other needless grief which it causes.

One can search the pages of history in vain for an example of any society—primitive, civilized, or far gone into decadence—which ever dispatched its women to the front while fifteen out of sixteen men of military age sat home plucking their eyebrows. That is the message we are sending to friend and foe alike. And, if we don't stop sending it, we can be certain that someone is going to understand and engage us on the battlefield with all deliberate speed.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of all meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an interim procedure until the computerization of this information becomes operational, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, February 28, 1980, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 29

9:30 a.m.

Commerce, Science, and Transportation

Science, Technology and Space Subcommittee

To resume hearings on S. 2238, authorizing additional funds for fiscal year 1980, and S. 2240, authorizing funds for fiscal year 1981, both for research and development programs of the National Aeronautics and Space Administration.

235 Russell Building

Finance

Taxation and Debt Management Generally Subcommittee

To hold hearings on the following miscellaneous tax legislation: S. 1900, 1901, 1831, 2180, 485, 2089, 650, and H.R. 5505.

2221 Dirksen Building

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1981 for the Veterans' Administration, and for the American Battle Monuments Commission, and U.S. Army cemeterial expenses.

1318 Dirksen Building

Budget

To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1981 Congressional budget.

6202 Dirksen Building

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings on S. 2156, proposed Northeast Corridor Completion Act.

457 Russell Building

Environment and Public Works

To review those items in the President's budget for fiscal year 1981 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, receiving testimony from officials of the Army Corps of Engineers, the Water Resources Council and the Office of Water Research and Technology.

4200 Dirksen Building

Labor and Human Resources

*Employment, Poverty, and Migratory Labor Subcommittee

Business meeting, to consider proposed legislation authorizing funds for fiscal year 1981 for the Legal Services Corporation.

4232 Dirksen Building

MARCH 3

9:30 a.m.

Agriculture, Nutrition, and Forestry

Environment, Soil Conservation, and Forestry Subcommittee

To review those items in the President's budget for fiscal year 1981 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, receiving testimony from officials of the Forest Service, the Soil Conservation Service, and the Agricultural Stabilization and Conservation Service.

5110 Dirksen Building

Labor and Human Resources

Handicapped Subcommittee

To hold oversight hearings on the implementation of the Education for All Handicapped Children Act (Public Law 94-142).

4200 Dirksen Building

10:00 a.m.

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Social Security Administration.

S-128, Capitol

Appropriations

Military Construction Subcommittee

To hold joint hearings with the Armed Services' Subcommittee on Military Construction and Stockpiles on the substance of S. 2333, authorizing funds for fiscal year 1981 for military construction programs of the Department of Defense.

1318 Dirksen Building

Armed Services

Military Construction and Stockpiles Subcommittee

To hold joint hearings with the Appropriations' Subcommittee on Military Construction on S. 2333, authorizing funds for fiscal year 1981 for military construction programs of the Department of Defense.

1318 Dirksen Building

Banking, Housing, and Urban Affairs

To hold hearings on S. 2290 and S. 2291, bills to extend and improve the regulations implementing the Home Mortgage Disclosure Act, which was designed to provide information to determine whether depository institutions are fulfilling their obligation to serve housing needs of their communities.

5302 Dirksen Building

Budget

To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1981 congressional budget.

6202 Dirksen Building

Commerce, Science, and Transportation

Business meeting, to mark up S. 2253, proposed Rock Island Transition Act.

235 Russell Building

Energy and Natural Resources

Parks, Recreation, and Renewable Resources Subcommittee

To hold hearings on S. 1495, to acquire certain lands so as to assure the preservation and protection of the Potomac River shoreline.

3110 Dirksen Building

Labor and Human Resources

Health and Scientific Research Subcommittee

To resume hearings on S. 568, to promote the advancement of women in scientific, professional, and technical careers.

2228 Dirksen Building

10:30 a.m.

Banking, Housing, and Urban Affairs

Financial Institutions Subcommittee

To hold joint oversight hearings with the Select Committee on Small Business to review the capital formation recommendations of the White House Conference on Small Business.

424 Russell Building

Select on Small Business

To hold joint oversight hearings with the Banking, Housing, and Urban Affairs' Subcommittee on Financial Institutions to review the capital formation recommendations of the White House Conference on Small Business.

424 Russell Building

2:00 p.m.

Appropriations

Labor-HEW Subcommittee

To review those programs administered by the Department of Labor.

S-128, Capitol

Appropriations

Military Construction Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.

1318 Dirksen Building

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.

1224 Dirksen Building

Budget

To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1981 congressional budget.

6202 Dirksen Building

*Energy and Natural Resources

To hold hearings on the recent report entitled "Energy in Transition: 1985-2010" of the Committee on Nuclear and Alternative Energy Systems (CONAES) of the National Academy of Sciences.

3110 Dirksen Building

MARCH 4

8:00 a.m.

Veterans' Affairs

To resume hearings on the Federal Government's efforts to assist Vietnam-era veterans in readjusting to society and finding employment and education opportunities.

412 Russell Building

9:30 a.m.

Environment and Public Works

Environmental Pollution and Resource Protection Subcommittees

To resume joint mark up of S. 1480, to provide for the adequate and safe treatment of hazardous substances released into the environment.

4200 Dirksen Building

Finance

Taxation and Debt Management Generally Subcommittee

To resume hearings on the following miscellaneous tax legislation: S. 1194, 464, 2201, 1859, 2167, 2275, H.R. 4746, and 5973.

2221 Dirksen Building

Small Business

To hold hearings on S. 2224, to provide for an increase in the amount of funding for the solar energy and energy conservation loan program.

424 Russell Building

10:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Indian Health Service.

1223 Dirksen Building

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for public service jobs, special youth programs, the Job Corps, and jobs for the elderly.

1223 Dirksen Building

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Office of Technology Assessment, and the Copyright Royalty Tribunal.

S-146, Capitol

Banking, Housing, and Urban Affairs

To hold hearings on S. 2352, extending the authority of the Council on Wage and Price Stability through fiscal year 1981, and authorizing funds for fiscal years 1980 and 1981 for activities thereof; to be followed by oversight hearings, in conjunction with the aforementioned bill, on the Administration's anti-inflation programs, and on recent proposals for mandatory wage and price controls.

5302 Dirksen Building

Budget

To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1981 Congressional budget.

6202 Dirksen Building

Energy and Natural Resources

Business meeting, to consider those matters and programs which fall within the committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget by March 15; and other pending calendar business.

3110 Dirksen Building

11:30 a.m.

Veterans' Affairs

To hold hearings to receive legislative recommendations for fiscal year 1981 from Veterans of Foreign Wars.

318 Russell Building

2:00 p.m.

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for general manpower training programs, private sector initiatives, State employment security agencies.

1114 Dirksen Building

Appropriations

Military Construction Subcommittee

To continue closed hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.

S-146, Capitol

2:30 p.m.

*Appropriations

Transportation Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.

1224 Dirksen Building

Conferees

On H.R. 4986, to provide for a gradual lifting of rate ceilings on time and savings deposits, and authorize certain financial institutions to offer interest-bearing checking accounts.

5302 Dirksen Building

MARCH 5

9:00 a.m.

Labor and Human Resources

Employment, Poverty, and Migratory Labor Subcommittee

To hold hearings on S. 1129, 2021, and 2218, bills to provide career employment opportunities for disadvantaged youth; and S. 1312, proposed Work and Training Opportunities Act.

4232 Dirksen Building

9:30 a.m.

Banking, Housing, and Urban Affairs

Financial Institutions Subcommittee

To resume joint oversight hearings with the Select Committee on Small Business to review the capital formation recommendations of the White House Conference on Small Business.

424 Russell Building

Environment and Public Works

Business meeting, to mark up S. 2181, authorizing funds through fiscal year 1982 to assist States in developing fish and wildlife conservation programs; S. 1882, to provide for the control of interstate and foreign commerce in fish and wildlife, and to explore the preservation of wildlife on an international level; and to consider those matters and programs which fall within the committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget by March 15.

4200 Dirksen Building

Select on Small Business

To resume joint oversight hearings with the Banking, Housing, and Urban Affairs' Subcommittee on Financial Institutions to review the capital formation recommendations of the White House Conference on Small Business.

424 Russell Building

10:00 a.m.

Agriculture, Nutrition, and Forestry

Business meeting, to consider those matters and programs which fall within the committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget by March 15.

324 Russell Building

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Office of Surface Mining Reclamation and Enforcement.

1223 Dirksen Building

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Labor-Management Services Administration, Pension Benefit Guaranty Corporation, Occupational Safety and Health Administration, and the Mine Safety and Health Administration.

1114 Dirksen Building

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the U.S. Trade Representative, and the Federal Trade Commission.

S-146, Capitol

Budget

To continue hearings in preparation for reporting the first concurrent resolution of the fiscal year 1981 Congressional budget.

6202 Dirksen Building

Commerce, Science, and Transportation

Merchant Marine and Tourism Subcommittee

To hold hearings on S. 2248, authorizing funds for fiscal year 1981 for the U.S. Travel Service.

235 Russell Building

Energy and Natural Resources

Business meeting, to consider those matters and programs which fall within the committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget by March 15; and other pending calendar business.

3110 Dirksen Building

1:00 p.m.

Appropriations

Military Construction Subcommittee

To continue closed hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.

1224 Dirksen Building

2:00 p.m.

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Employment Standards Administration, Bureau of Labor Statistics, and President's Committee on Employment of Handicapped.

1114 Dirksen Building

Judiciary

Antitrust, Monopoly, and Business Rights Subcommittee

To hold joint hearings with the Select Committee on Small Business on S. 2251, to prohibit restrictions on the use of credit instruments in the purchase of gasohol.

Room to be announced

Small Business

To hold joint hearings with the Judiciary Subcommittee on Antitrust, Monopoly, and Business Rights on the substance of S. 2251, to prohibit restrictions on the use of credit instruments in the purchase of gasohol.

Room to be announced

MARCH 6

9:00 a.m.

Agriculture, Nutrition, and Forestry

To resume hearings on S. 2199, 2258, 2264, 2277, and 2315, bills to alleviate the economic impact of the Soviet grain embargo on American farmers.

324 Russell Building

Finance

Revenue Sharing, Intergovernment Revenue Impact, and Economic Problems Subcommittee

To hold hearings on proposed general revenue sharing extension.

1114 Dirksen Building

Labor and Human Resources

Employment, Poverty, and Migratory Labor Subcommittee

To continue hearings on S 1312, proposed Work and Training Opportunities Act.

4232 Dirksen Building

9:30 a.m.

Banking, Housing, and Urban Affairs

*Housing and Urban Affairs Subcommittee

To hold hearings on proposed legislation authorizing funds through fiscal year 1985 for the urban mass transportation program.

5302 Dirksen Building

Environment and Public Works

Business meeting, to continue consideration of those matters and programs which fall within the committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget by March 15.

4200 Dirksen Building

Veterans' Affairs

Business meeting, to consider those items in the President's budget for fiscal year 1981 which fall within its legislative jurisdiction and to consider recommendations which it will make thereon to the Budget Committee by March 15.

412 Russell Building

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for certain international security assistance programs of the Department of State

1114 Dirksen Building

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the National Credit Union Administration and Neighborhood Reinvestment Corporation.

1318 Dirksen Building

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the National Endowment for the Humanities.

1223 Dirksen Building

Budget

To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1981 Congressional budget.

6202 Dirksen Building

Energy and Natural Resources

Business meeting, to consider those matters and programs which fall within the committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget by March 15; and other pending calendar business.

3110 Dirksen Building

Select on Indian Affairs

To hold hearings on S. 1507, to provide for the purchase of certain facilities, lands, and water rights in and around the San Luis Rey River, San Diego, Calif., to be held in trust for, and operated and maintained by certain boards of Mission Indians.

5110 Dirksen Building

MARCH 7

8:30 a.m.

Judiciary

Improvements in Judicial Machinery Subcommittee

To hold hearings on S. 2045, proposed Judicial Conference and Councils in the Sunshine Act.

6226 Dirksen Building

10:00 a.m.

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Department of Health and Human Services.

S-128, Capitol

*Banking, Housing, and Urban Affairs

International Finance Subcommittee

To resume hearings on S. 864, 1499, 1663, 1744, bills to facilitate the formation of U.S. export trading companies to expand export participation by smaller U.S. companies.

5302 Dirksen Building

Energy and Natural Resources

Parks, Recreation, and Renewable Resources Subcommittee

To hold hearings on S. 2123, proposed Colorado National Forest Wilderness Act.

3110 Dirksen Building

Joint Economic

To hold hearings on the employment-unemployment figures for February.

318 Russell Building

MARCH 10

10:00 a.m.

Appropriations

Military Construction Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.

1224 Dirksen Building

Banking, Housing, and Urban Affairs

To resume hearings on S. 2352, extending the authority of the Council on Wage and Price Stability through fiscal year 1981, and authorizing funds for fiscal years 1980 and 1981 for activities thereof; to be followed by oversight hearings in conjunction with the aforementioned bill on the Administration's anti-inflation programs, and on recent proposals for mandatory wage and price controls.

5302 Dirksen Building

*Labor and Human Resources

Health and Scientific Research Subcommittee

To hold hearings on S. 2144, proposed Health Professions Educational Assistance and Nurse Training Act.

4232 Dirksen Building

2:00 p.m.

Appropriations

Military Construction Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD

1224 Dirksen Building

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for general administration and legal activities of the Department of Justice.

S-146, Capitol

MARCH 11

8:30 a.m.

Energy and Natural Resources

To resume closed hearings to assess the political, military, economic, and social factors affecting world oil production and consumption over the next decade.

S-407, Capitol

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Selective Service System (Registration).

1318 Dirksen Building

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for certain programs administered by the Secretary of Energy.

1114 Dirksen Building

Appropriations

State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Federal Bureau of Investigation, Department of Justice.

S-146, Capitol

Appropriations

Transportation Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.

1224 Dirksen Building

Banking, Housing, and Urban Affairs

Consumer Affairs Subcommittee

To continue hearings on S. 1928, proposed Fair, Financial Information Practices Act, and S. 1929, proposed Privacy of Electronic Fund Transfers Act.

5302 Dirksen Building

Budget

To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1981 Congressional budget.

6202 Dirksen Building

Governmental Affairs

Energy, Nuclear Proliferation, and Federal Services Subcommittee

To hold hearings on S. 1699, proposed Energy Impact Assistance Act.

3302 Dirksen Building

Labor and Human Resources

Business Meeting, to mark up S. 1076, to improve the regulation of multiemployer pension insurance plans, and to provide sufficient funds to pay benefits.

4232 Dirksen Building

2:00 p.m.

Appropriations

State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Immigration and Naturalization Service, Department of Justice.

S-146, Capitol

Appropriations

Transportation Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.

1224 Dirksen Building

Budget

To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1981 Congressional budget.

6202 Dirksen Building

Energy and Natural Resources

Parks, Recreation, and Renewable Resources Subcommittee

To resume oversight hearings to review wilderness and rangeland management programs administered by the Bureau of Land Management.

3110 Dirksen Building

MARCH 12

9:00 a.m.

Labor and Human Resources

Employment, Poverty, and Migratory Labor Subcommittee

To resume hearings on S. 1129, 2021, and 2218, bills to provide career employment opportunities for disadvantaged youth.

5110 Dirksen Building

9:30 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1981 for the Department of Agriculture.

1318 Dirksen Building

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1981 for the National Bureau of Standards.

235 Russell Building

10:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Office of Indian Education, and the Institute of Museum Services.

1223 Dirksen Building

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Drug Enforcement Administration, Department of Justice.

S-146, Capitol

Banking, Housing, and Urban Affairs

Business meeting, to consider those matters and programs which fall within the committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget by March 15.

5302 Dirksen Building

Budget

To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1981 Congressional budget.

6202 Dirksen Building

Energy and Natural Resources

Parks, Recreation, and Renewable Resources Subcommittee

To hold hearings on S. 2025 and H.R. 5926, bills to establish the Biscayne National Park in Florida; S. 2299, to add lands to Valley Forge National Historical Park in Pennsylvania; S. 1431 and S.J. Res. 119, measures to establish a Vietnam Veterans' Memorial in New Mexico and the District of Columbia, respectively; and S. 1924, to designate the Salinas National Monument in New Mexico.

3110 Dirksen Building

Governmental Affairs

Energy, Nuclear Proliferation, and Federal Services Subcommittee

To continue hearings on S. 1699, proposed Energy Impact Assistance Act.

3302 Dirksen Building

Labor and Human Resources

*Health and Scientific Research Subcommittee

To resume hearings on S. 2144, proposed Health Professions Educational Assistance and Nurse Training Act.

4232 Dirksen Building

2:00 p.m.

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Federal Prison System, and Office of Justice Assistance, Research and Statistics, Department of Justice.

S-146, Capitol

MARCH 13

9:00 a.m.

Labor and Human Resources

Child and Human Development Subcommittee

To hold hearings on proposed legislation to establish Commissions on National Youth Service and Volunteerism.

4232 Dirksen Building

Labor and Human Resources

Employment, Poverty, and Migratory Labor Subcommittee

To continue hearings on S. 1129, 2021, and 2218, bills to provide career employment opportunities for disadvantaged youth.

6226 Dirksen Building

9:30 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Agriculture.

1318 Dirksen Building

Banking, Housing, and Urban Affairs

Economic Stabilization Subcommittee

To hold oversight hearings on the impact of payroll taxes on inflation.

5302 Dirksen Building

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the International Development Cooperation Agency, and certain programs of the Agency for International Development.

1114 Dirksen Building

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Office of the Secretary, and the Office of the Solicitor.

1223 Dirksen Building

Appropriations

Transportation Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.

1224 Dirksen Building

MARCH 14

8:30 a.m.

Energy and Natural Resources

To resume closed hearings to assess the political, military, economic, and social factors affecting world oil production and consumption over the next decade.

S-407, Capitol

9:00 a.m.

*Veterans' Affairs

To hold hearings on the recruitment and retention of qualified health-care professionals to staff the Veterans' Administration's health-care facilities.

412 Russell Building

Banking, Housing, and Urban Affairs

To resume hearings on S. 2352, extending the authority of the Council on Wage and Price Stability through fiscal year 1981, and authorizing funds for fiscal years 1980 and 1981, for activities thereof; to be followed by oversight hearings, in conjunction with the aforementioned bill, on the Administration's anti-inflation programs, and on recent proposals for mandatory wage and price controls.

5302 Dirksen Building

Labor and Human Resources

Education, Arts, and the Humanities Subcommittee

Business meeting, to resume markup of S. 1839, authorizing funds through fiscal year 1985 for programs under the Higher Education Act.

4232 Dirksen Building

MARCH 17

10:00 a.m.

Banking, Housing, and Urban Affairs

International Finance Subcommittee

To resume hearings on S. 864, 1499, 1663, 1744, bills to facilitate the formation of U.S. export trading companies to expand export participation by smaller U.S. companies.

5302 Dirksen Building

Commerce, Science, and Transportation

Merchant Marine and Tourism Subcommittee

To hold hearings on S. 2322, authorizing funds for fiscal year 1981 for certain maritime programs of the Department of Commerce.

235 Russell Building

Select on Indian Affairs

To hold hearings on S. 1181, proposed Tribal-State Compact Act; and on the substance of Part C—Amendment Relating to Indians, Title 25, U.S.C., Sec. 161, to authorize Indian tribes to petition the United States to reassume Federal jurisdiction of S. 1722, to codify, revise, and reform the criminal code, and an application of a magistrate's concept on Indian reservations.

457 Russell Building

MARCH 18

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for certain programs of the Agency for International Development.

1114 Dirksen Building

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for alternative fuels program of the Department of Energy.

1223 Dirksen Building

Energy and Natural Resources

Energy Resources and Materials Production Subcommittee

To hold oversight hearings on the implementation of the Outer Continental Shelf leasing program.

3110 Dirksen Building

Select on Indian Affairs

To continue hearings on S. 1181, proposed Tribal-State Compact Act; and on the substance of Part C—Amendment Relating to Indians, Title 25, U.S.C., Sec. 161, to authorize Indian tribes to petition the United States to reassume Federal jurisdiction, of S. 1722, to codify, revise, and reform the criminal code, and an application of a magistrate's concept on Indian reservations.

1318 Dirksen Building

2:00 p.m.

Appropriations

Military Construction Subcommittee

To resume hearings on proposed budget

estimates for fiscal year 1981 for military construction of the DOD.
1224 Dirksen Building

2:30 p.m.
Finance
Health Subcommittee
To hold hearings on S. 1968, proposed Health Incentives Reform Act.
2221 Dirksen Building

MARCH 19

9:30 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for the Department of Agriculture.
1318 Dirksen Building

Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To resume hearings on proposed legislation authorizing funds through fiscal year 1985 for the urban mass transportation program.
5302 Dirksen Building

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Bureau of Indian Affairs.
1224 Dirksen Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Select on Indian Affairs
To continue hearings on S. 1181, proposed Tribal-State Compact Act; and on the substance of Part C—Amendment Relating to Indians, Title 25, U.S.C., Sec. 161, to authorize Indian tribes to petition the United States to reassume Federal jurisdiction, of S. 1722, to codify, revise, and reform the criminal code, and an application of a magistrate's concept on Indian reservations.
457 Russell Building

2:30 p.m.
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To continue hearings on proposed legislation authorizing funds through fiscal year 1985 for the urban mass transportation program.
5302 Dirksen Building

Finance
Health Subcommittee
To continue hearings on S. 1968, proposed Health Incentives Reform Act.
2221 Dirksen Building

MARCH 20

9:00 a.m.
Veterans' Affairs
Business meeting, to consider S. 1188, to revise the vocational rehabilitation programs administered by the Veterans' Administration.
412 Russell Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for certain programs of the Agency for International Development, and for the Peace Corps.
1114 Dirksen Building

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Environmental Protection Agency.
1318 Dirksen Building

Appropriations
Interior and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Bureau of Indian Affairs.
1223 Dirksen Building

Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.
1224 Dirksen Building

Banking, Housing and Urban Affairs
Housing and Urban Affairs Subcommittee
To hold oversight hearings on the scope of rental, multifamily, and public housing.
5302 Dirksen Building

Energy and Natural Resources
Energy Resources and Materials Production Subcommittee
To resume oversight hearings on the implementation of the Outer Continental Shelf leasing program.
3110 Dirksen Building

2:00 p.m.
Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.
1224 Dirksen Building

Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.
1318 Dirksen Building

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on proposed authorizations for fiscal year 1981 for the Department of Energy.
3110 Dirksen Building

MARCH 21

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Environmental Protection Agency, and for the Council on Environmental Quality.
3118 Dirksen Building

MARCH 24

10:00 a.m.
Banking, Housing, and Urban Affairs
International Finance Subcommittee
To resume hearings on the U.S. embargo of grain and technology exports to the Soviet Union.
5302 Dirksen Building

Energy and Natural Resources
To hold oversight hearings on the activities of the Department of Energy.
3110 Dirksen Building

2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Bureau of Census, general administration, and economic and statistical analysis, Department of Commerce.
S-146, Capitol

MARCH 25

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for the Department of Agriculture.
S-128, Capitol

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for certain programs of the Agency for International Development; the international narcotics control program of the Department of State; and for the Inter-American Foundation.
1318 Dirksen Building

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for certain programs of the Department of Energy.
1223 Dirksen Building

Appropriations
State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Economic Development Administration, and Regional Planning Commission, Department of Commerce.
S-146, Capitol

Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1981 for housing, community development programs and the Urban Development Action Grant of the Department of Housing and Urban Development.
5302 Dirksen Building

Energy and Natural Resources
*Parks, Recreation, and Renewable Resources Subcommittee
To receive testimony from Administration officials on the following land conveyance and other measures affecting the Forest Service and the Bureau of Land Management: S. 1506, 2261, 1923, 1972, 1985, 1997, 2209, 1910, 1715, 2307, H.R. 1762, 3928, 1967, and 920.
3110 Dirksen Building

2:00 p.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Cost Accounting Standards Board, and the General Accounting Office.
S-128, Capitol

Appropriations
Transportation Subcommittee
To continue hearings on proposed

budget estimates for fiscal year 1981 for the Department of Transportation.
1224 Dirksen Building

MARCH 26

9:00 a.m.
Labor and Human Resources
Child and Human Development Subcommittee
Business meeting, to mark up S. 1843 and H.R. 2977, proposed Domestic Violence Prevention and Services Act; and proposed legislation to establish Commissions on National Youth Service and Volunteerism.
4232 Dirksen Building

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Agriculture.
1318 Dirksen Building

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Office of Water Research and Technology.
1223 Dirksen Building

Appropriations
State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Industry and Trade Administration, Minority Business Development Agency, and the U.S. Travel Service, Department of Commerce.
S-146, Capitol

Banking, Housing, and Urban Affairs
Housing Urban Affairs Subcommittee
To continue hearings on proposed legislation authorizing funds for fiscal year 1981 for housing, community development programs and the Urban Development Action Grant of the Department of Housing and Urban Development.
5302 Dirksen Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

2:00 p.m.
Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.
1224 Dirksen Building

Appropriations
State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the National Oceanic and Atmospheric Administration, Department of Commerce.
S-146, Capitol

MARCH 27

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Agriculture.
S-128, Capitol

Veteran's Affairs
To hold hearings to receive legislative recommendations for fiscal year 1981 from AMVETS, Paralyzed Veterans, Blinded Veterans, WWI Veterans, and Military Orders of the Purple Heart.
1202 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the National Science Foundation
1318 Dirksen Building

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Smithsonian Institution.
1223 Dirksen Building

*Appropriations
State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Patent and Trademark Office, and science and technical research, Department of Commere.
S-146, Capitol

Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To resume hearings on S. 1928, proposed Fair Financial Information Practices Act, and S. 1929, proposed Privacy of Electronic Fund Transfers Act.
5302 Dirksen Building

Energy and Natural Resources
To hold hearings on S. 1784, to improve the electric generating efficiency of joint Federal-civilian pooling practices in Alaska.
3110 Dirksen Building

2:00 p.m.
Appropriations
Military Construction Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.
1318 Dirksen Building

Appropriations
State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the National Telecommunications and Information Administration, and the Maritime Administration, Department of Commerce.
S-146, Capitol

Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.
1224 Dirksen Building

MARCH 28

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the National Science Foundation, and for the Office of Science and Technology Policy.
1318 Dirksen Building

Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To continue hearings on S. 1928, proposed Fair Financial Information Practices Act, and S. 1929, proposed Privacy of Electronic Fund Transfers Act.
5302 Dirksen Building

MARCH 31

10:00 a.m.
*Banking, Housing, and Urban Affairs
International Finance Subcommittee
To hold hearings on proposed authorizations for fiscal year 1981 for the international affairs programs of the Department of the Treasury; and on proposed legislation to increase the U.S. quota in the International Monetary Fund.
5302 Dirksen Building

2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Chrysler loan guarantee program.
S-146, Capitol

APRIL 1

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for foreign assistance programs.
1318 Dirksen Building

Appropriatons
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Office of Territorial Affairs.
1224 Dirksen Building

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Commerce.
S-146, Capitol

Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1981 for housing, community development programs and the Urban Development Action Grant of the Department of Housing and Urban Development.
5302 Dirksen Building

APRIL 2

9:30 a.m.
Veterans' Affairs
To resume hearings on the Federal Government's efforts to assist Vietnam-era veterans in readjusting to society, and the use of excepted appointments for disabled veterans.
412 Russell Building

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Selective Service System, and the National Commission on Air Quality.

1318 Dirksen Building

Appropriations

Interior and Related Agencies Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1981 for the Office of Territorial Affairs.

1224 Dirksen Building

Banking, Housing, and Urban Affairs

Housing and Urban Affairs Subcommittee

To continue hearings on proposed legislation authorizing funds for fiscal year 1981 for housing, community development programs, and the urban development action grant of the Department of Housing and Urban Development.

5302 Dirksen Building

Energy and Natural Resources

Business meeting, to consider pending calendar business.

3110 Dirksen Building

APRIL 3

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Federal Home Loan Bank Board, and the National Institute of Building Sciences.

1318 Dirksen Building

Appropriations

Interior and Related Agencies Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1981 for certain programs of the Department of Energy.

1224 Dirksen Building

Energy and Natural Resources

To hold hearings on the environmental effects of carbon dioxide present in the atmosphere.

3110 Dirksen Building

APRIL 15

10:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Federal inspector for Alaska pipeline, and the Energy Information Administration, of the Department of Energy.

1223 Dirksen Building

Appropriations

Transportation Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.

1224 Dirksen Building

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Department of the Treasury.

1318 Dirksen Building

Banking, Housing, and Urban Affairs

*International Finance Subcommittee

To hold hearings on S. 2097, proposed Joint Export Marketing Assistance Act, and on the substance of S. 2040, proposed Small Business Export Expansion Act and S. 2104, proposed Small Business Export Development Act.

5302 Dirksen Building

Energy and Natural Resources

Energy Regulation Subcommittee

To review those items in the President's budget for fiscal year 1981 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, receiving testimony from officials of the Federal Energy Regulatory Commission and for the Energy Information Administration, both of the Department of Energy.

6226 Dirksen Building

2:00 p.m.

Appropriations

Transportation Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.

1224 Dirksen Building

APRIL 16

9:30 a.m.

Veterans' Affairs

Business meeting, to consider proposed legislation on the recruitment and retention of qualified health-care professionals to staff the Veterans' Administration health-care facilities, S. 759, to provide for the right of the United States to recover their costs of hospital, nursing home, or outpatient medical care furnished by the Veterans' Administration to veterans for nonservice-connected disabilities to the extent that they have health insurance or similar contracts, and S. 1523 and H.R. 4015, proposed Veterans Senior Citizen Health Care Act.

412 Russell Building

10:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the National Gallery of Art, and the Commission of Fine Arts.

1223 Dirksen Building

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of the Treasury.

1318 Dirksen Building

Banking, Housing, and Urban Affairs

International Finance Subcommittee

To resume hearings on proposed authorizations for fiscal year 1981 for the international affairs programs of the Department of the Treasury; and on proposed legislation to increase the U.S. quota in the International Monetary Fund.

5302 Dirksen Building

2:00 p.m.

Appropriations

Military Construction Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.

1224 Dirksen Building

APRIL 17

9:30 a.m.

*Labor and Human Resources

Child and Human Development Subcommittee

To hold oversight hearings on the development of children who benefit from adoption by facilitating their placement in adoptive homes.

4232 Dirksen Building

10:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Forest Service, Department of Agriculture.

1223 Dirksen Building

Appropriations

Transportation Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.

1224 Dirksen Building

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of the Treasury.

1114 Dirksen Building

Energy and Natural Resources

Energy Regulation Subcommittee

To review those items in the President's budget for fiscal year 1981 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, receiving testimony from officials of the Economic Regulatory Administration, and the Office of Hearings and Appeals, both of the Department of Energy.

5110 Dirksen Building

2:00 p.m.

Appropriations

Military Construction Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.

1318 Dirksen Building

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of the Treasury.

S-146, Capitol

APRIL 18

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Federal Emergency Management Agency.

1318 Dirksen Building

2:00 p.m.

Appropriations

Military Construction Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.
1223 Dirksen Building

APRIL 22

10:00

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Economic Regulatory Administration, Department of Energy.
1223 Dirksen Building

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for the Department of the Treasury, and on the U.S. Postal Service.
1318 Dirksen Building

2:00 p.m.

Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.
1224 Dirksen Building

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of the Treasury.
S-146, Capitol

APRIL 23

10:00 a.m.

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the National Endowment for the Arts.
1223 Dirksen Building

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Executive Office of the President.
1318 Dirksen Building

2:00 p.m.

Appropriations
Military Construction Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.
1224 Dirksen Building

APRIL 24

10:00 a.m.

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the National Aeronautics and Space Administration.
1318 Dirksen Building

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Bureau of Land Management.
1223 Dirksen Building

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Executive Office of the President.
1114 Dirksen Building

2:00 p.m.

Appropriations
Military Construction Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.
1224 Dirksen Building

APRIL 25

10:00 a.m.

Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the National Aeronautics and Space Administration.
1318 Dirksen Building

APRIL 29

10:00 a.m.

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Heritage Conservation and Recreation Service.
1224 Dirksen Building

Appropriations
Treasury, Postal Service and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Office of Personnel Management, Merit Systems Protection Board, Federal Labor Relations Authority, U.S. Tax Court, and President's Commission on Pension Policy.
1318 Dirksen Building

2:00 p.m.

Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.
1223 Dirksen Building

APRIL 30

10:00 a.m.

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for conservation programs of the Department of Energy.
1224 Dirksen Building

Appropriations
Treasury, Postal Service and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Federal Elections Commission, Advisory Commission on Intergovernmental Relations, Advisory Committee on Federal Pay, Committee for Purchase From the Blind and Other Severely Handicapped, and the Administrative Conference of the U.S.
1318 Dirksen Building

2:00 p.m.

Appropriations
Military Construction Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.
1223 Dirksen Building

MAY 1

10:00 a.m.

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Department of Housing and Urban Development.
1318 Dirksen Building

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Land and Water Conservation Fund of the Heritage Conservation and Recreation Service.
1224 Dirksen Building

Appropriations
Treasury, Postal Service and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the General Services Administration.
1114 Dirksen Building

*Labor and Human Resources
Child and Human Development Subcommittee
To hold hearings on issues Congress might consider which would affect youth in the coming decade.
6226 Dirksen Building

MAY 2

10:00 a.m.

Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Housing and Urban Development.
1318 Dirksen Building

MAY 6

2:00 p.m.

Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for military construction of the DOD.
1223 Dirksen Building

MAY 7

10:00 a.m.

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the U.S. Geological Survey.
1224 Dirksen Building

MAY 13

10:00 a.m.

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the National Park Service.
1224 Dirksen Building

MAY 14

10:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Department of the Interior.

1223 Dirksen Building

Appropriations

Transportation Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.

1224 Dirksen Building

MAY 15

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1981 for the Department of Housing and Urban Development, and Independent Agencies.

1318 Dirksen Building

Appropriations

Transportation Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.

1224 Dirksen Building

MAY 16

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Housing and Urban Development, and Independent Agencies.

1318 Dirksen Building

MAY 22

9:30 a.m.

Labor and Human Resources

Child and Human Development Subcommittee

To hold oversight hearings to examine issues affecting infant mortality, and preventable birth defects.

4232 Dirksen Building

MAY 29

9:30 a.m.

*Veterans' Affairs

To hold hearings on proposed legislation to establish a cost-of-living increase for service-connected disability compensation.

412 Russell Building

JUNE 11

9:30 a.m.

*Veterans' Affairs

To hold oversight hearings on the activities of the Inspector General of the Veterans' Administration.

412 Russell Building

CANCELLATIONS

FEBRUARY 29

10:00 a.m.

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for domestic programs of ACTION, National Labor Relations Board, Federal Mediation and Concilation Service, and the National Mediation Board.

S-128, Capitol

Banking, Housing, and Urban Affairs

Insurance Subcommittee

To continue hearings on proposed authorizations for fiscal year 1981 for the crime and riot-reinsurance program of the Federal Emergency Management Administration.

5302 Dirksen Building

Foreign Relations

East Asian and Pacific Affairs Subcommittee

To hold closed hearings on proposed future arms sales to Taiwan.

S-116, Capitol

MARCH 4

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for certain programs administered by the Department of State.

1318 Dirksen Building

Appropriations

Transportation Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.

1224 Dirksen Building

MARCH 13

2:00 p.m.

Appropriations

Transportation Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.

1224 Dirksen Building

MARCH 18

10:00 a.m.

Banking, Housing, and Urban Affairs

International Finance Subcommittee

To continue hearings on S. 2097, proposed Joint Export Marketing Assistance Act, and on the substance of S. 2040, proposed Small Business Export Expansion Act and S. 2104, proposed Small Business Export Development Act.

5302 Dirksen Building

MARCH 19

9:30 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1981 for programs under the National Climate Program Act.

235 Russell Building

MARCH 21

9:30 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To resume hearings on proposed legislation authorizing funds for fiscal year 1981 for programs under the National Climate Program Act.

235 Russell Building

MARCH 25

10:00 a.m.

Appropriations

Transportation Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.

1224 Dirksen Building

MARCH 27

10:00 a.m.

Appropriations

Transportation Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.

1224 Dirksen Building

11:30 a.m.

Appropriations

Transportation Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Transportation.

1224 Dirksen Building

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